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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, September 23, 1969*

The House met at 12 o'clock noon.

Rev. John E. Howell, pastor, First Baptist Church, Washington, D.C., offered the following prayer:

Almighty God, praise be to Thee for the men and women of this House who possess from Thy hand the opportunity and the willingness to grapple here with the agony of our times.

Protect them from the temptations which beset those who hold high office: to give first thought to political expediency; to shrink from the difficult or thankless task; to lose sight of human needs in the complex workings of government.

Help them to know that there are words of truth and compassion that will not be spoken unless they speak them, and deeds of courage and justice that will never be done in this land unless they instigate them.

Lord, strengthen their hands that this day not be wasted. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, September 19, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On August 18, 1969:

H.R. 1632. An act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sannano;

H.R. 2336. An act for the relief of Adela Kaczmarski;

H.R. 6581. An act for the relief of Bernard A. Hegemann; and

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

On August 20, 1969:

H.R. 1462. An act for the relief of Mrs. Vita Cusumano;

H.R. 1808. An act for the relief of Capt. John W. Booth III;

H.R. 2037. An act for the relief of Robert W. Barrie and Marguerite J. Barrie;

H.R. 8136. An act for the relief of Anthony Smilko; and

H.R. 9088. An act for the relief of Clifford L. Petty.

On August 25, 1969:

H.R. 671. An act to compensate the Indians of California for the value of land erroneously used as an offset in a judgment against the United States obtained by said Indians;

H.R. 1707. An act for the relief of Miss Jalileh Farah Salameh El Ahwal;

H.R. 5107. An act for the relief of Miss Maria Mosio;

H.R. 10107. An act to continue for a temporary period the existing suspension of duty on certain istle and the existing interest equalization tax; and

H.R. 12720. An act to provide for the conveyance of certain real property of the District of Columbia to the Washington International School, Inc.

On September 15, 1969:

H.R. 7206. An act to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

On September 16, 1969:

H.R. 12677. An act to authorize the Commissioner of the District of Columbia to lease to the Jewish Historical Society of Greater Washington the former synagogue of the Adas Israel Congregation and real property of the District of Columbia for the purpose of establishing a Jewish Historical Museum.

On September 17, 1969:

H.R. 11235. An act to amend the Older Americans Act of 1965, and for other purposes; and

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce;

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11271) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Anderson, Mr. Holland, Mr. Cannon, Mrs. Smith of Maine, and Mr. Curtis to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12781) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bible, Mr. McClellan, Mr. Byrd of West Virginia, Mr. Mundt, and Mr. Young of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1689) entitled "An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Moss, Mr. Hart, Mr. Pastore, Mr. Pearson, and Mr. Goodell to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2601. An act to reorganize the courts of the District of Columbia, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed the following Members on the part of the Senate to attend the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, October 16 to 21, 1969: Mr. Sparkman (Chairman), Mr. Stennis, Mr. Byrd of West Virginia, Mr. Pell, Mr. McIntyre, Mr. Spong, Mr. Eagleton, Mr. Mundt, Mr. Javits, Mr. Cooper, Mr. Gurney, and Mr. Stevens.

The message also announced that the Vice President, pursuant to title 22, United States Code, section 276, appointed the following Members on the part of the Senate to attend the Interparliamentary Union Meeting to be held in New Delhi, India, October 30 through November 7, 1969: Mr. Sparkman (Chairman), Mr. Jordan of North Carolina, Mr. Yarborough, Mr. Bayh, Mr. Hollings, Mr. Metcalf, Mr. Williams of New Jersey, Mr. Allott, Mr. Thurmond, Mr.

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Scott, Mr. Hruska, Mr. Hansen, Mr. Cooper, Mr. Bennett, and Mr. Mathias.

THE REVEREND DR. JOHN E. HOWELL

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is a great honor for me to rise on this occasion to thank Dr. John E. Howell, pastor of the First Baptist Church at 1326 16th Street NW., here in Washington, for the thoughtful message he has brought us.

Dr. Howell is a native of Lynchburg, Va., and grew up in Florida, where his father is a Baptist minister, now retired. Dr. Howell received his Ph. D. in theology at Duke University in 1963.

On Easter Sunday of this year, Dr. Howell, his wife Bettye Jean, and his five children joined us at the First Baptist Church in Washington. He came here after serving 3 years as pastor of the Northside Drive Baptist Church of Atlanta, Ga. He previously had served as pastor of the First Baptist Church of DeLand, Fla.

On Sunday, July 20—the day man set foot on the moon—Mrs. Patman and I were privileged to hear Dr. Howell deliver a sermon entitled "Thoughts on Outer Space and 'Inner' Space," in which he reminded us:

> We must not forget, in the excitement of climactic moments like today's moon landing, that persons are more important than things and that scientific achievements are valueless as ends in themselves.

Mr. Speaker, I insert a copy of Dr. Howell's sermon in the Record:

Thoughts on Outer Space and "Inner" Space

(A sermon preached at the First Baptist Church of Washington, D.C., on Sunday, July 20, 1969, by Dr. John E. Howell)

Scripture lesson: Psalm 8; Psalm 139:1–12, 23–24.

The thought of spaceships taking men to the moon would have astounded the ancient writers of Scripture beyond their wildest dreams. Yet such a venture is not at all inconsistent with their theology or with their conception of man's role in God's creation. Listen, for example, to David's prayer in the eighth psalm:

"O Lord, our Lord,
How majestic is thy name in all the earth!
When I look at thy heavens, the work of thy fingers,
The moon and the stars which thou hast established;
What is the man that thou art mindful of him,
And the son of man that thou dost care for him?"

Here you can feel David's mind grappling with the smallness and insignificance of man on earth, even from what he was able to observe of the heavens and the universe. "Yet," he concludes with awe,

"Yet thou hast made him little less than God,
And dost crown him with glory and honor.
Thou hast given him dominion over the works of thy hands;
Thou hast put all things under his feet. . . .
O Lord, our Lord,
How majestic is thy name in all the earth!"
(Psm. 8:1, 3–6, 8 RSV.)

If things go as planned during the next twenty-four hours, today will go down in history as a milestone without parallel in the story of mankind. What happens this afternoon and in the ensuing hours is absolutely unique in the history of the human race on this planet. There are many other "firsts" in man's progress: first conquests of earth's frontiers, discoveries and inventions that have moved civilization forward. But none of these compare with what is going to happen today on the moon. This conquest may ultimately change life on earth more dramatically than all man's previous achievements combined.

How should Christians react to this colossal feat of putting men on the moon? Our teenagers at church camp last week wrote down questions which trouble them about life today. One of them wrote: "This week man is going to set foot on the moon. Some people wonder, and so do I, does God's love reach to the moon and beyond?" This introduces the whole question of the relation between science and technology and our Christian faith—and specifically, what effect space exploration may have upon our traditional concepts of God and man. A second question the teenagers raised was this: "Why should we spend billions of dollars on space travel while millions of human beings here an earth are starving, unhoused, uneducated, and in desperate need?" Here they have raised the question of moral priorities and the ultimate value of human life as compared with other values and goals in society.

I

In answering the first question, I would like to urge that Christians should not be afraid of space exploration or of its implications for our faith. The Soviet cosmonaut who first orbited this earth in space said, almost with a sneer, that he saw no evidence of God, heaven, or of angels sitting on clouds. This reflects, of course, a narrow, distorted caricature of Christian affirmation. It represents an effort to tie the Gospel to an ancient, pre-scientific cosmology which depicts heaven as "out there somewhere," just beyond the moon and stars, in the same time-space dimension as the material universe. This is a gross distortion of what Christians want to say about God and heaven.

We can rest assured that earth-men exploring space, regardless of their national origin or religious views, will discover nothing that is news to God. However startling and revolutionary their discoveries may be for man, the Creator of the universe has known them from the beginning. There is nothing in outer space that can threaten or disprove or even surprise the living God. Listen to the Psalmist's witness to God's presence pervading the universe:

"Whither shall I go from thy Spirit? Or whither shall I flee from thy presence?
If I ascend to heaven, thou art there! If I make my bed in Sheol, thou art there!
If I take the wings of the morning (what a metaphor for today's events!) and dwell in the uttermost parts of the sea, even there thy hand shall lead me, and thy right hand shall hold me.
If I say, 'Let only darkness cover me, and the light about me be night,' even the darkness is not dark to thee, the night is bright as the day; for darkness is as light with thee."
(Psm. 139:7–12 RSV.)

How relevant can you get? If God's presence fills all "external" space, from the atmosphere we breathe to the vast darkness of outer space, why should Christians feel any fear, misgiving, or apprehension on a day like this? Rather, our worship on this day, of all days, ought to be alive with joy and adventure! This hour in church should be an exuberant celebration of the glory and majesty of God and of the fact that He is allowing us today to discover and experience more of this magnificent universe He has created.

This new knowledge may indeed broaden our conceptions of God and of His ways, but it can only magnify His greatness to human minds and hearts! It may also clarify our conception of ourselves and our relative importance in the scheme of things. As I viewed the earth again yesterday through the eye of the astronauts' television camera, it looked like a tennis ball my little boy could clutch in his hand and bounce on the floor. Can anyone see this and not be impressed by how infinitely small we are in the expanse of God's universe? Or by how united is the destiny of all human beings on this little ball of earth hung in space? If a man like Adolf Hitler could have viewed the earth from that perspective, might it not have affected his ego-mania and restored a degree of sanity to his conception of himself and his goals in history?

II

Before we shift our attention from outer space, I must go a step further. Far beyond a simple response of joy and praise over what God is allowing man to know and do, I am convinced that space exploration, along with the pursuit of all scientific disciplines, is a Christian duty. By this I mean that it is a proper and necessary response to what we profess to believe about God: that He *is* the Creator of all things and the source of all truth. Developing an increasing knowledge of and mastery over His creation is a part of what Jesus meant about loving and serving God with all our mind and all our strength. (Mark 12:29–30)

But what about the fantastic expense involved? Isn't it immoral to put billions of dollars into this space program while millions of people go without the basic necessities of life? Can this possibly be to the glory of God? We must be careful here. This point of view, which places human life and need above other values, draws much support from the very heart of the Gospel. Jesus came specifically to say: "God is pre-eminently concerned, not with the material universe and its improvement, but with *man* and his salvation. He made things and declared them good, but it is *people* that He loves—so much that He sent His only Son to become one of them and to die for them. There can be no true praise or service to this "God and Father of our Lord Jesus Christ" which does not remember that human beings are of infinite worth.

Still, it would be rashly premature to write off space exploration as a waste of money and human resources! Many of the scientific and technological discoveries that have most blessed human life were first thought to be useless. Who can predict today what benefits to mankind—what secrets for prolonging and improving man's life on earth—may result from space exploration? We must not forget, in the excitement of climactic moments like today's moon landing, that persons are more important than things and that scientific achievements are valueless as ends in themselves. Yet it was interesting to me that the Rev. Ralph Abernathy, who went to the Cape this week to protest the spending of so much money on space rather than on hungry people, stood in awe with others as he watched the blastoff and said, "I'm proud to be an American." Scientific achievement and love for humanity go hand in hand in God's plan. It was to "love thy neighbor" more effectively that God "made man to have dominion" over all the works of His hands.

III

Another question about outer space may trouble some of us today. What if space exploration leads to the discovery, some day, of intelligent life on another planet? What will this do to the claim of Jesus Christ and His revelation of the nature of God? My answer is: Nothing, nothing at all! In Jesus Christ, God came to reveal Himself and His

Love to intelligent creatures made in His own image. If God is like this toward us, He is the same kind of God in relation to any other intelligent creature anywhere in His universe. *If* God has seen fit to create other beings "in His image"—with personhood, self-awareness, and the capacity to love—He will love them just as He loves us and He will find some way to reveal Himself and His salvation to them as well.

In a very intriguing passage in John's Gospel, Jesus said: "I have other sheep that are not of this fold; I must bring them also, and they will heed my voice. So there shall be one flock, one shepherd." (John 10: 16) Whatever the historical context of that assertion, its symbolic implication should not be lost on us today. In Old Testament days, King David thought Yahweh was a territorial god, unable to protect his children outside their own lands. Let it be affirmed on this day that Jesus Christ represents no "territorial god," confined to the planet earth and to His children here. He is the God of the universe, the Source of *all* life and truth and love. If He is a personal Father, a loving, forgiving, redeeming God to us on earth, He is the same throughout His universe.

IV

Perhaps the only real danger in the scientific exploration of outer space is the danger of *idolatry*—the worship of ourselves, our human brains, and the achievements of our own hands. But this is the problem we humans have had all along, isn't it? Which leads me to the other main thought I wanted to share with you this morning.

Wherever man may go in "external" or "outer" space—whether on this planet or out into the universe—*there is an "inner space" in his heart* which he cannot leave behind. We call it human presonality. It is the image of God implanted in our being. It is an "inner space" not measured in inches, feet, and miles—or even in light-years. H. G. Wells once called it "the God-shaped blank in the human heart." It is a space that desperately needs to be filled with the presence of God, the love of Christ, the reality of forgiveness, and the sense of meaning and purpose that only God can give.

In the 139th psalm, as we have just noted, David spoke of the presence of God which pervades all "outer" space. Listen again as he gives witness to that same Presence in the "inner space" of his own heart:

"O Lord, thou hast searched me and known me!
Thou knowest when I sit down and when I rise up; thou discernest my thoughts from afar.
Thou searchest out my path and my lying down, and art acquainted with all my ways.
Even before a word is on my tongue, lo, O Lord, thou knowest it altogether.
Thou dost beset me behind and before, and layest thy hand upon me."

This realization of God's presence in the "inner space" of his personal life and thoughts leads David to the eloquent plea and prayer which ought to be on our lips on this special day in human history:

"Search me, O God, and know my heart!
Try me and know my thoughts!
And see if there be any wicked way in me, and lead me in the way everlasting."
(Psm. 139:1–5, 23–24 RSV).

Here is the word from God we really need to hear on this day when man lands on the moon. It is that unless we learn the truth about this "inner space" and its needs, all our achievements in outer space will be utterly futile and worthless. Let us bring this truth into sharp focus with a practical question. Who will determine whether the knowledge and power kindled in man's hand through space exploration will finally be used for his benefit or his destruction? I know this much. The outcome will depend upon what fills and motivates the "inner space" in the person or persons who control that awesome power. To the extent that the character and thinking of those persons is controlled and directed by the indwelling presence of God, the world can sleep better at night.

But the leaders of any nation, whose fingers hover restlessly over the ominous buttons of destiny or destruction, are not alone in their responsibility. Their views and actions are greatly influenced by what fills the "inner space" in the lives of those they serve. Therefore, I want to conclude this sermon with an appeal for personal responsibility and Christian service.

An American pastor was visiting Hong Kong. His church had sent him on a trip around the world and, like any tourist from the West, he was snapping color pictures right and left. After his return home, he showed slides of what he had seen at a service for foreign missions. He ended his presentation with a close-up picture of a little Chinese boy in the last stages of starvation. His belly was bloated, his arms and legs were like matchsticks, and his eyes stared out vacantly from his hollow, sunken face. The picture burned its poignant message into the hearts of the congregation, and their offering for foreign missions that night reflected a spontaneous outflowing of compassion and concern. When the pastor and his wife went home and were preparing for bed, she said: "Honey, I'm haunted by the face of that little boy. What did you do for him after you took his picture?" The truth struck her husband like a sledge hammer. He bowed his head and softly groaned as he said, "It didn't occur to me to *do* anything. I just took his picture and hurried on looking for more pictures to take."

Do you get the message? Science and technology, on earth and in space, are "giving us the picture" as we have never seen it before! We know far more than any other generation about both the vastness of human need and the vast resources of the world and universe. Oh, we *get the picture*, all right—in living color! The question is, having seen the picture of mankind's need and of the resources, both material and spiritual, which God is making available to us, *what are we going to do* about it?

The answer to *that* question, my friends, depends not upon outer space, but upon the "inner space" in you and me and other people like us. If the presence of the Lord Christ reigns there, to motivate and direct, to challenge and awaken, He will not let us rest easily on our scientific laurels and material comforts. He will prod us to take the potential placed at our disposal by science—and beyond science—and use it in ways that will honor Him and help the world of people He loves.

There is a poem by Franklin Elmer which describes what happens in the "inner space" of two men's lives and the difference Jesus Christ makes. It is called "A Friend of Christ":

"I know a man who longs to be successful, who wants a quiet country home with woodland pools and privacy.
He has the skill, the urge, and the mental power; but there are whispers in his ear.
He has a friend, unseen, who will not let him dream of fences shutting out the world.
He cannot treat other people as machines; his comfort is in having them as equals.
He cannot pass a lonely child until a tear is dried, a smile renewed.
He cannot hoard the time or wealth or worry that a country place demands, while churches faint and grief comes knocking at a neighbor's door.
He cannot even close his heart to those his enemies whose consciences are tortured by his honor, whose wealth seems dust whenever he comes near, who call him 'fool' and wish they could forget him.
He thinks himself a failure sometimes, a misfit, a chicken-hearted oddity!
Oh, that I knew how to tell him of that blustering tycoon, that big-time business man, that roll-of-money man, that Luncheon Club, Town Club, Country Club man, that three car, 'Take-a-letter' man,
Who, thinking of him once, murmured, 'Christ must have been like that.' and then sat staring at nothing with a wistful longing on his face, while his big cigar went out."

We have just lit a candle on the moon, my friends. But what happens next depends upon the light of Christ in the "inner space" in our hearts.

NIXON'S DOMESTIC PACIFICATION PROGRAM

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, last May I introduced a resolution expressing the sense of the Congress that the President should suspend the monthly draft calls for a period of 6 months.

Last Friday, in what administration officials admitted was an effort to lessen antiwar sentiment on college campuses President Nixon announced a cut of 50,000 in planned draft calls for the final 3 months of this year.

The October call of 29,000 is to be spread over October, November, and December—10,000 each for October and November, and 9,000 for December.

No one should be misled into believing that the proposed cut of 50,000 represents any basic change in strategy in Vietnam. Rather it appears to be part of the administration's domestic pacification program: token withdrawals of troops from South Vietnam and token reductions in draft calls.

The draft calls for 1969 will be less than 3 percent below the draft calls for 1968.

Instead of attempting to pacify college campuses by a little relief from the pressure of the draft, the President should respond to public opinion and bring the war in Vietnam to a prompt conclusion. Instead of vague talk about draft reform to eliminate its most glaring inequities, the President should urge that the draft be abolished, thus eliminating the total inequity.

No more young men should be drafted to fight the tragic and still undeclared war in Vietnam.

In the winter of 1968 presidential candidate Richard Nixon said he had a plan for ending the war. Today, President Nixon has yet to end it.

1969 has been Nixon's year, and Johnson's war has become Nixon's war. The killing continues, and the drafting of young men goes on.

If the administration cannot or will not end the war, then Congress must do so.

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PROPOSED DRAFT REFORM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, one of the underlying causes of youthful unrest in our Nation is uncertainty about the future. One of the great reasons for that uncertainty is the present draft system that makes a man eligible for the draft for 7 years. We all know that no man can plan his future if he never knows when the long arm of Government is going to reach out and take him.

The resulting uncertainty can only breed resentment among our youth, regardless of their race or socioeconomic background.

Knowing this, we have gone along with such a system far too long a time.

Finally, the time has come for us to change that system, for it will be done either by congressional action or—if we refuse—by Executive decision.

President Nixon asked Congress in May to provide a random selection system that would limit the draft to 19-year-olds. To date we have not acted. As an alternative, the President will take Executive action after the first of the year that will accomplish much the same objective although, in his own words, "not as clearly and as fairly" as legislation would.

Mr. Speaker, Congress has 3 months to act on this very important matter before the first of the year. I hope we will get on with the job.

PERMISSION FOR SUBCOMMITTEE ON PRINTING, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Printing of the Committee on House Administration may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THIRD ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-161)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I herewith transmit the Third Annual Report of the National Advisory Council on Extension and Continuing Education which functions under Title I of the Higher Education Act of 1965.

It is a special concern of this administration that colleges and universities respond effectively to the needs of local communities and to the desire of their own members to become involved in the task of solving local problems. The increasing level of requests for this type of action, from both inside and outside the campus, raises the question whether Title I of the Higher Education Act is having the impact that it should. This we intend to find out. Therefore, I am instructing the Subcommittee on Education of the Council for Urban Affairs to coordinate a search for ways to improve the performance of this program and report to the Council at an early date.

After we have completed our review of the program under Title I of the Higher Education Act, as well as of the recommendations of the Advisory Council on Extension and Continuing Education, we will advise the Congress of the administration's recommendations.

RICHARD NIXON.

THE WHITE HOUSE, *September 23, 1969.*

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 180]

Ashley
Baring
Bolling
Brown, Ohio
Buchanan
Burleson, Tex.
Cabell
Cahill
Celler
Chappell
Clark
Clay
Corman
Davis, Ga.
Dulski
Eckhardt
Ford, William D.
Gilbert
Green, Pa.
Griffiths
Grover
Hagan
Hanna
Hosmer
Jonas
Kirwan
Landgrebe
Lipscomb
Long, La.
Lowenstein
McCloskey
McKneally
May
Mollohan
O'Konski
Ottinger
Patman
Pepper
Philbin
Poage
Powell
Pucinski
Purcell
Reifel
Rostenkowski
St. Onge
Sandman
Scheuer
Sisk
Smith, Iowa
Staggers
Steiger, Ariz.
Teague, Calif.
Teague, Tex.
Tunney
Ullman
Utt
Whalley
Wyatt

The SPEAKER. On this rollcall 371 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REREFERENCE OF BILLS AND EXECUTIVE COMMUNICATION TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the following bills which have been referred to the Committee on Ways and Means be rereferred to the Committee on Government Operations:

H.R. 9586, for the establishment of a commission to study and promulgate a national policy respecting dispersal of population and industry;

H.R. 10515, to establish a Commission on Population and the Environment, to study the impact of uncontained population growth on the national environment, and for other purposes;

H.R. 13337, to establish a Commission on Population Growth and the American Future; and

H.R. 13523, to establish a Commission on Population Growth and the American Future.

Also, Mr. Speaker, the Executive Communication No. 1000, a letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to establish a Commission on Population Growth and the American Future.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEDGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMPOSITION OF COMMISSION FOR EXTENSION OF U.S. CAPITOL

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the bill (S. 1888) to change the composition of the Commission for Extension of the U.S. Capitol, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the meaning of this proposal?

Mr. FALLON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. FALLON. The bill would add two members of the Commission for the Extension and Renovation of the Capitol. The Legislative Appropriation Act of 1959 created the Commission for the Extension of the U.S. Capitol and designated that it be composed of the President of the Senate, the Speaker of the House, the minority leader of the Senate, the majority leader of the House of Representatives, and the Architect. Under the composition of the Commission, both parties in the U.S. Senate are represented on the Commission only when the President of the Senate is a member of the majority party. As the Commission stands today, there is no member of the majority party of the Senate on the Commission. By increasing the membership of the Commission from five to seven members, the bill would change that, and it would designate the two additional members as the majority leader of the Senate and the majority leader of the House of Representatives to serve on the Commission of the U.S. Capitol.

Mr. GROSS. Has money been provided for the extension of the Capitol?

Mr. FALLON. This measure merely has to do with the Commission.

Mr. GROSS. Just the Commission for the Extension—in other words, the expansion of the west front of the Capitol.

Mr. FALLON. No. The measure would increase the Commission by the addition of two members. It has nothing to do with future legislation so far as the extension of the Capitol is concerned.

Mr. GROSS. Why are the additional members necessary in the absence of a final congressional decision as to whether there should be an expansion of the west front of the Capitol?

Mr. FALLON. This is a matter of representation on the Commission. As it stands now, the majority party in the Senate is not represented. By adding two members, we would add the majority leader of the Senate and the majority leader of the House. When and if the administration changes so that you would have a member of a different party who would act in that capacity, then the minority leader would become the member.

Mr. GROSS. Would the gentleman say that this proposal is designed to get support for the measure that was approved by the House last week to spend at least $50 million—the Lord only knows how much—for the expansion of the west front of the Capitol? Is it intended for the purpose of securing more support for that expenditure?

Mr. FALLON. No, this bill is designed to make the Commission equally representative of both parties.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. The present composition of the Commission is the Speaker, as Chairman, the Vice President, the minority leader of the Senate—that was Senator Dirksen—myself, and the Architect of the Capitol. Under the odd situation that developed, as a consequence of the last election, there is unequal balance between the Democratic Party and the Republican Party on the present Commission. By doing what the gentleman from Maryland has requested, we would equalize representation between the two parties on the Commission.

Mr. GROSS. Mr. Speaker, I thank both gentlemen for their explanations. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph entitled "Extension of the Capitol" under the heading "Capitol Buildings and Grounds" in the Legislative Appropriation Act, 1956 (69 Stat. 515), is amended by inserting after the words "the Speaker of the House of Representatives," and before the words "the minority leader of the Senate," the following: "the majority leader of the Senate, the majority leader of the House of Representatives,".

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COUNCIL ON ENVIRONMENTAL QUALITY

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 544

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12549) to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 12549, it shall be in order in the House to take from the Speaker's table the bill S. 1075 and to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof of provisions contained in H.R. 12549 as passed by the House.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 544 provides an open rule with 1 hour of general debate for the consideration of H.R. 12549 to amend the Fish and Wildlife Coordination Act to establish a Council on Environmental Quality. The resolution also provides that, after the passage of H.R. 12549, it shall be in order to take S. 1075 from the Speaker's table, move to strike all after the enacting clause and amend the Senate bill with the House-passed language.

The purpose of H.R. 12549 is to create a Council on Environmental Quality, consisting of five members appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman.

The Council may employ such officers and employees as necessary and may employ and fix compensation of such experts and consultants as necessary.

The duty and function of the Council shall be to assist the President in the preparation of an environmental quality report, which he shall transmit to the Congress annually beginning June 30, 1970; to gather, analyze, and interpret information concerning conditions and trends in environmental qualities; to appraise the various programs and activities of the Government in this area; to develop and recommend policies to promote improvement of environmental quality; to make and furnish studies and make recommendations thereon.

Cost of the legislation is estimated at approximately $1 million per year. In view of the rapidly deteriorating environment of ours, Mr. Speaker, this cost must be considered an investment, rather than an added expense to the taxpayer.

Time is not on our side and unless we take this action today we will have failed in our responsibility as the trustees of the welfare of the people we represent in Congress.

Mr. Speaker, I urge the adoption of House Resolution 544 in order that H.R. 12549 may be considered.

Mr. Speaker, I yield now to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I agree with all the statements just made by my friend, the gentleman from Hawaii, on this resolution.

I want to point out that the Rules Committee has had this resolution under consideration since July for the reason that there was a jurisdictional question which arose concerning a matter between the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs. It is our understanding now that the difficulties have been resolved and that, by an agreement between the two committees, when this matter goes to conference two members of the Committee on Interior and Insular Affairs will be on the conference committee.

Mr. Speaker, the purpose of the bill is to create a Council on Environmental Quality which shall have a broad and independent overview of current and long-term needs and programs to improve the quality of the national environment. The Council is to advise the President and, through him, the Congress on what steps should be taken to improve and upgrade the national environment.

The Council will be responsible directly to the President rather than to any governmental agency or body. It is to be composed of five members selected by the President, with the advice and consent of the Senate, one of whom the President shall designate as Chairman. All members of the Council are to be persons with expertise, training, and attainments which qualify them to analyze and interpret environmental information of all kinds and to formulate and recommend policies to improve the quality of our national environment.

The President is required to transmit to the Congress annually, beginning on June 30, 1970, an environmental quality report. The Council shall assist the President in the preparation of this report. It shall also carry on a continuing program of collecting and analyzing environmental information, conditions, and trends and shall interpret such information in order to advise the President in this field. The Council shall also evaluate existing Government programs and make recommendations thereon to the President. It shall make an annual report to the President in May of each year.

Testimony received by the committee indicates that in order to staff the Council to the needed degree approximately 55 professional employees and 20 to 30 clerical employees will be needed. Based upon these figures, it is estimated that the cost of this legislation would be $1 million per year. The Chairman of the Council is to be paid $30,000 per year and the four other members of the Council will receive $27,000 per year. No operational funds are authorized in the bill.

There are no minority views. A number of departments and agencies have submitted reports on the legislation as originally introduced (H.R. 6750) which is very similar to the reported bill. Generally, they support the aims of the legislation but point out that the President, on May 29, by Executive Order 11472, established an Environmental Quality Council and a Citizens Advisory Committee to the Council with broad responsibilities for advising and assisting the President with respect to environmental quality matters. Several departments and agencies question whether this Presidential action does not do all that is necessary now.

Mr. Speaker, I have no objection to the granting of this rule, and I yield back the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. MADDEN).

(Mr. MADDEN asked and was given permission to revise and extend his remarks and to include a tabulation.)

(By unanimous consent, Mr. MADDEN was allowed to speak out of order.)

TAX REFORM, NOW—WATER AND AIR POLLUTION LEGISLATION, THIS SESSION

Mr. MADDEN. Mr. Speaker, I was startled to read in Saturday's Washington Post, the headline, "Nixon Aides Do Not Expect Tax Bill To Pass This Year." An Associated Press dispatch also quoted a prominent member of the Senate Finance Committee, that he "could not see action this year on the 'proposed revision' of the Nation's tax system."

Almost 7 weeks ago, after 4 months of hearings by the congressional tax writing House Ways and Means Committee, and also a week's debate on the floor of the House, the tax reform bill was passed. It has been juggled, postponed, and filibustered for weeks in the Finance Committee of the other body. Now we read that the White House seems to extend silent aid and comfort to the painstaking stalling and filibustering which the tax reform bill will undergo in the other body.

In this morning's mail I received 30 letters from my district, which has been the average daily mail I have been receiving, protesting the administration's recommendations that the promised appropriation of $1 billion toward cleaning up water pollution should be cut to $214 million. This proposed weakening of the battle to preserve the health of millions of Americans against the drinking of contaminated and occasionally poisonous water in the urban areas of the Nation is beyond belief. The message which I am receiving from citizens, not only from my own district, but other parts of Indiana and the Midwest, is that they feel that this cut will be a major setback to cities and States and all citizens in their fight against water pollution and an effort to preserve the health of millions.

A great number of Members of the House, including myself, are sponsoring a bill and working for legislation to restore the $1 billion in the 1970 budget which was set up to support the Clean Water Restoration Act.

The House and Senate both must take the initiative to provide the necessary matching funds to aid the States and cities to purify the Nation's water supply in our rivers and lakes. Our Government must give full support to compel the mammoth industries to install the proper machinery to terminate air pollution in our congested urban areas.

It is no excuse for the Government or the Congress to protest lack of sufficient funds to combat this water and air pollution scourge on the present and future health of millions of American families. The tax reform legislation if enacted this year will provide an additional $8 billion to amply supply funds for water and air pollution, education, housing, poverty, health, and so forth.

The tax reform bill, it appears now, is receiving the old legislative trick of postponement and stalling with the hope that public interest for tax reform will subside. The bill passed by the House is now apparently dormant for this session in the other body, judging from the Associated Press dispatches in the papers yesterday. The postponing of this tax reform bill until next session of Congress will mean that the Federal Treasury will not only suffer a loss of many billions of Federal tax dollars from large tax loopholers, but it will afford a better opportunity for the continuation of the unnecessary 10-percent surtax for another year, running it into 1971.

A year ago last June I opposed and voted against the 10-percent surtax for the simple reason that had the Ways and Means Committee taken the tax reform bill up at that time and enacted the same a year ago, there would be no excuse whatsoever for the administration to extend the surtax and curtail needed money for air and water pollution, education, housing, poverty programs, health, and so forth. Now is the time for the American people to become aroused and notify their Senators and the executive department that money for these great domestic programs should not be curtailed, and insist that the President exercise his terrific power toward passing the tax reform bill which the House enacted almost 2 months ago. All segments of our economy should equally share the huge expenses to finance necessary Federal programs.

A number of Members of Congress and almost 90 percent of the wage and salary earning public have no comprehension of the stupendous amount of taxes our U.S. Treasury loses by reason of the fabulous, and in most cases fraudulent, tax loopholes which will be partially outlawed in the pending tax reform bill.

In the September edition of the CWA newspaper a breakdown of some of the major tax loopholes was set out estimating the 1968 revenue loss as a result of the major tax loopholes. I include the tabulation with my remarks.

1968 revenue loss as a result of major tax loopholes (estimated by U.S. Treasury)

[In millions]

Nontaxed interest on tax-free bonds	$1,800
Depletion deductions (corporations) included)	1,500
Intangible drilling deductions (oil and gas)	750
Travel and entertainment deductions (estimated excesses)	400
The 50 percent of capital gains not reported on tax returns	5,000
Capital gains that escape tax at death	2,000
Unreported dividends and interest	1,000
Total loophole revenue loss in 1968	12,450

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes. I yield to the gentleman from Iowa.

Mr. KYL. Can the gentleman from Indiana tell us if the tax bill, as it left the House, calls for increased or decreased revenue for the Federal Government in toto?

Mr. MADDEN. If the loopholes are closed and not changed over in the other body, it will bring in several billion dollars, especially in the field of the oil depletion allowance, reducing it from 27½ percent down to 20 percent, when it should have been wiped out entirely. It is estimated that the oil depletion allowance alone, if that 27½ percent were wiped out, would bring in something like $3 billion into the Treasury, including exemptions on imported oil, gas, and so forth.

Mr. KYL. Will the gentleman yield further?

Mr. MADDEN. I yield to the gentleman.

Mr. KYL. Is it not a fact that as the bill left the House there is a loss of revenue?

Mr. MADDEN. No, there is not a loss of revenue. There would be an increase in revenue. Just the 7½-percent reduction from the oil-depletion allowance would bring in over $1 billion or more.

Mr. LATTA. Mr. Speaker, I had no requests for time on this side, and I yielded back my time. I would like to ask unanimous consent that my time be reinstated, as I do have a request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I was very much interested in the remarks of the gentleman from Indiana (Mr. MADDEN) with respect to water and air pollution. I have driven the Indiana Turnpike a good many times since I have had the honor to be a Member of this body, and going west on the Indiana Turnpike you are made aware many, many miles east of Gary, Ind., that you are approaching that city. I wonder what the State of Indiana or the city of Gary, Ind., has done

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or proposes to do about the terrible pollution that fills the air over Gary, Ind., and east of it when the wind is in the west.

Also, traveling by plane to Chicago, and crossing the lower end of Lake Michigan, there is no trouble at all in locating the pollution of Lake Michigan as supplied in part by the steel mills of Gary, and other industries.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman from Indiana.

Mr. MADDEN. The Indiana State Legislature and the mayors of Gary and East Chicago and Whiting, Ind., as well as the city of Chicago, have been fighting this water pollution for a number of years. We have been trying to get help.

You must bear in mind that 90 percent of the pollution that comes about in that area comes from the terrific amount of industry—oil refineries and other industries. Automobiles traveling from the east going into Chicago and the automobiles from the west, out of Chicago and passing through our area. That contributes a great deal to the pollution problem. It is a problem that the Federal Government will have to commence to extend aid on in order to protect the health of the millions of people living in the Chicago and northern Indiana area. The chances are that the gentleman from Iowa drives through there and by doing so he perhaps contributes a little to the pollution problem.

Mr. GROSS. Thank you very much for my contribution to the pollution problem. But if those steel mills were not operating, you would not know there was an automobile in the vicinity insofar as air pollution is concerned.

There is usually a huge cloud of fumes and smoke over Gary, Ind., and the gentleman knows—since he lives there—that when you drive west on the Indiana Turnpike into Gary, Ind., within 25 or 30 miles of the city, if the wind is from the west, this pollution situation exists.

I would ask the gentleman from Indiana, When does the State of Indiana and the city of Gary propose to do something about it? I have been driving over that highway for more than 20 years, and I have noticed little improvement.

Mr. MADDEN. Mr. Speaker, if the gentleman will yield further, every city in the Calumet area, as the gentleman from Iowa knows, including the steel mills, are trying to work together in order to clean up this water and air pollution situation, but we will need some Federal assistance.

Mr. GROSS. Now you have gotten down to paydirt. That is what I thought this was all about.

Mr. MADDEN. But we have been working on these programs——

Mr. GROSS. In other words, the gentleman wants the taxpayers of the entire country to do something that Indiana and Gary ought to do.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Illinois.

Mr. COLLIER. I do not want the Record as set forth in the colloquy previously had between the gentleman from Iowa (Mr. Kyl) and my good friend, the gentleman from Indiana (Mr. Madden) to be in error. I think it ought to be clearly established here that the tax reform bill which left this House will in no manner—and I repeat—in no manner leave any excess revenues, because of the provisions of the bill which provided for tax relief in the lower and middle income areas particularly will absorb—if it is passed in the form in which it passed the House by the other body—will absorb every dime that would otherwise have been realized by the reforms that were written into the bill.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. MADDEN. I think if both the gentleman from Iowa (Mr. Kyl) and the gentleman from Illinois (Mr. Collier) will make a resurvey, they will find that if these loopholes, even the paltry little 7½-percent oil depletion reduction and also the provisions dealing with foundations, real estate, stocks, and so forth, if they are increased in the other body, along with some other loopholes, the bill as passed here would bring in a couple of billion dollars into the Federal Treasury. However, it looks as though now that the White House is doing everything it can to stymie the tax reform bill that the House and the Committee on Ways and Means and our membership devoted so many hours and weeks in this session of Congress in order to have it passed at this session but that the White House is now working to continue it over for another year.

The **SPEAKER**. The time of the gentleman from Iowa (Mr. Gross) has expired.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Speaker, I take this 1 minute to again try to straighten out the record.

I think it is totally unfair to even suggest that the administration is trying to scuttle the tax reform bill that passed this House. I would suggest to my good friend, the gentleman from Indiana (Mr. Madden), so that he might straighten out his own thinking on this issue, that he read the public statements issued by Members of the other body in his own political party. If the tax reform bill is scuttled that is where it will be done. And if it passes, as it did in the House, I certainly do not expect a Presidential veto—and I seriously doubt whether anyone else does, either.

The **SPEAKER**. The time of the gentleman from Illinois has expired.

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that a typographical error be corrected in House Resolution 544, by striking out on page 2, line 9, after the word "thereof," the word "of," and inserting in lieu thereof the word "the".

The **SPEAKER**. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12549) to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The **SPEAKER**. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 12549, with Mr. McCarthy in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. Dingell) will be recognized for 30 minutes, and the gentleman from Washington (Mr. Pelly) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for centuries now, man has exploited and freely used the resources provided by his natural environment secure in his belief that nature's bounty would last forever, heedless of any consequences in his headlong rush toward greater power and prosperity.

More recently, Western man's attitude toward his environment has been characterized by an emphasis on economic motives. The industrial revolution which has provided us with the gift of technology has inaugurated specialization and division of labor as prerequisites for production for profit. In fact, our Nation's wealth was founded on technological progress spurred on by the profit motive.

However, mankind is playing an extremely dangerous game with his environment. Unless we change our ways, mankind faces the very real possibility of extinction from misuse of environment. We have been warned by scientists, citizens' organizations, public officials, and Government agencies of the dangers and consequences of such upsetting agents as air pollution, water pollution, explosion, and overenthusiastic use of pesticides. We have not yet learned that we must consider the natural environment as a whole and assess its quality continuously if we really wish to make strides in improving and preserving it.

Mr. Chairman, H.R. 12549 clearly expresses my conviction that we need the vigorous involvement of the Executive Office of the President of the United States in this problem. This concept of an independent advisory council to the President on environmental matters is not new. It was the principal recommendation of a task force report to the Secretary of Health, Education, and Welfare in June of 1967. I—as well as several other Members of the House—introduced legislation to accomplish this purpose in the 90th Congress. However, no action—other than hearings—was taken on any of these bills.

In February of this year I again introduced legislation to carry out this concept.

After holding 7 full days of hearings, and hearing from a wide range of witnesses including scientists, engineers, ecologists, statisticians, economists, anthropologists, conservationists, and various departmental witnesses, my Subcommittee on Fisheries and Wildlife Conservation unanimously reported to the full Committee on Merchant Marine and Fisheries a clean bill in the form of H.R. 12549. H.R. 12549 was cosponsored by all of the members of my subcommittee, except one, and it was unanimously reported by our full Committee on Merchant Marine and Fisheries.

Mr. Chairman, briefly explained, section 1 of the bill would amend the Fish and Wildlife Coordination Act by inserting a new section in the act designated as section 5A.

Subsection (a) of the new section would recognize the impact of man's activities upon his environment and the critical importance of making that impact less adverse to his welfare. Accordingly, it states a basic and continuing policy that the Federal Government, in cooperation with all other interested parties, shall use all practicable means and measures, including financial and technical assistance, to assure that man's capacity to change his environment is devoted to making that change one for the better, while remaining consistent with his future social, economic, and other needs.

Subsection (b) of the new section would direct the President to transmit to the Congress at the close of each fiscal year an annual report setting forth an inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon our future environment. This report would follow the report submitted by the Council in May of each year.

Subsection (c)(1) of the new section would create a five-man Council on Environmental Quality in the Office of the President. Although the original bills before the committee provided for a three-man Council, the committee felt that there was a clear need for a slightly larger Council with more personal resources available to it, and yet not so large as to be unwieldy; the Chairman of the Council would be designated by the President, since he would be acting as a major adviser to the President in this area. The qualifications of the Council members are stated broadly, since generalists are what the Council will require, and since it is impossible to define generalists adequately except in terms of their overall excellence and competence. Most critical in the selection of the Council members will be their commitment to an understanding and resolution of the environmental problems which we confront as a society.

Subsection (c)(2) would authorize the Council to employ the necessary staff to assist it in carrying out its duties. The importance of attracting and holding an extremely high caliber staff is of great importance. This subsection would give the Council broad authority to obtain the services of experts and consultants, including advisory committees and task forces on specific environmental problems.

Subsection (c)(3) would specify the duties and functions of the Council. These include—

First, assisting the President in the preparation of the annual report;

Second, gathering information on the short- and long-term problems that merit Council attention, together with a constant analysis of these problems as they may affect the policies stated in subsection (a), and a constant inflow of information to the President on the significance of these problems;

Third, maintaining a constant review of Federal programs and activities as they may affect the policies declared in subsection (a), and keeping the President informed on the degree to which those programs and activities may be consistent with those policies;

Fourth, requiring the Council to review and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic, and other requirements; and

Fifth, authorizing the Council to make studies and recommendations relating to environmental considerations, as the President may direct.

Subsection (c)(4) would direct the Council to make an annual report on its activities to the President.

Subsection (c)(5) would require the Council to maintain open lines of communication with all affected segments of society, and would instruct it to avoid duplication of work that has already been done by others, wherever that can be done. This will be of particular significance as the Council acts to set up the data bank referred to in (3)(B) of this subsection; certainly most of the information flowing into that bank will have to be derived from sources outside the Council, and it will become vital that the Council assure itself that this information continue to be available to it.

Section 2 of the bill would amend title 5 of the United States Code to add the Chairman of the Council to level II of the Executive pay schedule, and the balance of the Council members to level IV. Since this is the same compensation received by the Chairman and members of the Council of Economic Advisers, who devote their full time to carrying out their duties, likewise it would be expected that the Chairman and members of the Council on Environmental Quality will devote their full time in carrying out the work of this high-level Council.

Mr. Chairman, our Committee on Merchant Marine and Fisheries was impressed by the wide range of witnesses testifying at the hearings in support of the legislation. In the main, all witnesses were in favor of the legislation. In fact, it is worthy to note that out of approximately 100 witnesses heard at the hearings there developed no substantive opposition on the part of the public to the legislation, and that the slight resistance on the part of witnesses for the departments stemmed from a feeling that the Council might in some way conflict with the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. It should also be noted that while the departments did not recommend enactment of the legislation, neither did they recommend against it. Witnesses from several agencies spoke highly of the potential of the Council contemplated by the legislation as complementary to the excellent steps already taken by the President. The only opposition to the legislation came from the Office of Science and Technology, which was based on the premise that the Council established by Executive order would accomplish the same purpose as the Council to be established by the legislation.

Mr. Chairman, our entire membership of the Merchant Marine and Fisheries Committee applauds the President on creating a Cabinet-level Council on Environmental Quality. However, we do not believe the Cabinet-level Council can devote a major proportion of their attention to the problems in the depth required. The problems are of several magnitudes larger than those which can be dealt with by this interdepartmental organization and its six staff members. On the other hand, we do realize that the interdepartmental Council can fill a clear and observed need of coordinating and resolving internal policy disputes between different executive agencies of the Government.

The purpose of this bill is to create by legislative action, standing outside the programs that can be done and undone by unilateral executive action, a council which can provide a consistent and expert source of review of national policies, environmental problems and trends, both long term and short term. Such a council would act entirely independently of the executive, mission-oriented agencies.

The President, the Congress, and the American people stand in need of this type of assistance. No organization, in existence or contemplated, except as provided for in this bill, shows any sign of meeting that need. It is for this reason that I strongly recommend the creation of such a council, through enactment of H.R. 12549.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I note in the report that it is estimated that spending for this council will be in the neighborhood of $1 million a year.

Mr. DINGELL. That was the estimate of the committee as to the cost of the program. That is correct.

Mr. GROSS. So far as the language in the bill that deals with financing——

Mr. DINGELL. If the gentleman will permit me, I should like to point out that an amendment setting out such a limitation is under contemplation. The committee has been informed of it. I am informed that such an amendment will be offered by the gentleman from Colorado (Mr. ASPINALL.)

Mr. GROSS. What will it provide?

Mr. DINGELL. It will provide a total annual limitation of $300,000 for the first year, $500,000 for the second year and $1 million each year thereafter. I would say to my good friends on the subcommittee that we have discussed this matter and we intend to interpose no objection to the offer of that amendment.

Mr. GROSS. On page 3 of the bill, beginning with line 15 and running through to line 22 there is a provision for the employment and compensation of experts and consultants. I note that line 20 provides that it be "in accordance with section 3109 of title 5, United States Code—but without regard to the last sentence thereof." What is the meaning of that exception with respect to pay or employment?

Mr. DINGELL. That, I am informed, is standard language in this type of legislation.

Mr. GROSS. Why?

Mr. DINGELL. I point out that language comes exactly, word for word, from the language in the Full Employment Act of 1946, from which the language of H.R. 12549 was taken and which, as the gentleman well knows, is the Council of Economic Advisers. The Council on Environmental Quality, which is set up in the bill before us, contains the precise language that comes directly from that. It is to enable the hiring of certain kinds of experts for guidance and counseling.

Mr. GROSS. It permits unlimited hiring. Is that correct?

Mr. DINGELL. It would not, if the House adopts the amendment the gentleman and I were discussing. As I pointed out, there will be a limitation in total hiring by the agency in the amount of $1 million, beginning with the third year of the program.

Mr. GROSS. In other words, they could hire so-called experts, consulting firms and contract employees at will, I suppose?

Mr. DINGELL. This does, let me say to my good friend, enable the Council to hire consultants to achieve that kind of assistance. It was the opinion of the committee that to do so would be much more desirable than to go out and establish a great big in-house operation. We think the functioning of the Council would be much more efficient if it is able to employ outside skills through the advice of consultants instead of taking people regularly on the payroll.

Mr. GROSS. How many of these environmental councils or offices do we have now in circulation in the Government? Does the gentleman have any idea?

Mr. DINGELL. Yes, there is one Council which was set up by the President pursuant to Executive order. There are distinctions, I would point out to my friend. I would refer him to the bottom of page 4 and the top of page 5 of the report to see the distinction which exists between the Executive order Council and the provisions of the bill now before the House.

Mr. GROSS. I happened to be driving in Virginia only last Sunday and I came across an environmental setup out there occupying perhaps 300 acres of land with new buildings on it.

Mr. DINGELL. We are not setting up under this legislation such an institution. It is my intention as chairman of the subcommittee that brings this legislation to you to see that the agency functions efficiently and uses its services in the best manner possible.

Mr. GROSS. Mr. Chairman, can the gentleman tell me about this environmental setup out in Virginia?

Mr. DINGELL. Mr. Chairman, I have no knowledge of it. It is a private institution and I am not able to tell my good friend, the gentleman from Iowa, what it is and what it does.

Mr. GROSS. They call it the Environmental Sciences—that is at least part of the title that appears on the gate.

Mr. DINGELL. I wish I could tell my friend what it is, but it is a private institution, and I have no knowledge of it.

Mr. GROSS. But the point is, somebody ought to tell us how many environmental setups there are in existence in the Government now and the cost of them.

Mr. DINGELL. In Government there is one agency set up by the Presidential order, but it has functions which are very different from those in the bill.

I wish I could yield further to my friend, the gentleman from Iowa, but I have other demands on my time.

Mr. Chairman, the bill requires an annual report by the President to the Congress on a number of issues of environmental significance. Our committee will of course arrange for public hearings on that report and on any recommendations that the President or the Council may care to make, and will take every step possible to insure that the report receives the widest possible comment in the legislative and public communities.

We also recognize that practically every standing committee of this House has some concern with aspects of the environmental problems which we confront. We would expect, therefore, to do everything possible to see that each committee is kept fully informed on our plans for these hearings and that representatives of those committees will be given every opportunity to bring out points of concern in the report that may be relevant to their interests. Our intention will be not to inhibit public discussion on these issues, but rather to enrich it, and this we cannot do adequately without the cooperation and assistance of each committee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I wholeheartedly support the remarks of the distinguished chairman of the Fisheries and Wildlife Conservation Subcommittee, the gentleman from Michigan (Mr. DINGELL), who has worked very hard to bring this important legislation to the floor. H.R. 12549, the clean bill to establish a Council on Environmental Quality, was unanimously reported by the Committee on Merchant Marine and Fisheries and has the bipartisan support of the members of that committee.

I have been asked, "Do we need another Presidential Commission or Council? Have we not enough experts in and out of Government concerned with the quality of our environment?" The answer to the second question explains the need. There are many experts within Government, industry and academic institutions concerned with various aspects of improving our daily life. We have experts in the field of transportation coping with the problem of moving people from one city to another in the least possible time with the greatest degree of safety. We have constructed a vast system of interstate highways to accomplish this. Yet at the same time, we have created serious problems of soil erosion, stream pollution and urban displacement. We have other experts concerned with assuring an adequate food supply for our ever-growing population. In conjunction with private industry, they have developed powerful chemicals to control pests and diseases that would otherwise destroy a substantial portion of the harvest, but these chemicals pollute our streams and lakes, and their residue is building up in our bodies. We have other experts who build dams to control floods and at the same time destroy irreplaceable stretches of wilderness.

Progress in transportation, agriculture, the prevention of natural disasters, and developments in many other areas where we have applied modern technology are essential in a country of over 200 million people. The experts have, by and large, done their job well, but we must remember that their job is building highways, increasing our food production, preventing floods, and so on. Their primary concern is not the quality of our environment considered as a totality. That is not to say, of course, that the Federal Government is not concerned about the impact of such programs upon the quality of life as a whole. There is a growing awareness on the part of the principal executive departments that they must look beyond the narrow confines of their particular responsibility. We must recognize, however, that there is a natural inclination to foster and promote programs. Rarely will we find a department head urging the curtailment of a program because of its long-range adverse impact upon the environment as a whole. Thus, within the Federal Government we have many groups working to improve our lives, frequently at cross purposes.

The President on May 29, 1969, issued an Executive order establishing an Environmental Quality Council composed of the Vice President and six Cabinet Secretaries. The Science Advisor to the President was appointed Executive Secretary of the Council and assists the

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President in directing its affairs. The Office of the President's Science Adviser will furnish administrative and staff support for the Council. This is an extremely important development within our Federal Government in that it provides the machinery whereby the heads of principal departments will be able to interchange ideas concerning the impact of their programs and the goals of their agencies.

Again, however, we must bear in mind that the primary function of our Cabinet Secretaries is to administer and promote the efforts of their respective departments. I would not expect a Cabinet officer who is vigorously pursuing the mandate of his department to lay aside a program to which his department is committed simply because another department head raised doubts about its long-range impact upon the environment so long as there are short-run benefits to be gained. I believe, therefore, that while the President's Council on Environmental Quality will be a useful tool for the interchange of information and for some degree of coordination, we cannot expect that the parochial views of the respective departments will be entirely divorced from its deliberations and decisions.

Beyond the Federal Government, there is the vast area of State and local activity, which has an equal if not greater impact upon our environment. The fields of waste disposal, industrial pollution control, intelligent land use, and so forth, are primarily in the hands of our State and local governments. While the Federal Government through a variety of programs gives assistance, the ultimate responsibility rests at the State and local level, and the goal of an improved environment rests ultimately on the success achieved by our States and municipalities.

The third major area concerned with our environment is private industry encompassing large corporations, which are too frequently large polluters of our environment as well, all the way down to the smallest business entity that produces some form of refuse. The problems of industrial pollution are infinitely complex. Virtually every industrial process requires a different form of pollution control depending upon the raw materials employed and the end product of the process. In this regard, our committee received testimony from an official of one of our largest industrial corporations who outlined the tremendous complexity of pollution control and the great financial investment required, both to build pollution control into new plants as well as add it to existing, often old, economically marginal plants.

The problem that we face in the field of environmental quality is greatly complicated by the fact that no one of these groups alone can bring about any change for the better. Whatever is done will require the highest degree of coordination of programs and interchange of knowledge. The continued appropriation of money by Congress for pollution abatement programs administered by a variety of Federal agencies, often employing conflicting standards, will not of itself produce much return.

What is needed today is an organization devoted exclusively to the problem of reconciling the needs of a large industrial society with the desire for quality in our environment. By quality, I mean, among other things, air that is just air, not air diluted with lead and other industrial wastes—water that is just water, not fortified with DDT—wildlife flourishing in its natural habitat rather than recorded in a book of extinct species—and cities where people can satisfy their desire for economic prosperity without paying a heavy price in terms of physical and spiritual deterioration.

The President's Council on Environmental Quality cannot accomplish the task of coordinating the activities and often conflicting interests of our Federal agencies, State and local governments, and private industry. The responsibilities of our Cabinet officers are already too varied—the demands on their time too great.

Assuming, however, that the Cabinet Secretaries do have the time to get together and engage in a meaningful exchange of information and ideas, who will provide the groundwork for their deliberations? According to the President's Executive order, the Science Adviser and his staff will furnish the needed expert assistance on environmental matters. However, in testimony before our committee, Dr. Lee DuBridge, the President's Science Adviser, stated that the President has requested an appropriation for only six additional staff members to support the Environmental Quality Council, and there is no assurance that even these six would devote themselves exclusively to the Council.

The budget item covering these positions was included in the request for the Bureau of Outdoor Recreation of the Department of the Interior. However, the Appropriations Committee refused to act upon this request, and the bill as passed by the House did not include these funds. I understand that the other body agreed with our action yesterday. The report of the Appropriations Committee expressed the committee's concern for the environmental problems facing the Nation, but stated that the patchwork approach such as envisioned by the Executive order would be little better than nothing. The report further stated that the committee would be receptive and sympathetic to the funding requirements necessary to achieve the objectives stated in the various bills now pending in the Congress for the creation of a Council on Environmental Quality.

Mr. Chairman, the essential element of this legislation is the creation of an expert body whose members will devote their full time and attention to the difficult task of analyzing and interpreting environmental information, and who will be in a position to formulate and recommend to the President national policies to promote the betterment of our environment. Of equal importance is the requirement that the Council annually report to the President and the President, in turn, report to the Congress regarding the status of our environment. Only in this way can we gather the facts upon which to make intelligent decisions.

The Council will complement rather than conflict with the interagency council established by the President's Executive order. Hopefully, it will have a staff well versed in all aspects of our environmental problems. In my opinion, this staff will augment and be of great benefit to the office of the Science Adviser

I have not attempted to discuss in any detail the great number of environmental problems facing the Nation today. These problems have been discussed at great length by many distinguished Members. Even a casual examination of the CONGRESSIONAL RECORD will illustrate the attention which our colleagues have given these problems. I have stressed the organizational aspects of our fight for environmental quality rather than simply catalog the many crises we are facing. The technological know-how exists today to produce clean air and water and to generally upgrade the quality of our environment. A recent report of the American Chemical Society entitled "Cleaning our Environment—the Chemical Basis for Action," stressed the fact that this country can take enormous strides now toward a cleaner environment if it is willing to devote sufficient energy and financial support to the task. We have identified many of the problems, we have the technical know-how to solve them. This legislation will establish a much-needed focal point to set priorities and channel the efforts of Government and industry in a coordinated program. I therefore strongly urge its passage.

Mr. DINGELL. Mr. Chairman, I am happy to yield 2 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, as chairman of the House Committee on Merchant Marine and Fisheries, I am naturally concerned about all phases of the environment which affect fish, wildlife and our natural resources. The ugly and devastating disease of pollution has contaminated every aspect of our environment—air, land, and water.

The massive pollution that now stalks our Nation is a very real and dangerous threat. It constitutes a problem so vast and so inter-related, one segment of the environment cannot be separated from another. Since man's manifold activities are affecting all components of the natural environment, the only logical approach is a broad-ranging, coordinated Federal program.

Mr. Chairman, H.R. 12549 is designed to initiate such a program. This legislation proposes to create a Council on Environmental Quality. This Council, which would be composed of outstanding and qualified leaders of the scientific, industrial and business community, would oversee and review all national policies relating to our environment; it would report directly to the President and recommend national programs to foster and promote the improvement of the Nation's total environmental quality.

One of the vital functions of this council would be to consult with State and local governments and other interested groups and individuals, and to utilize the services, facilities and information of these agencies and organizations. I consider this to be an extremely important and significant function, since, for the first time, it would establish an effective liaison between the Federal Government and individual States, thereby creating a long-needed central clearinghouse of information.

Establishing such a council will not immediately solve all our massive pollution problems. It will, however, constitute the most significant step yet taken because it will represent the very first concerted congressional attack upon all forms of abuse upon our natural resources.

Mr. Chairman, I urge passage of this legislation, and I hope it will be enacted as rapidly as possible.

Mr. PELLY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I shall not take very much time. I simply want to say that as the ranking minority member on the committee I support this bill.

In recent years, scientists—and in turn the public—have become increasingly aware that technological progress is a mixed blessing. This can perhaps be compared to the injection of a newly-developed drug into the human body. All too often while curing the disease, the drug will produce undesirable side effects. In some instances, these effects may prove fatal. Short of that, the drug must be administered with caution and the body's reactions carefully monitored. Fortunately, the average human body can tolerate a high degree of foreign substances intended to ward off or cure certain ills. Within a certain range, the body simply throws off anything in excess of its needs.

Our planet, earth, has demonstrated a similar ability to absorb the side effects of increased population and industrial development.

We did not begin polluting our environment in earnest until the 19th century. Birmingham and other English cities where iron and coal were brought together to form the basis of an industrial society first witnessed the intolerance of our atmosphere. The grime was an unmistakable sign that man was injecting far more than nature could absorb.

But this was a purely local condition—a very small raw spot. Annoying in the immediate area but hardly of much concern to the world as a whole. Generally, our ancestors stood in awe and marveled at the scientific and technical progress of the 1800's. The water became a bit murky and a smell began to pervade the air, but few noticed.

Some years after England first tasted—and smelled—the benefits of industrial progress the United States began the rapid development of a great industrial society. Our realization of its unpleasant side effects has been slow in coming, however.

In 1695, a man named Thomas Beverly wrote a book in London in which he described the end of the world in 1697. He wrote a second book in 1698 claiming that the world had indeed ended but nobody had noticed.

Probably nobody will notice the day the earth begins to produce less oxygen than is consumed. Nor will anyone be aware of the precise moment when the accumulation of pesticides produces irreversible physical changes in all animal life including man.

The side effects of progress are difficult to monitor. We know so little about the fundamental processes of nature and even less about the impact of our interference with these processes.

To most laymen like myself these problems seem remote indeed. While there is some evidence, for example, that we are using up the world's oxygen supply, it is difficult to relate these questions to here and now. Yet someone must. We do not have the right to exploit the world's resources or apply our scientific knowledge without some regard for those who will inherit this world and this Nation.

Fortunately, this globe has a high degree of natural resistance to man's injections of progress. We have not yet exceeded its level of tolerance. We must, however, begin to monitor it and modify our activities when danger signals appear. This cannot be done haphazardly. It will require expert advice in all scientific and technical disciplines and coordinated action at all levels of government and economic activity.

I believe the Council on Environmental Quality as envisioned by this legislation can fulfill this vital role and I support its enactment.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the bill, H.R. 12549.

Mr. Chairman, I participated in many hearings at which experts in their respective fields of knowledge warned against action in making progress without regard to its ultimate effect on the quality of our environment and which causes irreparable damage to our streams and lakes and atmosphere. The fact is that the various segments of society working each in its own field has resulted in a situation in which the right hand of government does not know what the left hand is doing. It is certainly not in the best interests of the citizens of our country either as citizens desiring improved environment in which to live and as taxpayers to spend millions to build dams to provide flood control or recreational areas when such a project might add to the pollution of the streams and lakes through tampering with the natural flow of the stream that cleanses it. It is imperative that our efforts to make progress and to improve our environment be coordinated. This legislation is a step in the right direction.

Mr. Chairman, man has been able to progress to his present state of development by controlling his environment instead of having to adjust to its changing conditions. He has harnessed streams and rivers to provide power and transportation. He has dug deep into the earth to mine the minerals that provide energy, heat, and light. He has built himself protection from the natural elements by using nature's natural products. But in so doing, he has upset the natural balance of the earth that has provided him with his wealth. If man is to survive, he must learn to work with, instead of against, this natural balance. Man is rapidly running headlong into disaster as a society as he desecrates the water, air, and land. Action is needed now.

Mr. Chairman, the general quality of the environment relates to the general welfare of the people of the United States and must, therefore, be a main priority of Congress. As we consider more and more legislation to combat the problems of environmental imbalance, Congress needs to have at hand an understanding of how to create and maintain conditions under which man and nature can exist in productive harmony, thereby fulfilling the social, economic, and other requirements of present and future generations. The Council proposed by the legislation now under consideration is necessary in order to provide this understanding. If such a council existed at the time of the invention of the automobile, perhaps we would have been able to realize the threat that would be presented to our atmosphere by the internal combustion of hydrocarbons before it was too late.

The great advantage in the council approach is that the findings will be shared by all agencies of the Federal Government, enabling them to develop meaningful environmental policies at the lower decisionmaking levels, and by the local and State governments.

Mr. Chairman, as I work with my district to preserve beautiful southern Wisconsin, I find the greatest problem is that there are many studies on particular problems, but there is no information available on the interrelatedness of all the proposed solutions. I support this legislation with the hopes that the Council on Environmental Quality can meet the needs of the American people. By providing a consistent review of national policies and environmental problems so that the present threat to our future can be approached in a comprehensive fashion.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Chairman, I strongly favor the adoption by the committee of the bill to provide for the establishment of a Council on Environmental Quality. We badly need to create a Council with a broad and independent overview of current and long-term trends in the quality of our national environment, to advise the President, and through him the Congress and the American people on steps which may and should be taken to improve the quality of that environment.

I note from the hearings that the slight resistance on the part of witnesses for the executive departments stemmed from a feeling that the Council might in some way conflict with the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. But witnesses from several agencies spoke

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highly of the potential of the Council contemplated by the legislation as complementary to the excellent steps already taken by the President to achieve consistent and coherent environmental policy within the executive agencies through the interdepartmental Council.

The Departments of Transportation and the Interior were of the opinion that should the Congress feel that establishment of a separate environmental advisory body in the Executive Office of the President along the lines contemplated by this legislation was desirable to assist the efforts of the President's Council, they would not object to such action. The Department of Health, Education, and Welfare stated that if the legislation were enacted into law, it stood ready to cooperate to the fullest in carrying out its praiseworthy purposes.

The testimony at the hearing also stressed the importance of the international aspects of the environmental problem. It is an unfortunate fact that many and perhaps most forms of environmental pollution cross international boundaries as easily as they cross State lines. Contamination of the oceans, with insufficient attention paid to its long-term consequences, appears to be a major problem to which far too little attention has been spent in the past. The international aspects are clearly a major part of the questions which the Council would have to confront, and I feel confident that these would receive early attention by the Council.

Several members of the scientific community have stressed the need for the development of an adequate information collection and retrieval system. There is today a 5- to 10-year gap between the development of basic research information and its technological implementation. Much of this basic research has significant implications for both improvement and degradation of man's environment, and activities in this area should more than repay the initial investment, to the extent that the Council could assist in making this information more accessible to the public and to the Federal Government.

State and local governments have a large stake in the common problem; it is also true that by no means all of the environmental problems which we see are caused, even indirectly, by the Federal Government alone. Witnesses at the hearings stressed the need for a continuing interchange between the Council and other agencies, including private citizens' groups, as a significant part of the environmental problems. There should be clear and open lines of communication between the Council and the public. The Council should also consider the impact of its activities upon the educational system, together with ways and means of continuing the growing trend toward public enlightenment on and concern with the important environmental issues that we confront.

(Mr. REID of New York (at the request of Mr. PELLY) was granted permission to extend his remarks at this point in the RECORD.)

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 12549, to provide for the establishment of a Council on Environmental Quality.

This legislation is, if anything, long overdue, but greatly needed nonetheless. The dangers of polluting ourselves off the planet within a decade are not exaggerated, and unless we act without further delay to combat air and water pollution, we will find ourselves smothered and choked by our own lack of action and existing, inadvertent weather modification. I applaud this urgently needed legislation, but the existence of this Council must in no way be an excuse for lack of action by the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. I would hope in addition to annual reports that interim reports from both councils would be forthcoming in the near future as we can tolerate no further delay in national action.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of the bill, H.R. 12549, to amend the Fish and Wildlife Coordination Act to establish with the Executive Office of the President a Council on Environmental Quality.

I was pleased to join with my distinguished colleague from Michigan (Mr. DINGELL) and the other members of the Subcommittee on Fish and Wildlife Conservation in sponsoring this legislation, and I am confident that the House will recognize the import of this legislation and quickly voice its approval.

Time is of the essence, Mr. Chairman, in our struggle to restore our environment. Man simply does not have an eternity to right the wrongs he has done to the land, sea and air. Indeed, he may only have a generation. We must correct these wrongs and chart new directions which will guarantee that history does not repeat itself in the wanton and reckless use of the environment that God has provided for us.

This legislation would enable such new direction to be charted by providing the President and the Congress with annual environmental quality reports. The bill would also require the five-man Council to maintain a continuing review of Federal policies and activities with environmental implications. This is necessary because the various agencies and departments of the Federal government do not always act harmoniously in their concept and utilization of the land, sea and air upon which we must rely for our very existence.

Above all, this legislation would provide the first independent source of review of the total environmental situation, and this is most necessary in view of the fact that we are spending more and more each fiscal year to combat pollution and to restore our environment, and we will be spending more in the years to come if we are to successfully win the battle.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to my distinguished friend the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Chairman, I would like to begin by saying that I endorse the remarks just made by the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation and wholeheartedly support his request for passage of H.R. 12549.

As one of the cosponsors of H.R. 12549, it is needless to say that I support H.R. 12549. However, I would like to emphasize several points which I think justify the establishment of an independent council on environmental quality.

First. The President's Cabinet level Environmental Quality Council can carry out decisions but has a built-in conflict of interest in arriving at proper conclusions due to statutory obligations for various operating programs.

Second. Environmental decisionmaking requires independent, consistent, and expert advice.

Third. No such capability exists today for the President, the Congress or the public.

Fourth. The Office of Science and Technology has a great number of important duties for a limited staff. Funding of additional environmental staff services in this office is therefore complicated and unlikely to produce the required level of effort.

Fifth. While science and technology can bring important facts to environmental decisionmaking, this information is only a part of what is necessary. Therefore, the emphasis on science, which the announced role of Office of Science and Technology suggests, is misleading and could decrease the availability of non-science inputs to the President.

Sixth. The present Citizen's Advisory Committee is a renaming of a former group established for recreation and natural beauty. Its membership is not chosen—and is therefore not adequate—for the task of environmental quality and productivity studies. Support for this group has been meager—via the Bureau of Outdoor Recreation of the Department of the Interior—and is likely to be curtailed further because of the unwillingness of the Congress to sustain such indirect funding.

Seventh. An independent advisory body established by statute as proposed in this bill, would command the funding support of the Congress, thus enabling the establishment of an adequate, highly competent staff.

Eighth. A mandate of independent review would attract persons of the highest character and expertise to serve as Council members. The goal of complete and objective structuring of the available facts and ideas would bring outstanding scholars to the staff. The stature of the Council and its staff would stimulate improved performance of all organizations concerned with the environment.

Thus, Mr. Chairman, passage of this legislation would add a complementary step to that taken by the President. Both the legislative and executive branches are well agreed on a national policy for the environment. The electorate has the will power and the purse power to accept decisions for an improved management of our natural surroundings. Let us now construct the institutional arrangements which will put policy into practice.

Mr. Chairman, I join my colleagues in urging prompt passage of H.R. 12549.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I echo the sentiments of those who have spoken heretofore this afternoon in connection with the dire need for legislation of this type. I am particularly interested in the pollution of the air which is caused by the emissions from automobile engines. I do hope that sufficient time and attention will be given to this question.

This legislation, H.R. 12549, to establish a Council on Environmental Quality is long overdue.

For too long, we have stressed technological progress, assuming that our environment could take care of itself. We have found that unfortunately it could not, and the result of our neglect is that our environment is becoming increasingly unlivable. Schoolchildren in Los Angeles cannot exercise outdoors on certain days because the smog level is too high. Street corners in Tokyo now must come equipped with pure oxygen so that motorists can prevent themselves from becoming asphyxiated.

I support this legislation today for the same reasons I introduced H.R. 12265, legislation to accomplish the same objective, last June. I believe a new set of priorities is needed in national policy emphasizing the creation, restoration, and maintenance of a habitat in which people can live more healthful lives and better enjoy their physical surroundings.

The American Chemical Society has recently put out an excellent report entitled "Cleaning Our Environment: the Chemical Basis for Action." This report examines our technological capabilities for doing something about pollution and comes to the conclusion that willingness to act, and not technological capability, is the major obstacle to action. What it points out is particularly true of automotive pollution. The report suggests that there are a number of practical alternatives which could be utilized now to lower the pollution level from automobiles if only the auto industry would act. The auto industry, like most of the rest of the society, will act, however, only when compelled.

The individual acts against pollution, if he acts at all, in accordance with his own self-interest. This is fully as true of the man in the street as it is of the legal person called the corporation or of any Government agency. Companies may rail at the actions of pollution control officials, but how many companies have acted to abate pollution without some inducement in addition to the simple desire not to pollute, be it improved public relations, the possibility of profit, or threat of legal action? Self-interest is, of course, old to the affairs of men, and society deals with it generally, in the larger good, by striking a balance called the law.

Since I introduced legislation to ban the internal combustion engine in July I have come into contact with numerous technological improvements which could be employed by the auto and oil industries to lower the emission levels of automobiles. Among these are alternatives to the internal combustion engine itself. The auto industry tells us that steam and electric engines are not practical, yet we find backyard inventors and smaller companies with little capital and few facilities able to develop working, and in many cases inexpensive, steam and electric engines. A recent article in the Los Angeles Times documents one such engine, developed for the State of California:

Return of Steam Age? New Car Engine Could Cut Air Pollution

(By Irving S. Bengelsdorf, Ph. D.)

You get into the car, insert the key into the ignition, turn the key, wait about 7 seconds, press down on the accelerator and drive off smoothly and noiselessly. You are driving an automobile equipped with a simple, powerful, inexpensive, lightweight, compact, fast-starting and non-air-polluting steam engine.

Is there such a steam engine? Indeed, there is. Using the latest technological developments in combustion, air flow, metallurgy, measuring instruments and control devices, General Steam Corp., Newport Beach—formerly Thermodynamic Systems, Inc.—has solved the difficult engineering problems that have plagued steam engines in the past. GSC has designed and constructed a steam engine that shortly will be installed for testing in a California Highway Patrol car.

The modern steam engine offers many advantages over the internal combustion engine. Consider air pollution. Don. E. Johnson, GSC executive vice president and general manager, points out, "In testing during 1967, a 1963 car with no smog controlling device produced 596 parts per million of unburned hydrocarbons to pollute the air, even after a tune-up. A 1967 automobile, equipped with California smog devices, cut its production of air pollutants to 267 ppm. However, a 1960 steam car, with no smog device and no tune-up, produced only 20 ppm hydrocarbons."

Or, consider simplicity. Lift the hood of a steam engine and there are few parts—no carburetor, distributor, set of spark plugs or smog devices. Unlike an internal combustion engine that operates by a series of timed, discrete, high-pressure explosions that take place within individual cylinders, a steam engine burns fuel smoothly and continuously at low pressures.

So, steam engine combustion is more complete, tosses out less carbon monoxide and nitrogen oxides and fewer unburned hydrocarbons, and does not require leaded fuel.

Thus, the use of steam engines to propel automobiles would not only help to purify our air, but it also would permit us to use a cheaper fuel (kerosene is easier and less expensive to produce than gasoline), and it would eliminate the need for toxic lead additives that ultimately pollute the landscape and ourselves.

Nor is this all. The GSC steam engine needs no internal "motor oil." New advances in metallurgy have made it self-lubricating. And, there is no need for a bulky, massive air conditioner. Use of steam pressure with a small, solid-state device about one-half the size of a pack of cigarettes cools the car pleasingly in hot weather. If the temperature outside is below freezing, a small pilot light keeps the steam generator warm, preventing the water from freezing.

The water that is used to be changed into steam to drive the GSC-steam engine is in a sealed, recirculating system. Once the water is added, additional water should not have to be added for the original water should stay in and be used over and over again to make steam. And the car is explosion-safe. At any given moment, only a pint of water, at the most, is being changed into steam. There is no evidence that any steam-powered car in the past had an explosion due to its steam system.

GSC steam engines can be made in the form of reciprocating engines, turbines or rotary engines. The new steam engine technology opens up a great deal of versatility and flexibility to engineers involved in the design and construction of engines for cars, ships, helicopters, pumps and the generation of small amounts of electrical power.

So, unlike some previously publicized steam engines, an excellent alternative to the increasingly complex internal combustion engine is just around the corner. The modern steam engine can play a key role in the cleansing of our air.

But, a mass-transit system operated by steam not only would clear out skies, it also would solve the traffic congestion problem at the same time. For as long as we depend exclusively on personal automobiles—one person to a car—to move from A to B, there will be horrendous traffic jams, regardless of what kind of power plant is under the hood.

I hope the Council on Environmental Quality will thus not just examine the problems of nature as they apply to the wilderness, but will face up to environmental problems like air and water pollution, which affect our cities, and serve as a lobby for action.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to my distinguished friend, the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, I rise in support of H.R. 12549 to establish a Council on Environmental Quality to advise the President and, through him, the Congress on steps that should be taken to improve the quality of the American environment. The Council would also submit a report on foreseeable trends affecting the status of the environment in an attempt to forestall future devastation of man's most valuable commodity—his natural surroundings.

At a crucial juncture in the future development of our great Nation, we cannot afford to ignore the deplorable condition of many of our natural resources, the building blocks on which our future greatness depends. While steps have been taken to improve and preserve the quality of the environment, both by the public and private sectors, there is a distinct need for the proposed Council to coordinate these sometimes haphazard efforts and to plan for the future. The commitment, in view of the vast amount of work to be done, cannot be part time. The problems demand full-time expertise and attention.

As the representative and citizen of a district which has the dubious distinction of claiming within its boundaries a river that periodically catches fire and which borders on a lake referred to as the "Dead Sea," I am particularly concerned with measures which would improve the condition of these and similarly afflicted areas. Water pollution, however, is far from our sole environmental problem. The state of the air in Cleveland is at times barely breathable at best. This unfortunate situation exists in virtually all our large industrialized metropolitan complexes.

The residents of Cleveland are calling for the amelioration of conditions, as are concerned citizens throughout our Nation. These interested individuals may make strides privately or may appeal to local and State governments, but access to sophisticated research and development techniques are limited. In addition, their goals, in general, are specifically related to immediate conditions. The formation of the Council on Environmental Quality would function to coordinate these efforts, lending their expertise with a broad and independent overview of current and long-term trends, saving local interest groups duplication of mistakes and apprizing them of success in other regions.

Last week 6,000 public works experts held meetings in Cleveland, pooling ideas on how to cope with America's environmental problems. Much more needs to be done, however. An annual meeting of this nature does not lend itself to the free and efficient flow of information.

I believe if we had had the annual report on the status of the environment which this bill will produce, a much greater understanding of the problems would exist. And public understanding is basic to obtaining the willingness to make the efforts and expenditures to restore and maintain environmental quality. Our legislative efforts in air, water, and solid waste control, in land use planning, recreation, and natural beauty, and other environmental affairs have given us a good start. The bill today will add another powerful tool in the very difficult task of improving our surroundings while continuing to extract a high standard of living.

I feel that the establishment of this Council is essential and urge support of H.R. 12549. The success of this type of organization is everyone's success in a world in which man can be his own worst enemy.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I rise in support of H.R. 12549, to establish a Council on Environmental Quality.

We of the 20th century have leaped technological barriers which for thousands of years baffled and blockaded mankind's progress. But in our haste to expand and modernize our cities, exploit our highways, airways, and waterways, and to wrest from the earth its crops and minerals, we have forgotten the immutable law of nature. All things must remain in balance or the harmony which makes life not only tolerable but possible will be destroyed.

Lake Erie is a tragic example of the mindless abuse men have heaped upon nature in the name of progress. Many of you in this House who remember this lake from your youth know that it was a productive, beautiful body of water. Today it is near death, its harvest of fish reduced only to perch, its waters unfit for swimming, and even when chemically treated so that it is potable, so unappetizing in color and aroma as to be scarcely drinkable. It—and thousands of lakes, streams, and rivers across the Nation—are victims of "techno-illogical" advance: The dumping of sewage, industrial waste, dredging and the runoff of nitrogen fertilizers. Miles of Erie are so choked with algae that all other marine life is strangled. Ecologists tell us the lake is doomed if immediate, massive help is not forthcoming.

Water pollution continues to be one of the Nation's most critical problems, yet we are failing to meet the crisis.

And it is only one of the environmental tragedies threatening our country. While algae and waste products choke life from our waters, automobile and industrial fumes are choking life from the air we breathe. Management of our air environment depends on a knowledge of how contaminants flow, disperse and are converted into other physical and chemical forms, and how they can be contained. Our knowledge is woefully scant in this field but we do know that air pollution is literally poisoning the lungs of millions of urban dwellers.

We only are beginning to realize the deadly dangers of pesticides and their residual effects on the food we consume. And we just are beginning to recognize the long-term consequences of the destruction of topsoil in strip mining.

These problems demand the sort of legislation we are acting on today, if we are to reverse the collision course with catastrophe we are following. I am particularly impressed by the scope of the proposed Council—to set forth "the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, land, range, urban, suburban and rural environment."

I endorse this legislation wholeheartedly and urge the House to give H.R. 12549 its unanimous support.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Connecticut (Mr. DADDARIO).

Mr. DADDARIO. Mr. Chairman, I would like to ask the gentleman from Michigan a question.

The gentleman in his earlier remarks referred to a bill in the Senate which I presume was unanimously passed and which I further presume was the bill submitted by Senator JACKSON.

Mr. DINGELL. The gentleman is correct and that bill is now on the Speaker's desk.

Mr. DADDARIO. I had the impression that the gentleman referred to that bill as being identical to the bill now under consideration.

Mr. DINGELL. I said "substantially identical," or "substantially the same."

Mr. DADDARIO. In being substantially identicial, would the gentleman indicate whether or not this bill includes in it title I of the bill which was passed by the other body?

Mr. DINGELL. The bill now before this body, I will say to my good friend, the gentleman from Connecticut, does not include the same policy statement, but H.R. 12549 does include a policy statement which the subcommittee and the committee regarded as being extremely valuable in accomplishing the thoughts set out in the policy statement in the Senate bill.

Mr. DADDARIO. Mr. Chairman, it is my feeling that the policy statement which is included in the Senate bill is an extremely important part of that legislation, and that it ought to be included in the legislation which is passed here in the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 30 additional seconds to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, it is my intention to offer an amendment for that purpose, and I intend to do so unless I could have assurances here that the committee in conference on this particular matter would take into serious consideration an adjustment to the Senate position in this regard.

Mr. DINGELL. I have to say in response to the inquiry of my good friend, the gentleman from Connecticut, that the conferees are not yet constituted. If I happen to be a conferee I certainly will look with sympathy with regard to the statement of policy in the Senate version. But I am sure the gentleman from Connecticut is aware of the fact that the managers on the part of the House cannot go forward without specific instructions from this body.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding.

It seems to me, Mr. Chairman, that far too infrequently do we have measures which come before us which are both important in concept and also urgent in concept. Sometimes we deal with important matters that do not appear urgent, and sometimes we deal with urgent matters which on a broad measure may not be truly important. But I think in this measure today we have a measure which is both truly important to the future of this Nation, and which is also urgent.

In addition to that, if you will, we have an issue about which many of the people of this Nation are becoming, I think understandably and properly, deeply concerned.

When we deal with this basic concept of the environment we have something that we still can control in America, and do something about, and yet we have delayed in some areas of this Nation far too long in doing what we ought to be doing. We have a hodgepodge of information. We have a hodgepodge of tradition. We have a hodgepodge of laws which sometimes conflict with each other, and do not go about dealing properly and effectively with this problem which is a nationwide problem, and not a problem of isolated areas. We do not deal with it on a constant basis.

The bill that is before us dealing with providing a Council on Environmental Quality is an attempt to make order out of chaos. I believe that we in the House of Representatives would be derelict if we did not view this problem in its importance and in its urgency, and pass this bill today.

As a member of the subcommittee, and as one of the cosponsors of the bill, I urge my colleagues in the House to join today in fast action by approving H.R. 12549.

Mr. DELLENBACK. Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I do not want to appear as a wet blanket to what appears to be more or less of a love feast going on in the debate on a very important matter before the Committee at this time.

I doubt if anybody can really take exception to trying to protect our environment and at the same time trying to get man to realize his responsibility in protecting his environment and, also, at the same time to fit man into the necessary environment of this world.

This is a very complex matter on which we are spending a very limited amount of time today. I think it is only fair that the RECORD show how it developed.

By Executive order of May 4, 1966, the then President established the President's Council on Recreation and Natural Beauty, and at the same time he established the Citizens' Advisory Committee on Recreation and Natural Beauty of which the distinguished citizen of New York, Laurence Rockefeller, was appointed as Chairman.

Then by Executive order of May 29, 1969, the present President saw fit to abolish the then existing Council and Advisory Committee and established the Environmental Quality Council, and at the same time he established the Citizens' Advisory Committee on Environmental Quality and at such time the President appointed the distinguished gentleman from New York, Mr. Laurence Rockefeller, as its Chairman.

Several of our colleagues in the Congress, one of whom is our distinguished colleague from Michigan, Mr. DINGELL, introduced bills in both Houses seeking to have the Congress of the United States assume some responsibility in this matter.

It so happens that the matter of jurisdiction is all wrapped up with the five or six very important standing committees of the House of Representatives. The same situation exists in the other body. We find in this body that the Committee on Interior and Insular Affairs was given the legislation having to do with legislation that was presented in the other body, and the Committee in the other body on Interior and Insular Affairs handled its own legislation and received the approval of the other body.

But before they sent it over to the House they struck the title of the bill and inserted a new title which left it open generally to all the committees in the House having jurisdiction on the subject of environment.

The distinguished Committee on Merchant Marine and Fisheries of the House had their own bill. They got to work on it very effectively and it is now before this committee for consideration.

Because of various, I think, inadequacies and some controversy concerning the legislation, I shall seek to offer some amendments, only two or three of which are of substantial importance. The rest of them are clarifying amendments.

But I do think it is important to be advised that this legislation is not substantially identical as my good friend, the gentleman from Michigan states, to the Senate bill; that there is quite a bit of variance between them. But the differences between the two are, in my opinion, such that they can be ironed out by a conference committee between the two Houses. I am relying on that conference committee to help to take care of these differences.

I would ask my distinguished friend, the gentleman from Michigan, if he considers after we have passed this legislation—let us say that we do—and the President of the United States approves it, will there be any need at that time for the existence of a President's Environmental Council or a Citizens' Advisory Committee or Council on Environmental Quality?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. DINGELL. This matter was discussed in considerable detail with Dr. DuBridge, the President's Science Adviser. At that time Dr. DuBridge said there are two different functions, and his full quotation will appear at the bottom of page 4 and the top of page 5 of the committee report, wherein he pointed out that the function of a Cabinet-level advisory committee was one which could iron our difficulties and differences within the Cabinet, whereas the agency before us now has a much broader function, that is, one of establishing the whole national policy in this area, reporting to the Congress and providing an interplay by and between the Congress, the people, the President, and, of course, the agency itself. I would have to defer to the President as to the matter of judgment as to whether that particular agency should continue to exist or not. I think this is a matter that will have to be taken care of in conference, it so happens.

To date this body, the House of Representatives of our Federal Congress, has failed this year to provide any funds for the continuance of the activities of the President's own Environmental Quality Council, and the Citizens' Advisory Committee on Environmental Quality headed by Mr. Rockefeller. The reason we find ourselves in this particular situation is because there seems to be no authorizing legislation which would directly authorize the appropriation.

I am sure the Subcommittee on Appropriations of the House Committee on Appropriations would like to make the appropriation if they had some method of doing so. If there is this need, we should take care of it in conference.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Chairman, I reserve the balance of my time.

Mr. PELLY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I strongly support H.R. 12549, to establish a Presidential Council on Environmental Quality. It will be a most useful step in focusing the people's attention on the urgent need to stem the steadily deteriorating physical birthright of this generation of Americans and generations to come. The fact that our environment is really an interacting ecological system of dependent parts must be acknowledged and our efforts to restore it must be immediate and thorough.

We can and must restore the integrity of our natural environment. I would therefore hope that the Council on Environmental Quality, when created, will act as an ardent advocate of the need to protect our besieged natural resources, and not merely as a study group.

The establishment of a Council by the President will give Mr. Nixon the opportunity to seize the initiative in restoring the quality of our environment.

He must not fail this important responsibility, so that there will be a commitment to the establishment of a livable, decent environment by other political leaders, by scientists, and private citizens. The progress of technology must take into consideration the needs of the community.

The Ninth Congressional District of Illinois, which I represent, is in many respects a cross-section of urban America. It stretches along Lake Michigan from the Chicago River to the northern city limits containing a rich mixture of ethnic and cultural communities, teeming with life and a desire to make things better. There are industries, factories, universities, elegant stores on Michigan Avenue and small shopping areas. All in all, the Ninth Congressional District is one of America's unique places.

But my constituents, as the price they pay for living in a thriving industrial center like Chicago, are forced to breathe air that is little less than poisonous. In the United States only New York's air, if one can so designate its envelope of pollution, is dirtier. There are Federal, State and local air pollution statutes, but so far, in spite of these, the situation is only beginning to be checked. Unclean air takes its toll in respiratory diseases, in cleaning and laundry bills, in building exteriors which are covered with layer upon layer of industrial grime and soot.

Invasion of our part of the lake from the north and the south has been threatening for some time. This summer that part of the Lake Michigan shoreline which forms the eastern limit of the ninth district was suitable for swimming. But to the north and to the south along that same shoreline a dip in the lake involved the risk of bacterial infection. Unless some action is taken soon to reverse the spread of pollution in the southern end of Lake Michigan, my constituents

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will be subjected to that risk which is a shocking and unacceptable development. The invading contamination must be hurled back no matter what the cost for the lake as a national as well as our local treasure. Industrial polluters must be held to their responsibilities for a prompt cleanup.

But air and water pollution are only two environmental problems with which urban Americans are faced. It is up to us to make our cities cleaner, quieter, less crowded, and more human. We have some basic rethinking to do if we are even going to have a chance at making it all work.

For instance, we are going to have to learn how to recycle our industrial waste products instead of pouring them into the air or into our water supplies where they act as pollutants. To cite a single example, we vent into the atmosphere each year approximately 12 million tons of sulfur worth half a billion dollars. During that same year we extract 16 million tons of sulfur from the earth to support our modern civilization. The reasoning behind that paradox is that it is less expensive to mine new sulfur than it is to recover the old sulfur from industrial wastes. But somehow nobody mentions that pollution costs this Nation more than $20 billion annually in strictly economic terms. Its human costs are incalculable.

We have to recognize the uselessness of passing new air pollution legislation on the one hand and building new highways into the city on the other. What is accomplished if a new air pollution law cuts down the hydrocarbon content of automobile exhaust by 10 percent while new highways concentrate 10 percent more vehicles in the cities?

In the past we have always assumed that our water resources should be used to absorb industrial wastes, and in many instances the result has been to make them useless for any other function. The situation has reached the point now in the area of water quality that we must demand that nondegradation standards be adopted nationwide. A nondegradation standard means quite simply that any further degrading of the present state of water quality anywhere in the country is against the law.

Mr. Bertram C. Raynes, vice president of the Rand Development Corp., says of industrial polluters:

> The only sensible policy now is to force them to take care of their wastes properly. Simply to require that the water they dump be pure, regardless of its condition when they receive it. That the gases they vent be free of pollution. That their spoil doesn't in turn despoil other property or remain ugly, regardless of how poor the area might have been when they undertook their operations. Instead of comforting the public with statements to the effect that "there is no evidence that these pollutants have unfavorable effects upon humans," let's see some evidence that they are definitely not harmful.

When Congressmen brought up the inadequacy of technology to combat pollution in some cases, and asked Mr. Raynes whether he thought the laws should be passed anyway, he answered simply:

> Necessity has always been the father of technology.

But no matter how much we do to make our cities more livable, they will remain cities. Hopefully, they will be a little cleaner and a little quieter—but they will still be crowded centers of activity. Cities will still have more culture than rural areas—more diversity, more dissension—more people, and more pressure.

Thus, in addition to improving the quality of urban life we must provide an alternative to it for those times when a man's spirit demands respite from the rigors and frustrations of city living. More areas will have to be set aside within and near urban areas where a man can take his family for an afternoon or a weekend or a camping trip during the summer. As our population grows, more recreation areas and parks will be required so that every American child will have the opportunity to see a duck take flight from a pond and learn the difference between an oak and a maple.

And, finally, we have to develop a new respect for our wilderness areas. As Americans, we should remember that our Nation was conceived in the wilderness and was shaped in character by the interaction of civilization and the natural frontier. Thus far in our history we have too often looked on the wilderness areas of our country—the vast stands of primeval woodlands, the powerful rivers and clear streams, the mountains and the valleys—as places where nature can be converted into profits. We have been trading away chunks of our natural heritage for short-term economic advantage.

We have forgotten that wilderness is to be valued for its own sake, as a place where man can learn about his world and his place in it. Many of our remaining wilderness areas are unique ecological systems whose balance of interaction between various animal and plant species and the physical environment can never be restored once it is impaired by a new road, a new airport, a mine, or a logging operation. There are many wilderness areas in the United States—the Everglades, the Great Swamp in New Jersey, the Cascades, the Indiana Dunes, to mention just a few. We must protect them all.

We must reject the conventional wisdom that there is something inevitable about the whittling away of nature's wonders. Instead, as David Brower has urged:

> We shall seek a renewed stirring of love for the earth; we shall urge that what man is capable of doing to the earth is not always what he ought to do; and we shall plead that all Americans, here, now, determine that a wide spacious, untrammeled freedom shall remain in the midst of the American earth as living testimony that this generation, our own, had love for the next.

Mr. SAYLOR. Mr. Chairman and members of the Committee, our distinguished colleague, the gentleman from Colorado, has explained one of the difficulties which has arisen with regard to this bill. I am satisfied that one of the responsibilities of the Congress is to establish whatever national commissions are in order. We have established others, and the mere fact that the President and prior Presidents have established councils or commissions on environmental quality should not deter this body from properly passing legislation granting congressional sanction. I believe it is the responsibility of the Congress to legislate and the Executive to carry out the mandates of the Congress.

The bill before us was so drafted that it amended the Fish and Wildlife Coordination Act, and as such, went to the House Committee on Merchant Marine and Fisheries. The bill, S. 1075, which passed the other body and is now on the Speaker's desk, and that bill which has been supported by other Members of this body, merely authorizes the Secretary of the Interior to conduct these investigations relative to the Nation's ecology, its ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality, and called for reports by that Council to the Congress.

As a result of meetings between the members of the Merchant Marine and Fisheries Committee and the House Interior and Insular Affairs Committee, practically all the difficulties between these two bills have been worked out, and as Mr. ASPINALL explained he has a series of perfecting amendments which will, in substance, change the bill so that it will become, rather than an amendment to the Fish and Wildlife Coordination Act, a substantive piece of legislation in and of itself, establishing a Council on Environmental Quality.

This Council on Environmental Quality will, I believe, be of great importance. I shall tell Members just a few of the reasons why. Its work will be absolutely necessary if mankind is to survive, and we are to be informed by some of the outstanding ecologists in this country and in the world on how to establish a balance in our environment between our exploding population and the depletion of our natural resoures in order to permit a continued high standard of living and the ability to share many of life's amenities. Up until this point we have not tried to have any schedule or any program to consider the total environment of this country or even how it relates to other countries of the world.

I think it is necessary because in this country we are also exhausting some of our depletable resources, and I think it is necessary for a Council on Environmental Quality to study these depletions to determine what is the right manner in which various resources should be depleted—some faster than others probably.

These are the kinds of problems that this Council can and must solve, and must report on to the Congress, because the Founding Fathers intended this body and our counterpart on the other side of the Capitol to legislate on matters affecting the people.

For these reasons, and, with the amendments which will be proposed by the chairman of the House Committee on Interior and Insular Affairs, I support this legislation and ask that it have the united support of all Members of this body.

Mr. PELLY. Mr. Chairman, I yield

such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Chairman, I rise in support of this bill.

Conserving our natural resources is becoming our No. 1 domestic problem. If we destroy our environment, we destroy everything.

While various agencies may be working on this problem, we hope the Council, authorized under this bill, will be able to coordinate all work in this most important field.

I urge the passage of H.R. 12549.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, I rise in support of H.R. 12549, to provide for the establishment of a Council on Environmental Quality.

It is because of my conviction that a Council of this type is necessary that I authored a proposal identical to the one by the gentleman from Michigan (Mr. Dingell) and others that we are debating today. I do not believe that we can any longer afford to give our environment little more than passing attention. There are those who already feel that because of population pressures, new technology and an inadequate public and private desire, we are, in fact, already overwhelmed by the problem.

Last week, Col. Edwin Aldrin stood before us in this very Chamber and stated:

> The Apollo lesson is that national goals can be met where there is a strong enough will to do so.

The passage of this legislation should signal that we do have the will to preserve our environment.

It would establish a Council whose sole purpose is to consider implications for our environment when decisions are made by the private sector of our economy and by other departments and units of Government. For too long we have given economic considerations greater weight than environmental considerations and the result is surely becoming obvious for even the most shortsighted among us—a tasteless environment and an injured one.

Some questions have been raised about this proposal on the grounds that this new Council will conflict with the Interagency Environmental Council recently established by the President. They say that there is no real difference between the tasks or the organizations of the two. I do not believe this is true.

One difference concerns the composition of the President's Council. That Cabinet-level Council is composed of very busy men with vast governmental agencies to run. That committee cannot be expected to do the long-range planning and does not have the training and expertise needed to delve into the complex problems of the environment.

The other difference is one which any legislator who has ever dealt with a bureaucratic department should understand. Any department of Government is concerned first of all with the programs within its jurisdiction and only secondarily with the implications which the carrying out of its programs have on others areas of concern. The great danger presented by an interagency Council of the type proposed by the President is that when you get people from various Government departments sitting down at the same table they will be tempted to say to each other, "you stay out of my bureaucratic backyard, and I will stay out of yours."

As a consequence of that attitude, environmental considerations will be given little weight. The main goal of each of the participants is likely to be the protection of his jurisdiction from outside interference rather than the preservation of our environment.

This problem is not necessarily unique to the question of the environment. In Wisconsin several years ago we faced the same argument in the field of mental health.

When considering whether to have an interagency committee on mental health or a coordinating committee on mental health with outside experts as members, the Wisconsin legislative committee which recommended the creation of the advisory committee said:

> It is apparent that *stimulation* and *coordination* in the field of mental health is imperative; this stimulation and coordination cannot be expected from one of the departments engaged in mental health activities nor from a commission composed exclusively of representatives from the departments involved.
>
> In addition to the need for stimulation and coordination, there is a need for *constant evaluation* and *research* of all mental health activities and programs.

These words are as true for a consideration of the environment as for the consideration of mental health problems.

Stimulation into new avenues of research can only come from the outside because it is impossible for those who are involved with departmental programs to evaluate them without bias. It would be unlikely, to say the least, to expect an individual to engage in a critical review of another department or policy if that person knows he will be subject to the same critical review by his colleagues a few days later. Evaluation of government programs is a sensitive job and one which cannot be carried out effectively solely by those who have a special stake in the outcome. For these reasons, while I commend the President for his initial action, I feel the Congress must take further steps.

This bill would minimize bureaucratic back scratching. For that reason, I strongly support the measure before us today. I congratulate the gentleman from Michigan (Mr. Dingell) and the other authors of the legislation, and I would like to especially commend the members of the Merchant Marine and Fisheries Committee and its able chairman, the gentleman from Maryland (Mr. Garmatz).

There is more that can be done in environmental quality and I would like to see a stronger bill. But this legislation will be a good first step in our newly found willingness to attack the environmental problems before it is too late.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to my good friend the gentleman from New York (Mr. Biaggi.)

Mr. BIAGGI. Mr. Chairman, this bill, H.R. 12549, is another valuable contribution from the Congress to the array of administrative forces against pollution and other threats to the continued quality and productivity of our environment. These two concepts are the essence of the issue. Quality—because we must restore and maintain the diversity and vitality of all the living landscape. Productivity—because we are a burgeoning technological society with great dependence on natural resources. If we cannot harmonize our civilization with the principle of ecology then nature, and not mankind, will ultimately dictate the course of events.

I have been proud of the leadership shown by the Congress in environmental affairs. The Air Quality Act and the Water Quality Act were developed over a decade of legislation. Scenic rivers and scenic trails laws have originated in this branch of Government. Modern agricultural practice, mining and forestry laws, and natural beauty protection have evolved from the hearings and debates of various committees.

Thus, the Council on Environmental Quality is one more necessary governmental institution, the need for which has been recognized by the Congress. This is not to disparage in any way the efforts of the President and his Cabinet coordinating group. The support of the executive agencies is essential if action programs are to be carried out in consonance with a national policy for environmental enhancement.

But an advisory council such as provided by this bill, with a statutory link to the Congress and an independence from Federal departments, will fill a unique role. It will collect, evaluate, and present authoritative data in an annual report on the status of the environment. It will serve as a channel of information from State and local governments, private industry, and citizens groups. It will take a long-range view with no need to sacrifice our natural heritage to political or economic expediency.

I strongly endorse the Council on Environmental Quality and urge the adoption of this measure.

Mr. MINISH. Mr. Chairman, I am pleased to support H.R. 12549, a bill providing for the establishment of a Council on Environmental Quality within the Executive Office of the President.

Not only is pollution worsening, but so far we have not done anything to insure the ecology problems are carefully studied. It is not enough to dip cleansing agents into a stream, or try to swish the air clear with a spray. To achieve the desirable result, the eventual affects of such actions upon living organisms must be studied. I believe H.R. 12549 makes a good start in this direction.

The Committee on Merchant Marine and Fisheries, which reported out H.R. 12549, says:

> The problem is deep and it touches on practically every aspect of everyday life, economic, scientific, technological, legal and even interpersonal . . . it is a problem which we can no longer afford to treat as of secondary importance . . . if we are to reverse what seems to be a clear and intensifying trend toward environmental degradation.

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These significant facts must be acknowledged.

The administration has recently established an Inter-Cabinet Environmental Quality Control Council. However, it is patently clear that the Secretaries of the Interior, Agriculture, Health, Education, and Welfare, Transportation, Housing and Urban Development, and Commerce, together with the Vice President and the President, all of whom will serve on the Council, will have little enough time to devote to the subject of a stable and healthful environment.

Science Advisor Dr. Lee A. DuBridge has testified that he hopes to have a staff of six professionals and an equal number of supporting clerical staff assigned to this Council. The Committee on Merchant Marine and Fisheries has suggested 55 professionals and 20 to 30 clericals as a workable number of members for the Council on Environmental Quality set up under H.R. 12549. Although it is good to know that the administration is interested in this overriding issue, I would be set more to ease were I to know that the Congress had shown its intent by setting up a Council with its complement of staff. The staff under this Act would entirely devote itself to the problems at hand.

At recent hearings on H.R. 12549, Dr. David M. Gates, director of the Missouri Botanical Gardens and chairman of the board of advisers to the Ad Hoc Committee on the Environment, said:

> It is not unlikely that our generation or the next one or perhaps the one after will have reached the pinnacle of quality and after that it will be a downhill slide. There is a finite amount of energy to be consumed. There are a finite number of resources.

Something must be done. That is why I support H.R. 12549 unreservedly. Too much is at stake.

Mr. DOWNING. Mr. Chairman, I am one of the sponsors of this bill and I enthusiastically support the purposes and the goal which it seeks to achieve.

Very simply, the bill creates a Council of five members appointed by the President, who will analyze environmental information and recommend national policy to promote the improvement of our environmental quality. The Council will report directly to the President and he, in turn, will report the findings and recommendations to the Congress.

I have no doubt that such a Council is necessary. The President has many advisors available to him with knowledgeable experience in all fields. He does not, however, have a panel of advisers whose main concern in the environmental problems of our Nation and the world. For the sake of our Nation's health, it is imperative that he have this advice.

As has been stated previously, mankind is playing an extremely dangerous game with his environment. Unless he stops, unless he changes his ways, he faces a strong possibility of extinction. Our industrial revolution has given us a magnificent technological progress that staggers the imagination. But along with benefits it has brought deteriments and we must realize this.

Jamestown Island, the site of the first landing of the colonists in America, lies within my district. Several years ago, a well-known artist was commissioned to paint the scene of the three small ships at anchor in the James River as it appeared over 350 years ago. He did so, executing a beautiful painting showing the tiny ships on a blue James River. I am told the local committee questioned accepting it because, as every one knows, the James River is grayish in color—not blue. When the artist was questioned, he sincerely answered, "It was blue then." We shall not see a blue James River again but hopefully it will not get any grayer.

Man must learn to live in harmony with his changing environment. This bill is a step in the right direction.

Mr. BENNETT. Mr. Chairman, I am pleased to support H.R. 12549, a bill to create a Council on Environmental Quality, and I congratulate the chairman and committee for reporting it to the House. This legislation will provide for a permanent agency in the Executive Office of the President to work toward a national policy to relate man and his work to the total environment.

This is an important first step in defining protected areas where Americans can live and enjoy happy and productive lives. The five-member Council will be charged with insuring our citizens of open and naturally attractive areas they and their children and future generations can enjoy.

The population explosion, the movement from the towns to the cities, natural changes and industrialization have transformed our Nation into an environmental hobgoblin.

We are now living a nonquality life because our builders and leaders have moved too fast with brick and mortar with little regard to what changes have been made in our living space.

> It is primarily a matter of how fast or how long one wishes to live at certain quality.

Dr. David M. Gates, director of the Missouri Botanical Gardens, said in the hearings on the bill—

> One can live high and short or slow and long. Civilization cannot do both.

It is obvious we are living high and short. We are doing this with little planning and thinking about the quality of our lives. I like what Don Marquis wrote:

> If the world were not so full of people, and most of them did not have to work so hard, there would be more time for them to get out and lie on the grass, and there would be more grass for them to lie on.

What we are considering today is where the grass will be in another generation. I believe this bill, which is similar to one I introduced in the 89th, 90th and 91st Congresses—to provide for a study of our ecology—will develop the type of program and national policy to make sure we will live in "America the Beautiful."

Mr. DADDARIO. Mr. Chairman, the bill under consideration reflects the broad concern of the public and of the Congress over the quality and productivity of our natural environment. It seems quite probable to me that we will pass some version of this legislation. I intend to vote for it.

However, there is a serious deficiency in the bill as reported out of the committee in that it lacks a statement of national environmental policy as presently interpreted by the Congress. Not to include such a statement would be to miss a great opportunity to lead this Nation out of the complex of program objectives which bring about present environmental degradation. The resolution of conflicting agency activities cannot be accomplished easily unless there is a commonly accepted policy guideline.

If the House does not endorse a policy position today, I am sure we will be faced with such a requirement when this bill goes to conference with the Senate. It is unnecessary and improper that we be put in that position since the diverse hearings of the past few years before several House committees have established the basic principles of environmental policy.

When we held hearings on Environmental Council bills before our Science Research and Development Subcommittee in 1968, we deferred action at that time because it was not clear as to what organizational changes would be made in the executive branch. Last summer, in the Joint House-Senate Colloquium on a National Policy for the Environment, it became apparent that, regardless of organization, a strong policy statement was desirable and that it was the responsibility of the Congress to take the lead in formulating this policy.

The report from the colloquium suggested elements of national policy and these were forwarded by me for comment to the administration. On April 24, 1969, I received a detailed reply from the Executive Office of the President endorsing the congressional policy suggestions and adding several important elements. I inserted this correspondence in the Congressional Record on May 20, 1969, page 13148.

The general agreement on these elements of policy was further evidenced by the language in title I of S. 1075, passed by the Senate and sent to the House in July 1969. Believing that particular words are unimportant as long as the principles are the same, I adopted title I of S. 1075 as title I of my bill, H.R. 13272, the Environmental Quality and Productivity Act of 1969, introduced for myself and the gentleman from Ohio (Mr. Mosher) on August 1, 1969. On that date I documented in detail the 3-year history of our committee work in environmental affairs—Congressional Record, August 1, 1969, page 12828.

The Members of this House must recognize the great interdependence of man and his environment and the ultimate requirement for harmony between his actions and ecological principles. We should recognize a human right to a healthful environment and a personal responsibility for preservation and enhancement of these values.

We must call on all agencies to conform their activities to these policy statements. This directive should provide an administrative route for redress of grievances by citizens groups who now must go to court in order to bring the rights for environmental quality into balance with Federal or private operations.

The original of national policy for the environment can be traced back over the past several years. There was apparent a growing concern of citizens everywhere that the earlier guidelines of economic exploitation were yielding byproducts of determination, pollution, and esthetic offense. Many organizations in government and the private sector began studies and programs to describe the cause and effect relationships between society's actions and environmental quality. At the same time, increased productivity from the landscape was demanded by a growing world population and desire for higher living standards. These studies found that environmental quality and productivity go hand in hand. In fact, in the long run the most productive environment is one which is kept at a high state of quality.

Therefore I call on the sponsors of the subject bill to include a strong policy statement when this bill comes back to the House from the conference committee. In doing so, the House will stand with the Senate in a position of leadership, serving notice on the executive agencies which come before our various committees that the entire Congress has agreed to restore, maintain, and enhance the quality of air, water, and land resources for continued productivity and enjoyment of our society far into the future.

Mr. Chairman, the bill being considered under the rule would authorize the President to appoint a five-man Council on Environmental Quality. The amendment offered by the gentleman from Colorado (Mr. ASPINALL) would omit the necessity of the President seeking the advice and consent of the Senate for these appointments.

In my opinion, the amended bill would also leave the President free to appoint at least five members of his present Citizen's Advisory Committee on Environmental Quality to the newly established Council on Environmental Quality. Such flexibility would satisfy, to a degree, the provisions in my bill, H.R. 13272, which would have provided a statutory base for the Citizen's Advisory Committee on Environmental Quality. My purpose was to preserve the momentum of executive branch activities recently initiated by the existing cabinet council and the citizens advisory group. I have been concerned that the congressional action under discussion might be viewed as confusing, duplicative, and unnecessary. However, if my interpretation is acceptable, the valuable talents in the group headed by Mr. Laurance Rockefeller could continue to serve as a channel for public and congressional inputs. The bill would provide staff services, just as was intended in my proposal.

Adequate help in gathering and interpreting the factual data base for environmental management decisions is essential. I would agree that the Office of Science and Technology, with its present limited budget must be augmented. This is not to say that Dr. Lee DuBridge, Dr. John Buckley, and other staff members involved are not extremely valuable in this role. They are doing excellent work and we must give them more assistance.

There is a question in my mind as to whether full-time service on the Council established by this bill is necessary. The role of the Council is in long-range planning and to act as a watchdog for the public and the Congress on the activities of the Federal departments. The best persons for these tasks may not be available to serve full time but would be willing and able to contribute on a part-time basis as does the present advisory committee. As I read the bill there is no requirement that the Council members serve full time, having no other employment.

Another minor problem in this bill is that the President has named his Cabinet group the Environmental Quality Council. This bill creates an independent Council on Environmental Quality. The obvious confusion in names for these groups with distinctly different duties is unfortunate. I would hope that the sponsors of the bill would in conference rename the congressionally established group as something other than a council.

Mr. DONOHUE. Mr. Chairman, because it is unquestionably in the immediate and long range urgent national interest I am supporting this bill before us, H.R. 12459, to create a Council on Environmental Quality and I hope the House will overwhelmingly approve it without extended delay. This measure recognizes and responds to the imperative necessity to legislatively initiate a strong, independent review of our total environment, the causes by which that environment has become increasingly dangerous to human life from pollution and poison and the means through which we may begin to meet these dangers in order to prevent our own unwitting self-extinction.

Let us emphasize that, at present, there is no unit or commission or other body in existence that can provide this Nation and our Government with an abstract, critical appraisal of various Federal programs and activities related to the environment and from which we could receive broad policies and recommendations for expedient improvement of our environment.

Mr. Chairman, it is universally recognized and admitted that our complex environmental issues and answers require legal, economic, social, management and systems analysis as well as scientific study in order to be of realistic value and effect.

Every school child and adult in this country is well aware that the advance of modern technology, however great its material benefits, has been unrestrained in its accompanying afflictions upon us through byproducts that increasingly poison our air and pollute our waters. The Federal Government has spent vast sums of money on different aspects of and approaches to this critical national problem. Yet there is no independent source of review of the total environmental situation nor any agency to provide the President and the Congress with an estimation of the priorities that should be assigned and the activities that should be coordinated to meet and overcome this problem.

In considering this measure before us, the House is demonstrating its interest and concern that every American has a fundamental and inalienable right to a healthful environment. In approving this bill the House will be fulfilling its legislative duty of insuring that this right will become a reality in the most prudent manner at the earliest date. I most earnestly urge my colleagues therefore to speedily adopt this measure which I believe is imperative to the public interest and our national survival.

Mr. COHELAN. Mr. Chairman, it is a pleasure to rise in support of H.R. 12549, the bill to establish an Environmental Quality Council.

I think we are all pretty much in agreement in this House on the need for such a Council. All we need to do is pick up the newspapers or take a good look around us and we read or we see deterioration of our environment. For the most part, it is a deterioration caused by man.

We are only now beginning to feel the impact of overpopulation. We know that the effects of this problem places great stress on our existing institutions and facilities. Our real problem is trying to produce goods and services sufficient and suitable to man's needs.

We read of smog-filled cities and of polluted waters, a serious danger not only to mankind, but also to all wildlife and plantlife. We continue, almost unchecked to mar and deface our landscape and to ruin and destroy the few remnants of natural beauty remaining. We know the dangers of radioactivity and nuclear testing; dredging and filling of productive estuaries; drainage of wetlands; deforestation and soil erosion; defacing of land through stripmining; and ground water depletion.

Such development must no longer be allowed to go unchecked. We are fast becoming a victim of our own technology and progress. Man and his environment are vital to each other; the development and protection of one is dependent on the development and protection of the other.

The proposed five-man Council would provide a broad and independent overview of existing and potential problems that affect the quality of our environment. The bill would also require the Council to report annually to the President on the status of various aspects of the American environment. The President is required by this act to submit an annual report to Congress on the condition of the environment, current and long-range trends, utilizing the environment, and an evaluation of the impact on these trends on national requirements. The Council itself would maintain a continuous review of Federal policies and activities that influence environmental quality and will have the authority to conduct studies that are deemed necessary to carry out its mandate. I feel that the establishment of an independent Council will also assist in the coordination of various Federal programs and provide a means in assisting in resolving internal policy disputes. The Council, in short, will provide additional

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assistance for both the President and Congress in meeting the environmental problems that have been created by advancing technology.

Mr. Chairman, I submit that this bill to establish an Environmental Quality Council is a most valuable addition to attempt to solve the most serious problems of environmental pollution. I urge the adoption of this measure by this Chamber.

Mr. FREY. Mr. Chairman, even as we gather here today, the quality of man's environment on earth is slowly decreasing. While such ecological disasters as the ruptured oil well off the Santa Barbara coast make the headlines and bring about a national concern, we must also be concerned about the environment on a long-range basis. The deterioration of the various facets of man's environment is becoming more and more noticeable. The coastal zone which surrounds so much of Florida is a prime example of this deterioration. Pollution of outlying regions and its effect on inland waterways, the washing away of literally hundreds of feet of beautiful beaches by waves, hurricane damage and the incorrect utilization of the delicately balanced ecology which forms the habitat of important fish and wildlife are only a few examples.

Marine environmental problems and their solutions will become even greater as private industry more and more realizes the wealth which lies beneath the ocean floor. And this is only one of our environments. One of the more important general questions relative to man's environment is whether or not the world's population will have enough to eat in the 21st century and beyond.

Our Federal, State, and local governments have spent great amounts of money in efforts to define the various problems in the environment and then arrive at workable solutions. This bill, H.R. 12549, will provide us for the first time with a council which will make an independent review of the total environmental situation and provide both the President and Congress with an estimation of the priorities which should be assigned to the various aspects of the problem. I urge your support of the legislation.

Mr. MONAGAN. Mr. Chairman, I am supporting the bill (H.R. 12549) to provide for the establishment of a permanent Presidential Council on Environmental Quality. This bill is an important first step in formulating a national policy for environmental quality.

The Council on Environmental Quality would oversee Federal, State, and local programs aimed at improving the environment and would assist the President in the preparation of an annual message to the Congress on the state of the environment, just as the Council of Economic Advisers assists the President with his annual message on the state of the economy.

I welcome these legislative steps toward the creation of a national policy for environmental quality and a governmental capability to implement that policy. I am especially gratified that this bill under consideration includes essential provisions of my own bill, H.R. 13826, for environmental quality improvement. A permanent Presidential Council on Environmental Quality, as recommended both in my bill and in the one now under consideration, must be established to oversee and coordinate the multiple and often conflicting programs pursued by the different levels of government to improve different aspects of the environment.

We need to develop on the part of Government an anticipatory capability; we need to go beyond reacting to specific crisis situations in the environmental field. It is far cheaper in human, social, and economic terms to anticipate these problems at an early stage and to find alternatives before they require the massive expenditures which we are now obligated to make to control water, air and land pollution.

My own bill was tailored to begin developing this anticipatory capability and I would hope that future legislation in this field would follow this route. To achieve this anticipatory capability I recommended that the Secretary of the Interior be authorized to conduct studies of natural environmental systems in the United States, to document and define changes in these systems, and to develop and maintain an inventory of natural resource development projects which may make significant modifications in the natural environment.

Further, I recommended that the Secretary of the Interior be directed to establish a clearinghouse for information on ecological problems and to disseminate information about programs related to those problems.

Also, I recommended that the Secretary of Health, Education, and Welfare be authorized to establish a comprehensive solid waste management program which would coordinate all such research now being done under a number of different Federal programs. Another recommendation of mine directed the Secretary of Health, Education, and Welfare to compile a national inventory of solid waste management needs and problems and of solid waste management technology.

In addition, I recommended that the Secretary of Health, Education, and Welfare establish a clearinghouse for information on all aspects of air, water and soil pollution and solid waste disposal. This information would be made available to business, industry and municipalities, and the general public. These are the kind of provisions which would help to develop an anticipatory capability and I would hope that future legislation in the environmental field would include them.

Mr. LEGGETT. Mr. Chairman, the ever-increasing expanse of mankind and man's undirected use of technology pose a direct and definite threat to man's very existence.

The tragedy of Lake Erie and the Potomac River are but limited examples of man's shortsighted use of technology. Technology that was implemented for the betterment of man's condition and quality of life has created problems of air, land, and water use that threaten to cause irreparable harm to his environment.

The Federal Government has spent vast sums of money in recent years in an effort to meet a limited number of these problems and will likely increase its efforts in the future. However, at present, there is not an independent agency or review board that can review the total environmental situation or provide the President or Congress with an estimation of the priorities which must be assigned to different aspects of the problem.

There are numerous instances, such as the Peripheral Canal project in California, where a Federal project designed to deal with the need for an expanded water supply in the southern California region may not have fully taken into consideration the affect of the water removal on the Sacramento River Basin.

This bill would require the President to transmit to the Congress an annual environmental quality report concerning the status of various aspects of the American environment and their impact on other national requirements.

The bill would also require the Council to maintain a continuing review of Federal policies and activities with environmental implications.

When a Federal project, such as the Peripheral Canal project, irreversibly changes the ecology of a vast region there needs to be in depth study of the total environmental effects of such a program.

On May 29 of this year the President, by Executive order, created an interdepartmental Council on Environmental Quality. While there is a definite need for an interdepartmental Council to resolve internal policy conflicts between mission oriented executive agencies, that is not the purpose of this legislation.

There is a definite need for a consistent and expert source of review of national policies, environmental problems and trends, both long and short term. The problems that need to be solved are several times larger than those which can be adequately dealt with by this interdepartmental Council. In addition, they are problems which will require full-time expertise and attention—expertise and attention which ought not to be devoted to other problems.

An overwhelming need exists for action to be taken in this area. No other organization, in existence or contemplated shows any sign of meeting that need. It is for that reason that I urge immediate passage of this legislation, H.R. 12549.

Mr. BOLAND. Mr. Chairman, the bill which is before this House today, calling for the creation of a Council on Environmental Quality, is one which deserves the support and approval of every Member of Congress. Its purpose is one which has for too long been delayed. The issues it proposes to tackle are far too critical for the quality of life to allow us to further postpone this necessary first step toward effective control and improvement of our environment. We must act.

H.R. 12549 is not a complicated bill. Its primary purpose is the creation of a five-man council whose mission will be a continuing study and assessment of factors and trends affecting the quality of our environment. It will prepare and submit to the President an annual report on its activities, and assist him in the preparation of an annual President's report to the Congress on environmental quality, which is called for in the bill. The council will also maintain a continuing review of Federal activities and programs affecting the environment, and keep the President informed on its findings. Finally, it will recommend to the President policies to enhance the quality of our environment.

In a sense, the Council will be the President's main adviser on environmental matters, in much the same manner as the Council of Economic Advisers now assists him in matters relating to the economy. That Council has been in existence since 1946, and has proved of inestimable value to the President, the Congress, and the country.

Mr. Chairman, ours is a society that has succumbed to the bewitchment of technology, a process which has transformed the world around us. Technology is widely credited with many of the good things of modern life; rising agricultural productivity, new sources of power, automation, accelerated travel, increased volume, and speed of communication, spectacular improvements in medicine and surgery—and more. Technology has greatly increased the wealth produced by human labor; it has lengthened our lives and immeasurably improved the conditions under which most men live. Little wonder that there has been engendered in our society a firm faith in technology as an almost undiluted good.

There are now, however, a number of reasons to question this implicit faith, for there is a growing body of evidence that society is paying a high price in environmental pollution for the advantages that flow from the rapid spread of technology. We now know that the beneficiaries of the good that technology can do are also victims of the environmental disease that technology breeds.

Few Americans are untouched or unaware of the extent of water pollution. Many of our urban dwellers are conscious of the discomfort—even the danger—of air pollution. Few who traveled the highways of America or visited our public parks this past summer will be surprised, on reading an advertisement in Time magazine for September 19, to learn that each of us is producing some 5 pounds of trash every day. These are the more obvious signs of our deteriorating environment. There are other, more subtle—even exotic—examples of technology's encounters with our environment—the mysterious fishkills; the quieter, if not "silent" springs in some areas; the death of a herd of sheep in Utah; the depredations of the sea lamprey in the Great Lakes.

Our record to date is not bright. Hindsight tells us that what we are experiencing is a logical outcome of almost-unrestrained application of technology on the once magnificent resources of a rapidly-growing country. It may be that we will never be able to restore some of the despoiled resources and the natural beauties of our country. Certainly, recovery will be a long and costly process. But if we remember that the future begins tomorrow, then the bill we are considering today offers a great opportunity to prepare for that future.

A common reference point for looking ahead these days is the year 2000. If we consider just one aspect of the predicted future—population growth which will boost our numbers to some 300 million—we know that these numbers will place almost unbearable demands on the resources and the institutions, some of which are barely able to serve today's society. If we add another dimension of the future—the impact of the predicted growth of science and technology—then the interaction of these two dimensions will surely shape a future beyond our comprehension.

We have become more aware in recent years of past and present insults to our environment. Our response has been piecemeal and often too late. Lake Erie's reputed death may be the most glaring example of our inability or unwillingness to act in a responsible manner. We have an opportunity today to prepare ourselves to deal with this kind of thing in the future.

We have more than an opportunity; we have a responsibility.

As representatives of a democratic society, we are committed to the development of policies which insure maximum individual freedom and human development. Neither of these goals can be achieved in a decaying and overburdened environment. We must devise policies that take full account of the impact of technological development on the environment, and we can achieve this only if we have a clearer knowledge of what that impact might be.

The Council which this bill would create is the vehicle which can provide the President and the Congress with the kind of information which can guide us in shaping programs consistent with society's needs. The Council will also provide a vitally needed source for reviewing the total environmental situation—an "early warning" system that warns us of the effect on the environment of a particular program. Finally, it will fill the need for an agency capable of providing the President and the Congress with estimates of the priorities which must be assigned to all of the different aspects of the interaction of man and his environment.

Mr. Chairman, I hope every Member of this House will support H.R. 12549.

Mr. ANNUNZIO. Mr. Chairman, I would like to join my colleagues in urging passage of the Environmental Quality Council bill, H.R. 12549.

The purpose of this legislation is to create in the Executive Office of the President an independent advisory group to advise the President and through him the Congress and the American people on steps which should be taken to improve the quality of our environment. Although the President is in the process of organizing his Cabinet-level Council, created by Executive Order No. 11472, May 29, 1969, the legislative branch still sees the need for a permanent type council and feels that creation of this independent council would serve to complement and supplement the President's efforts.

Mr. Chairman, the Cabinet-level Council is an excellent means of communicating Executive decisions to the departments and agencies which would carry them out, but it has no potential as a means of promoting new policies, or even of investigating them, which may conflict in any way with the status quo. If the President had the time to concern himself personally with the many and complex issues with environmental implications, it is possible that the independent council that we propose might not be as important as it is. But he does not have that time, nor does his Science Advisor, and he needs a competent full-time group of advisers to assist him—men and women with commitments to no programs or missions, other than that of environmental protection.

Mr. Chairman, the problems of our environment are several magnitudes larger than those which can be adequately dealt with by the part-time council. They touch on practically every aspect of everyday life and require the full-time expertise and attention of a Council such as that envisioned by this bill. The Council closely parallels the Council of Economic Advisers, which was created by the Full Employment Act of 1946 and which has successfully proven its worth, and it is for this reason that I highly endorse H.R. 12549 and urge its prompt passage.

Mr. DINGELL. Mr. Chairman, in considering this bill today, I want to acknowledge a debt owed by our committee to an impartial and expert group of men and women who have provided us with excellent and timely assistance in our deliberations. Almost one-fourth of the membership of this House has joined the informal and unofficial Ad Hoc Committee on the Environment—a committee of concerned legislators who have expressed an interest in information relevant to the growing problem of environmental degradation. That committee now numbers 119: Democrats and Republicans, liberals and conservatives in the House as well as on the other side of the Capitol. I would particularly like to thank Mr. Frank Potter, the executive director of the ad hoc committee, who has worked closely with our committee and through his tireless efforts has made the passage of this legislation possible.

Our committee is in regular contact with 126 distinguished scientists, educators, businessmen, and conservationists, who serve as a board of advisers to our ad hoc committee. This board, which usually communicates with members of the ad hoc committee through the Environmental Clearinghouse, Inc. (a local nonprofit corporation which provides staff assistance to the ad hoc committee) provided 21 witnesses for our hearings. If time had permitted, many more advisers who had offered to appear before us would have been heard. The testimony of these advisers was almost unanimously in favor of the bill, and that testimony was a very important factor in our being able to report the bill to the floor of the House as early and as strongly as we were able to.

I cannot say whether or not we could have moved as surely or as rapidly as we have, without the assistance of these public-spirited men and women in the board of advisers. I can say, however, that they were of immeasurable assistance to us in putting the issue into proper perspective, and that much of the urgency with which we view the environmental crisis, and which we are attempting to communicate to our colleagues today stems directly from the urgency and concern expressed by this impressive body of experts.

As I say, this is a debt that I am happy to acknowledge, and I know that I speak for all my colleagues on the subcommittee as well. The only proper way that we could pay this debt would be to see that this bill, H.R. 12549, is passed as quickly as possible, and that the Council on Environmental Quality begins to move.

Mr. Chairman, in closing, I also would like to bring to the attention of the Members the recently established Environmental Policy Division in the Legislative Reference Service at the Library of Congress. Mr. Richard A. Carpenter, senior specialist in science and technology, has been appointed chief of the new division. Mr. Carpenter has been most helpful to the committee and I would like to take this opportunity to officially express my appreciation for his kind assistance and to congratulate him on his promotion. The Environmental Policy Division was established in response to increasing congressional concern for the quality and productivity of the physical environment.

Mr. PELLY. Mr. Chairman, I have no further requests for time.

Mr. DINGELL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Coordination Act is amended by redesignating section 5A as section 5B and by inserting immediately after section 5 the following new section:

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the Record.

Mr. GROSS. Mr. Chairman, reserving the right to object, I wish the gentleman from Michigan would withhold that request. I have no intention of asking the Committee of the Whole to read the entire bill, but I wish the gentleman would withhold that request for a minute or 2, or 3 or 4 or 5 minutes.

Mr. DINGELL. Mr. Chairman, I withdraw by unanimous-consent request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"Sec. 5A. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

"(b) The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the 'report') which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

"(c) (1) There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

"(2) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"(3) It shall be the duty and function of the Council—

"(A) to assist and advise the President in the preparation of the Environmental Quality Report;

"(B) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

"(C) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

"(D) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

"(E) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

"(4) The Council shall make an annual report to the President in May of each year.

"(5) In exercising its powers, functions, and duties under this section—

"(A) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

"(B) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistcal information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided."

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Chairman, I object to that.

The CHAIRMAN. Objection is heard.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

PARLIAMENTARY INQUIRY

Mr. ASPINALL. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. Where does section 1 end?

The CHAIRMAN. On page 5, line 11. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENTS OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I have amendments at the desk. I ask unanimous consent that my amendments be read down to No. 17, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Amendments offered by Mr. Aspinall: On page 1, lines 3 to 6, strike out "Fish and Wildlife Coordination Act is amended by redesignating section 5A as section 5B and by inserting immediately after section 5 the following new section:

"Sec. 5A. (a) The".

On page 2, line 13, strike out "'(b)" and insert "Sec. 2."

On page 3, line 1, strike out "'(c) (1)" and insert "Sec. 3."

On page 3, line 5, strike out "by and with the advice and consent of the Senate,".

On page 3, line 15, strike out "'(2)" and insert "Sec. 4."

On page 3, line 23, strike out "'(3)" and insert "Sec. 5."

On page 3, line 24, strike out "'(A)" and insert "(a)".

On page 4, line 1, strike out "'(B)" and insert "(b)".

On page 4, line 10, strike out "'(C)" and insert "(c)".

On page 4, line 17, strike out "'(D)" and insert "(d)".

XUM

On page 4, line 21, strike out "'(E)" and insert "(e)".

On page 4, line 24, strike out "'(4)" and insert "Sec. 6."

On page 5, line 1, strike out "'(5)" and insert "Sec. 7."

On page 5, line 3, strike out "'(A)" and insert "(a)".

On page 5, line 7, strike out "'(B)" and insert "(b)".

On page 5, line 11, strike out "avoided.'" and insert "avoided."

Mr. ASPINALL. Mr. Chairman, it is my understanding that these amendments are satisfactory to the committee having jurisdiction over this legislation. Most of them are technical. However, there are three or four amendments which are substantial in their effect.

The first amendment has reference to the Fish and Wildlife Coordination Act. This language is deleted in order that this new legislation can stand on its own and will not be tied to an existing program. The subject matter of the bill relates to all environmental classes, and therefore its enactment as an amendment to this act is not appropriate and should be changed.

The second important amendment has to do with the question of Senate confirmation. Requirements for Senate confirmation of members of the Council is deleted by my amendment. I see no reason for Senate confirmation of a Presidential council of this nature. In fact, I think it dilutes the importance of the council. I think it means, if you take it as I read it, that this House is giving way to the Senate in the membership of the proposed council a great deal of its own prerogative in the establishment of the Council itself.

Another important change that I make is the language added to make it clear that nothing in this act changes the authority given to an existing agency created by provisions of existing law. We leave existing law as it is. In my opinion, if additional authority and direction to existing agencies is needed, it should be provided by additional legislation. Here is where we will find ourselves in conflict with the other body when our conferees go into conference with the other body, because they do not pay sufficient attention in my opinion to existing authority of agencies already created.

If I remember correctly, that is as far as these amendments to this section go.

Mr. DINGELL. Mr. Chairman, these amendments have been discussed by and between me and my good friend, the gentleman from Colorado.

I would like to ask my good friend from Colorado if these are the amendments that we discussed at a time earlier.

Mr. ASPINALL. The gentleman is correct, excepting that there are other amendments I have before the committee at this time and they will be added when we get to the reading of the next section.

Mr. DINGELL. Mr. Chairman, I have discussed these amendments with my good friend from Colorado, and on behalf of the committee I interpose no objection. We have agreed to accept these amendments on the floor.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, one of the previous speakers said that the people are deeply concerned about environmental quality. Let me add that the people of this country are more deeply concerned about the tax burdens that are being loaded onto them, the inflation, and the debt that is being piled up. I suggest that at this time a council on tax environment would be far more appropriate than still another Council on Environmental Quality.

I tried a few minutes ago to get some kind of a handle, some kind of information, on the number of councils already loose in this country dealing with various forms of environmental quality. I got exactly nowhere. There is one, as I tried to point out earlier, in Virginia occupying, I do not know how many acres of land. This is out by Dulles Airport in the Herndon, Va., area. It is called Environmental Sciences and apparently operated by the Department of Commerce. Is that not large enough to embrace all environments? What is the meaning of "sciences"? What is the meaning of "environment"?

There was established last spring by the President of the United States, an Environmental Quality Council. It is apparently functioning right now.

What is proposed to be done with this Council already in existence? How much money is it proposed to spend on organizations of this kind?

There is no question in my mind but what this pending bill is going to provide more duplication. When do we propose to start saving $1 million around here? There is no limitation contained in this legislation except the estimated cost of $1 million a year. It could be more.

When is it proposed to save $1 million around this place? When is it proposed to give the taxpayers a break? When are we going to make some move toward stopping inflation that is chewing the economy of this country to pieces?

I do not know how many consultants, how many supergrades it is proposed to hire in this deal. I do not know how many there are over at the White House backing up the Council that has already been established with the same title. How many supergrades are already employed for this purpose? There is no limitation on this bill except the report says, "We estimate $1 million a year."

Is it not about time to apply the brakes around here? When? When? When do we stop the duplication and the extravagance?

Mr. Chairman, this bill ought to be put on the shelf at least until we are provided valid reasons for spending money for purposes of this kind.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I supported this legislation in the committee. However, I did support it with reservations, some reservations which I would like to point out to the Committee today.

No one can doubt that cleaning up our air and earth and water demands the best efforts of many people. Any attempt to control the environmental system, therefore, must involve not only the best efforts of science and technology, but the law, sociology, politics, and economics.

But when we join such diverse talents can we strike that precious balance to avoid self-interest—the greatest of all pollutants to man's progress. For in matters of the environment, the range of self-interests to be served is national in scope.

The environmental system, furthermore, is by nature thoroughly geopolitical. Air and water contaminants do not respect State and local political boundaries. And so it falls on the Federal Government—the Congress—to create the basic legislation that applies equitably and effectively to all jurisdictions.

The purpose of the legislation before the Congress today—to provide for the establishment of a Council on Environmental Quality—is supposed to promote general welfare and to create and maintain conditions under which man and nature can exist in productive harmony. It may not.

The problem of swill, garbage, rubbish, and trash is very close, if not near and dear, to the citizens of New York and in fact every major urban area and many less concentrated areas of population. These necessary but unwanted byproducts of our everyday life are politely termed solid waste. It is the disposal and even worse the failure to dispose of solid waste that is the constantly growing cause of major hazard to health and esthetics. When we seek to establish a Council on Environmental Quality with the goal of controlling our environmental system—our air and earth and water—we should strive to think in grand terms of accomplishment. In the case of solid waste, many communities have only one practical means of disposal and that is by burning. So we must consider solid waste then as a fuel and as a fuel we should use its energies for electric power, the control of water pollution, and the treatment of sewage. We should burn it cleanly so as not to pollute the air around us and we must develop new combustion technology for this purpose.

With considerable foresight I believe, the Department of Health, Education, and Welfare has been committed to research for this very objective for several years. This is a program that ought to vitally concern at least three Cabinet departments and five agencies within those departments: Health, Education, and Welfare, with its divisions of solid waste and air pollution; Interior, with its Office of Salient Water and Federal Water Pollution Control Administration; and Housing and Urban Development, with its planning of model cities and its multitude of other responsibilities.

Now, not tomorrow, is the time for a crash program by all of these agencies to complete the research and put our solid waste disposal into a safe position and perhaps even one that actually contributes to, rather than detracts from the general well-being of all of our people.

This I would deem one of the major challenges that would concern the Council on Environmental Quality proposed in this legislation. However, the ubiquitous hand of a number of Federal agencies and vested interest groups, both implicitly and explicitly, has written this legislation for their own self-interest and not the general welfare.

I would like to emphasize here that the power of the Department of the Interior, in matters of conservation, seem to override almost all considerations for the public good. In fact, they affect public works on a national basis.

The Department has consistently hid behind the veil of conservation to overrule vitally needed public works projects.

On the one hand they screamed pollution to prevent a channel-dredging operation in New York Harbor. Yet they allowed the dirtiest type of coal-fired powerplant to be built in my district.

So what we are talking about now is control of the environment by Government agencies. We cannot build a road in my district. We cannot build a road because of environmental factors and conservation factors that completely override need, technology, and the public good.

The constant threat of power blackouts in New York City alone would be abated today if single-minded preservationists had not effectively thwarted efforts to build a hydroelectric powerplant outside of the city.

I am concerned about creating a commission that will be conservation oriented. If that were to happen, progress would be limited to what has taken place in past decades. I cannot support any measure that literally insures dominance by conservative elements that so override the desires and needs of the public that we lose sight of those everyday needs.

I want the record here today in the Congress to insure that this Commission does not act against the environment in our urban areas. That it consider balance in the creation of necessary public works to clean, as well as to preserve our land.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado (Mr. ASPINALL).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: On page 2, line 22, strike out "and" immediately preceding "(2)".

On page 2, line 25, strike out the period and insert in lieu thereof a semicolon and the following: "(3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effects on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation."

Mr. REUSS. Mr. Chairman, I first want to congratulate the members of the committee for having brought forth this trailblazing piece of legislation to the floor this afternoon. It, in its day, when enacted, will be as much of a landmark in matters of the environment as the Employment Act of 1946 has been in matters of economics.

Mr. Chairman, this amendment I propose is a simple amendment. It relates to the annual report on environmental quality required of the President by the bill. As the bill now stands, it contains excellent language that the President shall report on the status and condition of the environment. My amendment goes on to say that he should also give a report on how we are doing to fulfill the environmental goals under existing measures and programs and, if we are not doing as well as we might, to recommend ways of remedying those deficiencies, including recommendations for legislation.

This language is modeled after the language which has proved workable for more than 20 years with respect to the Employment Act of 1946.

It was approved in testimony before the House Committee on Government Operations by the presidential science adviser, Mr. DuBridge, and I have submitted it to the managers on both sides. I believe it is satisfactory to them.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. DINGELL. I have discussed with the members of the committee with the able and distinguished chairman of the committee, the Honorable EDWARD GARMATZ, and with my distinguished friend and colleague, the gentleman from Washington (Mr. PELLY).

We find no objection to this language and I believe it would help the bill. On behalf of the committee, I am happy to accept the language offered by the gentleman from Wisconsin. I do commend him for his labors in this regard and I thank him.

Mr. REUSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: On page 1, strike lines 3 through 6 and insert the following:

"That (a) This Act may be cited as The Environmental Quality and Productivity Act of 1969.

"SEC. (b)(1). The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physcal and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsiblty of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

"(A) fulfill the responsbilities of each generation as trustee of the environment for succeeding generations;

"(B) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

"(C) attain the widest range of beneficial uses of safety, or other undesirable and unintended consequences;

"(D) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

"(E) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

"(F) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

"(2) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

"SEC. (c) The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

"(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment;

"(2) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

"(3) include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

"(A) the environmental impact of the proposed action has been studied and considered;

"(B) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

"(C) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

"(D) any irreversible and irretrievable commitments of resources are warranted.

(4) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

"(5) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

"(6) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

"SEC. (d)(1) The Congress, recognizing the profound".

CONFORMING AMENDMENTS

On page 2, line 13, strike out " '(b)" and insert "2".

On page 3, line 1, strike out " '(c)(1)" and insert "3A".

On page 3, line 5, strike out "by and with the advice and consent of the Senate,".

On page 3, line 15, strike out "'(2)" and insert "B".

On page 3, line 23, strike out "'(3)" and insert "C".

On page 3, line 24, strike out "'(A)" and insert "(i)".

On page 4, line 1, strike out "'(B)" and insert "(ii)".

On page 4, line 10, strike out "'(C)" and insert "(iii)".

On page 4, line 17, strike out "'(D)" and insert "(iv)".

On page 4, line 21, strike out "'(E)" and insert "(v)".

On page 4, line 24, strike out "'(4)" and insert "(D)".

On page 5, line 1, strike out "'(5)" and insert "(E)".

On page 5, line 3, strike out "'(A)" and insert "(i)".

On page 5, line 7, strike out "'(B)" and insert "(ii)".

On page 5, line 11, strike out "avoided.'" and insert "avoided."

On page 5, line 12, strike out "SEC. 2(a)." and insert "SEC. (e) (1)."

On page 5, line 16, strike out "(b)" and insert "(2)".

On page 5, after line 19, insert new sections f, g, and h, as follows:

"SEC. f. The annual reports submitted to the Congress pursuant to section 2 of this Act shall be referred by the Speaker to each standing committee of the House of Representatives that has jurisdiction over any part of the subject matter of the reports.

"SEC. g. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

"SEC. h. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter."

PARLIAMENTARY INQUIRY

Mr. ASPINALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. The amendment, as it has been offered, would destroy the entire structure of section 1 as perfected by the so-called Aspinall amendment. I wish to know if the Chair would rule that that is correct.

The CHAIRMAN. The Chair is of the opinion that the amendment of the gentleman from Connecticut was offered in the nature of a substitute for section 1 of the bill, but the Chair will examine the amendment.

Mr. ASPINALL. I did not understand the gentleman from Connecticut to offer his amendment as an amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Connecticut proposed to strike out lines 3 through 6 and insert substitute wording.

Mr. ASPINALL. Mr. Chairman, I make a point of order against the amendment on the ground that it comes too late. It comes after perfection of the original language and would destroy the so-called Aspinall amendment.

The CHAIRMAN. Does the gentleman make a point of order against the amendment?

Mr. ASPINALL. That is exactly correct. That is what I am doing.

The CHAIRMAN. Will the gentleman state his point of order again?

Mr. ASPINALL. After the bill has been perfected by the so-called Aspinall amendment, the amendment offered by the gentleman from Connecticut is offered as an amendment to that amendment as such, after it has been adopted by the House.

If the amendment were offered as a substitute, then I could not object to it, so far as that is concerned. But I object to it as purely an amendment.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. DADDARIO. Mr. Chairman, the amendment which I offer as a substitute to the first section would simply add language which would in no way interfere with the activity already taking place but which is in fact supplementary to it. The language is clear. It would have no effect on the action already taken, excepting to add language.

The CHAIRMAN (Mr. McCARTHY). The Chair is prepared to rule. The Committee has agreed to the amendments offered by the gentleman from Colorado. His first amendment altered the language on page 1, lines 3 to 6.

The Chair upholds the point of order of the gentleman from Colorado that the amendment of the gentleman from Connecticut attempts to amend an amendment already agreed to and is not in order. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 14, delete "of" and insert in lieu thereof "on".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. ASPINALL: On page 5, line 12, strike out "SEC. 2." and insert "SEC. 8."

On page 5, after line 19, insert new sections 9 and 10, as follows:

"SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

"SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter."

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to ask my good friend, the gentleman from Colorado, are these the amendments the gentleman discussed with me earlier?

Mr. ASPINALL. Mr. Chairman, these are the amendments I discussed with my good friend, the gentleman from Michigan.

Mr. DINGELL. They are dealing with what?

Mr. ASPINALL. They deal with the proposed sections 9 and 10 and also a correcting amendment on page 5, line 12, because that section is to be renumbered, as it should be.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield further, I have discussed these amendments with the able and distinguished chairman of the full committee, Mr. GARMATZ, and with my distinguished friend and colleague, the gentleman from Washington (Mr. PELLY). I am prepared to accept these amendments.

Mr. ASPINALL. Mr. Chairman, I wish to make two short statements. One, I thank my friend the gentleman from Michigan, for his statement that his committee accepts the amendments, but I do want the RECORD to show that what we propose in the language is to make clear that nothing in this act changes the authority and responsibility of existing agencies created by other provisions of law. In my opinion, if additional authority is needed and direction to existing agencies is needed, they should be provided by separate legislation.

Finally, I wish to state that the House bill is open ended for the expenditure of money. The Senate bill is open ended in one place and closed in two other places, with larger amounts of money than is proposed here.

The language I have proposed, and on which I have received unanimous consent to have the amendments considered en bloc, places a ceiling on the amount authorized to be appropriated to carry out the provisions of this act.

Mr. Chairman, in regard to this legislation we are giving to Congress the oversight authority which it needs and which it should have on any environmental program that is proposed by the executive department or by Congress.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend, the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I congratulate the gentleman from Colorado for offering these amendments, particularly the amendment which is new section 10, because this places a limitation upon the expenditures that can be made by this Commission that will be appointed. This is in keeping with the policy which we have used in the Committee on Interior and Insular Affairs in all legislation we report to the Congress. I think other committees might do well to follow like procedure in such matters.

Mr. ASPINALL. Mr. Chairman, the chairman of the Committee on Interior and Insular Affairs, now in the well, suggests that this is the way to see that our oversight authority is taken care of properly.

The CHAIRMAN. The question is on

the amendments offered by the gentleman from Colorado (Mr. Aspinall).

The amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McCarthy, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12549) to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes, pursuant to House Resolution 544, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 372, nays 15, not voting 43, as follows:

[Roll No. 181]

YEAS—372

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—15

Ashbrook
Burlison, Mo.
Camp
Devine
Gross
Hall
Henderson
King
McMillan
Mills
Montgomery
Rarick
Scherle
Stuckey
Whitten

NOT VOTING—43

Baring
Berry
Bolling
Brown, Ohio
Burleson, Tex.
Cabell
Cahill
Celler
Chappell
Colmer
Corman
Dawson
Fascell
Gilbert
Griffiths
Grover
Hanna
Hosmer
Jonas
Kirwan
Landgrebe
Lipscomb
Long, La.
McCloskey
McKneally
Mollohan
O'Hara
O'Konski
Pepper
Poage
Powell
Pucinski
Reifel
Rostenkowski
Sisk
Staggers
Steiger, Ariz.
Teague, Calif.
Tunney
Utt
Whalley
Wilson, Charles H.
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Kirwan with Mr. Jonas.
Mr. Celler with Mr. Cahill.
Mr. Charles H. Wilson with Mr. Hosmer.
Mr. Fascell with Mr. Lipscomb.
Mr. Gilbert with Mr. Grover.
Mr. Pucinski with Mr. McKneally.
Mr. O'Hara with Mr. Brown of Ohio.
Mr. Staggers with Mr. Berry.
Mr. Burleson of Texas with Mr. Landgrebe.
Mr. Colmer with Mr. Utt.
Mr. Pepper with Mr. Whalley.
Mr. Rostenkowski with Mr. McCloskey.
Mr. Long of Louisiana with Mr. O'Konski.
Mr. Baring with Mr. Steiger of Arizona.
Mr. Cabell with Mr. Reifel.
Mr. Chappell with Mr. Wyatt.
Mr. Sisk with Mr. Teague of California.
Mr. Corman with Mr. Dawson.
Mr. Tunney with Mr. Mollohan.
Mrs. Griffiths with Mr. Hanna.

Mr. ABERNETHY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

TITLE AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Aspinall: Amend the title so as to read: "A bill to provide for the establishment of a Council on Environmental Quality, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, pursuant to the provisions of House Resolution 544, I call up for immediate consideration the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. Dingell: Strike out all after the enacting clause of S. 1075 and insert in lieu thereof the provisions of H.R. 12549, as passed, as follows:

"That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans.

"Sec. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the 'report') which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

"Sec. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommendation national policy to promote the improvement of our environmental quality.

"Sec. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"Sec. 5. It shall be the duty and function of the Council—

"(a) to assist and advise the President in the preparation of the Environmental Quality Report;

"(b) to gather timely and authoritative information concerning the conditions and trends in environmental quality both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

"(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

"(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

"(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

"Sec. 6. The Council shall make an annual report to the President in May of each year.

"Sec. 7. In exercising its powers, functions, and duties under this section—

"(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

"(b) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

"Sec. 8. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

"(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

"Sec. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

"Sec. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

"Amend the title so as to read: 'An Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.' "

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the establishment of a Council on Environmental Quality, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12549) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1075

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 1075) and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. GARMATZ, DINGELL, ASPINALL, PELLY, and SAYLOR.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMISSION ON GOVERNMENT PROCUREMENT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 534

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 474) to establish a Commission on Government Procurement. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 534 provides an open rule with 1 hour of general debate for consideration of H.R. 474 to establish a Commission on Government Procurement.

The purpose of H.R. 474 is to establish a temporary commission of experts on Government procurement.

The Commission would be composed of 15 members; six appointed by the President, four by the President of the Senate, four by the Speaker of the House, with the Comptroller General serving ex officio. Each appointing authority would draw equally upon Government and non-Government sources. The congressional appointees would be bipartisan. The Commission would have a broad mandate to study procurement Government-wide and to make findings and recommendations to the Congress. Its tenure would be limited to 2 years.

The bill outlines 12 general ways of achieving this policy. These are intended as general guidelines for the Commission and not as changes or modifications in existing procurement laws.

The Commission is directed to "study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and the organizations by which procurement is accomplished to determine to what extent these facilitate the policy" declared in the bill.

Such sums as necessary to carry out the provisions of the act are authorized. Members of the Commission who are Members of Congress or Federal employees shall receive no compensation for

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services, but shall be allowed travel expenses. Members of the Commission from outside the Federal Government shall be paid at the rate of $100 a day for actual service, and other expenses.

Mr. Speaker, I urge the adoption of House Resolution 534 in order that H.R. 474 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to establish a commission of experts on government procurement.

The report points out that, while the Government's procurement bill is about $55,000,000,000 annually, there is no comprehensive, systematic review of our methods. While a number of congressional committees have jurisdiction within the area, none can comprehensively study the entire problem on a systematic basis. A body charged with that responsibility alone must be created.

The Commission will be composed of 15 members. Six will be appointed by the President, four by the President of the Senate, four by the Speaker, with the Comptroller General serving ex officio. The mandate of the Commission is broad and general, giving it as much flexibility as possible. Its existence is limited to 2 years, by which time it must report its findings and recommendations to Congress.

There are 12 general areas set forth in the bill for the Commission to consider in its work. Non-Federal members will receive $100 per day. The Commission is empowered to hold hearings, hire experts and consultants, and contract for the services of private organizations to carry out studies.

Such sums as are necessary are authorized to be appropriated. In 1967 it was estimated that such a study would cost about $2,000,000; this may be outdated now but it gives a rough approximation.

Agency letters contained in the report support the legislation. There are no minority views.

Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 474) to establish a Commission on Government Procurement.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 474, with Mr. McCARTHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes and the gentleman from New York (Mr. HORTON) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, the bill before us today, H.R. 474, to establish a Commission on Government Procurement, is a simple, straightforward bill. It would establish a temporary Commission of experts on Government procurement. This would be a mixed Commission of 15 members; six appointed by the President, four by the President of the Senate,, four by the Speaker of the House, with the Comptroller General serving ex officio. Each appointing authority would draw equally upon Government and non-Government sources. The congressional appointees would be bipartisan. The Commission would have a broad mandate to study procurement governmentwide and to make findings and recommendations to the Congress. Its tenure would be limited to 2 years.

The watchword of the bill is economy, efficiency, and effectiveness in Government procurement. This is declared to be the policy of the Congress, and the bill outlines 12 general ways of achieving this policy. These are intended as general guidelines for the work of the Commission and not as changes or modifications of existing procurement laws.

These guidelines aim toward improvements in procurement personnel and organizations. We want to avoid or eliminate wherever possible, overlapping and duplication in Government procurement organizations and activities as well as redundant requirements on contractors. In the procurement laws and the great mass of regulations and directives there are gaps, omissions or inconsistencies which we want to identify and bring to the attention of Congress. Greater uniformity and simplicity in procurement procedures is another aim.

There are, of course, many departments and agencies of the Government engaged in procurement, and attention must be given, not only to their procedures and practices, but to conforming Government procurement policies and programs to other policies and programs. We want the Government to buy what it needs, within the time needed, at the lowest reasonable cost, and using competitive bidding to the maximum extent, but we also have to be concerned about small business, the antipoverty program, fair employment, and other considerations. This question comes up frequently, and it should be answered: How does procurement relate to the many other goals of Government?

Then, of course, procurement has a great impact on the whole economy and particular industries, areas, and occupations. Minimizing possible disruptive effects of Government procurement upon jobs, careers, community and regional welfare is another aim of the bill.

The Government has an obligation, not only to protect the public interest, but to be fair in its dealing with business. And so fair dealing and equitable relationships between the contracting parties will be a concern of the Commission.

The Commission under section 4(a) of this bill would have a broad mandate to study and investigate—

First, the present statutes affecting Government procurement;

Second, the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and

Third, the organizations by which procurement is accomplished, to determine to what extent these factors facilitate the policy set forth in section 1 of the bill.

Section 4(b) requires the Commission to report to Congress within 2 years from the date of enactment, its findings and recommendations for changes in statutes, regulations, policies, and procedures which would carry out the policy stated in section 1. The Commission may make such interim reports as it deems advisable, and it may submit its final report to the Clerk of the House and the Secretary of the Senate if the Congress is not in session when the report is completed.

This bill is strongly endorsed by the Comptroller General of the United States, who has highlighted the need for a study as proposed in H.R. 474 in these terms:

> The piecemeal evolution of Federal procurement law is generally designed to solve or alleviate specific and sometimes narrow problems as they arise. Federal procurement statutes are chiefly concerned with procurement authority and procedures and do not contain a clear expression of Government procurement policies. Implementing procurement regulations are voluminous, exceedingly complex and at times, difficult to apply. These procurement regulations have great impact on the rights and obligations of contractors, and the high level of spending for Government procurement. For fiscal year 1968 the Department of Defense alone awarded contracts totaling about $43 billion for supplies and services, representing about 80 percent of total Government procurement expenditures.

The Bureau of the Budget also has pointed out that there has been no full-scale review of Government procurement policies and practices since the report of the first Hoover Commission which led to the enactment of the Federal Property and Administrative Services Act in 1949, and I may add that I handled that measure in committee and in the House. That was some 20 years ago. In the following 20 years, there have been many changes in the procurement area. These include, in the words of the Budget Bureau:

First. New techniques in contracting;

Second. New contract administration processes;

Third. Significant increases in research and development;

Fourth. Purchase, lease, and maintenance of automatic data processing equipment;

Fifth. Revisions concerning procedures for procurement in labor surplus areas and from small business;

Sixth. The promulgation of Federal procurement regulations;

Seventh. Significant revisions in the armed services procurement regulations as well as revisions of the Federal procurement regulations;

Eighth. Procurement and distribution of supplies under the national supply system;

Ninth. Procurement by contractors from Federal supply sources; and

Tenth. Shifts in the percentage of formally advertised and negotiated procurement.

Mr. Chairman, we have never had a Commission on Government Procurement dedicated exclusively to that subject matter. True, the Hoover Commission and several other commissions have looked at one phase or another of Government procurement in past years, but the contemporary problems are so many and so complex that we need a group of experts that will give their concentrated attention to this job. The Government, as a whole, spends probably $55 billion a year for the procurement of goods, services, and facilities. Just consider, if we can find better ways of doing Government business that would make even a 1-percent improvement, then the savings would be more than a half-billion dollars a year. Think of that. Over one-half billion dollars a year if we can just save 1 percent.

Of the approximately $55 billion in annual purchases, the Department of Defense accounts for more than $40 billion. It is the biggest buyer, and when it makes mistakes in procurement, they are the biggest also. There is no need to recite the horror stories which have filled the pages of the press and the CONGRESSIONAL RECORD. The point is that a serious and systematic and comprehensive study is needed to deal with these problems—a study in depth and substance. I don't mean legislating from the floor, with all sorts of quick-fix amendments which may make news material but are not carefully thought-out solutions. We need a better base of facts and recommendations. We need the help of a Commission that is expert but also practical minded, seasoned and sophisticated, because the technologies and the requirements are sophisticated.

A mixed Commission, with the President and the presiding officers of each House making the appointments, should achieve a blend of experience and expertise which will assure problem area coverage that is broad and deep.

The hearings on H.R. 474 were extensive. Our subcommittee sat in more than 30 separate sessions; 17 Government departments and agencies were represented as well as many outside groups. Altogether we heard approximately 100 persons who were expert or experienced in one aspect or another of Government procurement.

When I say "expert," I mean we asked for people who had had years of experience in procurement to give their testimony rather than to have someone with a big title or a big name. We wanted people who had had actual experience and we drew them from wherever we could find them.

The hearings are printed in nine separate volumes, and I may say there has been a big demand for copies.

It was not our purpose in these hearings to try to do the work of a commission, but we did want to identify problem areas with enough depth and particularity to make sure we were on sound ground and not just talking in generalities.

Our report highlights some 27 problem areas of Government which might well be studied by the Commission. This is not an exhaustive list, neither is it prescriptive of what the Commission should or will do. That is up to the Commission itself to decide with the resources that are made available. And I hope that the Commission will be given sufficient resources to do the job, including a top quality staff. If ever there was an opportunity to trade off some modest expenses now for huge savings later, this bill provides it.

And let me say, Mr. Chairman, that there are commissions and commissions. Some are useful only for window dressing, or to give some prestige and publicity to predetermined policies or programs. Other commissions are used as buck-passing devices, to postpone rather than grapple with tough problems. The Commission contemplated by this bill is not meant to be a facade nor a buck-passing device. There are no predetermined positions to defend nor any problem solving to postpone. This Commission would be, as I see it, a hard-working commission, one that is objective, impartial, and concerned only with factfinding and recommendations for improvement.

The Commission will not interfere with any work of the committees of Congress now going on or committed for the future. They have their jurisdictional responsibilities and their legislative chores which go on, day by day and year by year. What the Commission will do is help the committees of Congress by assembling a body of factual information and recommendations which they can, within their respective jurisdictional responsibilities, consider after the Commission submits its report.

Mr. Chairman, I might depart from my script at this point to say that I served for 2 years on the second Hoover Commission. We had 12 members on that Commission, and I regret to say that many times we did not have over five to seven members of the Commission at a meeting. We met every Saturday for 2 years, practically, when we sat as a commission to scrutinize the work of some 27 task forces which had been appointed to study the different areas of Government.

Now, we are not going into the whole gamut. We are going into one specific problem, the problem of procurement. But within this problem of procurement there are a number of different areas and someone, I am sure, will read the number of areas that we propose that this Commission should cover.

Mr. Chairman, I want to say this: No one that I know of is opposed to this bill. All of the witnesses that appeared before our committee were in favor of doing something. They realized the tremendous problem that we have in spending $55 billion, and spending it wisely, and for the purposes which Congress intends.

This bill had the support of the Johnson administration, the Comptroller General, the Budget Bureau, the Department of Defense, and many other agencies of the Government. I can say with equal authority and veracity that H.R. 474 has had the strong support of the Secretary of Defense, our former colleague, Melvin Laird. He has made it clear in a number of public statements that the Commission on Government Procurement, as proposed in H.R. 474, will help his Department and help him in the enormous responsibilities thrust upon his shoulders. The Commission will complement, not compete with, the procurement study efforts now being made by the Defense Department.

I might say that the Budget Bureau appeared before our committee, and they also expressed a need for it. Also the Comptroller General appeared before the committee, as did the Director of the General Services Administration.

We had people from NASA and other agencies and departments of the Government who appeared before our committee. All of them expressed their approval of the bill and their thoughts about the importance of having this study made.

The important point here, Mr. Chairman, and I believe the Secretary fully recognizes it, is that a statutory Commission, with the membership severally appointed, including Government representatives, but working independent of the Department of Defense or any other agency, with a staff under the Commission's own direction, is in a better position to engender public confidence in its findings and recommendations. It will not be dominated by any one agency or organization inside or outside the Government. Today, more than ever, the Congress and the people need to understand our institutions of government and particularly our military institutions because they are the biggest spenders.

The purpose of the bill is not to defend what should be criticized, nor to tear down what should be conserved. One of the most important functions of the Commission, as I see it, is to let the people know that our institutions of Government are adaptive, subject to change with the times, responsive to the new problems that emerge.

The bill is strongly endorsed by the Comptroller General and the Director of the Budget, who for the Congress and the Executive, respectively, keep watch of Government expenditures. Many departments and agencies of Government are on record in support of H.R. 474. Outside of Government, legal, technical, and other professional organizations, and business groups, have recorded their support.

I speak of one group, the American Bar Association, public contract law section, that appeared before us and said that the study should be made.

Not all of them may agree on how the problems should be solved, but all of them agree that the problems are there and that the time has come to make a con-

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certed search for solutions. There is an underlying assumption that men of good will, men of experience, men of expertise, can go far toward solving the problems in this field. For those problems that cannot be solved by the Commission's findings and recommendations, at least we will have a clearer idea of their dimensions, and what we must do in learning to live with them.

This bill was unanimously approved by the Committee on Government Operations without any exception or qualifications whatsoever. It was promptly granted a rule by the Committee on Rules. It is before you now and I hope it will have the support and the vote of every individual in this House who is concerned with the burgeoning expenses of Government and who wants to have our procurement procedures and processes just as efficient as it is possible to make them.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to my friend, the gentleman from Illinois.

Mr. GRAY. I want to commend my friend, the gentleman from California, for his very excellent statement.

I notice on page 2 of the report your committee outlines 12 general courses of action prescribed in the bill.

The distinguished former Senator from Illinois, Paul Douglas, made a very detailed analysis at the time he was serving in the other body concerning procurement in the Department of Defense. He proved without question that many items were being sold as surplus for infinitesimal amounts of money compared to the original cost at the very time the Department of Defense was purchasing that item at a much higher cost.

In your bill you say that greater uniformity and simplicity in procurement procedures should be achieved whenever appropriate and in item (7) you say:

> The procurement policies and programs of the several departments and agencies should be coordinated wherever possible.

I am particularly interested in these two items. I want to commend the committee because I know in my congressional district where we have a lot of small industrial firms that want to do business with the Government, it is like looking for that needle in the haystack in trying to find out where to apply or how to get on the bidders' list.

This seems to be really the great void in the purchasing practice of the Department of Defense—trying to find out where to go. So I certainly feel sure the Government can save money if they have one central agency where people can apply for procurement work or at least get on the bidders' list.

So I hope great emphasis can be placed on items six and seven in trying to coordinate the buying practices of the departments.

Mr. Chairman, I commend the gentleman and his colleagues for bringing out this much needed bill.

Mr. HOLIFIELD. I thank the gentleman.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. EDWARDS of Alabama. Mr. Chairman, I, too, want to commend the gentleman and the members of the committee for reporting out this bill.

As the gentleman will recall, I served on the subcommittee back in 1967 when hearings were held on this bill. I supported it wholeheartedly at that time and I again support the gentleman's bill.

Mr. HOLIFIELD. I thank the gentleman. The gentleman from Alabama rendered great service in 1967.

I did not refer to those hearings, but we held, as the gentleman knows, substantial hearings in 1967 and again in 1968. And, as I have said, we have held over 30 days of hearings this year. We have gone at this matter very thoroughly.

The gentleman knows that I have been chairman of the Subcommittee on Military Operations for some 17 years. During those 17 years we have looked at literally hundreds, possibly thousands, of contracts which have been referred to us from Members on both sides of the aisles for scrutiny, for fraud, inefficient procedures, or unfair procedures. In going through those years of work and those contracts, and doing all that I could do to bring economy and efficiency into the practices, I became convinced that this is such a tremendous job that no committee of Congress, unless it gave its full time for a couple of years to the subject, could do the job.

We have so many duties in our different committees, and on the floor of the House with legislation from other committees, that we do not have the time nor the staff expertise or enough staff to really look at this tremendous problem resulting from the proliferation of the departments of Government and the diversity of processes.

I have had many small businessmen—the gentleman from Illinois mentioned the troubles of small businessmen—come to me and say: "When we learn how to do business with the Defense Department and then we go to NASA or we go to the Atomic Energy Commission or to HEW or DOT, then we find that they use different procedures. They have different forms for us to fill out. Why can we not have uniform, standard forms as far as possible?"

I think there is a job there that can be done to bring about uniform procedures, practices, application for bids, and that sort of thing in all departments of the Government.

Mr. EDWARDS of Alabama. If the gentleman will yield further, the remarkable thing to me is, with all the contracts of the Government, the size of the bureaucracy, that the procurement system works at all. I think we have been very fortunate to have had a good procurement system. But I think we all agree that there is much in it that needs to be changed, looked at, and improved upon. Certainly I hope the work of the Commission will finally result in that type of improvement.

It is also noteworthy to me that the various Cabinet departments support this bill. The Secretary of Defense has given his wholehearted support to it. I am really looking forward to some good work on the part of the Commission. I am happy to have been a part of the bill, a cosponsor, and again, I commend the gentleman and his committee for the work they have done.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. On page 1 line 6, the following language appears: "in the procurement of goods, services, and facilities by and for the executive branch of the Federal Government." And you outline 12 items. As you and I know, the General Services Administration is authorized in certain instances to transfer and trade real estate by the Federal Government with individuals. Would the proposed Commission have a right to look into that particular situation?

Mr. HOLIFIELD. As I said before, the General Services Administration is the result of a bill that I produced, and we passed it in 1949. It is called the Federal Property and Administrative Services Act. It would have a great deal to do along that line. It handles property. It handles leasing. It is the housekeeper for the other agencies of Government. It sells surplus property. I might say that I served on the Rizley Committee immediately after World War II, during the 80th to 83d Congresses, when the Republicans were in power. Mr. Rizley of Oklahoma, who is now deceased, was my chairman and we studied this problem of the disposal of surplus property. As the gentleman from Illinois said, there was a tremendous loss to the Government in disposal of property, both real property and personal property. They do have the authority to look into that.

Mr. ROGERS of Colorado. They have the authority now and use it in certain instances, taking trades.

Mr. HOLIFIELD. That is correct.

Mr. ROGERS of Colorado. Property of the U.S. Government with individuals.

My question is, Will this Commission have a right to call in the GSA and say, "What is your procedure here? What is the safeguard the Government has in these transactions?" Would the gentleman be able to look into those situations?

Mr. HOLIFIELD. This Commission would have authority to look into that. If the gentleman will turn to page 6, he will see there listed the powers of the Commission. It can bring before it witnesses and administer oaths, and it can acquire directly from the head of any Federal department or agency information deemed useful in the discharge of the Commission's duties. The paragraph goes on to say:

> All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

Mr. ROGERS of Colorado. I assume if the gentleman would happen to be on the Commission, he would follow through on that?

Mr. HOLIFIELD. I certainly would.

Mr. ROGERS of Colorado. The gentlemen is expert in that.

Mr. HOLIFIELD. Mr. Chairman, if the

gentleman will allow me, I will reserve the balance of my time. I regret I have taken so much time because there are others who may wish to speak.

Mr. HORTON. Mr. Chairman, I yield myself such time as I may consume.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. Mr. Chairman, I rise in support of H.R. 474, the bill to establish a Commission on Government Procurement. It is timely and important. It is a means to achieve great money savings, and it seeks greater efficiency in the vast procurement business of Government which exceeds $50 billion a year.

Efficiency in Government procurement, Mr. Chairman, is not a one-sided process because there are two parties to a contract of a company as well as a Government agency. Efficiency in Government procurement can be brought about if contractors are not overburdened with unnecessary paperwork, if procurement regulations are stated clearly enough and simply enough so that businessmen can understand them and prepare their bids or offers in the proper way. And so the bill contemplates that the Commission on Procurement will look at issues from both sides in the interest of economy, efficiency, and effectiveness, which also includes fair dealing between the Government and its contractors.

I do not pretend to be an expert in this complex field but I do know, as a Member of Congress, that there are many problems that need attention. I am sure that most Members are made aware of these problems not only by the daily newspapers and speeches in the Congress but by businessmen who write letters and visit congressional offices complaining about some real or fancied error or injustice on the part of Government in its numerous business transactions. As the gentleman from California once remarked, businessmen are often inclined to look upon the Congress as a source selection board.

We in Congress do not exercise a procurement function, which really is a function of the executive branch. We authorize the programs, we provide the funds, we try to supervise administration of the programs, and expenditure of the funds. But since we do not do the buying, we should at least try to make it possible for others to do a better job of buying. H.R. 474 offers a way to help the Government do a better job.

One of the great problems in Government procurement is people. Industry has high-paid lawyers and procurement experts on their side of the table. Oftentimes the Government counterpart is a man of GS–7 or GS–9 salary, of varying experience, who works in quarters that are ill-equipped and poorly staffed. We need to upgrade procurement on the personnel side through more training, better pay, suitable work surroundings.

This bill is pointed toward improvement of procurement organizations and personnel, among many other objectives. With the multibillion-dollar transactions involved in major procurement today, it just does not make sense for the Government to stint on a few dollars to assemble the talents and raise the performance levels of Government procurement and contracting officers.

This is not intended as a criticism of the many conscientious and dedicated military and civilian procurement officers who work long hours and get little or no recognition for their efforts in the Government's behalf. Let not the horror stories of procurement mistakes lead you to believe that they are the rule rather than the exception. The fact is that there is a great amount of talent and expertise in Government procurement today. What we need is to make sure that these resources are brought to bear effectively. We need to organize them better and give procurement more prestige and status, because such large sums of money are involved.

In military procurement, for example, it has been pointed out that the paths to career advancement are not in procurement but in more military-type activities. This is understandable and perhaps to a degree necessary, but the time has come, Mr. Chairman, to recognize that a large portion of military dollars is expended on the business side, and we have to bring a more businesslike approach to military spending.

The studies of the two Hoover Commissions, quite some years ago, showed insight and understanding of the need to put the business side of the military house in order. Many changes have come about since those studies were made, as the gentleman from California pointed out, and many new problems have developed, but I believe the essential lesson is still to be learned that the best fighters are not necessarily the best buyers. I see in this Commission on Government Procurement a great opportunity to open up creative investigations and studies, which will give due attention to the people side of the procurement process.

Mr. Chairman, this bill has the full support of the Committee on Government Operations. It is bipartisan in that it provides for House and Senate Members to be drawn equally from both parties. It has the strong support of the Comptroller General, the Secretary of Defense, the Director of the Bureau of the Budget and many other agencies of the Government as well as business, professional, and technical organizations, as the gentleman from New York (Mr. Horton) has pointed out. I commend this bill to you as the right way to go about solving some very difficult problems.

Mr. HORTON. Mr. Chairman, I thank the gentlewoman from New Jersey for her comments and for her assistance and help in bringing this bill to the floor.

Mr. Chairman, I want to endorse everything that my chairman and good friend, the gentleman from California (Mr. Holifield) has said about H.R. 474, the bill to establish a Commission on Government Procurement. I was a cosponsor of this bill from the very beginning, and I sat through those long hearings with the Chairman, which he mentioned in his remarks.

The hearings on H.R. 474, as the gentleman from California explained, were designed to identify problem areas. They had a plan and a purpose. This is what we sought to do:

First. To hear from the Government departments and agencies which account for the great bulk of procurement spending. These include the Department of Defense, National Aeronautics and Space Administration, Atomic Energy Commission, and General Services Administration. Since the Department of Defense is preeminent in the spending of procurement dollars, the subcommittee examined procurement at the Defense level in terms of policy, funding controls, contract administration, and contract auditing. Procurement functions and activities of the Defense Supply Agency and the several military departments also were reviewed. There was considerable discussion of problems associated with selected weapon programs, such as the Air Force's C–5A cargo aircraft, the Army's Cheyenne helicopter, and the Navy's shipbuilding.

Second. To get a cross section view of civil agency procurement, with particular attention to those departments and agencies which have a potential for substantially increased procurement as efforts are made to solve pressing urban problems. The subcommittee took testimony from the Departments of Health, Education, and Welfare; Housing and Urban Development; Transportation; and Post Office; and from the Veterans' Administration. Significantly, some of the strongest endorsements of the bill in the executive branch came from heads of the newer departments—HEW, HUD, DOT.

Third. To examine the procurement process from the standpoint of those agencies whose regulatory, investigative, administrative, or adjudicative functions are important in guiding or controlling this process. In this category prepared and oral presentations were made by the Bureau of the Budget, General Accounting Office, Small Business Administration, and the Departments of Justice and Labor. The Renegotiation Board submitted a written statement.

Fourth. To examine in more depth and detail selected functional or problem areas which cut across agency lines or are common to several or all of them. Here the subcommittee examined such problem areas as support service contracting, procedures for resolving contract disputes, and financial risks to the public and contractors arising from catastrophic accidents.

I might point out to the members of the Committee that 20-some different problem areas we discussed in the report, and some of the areas which we held hearings on are:

Modernizing the procurement statutes;
Simplifying the regulations;
Training of procurement personnel;
Procurement organizations;
Promoting more competition;
Incentive contracting;
Total package procurement;
Source selection and performance evaluation;
Government work in-house or by contract;
Government-furnished property;
Truth in negotiations;

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Cost estimation;

Profits and risks;

Reduction of paperwork;

Small business;

Procurement against poverty;

Fair employment and public contracting;

Labor standards on public contracts;

Patents and proprietary data;

Conflicts of interest;

Bid protests;

Contract appeal board structure;

Resolution of contract disputes;

Role of the contract auditor;

Architect-engineer services;

Rights of the subcontractor;

Financial risks of catastrophic accidents; and

Contracts versus grants.

These are just some of the areas set forth. As the chairman pointed out, we had 33 days of hearings with over 100 witnesses. I believe it is very important for us to consider this when we think in terms of the work of the Commission.

The fifth purpose of the hearings was to afford an opportunity to any individual, group, or organization to come before the subcommittee and discuss procurement problems in connection with H.R. 474 from the standpoint of special knowledge and experience or economic interest. Among the organizations which endorsed H.R. 474 are the American Bar Association—Public Contracts Law Section; National Institute of Governmental Purchasing, Inc.; Federal Executives Institute; American Institute of Architects; National Association of Wholesalers; National Tool, Die, and Precision Machinery Association; Aerospace Industries Association; National Security Industrial Association, and Electronic Industries Association. The subcommittee also heard individuals in Government, industry, academic, and legal circles who have had many years of experience in dealing with Government procurement matters.

I must confess that until I sat through this extensive round of hearings, I never appreciated fully the magnitude and complexity of the problems in Government procurement. Of course, as a member of the Small Business Committee, and as a Congressman listening to many complaints and grievances of businessmen in my district, I had a pretty good working knowledge of the subject. But I am convinced today, more than ever, that this Commission is urgently needed and that it has a vitally important job to do.

This bill will help small business. I note that our colleague, Mr. CORMAN, of California, who is chairman of the Subcommittee on Government Procurement of the House Small Business Committee, also is a sponsor of this bill. I believe that small business desperately needs some help in the procurement field and will get some real benefits from this legislation. If we can do nothing more than make the procurement process and the regulations more understandable to the small businessman, the Commission will have fully justified itself.

Note that the procurement study proposed in the bill is governmentwide. It is not limited to the military. The military spend the bulk of the moneys, but increasingly the civilian departments and agencies are being thrust into the procurement process as they cope with difficult problems of our urban and rural areas. They are expanding their procurements of complex technical goods and services, and they have a lot to learn by way of procurement training, organization, and procedures. Not surprisingly, this bill is warmly endorsed by the Secretaries of the newer departments like DOT, HEW, and HUD.

And, as far as the military side is concerned, I want to emphasize again what the gentleman from California has said about Secretary Laird's support. I have talked personally to Mel Laird about this bill and I can assure you that he goes all the way with us.

It is true that the Secretary has set up a "blue ribbon" panel to look at various defense matters, not only procurement, but organization, research and development, command and control, and other matters as assigned. The Secretary proposed such a group even before he came into office. Its tenure is rather brief, only one year, and its members include persons who are not experts in the procurement field. As Secretary Laird pointed out, the Commission on Government Procurement would complement rather than compete with his group.

Secretary Laird has not only given me his assurance personally of his support for H.R. 474, but he has gone on the record with a public statement. He says simply and clearly:

> Recognizing that improvements in our Federal procurement practices and procedures can result in strengthened defense and significant benefits to the taxpayer, I wish to state my unqualified support for the establishment of a Commission on Government Procurement.

This statement was made publicly on July 31, 1969, when the Assistant Secretary of Defense for Installations and Logistics, Barry J. Shillito, was about to testify before the committee of the other body on the companion bill to H.R. 474.

I believe we have to consider the bill before us today in the light of the situation that confronts the Congress. On all sides we hear about procurement overruns, performance underruns, mistakes of judgment. Many of these were made in past administrations, but there is no magic formula that will solve the problems of the present administration. Unless we set up a group to examine procurement policies, procedures, and practices, without fear or favor, without any ax to grind, without any deadlines to beat or headlines to make, what will we get? As the gentleman from California said, we will get legislation from the floor.

The choice now is between a Commission for constructive and comprehensive change, and legislation by floor amendment to patch only the most glaring weaknesses in our procurement structure.

Let me more fully explain why I believe that floor amendments, aimed at alleviating specific and isolated procurement problems, or at changing particular procurement judgments or priorities, cannot even begin to solve the morass of difficulties and inconsistencies in this area.

First, I believe it would be instructive to review briefly, the Federal statutes which deal with Government procurement. The two key laws which govern procurement policies are the Armed Forces Procurement Act of 1947, as amended, and the Federal Property and Administrative Services Act of 1949. In addition, title 41, United States Code, contains major "guideline" legislation in the procurement field.

In addition to these three basic sources of procurement law there are no less than 22 ancillary statutes affecting Federal procurement. To afford some taste of how intricate and extensive this field is, I will take the liberty of listing these ancillary laws. They include the Budget and Accounting Act of 1921, as amended; the Small Business Act of 1963, as amended; the Defense Production Act of 1950, as amended; the Freedom of Information Act, as amended; the Assignment of Claims Act; the Tucker Act, as amended; Public Law 85–804; the Wunderlich Act; the Miller Act; the Renegotiation Act of 1951, as amended; the Public Contracts Act; the Davis-Bacon Act, as amended; the Work Hours Act of 1962; the Service Contract Act of 1965; the Copeland Act; the Buy America Act, as amended; in addition to numerous conflict of interest statutes and laws concerning prison-made and blind-made supplies, and legislation requiring appropriations prior to contracting. Brief descriptions of each of these sundry statutes and their relation to the procurement process can be found beginning on page 690 of volume 3 of the Military Operations Subcommittee's recent hearings.

Of course, each of these statutory provisions has given rise to a proliferation of agency regulations and requirements. In many cases, agencies have used legislative language to stretch their power and influence over larger and larger segments of the procurement pie. One example that was brought out in our hearings will serve to illustrate the depth of the problem. The Service Contract Act of 1965 is principally designed to provide for payment of minimum wages and for the observance of safety and health rules on all contracts of the Government the principal purpose of which is the performance of maintenance services—such as guards, janitors, mechanics, laborers, and so forth. One of our witnesses testified that the agency administering this law had stretched its interpretation to bring aircraft flight instructors under its wing. The agency's reasoning went something like this and I quote:

> Flight instructors, in addition to providing ground instruction as to the theory of flying, also take students on actual flights. As the work of a pilot concerns itself with the need for manual dexterity, a degree of physical strength and other physical processes necessary to control an airplane in flight, it seems reasonable to classify such employees as "laborers or mechanics."

A category of worker covered under the act.

As the witness observed, through this

reasoning process any occupation including that of a surgeon could be "umbrella-ed" under the jurisdiction of this law. The additional paperwork, redtape, and inefficiency that would be involved in each procurement transaction if only a few of these 25 statutes were so stretched beyond their original intent is easily foreseen—if indeed it is not already happening.

Including flight instructors under a law meant to protect the wages levels and working conditions of unskilled laborers is but one isolated problem affecting procurement which has arisen over a single provision of a single law. There are literally hundreds of other such problems woven into our present procurement structure. For Congress to ferret out and correct each of these on a piecemeal basis would take years, and maybe decades.

The problems of inefficiency, waste, and policy priorities are far too urgent today for us to sit back and try to untangle this morass through patchwork or piecemeal legislation. It is obvious that our procurement system must be shaped up and modernized, so that our constituents get more for each tax dollar spent on goods and services.

I think there is no doubt that a comprehensive study of the overall procurement structure, by a working commission of experts, committed to trimming the fat and to finding workable, possible solutions, and alternatives, is essential if this job is to be done properly and if it is to be done anytime soon.

I think this bill makes more sense now than it ever did, and I hope that it will be enacted into law so that the Commission can get organized and get down to work and come up with more efficiency and economy in Government procurement and a break for the taxpayers.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Iowa.

Mr. KYL. This bill in no way gives any sanction to the Federal Government agencies' interpretation regarding Federal purchasing for States?

Mr. HORTON. No, it does not.

Mr. KYL. I just want to add one other thing. A short period of time ago I received from a small industry in my district information regarding an order in which the Department of Defense was trying to procure $8.75 worth of repair parts for lawnmowers and the seller had to fill out 16 different pages to complete this transaction for less than $10 worth of parts.

Mr. HORTON. I want to sympathize with the gentleman and make the point that he made and on which I agree with him 100 percent. That is one of the reasons why this Commission is so important. We found in the work we did and in the hearings we held it was one of the problems that the small businessman had; namely, the tremendous amount of paperwork involved. It is my hope that this Commission will tackle this problem and come up with very concrete proposals which will help the small businessman when he is dealing with the Federal Government.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. GROSS. I was here, as was the gentleman from California (Mr. HOLIFIELD), when the Defense Department was established. At that time we were led to believe that this would provide for the ne plus ultra in purchasing, including commonality of articles. There was to be a common purchasing catalog and all that sort of thing. The Defense Department was sold on that basis. Apparently it has not worked out that way. Would the gentleman agree?

Mr. HORTON. Let me say it this way: Much of that has been done. This Commission is not necessarily to criticize but to point out a lot more that has to be done. The gentleman's comment is a good one, because there are places where there can be duplication and where duplication has arisen. The Defense Department, for example—and we also heard from NASA in this regard—has tried to meet and get together to accomplish the purpose that the gentleman is talking about. Unfortunately it breaks down in many instances. That is one of the objections that the Commission can help to eliminate.

Mr. GROSS. With respect to the contracting out and the use of consulting firms and contracting firms, is it planned to go into that form of contracting and purchasing of services outside of the various agencies and departments of the Government?

Mr. HORTON. Yes. I can say to the gentleman that is one of the areas the Commission will certainly look into.

Mr. GROSS. I certainly hope so.

Mr. HORTON. I thank the gentleman for his comments.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I rise in support of H.R. 474.

Mr. Chairman, I came onto this subcommittee rather late, just during the last 3 months, but in the very limited time during which I served on the subcommittee it is my considered judgment based upon the testimony presented to the committee that we certainly need this bill.

Mr. Chairman, the Commission would be a working commission. All of us have seen many commissions which have been functional in name only. However, here is one which would provide the tools with which we can streamline procurement in the various departments and agencies of the Government in order to save the taxpayers' money. And if we are to save the taxpayers' money we must first do it right here in this body through legislation and by being wise in our appropriations. After we have funded the various procurements through appropriations, we must see that the executive branch does a good job of procurement and in carrying out the intent of the Congress.

Mr. Chairman, it is my opinion that this Commission is certainly needed here, as the gentleman from New York has said, to provide for the taxpayers of this country a fair return for their tax dollar invested, which I believe this Commission can do if we enact this legislation.

Mr. HORTON. Mr. Chairman, I wish to thank the distinguished gentleman from Indiana for his comments and to tell the gentleman we were very pleased to have him as a member of the subcommittee. It is my recollection that the gentleman attended all of the hearings of the subcommittee after his assignment to the subcommittee and I certainly want to thank him with reference to his comments about the make-up of the Commission, because I know he shares with the chairman the view that this should be a hard-working Commission. It is a very important Commission. It has a tremendous task to perform, a task which in my opinion is impossible of accomplishment within the confines of the Congress, but one which I think can be accomplished by hard-working industrious people who will study this problem of procurement and come up with some meaningful recommendations and suggestions.

Therefore, Mr. Chairman, I thank the distinguished gentleman for his contribution.

(Mr. CONTE asked and was given permission to extend his remarks at this point in the RECORD.)

SMALL BUSINESS ASPECTS

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 474, a bill to create a Commission on Government Procurement. As the ranking minority member of the House Small Business Committee, I would like to point out that this Commission can be helpful to small business, and small business needs help.

As disclosed in the subcommittee hearings on H.R. 474, conducted by the gentleman from California (Mr. HOLIFIELD), the small business share of defense prime contracts has declined, as shown in recent statistics. The small business share of defense procurement dollars declined from 21.8 percent for fiscal year 1966 to 18.8 percent in fiscal year 1968. The decline has been attributed to the changed composition of procurement, particularly an increase in missile and space system hardware and other systems supposedly beyond the capabilities of small business.

The basic procurement statutes advocate a fair share of Government procurement to small business. And the Small Business Act provides techniques and resources for assisting small business and promoting procurement opportunities in that sector.

Small business participates in Government procurement through direct contract awards in ordinary competition, through subcontracts from prime contractors, and through small business set-asides, which may be total or partial. I might note here that certain large Government contractors, such as General Electric which has a major plant in my hometown of Pittsfield, have developed excellent small business programs of their own, providing coordination, cooperation, and assistance for small business concerns and subcontractors. The Small Business Administrator shares responsi-

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bilities with Government contracting officers in having statutory authority to certify the competency of small business firms for Government awards in terms of capacity and credit.

The report accompanying H.R. 474 raises questions as to whether small business participation can be enhanced by more set-asides, more subcontracting by primes, breakout of selected items from big systems for small business award, better deployment of small business specialists in procuring organizations, simplification of regulations and paperwork, expanding the authority of the Small Business Administrator to certify the competency of small firms, and other measures.

More facts are needed. In order to help small business more effectively, we need the results of the studies of the Commission on Government Procurement, and we should enact H.R. 474 as soon as possible.

Small business concerns always face particular problems in dealing with Government procurement which are much more difficult for them to handle due to their size. Besides the paperwork of regulation and administration, there are always barriers of information that must be surmounted by small business producers in order to find out what contracts can be competed for, what agencies have needs, what the specifications are, and whether they need to be the way they are.

In order to have a healthy climate for the small businessman, he needs as much of a one-stop service as he can get, so that he can put his major effort into making a good product for the Government. But no such service is available. Businessmen must go from agency to agency to search out the list of things that are needed that he can supply, with no assurance that he can find anything at all.

The Commission on Government Procurement, when it is formed, should make it a part of its job to examine all of the agency small business programs, to assess their effectiveness, and suggest as many ways as possible for the agencies to coordinate their efforts, cooperate, and bring their procurement information together for the benefit of the small business enterprises who cannot afford the expertise that larger firms can in dealing with these matters. It should also undertake to assess the cumulative effect of the agency procurement policies on the small firms with whom they do business.

If it can do these things, the Commission on Government Procurement will not only be a great boon to small business, it will inevitably help to improve the competitive climate, broaden the procurement base, and help the Government buy what it needs, when it needs, at sound and reasonable prices.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. St Germain).

Mr. ST GERMAIN. Mr. Chairman, I think it is important to point out that at the present time the fact that our Federal Government is spending almost $55 billion a year of the American taxpayers' hard-earned money to buy supplies and equipment from private industry. As Members of Congress, it is our duty to see to it that these dollars are spent as wisely and as efficiently as possible and that the taxpayer gets the best possible return for his money.

I am sure that we all agree that overseeing these enormous expenditures is a tremendously difficult task. We all know of the examples of waste and inefficiency in Government procurement which have been called to the attention of Congress and of the public in the past few years. In the case of many other contracts, confusion and doubt have arisen because our procurement and contracting practices, the contracts themselves, and the applicable laws and regulations have become so proliferated and so complicated that even lawyers, accountants and other experts cannot understand and apply them all.

Contracts made by competitive bidding are so changed by negotiated change orders that the original specifications and prices become meaningless. Negotiated fixed price contracts turn out to have no fixed price at all. Cost contracts with fixed fees, incentive and award fees often multiply costs beyond anyone's expectation. Estimates, also, have often become meaningless, and accusations and counter accusations have become the order of the day. Critics claim or imply great waste exists, while many contractors point to losses or low profits on Government work. Even the Comptroller General can do little to stem the tide.

This measure, H.R. 474, offers a ray of hope in this dark and desperate situation. The Commission it will set up to study the procurement laws, regulations and practices will be able to make use of the best minds and the most experienced expertise to bring order into our present chaos. I am sure that the members of the Commission themselves will be selected on the basis of their knowledge, experience and firm determination to reestablish our procurement laws on a solid and workable foundation.

As each day passes, the procurement system becomes more entangled in its own complexities. As a first and essential step on the road back.

Mr. Chairman, I want to join my colleagues, the gentleman from California (Mr. Holifield) and the gentleman from New York (Mr. Horton) in urging the passage of this legislation.

I would be remiss, Mr. Chairman, if I did not compliment both the chairman of the subcommittee, the gentleman from California (Mr. Holifield) and the ranking minority member, the gentleman from New York (Mr. Horton). I did not attend all of the hearings because of duties on other committees that I had to attend that were of equal importance in my mind. However, these two gentlemen have given untold hours to this legislation, not only in this Congress but in the previous Congress. I believe the work that they have done is reflected in the report and in the hearings.

In addition to that, Mr. Chairman, I believe a great deal of credit should go to the committee staff for the yeoman work that they have done on this legislation. Without their working nights and weekends on the background it would have been indeed difficult for us to comprehend or even begin to try to comprehend the chaos that exists. I am sure that with the passage of this legislation the fruits of their labors will be realized.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Chairman, when a labor bill comes to Congress which has the sanction of both management and the unions, we are prone to hasten the passage of the necessary law. This is natural. It is well to formalize the arrangement whenever antagonists find a common ground.

The Committee on Government Operations has reported out H.R. 474, for the creation of a Commission on Government Procurement. As one of the cosponsors, I was interested to find that buyers in the several Government departments testified in favor of this bill, and we found similar good reception from the sellers—from the men in industry who do business with their Government.

The most often heard argument against this bill is that the Commission would do what the various committees are supposed to be doing all the time. I think this may have a certain theoretical validity, but I think it lacks practical merit.

First, if the committees were to survey this procurement field, every one of them would need more staff people. And second, virtually every committee has so many other concerns—so many other things to do—that it is difficult for them to give this procurement study the kind of attention that is needed.

Finally, this bill calls for a Commission of limited tenure. This is intentional. We believe the Commission can concentrate its efforts over a 2-year period and can come in with recommendations which will lead us toward more economical buying practices in the Federal Government.

The procurement regulations of the various departments have grown piecemeal. Each department has, from time to time, asked for changes to solve one problem or another. In some cases, the problem has long since disappeared, but the regulation has remained nevertheless.

As a result, a small businessman who has learned to bid on—let us say—supplies for the Department of Labor may find that he has a completely different set of rules to follow in presenting his case to the Agriculture Department or the Department of Interior.

This diversity is only a small problem to the huge corporation which sells several million dollars' worth of goods and services to the Federal Government annually. It is a major stumbling block, however, to the small businessman who measures his Government contracts in the hundreds or the thousands of dollars. And this costs the Government money. It reduces the number of bidders and, inevitably, reduces the number of low bidders.

I hope, therefore, that a Commission on Government Procurement would find ways to simplify the regulations of the various executive departments and, as nearly as practicable, to make them uniform.

The last full-scale review of Government procurement was made by the first Hoover Commission in 1949—20 years ago. Since then, the value of supplies and equipment bought by the Government has risen from $9 to $55 billion. To me, this argues strongly that it is time to take another look at this activity.

In the intervening 20 years, there have been many new developments which affect procurement. There have been new techniques in contracting, new methods of contract administration, and a huge rise in the contracting of research and development. Automatic data processing, unknown two decades ago, has been adapted both to inventories and to procurement.

We now have rules about procurement in labor surplus areas and about buying from small businesses. We have developed a national system for the procurement and distribution of supplies; and we have learned to save money by having private contractors on Federal projects buy their supplies from Federal sources.

None of these were covered in the Hoover Commission recommendations because they were not known then.

Mr. Chairman, the Federal Government is the biggest—but far from the most efficient—business in our big country. It is so big that even a tiny refinement in buying practices can save tens of thousands of dollars; so big that a small improvement may easily save a million dollars; and so dynamic that regulations which were adequate in 1949 are in many cases inadequate to the needs of 1969.

The Government Operations Committee was unanimous in its approval of this bill. Its report contains several pages of excerpts from the testimony of various department heads, all urging that it be passed. These statements are followed by more declarations by officers of various trade associations. They also voice support of a Commission on Government Procurement.

These are the buyers and the sellers; and both sides agree on this point. I believe it is time that Congress hasten to ratify their agreement.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. HORTON. Mr. Chairman, I would like to take this opportunity to thank the gentleman for his comments and to tell him it was a privilege and an honor to work with him when he was a member of this subcommittee. I feel that the House should know that the gentleman from Illinois spent a great amount of time working on this bill, attending the hearings, and he was very conscientious in his work with the subcommittee. I regret that he is no longer a member of the subcommittee, but we do value his comments and the remarks that he has made here today very highly, because in the last two Congresses he has been very concerned about this very important problem and in judgment presents an expertise which is invaluable.

Mr. ERLENBORN. I thank the gentleman for his comments.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the bill, H.R. 474. I believe it is proper and necessary for the Congress to create a commission to carry out the congressional duties of overseeing procurement of military and other equipment. However, even as we create this Commission we should remember that it is a congressional duty which we are delegating to the Commission.

Of late, much has been said and written about clause 1 of section 2 of article II of the Constitution which provides that:

> The President shall be the Commander in Chief of the Army and Navy of the United States.

Under the Constitution the President commands whatsoever Armed Forces are provided to him but the decision as to the number of soldiers and sailors and whether they shall be equipped with ABM's and MIRV's is, under our Constitution, not his decision to make. Under our Constitution the power to make these decisions is given to the Congress of the United States.

The so-called "war power" clauses of the Constitution are clauses 11, 12, 13, and 14 of section 8 of article I of the Constitution. These clauses provide that Congress has power: "to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulations of the land and naval forces." Under the constitutional authority "to raise and support armies, to provide and maintain a navy" we the Congress could properly enact statutory procurement rules and regulations, or as is contemplated by the bill, H.R. 474, we can create a commission to do the job for us. There is no question that the job must be done. The Armed Services Committee and our Military Operations Subcommittee have unearthed enough real procurement horror stories in the Defense Department to assure that the Commission will have plenty of work to do.

On May 15, 1969, the case of the Army's Cheyenne helicopter came before the subcommittee. One of the main troubles with this helicopter, we were told, was that the newly developed rigid rotor blade "oscillated." This seemed mild enough until it was brought out that it "oscillated" so much that one time it amputated the canopy in which the pilot would sit. The officer testifying protested and said:

> But sir, that wasn't planned.

Last Wednesday while undergoing 100 knot wind tunnel tests, a Cheyenne helicopter was "totally destroyed."

On May 14, 1969, the case of the Sheridan armored vehicle, or more accurately its infamous turret and caseless cartridge, came before the subcommittee. It was revealed that the Army rushed into production of the chassis for this $1.3 billion vehicle to avoid "adverse and political and budgetary impacts," even though it was clear the ammunition for the vehicle's gun just would not work.

The insidious relationship between some in the military and some in the defense contract industry is also illustrated in the C–5 aircraft. Here is illustrated a classic case of a sweetheart contract. It was a beautiful buy-in bailout deal. The contractor bid in well below the Air Force's estimate of the cost for first run, or run A of the C–5 airplane.

The contractor could afford to bid in under the repricing formula in the sweetheart contract because it would be bailed out if the Air Force ordered the second phase for run B. There was little doubt that the Air Force would exercise the option to order run B. The fact of the $2 billion overrun was shocking enough, but even more shocking is the fact that the existence of these overruns was deleted from official Air Force reports "under direction of higher authorities." When asked why this was done, the Systems Program Director, in a very dramatic moment in a hearing before our subcommittee, revealed that this concealment was not for the benefit of the Government or the taxpayer, but to protect "Lockheed's position in the common stock market." Mr. Chairman, concern with the stock market position of a defense contractor is not, I submit, a proper function of an Air Force official.

In addition to specific rules and regulations, the Commission will have to deal with the attitude of prevailing in procurement. This attitude was eloquently described in testimony by Gordon W. Rule in the case of the F–111B, and particularly Gordon Rule's assessment of the attitude of one Assistant Secretary of the Air Force.

Gordon Rule testified as follows:

> I know of one such secretary who will tell you that he believes no defense contractor should be allowed to lose money on a Government contract and whose test of a contractor who has failed to live up to the terms of a contract is "could any other contractor in that industry have done better?"
>
> I strongly suggest that no man with such a philosophy should ever be appointed an Assistant Secretary for I&L, because such a person provides the negotiators on the firing line the antithesis of sound procurement leadership.

There is much that a Procurement Commission can do and the most important of all is to change the attitude on the part of those engaged in procurement.

Even as we recognize that there are things which a Procurement Commission can do, we in the Congress must also recognize that there are things that the Commission cannot do, and that only we in the Congress can do. The Constitution gives to Congress the responsibility for considering all the needs of the Nation, not merely the military. The first clause of section 8 of article I of the Constitution expresses this idea very succinctly. It says:

> The Congress shall have Power to lay and collect Taxes, Duties, Imports and Excises, to Pay the Debts and *provide for the common Defense and general Welfare of the United States.*

Congress should take a hard look at our general purpose conventional forces because these items involve over 60 percent of the Defense Department's budget.

In the Joint Economic Committee hearings, Dr. Karl Kaysen projected a greatly reduced military budget by changing the two-war-plus policy and that we should "maintain no continuing ground force commitment in Asia."

The Constitution directs the Congress to provide not only for "the common defense" but also for the "general welfare" of the United States. If we are to provide the funds for housing, education, and so forth which the "general welfare" requires, the best source of additional funds seems to be those conventional forces which are not needed or which are only "marginally" needed for the "common defense."

The enactment of H.R. 474 and the establishment of a Procurement Commission will be good for the country, but we in the Congress must realize that it is not a complete discharge of our constitutional duties. It still continues to be our duty to the Constitution to "provide for the common defense and general welfare of the United States."

Mr. BENNETT. Mr. Chairman, the bill before the House today, H.R. 474, to establish a temporary commission of experts on Government procurement, is a much needed piece of legislation, and I am pleased to support it. I hope it is adopted.

This bill would set up a new Commission to carry on a full-scale review of Government procurement policies and practices. This has not been done since the Hoover Commission's report led to the enactment of the Federal Property and Administrative Services Act in 1949. During the period from 1949 to 1969, the dollar value of Government procurement awards for supplies and equipment has increased from about $9 billion to about $55 billion, according to the Bureau of the Budget.

As a member of the House Armed Services Committee, I am fully aware of the need for a stronger check on Government spending. The taxpayers properly demand this and the Congress has an obligation to provide it.

I have sponsored legislation in this Congress which would strengthen the economy of the Federal Government. One of the bills, H.R. 340, is a wider version of the bill we are considering today. It would establish a program to study existing Federal activities to determine if full advantage is being taken to benefit the American people at the lowest possible cost. Another bill, H.R. 13260, would prohibit former Federal employees who participated in a contract formulation from being employed by anyone who has a direct interest in the contract for a period of 2 years. This legislation is similar to a bill I first introduced in 1951. In light of recent findings concerning the so-called military-industrial complex and the questions of overruns on contracts, and the apparent lack of adequate fiscal controls in some areas of defense spending the legislation is clearly needed. A third bill, H.R. 951, would establish a Budgetary Information Service to help Congress modernize its authorization and appropriations systems. A fourth bill, H.R. 12256, would impose an excess profits tax on corporate profits. A similar tax during the Korean conflict added $8 billion to Treasury. I think all these bills are needed.

Mr. BOLAND. Mr. Chairman, I wish to take this opportunity to voice my strong endorsement of the bill which is being considered on the floor of the House today—namely, H.R. 474—legislation authorizing the establishment of a Commission on Government Procurement.

I am confident that most of my colleagues in the Congress agree that the immediate establishment of such a commission is not only timely, but long overdue. We in the Congress must face up to the fact that we at the moment do not possess the insights or resources to enable us to police effectively the multibillion-dollar procurement activities of the Federal Government, and particularly in the area of defense procurement. All evidence points to the fact that the executive branch, too, especially since the escalation of hostilities in Vietnam, has found it increasingly difficult, if not impossible to maintain tight control over the procurement process.

Today we live in a period of unprecedented change, which has brought about a radical shift in the order of our Nation's priorities. We have suddenly awakened to the fact that our Nation's cities are in serious trouble. Our State and local governments are finding themselves in a critical fiscal bind due to the insistent and well warranted demands for more public services by the American people. Thus the Federal Government has and will continue to be called upon to play a more direct and active role in combating the many pressing social and economic ills facing our Nation today.

Given this setting, it is abundantly clear that the Federal Government must give top priority to the objective of getting the most out of every dollar spent by the National Treasury. I can think of no better place to start than in the area of procurement. Today the Government spends approximately $50 billion for the procurement of goods, services, and facilities—the bulk of which is accounted for by Defense procurement. We in the future must insure against the likelihood of excessive and unnecessary cost overruns in Defense and other types of Federal procurement—which have recently received such widespread public attention. We must give top priority to improvement of the overall efficiency of the procurement process. These improvements must come from both the Government and its contractors.

In sum, it is clear that our control over the procurement process has broken down. What is clearly needed now is strong bipartisan effort in the Congress to reestablish an effective system of control. The establishment of an independent Commission on Government Procurement—which at this moment clearly possesses strong bipartisan support in the Congress—would indeed move us a giant step forward on this matter of grave national importance. Hence, I urge again quick and favorable support of the legislation which we are being asked to consider today.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I would just like to use the 1 minute I have remaining to echo the praise that the gentleman from New York (Mr. HORTON) gave to the gentleman from Illinois (Mr. ERLENBORN) for his hard work on the committee and to all members of the subcommittee who attended the meetings and worked on this matter.

I also want to say I do not think we could have had a more devoted staff, both on the majority side and the minority side, because they certainly responded to every request of the members.

Mr. Chairman, I yield back the remainder of my time. I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of goods, services, and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost; utilizing competitive bidding to the maximum extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, laws, regulations, and directives;

(6) achieving greater uniformity and simplicity whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

(9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(11) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

ESTABLISHMENT OF THE COMMISSION

SEC. 2. To accomplish the policy set forth in section 1 of this Act, there is hereby established a commission to be known as the Commission on Government Procurement (in this Act referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of fourteen members, including (1) four appointed by the President of the Senate, two from the Senate (who shall not be members of the same political party), and two from outside the Federal Government, (2) four appointed by the Speaker of the House of Representatives, two from the House of Representatives (who shall not be members of the same political party), and two from outside the Federal Government, and (3) six appointed by the President of the United States, three from the executive branch of the Government, and three from outside the Federal Government.

(b) The Comptroller General of the United States or his designated representative shall be an ex officio member of the Commission.

(c) The Commission shall select a Chairman and a Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

(e) Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and the organizations by which procurement is accomplished to determine to what extent these facilitate the policy set forth in the first section of this Act.

(b) Within two years from the date of enactment of this Act, the Commission shall make a final report to the Congress of its findings and of its recommendations for changes in statutes, regulations, policies, and procedures designed to carry out the policy stated in section 1 of this Act. In the event the Congress is not in session at the end of such two-year period, the final report shall be submitted to the Clerk of the House and the Secretary of the Senate. The Commission may also make such interim reports as it deems advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) Members of the Commission who are Members of Congress or who are officers or employees in the executive branch of the Federal Government shall receive no compensation for their services as such, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in 5 U.S.C. 5702, 5704), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5 of the United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission, or at its direction any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and take such testimony, as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member.

(b) The Commission is authorized to acquire directly from the head of any Federal department or agency information deemed useful in the discharge of its duties. All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not in excess of $100 per diem.

(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED TO AID COMMISSION

SEC. 7. Any department or agency of the Government is authorized to provide for the Commission such services as the Commission requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

TERMINATION OF THE COMMISSION

SEC. 8. One hundred and twenty days after the submission of the final report provided for in section 4 of this Act, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BINGHAM: On page 3, line 19, after "the Federal Government", insert "(who shall not be members of the same political party)".

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. BINGHAM. Mr. Chairman, this is a very simple amendment.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I would like, if I may, to just explain the amendment.

Mr. HOLIFIELD. I was merely going to ask the gentleman, since his amendments are of the same nature, if he would consider having them read and considered en bloc.

Mr. BINGHAM. I thought it might be simpler to proceed the other way, but if the gentleman would prefer, Mr. Chairman, I ask unanimous consent to have the three amendments which are of the same nature considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

> Amendments offered by Mr. BINGHAM: On page 3, line 23, after "the Federal Government", insert "(who shall not be members of the same political party)".
>
> On page 4, line 2, after "the Federal Government", insert "(not more than three of the six to be members of the same political party)".

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. BINGHAM. Mr. Chairman, the purpose of these amendments is quite apparent, I believe. It is to assure that the proposed Commission be bipartisan in nature. The provisions of the bill require, quite properly, that the two Members appointed from the House be of different parties and the two Members appointed from the Senate be of different parties. But the same proviso does not apply to the public members or to the members to be appointed by the President.

As the bill is now drawn it would be possible for the President to appoint—and I do not say he would do it, but he would be empowered to—six Republicans, so that there might be 10 Republican members out of the 14. It seems to me that it is unwise to leave this possibility open. A commission of this sort should be bipartisan in nature. There are plenty of able people to serve on such a basis.

I would hope these amendments would be acceptable to the Chairman and members of the Committee.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to these amendments. This matter was considered in our committee. We took note that there had been commissions appointed on this basis and also that there had been others that had not been. The second Hoover Commission, on which I served, did not provide for any political division, even among the congressional Members, although the Speaker of the House in consultation with the minority Member did appoint the gentleman from Ohio (Mr. BROWN), and me on that Commission. In the Senate, the Senator from Arkansas, Mr. MCCLELLAN, headed the Government Operations Committee there, and at one time Mr. Brewster of Maine did, and he was succeeded by Mr. Bridges of New Hampshire. So it was bipartisan among the Members of the Congress.

We think the proper place for bipartisanship is in the House and Senate Members. We feel the recommendations that are going to be made by this Commission are going to be sufficiently reviewed by the Members of the House and the Senate. We are going to look at this thing in a nonpartisan way, not a political way.

I can say to the Members if there is the injection of partisanship into this, certainly from the standpoint of representation which takes advantage of either side of the political spectrum, then I would be the first to rise on the floor of the House and oppose such recommendations.

I believe the responsibility is going to be upon the Speaker of the House and the President of the Senate and the President of the United States to give us a good working commission. If we do not have a working commission, frankly we will not accomplish anything. I will be the first to say this. We have to have people of expertise. When I say that, I hope and I am going to urge that the President of the Senate and the President of the United States look upon this as a search for talent, a search for people who know something about this.

If we do not have people of talent and people who do not just have certain titles or prominence in society, we are not going to get the job done. This problem cannot be solved that way.

This problem is really nonpartisan, and it should be nonpartisan to bring about the best recommendations we can in this field of improving the procurement procedures and practices of Government. I, therefore, think the amendments would be a mistake.

I am a Democrat and Mr. HORTON is a Republican. The members of this committee—and that is the full committee and not only the subcommittee—have served on this without any hint of partisanship.

I can say this much. If I am appointed on this Commission and the gentleman from New York (Mr. HORTON) is appointed on his side, we will see to it that the job of study and recommendation is done. If we are given the experts—and I say the responsibility is on the President of the United States and the President of the Senate and the Speaker to appoint people of competence and people who have the time, and this is very important, because on the second Hoover Commission, there were members who had famous titles and who had national titles, but who did not have the time to do the job of hard grueling work that is necessary to be done if we are to do a good job—I, for one, do not want to bring partisanship into it at this time.

I would ask that the amendments be defeated. I know the gentleman offers the amendments in good faith, but I also have faith that the responsible people named in this bill will do a job based on the merits of this proposition and not upon partisanship.

Mr. Chairman, I ask that the amendments be voted down.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

I want to agree with the gentleman from California. I will say to the gentleman from New York, who has offered these amendments, in a way I am glad he has offered the amendments because it does give us an opportunity to make some legislative record here with regard to the choice of the members of the Commission.

We did discuss, as the gentleman from California (Mr. HOLIFIELD) stated, in the subcommittee and in the committee the problem of making this a bipartisan type Commission. It was our strong feeling that by doing so, by affirmatively saying it should have a bipartisan flavor, we would of necessity tend to make it somewhat partisan. We felt that by not having the bipartisan flavor, by not requiring this type of appointment, we could get from the appointive authorities people who, as the chairman said, are experts in this area and people who would be nonpartisan.

I tried to deal in my statement with the problem areas. This is set forth in our report. The General Accounting Office, in a letter from the Comptroller General, outlined some 10 to 15 problem areas. I outlined some 27 problem areas.

I indicated there are something like 22 or 23 statutes involved, when studying this problem of procurement.

This will not be the type of commission where people can be just appointed and expect the work to be done. It is an important Commission, where people will have to work.

I am hopeful that the three appointive authorities will, without regard to politics, not thinking in terms of politics at all, select the most competent people to accomplish this purpose.

I do hope that the amendment will not be adopted, for that reason.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I should like to say, in response to the distinguished chairman and my friend from New York (Mr. HORTON), I do not understand their reasoning. It seems to me to be upside down.

They say their purpose is to avoid partisanship on the Commission, but oppose the idea of incorporating into the bill the very customary form of language to assure that it be bipartisan.

As a practical matter, I am sure that if the gentleman who is the chairman of the subcommittee had the power to make the appointments he would make appointments free from any partisan consideration. But as he knows, having been in politics for a long time, the President of the United States and the Vice President are under great pressure, particularly at the beginning of an administration, for members of their own party to be appointed to commissions.

Many of these commissions carry a certain amount of prestige. Even though the compensation is not important, there are strong pressures from members of their own party to get some kind of reward.

I submit it would put a terrible burden on the President, when he has six appointees here, three from his own executive departments and three from outside, to leave him total discretion. It would make it easier for him to assume the bipartisan nature of the Commission, to resist those who seek honorary titles, to provide for bipartisanship in the right kind of bill. My amendment does not say the appointees shall be members of a particular party, but merely says in each case, not more than one member from each party, or not more than three from any party.

I respectfully submit, if we are for bipartisanship—and that is what I assume everybody wants on the Commission—the way to provide for it is to provide for it.

I thank my colleague from New York for yielding.

Mr. FARBSTEIN. Mr. Chairman, much as I may laud the purposes of the proposed Commission on Government Procurement which H.R. 474 would establish, it seems to me that we are once again proposing to put on a bandaid where we should be amputating.

Hearings have already been held, studies completed, reports received, and suggestions given for streamlining Government procurement procedures, particularly in the sacrosanct area of defense spending. We do not need to go through it all again and thereby put off doing anything about the problem for another 2 years. We know that our present procurement methods are inadequate to protect against excess profits to certain companies, massive overruns which are not caught until they are "fait accompli" and unwarranted wasting of the taxpayers' dollars.

With all the suggestions we already have at hand, I think it is about time we in Congress got down to work, established the necessary guidelines and gave additional or strengthened powers to those overseeing groups which already exist: the GAO and the Renegotiation Board.

Our first act should be to strengthen the Renegotiation Board, which I have supported several times in the past. There is no reason in the world why the U.S. Government should be required to pay for the inefficiency of any private corporation, whether it involves boondoggles of the magnitude of the C–5A $2 billion overrun, or some less publicized mistake. Furthermore, after paying through the nose for the C–5A farce, it is inconceivable to me that we should go right ahead paying for Lockheed's mistakes by procuring more of their aircraft. I think this is an excellent example of the need for establishing a strong Renegotiation Board.

In regard to the Government Accounting Office, in hearings last year Admiral Rickover made several very sound suggestions for strengthening the watchdog powers of the GAO. Among other things, he recommended the establishment of a uniform system of accounting. This would mean that there would exist a sound basis for contracting that would enable the Congress to readily identify actual cost and profit in any given contract. This would make GAO's job easier and would enable Congress to keep its fingers on the progress of any project.

Another move which Congress should make is to give subpena powers to GAO so that the "hard looks" the Government Accounting Office is supposed to give to all Government spending cannot be effectively deflected, particularly in the defense area.

In addition, Congress should take a sharp look at all areas of defense spending in its procurement hearings scheduled for next month. In addition to the more publicized projects which we could do without, such as the ABM system and the C–5A project, we should look into such situations as the continued request by DOD for aircraft carriers when those which we already have are being retired to the mothball fleet or ordered home for training purposes.

Still another sphere which needs congressional action is that of retired Defense Department personnel who barely have time to take a deep breath before they seat themselves behind a desk as employees of the same defense contractors with which they dealt while in Government service. According to a report prepared by the DOD just this last March, there are over 2,000 retired military officers of the rank of colonel—or captain in the Navy—or above who have "retired" into the service of 100 or so contractors whose major business is done with the Defense Department.

I do not mean to impugn the character or sincerity of these former Government servants, but the fact cannot be ignored that the major reason for their obtaining their civilian positions—many of them at close to the corporations' mandatory retirement age—is their knowledge of the intricacies of the defense procurement system. And for many, I cannot believe that the knowledge that such positions are available after retirement does not affect their judgment in assigning contracts.

Legislation along the lines of H.R. 13138, which I introduced last July to prevent former Federal contracting and procurement officials from going to work for companies with which they dealt for a period of 2 years after retirement, is vitally needed to correct this abuse.

Rather than establishing a commission to study the problem for 2 years, and pointing to the Commission as the excuse for not acting, I urge the House to dispense with the Commission and to take the responsibility upon itself to act against the abuses right now.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendments. As stated by the chairman of the subcommittee and the ranking minority member, this question was considered by the subcommittee and the full committee.

It was considered, as I say, after having heard an army of witnesses; not a battalion but an army of witnesses. I think it would be unwise to restrict appointments to those made on a nonpartisan basis. What we are looking for is talent and people who can and are willing to do the job. I feel confident that is what the President will be looking for when he is making his decisions as to appointments, and likewise the Vice President. Frankly, I do not know that the President or anyone on his behalf has sent word down that he would be troubled by this onerous task of bestowing these honorific titles.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman.

Mr. BINGHAM. I thank the gentleman for yielding.

The gentleman is not serious in suggesting that the President would openly make any complaint about the pressure he might be receiving from members of his own party for appointments, is he?

Mr. ST GERMAIN. I thank the gentleman for his contribution and evident ability to read the President's mind.

However, as I say, I oppose this amendment because it was thoroughly considered in the subcommittee and by the full committee. The bill was voted out as a unanimous effort after considering these proposed amendments, and I certainly hope the amendments will be defeated.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. BINGHAM).

The amendments were rejected.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a number of people have expressed concern about this legislation in that it might have an effect that would, I am sure, not be in the minds of the Chairman or the Committee; namely, it might make it possible for the departments whose practices have been criticized in the procurement area to delay or defer any changes in those practices until the Commission submitted its report. As I say, I am sure that is not in the minds of the committee, but I think it would be helpful if it were so stated on the floor. For example, there are some very excellent recommendations that have been made by the Joint Economic Committee for changes in the procurement practices in the Defense Department. I would assume that the Defense Department would consider those recommendations and, if they are appropriate, would act on them and certainly not simply take the view that they are not going to do anything in this area until the Commission submitted its report. I would welcome a statement on that.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. I only will say this: The passage of this bill and the setting up of this Procurement Commission, in my opinion, should not be used—and I do not believe it will be used—to stop any committee of the Congress from going ahead just as they have in the past in requiring changes wherever they are needed. The committee of legislative jurisdiction, of course, here is the Armed Services Committee in the House. They have brought about a number of amendments. The truth in negotiation amendment was one which was offered by a member of that committee. I would hope that the members of the blue ribbon committee of Secretary Laird will go right ahead and make any recommendations they see fit. I understand a study is being made for the purpose of making some changes. The study cannot be the study in depth which we envisage here, but I would assure the gentleman that I would like to see every improvement in procurement that can be made by the present administration.

And, I have been assured that they will make improvements, that studies are going on and that they intend to make improvements in the Defense Department. Of course, I know there is a constant scrutiny by the Comptroller General and, by the way, he is the arm of the Congress; he is a man that looks at more contracts and has more auditors and people to look at them than any other agency of the Government. He is continuously making recommendations, many of which are being adopted by the Defense Department, not only the Department of Defense but other departments of Government.

I assure the gentleman that I share his feeling that no hesitancy should be used in legislating these procedures. There is too much money at stake.

Mr. BINGHAM. I thank the gentleman for his assurances.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, may I reassure the gentleman from New York and confirm and agree with the statement which has been made by the chairman of the committee, the gentleman from California (Mr. HOLIFIELD) and to say most certainly it is our intention and it is our desire that the Commission would have no exclusive jurisdiction during its duration insofar as the legislative provisions are concerned or insofar as the executive departments are concerned. They should proceed to make whatever changes are necessary to improve the procurement procedures until the Commission reports back to the Congress.

Mr. BINGHAM. I thank the gentleman.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, I, too, would agree with what the two gentlemen have said but I would like to point out the fact that throughout the hearings—as a matter of fact in many instances when agencies appeared before us and branches of the Department of Defense they were asked about suggestions made to them previously for improvements that could have been made in the interim which had been made, but they were late. I know myself in some instances about some of these changes. It was made very clear to them that we do not expect them to sit back and wait for something to happen, but to keep looking ahead toward the solution of this problem.

Mr. BINGHAM. I thank the gentleman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROGERS of Colorado) having assumed the chair, Mr. MCCARTHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 474) to establish a Commission on Government Procurement, pursuant to House Resolution 534, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PRESIDENT THIEU AND VICE PRESIDENT KY ATTEMPT TO BLOCK REASONABLE SETTLEMENT IN VIETNAM

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the Thieu-Ky regime in Saigon has been consistently trying to block any reasonable settlement in Vietnam, because any such settlement would necessarily involve either a loss of power for them, or the risk of the loss of such power through fair and open elections. This has long been my view. It is fully confirmed by today's New York Times report from Saigon about Thieu's recent hard line statements.

It is officially stated in South Vietnam that the U.S. objective is to assure the right of the South Vietnamese people to self-determination. This can be done only through free elections in which all parties have the right to participate, and which are carried out in an atmosphere free of compulsion. The only kind of elections that President Thieu seems prepared to accept are elections conducted by his regime and in which the opposition, that is, the NLF, would be prohibited from participating as such. Obviously no settlement can be arrived at on such a basis.

Gov. Averell Harriman has been urging that the United States insist on a substantial broadening of the Thieu-Ky government to include the various non-Communist elements in South Vietnam, so as to carry on effective negotiations with the NLF. President Thieu has been going in the opposite direction, increasing the role of the military in his regime. As Governor Harriman has also pointed out, it was Thieu's stalling on the Paris talks last fall during a critical period that made it impossible to get effective private talks underway.

Cyrus Vance has spelled out a constructive and detailed proposal for a standstill cease-fire, to be followed by negotiations and elections. Thieu has rejected that also.

President Nixon's announced withdrawals of some 10 percent of American forces are clearly not enough to make President Thieu aware that he cannot continue to exercise a veto over the possibility of a peaceful settlement in South Vietnam.

I urge President Nixon to make clear to President Thieu that our patience has been exhausted and that American boys will not go on dying to keep Mr. Thieu and Mr. Ky in power. If these gentlemen do not quickly and specifically indicate a drastic change in their adamant opposition to any realistic negotiable position, the United States should embark on a program for a withdrawal of all our forces, to be carried out as quickly as possible, consistent with protecting the safety of our own troops.

Mr. Speaker, I insert herewith today's article by Terence Smith in the New York Times, together with an article on the Cyrus Vance proposal by Robert Kleinman which appeared in the Times magazine for September 21, 1969:

[From the New York Times, Sept. 23, 1969]

THIEU TAKING A TOUGHER LINE ON PEACE NEGOTIATIONS AND THE WAR

(By Terence Smith)

SAIGON, South Vietnam, September 22.—In private conversations and public statements during the last two weeks, President Nguyen Van Thieu, has hardened his Government's position on both the conduct of the war and the peace negotiations in Paris.

Such a stand has also been evident in statements by Premier Tran Thien Khiem and Vice President Nguyen Cao Ky. Taken together, their remarks seem to signal a general shift to the right by the Government—a shift that is currently being scrutinized by Western diplomats and observers here.

President Thieu has been uncompromising in his views on the war both in public and in private sessions he has held recently with a variety of visiting groups. The members of a British parliamentary delegation that spent an hour with him in the Presidential Palace last week came away startled by his position on the Vietcong.

Mr. Thieu is reported to have told the delegation that he was implacably opposed to any direct Communist participation in South Vietnam's political future. He is said to have added that in his view it will be 20 to 30 years before the Vietnamese Communists modify their brand of politics into a form acceptable to the South Vietnamese Government.

Mr. Thieu took a similar line in public Friday when he appeared as the guest on a newly inaugurated Vietnamese television version of "Meet the Press" entitled "People Want to Know."

During the course of 40 minutes of carefully prepared questions and answers, Mr. Thieu dismissed the concept of a standstill cease-fire as "unrealistic," pledged never to cede "so much as a hamlet" to the Vietcong and promised that he would make no further concessions in the Paris talks.

"Not only do I not have any further peace initiative in mind," he said in answer to a question, "I cannot foresee how the Paris talks could last much longer. We cannot sit at the conference table for one or two years saying nothing."

This, he said, is not an ultimatum to the enemy but a personal prediction that the Paris talks will eventually dissolve unless the other side modifies its stance.

Finally, Mr. Thieu assured his audience that his Government would never accept the existence "in any way" of a Communist party in South Vietnam.

All in all, it was the President's toughest public performance to date, and one that presented a sharp contrast to his rhetoric of last summer. Only last July the emphasis was on compromise, and Mr. Thieu was assuring the other side that everything would be negotiable once private bargaining began.

Opinion among observers is divided on the reasons for Mr. Thieu's apparently deliberate shift to the right. Some feel he is taking advantage of the stalemate in Paris to bolster his domestic political stature and improve his relations with the generally hawkish South Vietnamese National Assembly.

Others believe that Mr. Thieu's message is directed more toward the United States. They see it as a warning to the Nixon Administration not to expect any further concessions before the end of the year.

The observers and diplomats who tend to this view believe that Mr. Thieu is proceeding according to a private timetable designed to insure that the next South Vietnamese presidential elections are held as scheduled in 1974 and that he is the Government candidate.

They point to a speech Mr. Thieu made in July at the coastal resort of Vungtau in which he predicted that it would be at least two years before the next nationwide elections were held.

Mr. Thieu said then that it would take a year to bring about the mutual withdrawal of most of the allied and North Vietnamese troops from the country, six months more to arrange an election and select the international organization to supervise it, and another six months for the election campaign.

"That's Thieu's schedule, and he plans to stick to it," a senior diplomat said here recently, recalling the Vungtau speech. "He'll consider it a victory so long as the elections are held near or on schedule and he is a candidate for re-election."

[From the New York Times Magazine, Sept. 21, 1969]

THE VANCE PLAN FOR A VIETNAM CEASE-FIRE

(By Robert Kleiman)

(NOTE.—Robert Kleiman, of The Times Editorial Board, was a diplomatic correspondent for more than two decades, and covered the Geneva conferences of 1954 and 1962.)

A 30-day race against time brought the first Vietnam war to an end at the 1954 Geneva Conference.

A simple two-word agreement on "temporary partition"—a phrase that never appeared in the official record—made peace possible. The outline of that agreement was found by Pierre Mendès-France in Foreign Ministry notes taken during private conversations held in Geneva, as he prepared to ask the French National Assembly for investiture as Premier. That is what led him to make his famous wager—that he would negotiate a settlement in a month or quit—a wager that won him the Premiership and ended the war. Once the principle of partition had been accepted by both sides, Mendès-France realized, all that remained was to settle the details.

Is there a simple key to ending the second Vietnam war in 1969? Ambassador Cyrus R. Vance believes there may be. The former Vietnam peace negotiator thinks that that key is a "standstill cease-fire."

The attractiveness of the Vance Plan is that it is a proposal to negotiate a division of power—and territory—based on current realities. It would, simply, freeze the status quo and establish a modus vivendi between the contestants in Vietnam's two-decade civil war. Can it be done?

The leopard-spot distribution of Vietcong areas in South Vietnam has led some analysts to dismiss partition as an impossible solution. Most students of the problem in 1954 took the same view—for precisely the same reason. The Communist Vietminh then held areas in South Vietnam almost identical with those held by their Vietcong successors today, and held a similar though stronger position in the North.

But two young Frenchmen—one a diplomat, the other a colonel—believed otherwise, and devised a scheme. Foreign Minister Georges Bidault, a hawk who wanted to continue the war, brought it in his pocket to the Geneva conference for use if American intervention could not be obtained. The formula, without details, was suggested privately to a Vietminh delegate, Col. Ha Van Lau, who is now a delegate to the Paris peace talks.

Many weeks later, his agreement in principle was given on condition that the territory allocated to the Vietminh have the "character of a state," which he defined as an area with a capital and a port. It was a clear bid for the region of Tonkin, with its capital at Hanoi and its port at Haiphong.

Ha Van Lau's hand was on a map of Vietnam, covering that northern region, as he spoke. When his French interlocutor asked how far south he proposed to place the partition line, he moved his fingers into Annam Province and out again quickly, replying, "Not very far."

The cease-fire settlement of 1954 evacuated hundreds of thousands of French and Vietnamese troops from North Vietnam to the South, followed by a million civilians, mostly Roman Catholics. In the South, Vietminh forces regrouped into five zones and, later, 80,000 Vietminh troops and many of their families were evacuated to the North.

Beginning on this page are questions I posed to Mr. Vance, and his replies:

Q.—Mr. Vance, why are the peace talks stalemated in Paris?

A.—In my judgment, because there has not yet been proposed a realistic political-military package which could provide the basis for a settlement.

Q.—Our side is proposing mutual withdrawals of external forces and free elections run by a joint electoral commission, including the Communists. The Communists are proposing an interim coalition government to conduct the elections. Is there nothing negotiable here?

A.—As presently formulated, neither proposal is acceptable to the other side. For example, Hanoi and the National Liberation Front (N.L.F.) have made it clear that they are not going to discuss mutual withdrawal until the shape of the political settlement has been generally outlined. On the other hand, Saigon (the G.V.N.) has made it clear that it is not going to agree to the N.L.F. demand that it step aside in favor of a coalition provisional government. A middle ground has to be found which bridges the differences between the two sides.

Q.—What do you propose?

A.—That we change our strategy so as to cut down the fighting, and also put on the table in Paris a political-military package which proposes negotiation of a standstill cease-fire as the first order of business. This latter element is tremendously important because merely to propose it is to recognize the military, territorial and political status quo. It is necessary, in my judgment, to recognize the status quo to get serious negotiations.

I am convinced that President Nixon is determined to achieve peace in Vietnam. In order to do this, I believe a new initiative is required.

Q.—What do you mean precisely by a standstill cease-fire?

A.—A simple cease-fire is one in which the writ of the Saigon Government would run throughout the country. Obviously, that would not be accepted by the other side, as they would view it as a surrender.

In contrast, a standstill, or cease-fire in place, recognizes the status quo. Each of the sides remains in place, takes defensive positions and stops all offensive actions. Free movement of trade, civilians and unarmed military personnel would be permitted throughout all areas of South Vietnam. Procedures would be developed to permit the movement of the required logistics for the military forces of both sides. During the winding down process, it would have to be agreed that local incidents of non-compliance would not justify departure from the general cease-fire. Further, the principle that no military or political advantage should be gained by either side throughout the period of the cease-fire would be recognized by the parties.

Q.—How could you assure that?

A.—There would have to be, first, an assurance that no Government troops would enter the areas under N.L.F. control except with the approval of the local government. This is a commitment somewhat like those made in the past to the Hoa Hao and Cao Dia sects and to some of the Montagnard provinces. In return, Vietcong terrorism in areas controlled by Saigon would have to cease.

Second, an understanding would be needed that in the areas which are currently under N.L.F. control, the authority of existing local officials of the "liberation committee" would be recognized, pending elections, and that appointments of Saigon Government officials within those territories would not be made over the objections of the local authorities. There is precedent for this. Similar arrangements have been made in the important areas controlled by the Hoa Hao and the Cao Dai. The kind of Saigon Government officials that I have in mind are those from the civilian ministries, such as Agriculture and Health.

Third, there would be recognition, pending elections, of N.L.F. control over taxes in its areas and N.L.F. use of such taxes for local purposes. Again, this is a procedure similar to that currently being used in Saigon-controlled rural areas. Moreover, the N.L.F. already collects taxes in these areas.

Further, you would need a recognition by the Saigon Government of the legality of decrees by N.L.F. liberation committees on land tenure, unless Saigon first moves to institute its own program for land reform.

Q.—Now, isn't this, in effect, a kind of partition of South Vietnam?

A.—In a sense it's a partition. But only by recognizing the realities that exist are you going to find a basis on which the two sides can negotiate a settlement.

Q.—The places now partitioned—Germany, India-Pakistan, Korea, North and South Vietnam, Berlin, Ireland—are divided by a fixed line, two in the case of India-Pakistan. But in South Vietnam there is a leopard-spot division of territories, cutting across roads, railroads, canals, separating cities from their countryside. How can partition work in that kind of a jigsaw puzzle?

A.—What I believe you would end up with is essentially a form of federation with the various local entities and their people represented in the national legislature, thus giving them a voice in the national government. At the local level you would have control resting in the hands of those who control the territory now.

Q.—How would you prevent violations of the agreements?

A.—The most practical mechanism to guard against violations of the cease-fire would be a modified international Control Commission (I.C.C.). The I.C.C. created by the 1954 settlement in Geneva consists of three parties—India, which serves as chairman, Canada and Poland. This peace-keeping force—either alone or in coordination with a joint military commission similar to that set up by the French and the Communist Vietminh in 1954—would establish and staff posts in the 43 province capitals and in the district towns. They would receive reports and make recommendations for the solution of difficulties and disputes. Local commanders would be instructed to comply with the recommendations of the local peace-keeping unit.

Q.—How many posts would you need?

A.—Perhaps 300 or so.

Q.—How many people would this involve?

A.—About 3,000. The posts could be small. The peace-keeping units would have to operate under majority rule; under the current procedures, the vote of one member can block action by the I.C.C. This would have to be changed. They would be guaranteed safe conduct and free movement to investigate reported violations rapidly.

Q.—Do you have any reason to believe that the Vietcong would accept majority decisions by the I.C.C.?

A.—They have never said either that they would or would not. But the Vietcong would have an interest in seeing that the peace-keeping force was effective. If the Vietcong is going to stop fighting, it will wish to be sure that its people will be protected, and therefore that it has effective machinery in place to which it can effectively appeal.

Now, I'm not suggesting that the Vietcong is going to turn in its arms, because that would be impractical during the period of working out the details of the political settlement.

Q.—You mean that they would continue to retain their own armed force?

A.—That's right.

Q.—On a permanent basis?

A.—No, on a permanent basis the nature and size of military forces that would be permitted is a matter that would have to be negotiated. Assuming a confederal type of settlement, one possibility is that the N.L.F. forces could become the local element of the national government forces in the particular area in which they lived.

Q.—How can you define the status quo territorially when so much of the country is contested territory, under the control of Saigon in the daytime and under the control of the Vietcong at night?

A.—This would have to be negotiated between Saigon and the N.L.F. in Paris.

Q.—In the end, they would wind up trading some areas for others—some areas would be given to the Vietcong and others would be given to Saigon?

A.—That's the case in any negotiation. In some disputed areas, the negotiators might agree to determine the majority allegiance by local balloting.

The idea of a leopard-spot federal or confederal solution is not a new theory, as you undoubtedly know. It has been discussed in Vietnamese circles and elsewhere. What has not always been seen clearly is that a proposal for a standstill cease-fire would almost automatically shape the solution in that way.

Q.—What about the people who live in these areas? Would they have to remain there?

A.—There would have to be complete freedom of movement for all civilians.

Q.—Anybody who didn't want to stay in a zone allocated to the Vietcong could move into another area?

A.—That's correct, and I would foresee elections in all areas eventually so that the people of South Vietnam would have a voice in determining their future.

Q.—Do you think this movement in population would take place before the elections?

A.—In a number of areas, yes. In others, there would be little movement. I would expect that local elections would precede national voting. You would first have elections of local representatives at the hamlet and village level, and perhaps at the provincial level as well. The elections, in areas where the N.L.F. is clearly in control, would obviously reflect the realities that exist on the ground. The same would be true in those areas where the Saigon Government is clearly in control.

Then you would have elections for the National Assembly—both the lower and upper houses—with all South Vietnamese entitled to vote. In this connection, I think you could expect to see the resulting legislature composed of various political, religious and ethnic groups.

Finally, there would be the election of a President and a Vice President.

Q.—You see this as a series of elections rather than one election?

A.—Probably. But the timing of the various elections would be for the parties to decide. What you would end up with, then, would be strong local governments in various areas which would be controlled and dominated by the N.L.F., as they actually are on

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the ground today. The Central Government's role in these areas would be a weak one. In other areas you would see the local governments dominated by Saigon. And in a third group of areas you would have sort of a mixed bag, with a center group emerging that is not aligned with either Saigon or the N.L.F. I think there is a large segment of Buddhists and others who fall into this category. It's a sort of third force that exists in all parts of South Vietnam.

Q.—Do you think they might be drawn into some local as well as national role as a buffer between the two major political forces that are armed?

A.—I think that's possible. You would also probably have Hoa Hao, Cao Dai and Montagnard autonomous areas in the federation.

Q.—Who would conduct the elections?

A.—The elections would be conducted under a broadly representative electoral commission with the N.L.F. and the Saigon Government participating, and both sides pledged in advance to accept the outcome.

I want to make it clear that what I am suggesting is not a winner-take-all electoral solution. I don't think that either side is going to be willing to accept a winner-take-all election. The risks to each are too great, because in one fell swoop either might lose what it had been fighting and dying for over many years.

Q.—Is it your assumption that N.L.F. would give up the idea of sharing power nationally through a coalition government? Are you saying that it would settle for minority representation in the national parliament if it were assured virtual local autonomy in the regions that it now controls?

A.—I think so. In the settlement I've outlined, the two sides would divide power and territorial control rather than seek to govern jointly through a coalition government at the start. The N.L.F. would be accepting a tradeoff, obtaining local control by giving up its demands for a strong position in the Central Government. It would see the prospect that it might increase its political power later by peaceful competition. Meanwhile, it would be guaranteed what it has achieved on the ground over the years.

Q.—Is this the essence of the political-military package you are proposing for the Paris talks?

A.—Yes. But there are other important elements as well. Let me say first that this plan did not spring to life overnight, nor is the process by which my conclusions evolved in this direction a unique one. The thinking of many students of the problem has helped to shape my thinking. Clark Kerr's Committee for a National Political Settlement in Vietnam, with which I have associated myself recently, saw the need very early for a package proposal of this kind. Similar proposals have been examined within our Government. There are six essential elements in the political-military package:

(1) A standstill cease-fire. (2) Self-determination for the South Vietnamese through free elections. (3) A broadly representative electoral commission with N.L.F. participation that could determine what changes are needed in the Constitution and election laws, and could then conduct the elections. (4) An international peace-keeping force. (5) A sweeping land-reform program. (6) Medical aid and relief to North as well as South Vietnam to bind up the wounds of war, along with economic assistance.

Q.—One objection to the cease-fire approach is that the other side is a clandestine movement engaged in subversion and the use of terrorism. It moves by night under cover. Its activities would be difficult to regulate while the movement of the South Vietnamese Army and police in uniform would be controlled by the cease-fire. How would you get around that objection?

A.—From what we have been able to observe over the years, it appears that the North Vietnamese and the N.L.F. have the ability to exercise firm control over the action of their troops in the field. I think there's good reason to believe that an agreement would be carried out if the instructions to do so were given by the commanders of the North Vietnamese and N.L.F. forces. Moreover, you would have the peace-keeping force policing the cease-fire. I want to underscore the fact that the recent three-day truce is not a valid indicator of what might happen in the future because the G.V.N., according to reports from South Vietnam, did not observe the truce.

Q.—How could you control political infiltration and terrorism, and the use of threats, to extend N.L.F. political control during a a period of cease-fire.

A.—As I have indicated, you would have either the I.C.C. or the I.C.C. together with a joint military commission, which would police the cease-fire and to whom complaints could be made about violations. In my judgment, this would act as a deterrent.

I'm not suggesting that there might not be a rather messy situation when the cease-fire was put into effect. There undoubtedly would be violations, and people would be injured and killed in the process. It would be misleading if I didn't make it very clear that this is to be expected.

On the other hand, as the situation exists today, taking the total casualties on both sides, many hundreds are being wounded or killed each week. If there were a standstill cease-fire, the casualties would be very substantially reduced—if not eliminated—even with the violations you would have to expect.

Q.—I suppose you would have as a deterrent the fact that Saigon's forces could always resume the fighting if they felt the Communists were taking advantage of the cease-fire?

A.—Yes.

Q.—The Saigon secret police would also, presumably, be functioning. Might there be a kind of tong warfare and clandestine undercover fighting going on in some of these areas?

A.—I'm sure you would have all kinds of violations of the cease-fire from time to time in various places throughout the country.

Q.—Now, another objection that is raised is this: If you had a standstill cease-fire, the N.L.F., which has set up a phantom provisional government, would be able to announce a capital and proclaim themselves there as the Government of South Vietnam. This is something they have not been able to do at present. Although they control large regions clandestinely, there is no part of the country which the South Vietnamese Army and the American forces cannot seize if they wish. But if there were a cease-fire, the army of Saigon would not be permitted to enter the N.L.F. areas. The argument made by the Saigon Government is that the political position of the N.L.F. would be upgraded very substantially, if it could set up a secure capital. What do you think of this argument?

A.—It is possible that the N.L.F. might take that action. But assuming that were done, I believe it is questionable that it would materially change the situation.

Q.—The final argument that's made against the cease-fire approach is that all these arrangements would weaken the Saigon government, and its position might disintegrate. Is the Saigon government that weak?

A.—If the G.V.N. broadens its political base and takes the initiative for peace, it should be able to win the support of a broad spectrum of the South Vietnamese people. But it must broaden its political base.

Q.—Do you see any broadening in the new Cabinet and in the replacement of a civilian Prime Minister with General Khiem?

A.—No, I think it was a step backward. In my judgment, it is essential that President Thieu promptly name a strong advisory council with a very broad political and religious base.

Q.—If the United States is withdrawing from Vietnam, does it have the right any longer to tell the Saigon leaders how to constitute their Government? We can't have it both ways, can we?

A.—The United States has made a great expenditure of lives and blood in Vietnam, and I think we have the right to urge what we believe is required to end the fighting and give some hope of stability for the future.

Q.—In other words, unilateral withdrawal or even a mutual withdrawal of the American and North Vietnamese forces might lead, not to peace, but to a continuation of the war?

A.—If you could get mutual withdrawal of North Vietnamese and United States forces, it might put pressure on both the N.L.F. and the G.V.N. to reach a political accommodation. But most important, we must try to stop the fighting now and capture the initiative for peace. If the United States were to come forward with a proposal calling for a standstill cease-fire, it could have a profound impact throughout the world. In my judgment, it would gain the support of world opinion. And even if the cease-fire proposal were turned down initially, it could be left on the table and world opinion would in time have its effect on the parties. As you know, both the North and South Vietnamese are very sensitive to world opinion.

Vietnam has been driven by war for many, many years. I think there's a great desire for peace among the Vietnamese people, North and South, running from the grass roots right up through all segments of the society. If a broadened Saigon Government were to offer the country peace and land reform, the other side would have to respond.

Q.—How does land reform fit into the peace negotiation package you are proposing?

A.—I hope that it will pass the Saigon legislature quickly, transferring all tenant-farmed land to the peasants who are tilling it. In my judgment, the land-reform program would have a major political effect throughout South Vietnam. I would think it would be of gerat concern to the N.L.F., and it could become a useful subject of negotiation with them. You might offer to withhold putting the program into effect in N.L.F. areas, pending a working out of the political settlement with the other side.

Q.—How could the N.L.F. come out against distributing the land to the peasants?

A.—They would claim they already had done that and that it was unnecessary for the Saigon Government to take any action in their areas.

Q.—What makes you think Hanoi wants to negotiate a settlement? Might they not think now that they only have to sit tight and the United States will pull out?

A.—They might, but one indicator is that they have shown great interest on a number of occasions in economic and technical assistance from the United States in the postwar period. Another indicator is the quality of the negotiators Hanoi has sent to Paris, which leads me to believe they have come to make a settlement, not to stall indefinitely. We were impressed by their serious attitude, their skill and precision and their courtesy. I also want to make it clear that the G.V.N. has also sent very able people to Paris.

Q.—Do you think American aid to North and South Vietnam would help to guarantee that the peace agreements would be carried out?

A.—It could have an important effect. I believe that the North Vietnamese want to remain independent of both China and the Soviet Union. To the extent that they could receive assistance elsewhere, it would fortify and strengthen this position. You will recall that both Hanoi and the N.L.F. have said that they look forward to good relations with the United States after the war.

Q.—Do you think the N.L.F. is serious about its stated desire to assume a neutral posture along with the rest of Southeast Asia?

A.—I hope so, but only time can tell.

Q.—The settlement you propose, then, would not terminate the political or economic role that the United States plays in Southeast Asia in support of national independence by countries in the area?

A.—No. Our Government has said on many occasions that it is prepared to take a very active role in supporting economic development for all of the peoples in Southeast Asia, including the North Vietnamese.

Q.—Would the federation within South Vietnam that you foresee ultimately join in a confederation with North Vietnam, or unite with it in some other way?

A.—That would be up to the North and the South to negotiate. My own feeling is that both North and South want some form of eventual unification. Indeed, I have heard individuals on both sides say that they wish to see North and South Vietnam eventually joined together in some way. Members of the N.L.F. have spoken to the press about a period of five or ten years before unification with the North.

Q.—Is there a political inhibition against early reunification?

A.—I think there's little question but that Southerners are Southerners in Vietnam. They want to pull themselves together politically so that they can deal with North Vietnam on an equal basis, rather than be taken over. The Saigon Government and the N.L.F., too, I believe, have suggested that the first steps be trade, exchange of letters, the movement of families back and forth from North Vietnam to South Vietnam and vice versa. The fact that South Vietnam had abundant rice was a very important factor in the past in trade with the North.

Q.—If Hanoi doesn't respond to all our offers, do you think we ought to continue unilateral withdrawal?

A.—Yes. I think that we can and should remove substantially larger forces than we have so far. We must try to bring about an end to the fighting now, but, if we can't, we ought to turn it over to the G.V.N. as rapidly as possible.

Q.—Would your objective in pulling out be to force Saigon to negotiate seriously?

A.—In part.

Q.—Do you think we are now in a period of de-escalation, and that if we reciprocate . . . ?

A.—The only way we'll ever know is to test it. That's why we ought to come forward at this point and put on the table a proposal for a standstill cease-fire and for a realistic political settlement. We have nothing to lose by doing it, and everything to gain.

Q.—What would you do to deescalate in response to a lull?

A.—I would cut back on the search and destroy operations, and cut back further on the B–52 operations.

Q.—Why would you cut back on the B–52 operations?

A.—B–52 operations was one of the subjects that the other side raised many times in Paris. Because of the importance the other side attaches to these operations, cutting them back further might provide the initiative for the cutting down of hostilities by mutual example. It is important to remember that it would be unrealistic to expect an immediate response from the other side. These things take time.

Q.—What effect will Ho Chi Minh's death have on the Vietnam war and the Paris peace negotiations?

A.—I don't know. The death of a charismatic leader who over the years was strong enough to reach compromises, as he did, with the French in the nineteen-forties and nineteen-fifties may lessen the chance for peace. On the other hand, there will undoubtedly be a period of uncertainty in the aftermath of his death during which there will be a struggle for succession. It may well be, therefore, that the collective leadership, while sorting out their own relationships and those of their country with other countries, may want to take a fresh look at the situation.

In any event, we should seize this opportunity to open up a new path toward peace. To this end, we should propose a practical political-military package which could provide a basis for a settlement.

WALTER LIPPMANN, PHILOSOPHER OF THE REPUBLIC

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, the most influential columnist of our time is 80 years old today.

Walter Lippmann is the undisputed philosopher of the Republic.

For many years his words of reason have influenced and continue to influence the course and destiny of this Nation.

His personal experience in Government goes back to the days of Elihu Root and Henry L. Stimson and Woodrow Wilson in World War I.

But his effect on Government and those in it results from more than mere longevity.

His impact flows from his thoughtfulness and his sensitivity.

What Matthew Arnold said of Edmund Burke is true of Walter Lippmann:

> He brings thought to bear on politics, he saturates politics with thought.

James Reston of the New York Times once wrote of Walter Lippmann that—

> He is almost the only thoughtful man I know in Washington who never complains that he cannot find time to think.

It is small wonder that it was he who first saw the unwisdom of our massive intervention in Vietnam.

No wonder it is that he who now proposes a new international philosophy for the United States, which, while rejecting isolationism, recognizes that we cannot and should not attempt to interject our will over the globe.

But Walter Lippmann's stature results not only from his wisdom but also from his sensitivity to the situation in which a public official finds himself. Many years ago he wrote:

> It is not enough to criticize the official's policy. We must put ourselves inside his skin, for unless we have tried to face up to the facts before him, what we produce is nothing but holier-than-thou moralizing.

For years this thoughtful and sensitive man has helped public officials find their way.

Now at 80 he is continuing to do so. I commend to my colleagues his recent interview with Henry Brandon which appeared in the New York Times magazine of September 14, 1969, and I include this interview to be printed at this point in the RECORD:

[From the New York Times Magazine, Sept. 14, 1969]

A TALK WITH WALTER LIPPMANN, AT 80, ABOUT THIS "MINOR DARK AGE"

(By Henry Brandon)

SEAL HARBOR, MAINE.—For many—at least for anyone who wanted to know what Walter Lippmann was thinking—breakfast is not what is used to be. Lippmann could raise the hackles of Presidents, give policy makers second thoughts and spark discussions in Cabinet meetings, chancelleries and editorial offices around the world. The most influential columnist of our time, he will be 80 on Sept. 23 and has retired from writing his column, but not from the world. He lives in New York in the winter, but still travels abroad, mostly to Europe, and spends the summer in a charming, comfortable old villa in Seal Harbor, Me., with a short-range vista of the little island outside the harbor where Governor Rockefeller has a summer house and a long-range perspective of infinite ocean. He writes about two hours a day and swims in the pool of the Harbor Club, where nothing seems to have changed since the turn of the century. He says that he really does not miss Washington or writing for newspapers. In his active retirement he is concentrating on writing his last book. He does not seem to have aged in the last 10 years, but is taking life more easily.

His wife, Helen, is a lively, wonderful companion who spreads her affectionate wings or utters little warnings to protect Walter. Years ago, on a walk in the mountains above Bar Harbor, I remember her saying as we climbed over some steep rocks: "Walter, don't think! Look!" The other day they were playing croquet against a strong team. Suddenly Mrs. Lippmann's warning voice sounded across the court: "Walter, don't think! Be clever!" I didn't ask which comes easier.

When we settled down in Lippmann's study to discuss the world, I suggested that he also reminisce a little, for after all he had a lot to look back to; no living newspaperman has seen as many of the great as he has. "I am bored with the past, I am only interested in the future," he replied a little grumply, but he mellowed as we talked.

BRANDON. *The U.S. finds itself engulfed in a deep social crisis. Do you see it as a consequence of a failure of your generation and of its ruling élite because they did not pay enough attention to such problems as poverty and hunger?*

LIPPMANN. It's quite clear from the results that we see about us that there has been a failure. It hasn't been due to paying too little attention to poverty and hunger. I ascribe the essence of the failure to miscalculation, to misunderstanding our post-World War II position in the world. That has turned our energies away from our real problems. The error is not merely the trouble in Vietnam, but the error lies in the illusion that the position occupied in the world by the United States at the end of the war was a permanent arrangement of power in the world. It wasn't. The United States was victorious; but by then all the imperial structures which set the bounds of American power had been destroyed: the German Reich, the Japanese empire. The result is that we flowed forward beyond our natural limits and the cold war is the result of our meeting the Russians with no buffers between us. That miscalulation, which was made by my generation, has falsified all our other calculations—what our power was, what we could afford to do, what influence we had to exert in the world.

BRANDON. *But don't you think that if the United States had not preserved after World War II its then boundaries, Western Europe would have been in serious danger of going Communist?*

LIPPMANN. I always have believed in holding Western Europe and we certainly had to defend it, but I don't think Western Europe would have gone Communist. I think there were natural limits to the extension of the Soviet—or, in a more realistic sense, of Russian—power. They had reached the limits of their power or well beyond them when the armistice came in World War II.

BRANDON. *Well, how do you explain, for instance, the Communist thrust into South Korea?*

XUM

Lippmann. I think it was a miscalculation on their part. We miscalculated and so did they. They tried to do more than they could do. They thought the opportunities were greater than they were and they ran into not merely American opposition but the opposition of 16 nations united against them.

Brandon. *It has often been said that the U.S. could afford guns and butter. It now seems that the U.S. can't afford both.*

Lippmann. The United States could and can afford guns and butter, but it can't afford a military position with infantry across both oceans. There are limits to the reach of American military power, and those were transgressed during the cold-war period.

Brandon. *So you see the failure of your generation not as due to a lack of attention and funds to alleviate social ills, but to the wrong world philosophy, am I correct?*

Lippmann. Yes, that's correct.

Brandon. *Do you then feel that the present generation is justified in its protests?*

Lippmann. I think it's justified in its protests and I include in the present generation not only the young people but a very large part of the population. The overexpansion which President Nixon has used as a keynote of his foreign policy is now increasingly evident to all the young, middle-aged and old people. That overexpansion in the nineteen-fifties—beginning before the Korean War, beginning really with the Truman Doctrine—has been the cause of the distortion of our whole way of political life.

Brandon. *How do you then see the role of American leadership in the world?*

Lippmann. The United States should basically accept the fact that its sphere of effective military influence is what is often called the blue-water strategy. What happens on the land—on the surface—in the Eurasian Continent is something we can negotiate about but not something which we can direct and govern.

Brandon. *What is your bargaining position then based on?*

Lippmann. On our economic influence and our wealth and the fact that we are more or less invulnerable to attack from the Eurasian mainland. We have, of course, air and sea supremacy in both oceans.

Brandon. *Well, where would you draw the borders?*

Lippmann. Roughly at the blue water.

Brandon. *Would you explain what you mean by the blue water?*

Lippmann. Blue water excludes inshore positions and shore positions, on the eastern rim of Asia particularly. That leaves a very large area of the Pacific and Pacific islands and even continents like Australia within the sphere which we have a vital interest in defending. We can't govern beyond that. We have to strike a balance of forces with the masters of the Eurasian Continent, whoever they are. But we cannot govern or police the Eurasian Continent.

Brandon. *On the European side where would be the boundary?*

Lippmann. The boundary as left by World War II was the line down the middle of Germany. That will have to disappear in a reasonably short time, because after a generation we cannot any longer say that this is the line that divides Europe. Europe will have to find its own balance and equilibrium and unity without the presence of American infantry.

Brandon. *And what will maintain the balance between the Soviet Union and Western Europe?*

Lippmann. Whatever maintains the balance between two great powers: possession of power.

Brandon. *But Western Europe has nothing compared to the power of the Soviet Union.*

Lippmann. Well, they'll have to develop it.

Brandon. *Do you think the Europeans are capable of doing this today?*

Lippmann. I think so. I'll put it another way. I think the Russians are equally incapable of holding as much as they acquired as a result of World War II. They'll have to pull back just as we are pulling back. One thing we've learned in the last generation is that big powers, big in numbers and territorial size, are no longer great powers. They can be defied. The smaller powers with the use of technology can stand us off. Even in Vietnam, we haven't been defeated, but we have failed because of the resistance of the North Vietnamese.

Brandon. *Yes, but isn't the advent of the nuclear strategic talks—which will be conducted without the smaller powers present, and I am not critical of that—symbolic of the continued dominance of the superpowers?*

Lippmann. I think what we know now about nuclear power is that it's good only to balance nuclear power. It cannot be used against anybody else because our nuclear power is good only as a balance and deterrent to the nuclear power of the Soviet Union. Theirs vice versa. We can't use nuclear power in Vietnam; they can't use it in Czechoslovakia, they can't use it in Rumania, they can't use it anywhere where they're in trouble.

Brandon. *Not even against China?*

Lippmann. It is quite conceivable that the Soviet Union might make a pre-emptive strike at China's nuclear power. But it won't be total war. Neither China nor the Soviet Union can invade the other seriously. It will remain a border war, and I don't think theirs will be a pacified border as far ahead as we can see.

Brandon. *How do you foresee, then, the relationship between the United States and the Soviet Union on one side and China on the other?*

Lippmann. Believing as I do that we're in the age—I'm not talking about the next six months—of the decline of very great, very large powers in influence, I expect to see the breakup of the Soviet empire in Asia and possibly the breakup of the Chinese empire. They're too big to govern. I think those will go along with the deflation of the American ambition—not ambition because I don't think the people had the ambition—but the American theory that we are the guardians of the world.

Brandon. *When you talk of breakup of the Soviet Union or China, do you mean that some of the republics now part of the Soviet Union would become independent?*

Lippmann. They will break down along the edges, with that long, 5,000-mile frontier which is neither Russian nor Chinese.

Brandon. *And on the Chinese side. . . .*

Lippmann. I don't know enough about Asia, but I think China is obviously too big to be governed as one central state.

Brandon. *What kind of policy should the United States pursue with the Soviet Union? There is a controversy as to whether the U.S., for instance, should side with the Soviet Union to help contain China, or should she play an even hand between the two?*

Lippmann. First of all we must make perfectly sure that the nuclear power is really balanced, that there is no question about the impossibility of waging nuclear war, using nuclear weapons as an instrument of diplomacy. After that, I think our best policy is one of absolute neutrality or hands off, and let nature take its course. I wouldn't align myself with anybody.

Brandon. *Do you think that this balance of the nuclear field is best maintained by the status quo or through disarmament talks?*

Lippmann. I don't have very great hopes for the disarmament talks. I think the reality is the fact that nuclear war is made impossible for both the nuclear powers by the facts of life, and as long as that's maintained that is the essence of it.

Brandon. *With the great success that the United States has scored in landing men on the moon, do you think the time has come to further advance in that field and spend more money on it, or would you now cut down in space expenditures?*

Lippmann. I would follow the advice of the best scientists, not only the best engineers we have. If they say, as I think they seem to be saying, that the next stage of exploration should be done by unmanned spaceships, that would certainly be less expensive than having a manned landing. I would follow that line.

Brandon. *So you would prefer to reduce the cost of space exploration?*

Lippmann. Yes. There's no necessity of expanding it. I mean, it might be desirable to land a man on the moon, but there is no compulsion to do it.

Brandon. *You have no blue-water theory about space?*

Lippmann. No, I haven't. I don't take the view of those who say that the $25-billion, or whatever we spent on getting to the moon, should have been spent at home in clearing up the slums and so on, because I don't believe it would have been spent on that. I think under no conceivable circumstances would the Congress of the United States or the American taxpayer have voted all that money for any form of social improvement because they couldn't have agreed on what improvement to spend it on. They'd have spent it instead on liquor, cosmetics, television sets and whatnot.

Brandon. *Do you think they'll spend for social improvements what until be saved as the costs of the Vietnamese war decline?*

Lippmann. I don't think they'll spend $25-billion on any social project because there is no social project that can get the kind of agreement that could be gotten, perhaps once in an era, on a project like the moon. To go to the moon they didn't have to consult any Congressmen, lobbyists, vested interests or people on the moon. The moon was empty and that made it much easier to agree upon. What's more, the whole project was conceived originally (as we know from President Kennedy's memorandum) as a project for defeating the Russians. It's easy to get people to agree on something like that. But to get them to agree on where to build tenements or where to clean up rivers is a wholly different matter.

Brandon. *Do you think that Nixon's new approach to welfare may catch the imagination and support of people?*

Lippmann. I think it will. I think it will take more time than I wish it would take, but it is inherently sound and I think almost unanswerable in theory. I agree with people who think it will take two years to enact, put it into law, and that debate will be useful. But the kind of political structure of welfare it proposes is a good one; it is almost unanswerable in principle.

Brandon. *Are you surprised that there are virtually no representatives of the so-called Establishment in the Nixon Administration?*

Lippmann. I look on Nixon himself and his Administration as engaged in deflating, not merely the financial inflation, but deflating the political inflation which was built up in the course of generations, built up really from the time that Wilson promised to make "the world safe for democracy"; then by Franklin Roosevelt promising "to save the world from fear" and by Kennedy trying to save it from revolutionary wars, and finally Johnson trying to make a Great Society everywhere, not merely in the United States. Those were inflated promises, and we're now in the process of unrolling or deflating that inflation. In the course of time an Establishment grew up which had vested interests in these inflated promises and programs. It's perfectly natural that they shouldn't be active or shouldn't be enthusiastic about the deflationary process which we're now living in. Deflation is always uninspiring. You always feel, "My God, I wish something exciting would happen!"

XUM

The country is fed up with what I'm calling now inflationary promises. I think they're tired of high prices, they're tired of having wars, of having responsibilities all over the place.

Brandon. *Do you think that this attitude will lead to a new isolationism?*

Lippmann. If you measure the opposite of isolationism by the extreme expansionism which we suffered (as I've said before) as a result of the military consequences of the Second World War—yes, of course, it is. Any drawing back is more isolationist than going forward, but in the sense that the United States will be isolationist as it was when World War I came along, I certainly don't.

Brandon. *Well that's a very poor yardstick . . .*

Lippmann. That's the opposite extreme.

Brandon. *But where do you think is really the borderline today between the U.S. maintaining a role of leadership in the world and new isolationism?*

Lippmann. The borderline, as I said, strategically and for the use of infantry, is in the two oceans in the blue-water areas.

Brandon. *But doesn't it go further in Europe?*

Lippmann. Western Europe, of course, has a very fuzzy frontier, but Western Europe and North America and Central America are the common homeland of Western civilization and they must be defended. Beyond that our military power does not really effectively reach.

Brandon. *Let's take another comparative yardstick. The "America First" idea before World War II. How would that compare to the situation today?*

Lippmann. The "America First" idea before World War II was an attempt to go back to the isolation of pre-World War I. First, they said our influence should be the three-mile limit outside the continental United States. Then they gradually agreed that we'd probably defend Hawaii and Alaska and a little belt of water around South America.

I think the difficulty for you, Henry, if I may say so, being English, is that you are haunted by the notion that the United States is going to fill the role in the 20th century that Britain thinks it filled in the 19th century. I mean after the Napoleonic War the theory was that there was a *Pax Britannica* in the world. After World War II, Britain having exhausted itself and America becoming very strong, the theory was propagated—foremost of all by Churchill himself after World War II—that from now we would have a *Pax Americana* in the world. Now, that proved to be an illusion. We're living in the aftermath of that. There is no such thing as a *Pax Americana*. There won't be a *Pax Sovietica* or anything like it, because the world is too big to be governed by anybody. There will be no central place—not London, not Washington, not the United Nations—to which you can go and resolve every conflict.

Brandon. *So the world will rest on an unwritten constitution.*

Lippmann. And on the balance of forces. The world, I think, has lost its appetite for big wars. Small wars, such as we see now in Ulster and along the borders of Israel—that people will continue to fight about.

Brandon. *But couldn't the big powers be dragged into a fight like Israel?*

Lippmann. They could be, nobody can say they can't be or won't be, but they will increasingly try to avoid it as long as the balance of nuclear power is maintained because it's too absolutely, devastatingly suicidal for everybody concerned and there could be no winner in a nuclear war.

Brandon. *Let me turn to a more immediate problem. What sort of outcome do you foresee in Vietnam?*

Lippmann. I think that the United States will withdraw, is withdrawing. I don't think we are doing it as neatly as the formula expounded by the Administration. I think if this withdrawal and gradual pulling at it continues, the Government in Saigon will collapse. When it collapses, a new Government will take its place which will be acceptable as a negotiator, both with the Vietcong and with Hanoi. I don't think that's very glorious. I think it could be done very much more neatly and with less loss of the moral and spiritual realities of that conflict by announcing (I think we should have announced when President Nixon took office) that the objective of the negotiations in Paris was to negotiate the withdrawal of the American forces from the continent of Asia over a period of two or three years, subject to terms of amnesty and whatnot, which would make the thing humane if not glorious. In other words, we should have admitted, not that we were defeated—because we haven't been defeated—but that we have failed in the attempt to extend our influence through the kind of government we think we believe in, for whenever we go, that influence will evaporate anyway.

Brandon. *What do you think will be the consequences of such an outcome?*

Lippmann. I think that Hanoi will become the dominant part of Vietnam, North Vietnam will dominate South Vietnam. It's the stronger part of it, and it will be Communist, probably more or less like Yugoslavia is Communist, relatively speaking, and it won't make very much of a difference.

Brandon. *If I may become more personal: you have known more important people in the world than probably anybody in your profession alive today. Who are the men who stand out in your memory?*

Lippmann. Churchill, de Gaulle, Khrushchev, then Woodrow Wilson and Franklin Roosevelt, but I wouldn't rank them with the men I mentioned first as prime figures.

Brandon. *Why not Wilson?*

Lippmann. Because I think Wilson made a botch of the conclusion of the First World War, which led, really, to the Second World War. I think he misunderstood what he could do in Europe, but the details of that are very complicated. But having more or less seen it and participated a little bit in it, I think I know what I mean by that.

Brandon. *You participated yourself in the drafting of the Fourteen Points, I believe. Do you feel that you played a part in the miscarriage?*

Lippmann. No, I don't think so. I think the Fourteen Points were an attempt—or 8 of the 14 points, to be more exact—to offset and uncommit the Allied forces from the secret treaties which had been found and published by the Bolsheviks when they seized power in the revolution of 1917. The Fourteen Points say "no" to the secret treaties that were formed before that, but I thought that the general peace that was made at Versailles was a violation, not a minor violation but a major violation, of the commitments we had made in the Fourteen Points, and was bound to lead to war, as we said in The News Republic at that time.

Brandon. *You mentioned Churchill first. Why?*

Lippmann. I think first of all of what Churchill did in 1940 in rallying Britain, and with it a great mass of people scattered all over the world, against Hitler. It was an enormous accomplishment of the human spirit. I think his general strategy of the war, in spite of the fact that disagreements arose, was a brilliant strategy.

Brandon. *What do you remember about your own meetings with him?*

Lippmann. I met him several times under not very interesting circumstances in the thirties, but I remember very well an evening that my wife and I spent with him and with the Kenneth Clarks and Harold Nicolson, and I think maybe one other man, when the war had begun—1939, as I remember. It's all described, this dinner, in Harold Nicolson's book. The war had begun and it was a so-called phony-war period. Churchill was there and we sat on a sofa and discoursed about what was going to happen. It was one of the most moving and entertaining and brilliant performances I've ever listened to. My wife and I, when we got home, just as Nicolson did, made a complete record of everything we could remember, and I still have it.

Brandon. *Then you mentioned de Gaulle.*

Lippmann. I first met de Gaulle in 1942. I went to London to see him. I had been a partisan of his ever since the fall of France, and I was writing a lot about him. He was the man who didn't give in. What I remember about de Gaulle—and I have seen him on and off ever since—is that he was the man who, in the long view, was more right than anybody I ever talked to. He wasn't very good at the short view. The immediate subject didn't interest him; he didn't study the details. But as to the long view, he was a genius. I always used to see him whether he was in or out of power once in Colombey-les-Deux-Eglises; I still admire him enormously. The only trouble with de Gaulle is that he should have stopped after his first term. He shouldn't have run the second time.

Brandon. *Did he change a great deal over the period you knew him?*

Lippmann. The last time I saw him was just before he was leaving for Rumania a year ago; it was before the student troubles broke out in Paris. He was very interesting, but I thought it was obvious he was no longer firmly at grip with the realities of Europe and France. If he had stopped a little bit over a year before that, his record would have been wonderful.

Brandon. *What you call de Gaulle's short-term aims, aren't they really long-term aims: the relationship between France and Germany, the future of Europe de patries. They really did not come to pass. The Franco-German alliance deteriorated. The Europeans still want Britain in the Common Market and a politically more united Europe. Nor did his relations with the Soviet Union in many ways materialize the way he hoped. Would you agree with this?*

Lippmann. I think you are confusing the long-term vision and the short-term errors. Take Franco-Germany: He was the first Frenchman who really saw that France and Germany had forever to end the Franco-German feud which resulted in three or four wars, though some of the speeches he made when he went to Germany were appallingly bad, I thought. The Europe *de patries* is really correct; Europe is not ready to relinquish sovereignty to a federal system. Jean Monnet misunderstood the American system of government. I used to argue this at length with him. He couldn't understand why there was any difference between the United States of America and the United States of Europe. But the difference was that the United States of America had always been united under the King of England, and the United States, as we know it, was formed to make a more perfect union; but they never had a union in Europe unless you go back to the Roman Empire or the Holy Roman Empire. So basically, even today, England wouldn't join Monnet's Europe. You may deny that as an Englishman. It will be a Europe *de patries;* that's what it's going to be. It's not going to abolish national sovereignty.

Brandon. *Then you mentioned Khrushchev.*

Lippmann. I saw Khruschev twice in Russia, and both times I had long talks. Nothing with Khrushchev was ever short. That was Kennedy's mistake in Vienna, in my opinion. He was in too much of a hurry. Anything with Khrushchev lasts a day at least, and maybe three days, and Kennedy was in a hurry to get away. That's impossible with Khrushchev. I think on the whole that if there was any possibility in our time of a gradual liberal growing together between the West and East, it was under Khrushchev. It might have worked, it just might have. His fall has certainly made it impossible at any foreseeable time to have anything more than a balance of forces.

XUM

Brandon. *Why do you attribute so much to an individual in a country like the Soviet Union, which is basically controlled by a party and not by an individual?*

Lippmann. Because I think it wasn't an individual; Khrushchev represented a real movement; that's why there was some sense in it. I think that movement still exists in Russia. I don't think the Soviet Union is a peaceful, easily controlled country now because the Government in power is opposing the forces that he embodied and that were behind him.

Brandon. *We were talking earlier about your role in drafting the Fourteen Points. In looking back, do you feel that you have influenced events?*

Lippmann. I don't know. I think I have sometimes been right and sometimes have been wrong. Sometimes, when events went the way I thought they ought to go, I had the feeling of going with them. But that I made events, I have no illusions.

Brandon. *Which of the positions that you took in the past are you particularly proud of?*

Lippmann. One of them is that I was editor of The New York World when we were in great danger. We were about to invade Mexico, and The New York World raised such a hullabaloo about it that President Coolidge picked Dwight Morrow to go down there and compose it, rather than invade and occupy. Then he, Dwight Morrow, in order to cement good feeling, brought Lindbergh to Mexico City for a visit to show off, like we show off the astronauts. And Lindbergh married his daughter. I am most pleased with that because I think we averted a disaster, something like Vietnam. I think the most foolish thing that I can remember in my many human errors is that during the Second World War I was one of the people who joined the hue and cry for war against the Soviet Union to save Finland. That was the most nonsensical thing that anybody ever proposed, but I can remember doing it.

Brandon. *Are there any other mistakes?*

Lippmann. Those are the highlights. There are many other mistakes, but I don't want to bring them out at this moment.

Brandon. *Any other point that you are proud of?*

Lippmann. I'm glad that I was opposed to the land war in Vietnam from the first time it was mentioned. I was coached by very good coaches—I won't mention their names, but among them were the highest generals in the American Army. They were the same people who advised President Eisenhower, who never would involve himself in the kind of war that we finally did involve ourself in.

Brandon. *If you look back, what are the events that influenced your own life?*

Lippmann. The first, I suppose, was the First World War, for which I was entirely unprepared in my mind. You see, I was born literally in the horse-and-buggy age. So much so that as a child I used to drive around Central Park with my grandfather and his horse and buggy. The automobiles were just coming in, and I remember the first telephone put in our house. You could telephone only to a few people who belonged on the same line. That was the age of innocence, and I certainly partook of that innocence. I was in Europe when the First World War began and was on my way to a holiday in Switzerland when the railroad station told me the line was closed. The Germans were invading just a few miles away. That was the beginning of my first awareness of what the world was all about.

Brandon. *Do you regret having lived in this century, are you more a 19th century man?*

Lippmann. I don't think I would have liked the 19th century. I think I would have liked the 18th century if I had been one of the people privileged to enjoy it. That's only because I like to read about it.

Brandon. *Do you think that this is a better world today than it was when you were young?*

Lippmann. No. I think it's a much less pleasant world to live in, especially for people who had privileges, but I think certain evils begin to recede and there is progress in that sense. But there are some big setbacks. I mean the barbarity of modern war is incredibly greater than it was in the 18th century and even in the 19th century. But the feeling of human equality, the right to equality, is greater today than it was when I was a child. Then we didn't talk about it; it didn't exist. Anything that makes the world more humane and more rational is progress; that's the only measuring stick we can apply to it. But I don't wish to imply that I think this is a great progressive age in the world; I don't. I think it's going to be a minor dark age.

Brandon. *Is it a safer world today than the world of your youth?*

Lippmann. It's not safe for the human being in a personal way. It's much more dangerous and difficult. But what I didn't know in my youth was that two world wars were impending. I don't think world wars are impending now.

Brandon. *Do you think that today's young offer a greater promise than the generation of your youth?*

Lippmann. One of the disadvantages of being my age is that you don't meet many young people, not nearly enough. You meet an awful lot of their disillusioned parents, and you read and you see them performing. My impression is that they are far better informed than my generation was. They are far more concerned with the state of the world. Those that I have met don't have any of the characteristics that they're supposed to have, but they are still free and liberated in themselves and not at all dirty in their physical appearance. I'm inclined to think that due to rapid technological progress there is a large mass of redundant human material, people who cannot be employed in our highly complex technological systems. These derelicts from progress—the anarchists, the hippies, the nihilists and all those—are not an unusual development in the history of very great revolutions in the world. It probably was like that in the first and second centuries of the Roman Empire. I don't think anybody, and least of all me, is capable of making a judgment as to how competent they are or whether they are going to solve the problems that we don't know how to solve.

Brandon. *Are you implying that you foresee some sort of a revolution?*

Lippmann. We live in a revolution! I don't foresee it; it's here. This is the most revolutionary period that has occurred for centuries. What I mean by that is that we know as a matter of ordinary history that when you have a revolution by the invention of steam engines or the invention of printing, social developments follow from their application. The absolutely revolutionary invention of our time is the invention of invention itself. We have learned how to invent inventions. That's why this is truly the most revolutionary age that man has ever lived in. It's also the reason for the moral and psychological differences of our time. You see, when Charles Snow wrote that very suggestive lecture about the two cultures, he didn't say then, as we would say in America (it may not be true in England), that we have a large generation now that has neither culture. It doesn't understand science and it doesn't understand the old humanist tradition. Those people probably hold the balance of preponderant votes in our political system. They understand only their own personal appetites and likes and dislikes and prejudices and ambitions and hates. But they really are alienated from either the technological or the humane source and they don't believe in much religion. They don't believe in the scientific view of the world because they don't understand science. Anyway, there isn't any scientific world that you can believe in in that sense.

Brandon. *Who influenced you most in your life?*

Lippmann. My first and best teacher as a child was a man named Frederick Thompson who taught me history and geography in school. He taught me a great deal of geography, and I've always thought if you didn't understand the geography of an international situation you probably wouldn't understand it. Then in college I was very much influenced by William James, who was retired but living in Cambridge, and by Santayana, whose courses I took. And by Graham Wallas, who was a visiting professor at Harvard in my junior and my graduate year. Then I was very much influenced later by John Maynard Keynes, whom I first met at the Paris Peace Conference in 1919 and whose book on the Paris Peace Conference I arranged with my publishers to publish. Keynes had a very great influence on all my economics. In fact, I hope I'm a Keynesian.

Brandon. *How did James and Santayana influence you philosophically?*

Lippmann. I want to add to Keynes and Santayana another name, Irving Babbitt, who was teaching at Harvard then. James, I think, made me see how a human reaction to problems ought to be. But what he taught I found less convincing than what Santayana taught. But Santayana was inhuman in his personal relations.

Brandon. *But wasn't he also rather inhuman in his outlook on humanity?*

Lippmann. Yes, but it was beautiful and it was correct. Babbitt, whom I resented greatly as a young man, today would be resented as a conservative but has proved to be right about the dangers of the romantic movement and about the Jacobin movement, much of which I've adopted. He's not a very ingratiating figure, but he was a very influential teacher.

Brandon. *You probably would have been a very great teacher yourself if you had gone into that profession. Do you wish that you had gone into a different profession than you did?*

Lippmann. I tried teaching for a year. I was an assistant to Santayana, actually, in his elementary philosophy course. I didn't like teaching. I was bored with the subject, having to repeat it over and over again. No, I would not have preferred a different profession, but I would have preferred to have different gifts. I'd like to have been born a great mathematician or something like that where I would have dealt with problems that didn't require dealing with the everlasting persnicketiness of human nature.

Brandon. *You are really one of the few columnists, perhaps the last one, who has a philosophy, who tries to see the world in a specific perspective and who tries to analyze events as they fit your own philosophy.*

Lippmann. If I am perhaps the last it is because there is no available philosophy around that fits the revolutionary period in which we live.

Brandon. *Do you think that television is partly to blame?*

Lippmann. Television is guilty of an awful lot of things in our lives, and it's adding to the irrationality of the world, I think. There's no doubt of that because it makes everything simpler or more dramatic or more immedate than it is. You really, if you listen to television, can't find out what's going on in the world.

Brandon. *So that would merely imply that columnists and analysts are more important today than they ever were.*

Lippmann. Yes, they are. They've got to stand against a tremendous tide, and I think they probably will.

Brandon. *Do you think newspapers are here to stay?*

Lippmann. Oh, yes. People can't live on television. I listen to the news on the television and it's very good. People like Walter Cronkite and David Brinkley are excellent, really, but you can't live on what they give you.

Brandon. *That's very reassuring, for a newspaperman. Tell me, what are your plans for the next 10 years?*

Lippmann. I'm not planning that far ahead. But I'm working on a book and if I can get it blocked out this summer, which I may be able to do, then I'll spend the next few years rewriting it; what will come of that, I have no way of telling. Then occasionally I'm going to write newspaper articles and vent my opinions.

Brandon. *Is your book going to be a sort of philosophic legacy?*

Lippmann. Yes, I can't really describe the book to you because it really isn't written yet, but it's dealing with the problem of the ungovernability of mankind in our era and why and how and whether and what.

Brandon. *What have you got in mind?*

Lippmann. This is not the first time that human affairs have been chaotic and seemed ungovernable. But never before, I think, have the stakes been so high. I am not talking about, nor do I expect, a catastrophe like nuclear war. What is really pressing upon us is that the number of people who need to be governed and are involved in governing threatens to exceed man's capacity to govern. This furious multiplication of the masses of mankind coincides with the ever-more-imminent threat that, because we are so ungoverned, we are polluting and destroying the environment in which the human race must live.

Brandon. *Where does this lead us?*

Lippmann. The supreme question before mankind—to which I shall not live to know the answer—is how men will be able to make themselves willing and able to save themselves.

INCREASE IN SOCIAL SECURITY BENEFITS IS NOT AN INCREASE

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCARTHY. Mr. Speaker, the President's recently announced proposal for a 10-percent increase in social security benefits effective in April of 1970 does not represent a real increase at all. In terms of actual buying power, it represents a reduction in social security benefits.

Since the last increase in social security in February 1968, the cost of living has gone up by 8.2 percent—and it is continuing to rise. By April of 1970, a 10-percent increase in benefits will be totally meaningless. It will not even serve to counteract the loss our senior citizens have suffered from the rapid spiral of inflation.

I introduce today a bill designed to provide meaningful relief for social security beneficiaries. My bill includes an across-the-board increase of 15 percent effective January 1, 1970. This increase does more than just make up for the cost of living increase in the last 2 years; it represents a meaningful increase in actual buying power.

It further increases the minimum primary benefit from the current level of $55 per month to a much more realistic $100 per month.

This legislation also provides for an increase in the amount of money which a social security recipient may earn before losing any of his or her benefits. There are many senior citizens who are willing and able to work, but who are held back by the outside income limitation in the present law. Believe it or not, they have to worry about making too much money. My bill will permit a social security recipient to earn up to $250 per month—$3,000 per year—without loss of benefits.

Each of these provisions represents a meaningful change in social security, but the most important provision of my bill is the one which provides for an automatic cost-of-living increase. Unfortunately, the cost of living does not wait for the slow and deliberate workings of the legislative process. I suggest a mechanism whereby benefits may be increased without necessitating congressional action. As soon as possible after the end of each calendar quarter, the increase in the Consumer Price Index would be computed, and when it is determined that there has been a 3-percent increase over the base period—the last time benefits were increased—then benefits would automatically be increased by that percentage.

Mr. Speaker, on behalf of the senior citizens in my district—and I am sure that I speak for many others throughout the country—I would like to thank the distinguished chairman of the Ways and Means Committee for announcing that hearings on amendments to the Social Security Act will begin within a month. I hope that these hearings will lead to prompt action. Our senior citizens have been promised so much this year, and they are becoming discouraged—I might say, disgruntled—by our lack of action to date. Their polite requests for increases in social security are now being followed up by more and more insistent demands. The time to act is now.

BILL TO REFORM SELECTIVE SERVICE SYSTEM

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, the administration's announcement last week that draft calls for November and December will be canceled is little more than a clever manipulation of numbers designed to leave the impression that something substantial has been done about the draft.

According to the President, the October draft call will be "phased out over the final quarter of the year." The 29,000 previously scheduled for October will be drafted as follows: October, 10,000; November, 10,000; and December, 9,000. The previous November and December quotas, 32,000 and 18,000, respectively, were not draft calls but rather estimated projections prepared by the Defense Department but never formally forwarded to the Selective Service System. They were, therefore, easily "canceled."

What we really have is a reduction in the quotas for these 3 months—not a suspension or cancellation of the draft. In fact, a review of figures for the same quarter last year will show that lower calls at this time are not unusual. In 1968, we drafted 13,800 in October, 10,000 in November, and 17,500 in December, while the monthly average for the preceding 9 months was 28,000. In the first 9 months of 1969 the average has been 26,000 per month.

Mr. Speaker, this numbers game should not deceive us and divert us from the urgent task of providing fundamental and effective reform of the Selective Service System.

The administration's "cancellation" was designed to mislead the public into believing that substantial action had been taken when actually only a routine reduction of monthly quotas was authorized. Nothing has been done to rectify the inequity and uncertainty of the present draft.

I am today introducing a bill to reform the Selective Service System. This legislation incorporates some of the features of previously introduced bills but adds significantly to them.

Briefly, the bill provides for: a genuinely random selection system to pick those to be drafted; a primary selection pool of 19-year-olds; a 1-year period of eligibility for the draft—either a man's 19th year or the 1 year following his graduation from college; elimination of "critical skills" deferments to prevent Presidential prerogatives from structuring the manpower of each generation; cancellation of college deferments when casualty rates in a declared or undeclared war reach a certain level; nationally uniform standards and criteria for classification and induction of draftees; and a reduced active duty obligation for men who serve in a national service program to combat poverty, ignorance, or disease.

This feature also provides for complete relief from Reserve obligations following active duty for such individuals.

Fundamental reform of the draft cannot wait. The President's actions last week do not constitute reform but rather serve to confuse and mislead the public.

There are some 40 reform bills presently pending before the Armed Services Committee. The bill I am introducing today combines the best features of those bills and adds to them. Mr. Speaker, let us act immediately to bring about the necessary and overdue reform that the present state of the draft requires.

Thank you.

THE SST DECISION MADE BY PRESIDENT NIXON

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, the President today has given the green light to the U.S. supersonic transport program. The Congress now must provide the necessary appropriations to assure this Nation's leadership in air transportation.

I wholeheartedly endorse the President's decision. It was a careful and deliberate decision. The President sought the counsel of an interdepartmental committee and the advice of experts in and out of Government.

On April 18, 1969, I sent a telegram to President Nixon and the Secretary of Transportation urging that the United States proceed, without delay, on prototype production of the SST.

As a member of the House Committee on Appropriations, I am well aware of the serious fiscal situation confronting our Nation, and the need for establishing priorities.

The SST, in my opinion, should be given a high priority to proceed for the following reasons:

First. The United States already has over a half billion dollars invested in this program, and we are within 3 years of having our own prototypes ready for testing. Although the Government's share will be an estimated $994 million, this amount will be recovered through royalty payments.

Second. Any interruption or slowdown of this program would seriously undermine America's world leadership in aviation during the crucial 1970's and 1980's. The British, French, and Russians already are flight testing their own versions of the SST.

Third. Aircraft exports have been and continue to be an important, favorable influence in the U.S. balance of trade. If the SST program is not pursued, we will lose significant exports, further deteriorating the balance-of-payments situation.

Fourth. One of the most important domestic contributions of the SST program is in the area of employment. It has been estimated that development and long-term production of an SST within this country will sustain an average employment level of 50,000 among the prime airframe and engine manufacturers and first level subcontractors.

Mr. Speaker, this Nation has invested billions of dollars in the program to land men on the moon. The genius of American industrial, scientific, and technological know-how was intrumental in achieving the national objective of a moon landing in the 1960's.

Now we have the objective of commercial supersonic flight. It will not be as costly as the lunar program; and more than likely the American taxpayer will recover his investment by the sale of the 300th SST.

We must see to it that when the day of extensive supersonic travel arrives, U.S. aircraft lead the way. President Nixon's decision today to proceed will assure U.S. leadership in air transportation.

PRESIDENT NIXON'S NEW DOMESTIC POLICY PROPOSALS

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, Thomas Jefferson expressed the essence of the American constitutionalism and our governmental system:

> It is not by consolidation, or concentration of powers, but by their distribution, that good government is effected.

But for the past third of a century the drift of the American Government has been the opposite. Forgetting the warning of our Founding Fathers, political leadership in these past four decades too often thought that bigger government meant more effective government.

Ever since the depression era spawned its spate of alphabet agencies, there has been increased concentration and consolidation of power. Decisionmaking and responsibility have flown away from the people and the States to Washington.

But now for the first time that tide has been stemmed and there is beginning a new era in government. Future historians will mark President Nixon's proposals on welfare reforms, manpower training, and revenue sharing as the turning point in a new government direction. In what may be the most dramatic domestic decision made by any President this century, Richard Nixon promises a "new federalism"—a new federalism which brings opportunity and a chance to work back to those people on assistance; a new federalism which brings the administration of manpower training programs back to the State governments; a new federalism that makes the Office of Economic Opportunity, which was a massive cluster of federally administered projects, into a laboratory for pilot projects and experimentation.

With the thrust of these programs we can begin returning responsibility and initiative to the States, and the people.

By a family assistance program that offers incentives to go out and find a job or the training that leads to a job, we can bring the chance for self-reliance and self-initiative to the people.

By a new manpower training program which offers flexible funding and decentralization, we can carefully shift the administration of training programs to the State and local governments.

By a revenue sharing program we can begin in 1971 to return a half billion dollars back to the States. This first step will be a dramatic gesture of faith in the American ideal of encouraging government close to the people.

MARIHUANA

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, it is deeply disturbing to me to read in the newspapers of recent weeks the statements attributed to administration officials promoting the downgrading of penalties for the use and possession of marihuana. Not that the penalty structure for such offenses is beyond legislative review, but the off-the-cuff personal comments by respected public officials may well have the unfortunate effect of giving license by implication to the curiosity-seekers to at least give marihuana a try.

To be specific, Dr. Roger O. Ekeberg, HEW's Assistant Secretary for Health and Scientific Affairs, is reported to have said at a recent meeting of the International Union Against Tuberculosis that the penalties for possession of marihuana are too strict and that marihuana should not be classed with dangerous drugs such as heroin.

Dr. Ekeberg allegedly said:

> The present laws are completely out of proportion to the dangers presented by marihuana. I don't personally think marihuana leads to heroin.

Dr. Stanley F. Yolles, Director of the National Institutes of Health, testifying before the Senate Subcommittee on Juvenile Delinquency, is credited with urging milder penalties for the use and possession of marihuana and said:

> The smoking of marihuana has become an accepted fashion among millions of our citizens.

While emphasizing that the use of marihuana is unhealthy, Dr. Yolles reportedly said:

> That in the interests of public health, it is necessary—*at least for the present*—(emphasis added) to maintain restrictions on the availability and use of marihuana.

It is interesting to note that Dr. Yolles was the Chairman of the Health Subcommittee to report on the dangers of marihuana for the Special Presidential Task Force Relating to Narcotics, Marihuana, and Dangerous Drugs, and in connection with statements of public officials in the mass media, the report says:

> Allegations have been made and attributed to government officials that marihuana is no more dangerous than alcohol. When these stories appear in the mass media, they often do considerable harm, even when subsequently retracted.

The same may be said of those statements which minimize the dangers of marihuana and urge lesser penalties for its use and possession. Youth echo the so-called logic of supposedly responsible adults, and the higher placed the individual, the more credence is given to his reported remarks, whether or not well-founded. The logic and merit of these statements are immaterial, for the impression left in the minds of youth is that here we have a couple of highly-placed Government officials who are saying that marihuana is not really as dangerous as it has been made out to be, and if its use is as widespread and popular as claimed, not only is it likely that penalties will be reduced, as urged, but it may even be legalized if there is no effective deterrent to its use. This reasoning is unsound, for compared with traffic laws for speeding, for example, the mere allegation, or even the fact, that most drivers exceed the speed limit would in no way be a legitimate reason for reducing the penalties for speeding.

With respect to the dangers of marihuana, whether they be social, psychological, or physical, it may be well to note certain aspects of the special Presidential task force report.

On its effects on youth:

> Normal adolescence is a time of considerable psychological turmoil . . . Persistent use of an agent which serves to ward off reality during this critical period of development is likely to effect adversely the future ability of the individual to cope with the demands of a complex society.

On progression to other drugs:

> It must be concluded that regular and continuous use of *cannabis* (Marihuana) can and does produce psychological dependency and marked susceptibility to progression to stronger reality concealing drugs.

On marihuana versus alcohol:

> While alcoholism constitutes a major social problem, surely it is not valid to justify the adoption of a new abuse on the basis that it is no worse than a presently existing one . . . (Legalizing the use of marihuana) would not solve our alcohol problem and would only lead to additional numbers of marihuana intoxicated individuals.

On marihuana use and crime:

> While perhaps it cannot be statistically proven that marihuana or other dangerous drugs may be the cause of originating crime, nevertheless the use of marihuana or dangerous drugs is related to increased criminal activity.

Mr. Speaker, because the debate continues over the pros and cons of downgrading the dangers and the penalties for use and possession of marihuana, I believe it will be of interest to all the Members of this body to review that chapter from the task force's report on "The Dangers of Marihuana" and include the text at this point in my remarks:

CHAPTER I. THE DANGERS OF MARIHUANA

WHAT IS MARIHUANA?

Marihuana (pot, grass, weed, etc.) is a product of the Indian hemp plant known to botanists as *cannabis sativa* (L.). It is derived from the leaves and flowering tops of the female plant which are the source of the phychoactive material. Under federal law, marihuana is defined to mean all parts of the *cannabis* plant except for the stalks and sterilized seeds.

Marihuana contains a number of potent compounds called tetrahydrocannabinols (THC) which affect the mind and body in various ways. Potency of the drug varies greatly depending on growing conditions such as temperature, humidity, soil conditions, and methods of cultivation. Generally, plants grown in sunny, dry climates are most likely to contain the highest proportion of THC. The pharmacologic potency of any preparation of marihuana depends upon the amount of THC which it contains.

The drug is most commonly smoked in hand-made cigarettes (reefers, sticks or joints.) The butt is called a "roach." Marihuana is also smoked in ordinary pipes or water pipes. The effects of the drug are decreased three or four times if it is swallowed rather than smoked.

Various forms of marihuana are prepared from extracts of the plant. Hashish (hash, charas) is the purest and most concentrated of the natural *cannabis* products. It consists of the concentrated resin of the plant and is usually eight times as concentrated as the typical marihuana available in North America. Once rare in the United States, hashish is reported to be increasingly obtainable in response to a rising demand. Relating foreign studies of *cannabis* use to the American scene is difficult because of the generally higher potency of the *cannabis* products used abroad. Marihuana grown in this country is typically of lower potency and is often weakened further by additives such as oregano. However, Mexican grown marihuana has a high potency and is regularly sold in the United States. It should be noted that all marihuana products lose strength over time.

While marihuana contains many ingredients, THC is believed to be the principle psychoactive substance. With the synthesis of THC in 1966,[1] and the demonstration of its psychopharmacological effects in 1967,[2] a basis was finally established for more precise, systematic pharmacological investigation of the drug. At present, THC is being synthesized in research quantities. Along with other natural marihuana constituents, THC is being made available under appropriate precautions to qualified researchers through the National Institute of Mental Health's Center for Studies of Narcotics and Drug Abuse.

Since marihuana products produce effects similar to other hallucinogens like LSD, and their reactions are often indistinguishable from those produced by other psychedelics, they are pharmacologically classified in that category.

PRESENT EVIDENCE OF EXTENT OF USE

Marihuana use has been rapidly increasing in the past five years. Although originally restricted to certain jazz musicians, artists and ghetto dwellers, it has now appeared among the middle and upper class. A conservative estimate of persons, both juvenile and adult, who have used marihuana at least once is about five million.

One of the most alarming aspects of the current drug crisis is the involvement of young people. In California alone juvenile arrests for drug offenses increased from 1,271 in 1961 to 14,112 in 1967. Of the 14,112 juvenile arrests in California during 1967, 10,987 were arrested for marihuana violations. To understand the full significance of this figure it must be compared with the year 1961 in which there were 401 arrests. In 1967 alone there were over 2,000 more arrests for marihuana violations then in the previous six years combined.

Two years ago, surveys in parts of the country where marihuana use is known to be high suggested that twenty percent of the college students in those areas had experience with marihuana. Present evidence, although spotty, suggests that as many as sixty percent of the students on some campuses have used it. Some students feel that official estimates are low, and that the true extent of drug abuse among college students is even higher. There are also many reports of increasing use of marihuana in high schools although there is not sufficient data to establish a countrywide pattern. Significantly, most recent college data indicated that many college users were first exposed to marihuana in high school. However, the bulk of users are more aptly characterized as "triers" rather than habitual "potheads." Two out of three who have tried the drug have used it not more than one to ten times. In the most recent (Fall, 1968) survey based on a geographic area of high use, about one person in ten reported using marihuana regularly for as much as a year's duration. Finally, there is growing evidence that the number of pre-teenagers who are using marihuana is increasing.[3]

EFFECTS

The use of marihuana produces a variety of mental and physical effects. If active marihuana is smoked effectively (inhaled and kept in the lungs as long as possible) symptoms may appear after one or two puffs and the effect may last from several minutes to several hours.

Dr. Stanley F. Yolles, Director, National Institute of Mental Health, has stated:

"Little can be added to previous reports on the toxicity of marihuana. It is considered to be a mild hallucinogen, taken by the usual route of smoking, occasionally by ingestion. It may induce a mild euphoria and lead to heightened suggestibility and faulty perception, really an exaggerated notion of thinking more clearly, profoundly and creatively. In addition, it is known to cause reddening of the membranes of the eyes, rapid heartbeat, muscular incoordination, unsteadiness, drowsiness, and distortion of time and space perception.

"In acute intoxication, especially when ingested, it may also produce visual hallucinations, pronounced anxiety, paranoid reactions, and transient psychoses lasting four to six hours. It generally tends to lessen inhibitions and creates for the user a false reality based on his wants, his motivations, or the situation. In this respect it is similar to LSD, but its effects are not as potent.

"The muscular incoordination and the distortion of space and time perception commonly associated with marihuana use are potentially hazardous, since the drug adversely affects one's ability to drive an automobile or perform other skilled tasks.

"We still do not know enough about the long-term effects of marihuana use. As in the case of tobacco, it is possible that there are serious consequences of chronic use which will only become apparent through careful, longtime studies."[4]

A 1965 report on drug dependence for the World Health Organization describes the nature of marihuana intoxication in the following terms:

"Among the more prominent subjective effects . . . are: hilarity . . . carelessness; loquacious euphoria . . . distortion of sensation and perception . . . impairment of judgment and memory; distortion of emotional responsiveness; irritability; and confusion. Other effects, which appear after repeated administration . . . include: lowering of the sensory threshold, especially for optical and acoustical stimuli . . . and aggressiveness as a possible result of various intellectual and sensory derangements; and sleep disturbances."[5]

In small, low potency quantities marihuana may act as a mild euphoriant and sedative somewhat similar to alcohol. In relatively high doses psychotic-like phenomena, quite similar to those associated with LSD use, have been reported. Recurrences of the marihuana state (flashbacks) without actually taking the drug again have been reported. These recurrences can be anxiety provoking. Unlike the stronger hallucinogens, such as LSD, which produce wakefulness, marihuana tends to be more sedative in its properties. THC in sufficiently high doses can induce psychotic reactions in almost any individual.

Despite marihuana's long history—spanning thousands of years and many cultures—there has been comparatively little sound research on this drug. Only four laboratory studies investigating marihuana's immediate effects on humans have been reported in the American scientific literature. The first of these was done with a group of 34 soldiers in the Canal Zone. A second study, reported in the 1944 LaGuardia Report, is based on 72 prisoners' responses to marihuana extract. In 1946, a small number of chronic using prisoners were studied. A more carefully controlled study recently produced a report on some laboratory work with marihuana in humans done partially with NIMH support.[6]

All of these studies generally found loss of inhibitions, and feelings of relaxation and self-confidence together with some mild impairment of thinking and coordinated performance. It has also been demonstrated that THC, when administered in sufficiently high dosage, will cause a psychotic-like state, similar to that induced by LSD.

While no long-term physical effects of marihuana use have been adequately demonstrated in this country, the American experience has been extremely brief and additional studies are needed to resolve this and other issues. Although there is no firm evidence that marihuana use in humans has either teratogenic or genetic implications, this possibility should be explored—particularly in view of some evidence on this point with respect to LSD. It is possible that there are serious consequences of chronic use which will only become apparent after careful, long-term studies. In foreign countries where heavy use of the stronger cannabis preparations is common, a variety of physical ailments supposedly related to marihuana use have been reported—notable conjunctivitis, chronic bronchitis and certain digestive ailments.

There have also been reports of adverse psychological effects of marihuana both in this country and abroad. Recently a group of some 1500 psychiatrists, psychiatric residents, internists, general practitioners and psychologists in the Los Angeles area reported that they had seen almost nineteen hundred "adverse reactions" to marihuana.[7] It is difficult to interpret this finding since "adverse reaction" was poorly defined, and there has been no follow-up to define just what the reactions to the drug were. How-

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ever, there have been reports of increased number of hospitalizations following the usage of marihuana.

Considerable concern has been expressed in the United States over the possibility of personality changes and a loss of motivation among youthful marihuana users. The potential effects of a reality distorting agent on the future psychological development and maturation of the adolescent user are of special concern. Normal adolescence is a time of considerable psychological turmoil. Patterns of coping with reality developed in the teen years help determine later adult behavior. Persistent use of an agent which serves to ward off reality during this critical period of development is likely to effect adversely the future ability of the individual to cope with the demands of a complex society. While systematic studies of large numbers of American chronic users are not yet available, a number of clinicians have observed that at least some users show evidence of a loss of convential motivation. They seem to prefer instead a non-goal oriented life style, which emphasizes immediate satisfactions to the exclusion of ambition and future planning. The "pothead", then, may well retard his own chances for emotional growth by not learning how to deal with life stress. Characteristic personality changes among impressionable young persons from the regular use of marihuana include apathy, loss of effectiveness, and diminished capacity or willingness to carry out complex long-term plans, endure frustration, concentrate for long periods, follow routines, or successfully master new material. It has also been observed that verbal facility is often impaired, both in speaking and writing.

The British *cannabis* report by the Advisory Committee on Drug Dependence (1968) concluded:

"There have been reports, particularly from experienced observers in the Middle and Far East, which suggest that *very heavy long-term* (italics, theirs) consumption may produce a syndrome of increasing mental and physical deterioration to the point where the subject is tremulous, ailing and socially incompetent. This syndrome may be punctuated on occasions with outbursts of violent behavior. It is fair to say, however, that no reliable observations of such a syndrome have been made in the Western World, and that from the Eastern reports available to us, it is not possible to form a judgment on whether such behavior is directly attributable to *cannabis*-taking." [8]

PROGRESSION TO OTHER DRUGS

A basic question that frequently arises is the extent to which marihuana use in some sense predisposes users to escalate to stronger and more dangerous drugs. There is little question that most heroin and LSD users have had experience with marihuana. Indeed, 85 to 90 percent of heroin addicts reported that they started their use of drugs with marihuana. There is also a question whether any but a small percentage of marihuana users progress to other drugs, the evidence tending to show that only five percent of the habitual marihuana users progress to heroin addiction.

In discussing the question of progression, it is vital to distinguish between the casual experimenter with marihuana, and the regular and continuous user, and between physical addiction and psychological dependency.

A casual experimenter by definition is not dependent upon the drug. A regular and continuous user, on the other hand, may very well be dependent upon it.

Once he has become psychologically dependent upon one drug as a "crutch" to cope with life stress, the user is substantially more susceptible to the acquisition of a larger crutch through the medium of a stronger drug.

An example of the importance of this distinction is the heroin addict. The most desperately "hooked" of junkies with a "habit" costing hundreds of dollars per day can be "detoxified" in under 8 days, and brought to a point where absence of the drug will produce no physical reaction or withdrawal symptoms. Yet, let that individual be imprisoned for 5 years without access to the drug, and without effective psychiatric treatment, upon release he will seek a pusher. He will do so because he is still psychologically dependent upon heroin. Recognition of the fact is basic to the New York State rehabilitation program which spends years, rather than weeks, treating addicts. Their physical craving is terminated in days—their psychological dependency is the subject of years of treatment.

In view of the foregoing, it must be concluded that regular and continuous use of *cannabis* can and does produce psychological dependency and marked susceptibility to progression to stronger reality concealing drugs.

The progression is, however, probably not a consequence of the pharmacological properties of marihuana, but rather is due to sociological and psychological factors present in a vulnerable minority of users. For example, in ghetto situations where both drugs are freely available, sometimes from the same supplier, a progression based on availability may be likely. Similarly, heavy drug using subcultures may encourage widespread experimentation with a wide variety of drugs. Is it generally true that a heavy marihuana user is more likely to be a multiple drug user. In one study, half of the heavy users of marihuana had tried LSD. One in seven had used LSD more than 25 times or had tried heroin. Two out of five heavy users in this same study had abused amphetamines. This trend to multiple drug experimentation may increase in the future. In this connection it is important to point out that use of a combination of dangerous drugs may have a synergistic effect and may result in the death of the user.

There is reason to believe that heavy marihuana users are likely to have considerable interest in the use of the stronger forms of *cannabis* such as hashish. If hashish is available, many would probably use it in preference to low-potency marihuana. The history of mind-alerting drugs invariably reveals that excessive indulgence increases sharply as more potent preparations of a given drug become available.[9]

MARIHUANA VERSUS ALCOHOL

Some marihuana users have tried to justify their behavior by claiming that it is no worse than consuming alcohol. It is estimated that the consumption of alcohol is a major problem for some five to six million Americans who are unable to control their drinking. In most cases, excessive drinking of alcoholic beverages causes serious physical, psychological, social and vocational problems for these people and their families. It is well known that one-half of the fatal traffic accidents in the United States are related to excessive drinking. [10]

While alcoholism constitutes a major social problem, surely it is not valid to justify the adoption of a new abuse on the basis that it is no worse than a presently existing one. The result could only be added social damage from a new source. It would not solve our alcohol problem and would only lead to additional numbers of marihuana intoxicated individuals. Moreover, marihuana, unlike alcohol, is nearly always consumed by its users for the express purpose of obtaining a "high", a disorientating intoxication.

Allegations have been made and attributed to government officials that marihuana is no more dangerous than alcohol. When these stories appear in the mass media they often do considerable harm even when subsequently retracted. Dr. James Goddard, former Commissioner of the Food and Drug Administration, was extensively quoted as saying that marihuana is no more dangerous then alcohol. Dr. Goddard was, in fact, misquoted and never made such a statement. Although the wire service issued a written apology, the retraction has never caught up with the misquote.

THE POSITION OF THE AMA AND WHO

The American Medical Association has stated that marihuana is a dangerous drug and, as such, is a public health problem.[11] They reiterate that while no physical dependence develops this does not mean that it is an innocuous drug. Further research is considered essential, and educational programs should be directed to all segments of the population.

The World Health Organization recently reaffirmed its previous opinions that *cannabis* is a drug of dependence, produces public health and social problems, and that its control must be continued.[12] More basic data are needed on acute and chronic effects on the individual and society to permit accurate assessment of the degree of hazard to public health.

MARIHUANA USE AND CRIME

Aside from the fact that marihuana use and possession is in itself a crime, it has not been proven that its use is a direct cause of other types of criminal behavior.

Generally, assertions that marihuana plays a causal role in the commission of crime are based on reports from other than scientific agencies. The validity of these impressions is, however, questionable because of the unscientific basis on which such data has been collected. The New York Mayor's Committee (1944) reported that many criminals might use marihuana, but the Committee did not feel marihuana played a causal role in crime. In the United Kingdom, the use of *cannabis* has not been generally regarded as a direct cause of crime.

The President's Commission on Law Enforcement and Administration of Justice has observed:

"One likely hypothesis is that, given the accepted tendency of marihuana to release inhibitions, the effect of the drug will depend on the individual and the circumstances. It might, but certainly will not necessarily or inevitably lead to aggressive behavior or crime. The response will depend more on the individual than the drugs." [13]

While perhaps it cannot be statistically proven that marihuana or other dangerous drugs may be the cause of originating crime, nevertheless the use of marihuana or dangerous drugs is related to increased criminal activity.

According to the President's Crime Commission Task Force Report on Narcotics and Dangerous Drugs, page 11, the FBI submitted criminal histories on 7,920 narcotics offenders. These criminal histories, when examined as to marihuana users and heroin users, indicated that the criminal careers of narcotics users, both marihuana and heroin, were longer, and resulted in more frequent arrest activities than the average non-narcotic criminal offender. For the marihuana offender this comparison demonstrated that during the course of his criminal career he was proportionately more frequently involved in violent crimes than the normal non-narcotic criminal offender.

CONCLUSION

There is no question that the widespread use of marihuana represents a significant mental health problem.

There is no known beneficial result from the use of marihuana; there are, on the other hand, definite detrimental effects.

More research is needed to further our understanding of the effects of marihuana use. However, it is clear that, depending on the dose, the active ingredient found in marihuana may have substantial detrimental effects on both the mental and physical

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well-being of the user. In this connection it is important to point out that use of a combination of dangerous drugs may have a synergistic effect and may result in the death of the user.

Medical evidence neither proves nor disproves that marihuana is a cause of crime. Criminal records do establish clearly an accelerating rate of association between crime and the use of marihuana.

The Task Force recommends:

Continued and expanded research to further our understanding of the causes and effects of marihuana use.

Prevention by wide distribution, among other means, of scientifically accurate information and materials about the dangers of drug abuse.

Provisions of resources to treat and rehabilitate marihuana users in need of mental health care.

FOOTNOTES

[1] Mechoulam, R. et al. *A total synthesis of a 1–Δ1 tetrahydrocannabinol, the active constituent of hasish.* Journal of the American Chemical Society 1965, pp. 3273–3275.

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[3] Blum, R. H. et al., *Students and Drugs,* Vol. II, 1969, pp. 31–47.

[4] Hearings before the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, Mar. 4–6, p. 4658, 1968.

[5] Eddy, N. B. et al. *Drug Dependence: Its Significance and Characteristics.* Bull. World Health Organization. 32:721, 1965.

[6] Weil, A. T. et al., *A Controlled Study of Cannabis in Humans,* Science, pp. 1234–1242, 1968.

[7] Ungerleider, J. T., et al., *A Statistical Survey of Adverse Reactions to LSD in Los Angeles County,* American Journal of Psychiatry, Sept. 1968, p. 355.

[8] *Cannabis,* Report by the Advisory Committee on Drug Dependence, 1968, pp. 14–34.

[9] McGlothlen, W., et al. *American Journal of Psychiatry,* Sept. 1968, p. 373.

[10] 1968 Alcohol and Highway Safety Report, U.S. Government Printing Office, 1968, pp. 11–21.

[11] Marihuana and Society, Journal of the American Medical Association, June 24, 1968, pp. 1181–1182.

[12] World Health Expert Committee on Drug Dependence, WHO Technical Report Series 407, 1969, p. 19.

[13] Task Force Report: Narcotics and Drug Abuse. President's Commission on Law Enforcement and Administration of Justice, 1967, p. 13.

WHEN IS SECRETARY FINCH GOING TO JOIN THE ADMINISTRATION TEAM?

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, there has been a lot of talk during the last week about busing children and how this fits into desegregation plans. To recap, the statements go something like the following:

On Tuesday, Vice President AGNEW told the Southern Governors Conference that:

> This administration favors integration but not mandatory, artificially contrived social acceptance. He also said that I'm against busing those children to other neighborhoods simply to achieve an integrated status of a larger geographic entity.

On Wednesday, the President, through his press secretary said:

> The President is not for imposing busing as a way to achieve racial balance. He also supported Mr. Agnew saying he was voicing the Nixon Administration's policy on busing.

On Thursday, the Department of Health, Education, and Welfare's press section added its 2 cents to the discussion saying that they "let local school officials to the greatest extent possible under the law work out their individual busing schedules and routes."

On Sunday, however, Secretary Finch sought to bring his Department's statement out from under all the bureaucratic language and say exactly what he meant. His statement on ABC's Issues and Answers was:

> You can't rule out busing. Every district practically in the country uses buses to move people from one place to the other.

He also noted that his Department does not object to the use of buses to bring racial balance to the schools.

Mr. Speaker, I think now we are beginning to see what is actually happening here. President Nixon and Vice President AGNEW are on the right track. They have clearly stated the administration policy against busing. This is consistent with the Civil Rights Act of 1964. The question I would now like to ask is this: When is Secretary Finch going to join the administration team?

I think it is time that the President brought his Secretary of Health, Education, and Welfare in line. The law and the administration policy as stated by President Nixon is certainly not what is being practiced by Secretary Finch and his social reformers in Alabama.

It is time for the President to make this one thing clear. Just who is deciding administration policy? The President or Mr. Finch?

WASHINGTON—A MODEL CITY

(Mr. DEL CLAWSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEL CLAWSON. Mr. Speaker, Congress and the executive branch have recognized the need to make Washington a model city and the National Capital region representative of our best efforts for urban development. In 1968, expenditures totaling over $6 million were made by the Department of Housing and Urban Development for the Washington suburb of Prince Georges County. An additional $32 million was granted for the construction of low-rent public housing for the same suburb. Programs for elderly housing in the region were granted an additional $8 million, of which 60 percent went to the Virginia suburbs. Also, in this area of regional improvement, the Small Business Administration granted close to $6 million worth of loans for Washington and its surrounding suburbs. The complete job cannot be done by Federal action alone—private enterprise must carry a substantial part of the load.

For this reason, I am pleased to join in introducing an amendment to the Registered Bank Holding Company Act of 1956 which I believe will provide for expanded coverage of the credit needs of the District of Columbia. The question arises then, What can private enterprise do? Are the banking institutions in the District able to shoulder the burden of providing credit for the ever-expanding needs of the District, let alone meet the new demands for large-scale urban financing? A glance at a few statistics will quickly produce the answer. In keeping with the congressional intent to further regional development, the District banks in the past have been an important factor in financing the growth of the suburbs, certainly to a greater extent than the major financial institutions of Baltimore or Richmond.

In the District itself, the banks have been the leader in financing private homes and businesses for all sectors of the community. In 1968, District of Columbia banks loaned more than $200 million for residential real estate and more than $400 million for commercial and industrial uses. In the past, it seems that the District banks have been able to meet the credit needs of the area, but the future is not promising.

With the vast outflow of people and goods from the District and the modern trend today to bank at home, the source of credit, bank deposits in the District banks, are not keeping pace with the ever-expanding needs of the Washington metropolitan area in general or the District of Columbia borrowing community. In 1947, savings and time deposits in the District banks were over 75 percent of the total deposits of this type in the Washington area. In June of 1968, this percentage had slipped to less than 50 percent. If this trend continues, and it will without congressional action, the District banks will unquestionably play a greatly diminished role in the banking competition in this area and any plans for loans for large scale urban development and improvement will be forgotten. If the District economy is to be revitalized and it must, large commercial credit will be needed. But, with the immigration rate from the District remaining as high as it is and the tendency to bank at home, the deposits in the District banks will steadily decrease, restricting the credit outflow. It is my conclusion therefore that the current banking laws which restrict the District of Columbia banks to an area of 61 square miles do now interfere with and retard the orderly development of the area. As we look to the future, the impact of this restriction will bear heavily on the District. If my assumption is correct, the result might well be that the Nation's taxpayers would be burdened with ever-increasing charges to support the activities of the Nation's Capital. It could also mean slower growth and reduced revenues for the entire metropolitan area.

The legislation which has been proposed is designed to increase the competition in banking in the Washington area and to improve the flow of commercial banking funds throughout the region. The legislation itself is quite simple; it states that for the purposes of the Registered Bank Holding Company Act, the National Capital Region will be considered as a single political jurisdiction. This concept is nothing new for it has been done on frequent occasions in other vital areas such as transportation, water pollution, park planning, and so forth. In presenting the need for coordination in the development of the National Capital Region, Congress has declared that:

> All the areas therein, shall be so developed and the public affairs shall be so managed as to contribute effectively toward the solution of the community development of the Washington Metropolitan Region on a unified metropolitan basis. (74 Stat. 223)

This means that a registered bank holding company organized in the District of Columbia can buy a bank in the National Capital region and that Maryland and Virginia registered bank holding companies will have the same rights in the District.

This bill will not reduce in any way the existing authority of Maryland and Virginia over the establishment of State chartered banks and branches within their jurisdictions. This is not a branching proposal. It would not permit a District bank to come into Maryland or Virginia and establish branches. Just as at present, new banks or branches could be established only with the approval of the State banking authorities, in the case of State-chartered banks, or by the Comptroller of the Currency in the case of a national bank.

This bill would not reduce in any way the authority of Maryland and Virginia banking agencies to examine and supervise State-chartered banks within their jurisdiction. This is not a merger proposal under which Maryland or Virginia banks would merge into District banks and thereby move from supervision by State authorities to supervision by the Comptroller of the Currency. This legislation would not alter the bank supervisory situation in any way.

A major provision of the bill is to permit a registered bank holding company to acquire stock in banks throughout the National Capital region. This could only be done with the express approval of the Federal Reserve Board, the Board could not act without allowing time for the banking agencies of the State involved to express its disapproval of its proposed acquisition. If the State authorities disapproved, the Board would be required to conduct a full hearing on the matter and review would be available in the courts.

The major thing which the bill would do would be to open up the National Capital region to competitive banking. It would create substantial deposits upon which credit institutions could lend money. It would be another step in the congressional plan to solve the common problems of the National Capital region. As you can see, the benefits which would accrue from such a plan run not only to the Nation's Capital and the economies of both Maryland and Virginia, but also to the National Capital region and the Federal Establishment which is located therein.

Mr. HARVEY. Mr. Speaker, I am pleased to join with my distinguished colleague from California, DEL CLAWSON, in introducing legislation today which will establish the National Capital region as a commercial banking area.

District of Columbia banking institutions are rapidly approaching a point in time when the ever-expanding credit needs of the community will completely overwhelm the institutions' ability to provide the necessary services not only for the residents of the region, but also of the District.

Why has this happened? What can we do to remedy this situation?

The National Capital region, in comparison with the 20 largest metropolitan areas, is the fastest growing region in the United States. The Washington Metropolitan statistical area has almost doubled between 1950 and 1965—1950, 1,464,089; 1965 estimate, 2,408,000. Population in the region between 1960 and 1967 increased at an average annual rate of 4 percent. Only the metropolitan areas of Dallas and Houston show an average annual increase, 3.3 percent, which would come close to matching the rapid expansion of the National Capital region.

Coupled with this increase in population has been the continuation of the current exodus from center city. In 1940 the population of the District of Columbia represented over 65 percent of the total regional population. By 1966 this percentage had slipped to only about 30.8 percent. To state it another way, while the population of the District since 1940 increased only 20 percent, the surrounding suburbs have increased over 400 percent.

Recognizing the trend of decreasing revenue in the central city caused by the mass urban exodus, retailers have followed their customers and established suburban branches. It is reported that revenues from these branches enable the merchants to provide the central city with necessary shopping services. Banks located in the District of Columbia, however, have not been able to follow the retailers in their move to the suburbs; Washington banks are limited to the 61.4 square mile boundaries of the District. Not only are District banks denied the opportunity to provide services in the suburban areas, they are not able to obtain a proportionate share of the bank deposits of the region. Depositors bank at home rather than at or near their place of employment. This tendency, plus the fact that 55 percent of the people who work in the District live in the suburbs, has created a drain on Washington area bank deposits. Since 1947, deposits in the District banks have shrunk from over 83.3 percent to little more than 55 percent of the total area deposits. Suburban banks have shown a tremendous increase in their total deposits, 334 percent. This can be seen in dollar figures by looking at the 15 Maryland and Virginia banks which have offices located on the borders of the District of Columbia. Currently these banks have deposits of over $7 billion while the District's 14 banks show only a total deposit of $2,600 million.

All this adds up to a shortage of funds on deposit at District banks. The situation would not be as grave if the demands of District and area residents were not spiralling. This era has been aptly termed the age of urban crises. Great concern has been focused on the problems of the city and its residents. The Federal Government and private foundations have poured large quantities of funds into urban redevelopment.

Washington, D.C., the Nation's Capital, has been chosen by Executive order to be a model for other urban areas. The city cannot fulfill this goal if District banks are prevented from meeting the credit needs of the area because of dwindling reserves.

How then can these banks who are the financial mainstays of the District replenish their resources?

I believe this situation can be alleviated by the bill before you. The bill would enable a registered bank holding company organized in the District of Columbia to buy one or more already-established banks located in the National Capital region. Maryland and Virginia bank holding companies would also be able to purchase banks located within the District. Therefore, a twofold benefit is provided; besides allowing District banks to replenish their resources, Maryland and Virginia banks will be able to provide some of the District residents with needed credit.

Either of these two transactions would only be allowed after approval of the Federal Reserve Board has been obtained and appropriate State authorities have been consulted. The Board would, by its statutory grant, be able to regulate these purchases and to prevent misconduct or misdealings by the banks.

Therefore, I believe that this legislation will be of invaluable assistance not only to District but also area residents for it provides the needed resources for credit to the area, but coupled with it is a necessary check against abuses.

SUPERSONIC TRANSPORT PROGRAM

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, President Nixon's decision to go ahead with the development of the supersonic transport program is a sound decision for many reasons.

Let me list just a few:

Given the balance-of-payments situation, the President had no other choice. Failure of the Americans to build an SST would have been American dollars going abroad to purchase foreign aircraft and would have ended American dominance of the world air transport industry.

With the Russian Tupelov transport now flying at supersonic speeds and announcement by Aeroflot officials that they intend to fly this aircraft in Moscow in 1973, failure to build an American SST would inevitably result in the destruction of a vital American industry.

This is the only advanced aeronautical program now on-going in the United States. The technology developed from this program will result in improvements of electronic navigation, communications, materials machining and sophisticated production techniques.

The SST program will provide direct employment for a minimum of 50,000 skilled and unskilled workers. This necessarily translates into multiplier-induced employment impacts measured in the several hundreds of thousands, many of whom will work from generally disadvantaged groups.

The economics of a nearly mach III aircraft in terms of personal time saved alone is virtually immeasurable when contrasted with mach II and subsonic aircraft.

This program, practically unique among major federally-sponsored developments, provides for virtually full recovery of its investment by the Government.

Failure to proceed at this point would cause the leadership to pass from American hands to those of our foreign competitors. We would lose momentum which would never be recovered.

Mr. Speaker, I support wholeheartedly the President's decision. I would hope that the vast majority of the Members of Congress—in both parties—will do likewise.

Mr. TAFT. Mr. Speaker, the President's announcement that the SST program will be continued is good news for Cincinnati. It means the continuation of the program at the General Electric Evendale plant where a good many Cincinnatians have been employed in this work.

I think it is also good news for the Nation because it means that we will remain in competition with the Russians and with the British-French Concorde aircraft, both of which are already flying.

They have problems, however, and I am certain that the American supersonic aircraft will be superior when it comes into the market.

If we abandon the SST at this time, we would be writing off a large part of the international aircraft market that has been a very important one to the United States in the past.

I am convinced that now that the go-ahead has been given, the United States can and will build a better airplane and solve the problems that are involved.

Hopefully, Congress will follow the President, and authorize the funds that he has requested for the SST.

Mr. STAFFORD. Mr. Speaker, I would like to add my voice to those voices supporting President Nixon's decision today to go ahead with development of the supersonic transport. Like the President, I am convinced that this Nation is great enough to meet the challenges both of the world and on the homefront.

And that if we are unable to meet both, we likely lack the spirit and the drive to meet either.

Mr. Speaker, there are those in our Nation who have lost confidence in America. They see only disaster both at home and abroad. They fear the future and look only at the dark side.

But, Mr. Speaker, the United States is still a young, vibrant Nation, capable of meeting any challenge if we will put our minds to it. We have gone to the moon. We are reaching out for the planets.

We are working to solve the problems of our society.

And we can solve them and at the same time build a supersonic transport that will again tell the world America is first and will continue to be first in every field of human endeavor.

I am proud that we have a President who refuses to concede that America should be or has to be second in anything.

I am proud that he has decided that not Russia and not Britain and France, but America and American ingenuity and American labor will build the commercial airplane of tomorrow. And I am sure that the vast majority of the American people feel the same way.

Mr. GOLDWATER. Mr. Speaker, President Nixon's decision to go ahead with development of the SST is indeed a wise one and deserves the support of all who wish to see the United States continue its leadership in the field of aviation.

Mr. Speaker, the United States has led the world in aviation since its inception. Most of the airplanes flown, not only nationally but internationally, are American-built transports.

American aeronautical technology and superiority has been a major factor in maintaining this Nation's military and economic strength in the last 50 years of this century.

To abandon that superiority now, it seems to me, would be the height of foolishness. Once lost, such superiority might never be regained.

Mr. Speaker, for those who look at the cost of the next year's funding of the SST, let me remind them that the program calls for the Federal Government to get virtually all its investment back from industry after the SST goes into operation.

This is a sound investment—in many ways—not a boondoggle.

Mr. Speaker, I urge the Congress to support this major American program as a program that will benefit not only America but, in the long run, all the nations of the world.

GENERAL LEAVE TO EXTEND

Mr. PELLY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in behalf of President Nixon's decision to go ahead with the development of the supersonic transport program.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ROGERS INTRODUCES LEGISLATION TO AID VETERANS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation to assist the veterans of this Nation who suffer from loss of hearing.

This bill would expand the wartime disability benefits to include deafness developing to a degree of 10 percent or more as a condition that shall be presumed to be a service-connected disability if it occurs within 7 years after separation from active service during a period of war.

Under present law, five categories of diseases or conditions are presumed to be service connected for any veteran who served for 90 days or more during a period of war. These are: First, a chronic disease becoming manifest to a degree of 10 percent or more within 1 year from the date of separation from such service; second, a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with such diseases, or as a preventative thereof, becoming manifest to a degree of 10 percent or more within 1 year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service; third, active tuberculous disease developing a 10 percent degree of disability or more within 3 years from the date of separation from such service; fourth, multiple sclerosis developing a 10-percent degree of disability or more within 7 years from the date of separation from such service; and fifth, Hansen's disease developing a 10-percent degree of disability or more within 3 years from the date of separation from such service.

For each of these five categories, there need be no record of evidence of such disease during the period of service.

My bill would add a sixth category to include deafness.

Mr. Speaker, I am introducing this legislation following information that was presented to me last month showing the extent of hearing loss or damage among soldiers in the U.S. Army.

In 1963, the Surgeon General of the Army recommended that each Army recruit receive a pair of ear plugs "individually fitted to each ear." This recommendation has not been implemented.

Moreover, recruits at the Army's tank training school in Fort Knox, Ky., do not use protective earmuffs similar to those worn by civilian airport workers, even though such muffs only cost $6 per pair.

I have contacted Secretary of the Army Resor about implementing better protection procedures, but as yet, I have not received a reply which would indicate what the Army is going to do to abate the problem.

The Veterans' Administration spends more than $32 million to treat hearing defects each year, yet many veterans who should be entitled to treatment cannot get it because there is no presumptive period for the problem.

This legislation would correct that inadequacy of the law.

A HIGHER QUALITY OF ENVIRONMENT FOR A HIGHER STANDARD OF LIVING

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, the conservation of our natural resources for ourselves, our future, and the future of our children is one of the most important challenges facing us today.

We have achieved the world's highest standard of living in an amazingly short period by using the vast natural resources of the American environment. But this has been accompanied by side effects that we did not foresee. Our capacity to alter nature is awesome, but we have caused alterations with little regard for the consequences.

In advancing and perfecting our technology we have polluted our waters, eroded our soil, silted our reservoirs, destroyed our recreation areas, and—in other ways to a frightening degree—diminished our environment.

Meanwhile, our Nation grows at a tremendous pace. Within the next 31 years our population is expected to increase by one-half while our land area remains the same. We will continue to receive the same amount of fresh water from the skies, but we will need twice as much. We will be fed from the same thin layer of topsoil that feeds us today, but we will need one-half more food from the soil.

Pressures on land use will intensify greatly. Housing for another 100 million Americans will be built, roads for three times the number of cars as today will be constructed, land required for outdoor recreation needs will more than double, and means to dispose of another million tons of solid waste each year will have to be found.

If we are to survive, we must look to the land, its soil, water, plants, and animal life—with renewed interest and develop a will to support a comprehensive program of environmental management.

Our resources of soil, water, timber, and wildlife are limited. The demands on them are not. More people, more affluence, and more leisure time are bringing new pressures on our natural resource base out of proportion to anything we have known in the past.

Once conservation meant merely the setting aside in restricted and protected areas and parks, our trees, our most spectacular scenery and a sprinkling of our wildlife. Gradually, as we became more aware of the fact that we actually could and were using up and destroying our precious bounty of resources we began to think about other resources—our minerals, our soil, our air, and water. Our Nation was growing but we continued to deal with each problem separately.

Our conversation efforts were not thorough enough. We had dealt with some of the problems around the periphera as best we knew how, but the core of the problem was left untouched, in fact, unnoticed.

In the past few years, we have begun to see the ravages of a modern society. Much of America's beauty was being hidden behind billboards and smog, muddied by wastes and debris of modern industry, leveled by growing cities, silenced by pesticides and uncontrolled hunting and out of reach to members of our urban society. Now we know, we have taken the trip from a simplistic elemental approach to a view of the entire picture of the environment of man. We have grown up to know that man and nature are best served by a consideration of a total quality environment.

Let us not have come all this way to a sophisticated understanding of conservation only to fall back onto a narrow construction of the term environment. For certainly, when thinking of a quality environment we must think of bringing about man's best management of and benefit from his surroundings and vice versa. We must think not only of a healthy recreational environment, but also of a healthy living and working environment.

Today, nearly two-thirds of our population are crowded onto about 2 percent of our land area trying to live, work and relax. They are living in our modern cities. What can I say about our cities that you do not already know? They are troubled by overcrowding, by shattering noise pollution, poisonous air, dangerous waters, and by growing tensions of our urban-industrial life style. Our progress seems to have been too great, too fast, and too harsh on man and his surroundings. We read in the papers every day that the conditions in our large cities are unhealthy. People simply cannot live together in such proximity without flare-ups.

At the same time, we have a problem in our rural areas that may strike very close to home to some of you. If the effects of the rural population drain have not touched you directly, you probably know someone who has felt the sting. The last census of agriculture showed that in Alabama we lost about 16 percent of our total cropland acreage; we harvested almost 20 percent fewer acres; small farms of less than 50 acres declined in number by almost 25 percent and farms selling under $10,000 worth of farm products fell off almost a fourth. In my congressional district, every county of the 12 lost in its total number of farms. Here, as in the rest of the country, the small farm is falling by the wayside. It is unsettling, for sure, to watch the number of farms dwindle, to see the small farm—the institution which has lent stability and charm to our American heritage—disappear. More troubling still is that the man who has given up his small farm is most likely now out of work. The small farmer who is forced to abandon his way of life is more often than not faced with the grim realization that he knows no other satisfactory or satisfying way of life. He is untrained for any other vocation. He has nothing to do where he is, so he moves—to the cities. And our farm youngsters—what becomes of them? Even though today's colleges and universities are offering better and more varied training in agriculture and management, yet you are witnessing today's youth eager to leave the rural areas and head for the cities, the oftentimes hollow promises of success ringing in their ears. We are watching a general loss of interest in the American farm way of life.

Still and all, things are not disastrous for us. If we have lost in the number of farms we have, we have seen that those who stayed in farming have increased the size of their farms and are doing pretty well. In all but two counties of my district, the average size of the farms has increased and in every county the value of farm land and buildings has gone up. Farmers have enjoyed the fruits of modern technology and advancement of production methods. From all indications, we can look forward to the continuation of our present agriculture program fairly administered by the new Secretary of Agriculture, Clifford Hardin. President Nixon has indicated that suggestions for any changes his administration might make in the general agriculture program will not be forthcoming for some time yet.

The creation of the Appalachian Regional Commission in 1965 was the offshoot of the realization that not only did we have severe economic problems in our Appalachian region but we also had an unopened treasure chest of opportunity for growth. With the help and guidance of the planning commission and funds made available under the law, we are seeing wonderful results here before us. We have growing needs for more and better highways, more local access roads, better health facilities, and vocational training for those people who have felt left behind by modern industry and who have been, in fact, small contributors to the economic and social growth of our Nation. The Appalachian development highway system is receiving extensive attention in hopes that it will open up large areas of potential development where growth has been inhibited in the past by a lack of adequate access. Appalachian funds are being used to build access roads to open up specific areas for industrial, commercial, residential, and recreational purposes and in general to make our area more available to economic and social growth. The money here has gone to build health centers and sewage facilities; it has been used for libraries, vocational-technical schools, and parks.

As we in this country continue to become more urbanized, the need for havens of peace, quiet, and unspoiled beauty for recreation, and restoration of the urban man continues to grow. In the future there will be more opportunity to travel and more leisure time for relaxation. Every park, every stream, and every landmark will become more precious as the years pass and cities spread out to accommodate our ever-increasing population. Our national parks cannot be available to everyone, but the quiet beauty of rural countrysides can be.

The development of new industrial centers may well relieve some of the pressure from the existing industrial complexes. The development of better educational, health and service facilities will make our countryside more desirable for residential purposes and will enable men to move away from the air pollution and the dirty conditions of the cities. The development of more opportunities in the rural areas will prevent the high rate of migration from the country to the cities. And the development of our rural areas as places of peace and quiet, of restful retreat is essential to the well-being of man as well.

We have in our hands the power to reshape our environment and make it more useful and safe for all Americans.

The question is, will we? I know we will.

We will continue our efforts to build upon our historic working relationships and encourage and support State and local governments, conservation and other districts, educational institutions, private organizations, business and industry, and farmers, ranchers, and rural landowners in the multiple use of natural and human resources.

We will move forward boldly to revitalize rural communities through resource conservation and development projects all the time striving to reach a balanced use of human talents and natural and economic resources to create more jobs and higher income for more people.

And we will look ahead to the preservation of man and his environment together for a higher quality of life for all.

MEANINGFUL TAX REFORMS SEEM DOUBTFUL THIS YEAR

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I am deeply worried about the progress of tax reform and tax relief in this legislative Hall, and in this legislative body, and in the Senate. I seem to recall that when this chance for reform and for relief started this year, that there was some foot-dragging on the part of the administration that most of us were led to believe was just the newness in office.

The administration has now been in office 9 months and 2 days, and the more they talk about tax reform and tax relief the less I like it.

I seem to recall that we were asked to pass a surtax here because of the need for revenue, and we passed that surtax with the understanding that the administration would get behind our tax reform bill and help us get it passed this year. That has not happened.

We put some $12 billion more in the hands of the administration to spend this year, and we have had very little action on tax relief. Now comes the administration asking for a separation of the investment credit repeal from the other tax reform package. I believe that this sounds the death knell of any kind of meaningful tax reform at all this year.

If it dies, if the people are not granted substantial tax reforms this year, I believe the people ought to know where the blood is. It is not on the hands of the Democrats who have been pushing for tax reform, but on the administration who have been dragging their feet.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I would be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. How did the gentleman vote on the extension of the surtax?

Mr. GIBBONS. I voted against it, because frankly I did not believe at that time that we were going to get any tax reforms.

Mr. GERALD R. FORD. In other words, you were not helping to put any pressure on?

Mr. GIBBONS. I certainly was not.

Mr. GERALD R. FORD. May I ask the gentleman who controls the U.S. Senate—what party is in control?

Mr. GIBBONS. The gentleman knows as well as I do who controls the Senate, but the gentleman also knows as well as I do that there is not going to be tax reform unless your leaders get behind the tax reform and push it. The gentleman announced the priorities and the gentleman did not mention tax reform.

Mr. GERALD R. FORD. The administration has requested that the tax reform bill be passed this year. The party the gentleman is a member of has a majority of 57 to 43 over in the Senate. They control the Senate, and they are in control of the scheduling of legislative activity, both in all committees and on the floor. It is your party's responsibility, the Democratic Party, to get tax reform out of this Congress. We in the Republican Party favor tax reform. We voted for it and it is the responsibility of the Democrats who control the Congress to see to it such legislation is pushed by its leadership in the Senate.

The SPEAKER. The time of the gentleman from Florida has expired.

GIANT LOOPHOLES IN MINE HEALTH AND SAFETY BILL

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. HECHLER of West Virginia. Mr. Speaker, there is tremendous pressure on many Members to get them to cosponsor a mine health and safety bill reported by the House Committee on Education and Labor. Although certain provisions of this bill are clearly improvements over the present toothless law, there are obviously some giant loopholes in the proposed bill which must be tightened up if genuine protection is to be accorded to the coal miners of this Nation.

Specifically, the House bill includes a very loosely worded compromise which extends almost indefinitely the time period that many mines can keep dangerous spark-producing equipment.

The New York Times, and various other newspapers, on Sunday describe this provision as the result of a one-man lobbying campaign which may be worth $800 million to the coal operators but which will ultimately endanger the lives of many coal miners.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Illinois.

Mr. ERLENBORN. The article the gentleman referred to also indicated that this amendment was for the benefit of the "coal barons." Would not the gentleman agree that the amendment he refers to was meant to alleviate the problems of the small independent operators of the coal mines and blue-collar owners?

Mr. HECHLER of West Virginia. I will say the gentleman knows it is being treated as an economic problem. But I do not think this problem ought to be treated economically. It ought to be treated in the human terms of loss of lives in the coal mines. We ought to begin with that basic principle and then go on to the economics as a secondary consideration.

Also, I would point out to the gentleman from Illinois that I agree with Mr. W. A. Boyle, the president of the United Mine Workers of America, a man with whom I do not often agree, in condemning this compromise and the watering down of the coal mine safety bill. I say when Mr. Boyle says a bill is bad or that something in it is bad, then it really must be awfully bad. Mr. Boyle is quoted by the Associated Press in articles published September 19 as "charging that the committee bowed to coal industry pressure" by "giving some small-mine owners 4 to 6 years to install new, safer equipment." Mr. Boyle is further quoted as stating:

> It is only for the most callous motive that certain coal operators pressured the full committee into permitting four to six years for enforcement of this provision. . . . Hundreds of coal miners could die in explosions while the coal operators continue to use dangerous, spark-emitting equipment.

I should point out that a careful examination of the "compromise" indicates that a waiver may be given even beyond 6 years by the Secretary of the Interior, and it is entirely possible that the waiver could go on almost indefinitely if the operator claimed he could not obtain the equipment. But what about the safety of the coal miner during this waiver period? Should we not think of him first? Furthermore, I have not observed many members of the House Education and Labor Committee who have reported any contact from Mr. Boyle urging that they remove or modify this loophole. It will be interesting to see now just how aggressive Mr. Boyle will be in pressing to practice what he is publicly preaching. If he is successful, I will be the first to applaud his actions.

There is a second dangerous loophole in the bill reported by the House Committee on Education and Labor on which Mr. Boyle has been completely silent—the iniquitous Federal Coal Mine Health Safety Board of Review. The Secretary of the Interior has the primary responsibility for enforcement of the mine health and safety law, with certain health features being the responsibility of the Secretary of Health, Education, and Welfare. Written into the bill are very thorough procedures for a review of the findings and orders of inspectors and the Bureau of Mines by the Secretary of the Interior, as well as further judicial review by the U.S. court of appeals for the circuit in which the affected mine is located. Despite all the protections and reviews contained, it was felt necessary to establish another layer of review by a private-interest-dominated Board of Review completely outside the Department of the Interior, and to give this Board vastly increased powers to rule on health and safety standards, penalties, and even to direct how money is to be spent on health and safety research.

Who is on this Board? It includes five presidentially appointed members, the Chairman being designated as "public," and the other four being drawn from representatives of large and small mine operators and large and small mine workers. Judging from the past composition and record of the Board of Review, its personnel have not taken aggressive efforts to protect the health and safety of the coal miners. The four organization men—even those ostensibly representing the mine workers and the public, have failed to indicate any interest in taking the measures necessary for protecting health and safety among coal miners. I intend to analyze this provision further when the full text of the clean bill is available to all Members, because I feel very strongly that this so-called Board of Review can become the Achilles heel of this legislation and make the rest of the provisions of the bill a joke. Under the present weak law, the Board of Review may not have caused much harm, but there are two reasons why it can become in the future potentially more harmful: First, its powers have been substantially expanded in the House committee bill; and, second, when other provisions of the bill are tougher, those trying to weaken the enforcement of the new legislation will tend to use the Board of Review to water down effective protection of health and safety.

There follow various articles to which I have referred in my remarks:

[From the New York Times, Sept. 21, 1969]

A Lobbyist Gains a Point for Miners—Safety Bill Changed After Cloakroom Conference

(By Ben A. Frankin)

WASHINGTON, September 20.—One of the most effective one-man lobbying campaigns so far in the 91st Congress quietly produced this week a provision * * * may be worth $800-million to operators of small coal mines.

The provision was inserted into the House version of a proposed new Federal Coal Mine Health and Safety Act, approved last Thursday by the Committee on Education and Labor, 29 to 3.

Intensive last-minute lobbying to limit the bill's impact on small mines delayed the 35-member committee's meeting from its scheduled 9:30 A.M. until 11:10 A.M., when the chairman, Representative Carl D. Perkins, Democrat of Kentucky, was able to muster a quorum of 18.

Many members were in the committee's connecting Republican reception room hammering out the arrangement with John L. Kilcullen, the small mine operators' registered lobbyist.

3,000 MINES EXEMPTED

The chairman ordered repeated roll calls, all disclosing the lack of a quorum. Finally, he was told that many absent Republican members and some Democrats were "in the next room working on an amendment."

"Well," Mr. Perkins said, with some exasperation, "get them in here."

The amendment had the effect of exempting 3,000 small mines from stringent requirements covering the use of electrical machinery.

Lobbying on Capitol Hill is rarely observed, in part because it is often informal and personal, done in private social contacts between special interest representatives and members of Congress. Moreover, most Congressional committees hold closed sessions for their final meetings on bills, and it is there that the most effective lobbying is often accomplished.

Mr. Perkins' committee is a rare exception. The Education and Labor Committee regularly opens its final amending sessions to the public. The crucial, last-minute byplay on controversial measures is thus more visible, although rarely as evident as in this case.

LARGE MINES UNSUCCESSFUL

Mr. Kilcullen, a Washington lawyer who says he regularly does "legislative work" for clients as a lobbyist, registered as such with Congress, acknowledged in an interview, "There was some discussion in the cloakroom adjoining the committee room last Thursday."

He said that the meeting finally won for his client, the 3,000-member National Independent Coal Operators Association, a key concession in the generally stringent measure after nearly six months of open hearings.

On the other hand, representatives of the large coal mines were generally unable to delete provisions they disliked.

Representative John N. Erlenborn, Republican of Illinois, an ally of the small mine operators, proposed to the full committee the amended language supported in the cloakroom by Mr. Kilcullen. It was accepted on an unrecorded voice vote. On all other important amendments there was a recorded vote.

NEEDED REPUBLICAN VOTES

Committee sources said later that the leaders of the Democratic majority, Representatives Perkins and John H. Dent of Pennsylvania, had agreed to accept the Erlenborn amendment "because the Republicans' votes are needed to help the bill when it gets to the floor, and Kilcullen has them on his side."

The amendment had the effect of exempting more than 3,000 small, gas-free mines from the requirement that, within 90 days of enactment, all mines be equipped with fully "permissible" explosion-proof electrical machinery approved by the Bureau of Mines.

Instead, the small mines' deadline for obtaining such equipment will be four years from the effective date of the law, with an additional two-year extension available on request.

Moreover, the amendment says that the Secretary of the Interior may waive the six-year deadline further "if he determines that the permissible equipment for which the waiver is sought is not available."

Representative Ken Hechler, Democrat of West Virginia, a strong supporter of the strictest possible mine safety bill, told newsmen, "This is an open-end waiver, a sellout, a giveaway."

Mr. Erlenborn, in particular, was denounced by Ralph Nader, the consumer and safety advocate, for helping "the coal barons" give "the breath of death" to workers in the small mines.

Mr. Erlenborn could not be reached for comment today, but he has said in the past that an overly strong mine safety bill that disregarded the economic impact on mine owners would "contribute nothing to safety."

"We just didn't have the votes on the committee," Mr. Kilcullen said in commenting on the cloakroom meeting. "This was going to cost the small mine operators anywhere from $400-million to $800-million for new equipment, and they don't have it. What we wanted was an exclusion. All we've got is a little time."

[From the Charleston (W. Va.) Gazette, Sept. 19, 1969]

Boyle Hits Dilution of Mine safety Bill

WASHINGTON.—United Mine Workers President W. A. "Tony" Boyle accused the House Education and Labor Committee Friday of watering down a coal mine safety bill in a move that could cost hundreds of miners' lives.

Boyle, charging that the committee bowed to coal industry pressure, said that giving some small mine owners four to six years to install new, safer equipment to guard against explosions was too long.

"It is only for the most callous motive that certain coal operators pressured the full committee into permitting four to six years for enforcement of this provision. . . . Hundreds of coal miners could die in explosions while the coal operators continue to use dangerous, spark-emitting equipment," Boyle said in a statement.

"As usual, certain coal operators have taken the position in favor of profits over human life," he said.

Boyle also objected to language in the bill on a provision controlling the permissible level of coal dust in mines "over several shifts."

"We hold that dust levels must be enforced on each shift for the protection of the lungs of the men working on that shift," Boyle said.

The bill would limit the maximum dust level to 4.5 milligrams per cubic meter of air immediately if the bill is enacted into law, to 3 milligrams six months later and to lower levels as soon as possible.

"Compromises have been made on key issues which America's coal miners are not willing to accept," said Boyle, whose union represents about 20,000 working miners.

Boyle said the union will do everything in its power, "including contractual action," to enforce safe conditions in the mines.

His reference was apparently to a provision in coal mine contracts permitting the union to pull workers out of the mines for "memorial" periods of up to 10 days in memory of dead miners.

Boyle said in some respects the bill, reported out by the House committee Thursday, represented "strong legislation."

It includes a provision to pay up to $272 a month to miners suffering from severe stages of incurable pneumoconiosis, or black lung, believed caused by breathing coal dust.

Boyle, says his opponent for the top union post spent more money for expenses in 1968 than other union officials.

"The record on file with the U.S. Department of Labor shows that Mr. (Joseph) Yablonski's expenses for 1968 were the highest of any officer of the UMW" Boyle said Friday.

"Yablonski has never showed the slightest concern for the way he used the dues-money of the rank-and-file," the union leader said in a statement.

Yablonski frequently has accused Boyle of mishandling union funds.

The UMW election is scheduled for Dec. 15.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks and include extraneous material.)

U.S. CAPITOL HISTORICAL SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 30 minutes.

Mr. SCHWENGEL. The U.S. Capitol Historical Society's program to encourage a better understanding of American history has made possible the viewing of a collection of Capitol pictures in the lounge next to the Public Works Committee room—room 2167, Rayburn Building. It is my hope that all Members of Congress, their staffs, and friends will avail themselves of the opportunity to drop by and see them.

Mr. Speaker, a Miss Josephine Cobb has prepared a brief statement and description of the display that I invite my colleagues and friends to read.

The article on the pictures follows:

The pictures in the Exhibit now awaiting your pleasure on the First Floor of the

Rayburn Building consist of some thirty views of the U.S. Capitol. Among them are many examples of a vanished art. These are the original lithographs and engravings made by hand by artisans, skilled in the production of copies of pictures in great numbers on copper or steel plates or on stone or wood blocks. Until the discovery of photography in 1839 which led to the development of photo-mechanical processes in the 1850s, there was no other way to produce copies of pictures in great numbers except by hand work. After the Civil War, hand engraving became almost a lost art. These early views of the Capitol are, therefore, of value because of the medium in which they were made as well as for their special subject significance to members of the Capitol Historical Society.

Collections of city views in the form of lithographs and engravings are perhaps the most numerous and varied. Special collections exist showing the likenesses of individual statesmen of national prominence. But there are almost no collections of views of public buildings, either in this country or abroad. We have no accumulation of pictures of Independence Hall nor of Faneuil Hall nor of Mount Vernon or Monticello that can compare with the abundance of views of the U.S. Capitol Building. Produced as single items for framing or as illustrations in books and periodicals, engravers and lithographers in the early days of the nation created more than a hundred views showing the Capitol of the United States. Few of the pictures were made locally because the best engravers in the country were located in Philadelphia and Boston and New York City. A number of them were made by Europeans for publication abroad, illustrative of the considerable interest shown in the new country on the part of foreigners.

Among the pictures of special interest, selected from the Kiplinger Collection and the Columbia Historical Society, there are many that serve to document the physical growth of the Capitol over a period of about a hundred and fifty years. Others are quite fanciful, depicting the Capitol as the artists thought it might appear. There are also a few interiors, showing the Halls of House and Senate. Of unusual subject interest is an 1817 picture of the Capitol in which a group of negro slaves, handcuffed and chained to their master, appears in the foreground.

In a different medium, there are a few watercolor drawings. One of these, on exhibit for the first time, is a colorful drawing of the Blodgett Hotel which served as the meeting place of the 13th Congress, following the burning of the Capitol in 1814. Finally and of more recent date, there is a watercolor done in 1961, depicting the reconstruction of the East Front. Here then, in some 30 pictures displayed for your pleasure by the Capitol Historical Society, is a sampling of the existent views of the past history of your U.S. Capitol Building.

BIG TRUCK BILL

Mr. SCHWENGEL. Mr. Speaker, the Roads Subcommittee of the Public Works Committee has recently completed 11 days of hearings on H.R. 11890, and H.R. 11619, bills to increase the size and weight of trucks and buses that use the Interstate System.

Let me first express my appreciation to our chairman, the gentleman from Illinois (Mr. Kluczynski), for his efforts to insure that as many witnesses and viewpoints as possible were brought before the committee to testify and otherwise add to a better understnding of this far-reaching legislation. I especially want to commend him for his patience with questioning of the various witnesses. Within the framework of the existing committee system, the hearings have been as complete as could be expected. The absence of some vital information, which is not yet before the committee with respect to this legislation, is the fault of our committee system and not that of our chairman.

In this regard, Mr. Speaker, it is inconceivable to me that Frank Turner, the Federal Highway Administrator, could come before the subcommittee and testify that he "does not have sufficiently reliable evidence to make a clear case for or against the proposal on safety grounds." Mr. Speaker, if the "experts" at the Department of Transportation, with the extensive research facilities available to them, cannot come to a clear conclusion with respect to the safety aspects of this legislation, our committee should summarily reject the legislation. To do otherwise, would be to presume expertise on the part of the committee which is apparently not even available in the Department of Transportation and the National Highway Safety Bureau, with all of their "experts."

Mr. Speaker, I am very critical, especially of the Department of Transportation.

In one breath the Department says:

> An analysis of the safety effects of increases in commercial vehicle sizes and weights is an exacting task requiring significant lead time and extensive data that simply are not available at this time.

And in the next breath makes the incredible statement that—

> Some sets of data . . . when taken in a broad perspective, will permit the drawing of some reasonable inferences, (with respect to safety.)

It is simply inconceivable to me, that a Department whose first concern they say is safety, could take such a callous and inadequate approach to the safety of our traveling public or as the President has said, "the interest of the traveling public."

President Nixon really put the proper emphasis on the problem in his statement last fall when he said:

> This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which the greater truck size and weight would impose additional wear and tear on a road network.
>
> I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.
>
> As President, I would want this entire matter most carefully reconsidered. I would direct the Secretary of Transportation to take a hard look to make certain that the interest of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the nation's commerce.

In view of this directive of the President, it is inconceivable to me that the Department could be testifying in favor of the bill, while admitting in effect, that they have not carried out the President's directive.

Mention should be made at this point of the so-called quickie study undertaken by the Department. At the highway safety hearings held during May and June of this year, Dr. Robert Brenner, Acting Director of the National Highway Safety Bureau, testified that he "knew of no work being done with respect to the effect on safety of the proposed legislation." Later, in response to my written question as to whether the study directed by the President had been undertaken, Dr. Brenner stated:

> As far as I know, President Nixon has not directed any new study to Secretary Volpe relating to the proposed increase in truck width and weight.

Mr. Turner, on the contrary, testified that a review pursuant to the President's directive was commenced in March of this year and involved the National Highway Safety Bureau. Mr. Speaker, the testimony of these two high officials at the Department of Transportation is in direct conflict, and I believe casts serious doubt on the credibility of the Department of Transportation with respect to all other testimony they have given before the committee. It would seem highly unusual to me, that Dr. Brenner, as Acting Director of the National Highway Safety Bureau, would not be aware of any study such as the one described by Mr. Turner. In my opinion, the Department asked for a delay in their appearance before the committee, and belatedly began a "quickie" study only after they realized they would be seriously embarrassed at the hearings for having failed to carry out the President's directive. This so-called quickie study, especially as it relates to safety, was nothing short of a sham, and an insult to the President. It certainly is ignoring the President's request to "protect the interest of the traveling public."

The problem of highway safety is an extremely important problem, and one involving the lives and well-being of the citizens of this country. If we do not now possess sufficient answers with respect to the effect of this legislation on safety, we had better get them before we take action on this legislation.

Still further doubt is cast on the accuracy of Mr. Turner's testimony by a recent statement from Douglas B. Fugate, a Virginia State highway commissioner. Mr. Fugate stated:

> The State Highway Department has estimated it would cost $151 million just to make the bridges on the Virginia primary road system adequate for the heavier loads [proposed by legislation now before the Roads Subcommittee].
>
> That wouldn't even count the extra money for strengthening roads which he said would wear out 25 to 40% quicker under the pounding of the bigger trucks, or for upgrading bridges on the secondary highway system.

In contrast, Mr. Turner apparently felt this item was so insignificant that it was not even mentioned in his prepared statement. However, in response to a question from a member of the committee, Mr. Turner stated that the increase in maintenance cost to the States would be $300 million per year. If the estimate given by Commissioner Fugate could be multiplied by the 50 States, Mr. Turner's figure would appear to be ridiculously low.

Inasmuch as the hearings have now been concluded, and the subcommittee will soon commence executive sessions, I feel it is an appropriate time to again bring to the attention of the Members of Congress, the feeling about the big truck bill across the country. I have copies of editorials opposing the big truck bill from nearly all of the 50 States. It is clear that feelings against the big truck bill run high in every section of the country. People are concerned because more attention has not been paid to the highway safety aspects of the big truck bill. They are convinced that the case for the bill is woefully weak and inadequate. Undoubtedly, many amendments will be offered in the executive session. However, as long as the authorization for wider and heavier trucks remains in the bill, I will continue to fight the bill. During the next few days I will be inserting in the RECORD each day some editorials from the various States in order to more fully acquaint the Members with the gravity of case against this legislation which exists in our country. Based upon correspondence I am receiving, I am convinced that these editorials accurately reflect the thinking of at least 90 percent of the traveling public.

I would also like to take this opportunity to invite the attention of all Members to my statement before the committee on this subject.

The statement follows:

STATEMENT OF CONGRESSMAN FRED SCHWENGEL BEFORE THE ROADS SUBCOMMITTEE OF THE HOUSE PUBLIC WORKS COMMITTEE, JULY 10, 1969

Mr. Chairman, we have before us again this year a misguided piece of legislation that was productive of much controversy in the last session, primarily due to a woeful lack of research and study. Once more, I feel it is necessary to present my views and convictions. It may be well to put the bill in proper perspective.

But before turning to the substance of this matter, I would like to express my appreciation to the Chairman for ensuring that more adequate time is being made available for both sides to be heard on this critical subject. One thing which was made clear last year. This matter is far too important to pass over lightly with only cursory consideration.

I. BACKGROUND

A. Federal Aid Highway Act of 1956

In 1956, the Congress first considered the subject of vehicle weights and dimensions. The subject was broached in the consideration of the Federal Aid Highway Act which established a vast new highway system spanning the country known as the National System of Interstate and Defense Highways. The Federal-State ratio of contribution was to be 90–10.

The magnitude of the Federal contribution gives support to the imposition of standards for vehicle users designed to protect the useful life of this enormous investment and to enhance the safety of the motorists who travel on our highways. Before this time, the matter of regulation had been primarily regarded as a State concern. Naturally, the standards varied quite widely from State to State, ranging, for example, from 18,000 to 24,000 pounds for single axles—from 28,650 to 44,000 pounds for tandem axle maximums.

Ten years earlier, the American Association of State Highway Officials (AASHO), concerned with the same problem of promoting the maximum useful life of the nation's highways, established certain standards to that end. This group of professional highway officials from the various States set forth the following standards:

1. maximum weight: (a) single axle, 18,000 lbs; (b) tandem axle, 32,000 lbs.; (c) gross truck, 73,280 lbs. (as determined by AASHO formula based on maximum allowed length within the states).
2. maximum height: 12½ feet.
3. maximum width: 96 inches.
4. maximum length: (a) single unit trucks, 35 ft.; (b) buses with 2 axles, 35 ft.; (c) buses with 3 axles, 35 ft.; (d) truck-trailer semi-trailers, 50 ft.; (e) other combinations, 60 ft.

Although in 1956 some thought that these standards were out of date and somewhat restrictive, still it was felt that they were reliable enough to be incorporated into the Federal Aid Highway Act. As passed, the Bill adopted the following legal limits and made them binding upon all Interstate mileage, with certain exceptions for States with liberal legal standards:

1. maximum weight: (a) single axle, 18,000 lbs.; (b) tandem axle, 32,000 lbs.; (c) gross truck, 73,280 lbs.
2. maximum height: 12½ feet.
3. maximum length: No limit.
4. maximum width: 96 inches.

The exceptions protected by the "grandfather clause" contained in Section 108(J) of the 1956 Act are in the appendix to my statement.

At the time of the bill's passage, a commitment was also made to undertake extensive research to determine the standards necessary to ensure maximum useful life of the new Interstate System. The commitment was embodied in Section 108(K) of the Act which reads:

"TEST TO DETERMINE MAXIMUM DESIRABLE DIMENSIONS AND WEIGHTS

"The Secretary of Commerce is directed to take all action possible to expedite the conduct of a series of tests now planned, or being conducted by the Highway Research Board of the National Academy of Sciences, in cooperation with the Bureau of Public Roads, the several states, and other persons and organizations, for the purpose of determining the maximum desirable dimensions and weights for vehicles operated on the Federal Aid Highway Systems, including the Interstate System, and, after the conclusion of such tests, but not later than March 1, 1959, to make recommendations to the Congress with respect to such maximum desirable dimensions and weights."

In 1956, AASHO already had in the planning stage, a series of tests which were designed to elicit much the same information as that mandated by the Act. With some modifications to meet the requirements of Section 108(G), 836 sections or test pavements were built late in 1956 near Ottawa, Illinois. Beginning in 1958 and spanning a two-year period, a nearly continuous series of tests of fully-loaded trucks was conducted over these sections of pavement. The purpose was to gather information bearing on the relationship between pavement types and bridge construction *and* vehicle weight limits and axle loadings. The resulting data was to be a critical factor in setting the maximum desirable weights and dimensions of motor vehicles allowed on the Interstate System.

After several delays, the data from the tests was made available by the Secretary of Commerce and printed as House Document No. 354, 88th Congress, 2nd Session.

The maximum weights and dimensions of vehicles justified on the basis of the Ottawa tests are the following:

1. Maximum weight: (a) Single axle, 20,000 lbs.; (b) tandem axle, 34,000 lbs.; (c) gross truck—to be determined by the formula:

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

Where W is the maximum weight in pounds carried on any group of two or more axles, L is the distance in feet between the extension of any group of two or more axles, and N is the number of axles in the group under consideration.

2. maximum height: 13½ feet.
3. maximum width: 102 inches.
4. maximum length: (a) Single unit truck, 40 ft.; (b) single unit bus, 40 ft.; (c) semi-trailer, 40 ft.; (d) truck-trailer semi-trailer, 55 ft.; (e) all other combinations, 65 feet.

It must be noted that the AASHO tests were designed to compare the durability of various pavements and bridge structures under the stress of different vehicles, load suspension systems, etc. Before we change these standards, we must be provided with ample and proven justification. The toll in needless safety hazards and mounting costs which is likely to follow any increase in the present limits should place a heavy burden on those who would propose a change. Unless the economic benefit to the nation derived from increasing vehicle weights and dimensions is sufficient to offset the higher safety and construction costs necessarily incurred due to the greater burden created by these larger vehicles on present roads and bridges, this bill should be summarily rejected. It should be noted that AASHO's official position is in opposition to any increase in size or weight of motor vehicles on the Interstate System.

We must also put this bill in other than economic terms. We must place it in the realm of human consideration—the well-being of all the motorists who use our nation's highways. We should not promote the economic well-being of particular interest groups at the expense of the safety of the great majority of the motoring public.

II. ACTION IN THE 90TH CONGRESS

A. Senate action

In November of 1967, Senator Magnuson, and others, introduced a bill, S. 2658, to increase the maximum weights and dimensions of vehicles operating on the Interstate System. This bill provided for the following limitations:

1. Maximum weight: (a) Single axle, 20,000 lbs.; (b) tandem axle, 36,000 lbs.; (c) gross weight, computed by formula:

$$W=500\left(\frac{L\times N}{N-1}+12N+40\right)$$

Where W equals the maximum weight in pounds carried on any group of two or more axles, L equals the distance in feet between the extension of any group of two or more axles, and N equals the number of axles in the group under consideration.

2. Maximum length: No limitation.
3. Maximum width, 102 inches, exclusive of tire bulge and safety devices such as mirrors.

Four days of hearings were held before the Senate Public Works Committee in February and March of 1968. The bill was reported out of committee after it was amended to include the following limitations:

1. Weight, single axle, 20,000 lbs.; tandem axle, 34,000 lbs.; gross weight (computed by formula):

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

The bill was then considered by the Senate under suspension of the rules, and passed by a voice vote with only 7 Senators on the Floor.

B. House action

Similar legislation, H.R. 14474, was introduced in the House of Representatives by Congressman Kluczynski of Illinois and 8 others. During the general hearings on the Federal Aid Highway Act of 1968, this bill was considered together with S. 2658. The hearings were held in February, May and June of 1968. On July 3, 1968, the House Public Works Committee favorably reported the bill, as amended, to the House.

Subsequently, a rule was obtained from the Rules Committee and the bill was placed on the Union Calendar, Number 669. The bill, however, was never called up for action and died at the end of the session.

C. Campaign

During the Presidential Campaign of 1968, the question of increasing the vehicle weight and dimension limitations became a national issue. Eventually, both major candidates issued statements on the subject. President Richard M. Nixon observed during the 1968 campaign, that:

"This proposal raises serious issues, including the safety and convenience of the motoring public. Questions remain about the extent to which greater truck size and weight would impose additional wear and tear on a road network.

"I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.

"As President, I would want this entire matter most carefully reconsidered. I would direct the Secretary of Transportation to take a hard look to make certain that the interests of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce."

Former Vice President Humphrey also indicated his opposition to the legislation during the campaign.

III. ACTION IN THE 91ST CONGRESS

A. House of Representatives

In June of this year, Representatives Kluczynski and Denny introduced legislation essentially the same as that which was reported out of the House Public Works Committee in amended form in 1968. This bill is H.R. 11870. The only change is the addition of a length limitation not contained in S. 2658. The following limits are provided in the bill presently under consideration by this committee:

1. **Maximum weight**: (a) Single axle, 20,000 lbs.; (b) tandem axle, 34,000 lbs.; (c) gross truck, as computed by the formula:

$$W=500\left(\frac{L\times N}{N-1}+12N+36\right)$$

2. **Maximum height**: No change from present limits.
3. **Maximum width**: 102 inches.
4. **Maximum length**: 70 feet.

We must bear in mind that this bill, while specifically referring to the Interstate System, must in fact apply to all Federal Aid Systems—Primary, Secondary and Urban extensions—as well as Interstate, as there is no Federal law governing maximum size and weight standards for any system except that System.

This bill would increase the present allowable width of a vehicle from 96″ to 102″, "plus additional width necessary for safety devices and tire bulge due to loads." Competent authorities have estimated that safety devices can add as much as 24″ to the width, thus making legal a total width of about 126″, or 10⅔ feet. This creates a definite safety hazard on roads with 10 and 11 foot traffic lanes. Under the present limit, two trucks passing on an average two-lane road, with 12 foot lanes (of the size found in the Interstate System), would have 4 feet of clearance if they are in the middle of their lanes. Under the new limits, this safety gap would be reduced to less than 2 feet.. Now, consider for a moment two supertrucks passing at 60 or 70 miles an hour with less than 2 feet of clearance between the trucks. Most truck drivers would attempt to put far more distance between vehicles, thus putting the trucks virtually on the shoulder of the road, a very dangerous practice in itself. Further, more than 60 per cent of all State primary road mileage in 1966 had lane widths under 12 feet another 16 per cent of the roads were under 10 feet.

For the first time, the Federal law would impose a length limit. In H.R. 11870 the limiting length is placed at 70 feet. At the beginning of 1969, only two states permitted lengths of 70 feet or greater for regular operation, while 18 permitted 65 foot units, and 32 states restricted overall length to 60 feet or less.

The single axle weight would be increased, in the proposal, from 18,000 lbs. to 20,000 pounds, and that on a tandem axle from 32,000 pounds to 34,000 pounds.

The gross weight of a vehicle is presently restricted to 73,280 pounds. Under the bill this weight would be determined by formula. The practical new gross weight of the proposed 70 foot vehicle with 5 axles would be 88,625 pounds or an increase of 15,345 pounds above the present legal limit. A six axle, 70 foot vehicle would have a practical gross weight of 92,000 pounds.

A new section provides that two consecutive sets of tandem axles separated by 36 feet or more may carry 68,000 pounds, regardless of the law's formula. The practical effect of this section is to permit the common 55 foot truck-tractor semi-trailer unit to haul about 78,000 lbs. rather than the 73,500 lbs. which would result from using the formula.

It is noteworthy that the policy of AASHO recommends performance standards for vehicles of the anticipated sizes. The Department of Transportation concurred with the AASHO recommendation in 1968, and submitted a bill covering this aspect which is so fundamental to safety. The proposals before us do not include any such item on safety.

B. Hearings on highway safety

Early in June, hearings were held on the subject of the Highway Safety Act of 1966. In the course of these hearings, Dr. Robert Brenner, Acting Director of the National Highway Safety Bureau, testified that little, if any research was being conducted with respect to the effect of increasing vehicle weights and dimensions on highway or vehicle safety. Mr. Ben Kelly, Vice-President of the Insurance Institute for Highway Safety, testified that he knew of no credible research done on this problem. Dr. Brenner further testified that he believed the work done by Professor Wolff at Cornell University, with respect to the high rate of accident involvement of trucks, was reasonably accurate.

It seems clear, then that there are several important aspects of this legislation which must be considered and dealt with, and important questions which must be answered, before this committee or the Congress can act on the question of increasing vehicle weights and sizes. Generally, these considerations fall into four broad categories: safety highway costs, economic benefits, and Federal initiative versus State's rights. I shall discuss each briefly:

Safety

When I speak of the problems of safety with respect to increasing the weights and sizes of vehicles, there are a number of areas to be explored: One of the most important, in my judgment, is the effect of increased vehicle dimensions on automobiles. This legislation must, of necessity, reduce clearance between passing vehicles, decrease visibility, increase difficulty in passing, increase the hazards of negotiating narrow corners, generate additional suction or blast caused by ever larger trucks and buses, etc. These are not trifling problems to be lightly passed over. They are concerns which may be reflected in lost lives and disabling injuries. These are problems upon which we now lack sufficient information to make reasoned judgments. In the highway safety hearings last month, Dr. Robert Brenner, Acting Director of the Highway Safety Bureau, testified before this very committee that his agency has almost no research underway with respect to these problems. Witnesses who have testified to date in favor of the bill have failed to come forward with any credible research to support their position that the weights and sizes of vehicles can be increased without significantly affecting safety. I believe, in fact, that when these hearings are completed, there will be a considerable amount of raw data and personal observations indicating that serious highway safety problems would result if we allow bigger and heavier trucks on our highway system. I might note here also, Mr. Chairman, that it is my position that the proponents of this legislation have the burden of coming forward with sound evidence that the increases in legal limits which they seek can be made without endangering the safety of the motoring public at large. Economic benefit is of little value if it must be measured in terms of needless accidents and human suffering.

A distinct aspect of the safety problem is that where two trucks or buses are involved. The real problems in passing, turning, suction, and decreased clearance between vehicles are present here as well.

Consider also the safety of the single large vehicle. Adequate braking capacity, weight to horsepower ratios, coupling devices, tires, and stability must be assured. Of prime importance is adequate braking capacity for each weight of vehicle considered, and adequate horsepower to diminish the problem of speed differentials which are the cause of so many fatal accidents.

Still another concern is related to highway surfaces and structures. Nearly every source admits that increases in vehicle weights and sizes will bring about an accelerated deterioration of highway surfaces. The earlier and more pronounced any deterioration is, the greater the safety hazards in the form of cracking and rutting and—in the case of our narrower highways—serious rutting in the shoulder area alongside the pavements. Aside from these dangers, any increase in required maintenance means more detour lanes as well as machines in the roadway, which pose additional safety hazards in and of themselves. Similarly, the effect of the proposed increases in sizes and weights on structures such as bridges will create additional hazards. While the legislation before us purports to deal only with vehicles on the Interstate System, it is clear that these same vehicles cannot load and unload on the Interstate System itself. They must of necessity travel on primary and secondary road systems for at least a sizeable portion of most journeys. These highways, which are the backbone of our road network, account for 244,753 miles of our most vital roadways on which we would rely in a period of national emergency. This important system includes 95,750 bridges. 68,700 of them, or over 71%, are designed for less than the present Interstate Standard (HS–20) and 30,073, or more than 31% are designed for a 15-ton truck with a 24,000 lb. load on its rear tandem axle and 6,000 lbs. on its steering axle with a 14 foot wheelbase. These are much smaller and lighter vehicles than those being considered in this bill. Thus the dangers of allowing still larger and heavier trucks on our highways is apparent.

Effect on Highway Costs

Now we shall consider the effects on our nation's highway system with respect to costs of building and maintenance. In a Government document entitled "Total Disbursements for Highways, All Units of Government," I find that from 1921 to 1965 we have invested over $232,190,000,000 in this system of highways. A great portion of these billions of dollars represents the so-called Federal "contribution." This alone justifies more extensive Federal involvement in the active protection of our nation's highway network. It is an indisputed fact that an increase in weights and sizes will cause more rapid deterioration of highways. AASHO testimony last year stated that a 20,000 lb. axle weight would reduce the remaining service life of pavements by 35 to 40 percent.

We would have, then, a direct increase in total costs over those which would accrue under present standards. The basic design criteria for the Interstate System is based on the standard of an 18,000 lb. single axle weight. Doesn't this mean that the bill, if enacted, would require reconstruction of the 70% of the system presently built, at a period 35 to 40% sooner than we have anticipated? Such reconstruction is already taking place due to overweight trucks. The potential costs of this early reconstruction are staggering. Conceivably we would actually be rebuilding some of the older Interstate sections before the System is ever completed. I think it is important that this committee and the Congress have a reasonably accurate estimate of this enormous additional cost.

A corollary question is that of *who should pay for the additional costs incurred by any increase in the weights and sizes of vehicles?* It would appear that we presently have sufficient data at hand to make an informed judgment on this question. Both the Highway Cost Allocation Study, 88th Congress, First Session, House Document No. 354, and the Supplementary Report of the Highway Cost Allocation Study, 89th Congress, First Session, House Document No. 124, are available. Relying on these documents we should have sufficient information to determine which highway users should bear the increase in cost of highway construction and maintenance accrued by reason of any increase made in vehicle weights or dimensions. At present, studies of wear characteristics of pavement indicate that the passage of a heavy truck over a high grade pavement produced deterioration equivalent to the passage of 6,000 automobiles. In order to pay their fair share of road costs, heavy trucks would have to pay 6,000 times the tax levied on the passenger car per mile traveled. These figures do not, obviously, reflect the susbtantially greater costs which would result from increasing vehicle weights. And, just as obviously, large trucks are not paying their fair share of road maintenance costs even now. Therefore, in considering any increase in truck sizes and weights we must also include reasonable increases in user taxes. No such proposal is included in this bill.

One remaining problem in this area is the method by which the increased costs of highway building and maintenance would be recouped by the government. This could take the form of an increase in the fuel tax, in the various user taxes presently being used by the states, or some new form of taxation. With respect to this area of taxation, I am not troubled about the ability of this committee at this time. Suffice it to say that I am not troubled about the ability of this committee to arrive at a fair and rational decision with respect to each of the items I have here mentioned.

C. Economic benefits

While I feel other factors, such as motorist safety, are our primary concerns, the economic impact of increasing vehicle weights and sizes cannot rightly be ignored.

The first important element of this discussion is the adequacy of available transportation for goods and materials in various geographic sections of the nation. It is clear that certain areas of our country rely almost entirely on motor vehicles for transportation of vital goods, and, obviously, the economic impact of this legislation will be very grave in these regions. I am more concerned with this phase of the economic problem than any other. At the same time we must realize that the adverse effects of increasing motor carrier sizes can more than cancel out the economic benefits of such an action. The undesirable side-effects of adding larger vehicles to our roadways must be measured realistically against the benefits to the public which might result from increasing hauler capacity.

Further, the extent to which this legislation will reduce transportation costs, namely freight rates, is questionable. Again, we must know exactly by how much costs will be reduced and, more importantly, who will be the ultimate benefactor of the purported savings. I seriously doubt if the consumer, or even the various manufacturers and intermediary shippers will experience substantial or any benefits. The trucking industry has recently signed a new labor contract providing for rather significant increases in labor costs. The temptation to offset these increased costs with any savings resulting from an increase in vehicle weights and sizes will undoubtedly prove too difficult to resist.

D. Coercion of the States

A fourth and final consideration with which this committee must deal is that of the relative roles of the Federal and State governments in regulation of vehicle weights and dimensions. This Congressman realizes that the action we take with respect to this legislation will have effects more far-reaching than those which simply concern the Interstate System of this nation. In this respect we should look once again to the mandate of the 1956 legislation. The Federal Aid Highway Act of 1956 directed a study of the appropriate vehicle weight and size limitations with respect to all Federal aid highways. The AASHO studies and the recommendations resulting therefrom, have been directed solely to the Interstate Highway System. Obviously, the Interstate System has been built to the highest standards of any highway system in our Nation. The greater problem arises from the fact that our Interstate System does not lead from one vacuum to another, but, in fact, leads from one city to another via the ABC, or primary and secondary road systems. The Federal Government has an investment of 50% in the cost of constructing these systems. Granted, this amount may be considerably less than the 90% of construction costs which we have invested in the Interstate System, but there is no logical argument why the Federal Government should not protect its investment merely because it is *"only 50%"* of the total cost.

The larger and heavier vehicles which would be permitted on the Interstate System under the legislation now before us are not going to load and unload in the middle of that system. They must, of necessity, use the primary and secondary systems in their movement from one point to another. Section 109 of the Federal Aid Highway Act of 1956, which includes standards for all Federal Aid Systems, says that the Secretary of Transportation may not approve plans and specifications for proposed projects unless they provide a facility "(1) that will meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance." AASHO stated in testimony last year that they believe the standards adopted as maximums should apply to all systems. It is clear that passage of this legislation by the Congress would serve as leverage to force the various states to increase their size and weight limitations on the primary and secondary systems so as to equal that of the Interstate System. This is despite the clear fact that our primary and secondary systems are not up to the same standards as our Interstate System, particularly with respect to the bridge structures on these systems, many of which were built prior to 1935, and are over-stressed even under present weight limitations. It is one thing to say that this legislation is merely "permissive" and doesn't force the states to do anything. To adopt this philosophy is to be something more than naive.

EXHIBIT I

STATE LEGAL MAXIMUM DIMENSIONS AND WEIGHTS PROTECTED BY "GRANDFATHER CLAUSE"

		Axle load (pounds)				Specified maximum gross weight (pounds)		
		Single		Tandem		Truck-tractor semitrailer		
State	Width (inches)	Statutory limit	Including statutory enforce-tolerance	Statutory limit	Including statutory enforce-tolerance	4-axle	5-axle	Other combination
Alabama			19,800	36,000	39,600			
Alaska		20,000		34,000		74,000	88,000	100,000
Colorado				36,000				
Connecticut	102	22,400	22,848	36,000	36,720			
Delaware		20,000		36,000				
Florida		20,000	22,000	40,000	44,000			
Georgia			20,340	36,000	40,680			
Hawaii	108	24,000						
Indiana			19,000		33,000			
Iowa			18,540		32,960			
Kentucky			18,900		33,600			
Maine	102	22,000		36,000				
Maryland	96	22,400		30,000				
Massachusetts		22,400		36,000				
Nebraska			18,900		33,600			
Nevada			18,900		33,600			
New Hampshire		22,400		36,000				
New Jersey		22,400	23,520		33,600			
New Mexico		21,600		34,200				
New York		22,400		36,000				
North Carolina			19,000	36,000	38,000			
Ohio		19,000	19,570		32,960			
Oregon		20,000		34,000			76,000	76,000
Pennsylvania		22,400	23,072	36,000	37,080			
Rhode Island	102	22,400						88,000
South Carolina		20,000						
Utah				33,000			79,900	79,900
Vermont		22,400	23,520	36,000				
West Virginia			18,900		33,600			
Wisconsin			19,500		32,000			
Wyoming					36,000			
District of Columbia		22,000						

Exhibit II

1. The additional cubage granted to longer vehicles would be about as follows:

States with 55-foot law: additional 15 feet or 27% more cubage.

States with 60-foot law: additional 10 feet or 17+% more cubage.

States with 65-foot law: additional 5 feet or 8−% more cubage.

The history of additional length is that for each foot of additional length, the permissible weight has gone up about 2700 pounds.

2. (a) The findings of the AASHO road test (from testimony of AASHO on S. 2658, page 203) that a single axle had a tandem axle equivalent in accordance with the following:

Single axle:	*Tandem axle*
18,000 lbs	29,000 lbs.
20,000 lbs	33,000 lbs.

(b) The increase from 18,000 lbs. to 20,000 lbs. single axle, would reduce the remaining life of pavements from 35 to 40 percent. (AASHO testimony S. 2658, page 203)

(c) Cost of resurfacings due to heavier loads would be about $3 billion over a ten year period (Congressional Document 354 expanded to 50 states)

3. A 65 to 70 foot double bottom unit with 4–18,000 pounds axle would have about 125% of the damaging effect of a truck-tractor semi-trailer with two 32,000 pound tandem axles. (AASHO road test date—Summary Report #7, Chap. 7)

4. In September of 1968, the U.S. Bureau of Public Roads reported that there was a total of 473,869 miles of surfaced roads on the State Primary Systems. 429,913 miles of these roads were undivided. 198,735 miles had lane widths of less than 12 feet. When two vehicles 10.5 feet wide (including the width of their safety equipment) meet on a highway with 10 or 11 foot traffic lanes, the result is obvious. This condition pertains to 198,735 miles of State Primary highways or nearly 42% of the total.

5. About 70% of the original 41,000 mile Interstate system is now built and it was designed basically for 18,000 pound single axles and 32,000 pound tandems.

6. The defense requirement routes of the country total 244,753 miles or one-seventh of the total highway network. This System includes 95,750 birdges, 68,700 of which are designed for less than HS–20 (the present Interstate Standard), and 30,073 for H–15 or less (the standard which applied prior to World War II.)

Exhibit III

(From the June 4, 1969, hearings on "Federal Aid Highway and Highway Safety," before the Subcommittee on Roads, of the Committee on Public Works, House of Representatives)

Mr. Schwengel. And I would like to ask, have you done any research or are you planning any research on the effects of increasing the width of the trucks on the highway?

Dr. Brenner. We have work in progress at the present time in the general problem area of stability of trucks, truck-trailer combinations, double bottoms, semis, the whole problem of truck-trailer stability. And insofar as the width of the vehicle, wheel base in relation to the height as well as the mass distribution, are certainly central to stability studies and we will be working in the general area.

As to the specific of what the extra width does or does not do in the safety picture, I am not aware of any work specifically in that regard.

Mr. Schwengel. Do you not think since this was a question before the committee, question before the Congress, question both of the candidates for President commented on in the last election—one candidate said we ought to do a lot more studies here in this area—where we should be immediately pursuing this?

Dr. Brenner. Of course, the Department is studying its position on this question of truck size and weight right now.

I think that we have to learn a great deal more about the problem of truck stability. I think this would be helpful. I do not know whether or not at this time this would preclude action, one way or another, upon the legislation that is pending. I think we have to continue to work in the area.

I would not comment as to whether or not we now know enough one way or another with regard to safety.

Mr. Schwengel. You are not sure we ought to study this, research this before we act on increasing the width? One candidate for President said we should.

Dr. Brenner. I certainly would like to see as much information as possible, or at least all of the information that is available, considering any legislation on any matter. And I am not familiar with the totality of the research that has been done with regard to the truck-trailer stability. I do know that there is an awful lot we do not know about why some of these vehicles flip over and why some of them don't.

Mr. Schwengel. Are you aware of the Professor Wolfe report?

Dr. Brenner. Generally dealing with it, yes, sir.

Mr. Schwengel. If you are, then you know that they say that there will be two and one-half million accidents per year in which trucks are involved, with 4,000 to 5,000 deaths. And this study also shows that for every truck driver killed in a truck-auto crash, 35 are killed in automobiles.

Now, this is one of the reasons the public is concerned, the very reason we had better know what we are doing, the safety measure before we consider legislation.

This also applies to buses. I do not know what effect it is going to be, increasing width, how much more suction or how much more it has to bear, or what will be the result if we have better design for trucks, so that there will be a better flow of air as it goes through down the road.

Dr. Brenner. I am familiar with Professor Wolfe's study. As a matter of fact, his group is one of the groups that is under contract to us in the accident investigation area. I have known Professor Wolfe for many years and the work there certainly is reasonably accurate.

Mr. Schwengel. I understand you do try to do research, more research in this area?

Dr. Brenner. Yes, sir.

Mr. Schwengel. I am very glad to hear this.

FARBSTEIN "FRIEND OF COURT" IN AIR POLLUTION SUIT AGAINST AUTO COMPANIES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein), is recognized for 20 minutes.

Mr. **FARBSTEIN**. Mr. Speaker, I intend to intervene in a major suit aimed at reducing air pollution caused by automobile engines.

The suit, which was filed originally on August 7 in U.S. District Court in Los Angeles by two California residents, asks that HEW Secretary Robert H. Finch and Attorney General John N. Mitchell act to prevent the big four auto companies from producing automobile engines which cause high levels of pollution and the five major oil companies from refining fuels with high pollutant additives such as lead. It also asks $2.66 billion in damages and $7.67 billion in treble damages.

The defendants, in addition to the two Cabinet members and the automobile and oil companies, are the Automobile Manufacturers Association and the American Petroleum Institute.

I shall file a amicus curiae—friend of the court—brief in the revised suit, which was filed September 16.

If we do not act now, millions could die from air pollution in the next 10 years. My decision to file this brief was prompted in part by the Justice Department's decision to halt the prosecution of the major automobile companies for collusion in failing to develop and install pollution control devices. Since the Nixon administration has apparently given up Government's traditional role as a defender of the public interest, it is time now for private citizens to act.

The medical link of several disorders including lung cancer and genetic mutation to air pollution from automobiles makes action against automotive pollution imperative.

Several weeks ago, I introduced legislation to do something about auto-caused air pollution. One bill would prohibit the manufacture or sale of cars powered by internal combustion engines after January 1, 1978. A second would require a health warning on all advertising for leaded gasoline, while the third would make oil companies producing leaded gasoline ineligible for tax relief under the oil depletion allowance.

TENTH ANNIVERSARY HIGHLIGHTS OF 1969 CAPTIVE NATIONS WEEK

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood), is recognized for 15 minutes.

Mr. **FLOOD**. Mr. Speaker, several extensive reports have already been given on the success of the 1969 Captive Nations Week observance. I should like to add to them with a descriptive account of the highly impressive 10th anniversary banquet, which highlighted the observance in this country, and also further examples of the breadth and diversity of the week's activities. All of this and more proves the degree by which large segments of our population continue to preserve the precious idealism of America and perceive the natural alliance that exists between the whole family of captive nations and our Nation.

Sponsored by the National Captive Nations Committee, the 10th anniversary banquet was held on July 16 at the University Club in Washington, D.C. Specially honored on the occasion was Dr. Ku Cheng-kang of the Republic of China, who received an Eisenhower freedom plaque for his tremendous work in Asia in behalf of all the captive nations. Also, 10 special Eisenhower medals were bestowed upon the following for their long service and contributions in the Captive Nations movement: Secretary of Transportation John A. Volpe; Senator Thomas J. Dodd, of Connecticut; House Minority Leader Gerald R. Ford, of Michigan; Representative Thaddeus J. Dulski, of New York; Representative

William G. Bray, of Indiana; Representative Leonard Farbstein, of New York; Representative Edward J. Derwinski, of Illinois; Representative Clement Zablocki, of Wisconsin; and Representative John Buchanan, of Alabama.

Concerning this event and other illustrative aspects of the 1969 observance, I submit the following select material:

First, a full report of the banquet in the July 26 issue of Svobada, with a letter of appreciation from Dr. Ku Cheng-kang;

Second, proclamations of the week by Mayor Jerome P. Cavanagh of Detroit, County Executive John Tutuska of Erie County, N.Y., Legislator William E. Doering of the Erie County Legislature, and Mayor Stephen P. Clark of Miami, Fla.

Third, pertinent data on the observance in the July–August issue of the Ukrainian Bulletin;

Fourth, the Captive Nations Week resolution of the World Anti-Communist League;

Fifth, the program, declarations, and statement of the Philadelphia Captive Nations event, with a report in the August 14 issue of America;

Sixth, an editorial and an article in the Wanderer of July 17;

Seventh, the program, prayers, and news reports on the Buffalo Captive Nations observance; and

Eighth, from an entire issue devoted to "The Captive Nations" in the WACL Bulletin of July 1 an article on "Ten Years of Captive Nations Week" by Dr. Lev E. Dobriansky of Georgetown University.

The aforementioned material follows:

[From the Ukrainian Weekly, July 26, 1969]

CHINESE LEADER HONORED AT CAPTIVE NATIONS OBSERVANCE IN WASHINGTON—NOTABLES OF DIPLOMATIC CORPS, ACADEMIC WORLD AND ETHNIC COMMUNITIES ATTEND CAPTIVE NATIONS EVENT

Washington, D.C.—Over 300 persons represented the U.S. Congress and government, the diplomatic corps, the academic world and the ethnic communities in the United States gathered on Wednesday, July 16, 1969, at the University Club in the nation's capital to honor Dr. Ku-Cheng-kang, outstanding Chinese statesman, diplomat and leader of a vast Asian anti-Communist movement. Dr. Ku, who is currently visiting the United States as a guest of the National Captive Nations Committee (NCNC), headed by Dr. Lev E. Dobriansky, President of the UCCA, received a special plaque for his leadership in the captive nations movement in Asia.

Honored along with Dr. Ku were the Hon. George Meany, President of AFL–CIO, an honorary member of the NCNC, who also received a plaque, and 10 U.S. Congressmen, who received special "General Eisenhower Medals" in recognition of their services to the cause of the Captive Nations.

Dr. Dobriansky, who opened the banquet, introduced Congressman Edward J. Derwinski of Illinois to serve as master of ceremonies, and Dr. Peter Lejins, of the University of Maryland and vice chairman of the NCNC, who read the citations and presented the medals to the U.S. legislators. Receiving the "Eisenhower Medals" were Congressman Derwinski, and Congressmen Daniel J. Flood (Pa.), Gerald Ford (Mich.), William G. Bray (Ind.), Clement J. Zablocki (Wisc.), Michael A. Feighan (O.), Thaddeus J. Dulski (N.Y.), Leonard Farbstein (N.Y.), John Rarick (La.), John H. Buchanan (Ala.), Donald Lukens (O.), and Senator Thomas J. Dodd (Conn.).

Dr. Ku, speaking through an official interpreter, stated that there exists a great and natural "community of interests" between the peoples of Asia and the captive nations of Europe, and that the plight of the latter is of great concern for the Asian nations which also struggle against alien Communism, brought upon them by Moscow and Peking and their subservient puppets in North Korea and North Vietnam. He called for greater cooperation between the American people and representatives of the captive nations here and elsewhere for a more effective coordination of purpose and methods in the common struggle for freedom and justice for the captive nations.

Among those present, in addition to the U.S. Congressmen enumerated above were the Hon. John A. Volpe, Secretary of Transportation, who was one of the speakers, Ambassador and Mrs. Show Shu-kai of China, Madame Claire Chennault, Mrs. J. Kajeckas, wife of the Lithuanian Charge d'Affaires, Con. and Mrs. Joseph P. Vigorito and Mr. Rutledge, representing Mayor Walter Washington.

In addition to Dr. Lev E. and Mrs. Dobriansky and his assistants, Miss Vera A. Dowhan, Maj. M. Sydorko, and Mr. and Mrs. Walter Pretka, there were several Ukrainians in attendance. Among them were Very Rev. Msgr. Vasyl Makuch, Rector of the Ukrainian Catholic Seminary in Washington, Very Rev. Msgr. Meletius Wojnar of Catholic University, Rev. Constantine Berdar, Dr. M. Dankevych, Stephen J. Shubik and Volodymyr Mayewsky—all of Washington.

Also Joseph Lesawyer, Dr. Walter Dushnyck, Dr. Stephen Woroch, Dr. Walter Gallan, Dr. Peter Sercho, Walter Masur, and Ignatius M. Billinsky, representing the UCCA; Mrs. Stephanie Wochok and Dr. Yaroslav Bernadyn—the Providence Association; A. Nykonchuk—the Ukrainian National Aid Association; Mrs. Valentina Kalynyk and Valentin Koval—American Committee to Free the Captive Nations; and Dr. Alexander Sokolyshyn and Michael Spotak—the American Friends of the ABN, and Mr. Peter Mohylyn of Brooklyn, N.Y. and Mr. Volodymyr Chopivsky from Phoenix, Ariz.

Rev. Dr. Joseph F. Thorning gave the invocation, while Father Berdar delivered the benediction.

At the conclusion of the banquet Dr. Dobriansky, who was mainly responsible for the well-attended event, thanked all present for their cooperation and called for further effort and coordination of work toward the overall objective—making the plight of the captive nations known to the American people and thus help advance the day of the ultimate liberation of the captive nations.

World Anti-Communist League,
China Chapter,
Taipei, August 21, 1969.

Dear Dr. Dobriansky: I am most thankful for your kind invitation and elaborate arrangements for me to participate in the Captive Nations Week activities in the United States. And I want to thank you, too, for the hospitalities you extended to me during my stay in your country.

Among the one week commemorating activities, the most unforgettable for me was the presentation to me by your Committee on July 16 of the Eisenhower Medal as a symbol of freedom and anti-enslavement. The event signifies the unification of Western free forces with that of the East. It also proves that the great Captive Nations Week movement in the U.S. has won enthusiastic response and support in Asia. Personally, it is an encouragement for me to carry on our struggle for the liberation of enslaved peoples from behind the Iron Curtain.

I was very much impressed with the anti-enslavement mass demonstrations in Phoenix, Philadelphia and Chicago. These are, of course, resulted from the unflagging efforts of your organization and have greatly strengthened our confidence in carrying forward the movement.

It is my hope that, from now on, the cooperation among free and anti-enslavement forces can be further consolidated. For the purpose of establishing a united front of interntional anti-Communist forces, I also hope that you and your friends will prop up the drive to create a WACL Chapter in the United States. We expect you will attend at the third General Conference of the WACL to be held next December in Bangkok so that we can discuss and decide the guiding policy for future development of our common struggle.

Thank you again and wish you every success.

Sincerely yours,
Ku Cheng-kang,
Honorary President.

CAPTIVE NATIONS WEEK, JULY 13 TO 19, 1969

Whereas Foreign intervention has deprived the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam and others of their independence, and

Whereas the peoples of these nations look to the United States for leadership in their struggle to regain the freedom which was taken from them, and

Whereas the hope for lasting peace rests on the desire of these nations as well as all the nations of the world for independence and freedom, and

Whereas the American Friends of the Captive Nations is a dedicated organization celebrating its tenth anniversary of encouraging all Americans to voice their moral support for these freedom-loving nations

Now, therefore, I, Jerome P. Cavanagh, Mayor of the City of Detroit, do hereby proclaim July 13–19, 1969 as "Captive Nations Week" in Detroit and call upon all citizens to support the men, women and children of these nations in their struggle for independence, freedom and peace.

Given under my hand and seal this 3rd day of July, 1969.

Jerome P. Cavanagh,
Mayor.

PROCLAMATION

Whereas, Public Law 86–90 was enacted 10 years ago. This law establishes Captive Nations Week, and in so doing, our representatives themselves also established that we, Americans, do not bow to despotism whether it comes from the Court of St. James or the Kremlin or Peking; and

Whereas, To-day Communism has erected a cruel barrier of barbed wire, minefields, man-hunters, bloodhounds and machine-guns. It has re-established colonialism behind an Iron Curtain, where civilized nations labor under the boot of tyranny. The same ruthless armed oppression has been used against the open resistance in Budapest or the peaceful attempt for changes in Prague. This political oppression and economic exploitation of the Captive Nations is committed in the name of a political system which has been proven to be obsolete and reactionary. Communism attempts to stabilize its system through the bloodshed and misery of others. Fomenting small wars throughout the world is an oft-used strategy; and

Whereas, The peoples of the Captive Nations look to us for sympathy, encouragement and help. We have witnessed that bridges cannot be built to these countries. The puppet governments of Moscow insist that any contact with the West and Freedom be denied their people; and

Whereas, We should ensure that these puppet governments receive no economic help from the West. To this end, we should avoid buying any products of these countries because the hard currency so acquired by these governments is used to subvert our own freedom. We must keep in mind that these goods we buy were denied our enslaved brothers.

Now, therefore, I, B. John Tutuska, County Executive of the County of Erie, do hereby proclaim the week of July 20–27, 1969, as "Captive Nations Week" and urge the citizens of Erie County to support and observe this week with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand and caused the Seal of the County of Erie to be affixed this 2nd day of July, 1969.

B. JOHN TUTUSKA,
County Executive.

PROCLAMATION

Whereas, The United States has just days ago celebrated the one hundred and ninety-third year of her Glorious American independence, and

Whereas, In 1959, President Dwight D. Eisenhower signed Public Law 86–90 mandating that Americans set aside the third week of July each year for the solemn observance of Captive Nations Week, and

Whereas, The people of Western New York have been among the leaders, nationally, in implementing Public Law 86–90.

Now, therefore, be it resolved, That the Erie County Legislature recognizes and supports the efforts of the Erie County Citizens Committee to observe Captive Nations Week, to focus public attention during the week of July 20–27, 1969, on the plight of the Captive Nations; on the just aspirations for a return of their national independence, and on the deprivations and suffering of the more than one billion souls suffering under Communist totalitarian rules in a "Prison House of Nations".

WILLIAM E. DOERING,
Legislator, 20th District.

Attest:

BENJAMIN DE YOUNG, Jr.,
Clerk of the Legislature of Erie County.

PROCLAMATION—CITY OF MIAMI, FLA.

Whereas the imperialistic policies of the Communist monolith have led, through direct and indirect aggression, to the subjugation and enslavement of various peoples throughout the world, and

Whereas an overwhelming majority of the peoples in these conquered nations have an ever-burning desire for liberty and independence, and

Whereas the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of America as leaders in hopefully bringing about their freedom and independence some day, and

Whereas the Congress of the United States, by unanimous vote, passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and, further, invited Americans to observe the week with appropriate prayers, ceremonies and activities, thus expressing their sympathy with and support for the captive peoples of the world,

Now, therefore, I, Stephen P. Clark, Mayor of the City of Miami, Florida, do hereby proclaim the week beginning Sunday, July 13, 1969, as Captive Nations Week.

In observance thereof I urge my fellow Miamians to join with me in honoring the noble principles that guide the Captive Nations Committee in Washington, D.C., and to support, by both word and deed, the desire of captive peoples to some day be free of the yokes that bind them.

In witness whereof I hereunto set my hand and cause the seal of the City of Miami to be affixed.

Done in the office of the Mayor of the City of Miami, Florida.

STEPHEN P. CLARK.

THE WHITE HOUSE—CAPTIVE NATIONS WEEK, 1969

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A proclamation

By Joint Resolution on July 17, 1959, the Eighty-Sixth Congress authorized and requested the designation of the third week of July as Captive Nations Week. Ten years have passed and there have been many changes in international affairs. But one thing that has not changed is the desire for national independence in Eastern Europe.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning July 13, 1969, as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to renew their devotion to the high ideals on which our nation was founded and has prospered and to sustain with understanding and sympathy the just aspirations of the peoples of all nations for independence and human freedom.

In witness whereof, I have hereunto set my hand this eleventh day of July, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

NATIONAL CAPTIVE NATIONS COMMITTEE: PURPOSE, ACHIEVEMENTS AND OBJECTIVES

The National Captive Nations Committee is an educational organization founded shortly after the passage of the Captive Nations Week Resolution (Public Law 86–90) in 1959.

Its members are Americans with conviction, faith and perseverance, voicing concern for the lost basic freedoms and human rights of the approximately one billion captive peoples of the captive nations behind the Iron, Bamboo and Sugar Curtains.

Local committees function in almost every major city throughout the United States. Internationally, the World Anti-Communist League (of which this committee is an affiliate) sponsors the observance of the Week on the basis of a resolution passed at its first congress in Taipei in September 1967.

Annually, Governors and Mayors in 35 States and 42 major cities, as well as in hundreds of towns, consistently issue proclamations patterned after the resolution. National and international statements appear regularly in the *Congressional Record.*

PURPOSE

The purpose of NCNC is broad and multiple in scope:

First and foremost, firm adherence to our Declaration of Independence—that we Americans, in the interest of our own national security, will never forget the captive nations or accommodate ourselves to their present captivity.

Promote and accelerate the freedom aspirations of the peoples of the captive nations, to which they are entitled by their creator.

Throughout the year, but especially during the Week, exposing the Russian fraud of "self-determination" and putting into proper perspective the present-day captivity of the Central and East Europeans, the non-Russian nations in the USSR, the Asians and Cubans; spotlighting the dangerous myths surrounding the Red empire, despite the propaganda and diplomatic pressures of the Communist regimes.

Continuous rejection of existent colonialism affected by Russian aggression and "wars of liberation," and focusing world attention on the last remaining empire, the Soviet Union itself.

Dispel the concepts that the Soviet Union is a "nation" and that Russia is the Soviet Union; prove, historically and geographically, that Russia is only one of the republics in the Union of Soviet Socialist Republics.

Restore the great image of America and defend every point of NCNC's purpose—a challenge to every American's courage of convictions and conscience.

Full support of the United Nations Universal Declaration of Human Rights; implementation of this declaration to include the captive non-Russian nations the Soviet Union.

A resolute stand against misleading Cold War theories of "peaceful coexistence," "lessened tensions," "trade with Red countries," "bridges of understanding," etc., while the rape of nations exists.

Promulgate the effective achievement of political, social, economic, religious, linguistic and cultural rights of the captive peoples in the captive nations.

Regardless of political persuasion, instill in all men their sacred duty and responsibility for the preservation of freedom in the full tradition of our American Revolution.

ACHIEVEMENTS

Original Captive Nations Week Resolution (Public Law 86–90) authored by the chairman of the committee.

Regular Congressional observances of the Week in the U.S. Senate and House of Representatives; religious commemoration led by Congressional chaplains.

Expansion of observances through further formation of local and state captive nations committees in all major cities and states; religious observances conducted in many places of worship.

Stimulation of Captive Nations Week activities and proclamations by many heads of state of foreign countries such as Japan, Free China, South Korea, South Vietnam, India, Philippines, Australia, Turkey, Malta, West Germany, England, Sweden and Argentina.

Testimonies before Congressional committees on subjects relevant to our own national security in conjunction with the captive nations, e.g., East-West Trade (1965), US–USSR Consular Convention (1967).

Congressional Record publication of all Captive Nations Week activities both national and international from 1959 on.

Nation-wide educational link with press, radio and TV media, especially before and during Captive Nations Week.

Continuous responses by captive nations committee members to attacks against the resolution and observances on the part of Moscow and its Red syndicate.

Lectures by scholars and experts in the fields of Soviet Affairs, Communism, Red political warfare, etc.

OBJECTIVES

Assistance in the creation of a Special Committee on the Captive Nations in the House of Representatives.

Total victory in Vietnam.

A first, complete review of U.S. policy toward the USSR.

Reformation of the Voice of America as a genuine projector of the American image in the captive lands.

Pursue the policy of no liberalized trade without political concessions to the captive nations.

Further Cold War education dealing with the crucial importance of captive nations, especially the non-Russian nations in the USSR.

Emphasizing the need for a Freedom Commission and Academy to cope with the Cold War tactics of the Red enemy.

Advancement of ideas to sustain and expand the American image of independence, i.e., concentration on the independence as-

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pirations of all non-Russian captive nations in the USSR.

Promotion of public awareness of the Adlai Stevenson memorandum in the UN on Soviet Russian imperio-colonialism with a view toward a full-scale debate on the subject.

Generate a consciousness of how various forms of agitation aimed at completely undermining the structure of American civil authority, i.e., university campus eruptions, civil disobedience, certain types of civil right disturbances, etc., are supported by communist sources and conducted along the same lines used in the captive nations.

Urging a basic change in U.S. foreign policy from an economico-military defensive to a psycho-political offensive.

Further expansion of the captive nations movement in all states and communities of the Free World via proclamations, observances and implementation of what the committee is doing in the United States.

Provision of more speakers on the captive nations before chambers of commerce, labor unions, education and religious groups.

Additional publication on developments in the captive nations and their import on U.S. national security.

Preparation and research position papers on current foreign policy issues in the Congress of the United States.

Reports on legislative developments.

Conducting seminars and conferences.

Pastoral Appeal on the Occasion of Captive Nations Week

Very Reverend Fathers, Honorable Leaders of church and civic organizations and societies, Dearly beloved brothers and sisters in Christ.

Ten years have passed since our American government has announced the observance of Captive Nations Week. Each year it appeals to the American people to take part in the cultural manifestations against the forced tyranny and captivity of the enslaved nations. Amongst these we find the Ukrainian people. Freedom-loving America with her mayors and individual state governors and the President himself at the head protest against the communist enslavement of the captive nations. We Ukrainians (Catholics as well as Orthodox) can not afford to be indifferent to this slavery and persecution of our brothers and sisters behind the Iron Curtain, who suffer under the hammer and sickle. The prosperity of America should not blind us to the enslavement of our Church and our people behind the Iron Curtain.

Just what this communist enslavement consists in can be told us by eye witnesses who lived through the vast liquidation of the five eparchies in Galicia and the Sub-Carpathian Region with 10 bishops and 2,950 priests. The Bolshevik enslavement forbade the Ukrainian Catholics to profess the Catholic Faith and lead a religious life, which was then organized into 3040 parishes and 4,440 churches and chapels.

Just what this communist enslavement consists in can be told us by those peoples from whom the communist authorities confiscated private property and religious freedom. From this communist enslavement millions of people have suffered and perished from tortures in the concentration camps. Just what this communist enslavement consists in can be told us by millions of Ukrainians, who died of hunger. One can write much about this communist enslavement, but time does not permit.

The communist enslavement at the same time is a warning for Americans and especially for Ukrainians in the free world so that they distinguish the Ukrainian wheat from the communist cockle.

We wish happiness to all peoples, and entreat the Lord God that the communist government with its party make not their happiness at the misfortunes of the captive nations. We do not desire revenge on the cruel enemies of God and the Ukrainian people, but we beg God that today's unbelieving Sauls would be converted and amend the injuries to the Ukrainian Churches and the Ukrainian people.

Our prayers should be joined with alms. Do not forget, Dearly beloved in Christ, that on the occasion of the enslavement of the Ukrainian people by the communist party, many Ukrainians cannot return to their native land, and thus are forced to spend their years in exile. Sickness, old age and lack of suitable means of life cause suffering and despair. I appeal to your hearts, dear friends in Christ, have pity on them. Give your contributions through your local pastor for the Ukrainian Catholic Committee in Philadelphia, so that it may continue to aid the refugees.

On this occasion of Captive Nations Week, we entreat the Lord God that in the near future our Ukrainian churches and people together will be able to celebrate the Independence Day of the Ukrainian Nation and the days of religious freedom in the Ukrainians lands.

The Blessing of the Lord be upon you.

AMBROSE SENYSHYN,
Metropolitan.

Philadelphia, Pa.

U.S. Legislators Asked To Give Full Support to Captive Nations Cause

WASHINGTON, D.C., June 20.—Dr. Lev E. Dobriansky, Chairman of the National Captive Nations Committee, has asked all U.S. Senators and Congressmen to give their full support to the captive nations cause. In a letter asking support for the Congressional Resolution calling for more enlightened assistance to the captive peoples, he stated:

In the period of July 13–19, 1969 our citizens, as well as those of 17 other nations in the Free World, will be observing Captive Nations Week. This observance is notable because it is also the 10th Anniversary of the Captive Nations Week Resolution which Congress passed in July, 1959, and President Eisenhower signed into Public Law 86–90.

With the sobering lesson furnished by the Soviet Russian rape of Czechoslovakia last year, on this occasion it seems almost hardly necessary to appeal to your responsible efforts in making known throughout the Red Empire, our determination never to acquiesce, by deals or default, to the permanent captivity of over 27 nations and ever to seek by all peaceful means their eventual freedom. In the House, and on a bipartisan basis, Representative Flood has reserved time on July 16 for this manifest expression; in the Senate, individual statements of support are promised throughout the Week. The enclosed pamphlet *Ten Years of Captive Nations Week* offers an adequate background; my book *The Vulnerable Russians* contains the original resolution and all the Presidential proclamations.

The basic issues facing our Nation today are the same as they were ten years ago, except that we're at a greater disadvantage in coping with them. Our illusions of the 60's have not rendered the captive nations—the peoples themselves—any less captive. While we attend to derivative issues such as Vietnam, the ABM, etc., it would be fatal to have our attention diverted from the original issue of the captive nations and Soviet Russian imperio-colonialism. Among the many actions that can be taken both for our security and the freedom of the one billion captive peoples, a Special House Committee on the Captive Nations and a full-scale Senate reappraisal of U.S. policy toward the USSR—Moscow being the only formidable enemy—would unleash an Education for Freedom Through Contrast which, more than anything else, would redirect the energies of our youth in constructive union with those of youth seeking liberty and freedom throughout the Red Empire.

With grateful thanks for your support of this Congressional resolution and warmest regards,

Sincerely,

LEV E. DOBRIANSKY.

Women Speak for the Captives

Ten years ago, President Eisenhower proclaimed the third week of July as Captive Nations Week. This tenth anniversary will be observed from July 13 to July 20 in 1969. Each succeeding president has called for appropriate observance of such a week.

In this land of the free, it is difficult to believe that there can still exist in this twentieth century, systems of government which deny their people fundamental human rights, and base their industrial and technical progress on the labor of depressed and deprived masses of their people, or that intellectuals and others are still being imprisoned or exiled to slave labor for daring to question or protest the harsh dictatorships that deny basic freedoms. The guilt of many present-day regimes is all the greater because they are signatories to the Universal Declaration of Human Rights and, in most cases, members of the United Nations dedicated to implementing those very rights, assuring freedom and justice to all.

While condemning colonialism and assisting in the dissolution of empires, what have the Communist nations of the Soviet empire and mainland China done except deny freedom to their own people, at the same seeking to reduce to colonial status whatever territories they could dominate as satellites? What has happened to the basic freedoms and fundamental human rights in Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others? Is there nothing free nations can do when people cry out "Come over to Czechoslovakia and help us!"?

Within these United States are many people of many nationalities whose parents sought freedom here from religious, political and/or economic oppression. There are many others who themselves were forced to flee their native lands after World War II, when Communism took over in Eastern and Central Europe, and soon thereafter in mainland China, Tibet and Cuba. On such an anniversary as this, those who walked out on Communism are saddened by the remembrance of relatives and friends still in the satellites and the "People's Republics," another name for the colonies of the Communists. Unlike most Americans, who have known life only under freedom, they understand the true meaning behind Russia's misuse of such terms as "peace," "democracy," and "coexistence." They know that many are serving out 25-year sentences in slave-labor camps for such "crimes" as establishing schools or Red Cross chapters or instilling children with a love of their own language or cultural heritage!

We have reason to believe that Russia's violent opposition to Captive Nations Week is evidence of its effect upon the people of her own republics and satellites, renewing their hope of freedom, strengthening their will to resist. We believe her greatest fear is that the rift with mainland China, the turning from Moscow of Albania and perhaps soon Rumania, and open criticism of Moscow's policies by the Communist Party of Italy, will continue until the non-Russian peoples within the USSR may break away from Russia's domination. There is no monolith today. The rifts, schisms, fissures are too wide and too deep.

What can we of the free world do to stop this tyranny and treachery? We can be vigilant and careful not to be duped by those who think Freedom is an ideal and not a living force. It is both. We can urge free nations to abandon trade with those who use enslaved peoples for the purposes of the State. We can impress upon all statesmen that the choice of human freedom is always a higher ideal than the choice of peace, for peace without freedom is no peace at all.

Therefore, we the undersigned, call upon all people in this and other countries who love freedom to continue their pressure of public opinion and public expression, added to our hopes and prayers, until the Communist bloc crumbles and freedom is restored to all captive nations.

Byelorussian American Women's Association.
Czechoslovak National Council of Women in Exile.
Georgian National Alliance.
Ukrainian National Women's League of America, Inc.
Women for Freedom, Inc.

Ten Years of Captive Nations Week Observances

This July ten years will have elapsed since the enactment of the Captive Nations Week Resolution, which became a law of the land with its signing by the late President Dwight D. Eisenhower.

To be recalled is that the passage of the Resolution provoked ire and much shoe-pounding in the Kremlin. Khrushchev, then at the pinnacle of the Moscow oligarchy, castigated it as a measure designated to disrupt the "happy family of the Soviet people." His subordinates, Podgorny and Suslov, assailed it as an instrument of "American imperialistic aggression" aimed at the USSR and the "people's democracies" in Central and Eastern Europe.

If one re-read the Captive Nations Week Resolution, he would readily understand the rage and furor it touched off in the Kremlin. For the Resolution spelled out in unmistakable terms what the U.S. Congress and the American people thought:

> The imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others. . .

The Resolution also authorized and requested the President of the United States to issue a Proclamation "designating the third week of July, 1959, as 'Captive Nations Week' and inviting the people of the United States to observe such week with appropriate ceremonies and activities." The Resolution concluded:

> The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world. . .

NO MORE ROUTINE OBSERVANCES

Ever since observances of Captive Nations Week have been held throughout the length and breadth of the United States, each year the official Soviet press and other mass communication media have untiringly attacked the Week as an instrument of the cold war, aimed at disturbing "peaceful coexistence" between the Soviet Union and the United States. Regrettably, some misguided American newspapers, such as *The Washington Post*, have been and still are sniping at Captive Nations Week, seeing it in distorted fashion as an obstacle to a fruitful "understanding" between the USSR and the United States.

The captive nations movement nevertheless has grown steadily, enlisting the staunch support of seventeen Free World countries: the Republic of China, Korea, Turkey, West Germany, Argentina, Australia, and others.

The significance of this historic Resolution cannot be too strongly stressed. It is not an instrument of cold war propaganda, as the Kremlin heatedly claims. It is not a device whereby Washington seeks to disrupt any prospect of "peaceful coexistence" with Moscow.

It remains an official U.S. document expressing recognition on the part of the United States government and the American people at large of the existence of some 22 captive countries of Europe and Asia that have been deprived of their basic freedoms. With this official act of the U.S. Congress we have given the whole world notice that we deplore the fact that some 200 million people of Europe and Asia live in Soviet Russian slavery against their will; that in this year of 1969, at a time when the United Nations is championing the cause of independence and self-determination for the colonial peoples of Africa and Asia, the captive nations under Russian communist rule are being ruthlessly denied these fundamental rights.

INVASION OF CZECHOSLOVAKIA: LATEST TRANSGRESSION

The worldwide Captive Nations movement received fresh impetus with the brutal and unprovoked invasion of Czechoslovakia by Soviet and satellite troops in August, 1968. Even perennial "do-gooders" were stunned and dismayed, never having dreamt that the Kremlin would again dare to unleash naked force against one of its own communist satellites. Were there any need to re-validate Captive Nations Week, this latest instance of aggression discharged it fully.

The subjugation, or rather, resubjugation of Czechoslovakia has completely changed the political and strategical configuration in Central Europe. It has brought Soviet troops to the Bavarian border, it has posed an immediate threat to Rumania and Yugoslavia and, to some extent, Austria and Greece as well. It also has exposed the NATO structure as a weak and ineffectual paper organization that could not even muster a stern warning to the Kremlin.

Again the free world has failed to strengthen its posture. Again it has failed to exhort the captive nations inside the Soviet communist empire to keep their hopes and aspirations high.

Yet—as has been pointed out many times in this review—the Czechoslovak seizure had an immediate and meaningful impact upon Ukraine. Both communist officials and the intellectual circles of Ukraine seized upon the events in Czechoslovakia to begin demanding more freedom for the Ukrainian people. Arrests and trials of Ukrainian writers, poets, professors, artists, literary critics and students—which had been going on long before the invasion of Czechoslovakia—demonstrated the intensity and drive of the Ukrainian people for their freedom. Seen against this background, the Captive Nations Resolution is an important response to a malaise which is threatening the whole body of nations making up the free world.

IMPLICATIONS OF THE "BREZHNEV DOCTRINE"

Encouraged by the timidity of the West in the face of their seizure of Czechoslovakia, the Soviet Russian communist leaders have gone on the offensive.

Leonid Brezhnev, first secretary of the Communist party of the Soviet Union, has boldly enunciated the so-called "Brezhnev Doctrine," which claims that the Soviet Union has a "legitimate" right to intervene in the internal affairs of any "socialist" country. More, the official Soviet reading of this new Soviet rationale suggests that even West Germany may be included in the sphere of its competence.

What is ominous is that the Brezhnev Doctrine indicates a brazen Soviet determination to continue the oppression of the captive nations, to continue to trample underfoot their fundamental human rights, although these rights of self-determination and national sovereignty are expressly set forth in the *Universal Declaration of Human Rights*, adopted unanimously by the U.N. General Assembly on December 10, 1948. The Brezhnev Doctrine unilaterally ascribes to the USSR a "mandate" to intervene at will in the internal affairs of other states, in direct contravention to the principles enunciated in the said document of the United Nations—which was signed by the Soviet Union.

The contention of this spurious "doctrine" that Central and Eastern Europe is an exclusive domain of Moscow should be flatly rejected by the free world as immoral, imperialistic and dangerous to world peace and stability.

Therefore, Captive Nations Week, observed this year from July 13 to July 20, provides ample opportunity to condemn the Brezhnev Doctrine and to reaffirm our solemn commitments to the captive nations in their aspiration for freedom and national independence. Not to do so is to encourage Soviet excursions into the Free World.

Resolution in Support of the 10th Anniversary of the Captive Nations Week July 13–19, 1969

In view of the fact that since 1959—when the U.S. Congress passed the Captive Nations Week Resolution and President Dwight D. Eisenhower signed it into Public Law 86–90—All Communist Capitols have bitterly denounced the Annual Week as being inimical to their fundamental interests; and also in view of the fact that to the mounting consternation of Moscow, Peiping, Havana and others, the Captive Nations Week Movement has steadily grown in the United States, and every President in this decade has issued a proclamation in behalf of the independence and freedom of every captive nation in Central Europe, the Soviet Union, Asia and Cuba;

In the belief that the movement to support freedom and liberation of all captive nations has now taken hold in numerous other countries in the free world as evidenced by week observances in the Republic of China, Korea, Argentina, Australia, Turkey Japan and a number of other countries;

Maintaining that, for the security of the free world and for cold war victory over the deadly forces of communism and Sino-Soviet, Russian imperio-colonialism, it is indispensable for all free men regularly to make known their determination never to acquiesce to the permanent captivity of the 27 nations in the red empire;

The Second Conference of the World Anti-Communist League now resolves that:

The League and its members and associated groups will exert every effort to make the 10th Anniversary of Captive Nations Week on July 13–19, 1969 the most successful yet by:

1. Urging each head of state to issue a captive nations week proclamation similar to that of the President of the United States:
2. Conducting observances of the Week in member countries and utilizing all media so that our combined message will be conveyed to the Captive Nations; and
3. Dispatching the published results of this event to the National Captive Nations Committee in Washington, D.C., for their appropriate transmission to the United States Congress and the President of the United States.

Rama Swarup,
Chief Delegation—India.

Captive Nations Week Observance— 11th Anniversary

PROGRAM

Signing of the Freedom Declaration by Representatives of Member Organizations of the Philadelphia Captive Nations Committee, in the historic Congress Hall.

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1. National Anthem.

2. Invocation, Very Rev. John J. Falatek, Representing His Eminence John Cardinal Krol.

3. Opening Remarks, Austin J. App, Ph.D., Chairman, Philadelphia Captive Nations Committee.

4. Reading of President Richard Nixon's Proclamation, Mr. Henry Wyszynski, Polish-American Congress of Eastern Pennsylvania.

5. Reading of Governor Raymond P. Shafer's Proclamation and Greetings, Hon. Stanley Miller, Member of the Cabinet.

6. Reading of Mayor James H. J. Tate's Proclamation and Greetings, Hon. Warren Weiner, Deputy City Representative.

7. Address, Hon. Dr. Ku Cheng-kang, Republic of China, Honorary Chairman—World Anti-Communist League, President, China Chapter, WACL, President China Chapter, Asian People's Anti-Communist League.

8. Introduction of Guests of Honor and Representatives of Nationalities; Introduction of Girls in national costumes, representing various captive nations, Mrs. Margit Rohtla, Secretary, Philadelphia Captive Nations Committee.

9. Reading of Statement of the United Organizations of Women from Central and Eastern Europe, Mrs. Alexander Yaremko.

10. Reading of Resolutions, Mr. Wolodymyr Karpynych, Ukrainian Congress Committee of America, Philadelphia Chapter.

11. Benediction, Rev. Dr. Stephen Benko.

Ceremony of placing Captive Nations Wreath at the Liberty Bell in Independence Hall.

Master of Ceremonies—Mr. Ignatius M. Billinsky, Executive Vice Chairman, Philadelphia Captive Nations Committee.

Greater Philadelphia Captive Nations Week Resolutions Approved by Acclamation at the Mass Rally on the Independence Mall, Philadelphia, July 20, 1969

Whereas, the U.S. Congress on July 17, 1959, requested the President annually to proclaim the third week of July Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world"; and

Whereas, President Nixon on July 14 proclaimed July 13–19 Captive Nations Week for 1969, and Governor Raymond P. Shafer on July 9 for Pennsylvania, and Mayor James H. J. Tate on July 10 for Philadelphia; and

Whereas, the twenty-two captive nations enumerated by Congress in 1959—"Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam"—continue to be subject to communistic colonialism, with Cuba off our shores added to the list, and South Vietnam in danger of a like fate; and

Whereas, U.S. interventions in both World Wars were proclaimed as crusades for the self-determination of peoples; and

Whereas, the captive nations enumerated have proved or can be shown to have the capacity for self-government and independence, for which they yearn and strive as their inalienable right;

Now therefore be it resolved by the Captive Nations Committee of Greater Philadelphia and this assemblage gathered at historic Independence Mall this July 20, 1969.

That the U.S. government should vigorously re-affirm its good will towards the captive nations and its determination to advance their liberation with all moral, economic, and diplomatic means at its disposal and feasible; and

That the U.S. should conduct its cultural and economic relations with the Communist bloc and negotiate any treaties so as not to seem a partner of the puppet governments against the populations and with the frank purpose of helping, not hindering, their liberation; and

That, American delegates to the United Nations and to other conferences should when—and wherever practicable press for exposure of communist Sino-Russian imperio-colonialism; and

That, America should pursue a clear policy of good will towards any agitations, movements, even revolts behind the Iron Curtain aiming at liberation—and short of military intervention, of all practicable support; and

That the U.S. government should make known throughout the Red Empire our determination never to acquiesce, by deals or defaults, to the permanent enslavement of captive nations and ever to seek by all peaceful means their eventual freedom; and

That, however compelling the wish for peace may be, the U.S. should not expose South Vietnam to Red domination but should rather blockade North Vietnam's harbors and bomb its installations until it retreats from South Vietnam; and

That, in the tension between Soviet Russia and Red China, the U.S. should consider Soviet Russia not only the greater threat but also by far the more extensive tyranny, with a Berlin Wall and an Iron Curtain in the middle of once free Europe, and its army in seven satellite nations, and its commissar in fifteen captive nations within the U.S.S.R.; and

That, the nuclear non-proliferation treaty because it in effect makes the U.S. a partner of Soviet Russia and guarantees both Moscow's enslavement of the Captive Nations and permanent military supremacy over the NATO countries, these Free Nations should not be pressured to sign it; and

That, the House of Representatives should establish a Special Committee on the Captive Nations and initiate a Congressional Review of U.S. policy towards the U.S.S.R.; and

That, a Captive Nations Freedom Stamp series should be inaugurated and a Freedom Academy established; and finally

That copies of these Resolutions be transmitted to the President of the United States, the Secretary of State, both senators from Pennsylvania, all the representatives of the Greater Philadelphia area, and to the newspapers, radio, and television stations of the area.

Presented by the Captive Nations Committee of greater Philadelphia.

Austin J. App, Ph. D.,
Chairman.
Ignatius M. Billinsky,
Executive Vice Chairman.
Margit Rohtla,
Executive Secretary.
Albert Bagian,
Treasurer.

Captive Nations Week Statement

Ten years ago, President Eisenhower proclaimed the third week of July as Captive Nations Week.

In this land of the free, it is difficult to believe that there can still exist in this twentieth century, systems of government which deny their people fundamental human rights, and base their industrial and technical progress on the labor of depressed and deprived masses of their people, or that intellectuals and others are still being imprisoned or exiled to slave labor for daring to question or protest the harsh dictatorship that deny basic freedoms. The guilt of many present-day regimes is all the greater because they are signatories to the Universal Declaration of Human Rights and, in most cases, members of the United Nations dedicated to implementing those very rights, assuring freedom and justice to all.

Within these United States are many people of many nationalities whose parents sought freedom here from religious, political and/or economic oppression. There are many others who themselves were forced to flee their native lands after World War II, when Communism took over in Eastern and Central Europe, and soon thereafter in mainland China, Tibet and Cuba. We have reason to believe that Russia's violent opposition to Captive Nations Week is evidence of its effect upon the people of her own republics and satellites, renewing their hope of freedom, strengthening their will to resist.

What can we of the free world do to stop this tyranny and treachery? We can be vigilant and careful not to be duped by those who think Freedom is an ideal and not a living force. It is both. We can urge free nations to abandon trade with those who use enslaved peoples for the purposes of the State. We can impress upon all statesmen that the choice of human freedom is always a higher ideal than the choice of peace, for peace without freedom is no peace at all.

Therefore, we the undersigned, call upon all people in this and other countries who love freedom to continue the pressure of public opinion and public expression, added to our hopes and prayers, until the Communist bloc crumbles and freedom is restored to all captive nations.

Byelorussian American Women's Association, Czechoslovak National Council of Women in Exile, Georgian National Alliance, Ukrainian National Women's League of America, Inc., and Women for Freedom, Inc.

Greater Philadelphia Captive Nations Committee: Freedom Declaration: Captive Nations Week 1969

Adopted at the 10th anniversary of Captive Nations Week resolution observance, sponsored by the Philadelphia Chapter of the National Captive Nations Committee, on July 20, 1969 in Philadelphia, and signed in the historic Congress Hall in Philadelphia by representatives of member organizations of the Philadelphia Captive Nations Committee.

Whereas, in 1969 the Soviet Russia and her subservient Communist puppets in Europe and Asia continue to oppress and persecute the captive nations stretching from East Berlin to Vladivostok; and

Whereas, the Soviet Russia persists in her brutal policies of Russification, religious persecution, economic exploitation and outright genocide; and

Whereas, in August, 1968 the USSR with members of the Warsaw Pact brutally invaded Czecho-Slovakia, and in defiance of the U.N. Charter and its own treaties as well as the U.N. Declaration of Human Rights, has proceeded to suppress the budding liberalization course and imposed its rigid police-controlled regime, thus depriving the Czech and Slovak peoples, as well as the national minorities in that country of their rightful and legitimate freedom and independence; and

Whereas, the Kremlin is continuing to supply North Vietnam with the most modern and sophisticated weapons which are used against the U.S. armed forces, the South Vietnamese armies and the troops of their allies in South Vietnam, thus prolonging the bloody war which Moscow, Peking and Hanoi launched against South Vietnam in order to supppress its freedom and independence; and

Whereas, on July 17, 1959 the U.S. Congress enacted the "Captive Nations Week Resolution," which subsequently became Public Law 86–90, and which Resolution stated, in part:

"Whereas, the imperialistic policies of Communist Russia have led through direct and indirect aggression to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others; and

"Whereas, the captive nations behind the

Iron Curtain continue to struggle for their freedom and national independence, as demonstrated by upheavals in Ukraine, Poland, Hungary, Czecho-Slovakia, East Germany, and elsewhere,"

Now, therefore be it resolved: that the Greater Philadelphia Chapter of the National Captive Nations Committee appeal to the U.S. Government to raise at all high-level international conferences with the Soviet-Russian rulers the question of the restoration of the right of self-determination to the captive peoples, as enumerated in the "Captive Nations Week Resolution," and;

That we appeal to the governments of the free countries of the world to recognize that the U.N. Declaration on the Granting of Independence to Colonial Countries and Peoples is of universal scope and application and, correspondingly, to oppose the double standard and discrimination against the principles of self-determination in the United Nations, practiced against the Russian-dominated captive nations of Europe and Asia; and

That we appeal to the U.S. Government to adopt a more dynamic and enlightened policy with respect to the captive nations, to be implemented in all U.S. official mass communication media and cultural exchange programs, so as to demonstrate to the captive nations that the United States of America is their friend and ally, and that their eventual liberation, through peaceful means, is one of the main objectives of U.S. Foreign policy, and

That we express our wholehearted moral support and solidarity with the captive nations behind the Iron Curtain, and call on the American people to do likewise until freedom and independence shall have been attained by all the captive nations of the world.

[From the America, Aug. 14, 1969]

ELABORATE CEREMONIES MARKED PHILADELPHIA CAPTIVE NATIONS WEEK OBSERVANCE

(NOTE.—Hon. Dr. Ku Cheng-Kang of the Republic of China delivered an address calling for common struggle against Communist enslavers. Representatives of the Philadelphia Committee of Captive Nations signed the freedom declaration in the historic Congress Hall. The city honored Dr. Ku Cheng-Kang by presenting him with a bronze replica of the Liberty Bell.)

PHILADELPHIA, PA.—Captive Nations Week observance here took place on Sunday, July 20, 1969 at Independence Mall, and it coincided with the Apollo 11 triumph for the United States. The observance began with the signing of the Freedom Declaration by the representatives of Philadelphia Captive Nations Committee and its different national groups. This ceremony took place in the historic Congress Hall where the American Declaration of Independence was signed in 1776. Prof. Dr. Bohdan Hnatiuk, Chairman, Philadelphia UCCA branch and Mr. Ignatius M. Billynsky, Executive Vice-Chairman, Philadelphia Captive Nations Committee signed the Freedom Declaration in the name of the Ukrainian national group.

The Captive Nations Rally followed the ceremony, and it took place at Independence Mall at 5:30 p.m. National groups with their banners were standing as honor guards in front of the rostrum, decorated by the symbolic wreath of Captive Nations. The Rally was opened by Mr. Ignatius M. Billynsky and the invocation was delivered by Very Rev. Msgr. John J. Falatek, representative of His Eminence John Cardinal Krol. Prof. Dr. Austin J. App, Chairman, Philadelphia Captive Nations Committee, delivered an opening address which was followed by reading of President Richard Nixon's Proclamation of Captive Nations Week by Mr. Henry Wyszynski, representative of Polish-American Congress of Eastern Pennsylvania. In turn, Hon. Stanley Miller, member of the Cabinet, Commonwealth of Pennsylvania, read Governor Raymond P. Shafer's Proclamation of Captive Nations Week, and Hon. Warren Weiner, Deputy City Representative read the Proclamation of Mayor James H. Tate.

The main address at the Rally was delivered by Hon. Dr. Ku Cheng-kang of the Republic of China. The address was delivered in Chinese and was ably translated into English by Col. Vu of Dr. Ku Cheng-kang's entourage. Hon. Dr. Ku Cheng-kang is Honorary Chairman of World Anti-Communist League and President of China Chapter of Asian People's Anti-Communist League. His penetrating address was published in the previous issue of "America" (No. 138, August 7, 1969), Dr. Ku Cheng-kang stated that President Nixon had spoken out for a mutual security pact among the free Asian nations to cope with the Communist threat, and that free Asian nations would support a regional security plan in the Pacific community of nations of which the United States had been an important member. In the opinion of Dr. Ku Cheng-kang, this Pacific security plan would be contingent upon American economic and military assistance with which the free Asian nations would be able to develop the military and economic capability for defense against Communist armed aggression.

Introduction of Guests of Honor and representatives of various national groups including girls in national costumes, representing various captive nations was an attractive part of the program, followed and was carried out by Mrs. Margit Rohtla, Secretary, Philadelphia Captive Nations Committee. Misses Oxana Myshchyshyn and Marianna Hamaniuk of the Ukraine Youth Organization of America, and Miss Dora Varvara of the Ukrainian Scouting Organization "Plast" were introduced as representatives of Ukraine.

Following the introduction, Mrs. Alexander Yaremko of the Ukrainian National Women's League of America (UNWLA) read the statement on captive nations, prepared by the united organization of women from Central and Eastern Europe, and Mr. Wolodymyr Karpynych, representative of the local UCCA branch read the resolutions which were adopted unanimously. Rev. Dr. Stephen Benko offered a benediction. Local UCCA branch was represented at the Rally by Prof. Dr. Bohdan Hnatiuk, Chairman, and Dr. Ivan Skalchuk, Vice-Chairman.

A wreath-laying ceremony followed the Rally and was held at the Liberty Bell in Independence Hall. Members of the Philadelphia Captive Nations Committee as well as guests of honor took part in the ceremony. After the ceremony, Hon. Warren Weiner, Deputy City Representative presented Dr. Ku Cheng-kang with a bronze replica of the Liberty bell. By this presentation, the City honored Dr. Ku Cheng-kang, its distinguished guest.

In the evening, the Philadelphia Captive Nations Committee sponsored a dinner at the Sheraton Hotel for Hon. Dr. Ku Cheng-kang, Col. Vu and Mr. Tun of his entourage as well as for the invited guests. During the dinner, Dr. Ku Cheng-kang gave detailed answers to numerous questions of the members of the Philadelphia Captive Nations Committee. Mr. Ignatius M. Billynsky served as master of ceremonies.

[From the Wanderer, July 12, 1969]

CAPTIVE NATIONS WEEK: JULY 13–19

In the midst of the national problems surrounding us, particularly the rising tide of unrest, demonstrations and violence on the part of those who feel—rightly or wrongly—that they are being deprived of constitutional rights and freedoms, we are too often prone to forget the frightful indignities, terrorism, tortures and death inflicted in our times on uncounted millions of our fellowmen languishing under Communist tyrannies to this very moment.

By way of timely reminder "The Immaculate," monthly publication of the Franciscan Marytown Press in Kenosha, Wisconsin, devotes its entire June-July issue to articles on the Captive Nations.

We reprint from that issue, the following considerations:

Who can appreciate the fact that in the past fifty years of Communism's ascendancy that some 100,000,000 human beings have been murdered through civil wars, man-made famines, purges, genocidal deportations and executions. The very magnitude of this figure of those who lost their lives under Communism escapes us. One must think more of individuals than statistics. Each of these persons loved and was loved. They had relatives, friends, dependents who shared their agony and then had to bear the void in their lives when they were gone. With the murdering of these tens of millions the hopes and plans of a better tomorrow were shattered in the lives of many more millions.

Terrible as this picture of human suffering may be, the fact remains that the greatest evil of atheistic Communism is in the realm of the spirit. We will never know the number of souls that have been subverted by its false philosophy of class warfare and hatred—hatred of God and of one's fellow man. This is the real tragedy of Communism. The political, economic and social evils resulting from this system, which is so contrary to the nature of man, pales before the supernatural dimensions.

The totally committed Communists, past and present, may at times preach coexistence, but invariably their actions betray their deep-seated hatred of God and religion. Murder and lies are considered legitimate means to attain their goal, world domination. In this we see the influence of the devil, for he is the archdeceiver, who "was a murderer from the beginning." Bishop Sheen does not hesitate to say that the men guiding the world Communist movement have a collective diabolical possession. And the late Pope Pius XI, in his 1937 encyclical letter, Divini Redemptoris, referred to Communist propaganda as "truly diabolical," and he called those who spread it "sons of darkness."

God pleasing, this issue of "The Immaculate" will help to dispel some of the darkness surrounding this diabolical movement, and inspire the reader to do something concrete to combat it.

We strongly recommend that you obtain a copy of the Captive Nations issue of "The Immaculate" (single copy 30 cents) and read the frightful record of man's continuing inhumanity to man—and what YOU can do to help bring it to an end.

[From the Wanderer, July 17, 1969]

NIXON HEADING FOR A RED TRAP?

(By Paul Scott)

WASHINGTON.—President Nixon may be flying into a carefully laid Kremlin trap in accepting the Rumanian government's invitation to visit that tightly controlled Communist country next month.

The first offer for an American President to visit a Communist country was approved in advance by Soviet leaders according to the information American intelligence and diplomatic authorities have gathered from Moscow and Bucharest.

In an intelligence warning that the President has disregarded, the Central Intelligence Agency has linked the Rumanian invitation to a new Soviet campaign to try to get the Nixon Administration to repudiate a 10-year-old Congressional proclamation on the Captive Nations of Eastern Europe.

The anti-Soviet proclamation designed to give persons living behind the Iron Curtain hope that some day they will be free, was approved by Congress on July 17, 1959, a few days before Nixon, when he was Vice President under President Eisenhower, made his controversial trip to Moscow.

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A real thorn in the Kremlin's side, the proclamation called on the President to designate the third week of July "as Captive Nations Week until such time as freedom and independence shall have been achieved for all the Captive Nations of the World."

Although President Nixon has never fully understood the cold war significance of this Congressional action, he did record its impact upon the Soviets at the time, stating:

"The Captive Nations Resolution was the major Soviet irritant throughout my tour."

In his book, "Six Crises", Nixon later added that upon his arrival in Russia, "Khrushchev was lambasting the U.S. generally and me personally for the Captive Nations Resolution."

Nixon went on to say how difficult it was for him to imagine "that the resolution truly disturbed the Soviet Premier because it was simply the expression of a well-known opinion in the U.S. and not a call to action."

TORCH OF HOPE

Since Eisenhower issued the first Captive Nations Proclamation in 1959, all Presidents have followed his lead although over the years their official statements have been considerably watered down.

All mention of Communist aggression or Soviet domination of the Eastern European nations was dropped from the most recent White House pronouncements because of pressure from Moscow.

While the Soviets have been unable to get an American President to go so far as to repudiate the Congressional proclamation on the Captive Nations, they have never stopped trying.

In recent weeks, the Soviets and the Rumanians have both let President Nixon know that the issuance of a hard-hitting, Eisenhower-type Captive Nations proclamation could lead to events causing the Rumanian invitation to be withdrawn.

President Nixon's decision to accept the invitation under these circumstances, according to U.S. intelligence authorities, has left Moscow and Bucharest with all the diplomatic aces.

The box that Nixon has worked himself into, these experts point out, is as follows:

Should the President give the slightest hint that he plans to link his trip to a direct appeal for more freedom for the people behind the Iron Curtain, Moscow will force a cancellation of the visit.

If Nixon takes the soft-shoe approach, as is now his policy, the Soviets plan to launch a huge propaganda campaign to show that Nixon's trip means U.S. acceptance of Communist control of Eastern Europe.

The President's timing of his Rumanian visit is tailor-made for the latter. His journey will begin during the third week in July-or the time usually set aside for Captive Nations Week in this Country.

THE SEVENTH CRISIS

Republican Congressional leaders, who have privately raised serious questions about the timing, have been told the arrangements for the trip were made by Henry Kissinger, the President's adviser on national security affairs.

The Rumania part of the trip as the stopovers in the Far East and Asia, they were informed, were timed to take advantage of the unprecedented good will for the U.S. which Administration officials expect to follow the Apollo 11 Moon landing.

This information has only heightened the concern of the GOP legislative leaders. If anything should go wrong in space or Congress, they have cautioned the President, the trip could develop into his seventh crisis.

They questioned the wisdom of the President being out of the Country while Congress is debating the anti-ballistic missile (ABM) and the extension of the 10 percent surtax, the keystones of the Administration's defense and economic policies.

"What happens if the Senate should defeat either of these measures while the President is traveling?" asked one of the GOP leaders. "A defeat on either measure could be disastrous for him."

Senate debate on the ABM, which began last week, is expected to be at its peak when the President reaches Rumania. A showdown vote on the President's request to extend the surtax could come about that time in the Senate also.

OTHER SIDE EFFECTS

Nixon's coming trip to Rumania already has had the effect to demoting West German Chancellor Kurt Georg Kiesinger below Rumania's Communist President Ceausescu.

Three times the White House has asked Chancellor Kiesinger to postpone his planned visit to Washington at President Nixon's invitation.

Originally scheduled for June, Kiesinger's trip was moved back to late July at the White House request. This date, too, was postponed because it would conflict with the Apollo 11 Moon shot.

The trip was finally set for August 4 and 5. Then, because of Nixon's impending visit to Bucharest, he asked the Chancellor to wait again. Kiesinger now is scheduled to be in Washington August 7 and 8.

While German officials here are tight-lipped about the postponements, they have privately let the White House know that Kiesinger doesn't like the treatment he is receiving.

In contrast, they pointed out, Nixon goes out of his way to court President Ceausescu, who runs a Stalin-like government in Rumania. Also, Ceausescu, they noted, signed the final document at the recent Communist summit meeting in Moscow.

The Moscow document called on all Communist and progressivist governments to actively disrupt U.S. troop movements and supplies to Vietnam and condemn the U.S. as "The aggressor in Vietnam."

THE COUNTY OF ERIE OFFICIALLY SALUTES CAPTIVE NATIONS WEEK, JULY 20 THROUGH 27, 1969

MESSAGE OF THE COUNTY EXECUTIVE

Whereas, Public Law 86–90 was enacted 10 years ago. This law establishes Captive Nations Week, and in so doing, our representatives themselves also established that we, Americans, do not bow to despotism whether it comes from the Court of St. James or the Kremlin or Peking; and

Whereas, Today Communism has erected a cruel barrier of barbed wire, minefields, manhunters, bloodhounds and machine guns. It has re-established colonialism behind an Iron Curtain, where civilized nations labor under the boot of tyranny. The same ruthless armed oppression has been used against the open resistance in Budapest or the peaceful attempt for changes in Prague.

This political oppression and economic exploitation of the Captive Nations is committed in the name of a political system which has been proven to be obsolete and reactionary. Communism attempts to stabilize its system through the bloodshed and misery of others. Fomenting small wars throughout the world is an oft-used strategy; and

Whereas, The Peoples of the Captive Nations look to us for sympathy, encouragement and help. We have witnessed that bridges cannot be built to these countries. The puppet governments of Moscow insist that any contact with the West and Freedom be denied their people; and

Whereas, We should ensure that these puppet governments receive no economic help from the West. To this end, we should avoid buying any products of these countries because the hard currency so acquired by these governments is used to subvert our own freedom. We must keep in mind that these goods we buy were denied our enslaved brothers.

Now, Therefore, I, B. John Tutuska, County Executive of the County of Erie, Do hereby proclaim the week of July 20–27, 1969, as "Captive Nations Week" and urge the citizens of Erie County to support and observe this week with appropriate ceremonies and activities.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the County of Erie to be affixed this 2nd day of July, 1969.

B. JOHN TUTUSKA,
County Executive.

HIGHLIGHTS OF EVENTS

Sunday, July 20

A.M. Religious Observances and Prayers in the Churches of Erie County.

2:30 P.M. Civic Opening of Captive Nations Week Program in front of the Buffalo and Erie County Public Library in Lafayette Square.

1. Presentation of Colors—Arthur F. Kilichowski, New York State Commander, Army and Navy Union of America.
2. National Anthem—The Misses Marika Zahariev and Pam Merz.
3. Invocation—Rev. Paul Kantor, Pastor, Hungarian Reformed Church of the West Side.
4. Placing of wreaths at the Memorial to the Captive Nations.
5. Welcome by Mr. Albert J. Weinert, Chairman, Erie County Civic Committee to Observe Captive Nations Week.
6. Introduction of Master of Ceremonies, Walter V. Chopyk, by Mr. Albert J. Weinert, Chairman E.C.C.C. to Observe C.N.W.
7. Proclamation: Hon B. John Tutuska, Erie County Executive and Honorary Chairman E.C.C.C. to Observe C.N.W.
8. Speaker: Mr. Michael J Kogutek, Department of New York State Commander, American Legion; President, Chamber of Commerce, Lackawanna, N.Y.
9. Benediction: Rev. Paul Kantor, Pastor, Hungarian Reformed Church of the West Side.
10. "Youth Salute the Captive Nations"—Library Aud.

Wednesday, July 23

12:30 P.M.: Civic Luncheon sponsored by the Kiwanis Club of Buffalo, President Harry W. Halbersleben presiding, and the ECCTO-CNW in the Buffalo Athletic Club in Niagara Square.

Speaker: Dr. Lev E. Dobriansky, National Chairman and Founder of Captive Nations Week, Washington, D.C.

Topic: "Education for Freedom Through Contrast."

Tickets: $2.80 (includes gratuities).

Reservations: Call 634–1166.

A special art exhibit will be held in the Buffalo and Erie County Library, Lafayette Square from July 22–August 4, 1969. Paintings and other materials depicting the plight of the captive nations, completed by recent refugees from the Iron Curtain countries.

All events are open to the public. No admission charge will be made except for the Civic Luncheon on Wednesday, July 23, at the Buffalo Athletic Club.

ERIE COUNTY CITIZENS COMMITTEE TO OBSERVE CAPTIVE NATIONS WEEK

Honorary Chairman: Hon. B. John Tutuska, Erie County Executive.

Chairman: Albert J. Weinert, United Anti-Communist Committee of WNY.

Public Relations Director: Walter V. Chopyk, United Anti-Communist Committee of WNY.

Secretary: Mrs. Marjorie Lovejoy, United Anti-Communist Committee of WNY.

Treasurer: Clement Sakas, Lithuanian Club of Buffalo.

Resolutions: Dr. Lazlo B. Szimonisz, Hungarian Freedom Fighters Ass'n.

Youth Concert: Vladymyr Kowalyk, Ukrainian American Youth Ass'n.

Color Guard: Arthur F. Kilichowski, New York State Commander, Army and Navy Union.

Captive Nations Flags: Zef Priszka, Albanian Societies.

Arrangements: William J. Tracy, Veterans of Foreign Wars.

MEMBERS OF THE COMMITTEE

Dr. John Juhasz, Actio Hungarica.

Dr. Michael Saikewicz, Ukrainian Congress Committee of America.

Rev. Paul Kantor, American Hungarians of the Niagara Frontier.

Dr. Voldemar Kirss, Estonian Committee.

Francis M. Kindl, Veterans of Foreign Wars.

Tacho D. Kuntscheff, Bulgarian Club of Buffalo.

Eugene V. Massucci, Army and Navy Union of America.

Wasyl Sharvan, Anti-Bolshevik Bloc of Nations.

George M. Wong, Chinese Golden Dragon Society.

A. O'Neil Kline, Kiwanis Club of Buffalo.

Dr. Stephen Gredel, Croatian Delegation.

Ting Fong Wong, Chinese Golden Dragon Society.

Romas Masiolonis, Lithuanian Club of Buffalo.

Vidis E. Malejs, Latvian Society.

Charles Quagliana, United Anti-Communist Committee of WNY.

The Chancery, Diocese of Buffalo,
Buffalo, N.Y.

The plight of those people who have lost their liberty and independence and who must live under foreign rule is a matter of great concern to the people of the United States. We sympathize with them and we pray that some day soon they will once again enjoy those basic freedoms and human rights that are rightfully theirs. We commend the Erie County Citizens' Committee on Captive Nations for their work in behalf of these captive peoples.

We urge the prayers of our good people for the enslaved millions throughout the world, asking God to comfort them in their trials and to grant them the freedom their hearts desire.

James A. McNulty,
Bishop of Buffalo.

Temple Sinai,
Buffalo, N.Y., July 14, 1969.

Mr. Walter V. Chopyk,
West Seneca, N.Y.

Dear Mr. Chopyk: As President of the Buffalo Board of Rabbis I join with all our fellow Americans in the fervent prayer that the millions of persons in "the captive nations," will soon achieve liberty, freedom and spiritual comfort. We mourn especially the lack of elementary and basic decencies which we as free men enjoy but which are denied millions of persons in the other continents of the world. We pray that America will lead the way in demonstrating the truth that as long as one man is enslaved, no man is free.

Sincerely,

Rabbi Joseph D. Herzog.

The Marjorie Mitchell McKinley
House, Diocese of Western New York,
Buffalo, N.Y., July 7, 1969.

Walter V. Chopyk,
Director of Public Relations,
Office of the County Executive,
Buffalo, N.Y.

Dear Mr. Chopyk: In response to the County Executive's request of July 2nd for a paragraph concerning Captive Nations Week, I have prepared such a statement which you may use for any publicity purposes you desire in connection with this observance. It is as follows:

"Wherever and whenever in this world man's freedom is denied, our own cherished freedom is diminished. This is a truth we have a tendency to face too seldom and sometimes too late. Captive Nations Week provides us a great opportunity to remember prayerfully those in bondage and to seek Divine guidance in sustaining and strengthening them and us, in the search for human freedom and dignity for all men everywhere."

With every good wish, I am

Yours faithfully,

Lauriston L. Scaife,
Bishop of Western New York.

[From the Buffalo (N.Y.) Courier Express, July 21, 1969]

Plight of Captive Nations Cited

Americans should remember the cause of the captive nations behind the Iron Curtain as a matter of self-preservation, Michael J. Kogutek, former state commander of the American Legion said here Sunday.

Kogutek, of Lackawanna, spoke at the opening ceremonies of Captive Nations Week at the Buffalo and Erie County Library, Lafayette Sq.

WELFARISM HIT

"The rugged individualism that made this country great has been subverted by welfarism," Kogutek told the 100 persons attending the ceremony. "Some place along the way we have lost a little freedom," he added.

"People today have forgotten that the founders of this country expended a great deal of effort to ensure freedom and liberty for the people.

"We must continue to point out that there are captive nations in the world so that we will not forget that it might be our fate if we relax our guard.

WREATHS LAID

"Let us think about the freedoms we have in this country. Then it behooves us to go home and tell all our neighbors of the plight of the captive nations. In this way we can work for their freedom and guarantee our own," Kogutek added.

The program included a laying of wreaths in honor of the people held in the captive nations, a welcome by Albert J. Weinert, Chairman of the Erie County Civic Committee to Observe Captive Nations Week, and an address by County Executive B. John Tutuska. Walter V. Chopyk was the master of ceremonies.

The observance continues this week with the opening Tuesday of a captive nations art show in the Library which will run through Aug. 4, and a luncheon at 12:30 p.m. Wednesday in the Buffalo Athletic Club with Dr. Lev E. Dobriansky, national chairman and founder of Captive Nations Week, as the speaker.

[From the Buffalo (N.Y.) Evening News, July 16, 1969]

Lost Freedoms

The 10th observance in Buffalo of Captive Nations Week will begin with prayers Sunday in area churches and will be highlighted by the annual luncheon next Wednesday.

The week is observed to voice concern for the lost freedoms and human rights of the peoples living in countries under Communist domination.

Local sponsor of the observance is the Erie County Citizen's Committee to Observe Captive Nations Week. County Executive B. John Tutuska is this year's honorary chairman.

The chairman and founder of the National Captive Nations Committee, Dr. Lev E. Dobriansky of Georgetown University, will speak at the luncheon at noon next Wednesday in the Buffalo Athletic Club.

PLIGHT OF REFUGEES

The Kiwanis Club of Buffalo will co-sponsor the luncheon.

The Voice of America will tape Dr. Dobriansky's speech, "Education for Freedom Through Contrast," for broadcast behind the Iron Curtain.

Opening ceremonies for the week will be held at 2:30 PM Sunday in Lafayette Square. Michael J. Kogutek of Lackawanna, state commander of the American Legion, will be the main speaker.

The ceremonies will be followed by a youth concert in the Erie County Library auditorium.

An exhibit of paintings done by recent refugees from communism will be held in the library through Aug. 4. The exhibit will depict the plight of people in the captive nations.

Albert J. Weinert is general chairman of the committee. Others on the committee are: Mrs. Marjorie Lovejoy, secretary, and Walter V. Chopyk, public relations, both of the United Anti-Communist Committee of Western New York; Clement Sakas, treasurer, from the Lithuanian Club.

YOUTH CONCERT

Dr. Lazio B. Szimonisz, resolutions, from Hungarian Freedom Fighters Association; Vladymyr Kowalyk, youth concert, Ukrainian-American Youth Association; Arthur F. Kilichowski, color guard, Army & Navy Union; Zef Priszka, flags, Albanian Society, and William J. Tracy, arrangements, VFW.

[From the Buffalo (N.Y.) Evening News, July 21, 1969]

Speaker Connects Vietnam to Captive Nations Week

Participants in Captive Nations Week ceremonies were warned Sunday not to let their own freedom make them insensitive to the problems of those living in countries under Communist rule.

Michael J. Kogutek, past commander of the New York State American Legion, told a Lafayette Square crowd of about a hundred persons, including children dressed in traditional East European attire, that "freedom is never free."

"It behooves all of us to go back to our communities and tell those who are not here what Captive Nations Week means; to preserve freedom and democracy as we are now doing in Vietnam," he said.

County Executive B. John Tutuska read his proclamation naming this "Captive Nations Week." It calls for citizens to "avoid buying" goods made in Communist countries.

Earlier, wreaths representing captive nations were placed in front of a wooden cross on the steps of the Buffalo and Erie County Public Library.

A resolution adopted by the County Legislature supporting the activities of Captive Nations Week was read by Mrs. Marjorie Lovejoy of the United Anti-Communist Committee of Western New York.

The Rev. Paul Kantor, pastor of the Hungarian Reformed Church of the West Side, gave the invocation and benediction, and read letters of support from the Rt. Rev. Lauriston L. Scaife, Episcopal bishop of Western New York; Bishop James A. McNulty of the Buffalo Catholic Diocese, and Rabbi Joseph D. Herzog, president of the Buffalo Board of Rabbis.

Albert J. Weiner, chairman of the Erie County Citizens Committee to Observe Captive Nations Week, spoke briefly. Walter V. Chopyk was master of ceremonies.

A youth concert in the Buffalo and Erie County Public Library auditorium followed the ceremonies.

The week's formal activities conclude Wednesday when Dr. Lev E. Dobriansky of Washington, D.C., chairman of the National Captive Nations Committee, speaks at a noon luncheon in the Buffalo Athletic Club.

[From the Buffalo (N.Y.) Courier Express, July 6, 1969]

Ceremonies Will Open Captive Nations Week

Opening ceremonies for the 10th Captive Nations Week observance will be at 2:30 p.m. July 20 in front of the Buffalo and Erie County Public Library in Lafayette Sq.

XUM

A procession of children dressed in the costumes of the captive nations will form at the side of the library and march up the front steps. The procession will be followed by a youth concert in the library auditorium.

ART EXHIBIT

An exhibit of paintings done by recent refugees of captive nations will be displayed in the library during Captive Nations Week, July 20–27, and through Aug. 4.

A luncheon sponsored by the Kiwanis Club of Buffalo and the Erie County Citizens' Committee to observe Captive Nations Week will be at noon July 23 in the Buffalo Athletic Club. The main speech, given by Dr. Lev E. Dobriansky of Washington, chairman of the National Captive Nations Committee, will be taped by the Voice of America.

Albert J. Weinert is general chairman of the activities. Other officers are: Walter V. Chopyk, public relations director; Mrs. Marjorie Lovejoy, secretary, and Clement Sakas, treasurer.

Chairmen for the week are Dr. Lazlo B. Szimonisz, resolutions; Vladymyr Kowalyk, opening ceremony and youth concert; Arthur F. Kilichowski, closing ceremonies; Zef Priszka, flags display, and William J. Tracy, arrangements.

[From the Buffalo (N.Y.) Courier Express, July 17, 1969]

CAPTIVE NATIONS WEEK TO OPEN

Captive Nations Week, observing concern for lost freedoms of peoples living in Communist countries, will begin at 2:30 p.m. Sunday with ceremonies in Lafayette Sq.

The week-long activities will include luncheons, a youth concert and an art exhibit of the work of communist refugees.

Albert J. Weinert is general chairman of this 10th annual observance sponsored by the Erie County Citizens' Committee to Observe Captive Nations Week. County Executive B. John Tutuska is honorary chairman.

[From the Buffalo (N.Y.) Courier Express, July 19, 1969]

DOBRIANSKY TO SPEAK AT OBSERVANCE

Dr. Lev E. Dobriansky, national chairman and founder of Captive Nations Week and professor of Economics at Georgetown University, Washington, D.C., will speak at a luncheon here Wednesday as part of the local Captive Nations Week observance which begins Sunday.

The county's 10th annual observance will open at ceremonies in the Buffalo and Erie County Public Library, Lafayette Square, at 2:30 p.m. Sunday.

KOGUTEK TO SPEAK

Michael J. Kogutek of Lackawanna, state commander of the American Legion, will speak on the plight of nations held captive behind the Iron Curtain. Walter V. Chopyk will be the master of ceremonies.

Dr. Dobriansky will speak on "Education for Freedom Through Contrast," at the luncheon at 12:30 p.m. Wednesday in the Buffalo Athletic Club.

A graduate of New York University, Dr. Dobriansky is an author and a recipient of the Freedom's Foundation Award, the Vigilant Patriot Recognition Award and the Hungarian Freedom Fighters Award.

A special art exhibit in the library, featuring paintings and other pieces depicting the plight of captive nations completed by recent refugees from Iron Curtain countries, will be displayed from Tuesday to Aug. 4, as part of the observance.

[From the Jersey City (N.J.) Ukranian Weekly, July 14, 1969]

ERIE COUNTY MAKES PLANS FOR CAPTIVE NATIONS WEEK

BUFFALO, N.Y.—The 10th anniversary of the Captive Nations Week observance will take place in Buffalo from July 20–27. It is being planned by the Erie County Citizen's Committee.

County Executive B. John Tutuska is honorary chairman. The opening ceremonies will take place in front of the Buffalo and Erie County Public Library followed by a youth rally concert in the Library Auditorium.

During the week, an exhibit depicting the captive nations' plight will be held in the Library until August 4. Paintings done by recent escapees from behind the Iron Curtain will be on display.

A luncheon will be held at noon on July 23, at the Buffalo Athletic Club. It is being sponsored by the Kiwanis Club of Buffalo and the Committee. Dr. Lev E. Dobriansky, chairman of the National CN Committee, will be the principal speaker. His speech will be taped by the Voice of America.

Mr. Albert Weinert is general chairman of the committee; Walter V. Chopyk, public relations director; Mrs. Marjorie Lovejoy, secretary; (members of the United Anti-Communist Committee of W.N.Y.); Mr. Clement Sakas, treasurer from the Lithuanian Club; Dr. Lazlo B. Szimonisz, chairman, resolutions committee from the Hungarian Freedom Fighters Association; Mr. Volodymyr Kowalyk, chairman of the youth rally opening ceremony from the Ukranian American Youth Association; Mr. Arman, closing ceremonies, from the Army and Navy Union; Mr. Zef Priszka, chairman of the captive nations flags display, from the Albanian Societies; and Mr. William J. Tracy, chairman of arrangements from the Erie County Department of Veterans of Foreign Wars.

[From the Buffalo (N.Y.) Evening News, July 23, 1967]

TO APPRECIATE UNITED STATES, COMPARE WITH OTHERS, KIWANIANS TOLD

(By Franklyn Buell)

The freedom of all nations—particularly the captive nations—should have received equal attention with peace on the plaque left on the moon by the Apollo-11 astronauts, Dr. Lev E. Dobriansky of Washington said at a civic luncheon observing Captive Nations Week in the Buffalo Athletic Club today.

"From a propaganda angle, the United States missed the boat," he said.

A banner proclaiming "Remember the Captive Nations" draped the head table as Dr. Dobriansky, founder of the observance and a faculty member at Georgetown University, declared:

"You can't have an appreciative understanding of the material and spiritual goods that we have in the United States until you contrast what we have with the lot of those who are deprived—particularly in the various captive nations from the Danube to the Pacific."

This was the 10th observance of the special week in Buffalo and the speaker emphasized:

"The importance of perpetuating this special attention to captive nations is in education for freedom by contrast."

The civic luncheon, attended by about 125 persons, was the regular Kiwanis Club meeting.

Dr. Dobriansky said if there were no captive nations held in thrall by the Soviet Union, "many of the problems that confront us would be no problems at all."

He named the ABM, Vietnam and inflation as issues that are prominent because of the "single threat posed by Moscow."

Dr. Dobriansky said Moscow seeks American "acquiescence to the permanent captivity of captive nations."

He urged Americans "to keep things in perspective by continually contrasting what we have with what people in the captive countries don't have."

The Georgetown professor said he and his associates in founding the annual observance "have never been against better relations with Russia—but we are greatly concerned about the matter of better relations on what basis."

Harry W. Halbersleben, Kiwanis president, was chairman.

[From the Buffalo (N.Y.) Evening News, July 19, 1969]

CLUB RECOGNIZES CAPTIVE NATIONS

In observance of Captive Nations Week, Dr. Lev E. Dobriansky will speak to the Kiwanis Club at 12:10 P.M., Wednesday, in the Buffalo Athletic Club on "Education and Freedom Through Contrast." Dr. Dobrianski is national chairman of Captive Nations Week.

[From the Buffalo (N.Y.) Evening News, July 18, 1969]

CAPTIVE NATIONS EXPERT INTERVIEWED

Dr. Lev E. Dobriansky, national chairman of Captive Nations Week and professor at Georgetown University, will appear on Dialogue at 12:45 A.M., Sunday (Ch. 7). In the absence of Dr. Alan Drinnan, Dr. Joseph Ertavy of the State University at Buffalo will serve as host.

Dr. Dobriansky originated the Congressional resolution which officially established National Captive Nations Week in the United States. He has written over 400 articles on the Soviet Union and authored several books, including "The Vulnerable Russians," and "Nations, Peoples and Countries in the U.S.S.R."

[From the Buffalo (N.Y.) Courier Express, July 24, 1969]

CAPTIVE NATIONS WEEK DISCUSSED BY SPEAKER

Strong opposition to any form of coalition government in Vietnam was expressed Wednesday by Dr. Lev E. Dobriansky, chairman and founder of Captive Nations Week, Washington.

Dr. Dobriansky was principal speaker at the 10th local observance at Captive Nations Week luncheon sponsored by the Buffalo Kiwanis Club and the local Captive Nations Committee in the Buffalo Athletic Club.

INVASION ASKED

Terming himself an educator and politician, Dr. Dobriansky outlined the gradual take-over of one country after another by the U.S.S.R. and advocated invasion of North Vietnam to prevent the creation of another captive nation.

Instead of dwelling primarily on the captive nations of Europe, Dr. Dobriansky outlined the persistent and "insidious" propaganda means used by the Russians to promote dissent and trouble all over the world.

"Last year at both the Democratic and Republican conventions I fought hard to get strong planks in the platforms to curtail this U.S.S.R. activity.

VAIN EFFORTS

"My efforts were fruitless. I was told that conditions were improving with the Russians and that nothing should be done to rock the boat. Three weeks later there was the rape of Czechoslovakia."

The speaker referred vaguely to Communist influences as a factor in campus unrest in this country. The young militant students, mostly from affluent families, he said, know little about the opposition in captive nations.

INFILTRATION PLANS

"They make perfect dupes for outside influences," he said. "Now these same Communistically-inspired persons are laying plans to infiltrate labor and industry."

Taking up the matter of the Apollo 11 mission, Dr. Dobriansky said the plaque left on the moon, instead of just asking for peace, should have called for freedom of all nations

"If the Russians had landed there first, they also would have called for peace—they always talk peace while attempting subversion," said Dr. Dobriansky. "Their plaque also would have cited the glories of their socialistic state."

WISH FOR FREEDOM

Erie County Executive B. John Tutuska stated that he hoped the observance of Captive Nations Week in this country and other nations would plant a glimmer of hope among captive peoples that their children may someday have freedom.

Local observance of Captive Nations Week began last Sunday with special religious services in Lafayette Sq.

A special art exhibit on the plight of peoples in captive nations is being shown in the Buffalo and Erie County Library and will continue until Aug. 4. Many of the materials were obtained by refugees of captive nations.

[From the WACL Bulletin, July 1, 1969]

Ten Years of Captive Nations Week

(By Lev E. Dobriansky)

In July, the Tenth Observance of Captive Nations Week was celebrated in the United States and seventeen foreign countries. Since that first July in 1959, immediately after the United States Congress passed the Captive Nations Week Resolution and President Dwight D. Eisenhower signed it into Public Law 86–90, we, and then in time our allies have conducted ten annual weeks in symbolic behalf of the captive nations as one of the chief keys to the security of the Free World and the freedom and independence of all nations. A tradition has been built and solidly maintained. This is no mean feat, considering the powerful forces that have in this long period militated against the Resolution and have sought the elimination of the Week.

At the time of the tenth observance many friends inquired of the writer as to how he now felt about the movement, its rate of growth, the main obstacles confronting it, the reactions of the Red regimes, and its prospects and institutional significance. Having been in it from the very beginning the writer was asked on both TV and radio programs to assess these ten observances of Captive Nations Week. "Do you think it has accomplished what it set out to do?" "How has 'the disintegration of the Communist monolith' affected the course and goals of the movement?" "Why hasn't Captive Nations Week received far greater publicity in the United States than has actually been the case?" "What do you think of its future?" "Are the captive nations still captive?"

These are some of the questions that dominated the discussions during the tenth observance. And this article contains the answers that were given to these and other questions raised by interested and concerned Americans. Actually, many of these questions aren't new. They've been raised time and time again in the past. But for some reason, perhaps the "10th" itself, they received more widespread currency than before. Thus, in a real sense, this presentation is an accounting of one's observations and reflections on a movement that will enjoy a tenth anniversary in 1969, during the week of July 13–19. The observations and reflections are purposed not only to answer the recurring questions but also to penetrate the confetti diplomacy of this decade which has really caused many to ask these questions.

THE ERA OF CONFETTI DIPLOMACY

Of course, the easy approach would be to answer these dominant questions in a yes or no fashion and then refer the questioner to a mass of literature dealing with the subject for nearly a decade. Yes, the Week is accomplishing what it set out to do. The so-called disintegration of the Communist monolith favorably reinforces the course and goals of the movement, particularly the force of patriotic nationalism which the Resolution stresses. At the start, Captive Nations Week received world-wide publicity, but as many in powerful places began to fear its implications, the pressure was on to play it down as much as possible. The future of Captive Nations Week is guaranteed by the congressional resolution itself; so long as there are the captive nations in the Soviet Union and elsewhere, the Week has its existential basis for the long and substantiating future. Needless to say, squabbles and rivalries between and among totalitarian Communist Parties, which dominate the regimes of the Red States, do not make the peoples, the nations themselves, any less captive.

In this period of confetti diplomacy, with paper treaties and paper bridges of understanding as far as the captive nations are concerned, these are the direct and well-substantiated answers to the prevailing questions of the moment. The factual bases and detailed background to these specific answers can be easily acquired by consulting the outstanding literature on this fundamental subject. The book by Professor Smal-Stocki will give the inquirer a keen insight into the captive non-Russian nations in the Soviet Union.[1] This dimension is a blind spot for most Americans. The writer's own current work provides in outline the origin, development, and meaningful ramifications of the Captive Nations Week tradition and institution.[2] The book has received many favorable reviews, but the one that intrigues the author starts this way, "This is an impassioned volume in which the author depicts the United States as a gigantic fool, unwilling to be convinced of Russian ruthlessness and unwilling to react positively to the Communist's continual aggression."[3] Where the passion comes in the writer himself can't tell, but for the most extensive documentation of the subject, the reader will find this volume valuable.

During this decade numerous other source materials came into being to analyze the congressional resolution, describe the meaning of the movement, and to justify its existence in the light of changing developments in the Red Empire. The book *Captive Nations Week: Red Nightmare, Freedom's Hope* furnishes an excellent account of congress role in the *annual Week.*[4] *"Why Captive Nations Week,"* is an informative article, pointing out that despite the Chinese-Russian rift and other rifts in the Red Empire, more than 27 nations are still held captive in the Red Empire.[5] A background article on *"The Roots of Russia"* still goes a long way in contributing to an understanding of Moscow's current repressions in the Soviet Union, its heavy involvement in the Middle East and in Asia, and its graduated handling of the Czecho-Slovak crisis.[6] As we shall see more clearly with the passing of the year, the real enemy is not the mythology of Communism, at best a psycho-political tool of deception and assigned philosophical respectability, but rather a crude Soviet Russian imperio-colonialism, which was well depicted with reference to Captive Nations Week a few years ago.[7] The mythical independence of Rumania, the introduction of Liebermanism in the USSR the squeals of a Castro and the ranting of Peking, the demands for Czecho-Slovak reform, and the continued meanderings of a Tito, none of these superficial developments have in any way altered the main thrust of Soviet Russian imperio-colonialism.

Equally applicable to today's conditions as they were only a few years ago are a dozen pieces on the captive nations. For example, "Captive Nations vs. Red States" advances the crucial distinction between the nation, the people itself, and the Red-dominated state, and explodes the whole notion of building bridges that serve to entrench the Communist apparatus.[8] Too often, Americans fail to draw this basic distinction, as shown by the erroneous concept of Communist nation, and fall for schemes which only on balance conduce to the benefit of the particular Red regime. Another example is the fundamental deterrent value of the captive nations, taken as a whole, against the outbreak of a global war.[9] With rampant insecurity sown for the Red regimes, the oppressed peoples could alter the aggressive designs of these regimes. There isn't one such regime that doesn't support the aggression of Hanoi against the Republic of South Vietnam. "Forget the Captive Nations?" has been the prime objective of Moscow and its syndicated members, but as the article with this title clearly demonstrates, the realization of this aim in the United States and elsewhere would be a tremendous phycho-political victory for the Red aggressors.[10]

Despite all that has been written, said, and done about the captive nations and their significance for world peace and freedom, the course pursued by two Administrations in this decade has been detrimental to the cause of these nations and inhibiting to the movement in the Free World. Added to this has been the protracted ignorance and even illogic on the part of several of our popular opinion media. The evidence also shows a certain amount of insincerity and self defeating expediency concerning our policies toward the Red regimes and the captive nations in this era of confetti diplomacy.

As the writer publicly stated before an official body of the 1968 Republican National Convention, both Administrations in the 60's have pursued "a confetti diplomacy in regard to the main enemy, which can be accurately depicted as the international dimension of the credibility gap."[11] The statement continued, "The whole train of papermaking—the Test Ban Treaty, Consular Convention, Outer Space Treaty, the Non-Proliferation one and even the Moscow-New York flight run—are so much confetti on the scale of fundamental problems, serving to hoodwink our people as to the harsh realities in the Red Empire and the real threats to our security. The Consular treaty, as written, doesn't even make semantic sense. These superficialities tend, in the myopic tradition of the Roosevelt Administration over two decades ago, to convey an implicit partnership between Independent America and Imperio-Colonialist Moscow. None of these treaties is of any concrete net advantage to Moscow. The confetti helps to enshroud the real enemy of Soviet Russian Imperio-colonialism and its communist weapons which are dramatically at work today in Czechoslovakia."

With regard to the captive nations, which after all involves the basic issues of Soviet Russian power, aggression, and continual threat to the independence of nations in the Free World, the crucial point is the virtual surrender by the United States of its enormous ideologic power in favor of what is deemed a pragmatic "Soviet-American survival pact."[12] The fear of "mutual annihilation," or better "nuclearitis," is what supposedly has led us to placate Moscow with fundamentally meaningless treaties as far as the main issues are concerned, to play down the cause of the captive nations, to permit the historic meaning and significance of America in terms of national independence and self-determination to seriously corrode, and, as Franklin Roosevelt attempted to do in a period devoid of nuclear weapons, to consummate an implicit partnership with the last remaining empire of its size for the ostensible purpose of maintaining world

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peace. We have even sacrificed an across-the-board superiority in weaponry for a tenuous parity in order to display our national desire and want for a live-and-let-live existence. These are the dangerous straits into which Moscow's skillful policy of "peaceful coexistence" has led us.

It is no accident as concern the Tenth Captive Nations Week Observance and the forthcoming elections in the United States that for demonstration effect Moscow plunged into a gestural rash of ratifying the Consular Convention, advancing and signing the non-proliferation pact, calling for new talks on control missile systems, and opening up the Moscow-New York flight run. It sought certain responses and successfully obtained them. Reveling in the web of confetti diplomacy, President Johnson, who still thinks the Soviet Union is a nation, views all this as having "proved that our two countries can behave as responsible members of the family of nations. And that is a very hopeful sign indeed." [13] Not realizing that all this has been from Moscow's viewpoint a vital and integral part of its Cold War against the United States, he sees it as steps toward the cessation of the Cold War for "I believe," he naively proclaims, "that the old antagonisms which we call the Cold War must fade—and will fade."

Viewed against the real background of Russian Cold War operations on all continents, the responses to Moscow's diplomatic maneuvers are almost Pavlovian in nature. This was shown, too, in the President's proclamation of Captive Nations Week which issued on July 10 reads as follows:

"THE WHITE HOUSE.

"CAPTIVE NATIONS WEEK, 1968: A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

"Whereas the joint resolution approved July 17, 1959 (73 Stat. 212) authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the free world; and

"Whereas human freedom, national independence, and justice are fundamental rights of all peoples; and

"Whereas the enjoyment of these rights, to which all peoples justly aspire, remains severely limited or denied in many areas of the world; and

"Whereas the United States of America, in keeping with the principles on which it was founded, has sought consistently to promote the observance of fundamental human rights throughout the world;

"Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week beginning July 14, 1968 as Captive Nations week.

"In witness whereof, I have hereunto set my hand this tenth day of July in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

"LYNDON B. JOHNSON."

One need only compare this proclamation with previous ones to appreciate the trend of ideologic emasculation so necessary to the illusory content of our confetti diplomacy. For one, the Secretary of State's signature has been quietly disposed of in order to reduce the proclamation's official standing. Also, in sharp contrast to all preceding proclamations, the 1968 one disposed of the President's public invitation "I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty." This is hightly indicative of the sorry state we have drifted into while Moscow feverishly promotes its Cold War operations.

A quick glance at these operations encompasses an unrelenting drive to demolish NATO, to convert the Mediterranean into a Red lake, to establish Russian hegemony in the Middle East, and to undermine all Free Asian efforts toward expanded freedom. Working directly and also through Red syndicate members and Communist Parties in the Free World, Moscow is striking different keys and playing various tunes as it extends its interests in Asia, Africa, and Latin America. Through necessary intermediation, it naturally has a keen interest in political warfare developments on the American terrain. Woven into all of this, its anti-American propaganda continues at a high pitch. Upon the assassination of Senator Kennedy, *Tass* didn't hesitate to call it "a new, convincing example of the terrifying gangster 'democracy' in the United States." [14] Moscow's government paper hammered away at the old reliable, "Imperialism carries violence within itself," [15] and Brezhnev let it be known that the United States is a "rotting society, a degrading society, a decadent society," word with an old Hitlerian ring.[16] Such statements are a daily diet in Moscow's propaganda network, and the chief aggressive trust against the United States has been and is psychopolitical, for which this country in its illusions of peace and co-engagement is ill-prepared.

PROTRACTED IGNORANCE ON CAPTIVE NATIONS

One of the paramount objectives of Captive Nations Week is the education of the American people regarding the captive nations, especially those in the Soviet Union. In this decade, remarkable progress has been made in this respect. But we would be deluding ourselves to think that the task is close to completion. If this were so, our policy toward the Soviet Union and the Red Empire would be sensibly different. Much remains to be done to overcome and eradicate numerous strands of protracted ignorance and even obscurantism in many sectors of our Nation.

For a more thorough study of this unfortunate condition the reader might well find several sections of my book on *The Valuable Russians* of profitable worth. Here, let us just cite a few examples where public opinion is being swayed. A columnist who has been taunting former Vice President Nixon for his performance with Nikita Khrushchev back in 1959, writes that "Just before he arrived, Congress had passed the so-called Captive Nations Week Resolution calling for the liberty of the 'captive nations' of Latvia, Lithuania and Estonia, now under the Soviet Union." [17] This balderdash is aggravated later when in another article the reader is told that the Captive Nations Week resolution "Was a resolution periodically passed at the initiative of certain Baltic refugees, calling for the liberation of Estonia, Latvia and Lithuania, now a part of the Soviet." [18] This is the kind of nonsense being fed the American people. It is doubtful that the writers ever read the resolution, which goes far beyond the captive Baltic states, had never anything to do with the initiative of "Baltic refugees," and is not periodically passed. With their nonsense as a background, the reader can safely discount much of what they say about Nixon. The second chapter in my work on "Nixon's Testimony of American Bewilderment" presents an objective account of the episode.

In his acceptance speech in Miami, Mr. Nixon emphasized, "To find the truth, to seek the truth and to live the truth, that's what we will do." [19] Should he win, ample opportunity will arise to apply this commitment in connection with the captive nations. Surely, in the hoped-for environment statements such as this—"Khrushchev was then nettled because just before Nixon's departure, the U.S. Congress had adopted a routine resolution referring to the slave peoples within the Soviet orbit"—could scarcely thrive.[20] The writer, who availed himself of the first New York to Moscow run, significantly during Captive Nations Week, evidently doesn't know how the supposedly routine resolution emerged, and for him the USSR is a "nation."

Considering the appeasement and diplomatic confetti atmosphere in this country, it was no easy task to promote a captive nations plank in the 1968 Republican Platform. It is a general plank that fails to include the captive nations of Asia and Cuba. Some of the reactions in the press cause one to wonder about journalistic knowledgeability and honesty. In a supposedly interpretative report one writer views it as "the usual anachronistic references to the 'captive nations' of the Eastern Europe," as though that area is free, independent, and self-determining.[21]

The editors of the *Washington Post* display their usual fatuousness and disregard for honest expression in an editorial that gloats over the generality of the plank, excluding any enumeration of the captive nations such as occurred in the forthright 1964 Republican Platform.[22] With silly intent, Armenia is compared with Quebec and "the Ukraine" was supposed to have been captured between 1960 and 1964. As for journalistic honesty, the reader should compare this editorial with *Post's* April 28 one on the "Cause of the Ukraine," where concerning Ukrainian independence it states "The last time a separate Ukranian government tried that was in 1918" and "Soviet troops suppressed it with a vengeance still bitterly recalled." Many satisfied readers of the article "From Moscow's *'Izvestia'* to *Washington's 'Post'* " can appreciate these dialectics.[23]

STEADY GROWTH OF THE WEEK'S OBSERVANCE

What is truly remarkable is the fact that in spite of the heavy forces opposing Captive Nations Week, the annual observance has steadily grown and expanded over these years. One need only peruse the pages of the Congressional Record since 1959 to see the scope and extent of the annual Week. Traditionally, Congress observes it with impressive report and dedication.[24] About 35 Governors and over 40 Mayors of our large cities issue their proclamations of the Week. Activities under the guidance of the National Captive Nations Committee in Washington are conducted by local committees in cities ranging from Boston to Los Angeles, Miami to Seattle, New York, Philadelphia, Cleveland, Buffalo, Chicago, St. Louis and many others.

The press coverage in these cities is fairly impressive, and change in circumstances will undoubtedly project it further. For example the column by Ted Lewis in the July 16, 1968 issue of the *New York Daily News* publicized the Week for millions of New York readers. TV and radio reporting of the Week is not as extensive as it should be, but here, too, future international developments will determine more than anything else the range of such reporting. The Georgetown University TV-Radio Forum has consistently staged programs that have had a broad audience through its network. These and other functional bases of the Week would be greatly enlarged should another nation fall captive or Soviet Russian power express itself overtly and massively in Czecho-Slovakia or elsewhere. Tragic though such events may be, we must be prepared for them and their policy implications.

One of the outstanding developments of the movement has been its reception in foreign countries. In seventeen countries, ranging from Korea to Australia, India to Turkey, and West Germany to Argentina, the ob-

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servance is now held regularly. Particularly in Asia, the movement has gained a firm foothold. For years now the Republic of China has been in the forefront of Captive Nations Week rallies.[25] For the first time, the Republic of Korea issued a Captive Nations Week stamp to commemorate the tenth observance. Requests for a similar stamp in the United States, the home of the Week, were denied. It appears that the closer a nation is to the battleline of freedom the deeper its understanding is of the issues at hand.

A new and highly important development arose at the end of 1967 when the first conference of the World Anti-Communist League adopted a resolution on the 10th Observance of Captive Nations Week. The resolution called for maximum effort on the part of its members and affiliates, representing over 80 countries, to advance the captive nations movement.[26] Meeting in Taipei, Free China, the members of WACL enthusiastically undertook to implement the resolution in the years ahead. They understood quite well the psycho-political nature of the world's struggle and the time element involved. Thus, if America as a sleeping giant follows the present confetti course, the captive nations cause can find permanent support from those nations immediately threatened on an overt basis by the Red Empire. Better that its future is insured by firm hearts rather than confused minds.

THE RED TOTALITARIAN DREAD OF THE WEEK

On evidence, except for our relatively declining military strength, there has been no other factor that the Red totalitarians have dreaded more than the Captive Nations Resolution and Week, This expressed fear is not as some simpletons have scoffed at, induced by the resolution and the Week themselves, but rather by their implications, potential implementation, and practical ramifications. The nature of the prime enemy, the essential history of the Red Empire, the victims of this tragic history, the essence of victory over it, and a firm basis for psycho-political action—all these fundamental ingredients are in the resolution and the forum of the annual Week. It requires only some sober reflection to discern these. Moscow recognized all this instantly, and as the following samples show, so have its syndicate members:

"This resolution stinks." (Then, according to Vice President Nixon, "he spelled out what he meant in earthy four-letter words.")[27] (Nikita S. Khrushchev, July, 1959.)

"Take, for instance, the much-to-be-regretted decision of the American Congress to hold the so-called 'Captive Nations Week' and pray for their liberation. In this case words other than 'rolling back' were used, but the gist remained the same, the same appeal for interference in other people's affairs."[28] (Khrushchev, October, 1959.)

"Some members of the U.S. Congress, who apparently are not too busy with state affairs, deliver 'moving' speeches, using the same mimeographed crib concerning the so-called 'week of captive nations'. . ."[29] (Nicholas V. Podgorny, U.N., October 1960.)

"It is not at all fortuitous that this time the farce presented by the Captive Nations Week's should coincide with the hullabaloo created by American propaganda around the West Berlin question."[30] (Khrushchev again denounced the Week at the Communist Party Congress in October, 1961.) (Moscow, 1961.)

"On the basis of the 'weeks' held in the past we already know what these appropriate ceremonies represent—unbridled anti-Soviet and anti-communist slander . . . Yes, it is only thanks to American bayonets that oppressors of freedom and blood-thirsty dictators are sustained in power in a number of countries of the Latin American continent and Southeastern Asia."[31] (Moscow, 1962.)

(In 1962 the Russian imperio-colonialists scored a victory in getting UNESCO to publish the scandalous and fraudulent *Equality of Rights between Races and Nationalities in the USSR*.)

"Is it not high time to discontinue the Captive Nations Week in the United States? That is just as much a dead horse as the 'Hungarian Question'."[32] (Moscow, January, 1963.)

"The President of the United States, losing his sense of reality, has declared 'a week of the Captive Nations' and is trying to turn attention away from the struggle of the Negroes for their liberation." (*Pravda*, Moscow, July 8, 1963.)

"Kennedy is a third-class clown proclaiming Captive Nations Week, which is a despicable animal campaign of the U.S. ruling circles." (*Pyongyang Radio*, N. Korea, July 10, 1963.)

"With every passing year 'Captive Nations Week' becomes a nuisance. The stupid situation in which the Washington legislators and rulers found themselves is becoming evident even for those who earnestly propagate the imperialistic policy of the U.S.A." (*Izvestia*, Moscow, July 15, 1964.)

"An annual, pitiful undertaking. One could treat it as a joke . . . One could treat it like that, if it were not for the fact that Captive Nations Week, an annual undertaking organized by men who have long since lost contact with their nations, is supported by the U.S. Congress and by a proclamation of the President of the U.S." (*Trybuna Ludu*, Poland, July 27, 1965.)

"Especially disgusting is the villainous demagory of the imperialistic chieftains of the United States. Each year they organize the so-called captive nations week, hypocritically pretending to be defenders of nations that have escaped from their yoke. These international gendarmes, stranglers of freedom and independence, would like again to enslave the free nations of Lithuania, Latvia and Estonia. But that will never happen." (Mikhail Suslov, Chief Russian ideologist, Vilnius, Lithuania, July 17, 1965.)

"Criminals . . . are active in the organizations of the so-called 'captive nations' . . . have their own press and conduct war-inciting activities through demonstrations, picket lines, etc . . . are often connected with similar organizations in other countries in Europe and Latin America." (*Political Affairs*, 1966.)

"The thing is that every year in July the rulers in Washington put on an eye-sore of a propaganda spectacle, titled 'Captive Nations Week' . . . This time the advent of the notorious 'Week' is being violently commented upon by the reactionary American press." (*Izvestia*, July 7, 1967.)

These are only a meager portion of the vehemence and vituperation poured on this movement. What, above all, the totalitarian Red regimes need is relative security and stability in their empire in order to gain necessary time for political and economic consolidation, reconciliation between and among the squabbling Communist Parties, more technologic progress and augmented material means to meet expanding Cold War commitments in the undeveloped world, and greater overall military strength to challenge directly the power of the United States. The captive nations cause strikes at the very basis of their strategic plan for the years ahead.

TOWARD THE 10TH ANNIVERSARY OF CAPTIVE NATIONS WEEK

As was mentioned above, in the period of July 13–19, 1969 the Tenth Anniversary of Captive Nations Week will be celebrated here and abroad. For it was in July, 1959 that Congress passed the Captive Nations Week resolution upon which this annual observance is founded. Plans for this anniversary are already under way. But the most effective planning must take into account the fact that the annual observance is in large part a springboard for the discussion of issues which are important to the cause and must be advanced and supported through the year. In the last analysis, it is these issues and their determination that provide the substance for the perpetuation of the Week and the positive progress of the captive nations movement.

The dominant issues are many and require in their own right detailed exposition and analysis. However, here we can review them quickly with brief comment in relation to our fundamental educational task. First, the advocacy of a debate in the United Nations on Soviet Russian imperio-colonialism. Despite President Kennedy's move in this direction in 1961, no such debate has ever been held in the U.N. Forum. As concern the captive non-Russian nations in the USSR, the need for this is more urgent than ever before.[33] Russian genocide of these nations will only strengthen Soviet Russian totalitarianism against the Free World. Second, a full-scale review in Congress of U.S. policy toward the USSR.[34] Here, too, never in our history have we undertaken such a review. It would be unprecedented and most productive for our national course.

Third, opposition to liberalized East-West trade without political concessions. Our trade experiences with totalitarian states in the pre-World War II period should provide solid historical lessons for not repeating our mistakes again.[35] Fourth the establishment of a Special Committee on the Captive Nations in the U.S. House of Representatives. There is no agency, public or private, in this country that continually investigates the interrelated developments in the captive nations as a whole. The multiple advantages of such a committee to the fund of knowledge and security of the United States and its allies scarcely require emphasis. Fifth, the creation of a Freedom Academy by congressional passage of the Freedom Academy bill. For the struggle ahead, the deficiencies in the psycho-political warfare preparations and equipment of Americans are grave, indeed. And nowhere have they come to fuller light than in South Vietnam itself. The plain fact is that, as in any other activity, we cannot hope to cope with the thrusts and gyrations of Red political warfare without methodical training in this discipline.

A sixth issue and objective is victory in Vietnam, clearly defined as South Vietnamese liberation of the 17 million captive North Vietnamese. It is one of the sorry aspects of our Vietnam experience that none of our leaders even mention the captive plight of the North Vietnamese people. A positive victory cannot be realized without their freedom. Seventh, close examination of the situation of Russian consulates in our country. Despite the ratification of the U.S.-USSR Consular Convention, our position against it still is valid and true.[36] Bearing on the Dirksen-State Department agreement which made ratification possible, we should oppose the placement of Russian consulates in cities with a heavy East European ethnic complex. And eighth, the evolvement of a new U.S. policy of unfinished liberation.[37] This policy is based on premises of political warfare, such as the totalitarian Red regimes persistently wage, and is the best guarantee against more Vietnams and the outbreak of a global war. The alternative to our present policy of patched-up containment is clear, far less costly, and more productive for world freedom, thus our freedom.[38]

These, then, are the formidable issues confronting all who understand and support the strategic value of the captive nations in toto. One does not expect the average American to grasp the insight that there will never be peace of a genuine sort in the world as long as the Soviet Union exists. But such will be the case until the Free World begins to concentrate on the key captive non-Russian nations in the USSR, peacefully, understandingly, and courageously. Until that time arrives and given the illusion of our confetti

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diplomacy, we had better keep reciting the long list of captive nations as provided in the new brochure of the National Captive Nations Committee, with the overhanging question "Who's Next?"[39]

FOOTNOTES

[1] Roman Smal-Stocki, *The Captive Nations*, Bookman Associates, New York, 1960, p. 118.

[2] Lev E. Dobriansky, *The Vulnerable Russians*, Pageant Press, New York, 1967, p. 454.

[3] *U.S. Naval Institute Proceedings*, August 1968, p. 133.

[4] *Congressional Record* reprint, United States Government Printing Office, Washington, 1966, p. 310.

[5] *The New Guard*, Washington, D.C., July 1965, pp. 12–14.

[6] *United States Naval Institute Proceedings*, Annapolis, Md., April 1963, pp. 40–57.

[7] "Soviet Russian Imperio-Colonialism and the Free World," *NATO's Fifteen Nations*, Amsterdam, The Netherlands, August–September 1963, pp. 92–97.

[8] American Security Council *Washington Report*, July 19, 1965, pp. 1–4.

[9] "The Captive Nations—A Major Deterrent Against Global War," *The Manion Forum*, South Bend, Indiana, February 6, 1966, pp. 1–4.

[10] American Security Council *Washington Report*, July 18, 1966, pp. 1–4.

[11] "A New Republican Policy of Dynamic Independence," Testimony before Republican Platform Committee, Miami Beach, Florida, July 30, 1968.

[12] Harry Schwartz, "The Soviet-American Survival Pact After Five Years," *The New York Times*, July 8, 1968.

[13] "Johnson, at Glassboro, Urges U.S., Soviet Efforts for Peace," *The Washington Post*, June 5, 1968.

[14] *Moscow*, June 6, 1968.

[15] *Izvestia*, Moscow, June 6, 1968.

[16] "Soviet Leader Assail U.S. 'Rotting Society," *The Washington Post*, July 4, 1968.

[17] Drew Pearson, "Why the Russians Don't Relish Nixon," *The Washington Post*, April 20, 1968.

[18] Drew Pearson and Jack Anderson, "Nixon Positions," *The Washington Post*, August 4, 1968.

[19] Richard M. Nixon, "This Time We're Going to Win," *The Washington Post*, August 9, 1968.

[20] Ralph McGill, "U.S., Moscow Add Another 'Bridge,' " *The Evening Star*, Washington, July 23, 1968.

[21] Crosby S. Noyes, "A Platform Tuned for Violins," *The Evening Star*, August 5, 1968.

[22] "Rollback in Miami Beach," August 9, 1968.

[23] *Congressional Record*, August 1, 1968, pp. E7230, 7232.

[24] *Congressional Record*, July 17, 1968, pp. E6864–6887.

[25] Captive Nations Rally in Taiwan," *Congressional Record*, August 2, 1968, pp. S7436–7439.

[26] *Congressional Record*, November 29, 1967, pp. H16052–16053.

[27] Richard M. Nixon, *Six Crises*, 1962, p. 252.

[28] *N.S. Khrushchev's Report to Supreme Soviet*, Embassy of the Union of Soviet Socialist Republics, November 2, 1959, pp. 1–2.

[29] Address, U.N. General Assembly, New York, October 4, 1960.

[30] *Pravda*, July 21, 1961.

[31] *Izvestia*, July 17, 1962.

[32] *The New Times*, Moscow, January 23, 1963.

[33] See E. Derwinski, "Anniversary of First Revolution By Captive Nation." *Congressional Record*, November 13, 1967, pp. H15120–15122; also T. J. Dodd, "Persecution of Islam in the Soviet Union," *Congressional Record*, June 28, 1967, pp. S9058–9063.

[34] See J. Broyhill, "Necessity of Review of Nations Entire Diplomatic and Economic Policy in Relations to Soviet Union," *Congressional Record*, July 18, 1967, pp. H8879–H8880; also, Lev E. Dobriansky, *Review of U.S. Policy Toward the USSR*, p. 16.

[35] "Historical Lessons in Totalitarian Trade," *The Intercollegiate Review*, Nov.-Dec. 1966, pp. 55–65.

[36] See "Ten Reasons Against the U.S.-USSR Consular Treaty," p. 16.

[37] See "A U.S. Policy of Unfinished Liberation," p. 22.

[38] See "New Pathways For U.S. Leadership," *Congressional Record*, July 17, 1968, pp. H6880–6882.

[39] *Congressional Record*, July 31, 1968, pp. E7198–7199.

U.S. INVOLVEMENT IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 15 minutes.

Mr. BOLAND. Mr. Speaker, I am deeply concerned about American policy in Southeast Asia after learning from the Mansfield report that reinvolvement by the United States has reached, in the words of the Senate majority leader, "disturbing proportions."

The United States should not get too deeply involved in Laos. We must not repeat the mistakes made in South Vietnam. The best way to do this is to reduce our military commitments in Southeast Asia. I particularly want to stress the dangers inherent in American escalation in Laos.

I believe Senator MANSFIELD is correct in calling for an immediate freeze on all official personnel increases, both military and civilian, in Southeast Asia pending a full study of the role of the various American Government agencies there.

I hope the reports are correct that President Nixon has sent out orders to reduce the American presence in Southeast Asian countries. But, if some legislation is necessary to insure such a freeze, I will support it.

U.S. reinvolvement in Laos would contradict President Nixon's new Asian doctrine aimed at reducing America's role in Southeast Asia. The increasing level of U.S. activities in Laos sounds ominous. It is very reminiscent of the way the United States became deeply involved in Vietnam.

Any review of the gradual steps that pulled the United States into Vietnam would indicate that the same thing could slowly and almost imperceptibly be happening again—this time in Laos. And our involvement in Vietnam shows clearly that at a certain point, turning back can be almost impossible.

Apparently we have not yet reached that point in Laos. We must make sure now that we do not. Such a course has already been rejected by the United States, during the 1961–62 period. Our presence in Laos declined following the 1962 Geneva accord on Laos.

Mr. Speaker, I also agree with Senator MANSFIELD's call for a shift away from bilateral U.S. commitments to participation in regional and other multilateral efforts to bring about economic development in Southeast Asia.

The United States must not increase its direct military involvement with any Asian government. Our SEATO treaty commitments, along with the bilateral commitments, must be reexamined. Such moves must be taken now.

THE CASE OF THE GREEN BERETS

The SPEAKER pro tempore (Mr. ROGERS of Colorado). Under previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 60 minutes.

Mr. RODINO. Mr. Speaker, one of the weirdest—and probably cruelest—trials in the military history of this Nation is about to unfold in far-off Vietnam. Twenty-one years ago, when I first joined this body, I would not have believed that one day I would be obliged to stand in the well of this Chamber to accuse military commanders in the field, as well as civilian authorities here in Washington, of offering American servicemen up for sacrifice for selfish motives. Yet, so great is my indignation—and so deep my dismay—over the handling of the case of the Green Berets, that I simply must speak out.

No words of my own can describe the major issue in this case better than the words of my constituent, Capt. Robert Marasco—a much-decorated officer and twice volunteer for Vietnam duty—one of the accused officers. In writing to his wife, Captain Marasco has said:

> I'm not a criminal and anything I did was done with the most patriotic and purest of motives with the approval of my superiors. It is my feeling that I have been deserted by my Army and my country. Please try to still believe in me and have faith in me. Please ask everyone to pray for me and pray for the generals who will decide my life.

Mr. Speaker, as elected representatives of the people, we have an obligation to assure not only our servicemen but all of our citizens that these men will not be deserted by us.

It is not my intention to turn today's proceedings in the House of Representatives into a trial by discussing the incident which gave rise to the case. Officials in the Pentagon, officials from the CIA, and commanders in the field have already violated the Code of Military Justice by leaking to the press their own self-serving and distorted versions of the incident. As a result, passions have been inflamed and rivalries within the military and the Government have been exacerbated.

Instead, I would direct your attention, Mr. Speaker, and the attention of my colleagues to some of the facts concerning the handling of the case, which have already tarnished our system of justice, done irreparable damage to the morale of our servicemen, and caused our country to be held up to ridicule.

THE COMMANDERS IN THE FIELD HAVE VIOLATED ARTICLE 13 OF THE CODE OF MILITARY JUSTICE BY PLACING THE ACCUSED PERSONS IN SOLITARY CONFINEMENT PRIOR TO THEIR TRIAL

Mr. Speaker, Secretary of the Army, Stanley Resor has told Members of Congress that, in his opinion, the handling of this case has been entirely proper—even though he knew that from the very beginning the military commanders demonstrated their bias by violating an act of Congress. When they were arrested, the servicemen were placed in 5-by-7-

foot cells under maximum security in the Long Binh Stockade. They were denied proper ventilation, light, and other appropriate facilities.

Article 13 of the Code of Military Justice expressly prohibits the punishment of persons prior to trial. It states explicitly that—

> Any confinement imposed upon a person being held for trial shall not be more rigorous than the circumstances required to insure his presence.

The legislative history of article 13 removes the slightest shred of doubt as to the impropriety of the punitive confinement that has been imposed in this case. At the close of World War II, one of the most eminent jurists in our Nation's history, the late Arthur T. Vanderbilt—who eventually became the chief justice of the supreme court of my own State of New Jersey—headed a Presidential Commission to investigate military justice. At that time, one of the most flagrant abuses on the part of the military was the practice of confining prisoners who had not yet been tried or convicted under the same types of punitive conditions that were imposed on convicted military criminals. Article 13 was enacted by the Congress to prohibit this type of flagrant miscarriage of justice. In the case of the Green Berets, this law was violated.

As recently as 1968, we in the Congress addressed ourselves once again to the subject of the confinement of military prisoners. In enacting the Military Justice Act of 1968, we made it clear that persons who are actually tried and convicted by our military courts may nevertheless be released from confinement pending their appeal. There is certainly no doubt that we in Congress did not intend that convicted military criminals be treated in a manner more liberal than servicemen who had not yet been tried. Yet, the conditions of the confinement of the Green Berets clearly violated the spirit and purpose of the Military Justice Act of 1968.

THE FIELD COMMANDERS VIOLATED MILITARY REGULATIONS BY KEEPING THE CASE SECRET FROM THE SECRETARY OF THE ARMY FOR ALMOST 2 MONTHS

How can the Secretary of the Army possibly say this case has been handled entirely properly when the field commanders did not inform the Secretary of the case as they were required to do under the so-called Blue-Bell procedure that is prescribed by regulations that were first promulgated and insisted upon by our late President, Dwight D. Eisenhower.

Under this procedure, military regulations require the Secretary to be informed immediately of criminal cases of this type.

In the case of the Green Berets, the alleged murder took place on June 20, the arrests and solitary confinement of the prisoners took place in the middle of July. As late as August 14, no responsible civilian official in the Pentagon was familiar with even the most rudimentary facts concerning the case.

Mr. Speaker, this raises questions which are basic to our entire system of government, questions of effective civilian control over the Army.

THE SECRETARY OF DEFENSE AND THE SECRETARY OF THE ARMY FAILED TO KEEP THEMSELVES PROPERLY INFORMED

How can the Secretary of the Army possibly say this case has been handled entirely properly when there has been an appalling lack of information obtained by the Pentagon. It has not been simply a matter of gaps in communication; instead, the Pentagon appears to have totally isolated itself from the forces in the field by a chasm of vast dimension.

At a time when our President, the Commander in Chief, was in direct communication with the Sea of Tranquility on the Moon, not one official in the Pentagon was concerned with the ocean of ignorance that separated Washington from the tragedy that was unfolding in Vietnam.

Mr. Speaker, I can document the existence of this information gap at the Pentagon by personal correspondence, which I conducted with the Secretary of the Army and the Secretary of Defense. At the conclusion of my remarks I will insert his correspondence in the Record.

Once again, it is significant that the alleged murder took place on June 20 and the prisoners were placed in solitary confinement in the middle of July. As late as August 14, I met with the Under Secretary of the Army, Thaddeus R. Beal, and presented to him a list of 17 questions which I had prepared concerning this case. Mr. Beal was able to provide little information other than to inform me that the Green Berets were being confined to a stockade.

He knew absolutely nothing about the circumstances of the confinement. A half hour after my conference with Mr. Beal, I was able, through the cooperation of the Pentagon, to place a telephone call to my constituent, Captain Marasco, in Vietnam. It was from Captain Marasco that I first learned that he and the other Green Berets were being held in 5-by-7-foot cells in maximum security, that he was allowed only 1 hour in the fresh air each day, and that the circumstances of his confinement were such as to prevent him from having adequate access to his defense counsel.

After learning of this, I immediately communicated with Secretary of Defense Laird, expressing my shock and deep concern and asking him to give the matter his personal attention. For the next several days, I received no information from the Pentagon whatsoever.

On August 16, I received a letter from the Under Secretary of the Army, providing brief answers to only some of my questions. Frankly, I was astounded by the information chasm revealed in Mr. Beal's letter. Among other things, he stated:

> To the best of my knowledge, no official in the Pentagon was informed prior to the arrests being made.

I found this statement to be incredible since the Pentagon had also informed me that an inquiry had, in fact, been initiated in the field 1 month prior to the arrests.

Mr. Beal also stated:

> The victim was a Vietnamese national, whose name, as reported in the press, was Chu Yen Thai Khac. However, the individual's name, employment status and confirmation of his death have not been furnished to headquarters, Department of the Army, by the field command. . . . A detailed description of the physical conditions under which the accused were confined is not available at headquarters, Department of the Army. . . . Headquarters, Department of the Army has no information on how long the pre-trial confinement will continue . . . the identity of the commanding officer who ordered the accused confined has not been furnished to Headquarters, Department of the Army, by the field command.

It staggers my imagination to understand the complete lack of information concerning a case of this magnitude.

INFORMATION HAS BEEN DELIBERATELY WITHHELD FROM MEMBERS OF CONGRESS BY SECRETARY RESOR AND GENERAL COUNSEL OF THE ARMY, ROBERT JORDAN

How can the Secretary of the Army possibly say this case has been handled entirely properly when important information has been deliberately withheld from us. I have been able to piece together, from sources other than the Pentagon, at least some of the important facts concerning this case. Although these facts were obviously known at the Pentagon by September 1, they were deliberately withheld from me and other Members of Congress.

Late in August, Secretary Resor sent a young attorney from the staff of the General Counsel of the Army to Vietnam to investigate the case. The Attorney stayed only a few days in Vietnam—and did not interview any of the accused prisoners. On his return to Washington, he was sent to my office to brief me, as well as other Members of Congress.

In providing us with information, the attorney omitted certain crucial facts which indicate CIA involvement in the case. When I pointed out this significant omission to this young man, he was profuse in his apologies and explained that he had simply forgotten to tell me these facts. In addition, I also asked the young man to provide me with information as to the extent of the delay in appointing defense counsels for the prisoners after they were placed under arrest. He informed me that he had also forgotten to obtain this information while he was in Vietnam.

Because of these omissions, I assumed that he was directed by his superiors to withhold the relevant information.

This assumption was more than substantiated at a conference held in my office on September 8 at which I and the following Members of Congress were present: Representatives Carl Albert, John Culver, Tom Gettys, Clarence Long, Paul Rogers, and Robert Stephens. In purporting to brief us, Secretary Resor and General Counsel Jordan omitted facts which tend to exculpate the Green Berets. They withheld the same information which had previously been withheld by the attorney at the earlier briefing. It was only after this information was called to their attention that they admitted our facts were correct.

Under the circumstances, Mr. Speaker, I doubt that other Members of Congress who were not present at this briefing have ever been objectively briefed.

THE SECRETARY OF THE ARMY HAS SHIRKED HIS RESPONSIBILITY BY REFUSING TO ASSUME JURISDICTION OVER THIS CASE WHICH HE HAS AUTHORITY TO DO UNDER ARTICLE 22 OF THE MILITARY CODE OF JUSTICE

How can the Secretary possibly say this case has been handled entirely properly? Frankly, if the Secretary of the Army really believes that, I shudder to imagine just what kind of flagrant abuses of our servicemen and violations of our laws and our military regulations must exist before he would take any personal action.

In enacting article 22 of the Uniform Code of Military Justice, Congress expressly gave the Secretary of the Army authority to act as a convening authority in any criminal case that occurs in the Army. If ever there were a case which calls for the Secretary's assumption of responsibility—this is certainly the case.

After our lengthy conference with Secretary Resor on September 8, I, and the other Members of Congress present at the conference, joined in a letter to the Secretary. We pointed out all of the mishandling that had occurred and urged him to assume the responsibility that we believe he has a duty to assume under Article 22. A copy of this letter will also be included for the Record at the end of my remarks.

In reply, Mr. Resor has made it clear that he approves of what he refers to as "the normal course of proceedings in this case." He has stated that he has directed that the trial be open only to the extent consistent with security requirements. This means a closed trial.

Mr. Speaker, the proceedings to date have not been normal; they have not been proper; and, in my view, the Secretary is simply shirking his responsibility by bowing to the wishes of the commanders in the field who have already more than amply demonstrated their inability to be impartial.

This trial should be completely open—it should not be conducted in Vietnam and it should not be conducted by the commanders in the field.

As I have said, Mr. Speaker, this will go down as one of the weirdest and probably cruelest trials in military history of our Nation. Nothing, however, can mitigate the bungling that has taken place—nor ameliorate the harsh, unjust treatment already imposed upon men whose principal offense seems to have been serving their country.

And, Mr. Speaker, I and my colleagues are requesting a meeting with Defense Secretary Laird as soon as is possible. We will make known to him our sense of urgency in this matter, and our strong feelings about the mishandling of the case.

The material previously referred to follows:

August 14, 1969.

Hon. Stanley R. Resor,
Secretary of the Army,
Washington, D.C.

Dear Mr. Secretary: I find myself deeply disturbed by the circumstances surrounding the present confinement in a stockade in Vietnam of my constituent, Captain Robert F. Marasco, and the other members of the Fifth Special Forces Group who have been accused of murder and conspiracy to commit murder during the course of their service.

Under Article 10 of the Code of Military Justice, persons who are charged with offenses are subject to confinement of this type only "as circumstances may require". In my view the only circumstances which could possibly justify the type of confinement to which Captain Marasco has been subjected are those in which the arrested person is likely to do harm to others or to himself or is likely to make an effort to escape.

Since the outstanding record of Captain Marasco, who has served with great distinction, indicates beyond doubt that he is a person of moral integrity and that his release from confinement would in no way prejudice the interests of justice, I strongly urge that he be released and be treated in a manner befitting an officer of his caliber. If this is not done, I respectfully request that I be notified of the circumstances which in your opinion justify his continued confinement in a stockade.

As a result of the information which I have received, a number of questions have arisen in my mind concerning this entire case. Some of my specific questions are set forth in detail in an attachment to this letter. I urge your immediate attention and cooperation in supplying accurate and detailed answers.

This matter, which so deeply affects the individual lives of Captain Marasco, the other accused persons, and their families, is one in which the entire nation has a vital concern. I am sure that you share my conviction that it must be handled in an open and forthright manner which will neither prejudice the interests of justice for the individuals involved nor damage our nation's confidence in the role of the military.

Sincerely,

Peter W. Rodino, Jr.,
Member of Congress.

Questions Concerning the Alleged Murder and Conspiracy Charges Against Capt. Robert F. Marasco and Other Members of the Green Berets in the Republic of Vietnam

1. What is the factual basis of the charges against Captain Marasco and the other members of the Fifth Special Forces Group?

2. What is the name and nationality of the person alleged to have been murdered by Captain Marasco and others? Was such person employed by any agency of the United States prior to or at the time of his alleged murder? If such person was employed by an agency of the United States, describe the details and terms of that employment. Has the death of such person been established?

3. Was the person alleged to have been murdered related to or associated with or employed by or otherwise connected with any important personages or activities in Southeast Asia? If so, please specify.

4. Is there any evidence to indicate that the person alleged to have been murdered was employed by or associated in any way with North Vietnam?

5. In the "fact sheet" provided by the Pentagon it is stated that the charges against Captain Marasco and others were instituted subsequent to the conducting of an inquiry. Who ordered the inquiry to be conducted? Who conducted the inquiry? What prompted the inquiry? Were Captain Marasco and the others informed that such an inquiry was being conducted? If so, when? Was any official at the Pentagon notified of the inquiry prior to the arrest of Captain Marasco and the others?

6. Who ordered the arrest of Captain Marasco and the others? Who initiated the charges? When were the charges initiated and when were the arrests made?

7. Describe in detail why each of the suspects are under suspicion.

8. Describe in detail the physical conditions of the detention of the suspects from the time of their arrest to date.

9. Under Article 10 of the Code of Military Justice persons who are charged with offenses and arrested are subject to confinement only "as circumstances may require." What are the circumstances that require the suspects in this case to be subject to total confinement? Is such confinement customary in cases involving officers on active duty who are unlikely to do harm to themselves or others and who are unlikely to make any effort to escape? If such confinement is not customary under these circumstances, what justification is there for confinement with respect to each of the suspects? How long is it contemplated that this confinement will be continued?

10. Why has the investigation under Article 32 of the Code of Military Justice been suspended? When will the investigation be resumed? In view of the fact that the investigation has been suspended, thereby prolonging the great strain placed on the suspects and their families, why have the suspects not been released from total confinement?

11. During the suspension of the proceedings under Article 32, are any fact finding investigations being conducted relative to the charges in these cases? If so, describe the nature of such investigations.

12. Have personnel trained in investigative techniques been placed at the direct disposal of Captain Marasco and the other suspects to assist them in acquiring evidence of help to them in preparing their legal defense?

13. What is the nature of the general duties and functions peculiar to the Special Forces? Are members of the Special Forces ever subject directly to orders—written or verbal—promulgated by the CIA or any other non-military agency of the United States? If so, specify. Were any of the suspects involved in this case subject to any such order in connection with the incident that gave rise to the alleged murder?

14. What are the names and titles of: (1) The officer immediately superior to Colonel Rheault at the time of the alleged murder? (2) The officer in command of the Green Berets in Vietnam at the time of the alleged murder? (3) The name and title of the officer in the Pentagon in command of the entire Special Forces program at the time of the alleged murder?

15. Press reports indicate that the person alleged to have been murdered was a double agent acting for North Vietnam. Does the Department of the Army have an established policy regarding the treatment afforded such agents by the military? If so, describe that policy.

16. Describe the activities of Captain Marasco's unit, participation in it by non-American personnel and its relationships with the Army and intelligence units in Vietnam.

17. Has the Republic of Vietnam indicated in any way that Captain Marasco and any of the other suspects in this case will be subjected to criminal prosecution in any of the courts of Vietnam in the event that there is no prosecution by military authorities of the United States?

August 16, 1969.

Hon. Peter W. Rodino, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Rodino: This is in reply to your letter of 14 August 1969 concerning the case of Captain Robert F. Marasco and other members of the Fifth Special Forces Group who have been charged with murder and conspiracy to commit murder.

I certainly share your concern that this case, as well as any other case involving alleged criminal conduct, be handled in a manner that will neither prejudice the rights of the persons concerned nor damage public confidence in the military.

With respect to the question of Captain Marasco's pretrial confinement, the Manual for Courts-Martial, United States, 1969 (Revised edition) provides at paragraph 20c that "confinement will not be imposed pending trial unless deemed necessary to insure the presence of the accused at the trial or because of the seriousness of the offense charged."

As you may know, Major General George L. Mabry, Jr., the Commanding General, The Support Troops, on 15 August 1969 denied Captain Marasco's request to be released from confinement. In this connection, Captain Marasco has the right to petition the United States Court of Military Appeals for a writ of habeas corpus. The Supreme Court in *Noyd v. Bond*, decided 16 June 1969, affirmed the right of a military prisoner to seek his release from pretrial confinement through those channels.

With respect to the questions posed in your letter, information is not available at Headquarters, Department of the Army, as to Questions 1, 3, 7, 11, and 12. Answers or partial answers to Questions 2, 4, 5, 6, 8, 9, 10, 13, 14, 15, 16, and 17 are inclosed in unclassified form based on information available at Headquarters, Department of the Army.

I trust the foregoing will be of assistance to you.

Sincerely,

THADDEUS R. BEAL,
Under Secretary of the Army.

QUESTIONS CONCERNING THE ALLEGED MURDER AND CONSPIRACY CHARGES AGAINST CAPTAIN ROBERT F. MARASCO AND OTHER MEMBERS OF THE GREEN BERETS IN THE REPUBLIC OF VIETNAM

2. Q. What is the name and nationality of the persons alleged to have been murdered by Captain Marasco and others? Was such person employed by any agency of the United States prior to or at the time of his alleged murder? If such person was employed by an agency of the United States, describe the details and terms of that employment. Has the death of such person been established?

A. The victim was a Vietnamese national whose name, as reported in the press, was Chu Yen Thai Khac. However, the individual's name, employment status and confirmation of his death have not been furnished to Headquarters, Department of the Army, by the field command.

4. Q. Is there any evidence to indicate that the person alleged to have been murdered was employed by or associated in any way with North Vietnam?

A. Information has been received that Captain Marasco suspected the victim to be a NVA (North Vietnamese Army) agent. Supporting evidence for such a belief is not available at Headquarters, Department of the Army.

5. Q. In the "fact sheet" provided by the Pentagon it is stated that the charges against Captain Marasco and others were instituted subsequent to the conducting of an inquiry. Who ordered the inquiry to be conducted? Who conducted the inquiry? What prompted the inquiry? Were Captain Marasco and the others informed that such an inquiry was being conducted? If so, when? Was any official at the Pentagon notified of the inquiry prior to the arrest of Captain Marasco and the others?

A. Major General George L. Mabry, Jr., Commanding General, The Support Troops, U.S. Army Vietnam, directed the preliminary inquiry pursuant to paragraph 33*a*, *Manual for Courts-Martial, 1969*, on 20 July, 1969. The inquiry was prompted by the results then available from an Army criminal investigation. The inquiry was conducted by Colonel Ed V. Hendren. It is unknown in Headquarters, Department of the Army, whether Captain Marasco and the other accused were informed of this inquiry. They were informed of the charges against them on 24 July 1969. To the best of my knowledge, no official in the Pentagon was informed prior to the arrests being made.

6. Q. Who ordered the arrest of Captain Marasco and the others? Who initiated the charges? When were the charges initiated and when were arrests made?

A. Colonel Ed V. Hendren preferred charges against the eight accused on 24 July 1969, based on the evidence revealed in his inquiry. The accused were confined on the following dates: CWO Boyle, 12 July 1969; Major Crew, 14 July 1969; Captain Marasco, 16 July 1969; Major Middleton, 17 July 1969; Captain Brumley, 18 July 1969; Captain Williams, 19 July 1969; Colonel Rheault, 21 July 1969; SFC Smith, 24 July 1969. The identity of the commanding officer who ordered the accused confined has not been furnished to Headquarters, Department of the Army, by the field commander.

8. Q. Describe in detail the physical conditions of the detention of the suspects from the time of their arrest to date.

A. All accused are confined in the US Army Vietnam Installation Stockade, Long Binh, Republic of Vietnam, except Colonel Rheault, who is confined in a trailer at Long Binh Post. A detailed description of the physical conditions under which the accused are confined is not available at Headquarters, Department of the Army.

9. Q. Under Article 10 of the Code of Military Justice persons who are charged with offenses and arrested are subject to confinement only "as circumstances may require." What are the circumstances that require the suspects in this case to be subject to total confinement? Is such confinement customary in cases involving officers on active duty who are unlikely to do harm to themselves or others and who are unlikely to make any effort to escape? If such confinement is not customary under these circumstances, what justification is there for confinement with respect to each of the suspects? How long is it contemplated that this confinement will be continued?

A. No person may be placed in pretrial confinement except for probable cause. Only a commanding officer to whose authority the individual is subject may order a commissioned officer or warrant officer into confinement. The person who orders the confinement must have personal knowledge of the offense or have made inquiry into it. Full inquiry is not required, but the known or reported facts should be sufficient to furnish reasonable grounds for believing that the offense has been committed by the person to be restrained. Although charges must be preferred without undue delay, they need not be preferred against the individual prior to his confinement. After he has been placed in confinement, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him (Article 10, Uniform Code of Military Justice, title 10, US Code, section 810). Confinement will not be imposed pending trial unless deemed necessary to insure the presence of the accused at the trial or because of the seriousness of the offense charged (para. 20c, Manual for Courts-Martial, 1969 (Revised edition)). The suspects were placed in pretrial confinement because they are charged with premeditated murder and conspiracy to commit murder. Pretrial confinement is customary when a service member is charged with murder, whether he is an officer or an enlisted man. Headquarters, Department of the Army, has no information on how long the pretrial confinement will continue.

10. Q. Why has the investigation under Article 32 of the Code of Military Justice been suspended? When will the investigation be resumed? In view of the fact that the investigation has been suspended, thereby prolonging the great strain placed on the suspects and their families, why have the suspects not been released from total confinement?

A. The Article 32 investigation was recessed on 2 August 1969 as a result of a request by Captain Marasco's appointed defense counsel, and joined in by the other defense counsel, for documents and a witness. Their availability having been determined, the investigation is scheduled to reopen on 20 August 1969.

13. Q. What is the nature of the general duties and functions peculiar to the Special Forces? Are members of the Special Forces ever subject directly to orders—written or verbal—promulgated by the CIA or any other non-military agency of the United States? If so, specify. Were any of the suspects involved in this case subject to any such order in connection with the incident that gave rise to the alleged murder?

A. US Army Special Forces are military personnel with cross training in basic and specialized military skills, organized into small, multiple purpose detachments with the mission to train, organize, supply, direct, and control indigenous forces in guerrilla warfare and counterinsurgency operations, and to conduct unconventional warfare operations. The mission of Special Force is:

(1) Plan and conduct unconventional warfare operations which are operations conducted for military, political or economic purposes within an area controlled by the enemy and making use of the local inhabitants and resources. It includes the three interrelated fields of guerrilla warfare, escape and evasion and subversion. It is usually supported and directed in varying degrees by an external source.

(2) Plan, conduct and support stability operations which are defined as that type of internal defense and internal development operation and assistance provided by the Armed Forces to maintain, restore or establish a climate of order within which responsible government can function effectively and without which progress cannot be achieved.

(3) Plan and conduct direct action missions which are peculiar to Special Forces due to their organization, training, equipment and psychological preparation. Direct action missions are those highly specialized assignments which are directed against specific strategic targets, the destruction of which has been determined to be mandatory.

As assigned members of US Special Forces organizations, individual personnel are not subject directly to orders—written or oral—promulgated outside the military chain of command. From time to time individual Army personnel have been detailed for duty with nonmilitary agencies of the US Government; in such cases the Army personnel concerned are subject directly to orders—written and verbal—of the nonmilitary agency concerned. Special Forces personnel have occasionally been detailed for duty with nonmilitary agencies of the US Government. During such periods of duty they are not officially associated with the US Army Special Forces. Although no information has been received from the field command, Army Staff experience indicates that the suspects involved in this case were not subject to orders from outside the military chain of command.

14. Q. What are the names and titles of: (1) The officer immediately superior to Colonel Rheault at the time of the alleged murder? (2) The officer in command of the Green Berets in Vietnam at the time of the alleged murder? (3) The name and title of the officer in the Pentagon in command of the entire Special Forces program at the time of the alleged murder?

A. The Commanding Officer of the 5th

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Special Forces Group (Colonel Rheault) served under the *command* of the Deputy Commanding General, USARV, who is Lieutenant General Frank T. Mildren. This command relationship principally involved the administrative and logistical aspects of the 5th Special Forces Group. The Commanding Officer of the 5th Special Forces Group was under the *operational control* of COMUS MACV, who is General Creighton W. Abrams, whose authority is normally exercised through the J–3, MACV, who is Brigadier General Edward Bautz, Jr. *Operational control* is the authority granted to a commander to direct forces assigned so that the commander may accomplish specific missions or tasks which are usually limited by function, time or location; to deploy units concerned and to retain or assign tactical control of those units.

Robert B. Rheault, Colonel, U.S. Army, was the Commanding Officer, 5th Special Forces Group, at the time of the incident.

There is no officer in the Pentagon "in command" of the entire Special Forces program. Various subordinate elements of the Department of the Army Staff exercise policy supervision over their functional area of the Special Forces program. For example:

Assistant Chief of Staff for Force Development is responsible for supervising policy matters involving doctrine, force structure, and unit training.

Deputy Chief of Staff for Personnel is responsible for policy matters concerning individual training, morale, welfare, etc.

Deputy Chief of Staff for Military Operations is responsible for supervising policy matters concerning operational concepts.

Deputy Chief of Staff for Logistics is responsible for supervising policy matters concerning logistics.

The deployed and operational Special Forces units are under the command of the Army Component Commander of the Unified Command in which they are serving. For example, the 8th Special Forces Group in the Canal Zone is under the command of Commander, U.S. Army South, which is the Army Component Command of Commander in Chief, South.

The Chief of Staff of the Army is the senior member of the Army Staff. The position of Chief of Staff of the Army is without inherent power of command.

15. Q. Press reports indicate that the person alleged to have been murdered was a double agent acting for North Vietnam. Does the Department of the Army have an established policy regarding the treatment afforded such agents by the military? If so, describe that policy.

A. Yes. This information is contained in classified Army and Defense Intelligence Agency regulations and field manuals.

16. Q. Describe the activities of Captain Marasco's unit, participation in it by non-American personnel and its relationships with the Army and intelligence units in Vietnam.

A. The subordinate unit of 5th Special Forces Group to which Captain Marasco was reportedly assigned was under the direct operational control of Military Assistance Command, Vietnam. The details of participation in this unit by non-American personnel and its relationships with the Army and intelligence units in Vietnam are not known at Headquarters, Department of the Army.

17. Q. Has the Republic of Vietnam indicated in any way that Captain Marasco and any of the other suspects in this case will be subjected to criminal prosecution in any of the courts of Vietnam in the event that there is no prosecution by military authorities of the United States?

A. No contact has been made with the Government of the Republic of Vietnam with respect to this case. United States military personnel in Vietnam are subject to the exclusive criminal jurisdiction of the United States.

Washington, D.C.,
August 14, 1969.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: This morning I spoke with Acting Secretary of the Army Thaddeus Beal concerning the alleged murder charges against my constituent, Captain Robert Marasco and other members of the Green Berets in Viet Nam. I delivered to the Acting Secretary a letter and series of questions, copies of which are enclosed.

After returning to my office, I spoke on the telephone to Captain Marasco in Viet Nam, and was shocked to learn that he and the others are currently being held under maximum security in 5 x 7 foot cells. In my view, this extraordinarily severe treatment is unwarranted under Article 10 of the Military Code of Justice.

Under the circumstances, I urge that you give this matter your personal consideration.

Sincerely,

Peter W. Rodino, Jr.,
Member of Congress.

Department of the Army,
Washington, D.C., August 19, 1969.

Hon. Peter W. Rodino, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Rodino: Secretary of Defense Laird has asked that I respond to your letter of August 14 to him concerning the confinement of Captain Marasco and others in Vietnam. As you are aware from the announcement by U.S. Army Vietnam on 18 August, the custody grade of the accused has been changed to that of installation parolee.

The six officers and one warrant officer charged are confined to a BOQ-type building and an adjacent mess hall. The enlisted man charged is under similar confinement in a different area.

Isolation of the prisoners which was necessary during one phase of the investigation no longer is required.

I hope this information will be of assistance to you.

Sincerely,

Thaddeus R. Beal,
Acting Secretary of the Army.

Washington, D.C.,
September 9, 1969.

Hon. Stanley R. Resor,
Secretary of the Army,
Washington, D.C.

Dear Mr. Secretary: We wish to express to you our distress and indignation over the manner in which the case involving the Special Forces personnel in Vietnam is being handled.

From its very inception, the case has raised serious doubts both as to the ability of the Commanders in the field to conduct fair and impartial proceedings and the extent to which you are exercising your responsibility as a civilian authority over the Army.

It is clear that the original solitary confinement of the accused persons in 5 x 7 foot cells was punitive in nature and in direct violation of Article 13 of the Code of Military Justice. It is also clear from the letter of August 16, 1969, from Thaddeus R. Beal, Undersecretary of the Army, that neither you nor any other responsible civilian official in the Pentagon was properly informed of even the rudimentary facts and circumstances in this case more than two months after the alleged murder took place and one month after the prisoners were placed in solitary confinement.

Further, mishandling of this case is indicated by the failure to provide Defense Counsels in a timely manner, as well as by the fact that General Mabry ordered the original arrests and is, nevertheless, the convening authority of the present proceedings under Article 32. Still further improprieties are indicated by public disclosures made to the press by civilian officials.

All of the facts now available to us lead to the conclusion that the handling of this case to date has been characterized by intra-service rivalries, bureaucratic mismanagement and an irresponsible disregard for the rights of the accused persons, as well as for the serious adverse effects of the proceeding on the morale of servicemen.

Our National interest has already suffered greatly and will suffer even greater and more irreparable damage unless you exercise your authority under the law to preempt jurisdiction over the legal proceedings and to assert jurisdiction in your capacity as Secretary. It is only by taking such a step that the individual servicemen involved, as well as the entire American people can possibly be afforded any assurance that further investigations or legal proceedings will be properly conducted.

We urge that you assert your jurisdiction as soon as possible and we await your prompt reply.

Respectfully,

Clarence D. Long,
Carl Albert,
Tom S. Gettys,
Peter W. Rodino, Jr.,
Paul G. Rogers,
John Culver,
Robert G. Stephens, Jr.,
John J. Flynt, Jr.,

Department of the Army,
Washington, D.C. September 18, 1969.

Hon. Peter W. Rodino, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Rodino: This is in response to the letter which you and your colleagues recently sent me concerning the Green Beret case.

I am enclosing a statement being made today by Major General George Mabry, Jr., the convening authority, announcing that he is referring the charges against six of the eight defendants for trial by general court-martial; charges against the other two defendants will be held in abeyance. In addition, I am announcing today my decision not to intervene in the convening authority's action and to allow the case to take the course prescribed by the Uniform Code of Military Justice. The reasons for my decision are contained in my statement.

I cannot agree with the assertion in your letter that the handling of the case has been characterized by intra-service rivalry, mismanagement, or disregard for the rights of the accused. My investigation of this matter has shown that the charges were preferred and confinement ordered only after careful investigation and serious review by responsible officials in Vietnam who acted at each stage only after consulting their respective Staff Judge Advocates. There has inevitably been some public confusion about the case. The confusion has resulted to large extent from the Army's inability to discuss the facts of the case without prejudicing the rights of the men involved.

I appreciated the opportunity to discuss this case with you and your colleagues during our recent meeting. I have given the views expressed in your letter and during our meeting very careful consideration in reaching my decision.

I am sending a similar letter to each of your colleagues who joined in the recent letter to me.

Sincerely,

Stanley R. Resor,
Secretary of the Army.

Statement From Headquarters, U.S. Army, Vietnam

Major General G. L. Mabry, Jr., Commanding General, The Support Troops, United States Army Vietnam, has directed trial by general court-martial of the charges of murder and conspiracy to commit murder against Colonel Robert B. Rheault, Major David E.

Crew, Major Thomas C. Middleton, Jr., Captain Leland J. Brumley, Captain Robert F. Marasco, and Captain Budge E. Williams. All cases will be treated as not capital. Charges against Captains Brumley, Marasco and Williams will be referred for a common trial. It is anticipated that the Government will be prepared to proceed with the trial of their case in about three weeks.

Charges against Colonel Rheault and Majors Crew and Middleton will be referred for a common trial by a different court. The trial date for Colonel Rheault and Majors Crew and Middleton will be determined later. Charges against CW2 Edward M. Boyle and SFC Alvin L. Smith, Jr. are being held in abeyance pending the trial of the other cases.

Statement of Secretary of the Army Stanley R. Resor

Major General George L. Mabry, Jr., Commanding General, The Support Troops, U.S. Army Vietnam, has announced today that he was referring to trial charges of murder and conspiracy to murder in the case of certain personnel assigned to the 5th Special Forces Group in Vietnam. The convening authority determined that charges against six of the eight men should be referred for trial on a noncapital basis by general court-martial. Charges against two men are being held in abeyance at this time.

I have been urged by some to remove jurisdiction from the Command in Vietnam and dismiss the charges. After careful deliberation, and on the basis of facts currently available to me, I have concluded that it would be unwise and unjustified for me to interfere with the normal course of proceeding in this case. Preparations for a full and fair trial will go forward. I have directed that the trial be open to the extent consistent with security requirements.

Historically, we have placed great faith in our system of criminal trial as a fair and effective way of resolving disputed questions of fact and law and of assuring justice to all. Except where the most compelling reasons exist, our carefully developed legal procedures should not be shortcut. As a lawyer and as Secretary of the Army, I believe firmly in the efficacy of the traditional process and in the fairness of our basic procedures under the Uniform Code of Military Justice. A trial, accompanied by the arguments of counsel for both sides, and the availability of necessary witnesses, will provide a chance for full exploration of matters bearing on innocence, guilt, excuse, justification, mitigation or extenuation.

Comprehensive information will be presented before the members of the general court-martial and will be preserved in a complete record for other reviews which are required under the Uniform Code. Following trial there is a post-trial review by a Staff Judge Advocate. This is followed by action by a convening authority, who may disapprove findings of guilt, if any, and mitigate sentences imposed. Subsequently, there is an opportunity for appellate review with respect to questions of fact and law by the Court of Military Review, composed of senior Judge Advocates independent of the convening authority. Unlike most civilian appellate courts, this court is also required to determine whether any sentence approved by the convening authority is appropriate in the circumstances. The court may reduce sentences but may not increase them. After this appellate review, there is an opportunity to seek review of questions of law in the United States Court of Military Appeals, which consists of three civilian judges. In addition, with respect to sentences, the Judge Advocate General as well as the Under Secretary and Secretary of the Army can exercise clemency power. Because this matter will be coming to trial, it would not be appropriate for me to make any additional comments.

September 21, 1969.

Dear Congressman Rodino: We are writing to you in behalf of our Son Capt. Robert F. Marasco.

In the course of our daily lives many questions are being asked concerning our Son Bob. One in particular which is very upsetting to us is, that Bob would talk to the youngsters in our family and others about his feelings for the Army and the Military, explaining to them that what he was doing was for the good of our country. That he was helping to make this a better world for them to live in.

They were so proud of him and now they come to us and say Aunt Em or Mr. & Mrs. Marasco if Bob was doing the right thing then, why are they doing this to him now? Of course we had no logical answer and we would explain that we would write to our Congressman to see if he could come up with an answer for them. Another thing when Bob announced that he was returning to Vietnam after he had finished his tour of duty there, many people told him he was crazy for going back to Vietnam and further risking his life for something which to us & them seems hopeless, but being a dedicated Soldier he felt that this was his duty, so that some day his children could also live in a better world.

Our Son has always conducted himself with honor as a boy and a man and needless to say we always have felt very proud of him because his endeavors were always honestly motivated.

Words cannot express our deepest gratitude for all you have done and are doing in behalf of our Son and all the other men in this with him. May the good Lord continue to give you the strength to fight for just causes.

Sincerely,

Mr. and Mrs. Frank J. Marasco.

[From the New York Times]

Making a Mess Messier

If Secretary of the Army Stanley R. Resor really believes that the Green Beret murder-and-espionage case in Vietnam "is being properly handled by all concerned," he must be very nearly alone in his conviction. It is dismaying that he did not take advantage of the trip to Vietnam to clear up a host of questions about this tragic and messy affair.

The question of whether Col. Robert R. Rheault and the seven other Special Forces men will be court-martialed for the killing of a South Vietnamese agent is *sub judice*, but some puzzling aspects of the case could be clarified without prejudice to that decision.

Indeed, one of the most disturbing aspects of the whole episode is that—even though Secretary Resor deems it inappropriate to release any more "substantive" information at this time—nearly every other involved party is releasing or leaking what purports to be "substantive" information that tramples on the rights of the not-yet accused and bewilders the public.

Central Intelligence Agency sources, for example, have now leaked their version of events, denying that the C.I.A. ever advised the Green Berets to "terminate" the suspected double agent. Earlier leaks, obviously from Army or Special Forces sources, indicated that the C.I.A. first recommended killing the agent; then, after the event, ordered for the record that he be spared, presumably to absolve the C.I.A.

No one has yet explained why the Army, while presumably merely investigating the affair, felt it necessary to put seven of the men in solitary confinement in a maximum security prison—then wait two weeks to make it public in a release that left unclear if they were being charged with murder or not.

The fact is, *pace* Mr. Resor, that the case has been abominably handled "by all concerned," and clarification is long overdue. Has this affair been used to prosecute old feuds among the intelligence agencies? Were the Green Berets operating on too loose a rein? Has the Army tried to use the occasion to curb the Special Forces and discredit the C.I.A., or is it the other way around? Answers can be obtained without interfering with the administration of justice.

Spying is a dirty, murky—but necessary—business. Most Americans are still uncomfortable about having to be in it at all. But there are aspects that Congress and the country have a right to know about. The unpopularity of the Vietnam war is merely enhanced by the present evidence of inter-agency back stabbing.

[From the Newark (N.J.) Sunday News, September 21, 1969]

Justice for Berets

One of the weirdest, if not cruelest, trials in American military history will culminate in the court martial of six Green Berets.

The six officers—a colonel, two majors and three captains, all with exemplary records—are charged with complicity in the slaying of a Vietnamese suspected of being a double agent. The other Special Services troopers who had been subjected to the same privations as the officers won't be tried, at least not right away. Defense counsel concludes, and quite reasonably, the two will be called as prosecution witnesses.

What will be used to substantiate a charge of murder is one of the mysteries of this bizarre case. For one thing, there is no corpus delecti. If there is one, it's supposed to be somewhere in the South China Sea.

The prosecution is said to possess an alleged murder weapon. If so, the defense contends it was obtained by illegal means. Illegalities, whether under civil or military law, abound. Charges, which are supposed to be read within 24 hours after arrest, weren't presented for a week. Initially the defendants were denied access to counsel. In fact, they were kept in virtual solitary confinement for 30 days, some in 5x7 cells.

One of the defendants, Capt. Robert F. Marasco of Bloomfield, managed to send word to his family saying he acted under orders at all times. A key question remains, whose orders? Another is, which one? For there appears to have been at least two, one ordering the suspected agent's assassination, the other sparing his life.

The CIA is implicated but denies any responsibility. In the Army the buck has been passed all the way up the chain of command to the theater commander, Gen. Creighton Abrams.

A trial may be needed, not only to pentrate the confusion surrounding the case but also to allow the Green Berets a chance to clear their names. "Nothing, however, can mitigate the bungling that has taken place—nor ameliorate the harsh, unjust treatment already imposed upon men whose principal offense seems to have been serving their country."

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Florida who has already joined with me in conference with Secretary Resor and has worked hard on this matter.

Mr. ROGERS of Florida. Mr. Speaker, first of all, I want to say that on my own part—and I am sure for the other Member of Congress as well as the public—we are all very grateful for the leadership that the gentleman from New Jersey (Mr. Rodino) has shown and the initiative which he has taken in order to see that a full investigation is carried on as to actually what has happened. I cer-

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tainly join with the gentleman and all of my colleagues in expressing my concern over the manner in which the Department of the Army has mishandled the "Green Beret" case.

The whole sorry situation has created, or re-created, an air of buckpassing within the military. The American public witnessed the military's ineptness in the *Pueblo* and later the flying *Pueblo* and now sees eight American servicemen literally captured by our own forces. Combined with the *Pueblo* and the flying *Pueblo*, we have now witnessed incompetence of leadership on land, sea, and in the air.

I am disappointed that the Secretary of the Army has refused to enter into this case and I am equally disappointed that the Secretary of Defense and the President have allowed this to continue in such a haphazard fashion to the present point.

The eight men have been charged with murder and conspiracy to commit murder. These charges are based on the assumption that they killed an enemy spy—a double agent working for the Government of North Vietnam, the enemy of the United States.

For following orders, they have been charged with murder, subject to loss of their constitutional rights and were confined in solitary confinement in 5 by 7 cells.

I am afraid that if this case continues along the same lines it has proceeded, it will establish a dangerous precedent where any American serviceman can be charged for murder when, in the course of his following orders, he kills an enemy.

I sincerely hope that the protest raised here today will indicate to the Secretary of Defense and the President that the American public has reached the point where they want to know that the military will stand behind its fighting men.

Mr. RODINO. I thank the gentleman from Florida for his remarks.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr RODINO. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Speaker, I would like to commend the gentleman from New Jersey (Mr. RODINO) for taking the time this afternoon to present this case in the manner in which he has presented it. I would also like to commend him for quite properly taking the lead among Members of Congress in a dialog between the legislative branch of Government and the Secretary of the Army.

I think that any fair and impartial observer and any person who would look at this matter objectively would certainly agree that the gentleman from New Jersey acted in a proper manner to let the Secretary of the Army know of the deep concern which Members of Congress feel over the manner in which this case involving eight members of the 5th Special Forces Group has been handled.

Mr. Speaker, in the first place, the action of whatever commander was involved in ordering confinement—solitary confinement—of these eight American servicemen is, to the best of my knowledge, unheard of in the history of military justice, certainly in the history of American military justice since the Uniform Code of Military Justice was enacted following World War II.

As the gentleman from New Jersey so well pointed out, the only purpose which is supposed to be served in ordering confinement of any military personnel who only stands accused is to assure the presence of such military personnel when his case is called for trial. No such doubt was present in this case.

In this case the six officers, one warrant officer and one noncommissioned officer were ordered into confinement and into solitary confinement, without any justification which has been made known to interested Members of Congress.

In our effort to notify the Secretary of the Army, and through him the commanders in the field, of the deep concern which we feel, Mr. Speaker, in return we have been given misleading statements, possibly amounting to misstatements in fact, and certainly including deliberate omissions of material information to which Members of Congress are entitled.

In the statement of the Secretary of the Army which was released contemporaneously and simultaneously with his letter to some of us dated September 18, 1969, the Secretary of the Army made this statement:

> I have been urged by some to remove jurisdiction from the command in Vietnam and dismiss the charges.

The first clause of that sentence is accurate. It is true that certain people, including Members of Congress, urged the Secretary of the Army to remove jurisdiction from the command in Vietnam, but to the best of my knowledge not any one of us, nor anyone else with whom I have been in communication, has ever urged the Secretary of the Army to take any substantive action on the merits of this case such as dismissing the charges. We have not gone into the question of guilt. The most that we have ever asked is that he take a procedural action.

Several newspaper articles which followed the Secretary's statement of September 18, and his letter addressed to us of same date referred to Members of Congress urging the Secretary of the Army to dismiss these charges. While I certainly would not attempt to speak for any other Member of Congress except myself, I would like to say that I certainly have never urged the Secretary of the Army to dismiss the charges.

I repeat, Mr. Speaker, that we have urged the Secretary of the Army to take certain procedural action in connection with this case because we feel that it is necessary for him to do so in order to preserve the legal rights, military rights, and the constitutional rights of the six officers who have been ordered to trial under the charges of first, murder; and second, conspiracy to commit murder, as well as the two against whom charges are being held in abeyance.

Mr. Speaker, it is unfortunate that we do not have all of the facts of this case which we would like to have. We do not feel we have been given the information to which we are entitled to be given by the Secretary of the Army.

Each of us has continued to express grave concern about the disregard of the rights of the eight accused. We feel among other things that it is imperative that the jurisdiction be preempted by the Secretary of the Army and that it be removed from the command in Vietnam because of certain command influences and certain command pressures which we feel will make it impossible for these men to receive a fair trial as we in the Congress understand the meaning of the term "a fair trial." These pressures, even if unspoken, are already sufficient to preclude a fair trial.

As one who has studied law and one who has had at least a modicum of experience in the practice of the law, I feel that several legal, military, and constitutional rights of these men who are charged with murder and conspiracy to commit murder have been violated by certain commanders in the field and by the Secretary of the Army.

I think the action announced by the gentleman from New Jersey today in now going to the Secretary of Defense and asking him to now do what the Secretary of the Army should have done weeks ago is in the interests of justice, not only as it applies to these eight members of the Special Forces, but as it applies to every member of the Armed Forces of our country.

Mr. Speaker, I do not believe any American citizen forfeits his legal or constitutional rights when he joins the U.S. Army or any other branch of the U.S. Armed Forces.

The members of the Special Forces are what we might refer to as triple volunteers. They are Regular Army. They are jump qualified. Each has specifically volunteered for service in the Special Forces.

It sems to me that the Army has been unfair and unjust in the handling of these charges against these men. I hope the gentleman from New Jersey will communicate with his constituent, Captain Marasco and tell him that while he may feel he has been deserted by certain people in the Army—to emphasize to him that he has not been deserted by the gentleman from New Jersey or by the Congress of the United States.

Mr. RODINO. I thank the gentleman and thank him for his contribution, especially I want to thank him for emphasizing again and clarifying the point which we made and which he joined in making, in our letter to Secretary Resor that we wanted him merely to preempt jurisdiction in this case and we did not ever urge him to dismiss the charges.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. STEPHENS. Mr. Speaker, I thank the gentleman from New Jersey for having provided the opportunity for us to speak on this subject. There are only two things I would like to add to what has been said. First, I wish it to be understood very clearly that none of us is in anywise seeking to interfere with military justice or a trial under military law. Also, however, I want it to be very plain that we are not satisfied that once the present procedure was decided upon, it was the right course for the case to take. That is the chief protest I would like to make.

I thank the gentleman very much for yielding to me.

Mr. GETTYS. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from South Carolina.

Mr. GETTYS. Mr. Speaker, I thank the gentleman for yielding to me. I will not consume a great deal of time on this subject, but I would like to thank and commend the gentleman from New Jersey, my good friend (Mr. RODINO), for the leadership he has demonstrated in tackling this great problem for all the people of this country.

I am also glad to observe the participation of so many Members of the House in this protest that we have made to the Secretary of the Army and others in authority over the treatment of these fine, dedicated American officers who have been maligned and who were apprehended in such a manner that even the lowest criminals in civilian life are not treated. The image that has been created with the American people about military justice and its procedures is at its lowest ebb in the history of our country. I associate myself with the remarks of the gentlemen who have spoken this afternoon, and I pledge to you my continued support of protest and efforts in behalf of these fine young men and also the people of this country, who are entitled to be assured that if their boys are going to foreign soil to fight an enemy, they will not get over there and discover that we are fighting among ourselves. I think it is our duty as Members of the House to attempt to protect the rights of our boys in Vietnam who are fighting our battle against communism.

Mr. RODINO. I thank the gentleman for his remarks.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I wish to join in thanking the distinguished gentleman for his leadership in this matter. I share his concern about these American servicemen and their families, and his determination that their rights shall be protected.

The gentleman has raised some basic questions in his statement which ought to be answered. The people's Representatives have the right to nothing less than the truth, the whole truth, and nothing but the truth from the Pentagon in all matters, and specifically from the Secretary of the Army in this matter, and the American people have the right to know, and the servicemen who are their husbands, fathers, and sons have the right to know that when they put on the uniform of this country, their rights as American citizens will be protected, that they shall not have to sacrifice basic rights as a part of the price they pay for fighting for our country and risking their lives in its behalf.

I want to thank the gentleman for his leadership in this case, and I want him to know that I share his determination that in this case justice shall be done and the rights of these men shall be protected.

Mr. RODINO. I thank the gentleman.

Mr. MINISH. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to my colleague from New Jersey.

(Mr. MINISH asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. MINISH. Mr. Speaker, I also want to join with my colleagues in commending the gentleman from New Jersey for the leadership he has shown in behalf of the Green Berets. The Nation owes a debt of gratitude to Congressman RODINO and his colleagues for the work they have done in behalf of these accused men.

Mr. Speaker, it is necessary to bring to the attention of my colleagues some facts about the forthcoming court-martial being brought against Maj. David E. Crew, Maj. Thomas C. Middleton, Jr., Capt. Leland J. Brumley, Capt. Budge E. Williams, Capt. Robert F. Marasco, and Col. Robert B. Rheault, the former commander of the Special Forces in Vietnam.

These men will soon be standing trial on charges of conspiracy and noncapital murder in the second degree as the result of the absence of Thai Khac Chuyen on June 20. Chuyen, a Vietnamese national, is alleged to have been a double agent, working for both the Americans and the North Vietnamese. The court-martial will be held in Vietnam.

The accused servicemen had been kept in solitary confinement, in 5- by 7-foot cells, until the charges against them were made public. These officers, considered to be of the highest caliber in order to have qualified for the Special Forces, were not permitted to telephone their families when informed of the charges being brought against them. They were told that their families could read about it in the newspapers. They could not even contact their attorneys at will, since telephone lines were not made available to them. Under our judicial system, anyone charged with even the most heinous crime is entitled to his rights under the Constitution, and surely, being locked in a small and solitary cell is punitive to the victim. It is therefore questionable, in light of their earlier treatment, whether the accused servicemen could receive a fair trial should the proceedings be held in Vietnam, as now scheduled.

Since the Army has played the role of cop and prosecutor in this case, should it now play the role of judge? The charges against the servicemen are grave ones. The Army is prosecuting the case against them, and I think it would be a saner and wiser course of action were Secretary Resor to assert his civilian authority and remove the defendants to a neutral arena.

Capt. Robert F. Marasco of Bloomfield, N.J., one of the accused servicemen, has said:

> Anything I did was done with the most patriotic and purest of motives, and with the approval of my superiors.

We must remember that these are men who have offered to their country the most precious gift a man can make; his life.

I want to join with my colleagues in commending the gentleman from New Jersey for his determination in behalf of the eight Green Berets.

I conclude by inserting in the RECORD two editorials that I think will prove of interest to my colleagues:

[From Forbes magazine, Sept. 15, 1969]

Facts and Comments

Have you heard in a long time of anything more stupid than the Army's arrest of the eight green berets, including the commanding officer? I hope the Army guys who made that decision are not still in charge of anything important to this country's military well-being.

[From the New York Times, Sept. 4, 1969]

Making a Mess Messier

If Secretary of the Army Stanley R. Resor really believes that the Green Beret murder-and-espionage case in Vietnam "is being properly handled by all concerned," he must be very nearly alone in his conviction. It is dismaying that he did not take advantage of the trip to Vietnam to clear up a host of questions about this tragic and messy affair.

The question of whether Col. Robert R. Rheault and the seven other Special Forces men will be court-martialed for the killing of a South Vietnamese agent is *sub judice*, but some puzzling aspects of the case could be clarified without prejudice to that decision.

Indeed, one of the most disturbing aspects of the whole episode is that—even though Secretary Resor deems it inappropriate to release any more "substantive" information at this time—nearly every other involved party is releasing or leaking what purports to be "substantive" information that tramples on the rights of the not-yet accused and bewilders the public.

Central Intelligence Agency sources, for example, have now leaked their version of events, denying that the C.I.A. ever advised the Green Berets to "terminate" the suspected double agent. Earlier leaks, obviously from Army or Special Forces sources, indicated that the C.I.A. first recommended killing the agent; then, after the event, ordered for the record that he be spared, presumably to absolve the C.I.A.

No one has yet explained why the Army, while presumably merely investigating the affair, felt it necessary to put seven of the men in solitary confinement in a maximum security prison—then wait two weeks to make it public in a release that left unclear if they were being charged with murder or not.

The fact is, *pace* Mr. Resor, that the case has been abominably handled "by all concerned," and clarification is long overdue. Has this affair been used to prosecute old feuds among the intelligence agencies? Were the Green Berets operating on too loose a rein? Has the Army tried to use the occasion to curb the Special Forces and discredit the C.I.A., or is it the other way around? Answers can be obtained without interfering with the administration of justice.

Spying is a dirty, murky—but necessary—business. Most Americans are still uncomfortable about having to be in it at all. But there are aspects that Congress and the country have a right to kow about. The unpopularity of the Vietnam war is merely enhanced by the present evidence of interagency back stabbing.

Mr. RODINO. Mr. Speaker, I thank the gentleman from New Jersey (Mr. MINISH) for his comments.

Mr. BUTTON. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

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Mr. BUTTON. Mr. Speaker, I join with the gentleman from New Jersey and commend him for his leadership in directing the attention of this body very effectively to the outrage which has been perpetrated in the case of the Green Berets.

I have no intention of making any statement that would appear that I have a fixed opinion on the guilt or innocence of the accused in the case concerned. My purpose is to express a deep personal reaction to the manner in which the affair has been handled.

There are those who charge today that too much is being done to protect the criminal. In this case, I feel too much has been done to make these men criminals before they had a chance to protect themselves.

I join my colleagues in asking that this case be reviewed by the Congress immediately, before any further proceedings are attempted.

There are too many basic freedoms involved to continue the prosecution of this matter without the Congress knowing, in detail, what has happened and what the military intends to do.

The individual liberties that we so proudly hold up before the world as principles of democracy are in danger of violation. Our democratic processes stand trial in these proceedings. God grant that our actions will not seem to be mockery before the world.

Again I commend the distinguished gentleman from New Jersey (Mr. Rodino) for his leadership in this matter.

Mr. RODINO. Mr. Speaker, I thank the gentleman from New York for his comments.

Mr. HELSTOSKI. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey (Mr. Helstoski).

Mr. HELSTOSKI. Mr. Speaker, I am pleased that we have had this time reserved by the dean of the New Jersey delegation (Mr. Rodino) to speak on the matter of the Green Berets.

We are in a war in Vietnam, however immoral, and our young men serving there are quite aware that each of them must protect himself or give his life in that unjustified conflict.

To lessen the chance of being killed, our forces must resort to many operational tactics to obtain advance information regarding the intention of the enemy. Similar tactics are employed by the Vietcong and the North Vietnamese.

The elite corps, known as the Green Berets, has been charged with obtaining information to give us an advantage over the enemy who employs many devious methods to hide his activity.

Dedicated men of the United States, ferreting out important military information which would aid us in battle, are now facing court-martial.

A general court-martial on the charges of murder and conspiracy to commit murder have been directed against Col. Robert B. Rheault, Maj. David E. Crew, Maj. Thomas C. Middleton, Jr., Capt. Leland J. Brumley, Capt. Robert F. Marasco, and Capt. Budge E. Williams. Charges against CW2 Edward M. Boyle and Sfc. Alvin L. Smith, Jr., are being held in abeyance pending the trial of the other cases.

These men, as all our military personnel in Vietnam, have been working under orders and assigned to specific duties. To disobey or neglect these orders is justification for reprimand or court-martial by the authorities. Paradoxically, in the carrying out of these orders, and there must have been orders issued, these men are being charged with the slaying of a counterintelligence officer, a Vietnamese national whose name, as reported in the press, was Chu Yen Thai Khac.

The information which has been released to the press and the public is, in my opinion, far from complete, and mine is as scant as that of the public. It will not be fully revealed unless these men are given a public trial, instead of a closed door court-martial. If the authorities have sufficient evidence to court-martial these men, then there should not be any timidness to open this investigation to public scrutiny.

Mr. Speaker, whoever decided that these men must be tried behind closed doors has done our servicemen in Vietnam a great injustice. The immediate effect of such a decision is the lowering of the morale of our young men who must be in a quandry as to whether they should follow orders; and in doing so, speculate on the possibility of later being brought up on charges.

We have trained our men to protect themselves in battle, yet in doing so they may run into circumstances which could result in disciplinary action from their superiors.

In this present situation, I am of the belief that the Green Berets charged with this act will not obtain proper and unbiased consideration of the charges filed against them. I contend that the legal rights of these men will be better protected if the entire proceedings were to be transferred to an area outside the immediate Vietnam sphere of operations and any external command influences.

It is apparent that there is much confusion surrounding this case. The initial action of solitary confinement, under difficult substandard conditions, stresses my point. The later release of these men to better quarters would indicate that this earlier arbitrary treatment was in error based upon the allegations then presented.

Mr. Speaker, I do not seek to interfere in the orderly process of justice but, these cases are of vital importance to the entire Nation; all eyes are upon the proceedings as they occur from day to day. Justice can prevail only when these men, who were acting under orders from their superiors, are given an open public trial.

This matter, which so vitally affects the individual lives of the accused, and their families, is one in which every American should have concern. I am certain that each American who has followed this incident with deep interest shares my conviction that it should be held in an open and forthright manner which will neither prejudice the interest of justice for the individuals involved, nor do damage to our Nation's confidence in the military services of this Nation.

Because of the widely publicized aspects of this case, it appears to me that there are innumerable obstacles which have to be surmounted in order to give these men a fair and impartial trial in the field. The issue is not judgment of guilt or innocence. The issue does not lie in the conflict between military and civilian authority. The issue is the need to preserve the legal and constitutional rights of each and every individual as set forth in the principles of our American Constitution.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Missouri.

Mr. HUNGATE. I wonder if the gentleman from New Jersey could tell me whether, from the investigation and studies, to his knowledge they have ever found the body of this alleged victim of this offense?

Mr. RODINO. The body of the alleged victim has never been found.

Mr. HUNGATE. If the gentleman will yield further, it seems to be my information, from reading the papers, some time after the charges were brought they had ships and divers and things looking for the body. It would seem to me, from my limited experience as a prosecutor, it is always a good idea, before filing charges of homicide, to have a body, to establish such things as the cause of death and whether or not the actions of the defendants caused the death, and perhaps, sometimes, even to establish that the alleged victim was dead, at least before placing the accused in solitary.

I want to compliment the gentleman from New Jersey and his colleagues on this very able action in bringing this difficult problem to light.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

I only rise to associate myself with the remarks of the gentleman in the well.

I was just about to raise the exact point that the gentleman from Missouri, Mr. Hungate, raised a moment ago as to whether or not we have established the corpus delicti, the body, in the crime. Certainly we would not approach this from a strictly legal standpoint without it. I might say that I am concerned overall above the esprit de corps not only of the Green Berets but the military forces themselves. We do have one of the young men charged, a Mr. Middleton, who is a resident of South Carolina. His wife teaches in my congressional district, I know from friends and family of his illustrious background. Certainly there is no more dedicated individual to the military and his country than this young man. I am sure the same feeling he had existed in the hearts and minds of all of these men now charged.

Mr. Speaker, I would like to say one thing additionally. Earlier my esteemed colleague from Georgia (Mr. Flynt) made a very fine statement, and I subscribe to what he said with perhaps one exception. He mentioned that the Secretary had alluded to the fact that in the letter from Members he had urged upon him both the change of the situs of the trial as well as the dismissal of the charges but he was not aware of any Member of this body who urged dismissal of the charges. Perhaps in my anxiety to help these men and try to stop any further erosion of the morale of our forces I went too far, but still I do not apologize for it, Mr. Speaker, because I did urge that the charges be dismissed. I did so because as one experienced to a very limited degree in the trial of cases I thought that the evidence was woefully insufficient to support such charges. I am concerned about the families of these men and their future in the military forces as a result of these very grave charges against them.

Mr. Speaker, again I commend the gentleman who has worked so hard in this matter. I am concerned about the effect that this will have on the overall morale of our Armed Forces. In my judgment, already irreparable harm has been done not only to the Green Berets, these courageous men, but to our fighting men everywhere.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MARSH. Mr. Speaker, will the gentleman yield?

Mr. RODINO. Yes. I yield to the gentleman from Virginia.

Mr. MARSH. Mr. Speaker, the matter that the House is discussing today involving these members of the U.S. Army points very graphically, I believe, to certain difficulties that confront the Armed Forces in applying the Uniform Code of Military Justice in the vague and shadowy area of counterinsurgency and unconventional warfare which is waged on the twilight battlefields of the cold war.

An action at law before the courts has begun. It is not for me to pass on the guilt or innocence of the accused.

The trial of the Special Forces personnel in question is not the first time that uncertainty and ambiguity of conventional rules of land and sea warfare has raised serious questions as to the scope of their application. The *Pueblo* affair presented some very difficult problems that related to the application of the Code of Conduct and the application of specific provisions of the Uniform Code to responsible commanders and members of their commands which, in combat situations, such as World War II, could be more clearly answered.

Today, however, the type of struggle in which we find ourselves engaged in South Vietnam is a multidimension conflict cutting across accepted lines of set-piece battle and conventional war that over centuries have evolved into certain prescribed rules of land warfare. These rules applied to historic situations define quite clearly the obligations and duties of members of the Armed Forces.

We should remember that to some extent, certain actions envisioned in military law are, in effect, triggered by certain conditions precedent that make it easier to determine the application of the provisions of military law. In the case of a declaration of war, for example, the declaration would clearly state the definition of the enemy and what would be "aid and comfort" to the enemy. However, we are fighting an undeclared war in Southeast Asia and, as a result of that, it seems at times we find ourselves in an "Alice in Wonderland" situation, with propaganda appeals made directly to the American people from the enemy camp, demonstrations on behalf of the Vietcong in our own Capital and solicitations in some areas of the American public for help and assistance through blood donations for North Vietnam.

However, this "Alice in Wonderland" type of war has some vary hard realities for American commanders and fighting men in the field, particularly those who have to make decisions. Not infrequently, by the very nature of the struggle, military forces find themselves projected into areas of conflict that they frequently would prefer to avoid. Often not of their own choosing, but because of the type of struggle we wage, they find as a part of their military duties, civic action, economic development, and psychological warfare directed more to civilian than military targets.

It is a war of espionage, subversion, insurgency, counter-insurgency, police action, intrigue, blackmail, double agents, and sabotage. Many of these subjects are not in the area of principal thrust or consideration of the Uniform Code of Military Justice.

One of the most confusing and least understood areas of military law is the law that surrounds guerrilla warfare. Unknown to many people, there are certain defined legal principles that relate to guerrilla struggles. There are certain very basic and fundamental differences, though, in rules of land warfare as applied to conventional, vis-a-vis unconventional forces.

It should be further remembered that we have no status of forces agreement with South Vietnam. This, in itself, can raise some rather complex questions that can relate to jurisdiction of military courts and the possible lack of a legal forum for crimes alleged to have been committed against an indigenous civilian population which otherwise might not have been prosecutable in a military court.

There may be need, also, not only to update and more clearly define the Uniform Code of Military Justice insofar as it relates to the personnel in the armed services, but also to modernize and review our entire field of Federal statutes that relate to questions of subversion and as to what is aid and assistance by American citizens to governments and forces in which we find ourselves in actual combat, as in Vietnam, but without a declaration of war.

In this connection, it must be acknowledged that improvements in the code were made by the Military Justice Act of 1968, which became effective August 1, 1969, but experience may well indicate further changes.

The cold war battlefield and the pending trial of the Special Forces personnel certainly suggest a need for the Congress to look at the total fabric of military justice in order that commanders in the field will more clearly know the boundaries of their authority and at what point their jurisdiction ends on making decisions that in questions of doubt they might reconcile on the basis of military exigencies. Prosecution of a limited war is difficult enough. Let us make a greater effort to more clearly define the rules of this struggle so that we can be certain that in our effort to do justice, which we all seek, we do not permit an injustice to occur to anyone, whether through lack of legal safeguards, failure to follow judicial procedures, or by an attempt to provide judicial safeguards through a code that in some instances may be unclear and ambiguous with respect to the particular situation at hand.

War is a dirty business at best. The "no holds barred," multidimension battlefields of the cold war have, if anything, made it worse. Even though at home, in a strict sense, the Nation is at peace, let us at least set up the guidelines and safeguards for our men in the field who find themselves in the midst of a strange but total war.

Mr. RODINO. I thank the gentleman from Virginia for his comments.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Speaker, I join my colleagues in commending the gentleman in the well, the distinguished dean of our New Jersey delegation (Mr. RODINO), for performing this very useful service. He is particularly to be commended for bringing various ramifications of the problem to light and exposing the lack of compassion which has been shown to these eight men who wear so well the uniform of the United States.

The Special Forces are ill-equipped, by training, inclination, or choice, to involve themselves in clandestine intelligence operations. It is inexcusable by any standard to allow these brave and courageous men to be treated like base, common criminals.

I happen to be privy to some information about this situation which may be unavailable to others and, at this time, based on what I consider to be reliable data, the question which must be asked is: Why are we, as a nation, proceeding in this manner?

Mr. Speaker, I feel very strongly about the personal tragedy these eight men are enduring and their families' agony should make us think twice before we proceed in a public trial. But equally, it must be a source of concern as to what is going to be inside the Pandora's box: Is it going to be bloody entrails in which we may read a disastrous future for ourselves?

Mr. Speaker, the question on many lips this afternoon is just what is going to happen to our Military Establishment? What is going to happen to our intelligence services? What is going to happen to our international posture throughout the world? For if we proceed in an open and public trial—as we must to adequately protect the constitutional rights of these eight men who gave so much for that Constitution—then we are going to cause some harm to our military, our

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intelligence organizations, to our foreign policy, and our Nation itself.

It will truly be a Pandora's box and there will undoubtedly be more there than any of us can imagine. The question which keeps bothering me is why the decision was made to proceed down a public path and why we could not have proceeded in a more prudent direction.

Mr. Speaker, I feel that the echoes of this case will linger in America long after all of our voices here today have been stilled. When will the scars on the face of America heal, especially since they will be caused by what seems a precipitous and almost negligent operation? Other people obviously have greater knowledge than I about this matter but have they considered the effect on our young men. There have been 500,000 sent to Vietnam to engage in war, and are we fully prepared to accept the Nuremberg principle that no man may be ordered to kill another? How can we say to a protestor that he has no moral right not to kill, when we do not defend those who did whatever they did because they believed they were defending us in a moral cause.

This is what unfortunately occurs in wars. It would seem we have taken these eight men out of the context of the insanity war after allegedly they may have committed a warlike act. But war was their business in Vietnam in the first place. And fighting and killing so-called bad Vietnamese in behalf of the so-called good Vietnamese is the purpose of the exercise in Vietnam.

In addition to the personal tragedy of these eight men, we must also dwell upon what will happen to our country. It may be a possible effect of this trial that we are going to unilaterally disarm the conscience of American soldiers and in this imperfect and unpeaceful world, that may be the greatest disaster.

I think that the greatness of Colonel Rheault and some other people will come out in this trial. Some of them were quite prepared to sacrifice their careers, their futures and their families in order to protect the interests of our country and what they believed was the best interests of each of us. For that is what is meant by national security.

Mr. Speaker, I am appalled, baffled, and frankly very intrigued as to why the decision was made to proceed publicly. I do not believe that our top leaders could possibly have been oblivious to the ramifications which I and others have discussed here today.

As a member of the Foreign Affairs Committee and in numerous briefings I hear about many problems we face in the world. Why should we bare our souls as a nation at this time of crisis in our country when we are trying to extricate ourselves from Vietnam and bring the war to an end? Why do we choose now to open what is sure to be a tragic spectacle? For I am convinced that this will make the Bay of Pigs look like a peaceful harbor and the U-2 incident look like little league stuff in comparison to what we are about to begin.

Mr. Speaker, I commend my good friend and colleague, the gentleman from New Jersey (Mr. RODINO) for his concern, courage, and compassion for these great men who did their duty as they saw it under extremely trying conditions. For they were in a business they were not supposed to be in and a business other people had put them in. And so I compliment the gentleman for this exercise of the highest traditions of the House of Representatives.

I believe that every step of the way in this business is fraught with peril. It is a personal disaster for these brave, courageous, religious men whose records are outstanding in every way. They volunteered to do everything they were called upon, but they never volunteered to be in the clandestine intelligence business: this was imposed upon them. What truly happened in Vietnam, or why it happened, will be developed and the public will be informed of it and see the folly not only of war but the tragedy of men.

Mr. Speaker, the central question over and above what we are doing to these honorable American soldiers is why are we doing this to the United States of America?

Mr. OLSEN. Mr. Speaker, I commend the distinguished gentleman from New Jersey (Mr. RODINO) on obtaining this special order. I commend him because, as he has in all of his career, been a champion of justice and that is what he is doing today.

I support the gentleman wholeheartedly and strongly urge all of our colleagues to join with him in sustaining this demand of justice for American boys.

Mr. CULVER. Mr. Speaker, I deeply regret that the Secretary of the Army has not seen fit to exercise his civilian authority to put an end to the vast damage which this incident has already done to the rights of the men involved and to the interests of our country as a whole.

From the beginning, this case has been fraught with clear examples of mishandling and irresponsibility. The men were originally placed in solitary confinement in 5- by 7-foot cells—an act punitive in nature since it far exceeded any rational requirements of security. Moreover, the men were not provided with defense counsel in a timely manner and inappropriate disclosures were made to the press by civilian officials.

Further prosecution of this trial against these men under the present conditions involves a serious risk that their fundamental legal rights will not be sufficiently protected, and the attendant publicity clearly will not serve the best interests of the United States.

I therefore strongly urge the Secretary of the Army to reconsider his decision and to exercise his authority to this end.

Mr. LONG of Maryland. Mr. Speaker, I am deeply concerned over the mishandling of the Green Beret case and am fearful that these men will not get a fair trial. The decision of Secretary Resor to leave jurisdiction of the case to the command in Vietnam raises grave questions:

How can the Green Berets get a fair trial when proceedings will be conducted by those who have already disregarded the rights of the accused?

How can the Green Berets get a fair trial without a completely open trial?

How can the trial be fair when the convening court has the authority to close the proceedings to the public any time "national security" is being discussed—any time they get to the heart of the matter as to who may have ordered the death of the double agent?

How will this court martial affect the morale of our fighting men who are risking their lives for our country?

How many young men will want to make a professional career in the armed services when they realize their leaders stand ready to throw them to the wolves any time the reputation of a "higher authority" is at stake?

On Thursday, September 18, I sent a telegram to President Nixon urging his intervention into this case. Since that time, one of the letters I have received in response to my action—from a lady in Soquel, Calif.—says:

> If I thought a letter would ever reach President Nixon, I'd write him. Thanks again for expressing the opinion of most of the American people.

I received a similar letter from a man in Scottsdale, Ariz.—the father of a member of the special forces who has been missing in action since February—scoring the "inexcusable abuse of these dedicated Americans."

Mr. Speaker, we speak for the American people, and our letters reach the President. Today, I would like to ask every one of my colleagues—regardless of party—to join in urging the President, as Commander in Chief of the Armed Forces, to intervene in this case and see that justice is accorded these eight men.

Mr. WILLIAMS. Mr. Speaker, when the now-notorious Green Beret case rocketed to the attention of a shocked American public it appeared to be an Alice-in-Wonderland affair; it appeared that members of a specially organized U.S. military force, unprecedentedly trained in the brutal art of "kill or be killed," were to be punished for their line-of-duty killing of one agent of a vicious enemy which, too long, has been permitted to take too many thousands of American lives in this Nation's most nightmarish and controverted foreign military involvement.

In the ensuing weeks, however, the Army's incredible mishandling of the case has escalated it from the ludicrous to the outrageous.

The crowning affront against the individual human rights of the men involved and against the intelligence of a justifiably resentful public came when Army Secretary Resor persisted in continuing to permit the field commanders to proceed without civilian control—an action clearly tantamont to putting the fox in charge of the chicken coop.

Even the most cursory student of the self-defensive character of military "brass" under verbal fire must conclude that these military commanders who have so greatly mishandled the case so far will only compound a travesty of justice which they have set in motion.

As the governmental branch constitutionally empowered to raise armies and levy the taxes with which to pay for them, as the one branch of Government directly elected by the people whose views it is compelled to respect and represent, the Congress now has no choice but to speak out, most vociferously, in behalf of the growing concern of the American people for the obvious miscarriage of the most basic form of justice to which the six accused Green Berets have, too long, been subjected.

Under the circumstances so well recorded as to require no itemization nor specification from me at this moment the very least that must be done—by the President, if necessary—is the ordering of the immediate removal of this now scandalous miscarriage of justice from the hands of those who have made it so—the military commanders in Vietnam—and the prompt granting of a change of venue to the United States and, preferably, to a civil court of justice.

These, clearly, must be the minimum stipulations in the interest of a fair trial for the accused and in the companion interest of the people's right to know.

Mr. ADAIR. Mr. Speaker, in recent weeks many of us here in the Congress have become greatly concerned over the case of the Green Berets. It has begun to appear as though the men selected for trial are really being made scapegoats for an unfortunate rivalry that has developed between the Green Berets, the Regular Army units, and the Central Intelligence Agency.

Our Green Berets are a special group of men engaged in what is probably one of the dirtiest conflicts in which this Nation has ever fought. Assassination, torture, and mass murder were a way of life with the Vietcong and North Vietnamese long before the United States came into the conflict. Our enemies have been taught well by their Communist masters. Therefore, if a mistake was made by our Green Berets, and this happens in combat, the fact of these men having to fight under unbelievable conditions in defense of all our freedoms should be taken into account. Today, I am sending a letter to President Nixon expressing my concern over the matter and suggesting his intervention. It is my hope that he will do so and not permit this affair to become a circus that hurts the morale of our Green Berets and our Army as well.

Mr. BINGHAM. Mr. Speaker, I want to join my colleague from New Jersey (Mr. RODINO) in expressing deep concern over the treatment accorded the eight members of the Green Berets allegedly involved in the murder of a Vietnamese civilian agent. Full justice for all members of our armed services accused of a crime is a matter that should and must concern all Americans. I am particularly concerned about this case because the mother of one of the accused resides in the 23d District of New York, which I have the honor to represent.

Two conditions are essential if these Green Berets are to have a fair trial: First, that the trial be conducted in a jurisdiction that is entirely free of individuals or influences that might prejudice the case, and, second, that it be conducted entirely public.

Reports and charges that have been issued concerning the case and the events leading up to it already suggest that American field commanders in Vietnam, including Gen. Creighton W. Abrams, may have an interest in the outcome of this case. Lest we have another instance of a branch of the military trying itself, as we did in the Naval Court of Inquiry into the *Pueblo* capture, I feel that this case must be heard here in the United States, preferably under civilian jurisdiction.

I regret that Secretary of the Army Resor has so far denied congressional appeals to exert his jurisdiction over the case, which would assure that it would be taken out of the hands of the field commanders in Vietnam and would instead be conducted in this country by civilians. I also regret that the Secretary has taken the position that the trial, when it does occur, will be open and public only "to the extent consistent with security requirements." I certainly recognize that in cases like these there may be information of a highly sensitive nature dealing with the conduct of the war and the safety of American troops in Vietnam that is material to the case but cannot be made public. It is impossible, however, to have assurance of a completely fair trial—and to avoid all suggestion of a "star chamber" proceeding—unless all aspects of the trial are open to public scrutiny.

So the Army must choose, it seems to me, between bringing the case to trial and revealing secret information, or having no trial at all. Certainly the latter would be a wiser course than to conduct an inherently unfair semiprivate trial, as the Army now proposes to do. Such semiprivate trials are not permitted in civilian courts, where prosecutors are often forced to refrain from prosecuting cases because they would reveal sensitive information. They should not be condoned in the military system of justice, and the Army should decide now whether it is going to hold a totally public trial in the interests of equity, or drop the charges against these men altogether in the interests of security.

Mr. FUQUA. Mr. Speaker, millions of Americans are confused by what is commonly termed the "Green Beret Case." Frankly, I am one of those who is confused and just as frankly, I am extremely concerned about the way this entire matter has been handled.

First of all, it is my understanding that the Secretary of the Army has refused to assert his civilian authority over this case as I understand he is authorized to do under the law. In my opinion, this is a serious mistake.

There simply is too much confusing data concerning the case to let many of us feel that these men will receive a fair and impartial trial. Personally, I would prefer that these men be returned to the States instead of allowing the military commanders in the field to court-martial these men.

The service of these men was generally considered to be exceptional prior to reports of this unfortunate and tragic incident. We are told that a double agent may have been murdered.

We wonder on what authority did the alleged murder take place.

The effectiveness and morale of the Green Berets cannot help but be affected. War is a horrible business at best.

I am deeply concerned that we may be allowing some brave men to become scapegoats to cover up evidence which the military may consider to be damaging.

The accused are not hardened killers, but rather we are told they are highly trained and dedicated American fighting men.

I am in agreement with those who feel that the court proceedings may not be handled fairly and objectively by the Army commanders in Vietnam.

A great deal more concern should be shown by the Secretary of the Army, Government officials, and the American people toward the rights, lives, and reputations of these men who were sent into Southeast Asia to fight under our flag.

We should not run out on them at this time. This entire case is highly suspicious and the way the military has handled it thus far gives me considerable question about their ability and their intent to protect the rights of the accused.

Mr. WOLFF. Mr. Speaker, the case of the eight Green Berets accused of killing an alleged South Vietnamese double agent, has unfolded with an incredible amount of confusion, doubt, mismanagement, and a strong inclination toward the miscarriage of justice. Certainly, our taking a special order to closely examine the matter does not come a moment too soon. For as the case has been revealed the mishandling of it has become increasingly impossible to ignore.

Eight men are on trial. But, in effect, it is the entire judicial and military structure which are on trial with them. Yet this case has been mishandled as if the whole situation was little more than an everyday occurrence.

Yesterday, as it was noted, the Secretary of the Army refused to assert his civilian authority over this case, preferring instead to let the military handle it. He acted in this manner despite the strong and consistent urgings of several Congressmen that he approach this delicate matter from his civilian role.

Today, the civilian attorney for these men informed the media that the two men who will not be on trial have been the brunt of "tremendous embarrassment" and accusations that they might be playing "stoolie roles."

Moreover, we have heard the wives and families of all these men express justifiable anguish and bitterness that the case has been presented with flagrant dereliction of judicial rights and complete lack of focus.

All of these incidents, plus the facts that we know and the wealth of facts I feel we have not been given, point toward a trial that I strongly doubt will be fair and objective should the military undertake it at this juncture.

Consequently, I would respectfully urge that we immediately call for a board of inquiry to begin to collect and present the sum total of the facts, thereby clearing up once and for all what is fact and what is merely rumor, supposition, and allegation.

I would also urge that we establish a congressional ad hoc committee as soon as the board of inquiry has completed its fact gathering. Composed of House Members of both the Judiciary and Armed Services Committee it would be

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responsible for putting the facts in perspective. Its duty would be to show where and in what way mismanagement in the case took place, and how we can prevent this needless and dangerous situation from happening again.

By placing Judiciary and Armed Services Committee members on the panel, we will be afforded a better chance of covering every conceivable aspect of the case. This is particularly important if we intend to prevent a repeat of this problem.

This committee should be established immediately. For each day that we wait, the confusion surrounding the matter increases tenfold. And concurrently, while we dawdle, the morale of our servicemen grows considerably weaker, while public annoyance and bitterness on all sides gains a firmer foothold. Do we intend to wait until the situation is totally beyond recall, until our men's morale has plummeted to rockbottom, and until there is no hope that we will ever reveal every possible fact in this case?

Mr. Speaker, this case marked by confusion, lack of communication and mismanagement by the defense and CIA, is a festering sore which threatens to affect not only our judiciary system but our entire military structure and our civilian population as well. If we obtain all the facts in this case, however, we can arrest this infection and insure that justice is carried out.

I trust that we have enough foresight and convictions to prevent the erosion of our men's morale and insure that the case of the Green Berets does not become synonomous with a miscarriage of justice.

GENERAL LEAVE TO EXTEND

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the Green Berets and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COURT-MARTIAL OF THE GREEN BERETS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my good friend, the distinguished Congressman from New Jersey, Hon. PETER W. RODINO, Jr., who has taken this special order. I congratulate him for taking the initiative in airing the facts on the Green Beret case and for affording this opportunity to Members of Congress to hear all of the facts relating to this case.

Congressman RODINO is an outstanding lawyer. He is the third ranking member of the House Judiciary Committee. He has served his constituents and his country with honesty, ability, and dedication for more than 20 years. During World War II, as a captain in the U.S. Army, he served our country with distinction in the European theater.

As a lawyer, as a Congressman, and as a former officer in the Armed Forces, Congressman RODINO is particularly qualified to question the inaction of the Secretary of the Army and to demand that the Secretary assert his civilian jurisdiction in the Green Beret case as he is authorized to do under the existing law.

Therefore, Mr. Speaker, I rise today in support of Congressman RODINO's condemnation of the recent attack on the Army's Special Forces. The obvious mistreatment of the Green Berets suspected in the alleged murder of Thai Khac Chuyen, a South Vietnamese citizen, must be explained in greater detail. As Mr. RODINO pointed out several weeks ago:

> I think it's a miscarriage of even military justice.

At issue in this case are the civil rights of the Green Berets. Secretary of the Army Stanley Resor has refused thus far to assert his civilian authority over the case. Instead, the Army proceeded to announce on September 17 that six of our Special Forces officers will be brought before a court-martial on charges of murder and conspiracy to murder.

To add insult to injury the Army has been reported to have locked up Green Beret Maj. Thomas Middleton, Jr., in a 5- by 7-foot cell with virtually no light or ventilation. His attorney, Mr. George Gregory, states that the confinement of his client under these "inhumane" conditions will only succeed in impairing his ability to assist in his own defense.

In another mysterious move Colonel Rheault, commander of Special Forces troops in Vietnam, was removed from his command and jailed on suspicion of murder. I might add that Colonel Rheault has been regarded with much respect and admiration. He has dedicated himself to a military career since childhood. He attended West Point and eventually became an officer of exceptional competence. In the course of the last few weeks he has been linked with all the mystifying rumors about the Green Berets' activities in Vietnam—most notably, that they are hired assassins and CIA "enforcers." Assuredly the credibility of these men and the Green Berets as a group has been assaulted.

In the absence of solid facts, rumors have given rise to dozens of theories to explain the killing and the Army's surprising harsh reaction to the incident. Some have said that the victim, Thai Khac Chuyen, was a close official in the South Vietnamese Government and perhaps a double agent.

One Green Beret rightly noted that the future of the organization is seriously in doubt:

> Why . . . should a bright young captain join the Special Forces when he sees Colonel Rheault, a fine officer and gentleman, slapped into a cell like a common criminal.

Any attempt to sweep this incident under the rug will never do. The integrity and sincerity of the men being held for these alleged crimes is of paramount importance. I do, therefore, feel that an explanation of these charges of premeditated murder must be aired and amended in the open. Justice must prevail.

It is in this spirit that I, and many of my colleagues in the Congress, join PETER RODINO in urging that the Secretary of the Army reverse his position and assert his civilian authority. Only by so doing can fairness, objectivity, and justice prevail in the Green Beret case.

Mr. **SIKES**. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I am happy to yield to my distinguished colleague, the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I wish to commend my distinguished and able friend, the gentleman from Illinois, for his remarks on the Green Beret case and to express to him my appreciation for his kindness in yielding to me. I find myself in complete agreement with what he has said. I deplore the procedure which has been followed in this unfortunate case, and I strongly urge that the entire procedure be reconsidered before further harm is done. I do not know all the facts in the case. I am not certain that anyone does, but I am certain that the case has been mishandled and that great harm has been done to the morale of the services. The case deals with what happened to a traitor of the worst order—a double agent. The charges involve career servicemen, most of them decorated veterans of long years of service who time after time have been called upon to perform extremely difficult and perilous assignments. To subject them to trial in the press, to destroy their careers, to embarrass their families—as has been done—must be counted as inexcusable and extremely improper action. I join my colleagues in deploring what has happened and again I urge in strongest terms that the entire matter be returned to the Secretary of the Army for further consideration and hopefully for a more appropriate procedure.

Mr. ANNUNZIO. I thank my distinguished colleague from Florida for his contribution, and I want to commend him for his devotion and diligence throughout the years in protecting the needs and wants of the servicemen of America.

Mr. **ALBERT**. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding. I appreciate, as I know do all our colleagues who have spoken today, the statement of the distinguished gentleman from Florida (Mr. SIKES), who, as everyone knows, is one of the most knowledgeable men, not only in the Congress, but in the country, in the area of military matters. Like him, I do not know all the facts. I doubt that anyone knows all the facts except those directly involved in this matter.

Neither, Mr. Speaker, do I know any of the accused. One of them, Capt. Leland J. Brumley, is from Duncan, Okla., in my district. While I do not know Captain Brumley, I have talked with his wife and mother, both of whom live in Duncan. Also, I have heard from many of his friends and acquaintances from across the Nation. These are people who knew him as a Boy Scout, as an outstanding young man, and as a brave and distinguished soldier. All of these people, Mr. Speaker, have the greatest respect and admiration for Captain Brumley and the highest confidence in him. I, too, have confidence in this brave soldier and in this brave soldier's brave family and am sure that whatever he may have done he did with the highest of motives out of great love for his country.

It has been said that some of us have undertaken to have the charges dismissed. That, of course, is a matter of judgment. It is clear, I think, that most of us have been pressing for the Secretary of the Army to assume jurisdiction and then decide whether the charges should be dismissed. It would be his decision then, based on the evidence which would be submitted to him. I feel that the Secretary of the Army should do all under the law he can do. He should preempt the jurisdiction of the field commanders. I commend my colleagues for what they have done in this regard both today and in the past.

Mr. Speaker, I particularly wish to commend the gentleman from New Jersey (Mr. Rodino). As has been pointed out, he has taken the lead in this matter in an attempt to insure fair and just treatment for these eight individuals. He has spent much time and energy on this case and I am sure that the accused men and their families appreciate his efforts just as we do. He has performed a great public service in calling this information to the attention of the American people.

TO CONTROL THE DRUG TRAFFIC

The SPEAKER pro tempore. (Mr. Rogers of Colorado). Under previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, this weekend the U.S. Government attempted to intercept drug smugglers all along the United States-Mexico border. These efforts included a search of every private vehicle crossing at land points, searches of aircraft entering at all ports, and so far as I can tell, an effort to search boats traveling between the two countries. Not one smuggler has been caught. But it also produced huge traffic jams along the border, which will inevitably cause the Government of Mexico to protest. Such large-scale searches cannot help but discourage the tourist trade on which Mexico relies, and cannot help but irritate the citizens of both the United States and Mexico. There is no doubt whatever that the illicit trade in drugs must be halted, but Operation Intercept is at best a palliative; it may prove spectacular, but in the long run far more basic changes in law enforcement are required before the great drug traffic will be appreciably reduced. More is needed than mere large-scale raids from time to time, which is what Operation Intercept essentially is.

Effective long term control of the drug traffic is an international problem, one that requires sound basic planning and the full cooperation of all governments concerned. That is why I believe that an international commission is required to study the illicit drug traffic, and to recommend and implement efforts to deal with it. The task force appointed by President Nixon to study the drug traffic has as one of its key recommendations "greater United States-Mexico collaboration" in action to control drug production and traffic, according to the New York Times and the Christian Science Monitor. As yet there seems to be little except for a tiny detachment of U.S. narcotics agents attached to the U.S. Embassy at Mexico City, which works with law-enforcement agents of the Mexican Government.

There is literally nothing being done at a higher level, except that the State Department is being urged to have its Ambassador to Mexico take the problem up with the Government of Mexico. I suggest that what is required is an effort at a much higher level, a joint effort that shows that the United States and Mexico are equally concerned, and will create action that will be effective and acceptable to both Governments. As it is, we are merely making headlines, stopping a little traffic and irritating a government that is willing to help, but which is not really being asked to collaborate.

Mr. Speaker, a kilo of marihuana sold from a farmer in Mexico to a wholesaler there nets the farmer $4—not much, but far more than any other crop he can raise. And that same kilo reaches a value of $75 in Los Angeles and $150 in Minneapolis. Is it any wonder that we have college students renting airplanes, buying a half ton of marihuana, and attempting to fly it home? This is a traffic where a $27,000 investment will buy 532 bricks of marihuana, which would sell at $75 per brick for a total of $40,000 in Los Angeles—or a minimum 50-percent profit. The attractions for our citizens are clear. And when you consider that the Mexican wholesaler in this case has a markup of from 1,000 to 1,200 percent—that is, selling bricks that he bought at $4 apiece for $50—it is plain why he is in business, too. A farmer who has very little hope of cash income except from marihuana is also inevitably drawn into the system. It is not a problem that can be halted by close border inspection; the economics of the drug traffic exist on both sides of the border. The powerful attraction of spectacular profits go far beyond anything that such tactics as Operation Intercept counteract or even deter. Only an international effort that reaches the very fundamentals of the production and traffic in drugs will approach the needs and give us reasonable hope to control this insidious traffic. Mr. Speaker, I believe that the House should ask for realistic action, and that is action on an international basis, through an international commission.

I believe that articles in the New York Times dated September 21, and the Washington Post dated September 22, clearly show the need for an international commission for the study and control of the drug trade.

The articles follow:

United States Imposes Border Checks in Drug Drive

San Diego, September 21.—The United States clamped a land, sea and air surveillance on 2,500 miles of the U.S.-Mexican border today in a dramatic move to cut off the flow of marijuana and dangerous drugs.

Federal agents said the pilot of a light plane carrying about 1,000 pounds of marijuana had been caught and arrested after he flew over the border and was followed by a government plane to an airport at Bakersfield, Calif.

With split-second timing "Operation Intercept" was not begun until all agents were at their posts. The government then started intensified inspection of vehicles and persons crossing the border at 31 land points and at 27 airports at which international flights are authorized to land.

The operation, utilizing radar, search planes, Coast Guard and Navy ships and a sharply augmented force of inspectors at crossing points covered the border of Mexico where it adjoins the states of California, Arizona, New Mexico and Texas.

"Operation Intercept" went into effect at 5:30 p.m. EDT but some units had been activated earlier and the aerial smuggling was detected Friday night.

Officials identified the pilot as Michael Thomas Mitchell, 23, a student at the University of Washington. They said his rented Cherokee plane was loaded with suitcases and burlap sacks containing 532 bricks of marijuana weighing about two pounds apiece.

Federal agents said Mitchell told them he purchased the marijuana in Mazatlan, Mexico, for $27,000 and planned to fly it to Berkeley.

Mitchell was arrested when he landed to refuel by agents on the pursuing plane.

The federal announcement said the program would be continued for an "indefinite period," adding that the Mexican government was kept fully informed.

"The objective of the program is to reduce the volume of narcotics, marijuana and dangerous drugs which are smuggled into the United States from Mexico . . ." the announcement said.

Within an hour after the operation went into effect today at Tijuana, cars were backed up for blocks and honking furiously. All 16 customs and immigration lanes were being used but instead of searching perhaps one car out of 20, the inspectors halted all vehicles.

Mexican Farmers Discover Big Money in "Grass"

(By Juan de Onis)

Mexico City, September 17.—Thousands of small farmers have discovered that the real treasure of Sierra Madre is marijuana.

From Guerrero, a poor state southwest of here, to Sonora, which borders Arizona and California, the going price in the plazas of the isolated villages where marijuana is brought down from unseen plots on pack donkeys is $4 a kilo (2.5 pounds).

Dealers in the towns, with ready cash, small warehouses and friends in the local police, moisten the gray-green leaves and flowers with sugarwater, pack and re-dry them in one-kilo blocks, wrap them in cellophane or newspaper, and accumulate enough to prepare a truck lot for shipment.

Each one of these one-kilo blocks that reaches Los Angeles becomes worth $75. As it moves northward a kilo of marijuana can come to be worth $150 in Minneapolis.

Clandestine factories in Mexico reduce marijuana to the more potent hashish, which then sells for $500 to $650 a kilo.

For the thousands of small farmers in Guerrero, Jalisco, Nayarit and Sinaloa who supply the trade, cash income from marijuana of $500 to $1,000 a year is far more than they could dream of earning from any other crop on the poor soil.

For the successful dealers, the risks of arrest and prosecution under Mexican federal narcotics control laws have been relatively slight measured against the huge profits to be reaped from moving marijuana, as well as more potent drugs, to the United States. Although all estimates in this area are guesswork, the marijuana and hard-drug traffic is probably a source of millions of dollars of income.

With the announcement last week of a major new drive by United States authorities to reduce the inflow of narcotics from Mexico, this traffic has become a highly sensitive issue in relations between the United States and Mexico, which share a border from Brownsville, Tex., to San Diego of 1,700 miles.

The traffic was one of the major points discussed at the meeting between President Nixon and President Gustavo Días Ordaz at the inauguration of the Amistad Dam on the Rio Grande nine days ago. Mr. Díaz Ordaz, like other Mexican Presidents, said that Mexico was aware of the seriousness of the problem and would cooperate in attempts to halt the illegal flow.

OTHER PROBLEMS STRESSED

In disclosing the discussion on narcotics, Mexican officials have also emphasized other problems in United States-Mexican relations, such as the treatment of Mexican migrant farm workers who enter the United States illegally but are employed for wages below union levels, and damage to irrigated Mexican farms near Mexicali from salt waste in the Colorado River originating in Arizona.

Tightened control of automobile and truck crossings by United States officials at border points went into effect today, with serious delay reported at the international bridge uniting Ciudad Juarez with El Paso, Tex.

The Mexican press, which closely reflects official views, has been critical of the decision by the San Diego Naval District to place Tijuana, across the line in lower California, out of bounds for uniformed United States servicemen.

There have also been pained editorial comments over a law passed by the California state legislature to prevent unaccompanied minors from crossing into Mexico. The intent was to reduce access to narcotics that are readily available in Tijuana and other border cities.

MAIN ROUTE FOR SHIPMENTS

Faustino Félix Serna, the governor of Sonora, said in an interview published by Excelsior, a major Mexico City newspaper, that United States actions were "not those of a good neighbor." He said that it was false that Mexico was the main source of narcotics reaching the United States from abroad.

A report to President Nixon by a United States task force on narcotics traffic, released in Mexico City by the United States Embassy last week, said that the main route for overland shipments from Mexico to the United States passed through the state of Sonora.

The report, submitted jointly by Secretary of the Treasury David M. Kennedy and Attorney General John M. Mitchell, said that adequate inspection of northbound traffic on Route 5, which links Santa Ana, Sonora, with Mexico's marijuana-growing states to the south, would be an important step in "impeding the flow of these drugs to the border."

The task force called for greater United States-Mexican collaboration in the eradication of marijuana fields and poppy plantings, which are a source for heroin produced here. Mexico is also said to be a major trans-shipment point for cocaine from Andean countries in South America and for heroin from France and the Middle East.

The report also recommends that an agreement be reached with Mexico on the development of electronic sensory techniques, using satellites and aircraft, to detect planting of marijuana and poppies, and that aerial spraying of remote planting sites with chemical substances be adopted to supplement "search-and-destroy" action by the Mexican Army.

"When you consider that marijuana grows all over this country," an observer familiar with present practices said, "these forays destroy only a drop in the bucket. These are horse-and-buggy methods for a jet-age problem."

U.S. AGENTS AT WORK

A small United States team of narcotics agents from the Justice Department's Bureau of Narcotics and Dangerous Drugs has been attached to the United States Embassy here for three years. They work closely with Franco David Rodriguez, Mexico's deputy attorney general, who is regarded as an energetic enemy of narcotics traffic, and the federal judicial police that have jurisdiction over such traffic.

Only about 25 judicial police agents are assigned to the narcotics problem, however, in this large country of 45 million people, where the spread of marijuana and hard drug usage among high school students is becoming a problem causing growing concern. Marijuana purchases in Mexico City night spots and cafes where students gather is virtually uncontrolled.

The task group called on the State Department to "persuade Mexico to place a program for eradication and control of dangerous drugs among the highest of its national priorities." It also said that the United States Ambassador, Robert McBride, should put this problem on his "highest priority list on a continuing basis."

However, Mexican and United States officials interviewed here after the Presidential meeting indicated that no basic agreements had been worked out on new methods to intensify drug control on the Mexican side, although the task force report was delivered to Mr. Nixon June 6.

Mexican officials said privately that the political implications of such methods as use of aerial chemical spraying had to be weighed carefully, particularly because of the United States involvement in the proposed effort.

The United States has supplied helicopters and small planes through grant aid to Mexico in recent years for aerial inspection and raids on inaccessible fields, but five of the helicopters originally supplied are reported to be down now to one in good operating condition.

TRUTH IN POSTAL RATES

(Mr. OLSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, there has been a great deal of talk about the administration's postal rate increase proposal but little actual interest or support for these rate increases on the part of the Post Office or other elements of the administration.

Frankly, attendance at the Postal Rates Subcommittee hearings has been so poor of late that last week I had to cancel out a scheduled hearing because of lack of attendance even though the witnesses from Chicago, Birmingham, Richmond, and other places were sitting in the hearing room.

The administration evidently feels that the rate increases will help rid the Post Office of its so-called deficit but, frankly, this is just a revenue producing measure that strikes hardest at the ordinary citizen because most of the increase is loaded on first-class mail. This bill will produce $663 million in postal revenue. Five hundred and fifty-seven million dollars of it would come from increasing the first-class stamp from 6 to 7 cents.

In order that my colleagues can read the truth about the rate bill, I would like to call their attention to the following article from a recent publication of the Democratic National Committee:

Truth About Nixon's Plan To Hike Postal Rates

While proclaiming a need to remove the Post Office Department from politics, the Nixon Administration has been playing what Wyoming Sen. Gale W. McGee describes as a "numbers game" in "seeking to hang around the necks" of the Johnson Administration a deficit in the postal budget.

Postmasters around the nation recently received from Washington "mimeographed orders" and a "fill-in form . . . to be disguised as original thought" for release to local newspapers, McGee told the Senate.

The Administration-authored "news" release stated that an "inherited" $1.2 billion postal deficit "compelled" President Nixon to seek postal rate increases.

CANNED RELEASE

McGee reported that postmasters were warned: "You have to exercise extreme caution so that this does not look like a canned operation."

"Apparently, somewhere downtown a conscious decision has been made to take this obviously partisan approach to the conditions in the Post Office Department, at the same time that we in Congress are being asked to take politics out of the postal service," commented McGee. "What kind of hamming up is this?"

To "answer the strange arithmetic and innuendo which the nonpolitical Post Office Department has engaged in," McGee compared the Nixon rate increase proposal with the recorded accomplishments of the Johnson Administration. The following is excerpted from his remarks as they appear in the Congressional Record:

"SLY OLD POLITICAL TRICK"

"In the first place, the $1.2 billion deficit is grossly misleading. The new administration has acquired the habit of referring to the postal deficit as $1.2 billion when it is proposing rate increases, and as about $600 million when it is requesting appropriations from Congress—a sly old political trick that I would not expect from sound business management.

"Of the $1.2 billion deficit cited in the President's first message on postal matters, $735 million is the direct cost of public services required by law to be paid out of the general fund of the Treasury and not from postal rates. The actual postal deficit is less than $500 million.

The Johnson rate increase in 1967 produced $518.4 million additional revenue from first-class mail; $49.7 million additional revenue from airmail; $33.2 million additional revenue from second-class mail; $6.4 million additional revenue from controlled circulation; $264.7 million additional revenue from third-class mail; $12.6 million additional revenue from fourth-class mail.

"The proposal from the Nixon Administration would produce, if enacted by July 1, just 56 days from now, $557.2 million additional revenue, or $39 million more from first class than the Johnson rate bill.

NOT ALL EFFECTIVE IN 1970

"The Nixon proposal recommends a $15.8 million increase for second-class mail; $17.4 million less than the Johnson rate bill, and only $300,000 of which would be effective in fiscal year 1970.

"The Nixon proposal recommends a 5-percent increase in controlled circulation, $6.4 million less than the Johnson rate bill.

"The Nixon proposal recommends a 5-percent increase in third-class mail, producing $63 million, $201.7 million less than the

Johnson rate bill, and only $37.5 million of which would be effective in fiscal 1970.

"The Nixon proposal recommends no increase in books and records, $12.6 million less than the Johnson rate bill.

"In all, excluding non-first-class mail, the Johnson rate bill raised rates by $396.2 million; the Nixon proposal by $105.8 million, of which only $74.3 million would have any effect whatever on the postal deficit in fiscal year 1970."

SUPPORT GROWS FOR CONSUMER PROTECTION ACT OF 1969

(Mrs. DWYER asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. DWYER. Mr. Speaker, I am pleased to announce that I have today introduced two bills, both identical to H.R. 13793, the Consumer Protection Act of 1969 which I originally introduced on September 15.

I am especially pleased that I have been joined on these bills by 28 of our colleagues as cosponsors. Together with the distinguished gentlewoman from Missouri (Mrs. Sullivan), who introduced an identical bill last week, this brings the total number of sponsors to 30.

Those Members joining us today are: Mr. Anderson of Illinois, Mr. Buchanan, Mr. Burton of Utah, Mrs. Chisholm, Mr. Cleveland, Mr. Cunningham, Mr. Dellenback, Mr. Duncan, Mr. Findley, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mr. Gude, Mr. Halpern, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Hungate, Mr. Madden, Mr. McCloskey, Mr. Mize, Mr. Podell, Mr. Reid, Mr. Robison, Mr. Sandman, Mr. Saylor, Mr. Symington, Mr. Weicker, Mr. Widnall, and Mr. Wydler.

The broad support which the Consumer Protection Act of 1969 is receiving encourages the hope that our bill, or something very close to it, can be enacted into law during the present Congress, possibly even the present session.

That support starts with the premise, accepted by nearly everyone today, that the Federal Government has a responsibility to American consumers to help protect their right to safety and quality in the goods and services they buy and to assure their access to adequate and reliable information.

In determining that this protection be provided most effectively, the kind of organizational structure that is chosen and the depth of the Government's commitment are essential considerations.

Our bill meets the first test. It provides the permanence, the clear lines of coordination and authority, the simplicity of administration, the comprehensiveness and visibility, and the direct representation which consumer protection requires.

As for the commitment, enactment of our bill would be a major expression of congressional determination to advance the interests of consumers, and I am confident it would be supported by this and subsequent administrations.

Last week's hearings on this bill and the alternative bill to create a Cabinet-level Department of Consumer Affairs demonstrated the advisability of the approach we recommended. Witness after witness, including such recognized leaders in the area of consumer protection as former Food and Drug Commissioner James Goddard, former Presidential Assistants Esther Peterson and Joseph Califano, former USDA Administrator of the Consumer and Marketing Service, Rodney Leonard, and such consumer spokesmen as Ralph Nader, either specifically endorsed our bill or strongly indicated their preference for the principal provisions of our bill as opposed to the proposal for a new department.

The introduction last week of an identical bill by Congresswoman Sullivan, certainly one of the Congress' most notable leaders on behalf of consumers, was a further significant indication that we are on the right track.

The same can be said of the 28 colleagues who today are joining in the sponsorship of our legislation. It is especially meaningful to me that they represent both parties, all geographical areas, and the range of political and ideological opinion in the House.

It is also noteworthy, I believe, that over the weekend the principal sponsor of the bill to create a new department, the gentleman from New York (Mr. Rosenthal), announced that he was preparing to revise his own bill by dropping his central proposal for a new department in favor of our principal feature, the proposed Office of Consumer Affairs in the Executive Office of the President.

All of this suggests very strongly the virtual unanimity of conviction in Congress that consumer protection legislation is both necessary and desirable and it indicates a groundswell of opinion that our particular method of assuring better consumer protection is the potentially most effective means.

I want to extend at this time my deep appreciation to our colleagues who have joined us today in introducing the Consumer Protection Act of 1969 and I urge others among our colleagues who share our concern to join forces with us.

AEROSPACE-AVIATION EDUCATION YEAR IN CALIFORNIA

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, on September 19, Gov. Ronald Reagan proclaimed the 1969–70 school year as "Aerospace-Aviation Education Year" in California.

Because of his belief in the ultimate value of aerospace-aviation education and its future potential in the California public school system, Governor Reagan has taken the lead in this important field of endeavor.

As chairman of the Governor's Aerospace-Aviation Education Task Force, it has become increasingly apparent to me that a realistic and well-rounded aerospace-aviation program can and will bring the excitement and success of our moon landing into the problem-solving process of today's society.

Knowing of the interest of my colleagues in education in all its forms, I am inserting the Governor's proclamation in the Record so that my fellow Members may be made aware of California's leadership in the field of aerospace-aviation education.

Governor Reagan's proclamation follows:

Proclamation

Whereas, The successful flight of Apollo 11 has kindled the spirit and captured the imagination of mankind as have few events in history, and was a demonstration of man's ability to soar beyond the limitations of earth and to achieve the apparently impossible; and

Whereas, Its success goes far beyond the beginning of space exploration and proves beyond doubt that in a creative society we can do anything we truly commit ourselves to do; and

Whereas, In January of this year I appointed the Aerospace-Aviation Education Task Force, which is chaired by Congressman Don Clausen, to study and submit recommendations on California's educational program in the field of aerospace and aviation.

Now, therefore, I, Ronald Reagan, Governor of California, do hereby proclaim the year beginning with the opening of our schools in September, 1969, as Aerospace-Aviation Education Year; and urge all educators in the State of California, at every scholastic level, and in every field of study, to: (1) enrich their own courses with aerospace-aviation material, (2) inform their students of the depth and breadth of career opportunities in aerospace-aviation—already the largest non-agricultural industry in California, (3) develop insights into the vital social factors involving aerospace and aviation with the lives of all Californians, (4) seize every opportunity to translate the excitement of our success in the moon landing to optimism for finding solutions to our pressing problems on earth and (5) prove again that cooperation is the best weapon against confrontation.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of September, One Thousand Nine Hundred Sixty Nine.

Ronald Reagan,
Governor.

Attest:

Frank M. Jordan,
Secretary of State.
Thelma E. Smith,
Deputy Secretary of State.

TAX REFORM VERSUS SPECIAL INTEREST GROUPS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the special interests are hard at work in the halls of Congress trying to maintain their privileged and unjustified tax positions. Because of the hubbub, it may be easy to lose sight of the fact that the House-passed tax reform measure was a response to a greater special interest group—a group that has systematically been ignored—the American middle-income taxpayer.

The tax reform measure is not everything that many of us wanted. In my opinion, it does not go far enough in the direction of tax relief. I wish to point out, however, that even though the measure is a compromise, it is a long overdue step in the direction of tax equity.

We dare not let the cries of the special interest groups dictate further action on this measure. Simply because they are better organized, have louder voices, and have easy and frequent access to the means of mass persuasion, is no reason for Congress to relent on its goal of tax reform this year.

The status of the debate now raging over the House-passed tax reform bill was well summarized in the recent article in the Los Angeles Times. I append that article to my remarks with the hope that all Members will consider the points made therein as they parry the assaults of the special interest groups.

THE DILEMMA IN TAX REFORM

(By Ernest Conine)

A massive counterattack against the tax reform bill is under way in the Senate, and out of this campaign of attrition a Great Truth emerges:

The loudest and most politically potent defenders of tax "loopholes" are not the so-called fat cats whose tax returns are directly involved, but the museums, foundations, universities and charities who are beneficiaries of the wealthy man's tax deductible generosity.

To put the matter more harshly, we are being reminded that some of the most worthwhile enterprises in this country depend for their survivial——or think they do—on the perpetuation of stark inequities in the tax structure.

The Senate Finance Committee is told by spokesmen for private colleges that the tax reform bill, as passed by the House, would bring on their financial "strangulation" by discouraging contributions from wealthy donors.

A foundation representative objects that the measure, if enacted in its present form, would "probably constitute the death knell of the foundations as we know them."

The same warnings of impending doom are sounded by museum directors—and by local and state officials who are alarmed by a prospective change in the tax exemption of income from state and municipal bonds.

Undoubtedly the tax reform bill as passed by the House does have some rough edges which need smoothing. The measure may have gone too far in some respects.

If the reformers in Congress allow themselves to be talked or pressured out of the substance of their reforms, however, they—along with the Nixon Administration—may find that the "silent majority" of "forgotten Americans" will not in the future be silent, forgetful or forgiving.

There is no question but that the taxpayers' revolt which gave birth to the current drive for tax reform is basically a middle-class uprising.

Most of the taxes in this country are paid by people who work for a wage or salary ranging from $8,000 to $25,000 a year, and who have become convinced that they are getting the short end of the stick.

Unlike the poor, they get very little direct and visible help from the government and, unlike the rich, they do not qualify for fancy deductions that drastically reduce the actual rate of taxation on their incomes.

People in the middle brackets were particularly incensed a few months ago at the revelation that there are at least 150 individuals with incomes over $200,000 who do not pay one red cent in federal income taxes.

In outlining his own tax reform program last spring, President Nixon promised that, while "we shall never make taxation popular, we can make taxation fair."

The House took him at his word and then some. The reform package which was ultimately sent to the Senate went much further than the Administration had proposed—or desired—in demolishing tax shelters.

Take the example of a wealthy man who donates to a museum a painting for which he paid $10,000, but has since grown in value to $22,000.

Under present law, he is allowed to deduct the entire $22,000 fair market value—$12,000 more than its cost to him—although he has never paid a capital gains tax on the appreciation in value. If he is in a high tax bracket, his donation thus becomes not so much an act of charity as a profitable transaction.

Take next a man who inherits a fortune and invests it all in municipal bonds. Since the interest on the bonds is tax exempt, he can escape income taxes entirely.

The House bill would eliminate the first kind of tax avoidance, and severely curtail the second.

It may be true that, in the cases cited, the House approach would work an unacceptable hardship on museums which depend on the "generosity" of wealthy donors, and on cities which might find it difficult to sell their bonds.

But there is something fundamentally wrong when, in the name of culture, charity or municipal financing, an astute citizen with an enormous income is allowed to get by with paying a smaller share of it out in taxes than a school principal making $14,000 a year.

LAOS—THE ADMINISTRATION'S NEW VIETNAM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the entire Nation longingly awaits positive White House action which will bring about a significant extrication of the American presence from the combat now raging in Vietnam. Yet President Nixon's rhetoric flies in the face of statements by the Government of South Vietnam and regular figures on American military strength released by the Pentagon. Doubt and unease grow domestically as events abroad defy logic we are asked to believe at home. The President is consistently unavailable to the press, and the Nation is bewildered as to what is actually happening. Meanwhile, another situation is developing along ominously similar lines in Laos. It seems that the administration is allowing or perhaps even encouraging development of a second Vietnam there.

Certain facts are incontrovertible. American involvement in Laos is lengthy, sizable, overt, and growing. Abroad, the entire diplomatic and military community of all Southeast Asia is aware of what is transpiring. The administration is committing American Armed Forces of all kinds into Laos in combat roles. Yet the entire American population is given almost no information of a factual nature on this massive military commitment being made in their name. This is exactly what happened in Vietnam years ago, and it is utterly intolerable. Further, as questions are raised quite legitimately by the Congress, the administration shunts these inquiries aside with mumbling excuses and denials which are pure fabrications, to put it bluntly.

Fairy tales used to begin with, "Once upon a time." Now they commence with, "The State Department announced today." This time the Department of State, a contradiction in terms, tells us that the only American military personnel in Laos are the 19 members of the air attaché's staff in the capital of Vientiane. How grotesque can evasion become?

We now have an American air offensive in Laos approaching World War II dimensions—12,500 sorties monthly are being flown, which certainly matches the effort once mounted against North Vietnam. American advisers, civilian and military, are functioning on all Laotian military levels. Thai troops have made appearances in Laos, functioning under heaviest possible American air and supply support. We are now heaving $30 million annually into that country, and it will surely go the way of the mountains of cash we have dumped into South Vietnam. Is there no end to this insane stupidity?

In South Vietnam, the argument was advanced that ethnically, the Vietnamese could claim a right to create a national state. This does not hold water in the case of Laos. There is no national Laotion identity as we know it in the west, or even in other parts of Asia. Most of these tribal people simply wish to be let alone in order to grow and smoke opium. Red China looks right down the Laotian gullet. Yet we are seeking to create "a bastion of anticommunism" in her shadow, ignoring the basic dictum that any major power casts a shadow around its immediate geographical periphery. It is like building dikes of wet sand on a beach to keep the tide from rolling in. It is incredible political, economic, and military imbecility.

There are those in our Military Establishment who have long viewed Laos as a new Asian battleground, and it is obvious that the President of this Nation is lending an open ear to their arguments. Hit the North Vietnamese regulars who are stationed and operating in strength in some parts of that nation, they argue, and President Nixon listens.

How many American troops are there in Laos? What are they doing there? What are their combat roles, if any? Who are they responsible to? Who committed them there, and when? Are we operating with the Thai armed forces in that country? How fast is the war in Laos widening and spreading? To what extent is this involving American Armed Forces? Are any of them being killed or wounded, or are they mainly support advisers? Are there plans afoot for a widening of this surrogate combat? What role would the Armed Forces of the United States play in such a combat?

The Congress of the United States dares not allow this Nation to slip into a new Vietnam through a series of executive orders committing our Armed Forces in piecemeal, cumulative fashion. It is our duty to stand up and prevent this action by the administration. How dare any American government dare to do such a thing in light of the previous national reaction and present mood? The Congress can and must prevent it. We can and must require the administration to reveal what it is doing with American lives, American money, and American constitutionality.

SST APPROVAL—AN AMERICAN MASS TRANSIT CATASTROPHE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, it has been formally announced by the White House that President Nixon has approved a further $96 million in Government subsidies for construction of two prototypes of an American SST, or supersonic transport. These two prototypes, to be built by the Boeing Corp., will cost in the neighborhood of $1.4 billion, with the National Government paying 90 percent of the entire cost. That means that the President today decided that the American taxpayer was going to pay the freight to the tune of another $96 million for a highly speculative, unnecessary private venture in the field of supersonic transportation. This decision is an unmitigated disaster for the entire Nation in the area of transit. President Nixon has succeeded in a few short months in turning our complete mass urban transit order of priorities around.

The SST is designed to move small numbers of people who can afford it across vast distances, such as the world's oceans, in a few short hours. Marvelous, although it will not aid masses of people who wish to travel. Further, what good is it to move people across an ocean in 2 hours when they will be stuck in traffic jams for 3 more hours? Is this sense? Then so should the city of Miami order 15,000 snowplows.

Further, the SST produces an intolerable sonic boom when it flies, breaking the sound barrier. Already, national monuments have been damaged in the western part of our country by such booms. Sonic boom tests were conducted over Oklahoma City, with devastating results to peace of mind and property. If an SST crosses a continent, it would leave behind it a network of 50-mile-wide bang zones, complete with shattered nerves and broken glass, to say the least. Nor does the feeble excuse that it would not fly over land sound credible, for commercially feasible routes would demand flight over land areas.

Costs of this plane are skyrocketing. Taxpayers have already heaved $600 million into this project. Private contractors are paying a mammoth 10 percent of the cost in this ultimate risky adventure. Further, the delivery date has slipped ever further backward, ignoring marvelous possibilities of new jumbo jets in terms of convenience and safety.

The jumbo jet can range further without refueling, which is a basic SST problem. It has no sonic boom, has no route restriction, is more spacious and comfortable, costs less in terms of fare and is lower in price per aircraft. It is estimated that a fleet of even 200 SST's would cause $3 million damage daily, complete with a sonic boom for 20 million people with each SST's continent-spanning flight.

The President ignores real problems of mass transit confronting the entire Nation with ever more pressing urgency. Our long-distance rail transportation is almost destroyed. Nothing has been or is being done about it. The mass urban transit trust fund, which would have allowed us to move people swiftly and in large groups in our urban areas has been ignored and destroyed by the President. Commuters to our cities may be damned, for all he cares. The chance to curb auto exhaust pollution in our cities through a Justice Department suit against major auto companies has been destroyed. Why? Because the administration did not think it was wise to let people know how auto companies, choking our cities with overpriced, unsafe cars, had conspired to prevent both development and installation of antipollution devices. The administration endorses the truck-train bill, which would allow larger, wider trucks pulling extra trailers to take to interstate highways of the Nation. It allows buses which consistently violate safety rules of the Government to ply the roads of our land.

In anguish, millions of people demand a solution to our transportation crisis. They ask for an end to auto pollution and less cars in the cities. They request better subways, trains, and passenger service. Instead, President Nixon decides to subsidize the SST, which is a rich man's toy, the ultimate in noise pollution and a taxpayer's assumption of the burden for the most risky private venture in transportation. The mule and cart are overloaded, as in the old story. Now the administration proposes to reform transport by placing the jackass in the cart.

FRESHMAN ECONOMICS—5: OUR DEVASTATED HOUSING INDUSTRY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, as of this moment, our Nation's housing industry, one of the pillars of a once-prosperous economy, lies in ruins, victim of deliberately destructive economic policies being pursued by the Nixon administration.

Middle-class families are finding traditional home purchases more costly and younger houseseekers with minimal incomes find it unattainable because supplies of lower-priced dwellings are declining. We are facing a disastrous housing shortage, unheard of since the early days following the Second World War.

Hundreds of thousands of families must sell their own homes before they can consider purchase of a new one. Financing which previously made such deals possible is now out of reach due to disastrous interest rates. We are heading into a tunnel labeled "Depression," artificially created with malice aforethought by our fearless leaders, who would not know up-to-date economics if they stumbled over them in their council rooms.

Decline in housing starts has driven up cost of existing homes to an extent that the median figure rose from $18,750 in 1966 to $20,000, or about 7 percent. High interest rates mean the difference between owning or not owning a home to lower income families, especially younger ones. Yet the administration continues its self-defeating squeeze on these struggling people, mercilessly driving them to the economic wall, and forcing them to remain where they are. The once almost automatic guarantee of their own home has disappeared in the smoke of the devastating recession we are entering.

Savings and loan institutions are finding it more lucrative to utilize existing astronomical rates of interest in other areas than financing housing starts. It is estimated that for every $1 billion in funds shifted by them to commercial banks, there are 21,500 fewer housing starts in the short run and 80,000 fewer over the longer course. In January, housing starts were 1.9 million annually. In July, the rate had fallen to 1.3 million annually and the plunge downward continues unabated. It is believed by some observers that they will eventually drop below 1 million. Hundreds of thousands of Americans dependent on this basic industry are either out of work or heading for unemployment windows across the country, and the administration fiddles on.

Rich men's platitudes fill the air while American workers who depend upon full employment are given their walking papers. But in the eyes of people making and enforcing these policies, they are only working men, and do not matter. If they were corporations or wealthy people, they would matter an awful lot, indeed.

As millions of people across the country turn in increasing anger, bitterness, and disappointment, searching for the cause of their painful situation, let them know who and what is causing it. Labor unions have nothing to do with it. Only the administration's economic policies allowing high interest rates and cutting off money supplies are to blame. No capital is available for financing of these new housing starts. No Democratic President ever did this. We have had economic disaster created and prosperity annihilated in less than a year of Republican rule. Let these people who are losing their jobs, watching their paychecks shrink because of inflation and losing their jobs altogether look to the White House. For it is all coming from there and there alone.

How incredible that such policies can be followed with such determination by an administration which used such fine rhetoric when it ran for office. All any American has to do is glance around at multiplying and ominous signs of economic downturn and recession. Large corporations hide knowing grins behind their hands as their price rises fill financial pages of the Nation's papers. And every day in every way the people, who are paying the ultimate penalty, are told that all will be well if we wait a bit longer.

Until when, Mr. President? Till we are standing in bread lines or at the doors of soup kitchens? Till we are selling apples on street corners as so many did under another Republican President? Until mortgages start reverting back to the banks? Until factories close and the wind blows over another 1 million abandoned farms? Until people in rags and deprivation multiply across

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the land, looking at the wealth concentrated in fewer and fewer hands?

Mr. Speaker, the administration is running the economy of this Nation toward a cliff marked "depression." It must be stopped.

REJECT CUT-AND-RUN POLICY

(Mr. ADAIR asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. ADAIR. Mr. Speaker, President Nixon has taken yet another step in his determined search for an honorable and lasting peace in Southeast Asia.

Last Thursday, he appeared before the United Nations General Assembly in New York and called upon the representatives of 126 nations to urge Hanoi to take part in serious negotiations which could end the war.

He reminded the U.N. members that many of them had urged that if only we halted our bombing of the north, peace would follow. Nearly a year has passed since the bombing of the north was stopped. Yet, the north continues its aggression.

The President noted that 3 months have passed since we began the process of troop replacement, signaling both our own genuine desire for a settlement and the increased readiness of the South Vietnamese to manage their own defense. Still there is no response from Hanoi.

The President again spelled out for all to hear our objective in Vietnam.

> What the United States wants for South Vietnam is not the important thing.

The President said—

> What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam. To secure this right—and to secure this principle—is our one limited but fundamental objective.

What is needed to end this war in a way that will assure self-determination for the people of South Vietnam is a willingness on the part of Hanoi to compromise. Thus far there has been no such response from Hanoi, no indication of a desire on their part for meaningful negotiations and compromise. It would appear that Hanoi is gambling that the advocates of "cut and run" in the United States will have their way; that Hanoi will be handed the victory it could not win on the battlefield; and that our South Vietnamese allies will be left to suffer the fate of their countrymen at Hue who were slaughtered and buried in mass graves during the Tet offensive of 1968.

I predict that President Nixon will be steadfast in his determined efforts to negotiate an honorable and lasting peace—a peace that will not lead to another "Vietnam" in some other part of the world in which today's 14- and 15-year-olds will one day fight.

I urge the Members of this body to reject a policy of "cut and run." Strong, vigorous, and outspoken support for our President's policy on Vietnam is our best assurance of a peaceful settlement that will not encourage further Communist aggression.

MORE ON THE 1969 CAPTIVE NATIONS WEEK

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, as in previous years Radio Moscow blasted our 1969 Captive Nations Week observance. Americans who participated in this latest successful event were painted as "dinosauros," "reactionaries," and "antipeacemakers." These choice slurs are reserved for those who know the totalitarian Russians and their game well and cannot be fooled by their tactical gestures and blandishments. It has been common knowledge for many years now that the one propaganda weapon which the Russians seek desperately to destroy is the institution of Captive Nations Week. Judging by the growing success of this annual event, their chances are considerably less than zero.

To amplify previous data on the 1969 week, I submit these further examples of the week's activities and topics which prepossessed certain groups participating in the event. They are as follows:

First, proclamations of the week by Gov. William G. Milliken, of Michigan; Mayor Joseph J. Grzecki of Hamtramck, Mich.; and Mayor Antonina P. Uccello of Hartford, Conn.

Second, a press release and two informative letters by the Ukrainian Congress Committee of America on Russian persecutions in Ukraine.

Third, an address by Dr. Ku Cheng-kang, of the Republic of China, at the Philadelphia Captive Nations Week rally.

Fourth, releases, reports, and events of the Louisiana Captive Nations Week observance conducted by the chamber of commerce of the New Orleans area.

Fifth, an article by Father Denis Dirscherl on "Flaws in Red Russia's Armor," which was distributed during the week.

Sixth, also used and discussed at meetings during the week, an article and a letter in Svoboda and America, respectively, on the Washington Post's attitude toward the captive nations movement.

Seventh, accounts in the New York Times and the Sunday News on the New York Captive Nations Week rally.

Eighth, a report in the July 27 issue of the Free China Weekly on Dr. Ku Cheng-kang's itinerary during the week.

Ninth, authoritative accounts of the observance as assembled in the September issue of the Ukrainian Bulletin.

Tenth, an editorial in the Texan the Midland Reporter-Telegram, July 14, on "Captive Nations Week":

PROCLAMATION—CAPTIVE NATIONS WEEK

Freedom-loving peoples of the captive nations of the world look with hope to the United States as the world's primary example of individual freedom.

Captive Nations Week provides an excellent opportunity for all Americans to voice in public their moral support for the freedom-seeking peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others. The observance of Captive Nations Week provides another tangible demonstration of the free world's support of the aspirations of the peoples of East-Central Europe and all other parts of the world where the love of freedom is subdued by iron rule.

There were never any plebiscites held on the question of voluntarily joining the Soviet Union nor have these nations ever renounced their independence and freedom to become Soviet satellite countries.

The citizens of Michigan share deeply the aspirations of all the captive nations for their national independence. We pledge to continue efforts to promote the right of self-determination and restoration of freedom, human rights, and dignity for all the people.

Therefore, I, William G. Milliken, Governor of the State of Michigan, do hereby proclaim July 13–19, 1969 as "Captive Nations Week," in Michigan and urge citizens of Michigan to observe the week with appropriate ceremonies and activities, expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Given under my hand and the Great Seal of the State of Michigan on this third day of July in the year of Our Lord one thousand nine hundred sixty-nine and of the Commonwealth, one hundred thirty-third.

WILLIAM G. MILLIKIN,
Governor.

By the Governor:

JAMES M. HARE,
Secretary of State.

PROCLAMATION—CAPTIVE NATIONS WEEK

Whereas, by a joint resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States to issue a proclamation designating the third week in July as "Captive Nations Week" and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world, and

Whereas, the people of many nations throughout the world are enslaved by the imperialistic and aggressive policies of Soviet communism and deprived of their national independence and their individual liberties, and

Whereas, the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent, and

Whereas, the observance of Captive Nations Week calls attention to the tragedy of those enslaved by Soviet Russia and manifests to the people of the captive nations the support of the government and the people of the United States of America for their aspirations for freedom and national independence, now

Therefore, I, Joseph J. Grzecki, Mayor of the City of Hamtramck, do hereby proclaim the week of July 13th through 19th, 1969, as "Captive Nations Week" and urge that it be observed as such in recognition of the plight of the Soviet-dominated nations, and I urge all citizens of the City of Hamtramck to recommit themselves to the support of the just aspirations of the people of these captive nations.

Given under my hand and seal at Hamtramck, Michigan, on this 1st day of July, A.D. 1969.

JOSEPH J. GRZECKI,
Mayor of City of Hamtramck.

PROCLAMATION—CAPTIVE NATIONS WEEK, JULY 13–19, 1969

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North

Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others, and

Whereas, The desire for liberty and independence by the overwhelming majority of people in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war, and

Whereas, The freedom-loving peoples of the captive nations look to the United States as leaders in bringing about their freedom and independence, and

Whereas, The Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Antonina P. Uccello, Mayor of the City of Hartford, do hereby proclaim that the week commencing July 13, 1969, be observed as Captive Nations Week and call upon the citizens of Hartford to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

ANTONINA P. UCCELLO,
Mayor.

[News release of the Ukrainian Congress Committee of America]

UKRAINIAN CONGRESS PROTESTS TO U.N. ON RELIGIOUS PERSECUTION AND ARCHIVE-BURNING IN UKRAINE

NEW YORK, N.Y.—"Should you disregard our protest, you will certainly harm the prestige and purpose of the United Nations, to say the least, inasmuch as no nation or ethnic group in the world should be excluded from your consideration," stated Dr. Lev E. Dobriansky, President of the Ukrainian Congress Committee of America, in a protest to Secretary U Thant of the United Nations. The protest was in the form of a Memorandum to the United Nations today over the arrest of Archbishop Vasyl Welychkovsky of the Ukrainian Catholic Church in Lviv, Ukraine, and over the burning of Ukrainian and Jewish archives and libraries in Kiev and Odessa recently.

The arrest of the Ukrainian Archbishop was reported by *America*, Ukrainian Catholic daily in Philadelphia, on February 21, 1969 and by *The New York Times* on February 27, 1969. The report has since been confirmed by reliable and unimpeachable sources.

The fire in the Church of St. George at the Vydubetsky Monastery in Kiev and at the Great Synagogue in the Ukrainian port of Odessa took place on November 26, 1968. In the Vydubetsky Monastery fire thousands of manuscripts relating to Ukrainian history, folklore and culture were destroyed, including documents of the Czarist and Hapsburg past when Ukraine was divided between Russian and Austro-Hungarian rule. In the Odessa fire a great library of Jewish documents was destroyed.

In its protest the Ukrainian Congress Committee of America appealed to the U.N. to establish a special Committee to investigate the violations of human rights in Ukraine and to make a strong demarche with the Soviet government to live up to its obligations as a signatory to the U.N. Charter and the U.N. Declaration of Human Rights.

"For the continued abuse of Russian communist power in Ukraine would endanger the precarious situation behind the Iron Curtain and would provoke further disorders and unrest which could lead to a world conflagration," the Ukrainian protest concluded.

(Text of Protest to the U.N. Secretary General is attached.)

UKRAINIAN CONGRESS
COMMITTEE OF AMERICA, INC.,
New York, N.Y., March 14, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: We take the liberty of sending you herewith copy of a protest lodged with U.N. Secretary General U Thant by the Board of Directors of the Ukrainian Congress Committee of America, against the renewed religious persecution and against the destruction of Ukrainian historical archives and other documents by the Soviet government in Ukraine. The protest was voted unanimously by our Board of Directors at a meeting held on March 1, 1969 in New York City. The Ukrainian Congress Committee of America, founded in 1940, speaks on behalf of over two million American citizens of Ukrainian descent.

The protest to the U.N. Secretary General is based on reliable reports regarding the stepped-up persecution of the Ukrainian Catholic Church and the burning of Ukrainian archives, containing thousands of documents dealing with the history of Ukraine, its culture and folklore as well as archives containing Hebraic documents.

According to well-informed sources, the KGB, Soviet secret police, arrested on January 27, 1969 the Most Rev. Vasyl Welychkovsky, Archbishop of the Ukrainian Catholic Church in Lviv, who went to confess a sick person. Scores of other arrests were made in several Ukrainian cities. As you know, the Soviet government destroyed the Ukrainian Catholic Church, forcing some five million Catholic faithful to join the Russian Orthodox Church. Although the church organization was annihilated, hundreds of thousands of Ukrainian Catholics practice their ancestral faith secretly, for which they are being ruthlessly persecuted by Moscow.

Another method of Russian communist policy in combatting the aspirations of the Ukrainian people to freedom is wanton burning of Ukrainian libraries and archives.

On May 14, 1964 a fire destroyed the library of the Ukrainian Academy of Sciences in Kiev, with priceless records of Ukrainian folklore, literature and history, including documents of the period of the independent state of Ukraine, 1917-1920. On November 26, 1968 a mysterious fire destroyed the Church of St. George at the Vydubetsky Monastery in Kiev, along with rare manuscripts pertaining to the historical and cultural past of Ukraine. On the same day, November 26, 1968, another mysterious fire was reported to have gutted the Great Synagogue in the Ukrainian port of Odessa, destroying a library with priceless Jewish documents.

Knowledgeable specialists and analysts of Soviet affairs both in this country and in Europe regard these mysterious fires as attempts by the Soviet government to eradicate the Ukrainian national heritage, and to force some one million Jews in Ukraine into Soviet cultural assimilation.

It is to be recalled, Mr. Secretary, that both the Soviet and the Ukrainian SSR constitutions assure their citizens full religious freedom. The USSR and the Ukrainian SSR are also signatories to the U.N. *Declaration of Human Rights* as well as the Atlantic Charter which expressly prohibit the practice of such barbarities.

On March 8, 1968 when we protested the arrest and secret trials of Ukrainian intellectuals, John McH. Stuart, Jr., Deputy Director, Public Affairs, U.S. Mission to the U.N., wrote in reply:

"Ambassador Goldberg asks me to thank you for your telegram of March 4, 1968, bringing to his attention your resolution concerning steps by the United States to bring the question of self-determination in the Soviet Union to the attention of the United Nations.

"The United States Government is maintaining its uncompromising support for the cause of self-determination. On various occasions, United States delegates at the United Nations have taken appropriate opportunities to remind the USSR, and the world community, that the peoples within the USSR have the same right to self-determination which the people of so-called "colonial" countries possess, and we have urged the Soviet Union to permit the full exercise of this right. We shall continue to express this viewpoint emphatically as occasions arise.

"Please be assured that the denial of freedom from the Baltic to the Black Sea remains a matter of great concern. Our Government's policy continues to be one of support for the just aspiration of all peoples to determine freely the political arrangements under which they live."

We earnestly urge you, Mr. Secretary, to transmit our protest to the Hon. Charles W. Yost, our new Representative to the U.N., instructing him to raise the matter of the cultural and religious genocide of 45,000,000 Ukrainian people by Communist Russia during the debates on human rights in the U.N. and its associated agencies. We would also appreciate it if you would make this letter known to any other U.S. government department which you think should be informed of these latest developments in Ukraine.

Sincerely yours,

LEV E. DOBRIANSKY,
President.

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC.,
New York, N.Y., March 14, 1969.

Hon. U THANT,
Secretary General,
United Nations, N.Y.

YOUR EXCELLENCY: The Board of Directors of the Ukrainian Congress Committee of America, an organization speaking on behalf of over two million American citizens of Ukrainian background and origin, at its meeting held on March 1, 1969 in New York City, decided unanimously to submit to you a protest regarding the religious and cultural persecution against the Ukrainian people being conducted systematically by the Soviet government on an unprecedented scale.

You will recall, Sir, that on December 7, 1968, we sent you a protest regarding the U.N. Human Rights Award given to Prof. Peter E. Nedbailo, delegate of the Ukrainian SSR to the U.N. Human Rights Commission, for "outstanding achievements in human rights." In asserting our most vigorous protest against granting the U.N. award to Prof. Nedbailo, a representative of a government which consistently violates the provisions of the U.N. *Declaration on Human Rights*, we termed your organization's step as "a mockery of justice for which the U.N. should not stand."

Our present communication to you is a protest against renewed religious persecution in Ukraine and the wanton destruction of Ukrainian monuments and historical archives by the Kremlin.

RELIGIOUS PERSECUTION IN UKRAINE

The Soviet Union is a signatory to the U.N. *Universal Declaration of Human Rights*, and it makes much of this fact in its massive propaganda drives outside the USSR. But within its own jurisdiction the Soviet government has been ruthless in eradicating the Ukrainian Catholic Church and the Ukrainian Autocephalic Orthodox Church (independent of the Kremlin-controlled Russian Orthodox Church); it harasses and persecutes the Protestant denominations as well as the Judaic and Islamic religions.

As a signatory to the U.N. *Universal Declaration of Human Rights*, the Soviet government is bound to observe Article 18 of the *Declaration*, which reads:

"Everyone has the right to freedom of

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thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

But how does the Soviet government observe this right in practice?

On February 27, 1969 *The New York Times* reported from Vienna the following dispatch:

"The Soviet security police in Lvov arrested the secretly consecrated Ukrainian Catholic Bishop Vasyl Welychkovsky, according to Kathpress, the Austrian Catholic press service.

"Kathpress said the arrest took place several weeks ago when the Bishop was on his way to a private house to receive confession from a sick man . . . Bishop Welychkovsky, a Redemptorist father, was among about 1,000 Ukrainian Catholic priests arrested and deported after the end of World War II. Since his return he has lived in Lvov on an old-age pension paid by the state, the Kathpress reported . . ."

Dealing with the same case, *America*, Ukrainian Catholic daily in Philadelphia, reported on February 21, 1969 that Archbishop V. Welychkovsky was arrested by KGB agents on January 27, 1969, when he went to confess a sick person. The arresting officers are reported to have said, "You will never see him again." After his arrest, the Soviet secret police made a search of private homes of several Ukrainian Catholic priests in Lviv and in other Ukrainian cities. In Stanyslaviv (now Ivano-Frankivsk) Soviet agents visited several Ukrainian Catholic nuns and distributed leaflets which forbade them to receive priests, help in baptisms or facilitate confessions.

"It is to be recalled that in 1945–46 when the Soviet troops occupied Western Ukraine, there were three Ukrainian Catholic Dioceses of Lviv, Peremyshl and Stanislaviv, and the territory of the Apostolic Visitator in Volhynia and an Apostolic Exarchate in Lemkivshchyna. Together with Carpatho-Ukraine, which was incorporated into the Ukrainian SSR in 1945, this compact Ukrainian territory contained approximately 5,000,000 Ukrainian Catholic faithful, 1 Archbishop-Metropolitan, 10 bishops, 4 dioceses, 2 areas of Apostolic Administration, 2,950 diocesan priests, 520 monastic and religious priests, 1,090 nuns, 540 seminarians, 3,040 parishes, 4,440 churches and chapels, 127 monasteries and convents, 1 theological seminary and 5 ecclesiastical seminaries.

"In addition, the Ukrainian Catholic Church possessed a great number of cultural centers, primary and secondary schools, institutes, publishing houses, libraries, welfare and aid associations, orphanages, student and youth leagues, and societies."

All these were ruthlessly destroyed in 1945–46 by the Soviet government, which simply put the Ukrainian Catholic Church outside the law. All the bishops were deported and tried in secret trials as "enemies of the people." Of all the ten Ukrainian Catholic Bishops only one survived. He is Metropolitan Joseph Slipy, the head of the Ukrainian Catholic Church in Western Ukraine, who spent 18 years in Soviet jails and concentration camps. Released in January 1963, upon the intervention of the late Pope John XXIII, he was allowed to travel to Rome, where he was made in 1963 Archbishop-Major of the Ukrainian Catholic Church, and Cardinal in 1965 by Pope Paul VI.

The brutal destruction of the Catholic Church in Ukraine was deeply deplored by Pope Pius XII in his encyclical *Orientales Omnes Ecclesias* (December 23, 1945) and later, in *Orientales Ecclesias* (December 15, 1952), and by many church and lay leaders of the western world.

Despite the destruction of the church organization in Ukraine, millions of Ukrainian Catholics remained faithful to their ancestral faith and continued to be Catholics by practicing their religion in secret. There exists an underground Ukrainian Catholic Church in Ukraine, and the aforementioned Archbishop Welychkovsky is said to have been consecrated secretly.

The existence of the underground Ukrainian Catholic Church in Ukraine was and continues to be a thorn in the Soviet side, and consequently the Soviet government relentlessly persecutes Ukrainian Catholics more than any other religious groups.

The intensification of religious persecution in Ukraine by the Soviet government was stepped up after the invasion of Czechoslovakia by the Warsaw Pact forces last August. During the brief period of "liberalization" under Alexander Dubcek, the Prague government had allowed the restoration of the Ukrainian Catholic Church in Eastern Slovakia and released the Ukrainian Catholic Bishop, the Most Rev. Basil Hopko, from 13 years of communist captivity. The Ukrainian-language radio broadcasts and newspapers and magazines which were allowed the Ukrainian minority in Czechoslovakia aroused considerable fears and apprehension in Moscow, hence intensified anti-religious and anti-Ukrainian persecution. Official Soviet propaganda against the Ukrainian Catholic Church and Ukrainian culture in general was stepped up, linking them with the ideology of "Ukrainian bourgeois nationalism" (Cf. *Kultura i Zhyttia* [Culture and Life], No. 6, January 19, 1969). A professor of the T. Shevchenko University in Kiev, V. Tancher, in *Pravda Ukrainy* (as quoted by the January 1969 issue of *Digest of the Soviet Ukrainian Press*), wrote:

"All churches served the interests of exploiting classes. But the Uniate church (Ukrainian Catholic Church) played a particularly reactionary role. Uniate believers desired opposition between the Ukrainian and Russian nations; they wanted to see the countries quarrel; they attempted to isolate these friends from each other. But religious differences shook the foundation of Ukraine's national unity . . ."

Clearly, such editorial and commentaries in the Soviet official press organs can mean only one thing: the Soviet government is determined to eradicate all traces of Catholicism in Ukraine.

DESTRUCTION OF HISTORICAL ARCHIVES IN UKRAINE

Another crime committed by the Soviet government in Ukraine which is the subject of our protest is the deliberate burning of Ukrainian archives, libraries and other centers of documentation of Ukrainian history, culture and ethnic heritage.

On February 20, 1969, *The New York Times* in an article, entitled "Archive Fires in Ukraine Stirring Suspicions of a Plot," by Peter Grose, reported extensive fires in the 17th-century monastery in Kiev, capital of Ukraine, in which priceless Ukrainian and Jewish archives were destroyed. The same night, as fire swept through the Church of St. George in the Vydubetsky Monastery in Kiev, a mysterious fire was reported to have destroyed the Great Synagogue in the Ukrainian port of Odessa, destroying a library of Jewish documents. The fire at St. George's Church in Kiev was the second time in recent years that archives of Ukrainian history had been destroyed by a large fire of obscure origin. In the first fire, in 1964, documents of Ukrainian history and culture were destroyed in the library of the Academy of Sciences of the Ukrainian SSR. The official version was that an employee named Pohruzhalsky, an emotionally unbalanced person, set fire to the library; he was sentenced to 10 years imprisonment.

Dr. George Luckyj, professor of Ukrainian and Russian literature at the University of Toronto, was in Kiev at that time and witnessed the fire, which he subsequently described in the academic journal, *Problems of Communism*, (July–August, 1968) published by the United States Information Agency (USIA). Among the manuscripts destroyed were records of Ukrainian folklore, literature and history, including documents of the short-lived Ukrainian government of 1918–1920.

In the Vydubetsky Monastery fire on November 26, 1968, Ukrainian archives from the Czarist and Hapsburg past, when Ukraine was divided between Russian and Austro-Hungarian rule, were destroyed.

The renewed religious persecution and archive-burnings in Ukraine by the Soviet government are another phase of the general assault against the Ukrainian nation to break down its aspirations for freedom and national statehood. In 1965–67 the Soviet government conducted several secret trials of Ukrainian intellectuals whose calls for cultural freedom are often blended with their pride in the Ukrainian national heritage. Russian Communist masters of Ukraine denounce this interest as "bourgeois nationalism," and incompatible with the Soviet ideology. The existence of nationalist dissent in Ukraine is ascribed by reliable Western observers and analysts as one of the main reasons why Moscow decided to invade Czechoslovakia and suppress the liberalization movement in Prague, before its influence and effects spread across the Carpathian Mountains to Ukraine.

Your Excellency!

We appeal to you to earnestly consider our protest against the consistent and barbaric violation of human rights of the Ukrainian people by the Soviet government, a member of the United Nations and its permanent Security Council.

We cannot believe that the United Nations can remain indifferent to the persecution and oppression of the Ukrainian people by Communist Russia and still claim to be the organ of international justice and peace.

In Ukraine, where the U.N. *Declaration of Human Rights* is considered to be a subversive and seditious document, where men and women who demand the right of their native language are put behind bars as dangerous criminals—the Soviet government commits enormous crimes against human rights daily and thus is guilty of violation of the U.N. Charter and the U.N. *Declaration of Human Rights*.

The cause of international peace and justice would be served if you would look deeply into the matter of Russian Communist colonialism and imperialism in Ukraine.

We, therefore, respectfully suggest that you, Sir, as Secretary General of the United Nations and the custodian of peace and respect of human rights everywhere, do the following:

(1) Institute a Special Committee to Investigate the systematic violations of human rights and the persecution of the Ukrainian people and the national minorities in Ukraine by the Soviet government, a signer of the U.N. *Declaration of Human Rights;*

(2) Inform the representative of the Soviet Union at the United Nations that the continuation of Soviet Russian infractions against the U.N. Charter and the covenant of human rights in Ukraine, contributes to the denial of human rights to a nation of 45,000,000 people, which practice is not only contrary to the United Nations Charter and the U.N. Declaration of Human Rights but against the constitution of the USSR and the Ukrainian SSR, which speak eloquently of the human and civil rights which allegedly each citizen of the USSR and Ukraine is free to enjoy.

Should you disregard our protest, you will certainly harm the prestige and purpose of the United Nations, to say the least, inasmuch as no nation or ethnic group in the world should be excluded from your consideration. For the continued abuse of power by communist Russia in Ukraine would endanger the precarious situation behind the Iron Curtain, and would provoke further disorders and unrest which could lead to a world-wide conflagration which is not in the interest of the United Nations or mankind at large.

We are taking the liberty of sending copies of this protest to the U.S. Department of State and to each member of the United Nations.

Respectfully yours,
LEV E. DOBRIANSKY,
President.

ADDRESS GIVEN BY DR. KU CHENG-KANG AT THE CAPTIVE NATIONS WEEK OBSERVANCE, INDEPENDENCE MALL, PHILADELPHIA, PA., JULY 20, 1969

This meeting in Philadelphia recalls memories of the spirit and example of Americans of previous generations who fought for freedom and overthrew a power that sought to enslave them. This gathering also serves as a reminder to all the people of the free world that they hold a grave moral responsibility toward the captive nations and enslaved peoples behind the Iron Curtain.

It was in this city in 1776 that the Declaration of Independence was adopted. The Declaration preaches the basic tenet that man has the inalienable right to be free. Americans have turned this article of faith into reality through actions that have called for the shedding of their blood, the flowing of their sweat, and the loss of their lives. This occurred when the United States twice took part in world wars; again, when she offered aid to peoples in all parts of the world in the post-war period to help them protect or attain freedom; and, most significantly evident, when Americans shed blood and lost lives in Korea and now in Vietnam. This American spirit of fighting to preserve their convictions long ago won the admiration and respect of all the peoples in Asia.

We in Asia have the most profound respect for these words of Thomas Jefferson: "The arms we have been compelled by our enemies to assume we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die free men rather than live slaves."

These words are more than apt in describing the sentiments of all the peoples at present oppressed or threatened by Communist enslavement. As an Asian, I wish to speak frankly to you about the expectations that we in Asia hold for the United States.

A critical question that now confronts the American leadership is how to end the Vietnam War honorably, while at the same time preserving the independence and freedom of the Republic of Vietnam. This is an end also devoutly hoped for by all the free peoples of Asia.

The fundamental reason why the Vietnam War has troubled the United States lies in the fact that Vietnam herself and the other free nations of Asia do not possess the necessary defense capability. Unless this defect is corrected, even if the Vietnam War is momentarily halted, the security problems of Vietnam and of Asia are still not solved.

The United States is an important member of the Pacific community of nations. A secure Asia constitutes a shield for the security of the United States. If Communist aggression is to be halted in Asia and the Pacific region, then the nations of this region must be encouraged to form an effective regional security organization, which organization will gradually assume a larger share of the burden of the United States in the defense of that region.

President Nixon has spoken out for a mutual security pact among the free Asian nations to cope with the Communist threat. We in Asia support this viewpoint and are united in our belief that the regional security organization produced by such a mutual security pact will definitely lighten the responsibility of the United States in resisting Communist aggression in that part of the world. This regional security plan is contingent upon American economic and military assistance with which the Asian nations may develop the military and economic capability for defense against Communist armed aggression.

The threat of war in Asia will significantly be reduced. Equally vital, however, is the American government's lasting firm stand, without lapsing over compromising with Communist tyrannies, to protect and inspire the morals of the Asian peoples in their fight against Communism.

I do not for a moment suggest, however, that the United States should take direct action against that Communist regime that is the source of all Asia's troubles. I believe that helping us of the Republic of China to build up our strength would prove the more effective means of cutting away that cancerous source of Asia's ills, just as the establishment of an Asian-Pacific regional security organization would be the most effective means of maintaining peace and freedom in Asia.

In his June 4 address at the Air Force Academy, President Nixon said that he believed "a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice." A positive China policy on the part of the United States is crucial to the establishment of this new world order.

We appeal, therefore, to all nations of the free world not to tolerate a situation in which a billion people is enslaved. The free nations must unite to destroy the Iron Curtain, to set free all the captive nations and enslaved peoples, and to build a new world of security, freedom and peace.

CHAMBER OF COMMERCE OF THE
NEW ORLEANS AREA,
July 3, 1969.

CAPTIVE NATIONS WEEK

Churches and Synagogues of the New Orleans Area.

GENTLEMEN: The 11th annual Captive Nations Week, established in 1959 by an act of Congress and subsequently proclaimed by presidents, governors of states and mayors of leading cities, will be observed July 13–19, 1959.

In a spirit of ecumenism, we are enclosing a special issue of the Immaculate magazine dedicated to the Captive Nations. Valuable source material for sermons and church bulletins may be found in the articles written by such churchmen as the Rev. Richard Wurmbrand, Lutheran minister who spent fourteen years in a Rumanian prison; Protestant minister Ladin Popov in "Bible Smuggler" Underground Evangelism; and Father Werenfried Van Straaten, founder of Iron Curtain Church Relief.

Sunday, July 13th: The Americanism Committee of the Chamber of Commerce of the New Orleans Area has scheduled Dr. Alexander Sas-Jaworsky, refugee from the Ukraine, and Cuban refugee Leonardo Villalon to speak over radio WTIX (690) from 9:30 to 11:00 a.m. Dr. J. D. Grey, pastor, First Baptist Church, has invited Dr. Sas-Joworsky to attend, be introduced and speak briefly at the 7:00 p.m. service, which is carried by radio WSMB (1350). Other features to be announced.

In connection with Captive Nations Week the suggestion is offered *that church calendars for July 13th* include a paragraph requesting prayer during that week for the one billion captive peoples under Communist rule.

Sincerely,
ALTON OCHSNER, Jr., M.D.,
Chairman, Americanism Committee.

[From the New Orleans Chamber of Commerce News Bulletin, July 11, 1969]

CAPTIVE NATIONS WEEK OBSERVANCE SET

The Congress of the United States in 1959 passed Law 86–90 establishing the third week in July each year as Captive Nations Week and invited the people of the United States to observe the event with appropriate programs, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence. Mayor Victor H. Schiro has proclaimed the annual observance here and Governor John J. McKeithen has proclaimed the observance throughout Louisiana. Dr. Alton Ochsner, Jr., chairman of the Chamber's Americanism Committee, said that the observance here will be highlighted by a WTIX (690) radio program from 9:30 a.m. to 11 a.m. on Sunday, July 13. Featured speakers will be Dr. Alexander Sas-Jaworsky, refugee from the Ukraine, and Leonardo Villalon, refugee from Cuba. Dr. Ochsner added that the Americanism Committee has suggested that church calendars for July 13 request prayer during the week for the one billion captive peoples under communist rule.

[From the Jennings Daily News, March 1969.]

BIOGRAPHICAL SKETCH

Dr. Alexander Sas-Jaworsky is recognized nationally as an unofficial Ambassador of the enslaved Ukraine, and all other Captive Nations.

His life story reads like fiction: Born 53 years ago, came to this country in 1949 and began his job as a dishwasher in the Valley Forge Military Academy. In 1954 he became a citizen of this great country. In 1957 he appeared on the $64,000 Question Show on the category of American History winning $136,000. He was awarded Man of the Year of the Professional Society of North America; outstanding Immigrant of the 1949–1959 decade; he received a gold medal of Americanism from the Daughters of the American Revolution. He was named Lion of the Year; he received an award from the National Red Cross for outstanding services; over 60 cities in the United States and Canada named him an honorary citizen.

Among his hundreds of plaques, recognitions and citations, from civic organizations such as the Rotary Club, Kiwanis Club, Chamber of Commerce, Dr. Sas treasures the most being an honorary member of the Louisiana State Senate, and also an honorary member of the United States Congress.

Dr. Sas has delivered over 2100 lectures to colleges, universities, high school student bodies, civic and religious organizations.

Dr. Sas is a son of a Catholic priest of the Byzantine Rite and the father of five American born children.

Let me present you Dr. Alexander Sas-Jaworsky, the most awarded foreign born American.

[From the New Orleans (La.) Times-Picayune, July 17, 1969]

RESIST SOVIET AGGRESSION, EX-UKRAINIAN WARNS UNITED STATES

An Abbeville veterinarian who was born in the Ukraine called for the United States to resist Soviet aggression throughout the world.

Dr. Alexander Sas-Jaworsky, who was forced to work for both the Germans and the Russians during World War II when the two enemies took turns occupying the Ukraine, was in New Orleans to observe the 10th anniversary of Captive Nations Week, which was established by an act of Congress in 1959.

Dr. Jaworsky stressed the fact that he is opposed to all forms of totalitarian rule but feels he would be wasting his time fighting fascism, which he called a "dead issue."

The Soviet Union, however, despite its recent friendly overtures to this country, has always had the goal of "overthrowing our government—by force if necessary—and establishing a Soviet-ruled United States," according to Dr. Jaworsky.

A resident of this country since 1949 and a citizen since 1954, Dr. Jaworsky was familiar with American history long before he moved here.

"History is my hobby," he said, adding, "Ukrainian kids know much more about American history than do American kids. That's one of our weak points: Ignorance. We don't know and we don't want to know."

Dr. Jaworsky is proud of the fact that all five of his children were born in the United States. And he can say, "I believe in American democracy."

The 53-year-old "unofficial ambassador of the enslaved Ukraine" said that along with pictures of Nazi atrocities from a quarter of a century ago Americans should be shown examples of Soviet outrages which are being committed now.

He cited the Soviet invasion of Czechoslovakia as one such outrage.

The independence of such Soviet-occupied lands as the Ukraine, Latvia, Lithuania, Estonia and Czechoslovakia is "necessary for our security," said Dr. Jaworsky.

On the subject of Vietnam, Dr. Jaworsky said that although "the Vietnam war is the most nonsensical war in history because we started a war we had no intention of winning," complete American withdrawal from Vietnam would be a "disaster" to the rest of Southeast Asia.

He said the best solution for ending the war there would be for South Vietnam, using American weapons but not American troops, to invade North Vietnam.

Asked about the possible outbreak of hostilities between Russia and Communist China, Dr. Jaworsky replied that we should determine "how real" the Sino-Soviet split is and then "aid China now. We should play politics to help the weaker one."

Dr. Jaworsky called for Congress to pass a resolution which would create a special House committee to study captive nations and establish a Freedom Academy.

CAPTIVE NATIONS WEEK

(By Maud O'Bryan)

It's has been estimated that one billion people live behind the Iron Curtain. The 11th annual observance of Captive Nations Week is being observed July 13–19. The Americanism Committee of the Chamber of Commerce asks all churches and individuals to observe this week by praying for the one billion captives under Communist rule.

[From the Clarion (New Orleans, La.) Herald, July 10, 1969]

THE ARCHBISHOP SPEAKS . . .

(By Archbishop Philip M. Hannan)

Is there any need this year to observe Captive Nations' week? Isn't Communism gradually granting more freedom, especially freedom of religion? Let's look at the situation.

"There is no persecution of religion in Yugoslavia. Of course, a young man won't get ahead at all if he believes in God. He won't do anything except hand labor if he doesn't believe in the party and renounce religion."

This was a report that came from Yugoslavia, the country that first "broke away" from the control of Communist Russia. In fact, our country believed that it was so valuable to encourage this schism among the Reds that our country contributed over a billion dollars to Yugoslavia to help it maintain its "independence" from Red Russia.

The matter-of-fact attitude, the casual acceptance of the official repression of religion is the striking aspect of the matter in a country that is not even behind the Iron Curtain. The attitude behind the Iron Curtain, especially in Russia, is as intolerable as the authorities dare to make it. Naturally, they keep open a few churches, as stage-props, to prove that there is "religious freedom" in Russia. Father Elmo Romagosa reported on this fact recently in the CLARION Herald after his trip there.

They can afford to be "tolerant" of the remnant of instructed Christians left. The remnant reminds us that after World War II the whole hierarchy of the 4,000,000 member Catholic Church in the Ukraine (the Byzantine Rite) was destroyed except Metropolitan Joseph Cardinal Slipyi. I well remember the emotion-packed scene at the Vatican Council when he entered St. Peter's after his release by the Reds.

Despite the few "believers" left in Russia, the Reds savagely persecute those who become active in spreading the Gospel of Christ. The case of Aida Skripnikova, a Baptist, illustrates this. She was first arrested on Dec. 31, 1961, for distributing 46 handwritten New Year cards with biblical quotations. She was arrested three more times for the "crime" of distributing Bibles or religious literature. The fourth time she was arrested was on April 12, 1968, Good Friday, and she has not been seen since.

Where there is no religious freedom, there is no hope of any other type of freedom—political, cultural, social, economic. Freedom of religion is the heart of freedom. If a man is not free to worship God he is not free in any sense.

This was the reason that prompted the declaration in 1959 by President Dwight D. Eisenhower of Captive Nations' week, which is observed this coming week, July 13-20.

We rally to this call by praying for those deprived of freedom back of the Iron Curtain and the Bamboo Curtain. They are our brothers in God, whether they are Russian, Chinese, Hungarian or Polish. We suffer with them, begging God to give them the blessed freedom for which they were created. "For as the body is one and has many members, and all the members of the body, many as they are, form one body, so also is it with Christ . . . and if one member suffers anything, all the members suffer with it, or if one member glories, all the members rejoice with it." (1, Cor. 12, 12-26).

We can do more for the cause of freedom than pray for its triumph. We can practice it. This is the ultimate vindication of the cause of freedom—the practice of fredom. "Live as free men, yet not using your freedom as a cloak for malice but as servants of God." (1 Pet. 2, 16-17).

The cause of freedom is secure only when men use it for God's purpose. We use it for God's purpose when we support the relief of the needy, when we believe that any man, regardless of his color or national background, has equal opportunities in the hiring halls, in offices, in purchasing a home, in educational facilities. The practice of freedom in this sense has an irresistible attraction for all men. There is no substitute for it and counterfeit freedom is subverted freedom.

It is to the great credit of so many black leaders in Africa among the new nations that they have recognized the inherent denial of freedom in Communism. From Ghana, to Kenya, to Tanzania—from west to east—they have rejected the fake claims of Communism. The late and respected leader in Kenya, Tom Mboya, was a typical example of this. I remember speaking with him and hearing his strong views on this matter. He was a labor leader and at one time had leftist leanings but he was shrewd and sincere. He saw through the perfidy of the Communists and chose God's freedom. May God grant him eternal rest.

We owe it to God to support here, and everywhere, His freedom so that all men can enjoy as equals the brotherhood in Christ.

[From Our Parish Family Caller (Violet, La.), July 13, 1969]

CAPTIVE NATIONS WEEK

WTIX (690) From 9:30 to 11:30 AM, July 13, has scheduled special program for interested radio listeners to refugees from the Ukraine and Cuba, observing gratefully Captive Nations Week! We request prayers for the one billion captive peoples under communist rule—from July 13 to 19, 1969. Thank God that we do not live in a Captive Nation!

[From the New Chicago, March 21, 1969]

THE VULNERABLE RUSSIANS

(By Lev. E. Dobriansky, New York: Pageant Press)

It's time to zero in on the weakness of the Russian bear. That's the theme of "The Vulnerable Russians", by Professor Lev Dobriansky, of Georgetown University. In an age of computerized analysis and mass-research facilities, books which do not make the headlines at once or do not have the backing of a publicity bonanza are often relegated to the dusty shelves of the publisher and the libraries.

"The Vulnerable Russians" warrants some special considerations. The volume merits attention not because it has any startling facts or new appraisals of the Russian scene, but because of the peculiar concepts that the author develops in presenting his account of the Soviet grip on the political and economic fate of the various peoples and nationalities officially living under the banner of the hammer and sickle.

The notion of the "captive nations" provides the superstructure of this volume. The substance of the book is explained by way of this concept.

Professor Dobriansky originated the idea of Captive Nations Week in the late '50s and. each year in July, this week is commemorated in the United States as a result of an Act of Congress in 1959.

The response of the Soviets to this annual event is particularly enlightening and informative of the ideological make-up of the Soviet camp. In July, 1965, for instance, Michael Suslov, chief Party theoretician, commented on the observance of Captive Nations Week:

"Especially disgusting is the villainous demagogy of the imperialistic chieftains of the United States. Each year they organize the so-called Captive Nations Week, hypocritically pretending to be defenders of nations that have escaped from their yoke. These international gendarmes, stranglers of freedom and independence, would like again to enslave the free nations of Lithuania, Latvia and Estonia. But this will never happen."

This response, a typical Soviet approach, means to accuse others of what the Communists either are perpetrating themselves or planning to put into practice.

One of the major emphases of the Captive Nations concept is to bring out into bold relief the gun barrel philosophy of the Soviet and its allied powers.

Unquestionably much of the Communist success in the past has been achieved because of this old philosophy. As Mao Tse-Tung once said, "Every communist must grasp the truth that political power grows out of the barrel of a gun . . . in fact we can say that the whole world can be remolded only with the gun."

The bulk of Soviet and other Communist acquisitions and annexations have resulted from a three-pronged attack: by force through overwhelming military superiority, internal infiltration, and political blackmail.

Soviet imperialism started in the early 20s with the Outer Mongolia area. Poland was partitioned in 1939; Estonia, Latvia, Lithuania, and a portion of Finland followed in 1940; Bulgaria and Albania in 1944; Hungary, Yugoslavia, Sakhalin, and the Kurile Islands in 1945; Rumania in 1947; Czechoslavakia in 1948; East Germany in 1949, followed by North Korea, North Vietnam, and Cuba in the 50s.

Paradoxically, it is interesting to note that, though the Soviets base their world outlook on Marx's philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters. According to Marx, the only way to deal with Russia was the fearless way.

Writing for the *New York Tribune,* April 19, 1853, Marx says: "What had to happen? The ignorance, the laziness, the pusilanimity, the perpetual fickleness and the credulousness of Western Governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's covetous power-policies have a long tradition. "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin.

"Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of Imperialism, Pan-Slavism, and Oriental Despotism.

The nationality question also has a major function in the Captive Nations concept. Here it is important to recall that the words "Russia" and "Russian" have been bandied about in the past with little care for necessary distinctions and explanations. The Soviet Empire is made up of many different nationalities. These other nationalities play an important factor in the character of the Soviet Empire.

Professor Dobriansky elaborates on this fact. He says, "I repeat, Russia itself would be only a second or third-rate power. Economic parasitism and exploitation enable it to bluff diplomatically a great power status, and most amazing is the degree to which Free World powers have fallen for this."

Dobriansky then highlights the advantages which Soviet power has reaped from these countries that have been swept forcefully into the Soviet orbit and used as buffer zones to the West and as objects of exploitation.

Other crucial notions suggested or brought out in "The Vulnerable Russians" include the role of wordsmanship and propaganda, Russification, the emasculation of Marx and Marxism, and the general cold war apparatus that the Soviets have built since the Bolshevik take-over.

In his book, except for excessive repetition, Professor Dobriansky has done well in attacking the weakness of the Soviet power machine.

From time to time we need to recall that the opposition is not an almighty force in spite of the facade that the Soviets have often erected. All the concrete walls, war zones, barbed wire fences, guard towers, trenches, empty wastes, and no man's lands betray the rapacious nature of the Soviet Empire.

[From the Ukrainian Weekly, Mar. 29, 1969]

The Washington Post at It Again

New York, N.Y.—"The Washington Post," an outstanding American newspaper, well-known for its acerb anti-Ukrainian editorials before the unveiling of the Shevchenko statue in Washington in 1964, came out again with a powerful feature article casting a shadow of doubt on the Ukrainian liberation movement.

In his article, "The Ukraine: Questing for Pride," Stephen S. Rosenfeld, staff correspondent (who also spent some time in Moscow a few years ago), starts off by stating that "the American black community has its counterparts in many places, and not least in the Ukraine, 'a state' in the Soviet Union . . ."

He then proceeds to throw in a mixture of some "100 national minorities," and the Great Russian fear of national disintegration at "the edges." He dwells on Ukrainian "nationalism" (always in quotation marks!) and says that "the Ukraine" is the largest non-Russian republic. "Its culture and history offer the stuff of national identity for those who seek it." This means, according to him, that apparently, Ukraine has no objective basis for national statehood; he ignores the fact that the Russian Imperial Academy in Petrograd recognized the separateness of the Ukrainian language in 1908; that the Russian Provisional Government had recognized the Ukranian Central Rada, and that the Soviet of People's Commissars recognized the Ukranian Central Rada public in 1917, as did the Central Powers in 1918, and that Lenin always spoke of Ukraine and Finland as two non-Russian nations which must be given freedom and national independence.

"POOR REPUTE IN U.S.A."

Then, Rosenfeld writes:

"The Ukraine has not enjoyed a very high repute in the United States. For one thing, many Russian, Jewish and Polish immigrants brought to this country a condescending view of Ukrainians, formed on European soil. Moreover, the organized Ukrainian-American community is dominated by men with ties to the Western Ukraine. Washington's Lev Dobriansky, author of 'Captive Nations Resolution,' is prominent among them. They tend to favor Ukrainian statehood, which would mean the dismemberment of the Soviet Union, and in pursuit of this goal they have practiced the harshest tactics of the cold war. Hence they have set themselves apart from the mass of Americans who, unconcerned with Ukrainian affairs per se, desire better relations with the Soviet Union . . ."

Again, Rosenfeld implies that only "men" from Western Ukraine, and their descendants favor Ukrainian statehood, thus disparaging against Ukrainians from Eastern (Soviet) Ukraine, whom he light-heartedly labels as "traditionally Russian-oriented," which historically is untenable.

Apparently, the writer knows little of the Ukrainian National Revolution of 1917–1920, and the fact that it was these "Russian-oriented" Ukrainian patriots who broke away from Russia and proclaimed the independence of Ukraine: Hrushevsky, Petlura, Vynnychenko, Doroshenko, Porsh, Mikhnovsky, Shvets, Makarenko, Hermaize, Lototsky, Mazepa, Martos—and hundreds and thousands of them. That does not mean that Western Ukrainians did not play an important part in the general Ukrainian movement for national rebirth!

For good measure, Rosenfeld then proceeds to discuss the ferment among Ukrainian intellectuals, citing the writings of Karavansky and Oles Honchar ("Sobor"), and the protests of Ukrainian students from Dniepropetrovsk. It's all to the good. But as an "instant expert" on Ukraine, Rosenfeld contributes to the general confusion dominating our mass communication media by talking about the sanctity of "Mother Russia" and implies that 46 million Ukrainians should not aspire to their God-given right to freedom.

In the matter of Ukrainian-Russian relations, British specialists are far more objective and are unbiased. For instance, "The Times" of London (January 30, 1969), in reviewing "The Chornovil Papers," wrote:

"The 'Away-from-Moscow' polycentrism—which has been manifesting itself not only in a vast and rich country like the Ukraine, with a population of more than forty million, but also in Georgia, Armenia and even 'backward' countries like Bashkiria. . . ."

Of course, "The Washington Post" has been on record as favoring freedom to only a few countries outside the USSR, and it has a particularly psychopathic antipathy toward Ukraine and the Ukrainian people.

[From "America" (Philadelphia), April 3, 1969]

Letters to the Editor—The Washington Post

Mr. Rosenfeld's article of March 14, 1969 "The Ukraine Questing For Pride" was interesting but quite disappointing in content and message and clearly demonstrates the ignorance and misconceptions which continue to abound among the Post's editorial writers when writing on matters regarding the "Soviet Union." After the Post's stunning defeat in attempting to block the erection of the Shevchenko statue (Ukraine's poet laureate) and its inability to succeed in negating Captive Nations Week through its annual downgrading of the Week, one would hope that finally, the Post has become more knowledgeable and sophisticated in its views regarding the "Soviet Union." Unfortunately, most of the old myths still linger in the minds of the Post's writers.

One immediately gets the feeling on reading the article that perhaps the subject article should have been entitled "Ukraine: Questing For Freedom." A great deal is made of "pride" in the article as related to Ukrainian "culture, history and language." But doesn't it inherently follow that such intense pride in the rudimentary elements, which form the basis for distinguishing one nation from another would concurrently include a strong and immediate desire for national independence and self determination and an equal place among the family of free nations? This follows as surely as night follows day.

The Post's answer to this line of reasoning surely would be a resounding NO with the explanation that such an event would upset delicate east-west relations and in this day and age a desire for freedom should manifest itself only in nations not under the control of Soviet Russia. Or, to use the Post's own words this would be "practicing the harshest tactics of the cold war." To the Post's way of thinking I suppose the wars of liberation past, present and future conceived and supplied by Moscow largely from the resources of its vast empire costing Americans billions of dollars and rivers of blood are mild tactics in the cold war.

The vital distinction between nation and state apparently still hasn't been grasped by the Post. Ukraine is given a regional connotation throughout the article being described as "the Ukraine" and also a "state" in the "Soviet Union" rather than a conquered nation forcibly included in the "Soviet Union." Moreover, the article attempts to convey the impression that the Soviet Union is composed of "more than 100 national minorities" leading the reader to conclude therefore that apparently the Soviet Union is composed of more than a hundred tiny nations. These so called "minorities" taken together comprise more than half the total population of the Soviet Union with approximately 90% of this majority ethnically identifiable as belonging to one of a dozen non-Russian nations included in the Soviet Union. The remaining 10% would constitute the more than 87 national minorities quoted by the Post which include a scattering of groups of people which do not possess the necessary historical elements to constitute a nation.

To correct a few more of the numerous inaccuracies in Mr. Rosenfeld's article, (1) support was not bought by Moscow with a permissive nationality policy in Ukraine after 1917 but by the authority of the conquering Russian army, (2) the Ukrainian liberation movement was born in the "Orthodox and traditionally Russian oriented eastern Ukraine." Prominent leaders of the movement were Eastern Ukrainians such as Schevchenko who I'm sure is no stranger to the Post. Western Ukraine fell under the Austro-Hungarian Empire so Western

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Ukrainians had very little direct contact with the Russians.

Perhaps the most offensive passage in the article is the renewed attempt of the Post to stir up feelings of Americans from different ethnic backgrounds toward Americans of Ukrainian background. After failing miserably to evoke similar response from Americans of these diverse backgrounds during the Post's attack against the erection of the Shevchenko statue it is surprising that the Post is still trying. This passage is an affront to all Americans of Ukrainian background. Surprisingly, the Post now includes Russian immigrants among those offended. Russian immigrants enjoying the blessings of freedom and the American way of life should be in the forefront of promoting freedom and independence for the nations held captive by Soviet Russia. But to the contrary, eager to perpetuate the "Holy Mother Russia" complex, these same Russian immigrants prefer to deny non-Russian captives their aspirations for freedom and to discredit their contributions to the GIP, i.e., gross imperial product.

The Post's article on Ukraine at least does devote a good deal of space to pride among Ukrainians in their own history, language and culture. Perhaps in due time the Post may learn that such intense pride logically can lead ultimately and only to freedom and independence.

Hopefully,

WALTER PRETKA.

ROCKVILLE, MD.

[From The New York Times, July 14, 1969]

350 RALLY IN PARK TO DECRY RED RULE

About 350 people dressed in the colorful aprons and wide trousers of European folk costumes gathered in Central Park yesterday morning to solemnize their continuing opposition to Communist rule over "captive nations."

"It is easier for us to break the bonds of gravity which God has forged than it is for us to break the chains of cruelty, prejudice and tyranny that bind many people on earth," the Very Rev. Serhij K. Pastukhiv, administrator of the Ukrainian Orthodox Church in Exile, told the people who grouped around the bandshell near 72d Street.

As part of the tenth annual observance of Captive Nations Week two organizations sponsored different meetings here yesterday.

One of them, the Captive Nations Week Committee, which arranged the program of speeches, folk dances and songs in the park, includes among its long list of captive nations such countries as North Korea, Cuba, and formerly independent areas like the Ukraine and Byelorussia now in the Soviet Union.

The other group, the Assembly of Captive European Nations, held a mass simultaneously at St. Patrick's Cathedral at 10 A.M. It limits its opposition to Communist control of European countries, such as Rumania and East Germany.

[From the Sunday News, July 13, 1969]

CITY TO HONOR CAPTIVE LANDS AT PARK RALLY

Captive Nations Week, the annual commemoration of those nations and peoples living under Communist rule, begins here today with church services, a rally in Central Park and a luncheon at the Commodore Hotel.

A Mass for the captive nations was to be offered at 10 a.m. at St. Patrick's Cathedral and similar services were to be held an hour later at the Cathedral of St. John the Divine.

At 10:30 a.m., the Very Rev. Serhij K. Pastukhiv, administrator of the Ukranian Orthodox Church in Exile, was to open the Central Park ceremonies at the band shell with a prayer for the success of the American Apollo 11 moon mission.

"It is easier for us to break the bonds of gravity which God has forged," said Father Pastukhiv, "than it is for us to break the chains of cruelty, prejudice and tyranny that bind many people on earth."

After the prayer there will be an address by Yaroslav Stetsko, former prime minister of the Ukranian Republic, one of 28 captive nations, and folk dancing by groups wearing their national costumes.

The 1:45 p.m. reception and luncheon at the Commodore is sponsored by the Anti-Bolshevik Bloc of Nations. On Tuesday Deputy Mayor Robert Sweet will issue a Captive Nations Week proclamation at City Hall.

[From Free China (Taipei, Taiwan) Weekly, July 27, 1969]

NIXON URGED TO REAFFIRM NONRECOGNITION OF PEIPING

Ku Cheng-kang, president of the China chapter of the Asian Peoples' Anti-Communist League, has urged President Richard Nixon to reaffirm the U.S. non-recognition policy toward the Peiping regime.

Ku made the call in Washington on July 18 when asked by a group of American journalists what President Nixon ought to say to Asian leaders during his Asian tour.

Ku's meeting with the press was arranged at a luncheon given by Chinese Ambassador Chow Shu-kai.

In reply to a question about American withdrawal from South Vietnam, Ku said that he did not believe the unilateral American troop withdrawal would have any effect on the position of the Republic of China. However, it would downgrade the morale of all Southeast Asian nations, he added.

Turning to Asian regional security, the Anti-Communist leader said that the concept of regional security arrangements have long been in the minds of the free Asian countries, but positive U.S. support of such arrangements is still not much in evidence. He proposed that the present Asian and Pacific Council should serve as a basis for any prospective formation of an effective regional Asian security system.

American columnist William S. White said at the gathering that, in his judgment, change of American non-recognition policy toward Peiping is about "as remote as anything I can think of." White was also doubtful that the U.S. Senate would under any circumstances consent to such a change.

Ku, a member of the National Assembly and honorary president of the World Anti-Communist League, is in the United States for a three-week visit at the invitation of the U.S. Captive Nations Committee.

He has met with Marshall Green, assistant secretary of state for Asian and Pacific affairs at the State Department, and Congressman William T. Murphy, chairman of the House Foreign Affairs Subcommittee on Asian and Pacific affairs.

Ku said that Marshall Green had assured him that the United States would not change its present non-recognition policy toward Peiping.

The anti-Communist leader was presented by the U.S. Captive Nations Committee with a plaque known as the Eisenhower Award in recognition of his dedicated service to the world-wide anti-Communist movement.

The award presentation took place at a dinner celebrating the 10th anniversary of Captive Nations Week at the University Club in Washington on July 16. Since 1959, the United States has observed the third week of each July as Captive Nations Week to support the aspirations of people all over the world for justice and freedom.

Speaking at the dinner, Ku called on the free world to unite and form a global anti-Communist frontline.

He said, "To realize this sacred mission of mankind, we free peoples have as our immediate and urgent task the taking of effective steps to unite into a global anti-Communist frontline. We must progress from anti-Communist cooperation among peoples to cooperation among governments. We must expand the anti-Communist efforts of individual nations to achieve regional security organizations. We must turn from merely assisting the efforts of the people behind the Iron Curtain to achieve freedom by tearing down the Iron Curtain."

"Over and over again, the history of mankind has proved that the force of freedom always wins over tyranny and that tyranny can never quench the flame of freedom. The ten years that the Captive Nations Week movement has been active has already shown us the way to freedom. We have only to remain steadfast in our struggle and firm in our faith in freedom. We have only to unite together even closer, work together still harder, and the day of defeat will come all the more speedily for Communist enslavement and tyranny." Ku emphasized.

Some 200 distinguished guests attended the dinner. Both Dr. Lev Dobriansky, chairman of the U.S. National Captive Nations Committee, and Congressman Edward Derwinski, commended Ku for his world-wide leadership. They stressed that Ku typifies the unshakable confidence and indomitable spirit of the free Chinese in their unrelenting efforts to liberate their compatriots from Communist tyranny.

On July 20, Ku signed a freedom declaration at Independence Hall in Philadelphia in observance of the 10th anniversary of the Captive Nations Week. Signatures were also signed by representatives of member organizations of the Philadelphia Captive Nations Committee.

The declaration expressed support for captive peoples behind the Iron Curtain, including the Chinese people on the mainland, and urged the U.S. government to adopt a more dynamic policy regarding the captive nations.

Following the ceremony, Ku addressed a rally in the mall of Independence Hall, with more than 400 people attending.

Ku said that the United States should give material aid to Asian nations in their struggle against Communism. "We do not want American youths to shed blood or take up arms on our behalf", he added.

He said that all Asians hope the United States, as leader of the free world, will uphold the freedom of mankind and take on its moral responsbility of assisting the Asian nations to effectively remove the scourge of Communism.

Ku called the attention of the United States to the Peiping regime's effort to involve the world in an armed revolution.

To eliminate the Peiping Regime, Ku said, the United States need not take direct action against the Chinese Communists.

He said, "I believe that helping the Republic of China to build up its anti-Communist capability would prove the more effective means of cutting away this cancerous source of Asia's ills, just as the establishment of an Asian Pacific regional security organization would be the most effective means of maintaining peace and freedom in Asia."

[From the Ukrainian Bulletin, Sept. 15, 1969]

DR. KU CHENG-KANG, CHINESE FREEDOM LEADER, HONORED IN WASHINGTON CEREMONY

WASHINGTON, D.C.—More than 300 persons representing the U.S. Congress and government, the diplomatic corps, the academic world, and the ethnic communities in the United States attended the captive nations dinner at the University Club here on July 16, 1969, to honor Dr. Ku Cheng-kang, outstanding Chinese statesman, diplomat and leader of the Asian captive nations movement. Dr. Ku was visiting the United States as a guest of the National Captive Nations Committee (NCNC), headed by Dr. Lev E. Dobriansky, President of the Ukrainian Congress Committee of America. Dr. Ku received a special "Captive Nations Award" plaque in recognition of his leadership in the captive nations movement in Asia.

Honored along with Dr. Ku were the Hon. George Meany, President of AFL–CIO and honorary member of the NCNC, who also received a "Captive Nations Award" plaque, and ten U.S. Congressmen who received Commemorative Medals bearing Dwight D. Eisenhower's portrait in recognition of their services for the cause of the captive nations.

After a brief talk on the purpose of the banquet, Dr. Dobriansky presented Congressman Edward J. Derwinski of Illinois, who served as master of ceremonies, and Prof. Peter Lejins, of the University of Maryland and vice chairman of the NCNC, who read the citations and presented the medals to the U.S. legislators. Recipients of the "Eisenhower Medals" were Congressmen Derwinski and Daniel J. Flood (Pa.), Gerald Ford (Mich.), William G. Bray (Ind.), Clement J. Zablocki (Wis.), Michael A. Feighan (O.), Thaddeus J. Dulski (N.Y.), Leonard Farbstein (N.Y.), John Rarick (La.), John H. Buchanan (Ala.), Donald Lukens (O.), and Senator Thomas J. Dodd of Connecticut.

"CAUSE OF CAPTIVE NATIONS—INDIVISIBLE"

Speaking through an official interpreter, Dr. Ku said that a natural "community of interest" exists between the peoples of Asia and the captive nations of Europe, and that the aspirations of the latter to freedom are of paramount concern to the Asian nations, which also fight for liberation from communist oppression. He called for greater cooperation between the American people and representatives of the captive nations here and elsewhere towards a more effective coordination of objectives and methods in the common struggle for freedom and justice of the captive nations.

Among those present, in addition to the U.S. Congressmen enumerated above, were the Hon. John A. Volpe, Secretary of Transportation, who was one of the speakers, Ambassador and Mrs. Shulkai of China, Madame Claire Chennault, Mrs. J. Kajeckas, wife of the Lithuanian Charge d'Affaires, Cong. and Mrs. Joseph P. Vigorito and Mr. Philip Rutledge, representing Mayor Walter Washington.

LARGE UKRAINIAN GROUP PRESENT

In addition to Dr. and Mrs. Lev E. Dobriansky and his colleagues, Maj. M. Sydorko, Miss Vera A. Dowhan and Mr. and Mrs. Walter Pretka, several prominent Ukrainians were in attendance. These included the Very Rev. Msgr. Vasyl Makuch, Rector of the Ukrainian Catholic Seminary in Washington, Very Rev. Msgr. Meletius Wojnar of Catholic University, Rev. Constantine Berdar, Dr. M. Dankevych, Stephen J. Skubik, Stephen Boychuk, Volodymyr Mayewsky and George Kulchycky—all of Washington, D.C.

Representing the UCCA were Joseph Lesawyer, Dr. Walter Dushnyck, Dr. Stepan Woroch, Dr. Walter Gallan, Dr. Peter Stercho, Walter Masur and Ignatius M. Billinsky; the Providence Association: Mrs. Stephanie Wochok and Dr. Jaroslav Bernadyn; The Ukrainian National Aid Association: A. Nykonchuk; American Friends to Free the Captive Nations: Dr. Valentina Kalynyk and Valetin Koval; American Friends of the ABN: Dr. Alexander Sokolyshyn and Michael Spontak; and the Captive Nations Committee: Walter Chopiwsky, Phoenix, Ariz. and Peter Mohylyn of Brooklyn, N.Y.

[From the Ukrainian Bulletin, Sept. 15, 1969]

TENTH ANNIVERSARY OF CAPTIVE NATIONS WEEK MARKED THROUGHOUT THE NATION

NEW YORK, N.Y.—Nationwide observances of the 10th Anniversary of the Captive Nations Week Resolution were held this year between July 13–20, featuring rallies, dinners, mass meetings and liturgies in churches.

The Ukrainian Congress Committee of America (UCCA) issued a special circular to its Branches and Member Organizations, calling on their numerous membership to take an active part in the observances. The National Captive Nations Committee (NCNC), headed by Dr. Lev. E. Dobriansky, President of the UCCA, coordinated all the observances throughout the land. Every U.S. Senator and Congressman, every State Governor and the mayors of major U.S. cities were invited to issue special proclamations in support of the captive nations.

President Nixon issued the Presidential Proclamation on July 14, and over 60 U.S. legislators in Congress responded on behalf of the captive nations.

OBSERVANCES IN NEW YORK

New York City saw a series of events in commemoration of the 10th Anniversary of Captive Nations Week. On July 13 a solemn liturgy was celebrated at St. Patrick's Cathedral by Rt. Rev. Msgr. Bela Varga, at which Rev. George Muresan, of East Chicago, Ill., delivered a sermon on the persecution of the Eastern Catholic Church behind the Iron Curtain.

On the same day, the New York Chapter of the NCNC under the chairmanship of Judge Matthew Troy, and the American Friends of the ABN under the chairmanship of Dr. Ivan Docheff, staged a protest parade of the captive nations on Fifth Avenue, which was followed by a program at Central Park Mall, with guest speaker Mr. Yaroslav Stetzko, former head of the Provisional Government of Ukraine and president of the Anti-Bolshevik Bloc of Nations (ABN), with headquarters in Munich, Germany. The audience numbered more than 400 persons, many dressed in national costumes and bearing the flags of their respective captive countries. The program began with an impressive religious service conducted by Rev. Serhiy K. Pastukhiv, Administrator of the Ukrainian Orthodox Church in Exile. He offered a prayer for the American astronauts who were about to travel to the moon, and then, referring to the captive nations under Communist oppression stated:

"It is easier for us to break the bonds of gravity which God has forged than for us to break the chains of cruelty, prejudice and tyranny that bind many people on Earth."

The entertainment part of the program consisted of vocal numbers rendered by a Byelorussian women's group and by the Ukrainian SUMA Dance Ensemble "Verkhovyntsi" under the direction of Mr. and Mrs. Oleh Genza.

PROGRAM AT THE STATUE OF LIBERTY

On Sunday, July 27, 1969, a Captive Nations Week observance was held at the Statue of Liberty that was sponsored by Americans to Free Captive Nations (AFCN).

The principal speaker at the program was Laszlo C. Pasztor, Director, Heritage Group Division, the Republican National Committee. He called for a joint effort toward regaining the freedom of all the captive nations behind the Iron Curtain.

Mr. Pasztor, who took part in the Hungarian uprising in 1956 before coming to the United States, assured the audience that President Nixon has a deep understanding and appreciation of the plight of the captive nations.

In addition to Mr. Pasztor, other speakers at the program were Mr. T. S. Tso, of the Free Chinese Mission to the U.N., Dr. Walter Dushnyck, representing the Ukrainian Congress Committee of America and the National Captive Nations Committee, and Mario Aguillera, president of AFCN.

Numerous messages were read during the ceremony: besides President Nixon's Proclamation, there were messages from Governors Nelson A. Rockefeller and Richard J. Hughes, Mayor John V. Lindsay, and Sen. Jacob K. Javits, Transportation Secretary John A. Volpe and from the Office of Vice-President Spiro T. Agnew.

[From the Ukrainian Bulletin, Sept. 15, 1969]

U.S. CONGRESS OBSERVES CAPTIVE NATIONS WEEK

WASHINGTON, D.C.—U.S. opinion makers availed themselves of the opportunity offered by nation-wide observances of this year's Captive Nations Week to show their sympathy with the captive peoples.

In addition to the traditional Presidential Proclamations, signed on July 11, and proclamations by many Governors and Mayors, the week of July 13–19 also witnessed a debate in the U.S. Congress on the timely subject of the captive nations.

Fifty-three Representatives and six Senators took the floor and helped demonstrate the continued concern of American lawmakers for the plight of 100 million people living under Comunist regimes in East-Central Europe.

THE SIGNIFICANCE OF CAPTIVE NATIONS

The debate in the House of Representatives was once again initiated by Congressman Daniel J. Flood (D.-Pa.) who stressed the relevance of Captive Nations Week:

". . . The remarkable feature of the annual Captive Nations Week is its steady growth and extension from year to year. As countless of our fellow citizens come to learn the long list of captive nations, dating back to 1920, the more they are impressed by the significance and importance of the week. Following the leadership of several of our Presidents, our State Governors and our Mayors also proclaim the week, urging our citizens to dedicate themselves anew to the study of all the captive nations."

Other members of the House who spoke on the same subject were: Joseph P. Addabbo (D.-N.Y.), Frank Annunzio (D.-Ill.), Silvo O. Conte (R.-Mass.), Edward J. Derwinski (R.-Ill.), Gerald R. Ford (R.-Mich.), Joseph M. Gaydos (D.-Pa.), Henry Helstoski (D.-N.J.), Martin B. McKneally (R.-N.Y.), William T. Murphy (D.-Ill.), Edward J. Patten (D.-N.J.), Robert Price (R.-Texas), Charlotte T. Reid (R.-Ill.), John J. Rhodes (R.-Ariz.), Dan Rostenkowski (D.-Ill.), J. William Stanton (R.-Ohio), Lester L. Wolff (D.-N.Y.), Louis C. Wyman (R.-N.H.), and John M. Ashbrook (R.-Ohio).

DENIAL OF HUMAN RIGHTS

A large number of Congressmen scored continued violations of fundamental human rights by Communist regimes.

Rep. James M. Hanley (D.-N.Y.) pointed out: "Oratory alone will not rent the Iron Curtain, nor will it remove the shackles of slavery. We must resolve not to offer our suffering brothers behind the red wall a hollow bone. We must constantly remind the world of the prostitute governments which rule those people illegally and immorally. And we must afford the people themselves a measure of hope."

Speeches on this topic were also delivered by William S. Broomfield (R.-Mich.), James A. Burke (D.-Mass.), Harold R. Collier (R.-Ill.), Barber B. Conable, Jr. (R.-N.Y.), James J. Delaney (D.-N.Y.), Samuel L. Devine (R.-Ohio), Dante B. Fascell (D.-Fla.), Martha W. Griffiths (D.-Mich.), Seymour Halpern (R.-N.Y.), John R. Rarick (D.-La.), John S. Wold (R.-Wyo.), and John W. Wydler (R.-N.Y.).

DENUNCIATION OF THE BREZHNEV DOCTRINE

"Certainly the bluntly imperialistic crushing of Czechoslovakia's move toward more freedom cannot be ignored," declared Representative John D. Dingell (D.-Mich.), "indeed, the Soviet military aggression on Czechoslovakian soil cannot be interpreted as anything but a desperate, 11th hour attempt to suffocate the hopeful stirrings of

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democratic and libertarian sentiment which threaten to weaken the Soviet grip on that conquered nation."

Rep. Thomas P. O'Neill, Jr. (D.-Mass.) stated:

"The repressions that we have witnessed in the past year in Czechoslovakia have drawn our sympathy; the reaction of the courageous Czech people has elicited our deepest respect. Theirs was a daring experiment; one, it seems, that was too daring, too threatening to the Russian system, whose continuance depends on hard-line adherence to all its precepts and laws. We must continue to oppose the precepts of that system. Our opposition should be focused on its defects, the limits it imposes on the individuals and minorities and the freedoms it abridges."

Speeches on this topic were also delivered by Glenn M. Anderson (D.-Cal.), John H. Buchanan (R.-Ala.), James A. Byrne (D.-Pa.), Glenn Cunningham (R.-Nebr.), Dominick V. Daniels (D.-N.J.), John H. Dent (D.-Pa.), Harold Donohue (D.-Mass.), Robert N. Giaimo (D.-Conn.), William J. Green (D.-Pa.), John E. Hunt (R.-N.J.), Robert McClory (R.-Ill.), John S. Monagan (D.-Conn.), John M. Murphy (D.-N.Y.), Robert R. Taft, Jr. (R.-Ohio), Thomas J. Meskill (R.-Conn.), William V. Roth, Jr. (R.-Del.), Charles S. Joelson (D.-N.J.).

THE LUNAR FRONTIER AND THE DIVIDED WORLD

The epic flight of Apollo 11, ushering in the Lunar Age, gave food for thought about the state of this world. Rep. Howard W. Robison (R-N.Y.) placed the problem of captive nations in a new dimension: "The three lone Americans who have now embarked on history's most incredible venture represent more than this nation; they represent mankind. . . They will be helping men everywhere in their determination to meet the challenges which, for a moment only, these three earthlings have left behind. One of the greatest of these challenges is to push forward the frontiers of freedom, and it is entirely fitting that we pledge to do so, on this occasion, by reaffirming our nation's devotion to the principle of self-determination for the people of all lands."

Rep. Roman C. Pucinski (D.-Ill.) concurred by succinctly observing: "The very idea of enslaving whole peoples and whole nations behind a wall of silence and injustice belongs to the dark ages of man's past. It has no place in this age of exploration, discovery and universal rejoicing over man's accomplishments and achievements."

SENATE DISCUSSION

The Captive Nations Week debate in the Senate reiterated the support of freedom and self-determination for the captive East-Central European peoples.

Sen. George Murphy (R.-Cal.) said, in part:

"We live in an era of progress that has brought man to the threshold of the moon, in a time when the sum of man's knowledge has more than doubled . . . But, this has been a barren decade for the 100 million people in Europe who had the misfortune of being 'liberated' by the Soviet Union at the conclusion of World War II."

Sen. Roman L. Hruska (R.-Nebr.) stated:

"Our history, our struggle for independence, teaches the meaning of freedom. From this knowledge comes the obligation not to abandon those who have lost their freedom."

Senators Gordon Allott (R.-Colo.), Thomas J. Dodd (D.-Conn.), Gaylord Nelson (D.-Wis.) and Carl T. Curtis (R.-Nebr.) also took the floor during the debate.

[From the Midland Reporter-Telegram, July 14, 1969]

CAPTIVE NATIONS WEEK

The 10th anniversary of the adoption by Congress of the Captive Nations Week Resolution is being observed across the land.

The observance is sponsored by the National Captive Nations Committee which works continuously in behalf of the peoples of captive nations of the world.

To many persons, particularly since the 1968 invasion of Czechoslovakia by the Communists, the resolution has a somewhat hollow ring, and this is why the sponsoring committee has stepped up its program, nationwide.

"It is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive," the Captive Nations Week Resolution declares.

It further points out that "the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace," and "it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence; Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested and authorized to issue a proclamation designating the third week in July, 1959, as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all captive nations of the world."

The committee's purpose, first and foremost is "firm adherence to our Declaration of Independence—that we Americans will never forget the captive nations or accommodate ourselves to their present captivity."

The panel's objectives include "assistance in the creation of a Special Committee on the Captive Nation's in the House of Representatives; total victory in Vietnam; generate a consciousness of how various forms of agitation aimed at completely undermining the structure of American civil authority are supported by Communist sources and conducted along the same lines used in captive nations; further expansion of the captive nations movement . . ." and others.

CREDIT UNIONS HELP HURRICANE VICTIMS: PREVENT PAYLESS PAYDAY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I have often said that next to the church, credit unions do the most good for people than any other institution. The September issue of CUNA Briefs, a weekly publication of CUNA International, the worldwide credit union association, bears out my belief. The publication points out that credit unions in the Biloxi, Miss., area went out of their way to help victims of the hurricane that struck in that area, including emergency signature loans and car loans often "for over 100 percent of the value when insurance did not fully cover . . . ." The publication also reports that the credit unions stayed open 14 to 16 hours a day to help service the members.

This is the news clip from CUNA Briefs describing the credit union operations in the hurricane area:

CREDIT UNIONS ARE VALIANT HELP IN STORM AREA

BILOXI.—All except one of the 20 credit unions in Biloxi and surrounding area are open and valiantly assisting hurricane victims with emergency loans and all kinds of help, following one of the worst storms in the nation's history. The exception is a limited income credit union with all its funds out in loans already and its volunteer officers busy trying to restore their personal effects. Immediately after the storm, checks could not be honored, and credit union cash was water-soaked following three to six feet of water in offices. Ingalls Employees CU ($7 million) did manage to open in two days after shoveling out mud, crowbarring drawers open, and getting hand posting under way. The computer was out for 10 days for lack of power. Lights and water were out, too. Ingalls CU, Keesler AFB FCU and others made emergency signature loans, and plenty of car loans—often for over 100% of value when insurance did not fully cover—and stayed open up to 14–16 hours a day to take care of members' needs. Due to communications being out, martial law and chaotic conditions, the credit union story was unavailable until a member of CUNA International's Public Relations Department visited the area last weekend. Even then, housing for visitors was difficult to obtain, with plenty of residents still homeless.

The same issue of CUNA Briefs describes how a Santa Fe, N. Mex., credit union prevented the payless payday in the New Mexico Health and Social Services Department. The credit union issued loans for the amount of paychecks when the computer that makes out the paychecks broke down. Had the credit union not provided this assistance, the employees of that State department would have had to have gone without paychecks until the machine was repaired.

Mr. Speaker, these are but two examples of the hundreds of outstanding jobs that credit unions are performing every day.

It is no wonder that there are nearly 24,000 credit unions in the United States with new credit unions opening every day.

DIRECT LOAN FUNDS FOR VETERANS' HOUSING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today I appeared before the Rules Committee to request an open rule on a bill which the chairman of the Veterans' Affairs Committee will soon be bringing to the floor. I did this in order to be able to offer an amendment to this bill which would again provide the vehicle to raise veterans' housing interest rates again. As my statement points out, raising interest rates does not provide any more housing.

My amendment, which I shall offer to this legislation, would provide that the funds accumulated by payment of premiums by veterans under the national service life insurance program shall be used up to an amount of $5 billion for lending to veterans on fully guaranteed veterans' housing paper. Mr. Speaker, I know that many Members of the House on both sides of the aisle are in support of my amendment.

I feel sure that this is the only way

in which funds can be provided for veterans' housing and I trust all Members of the House will support this amendment, when offered.

My full statement before the Rules Committee follows:

HON. WRIGHT PATMAN'S STATEMENT BEFORE RULES COMMITTEE

Mr. Chairman, I do not believe—as I argued on the Floor of the House in March of 1968—that increasing the interest rate cost on veterans housing, the mortgages of which are guaranteed by the Federal Government, will in any way increase the amount of housing starts and mortgage loans for veterans. You will recall that on May 7, 1968, the President signed into law an Act which gave the Secretary of Housing and Urban Development and the Administrator of the Veterans Administration discretionary authority to raise mortgage interest rates on FHA and VA-guaranteed housing loans above the statutory rate of 6 percent.

In May of 1968, the FHA and VA rate was raised from 6 percent to 6.75 percent. In January of 1969, the 6.75 percent rate was raised to 7.5 percent. Therefore, within a period of less than a year these two insured loan programs experienced a rate increase of 1.5 percent—amounting to a percentage increase of 25 percent. Without making reference to the FHA program regarding housing loans—the experience of which is the same as that for the VA—let me show you what happened to VA-insured housing starts.

From January to May of 1968, VA housing starts were running at an annual rate of a low of 52,000 units per year to a high of 63,000. In June of 1968, just after the 7.5 percent rise, VA housing starts were down to 54,000. We ended up the year of 1968 regarding VA housing starts with 56,000 new VA-guaranteed housing units.

At the beginning of 1969 VA housing starts were running at an annual rate of 57,000 units—an annual rate equal to the 57,000 units in May of 1968 when the rate was increased ¾ of 1 percent. As I have indicated, in January 1969, the rate went up another ¾ of 1 percent to 7.5 percent.

And where are we now? Currently, according to the latest figures, VA housing starts for the month of July are down to a level of 46,000 units.

These figures conclusively indicate, Mr. Chairman, that increasing interest rates do not elicit more VA-guaranteed housing.

It can be argued, of course, that if we got the rate up high enough, there would be more VA housing starts. But how high would it have to go, Mr. Chairman? Would these insured mortgage loans have to be above 10 percent? Remember this House just recently established an effective 10 percent rate on Government-guaranteed student loans. How many veterans could afford a 10 percent mortgage rate? Very few in my opinion could do this.

I must agree that we cannot just outright kill the VA-insured loan program for housing. We owe an obligation and a debt to our veterans. There are other solutions and, in my opinion, the most effective one is contained in a bill introduced by the Honorable Chairman of the Veterans Affairs Committee, my close associate, Mr. Teague of Texas. This bill, H.R. 9476, would establish an investment fund on a revolving fund basis. It would provide an amount not exceeding $5 billion to be used for the purchase of VA-guaranteed loans. The $5 billion would come from a transfer of this amount from the National Service Life Insurance fund. This fund, as we all know, was established in 1940 as the financing mechanism for World War II servicemen. Over 22 million policies have been issued under this program. The issuance of new policies ended in 1951. Currently the assets of the fund, which are almost exclusively invested in special Treasury interest-bearing securities and in policy loans, amount to $7 billion, and it is anticipated that by the end of June 30, 1970, the fund will have an amount of $7.2 billion.

Since 1960, the investment of the National Service Life Insurance fund in special Treasury obligations has been at a rate equal to the current market yield for marketable Treasury securities with maturities over three years. This has meant that the average rate on investments held by the fund is now less than 4 percent.

The legislation introduced by the esteemed Chairman of the Veterans Affairs Committee could provide financing for at least 300,000 VA-guaranteed homes on such mortgages of 7.5 percent.

Mr. Chairman, personally, I would have felt much better, and I am sure the veterans more so than me, if the Veterans Affairs Committee had passed out Chairman Teague's bill, H.R. 9476, rather than H.R. 13369. I am appearing before your Committee at this time to request that if a rule is granted on H.R. 13369, it be an open rule—as I know Chairman Teague wants—so that I may be in a position to offer either as a substitute or an amendment, the substance of H.R. 9476, which would, in essence, increase the availability of guaranteed home loan financing for veterans and, at the same time, increase the income of the National Service Life Insurance fund.

CONSUMER PROTECTION ACT OF 1969

(Mrs. HECKLER of Massachusetts asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is generally acknowledged that the Federal Government has paid too little attention to the needs of the Nation's consumers.

I believe this Congress faces the need to correct this unfortunate situation. Therefore, I rise to express my support for the Consumer Protection Act of 1969, which I am proud to cosponsor, and to express at the same time my great admiration for its initiator, the distinguished Congresswoman from New Jersey (Mrs. DWYER).

It is the intent of the Consumer Protection Act of 1969 to both enlarge and enhance the power of the Government to protect the interests of the American consumer and to increase the flow of information which the consumer needs to make knowledgeable decisions about goods and services.

In part, this would be done by the establishment within the Executive Office of the President of a permanent, statutory Office of Consumer Affairs which would have broad powers to coordinate the programs of Federal agencies; to provide for maximum exposure of consumer information—such as the testing of products—developed within the agencies; to represent the consumer in agency proceedings, and to initiate legislation serving the interests of the American consumer.

By putting the responsibility for the coordination of consumer protection at the President's right hand—in his office where decisions originate—I believe we can give more meaningful direction to the overall program.

There is presently, as we are aware, a White House assistant who is responsible for the coordination of Federal consumer protection programs. But the position was created by Executive order. It is not a statutory position. This official, despite her recognized competence in this field, has little actual power beyond that of persuasion.

By providing increased leadership and coordination at the White House level, the Consumer Protection Act of 1969 will increase the interest and awareness of Federal agencies of the need for enhanced consumer protection. This bill makes mandatory the publication of test results and public discussion of any action taken by Federal agencies affecting consumer interests. It offers new safeguards for consumer interests—with only the minimum necessary restrictions on the suppliers of goods and services. The protection of the consumer's "right to know" is one of its most basic features.

This is a measure which, I believe, is badly needed in the face of the technological explosion because it balances protection of the rights and needs of consumers with fairness to the manufacturer and the supplier of goods. The rights of both should be considered in the legislation we enact.

Again I commend the distinguished Congresswoman from New Jersey for her presentation of an effective and fair solution to a difficult and vital problem.

ACTIVITY TO COMPLY WITH PRESIDENTIAL MESSAGE ON POPULATION

(Mr. BUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, in President Nixon's message on population he recommended four Government activities dealing with population that could be immediately initiated. As chairman of the Republican Task Force on Earth Resources and Population I was delighted to learn last week of the rapid progress being made in these areas.

I received letters from Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, and Daniel P. Moynihan, Assistant to the President for Urban Affairs, informing me of the latest activity within the administration to comply with the President's recommendations.

This immediate attention is certainly evidence of the high priority that this administration gives to our population problems. To know that this action is now being executed is very encouraging.

For the benefit of my colleagues, Mr. Speaker, I would like these letters entered in the RECORD at this point:

THE WHITE HOUSE,
Washington, D.C., September 16, 1969.

Hon. GEORGE BUSH,
Chairman, House Republican Task Force on Earth Resources and Population, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN BUSH: In view of the Task Force's considerable interest in the subject of population, I thought you might be interested to know of some steps the Ad-

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ministration has taken to follow up on the President's Message of July 18.

As you know, the bill to create a Commission on Population Growth and the American Future has been introduced in the House and the Senate, and the Senate Government Operations Committee has held hearings. We hope for Congressional approval of this measure in the near future.

Secretary Finch and Director Rumsfeld have undertaken a major review of existing family planning services in the Department of Health, Education and Welfare and the Office of Economic Opportunity. This review will lead, among other things, to a reorganization of portions of the HEW service structure, to a substantial expansion of the programs of both agencies, and to much improved coordination between the two.

A comparable review of research into family planning and related matters is underway under Dr. Egeberg's direction in HEW. Within a few months, we anticipate this review to lead to the enlarged research effort described in the President's Message, an effort that will also seek to coordinate much of the family planning research being conducted throughout the nation.

This office, together with the Department of Labor, has mounted a study of manpower needs and training programs for domestic and international population activities, and will report to the President this autumn.

A staff group from the Office of Science and Technology has been working closely with representatives of the departments of Agriculture, Interior and HEW, and the Agency for International Development, in the areas of food resources and the environmental consequences of population growth. The Environmental Quality Council will receive a report from this group, and we expect to continue to pay close attention to this important matter.

In the international area, Secretary Rogers has several projects underway, including an assessment of our participation in international population and family planning programs, a determination of ways of upgrading our own foreign assistance programs in this field, and an interdepartmental effort to deepen the awareness of population growth and its consequences among all representatives of the United States abroad.

Each of these activities will lead to specific actions and also to a report to the President, which he will be able to use in further decisions concerning the Administration's continuing response to the problems associated with population growth.

I hope that the members of the Task Force will continue their interest in this subject, and I want you to know how much we appreciate your continued support.

Sincerely,

Daniel P. Moynihan,
Assistant to the President for Urban Affairs.

Department of Health,
Education, and Welfare,
Washington, D.C., September 17, 1969.

Honorable George Bush,
House of Representatives,
Washington, D.C.

Dear Mr. Bush: I have been especially gratified to learn of the interest and support of the House of Representatives Republican Task Force on Earth Resources and Population in the efforts of this Department to achieve the goals established by the President in his Message to Congress on Population Growth.

The Department has developed a draft bill for the support of family planning services through project grants, training of professionals and sub-professionals to provide family planning services, and for research into the improvement of the delivery of family planning services and the evaluation of service programs. The draft of this bill is now being reviewed by the Bureau of the Budget.

As of today, we have taken the first step in effecting the reorganization of the Department's family planning services. The maternal and child health services program has been transferred from the Social and Rehabilitation Service to the Health Services and Mental Health Administration. The establishment of a separate unit for family planning services will follow shortly.

Last year the Department established a Center for Population Research at the National Institutes of Health. During its first year the Center launched successfully a program of collaborative research in contraceptive development. The Administration has sought additional funds for this program for this fiscal year, but they were eliminated by the House of Representatives. Nevertheless, I shall continue to request substantial additional funds for research.

I want to assure you of my personal interest in the field of population. Among the many pressing problems with which we are faced I assign it a very high priority.

Sincerely yours,

Roger O. Egeberg, M.D.,
Assistant Secretary for Health and Scientific Affairs.

AT 7 CENTS, MAIL MUST GO "PHEW"

(Mr. SCOTT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCOTT. Mr. Speaker, this month's issue of the American Bar Association Journal contains a short essay taken from the New York Times among its editorials entitled 'At 7 Cents, Mail Must Go 'Phew'!" It reads as follows:

At 7 Cents, Mail Must Go "Phew"!

Planners in the post office have been burning the midnight oil since President Nixon announced that he wanted another rise in the postal rates.

Traditionally, every time the price of mailing a letter goes up a penny, the post office devises a new scheme for making its service even worse than it was before.

Archibald David, known in postal circles as "the father of the zip code," points out that the department, with each successive increase, has curtailed deliveries, shut down post offices, eliminated collections, placed aggravating restrictions on letter sizes and shapes and ordered collection trucks to double-park in clogged thoroughfares and hounded people to remember long sequences of digits.

When first-class postage went to six cents, David devised the intricate system known in the department as "snail mail." The purpose was to guarantee that a letter would not travel any faster than a snail.

Take, for example, a letter mailed from Washington to New York. Normally it would make such a trip in perhaps six hours. The postoffice has worked out a scheme for shipping it to New York, where it is sent back to Washington with instructions that the bag is not to be opened until after the weekend.

Unfortunately, "snail mail" has not lived up to the hopes held for it. Many letters from Washington still takes only five days to reach New York, which is considerably faster than any post office test snail ever has made the trip.

Understandably, David is discouraged about the possibilities of making the service worse, once the seven-cent rate takes effect. Young Turks in the department say privately that David is tired and "over the hill."

They have a number of radical new schemes which are about to go to Postmaster General Winton M. Blount for approval. The most conservative calls for an expensive new promotion plan using the slogan: "The postman only rings once."

Under this scheme, the postman would ring once and, if no one answered, he would throw all your first-class mail down the sewer.

A less controversial plan, almost certain to be approved, calls for abolishing collection boxes and installing in their place sidewalk plaques which state: "Deposit mail on curb." Postoffice planners believe wind, rain, children and dogs will do the rest.

The planners are interested in dogs. One of the most controversial plans to be sent to the Postmaster General calls for the post office to keep large packs of ravenous hounds chained in railroad mail cars.

Before the train pulled out, postal workers would open all mail bags, leave the car, seal the doors and then, from outside the car, unchain the dogs. Proponents of this plan argue that the dogs have had their day with the mailman and that it is now time to give them a crack at the mail.

The younger men in the department doubt that the country is ready yet to have scows dumping all the mail at sea. "If we take that step now," they warn, "there will be nothing left for us to do when the first-class rate goes to eight cents."

Now, I wonder if articles like this have any proper place in respectable publications. Do they serve any useful purpose? While the postal service can be improved as well as any other public or private enterprise, it has been subjected to unreasonable criticism. The Post Office Department has advised me that in the fiscal year 1969 it delivered a total of 82,005,000 pieces of mail, 40 percent of the world total volume. It further advised that the average delivery time for first-class mail was:

Local: 1.1 days.
1–50 miles: 1.3 days.
50–150 miles: 1.4 days.
151–300 miles: 1.9 days.
301–600 miles: 2.2 days.

And the average for airmail was:

150–300 miles: 1.7 days.
300–1400 miles: 2 days.
1800–3000 miles: 2.3 days.

Of course we want to improve the service and I am sure it can be improved. Our Committee on Post Office and Civil Service is even now considering postal reform legislation. But I doubt that a satire, if such it be, of the nature of the essay above is warranted or if it will stimulate the serious thinking necessary to improve the service.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mollohan (at the request of Mr. Slack), for today and September 24, on account of illness.

Mr. Corman, for Tuesday, September 23, on account of official business.

Mr. Pepper (at the request of Mr. Gibbons), for Tuesday, September 23, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Betts, for 1 hour, on Tuesday, September 30; to revise and extend his remarks and to include extraneous matter.

Mr. Lukens, for 1 hour, on September 29; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Anderson of California); to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 15 minutes, today.

Mr. Boland, for 15 minutes, today.

Mr. Dent, for 60 minutes, on September 30.

Mr. Annunzio, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Rodino, for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Gonzalez, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gray in two instances.

Mr. Philbin in three instances.

Mr. Harvey to follow the remarks of Mr. Del Clauson during his 1-minute speech today.

Mrs. Heckler of Massachusetts and to include extraneous matter.

(The following Members (at the request of Mr. Button) and to include extraneous matter:)

Mr. Bush in two instances.

Mr. Schwengel.

Mr. Meskill in two instances.

Mr. Taft in three instances.

Mr. Schadeberg in two instances.

Mr. Carter.

Mr. Hall.

Mr. Ashbrook.

Mr. Don H. Clausen.

Mr. Zwach in two instances.

Mr. Reid of New York.

Mr. Arends.

Mr. Derwinski in two instances.

Mr. Chamberlain.

Mr. Findley.

Mr. Cramer.

Mr. Gude.

Mr. Keith.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous material:)

Mr. Moss in three instances.

Mr. Van Deerlin.

Mr. Pucinski in 10 instances.

Mr. Teague of Texas in 12 instances.

Mr. Long of Maryland in two instances.

Mr. Albert in four instances.

Mr. Daddario.

Mr. Anderson of California in two instances.

Mr. Fraser.

Mr. Ottinger.

Mr. Rarick in five instances.

Mr. Rodino in two instances.

Mr. Mikva in two instances.

Mr. Murphy of New York.

Mr. Yatron in two instances.

Mr. Pickle in two instances.

Mr. Brown of California in three instances.

Mr. Friedel in two instances.

Mr. Hungate.

Mr. Montgomery in two instances.

Mr. Rosenthal in five instances.

Mr. Wolff.

Mr. Olsen in four instances.

Mr. Bingham.

Mr. Marsh in two instances.

Mr. Burke of Massachusetts.

Mr. Kluczynski in two instances.

Mr. Cohelan.

Mr. Gonzalez in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2601. An act to reorganize the courts of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 22, 1969, present to the President, for his approval, bills of the House of the following titles:

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations; and

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 24, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1165. A letter from the Director of Selective Service, transmitting a draft of proposed legislation to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act; to the Committee on Armed Services.

1166. A letter from the Deputy Chief of Naval Material (procurement and production), transmitting a report on Department of the Navy research and development procurement actions of $50,000 and over, for the period of January 1 through June 30, 1969, pursuant to the provisions of 10 U.S.C. 2357; to the Committee on Armed Services.

1167. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the Kilmer Job Corps Center for Men under the Economic Opportunity Act of 1964, Edison, N.J., Office of Economic Opportunity; to the Committee on Education and Labor.

1168. A letter from the Comptroller General of the United States, transmitting a report on the Government's helium conservation program administered by the Bureau of Mines, Department of the Interior; to the Committee on Interior and Insular Affairs.

1169. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed contract with Stanford Research Institute, Menlo Park, Calif., for research and development of a portable instrument to be used routinely by mine inspectors for rapidly ascertaining total float dust and respirable dust concentrations in mine atmospheres, pursuant to the provisions of Public Law 89–672; to the Committee on Interior and Insular Affairs.

1170. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to Docket No. 80–C, *Bands of Mission Indians of California, Plaintiffs* v. *The United States of America, Defendant*, pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

1171. A letter from the Assistant Secretary of Agriculture for Administration, transmitting a report of claims settled by the Department of Agriculture under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, for fiscal year 1969, pursuant to the provisions of that act; to the Committee on the Judiciary.

1172. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to restore balance in the Federal form of Government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules. House Resolution 538. Resolution to grant additional travel authority to the Committee on Public Works (Rept. No. 91–498). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 555. Resolution for consideration of H.R. 4314, a bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees (Rept. No. 91–499). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 556. Resolution for consideration of H.R. 13369, a bill to extend for 2 additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans under title 38 of the United States Code and for other loans (Rept. No. 91–500). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 754. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934; with an amendment (Rept. No. 91–501). Referred to the Committee of the Whole House on the State of the Union.

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REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 92. An act for the relief of Mr. and Mrs. Wong Yui; without amendment (Rept. No. 91–502). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 265. An act for the relief of John (Giovanni) Denaro; without amendment (Rept. No. 91–503). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros; without amendment (Rept. No. 91–504). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1110. An act for the relief of Nickolas George Polizos; without amendment (Rept. No. 91–505). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2019. An act for the relief of Dug Foo Wong; without amendment (Rept. No. 91–506). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. House Resolution 540. Resolution opposing the granting of permanent residence in the United States of certain aliens; without amendment (Rept. No. 91–507). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 4560. A bill for the relief of Sa Cha Bae; without amendment (Rept. No. 91–508). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 5106. A bill for the relief of Rogelio Tabhan; with amendments (Rept. No. 91–509). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 5936. A bill for the relief of Kong Wan Nor; with amendments (Rept. No. 91–510). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 10156. A bill for the relief of Lidia Mendola; with amendments (Rept. No. 91–511). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mr. Anderson or California, Mr. Annunzio, Mr. Bevill, Mr. Biester, Mr. Burke of Massachusetts, Mr. Cohelan, Mr. Conte, Mr. Donohue, Mr. Flowers, Mr. Halpern, Mr. Hanley, Mr. Hungate, Mr. Melcher, Mr. Mikva, Mr. Mollohan, Mr. Moorhead, Mr. Mosher, Mr. Pollock, Mr. Price of Illinois, Mr. Rooney of Pennsylvania, Mr. Stratton, Mrs. Sullivan, Mr. Symington, and Mr. Williams):

H.R. 13919. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS (for himself, Mr. Blatnik, Mr. Buchanan, Mr. Fish, Mr. Gibbons, and Mr. White):

H.R. 13920. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passengers service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.R. 13921. A bill to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation; to the committee on the District of Columbia.

By Mr. EDWARDS of Louisiana:

H.R. 13922. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. FINDLEY:

H.R. 13923. A bill to amend the Employment Act of 1946; to the Committee on Government Operations.

By Mr. FREY:

H.R. 13924. A bill to continue the golden eagle program established under the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

H.R. 13925. A bill to provide for the establishment of a lifetime fee for persons 65 years of age or over for admission to outdoor recreation areas administered by certain agencies of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FUQUA:

H.R. 13926. A bill to provide for the conveyance to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city; to the Committee on Government Operations.

By Mr. GRAY:

H.R. 13927. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mr. HARVEY (for himself and Mr. Del Clawson):

H.R. 13928. A bill to amend section 3(d) of the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. HENDERSON (for himself, Mr. Dulski, Mr. Olsen, Mr. Daniels of New Jersey, Mr. Nix, Mr. Hanley, Mr. White, Mr. Brasco, Mr. Corbett, Mr. Cunningham, Mr. Derwinski, Mr. Johnson of Pennsylvania, Mr. Button, Mr. Lukens, and Mr. Hogan):

H.R. 13929. A bill to provide mail recipients with the option not to receive through the mail unsolicited and potentially offensive sexual materials, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California:

H.R. 13930. A bill to declare that certain public domain lands are added to the XL Ranch Indian Reservation, Calif., and are held by the United States in trust for such Pit River Indians of the State of California as shall be designated by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. LATTA:

H.R. 13931. A bill to amend the Act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. McCARTHY:

H.R. 13932. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder, with a minimum primary benefit of $100 and subsequent cost-of-living benefit increases, and to increase the amount of outside earnings which an individual may have without suffering any loss of benefits; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 13933. A bill to amend title VII of the Housing and Urban Development Act of 1965 to extend for 1 year the period during which grants may be made to a community for water or sewer facilities even though such community has not yet completed its program for a coordinated areawide water and sewer facilities system; to the Committee on Banking and Currency.

By Mr. MORSE (for himself, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Donohue, Mrs. Heckler of Massachusetts, Mr. Keith, Mr. Macdonald of Massachusetts, Mr. O'Neill of Massachusetts, and Mr. Philbin):

H.R. 13934. A bill to amend the act of September 21, 1959 (74 Stat. 591) to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORSE:

H.R. 13935. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 13936. A bill to amend the Military Service Act of 1967 to provide for more equitable deferment procedures, to provide for a random system for selecting individuals for induction into the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. NIX:

H.R. 13937. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 13938. A bill to amend the Interstate Commerce Act to require the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 13939. A bill to extend for 1 year the authority to limit the rates of interest or dividends payable on certain deposits and accounts, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 13940. A bill to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required by Federal law or State law enacted in conformity therewith; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 13941. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. ROGERS of Florida:

H.R. 13942. A bill to amend title 38 of the United States Code to provide that deafness developing a 10 per centum or more degree of disability within 7 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 13943. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 13944. A bill to extend for 3 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson

Riverway, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 13945. A bill to provide that the imposition of fees, charges, and taxes the proceeds of which are covered into the land and water conservation fund in the Treasury of the United States shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditure; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 13946. A bill to enlarge the classes of persons eligible for servicemen's group life insurance, and to improve the administration of the program; to the Committee on Veterans' Affairs.

By Mrs. DWYER (for herself, Mr. Anderson of Illinois, Mr. Buchanan, Mr. Burton of Utah, Mrs. Chisholm, Mr. Cleveland, Mr. Cunningham, Mr. Dellenback, Mr. Duncan, Mr. Findley, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mr. Gude, and Mr. Halpern):

H.R. 13947. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mrs. DWYER (for herself, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Hungate, Mr. Madden, Mr. McCloskey, Mr. Mize, Mr. Podell, Mr. Reid of New York, Mr. Robison, Mr. Sandman, Mr. Saylor, Mr. Symington, Mr. Weicker, Mr. Widnall, and Mr. Wydler):

H.R. 13948. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies. to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mr. WAGGONNER (for himself, Mr. Nedzi, Mr. Davis of Georgia, Mr. Podell, and Mr. McEwen):

H.R. 13949. A bill to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. DENT (for himself, Mr. Burton of California, Mr Perkins, Mr. Pucinski, Mr. Hawkins, Mrs. Mink, Mr. Stokes, Mr. Clay, Mr. Powell, Mr. Gaydos, Mr. Bell of California, Mr. Hansen of Idaho, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Daniels of New Jersey, Mr. Brademas, Mr. O'Hara. Mr. Reid of New York, Mr. Morgan, Mr. Flood, Mr. Saylor, Mr. Staggers, Mr. Slack, Mr. Kee, and Mr. Mollohan):

H.R. 13950. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. Carey, Mr. William D. Ford, Mr. Hathaway, Mr. Scheuer, Mr. Meeds, Mr. McDade, Mr. Nix, Mr. Barrett. Mr. Rooney of Pennsylvania, Mr. Vigorito, Mr. Podell, Mr. Clark, Mr. Moorhead, Mr. Williams, Mr. Helstoski, Mr. Karth, Mr. Annunzio, Mr. Dulski, Mr. Giaimo, Mr. Corbett, Mr. St Germain, Mr Rodino, Mr. Price of Illinois, and Mr. Byrne of Pennsylvania):

H.R. 13951. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. Burke of Massachusetts, Mr. Gibbons, Mr. Coughlin, Mr. Brown of California, Mr. Ryan, Mr. Fraser, Mr. Biester, Mr. Eckhardt, Mr. Edwards of California, Mr. Yatron, Mr Mikva, Mr. Burton of Utah, Mr. Don H. Clausen, Mr. Patten, Mr. Gallagher, Mr. Eilberg, Mr. Rees. Mr. Ruppe, Mr. Leggett, Mr. Roybal, Mr. Ottinger, Mr. Brasco. Mr. Murphy of Illinois, and Mr. Kluczynski):

H.R. 13952. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. Annunzio, Mr. Nix, Mr. Brasco, Mr. Addabbo, Mr. Leggett, Mr. Button, Mr. Conyers, Mr. Halpern, Mr. Powell, Mr. Fulton of Pennsylvania, Mr. Mikva, Mr. Clark, Mr. Carter, Mr. Biaggi, and Mr. Pollock):

H.R. 13953. A bill to require the Secretary of Labor to collect and disseminate employment information regarding local law enforcement agencies; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H.R. 13954. A bill to amend the Act of August 22, 1949 (63 Stat. 623), so as to authorize the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; to the Committee on House Administration.

H.R. 13955. A bill to amend the Act of August 10, 1846, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.R. 13956. A bill to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on House Administration.

By Mr. WHITEHURST:

H.R. 13957. A bill to amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition or held for sale as pets; to the Committee on Agriculture.

H.R. 13958. A bill to create a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

By Mr. GONZALEZ:

H.R. 13959. A bill to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; to the Committee on Banking and Currency.

By Mr. WHITEHURST (for himself and Mr. Downing):

H.J. Res. 910. Joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H. Con. Res. 372. Concurrent resolution providing that the administration take steps to prevent airplane hijacking; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress with respect to the Government of North Vietnam and the National Liberation Front of South Vietnam complying with the principles of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress with respect to the establishment of international criteria for endangered species of wildlife and the establishment of international humane standards; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 13960. A bill for the relief of Youghaper Derderian; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 13961. A bill for the relief of Maria Alexandra Toczyska; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 13962. A bill for the relief of Ignacio Sierra Uribe; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 13963. A bill for the relief of Wayne Leo Smith; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 13964. A bill for the relief of Carmelo Buttitta; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 13965. A bill for the relief of Dr. Orlando Balea; to the Committee on the Judiciary.

By Mr. REES:

H.R. 13966. A bill for the relief of Rosswood Enterprises; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 13967. A bill for the relief of Sutekazu Yamamori; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

257. By Mr. COUGHLIN: Petition of resolution of the Ambler Borough Council, Montgomery County, Pa., regarding tax status of municipal bonds; to the Committee on Ways and Means.

258. By the SPEAKER: Petition of Allan Feinblum, New York, N.Y., relative to establishment of a "Childrens Project"; to the Committee on Foreign Affairs.

259. Also, petition of Henry Stoner, York, Pa., relative to the bill to create a catalog of Federal assistance programs; to the Committee on Government Operations.

260. Also, petition of the Congress of Mi-

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cronesia, Trust Territory of the Pacific Islands, relative to appointment of Prof. Harrop A. Freeman as the representative of the people of Micronesia; to the Committee on Interior and Insular Affairs.

261. Also, petition of the City Council, Elizabeth, N.J., relative to the weight and size limits for trucks on interstate highways; to the Committee on Public Works.

SENATE—*Tuesday, September 23, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Lord of history and beyond, to whom each day belongs, bless all who in their daily vocations serve the government of the people. Let Thy truth inform their minds and Thy righteousness be enthroned in their inmost being.

Strengthen all who are working for peace between the nations, and all who are working for purer and juster laws. Sustain all who are engaged in healing diseases, in the relief of poverty, in the teaching of the young, and in the rescue of the fallen.

Deliver those who thus labor from discouragement or frustration or a sense of futility. Give them a stout heart to bear their own burdens, a willing heart to bear the burdens of others, and a believing heart to cast all their burdens on Thee.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 22, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on September 22, 1969, the President had approved and signed the joint resolution (S.J. Res. 149) to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

REPORT OF NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION UNDER TITLE I OF THE HIGHER EDUCATION ACT OF 1965—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-161)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I herewith transmit the Third Annual Report of the National Advisory Council on Extension and Continuing Education which functions under Title I of the Higher Education Act of 1965.

It is a special concern of this Administration that colleges and universities respond effectively to the needs of local communities and to the desire of their own members to become involved in the task of solving local problems. The increasing level of requests for this type of action, from both inside and outside the campus, raises the question whether Title I of the Higher Education Act is having the impact that it should. This we intend to find out. Therefore, I am instructing the Subcommittee on Education of the Council for Urban Affairs to coordinate a search for ways to improve the performance of this program and report to the Council at an early date.

After we have completed our review of the program under Title I of the Higher Education Act, as well as of the recommendations of the Advisory Council on Extension and Continuing Education, we will advise the Congress of the Administration's recommendations.

RICHARD NIXON.

THE WHITE HOUSE, *September 23, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

INTERNATIONAL ATOMIC ENERGY AGENCY CONFERENCE REPRESENTATIVES

The bill clerk proceeded to read sundry nominations of International Atomic Energy Agency Conference Representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LT. GEN. LEONARD DUDLEY HEATON, SURGEON GENERAL

Mr. STENNIS. Mr. President, it is most fitting again to recognize the outstanding career and dedicated service of a distinguished soldier and physician of the U.S. Army. Three years ago I asked the Senate to recognize the service of Lt. Gen. Leonard Dudley Heaton on the occasion of his approaching mandatory retirement on reaching age 64 and his being requested by then President Johnson to continue as Surgeon General after recall to active duty. Though yearning to retire, and in relaxation to enjoy all the pleasures and comforts of his retirement home in Pinehurst, N.C., General Heaton again responded to the call of duty and has continued to the present to give of himself in service to his country and to his fellow man. Indeed, this devoted public servant was further extended in service by President Johnson until May 1969, and then by President Nixon until September 30, 1969. He was appointed Surgeon General by one President and continued in office for over 10 years by three other Presidents of the United States.

The splendid accomplishments of the

Army medical department in continuing the excellent care rendered our servicemen in Vietnam, even through the periods of heavy casualties produced following the Tet offenses, attests the wisdom of the President in continuing the service of this officer-physician beyond mandatory retirement to draw on his professional skill, administrative ability, his years of experience, and his dedication to the cause of providing only the finest of care to the servicemen of this country.

The record of Dr. Heaton in his over 43 years of service has been remarkable and notable in that despite his positions of vastly increasing responsibility with many administrative duties and burdens, he has always maintained his role and image as an astute clinician, teacher, and skilled surgeon; never succumbing to the temptation to allow the burden of administration to turn him from the primary role of the physician—that of the healer. His ability to be a practicing physician, while at the same time proving himself as a forceful, able, and dynamic administrator and leader of military men, attest in deeds to the unsurpassed talents of this great man.

I do not intend today to recite all the accomplishments of General Heaton, or to repeat many of those I mentioned in tribute to him 3 years ago, but I would like to mention just a few. At that time I praised the formation of the Walter Reed Institute of Nursing, a fine school which was just beginning and which has proven itself. The first class graduated in June 1968; this year, the second class graduated, with 71 young women receiving their nursing degrees. The new mobile field hospital, which in 1966 just had been developed to provide the first real improvement in the environment for providing care to the soldier in the field since the time of the Civil War, has proven itself in combat in Vietnam under the most trying circumstances, and six hospitals are now equipped with these assemblies in Vietnam. This is just one of the improvements in medical care which have resulted from his insistence on research and development within the Army medical service, even through periods of personnel shortage and budgetary restrictions.

In his time in office, 16 new modern hospitals have been completed, the most recent the new Letterman General Hospital at the Presidio of San Francisco, Calif.; the groundbreaking ceremony for another, the new William Beaumont General Hospital is scheduled to take place in El Paso, Tex., this month. Another and a most important one—Walter Reed is in the programing stage with design engineering underway.

These new facilities and ever increasing capabilities of the professional corps insured by General Heaton's insistence on active professional teaching and clinical research programs have insured a dynamic, progressive, and efficient medical department which has rendered so effectively the finest of medical care to the several million servicemen and their dependents located throughout the world.

The professional accomplishments of General Heaton have been widely recognized and attested. Throughout his tenure as Surgeon General of the Army, he has continued the active practice of surgery and has skillfully operated on many distinguished persons of our great Nation and its allies. He was awarded the first Oak Leaf Cluster to the Distinguished Service Medal for assuming high responsibility in the care and treatment of the late General of the Army, Douglas MacArthur, at Walter Reed General Hospital. The persevering attention and professional skill that he devoted to the care of President Dwight D. Eisenhower, to include the emergency surgery delicately performed successfully on a critically ill patient, are so well known as not to warrant repeating except to focus attention on the many accomplishments of this most remarkable surgeon. Few know of the daily professional rounds he made in wards at Walter Reed General Hospital before going to his duties in the Surgeon General's Office, of the hours in the operating room or at the bedside in the evenings and throughout long nights. On his many visits to the Army medical facilities around the world, he was frequently called into consultation to render his professional judgment on cases of critically wounded servicemen or to advise foreign dignitaries who might have been former patients of his at Walter Reed.

His decorations have included the Distinguished Service Medal with two Oak Leaf clusters, the Legion of Merit with two Oak Leaf clusters, as well as distinguished awards from many foreign governments. This year he was honored with the award of the Guthrie Medal, presented by the council of the Royal Army Medical College of London, and was named an Honorary Fellow of the Royal College of Surgeons, one of England's oldest surgical societies. In this country he was honored this spring by being selected first vice president of the American Surgical Association.

On conclusion of his 43 years of service in the Army Medical Corps and of over 10 years as Surgeon General of the U.S. Army, I am sure that Leonard Dudley Heaton has established a record which will clearly reserve a place of honor among the distinguished physician-scientist-soldiers for whom the Army medical department is noted. He takes his place with Hammond, Sternberg, O'Reilly, and Ireland among the giants who have filled the office of Surgeon General.

Mr. President, I am one of many who have had a chance to observe rather directly the splendid achievements of this remarkable man, especially in the field of what I call military medicine which he has elevated in a professional way and also as an administrator. Several Members of this body have had the benefit of his remarkable skill and judgment in a professional and in a personal way.

We, too, will be his lifelong debtors. We salute this gentleman for his outstanding career as a professional in the medical profession in the Army service, and as an outstanding American. We wish for him and Mrs. Heaton, who has been a major part of his success, many years of happiness in a well deserved retirement.

The PRESIDENT pro tempore. The Chair, the Senator from Georgia, certainly wishes to associate himself with the remarks of the distinguished Senator from Mississippi. It is very doubtful that any man in the history of this country has contributed more, not only to military medicine but to science in general, than General Heaton.

Mr. STENNIS. I thank the President pro tempore for his tribute.

ORDER OF BUSINESS

Mr. BAKER. Mr. President I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2948—INTRODUCTION OF THE REVENUE SHARING ACT OF 1969

Mr. BAKER. Mr. President, on behalf of myself and Senators ALLEN, ALLOTT, BELLMON, BENNETT, BROOKE, COOK, COOPER, COTTON, DOLE, DOMINICK, ERVIN, FANNIN, GOLDWATER, GRIFFIN, GURNEY, HANSEN, HRUSKA, JAVITS, JORDAN of Idaho, MATHIAS, MUNDT, MURPHY, PACKWOOD, PEARSON, PERCY, PROUTY, SCOTT, SMITH of Illinois, STEVENS, THURMOND, TOWER, and YOUNG of North Dakota, I introduce for referral to the appropriate committee the Revenue Sharing Act of 1969, a measure which would require the regular distribution of a specified portion of the Federal individual income tax to the State primarily on the basis of population with virtually no strings attached.

This is the administration bill recommended to the Congress by President Nixon. I ask unanimous consent that the text of the bill and accompanying data and other materials be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, the accompanying data, and the other materials will be printed in the RECORD.

(See exhibits 1 and 2.)

The bill (S. 2948) to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States, introduced by Mr. BAKER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

Mr. BAKER. Mr. President, while the history of Federal assistance to State and local governments goes back to the inception of our country, it is only for the last 20 years that Federal aid has increased at a rapidly accelerating rate. In the 10 years prior to 1956 Federal aid doubled to $3.7 billion, doubled again in the next

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4 years to 1960, and between 1960 and 1969, only 9 years, it has expanded from $7 billion to $18.9 billion, an increase of almost 150 percent. Moreover, the projection for Federal aid to State and local governments for 1975 is estimated at $35 to $40 billion, and former President Johnson once set the figure at $60 billion.

This leaves open the decision as to what should be the form of future Federal aid. The problem which confronts the Congress is the establishment of the most efficient delivery system for this rapidly proliferating assistance. In my judgment, it is imperative that we create a delivery system with a greater degree of flexibility. We should move away from complete reliance on particularistic Federal grant-in-aid instruments and adopt approaches which seek to strengthen the political structure and enhance the responsiveness of American federalism. This can best be achieved, as the Advisory Commission on Intergovernmental Relations has recommended, by the establishment of a combination of Federal revenue sharing and general functional block grants along with Federal categorical grants-in-aid.

Under this flexible approach revenue sharing would be utilized to allow States and localities to devise their own programs and set their own priorities to help solve their own unique and most crucial problems. Block grants would be used to give States and localities greater flexibility in meeting needs in broad functional areas. And categorical grants would be used to stimulate and support programs in specific areas of national interest. Under this scheme revenue sharing would supplement rather than supplant existing categorical aids.

Underlying my firm support for the concept of revenue sharing is the basic conviction that strong and financially viable State and local governments are essential not only to a healthy federalism but also to the best possible performance of governmental services. The enactment of a revenue sharing measure would recognize a substantial role for the States and would provide a broad scope for decentralized decisionmaking. If the benefits of American diversity are to be exploited and enhanced, then the Federal Government must aid in creating a fiscal environment that will enable States and localities to exercise wide latitude in determining their own priorities and solving their own problems.

It is particularly important that we recognize the need for viable, imaginative State and local governments. We have during the last several years witnessed an increasing concentration of effective governing authority in the Federal Government and a decreasing ability for the States, the counties, and the cities throughout the Nation to cope successfully with the seemingly limitless problems which confront them. These trends constitute a threat to the traditional system of federalism which has produced the maximum good for the maximum number with maximum responsiveness in government throughout the history of this Nation. The federal system as we know it consists of an effective partnership of governing authority between the Federal Government on the one hand, and State and local units on the other. I believe that the future of this country interrelates to a large degree with our ability to preserve this partnership system of government.

The thrust of these remarks is not an appeal to some academic concept of States rights, sovereignty or independence, nor calculated to be in derogation of the absolute requirement for a vital, effective, imaginative Federal Government. Rather, it is a plea for the reinvigoration and revitalization of the authority of State and local governments in order that they may undertake and discharge their governing responsibilities. In a word, it is a plea for refederalization.

Mr. President, apart from the virtues of federalism, the fiscal argument for revenue sharing is compelling. From 1946 to 1966, State and local governmental purchases of goods and services rose 348 percent with State and local debt increasing 573 percent. During this same period States and localities made impressive efforts to meet domestic public service needs, increasing tax collections from $11 to $59 billion. In spite of this dramatic increase, as well as the substantial growth of Federal categorical aids, there has been no letup in the intense fiscal pressures on States and their local entities, and every indication is that State and local expenditure demands will continue to rise sharply.

While State and local governments are confronted with this unrelenting fiscal pressure, a somewhat different situation prevails at the national level. Because of a progressive tax policy, Federal revenues tend to increase at a faster rate than the Nation's economic growth. In fact, Federal income tax revenues increase by 15 percent for every 10-percent increase in the gross national product, producing approximately an additional $8 billion in Federal revenue each year with no increase in tax rates. Looking beyond the current costs of the Vietnam war, one can visualize the $8 billion automatic annual growth in Federal revenues generating new leeway for fiscal dividends among the States.

But the fiscal dilemma of State and local governments is only the beginning. Consider the unmet needs. One has only to walk in his suburb to see the need for schools, sewers, sidewalks, street lights, and more frequent garbage collection. He has only to walk in the urban area to see streets with gaping holes and crumbling curbs, to see rundown parks and miserable housing, and even to see increasing crime and poverty. And he must not at the same time forget the rapidly expanding cost of higher education, the woefully inadequate prisons and mental hospitals, and the still-to-be-conquered problems of air and water pollution.

There is, of course, no easy answer to these problems, but the establishment of the concept of revenue sharing would be a beginning. The bill which I introduce today contains the following major elements:

First, the amount of moneys to be shared will be a stated percentage of personal taxable income with one-sixth of 1 percent to be appropriated for fiscal year 1971. Thereafter, the rate will escalate until it reaches 1 percent of personal taxable income for fiscal year 1976, providing a yield of approximately $5 billion.

The base of personal taxable income has the advantages of relative stability, steady growth, and independence from tax-rate changes. Further, it insures that state and local officials will not become advocates of higher Federal tax rates in order to gain revenue sharing funds.

Second, the funds will be distributed from the Federal Treasury to the 50 States and the District of Columbia with each State receiving an amount based on its share of the national population adjusted by the State's own revenue effort. The revenue effort factor will be computed as the sum of all State and local general revenue, divided by personal income in that State, divided by the national average of such a revenue income ratio. The net result of the application of this formula to available funds will provide some premium to those States that exercise their best efforts to provide for their own requirements and also some premium to those States that have a greater fiscal need.

Third, a portion of the money allocated to each State will be required to be distributed to all general purpose local governments. The amount that must be distributed to local governments will be the proportion of locally raised general revenues compared to total State and local revenues, and the amount which an individual unit of general local government will receive is that percentage of the total local share that its own revenues bear to the total of all local government revenues in the State.

The money thus passed through will be shared with all general purpose local governments—cities, towns, and counties. There will be no minimum size requirement for a locality to participate, and no school district or special purpose district will be eligible for direct sharing. By sharing funds only with municipalities, counties, and townships, the State government portion of revenue sharing is enlarged by the relative proportion of special and school district revenues to total revenues.

Fourth, the States and their local entities will be given virtually complete freedom in the use of their revenue shares except for the usual public auditing, accounting, and reporting requirements on all public funds.

Mr. President, revenue sharing was endorsed in 1968 by both presidential candidates and by both party platforms. Over 100 different revenue sharing bills were introduced during the 90th Congress, and almost this number have already been submitted during the current session. President Nixon has made known his firm support for this concept on several occasions since his inauguration. And the bill which I introduce today is the result of long hours of work by the Treasury Department in consultation with Governors, mayors, county officials, Members of Congress, and their staffs. It is virtually identical in its major provisions to S. 1634, which I introduced on March 24. I am hopeful, therefore, that the appropriate committees in both Houses of Congress will take prompt action.

The enactment of revenue sharing would relieve the intense fiscal pressure on State and local governments. It would serve the tradition of federalism by instilling in State and local governments a new vitality and independence. It would reverse the regressive tendency in the Federal-State-local tax structures. And it would enable the economically poor States to upgrade the quality of their services.

For all of these reasons, I urge the adoption of this measure.

Exhibit 1

S. 2948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Sec. 101. This Act may be cited as the "Revenue Sharing Act of 1969".

DEFINITIONS

Sec. 201. (a) For purposes of this Act—

(1) except where otherwise indicated, the term "fiscal year" means the fiscal year of the Federal Government of the United States;

(2) the term "general revenue" of State and local governments means general revenue from their own resources, as defined and used by the Bureau of the Census of the Department of Commerce, provided that in the case of the District of Columbia it shall include the Federal payment authorized under 47 D.C. Code § 2501(a) (81 Stat. 339);

(3) the term "Governor" means the chief executive officer of each State or his delegate;

(4) the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws;

(5) the term "local government" means a municipality, county, or township (but does not include independent school districts or special districts), as defined and used by the Bureau of the Census of the Department of Commerce;

(6) the term "personal income" means personal income, as defined and used by the Office of Business Economics of the Department of Commerce;

(7) the term "population" means total resident population, as defined and used by the Bureau of the Census of the Department of Commerce;

(8) the term "Secretary" means the Secretary of the Treasury or his delegate;

(9) the term "State" means the several States of the United States and the District of Columbia;

(10) the term "taxable income" means taxable income, as defined by the internal revenue laws; and

(11) the term "units of government" means all units of local government (including independent school districts and special districts), as defined and used by the Bureau of the Census of the Department of Commerce.

(b) The definitions in subsection (a) of this section (other than the definitions in paragraphs 1, 3, 8, and 9) shall be based on the latest published reports available, and the internal revenue laws in effect, on the date of enactment of this Act. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) of this section in order to reflect any change or modification thereof made subsequent to such date by the Department of Commerce or by a revision of the internal revenue laws.

REVENUE-SHARING APPROPRIATION

Sec. 301. (a) There is hereby appropriated for the fiscal year beginning July 1, 1970, and for each fiscal year thereafter, an amount, as determined by the Secretary, equal to the percentage provided in subsection (b) of this section multiplied by the total taxable income reported on Federal individual income tax returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) For purposes of subsection (a), the applicable percentage is—

(1) for the fiscal year beginning July 1, 1970, 2/12ths of one percent;

(2) for the fiscal year beginning July 1, 1971, 5/12ths of one percent;

(3) for the fiscal year beginning July 1, 1972, 7/12ths of one percent;

(4) for the fiscal year beginning July 1, 1973, 9/12ths of one percent;

(5) for the fiscal year beginning July 1, 1974, 11/12ths of one percent;

(6) for each fiscal year beginning on or after July 1, 1975, one percent.

(c) Amounts appropriated pursuant to this section shall remain available without fiscal year limitation for the expenditures authorized by this Act.

PAYMENTS TO STATES

Sec. 401. (a) For any fiscal year, each State is entitled to an amount, as determined by the Secretary, equal to the amount appropriated for such year pursuant to section 301 multiplied by the factor for such State. Each State's factor shall be obtained by—

(1) multiplying such State's population by its revenue effort, and

(2) dividing the product obtained in paragraph (1) by the sum of such products for all States.

(b) The amount determined under subsection (a) of this section shall be paid by the Secretary to the Governor of each State at such times as the Secretary may determine during any fiscal year, but not less often than once each quarter.

(c) For purposes of subsection (a), the revenue effort of each State for any fiscal year shall be obtained by dividing—

(1) the total general revenue derived by such State and all of its units of government from their own resources by

(2) the total personal income for such State.

(d) At the beginning of each fiscal year, the Secretary shall, on the basis of the latest available data for all States furnished by the Department of Commerce, determine—

(1) the population of each State referrable to the same point of time;

(2) the total annual general revenues of each State (including all of its units of government); and

(3) the total annual personal income for each State.

(e) All computations and determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

PAYMENTS BY STATES TO LOCAL GOVERNMENTS

Sec. 501. (a) The local governments of each State shall be entitled to receive an amount equal to the payment to such State pursuant to section 401 multiplied by a fraction, the numerator of which is the sum of the general revenues derived by all local governments of such State from their own resources and the denominator of which is the sum of the general revenues derived by such State and all of its units of government from their own resources. Such amounts shall be computed by the Governor of the State on the basis of the latest data available from the Department of Commerce at the beginning of the fiscal year.

(b) Within 30 days after receipt of a payment pursuant to section 401, each State shall pay to each of its local governments an amount computed by the Governor of such State on the basis of the statistical data used in subsection (a) of this section equal to—

(1) the amount determined under subsection (a) of this section, multiplied by

(2) the ratio of each local government's general revenues from its own resources to the total general revenues of all local governments in such State from their own resources.

(c) To encourage States to take the initiative in strengthening the fiscal position of their local governments and to maximize flexibility in the use of the payments authorized by this Act for meeting the particular needs of differing State and local fiscal systems, the Secretary shall accept an alternative formula for the distribution of funds as required by subsections (a) and (b) of this section (and any modification or termination of such formula) if requested by the State, provided such formula (or modification or termination of such formula) is—

(1) enacted by the State in the same manner as authorized in such State's constitution for the enactment of its own laws, and

(2) is approved—

(a) by a formal resolution of the governing bodies of more than one-half of the local governments of such State, and

(b) by a formal resolution of the governing bodies of the local governments of such State which would be entitled to receive more than one-half of the payments otherwise required by this Act.

Such formula shall be filed with the Secretary not later than 180 days preceding the fiscal year to which such formula would be applicable. The provisions of such formula shall govern the use of funds otherwise allocated by this Act to local governments and shall be effective for the period stated therein.

QUALIFICATIONS

Sec. 601. (a) In order to qualify for payments under this Act, a State Government shall warrant to the Secretary that it waives immunity from suit by its local governments in the United States Court of Appeals under the provisions of this Act and shall, on behalf of itself and any local government which may receive any part of such payments, give to the Secretary such assurances as he may require that such State and its local governments will—

(1) use such payments for its governmental purposes;

(2) use such fiscal and accounting procedures as may be necessary to assure proper accounting for payments received by such State and its local governments, and to assure proper disbursement of amounts to which the local governments are entitled;

(3) provide to the Secretary or his representatives, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require for the purposes of reviewing compliance with this Act; and

(4) make such reports to the Secretary in such form and containing such information as the Secretary may reasonably require, including therein any computations made pursuant to section 501.

(b) Except when an alternative formula has been adopted pursuant to section 501 (c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act), shall be an amount not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act.

POWERS OF THE SECRETARY

Sec. 701. (a) The Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data and reports and such other information which he may deem necessary to carry out his functions under this Act, and each Federal agency is authorized to furnish such statistical data and reports and other

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information to the Secretary to the extent permitted by law.

(b) If, after giving reasonable notice and opportunity for a hearing to the Governor of any State, the Secretary determines that a State Government has failed to comply substantially with any provision of this Act or any rule or regulation issued pursuant thereto, he shall notify the Governor that if such State Government fails to take corrective action within 60 days from the date of such determination, further payments to such State Government in excess of the amounts to which the local governments of such State are entitled under section 501(a) will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts to the Governor.

(c) In the case of the failure of compliance by the Governor, or the failure of compliance by a State Government, for a period in excess of 6 months after the expiration of the 60-day notice given pursuant to a determination under subsection (b) of this section, the Secretary shall forthwith cancel any payments withheld pursuant to subsection (b) for the current and for any subsequent fiscal year and shall reapportion and pay such cancelled payments to all other States then entitled to receive payments under section 401 in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Such payments to all other States shall be considered payments made pursuant to section 401.

(d) If a payment or payments to a State Government are withheld or cancelled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled, as determined pursuant to section 501(a), and such State shall continue to distribute such amounts among its local governments pursuant to section 501(b) or (c).

(e) The Governor shall be responsible to the Secretary for determining that local governments within his State have complied with the requirements of this Act and the rules and regulations issued pursuant thereto. If, after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government of such State, the Governor determines that such local government has failed to comply substantially with any provision of this Act or any rule or regulation issued pursuant thereto, the Governor shall forthwith notify such local government that if it fails to take corrective action within 60 days from the date of such determination, further payments to it under this Act will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. The Governor shall forthwith notify the Secretary of his action.

In the event of a failure of compliance by such local government or a period in excess of 6 months after the expiration of a 60-day notice issued by the Governor pursuant to a determination under the preceding paragraph, the Governor shall forthwith cancel any payments withheld for the current and for any subsequent fiscal year and shall reapportion and pay such cancelled payments to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

JUDICIAL REVIEW

SEC. 801. (a) Any State or local government which receives a 60-day notice under section 701 pursuant to a determination that payments to it will be withheld may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of Title 28, United States Code.

(b) No objection to the action of the Secretary shall be considered by the Court unless such objection had been urged before the Secretary, or unless there were reasonable grounds for the failure to do so.

(c) In accordance with the provision of this subsection, the court shall have jurisdiction to affirm or modify the action of the Secretary, or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28, United States Code.

(e) In the event that judicial proceedings are instituted pursuant to this section, the Secretary shall, after the expiration of the 6 months period provided in sections 701(c) or 701(e) or the point at which any judicial decision becomes final, whichever is later, cancel, reapportion, and pay any payments withheld pursuant to section 701 for the current and for any subsequent fiscal years.

(f) For purposes of this section, the term "Secretary" means the Secretary of the Treasury or the Governor of a State, whichever is appropriate.

REPORT BY THE SECRETARY

SEC. 901. The Secretary shall report to the President of the United States and the Congress as soon as is practicable after the end of the fiscal year on the operation of this Act during the preceding fiscal year.

ADMINISTRATIVE EXPENSES

SEC. 1000. There is hereby authorized to be appropriated such sums as may be necessary for the administrative expenses required to carry out the functions of the Federal government under this Act.

EFFECTIVE DATE

SEC. 1001. The effective date of this Act shall be January 1, 1971.

EXHIBIT 2

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., September 5, 1969.

Hon. HOWARD BAKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We at the National Association of Counties, representing our nation's 3049 county governments, are delighted to learn that you will be the principal sponsor of the Administration's recently announced federal revenue-sharing legislation.

As you know, both our staff and our elected membership representatives, have worked long and closely with the Administration, the Advisory Commission on Intergovernmental Relations and with your staff and others on the complicated formula aspects of a federal revenue-sharing plan. We believe that what has emerged, after the considerable efforts of a great many people, both within and without the Administration, is, to our present understanding, a most efficient, acceptable and well formulated plan for sharing federal, individual income tax revenues with the states and general purpose units of government on the basis of tax share.

Our nation's 3049 county governments, which in 1966 spent a total of $13 billion (compared with about $18 billion for 14,000 cities) will be major recipients of this desperately needed, no-strings-attached federal revenue.

We are pleased that the Administration's bill has the general wholehearted support of the nation's Mayors and Governors. Certainly, all must enthusiastically concur with the President when he states that one of the purposes behind federal revenue-sharing will be "a new emphasis on and help for local responsiveness, and to provide both encouragement and the necessary resources for local and state officials to exercise leadership in solving their own problems."

The National Association of Counties pledges its wholehearted and enthusiastic support for this much needed harbinger of a basic change in our concepts of federalism. We urge you to continue your ongoing efforts to obtain hearings on this crucial and precedent seeking piece of legislation which holds so much promise for our nation's governments.

Sincerely yours,
BERNARD F. HILLENBRAND,
Executive Director.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, September 16, 1969.

Hon. HOWARD BAKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: The National Governors' Conference has supported by resolution since 1965 the concept of revenue sharing as vital to the continuation of a strong Federal system. The Committee on Executive Management and Fiscal Affairs, of which I have been chairman, was given the responsibility to develop specific recommendations for implementation of the concept. Those recommendations were adopted by the National Governors' Conference meeting in Colorado Springs this month, and I will present them to the Senate Sub-Committee on Intergovernmental Relations on September 24. The specific recommendations are based upon criteria which the National Governors' Conference adopted in 1968 as follows:

(1) Any allocation formula for revenue sharing should be simple, understandable, and be acceptable as equitable.

(2) The plan should assure substantial additional federal financial resources to urban communities as well as states.

(3) Revenue sharing for municipalities should not encourage present barriers to more effective structure of local government in accord with the scope of their public service responsibilities. As a minimum, the plan should deter further geographical fragmentation of local government.

(4) The revenue sharing plan should be designed to supplement state and community funds rather than substitute for state and local tax effort.

(5) The revenue sharing plan should not weaken any categorical federal grant designed to serve national priorities and national purposes.

(6) The procedures for federal revenue sharing should be flexible enough to support fiscal policy for a stable and growing economy, without impairing orderly planning and budgeting in states and communities.

Two other governors and I, together with the representatives of cities and counties, met with representatives of the administration in July as they formulated their revenue-sharing proposal. There was remarkable agreement among those attending this meeting over the principles which should be embodied in a revenue-sharing proposal. This agreement represents a hallmark in new governmental relations.

While the policy statement adopted by the National Governors' Conference differs in several respects from the specific proposals of the administration's recently announced revenue-sharing legislation, I am exceptionally pleased with the degree to which the administration's proposal embodies the conclusions reached at the White House meeting in July and the general thrust of the Governors' Conference recommendations. While I will present to the Sub-Committee on Intergovernmental Relations additional ideas which I believe will improve the legislation, it has my wholehearted endorsement. I congratulate you and the co-sponsors of this legislation for presenting it to the Congress.

The Advisory Commission on Intergovernmental Relations states: "The existence of a gross imbalance among the levels of government and the power to raise revenue poses a critical threat to the integrity of a system of shared power." Seldom will Congress have an opportunity to more directly strengthen the principles and operation of the Federal system. The nation's governors stand ready to work with you closely and responsibly to achieve this vital result through the legislation which you have introduced.

Sincerely,

DANIEL J. EVANS,
Governor.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., September 23, 1969.

Hon. HOWARD BAKER,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR BAKER: Your introduction of an Administration bill to implement President Nixon's commitment to establish a system of Federal revenue sharing with states and local governments is enthusiastically welcomed by the mayors and other officials of all the nation's cities. On their behalf, we wish to indicate to you, as sponsor of the Administration's bill, their support for the principle of revenue sharing.

Your bill is truly an intergovernmental bill. The officials of the states, cities and counties were consulted and actively participated in its construction. As a result, there is general agreement and support among governors, mayors and county officials for most of its provisions.

In particular, there is substantial agreement on the provisions for establishing and funding the revenue sharing account, on the method of distribution of funds among the states and on the very important principle of guaranteeing that a substantial portion of the funds received by the states will be passed through to their general units of local government.

We are concerned, however, with the method used to determine the share of funds to be passed through and the method used to determine how money is allocated among individual local units. We will offer recommendations for specific improvements of these provisions at the appropriate time.

Revenue sharing is indeed a meaningful and necessary step toward the New Federalism proclaimed by the President. It is one of the most important pieces of legislation ever introduced to assure availability of resources needed by our states and general units of local government.

The demand for and complexity of local government services have outpaced the availability of local resources to pay for them. It became clear long ago that the superior capacity of the Federal revenue system must be utilized if this deficiency is to be overcome.

The local tax structure is characterized by an inherent intergovernmental competition, by regressivity and by complexity. It abounds wtih inequities. These conditions long ago precluded its expanded use for meeting critical local fiscal requirements and dictate the use of the more efficient and equitable Federal tax structure to provide funds to supplement locally taxable resources.

Federal revenues shared with the states and cities is a logical adjunct to the existing Federal categorical grant-in-aid system. Revenue sharing will complement the specific objectives of categorical aid by supplementing locally-raised operating revenues. Unrestricted use of shared revenues will significantly increase local flexibility in developing and executing local policies.

The amounts of money initially contemplated in your bill are not great and will not immediately meet the tremendous fiscal needs of local governments. Any future improvement in the general fiscal situation of the Federal government must contain a substantial increase in these unrestricted shared revenues as well as in the categorical aids if we are to begin to solve our domestic problems. Nevertheless, it is vitally important to establish the principle of revenue sharing at the earliest possible moment so that steps will be triggered to begin the long hard struggle to restore balance to our Federal system.

Finally, we wish to commend you for your continued strong interest in revenue sharing and your vigorous efforts to secure enactment of revenue sharing legislation. We look forward to working with you and the Congress in making revenue sharing a reality.

Sincerely,

C. BEVERLY BRILEY,
Mayor of Nashville, Tenn., President, National League of Cities.

JACK D. MALTESTER,
Mayor of San Leandro, Calif., President, U.S. Conference of Mayors.

STATE AND LOCAL SHARES UNDER ADMINISTRATION REVENUE SHARING PROPOSAL[1]

State	Population July 1, 1968 (thousands)	Personal income 1967 (millions)	State and local (thousands)[2]	State area percentage	State area share[3]	Local revenues (thousands)[4]	Local pass through	Local share	State residual
Alabama	3,566	$7,656	$937,084	0.017988	$8,994,000	$235,282	0.251078	$2,258,196	$6,735,804
Alaska	277	1,017	139,942	.001571	785,500	44,002	.314430	246,985	538,515
Arizona	1,670	4,444	664,054	.010282	5,141,000	140,906	.212190	1,090,869	4,050,131
Arkansas	2,012	4,130	499,306	.010025	5,012,500	80,211	.160644	805,228	4,207,272
California	19,221	70,204	9,507,432	.107253	53,626,500	2,939,286	.309156	16,578,954	37,047,546
Colorado	2,048	6,191	869,293	.011850	5,925,000	214,309	.246532	1,460,702	4,464,298
Connecticut	2,959	11,609	1,151,699	.012097	6,048,500	570,101	.495008	2,994,056	3,054,444
Delaware	534	1,905	245,701	.002839	1,419,500	36,221	.147419	209,261	1,210,239
District of Columbia[5]	809	3,336	450,613	.004504	2,252,000	450,613	1.000000	2,252,000	----------
Florida	6,160	17,101	2,132,736	.031657	15,828,500	622,737	.291989	4,621,748	11,206,752
Georgia	4,588	11,458	1,348,435	.022254	11,127,000	298,603	.221444	2,464,007	8,662,993
Hawaii	778	2,415	365,072	.004848	2,424,000	102,552	.280908	680,921	1,743,079
Idaho	705	1,800	264,376	.004268	2,134,000	56,104	.212212	452,860	1,681,140
Illinois	10,974	40,850	3,866,247	.042783	21,391,500	965,062	.249612	5,339,575	16,051,925
Indiana	5,067	15,980	1,856,861	.024265	12,132,500	406,122	.218714	2,653,548	9,478,952
Iowa	2,748	8,558	1,148,892	.015198	7,599,000	288,642	.251235	1,909,135	5,689,865
Kansas	2,303	6,961	905,542	.012348	6,174,000	275,105	.303801	1,875,674	4,298,326
Kentucky	3,229	7,737	892,691	.015356	7,678,000	188,334	.210973	1,619,851	6,058,149
Louisiana	3,732	8,995	1,298,898	.022209	11,104,500	225,771	.173817	1,930,151	9,174,349
Maine	979	2,585	301,717	.004708	2,354,000	129,205	.428232	1,008,058	1,345,942
Maryland	3,757	12,595	1,415,075	.017403	8,701,500	639,488	.451911	3,932,304	4,769,196
Massachusetts	5,437	19,197	2,301,759	.026866	13,433,000	1,187,565	.515938	6,930,595	6,502,405
Michigan	8,740	29,151	3,458,890	.042754	21,377,000	851,579	.246200	5,263,017	16,113,983
Minnesota	3,646	11,162	1,599,758	.021532	10,766,000	444,196	.277664	2,989,331	7,776,669
Mississippi	2,342	4,453	619,015	.013416	6,708,000	149,272	.241144	1,617,594	5,090,406
Missouri	4,627	13,775	1,478,684	.020460	10,230,000	358,930	.242736	2,483,189	7,746,811
Montana	693	1,939	272,206	.004010	2,005,000	103,144	.378918	759,731	1,245,269
Nebraska	1,437	4,422	518,536	.006947	3,473,500	156,369	.301558	1,050,935	2,422,565
Nevada	453	1,591	223,324	.002621	1,310,500	80,326	.359683	471,365	839,135
New Hampshire	702	2,094	216,083	.002986	1,493,000	73,136	.338462	505,324	987,676
New Jersey	7,078	25,686	2,654,924	.030161	15,080,500	1,051,267	.395968	5,971,395	9,109,105
New Mexico	1,015	2,484	394,562	.006643	3,321,500	66,898	.169550	563,160	2,758,340
New York	18,113	68,916	10,020,084	.108535	54,267,500	4,208,520	.420008	22,792,784	31,474,716
North Carolina	5,135	12,267	1,405,187	.024252	12,126,000	437,874	.311612	3,778,607	8,347,393
North Dakota	625	1,589	282,501	.004580	2,290,000	72,697	.257333	589,293	1,700,707
Ohio	10,591	33,605	3,351,507	.043516	21,758,000	922,402	.275220	5,988,237	15,769,763
Oklahoma	2,518	6,594	856,946	.013490	6,745,000	176,959	.206499	1,392,836	5,352,164
Oregon	2,008	6,122	835,715	.011296	5,648,000	160,746	.192345	1,086,365	4,561,635
Pennsylvania	11,712	37,065	3,864,363	.050342	25,171,000	934,110	.241724	6,084,435	19,086,565
Rhode Island	913	2,995	311,399	.003913	1,956,500	135,108	.433874	848,874	1,107,626
South Carolina	2,692	5,752	655,445	.012647	6,323,500	98,487	.150259	950,163	5,373,337
South Dakota	657	1,745	262,870	.004078	2,039,000	76,614	.291452	594,271	1,444,729
Tennessee	3,976	9,316	1,050,148	.018467	9,233,500	456,724	.434913	4,015,769	5,217,731
Texas	10,972	29,822	3,273,793	.049648	24,824,000	822,416	.251211	6,236,062	18,587,938
Utah	1,034	2,667	380,486	.006081	3,040,500	70,781	.186027	565,615	2,474,885

Footnotes at end of table.

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STATE AND LOCAL SHARES UNDER ADMINISTRATION REVENUE SHARING PROPOSAL[1]—Continued

State	Population July 1, 1968 (thousands)	Personal income 1967 (millions)	State and local (thousands)[3]	State area percentage	State area share[3]	Local revenues (thousands)[4]	Local pass through	Local share	State residual
Vermont	422	$1,178	$158,410	0.002339	$1,169,500	$29,370	0.185404	$216,830	952,670
Virginia	4,597	12,719	1,326,686	.019759	9,879,500	536,567	.404441	3,995,675	5,883,825
Washington	3,276	10,871	1,444,803	.017943	8,971,500	250,891	.173650	1,557,901	7,413,599
West Virginia	1,805	4,197	502,148	.008897	4,448,500	78,109	.155549	691,960	3,756,540
Wisconsin	4,213	13,220	1,824,438	.023960	11,980,000	519,687	.284847	3,412,467	8,567,533
Wyoming	315	946	157,236	.002158	1,079,000	37,589	.239061	257,947	821,053
U.S. total	199,861	625,068	75,969,970	1.000003	500,001,500			150,045,810	349,955,690

[1] State and local general revenues from own sources for fiscal years ending between July 1. 1966, and June 30, 1967.

[2] Includes school and special districts.

[3] State share formula constant denominator 24,265,172.

[4] Excludes school and special districts.

[5] Revenue figure includes Federal payment.

Statistical source: Census Bureau, Governments Division.

Mr. DOLE. Mr. President, will the Senator from Tennessee yield?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. BAKER. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I join my colleague, the junior Senator from Tennessee, in sponsoring President Nixon's plan for revenue sharing. Senator BAKER has been in the forefront of the proponents of this significant legislation. Earlier in this session of Congress, I joined him and 19 other Senators in cosponsorship of S. 1634, the Tax Sharing Act of 1969. Today, we take another step toward creation of a new relationship between the various levels of government.

Let me say generally and briefly that for half a century, we have seen the Federal Government grow larger and larger, and become more centralized and more bureaucratic. We have seen the power drained away from State and local governments to the Federal level. As the Federal Government became larger, in my opinion it became less manageable and less effective. Problems which should have been handled at the local and State level more and more were sent to Washington for solution. Our domestic needs have not responded to the solutions proposed by the Federal Government. As a result, America's ability to achieve social progress has suffered.

President Nixon proposes to turn back the administration of more projects to State and local governments. Revenue sharing will turn back some of the resources necessary to finance these projects.

The legislation introduced today will contribute immeasurably to achieving this goal.

Mr. BAKER. I thank my colleague from Kansas for his comments.

Mr. TOWER. Mr. President, will the Senator from Tennessee yield?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. BAKER. I am happy to yield to the Senator from Texas.

Mr. TOWER. Mr. President, I am most happy to join with Senator BAKER today as a cosponsor of the revenue-sharing legislation recommended by President Nixon in his August 13 message to Congress.

A call for revenue sharing with the States was included in the Republican Party platform of 1968, and many members of both parties have called for the adoption of such a measure. I believe that President Nixon has exhibited very fine leadership in taking the initiative on this important matter.

There is a real and vital need for the enactment of such legislation. I believe the present system of categorical grants has been inadequate to meet the demands of our times. The present system has, in many cases, been inflexible, overlapping, slow, and inefficient. As the President said in his message:

> We have hampered the effectiveness of local government by constructing a Federal grant-in-aid system of staggering complexity and diversity.

In too many cases, the vital decisions have been made in Washington, and the State governments have suffered accordingly. This is not as it should be. Time and time again it has been shown that concentration of power and decisionmaking in Washington is neither the most effective nor the most efficient way to govern.

Enactment of the President's revenue-sharing proposal would be a significant step toward reversing this trend. The measure would return to the States a percentage of personal taxable income for use as the States themselves determine. The availability of such unmarked funds would enable the States to respond more effectively and more efficiently to the demands made for services which can be better administered by State and local governments.

There are other revenue-sharing proposals presently pending before both Houses of Congress. Some would set aside a larger amount for distribution; and some would put certain restrictions on States' use of funds. Whatever the various provisions, all these bills will make a real contribution to the dialog and discussion of the revenue-sharing concept. I look forward anxiously to the hearings on this legislation. More important than the merits of the specific provisions of the various bills is the fact that we are now finally getting down to serious consideration of this concept which has received so much attention in recent years. I heartily support the concept of revenue sharing in general and the President's proposal in particular. I commend the President as well as Members of Congress who have introduced such legislation, and I am hopeful that hearings may be scheduled just as soon as possible for consideration of these proposals.

Mr. MURPHY. Mr. President, will the Senator from Tennessee yield?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from California?

Mr. BAKER. I am happy to yield to the Senator from California.

Mr. MURPHY. I join my distinguished colleague from Texas in congratulating the Senator from Tennessee for this piece of legislation.

I am pleased to cosponsor the administration's revenue-sharing proposal. I have had a great interest in this subject for some time since I had the pleasure of serving on the Republican coordinating committee's task force on revenue sharing which strongly urged revenue sharing. I regard this bill as one of the most important pieces of legislation which will be before this Congress.

Under this measure Federal revenues will be returned to the States and local governments without Federal strings or conditions. State and local governments will be able to determine their own needs, set their own priorities and spend the revenue accordingly. Budget problems demand that we embark upon this program slowly, but both logic and the merits of the revenue-sharing proposal demand that we move in this new direction as fast as we possibly can. Beginning in the second half of fiscal year 1971, one-third of 1 percent of personal taxable income or $500 million will be returned to the States. In succeeding years, this sum will increase until by 1976 and subsequent years, 1 percent, or $5.1 billion, will be available to State and local governments.

The formula for distributing the money to the States will be based on population and the State's revenue effort. States in turn will be required to share a percentage of this revenue with governmental units within the State.

This proposal, at long last, begins to restore balance in our federal system. The bill signals an end to an era, the last third of a century in which we have witnessed the flow of tax money, powers, and responsibilities from States and local governments to Washington. The steady and relentless erosion of the roles of the States and the resulting centralizing of power in Washington has resulted from many events and forces. The depression, World War II, the cold war, and growing demands by our citizens for services and solutions to the many problems of the country all were involved in bringing us to this important juncture.

The most important factor, however, is the imbalance of revenue available to the various units of government. For

Federal, State, and local governments—taxes are their chief source of revenue. The trouble is that the Federal Government taxes about three-fifths of the total revenue collected in the Nation with State and local governments dividing the remaining two-fifths about equally. The Federal Government is able to do this because it has preempted the most lucrative source of revenue, the graduated income tax. With the Federal Government taking practically all of the income tax, State and local governments must rely primarily on other sources. For the States, their main sources are the sales and gross receipt taxes, and income taxes which are generally of a flat or mildly progressive rate. For local governments, as taxpayers well know, it is the overworked property tax.

The Federal graduated income tax is a powerful source of revenue in a growing economy. And it produces revenues that increase at a more rapid rate than the growth in our Nation's economy. As a result, a growing economy produces increased revenue for the Federal Government each year. This "built in" increase in Federal funds was estimated by the Republican task force on revenue sharing to be $6 billion yearly.

In contrast, revenue from State and local governments, whose primary source is the sales and property tax, tends only to be equal to or less than the Nation's economic growth. Hence, local revenues do not keep pace with economic growth and resources available to State and local governments are not commensurate with inflation and mushrooming demands by citizens. This situation of potential national surpluses and local deficits has been aptly described as a "fiscal mismatch."

State and local governments have tried to keep up as statistics cited by President Nixon in his September 1 speech to the Governors' conference clearly proves this. The President said:

> In the space of only ten years, state and local expenditures grew by two and a half times—from $44 billion in 1958 to $108 billion in 1968. States alone have had to seek more than 200 tax rate increases in the past eight years. Nearly four-fifths of the state legislatures that convened in 1969 have found themselves considering requests for even higher taxes.

Despite these great efforts, local and State governments have not had adequate sources of revenue and as a result must turn to Washington for help. The principal method used by the Federal Government for sharing its resources with the State and local governments has been the grant-in-aid system. The federal system has grown over the years, but the growth in the sixties of the grant-in-aid program has been truly phenomenal. Twenty years ago there were only a few Federal grant-in-aid programs. Today I doubt if anyone in Washington knows how many programs are available. Representative Roth has just completed a study of the Federal programs providing assistance to the American public. He found that more than $20 billion a year is being spent on such programs and his study, listing the programs, runs almost 400 pages of very small print.

The growth in Federal grant-in-aid programs was traced by the Republican task force on revenue sharing as follows:

> In 1934, 18 grant-in-aid programs existed to disburse national government funds for *specific purposes* to state and local governments. Thirty years later, that number had risen to 68 programs to state and local governments, plus an additional 60 programs for disbursement of funds to individuals and institutions. Adding additional programs which have been authorized since 1964, there are today some 140 grant-in-aid programs of the national government. The growth and amount of money involved is staggering. Grants in 1934 totaled $126 million. By 1964 this had risen to $10,060 million—eighty times the 1934 total. Expenditures per program increased from $7 million in 1934 to $148 million in 1964.

President Nixon has described this program growth in the 1960's as "explosive." A study by the Tax Foundation, entitled "Growth and Trends of New Federal Program: Fiscal Year 1955–68" shows how "explosive" this growth has been. For the 13 years surveyed, the study found that over one-half, or 68 of the new Federal programs, came into being over the 4-year period beginning with fiscal year 1965.

Even more alarming are the projections of the continued growth of the grant-in-aid program. The Republican coordinating task force on revenue sharing indicated they found that the most conservative of projections to 1984, based on the increases in the 1934–64 period, would be $52 billion, or an increase of 556 percent over 1964.

Yet, during the period of the sixties, the problems of the Nation seem to multiply as much as the Federal programs proliferated. The Nation's problems obviously have not yielded to Washington's solutions. Even with the best of intentions, Washington simply cannot plan or prepackage programs that will fit and work in the 50 States and the many counties and countless communities across this great Nation. Our Nation is too big, too diverse to allow this centralized approach to work effectively.

In addition to not working in an effective and efficient manner, there is another important reason why we must reverse the present trend of looking to Washington to solve all our ills. Traditionally as a nation, we have had great faith in the individual. We have confidence in the ability of our people to make the right decision. Thus, we have tried to keep political decisionmaking as close to the people and local and State governments as possible. Our people have responded to this faith and confidence by building the greatest Nation on the face of the globe.

I am disturbed that our people are disenchanted with government in general. They feel they are taxed too much for programs that have proliferated so much, and have so often accomplished so little. They realize that they have less and less of a voice in their local planning as more and more of the decisions and the decisions affecting their communities and their States are taken from them and made by bureaucrats at the national level.

President Nixon has pledged a "New Federalism" to cure this illness. The Nation is looking forward to its 200th birthday in just 7 years. Let us resolve by then that there will be a rebirth of State and local rights and responsibilities. Not the oft-mentioned "States rights" that sometimes has been used to shirk from responsibility, or as an excuse for inaction, but the kind of State and local rights that welcome responsibilities and will call forth the best in our people, restore their voice and confidence in government, and enable us to solve many of our problems in an efficient and practical way.

I am therefore pleased to coauthor this measure. I certainly congratulate the President for sending this proposal to the Congress.

I ask unanimous consent that various statements be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

President Nixon's Revenue Sharing Proposal Fact Sheet

THE REVENUE SHARING PLAN

These are the major characteristics of the Administration's revenue sharing proposal:

1. *It is simple.* It is set up to work without the need for any new Federal agency or bureau. The operation is spelled out clearly and specifically in the law (the bill will be sent up shortly); the money is distributed on the basis of census data and other readily available objective statistics.

2. *It has no strings.* The state and local governments are free to exercise their own discretion over the use of the funds. There are no Federal "strings" tied to the money.

3. *It is automatic.* The states and localities can count on the revenue sharing in their own fiscal planning. The money for revenue sharing is automatically available each year. The annual amount is geared to the growing personal income tax base of the nation.

4. *It is fair.* The funds go to every State, every city, and every county in the Nation. All areas are included—urban and rural, large and small, rich and poor, industrialized and agricultural.

5. *It is neutral.* The state-by-state distribution is based primarily on where people reside. The allocation among the governments within a state is based on the existing distribution of financial responsibilities among the various units of government, as decided in each area.

6. *It is basic to the New Federalism.* Decision-making power over the funds as well as the money itself is returned to state and local governments.

SUMMARY OF THE REVENUE SHARING PLAN

The revenue sharing plan has four major features.

1. *The size of the fund* to be shared is a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To ease the budget impact, the fiscal year 1971 percentage is only 1/6 of one percent ($500 million); in subsequent fiscal years there are phased increases to a permanent one percent in the fiscal year 1976 ($5 billion estimated yield).

2. *The distribution among states* is made on the basis of each state's share of national population, adjusted for the state's revenue effort. Thus, a state which taxes its citizens more than the national average will receive a proportional bonus.

3. *The distribution within states* to the general units of local governments is established by prescribed formula. The portion a state must share with its political subdivisions corresponds to the ratio of total local general revenues to the sum of state and total local general revenues in the state. The amount which an individual unit of gen-

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eral local government receives corresponds to its share of all local general revenues raised in the state.

4. *The only requirements* imposed on the states (in addition to the local sharing) are (a) quarterly reporting and accounting and (b) maintenance of existing state aid to localities.

QUESTIONS AND ANSWERS ON THE ADMINISTRATION'S REVENUE SHARING PROPOSAL

1. Q. What is the purpose of this proposed legislation?

A. The ultimate purposes are many:

To restore to the states their proper rights and roles in the Federal system with a new emphasis on local discretion;

To provide both the encouragement and the necessary resources for local and state officials to exercise leadership in solving their own problems;

To narrow the distance between people and the government agencies dealing with their problems;

To restore strength and vigor to local and state governments;

To achieve a better allocation of total public resources.

In short, our purpose is to build a streamlined Federal system with a return to the states, cities, and communities of the decision-making power rightfully theirs.

2. Q. How much money is to be shared?

A. The size of the total fund to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the FY 1971 percentage will be 1/6 of one percent, or about $500 million; with subsequent fiscal year percentages being increased annually up to a permanent one percent for fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for fiscal 1976 of about $5 billion.

6. Q. Why are these particular distribution formulas used?

A. Distributions based on revenues raised have several important advantages:

They make allowance for state-by-state variations;

They tend to be neutral with respect to the current relative fiscal importance of state and local governments in each state;

They provide a method for allocating among government units with overlapping jurisdictions.

7. Q. Does a state have any opportunity to use some other distribution procedures than those just outlined?

A. Yes. In order to provide local flexibility, each state—working with its local governments—is authorized to develop an alternative distribution plan.

8. Q. What restrictions or qualifications will be imposed on the use of these funds?

A. There will be no program or project restrictions on the use of these funds. One purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. Each state will be required to meet minimum reporting and accounting requirements.

9. Q. How do the various state, county, city and other local officials view this revenue-sharing proposal?

A. We have had numerous discussions with governors, mayors, and county officials about the essentials of this proposal. There has developed a remarkable degree of approval on its key measures. At our July 8 White House conference on revenue sharing, for example, the various representatives of state and local governments reached broad agreement on all the program's major features.

ESTIMATED FUNDING FOR REVENUE SHARING, 1971–76

[Dollars in billions]

Fiscal year	Taxable [1] income base	Percentage for revenue sharing	Funds for revenue sharing
1971	$315	2/12 of 1 percent [2]	$0.5
1972	346	5/12 of 1 percent	1.5
1973	381	7/12 of 1 percent	2.2
1974	419	9/12 of 1 percent	3.2
1975	461	11/12 of 1 percent	4.2
1976	507	1 percent	5.1

[1] The 1971 base is taken as calendar year 1967 taxable individual income.

The base is assumed to grow at the rate of 10 percent a year.

[2] The full-year amount will be paid out over the last 2 quarters for fiscal year 1971.

STATE AND LOCAL SHARES UNDER ADMINISTRATION REVENUE SHARING PROPOSAL [1]

State	Population July 1, 1968 (thousands)	Personal income 1967 (millions)	State and local (thousands) [2]	State area percentage	State area share [3]	Local revenues (thousands) [4]	Local pass through	Local share	State residual
Alabama	3,566	$7,656	$937,084	0.017988	$8,994,000	$235,282	0.251078	$2,258,196	6,735,804
Alaska	277	1,017	139,942	.001571	785,500	44,002	.314430	246,985	538,515
Arizona	1,670	4,444	664,054	.010282	5,141,000	140,906	.212190	1,090,869	4,050,131
Arkansas	2,012	4,130	499,306	.010025	5,012,500	80,211	.160644	805,228	4,207,272
California	19,221	70,204	9,507,432	.107253	53,626,500	2,939,286	.309156	16,578,954	37,047,546
Colorado	2,048	6,191	869,293	.011850	5,925,000	214,309	.246532	1,460,702	4,464,298
Connecticut	2,959	11,609	1,151,699	.012097	6,048,500	570,101	.495008	2,994,056	3,054,444
Delaware	534	1,905	245,701	.002839	1,419,500	36,221	.147419	209,261	1,210,239
District of Columbia [5]	809	3,336	450,613	.004504	2,252,000	450,613	1.000000	2,252,000	
Florida	6,160	17,101	2,132,736	.031657	15,828,500	622,737	.291989	4,621,748	11,206,752
Georgia	4,588	11,458	1,348,435	.022254	11,127,000	298,603	.221444	2,464,007	8,662,993
Hawaii	778	2,415	365,072	.004848	2,424,000	102,552	.280908	680,921	1,743,079
Idaho	705	1,800	264,376	.004268	2,134,000	56,104	.212212	452,860	1,681,140
Illinois	10,974	40,850	3,866,247	.042783	21,391,500	965,062	.249612	5,339,575	16,051,925
Indiana	5,067	15,980	1,856,861	.024265	12,132,500	406,122	.218714	2,653,548	9,478,952
Iowa	2,748	8,558	1,148,892	.015198	7,599,000	288,642	.251235	1,909,135	5,689,865
Kansas	2,303	6,961	905,542	.012348	6,174,000	275,105	.303801	1,875,674	4,298,326
Kentucky	3,229	7,737	892,691	.015356	7,678,000	188,334	.210973	1,619,851	6,058,149
Louisiana	3,732	8,995	1,298,898	.022209	11,104,500	225,771	.173817	1,930,151	9,174,349
Maine	979	2,585	301,717	.004708	2,354,000	129,205	.428232	1,008,058	1,345,942
Maryland	3,757	12,595	1,415,075	.017403	8,701,500	639,488	.451911	3,932,304	4,769,196
Massachusetts	5,437	19,197	2,301,759	.026866	13,433,000	1,187,565	.515938	6,930,595	6,502,405
Michigan	8,740	29,151	3,458,890	.042754	21,377,000	851,579	.246200	5,263,017	16,113,983
Minnesota	3,646	11,162	1,599,758	.021532	10,766,000	444,196	.277664	2,989,331	7,776,669
Mississippi	2,342	4,453	619,015	.013416	6,708,000	149,272	.241144	1,617,594	5,090,406
Missouri	4,627	13,775	1,478,684	.020460	10,230,000	358,930	.242736	2,483,189	7,746,811
Montana	693	1,939	272,206	.004010	2,005,000	103,144	.378918	759,731	1,245,269
Nebraska	1,437	4,422	518,536	.006947	3,473,500	156,369	.301558	1,050,935	2,422,565
Nevada	453	1,591	223,324	.002621	1,310,500	80,326	.359683	471,365	839,135
New Hampshire	702	2,094	216,083	.002986	1,493,000	73,136	.338462	505,324	987,676
New Jersey	7,078	25,686	2,654,924	.030161	15,080,500	1,051,267	.395968	5,971,395	9,109,105
New Mexico	1,015	2,484	394,562	.006643	3,321,500	66,898	.169550	563,160	2,758,340
New York	18,113	68,916	10,020,084	.108535	54,267,500	4,208,520	.420008	22,792,784	31,474,716
North Carolina	5,135	12,267	1,405,187	.024252	12,126,000	437,874	.311612	3,778,607	8,347,393
North Dakota	625	1,589	282,501	.004580	2,290,000	72,697	.257333	589,293	1,700,707
Ohio	10,591	33,605	3,351,507	.043516	21,758,000	922,402	.275220	5,988,237	15,769,763
Oklahoma	2,518	6,594	856,946	.013490	6,745,000	176,959	.206499	1,392,836	5,352,164
Oregon	2,008	6,122	835,715	.011296	5,648,000	160,746	.192345	1,086,365	4,561,635
Pennsylvania	11,712	37,065	3,864,363	.050342	25,171,000	934,110	.241724	6,084,435	19,086,565
Rhode Island	913	2,995	311,399	.003913	1,956,500	135,108	.433874	848,974	1,107,626
South Carolina	2,692	5,752	655,445	.012647	6,323,500	98,487	.150259	950,163	5,373,337
South Dakota	657	1,745	262,870	.004078	2,039,000	76,614	.291452	594,271	1,444,729
Tennessee	3,976	9,316	1,050,148	.018467	9,233,500	456,724	.434913	4,015,769	5,217,731
Texas	10,972	29,822	3,273,793	.049648	24,824,000	822,416	.251211	6,236,062	18,587,938
Utah	1,034	2,667	380,486	.006081	3,040,500	70,781	.186027	565,615	2,474,885
Vermont	422	1,178	158,410	.002339	1,169,500	29,370	.185404	216,830	952,670
Virginia	4,597	12,719	1,326,686	.019759	9,879,500	536,567	.404441	3,995,675	5,883,825
Washington	3,276	10,871	1,444,803	.017943	8,971,500	250,891	.173650	1,557,901	7,413,599
West Virginia	1,805	4,197	502,148	.008897	4,448,500	78,109	.155549	691,960	3,756,540
Wisconsin	4,213	13,220	1,824,438	.023960	11,980,000	519,687	.284847	3,412,467	8,567,533
Wyoming	315	946	157,236	.002158	1,079,000	37,589	.239061	257,947	821,053
U.S. total	199,861	625,068	75,969,970	1.000003	500,001,500			150,045,810	349,955,690

[1] State and local general revenues from own sources for fiscal years ending between July 1, 1966, and June 30, 1967.

[2] Includes school and special districts.

[3] State share formula constant denominator, 24,265,172.

[4] Excludes school and special districts.

[5] Revenue figure includes Federal payment.

Statistical source: Census Bureau, Governments Division.

Speech by Senator George Murphy Before the Comstock Club, Sacramento, Calif., July 21, 1969

Mr. Chairman, Distinguished Guests, Gentlemen: I know that every speaker who addresses this distinguished body begins with telling all of you how pleased he was to get the invitation. I would like to go beyond that and congratulate you on your excellent timing. This meeting today will serve as a sort of belated birthday celebration for me. And, of course, as always, it is a great pleasure to have the opportunity to come back to Sacramento to the seat of government of the Great State which I represent in Washington.

I might say that I am happy to be here at the end of July rather than at the early part of the month. My good and longtime friend, Governor Reagan, observed the Fourth of July in Sacramento with the Legislature and the celebration went off just a few days ahead of time. That fireworks display, you will be glad to know, was bright enough to be seen in the press in Washington, D.C. as well as clear across the country. And I would like to congratulate him on making possible a safe and sane Fourth for the rest of us, particularly those who were wondering whether they were going to get paid or not.

You know, it occurred to me that day that I must be getting much stronger because on my birthday a year ago my dear wife sent me to the market and a box boy had to help me carry ten dollars worth of groceries to the car. And this year he put the whole thing in one small brown sack and I could have carried it in my mouth.

On the way home I picked up the afternoon paper. In addition to the report of the Governor's budget problems, there were a number of other disturbing items. There was the continuing story of the general complexities and problems of our civilization all over the world, and particular focus on the tale of the agony of the Los Angeles School District. You are all aware, of course, that the Los Angeles Board of Education, for the first time in its history, has been forced to adopt a deficit budget. There is just not enough money to pay the bills. Superintendent Jack Crowther has been forced to recommend drastic cuts in various essential educational services. His problems are repeated not only throughout the State of California but also in most of the 35 large cities in our nation. In June, for example, voters in Oakland, San Jose, Marin County, and Livermore all turned down tax increases for education for one reason or another. The net result was the same.

There was also a report in the financial section of this same paper telling of the effect on business of spiraling interest rates, a serious concern of the manufacturers and industrialists, the building industry over the cost of money, labor and materials. You all must have read, as I did, of the demands of the plumbers union in Southern California for a four-day work week with a raise from $5.79 to $9.30 in pay and dramatic increases in wages and fringe benefits; the strikes of the nurses in the hospitals in Los Angeles; the problems of the teachers; the longshoremen; grape boycotts; and all the other disconcerning and disturbing problems of our great complex society.

In yet another article, welfare recipients were complaining that increases in the cost of living and in the general cost of food were destroying the value of the checks they were receiving, making it impossible for them to get along on the small subsistence provided for them.

There are accounts of similar problems all across the country. In Chicago, Governor Ogilvie has warned that his state is teetering "on the brink of bankruptcy." Wisconsin had to deal with a $416 million revenue gap. And in North Carolina, Governor Scott did an unheard of thing in that famous old tobacco growing state, where tobacco was considered sacrosanct. He was so desperate he even proposed a tax on cigarettes. And at the same time, in Washington, D.C., the Department of Labor announced yet another increase in the cost of living—six percent for the first six months for the year 1969.

I am pleased to say, however, that all the news is not bad, and there are some very hopeful signs appearing on the horizon. Under the new Administration of Richard Nixon, our Federal Government is, for the first time in a decade, facing up to the realities of our national fiscal crisis and advocating policies which will return our economy to a safe and sound basis. Politics has been, at long last, replaced by practicality. Obviously, this return to fiscal sanity and health cannot be accomplished immediately or without some major irritations. You cannot effect a cure resulting from twelve years of injective fiscal malignancy with one trip to the doctor's office. And may I say the medicine will not always be pleasant to take. But I think we all agree that we must do whatever is necessary to cure the disease of inflation which eats away at all the permanent values of our system, destroys the increases in wages and salaries, stock values, and which, worst of all, punishes the old and the thrifty by devouring their hard-earned savings. And this problem must be cured now. We can put it off no longer.

I am happy to report to you that the one concern of all economists with regard to inflation is the necessity for a balanced budget, and I can report that after six months of the Nixon Administration, it would seem that we most certainly will have a balanced budget. And better than that, you can imagine how we in Congress, who have long pleaded for fiscal responsibility, welcome the sight of a surplus in the first budget presented by the new Administration. And, may I say, this is the first surplus that has been achieved in the Federal Government. In nine years, since President Eisenhower ended his administration with a $1.2 billion surplus. And, just as important, we welcome the return of an attitude of painstaking care in the spending and use of taxpayers' hard earned dollars, of an attitude that free spending does not necessarily cure all of our problems. That, in fact, free spending may be responsible for many of our problems, that practical planning is necessary, that we should know what we are going to do before we rush into operation and waste time, effort and money. Unfortunately, one theory that I have found rampant in Washington is that if you have a program that is not working right, just pour some more taxpayers' dollars into it and it will pick up speed and just work fine. Now, you and I know that isn't exactly always the truth. Sometimes these programs are wrong; and often they overlap; sometimes the thinking that went into them was improper, and sometimes a lot of these programs never should have been started in the first place.

With a sound economic basis, our government, without question, can help the individual citizens in private enterprise in this country to grow as it has in the past and to continue to provide for all of our people the highest standard of living that man has ever achieved.

As stated briefly, may I say that I believe that there are more efficient ways of using the tax dollars collected from our already overburdened citizens than are presently in effect. And the plans that I have proposed, and will be proposing, will be designed to make the same amount of tax dollars return more benefits to our people. I think this is a good place in which to start.

The problems this country faces at home and abroad are at a crisis level. They range from the war in Vietnam, where our President is leading the way, hopefully, toward an honorable, peaceful solution to the difficulties in our cities and suburbs and our slums at home. These problems are real, and they have been with us for a long time. Those who chose to ignore them or do nothing about them have not only neglected their obligation to fund the cures which in the beginning might have been simple, but they have provided more time for the complications to multiply, and thereby have increased the necessity for drastic measures.

Two of the issues presently before us in Washington, about which I know you are reading and hearing a lot, are the ABM and the extension of the surtax. I think that before going on to my principal subject for today I should report to you briefly on where these two matters stand.

With respect to the President's proposal to construct the Safeguard ABM System, I believe the opponents have spread much unfortunate confusion. The first question raised is whether or not we need such a defensive system. As a member of the Senate Armed Services Committee, I have listened to much expert testimony by members of the military and I have heard the request of the President who is, in the final analysis, responsible for this nation's security. And I might add that in the current fiscal crisis he is as anxious to cut corners and save money as is anyone—if not more so. Based upon the evidence, I am sure that we need this system to help keep the peace by depriving any other nation of the temptation of feeling it has the power to knock us out.

Next it is argued by some members of the scientific community that the system will not work. Others, of course, have established that the components of the system do work and that the only real way we will know about the effectiveness of the system is to construct one—and they feel it is worth doing. I have noticed that those scientists who argue against the system have a long record of opposing the establishment of effective military systems over the past years.

And then there is the argument that we dare not construct a military system which might offend the Russians—even though they of course have done the same thing already. I would point out that the Russians have not stated this would offend them and that certainly President Nixon is anxious to go as far as safety will permit in working with them toward a lasting peace. In the final analysis, of course, the decision must be based upon the needs of our national security, and I believe that this criterion leaves us no choice in this decision. That is why every poll shows that the American people overwhelmingly endorse the President's proposal and it is why I believe the Senate will support the President when the vote finally comes.

With respect to the tax bill, the Senate Finance Committee presently has before it the Administration-sponsored bill to extend the surtax which was passed by the House of Representatives. Unfortunately some members of the Democratic leadership are attempting to withhold action on the surtax, asserting that such action should not be taken without comprehensive tax reform. I would point out that the Democratic Party, now crying so for tax reform, has controlled Congress since 1954 without passing such proposals and that their leaders were in the White House since 1961 without fabricating such measures. You can understand why I am suspicious of the argument now being advanced.

I am not only suspicious, I am upset because I believe that everyone who has studied the matter recognizes that fast action on the surtax extension is necessary to provide the cornerstone to the admirable program of the Administration to combat inflation. This should not wait for the deliberation required in putting together a comprehensive tax reform bill. Nor is it necessary to use the surtax as a sweetener to force tax reform, be-

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cause President Nixon, the leadership of both political parties, and members of both Houses of Congress, most certainly including myself, and certainly the American public, are strongly for tax reform. Furthermore, the House Ways and Means Committee is presently considering such a tax reform bill, and it would seem sensible that the Senate wait for that bill, which Chairman Mills has promised to report before our August recess, so that we can benefit from all the study and resources which will have gone into constructing it. This is the logical way to do it.

It is all too obvious that politics has crept into both the opposition to the ABM and the immediate extension of the surtax, but I believe the people know what is right in these matters and that their will in the end will prevail.

In the months ahead, from time to time, I hope I will have a chance to be discussing with you many of these problems, the steps which have already been taken toward their solution and proposals which will be made in the future. In the limited time available today, however, I want to share with you my thinking in one of these areas.

We all know that two-thirds of all taxes collected in the United States today find their way to the Federal Government in Washington. State and local governments are left with only one-third, and today, my friends, this is just not enough to meet the needs at the local level. The portions that dribble back from Washington to the state and local governments in the form of grants or matching funds, and all the rest of the ways in which it is handled, is subject to a handling charge by a series of bureaucratic middlemen each step of the way, very often supervised by inexperienced enthusiasts who are uncertain in their design and sometimes faulty in their desires. I have tried to get reliable figures on what this handling charge amounts to and I have arrived at all sorts of figures from 20 percent to 45 percent. That's just for brokerage. Remember this, my friends. Our citizens don't live in Washington. That's where the Federal Government lives. Citizens of the United States live in the fifty states, and they live in the counties and the cities and on the farms. And I think all the expertise in finding the solutions to these problems may not be concentrated in the Federal Government, or in the federal bureaucracy. I know there are many people at the local level with a great deal of talent, knowledge and experience and determination to find answers to some of these problems.

Most of the states, I find, and I think this includes California, have exhausted all proper potential sources of revenue. As a result, local and state governments are becoming less able to meet public demands for better schools, law enforcement, highways, mass transit facilities, health care, parks, recreation facilities, and for the basic protection of the subsistence level of those who are otherwise unable to help themselves. We find endless numbers of people spending endless hours looking for new ways to take more and more tax dollars away from the defenseless, and I believe already overtaxed, citizens.

But the Federal Government—that great colossus on the polluted Potomac—already seems to have drained off all the available resources, and it has expanded its size and scope and its endless need for more funds, as the years have gone by. Centralize the control has been the watchword. Well, I hope those days have come to the end. Federal assistance to states and municipalities has risen from one billion dollars in 1946 to 15 billion dollars last year, and its expected to reach an overwhelming figure of 60 billion dollars by 1975. We find there are about 200 separate federal aid programs now on the books, financed by more than 400 separate appropriations and administered by 21 federal departments and agencies. There are more than 100 federal aid programs just for education. This massive bureaucracy has developed a substructure of 150 Washington bureaus and 400 regional offices. The Department of Health, Education, and Welfare has 386 separate advisory committees made up of 5,308 employees at a cost of $7 million yearly. Of every tax dollar paid in by Californians, as near as one can calculate, at least 65 cents goes to the Federal Government. And this leaves just 35 cents to finance those services closer to home, closest to you. And I think that this is way out of balance. And I believe that we should now start to make this division more equitable.

Add to that the fact that our state enjoys such great national blessings that we have about 30,000 people a month unable to withstand the temptation to come here and live permanently, is it any wonder that the State of California and the local school districts have crucial budget problems today?

That is why the concept called tax sharing was advocated some time ago by colleagues of my political persuasion—the lead taken by the Republican Governors in the early 1960's. I am happy to say that last year, as a member of the leadership in the Republican Policy Committee, I helped in writing the tax sharing proposal which was adopted at that time. And the plan was relatively simple. It will allow the Federal Government to remit to each state a portion of the taxes collected in that state. This would have an obvious advantage for us in California. It would return actually more money to California than any other state for the simple reason that our taxpayers pour more money into the federal coffers than any other state.

Not long ago, those of us in the California delegation in Congress received a request from Governor Reagon in which he suggested a form of federal tax sharing to meet California's acute educational crisis. I have given it long and careful consideration because I believe as does the Governor, that the focus on education is probably the right place to begin. We hear and read a lot about the one percent of our youth who are troublemakers and, because he has defended the 99 percent who want to get an education, sometimes our Governor has been subjected to abusive attack. But I am glad, at long last, that not only in the State of California but clear across the nation he is beginning to command the complete high regard and respect of so many thoughtful citizens for the courageous and determined stand which he has taken in the defense of our free system of education. I have been trying, as your Senator, to help the children of this nation stay in school. I authored a Dropout Prevention Program which was incorporated in the Elementary and Secondary Education Act of 1967. Every year one million students drop out of school. One million of our youngsters drop by the wayside to face a life that could possibly put them on the welfare role, in prison, or, at best, on a hard, uphill treadmill that will not allow them to achieve their full potential.

I know from my experience that education and job training are needed today as never before, and so I have worked successfully for the model vocational school and the skill center program, and I have pushed hard for the Cooperative Vocational Education Program which has proved to be so successful over the years and to stimulate the development of work-study program at the secondary school level. I co-authored the Bilingual Education Act which would give our Spanish-speaking children a chance to get an even start in the primary schools. Last week I introduced a bill, the Urban and Rural Education Act of 1969, which I believe will aid the cities and impoverished rural districts and rescue them from growing fiscal crises and enable them to compensate for the educational deficiencies of disadvantaged students.

I have been told by several of my colleagues, from both sides of the aisle, that they believe this to be the most significant education legislation before Congress this year.

We have an intolerable situation today in the United States where large numbers of students with significant education handicaps are found in school districts with resources unequal to the challenge of educating them. This challenge, I feel, is more difficult and as exciting as the moon race. Earlier in our history, the city's wealth was tapped to equalize educational opportunities in less affluent areas. Now that situation is reversed and our major cities are in desperate need of financial help in this critical field. Time is running out.

I have similarly been involved in support of the Teacher Corps, funding for school aid to disadvantaged youngsters, handicapped children's early education assistance, Vocational Education Act and the Higher Education Act of 1968. These experiences I guess help to account for my receptiveness to the Governor's suggestion for taxsharing as a direct aid to education. And I believe that the time has come not just for Congress to begin sharing its taxing ability with the states but to actually share the taxes. In my judgment I consider the field of education one of our most critical and so I have directed my original proposal to that area for a start. I think it's a good place to begin.

And so I announce to you today that I will introduce in the Senate shortly a resolution in support of a complete in-depth study for the concept of tax-sharing with specific emphasis on the availability of such share funds to be used to meet local educational needs. I know there are some questions that will be raised and that must be settled about the proposal, but I am quite confident they can be resolved. Such Senate resolutions are not, of course, legislation in the formal sense. But they are a means of summoning the support of members of the Senate to the concept itself and to create an atmosphere of dedication and determination, to get at the job of finding the proper programs to take care of these particular needs.

As you may know I introduced in April, as a co-author with Senator Baker of Tennessee, a broad base tax-sharing proposal which is presently before the Senate Finance Committee. This bill would result initially in a rebate to the State of California of approximately $95 million, about $5.00 for every man, woman, and child in the state, and the best available estimates for protected increase in that rebate over the next three years to about $400 million.

As we have discovered, however, there is a danger in waiting for funds to come back from Washington. And a critical time lag place. Then there's the handling charge and the bureaucrats to toss in some special conditions to make certain that the states will hew to the line made by the bureaucrats and that all at the state level would be at least partially dependent upon Washington for the use of the money, which, strangely enough, came from the citizens within the states.

These self-evident facts emerge for any realistic discussion of this general issue.

(1) Some form of federal tax, state tax sharing is necessary to meet the present urgent needs.

(2) The greatest of these needs, and the one which legislative bodies must be most sensitive of, is in the field of education, and

(3) The maximum amount of dollars may be made available for local use if they are paid directly to the local government rather than being paid first to Washington and then sent back.

For these reasons, I will soon introduce legislation which will allow a direct credit of up to one percent of the taxpayers' federal income for money that he pays to the state to be used for education.

This is direct sharing of tax revenues, I believe, in the most efficient manner. It is also, I think, the most readily attainable type of tax sharing and will help to meet the most pressing need, in the shortest period of time.

This type of tax credit—not a return from Washington but a natural direct credit before it ever gets to Washington—will enable local government to meet its obligations without imposing further unneeded, unbearable burdens on its taxpayers. By eliminating the federal middleman, it will increase the available potential use of the tax dollars by possibly thirty percent or maybe even more. And, in the long run, it may have the effect of making a tax reduction possible. I firmly believe this to be a practical, partial answer to our immediate problem of legislation and its cost. There is no doubt that Californians consider education their most important single investment.

In the last fiscal year, the state spent more than $2 billion for education—over thirty-six percent of the total budget. Our citizens are determined that their children must get the benefit of the best schools possible, and they must be given this right whatever their race, black, brown, yellow or white. And I believe that this proposal will help bring this to reality and by the next fourth of July, make it possible for Governor Reagan, the school districts of the State of California, and all of the families of children up and down the state to have a new and extremely important reason for a very, very gala celebration.

I also believe it will help to set a pattern which may form a basis for a complete tax reform which certainly we have needed in this country so very desperately for many, many years.

I hope that it will not be too long before I will be able to announce to you that my plan has been accepted and is under way.

And in the meantime, may I give you my sincere thanks for the pleasure of your company and your patience today.

Mr. MURPHY. Mr. President, again my congratulations to the Senator from Tennessee.

Mr. BAKER. I thank my colleague from California very much and acknowledge his great contribution to the efforts we have been making for the past several years.

Mr. President, I yield the floor.

MISSISSIPPI RESEARCH AND DEVELOPMENT CENTER IN JACKSON, MISS.

Mr. STENNIS. Mr. President, the Mississippi Research and Development Center located in Jackson, Miss., continues to make a valuable contribution to the economic development of Mississippi. The economic research in the forward-looking plans that have been developed in this center has been of great benefit to the people of Mississippi. In addition, it is an asset to the Nation, in that services are available both to government and nongovernment organizations that wish to explore the business, industrial, educational, or other aspects of the Southeastern United States.

The comprehensive approach which the directors of the center are taking in industrial development has touched virtually every phase of business, industrial, and government communities.

The chairman of the research and development center is Mr. Tom Hederman, Jr., a business and civic leader of outstanding reputation.

The Jackson Clarion-Ledger recently published an editorial which cites examples of how the Mississippi Research and Development Center has been so effective.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISSISSIPPI IS RUNNING AHEAD IN ACHIEVING PARITY IN INCOME

Several recent announcements indicate strongly that Mississippi is running significantly ahead of her schedule to achieve parity with the rest of the nation by 1992. Attaining this goal set by Dr. Ken Wagner and his Research and Development staff some several years ago would require the tripling of our per capita income over the next 23 years.

Governor Williams' announcement this week that Greenville will become a deep-sea port and Litton official's announcement only a few days earlier that the vast shipbuilding complex would add 40 percent to the economy than originally estimated, add authority to this prediction.

Most of us know of the key role the Research and Development Center's top-flight staff played in bringing the Litton shipyard to Pacagoula and the Trailco Truck manufacturing plant to Greenville.

And, of course, we have just learned of the part they and the A & I Board's staff played in making Greenville the U.S. official port of entry for Abington's mini-line fleet operating in the Caribbean.

Results are what count. Measured in terms of what it has produced, the work of the Research and Development Center must be considered an eminent success—perhaps the best investment the State of Mississippi has ever made.

The Research and Development Center is currently working on over 220 active projects, all designed to stimulate Mississippi's economic growth and development.

These assignments embody wide-ranging studies from innovative food processing techniques which will make present methods obsolete, to helping a small firm locate a market or improve its manufacturing procedure.

Already they have engaged in more than 900 studies involving every county of the state, and these studies cover many diversified fields.

Because of the information gained from a study made by the Center, CIBA constructed a 16 million dollar insecticide plant in a Mississippi county bordering the Tennessee line rather than Texas or Puerto Rico.

A northwestern county will add a large bag manufacturing plant as well as a mobile home manufacturing plant as a direct result of the market, labor and other technical data furnished by the staff.

In a central Mississippi county a local entrepreneur is completing plans to build a steel foundry, based upon the Center's analysis of the profit potential which that industry offers.

Businessmen across the state are receiving help in securing capital they need for expansion; manufacturers are receiving assistance in improving plant layouts; and improved marketing and recruiting personnel techniques are being introduced, by the Research and Development Center.

Mississippi is truly on the move.

DEATH OF FORMER PRESIDENT OF MEXICO, ADOLFO LOPEZ MATEOS

Mr. MANSFIELD. Mr. President, on yesterday, I had a few remarks to make about the passing of a great and good man, the former President of Mexico, Adolfo Lopez Mateos.

I recall at the time of the Cuban incident, the first Chief of State to pledge his support to this country was the then President of Mexico, Adolfo Lopez Mateos, who happened to be in Manila just prior to his return home.

Mr. President, there is very little I can add to what I have said about this man, who contributed so much to the welfare of his country and so much to the continuing and bettering of the friendship between Mexico and the United States. I ask unanimous consent that two obituaries which appeared in newspapers and my remarks of yesterday may be incorporated at this point in the RECORD.

There being no objection, the articles and statement were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post,
Sept. 23, 1969]

ADOLFO LOPEZ MATEOS DIES; FORMER PRESIDENT OF MEXICO

MEXICO CITY, September 22.—Former President Adolfo Lopez Mateos, one of Mexico's most popular leaders, died today after an illness that left him almost completely paralyzed for more than two years. He was 59.

Lopez Mateos served as president from 1958 to 1964. Only a constitutional ban kept him from a second term in the office.

He first became ill in November, 1965, and underwent an operation for a cranial aneurysm. He suffered a stroke on May 30, 1967, and for a time was in a coma.

His chief physician was Dr. James Poppen of Boston.

By last May, Lopez Mateos, although able to move only a few parts of his body, was able to sit in a wheelchair to watch sporting events on television. He was a former amateur boxer and soccer player.

Lopez Mateos is survived by his widow and a daughter, Avecita.

He was one of the youngest as well as one of the most popular presidents in Mexican history. He was 48 when he took office as a left-of-center but anti-Communist leader.

He accomplished many things during his six years in office but many felt his most important achievement was the way he moved Mexico several rungs up the international ladder.

There was a steady parade of heads of state and foreign ministers coming into Mexico during those six years. He met several times with U.S. presidents.

He was mentioned for the 1963 Nobel Peace Prize that went to the International Red Cross.

Lopez Mateos was born May 26, 1910, an Atizapan de Zaragoza in the nearby state of Mexico. He was one of five children born to a dentist in the village. His father died before Lopez Mateos was a year old.

The family lived in what was described as genteel poverty and the ambitious youngster worked his way through school until he obtained scholarships for study at the French School in Mexico City and the Secondary School in Toluca, the capital of his home state.

He entered national politics in 1946 as a senator from the state of Toluca. He had been a Socialist in school but switched to the Institutional Revolutionary Party (PRI), Mexico's ruling political party.

He worked in the campaigns of former Presidents Miguel Aleman and Adolfo Ruiz Cortines. Ruiz Cortines made him secretary of labor and he was picked as his successor in the presidential palace.

During his six-year term he nationalized the electric industry, tried to mediate the U.S.-Cuba dispute, became a recognized leader in Latin America, helped solve the Chamizal border dispute with the United States, worked to have Latin America declared a nuclear free zone and brought Mexico's burgeoning economy more foreign investment.

He was the first Mexican president to visit South America while in office and met with three U.S. presidents on five occasions.

President Dwight D. Eisenhower came to Acapulco to meet Lopez Mateos in 1959 and later Lopez Mateos went to Washington.

In 1962 President John F. Kennedy came to Mexico City to meet with the Mexican president. Twice in 1964 Lopez Mateos met President Lyndon B. Johnson, once in Los Angeles and again in El Paso when the United States formally surrendered the Chamizal.

Adolfo Lopez Mateos, President Of Mexico From 1958 to 1964, Dies—Former Labor Minister, 59, Negotiated the Return of El Chamizal Strip

Mexico City, September 22.—Former President Adolfo Lopez Mateos died today at his home, after an illness that had left him almost completely paralyzed for more than two years. He was 59 years old.

INDUSTRIOUS LEADER

In his six years as President of Mexico from 1958 to 1964, Adolfo Lopez Mateos, an uncommonly industrious man who had risen from one party post to another, presided over an enviable economic boom.

Stimulated by large infusions of foreign capital, especially from the United States, toward which Mr. Lopez Mateos inclined, the economy of his country of 37 million persons attained an annual growth rate of about 6 per cent. By calming labor unrest and by creating a hospitable atmosphere for industry, the President made possible investment profits of 15 to 20 percent. These trickled down to nurture the growth of a middle class, but the benefits to the urban poor and peasantry were minimal.

The firmness with which Mr. Lopez Mateos guided Mexico reflected his position as leader of what was virtually a one-party state. His party, the Institutional Revolutionary party, and its predecessors have controlled the Presidency for more than five decades. He himself received 85 percent of the vote in 1958 after a traditional campaign that mixed oratory and fireworks.

"Liberty is fruitful only when it is accompanied by order," he declared in his inaugural address. That concept set the theme of his administration.

In his relations with the United States, Mr. Lopez Mateos negotiated the return to Mexico of the El Chamizal strip at El Paso, Tex., in a pact that was initiated with President Kennedy and completed by President Johnson. Both United States Presidents had been the guests of President Lopez Mateos in Mexico City.

SIDED WITH U.S. ON CUBA

Mr. Lopez Mateos sided with the United States in the Cuban missile crisis of 1962, although Mexico maintained diplomatic relations with the Cuba of Fidel Castro. Mr. Lopez Mateos described his foreign policy as "independent." He was not a neutralist, he said.

A wavy-haired, slender and handsome man, Mr. Lopez Mateos had an engaging personality. He also possessed an abundance of patience. As Labor Minister, before he became President, he handled more than 13,000 disputes, and only 13 of them developed into strikes. In long hours of negotiations he drank vast quantities of black coffee, smoked countless cigarettes and consumed hundreds of digestion pills.

Before he moved into Los Pinos, the Presidential residence, Mr. Lopez Mateos lived unostentatiously with his wife and daughter in a modern house in Mexico City's Pedregal section. He drove himself to work in a Fiat, and stuck close to his office. Indeed, he was not much of a public figure before he was elected by the party hierarchy as the successor to President Adolfo Ruiz Cortines.

Adolfo Lopez Mateos was born near Mexico City on May 26, 1910, the youngest of five children of an impecunious orthodontist. His father, Dr. Mariano Lopez, died before the son was a year old, and the boy was reared by his mother, Elena Lopez de Mateos, a descendant of the foreign minister of the legendary Benito Pablo Juarez.

AVID SPORTS FAN

He went to school in Mexico City and transferred for his secondary education to the Instituto Cientifico y Literario in Toluca, capital of the state of Mexico. To earn his way, he worked as a librarian and he also taught courses in history and literature. At the same time, he developed a lifelong passionate interest in sports—in hiking, boxing and auto-racing. On one college hike, he walked 850 miles to Guatemala in 46 days.

Mr. Lopez Mateos continued his education at the Universidad Nacional Autonoma de Mexico in Mexico City. There he acquired a local reputation as an orator and received a graduate degree in 1929.

Although not yet a lawyer, he was appointed a district attorney in the state of Mexico in 1930. A year later, as a result of fervent public speeches, he attracted the attention of Carlos Riva Palacio, head of the National Revolutionary party, the predecessor of the Institutional Revolutionary party. He became Mr. Riva Palacio's private secretary. In a short time, he was given his first job in the party machine, as secretary of the federal district (Mexico City) committee of the party. His political rise thereafter was steady.

After receiving a law degree in 1934, he became controller of a Government bank, the Banco Nacional Obrero de Fomento Industrial. He was also chairman of the editorial commission of the Ministry of Education and afterward assistant director of the Department of Fine Arts. In that post, he fostered ballet and orchestral productions at the capital's Palace of Fine Arts.

In the elections of 1946, Mr. López Mateos campaigned for Miguel Alemán, his party's Presidential candidate, and was himself elected to a six-year term as a Senator from the state of Mexico. Shortly thereafter, he was named secretary general of the party and chairman of the Foreign Relations Committee in the Senate. As a Senator, he had a hand in writing the Mexican-United States treaty on migrant labor in 1951. This permitted entry into the United States of braceros, or agricultural laborers.

A year later, Mr. López Mateos managed the Presidential campaign of Mr. Ruis Cortines and then became Minister of Labor as part of his preparation for the 1958 Presidential election. His nomination in 1957 was by acclamation.

As President, he cracked down on dissident labor groups. In a nationwide railroad strike that broke out 15 months after his term began, he ordered the arrest of the strike's advocates and leaders, including Demetrio Vallejo and Filomeno Mata Alatorre, a 70-year-old newspaperman, who was jailed for five years. Also rounded up and imprisoned was David Alfaro Siqueiros, the internationally known muralist, who was also a Communist leader. After spending five years in jail, he was pardoned by Mr. López Mateos in 1965.

HOST TO MIKOYAN

Although he expelled two Soviet diplomats for alleged interference in Mexican Internal affairs, Mr. López Mateos later was host to Anastas I. Mikoyan, the Soviet Premier, who visited the country on a trade-expansion tour.

As a counterpart to quelling labor disaffection, President López Mateos paid close attention to industrial growth. He fostered diversification into everything from petrochemicals to textiles and electronics, and Mexico became self-sufficient in steel and oil. He encouraged private enterprise, especially foreign investment, by allowing foreign nationals to own as much as 49 per cent of Mexican companies.

After Mr. López Mateos's retirement from the Presidency in 1964 (Mexican law limits Presidents to one term), he became head of the Olympics Organizing Committee, which arranged for the 1968 games held in Mexico City.

In 1965, Mr. López Mateos underwent surgery for a cranial aneurysm. He suffered a stroke on May 30, 1967, and for several weeks was in a coma. By last May, although able to move only a few parts of his body, Mr. López Mateos was able to sit in a wheelchair to watch sporting events on television.

He leaves his wife, the former Eva Samano, a teacher who had been a childhood friend, and their daughter, Evita.

Eulogy for Sr. Adolfo Lopez Mateos

Mr. **Mansfield**. Mr. President, it is with profound personal sadness that I note the passing today of Adolfo Lopez Mateos, former President of the Republic of Mexico. His loss will be deeply felt, not only by the people of Mexico but by those in the neighborhood United States and in the world beyond.

Few public officials have been privileged to enjoy the degree of stature and popularity accorded Sr. Lopez Mateos in his lifetime. And few deserved it as much as he did. President of his country at only 48 years of age, he soon demonstrated that blend of statesmanship and charm which was to bring him worldwide stature, make him the confidant and adviser to three American presidents and countless foreign heads of state, and put him in the running for the Nobel Peace Prize.

Beloved by his people, respected by the world, he made his mark as one of the great leaders of our time. That his death was not unexpected, coming as it did after a lingering illness, does not diminish the loss which all of us feel.

Mr. President, I know I speak for all of us in the Senate and the Congress, the people of my country and certainly I speak for all North Americans when I extend to the family of Sr. Lopez Mateos and to the people of Mexico our heartfelt condolences in this hour of their grief.

Mr. **GOLDWATER**. Mr. President, will the Senator yield?

The **PRESIDENT** pro tempore. Does the Senator from Montana yield to the Senator from Arizona?

Mr. **MANSFIELD**. Yes; I yield.

Mr. **GOLDWATER**. Mr. President, I would like to join with the distinguished majority leader in his expressions regarding former President Lopez Mateos. I knew him personally. I attended his inauguration and had the good fortune on several occasions to visit with him in the Capital of Mexico relative to problems that then existed along the border. He was one of the best friends the United States ever had in Mexico, and we in turn, I think, showed our willingness to be friendly.

I may say to the distinguished majority leader, the Senator from Montana, that at this time in the relationships between our two great countries we need to bring closer together the two peoples and closer together the leaderships of our two great countries. Having spent my life on the border, I have all my life recognized Mexico as one of the greatest friends we have in the world, a group of the finest, warmest people we will ever know, a natural ally. In my judgment, we have not extended enough "simpatico" during the past. I hope, with the passing of President Lopez Mateos, we will bring to the attention of the American people and the leaders of both countries the great contribution he made throughout his lifetime to the healing of feelings between our countries, to the end that we may make further progress in creating better understanding between the peoples of these two great countries.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. I would like to associate myself with the remarks made by the distinguished majority leader and by the distinguished Senator from Arizona. My State, of course, has the longest international boundary with Mexico of any State in this Union. We have enjoyed splendid relations with that great country for many years, and I know we will continue to do so in the future.

No one contributed more to the amicable relations between the United States and Mexico than Lopez Mateos. He was a good friend of the State of Texas. We shall miss him very much.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MURPHY. Mr. President, I, too, would like to associate myself with the remarks that have been made with regard to the passing of former President Lopez Mateos. I had the good fortune of watching his career and knowing him quite well before he became President of Mexico, and I had many opportunities to see him during the time that he was President. I had the great privilege of being invited to join in the meeting between President Eisenhower and President Mateos.

I would like to join my distinguished colleague from Arizona in pointing out his contributions, and the need of preserving and maintaining the friendship between our two nations, which is so important.

Practically every day, thousands and thousands of people from Mexico cross the border into California. They are great people, wonderful people, people of great pride. Some of the finest citizens in my State are people who came north and migrated there from our sister nation of Mexico.

I would like to see the close relationships between our two countries, which developed during the time that Lopez Mateos was President of that great country, be further developed. I would like to join the distinguished majority leader today in stressing the importance of the contribution made by President Lopez Mateos.

I would like to express my sorrow at his passing.

Mr. MANSFIELD. I thank the Senator.

I would like to yield now to the distinguished Senator from Alabama (Mr. SPARKMAN), who served for many years as chairman of the Senate section of the Mexican-American Interparliamentary Group.

Mr. SPARKMAN. I thank the Senator.

Mr. President, I surely want to join with Senators who have spoken regarding former President Lopez Mateos. I had the privilege, during the several years that I served as Chairman of the U.S. delegation, to participate in the exchange of parliamentary visits between Mexico and the United States, a program that has been in effect now for many years. I had the privilege of visiting with the President of Mexico at that time. He was always most cooperative. He endorsed fully the work of the parliamentary exchange. I have felt that a great many of the accomplishments during the time that he was President, and even after he left the Presidency, came from the work of the parliamentary group representing the two countries, with the full cooperation of that distinguished President.

We made tremendous progress over the last 10 years in better relations between the two countries. As the distinguished majority leader knows, because I believe he has been to every one of those parliamentary discussions and is now Chairman of the group, if I understand correctly, in those discussions we recognized our problems and discussed them frankly. Out of those discussions came great improvements and many of the accomplishments that have taken place.

I add that not only was President Lopez Mateos instrumental in establishing better relations between the United States and Mexico, our great neighbor to the south, but he did something in the international field which I think greatly raised the prestige of his country, if I may use that word, or the consideration that other countries of the world gave to Mexico. I think he placed Mexico on a new level in international affairs. Certainly his great record as President of that great country will stand for a long, long time, to the lasting benefit of the people both of Mexico and the United States.

Mr. MANSFIELD. Mr. President, I wish to associate myself with all of the remarks made by my colleagues today on both sides of the aisle. Every word spoken has been the truth.

I am happy to say also that former President Lopez Mateos' successor, President Gustavo Diaz Ordaz, has carried on in the same tradition and has helped to bring about a better understanding in the relationships between our two peoples.

During the course of the interparliamentary meetings, solutions to many vexing problems took place, such as the Chamizal, the salting of the Colorado River, and the creation of a joint atomic venture on the Gulf of California, which will be beneficial to the people of northwestern Mexico and the southwestern part of the United States. There has been a better understanding on the basis of mutual difficulties which confront our countries. It is my belief that, because of the initiative shown by President Lopez Mateos in taking the lead in getting the Mexican-United States interparliamentarian set of meetings underway, what he has done will be remembered with gratitude and appreciation by the peoples and the Congresses of both countries.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Final Order, Findings of Fact and Opinion in Bands of Mission Indians of California v. the United States

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, final order, findings of fact, and opinion of the Commission in Docket No. 80–C, Bands of Mission Indians of California, plaintiffs, versus the United States, defendant, dismissing the claim entered against the plaintiff and in favor of the defendant on the 18th day of June, 1969 (with accompanying papers); to the Committee on Appropriations.

Proposed Revenue Sharing Act of 1969

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation, to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States (with accompanying papers); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration of sugar marketing quotas established by the Sugar Act of 1948, as amended, Agricultural Stabilization and Conservation Service, Department of Agriculture, September 23, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the review of the Government's program to supply current and future helium requirements, Bureau of Mines, Department of the Interior, September 10, 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Contract With Stanford Research Institute

A letter from the Director, Bureau of Mines, Department of the Interior, transmitting, pursuant to law, a copy of a proposed contract with Stanford Research Institute, Menlo Park, Calif., for research and development to develop a portable instrument to be used routinely by mine inspec-

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tors for rapidly ascertaining total float dust and respirable duct concentrations in mine atmospheres (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Claims Paid Under the Military Personnel and Civilian Employees' Claims Act of 1964

A letter from the Assistant Secretary for Administration, Department of Agriculture, reporting, pursuant to law, all claims settled under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, for the period July 1, 1968, to the end of the fiscal year, June 30, 1969 (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Congress of Micronesia; ordered to lie on the table:

"Senate Joint Resolution 52

"A Senate joint resolution appointing Professor Harrop A. Freemen of New York to represent, defend and enforce the rights and interests of the people of Micronesia

"Whereas, the people of Micronesia have often needed legal assistance in the United States to take positive action to present certain grievances, enforce certain claims and follow up resolutions with the United Nations and the United States Government; and

"Whereas, Mr. Harrop A. Freemen, Professor of Law and member of the bars of New York State and of the United States Supreme Court, has had a distinguished career as counsel to the peoples of other lands in situations closely analogous to those in which the people of Micronesia have found themselves, and do now find themselves; and

"Whereas, it is the sense of the Congress of Micronesia that Professor Freemen's services, as a capable and resolute advocate for the Micronesian people, would be of positive value to Micronesia; now, therefore,

"Be it resolved by the Senate of the Third Congress of Micronesia, Second Regular Session, 1969, the House of Representatives concurring, that this Congress by means of this Joint Resolution and on behalf of the people of Micronesia does hereby appoint and retain Professor Harrop A. Freemen of New York to represent, defend, and enforce the rights and interests of the people of Micronesia; and

"Be it further resolved that the Senate President and the Speaker of the House of Representatives be authorized to execute if necessary any documents, agreements, or arrangements to make the services of the said Professor Harrop A. Freemen legally binding and enforceable, and to draw upon the representation fund of the Congress to pay any expenditures to or by the said Professor Freemen which may be incurred under the terms of this Joint Resolution; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to Professor Harrop A. Freemen, the President of the Security Council of the United Nations, the President of the United States, the President of the Senate of the United States Congress, the Speaker of the House of Representatives of the United States Congress, the United States Secretaries of Defense, State, and the Interior, and the High Commissioner of the Trust Territory.

"Adopted: August 23, 1969.

"Amata Kabua,
"President of the Senate.
"Bethwel Henry,
"Speaker, House of Representatives.
"Carl Heine,
"Clerk, House of Representatives."

A resolution adopted by the Mentor City Council, Mentor, Ohio, remonstrating against proposed legislation to limit the exemption status of interest paid on bonds issued by the State of Ohio or the city of Mentor or other local government bodies; to the Committee on Finance.

A resolution adopted by the Executive Committee of the Council of Governments of Cook County, Chicago, Ill., remonstrating against any amendment to the Internal Revenue Code which would result in the abolition of the existing tax exemption for interest on municipal bonds and other securities and obligations of municipalities; to the Committee on Finance.

A letter from the Assistant Secretary for Congressional Relations, transmitting a resolution of the Embassy of the Republic of Kenya, offering condolences on the death of the Honorable Everett Dirksen; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

S. 740. A bill to establish the Interagency Committee on Mexican-American Affairs, and for other purposes (Rept. No. 91–422).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Graham A. Martin, of North Carolina, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Italy;

John P. Humes, of New York, to be Ambassador Extraordinary and Plenipotentiary to Austria;

Idar Rimestad, of North Dakota, a Foreign Service officer of class 1, to be the representative of the United States of America to the European office of the United Nations, with the rank of Ambassador;

William B. Macomber, Jr., of New York, to be a Deputy Under Secretary of State; and

Francis G. Meyer, of Virginia, to be an Assistant Secretary of State.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BAKER (for himself, Mr. Allen, Mr. Allott, Mr. Bellmon, Mr. Bennett, Mr. Brooke, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Dole, Mr. Dominick, Mr. Ervin, Mr. Fannin, Mr. Goldwater, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Hruska, Mr. Javits, Mr. Jordan of Idaho, Mr. Mathias, Mr. Mundt, Mr. Murphy, Mr. Packwood, Mr. Pearson, Mr. Percy, Mr. Prouty, Mr. Scott, Mr. Smith of Illinois, Mr. Stevens, Mr. Thurmond, Mr. Tower, and Mr. Young of North Dakota):

S. 2948. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Finance.

(The remarks of Mr. Baker when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. MUSKIE:

S. 2949. A bill to authorize the Secretary of the Air Force to adjust the legislative jurisdiction exercised by the United States over certain lands within the area formerly known as Dow Air Force Base, Maine; to the Committee on Armed Services.

By Mr. YARBOROUGH (for himself, Mr. Fulbright, Mr. Nelson, Mr. Randolph, and Mr. Williams of New Jersey):

S. 2950. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HARTKE (for himself and Mr. Magnuson) (by request):

S. 2951. A bill to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Hartke when he introduced the bill appear later in the Record under the appropriate heading.)

S. 2950—INTRODUCTION OF THE NATIONWIDE EDUCATIONAL EXCELLENCE ACT

Mr. YARBOROUGH. Mr. President, news columns have been filled recently with statements, opinions, and analyses of the Federal budget after Vietnam. Will there be a peace dividend? If so, how will it be distributed? The President's assistant for Urban Affairs, Mr. Moynihan, has expressed the view that any peace dividend for domestic purposes will be negligible; Mr. Burns, the President's personal economic counselor, thinks it will be substantial.

The public is being exposed to news about complicated new weapons systems, about the expense of defense against potential first strikes, and similar information designed to prepare the way for new outlays for military defense that will absorb the saving from an end to the Vietnam war.

It is time that there was put before the public the magnitude of the nonmilitary needs of the American people here at home. These needs are also mounting fast, and the expense of coping with them is rising every bit as fast as the expense of military equipment.

Today, I call attention to the expense of education. In the decade of the 1970's, we need to establish a goal in American education that will train every boy and girl leaving high school either to hold a useful job or to continue on to further education. We cannot afford a nonparticipation rate—which means a dropout rate, whereby 4 to 5 percent of our children of school age do not go to school at all. We cannot afford to send young men and women to high school and have them quit there, lacking an employable skill or training.

Our economy and industrial technology are becoming more complex, too, and require new methods and means of education. They require better trained teachers, and new teaching technologies. That is all going to cost a lot of money.

The great increase in this national education budget in the next decade will have to come from the Federal Government. I do not think there is any question that State and local governments have saturated the property tax for school support. Their other revenue sources are limited.

An authoritative estimate of how much it will cost in the next decade to achieve excellence in our national education system, has been made by a noted economist, Mr. Leon Keyserling. In estimating the financial cost for improved education, Mr. Keyserling set forth first the basic changes that would have to take place in the public school system.

First. It would have to educate the 4.6 percent of school-age children not now attending school, plus the increment from the population increase. Attendance in public elementary and secondary schools would rise by millions in 1977 over 1967.

Second. An improved ratio of teachers to pupils is needed to raise education levels. Educating the school-age population and reducing the ratio from one teacher to 24 pupils, which pervailed in 1967, to one teacher to every 20 pupils in 1977, would require half a million more teachers than we have at present.

Third. To attract enough additional people into the profession will require increases in teachers' salaries to an average of $10,711 by 1977, compared to the average salary of $6,830 in 1967.

Fourth. Nonteacher instructional staff should rise several times over, from 188,000 to 1,500,000 by 1977. These people are sometimes referred to as paraprofessionals. They are not accredited teachers, but can take over many of the nonteaching duties that now burden our teachers.

Fifth. The number of classrooms should rise from 1,653,455 in 1967 to 2,285,000 in 1977, at a cost rising from $4 billion to $6.8 billion.

Sixth. Outlays for current operating expenses, school lunches, adult education, and salaries of noninstructional staff should rise from $9.4 billion to $22.2 billion.

These changes, and miscellaneous other costs, would require an expenditure of $1,534 per child and a total of $70.1 billion on public education at the elementary and secondary levels by 1977. That figure compares with the $28.3 billion spent in 1967, the year on which Dr. Keyserling's analysis is based.

Much of this increase will have to come from the Federal Government. In 1967, the States and localities bore 91.9 percent of the cost of elementary and secondary education, and the Federal Government 8.1 percent. To achieve the goal of educating every boy and girl for gainful employment or higher education, and to pay for the changes itemized by Mr. Keyserling, will require the Federal Government to provide nearly 40 percent of the total within a decade. Measured in 1967 dollars, that would be $27.3 billion.

This analysis does not go into Federal policy toward continued support of nonpublic education, nor does it cover higher education. It is a measure only of our growing Federal financial responsibility for public elementary and secondary education.

This analysis contemplated a decade of progress toward educational excellence that would extend from 1967 to 1977. We are now 2 years into that decade. One-fifth of it is gone. Instead of increasing by 9½ percent a year, as it would have to in order to attain these goals, the Federal expenditure has been cut back by this administration.

This is why I am introducing today the legislation that would put the United States firmly on the road toward educational excellence.

The bill fixes a desirable level of achievement, which would cost $1,600 per pupil per year. The bill proposes that the Federal Government should make up the difference between that figure and what the State and locality have available to support schools.

It is not necessary to subscribe to every specific figure used in the bill, nor to the precise formula for distribution of funds, nor to the other details of the bill to recognize that this measure provides the outline of the challenge before us in the field of education. That is why it is an important bill, and why it deserves to be placed before the Senate and the American people.

The program outlined by this bill calls for expenditures reaching $28 billion by the 10th year. The Commissioner of Education, Mr. Allen, has used figures in the same magnitude to describe the education demand that will fall upon the shoulders of the Federal budget makers. Other experts in the field of education have provided somewhat different estimates. But all are in the range of $25 to $40 billion within a span of 10 to 15 years, which the Federal Government will have to provide.

Mr. President, before we award the so-called peace dividend to military expenditures, we had better know what some of our other costs are going to be in the next decade. The cost of education is one we cannot escape or evade except at a peril to the future of our country every bit as dangerous as a failure to maintain military readiness. We need an education system second to none.

This bill and the program it prescribes to achieve excellence in education must be put into the balance sheet of our national budget for future years.

I am pleased to introduce it, and ask unanimous consent to have the bill printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2950), to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nationwide Educational Excellence Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to set forth goals of educational excellence and a realistic program for achieving these goals over a ten-year period in cooperation with the States and local communities. This program is intended to meet such major goals as a level of expenditures for education of $1,600 per pupil throughout the Nation within a ten-year period, measured in 1967 dollars; full participation of all children aged five to seventeen in high-quality schooling; substantially increased numbers of teachers to achieve a lower student-teacher ratio; improved teachers' salaries; increased numbers of educational personnel other than teachers, including school aides; summer programs, adult education, and school meals and medical and health services for all who need them; and safe, modern school facilities for all schoolchildren.

AUTHORIZATION

SEC. 3(a) The Commissioner of Education shall make payments in accordance with this Act to State education agencies for grants to local educational agencies to be used in meeting educational needs in the areas served by such agencies.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1970, and each succeeding fiscal year prior to July 1, 1979, to enable the Commissioner to make the allotments to which States are entitled under section 4.

ALLOTMENTS TO STATES

SEC. 4. (a) Out of the sums appropriated for each fiscal year, the Commissioner shall allot to each State an amount equal to the product obtained when the number of children aged five to seventeen, inclusive, within each such State is multiplied by the Federal share per pupil for the State.

(b) The Federal share per pupil for each State for each fiscal year shall be equal to the difference between the total projected increase in average per pupil expenditure and the State's anticipated increase.

(c) No State shall receive an allotment under this Act for any fiscal year with respect to which that State does not maintain the State's anticipated increase (as defined in paragraph (2) of subsection (d) in the State's basic average per pupil expenditure).

(1) The "total projected increase in average per pupil expenditure" for each fiscal year means an amount equal to the difference between $1,600 and the State's basic average per pupil expenditure for the base year, divided by 10 and multiplied by the number of years between the base year and the year for which the determination is being made.

(2) The "State's anticipated increase" for each fiscal year means an amount equal to the product of—

(A) the State's basic average per pupil expenditure for the base year, multiplied by—

(B) the percentage rate equivalent to—

(1) the average annual percentage rate of increase in that State's basic average per pupil expenditure during the period of years from 1961 through 1967, multiplied by—

(2) the number of years between the base year and the year for which the determination is being made;

(3) the "base year" means the year immediately preceding the first fiscal year for which appropriations are made to carry out this Act; and

(4) the dollar allotments as set forth in this section shall, for each fiscal year, be adjusted to allow for decreases in the purchasing power of the dollar, as measured by the Consumer Price Index, since 1967.

ASSURANCES FROM STATES

SEC. 5. (a) Any State desiring to receive funds under this Act shall submit through its State educational agency to the Commissioner an application, in such detail as

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the Commissioner deems necessary, which provides satisfactory assurance—

(1) that payments under this Act will be used only for programs and projects which have been approved by the State educational agency and which meet the applicable requirements of this Act and that such agency will in all other respects comply with the provisions of this Act, including the enforcement of any obligations imposed upon a local educational agency under this Act;

(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this Act; and

(3) that the State educational agency will make to the Commissioner such reports as may be reasonably necessary to enable the Commissioner to perform his duties under this Act, and that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve an application which meets the requirements of this Act, and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

WITHIN-STATE EQUALIZATION

SEC. 6. The Commissioner shall not approve an application by a State for funds under this Act unless there is satisfactory assurance that such funds will be allocated among the local educational agencies within that State in such a manner that, when added to the State's basic average per pupil expenditure, there will be, to the extent feasible, approximately equal levels in the total average per pupil expenditure throughout all areas of the State, except where socially compensatory levels in the average per pupil expenditures are desirable.

APPLICATIONS FROM LOCAL EDUCATIONAL AGENCIES

SEC. 7. (a) A local educational agency may receive a grant under this Act for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

(1) that payments under this part will be used for programs and projects which are designed to meet educational needs in school attendance areas served by each local educational agency;

(2) that, to the extent consistent with the number of children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate;

(3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency, and that a public agency will administer such funds and property;

(4) in the case of any project for construction of school facilities, that the project is not inconsistent with overall State plans for the construction of school facilites and that the requirements of section 8 will be complied with on all such construction projects;

(5) in the case of a project for the construction of school facilities, that, in developing plans for such facilities, due consideration has been given to compliance with such standards as the Secretary of Health, Education, and Welfare may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this Act shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons;

(6) in the case of a project for the construction of school facilities, that, in developing plans for such facilities, due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 percentum of the cost of the project); and

(7) that the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under this Act, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this Act without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(c) Prior to the disbursement of Federal funds to any State, the chief school officer shall file with the United States Commissioner of Education a plan acceptable to the Commissioner for the distribution of such Federal funds. The plan for distribution of Federal funds within the State shall be based upon consideration for the fiscal ability of a local school district or other nonpublic school to support educational services and upon the extent of educational need within the district as determined by the reading achievement of pupils within the districts.

LABOR STANDARDS

SEC. 8. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

WITHHOLDINGS

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under this Act, the Commissioner shall notify the agency that further payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies not affected by the failure, as the case may be.

JUDICIAL REVIEW

SEC. 10. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 5, or with his final action under section 9, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 11. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

DEFINITIONS

SEC. 12. As used in this Act—

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(c) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer of agency, an officer or agency designated by the Governor or by State law.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combinations of school districts or counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(e) The "average per pupil expenditure" in a State for any fiscal year shall be the aggregate current expenditures of all local educational agencies in the State, plus any direct current expenditures by the State for operation of such agencies, divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such year.

(f) The "State's basic average per pupil expenditure" means the average per pupil expenditure in a State exclusive of funds derived from Federal sources and, if the State so determines, exclusive of State funds for special educational purposes.

S. 2951—INTRODUCTION OF A BILL TO AMEND THE INTERSTATE COMMERCE ACT RELATING TO OPERATION OF INTERCITY PASSENGER TRAINS

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, on behalf of Senator Magnuson and myself and by request of the Interstate Commerce Commission, a bill to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service and for other purposes. I ask unanimous consent that the letter of transmittal and the text of the bill be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 2951) to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service, and for other purposes, introduced by Mr. Hartke (for himself and Mr. Magnuson), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 2951

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That part I of the Interstate Commerce Act be amended by adding a new section 13b which reads as follows:

ADEQUACY OF CERTAIN PASSENGER OPERATIONS

13b(1). It shall be the duty of every common carrier by railroad operating a passenger train from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, to provide and furnish reasonably adequate passenger service on any such train in operation.

(2). In considering and determining whether reasonably adequate passenger service is being provided and furnished on any such train in operation, the Commission shall give due consideration, among other things, to the operating condition of the passenger equipment; the inclusion in the consist, where appropriate, of Pullman and dining cars; the maintenance of adequate comfort in cold and hot weather; the availability of sufficient equipment to accommodate the normal demands of all ticket holders; and the maintenance of adequate and sufficient facilities for obtaining accurate information regarding train schedules and available reservations.

(3). The Commission shall have the power, upon complaint, or on its own initiative without complaint, to enter upon an investigation of the standards of service on a passenger train operating from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, and, whenever it is deemed to be in the public interest after hearings, to establish standards of reasonably adequate service to be provided and furnished by any such railroad on any such train. The Commission shall have the authority to issue orders necessary to enforce the standards of reasonably adequate service so established and to prescribe rules, regulations and procedures necessary for administration of this section, except that in the case of interstate trains whose primary purpose is the performance of local commuter service the Commission shall not establish or enforce standards of reasonably adequate service. Nothing in this section shall impair or affect the power of a State, or of States acting in concert, and in the exercise of its or their residual powers, to establish reasonable standards of such local railroad commuter service, or to operate or to participate in the operation of such commuter service.

The letter, presented by Mr. Hartke, is as follows:

Interstate Commerce Commission,
Washington, D.C., September 22, 1969.
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Chairman Magnuson: I am submitting with this letter a draft bill for your consideration. The bill would add a new section (13b) to the Interstate Commerce Act to give the Commission jurisdiction over the quality of railroad passenger service.

The Commission indicated it would recommend such legislation to the Congress when it issued its decision in Docket No. 34733, the so-called *Adequacies* case, September 10, 1969. In that report, copy attached, the Commission found that the act did not presently provide the Commission with authority to pass on the quality of a carrier's service, but that there was a need for such Federal regulation because the several States are not able to deal with the problem effectively.

The Commission set forth the following statement of policy in its report; "[E]very passenger-carrying railroad operating in interstate commerce should be required to provide reasonable, efficient, and economically-sound passenger service." The bill we recommend reflects this policy and will enable the Commission to consider for the first time such things as the operation of passenger equipment, the necessity for Pullman and dining cars, the maintenance of comfort control equipment, and the availability of sufficient equipment to satisfy normal seating demands.

We would very much appreciate your assistance in having this bill introduced and hearings scheduled thereon.

Sincerely,

Virginia Mae Brown,
Chairman.

ADDITIONAL COSPONSORS OF BILLS

S. 1506 AND S. 1516

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent that, at their next printing, the name of the Senator from Oklahoma (Mr. Bellmon) be added as a cosponsor of S. 1506, a bill to provide for improvements in the administration of the courts of the United States, and for other purposes; and as a cosponsor of S. 1516, a bill to improve judicial machinery by creating a Commission on Judicial Disabilities and Tenure, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2543

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent that, at the next printing, the name of the senior Senator from Pennsylvania (Mr. Scott), be added as a cosponsor of S. 2543, to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2676

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Oregon (Mr. Packwood), the Senator from Vermont (Mr. Prouty), and the Senator from Texas (Mr. Yarborough) be added as cosponsors of S. 2676, a bill to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2701

Mr. MUNDT. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. Percy), the Senator from Oklahoma (Mr. Harris), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alaska (Mr. Stevens), and the Senator from Washington (Mr. Jackson) be added as cosponsors of S. 2701, a bill to establish a Commission on Population Growth and the American Future.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2900

Mr. SCOTT. Mr. President, at the request of the Senator from Florida (Mr. Gurney), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Packwood) be added as a cosponsor of S. 2900, a bill to amend the Public Buildings Act of 1959 to provide for the construction of buildings and improvements by a lessor on land owned by the United States, to authorize the acquisition of options to purchase property leased to the Federal Government, and other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 263—RESOLUTION REPORTED AUTHORIZING ADDITIONAL APPROPRIATIONS FOR THE EXECUTIVE REORGANIZATION SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. RIBICOFF, from the Committee on Government Operations, reported the following original resolution (S. Res. 263); which was referred to the Committee on Rules and Administration:

S. Res. 263

Resolved, That the Committee on Government Operations be provided an additional $12,000 for the study of the effects of laws pertaining to proposed reorganizations in the executive branch of the Government.

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SENATE RESOLUTION 264—RESOLUTION REPORTED AUTHORIZING A STUDY OF INTERGOVERNMENTAL RELATIONSHIPS BETWEEN THE UNITED STATES AND THE STATES AND MUNICIPALITIES.

Mr. MUSKIE, from the Committee on Government Operations, reported the following original resolution (S. Res. 264); which was referred to the Committee on Rules and Administration:

S. RES. 264

Resolved, That the Committee on Government Operations is authorized to spend an additional $10,000 for the study of intergovernmental relations between the United States and the States and municipalities.

SENATE RESOLUTION 265—RESOLUTION REPORTED TO AUTHORIZE ADDITIONAL FUNDS FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. TYDINGS, from the Committee on the District of Columbia, reported the following original resolution (S. Res. 265); which was referred to the Committee on Rules and Administration:

S. RES. 265

Resolved, That the Committee on the District of Columbia is hereby provided an additional $2,400 for the examination, investigation, and complete study of any and all matters pertaining to the District of Columbia, as provided for by S. Res. 84.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 257

Mr. TOWER. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. SAXBE) be added as cosponsors of Senate Resolution 257, to secure humane treatment for prisoners of war held by the North Vietnamese Government.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOOD STAMP ACT OF 1964—AMENDMENTS

AMENDMENT NO. 200

Mr. SCOTT submitted amendments, intended to be proposed by him, to the bill (S. 2547) to amend the Food Stamp Act of 1964, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 201

Mr. STEVENS submitted an amendment, intended to be proposed by him, to Senate bill 2547, supra, which was ordered to lie on the table and to be printed.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

James H. Brickley, of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years, vice Lawrence Gubow, resigned.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, vicé John G. Chernenko.

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia for the term of 4 years, vice Charles N. Bordwine.

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term 4 years, vice Cato Ellis.

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years, vice George E. O'Brien, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, September 30, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF SMALL BUSINESS SUBCOMMITTEE HEARINGS ON PROBLEMS OF SHOE MANUFACTURERS

Mr. McINTYRE. Mr. President, I wish to announce that the Small Business Subcommittee of the Senate Committee on Banking and Currency will continue its hearings on the problems facing our small domestic shoe manufacturers.

The hearings will be held in Manchester, N.H., on October 2, 1969, at Union Hall, 522 Pine Street, beginning at 10 a.m. The following day, October 3, 1969, hearings will be held in Boston, Mass., in the executive dining room of the John F. Kennedy Federal Building, beginning at 10 a.m.

Anyone desiring information on these hearings, please call Mr. Reginald W. Barnes, assistant counsel, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225-7391.

FINANCIAL CRUNCH STRIKES OLDER CITIZENS

Mr. McINTYRE. Mr. President, this week I received a letter from a 78-year-old constituent that eloquently spells out the financial crunch so many of our elder citizens find themselves in these days.

He speaks movingly of the particular dilemma of the middle-class elderly, those people who have worked hard, paid their taxes, contributed their sons to the defense of the Nation, and have earned full or partial retirement, only to be caught in an inflationary cycle that prices even the bare necessities beyond their modest budgets.

He asks:

Senator, how can we possibly survive and keep our small properties that are our home and shelter?

But specifically, Mr. President, he asks what is wrong with the millionaire paying his fair share of taxes to ease the endless tax burden on people such as he.

And he points out that he, and millions like him, can neither find nor afford to use the tax loopholes available only to the very rich.

Mr. President, here is an intelligent senior citizen who understands the inequities in our tax system and is suffering from them.

He realizes the irony of the fact that on balance millionaires pay a smaller share of their income in taxes than those of lesser wealth.

He knows that the actual 77 percent tax rate for those with incomes of $1 million or more a year is actually well under 30 percent when the loopholes are used to advantage.

He may not know the exact number, but he is fully aware that there are millionaires who avoid paying a single penny of income taxes through their adroit use of capital gains, municipal bond interests, mineral depletion allowances and other tax dodging measures.

The former Secretary of the Treasury, Joseph W. Barr, pointed out that in 1967 there were at least 155 Americans with adjusted gross incomes of more than $200,000—including 25 with incomes over $1 million—filed returns for that year on which they paid not a cent of income tax. And these people, mind you, were able to do this without even relying on such common exclusions as municipal bond interest and the untaxed portion of capital gains.

Whatever the social or economic reasons for the institution of all of these so-called tax incentives, the use of them all too often has perverted the goal.

The most notorious of all loopholes, the oil depletion allowance, was not designed as a tax shelter that would, as the Washington Post recently pointed out, make it possible for an obstetrician to cut the tax on his $100,000 practice in half by investing in a wildcat oil well. Yet the depletion allowance provision in our tax structure made it possible for the doctor to do just that.

My elderly correspondent understands this, Mr. President. He has been a good citizen. As pinched as he is by inflation he is still willing to pay his just share of taxes. But he wants everyone else to do the same.

Is this an unreasonable request? I do not think so.

Mr. President, I believe the U.S. Senate must heed such requests and do its very best to prepare a tax reform bill that will put equity and justice back into taxation.

Mr. President, because my elderly correspondent so movingly expressed his honest anguish and resentment over this situation, I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MANCHESTER, N.H.,
September 18, 1969.

DEAR SENATOR: I, as a citizen of 78 years of age, am addressing you for thousands of people who are finding themselves in the same dilemma I am.

With the high cost of living, and by this I mean the bare necessities—food, clothing

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and medicine—the ridiculous spiraling of property taxes, which have doubled this year, I ask you, Senator, how can we—the struggling middle-class who have worked all our lives and raised families to defend our country and uphold it—how can we possibly survive and keep our small properties that are our home and shelter?

When will some considerations be given the old folks who can no longer work to keep struggling for survival? Not every person of my age is ready for the old folks home. With good health, we still want to till our land and pay our taxes—but only our fair share—plus we want to keep what is ours at least until we can no longer manage for ourselves.

What's wrong, I ask, with the millionaire paying his fair share of taxes? No, he has all the loopholes possible to keep what belongs to Uncle Sam. In return, dear old Uncle Sam turns around and bleeds the little man to his very last dime.

When will our government wake up and bring justice not only to the millionaire but to all men who live side by side in this great Nation?

Sincerely,

LEANDER MURPHY.

TRIBUTE TO SENATOR EVERETT McKINLEY DIRKSEN BY STATION WRAD, RADFORD, VA.

Mr. BYRD of Virginia. Mr. President, following the death of our beloved colleague, Senator Everett McKinley Dirksen, Ray Hatley, manager of WRAD, Radford, Va., broadcast a splendid tribute to him. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

[From WRAD news broadcast, Sept. 8, 1969]

SENATOR DIRKSEN

Senator Dirksen—the DJ's friend—has passed away.

Illinois Senator Everett McKinley Dirksen—the most colorful person in Congress—died at 4:52 yesterday afternoon in the Walter Reed Army Hospital in Washington, D.C. He had undergone surgery on Tuesday for lung cancer. He died of a heart attack.

His death has brought expressions of genuine grief and shock from the Presidential level on down, on both sides of Congress.

After all, everybody liked the wavy haired Senator with the deep voice and rich oratorical style whether they agreed with him or not.

The Disc Jockies of Station WRAD are among those mourning his loss. Senator Dirksen, 73, made two long playing albums for Capital Records, including "Gallant Men," and "Man Is Not Alone."

And he was the object of a good natured satire on a 45 rpm. that was played regularly by WRAD in the past year entitled, "Senator Everett McKinley. . . ."

WRAD disc jockies Bob Smith, Tom Sawyers, Larry Childress and Al Wayne played the LP's of Senator Dirksen regularly on their shows. He will be missed.

APPOINTMENTS TO ADVISORY COUNCIL FOR OFFICE OF MINORITY BUSINESS ENTERPRISE

Mr. TOWER. Mr. President, President Nixon has recently announced the appointment of 63 distinguished community, business and professional leaders from throughout the country to form the new Advisory Council for the Office of Minority Business Enterprise.

The role of the Council as stated in the Executive order of March 5, 1969, is to serve as a "source of knowledge on economic and social developments in public or private business enterprise, advise the Secretary—of Commerce—on measures to better achieve his objectives, and consider problems and matters referred to it.

I applaud this move by the President, and see it as a meaningful step toward bringing the full resources of the Nation to bear upon the problem of minority economic development.

I am particularly pleased to note that my State of Texas will be ably represented on the Council.

The President named Mr. Sam Wyly, board chairman of University Computing Co. in Dallas, Tex., as chairman of the Council, and Mr. Joe Kirven, also of Dallas, and president of Abco Office Supply Co., as a member of the Council.

The future of this program, as is always the case, rests largely upon the competence and energy of those charged with its execution.

Of the many distinguished members of the Council, I am most immediately aware of the qualities of the two members from Texas, whom I am sure are indicative of the other members as well. Sam Wyly and Joe Kirven epitomize two human qualities most in demand in this 20th century age of technology, and yet most always least in supply—compassion for ones fellow man and efficient executive management ability.

The Chairman of the new Advisory Council is 34 years of age and the father of three children.

Prior to founding University Computing Co. he was an area sales manager for the Honeywell Corp., and a sales representative for the Service Bureau Corp., a division of IBM. He holds a master's degree from the University of Michigan and a bachelor's degree from Louisiana Polytechnic Institute.

Sam founded University Computing Co. in 1963 on a $1,000 investment and built it into a $400 million corporation. Last month, the company was listed on the New York Stock Exchange.

In 1968, Sam was named one of the Five Outstanding Young Texans by the Texas Jaycees and that same year was named one of the 10 outstanding Young Americans.

His entire career as an enterpreneur well serves as testimony to his ability to build and manage a vast network of business interests consistent with his compassion for his fellow man.

For example, University Computing Corp., this past July 31, announced the opening of the El Paso, Tex., Data Preparation Center to be operated by the company's data link division as one of the Nation's largest and most modern data conversion centers. This project was initiated and consummated in conjunction with Project Bravo, the El Paso arm of the Office of Economic Opportunity, the Texas Employment Commission, and the U.S. Department of Labor. The El Paso center is staffed largely by girls of Mexican-American descent and other minority backgrounds who had no prior marketable job skills.

Also, The Datel Corp., located in Riverton, Wyo., a wholly owned subsidiary of University Computing Co., which manufactures computer peripheral equipment, provides jobs for a significant number of Arapahoe and Shoshoni Indians who have been employed in cooperation with the U.S. Department of Labor and of the Bureau of Indian Affairs.

Another example is that Bonanza International, a fast food franchiser of steak houses, not related to University Computing Co. in any way, but a company of which Sam Wyly is chairman of the board and majority stockholder, has been the prime mover in the revitalization of Boley, Okla., a town with an all Negro population which was slowly succumbing to poverty and decay.

In late 1968, Bonanza was approached by Maurice Lee, of Boley, with a new cooking device called "Smokaroma." The device had been devised by Mr. Lee for sale to individual restaurants to be used in preparation of meats which according to Lee, "eliminates the air pollution of pit methods, reduces cooking time, and imports tastiness with less meat shrinkage."

Bonanza later bought the Lee Manufacturing Co. to be operated as a subsidiary. Thus, these two companies teamed up. Lee needed Bonanza's name, reputation ,and accessibility to cash; and Bonanza needed Lee's cooking device. The plant remains in Boley, with all-Negro management and employees. More recently Lee's have opened a factory which will make the furniture for Bonanza restaurants. The employees are averaging $5,000 per year income in a town where the median income is $1,300 per year.

A personal project of Mr. Wyly's is the Sam Wyly Foundation which is a fully staffed philanthropic organization created last November to work toward the creation of social and economic opportunities for the poor and disadvantaged. Its primary thrust is in economic development programs of minority business enterprise such as low cost, self-help housing and job training. It has initiated a program of minority business development in Dallas which thus far, this year, has loaned or guaranteed approximately $250,000 together with providing the necessary backup management and technical assistance to Negro and Mexican American businessmen. The philosophy of the foundation and the personal philosophy of Sam Wyly is that the proper role of the larger society is a supportive one and that risk capital together with backup management and technical assistance in coalition with the efforts of the minority entrepreneur provides a viable minority economic development thrust.

In addition to the aforementioned risk capital program for minority businesses, among the projects of the foundation which evidence its relevance to the pursuit of this economic development are:

Sponsorship of a White House summer intern whose responsibility was to research the areas of community development and minority entrepreneurship. This research, just concluded, will be used as input for the Administration's minority business enterprise plan.

Sponsorship of a study which is near completion, involving the social adjustment problems of 150 migrant farm-

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working Mexican-American families moved to Maine and New Hampshire from Texas to work in the textile industry. This study will be furnished to the Labor Department as a model for future matchings of labor supply to labor shortage around the country.

A grant to the Dallas Opportunities Industrialization Center earmarked to fund a course in self-appreciation for the job trainees. This is to provide training in the social graces, and so forth which is a necessary compliment to the acquired-job skill preparing the trainee for an interoffice or intrafactory employment setting.

A grant to Venture Advisers, Inc., an organization with an all-Negro staff which does feasibility studies and provides the backup management and technical assistance funded by the foundation to the businesses.

A grant to the National Information Exchange on Community Economic Development to be held in Boston in October. This conference will explore the possibilities for community ownership as a compliment to individual entrepreneurship.

President Nixon said on March 6:

> I have often made the point that to foster the economic status and pride of members of our minority groups we must seek to involve them more fully in our private enterprise system. Blacks, Mexican-Americans, Puerto Ricans, Indians and others must increasingly be encouraged to enter the field of business, both in areas where they now live and in the larger commercial community—and not only as workers, but also as managers and owners.

This is the mandate given the advisory council by the President. I am confident this mandate will be served with the same sort of energy and dedication that Sam Wyly has devoted to his other endeavors.

POINT REYES NATIONAL SEASHORE

Mr. CRANSTON. Mr. President, no complex issues need to be decided in order to complete Federal acquisition of Point Reyes National Seashore. The issue is simple. Either the Nation spends the money to set aside in its natural state this unique treasure on our Pacific shores for the American people, or we don't spend the money, and our people and their posterity lose another of God's gifts of nature.

The Sacramento Bee editorialized with candor on this question last week, pointing to the one man whose forthright leadership could make Point Reyes a reality, President Richard Nixon.

Lest there be any confusion about the editorial, Congress must authorize, through the passage of my bill, S. 1530, or similar House measures, the additional funds necessary to buy the remaining lands. But with President Nixon's strong support, there is no doubt that the bills would gladly be passed by the 91st Congress.

Mr. President, I ask unanimous consent that the Sacramento Bee editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FIGHT TO SAVE POINT REYES NARROWS TO FOCUS ON ONE MAN—THE PRESIDENT

The fight to save the Point Reyes National Seashore has narrowed down to a sharp focus on one man—President Richard Nixon.

The President need but give the word and the additional $40 million necessary to complete acquisition of the remainder of the site will be released, thus preserving this scenic jewel of California's coastline for now and generations to come.

All the other elements in the struggle to save Point Reyes from land speculators and subdividers have fallen into place. The state's congressional delegation has given it solid bipartisan support. It is viewed favorably by Congress. Owners of the remaining land are willing to sell but warn they will not hold out indefinitely. The state's two United States Senators, Alan Cranston, Democrat, and George Murphy, Republican, wholeheartedly endorse the plan.

And Cranston and Murphy have spelled it out plainly to the White House: Further dallying may mean the death of the Point Reyes Project.

Nixon, a native son, should be first among those determined to preserve this heritage of natural beauty whose rarity is enhanced by the rapidly dwindling number of such sites still preservable for the future.

Cranston scorned the excuse of economizing, said to be argued by some of Nixon's advisers. Investment in a park such as Point Reyes, he said, is not in the same order as expenditures for other aspects of government.

Said Cranston: "When the United States buys a park, it acquires a capital asset which not only does not depreciate over the years but actually and inevitably appreciates. In no other area of government expenditure do we invest the taxpayers' money in something which continually increases in value. Thus to decrease our federal investment in park and recreation lands in obeisance to budgetary demands is a false economy which simply makes no economic sense."

The fate of Point Reyes rests squarely on the doorstep of the White House. Nixon is the one man who can—and should—give Point Reyes the victory it deserves.

EARTHQUAKES AND NUCLEAR TESTS

Mr. INOUYE. Mr. President, I wish to share with the Senate an article published recently in the highly respected Science magazine. The article is entitled "Earthquakes and Nuclear Tests: Playing the Odds on Amchitka." I believe it clearly sets forth the dangers which could result from underground nuclear testing on Amchitka. Like many other Senators, I am extremely concerned with the possible dangers and have contacted President Nixon to urge that these tests be canceled or, at the very least, postponed until a group of independent experts have an opportunity to evaluate all the risks involved in conducting such tests on Amchitka.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EARTHQUAKES AND NUCLEAR TESTS: PLAYING THE ODDS ON AMCHITKA

(By Luther J. Carter)

The nuclear test ban treaty of 1963 still stands out as the principal accomplishment in the field of arms control, but, while the treaty eased the universal concern about radioactive fallout, it by no means stopped the testing of nuclear weapons—it simply moved such testing underground. That this would be the case was, of course, clearly understood when the treaty was signed, though the negotiators agreed that they should look to the ultimate goal of extending the ban to underground testing. What most people probably did not understand was that underground tests would eventually be carried on at such high "yields" as to raise fears that they might trigger large, destructive earthquakes and tsunamis, the sea waves that major earthquakes sometimes generate.

Underground testing also raises the possibility of other environmental hazards, such as the release of radioactivity into the atmosphere by accidental "venting," the contamination of groundwater, and the damaging of property by ground shock attributed directly to the nuclear explosion. On the whole, however, the Atomic Energy Commission can claim an excellent safety record for its test program, which it conducts for the Department of Defense. Yet, as the AEC goes to testing in the multimegaton range, a number of scientists are expressing concern that the agency's assurances that the tests will be carried out safely may prove to be unjustified. And, of the possible dangers, the one involving the most unknowns and uncertainties seems to be the earthquake and tsunami hazard.

In October the AEC will detonate a "device" of about 1 megaton on Amchitka Island, in the Aleutians. Amchitka is in an earthquake-prone area and, though the island itself has been well mapped geologically, relatively little detailed geologic information is available for the area offshore.

The test this fall, to be known as Milrow, will be a "calibration" shot, designed not to test a new nuclear warhead but to allow the AEC to determine whether Amchitka is a safe place for two weapons tests at yields which apparently will go up to several megatons. These latter tests are understood to be related to the development of warheads for the antiballistic missile. The 1-megaton Milrow test itself represents a leap forward at the Amchitka site, for the only previous test conducted on the island was the 80-kiloton Long Shot explosion of 1965.

The probability of the Amchitka test series causing a major earthquake and tsunami is considered low by the experts who have been concerned with this question, but, as one put it, "not vanishingly small." This much is conceded by the AEC, but the agency view is that the chance of a destructive and far-reaching disturbance is so slight as to be no cause for public concern.

TSUNAMI HAZARD

Not all the experts see it that way. One of those who does not is Frank Press of M.I.T., a leading seismologist who served on a panel of the President's Science Advisory Committee which last year studied safety aspects of underground testing. Press agrees that the probability of a nuclear test triggering a large earthquake is "very small," and, further, that, if such an earthquake occurred, its effects probably would be confined to the thinly inhabited Aleutians. But, he adds, should an earthquake so induced turn out to be one that causes a destructive tsunami, the consequences could be disastrous. Tsunamis originating in the Aleutians have caused loss of life and heavy property damage in far-distant places, such as Hawaii and Japan.

Concern about the possible triggering of earthquakes by nuclear testing is based partly on observations made after recent tests in Nevada. The largest tests ever carried out at the AEC's Nevada Test Site have been Boxcar, a 1.2-megaton shot in April 1968, and Benham, a 1.1-megaton shot in December. Some intriguing seismic effects having been observed after earlier shots, the Boxcar and Benham events especially the latter, were instrumented for seismic measurements more heavily than past tests had been.

According to the AEC, each of these shots caused linear fracturing and faulting for a distance of nearly 5 miles on Pahute Mesa, where the tests occurred, thus producing displacements similar to those observed in some earthquakes. Although most, if not all, the displacement is believed to have occurred within seconds of the explosion, the seismic activity continued long after the shots, some 10,000 aftershocks having been recorded during the 4-week period following Benham.

All the aftershocks that have followed Benham and other tests in Nevada have been much smaller than the shocks caused by the shots themselves, which the AEC takes as an encouraging indication that its tests are going to father nothing monstrous. However, seismologists see an evident need for further study of the seismic effects of nuclear events to determine how the effects vary with explosions of different yields and under different geologic conditions—and, above all, to try to learn more about the mechanism by which earthquakes and their aftershocks occur. "Right now, we have very little basis for extrapolation," an earthquake specialist with the U.S. Geological Survey told *Science*. In fact, a principal purpose of the Milrow calibration test is to determine whether the findings from events such as Benham and Boxcar can be applied to Amchitka.

Amchitka is not easily compared with the Nevada Test Site. The Nevada site is deemed by the AEC to be unsuitable for tests of much above 1 megaton. Principally, this is because of the effect of direct ground shock from high-yield explosions on tall buildings in Las Vegas—and on industrialist Howard Hughes, a Las Vegas resident, who, lately has been harrying the AEC about possible environmental hazards.

The Nevada Test Site and the area immediately surrounding it do not constitute a region of high seismicity, although several important active fault systems, such as the San Andreas and Death Valley faults in California, can be found some distance away. North of its original test site, the AEC has developed a Central Nevada site primarily for the testing of weapons larger than Boxcar and Benham and smaller than those to be tested on Amchitka. It, too, is fairly remote from areas of high seismicity and is farther than the original site from Howard Hughes and Las Vegas.

Although no large earthquake is known to have originated on Amchitka Island proper, the Aleutians are part of the circum-Pacific seismic belt and make up one of the most earthquake-prone areas on earth. The Rat Island Earthquake of 1965, which originated 20 miles from Amchitka, was the largest one to occur that year anywhere in the world but caused no seismic or tsunami damage to populated areas.

Contributing to the concern that a high-yield underground explosion might trigger a large earthquake in the Aleutians is the explanation some leading seismologists are now offering about the origin of major earthquakes. In a paper prepared for the April meeting of the American Geophysical Union, James N. Brune of California Institute of Technology said that a study of such events "suggests that in many cases large earthquakes may be considered successions of triggered events rather than smoothly propagating ruptures." Brune noted, for example, that the first event of the Great Alaskan Earthquake of 1964 had a Richter-scale magnitude of only 6.5, whereas the largest event in the sequence had a magnitude of 7.8—an enormous leap on the scale. The deep South American shock of 15 August 1963 also was a succession of several distinct events, he said.

A NUCLEAR TRIGGER?

In an interview with *Science*, Brune said, "There is no logical reason why a nuclear explosion couldn't be the initiating event in such a series of events. The larger the explosion, the greater the possibility of its triggering such a series." The same is true, he said, for a naturally occurring earthquake; the bigger it is, the greater the chance of its initiating a series of earthquakes.

According to Melvin L. Merritt of the Sandia Laboratories at Albuquerque, New Mexico, which has taken part in the AEC's seismological studies, the Amchitka tests will be fired at a distance of from 30 to 100 kilometers from the seismic zone associated with the Aleutian thrust fault. Unlike some fault systems, such as the San Andreas fault, which are visible on the earth's surface, the great Aleutian thrust fault is buried deep in the earth. Brune had no comment on the Amchitka tests, as he was unfamiliar with the situation there, but he observed: "I would think that scientists would be very hesitant to fire off a large nuclear explosion 30 kilometers from the San Andreas Fault. One hundred kilometers would be better, but I'd still be a little worried about it."

People in Alaska, having the great 1964 earthquake still in mind, are more than a little worried, despite the AEC's assurances that, even if a test shot should cause an earthquake, the state's populated areas would be unharmed. To protest the Amchitka test series, a "Save Our State" (SOS) group was formed recently in Anchorage, with some of the state's most prominent citizens taking part.

In May, Senator Mike Gravel of Alaska proposed that the President appoint, from outside government ranks, a body of experts to look into the question of nuclear tests and their seismic effects. His proposal was cosponsored by several senators, including Alan Cranston of California and Edmund S. Muskie of Maine. It has been referred to the Joint Committee on Atomic Energy, which, confident from inquiries by its staff that the Amchitka tests will be safely conducted, seems unlikely to take any action that might delay the tests. Senator Gravel is reluctant to challenge the AEC's plans and has not asked for a postponement of Milrow.

The President's Science Advisory Committee (PSAC) panel on safety aspects of the test program delivered its report late last fall to Donald Hornig, President Johnson's Science Adviser. The report never has been made public, though the chairman of the panel, Kenneth S. Pitzer, president of Stanford and member of PSAC until this past January, says that to edit it and remove classified information would not have been difficult.

While the report did not declare that the Amchitka tests would involve unacceptable risks, the panel members appear to have looked at this test series dubiously. It had no mandate to consider alternative sites for the tests, but some of its members have told Science that the consensus within the group that the north slope of Alaska's Brooks range would be a safer place than Amchitka for high-yield tests. This area is not earthquake-prone and is mostly uninhabited. Further, the oil industry is currently demonstrating that large-scale drilling projects are feasible in this artic region, despite its deep permafrost and harsh climate.

The AEC has felt that the north slope is acceptable only as an "insurance" site in case Amchitka cannot be used. It decided against the slope chiefly on the grounds that the costs there would be extremely high and the logistical problems very difficult. Had the agency decided otherwise, it would now probably be fending off criticism from conservationists fearful of the impact that the test program would have on the fragile tundra ecology. Conservation groups also are concerned, however, about the ecological impact of the test program on Amchitka. The island is part of the Aleutian Islands National Wildlife Refuge and is a stronghold of the sea otter, a species once near extinction.

Gordon J. F. MacDonald of the University of California at Santa Barbara, a geophysicist who served on PSAC and the Pitzer committee, says that, if nuclear test must be conducted on Amchitka for compelling reasons of national security, the precautions observed should include (1) increasing the shot yields gradually and (ii) closely monitoring the shots for seismic effects. Again, the consensus within the committee was that these precautions would be wise, although the risk of triggering a large earthquake would not be eliminated altogether by increasing shot yields gradually. According to Frank Press, even a low-yield shot might be sufficient to release the energy which has naturally accumulated along faults where strains exist. Under its present plans, the AEC obviously will not be increasing shot yield by modest increments. Only three test holes have been drilled on Amchitka, one for this fall's 1-megaton calibration test, the remaining two for the testing of weapons too powerful to be detonated safely in Nevada.

F. R. Tesche, deputy director of the AEC's division of military applications, says that the agency's ad hoc panel on seismology, chaired by James T. Wilson of the University of Michigan, believes that the Amchitka test program does not involve an unreasonable risk. However, in response to inquiries by Senator Gravel, two members of that panel, Clarence R. Allen of Caltech's Seismological Laboratory, and Jack Oliver of Lamont-Doherty Geological Observatory, have endorsed the senator's proposal to establish an independent body of experts on nuclear testing and seismic safety. Furthermore, Allen said, "my confidence in [the safety of the Amchitka tests] would be much increased if our geological and geophysical knowledge of the area were greater, and if we were to progress to the large events by a series of increasing steps."

The AEC is responding to the recommendations for seismic monitoring. According to Tesche, five seismic stations are being established on Amchitka, two others are being set up on neighboring islands, and an as yet undetermined number will be installed on the seabed. The ad hoc panel, he says, is generally satisfied with the seismic network being established. Everything depends, Tesche adds, on the results of Milrow. "If anything coming out of this test is a substantial deviation on the worrisome side, AEC will not be able to continue," he says.

The possibility of large earthquakes and tsunamis being induced by nuclear tests is being cited by advocates of arms control. In an open letter to President Nixon, the Educational Committee to Halt Atomic Weapons Spread in early July urged that the United States seek a treaty banning all underground tests large enough to register above the "threshold" of 4.5, the seismic magnitude produced by a 10-kiloton shot fired in granite. The 1.1-megaton Benham shot, fired in a porous volcanic tuff, produced a seismic magnitude of 6.3. Seismic magnitudes vary widely, however, depending on whether a shot is fired in hard rock, in tuff, or in other material.

A number of prominent scientists, including Jerome Wiesner of M.I.T., George Kistiakowsky of Harvard, and Nobel laureate Polykarp Kusch of Columbia, were among the signers of the letter to Nixon. Among the reasons the letter cited for restricting underground testing were the possibility of accidental venting of radioactivity and the earthquake hazard.

On 31 July, a proposal to restrict testing was submitted by Japan to the Eighteen Nation Disarmament Conference in Geneva. The Japanese would fix the threshold at seismic magnitude 4.75. The concept of a threshold treaty is long familiar, but there has been renewed interest in it since June 1968 when the International Institute for Peace and Conflict Research in Stockholm

(SIPRI) released the report of its seismic study group. According to the report, British, Canadian, American, and Soviet research indicates that the world's seismic networks will be able to identify positively nuclear explosions at yields down to 10 kilotons (fired in hard rock), thus distinguishing them from natural earthquakes. The SIPRI finding allows hope of avoiding the troublesome "on-site inspection" issue, on which proposals for banning all underground testing have foundered; the Soviet Union rejects the idea of allowing foreign inspectors to come on its territory to investigate suspicious seismic events.

It appears that the prevailing view among Nixon Administration officials who have considered the matter is that a threshold treaty would be difficult to negotiate—and, if somehow negotiated, hard to monitor without frequent quarrels over disputed interpretations of seismic data. And, further, that it would in any event have far less value as an arms-control measure than a treaty banning all nuclear tests. To stimulate progress in test detection and verification, the United States has proposed that seismic stations throughout the world closely monitor a 40-kiloton shot next month in Colorado demonstrating use of a nuclear explosion to increase recovery of natural gas.

All proposals for banning underground tests now appear to have a low priority on the U.S. arms-control agenda, for the proposed U.S.-Soviet talks on the limitation of strategic arms are still pending and several key nations—Japan, India, Israel, and West Germany—still have not signed the Nuclear Nonproliferation Treaty. Recently, the question of environmental hazards has stimulated increased public interest in the underground testing of nuclear weapons. But unless one of the forthcoming Amchitka shots happens to produce a disaster, the kind of public outcry that contributed to the success of efforts to ban tests in the atmosphere seems unlikely to occur.

ASSISTANCE TO FOOTWEAR WORKERS OF AMERICA

Mrs. SMITH of Maine. Mr. President, inadvertently yesterday, in a listing of the names of the signers of the petition to the President of the United States, the name of the Senator from Colorado (Mr. ALLOTT) was not in the listing. I wish at this time to make this correction and to express my thanks to him for joining in the petition, even though footwear imports are not of primary interest to his State.

SECRETARY LAIRD AND THE DRAFT

Mr. SYMINGTON. Mr. President, on September 22, on the NBC "Today Show," Secretary of Defense Laird made certain observations with respect to the draft which, in turn, made plenty of sense to me.

In the belief that Senators who did not hear these observations would find them of interest, I ask unanimous consent that Secretary Laird's remarks at that time with respect to the draft be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SECRETARY LAIRD AND THE DRAFT

FRANK MCGEE. Last Friday, President Nixon and Secretary of Defense Melvin Laird announced substantial cutbacks in draft calls for the next three months. And they said they hoped to go to a lottery system of drafting in the near future.

Well, we've asked Secretary Laird to discuss in detail the upcoming changes in the draft. And with him in our Washington studio are Today's Washington Editor, Bill Monroe and NBC's news Pentagon Correspondent, Robert Goralski.

Gentlemen?

MONROE. Good morning, Frank.

Mr. Secretary, what is the action you've asked Congress for on the draft, and if you get that action, what kind of draft system will you have?

Secretary LAIRD. Well, on May 13th, the President sent a request up to Congress to remove certain inequities that are contained in the present draft law.

We have had meetings with the Congressional leadership of the Senate and the House Armed Services Committee, and we've now limited the request in hopes of getting action to one sentence. That one sentence makes it necessary now to take the oldest first. And we'd like to have that removed so that—not so that we can have a lottery of all names, but so that we can randomly select the dates of call within a 365-day year between 19 and 20 years. And limit the call to 19 and 20-year olds.

MONROE. A man would be vulnerable to the draft only in the year from 19 to 20?

LAIRD. Instead of—instead of being vulnerable for seven years with all of the uncertainties its caused for young people, a man would be vulnerable for the draft for only 12 months; between his 19th and 20th birthdays.

GORALSKI. Mr. Secretary, is part of this reasoning, too, because a young man 19 or 20 makes a better soldier than a 25 or 26 year old?

LAIRD. Well, I think there's—certainly a case can be made that these young men do make fine soldiers. I do feel, however, that the real case is based upon the tremendous uncertainties that have hung over the heads of these young people for a long period of time. And we'd like to remove these inequities. President Nixon brought this up and made it one of the pledges during the campaign. And I think it's necessary for us to move in this direction.

GORALSKI. It has been suggested, too, Mr. Secretary, that part of this move is to cool the campuses. Would you go along with that reasoning?

LAIRD. Well, the reason that we've moved in this direction is to remove the inequities that do exist in the present draft regulation. And we're just as concerned about those young people that don't go to college as we are about those on the college campuses. So I wouldn't want to limit this to any such reason.

The reason that we're moving in this direction has been that we are able at this point to cut down on the draft calls because of the progress that we've made toward Vietnamizing the war from a military standpoint. And the reasoning is strictly a reason of cutting down on the—this vulnerability that hangs over these young people for so long. And whether they're in college or not in college, I think this is something that we want to clear up. .

MONROE. Mr. Secretary, if you don't get the Congressional action you're looking for, Mr. Nixon has said that he will be able to go part way toward what you're trying to do by Executive Order. Now, what kind of draft system will you have under Executive Order, if you don't get this Congressional action?

LAIRD. If we do not get their permission to go on a random selection basis for the dates between 19 and 20, for that one year period, then we will move by Executive Order; the President has announced that probably it will be a moving age system in which the year will change every 30 days. And a new start for the year will be announced each time a new draft call. And when a young man moves out of that 12 months moving age period, he will no longer be susceptible to the draft.

MONROE. In other words, he would still be vulnerable only for one year, but it wouldn't be the year from 19 to 20, not necessarily, it would be a shifting . . .

LAIRD. No. No, it would be from 19 to 20.

And the problem that faces young people however, is that as they get near their 20th birthday, because we have to take the oldest first, the degree of vulnerability that they experience is quite great during those last two weeks of the year, because we must take oldest first now, and can't select the dates on random—on a random basis. And we'd like to have that authority.

But still, even under the action that the President will take, if Congress fails to give us this simple repealer of this one sentence that does exist in the 1967 Draft Law, the President has announced that he will move forward to limit the area of vulnerability to 12 months instead of the 7 years that young people currently are subject to the draft.

GORALSKI. The Administration proposal has been referred to as the lottery. That's not quite accurate though, is it, Mr. Secretary?

LAIRD. It is not quite accurate because a lottery in the minds of most people is putting in all of the numbers and drawing out the numbers—the Selective Service numbers for each individual.

We are not going to have that kind of a lottery. Under all of the proposals under consideration, what we will do is draw merely the dates—the 365 dates in the year, each year, and then that will set up the priority of taking people into the service. The dates will be selected on a random basis. And this will eliminate the possibility that we would have under Executive Order that the oldest first within the year would have to be taken.

If you had a fixed stage group, under Executive Order, which you could have, and limit the eligibility between 19 and 20 on a fixed age basis, in a fixed year then the people with birthdays in December and November would not be taken at all. All of those would be taken in January and February. And that isn't fair.

And that's why we don't like this provision in the law that makes us take the oldest first within an age group, at the present time. We want to remove that because we believe that an Executive Order system would still continue this serious inequity.

POSTAL REFORM IS NOT SPELLED "C-O-R-P-O-R-A-T-I-O-N"

Mr. YARBOROUGH. Mr. President, the Postal Corporation bill, which would destroy the oldest Cabinet office in the United States and substitute a money corporation for this governmental agency, is no reform.

It destroys the concept of service to the people, and substitutes a money concept of limiting service to the people.

The brunt of the Post Office change would be borne by the first-class postal patrons, those who use first-class mail, and by the rural areas.

The postal revenues from the rural areas, the small towns, and cities and rural routes pay only 30 percent of the cost of postal service in those areas. Seventy percent of rural mail service is a public service of the Government, just as all Government departments are service departments, which is the essence of government.

To agree to the Blount corporation proposal would result in the liquidation and closing of all the fourth-class post offices in the Nation, most if not all the third-class post offices, and some of the second-class post offices, and would reduce rural mail deliveries from a daily basis to a biweekly or triweekly delivery.

American government is built on a concept of service. It is not true that private utilities are more efficient than the postal service, as I pointed out in my speech to the National League of Postmasters in New Orleans yesterday. Private utilities are efficient in making money, which is what they were created to do. The postal service is more efficient in service, which is what it was created to render. We are dealing with two diametrically opposing concepts. There is no more reason to destroy the service concept of the Post Office Department than there is to destroy the service concept of the Department of Commerce, the Department of Transportation, the Department of Labor, the Department of Agriculture, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, the Department of Justice, the Department of Defense, or any other department of Government.

The Postmaster General should spend his time trying to improve the efficiency of his department, not trying to destroy it. Postmaster General Blount has cut special delivery and city business mail delivery service in defiance of the congressional mandate to keep both at their last year's levels of efficiency. If the Postmaster General continues his policy of weakening and worsening the postal service in his efforts to destroy its governmental capacity, the President should call him to account.

Postmaster General Blount should go back to his private corporation that he can dominate, and not be permitted to downgrade the postal workers from Federal employees to a serfdom status. They would be corporation employees without the right to strike, a virtual serf status.

Postmaster General Blount, in his advocacy of the destruction of the department he heads and the substitution of a corporation in his place, does violence to his oath of office as Postmaster General. He cannot serve two masters at one time: the public service for service, and the profit corporation for profit. He has an irrevocable conflict of interest.

Mr. President, I ask unanimous consent that my speech to the 66th National Convention of the National League of the Postmasters of the United States, delivered yesterday, September 22, 1969, in New Orleans, La., be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Postal Corporation Is Not Postal Reform

(Remarks of Senator Ralph W. Yarborough at the National League of Postmasters of the United States 66th Annual Convention—New Orleans, Louisiana, at 10:30 a.m., September 22, 1969)

First, let's clear up a little matter of spelling. Reform is not spelled c-o-r-p-o-r-a-t-i-o-n.

Some people, most notably Postmaster General Blount, seem determined to convince people that reform and corporation are synonymous when it comes to Postal Service.

Well, I've checked the dictionary and I've checked the Administration's proposals on Postal Service. I can assure you that in neither is reform the same as corporation.

Now one thing should be made clear from the outset. I am for improvement of our Postal Service. It's because I am for improvement of our Postal Service and for improved service to the users of the mail, and the American people that I am against a Postal Corporation.

In the massive propaganda job being carried on in favor of a Postal Corporation, we hear glowing words about utility services. Future mail service, under the proposed Postal Corporation, is being compared with the service of utility companies and telephone companies.

Now let's look at the record.

There have been several monumental breakdowns in electrical power in this country, blackouts over a widespread area. I'm sure each of you can remember breakdowns in service in your home cities. There have been no comparable number of complete mail service breakdowns in the nation and only one—one Christmas in Chicago.

In many areas, during a heat wave, people are asked to turn off air conditioners because the utility company cannot meet peak demands for service. With a postal corporation will we be asked to stop mailing Christmas cards and packages during November and December?

In New York, the phone service is failing to meet the growing demands of that city. One company ran a full page ad in a New York newspaper to its customers that it did, indeed, still exist although no phone calls were getting through. The mail service has never been as inefficient as the utility companies. People complain at any delay in the mails simply because they have been accustomed to such wonderful mail service all their lives. Mail service is still the most efficient of any type of service in America.

Now there have been problems at times with mail service. No one denies this. But the record of these privately-owned corporations is far from perfect.

The supporters of the corporation plan are trying to emphasize any and every small delay in mail delivery. They are trying to create dissatisfaction among the public so they will call for a postal corporation in the mistaken belief that it will mean an automatic improvement in mail service. They never tell you that those mail delays are often caused by late planes, or snow or ice or fog that keeps planes from flying, or all the other delays that private business, like airplanes, cause; no, they don't tell you that; they charge any delay up to the overworked, underpaid postal employee who didn't cause it.

About the only automatic thing about a postal corporation would be an increase in postal rates on first class mail and poorer service. It has been reported that Postmaster General Blount has said that first class mail could well double in cost.

Many of those calling loudest for a postal corporation now receive a postal subsidy. These are the major, mass circulation slick magazines. Under this proposed Postal Corporation, which is being trumpeted so loudly because it is supposed to be self-sustaining, these same people would continue to receive a subsidy. In other words, under the Postal Corporation plan, the burden of increases in postal rates would fall on first class mail users. As you all know, first class mail more than pays its own way now.

Now no one is demanding that the Department of Commerce break even. The Defense Department had a deficit of $77 billion last year, and there is no demand that it break even. Recent reviews of defense spending have certainly shown the Pentagon operates a great deal less efficiently than the Post Office Department.

A government provides certain services for its people. A service that has been provided the people of the nation since before the nation itself was created has been the Postal Service. I see no need now to change this service concept in our postal service as established by the founding fathers of these United States, and charge right into a profit-gouging business corporation where service is downgraded and profit becomes the motive.

Service—particularly service to those in the small towns and in the rural areas—will be reduced if not entirely eliminated under the Postal Corporation plan.

This year in Texas the present postal officials in Washington wanted to close a small Post Office because of a few hundred dollars deficit. The sole item for deciding on keeping the Post Office open was not a question of service to the people, but whether it paid its own way. We managed to stop the closing of that Post Office, but the pattern is definitely established.

If this pay-as-you-go Postal Corporation is established, all fourth class and thousands of third class Post Offices will be closed. This will curtail mail service to millions of Americans, and with the closing of a Post Office, end many small towns in America.

And if the stress is going to be on money, not service in a Postal Corporation, just guess what the charge would be for delivery far out on a rural route. A letter could well cost $1 or more.

As I said earlier, I am for postal reform. The Post Office Department needs more money. It needs money for research, for new buildings and new equipment. It needs a fair wage scale to reduce the costly turnover in personnel. These are among some of the Post Office reforms I have supported and will continue to support.

These reforms are possible under the present structure.

The fault for slow improvements lies not in the Post Office Department as it is now constituted nor in Congress. The Post Office Department has troubles because the Bureau of the Budget, a virtual law unto itself, places a low priority on Post Office Department expenditures.

The Budget Bureau has for years chopped away at postal appropriations. If the Nixon Administration wants to make some reforms in the postal service, it could do so by changing its list of priorities. It has elevated the spending on the war in Vietnam above all other spending. The health, the education, the general welfare of the people; the needs of the cities and of the streets all are secondary to the pursuit of a reckless military venture in Southeast Asia.

The attempt to establish a Postal Corporation and say it must pay its own way is an attempt to cover up the fact that the Administration will not commit itself to financially supporting the services, such as postal service, this nation has traditionally provided its people.

Winston Churchill once said he did not become Prime Minister to preside over the dissolution of the British Empire. To those who would establish a Postal Corporation largely beyond the control of the American people or their elected officials, I say I did not become a United States Senator and have not served for 12 years on the Senate Post Office and Civil Service Committee to preside over the dissolution of the government of the United States. To destroy the Post Office Department is to destroy the greatest service branch of the government of the United States.

MASSACHUSETTS SUPPORTS URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, from all over the country I continue to receive letters endorsing S. 2625, the Urban and Rural Education Act of 1969.

From the great Commonwealth of Massachusetts I have received letters from the State commissioner of education, Neil V. Sullivan, and from the superintendent of public schools for the city of Boston, William H. Ohrenberger, urging the enactment of the measure.

I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The Commonwealth of Massachusetts, Department of Education,
Boston, August 8, 1969.

Hon. George Murphy,
U.S. Senate,
Washington, D.C.

Dear Senator Murphy: First of all, let me commend you for past expressions of concern for the disadvantaged youth of this nation. The measure proposed by you to amend Title I of the Elementary and Secondary Act of 1965 is a proper reflection of that concern.

As for my comments on the proposed legislation, let me say that I, along with many of my cohorts, have been pressing for additional funds in this area for years in an attempt to salvage the minds and spirits of many of our youths. We have pointed out, as you have, that if we cannot guarantee true equality of educational opportunity, then our accomplishments, however many or varied they may be, mean little.

And the battle to save the minds and spirits of a good portion of tomorrow's citizens will be fought in the cities and rural areas, areas recognized by you as crucial to success if the American dream of true equality is ever to be achieved.

Again, I salute you and join with you and others seeking to remedy deficiencies in our educational and social structure. Your measure, a refinement and improvement of present legislation, will be welcomed by legislators, I am sure, and hosts of children, the eventual beneficiaries of your concern.

Sincerely,

Neil V. Sullivan,
Commissioner of Education.

Boston Public Schools, Office of the Superintendent,
Boston, Mass., August 18, 1969.

Hon. George Murphy,
U.S. Senate,
Washington, D.C.

Dear Senator Murphy: I thank you for your recent letter enclosing a copy of your statement and the text of your introduction of the Urban and Rural Education Act of 1969.

The enactment of this legislation would provide much needed additional funds to the large urban centers of this nation. In my testimony before the House Education and Labor Committee concerning the extension of the Elementary and Secondary Education Act, I made a plea not only for the extension of this act, but also for a dramatic increase in the funding thereof, so that we in the urban areas might have the financial ability to meet all of our pressing needs.

The thirty and forty percent add-on features of your bill would provide a significant increase in funding and thereby aid immeasurably in the education of the disadvantaged.

Very truly yours,

William H. Ohrenberger,
Superintendent of Public Schools.

A GOOD FIGHTER FIGHTS ON

Mr. HART. Mr. President, the real challenge of America is "to make it survive, to make it live, to make it the land it promised to be 193 years ago."

These words are not mine.

They are the words of Roy Wilkins, executive director of the National Association for the Advancement of Colored People, a man who has long been involved in the fight to make America live up to its promise.

It was with those words that Mr. Wilkins concluded his speech at this year's Fight for Freedom Dinner in Detroit. Proceeds from the dinner go to the NAACP's legal defense fund.

As always, Mr. Wilkins' remarks are worth repeating. In discussing the history of the civil rights movement, he presented not a defense of the past but a course for the future.

So that others may have access to that chart, I ask unanimous consent that the text of Mr. Wilkins' speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Statement of Roy Wilkins

Mr. Bell, Governor Milliken, Mayor Cavanagh, Senators Hart and Griffin, and all the other dignitaries, some of whom I had to reach by carrier pigeon at this end of the table, and Miss Kim Weston to whom I have sent a special soul telegram because she is a young woman after my own heart: On behalf of all these here, and of those who wanted to be here but could not be here—I bring greetings to the chairman of your committee on this most successful occasion.

You know, at this dinner tonight, you not only surpassed last year but you now have undisputed claim to being the greatest fund raising event in the entire United States under the banner of the NAACP. There are other fine people throughout the country—the South, the East, the West, the North—and they work hard and devotedly and their efforts are deeply appreciated. But Detroit is head and shoulders above all of them on account of this dinner and on account of the effective program carried forward as a result of it. I am happy also to be here in the city of some of our National board members and to greet all of the people, co-chairmen and chairmen who are responsible for this dinner.

This branch was first chartered by the NAACP in 1912. It has a long history and has been a leader in membership over many years. I can remember the days of the one dollar members. Sounds funny now; you know you can't buy anything with a dollar. We had one dollar members in those days and Detroit had 22,000 members; 19,000 of them were one dollar members. Since we went to the $2 membership Detroit has been in a scramble with Chicago and we have to wait until midnight on December 31 to find out whether Chicago or Detroit is ahead in memberships. You know, Chicago has a way, maybe a derivative of the kind of politics they play over there, they have a way of mailing memberships at 11 p.m. on December 31. And they say, "Look at the post mark, look at the post mark! Tell Detroit to beat that." Well, don't you try to start mailing at 11 p.m.—you'll give us all heart failure in New York.

But it's in life memberships, of course, that the Detroit branch has distinguished itself. And because there is a lapse between your records and our records and the famous United States mail which gets there the day after day after tomorrow, I will only say that you have more than 4,000 persons who are buying or have paid-up their life memberships as of the end of 1968, with some 3,350 of these subscribing members, and as of December 31, last year, 845 who have paid in the full $500.

Now this means that you are indeed giving substantial assistance, as Dr. McClendon noted, to the work of the NAACP. Life membership money last year, in 1968, accounted for $358,000 out of the $1,235,943 that our membership sent to the New York office. We got this money from our members and that means that if push comes to shove, as my grandmother used to say, and all the other "friends" (in quotation marks) drop away, we have $1,200,000 from the membership to run our organization. And so when anybody says to me the civil rights movement is dead, I say, "Well, I don't know about the rest of it but the NAACP ain't dead. Cause dead men don't give $1,200,000 to a cause." You know, that's respectable money anywhere; even in the United States Government, which has a budget of 190 billion, $1,235,000 is not exactly peanuts.

The history of the Detroit branch recalls the history of the NAACP and that old canard that will not die, that this organization is supported financially by white people, and that it speaks only what white people tell it to speak. It hasn't been true that white people furnish the majority of the money since 1917. But since 1917 all of the balance of power, if you will, of the income of the NAACP has been money from memberships.

And just to pick a year at random: in 1931, the year I came to the NAACP from out in Missouri and Kansas, the total national office income, now you heard me, the total was $59,081.91. You have raised almost four times that tonight at this dinner, but that was the total income of the NAACP in 1931. But of that $59,000 *the membership sent in $38,000*. So that it was ahead then and its been ahead ever since in running its own show and paying its own way.

We've also, in the history of the Detroit branch, experience that should put to rest this so-called new theory of weapons for self-defense. You know we never have cleared up that non-violent business. We don't believe in going out and starting fights but if anybody jumps on us he better be ready. And that's the way it was with Dr. Ossian Sweet in 1926. He moved into a new home here in Detroit; it was surrounded by a mob and somebody shot out of that house into the mob and a man was killed. The Detroit police of that day (they must be better today, they must be), the Detroit police of that day arrested 11 persons out of that house, including a babe-in-arms, and charged all of them with first degree murder. The NAACP came in and brought Clarence Darrow in and Henry Sweet agreed to stand trial and Henry Sweet was acquitted. But it was the NAACP that stood behind the Sweets and their right to kill if necessary, in self-defense.

Even before Sweet, in Detroit, there has been the case of the Negro sharecroppers in Elaine, Arkansas, back in 1919, who met in a church to get a better price for their cotton. And somebody drove by in an automobile and shot into the church and the people in the church shot back. And again a man was killed. 67 black men were sentenced to life imprisonment and 12 were sentenced to death on charges of insurrection because they defended themselves. They were all freed by the NAACP in 1923. Scipio Jones of Arkansas was the lawyer, and the case went to Supreme Court twice and all 79 men went free. This shows that the matter of defense is not news, is not fresh, is not different, it's not a new technique, nobody's bringing us anything in 1969 because in Detroit we had it in 1926. And in Arkansas they had it in 1919.

In 1932 they were shooting down Negro firemen on the Yazoo and Mississippi Valley Railroad when they climbed out on the pile of coal to bring down the chute for the water (some of you don't remember that either—you're so accustomed to Diesels); every time a Negro fireman would climb out on the coal tender and reach up for the water spout a rifle would crack out. And he would go down. And at first they didn't know what to do about it. Then one day, when a white fireman climbed out there and reached for the spout, the rifle cracked out and he went down. And then all of the shooting stopped.

This thing about defensive weapons is not new, it's old hat to the NAACP. We've defended many a man who's defended his home and his hearth. That brings us to the housing fight.

The NAACP started on housing in 1917. We won a case for a white man in Louisville, Kentucky, who wanted to sell his home, and the law said to him, "You can't sell your home because you want to sell it to a Negro." And the law said, Louisville law, "You can't sell that because Negroes can only buy property in this block and down to this alley and over to that block and up there ten blocks away and so forth and so on." This is what was growing in the United States, racial segregation imbedded in municipal ordinances. We won the case for that white man, and the colored man bought the house. The United States Supreme Court had said that a city could not pass an ordinance which fixed by law where people should live according to the color of their skins.

Now we had all kinds of other things to fight too. They had restricted covenants—and that recalls Willis Graves and Francis Denton and the work they did here in Detroit on the Shelley Y. Kraemer Case, on which the U.S. Supreme Court outlawed racial restrictive covenants in 1948. So that they had to think up something new. Ghettoes were spreading but at least you couldn't keep them cooped up. So the fight has gone on.

And now I want to say just a word about some of the problems that are affecting us, vexing us, vexing governors, vexing mayors, vexing college presidents, vexing presidents and heads of governments, and vexing plain John Q. Public.

I don't know about you but I'm getting tired of turning on my television every morning, opening up my newspaper, listening to my radio and hearing nothing but news of strife and conflict. The world is terrible. If it isn't somewhere in Michigan or in New York or in Alabama or in Georgia or in California, then it's in the Middle East and it's in Africa, South Africa, North Africa or it's in NATO or it's in Moscow or Peking. But there is no peace and these problems endlessly plague us. This problem of race has been with us, I don't have to remind you in this room, since we brought the first slaves here in 1619. It's run all down through our history. And I won't recount it here.

I'll just tell you one thing which you will remember, of course, but you never pay any attention to it unless you address yourself to it. In the Constitution of the United States of America there is a phrase there about ⅗ of a man. Now it doesn't say a black man, it says "other persons." But that means that in the Convention of 1787 when the Constitution was being framed, that this business of race, of blackness and whiteness, was in every delegate's mind.

And in that Constitution's provisions for congressional representation, the Southern states saw to it that the slaves would be counted as ⅗ of a man. Their purpose was to guarantee a built-in political advantage over states such as Michigan, and Massachusetts, and Pennsylvania, and New Jersey, which had more white people than they had slaves, whereas Alabama had *fewer* white people than they had slaves. If they had 100,000 slaves, it was the same as 60,000 white people, and they could have congressmen based on that; and that language still is in the Constitution of the United States.

In the face of all that proof that the races are locked in together, there are young people going around now, saying, "We got to get to ourselves; we don't want to have anything to do with white people." This is a fantasy. This is a fantasy. Worse, it's a wicked and evil fantasy. It runs in the face of all that has taken place in the world, the shrinking of the world, all the instant communication, all the new independence in Africa, and the groping of the African nations toward their equality in the world. Most of all it runs away from the big, hard, tough, continuing, discouraging, and thrilling job of winning equality in the arena that knows no quarter. I don't think most of our young people want to run away from that kind of fight. I don't think they want to be secure of all costs, to return, as it were, to their mother's womb for the comfort and for the familiarity of their own surroundings. They need to get out in the world. They need to compete. They need to show that they really do know as much as, if not more than, the other fellow. And you can't get anything out of separatism, except a new set of blinders.

Of course, there is bitter discouragement and blind disregard of the rational position which the NAACP espouses. We had a report that said if the City Council of that city had followed the 16 recommendations of the Plainfield Branch of the NAACP they might not have had a riot in Plainfield. But the City Council didn't pay any attention to the NAACP's suggestions, to the 16 points that they brought up. And just as Plainfield didn't pay any attention, so a good many of our other white people didn't pay any attention. And some of the mess they're in today, they created for themselves. They were so slow. They mistook inching along for progress. They said, "Haven't you come a long way." Well we've come a *hard* way. I don't know how long a way we've come. And we had so much farther to go and still have. And they continue to ladle it out with a teaspoon and say, "Don't you feel better?" Well, I don't feel better. I want a tablespoon full, I want a shovel full, I want a (never mind). I want as much as I can absorb and am entitled to, and I want it now. Of course, that's what our young people want now, also. And, when they don't see evidence that it's coming fast, some decide it won't ever come—under this system and with the methods we've used heretofore: A few are not even polite about it; they won't listen to what they call "endless speeches," and they won't allow anyone else to listen.

But the NAACP is not making speeches (except me, and they've sent me around to make speeches here and there.) But the NAACP is minding the civil rights store. You know while these people are talking about, "We demand; we submit non-negotiable demands and they must be answered by 11:00 tomorrow morning," and this and that and the other, while they're doing all that, who's looking after the families that have a job problem, and a mobility problem, and a promotion problem, and who's looking after the housing and getting rid of the rats and opening up new vistas for housing? Who's campaigning for low income housing and sponsoring the building of them, and who's fighting for the right to register and vote, and who's looking after the election of 370 black men and women in the Southern states? It ought to be 3700 but there are 370. And only three states in the South are without black legislators in their state assemblies—Arkansas, Alabama, and South Carolina. Even Mississippi has a black face sitting up there in the state capitol.

Who's looking after these problems? Who's looking after decentralization? Not only the Detroit branch here in Detroit but our Pasadena branch in California, and our branches in New York, and our branches scattered through Pennsylvania are dealing with school boards and with teachers and with tutoring and bringing our people up; in awarding scholarships and seeing that the fight goes on. Somebody has to mind the store, while the orators orate, and the rhetorians deliver their rhetoric and their threats and deliver their deadlines, because life has to go on, people have to live, people are born every day and they grow up, and they have to go to school; father has to find a job, and he has to get a better job, and he has to get a promotion, and he has to meet the mortgage payments, and he has to look after the life insurance, and he has to try to buy a car, and he has to dress his wife (you better believe he has to dress his wife), and he has to acquire the skill to be helpful to his fellow-citizens. All of these things have to be looked after, and you can't do it parading and demonstrating every day. You can do that some other time; and there are times for it.

This is what the NAACP is doing. Our branches are now in the housing business; they are sponsoring the building on a nonprofit basis. This is real, honest, black economic development.

The young people I meet over the country—last week I was in California and I met with two black student groups, one in northern California and one in southern California. They were kind of rough sessions, I can assure you, 'cause Old Wilkins, he's known as the con man, but I came out without any scars and without any lumps on my head and I think we have a new respect for each other.

I have always respected the young people; they have crazy ideas like all young people who ever grew up. If they didn't have crazy ideas there would be something wrong with them. Also they figure I've been around too long, I ought to retire, but these young people open your eyes and help your understanding. On campuses, the student problems are right here in our laps. And I want to close with that.

First I want to point out that the people who believe in hating whites and going it alone are in the minority. The black extremists are in a minority. Don't let any newspaper man tell you differently. They ask me how I think the contest is coming on between the militants and the conservatives? I Say, "What contest?" There is no contest. There is a small minority campaigning on an extreme platform and if you pin them down and hold them tight for twenty minutes, they can't tell you where they're going. They can't tell you. They don't tell you that we're going to lead you off into a separate state. Oh, you have a few in Detroit here. They want Louisiana, Mississippi—oh, five states and I asked a black farmer in Mississippi about how he felt about people in Detroit coming down and taking over his farm and his state. He said, "I work hard for my farm and I've educated my children on this farm. I bought and paid for those tractors you see out there. And ain't no dude from Detroit gonna come down here and take it over." Well this is not definitive proof, of course, but it does suggest that there might be some difficulties in the way of taking over a state, a separate state.

So, aside from the ones you have here in Detroit and a few scattered all around, they can't tell you where they're going. They don't say "we're going to go to Africa," although they're wearing dashikis. Now dashikis were built for tropical climates. They weren't built for Detroit. They sure weren't built for Duluth and they weren't built for Miles City, Montana. People up there wear sheep-skin coats. The people in the Congo wear dashikis because dashikis are cheaply made from cheap Phillipine textiles and sell at a low price. Also, they are cool in a hot climate. But they're not built for Detroit. It might be nice if they were; perhaps it would be better if you wore a pink shirt, or a yellow shirt. They have some beautiful colors out now. I don't have nerve enough to wear them, they've got some wonderful colors out. And I salute those men who have them, or their wives who make 'em wear them, of course.

I salute them for wearing these coats, and these suits, and these shirts. But with dashikis and the rest of them, these people are in the minority, that's the first thing to stress.

The second thing is that a lot of things they are asking for are real, they have real grievances, they have real points. When they talk about revising the admissions system of colleges, they're talking on sound ground, because Negroes have been kept out of col-

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leges, arbitrarily, by those tight admission committees who've drawn the line on them. Now if you were in the top three percent of your class, you might have a chance of getting in. But if you were in the top ten, you were sunk. And if you were in the top quarter, no chance at all. And so when the young students ask for overhauling of the admission systems they're on sound ground.

When they ask for more Negro history, for more black students and more black instructors, they're also on sound ground. So we shouldn't dismiss this. When they ask for black study centers, that is also a sound demand. Somebody asked me today why was I opposed to black study centers. I'm not opposed to them. I am opposed to black study centers that are wholly and completely and exclusively, and that are, in effect, little Jim Crow black colleges within the college. I don't see that we're going to educate the majority or disseminate the information if we're going to talk only to ourselves. Aside from the question of segregation, there's nothing wrong with this idea of meeting together and "beating up your chops," as the boys say, over the things that we've heard since we were in the cradle just to make us feel good and make us go out and cuss out the other fellow; there's nothing wrong if we don't take it seriously as a means of getting us toward our goal. So I'm not opposed to black study centers, *per se*.

But anybody that asks for a separate black dormitory is crazy. This is what we've been trying to get away from. Not only trying to get away from, but this is the reason we have the student movement today. It's because we have had segregation, and now to say that what ails us can be cured by the same things that made us sick doesn't make sense.

For a third point, guns don't belong on a college campus. Guns are for gang warfare, or for hunting rabbits, or for defending your home or something like that. But nobody ever learned anything on a campus carrying a gun to class. I'm not worried about all the excuses they give for it, they're just excuses. All of the subjective feelings they have, and fears, guns still don't belong on college campuses. That's all.

Finally, remember that we need these young people. We have to have them. We have to have their imagination, their energy, their inventiveness, and all the things they have to offer. After all, we're getting old you know. Some of us up here have been here a long time. We're getting kinda tired—somebody reminded me gently that I came here to this dinner 10 years ago. He said, "Well, we have you about every 10 years." And I said to him, "Well, maybe that's all they can stand of me is once every 10 years."

But we need these young people, fresh faces and new ideas, new energy, and new approaches. We need what they have to say. The only thing we don't need is their contemptuous dismissal of everything that happened before they came on the scene. No other racial group does that. Every other racial group builds upon what has gone on before. All you have to do is ask an Irishman and he can tell you the history of what the Irish have done in this country. And you ask an Italian and he can tell you what the Italians have done. And you talk to some of the Polish people here in Detroit and they can tell you what the Poles have done. And you talk to our Jewish friends and from 10 years on up they can tell you the history of the Jewish struggles. And you ask our young people and they say, "Well, nothing started until 1960." How do they think they got here? Somebody was wrestling with this white man before they got here, somebody was making it easier for them to go to school, and get up. Mrs. Hughes was just telling me about some progress in the Detroit municipal system. And she was just giving a rough estimate of salaries above what she was talking about. How do you think people ever got to a place where they hold such jobs. They got there because some people worked for $60 a week and fought and worked and fought until they exploded the ceiling and got it up there. And our young people, if they just would understand that something happened before 1960, then I think we could get along very well.

Well, all this, of course, is on the assumption which I make automatically—if we're going to live here in this country, this is our country and we're going to keep on fighting until we get what we are entitled to have. We aren't going anywhere. I'm not thinking about going to Nigeria. The only reason I go to the Caribbean is for vacation. I haven't lost anything in Jamaica or Trinidad—fine people down there, wonderful people, friendly people but this is my country and my people have invested too much in it and the white people have invested too much in our cause. If you doubt it, just think back to the Underground Railroad, and how they brought the slaves by night and where did they sleep by day? They slept in the homes of friendly white people, who hid them and brought some of them right across the river here in Chatham and Windsor. And do you know what kind of people came from North Carolina and from Alabama and walked 1500 miles to freedom in Canada? Those are your people and my people that did that. I'm not about to run away to some other country and start building all over again. I'm going to stay right here and if I have anything to say about it, even if I walk on two canes, the NAACP is going to do the same thing, stay right here and fight this fight with $175,000, $200,000, $250,000 whatever you raise here; we're going to use that as part of the ammunition and we're going to keep our young people, too. They'll get over this, don't worry, they'll get over it. And then we'll all be free because you know the larger task is not merely the freeing of the black people in this country but the larger task is rising to the real challenge of America. To make it survive, to make it live, to make it the land it promised to be 193 years ago.

THE NEED FOR THE SST

Mr. FANNIN. Mr. President, the President's decision to go ahead with the development of the supersonic transport program—the SST—is the only logical way he could have gone.

With the current balance-of-payments situation, the President had no other real choice. Failure of the United States to build an SST would have seen huge amounts of American money going abroad to purchase highly expensive foreign aircraft.

Mr. President, make no mistake about it, if any nation develops a satisfactory SST, American airlines will buy it, in large numbers. They have no other choice if they are to compete in world markets.

And if our air transport industry is forced to buy from foreign sources—whether it be Russia or the British-French combine—then our aircraft industry will have suffered a major blow, one that could well end American preeminence in the world air transport industry.

Mr. President, there will be complaints about spending money on the SST program instead of on other people's pet projects, but in my opinion we must strike a balance between our social needs and our technological progress.

Without technical progress we will not develop the tools to meet those other needs.

America is surely great enough to meet the challenges of world competition as well as the challenges we face at home.

If we cannot meet the challenges in both areas, it is highly unlikely we can meet them in either.

RUMSFELD CUTS POVERTY AID—FURNISHES PLUSH QUARTERS FOR SELF WITH POVERTY MONEY

Mr. YARBOROUGH. Mr. President, an illuminating column on anti-poverty czar Donald Rumsfeld's cut of the poverty program while furnishing plush quarters for himself, written by columnist Jack Anderson, was published in the New Orleans States—Item of Monday, September 22, 1969. The article is self-explanatory, but it certainly calls for an explanation from Mr. Rumsfeld.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUMSFELD CUTS AID—GETS LUXURIES

WASHINGTON.—Antipoverty czar Donald Rumsfeld has fearlessly wielded an economy ax on programs for the poor, shutting down the program in Minneapolis and lopping $1 million off the poverty budget for Washington, telling aides: "You worry too much about what Congress might say."

He has used some of the savings to give his own executive suite a more luxurious look, thus reducing the poverty in his immediate surroundings.

Under Sargent Shriver, the antipoverty director's office was unique in government. There were no carpets and the furnishings were prim. Rumsfeld has now added improvements.

To be prepared should his budget-cutting efforts prove tiresome, he has added a bedroom to his executive suite. Expensive lamps now give a soft, restful glow to the walls that were once lit by fluorescent tubes.

The stark photographs of poverty are gone from the walls, replaced by pastoral scenes. And as evidence of his new Cabinet rank, Rumsfeld has added the ultimate in executive status symbols: A private bathroom.

Despite these expenses for his own comfort, he can show a neat savings on his operations. This has been accomplished with "selective cuts" in local programs.

In a confidential memorandum to his regional directors, Rumsfeld has outlined his plans. The document is heavy with rhetoric about "new directions" and states in the ponderous language of government:

"This will require, among other actions, selective cuts in some local initiative programs in order to free up funds now allocated to less effective programs into an 'opportunity reserve' for these new initiatives."

Although disdaining congressional opinion, Rumsfeld has carefully chosen Washington, the city with the highest proportion of blacks and the only city in America without a voice in Congress, to demonstrate his heavy hand on the budget.

One vulnerable program for Washington's poor is a credit union, which has been unusually successful. The credit union has helped poverty mothers pool $1 million in nickels and dimes and has showed them how to avoid the loan sharks.

"What we want to do," a Rumsfeld aide explained candidly to this column, "is turn away from poverty programs that are identified with the Democrats and put the money into new ones that have a Nixon image."

It should be added that the President's antipoverty program, though still on paper, looks promising.

Note: Rumsfeld plans one sop for blacks. He is easing out Patrick Kennedy, a Democrat who has headed the domestic peace corps, and is looking for a black Republican to take his place. The field, however, has already been picked over by other government departments, with the result that there is a sad shortage of qualified black Republicans.

JUSTICE BLACK AFFIRMS NEED FOR DESEGREGATION NOW

Mr. MONDALE. Mr. President, Mr. Justice Black handed down a very significant opinion and order a week ago in the case of the Mississippi school districts for which postponements had been granted for implementation of effective school desegregation plans. Although he went along with the postponement which had been granted by the fifth circuit court of appeals upon the motion of the Department of Justice and the recommendation of the Department of Health, Education, and Welfare, he did so most reluctantly.

In his opinion, Mr. Justice Black expressed his belief that "all deliberate speed has turned out to be only a soft euphemism for delay." Mr. Justice Black went on to say:

> There is no longer the slighest excuse, reason or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color . . . the phrase 'with all deliberate speed' should no longer have any relevancy whatsoever in enforcing the constitutional rights of Negro students.

Mr. President, it is abundantly clear that Mr. Justice Black believes very strongly that school systems which have been organized on the basis of race have an affirmative, constitutional obligation to eliminate the vestiges of racial segregation, and to do it now. He stated:

> In my view, they (the Negro students) are entitled to have their constitutional rights vindicated now without postponement for any reason.

Many Senators will recall that the Secretary of Health, Education, and Welfare intervened in these cases to recommend that the 33 districts be given until December 1, 1969, rather than the start of the current school year, to submit acceptable desegregation plans. I hope the Secretary has found time to read the opinion issued by Mr. Justice Black.

I ask unanimous consent that the opinion issued by Mr. Justice Black be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

Beatrice Alexander, et al., Applicants, v. Holmes County Board of Education, et al., Application to Vacate Suspension of Order.

[September 5, 1969.]

Mr. Justice Black, Circuit Justice.

For a great many years Mississippi has had in effect what is called a dual system of public schools, one system for white students only and one system for Negro students only. On July 3, 1969, the Fifth Circuit Court of Appeals entered an order requiring the submission of new plans to be put into effect this fall to accelerate desegregation in 33 Mississippi school districts. On August 28, upon the motion of the Department of Justice and the recommendation of the Secretary of Health, Education & Welfare, the Court of Appeals suspended the July 3 order and postponed the date for submission of the new plans until December 1, 1969. I have been asked by Negro plaintiffs in 14 of these school districts to vacate the suspension of the July order. Largely for the reasons set forth below, I feel constrained to deny that relief.

In *Brown* v. *Board of Education*, 347 U.S. 483 (1954), and *Brown* v. *Board of Education*, 349 U.S. 294 (1955), we held that state-imposed segregation of students according to race denied Negro students the equal protection of the law guaranteed by the Fourteenth Amendment. *Brown I* was decided 15 years ago, but in Mississippi as well as in some other States the decision has not been completely enforced, and there are many schools in those States which are still either "white" or "Negro" schools and many that are still *all*-white or *all*-Negro. This has resulted in large part from the fact that in *Brown II* the Court declared this unconstitutional denial of equal protection should be remedied not immediately, but only "with all deliberate speed." Federal courts have ever since struggled with the phrase "all deliberate speed." Unfortunately this struggle has not eliminated dual school systems, and I am of the opinion that so long as that phrase is a relevant factor they will never be eliminated. "All deliberate speed" has turned out to be only a soft euphemism for delay.

In 1964 we had before us the case of *Griffin* v. *School Board*, 377 U.S. 218, and we said the following:

"The time for mere 'deliberate speed' has run out and that phrase can no longer justify denying these Prince Edward County School children their constitutional right to an education equal to that afforded by the public schools in the other parts of Virginia." *Id.*, at 234.

That sentence means to me that there is no longer any excuse for permitting the "all deliberate speed" phrase to delay the time when Negro children and white children will sit together and learn together in the same public schools. Four years later—14 years after *Brown I*—this Court decided the case of *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968). In that case Mr. Justice Brennan, speaking for a unanimous Court said:

"'The time for mere "deliberate speed" has run out. . . .' The burden on a school today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*." *Id.*, at 438–439.

"The Board must be required to formulate a new plan . . . which promise[s] realistically to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools." *Id.*, at 442.

These cases, along with others, are the foundation of my belief that there is no longer the slightest excuse, reason, or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color. In my opinion the phrase "with all deliberate speed" should no longer have any relevancy whatsoever in enforcing the constitutional rights of Negro students. The Fifth Circuit found that the Negro students in these school districts are being denied equal protection of the law, and in my view they are entitled to have their constitutional rights vindicated now without postponement for any reason.

Although the foregoing indicates my belief as to what should ultimately be done in this case, when an individual Justice is asked to grant special relief, such as a stay, he must consider in light of past decisions and other factors what action the entire Court might possibly take. I recognize that, in certain respects, my views as stated above go beyond anything this Court has expressly held to date. Although *Green* reiterated that the time for all deliberate speed had passed, there is language in that opinion which might be interpreted as approving a "transition period" during which federal courts would continue to supervise the passage of the Southern schools from dual to unitary systems.[*] Although I feel there is a strong possibility that the full Court would agree with my views, I cannot say definitely that they would, and therefore I am compelled to consider the factors relied upon in the courts below for postponing the effective date of the original desegregation order.

On August 21 the Department of Justice requested the Court of Appeals to delay its original desegregation timeable, and the case was sent to the district court for hearings on the Government's motion. At those hearings both the Department of Justice and the Department of Health, Education & Welfare took the position that time was too short and the administrative problems too difficult to accomplish a complete and orderly implementation of the desegregation plans before the beginning of the 1969–1970 school year. The district court found as a matter of fact that the time was too short, and the Court of Appeals found that these findings were supported by the evidence. I am unable to say that these findings are not supported. Therefore, deplorable as it is to me, I must uphold the court's order which both sides indicate could have the effect of delaying total desegregation of these schools for as long as a year.

This conclusion does not comport with my ideas of what ought to be done in this case when it comes before the entire Court. I hope these applicants will present the issue to the full Court at the earliest possible opportunity. I would then hold that there are no longer any justiciable issues in the question of making effective not only promptly but at once—*now*—orders sufficient to vindicate the rights of any pupil in the United States who is effectively excluded from a public school on account of his race or color.

It has been 15 years since we declared in the two *Brown* cases that a law which prevents a child from going to a public school because of his color violates the Equal Protection Clause. As this record conclusively shows, there are many places still in this country where the schools are either "white" or "Negro" and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute. I fear that this long denial of constitutional rights is due in large part to the phrase "with all deliberate speed." I would do away with that phrase completely.

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[*] "The obligation of the district courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. *Green* v. *County School Board*, *supra*, at 439.

"Where [freedom-of-choice] offers real promise of aiding a desegregation program to effectuate conversion of a state-imposed dual system to a unitary, non-racial system there might be no objection to allowing such a device to prove itself in operation. . . .

"The New Kent School Board's 'freedom-of-choice' plan cannot be accepted as a sufficient step to 'effectuate the transition' to a unitary system. . . ." *Id.*, at 440–441.

Application to vacate suspension of order denied.

NATIONAL SPENDING PRIORITIES

Mr. HATFIELD. Mr. President, Oregonians support President Nixon in his desire to curb inflation because we know of the cruel effects the erosion of the purchasing power of the dollar can have on all facets of our economy.

We are concerned, however, about the tools that are being used to curb inflation. Oregonians see the wisdom of reducing Federal spending; they understand the motivation behind the curbing of credit through high interest rates even though they may not agree with its effectiveness.

Oregonians do not, however, understand the rationale of determining priorities which place special emphasis on the procurement of expensive, nonproductive military items while at the same time curbs are imposed on public works and homebuilding.

Oregonians do not appreciate the emphasis on spending for unproven missile programs while at the same time reducing the budget for water pollution control.

Oregonians bore the brunt of cutbacks and high interest rates in 1966, and they are willing to take their share of the burden in 1969. But they do not want their mills closed, their shipyards silent, their income reduced while the rest of the Nation goes merrily along its way building the machinery of war.

One of Oregon's outstanding editors has recently commented on our Nation's spending priorities. I ask unanimous consent to have his comments printed in the RECORD.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

"PUBLIC SECTOR" NEEDS IN OUR BACK YARD

Southern Oregon is not, really a microcosm of the nation. We simply don't have some of the problems that other parts of the nation must contend with.

But . . .

We do have enough problems that can be fully (or even partially) solved only with federal help, that we are typical of many other areas of the United States.

For one thing, we all pay taxes—heavy taxes. And we have just as much right as every other section to expect something in return for those taxes.

Phrases such as "investments in the public sector of the economy" don't mean too much in the abstract. But when one gets down to particulars, they mean a great deal.

The Rogue Basin Project has been authorized for some years now, and there has been a dribble of construction funds. But these funds are a fraction of the amount that could be invested productively. With more recent cut-backs, we must postpone for even longer expectation of the benefits (irrigation, recreation, fish and wildlife, water quality, power) the project would ultimately bring. The accompanying injustice to those who must await government purchase of their lands is outrageous.

Mentioned in this space yesterday was the fact that the voters of the area have approved bonds for construction of sewage treatment facilities. But lack of funds for the federal government's share threaten more delay—and meanwhile, costs go up and up.

Some preliminary, but basically sound, plans for downtown renewal (urban redevelopment) have been made. But putting them into effect must await federal matching money. With new slowdowns, when that will be available is unknown.

Anti-poverty programs are not receiving the financing they need to become more fully effective.

Increases in Social Security payments have been delayed and scaled down.

The Forest Service and the Bureau of Land Management have long known they could do a better job, and could increase allowable cuts, if they had more money to invest in forest management.

The federal government owns or manages well over half of the land in the state of Oregon and in Jackson County. It has not done its share (compared to the state and the counties) in providing recreational facilities—particularly in view of the great number of users in interstate travel.

New National Parks in the area (Redwoods and Pt. Reyes), though authorized, are going begging for funds needed to purchase land.

The nation's airways are increasingly unsafe because of inadequate manpower and equipment for the Federal Aviation Administration.

Education at all levels is crying for more money to do the job that needs to be done, but the federal share is still far from what it should be. This is particularly pointed here, where a community college is in the talking stage and is needed.

These are only samples—and only those that have some local application—of the huge backlog of things in "the public sector" that need doing, and that can come only when the federal purse is able to help pay for them.

To those who may say, "But federal money comes out of our pockets too; it isn't free," we reply, of course it is our money. And as long as we're paying in to the federal treasury, are we not entitled to get our share back again in things that benefit us?

The two biggest barriers to the adequate funding of these many needs and projects are the Vietnam war, which is taking some $30 billion annually, and military spending generally, which absorbs well over half of the federal budget.

Only when these two huge drains on our natural resources and our tax dollars are brought under manageable control can we have any real expectation of progress in meeting the many unmet needs of the people of Southern Oregon.

GENOCIDE CONVENTION—ON PAPER ONLY

Mr. PROXMIRE. Mr. President, during the first few years after 1945, considerable energy was devoted to bringing into being something akin to an international bill of rights, such as had been envisioned at San Francisco in drafting the United Nations Charter. A Universal Declaration of Human Rights emerged from the General Assembly in December 1948. A Genocide Convention was approved at the same time and has since been adopted by the requisite number of nations to be effective as to the signatory nations. But even this treaty, designed to prevent the systematic destruction of people on racial, religious or cultural grounds, exists on paper only so far as the United States is concerned.

The Convention on Genocide, unanimously adopted by the General Assembly of the U.N. on December 1948, signed in behalf of the United States on December 11, 1948, submitted to the Senate of the United States by the President for ratification on June 16, 1949, referred to the Senate's Committee on Foreign Relations on the same date, and considered by the subcommittee on January 23, 1950, has yet to see the light of day in the U.S. Senate.

Rules in some form must be adopted, recognized and observed. The adoption of the Genocide Convention would not, for example, wholly protect nations of a dictatorship against offical political killings. But then thousands of years have passed since the Ten Commandments were handed down and they are not yet universally observed. Nevertheless, their very existence has helped attain their objectives. Our own Bill of Rights does not guarantee that our civil rights are not at times violated. But their inclusion in our Constitution gives them legal status and our courts provide the means of attainment. So would it be with a treaty on genocide.

The United States is in the unique historical position of having demonstrated in a practical manner the effectiveness of a Bill of Rights. We are under a moral obligation to lead the fight for the recognition of human rights everywhere. The least we can do now is to ratify the Genocide Convention.

REVENUE SHARING: THE IMPACT WITHIN ONE STATE

Mr. MATHIAS. Mr. President, President Nixon's proposed revenue-sharing plan is among the most important governmental initiatives of this generation. It holds enormous promise as a means of reducing the tremendous fiscal pressures on State and local governments and helping each jurisdiction meet its own most urgent needs.

I am very pleased that the President's plan contains mandatory pass-through provisions to guarantee that a substantial share of each State's allocation would be funneled directly to its cities and counties without Federal strings or State controls. This principle is an essential element in an equitable and effective revenue-sharing plan.

Early discussion suggests, however, that implementing the pass-through principle equitably may be one of the most difficult legislative problems we face as we consider the President's plan and alternatives. First, we must determine how much of each State's allocation should be passed through, and therefore must strike a sensible balance between State and local needs, responsibilities and resources. Second, we must devise equitable formulas for distributing the local share among jurisdictions within each State, formulas which provide some assistance for all regions and at the same time concentrate funds in the cities which need the most help.

Among the many local-distribution formulas being discussed are those based on tax effort and on taxable income. In a thoughtful article published in the Baltimore Sun on Sunday, September 21, Michael Parks evaluated the impact of each approach in Maryland. He found, among other things, that a formula based on taxable wealth would distribute a larger share of funds to Maryland's suburban counties, while a tax-effort formula would direct proportionately more to the city of Baltimore.

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As Mr. Parks pointed out, such disparities would be relatively small at first, but "the geometric growth planned for the program makes the formula worth arguing about." His analysis indeed raises important questions which apply to every State, and which deserve consideration by all of us.

I ask unanimous consent that Mr. Parks' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVENUE SHARING: THE FEDERAL STRINGS ARE STILL THERE

(By Michael Parks)

President Nixon billed his plan to share federal tax revenue with the nation's states, cities and counties last month as a federal aid program without strings.

There would be no 5-page, 10-copy reports to be filed, the President promised; no labyrinth of federal guidelines, no snooping bureaucrats from Washington to enforce them. It was to be a simple from-us-to-you allocation of a little bit of the billions the federal government takes in each year in personal income taxes.

The allocation formula for the revenue sharing would be pre-set, the President said. He proposed to distribute $500 million next year, the first year of the plan, with the total rising to $5.1 billion six years later.

Analysis of the plan's welter of formulas and calculations shows, however, that it is not as simple as this, that there are indeed strings, mostly by implication, in the way the President has proposed to divide this money.

Boiled down, the plan as outlined favors suburban America and slights the cities. It encourages use of regressive and inequitable local tax structures. It shows an uncommon confidence in the ability of state governments to modernize themselves and trudge forward. In partisan terms, it favors the Republican strongholds of the statehouses, county seats and village halls over the Democratic-controlled city halls. And, in terms of just plain money below the state level, those that have, get.

Nationally, the federal government would redistribute some of the country's wealth, as it has been doing for years in almost all national programs. Money would be collected more or less on the basis of wealth through the personal income tax, but distributed on the basis of need as determined by population and the amount of its citizens' income that a state collects in taxes.

The presumption here is that, if a state is not only poor but also has scores of problems that take money to solve, it is going to have high tax rates. While this is not universally true and there are other ways to determine need, such as using the states' average per-person income, most economists regard the so-called tax-effort measure as a fair index.

But President Nixon scraps this formula in dividing the money within a state. About half of a state's money—depending on the proportion of state-vs.-local taxes—would go directly to its subdivision, divided not on the basis of need but, in effect, on the basis of wealth.

In Maryland, for example, of about $8.25 million to which the state appears entitled in the next fiscal year, about 42 per cent would be passed directly to the counties and cities. Baltimore city, under the President's plan, would get about $1 million, by far the largest amount of any subdivision but $300,000 less than it would receive if the formula were based on the proportion of its residents' wealth taken in taxes rather than just the total amount of taxes.

In other words, Baltimore would receive 29 per cent of the subdivisions' share in Maryland under the proposed local formula compared to 37 per cent if the national formula were used. While $300,000—just a cent on the city's $4.94 property tax rate—can get lost in petty cash at City Hall, the geometric growth planned for the program makes the formula worth arguing about.

Montgomery county, the state's richest subdivision with twice the taxable wealth per person as Baltimore city, would get $570,500 in the next fiscal year under President Nixon's formula, compared with $318,500 if the effort it makes to pay for local government were taken into account. Similar benefits accrue to Baltimore and Prince Georges counties.

The anticipated amount for St. Marys county, the state's poorest subdivision with less than a third the per capita taxable wealth of Montgomery, illustrates what happens to most of the rural Eastern Shore and Western Maryland counties under the Nixon formula. Under the proposed plan, St. Marys would get $14,000, compared with $35,000 if the national formula were used to measure local tax effort.

The reason for the differences is that the rich suburban counties, despite their mushrooming school systems and heavy construction costs, are not burdened by public needs to the same extent as Baltimore city and the rural counties. Montgomery, for example, requires only half the effective tax rate as Baltimore city to support the program of government in its budget, and Montgomery probably comes far closer than Baltimore to meeting its total needs.

The disparities worked by the Nixon formula are magnified by a compromise to placate suburban officials. The original plan called for distribution of the local money only to cities and counties with a population of 50,000 or more (10 of Maryland's counties have less). Another modification gave heavier weight to cities of over 100,000 population. The elimination of these two provisions dilutes the program's impact on urban budgets to guarantee that each of the nation's 40,000 counties, cities and incorporated towns—some in Maryland have populations of less than 100—will get something, even if it is only $50 or $100.

To get a larger share, a city or county has to raise taxes faster than its neighbors, but the taxes it depends upon are, in large measure, property taxes, regarded by both liberal and conservative economists as regressive past the point of equity and useful only to the extent they can be easily adjusted to match relatively small budget increases.

In addition, much more of state and local spending is in wages and salaries, rather than procurement, and is directly affected in a time of sharply rising wages. Baltimore's money needs, for example, grow about $22 million to $26 million a year; its revenue, only $10 million. New York city's budget has tripled in the last 10 years to $6.6 billion; it is now growing about 15 per cent a year while the city's revenues are increasing only 5 per cent.

A 1967 analysis of municipal needs across the country for the next decade showed that the state and local governments would fall $262 billion short of meeting them. While this is cut by new and increased taxes and by the realization that government can only approach the ideal, a substantial gap remains. It will take more than $5 billion a year as proposed by President Nixon to fill it.

In this situation, critical questioning of federal revenue sharing puts state and local officials in the position of inspecting a gift-horse for bad teeth and lame legs. Governor Mandel summed it up last month when he said he would be grateful to get any tax-sharing measure enacted without regard to the amount of money, formulas for dividing it or its implications.

A CALL TO ACTION

Mr. HATFIELD. Mr. President, an editorial published in the Parade Sunday supplement of Sunday's Washington Post—September 21, 1969—captured what I believe to be the spirit of much of America.

The target date set in the editorial is 1976—our country's 200th anniversary. How better could we honor that date than with real success in the fields mentioned in the editorial: hunger, pollution, housing, and a cancer cure? To what more worthy goal could we commit ourselves than to conquering problems of poverty, pollution, and spirit?

I commend the editors of Parade for focusing the attention of its readers on this pressing problem. Because I know Senators share my interest in this, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CALL TO ACTION

In less than seven years, the United States will celebrate its 200th anniversary as a nation.

On July 4, 1976, our President and assorted orators will congratulate us as a people on our many and monumental achievements.

Not the least of course, will be our landing of Americans on the moon.

Having harnessed our special strengths—money, men, materials and the organizational genius to control them—we conquered space before 1970.

Why can we not conquer some of our social problems on earth by 1976?

Parade today suggests that if we can put men on the moon, then surely we can eradicate hunger in our nation by that target-date.

Surely by then we can cleanse the air we've poisoned and the water we've polluted.

Surely—by concentrating our scientists and resources in a crash program such as the Manhattan Project in World War II that created the A-bomb in five years—we can produce a cure for cancer.

Surely we can build adequate housing for the poor and end some of our educational and economic injustices.

But first we must make one or some or all of these achievements a national goal and July 4, 1976, a national deadline.

Can we do this? A nation that has conquered the secrets of space and nature in record time can with strong leadership conquer problems of poverty, pollution, and spirit.

In part it will be a matter of money. More important, it will be a matter of attitude—of discipline and compassion.

If each of us can change his mind and heart, only a little, America will have entered the Age of the Possible. And we will proudly record on the 200th anniversary of the Republic that we reached the moon and put our glory to work at home.

THE PESTICIDE PERIL—LIV

Mr. NELSON. Mr. President, the controversy over the threat to wildlife and human health from the use of persistent, toxic pesticides has received its most significant public exposure to date during the recent hearings before the Wisconsin State Department of Natural Resources to ban the use of DDT in Wisconsin.

During the hearings S. Goran Lofroth, chairman of a six-member committee which studies DDT for the Swedish National Research Council, testified that breast-fed babies ingest more than double the recommended maximum daily dose of DDT. Lofroth's statement was based on research that had shown that a woman secretes in her milk 125 percent of her daily intake of DDT and its chemical relatives, contrasted with the 2 to 10 percent which cows secrete in milk, giving a baby 0.02 milligrams of DDT daily for each kilogram of body weight.

A recent article in the Washington Evening Star by Arthur E. Rowse reported on another study done by two Atlanta researchers, August Curley and Renate Kimbrough, for the National Communicable Disease Center regarding pesticide levels in nursing mothers. Although this study found smaller levels of DDT than the study done by Lofroth, Mr. Rowse concluded that "contamination of nature's purest food shows that the only real solution is banning the use of such powerful pesticides."

I ask unanimous consent that Mr. Rowse's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mother's Milk Has DDT

(By Arthur E. Rowse)

Nature's most perfect food, mother's milk, now comes with pesticide residues.

A study done earlier this year by two Atlanta researchers on nursing mothers showed the existence of a number of potent insecticides, including DDT, in the milk passing from mother to baby.

Amounts of DDT were small. They ranged only from .05 to .26 parts per million, a relatively small level. But studies elsewhere in this country and in England, Hungary and Italy have revealed amounts as high as 4.88 parts per million.

That is near the 5 parts-per-million limit set recently by the Food and Drug Administration for fish in interstate commerce. And it led one wag to remark that if mother's milk came in a different container, it might be seized by FDA officials.

Even FDA officials are not as brazen as that. But they are getting concerned about the steady rise in pesticide residues finding their way into the human body. DDT is not only the most used but is particularly persistent.

It is passed on from insects to fish to birds and animal, and it tends to become more concentrated at each step.

DDT is known to accumulate in the fatty tissues of animals and humans. The level of tolerance apparently varies from one individual to another probably depending on what other chemicals are in the body. Tests show that some humans have as much as 12 parts per million of DDT in their fatty tissues.

But until the studies of nursing mothers, there was no scientific evidence that mother's milk contained DDT.

The researchers who did the Atlanta study, August Curley and Renate Kimbrough, also tested for the chemical in the blood of pregnant women to see if they had more than other normal adults. They found no significant difference.

But the fact that they found any at all indicates that babies may be getting the powerful pesticide through the blood stream as well as mother's milk. No studies have proved this yet, however.

The Atlanta research was done for the National Communicable Disease Center in that city. It was first reported in the February issue of the Archives of Environmental Health.

A more recent report of pesticides in mother's milk was presented earlier this month to the Senate Subcommittee on Migratory Labor by Jerome Cohen, general counsel for the striking grape workers in California. He said significant amounts of DDT had been found in the milk of 15 nursing mothers in San Francisco.

There still are ways to reduce the amount of pesticides you take in, such as by washing fresh produce carefully and cooking meat and fish well before eating them.

But contamination of nature's purest foods shows that the only real solution is banning the use of such powerful pesticides.

S. 1993, A BILL TO REQUIRE FULL PUBLIC DISCLOSURE OF FINANCIAL INTERESTS BY TOP GOVERNMENT OFFICIALS

Mr. CASE. Mr. President, on behalf of the Senator from Michigan (Mr. Hart) and myself, I am happy to report that the chairman of the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, the Senator from Nevada (Mr. Cannon), has written us indicating that hearings will be scheduled on, among other bills, S. 1993. This is our bill to require full public disclosure of financial interests by top officials in all three branches of Government—legislative, executive, and judicial.

Each month that passes seems to bring further demonstration of the need for and the wisdom of the disclosure approach to the problem of maintaining public confidence in government. The latest case again involves the judiciary, stirring a controversy which obviously only complete disclosure of the facts can resolve.

How much better for the individuals involved, whether legislators, administrators, or judges, and for their respective institutions as well as for the general public would be regular public financial disclosure from the outset—that is, whenever the individual assumed executive or judicial office or became a candidate for membership in the Congress.

It is more than a decade since I first introduced, alone, a public disclosure bill. Over the years, the number of sponsors has grown steadily and now numbers 20 Senators including the majority leader (Mr. Mansfield) and the Senator from Idaho (Mr. Church), who a few days ago made full voluntary disclosure of his personal financial situation, as a number of other sponsors have also done. Earlier this year, in the light of the controversy concerning another nomination to the Supreme Court, we extended the provisions of the bill to include members of the Federal Bench and top judicial staff.

Although the substance of our bill in one form or another has been discussed many times on the Senate floor, no hearings have been held on the general proposition for more than a decade. We welcome, therefore, Senator Cannon's assurance that letters requesting comments on the bill are being sent to the Department of Justice, the American Bar Association, and others looking toward the possibility of hearings probably in the latter part of October.

We share his anticipation of "meaningful hearings" and we hope that they will mark the first step toward passage of our bill in this Congress.

CLEAN AIR

Mr. NELSON. Mr. President, contrary to confident assertions by some that we have successfully won the battle against smog, there is mounting evidence that existing exhaust control systems are nothing more than stopgap measures. Last month the President's Council on Environmental Quality stated that because of the sheer increased number of automobiles, trucks, and buses on our roads, by 1980 our present emission control devices will not be sufficient to control effectively air pollution from motor vehicle exhaust. The problem is urgent; we need to be actively exploring every alternative to insure clean air in our environment.

An editorial published in the Los Angeles Times of August 24, 1969, makes this point cogently. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Price of Clean Air

"The main battle against smog has been won."—Charles M. Heinen, chief engineer, emission control and chemical development, Chrysler Corp., April 9.

"The peak output of automobile-produced smog in Southern California definitely has passed—and will never be as high again."—Dr. Fred Bowditch, director of emission control, General Motors, Aug. 5.

"The third consecutive smog alert was called Friday in the Los Angeles Basin as a blazing sun continued to cook pollutants in the air."—The Times, Aug. 23.

There is a kind of grim irony in the recent public concern over the potential threat from transportation and storage of military poison gases.

City dwellers throughout the nation already are slowly poisoning themselves by inhaling the air polluted by automobiles. The threat is actual and still unabated.

Nowhere is the peril of auto-caused air pollution more serious than in the Los Angeles Basin.

At least 10,000 persons leave each year on the advice of their physicians. The millions that remain simply suffer and complain that "something must be done."

Something has been done. But not enough and not quickly enough.

Although emission control regulations have brought about a reduction in the total amount of hydrocarbons and carbon monoxide, experts say the skies over Los Angeles will not be substantially cleared of pollutants until 1980.

That timetable, however, could be accelerated—if smog sufferers would pay the price.

Air pollution control can be as strict as the people want it to be. California demonstrated that public pressure is stronger than all the auto industry lobbyists when it forced Detroit to install smog control devices.

Congress also was responsive to the collective outrage of Southern Californians who demanded that this state be allowed to set tougher emission standards than the federal requirements.

Although Detroit complains, it will comply with the increasingly stringent regulations set by the Legislature for new cars in the 1970 model year and subsequently. No industry wants to give up its biggest market.

But even with improved devices, the fight against smog moves slowly because a majority of the cars in the Los Angeles Basin still have no exhaust control system at all. The total of motor vehicles in the basin, moreover, increases by nearly 10% every year.

To achieve a substantial improvement in air quality, therefore, every one of the more than 4 million cars and trucks in Los Angeles

County must be equipped with an emission control device in proper working order.

This would mean that every owner of a pre-1966 vehicle would have to assume not only the initial cost of such a device but also the expense of maintenance and at least annual inspection. In Los Angeles County alone, the total price would amount to hundreds of millions of dollars.

The Legislature mandated installation of control equipment on used cars but only if two acceptable devices were available and if their cost did not exceed $85. Neither condition has been met.

Much more must be done to develop feasible inspection of the control systems installed at the factory. Unlike the crankcase blowby, these devices cannot be properly inspected with a quick look under the hood.

So long as the public insists on buying big cars with excessive horsepower, the fumes they produce can be reduced only by better control equipment subject to periodic maintenance and inspection—until there is a major breakthrough in engines or fuel.

Detroit says that turbine or steam engines or one powered with natural gas are not yet practical and may never be. Oil companies similarly offer little encouragement that pollution can be reduced by modifying present fuels.

Perhaps. But if the public outcry were loud enough, more action would be motivated in industry—and in government. Why is not the federal government doing more independent research in these two areas?

The ultimate cure was proposed by State Sen. Nicholas Petris (D-Alameda) when he proposed that the internal combustion engine be outlawed in California in 1975.

Not long ago, his bill would have drawn nothing but laughter from his colleagues. This year it passed the Senate and had support in the Assembly before being defeated.

Life without one—or two or three—cars seems unthinkable to most Southern Californians. But life may be unbearable if auto-caused air pollutants are not drastically curtailed, and before 1980.

The air can be made cleaner, just as other kinds of environmental pollution can be controlled. But smog will not diminish until the public demands—and supports—corrective action.

ADDRESS DELIVERED BY SENATOR JOHN O. PASTORE AT A DINNER MEETING OF THE NEW ENGLAND ASSOCIATED PRESS NEWS EXECUTIVES ASSOCIATION

Mr. PELL. Mr. President, my senior colleague from Rhode Island, Senator Pastore, recently addressed a meeting of the New England Associated Press News Executives in Newport, R.I.

In this address, with the eloquence for which he is so well known, Senator Pastore presented a most perceptive analysis of the world position of the United States. He offered what I believe are very sound suggestions for national policy to end the war in Vietnam, and positive, constructive proposals for a reorientation of our foreign policy, and our global military strategy.

I ask unanimous consent, Mr. President, that the text of the address by Senator John O. Pastore before the New England Associated Press News Executives be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows·

Address by Senator Pastore

It is a pleasure, on this mid-September evening, to come from our Nation's Capital to this delightful New England coast.

It is a double pleasure to share the companionship of you executives of the New England press—your families and your friends.

As a Senator deeply involved in the world of communications, I have the highest respect for your sense of responsibility in an area where you wield such influence.

You are joined in a profession which is a highly privileged vocation. The vocation is privileged because, more than most enterprises, journalism is involved in the hurts and hopes of humanity—its sufferings and its successes.

The world of the newspaper is closer than most to the daily shock of such suffering and the daily happiness of the hope that lies beyond each fear.

And, again, more than most, you are on the firing line of the daily challenges of our changing society.

For times do change and change makes challenge.

We of Rhode Island are honored by your choice of Newport for this meeting.

We of Rhode Island are extremely proud and possessive of Newport.

Newport is early American, it is 330 years old.

Newport is history. For three Revolutionary years it was held captive by the British Army. A few miles from here, in the famed Battle of Rhode Island, the sturdy colonials defeated the world's best army of that time—the British.

Touro Synagogue stands as a symbol of the spirit of Roger Williams of tolerance and equal opportunity. Rhode Island set the style for American freedoms. Such is the continuity of history.

Here are the famed homes of wealth. They testify to the affluence of America.

Here is the sea, at once the source of personal pleasure, and the majestic setting of international power.

An old soldier came here to Newport to vacation—and he loved it.

A young sailor came here to marry and he loved it.

And both were Presidents of the United States.

Another President sailed off Newport in a September like this to view the international yacht races. It was September 1934—and the President was Franklin Delano Roosevelt.

I remember it because in that month and year I was a young politician campaigning for my first office and I wondered how any politician had time for any other races.

Many men in uniform come to Newport—and call it their home port. For this has long been a base of our proud Atlantic fleet.

Newport is a sailor's haven so Navy news is home town news in Newport.

There are times when Navy news hits the headlines of all America and, indeed, the press of the world.

Such was the Navy news a few weeks ago.

The Secretary of the Navy announced that 76 ships of the line had come to the end of the line.

The Navy would retire them.

Some of the ships were venerable with age by Navy standards.

Some of them reached back to that January day of 1938 when President Roosevelt asked the Congress for a billion dollars to build a bigger Navy—battleships, cruisers, airplane carriers.

It was to defend these American shores against the enemies of democracy, he said, although no one had declared war against us.

Now I have said that times change and I would like to go back to the mood of America in the mid-30's.

In a world tottering on the abyss of war those were days of determined neutrality.

The Congress wanted nothing of the League of Nations—nothing of the World Court.

Congress just had a fierce determination to stop all traffic in war materials.

1935 saw the Senate pass a Neutrality Resolution. There would be no arms or ammunition for belligerents abroad. There would be no security for American citizens who chose to travel on merchant ships of belligerents.

A year later, in 1936 the Neutrality Resolution was further strengthened and continued and then again in 1937 it was made firmer.

No wonder then when President Roosevelt came to the Congress with his call for ships he had to declare that his move was purely defensive.

He had doubly to assure the Senate that there was no secret deal with Great Britain. that we were not going to help the British Empire in its job of policing the earth.

"Policing the earth," that was the very phrase of the commentator of those days.

Britannia ruled the waves—and England's military power fashioned her foreign policy—and fastened her control on people as different from her as they were distant.

Now times have changed.

Now we police the earth.

England's adventure bled her white and she retreated to her tight little island. And as she retreated it seemed natural that a rich and powerful America should fill the vacuum.

In that post war time of utter helplessness there were things that America could do, and we did them.

Out of America's wealth and resources we could help a tortured world, friend and foe alike, back to sanity and security, and this we did.

Out of our exclusive atomic power we could restrain the international vandal, and we did.

Out of our power and plenty we could urge world unity for peace, and we did.

We did more than that. We did more of everything.

We committed ourselves to too many programs, in too many places, at too great a price.

We seemed to work ourselves into a concept of foreign policy which said America must dominate everywhere or the Free World would crumble and be doomed.

All the while the rest of the Free World did precious little towards its own security.

We dedicated ourselves abroad while we defaulted here at home.

At home we sank deeper and deeper into the pitfalls and perils of ghettos—hunger, welfare, inflation, racism, and Vietnam.

Maybe history will justify our involvement and our sacrifice in lives and money—I don't know.

But I do know, for the moment, Vietnam is the symbol and the cause of much of the unrest—the discontent—and the division among our own people.

In the past few months I have had several private conversations with President Nixon. I am convinced that he intends to extricate us from that quagmire.

I believe this to be a step in the right direction.

However, I am told that no matter who does the fighting, as long as the shooting goes on, we will be forced to commit American forces in very substantial numbers for logistic and supply purposes.

The real and only answer, to my way of thinking, is a cease fire to be followed as soon as possible with general elections under international control and in accordance with the terms of the Geneva accord of 1954.

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How to accomplish this feat is the problem.

For sixteen months we have been engaged in negotiations in Paris and it seems that we are no better off today than when we started.

Both sides are polarized—at least in speech.

Hanoi wants a complete and unilateral withdrawal of American troops which they know we cannot and will not do.

Saigon, on the other hand, in all of its proposals, rejects any form of an interim government which includes the Viet Cong and even dissident South Vietnamese.

Bold and imaginative action is required if we are to break this unbearable deadlock.

Recently Xuan Thuy dropped a casual hint that progress towards peace could be made if the United States increased withdrawal of its troops.

Moreover, with the death of Ho Chi Minh and the proclaimed three-day cease fire by the Viet Cong in mourning for Minh—I believe the time is appropriate to exploit this turn of events.

I would appeal to the Secretary General of the United Nations, himself an oriental and internationally respected, to intervene and use his good offices to see if a way cannot be found not only to continue the period of the cease fire but also to make it permanent and bring this carnage to an end.

It may not work but at least it is worth a try. We have nothing to lose and so much to gain.

Today our people are very much worried over our choice of priorities.

Stories persist of corruption, waste and outright thievery in Vietnam while here at home we struggle and haggle over nickels and dimes on essential domestic programs which concern the health, the well-being, and the future of our own society.

American mothers cannot be expected for too long to accept a policy of slow death of their sons waiting for a miracle to happen in Paris.

The taxpayer has become weary and resentful of an $80 billion defense budget with all the attendant evils of inflation and high taxes.

After twenty long years we are still heavily committed in Korea.

We struggle in Vietnam pretty much alone without the actual or even moral support and sympathy of most of the allies whom we lifted from defeat and despair.

In Europe we are heavily committed in men and money, only to find that those whom we are defending are doing business as usual with those against whom we are defending them, while we piously deny ourselves the same East-West trade.

No wonder then that the Foreign Relations Committee of the Senate reported out with only one dissenting vote Senate Resolution 85 which passed the Senate by a whopping vote of 70–16.

What we need in America is a breath of fresh air both as to our foreign policy and our military global strategy.

America has an important role to play in the world. It is the leading nation in the community of free people.

But let our example and our effort be directed not in the depositing of our soldiers in every small country of the world because of internal or border conflicts. Rather, let us exert our energies in the way of technical assistance and food for the hungry.

How ironic it is that we pay our farmers a premium not to plant their fertile soil while a world goes hungry.

Let us encourage our farmers. to produce more.

Let us pay them a fair price for their product and let us help to feed the hungry abroad and here at home.

This is the role of the Good Samaritan that America has always played and maybe in the days that lie ahead we can play it better and a little more generously.

In this great land of ours we have developed the finest society that civilized man has ever known.

We were the first to split the atom.

We were the first to put a man on the moon.

We have done so much in this century to conquer nature—there remains so much to be done to improve human nature.

That should be the goal of American foreign policy.

But I am sure that we can never reach America's true destiny in leading the world towards peace and tranquility unless somehow we begin to do the things that are required here at home in order to solidify and unify our people in these crucial times.

I am sure that the press of America, and that of New England, can do a great deal in leading the way.

And, for that reason, I thank you for your invitation and the opportunity to express these few ideas.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 386, S. 2864, the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? Without objection, the Senate will proceed to its consideration.

The Chair recognizes the Senator from Alabama.

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the staff members of the Committee on Banking and Currency may have the privilege of the floor during consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the committee bill, S. 2864, is essentially a bill to extend and continue existing Federal housing programs authorized by previous acts of Congress.

In general, the Banking and Currency Committee agreed to a 2-year extension of programs which would otherwise terminate this year. The most important of these are the Federal Housing Administration programs, urban renewal, model cities, rent supplement, and public housing.

In addition to extending the programs, a number of amendments are being recommended in order to make the programs more workable and more effective in carrying out the intent of Congress and in meeting current housing needs.

S. 2864 is an omnibus bill containing provisions requested by the administration, and many other bills and amendments submitted to the committee for consideration.

The recommendations do not include any new far-reaching programs. The committee did not feel that new programs were needed in view of the great comprehensive Housing and Urban Development Act of 1968. The new 1968 programs covered a wide range of activities involving practically every facet of housing and urban development needs which, when fully operational, should provide the resources needed for our Nation to meet the national housing goal of a decent home and suitable living environment for every American family.

The most significant part of the bill involves the dollar authorizations to fund the programs through fiscal year 1972. In general, the amounts recommended would continue the programs at existing levels, but additions were made to take into account new program authority, increased costs, and increased interest charges. Higher levels of funding were authorized for the interest subsidy programs for fiscal year 1972 to be consistent with the goals requirements of the 1968 Housing and Urban Development Act.

The committee believed that, with the new level of funds plus the new improvements in operational authority authorized by the bill, the Federal Government, in cooperation with the communities and cities of this Nation, would be ready to move full speed ahead to cope with one of our most difficult domestic problems—the slums of America and the shortage of decent housing for our American people.

Mr. President, title I of the bill has reference to mortgage credit programs under the Federal Housing Administration and the Government National Mortgage Association. Of most significance in this title are provisions which would increase permissive mortgage limits for most FHA programs. The committee is recommending a new flexible formula which would be used to adjust the mortgage ceilings for all title II FHA programs by using the "Price Index for New One-Family Houses Sold" published annually by the Bureau of the Census. Ceiling adjustments are also recommended for FHA mortgage loans in high cost areas, for public housing cost limits, for housing in Alaska, and for mortgage loans purchased by the Government National Mortgage Association. The committee is recommending these changes regretfully, but felt there was no alternative in view of the recent sharp increase in construction costs. According to the Engineering News Record, construction costs for housing have gone up 17 percent since 1967.

Title II of the bill involves urban renewal, public housing and other housing assistance programs. These programs have been remarkably active in recent months with widespread interest shown by mayors and local officials from both small and large cities all across the Nation.

Urban renewal, through its new

neighborhood development program—NDP—hit a tremendous peak last year. The cities practically swamped HUD with applications. Similarly, public housing, through its new turnkey and leasing programs, reached recordbreaking levels. This activity reflects the concern of city officials and their intentions to carry out the message of the 1968 Housing Act to move as rapidly as possible to eliminate slums and blighted neighborhoods in the Nation's cities. It was the consensus of the committee that the Federal Government should respond to this concern and cooperate to the fullest extent possible by authorizing adequate Federal funds to meet these requests.

Title III of the bill involves new authorizations for model cities and metropolitan development programs. The model cities program is by far the most significant of these, involving new authorizations for fiscal years 1971 and 1972 of $287.5 million and $1.5 billion respectively. This program, authorized in 1966, is now past the planning stage and beginning to move into the execution stage where large sums of Federal supplementary funds will be needed to help the cities with their efforts of upgrading and renewing large model neighborhoods. The committee had special hearings on this program and is satisfied that it is moving in the right direction, even though no tangible evidence of successful upgrading is yet present.

Urban mass transit extension is also provided for in this title. Recommendation is being made for an additional $300 million to carry the program through fiscal year 1971. Since making the recommendation, the President sent to the Congress an urban mass transit message, which would involve a major change in the financing of federally-assisted transit programs. Hearings have been scheduled by the Committee on Banking and Currency on this new proposal starting October 14. If, as a result of these hearings, agreement can be reached on a new formula to fund mass transit, the 1-year extension under this bill would, of course, be superseded.

Title IV contains many miscellaneous provisions. One of these is the highly controversial FHA-VA interest rate ceiling issue. The committee postponed any action on this issue until it has had time to study the report recently issued by the Commission on Mortgage Interest Rates. Hearings will be held on this report by the Committee on Banking and Currency beginning September 25. The bill before us would extend existing law on ceilings for 6 months, until April 1, 1970.

Amendments to extend and improve the rural housing program are also contained in this title. The Farmers Home Administration does an excellent job with extremely limited resources to help families get decent housing in rural areas. I do not know how many of my colleagues know this, but one-half of all substandard housing in the United States is in rural areas. Greater efforts must be made to correct this situation and I believe the provisions in the bill will help significantly.

Mr. President, I ask unanimous consent that a section-by-section summary of S. 2864 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TITLE I—MORTGAGE CREDIT

SECTION 101—EXTENSION OF PROGRAMS

This section would extend, until October 1, 1971, the Federal Housing Administration's authority under the National Housing Act to insure housing and other types of mortgage loans and to insure title I property improvement loans. Under existing law the FHA's basic insuring authorities will (with minor exception) expire on October 1, 1969.

Subsection (a) would extend the authority of FHA to insure property improvement loans under its title I program. Subsection (b) would extend authority to insure housing loans and mortgages under all FHA programs except those with independent termination dates. Subsection (c) would extend the section 221 program of mortgage insurance for housing for low- and moderate-income families and subsections (d) and (e) would extend the authority to insure mortgages under the section 809 and 810 programs providing housing for the military, NASA and the AEC. Subsections (f) and (g) would extend the programs of mortgage insurance for land development and for group medical facilities.

SECTION 102—LOWER DOWN PAYMENT FOR FHA FINANCED SALES HOUSING

This section would amend section 203(b) (basic home mortgage insurance), section 220(d)(3)(A) (sales housing in urban renewal areas), section 222(b) (mortgage insurance for servicemen) and section 234(c) (mortgage insurance for condominiums) of the National Housing Act to lower the minimum downpayment required under these sections for FHA financed medium priced homes. The amount of downpayment necessary with respect to that portion of the value of a home which exceeds $20,000 but does not exceed $25,000 would be decreased from 20 (15 in the case of veterans and servicemen) to 10 percent.

SECTION 103—MORTGAGE LIMITS FOR MOBILE HOME COURTS

This section would amend section 207 of the National Housing Act to increase the maximum amount of a mortgage which may be insured per space in a mobile home court from $1,800 to $2,500 and increase the maximum mortgage amount per mobile home court project from $500,000 to $1,000,000. The section would also redesignate, for greater accuracy, the mortgage insurance program for "trailer courts or parks" as a program for "mobile home courts or parks."

SECTION 104—HIGH COST AREA MORTGAGE LIMITS FOR LOW- AND MODERATE-INCOME HOUSING

This section would amend section 221(d)(2) (sales housing for low- and moderate-income families), section 235 (homeownership assistance) of the National Housing Act to authorize the Secretary to increase the mortgage limits applicable under those sections by up to 45 percent in areas where he finds cost levels so require. Under existing law these limits may only be increased up to specific dollar amounts.

SECTION 105—MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

This section would amend section 222 of the National Housing Act to extend the benefits of that section to new mortgages covering a 1-family unit in a condominium. Under existing provisions servicemen who purchase condominium units can obtain the benefits of section 222—payment of mortgage insurance on their behalf by the Secretary of Defense or Secretary of Transportation—only when they assume an existing FHA insured mortgage covering the unit.

SECTION 106—ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING MORTGAGE

This section would amend section 235(c) of the National Housing Act to authorize homeownership assistance payments to be made on behalf of an eligible homeowner who assumes a mortgage insured under section 235(i) (one and two family dwellings and condominium units for lower income families) where assistance payments had been made to the previous owner.

SECTION 107—AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTION 235 AND 236

Subsection (a) of this section would amend section 235(h)(1) of the National Housing Act to increase, by $170 million on July 1, 1971, the aggregate amount of contracts to make periodic homeownership assistance payments that the Secretary may enter into.

Subsection (b) of this section would amend section 236(i)(1) of the National Housing Act to increase, by $170 million on July 1, 1971, the aggregate amount of contracts that the Secretary may enter into to make periodic interest reduction payments on behalf of the owner of a rental housing project designed for occupancy by lower income families.

SECTION 108—ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS UNDER SECTION 235

This section would amend section 235(h)(3) of the National Housing Act to allow up to 30 percent of the total amount of contracts for homeownership assistance payments which are authorized to be made by appropriation acts after June 30, 1969, and prior to July 1, 1971, to be made with respect to existing dwellings or dwelling units in existing projects. At present, only 15 percent of the total amount of contracts authorized by appropriation acts for fiscal year 1970 and only 10 percent of the total amount of contracts authorized by appropriation acts for fiscal year 1971 may be made with respect to existing housing.

SECTION 109—CONVERSION OF SECTION 236 PROJECTS TO CONDOMINIUM OWNERSHIP

Subsection (a) of this section would add to section 236 of the National Housing Act a new subsection (n) which would authorize the Secretary, with respect to any project involving a mortgage insured under section 236(j), to permit a conversion of the ownership of the project to a plan of condominium ownership. The Secretary could insure mortgages financing the purchase of individual family units under the plan in amounts not exceeding the appraised value of the property. During such time as the mortgagor continues to occupy the property periodic interest reduction payments may be made on behalf of the mortgagor in the same manner as is prescribed for mortgagors whose mortgages are insured under section 235(i). These interest reduction payments may continue to be made on behalf of an eligible lower income homeowner who subsequently assumes the mortgage.

Subsection (b) would amend section 236(i)(2) of the National Housing Act to make the tenant income requirements for eligibility for interest reduction payments set forth in that section also applicable to families purchasing individual condominium units under the new section 236(n).

Subsection (c) would amend section 238 of the National Housing Act to make any claims arising from mortgages insured under the new section 236(n) payable out of the Special Risk Insurance Fund.

Subsection (d) would amend Public Law 90–301 to include mortgages insured under the new section 236(n) among the FHA insured mortgages there specified with respect to which the Secretary of HUD has temporary authority to set maximum interest rates in an amount necessary to meet the mortgage market.

SECTION 110—PREFERENCES IN SECTION 237 MORTGAGE INSURANCE PROGRAM

This section would amend section 237(d) of the National Housing Act to include families who are applying for section 235 homeownership assistance among the applicants under section 237 who are to be given a preference for mortgage insurance and counseling services. Under existing law, preference for section 237 mortgage insurance, which is available to applicants who do not meet normal FHA credit standards, is limited to families living in public housing units (especially over-income families required to leave public housing) and families eligible for public housing who have been displaced from federally assisted urban renewal areas.

SECTION 111—MORTGAGE INSURANCE FOR SHELTERED CARE FACILITIES

Subsection (a) of this section would amend title II of the National Housing Act by adding a new section 243 which would authorize the Secretary of Housing and Urban Development to provide mortgage insurance for sheltered care facilities.

Subsection (a) of the new section 243 states that it is the purpose of the section to assist the provision of sheltered care facilities for the care of persons who, while not in need of nursing home care and treatment nevertheless are unable to live fully independently and who are in need of minimum but continuous care provided by semiprofessional personnel.

Subsection (b) of the new section 243 defines "sheltered care facility" as a proprietary facility, or facility of a private nonprofit corporation or association licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the accommodation of persons, who because of incapacitating infirmities, require minimum but continuous care but who are not in need of continuous medical or nursing services; and "mortgage" as a first mortgage on real estate which instrument may also include security interests in the initial equipment of the facility.

Subsection (c) of the new section 243 authorizes the Secretary to insure such mortgages on such terms and conditions as he may prescribe.

Subsection (d) of the new section 243 provides that the Secretary may, in order to carry out this section, insure any mortgage on a new or rehabilitated sheltered care facility, including equipment, subject to these conditions:

1. That the mortgage shall be executed by a mortgagor approved by the Secretary;
2. That the mortgage shall involve a principal obligation not in excess of $12,500,000 or 90 per centum of the estimated value of the property including equipment;
3. That the mortgage shall provide for complete amortization by periodic payments and bear interest at a rate not in excess of the rate the Secretary finds necessary to meet the mortgage market;
4. That the Secretary will require a certification by the State agency designated pursuant to the Public Health Service Act as to the need of such facilities and that there are appropriate standards for their operation.

Subsection (e) of the new section 243 provides that the Secretary may, upon such terms and conditions as he may prescribe, consent to the release of a part or parts of the mortgaged property from the lien of the insured mortgage.

Subsection (f) of the new section 243 provides that the insured mortgage will be subject to subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act (relating to premium charges and payment of insurance claims).

Subsection (g) of the new section 243 provides that the Secretary shall consult with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of any regulations under this program prior to the issuance of such regulations.

Subsection (h) of the new section 243 provides that the Secretary shall consult with the Secretary of Health, Education, and Welfare as to the need for and the availability of sheltered care facilities in the area in which any such facility is proposed to be located under this program.

Subsection (b) would amend Public Law 90–301 to include mortgages insured under the new section 243 among the FHA insured mortgages there specified with respect to which the Secretary of HUD has temporary authority to set maximum interest rates in an amount necessary to meet the mortgage market.

Subsection (c) would amend section 212 (a) of the National Housing Act to bring this new program under the Davis-Bacon Act labor provisions.

SECTION 112—FLEXIBLE MORTGAGE AMOUNTS FOR SINGLE-FAMILY AND MULTIFAMILY HOUSING

This section would amend the National Housing Act by adding a new section 244 which would provide for the per dwelling unit or per family unit dollar limitations on maximum principal mortgage amounts prescribed in the various sections of title II of that act to be adjusted in accordance with the changes in the "Price Index for New One-family Houses Sold" published annually by the Bureau of the Census.

SECTION 113—INCREASE IN GNMA PURCHASE AUTHORITY

This section would increase to $20,000 the present $17,500 per dwelling unit limitation generally applicable to mortgages purchased by the Government National Mortgage Association under its special assistance functions. The section would also make clear that the $2,500 increase in the per unit limitations authorized with respect to units having four or more bedrooms is applicable to four bedroom units which receive the benefit of tax abatement.

SECTION 114—GNMA SPECIAL ASSISTANCE PURCHASES

This section would amend section 305 of the Federal National Mortgage Association Charter Act by adding a new subsection (j) which would, notwithstanding any other provision of the act, authorize the Government National Mortgage Association to purchase mortgages at a price equal to the unpaid principal amount at the time of purchase, with adjustments for interest and any comparable items, and to subsequently sell such mortgages at any time at a price which the Association determines is within the range of market prices at the time of sale for the particular class of mortgage involved.

SECTION 115—AUTHORIZATION FOR RENT SUPPLEMENTS

This section would amend section 101(a) of the Housing and Urban Development Act of 1965 to increase the contract authority available for the rent supplement program by an additional $82 million beginning with fiscal year 1972.

SECTION 116—RENT SUPPLEMENT UNITS IN SECTION 236 PROJECTS

This section would amend section 101(j) (1)(D) of the Housing and Urban Development Act of 1965 to authorize the Secretary, if he determines such increase is necessary and desirable in order to provide additional housing for individuals and families that meet the requirements of qualified tenants under the rent supplements program, to increase, from 20 to 40 percent, the maximum percentage of units in any project receiving the benefits of section 236 rental assistance payments which may be occupied by tenants receiving rent supplement benefits.

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

SECTION 201—URBAN RENEWAL GRANT AUTHORITY

This section would amend the first sentence of section 103(b) of the Housing Act of 1949 to increase the aggregate amount of capital grants which may be made under the urban renewal program by $1,300 million on July 1, 1970, and by $1,700 million on July 1, 1971.

SECTION 202—EXTENSION OF URBAN RENEWAL ASSISTANCE TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND TO INDIAN TRIBES

Subsection (a) would amend section 110(h) of the Housing Act of 1949 to make the Trust Territory of the Pacific Islands and the Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for urban renewal loans and grants and for rehabilitation grants.

Subsection (b) would amend section 116 of the Housing Act of 1949 to make Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for the demolition grants authorized by that section.

Subsection (c) would amend section 117 of the Housing Act of 1949 to make Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for the code enforcement grants authorized by that section.

Subsection (d) would amend section 118 of the Housing Act of 1949 to make Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for the interim assistance grants authorized by that section.

SECTION 203—EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN NEIGHBORHOOD DEVELOPMENT PROJECTS

This section would amend section 133(a) of the Housing Act of 1949 to permit, in the case of neighborhood development programs for which applications have been filed but not approved on or before August 11, 1969, credit for local grants-in-aid if construction of the improvement or facility was commenced not more than 4 years prior to (1) authorization by the Secretary of the first contract for financial assistance under the community's neighborhood development program which includes the urban renewal area which is benefited by the public improvement or facility for which credit is claimed or (2) authorization of a contract for a loan or capital grant for an urban renewal project in any area which was included in such an application filed but not approved on or before August 11, 1969, and which is benefited by the public improvement or facility for which credit is claimed.

SECTION 204—REMOVAL OF INCOME LIMITATION FOR LOANS UNDER REHABILITATION LOAN PROGRAM

This section would amend section 312(a) of the Housing Act of 1964 to remove the requirement which limits eligibility for residential rehabilitation loans to persons whose annual income is within locally applicable income limits for the section 221(d)(3) below market interest rate program.

SECTION 205—LOANS FOR PUBLIC HOUSING PROJECTS

This section would amend section 9 of the U.S. Housing Act of 1937 to increase from 90 to 100 percent the maximum amount of Federal loans or loan commitments there authorized for financing the acquisition or development of a low rent housing project with respect to which annual contributions are to be made. Section 9 is used primarily to enable local housing authorities to obtain temporary financing for the acquisition or

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construction of a property by the sale of short-term notes backed by a Federal loan commitment. With a loan commitment for 100 percent of a project's acquisition or development cost a local housing authority would be able to schedule the issuance of long-term bonds for permanent financing when most advantageous to itself and the Federal Government rather than just prior to acquisition or when development costs reach the 90-percent level.

SECTION 206—PUBLIC HOUSING ANNUAL CONTRIBUTIONS

Subsection (a) of this section would amend section 10(b) of the U.S. Housing Act of 1937 to clarify existing authority to fix the amount of the annual contributions to public housing projects at an amount in excess of the debt service requirements of the project so long as the fixed contribution does not exceed the maximum annual contribution authorized in that section.

Subsection (b) would amend section 10(e) of such act to increase the authorization for annual contribution contracts under the low-rent public housing program by $20 million on July 1, 1970, and by an additional $175 million on July 1, 1971.

SECTION 207—NOTIFICATIONS TO APPLICANTS FOR ADMISSION TO PUBLIC HOUSING PROJECTS

This section would amend section 10(g) of the U.S. Housing Act of 1937 by adding to that section a new paragraph which would require every contract for annual contributions for a low-rent housing project to provide that the public housing agency shall notify promptly any applicant determined to be ineligible for admission to a project of the reason for such determination and provide the applicant, within a reasonable time after the determination is made, with an opportunity for a hearing on the determination. Applicants who are determined to be eligible for admission to a project shall also be notified promptly of the approximate date of occupancy insofar as this can be reasonably determined.

SECTION 208—ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

Subsection (a) of this section would amend section 15(5) of the U.S. Housing Act of 1937 to permit statutory room cost limits (which presently may be increased by $750 a room in high-cost areas) to be increased by 45 percent of the statutory room cost limits in such areas.

Subsection (b) would amend section 15(5) of such act by adding to that section a new paragraph which would require the Secretary of HUD, as soon as possible after January 1 of each year, to determine the change in the building cost index and, when indicated, to make appropriate changes in the dollar limitations on room costs in low rent housing projects consistent with the cost index changes.

SECTION 209—MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

This section would amend section 15(10) of the U.S. Housing Act of 1937 to authorize appropriations for upgrading management and tenant services in public housing projects to be made through fiscal year 1972. At present such appropriations are authorized only through fiscal year 1970.

SECTION 210—WAIVER OF WORKABLE PROGRAM REQUIREMENT WITH RESPECT TO CERTAIN LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

This section would amend section 23(f) of the U.S. Housing Act of 1937 and section 101(c) of the Housing Act of 1949 to make it clear that the provision in section 101(c) of the Housing Act of 1949 requiring an approved workable program for community improvement in the locality as a condition to the insurance of mortgages under section 221(d)(3) of the National Housing Act does not apply if the housing is assisted or to be assisted under the section 23 public housing leasing program.

SECTION 211—ADDITIONAL RENTAL ASSISTANCE IN BEHALF OF VERY LOW INCOME TENANTS OF PUBLIC HOUSING PROJECTS

This section would amend the U.S. Housing Act of 1937 by adding to that act as new section numbered 24.

Subsection (a) of the proposed new section authorizes the Secretary to make annual rental assistance payments to public housing agencies with respect to low rent housing projects in order to enable such agencies to provide housing within the means of families of very low income and to provide improved operating and maintenance services.

Subsection (b) limits the amount of payment with respect to any dwelling unit in a low-rent housing project to the amount by which the "rental for such unit" exceeds one-fourth of the tenant's income, as determined by the Secretary.

Subsection (c) authorizes appropriations for such sums as may be necessary to carry out the provision of the section including such sums as may be necessary to make rental assistance payments under contracts entered into under the section. The aggregate amount of such contracts shall not exceed amounts approved in appropriation acts and payments pursuant to such contracts shall not exceed $75 million per annum.

Subsection (d) defines the phrase "rental for such unit" to mean the proportionate share attributable to a unit of the total shelter costs to be borne by the tenants in a low-rent housing project, including any separate charges to a tenant for reasonable utility use and for public services and facilities.

SECTION 212—AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

This section would amend section 202(a) of the Housing Act of 1959 to increase the total amount authorized to be appropriated for direct loans for housing for the elderly or handicapped by $80 million on July 1 of each of the years 1969, 1970, and 1971.

SECTION 213—AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

This section would amend section 401(f)(2) of the Housing Act of 1950 to increase, by $1,500,000 on July 1, 1970, and by $9,000,000 on July 1, 1971, the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

SECTION 214—ASSISTANCE FOR HOUSING IN ALASKA

This section would amend section 1004(a) of the Demonstration Cities and Metropolitan Development Act of 1966 to permit the Secretary to increase the $7500 per dwelling unit dollar limitation in the program of assistance for housing in Alaska by up to 45 percent in areas where the Secretary authorizes the increase on the basis of a finding that cost levels so require.

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

SECTION 301—AUTHORIZATION FOR MODEL CITIES PROGRAM

This section would amend section 111 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize appropriations of $287,500,000 for fiscal year 1971 and $1,500 million for fiscal year 1972 for the model cities program. Amounts authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

SECTION 302—AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

This section would amend section 701(b) of the Housing Act of 1954 to increase the total amount authorized to be appropriated for comprehensive planning assistance by $40 million on July 1, 1971.

SECTION 303—UTILIZATION OF PRIVATE ENTERPRISE IN COMPREHENSIVE PLANNING AND PUBLIC WORKS PLANNING

Subsection (a) would amend section 701 of the Housing Act of 1954 by adding a new subsection which would prohibit the economic development districts or State, metropolitan, regional, or any other areawide planning agency from using comprehensive planning grants to provide planning assistance to any local government in a manner which is determined, under regulations prescribed by the Secretary, to be inconsistent with the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels. To the extent required by regulations such planning agencies must submit to the Secretary a report describing planning assistance provided local governments and containing such additional information as may be necessary to determine whether or not the provision of such assistance is in violation of the Government's policy.

Subsection (b) would amend section 702 of the Housing Act of 1954 by adding a new subsection which would prohibit the use by public agencies of public works planning advances to provide planning assistance to any local government in a manner which is determined, under regulations prescribed by the Secretary, to be inconsistent with the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels. To the extent required by regulations such public agencies must submit to the Secretary a report describing planning assistance provided local governments and containing such additional information as may be necessary to determine whether or not the provision of such assistance is in violation of the Government's policy.

SECTION 304—AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION AND HISTORIC PRESERVATION GRANTS

This section would amend section 702(b) of the Housing Act of 1961 to increase the total amount authorized to be appropriated for open space, urban beautification, and historic preservation programs by $88 million on July 1, 1971.

SECTION 305—AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTARY ASSISTANCE GRANTS

This section would amend section 412(d) of the Housing and Urban Development Act of 1968 to authorize appropriations for new community assistance grants through fiscal year 1972.

SECTION 306—COMMUNITY FACILITIES GRANTS

Subsection (a) of this section would amend section 708(a) of the Housing and Urban Development Act of 1965 to authorize appropriation of an additional $34 million for neighborhood facilities grants for fiscal year 1972.

Subsection (b) would authorize appropriations for grants for basic water and sewer facilities, neighborhood facilities, and advance acquisition of land through fiscal year 1972. At present appropriations are authorized to be made only through fiscal year 1970.

SECTION 307—URBAN MASS TRANSPORTATION

Subsection (a) of this section would amend section 4(b) of the Urban Mass Transportation Act of 1964 to authorize appropriation of $300 million for fiscal year 1971 for grants under that act.

Subsection (b) would amend section 5 of the Urban Mass Transportation Act of 1964 to extend, from July 1, 1970 to July 1, 1971, the interim program there authorized of 50-percent grants for mass transportation facilities and equipment in urban areas not yet able to meet full areawide comprehensive planning and programing requirements. These emergency grants are in place of the two-thirds Federal grants available when all comprehensive planning requirements are met.

SECTION 308—EXTENSION OF URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES AUTHORIZATION

This section would amend section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize appropriations for grants to help finance programs of urban information and technical assistance services through fiscal year 1972. At present appropriations are authorized to be made only through fiscal year 1970.

SECTION 309—TRAINING AND FELLOWSHIP PROGRAMS

This section would rewrite title VIII of the Housing Act of 1964 to consolidate, under one authorization, that title's program of fellowships for city planning and urban studies and the community development training program. Specifically, the title would:

1. Consolidate the title by striking the headings which divide it into two separate parts;
2. Amend section 801(b) by including, as a purpose of the consolidated title, the provision of "fellowships for the graduate training of professional city planning and urban and housing technicians and specialists";
3. Amend section 810 by striking the first sentence (which authorizes appropriations for urban fellowships) and substituting a general authority for the Secretary to provide such fellowships;
4. Substitute for section 802(d), which authorizes without fiscal year limitations $30 million in appropriations for community development training programs, a new section numbered 806 authorizing appropriations, without fiscal year limitation, of up to $30 million for the consolidated title VIII program; and
5. Amend appropriate sections of the title to strike inapplicable references to its several "parts" and substitute appropriate references to the "title" or to the various "sections" thereof.

Title IV—Miscellaneous

SECTION 401—FLEXIBLE INTEREST RATE AUTHORITY

This section would amend section 3(a) of Public Law 90–301 to extend from October 1, 1969 to April 1, 1970, the authority of the Secretary of Housing and Urban Development to set maximum interest rates for FHA mortgage insurance programs at an amount he finds necessary to meet the mortgage market.

SECTION 402—AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

This section would amend section 1010(c) of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize the Secretary, in carrying out the research and studies there authorized for testing and demonstrating new and improved techniques and methods of applying advances in technology to housing and urban development, to acquire, use, and dispose of land and other property.

SECTION 403—EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO HOUSING AND URBAN DEVELOPMENT TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Section (a) would amend section 2(12) of the U.S. Housing Act of 1937 to make the Trust Territory of the Pacific Island eligible for assistance under the low-rent public housing program.

Subsection (b) would amend section 206 of the Housing Amendments of 1955 to make the Trust Territory of the Pacific Islands eligible for assistance under the public facility loan program.

Subsection (c)(1) would amend section 201(d) of the National Housing Act to make available FHA home mortgage insurance under section 203 and other related sections of that act to the Trust Territory of the Pacific Islands.

Subsection (c)(2) would amend section 207(a)(7) of the National Housing Act to make available FHA multifamily mortgage insurance under section 207 and other related sections of that act to the Trust Territory of the Pacific Islands.

Subsection (c)(3) would amend section 9 of the National Housing Act to make available in the Trust Territory of the Pacific Islands FHA insurance under title I property improvement loan program.

SECTION 404—EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

This section would amend section 3 of the Housing and Urban Development Act of 1968 to require the Secretary of Housing and Urban Development, in the administration of programs providing financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities, and new community development to require (1) that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of projects assisted under such programs be given to lower income persons residing in the project area and (2) that, to the greatest extent feasible, contracts for work to be performed in connection with any such projects be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project. Under existing law these employment and work opportunity requirements are only applicable to administration of the section 235 homeownership, the section 236 rental assistance, the section 221(d)(3) below market interest rate, public housing, and the rent supplements programs.

SECTION 405—URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

This section would amend section 1222 (d) of the National Housing Act to permit reinsurance contracts to be entered into during the course of the entire reinsurance contract year. At present, only companies which are newly authorized to write insurance may enter into reinsurance contracts after the insurance contract year begins.

SECTION 406—URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

This section would amend section 1223(a) (1) of the National Housing Act to extend, to the close of the second full regular session of the State legislature following August 1, 1968, the time within which State legislation providing for reimbursement to the Secretary of a share of the reinsured property losses he has paid must be enacted. Without such legislation reinsurance of losses from riot or civil disorder will be unavailable for policies subsequently written in the State. At present, State legislation is required by August 1, 1969, or, if the State legislature has not met in regular session before that date, by close of its next regular session. The section would also amend relevant provisions in section 1223(a)(1) to provide for computation of the amount of State reimbursement required using the "reinsurance contract year" rather than the calendar year as a basis.

SECTION 407—STUDY OF REINSURANCE AND OTHER PROGRAMS

This section would amend section 1235(b) of the National Housing Act to extend, from August 1, 1969 to December 31, 1969, the date on which the Secretary must report on reinsurance and other means to help assure the availability, in urban areas, of (a) burglary and theft insurance, and (b) surety bonds for construction contractors.

SECTION 408—NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

Subsection 408(a) would amend section 1305(c)(2) of the National Flood Insurance Act of 1968 to make flood insurance available in those States or areas, which give satisfactory assurance to the Secretary that by December 31, 1971, "adequate" land use and control measures will be adopted. Under existing law assurance must be given that "permanent" land use and control measures will be adopted by June 30, 1970.

Subsection (b) would amend section 1315 of such act to provide that after December 31, 1971, no flood insurance will be issued unless an appropriate public body shall have adopted "adequate" land use and control measures. Under existing law a State or local area must have adopted "permanent" land use and control measures by June 30, 1970.

Subsection (c) would amend section 1361 (c) of such act to provide that the Secretary on the basis of studies and investigations shall develop comprehensive land management and land use criteria designed to encourage the adoption of "adequate" land use and control measures by States and local areas. Under existing law the Secretary is required to develop criteria designed to encourage adoption of "permanent" land use and control measures.

SECTION 409—INTERSTATE LAND SALES

This section would amend section 1403(a) (10) of the Interstate Land Sales Full Disclosure Act to make it clear that the exemption there provided from the provisions of that act in cases where real estate free and clear of all liens, encumbrances, and adverse claims is sold or leased to persons who have personally inspected the lots which they purchase is to apply to transactions in which (1) the real estate is subject to taxes and assessments imposed by a State or any other governing body having authority to assess and tax property, or by a property owners association which under applicable State or local law constitute liens on the property before they are due and payable or (2) the real estate is subject to covenants, conditions, and restrictions imposed to control future use of property and the types and locations of structures to be placed thereon. In all such cases however, the developer, prior to the time the contract of sale or lease is entered into, must furnish the purchaser with a statement setting forth in clear and understandable terms the types and amounts of all such reservations, taxes, assessments, and restrictions and obtain an acknowledgment in writing from the purchaser of receipt of such statement.

SECTION 410—ANNUAL HOUSING REPORT

This section would amend section 1603 of the Housing and Urban Development Act of 1968 to extend the date on which the President shall submit annual reports on national housing goals to the Congress from January 15 to February 1.

This section would also amend sections 235 and 236 of the National Housing Act to require that the Secretary report semiannually, rather than annually, on the income levels of families on behalf of whom homeownership or rental assistance payments are made.

SECTION 411—RURAL HOUSING

Subsection (a).—Would extend for a 4-year period ending October 1, 1973, the various rural housing authorizations which are scheduled to expire on October 1, 1969.

Subsection (b).—Would amend section 517(c) of the Housing Act of 1949 to increase from $100 million to $350 million the amount of new loan paper which may be held in the housing fund at any one time.

Subsection (c).—Would amend section 517 of the Housing Act of 1949 to authorize the Secretary to sell insured housing loans out of the rural housing insurance fund in blocks

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and to treat such transactions as a sale or assets for budgetary purposes.

Subsection (d).—Would add a new section 524 to the Housing Act of 1949 to authorize financial assistance to nonprofit organizations to provide sites for rural housing for low- and moderate-income families.

SECTION 412—SALE OF LAND FOR HOUSING

Subsection (a) would permit land which is excess real property within the meaning of the Federal Property and Administrative Services Act to be transferred to the Secretary of Housing and Urban Development at his request for sale or lease by him at its fair value for use in the provision of rental or cooperative housing to be occupied by the families or individuals of low or moderate income. Land declared excess real property could be sold on such terms by the Secretary of Housing and Urban Development if the land is sold to (1) a public body which will use the land in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary to have the same general purposes as the Federal program under such act, or (2) a purchaser who will use the land in connection with the development of (i) rent supplement units, (ii) below market interest rate moderate-income housing or (iii) rental housing on behalf of which interest reduction payments are made under section 236 of the National Housing Act. Prior to any sale or lease to a purchaser other than a public body the Secretary must notify the governing body of the locality where the land is located and no sale or lease may be made if, within 90 days, the local governing body formally notifies the Secretary that it objects to the proposed sale or lease.

Subsection (b) would require, as a condition to any sale or lease of excess land, that the Secretary obtain such undertakings as he may consider appropriate to assure that the property will be used in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income for a period of not less than 20 years. The Secretary must notify the Senate and House Committees on Banking and Currency whenever any excess land is sold or leased pursuant to this section.

SECTION 413—SAVINGS AND LOAN ASSOCIATIONS

Subsection (a).—Would amend section 5 of the Federal Home Loan Bank Act to authorize the Federal Home Loan Bank Board to establish the maximum rate of interest chargeable by members of the Federal Home Loan Bank System on home mortgage loans on single family dwellings in any State which does not have a statutory contract rate of interest applicable to mortgage loan transactions.

Subsection (b).—Would amend section 5(c) of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to invest in the stock of a corporation authorized to be created by title IX of the Housing and Urban Development Act of 1968 and in any partnerships formed by that corporation.

Subsection (c).—Would amend section 404(d)(2)(B) of the National Housing Act and section 6(b) of the act of September 21, 1968 (Public Law 90–505), to provide for the prepayment of insurance premiums to the Federal Savings and Loan Insurance Corporation only for net increases in savings in calendar years after 1965.

SECTION 414—TECHNICAL AMENDMENTS

Subsection (a) and (b) would amend sections 235 and 236 of the National Housing Act to clarify the authority of the Secretary to continue to make assistance payments in behalf of mortgagors following an assignment of the mortgage to the Secretary.

Subsection (c) would amend section 223(d) of the National Housing Act to clarify the authority for insuring loans to cover a 2-year operating loss under the same insurance fund as the original project mortgage.

Subsection (d) would amend section 223(e) of the National Housing Act to provide for insurance under the special risk insurance fund of mortgages covering group practice facilities in older, declining urban areas.

Subsection (e) would extend to mobile home courts or parks the special high-cost provisions of section 214 of the National Housing Act applicable to properties located in Alaska, Guam, or Hawaii.

Mr. TOWER. Mr. President, recently much has been said in this Congress and much has been published by the press concerning one of the most formidable crisis ever to face our Nation; that of the critical housing shortage which we presently are enduring, and the unprecedented demand for new housing which must be forthcoming in the immediate future. In order to adequately house Americans, we must construct 2.7 million new units each year for the next 10 years, yet 1969 will bring forth but 1.4 million new units. In order to meet the housing demands of our country from now until the year 2000, we must construct a city the size of Tulsa, Okla, every week during that period of time; we are presently falling pathetically short of this goal.

There are many speculations as to why this goal has not been met heretofore; these are of academic interest only. I think it is time that this Congress came to grips with our responsibilities to take the initiative in moving this country forward toward the achievement of our national goals in housing.

After the theorizing, speculating, and politicking are over, I have found a singular thread woven throughout the vast commentary in this area. It is obvious, yet to many overwhelming and, therefore, easily abandoned. Our most likely panacea, gentlemen, is mass produced housing. As was stated in our hearings by the AFL–CIO:

> It is the AFL–CIO's belief that if any sizable amount of housing is to be realized, it must come about through volume production.

I remember that Walter Reuther testified before our committee and made a statement that I agree with. It is the only statement he has ever made that I agree with. And I will probably never agree with him again. However, he did say that the American people are getting Chevrolet houses at Cadillac prices.

This is certainly the belief of Secretary Romney, and I feel that it is the consensus, if not the unanimous opinion, of the Housing subcommittee. This leads me to the logical question of what can we do to further aid in this attempt to obtain mass produced housing.

This amendment is an extension of section 1010 of the Demonstration Cities and Metropolitan Development Act of 1966. The initial thrust of that section, which is entitled, "Applying Advances in Technology to Housing and Urban Development," is to encourage and assist the housing industry to carry out two basic programs, the first to reduce the cost of housing, the second to, at the same time, improve quality. It is my feeling that both of the objectives can be simultaneously obtained by the development of new technologies through Operation Breakthrough. In order to initiate the breakthrough program, HUD is spending approximately $15 million this year to develop the specific design systems. To test the responsiveness of business and municipalities to the concept, they contacted leaders of industry as well as various cities and housing authorities throughout the Nation. The reply was overwhelming.

The basic breakthrough concept perceives a concentration of the market and volume purchasing power which will permit economies of scale and volume discounts to be passed on to the various communities and their respective authorities for low-cost housing. I would venture to say that the majority members of the Housing Subcommittee think that breakthrough is a desirable program and absolutely necessary if we are to achieve the 2.7 million housing starts called for by HUD.

This amendment is a basic statement of congressional policy that those advancements in technology, which include the utilization of prefabricated and factory assembled products, are to be encouraged through the housing industry by the Secretary of Housing and Urban Development. The objective is absolutely consistent with section 1010, that its use of technology is to obtain quality control and price reduction in housing.

It is my opinion that we should give our ultimate support to the Secretary of Housing and Urban Development by the passing of my amendment No. 199.

Today I received the following letter from Secretary Romney, concerning this problem, and I should like to read it at this time:

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C.

Hon. JOHN TOWER,
U.S. Senate, Washington, D.C.

DEAR SENATOR TOWER: As you know, Operation Breakthrough is a new HUD program which aims at encouraging and establishing a new process for providing housing, for producing it in volume and delivering it to an aggregated volume market to all of those who need it.

In the carrying out of such a program there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques.

This nation will not meet the housing goals set in the Housing Act of 1968 for the next decade (calling for 1 million household units per year more than the present rate of production), nor will we meet our needs for the decades beyond that unless we change our ways of producing and providing housing.

HUD, through the Office of Research and Technology, under the direction of Assistant Secretary Harold B. Finger and his Breakthrough team, has invited U.S. industry to participate in the program and submit housing systems concepts to us for evaluation and selection for use on eight sites throughout the country to be chosen also through an evaluation and selection process. Both evaluations are presently in process within the Office of Research and Technology. The evaluation process will require approximately two to three months. It is hoped that the exposure of the prototype housing systems on the selected sites to appropriate individuals and groups will result in large scale orders leading to mass production and a lessening of the acute shortage of homes now so clearly in evidence in all parts of the country. We are also proceeding with our market aggregation program to determine the areas of demand for housing so that a concentration of effort can be made toward satisfying that demand.

The Breakthrough program requires a commitment on the part of labor to encourage the training of the labor supply that will be needed for the construction of all of the housing necessary and encourage arrangements for volume production of housing that will also provide greater job opportunities for our people. With our present methods of construction there will not be enough of the skilled craftsmen and the semi-skilled labor force to build the housing we need. Therefore, labor must recognize that changes in the building system are inevitable if we are to provide the housing we need. Labor must be prepared to make and encourage such changes and to adjust its operating procedures to the new systems that are established. If we cannot provide the housing we need, there will not be housing for the laboring people whose income even now frequently does not permit them to obtain the housing they desire.

Any limitations placed on our ability to utilize advances in technology to produce more housing—whether imposed by zoning, building codes, or labor practices keep us from producing the housing this country urgently needs.

Sincerely,

George Romney.

Since receiving this letter, I have spoken with the Secretary and he has given to me, as well as to some other Members of the Senate, his unequivocal support of this amendment.

I consider that this is something we cannot fail to adopt, so I do urge the adoption of my amendment. I do not intend to call it up at this moment, but I do intend to call it up later.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT

Mr. SPARKMAN. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 52, line 8, insert the following:

"Sec. 415. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out 'October 1, 1969' and inserting in lieu thereof 'May 1, 1970' ".

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. Yes. But may I first say this:

Mr. President, this amendment is really offered for the Senator from Minnesota (Mr. Mondale), who cannot be present at this time, and I offer it on his behalf.

Mr. TOWER. Will the Senator explain the substance of the amendment?

Mr. SPARKMAN. It extends the deadline for the time within which a community may qualify for basic water and sewer facilities grants under section 702 of the 1965 Housing Act from October 1, 1969, to May 1, 1970. The existing law requires, as a prerequisite for 702 grant assistance, that the community's proposed project is consistent with the comprehensive planned development of the area. A special provision of the law has waived this requirement up to October 1, 1969. This amendment would extend that deadline until May 1, 1970.

Mr. TOWER. I thank the distinguished Senator from Alabama.

For the minority, I am prepared to agree to the amendment.

Mr. PROXMIRE. Mr. President, what is this amendment about?

Mr. SPARKMAN. It extends the deadline on approval of a comprehensive plan as a prerequisite for grants for water and sewer facilities under section 702 of the Housing Act of 1965.

Mr. PROXMIRE. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT

Mr. SPARKMAN. Mr. President, I send to the desk an amendment which is offered on behalf of the Senator from New Mexico (Mr. Montoya). He intended to offer it but cannot be present at this time, and I offer it for him.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, beginning with line 12, strike out all through line 13, on page 16, and insert the following:

"EXPANSION OF THE FHA NURSING HOME PROGRAM TO INCLUDE INTERMEDIATE CARE FACILITIES

"Sec. 111. Section 232 of the National Housing Act is amended—

"(1) by striking out subsection (a) and inserting in lieu thereof the following:

" '(a) The purpose of this section is to assist in the provision of facilities for either of the following purposes or for a combination of such purposes:

" '(1) The development of nursing homes for the care and treatment of convalescents and other persons who are not acutely ill and do not need hospital care but who require skilled nursing care and related medical services.

" '(2) The development of intermediate care facilities for the care of persons who, while not in need of nursing home care and treatment, nevertheless are unable to live fully independently and who are in need of minimum but continuous care provided by licensed or trained personnel.';

"(2) by striking out "and" at the end of subsection (b) (1);

"(3) by redesignating subsection (b) (2) as (b) (3) and inserting a new subsection (b) (2) to read as follows:

" '(2) the term 'intermediate care facility' means a proprietary facility or facility of a private nonprofit corporation or association licensed or regulated by the State (or, if there is no State law porviding for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located) for the accommodation of persons who, because of incapacitating infirmities, requires minimum but continuous care but are not in need of continuous medical or nursing services; and';

"(4) by striking out in the introductory text of subsection (d) 'a new or rehabilitated nursing home' and inserting in lieu thereof 'a new or rehabilitated nursing home or intermediate care facility or combined nursing home and intermediate care facility';

"(5) by striking out in subsection (d) (2) 'operation of the nursing home' and inserting in lieu thereof 'operation of the facility';

"(6) by striking out subsection (d) (4) and inserting in lieu thereof the following:

" '(4) The Secretary shall not insure any mortgage under this section unless he has received, from the State agency designated in accordance with section 604 (a) (1) of the Public Health Service Act for the State in which is located the nursing home or intermediate care facility or combined nursing home and intermediate care facility covered by the mortgage, a certification that (A) there is a need for such facility or home, and (B) there are in force in such State or other political subdivision of the State in which the proposed facility or home would be located reasonable minimum standards of licensure and methods of operation governing the facility or home. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any facility or home located in the State for which mortgage insurance is provided under this section.'; and

"(7) by adding new subsections (g) and (h) at the end thereof to read as follows:

" '(g) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section relating to intermediate care facilities, after consulting with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of the program which may be involved in such regulations.

" '(h) The Secretary shall also consult with the Secretary of Health, Education, and Welfare as to the need for and the availability of intermediate care facilities in any area for which an intermediate care facility is proposed under this section.' "

On page 16, lines 17 and 18, strike out "after section 243 (added by section 113 of this Act)" and insert in lieu thereof the following: "at the end thereof".

On page 16, line 20, strike out "244" and insert "243".

Mr. SPARKMAN. Mr. President, this is an amendment to the plan that the committee agreed to in connection with FHA insurance of intermediate nursing care facilities. It may be remembered that in the testimony our attention was called to the great need for facilities that can supply intermediate care; and that a great many people who might otherwise go to a hospital or a nursing home need only intermediate care. This amendment would make that care possible by helping to finance the construction of such facilities. That service can be rendered for much less than intensive care or the kind of care the ordinarily-approved nursing home would give. The pending amendment is for the purpose of expanding the present section 232 to cover intermediate nursing facilities as well as a nursing home. We believe an amendment to the existing 232 section is a much better way to take care of this than by creating a new section as originally proposed by the committee.

The intermediate care facilities, authorized by the proposed amendment, would make accommodations available for persons who, because of incapacitating infirmities, require minimum and continuous care of the type provided by licensed or trained personnel but who do not need nursing home care or medical treatment. These facilities could be developed as a separate project or they could be combined and operated in conjunction with a nursing home. A combined project would be very useful in providing continuing services for patients who at first require full nursing care and subsequently require continuous but less professional care.

An intermediate care facilities project or a combined nursing home and intermediate care facilities project could be financed under the same terms and conditions as provided for a nursing home under the present authority.

Mr. TOWER. Mr. President, this amendment has been discussed by the minority. We have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I send to the desk an amendment and ask that it be stated. This is really done on behalf of the Senator from Maine (Mr. MUSKIE). If he could have been present, he would have presented it. I offer it for him.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Strike all of the present section 303 beginning on line 12 of page 29 and substitute the following:
>
> "SEC. 303. Section 701 of the Housing Act of 1954 is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:
>
> " '(i) Any grants made under this section to a State, metropolitan, or regional planning agency, an economic development district, or any other areawide planning agency for use by such agency or district to provide planning assistance to any local government or any agency or instrumentality of a local government should be used in a manner consistent with the Federal Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.' "

Mr. TOWER. Mr. President, would the Senator from Alabama explain the substance of the amendment?

Mr. SPARKMAN. Yes. It is, really, an amendment to the language that the committee wrote in under the 701 planning grant program.

The Senator will remember that we tried last year to make certain that private planning consultants might be used in some of the planning areas where the local people wanted them.

We wrote that into the law last year, but it appeared that it was not clear that we intended it be optional. The purpose of the amendment is merely to make it clear that our intention is that the use of planning consultants or the use of State regional or locally hired planners is clearly at the option of the local body.

Mr. TOWER. This is, then, a clarifying amendment?

Mr. SPARKMAN. That is right.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I call up my amendment No. 179——

The PRESIDING OFFICER. An amendment is pending.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from Alabama (Mr. SPARKMAN) be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. TOWER. Reserving the right to re-offer it.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 179

Mr. HOLLINGS. Mr. President, I call up my amendment No. 179 on mobile homes.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment (No. 179) as follows:

AMENDMENT NO. 179

> At the end of the bill add the following new section:
>
> "SEC. 415. Section 2 of the National Housing Act is amended by—
>
> "(1) inserting '(i)' after the words 'for the purpose of' in the first sentence of subsection (a);
>
> "(2) inserting '; and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence' before the period at the end of the first sentence of subsection (a);
>
> "(3) inserting '(other than mobile homes)' after 'new residential structures' in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);
>
> "(4) inserting the following new sentence at the end of subsection (a): 'The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum standards of construction and design to assure the livability and durability of the mobile home; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with local zoning and other applicable local requirements.';
>
> "(5) inserting ', except that an obligation financing the purchase of a mobile home may be in an amount not exceeding $10,000' before the semicolon at the end of clause (1) in the first sentence of subsection (b);
>
> "(6) inserting ': *Provided*, That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days' before the semicolon at the end of clause (2) in the first sentence of subsection (b); and
>
> "(7) striking 'real property' each place it appears in subsection (c) (2) and inserting in lieu thereof 'real or personal property.' "

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the amendment may reflect the cosponsorship of the Senator from Idaho (Mr. CHURCH) and the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. This amendment would amend title I of the National Housing Act to authorize the establishment of a new FHA program financing the purchase of a mobile home to be used by the owner as his principal residence.

Under the proposed new program, a purchaser of a mobile home would be able to obtain an FHA-insured loan in an amount not exceeding $10,000, which could be repaid over a maximum term of 12 years.

The financing charge to the mobile home purchaser would vary depending on the amount and term of loan obtained. For example, a loan of $5,000 for 12 years would require a monthly payment of $55.12 and the loan would bear an annual interest rate of 8.25 percent. A loan of $6,000 for 12 years would require a monthly payment of $65.71 and would bear an annual interest rate of 8.25 percent. A loan of $10,000 for 12 years would require a monthly payment of $108.09 and bear an annual interest rate of 8 percent. These interest rates are substantially lower than those applicable to non-FHA insured loans currently used for financing the purchase of mobile homes. The noninsured loans generally bear interest at an annual rate of around 12 or more percent.

The mobile home loans would be made by the same lenders—commercial banks, savings and loan companies, finance companies and credit unions—as are already engaged in the FHA title I home improvement program. Many of these same lenders are presently making noninsured loans financing the purchase of mobile homes.

Under the proposal, the lenders currently holding FHA title I contracts, of which there are over 8,000, will be able to use the existing title I procedures—with which they are familiar—for handling loans to mobile home purchasers. The lender will be able to receive FHA reimbursement for loss sustained by reason of a default by the mobile home owner in payments on the loan. Reimbursement will be on a coinsurance basis with the insurance payment computed as either 90 percent of the lender's loss or 10 percent of the total outstanding amount of title I loan reported by the lender for FHA insurance, whichever amount is the lesser. Both the loans reported for property improvement and for financing the purchase of a mobile home will be included in computing the 10 percent reserve amount. This will give the lender the advantage of increasing its 10 percent reserve each time it reports either type of title I loan for insurance.

In order to assure that the mobile homes financed with a loan insured by the FHA will be suitably constructed and placed on a desirable site, the proposal authorizes and directs the FHA to prescribe minimum standards of construction and design for the mobile home unit.

I emphasize this, Mr. President, because in our 2 days of hearings there was only one real caveat, and that was that we not construct slums, that we not contribute to the urban problem, but

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that we try to assist in its solution. It was felt that as long as the FHA is authorized and directed to provide minimum standards, to make certain that the mobile home will comply with minimum standards of construction and minimum sanitary and public improvement needs and regulations, we will have a good program. My amendment would also require the FHA to obtain assurances from the borrower that the mobile home will be placed on a site which complies with local zoning and other applicable local requirements.

Mr. President, lower income families are today facing a mortgage money market that makes homeownership an impossibility. As a result, more Americans are turning to mobile homes for an alternative form of housing that they can afford.

With FHA participation, more families will be able to acquire adequate housing—a need prevalent in every section of our Nation.

I should like to emphasize that this proposal in no way is intended to conflict or to be in competition with existing housing programs sponsored by the private sector of our economy or by the Federal Government, or by both.

In the entire 2 days of our hearings, no oral witness testified in opposition. The committee received only a statement from the National Home Builders Association, an organization of conventional house builders, to the effect that it possibly could take away financially from other conventional housing programs, or, alternatively, that it would not solve the housing problem.

We do not think it will solve the housing problem. It merely furnishes another approach to low income housing that the public has already been taking, and we believe it is time the Government recognized the need for its financing.

The current demands of our Nation clearly underscore the need for more housing of all types and it is my feeling that this legislation would be a major step forward in meeting these housing needs.

This proposal has been the subject of hearings before the Housing Subcommittee of the Banking and Currency Committee.

At those hearings, testimony was heard from:

Mr. William B. Ross, Acting Assistant Secretary for Mortgage Credit and Acting Federal Housing Commissioner, Department of Housing and Urban Development;

Mr. Nathaniel Keith, president, National Housing Conference;

Mr. John M. Martin, managing director, Mobile Homes Manufacturers Assn., also representing Trailer Coach Association;

Mr. Burr Gray, president, Mobile Housing Association of America, Inc.;

Hon. JOHN BRADEMAS, Congressman from Indiana;

Mr. James R. Price, president and chairman of the board, National Homes Corp., Lafayette, Ind.;

Mr. Clarence R. Mitchell, director of Washington bureau, National Association for the Advancement of Colored People;

Mr. Peter W. Hughes, legislative representative, American Association of Retired Persons; and

Mr. John E. Jacobs, acting director, Washington Urban League.

Statements were received from the United States Savings and Loan League and the American Bankers Association. All of these groups favored enactment of this proposal.

I hope other Members of the Senate will join me in providing this additional avenue to individual homeownership.

Mr. SPARKMAN. Mr. President, I should like to add just a word or two.

This proposal really came in too late to be incorporated in the omnibus bill that we reported out, but we did have hearings—quite satisfactory hearings—with reference to mobile homes, and I believe it was recognized by the committee as a whole that this was a field in which we should move, and a field in which we should have promise of a greater number of low-cost housing units to take care of the people.

A great many people may be surprised to learn that 6 million Americans live the year around in mobile homes. This problem has been before us in one way or another for a good many years. I remember that the first thing we did—it must have been about 10 or 12 years ago—was to provide FHA insurance for the establishment of trailer parks, as we called them. We never have gone into the insurance of mobile homes, as they call them now instead of trailers, because of the fact that they were movable; but the way they are built now, they are really moved from one place to another. They are customarily set on a foundation, and become very much a permanent place of residence. They are not movable in the same sense that the old trailer was movable. I agree with the distinguished Senator from South Carolina that minimum property standards must be insisted upon by the FHA in insuring the financing of these units. This will include both the structure itself and the site on which it is located.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HOLLINGS. The distinguished Senator is quite correct in his statistics. Actually, 80 percent of these so-called mobile homes remain in place for periods of 5 years or more.

The requirement is that in financing, the owner certifies that the mobile home is to be used as a principal residence. Ninety-five percent of the homes costing $12,500 or less in America today are mobile homes.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. I think the mobile home technology is very good. It affords housing at a much lower price than ordinary construction, and I think there is much we can learn from the mobile home industry in seeking a breakthrough in the cost of home construction.

I believe the amendment of the Senator from North Carolina is most constructive, and certainly I am prepared to accept it.

Mr. SPARKMAN. Mr. President, speaking for the majority side, it was manifest, at the conclusion of the hearings, that the committee was favorable to some such action as this. I am agreeable to accepting the amendment of the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I send to the desk an amendment virtually the same as the one I offered awhile ago on section 701 planning.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Alabama (Mr. SPARKMAN) proposes an amendment:

Strike all of the present Section 303 beginning on line 12 of page 29 and substitute the following:

"SEC. 303. Section 701 of the Housing Act of 1954 is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

" '(i) Any grants made under this section to a State, metropolitan, or regional planning agency, an economic development district, or any other areawide planning agency for use by such agency or district to provide planning assistance to any local government or any agency or instrumentality of a local government shall be used in a manner consistent with the Federal Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels' ".

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Secretary Romney addressed to Senator BENNETT. The letter is pertinent to the amendment offered by the Senator from Alabama.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 22, 1969.

Hon. WALLACE F. BENNETT,
U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: I am pleased to write you, following a meeting held between Assistant Secretary Jackson and John Evans, Minority Staff Director, Senate Banking and Currency Committee, concerning certain proposed amendments to the Housing Act on the use of private consultants in providing planning assistance to local governments.

The effect of this proposed amendment, as drafted, would be to significantly weaken State efforts to assist their communities. This is contrary to our firm commitment to meaningful State urban involvement and participation.

On the other hand, I am determined to encourage participation of the private sector to achieve the goals of this Department. This is especially true with respect to administration of our Planning Assistance Program under Section 701 and 702 of the Housing Act.

To assure that we are taking every possible responsible action for full utilization of private enterprise in HUD's comprehensive planning and public works planning programs, I am taking the following three steps:

1. Expedite completion of a recent survey of all planning agencies receiving 701 Comprehensive Planning Assistance grants to determine the extent to which private consultants are utilized. Preliminary findings indicate that upwards to 45 percent of all appropriations made available to the States under Section 701 are expended for use of private consultant services. The results of this survey will be forwarded to you.

2. Review thoroughly the existing regulations and guidelines for the Comprehensive Planning Assistance Program. A preliminary review of this document, which contains a

large number of references to use of consultants, indicates that it could be strengthened.

3. Invite the major organizations concerned with this subject, including the American Society of Consulting Planners and the National Society of Professional Engineers, to thoroughly explore these matters of common interest. I have asked Assistant Secretary Jackson to promptly call such a meeting.

I hope these views are helpful to you and to the Banking and Currency Committee in its deliberations.

Sincerely,

George Romney.

Mr. SPARKMAN. Mr. President, the amendment was offered by the Senator from Maine (Mr. Muskie) who had fully intended to be present and introduce the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. TOWER. Mr. President, apparently the administration has no objection to the amendment. It is a constructive amendment and on behalf of the minority I am prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the Senator from Rhode Island (Mr. Pell) wishes to address questions to me relating to a provision already agreed to. The discussion will be fully relevant to that matter. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the Senator from Alabama.

Would the bill prohibit the State government in my State of Rhode Island, from using Federal funds for planning activities under contract with local governments in the State if the local governments enter into the contracts voluntarily and if they are not prohibited by the State from using private planning consultants?

Mr. SPARKMAN. Mr. President, awhile ago I commented on the language that was in the bill as reported. In reading the report and the language of the bill, I came to the conclusion that the bill did not do just what the report said it did. I refer to the voluntary use of private consulants. Therefore, we worked out amendatory language that makes it voluntary.

It is entirely optional with a municipality, county, region, metropolitan area, or any other branch of the government. They can use planning consultants if they wish or contract with the State to supply consultants or make whatever arrangement they want. It is purely voluntary.

Mr. PELL. Mr. President, I thank the Senator from Alabama very much indeed for that assurance.

Mr. SPARKMAN. I thank the Senator from Rhode Island for calling up the matter.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. The Senator from New York (Mr. Goodell) proposes an amendment:

On page 17, lines 4 and 17 strike out "967" and insert "1965".

On page 24, line 10, strike out "1967" and insert "1965".

Mr. GOODELL. Mr. President, as a member of the Banking and Currency Committee, I am pleased to support our committee bill, S. 2864, the Housing and Urban Development Amendments of 1969.

The housing shortage in this country has become critical. In urban and rural areas, the poor are forced to live in substandard housing—housing that lacks adequate heat, electricity, and plumbing. In New York City alone, 40,000 families are on waiting lists for public housing units. Because of the rapid rise in building costs and interest rates, many families of low and middle income find it impossible to buy a home.

Last year, the Congress committed the Nation to the construction of 26 million new and rehabilitated homes within 10 years. Innovative and ambitious programs, such as homeownership, rental assistance, the neighborhood development program, were conceived to meet that goal and I believe that the programs created in that landmark housing bill of 1968 have the potential for this purpose.

The legisltaion now before us does not propose other action programs. Rather, the committee took a long, hard look at the 1968 programs. In our investigations, hearing and questioning witnesses, we probed to learn more about the programs—were they successful? Were they filling a need? Could they be managed more efficiently? As a member of the committee I asked myself the quesiton I know my colleagues must have asked: "How can we make these programs more workable and more efficient?"

One central factor which pervaded the study of the question was the severe inflation—rising interest rates and building costs—which threatens our economic well-being. The housing market is more often than not the first casualty to inflation. In a period of tight money, the mortgage market becomes more unattractive and investors are more eager for short term commitments. Building costs—the price for labor, material, and land—have skyrocketed, and these new costs far exceed the construction costs permissible for Government housing programs.

The result of inflation, with its credit squeeze and high prices, is that housing construction is seriously impeded. And we fall further and further behind in meeting our Nation's housing goals.

The effects of inflation on housing and urban development were a major concern to the committee. To ease the credit crunch, the powers of GNMA were expanded. The purchasing authority has been increased from $17,500 to $20,000 per dwelling, the special assistance functions have been extended to certain classes of mortgages, and the guarantee programs have been broadened to include the guarantee of full principal and interest on bonds. This revitalized GNMA should attract more investments into the mortgage market.

To combat rising prices and to make Government cost limits consistent with actual construction experience, the committee has applied a nationally recognized construction cost increase, on an annual basis, to construction limits in such programs as section 235, section 236, and the public housing program. In addition, section 235 and public housing projects in high cost areas will benefit from a 45-percent increase in the limits.

I believe the committee wisely chose a farsighted course in applying a construction cost increase to these housing programs. This increase will be applicable for the future and will reflect the periodic changes in costs of construction. I wholeheartedly support this approach.

I am concerned, however, about the particulars of the construction increase formula for public housing, section 235 and section 236. The formula, as proposed by the committee, for cost limits, will produce a sum too low to meet the costs in such cities as New York, Newark, Boston, San Francisco, and many more. The language applies 1967 as the base year for application of the construction cost index.

During our committee sessions, I offered the original amendment which revised room cost limits for public housing to a more realistic and flexible amount. Under my amendment, the existing statutory cost limits of $2,400 per room could be increased by the Secretary of HUD by a nationwide construction cost index using 1965 as the base year. Both my amendment and the committee provision include a further increase in high cost areas by the amount of 45 percent.

Although my amendment was accepted by the committee, the committee later approved a request that the base year be changed from 1965 to 1967 to make the formula consistent with the construction cost increase formula of other FHA home construction programs including section 235 and section 236.

The 1967 base year yields a room cost limit for public housing of approximately $4,000; the 1965 base year produces a limit of over $4,300. In New York City alone, five public housing project starts have been delayed for over 6 months due to the room cost limits which have not kept pace with and do not reflect the increased cost of construction. The language of the committee bill will permit beginning construction on two of these projects. Three cannot be authorized by this new formula, at a time when over 40,000 families are on the waiting lists for public housing.

I am also informed by such respected housing sponsors as the Catholic Archdiocese of New York and the Phipps Foundation that the use of the base year 1967 for the sale price index for section 235 and section 236 will be inadequate to meet the building costs for projects so desperately needed.

Room cost limits for public housing were last revised by Congress in 1965. Mortgage limits for the section 235 and section 236 programs were based on 1965 figures although the programs were created in 1968. Since 1965, there has been a construction cost increase of almost 26 percent. The provision in S. 2864 which allows adjustment from 1967 would allow a 15-percent construction cost increase. If the new formula is to reflect the changes and actual experience in construction since the last revision by Congress and are to be effective in increasing the stock of housing units, the additional 11 percent must be included in this legislation.

The language of my amendment inserts the year "1965" in lieu of "1967" in the appropriate places.

I urge my colleagues to support this amendment. It will make the proposed legislation more responsive to the needs of the people, by providing housing programs upon which homes can be built without fear of delay due to unrealistic Government cost requirements. Furthermore, I urge support of the bill, S. 2864, as amended this afternoon.

Mr. TOWER. Mr. President, I think this is a constructive proposal by the Senator from New York. For my part, I am willing to take it to conference, to see what we can do with it.

Mr. GOODELL. I thank the Senator.

Mr. SPARKMAN. Let me say to the Senator from New York, who is a very valuable member of the Committee on Banking and Currency, and who has taken an active part in this housing measure, that I am willing to do as the distinguished Senator from Texas has said he is willing to do—that is, to take it to conference.

I do wish to say this, however: I want to know more about just what the revised formula would do and what effect it would have on the rising cost of housing. The Senator knows that that is a problem we have to face. It is going up, up, and up, year after year. The time will inevitably come, if the cost of housing continues to climb, when it simply will not be possible for people of lower income levels to have decent housing.

So I do believe we shall need to do some study and research. I realize the problem with which the Senator is concerned, and it relates particularly to his State, and that is a high cost area. It is a real problem, and that is what he is trying to strike at.

I certainly will be glad to study this matter carefully between now and conference, and I hope we can work out something to his satisfaction.

Mr. TOWER. Mr. President, I concur in and associate myself with the remarks of the Senator from Alabama. Our experience often has been that ceilings become floors on construction costs, and this is what we want to avoid. I certainly think the amendment of the Senator from New York should be considered.

Mr. GOODELL. Mr. President, I say to the Senator from Texas and the Senator from Alabama that I share their concern about the rising costs of construction, and the price that this exacts from our public housing programs and our section 235 and section 236 programs in trying to make housing available at a moderate cost for lower income people.

I do not believe this amendment will contribute to increased costs. I think it recognizes the increased costs that have occurred in the past; and if we are going to get results from the proposed legislation, we have to recognize those costs and see that our programs are implemented.

I appreciate the cooperation of my colleagues, and I trust that they will agree prior to conference that this is a meritorious amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 198

Mr. CRANSTON. Mr. President, I call up my amendment to this measure relating to extending the protection of the National Flood Insurance Act of 1968.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 43, strike out lines 3 and 4 and insert in lieu thereof the following:

"NATIONAL FLOOD INSURANCE PROGRAM".

On page 43, between lines 15 and 16, insert the following new subsection:

"(d) (1) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

"'(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground.

"'(2) Section 1370 of the Housing and Urban Development Act of 1968 is amended by inserting "(a)" after "Sec. 1370.", and by adding at the end thereof the following new subsection:

"'(b) The term "flood" shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to ensure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program.'"

Mr. CRANSTON. Mr. President, I wish to state that this amendment, which the senior Senator from California (Mr. MURPHY) joins me in cosponsoring, would extend to victims of mud slides the coverage provided by the National Flood Insurance Act of 1968 on the grounds that this is an aspect of floods that happen in places where floods normally happen as we begin to build on hillsides, and so forth.

Mr. TOWER. Mr. President, I do not object to the amendment. I think it is an oversight that this matter was not covered. This matter should be considered like everything else.

Mr. SPARKMAN. Mr. President, I agree with the Senator from Texas. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 199

Mr. TOWER. Mr. President, I call up my amendment No. 199, as modified, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The LEGISLATIVE CLERK. Mr. TOWER, for himself, Mr. DOLE, Mr. FANNIN, Mr. GURNEY, Mr. PACKWOOD, and Mr. PERCY, proposes amendment No. 199, as modified, as follows:

Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) a new paragraph as follows:

"(4) assure, to the extent feasible, in connection with housing construction, any major rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development, that there is no inhibition by contract or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs.

Mr. TOWER. Mr. President, I wish to call to the attention of Senators that the printed version of my amendment No. 199 has been modified to provide that this assurance be made "to the extent feasible." Therefore, there is a discretionary power on the part of the Secretary so it will not disrupt efforts to negotiate where contracts that perhaps would come under the ban expressed here are in existence.

We have to ask ourselves, Are we going to improve housing technology so we can bring down the costs or not? There are certain labor practices that do tend to keep the cost of construction up because prefabricated materials such as doors, windows, cabinets, and things of this sort cannot be used because certain working rules prohibit them and the workers would walk off if they were used.

We have to agree to this amendment in order to keep section 1010 in the 1966 act. I hope the amendment is agreed to.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. JAVITS. Mr. President, I am the ranking minority member of the Committee on Labor and Public Welfare.

This amendment raises some serious questions. Perhaps the Senator can deal with those questions in a colloquy at this time on the floor of the Senate. I do appreciate the amendment which has been offered, and the modifications which have been made to the original text.

Of course, it still would place the power over collective bargaining in the Secretary, which is disturbing, because the theory we have always had is that the Secretary cannot block normal give and take collective bargaining. However, I am interested in more than that. I am particularly interested in the words "no inhibition." "Inhibition" is a strong word, much stronger than restraint or prevention.

I am concerned for this reason. Mind you, Mr. President, I am with the Senator; I am trying to get new technology and materials in the field, so I speak sympathetically. The union might say, "All right. We are certainly not interested in denying any technology to reduce cost, but we think our members should have some additional compensation for handling new or improved material." Perhaps it is well deserved. I have no idea. It may be heavier, it may be more dangerous, it may take more time or skill. Are not the words "no inhibition by contract or practice" an absolute prohibition against what might be the fair subject for bargaining between employee and employer?

Mr. TOWER. Mr. President, in order to make legislative history on this matter I would not so construe the word as prohibiting some additional costs in handling. I might point out that we have modified this amendment to read "to the extent feasible." I think the Secretary can be relied upon to make a determination if it is feasible.

Mr. JAVITS. Can the Senator tell me if he ascertained whether the antitrust language might be much more appropriate? Could we say, for example, there is no unreasonable restraint by contract or practice against the employment or improved technologies, techniques, materials and methods?

I do not ask the Senator to answer off the top of his head. This is a matter of first impression to the Senator that he might take a few minutes to think about while other Senators speak. I am not against the Senator. I am only concerned with respect to the legitimate relationship between labor and management, lest that relationship be inhibited.

Sometimes by going too far we defeat ourselves because it just will not work. It will just inhibit the production of housing and it might cause a tougher attitude than would otherwise be present.

I suggest the possibility of using the antitrust formula that there is no unreasonable restraint by contract or practice against the employment of new or improved technologies.

Mr. TOWER. Would that remove any objection the Senator has?

Mr. JAVITS. I think so.

Mr. TOWER. I appreciate the suggestion of the Senator and I shall think it over.

Mr. GURNEY. Mr. President, as one of the cosponsors of the amendment with the Senator from Texas I wish to say that my own understanding of the amendment is that there is no intention here to interfere with normal relationships between employee and employer or the contracting union. The entire import of the amendment is to permit the Secretary to use the persuasion of his office in introducing new methods of building so we can cope with the housing crisis in this country.

I agree with the Senator from Texas and I assure the Senator from New York, as one sponsor of the amendment, that it is not my thought that this would do that at all.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. TOWER. I yield.

Mr. JAVITS. Mr. President, in suggesting consideration of the antitrust words I do not wish to imply that any effort or intention is being made to apply the antitrust laws to the trade union relationship. I suggest it because they are words well interpreted and words which have history; and the possibility of those words being more nearly the intention of the amendment of the Senator from Texas.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I have carefully considered the language used by the Senator from Texas. I feel it is one of the most important additions that could be made to the legislation before us. I feel strongly that nothing can stand in the way of new technology. For this reason I rise in support of the amendment. The Senator is trying to solve problems involved with new technology and to eliminate roadblocks in order to solve our housing needs. This is not an "anti-anybody amendment." It is a prohousing amendment to meet the housing needs of this country, and I am pleased to support the amendment for that reason.

Mr. President, one of the most exciting possibilities for solving the housing needs of this country is in the era of new technology. Indeed, the use of new technology may be the only way of meeting the congressional goal of 26 million new housing units in the next 10 years.

The Department of Housing and Urban Development has just launched Operation Breakthrough, an effort to develop housing systems which can be produced in volume at lower cost. HUD is now requesting builders to submit their prototype ideas from which 12 to 20 prototypes will be built in eight locations across the country. It is hoped that from the initial prototypes production can take place at a minimum of 350,000 units per year.

In order for this vision to become reality, new ideas and solutions to all the various problems of housing will have to come from building suppliers, labor, and builders. It will take a coordinated effort to achieve the reality of volume, low-cost housing. If successful, this effort will bring good housing within the reach of many who cannot now afford to buy a house.

Operation Breakthrough is aimed at achieving volume production, rather than relying on the fragmented production capacity which currently exists in the housing industry.

The benefits will be many: First, a reduction in the real cost of housing. New technology and new management techniques will bring the cost of housing down over time; second, more and better houses for people of all incomes; third, the cost of subsidizing housing for low- and moderate-income groups would decline. If the unit cost of housing can be reduced, Government subsidies can be reduced also; fourth, more employment will be created year-round. A volume market would assure more jobs in the construction industry; fifth, it will promote continuing innovation for even better ways to provide housing on a volume basis; and sixth, if volume production really gets underway, it will put pressure on local government officials from the demand side to alter zoning codes and building codes so as to promote the use of this type of housing.

It is because I feel so strongly that nothing must stand in the way of new technology that I rise to support the amendment of the distinguished Senator from Texas.

Senator TOWER is trying to encourage the Department of Housing and Urban Development to promote the use of new technology and to eliminate roadblocks that might hinder the use of new technology in solving housing needs.

This is not an anti-anybody amendment. It is a pro-housing amendment to meet the housing needs of this country and I am pleased to support the Senator from Texas in his effort.

Mr. TOWER. Mr. President, I ask unanimous consent that I might modify my amendment to read as follows: On line 4, strike the word "inhibition", and substitute therefor the words "unreasonable restraint".

That will be in conformity with the suggestion made by the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. JAVITS. Mr. President, I thank the Senator from Texas very much for that change. I think it is desirable. I am glad that he has accepted it.

If the Senator will allow me, I would like to point out that the President announced this morning the creation of a Construction Industry Collective Bargaining Commission to be made up of very distinguished members, including trade union members, as well as the two principal Secretaries of the Cabinet concerned.

In view of the problems which have arisen in the construction industry the establishment of this Council is most welcome. Let me point out that housing starts are receding, in my judgment, dangerously because of the high interest costs. Everything we can do to buck it up deserves to be done. I think that a matter of this character and intimate knowledge of what will really forward our purpose are essential.

I look forward to the fact that the Commission appointed by the President this morning will be of considerable help in the matter.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive order creating the Commission and the news reports on it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Office of the White House Press Secretary, Sept. 22, 1969]

EXECUTIVE ORDER ESTABLISHING A CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING COMMISSION

Whereas, the national interest requires a steady level of construction activity; and

Whereas, labor-management relations in the construction industry reflect numerous signs of strife and tensions and the national interest requires an improvement in the procedures and performance of collective bargaining in this vital sector; and

Whereas, the continuation of these problems tends to encourage widespread public demand for governmental regulation and controls; and

Whereas, the achievement of greater stability in the flow of construction volume is essential; and

Whereas, the Federal government and local and State governments, being major industry consumers, have a substantial interest in construction activity; and

Whereas, the labor and management organizations in the construction industry recognize that industrial strife tends to disrupt construction operations and adversely to affect other sectors, including the public; and

Whereas, the Commission hereinafter provided for is designed to develop voluntarily tripartite procedures to be followed in the settlement of disputes over the terms of collective bargaining agreements in the construction industry involving the standard labor and management organizations, and to engage in such related activities as will facilitate industrial peace and stability in the construction industry but the establishment of the Commission is not intended to provide for compulsory arbitration or for any compulsory limitation on the right to strike or lockout;

Now, therefore, by virtue of the authority vested in me as the President of the United States, it is ordered as follows:

Section 1. There is hereby established a Construction Industry Collective Bargaining Commission (hereinafter referred to as the Commission). The Commission shall be composed of twelve members as follows: (1) The Secretary of Labor, who is hereby designated as the Chairman of the Commission, (2) the Director of the Federal Mediation and Conciliation Service, and (3) the following members, all of whom shall be appointed by the President: (i) two members representative of the public, (ii) four representatives of labor organizations in the construction industry, and (iii) four representatives of employers in that industry. Representatives of the labor organizations and the employers shall be appointed after consultation with various national labor organizations and contractor associations in the construction industry. Alternate members also may be designated.

Section 2. The Commission shall have an Executive Director, designated by the Chairman, who shall assist the Chairman and the Commission in the performance of their functions as they may direct. The staff to be made available to the Commission shall include a person drawn from the Federal Mediation and Conciliation Service to assist in coordination of mediation activities of the Service and the work of the Commission, a person from Department of Labor staff engaged in the administration of the Davis-Bacon Act, and such research and other personnel as may be necessary.

Section 3. The general objectives of the Commission shall include, but need not be limited to, the following:

(a) To study relevant private and public policies: (i) to upgrade the skills of, and to increase the labor force engaged in the construction industry and improve training procedures; (ii) to reduce the instability of the demand for construction labor, and (iii) to provide a greater number of weeks of work per year to those engaged in the industry.

(b) To strengthen the role of the national labor organizations and the national associations of contractors in the dispute settlement process, and to enhance their responsibility for the results of collective bargaining in the industry.

(c) To establish more effective machinery for the resolution of disputes over the terms of collective bargaining agreements which at the same time recognizes the interests of each branch of the industry and preserves existing procedures that have been effective.

(d) To identify means to improve and adapt the structure of collective bargaining in the industry to meet the challenges of technological innovation and changing demands.

Section 4. The Commission is authorized to conduct studies and to make general recommendations respecting any problems relating to collective bargaining in the construction industry which may be presented to it from labor, management, or the public representatives. Such problems may include, but need not be limited to, the training and development of manpower, instability, the improvement of productivity and technology, the improvement of the mobility of the labor force, the portability of pensions, and job security. The Commission is also authorized to make general recommendations to the parties in the industry respecting collective bargaining practices and procedures.

Section 5. (a) The Commission is authorized to intercede in any labor dispute in the construction industry whenever in its judgment the labor dispute over the terms or application of the collective bargaining agreement is likely to have a significant impact on construction activity in a locality, or in other localities. The Commission is further authorized to develop a procedure whereby, as a matter of national interest, a 30-day period may be observed during which mediation and related activities may take place without the occurrence of a strike or lockout or other change in terms or conditions of employment except by mutual agreement of the parties. The Commission or a panel designated by the Commission may, with the assistance of national labor organizations and national contractor associations where appropriate, seek to mediate such dispute, or make an investigation of the facts of the dispute and make such recommendations to the parties for the resolution thereof as it determines appropriate. In making any such recommendations, the Commission shall give due regard to the area and craft differentials, to the consequences of settlements on employment and on the economy of an area, and to other factors customarily considered by parties in collective bargaining.

(b) The Commission may hold such hearings, take such evidence, and gather such facts as it deems necessary and appropriate hereunder. Such hearings may include oral presentations by the parties and participation by such other persons from the area, or otherwise, as the Commission deems would facilitate the discharge of its responsibilities under this order.

Section 6. The Commission is authorized to issue such rules and regulations, and to adopt such procedures governing its affairs, including the conduct of its disputes settlement functions, as shall be necessary and appropriate to effectuate the objectives of this order. The Commission is authorized to establish panels composed of members of the Commission, alternates, or others, as may be designated by the Commission. Such panels may be authorized to act for the Commission and to exercise the authority of the Commission in such matters as the Commission may delegate or direct.

Section 7. (a) Expenses of the Commission shall be paid from such appropriations to the Department of Labor and the Federal Mediation and Conciliation Service as may be available therefor.

(b) All departments and agencies of the United States are authorized and directed to cooperate with the Commission in the effectuation of the purposes of this order to the extent authorized by law.

(c) Members of the Commission who are officers or employees of the Federal Government shall receive no additional compensation by reason of this order. Other members of the Commission shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the government service employed intermittently (5 U.S.C. 3109, 5703).

Section 8. (a) As may be appropriate, the Commission shall consult with the Cabinet Committee on Construction and individually with heads of executive departments or agencies having responsibilities for programs affecting the construction industry. The Commission is authorized to request the heads of the departments and agencies concerned to establish advisory panels from representatives of such executive departments and agencies as may be necessary to carry out the objectives of this order.

(b) The Bureau of the Budget is authorized to provide to the Commission information regarding Federal or Federally assisted construction.

Section 9. The Commission shall make reports to the President from time to time on its activities and its progress in achieving the objectives and purposes of this order. The reports shall include such recommendations relative to the activities of the Commission as it shall deem appropriate.

RICHARD NIXON.

THE WHITE HOUSE, *September 22, 1969*.

PRESIDENT FORMS A PANEL TO SOLVE BUILDING DISPUTES: MANAGEMENT, LABOR AND THE PUBLIC SECTOR REPRESENTED—WORK STOPPAGES CITED

(By Robert B. Semple Jr.)

WASHINGTON, Sept. 22.—President Nixon moved today to ease some of the labor-management and cost problems of the nation's troubled construction industry.

In what amounted to his first significant venture as President into the collective bargaining field, Mr. Nixon announced this morning the creation of the Construction Industry Collective Bargaining Commission, consisting of members from management, labor and the public sector.

The commission will have two major responsibilities. The first will be to develop new and "voluntary" procedures for settling disputes within the industry, which has been plagued with an unusually high number of work stoppages this year.

SEEKING SOLUTIONS

Its second role will be to discuss and seek solutions to a wide range of problems that, in Mr. Nixon's words, "directly affected the industry's ability to grow and adapt to changing needs." Chief among these is the problem of training sufficient skilled manpower to meet the continuing demand for new and rehabilitated housing.

Mr. Nixon created the panel by executive order. He explained his action in a written statement released by the White House this morning.

Later in the day, the President conferred with a group of Governors headed by Gov. John A. Love of Colorado on efforts to persuade the Governors to reduce inflationary pressures on the building industry by curtailing state and local construction projects.

In a directive issued Sept. 4, Mr. Nixon ordered the cancellation of three-quarters of the construction projects funded directly by the Federal Government. In the same statement, he also asked state officials to cut back by an equivalent amount their own plans for projects that are jointly financed by the Federal and state governments.

XUM

AN EXPLICIT THREAT

The statement carried an explicit threat that, if the states and localities failed to reduce their spending plans voluntarily, the President would force them to do so by withdrawing the Federal share of jointly financed projects.

The Governors reacted coolly to the suggestion. But at today's meeting, according to participants, the Administration withdrew its threat and the Governors agreed to reduce their spending plans as much as possible.

"We're not quite on the same basis as we were," declared Vice President Agnew, who attended the meeting and briefed newsmen afterward.

"As of now," he said, "there is no enforcer roles" being played by the Federal Government, and no "deadline" that states must meet before the Federal Government decides on further action.

Mr. Agnew's sentiments were supported by Governor Love, who joined the Vice President for the briefing. Mr. Love denied earlier reports that the Governors had opposed Mr. Nixon's program. He said that his colleagues had agreed "without exception" to support the President's struggle against rising prices in the construction field.

The Governor conceded that it would not be easy for any Governor to reduce spending programs, but he said that inflation represented "a much bitterer pill—a much worse alternative."

The 75 per cent reduction in construction contracts funded directly by the Federal Government will mean an approximate saving to the Treasury of $300-million for the rest of the current fiscal year.

A voluntary reduction in state and local construction plans, comparable to the mandatory reduction in Federal plans, would result in an additional saving to the Treasury of about $700-million.

In his statement this morning announcing the creation of the tripartite collective bargaining commission, Mr. Nixon said that he had no intention of imposing compulsory arbitration on the construction industry or limiting the right to strike.

He authorized the commission to intercede in any labor dispute in the industry that would have a "significant impact" on construction activity. He also authorized the panel to recommend a 30-day cooling-off period during which the commission—or a subsidiary panel created by the commission—would seek to mediate the dispute, find facts and recommend solutions.

The commission members are:

PUBLIC

George P. Shultz, Secretary of Labor, chairman.

George Romney, Secretary of Housing and Urban Development.

J. Curtis Counts, director, Federal Mediation and Conciliation Service.

Dr. John T. Dunlop, Harvard University.

UNIONS

C. J. Haggerty, president, Building and Construction Trades Department, A.F.L.–C.I.O.

M. A. Hutcheson, president, United Brotherhood of Carpenters and Joiners of America.

Peter T. Schoemann, president, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

Hunter P. Wharton, president, International Union of Operating Engineers.

EMPLOYERS

E. S. Torrence, executive director, Painting and Decorating Contractors Association.

Robert Higgins, executive vice president, National Electrical Contractors Association.

Carl M. Halvorson, president, Associated General Contractors of America.

John A. Stasteny, vice president and treasurer, National Association of Home Builders.

Alternate commission members will be selected and announced shortly after consultation with the national labor organizations and contractor associations in the industry.

Mr. JAVITS. Mr. President, I do not deny that various collective bargaining agreements in the building and construction industry do contain unfortunate impediments to the use of new technology, and that such impediments should be removed as quickly as possible consistently with adequate consideration for protection of the workers involved. The original amendment offered by the Senator from Texas, however, would not have made any distinction between restrictive clauses which might be unreasonable and those which represented legitimate compromises of the interests of the parties concerned. It would have simply condemned, out of hand, all efforts through collective bargaining to "inhibit" the use of new or improved technologies, and so forth, in building and construction programs under the jurisdiction of HUD.

The amendment as it has now been modified, however, would not have this effect. It would not affect established bargaining relationships or arguments; and it would require the Secretary to evaluate the reasonableness of any work practice or contract sought to be challenged. It would thus continue to permit the fullest latitude to collective bargaining to solve the often difficult problems caused by the use of new technology.

Mr. President, I am unwilling simply to throw collective bargaining on the ash heap insofar as technology in the building and construction trades is concerned. Here, as elsewhere, collective bargaining can serve a legitimate, and often creative, purpose in permitting new technology to be utilized, yet at the same time protecting the legitimate interests and expectations of the workers affected thereby. This was also the position taken in the report of the National Commission on Technology, Automation, and Economic Progress issued in February 1966. That report, which was entitled "Technology and the American Economy," pointed out that collective bargaining had often proven to be an "excellent vehicle" for the management of change. The Automation Commission also called for joint efforts of Government, labor, and management to develop ways of cushioning the effects of technological change.

ding. Before we point the finger of blame

The construction industry collective bargaining commission, consisting of members from management, labor, and the public sector, is clearly consistent with these recommendations. The Commission is charged with two major responsibilities: First, to develop new and voluntary procedures for the settlement of disputes within the industry; and second, to discuss and seek solutions to a wide range of problems that directly affect the industry's ability to grow and adapt to changing needs. Clearly, this second responsibility involves consideration of possible impediments to the use of new technology in the building and construction trades industry.

Mr. President, I would like to congratulate the President and Secretary of Labor Shultz for what I conceive to be a most valuable contribution to solving the problems which have been manifesting themselves of late in the construction industry. Clearly, such a commission as the President has now established has the greatest potential for improving conditions in the industry and solving the problems afflicting it.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator from South Carolina (Mr. Thurmond), the Senator from Arizona (Mr. Goldwater), and the Senator from Oklahoma (Mr. Bellmon) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. PROXMIRE. Mr. President, I do not wish to delay the Senate on acting on this amendment, but would like to make it clear that, whereas I know the distinguished Senator from Texas is offering his amendment sincerely, I was the author of an amendment to provide for the so-called Operation Breakthrough which, as we know, was designed entirely to provide for improvements in housing technology so that we could get down the cost of housing.

When we provided that last year, we also passed a provision, and I quote:

> The Secretary is directed to require, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs.

Mr. President, I say this with regret, but I do not see how I can support the amendment of the distinguished Senator from Texas. I repeat, I know he has offered it in complete sincerity, but I feel that this will not materially change the law in a way which would speed up progress in breaking through this new ground to develop new techniques for housing.

Thus, Mr. President, with reluctance, I must announce that I will oppose the amendment.

The Senator from Texas has labeled his proposal an "Operation Breakthrough" amendment. In so doing he has focused attention on an objective with which every Member of the Senate would surely agree. We are all for technological breakthroughs to lower the cost of housing. In fact, I introduced the amendment to the Housing Act last year encouraging large scale experimentation with new technology. The amendment has become an integral part of the current administration's "Operation Breakthrough."

SAFETY FIRST

Although there can be no quarrel over the need for innovation and technological improvement in home construction, we must be concerned with the means by which this goal is accomplished. We certainly would not want to achieve technological progress by giving the Secretary of HUD dictatorial powers to ride roughshod over any and all union work practices, even work practices designed to protect the safety of the men who build our Nation's homes. What may appear to be a restrictive union work practice to a Federal bureaucrat may to the working man be a legitimate attempt to promote work safety.

Indeed, the entire subject of alleged restrictive work practices in the building trades is an extremely complicated one. It is difficult to separate work rules which further safety and quality construction from those which are merely featherbedding. Before we point the finger of blame at any one participant in the building process, we need to make sure we know all the facts.

THE DOUGLAS COMMISSION REPORT

The Douglas Commission wrestled long and hard with the problem of restrictive building practices. While not denying the problem, the Commission did observe that—

> Assertions that unions typically raise costs unnecessarily are made so often and so forcefully that the public tends to take claims as facts, although numerous claims are not borne out on closer scrutiny.

Following exhaustive hearings and investigations, the Douglas Commission came up with three main conclusions:

First, many restrictive practices do exist which add unnecessarily to housing costs;

Second, in spite of these restrictions, unions have been active partners in a number of breakthroughs involving new products and methods; and

Third, many restrictive practices would disappear if government could assure a consistently high level of home construction, thereby reducing job insecurity.

THE TOWER AMENDMENT

In contrast to the balanced and reasoned approach of the Douglas Commission, the Tower amendment seeks to accomplish by administrative fiat what can only be achieved in a close and cooperative partnership between government, labor, and business.

Let us examine the specific language which was originally suggested under the Tower amendment:

> The Secretary of Housing and Urban Development is directed to . . . assure, in connection with housing construction, rehabilitation and maintenance under programs administered by the Department of Housing and Urban Development, that there is no inhibition by contract or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs.

There are a number of difficulties with this language:

EXISTING LAW ADEQUATE

First of all, the additional authority appears to be unnecessary. Under the same section of law which Senator TOWER would amend, the Secretary of Housing and Urban Development "is directed to require, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs."

This language was authorized under the 1968 Housing Act which we passed only last year. There was no testimony by the administration that the language was inadequate or unworkable. Why not give the 1968 amendment a chance to work before proposing new language?

SAFETY IGNORED

Second, the Tower amendment is inflexible and rigid in its attempt to abolish restrictive practices. The Secretary of Housing and Urban Development is directed to assure that there are no inhibitions by contract or practice against the use of new or improved technology or building practices. The duty to prevent these "inhibitions" is absolute. If the new technology or work practice reduces the cost of housing, the Secretary must assure that its use is not prohibited on federally assisted housing projects.

There is no requirement that the Secretary balance off the reduction in cost against other equally valid social objectives such as maintaining safe and decent working conditions for our workers and maintaining safe and high quality construction. All of these considerations would seem to be covered under the phrase "to the maximum extent feasible" which modifies the duty of the Secretary under existing law to prohibit restrictive building practices on federally assisted projects.

The effect of the original amendment by the Senator from Texas is to delete the words "to the maximum extent feasible." In his commendable zeal to promote the construction of low- and moderate-income housing, I am sure the Senator from Texas does not intend that we achieve this objective by returning to sweat-shop labor conditions on federally assisted housing projects. Nonetheless, that could be the effect of his amendment. As it was originally drafted, the Secretary is required to prohibit all practices which raise cost even if such practices are legitimate to achieve safe or decent working conditions.

BLUNDERBUSS APPROACH

In fact, the language is even more rigid. Not only must the Secretary prohibit any practice or union contract inhibiting the use of new techniques or methods which actually lower building costs. He must also forbid the inhibition of any new techniques or methods which may lower building costs. In other words, the mere possibility of cost reduction, even if unproven, is insufficient to trigger the Secretary's duty to override any and all union work contracts which get in the way.

This is certainly a blunderbuss approach to a most difficult and complex problem. Under proposed amendment, the Secretary of Housing and Urban Development is required to scuttle any union work rules if they interfere with lower cost construction. Its adoption would be a major step backwards in achieving fair labor conditions.

CLEAR IT WITH GEORGE

Third, the language gives the Secretary sweeping and ill-defined powers. For all practical purposes, the Secretary of Housing and Urban Development would become a construction czar with the power to dictate the detailed terms of contracts to thousands of union locals. Agreements freely arrived at through collective bargaining could be overridden by a federally appointed official.

It is indeed ironic that the Senator from Texas, who has been an articulate critic of concentrating power in Washington, would propose such a broad and unlimited grant of authority to a Federal official. There is no requirement that the Secretary conduct a hearing or publish his findings in the Federal Register. None of the procedural safeguards of the Administrative Procedure Act would be available. Nor does it appear that the Secretary's determinations would be subject to review by the courts. As I read the original language, a Secretary might even conclude that labor unions per se increase project cost and therefore require nonunion labor on Federal housing projects.

Some Members of the Senate may recall the famous comment of F. D. R. concerning any proposal in which labor was interested during World War II—"Clear it with Sidney"—referring, of course, to Sidney Hillman, labor's representative on the National Defense Commission. It would be no exaggeration to predict that if the Tower amendment were adopted, a new expression would quickly become current—"Clear it with George."

ONE-SIDED EFFECT

Fourth, the proposed amendment is one-sided by focusing only on restrictive union practices. The language directs the Secretary to prohibit any "contract or practice" which impedes improved technology. Under this terminology, labor union contracts and work practices would be covered; however, restrictive local building codes would apparently get off scot free. Restrictions built into building codes are not "contracts" or "practices"; they are legal requirements.

MYTHS ABOUT LABOR AND HOUSING

As the Douglas Commission so ably pointed out, the problem of restrictive building codes is a greater obstacle to low-cost housing. Moreover, these restrictive codes are often defended by contractors, building equipment manufacturers, and other business groups seeking to preserve their vested interests.

In actual fact, the notion that labor unions add to housing costs is grossly exaggerated. For example, 80 percent of the housing in this country is built by nonunion labor. That is not generally known. Many of the arguments, true or false, about restrictive practices in the construction industry revolve around building skyscrapers, bridges, and highways, but not housing.

The fact is that in the suburban and small town and rural areas of this country, the workmen are nonunion and dependent on the employer. In the large central cities where unions are strong, they are often equal to and sometimes hold the upper hand over the employer in this fragmented industry.

Thus, union restrictions, even where they exist, affect only a small portion of the homebuilding industry. And that fact is generally not known.

It is curious that the amendment by the Senator from Texas is so concerned with restrictive labor practices but is virtually silent regarding restrictive business practices which have a far greater impact on housing costs. If it is all right for the Secretary of Housing Urban Development to override union work contracts, why is it not all right for him to override restrictive local building codes?

The proposal by the Senator from Texas is analogous to proposing wage controls to combat inflation but not price controls. It is grossly one-sided and discriminatory in its effect.

MANY RESTRICTIONS DUE TO PRODUCERS

Many restrictive practices in the industry have nothing or little to do with the unions. Instead, they are fights between and among producers and contractors. Or they are zoning or subdivision restrictions or are imposed as fire safety provisions. Take the most notorious restriction in recent years; namely, the prohibition of the use of plastic pipe in drain, vent, and plumbing units. Basically this is a fight between the cast iron soil pipe industry and the plastics industry. In most areas it is not a union restriction. But the unions often receive the general criticism.

In some places wood frame exteriors are prohibited for multi-family housing of three stories or less. This is obviously restrictive and ridiculous. The Douglas Commission determined that wood frame exteriors were prohibited by 25 percent of the building codes in the country.

This restriction is generally not just a union restriction. It is done, allegedly, on grounds of fire safety and is a fight between the lumber interests on the one hand, and the brick and mortar and other groups, on the other.

COERCION DOES NOT WORK

Fifth, the Tower amendment is counter-productive. No one likes to reform with a gun at his head. The proposed amendment would give the Secretary of Housing and Urban Development a cannon to blast away at the unions when cooperation and mutual trust are needed. The probable result will be to increase labor union hostility and suspicion toward new technology and intensify its opposition toward improved work practices.

Instead of proposing harsh and punitive legislation, the Federal Government needs to work with the leaders of the labor movement to eliminate restrictive practices and to insure a more stable residential construction industry. We particularly need to develop methods for avoiding the disastrous effect which periodic savings in monetary policy have upon the achievement of our housing goals.

Housing starts have declined seven consecutive months from an annual rate of 1.8 million in January to 1.3 million in July. Moreover, homebuilders project a further decrease to an annual rate of less than 1 million starts by the end of the year. We should be building twice as many units to achieve our 10-year housing goals outlined in the 1968 Housing Act.

If we could stabilize our residential construction industry, most of our problems concerning restrictive work practices could be solved. Representatives of the AFL–CIO have testified before our Committee that they are ready, willing and able to work with HUD to achieve technological breakthroughs. This cooperation has been evidenced in dozens of projects around the country. The Tower amendment could destroy this cooperation by sowing the seeds of suspicion and mistrust.

HEARINGS NOT HELD

Sixth, the proposed amendment is premature. Even if it can be shown that some additional legislation is required, we should not legislate on such a complex and controversial subject without extensive congressional hearings. The Tower amendment was not part of the administration's housing bill; nor was it discussed in the hearings held by the housing subcommittee. The amendment was raised during the committee's executive session, where it was defeated by a vote of 6 to 5.

SUMMARY

In summary, Mr. President, I am opposed to the Tower amendment for the following reasons:

First, existing law, passed in 1968, for dealing with restrictive practices has not been adequately tested;

Second, the amendment is too inflexible and rigid and even requires the abrogation of work practices designed to promote decent and safe working conditions;

Third, the amendment conveys sweeping and ill-defined powers to the Secretary of Housing and Urban Development without adequate legal safeguards.

Fourth, the amendment is unfair and discriminatory by focusing on restrictive union practices and ignoring restrictive building codes;

Fifth, the amendment is counter-productive in that it is likely to increase union hostility toward new technology; and

Sixth, the amendment is premature since hearings have not been held.

I realize that Senator Tower has modified his amendment to take into account some of these objections. Nonetheless, I do not believe we should legislate on such a complicated subject on the floor of the Senate without careful hearings. I am therefore opposed to the amendment, even with the modifications accepted by the Senator from Texas.

Mr. President, here are a number of reasons why we should not legislate in haste on such a complicated subject.

DOES NOT REACH BUILDING CODES

The amendment before us refers to a "practice" or a "contract" in which there is a restrictive practice. It is obviously aimed, therefore, at alleged union or work practices and contracts and not at restrictive practices contained in building codes. Yet these latter, and especially the lack of uniformity from town to town and political jurisdiction to political jurisdiction are the real culprits. That is what prevents mass production in building. But these are not affected by the proposal and there is very grave doubt if the exercise of State police powers by localities should be outlawed directly by Federal legislation. In fact it is amazing that many of those who shout most loudly about "States rights" and against "Federal encroachment" should be so willing to have "Federal encroachment" in this field.

PLASTIC PIPE

Does this amendment prevent local building codes from prohibiting the use of plastic pipe in drainage systems? Sixty-two percent of all building codes outlaw the use of plastic pipe. But this amendment does not touch it. And since plastic pipe may or may not be less expensive—in some cases it costs more—the provision probably would not cover it even if it were only a practice.

What about the prohibition against the use of 2- by 4-inch studs 24-inch on center on nonload bearing interior partitions? Forty-seven percent of all local building codes contain that prohibition? Where there is no load to bear, there is no reason to have studs every 12 inches or 18 inches. Twenty-four inches is certainly ample. But that is prohibited, not by unions but by local codes. This amendment does not touch that prohibition and restriction.

CODES PROHIBIT ON ELECTRICAL HARNESS

What about the 46 percent of local codes which prohibit preassembled electrical wiring harness at the electrical service entrance? That is not touched by this amendment because it is in the codes and is not a practice or contract.

Forty-two percent of the jurisdictions with building codes prohibit preassembled combination drain, waste, and vent plumbing systems for bathroom installation. That would not be touched by the amendment.

SMALLER STUDS PROHIBITED

The same is true of the prohibition on 2- and 3-inch studs in nonload bearing interior partitions, which is outlawed by 36 percent of building codes, and numerous other features of residential construction.

These are not touched by the amendment and there is very great doubt that they should be touched by a Federal law or Federal code. If we are going to have a Federal building code we had better hold extensive hearings about it and go into it with our eyes open.

AMENDMENT AVOIDS CODE RESTRICTIONS

This amendment does not get at the worst practices in building restrictions. It is aimed only at "alleged" union restrictions in "contracts" or "practices." Building codes, which have the status of local ordinances, are exempted. Yet that is where the worst practices occur.

But let us examine alleged union or work restrictions. How would the amendment apply to them? How does one differentiate between a restrictive practice and a practice necessary to safety? Are jurisdictional disputes to be outlawed and, if so, is the Secretary of Housing and Urban Development to decide which union practice prevails? Are we to make him the arbiter over jurisdictional matters?

SECURITY ON RESTRICTION

What about legitimate union demands or work practices which most employers call "restrictive." They abound by the dozens. What is one man's restriction is another man's security. Shortly I shall cite some of these and ask how the amendment would apply to them.

XUM

What about practices which are the result of the bargaining process. Suppose a union gives up 10 cents an hour in order to secure a practice which it deems essential to its security? Is the employer to benefit twice—once from an agreement in which the union members get less per hour in exchange for a particular practice and, then again when that practice is outlawed by the Secretary of Housing and Urban Development on grounds that it "may," be restrictive or increase costs?

These matters cannot be examined in a vacuum. To do a proper job the entire give and take of a contract would have to be looked at and examined. And this amendment gives no indication of any kind that those who are behind it have the slightest understanding of how these matters are arrived at.

WHAT IS A RESTRICTIVE PRACTICE

Let me turn to some specific questions.

Suppose men are hired to run a machine which reduces costs. Suppose also that the employer or contractor has not maintained the machine in good working order. After 2 days of use the machine breaks down. Is it a restrictive practice under the Tower amendment if the contract has a provision that does not allow the employer to lay off the men whose machine is being repaired? Is it a restrictive practice under this amendment for such a man to continue to be paid if that is bargained for and agreed to under the contract?

What is the answer to that question? Is it a restrictive practice or is it a legitimate exercise of the collective bargaining process to insure job security?

FOREMEN'S NUMBER AND WAGES

Time and again employers complain about foremen. They complain both about the number of them and the wages they receive. Is he or is he not to be a member of the union? Shall orders be given to men by the superintendent or is it possible to require under a collective bargaining agreement that the orders to the men shall be given by the foreman?

This is one of the most hotly debated provisions in the construction industry. Is Mr. Romney to decide that issue job by job? Is it a practice which raises costs?

RATIO OF FOREMEN TO MEN

What about the ratio of foremen to men? Some contracts call for a foreman if two full 10-men crews plus a partial crew are at work. Some say that four crews of any size shall require a foreman. Employers complain that these are restrictive practices. Who is to decide?

Under this amendment the Secretary of Housing and Urban Development would decide. To state that is to show how absurd it is. That is properly a matter for collective bargaining.

ARE SHOP STEWARDS NEEDED?

What about shop stewards? Some contracts require that he be present when overtime is worked. Employers complain that is restrictive? But is it? Or is it not? Who decides?

Under this amendment Secretary Romney decides. Why not leave that to collective bargaining?

ON-SITE CONSTRUCTION

There are complaints about on-site construction and the unwillingness to allow prefabricated products.

In many cases this problem is solved by placing a man in the plant. An electrician or plumber can be placed in the plant to inspect the prefabricated items before they are assembled to insure that they are done properly. Often there is then no question at the site. It is worked out by agreement.

But what about this amendment? Suppose there is prefabrication in a factory of a plumbing tree? The item is moved to the site. It has gone uninspected by plumbers in the factory? Does the union have a right to object to that item? Would it be wrong for them to bargain over the issue of whether or not the item is inspected by a plumber before it leaves the plant?

Under this provision it could be a restrictive practice. Under this provision there could be no inspection either on the site or at the factory.

PREFABRICATION IN NONUNION FACTORY?

Suppose the union has a contract that electrical work shall be installed by union members. Employers and union alike agree to that. Suppose also that because of it there has been general labor peace in the city or community.

What happens under this amendment if prefabricated electrical harness or prefabricated plumbing trees produced in a nonunion factory are moved into the city for use? Does the union have a right to refuse to work on these products? Is Mr. Romney or his successor to decide this matter? Is it a restrictive practice for the union which has a contract to install electrical or plumbing items, including prefabricated items, to refuse to work on prefabricated plumbing trees or electrical harnesses if they are built in a nonunion plant or where there is no inspection at the plant to determine if the fabrication is proper?

GRIEVANCE PROCEDURES

What about grievance procedure? Employers often complain that too many people take part, too much time is lost, or the the procedures are violated? Is a charge by the employer that too many men are involved in the procedure a "restrictive practice"? Does it come under this amendment?

HAZARD PAY

What about hazard pay? The building industry has the highest accident rate in the country. Are men on swinging scaffolds, those who work at great heights, or work there for long hours, to receive premium pay for work on new products or not?

If a carpenter lays bricks on the outside ledge of the 15th floor is it a restrictive practice for him to receive higher hourly rates or to work a shorter day than if his work were done at the ground level? Is that a restrictive practice? Is Mr. Romney to decide?

CLEANUP TIME

What about cleanups and coffee breaks? Most employers say they are restrictions. Employees say they are needed.

If a man is working in wet concrete, in dirt and mud on a wet day, or on new material that soils his tools, should he receive cleanup time for which he is paid? Is 10 minutes all right? Is 12 minutes a restrictive practice? Is the Secretary of Housing and Urban Development supposed to decide? Can he decide sitting in Washington what is too long a time for cleanup time for work on a new material in San Francisco during the rainy season? How absurd can one get?

CREW SIZE

What about crew size? How many men should there be on a digging machine crew? Cranes? Pile drivers? Welding crews? Is the Secretary of Housing and Urban Development to decide how many men compose a module housing construction gang in Seattle? Is Mr. Romney to tell us the ratio of cement masons to a foreman in Boston?

CALL IN TIME

What about call in time? That is alleged by many employers to be a restrictive practice. Under some contracts if a man shows up for work he must be paid for at least 2 hours. Is that wrong? Is it wrong on a prefabricated project? Suppose he drives 40 miles to the job only to be told there is no work that day? Is that a restrictive practice? Is the Secretary of Housing and Urban Development the man to decide that?

UNION HIRING HALLS

What about provisions for union hiring halls, standby workers, and seniority rules? Are these restrictive practices or legitimate items for negotiations under a contract? If they are used in connection with new technology are they restrictive under the meaning of this amendment?

CAN SENIORITY RULES BE USED?

Employers claim they have the right—the management right—to determine whom they hire. Is it right or wrong for a contract on a construction job using new technology to stipulate that men shall be laid off according to seniority and hired back according to seniority? Is that a restrictive practice or not? Is Mr. Romney going to decide that one? Yet some employers will state that who they hire are their prerogative. Others will agree to seniority provisions. When is it a restrictive practice?

TRAVEL TIME?

What about travel time and maintenance allowances? Are they necessary or restrictive?

PAINT BRUSHES

What about certain devices. In Baton Rouge there is a contract which states that brushes not over 4½ inches will be used when painting structural steel. Is that restrictive or not? Can the Senator from Texas tell us? The painters claim that a wider brush means a reduction in quality. They also claim that on many construction jobs a wider brush and the larger paint cans needed can be hazardous, especially at tall heights. Is the Secretary of the Housing and Urban Development to tell us that is a restrictive practice? And if he does so will he not cause far more chaos and trouble than he solves?

DIFFICULT NEW MATERIALS

What about onerous tasks and working with difficult new materials? Removing asbestos cement sheets is a dirty job. Is it wrong for carpenters or their apprentices to be paid 25 cents an hour more when working on such a job? Is that a restrictive practice? Is the Secretary of Housing and Urban Development to determine whether that practice under a legitimate contract is to be outlawed in Baton Rouge?

Who is to say whether these matters are legitimate practices, properly bargained for, or whether they are restrictive practices? How do they fit in in the scheme of things? Did the union give up on hourly wages or working hours or vacation time in return? Can they be looked at in isolation? Who is to judge?

HUGE BUREAUCRACY NEEDED?

In my judgment for the Secretary of Housing and Urban Development to determine these matters for all the building industry in the country would require a number of employees and a group of inspectors exceeding the total number of employees now employed by HUD itself? Is there to be a HUD inspector on every job? Is the Secretary to sit as a judge 7 days a week—for that is what it would take?

NOT THE ANSWER

This is not the answer to the problem. The answer is manyfold and involves an understanding and a judgment this amendment shows no signs of meeting.

There is an old saying that a high tide floats all the boats. When there is a building boom, the job gets done. Restrictions vanish. New members are accepted in the unions. Blacks come into the trades. Prefabricated products get used.

But when we have tight money, a decline in building, and rising housing prices, or unemployment in the trades, restrictions begin to rear their heads.

END TIGHT MONEY

The end of tight money will solve many restrictive practices. The aggregation of markets will get houses built. Larger units of government, less restrictive building codes, zoning ordinances which do not keep out the poor, open housing ordinances to make certain that all Americans have an equal chance to live where they wish, are the ways to build housing. Project agreements are another means to secure progress.

NOT THE ANSWER

The amendment we have before us gives not the slightest indication of being workable. It could merely increase our troubles. It could create a national czar over the legitimate collective bargaining process.

NO APPEAL MACHINERY

Members of Congress and the Senate are horrified at the possibility of compulsory arbitration. This amendment would go beyond that. This amendment would put in the hands of one man, without right of appeal, the decisions about wages, hours, working conditions, and practices in the most complex, diverse, and diffused industry in America. It would put the hand of the Federal Government into every day by day and hour by hour practice in the building industry in the country.

Because of all these reasons, I do not believe we should approve a change in existing law without extensive hearings, not only on union practices, but on restrictive building codes, zoning requirements, and other obstacles to lower cost housing. While I certainly agree with the objective of achieving technological breakthroughs, we need to move upon the entire problem and not just one aspect of it. I, therefore, am opposed to the Tower amendment.

Mr. YARBOROUGH. Mr. President, I want to associate myself with the remarks of the Senator from Wisconsin and express my opposition to the Tower amendment. I am in sympathy with the need for technological breakthroughs in the housing area, but I do not believe we should legislate on so complicated a subject as union work practices without thorough public hearings. I join the Senator from Wisconsin in opposing the Tower amendment.

Mr. GURNEY. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. GURNEY. Mr. President, I strongly support the amendment offered by the Senator from Texas (Mr. TOWER).

One of the great pressing needs in the United States today is adequate housing. We have as our national goal 26 million new homes or apartments over the next 10 years, 6 million needed immediately for 20 million Americans who live in substandard housing.

Our great cities are rotting. Whole inner city sections need either leveling and rebuilding or massive repairing on a scale never before undertaken. Also needed is the building of entire new communities to relieve the teeming ant-hill pressures in the big cities.

For a Nation which has split the atom, placed the first men on the moon, manufactured 8,848,321 automobiles in 1 year, this should be an easy task.

And so it would be if American technology were to be applied to building homes as it has been applied in creating rockets and spaceships.

Yet in the homebuilding business we have too often attempted to meet 21st century housing needs with 18th century building methods. I say this in all candor. For a Rip van Winkle type carpenter could actually arise from his 18th century sleep and feel quite at home pounding nails and sawing wood in the homebuilding industry of 1969.

If transportation had followed the same course as the construction industry, this Nation would still be moving about in horses and buggies, open-air trolley cars, and big frontwheel bicycles.

We have an opportunity here today to make clear that it is the intent of Congress to have a progressive economy that makes full use of all new products and innovations. It is essential that we have technological progress in the construction industry and reduce cost beyond today's all-time high.

Housing is one of our greatest national problems. It is a priority problem which demands solution like Vietnam, crime, education, pollution. On these latter problems, all of us see daylight at the end of the tunnel, even though it may be long, uphill, and we have to crawl instead of run.

But as long as we try to solve our housing needs with century-old tools and techniques, we are indeed doomed to stay in the darkness of the tunnel permanently.

There is universal agreement by the housing experts and planners, by architects and engineers, by the contractors, that there is no way for this Nation to meet this urgent need and put our people under adequate roofs, unless we go to new ways of building. These must include prefabrication, systems analysis and programing, new resources, new policies, new concepts and new techniques.

European builders have already paved the way. They are solving their acute housing needs with just this sort of innovation. The hands of their architects, engineers, and builders and workmen have not been tied as in this country. They are applying mass production techniques.

During the last few years we have devoted much thought, time and energy to the development of high quality, lost cost housing in the United States. All of us in the Congress want to help out in solving this housing need. I feel this amendment is important if we really want to break the housing logjam. It is important that Congress support Secretary Romney's "Operation Breakthrough" endeavor by going on record as favoring advancement in technology in meeting our housing needs. I urge adoption of Senator TOWER's amendment.

Mr. KENNEDY. Mr. President, I agree completely with what the Senator from Texas (Mr. TOWER) said in the committee report on this bill: that "new technologies and mass-produced housing are the answers to many of our housing problems." If we are to meet the Nation's housing needs in the decade ahead, it will be by a coordinated effort stressing new approaches and techniques in the building industry. I also agree with the Senator that Operation Breakthrough and its emphasis on mass-produced housing will encourage their development.

I feel, however, that the Senator's amendment, rather than stimulating production of new housing, would bring chaos to the industry by interfering with currently accepted practices. I understand that work preservation clauses, which are lawful under the National Labor Relations Act and widely used, would be prohibited in programs administered by HUD since they could be construed to fall under the amendment's broad language. Therefore only contractors who do not have such clauses in their contracts with unions would be able to bid on projects such as model cities programs. The amendment would in effect amend the National Labor Relations Act with respect to HUD programs by prohibiting the use of commonly accepted agreements reached in the collective bargaining process.

Since this amendment involves an extremely important area, I feel that it should not be accepted in the absence of full hearings on its implications in the building industry. The implementation of new technologies is critical, but there is no need for it to be at the expense of the collective bargaining system. I would strongly urge rejection of this amendment.

XUM

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Texas.

The amendment was agreed to.

Mr. JAVITS. Mr President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read, as follows:

On page 2, line 21, strike out "Lower downpayments for".

On page 2, line 23, after "(a)" insert "(1)".

On page 2, after line 25, insert a new paragraph as follows:

"(2) Section 203(b)(2) of such Act is amended by striking out '$30,000', '$32,500", and '$37,500' and inserting in lieu thereof '$32,500', '$35,000', and '$40,000', respectively."

Mr. JAVITS. Mr. President, if I may be recognized——

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. The purpose of the amendment is to raise the ceilings on conventional mortgages for, generally speaking, owner-occupied one-, two-, and three-family houses. That is in the interests of family houses. It is the traditional FHA mortgage pattern.

This amendment is necessary in order to deal with the problem of high costs in areas around the great cities, recognizing fully that the committee has endeavored to do so, by its formula, passed in 1967, which has just been modified to some extent by the amendment of my colleague from New York (Mr. GOODELL), for public housing, and so forth.

We are advised by those who do the actual building of houses in and around our major cities that the application of the formula alone will not be adequate; that there is a very strong case for encouragement of this type of construction and that we must deal with the increased costs which are being faced.

I have read the minority views of the Senator from Texas (Mr. TOWER) with the greatest interest. I agree with him that we should not go "hog wild" on this thing and necessarily keep up with costs. It is like the tax collector. We have to cut without cutting the bone and, at the same time, do all we can to deal with the situation.

Mr. TOWER. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. TOWER. As I said awhile ago, in discussing the amendment of the distinguished junior Senator from New York (Mr. GOODELL), the experience is that very often the ceilings we put in the bill tend to become floors for the minimum cost of construction. I hope that some time in the future we can be led to slow down this escalating process.

I intend to support the amendment of the Senator from New York.

Mr. JAVITS. I thank my colleague from Texas. I hope very much that the Senator in charge of the bill will take the amendment, as he has other amendments, and submit it to conference.

Mr. PROXMIRE. Mr. President, I hesitate to disagree with the Senator from New York, but I must say that we did go over the proposal in committee and it was rejected, after considerable discussion. I feel strongly, with the present housing shortage, and the impossibility of people with incomes of less than $10,000 a year to be able to get housing, that this will make it worse, when we go up to providing housing in the area of $40,000 a home.

After all, FHA insurance is an element of the Government subsidy and the consequences on the typical homebuyer with a small, modest, or middle income will be adverse. Thus, for that reason, although I certainly will not press my argument against the amendment, I must say that I must oppose the amendment.

Mr. JAVITS. Let me point out to the Senator that we are not going quite so high as he says. We are trying to make a marginal adjustment. We are going from $30,000 to $32,500, not from $30,000 to $40,000, and going from $37,500 to $40,000. But it is a marginal adjustment.

In answer to the Senator's argument, let me point out that we do not help the $10,000 fellow by depriving people who cannot afford to buy a more expensive house. That goes for 80 percent of home buyers. We have to make up for what is a bad situation.

As to mortgage interest rates, one of the ways in which we can do that is by being somewhat more liberal on the guarantee side, so that instead of taking the National Homebuilders' figure which, as the Senator says, is 40, I am trying to do something which is marginal to care for the particularly high costs areas, leaving the generality of the mortgages to the formula itself which the committee devised.

Mr. PROXMIRE. The Senator's amendment provides for striking out $30,000, $32,500 and $37,500, and inserting in lieu thereof $32,500, $35,000 and $40,000 respectively. I would therefore argue that there is a limit placed on the housing. As we know, we have the worst housing shortage in this country for the past 30 years. Under these circumstances, if a fairly affluent family is able to get financing under these circumstances, for a $40,000 home, it will be that much harder for the lower income families to buy a house because of the more limited supply of housing generally.

Mr. JAVITS. But the $40,000 home is a multifamily home. This limit is not to one-family homes. That goes only to the $32,500 home. Secondly, the tradition in this country is that if more houses are made available, more houses for lower income groups are made available; and the pressure against the ceiling, when there is a ceiling, is useful in making available a greater stock of housing.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I believe it has already been stated by the Senator from Wisconsin, and I believe by the Senator from Texas, that we considered this matter in the committee, and the committee voted against it. However, just as I said, and just as the Senator from Texas said to the amendment of the junior Senator from New York (Mr. GOODELL) a little while ago, we realize there is a real problem in those areas. There are some questions that we ought to look into to see how this procedure works and to the extent it will give relief.

Just as was said to the junior Senator from New York (Mr. GOODELL), I am perfectly willing to take this amendment, with the understanding that between now and the time we have the conference, we will get the best facts and information on it that we can.

Mr. JAVITS. That is entirely satisfactory with me, and as the Senator from Wisconsin (Mr. PROXMIRE) will undoubtedly be a conferee——

Mr. SPARKMAN. He will be.

Mr. JAVITS. I understand it may very well go out, but at least take a good look at it.

Mr. SPARKMAN. We will.

Mr. TOWER. Mr. President, I concur in the statement of the Senator from Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, may we have third reading?

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered——

Mr. GOODELL. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. GOODELL. I take this time to engage——

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. SPARKMAN. Does the Senator propose to offer an amendment?

Mr. GOODELL. No.

Mr. SPARKMAN. I wonder if we might have third reading.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. MILLER. I would appreciate it if the Senator would withhold his request for third reading for just a few minutes. I may have an amendment.

Mr. SPARKMAN. Certainly.

The PRESIDING OFFICER. The Senator from New York.

Mr. GOODELL. Mr. President, I take this time to engage in a brief colloquy with the Senator from Massachusetts (Mr. BROOKE) with reference to a provision in this bill which he offered. I believe we should make absolutely clear its legislative intent. In order for families of very low income to afford public housing rentals of more than 25 percent of their income, annual rental assistance payments will be made to the public housing agencies. In addition, this provision enables housing authorities to lower rents for tenants to 25 percent of income. Then, the Government pays the difference between 25 percent of income, the actual operating cost for the unit under existing law, housing authorities now receive subsidies of $120 per family for the disabled, handicapped, and very low income family.

I would like to ask the Senator from Massachusetts this question: If an authority does not charge over 25 percent of the tenant's income for rent—which I understand would disqualify it from the Brooke assistance provision—will that authority in that rental situation still be eligible for the $120 per year per family payment?

Mr. BROOKE. Mr. President, it would, under the amendment, be eligible under those circumstances. It was not the intent to deny that family any Federal assistance.

Mr. GOODELL. I appreciate the Senator's answer, and would like to ask another question.

If an authority charges over 25 percent of the tenant's income for a family which in addition does qualify for the $120 hardship payment, would the housing authority be eligible to receive both the Brooke payment and the $120?

Mr. BROOKE. The answer is "Yes."

Mr. GOODELL. Finally, Mr. President, since the Brooke subsidy is subject to annual appropriation, there is some question as to whether the authorities will be able to rely on funds unless appropriations are made. The $120 statutory payment, therefore, in my opinion, must be maintained.

I would like to ask if the Senator from Massachusetts agrees that the Brooke rental assistance will be in addition to, not in substitution for, any other contributions or payments provided under the act.

Mr. BROOKE. The assistance would be in addition to, rather than in lieu of.

Mr. GOODELL. I appreciate the clarification of the legislative history on this point, because I think it is a very vital factor in the case of many persons, particularly in our urban housing areas. I thank the Senator.

Mr. MILLER. Mr. President, I would appreciate it if I could get the attention of the Senator from Alabama (Mr. SPARKMAN), who is the manager of the bill, so that I could address a few questions to him. I would like to refer specifically to section 303 of the bill on page 29.

Mr. SPARKMAN. I may say to the Senator from Iowa that we amended that section. That provision has to do with providing consultants and planning. Is that not correct?

Mr. MILLER. That is correct.

Mr. SPARKMAN. We amended it to make it completely clear that it is optional with the county, the municipality, the regional establishment, whatever it may be. It is not compulsory. Many persons seem to have gotten the idea that we were saying they had to use these consultants. That was not the intention of the committee at all.

We inserted language to make it perfectly clear that it was purely voluntary.

Mr. MILLER. May I say that concern was expressed to me that they would have to be used and the State planning service could not be made available.

Mr. SPARKMAN. No; that is not true. The language makes it completely optional. Language was adopted which I am sure is completely satisfactory to the Senator.

Mr. MILLER. The reason for my inquiry is that my Governor was quite concerned with the provision of the original bill. Now that it has been changed to make it optional the problem may have been taken care of.

Mr. SPARKMAN. The draft did not comply with what was intended. As a matter of fact, if the Senator will look at the report, he will see that we put in the report what we intended. I caught the difference between the report and the bill and saw it did not fit. So we inserted language which made it perfectly clear.

Mr. TOWER. Mr. President, if the Senator will yield, I am glad to read to him the language which amended that section:

> Any grants made under this section to a State, metropolitan, or regional planning agency, an economic development district, or any other areawide planning agency for use by such agency or district to provide planning assistance to any local government or any agency or instrumentality of a local government shall be used in a manner consistent with the Federal Government's policy or relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

Mr. MILLER. That clears the problem up as far as I am concerned, and I thank my colleagues for giving me those answers.

The PRESIDING OFFICER. (Mr. CRANSTON in the chair). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PERCY. Mr. President, in the February issue of the Community Renewal Society, John Russell wrote:

> The most ghastly thing of all is to watch a city die, and without benefit of bomb. Her gleaming towers, swift flowing arteries, and new facade give evidence of vitality and strength, while underneath, the cancer eats away.

We can be proud of the tremendous strides taken to assure that such a fate does not await America's cities. The endeavors undertaken to attain our national goal of "a decent home and a suitable living environment for every American family" are tremendous. The task now before us is to be certain that our work is not frustrated and that it can be continued.

S. 2864, a bill favorably reported by the Committee on Banking and Currency, would, first, establish new termination dates for present housing programs, and, second, authorize new funds to continue these vital programs. It would also, in some cases, expand the existing programs. In this way, S. 2864 would help to make present programs more effective and workable as our Nation strives to meet the present housing crisis.

We already have a wide range of housing programs on the books which cover every aspect of our national housing needs. Basically, the pending legislation relies upon these programs which are presently in operation and functioning with some degree of success. To fail to favorably act on S. 2864 would be to fail to extend such vital programs as the Federal Housing Administration program, model cities, public housing, rent supplement, and urban renewal. This would indeed be a tragedy.

When these programs become fully operational, millions of American families will for the first time in their lives have an opportunity to live in a decent environment. The potential of existing legislation to provide that environment must be exploited in the coming years, and this requires the continuation of these programs. I am confident that Senators will recognize the importance of this legislation, and give S. 2864 their full support. We must respond affirmatively today so that our American fellowman does not have to watch his city die tomorrow.

Mr. BROOKE. Mr. President, the Housing and Urban Development Act of 1969 represents a significant step toward achieving this Nation's goal of providing a decent home for every American. I commend my esteemed colleagues on the Senate Banking and Currency Committee and reserve special praise for Chairman SPARKMAN and Senator BENNETT who contributed significantly to the development of this legislation.

This legislation contains a number of important provisions. I will, however, only highlight those provisions which I feel deserve special attention.

Section 114 of the bill would authorize the Government National Mortgage Association to purchase mortgages at par and sell these mortgages either immediately or at any other time at a price lower than par if necessary to meet the range of market prices. Thus, GNMA would have added flexibility in the timing of its sales. Since GNMA has available approximately $1.9 billion in unused authorizations, its authority under this section can now be used to produce a substantial volume of housing which will inure to the benefit of low- and moderate-income families.

In the area of public housing, Senator MCINTYRE and I introduced a bill earlier this year which should have a substantial impact on the quality of public housing. This bill is embodied in section 211 of the present act and would provide additional rental assistance in behalf of very low-income tenants of public housing projects. Thus, rental assistance payments would be available with respect to public housing and leased housing units to enable families of very low income to afford rentals with no more than 25 percent of their incomes.

Information available from HUD indicates that there are approximately 180,000 tenants in public housing projects who pay in excess of 25 percent of their income for such housing. This problem is further accentuated by inflationary pressures which are increasing operating costs considerably. Many public housing authorities, unable to obtain additional funds to cover these increased costs, are looking to public housing tenants for their source of additional funds. But these public housing tenants are unable, in many cases, to meet prior payment schedules without allocating a disproportionate share of their income to housing, and they find it impossible to do so as their rental payments increase still further.

We believe that no public housing tenant should pay more than 25 percent of their income for housing; however, we certainly would encourage public housing authorities to charge considerably less where it is economically feasible to do so. Where a tenant's payments do not cover his proportionate share of operating costs, section 211 would provide rental assistance payments to cover the difference. The Senate Banking and Currency Committee has authorized $75 million annually to fund these assistance payments. I anticipate that these funds will be adequate to insure that no public housing tenants pay more than 25 percent of their income for housing.

Section 206 of this act permits HUD to cover a portion of the operating costs of public housing projects in addition to debt service—out of annual contributions. This new development should enable local housing authorities in 15 large cities which are now facing serious financial problems because of increased operating costs to rectify their financial affairs.

Once those public housing authorities which are operating at large deficits gain stability, and public housing tenants are no longer charged a disproportionate share of their income for housing, our attention must turn to improving the quality of living in public housing. I should emphasize that I do not view public housing as the ultimate answer to the needs of low-income families. On the contrary, I foresee the day when public housing as we know it today will be replaced by new approaches to low-income housing. In the interim, however, we must not lose sight of the need to provide a decent home for persons who are unable to obtain another form of housing. We must not allow the standard of living in these projects to deteriorate in anticipation of the development of more imaginative housing programs and the final implementation thereof.

Many public housing projects in this country fail to meet standards set forth in local housing codes with respect to maintenance and sanitation. In many locales, these housing codes represent the bare minimum required for common decency, and more rigorous standards are, in fact, required by HUD. In many cities local housing projects fail to comply with either set of standards. The primary factor which mitigates against such compliance is the lack of funds to rehabilitate and modernize existing, older projects. Although HUD has allocated some of its modernization and rehabilitation funds to these units, its authorization has been inadequate because of the need to use most of the available funds to assist new projects. Therefore, I submitted a proposal to the Senate Banking and Currency Committee which has been adopted in section 206 of this act. This measure would provide an additional $20 million authorization for annual contribution contracts for low-rent public housing programs. These funds will be earmarked for modernizing and rehabilitating existing, older projects. In addition, the committee authorized $25 million in new annual contribution authority which will become available July 1, 1971.

One of the most significant steps taken by the committee was the authorization of appropriations through fiscal year 1972 for upgrading management and tenant services in public housing projects. One need only discuss the needs and shortcomings of public housing with persons possessing considerable expertise on the subject, to understand that sound management of these projects and adequate tenant services play a significant role in achieving balanced and successful projects. And sound management is greatly facilitated by provisions which make possible long-term planning.

Section 207 of the act was designed to respond to the need for basic tenant guarantees of due process. In formulating this provision, we took into account the need to insure the maintenance of tenant's rights while avoiding cumbersome requirements which would impede the administration of public housing programs. Thus, section 207 requires that public housing applicants be given an opportunity to be heard informally when their application has been rejected. In the course of such a hearing, it is envisioned that new developments might be brought to the attention of public housing authorities which had not been made a part of the decisionmaking process. The section would also require local public housing authorities to notify applicants determined to be eligible for admittance of the approximate time when a unit would be available, to the extent that this information can be reasonably determined by the local housing authority. This requirement would give the applicant some basis for making an informed judgment on how best to meet his household needs.

It is hoped that the foregoing provisions—designed to improve the quality of living in public housing projects—will produce the desired results. The Banking and Currency Committee has also requested that HUD undertake a comprehensive study of public housing to evaluate subsidy requirements in terms of public housing authority incomes and rent-paying ability of tenants, the programs and services provided, and other activities related to public housing. This study, coupled with the recommendations of the Douglas Commission and task forces established by the Nixon administration, should provide a sound basis for next year's legislative proposals in this vital area.

There are two other provisions which I believe deserve mention. Section 212 of the act would provide for continuation of the section 202 program of housing for the elderly and the handicapped. This program was to have been phased out and replaced by the section 236 program; however, the program has proved extremely effective and efficient and deserves continuation. The committee also rejected the concept that section 221(d)(3) below market interest rate projects be converted into section 236 projects. The committee reasserted its mandate that section 221(d)(3) projects should not be discontinued until the committee is satisfied that the section 236 program is fully operational.

The foregoing provisions, coupled with a substantial number of equally important provisions which have been touched on by my colleagues today, constitute an impressive piece of legislation which should improve the quantity and quality of housing in this country. We must not fail to realize, however, that we are far short of our goal. The goal of producing 26 million housing starts and 6 million federally subsidized units in the next 10 years will not be achieved unless our national commitments to these endeavors are greater in the future than they have been in the past. I am hopeful that my colleagues in the Senate will give careful consideration to these goals and to the legislation which is before us today.

Mr. BAYH. Mr. President, I would like to take this opportunity to commend the chairman and members of the Banking and Currency Committee on their development of a very fine and comprehensive bill. The Housing Act of 1969 has certainly taken into consideration those factors which are so vital to the continuance of our efforts to provide decent and adequate housing for every American citizen.

The provisions of this act that increase the capacity of local financial institutions and housing renewal agencies should greatly facilitate the acquisition of moderate- and low-income housing by citizens who in many instances are presently not able to qualify. The increased mortgage limitations and other reflections of cost increases will enable greater numbers of Americans to obtain a home that fulfills their needs for totally adequate accommodations.

I am especially pleased that the committee included in this bill as an amendment to section 3 of the 1968 Housing Act, the provisions of S. 2610 which I introduced on July 14, 1969, which call for broadening of the employment and business opportunities of low income persons in connection with HUD assisted projects.

Throughout our country individual workers and businessmen who reside and do business in areas affected by programs of urban renewal, housing construction, industrial development, and other programs that result in significant impact on the community are very actively seeking additional opportunity to participate in such change. And I am most gratified to see that the committee felt this extension would greatly broaden the scope of employment and business opportunity for lower income persons and aspiring minority entrepreneurs. It is my hope that the policies developed by the Secretary of Housing and Urban Development with regard to section 3 will reflect the urgency inherent in the broadening of its scope.

DECENT HOUSING FOR ALL AMERICANS

Mr. YARBOROUGH. Mr. President, one of this Nation's most pressing problems is the lack of decent housing for many American families. The slums that exist in our cities and the poverty areas that can be found throughout rural America are a national disgrace. In this the richest Nation in the world, there is no excuse why every family in America does not have suitable housing.

Unfortunately, ever increasing consumer prices and interest rates on mortgages have made it impossible for many lower income families to buy a decent home. This situation has resulted in bringing the homebuilding industry to a virtual standstill. The difficulties that now exist in housing industries only serve to dramatize the importance of our Federal housing programs. These programs must be continued and improved if our Government is to fulfill its responsibility to the American people.

S. 2864 represents a rededication on the part of Congress to finding a solution to the housing crisis. This bill basically would continue and extend the existing Federal housing programs which are so vital to progress in America. The most important of these programs are urban renewal, model cities, rural housing, rent supplement, and public housing. This bill also authorizes the funds to continue these vital programs through fiscal year 1972.

An investment in housing is an investment in a better future for millions of Americans who are now living on the fringe of our society. With the passage of S. 2864, we will have taken another significant step toward achieving our national goal of a decent home and suitable living environment for every American.

Mr. President, I am proud to lend my support to S. 2864 and urge my colleagues to do likewise.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass?

Mr. **SPARKMAN**. Mr. President, before the question is put, the Senator from Mississippi (Mr. STENNIS) wanted to make some remarks at this point. I told him if he were off the floor at the time, I would ask for a quorum call. Therefore, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **SPARKMAN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RURAL HOUSING

Mr. **STENNIS**. Mr. President, I wish to invite special attention to the subject of rural housing.

There is in our country today, understandably, a flood of concern regarding the vast urban problems. Their magnitude is tremendous, they are of challenging complexity, and their urgency is undeniable.

I would urge, however, that interest in urban problems not be allowed to reach a stage of preoccupation that would ever permit the Congress to fail to give rural problems the attention they deserve. Farm housing, and housing in small rural communities, are still acute problems, and they will remain so for the foreseeable future. A broad base of economic strength and general well-being of the people of this country will require that rural problems continue to receive careful consideration and timely action.

The Housing Act of 1949 provides a basis for this program, and the bill which is before us today, on an urgent basis, will extend for a 4-year period the various rural housing authorizations which otherwise would expire on October 1, 9 days from now. Certainly we should act expeditiously, and affirmatively, to see that these essential programs continue without a lapse in authorization.

I am pleased that this bill will increase substantially the amount of new loan paper which may be held in the rural housing insurance fund at any one time. This is essential, for the total rural housing program has progressed from about $250 million to $500 million in fiscal year 1968 and 1969, is projected at $1.2 billion in fiscal 1970, and in keeping with our national housing goals will continue to rise throughout the next 10 years.

Rural communities are entitled to and must receive proper attention. I am sure we all realize the importance of this aspect of our national housing program. I think we must be very careful that the needs of the farmers and the residents of small rural communities are not lost in the groundswell of other vast programs.

Mr. President, what I have said here is aside from the Farmers Home Administration loans for farm homes in rural areas, villages, and small towns. That has been one of the outstanding programs of the last 25 or 30 years. It has been of tremendous value to my State, where we have an unusually fine record of repayments of both interest and principal up to date. I commend that program for what it has already accomplished and what I am sure it will continue to accomplish.

I thank the Senator from Alabama.

Mr. **SPARKMAN**. Mr. President, before the Senator from Mississippi leaves, let me say that I appreciate greatly the remarks he has made. Farm housing has been one of my principal interests. I have enjoyed all my work for the last 22 years in the field of housing, but I have taken particular interest in farm housing.

The Senator referred to the farm housing program that I authored as title V of the Housing Act of 1949. That was the direct loan program that did so much good, certainly, down in our areas.

Since then we have liberalized that program and changed it from time to time; and, finally, because the loan program was so much in demand and required such tremendous appropriations, we added an insurance program to supplement it. Then in last year's housing bill, which is perhaps the most massive housing bill we have ever passed, when we provided this subsidized interest for lower income people, both to rent and to buy, after we had done that, looking toward the ghettos and slum areas, for the poor of the cities, I requested of our committee that we do exactly the same thing for the rural areas, and we provided similar programs for the rural areas. This year again we made a few more improvements in the law to make the program more workable. We have now what I consider a rather adequate rural housing program.

The big job remaining is to get builders who are interested in building in those areas, and to get industries out there which will support the people who move in and hold the people who are there. There is a big job yet to do, but I express my appreciation for what the Senator has said.

Mr. **STENNIS**. Again I wish to express my special appreciation, shared, I know, by many other Senators, for the splendid work the Senator from Alabama has done in this field. I remember his early sponsorship of what I call the Farmers Home Administration Farm Dwelling Act of 1949. That was the one to which I referred as having been so successful, in that they have repaid the principal and interest on the loans to an amazingly high percentage.

I thank the Senator again for what he has done, and for his remarks. I am glad as the Senator remarked, that the provisions of this bill are better known now than when the bill passed last year.

The **PRESIDING OFFICER**. The bill having been read the third time, the question, Shall it pass?

The bill (S. 2864) was passed, as follows:

S. 2864

An act to amend and extend laws relating to housing and urban development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1969".

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking "1969" in the first sentence and inserting in lieu thereof "1971".

(b) Section 217 of such Act is amended by—

(1) striking "or title X" and inserting in lieu thereof "title X, or title XI"; and

(2) striking "1969" and inserting in lieu thereof "1971".

(c) Section 221(f) of such Act is amended by striking "1969" in the fifth sentence and inserting in lieu thereof "1971".

(d) Section 809(f) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(e) Section 810(k) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(f) Section 1002(a) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

(g) Section 1101(a) of such Act is amended by striking "1969" in the second sentence and inserting in lieu thereof "1971".

FHA-FINANCED SALES HOUSING

SEC. 102. (a)(1) Section 203(b)(2) of the National Housing Act is amended by striking out "$20,000", each place it appears, and inserting in lieu thereof "$25,000".

(2) Section 203(b)(2) of such Act is amended by striking out "$30,000", "$32,500", and "$37,500" and inserting in lieu thereof "$32,500", "$35,000", and "$40,000", respectively.

(b) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$20,000", each place it appears, and inserting in lieu thereof "$25,000".

(c) Section 222(b)(3) of such Act is amended by striking out "$20,000", each place it appears, and inserting in lieu thereof "$25,000".

(d) Section 234(c) of such Act is amended by striking out "$20,000", each place it appears, and inserting in lieu thereof "$25,000".

MORTGAGE LIMITS FOR MOBILE HOME COURTS

SEC. 103. Section 207 of the National Housing Act is amended—

(1) by striking "trailer coach mobile dwellings" in paragraph (1) of subsection (a) and inserting in lieu thereof "mobile homes";

(2) by striking "trailer court or park" in paragraph (6) of subsection (a) and inserting in lieu thereof "mobile home court or park";

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(3) by striking "trailer coach mobile dwellings" in paragraph (6) of subsection (a) and inserting in lieu thereof "mobile homes"; and

(4) by striking "$1,800 per space or $500,000 per mortgage for trailer courts or parks" in the first sentence of subsection (c) (3) and inserting in lieu thereof "$2,500 per space or $1,000,000 per mortgage for mobile home courts or parks".

HIGH-COST AREA MORTGAGE LIMITS FOR LOW AND MODERATE INCOME HOUSING

SEC. 104. (a) Section 221(d) (2) (A) of the National Housing Act is amended by striking out the second proviso and inserting in lieu thereof the following: ": *Provided further*, That the Secretary may, in his discretion, increase the foregoing dollar amount limitations by not to exceed 45 per centum in any geographical area where he finds that cost levels so require;".

(b) Section 235 of such Act is amended—

(1) by striking out the last proviso in subsection (b) (2) and inserting in lieu thereof the following: ": *Provided further*, That the amount of the mortgage attributable to the dwelling unit shall involve a principal obligation not in excess of $15,000 (or $17,500, if the mortgagor's family includes five or more persons), except that the Secretary may, in his discretion, increase the foregoing dollar amount limitations by not to exceed 45 per centum in any geographical area where he finds that cost levels so require"; and

(2) by striking out subparagraph (B) of subsection (i) (3) and inserting in lieu thereof the following:

"(B) where it is to cover a one-family unit in a condominium project, have a principal obligation not exceeding $15,000 (or $17,500, if the mortgagor's family includes five or more persons), except that the Secretary may, in his discretion, increase the foregoing dollar amount limitations by not to exceed 45 per centum in any geographical area where he finds that cost levels so require; and".

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

SEC. 105. Section 222(b) (1) of the National Housing Act is amended by inserting "or 234(c)," immediately before the word "except".

ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING MORTGAGE

SEC. 106. Section 235(c) of the National Housing Act is amended by striking out "subsection (j) (4)" and inserting in lieu thereof "subsection (i) or (j) (4)".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 107. (a) The second sentence of section 235(h) (1) of the National Housing Act is amended—

(1) by striking out "and" the second time it appears; and

(2) by inserting before the period a comma and the following: "and by $170,000,000 on July 1, 1971".

(b) The second sentence of section 236 (i) (1) of the National Housing Act is amended—

(1) by striking out "and" the second time it appears; and

(2) by inserting before the period a comma and the following: "and by $170,000,000 on July 1, 1971".

ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS UNDER SECTION 235

SEC. 108. Section 235(h) (3) of the National Housing Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) 30 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1971,".

CONVERSION OF SECTION 236 PROJECTS TO CONDOMINIUM OWNERSHIP

SEC. 109. (a) Section 236 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(n) (1) The Secretary is authorized, with respect to any project involving a mortgage insured under subsection (j), to permit a conversion of the ownership of such project to a plan of family unit ownership. Under such plan, each family unit shall be eligible for individual ownership and provision shall be included for the sale of the family units, together with an undivided interest in the common areas and facilities which serve the project, to lower income purchasers. The Secretary shall obtain such agreements as he determines to be necessary to assure continued maintenance of the common areas and facilities. Upon such sale, the family unit and the undivided interest in the common areas shall be released from the lien of the project mortgage.

"(2) The Secretary is authorized, upon application by the mortgagee, to insure under this subsection mortgages financing the purchase of individual family units under the plan prescribed in paragraph (1). Commitments may be issued by the Secretary for the insurance of such mortgages prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe. To be eligible for such insurance, the mortgage shall—

"(A) involve a principal obligation (including such initial service charges, and such appraisal, inspection, and other fees, as the Secretary shall approve) in an amount not to exceed the Secretary's estimate of the appraised value of the family unit, including the mortgagor's interest in the common areas and facilities, as of the date the mortgage is accepted for insurance;

"(B) bear interest (exclusive of premium charges, for insurance and service charges, if any) at not to exceed such per centum per annum (not in excess of 6 per centum) on the amount of the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market;

"(C) provide for complete amortization by periodic payments within such term as the Secretary may prescribe, but not to exceed three-quarters of the Secretary's estimate of the remaining economic life of the building improvements; and

"(D) be executed by a mortgagor who shall have paid (i) in the case of any family whose income is not in excess of 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7) (b) (ii) of the United States Housing Act of 1937, for initial occupancy in public housing dwellings, at least $200, or (ii) in the case of any other family, at least 3 per centum (or such larger amount as the Secretary may require) of the Secretary's estimate of the cost of acquisition, which amount (in cash or its equivalent) in either instance may be applied for the payment of settlement costs and initial payments for taxes, hazard insurance, mortgage insurance premiums, and other prepaid expenses.

"(3) Upon the sale of all of the family units covered by the project mortgage, and the release of all of the family units (including the undivided interest allocable to each unit in the common areas and facilities) from the lien of the project mortgage, the insurance of the project mortgage shall be terminated and no adjusted premium charge shall be collected by the Secretary upon such termination.

"(4) As used in this subsection, the terms 'mortgage' and 'common areas and facilities' shall have the same meaning as in section 234.

"(5) The Secretary is authorized to make periodic interest reduction payments on behalf of a mortgagor whose mortgage is insured under this subsection. These payments shall be made only during such time as the mortgagor shall continue to occupy the property which secures the mortgage and shall be in amounts determined pursuant to the formula prescribed in section 235(c) for the payment of assistance payments on behalf of mortgagors whose mortgages are insured under section 235(i): *Provided*, That interest reduction payments may be made on behalf of a homeowner who assumes a mortgage insured under this subsection with respect to which interest reduction payments have been made on behalf of the previous owner, if the homeowner is approved by the Secretary as eligible for receiving such assistance."

(b) The first sentence of section 236(i) (2) of such Act is amended by adding before the period at the end thereof the following: ": Provided, That the foregoing limitations shall be applicable to families purchasing individual condominium units covered by mortgages insured under subsection (n) who were not occupants of the rental project immediately preceding its conversion to a condominium project".

(c) Section 238(a) of such Act is amended—

(1) by striking out "or 237" each place it appears in paragraph (1) and inserting in lieu thereof "236(n) (2), or 237"; and

(2) by striking out "or 236" each place it appears in paragraph (2) and inserting in lieu thereof "or section 236(j)".

(d) Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veteran's home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "236(j) (4) (B), 240 (c) (4)" and inserting in lieu thereof "236 (j) (4) (B), 236(n) (2) (B), 240(c) (4)".

PREFERENCES IN SECTION 237 MORTGAGE INSURANCE PROGRAM

SEC. 110. Section 237(d) of the National Housing Act is amended—

(1) by inserting "and in providing counseling services" after "applications"; and

(2) by inserting "(1) to families which are eligible for assistance payments under section 235, and (2)" after "this section".

EXPANSION OF THE FHA NURSING HOME PROGRAM TO INCLUDE INTERMEDIATE CARE FACILITIES

SEC. 111. Section 232 of the National Housing Act is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) The purpose of this section is to assist in the provision of facilities for either of the following purposes or for a combination of such purposes:

"(1) The development of nursing homes for the care and treatment of convalescents and other persons who are not acutely ill and do not need hospital care but who require skilled nursing care and related medical services.

"(2) The development of intermediate care facilities for the care of persons who, while not in need of nursing home care and treatment, nevertheless are unable to live fully independently and who are in need of minimum but continuous care provided by licensed or trained personnel.";

(2) by striking out "and" at the end of subsection (b) (1);

(3) by redesignating subsection (b) (2) as (b) (3) and inserting a new subsection (b) (2) to read as follows:

"(2) the term 'intermediate care facility' means a proprietary facility or facility of a private nonprofit corporation or association licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located) for the accommodation of persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services; and"

(4) by striking out in the introductory text; of subsection (d) "a new or rehabilitated nursing home" and inserting in lieu thereof "a new or rehabilitated nursing home or intermediate care facility or combined nursing home and intermediate care facility";

(5) by striking out in subsection (d)(2) "operation of the nursing home" and inserting in lieu thereof "operation of the facility";

(6) by striking out subsection (d)(4) and inserting in lieu thereof the following:

"(4) The Secretary shall not insure any mortgage under this section unless he has received, from the State agency designated in accordance with section 604 (a) (1) of the Public Health Service Act for the State in which is located the nursing home or intermediate care facility or combined nursing home and intermediate care facility covered by the mortgage, a certification that (A) there is a need for such facility or home, and (B) there are in force in such State or other political subdivision of the State in which the proposed facility or home would be located reasonable minimum standards of licensure and methods of operation governing the facility or home. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any facility or home located in the State for which mortgage insurance is provided under this section."; and

(7) by adding new subsections (g) and (h) at the end thereof to read as follows:

"(g) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section relating to intermediate care facilities, after consulting with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of the program which may be involved in such regulations.

"(h) The Secretary shall also consult with the Secretary of Health, Education, and Welfare as to the need for and the availability of intermediate care facilities in any area for which an intermediate care facility is proposed under this section."

FLEXIBLE MORTGAGE AMOUNTS FOR SINGLE-FAMILY AND MULTIFAMILY HOUSING

SEC. 112. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"FLEXIBLE MORTGAGE AMOUNTS

"SEC. 243. (a) Notwithstanding any other provision of this Act, the per dwelling or per family unit dollar limitations on the maximum principal mortgage amounts prescribed in the various sections of this title shall be adjusted as provided in this section.

"(b) As soon as possible after the date of enactment of the Housing and Urban Development Act of 1969, the Secretary shall determine the extent by which the price index in calendar year 1968 was higher or lower than the price index in calendar year 1965. If the Secretary determines that the price index has risen or fallen by at least 3 per centum, the dollar limitations on the maximum principal mortgage amounts referred to in subsection (a) may be increased or decreased, as appropriate, by the percentage so determined (adjusted to the nearest $100), effective upon the date of publication in the Federal Register. As soon as possible after January 1, 1970, and each year thereafter, the Secretary shall determine the extent by which the price index in the preceding calendar year was higher or lower than the price index in the calendar year immediately preceding the last year in which an adjustment in dollar limitations under this section was made, or if no adjustment has been made, the calendar year 1965. If the Secretary determines that the price index has risen or fallen by at least 3 per centum, the dollar limitation on such maximum principal mortgage amounts, as previously adjusted, may be increased or decreased, as appropriate, by the percentage so determined (adjusted to the nearest $100), effective upon the date of publication in the Federal Register.

"(c) For purposes of this section, the term 'price index' means the 'Price Index for New One-Family Houses Sold', published annually by the Bureau of the Census."

INCREASE IN GNMA PURCHASE AUTHORITY

SEC. 113. Section 302(b) of the National Housing Act is amended—

(1) by striking "exceeds or exceeded $17,500" in clause (3) of the proviso to the first sentence and inserting in lieu thereof "exceeds or exceeded $20,000";

(2) by striking "that exceeds $17,750" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) by striking "did not exceed $17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

GNMA SPECIAL ASSISTANCE PURCHASES

SEC. 114. Section 305 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(j) Notwithstanding any other provision of this Act, the Association is authorized to purchase pursuant to commitments or otherwise mortgages otherwise eligible for purchase under this section at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association."

AUTHORIZATION FOR RENT SUPPLEMENTS

SEC. 115. The last sentence in section 101(a) of the Housing and Urban Development Act of 1965 is amended—

(1) by striking out "and" the second time it appears; and

(2) by inserting before the period a comma and the following: "and by $82,000,000 on July 1, 1971".

RENT SUPPLEMENT UNITS IN SECTION 236 PROJECTS

SEC. 116. Section 101(j)(1)(D) of the Housing and Urban Development Act of 1965 is amended by inserting before the period a comma and the following: "except that the foregoing limitation may be increased to 40 per centum of the dwelling units in any such property if the Secretary determines that such increase is necessary and desirable in order to provide additional housing for individuals and families meeting the requirements of subsection (c)".

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 201. The first sentence of section 103 (b) of the Housing Act of 1949 is amended by striking out all that follows "exceed" and inserting in lieu thereof "$9,000,000,000, which amount shall be increased by $1,300,000,000 on July 1, 1970, and by $1,700,000,000 on July 1, 1971."

EXTENSION OF URBAN RENEWAL ASSISTANCE TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND TO INDIAN TRIBES

SEC. 202. (a) Section 110(h) of the Housing Act of 1949 is amended by striking the second sentence and inserting in lieu thereof a new sentence as follows: "The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the territories and possessions of the United States, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(b) The first sentence of section 116 of such Act is amended by striking "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States".

(c) The first sentence of section 117 of such Act is amended by striking "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations including Alaska Indians, Aleuts, and Eskimos, of the United States".

(d) The first sentence of section 118 of such Act is amended by striking "and counties" and inserting in lieu thereof "counties, and Indian tribes, bands, groups, and nations including Alaska Indians, Aleuts, and Eskimos, of the United States".

EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN NEIGHBORHOOD DEVELOPMENT PROJECTS

SEC. 203. Section 133(a) of the Housing Act of 1949 is amended—

(1) by striking out "For" and inserting in lieu thereof "Except as otherwise provided in this subsection for"; and

(2) by adding at the end thereof a new sentence as follows: "In connection with any neighborhood development program for which an application has been filed on or before August 11, 1969 (for which no contract for financial assistance under the program has been authorized by the Secretary), the three-year period referred to above shall be extended to a period of four years prior to authorization of (1) the first contract for financial assistance under the program which includes the urban renewal area benefited by the public improvement or facility for which credit is claimed, or (2) a contract for a loan or capital grant for an urban renewal project authorized after August 11, 1969, in an area which is benefited by the public improvement or facility for which credit is claimed and which was included in the neighborhood development program application."

REMOVAL OF INCOME LIMITATION FOR LOANS UNDER REHABILITATION LOAN PROGRAM

SEC. 204. Section 312(a) of the Housing Act of 1964 is amended by striking out the last sentence thereof.

LOANS FOR PUBLIC HOUSING PROJECTS

SEC. 205. Section 9 of the United States Housing Act of 1937 is amended by striking out the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 206. (a) The proviso to section 10(b) of the United States Housing Act of 1937 is amended by inserting after "any contract" the following: ", although not limited to debt service requirements,".

(b) The first sentence of section 10(e) of such Act is amended by striking out "on July 1 in each of the years 1969 and 1970" and inserting in lieu thereof "on July 1, 1969, $170,000,000 on July 1, 1970, and $175,000,000 on July 1, 1971".

NOTIFICATIONS TO APPLICANTS FOR ADMISSION TO PUBLIC HOUSING PROJECTS

SEC. 207. Section 10(g) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) a new paragraph as follows:

"(4) the public housing agency shall notify promptly (1) any applicant determined to be ineligible for admission to the project of the basis for such determination and provide the applicant, within a reasonable time after the determination is made, with an opportunity for a hearing on such determination is made, with an opportunity for

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a hearing on such determination, and (ii) any applicant determined to be eligible for admission to the project of the approximate date of occupancy insofar as such date can be reasonably determined."

ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

SEC. 208. (a) The proviso to the first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out "$750 per room" and inserting "45 per centum" in lieu thereof.

(b) Paragraph (5) of section 15 of such Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof a new paragraph as follows:

"(B) As soon as possible after the date of enactment of the Housing and Urban Development Act of 1969, the Secretary shall determine the extent by which the building cost index in calendar year 1968 was higher or lower than such index in calendar year 1965. If the Secretary determines that the building cost index has risen or fallen by at least 3 per centum, the dollar limitations referred to in subparagraph (A) may be increased or decreased, as appropriate, by the percentage so determined (adjusted to the nearest $100), effective upon the date of publication in the Federal Register. As soon as possible after January 1, 1970, and each year thereafter, the Secretary shall determine the extent by which the building cost index in the preceding calendar year was higher or lower than such index in the calendar year immediately preceding the last year in which an adjustment in dollar limitations under this subparagraph was made, or if no adjustment has been made, the calendar year 1965. If the Secretary determines that the building cost index has risen or fallen by at least 3 per centum, the dollar limitations referred to in subparagraph (A), as previously adjusted, may be increased or decreased, as appropriate, by the percentage so determined (adjusted to the nearest $100), effective upon the date of publication in the Federal Register. For the purposes of this subparagraph, the term 'building cost index' means such index as the Secretary determines to be appropriate after giving full consideration to nationally recognized and published building cost indices."

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 209. The last sentence of section 15(10) of the United States Housing Act of 1937 is amended by striking "July 1, 1970" and inserting "July 1, 1972" in lieu thereof.

WAIVER OF WORKABLE PROGRAM REQUIREMENT WITH RESPECT TO CERTAIN LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 210. (a) Section 23(f) of the United States Housing Act of 1937 is amended by striking out all that follows "Housing Act of 1949," and inserting in lieu thereof "shall not apply to low-rent housing assisted or to be assisted under this section."

(b) The first proviso in section 101(c) of the Housing Act of 1949 is amended—

(1) by inserting "or under section 23 of the United States Housing Act of 1937" after "Housing and Urban Development Act of 1965"; and

(2) by inserting "(except a contract for annual contributions under section 23 of such Act)" after "United States Housing Act of 1937".

ADDITIONAL RENTAL ASSISTANCE IN BEHALF OF VERY LOW INCOME TENANTS OF PUBLIC HOUSING PROJECTS

SEC. 211. The United States Housing Act of 1937 is amended by redesignating section 24 as section 25, and by adding after section 23 a new section as follows:

"ADDITIONAL RENTAL ASSISTANCE

"SEC. 24. (a) In order to enable public housing agencies to provide housing within the means of families of very low income and to provide improved operating and maintenance services, the Secretary may make, and contract to make, annual rental assistance payments to public housing agencies with respect to any low-rent housing projects.

"(b) The amount of the annual payment with respect to any dwelling unit in a low-rent housing project shall not exceed the amount by which the rental for such unit exceeds one-fourth of the tenant's income, as determined by the Secretary.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the rental assistance payments under contracts entered into under this section. The aggregate amount of the contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $75,000,000 per annum.

"(d) As used in this section, the term 'rental for such unit' means the proportionate share attributable to a unit of the total shelter costs to be borne by the tenants in a low-rent housing project, including any separate charges to a tenant for reasonable utility use and for public services and facilities."

AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 212. Paragraph (4) of section 202(a) of the Housing Act of 1959 is amended to read as follows:

"(4) There is authorized to be appropriated for the purposes of this section not to exceed $500,000,000, which amount shall be increased by $80,000,000 on July 1 of each of the years 1969, 1970, and 1971. Amounts so appropriated shall constitute a revolving fund to be used by the Secretary in carrying out this section."

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 213. Section 401(f)(2) of the Housing Act of 1950 is amended by striking all that follows "exceed" and inserting in lieu thereof "$20,000,000, which amount shall be increased by $1,500,000 on July 1, 1970, and by $9,000,000 on July 1, 1971."

ASSISTANCE FOR HOUSING IN ALASKA

SEC. 214. Section 1004(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "$7,500" and inserting in lieu thereof "$10,875".

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears; and

(2) by inserting before the period the following: ", not to exceed $287,500,000 for the fiscal year ending June 30, 1971, and not to exceed $1,500,000,000 for the fiscal year ending June 30, 1972".

(b) Section 111(c) of such Act is amended by striking out "1970" and inserting in lieu thereof "1972".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1970" and inserting in lieu thereof "not to exceed $390,000,000 prior to July 1, 1971, and not to exceed $430,000,000 prior to July 1, 1972".

UTILIZATION OF PRIVATE ENTERPRISE IN COMPREHENSIVE PLANNING AND PUBLIC WORKS PLANNING

SEC. 303. Section 701 of the Housing Act of 1954 is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

"(i) Any grants made under this section to a State, metropolitan, or regional planning agency, an economic development district, or any other areawide planning agency for use by such agency or district to provide planning assistance to any local government or any agency or instrumentality of a local government shall be used in a manner consistent with the Federal Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels."

AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION GRANTS

SEC. 304. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking out "and not to exceed $460,000,000 prior to July 1, 1970" and inserting in lieu thereof "not to exceed $460,000,000 prior to July 1, 1971, and not to exceed $548,000,000 prior to July 1, 1972".

AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTARY ASSISTANCE GRANTS

SEC. 35. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972".

COMMUNITY FACILITIES GRANTS

SEC. 306. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following: "In addition there is authorized to be appropriated for grants under section 703 not to exceed $34,000,000 for the fiscal year commencing July 1, 1971."

(b) Section 708(b) of such Act is amended by striking out "1970" and inserting in lieu thereof "1972".

URBAN MASS TRANSPORTATION

SEC. 307. (a) The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" the second time it appears; and

(2) by striking out the period and inserting in lieu thereof "; and $300,000,000 for fiscal year 1971.".

(b) Section 5 of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

EXTENSION OF URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES AUTHORIZATION

SEC. 308. Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972".

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 309. Title VIII of the Housing Act of 1964 is amended to read as follows:

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development, and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"Sec. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Secretary of Housing and Urban Development as follows: Three from public institutions of higher learning and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"MATCHING GRANTS TO STATES

"Sec. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

"(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"STATE LIMIT

"Sec. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

"TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

"Sec. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

"APPROPRIATIONS

"Sec. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed $30,000,000. Any amounts appropriated under this section shall remain available until expended.

"MISCELLANEOUS

"Sec. 807. (a) As used in this title the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title."

TITLE IV—MISCELLANEOUS

FLEXIBLE INTEREST RATE AUTHORITY

Sec. 401. Section 3(a) of the Act entitled "an Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "October 1, 1969" and inserting in lieu thereof "April 1, 1970".

AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

Sec. 402. The first sentence of section 1010(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by inserting "(1)" after "authorized"; and

(2) by inserting before the period a comma and the following: "and (2) notwithstanding any other provision of law, to acquire, use, and dispose of land and other property as he deems necessary to carry out the purposes of subsection (a)(1) of this section".

EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO HOUSING AND URBAN DEVELOPMENT TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec. 403. (a) Paragraph (12) of section 2 of the United States Housing Act of 1937 is amended to read as follows:

"(12) The term 'State' includes the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the territories and possessions of the United States."

(b) Section 206 of the Housing Amendments of 1955 is amended by striking out "and the Territories and possessions of the United States" and inserting in lieu thereof "the Trust Territory of the Pacific Islands, and the territories and possessions of the United States".

(c) (1) Section 201(d) of the National Housing Act is amended by inserting "the Trust Territory of the Pacific Islands," after "Guam,".

(2) Section 207(a)(7) of such Act is amended by inserting "the Trust Territory of the Pacific Islands," after "Guam,".

(3) Section 9 of such Act is amended by inserting "the Trust Territory of the Pacific Islands," after "Guam,".

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

Sec. 404. Section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

"Sec. 3. In the administration by the Secretary of Housing and Urban Development of programs providing financial assistance in aid of housing; urban planning, development, redevelopment, or removal; public or community facilities; and new community development; the Secretary shall—

"(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

"(2) require, in consultation with the Administrator of the Small Business Administration and the Secretary of Labor, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals of firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project."

URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

Sec. 405. Section 1222(d) of the National Housing Act is amended by striking all that follows "thereafter" the first time that word appears and inserting in lieu thereof a period.

URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

Sec. 406. Section 1223(a) of the National Housing Act is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body following the date of the enactment of this title, adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that were incurred during such period;".

STUDY OF REINSURANCE AND OTHER PROGRAMS

SEC. 407. Section 1235(b) of the National Housing Act is amended by striking "one year following the date of the enactment of this title" and inserting in lieu thereof "December 31, 1969".

NATIONAL FLOOD INSURANCE PROGRAM

SEC. 408. (a) Paragraph (2) of section 1305(c) of the National Flood Insurance Act of 1968 is amended by striking "June 30, 1970, permanent" and inserting in lieu thereof "December 31, 1971, adequate".

(b) Section 1315 of such Act is amended—

(1) by striking "June 30, 1970" and inserting in lieu thereof "December 31, 1971"; and

(2) by striking "permanent" and inserting in lieu thereof "adequate".

(c) Section 1361(c) of such Act is amended by striking "permanent" and inserting in lieu thereof "adequate".

(d)(1) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

"(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground."

(2) Section 1370 of the Housing and Urban Developemnt Act of 1968 is amended by inserting "(a)" after "SEC. 1370.", and by adding at the end thereof the following new subsection:

"(b) The term 'flood' shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to ensure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program."

INTERSTATE LAND SALES

SEC. 409. The second sentence of section 1403(a) of the Housing and Urban Development Act of 1968 is amended to read as follows: "As used in this subparagraph, the terms 'liens', 'encumbrances' and 'adverse claims' do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments imposed by a State, by any other public body having authority to assess and tax property, or by a property owners' association, which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to covenants, conditions, and restrictions imposed to control future use of the property and the types and locations of structures to be placed thereon; if (a) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser with a statement setting forth in clear and understandable terms the types and amounts of all such reservations, taxes, assessments, covenants, conditions, and restrictions which are applicable to the lot to be purchased, and (B) receipt of such statement has been acknowledged in writing by the purchaser, and a copy of the acknowledged statement is filed with the Secretary."

REPORTS

SEC. 410. (a) Section 1603 of the Housing and Urban Development Act of 1968, is amended by striking out "January 15," and inserting in lieu thereof "February 1,".

(b) The last sentence of section 235(h)(2) of the National Housing Act is amended by striking out "annually" and inserting in lieu thereof "semiannually".

(c) The last sentence of section 236(i)(2) of the National Housing Act is amended by striking out "annually" and inserting in lieu thereof "semiannually".

RURAL HOUSING

SEC. 411. (a) Sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are amended respectively by striking out "October 1, 1969", wherever it appears in such sections, and inserting in lieu thereof "October 1, 1973".

(b) Section 517(c) of such Act is amended by striking out "$100,000,000" and inserting in lieu thereof "$350,000,000".

(c) Section 517 of such Act is amended by adding at the end thereof a new subsection as follows:

"(k) Any sale by the Secretary of loans individually or in blocks, pursuant to subsections (c) and (g), shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser."

(d)(1) Title V of such Act is amended by adding at the end thereof a new section as follows:

"FINANCIAL ASSISTANCE TO NONPROFIT ORGANIZATIONS TO PROVIDE SITES FOR RURAL HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

"SEC. 524. (a) The Secretary may make loans, on such terms and conditions and in such amounts as he deems necessary, to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, and cooperatives eligible for assistance under section 235 or 236 of the National Housing Act or section 521 of this Act. Such a loan shall bear interest at a rate prescribed by the Secretary taking into consideration a rate determined annually by the Secretary of the Treasury as the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, and shall be repaid within a period not to exceed two years from the making of the loan or within such additional period as may be authorized by the Secretary in any case as being necessary to carry out the purposes of this section.

"(b) In determining whether to extend financial assistance under this section, the Secretary shall take into consideration, among other factors, (1) the suitability of the area to the types of dwellings which can feasibly be provided, and (2) the extent to which the assistance will (i) facilitate providing needed decent, safe, and sanitary housing, (ii) be utilized efficiently and expeditiously, and (iii) fulfill a need in the area which is not otherwise being met through other programs, including those being carried out by other Federal, State, or local agencies."

(2) Section 517(b) of such Act is amended by striking out "and 515" and inserting ", 515", and by adding after "(b) (4))," the following: "and 524,".

SALE OF LAND FOR HOUSING

SEC. 412. (a) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any excess real property within the meaning of such Act may in the discretion of the Administrator of General Services be transferred to the Secretary of Housing and Urban Development at his request for sale or lease by him at its fair value for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income. Any such sale or lease of excess land shall be made only to (1) a public body which will use the land in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or (2) a purchaser or lessee who will use the land in connection with the development of housing (A) with respect to which annual payments will be made to the housing owner pursuant to section 101 of the Housing and Urban Development Act of 1965, (B) financed with a mortgage which receives the benefits of the interest rate provided for in the proviso in section 221 (d)(5) of the National Housing Act, or (C) with respect to which interest reduction payments will be made under section 236 of the National Housing Act: *Provided*, That prior to any such sale or lease to a purchaser or lessee other than a public body, the Secretary shall notify the governing body of the locality where the land is located of the proposed sale or lease and no such sale or lease shall be made if the local governing body, within ninety days of such notification, formally advises the Secretary that it objects to the proposed sale or lease. If the United States paid valuable consideration for any such land the Secretary shall not sell it for less than its cost to the United States at the time of acquisition. In addition, if such land contains improvements constructed by the Federal Government which have potential use in the provision of housing for low- or moderate-income families or individuals, the improvements shall be separately appraised for such use and the price for which such land is sold shall include an amount which is not less than the value of such improvements as so appraised.

(b) As a condition to any sale or lease of excess land under this section to a purchaser or lessee other than a public body, the Secretary shall obtain such undertakings as he may consider appropriate to assure that the property will be used in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income for a period of not less than twenty years. The Secretary shall notify the Committees on Banking and Currency of the Senate and House of Representatives whenever any excess land is sold or leased by him pursuant to the authority of this section.

SAVINGS AND LOAN ASSOCIATIONS

Sec. 413. (a) Section 5 of the Federal Home Loan Bank Act (12 U.S.C. 1425) is amended to read as follows:

"Sec. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of the lawful contract rate of interest applicable to such transactions, or, in case there is no lawful contract rate of interest applicable to such transactions, in excess of such rates as may be prescribed in writing by the board acting in its discretion from time to time. This section applies only to home mortgages on single-family dwellings."

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof a new paragraph as follows:

"Without regard to any other provision of this subsection, any such association is authorized to invest in shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and is authorized to invest in any partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

(c) (1) Section 404(d)(2)(B) of the National Housing Act (12 U.S.C. 1727(d)(2)(B)) is amended by striking out "1966" and inserting in lieu thereof "1965".

(2) Section 6(b) of the Act of September 21, 1968 (Public Law 90-505) is amended by striking out "1968" and inserting in lieu thereof "1965".

TECHNICAL AMENDMENT

Sec. 414. (a) Section 235(c) of the National Housing Act is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further*, That the Secretary is authorized to continue making such assistance payments where the mortgage has been assigned to the Secretary".

(b) Section 236(b) of such Act is amended by striking out "*Provided*, That" and inserting in lieu thereof the following: "*Provided*, That the Secretary is authorized to continue making such interest reduction payments where the mortgage has been assigned to the Secretary: *Provided further*, That".

(c) Section 223(d) of such Act is amended by inserting the following new sentence at the end thereof: "A loan involving a project covered by a mortgage insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be the obligation of such fund, and loans involving projects covered by a mortgage insured under section 236 or under any section of this title pursuant to section 223(e) shall be the obligation of the Special Risk Insurance Fund."

(d) Section 223(e) of such Act is amended to read as follows:

"(e) Notwithstanding any of the provisions of this Act except section 212, and without regard to limitations upon eligibility contained in any section or title of this Act, the Secretary is authorized, upon application by the mortgagee, to insure under any section or title of this Act a mortgage executed in connection with the repair, rehabilitation, construction, or purchase of property located in an older, declining urban area in which the conditions are such that one or more of the eligibility requirements applicable to the section or title of this Act under which insurance is sought could not be met, if the Secretary finds that (1) the area is reasonably viable, giving consideration to the need for providing adequate housing or group practice facilities for families of low and moderate income in such area, and (2) the property is an acceptable risk in view of such consideration. The insurance of a mortgage pursuant to this subsection shall be the obligation of the Special Risk Insurance Fund."

(e) Section 214 of such Act is amended by inserting in the first sentence after "construct dwellings" the words "or mobile home courts or parks".

Sec. 415. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "October 1, 1969" and inserting in lieu thereof "May, 1, 1970".

Sec. 416. Section 2 of the National Housing Act is amended by—

(1) inserting "(i)" after the words "for the purpose of" in the first sentence of subsection (a);

(2) inserting "; and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence" before the period at the end of the first sentence of subsection (a);

(3) inserting "(other than mobile homes)" after "new residential structures" in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);

(4) inserting the following new sentence at the end of subsection (a): "The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum standards of construction and design to assure the livability and durability of the mobile home; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with local zoning and other applicable local requirements.";

(5) inserting ", except that an obligation financing the purchase of a mobile home may be in an amount not exceeding $10,000" before the semicolon at the end of clause (1) in the first sentence of subsection (b);

(6) inserting ": *Provided*, That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days" before the semicolon at the end of clause (2) in the first sentence of subsection (b); and

(7) striking out "real property" each place it appears in subsection (c)(2) and inserting in lieu thereof "real or personal property".

Sec. 417. Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) a new paragraph as follows:

"(4) assure, to the extent feasible, in connection with housing construction, any major rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development, that there is no unreasonable restraint by contract or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs."

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make any necessary clerical and technical changes in the engrossed bill (S. 2864).

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senator from Alabama (Mr. Sparkman) deserves the highest commendation of the entire Senate for his able and competent handling of the housing program extension just adopted overwhelmingly. Senator Sparkman yields to no one in his knowledge and understanding of this Nation's housing needs. He has been constantly in the forefront, I might say, in bringing new and imaginative ideas into the field of housing. We are again in his debt.

Joining the distinguished chairman of the Banking and Currency Committee in guiding this measure through to swift adoption by the Senate was the distinguished senior Senator from Utah (Mr. Bennett), the ranking minority member of the committee. Joined by the Senator from Texas (Mr. Tower), their thoughtful views on the matters involved contributed a great deal to the high caliber of the entire debate. So to Senator Bennett and to Senator Tower both we are extremely grateful.

Likewise, we are indebted to the Senator from Wisconsin (Mr. Proxmire) for once again bringing his devoted efforts to bear on this measure. As usual, his contribution was immeasurable. The same may be said for the Senator from New York (Mr. Javits).

Finally, the Senate appreciates the contributions of the Senator from Minnesota (Mr. Mondale), the Senator from Iowa (Mr. Miller) and the many others who joined the discussion. The Senate may again be proud of a fine achievement obtained with efficient and orderly action.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1888) to change the composition of the Commission for Extension of the U.S. Capitol.

FOOD STAMP PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 283, S. 2547, and that it be laid before the Senate and made the pending business.

The **PRESIDING OFFICER.** The bill will be stated by title.

The Legislative Clerk. A bill (S. 2547) to amend the Food Stamp Act of 1964.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and

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that the Senate proceed to the consideration of Calendar Nos. 411, 413, and 415.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEONARD N. ROGERS, JOHN P. CORCORAN, MRS. CHARLES W. (ETHEL J.) PENSINGER, MARION M. LEE, AND ARTHUR N. LEE

The bill (S. 55) for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to quiet title in certain real property in Apache National Forest, Arizona, held and claimed by the following-named persons under a chain of title dating from December 4, 1903, the Secretary of Agriculture is authorized ~~and directed~~ to convey by quitclaim deed ~~to such persons~~ all right, title, and interest of the United States in and to certain real property situated in section 5, township 6 north, range 30 east, Gila and Salt River base and meridian, as follows:

(1) to Leonard N. Rogers all right, title, and interest of the United States in and to the real property more particularly described as the west half northwest quarter southwest quarter;

(2) to John P. Corcoran all right, title, and interest of the United States in and to the real property more particularly described as the east half northwest quarter southwest quarter;

(3) to Mrs. Charles W. (Ethel J.) Pensinger all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter southwest quarter; and

(4) to Marion M. Lee and Arthur N. Lee all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter of the northwest quarter.

SEC. 2. The conveyances authorized by the first section of this Act shall be made by the Secretary of Agriculture without consideration, but the persons to whom the conveyances are made shall bear any expenses incident to the preparation of the legal documents necessary or appropriate to carry out the first section of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-415), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill directs the Secretary of Agriculture to quitclaim, without consideration, four tracts of land, respectively, to different grantees. The grantees would be required to bear the cost of preparing the necessary legal documents.

BACKGROUND

W. H. Clark deeded the land to the Government, February 18, 1905, and made a selection of other forest lands in exchange on March 6, 1905, under the act of June 4, 1897. However, the 1897 act was repealed March 3, 1905; and the General Land Office rejected Mr. Clark's application and returned his relinquishment deeds to him. Until 1960 the land was treated as private land. It has been carried on local tax rolls, taxes have been paid, and the apparent succession of title from Mr. Clark is clear.

The situation which gives rise to the need for this bill is similar to that under S. 2104, 89th Congress which quieted title in certain lands in Harriet C. Chambers. The Department recommended enactment of S. 2104, and it was enacted as Private Law 89-281.

The Department has informally furnished a rough estimate of the value of the tracts concerned. Based on other sales in the vicinity at about $250 an acre, the 120 acres covered by the bill would be worth about $30,000.

AMENDMENT OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 WITH RESPECT TO WHEAT

The Senate proceeded to consider the bill (S. 858) to amend the Agricultural Adjustment Act of 1938 with respect to wheat, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, at the beginning of line 8, to strike out "1969" and insert "1970"; on page 2, at the beginning of line 18, to strike out "(class II)"; on page 3, line 3, after the word "section", to insert "(1) shall not be taken into account in computing the farm wheat marketing allocation under section 379b, and (2)"; and in line 6, after the word "wheat", to strike out "(class II)"; so as to make the bill read:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (j) of section 334 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1334), is amended to read as follows:

"(j) Notwithstanding any other provision of this Act, the Secretary shall increase the acreage allotments for the 1970 and subsequent crops of wheat for privately owned farms in the irrigable portion of the area known as the Tulelake division of the Klamath project of California located in Modoc and Siskiyou Counties, California, as defined by the United States Department of the Interior, Bureau of Reclamation, and hereinafter referred to as the area. The increase for the area for each such crop shall be determined by adding, to the extent applications are made therefor, to the total allotments established for privately owned farms in the area for the particular crop without regard to this subsection (hereinafter referred to as the original allotments) an acreage sufficient to make available for each such crop a total allotment of twelve thousand acres for the area. The additional allotments made available by this subsection shall be in addition to the National, State, and county allotments otherwise established under this section, and the acreage planted to wheat pursuant to such increases in allotments shall not be taken into account in establishing future State, county, and farm acreage allotments except as may be desirable in providing increases in allotments for subsequent years under this subsection for the production of Durum wheat. The Secretary shall apportion the additional allotment acreage made available under this subsection between Modoc and Siskiyou Counties on the basis of the relative needs for additional allotments for the portion of the area in each county. The Secretary shall allot such additional acreage to individual farms in the area for which applications for increased acreages are made on the basis of tillable acres, crop rotation practices, type of soil and topography, and the original allotment for the farm, if any. The increase in the wheat acreage allotment for any farm under this subsection (1) shall not be taken into account in computing the farm wheat marketing allocation under section 379b, and (2) shall be conditioned upon the production of Durum wheat on the original allotment and on the increased acreage. The producers on a farm receiving an increased allotment under this subsection shall not be eligible for diversion payments under section 339."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-417), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill would increase wheat acreage allotments in the irrigable portion of the Tulelake area of California each year to a total of 12,000 acres. The 1969 allotment for the area is 5,374 acres. As amended by the committee amendments, producers would not receive additional marketing certificates as a result of the increase in their allotments; but they would be able to plant their increased allotments without forfeiting all price support and marketing certificates.

To qualify for an increase the entire farm allotment would have to be planted to Durum wheat. A farm receiving an increase would not be eligible for wheat diversion payments.

The Committee's Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices held hearings at which some questions were raised as to action on this bill serving as a precedent for similar action in other areas. The committee did not feel that enactment of the bill should have this effect. The committee felt that the special and unusual conditions applicable in the Tulelake area warranted the relief provided by the bill. The area is reclaimed lake bottom which was homesteaded by World War I and II veterans. The farms are very small, averaging about 70 acres. The area is in the northeast corner of California, a high mountainous desert area. Frosts can occur any month of the year. Due to climatic conditions and distance from market, only hardy types of crops, such as malting barley, Durum wheat, alfalfa hay, and potatoes can be raised. Durum wheat is ordinarily rotated between potatoes and barley, to reduce the protein content in the barley so that it is acceptable for malt. In addition, there is a good market for Durum wheat on the west coast which cannot be readily and economically supplied from other Durum producing regions. The climatic and other conditions necessary to the production of good Durum are such that it can be produced in very few areas.

COMMITTEE AMENDMENTS

The committee amendments would—

(1) Provide that the Tulelake producers receive no additional wheat marketing certificates as a result of their increased allotments;

(2) Make the bill effective with the 1970 crop (since Tulelake producers were required to cut back their acreage by August 1 to comply with their 1969 allotments), and the bill could consequently benefit only allotment violators in 1969; and

(3) Strike the designation "(class II)" from the bill since that designation is obsolete, being no longer used in the Official Grain Standards of the United States.

Based on the latest available date (1969 crop), full participation in the program, and full application of the bill, the estimated value of additional wheat marketing certificates that Tulelake area farmers would have received annually under the bill as introduced would have been $355,775.40. Farmers outside the Tulelake area would have lost an identical amount. Expressed in terms of cents per bushel of projected production on participating farms the loss to farmers outside the Tulelake area would have been 0.029 cents (one-thirty-fourth of a cent) per bushel. The committee felt that there was no justification for such transfer of wheat marketing certificates, particularly since the Tulelake farmers have the advantage of a good market. The committee has therefore recommended an amendment providing that the additional acreage provided by the bill shall not be taken into account in determining the farm wheat marketing allocation.

The committee's estimate was made as set out in exhibit A.

DEPARTMENTAL VIEWS

The adverse report of the Department of Agriculture is attached as exhibit B. The committee feels that the amendments recommended by it should lessen or remove the Department's objections.

Exhibit A—Computation of Estimated Additional Wheat Marketing Certificates Tulelake Farmers Would Have Received Under the Bill as Introduced

The 1969 wheat acreage allotment for the Tulelake area was 5,374 acres. The bill would increase the allotment to 12,000 acres, thus providing for an increase of 6,626 acres. The Department advises that projected yields in the area run about 80 to 84 bushels per acre, and estimates the average projected yield for the area at 82 bushels per acre. The additional projected production provided for by the bill would therefore be 544,332 bushels (82 bushels projected yield × 6,626 acres added by the bill to the allotment). For the 1969 crop marketing certificates are issued for 43 percent of the projected production of the acreage allotment. The additional certificates farmers in the Tulelake area would have received under the bill as introduced would have been 234,062.76 bushels (43 percent of 544,332 bushels). The value of certificates for 1969 is $1.52 per bushel, so the value of the additional certificates provided Tulelake farmers under the bill as introduced would have been $355,775.40 (234,062.76 bushels × $1.52).

Since the total number of certificates authorized to be issued to farmers is fixed at the quantity of wheat used domestically for food, such an increase in certificates for Tulelake farmers would have resulted in a like decrease for farmers outside the Tulelake area, and the latter would have lost a total of $355,775.40 in certificates as a result of enactment of the bill as introduced.

The total number of marketing certificates issued to farmers for 1969 is 520 million bushels. Of this number Tulelake farmers would receive 189,487.24 bushels on the basis of the projected yield figure used above and their current allotments (.43×82×5,374). Farmers outside the Tulelake area would therefore receive the balance of 519,810,512.76 bushels. Since these certificates are issued for 43 percent of the projected yield of their farm acreage allotments, the total projected yield for the acreage allotments of farmers outside the Tulelake area would be 1,208,861,658 bushels (519,810,512.76÷.43). The loss per bushel of projected production by these farmers as a result of enactment of the bill as introduced would be .029 cents (1/34 of a cent) per bushel ($355,775.40÷1,208,861,658 bushels).

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY EXTENSION OF RURAL HOUSING PROGRAMS AND FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY, AND TO EXTEND THE PERIOD DURING WHICH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT MAY ESTABLISH MAXIMUM INTEREST RATES ON INSURED LOANS

The Senate proceeded to consider the joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration Insurance Authority and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

WE MUST NOT NEGLECT OUR NATION'S HOUSING NEEDS; SUPPORT FOR SENATE JOINT RESOLUTION 152

Mr. YARBOROUGH. Mr. President, the Committee on Banking and Currency has reported favorable Senate Joint Resolution 152 which would extend for 3 months three important Federal housing programs: The rural housing program under title V of the Housing Act of 1949; Federal Housing Administration insurance program under the National Housing Act; and the Federal Housing Administration and Veterans' Administration interest rate ceilings. These vital programs will expire on October 1, 1969, unless Congress acts to extend them.

With the attention that is focused on the Vietnam war and on our military budget, it is all too easy to overlook the domestic programs which are so necessary to the majority of our citizens. We must not sacrifice progress in America for a larger and more expensive war in Vietnam.

Therefore, Mr. President, I urge my colleagues to give their full support to this vital measure.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-419), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

GENERAL STATEMENT

The purpose of the joint resolution is to extend for 3 months, until January 1, 1970, all Federal housing programs which would otherwise expire on October 1, 1969. This temporary extension will keep the programs going until such time as the bill, S. 2864, entitled "The Housing and Urban Development Act of 1969" can pass the Congress and become law. This bill is on the Senate Calendar but, because of the pressure of other business, it will not be finally approved by both Houses of Congress before the October 1, 1969, deadline.

The joint resolution involves three basic programs: (1) Rural housing under title V of the Housing Act of 1949; (2) Federal Housing Administration insurance program under the National Housing Act; and (3) FHA and VA interest rate ceilings. All of these have October 1, 1969, deadlines which must be extended to keep these programs in operation. A 3-month extension is being recommended by the committee to assure that the programs will be kept in operation until such time as S. 2864, the Housing and Urban Development Act of 1969, is enacted into law.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 152

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 513, 515(b) (5), and 517(a) (1) of the Housing Act of 1949 are amended respectively by striking out "October 1, 1969", wherever it appears in such sections, and inserting in lieu thereof "January 1, 1970".

Sec. 2. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1969" in the first sentence and inserting in lieu thereof "January 1, 1970".

(b) Section 217 of such Act is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1969" in the fifth sentence and inserting in lieu thereof "January 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

Sec. 3. Section 3(a) of the Act of May 7, 1968 (Public Law 90-301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

INCREASED EFFORT IN HELIUM CONSERVATION PROGRAM

Mr. ALLOTT. Mr. President, nearly half of our helium supplies are going up in smoke.

Every year the United States is losing nearly 4 billion cubic feet of the irreplaceable element.

The helium—invisible, tasteless, odorless, and nontoxic—is passed into our atmosphere when we burn natural gas for fuel.

Helium is found only in certain natural gas supplies. Nearly all of the free world's economically recoverable supply is in the United States. Though it is the second most common element in the universe, it is hardly abundant here on earth. The last important natural gas-helium source discovery was made 26 years ago.

Helium use has been in a period of steady growth for the past decade, with no signs of abatement. In fact, scientists tell us that future uses of helium may bring about major changes in technology.

Thanks to a farsighted helium conservation program conceived a decade ago during the term of President Eisenhower, at least we are trying to save some of the helium extracted from natural gas.

Mr. President, I worked for a long time on that bill and was finally able to get it passed. At this time I pay tribute to Representative Walter Rogers, of Texas, who worked very assiduously upon the bill. It was as a result of these two efforts that we were at last able to get a helium conservation bill in the United States.

Under this program, approximately 22 billion cubic feet of helium has now been placed in underground storage.

Before the program was adopted, as much as 6 billion cubic feet per year were lost when natural gas was burned as fuel.

Still, even though the helium conservation program has managed to save quantities of gas, there is no assurance that this is an adequate supply for the future.

Forty-two percent of today's pure helium use is in space exploration—it helps propel rocket fuel into the engines of our moonships, makes sophisticated electronic gear function in space, and even tests the spaceship systems for reliability and safety.

But space flight is only a part of helium's future. One field in which helium may play a spectacular role is cryogenics, the science of the supercold.

Liquified helium is the coldest known substance on earth. The boiling point of helium is so low that it does not turn into a liquid until it reaches the astonishingly low temperature of −452°.

At that temperature other substances in contact with helium undergo strange changes. Metals lose all resistance to electricity and become superconductive. This phenomenon makes small magnets become powerful out of all proportion to their size. It makes a single cable capable of carrying a vast amount of electrical energy. It makes electronic equipment capable of picking up and amplifying weak signals.

So scientists studying the cryogenic field see a great future for helium—such things as a single superconductive underground cable carrying electrical power for a city as large as New York, instead of a maze of above-the-ground high-tension lines.

One superconductive cable will do the work of 25 ordinary powerlines. But these superconductors will require substantial volumes of helium, between one-half and 10 million cubic feet per mile of cable. Here again is reason for conserving helium supplies.

Scientists also see helium making possible the functioning of MHD generators to produce low-cost electrical power without polluting the air or water. MHD—magnetohydronamics—is a system which uses ironized gases to produce power instead of a rotating turbine. The MHD claims far higher efficiency than turbine methods.

Helium will play a role as nuclear power advances, for it is an important part of the heat transfer process which enables reactors to function. Still another power generating role for helium may be found in a recent German development called a closed cycle reactor.

Helium's role in detecting and treating cancer is one that also has unlimited horizons. Superconducting magnets may allow doctors to perform more accurate detection of cancer in the gastrointestinal tract. More importantly, deep cold experiments on living cells may lead to knowledge about cancer growth not now understood.

Already known as a safe breathing element in space and under the sea, helium-oxygen mixtures will support life as we learn to explore and harvest the seas around us.

The scientific phenomena known as laser and maser beams require supercold helium to function and these will have great impact on society, from medical-industrial applications to improved communications.

A long list can be written, but the fact is that helium's future is as limitless as the universe itself.

It is the second lightest element—making it invaluable in problems involving pressure and weight. As a gas, it can seep through the tiniest of openings—and is therefore without equal as a leak detector.

In its coldest state, liquid helium can actually defy the laws of gravity and flow uphill. It is unaffected by radioactivity.

By itself, or used in combination with other elements, helium is capable of unlocking many secrets.

It was only 50 years ago, in the closing days of World War I that large-scale extraction of helium was authorized by the Government, then in search of a safe, noninflammable lifting gas for observation balloons. Fifty years before that, nobody even knew that helium existed on earth.

It is therefore reasonable to assume that the next half century may reveal still more significant uses for helium in the service of man.

There is only one possible hitch—the exhaustion of our economically recoverable supplies here in the United States. Technically we can recover helium from the air, but the cost is enormous. Or we could create helium as a byproduct of nuclear explosions—but that hardly seems feasible. Thus our best bet is the source we now use—natural gas.

Mr. President, efforts should be made this year to step up our helium conservation program to assure an adequate supply for future needs. Government agencies and private firms now engaged in the conservation project need to work out comprehensive long-range programs which take new technological needs into account.

Failure to do so may negate the wisdom shown during the Eisenhower years. For it would be a tragedy if helium, the invisible giant, became extinct.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that an order has been entered by means of which when the Senate adjourns tonight, it will stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. MANSFIELD. And that tomorrow the period after the prayer and the reading of the Journal, not to exceed 1 hour, will be at the disposal of the distinguished Senators from Washington (Mr. Jackson) and Oklahoma (Mr. Harris), for the consideration of proposed legislation dealing with the Golden Eagle program.

The PRESIDING OFFICER. The Senator is correct.

FOOD STAMP PROGRAM

The Senate resumed the consideration of the bill (S. 2547) to amend the Food Stamp Act of 1964.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I have talked with the distinguished chairman of the Committee on Agriculture; the chief proponent so far as amendments are concerned, the distinguished Senator from South Dakota (Mr. McGovern); and the distinguished Senator from Kansas (Mr. Dole), who has a number of amendments. I should like to propound a unanimous-consent request, so that we could in that way move ahead with legislation and not be accused of doing nothing, and in that way try to accede to the President's desire that this be a do-something Congress, based on the available items on the calendar.

So, Mr. President, I ask unanimous consent that, at the conclusion of the morning hour tomorrow, not to go beyond 12:30 p.m., there be 2½ hours for the consideration of a substitute to be offered by the distinguished Senator from South Dakota, the time to be equally divided between him and the chairman of the committee, the vote on the substitute to occur not later than 3 p.m.

Mr. JAVITS. Mr. President, reserving the right to object, I was not in on these conferences, and that is not the fault of the majority leader. I have been in a conference downstairs.

I should like to know whether this particular unanimous-consent request relates only to the substitute and whether the Senator has in mind a unanimous-consent request on the whole bill. I have no objection, naturally—it is Senator McGovern's substitute—to the substitute being voted on whenever the Senator from South Dakota, the majority leader, and the manager of the bill can agree. But—and I would like the majority leader to indulge me in this—I would not wish to have that extend to amendments.

The Senator quite properly said that Senator McGovern is carrying the laboring oar. I hope to carry it with him. I am the ranking minority member of the committee of which he is chairman.

I would greatly appreciate it if the Senator would enlighten me as to whether this is but the threshold of another unanimous-consent request.

Mr. MANSFIELD. It is, but only as it applies to the amendments to be offered by the distinguished Senator from Kansas (Mr. Dole), on which we are agreed.

Mr. JAVITS. Then, do I correctly understand that the bill will be open to amendment without any limitations of time?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. If the substitute is agreed to, the bill is not open to further amendment.

Mr. JAVITS. Mr. President, does the unanimous-consent request include an opportunity to amend the substitute? We have run into that situation before. Two and a half hours is not a very long time, if we are going to deal with an entirely new bill for food stamps.

The majority leader knows that I am

always very cooperative. Have we really thought this through? What we are really doing is taking Senator McGovern's substitute as a new bill, and every Senator who has amendments, including Senator Dole, will have to take the precaution, whether his chances are good or ill, of offering them on this substitute. So we will have the same argument on the substitute that we will have on the bill. Frankly, from what I have heard, I do not think we have thought that through.

Mr. MANSFIELD. We did think it through, I must say to the Senator from New York, in an attempt to expedite action and to comply with the President's request that this Congress do something.

I am sure that every Senator is aware of the position and the proposals of the distinguished Senator from South Dakota, who has been a leader in this particular area of the bill, whose views are well known, and whose views I am quite certain the Senator from New York and the Senator from Kansas are well aware of.

What we are trying to do is to get into a subject which we have discussed many times before and to try to come to a solution so that we can then, after a decision has been made, pass on to other important legislation piling up on the calendar and in committee.

Mr. HOLLAND and Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Mr. President, if the substitute bill be agreed to under this unanimous-consent agreement, would it then, thereafter be subject to amendment?

The PRESIDING OFFICER. Not unless the unanimous consent agreed to would allow amendments.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the majority leader, if he will, consider making his unanimous-consent request subject to the additional words that if the substitute bill be adopted it will then be subject to amendment.

Mr. MANSFIELD. That is what I was going to do with the permission of the manager of the bill.

Mr. McGOVERN. It is agreeable to me.

The PRESIDING OFFICER. Will there be time on the amendments beforehand?

Mr. MANSFIELD. Mr. President, that would be included in the 2½ hours in the bill, and amendments could be offered afterward.

Mr. JAVITS. Mr. President, reserving the right to object, I do not understand this situation. First, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is a unanimous-consent request in order which would provide that a substitute, if agreed to, would be open to amendment as if it were original text?

The PRESIDING OFFICER. Any such unanimous-consent request would be in order.

Mr. MANSFIELD. Mr. President, I think I still have the floor.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote occur on the substitute at 3 p.m.; that beginning at 12:30 p.m. the time be equally divided. I further ask unanimous consent that if the substitute prevails, amendments may be offered thereto.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. There will be no time limitation, then, on the amendments to the substitute under this unanimous consent?

The PRESIDING OFFICER. Not under the unanimous-consent request.

Mr. JAVITS. Secondly, will those amendments be required to be germane?

The PRESIDING OFFICER. Not unless that provision is first included in the unanimous-consent agreement.

Mr. JAVITS. Then, the only thing we will have done if we agree to the substitute is that we will have substituted the substitute for the bill reported by the committee.

The PRESIDING OFFICER. The Senator is correct. Under the proposed agreement it would be open to any kind of amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield before the Chair makes its decision.

Mr. HOLLAND. Mr. President, I certainly think this is a proper decision. We have on our desks 18 separate amendments to the committee bill which was supported by every member of the committee but the Senator from South Dakota. I take it that in his substitute bill he has incorporated these 18 amendments. Is that correct?

Mr. McGOVERN. The Senator is correct.

Mr. HOLLAND. It is obvious that unless we are going to ignore the action of the committee it would not save time in the event the substitute approach is adopted.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. McGOVERN. The purpose of moving to the substitute bill is to save time of the Senate in dealing with each of these provisions separately in 18 separate amendments. In other words, if we can reach an agreement on the package substitute, that would avoid the Senate debating separately each of the 18 amendments. I would want the Senate to have the opportunity to look at those proposals before we came to examine the bill pending, which is the committee bill.

As I understand the unanimous-consent request, if the substitute package, which embraces those 18 amendments, is adopted, the bill is open for further amendment at that point.

Mr. MANSFIELD. Before the Chair makes its decision, I wish to go back to an agreement made with the Senator from Kansas relative to amendments he will have. He indicated at that time that as far as he is concerned, covering his amendments only, he will be agreeable to a time limitation of 30 minutes, 15 minutes to a side. I would like to include that provision in the request insofar as he is concerned.

Mr. HOLLAND. Mr. President, would the Senator repeat his request? I could not hear.

Mr. MANSFIELD. The Senator from Kansas is willing to agree to a time limitation of 30 minutes, 15 minutes for each side. I would like to have that included as to those amendments, as far as he is concerned, in the agreement.

Mr. HOLLAND. Mr. President, reserving the right to object, may I ask whether or not the amendments of the Senator from Kansas are addressed to the committee bill or the McGovern bill?

Mr. MANSFIELD. It makes no difference if an agreement is reached.

Mr. DOLE. It would depend on the situation.

Mr. HOLLAND. I shall not object to any decision made by the distinguished chairman. I do wish to make clear the original request made would not have saved time for the preservation of the committee position on these 18 points. Now, it does. I have no objection.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I think it is very clear that if the substitute fails, other than the amendments of the Senator from Kansas, where there is a limitation of time, the original bill will then continue to be open for amendment without limitation.

The PRESIDING OFFICER. That is correct under the agreement, under the proposed agreement.

Mr. ELLENDER. Mr. President, I understand the Senator from South Dakota (Mr. McGovern) is offering his bill as a substitute to ours.

The PRESIDING OFFICER. That is correct.

Mr. ELLENDER. If we are to go over all the amendments and let them be appended to the bill now before the Senate, I would object. I am agreeing to this to get through the bill as soon as possible; but if the substitute fails and then it goes through with all 18 amendments, there would be no time saved. Because of that I object.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. McGOVERN. Mr. President, I agree with the Senator's concern about saving time of the Senate, if we can. I would think if we offered the substitute package and that were rejected, that no Senator would want to foreclose the possibility of offering additional amendments to the committee bill.

Mr. ELLENDER. No; but not amendments that are going to be defeated in the Senator's substitute.

Mr. McGOVERN. There may be a possibility we would include one or two by separate vote.

Mr. ELLENDER. I know, but it should settle the matter entirely by agreement to the substitute.

Mr. McGOVERN. I would not want to foreclose any Senator from offering amendments to the original bill.

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Mr. MANSFIELD. Mr. President, I withdraw my unanimous-consent request and express the hope we can get started on the debate on the pending measure this afternoon.

The PRESIDING OFFICER. The proposal is withdrawn. What is the will of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, the pending bill, S. 2547, would expand and improve the food stamp program. Its objective is to abolish poverty-induced hunger in the United States.

The bill would increase the size of the program from $315 million for the last fiscal year to $750 million for this fiscal year and to $1.5 billion the next fiscal year, with another $1.5 billion for the year after that.

The committee gave a good deal of attention to the bill. We had 4 days of hearings. I am sure all those who desired to testify did testify.

After concluding with the hearings, the committee spent 2 full days in executive session in working out the bill. I am glad to say it was voted out of the committee unanimously. Reservations were made by the Senator from South Dakota. All of us, of course, took note of that. I understand it is his objective to present some amendments to the pending bill. Those amendments will, I am sure, be in keeping with the proposals that he submitted to the committee when the pending bill was considered. As I recall, the committee more or less unanimously voted against or objected to the proposals that he placed before the committee.

Mr. President, the food stamp program has been with us for quite some time. Originally it was in effect about 2 or 3 years before World War I. During the war it was discontinued. Thereafter authority was given to reinstate the program, and in the early sixties it was reinstated on a pilot basis. It will be recalled that several areas in the country were chosen to try out the best methods of carrying on a food stamp program.

After 2 or 3 years of experience, the committee then considered a bill, which was finally passed and which is the law today. Under that program we gained a great deal of valuable information. Then, from the pilot experience we had gained, we started to write a bill, which is now the law. Under that bill, Mr. President, we started out with an annual outlay of $75 million. The second year we increased it to $100 million. The third year we increased it to $200 million. Still more experience was gained.

I am very disappointed that the House of Representatives has not yet enacted a resolution that was passed by the Senate last June. The resolution did not in any manner change the present law, but merely increased the authorization from $340 million to $750 million. It is true that the Department stated that during fiscal 1970 it could not use more than $610 million, as I recall; but in order to be on the safe side, the Senate committee decided to report the resolution for $750 million.

In the pending bill we have incorporated authorization for $750 million to be spent during the fiscal year 1970. In addition, as I have just stated, we have provided for additional funds to be spent over the fiscal years 1971 and 1972.

It is my belief that the sums authorized by the committee will be ample to broaden this program to the extent necessary to provide food for the needy.

The bill would assure every eligible household the ability to buy an adequate and nutritious diet.

It would assure every poor person in every area that had the program of the opportunity to participate. Where any family was too poor to pay even the barest minimum of 50 cents per person per month for its food, the State agency would be required to pay for its coupon allotment, or arrange for such payment by local charities or welfare organizations.

In other words, this provision is simply a substitute for those who would desire to write into the bill provision for free coupons.

As a matter of fact, the recipients would pay nothing, under the bill. We provide that it be paid by the States, or by charitable organizations that are usually in the field of providing food for the needy. No household could be charged more than 30 percent of its income for its stamps.

Minimum national standards of eligibility would be prescribed by the Secretary to assure that all poor families are eligible.

State authorities would be utilized as at present and would be given a real share in the program, handling the certification of eligible households, issuing stamps, and, in addition, under the provisions of the bill, helping participants pay the small charge made for stamps wherever necessary. In the few cases, if any, where State or local cooperation cannot be obtained, a program is urgently needed, and the need cannot be met with a commodity distribution program, the Secretary could operate the program directly upon request of the Governor of the State.

Every effort would be made to inform poor families of the program and to insure their participation in it. This would be a function of the State agency, and it would use the services of other federally funded agencies in carrying it out.

Mr. President, those are the main features of the bill. They give every poor family the opportunity to obtain a fully adequate, nutritious diet.

Mr. President, in this connection, it was the belief of the committee that we should have full cooperation at the local level, in order to make this venture successful. I am proud to say that the committee voted without objection for continuing the method of having the State and local people participate in the program.

In addition, the bill contains provisions designed to simplify procedures to make it as easy as possible for each family to obtain its stamps. Under these provisions hearings would be provided by the State agency to settle grievances; households receiving public assistance would be certified on the basis of information available to the State agency, if such information were adequate; and coupons would be issued on at least monthly and semimonthly schedules to suit the convenience of participants.

Since the delivery of the coupons is left entirely in the hands of the State, the State could provide, if it chooses, for weekly distribution of coupons, or whatever system would suit its own needs.

The cost of coupons could be deducted from federally aided public assistance program payments if the participant desired.

In addition to expanding and facilitating the food stamp program, the bill would permit direct commodity distribution to be continued during the initial period of a food stamp program in any area, and would provide for an interdepartmental committee to advise the Secretary on food assistance programs. The bill authorizes every reasonable step that can be taken to provide food for the hungry.

Federal efforts to help feed our children and our poor have been developed through the years, being expanded and improved as we progressed. As shown in the table on page 7 of the committee report, our food assistance programs have grown from $645.9 million in fiscal 1966, to $743.8 million in fiscal 1967, to $908.9 million in fiscal 1968, to $1.2 billion in fiscal 1969, and probably $2 billion in fiscal 1970. The best and now the largest of the family food assistance programs is the food stamp program. It has the advantages of providing a varied diet and permitting participants to make their own selections in their local food stores at their own convenience.

The original food stamp program was conducted in the fiscal years 1939–43 under section 32 of Public Law 320, 74th Congress, but there were problems and it was discontinued during the World War II years, as I have heretofore stated. In 1959 permissive authority for a program was provided by Public Law 86–341, but this authority expired on January 31, 1962, without having been used. Prior to its expiration a pilot food stamp program was begun on May 29, 1961, under the authority of section 32, in McDowell County, W. Va.; and pilot programs in seven additional areas were in operation by mid-July 1961. The pilot programs were expanded and extended as the Department gained experience and in 1964 Congress enacted the Food Stamp Act of 1964 to provide a legislative framework for the program. The act authorized $75 million for the program for fiscal 1965, $100 million for fiscal 1966, and $200 million for fiscal 1967. The program has continued to expand as rapidly as was consistent with good administration. It has been well administered and very successful; and the time has arrived when it can be greatly expanded.

Such expansion should not, however, be undertaken without regard to the safeguards that have been developed, without regard to local responsibility to share in the cost of providing food for the neediest families, and without atten-

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tion to the most careful considerations of fiscal responsibility. While it would more than double the authorization for fiscal 1970 and double that again for fiscal 1971, the committee bill has been developed to preserve these safeguards and to preserve local responsibility. The committee bill was developed after 4 days of hearings in May and careful consideration of those hearings and the various bills and other proposals before the committee.

The food-stamp program is one that draws heavily on State responsibility and on State and local knowledge and experience. In each State, the State welfare agency develops a plan of operation, and has the responsibility for certifying applicants and issuing stamps. In many cases the State agency already has in its possession the information needed to determine the applicant household's eligibility and assign to it its proper coupon schedule. The bill provides nearly automatic certification in such cases.

Where the State agency does not have the requisite information, it obtains it from the applicant household and such other sources as it deems fit. There is nothing complex or difficult about this procedure. Employees are available in local welfare offices to assist in the making out of applications. Applicants are required to give honest answers, and local welfare employees are required to obtain the information needed for certification. This is a fiscally responsible method of operating the program; and the committee rejected suggestions made by some that applicants certify their own eligibility and be absolved from responsibility for falsehoods. Such suggestions, if adopted, would invite wrongdoing and scandals which might bring the entire program into such disrepute that we would lose the program entirely.

At present, eligible households pay an amount equal to their normal food expenditures, and receive, in return, food stamps of sufficient value to enable them more nearly to obtain a low-cost nutritionally adequate diet. Under the bill, they would generally pay less and receive more than at present. Under the bill, the charge for stamps could not exceed either 30 percent of the household income, or an amount representing a reasonable investment in stamps. Since most low-income households ordinarily pay an excessive part of their income for food, these criteria represent a substantial reduction in the cost of stamps to them, especially in the case of those with the lowest incomes. The bill increases the value of the stamps allotted each family to an amount equal to the cost of a nutritionally adequate diet. So, in the future, low-income households will be able to obtain a nutritionally adequate diet with only a reasonable investment, in no event more than 30 percent of their income.

Families so poor as to be on federally aided welfare programs—such as old-age assistance or aid to dependent children—should have no trouble in participating in this program. These families receive a regular monthly check from their welfare agency, part of which is to meet their food needs. By spending no more than 30 percent of their welfare check—and in many cases, substantially less than 30 percent—they will receive enough stamps to buy an adequate diet. Other poor families getting State or local welfare should be able to participate on the same basis.

Welfare has historically been a State and local responsibility. The State and local governments, together with private charities, have developed knowledge and experience in dealing with welfare problems and have competent, trained personnel. The food stamp program enhances local welfare by increasing the amount of food that can be purchased out of the welfare check. It should not replace local welfare or serve as a means of simply shifting local responsibilities to the Federal Government. Accordingly the bill would not provide for free coupon allotments, but would continue in effect by law the minimum charge which has heretofore been fixed administratively. That minimum is 50 cents per person per month, but in no case more than $3 per month for any family. This amount would be paid by the State agency if the family could not afford to pay it, and if the State could find no other local welfare organization that would pay it. Certainly this is the very least that ought to be asked of local people in the way of helping to feed their poor.

For the families on welfare, other than federally assisted welfare, the State agency, at present, can arrange to have deductions made from welfare payments to provide for the purchase of food stamps. Under the bill this could also be done in the case of federally assisted welfare with the consent of the welfare client.

As I have said, the program has been developed carefully and gradually. The bill provides for an expansion from $315 million last year to $1.5 billion in fiscal 1971 and 1972. The bill increases the value of the coupon allotment for each household from an amount which provides it with "an opportunity more nearly to obtain a low-cost nutritionally adequate diet" to the full cost of a nutritionally adequate diet. This is a big step. We should not at this time try to go further and extend the program to soap, insecticides, clothing, or shelter. All of these are necessities, but if we try to take care of them in this program, the program will surely bog down, and we will not be able to extend it to every family that needs food assistance.

Of course, not all households eligible to participate in the program will do so. As the household income increases, the difference between the amount it must pay for its coupon allotment and the value of its coupon allotment diminishes. And as this difference diminishes, there is less and less need and consequently less benefit to be obtained from participation.

Coupon schedules showing the amount to be paid by households in each income bracket are prepared by the Department of Agriculture. Adjustments are made for households that have large medical or other expenses which reduce the amount they have available for investment in food.

Most States issue coupons on monthly and semimonthly schedules, and the bill would require this. For a family which receives a relief check once a month, a monthly schedule may be best. For families that receive money more frequently, it may be impossible to accumulate enough to meet a monthly schedule Some States have even more frequent schedules, and this practice could be continued under the bill. More frequent issuance, of course, involves greater costs, and the committee felt that this should be left to the State, which must pay these costs.

The States have responsibility for issuing coupons and may adopt the methods they find most feasible and convenient for the recipient and for the State. Some States establish their own issuing offices. Others pay commercial banks or other agencies to issue coupons for them. It has been charged that in some cases these charges—such as a charge of 63 cents per transaction in Los Angeles—are exhorbitant.

As I said, it is all left to the State because it is within the province of the State to make it monthly, semimonthly, or four times a month if it is desired. It should be remembered, however, that this charge is paid by the State or locality out of its own funds. Presumably the State has competent employees acquainted with local conditions, with the amount of work and risk involved in issuing coupons in the correct amount to the persons entitled, and with the advantages and disadvantages to the State and the recipient involved in the use of alternate methods. In any event it should be made absolutely clear that the recipient pays no part of the cost of issuing food stamps and that the Federal Government pays no part of such cost. That cost is borne entirely by the State or locality. The convenience to the recipient of being able to obtain food stamps at the nearest bank is obvious and the States should certainly be permitted to continue issuance in this manner, if they so elect.

Eligible households use food stamps just like money to purchase food at their local retail stores, which in turn redeem the coupons through their local banks, just like checks.

The food stamp program has been developed as the best method of assuring low-income families of an adequate and nutritious diet. Many other methods have been tried during the period between the termination of the early food stamp program in 1943 and the enactment of the Food Stamp Act of 1964. Direct commodity distribution provides a diet without sufficient variety and without many of the elements needed for good nutrition. It can involve considerable spoilage and waste. It involves the inconvenience and cost of a separate distribution system. We should move as rapidly as administratively possible to extending the food stamp program to the entire country.

At this point I wish to add that it was the desire of the former administration to try to get food stamps used entirely throughout the country rather than have direct food distribution, for the reasons I have just mentioned. In my judgment, it would not have taken very much longer to make it possible for food recipients to deal entirely with stamps.

To provide for direct distribution and food stamps in the same area would tend

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to defeat the program. Just as bad money drives out good money, direct commodity distribution would tend to destroy the food stamp program. When confronted with the choice of a poor diet of free food or a good diet for some small cost, economic pressure would undoubtedly cause many to choose the free food at the expense of their health and the health of their children.

To permit eligible households to pay a part of the cost and receive only a part of their coupon allotment would also tend to defeat the program. Many households would undoubtedly take this alternative if it were offered to them. Obviously, the only effect of such an alternative is to permit households to obtain less than an adequate diet and perpetuate the malnutrition the program is designed to cure.

We should not tolerate any provision which would deprive any household participating in the program of a fully adequate diet for all its members.

Provisions which would relieve the States of any responsibility for minimum food welfare, which would encourage falsehood with freedom from any penalty therefor, or which would extend the program to goods or services other than food may appear to be very generous. However, the adoption of such provisions, tacking on a little something more here and there, could easily cause the entire structure to fall. It is our duty to build a program that will accomplish its objective and that can be maintained.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. First, I congratulate the Senator upon his explanation of this committee bill, which I think does effectively deal with this very serious problem.

I should like to amplify one point which I do not believe the Senator mentioned, and that is the fact that the committee bill contains a provision under which the total appropriation if made for 1970, and if not used in 1970, would be carried forward until 1971, and the same provision applies with reference to 1971. So that unused funds, if they could not be used in full and with proper care during any year of the life of this program, which extends over only three years, as suggested—1970, 1971, and 1972—would, at the end of each year, be projected into the succeeding year.

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. So that the whole amount of authorization—$750 million for 1970, one and a half billion dollars for 1971, and one and a half billion dollars for 1972—is available to be carried forward until June 30, 1972, if it is appropriated and may be usefully employed during that whole period.

Mr. ELLENDER. The Senator is correct. I failed to mention that, but that is what the bill provides.

Mr. HOLLAND. Mr. President, I thank the Senator. I wanted it to be mentioned at this time for this reason: As the Senator will recall, the Senate placed in the appropriation bill for 1970 the total authorized amount included in the temporary resolution, the emergency resolution, which the Senate passed some time ago and sent to the House. I would want it clear in the Record that the entire $750 million, even if it could not be used in fiscal 1970 because of the lapse of time since we acted on this matter, can nevertheless be usefully employed in this program. I would like that to be understood not only by Senators but also by Members of the other body, so that no confusion will arise on this point. I would also like to make it clear that the authorization for any year will not be carried forward unless it is appropriated. In other words for any part of the fiscal 1970 authorization which cannot be used in 1970 to be carried forward, it must be appropriated for 1970.

Mr. ELLENDER. The pending bill so provides.

Mr. HOLLAND. I thank the Senator for yielding to me.

Mr. AIKEN. Mr. President, I was very glad to join with our distinguished chairman of the Committee on Agriculture and Forestry in bringing this bill, S. 2547, to the floor of the Senate; and I am very happy to support the bill now. The chairman has given a very good explanation of the bill which is now before us, and in my book it is an excellent bill.

My association with food stamps goes back many years. I was Governor of Vermont when the first food stamp plan was placed in operation. There were, I believe, five pilot programs put into effect in the various parts of the country, and one of them happened to be in Vermont. It seemed to me that it worked exceptionally well at that time. There was very little cheating or graft or anything of that sort going on, and it was one of the better programs which were established under the New Deal years.

This firsthand experience convinced me then that the food stamp program was the best method yet devised to improve the diets of needy families. I am of the same opinion today—nearly 30 years later. Based on firsthand experience, I then, as a Member of the Senate, sponsored food stamp legislation from 1943 on, in every session of Congress up to, I believe, 1961, I was joined in the early years by Senator Robert LaFollette of Wisconsin, and in later years by Senator Young of North Dakota, Senator Anderson of New Mexico, and others.

The plan we offered called for the issuance of a monthly stamp allotment equal to the cost of an adequate diet, with the families making a reasonable payment for the stamp, based upon the family's ability to pay.

As a member of the Committee on Agriculture and Forestry, I participated in authorizing a pilot food stamp program in 1961—an approach that I had long advocated in my national allotment plan. This, as I recall, was a House bill which had already passed the House, and it seemed best to support that bill rather than promote our own that year.

I joined my colleagues in the strong Senate support for the Food Stamp Act of 1964 and for the amendments of 1967 and 1968, which extended the program and increased its funding.

I believe that one of the early counties under the new program in 1961 was Franklin County, Vt.; and I believe that we were the first State where the program was extended to cover the entire area of a State a few years later.

I do not know just what percentage of the cost of the stamps is being paid by the families that are using them now, but until this year it was approximately 60 percent. This means that their food was subsidized to the extent of 40 percent by the Federal Government, which is very small compared with the subsidy extended to some of our big corporations today. But these are not the people who come into Washington and cry every time they cannot buy just what food they want.

Another good thing about this bill, which was finally adopted by the committee, is that it continues a program which is handled largely by private industry, with local banks and local merchants providing the necessary services. The program does enjoy the support of people generally.

There are some complaints. A woman told me the other day that she saw one of these people actually buying oranges with food stamps, and the person was buying cheese and milk, too.

I said:

> That is the general idea for her to be able to buy oranges, milk, meat, and fresh vegetables. That is the purpose of it.

Now, we are considering a bill to further improve a basically sound food program. As is proper, Congress looked at the program experience since 1964, recognized the need to further improvements, and has now taken steps to make the necessary legislative changes, particularly in the funding.

The Senate already has passed an emergency resolution authorizing an increase in appropriations for this fiscal year from $340 million to $750 million. It is not expected they could use that full amount this year but it was provided, as the Senator from Florida said, for a carryover in other years; and for each of the following 2 years the Senate bill today would authorize $1.5 billion, an increase of more than 400 percent over the present limitation on the food stamp program. Yet, there are those who say we are very stingy about it all. They know perfectly well they could not use more than that amount of money; they do not have the facilities to get that program any further underway during the next 2 years.

I certainly hope no one tries to make political profit out of this bill at the expense of people who really need something to eat. That would be disgusting. In improving the program, we must not eliminate the basic principles of the program. The bill we are considering today continues the cooperative Federal, State, and local sharing of responsibilities.

It builds upon State and local welfare responsibilities, rather than acting as a substitute for them. It enables people who participate in the program to stand taller, to walk straighter, and to talk a little plainer language than they would if they were dependent upon welfare handouts. The bill retains the self-help principle and the incentives for self-support.

It utilizes our efficient commercial distribution system rather than requiring States and localities to set up a second delivery system to handle the donated commodities. The delivery of surplus foods has grown in some places into scandalous proportions, delivering food to the people, food they did not need and could not use, but somebody was paid for the administrative cost of handling the program. This bill would give needy families access to the wide variety of food available in retail stores, rather than restricting them to a limited range of Government-acquired foods.

It will increase sales by stores of meat, poultry, dairy products, citrus fruits, and fresh vegetables. That is what is necessary to upgrade the diets of people who have not had adequate amounts of the right kinds of foods to eat.

It incorporates a program of food and nutrition education for participating families, so that they can get the best nutrition for their increased food-purchasing power.

The program modifications we are considering today are designed to bring food stamp benefits to more of our needy families; insure that these families can buy a nutritious diet with their coupon allotment; introduce additional operating flexibilities into the program; and provide for the progressive expansion of the program to all counties and cities, phasing out the commodity program as fast as feasible. That cannot be done overnight in some cases, because the adequate machinery is not established as yet.

These program modifications also are consistent with the President's far-reaching proposals for the reform of our national welfare system. But it is important that we act now on food stamps. The need for action is both immediate and urgent.

I saw a release which came from the House Agriculture Committee a week ago Sunday reporting on hearings which had been held over there in which it was divulged that 2 percent of the people using food stamps cheated. Mr. President, can you imagine that? The implication was that nothing could be done for the other 98 percent until some way had been found to control the 2 percent who cheated. I said when I read that article that I certainly hope they do not apply that rule to the Congress because if they find 2 percent of the Members of Congress cheated in any way, they would have to deny the remainder of the Members of Congress their seats until some way was found to deal with the 2 percent. I thought that was a rather weak argument for not acting on a food stamp bill.

I think this is a good bill. There may be amendments to improve the bill. I have one amendment myself. I will read my amendment now and will discuss it unless the chairman wants to accept it. My amendment states:

> On page 2, line 18, insert the following new sentence after the phrase "Agriculture.":
>
> "In prescribing such national standards, the Secretary shall take into account the benefits of extending the food stamp program to households which, in the absence of such benefits, might be required to obtain welfare assistance to meet minimum subsistence needs."

My amendment is approved by officials of the Department of Agriculture. It does no violence to the bill in any way. It simply seeks to indicate the guidelines for the Department of Agriculture to use in determining who is eligible and who is not eligible, but it does not do anyone out of his just needs. Specifically, the amendment requires the establishment of guidelines making households eligible for food stamps which otherwise would have to go on public welfare in order to obtain a minimum subsistence. The food stamp program was designed to keep families off welfare and this amendment would insure that the national standards for eligibility would carry out that purpose. As I said before, it does no violence to the bill in anyway.

Mr. ELLENDER. That was the same amendment that he submitted.

Mr. AIKEN. That was prepared by Mr. Stanton on our committee staff. While it does not materially change the bill in anyway, it does make it easier for the Department of Agriculture to establish proper guidelines.

Mr. ELLENDER. It is up to the Department, of course, to make the guidelines under the bill.

Mr. AIKEN. That is right.

Mr. ELLENDER. I can see no objection to the amendment. I have no objection to it.

The PRESIDING OFFICER. Does the Senator from Vermont offer his amendment at this time?

Mr. AIKEN. Yes. I not only offered it, I also read it to save the clerk the trouble.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 18, insert the following new sentence after the phrase "Agriculture.":
>
> "In prescribing such national standards, the Secretary shall take into account the benefits of extending the food stamp program to households which, in the absence of such benefits, might be required to obtain welfare assistance to meet minimum subsistence needs."

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. HOLLAND. If I understand the amendment correctly—I have not seen the wording of it in print—it would mean that the Secretary would, in determining eligibility, have in mind, among other things, the effort to keep people off the welfare rolls?

Mr. AIKEN. That is correct.

Mr. HOLLAND. I thank the Senator. I see no objection to it at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. AIKEN. Mr. President, again I commend my colleagues on the Committee on Agriculture and Forestry for bringing out what I believe is an excellent bill. I do not say there can be no improvement. Amendments will be offered, I am sure, but the main thing is to see that these people get more adequate diets than they are getting now, that they are able to hold up their heads straighter and not be pointed at as being shiftless, and that they will be able to feed their families on a much higher nutritional level than they are doing at the present time.

KANSAS COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. DOLE. Mr. President, as a member of the Select Committee on Nutrition and Human Needs, as well as a member of the Committee on Agriculture and Forestry, it is obvious to me that numerous problems exist throughout the United States that are closely related to nutrition and human needs. I concluded long ago that only through the close cooperation of all levels of government and the private sector is there any hope of finding meaningful solutions to these problems. For this reason, a group of outstanding Kansans agreed to assist me, and a Kansas Committee on Nutrition and Human Needs was constituted some months ago.

Under the leadership of our distinguished former Senator Frank Carlson and Mrs. Verne Alden, of Wellsville, Kans., the Kansas committee has worked diligently throughout the summer months reviewing and deliberating on possible new approaches to the needs of our disadvantaged citizens.

Mr. President, there has been much publicity that in some States some counties do not participate in a food assistance program. Often, the roadblock in these counties is not the lack of need or lack of desire, but the lack of population which makes the implementation of these programs impractical. One of the Kansas committee's recommendations would be to combine administration of food assistance programs in sparsely populated counties. This would apply to my State of Kansas.

The Kansas Nutrition Committee also recommended that if the food assistance programs are expanded, there must be accompanying increases in nutrition education.

Mr. President, the Kansas Committee on Nutrition and Human Needs has offered other valuable recommendations which should be helpful to the Senate when it considers S. 2547. A copy of their report has been forwarded to Secretary of Agriculture Clifford Hardin and to Secretary of Health, Education, and Welfare Robert Finch, and will be placed in the RECORD so that Senators may review it.

I commend the members of the Kansas committee. Their voluntary efforts provide an outstanding example of how local action can be effective in helping to solve a most urgent domestic problem. It is time Washington listened to those who are now, and have been, on the firing line.

Mr. President, I ask unanimous consent to have printed in the RECORD the summary of the informative report the Kansas Nutrition and Human Needs Committee submitted to me on September 15, along with the names of the committee members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 13, 1969.

Hon. ROBERT DOLE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOLE: As chairman of your Kansas citizens committee on Nutrition and Human Needs, I'm pleased to submit this report. It represents two months of concentrated study and personal contact efforts by committee members.

It is my observation that the individuals who served in your behalf on this committee and in this inquiry have taken their assignments seriously and worked intensively. The three group meetings, I felt, were lively and most informative.

As you know there has been much press in Kansas during these months, calling attention to the absence of food programs and directed at the whys of local issues. I feel this committee was doing some direct talking locally and had a significant role in calling attention to these local issues.

The one point that continually came up in our discussions was that education is desperately needed to solve the nutrition and feeding problems of the poor and needy. I would hope that you will continue to call attention to this need. You and your colleagues, as you develop legislation to solve poverty's problems, will be in a position to see that funded education components are included. The poverty stricken and malnourished can be told to "get with it" but they have to be taught how to "with it get."

In behalf of your committee and Senator Carlson, I would like to thank you for the opportunity to "speak out and up" on this vital issue. Certainly this committee stands ready to give you further assistance at your request.

Sincerely and respectfully,

MRS. VERNE W. ALDEN.

OBJECTIVES OF THE KANSAS COMMITTEE ON NUTRITION AND HUMAN NEEDS

1. "To act as an advisory committee to me on Kansas needs in order that I may report them to the Senate Select Committee on Nutrition and Human Needs.

2. To analyze existing food and public assistance programs and propose legislative and administrative changes.

3. To create an awareness of malnutrition as related to poverty and accompanying human needs."

MEMBERS OF THE KANSAS COMMITTEE ON NUTRITION AND HUMAN NEEDS

Senator Frank Carlson (chairman) Concordia.

Mrs. Verne W. Alden (cochairman), Wellsville.

Mr. F. E. Black, Topeka.
Mrs. M. L. Breidenthal, Kansas City.
Judge Floyd H. Coffman, Ottawa.
Mrs. Ed Faulkner, El Dorado.
Mr. James A. Garver, Parsons.
Mrs. Marvin Gunn, Salina.
Mrs. George Haley, Kansas City.
Mr. E. Kent Hayes, Topeka.
Mr. H. R. Carrillo, Topeka.
Dr. Evalyn S. Gendel, Topeka.
Mrs. Cliff Hope, Jr., Garden City.
Mrs. Rex Lee, Wichita.
Mr. Walter C. Peirce, Hutchinson.
Mr. Thomas M. Potter, Wichita.
Mr. Allen C. Quetone, Horton.
Mrs. Bill Richardson, Hoxie.
Mr. Robert E. Schmidt, Hays.
Miss Ruby Scholz, Topeka.
Mrs. Earl Simmons, Ashland.
Mrs. Barbara E. McWhorter, Topeka.
Mr. O. L. Plucker, Kansas City.
Mrs. CECIL NUTTER, Agenda.
Mrs. Grace M. Shugart, Manhattan.
Mr. Harold L. Smelser, Topeka.
Mrs. Beverly Smith, Salina.
Mr. Ray F. Uehling, Ness City.
Rev. Walter Weiss, Great Bend.
Dr. Shirley White, Manhattan.
Mr. Harold E. Wills, Dodge City.
Dr. George A. Wolf, Jr., Kansas City.
Mrs. Harold O. Williams, Cheney.
Mrs. H. O. Wright, Salina.
Mr. A. Price Woodard, Jr., Wichita.

REPORT OF THE KANSAS COMMITTEE ON NUTRITION AND HUMAN NEEDS

THE ABSENCE OF FAMILY FOOD ASSISTANCE PROGRAMS IN CERTAIN KANSAS COUNTIES—SUBCOMMITTEE NO. 1

(Submitted by Thelma Wright)

Committee members: Mrs. Marvin Gunn, E. Kent Hayes, Mrs. Cecil Nutter, Allen C. Quetone, Mrs. Grace M. Shugart, Mrs. Earl Simmons, Mrs. H. O. Wright.

This Committee recommends:

1. That small counties band together for administering food programs. For donated foods, have a central distribution point.

2. **That a program of education for the needy be established at the county level,** through Extension Home Economists, so they can effectively use donated foods or plan purchases with food stamps. (See Committee report no. 5)

3. That education be broadened to include education of County Commissioners as to how the food stamps and donated food could be used and especially what constitutes malnutrition.

This committee prepared a questionnaire which was sent to county commissioners in July. A summary of findings follow:

Counties who have neither food program and want neither:

Comanche
Washington
Marshall
Cloud
Barton
Rice
Pratt
Ness
Lincoln
Nemaha
Brown
Thomas
Norton
Ellis
Marion
Clay
Republic
Coffey
Barber

Counties who have food stamps and want to continue:

Crawford
Montgomery
Johnson
Neosho
Greenwood
Wilson
Leavenworth
Atchison
Franklin
Bourbon
Cherokee
Labette

Counties who have food commodities and want to continue:

Kearny
Elk
Harper
Grant
Ford
Hodgeman
Shawnee
Sherman
Hamilton
Meade
Clark
Kingman
Sedgewick
Wyandotte

Counties who do not have food stamps but want them:

Sedgwick—Presently have Food Commodity Program, but have voted to change.

Jackson
Greeley
Reno
Sheridan
Osage
Douglas
Saline
Linn
Lyon
Allen
Miami
Woodson
Jefferson
Riley
McPherson
Cowley
Dickinson

Counties who do not have food commodities but want them:

Ottawa
Decatur
Harvey
Finney
Sumner
Graham
Edwards
Morris
Harvey

PROBLEMS CONFRONTING THE FOOD ASSISTANCE PROGRAMS—SUBCOMMITTEE NO. 2

(Submitted by Walter C. Peirce)

Committee members: Harold Smelser; Mrs. Ed Faulkner; Mrs. Harold O. Williams; Mrs. Cliff Hope, Jr.; Robert Schmidt, Walter Peirce, Thomas Potter.

A major concern of the committee is that present food assistance programs do not reduce the county welfare load. The new programs, instead of being coordinated with, are piled on top of existing programs. This has been a reason for many counties not participating, since it would mean an increase in county property taxes to pay the increased administration costs.

At the July 26 meeting in Salina the subcommittee discussed the following:

1. Low participation in food stamp counties (an average of 30% of welfare families using the program where it has been available.)

The problem is that many eligible families do not buy stamps because they want to spend the welfare check for other things. The suggested solution was that the amount of stamps which families were eligible for be assigned and issued; preferably mailed to them.

The USDA should take into consideration the differences of various areas in revising formulas of distribution and stamp programs. The key issue is providing an adequate diet for low income needy families.

The requirement of a fixed amount of food stamps to be purchased should be more realistic. It is better if a family buy one half their quota than be forced to buy all or none. Simplify the regulations on food items eligible. The check-out girl is supposed to know that food stamps cannot be used for imported beef from Argentina, fish from Africa, pineapple from the Phillipines, etc. Better diet is the main criterion for food distribution. Special interest groups should not use food stamps, school lunch programs and commodity distribution as a vehicle for discriminating against imports, margarine, etc. Better diet and higher participation will help everyone, including special interest groups.

There are other items in the store which should be disqualified along with tobacco, alcoholic beverages, such as carbonated drinks, candy and gum. Proper diet will or should be the determining factor. Perhaps items such as soap should be allowed.

2. Adverse news publicity on excessive stocks of commodities found in clients' homes.

Many of the original methods of distribution have been improved yet the bad publicity lingers on. The distribution of commodities seems to be working well in Wichita. Extension programs are helping low income people learn to cook. Education and motivation are still major problems.

3. Distribution of surplus food commodities and the selling of stamps.

Volunteer groups can be a help in distributing commodities or in helping individuals get to the distribution points. Stamps distribution could be simplified by assigning and issuing food stamps to those on welfare and other needy families. The committee strongly recommends that the stamp books be mailed out. They felt this would be better than present methods of selling them and would be better than proposals of selling them at post offices.

4. How to inform local officials of the program.

Outreach groups—KSU Cooperative Extension Service, technical action groups, Office of Economic Opportunity.

5. Increased taxes on the local level to pay extra administration costs and warehousing of commodities.

Perhaps federal money for part of the administration costs, rent for warehouses, etc. All counties should have equal treatment.

6. How to handle the program in sparsely settled areas or counties with few families considered needy or on welfare.

Combine a number of counties or tie to a more populous one. Mailing of food stamps would again be the answer. Let local people certify the need for food assistance.

The committee is concerned with the fact that people who are trying to help themselves and be self supporting may have more need for supplemental food than those on welfare. Medical and dental services which are furnished welfare clients, can create a terrific emergency for self employed people. Their need for food assistance may be quite dire.

The really needy would be helped while the improvident should be encouraged to help themselves. Far too often the incentives are reversed, encouraging the deadbeats to be parasites and discouraging those who are industrious. While revisions are being made in relief and welfare procedures, the matter of *proper* incentives is of paramount importance.

CHILD NUTRITION PROGRAMS—SUBCOMMITTEE NO. 3

(Submitted by Mrs. Rex Lee)

Committee Members: Evalyn S. Gendel, M.D.; Dr. O. L. Plucker; Mrs. Bill Richardson; Mrs. Ruby Scholz; Mrs. Rex Lee.

1. *School Breakfast and Lunch Programs*

In view of the fact that there is a definite and immediate need for an initial outlay for establishing food facilities, the current major problem is the method of receiving and utilizing money over and above the cost of food. These facilities must be established in order to use existing funds, now available under the National School Act and also the Childs Nutrition Act for school Breakfasts, which must be turned back if there are no facilities to store, prepare or serve the food which can be purchased and also no personnel to supervise and prepare it. We recommend that Federal assistance is needed for equipment and personnel on an interim basis. We recommend initiating a General School Aid Program such as block grants, instead of the present categorical aid. There must be more flexibility in sharing the cost, where participation is high and relative economic status is low, also more flexibility in the methods of preparation, distribution and serving. The law in Kansas, on school financing does not permit spending over 104% of the previous expenditures, subsequently, the cost of establishing kitchens and etc., cannot be included in the school budget. The present conditions prohibit the schools from entering into this program and consequently, there is hunger and malnutrition. In our competitive Society, there is an important relationship between children's nutritional experience and their eventual competence as adults.

2. *State Consultant Nutritionist*

We also recommend Kansas re-establish the position of State Consultant Nutritionist in the State Department of Health, which was unfilled for three years because of absolute noncompetitive salary and was removed from the budget because it could not be filled. This person in the past war primarily serving schools and youth institutions on food utilization and the relationship of nutrition to health of school age children.

We recommend more publicity on why Federal funds cannot be used. We would like to see Welfare cooperate with the schools to *encourage* families to use a portion of the food allotment as allocation for reduced price lunches.

Could the money that is designated for school lunches (15¢ per day) be paid directly to the school so these children can have lunch?

HEALTH CARE FOR LOW-INCOME GROUPS—SUBCOMMITTEE NO. 4

(Submitted by C. Walter Weiss)

Committee members: Mr. H. R. Carrillo; Judge Floyd H. Coffman; Dr. Shirley A. White; Dr. George A. Wolf; Mr. F. E. Black; Mrs. Verne Alden; C. Walter Weiss, ACSW.

Taking into consideration the following facts:

(1) The high correlation of .96 of the poverty index and the relative health index in Kansas (as reported by Mr. Johnson, the Health Planning Analyst with the Comprehensive Health Planning Program);

(2) Recent studies show that low income persons just above welfare level are in the poorest health of all, having poor immunization levels and uncared for dental problems;

(3) Problems in the Health Care System include: (a) Shortages and poor distribution of health manpower; (b) High costs due to unnecessarily duplicated and underutilized facilities and equipment; (c) Duplicated services in some areas and absence of necessary service in other areas; (d) High cost of administration by the vendor groups, as a result of regulations set forth by governmental units;

(4) Urban Renewal and Public Housing Programs have not kept up with the need for additional sound housing units;

(5) The recommendations made by Dr. Thomas F. Taylor, Chairman, Coordinating Council for Health Planning, State of Kansas, in his statement to the Subcommittee;

(6) The critical element involved in breaking the poverty cycle is that of nutrition.

Subcommittee No. 4 submits the following recommendations for consideration:

(1) Federal Legislation should be proposed to institute programs increasing the supply of health manpower. The usage of paraprofessionals and sub-professionals needs to be strongly encouraged.

(2) Increased federal funding under the Public Health Service Act is strongly urged.

(3) In view of the need for adequate information on which to base planning and program decisions, a statistical gathering program should be permanently established.

(4) A very high priority should be placed on the needs of children as the best preventive measure our society can take. Preschool programs, day care services, and adequate housing are involved in child welfare programs.

(5) Continued and adequate support of educational programs in nutrition is strongly urged.

Statement by Dr. Thomas F. Taylor, Chairman, Coordinating Council for Health Planning to the Sub-Committee #4 of the Kansas Committee on Nutrition and Human Needs, August 23, 1969

I wish to thank the committee for the opportunity to discuss health care for low income groups. I am currently chairman of the Coordinating Council for Health Planning which advises the State Board of Health in regard to its responsibilities as the agency designated by the Kansas Legislature to prepare and administer a State Comprehensive Health Planning Program. The Partnership for Health Amendments of 1966 and 1967 to the Public Health Service Act authorized the establishment of state and areawide health planning programs. Our task is to establish a comprehensive and systematic planning process to establish goals, objectives and priorities for health, and to include both the public and the private sector in this planning process. Priorities for the expenditure of grants for comprehensive health planning services which will be available from the Federal Government in blocks rather than in categorical grant must be determined. The scope of the activities for comprehensive health planning are to include the manpower, facilities, and services necessary for promoting and assuring the highest level of health attainable for every person in an environment which contributes positively to healthful, individual and family living.

This planning process must be a true partnership involving public and private agencies, organizations, and programs, and all levels of government with *no* domination by any segment. We hope that through activities of areawide councils and a system of sub-committees, the expression of health needs as seen by the people of the state will be included in the planning. Identification of population groups with higher than average risks of illness is a significant goal of the program. In addition to working with existing agencies, we will assist OEO and Model Cities with their health components and include their findings and recommendations in the setting of priorities.

Mr. Johnson, the health planning analyst with the Comprehensive Health Planning Program has devised a general health status index. Copies of this are available for the committee. A number of weighted factors were used in determining this index including an index of poverty related to the number of families in each county with incomes below $3,000 as reported from the 1960 census. This poverty rating was not given a large weighting in the computation. When Mr. Johnson ran a correlation between the poverty index and the relative health index the high correlation of .96 was obtained. The correlation remained .95 between the poverty factor and all the other factors. The poverty level is the most important factor in the general status of the population. This may lend strong support to any federal measures to increase the income level of the lower portion of the population.

Financial support is now available through Medicaid and Medicare for health services which low income and elderly people (and many of the elderly are poor) need. There is a greater utilization of the Health Services by these groups than ever before whether because of promises for health care or of inability to pay prior to the advent of medicare.

Recent studies show that low income persons just above welfare level are in the poorest health of all. These persons have poor immunization levels and uncared for dental problems. One of the reasons for the rapid increase in the medicaid assistance payments in Kansas has been coverage for dental problems. It is estimated that it will take 5 years to catch up on the dental treatment needed by persons on welfare. The dental problems of those just above welfare levels are still neglected.

70 percent of the persons on welfare in Kansas live in counties having either a food stamp program or a commodity distribution program. I do not need to tell this committee, which is fortunate to have serving on it Dr. White who has pioneered in the use of nutrition aides, about the need for nutrition education for the entire population.

The health care system is more obviously visible now with the increased demand for services. Shortages and poor distribution of health manpower, high costs due to unnecessarily duplicated and underutilized facilities and equipment, duplicated services in some areas and absence of necessary services in other areas and high costs of administration by the vendor groups as a result of regulations set forth by governmental units are all problems in the health care system. Model City Studies in Wichita and Kansas City show that poor transportation systems make it impossible for residents in one part of the city to utilize Health Services in other parts of the same city.

The grant for comprehensive public health services for Kansas in FY 1970 totaled $917,400. Fifteen percent of this must be used for mental health services and 70 percent of the total must be used for services in communities. Unless this appropriation is significantly increased, the concept of the block grant will be of little significance.

I was asked to summarize the recommendations of the Booz, Allen & Hamilton Report as they pertain to housing, sanitation and pest control. This was the report of a consulting firm prepared for the Legislative Council in 1967–68 at the request of the Kansas State Board of Health. The report stated that there was no organized housing program in Kansas such as existed in other states and recommended the adoption and enforcement of state uniform housing standards. The figures from the 1960 U S Census show that the national total for Sound hous-

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ing with plumbing facilities is 74 percent. The Kansas total was 71.9 percent. The severity of the housing problem for some groups is highlighted by the findings of the Kansas City, Kansas Model Cities Program which showed that using the same 1960 U S Census, the area total for the Model Cities area in Kansas City was only 16.8 percent Sound housing.

Urban renewal and public housing programs have not kept up with the need for additional sound housing units. The private market is unwilling to assume the risks involved. Financial institutions in the Kansas City area now deny investment capital or require excessive down payments according to the findings of the Model Cities Program. Again, a major problem is for those families whose income is too high for public housing but not high enough to compete for suitable housing on the open market. The Kansas Department of Economic Development will be including housing in its planning during the coming year. Some provisions are evidently available under the 1968 Housing Act which have not been utilized. But in addition, incentive may be necessary so that private investors will find construction of adequate low cost housing profitable.

Concerning sanitation, the Booz, Allen & Hamilton Report stated that increasing population and industrial expansion continues to create new problems in general sanitation and waste disposal. They stated that state standards are needed. The state did receive a United States Public Health Service Grant in 1967 for a 3 year solid waste planning project.

In regard to pest control, the report stated that such programs can be most effectively administered locally. Such problems are interrelated for rodents, for example, will breed in areas with poor waste disposal.

The Coordinating Council for Health Planning has established a Committee on Environmental Health Problems. Under the chairmanship of Dr. Ross McKinney from the University of Kansas, this committee is now preparing a more complete survey of the environmental health services and programs in Kansas available from both public and private agencies and associations. The committee will recommend priorities for environmental health concerns in the state and recommendations and actions for their improvement.

Kansas does have a State Child Abuse Register. We do not, however, have all of the services nor channels of communication necessary to deal with these and related problems. There are still 24 counties in Kansas which are not included in areas receiving services from Community Mental Health Centers. There is a shortage of foster homes and adequate child care facilities. Support of federal programs for adequate mental health and child care facilities is certainly indicated.

In the summary I would make the following recommendations for federal legislation:

1. Programs to increase the supply of health manpower. The social security amendments of 1967 permit the use of subprofessionals in welfare and maternal and child health projects. The usage of paraprofessionals such as medical corpsmen should be explored.

2. Increase federal funding under the Public Health Service Act. This includes funding for comprehensive health planning and for block grants for community health services and other special health projects which are locally sponsored. The discrepancy between the goals and intent of the legislation and the amount of money awarded for implementation is a source of frustration and disillusionment. The same will be true of the new welfare proposal unless the minimum payment truly takes into consideration the amount of money necessary to provide an adequate diet.

3. There is a great need for information on which to base planning and program decisions. Inadequate information is available in all of our work. So far, we do not know where people are who actively do the work on one hand and we do not have adequate sources of information on the other hand. For example, housing statistics are available only from the federal census. And, for example, in Kansas we do not have current information on actively practicing physicians or nurses. Other methods for obtaining this basic information must, be found in order to make good sound judgmental decisions.

4. In addition to catching up with the needs of the adult population, a very high priority must of course be placed on the needs of children as the best preventive measure our society can take. Priorities should be placed on head-start and other pre-school programs, children and youth programs, and the coordination of such special programs with other existing and needed physical and mental health and educational services. The Interdepartmental Committee for Children and youth in Kansas is sponsoring a demonstration project in three counties of Kansas to improve and coordinate the whole system of community services offered to children and family. Simplified federal funding for such demonstrations and continued programs would be of great benefit to the public.

Thank you for the opportunity to describe the efforts of the Comprehensive Health Planning Program and to offer my views in this very important area.

NUTRITION EDUCATION—SUBCOMMITTEE NO. 5

(Submitted by Beverly B. Smith)

Committee Members: Mrs. Barbara McWhorter; Mr. Ray Uehling; Mrs. George Haley; Mrs. M. L. Breidenthal; Mr. Harold E. Wills; Mr. James A. Garver; Mrs. Beverly Smith, chairman.

At the first meeting of the committee in Topeka on June 28, those in attendance were Mrs. M. L. Breidenthal, Kansas City; Mrs. George Haley, Kansas City; Mrs. Barbara McWhorter, Topeka; Mrs. Beverly Smith, Salina. At this meeting Mrs. Breidenthal was to check on the Nutrition Aid Program in her county, Mrs. Haley was to check on other Extension Service activities, and Mrs. McWhorter was to check on H.E.W. School and Health related activities. In addition each member was to attempt to find out about different Nutrition-Education programs that were being carried on in their respective counties. Mrs. Beverly Smith was elected chairman of this sub-committee.

The second meeting of the committee was held July 26 at the Hilton Inn in Salina. Those in attendance were Mr. Ray Uehling of Ness City and Mrs. Beverly Smith of Salina. Previous correspondence had gone out to the sub-committee members. This meeting was spent explaining what had been done at the previous meetings. No actual results or accomplishments were given at this particular time. The following information was received—one from Mrs. Doris Haley, Kansas City, saying that an interview was made with Mrs. Betty Price of the Nutrition Extension Service of Wyandotte County. The following information was obtained from this interview: The Extension Service has first tried to establish rapport with the various groups receiving food from the commodity program. One manner in which this has been done is to train members of these groups to teach other individuals methods of best using the foods obtained.

Small classes are held in neighborhood centers and those participating are happy to be taught by someone in their own group. Volunteers also go into various homes to teach methods of adapting recipes and cooking new foods made available by the program. Classes are held at Y.W.C.A. branches and have been successful. Many of these have been classes with youth and unwed mothers. Work has been done with social workers who deal directly with persons in the program and gas company home economists are given information to pass on to their contacts. Information has been given to those on special diets. The Extension Service has contributed newspaper articles to the Kansas City Star and has also used films, recipe books, and brochures. There has been an attempt to create an awareness of what foods are available for those who are not knowledgeable on what foods can be obtained. It was reported that all of these efforts have been met with success and the entire program reaches more and more people every day. Enclosed with this report were brochures and newspaper articles regarding the Extension Program.

Mrs. McWhorter contacted four people in different agencies, plus the Nutrition Consultant with Health, Education, and Welfare. She stated that it may have been her imagination, but she felt there was a reluctance to discuss Nutrition-Education programs, probably because the people involved realized programs are inadequate as far as reaching total numbers of people needing assistance. She approached the problem as follows:

1. Resources available:

a. What programs?

b. Personnel involved.

c. Practicality of present programs (right and wrong of programs).

d. What are the needs or what recommendations should be made?

Problems mentioned by those with whom she talked were:

1. The Department of Health does not have a nutritionist to act as a resource person throughout the state.

2. Distribution of surplus commodities is a problem. Funds to warehouse are not available. A C & Y teaching project in Kansas City never got off the ground, because no funds were available for storage or distribution. The aged have no means of transportation to warehousing centers to pick up commodities available to them.

3. Commodity Program vs. Money. The people to whom she talked were divided as to whether cash should be made available for purchasing and clients taught to purchase rather than utilize available commodities.

4. Apparently county commissioners and boards composed of nine people determined priorities for our home extension people. If the commissioners do not consider nutrition important, nutrition is not taught.

5. Welfare has two people engaged in some kind of nutritional education on a very limited basis. One acts as a consultant group and the other has been involved in the party type of teaching.

Positive Information:

1. Education for low income groups seems to be best on a one-to-one level.

2. Low income people enjoy and seem to learn when the environment is geared to a neighborhood social event referred to as, "Teach and Party", a get together where plentiful foods are served and cooky cakes, etc. forms. The method of cookery demonstrated and recipes distributed. This type of teaching was referred to as the "buddy system", "show and tell" and "cook and taste" parties.

3. Shawnee County is utilizing the homemakers trained at KSU. Recommendations as to needs were not forthcoming, either personnel or funds. One individual did say she felt that Nutrition-Education programs should be delegated either to extension people or to welfare people. She felt that education under "one umbrella" would produce better results. To illustrate her point she mentioned that the Inter-agency Nutrition Committee and the Technical Action Panel are both organized to keep people informed, but neither really knows what the other is doing.

In a letter from Gladys H. Matthewson, nutrition consultant, Community Health Service, Department of Health, Education, and Welfare, Kansas City, she notes the following:

"As you know, nutrition education is a responsibility shared by numerous state agencies. In the state Health Department it is a component of all programs and services concerned with health promotion and is directed through the professional personnel, serving individuals and communities either directly or indirectly.

"In 1967 Dr. Arnold Schaefer, Chief Nutrition Program, Division of Chronic Disease Programs, Regional Medical Program Service, Public Health Service, identified three population groups with needs for nutrition guidance and public health programs. These projections are suggested as a guide. In the vulnerable group where there are children and poverty (as defined by O.E.O.), one nutritionist per 10,000 population. Per groups with long-term illness, heart disease, cancer, stroke, diabetics, arthritis, etc.—one nutritionist per 50,000 population. And in the area of health promotion for the general public needing nutrition surveillance—one nutritionist per 100,000 population. Under the Medicare legislation, there are more than 14,500 beds in approximately 182 certified or credited hospitals and 66 extended-care facilities for whom the quality of nutritional care would be improved through nutrition and dietary consultation from the state Health Department.

"About 60% of the population has some home health services available at present. Nutrition consultation is available on a part-time basis in four of the thirty-five certified agencies, some of whom utilize home health aids to assist in meeting patient needs. According to information available to me, there are about 200 public health nurses in the state and local health departments. Some on-going nutrition consultation is available in Topeka-Shawnee and Wichita-Sedgwick County Health Departments which together employ about 70 nurses. Other programs which would benefit from guidance in nutrition include school health nurses, dental health personnel, child caring facilities, migrant health projects, and pre-natal clinics to name a few.

"The supplemental food programs for pregnant women and children has been initiated in the Western Kansas Migrant Health projects. Topeka-Shawnee County Health Department. The children in youth projects at Kansas University Medical Center is presently involved in administrative details of participating also."

Sub-Committee No. 5 of the Kansas Committee On Nutrition and Human Needs has concerned itself with Nutrition-Education programs in Kansas. These are the minutes of our August 23rd meeting in Manhattan with Barbara McWhorter, Ray Uehling and Beverly Smith in attendance.

The Department of Health considers Nutrition Education a component of all programs and services concerned with health promotion. Division of Social Welfare, schools and business are doing very little, if any, in the area of nutrition education.

The most progressive program of Nutrition-Education is being carried on in the Cooperative Extension Service with their Expanded Nutrition Program using Nutrition Aides.

Our committee feels that in addition to money and other program changes, that Nutrition-Education is the most important influence to make results of lasting importance in combating malnutrition.

Therefore, we make the following recommendations:

1. That the general public be made aware of the problems in nutritional education in order that they support a program to eliminate malnutrition and improve general nutrition among the American people.

2. That the responsibility and coordination for Nutrition-Education be placed under one agency and that the agency be the Federal Cooperative Extension Service in cooperation with Public Health and the Department of Social Welfare.

3. That money and time be provided to develop and continue the Expanded Nutrition Program in Cooperative Extension.

4. That dietitians and nutritionists be provided on the state level to coordinate programs and act as resource people.

5. That Nutrition-Education be emphasized by up-grading, expanding, and realizing the importance of home economics classes and nutrition information at all levels of the school by the State Department of Education.

6. That the Food Industry (producers, processors, and retailers) become involved in Nutrition-Education.

7. That more extensive use of volunteers be made in the teaching of nutrition. In order to have a successful volunteer program, orientation, coordination, and training of the volunteers need to be done by a qualified paid person. We would further recommend that funds be appropriated to pilot a volunteer program in Kansas which would supplement the existing nutrition education program carried on by Cooperative Extension.

8. That the Senate Nutrition and Human needs committee have the national T.V. and radio networks promote the need for Nutrition-Education programs and also provide Nutrition-Education programs for the American people in the same forceful and poignant way they called national attention to poverty.

Mr. DOLE. Mr. President, I subscribe generally to the statements of the chairman of the committee, the Senator from Louisiana (Mr. ELLENDER), and the ranking Republican on the committee, the Senator from Vermont (Mr. AIKEN) in regard to S. 2547. I would add that there are several provisions with which I have some disagreement.

FREE FOOD STAMPS

Mr. President, the administration believes food stamps should be provided without charge to those we may refer to as the poorest of the poor. An amendment was offered in the Senate Agriculture Committee which would have accomplished this objective. That amendment was defeated but I understand that there will be other amendments offered to S. 2547 to accomplish this result tomorrow. Such a change in the food stamp program, in my opinion, would help those who are most in need of help—the small fraction of our population at the very bottom of the poverty scale. Food stamps would be made available without charge, for example, to a family of two with a monthly income of less than $20, a family of four with less than $30 and a family of six with less than $40. Tomorrow I intend to introduce an amendment that would substantially accomplish this objective.

Let me add that the bill provides in substance that there must be paid not less than 50 cents per person per month for a household of five persons or less, and $3 per household, for six or more persons per month. It appears that this provision is based on the theory, that recipients should not get something for nothing. Perhaps that has some merit, but there are examples—not many—but some in America, in my State, and probably in every other State across this land where, because there is no money available, some people may be denied food stamps and, therefore, families with children will be denied proper nutritious diets.

The families that will benefit from free food stamps are the families least able to obtain a minimum adequate diet. They have no continuous source of income. They are not eligible for the federally aided forms of public assistance such as aid to dependent children, old age assistance, or aid to the blind or the handicapped. They live in areas that provide no form of general welfare assistance.

The greatest threat from malnutrition occurs while a child is still unborn and during the first two years of life. The poorest of the poor are the group most likely to suffer from malnutrition during these critical months. If their children suffer brain damage as a result of poor nutrition, succeeding generations will be locked into the cycle of poverty.

I strongly believe that the dollar cost of providing free food stamps for the poorest of the poor is minimal when compared with what might happen if this is not done.

Providing stamps without charge to the very poorest removes an important barrier to their participation in the food stamp program. The value of this outreach effort will far exceed the income that will derive from a 50 cents per person charge.

Further, the commodity distribution program is already providing food without charge to the poor. I cannot, for one, understand why this same principle does not apply to the food stamp program. As the food stamp program replaces direct distribution, new barriers should not be established that will discourage participation by the poorest and neediest.

The purpose of the administration's food stamp proposals is to make the program adequate and self-sufficient. They are designed to assure that the program will provide a minimum adequate diet and will incorporate payment levels that are reasonable and that do not discourage participation. In the past, church groups, OEO affiliates and charitable organizations have had to provide cash to purchase food stamps for the very poor. If this program is going to stand on its own, the very poor should be able to obtain stamps without charge. Providing free food stamps to the poorest of the poor is an integral part of a comprehensive, workable, and self-sufficient program of food assistance.

Mr. President, there is one other provision that requires attention. While a county is converting from a direct distribution program to a food stamp program, or in case of disaster, there is a need to establish concurrent programs. The administration bill requested that concurrent operation be authorized in three cases. One, during a natural disaster, when retail store operations were disrupted; second, during transition from commodity distribution to food stamps; third, if requested by the State and it agrees to accept all administrative costs.

The first of these was adopted by the committee. I will offer an amendment to modify the third alternative, namely, that when a State wishes and a State requests concurrent programs for a longer period, and if it is willing to pay the cost of administration, it be allowed to do so. The bill reported by the committee eliminated the last of these three options. My amendment would simply re-

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state that option. I believe it is important that we provide this option to the States and localities. They are the ones who best know the local conditions. We have learned that ourselves. The committee has had field hearings in Florida, California, Illinois, and the District of Columbia. Those on the local level often appear to understand the problem of money and understand the problem of nutrition and malnutrition better than some of us on the Federal level. They know the local conditions. So if the people on the local and State levels are willing to undertake the additional expense involved, that should be a valid reason for requesting such flexibility in the Federal statutes.

I certainly commend the chairman and and other members of the Committee on Agriculture and Forestry for the modifications in the law allowing concurrent operation that have been made. But it appears to me that we should not foreclose even the limited use of such authority—if State or local officials deem it necessary and are willing to pay the added costs. Aside from these particular provisions, I support the bill reported by the committee. I shall at the appropriate time offer the amendments about which I have spoken.

Mr. STEVENS. Mr. President, I have an amendment which I should like to send to the desk and ask to have printed. Will the distinguished chairman of the committee tell me whether he intends to call up amendments today? Will amendments offered to the bill be called up today?

Mr. ELLENDER. I stated to quite a number of Senators that I did not think any votes would be had this afternoon.

Mr. STEVENS. I thank the Senator from Louisiana.

Mr. President, I submit an amendment and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. STEVENS. Mr. President, the purpose of the amendment is to allow Alaskans who live in remote parts of my State and rely on subsistence hunting for the bulk of their diet to purchase rifle and shotgun ammunition with food stamp coupons. At first blush, this may seem strange. As a practical matter, coupons may be used anywhere else to buy meat. But these people do not live where there are any stores. Their total meat supplies come from their own hunting, and they live in absolute poverty conditions and do not have money with which to buy shells.

On a recent trip around my State, time and time again these people, who are so much benefited by this program, asked me why they could not use the food stamp coupons to buy the one thing that would give them a better, more adequate diet—that is, ammunition with which to shoot game on the land on which they live.

In many remote villages the death rate is high. The high death rate results from the incidence of debilitating diseases among native populations, and this can be directly attributed to malnutrition. So it is imperative that we do everything possible to assist these people to obtain an adequate diet.

The cost of what we call store-purchased food in these villages is two to three times, or even more, what it is in the other States. The cost of fresh fruits and vegetables and meat—if available—is absolutely prohibitive.

As a practical matter, in the area that would be covered by this amendment, there are no meat markets. There is no way to purchase fresh meat. These people pay 30 cents and more for a can of evaporated milk that Americans living in other States would pay 9 cents for at a local market. Alaskans must pay 50 cents for a box of salt that would sell for 11 cents at the Safeway store near my home. They must pay $11 for 50 pounds of flour, and then they pay, in addition, high freight rates to get such staples delivered to where they are.

As I pointed out, the food stamp coupons are absolutely useless as far as meat is concerned, because there is no fresh meat there that they can purchase. The only way to get fresh meat is to go out and hunt for it. I think that by providing assistance in the very areas in which the food stamp coupons could assist them would help fulfill the meaning of the program.

By a recent Internal Revenue Service administrative order, Alaskans are now allowed to purchase rifle and shotgun ammunition through the mail. I hope we can carry this one step further in the area where there is a food stamp economy.

As I mentioned to the chairman of the committee, in these rural communities of my State, there is no cash. It is a food stamp economy. This food stamp program will be meaningful only if they can use the coupons for the one thing with which they can really benefit themselves, and that is ammunition with which to hunt.

I am hopeful that when the time comes to call up my amendment—although I have discussed it with the chairman and I understand his position—we can obtain support for the amendment.

Mr. ELLENDER. Mr. President, I wish the Senator to understand that I will give the amendment consideration. When it comes up tomorrow, I may discuss it further with him.

Mr. STEVENS. I thank the Senator. I shall be glad to provide statistics for the chairman.

There are 178 native villages in my State. Of those 178 native villages, I would say less than 20 have access to fresh meat. Those 178 villages are located in areas where game abounds. Those people today do not have the money with which to purchase ammunition.

My State happens to be very fortunate right now. We know it has come into a substantial windfall. Hopefully, in the next few years, we can get money out into the villages and get the people employed so they will not be kept in a food stamp economy. The food stamp program helps the village people, but it does not help them supplement their diet so far as meat is concerned.

I was appalled to find that in village after village they do not have money to buy shotgun and rifle shells, and they just sit there. They no longer hunt with bows and arrows. They must have ammunition. I hope the Senator will give consideration to the amendment.

Mr. ELLENDER. The Senator has a good point, if we can limit the amendment to Alaska.

Mr. STEVENS. The amendment is absolutely limited to Alaska, and then only to rural areas where the people live on subsistence and when the Secretary makes a finding that the people are absolutely dependent on firearms for hunting game which they must have to live and supplement thier diet. I would encourage the chairman to take a look at the amendment. I thank him for his consideration.

Mr. BYRD of West Virginia. Mr. President, I support the objectives of the bill before us, S. 2547, which amends the Food Stamp Act of 1964. Its humanitarian goal is to provide a nutritionally adequate diet for those who participate in the program.

Additionally, it will assure all eligible households an equal opportunity to take advantage of the benefits of the food stamp program by providing for payment of the minimum charge in instances where individuals cannot afford to pay, and by limiting the maximum charge to 30 percent of household income.

There are other improvements in the program aimed at reaching more Americans who subsist on substandard diets because of their lack of money to buy proper food.

One of the most important of these improvements is that the value of food stamps would be raised to the "cost of an adequate diet." It would also require the issuance of the stamps at least twice a month, recognizing the fact that poor people often do not have enough money to pay even their share of the cost of the stamps for 1 month's time.

The bill provides also—and I believe this to be important in the effort to reach those who are undernourished in the midst of America's great affluence—that the State agencies administering the program "shall undertake effective action, including the use of services provided by other federally funded agencies, and organizations to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households."

In my State of West Virginia, the department of welfare reports that 35,250 households were receiving food stamps at the last report, which was in July. The number of individuals receiving the stamps was set at 129,015. These figures are believed to be substantially correct at this point.

It is estimated that perhaps as many as 5,000 persons who may be eligible are not participating. Pride is generally given as the reason, although it is possible that some persons in remote areas do not yet know about the program. To correct this latter situation, the department of welfare continues to make efforts to reach persons who could benefit.

The program has been well received in the State, both by the participants, the stores, and the general public. The recipients feel that they are, in part, making their own way when they pay their share of the stamps. The public welcomes the fact that the recipients do have to pay something, and that they are now receiving an improved diet. The merchants welcome the program because the stamp purchasers come into their stores as other customers do, increasing their volume of sales.

Most of the stores in the State participate, according to the department of welfare. The minority which do not participate usually give as their reason that they do not want to bother with the Government redtape.

The single most important fact, from a humanitarian standpoint, is that poor people are now receiving a far more nutritious diet than they could get before, and each household is paying according to its ability to pay.

But the changes which are now proposed, in my judgment, will make the program fairer and more equitable for the poor family in that the bill provides for payment of an amount by a household which will represent a "reasonable investment on the part of the household," instead of an amount equivalent to its normal expenditures for food.

This, as the committee report points out, provides greater flexibility, permitting the Secretary to fix a charge which is reasonable for the poor, rather than tying the charge to what are generally thought of as normal expenditures for food, which for those below the poverty line are unreasonably high in relation to income.

An upper limit is imposed on what can be charged for stamps, which means simply that what the poor family is able to invest will provide more in bonus stamps, and thus provide more nutrition for the family. No household, under the change that is proposed, would be required to pay more than 30 percent of its income for food stamps. This, of course, would include welfare payments, since for all purposes under the act the term income includes any welfare payments received.

Additionally, the bill provides that the minimum payment of 50 cents per person per month for the first six persons in each household be paid by the State agency, if the eligible persons have no income with which to meet the minimum charge.

The objective of this provision, in the language of the report, is "to assure every low-income household a completely adequate diet, without shifting the historic State and local responsibilities to the Federal Government."

The committee believes that the State agency could make arrangements to provide the necessary funds from State or local sources. It might arrange with local authorities to apply general assistance welfare payments to the purchase of the coupons, or it could use State funds, or it might get local charities to underwrite these minimal charges.

There is a difference of opinion, of course, about requiring State or local participation to provide the minimum for those who cannot do so themselves. There is sentiment to make the food stamps free in such cases and for such individuals. The important thing is to make sure, by whatever means are necessary, that those who lack the money will get the food that they need.

There are a number of other needed changes which the bill would make.

It would, of course, increase the appropriation authorization from $315 million in fiscal 1969 to $750 million in fiscal 1970 and $1.5 billion in each of the fiscal years 1971 and 1972.

In general, it seeks to extend and expand the program, simplify procedures as the result of the experience that has now been gained, and to correct grievances.

In addition to the points I have already mentioned, the measure would provide direct administration by the Secretary of Agriculture in localities where such action might be necessary. It would provide for State eligibility standards which take local factors into account, but meet national standards prescribed by the Secretary.

It would provide hearings for participants with complaints; allow direct commodity distribution during a transition period to food stamps; simplify certification for certain assistance households; permit recipients to have the cost of coupons deducted from welfare checks; and provide for an interdepartmental committee to advise the Secretary on food assistance programs.

Mr. President, I have supported the food stamp program from its inception, and I believe this is a good bill. The program is the most effective approach that has been tried to help the poor provide better nutrition for themselves. The poor have their pride, and this legislation gives them the opportunity to make an investment in food for their families, and gives them the freedom to choose the foods that they want at the stores where they wish to buy.

At the same time, it takes into account the fact that there are those who have no means of their own with which to buy food, and it makes provision for them to get a nutritionally adequate diet.

The food stamp program takes advantage of our efficient commercial food distribution system, replacing the far less desirable commodity distributing systems operated by agencies of Government. From a dietary standpoint, the food-stamp system is far superior to a surplus commodity system, in that it permits the individual to choose foods according to his needs, and it relieves him of the necessity of storing large quantities, or even wasting donated foods, received for a month at a time.

The program needs to reach more people. Our national conscience should be deeply concerned by the fact that several million of our citizens—some figures indicate as many as 14 million—have inadequate diets because they do not have the money to buy food. No person should go hungry because of poverty in a land of plenty. This is a compassionate program, Mr President, hunger is a terrible thing. Whatever the program's cost, the amount will be less than the Nation loses because of its malnourished poor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of yesterday, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 38 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 24, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Clinton E. Knox, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

Hewson A. Ryan, of Massachusetts, a Foreign Service information officer of the class of Career Minister for Information, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

JUDGE OF THE DISTRICT COURT OF GUAM

Cristobal C. Duenas of Guam to be judge of the District Court of Guam for the term of 8 years vice Paul D. Shriver, resigned.

ASSISTANT SECRETARY OF COMMERCE

Harold C. Passer, of New York, to be an Assistant Secretary of Commerce, vice William H. Chartener.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captain

Jack E. Guth
Robert E. Williams
Robert C. Munson
Gerard E. Haraden

To be lieutenant

Robert D. Hickson, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1969:

INTERNATIONAL ATOMIC ENERGY AGENCY CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 13th Session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 13th Session of the General Conference of the International Atomic Energy Agency:

Verne B. Lewis, of Maryland.
James T. Ramey, of Illinois.
Henry DeWolf Smyth, of New Jersey.
Theos J. Thompson, of Massachusetts.

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EXTENSIONS OF REMARKS

CHANGING CHALLENGE IN HIGHWAY DEVELOPMENT STRESSED BY SENATOR RANDOLPH IN ADDRESS AT VIRGINIA MOTOR VEHICLE CONFERENCE

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 23, 1969

Mr. SPONG. Mr. President, this morning the Virginia Motor Vehicle Conference held its third annual highway breakfast in Richmond as part of the observance of National Highway Week.

Attending were more than 200 representatives of industry, business and agriculture, elected officials and civic leaders of the Commonwealth of Virginia.

The principal address was delivered by Hon. Jennings Randolph, Senator from West Virginia and chairman of the Senate Committee on Public Works, and of its Subcommittee on Roads. He was introduced by John J. Wickstead, chairman of the conference.

Also speaking were Edward V. Kiley, research counsel of the American Trucking Associations, who was introduced by E. H. Williams, Jr., vice chairman of the conference, and Douglas B. Fugate, commissioner of the Virginia Department of Highways.

Senator Randolph's address was very pertinent to the present and future role of highways in our national life and to National Highway Week. Therefore, Mr. President, I ask unanimous consent to have Senator Randolph's address printed in the Record.

There being no objection, the address was ordered printed in the Record, as follows.

The Changing Challenge in Highway Development

(By Senator Jennings Randolph)

It is a privilege to address this group in a state so ably represented by Sen. Harry F. Byrd, Jr., and Sen. William B. Spong, Jr.

Senator Spong has contributed considerably to our highway programs through his membership on the Public Works Committee and its Subcommittee on Roads.

The evolution of America's highways has carried through many transitions on the way to producing the most complete and most efficient network of transportation links of any nation in the world. While our methods and techniques have changed, our goal has remained to make our national highways the vital tool for the growth of our society and our economy.

The program as it was first conceived and carried forward in the Federal Aid Highway Act of 1921 was for the purpose of providing the basic roads needed to facilitate movement between communities with their environs. For the first twenty years of this effort we concentrated exclusively on the development of "from the farm to market" and "feeder roads". Following World War II, we turned our attention to the construction of a national network of high speed expressways built to the best available engineering standards.

In the past thirteen years, we have concentrated on the execution of the Interstate highway program. Before we have completed it sometime in the middle of the next decade we will have spent approximately $70 billion on this massive public works undertaking, begun 48 years ago. By then we will have achieved our goal of connecting every major metropolitan center in the United States in a coast-to-coast and border-to-border hook-up.

In the process of building our 42,500 miles of Interstate and Defense highways, we will have produced vast wealth in the form of new homes, new plants, and new jobs. We will have repeated many times over the success of Route 128 outside of Boston. That one circumferential highway, known as the "Golden Crescent," has formed the base for a billion dollar investment in residential, commercial and industrial activity.

We, as a nation, will have achieved a goal but not without paying a price in addition to the money that we are expending. The development of the Interstate System has taken place to the detriment of our primary and secondary road system and our city streets. We have so concentrated our efforts that the 225,000 miles of primary system and the two million miles of other roads and streets are no longer capable of serving the traffic which daily uses them. These roads are almost all in need of reconstruction. Addressing this problem must be the next item on the agenda of highway legislation for the post-1975 period. In this respect I would anticipate that the Congress will dispense with the different categories of 90–10 and 50–50 matching funds, and authorize a single matching formula for all Federal-aid highways in the order of 70% Federal funds and 30% State funds.

During the development of the Interstate System, we have for the first time encountered public resistance to highway construction. Important and serious questions have been raised with respect to planning, location and design. As we have entered into a period of relative affluence—much of which is owed to the construction of roads—the people of the communities through which the highways pass have begun to ask for more consideration and concern with regard to the impact on their neighborhoods and their way of life. People generally have begun to expect highways which will not only get them there faster and more safely but in addition, provide for travel which will be a pleasurable experience in itself.

As the Committee on Public Works begins to look ahead at the prospect of a new highway program to follow the completion of the Interstate Program, we are looking back to the needs of the cities and counties for improved highway facilities. It is obvious that we must once again give priority and focus attention on the feeder road systems, our city streets and our inter-suburban connections which for the past thirteen years we have relegated to a sécondary category. As we plan ahead, we must take into account the growing aspirations of the American people. We can no longer build highways which appear as lines on a map and scars on the countryside. We must concern ourselves with the impact which the passage of thousands of cars a day has on the quality of the environment which surrounds them. The impact of highways on the environment is but one aspect of our broader concern for more effective and humane uses of modern technology.

The Committee on Public Works has created an Advisory Panel of scientists, engineers, and other professionals from a wide range of disciplines who will help us isolate and identify the problems of environmental degradation before they become crises. We are assessing the impact of land use of highway construction, urban redevelopment, mining and sanitary landfills. We are looking at the question of biological imbalances created by dredging, thermal pollution, pesticides, and air pollution. And we are probing problems connected with flooding and dam construction, the effects of building reservoirs, and the use of nuclear energy for power or construction.

The heart of our concern is best reflected in legislation introduced early this year by myself and 41 of my colleagues, the "Environmental Quality Improvement Act of 1969," which has been incorporated in S. 7, the water quality bill. That legislation provides for more effective coordination of Federal air quality, water quality and solid waste disposal programs, for the consideration of environmental quality in all public works programs and projects, and for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration.

I am aware that the solutions to many of these problems do not now exist and that the search for technology—economically feasible technology—may be a costly one. It is for this reason that I have, as Chairman of the Committee on Public Works, emphasized so heavily the importance of Federal coordination and support for research and development in all of these areas.

But the problem is not one of research in itself. Nor can it rest solely on the Federal government. Industry must take a big share in the solution, as its share in the product of a clean and wholesome environment will be large.

Meeting these goals is the changing challenge in highway development. No one can question the ability of the coordinated effort of Government and industry to build for us the most effective and efficient highway network in the history of the world. What we are doing is changing the definition of what constitutes the "most effective and efficient transportation system."

It is gratifying that under the leadership of Douglas B. Fuguate, Virginia's Commissioner of Highways and Robert G. Bartlett, President of the American Road Builder's Association and Secretary of Highways of the Commonwealth of Pennsylvania, meetings have been held with those concerned with historical preservation and with matters of conservation. The sessions with the conservationists were held on June 16 and as recently as last Wednesday, September 17 and are part of a series which ARBA and AASHO are undertaking to improve understanding between those concerned with highway construction and those who have deep concern with the need to preserve our natural heritage. The purpose of these conferences is to work out practical, cooperative procedures so that conflicts between their objectives can be avoided. To the extent that accommodation can be reached through their joint efforts, we will increase the control of local people over their transportation and environmental interests.

We will rely heavily in the future as we have in the past on the availability of highways for transportation and communication. Highways are the great catalyst for the economic and industrial progress.

This is National Highway Week. Its slogan is "Highways Bring Better Living". It is the belief of the members of the Senate Committee on Public Works that highways can bring an even better way of living if we will accept the challenge which faces us. The future is clear and it beckons with great hope.

but it is the present with which I am most concerned.

The accelerated highway construction program laid out in 1956, planned for the last of the allocations of funds for that system to be made in the fiscal year ending June 30, 1969. As of this time, we obviously have not achieved our ambition. As a matter of fact, the Federal Aid Highway Act of 1968 extended authorizations for that system through 1974. We have not yet programmed sufficient funds to complete it.

The orderly pursuit of this program has been impeded by two slowdowns in the release of funds to the States in the past two years. We know that President Nixon in announcing the 75% reduction in direct Federal construction work, requested the Governors to follow his example and join him in withholding State construction programs.

It is my understanding that the Governors of many States have been reluctant to cut their highway construction programs and it is becoming more and more apparent that the President in the interest of cooling off the inflation will also withhold Federal-Aid highway funds. I do not believe that this is a proper course and I so stated to the President by telegram on September 4th as follows:

"The PRESIDENT,
"*The White House*.

"DEAR MR. PRESIDENT: As you and the Cabinet refine decisions relating to the economy of the United States, it is to be hoped that the impact of these decisions will not fall adversely on such facilities as hospitals, educational institutions, post offices, sanitation and pollution abatement works, highways and bridges, mass transportation, airports, flood control works and watersheds, and our harbors and navigable streams. These are programs of investment for our people, their safety, and their physical and economic well being. They are already too far behind the needs of the times to be set back further while we spend lavishly on probes of outer space and over-commit funds for the defense program. Experience with construction cutbacks has not demonstrated that they achieve beneficial effects as inflation retardants but has demonstrated that they create confusion and cause additional expense to both the public and private sectors, while dislocating resources in many communities. I have discussed these views with numerous senators who have told me that they concur.

JENNINGS RANDOLPH, U.S.S."

Should President Nixon act to cut back the Federal Aid program, it will further delay our ability to meet the highway transportation needs of our Country. It will have an immediate and severe impact on the construction industry which has so well responded to the commitment asked of it when the Interstate program was enacted. More importantly, it will do a grave disservice to the planned and balanced economic growth of the nation which relies heavily on highway transportation to help meet the needs of our people.

If highway funds are cut back, it will dislocate our ability to achieve longstanding statutory goals. It will seriously impair our ability to meet the needs of the future. While its effects will be felt long after the withholding order is rescinded, it should not deter our consideration of the matters which we have discussed with you this morning. There is no substitute for creative, careful planning and thoughtful consideration of the further essential development of our highway system.

Abraham Lincoln said: "The dogmas of the quiet past are inadequate for the stormy present. We must think anew; we must act anew." Those words from more than a century ago are applicable to the changing challenge of the complex America in which we now live.

VIETNAM PEN PALS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to bring to the attention of my colleagues the fine work being done by a group of women in California's 17th Congressional District. For over a year, a number of women from Gardena, Calif., who call themselves "Vietnam Pen Pals," have been corresponding with our servicemen in Vietnam. As any former serviceman knows, mail is important when a young man is away from his loved ones. I feel that the morale of our troops in Vietnam is higher because of the efforts of these women. I wish to commend this fine group of women from Gardena for the contribution they are making, and I urge the continuation of their efforts.

With this in mind, I submit for inclusion an article from the Gardena Valley News entitled "Pen Pals' Letters Say 'We Care' for Men in Vietnam" dated July 17, 1969, in the RECORD:

PEN PALS' LETTERS SAY "WE CARE" TO MEN IN VIETNAM

(By Betsy Berkhemer)

Mail is a common commodity taken for granted by most Americans. Few of us realize what letters can mean to a serviceman in Vietnam who lives close to his gun in the mud and grime of war.

The war in Vietnam is so far away, it is sometimes hard to realize that it is actually happening. It is especially hard for women, who do not have husbands or sons in the war, to feel any personal involvement in Vietnam.

But a small group of Gardena women, dubbed Vietnam Pen Pals, have established their own commitment to fighting men whom they only know through writing. These eight women who have been a club for only a year, have received approximately 400 letters from servicemen.

Some of the Pen Pals are housewives; some are working women. Members include Mrs. Pete (Lois) Jensen, Mrs. Tony (Merry) Gamble, Mrs. Ronald (Sandra) Ragon, Mrs. Edward C. (Florence) Coulson, Mrs. James (Lee) Alpert, Miss Jean Perkins, Mrs. Frank (Sarah) Purkhart, and Mrs. Clara Riggs, all of Gardena.

Each lady has written to an average of 10 different soldiers throughout the year, although Mrs. Gamble and Miss Perkins, each have about 40 pen pals in Vietnam.

WAR IS REAL

These corresponding ladies know first-hand what it is like to be in war and how much the men appreciate their letters. Mrs. Lois Jensen received this evidence from Lt. Col. Ron Rumford: "Mail over here is the best thing a guy could receive (except maybe a girl). I have been over here for more than 10 months and should be going home in about 60 days. I sure hope that my luck holds out until then. Right now I am on a bunker, just waiting for the rockets to start hitting. . . ."

Merry Gamble also knows what war is. Airman f.c. Michael Hoff wrote her: "When I arrived back at Da Nang today, I found out that the base here has been under attack for three days. The Viet Cong and the North Vietnamese Army are trying to take over DaNang Air Base and they are throwing everything they can get their hands on at us.

"I am now sitting on the floor under my desk trying to write to you. The siren just went off and rockets are coming all around us. I hope like hell they don't hit this building. If they do, they will bring it to the ground sure as shootin' ". Mrs. Gamble received notification four months later that Airman Hoff had been killed.

HOW IT BEGAN

The Pen Pals originally hoped to write to soldiers who rarely received mail, so they inquired at the USO to find names. But the USO does not give out names and the ladies were instructed to send an open letter, to be posted in USO's and hospitals in Vietnam, asking for letters from any soldier who might like to write. Therefore, the first letters came directly from the soldiers themselves to the Pen Pals.

Not all letters are about war. Spec. 5 Jerry Evans sent Mrs. Gamble his description of the country: "The countryside is beautiful, lush, green growth everywhere and beautiful, majestic mountains running north-south in the central part of the country. It is extremely hot in the summertime, the temperature varies between 100 and 130 degrees, and during the damp season it averages in the 90's every day.

"The Vietnamese people are very interesting—small in size but large in stature. They're a very polite and gracious people, often taken advantage of by the Americans."

In answer to Mrs. Jensen's question inquiring what he likes for fun, Cpl. John T. Higbee writes: "I like to do different things, but anything can be fun if you want it to be. Being born in a concrete jungle, I like to go camping and fishing in the mountains and the forests. I really enjoy working in a garden—I love a beautiful yard with flowers and all the other things that make it beautiful."

ALL LIKE LETTERS

Gardena's Vietnam Pen Pals have learned that soldiers are very human, very nice, and often very young. But no matter what their ages, they all like to receive mail.

Said Spec. 4 Randall W. Simmons of the 67th Evacuation Hospital: "Mail is the most important thing to any GI here in Vietnam, and it's hard to get through days when there is no mail. We have lots of free time here, especially at night when just about all we do is write letters or go to a movie."

Mrs. Sandy Ragon heard of the dual reality of a soldier's life from Bobbie Chapman of the 701st Marine battalion: "We have it pretty good here, our PX is the best in the area and we have a new chapel. The food is real good. We sleep in large tents but they all have wooden floors and frames with half walls of wood, the rest is screen.

"We also have a company club where we have movies and even TV. But all is not peaches and cream. Only a few hundred yards from us there are troops living in fox holes."

Bobbie Chapman later wrote about GI's coming home and advised: "Don't be alarmed if he insists on carrying a weapon to the dinner table or wakes you up in the middle of the night for guard duty. Keep cool when he pours gravy on his dessert at dinner and insists on eating with fingers and hands instead of knives and forks. Take it with a smile when he insists on digging up the garden to fill sand bags for the bunker he is building."

Spec. 4 James Heminover of the 101st Airborne Division gave Mrs. Ragon a concise description of attack: "Here at Camp Eagle, we get hit with rockets about once a month. There's one sound, there's no mistake about what it is."

VARIOUS VIEWPOINTS

About his "R and R" in Australia, Spec. 4 Al Hardtke said: "Needless to say, it was the best week of my year over here. It was so wonderful to get away from this place and live like a human. I enjoyed most the hot shower, followed by some food and a good bed to sleep in."

War takes on a different aspect to those who work in hospitals, according to Spec. 4 Randall Simmons: "I don't see any of the fighting, but I see the results every day. The patients are seriously wounded and many have amputated arms and legs. I feel sorry for the Vietnamese children who are wounded. War is harder on them than on anyone."

Simmons also sent a letter thanking Mrs. Ragon for her Christmas package ". . . I already have shared many of the items with the others. I took some of the candy to the Orthopedic ward and the nurse said she would distribute it tonight after supper.

"One of the patients there is a little Vietnamese girl, about two years old, who has been badly burned and has only one leg. She is very cute and is the sweetheart of the ward. I'm sure she will enjoy some of the candy.

"I am also going to share it with the Red Cross. The workers will be able to distribute the gifts to the patients who come into their lounge. I can't thank you enough for all the things you sent. Let me assure you that everything will be used. I'll especially enjoy the books and cookies that you made. I really appreciate your kindness and generosity."

PERSONAL OPINIONS

Carlton Woodward, stationed at Qui Nhon, discussed his opinions with Pen Pal Mrs. Clara Riggs: "Our real feeling about the Paris peace talks around here is negative, since we have little intention of taking anything they (the Viet Cong) say as truth until they prove it. Right now the Viet Cong is very active here, since May 19 is Ho's birthday and Qui Nhon is his birthplace, so you can see why we feel we are in for a rough time the next week or two at least. But we are ready if anything breaks here.

"My job is not really interesting; mostly boring, until something happens to create a little excitement. For example, recently I had to take equipment to the men in Dong Son, and Tuy Hoa, other field units. Our helicopter went down and we had to wait more than two hours to get picked up to continue our mission. It seems funny now, since no one was hurt."

Pfc. Harry Johnston described the people to Mrs. Riggs: "When I first came to Viet Nam I was shocked by the shacks many people here live in. They are made of any discards they can get. However, the houses around the big cities are made of cement.

"Also, their manner of dress here is pathetic, except for the ones who can afford it. They are adopting American styles. Even though many live in abject poverty, they are a proud people and are always trying to improve themselves, and build a new life. There is a girl who works in our PX who has a masters degree in mathematics from Michigan University."

CLUB ACCOMPLISHMENT

Private Johnston continued, "I like your stationery with the American Flag in the corner. That Flag is the reason I am here, to uphold what it stands for. Is there someplace I can send for one?"

The Pen Pals Club sent Pfc. Johnston a 3x5 American Flag and pole. He was called home later because his mother had a serious accident and he wrote: "Thank you all so much for the Flag. Right now it is flying over our barracks, but in 20 short days, it will be flying from my front porch at home in Fort George, Md."

Miss Jean Perkins heard from Allan Glass of the U.S. Marines what the war is all about: "We take lives over here every day and we think nothing of it, because we are in a war for peace. But at the same time, for the same thing, I would go again and again to a war just like this so we can have that peace."

To. Mrs. Purkhart, Pfc. Larry Russo said, "I wish more people could show the friendship and concern that you have shown me. Also wish that all the men in Vietnam were lucky enough to have a pen pal."

PEOPLE DO CARE

But it was the letter from John Bolton of the 552nd Maintenance Division, written to Mrs. Ragon, that summed up the whole purpose of the Vietnam Pen Pals in a few short words:

"I was surprised to see that someone, besides my mother, cares that I am over here. When you spend a few days out in the fields, then come back and read the newspapers, you wonder why you're over here fighting a war, when there's so much trouble at home. Thank you for writing to let us know that there are a few people who care."

And that is why these ladies take the time to write letters and gettogether to share replies. It's to let those Americans know that there are people here at home who care. Even though these ladies do not have husbands or brothers in Vietnam, they care about those who are risking their lives in defense of their country.

Anyone interested in a membership in the Pen Pals or writing to men in Vietnam may contact Mrs. Gamble, 324–9387 or Mrs. Ragon, 532–7553.

NATIONAL CONFERENCE ON SEDIMENT CONTROL

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 23, 1969

Mr. RANDOLPH. Mr. President, last week representatives of county and State governments and soil conservation districts from all parts of the United States participated in a National Conference on Sediment Control. The conferees convened to mobilize effective forces for the improvement of water quality throughout America.

Their principal objective was to review guidelines for local action by the 3,000 counties and 3,000 local conservation districts to reduce sediment loads in streams and lakes in our country.

This conference recognized that sediment is the world's greatest pollutant. Other sources of water pollution have drawn more attention than sediment, particularly the dumping of raw or partially treated sewage into our streams and the spewing forth of industrial wastes into our rivers.

But sediment also is a menace to the quality of water. It clogs our streams, impairs our harbors, and fills our lakes and reservoirs with mud. It destroys opportunities for recreation, raises the price of water and electric service, and causes floods.

Much of the sediment which fouls our water comes from agricultural land. This fact has been a national concern for more than a generation, and we are making encouraging progress in coping with the problem.

In recent years, however, an increasing load of sediment has been washing from construction sites, from developing areas around cities where farms are turned into housing developments and shopping centers, and from highway and airport construction. Soil erosion is increased dramatically when agricultural land is converted to suburban uses.

The National Conference on Sediment was sponsored by the Soil Conservation Society of America, the National Association of Counties, and the National Association of Soil and Water Conservation Districts with the U.S. Departments of Agriculture, Interior, and Housing and Urban Development cooperating.

It was my privilege to present the keynote address to the more than 350 conferees. I issued a challenge for an all-out drive against the growing sediment threat. Norman A. Berg, Associate Administrator of the Soil Conservation Service, told the conference that the Department of Agriculture has developed the principles and techniques to avoid sediment damage. Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, urged effective action to control sediment which must be recognized as a costly pollutant of water quality.

Mr. President, I ask unanimous consent that my remarks and those of Administrator Berg and Assistant Secretary Klein be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR JENNINGS RANDOLPH, NATIONAL CONFERENCE ON SEDIMENT CONTROL, WASHINGTON, D.C., SEPTEMBER 15, 1969

SEDIMENT: NO. 1 WATER POLLUTANT

Sediment is the world's greatest pollutant. Across the Great Plains, down the Rocky Mountains, along the mountain streams of Appalachia, into the wide, fast rivers of the great Northwest, into the ebbing currents of the mighty Mississippi and the Gulf of Mexico flow billions of tons of soil material each year. About one-fourth of this material—more than one billion tons of sediment—reaches the major streams of the United States annually.

That sediment has never been charged and convicted as the Number One Water Pollutant is simply the fault of our concern with more toxic materials—DDT, carbon monoxide, lead, thermal heat. But the cold, hard fact is that subtle but large shifts in this Nation's top layer of earth are occurring as we stand here. And much of it is creating havoc in our agricultural industry, in our water supplies, in our reservoirs, in stream channels, and even in our urban areas.

In a recent report to the President by the Secretary of Agriculture and the Director of the Office of Science and Technology (called "Control of Agriculture—Related Pollution"), the findings were that:

"Soil erosion and its effects are damaging many times over. First, there is the irreparable loss of soil that usually has taken many thousands of years to form. Second, sediments not only contribute heavily to suspended-solids pollution but also add to the dissolved-solids problem. Third, sediment frequently damages the area where it comes to rest, for example, lined canals where sediment furnishes a place for aquatic and other weeds to grow."

While the report noted that erosion and

sediment deposition may result in incidental benefits, there can be no question that the damage caused by this misplaced soil far outweighs the benefits.

Approximately 400,000,000 cubic yards of material is dredged annually from the Federal project waterways by the Corps of Engineers. If the amounts dredged by contractors from slips, berths, private channels and for reclamation work are added to the Federal work, it is estimated that the total may be about ¾ billion cubic yards.

Water erosion is the dominant problem on 179 million acres of cropland and a secondary problem on an additional 50 million acres, according to the Department of Agriculture. At least half of the sediment is coming from agricultural lands. Some 30 per cent of the total sediment arises as geologic erosion takes place—for example, there is tremendous erosion of the Badlands of South Dakota. Five to ten per cent of the Nation's total silt comes from forests and rangelands. Urban, industrial and highway construction sites and roadbanks also contribute large amounts of eroded materials, and, although these amounts are small compared to the other sources, they may contribute over half of the silt to the streams in a local watershed undergoing intensive construction activities. I will return to this in a few moments.

The problems of sedimentation and soil erosion are most cogently driven home in areas where large and sudden erosion and accumulation of materials takes place. For example, the Committee on Public Works has been spending intensive efforts in the past few days to finish up a disaster relief bill in the wake of Hurricane Camille, which swept through the southern states last month, devastating large areas, particularly in Mississippi and Virginia. Many lives were lost and much human suffering occurred with loss of homes and property, as well as untold injury and damage.

But the losses to this natural disaster were not restricted to the human side. They are also readily apparent when one views the destruction to our land and waterways throughout these States. Floodborne sediment deposited on productive flood plains caused extensive damage to crops and will ultimately reduce the productivity of aluvial soils in the areas. The sediment deposits in stream channels have reduced their capacity to convey water and seriously impaired their ability to drain adjacent lands. Drainage and irrigation ditches clogged with sediment no longer function. And the silting of dams along the waterways has significantly reduced the amount of waters in the reservoirs.

Early reports from the Soil Conservation Service indicate that more than 600 miles of streams in Virginia, alone, have experienced extensive silting, which will require costly sediment removal and maintenance and repair of stream banks, bridges and dams in the State. Estimates now show that the cost of engineering, surveys, construction, contracting, removal of debris and sediment will run nearly $4 million. And, while the cost of restoration will be large, another flood could be doubly catastrophic. With these streams and rivers so badly silted, little new runoff could be handled and the extent of damage would greatly exceed that of Camille.

This is, of course, an unusual situation. Most of the erosion and sedimentation taking place in the country is more gradual. But the extent of damage is probably many times larger. Recent figures indicate that the storage capacity of artificial reservoirs in the Nation is being reduced at the rate of about 1 million acre-feet each year by the deposition of sediment. This damage is reflected not only in the loss of storage capacity for water supply, flood control, power generation, navigation, and regulation of streamflow for water-quality control, but also in its impact on these facilities for recreation.

To underscore this problem, which is not new to America, let me quote from Mark Twain's "Life on the Mississippi":

"An article in the New Orleans Times-Democrat, based upon reports of able engineers, states that the river annually empties four hundred and six million tons of mud into the Gulf of Mexico—which brings to mind Captain Marryat's rude name for the Mississippi—'the Great Sewer.' This mud, solidified would make a mass a mile square and 241 feet high. The mud deposit gradually extends the land—but only gradually; it has extended it not quite a third of a mile in the two hundred years which have elapsed since the river took its place in history."

The piecemeal approach to reducing this national blight, begun in Samuel Clemens' time, will no longer suffice. We can continue to grant relief to our neighbors across the country who are hit by extraordinary circumstances, as we have those in Mississippi and Virginia. But we must begin to prepare in advance, to plan our actions far enough in the future to prevent this destruction and costly rebuilding process which we are now witnessing.

We in Congress have begun to take a more unified, overall look at these environmental problems which continually plague the orderly development of our society. Last year, for instance, we passed the "Rivers and Harbors Act of 1968" which, among other things, aimed at one of the main roots of sediment control. It provided that the Secretary of the Army, acting through the Chief of Engineers, be authorized to make studies of "the nature and scope of the damages which result from streambank erosion throughout the United States, with a view toward determining the need for, and the feasibility of, a coordinated program of streambank protection in the interests of reducing damages from the deposition of sediment in reservoirs and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion." That study, not yet completed, should provide a detailed survey of areas where significant erosion occurs and guidelines for action to halt the erosion when it is economically justified.

This is a major step in the right direction to prevent erosion. Other steps have been taken by the Department of Agriculture in its programs of soil conservation and resources management. Many acres of once scarred and ugly farmed-out agricultural lands have been seeded and reforested, and flood control ponds and lakes now dot the countryside. In other areas, the Forest Service and the Bureau of Mines have been cooperating to control erosion and silting from the giant mountains of mineral wastes and slag piles from America's mining operations. New state laws requiring backfilling and reforestation of strip mines are helping control the overall amount of sediments reaching our streams and lakes.

But these are only first steps, feeble steps like those of an infant beginning to walk. Remember, more than a billion tons of sediment are now reaching our waterways alone, and three times that amount is creeping across our most fertile valleys, moving down our mountainsides, being tracked into our kitchens to be swept out by the Nation's housewives.

The problems of our urban and near-urban areas are mounting. A century ago when the agricultural erosion cast the topsoil into the vast western rivers, sedimentation was not the problem it is today. But, with the buildup of cities along these watercourses, and with the growing need for clean, fresh water, these murky, muddy solids and residues in the waterways have finally reached the crisis level.

You are presently in the Potomac River Basin. The situation here is similar to other regions of the country, so it is pertinent that a quick discussion of the problems here will give grist for your mills as you go back to your own states and approach the problems in other areas.

The Potomac River Basin discharges about 2.5 million tons of sediment to the Potomac estuary each year. Although agricultural lands of this basin produce the major part of the sediment, the urban areas in and around metropolitan areas of Washington—where disturbance of the land surface by construction is active—produce an exceedingly large share of the sediments. Surface mining, highway construction, and now unprotected roadbanks and fills in the Basin also contribute in disproportionately large amounts of the sediment if considered in terms of unit area.

This week the Committee on Public Works' Subcommittee on Flood Control-Rivers and Harbors, chaired by the able Senator Stephen M. Young of Ohio, begins hearings on projects proposed by the Corps of Engineers to control flooding and provide continued water reserves for this entire area.

You are no doubt aware of the problems of this area in recent months. For several years, the Washington area has been plagued with near-drought conditions, with low flow of waters in critical summer months, pollution of the water supply, and recurrent local flash floods, especially in the Northern Virginia area.

The Corps of Engineers has proposed the construction of six dams on the upper arms of the Potomac River to alleviate the drought situation and to insure an adequate supply of clean, fresh drinking water for the next decades. The Corps has also proposed the complete reconstruction of highway and railroad bridges and the entire stream channel of a local tributary, Four Mile Run, to cope with the flooding situation in Northern Virginia. These two measures are admittedly stop-gap in nature. They may well bring relief during the closing years of this century. But, if erosion and sedimentation of this Potomac River Basin continue—and especially if these processes accelerate as local urbanization continues—more and bigger and more costly solutions will have to be found.

One of the major problems is erosion along the rural roads and highways where protection has not been provided. It has been shown that during road construction in Scott Run Watershed, Fairfax County, Virginia, sediment equivalent to some 89,000 tons per square mile per year was produced at the source. About half this amount was measured downsteam. The sediment yield for an average storm from highway construction areas was found to be about 10 times greater than that from cultivated land, 200 times greater than that from grassed areas, and 2,000 times greater than from forested areas. Studies in other areas have shown even greater sedimentation. Volumes as much as 2,000 cubic yards per square mile of access road have been measured in mountainous country.

It is obvious that erosion and sedimentation from our Federal, State and local highway construction projects is fast becoming a problem of major proportion. And, until we begin to control this organized, sponsored erosion, it will be next to impossible to tell private home-builders and contractors to control the erosion from construction sites.

Sedimentation is, as I pointed out, the number one pollutant. But, in the larger scheme of things, it is only one of the environmental problems with which we are increasingly concerned.

There is current ferment in Washington and across the Nation to establish a national policy for environmental quality.

At a time when man can finally reach out and explore the moon in person, too many Americans find themselves wallowing in an environment which is becoming almost as hostile as the surface of the moon.

It is gratifying that we express concern over the conditions of this environment. It is an important first step to realize that a problem does exist. It is necessary to recognize that pollution can degrade the environment to the point where man, as we know him, cannot survive. And it is vital to realize that man's social activities have a direct bearing on the condition of the environment.

The Committee on Public Works has recognized this problem and is attempting to rectify it.

In June, I cosponsored with 40 of my colleagues a new bill, the "Environmental Quality Improvement Act of 1969," to establish a national policy for the environment. This bill was appended to the Water Quality Improvement Act of 1969 (S. 7) as Title II of that legislation.

Title II provides for more effective coordination of Federal air quality, water quality, and solid waste disposal programs, and for the consideration of environmental quality in all public works programs and projects. More importantly, it calls for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population, urban concentration, industrial development, and other activities of our society.

Our proposed new legislation also would authorize the Secretary of the Interior to assist in the sealing and filling of voids in abandoned coal mines, the planning and execution of projects to control mine fires. The sealing of abandoned oil and gas wells, and the reclamation and rehabilitation of strip and surface mined lands in areas with potential for future growth. This, too, will provide for the reclamation and development of areas which have been scarred and degraded.

Erosion and sediment control and reclamation of land which has been misused by poor farming and forestry practices is another area for which the legislation provides. The Act authorized contracts of up to 10 years to establish measures for the conservation and development of the region's soil, water, woodland, wildlife, and recreation resources.

It is axiomatic that the United States must have a continually increasing supply of minerals if we are to meet the needs of our burgeoning population for a comfortable standard of living and for national security.

At the same time, other natural resources must be preserved and protected. Purely industrial and economic considerations must be weighed against their impact on the environment.

Industrial wastes and municipal sewage pollute our streams. So does sediment from agricultural activities, highway and urban construction, and burned-over forest lands. Automobiles pollute the air. Beer cans defile the countryside. Although water pollution is reaching intolerable levels, the loss of soil by erosion is at least as serious, and is inextricably involved with many water pollution problems, especially those resulting from surface mining and construction activities.

Man now has the power to control many of the elements of nature. He can destroy the soil, render air and water unusable through pollution, kill every form of life—himself included.

If he has this power to destroy, he also has the means to conserve and protect. Whether he has the wisdom and self-determination to take effective action in the remainder of this century may well determine the course of man's future years on Earth.

URBAN SEDIMENT CAN BE CONTROLLED *

I welcome this opportunity to meet with you who direct the destinies of some of America's leading counties and conservation districts. You may have challenges on your time and your conscience; I hope you will take up the challenge of sediment control as a part of your larger quest to match environmental quality with economic growth.

Sediment control is vitally important to your counties. I hope that the film last night and Senator Randolph's talk this morning have driven home that point. My mission this morning is to suggest some alternatives to sediment production—a major pollution problem—and to indicate the kinds of assistance that the USDA, the Soil Conservation Service, and local soil and water conservation districts can provide in this area. Then you'll hear a panel discussion of some of our experiences.

I'll begin by discussing what SCS and conservation districts have been up to for the past three decades, and how their activities and interests have come to mesh with yours.

The Soil Conservation Service began official life in 1935 in the Department of Agriculture, after a brief time as the Soil Erosion Service over in the Interior Department. SCS was charged with helping land owners and operators fight a national menace—loss of soil by wind and water—that had ravaged much of the country, particularly the deep-gullied Southeast and a Great Plains that was being bowled over by dust.

Several concepts took hold rather quickly in our business:

First, that we couldn't get very far by Federal edict—that conservation would be successful only through active *local* leadership in setting goals, in planning, and in carrying out land use and conservation treatment.

This led to formation of soil conservation districts in every State. These local units of State government were charged with responsibility for conservation work within their boundaries. The USDA and others work with and through them to aid individuals and groups with needed conservation action. Most districts now are organized along county lines, in order to fit their programs more closely with other countrywide planning and local government.

A *second* concept was that no one conservation practice would work everywhere—conservation had to fit the local climate, topography, and soil conditions. Soil surveys became an essential aid in fitting conservation treatments to the land and deciding what alternatives there were for proper use of the land. What is a soil survey? It is a set of maps that shows the location and extent of the different kinds of soil. A text that accompanies the maps describes the soils in an area, and how their properties influence the uses that may safely be made of a tract of land, and the treatment that it needs to keep it from being damaged.

There are more than 70,000 kinds of soils in the United States. There may be several kinds in a small area, each of which may react differently to uses and treatments. Hence the importance of knowing the soils!

A *third* concept was that you couldn't separate soil and water—the use or control of one affects the useability of the other. This led to watershed protection projects to prevent floods and protect land from damage.

A *fourth* concept was that you can't really separate rural problems from urban problems in resource conservation. Soil and water problems respect no manmade boundaries, and many of the conservation techniques apply equally well on the farm and in town. Many communities have asked for conservation help. Many have found soil surveys just as useful in planning urban conservation needs and land use patterns as in making farm or ranch decisions—so useful, in fact, that many communities are now sharing the cost of soil surveys in order to speed their completion for land-use planning.

This same concept lead to broader involvement in watershed projects, creating new recreation opportunity and new water supplies for municipal and industrial use. The ability of conservation work to generate new industry and tourism and economic stability led to the resource conservation and development projects, where conservation work over a multicounty area helps communities grow to join the economic and social mainstream of American life.

It is in our work with growing communities—as district cooperators or project sponsors—that we come to grips with a growing sediment pollution problem. It constitutes an instant reversal of protective land use for many years. It poses a threat to reservoirs and flood-control structures. It is an expensive and destructive pollution problem.

We haven't finished the sediment control job on farm or forest or rangeland, by any means. But sediment in suburbia is an increasingly challenging and difficult frontier of conservation.

Consider some facts:

The modern shopping center using 25 acres of land covers 19 acres with rooftop, blacktop, or concrete, including space for parking, access roads and streets, and curbing. The ability of the remaining six acres to absorb water is usually cut way down because of grading, shaping, and other construction operations. A similar situation prevails in a new industrial area, where most of the workers commute by automobile and where modern, efficient materials handling and processing equipment is used. This mass alteration of land is creating real problems in water control.

A study recently released by the American Institute of Planners titled, "Environment and Change—the Next Fifty Years," reveals that land is presently being urbanized at the rate of 3,000 acres a day, and the rate can be expected to accelerate. This is the scale of our concern—how to safely alter the use of 3,000 acres of land a day.

The study states further that not only will there be more people; they will take more land per person. In 1850, 1,000 urbanites used about 10 acres; in 1920, they used 30 acres, and in 1950 they used 1,000 acres. We're in an urban-suburban competition for space that isn't about to let up.

Now, with the help of some slides, I want to show you what the sediment problem is and what can be done about it. As we go through these, look for your own county or district. If it's in a "before" picture, I'd like to see you come back next year and bring an "after" picture. If you're already in the "after" column, my hat's off to you.

Let's look at a typical piece of the rural conservation scene—a tract of land used for a purpose that suits the characteristics of the soil, and fitted with vegetation and planting methods that control water flow across the property. The land is protected, and productive, and attractive.

Now let's suppose that a metropolitan area grows out to meet this property. This happens to at least a million acres of farmland a year—that's 3,000 acres a day. The land waits for a time, idle but still protected . . .

Then the bulldozers come in, and as we say about the Washington Senators, it's a whole new ballgame. Acre upon acre is laid bare as farmland turns into land for housing or stores or highways or airports. Sometimes it lies unprotected for years while flancing is arranged. But nature doesn't wait to begin her work.

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* Speech by Norman A. Berg, Associate Administrator, Soil Conservation Service, National Conference on Sediment Control, Washington, D.C., September 15, 1969.

With the loss of ground cover, water moves across the land on its own terms now, faster and more concentrated, picking up soil as it flows and leaving gullies behind.

Leaving land wide open to the elements like this can increase soil erosion in a year's time from 50 tons per square mile to more than 25,000 tons per square mile.

The eroded soil moves from higher ground to lower ground, and is carried along in the water into storm sewers.

Eventually, it reappears downstream. Here, a muddy tributary from a construction site joins a relatively sediment-free stream.

Most of the soil particles don't stay suspended in the water for long. Many are dropped out along the course of the stream, filling the natural streambed and clogging expensive water disposal structures.

Many other soil particles reach lakes and reservoirs. They reduce the storage capacity for municipal water supplies that already are strained to the limit in many communities now. They increase water bills, and often they destroy the lake's usefulness for recreation and scenic enjoyment.

But the cost of removing sediment and restoring lakes and waterways to tranquil beauty and usefulness is staggering.

Over a billion cubic yards of sediment is deposited in reservoirs each year, and nearly half a billion cubic yards is dredged from rivers and harbors.

Dredging can cost from 50 cents to two dollars a cubic yard, a bill that is paid not so much by the people who created the problem, but by taxpayers, many of them far downstream from the critical source of the sediment.

A more direct cost to homeowners may occur when sediment fills a streambed and robs it of its capacity to carry storm runoff.

The result is flooded yards and basements, and when the waters recede, an expensive cleanup job begins. These are all damages resulting downstream from the unwise construction practices.

But what about the construction site itself? You can't take away tons of soil without effect—and the effect can be very expensive . . .

Careful construction work is washed out in a single rainstorm . . . backyards disappear downhill . . . or threaten to engulf the house . . . and roads wash out before they can be paved. Is sediment control so expensive that the risk of construction damage or legal action by downstream landowners is preferable? I don't think so!

It is possible to have more homes for more people without first wrecking the landscape and polluting our water.

It is possible to carve out a space for a house without removing every tree in the vicinity.

It is possible to build commercial or industrial centers a piece at a time without leaving the whole site bare for years . . .

It is possible to build highways, even great ones, without ruining waterways for miles downstream . . .

How to do it? Many of the answers are already available . . .

First—and foremost—is to *plan* for sediment control as a regular part of any construction planning, with whatever technical help may be needed. *And follow the plans.* It is far cheaper to foresee problems and prevent them than to try and correct them later.

Second, find out about the soils—how well they will drain, how erosive they are, what kinds of plants are needed to protect them during or after construction, and other facts. This is equally important as finding out how well the sites will support the buildings or roads.

Third, leave vegetation on the ground until just before construction, and disturb only as much areas as is needed at one time. This apartment-house builder did clear and grade a large area, but he tied down with grasses the part of the land he would build on later.

Fourth, help water move more safely off the property by putting in storm drains early . . .

And by getting quick vegetation on natural channels between buildings . . .

And below storm drains or other outlets. This kind of grassed waterway has been used on farmland for many years to carry water safely off the field without erosion.

Fifth, hillsides and roadbeds need to be stabilized quickly. On gentle slopes, seeding or sodding may work well . . .

But on steeper seeding lawngrasses may not do the job at all . . .

Sod may be the answer, to give quick cover or to do the job where seeded grass has failed. But I question the results here; this is not an overhead photo of sodding on a reasonably gentle slope . . . but a picture of sodding a nearly vertical cliff, where chances of any grass surviving are slim, and chances of mowing and maintenance are even slimmer.

Slopes can be protected until plants are established, by using a straw mulch that helps hold the soil and keep it moist while grass grows. A light asphalt spray would be effective here, too.

Or, you can hold the soil down with jute matting, which rots away after its job is done and the grass takes over.

A close-up shows how tight the matting holds, but how it still leaves room for grass to grow.

In critical areas, using boards for temporary terraces may protect the site for a few weeks until plants can get a strong foothold.

All of these methods prove the point that *banks can be beautiful.*

Another vital step is to place sediment traps or basins at low points in the construction site to trap soil that does get loose.

Some erosion is inevitable while the land is disturbed, but these basins will keep sediment from leaving the site and having to be dredged out of reservoirs and channels at taxpayer's expense.

Sediment basins simply hold the water long enough to settle out soil particles, and may later serve as attractive ponds.

These are just some of the principles and practices that can be followed to create attractive buildings at the lowest cost to the community and its environment. There is no magic; neither are all the answers simple. We don't have all the answers yet, by any means. SCS and conservation districts are working together in trying out and adapting other farm-based techniques to new situations.

The Agricultural Research Service in the Department of Agriculture has more than 400 scientists engaged in conservation research, and sedimentation studies are a major part of this effort. They are studying how sediment is made, transported, and distributed in channels, lakes, and reservoirs. They are developing techniques and equipment for measuring and reducing that sediment.

Studies involve use of everything from gravel drains to prairie hay sprayed with asphalt, to flowering ornamentals on highway embankments, to concrete block revetments. Their aim is to find techniques that landowners, district and county governing bodies, and others can use in the fight against sediment damage.

Their concern is that each year over a billion cubic yards of sediment are deposited in our major reservoirs. This represents enough water capacity to supply a city of 5½ million persons for a year.

Their concern is for the many other pollutants that are carried with sediment in uncontrolled water, often adsorbed on the surface of the soil particles.

So, just as my agency and conservation districts took the challenge of wasted land . . . and found an opportunity for a beautiful land—just as we've helped make rural America not only productive but also a fine place to live and work—

You have a challenge in both town and country of changing the use of land without ruining the land and the water that drains from it.

You have an opportunity to assure the kind of pleasant surroundings that city people move out to find in the first place.

Principles and techniques are available, then, or on the way, to avoid sediment damage. How to get them used? You will hear later this morning from some of our friends about their pioneering experiences. But let me now suggest some general guidelines that may help in bringing about a workable sediment control program in your county.

First, it would be helpful if every builder in your county had a code that followed along the lines I have outlined this morning. To summarize:

1. Choose the site that has the right soil properties, including natural drainage topography, for the intended use.
2. Use areas with soils not well suited to intensified development for parks and other open space uses. And don't forget the continuing needs for wildlife habitat. We need birds and fish and other animals in town *and* country.
3. Save trees and other existing vegetation wherever possible. They enhance the beauty of the subdivision (and thus have a dollar value), they provide cooling shade and they help control erosion.
4. Expose as small an area of land as practical at any one time during development.
5. Expose the land for as short a period as possible.
6. Hold lot grading to a minimum.
7. Plan streets to avoid long stretches of excessive grade—that is, fit the development to the contour of the land.
8. Provide adequate drainage to streets and from streets to storm sewers or other runoff disposal systems so water does not erode the land or flood property below.
9. Plant temporary vegetation during development in critical areas subject to erosion.
10. Build sediment basins to catch sediment from runoff waters during development.
11. Provide for disposing of increased runoff caused by changed land formations. And,
12. Plant permanent vegetation and install structures as soon as possible.

How do we get every builder to adopt and follow such a code?

I suggest that plans for sediment control will be carried out only if they are initiated and followed through by people who know what they are doing and who care about the consequences. Responsibility must be transferred all the way along the line from the people who plan a change, to those who review it, to the builder, the bulldozer operator, the sediment control inspector, the landscape architect, the nurseryman, the homeowner.

At every step there must be understanding and awareness of the ordinances and techniques for sediment control—and good standards and specifications for them.

We must create public awareness of the need for sediment control to muster the support needed to make recommendations into regulations. We must make sediment control in urbanizing areas a stated policy of the county government and all agencies that operate in the county.

We must learn to manage people as carefully as soil and water. Builders are businessmen, not monsters. They deserve a workable set of regulations and specifications.

They deserve helpfulness, and they deserve not to be pushed too fast, too far, or too soon. They deserve the kinds of laws that put the ethical ones on an even-money basis with those who now cut corners, cut costs, and create critical sources of sediment.

There are different versions of basic regulations. For example, (1) pre-grading, and building permit review by the conservation district; (2) review plus performance bonds for conservation measures; and (3) review plus penalties for those who violate standards. There are others. Determine what will work best in your own situation. Fit it into your review procedures for building and grading permits, and assign an effective unit of local government to be responsible for inspection, regulation, and followup.

And finally, remember that the time for action is not when you need the dredge. *Planning* is the keyword—choosing sites carefully on the basis of soil surveys and other information, and planning erosion control measures that fit the soils, topography, and climate. There are no cure-alls; measures must be suited to each site's peculiar needs, on the basis of diagnosis and experience and skill.

The Soil Conservation Service and soil and water conservation districts stand ready to offer their assistance. You'll find experience and skill as well among land and water contractors; landscape architects; nurserymen; and others. With the skills available right now, *urban sediment can be controlled.*

The guide for county governments that you will help develop this week can be a major contribution to removing sediment as a major problem in growing America. Make the guide as comprehensive and as workable as you can. Make it flexible enough to fit every county, every conservation district. Make it a valuable tool in helping improve the quality of the environment as America's communities grow. It is important work—important to your county and to the Nation. I wish you Godspeed.

Remarks by the Honorable Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, National Conference on Sediment Control, Washington, D.C., September 15, 1969

Our country's first great conservationist, President Theodore Roosevelt, said in 1907 that conservation and the proper use of all our natural resources is the fundamental problem underlying almost every other problem of our national life.

More than 60 years have passed since our 26th President made this sensible observation. Yet, we have not used the intervening years to good advantage where environmental pollution is concerned. Instead, we have continued to foul the air and contaminate our waters with every imaginable form of waste.

President Nixon today calls pollution, "the greatest threat to our environment in history." In calling for a cleanup of our air and water, he said, "Together we have damaged the environment, but together we can improve it once again."

Earlier this month, Secretary Walter Hickel said, "The people of America have made it abundantly clear that they will no longer tolerate pollution of their environment." He said the Government intends to "prosecute those who pollute," and he ordered hearings to be held on charges against a city, four steel companies, and a mining firm accused of polluting interstate waters.

The Secretary said that compliance with pollution ordinances will be secured through court action if necessary and through new legislation which we will be seeking from Congress. We know that pollution is all over the country, and we are determined to abate it everywhere.

AN ANCIENT PROBLEM

The subject that draws us here today has been a pollution problem for some 8,000 years. It was that long ago that the Sumerians are believed to have invented irrigation to increase their crop yields from the fertile plains of Mesopotamia. Sumeria prospered for centuries as it grew up around a canal system that is still a wonder to modern engineers.

Sumeria's prosperity unfortunately led to the abuse of its natural surroundings. For, when Sumerian builders cut down the forests on the upland slopes of the Tigris and Euphrates Rivers to develop housing and shopping centers for their expanding cities, flash floods swept vast quantities of silt off the denuded mountains and into the irrigation ditches. Ultimately, the irrigation system broke down, crops failed, people starved, and Sumerian civilization began its long decay.

Similar disasters have followed man's attempts to spread civilization throughout history. It seems we don't try hard enough to learn lessons from the past.

The problem of siltation or sedimentation, which is still very much with us, might be more easily identified by some specific modern examples. The need for Oakley Reservoir near the University of Illinois at Champaign was brought about by the fact that 160 acres of topsoil, one foot deep, was being washed into Lake Decatur every year. This accumulation greatly reduced the efficiency of the lake as a reservoir and as a water supply until it is now at the point of elimination.

In another part of Illinois, the Carlyle Reservoir on the Kaskaskia River was built without protection from siltation. As a result, in the Hurricane Creek regions, the siltation was two to three feet deep within 18 months after the opening of the reservoir.

It seems hard to believe, but today, despite the expenditure of vast sums and tremendous effort, three billion tons of U.S. soil are washed from cultivated or barren fields and over-grazed ranges every year. Sediment—one of America's major pollutants—still fills our waterways, kills fish and other aquatic life, clogs reservoirs, or rolls its way down the Mississippi to the sea.

America's topsoil is one of its most precious assets. It must be saved—and it can be saved by good land practices.

To achieve this, we shall have to do a more complete and thorough job of planning on river basins and creek basins. We shall have to plan so that we minimize the effects of sedimentation on our lakes, rivers, and reservoirs, and so that we can reclaim whatever top soil is lost after the minimization.

But, even this is not enough to protect our topsoil from erosion. We should look back to the Sumerians and recognize that urban development can contribute significantly to this problem.

URBAN SOIL EROSION

It is estimated that more than 4,000 acres a day are being plowed up to build real estate developments, suburban facilities, highways and industries. Sediment yields from some of these activities are believed to be 500 times greater than from rural soil erosion, and urban drainage from concrete surfaces provides another substantial source of sediment deposits.

In dealing with sediment pollution, the Interior Department must now rely on the same tools as are available in the struggle against other forms of pollution. As many of you know, the Federal Water Pollution Act of 1956, the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966 provide the major muscle in this effort.

Water quality standards, along with plans for implementing and enforcing them, are now established by all 50 states and approved by the Secretary of the Interior. This makes them Federal as well as State standards, and they are flexible. However, the flexibility is aimed at improvement toward enhancement, looking forward to better water quality. The standards need to undergo periodic review and re-evaluation to conform to changing conditions and times, and to the application of new technologies as these are introduced.

The flexibility factor in water quality standards is perhaps more important to sediment pollution control than to any other single substance considered in water quality criteria. It so happens, for instance, that not one state has set forth specific criteria on suspended solids in the water quality standards they have submitted. This to me is very disturbing, especially when you consider that sediment has been named as a major pollutant in our waters.

FWPA ACTIVITY

To measure the states' progress in implementing pollution control standards, the Federal Water Pollution Control Administration (FWPCA) has enlarged and coordinated its water quality monitoring system with those of the states and the U.S. Geological Survey. Turbidity is one of the parameters measured in this coordinated sampling system.

The FWPCA is still urging the States to give special attention to land erosion in their compliance programs. Many of the States have informed us that they are working with the Soil Conservation Service to develop sound land management practices to keep sediment out of their waterways. But, this is not enough. A better approach, such as that taken by the State of Maryland, is to enact laws to regulate and prevent erosion from urban development and highway construction.

The National Technical Advisory Committee not long ago produced a report on research needs in this area. It made five points regarding sedimentation, stressing that the mechanics of erosion are the same whether the source be farmlands, highway construction, or urban development.

The report said increased research is needed to understand the mechanics of erosion from different land use areas; that management practices must be developed to minimize sediment production on a watershed basis, and that protective vegetative cover is a critical factor in controlling erosion and needs further evaluation. It also said more research is needed on the transport and deposition of sediment once it finds its way into streams, and that the role of sediment as a transport agent for pesticides and other chemicals in streamflow must be more clearly defined.

A number of important steps have been taken by the FWPCA toward national control of sediment pollution. With the Corps of Engineers, the FWPCA is studying the effects of sediment on water quality in the Great Lakes in connection with the Corps' dredging operations. Also, in recent months, FWPCA Commissioner Dominick released a report on water pollution from urban runoff, including storm sewers and combined storm-sanitary sewers. The $104,000, 275-page report, which was prepared by the American Public Works Association Research Foundation, made 14 recommendations for curing this source of pollution.

One of the startling findings of the report was that a 14-day accumulation of litter in an urban area, when flushed into sewers by a two-hour storm, had a pollutional shock load per mile that was 1½ times greater than the average amount of raw sewage discharged from the area.

Even more startling are the disclosures made about salt used for highway de-icing. Chlorides used for this purpose contain tiny blue crystals of cyanide, and heavy concentrations of cyanide have been discovered in the runoff water emanating from this source. The report said the chemical era has multiplied pollution problems as a result of this and other practices by municipalities and property owners related to the increased usage of pesticides, herbicides, rodenticides and fertilizers.

SEDIMENT CONTROL

Under a grant from FWPCA, the National Associatiton of Counties—one of the hosts of this meeting—has completed the draft of a "Community Action Program for Sediment Control." As the conference program indicates, chapters from this 132-page draft will be reviewed at your sessions here tomorrow morning. At this point, I will say only that the FWPCA is proud to have had a part in this important undertaking.

Another FWPCA report, to be submitted within the next few months, covers a two-year study on the effects of erosion, dredging, and landfills on the quality of estuarine waters. This national estuarine study will be another important contribution to the control of sediment pollution in our coastal waters, since traditional rules and methods for sediment control in fresh water may not apply in estuaries and marine waters.

In its own laboratories and through grants and contracts, the FWPCA is seeking the best scientific and engineering talent in the nation for research into the problem under examination at this conference. A number of our staff experts are here to participate and elaborate on what we have done and are doing in this respect.

I would like to point out that where we were once concerned about sediment as displaced soil particles, we must now consider also the additional deposits of organic substances originating in sewage, industry and animal wastes and plant residues that form sediment. This is so because the importance of sediments as pollutants is increasing, particularly in view of the ability of soil to absorb inorganic nutrients, pesticides and other organics, including oily substances, and to release these materials into our waterways.

Sediment not only represents a heavy economic drain in the loss of valuable topsoil, it also renders untreated water unfit for use as municipal and industrial sources of supply. It interferes with navigation, destroys esthetic values and damages aquatic life.

As a nutrient carrier, sediment promotes algal growths which degrade water quality and accelerate the aging process of lakes and reservoirs. Dredging requirements and loss of reservoir storage space caused by sedimentation costs this nation about $225 million annually, and this does not include the loss of topsoil, the severe degradation of water quality or the damaging effects of sediment pollution on fish and wildlife.

Fortunately, we have at hand much of the technology we need for the control of sediment in our waterways. This conference, hopefully, will document exactly what we know and what we haven't yet learned in this regard.

I trust that your sessions here will bear much fruit, and I am grateful to be able to participate with you today.

Thank you.

SIECUS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. HUNGATE. Mr. Speaker, I believe Ann Landers' column of September 21, 1969, in which she discusses problems of sex education and SIECUS—Sex Information and Education Council of the United States—will be of interest to the Members:

[From the Washington Post, Sept. 21, 1969]

SIECUS

DEAR ANN LANDERS: Where do you stand on sex education in the public schools? Some of my friends say it gives kids ideas and leads them into doing things they have no business doing. My sister-in-law in Michigan is horrified at what her children were taught last year in sixth grade. She described the literature (complete with pictures) as "disgusting and filthy."

Yesterday I received a mailing from Dallas that knocked me off my chair. It said this whole campaign for sex education is being pushed by a Communist-backed organization called SIECUS—(Sex Information and Education Council of the United States).

According to this article, SIECUS was founded by Mary Calderone, a woman from the East who goes around giving dirty lectures at prep schools. The article ended up saying the movement is a plot to weaken our country so the Commies can come in and take over. What is SIECUS? Who is Mary Calderone? Do you believe children should be given sex education in the public schools? If so, at what age? I am confused and frightened. My husband and I have faith in your judgment. Will you guide us?—Sun.-Times Readers.

DEAR READERS: Mary Calderone is a Quaker, a Vassar graduate, a physician, the daughter of the famous photographer, Edward Steichen, and the wife of Dr. Frank Calderone, formerly with the World Health Organization. She has three daughters and two teen-age grandsons. Dr. Calderone was the National Director of Planned Parenthood and founded SIECUS in 1964.

SIECUS is a non-profit health agency made up of religious, medical, educational and other professional leaders. Among organizations supporting sex education in the schools are the American College of Obstetricians and Gynecologists, The American Public Health Association, The American Medical Association and the National Parent-Teachers Association. Father James T. McHugh, director of the Family Life Division of the U.S. Catholic Conference described most of the critics of SIECUS as members of radical right organizations—masquerading under high sounding names.

Our children are getting "sex education" every day of their lives whether we like it or not, and much of the education is the wrong kind. They are being stimulated and titillated by TV, advertising, radio, records, magazines, billboards and movies. Sex is presented as glamorous, fun—the "in thing."

Children must be taught early (fifth grade is not too soon) that sex is not something people do for kicks—that every sex act carries with it a solemn responsibility, not only to the person with whom he is having sexual relations, but to one's family and one's community.

The ideal place for sex education is at home. Unfortunately the vast majority of parents are ill-equipped to do the job because they are uninformed, and unable to discuss sex comfortably and objectively with their children. I have seen the SIECUS material and while I feel that some of it is a shade too graphic, a great deal of it has merit. As with any new program, mistakes will be made, but I firmly believe our children need this program. They are bound to profit from it by learning to accept their sexuality as a normal, healthy, positive, uplifting force in their lives.

OKINAWA PROBLEM TESTS NIXON DIPLOMACY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 23, 1969

. Mr. BYRD of Virginia. Mr. President, the newspaper Human Events for August 30, 1969, contains an excellent article entitled "Okinawa Problem Tests Nixon Diplomacy," written by Gen. Thomas A. Lane.

I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OKINAWA PROBLEM TESTS NIXON DIPLOMACY: PROPAGANDA CAMPAIGN TO RETURN ISLAND TO JAPAN PICKS UP STEAM

(By Gen. Thomas A. Lane)

The recent travels of Secretary of State William P. Rogers to Japan for consultation with Premier Eisaku Sato coupled with Japanese reaction to the nerve gas incident on Okinawa have alerted Americans to the Japanese drive for full sovereignty over Okinawa. There is some indication that Japanese politicians think the intensity of public agitation for return of the island will force the United States to concede the issue.

Agitators in Japan have used the issue to arouse anti-American sentiment. The Japanese government is asking for early action. Soviet subversion stirs the brew. Some Americans argue that prudence requires the early restoration of Japanese sovereignty over the island.

In the peace treaty of 1952 ending our World War II occupation of Japan, the United States reserved to itself de facto sovereignty over Okinawa. The island, which had been annexed by Japan in 1874, had been conquered by the United States in the last great battle of World War II. Not wishing to acquire a new possession, the United States acknowledged a "residual sovereignty" in Japan which implied an ultimate return of the island to Japanese administration. The emergence of a Communist China and the opening of the Korean War had made it clear that the United States must maintain a presence in the Far East.

The American liberals who have dominated U.S. diplomacy since World War II are mounting a propaganda campaign for the early return of Okinawa to Japan. Prof. Edwin O. Reischauer of Harvard, recently United States ambassador to Japan, has urged early return of Okinawa in order to preserve our good relations with Japan. Prof. Roger Hilsman of Columbia, formerly assistant secretary of state for the Far East, has taken the same tack.

The essential thesis of this liberal position is this:

Japan, the world's third largest industrial power, is joined with us in a vital partnership to maintain peace in East Asia.

United States de facto sovereignty over Okinawa is a thorn to Japanese pride which should be removed before it poisons our alliance.

The limitations on our use of Okinawa under Japanese sovereignty would have minimal effect on our military posture.

This liberal approach to Okinawa sovereignty follows a pattern of United States diplomacy which has attended a steady de-

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cline of U.S. prestige and influence for 25 years. It reflects a hypersensitive concern about world opinion, an inclination to sacrifice alliance effectiveness to superficial harmony and an eagerness to soothe tensions stirred by Soviet diplomacy. Perhaps it evidences also a subconscious liberal revulsion against the exercise of power and the corresponding illusion that the use of force is unnecessary.

Prof. Reischauer has added to the cited position on Okinawa sovereignty a caution against the rearmament of Japan. He believes that pressure to have Japan take over a major military role in its own defense would jeopardize the democratic gains which Japanese society has made. He urges the United States to continue its security role, operating from Okinawa as it now operates from Japan.

In this matter, Prof. Reischauer reflects the views of the Japanese government. Japanese leaders know that their last attempt to conquer Asia left a legacy of hostility in other free countries. They fear that a restoration of Japanese military power would worsen relationships carefully rebuilt in recent years.

In seeking to avoid a military burden in the free world alliance, Japan is also playing the neutralist game. It would like to recover not only Okinawa but South Sakhalin and the Kurile Islands seized by the Soviet Union at the close of World War II. Japan would play off the United States against the Soviet Union and depend for security upon the reluctance of both great powers to allow Japan to fall to the other. This is the kind of pleading which was so effective with Ambassador Reischauer.

It is an added American policy which fosters such pleading. Our leaders have been content to pay for the security of nations which enjoy all the benefits of freedom while shirking its costs in a world at war.

Japan, like our European allies, is enjoying the best of all worlds for democratic politicians. When big brother will provide for your security and allow you to spend your budget on public services, that is the best there is. We can hardly blame Japanese leaders for reluctance to give up such an arrangement.

But we can condemn U.S. diplomacy which prolongs such an arrangement. Our conquest of Japan in World War II gives us no continuing responsibility for its security. We smashed the militarism and restored democratic government, but democratic governments must be responsible for their own security.

From this misjudgment of reality, we get a diplomacy of retreat. The United States refuses to exercise power which fate and fortune thrust upon it. Western civilization disintegrates under the blows of an aggressive communism while our political leaders strive for a rate of retreat which will be tolerable to the American people.

Every policy question has varied aspects. The art of making sound policy lies in bringing these aspects into favorable combination for our side. It has seemed in recent years that U.S. policy was being directed by officials possessing a singular faculty for selecting combinations injurious to our interests.

An alliance is a joint undertaking in the interest of the parties concerned. The proposition that the United States and only the United States must sacrifice to maintain alliance cooperation is an intellectually immature approach to questions of world power and interest. It dissipates our credit and interest. Prudent adjustment of an alliance to changed conditions must be made with due regard to the interests of all the parties concerned.

Congress shows increasing dissatisfaction with the policies and results of the past two decades. Our forces are sprawled across the world protecting allies who sometimes show scant concern for their own security. Alliances have brought mounting debt to the United States and increasing prosperity to our major allies. The American people will not tolerate that kind of alliance policy much longer. President Nixon is called to put our diplomatic house in order.

The reality of our time is that the free world has a great preponderance of power over the Communist world. But because the United States has not provided leadership to make that power effective, the relatively Communist world has. maintained a continuing and successful offensive. Okinawa illustrates the problem.

For 24 years the United States has paid for the security of Japan. The arrangement was necessary at the close of World War II, but it has long been outmoded by increasing Japanese wealth and power. There can be no excuse today for denying Japan full responsibility for its own security.

Okinawa is a bastion of free world power in the Far East. Because the United States exercises sovereignty, there is no complication of foreign interest here as there is in Japan. Our operations do not involve nor compromise the government of Japan. The United States can act directly as the occasion requires.

For example, our forces on Okinawa can support South Korea or another *Pueblo* without exposing Japan to involvement or retaliation. Our forces in Japan lack that freedom of action. They cannot stock nuclear weapons as our forces do in Europe, and their employment except in defense of Japan is restricted.

This is to say that there was a valid and vital purpose in retaining sovereignty over Okinawa. It is a purpose which involves not only Japan but the security of other allies in the Far East. Our presence is under attack by Soviet diplomacy which would like to use Japan to oust us from Okinawa. Obviously, the United States should not relinquish sovereignty over Okinawa until arrangements are made for the accomplishment of the island mission by equal or better means.

Although Japan is vigorous and prosperous industrially, it is incapable of providing its own defense. Without U.S. protection, it would be no more independent than Cambodia. There is no present alternative to the continuation of American operations from Okinawa. It is incompatible with Japan's obligations to the alliance for it to press the sovereignty issue at this time.

There will be a right time for the return of Okinawa to Japan. It will come when Japan has assumed full responsibility for its own defense and all American forces have been withdrawn from the country.

Japan must take its place as a full and trusted partner in the defense of free Asia. In this role, in close collaboration with other free countries, Japan will confirm its commitment to political freedom. It cannot achieve that acceptance by avoiding the burden of freedom.

The preservation of freedom is not a sole responsibility of the United States. It is a charge to be borne by all the free world working in harmony. The United States bears a special obligation of neutralizing the Soviet nuclear threat, but our allies bear responsibility for their local defense. Surely Japan can at least sustain military power comparable with that of Britain, France and Germany.

It would be inviting disaster for the Nixon Administration to foster neutralism in Japan. Japan has chosen its place in the free world and must bear the burden of that choice.

In the light of these realities, it would be irresponsible and imprudent to change the treaty status of Okinawa at this time. The first goal of Japanese pride should be to take over its own defense and to release U.S. forces operating from Japanese territory. United States policy should welcome this development. The restoration of Japanese sovereignty over Okinawa could follow when Japanese military forces assume responsibility for that base and American forces are withdrawn.

Our Far East policy must produce a concert of power embracing Japan, South Korea, the Republic of China and the Philippines. Japan must make its full contribution to the security system. The United States would then be in general support of the front line defenses of its Asian allies.

This kind of alliance policy cannot be built on the Reischauer diplomacy. It hasn't been built in 20 years of costly effort. U.S. leaders must begin to make the hard decisions required to maintain alliance vitality. They must stop catering to the appeasement inclinations of our allied politicians.

President Nixon can start the new diplomacy in negotiations with Japan. We need not an isolated decision on Okinawa, but a plan of rational alliance relationships in the Far East. Diplomacy must be based on the requirements of alliance security and not upon sentiment or political expediency.

The new diplomacy will put greater responsibility upon allied leaders. Premier Sato must explain to the Japanese people both the benefits and the obligations of the alliance. He must demonstrate the necessity for Japanese participation in the military defense of the free world. He must show the advantage to Japan and the alliance of U.S. sovereignty over Okinawa until Japan can take over the alliance mission of that base.

This is the sound framework of Okinawa policy. We show our confidence in Japan by adjusting to its early assumption of full partnership in the free world alliance. We reject the course of timid adjustment to pressures generated by Soviet intrigue.

If the Nixon Administration is to be, like its predecessors, the prisoner of Soviet strategy in the guise of world opinion, it will produce no sound policy. But if it gives constructive and creative leadership to our free world alliances, it may yet set a barrier to Communist aggression. Okinawa is a good place to begin the new diplomacy.

SHE BUILT HER OWN CITY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. HALL. Mr. Speaker, Mary Herschend is a woman of spirit and determination. A creator and builder, who some years ago came to our beloved Ozarks of Missouri to retire, but instead, used her womanly intuition and charm, to create a city.

Mary, along with her two sons, Peter and Jack, started with Marvel Cave and turned it into a highly successful enterprise, to be joined in later years by the building of "Silver Dollar City." One of the most "fun filled," historic, and interesting tourist attractions, this side of the Rocky Mountains.

I have had a personal interest in the efforts of this remarkable woman, due to my service as a member of the board of the National Crafts Foundation, organized by Mary for the purpose of preserving as well as providing training, and a year-round market for Ozark craftsmen.

Recently, Mary Kimbrough, women's editor of the St. Louis Globe Democrat, wrote a most interesting feature story about Mary Herschend, and her use of American ingenuity and "know-how."

I therefore will include this article as a part of the RECORD so that others may know of the imagination and great enterprise, shown by this fine citizen and builder of the Missouri Ozarks. I hope travelers through the Midwest of our United States will tarry a while and see these rebuilders and preservers. Y'all come.

The article follows:

SHE BUILT HER OWN CITY

(By Mary Kimbrough)

On a rustic rise deep in the Ozark wilderness stands Mary Herschend's city where every day's a holiday and the birds and cash registers make sweet music together.

Already past the age when most people are ready to retire and get away from it all, Mrs. Herschend, slim, bespectacled and young-spirited entrepreneur, has discovered the secret sought by millions of frustrated city dwellers—how to create a profitable business enterprise far from the traffic and the smog and the horns blowing at midnight.

She did it by leaving her own city behind and building herself a new one. The ex-Chicagoan is head of the family-owned Silver Dollar City, colorful mecca of vacationers from all over the country.

Located on a winding, hilly road just a few miles from Branson and Hollister in southwest Missouri, Silver Dollar City has grown in two decades from a wilderness site with a cave on it into a thriving resort.

But for all its activity and its reputation as one of the midwest's most popular holiday spots, Silver Dollar City is not a carnival town. Mary Herschend won't permit that.

She insists that Silver Dollar City be a mirror of yesterday, not a tinselled playground. That philosophy—plus a hard look at the business side of the ledger—led to the National Festival of Craftsmen as well as to the many crafts demonstrations which are tourist attractions on the streets of Silver Dollar City.

Admittedly seeking ways to prolong the vacation season past Labor Day, Mrs. Herschend and her son, Jack, combed the hills for mountain artisans who could recreate for 20th century visitors the homespun, primitive handcrafts of another era.

This year's Festival, opening Oct. 4 and continuing through Oct. 19, will bring together specialists who will demonstrate more than 60 different handcrafts essential to everyday living in the past century. These include hog hewing, rope making, woodcarving, glass blowing, soap making, pottery making, basket weaving, wagon making.

One of the craftsmen is Peter Engler whose woodcarving business, a regular attraction at Silver Dollar City, has become so successful that he has opened a second Ozark shop at nearby Reeds Spring.

Inside the gates of the warm-spirited little mountain village, other arts and crafts of yesterday are brought to life and passengers board the Frisco-Silver Dollar Line for train excursions through the picturesque countryside behind one of the city's five vintage steam locomotives.

Nothing could cheer the heart of Mary Herschend more than to see this kind of tourist attraction in her special town. But nothing could have been farther from her thoughts not too many years ago.

She told the story on a recent visit in St. Louis where she participated in a business discussion in connection with the convention of the National Federation of Business and Professional Women's Clubs.

She was living "just the pleasant, average life of the suburban housewife" in Evanston, Ill., with her husband, Hugo, district manager of the Electrolux Corporation. They had two sons, Peter and Jack. She had a garden, enjoyed cooking, shopping, occasional visits with neighbors.

Then, in the guise of a vacation trip into the Ozarks, destiny struck.

"We loved it," she remembered. "We often sat and looked at the Ozarks and my husband would say, 'Someday, we're going to buy a mountain.' "

As it turned out, they didn't get a mountain, they got a cave.

"We had been going back year after year and in 1949 we learned that Marvel Cave was for lease. In five minutes the papers were signed and we had ourselves a cave down in the Ozarks.

"I asked my husband, 'Who's going to run it?' He said, 'You are.' "

And so it was decided. He would retain his own job until his retirement and she would go down to Branson each summer to manage the Cave and, hopefully, make a little money for the family treasury from the exploring tourists.

"He had always wanted to have some kind of business there we could operate after he retired."

But it wasn't to be. Ironically, Hugo Herschend suffered a fatal heart attack and never knew the fantastic future of his Ozark venture.

Meanwhile, though, his plan that his wife would spend only a short time each summer at the new Herschend property had gone awry. With a 99-year lease on 640 acres of Ozark land and with Mrs. Herschend's determination to make her husband's dream pay off, they discovered she was forced to spend nearly three quarters of the year down in the wilderness.

She can laugh at herself now, but 20 years ago, she confesses, she wept for months in self-pity. She was not a business woman—at least, she didn't dream she had a latent talent in the commercial world—and her life in the Ozarks was primitive and uncomfortable. No water, no telephone, no indoor plumbing.

"And besides," she admitted ruefully, "I was scared to death to go into the cave!"

That fear was overcome in a moment every mother will understand.

"Jack and some friends of his were exploring the cave one day and they didn't come home when I thought they would. I was scared something had happened to them and I was scared to go looking for them.

"Finally, I knew I simply had to go, in case they were hurt or lost. So I took a flashlight and gingerly went into the cave and called. At last, I saw their light. They were all right. Just had lost track of time.

"That was the end of my fear."

Jack, now 36, and Peter, 34, are associated with their mother in the cave-grown-into-a-city. The Herschends' initial business enterprise, Marvel Cave, is said to be the third largest cave in the United States with some 32 miles of passages already mapped and a vast Cathedral Room larger than a football field and as tall as a 20-story building.

But, as popular as this had become, the energetic family trio felt it was not enough. Jack was the one who suggested an additional attraction be created—and from this was Silver Dollar City born.

It opened in 1950 with a blacksmith shop, restaurant, candy shop, general store and stage coach depot. In 1950 there were three employes and a gross payroll of $12,000.

Today—and this is perhaps the most gratifying fact to Mrs. Herschend—200 employees are furnished with jobs through the busy and the leisurely seasons, and another 125 are there during the summer. There are 45 buildings on the property and a payroll of more than $1 million.

And, as the recreational area grows and as Mary and Peter and Jack Herschend keep on thinking and dreaming and planning and working, Silver Dollar City is expected to grow, too.

Mrs. Herschend looked at her watch. She had been in St. Louis for most of the day and it was time to go. She was ready once again to get away from it all and go back to the quaint wilderness city that Mary and Peter and Jack—yes, and Hugo—Herschend built.

AN OUTSTANDING STATEMENT ON CONSERVATION OF OUR NATURAL RESOURCES

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ALBERT. Mr. Speaker, on September 18 of this year the Honorable Clifford Hardin, Secretary of Agriculture, held a listening conference at College Station, Tex. At that time Mr. Richard C. Longmire, of Pauls Valley, Okla., in my district, a long-time leader in national and local conservation programs, delivered a statement before the Secretary.

In my judgment, Mr. Longmire presented a most effective and outstanding argument against cutting down programs for the development of our national resources, and for their preservation and improvement to meet the future needs of the American people. It is my desire at this time to present this statement for the RECORD so that all who are interested in this most important problem will have the advantage of the information contained in Mr. Longmire's statement.

Mr. Speaker, I include the statement delivered by Mr. Longmire:

STATEMENT OF RICHARD C. LONGMIRE, PAULS VALLEY, OKLA., AT LISTENING CONFERENCE OF SECRETARY OF AGRICULTURE CLIFFORD HARDIN, COLLEGE STATION, TEX., SEPTEMBER 18, 1969

Mr. Secretary: "The ox is in the ditch." Our useable supply of water is diminishing. Our soil is eroding. Our streams are polluted. Our lakes are filling with sediment. We are losing open space and scenic beauty. The restless population searches for outdoor recreation. Are we getting the ox out of the ditch by reducing funds for watershed planning, stopping watershed construction, reducing ACP cost sharing, stopping Great Plains contracts, and reducing technical assistance to landowners?

The many non-agricultural demands on land are accelerating faster than food demands. Here are some of the predictions of Resources for the Future for the year 2000:

Land for recreation—up 300 percent over today's level.

Land for homes, schools, factories—up 215 percent.

Land for transportation—up 125 percent.

Land for wildlife refuges—up 133 percent.

Land for reservoirs—up 180 percent.

Requirements for wood and water by the turn of the century promise further and drastic impacts on land use and planning. If the projected doubled demand for forest products, for example, were to be obtained at present yield rates, something like 300 million acres would have to be added to the existing 484 million acres of commercial forest lands.

This is one more indication of the fact that land needs, by the year 2000, will mount up to a total of far more than our full land area. We shall have to make a piece of land serve more than one purpose at the same time—the multiple-use concept—which accentuates the need for both the technology and the political and social "arrangements" that will insure the wise selection and efficient management of these resources.

The growth in population we expect to experience will be at least matched by an increase in total demand for fresh water. Prospects are that by 2000:

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Irrigation withdrawals may increase by half.

Municipal water use may double.

Manufacturing use of water may quadruple.

Even though severe shortages of emergency proportions can be postponed and probably forestalled altogether, there can be no question that the nation is facing the prospect of unlimited demands on its increasing need for intensive management of resources—including planning, development, use, and conservation of the resources.

Whatever may be added through water developments and cropland additions, the circumstances call on the United States to maintain a productive agriculture and focus increasing attention on the development and use of the resources at hand.

To meet the nation's oncoming needs, it is elementary that we develop and use our present supplies of water and land efficiently—to increase production; to reduce waste and mis-use; to hold down costs; to obtain quality; to provide employment; to generate wealth (by converting raw materials to useable products; to hold government regulation to a necessary minimum, and to reduce dependence on outside sources.

This year we spent billions investigating outer space and only a few million for the improvement of our environment here in this nation. And this has been the case for the thirty years that I have been a supervisor of a soil and water conservation district. Year after year the conservation program has been shoved aside to make room and money available for new programs—new programs which seldom stand the test of time and last no longer than the next administration.

As citizens of this great country, we believe that we are entitled to at least a chance to conserve and develop our natural resources.

Those of us interested in conservation believe that a quality environment for each individual in this country cannot become a reality until we have quality and continuity in a conservation program. Individual landowners, large and small alike, have been puzzled by the stop and go directions coming out of the nation's capitol over the past twenty years dealing with conservation.

There have been 427 soil and water conservation districts formed by local people in the five states represented here today. The people in the districts have been led to believe that they can get assistance on their conservation problems because the districts have memorandums of understanding with the U.S. Department of Agriculture and these memorandums state that the U.S.D.A., through the Soil Conservation Service, will furnish needed technical assistance to the districts to help landowners put their conservation plans in effect. We believe that this is an obligation that our federal government has to the people and must honor. Not only is our land eroding away, but our confidence in the government's ability to prepare and maintain a suitable conservation program is eroding.

About twenty years ago, construction started on the authorized watershed projects of the Trinity River and Middle Colorado River in Texas and the Washita River in Oklahoma.

This concept of total conservation and development within a watershed proved to be highly effective and had widespread acceptance by the people, both rural and urban. In 1954, Public Law 566 was passed. This law set the stage for the small watershed development on areas outside of the authorized projects.

No other federal program of any type has been received with more enthusiasm than the small watershed program. This is borne out by the fact that the local people were willing to assume an obligation of doing intensive land treatment in the watershed, furnishing lands, easements and rights of way for construction and impoundments of the flood waters and maintaining the flood detention structures for the next fifty to one hundred years.

Landowners were not the only ones to recognize the value of such a program. Cities and towns became sponsors of watershed projects in order to take advantage of the opportunity to use the flood detention structures to store water for municipal and recreational purposes. The people in the cities voted bonds to pay their share of the costs.

State governments also saw the small watershed program as an opportunity for helping the general public.

In these five states millions of dollars have been appropriated by the state legislatures to assist in developing watershed plans. The plans have been developed, but millions of dollars worth of plans are gathering dust on shelves because the federal government has once again shoved aside the conservation program.

The current suspension of all construction contracts in the small watershed program poses a grave dilemma for the sponsors of these projects.

Since 1965, funds for watershed construction have been steadily declining until we have now reached the very bottom. The suspension of contracting is working the severest hardship possible on watershed sponsors. The watersheds that are ready for construction, for the most part, have been involved in an active workshed program for ten to fifteen years. During this period of time the sponsors and the local people have spent countless hours at watershed meetings, working with landowners, with municipalities, city and state governments.

Millions of dollars of non-federal money has been spent with the expectation that the watershed projects already planned would be constructed. Local people have contacted hundreds of landowners to secure land easements and rights of way and because of the lack of construction funds and the suspension of contracting, many of these easements are now expiring. The expiration of easements will involve not only added time and expense by local sponsors to secure new easements, but will undoubtedly further erode the confidence of the sponsors and local people in the U.S. Department of Agriculture.

An additional contributing factor to the present dilemma is the matter of continuing to secure state funds in support of the watershed program. It is becoming increasingly more difficult, and in some cases impossible, to convince state legislatures that continued state support for watershed activities is a wise investment. These parties have begun to relate the lack of construction to the rate of watershed planning.

If state support for watershed activities is to continue there must be a corresponding support by the Federal Government for watershed construction.

If the support by the Federal Government of the small watershed program continues to decline, we run the risk that local interest will further decline, that valuable reservoir sites will become unavailable, and that needed improvements and benefits will be too long delayed.

Mr. Secretary, it is not necessary that I cite figures to show the great backlog of watershed applications which have been submitted by the local people for assistance. This information is available in your own department files of the Soil Conservation Service.

The backlog of unserviced applications is mounting, and the federal funds available per project are declining. Yet the demand for upstream watershed protection, conservation, and development continues to grow across America. Here is where flood damages amount to one billion dollars annually, and where damages from sediment pollution have reached $87.5 million each year. Here is where new jobs, new water supplies, new recreational facilities, and better living standards are imperative.

There are at least 8,300 watersheds in the U.S. that need treatment and development, according to the Conservation Needs Inventory of the U.S. Department of Agriculture. The actual number of potential projects is probably larger. We are moving far too slowly in meeting the need for this work, which includes both water development features and land conservation measures.

There is no question that the image of the U.S. Department of Agriculture is deteriorating. Take, for example, this statement from a leading national news magazine:

"The economy can fairly comfortably tolerate an inflation rate of 2% yearly, and the Government should aim at that. To do any better, most economists agree that there must be far reaching reforms. As an obvious starter, Congress should scrap the farm-subsidy program, which not only cost taxpayers $5.7 billion a year but artificially inflate the prices of cotton, wheat, corn, soybeans and rice. The subsidies also help drive up the price of farm land, adding another push to the price of produce . . ."

This and other half-truths create mistrust among the people of the nation. Today, there is an opportunity for the U.S.D.A. to regain the confidence of the people. Today there is an opportunity for the Department to create a better environment for all the people.

Today might be the last opportunity for the U.S.D.A. to plan and develop our natural resources for the future requirements of a growing national appetite for resource material.

Today is the time to get the ox out of the ditch!

A RARE COLLECTION OF CAPITOL MEMORABILIA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. SCHWENGEL. Mr. Speaker, on September 22 the U.S. Capitol Historical Society opened to the public an exhibit in the Rayburn Building of prints from the Kiplinger and Columbia Historical Society collections reconstructing Washington's early history and the history of the U.S. Capitol. Because this rare collection of Capitol memorabilia may never again be so assembled, and because of the special interest that it holds for many of the Members of this legislative body, I want to take this opportunity to describe it in more detail.

Until the 1850's, when photography and other printing processes became prominent, lithography, etching, and engraving were the only ways to produce large numbers of pictures. Pictures before this time were made by hand on copper, steel, and stone, then transferred to paper. Consequently, the newly opened exhibit represents a vanishing art that for many years was an important means of recording America's history.

In addition, the exhibit is focused on the 176-year-old Capitol, truly a symbol of freedom and liberty to all mankind. No other building has a documented iconography of its own so extensive as that of the Capitol. And no other building in America can be so closely linked to the growth and progress of the Nation.

The exhibit features an 1818 water color of Blodgett's Hotel, meeting place of the 13th Congress after the British burned Washington and the Capitol in 1814; an original water color by W. H. Bartlett which became the basis for early reproductions of the low-domed Capitol; scenes of the early House and Senate Chambers from a variety of colorful prints; even the latest of Capitol changes are shown in drawings of the east front extension.

Held to coincide with the seventh annual meeting of the U.S. Capitol Historical Society on September 23, 1969, the exhibit is open to the public, and is located in the Rayburn House Office Building, adjacent to room 2167. It will be there through September 26, and can be seen between the hours of 9 a.m. and 5 p.m.

In conclusion, as president of the U.S. Capitol Historical Society, I would like to publicly thank Austin Kiplinger, the members of his staff, as well as the Columbia Historical Society and its staff, for making valued prints from their outstanding collections available for our use. I want especially to acknowledge the efforts of Miss Josephine Cobb of the National Archives; Mrs. Charles Turgeon, John Hazard, and Gwen Fitzpatrick of Kiplingers, and Miss Mary Organ of the U.S. Capitol Historical Society. They all put forth a supreme effort that I am sure will be appreciated by those of you who visit the exhibit. A special thanks, too, is extended to an Alexandria firm, Design & Productions, who donated all display facilities for the occasion without charge.

PUNISHING THE INNOCENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ZWACH. Mr. Speaker, gun legislation has generated more individual letters, and more editorials in our Minnesota Sixth Congressional District, than all but two other subjects, the conflict in Vietnam and low farm prices.

As an example of this continuing dialog, with your permission, I would like to insert in the CONGRESSIONAL RECORD at this time, an editorial from the Pierz Journal on this subject.

I believe every Member of Congress can benefit by reading this editorial.

PUNISHING THE INNOCENT

Is the day approaching when we will be governed by the decisions of panels of experts rather than laws? With increasing frequency, boards and commissions made up of supposed "experts" are issuing what amount to edicts involving everything from prescription drugs to gun controls. For example, the National Commission on the Causes and Prevention of Violence has concluded that the best way to control crime is to take handguns away from millions of law-abiding citizens. There is little doubt but that the Commission's report will be used as a basis for legislative proposals that if enacted would alter basically the rights and responsibilities of the citizens in the matter of gun ownership. It seems to mean that where existing authority fails in the task of administering existing laws, police state controls will be imposed to cover up failure.

There are laws dealing with crime and criminals. These laws should be strengthened and enforced. As "The American Rifleman" points out editorially: "While the anti-gun element chased after guns in the empty name of crime control, lawbreakers scrambled after loot and preyed on decent citizens with increasing success and little fear of punishment. From 1961 through 1966 . . . crime increased 61 per cent while the number of criminals in jail decreased almost 10 per cent . . . More and more Americans appear to be accepting the clear logic of punishing criminals, not guns. Yet on virtually every test vote on this policy, in Congress or in State Legislatures, the lawmakers who call loudest for gun control usually have voted against mandatory penalty bills."

The rising crime problem will never be cured by punishing the innocent through oppressive and confiscatory gun control laws.

AIR TRAFFIC CONTROLLERS: THEY LIVE WITH TENSION

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MOSS. Mr. Speaker, Howard Fields of United Press International recently wrote an excellent article on the overworked air traffic controllers in our Nation's airports. His story illustrates the need for more congressional interest in air safety.

I hope that each Member will take the time to read Mr. Fields' story. The article follows:

AIR TRAFFIC CONTROLLERS: THEY LIVE WITH TENSION

(By Howard Fields)

WASHINGTON.—Your airliner is flying into one of the nation's busiest airports. You have complete faith in your pilot or you wouldn't be flying.

But how does your pilot, with all his training and ability, know that a plane won't take off in front of him just as he's going to land? How does he know that another plane isn't going to cross his path as he lands, or even try to land at the same time?

He doesn't know. A few miles from the airport the pilot has turned the responsibility for your life, his life and the lives of your fellow passengers over to an air traffic controller.

Although the pilot retains manual control of the plane, the controller decides which runway the plane will land on, where it stands in the sequence of planes scheduled to land and how he wants the pilot to proceed.

At a major airport, a controller will handle nearly 100 planes taking off or landing during the busiest hour of the day, usually between 5 and 6 p.m. In that hour he may have responsibility for about 5,000 lives.

Ray Belanger, who came up through the ranks from controller to chief of the evaluation staff of the Federal Aviation Administration (FAA), described the responsibility this way:

"There's nothing like it. He's in the position where he's making literally hundreds of decisions per hour, any one of which, if he made a mistake, could kill a couple hundred people."

That, of course, is what the controller wants to forget as he makes the split-second judgments involved in getting as many as a dozen planes safely into the air or on the ground with their precious cargoes of human life.

In fact, F. Lee Bailey, general counsel for the Professional Air Traffic Controllers, has pictured controllers as being so obsessed with the fear of killing someone that they dope themselves with tranquilizers while others suffer from depression, ulcers and tension which makes them prime candidates for heart attacks.

The FAA disputes this. It says that while controllers work under pressure, so do a lot of other professionals.

It also says they are well paid for undergoing this pressure—a top base pay of $20,555 a year, plus about 10 per cent for Sunday work, overtime and holiday double time.

"I SOMETIMES TAKE IT OUT ON MY WIFE"

The average controller, out of a combination of pride and dedication, would not describe the pressures on him in quite the dramatic terms used by Bailey. But he doesn't hesitate to score the FAA for using outdated equipment and for asking controllers to handle more and more air traffic.

As in most complicated situations, the truth obviously lies somewhere between the two extremes. But the airline passenger has a right to know where this point is because it is his safety which is involved.

Money is one problem. Sen. James B. Pearson, R-Kan., said recently that "a graph of federal funding for airways facilities and equipment over the past two decades looks like a jagged mountain range. Each peak in this range is in most cases the result of a tragic and dramatic air accident."

What he meant was that Congressional interest in air safety rises whenever there is a disaster.

Part of the present squeeze also stemmed from miscalculation.

Gen. William F. McKee, FAA administrator from 1965 until this year, explained: "At one time it appeared we had enough controllers and that projections would show us to have enough. But the growth of aviation far exceeded our expectations."

From 1967 to 1968 alone, there was an 11 per cent increase in over-all air traffic. The number of takeoffs and landings in the United States is expected to increase from 35.6 million in 1965 to 184.6 million in 1980. The number of airline passengers is expected to quadruple.

Sophisticated new equipment now is coming into service and more controllers are being hired. But both require at least a two-to-three-year lead time. Meanwhile, the controllers say the FAA is not moving fast enough. To which the FAA replies: "We're doing the best we can with the funds we're given."

The airport traffic controller stands in a tower, usually above the airline terminal, overlooking the runway system. Around him are various radio speakers, each with its own radio frequency and purpose. In front of him is what looks like the wooden letter holders used by scrabble players. They contain information on planes ready to take off and those ready to land, in the order they are lined up.

At 5 p.m. on a weekday at Washington National airport, the control tower conversation goes like this, all in rapid-fire style without a moment's pause between the controller's orders and pilot's response.

"Northwest 367 (on the ground) can you get to the runway?" "Right." "Cessna 115 land two-one." "Okay, understand two-one now." "Northwest 367 taxi into position and hold." "367."

"Yeh, American 488 ready for takeoff." "American 488 roger expect release not before 46." "Okay." "Washington tower, King-air number one-five-ah-zero inbound from Beltway on the river." "King-air one-five-zero Washington tower one-three." "Roger." "Cessna 115, cleared to land." "Roger."

It sounds like gibberish to the untrained ear but the controller understands it and replies: "Boundary American 633." Then comes a gush of garble from a fast-talking pilot. "No copy zero-seven Delta, that's through. American 633 contact departure control." "Getcha." "Eastern Airlines one-niner-seven reporting outer marker." "Eastern 197 Washington tower cleared to land." "Eastern 197 cleared to land."

And so it goes.

The controller uses no commas and no periods. All unnecessary speech is avoided. Somehow the controller sifts out the incoming traffic and the pilots know which orders are for them. During the hour this controller handled 95 takeoffs and landings with 15 minutes relief. That's average for National airport.

During the same hour over New York there probably were more than 35 airliners stacked in a landing pattern for John F. Kennedy International, more than 25 over LaGuardia and another 15 over Newark. There were 80 craft on the ground at those three airports waiting for takeoff and 200 to 300 private planes were moving about in the air space involved.

All the information the controller is relaying is in his head and all his judgments are based on his mental picture of the traffic situation. There's no time to write anything down, no time to argue.

That's what prompted F. Lee Bailey to tell the aviation subcommittee of the Senate Commerce Committee of what he called exhausted controllers "whose every moment is laden with the ominous knowledge that a slip of the tongue, of memory, or of judgment could bring hundreds of citizens to midair collision and death."

Bailey's testimony came June 25, within a week after a concerted action by the organized controllers to report sick rather than work. The result was a massive air traffic jam that caused hours of delays and threatened to close some airports.

Bailey said the sickcall was a plea for help "before we kill through a midair collision." He said 30 to 40 per cent of the staffs at congested traffic centers would have to be furloughed if the controllers honestly reported their mental states.

Air controllers interviewed by UPI generally agreed that Bailey was being overdramatic. However, they also agreed the pressure is there and that they feel the effects.

"Sure, there are pressures," said one controller with eight years experience. "I sometimes leave here and I go home and take it out on my wife. The least little thing she says is gonna drive me up the wall."

But another said, "my work here never affects my home life It's frustrating at times. I had a complaint about the radio equipment before and was told to grit my teeth and hang in. I have not noticed any nervousness."

A third controller, who quit two years ago and came back, said, "I get on my days off and just don't even think about the thing. But there are nights when you come out and feel kinda washed out, like a wet dishrag. And at times, I've had the shakes."

DOING THE BEST WE CAN, SAYS THE FAA

Below the control tower "CAB" with its broad windows is the darkened IFR room (instrument flight rules) where controllers never even glimpse the planes they are guiding, depending entirely on radar and radio. The IFR room handles the plane on the final leg of its flight until the tower takes over for the actual landing.

One midafternoon, and not a particularly busy one, a controller raised up from his position over the scope, leaned back in his chair and took a deep breath of exhaustion.

"I just want to sit back and cry," he said to a fellow controller.

The other controller was philosophical.

"You just have to do the best you can," he said. "That's what it boils down to."

This was at Washington National Airport, considered the showcase of the nation's air traffic system. National has 77 air traffic controllers. O'Hare International Airport at Chicago, often described as the "world's busiest airport," has only 44.

National even has a 45-minute rotation system for controllers. Most airports force their controllers to sit for hours on end performing the same tedious job. Controllers at many of the major airports work six-day weeks because of a shortage of qualified controllers.

Adding to current problems are scheduled departures of airliners on the half-hour or the hour and the desire of too many travelers to travel at the peak hours. In a recent survey at New York's JFK, 39 airliners were scheduled to depart between 8:45 and 9:30 a.m. Thirteen were scheduled to leave at 9 a.m. and 12 at 9:30.

Then, too, planes are getting bigger. Boeing 707s carry about 165 persons. In December, Pan American Airways will begin flying the Boeing 747 with about 365 persons aboard. Later, Eastern airlines will carry 495 persons on its 747 flights between New York and San Juan, P.R.

A MISCALCULATION LED TO CONTROLLER SQUEEZE

In the 1970's will come the supersonic transport (SST), some of which will carry up to 700 persons.

The controllers are taught to think of planes as objects to be maneuvered, not as ships carrying hundreds of persons. The controller will tell you, however, that try as he might, he can never completely ignore the human factor.

Jack Maher, national coordinator for the organized controllers, sums up their complaints against the FAA:

"Last year we said the equipment was obsolete, that the facilities were dangerously or critically understaffed, that the initial training and the proficiency training was completely inadequate, that the controllers were generally unable to control the traffic, that corners have been cut.

"The establishment hasn't admitted to all of those, but they have testified this year that the equipment is obsolete, that there is a critical shortage of personnel. Now the other things they haven't admitted to yet, but I think if we can keep it up they'll admit to that, too."

Some FAA officials have charged that these activities are geared to win union membership in a power play with the professional air traffic controllers (Associmpatco) and the National Association of Government Employes. Patco is now the largest.

Belanger says Patco misrepresents what is being done about the problem. "The point they don't make is that we are doing something about it, too." The FAA is in the process of hiring 2,800 controllers and is asking authorization to hire 2,200 more.

FAA Administrator John H. Shaffer says the agency already has plans in the works that will see a fully automated system in the next decade. The pilot may not even have to land the plane and the controllers will just have to monitor the machines doing their work.

William M. Flener, director of the FAA's air traffic service, said the agency is trying to take the pressure off the controllers. But to do it, he said, "takes money and it takes people and it takes equipment and that's what we're asking for."

LET US SAVE THE EVERGLADES—ONCE AND FOR ALL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MIKVA. Mr. Speaker, one of the measures of public concern over the contamination and destruction of our natural resources is the furor over a proposed jetport to be placed in dangerous proximity to the Florida Everglades. In that case we saw what hopefully will be only the first example of an aroused public's reaction to proposed destruction of an irreplaceable natural resource for commercial reasons.

Recently Secretaries Hickle and Volpe have announced what appears to be a Federal policy against building of the proposed commercial jetport. This announcement, combined with Florida Gov. Claude Kirk's opposition to the jetport, would seem to spell the end of the ill-conceived plan. Last week, however, the Department of the Interior released a report which showed that even a training airport at the site of the formerly proposed jetport would pose a threat to the Everglades.

Now the administration has an opportunity to end—once and for all—the controversy about possible adverse ecological effects of an airport near the Everglades. Part of the urgency with which the American public regards the Everglades issue was evidenced in a letter recently sent to the editor of the Chicago Sun-Times by Mr. Raymond Mostek, president of the Illinois Audobon Society. I insert the letter at this point in the RECORD in hopes that it will spur to action those members of the administration who are concerned with putting finally to rest all doubt about the future of the Everglades.

The letter referred to follows:

SAVE EVERGLADES PARK

(By Raymond Mostek)

The Aug. 8 article by Evans-Novak "Jetport or Park—Nixon must rule" on the threat of a jetport to the famed Everglades National Park near Miami was a particularly timely one. Conservationists all over the country are gravely concerned over the precarious future of this park.

Established only in 1947, and the third largest park in the system, it is incredible that a park so huge—a land and water area of 1,919 square miles—could be threatened by the bungling hand of man. It is the only sub-tropical national park within the continental United States.

For 20 years, the U.S. Department of the Interior has been trying to persuade the U.S. Army Corps of Engineers to guarantee an adequate water supply for the park. The Army engineers have failed to co-operate.

Congress has been unable to fund the $12,000,000 needed to purchase some 74,000 acres of private in-holdings which present a serious problem in park management.

Because of the $28 billions spent annually for the Vietnam war, there has been a federal fiscal cutback, and construction funds to provide for adequate water flow to the Everglades National Park have been eliminated by this curious Congress.

The proposed jet-port for Miami would

seriously endanger the Everglades Park as we know it. This great "sea of grass" would suffer from air pollution and noise pollution. Acres of runways will be covered with oil and gasoline-polluted waters which will eventually drain into the park.

Soon, agricultural pesticides will compound the problem, and the park will be lost as an ecological treasure. Hopefully, the people of the United States and an increasing number of enlightened members of Congress will act in time to prevent this catastrophe. Bureaucratic bungling and corporate violence can be ended in this land, if we can insist upon wiser environmental planning.

We trust that President Nixon will rise above the mediocre record he compiled in conservation while a member of Congress. Perhaps he may rise to greatness on this urgent ecological issue.

BERGSTROM AIDS SCHOOL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. PICKLE. Mr. Speaker, the men of the 75th Tactical Reconnaissance Wing at Bergstrom Air Force Base are to be commended—they have proven again that the Air Force does live up to civic responsibility, and the Air Force does take care of its own.

The elementary school children of Bergstrom attend Del Valle School in Austin. The crush of Air Force dependents has created some problems and Del Valle has received Federal funds as an impacted school area.

But Bergstrom has expressed appreciation in many ways through the years. The most recent example: Brig. Gen. James Cross and Col. Howard Tanner presented over 1,000 books to the Del Valle School—the result of a book drive at Bergstrom. Jack Brock, Del Valle superintendent, accepted the hard-bound books which were collected in a month-long drive. The drive was conducted by the Bergstrom Sub-Teen Club.

Also, a large quantity of books was donated by Kelly Air Force Base in San Antonio.

Mr. Speaker, I offer my congratulations to the men and families stationed at Bergstrom—they are a credit to the Air Force.

I include a newspaper article on the presentation of the books at this point in the RECORD:

THE 75TH WING GIVES BOOKS TO SCHOOL

Brig. Gen. James U. Cross and Col. Howard Tanner, commander and vice commander respectively of the 75th Tactical Reconnaissance Wing, will present over 1,000 books to the Del Valle School Wednesday as the result of a book drive at Bergstrom Air Force Base.

Jack G. Brock, Del Valle superintendent, will accept the books in an assembly at the school auditorium at 11 a.m.

The hardbound books were donated by Bergstrom personnel in a month long drive which culminated in a base-wide canvass conducted by the Bergstrom Sub-Teen Club.

A large quantity of books were donated by Kelly Air Force Base, San Antonio. Still others were garnered by use of containers placed at selected locations across the base.

Del Valle High School principal Calvin Evans, librarians Marie Sneed and Patricia Dykes, members of the faculty and staff, as well as Second Lieutenant Darryl H. McGuire, book drive project officer, will attend.

GOVERNMENT INVASION OF LOCAL PROCUREMENT STOPPED BY SMALL BUSINESS

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. KLUCZYNSKI. Mr. Speaker, I wish to call to the attention of my colleagues, an action that took place last Friday in the Federal District Court for Northern Illinois, Eastern Division. The district I have the honor to represent is in this court's jurisdiction.

Many of you are well aware that the General Services Administration had planned to take over procurement for all States, cities, counties, school districts and other divisions of local government. This plan had been announced by the administrator, Robert Kunzig before the Federation of Rocky Mountain States last May. The beginning was to have been a pilot program in the State of New Mexico. Next it would have been extended to the other Rocky Mountain States, and then to the entire Nation. Under it, the already mammoth procurement operations of the GSA would do the purchasing for every tax supported entity in the Nation. Think of the tremendous power such an agency would wield.

The GSA used as the legal crutch for this move, the Intergovernmental Cooperation Act of 1969. Now this act gives the various agencies of the Federal Government authority to extend "specialized and technical services," and then proceeds to define such services to mean "statistical and other studies and compilations, development projects, technical tests, and evaluations, training activities, survey reports, documents, and other similar service functions."

We Members of Congress who passed that act did not see "procurement" in the bill because it was not there. We did not see "purchasing" because it was not there. Yet the GSA had already launched a pilot program for this far-reaching action before it came to public light.

Many small business groups protested the action. They were able to perceive that no small business would be able to bid on vast national contracts of a scale far beyond their resources. They also knew that the GSA planned to supplant them in providing goods and commodities to States and localities. We heard from these businessmen, and so did the administration that concocted this thrust against the American private enterprise system.

One business group sought the judicial route. The National Association of Wholesalers, which is headquartered here in Washington, joined by five other wholesale associations located in my city of Chicago, brought suit in the Federal district court. Those associations were the Automotive Service Industry Association, the National Electronic Distributors Association, the National Wholesale Furniture Association, the Food Service Equipment Industry, and the National Association of Sporting Goods Wholesalers. The action was in the form of a complaint filed by legal counsel, Harold T. Halfpenny, of the Chicago law firm, Halfpenny, Hahn & Ryan, who asked for a declaratory judgment and injunction against the plan. I am pleased to announce to the House that the administration, through the U.S. assistant district attorney in Chicago, John Simon, stated that the Government will not implement such a program. He advised the court:

> The General Services Administration and the Bureau of the Budget, whom we represent, have informed us that they are not presently implementing a program whereby they would engage in the purchase of goods for state and local governments. The Regulations recently issued by the Bureau of the Budget do not include a provision for such a program. The Government will not implement such a program under existing legislation.

On the filing of this response to the complaint, counsel for the wholesalers, Mr. Halfpenny, moved for the voluntary dismissal of the case. The presiding jurist, Chief Judge William C. Campbell then dismissed the case without prejudice. This ends, I hope, the greatest threat to the small businessman in all my years in Congress.

One of my greatest sources of satisfaction has been the service assigned to me on the Select Committee on Small Business. It is inconceivable to me that an administration that proclaims its interest in private enterprise would, without legislative authority, propose that the Federal Government supplant the thousands of suppliers who serve our States, cities, counties, and school districts. I know the disruptions it would cause in my city of Chicago. I know the contribution these businesses make to the well being of the city and the State of Illinois by providing jobs and paying taxes. I know of no taxes the Federal Government pays to the city of Chicago or the State.

Mr. Speaker, I include in the RECORD an article from Chicago Today, dated August 10, 1969, entitled "Economy's Fine, But At Whose Expense?":

ECONOMY'S FINE BUT AT WHOSE EXPENSE?

When the federal government hatched a plan last year to save some money, it thought everybody would be tickled pink.

But, color the Association Equipment Distributors of Oak Brook angry red.

The A.E.D. and other groups claim the plan will "result in serious losses to income and employment to small and local businesses."

The plan proposes that the federal government handle most wholesale purchases for state government and their political subdivisions, which sounds harmless enough.

States would save up to 35 per cent over what they are now paying for office supplies, equipment, and other items because the federal government, buying for several states at one time, could purchase larger quantities and get better discounts, according to the plan.

But there's a snag.

"Since the federal government usually purchases directly from large manufacturers,

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the plan would mean small manufacturers and local business would lose a major portion of their local government business."

That's the opinion of Stanley D. Means, director of A.E.D. and a few other association spokesmen.

The plan is part of public law 90-577, known as the intergovernmental cooperation act of 1968.

Its designers said it would strengthen state and federal working relationships, especially in federal grant-in-aid programs.

Sections 301 and 302 of title 3 [it has 9 sections] tell the services the federal government can petition for the state or local governments.

The plan is under test so far in only one state, New Mexico, but the A.E.D. and other groups, like the National Association of Wholesalers, fear it will spread.

Their fears are far from groundless.

A spokesman for the federal agency handling the project, the general services administration, claimed the joint purchasing concept would become nationwide shortly after the New Mexico experiment, according to the A.E.D.

Illinois is not even close to a cooperative purchasing agreement with the federal government, according to Thomas Blanco, the state's chief purchasing agent.

"They [the federal government] will have to prove to me how they could save me money," he said, "and most progressive states take a dim view of the plan. In fact, we can get better prices than the federal government in some cases," he said.

Illinois has used centralized buying for more than 20 years, in which all purchases are made thru one office for all state offices, except for universities and elected officials.

In the last session of the legislature, Blanco pointed out, a bill was passed allowing any unit of government to get into a contract with the state.

It means a small town can buy highway salt thru the state, or a group of school districts can team up to buy buses or office equipment in contract with the state's purchasing department.

Gov. David Cargo of New Mexico signed an agreement last June with the general services administration allowing the federal agency to purchase everything from paper clips to complex machinery needed by state and local governments.

New Mexico's state purchasing agent, Paul Becht, said the program would provide the state with all types of merchandise at savings up to 1.5 million dollars a year for his office alone.

Added savings would come if municipalities, counties, boards of education and state universities joined in the program, Becht said.

One question raised by the manufacturers group is "Is it legal?"

The association claims that one section of the federal legislation, covering "specialized or technical services," says nothing about procurement or purchasing.

According to the A.E.D., the services include statistical studies, development projects, technical tests, training surveys and other projects which the federal government can perform for the states.

In March, however, the bureau of the budget expressed other ideas.

The budget bureau believes the federal government can provide procurement, along with communications, personnel, information and data processing, the A.E.D. said.

A spokesman for general services in Washington told Chicago Today that some Washington officials are unsure if the plan has the authority to include purchasing.

The debate goes on.

Meanwhile, a few associations—out to protect their members from the economy-minded federal government—have begun firing out news releases and coaxing congressmen into their camp.

Sen. Frank E. Moss (D., Utah), on the side of the small manufacturers, said:

"For the GSA to assume the purchasing duties of the various states and other governmental bodies, would have a disastrous effect on thousands of small business men throughout the nation," the Senator declared.

THE 20TH DISTRICT CONSTITUENT SURVEY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. FINDLEY. Mr. Speaker, I have recently conducted a survey of public opinion among the residents of Illinois 20th Congressional District on important national and international issues. Over 23,000 citizens took the time to write to me and inform me of their views. These people have directly participated in the processes of their Government, and I am grateful to them for doing so.

This opinion survey is highly significant both because of the large number of people responding to it and for the choices selected by them. Consequently, I would like to share these results with my colleagues in the House and with the public at large. Because, in most cases, responses were a family project, the survey reflects the views of at least 50,000 people.

From the survey, certain important conclusions can be drawn. For instance, there appears to be widespread support for electoral reform and for a limitation on agricultural program payments.

The survey also reveals a basic shift on Vietnam policy during the past year. For the first time more of my constituents seem to prefer to "pull out" rather than "pour it on." There also appears to be widespread pessimism over prospects of peace resulting from the Paris talks.

In addition, while peace in Vietnam is the primary foreign policy concern of most residents of Illinois 20th District, inflation and local crime clearly cause the greatest concern on the domestic front.

These are the results of the 1969 opinion survey:

	Yes	No	No opinion
Should the $600-per-person income tax exemption be increased to $1,000?	21,496	1,766	375
Should social security benefits (now $54 minimum) be increased even if this means an increase in social security taxes?	13,162	8,716	1,291
Should voting be permitted at age 18?	9,302	12,675	699
Should present price-support programs for agricultural commodities be continued?	8,094	10,042	3,782
Do you favor an annual $20,000 limitation on the total Government payments any farmer can get under the various programs?	18,093	3,330	2,321
Should the electoral college be abolished and the President elected solely by the direct vote of the people?	18,778	3,374	901
Do you believe the Paris peace talks will result in a satisfactory settlement of the Vietnam war?	2,639	17,251	2,534
Should the President be prohibited from sending troops into combat (except to repel armed attack or protect U.S. lives and property) unless Congress gives specific approval?	17,503	4,747	997

NOTES

In general, which of these basic approaches to Vietnam do you favor?

9,901: Pour it on; that is, mount attack against North Vietnam by all means short of nuclear weapons.

10,811: Pull out; that is, begin gradual but steady withdrawal of U.S. troops, leave defense of South Vietnam to South Vietnamese army.

1,536: Continue present policies.

PRIORITIES

CHECK THE TWO YOU CONSIDER TO BE MOST IMPORTANT IN EACH AREA

Foreign policy

ABM (antimissile) defense system	6,642
Peace in Vietnam	16,918
Peace in Middle East	5,102
Strengthen NATO	3,114
Discuss arms control agreement with Soviet Union	4,665
Population explosion	2,414
Space exploration	748
Isolation of Cuba	2,020
Improve relations with China	2,550

Domestic policy

Pollution	5,337
Education	4,942
Housing	1,446
Local crime	11,651
Farm prices	4,298
Civil rights	2,018
Urban blight	684
Rural poverty	1,561
Inflation	12,554

PRESIDENT NIXON AND THE DRAFT

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ARENDS. Mr. Speaker, all of us long for the day when the draft law is no longer on the statute books. No law is more repugnant to our American way of life. It was enacted out of necessity: to provide the military manpower required for our country's security. Unfortunately, that necessity continues.

While existing law does not expire until July 1, 1971, we do not have to wait until 1971 to change it. In seeking to meet our military manpower needs, our objective must always be that they be met with a minimum of impact on individual lives.

On May 13 President Nixon sent a special message to Congress dealing with the draft. I introduced the bill to carry out his recommendations. It has been pending with our Armed Services Committee but to date no action has been taken on it.

The President proposed in his message that instead of taking the oldest group—25–26 year olds—first, the youngest group—18–19 year olds—be taken first. As matters now stand, the older a young man becomes, up to the age of

26, the more vulnerable he becomes to induction. If the youngest are taken first, as the President proposed, it would mean that a young man would know, early in his career, whether or not he is likely to be called upon for military service. He can thus better plan his life.

Under existing law the President has the authority to make this change in priorities. He does not, however, have the authority to institute the so-called lottery. And without some amendatory legislation there are admittedly certain administrative difficulties in making the transition from the oldest first to the youngest first.

In a matter of such consequence as the draft a statutory enactment is always to be preferred to substantial changes by Executive order. Our committee hopes to be able to take some action, in accordance with the President's recommendation, before the conclusion of this session. But time is becoming of the essence and in the legislative process there is not alone our House committee to consider.

The American people have been demanding a change in the age group priorities which, as they now stand, work a great hardship on our youth. I am pleased that President Nixon has announced that if the Congress should fail to act on this before the conclusion of this session he would proceed to issue the Executive order making the change, notwithstanding the administrative difficulties it will present. As to the lottery, so called, there is nothing the President can do in view of the statutory prohibition against it.

I commend our President for recognizing this inequity in our existing draft law and his willingness to exercise the authority that is his to make the change in priorities.

STUART-TREMONT CORNER HONORS HERO POLICEMAN

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. **BURKE** of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress the tribute offered in the placing of a plaque at the corner of Stuart and Tremont Streets, in Boston, honoring the hero policeman, Patrolman Francis B. Johnson, who gave his full measure of devotion in service of his fellow man.

Too often we are prone to look lightly on the great sacrifices that our police officers make. I knew Patrolman Francis B. Johnson and considered him a close personal friend. His life, his dedication to duty, and his great devotion to his wife and family of six youngsters shall serve as an everlasting tribute to his memory.

I include news items that appeared in the Boston Herald Traveler and the Boston Globe on Monday, September 22, 1969, referring to the dedication of the Francis B. Johnson Square at this point in the Record:

Stuart-Tremont Corner Honors Hero Policeman

(By Mary Tierney)

The normally busy Stuart and Tremont street intersection was quiet yesterday afternoon as Boston Police officers paid tribute to a fallen brother. Patrolman Francis B. "Bucky" Johnson.

Veteran uniformed traffic officers who are seen daily in their traffic posts gave up their day off to be present for the dedication of the busy corner as Francis B. Johnson Square.

It was near this corner that the popular "Bucky" was shot last March 17, while attempting to apprehend a gunman in the Tam Cafe on Tremont street.

The veteran of 23 years police service and father of six, died of his wounds, but yesterday his brother officers proved, six months later, that he is still not forgotten.

Boston Police Badge No. 2794, the badge that "Bucky" wore the 23 years on the force was attached to a bronze plaque at the corner by the Boston Patrolmen's Association.

It was the first time that a policeman's badge had been incorporated into a plaque, but the men felt that it was appropriate inasmuch as "Bucky" had been so much a part of the corner for the past 10 years.

It was also appropriate yesterday that the businessmen, merchants and bankers in that area joined "Bucky's" many police friends in one more tribute to a man who had been one of the most popular men on the force.

Traffic was cut off for about an hour so that the official ceremony could get underway. Top police officials stood in uniforms in front of the dedication stand as the Johnson family listened to the speeches.

The ceremony was short, the speeches shorter, but the message came over loud and clear, that the plaque would be a permanent tribute to "Bucky Johnson" . . . "a good father and husband in addition to being a good policeman . . . one swell guy."

The Johnson family remembered, with tears in their eyes as City Council President Gerald O'Leary spoke of their great loss in these days when there is "less and less respect shown police officers."

Equally poignant was the introduction of 11-year-old John Carras of Hyde Park by City Councilman Joseph Timilty. The youth, who had saved $13 in pennies for 11 months for his vacation, was the first contributor to the Francis B. Johnson Memorial Fund.

The ceremony was complete with rifle salute, the national anthem by the Boston Police Band and the Doyle VFW Post standing at attention as honor guard.

Friends and Family Pay Tribute

Six months ago Frank Johnson was slain by a robber's bullet in a downtown cafe. Less than 100 yards from the scene of the tragedy, hundreds of fellow Boston police officers, friends and family paid tribute yesterday to the traffic officer when the corner of Stuart and Tremont streets was dedicated to his memory. Henceforth to be known as Francis J. Johnson Sq., Johnson's old traffic beat will be memorialized by a plaque affixed to the wall of a building housing a ticket agency on that corner. Johnson, the policeman and the family man, was honored by a succession of speakers and several hundred spectators.

NARCOTIC EDUCATION PROGRAM AT A HIGH SCHOOL LEVEL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. **ANDERSON** of California. Mr. Speaker, we hear much today about narcotics and drug abuse by young people. While a great deal of rhetoric has been exchanged, less constructive action designed to ease the problem is often the case. The Centinela Valley Union High School District in cooperation with the city of Hawthorne, Calif., however, has taken the initiative and launched the first complete, comprehensive, narcotic education program in the Nation at the high school level.

School officials are excited about the program and its future. That excitement has spread to the youngsters, who have responded well to program leader, Mr. Rick Berman, a former member of the Los Angeles County Sheriff's Department. School officials also hope to include elementary district students in the program next year in an effort to reach all age groups.

Because this program is the first of its kind, and oecause of its constructive attempts to deal with the narcotic and drug problem, I am enclosing a copy for my colleagues' information:

Narcotic Education Program at a High School Level

A. OBJECTIVES OF PROPOSED ACTIVITY

The Board of Education and the Superintendent of the Centinela Valley Union High School District, recognizing the need to develop an educational apparatus to meet and confront the ever-increasing abuse of drugs by the students of this district, authorized and established the office of Narcotic Education Resources Center. Mr. Rick Berman has been employed in the position of director of this project. He is responsible for the development, coordination and implementation of this program.

Mr. Rick Berman was a member of the Los Angeles County Sheriff's Department for the past 16 years and a member of the Narcotic Bureau for the past 12 years. During his tenure with the Narcotic Bureau he functioned in every capacity related to narcotics investigation and detection, including the undercover purchases of narcotics.

Mr. Berman was assigned as the training and education sergeant for the Narcotic Bureau. He is a recognized and qualified expert in his field in the Federal, Superior and Municipal Courts of Los Angeles and San Diego Counties. He has been a guest lecturer and instructor on the topic of narcotics at universities, secondary and elementary educational institutions throughout Southern California. He has also trained personnel from foreign nations, from Federal Services, the U.S. Military and Probation and Parole Officers in narcotics investigation and detection techniques. Mr. Berman has written training material for the legal, medical and social science professions also. During the past three years, he was the Sheriff's Liaison Officer between psychiatric and educational groups who are attempting to evaluate the complexities of today's narcotic problem.

Mr. Berman is the Special Consultant on Narcotics and Dangerous Drugs for Superintendent Warren Dorn of the Los Angeles County Board of Supervisors and the Cerritos College Departments of Community Services and Police Science. He has completed his course work in Police Sciences and Police Administration at El Camino College and East Los Angeles City College.

For the past two years Mr. Berman was a staff member of the college accredited Los Angeles Sheriff's Training Academy. In this capacity, as Specialist/instructor in the field of Narcotics and Drug Abuse, he has conducted college level seminars and classroom instruction for police and sheriff's personnel. He is recognized as an authority in the field of preventative education as it relates to narcotic abuse.

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In June of 1969, Mr. Berman resigned his position with the Sheriff's Department to accept employment with the Centinela Valley Union High School District as the director of the Office of Narcotic Education Resources. In this capacity, Mr. Berman is responsible for the development, coordination and administration of new concepts in preventive and remedial drug abuse education.

A strong and consistent district policy as it relates to student drug abuse must be developed. At the beginning of each school year the district drug abuse policy should be read to the student body, questions answered and a printed copy of the district policy furnished to each student. (Perhaps this can be done through student and parent handbooks.) Each school principal will then assign qualified personnel the responsibility for the investigation and handling, to the conclusion, any incidents of drug abuse occuring on their respective campuses.

In establishing a district policy many factors must be taken into consideration. One of the most important considerations is when to summon law enforcement. A good general guideline is as follows: When a student is obviously under the influence of any drug or narcotic to the extent that the student is unable to care for himself or is a disruptive source or dangerous to others; when a student is in possession of any contraband narcotic or drug; when a student has furnished or sold any contraband narcotic or drug on or about the school area. By following the above guideline a student, with the assistance of law enforcement, can receive emergency medical treatment, if necessary, without waiting for parental consent. The liability for the student is no longer borne by the school district. This action will also display to the entire student body that drug abuse will not be tolerated.

In the majority of cases students taken into custody for drug abuse offenses, regardless of the location of the arrest, will be counseled and released to their parents. Rarely will the student be detained in juvenile hall or subsequently placed in a probation camp. The student once again becomes a problem to be dealt with by the school district. In compliance with the present district policy the student will automatically be suspended pending investigation. Since it is the intent of this program to keep the student in school the following procedure has been established: Prior to the student being re-admitted to a district school, the student and his parents must meet with the director of the center. At this interview the extent of the student's drug abuse problem, as well as the student's and parent's attitude, will be determined. The director will then contact the school that the student was attending when arrested and will confer with members of the administration and faculty, and at the conclusion of the investigation, a recommendation will be made to the superintendent. The alternatives to be considered are (1) the student may be returned to his present school, (2) assigned to another school in the district, (3) enrolled in the district continuation school, and (4) the student may be suspended or expelled from school.

If the student is returned to a district school, the student must take part in group sessions at the office of Narcotic Education Resources (exceptions to this rule will be made if the student is receiving professional care elsewhere).

It is proposed that through the efforts of the Narcotic Education Resources Center a balanced and comprehensive program related to drug abuse education will be developed. The proposed program will utilize the following key points as objectives:

1. Development and implementation of concepts of classroom instuction for students.

It is desired that the present method of classroom instruction of drug abuse education will be continued in the State Requirements classes throughout the district. This method will expose and accommodate the largest percentage of students in a single grade level to drug abuse education.

The responsibility for the development of new curriculum and concepts of drug abuse education and the instruction of same will rest with Mr. Berman. The State Requirements instructor will assist as a form of in-service training. At the conclusion of the school year it is anticipated that the regular State Requirements instructor shall have gained the necesary knowledge to instruct classes in the subject matter.

2. Development of a referral and counseling service for school age students in the commuity.

This program will provide a drug abuse "referral center". The City of Hawthorne will participate in this project, as a joint venture, by furnishing office space for the "center". It will be located in the Naval Armory across from the Hawthorne City Hall.

This "referral center" would be available to all high school students in the Centinela Valley Union High School District.

Referrals would come from:

a. Schools—as a result of the student being arrested by law enforcement.

b. Schools—as a result of drug abuse activities at school or school sponsored activities.

c. Parental requests.

d. Self referrals.

e. Special counselor requests.

A student referred to the "center" would meet with parents and center director to establish a re-education program for the student.

3. Development of strong and consistent district policies regarding drug abuse.

Further, any student or person eligible to be a student in the Centinela Valley Union High School District can voluntarily take part in group sessions without jeopardizing his high school status.

4. Development of in-service programs to involve classroom and administrative personnel

A ten to twelve week comprehensive workshop, accredited for salary for the faculty and administrators of this district, will be presented through the auspices of the Adult Education Department. Interested personnel from other institutions will be invited to attend on a non-accredited basis. The course will be concerned with all phases of drug abuse. This program will utilize guest speakers from the medical, psychological, educational and law professions.

It is proposed that through the efforts of Mr. Rick Berman, Project Field Director, a comprehensive program of drug abuse education will be developed for this school district. This will include development of original curriculum materials to be integrated into the existing educational program at all grade levels and study and recommendation for adoption of other material as appropriate. It is anticipated that the program will include not only traditional classroom methods appropriate to the subject matter but that provision will be made for counseling and referral service throughout the district. It is intended that the educational program will present basic factual information concerning drug abuse and will also be of a nature to develop attitudes and affect behavior patterns of the students of this district. This proposal will further contain a training program in subject matter for administrators and faculty.

5. Development of an adult education program for members of the community.

A six week workshop is to be developed for presentation through the Adult Education program. This information seminar will be run for community involvement of interested parents and will involve the director, teachers of State Requirements classes and professional personnel as needed to augment the sessions.

6. Development of information exchange and policies related to drug abuse to involve school, community, city, county, state and federal governments and other local enforcement agencies.

It is recognized that an integrated program of this type must have the full support of other district activities and community organizations. The curriculum materials will be designed so as to mesh with the existing health education materials presented through the intermediate grades. It is anticipated that the specialized material will be presented in the State Requirements classes at the high school level. The high school segment could be taught by the person selected for this special position.

It is proposed that through the efforts of this new staff member a comprehensive program of drug abuse education will be developed for this school district. This will include development of original curriculum materials to be integrated into the existing educational program at all grade levels and study and recommendation for adoption of other material as appropriate. It is anticipated that the program will include not only traditional classroom methods appropriate to the subject matter, but that provision will be made for counseling and referral service throughout the district. It is intended that the educational program will also be of a nature to develop attitudes and affect behavior patterns of the students of this district. This proposal will further contain a training program in subject matter for faculty and administrators.

These activities would be coordinated with all on-going efforts and would serve to strengthen the approach and present a united attack against the narcotic and drug abuse problem of the juvenile offender.

B. ACTIVITIES AND PROCEDURES FOR IMPLEMENTATION

1. Implement and continue pattern of drug abuse education through high school level States Requirements Courses.

2. New curriculum presenting changing concepts of drug abuse education and instruction. This presented to classroom personnel and adults through in-servce and adult education.

3. Use of specialist in narcotic and drug abuse as resource and development personnel.

4. Training and preparation of counseling personnel to handle referrals from classroom teachers. Act as contact for those returning from detention for drug and narcotic abuse violations.

5. Training of additional specialist resource personnel to spread coverage to all schools in community.

6. Complete establishment of on-going policy for local districts so that consistency in the handling of drug and narcotics abuse does not fluctuate.

7. Group counseling sessions under the direction of district specialist in narcotics and drug abuse. This involving all student referrals from schools and local enforcement agencies.

8. Employment of specialized help as needed in the form of social, psychological and psychiatric help.

9. Prepare and disseminate brochures, articles, and audio-visual materials designed to enhance needs for education in area of drug and narcotics abuse.

CENTENNIAL ANNIVERSARY OF ADMISSION OF THE FIRST BLACK LAWYER TO THE ILLINOIS BAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MIKVA. Mr. Speaker, April 20, 1969, marked an historic occasion in the State of Illinois. That day was the 100th anniversary of the admission to the Illinois bar of the first black lawyer. That black attorney, Lloyd G. Wheeler, was the first of a long line of distinguished black lawyers and members of the Illinois bar who have succeeded him down through the years.

On the occasion of the centennial of that first admission of a black lawyer to the Illinois bar, the Cook County Bar Association held a commemorative gathering at the Church of the Good Shepherd, 5700 Prairie Avenue, in Chicago, Ill. The meeting was attended by distinguished members of the Illinois bench and bar and was addressed by leading judges and government officials of Illinois and Cook County. It is my great pleasure to insert at this point in the Record the program of that centennial anniversary gathering:

[From the Chicago Legal News, Oct. 31, 1896]

Centennial Anniversary of the Admission of the First Black Lawyer to the Illinois Bar, April 20, 1869

BLACK LAWYERS IN ILLINOIS: BLACK LAWYERS AT THE CHICAGO BAR, OCTOBER 31, 1896

1. Lloyd G. Wheeler.
2. Richard A. Dawson.
3. Ferdinand L. Barnett.
4. Louis Washington.
5. Edward H. Morris.
6. J. W. E. Thomas.
7. Maurice Baumann.
8. John G. Jones.
9. R. O. Lee.
10. George W. W. Lytle.
11. S. Laing Williams.
12. Franklin A. Denison.
13. Charles P. Walker.
14. Edward G. Alexander.
15. Lewis W. Cummings.
16. W. W. Johnson.
17. S. A. T. Watkins.
18. William W. Ward.
19. M. A. Mardis.
20. Albert G. Hubbard.
21. James H. Lewis.
22. J. Gray Lucas.
23. Hale Giddings Parker.
24. James E. White.
25. W. B. Akers.
26. Charles W. Scrutchin.
27. R. M. Mitchell.
28. William G. Anderson.
29. Thomas L. Johnson.
30. Miss Ida Platt.
31. John L. Turner.
32. Beauregard F. Moseley.
33. E. H. Wright.

IN THE U.S. CONGRESS

John Willis Menard first black man elected to Congress was born in Kaskaskia, Illinois first Capital of Illinois, in 1838 and educated in Sparta, Illinois and an Ohio college. He moved to Louisiana to work for the Republican Party and was elected to the 40th Congress in 1868 from Louisiana but the election was contested, and Menard was given permission to address the House. James A. Garfield offered a motion that it was too early to admit a Negro in Congress. The seat was declared vacant, and Menard received part of the salary normally paid to a congressman.

U.S. Senator Hiram Rhodes Revels was the first black man to serve in the U.S. Senate completing the unexpired term of Jefferson Davis. He completed his education at Knox College in Galesburg, Illinois and after his ordination as an African Methodist Episcopal preacher he taught, lectured and preached in Illinois. He became Presiding Elder in Mississippi and was elected to the U.S. Senate (1870–1871).

John R. Lynch black lawyer from Mississippi born in 1847 was elected to Congress in 1872 as its youngest member and served in the 43rd, 44th and 47th Congresses. In 1912 he opened law offices in Chicago, Illinois and became a power in the Republican organization here writing three books on Reconstruction. He died in Chicago in November 1939 at the age of 93. After the election of Oscar DePriest in 1928 to Congress as a Republican, for four terms, two black lawyers represented the First Congressional District.

Arthur W. Mitchell first black Democratic lawyer was elected to Congress in 1934 and served 4 terms. He died in 1968.

William L. Dawson second black Illinois lawyer Congressman was elected in 1942 and in 1949 was elected the first black Chairman of a major House Committee—House Committee on Government Operations.

IN THE JUDICIARY

U.S. District Court Judges: 1961, James B. Parsons.

U.S. Customs Court: 1945, Irwin C. Mollison;[1] 1957, Scovel Richardson, practiced law, Chicago, 1938–40; before becoming Dean, Law School, Lincoln, Univ., St. Louis, Mo.

U.S. District Court, Virgin Islands: 1939, Herman E. Moore (Retired).

Referee in Bankruptcy, U.S. District Court, Illinois: 1969, Edward B. Toles.

Circuit Court Judges: 1950, Wendell E. Greene,[1] James B. Parsons (Resigned), 1960, Fred W. Slater;[1] 1966, Archibald J. Carey, Richard A. Harewood, James D. Crosson, William S. White.

Presiding Judge, Juvenile Court Division: George N. Leighton, Glenn T. Johnson.

Associate Circuit Court Judges: 1924, Albert B. George,[1] 1941; Patrick B. Prescott;[1] 1942, Wendell E. Greene[1] (Resigned); 1945, Fred W. Slater[1] (Resigned); 1946, Henry C. Ferguson (Retired); 1960, Sidney A. Jones, Jr.; 1963, Edith S. Sampson; 1963, Mark E. Jones; 1966, Klenn T. Johnson (Resigned); 1968, Kenneth Wilson.

Magistrates of the Circuit Court: 1964, Richard Gumbel; 1964, Ernest Greene (Resigned); 1964, Alvin Turner; 1964, Maurice Pompey; 1964, George Blakey; 1964, Earl J. Neal; 1965, Edwin C. Hatfield; 1965, E. C. Johnson; 1966, James M. Walton; 1966, Myrtle Stryker; 1966, Willie Whiting; 1967, Russell R. DeBow; 1968, George W. Lawrence (Resigned); 1968, Charles Durham.

East St. Louis, Illinois: 1964, Billy Jones; 1964, Virgil Calvert (Resigned); 1968, Ora Polk.

Former Masters in Chancery: James A. McLendon, Euclid L. Taylor, Alderman Claude W. B. Holman, George N. Leighton (Resigned), Kenneth L. Wilson (Resigned).

In the Illinois General Assembly 1876–1969: 1876, John W. E. Thomas;[1] 1890, Edward H. Morris;[1] 1898, William L. Martin;[1] 1900, John G. Jones;[1] 1918, Adelbert H. Roberts;[1] 1918, Warren B. Douglas;[1] 1926, William E. King;[1] 1928, George W. Blackwell;[1] 1928, Harris B. Gaines;[1] 1930, Charles J. Jenkins;[1] 1936, Richard A. Harewood & 1956; 1936, Earnest A. Greene; 1954, James Y. Carter; 1954, Kenneth Wilson; 1956, Charles F. Armstrong;[1] 1956, Cecil A. Partee; 1962, Lycurgus Conner;[1] 1964, Harold Washington; 1966, Raymond W. Ewell; 1966, James A. McLendon; 1966, Genoa S. Washington.

Senate: 1924, Adelbert H. Roberts[1]; 1942, C. C. Wimbish[1]; 1966, Cecil A. Partee; 1966, Richard Newhouse.

In the Chicago City Council: 1917, Louis B. Anderson; 1933, William L. Dawson; 1942, Earl B. Dickerson; 1956, Sidney A. Jones, Jr.; 1955, Archibald J. Carey; 1947, Claude W. B. Holman; 1966, William C. Cousins; 1966, Wilson Frost.

In the City Council of Evanston, Illinois: 1963–1968, Mayme F. Spencer.

In the Civil Service Commission: Wendell E. Green[1], James B. Cashin[1], Earl E. Strayhorn, Quentin J. Goodwin.

In the County Board of Commissioners: 1896, Edward H. Wright[1], Kenneth E. Wilson.

In the Chicago School Board of Education: Irwin C. Mollison[1], James B. Cashin[1], Sydney P. Brown.

In the Chicago Library Board: Joseph D. Bibb[1], Irwin C. Mollison.

Trustee Univ. of Illinois: 1958, Richard A. Harewood, First Black Lawyer elected in State-wide election.

In the Governor's Cabinet: Joseph D. Bibb[1], Dir. of Pub. Safety; W. Sylvester White, Dir. of Registration.

Chicago Ward Committeeman: Edward H. Wright[1] (R), Earnest Greene (R), William E. King[1] (R), Claude W. B. Holman (D), John Stroger (D).

In Illinois Industrial Commission: William E. King, Claude H. Whittaker.

In the Illinois Commerce Commission: Edward H. Wright, Cyrus J. Colter.

In the Mayor's Cabinet: James Y. Carter, Comm. of Motor Veh. Lic.; Albert Porter, Jr., Deputy Commissioner of Investigations; Theophilus Mann, Chicago Housing Dept., Chicago Police Comm.; Russell R. DeBow, Former Administrative Asst. to the Mayor.

IN GOVERNMENT

1917: Edward H. Morris, member Chicago Riot Commission, 1920 Constitutional Convention.

1944: Earl B. Dickerson, Fair Employment Practices Commission.

1949: William L. Dawson, Chairman House Government Operations Committee.

1952: Edith S. Sampson, United Nations Delegate.

1954: J. Ernest Wilkins, Assistant Secretary of Labor.

1956: Archibald J. Carey, President Eisenhower's committee on Government contracts.

1956: Genoa S. Washington, United Nations Delegate; W. Robert Ming, Chicago Human Relations Committee, member Board of Managers Chicago Bar Association.

1960: Jewel LaFontant, Civil Rights Advisory Commission, seconded Nomination of Richard M. Nixon; Elmer Henderson, Republican National Convention Chicago, Counsel, House Government Operations Committee.

1964: Patricia Roberts Harris, Ambassador to Luxembourg; Howard T. Savage, Character and Fitness Committee, Admission to Illinois Bar; John W. Rogers, Torrens Title Examiner.

IN BUSINESS

1934: Edward H. Morris, Receiver Binga State Bank, Lawyer for Metropolitan Funeral System; Anthony Overton, Judge, Topeka, Kansas, Overton Hygenic Manufacturing Company, Victory Life Insurance Company, Douglas National Bank, Chicago Bee Newspaper; Sydney P. Brown; Euclid L. Taylor, Illinois Federal Savings And Loan Association; Archibald J. Carey; James G. Lemon, Jr., People's Co-op Credit Union; Earl B. Dickerson, Supreme Life Insurance Company, Director, South Side Bank & Trust Company; Thomas P. Harris, Chicago Metropolitan Mutual Assurance Company, Director, Drexel National Bank; Bindley C. Cyrus, Victory Mutual Life Insurance Co.; Lawrence Carroll, Chicago Title Trust, Title Office; Chauncey Eskridge, Director, Amalgamated Trust & Savings Bank.

Footnote at end of article.

AS WRITERS

Ferdinand Barnett, Editor, *The Conservator*.

Robert S. Abbott, Editor, *Chicago Defender*.

Joseph Bibb, Editor, *Chicago Whip*.

William E. Lilly, *A Negro's Life of Abraham Lincoln,* Set My People Free.

Charles W. Quick, Legal Aspects of Civil Rights Movement, University of Chicago.

W. Robert Ming, Law Review.

William Henry Huff, Poet.

AS LAW SCHOOL TEACHERS

W. Robert Ming, University of Chicago Law School.

Charles W. Quick, University of Illinois Law School.

John Wilkins, University of California Law School.

John P. Morris, University of Arizona Law School.

George N. Leighton, John Marshall Law School.

Patricia Roberts Harris, Howard University Law School.

In Law, Landmark Decisions 1874: Illinois General Assembly passes Law forbidding segregation in public schools.

1876: John W. E. Thomas, first black man elected to General Assembly; introduces and General Assembly passes a Civil Rights law forbidding discrimination in public accommodations.

1889: Bayliss v Curry 30 Ill. App. 105; aff'd 128 Ill. 287 (1889) upheld constitutionality of Civil Rights law. Edward H. Morris, black lawyer.

1906: Ferdinand Barnett in first Municipal Court election recount vote loses by 304 votes out of 200,000 cast. 1920—James Scott black lawyer loses Municipal Court election by narrow margin; 1923, Edward H. Morris counted out for Superior Court election. 1924—Albert B. George elected to Municipal Court as first black judge elected in the North.

1938: Otho Robinson, Charles Collins, Richard Haskins *et al.* v. Hanley Lewis Co. University of Illinois students sue for denial of service in cafe near state university. Jury verdict against the students. George B. Nesbitt and Edward B. Toles black lawyers.

1939: Earl B. Dickerson v Abraham Lincoln Hotel Springfield, Illinois, suit for denial of hotel accommodations. Earl Dickerson black lawyer.

1940: Hansberry v Lee, 372 Ill. 369, 311 U.S. 32 (1940) Restrictive Covenants; Earl B. Dickerson, Truman K. Gibson Jr., C. Francis Stradford, Loring B. Moore, Irvin C. Mollison, black lawyers.

1941: Arthur Mitchell v U.S. 313 U.S. 80 (1941) Denial of Pullman Car accommodations. Richard E. Westbrooks, black lawyer.

1942: Patrick B. Prescott v Scheffler 381 Ill. 173, (1942) Supreme Court orders Prescott seated as Municipal Court Judge of Chicago. Werner Schroeder and black lawyer Patrick B. Prescott.

1944: Joseph Snowden v Hughes, 321 U.S. 1, (1944) Suit for damages under 42 U.S.C., sections 1983; 1985 deprivation of rights under color of statute in primary voting case. W. Robert Ming, black lawyer.

1950: Elmer Henderson v U.S. 339 U.S. 816 (1950) Denial of Dining Car accommodations. Sidney A. Jones Jr., Earl B. Dickerson on brief; *Amicus Curiae,* Arthur Goldberg (Ex U.S. Supreme Court Justice) for C.I.O., Richard E. Westbrooks, Lucia T. Thomas, Georgia Jones Ellis, William A. Booker, Joseph E. Clayton Jr. for National Bar Association, black lawyers.

1953: Western Springs Park District v Arthur G. Falls and Lillian P. Falls Circuit Court of Cook County Condemnation suit, Suburb residence restriction. Edward B. Toles and Sidney A. Jones Jr., black lawyers.

1954: Brown v Board of Education, 347 U.S. 583 (1954) Overruled Plessy v. Ferguson, 163 U.S. 537 (1896) Separate but Equal Doctrine in education. Thurgood Marshall, Robert Carter and others including W. Robert Ming, black lawyers.

1961: Monroe v Pape, 365 U.S. Suit for damages; Illegal Search and arrest. Morris L. Ernst, Ernst Liebman and black lawyer John W. Rogers.

1961: Robert G. Morris, Jr., M.D. Arthur G. Falls, M.D. *et al* v Chicago Hospital Council *et al* Suit in Federal Court against 100 hospitals, Medical societies to require under Sherman Act admittance of black doctors and patients for hospital services. Walker Smith and John P. Morris, and George N. Leighton, black lawyers.

1963: Townsend v Sain, 372 U.S. 293. U.S. Supreme Court leading case in Trilogy of cases setting up rules for application of state prisoners for *habeas corpus* hearings by Federal Courts; Hyoscine Truth Serum case. George N. Leighton, black lawyer.

1966: Anna Langford, black woman lawyer, loses run-off bid for Aldermanic election by 37 votes.

1968: James D. Montgomery appointed Parole Board Member. First black lawyer since Albert B. George succeeded Comm. William Henry Harrison who resigned.

Pending actions in Federal, Circuit Court of Appeals and U.S. Supreme Court by black lawyers include cases involving mob action, disorderly conduct ordinances, Contract Buyers League and Civil Rights cases. Robert Tucker (Deputy Administrator, Housing and Urban Development) and Ellis E. Reid.

PROGRAM

Presiding, Edward B. Toles, Referee in Bankruptcy, United States District Court.

Invocation, Hon. Archibald J. Carey, Judge, Law Division, Circuit Court of Cook County.

Musical selection, Good Shepherd Choir.

Greetings, Hon. Richard J. Daley, Mayor of City of Chicago.

Bar Associations: Remarks, Hon. William E. Peterson, President-Elect, National Bar Association.

Remarks, Hon. John J. Sullivan, President, Chicago Bar Association.

Judiciary, United States District Court: Remarks, Hon. Archibald T. LeCesne, Assistant U.S. Attorney.

Remarks, Hon. James B. Parsons, Judge, U.S. District Court Northern District, Illinois.

Circuit Court of Cook County: Remarks, Hon. John S. Boyle, Chief Judge, Circuit Court Cook County.

Remarks, Hon. W. Sylvester White, Presiding Judge, Juvenile Court Division, Circuit Court of Cook County.

Remarks, Hon. Glenn T. Johnson, Judge, Divorce Division, Circuit Court Cook County.

Remarks, Hon. Richard A. Harewood, Judge, Law Division, Circuit Court Cook County.

Musical selection, Good Shepherd Choir.

Remarks, Hon. James D. Crosson, Judge, Criminal Division, Circuit Court of Cook County.

Remarks, Hon. George N. Leighton, Judge, Chancery Division, Circuit Court Cook County.

Remarks, Hon. Edith S. Sampson, Associate Judge, Circuit Court Cook County.

Remarks, Hon. Russell R. DeBow, Magistrate, Circuit Court Cook County.

Remarks, Hon. Daniel P. Ward, Associate Justice, Supreme Court of Illinois, First District.

City Council: Remarks, Hon. Claude W. B. Holman, Alderman, 4th Ward.

General Assembly: Remarks, Hon. Cecil A. Partee, Member Senate, Illinois General Assembly.

Introduction of sons and grandsons of first black lawyers, Lloyd G. Wheeler, George Denison, Benjamin Duster, and Carey B. Lewis.

Presentation of judges: Remarks and benediction, Kenneth B. Smith, Minister, Church of The Good Shepherd, Congregational.

THE PAST PRESIDENTS OF THE COOK COUNTY BAR ASSOCIATION, INC.

1914–18: Edward H. Wright[1], *County Board.*

1919: Henry M. Porter[1].

1920: James A. Terry[1].

1921–22: Richard E. Westbrooks[1].

1923: Willis B. Mollison[1].

1924–25: Champion T. Waring[1].

1926–27: C. Francis Stradford[1].

1928–29: A. Morris Burroughs.

1930–31: Herman E. Moore, *U.S. District Judge, Virgin Islands, (retired)*.

1932–33: Alva L. Bates[1], *Assistant to Probate Court Judge.*

1934–35: James B. Cashin[1], *Civil Service Commissioner.*

1936: William H. Temple[1].

1937–38: Earl B. Dickerson, *Former Alderman, U.S.F.E.P.C.*

1939–40: William K. Hooks[1].

1941–42: J. Ernest Wilkins, Sr.[1], *Asst. Secretary of Labor.*

1943–44: Henry C. Ferguson, *Judge, Municipal Court of Chicago, (retired)*.

1945–46: Zedrick T. Braden[1].

1947–48: Nelson M. Willis[1].

1949–50: Sidney A. Jones, Jr., *Associate Judge, Circuit Court of Cook Cty.*

1951–52: Thomas M. Clarke.

1953–54: James G. Lemon, Jr.

1955–56: James T. Horton.

1957–58: James McLendon, *Member, General Assembly.*

1959–60: Charles F. Lane.

1961–62: Edward B. Toles, *Referee in Bankruptcy, U.S. Dist. Court, Illinois.*

1963–64: Theodore Crawley.

1965–66: Glenn T. Johnson, *Judge, Circuit Court, Cook County.*

1967–68: William E. Peterson.

1969: James L. Harris.

Officers

James L. Harris, President; Clarence Bryant, 1st Vice President; Ernestine B. Washington, 2nd Vice President; Ellis E. Reid, 3rd Vice President; William E. Peterson, Treasurer; James E. Caldwell, General Secretary; Levi H. Morris, Financial Secretary; and John W. Biggs, Assistant Secretary.

Board of directors

Lawrence W. Carroll, Theodore F. Crawley, Mayron R. Crenshaw, Maurice E. Dixon, Hon. Charles J. Durham, Hon. Glenn T. Johnson, Lawrence E. Kennon, Anna B. Langford, James G. Lemon, Jr., Mayme F. Spencer, Earl Taylor, Hon. Edward B. Toles, and Robert L. Tucker.

Centennial committee

Edward B. Toles, Chairman of the Centennial Committee; Judge James D. Crosson, Judge Glenn Johnson, Judge Kenneth Wilson, Judge Russell R. DeBow, Judge James M. Walton, Hon. Claude W. B. Holman, Archibald T. LeCense, and Lucia T. Thomas.

Cook County Bar Association

Organized by Edward H. Wright, 1914, incorported March 5, 1920:

Chester W. DeArmond, Edward H. Wright, Henry M. Porter, Benjamin G. Pollard, Alva L. Bates, and James A. Terry.

Willis E. Mollison, Richard E. Westbrooks, Oliver A. Clark, and J. Gray Lucas.

National Bar Association

Organized Des Moines, Iowa, 1925, Illinois Black Lawyers:

Wendell E. Green, C. F. Stradford, Jesse N. Baker, William H. Haynes, and George C. Adams.

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[1] Deceased.

MONTANA BOYS STATE PIONEER PARTY PLATFORM

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. OLSEN. Mr. Speaker, Montana's Boys State Convention concluded this year after a very vocal discussion of the national and international issues.

The two emerging parties at the convention were well schooled in their philosophies, and the spokesmen displayed an impressive ability for public speaking and leadership.

One of the parties, the Pioneer Party, has prepared the following platform, which I think speaks very well for today's youth. Montana is on the eve of a 19-year-old vote, and I think it will be a great asset to our State and to the Nation to welcome such conscientious voters.

The material follows:

PIONEER PARTY PLATFORM

I. National: (a) Taxes:

1. We are in favor of a continuation of the income tax surcharge as an anti-inflation measure.

2. We are for closing such tax loopholes as:

(a) Depletion allowance for the petroleum industry.

(b) Land ownership for the sole purpose of tax-loss deduction.

(c) Charity deduction for donation of large amounts of rapidly devaluing stock.

(b) ABM: We support the immediate development of an anti-ballistic missile defense system, but urge a thorough investigation of the technical reliability of any proposed systems, before steps toward installation are taken.

(c) Gun control: Resolved that the National government respect the sovereignty of the states on the matter of gun control.

(d) Industry:

1. We advocate more rigid anti-trust legislation to be used not as an anti-union measure, but rather as a tool to curb nationwide strikes-in-sympathy.

2. We feel that farmers, who are non-union and therefore have no means to cope with inflation, will be benefitted by such antitrust legislation.

3. We support more rigid conservation laws to control Industrial practices.

(e) Elections: The Pioneer Party, in an effort to make election more direct, advocate:

1. A direct national primary for nominating a Presidential candidate.

2. A direct National Presidential election by plurality.

(f) Welfare: We of the Pioneer Party support President Nixon's "workfare" plan because:

1. It is an alternative to the "dole" policy.

2. It is a potential cure of the causes of Civil Disorders.

(g) Vietnam: The Pioneer Party would support a definite Administration program supporting either a phased out withdrawal by 1972, or a military victory (excluding nuclear weapons) by 1972.

II. State: (a) Closing tax loopholes:

1. The Pioneer Party strongly urges the state to adopt a Sales tax.

2. We are in favor of a Property Improvement Incentive tax.

3. We proposed realistic Gross Corporate Income tax on all corporate operations in Montana.

(b) Drugs: The Pioneer Party believes in stiffer penalties for distributors of narcotics.

(c) Voting laws: We urge either an eighteen or nineteen year old voting law.

(d) Transportation:

1. Truck Use fees are urged in Interstate Commerce.

2. This party supports adoption of the Implied Consent law with the purchase of proper equipment.

(e) Welfare: We will support a state workfare program in line with that—President Nixon's.

(f) Education:

1. We, of the Pioneer Party, believe teachers should receive higher salaries.

2. We support the development of the State Vo-tech centers.

(g) Gun control:

1. The Pioneer Party supports a check with local, State and National authorities before selling fire arms.

2. We favor stiffer punishments for criminals involved in crimes of violence, especially those crimes involving a firearm.

(h) Overhaul of State Government and Constitution—We of the Pioneer Party would like to:

1. Consolidate the numbers of committees, commissions and agencies, and

2. Simplify the Legislative branch by:

(a) Decreasing proportionally, the number of legislators.

(b) Increasing the length of the legislative session.

III. Boy's State:

(a) Site: The Pioneer Party proposes that the site of Boy's State be rotated among the colleges of Montana to allow different cities to see Boy's State. In some cases this would allow a Governor's Ball as well as other social activities.

(b) Food lines: Realizing an emptiness in our stomachs, we believe definite action should be made to cut down food service time:

1. Two lines initiated.

2. Scheduling time allotments for cities to eat.

(c) City directory: In order to aid the speedier establishment of Boy's State activities we propose a complete City Directory, including hometowns and Boy's State residences.

(d) Platforms: We of the Pioneer Party feel that the platforms of both parties should be sent to Montana's congressional representatives and executives.

(e) Counsellors: We, of the Pioneer Party are resolved that Boy's State citizens should be encouraged to return in following years to advise and observe.

(f) Posters: To ensure equal campaigning, it is our contention that nominees should be deadlined as to times for putting up posters and time after elections for getting them down.

THE LADY AT THE U.N.

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Boston Herald Traveler on Saturday, September 20, 1969, published a most astute editorial entitled "The Lady at the U.N." The lady referred to is Miss Angie Brooks, of Liberia, the second woman to be elected president of the General Assembly in the history of the U.N.

The gist of this editorial is comment on her inaugural speech and its bluntness by contrast to a "world of diplomacy where words stress the nicety and the nuance at the expense of directness." The text of this refreshing editorial is as follows:

THE LADY AT THE U.N.

Miss Angie Brooks of Liberia, the second woman to be elected president of the General Assembly in the history of the United Nations, made a surprisingly sharp impression on her fellow delegates in her inaugural speech at the opening of the UN's 24th annual session.

In the world of diplomacy where words stress the nicety and the nuance at the expense of directness, the new president's candor and clarity were refreshing and commendable. And her speech was singularly free of the self-congratulatory attitudes about the UN which are usually conveyed in such addresses and which become a mockery when UN achievement is measured against aspiration.

She urged the delegates to surrender "the delusion that we are doing our best and the world persists in misjudging us." She charged a lack of dynamism by default or design had sidetracked or ignored major world problems to the UN's detriment in world opinion. And she bluntly told them the UN would one day perish unless they resolved to "nurse, cherish and cultivate it."

These are hardly diplomatic words to use in addressing a diplomatic assemblage but they express an opinion that needed saying and despite the wincing by some delegates, she received a rousing ovation at the end.

The UN remains the best means devised to achieve cooperation among nations of the world, but its stature in the public mind has gradually eroded because of ineffectual action on some issues and cynical sidestepping of others. These were the points Miss Brooks underscored.

The pity may be that the forthright lady from Liberia will be at the 24th Assembly's helm only during its 13-week session. More talk such as hers more often might stiffen the spine of the Assembly.

DIVISION OF ENVIRONMENTAL POLICY

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. DADDARIO. Mr. Speaker, just recently the Library of Congress announced the establishment of a new Division of Environmental Policy within the Legislative Reference Service. The division is to be headed by Richard A. Carpenter, who is not only a first-rate chemist but a man with unusual depth of knowledge and understanding of the Federal Government and especially the legislative branch.

I should like to be on record as giving the full approbation of the Science Committee to the decision to set up this new group. Surely, it is sorely needed and I believe that it will eventuate into one of the most used sources of information to the Congress. I think that almost anyone who has been concerned at all with environmental problems is now convinced that environmental management will become a permanent and major concern of the U.S. Government from this point forward. Indeed, one suspects that within the space of a few years its growth will dwarf many of the endeavors which we now consider to be of first priority.

Mr. Speaker, I can assure you that the Subcommittee on Science, Research, and Development, which I have the privilege to chair, as well as the full Committee on

Science and Astronautics, will have very significant use to make of the Environmental Policy Division. I know that many other committees will be making equal demands upon it. May I express my congratulations to the Library authorities for taking this step and for the appointment of Mr. Carpenter to organize and operate it.

SEX EDUCATION—CHURCH CONDEMNS CLASSROOM PORNOGRAPHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. RARICK. Mr. Speaker, the wisdom, dignity, and measured restraint, of the remarks of the Catholic bishops having jurisdiction in Maryland, Delaware, and the District of Columbia, placed side by side with the irresponsible and disgusting utterances of Mary Calderone, the elderly libertine promoter of schoolroom pornography, shows American parents who the real heroes are in the sex education controversy. All may follow their own conscience as to whom they will entrust their children's sensibility and psychological well-being.

The unconscionable efforts of the rapidly deteriorating slick paper family magazines—which have now abandoned all pretense of objectivity or decency—to brand any who disagree with them as "extremists" of one imaginary variety or the other have met resounding defeat.

Truly responsible people, parents and community leaders alike, recognize blatant pornography when they see it. Filth labeled as educational material is still filth. With the support of such enlightened and courageous religious leaders, parents will have an effective weapon against the SIECUS child-seducers.

Mr. Speaker, I submit for inclusion two news articles and a very perceptive editorial in the RECORD at this point:

[From the Washington (D.C.) Evening Star, Sept. 23, 1969]

BISHOPS SAY CATHOLICS CAN SHUN SEX CLASSES

(By William Willoughby)

The three Catholic bishops having jurisdiction in Maryland said today that parents have the right to remove children from sex education classes if they violate their moral and religious convictions.

"Parents have the right and obligation to protest," they said in a statement, "if programs are introduced that violate their moral and religious convictions by the encouragement or condonation of behavior which parents consider to be immoral . . ."

Their statement which also applies to the District of Columbia and Delaware, was expected to add fuel to the sex education controversy, which has raged at its hottest in Maryland. There has been little controversy within the District.

The statement, signed by Patrick Cardinal O'Boyle of Washington, Lawrence Cardinal Shehan of Baltimore and Bishop Thomas J. Mardaga of Wilmington, goes considerably farther than one adopted here last year by the United States Conference of Catholic Bishops.

The bishops' statement of November, primarily addressed to the problem in parochial schools, said nothing of withdrawing students from the classes.

But the statement issued today by the prelates operates on the same basic principle as the November statement, according to the Rev. Ramon DiNardo, executive secretary for religious education in the Archdiocese of Washington.

"That is, the basic responsibility for sex education rests with the parents," he said.

DiNardo said committees for the three bishops have been working on the statement most of the summer, and have been watching developments in the running controversy in Montgomery and Prince Georges Counties.

"We've been concerned and apparently many from some of the other religions have been, too," DiNardo said.

The statement, released in Wilmington, said parents also have the right to withdraw their children if material in sex education classes is "presented in such a manner as to urge students to arrive at conclusions concerning the morality of various forms of sexual behavior as something to be determined by 'personal taste' and without reference to the views of parents and their religious beliefs."

DELAWARE BILLS PENDING

Several bills are pending in Delaware which would give parents a voice in such courses and which would permit them to withdraw students if they do not approve of the courses.

Part of the jurisdiction covered by the bishop of Wilmington, however, is the Eastern Shore of Maryland, and the Wilmington bishop's sponsoring of the statement had double application.

The Rev. James T. Keough, director of the Family Life Division of the United States Catholic Conference here, said he would not comment on the statement until he had a chance to read it.

But McHugh did stress the Catholic belief that in any sex education program the church "strongly endorses" the principle of parents and teachers cooperating in "an ongoing relationship" in presenting the subject.

"We can't see how there can be a well-developed and well-coordinated sex education program unless the parents are included in an ongoing relationship with the teachers. This is a matter that needs careful rethinking every year."

McHugh, the American church's highest authority on the subject, said "many school districts around the country have recognized this principle . . . the ability of the parents to see what is going on."

FAVOR BROAD PROGRAM

The statement by O'Boyle, Shehan and Mardaga said "family life and sex education must be far broader than merely imparting biological information concerning the reproductive processes."

The bishops also urged that "great care and prudence" must be exercised to assure that it is presented objectively in a manner that is in conformity with good taste and sound psychology.

In the Maryland controversy, both Catholic and many Protestant spokesmen have emphasized that the basic prerogative for sex education lies with the parents and with the church.

The statement adopted by the bishops last year said, "Parents are sometimes fearful that their right to teach the norms of sexual morality to their children may be usurped or that programs such as we envision may lead to the sexual misdirection of their teachers if the teachers involved are inadequately prepared or emotionally immature.

"In the light of such legitimate concerns, the careful selection of instructors for these discussions is a serious responsibility to be shared by priests, school authorities and parents, perhaps best under the auspices of Parent-Teacher Associations."

[From the Washington (D.C.) Daily News, Sept. 19, 1969]

IT'S EVOLUTION NOT REVOLUTION: YOUNG REEXAMINE SEX

(By Carolyn A. Bowers)

NEW YORK (UPI).—The world is in the midst of a sex evaluation, not a revolution, says Dr. Mary S. Calderone.

The executive director of the Sex Information and Education Council of the United States, who says so, adds:

"Young people are reexamining the man-woman relationship in the direction of honesty to determine their role in this fast changing world."

At Seventeen Magazine's "Think Young Think Tank" seminar here, Dr. Calderone said that young people are stating openly that they want "clear and truthful knowledge" about the realities of human sexual behavior early enough to be useful to them.

"They also want clear opportunity to discuss the pros and cons of the use of that knowledge . . . and we officially deny them this knowledge because we don't trust them to use it morally . . .," she said.

Dr. Calderone added that this "relates exactly" to the discussion and struggle concerning sex education in the schools.

"State legislatures are making it a misdemeanor to teach reproduction in the schools," she said. "At the same time, billboards and the public media including advertising carry nudity and sexual behavior in all aspects.

"How can we expect a young person to look at the adult world around him with these conflicting messages, and accept the first one?"

Dr. Calderone urged intelligent citizens interested in good sex education in their schools to move towards an intelligent approach to acquire it.

She advised adults to think back to when they were young, and these memories should serve as guidelines.

"For we don't have too much time left to get back into contact with our young people, to make common cause with them towards a world that will have to be built on reality rather than fakery, on conscience rather than on fun and fakery," she said.

"Contact with an adult world that permits them to consider the wide panorama of how human beings of all times and conditions and ages have behaved will ensure that instead of feeble consciences dependent only on rules, strong, tough consciences able to pick the right course because that is the one indicated, will be developed."

Dr. Calderone said that most young people want to "know" in order to decide what to "become," and they need older people whom they can look up to and model themselves after.

"They need heroes," she said, "who are everyday people living lives of awareness and responsibility about many things—including sex."

[From the Richmond (Va.) Times Dispatch, Aug. 29, 1969]

SEX EDUCATION FIGHT

The sex education debate has exploded onto the normally placid pages of letters to the editor of the *Journal* of the American Medical Association.

"As a physician and father who has spent a great deal of time in researching the so-called sex education programs," writes a New York MD, "I am at a loss to explain their value to either the individual or society.

"Let me assure you that my feelings are shared by a great number of responsible physicians who are neither uninformed nor members of the extreme right wing."

A California doctor urges his colleagues to "play a leading role in keeping these programs out of our nation's schools." he declares:

It is illogical to believe that a detailed knowledge of sex (including perversion), starting in kindergarten, will somehow reduce the problems of promiscuity. Rather, it produces these very problems, as it has in Sweden. . . . Sweden reportedly has the highest venereal disease rate of any civilized country, and 50 per cent of the brides are pregnant on their wedding day. Is this what we want in America?

A Nebraska physician warns that he and other medical men, both Christians and Jews, "will feel bound to drop membership in the American Medical Association" if it promotes sex education in the schools.

"I am a Christian," he writes, "and therefore any approach to the subject of human reproduction without a concomitant correlation of God and his divine plan is not only objectionable but heretic . . . Since the U.S. Supreme Court has declared . . . that prayer or any reference to a diety is a violation of the concept of church and state, then it necessarily becomes impossible to teach this subject with any reference to God and His divine plan for us."

What roused the doctors' ire was a *Journal* editorial saying sex education was being opposed across the country by members of the "extreme right wing" and by "sincerely motivated but uninformed" citizens.

A California psychiatrist responds that he is not a member of the John Birch Society (which is leading the fight against sex education) and that he opposes the program in the schools "for sound psychiatric reasons." He adds:

I weary of the effort to shut off debate by the use of labels. The American Medical Association may or may not be a tool of the Communist party. It is, however, in my opinion, lacking in scientific objectivity. I consider that the greater sin.

In Oregon's sex education program, writes an MD from that state, "pornographic material and vulgar sex has been taught to some degree in virtually every school district." He charges that "unsavory characters" are leading the efforts to pomote sex education.

The outburst in the medical journal is a reflection of a nationwide battle over sex education. Most of the noise against the programs is being made by extreme right wingers, such as the John Birch Society, which sees sex education as "a filthy Communist plot."

But as the *National Observer* pointed out in a recent comprehensive study of the controversy:

"Some rather sophisticated parents object to something as psychologically important as sex being taught by teachers who may have few qualifications for such a job and may have sexual hang-ups of their own. Some people concerned with morality prefer to teach sex to their children in that context and their own concept of morality."

Material used in sex education classes in some schools across the country rises eyebrows of many adults. One film strip has paper cutouts of animals in the act of intercourse, as well as one picture of a man and woman facing each other in bed, though with the sheet up to their shoulders.

As heated as it has been, the sex education debate is going to get hotter, as efforts are made to extend the program into more school districts. Unfortunately, extremists on both sides will continue to cloud the picture with wild charges and countercharges. People of reason must seek to weed out the extraneous arguments and get down to the basics of whether or not the schools can, and should, provide instruction for youth in this highly sensitive and emotion-filled field of human experience

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A. W. SCHMIDT OF PITTSBURGH NAMED AMBASSADOR TO CANADA

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to place in the CONGRESSIONAL RECORD the following article from Freedom and Union magazine.

Congressman ROBERT J. CORBETT in commenting on this article states:

It is a most interesting article about Ambassador Schmidt, plus excerpts from a celebrated speech he made in Paris in 1962 that won him plaudits from both sides of the Atlantic.

Having known Adolph Schmidt for many years both as a friend and attorney in the city of Pittsburgh, it is fine to have such a dedicated person given the recognition and high responsibility of Ambassador to Canada by this administration.

The article follows:

A. W. SCHMIDT OF PITTSBURGH NAMED AMBASSADOR TO CANADA

Adolph W. Schmidt, whom President Nixon recently appointed U.S. Ambassador to Canada, is a longtime active supporter of Atlantic Union. From the standpoint of its backers, in Canada, Britain and other NATO nations as well as in the U.S.A., the President could not have chosen a better envoy to the Canadian Federation—a country of particular importance to those who would federate the Atlantic community.

Mr. Schmidt has been a member of the Board of the International Movement for Atlantic Union since its creation in 1958. He was a leading member of the U.S. Commission of 20 eminent citizens to the Atlantic Convention held in Paris in January, 1962 (see his speech there on next page) and was chairman of its delegation to the international group that met in London on Oct. 26, 1961 to make preparations for that Convention.

At the Memphis Convention last November of the Federal Union association (publisher of this magazine), Mr. Schmidt presided at the luncheon sponsored by the International Movement which was addressed by Paul Martin, former Canadian Secretary for External Affairs who is now the Government Leader in the Senate. Mr. Schmidt also took a leading part—as a panel member—in the Convocation's sessions honoring the contributions to Atlantic Union made by the late Will Clayton, former Under Secretary of State, and discussing the monetary and economic reasons for exploring Atlantic federation now. (For his contributions to these three meetings, see respectively FREEDOM & UNION for November-December, January and February.) In paying tribute to Will Clayton, he noted:

"The Atlantic Union idea, that came originally from *Union Now* in 1939, ramified into many different areas—simply because of the need to find mechanisms where, if one thing didn't work, possibly another might. There have been other organizations developed to do various phases of this work not only in this country but in Europe."

Like Will Clayton, Ambassador Schmidt is one of the very few who have had an active role in all these ramifications. He was one of the founders of the Atlantic Union Committee (1949–1962), and throughout its existence a member of its Executive Committee. When the Declaration of Atlantic Unity was set up in 1954 with Walden Moore as executive director, Mr. Schmidt was in there pitching. Next he was instrumental in making possible the Atlantic Community Conference in Bruges, Belgium in 1957; he was a delegate to it and played an equally leading part in its major fruit, the Atlantic Institute, later founded on its recommendation. Mr. Schmidt has been on its international Board ever since.

In 1959 he helped father the Atlantic Congress held in London in celebration of NATO's 10th year. He next was a founder of the Atlantic Council of the United States, and is a member of its Executive Committee and Board. This may suffice to show that Ambassador Schmidt's concern for Atlantic Union is deep-rooted and widespread. One of those who recommended him to President Nixon wrote:

"I have known him 25 years, and recommend him wholeheartedly and hard-headedly as a rarely developed man, constructive, public-spirited, of high character and of exceptional intelligence, ability, influence, integrity, courage, vision, determination. He is a born diplomat, with none of the faults that those who have to acquire that art gain in the process.

Ambassador Schmidt is Vice President and Governor of T. Mellon & Sons, a Pittsburgh management firm, and a Trustee of the A. W. Mellon Educational and Charitable Trust and of the Old Dominion Foundation. He rose from captain to lieutenant colonel in World War II, serving in Africa and Europe and in the Allied Control Commission in Berlin. He was awarded a Bronze Star and two Battle Stars, and is a life member of the Military Order of World Wars. He was elected Man of the Year in Pittsburgh in recognition of his many varied services to his home city. A graduate of Princeton and Harvard, he studied also in the Universities of Dijon, Paris and Berlin. He and his gracious wife, nee Helen Sedgeley Mellon, have a daughter, Mrs. Helen S. Bidwell, and a son, Thomas.

To turn now to the opportunity which Canada offers an ambassador of Mr. Schmidt's rare Atlantic Union background. The Canadian Senate is the only legislative body thus far to approve the proposed Convention to explore Atlantic Union; it did so in 1950, thanks mainly to the late Senators Wishart Robertson and William Euler.

Former Prime Minister Lester B. Pearson received the Federal Union association's Atlantic Union Pioneer Award at its 1966 Convocation in Springfield, Illinois, where he welcomed the current Congressional Atlantic Union resolution. He and Paul Martin are members of the Honorary Council of the International Movement for Atlantic Union; its Advisory Council includes Mitchell Sharp, now Ottawa's Secretary for External Affairs; Charles Drury, Secretary for Trade, Jean Eudes Dubé, Secretary for Veterans Affairs; and Paul Hellyer, former Secretary for Defense.

At the 1962 Atlantic Convention in Paris Ambassador Schmidt came to know the seven Canadian delegates. Drawn from all parties, they unanimously proposed that it recommended creation of a "democratically elected legislative and executive apparatus" for Atlantica. Except for Mr. Schmidt, no one championed Atlantic federation there so openly, ardently and eloquently as did two of its Canadian members: Patrick Nicholson, a vice president of the Convention, and Alastair Stewart, a former M.P.

Canadians have often complained that their country has not cast nearly as much weight in the world as its possibilities permitted. This is particularly true as regards Atlantica, where Canada is in an enviable position to play a leading part. Geographically, its vast area and immense natural resources, lying between the U.S. and the U.S.S.R. give it unique strategic importance to the U.S., and thereby to all Atlantica. Bordered by the Atlantic, Pacific, Arctic and Great Lakes, its destiny is as inevitably oceanic as is that of the U.S. and Britain.

Canada's political resources are no less unique. No other country has such close ties with the U.S., Britain and the Commonwealth. No other has a population drawn so predominantly from democracy's Big Three—Britain, France and the U.S.A.—or can equal Canada's wealth of assets for bringing them together, or its powerful incentives to do this. No other, save the U.S.A., has the understanding of the nature and advantages of the federal union answer to Atlantica's Problem No. 1 that comes from practising federation on a vast scale for generations. And even the U.S.A. does not have Canada's experience both in federating English and French states, and in combining federalism with the parliamentary system, to which all the Atlantic peoples except the U.S.A. are accustomed.

Yet Canada has been called Atlantica's "forgotten" nation, largely because of Operation Dumbbell, the plan for organizing the Atlantic Community as a "partnership" between the U.S.A. and a projected European Union. The State Department has long upheld this proposal, while opposing even exploration of the alternative, a 15-nation Atlantic Federal Union.

The authors of Operation Dumbbell left Canada out of their scheme. They assigned the British Isles to Europe, but they have never hinted at where Canada was to be fitted in. They could not, of course, give Canada to the European partner. Nor could they say they planned to merge Canada with the U.S. And so they left in limbo Canada—the land between the U.S.A. and Russia.

In the Atlantic Union alternative, Canada would play a key role in its federal Senate-House balance between the U.S. colossus and the other NATO allies.

Such are some of the Atlantic-uniting assets of Canada, the no longer forgotten ally to which President Nixon has sent Atlantic Unionist Schmidt as U.S. Ambassador.

SCHMIDT'S 1962 SPEECH THAT WON NATO-WIDE OVATION

(NOTE.—Fifty speeches, by 50 delegates from nearly all the 14 NATO nations there, filled the opening public sessions of the abortive Atlantic Convention in Paris in 1962; the one that future historians will probably rate highest was delivered by Adolph Schmidt on Jan. 9. Nothing gives the stature of the new U.S. Ambassador to Canada better than what he said then—and no one applauded him more enthusiastically than the Canadian delegation, which outdid the Americans in zeal to federate Atlantica. This speech thus also indicates his present opportunity in Canada. We give here a condensation of it, drawn from the report covering all 50 we gave in our Feb./March issue.—Editors.)

If wars are made in the minds of men, they can also be prevented in the minds of men. And they will most surely not be prevented by the reduction or control of arms or even total disarmament. World War III will only be prevented by the creation of adequate political machinery among the North Atlantic democracies to enable these countries to enforce the peace by an overwhelming unbalance of power on the side of freedom. This unbalance of power will not be in the military field alone. It must also exist in the economic and political fields. The military, economic and political factors are indivisible and interdependent. The Soviet Union has not been attacking our military posture, but has been earnestly trying to drive wedges into our weakest area—the political.

POLITICAL UNITY MOST IMPORTANT

It seems to me, therefore, that the significant task before us as delegates to this Convention is to aid our governments and our peoples primarily in the realm of the political—the most difficult of the three fields. To do this successfully means that all of us as delegates must have a sound understanding of the fundamentals which will be inherent in all the discussions and which will precede any attempts at solution of the problems. Some of these fundamentals are such subjects as anarchy, sovereignty, understanding the difference between league, alliance, confederation and union.

There is a good body of opinion which holds that the *only* cause of war is anarchy, a condition in which men try to live together without government. I know that many other causes and reasons have been advanced for war such as: Economic rivalry, political rivalry, religious differences, injustice, hate and fear, cultural frictions, and population pressures.

EFFECTIVE LAW KEEPS THE PEACE

These situations, however, occur in every city of the U.S., for example, in every county and state and between various regions of the country. But there is an absence of war. Why? Because the citizens of the U.S. have established effective government among themselves by means of which these frictions, when they result in controversy, can be resolved by adequate legal machinery, backed up by the police power of representative government. Even effective government cannot always prevent war, as witness our own Civil War in 1861. But effective government has kept the peace within nation-state after nation-state in the West for a long enough period that we can state categorically—where effective government exists there is on the whole an absence of war.

The difficulty is, however, that in the Western world, of which European Russia is a part, anarchy continues to exist between the various nation-states. If a serious dispute breaks out between two or more of them for any of the reasons previously listed, war becomes possible and even probable if the frictions have become sufficiently acute, because there is no international machinery by which they can become resolved. Von Clausewitz wrote that "war is merely the continuation of politics by other means." . . .

Fortunately, the trend of history has been steadily to larger and large units of government starting with the family, the tribe, the city, the state, and the nation. If we could bring the nation-states within a natural geographic region together under effective government, such as the democracies surrounding the North Atlantic, it could be reasonably predicted that an absence of war between them would result.

"SOVEREIGNTY" OFTEN MISUNDERSTOOD

Possibly the greatest obstacle to the establishment of effective government among nations is a misunderstanding of the nature of sovereignty. Insistence on complete individual sovereignty in international affairs is what creates the anarchy about which we have been speaking. Sovereignty and anarchy are inseparable.

The great contribution of the American Revolution of 1776 was that for the first time in Western civilization a written Constitution in 1787 brought forth the idea that not a king, not a prince, not the president, not the Senate, nor the House of Representatives, but that the individual citizen was the sovereign. We frequently hear the use of the term "surrender sovereignty." But when it is so used, it means that the speaker or writer does not understand the nature of his sovereignty. For what is indivisibly yours and mine by the terms of our Constitutions cannot be surrendered. In fact, it cannot be given away unless we would be collectively so foolish as to permit some dictator to deprive us of it.

It is entirely possible and proper, however, for a majority of us as individuals to *transfer* a portion of the sovereignty we own, and will continue to own, to a new and more inclusive entity if we have decided that such a transfer will provide us with a greater measure of security or prosperity. This is what happened when the sovereign citizens of New York, Pennsylvania, and Virginia decided to transfer a portion of the sovereignty they owned in foreign, military, and fiscal affairs to the U.S.A. in order to secure for themselves and their posterity the blessings which that federal union conferred upon them. They retained jurisdiction over all local affairs not specifically transferred to the new federal government.

The same kind of transfer of a portion of sovereignty occurred between the citizens of England and Scotland, of British and French Canada, of the Swiss cantons speaking four different languages, of the Italian states after 1861 and of the various German states after 1871. In these actions the citizens were not surrendering their sovereignty but exercising it. The important distinction we must make for the future is not the surrender of sovereignty by the individual governments, but the further extension of sovereignty by the sovereign private citizen.

PATRIOTISM AND SOVEREIGNTY

The difficulty in part lies in confusing patriotism with sovereignty. Love of country, love of the land where one is born, respect for the flag as a symbol of national pride and achievement is an emotional feeling which we must accord to all other nationals as well as ourselves. It is basic, fundamental and inherent in all men. . . .

But patriotism and love of country can remain undiminished even after a transfer of political sovereignty. The Scotchman and the Englishman have suffered no loss of patriotism for their homelands even though they gained a higher allegiance by their transfer of certain features of their political sovereignty to Great Britain.

Contrarywise, it must be said that the one sure way in which we are sacrificing shares of citizen sovereignty in all the democracies is by the necessity of submitting to the exhorbitant taxes, the military draft of our sons and their death in battle caused by war and the threat of future wars.

LEAGUE ALLIANCE, CONFEDERATION, UNION

The Convention will certainly wish to discuss the political mechanisms[1] which man has devised so far in an attempt to minimize or cure the anarchy which we discussed earlier.

The first is the league of which the contemporary example is the U.N. . . . Leagues have always foundered—from the Delian League of ancient Greece, to the Concert of Europe, to the League of Nations—for the reason that the participating governments have refused to grant the League effective power. . . .

This new league has been able to perform its principal service to date as an international debating society and sounding board. This in itself has had tremendous value and should not be minimized. It has been able to put out brush fires such as Korea, the Israeli-Egyptian dispute, and hopefully the Congo when it suited the major powers.

The specialized agencies, such as Unesco and the World Health Organization, have some remarkable accomplishments to their credit and should be given every encouragement. But so long as the Soviet Union continues its intransigence, and adheres to the basic strategy of world revolution and domination laid down by the writings of Lenin and Stalin, there is no hope that this new league can cure the anarchy which exists, or that any of the major democracies would be willing to transfer any sovereignty to it. With regret, it must be concluded that if we are to develop a working concert of Atlantic nations, we must look elsewhere for a model.

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[1] In fact, it didn't discuss them, it adjourned after only 10 working days.—Editors

The second mechanism is the military alliance, which is a treaty between two or more nations with current like interests, usually providing for mutual assistance in case of attack. The best contemporary example is the North Atlantic Treaty Organization [NATO].

Unfortunately, the history of military alliances is also replete with failure. In recent times it is only necessary to recall the Triple Alliance, the Locarno Pact, and the British-French Alliance preceding World War II. Why have alliances not succeeded? The answer given by several political scientists is that when a chief of state takes his oath of office, he solemnly swears allegiance to his own national sovereignty. When crisis strikes in the affairs of the alliance and a conflict of interest develops between the nation and the alliance, the nation comes first and the alliance a poor second. This is why treaties of alliance have so often been called scraps of papers.

TWO TYPES OF UNION

The third mechanism is union, in which the citizens of two or more states transfer a portion of their sovereignty to form a new governmental entity. This process should be familiar to citizens of the U.S.A. because this is the form of their federal union. Union is often preceded by confederation, of which examples are the Articles of Confederation in the U.S. from 1781 to 1789, the German Confederation of 1815, and the Confederate States of America from 1861 to 1865. Confederation means a union of sovereign states in which the stress is laid on the sovereign independence of each constituent body. Federation implies a union of peoples in which the stress is laid on the supremacy of the common government.

The important distinguishing feature between the league, alliance and union is that whereas the relationships in the league and the alliance are government to government, in the union they are citizen to citizen.

WESTERN CIVILIZATION AND ATLANTICA

Arnold Toynbee in his *Study of History* identified 21 civilizations: 16 are dead, four dormant, and only one—the Western is alive, dynamic, moving, creative . . . Toynbee found that those which had died did so because they were incapable of making a successful response to some overwhelming challenge which had confronted them. The most frequent one was incessant warfare among the leading nation-states in the latter stages of the civilization. . . .

He suggests that if the West can make a successful response to this challenge of war, there is no reason why it cannot go on indefinitely. If it cannot . . . Western Civilization must eventually go the way of all its predecessors. . . .

In 1954, a study was made of the great inventions of the two hundred year period from 1750 to 1950.[2] To me, this study provided the most impressive testimony as to the creativity and overriding importance of the West as a civilization. In addition to technological inventions, political and economic innovations were included. These inventions numbered 1,012 and with the exception of 22 from European Russia, 67 from the smaller Atlantic democracies, and 12 scattered, all the rest—911—came from citizens of Great Britain, France, Germany, Italy, and the U.S.! Most important of all for our understanding today—*nothing* came from China, India, the Middle East, Africa, and most surprising of all, nothing from Latin America.

This lends further strength to the concept of the Atlantic Community constituting the heartland of Western Civilization, an area which we must nurture and preserve before all others, because without this Atlantic Community not much is likely to happen in all the rest.

In this day, the North Atlantic Ocean is to us Mare Nostrum. As the Roman world surrounding the Mediterranean was the world of its day, although other peoples and civilizations existed concurrently—so the Atlantic world is *the* world of our day, although numerous felaheen peoples exist concurrently in other parts of the globe. The big question still remaining—which our work may have some part in determining—is whether the remainder of Western civilization will be dominated by the Anglo-Saxon and Latin or by the Slav?

TWO REASONS FOR ATLANTIC UNION

In view of these considerations, I believe that the democracies surrounding the Atlantic must become the nucleus for the next great area on the earth's surface to be brought together under government. Let me make it quite clear I am not advocating world government, which I do not regard as possible in the foreseeable future because of the impossibility of merging democracies with dictatorships, either of the Soviet, or the Latin America variety, and because of the widely varying stages of political development of the 100-odd nations in the world. But if men set their minds to it, I believe it is possible in this day to do something about curing the anarchy which exists in the Atlantic area.

I believe this is necessary now for two reasons. The first is to prevent future wars among ourselves. Unthinkable? Impossible today? These same words were used in the summer of 1914 and 1939. If the European Economic Community stops at the borders of the European continent, or even with Great Britain, I can foresee disruptive and divisive economic competition ahead. And I must ask with what countries have our great wars of the past occurred? With China, India, the Arabs of the Middle East, with the tribes of Africa, with the countries of Latin America? No, only with the major powers which constitute Western Civilization; namely with ourselves.

The second reason is that the West must as soon as possible present a fully united front in the struggle with the Soviet Union and Communist China. The Kremlin's one chance of succeeding is demonstrated by their strategy—to keep the other countries of the West divided at all costs. How foolish, disgraceful and humiliating it is for us to be frightened by this threat is demonstrated by the fact that within the 15 countries constituting NATO is lodged 75 percent of the world's productive capacity, as well as 450,000,000 of the world's most creative and dynamic people—200 million in Canada and the U.S. and 250 million in Europe.

Here is the power, and only such an unbalance of power in our favor, democratically controlled, will keep the peace. If this strength in NATO could be put together through effective government, it is reasonable to believe the Kremlin could be compelled to engage in productive negotiations regarding the sensitive issues of our day, and thereby cure what Toynbee has called "a schism in Western Christendom."

TO HELP THE UNDERDEVELOPED

We wish all the underdeveloped countries and all neutrals to be our friends, and for humanitarian and Christian reasons we wish to do everything possible to help them. But if we are to be realistic in this difficult war we are in, we must realize that for the most part these countries are liabilities, not assets, and they will become increasing liabilities in the years ahead as the population explosion compounds their difficulties and decreases still further their low standard of living. It will only be by uniting the strengths within NATO that sustained contributions in foreign aid can be made on a joint basis to the underdeveloped countries in amounts which are no longer token but which begin to approach the need.

UNPARALLELED OPPORTUNITY

We have then in this Convention an unparalleled challenge and opportunity. So far as I am aware, nothing like this has ever happened before. Fifteen governments are asking 15 officially appointed delegations of its citizens to recommend to them what they might do to prevent the fiery holocaust of World War III on the one hand and on the other how these nations might achieve a much greater measure of security and prosperity than they have ever known before. If we do our work well, we will be an historically privileged group.

What will we do? We might go no further than others and stop with passing a few pious resolutions advocating greater unity and improved consultation in the North Atlantic Council. Or we might go further and recommend that the U.S. and Canada join with the U.K., the Six and others in a further step by step approach in creating an Atlantic Economic Community. Or we might recommend the military and the economic function of the Atlantic Community by merging the institution of NATO with the institutions of the European Economic Community.

Or we might go still further and have the courage and ingenuity to devise a new political mechanism which would ensure a common foreign policy and a common economic policy, as well as a common military policy, including a NATO court of justice. But this would mean government—confederation or federation—which most of us to date refuse to face up to honestly and realistically. Without government we will continue to live in anarchy—and the only cause of war is anarchy.

CRISIS OR LEADERSHIP?

Even if we had the courage to recommend what all of us in our hearts must know is necessary and essential, it is my own opinion that government of the Atlantic will finally come about only as a result of great crisis or great leadership. But the preparation, the plan and the education will have to precede. I are sure that what is left of the Atlantic Community after World War III would come together quickly in government. Why is government not possible therefore beforehand? I believe that the Atlantic will be united either by the voluntary agreement of free men or eventually by force, and so I trust the recommendations of this Convention will be so challenging that they will compel serious debate of the major issues immediately. I repeat that for me there is only one issue—freedom vs. tyranny—and on this issue I hope all delegates can unite unamimously.

In the ten years ahead, the people of the West will be taking the fateful decisions which will decide whether they and their progeny go through a period of tragedy and misery, or whether they lead the world into a Golden Age such as mankind has never before experienced. Preliminary studies of an Atlantic Common Market have indicated the gains would be so substantial that they would readily offset the small losses which would be encountered in certain sectors. The potentialities already foreseen defy the imagination.

The outcome will be a reflection of our genius as a people and as a civilization, of our conscious and subconscious and of our very souls. It will test the depths of our materialism and of our spirituality and find out which will take the ascendancy. We—the delegates to this Convention—can do much to influence our peoples to reach and correct decisions by making recommendations which we ourselves can respect and which we know can honestly help lead the way to the Golden Age ahead [*Prolonged applause.*]

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[2] *Freedom Against Itself,* by Clarence K. Streit, Harper & Brothers, New York, New York, p. 239.

THE ICC SHOULD ACT TO PROTECT THE PUBLIC INTEREST

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. HOWARD. Mr. Speaker, the charge is often made that regulatory agencies are really the captives of the industry they are supposed to regulate. The recent decision of the Interstate Commerce Commission in the Sunset Limited Adequacies case gives credence to this charge. The ICC, voting 7 to 2, overruled its hearings examiner and said that it did not have the authority to set standards of service for passenger trains.

This amazing and unfortunate decision, which in my opinion flies in the face of the clear language of the Commerce Act, will allow the railroads to continue their policy of systematically downgrading passenger trains in order to drive passengers away. This policy inflates the passenger deficit, and allows the railroad to claim the passenger has deserted the trains. Did he desert or was he deliberately driven away? The metroliner certainly proves that a good, modern train will be heavily patronized.

There is one extraordinary statement in the ICC's decision which I would like to bring to my colleagues' attention:

> Implicit in a common carrier's duty to furnish transportation upon reasonable request therefor is the duty to provide a reasonably adequate level of service. The railroads concede that section 1(4) incorporates into the statute carrier obligations under common law, and, though this commission does not have the jurisdiction to enforce those obligations, that the common law required a common carrier to provide safe and efficient service to the travelling public.

What this amazing piece of doubletalk means is that the ICC thinks that the railroads have a clear obligation to "provide safe and efficient service to the travelling public" but the Commission refuses to use its authority to insure that the railroads live up to this obligation.

To me this is an abdication of its responsibility to protect the public interest. The ICC must be more than a mechanism for granting freight rate increases. It should take an active role in protecting the forgotten man of transportation—the rail passenger. Since the ICC refuses to acknowledge that it has authority over passenger service standards under present law, as I and many others believe it does, I think that Congress should swiftly pass clarifying legislation, making it doubly clear that they do have this power. In this way, the Congress will make clear to the Commission and to the railroad industry, that the American public expects the safe and efficient passenger service which the law clearly calls for.

CONCERN FOR VIETNAM WAR PRISONERS

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. MANN. Mr. Speaker, in 1957 North Vietnam signed the Geneva Convention of 1949, guaranteeing the basic humanitarian conduct of prisoner-of-war matters. Recent revelations by released prisoners of war from the north show that the Hanoi regime flagrantly and deliberately ignores those agreements. Typical of their forked-tongue philosophy, the North Vietnamese claim that American prisoners are well treated. Our evidence is that these claims are false. Secretary of Defense Melvin R. Laird recently asked that North Vietnam:

First. Identify prisoners whom they hold.

Second. Release the seriously sick and injured.

Third. Permit impartial inspections of all prisoner-of-war facilities.

Fourth. Permit the free exchange of mail.

Mr. Speaker, previously I have joined with my colleagues in a strong statement regarding the treatment of American prisoners of war in North Vietnam and in cosponsoring House Concurrent Resolution 334 condemning the treatment of our POW's by the Government of North Vietnam. We know that the North Vietnamese place great stock in the mood of the American public. In fact, they try to change American opinion through propaganda. It is possible, therefore, that an expression of outrage on the part of the American public over the treatment given to our servicemen held captive would cause the Communists to improve conditions. I think we should back our Government's efforts and seek to bring pressure on North Vietnam from all possible sources both at home and around the world in demanding that this barbaric and inhumane treatment stop.

Possibly the greatest cruelty of all is the refusal of Hanoi to release the names of prisoners so that hundreds, possible thousands, of American families are kept waiting, not knowing whether loved ones are dead or alive.

Because of the forceful and courageous position on this issue recently taken by the Veterans of Foreign Wars of the United States, at their 70th national convention, and because of my confidence in this organization, having once served as State commander for the State of South Carolina, I insert a statement by the VFW's new commander in chief, Ray Gallagher, of South Dakota, and a resolution passed by the 70th national convention which was held in Philadelphia, Pa., on August 21, 1969. Both the statement by Mr. Gallagher and the resolution represent grassroots thinking in this country.

The above-mentioned material follows:

STATEMENT BY COMMANDER IN CHIEF RAYMOND GALLAGHER ON THE RELEASE OF AMERICAN PRISONERS BEING HELD BY NORTH VIETNAM AND THE VIETCONG

I speak for every member of the Veterans of Foreign Wars and the Ladies Auxiliary when I say to wives of American prisoners of war who are here this morning and to all the families of all those now being held prisoners, that no task is more sacred than the one we are now undertaking to help those American prisoners now being held by North Vietnam and the Viet Cong.

I do not underestimate the problem. In America, our ideals are based on the inherent goodness of man. The North Vietnamese and Viet Cong reject any kind of ideals. They do not respect truth nor man's dignity. In America we believe in helping our neighbors in need—those next door and those living in distant lands. The North Vietnamese and Viet Cong do not. In America we believe in liberty with justice. We believe in fair play. Those who hold our prisoners have no such beliefs.

But the North Vietnamese and the Viet Cong respect power and strength. In the past they have responded to world opinion.

Here is where the Veterans of Foreign Wars can be helpful. Over the years, we have fought to defend the ideals and liberty of many veterans. We represent the grassroots of American idealism. Now we must rely on those nations that we have helped to help us. This we can and we will do.

We will seek to identify those persons now being held; we will seek the immediate release of the injured and the ill; we will call for an inspection of prison facilities; we will ask for an exchange of letters between prisoners and their families. We will help our government in any way we can.

Within the next few days, I will announce specific plans for our helping our American prisoners. Meanwhile, I wish to assure every wife, child, mother and father that you can count on us to do all we can. God willing, our efforts will prove helpful.

RESOLUTION NO. 381

For Secretary General U Thant's assistance to release American prisoners of war

Whereas, North Vietnam holds thousands of American prisoners; and

Whereas, North Vietnam arrogantly refuses to provide any information on American prisoners, including even naming those whom they have captured, in callous disregard of long-established international rules and all efforts by the International Red Cross and other groups and governments to visit and inspect North Vietnamese prison camps to determine if they are meeting the minimum standards of care and treatment embodied in the Geneva Convention; and

Whereas, basic information is being withheld by North Vietnam on the health and well being of these men; and

Whereas, the prisoners deserve the best efforts of all mankind to relieve the agony of prison camps; and

Whereas, there is unbearable suffering by the wives and families of men who are prisoners or are listed as missing; and

Whereas, Secretary General U Thant of the United Nations and the leaders of many nations, including some with communist governments have expressed a hope that the world organization and the individual leaders of nations can help bring peace and harmony in southeast Asia; and

Whereas, communist ruled nations have expressed a desire to take any steps that would bring about detente between east and west to ease the effects of polarization of the world's major social systems; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that President Nixon and Secretary of State Rogers demand that the Secretary General of the United Nations use the full power of his office to have North Vietnam identify all American prisoners and to expedite relief for these prisoners, that they be treated in accordance with the Geneva Convention, and to mobilize world-wide opinion for their immediate release.

FIGHT AGAINST COMMUNISM

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MONTGOMERY. Mr. Speaker, I would like to share the following two resolutions passed by the Department of Mississippi of the American Legion in July of this year. The first resolution respectfully requests the President and Congress to take steps to cease trade between the United States and Communistic-bloc that are supplying North Vietnam. The second resolution requests that steps be taken to stop the flow of Communist propaganda through the U.S. mails. The resolutions read as follows:

A Resolution

Whereas, the Soviet Union and its satellites in Eastern Europe are supplying 80 percent or more of the military hardware and other strategic materials needed by North Vietnam to carry on its aggression against South Vietnam; and

Whereas, this support of North Vietnam by the Soviet-bloc countries is prolonging the war and is the principal cause of the continuing high death rate among American servicemen in Vietnam; and

Whereas, The American Legion insists that the United States must do everything in its power to support its fighting men; and

Whereas, continued trade between the United States and any communist country that is helping to supply North Vietnam is an affront to the American men who must perform duty in the defense of South Vietnam; now, therefore, be it

Resolved, by The American Legion, Department of Mississippi, in regular annual convention assembled in Jackson, Mississippi, July 18th–20th, 1969, that The American Legion urges the President and the Congress of the United States to prohibit further trade between the United States and any communist country that is providing assistance of any form to North Vietnam.

Attest:

FRANK W. CHAMBERS,
Department Adjutant.

A Resolution

Whereas, it is the purpose of the American Legion to promote and carry out activities that will strengthen this republic; and

Whereas, it is not in the best interest of the United States to have Communist propaganda material flood our country, particularly at United States taxpayers expense, some going unsolicited by mail to student organizations; now, therefore, be it

Resolved, by the American Legion, Department of Mississippi, in State Convention assembled in Jackson, Mississippi, July 18th–20th, 1969, that we urge the President and the Congressmen of the United States to prohibit further entry of communist propaganda material to be distributed by the U.S. mails.

Attest:

FRANK W. CHAMBERS,
Department Adjutant.

POSTAL REFORM—TODAY'S NEED

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. GUDE. Mr. Speaker, there is probably no department of our vast governmental establishment which has a closer relation to the citizen than the postal service. Likewise, there is probably no branch of the Government which has more demands placed upon it. Over the years the Post Office Department has made many technological improvements in an attempt to keep pace with the growing needs of a rapidly increasing population and the demand of our society and its economy.

However, the political structure of our postal system today has restricted the Post Office Department's ability to adopt the operating improvements of which our Nation is capable in this age of successful moon landings.

The postal reform legislation, H.R. 11750, which I am cosponsoring and recommended by the President, will correct this. It will provide for a modern, well-equipped, and well-managed postal service in the form of a Government-owned, postal service corporation operated by a board of directors and full-time managers, much the way modern corporations are organized.

Last Saturday at the Germantown, Md., post office dedication I heard an excellent presentation of the real need and reasons for postal reform. Mr. Speaker, I would like to share with my colleagues the following remarks of John W. Duchesne, Director, Engineering and Facilities Division of the Washington Region, U.S. Post Office Department:

Remarks of John W. Duchesne

Good afternoon: Congressman Gude, Postmaster Leaman, Reverend Clergy, Fellow Postal Employees and Ladies and Gentlemen.

It is a pleasure to join with you today in inaugurating Germantown's bright new post office into service. After seeing the old facilities, I feel sure you will agree when I say that it's not a moment too soon. Germantown, like so many growing, expanding communities, badly needs its post office. Postmaster Leaman was telling me that mail volume in 1959 was about 2000 pieces a week; just 10 years ago.

This new building we dedicate today will handle about 9000 pieces a day. In 1959 just 5 persons worked for the Germantown post office. This new building will easily accommodate the 10 employees now assigned. At last we are giving Germantown's postal employees the space they need to do their job. Considering the spiraling increase in workload, we are barely in time.

This community is riding the crest of expansion in population and industry. It is a phenomenon we're seeing in a great number of our American communities. From a postal standpoint, this kind of growth means just one thing: *more mail.*

Industrial expansion, economic prosperity and population explosion have caused enormous increases in mail volume.

In the last 10 years volume for the United States has increased by a staggering 23 billion pieces. We now process some 84 billion pieces of mail per year, more than 200 million pieces every day.

It is no wonder that your city needed a new post office. The facility recently vacated was occupied over 50 years ago.

I wish I could say that this beautiful new building marks the end of Germantown's need for increased postal space. But I have reservations. If the growth rate continues at its current pace, it will not be too many years before this facility will be outgrown.

Why is that?

How did we get so far behind in this race between plant and product? What happened to us?

The answer is that there is nothing unusual in this kind of delay. What we have here is an inevitable consequence of the system under which we operate. It's what happens when you take six-seven-eight years and even longer to get a new building.

It's what happens when you have to compete with other, non-postal priorities for funds.

We as postal officials have too many cooks and too little control over our own spending.

Postal construction is not the only area in which our spending authority is limited. We have trouble getting enough money to provide adequate training for our employees, for example, Actually, we have no authority at all to say how much our employees shall earn—and many of them make less than people in industry performing similar or less important services.

Whenever we want to build a post office or buy a truck or hire new employees, we know that these requests will be considered in light of our nation's Defense needs, its health and urban requirements and even its priorities for getting to the moon.

This is a strange way to run a service as big as the United States post office. This year, we're going to take in more than $6 billion in receipts—sales are booming, along with the rest of the economy—and we won't have the authority to touch a penny of it.

I have no intention of laying blame here. But even if I wanted to, I don't think I could.

It is certainly not the employees' fault; they have been doing a heroic task considering the staggering workload and the inadequate tools and working conditions under which they labor.

It is certainly not the Postmasters. They have had most of the responsibility but virtually none of the authority to manage their post offices. It is certainly not our people at the Regional Headquarters or the Post Office Department. Seldom have I met a more knowledgeable group or more dedicated, hard working individuals. Many of them came from post offices and have worked themselves up the ladder to Regional Headquarters or the Department. Their ability and their devotion to the postal service is unquestioned.

And it certainly is not the public, or the Congress. I have been deeply impressed with the commitment and the competence of the members of Congress and their staffs who look after the post office. Their knowledge of the postal service, their exhaustive study, their continuing efforts in behalf of the postal establishment are absolutely outstanding.

Consider what Congress is confronted with. Often, the choice is between building a post office or putting the money into a badly needed school building or hospital or buying military equipment that would help protect the lives of our men in Viet Nam or elsewhere in the world. Given these difficult alternatives, it is understandable that the post office sometimes comes out second best in the contest for Federal appropriations.

There is no simple answer here.

What is wrong obviously is deeply, intricately embedded in the heart of the postal system.

The wrong is at the roots of the postal establishment and no half-way measures are going to reach it. If we are going to *get at* what ails the postal service, we will need a total reform of the system.

Our President says that he convinced the Postmaster General to take the job only after he promised to support Mr. Blount's efforts to give Americans the best possible mail service.

And the President has provided that support. When the decision was made to give up patronage and to take politics out of postmaster appointments, the President himself stepped forward to make the announcement.

Now that the Administration has decided to ask for total postal reform—reorganization along the lines of a government corporation—the President again lent the full *dignity* and *prestige* of his office to that undertaking.

After Mr. Blount read the report of the Kappel Commission, which last year recommended a thorough reorganization, he conducted his own extensive studies of the postal establishment. He became convinced that complete reform—and nothing short of that—was absolutely necessary.

And that is what we are proposing.

We must cut through the jungle of restrictive custom and regulation which hampers the effective operation of the postal service.

If we don't, we'll have to hire an additional 300,000 people by 1981; more than one million persons then would be working for the post office.

If we don't we'll have deficits far bigger than the $1.2 billion worth we expect this year.

If we don't, we'll be faced with the same cycle of inefficient operations, increasing costs, and overcrowded facilities in the face of constant, relentless, overwhelming increase in mail.

After a while, we won't even be able to duck any more. There won't be any place to run.

So we are meeting the whole challenge head on, right now.

The Postal Service Act of 1969 would reorganize the postal service along the lines of a government-owned corporate entity. The new U.S. Postal Service, as it would be called, would be required to serve as nearly as possible the entire population of the United States.

And, it would be under mandate to operate on a self-sustaining basis after five years of its inception. We think that the mail service should pay for itself and that all mailers should pay their fair share of the cost.

The U.S. Postal Service would remain a government agency—the public interest requires that—but it would no longer be treated like an executive Department.

The Postmaster General would be removed from the Cabinet. The new U.S. Postal Service would be run by a board of directors which would have full management authority.

Seven board members, including the chairman, would be appointed by the President with the consent of the Senate. They would be the directors, representing the general public. The board would employ the chief executive and the chief operating officer who would become members of the board and who would serve as full-time top managers.

The intention here is to provide for continuity of management, a condition that is essential to efficient operations. In the recent past, Postmasters General have changed every two and half years or so.

We would hope to attract to the top Postal Service positions the best managerial talent that America can provide. We would gather into their hands all the authority necessary to run the best possible mail service. We would assure them that they will be judged by their work, not their political affiliation. And finaly we would remind them that they are expected to have postal operations on a self-sustaining basis in five years.

Then, I assure you we'd find out how you run the best possible postal service. Management would be able to ask for the postal rate changes it feels necessary. But mail users and the public would be protected by a Panel of Rate Commissioners responsible to the seven Postal Service directors alone.

Professional, expert rate commissioners would hold hearings on rate requests, receiving testimony from anyone who wanted to be heard. After due deliberation, the rate commissioners would make their report to the seven board members, who could adopt the change, reject it or modify it.

Even after that review, Congress would retain a final veto on proposed rate changes. Congress would have 60 days in which it might reject a rate increase by concurrent resolution of both houses.

Our employees would achieve their long sought goal of union recognition by law. They would be empowered for the first time in history to bargain collectively for wages, fringe benefits and working conditions.

For the first time, employee unions would have a direct say in the matters which are most important to their members.

In addition, employees at all levels—supervisory as well as rank and file—will enjoy the protection of a "comparability" clause requiring the U.S. Postal Service to maintain pay and fringe benefits on a par with those for comparable levels of work in the non-Federal sector. Postal Service employees would continue to be covered by the Civil Service Retirement System as they are now. There would be no change here. No one will lose his job because of postal reorganization. Post Office Employees automatically would become employees of the new U.S. Postal Service. The new enterprise would be required to provide meaningful opportunities for advancement and more training for employees. Political considerations in promotions or in any personnel action would be prohibited. Employees at all levels would have the opportunity to get ahead based on what they know, not who they know. Seniority rights would be protected by labor contract, and under the U.S. Postal Service, every employee would be guaranteed a right to be heard before any disciplinary action might be taken against him.

Postal unions would be extended the benefits of the nation's major labor laws. In only one significant respect would postal unions differ from those in private industry. They would not have the right to strike. I do not believe that the public would tolerate a post office strike and I do not think that people should be expected to tolerate it. The mails are too vital to too many people to suffer disruption of a strike. Retired persons, veterans, anyone who rents or buys a dwelling or has insurance; in short, virtually everybody in the country is immediately concerned with the mails. We recognize, however, that there must be an equitable way of settling negotiating disputes, a method that is fair and just in the best interest of labor and management and the nation as a whole.

We have provided for such a means in the form of an independent, outside Postal Disputes Panel. The Panel's function is to see that all such disputes are settled conclusively.

As an ultimate resort, if all other efforts fail to resolve a disagreement, the Panel may refer the matter to binding arbitration by a special body of three members—one appointed by management, one by labor and one by the first two. The decision of that special panel would be final and binding on labor and management alike.

The reform act would grant the U.S. Postal Service authority to sell bonds amounting to $10 billion over a period of years. With that money, we could build better post offices faster without the red tape and delay that has been so prevalent in the past.

We would be able to equip our post offices with modern labor-saving devices. We would be able to increase productivity by giving our employees the proper tools.

The savings could amount to billions. If we can find more efficient ways to move the mails without hiring those 300,000 additional people I mentioned, we would free billions of dollars that could be used for the benefit of employees and patrons alike.

Better wages to match better productivity.

Better facilities for patrons to frequent and for employees to work in. And most of all, better mail service for the American public. This is the stake that the people of the United States have in postal reorganization. This is your challenge we're talking about, your opportunity, your postal service.

Study our proposal. Think it over. Then decide for yourself what kind of mail service you want.

One final thought—postal reorganization would give us the authority we badly need to raise large sums of money for capital improvements, for buildings, like this one, for which you at Germantown have waited so long. I'm sure this modern postal plant will serve you well. And I know your Postmaster Leaman and her employees will continue to reflect credit on the Postal Service.

It is with a since of pride and accomplishment that I dedicate this new post office, symbolizing, as it does, the continuing progress of Germantown, Maryland, and its people.

Thank you.

MARYLAND MARINE, ARMY PRIVATES KILLED IN VIETNAM WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Mark H. Ward and Pfc. Raymond Ligons, two fine young men from Maryland, were recently killed in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

MARINE, ARMY PRIVATES KILLED IN VIETNAM WAR

A former Douglass High School basketball player, who would have been 19 Monday, and a 23-year-old Baltimore Army draftee, have been killed in Vietnam, the Department of Defense announced yesterday.

They were Marine PFC Mark H. Ward, the son of Mrs. Joan Ward Patrick, of 2974 Woodbrook avenue; and Army PFC Raymond Ligons, the son of Mrs. Rose Lee Ligons, of 1631 Thomas avenue.

Private Ward, in Vietnam since May, was killed Tuesday when he was struck by mortar fragments while in a signal post near Da Nang.

Private Ligons was killed August 15 during an enemy mortar and rocket attack on his camp near Saigon.

A native of Baltimore, Private Ward joined the Marine Corps in September, 1968, after being graduated from Douglass High School.

Mrs. Patrick said her son enlisted after she was unable to persuade him to go to College.

He did his basic training at Parris Island, S.C., and Camp LeJeune, N.C.

In addition to his mother, his survivors include a brother, John Patrick, and two sisters, Pamela and Anastasia Patrick, all at home, and his paternal grandfather, Holten Ward, of Baltimore.

A member of the 1st Air-Cavalry, Private Ligons had been in Vietnam since February.

He was drafted in September, and served at Fort Bragg, S.C., and Fort Pope, La.

A twin brother, Randy Ligons, who was also drafted into the Army, returned from Vietnam last December. He was wounded in action in March, 1968.

Private Ligons was born in Baltimore, but grew up in Wilson, N.C., being graduated from the high school there. He was living in Baltimore when he was inducted.

In addition to his mother and brother, Private Ligons is survived by his stepfather, Edward J. Ligons, of 1828 West Mosher street; five other brothers, Robert A. Wright, of Lucama, N.C., Edward Ligons, Jr., Stephen Ligons, Vincent Ligons, and Timothy Ligons, all at home; and his maternal grandmother, Mrs. Louis Hinnant, of Wilson, N.C.

CZECHOSLOVAKIA—A NATION IN PRISON

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. SNYDER. Mr. Speaker, as many of America's prescient and short-remembering critics turn to assail the United States anew—and ignore Communist aggression worldwide—I think it a shame that the vivid horor of the rape of Czechoslovakia has slipped from status in the public outrage. The following is an article which appeared in the September 7, 1969, issue of the Lutheran Witness Reporter—Missouri synod—by Pastor Jaroslav Vajda, who witnessed firsthand the brutal suppression of the first spark of Czech freedom on August 21, 1968. I hope that this article will remind all of us just what kind of enemy we face—and what the consequences of appeasement are.

The article follows:

CZECHOSLOVAKIA—A NATION IN PRISON

(By Jaroslav Vajda)

I wept in Czechoslovakia on Aug. 21. Not just from the tear gas thrown into crowds of innocent bystanders by jittery police and soldiers. I wept inside as I shared for 2 weeks the futility and despair of a nation in prison.

At the same time last year I caught the last 6 days of their "spring of freedom." At that time it was hard to believe that one was in a communist country. The borders were open, people were free to speak and criticize and travel. The atmosphere was charged with excitement. Everywhere people moved with initiative; their creative powers were liberated; they willingly worked Saturdays without pay; they offered their good jewelry and spectacle frames for national reconstruction projects; they walked their streets erect and smiling; they left their country only to take a vacation, eager to return to make up for lost time. Even then there was a sense of foreboding, as Russia and their other allies made menacing military moves all around their borders.

During the early morning hours of Aug. 21, 1968, I saw the country brutally occupied (they insist on calling it an occupation, not merely an invasion). I saw the desperate resistance of bodies versus tanks. I saw machine guns mowing down two young men carrying a flag. I felt the horror and helplessness of an occupied city. I crawled out to freedom through a gap in the rapidly descending iron curtain. Behind me 14 million people were weeping.

This year there was an opportunity to return: to study, to observe, to share, to make comparisons. What does a year of occupation do to a highly cultured, creative, and skilled nation?

A week before the anniversary of the occupation any visitor could see the contrast. Faces had become as gray and gloomy as the crumbling buildings. One felt guilty taking picture. Strangers were suspected. Practically every slogan in the country had been painted over.

But subsurface signs of resistance were still around. Numerous store windows boldly displayed pictures of Alexander Dubcek and Ludvik Svoboda. Across the side of an apartment building in a resort city, in 3-foot-high letters, the passing motorist could read: "Dubcek and Svoboda: Our Nation's Heroes." These were the memorials that faced monument after monument dedicated to their Russian liberators in 1944.

I went to pay my respects at the spot where three young people were killed last year. I was surprised to find a stone plaque on a wall of the building inscribed: "Near this place Margita Kosanova, Stanislav Sivak and Captain Jan Holik died tragically on August 21, 1968." Fresh flowers appeared daily in the flower box beneath the plaque. As I passed that corner on Aug. 23, six armed guards surrounded the plaque. Another cluster of soldiers stood before a second memorial plaque several blocks away where Pete Legner "died tragically."

It was at these two squares that crowds of several hundred people gathered on the evening of Aug. 21 to commemorate what underground leaflets called their "day of shame." When people approached the memorials with dozens of bouquets of flowers, the armored cars arrived, and tear-gas canisters were thrown into the crowd. Only this time the soldiers were their own, under strict orders to prevent any incidents.

This was taking place in Bratislava, the capital of Slovakia, the eastern part of the now federated Socialist Republic of Czechoslovakia. There the demonstrations were more restrained than in Prague, though the resentment and bitterness of the Slovaks was no less than that of the Czechs.

I asked, "Why the difference?" Someone said: "Look at the map. Slovakia borders on Russia and serves as a buffer between Russia and Bohemia. Russia would be only too happy to find an excuse to annex Slovakia into the Soviet Union. Now at least we have enough sovereignty to suppress ourselves. In the Soviet Union all hope for the future would be gone."

I had gone to Czechoslovakia to study the situation in the church rather than politics, although one soon discovers that the latter affects the former in many ways. Surprisingly, the people have had more religious than political freedom in the past year, thanks chiefly to Dr. Erika Kadlecova, director of the government Office of Religious Affairs. Within the last week, however, unofficial reports say she has been removed from her post. This may mean new restrictions on the churches.

For the past 2 years both the Roman Catholic Church, which comprises some 75 percent of the Slovak population, and the Lutheran Church with 17 percent (some 450,00 persons), have been enjoying the relaxation of restrictions and the amnesty of numerous priests, pastors, and seminary professors.

One Sunday morning I heard a profound and impressive sermon by a Roman Catholic Old Testament scholar who has just been permitted to preach after a silence of more than 15 years. The church was packed with a standing congregation overflowing into the street, many of them children familiarly taking part in the liturgy.

The same Sunday morning in a Lutheran church a 25-year-old university graduate made his confession of faith at the main service.

Having had no religious training in his life, this young man began attending church services and told the pastor: "I've found what I've been looking for. How do I become a Christian?" He was instructed and then told that he could be received into membership either privately or in a public service. He insisted on the public reception.

When the time came for the candidate to recite the Apostles' Creed, the pastor began to cue him on the words, but the young man raised his voice and spoke the confession by himself. The congregation was moved to tears by the decision that might jeopardize the young man's career.

In recent months the church has been faced with another new situation. Children are being brought for Baptism from the age of 3 to 10 because the parents had previously been afraid to have them baptized in infancy.

Lutheran seminary enrollment has risen from 13 five years ago to 70 for the coming school year. An Old Testament and a New Testament scholar are back at the seminary teaching after a lapse of nearly two decades.

Elementry school children are now given released time for religious education. Youth work has resumed in the past year with enthusiastic response from a generation that had no formal religious training in the church. Church-youth rallies have been drawing up to 200 participants.

Though the "paper shortage" still prevents the church from publishing more than two periodicals, both Roman Catholics and Lutherans are cheered by the prospect of a new ecumenical translation of the Bible by scholars and poets from both communions under the sponsorship of a national publisher.

We wondered about the theology in the state church. The theologians are well acquainted with Barth, Bultmann, and Bonhoeffer, as they are with Cox and Hamilton, but the practical theology of the pastors serving the 320 congregations and 65 preaching stations is more conservative than that of most Lutheran pastors in America.

Problems facing the church there are somewhat similar, somewhat different. Secularism and materialism are constant challenges. State-approved abortion demands a policy and procedure from the church (in Bohemia last year abortions outnumbered births). Growing food and building-material shortages, black-market activity, and economic and working restrictions confront the average Christian with overwhelming temptations to dishonesty. The occupation creates a paralyzing and faith-destroying despair among the strongest Christians.

I asked: "What does the Christian church have to offer people in a socialist country where all physical needs are provided?"

The pastor thought hard and long. Finally he answered: "I suppose love, hope, and integrity."

I knew—as his parishioners do—that these were no empty platitudes. Christ had sustained him with these gifts though half a lifetime of affliction that would have broken the spirit of anyone who lacked them.

It was this man who could not believe that American Christians are ready to exchange the concept of judgment and heaven for universalism and a preoccupation with life on earth. Such a theology, he said, would offer them no hope or justice in their situation.

"One good thing has come out of the occupation," one man told me. "It has united the nation as it has never been united before. No less than 95 percent of the population disagrees with the new order. Only a handful of people are in control, and they must resort to police power and brute terror to keep it. But they have neither the love nor the loyalty of their own people. And they know it."

The unity was visible in many ways. Most of all in their memory of the spring that died and in their determination to survive their crucifixion.

There were tears in the eyes of my new friends as we parted. My last words to them were: "God be with you." Theirs, still echoing in my ears: "Pray for us. Pray for us."

LEGISLATIVE APPROPRIATIONS BILL

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. REID of New York. Mr. Speaker, I was not present last Friday for the consideration of the legislative appropriation bill because of a hearing on drug abuse legislation in Indiana that had been scheduled for some time. Had I been present, however, I would have voted for the amendment to strike the $2 million item for the west front of the Capitol, providing only $100,000 instead for that purpose. I also intended to support the amendment providing funds for the summer intern program.

I had prepared a statement on these points and, in the interest of a complete record on the subject, I would like to insert at this time my prepared remarks on the legislative appropriations bill of 1969:

LEGISLATIVE APPROPRIATIONS BILL

Mr. Chairman, on several past occasions, I have spoken on this floor in opposition to the current plans for rebuilding and expanding the West Front of the Capitol and I did so most recently only last week. My point is simple: the West Front of the Capitol should simply be restored to its original form, strengthening structural weaknesses where necessary. It should not be extended or expanded or cluttered with cafeterias, barbershops, movie theaters, offices and other facilities which, if necessary, should be located elsewhere. This is the position of the American Institute of Architects; it is the only sensible position from the point of view of history and from the point of view of the many millions of Americans who do not even have a decent roof over the heads of their families. I intend to support the amendment to be offered to strike this sum from the bill.

There is a second matter in this bill which demonstrates the parochial outlook of the Congress. Language is specifically included to prohibit any special allowances from being appropriated for summer interns for the summer of 1970. Once again this Congress fails to realize that by this ostensibly punitive action, we are only alienating further the young men and women of America who come to work in Washington so that they can learn more about their government—the government which they are to lead. By refusing to provide them with minimum subsistence, we surely do not increase their respect for our institutions and especially for the Congress. I, for one, find that summer interns are a most valuable asset to my office, that we all learn from the experience, and I regret that I am unable to offer them any compensation because my entire clerk-hire allotment is needed for my regular staff. I sincerely hope that this House will recognize the folly of its ways before next summer.

JUNIOR OLYMPIC SWIM MEET

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MARSH. Mr. Speaker, I should like to bring to the attention of my colleagues of the House that on July 11 and 12, 1969, in the historic city of Winchester, Va., of my district, the 1969 Virginia Amateur Athletic Union Junior Oympic Swim Meet was held. Some 700 young swimmers, from the ages of 7 to 17, representing swim clubs and groups from the entire State, competed in a total of 98 swimming events.

Sponsored locally by the Teen Age Club and Recreation Department of Winchester, and nationally by the Quaker Oats Co., the meet represented some of the most outstanding achievements of our youth. It is encouraging to see these young people engaged in athletics. Their performance at these events reflects a great deal of dedication and hard work to reach the level of excellence demanded by the competition here. The fine young athletes who took part in these events not only inspired their contemporaries, but made an older generation proud also.

The Winchester meet is a graphic example of the competence, character, and ability of the young American athlete. This is indicated by the performance of those who won the different events. In fact, 98 records were broken, including one national record.

We must, however, not merely pay tribute to those who participate in the events themselves. There are so many others standing behind their successes that we must also applaud these "backstage" workers including the coaches who demanded only the best from their swimmers and, especially, we must congratulate the parents, always supporting their children with encouragement, win or lose. Mr. Jim Barnett, supervisor of the recreation department, Mrs. Helene Sempeles and Mrs. Betty Chapman, hospitality, and Mr. Robert E. Fletcher, recreation supervisor, are just a few of the many others who made the meet possible and who arranged the myriad of details for the highly successful outcome of the 2-day event.

With the emphasis being placed on physical fitness, and particularly programs of benefit to young people, I call to the attention of the Members the Winchester event with the hope it can be duplicated in many other communities across the Nation.

The Winchester meet is a tribute both to our younger generation and to the city of Winchester and those others responsible for conducting the meet.

ADEQUACY OF RAIL PASSENGER SERVICE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. GONZALEZ. Mr. Speaker, I have long been concerned about the adequacy of the rail passenger service in the United States. In 1964 I sought to gain the consent of Congress for the establishment of a multistate authority to modernize, coordinate, and foster passenger rail transportation in the States of Texas, New Mexico, Arizona, and California. At the time I had hopes that these Southwestern States would link up with passenger lines in Mexico, and solve the chronic weakness of the railway system in this section of the country. I continued my efforts toward this end in the 89th Congress as well. In the 90th Congress I turned to more comprehensive legislation as did many of my colleagues, urging that the Secretary of Transportation be allowed to make a full and complete investigation and study of the potential of rail transportation, and that the Interstate Commerce Commission should exercise its authority to prevent any further discontinuance or abandonment of railroad passenger service while this investigation and study was under way. Unfortunately this legislation did not pass into law and the dismantling of railroad passenger service continued.

The unfortunate trend of dismantling this service has affected many cities. The Texas Eagle, owned by the Missouri Pacific Railway, is one such case which will be affecting my district. The train route originates in St. Louis and goes all the way to Laredo, Tex. At one time it used to provide sleepers, and connected with Mexico passenger railways. Today there is an application before the Interstate Commerce Commission to discontinue this service from Longview, Tex., to Laredo. In some of the Texas cities this will mark the end of their passenger service.

In 1958, it was reported that a total of 858 intercity trains had disappeared within 10 years. Strangely enough, it was the train management that was eager to do away with passenger service so as to be free to make money on freight alone. Thus, the services catering to the public have been diminishing in part for this reason. But as railroad after railroad abandon their railroad passenger services, pointing to the availability of airplane and automobile transportation, little thought is given to the problem that might arise were weather conditions to make it important for these facilities to function for a city or metropolitan area, nor to the fact that skyways and highways are reaching a point of critical congestion, or that it seems to be the safest mode of transportation. With improvements that will lead to faster, cleaner trains and more convenient schedules, the American public can have the choice of yet another means of travel. It is not a matter of whether railroad passenger service is needed, but how much more.

Earlier this year I joined Congressman ADAMS and several other colleagues in proposing legislation to provide for the modernization of railroad passenger equipment, which the Secretary of Transportation would pool for lease to railroad companies. The Federal Government has already poured millions into highways, airways, and waterways; now the railways need aid to serve the public better. But though the need for better and continued railroad passenger service is clear; I must say that the recent Interstate Commerce Commission ruling on the Messer case is highly inconsistent with helping to provide such an improved public service.

The National Association of Railroad Passengers and the States of California, Arizona, Texas, Louisiana, and New Mexico went to the ICC complaining of the inadequacies of the Sunset Limited, owned by the Southern Pacific Railroad. The Sunset Limited was running consistently behind schedule between New Orleans and Los Angeles with no sleepers, vending machines rather than dining facilities, and so forth. Despite these difficult circumstances 160,000 people rode the Sunset Limited last year. As most of you know, the ICC overruled the hearing examiner's recommendation that it does have authority to regulate the adequacy of rail passenger service. The Commerce Act gives the ICC authority to set standards for freight car services, and the law can certainly be construed to give the same authority pertaining to the standards of the passenger service. In an effort to prove this, the National Association of Railroad Passengers will be appealing the case to the Supreme Court, if necessary.

However, as many of my colleagues and I believe that this authority can clearly be construed from this Commerce Act, we are joining today for swift and immediate action to pass legislation giving the ICC such authority, to make doubly sure it has jurisdiction over the adequacy of the standards of this national mode of transportation. Your support is urged.

PERSONAL EXPLANATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. OTTINGER. Mr. Speaker, I deeply regret that longstanding constituent commitments prevented me from being present on Friday when the House had under consideration the Legislation Branch Appropriation Act for fiscal year 1970. Had I been present, I would have voted against this appropriation, primarily because of the grossly inflated request for extension of the west front of the Capitol and the manner in which this costly and unnecessary project has been handled.

UNKNOWN HAZARDS IN NUCLEAR TECHNOLOGY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. FRASER. Mr. Speaker, a concern of mine has been the possible environmental effects of the addition of radioactive and thermal wastes to the Mississippi River from the Monticello and Prairie Island, Minn., nuclear reactors. Radioactive wastes from the Northern States powerplant at Monticello must not be allowed to pollute the Mississippi River and endanger the health of the millions of people who live along the river below the plants. The technology of atomic power is still evolving. So is our knowledge and understanding of the hazards of radiation. Levels, once thought safe, are today considered unsafe.

In Minnesota, the major issue is whether the State should be allowed to set higher radiation standards than those of the U.S. Atomic Energy Commission. I believe that the Federal Government should have the power to fix minimum standards, but the States should be allowed to set higher standards if they believe the higher standards are necessary for the health and safety of the people.

Our knowledge of the effects of radiation on our people and our environment can be best described as being uncertain. On Saturday, September 20, 1969, the New York Times ran an article by Anthony Ripley. The points made and interviews reported are of great interest. I call your attention to the use of uranium mill tailings in residential construction. Later these tailings were found to give off radon, a product of radium decay.

I think many of us thought that the tragedy of the Hong Kong watchworkers could not be repeated in our society. You may recall that these workers, many years ago, wetted their brushes in their mouths before applying the luminous dials to inexpensive watches. Later they developed cancers. The Times story makes me wonder if a similar tragedy could occur today. Before reading Ripley's story, I was more confident than I am now.

The article follows:

A-PLANTS: WEALTH AND WORRY

(By Anthony Ripley)

DURANGO, Colo.—Standing like a huge unanswered question, a giant pile of finely ground gray leftovers from a uranium mill confronts the business district of this Old West tourist town from across the Animas River.

It is a reminder of the prosperity that the United States Atomic Energy Commission has brought to Colorado. But the mill "tailings" are more than a giant souvenir. They are radioactive.

Before reluctant grasses finally began to grow on the pile, at the urgings of a sprinkler system and considerable fertilizer, the tailings polluted the Animas with radium and blew in dusty clouds over the city.

The Durango mill, which has been shut down, is but one of four closed plants where problems have arisen over uranium tailings. Colorado still has four mills building up heaps—at Rifle, Grand Junction, Canyon City and Uravan.

That situation—and other reminders around this state of potential atomic hazards—have now begun to raise doubts among many Colorado citizens about the benefits of the atom and the operations of the Atomic Energy Commission.

Officials of the A.E.C. in Washington say, "We're getting shot at." They see the criticism as coming from younger people who are challenging the establishment and as part of the increasing nation's concern over preserving man's environment.

They believe that most Americans support them and dismiss some criticisms as more emotional than factual.

Dr. H. Peter Metzger, a Boulder, Colo., biochemist who is president of the Colorado Committee for Environmental Information, calls the tailings one of the "six deadly plagues visited on this state by the A.E.C."

His list also includes:

High death rates from lung cancer among uranium miners, which led to Congressional investigations and sharply lowered levels of exposure to mine radiation.

Project Rulison, the underground nuclear explosion that was set off last week in western Colorado and is leading the way for a number of similar underground shots.

The fire-prone Rocky Flats nuclear warhead plant operated by Dow Chemical Company and situated between Denver and Boulder, two of the state's largest cities.

A proposal to build a permanent atomic graveyard for burying radioactive wastes in Colorado.

Construction of a controversial high-temperature, gas-cooled nuclear reactor for generating electricity.

The Colorado Committee for Environmental Information is a nonprofit organization of 25 scientists and a few lawyers and sociologists. They believe that the public is not receiving the full truth from Federal agencies about possible long-term dangers to man's environment, and they decided to provide an alternate source of information.

The committee, since its formation in 1968, has turned a public spotlight on the nerve gas controversy, the Rocky Flats fires and Project Rulison.

RECIPE FOR CORRUPTION

Dr. Metzger, a 38-year-old former New Yorker, has become so involved that he is considering leaving his job with Ball Brothers Research Corporation to devote full time to the committee.

Most of his anger is aimed at the Atomic Energy Commission.

"They're enormously powerful," he said in an interview. "They can use secrecy. They are a self-policing organization, and that is a recipe for corruption.

"No governmental organization can be its own advocate and own judge and control its own information. If it is [in that position], it can make judgments outside public control and can sell people its decisions by releasing information as it sees fit."

The next big project for the committee is mine tailings.

Few in Durango have worried about the tailings since the Foote Mineral Company, which owns them, managed to get some grass growing on the pile in the spring of 1968 on orders from the State Health Department.

That stopped the downtown dust storms.

"It's better since they got some weeds up there," said Norris Waters at a gas station on Main Avenue. He discounted the radioactivity problems.

"It never hurt nobody," he said. "Some people don't feel right unless they got something to worry about."

Before the grass took hold, rain washed down the side of the pile, dissolving radium 226, which is found with uranium and discorded in the milling process. The rain carried it down to the Animas River.

In a study completed by the Federal Water Pollution Control Agency in 1966, it was reported that dissolved radium concentration immediately downstream from the mill in the late 1950's was about four times permissible levels.

Twice the permissible level was found 30 miles downstream.

The study brought immediate orders from the State Health Department to cover and stabilize tailing piles at all eight mills in Colorado.

The river water is now within acceptable limits, though the department is not satisfied with the grass cover at Durango and is appalled by the length of time the piles will have to be watched. Radium's half-life, the time it takes half of a given amount to decay into other substances, is 1,620 years.

In Grand Junction, between Durango and Denver, a dramatic study is under way. The State Health Department began a survey Sept. 1 of radiation levels in 250 buildings, most of them private homes.

For 15 years, builders in Grand Junction removed 300,000 tons of tailings from the American Metal Climax Inc. uranium-vanadium mill in the city. They used the fine gray sand, which was given away free, to level the ground for pouring concrete slabs and for back-filling around basements of homes, public buildings, offices and stores.

The tailings, spread eight to 12 inches thick beneath a concrete slab, give off radioactive gas called radon, a product of radium decay. Radon seeps through concrete.

It is possible that radon levels in some of the homes, public health officials say, may be above the levels permitted in uranium mines.

Thus far, state health officers have been able to account for only 10 per cent of the estimated 3,000 sites in Grand Junction where tailings were used.

Robert D. Siek, chief radiological health officer for the state, said that there had been so many tailings tests in the Grand Junction area that "people are acclimated to our being there."

He would not identify the buildings under intensive study, explaining that he did not want alarm to spread on the basis of preliminary reports.

Radon has led to high mortality rates from lung cancer among uranium miners in the past, triggering Congressional investigation, lowered allowable levels for radiation and increased mine ventilation.

In a memo to former President Johnson last Dec. 27, the Federal Radiation Council, which sets exposure standards, said:

"We do not know at precisely what exposure level uranium miners may be exposed without significantly increasing the risk of lung cancer. But we do know that the mortality rates from the disease in the lower exposure categories are higher than the expected rate."

Both in mines and in homes, radon accumulations are of greater concern, Mr. Siek said, because of the confined area involved.

NO SIGNIFICANT READINGS

The joint study by the A. E. C. and the United States Public Health Service dated last March 5 centered on radon levels outdoors near four tailings piles, including those at Durango and Grand Junction. It reported no significant readings beyond a half-mile from the pile in the prevailing wind direction.

The Colorado Committee for Environmental Information plans to continue its fight against Project Rulison, the underground nuclear blast set off recently 43 miles east of Grand Junction.

After failing to halt the shot, Dr. Metzger said, the committee, through the American Civil Liberties Union, will try to halt any efforts to burn off or sell commercially any of the natural gas released by the Rulison explosion from underground rock formations. They fear it will contaminate the air radioactivity.

The Colorado Committee has also been concerned with the $50-million fire May 11 at the Rocky Flats plant operated by Dow Chemical Company.

A three-hour blaze in the nuclear weapons building caused the damage and involved, in addition, $20-million worth of plutonium, most of which, a company spokesman said, can be reprocessed and reused.

The spokesman would neither confirm nor deny reports in The Denver Post that more than 200 small fires had occurred at the plant since it opened in 1953.

WASTE SHIPMENTS RISE

The company reported that shipments of contaminated solid wastes from the Rocky Flats plant had temporarily increased by one-third because of the fire May 11. The wastes are shipped to an atomic graveyard in Idaho.

Chem-Nuclear Services Inc., of Sunnyside, Wash., has applied to the State Health Department to build an atomic graveyard near Limon, 70 miles southeast of Denver.

At Platteville, 35 miles north of Denver, the Public Service Company of Colorado is building a 330,000-kilowatt nuclear power generating station with a high temperature gas cooled reactor. The $100-million plant, half financed by the Atomic Energy Commission, is modeled after a 40,000-kilowatt plant at Peach Bottom, Pa.

One commission employee said that he was thinking of transferring to another Federal agency.

"We used to be the good guys in the white hats," he said shortly before the Rulison explosion. "It's not white any more. Now it's sort of gray."

SAM WYLY APPOINTED CHAIRMAN OF MINORITY ENTERPRISE ADVISORY COUNCIL

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. BUSH. Mr. Speaker, President Nixon's appointment of Sam Wyly of Dallas as Chairman of the Minority Enterprise Advisory Council is a wise and worthy action, a move which should prove significant to the long-range success of the Council.

Mr. Wyly has continually proven himself open to new experience—anxious to accept a variety of challenges. Indeed, his proven talents are most timely in relation to the responsibilities he assumes in this new position.

As Mr. Wyly has forged progress and created change in his professional endeavors, so has he proven himself a man of sensitive understanding in his approach to civic and philanthropic projects. Where he has unleashed his initiative on a particular project, there has inevitably been a constructive order of progress and improvement.

I am certain that his efforts on behalf of the Minority Enterprise Council will render this group an integral and vital force in the national community in the demanding days ahead.

A NEW DIMENSION TO THE NARCOTICS PROBLEM

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MURPHY of New York. Mr. Speaker, Richard Severo is an outstanding investigative reporter for the New York Times. His past work has done much to provide public awareness of the intensely complex problem of narcotics addiction and drug abuse, and his latest series deals with many of the additional problems facing society as a result of the increasing presence of citizens vigilante groups. I commend this article to you:

ADDICTS' VICTIMS TURN VIGILANTE

(By Richard Severo)

Violence and vigilante groups are becoming widely accepted by slum residents as the most effective way of ridding their neighborhoods of narcotics addicts.

Attacks by armed gangs have taken place, many of them apparently unnoticed or ignored by the police, and residents of besieged neighborhoods say they are planning offensives against junkies. They are prompted, they say, by the failure of law-enforcement and other city agencies to reduce or even control the spread of heroin.

"We warn the pushers: In this block you do not push," said the 17-year-old leader of a gang that prowls the Lower East Side. "We tell the dope fiends: Here you do not steal. If they listen to us, fine. They push their poison someplace else. If they do not listen, we get them."

For the poor, as well as for officials who face the problem every day, drug addiction in New York seems to defy solution even as it grows more acute.

The police have not been able to eliminate it or even effectively control it; various therapeutic programs have shown both promise and failure and those in charge often show an inability to cooperate with one another; and hospitals, which have the potential for doing much, have thus far been either unwilling or unable to do anything substantial.

The result is a social crisis of immense cost and complexity that has ravaged communities, disrupted the city, and continues to drain human and financial resources—with no end in sight.

A two-month study of the narcotics problem by The New York Times indicates that in areas infested with addicts, the residents now regard retribution as preferable to promises of protection and plans for therapeutic programs that never seem big enough, prompt enough or workable.

The emerging pattern of violence is evident mostly on the Lower East Side and in Harlem and a few areas in Brooklyn. In other areas, such as the Hunts Point section of the Bronx, the fear of junkies and pushers has led not to counterattack, but to a fearful capitulation of spirit and an acceptance of a Wild West kind of lawlessness.

The addict who used to be tolerated as a nuisance or even embraced as a "sick" friend is now hated as a sneak thief and feared as a mugger; the pusher who used to be disdainfully regarded as a ne'er-do-well or perhaps even admired as a poor boy who had made it big, is now despised as a menace to the children who can easily buy narcotics in the schoolyard.

Among the investigation's findings are these:

At least one large, organized group of Puerto Ricans and Negroes have beaten up pushers and addicts on the Lower East Side in the area between Second and 14th Streets and along Avenues C and D. One gang member said he was doing it "because the junkies are destroying my people."

Other groups of teen-agers and young people have formed gangs and say they are planning to do the same thing elsewhere on the Lower East Side and in Harlem.

More common than the youth gangs are self-defense groups among adults. There are more than 90 tenant patrols operating in the city's public-housing projects, and the city is paying patrol leaders $2.50 an hour.

Tenement-dwellers on the Lower East Side have armed themselves not only with clubs and knives, but also with rifles and handguns, to protect themselves and their buildings. One group on East Seventh Street has even purchased walkie-talkies for patrol use.

Although the police deny any knowledge of the armed self-defense groups, members say that the police have, in fact, encouraged them. One patrolman is credited with teaching tenants how to make clubs of old table legs.

Mail theft by heroin users is so frequent that the Post Office is spending $360,000 a year on overtime in the Bronx and in Brooklyn for special protection.

NOT A NEW APPROACH

Vigilante groups are not new, either here or elsewhere nor is violence new as a means of dealing with community problems. But the growing preference for applying these tactics to drug pushers and users is viewed by some observers as a portent of widespread acceptance of an oversimplified, punitive solution to a vastly complicated issue.

Animosity toward the addict has reached such a point in some neighborhoods that politicians who have supported progressive approaches to addiction control are under increasing pressure to support any action that will take junkies out of circulation.

An aide to one liberal state legislator, who asked that his name not be used, said: "Don't kid yourself that this 'sweep the streets' business is limited to conservatives. It'd probably be even more intense in the poorer neighborhoods. The people who are demanding it are the very people who used to provide the impetus for liberal legislation."

The new and intense loathing of the addict is coupled, in the slums, with an ambivalence toward the police. People say they want more police protection, but also say they have lost faith in the police.

Poor families have lost their television sets to addict thieves. The current militancy against addict and pusher is heightened by the fact that families are now losing much more than television sets. They are losing young sons and daughters. For the facts clearly indicate that addicts are getting younger with every passing year.

Dr. Michael Baden, associate medical examiner of New York, says that in 1967 the median age of addicts who died after using heroin was 28. Now the median age is 22.

In 1966, there were 33 teen-agers who died in New York after taking heroin. Last year the number rose to 72. But in three months—June, July and August—71 died this year. Sixty per cent of them were black and 30 per cent were Puerto Rican. Addicts aged 14 are not uncommon these days and slum residents report that 8-year-olds are experimenting with heroin bought in the schoolyard.

The state of hostilities that now exists in the most beleaguered neighborhoods is one that nobody wants to talk about. The tenement-dweller is angry but he does not like to speak of retribution; the role of gun-toter is not one he is easy with. He does not like making war on people he knows.

Nor does every neighborhood react to the problem in the same way. Chinatown, for example, has a very small, though growing, problem among its teen-agers, but no defense measures were observed there. A resident of the neighborhood said most parents refused to admit that any problem existed, since the use of heroin carried with it a terrible stigma among the Chinese.

THE ITALIAN ATTITUDE

People of Italian extraction on the Lower East Side also have a small but developing addiction problem among their young. But no organized defense groups are evident in Little Italy, either, and junkies are almost never seen there. Addicts with Italian names, however, appear in Puerto Rican blocks on the Lower East Side.

"The Italians will not tolerate dope addicts in their midst," said a resident of Little Italy. Asked how the Italians managed to prevent addicts from swarming over them, he replied: "We do it like we have always done it. If we have a problem in the neighborhood, we settle it in the neighborhood."

The same ethnic groups reacted differently in different places. The Puerto Ricans of the Lower East Side were "turf"-oriented, well aware that they had a problem and predisposed to settle it themselves—an attitude similar to that of the Italians to the west of them, although not so well established.

But in the Hunts Point section of the Bronx the Puerto Ricans seemed more submissive, less sure of themselves, distrustful of both police and pusher.

HARLEM MINISTER'S VIEWS

In Harlem at least three groups advocate dealing very firmly with the addict. Some members of all groups admitted they were armed when they went into the street to search for addicts. Others said they dealt with addicts and pushers only with their fists. The intention among members of all three groups was simply to drive addicts and pushers from their neighborhoods—there was little talk of rehabilitation or hospitalization.

Perhaps the most outspoken proponent of a street offensive against addicts and pushers is the Rev. Oberia Dempsey of the Upper Park Avenue Baptist Church, who believes there are 250,000 heroin users in Harlem alone. He carries a revolver with him because he fears that pushers may attack him for his firm stand on narcotics.

When Mr. Dempsey speaks of the problem his language may seem more reminiscent of what one can hear from the most conservative law-and-order advocate, rather than a Harlem preacher. But the similarities are superficial. Mr. Dempsey talks out of desperation, not ideology.

"We don't advocate taking the law in our own hands," he said, "but the emphasis of the law is placed on protecting the rights of the criminal, not the decent citizen. I think every addict who is on the streets must be removed from Harlem. The government should set up health camps outside the city, in old Army bases upstate. A lot of so-called bleeding-heart liberals could go up and act as counselors."

Another group advocating a militant approach is the Harlem Youth Federation. Its president, Hannibal Ahmed, is currently under indictment, charged with conspiring with five other Harlem Negroes to kill a white policeman every week. They have all pleaded not guilty.

Mr. Ahmed and his colleagues are particularly concerned about the increased use of heroin among children and what they call the inability of the police to do anything about it.

Federation members talk to children whenever and wherever they can, alerting them to the perils of narcotics use. Frequently, when they meet with groups of children, they sing this song, to the tune of "Old MacDonald":

"Eee-i, Eee-o, drugs must go,
Dah-dah-dah-dah-dah.
The pushers must be off-off-off,
Dash-dah-dah-dah-dah.
The people must work both
day and night,
Time for us to put up a fight.
Eee-i, Eee-o drugs must go
Dah-dah-dah-dah-dah."

Mr. Ahmed says that "some of the older brothers are giving dope to 10-year-olds and there is no place for them to get help."

The Harlem Youth Federation has a mattress in its 125th Street headquarters and its members stand ready 24 hours a day to help any addict who wants to detoxify himself.

This summer 28 of the federation's 60 members asked Harlem residents between 110th and 155th Streets how they thought addicts should be handled in the community.

The consensus was summed up by such comments as "Knock their heads in," "They are killing our people" and "They should be killed."

The head of the third group advocating drastic measures against addicts is John Shabazz of the Black Citizens Patrol, an organization claiming 155 members. It was formed about a year and a half ago.

Mr. Shabazz, a former associate of Malcolm X, said he wanted no money and no help from the police—only that, starting this fall, his followers would try to "discourage" those who would sell narcotics in Harlem public schools.

"We have the names and photographs of pushers," he said, "and we will have people inside the schools to turn over the names to the proper authorities. If they don't deal with the problem, we will have to deal with it our own way."

A former Harlem heroin dealer who estimates he made $4,000 to $5,000 a week on sales of about four pounds, was asked how he justified what he did. The dealer, whose name cannot be used, replied:

"I never gave it a thought whether it was right or wrong. It was just a way of making money. I was never in any trouble. You can get into trouble by selling some bad dope. I knew I was getting good dope from the people I was dealing with."

He insisted however, that "I never sold to kids." The dealer was disconcerted recently to learn that his teenage son used heroin.

Mr. Shabazz was invited to lecture to a group of teenagers in a church basement in Central Harlem. The spirit of the meeting was almost evangelical.

Mr. Shabazz: Only a firstclass jackass would stick a needle in his arm and shoot up. What kind of fool would do that?

YOU KNOW WHAT TO DO

Teen-agers (in unison): Somebody who don't have nothing else to do.

Mr. S: What kind of dope is here in Harlem?

Teen-agers (shouting): Cocaine! Heroin! Weight pills! Reefers!

Mr. S: What's the youngest age of an addict that you've heard of? Teen-agers: Eight!

Mr. S: Where do drugs come from in the schools? Teen-agers: Pushers!

Mr. S: Do the pushers go to school? Teen-agers: Yes!

Mr. S: And what school has more drug pushers than any other?

Here the teen-agers were not unanimous, filling the room with shouts of the high schools they knew—George Washington, Louis D. Brandeis, Charles Evans Hughes, Benjamin Franklin.

Mr. Shabazz then told the teen-agers that if anyone came up to them and offered them drugs, "you know what to do—knock the hell out of them." The youngsters applauded.

The Harlem groups are for the most part only threatening violence, but one gang on the Lower East Side has already skirmished with pushers. Gang members say that one of their number was murdered last year; retaliation, they say, from the pushers.

The gang, which has a name but does not want it published, claims more than 100 members. It is armed and is led by a 17-year-old youth who will be called Ramon here.

"We have agents who follow junkies and pushers around," Ramon said. "We know every one of them. We know when pushers get the stuff and we know when particular junkies need a fix. We know exactly what is going on in this neighborhood, which is more than I can say for the police."

But perhaps the most disquieting experience is talking to ordinary people—black and white, poor and not so poor—who are not members of gangs, not especially young, are not violent and do not want to be. People whose only contact with violence has been on television now talk calmly and seriously of violence as necessary for their survival.

A 62-year-old man who had worked as a guard said he never walked in the hall of his lower East Side building unless he carried a loaded revolver in his hand. A professional trumpet player in the same neighborhood who was mugged twice took karate lessons and did battle with a junkie who tried to mug him in the hallway outside his apartment.

A pregnant housewife who lives nearby says she now thinks of simple household implements as potential weapons.

Several other women said they were purchasing small spray cans of chemical irritants and carrying them in their purses; still other women were carrying knives and cans of pepper.

A young woman in the Brownsville section of Brooklyn says she will kill the next addict who tries to steal anything from her apartment; a neighbor said he recently waited behind a door for two hours with a baseball bat for the addict who had unsuccessfully tried to get into his apartment earlier.

"The good Lord took a liking to him," the man said, "because he didn't come back and that's what saved me from killing him."

The superintendent of a tenement near the corner of East Seventh Street and Avenue D carries a gun, as does his wife. "I tell the junkies," he says, "you fool around with me and I'm gonna fool around with you."

Over and over the visitor finds evidence that some neighborhoods have become armed camps, filled with people who believe that the only way to survive in New York in the year 1969 is with guns, knives and chemicals.

Charles Parker, a Bronx resident who was the prime mover recently in forming a coalition of youngsters and adults who patrol the streets and report wrongdoing to the police, says that he and many of his neighbors have bought big television-radio-phonograph consoles because "you can't carry one of those babies down a fire escape."

The trumpet player who took karate lessons is Marc Levin, 27, who lived at 278 East Seventh Street for five years, but has since moved to a relatively quiet part of Greenwich Village.

Although Mr. Levin, a quiet man of average height and weight, is more interested in practicing his horn, he practiced karate four to five hours a day after he was mugged a second time.

OFFERS GIFT RECORD

He recalls that the second time, he gave the junkie $2.35 (all he had) and offered to give him an autographed copy of a jazz record he had cut called "The Dragon Suite." But some people approached and the junkie ran off—without the record.

The junkie had brandished a knife, and that frightened Mr. Levin, who then began to study self-defense techniques.

The third attack—the one that prompted his flight from the Lower East Side—took place last April 24 shortly before 7 P.M. Mr. Levin was wearing a suit (which made him stand out in his neighborhood) and was walking on Seventh Street near home.

"This tall, skinny kid, I guess he was about 6-foot-2, he had a butcher's knife. I remember looking at the knife pretty closely because it looked like the kind my old man cuts onions with (His father owns a kosher delicatessen in Bayonne).

"He followed me into the building and up on the third floor, when I was getting the key out for my apartment (3–B) he rushed me. I threw my groceries at him, gave a karate yell and tried to kick him in the groin. But my foot didn't connect.

"I yelled, 'hey rube!' a signal I had prearranged with my neighbor, Tony Rivera in 3A. Tony had a lead pipe and was prepared to come out into the hall if there was ever any trouble. I yelled 'Help! help! help!' The guy was about 20 feet from me. He was deciding if he should take me or run. But people started coming and he ran down the stairs. Then I noticed my wrist was slashed."

In May, Mr. Levin left 278 East Seventh Street.

TENANTS FORM PATROL

Afterwards, the tenants in Nos. 272, 274 and 278 formed a patrol. It was composed of 20 men, all volunteers, who took turns guarding the building. Every stranger was stopped, then escorted upstairs to his destination. The men were armed with lead pipes and handguns, and one man even used a sword.

Although Deputy Inspector Joseph Fink, commander of the East Fifth Street Police station, said he did not know of the existence of any such group, a member said that a patrolman got out of his squad car one night and "taught us how to make clubs out of table legs—after all, we were doing his work."

The tenants' patrol has become inactive in recent weeks because members grew tired of giving it so much time. Also, more police now patrol in the area.

Not all tenants' patrols are so informal. Ninety-two of the New York City Housing Authority's 157 projects have "citizens' patrols" that are subsidized by the authority this year at the rate of $50,000 to $75,000.

The money goes to recruiters and patrol supervisors, who are paid $2.50 an hour for a maximum 20-hour week and for coffee and pastries for patrol members, who spend long evening hours guarding the lobbies. The 4,500 project residents who are just members are not paid, they volunteer.

A visit to the Rutgers House Project on the Lower East Side found that most patrol members were elderly Jews, joined by a sprinkling of Puerto Ricans and Negroes. So far, patrol members have made no arrests.

Jerry Schulman, who until recently was director of the Rutgers Community Center, said that Chinese residents of the project refuse to join the patrol and stick together so closely that they seldom called the police if anything went wrong.

A Chinese resident of the area offered another explanation. The police back home are corrupt he said, and many new arrivals think that the police here must be just as bad.

Mr. Schulman says that Italians and Jews will not hesitate to call the police, but that Italians will not join the patrol. Mr. Schulman attributes this to their "individualistic make-up."

But Mrs. Louis Cammarota, who briefly joined the Rutgers tenant patrol and then quit, said she did so because she thought someone qualified ought to do the patrolling, "not a bunch of old people."

Irving Levy, a 68-year-old widower who used to be a house painter before he retired, is one of the most active members of the project's citizens' patrol. Asked why he put in the hours and risked injury, he said "I have nothing else to do. And besides, I used to be in the Marine Corps Reserve, so you can see I'm qualified for this."

But Mr. Levy feels he lacks real authority and complained that recently a couple of teen-agers ripped off the armband he wears. "If I had a uniform," he said, "or a special officer's badge and maybe a club and a pair of handcuffs, then I could do a job."

ADDICTS STEAL $2.6 BILLION

Despite the complexity of the narcotics problem, the arithmetic of it is simple. There are an estimated 100,000 heroin users in New York City. The average habit costs slightly over $30 a day, which most addicts cannot support through ordinary jobs. Therefore, they swindle people out of money if they can and steal if they cannot.

Dr. Michael Baden, associate medical examiner, estimates that the city's heroin users are spending at least $850-million a year with pushers on the street, and may be stealing as much as $2.6-billion a year in property.

The reason for the discrepancy between what is stolen and what is spent is that addicts frequently receive less than two-thirds of the real value of stolen goods. Most of the stealing goes unreported, Dr. Baden said, because so many of the victims are either relatives and friends who are reluctant to lodge a complaint, or others who feel there is little the police can do.

Rightly or wrongly, many people are blaming addicts for most of the burglaries, robberies and muggings in the city. Although no comprehensive study has been done, Governor Rockefeller has estimated that perhaps half the reported crime in New York is the work of addicts.

George F. McGrath, Commissioner of Corrections, reports that of a total prison population of 13,500, 40 per cent of the men are considered to be addicts, and at least 60 per cent of the women.

A HARD LOOK AT REALITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ASHBROOK. Mr. Speaker, perhaps we will never know to what extent our military preparedness program was set back by former Secretary of Defense Robert McNamara, his coterie of whiz kids, and some of the unbelievable theories they concocted to guide our military policies. One favorite dream was the business about mutual deterrence in which we allowed the Soviets to draw abreast of the United States in military readiness, thereby creating a stalemate in which neither side could hope to win.

Perhaps now is the time to ask Mr. McNamara where he would go from here, for Marshal N. I. Krylov, commander of the Soviet missile forces, recently stated that there would be a victor in a nuclear war. As quoted by the New York Times of September 12, Marshal Krylov stated:

> The imperialist ideologists are trying to lull the vigilance of the world's people by having recourse to propaganda devices to the effect that there will be no victors in a future nuclear war. These false affirmations contradict the objective laws of history.
>
> Victory in war, if the imperialists succeed in starting it, will be on the side of world socialism.

It is reassuring to some extent to know that those in the Defense Department today are on the same wavelength as Svetlana Alliluyeva who pointed out last Sunday on "Meet the Press" that the Soviet Union is a totalitarian regime. Dreaming up harebrained theories as a defense for the security of this Nation is a dangerous pastime which we can ill afford.

I insert at this point the article "U.S. Arms Officials Worried by Soviet Article," by William Beecher, in the New York Times of September 12, 1969.

U.S. ARMS OFFICIALS WORRIED BY SOVIET ARTICLE: MARSHAL DISCOUNTS THEORY OF NO WINNER IN AN ATOMIC WAR

(By William Beecher)

WASHINGTON, September 11.—High-ranking diplomatic and military officials, looking to the start of strategic arms limitation talks soon, are expressing concern about a recent expression of Soviet strategic thought that they say could dim the prospects of successful negotiations.

Their concern is based on a recent article by Marshal Nikolai I. Krylov, commander of Soviet missile forces. He said, in effect, that Moscow did not subscribe to the American position that there could be no winner in a nuclear war.

The basic premise of American strategic planning is that if each superpower has enough well protected nuclear weapons to retaliate overwhelmingly to a surprise attack by the other, neither will start a nuclear war.

But if Russian leaders believe the possibility of surviving such a war is rather good and continue building up those offensive and defensive weapons that promise to increase chances of survival, it might be "supremely difficult," in the words of one ranking Defense Department official, to work out an acceptable arms control agreement.

But he and other officials agreed that this made even more urgent the need for exploring without delay a freeze on strategic weapons.

American planners are by no means convinced that the Krylov article, published on Aug. 30 in the newspaper Sovietskaya Rossiya, represents the view of Soviet political leaders.

But, they say, there has been some evidence in the pattern of Soviet missile deployment to support the thesis that Moscow is following what strategists call "a war-fighting damage-limiting" course, rather than the American deterrent strategy. But the evidence is admittedly ambiguous.

Officials say there still has been no answer to President Nixon's proposal to start talks this summer, although they hope for an affirmative answer soon.

Sources said there was hope that the Soviet Foreign Minister, Andrei A. Gromyko, who is expected in New York Sunday to attend the opening of the United Nations General Assembly, might bring word on when talks could begin.

In his article, Marshal Krylov declared:

SCORES IMPERIALIST VIEW

"The imperialist ideologists are trying to lull the vigilance of the world's people by having recourse to propaganda devices to the effect that there will be no victors in a future nuclear war. These false affirmations contradict the objective laws of history.

"Victory in war, if the imperialists succeed in starting it, will be on the side of world socialism."

Senior American officials believe this statement reflects not so much an interest in launching a first strike as a determination to substantially reduce the danger to the Soviet Union if a nuclear war should break out, no matter who starts it.

For the last several years, the United States has chosen not to build a substantial "damage-limiting capability." This would involve antiballistic missile defenses deployed around American cities, and a stock of offensive missiles sufficiently large and accurate to destroy Soviet missiles before they could be launched.

The United States Safeguard antimissile system is designed to protect two Minuteman missile complexes against surprise attack. The decision to limit the size of the United States missile force and to develop small multiple warheads, are both designed for a response to a first strike by penetrating the Soviet defenses and destroying Soviet cities rather than attacking Soviet missile sites.

The Soviet Union has traditionally been very defense minded. Its air defenses are much larger than those of any other national and it was the first to deploy anti-ballistic missiles.

However, if the Russians are determined to continue building up their missiles to save as many Russian lives as possible, this would undermine the ability of the United States to devastate the Soviet Union in response to a surprise attack.

NEW BILL WOULD PROTECT ANTIQUE GLASS COLLECTORS

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. SCHADEBERG. Mr. Speaker, I insert the following article by Mr. Stan Gores, feature editor of the Fond du Lac Commonwealth Reporter, Fond du Lac, Wis., in support of H.R. 12284, a bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware:

NEW BILL WOULD PROTECT ANTIQUE GLASS COLLECTORS

(By Stan Gores)

Antique glass collectors as well as priceless museum displays will be protected—at long last—if a bill recently introduced by three congressmen, including Henry C. Schadeberg of Wisconsin, is enacted into law.

The bill, known as H.R. 12284, was proposed by Louis C. Wyman of New Hampshire and has since been referred to the Committee on Interstate and Foreign Commerce. Sharing authorship of the measure with Wyman and Schadeberg is G. Robert Watkins of Pennsylvania.

Purpose of the bill is to "protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware."

It would require that each piece of imitation glassware be dated at the time of manufacture. Failure to comply would be regarded as "an unfair method of competition and an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act."

HITS "REPROS"

Provisions of the bill show that it is aimed at eliminating what antique collectors have come to know as "reproductions." These are new pieces of glassware, sometimes made from old molds, in the same patterns and colors as treasured antiques that date anywhere from the 1700s to the early 1900s.

The term "antique glassware" is used loosely in H.R. 12284, since it would clamp down on imitations of glass patterns and designs manufactured as recently as 1940. This is good, of course, for it assures anything still considered "new" of being eligible in the years ahead for classification as an antique.

While newly manufactured glassware has beauty, to the collector of antique glassware a "reproduction" is something to be shunned. However, such "repros" have found their way into antique shops on occasion and also have been auctioned as "old."

The veteran collector or dealer can determine the age of glass, in most cases, by other signs and will spot a reproduction. But some reproductions are very good—and high prices have been paid for glass items that, rightfully, are being marketed in the gift shops at a much lower cost.

BUYERS ARE WARY

In recent years collectors in Fond du Lac and elsewhere have shown a tendency to avoid types of glassware that have been reproduced. Milk glass, cranberry and carnival are three examples, and there are many more. This has made the inexperienced buyer wary of putting his money on the line, even for a bona fide antique that a dealer knows to be old. And as a result, the true value of some genuine old glassware has dropped.

Over the years, dealers and advanced collectors have become experts in the field of glassware as well as other antiques. H.R. 12284 will offer them the kind of "proof" of quality they've not always had in the past. For the collector, it also would take some of the "guesswork" out of costly purchases and safeguard his investment. And the authenticity of outstanding antique displays such as that shown at the Oshkosh Museum also would be assured.

Glass manufacturers, as well as importers, are expected to fight the bill. There may be amendments.

But those interested in antique glassware—and there are thousands—already are preparing for the battle by writing their senators and representatives to urge that the bill be passed.

AMERICAN PRISONERS OF NORTH VIETNAM

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. PREYER of North Carolina. Mr. Speaker, "Am I a wife or a widow?" "Is my son a prisoner of war or is he 'missing in action'?" These are the questions asked by Mrs. Jean C. McDaniel and Rev. Charles Jerome Honeycutt when they visited my office last week. They came to Washington, along with other husbands and parents and children of captured Americans in Vietnam, to protest the inhumane treatment of prisoners by the North Vietnamese and to plead for some information about their husbands and sons.

Mrs. McDaniel lives with her two children in Greensboro. Her husband was shot down over North Vietnam while on an Air Force reconnaissance flight early in the Vietnam war. For 3 years he was listed as "missing in action." Mrs. McDaniel lived for these years without knowing whether her husband was dead or alive, without a word of any kind concerning him. Last July, she was shown an enlarged photograph taken from a North Vietnamese propaganda film of the prison camp; she recognized her husband in the picture. But Mrs. McDaniel has not received any confirmation of this from the Red Cross or any other group. She writes her husband, but does not know whether or not he receives her letters. Mrs. McDaniel has one brother now serving in Vietnam. Another brother is in the Marines and expects to go to Vietnam soon. This obviously brave woman said:

> You can only take so much.

Reverend and Mrs. Honeycutt also live in Greensboro. He is pastor of the Newlyn Street Methodist Church. Their son, Jerry, is a jet fighter pilot. His plane and a companion fighter plane were reported missing over North Vietnam. They do not know for certain whether Jerry is missing or was captured. Their hopes that Jerry is alive and a prisoner of war come from a North Vietnam news report that stated that on the date and in the area where his plane was lost, "two planes were shot down and the pilots captured." But for 2 years they have heard no word as to whether or not their son is alive. Reverend Honeycutt says that the constant, gnawing anxiety of not knowing their son's fate has affected his wife's health. The Honeycutts say that the North Vietnamese would classify his son, Jerry, as they do all other prisoners, as a "war criminal" rather than a "prisoner of war." This terminology means that the Red Cross is therefore unable to get messages to or from Jerry. Far from being a "war criminal," Jerry Honeycutt, like most American young men, was serving out of a sense of duty and not in any warlike spirit. He was an all-State high school football player and an outstanding halfback at Duke University.

Mrs. McDaniel and Reverend Honeycutt gave me permission to tell their stories in the hope that it might be of help to other prisoners of war. Initially, returned American prisoners have remained silent about their treatment in prison because they feared for Americans left behind. For the same reason, our military has been silent concerning their mistreatment. But remaining silent has not brought about any better treatment of our prisoners.

Recently released prisoners have been urged by their fellow prisoners to "tell it like it is" without fear of the consequences to those prisoners left behind. The prisoners had noticed that life improved when generals visited their camps. Released prisoner Robert Frishman said this caused the prisoners to believe that "possibly the higher ups in North Vietnam may not know the truth about our treatment." This supposition seems plausible. The North Vietnamese are extremely sensitive about U.S. public reaction to the war's coverage in the American press, which is carefully scrutinized by a special section of the government.

This is why so much publicity is being given to our prisoners' plight at this time. This is why Mrs. McDaniel and Reverend Honeycutt came to Washington, along with many other parents, wives, and children of prisoners, to tell their stories. This is why resolutions, such as the one I cosponsored, have been introduced in Congress.

Ambassador Lodge presented this resolution to the Communist delegates in Paris last Saturday and informed the Communists of the wide bipartisan support this and other similar resolutions have in Congress and the impact they have had on public opinion both here and abroad.

The administration has been urged to settle the question of treatment of prisoners of war before all other questions are settled in Paris.

We must do everything possible to ensure that these prisoners are humanely treated and identified, sick and injured released. The Red Cross must be allowed to inspect the camps, and prisoners' mail allowed to be delivered. None of these is the case today. War is always terrible, but at least we had thought we had left the Dark Ages behind in the treatment of prisoners.

THE RIDDLE OF MARIHUANA

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. COHELAN. Mr. Speaker, the increasing and continued widespread use of marihuana, especially among our very young people, is a problem of growing proportions. It is a problem which demands our immediate attention. Our current laws on marihuana do nothing to curtail its use; if anything, they force users to blatantly flaunt the law.

There is no doubt that further research on marihuana is a must—we have evidence of the fact from leading medical and scientific authorities. The use of marihuana and its consequences must be looked into more seriously and in greater depth. This is one problem we cannot solve by ignoring—for it will not just disappear, nor is it one we can continue to try to solve by severe punitive measures.

A recent editorial in the September 9 Washington Post calls attention to these facts. I submit it at this time for the RECORD:

THE RIDDLE OF MARIJUANA

Among the great riddles of contemporary life, marijuana surely is entitled to high rank. There is widespread confusion, or at any rate disagreement, as to the extent of its use by the young, as to the degree of its maleficence, as to whether it is addictive, as to whether smoking it leads to the use of other drugs, and above all as to how the law should deal with users and purveyors. There appears to be a clear consensus, however, that existing laws on the subject are neither just, nor wise nor effectual.

The President's Crime Commission, which had expert task forces at its disposal, had this to say about marijuana in its comprehensive report 2½ years ago: "Marijuana is equated in the law with the opiates, but the abuse characteritsics of the two have almost nothing in common. The opiates produce physical dependence. Marijuana does not. A withdrawal sickness appears when use of the opiates is discontinued. No such symptoms are associated with marijuana. The desired dose of opiates tends to increase over time, but this is not true of marijuana. Both can lead to psychic dependence, but so can almost any substance that alters the state of consciousness." The commission urged a plan of research to be undertaken by the National Institute of Mental Health "covering all aspects of marijuana use."

In an interview just the other day, Dr. Roger O. Egeberg, the new health chief at HEW, said "the present laws are completely out of proportion" to the dangers presented by marijuana. "I think they're punitive. I don't personally think marijuana leads to heroin. I feel pretty strongly that it should be placed in a different category from barbiturates, heroin, amphetamines and LSD." But the fact is that they are all more or less indiscriminately lumped together. And society in its horror of "dope fiends" punishes youngsters who smoke a reefer now and then as though they were depraved criminals.

Sen. Harold Hughes called last week for "enforceable" laws to replace "sadistic" punishment for narcotics violations generally. The proposals sent to Congress not long ago by President Nixon treat drug abuse as a mere law enforcement problem; and they put LSD and hard narcotics in the same category as marijuana—despite all the expert opinion that they are essentially different. Pot smoking among the young appears to be, more than anything else, a kind of defiance of authority which can be dealt with far more effectively through understanding and a sense of proportion than through outright condemnation and vindictive penalties.

Possibly President Nixon needs a commission of his own to acquaint him with the facts of life about marijuana. If he chose a number of eminent physicians, psychiatrists and penologists and asked them to recommend a realistic program for the marijuana menace, it might well come to seem less menancing and more manageable.

BULGARIAN FIGHT FOR FREEDOM

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. FRIEDEL. Mr. Speaker, the sturdy and stouthearted people of Bulgaria have always fought for their freedom and independence, even under the most adverse circumstances they have never given up their hope for the eventual attainment of their goal. This has been particularly true in their modern history. For nearly 400 years their homeland was held by the Turks and they suffered under their callous overloads. On numerous occasions they rebelled against their oppressors, but without effective outside aid they could not attain their freedom, and unfortunately many of these attempts at rebellion ended in blood baths.

In late 19th century, however, they were successful because czarist Russia fought for them against the Turks, and their freedom was assured at the end of the Russo-Turkish War of 1877–78. Thenceforth, independent Bulgaria enjoyed peace for nearly four decades, but the First World War proved disastrous to the Bulgarian people. Besides suffering during the war, they were forced to yield some territory to their neighbors. But the hard-working peasants did their best and lived happily until the outbreak of the last war. That war ushered in calamity and tragedy for the people of Bulgaria, the end of which is not yet in sight.

During the war they suffered under the Nazis, and in late 1944, when Bulgaria was "liberated" by the Red Army, for a while some people thought better days ahead. But all that proved false, for the Communists took over Bulgaria and wanted to make it a Soviet outpost in the Balkans. First, all freedoms were tabooed, and only fanatical Communists had the freedom to do their worst. All parties were eliminated by oppression, and in that way the Communist Party became the sole political party in the country. It took more than 2 years for them to do this, and even then it was not easy for the Communists to silence their opponents, but by mid-1947, all anti-Communist forces were ruthlessly crushed and their leaders charged with some trumped-up treasonable acts. In this way the indomitable Nikola Petkov was trapped, put under arrest, and then on the 23d of September he was hanged.

With the execution of Petkov, the voice of freedom and of democracy came to an end in Bulgaria. Since then, the oppressed and helpless Bulgarian people are struggling, praying, and hoping for their freedom. Today on the 22d anniversary observance of the death of that gallant fighter for freedom, we wish more power to all freedom fighters in Bulgaria—and ultimate success. Although the captive Bulgarian people will observe the tragic anniversary silently in their minds and hearts, it is our responsibility to speak out on their behalf so the world will know that America will never condone Communist aggression.

TAX WRITEOFFS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. YATRON. Mr. Speaker, recently while reading the Reading Times, a newspaper published in my hometown of Reading, Pa., I observed an editorial which should be of interest to all taxpayers.

As we all recognize, the American taxpayer is bearing a heavy load. The 10-percent income tax surcharge has heightened past demands for hard-earned wage. Our citizens are forced to divert substantial portions of their paychecks to Uncle Sam at a time when funds are needed to meet the rising costs of an uncontrolled inflation.

Within the context of this pervasive demand for Federal tax dollars, it was most startling and certainly disconcerting to learn from the Times that the Department of Justice has failed to press for prompt collection of some $280 million in fines, judgments, penalties, and forfeitures due the Federal Government for the past 4-year period. This revelation is certain to disturb newspaper readers in my own district. American taxpayers must be assured that their load is being fairly borne and that the Federal Government collects its revenue in an evenhanded manner. It is necessary that more responsibility be exercised to prevent the occurrence of analogous eventualities. It should go without saying, therefore, that the present situation must be corrected.

I am attaching for publication in today's CONGRESSIONAL RECORD, a copy of the editorial "Start Collecting" from the Reading Times of September 19, 1969:

START COLLECTING

The federal government, which always seems to be hurting when it comes to money, apparently isn't too concerned about money it has coming to it legally.

That would appear to be the case according to a government report which says the Justice Department has collected less than half the $383 million in fines, judgments, penalties and forfeitures owed the government during the last four years.

The disclosure was made in a General Accounting Office private report to Rep. Dante B. Fascell, D-Fla., chairman of the House Government Operations subcommittee.

Collections in the last four fiscal years totaled $163.2 million, or only about 42 per cent of the amount owed, the GAO said. The amounts include fines imposed in criminal cases and judgments won by the government in civil actions.

Understandably, some of the money owed has to be written off as uncollectible for various reasons. But that fact notwithstanding, the Justice Department's track record in the collections—at least based on the preliminary figures issued by the GAO—appears to be poor, indeed.

For example, the GAO said, the collection rate for Connecticut was a mere 0.3 per cent of the fines and judgments imposed in that district. The collection rate for the Southern District of New York was only 1.2 per cent. For the Southern District of Alabama, it was 2 per cent, and for the Northern District of that same state, 5 per cent.

Considering the government's constant quest for sources of new or increased revenues and the growing restlessness of American taxpayers, it seems obvious that one way to help foot the bill would be for the government to take more strenuous efforts to collect the millions of dollars legitimately due it.

Such a move, it strikes us, not only is imperative, but is mandatory.

AUSTIN GOVERNMENT EMPLOYEES AID CAMILLE VICTIMS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. PICKLE. Mr. Speaker, the Government employees in Austin, Tex., rallied in admirable fashion to a plea for help when Hurricane Camille struck our neighbors in the gulf coast area.

On short notice, the Federal employees stockpiled food and money for the homeless victims. They gathered 800 cubic feet of boxed food, clothes, and linens. They donated $260 in checks for the Red Cross; $375 in checks for the Salvation Army and $85 in cash to purchase food.

Obviously, the Federal employees in Austin care.

I congratulate each of them for putting their concern into action.

A.C.L.U.'S NEW WITCH HUNT—THE ULTIMATE ABSURDITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. RARICK. Mr. Speaker, the A.C.L.U. witch hunters have announced that they are seeking to prevent the reading of the CONGRESSIONAL RECORD transcription of prayers delivered in the U.S. Congress. This imperious demand points out the ridiculousness of leftwing censorship.

The A.C.L.U., as the self-appointed champion of free speech, has reached the ultimate absurdity. Perhaps if God were a four-letter word, He would be acceptable to A.C.L.U.—academic freedom would demand his admission to the classroom.

Federal courts have been quick to detect and forbid ingenious evasions of their school integration decrees. Following the precedent established in the Adam Clayton Powell case, we could expect a Federal court to recognize this ingenious evasion of their prohibition of school prayer and to react by forbidding the Congress to open its sessions with prayer, and in the alternative forbidding the publication of these prayers in the CONGRESSIONAL RECORD where they might be used to inspire the minds of schoolchildren with an idea not approved by the A.C.L.U. guidelines.

I sincerely trust that the CONGRESSIONAL RECORDS which I distribute to the schools in my district are used for the benefit of the children.

I include the following articles:

[From the New York Times, Sept. 11, 1969]

NETCONG DEFIANT ON SCHOOL PRAYER—DESPITE HIGH COURT, JERSEY TOWN ASKS "MEDIATION"

(By Ronald Sullivan)

NETCONG, N.J., September 10.—This small rural community in western Morris County has decided to defy the United States Supreme Court's prohibition against public-school prayer.

The decision in favor of school prayer was branded by the New Jersey chapter of the American Civil Liberties Union today as tantamount to "anarchy."

For nearly a week 775 public-school students have been asked every morning to remain in their seats before classes for 30 seconds of "voluntary, silent meditation."

The meditation was ordered last week by the borough's Board of Education as an interim measure while a group of local clergymen negotiated a prayer acceptable to all faiths here.

The clergymen met today in the office of the Superintendent of Schools but failed to agree on a common prayer and announced they wanted to "study the matter further." The only dissent was by Rabbi Richard Sobel of Temple Beth Shalom, in nearby Roxbury Township.

Rabbi Sobel was asked to join in today's prayer discussion, but he declined on the ground that the board's action violated Federal and state laws against religious practices in public schools.

The A.C.L.U. announced meanwhile that it was starting a court suit attacking the board's action on the ground that prayers in public schools were banned by both the United States Supreme Court and the State Supreme Court in 1963.

HUGHES IS OPPOSED

Although the Republican majorities in the Legislature have approved two successive measures authorizing "silent school prayer," Gov. Richard J. Hughes, a Democrat, vetoed the first and is expected to let the second die on the ground that the measures are unconstitutional.

Netcong is not alone in its defiance. A survey a few years ago found that devotional readings were being conducted in 13 per cent of the country's public schools and that the figure in the South was just under 50 per cent.

The New Jersey Education Department has said the controversy here is strictly an issue for the courts to decide.

"The last thing we intended to do was to defy the United States Supreme Court or the United States Constitution," said Palmer Stracco, president of the board. "But we feel in our hearts we are doing the right thing by serving the will of the people who elected us to the board."

The board's action, taken last week, was approved with only one opposing vote. Last night the Borough Council voted to support the board's action, again with only one dissenting vote.

Councilman Dominick Arbolino, who introduced the council's endorsement measure, said the Supreme Court "has no right to deprive school children of freedom of religion." The only dissenting Councilman, Samuel Gugliemini, called the move "a return to anarchy."

Local American Legion posts were summoned tonight to nearby Dover by their Committees on Americanism to study ways of keeping school prayers. A local "In God We Trust Committee" also is busy obtaining petitions endorsing classroom prayer.

Stephen M. Nagler, executive secretary of the state chapter of the Civil Liberties Union, described the situation here today as "close to anarchy."

"No one is against prayers," he said, "but the Constitution clearly stipulates that we cannot have them in public schools. If the board says it is reflecting the will of the majority, then it has absolutely no concept of the democratic principles of majority rule that protects minority rights."

Netcong, which has a population of 3,500, is predominantly Roman Catholic, with a heavy concentration of residents of Italian descent. The community's high school has 340 students, half of whom come from neighboring Stanhope, in Sussex County.

Joseph Stracco, the School Superintendent and a nephew of the board's president, said today that the meditation period had been accepted by every student without incident. He said no one was asked to bow his head or stand up. Anyone who opposes the meditation is told he can leave the room, he said.

[From the New York Times, Sept. 16, 1969]

SCHOOL TO EVADE BAN ON PRAYER BY USING CONGRESSIONAL RECORD

NETCONG, N.J., September 15.—Sections of the Congressional Record quoting prayers recited by chaplains in the United States Senate and House of Representatives will be read to students in the Netcong public schools starting tomorrow.

Palmer Stracco, president of the Netcong Board of Education, announced plans for the readings today. He said they would be held in the high-school gymnasium five minutes before the start of classes each day. Attendance will be "strictly voluntary," he said.

Mr. Stracco conceded that the readings were an effort to circumvent the United States Supreme Court's 1963 ban on school prayers.

But he contended that there was no essential difference between the recitation of prayers in Congress and the recitation by school children of those same prayers.

"Congress has a chaplain recite a prayer and they are supported by taxpayers, too," Mr. Stracco said.

Sessions in Congress are customarily opened with five-minute prayers recited by the Rev. Dr. L. R. Elson, the Senate chaplain, and the Rev. Edward G. Latch, the House chaplain. Their words, like all official statements in the two chambers, are entered in the Congressional Record.

However, few Senators or Representatives are ever in attendance when the prayer is read.

The prayer readings in the Netcong schools will supplant a controversial program of daily "silent meditations," which was dropped by school authorities last Thursday.

The change was ordered by the Board of Education in the face of a court challenge by the New Jersey chapter of the American Civil Liberties Union, which charged that the meditation violated the Supreme Court's ban on school prayers.

That ban was based on an interpretation of the doctrine of the separation of church and state in the First Amendment to the Constitution, which says in part that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The readings will begin at Netcong High School tomorrow and in the elementary school here on Wednesday, according to Joseph Stracco, the Superintendent of Schools, who is a nephew of the board's president.

POPULATION MOSTLY CATHOLIC

The first reading will be from the Congressional Record of Aug. 8, the Superintendent said, adding that the school district would renew its $18-a-year subscription to the periodical for the purpose.

The prayers in the Congressional Record will be read by students and faculty members who volunteer. "We have lots of volunteers, so they'll have to take turns," the Superintendent said.

Emphasizing that no one would be forced to listen or pray, the Superintendent said students and faculty members who want to attend will go to the school gymnasium five minutes before the start of classes. Attendance will be taken in the classrooms afterward, he said.

There are 340 students enrolled at the high school in this western Morris County community, half of them from neighboring Stanhope, in Sussex County. The elementary school has an enrollment of 435.

Netcong, which has a population of 3,500, is predominantly Roman Catholic, with a heavy concentration of residents of Italian descent.

The controversy over the school-prayer ban began anew here with the start of classes last week. For the first four days, students were asked each morning to remain in their seats before classes for 30 seconds of "voluntary, silent meditation."

The meditation was ordered by the Board of Education as an interim measure while a group of local clergymen negotiated a prayer acceptable to all faiths here. But the clergymen failed to agree on such a prayer and said they wanted to "study the matter further."

In the meantime, a committee composed of three high-school students and three faculty members offered the idea of reading from the Congressional Record. The school board accepted it, according to Mr. Stracco, the board president, in the hope that the Supreme Court's ban could thus be circumvented.

In Sayreville, in Middlesex County, students in the public schools paused for five minutes of silent meditation today for the first time. The school board there maintains that the meditation does not contravene the Supreme Court ruling.

A NATIONAL CENTRAL CREDIT UNION CORPORATION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. TAFT. Mr. Speaker, on September 9, 1969, our distinguished colleague, the gentleman from New Jersey (Mr. WIDNALL), addressed a meeting of the Defense Credit Union Council on a proposal to establish a National Central Credit Union Corporation. The proposal is relevant to H.R. 2 to provide for an independent Federal agency for the supervision of federally chartered credit unions. H.R. 2 passed the House overwhelmingly on July 28 and is scheduled to be taken up by the Senate Banking and Currency Committee tomorrow, September 24. The gentleman from New Jersey (Mr. WIDNALL) makes an excellent presentation as to the need for such a corporation and I am pleased to bring it to the attention of all Members of Congress:

A NATIONAL CENTRAL CREDIT UNION CORPORATION

(Remarks of Representative WILLIAM B. WIDNALL)

It is a pleasure to join you at this luncheon meeting of the Defense Credit Union Council. It gives one the feeling of being where the action is. Although Defense Credit Unions comprise only about 2% of the number of U.S. credit unions, they account for approximately 11% of the entire credit union membership and hold around 9% of their savings. In themselves, Defense Credit Unions are a billion dollar industry. Among the membership of the Defense Credit Union Council you number a majority of the nation's largest credit unions. In the words of a TV commercial, "You've come a long way, baby".

The credit union business has strong support in the Congress. As you know, our Banking and Currency Committee unanimously reported a bill establishing the National Credit Union Administration as an independent agency in the government to charter and supervise Federal credit unions. The bill passed the House overwhelmingly by a vote of 356 to 10.

Among other things, this legislation provides for the creation of a 9-member advisory board. When the bill is acted on by the Senate and becomes law, I have a suggestion which should rank high on the agenda of the new Board. I would like to see the Board and the Administrator of this newest Federal agency go to work on a legislative proposal to establish a National Central Credit Union Corporation. I would like to briefly outline some of my thinking on such a proposal.

The purpose of this new financing Corporation would be to make temporary advances for liquidity purposes to its credit union stockholding members; it would discount notes of its members; it would provide a national conduit of interlending for its members; and finally, it would sell short term notes in the capital market to augment resources available to members.

The creation of such a Corporation need not be complex. It could be accomplished by amendment of the Federal Credit Union Act directing the Administrator to charter, organize and supervise the National Central Credit Union Corporation as an agency of the United States.

Financing the Corporation should pose no problems for the $15 billion credit union industry.

The Corporation would be authorized to issue stock in shares of $100 par value to be sold for cash at not less than par. Each member would be required to subscribe for stock in an amount equal to 1 percent of the subscriber's unimpaired capital and surplus but not less than $100. The Corporation at the close of the calendar year would adjust the amount of stock held by each member so that such member would maintain its investment in the Corporation at not less than the 1% stock investment requirement. The initial stock subscription would be paid for in cash at the time of application for membership or at the election of the subscriber, in installments on the basis of one-fourth at the time of filing with further sums of not less than one-fourth of the total at the end of each succeeding four months.

Each Federal credit union would be required to apply for membership within six months of the effective date of the Act. A State-chartered credit union could apply for membership on the same basis as Federals. In either instance, right of approval of the application would rest with the Administrator. Assuming most State-chartered institutions would want to avail themselves of membership, stock subscriptions would provide upwards of $140 million capital for the Corporation, virtually half of which would be assured since Federals hold about half of the industry's capital and unimpaired surplus. Annual increments in stock subscriptions at the current rate of growth in credit unions would provide the Corporation with additional capital of approximately $13 million per year.

The Corporation would obtain additional operating funds from deposits of its members. These would be made at the election of the member and could be either demand or time deposits. In the Home Loan Bank system, member deposits tend to approximate in amount, stock subscriptions by members. Of such deposits, the time deposit portion approximates 80%. Just recently, the Board announced rates paid on time deposits would be permitted up to 6%, obviously a desirable temporary investment by members. Similar interest return in this market could be paid on time deposits by the new Credit Union Corporation and they should prove attractive as temporary investment to credit union member institutions. I would guess that as much as $100 million might become available to the Corporation from this source as credit unions with excess funds sought temporary investment of such funds. To protect these deposit funds, the Corporation should be required to maintain as a reserve an amount at least equal to deposits received from its members invested in direct or guaranteed obligations of the United States, U.S. agency obligations or advances to members.

A third and ultimately most important source of funds for the Corporation would be provided through sale of short-term notes or debentures in the capital market. Acceptability of such obligations in the capital market will depend upon the quality built into the advances which the Corporation makes to its members.

The Corporation would be authorized to make advances to its members upon such security as the Administrator may prescribe. Such security could include U.S. direct or guaranteed obligations, U.S. agency issues or notes made by the member in the form of loans to natural persons. In the latter case, the advance could not exceed 80% of the aggregate unpaid principal of the notes with power in the Corporation to require at any time when deemed necessary for its protection, deposits of additional collateral security or substitutions of security by the borrowing institutions. The 80% limitation would provide a 25% cushion in member loans in good standing to the advances made. In addition, since the credit union obtaining an advance would be required to enter into a primary and unconditional obligation to repay the advance, this debt obligation in fact would have the protection of the entire capital and surplus structure of the credit union.

Advances to a member would be limited to 12½ times the amounts paid in by the member for outstanding stock of the Corporation. The Corporation would have a lien on and hold the stock of such member as further collateral security for all indebtedness of the member to the corporation.

At the minimum stock purchase requirement of 1%, the borrowing credit union would have a line of credit of 12½ times that amount which in turn would represent roughly 12½% of its share account savings and unimpaired capital and surplus. The credit union could increase that line of credit by voluntarily purchasing additional stock in the Corporation. I would suggest, however, that a 4% stock limit be placed on such purchases. The effect of that would be to put a borrowing limit of 50% of the credit union's capital and unimpaired surplus accounts on its borrowings from the Corporation. As a matter of fact, I would go even further and suggest that if the credit union also borrows from other sources, that the 50% borrowing limit apply to *all* borrowings by the member credit union.

While the provisions I have suggested would build real quality into obligations issued by the Corporation, there still might be some question as to market acceptability in these days of uncertain financial markets. Consideration might be given to back-stop authority to obtain funds from the Federal Treasury such as we have provided for the international lending organizations in which we participate. Under these arrangements, funds are appropriated without fiscal year limitation. They are not drawn to provide funds for operation of the institutions. Instead, the obligational authority serves as a guarantee back-stop to be drawn only if and to the extent necessary to avoid threatened default of obligations of the institutions sold in the capital market. Such an indirect form of guaranty imparts to these obligations a high degree of market acceptability although basically repayment is dependent upon the sound lending operations of the institutions. The same would be true if it is decided to seek back-stop Treasury authority for the Corporation.

You are well aware, I am sure, of the turmoil in today's financial markets. Only a short time ago, the Federal Home Loan Banks paid 8.20% to obtain one-year funds. At best, we would be talking about expensive credit. Perhaps credit unions would not be too interested in using high cost credit although the loans they make earn a rate of interest that would make the operation financially viable even though there would be little assistance to earnings.

There is another factor which undoubtedly would come into play if your industry went for back-stop Treasury financing. The question inevitably would arise as to whether or not such authority could also be utilized in a time of stress to meet liquidity demands arising from unusually heavy share account withdrawals. The answer, of course, would be "Yes." Immediately, in my opinion, that would lead into the question of share account insurance for credit union members. Because your industry is so divided on this issue, you also should take this possibility into consideration in arriving at a position as to whether or not you would go for back-stop Treasury authority.

In conclusion, I would like to state that I strongly believe creation of a National Central Credit Union Corporation would be good for the credit union industry. It would permit the effective mobilization of the industry's own funds to be shifted efficiently from surplus to deficit areas of loan demands. It would provide a centralized mechanism of substantial financial stature which in due course could obtain a substantial line of credit from the banking system pending the time when the financial market is in less turmoil and affords a better opportunity to tap the capital market for funds.

I urge you members of this vigorous industry to put your fertile minds to work on this problem.

UP TO THE PEOPLE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ZWACH. Mr. Speaker, ever since I have been in Congress, as my colleagues well know, I have been a strong advocate of economy in Government spending, of sound fiscal policy.

I am gratified at the support my stand has generated in our Sixth Congressional District of Minnesota.

As an example of the editorial opinion on this matter of sound fiscal policy, with your permission, I would like to insert in the CONGRESSIONAL RECORD the following editorial written by Editor Tom Licklider of the Renville Star-Farmer.

As Editor Licklider says:

> Only the people of the United States, by their patience, understanding and support of control and common sense in federal spending policies can assure that a few years from now the dollar will still be worth somewhat more than the paper it is printed on.

Mr. Speaker, I recommend the reading of this editorial to my colleagues:

UP TO THE PEOPLE

A new fiscal breeze is blowing through the land and evidence of its impact is seen in the report that the federal budget, after eight years of red ink, ended fiscal 1969 with a surplus of more than $3 billion. This is a sharp reversal from fiscal year 1968, when the federal government recorded a budget deficit of $25.2 billion.

It remains to be seen whether any long-term control of federal spending levels will be politically possible. The brakes are on; they are being felt and not always with pleasure by those who are affected. Controlling inflation means such things as high interest rates and difficulty in financing home buying. It means greater resistance to costly settlements in labor negotiations. It means the slowing of business expansion and, finally, even though 1970 is a congressional election year, it means restraint in expansion of federal programs and services in which millions of people, who are also voters, have a vested interest.

Only the people of the United States, by their patience, understanding and support of control and common sense in federal spending policies can assure that a few years from now the dollar will still be worth somewhat more than the paper it is printed on.

NEWARK'S NEIGHBORHOOD DEVELOPMENT PROGRAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. RODINO. Mr. Speaker, the city of Newark and every concerned citizen from business leaders to housewives to ghetto residents have combined to vehemently protest the way in which Newark's neighborhood development program has been mishandled by the Federal Government.

Tomorrow, I am going to attend a meeting with Newark citizens and officials of HUD—and I have urged Secretary Romney to be personally present—in an attempt to iron out this urban renewal crisis.

It appears to me that now when urban renewal is showing promise of redirecting the decay of our major cities, it is a demoralizing and disabling blow to drastically reduce urban renewal funds. If this is another indication of what our cities may expect from the Federal Government, then I, for one, believe that we must seek an immediate change in the administration's priorities.

The following analysis from Newark's housing authority director indicates how serious this matter is in the field of housing, employment, health, and the full realm of environmental services so drastically needed by cities such as Newark.

STATEMENT BY JOSEPH D. SIVOLELLA, EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE CITY OF NEWARK ON THE NEIGHBORHOOD DEVELOPMENT PROGRAM

At present, Newark's urban renewal program consists of 17 projects: 13 in execution, 2 on which planning has been completed but not approved; and 2 in the early stages of planning.

Each of these projects is a separate entity complete unto itself. Each has its own loan and grant contract, its own set of books, its own funding and its own distinct and separate boundaries. Any change, no matter how slight, requires an amendment to that project with hearings before the Planning Board, the Municipal Council and the public (Public Hearings.) Approval must be obtained from the Newark Housing Authority Board members and H.U.D. In addition, there must be an Amended Loan and Grant Contract and perhaps a change in the Cooperation Agreement with the City of Newark.

Under this system, nothing is more certain than the fact that regardless of how carefully the original plans were prepared, it is always necessary to amend them, and usually more than once.

During December of 1968, the Housing Authority was advised by H.U.D., that the insertions of Section 131, an amendment to the Housing Act of 1949, authorized a new method of operating urban renewal which was called the Neighborhood Development Program or more commonly referred to as the N.D.P. Under the N.D.P. there are no separate projects. It is required that we submit an annual request to H.U.D. for funds for all urban renewal activities for which it is anticipated we can prove we have the capacity to carry out in all areas in a given fiscal year. At the end of the year, adjustments are made by H.U.D., which reimburse the Housing Authority for the difference between the costs of planning, acquiring and demolishing and the selling price of the land.

Other advantages of the N.D.P. policy are:

(a) A smooth flow of federal funds and flexibility of movement between one project and another, and

(b) Starting some needed activity and obtaining funds progressively without waiting for H.U.D. to finance a complete project area.

(c) Not required to prepare detailed plans before acquisition is permitted. A general plan is acceptable.

(d) The Municipal Council does not have to approve separate individual plans and Cooperation Agreements. One annual approval of the N.D.P. is sufficient.

While the process of converting from the old system to the N.D.P. was complicated and difficult, there were no doubts in the minds of Staff that the new method would pay dividends in the ensuing years.

The Housing authority submitted an N.D.P. converting its entire program on February 18, 1969. It was returned on February 26th for minor revisions and re-submitted in acceptable form on March 6, 1969. It included 13 active projects, plus two projects for which planning had been completed but no funds provided, and three areas in the Model Cities Program. The funds requested were:

Federal capital grant	$45, 984, 551. 00
Relocation grant	1, 760, 031. 00
Rehabilitation grant	44, 000. 00
Total	$47, 788, 582. 00

In the interim, we had repeated verbal assurances from H.U.D. Staff that our N.D.P. would be approved.

On Wednesday, September 10, 1969, we met with Mr. Richard Tucker, our HUD Field Representative, and a Miss Jean Matthews, an urban renewal Interne. We were advised that our N.D.P. would not be approved in its present form and would be returned to us for re-submission not to include more than 20 acres. We were further advised that no city would have its N.D.P. approved if it included more than 20 acres. In addition, we were told that there would be only 50 million dollars available for the entire HUD Region II to satisfy revised N.D.P.'s, new projects, Model Cities program and amendments to existing projects. Obviously Newark's share would be limited to a relatively small amount. We informed him that this would be totally unacceptable and requested a meeting with Mr. Harry I. Sharrott, Assistant Regional Administrator for Renewal Assistance, as soon as possible. A meeting was arranged for Friday, September 19th at 10:30 a.m.

A meeting was called on Friday, September 12th, at 9 a.m., with Housing Authority Staff and we ordered an immediate halt to all activities, particularly acquisition, demolition and soil stabilization of meadowlands sites until we make a complete review of our circumstances and pending the results of our conference in Philadelphia.

In order to fully appreciate the effect of the proposed cutback on our current program, it is necessary to place the entire picture in proper perspective. Since our urban renewal program includes over 2,000 acres, the 20 acres offered to us represents less than 1% of the total.

The chaotic financial position the Housing Authority will be forced into is evidenced by the attached statistics prepared by our staff. It is clear from these figures that we can complete only two projects, N.J.R-32 (Central Ward) and N.J.R-196 (Medical Center). The balance of the projects will have to be either seriously curtailed or stopped entirely.

Obviously then, we simply must have the funds which we requested to complete our present program, at a minimum, and we urgently require additional funds for new projects which Newark so desperately needs.

The response of the entire community, including community groups, site residents on sites to be cleared, the business community including the Newark Industrial Development Corporation; our Congressional Representatives, our United States Senators, the Governor, the Commissioner of the State Department of Community Affairs, the Mayor, the Municipal Council and the local press and radio stations was gratifying and appreciated. This is an indication that all segments of our community support Newark's urban renewal program wholeheartedly.

[Telegram]

SEPTEMBER 19, 1969.

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.:

Am pleased that HUD officials have agreed to meet with Newark citizens and officials Wednesday, Sept. 24. Critical nature of Newark's problem makes your personal attention imperative, and I strongly urge that you take charge of this meeting. All elements in Newark feel proposed cutback would be disastrous.

Congressman PETER W. RODINO, Jr.

[From the Newark (N.J.) Star-Ledger]

URBAN DISASTER

The Nixon Administration is flirting with urban disaster if it goes through with its plan to sharply curtail renewal programs for America's ailing large cities.

This grim prognosis is hardly an extravagant, over-statement of the implications that would result from implementation of urban aid cuts the President reportedly has under consideration.

There has been no official announcement from the White House of the proposed urban aid reductions, but there is a disturbing pattern of administrative policy decisions that clearly indicates the renewal programs are being severely pruned.

The federal action is being taken without any consultation with state or local governments. But Newark housing officials have been unofficially advised by the Department of Housing and Urban Development its program would probably be cut back.

And the reduction would be drastic: If the administration's plans are implemented, the Newark redevelopment program could be scaled down from $50 million to renew 200 acres to $5 million covering 20 acres. The effect on a heavily-taxed municipality like and "sound the death knell for American Newark could be disastrous.

The former director of the city's redevelopment agency, Louis Danzig, warns that the proposed urban aid curtailment would virtually wipe out urban renewal in Newark cities."

The urban aid reduction, coming as it does in the wake of the proposed 75 per cent reduction in federal government construction programs, could only compound and aggravate problems of state and local governments that are severely strapped financially and faced with increased demands in education, welfare and other areas.

The Nixon Administration might be able to justify the construction reduction, in a limited way, as an anti-inflationary measure. But it would be hard put to use the same economic yardstick in the urban aid sector, where monumental problems are overwhelming municipal governments.

Even conceding the severity of inflationary pressures, there are other areas of government spending that could sustain the impact of curtailment with less grievous effect than the nation's ailing cities. It is difficult to equate the expenditure of billions of dollars for an antiballistic missile system that is at best of questionable value with the urgent needs of urban communities.

The proposed urban renewal curtailment, if implemented, would represent a gross imbalance of federal priorities that is completely unwarranted and unjustified. The Nixon Administration would be guilty of a horrendous social blunder if it careens blindly down this disastrous course.

[From the Newark Star-Ledger, Sept. 21, 1969]

SMALL FAVORS

One should be grateful for even small favors, and New Jersey, in this context, should be thankful that construction of the new campus of the State College of Medicine and Dentistry will not be threatened by the drastic cutback in federal urban renewal grants.

This would hardly, however, offset the severe setback that Newark and other large cities would sustain under the urban belt-tightening ordered by the Nixon Administration to abate inflationary pressures.

The loss of the medical school at this stage, after the long bitter controversy to have the institution built in Newark, would have constituted a shocking loss, not only for the community but for the state, too. A modern medical school is an absolute necessity in an urbanized state like New Jersey, which has struggled fitfully in the past without a teaching medical facility.

It is doubtful that the state would have been able to underwrite the medical school's construction, a cost of about $90 million, without federal subsidy. And if there are any reservations in this area, they should be quickly dissipated by the spartan, minimal aid that flows to the large cities from Trenton.

Fortunately, the Legislature is not faced with the problem of assuming the full cost of the medical school. But the potentially grave implications of the drastic urban aid slash in other urban areas are not diminished by a single iota.

The severest impact will be felt by Newark, the state's largest city which is just about turning the corner in its long-range redevelopment program that has been steadily chipping away at mounting physical and social obsolescence that has atrophied its economic vitality.

The federal freeze on Neighborhood Development Programs, the catch-all program that is the heart of national urban renewal projects, will jeopardize such federally-funded projects as the redevelopment of the Newark meadowlands, the Gateway project in the Penn Station area, and the old Third Ward redevelopment.

The meadowlands reclamation for industrial use is a key to the city's economic renaissance, a long fallow area that has the potential of creating thousands of new jobs in a chronic low-employment area. It is imperative that the Jersey congressional delegation moves with energetic diligence and urgency to have the Nixon Administration reconsider its unrealistic freeze of urban renewal programs that provide the sinews for the revival of America's ailing cities.

[From the Newark Sunday News, Sept. 21, 1969]

CITY RENEWAL PROGRAMS IN DEEP TROUBLE

(By Ladley K. Pearson)

The future of urban renewal in Newark is in serious jeopardy.

Not only may the timetable for existing renewal projects be slowed drastically, but there also exists a very real possibility that no new projects may be started for years.

Last year, the Newark Housing Authority was provided with $47 million in federal funds to acquire land, demolish existing buildings and do whatever was required to make land ready in Newark for new use and construction.

This year, the Housing Authority, under a new program known as the Neighborhood Development Program, submitted a budget in March for $48 million in federal funds in order to continue the program.

The Philadelphia regional office of the federal Department of Housing and Urban Development quickly approved the Newark proposal and forwarded it to Washington, where concurrent approval was expected quickly.

NO APPROVAL YET

Since May, the Newark proposal has been in Washington, along with thousands of others, which, when added together, seek $4 billion to repair the nation's cities. None has been approved. Washington has only $1 billion for all.

And, the reason for this is that the federal government, under the new Nixon administration, is examining with a fine tooth comb urban renewal in the nation, and the administration has hinted that things are going to change.

According to various city and federal officials, this "change" is not going to be welcomed in large urban centers—like Newark—because it means only one thing, less money.

The federal Department of Housing and Urban Development, along with the Bureau of the Budget directly under the control of Nixon, are reexamining urban renewal in all its aspects.

According to the National Association of Housing and Redevelopment Officials, HUD is in the process of developing a program that would leave the Neighborhood Development Program "barely able to survive."

WOULD LIMIT RENEWAL

The federal proposals under serious discussion involve limiting urban renewal under the Neighborhood Development Program to 20 acres a year and $1 million, regardless of the size of the city or the degree of need.

If this policy was adopted, the share that Newark would receive would be roughly 10 per cent in terms of acreage, and less in terms of money, although some funds would be made available under non-NDP programs.

Thus, officials in the Newark Housing Authority, and in City Hall, honestly fear that urban renewal in Newark—which has had one of the most ambitious and far-reaching programs in the nation—may be near an end.

Already, Joseph D. Sivolella, executive director of the Newark Housing Authority, has halted all land acquisition and building demolition until the authority learns just where the new administration stands in regard to urban renewal.

MYSTERIOUS PHILOSOPHY

Sivolella, who became executive director in June upon the retirement of Louis Danzig, said he is at a loss to understand the philosophy of the new administration. The National Association of Housing and Redevelopment Officials, a prestigious lobby in Washington, has offered a reason:

"The Neighborhood Development Program has become one of the Nixon administration's biggest dilemmas. Because of inflation, the administration wants to hold back spending on domestic programs yet cannot ignore the magnitude of urban problems."

"The solution it seems to have hit upon is to release funds for certain urban programs in quantities too small to have any impact but spread over enough cities to make it seem that everyone is getting a piece of the action."

APPARENT LINE OF THOUGHT

The NAHRO concludes that it believes that it is "dangerous and unfair to play games with cities that are making a conscientious effort to cope with the magnitude of problems facing them."

Whether or not this reason is the thinking of the Nixon administration, officials in the housing authority, in the lower echelons of HUD, and in Newark City Hall believe, basically, it is.

The basic fear among officials is not that present programs, such as the 13 in implementation in Newark, will be cancelled, but what will happen to future programs.

Harry I. Sharrott, assistant administrator of the Philadelphia regional office of HUD, believes that the federal government will eventually make good on existing urban renewal projects which were approved during the previous administration.

However, he was not hesitant to suggest that under the new Nixon administration guidelines, if they are implemented, the pace for completion of the projects may slow down gradually.

And, according to housing authority officials, this may very well mean that so much time and money will be spent completing existing projects in Newark, that no new ones may be approved for some time.

NEW PROPOSAL ASKED

Sivolella has been asked by the regional office of HUD to submit an entirely new NDP proposal as soon as possible, which led officials to believe that the present proposal in Washington for $48 million will never be approved.

HUD also asked that Newark submit its proposal in a list of priorities, leading some to wonder whether low priority projects would be eliminated altogether.

Sivolella said he hopes to have the priorities compiled before Wednesday when city officials are scheduled to meet with HUD officials in Washington in an effort to find answers to their questions.

Until then, at least, the City of Newark will not know just what the federal government is going to do to help in its plight with poverty.

PARALLEL GOVERNMENT—REVOLUTIONARY ARMY WITHIN AN ARMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. RARICK. Mr. Speaker, the race riots in military training camps in the continental United States were appalling enough, but disgrace exceeds description, if troops in Vietnam are anywhere near as described in the recent issue of Time magazine espousing the seditious black power splintering of U.S. troops in Vietnam.

If the report by Wallace Terry has any merit our country is subject to a military overthrow of the military from within the military—by a parallel military force—an army within an army which owes its allegiance to nothing that reads or sounds like the United States of America.

As a propaganda move to polarize our fighting men according to race, Americans are now told that Negro servicemen wear amulets around their necks, greet each other with the Communist fist salute, fly the flags of anarchy from their tanks and have even adopted, as their flag, the emblem of the Communist terrorist fronts the world over, a tricolor flag of red, black, and green. We cannot shrug off the black power movement in the military as simply some integration situation—for by their handshakes, their salutes, and flag, these dupes openly identify themselves as members of an international movement whose allegiance is ultimately to Moscow.

Unfortunately, it is impossible to reproduce the accompanying photograph which shows a uniformed Negro naval officer teaching "culture" to a small class of Negro servicemen—from criminal fugitive Eldridge Cleaver's profitable braggadocio of his rapes of white girls as a means of social protest.

A simple immediate solution to the problem would be to reassign the troops to units according to race. Both races prefer such association. If there is any desire for racial pride and competition between our military men they should compete by the excellent performance of units in action against the enemy.

Unless our military leaders—backed by those in power in our Government—respond rapidly to any such apparent threat, I fear the day may come when the army within the Army who are not even sure to whom their loyalty lies may be called upon to perform the task for which they are being trained and indoctrinated as a parallel force—either a coup d'etat or an attack in the interests of the Red-controlled Republic of New Africa.

The article by a black militant writer, sympathetically interviewing black militant marines in Vietnam, follows:

BLACK POWER IN VIETNAM

Only two years ago, the U.S. military seemed to represent the most integrated institution in American society. In many ways it still does. But the armed services, made up of so many conscripts and "volunteers" escaping conscription, are mirrors that reflect and sometimes exaggerate the divisions of the entire society. While traditional military discipline remains an overwhelming control, the combination of domestic turbulence, an unpopular war and the new spirit of black militancy has produced ugly incidents in which American fighting men turned upon one another.

At Camp Lejeune, N.C., about 30 Negro and Puerto Rican Marines attacked 14 whites in July. One of the white Marines died. At Fort Bragg, N.C., racial antagonisms erupted into a brawl between 200 white and black soldiers. At Hawaii's Kaneohe air base, some 100 black and white Marines, just returned from Viet Nam, fell upon one another after a colors ceremony. Seventeen were injured.

DISTURBING DECAY

Earlier this month, Marine Commandant Leonard Chapman issued a message to all Marine commands, ordering, among other things, that officers hear complaints of discrimination promptly. Chapman dictated that the clenched-fist gesture of Black Power be permitted as a "sign of recognition and unity," but not as a gesture of defiance of authority.

Chapman claimed that racial problems "are almost unheard of among Marines in combat." He was at least technically correct. Neither Marines nor members of other services have been at one another's throats in the battle lines—survival requires total attention. Outside of the war zone, there has been a disturbing decay in racial relations among U.S. troops. To probe how deeply the new militance runs in the military, Time Correspondent Wallace Terry spent six months interviewing black troops in Viet Nam. His report:

Before the war went stale and before black aspirations soared at home, the black soldier was satisfied to fight on an equal basis with his white comrade-in-arms in Viet Nam as in no other war in American history. But now there is another war being fought in Viet Nam—between black and white Americans. "The immediate cause for racial problems here," explains Navy Lieut. Owen Heggs, the only black attorney in I Corps, "is black people themselves. White people haven't changed. What has changed is the black population."

When an American force stormed ashore south of Danang this summer, young blacks wore amulets around their necks symbolizing black pride, culture and self-defense. They raised their fists to their brothers as they moved side by side with white Marines against their common Communist enemy. "Ju Ju" and "Mau Mau" groups have organized to protect themselves against white prejudice and intimidation. In remote fire-support bases near the Cambodian border, blacks register their complaints as a group. Tanks fly black flags. At Danang, Black Power Leader Ron Karenga's followers have designed a flag: red for the blood shed by Negroes in Viet Nam and at home, black for the face of black culture, and green for youth and new ideas. Crossed spears and a shield at the center signify "violence if necessary," and a surrounding wreath "peace if possible" between blacks and whites.

White pinups have been replaced by black ones. One all-black hootch in Danang sports more than 500 such photographs. "I don't want any stringy-haired beast* broad on my wall. Black is beauty." In a Saigon "soul kitchen," blacks greet each other over spareribs and chittlins with 57 varieties of Black Power handshakes that may end with giving the receiver "knowledge" by tapping him on the head or vowing to die for him by crossing the chest, Roman legion style.

Many of today's young black soldiers are yesterday's rioters, expecting increased racial conflict in Viet Nam and at home when they return. Elaborate training in guerrilla warfare has not been lost upon them, and many officers, black and white, believe that Viet Nam may prove a training ground for the black urban commando of the future. As in America, the pantheon of black heroes has changed. The N.A.A.C.P.'s Roy Wilkins is a "uniform tango"—military phonetics for U.T., or Uncle Tom and Massachusetts Senator Edward Brooke is an "Oreo" cookie—black on the outside, white on the inside. "The N.A.A.C.P., Urban League and Martin Luther King were good for their time and context," says Marine Corporal Joseph Harris of Los Angeles, "but this is a new time." King and Robert Kennedy, once among the young black soldier's idols, have died violently. Says Wardell Sellers, a rifleman from New York: "They were trying to help the brothers—you can see what that got them." Now many blacks see the case of Edward Kennedy as a plot to remove one more hope. "Just like King and Bobby Kennedy," says Pfc. Carl Horsley, 19, "They gon' try to hang Teddy 'cause he was on the side of the brothers." To most black soldiers, Nixon doesn't even bear discussion. "If he were a brother," says Ronald Washington, a black sailor from Los Angeles, "he'd be the number one Uncle Tom."

In the jungle lies death for a cause that many black soldiers don't understand or dismiss as white man's folly. "Why should I come over here when some of the South Vietnamese live better than my people in 'the world'?" asks a black Marine. "We have enough problems fighting white people back home."

Black racism is strong, but so are provocations by white soldiers. Soon after Martin Luther King was killed, crosses were burned at Danang and Cam Ranh Bay. Confederate flags still fly from barracks and trucks, and are even worn as shoulder patches on the uniforms of helicopter pilots stationed at Phu Loi. Black soldiers at Con Thien grimace when whites call a Negro sergeant "brown boy" and a mongrel puppy "soul man." Base club operators who accept country and western but not soul music from their entertainers have paid a toll. Clubs were wrecked in Chu Lai, Qui Nhon and a dozen other places in the past twelve months. Two white sailors were recently tried for inciting a riot at the Tan My Club.

Violence has reached such a peak in the Danang area that lights have been installed on the streets of Cap Tien Sha to curb roving bands of white and black sailors who were attacking each other at night. At Dong Tam in the Delta and Dien Hoa north of Saigon, bands of black soldiers still waylay whites. A white officer in Danang was critically injured when a black Marine rolled a grenade under his headquarters. At the officer's side was a black sergeant with a reputation for not tolerating Afro haircuts and Black Power salutes.

Unrest among the blacks often turns on real discrimination or the failure of the military to accept the trappings of black soldiers bent on "doing their thing." Promotions, awards and coveted rear-area assignments are too often slow in coming the black soldiers' way, however well they fight or however high their proportion of casualties. Some 13% of battle deaths are black, while Negroes make up 11.1% of the American population and 9.2% of the military.

For all that, the black soldier in the bush still helps his white comrade and wants his help as well. At Phuoc Vinh, a black 1st Cavalry trooper recently dragged a wounded white from a rocketed hootch when no other black or white dared to venture in. A black Navy medic who had been in Viet Nam only two weeks fell on a grenade near Danang to save a white Marine and lost his own life. When black Lieut. Archie Bigger was three times wounded capturing enemy artillery pieces, eleven whites held him aloft above the suffocating napalm smoke until a rescue chopper arrived. On Hamburger Hill, a white paratrooper tried vainly to breathe life into a fallen black medic.

Yet the violence at home and in "the Nam" leaves the black man with radically divided loyalties. Thus, says Lieut. Colonel Frank Peterson, the senior black officer in the Marine Corps, "the average black who has been here and goes back to the States is bordering somewhere on the psychotic as a result of having grown up a black man in America—having been given this black pride and then going back to find that nothing has changed."

Personal interviews conducted with 400 black enlisted men from Con Thien to the Delta provide a measure, though by no means a scientific sample, of the attitudes of black men in Viet Nam.

45% said they would use arms to gain their rights when they return to "the world." A few boasted that they are smuggling automatic weapons back to the States.

60% agreed that black people should not fight in Viet Nam because they have problems back home. Only 23% replied that blacks should fight in Viet Nam the same as whites.

64% believed that racial troubles in Viet Nam are getting worse. Only 6% thought that the racial relations were improving. "Just like civilian life," one black Marine said, "the white doesn't want to see the black get ahead."

56% said that they use the Black Power salute. Only 1% condemned its use.

60% said that they wear their hair Afro style. 17% wanted to, but said their commanders refused to let them. One Marine reported that he had been reduced in rank for refusing to get his hair cut closer.

55% preferred to eat their meals with blacks, 52% preferred to live in all black barracks.

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* "Beast," a term that originated with the Black Panthers, is rapidly replacing "Chuck" as the black soldier's standard epithet for the white man.

41% said they would join in a riot when they returned to the U.S. However, a nearly equal number, 40%, said they would not.

28% said they believed that weapons would help the black cause back home, while 35% thought that they would be harmful to it. "What the beast has done for me which is going to ——— him," said a black Marine, "is teach me how to use a weapon. The Marines taught me how to improve."

Combat inevitably sharpens both emotions and rhetoric. It is an incendiary combination to be young, black, armed, 10,000 miles from home and in persistent danger of death in "a white man's war." When the men return to "the world," their perspective may shift, and doubtless many black soldiers will become so busy with their own affairs that their militance will fade somewhat. Even in Viet Nam, 53% of the black men interviewed said that they would not join a militant group such as the Black Panthers when they return to the U.S. Says Major Wardell Smith: "A lot of what they say they will do, they just won't. They won't be so closely knit, and they will have girls, wives, families and jobs to worry over." Nevertheless, a significant number seems likely to continue to believe that the U.S. owes the black soldier a debt both for his service in Viet Nam and his suffering at home. These men are a new generation of black soldiers. Unlike the veterans of a year or two ago, they are immersed in black awareness and racial pride. It is only this fall and winter that they will be returning to civilian life in the cities. If they find that nothing has changed there, then they could constitute a formidable force in the streets of America, schooled and tempered in all the violent arts as no generation of blacks has ever been.

ONLY YESTERDAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on the date of the splashdown of Apollo 11, July 24, 1969, the Chicago Tribune carried an editorial contrasting the brilliant achievement of Charles A. Lindbergh and his transatlantic flight and that of Astronauts Armstrong, Collins, and Aldrin on their landing on the moon. As the editorial so aptly points out, our progress from the Wright brothers to Lindbergh to Armstrong, Collins, and Aldrin on Apollo 11 has covered a brief span of only 66 years. Yet each of these achievements has opened new worlds for the betterment of our country and the world as a whole. I commend this thoughtful editorial, that follows, to my colleagues and the general public:

ONLY YESTERDAY

The lunar heroes come down today in the Pacific. President Nixon will be there to welcome them back to earth and congratulate them on an epic feat, and the welcome from their countrymen is sure to be universal.

Perhaps this is an occasion to recall how far we have come in a brief time. It was only 42 years ago that Charles A. Lindbergh became a national and world hero by making the first solo flight across the Atlantic in the Spirit of St. Louis, a single-engine plane. He landed at Le Bourget airfield near Paris 33½ hours after leaving Roosevelt field, New York, on his 3,610 mile flight.

The advance in sophisticated technology since that day is hardly believable. Space ships can now carry men 239,000 miles to the moon and landing modules can deposit them to walk the surface of earth's satellite and then carry them aloft again to join the circling mother ship and safely return them to earth.

Contrast that with Lindbergh's flight. He flew without navigating instruments, with only a compass course to guide him to his destination. Where the astronauts now fly hundreds of thousands of miles thru the vacuum of space, Lindbergh sometimes flew within ten feet of the Atlantic waves, explaining that a cushion of air close to the surface enables a plane to fly with less effort.

Communications are now so advanced that pictures from the moon and the speaking voices of the men walking upon it can be brought clearly into millions of homes thruout the earth. Lindbergh could only carry on short conversation with people on the ground by flying low, throttling his engine, and shouting a question. His ground contact could only reply by signal. He attempted by this means to discover his location while approaching the coast of Europe, shouting to a fisherman to point toward land. He obtained no answer.

When his flight was completed and he was given tumultuous receptions in Paris, London, Brussels, Washington, and other American cities, he was told over and over that his achievement was a trailblazer in the advance of science. A characteristic statement was that made by Secretary of State Frank Kellogg: "Along the highway of human progress, as we look back over the last half century we marvel at the progress in science, the arts, and invention. Truly this is a marvelous age and your daring feat will pass into history. Your great deed is a milestone marking scientific advancement."

The burgomaster of Brussels anticipated the first words of Neil Armstrong on the moon ["one small step for man; one giant leap for mankind"] when he assured Lindbergh that because his nonstop flight had appeared to be an undertaking beyond human forces, the victory was really a victory of humanity.

We can only judge how far man may go in the future by seeing how far he has come in these 42 short years. Only 24 years before Lindbergh's flight the Wright brothers successfully flew the first mechanically propelled heavier-than-air machine at Kitty Hawk. And only 108 years before that Benjamin Franklin, when asked, "What good is your balloon? What will it accomplish?" replied, "What good is a newborn child?"

WHERE IS THE PRESIDENT?

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. ALBERT. Mr. Speaker, now that many spokesmen for the administration and some colleagues across the aisle have seen fit to lash out at the 91st Congress, it might be of interest to all concerned to read an editorial on WMAL, September 22, 1969. The editorial is as follows:

WHERE IS THE PRESIDENT?

This needs to be said, and said clearly: Where is the President?

President Nixon has been in office for eight months. Little has been heard from him of late. True, there has been various Presidential messages to Congress, but Capitol Hill insiders say liaison with the White House is terrible.

True, the President began with a promise of an "open" administration, but there has not been a formal Presidential news conference since June 19. Since then Congress has debated tax reform; a Supreme Court appointment; and major money bills.

The country is drifting and the President should exert strong personal leadership. Instead, we hear a babble of disagreeing Cabinet voices. It is time that President Nixon sets clearly the course of his Administration.

HAVRE DE GRACE MOTHER ACCEPTS POSTHUMOUS MEDALS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. LONG of Maryland. Mr. Speaker, Sgt. Franklin B. Gilbert, a fine young man from Maryland was posthumously awarded the Bronze Star and the Air Medal, first through third leaf clusters, for his outstanding performance in Vietnam. I wish to commend his courage and dedication and to honor his memory by including the following article in the RECORD:

MOTHER ACCEPTS POSTHUMOUS MEDALS

Mrs. Mildred Keithley of 309 Alliance St., Havre de Grace recently received posthumous decorations for her son Sergeant Franklin B. Gilbert who was killed in action in Vietnam.

She was the recipient of the Bronze Star medal and the Air Medal First through Third Leaf Clusters presented on behalf of the Army by General Ostrom at the Aberdeen Proving Ground.

Sergeant Gilbert, then Specialist Four, served with Troop A, First Squadron, 9th Cavalry of the First Cavalry Division.

Franklin, 20, a graduate of the Havre de Grace High School Class of 1966, was the son of the late Lloyd "Babby" Gilbert and Mildred Keithley. He was a native of Havre de Grace and in addition to his mother is survived by a brother S/Sgt. Lloyd H. Gilbert; a paternal grandmother, Mrs. Lilly Gilbert of Houston, Delaware, and a maternal grandmother, Mrs. Elizabeth Jones of Skipton, Md.

The citation for the Bronze Star stated that the award had been made for service during the period 17 June 1968 to 15 February 1969. It stated, "Through his untiring efforts and professional ability, he consistently obtained outstanding results. He was quick to grasp the implications of new problems with which he was faced as a result of the ever changing situations inherent in a counterinsurgency operation and to find ways and means to solve those problems. The energetic application of his extensive knowledge has materially contributed to the efforts of the United States Mission to the Republic of Vietnam to assist that country in ridding itself of the Communist threat to its freedom."

The Air medal was given "For distinguishing himself by meritorious achievement while participating in sustained aerial flight in support of combat ground forces of the Republic of Vietnam during the period 8 October 1968 to 15 February 1969.

The citation stated that Gilbert during the period actively participated in more than 25 aerial missions over hostile territory in support of counterinsurgency operations.

AN UGLINESS OF SPIRIT

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. BUSH. Mr. Speaker, again another of America's great newspapers has devoted considerable space on its editorial page to highlight our problems related to overpopulation.

Today the Wall Street Journal entitled their essay "An Ugliness of Spirit."

As chairman of the Republican Task Force on Earth Resources and Population, I highly recommend that my colleagues read this essay and encourage them all to give attention to the urgency of this problem. Our entire environmental degradations are the result of our inability to manage and accommodate the rapid increase in our population.

Mr. Speaker, I submit this editorial for inclusion in the RECORD for the benefit of my colleagues, as follows:

AN UGLINESS OF SPIRIT

Even at this late date, much of the discussion of overpopulation turns on the future sufficiency of food supplies. Yet, as Jean Mayer has pointed out, food is not the heart of the problem, and acting as though it were may slow the carrying out of real solutions. Dr. Mayer is the noted Harvard nutritionist, currently a special consultant to the President.

There is no gainsaying the extreme seriousness of population growth. Here is how President Nixon described it in his message to Congress this summer:

If the present rate of population growth continues, "it is likely that the earth will contain over seven billion human beings by the end of this century. Over the next 30 years, in other words, the world's population could double.

"And at the end of that time, each new addition of one billion persons would not come over the millenia nor over a century nor even over a decade. If present trends were to continue until the year 2000, the eighth billion would be added in only five years and each additional billion in an even shorter period."

Now of course these gruesome trends don't necessarily have to continue, and it should be everyone's heartfelt hope that they will not. Apart from the decisions of individual families, population trends appear to respond to economic conditions—whether depression, prosperity or degree of economic advancement. But the threat is so enormous that it could materialize unless massive strides are made in controlling population.

While the Malthusian nightmare is of population outrunning food, various experts today believe the earth could support many more people than even seven billion or eight billion. Additional acres can be cultivated; more important, fertilizers can vastly increase yields and other breakthroughs are in the offing.

This manifestly does not deny the existence of malnutrition, hunger and starvation in the contemporary world. An abundance of economic and political stupidity around the globe may also delay agricultural and nutritional progress, leading to dire conditions. Dr. Mayer himself is deeply interested in improving nutrition, and he certainly sees food as part of the population problem.

Still, in his view—and ours—the basic question is not whether the world can feed itself but whether anyone could stand living in such an overcrowded world. In a phrase by now overworked, it is a question of the quality of life.

That the quality is already deteriorating in America and elsewhere is a matter of casual observation. Mr. Nixon said he thinks that "many of our present social problems may be related to the fact that we have had only 50 years in which to accommodate the second hundred million Americans. . . . We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries."

No wonder the nation has so many troubles with housing, education, transportation, health care, air and water pollution. All are aspects of, or have been aggravated by, population growth.

It is not merely the rise in numbers, either. Professor Mayer notes (in an article in Columbia Forum) that as disposable incomes increase, people consume more and take up more space, in terms of a good deal more than living space. For examples:

"With increasing income, people stop drinking water as much: As a result we spread 48 billion (rust proof) cans and 26 billion (nondegradable) bottles over our landscape every year. We produce 800 million pounds of trash a day, a great deal of which ends up in our fields, our parks, and our forests . . . Nine million cars, trucks, and buses are abandoned every year, and while many of them are used as scrap, a large though undetermined number are left to disintegrate slowly in backyards, in fields and woods, and on the sides of highways." And so on.

Even so, the greatest menace in unchecked population is not the material ugliness and physical discomfort. It is the ugliness of spirit that must grow if the lives of people become increasingly intolerable under population pressures. As Professor Mayer puts it: "Excellent human beings will not be produced without abundance of cultural as well as material resources and, I believe, without sufficient space."

What is needed in the first place is a broader realization of the dimensions and ingredients of the population threat. If people assume that the problem is essentially and simply one of food, they will be less likely to make the decisions now that would permit a livable world 30 years hence.

PRESIDENT NIXON TAKES A REALISTIC APPROACH TO VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. RHODES. Mr. Speaker, it is clear that President Nixon is moving steadily toward having the South Vietnamese take on a larger role in defending their nation.

We have seen this in the President's decision to reduce by 50,000 men the draft calls for the remainder of this year. The President stated that this reduction has been made possible by the reduction in our forces in Vietnam by 60,000 men.

In addition, Secretary Laird has estimated that we will have 150,000 fewer men in uniform by next July.

All of this indicates that President Nixon is determined to build a South Vietnamese defense force that will depend less and less on American troops.

Americans are grateful that the seemingly endless escalation of the war is being reassessed and that we have a President who is taking a realistic approach to the entire Vietnamese situation.

CRIME REPORT—WASHINGTON LEADS THE WAY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. RARICK. Mr. Speaker, with the release of the FBI crime statistics for the first 6 months of 1969, Washington, D.C., continues to lead the Nation.

Rapes are up 50 percent; robberies, 46 percent; criminal homicides, 45 percent.

Washington's crime increase is triple the national rate.

The usual response to the release of these figures is an attack on the statistics and the demand that J. Edgar Hoover resign. Why should Mr. Hoover resign? His warning on coddling of criminals should have been taken seriously. Ignoring fact will not make them disappear.

The responsible community leaders—a real minority in Washington, D.C.—have become so upset over the ever-increasing violence that an Episcopal priest at the fourth largest Episcopal church in Washington has courageously advocated compulsory sterilization for convicted rapists.

Reverend Blackwelder is entitled to an accolade from the decent people of the community for his recognition of the seriousness of the situation and of the total bankruptcy of the currently popular policy of continually blaming crime on society and not the criminal. Although some people will think that the priest's suggested solution is too drastic, the experience of civilized men shows that unless crimes of this nature are stopped by established authority, society will overreact violently to protect itself from violence.

Mr. Speaker, two news articles follow:

[From the Washington (D.C.) Daily News, Sept. 23, 1969]

CRIME JUMP HERE TRIPLE U.S. RATE

(By Wilson Morris)

Violent crimes—murder, rape, robbery and assault—jumped 37.3 per cent in Washington, almost triple the national rate, in January thru June of this year compared to the first six months of 1968, the FBI said today.

The national increase for violent crime was 13 per cent and the rate for cities with 500,000 to one million population (Washington had 763,956 in the 1960 census) was 21 per cent, according to the FBI's Uniform Crime Reporting statistics for the first half of the year.

Baltimore, which is often compared to the District, presented one of the brighter spots in the crime picture. Murder there rose only 2.6 per cent, robbery rose 9.3 per cent and rape dropped 4 per cent.

Burglary and auto theft also dropped in Baltimore where a police spokesman attributed the improvement to a complete reorganization and more officers on the street.

"Four years ago we were deficient in nearly every area. Now we're at full strength, we have twice as many patrol cars, three times as much communications equipment, a tactical force we can put in high crime areas and morale is up," the Baltimore officer said.

Washington, earlier this year reported an improvement in the battle against street crime when extra officers were put on patrol. Crime skyrocketed as soon as they were taken off because of lack of money and Mayor Washington ordered them back on overtime with the city promising to pick up the extra expense.

All major crimes in the District rose 21.9 per cent while the increase for the nation was 9 per cent, according to the tabulations of reports voluntarily submitted by police departments thruout the country.

Murder and non-negligent man-slaughter in the District climbed from 88 in the first half of 1968 to 125 in the first half of 1969, a rise of 42 per cent. The national increase was 8 per cent while the increase for the 18 cities similar to Washington in size was 18 per cent.

Rape increased by 50 per cent, rising from 100 in 1968 to 150 this year. The increase was 15 per cent nationally and 34 per cent in Washington's class of cities.

Robberies in the District climbed from 3,491 in 1968 to 5,098 in 1969, a 46 per cent rise. The increase for the nation was 17 per cent and for Washington-sized cities 21 per cent.

Aggravated assault here rose 15.9 per cent, from 1,489 incidents to 1,725; burglary was up 14.5 per cent, from 8,829 to 10,107; larceny $50 and over rose 57.9 per cent, 3,138 to 4,794; and auto theft dropped 4 per cent with 4,673 reported in the first half of this year compared to 4,878 last year.

Washington, the nation's ninth largest city, ranked sixth in murders after passing Baltimore and Houston which had more in the first half of 1968.

The District moved from sixth to fifth in robberies, again passing Baltimore. The District ranked eighth in assaults and 14th in rapes.

However, Washingtonians can take gloomy comfort from the two cities closest to theirs in size. In Cleveland, murder was up 53.9 per cent, rape 59.3 per cent and robbery 61.6 per cent. In St. Louis, murder jumped 50.6 per cent, rape 63.8 per cent and robbery 27.3 per cent.

Even more startling was San Francisco where murder jumped 102.8 per cent and rape rose 183.5 per cent.

[From the Washington Post, Sept. 20, 1969]

RECTOR SAYS RAPISTS SHOULD BE STERILIZED

The rector of Washington's fourth largest Episcopal church this week advocated compulsory sterilization for convicted rapists.

The Rev. Frank Blackwelder, rector of All Souls' Memorial Church, Cathedral Avenue and Woodley Place NW, proposed such a legal penalty as a part of what he called "drastic action" to combat the rise of serious crimes in Washington.

In his congregation's weekly bulletin, Dr. Blackwelder also advocated a nightly curfew, National Guard street patrols and special protection in areas where cultural, athletic and religious affairs are being held.

The rector spoke sharply of "one group of Christian ministers" whom he said "has contributed more to stirring up people, leading them to think that they have a right to retaliate if they believe they have been suppressed or frustrated."

"If the Christian churches of Washington were all devoted to suggesting that people behave better, not worse, . . . that individuals earn their way by honest toil, not by armed coercion, a better city may evolve," he said.

All Souls' has frequently expressed differences with the social action policies endorsed by the Episcopal Diocese of Washington. This year it declined to pledge or pay any part of the $14,083 it was asked to contribute to the diocesan mission program.

AMENDMENT TO CONSTITUTION POSES DANGERS

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. SCHADEBERG. Mr. Speaker, I voted for House Joint Resolution 681 proposing an amendment to the Constitution of the United States relating to the direct election of the President and Vice President. Much soul-searching went into this vote, for I disliked several things about the legislation and the effects it would have on the political system in the United States. The amendment poses the following dangers:

First. That it is not only possible, but altogether probable that no President of the future will represent the majority will of the people. Written into this legislation is the factor that a man becoming President can take office with nearly 60 percent of the voters expressing no preference for him.

Second. That our present federal system of representative government will be replaced by the kind of popular democracy such as exists in France. This type of system has created much instability in that country.

Third. That a multiplicity of political parties will be created. The proliferation of splinter parties could have a divisive effect on national politics and ultimately result in a government of deals rather than a government of the people.

Fourth. That there is a danger of a costly runoff election process in which almost anything could happen. Furthermore, House Joint Resolution 681 does not establish the procedure whereby the runoff election would be carried out.

Fifth. That there is a real possibility, expressed by even the most avid supporters of this legislation, that even if it is approved by two-thirds of both Houses of Congress, it could not be ratified by the necessary three-fourths of the States as required by the Constitution. This would result in the retention of the present system which, in my opinion, poses dangers greater than are inherent in this legislation.

Mr. Speaker, although these dangers are serious, I voted for the resolution in order that it can be immediately received by the State legislative bodies in time for ratification by the next presidential election. Once there, the public, now aware of the relative values of the proposed amendment and the present electoral system, can make their views known through their State representatives. In the true sense of the Federal system, the people of the United States will be able to express their direct will, and speak on the issue of whether or not they want a direct election system.

SENATE—*Wednesday, September 24, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the Vice President.

The VICE PRESIDENT. This morning we are very honored to have a guest chaplain, the Reverend William J. Reiss, D.D., executive secretary, the Division of Service to Military Personnel, Lutheran Council in the United States of America, Washington, D.C. We are also very pleased to welcome the guest chaplains from the Lutheran Church.

The Reverend William J. Reiss, D.D., executive secretary, the Division of Service to Military Personnel, Lutheran Council in the United States of America, offered the following prayer:

Almighty and everlasting God, we implore Thee graciously to regard this assembled group of chosen Senators, and all others in authority, that, guided by Thee, they may be high in purpose, wise in counsel, and unwavering in duty; and in the administration of their solemn charge may serve Thy will, uphold the honor of our Nation, secure the protection of our people, and set forward every righteous cause. We would also ask Thy blessing upon the millions of our men and women in the military service of our Nation, sustain all chaplains in whose hands rest the responsibility for the moral and spiritual welfare of these service people and bless their ministry.

And now may we all address ourselves to the duties of this day with renewed vigor and zeal. We ask it in Jesus' name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 23, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-162)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

In accordance with Section 10(a) of Public Law 358, 83d Congress, as amended, I am transmitting the Annual Report of the St. Lawrence Seaway Development Corporation for the year ending December 31, 1968.

RICHARD NIXON.

THE WHITE HOUSE, *September 24, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the colloquy between the Senator from Washington (Mr. JACKSON) and the Senator from Oklahoma (Mr. HARRIS), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The assistant legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc. But before the Chair makes a ruling, may I say that I am delighted especially with the promotion of Mr. William B. Macomber, Jr., who has been an outstanding, impartial, and first-rate liaison man between the Department of State and Congress, who has conducted himself with impeccable integrity and dedication, and whose understanding is unquestioned.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KENNEDY. Mr. President, I should like to add my commendation to the President and the Secretary for recognizing the achievements of Mr. Macomber. He served with great distinction as an Ambassador to Jordan during the Eisenhower administration, he served with great effectiveness in the Department of State during President Kennedy's administration, and he served later during the administration of President Johnson.

In every contact I have had with Mr. Macomber, regardless of the question or the administration in which he was serving, I have found him to be a man of great integrity, industry, and intelligence, and I think he is an outstanding selection.

Mr. MANSFIELD. I thank the distinguished Senator from Massachusetts for his kind remarks about William Macomber.

I do not know Assistant Secretary Meyer or Ambassador Humes, but I was much impressed on seeing them for the first time on yesterday.

Also, I am delighted that the nomination of Graham A. Martin, our former Ambassador to Thailand, likewise has been reported favorably by the committee, because I think he has done an outstanding job in the various posts to which he has been assigned.

Mr. COOPER. Mr. President, I am very happy that William B. Macomber, Jr., nominated by President Nixon to be a Deputy Under Secretary of State, has been recommended for confirmation by the Senate Foreign Relations Committee and will be confirmed shortly by the Senate.

Mr. Macomber has served under President Eisenhower when he was an assistant to the late Secretary of State, John Foster Dulles, by whom he was held in the highest regard, and he served in important posts under Presidents Kennedy and Johnson. In every position he has rendered great service to our country. He is a man of great ability, whose loyalty, good judgment, and unquestioned integrity attract the confidence of all.

I am sure that he will make an important contribution to his new office.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

REPRESENTATIVE TO THE EUROPEAN OFFICE OF THE UNITED NATIONS

The assistant legislative clerk read the nomination of Idar Rimestad to be the representative of the United States of America to the European office of the United Nations, with the rank of Ambassador.

Mr. MANSFIELD. Mr. President, may I also take this opportunity to say how pleased I am that Idar Rimestad, from my neighboring State of North Dakota, has been selected to represent our country in Geneva, where he succeeds a most able Ambassador, Roger Tutty, of Vermont.

Mr. Rimestad has performed the functions of his office with dedication and integrity, and I think he is receiving a well deserved assignment.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MARKETING QUOTA REVIEW COMMITTEES

Mr. MANSFIELD. Mr. President, notwithstanding the previous order, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 417, S. 2226.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2226) to amend the Agricultural Adjustment Act of 1938 as amended, to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any committee determination.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 6, after the word "proceedings", insert "against the farmer as defendant"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(1) Section 363 is amended by changing first sentence to read, "Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers from the State appointed by the Secretary.".

(2) Section 365 is amended (A) by adding after the third sentence thereof, "The Secretary may, within forty-five days after notice of the determination is mailed to the farmer, institute proceedings *against the farmer as defendant* in the United States district court to obtain a review of any review committee determination."; and (B) by changing "Thereupon" at the beginning of the fourth sentence to "Upon the institution of court proceedings under this section,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 90–421), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill would amend the Agricultural Adjustment Act of 1938 to—

(1) permit farm marketing quota review committee members to be appointed from any county in the State (instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties); and

(2) permit the Secretary to obtain a court review of the review committee's determination.

COMMITTEE AMENDMENT

Existing law provides that the bill of complaint (in a proceeding brought by a farmer) shall be served upon a member of the review committee. The bill is silent as to who shall be served in a proceeding brought by the Secretary. The Committee amendment would clarify this situation by specifying that review proceedings instituted by the Secretary shall be "against the farmer as defendant".

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The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Idaho (Mr. CHURCH), and while awaiting the arrival of another Senator, I ask unanimous consent that, notwithstanding the unanimous-consent agreement, I may proceed for 6 or 7 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

TAX LEGISLATION

Mr. MANSFIELD. Mr. President, conflicting reports, statements, and stories make it necessary to set the record straight on the matter of tax legislation. It will be recalled that last July, pursuant to the urging of the administration, the Senate extended the 10-percent surcharge on the income tax. The extension was for 6 months—that is, through the remainder of 1969—but not until June 30, 1970, as had been sought by the administration.

Frankly, as one Senator, I would have preferred not to see any extension of the surcharge except as part of a here-and-now tax reform and relief measure. Nevertheless, together with the other members of the majority policy committee I concurred in the scheduling of the 6-month extension because of certain conditions and understandings which occurred at the time.

In agreeing to a callup of the surtax, the majority policy committee insisted that tax reform and relief should not be left in a pigeonhole. It sought and received assurances that such a measure would be brought forth with dispatch for consideration by the Senate. In this connection, it was made clear that there would be reported to the Senate either the far-reaching bill then in the House, that bill as amended, or some other bill dealing, en bloc, with the more flagrant escape hatches which benefit a few in the present income tax law and providing some relief for millions of others.

May I say that the wage earners and other moderate and lower income groups are properly impatient for a more equitable distribution of the tax burden. They have a right to expect changes in the present income tax law after years of inertia in the face of the accumulating inequities—inequities which have placed on their shoulders an inordinate share of the cost of government.

Insofar as the majority leadership of the Senate is concerned there will be no countenancing of a back-door effort to put off or delay tax reform and tax relief. In all frankness, I must express concern, therefore, with the reports which have recently appeared in the press. I am astonished at some stories which indicate, for example, that I have agreed to take up now the repeal of the investment credit as distinct and separate from a general tax bill.

A clamor for repeal of the investment credit raises a lot of dust because the reform is a desirable one. I think Senators should be wary lest other essential tax reforms and tax relief be lost in the resulting obscurity. Insofar as the leadership is concerned, it will always try to be reasonable but reasonable does not include being a party to smokescreens.

A specific representation was made to the Senate last July when it was agreed to call up the extension of the 10-percent surtax through 1969. That representation was made on the strength of a decision of the majority policy committee. The decision, in turn, was influenced by strong statements by the administration in support of prompt action on tax reform and relief and by many Members of the Senate along the same lines. It was made, finally, on the basis of innumerable conversations and several meetings with the chairman and Democratic members of the Finance Committee—the committee in which the tax legislation was being considered.

On that basis, the leadership represented to the Senate, without contradiction from any source, but rather with at least the tacit concurrence of the Finance Committee and the minority leadership, that a full tax reform package—to go along with the investment tax credit and the final 6-month extension of the surtax at 5 percent which was requested by the administration—a full tax reform and tax relief package would be reported by the Finance Committee no later than October 31, 1969.

A promise of general tax reform has been made to the Nation by the President and his administration and it has been echoed by Members of Congress. Taxpayers will be reminded of that promise when tax forms are received next January. These forms will require payment of the 10-percent surtax for the 6 months extension voted last July by a Senate which has also held out great promise of tax reform and tax relief. I would hope, therefore, that those who pay the surtax will be able to say, in the end, that the 6 months extension at least purchased a fairer and more equitable tax system.

That is the promise which has been held out to the American taxpayer—I repeat—by the administration and by Members of Congress. To date, only the House has delivered on that promise. It would be my expectation that on the basis of the understandings of last July, the Finance Committee will also deliver in the next few weeks and that the Senate will follow suit as soon as possible thereafter.

In considering tax reform and relief when it is reported by the committee, the Senate will also consider repeal of the investment tax credit, retroactive to April 18, 1969. That is what was understood at the time the tax surcharge was extended last July. That is still the case today and I cannot understand why there should be any doubts or uncertainties on that score. Indeed, if one wishes to pursue this business of uncertainty as a basis for urgent action, one might well ask of the uncertainty which confronts tens of millions of the Nation's moderate and lower income taxpayers who are still waiting for the long-promised general tax reform and tax relief.

The fact is that the central problem which faces the Senate in this matter is not the repeal of the investment tax credit. The central problem has been and remains: When and in what context should the investment credit be repealed in order also to assure prompt consideration of a general tax reform and relief measure? In essence, the problem is the same that confronted the leadership in the case of extension of the tax surcharge a few months ago. It is the practical problem of how best to proceed in the light of the procedural realities of the Congress. To refresh memories on this point, let me quote the remarks of Senator PASTORE, a member of the majority policy committee, who put it so well last July when he said on the Senate floor:

> The thing that disturbs me is not so much the 6 months as against the 12 months. As a matter of fact, I would be for the 12-month extension providing I would have assurance that we are going to have tax reform. There is no Member of the Senate who knows more about the parliamentary gimmicks than does the Senator from Delaware. And he knows that if we dispose permanently of the surtax problem and then treat the tax reform independently, we will have no chance to have tax reform.

In a similar vein, to dispose of the investment tax credit at this time, in my judgment, might well diminish the prospects of a meaningful general tax reform and tax relief during this Congress which would most benefit middle and lower income taxpayers. That was also the judgment of the majority policy committee last July. That is still my judgment and I have no indication whatsoever that it is not still the judgment of the policy committee.

For those who have concerns about the investment credit, I repeat that, as far as I am concerned, any repeal will be retroactive to April 18, 1969; the date is firm. Repeal of the investment credit, as of April 18, is on the calendar now. It was on the calendar last July as part of a House-passed bill and remained there when the surtax was extended. Repeal, as of April 18, will be on the calendar when the Finance Committee reports the tax reform and tax relief bill, as expected, no later than October 31.

It has been my understanding all along that the investment credit was not to be brought up and disposed of before the general tax reform bill was available to the Senate. That was pledged to the majority policy committee last July and it was, in part, on that basis that the Committee agreed, at that time to taking up the extension of the income surtax, even for 6 months.

That is the whole story. There have been no deals, no agreements, and no commitments to the contrary. So let me dispel any doubts which may have arisen because of recent reports. The leadership has not broken its pledge nor has the chairman of the Finance Committee (Mr. LONG). The leadership has not agreed to schedule the investment credit repeal now, as a separate tax item. Nor has the distinguished chairman of the Finance Committee (Mr. LONG) or anyone else, so far as I am aware, abandoned the understanding.

Mr. President, I ask unanimous consent that a Harris survey dealing with this question be inserted in the RECORD.

There being no objection, the survey

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was ordered to be printed in the Record, as follows:

[From the Boston Globe, Sept. 22, 1969]

Eighty-Three Percent Object to Special Tax Breaks for Rich

Passage by Congress of legislation to close "tax loopholes for the rich" would be important toward making 62 percent of the rank and file of Americans "feel better" about the taxes they pay.

High taxes are second only to high food prices on the public's list of current financial problems. And by an overwhelming 83 to 7 percent, the public is critical of special benefits for wealthy individuals.

The issue of tax "loopholes" is one of the main orders of business now before Congress. The public outcry against extending the 10 percent surcharge on incomes taxes, opposed 69 to 17 percent nationwide, was so great that Democratic leadership in both the House and Senate has insisted on tax reforms aimed at spreading the tax load more evenly.

In a recent survey of a cross-section of 2074 people across the nation, the public was asked:

"Do you feel there are a lot of tax loopholes for the rich to avoid taxes or do you think the rich have to pay higher proportionate taxes under our tax system?"

Fairness of tax system

[In percent]	*Total public*
Rich avoid taxes	83
Rich pay proportionately	7
Not sure	10

There is little doubt that most taxpayers in America are resentful over a system which they believe "allows the rich to avoid high taxes." The degree to which the "loopholes" have fueled the growing tax revolt was evident in the result of this question:

"If many of the tax loopholes for the rich were closed, would you feel better about the taxes you pay or would you still feel the same?"

Impact of closing tax loopholes

[In percent]	*Total public*
Would feel better about my taxes	62
Still feel the same	29
Not sure	9

Some economists have pointed out that the added revenues to be derived from closing the so-called loopholes would not bring in an appreciable amount of new money to the Federal government. Clearly, these results show, however, that the loophole legislation would have a rather important psychological effect on a taxpaying pubic which now feels put upon financially. The chief target of the people's ire is the inflationary spiral, but taxes and government spending are viewed as major culprits.

The public concern over the high cost of living was evident when the cross-section was asked:

"What are the two or three major financial problems facing you and your family these days? Any others?"

Major family financial problems

[In percent]	*Total public*
High food prices, mainly meat	36
High taxes	27
High rent, mortgage payments	24
High cost of everything	19
High medical, dental costs	17
Cost of educating children	16
Clothing costs	11
Auto installment payments	11
Insurance premiums too high	8
High interest rates	6
High labor costs for help	6

Note.—Percentages add to more than 100 percent because most people named more than one financial worry.

The irony of the tax situation, of course, is that both the Administration and Congress are aware of the argument that one of the ways to halt rising prices is to take consumer money out of circulation through higher taxes and by raising interest rates. The public is adamantly opposed to either solution. To the contrary, higher taxes are viewed as an added burden on the individual family in a period when it cannot make ends meet.

Mr. HARRIS. Mr. President, I wish to comment on the Senator's statement. As a member of the Committee on Finance, I am very much in accord with what the majority leader has said. I commend him for his excellent leadership on the issue. I believe he has been headed in the right direction, and still is. I applaud him.

Mr. MANSFIELD. I thank the Senator. I wish to reiterate that the purpose in making these full remarks this morning was to set the record straight.

RESTORATION OF THE GOLDEN EAGLE PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. HARRIS. Mr. President, in line with the generous cooperation of the distinguished Senator from Idaho (Mr. Church), who is willing that the Senate fully consider this matter before acting upon it, I ask unanimous consent that the Senate proceed to the consideration of my motion of September 12, 1969, to reconsider the passage of S. 2315.

The PRESIDING OFFICER (Mr. Allen in the chair). Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senate reconsider the votes by which S. 2315 was read the third time and passed.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CHURCH. Mr. President, I ask unanimous consent that Mr. Dale Shaffer, who is a member of the staff of the Committee on Interior and Insular Affairs, be permitted in the Chamber during the consideration of S. 2315.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The Assistant Legislative Clerk. The Senator from Oklahoma (Mr. Harris) proposes an amendment on page 2, beginning with line 20, strike out all of line 20 and all of line 21.

Mr. HARRIS. Mr. President, I am glad the Senate has this opportunity to reconsider S. 2315, the bill which calls for the reinstatement of the golden eagle passport program and the Federal recreation fee system as a part of the Land and Water Conservation Fund Act of 1965.

As I have stated previously, I have no objection to the golden eagle passport program as it applies to national parks and national forests. I do, however, object to the collection of fees for entrance or access—as distinguished from user fees for special facilities—to Federal lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers. I, therefore, have sent to the desk an amendment to S. 2315 which strikes that portion of the bill calling for repeal of section 210 of the Flood Control Act of 1968.

Under the provisions of the Land and Water Conservation Fund Act as passed in 1964, the U.S. Army Corps of Engineers was required to collect fees at lakes and reservoirs. However, this same act stated that there could be no charge for the use of waters at these projects. This created a dilemma for the Corps of Engineers because the collection of an entrance fee from persons passing through a public recreation area to reach the water was tantamount to charging for the use of the water. Congress, recognizing this dilemma, adopted section 210 of the Rivers and Harbors and Flood Control Act of 1968 which states:

> No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

Section 3 of S. 2315 would repeal section 210 of the Flood Control Act of 1968 and would thus once again authorize the Bureau of Outdoor Recreation to require the U.S. Army Corps of Engineers to collect fees for the use of recreation areas in conjunction with lakes and reservoirs under their jurisdiction.

The matter of fee collection at lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers has been the subject of a great deal of debate both in the Public Works and Interior Committees of the House and Senate and on the floor of both bodies. I feel that the evidence is overwhelming in opposition to the collection of entrance or user fees at these lakes and reservoirs.

First, it has been the longstanding and established public policy in this country that access to and use of inland waters should be free to the general public. This policy was first set forth in the Northwest Ordinance of July 1787 and was reaffirmed when the Congress adopted that ordinance in August of 1789. Through the years freedom of access to and use of the inland waters of the United States has been restated by the Congress on numerous occasions. In the Flood Control Act of 1944, of 1946, of 1954, and again in the Rivers and Harbors Act of 1962, the Congress expanded this doctrine when it said:

> The water areas of such projects shall be open to public use generally without charges

for boating, swimming, bathing, fishing and other recreational purposes.

Also, in the Rivers and Harbors and Flood Control Act of 1968 the Congress once again restated that entrance and admission to Federal lakes and reservoirs should be free to the general public.

My distinguished colleague, Representative ED EDMONDSON, of Oklahoma, said during the consideration of the Land and Water Conservation Fund Act:

> The Congress has consistently been saying since 1944 to the areas in the country where these reservoirs are built or authorized to be built, if you will cooperate with us for the building of these reservoirs, if you will give up your bottomland, and if you will assist us and work with us on the local contribution angles that are necessary for the construction of these reservoirs, we will provide access without charge to the general public.

Although Congressman EDMONDSON was unsuccessful in his efforts to guarantee freedom of access to and use of Federal lakes and reservoirs during consideration of the Land and Water Conservation Fund Act of 1965, he was later successful in bringing about the adoption of section 210 of the Flood Control Act of 1968 which prohibits the collection of entrance and access fees at these projects.

The amendment I offer today would make clear once again the public policy of this country and the sense of the Congress that there must not be and shall not be any fees charged for the use of Federal waters or the access thereto. The adoption of my amendment today will be a clear statement by us of the furtherance of the longstanding public policy of this country for free recreation use of our lakes and reservoirs.

Second, Mr. President, experience has shown that the collection of entrance and user fees at Corps of Engineers lakes and reservoirs is extremely costly and very difficult to administer. For instance, in 1967, the last year for which detailed costs figures are available, the Corps of Engineers collected fees at 168 areas at 65 projects for a total of $703,000. The cost for collection of these fees in the same year, 1967, was $769,176. So, as you can see, the Corps of Engineers actually lost approximately $66,000 as a result of collecting fees in the year 1967. Not only did the corps collect less than it cost them to administer this program, but that money which was collected was turned over to the Land and Water Conservation Fund and was not utilized for recreational improvement at the reservoirs where it was collected. Thus we actually appropriated to the Corps of Engineers more money to enable them to collect fees than they were able to collect and the meager amount they were able to collect could not be used to offset their expenses. This certainly does not appear to be very sound business practice to me.

Third, entrance fees are impossible to collect efficiently and fairly at most Corps of Engineers reservoir areas. For instance, the Corps of Engineers administers reservoirs with a total shoreline of approximately 28,000 miles. The fact is that without thousands of miles of barbed wire and a new army of fee collectors there is no practical and efficient way to collect entrance fees in these areas. The Army Corps of Engineers knows this, the general public knows this, the Congress knows this. In fact, as Congressman EDMONDSON has said:

> Everybody with any familiarity with Army Engineers reservoirs knows that a facility use fee limited to beaches and camp sites or to launch facilities where mechanical or hydraulic equipment is provided, is the only practical, fair and economical system for these reservoirs.

I fully agree with this statement, and I wholeheartedly feel that we must continue the policies against the collection of entrance fees at these projects.

Fourth. Mr. President, entrance fees at Army Corps of Engineers lakes do not contribute to maintenance or improvements of lakes where they are collected. Under the provisions of the Land and Water Conservation Fund Act, all fees collected at Federal recreation areas are deposited in the land and water conservation fund. The Federal share of this fund goes to acquire additional lands for recreational purposes, generally parks. Not one single dollar of the land and water conservation fund has been allocated or can be allocated to the Army Engineers for maintenance and improvement of the lakes or the recreation areas where the fees are collected. Therefore, although the Army Engineers have been collecting fees at 168 recreation areas at 65 projects under their administration, they have yet to receive $1 for their efforts. This is not true of the National Park Service, the National Forest Service, or the Bureau of Sport Fisheries and Wildlife. For example, Mr. President, if the Interior appropriations bill as passed by the Senate becomes law, the National Park Service in fiscal year 1970 will receive $13,700,000 and the Bureau of Sport Fisheries and Wildlife will receive $1 million. Yet, the Army Corps of Engineers will not receive one dime.

Mr. President, to illustrate this point I ask unanimous consent that the table appearing on page 10 of the Senate Report No. 91-420, the Interior Department and related agencies appropriations bill for 1970, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Activity	Budget estimate	House allowance	Committee recommendation
1. Assistance to States	$77,000,000	$75,000,000	$62,000,000
2. Federal land acquisition program:			
National Park Service (new areas):			
Assateague Island National Seashore	1,789,718	1,789,718	2,789,718
Biscayne National Monument	1,000,000	1,650,000	2,500,000
Delaware Water Gap National Recreation Area		2,000,000	2,000,000
Indiana Dunes National Lakeshore	1,500,000	2,000,000	5,000,000
North Cascades National Park	250,000	250,000	250,000
Ozark National Scenic Riverway	558,100	558,100	1,058,100
Guadalupe Mountains National Park			231,000
Glen Canyon National Recreation Area			150,000
San Juan Island National Historic Park			476,300
Pictured Rocks National Lakeshore			1,177,100
Subtotal, new areas	5,097,818	8,247,818	15,632,218
Inholdings	674,182	674,182	674,182
Grand Teton National Park (JY Ranch)	1,050,000	1,050,000	
Court awards (Padre Island National Seashore)	7,800,000	7,800,000	12,115,600
Wild and scenic rivers	100,000		100,000
National trails system	50,000		50,000
Subtotal, remaining areas	9,674,182	9,524,182	12,939,782
Liquidation of fiscal year 1969 contracts:			
Assateague Island National Seashore	3,500,000	3,500,000	3,500,000
Biscayne National Monument	2,500,000	2,500,000	2,500,000
Carl Sandburg Farm National Historic Site	203,000	203,000	203,000
Delaware Water Gap National Recreation Area	2,561,000	2,561,000	2,561,000
Guadalupe Mountain National Park	1,015,000	1,015,000	1,015,000
Herbert Hoover National Historic Site	150,000	150,000	150,000
Indian Dunes National Lakeshore	4,000,000	4,000,000	4,000,000
Ozark National Scenic Riverway	500,000	500,000	500,000
Pictured Rocks National Lakeshore	420,000	420,000	420,000
San Juan Island National Historic Park	33,000	33,000	33,000
2. Federal land acquisition program—Continued			
Liquidation of fiscal year 1969 contracts—Continued			
Saugus Iron Works	$47,500	$47,500	$47,500
Whiskeytown National Recreation Area	239,000	239,000	239,000
Inholdings	359 500	359,500	359,500
Subtotal, liquidation appropriation	15,528,000	15,528,000	15,528,000
Total, National Park Service	30,300,000	33,300,000	44,100,000
Forest Service:			
National recreation areas:			
Mount Rogers, Va	433,400	433,400	433,400
Spruce Knob-Seneca Rocks, W. Va	712,600	712,600	712,600
Subtotal, national recreation areas	1,146,000	1,146,000	1,146,000
Recreation lands	10,354,000	10,354,000	12,554,000
Total, Forest Service	11,500,000	11,500,000	13,700,000
Bureau of Sport Fisheries and Wildlife:			
Southern Bald Eagle Habitat, Mason Neck, Va	375,000	375,000	375,000
Patuxent Wildlife Research Center, Maryland	375,000	375,000	375,000
McNary National Wildlife Refuge, Wash	50,000	50,000	50,000
Tennessee National Wildlife Refuge	200,000	200,000	200,000
Total, Bureau of Sport Fisheries and Wildlife	1,000,000	1,000,000	1,000,000
Bureau of Outdoor Recreation: Advance planning and emergency acquisition	1,000,000		
Total, Federal program	43,800,000	45,800,000	53,800,000
Administrative expenses	3,200,000	3,200,000	3,200,000
Total ,1970	124,000,000	124,000,000	124,000,000

Mr. HARRIS. Mr. President, last, I feel that we must reaffirm our position on continuing the free access to and use of our lakes and reservoirs in order to avoid excluding many people of modest income from the enjoyment of these projects. I have stated over and over that I have no opposition to the charging of a small fee for the use of a particular facility such as a bathhouse, so long as the fee is commensurate with the service available and the cost of collection will not eat up a good portion of the amount collected.

But what about the person who comes onto public land, simply to enjoy the wonders of nature, to walk or sit or lie among them and marvel at the beauties God has built? What about the person who uses no bathhouse or diving board or other facilities especially constructed, but comes onto the land with his wife and children to go swimming, already in bathing suit or changing elsewhere? What about the person who comes in and uses no especially constructed boat dock or boat ramp or other facilities, and boats or fishes on public waters? What about the person who comes out just to see or photograph the wonders of such a public area, its flora and its fauna?

Shall we charge fees of these people in areas where none now are collected? I submit, that if we do, if we go back to the policy in effect prior to the enactment of section 210 of the Flood Control Act of 1968, we break faith with the great public policy and traditions of this country and with our obligations to future generations. Congress can guard against this being done now or in the future by enactment of my amendment which would strike section 3 of S. 2315.

I could provide the Senate with numerous letters supporting the fact that the Army Engineers are not providing utilities nor are they providing police or fire protection even in those areas where they would be forced to collect fees if S. 2315 passed without my amendment. I feel that the general public, if required to pay a fee should be guaranteed some additional services in return.

Mr. CHURCH. Mr. President, before I proceed to discuss the points raised by the distinguished Senator from Oklahoma (Mr. HARRIS), in connection with which I intend to offer a substitute amendment, that I hope he will find satisfactory, I should like to discuss briefly the purpose of S. 2315.

This bill was reported by the Interior and Insular Affairs Committee. In the opinion of the committee, which received no unfavorable testimony, the bill has great merit. I believe this is apparent by the fact that the bill passed the Senate once without opposition. However, I want to assure the Senator from Oklahoma that if the committee had been advised of his desire to discuss the provisions of this measure, we would have accommodated him at the time the bill was first cleared for passage.

Mr. HARRIS. Mr. President, will the Senator from Idaho yield at that point?

Mr. CHURCH. I yield.

Mr. HARRIS. I trust that it comes as no surprise to members of the Senate Interior and Insular Affairs Committee that I vigorously objected to repeal of that portion of the act, that my presence was not necessary to put people on notice about that. as this has been a matter on which I and Representative EDMONDSON of Oklahoma and others have spoken out vigorously in the past.

Mr. CHURCH. Yes; I appreciate that fact and, of course, it is because of the Senator's concern that we have called the measure back to reconsider the provision to which he has raised his objection this morning.

Mr. President, the primary objective of the bill as introduced by Senator JACKSON and amended by the committee, is to retain the extremely popular golden eagle program created by the original enactment of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended. The legislation would restore the golden eagle passport program due to expire next March, while also increasing the annual fee from $7 to $10. The bill also continues the advance contract authority of the Secretary of the Interior to deal with the increasingly serious problem of land-cost escalation. He had this authority for fiscal years 1969 and 1970 for the acquisition of certain land, water, or interests therein.

Other provisions of S. 2315, as amended, include: First, authorization for the Secretary of the Interior to advertise and promote entrance or user fee programs currently in operation and; second, repeal of section 210 of the Flood Control Act of 1968, which, as interpreted, precludes the sale of golden eagle passports in recreation areas under the administrative jurisdiction of the Corps of Engineers.

It is the second matter relating to the repeal of section 210 of the Flood Control Act which has concerned the Senator from Oklahoma and others.

When the Senate Interior Committee ordered S. 2315 reported last August 12, it was the consensus that recreation areas under the jurisdiction of the Corps of Engineers should be an active part of the general fee collection program. Therefore, S. 2315 was amended by the committee to repeal section 210 of the Flood Control Act of 1968. This action was taken because exclusion of the corps areas from the golden eagle passport program could well undermine the whole concept of special fees for special services rendered. Since we were restoring the golden eagle program, the committee also felt that it would be unwise to allow different treatment of the fee program between different agencies of the Government.

In view of the objections raised, and the amendment offered, by the Senator from Oklahoma to section 3 of S. 2315, namely, the section repealing section 210 of the Flood Control Act of 1968, I will propose a substitute to an amendment to the bill in an attempt to maintain the integrity of the land and water conservation fund. I have discussed the language with the Senator from Oklahoma, and Chairman JACKSON has done likewise with the chairman of the Senate Public Works Committee, the distinguished senior Senator from West Virginia, who, I believe, concurs with the language of the proposed amendment.

When I propose is to incorporate the essence of the provisions of section 210 of the Flood Control Act of 1968 into the basic land and water conservation fund law. This language would supplement the provisions of section 2(c) of the fund act and would make our intent abundantly clear that entrance or access to, or use of, any water shall be free. The amended language specifies in part that—

> Fees shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives or boat launching ramps where no mechanical or hydraulic equipment is provided. The fee collection provisions would apply only to those highly developed facilities constructed for reasons of public health, safety, and convenience, and which require a schedule of regular maintenance and supervision.

I want to make it absolutely clear that under no circumstances would user or admission fees be collected for the use of waters at federally operated or maintained recreation areas, and more particularly at Federal multiple-use lakes and reservoirs, whether constructed by the Bureau of Reclamation or the Corps of Engineers. In fact, section 2(a) of the Land and Water Conservation Fund Act states:

> No fee of any kind shall be charged by a Federal agency under any provision of this Act for the use of any waters.

In my opinion, the original Land and Water Conservation Fund Act called for fees to be collected at all federally operated and maintained recreational, scenic, scientific, historic, or cultural areas where special benefits are provided at Federal expense to identifiable recipients above and beyond those which accrue to the general public. I believe this system should be uniform in its applicability—it should apply to all Federal agencies upon whose lands these recreational facilities are provided.

Mr. President, when the Congress enacted the Land and Water Conservation Fund Act, it was the intention to have it operate on a pay-as-you-go principle in contributing to the Nation's outdoor recreation needs. This was to be accomplished, in part, by providing a system of charging uniform fees at Federal recreation areas. It was considered only fair that individual users pay for the special benefits provided. The principle of making collections where special benefits are provided is well established. For example, collections are made where recreational facilities such as bathhouses, cabins, overnight shelter, electricity, fuel, and winter sports equipment are provided. This same principle applies to other Federal programs where identifiable beneficiaries pay a user charge, including those who cut timber, graze cattle, or use water for irrigation.

The point I wish to emphasize is that if user charges are warranted, they should be applied uniformly by all agencies.

Therefore, I send to the desk an amendment intended as a substitute for that offered by the Senator from Oklahoma. I ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment offered by the Senator from Idaho.

The assistant legislative clerk read the amendment, as follows:

> On page 2, add a new section 4 as follows:
>
> "Sec. 4. Section 2(a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is amended by inserting, immediately after the words 'for use of any waters.' in the second paragraph of such section 2(a) the following: 'User fees at recreation areas administered by the United States at Federal lakes and reservoirs shall be collected by officers and employees only from users of highly developed facilities constructed for reasons of public health, safety, and convenience, and which require a schedule of regular maintenance and supervision. Fees shall not be collected for entrance or access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.' "

Mr. CHURCH. Mr. President, I respectfully suggest to the distinguished Senator from Oklahoma that the language of the amendment I have offered to take the place of his amendment accomplishes the central objective he has in mind. I hope he would find it possible to withdraw his amendment and accept the amendment I have offered instead.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HARRIS. I certainly commend the distinguished Senator from Idaho, and also the distinguished Senator from Washington (Mr. Jackson), the chairman of the full committee, for trying to work this matter out. As they know, I would prefer the amendment which I have offered, but I believe the general thrust of the amendment the Senator offered is the same as I had desired to accomplish. There is not any way, in my opinion, that we can rightly charge a fee for someone who is not using some kind of special facilities. That, I take it, is the thrust of the substitute amendment proposed by the Senator from Idaho. Its intent is not to have fees charged for lightly developed or undeveloped areas or to charge purely for entrance or access to waters.

It is my understanding that the distinguished chairman of the Public Works Committee (Mr. Randolph) has agreed to the wording of the amendment proposed by the Senator from Idaho. Therefore, I withdraw my amendment so that the amendment of the Senator from Idaho may be offered.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Oklahoma is withdrawn. The amendment offered by the Senator from Idaho is offered and is before the Senate.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. STENNIS. I want to commend the Senator from Oklahoma (Mr. Harris) for his alertness and timeliness and also for his fine work in connection with this matter, which is a problem for all of us. It is a problem for those who put the bill together.

He is due a great deal of credit. I would have supported his amendment vigorously, had it not received the consideration it did. I certainly appreciate his efforts.

I appreciate also what the Senator from Idaho has done on this bill, and his consideration of the problem. I hope that the members of the committee are now satisfied with the provision, and that it will become law.

Mr. CHURCH. I thank the Senator from Mississippi very much. I join with him in commending the Senator from Oklahoma for his tenacity in working this problem out to the general satisfaction of all concerned.

I move the adoption of my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Oklahoma having been withdrawn, the amendment of the Senator from Idaho is in order. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. JACKSON. Mr. President, I compliment the able Senator from Oklahoma for the thorough way in which he has gone into this matter. He has made a very fine contribution, I think, in trying to define and separate a line of demarcation between the use of facilities in which the Federal Government has not made a substantial investment, and facilities where there has been such an investment.

Needless to say, I am most grateful to the able Senator from Idaho for the amendment that he has worked out and offered in lieu of that withdrawn by the Senator from Oklahoma, to accomplish this purpose.

Mr. President, I shall ask unanimous consent to have printed in the Record at the end of my remarks a booklet and also an extensive explanation of the criteria developed by the outdoor recreation agencies regarding fee collections. I should point out that, if enacted, S. 2315 will necessitate that this criteria be modified somewhat by the executive agencies to reflect the new provisions included in my bill as it is about to be amended.

The booklet I am enclosing is entitled the "1969 Directory of Federal Recreation, Entrance, Admission, and User Fee Areas," which is distributed by the Bureau of Outdoor Recreation. This informative booklet fully explains the fee systems administered by several Federal agencies, and answers important questions frequently asked by recreationalists about the golden eagle and other fee programs.

I should emphasize, however, that if S. 2315 is enacted, it will modify certain of the statements made in this booklet.

There being no objection, the booklet and statement were ordered to be printed in the Record, as follows:

The 1969 Directory of Federal Recreation Entrance, Admission, and User Fee Areas

ABOUT OPERATION GOLDEN EAGLE

America needs space for walking, riding, hiking, camping, fishing, hunting, boating, skiing, nature study, and other forms of outdoor recreation necessary to the health and happiness of our people—space to be preserved as part of our National Parks, Forests, Wildlife Refuges, Lakeshores and Seashores, and other Federal recreation areas.

The need is to act now—before it is too late—to make available land and water areas for recreation use by this and future generations.

Through Operation Golden Eagle you can help.

Operation Golden Eagle is the name given to the Federal recreation fee program. It is identified by the symbolic golden eagle and the family motif displayed on the face of the annual Federal Recreation Area Entrance Permit, popularly known as the Golden Eagle Passport, and on official signs posted at Federal recreation areas where fees are charged.

Revenue from sale of the Golden Eagle Passport and the receipts from other Federal outdoor recreation fees are deposited in the Land and Water Conservation Fund. This Fund also receives revenue from sales of surplus Federal real property, Federal motorboat fuels taxes, general receipts of the Treasury, and may receive receipts from mineral leases on the Outer Continental Shelf.

Since the Fund was established in 1965, apportionments totaling $259 million have been made to States and Territories to help them acquire and develop some 3,300 local and State parks and recreation areas. Approximately $226 million have been appropriated from the Fund to acquire recreation lands for the National Park System, National Forest System and National Wildlife Refuge System and to acquire lands needed to protect rare and endangered wildlife species.

The Golden Eagle Passport ends after March 31, 1970. Public Law 90–401 substantially amended the Land and Water Conservation Fund Act to (1) authorize a guaranteed minimum fund level of $200 million per year and (2) delete authority under the Land and Water Conservation Fund Act for collection of recreation fees, effective March 31, 1970.

The first action assures that substantially more funds will be available in the Fund for all purposes of the Act because receipts from general revenues or from offshore mineral leases will go into the Fund as needed to bring the Fund up to the $200 million annual level.

The second action means that effective March 31, 1970 there is no authority to collect recreation fees on a Government-wide basis. Hence, The Golden Eagle Passport, as it is presently known, will not be available after the 1969 season. Public Law 90–401 does not repeal other existing authorities of Federal agencies to collect fees after March 31, 1970. Each Federal agency managing outdoor recreation areas may fix the amounts and determine where and how to collect fees.

Recreation fees collected after March 31, 1970, will no longer go into the general account of the Land and Water Conservation Fund. Instead, revenue from fees will be deposited in a special account which may be appropriated directly to the collecting agency for use in support of its authorized outdoor recreation function.

1. What is the annual Golden Eagle Passport?

Answer: It is a gold and blue, wallet-size card which is a year-long passport to designated Federal recreation areas throughout the Nation where entrance fees are charged under the Land and Water Conservation Fund Act. The annual permit, or "Golden Eagle Passport," sells for $7. When signed by the owner, it is valid from April 1, 1969, to March 31, 1970.

A valid Golden Eagle Passport will admit the purchaser, regardless of his mode of transportation, to designated Federal recreation areas where entrance or admission fees are charged. In addition, it will admit all persons who accompany the holder in a private noncommercial vehicle to designated Federal recreation areas commonly entered by vehicles where entrance fees are charged.

The Golden Eagle Passport does not cover user fees or service charges that might be required at some designated Federal recreation areas (see Question 8).

2. Where can a Golden Eagle Passport be purchased?

Answer: The Golden Eagle Passport can be purchased at most entrances to Federal recreation areas, at offices of the Federal agencies shown on the back of this pamphlet, and at county offices of the Federal Agricultural Stabilization and Conservation Service throughout the Nation. It can also be purchased at most offices of the American Automobile Association, from many department and sporting goods stores, by credit card order from a number of petroleum companies, and from Operation Golden Eagle, Post Office Box 7763, Washington, D.C. 20044. Purchasing an annual $7 permit in advance will save you time.

3. What other entrance permits are available?

Answer: If you do not have an annual permit, a $1 daily single area carload permit may be purchased where carload entrance fees are charged. Where overnight use is permitted, the $1 daily carload permit is valid until noon the day following purchase, unless such an area is posted for an earlier departure time. If an individual is not entering a Federal recreation area in a private noncommercial vehicle, he may purchase a 50-cent daily permit. The owner of a $7 Golden Eagle Passport may use the passport in lieu of paying the 50-cent daily fee.

4. With respect to Federal recreation fees, what is a private noncommercial vehicle?

Answer: A "private noncommercial vehicle" is any passenger car, station wagon, pickup camper, motorcycle, or other motor vehicle that is conventionally used for private recreation purposes by an individual or a family. This includes company-owned automobiles, or vehicles an individual or family has leased or rented and is using for private recreation purposes.

5. Do carload entry permits cover the entry of towed motor vehicles, boats or camping trailers?

Answer: Yes, provided that a towed motor vehicle is not operated within the designated area.

6. How are entry permits validated and displayed?

Answer: The $7 annual permit is validated when the purchaser signs his name on the face of the permit. When inside a designated recreation area, the purchaser, unless otherwise notified, must display the permit in full view on the dashboard or on the sun visor of his vehicle. The $1 daily permits are displayed in the same manner.

7. Are entry permits transferable?

Answer: Permits are transferable only to the purchaser's immediate family (spouse and children), when driving a private noncommercial vehicle which is either registered or under rental contract in the name of a member of that family.

8. Will more than one kind of fee be charged at a Federal recreation area?

Answer: Yes, user or service fees may be charged singly or in addition to entrance or admission fees. For example, user fees may be charged for family camping, group camping or picnicking, bathhouses, lockers, boat launching facilities, cabins or overnight shelters, electrical outlets, cut firewood or other fuels, duck blinds, and winter sport facilities. Service fees may be charged for items such as use of boats, guided tours, and elevators.

9. What qualifications must an area have before Federal recreation fees may be charged?

Answer: Four conditions must be met before an area may be designated (1) the area must be under direct Federal management; (2) the specific area must be managed primarily for scenic, scientific, historical, cultural, or recreational purposes; (3) the area must have receration facilities or services provided at Federal expense; and (4) collection of fees must be administratively and economically practical. Collection of recreation fees is determined by each Federal land managing agency participating in Operation Golden Eagle for the recreation areas which it manages.

10. How does a person know if fees are charged at a Federal recreation area?

Answer: The entrance to each designated Federal recreation area is posted with a sign showing that it is a "U.S. Fee Area."

11. Are Federal recreation permits hunting or fishing licenses?

Answer: No, Federal recreation fees in no way constitute a hunting or fishing license. Persons hunting or fishing on Federal recreation areas must comply with applicable State regulations requiring possession of a hunting or fishing license.

Hunters and fishermen are charged the same fees as other users of Federal recreation areas. Hunters and fishermen, as well as other recreationists, benefit from the Land and Water Conservation Fund program, since it helps expand opportunities for all types of outdoor recreation, including hunting and fishing.

12. Are Federal recreation fees charged for the use of water?

Answer: No, the Land and Water Conservation Fund Act specifically prohibits charges for the use of water. Where an individual gains access to the water through a designated Federal recreation area, he will be required to pay the appropriate fee. Such a fee is not based on the availability of water, but on the existence of federally provided outdoor recreation facilities. In some instances boaters, swimmers, and other persons are required to pay user fees for boat launching facilities. bathhouses, and other special services or facilities.

13. Is a Federal fee required of persons entering official National Wilderness areas?

Answer: No, Federal entrance or admission fees to enter units of the Wilderness System are prohibited. However, if an individual gains access to a Wilderness through a designated Federal recreation area, he will be required to pay the appropriate fee for entering the designated recreation area.

14. Are recreation charges made at Federal recreation areas where the Golden Eagle Passport is not valid?

Answer: Yes, some Federal areas are operated and managed by private concessionaires or by public recreation departments under contract with the Federal Government. In these instances, the contractors are permitted to collect fees for the use of facilities and other services they may provide. Fees collected by concession operators or non-Federal public recreation departments, are not deposited to the Land and Water Conservation Fund.

In addition, some Federal recreation areas operated and managed by the Federal Government are designated only for the collection of user or service fees not covered by the passport.

15. Are any individuals or groups exempt from paying required Federal recreation entrance or admission fees?

Answer: Yes, persons under 16 years of age and persons or groups entering designated fee areas for other than outdoor recreation purposes are exempt. This includes those visiting an area for a commercial reason, such as salesmen; concessionaires and their employees, bus and taxi drivers; doctors, firemen and ambulance operators on a call; church groups engaged in religious services; and individuals traveling to private residences on roads which require crossing or entering designated fee areas. Groups of persons on educational visits sponsored by bona fide educational institutions also are exempt. In this last instance, a school group accompanied by a bona fide instructor studying conservation practices, natural history, geology, ecology, etc., would be exempt; whereas, a school picnic or similar outing would not.

16. Are lost Golden Eagle Passports replaceable? Are refunds for Golden Eagle Passports obtainable?

Answer: Upon purchase, the Passport becomes the responsibility and property of the purchaser. Replacement or refund for a Golden Eagle Passport can be provided only where the purchaser has been denied the use of the Passport through some fault or neglect on the part of the Government. Passports are accountable property and each replacement or refund must be supported by a valid, accountable document. A damaged Passport normally is replaceable upon return of the originally purchased Passport.

17. Is the Golden Eagle Passport a camping permit?

Answer: No, the Golden Eagle Passport is an annual entrance permit for designated Federal outdoor recreation areas. Camping facilities are available at most, but not all Federal recreation areas. All persons entering designted fee areas pay the same entrance fees without regard to their use of camping facilities. Many well-developed campgrounds are designated for collection of user fees not covered by the Golden Eagle Passport. In addition, some campgrounds are administered as private concessions. The Passport is not valid for any concession fees.

18. Is the Golden Eagle Passport to be discontinued?

Answer: Yes, amendments to the Land and Water Conservation Fund Act which were passed by the Congress during 1968 terminate the authority with an effective date of March 31, 1970. These amendments do not repeal other existing authorities of Federal agencies to collect recreation fees. Policies and procedures for the collection of Federal outdoor recreation fees after March 31, 1970, will be announced to the public as they are developed.

TYPES OF FEES

Entrance and admission fees

An annual Federal recreation fee area entrance permit, popularly known as the Golden Eagle Passport, will admit the purchaser, regardless of his mode of transportation, any number of times to designated Federal recreation areas collecting entrance or admission fees. It also will admit all those who accompany the purchaser in a private, noncommercial vehicle to designated Federal recreation areas commonly entered by such vehicles where entrance fees are charged.

Persons who do not desire to purchase the $7 annual permit may buy a $1 daily permit. This will admit the purchaser and all those accompanying him in a private, noncommercial vehicle only at the area for which it was purchased.

A daily 50¢ per person admission fee is available to an individual on a commercial or tour bus, on foot, horseback, or bicycle entering areas where entrance fees are charged.

User or service fees

Special user fees may be charged for the use of well-developed recreation facilities. Service fees may be charged for items such as guided tours. User or service fees may be charged regardless of whether entrance or admission fees are charged at a particular area.

Neither the annual permit nor other short-term permits will substitute for user or service charges required at particular designated Federal recreation areas.

For information on specific user or service fees, inquiry should be made of the managing agency. (See the list of addresses on the inside back cover of this publication.)

CHANGES IN AREA DESIGNATION

The Directory of Federal Recreation Fee Areas is assembled several months in advance of the recreation season in order to provide time for printing and distribution. The Directory is accurate only at the time of its assembly. The agencies administering Federal recreation areas may designate additional areas, cease collection at designated areas, close an area to public use, or license an area for concession operation at any time.

Restrictions on number of employees and funds contained in the Revenue and Expenditure Control Act of June 28, 1968, have resulted in closings or reductions in periods of service in many National Park System areas. The National Park Service is expected to license to concessionnaires many of the campgrounds designated for user fee collection. Fees collected by concessionnaires are expected to be comparable to existing Federal fees. Concession fees are not deposited in the Land and Water Conservation Fund, but a percentage or annual rental is paid into the Federal Treasury from concession operations.

It is suggested that visitors to Federal recreation areas check with administering officials to determine the status of specific areas they plan to visit. A list of Regional Office administering agency addresses is provided at the back of this publication for that purpose.

KEY TO ABBREVIATIONS

TYPES OF AREAS

NF—National Forest.
NG—National Grassland.
NWR—National Wildlife Refuge.
NFH—National Fish Hatchery.
NP—National Park.
NM—National Monument.
NRA—National Recreation Area.
NHS—National Historical Site.
NMP—National Military Park.
NBP—National Battlefield Park.
NS—National Seashore.
NHP—National Historical Park.
RA—Recreation Area.
NMem—National Memorial.
NMemP—National Memorial Park.
*Entrance and Admission Fees.
†User or Service Fees.

ALABAMA

(Designated area)

FOREST SERVICE

Bankhead NF

*Brushy Lake.
*Corinth.
*Natural Bridge.
*Sipsey River.

Conecuh NF

*Blue Pond.
*Open Pond.

Talladega NF

*Coleman Lake.
*Lake Chinnabee.
*Payne Lake.
*Pine Glenn.

BUREAU OF SPORT FISHERIES AND WILDLIFE

†Eufaula NWR.
†Wheeler NWR.

ALASKA

Chugach NF

†Anderson Bay.
*Beaver Pond.
*Bertha Creek.
*Black Bear.
†Canoe Pass.
†Caribou Creek.
*Cooper Creek.
*Crescent Creek.
†Crescent Lake.
†Devils Pass.

†East Creek.
†Eyak Lake.
†Galena Bay.
*Granite Creek.
†Juneau Lake.
†McKinley Lake.
†Paradise Lake.
†Pigot Bay.
*Porcupine.
*Primrose Landing.
*Ptarmigan Creek.
*Quartz Creek.
*Russian River
†Sawmill Bay.
†Shrode Lake.
†Simpson Bay.
†Swan Lake.
*Tenderfoot Creek.
†Tiedeman Slough.
*Trail River.
†Trout Lake.
†Upper Russian Lake.
*Williwaw.

North Tongass NF

†Alexander Lake.
†Anan.
†Anan Lake.
†Avoss Lake.
*Auke Village.
†Baranof Lake.
†Berg Bay.
†Big John Bay.
†Binkley Slough.
†Breiland Slough.
†Camp Kathleen.
†Camp Pybus.
†Camp Sha Heen.
†Castle Flats.
†Castle River.
†Church Bight.
†Davidoff Lake.
†Deboer Lake.
†Devils Elbow.
†Eagle Lake.
†Fair Island.
†Florence Lake 2.
†Garnet.
†Goulding Lake.
†Gut Island.
†Gut Lake 2.
†Harvey Lake.
†Jims Lake.
†Koknuk.
†Kook Lake.
†Little Dry Island.
†Mallard Slough.
†Marten Lake.
*Mendenhall.
†Mount Flemer.
†Mount Rynda.
†Petersburg Lake 2.
†Plotnikof Lake.
†Redoubt Lake.
†Rezanof Lake.
†Salt Chuck 2.
†Sergrief Island.
†Seymour Canal.
†Shakes Slough 1.
†Shakes Slough 2.
†Shelikof.
†Sitkoh Lake.
†Sportsmen Camp.
†Spruce Camp.
†Steamer Bay.
†Swan Lake.
†Thoms Lake.
†Tower Arm.
†Tower Lake.
†Turner Lake 1.
†Twin Lakes.
†Virginia Lake.
†Zimovia.

South Tongass NF

†Bakewell Lake.
†Barnes Lake.
†Beaver.
†Big Goat Lake.
†Big Salt Lake.
†Billy Goat Creek.
†Black Bear Lake.
†Checats Lake.
†Ella Narrows.
†Fisheries.
†Heckman Lake.
†Honker Lake.
†Hugh Smith.
†Jordan Lake.
†Josephine Lake.
†Karta Lake.
†Karta River.
†Kegan Cove.
†Kegan Creek.
†Low Lake.
†Luck Lake.
†Manzanita Lake.
†Marguerita Bay.
†McGilvery Creek.
†Naha River.
†Orchard Lake.
†Patching Lake.
†Plenty Cutthroat.
†Paint Amargura.
†Portage.
†Rainbow Lake.
†Red Alders.
†Red Bay Lake.
†Salmon Bay Lake.
†Sarkar Lake.
†Shipley Bay.
†Short Creek.
*Signal Creek.
†Staney Creek.
†St. Nicholas Lake.
†Sweetwater Lake.
†Wilson Narrows.
†Wilson View.
†Winstonly Lake.
†Wolverine Island.

NATIONAL PARK SERVICE

†Glacier Bay NM.

Mount McKinley NP

†Igloo Cmpgd.
†Riley Creek Cmpgd.
†Sanctuary Cmpgd.
†Savage Cmpgd.
†Teklanika Cmpgd.
†Toklat Cmpgd.
†Wonder Lake Cmpgd.

BUREAU OF LAND MANAGEMENT

Fairbanks District

*Delta Cmpgd.

ARIZONA

FOREST SERVICE

Apache NF

*Alpine Divide.
*Aspen.
*Beaver Dam.
*Big Lake Rec. Area.
*Crescent Lake.
*Diamond Rock.
*East Fork.
*Greer.
*Greer Lakes.
*Hall.
*Sheep Crossing.
*South Fork.

Coconino NF

*Allens' Bend.
*Ashurst Lake.
*Banjo Bill.
*Beaver Creek.
*Blue Ridge.
*†Bonita.
*†Cave Spring.
*Chavez Crossing.
*Clear Creek.
*Clints Well.
*Dairy Springs.
*Double Springs.
*Encinoso.
*Forked Pine.
*Half Way Point.
*Kendrick Park.
*Kinnikinick.
*Knoll Lake.
*Lakeview.
*Lower Manzonita.
*Manzonita.

*Midgely Bridge.
*Pine Flat.
*Pine Flat Trailer.
*Pine Grove.
*Red Rock Crossing.
*Rock Crossing.
*Slide Rock.

Coronado NF

*Arcadia.
*Bathtub.
*Bear Canyon.
*Bear Wallow.
*Bog Springs.
*Calabasas.
*Camp Rucker.
*Cochise Stronghold.
*Cypress Park.
*General Hitchcock.
*Herb Martyr.
*Hospital Flat.
*Idlewild.
*Inspiration Rock.
*John Hands.
*Lakeview 1.
*Lakeview 2.
*Loma Linda.
*Madera Canyon.
*Marshall Gulch.
*Molino Basin.
*Noon Creek.
*Peppersauce.
*Piney Canyon.
*Red Rock.
*Riggs Flat.
*Rose Canyon.
*Roundup Park.
*Rucker.
*Rucker Lake.
*Rustler Park.
*Sabino Canyon Rec. Area.
*Shannon.
*Showers Point.
*Soldier Creek.
*South Fork.
*Spencer Canyon.
*Stewart.
*Stockton Pass.
*Sunny Flat.
*Sycamore.
*Sykes Knob.
*Thumb Rock.
*West Rubkey Creek.
*Wet Canyon.
*White Rock.

Kaibab NF

*DeMotte.
*Jacob Lake.
*Kaibab Lake.
*Ox
*Parks.
*White Horse.

Prescott NF

*Granite Basin.
*Hazlett Hollow.
*Hilltop.
*Indian Creek.
*Kentuck Springs.
*Lower Wolf Creek.
*†Lynx Lake.
*Mingus Mountain.
*Playground.
*Potato Patch.
*Powell Springs.
*St. Agatha.
*Thumb Butte.
*Turney Gulch.
*White Spar.

Sitgreaves NF

*Canyon Point.
*Gentry.
*Lakeside.
*Woods Canyon Rec. Area.

Tonto NF

*Acacia.
*Apache Lake.
*Boulder Creek.
*Burnt Corral.
*Butcher Jones.
*Cave Creek.
*Christopher Creek.
*Coons Bluff.
*Granite Reef.
*Jones Water.
*Laguna.
*Oak Flat.
*Palo Verde.
*Phon D. Sutton.
*Pinal.
*Pine.
*Pioneer Pass.
†Ponderosa.
*Saguaro del Norte.
*Seven Springs.
*Sycamore.
*The Point.
*Tonto Creek.
*Tortilla.

NATIONAL PARK SERVICE

*Casa Grande Ruins NM

Chiricahua NW

†Bonita Canyon Cmpgd.

Glen Canyon NRA (also listed under Utah)

†Bullfrog Cmpgd.
†Lees Ferry Cmpgd.
†Wahweep Cmpgd.
*Grand Canyon NP.
†Bright Angel Point Cmpgd.
†Desert View Cmpgd.
†Mother (Grand Canyon Village) Cmpgd.
†Hubbell Trading Poet NHS

Lake Mead NRA (also listed under Nevada)

Lake Mead NRA

†Boulder Beach Cmpgd.
†Cottonwood Cove Cmpgd.
†Echo Bay Cmpgd.
†Hemenway Cmpgd.
†Katherine Cmpgd.
†Las Vegas Bay Cmpgd.
†Temple Bar Cmpgd.
†Willow Beach Cmpgd.
*Montezuma Castle NW.

Organ Pipe Cactus NM

†Headquarters Cmpgd.
*Petrified Forest NP
†Pipe Springs NM
*Tonto NM
*Tumacacori NM
*Tuzigoot NM
*Walnut Canyon NM

BUREAU OF RECLAMATION

†*Hoover Dam & Power Plant* (*also listed under Nevada*)

ARKANSAS

FOREST SERVICE

Ouachita NF

*Albert Pike.
*†Charlton.
*Lake Sylvia.
*Mill Creek.
*†Shady Lake.

Ozark NF

*Barkshed.
*Blanchard Springs.
*†Cove Lake.
*Gunner Pool.
*Horsehead Lake.
*Lake Wedington.
*Long Pool.
*†Shores Lake.
*Spring Lake.

St. Francis NF

*Bear Creek Lake.
*Beaver Point.
*Beech Point.
*Lone Point.
*†Maple Flat.
*Storm Creek Lake.

BUREAU OF SPORT FISHERIES AND WILDLIFE

†White River NWR.

NATIONAL PARK SERVICE

Hot Springs NP

†Gulpha Gorge Cmpgd.

CALIFORNIA

FOREST SERVICE

Angeles NF

*Apple Tree.
†Bandido.
*Basin.
*Big Oak.
*Buckhorn.
*Chantry Flats.
*Charlton Flat.
*Chipmunk Hollow.
*Cienega.
*Coldbrook.
*Cottonwood.
*†Crystal Lake.
*Glacier.
*Grassy Hollow.
*Joshua Tree.
*Juniper Grove.
*Lake.
*Lakeside.
*Little Dalton.
*Live Oak.
*Lower Chilao.
*Lower Switzer.
*Manker.
*Millard Canyon.
*Oak Flat.
*Peavine.
*Rocky Point.
*Shady Slope.
*South Fork.
*South Portal.
*Streamside.
*Sugar Pine.
*Sycamore Flat.
*Table Mountain.
*The Falls.
*Upper Chilao.
*Valley Forge.
*Vogel Flat.
*Zuni.

Cleveland NF

† Agua Dulce.
*Black Canyon.
*Blue Jay.
*Burnt Rancheria.
*Dripping Springs.
*El Cariso.
†El Prado.
†Falcon.
†Horse Haven.
*Indian Flats.
*Laguna 1.
*Laguna 2.
*Lower San Juan.
*Oak Grove.
*Observatory.
*Tenaja.
*Upper San Juan.
†Wooded Hill.

Eldorado NF

*Alpine.
†Baldwin Beach Parking.
*Bayview.
†Bear River.
*Big Meadow.
†Black Oak.
*China Flat.
*Eagle Falls.
*Fallen Leaf.
*Fashoda.
†Fashoda Boat Ramp.
*Gerle Creek.
*Gobbi.
*Icehouse.
†Icehouse Boat Ramp.
*Kirkwood Lake.
†Kiva Parking.
*Loon Lake.
†Loon Lake Boat Ramp.
†Middle Meadow.
†Pope Beach Parking.
*Pyramid.
*Silver Lake.
*South Shore.
*Stumpy Meadows.
*Sunset.
†Tahoe Mountain.

*Twin Lakes.
*Union Valley.
*West Wrights Lake.
*Woods Lake.
*Wrights Lake.

Inyo NF

*†Agnew Meadow.
*Aspen Park.
*Big Bend.
*Big Meadow.
*Big Springs.
*Big Trees.
*Birch Trees.
*Bishop Park Intake.
*Carson.
*Coldwater.
*Convict Lake.
*Cottonwood.
*Creekside.
*East Fork.
*Ellery Lake.
†Fern Creek.
*First Bridge.
†First Falls.
*Fishermans Rest.
*Forks.
*Grandview.
*Greys Meadow.
*Hartley Springs.
†Horseshoe Lake.
*Intake.
*Iris Meadow.
*June Lake.
*La Hupp.
*Lake.
*Lake George.
*Lake Mary.
*Lake Sabrina.
*Lee Vining.
*Lone Pine.
*Lower Deadman.
*Lower Grey's Meadow.
*Lower Gull Lake.
*Lower Oak Creek.
*Mammoth Creek.
*McGee Creek.
*Middle McGee Creek.
*Mill City.
*Minaret Falls.
*Mosquito Flat.
*North Big Pine Creek.
*North Lake.
*Oak Creek.
*Onion Valley.
*Palisades.
*Pine Grove.
*Pinyon Creek.
†Pumic Flat.
*Reds Meadow.
*Rock Creek.
*Rock Creek Lake Inlet.
*Rock Creek Lake Outlet.
*Rush Creek.
*Saddlebag.
*Sage Flat.
*Sawmill.
*Second Falls.
*Shady Rest.
*Shady Rest Extension.
*Sherwin Creek.
*Silver Lake.
*South Fork 1.
*South Fork 2.
*South Fork 3.
*South Fork 5.
*South Lake.
*Tioga Junction.
*Tioga Lake.
*Tuff.
*Twin Lakes.
*Upper Gulf Lake.
*Upper McGee Creek.
*Upper Oak Creek.
*Upper Soda.
*Whitney Portal.

Klamath NF

*Bacon Rind.
*Beaver Creek.
*Bridge Flat.
*Curley Jack.
*Dillon Creek.
*East Fork.
*Etna.
*Fort Goff.
*Idlewild.
*Indian Scotty.
*Juanita Lake.
*Kangaroo Lake.
*Little North Fork.
*Martins Dairy.
*Matthews Creek.
*Oak Bottom.
*O'Neill Creek.
*Sarah Toffen.
*Scott Mountain.
*Shadow Creek.
*Shafter.
*Spring Flat.
*Sulphur Springs.
*West Branch.

Lassen NF

*Alder.
*Almanor.
*Aspen.
*Battle Creek.
*Big Pine.
*Big Springs.
*Boundary.
*Bridge.
*Butte Meadows.
*Cave.
*Cherry Hill.
*Domingo Springs.
*Eagle.
*Elam Creek.
*†Gallatin Beach.
*Gurnsey Creek.
*Hat Creek.
*High Bridge.
*Honn.
*Lower Hole-in-the-ground.
*†Merrill Creek.
*Mill Creek.
*Mineral.
*Potato Patch.
*Rice Creek.
*Rocky.
*Rocky Knoll.
*Silver Bowl.

Los Padres NF

*Arroyo.
*Arroyo Seco.
†Arroyo Seco Group.
*Cerro Alto.
*Chuchupate.
*Davy Brown.
*Figueroa.
*Fremont.
*Hi Mountain.
*Kirk Creek.
*La Panza.
*Lion.
*Los Prietos.
*Lower Oso.
*McGill.
†McGill Group.
*Mt. Pinos.
*†Plasket Creek.
†Plasket Creek Group.
†Ponderosa.
*Reyes Creek 1.
*Reyes Creek 2.
*Sand Dollar.
*Santa Ynez.
*Upper Oso.
*Wheeler Gorge.

Mendocino NF

*Bear Creek.
*Cedar Camp.
*Deer Valley.
*Digger Pine.
*Eel River.
*Hammerhorn Lake.
*Lakeview.
*Little Doe.
*Masterson.
*Middle Creek.
*Mill Valley.
*North Fork.
*Old Mill.
*Pacific Ridge.
*Pilot Grove.
*Plaskett.
*Pogie Point.
*Saddle.
*Sunset.
*Telephone.
*Upper Letts Valley.
*Wells Cabin.
*Whitlock.

Modoc NF

*Blue Lake.
*Cave Lake.
*Cedar Pass.
*Howard Gulch.
*Little Meadows.
*Lower Rush Creek.
*Medicine Lake 1.
*Medicine Lake 2.
*Medicine Lake West.
*Stowe Reservoir.
*Upper Rush Creek.
*Willow Creek.

Plumas NF

*Belden.
*Big Cove.
*Boulder Creek-Lone Rock.
*Chilcoot 1.
*Chilcoot 2.
*Crocker.
*Deanes Valley.
*Frenchman 1.
*Frenchman 2.
*Gansner Bar.
*Grasshopper Flat.
*Grizzly.
*Halstead.
*Injun Jim.
*Jackson Creek 1.
*Jackson Creek 2.
*Laufman.
*Little North Fork.
*Lone Rock.
*Milsap Bar.
*North Fork.
*Peninsula.
*Queen Lily.
*Rock Creek.
*White Horse.

San Bernardino NF

*Applewhite 1.
*Applewhite 2.
*Barton Flats.
*Baylis Park.
*Big Horn.
*Big Pines.
*Big Pine Flats.
*Black Mountain.
†Camp Pow Wow Group.
*Coldbrook.
†Council Camp Group.
*Crap Flats.
*Dark Canyon.
*Dogwood.
*Falls.
*Fern Basin.
*Fishermans Camp.
*Fuller Mill Creek.
*Green Valley.
*Grout Bay.
*Hanna Flats.
*Holcomb Valley.
*Horse Springs.
*Marion Mountain.
*Mill Creek.
*North Shore.
*Pine Knot.
*Pinyon Flats.
*Pipes Canyon.
*San Gorgonio.
*Santa Rosa Spring.
*South Fork.
*Stockton Flats.
*Strawberry Flats.
*Switzer Park.
*Thomas Mountain.
*Thurman Flats.
*Toll Road.
*Tool Box Springs.

Sequoia NF

*Camp 3.
*Fish Creek.
*Gold Lodge.
*Headquarters.
*Hobo.

*Horse Meadow.
*Hospital Flat.
*Hume Lake.
*Kennedy.
*Leavis Flat.
*Limestone.
*Quaking Aspen.
*Redwood Meadow.
*Stony Creek.
*Troy Meadow.
*Wishon.

Shasta-Trinity NF

*Ackerman.
*Ah-Di-Na.
*Allie Cove.
*Alpine View.
*Antlers.
*Arbuckle Flat.
*Bailey Cove.
*Basin Gulch Middle Fork.
*Beegum Gorge.
*Big Bar.
*Big Flat.
*Big French Creek.
*Big Slide.
*Bridge Camp.
*Burnt Ranch.
*Captains Point.
*Castle Creek.
*Castle Lake.
†Centimudi Boad Ramp.
*Chirpchatter.
*Clarks Spring 1.
*Clarks Spring 2.
*Clear Creek.
*Cold Springs.
*Cooper Gulch.
*Deadlum Creek.
*Deep Creek.
*Deerlick Junction.
*Deerlick Springs.
*Dekkas Rock.
*Denny.
*Eagle Creek.
*East Weaver.
*Ellery Creek.
†Fairview Boat Ramp.
*Fawn.
*Forest Glen.
*Fowler.
*Gooseneck Cove.
*Grasshopper.
*Greens Creek.
*Gregary Creek.
*Hayden Flat.
*Hells Gate.
*Hirz Bay.
†Hirz Bay Group.
*Horse Flat.
*Jackass Springs.
*Jennings Creek.
*Jones Valley.
*Knob Peak.
*Kokanee.
*Lakeshore.
*Lower Salt Creek.
*Madrone.
*Mariners Point.
*Mariners Roost.
*Mary Smith.
*McBride Spring.
*McCloud Bridge.
*Moore Creek.
*Mott.
*Nelson Point.
*North Fork Beegum.
*Oak Grove.
*Panther Creek.
*Panther Meadows.
*Philpot.
*Pine Point.
*Pollard Flat.
*Preacher Meadows.
*Reagan Meadows.
*Rend Island.
*Ridgeville.
*Ridgeville Island.
*Rocky Ridge.
*Rush Creek.
*Saddle Camp.
*Salt Creek.
*Salt Creek Point.
*Ski Island.
*Slaughterhouse Island.
*Slide Creek.
*Stein Creek.
*Stoney Point.
†Stuart Fort Boat Ramp.
*Tanbark.
*Tannery Gulch.
*Tomhead Saddle.
*Trinity River.
*Tunnel Rock.
*White Rock.
*Wintoon.

Sierra NF

*Badger Flat.
†Boss Lake Scout Area.
*Bosillo.
*Buck Meadow.
*Cataree.
*College Creek.
*Crows Foot.
*Denver Church.
*Dorabelle.
*Fish Creek.
*Florence Lake.
*Forks.
*Indian Flat.
*Jerseydale.
*Kirch Creek and Kirch Flat.
†Kokanee.
*Lily Pad.
*Lower Billy Creek.
*Lower Deer Creek.
*Lower Dinkey Creek.
*Lower Rancheria.
*Lupine.
*Mammoth Pool.
*Marmot Rock.
*Mono Hot Springs.
†Mugler Forks Group.
*Pine Point.
*Pine Slope.
*Placer.
*Portal Forebay.
*Rancheria.
†Recreation Center.
*Red Bud.
*Rock Creek.
*Rocky Point.
*Spring Cave.
*Summerdale.
*Summit.
*Sycamore Flat 1.
*Sycamore Flat 2.
*Swanson Meadow.
*Sweetwater.
*Upper Billy Creek.
*Upper Chiquito.
*Upper Deer Creek.
*Upper Dinkey Creek.
*Vermillion.
*Ward Lake.
*Westfall.
*West Kaiser.
*Wishom.

Six Rivers NF

*Bailey Canyon.
*Big Flat.
*Bluff Creek.
*Boise Creek.
*Cedar Rustic.
*Fir Cove.
*Fish Lake..
*Grassy Flats.
*Gray Falls.
*Mad River.
*Panther Flat.
*Patrick Creek.
*Pearch Creek.
*Tish Tang.

Stanislaus NF

*Arnot Bridge.
*Baker Station.
*Big Meadows.
*Boards Crossing.
*Brightman Flat.
*Cascade Creek.
*Carlon.
*Cherry Valley.
*Clark Fork.
*Cottonwood.
*Cow Creek.
*Dardanelle.
*Deadman.
*Disaster Creek.
*Eureka Valley.
*Fraser Flat.
*Hermit Valley.
*Lake Alpine.
*Lodgepole.
*Lost Claim.
*Lumsden.
*Lumsden Bridge.
*Meadow View.
*Middle Fork.
*Pacific Valley.
*Pigeon Flat.
*†Pinecrest.
†Pioneer Trail.
*Fed Fir.
*Riverview.
*Rush Creek.
*Sand Flat.
*Silver Creek.
*Silver Tip.
*The Pines.
*Upper Baker.

Tahoe NF

*Ahart.
*Aspen
†Aspen Group
*Bear Valley
*Chapman Creek
*Coldstream
*Cottonwood
†Coyote Group
*East Meadow
*Fiddle Creek
*French Meadow 1
*French Meadow 2
*Hampshire Rocks
*Indian Springs
*Indian Valley
*Lewis
*McGuire 1
*Pass Creek
*Prosser
*Ramshorn
*Salmon Creek
*Sardine
*Silver Creek
†Silver Tip Group
*Skilman
*Union Flat
*White Cloud
*Wild Plum
*William Kent
*Wood Camp 1
*Wood Camp 2
*Yuba Pass

Toiyabe NF

*Buckeye
*Chris Flat
*Crystal Peak
*Crystal Spring
*Dog Valley
*Green Creek
*Hope Valley
*Kit Carson
*Leavitt Meadows
*Markleeville
*Moles Station
*Opal-Obsidian
*Robinson Creek
*Silver Creek
*Snowshoe Springs
*Sonora Bridge
*Virginia Lake

BUREAU OF SPORT FISHERIES AND WILDLIFE

†Kern NWR

NATIONAL PARK SERVICE

Death Valley NM (Also listed under Nevada)

†Mesquite Springs Cmpgd.

Devils Postpile NM

†Campground

John Muir NHS

*Muir Home

Joshua Tree NM

†Cottonwood Spring Cmpgd.
*Kings Canyon NP

(Combined with Sequoia NP)

†Azalea Cmpgd.
†Cedar Grove 1 Cmpgd.

†Cedar Grove 2 Cmpgd.
†Cedar Grove 3 Cmpgd.
†Cedar Grove 4 Cmpgd.
†Sunset Cmpgd.
†Swale Cmpgd.

*Lassen Volcanic NP

†Butte Lake Cmpgd.
†Manzanita Lake Cmpgd.
†Summit Lake Cmpgd.

Lava Beds NM

†Indian Wells Cmpgd.

*Muir Woods NM

*Pinnacles NM

*Sequoia NP

(Combined with Kings Canyon NP)

†Buckeye Flat Cmpgd.
†Crystal Cave
†Dorst 1-4 Cmpgd.
†Lodgepole Cmpgd.
†Paradise Cmpgd.
†Potwisha Cmpgd.
†Sunset Rock Cmpgd.

Whiskeytown NRA

†Oak Bottom Cmpgd.
†Whiskey Creek Boat Launching

*Yosemite NP

†Camp 4 (Yosemite Valley)
†Camp 7 (Yosemite Valley)
†Camp 9 (Yosemite Valley)
†Camp 11 (Yosemite Valley)
†Camp 12 (Yosemite Valley)
†Camp 14 (Yosemite Valley)
†Camp 15 (Yosemite Valley)
†Bridal Veil Creek Cmpgd.
†Crane Flat Cmpgd.
†Hodgdon Meadow Cmpgd.
†Tenaya Lake Cmpgd.
†Tuolumne Meadows Cmpgd.
†Wawona Cmpgd.
†White Wolf Cmpgd.

BUREAU OF LAND MANAGEMENT

Bakersfield district

*Chimney Creek
*Crowley Lake
*Goodale Creek
*Horton Creek
*Long Valley
*Symmes Creek
*Tuttle Creek

Redding district

*†Douglas City
*Junction City

Riverside district

*Afton Canyon
*Coon Hollow
*Corn Springs
*Rainbow Basin-Owl Canyon
*Wiley Well

Susanville district

*Eagle Lake

Ukiah district

*Horse Mountain
*Nadelos
*Tolkan
*Wailaki

COLORADO

FOREST SERVICE

Arapaho NF

*Bethol
*Big Bend
*Blue River
*Byers Creek
*Cold Creek
*Cold Springs
*Columbine
*Denver Creek
*Heaton Bay
*Horseshoe
*Idlewild
*Jim Creek
*Meadow Creek
*Mispah
*Officers Gulch
*Peak One Area
†Pickle Gulch 1
†Pickle Gulch 2
*Prospector
*Robbers Roost
*Sawmill Gulch
*Silvertip
*South Fork
*St. Louis Creek
*Sugarloaf
*Tabernash
*Tenderfoot Mountain
*Trail Creek
*West Chicago Creek
*Winter Park

Grand Mesa Uncompahgre NF

*Amphitheater
*Beaver Lake
*Big Cimarron
*Carp Lake
*Cottonwood Lake
*Crag Crest
*Eggleston Lake
*Glacier Springs
*Island Lake
*Jumbo
*Kiser Creek
*Little Bear
*Matterhorn
*Mesa Lake
*Spruce Grove
*Sunshine
*Valley View
*Ward Lake

Gunnison NF

*Agate
*Almont
*Avery
*Cebolla
*Cement Creek
*Cold Spring
*Deer Lakes
*Dinner Station
*Dorchester
*Erickson Springs
*Gold Creek
*Gothic
*Hidden Valley
*Lake Irwin
*Lakeview
*Lodgepole
*Lost Lake
*Lotus Creek
*Middle Quartz
*Mirror Lake
*Mosca Creek
*North Bank
*One Mile
*Pitkin
*Quartz
*Rivers Bend
*Rosy Lane
*Slumgullion
*Snowblind
*Spring Creek
*Spring Creek Area
*Spruce
*Williams Creek

Pike NF

*Bailey
*Beaver Creek
*Blue Mountain
*Bridge Crossing
*Buffalo
*Buffalo Creek
*Buffalo Springs
*Burning Bear
*Cabin Ridge
*Chaseville
*Clyde
*Colorado
*Cove
*Deer Creek
*Devils Head 1
*Devils Head 2
*Duck Creek
*Eleven Mile
*Fallen Rocks
*Flat Rocks
*Fourmile
*Geneva Creek
*Goose Creek
*Green Mountain
*Hall Valley
*Handcart
*Happy Meadows
*Idlewild
*Indian Creek
*Jefferson Creek
*Kelsey
*Kenosha Pass
*Kite Lake
*Lone Rock
*Lost Park
*Manitou
*Meridian
*Messenger Gulch
*Michigan Creek
*Molly Gulch
*O'Brien Gulch
*Painted Rocks
†Pike Community
*Pipe Spring
*Platte River
*Reservoir
*Round Mountain
*Scraggy View
*Selkirk
*South Meadows
*Springer Gulch
*Spruce Grove
*Stage Road
*St. Peter's Dome
*The Crags
*Top-of-the-World
*Trail Creek
*Tramway
*Twin Eagles
*Wagon Tongue
*Weston Pass
*Whiteside
*Wigwam
*Wildhorn
*Willow Bend
*Wye

Rio Grande NF

*Alamosa
*Aspen Glade 1
*†Aspen Glade 2
*Beaver Creek 1
*Beaver Creek 2
*Big Meadows
*Buffalo Pass
*Cathedral
*Comstock
*Conejos
*Cross Creek
*Elk Creek 1
*†Elk Creek 2
*Highway Springs
*Lake Fork
*Lost Trail
*Luders Creek
*Marshall Park
*Mix Lake 1
*North Clear Creek
*North Crestone Creek
*Palisade
*Park Creek
*Poso 1
*†Poso 2
*River Hill
*Road Canyon
*Rock Creek 1
*†Rock Creek 2
*South Clear Creek
*South Clear Creek Falls
*South Fork
*Spectacle Lake
*Stormking
*Stunner
*Thirty Mile
*Trujillo Meadows
*Tucker Ponds 1
*Tucker Ponds 2

Roosevelt, NF

*Ansel Watrous
*Bellaire Lake
*Big South
*Camp Dick
*Chambers Lake 1
*Chambers Lake 2
*Diamond Rock
*Kelly Dahl 1
*Kelly Dahl 2

*Kelly Flats
*Mountain Park 1
*Mountain Park 2
†Mountain Park 3
*Narrows
*Olive Ridge
*Pawnee 1
*Pawnee 2
*Peaceful Valley
*Poudre Tunnel
*Rainbow Lakes
*Sleeping Elephant
*South Shore Dowdy Lake
*West Lake
*West Shore Dowdy Lake

Routt NF

*Aspen
*Big Creek Lake
*Blacktail Creek
*Box Canyon
*Cold Springs
*Dry Lake
*Dumont Lake
*Ferndale
*Gore Pass
*Grizzley Creek
*Hahn's Peak Lake
*Hidden Lake
*Hinman
*Horseshoe
*Lynx Pass
*Meadows
*Pines
*Seedhouse
*Still Water
*Summit Lake
*Toponas Creek
*Walton Creek

San Isabel NF

*Alvarado
*Bear Lake
*Blue Lake
*Cascade
*Collegiate Peak
*Cottonwood Lake 1
*Cottonwood Lake 2
*Cuchara
*Davenport
*Florence
*Garfield
*Half Moon
*Hadyen Creek 1
*Hayden Creek 2
*Lake Creek
*Lake Isabel
*Monarch Park
*Mt. Princeton 1
*Mt. Princeton 2
*North Creek
*North Fork Reservoir
*Oak Creek
*O'Haver Lake
*Ophir
*Perry Mountain
*Shavano
*Smith Creek
*Spring Creek
*Tennessee Pass

San Juan NF

*Bridge
*Burro Bridge
*Cayton
*Cherry Creek
†Chris Park
*Comarrona
*East Fork
*Emerson 1
*†Emerson 2
*Florida 1
*†Florida 2
*Forks
*Graham Creek
*Haviland Lake
*Kroeger
*Lower Piedra
*Mavreeso
*Middle Mountain
*Miller Creek
*North Canyon
*Old Timers
*Pine Point
*Priest Gulch
*Purgatory
*Sig Creek
*South Mineral
*Teal
*Thompson Park
*Transfer
*Transfer Park
*Vallecito
*West Dolores
*West Fork
*Williams Creek
*Wolf Creek

White River NF

*Avalanche
*Blodgett
*Bogan Flats
*Chapman
*Cutthroat
*Deep Lake 1
*Deep Lake 2
*Difficult
*Marvine
*Elk Wallow
*Fulford Cave
*Gold Park
*Gore Creek
*Half Moon
*Himes Peak
*Homestake
*Hornsilver
*Janeway
*Klines Folly
*Lincoln Gulch
*Little Box Canyon
*Little Mattie
*Little Maud
*Lostman
*Maroon Lake
*Meadow Creek Lake
*Mollie B
*†North Fork
*Portal
*Redstone
*Shepard's Rim
*Silver Bar
*Silver Bell
*Silver Queen
*Snowmass Creek
*South Fork
*Supply Basin
*Sweetwater Lake
*†Tigiwon
*Three Forks
*Trapline
*Trappers Lake
*Weller
*Yeoman Park

NATIONAL PARK SERVICE

**Black Canyon of the Gunnison NM*

†North Rim Cmpgd.
†South Rim Cmpgd.

**Colorado NM*

†Saddle Horn Cmpgd.

Curecanti RA

†Center Point Cmpgd.
†Center Point Boat Launching
†Lola Boat launching

Dinosaur NM (Also listed under Utah)

†Green River Cmpgd.
†Split Mountain cmpgd.

**Great Sand Dunes NM*

†Pinyon Flats Cmpgd.

Hovenweep NM (Also listed under Utah)

†Square Tower House Cmpgd.

**Mesa Verde NP*

†Guide Fee
†Moorefield Canyon Cmpgd.

**Rocky Mountain NP*

†Aspenglen Cmpgd.
†Endovalley Cmpgd.
†Glacier Basin Cmpgd.
†Longs Peak Cmpgd.
†Moraine Park Cmpgd.
†Timber Creek Cmpgd.

Shadow Mountain RA

†Green Ridge Cmpgd.
†Roaring Fork Cmpgd.
†Shadow Mountain Cmpgd.
†Stillwater Cmpgd.

BUREAU OF LAND MANAGEMENT

Glenwood Springs District

*Gypsum

Montrose District

*Mill Creek

DELAWARE

BUREAU OF SPORT FISHERIES AND WILDLIFE

*†Bombay Hook NWR

DISTRICT OF COLUMBIA

NATIONAL PARK SERVICE

**House where Lincoln died NM*
(Combined with Lincoln Museum NM)
(Ford's Theater)

**Lincoln Museum NM*
(Combined with House where Lincoln Died NM)

(Ford's Theater)

†Washington Monument NMen

FLORIDA

FOREST SERVICE

Apalachicola NF

*Camel Lake
*†Silver Lake
*Wright Lake

Ocala NF

*†Alexander Spring
*Clearwater Lake
*Fore Lake
*†Juniper Springs
*Lake Dorr
*Mill Dam

Osceola NF

*Ocean Pond

BUREAU OF SPORT FISHERIES AND WILDLIFE

**Merrit Island NWR*

NATIONAL PARK SERVICE

**Castillo de San Marcos NM*

**Everglades NP*

Fort Matanzas NM

*Boat Transportation

GEORGIA

FOREST SERVICE

Chattahoochee NF

*Cooper Creek
*Deep Hole
*†DeSoto Falls
*Dockery Lake
*Frank Gross
*Lake Blueridge
*Lake Chatuge
*Lake Russell
*Morganton Point
*Mulky
*Nancytown Lake
*Rabun Beach

Oconee NF

*Lake Sinclair

BUREAU OF SPORT FISHERIES AND WILDLIFE

Blackbeard Island NWR

†Cmpgds.
†Millen NFH

NATIONAL PARK SERVICE

**Fort Pulaski NM*
**Kennesaw Mountain NBP*

Ocmulgee NM

*Museum and Earthlodge

HAWAII

NATIONAL PARK SERVICE

**Haleakala NP*

†Cabin Rental

IDAHO

FOREST SERVICE

Boise NF

*Alexander Flat
*Antelope

XUM

*Bad Bear
*Badger Creek
*Banks
*Barneys
*Bear Creek
*Bear Valley
*Big Eddy
*Big Roaring River
*Big Trinity
*Black Rock
*Boiling Springs
*Boundary Creek
*Buck Mountain
*Bull Trout Lake
*Bunch Grass
*Canyon
*Cold Springs
*Cottonwood
*Cow Creek
*Crazy Cove
*Daggar Falls 1
*Daggar Falls 2
*Deadwood
*Deer Flat
*Deer Park
*Dog Creek
*Eastside
*Edna Creek
*Elk Creek
*Fir Creek
*Fir Springs
*Four Mile
*French Creek
*Golden Gate
*Grandjean
*Granite Creek
*Grayback Gulch
*Hardscrabble
*Hayfork
*Helenoe
*Hollywood Point
*Hot Springs
*Howers
*Ice Hole
*Ice Springs
*Idaho Outdoor Association
*Kirkham Hot Springs
*Lick Creek
*Little Roaring River
*Little Trinity
*Mountain View
*Neinmeyer
*Park Creek
*Pen Basin
*Picnic Point
*Pine Creek
*Pine Flats
*Poker Meadows
*Power Plant
*Prospect Point
*Queens River
*Rattlesnake
*Repeat Creek
*Riverside 1
*Riverside 2
*Robert E. Lee
*Sack Creek
*Sagehen Creek
*Sagehen Picnic Ground
*Shafer Butte
*Shoreline
*Silver Creek
*South Fork Salmon River
*Swinging Bridge
*Ten Mile
*Tennessee Creek
*Tie Creek
*Trail Creek
*Troutdale
*Twin Bridges
*Wapita Creek
*Warm Lake
*Warm Springs Creek
*Willow Creek
*Yellowpine

Cache NF

*Beaver Creek
*†Cloverleaf
*Cold Springs
*Community
*Eight Mile
*†Emmigration
†Minnetonka Cave
*Paris Spring
*Porcupine
*St. Charles
*†Willow Flat

Caribou NF

*Bear Creek
*Calamity
*†Cherry Springs
*Curlew
†Falls
*Hoffman
*Home Canyon
*Mill Canyon
*†Montpelier Canyon
*Pine Bar
*†Scout Mountain
*Spring Creek
*†Summit
†Summit View
*Tincup

Challis NF

*Basin Creek
*Bench Creek
*Blind Creek
*Dutchmans Flat
*Flat Rock
*Holman
*Inlet
*Iron Bog
*Iron Creek
*Lakeview
*Lola Creek
*Lower O'Brien
*Mormon Bend
*Park Creek
*Phi Kappa
*Polecamp Flat
*Riverside
*Salmon River
*Stanley Lake
*Starhope
*Sunny Gulch
*Thatcher Creek
*Upper O'Brien
*Wild Horse

Clearwater NF

*Apgar Creek
*Glade Creek
*Green Flat
*Jerry Johnson
*Kelly Forks
*Noe Creek
*Powell
*Washington Creek
*Wendover
*Whitehouse
*White Sand
*Wild Goose

Coeur D'Alene NF

*Avery Creek
*Beauty Creek
*Bells Bay
*Bumblebee
*Devils Elbow
*Honeysuckle
*Lindross Hill
*Mokins Bay
*Rainy Hill
*Senator

Kaniksu NF

*Luby Bay
*Osprey
*Outlet
*Reeder Bay
*Robinson Lake
*Samowen 1
†Samowen 2

Payette NF

*Amanita
*Brownlee
*Burgdorf
*Cabin Creek
*Cold Springs
*Evergreen
*Grouse
*Hazard Lake
*Huckleberry
*Justrite
*Kiwanis
*Lake Fork
*Last Chance
*Lower Buckhorn
*Lower Spring Creek
*Paradise
*Ponderosa
*Rainbow Point
*Teepee Creek
*Upper Buckhorn
*Upper Payette Lake

Salmon NF

*Cache Bar
*Corn Creek
*†Cougar Point
*Deadwater Spring
*Ebenezer Bar
*Horse Creek Hot Springs
*Iron Lake
*Long Tom
*Lost Spring
*†Meadow Lake
*Middle Fork
*†Twin Creek
*Wallace Lake
*Yellowjacket Lake

St. Joe NF

*Emerald Creek
*Fly Flat
*Giant White Pine
*†Laird Park 1
†Laird Park 2
*Little Boulder Creek
*Spruce Tree
*Tin Can Flat
*Turner Flat

Sawtooth NF

*Alturas Lake
*Baumgartner
*Big Bluff
*Birch Glen
*Boundary
*Bounds
*Brackenbury
*Easley
*Harrington Fork
*Lake Cleveland
*North Fork
*Penstemon
*Pettit
*Pioneer
*Porcupine
*Redfish Lake
*Sandy Beach
*Schipper
*Smoky Bear Boat Ramp
*Thompson Flat
*Wood River

Targhee NF

*Big Springs
*Big Elk Creek
*Box Canyon
*Buffalo
*Buttermilk
*Flat Rock
*Grandview
*Island Park Boat Ramp
*McCrea Bridge
*Mike Harris
*Palisades
*Pine Creek
*Riverside
*Table Rock
*Upper Coffee Pot
*†Warm River
*West End

NATIONAL PARK SERVICE

**Craters of the Moon NM*

†Lava Flow Cmpgd.

**Yellowstone NP* (also listed under States of Montana and Wyoming)

†Bridge Bay Cmpgd.
†Canyon Cmpgd.
†Fishing Bridge Cmpgd.
†Grant Village Cmpgd.
†Madison Cmpgd.
†Mammoth Cmpgd.
†Norris Cmpgd.

BUREAU OF LAND MANAGEMENT

Boise District

*Steck

Salmon District

*Mackay Reservoir

ILLINOIS

FOREST SERVICE

Shawnee NF

*†Lake Glendale Rec. Area
*Lake of Egypt Rec. Area
*Redbud
*Teal Pond
*Tower Rock

BUREAU OF SPORT FISHERIES AND WILDLIFE

Crab Orchard NWR

*Boat and Yacht Club
*Cambria Neck
*Carterville Beach
*Crab Orchard Beach
*Dogwood Lane
*Hogens Area
*Little Grassy Swimming Beach
*Lookout Point
*Primitive Area
*Sailboat Basin
*Spillway Area
*†The Group Picnic Area
*West End Ramp

INDIANA

FOREST SERVICE

Hoosier NF

*†German Ridge Rec. Area
*†Hardin Ridge Rec. Area
*†Saddle Lake Rec. Area

NATIONAL PARK SERVICE

**George Rogers Clark NHP*

IOWA

BUREAU OF SPORT FISHERIES AND WILDLIFE

**DeSoto NWR*

KENTUCKY

FOREST SERVICE

Daniel Boone NF

*Bee Rock
*Koomer Ridge
*Rockcastle
*Rodburn

NATIONAL PARK SERVICE

Cumberland Gap NHP (also listed under States of Tennessee and Virginia)

†Wilderness Cmpgd.

Mammoth Cave NP

†Cave Trips
†Headquarters Cmpgd., New
†Headquarters Cmpgd., Old

TENNESSEE VALLEY AUTHORITY

Land Between the Lakes (also listed under Tennessee)

†Camp Energy Group Cmpgd.
†Ft. Henry-Piney Cmpgd.
†Hillman Ferry Cmpgd.
†Rushing Creek-Jones Creek Cmpgd. and Day Use Area

LOUISIANA

FOREST SERVICE

Kisatchie NF

*Caney Lakes
*Corney Lake
*Stuart Lake
*Valentine Lake

MAINE

FOREST SERVICE

White Mountain NF

*Crocker Pond
*Hastings

NATIONAL PARK SERVICE

Acadia NP

†Black Woods Cmpgd.
†Seawall Cmpgd.

MARYLAND

NATIONAL PARK SERVICE

**Assateague Island NS*

(Maryland section)

†Cmpgd.

Catoctin Mountain Park

†Green Top Camp
†Misty Mount Camp
†Owens Creek Cmpgd.

Fort McHenry NM and HS

*Inner Fort

Greenbelt Park

†Cmpgd.

MASSACHUSETTS

BUREAU OF SPORT FISHERIES AND WILDLIFE

**Parker River NWR*

NATIONAL PARK SERVICE

**Adams NHS*

Cape Cod NS

Entrance to parking areas:
*Coast Guard Beach
*Head of the Meadow Beach
*Herring Cove Beach
*Marconi Beach
*Nauset Light Beach
*Race Point Beach
Bathhouse locker or basket:
†Herring Cove Beach

Salem Maritime NHS

*Derby House

MICHIGAN

FOREST SERVICE

Hiawatha NF

*Au Train Lake
*†Bay Furnace
*†Bayview
*†Brevoort Lake
*†Camp 7 Lake
*Carp River
*†Colwell Lake
*Corner Lake
*Foley Creek
*Indian River
*Island Lake
*†Lake Michigan
*Little Bass Lake
*†Monocle Lake
*†Petes Lake
*†Soldier Lake
*Three Lakes
*Widewaters

Huron NF

*Horseshoe Lake
*†Island Lake
*†Jewell Lake
*Loon Lake
*Monument
*Pine River
*Rollways
*†Round Lake
*†Wagner Lake

Manistee NF

*Bear Track
*Driftwood Valley
*Hemlock
*Highbanks Lake
*†Lake Michigan Rec. Area
*† Nichols Lake
* Old Grade
* Peterson Bridge
*† Pine Lake
*† Pines Point
*† Sand Lake
* Seaton Creek
*† Udell Rollways

Ottawa NF

* Bob Lake
* Bobcat Lake
* Courtney Lake
* Golden Lake
* Henry Lake
* Imp Lake
* Lake Ottawa
* Lake Ste. Kathryn
* Langford Lake
*† Marion Lake
* Moosehead Lake
* Norway Lake
* Perch Lake—West
* Pomery Lake
* Sylvania Rec. Area
* Taylor Lake
* Teepee Lake

BUREAU OF SPORT FISHERIES AND WILDLIFE

†Shiawassee NWR

NATIONAL PARK SERVICE

Isle Royale NP

† Beaver Island Cmpgd.
† Belle Isle Cmpgd.
† Birch Island Cmpgd.
†Caribou Island Cmpgd.
† Chippewa Harbor Cmpgd.
† Daisy Farm Cmpgd.
† Duncan Bay Cmpgd.
† Duncan Narrows Cmpgd.
† Grace Island Cmpgd.
† McGargo Cove Cmpgd.
† Malone Bay Cmpgd.
† Merritt Lane Cmpgd.
† Moskey Basin Cmpgd.
† Rock Harbor 3-Mile Cmpgd.
† Siskiwit Bay Cmpgd.
† Tobin-Rock Harbor Cmpgd.
* Todd Harbor Cmpgd.
* Tookers Island Cmpgd.
* Washington Creek Cmpgd.

MINNESOTA

FOREST SERVICE

Chippewa NF

*Clubhouse Lake
*Deer Lake
*East Seelye Bay
*Knutson Dam
*Mosomo Point
*†North Star
*†Norway Beach
*†Ojibway
*Plug Hat Point
*†South Pike Bay
*†Stony Point
*Tamarack Point
*West Seelye Bay
*Williams Narrows

Superior NF

*Birch Lake
*East Bearskin Lake
*Echo Lake
*†Fall Lake
*Fenske Lake
*Flour Lake
*Isabella River
*Kimball Lake
*Lake Jennette
*McDougal Lake
*Nine Mile Lake
* Pfeiffer Lake
*Sawbill Lake
*South Kawishiwi River
†South Kawishiwi River Community Hall
*Temperance River
*Trails End
* Two Island Lake
*Whiteface Reservoir

MISSISSIPPI

FOREST SERVICE

Bienville NF

*Marathon
*Shongelo

DeSoto NF

*Big Biloxi

Holly Springs NF

*Chewalla

Homochitto NF

*Clear Springs

Tombigbee NF

*Choctaw Lake
*Davis Lake

NATIONAL PARK SERVECE

Vicksburg NMP

*Museum

MISSOURI

FOREST SERVICE

Clark NF

*Davisville
*Loggers Lake
*Marble Creek
*Markham Springs
*Silver Mines
*Suttons Bluff

Mark Twain NF

*Big Bay
*Current River float camp
*Noblett Lake Beach
*Watercress Spring

Montana

FOREST SERVICE

Beaverhead NE

*Cliff Point
†Dinner Station
†Grasshopper
*Hilltop
*Madison River
*May Creek
†Mill Creek
†Potosi
*Wade Lake
*West Fork

Bitterroot NF

*Alta
*†Black Bear
*†Charles Waters Mem.
*Crazy Creek
†Fales Flat group camp
*Indian Trees
*†Lake Como
†Larry Creek group camp
†Rombo
*Slate Creek
*†Spring Gulch
*†Warm Springs

Coeur d'Alene NF

*Cabin City
*Denna Mora
*Sloway

Custer NF

*Basin
*Cascade
*Emerald Lake
*Greenough Lake
*Limber Pine
*Parkside
*Pine Grove
*Ratine
*Red Shale
*Sheridan
*Woodbine

Deerlodge NF

†Basin Canyon
†Bison Creek
†Cable Mountain
†Delmoe Lake
*Lodgepole
†Lowland
†Mormon
*Philipsburg Bay
*Piney
†Shamrock
*Southside
†Spring Hill 1
†Spring Hill 2
*Warm Springs 1
†Warm Springs 2

Flathead NF

*Big Creek
*Devil Creek
*Devil Corkscrew
*Doris Point
*Emery Bay
*Graves Creek
*Handkerchief Lake
*Holland Lake
*Hungry Horse
*Lakeview
*Lost Johnny
*Lost Johnny Point
*Murray Creek
*North Lion Lake
*Peters Creek
*South Lion Lake
*Spotted Bear
*Swan Lake
*Tally Lake

Gallatin NF

*Aspen Grove
*Bakers Hole
*†Battle Ridge
*Beaver Creek
*Chief Joseph
*Colter
*Falls Creek
*Greek Creek
*Hicks Park
*†Hood Creek
*†Langhor
†Moose Creek Flat
*Pine Creek
*Red Cliff
*Snow Bank
*Soda Butte
*South Fork
*Spire Rock
*Swan Creek

Helena NF

*Aspen Grove
*Blackfoot
*Cooper Creek
*†Cromwell-Dixon
†Crystal Creek
†Kading
*McDonald Pass
*Skidway
†Ten Mile

Kaniksu NF

*Bull River

Kootenai NF

*North Dickey Lake
*Paul Bunyon
*Pleasant Valley
*Yaak

Lewis and Clark NF

*Aspen
*Benchmark
*Cave Mountain
*Crystal Lake
*Dry Wolf
*Grandview
*Grasshopper
*Jumping Creek
*†Kings Hill
*Many Pines
*Mortimer
*South Fork
*Straight Creek
*Summit Cmpgd.
*Wood Lake

Lolo NF

*Big Larch
*Lee Creek
*Lewis and Clark
†Pattee Canyon
*Quartz Flat
*River Point
*Seeley Lake

BUREAU OF SPORT FISHERIES AND WILDLIFE

National Bison Range

†Tours

NATIONAL PARK SERVICE

**Bighorn Canyon NRA (also listed under Wyoming)*

†Barry's Landing Boat Ramp
†Horseshoe Bend Cmpgd.
†Horseshoe Bend Boat Ramp
†Kane Bridge Boat Ramp

**Glacier NP*

†Apgar Cmpgd.
†Avalanche Cmpgd.
†Bowman Lake Cmpgd.
†Fish Lake Cmpgd.
†Many Glacier Cmpgd.
†Rising Sun Cmpgd.
†Sprague Creek Cmpgd.
†St. Mary Lake Cmpgd.
†Two Medicine Cmpgd.

**Yellowstone NP*

(Also listed under Idaho and Wyoming)

†Bridge Bay Cmpgd.
†Canyon Cmpgd.
†Fishing Bridge Cmpgd.
†Grant Village Cmpgd.
†Madison Cmpgd.
†Mammoth Cmpgd.
†Norris Cmpgd.

Nebraska

FOREST SERVICE

Nebraska NF

*Bessey
*Cedars
*Claypit

NATIONAL PARK SERVICE

**Scotts Bluff NM*

Nevada

FOREST SERVICE

Humboldt NF

*†Angel Creek
*Angel Lake
*Baker Creek
*Big Bend
*†Bird Creek
*†East Creek
*Gold Creek
*Jack Creek
*Jarbridge
*†Lehman Creek
*Lehman Creek Trailer
*Lower Lamoille
*North Fork
*Pine Creek
*Thomas Canyon
*†Timber Creek
*†Ward Mountain
*Ward Mountain Trailer
*Wheeler Peak
*Wildhorse

Toiyabe NF

*Bob Scott Summitt
*Big Creek
*Cathedral Rock
*Clear Creek
*Deer Creek
*Fletcher View
*Hilltop
*Kingston
*Kyle Canyon
*†Mahogany Grove
*Mary Jane Falls
*McWilliams
*Mr. Rose
*†Nevada Beach
*†Peavine Creek
*Pine Creek

NATIONAL PARK SERVICE

Death Valley NM

(Also listed under California)

†Mesquite Springs Cmpgd.

Lake Mead NRA

(Also listed under Arizona)

†Boulder Beach Cmpgd.
†Cottonwood Cove cmpgd.
†Echo Bay Cmpgd.
†Hemenway Cmpgd.
†Katherine Cmpgd.
†Las Vegas Bay Cmpgd.
†Temple Bar Cmpgd.
†Willow Beach Cmpgd.

†Lehman Caves NM

BUREAU OF LAND MANAGEMENT

Las Vegas District

*Willow Springs

New Hampshire

FOREST SERVICE

White Mountain NF

†Barnes Field Group Area
*Big Rock
*Blackberry Crossing
*†Campton
†Campton Group Area
*Cold River
*Covered Bridge
*†Dolly Copp
*Dugway
*†Jigger-Johnson
*Passaconaway
*Russel Pond
†South Pond
*†Sugarloaf

XUM

*Waterville
*White Ledge
*Wild River
*Wildwood
*Zealand

NATIONAL PARK SERVICE

**Saint-Gaudens NHS*

New Jersey

BUREAU OF SPORT FISHERIES AND WILDLIFE

**Brigantine NWR*

NATIONAL PARK SERVICE

Edison NRS

*Home of Thomas Alva Edison, Glenmont
*Laboratory of Thomas Alva Edison

Morriston NHP

*Ford Museum and Mansion

New Mexico

FOREST SERVICE

Carson NF

*Agua Piedra
*Amizette
*Angostura
*Cabresto Lake
*Capulin
*†Columbine
*Gomales
*Duran Canyon
*Eagle Rock
*Echo Amphitheater
*Elephant Rock
*El Nogal
*El Rito
*†Fawn Lakes
*Goat Hill
*Hodges
*Hopewell Lake
*Italianos
*Junebug
*Laguna Larga
*Lagunitas
*La Junta Canyon
*La Sombra
*Las Petacas
*La Vinateria
* Lerous
*Lower Canjilon Lakes
*Lower Hondo
*Mallette
*Manzanita
*Middle Canjilon Lakes
*Santa Barbara
*Trampas Canyon
*Twining
*Upper Canjilon Lakes
*Upper Cuchilla
*Upper Italianos
*Upper La Junta

Cibola NF

*Balsam Glade
*Canyon Lobo
*Capillo Peak
*Capulin Springs
*Cedro Peak
*Cienega Canyon
*Coal Mine
*Cole Spring
*Dead Man Flat
*Doc Long
*Day Camp
*Fourth of July
*John F. Kennedy
*Juan Tabo
*La Cueva
*Las Huertas
*McGaffey
*New Canyon
*Oak Flat
*Ojo Redondo
*Pine Flat
*Quaking Aspen
*Red Canyon
*Springtime
*Sulphur Canyon
*Tajique
*Water Canyon

Gila NF

*Ben Lily
*Gilita
*Iron Creek
*Lake Roberts
*Little Walnut
*†Mesa
*Scorpion Corral
*Whitewater
*Willow Creek
*Upper End

Lincoln NF

*Apache
*Cedar Creek 1
*Cedar Creek 2
*Deerhead
*Fir
*Nogal Lake
*Oak Grove
*Pines
*Saddle
*Silver
*Sitting Bulls Falls
*Skyline
*Sleep Grass
*South Fork

Santa Fe NF

*Battleship Rock
*Big Tesuque
*Black Canyon
*Borrego Mesa
*Cowles
*Dalton
*El Porvenir
*Ev Long
*Field Tract
*Glorieta
*Holy Ghost
*Las Conchas
*Little Tesuque
*Paliza
*Paliza Group
*Panchuela
*†Redondo
*San Antonio
*Santa Fe Basin
*Windsor Creek

BUREAU OF SPORT FISHERIES AND WILDLIFE

*Bitter Lake NWR

NATIONAL PARK SERVICE

*Aztec Ruins NM
*Bandelier NM
†Frijoles Mesa Cmpgd.

CAPULIN MOUNTAIN NM

†Capulin Mountain Cmpgd.
†Carlsbad Caverns NP
Chaco Canyon NM
†Galo Wash Cmpgd.
*El Morro NM
*Fort Union NM
*White Sands NM

BUREAU OF LAND MANAGEMENT

Albuquerque District

*Santa Cruz Lake

New York

BUREAU OF SPORT FISHERIES AND WILDLIFE

**Montezuma NWR*

NATIONAL PARK SERVICE

Fire Island NS

†Sailors Haven Marina
†Watch Hill Marina
*Home of Franklin D. Roosevelt NHS
*Sagamore Hills NHS
†Statue of Liberty NM
*Theodore Roosevelt Birthplace
*Vanderbilt Mansion NHS

North Carolina

FOREST SERVICE

Croatan NF

*Neuse River

Nantahala NF

†Appletree
*Cable Cove
*Cheoah Point
*Cliffside Lake
*Hiwassee Lake
*Horse Cove
*Jackrabbit Mountain
*Standing Indian
*Tsali
*Van Hook Glade

Pisgah NF

*Black Mountain
*†Carolina Hemlock
*Coon Tree Creek
*†Davidson River
*† Lake Powhatan
*†North Mills River
*White Pines

Blue Ridge Parkway (also listed under Virginia)

†Crabtree Meadows Cmpgd.
†Daughton Park Cmpgd.
†Linville Falls Cmpgd.
†Otter Creek Cmpgd.
†Peaks of Otter Cmpgd.
†Pisgah Cmpgd.
†Price Park Cmpgd.
†Roanoke Mountain Cmpgd
†Rocky Knob Cmpgd.

Cape Hatteras NS

†Cape Point Cmpgd.
†Frisco Cmpgd.
†Oregon Inlet Cmpgd.
†Salvo Cmpgd.
*Fort Raleigh NHS

Great Smoky Mountains NP (also listed under Tennessee)

†Balsam Mtn. Cmpgd.
†Cades Cove Cmpgd.
†Cosby Cmpgd.
†Deep Creek Cmpgd.
†Elkmont Cmpgd.
†Look Rock Cmpgd.
†Smokemont Cmpgd.
*Theodore Roosevelt NMemP
†Cottonwood Cmpgd.
†Squaw Creek Cmpgd.

Ohio

FOREST SERVICE

Wayne NF

*Burr Oak—Cove
*†Lake Vesuvius Rec. Area
†Vesuvius Furnace

Group Picnic

NATIONAL PARK SERVICE

†Perry's Victory and International Peace Memorial NM

Oklahoma

FOREST SERVICE

Ouachita NF

*†Cedar Lake

Panhandle NG

*Dead Indian
*Skipout
*Spring Creek

BUREAU OF SPORT FISHERIES AND WILDLIFE

*Wichita Mountains NWR

NATIONAL PARK SERVICE

Arbuckle Rec. Area

†Buckhorn Cmpgd.
†The Point Cmpgd.

Platt NP

†Central Cmpgd.
†Cold Springs Cmpgd.
†Rock Creek Cmpgd.

Oregon

FOREST SERVICE

Deschutes NF

*Allen Springs
*Alingham
*Beach
*Blue Bay
*Camp Sherman
*Cinder Hill
*Crescent Lake
*East Lake
*Elk Lake
*Gorge
*Hot Springs
*Indian Ford

XUM

*Lava Lake
*Link Creek
*Little Crater
*Lower Bridge
*North Wickiup
*Odell Creek
*Paulina Lake
*Perry South
*Pine Rest
*Pioneer Ford
*Point
*Princess Creek
*Scout Lake
*Smiling River
*South Shore
*Spring
*West Davis Lake
*West Indian Ford

Fremont NF

*Sprague River
*Thompson Reservoir

Malheur NF

*Dixie
*Idlewild
*Joaquin Miller
*Magone Lake

Mt. Hood NF

*Armstrong
*Bear Springs
*Camp Creek
*Carter Bridge
*Clackamas Lake
*Clear Lake
*Fish Creek
*Frog Lake
*Green Canyon
*Kingfisher
*Lazy Bend
*Lost Lake
*McNeil
*Oak Fork
*Peninsula
*Rainbow
*Ripplebrook
*Riverside
*Roaring River
*Rock Creek Reservoir
*Still Creek
*Sunstrip
*Toll Gate
*Trillium Lake

Ochoco NF

*Haystack Lake
*Ochoco Divide
*Walton Lake

Rogue River NF

*Abbott Creek
*Farewell Bend
*Hamaker
*Muir
*Union Creek

Siskiyou NF

*Boundary
*Cave Creek
*Daphne Grove
*Myrtle Grove
*Grayback
*Illahe

Siuslaw NF

*Archie Knowles
*Carter Lake East
*Carter Lake West
*Eel Creek
*Rock Creek
*Siltcoos
*South Eel Creek
*Sutton Creek
*Sutton Lake Cmpgd.
†Sutton Lake Picnic Ground
*Tahkenitch Lake
*Tillicum Beach
*Tyee

Umatilla NF

*Bear Wallow Creek
*Bull Prairie
*Frazier
*Lane Creek
*Target Meadows
*Umatilla Forks
*Woodward

UMPQUA NF

*Bogus Creek Cmpgd.
*Broken Arrow
*Diamond Lake
*Eagle Rock
*Horseshoe Bend
*Poole Creek
*Wolf Creek Cmpgd.

Wallowa-Whitman NF

*Anthony Lake
*Arrow
*Blackhorse
*Coverdale
*Eagle Creek
*Evergreen
*Falls Creek
*Fish Lake
†French
*Grande Ronde Lake
*Hidden
*Indian Crossing
*Kettle Creek
*King
*Lake Fork
*Lake Creek
*Lillyville
*Mud Lake
*Oregon
*Shady
*Tamarack
*Turkey Flat
*Two Color
*Two Pan
*†Union Creek
*Walla Walla
*Wetmore
*Williamson
*Yellow Pine

Willamette NF

*Big Lake
*Black Canyon
*Blue Pool
*Breitenbush
†Clark Creek
*Clear Lake
*Delta
*Fernview
*French Pete
*Gold Lake
*Hoover
*House Rock
*Humbug
*Ice Cap Creek
*Islet
†Longbow
*Marion Forks
*McKenzie Bridge
*Olallie
*Packard Creek
*Paradise
*Riverside
*Sand Prairie
*Shady Dell
*Southshore
*Trail Bridge
*Trout Creek
*Whispering Falls

Winema NF

*Aspen Point
*Rainbow Bay
*Spring Creek
*Williamson

NATIONAL PARK SERVICE

**Crater Lake NP*

BUREAU OF LAND MANAGEMENT

Burns District

*Fish Lake

Coos Bay District

*Loon Lake

Eugene District

*†Clay Creek
*Whitaker Creek

Lakeview District

*Gerber Reservoir

Medford District

*Hyatt Lake

Prineville District

*Beavertail
*Macks Canyon

Roseburg District

*Mill Pond
*Rock Creek

Salem District

*Elkhorn Valley
*†Fisherman's Bend

PENNSYLVANIA

Designated Area

FOREST SERVICE

Allegheny NF

*†Buckaloons
*†Dewdrop
*†Kiasutha
*Kinzua
*†Loleta
*†Twin Lakes
*†Willow Bay

NATIONAL PARK SERVICE

Gettysburg NMP

*Cyclorama

†*Independence NHP*

PUERTO RICO

NATIONAL PARK SERVICE

San Juan NHS

†El Morro
†San Cristobal

SOUTH CAROLINA

FOREST SERVICE

Sumter NF

*Burrell's Ford
*Cherry Hill
*Lick Fork Lake
*Parsons Mountain Lake
*Woods Ferry

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Cape Romain NWR

†Bulls Island Camping Area

Carolina Sandhills NWR

†Lake Bee

SOUTH DAKOTA

FOREST SERVICE

Black Hills NF

*Bear Gulch
*Bismarck Lake
*Boardinghouse Gulch
*Boxelder Forks
*Calumet
*Calumet Boat Launch
*Entrance Admission
*Comanche Park
*Custer Gulch
*Custer Trail 1
*Custer Trail 2
*Dalton
*Deer Creek
*Deerfield Cove
*Ditch Creek
*Dutchman
*Grizzly Bear
*Hanna
*Horsethief Lake
*Jenny Gulch
*Lakeshore
*Major Lake
*Mount Perrin
*Mountain City
*Newton Lake
*North Beach
†North Cove Group Area
*North Landing 1
*Northside
*Northside Boat Launch
*Oreville
*Pactola
*Pactola Boat Launch
*Pactola Point
*Preacher Smith

*Rifle Pit
*Rimrock
*Rod and Gun
*Roubaix Lake 1
*Roubaix Lake 2
*South Beach
*Southside
*Spring Creek
*Steamboat Rock
*Strawberry Hill
*Timon
*Whitetail

BUREAU OF SPORT FISHERIES AND WILDLIFE

†Gavins Point NFH

NATIONAL PARK SERVICE

Badlands NM

†Cedar Pass Cmpgd.
†Jewel Cave NM

Wind Cave NP

†Cave
†Elk Mountain Cmpgd.

TENNESSEE

FOREST SERVICE

Cherokee NF

*Big Oak Cove
*Chilhowee
*Davis Branch
*Gardens Bluff
*Hiwassee River
*Horse Creek
*Indian Boundary
*Jacobs Creek
*North River
*Paint Creek
*Parksville Lake
*Quinn Springs
*Rock Creek
*Shook Branch
*Spivey Cove
*State Line
*Watauga Lake

BUREAU OF SPORT FISHERIES AND WILDLIFE

†Tennessee NWR

NATIONAL PARK SERVICE

Andrew Johnson NHS

*Andrew Johnson Home
*Visitor Center and Tailor Shop

Chicamauga and Chattanooga NMP

*Point Park

Cumberland Gap NHP

(Also listed under Virginia and Kentucky)
†Wilderness Cmpgd.

Great Smoky Mountains NP

(Also listed under North Carolina)

†Balsam Mtn. Cmpgd.
†Cades Cove Cmpgd.
†Cosby Cmpgd.
†Deep Creek Cmpgd.
†Elkmont Cmpgd.
†Look Rock Cmpgd.
†Smokemount Cmpgd.

TENNESSEE VALLEY AUTHORITY

Land Between the Lakes

(Also listed under Kentucky)

†Camp Energy Group Cmpgd.
†Ft. Henry-Piney Cmpgd.
†Hillman Ferry Cmpgd.
†Rushing Creek-Jones Creek Cmpgd. and Day Use Area

TEXAS

FOREST SERVICE

Panhandle NG

*Black Creek

Angelina NF

*†Boykin Spring
*†Caney Creek
*†Harvey Creek
*†Letney
*†Sandy Creek
*†Townsend

Davy Crockett NF

*†Ratcliff Lake

Sabine NF

*†Red Hills Lake
*†Willow Oak

Sam Houston NF

*†Double Lake
*†Stubblefield Lake

BUREAU OF SPORT FISHERIES AND WILDLIFE

*Aransas NWR
*Buffalo NWR
*Laguna Antacosta NWR
*Santa Ana NWR

NATIONAL PARK SERVICE

Big Bend NP

†Chisos Basin Cmpgd.
†Rio Grande Village Cmpgd.

**Fort Davis NHS*

Padre Island NS

†North Headquarters Cmpgd.

UTAH

Designated Area

FOREST SERVICE

Ashley NF

*Antelope Flat
*Aspen Grove
*Bootleg
*Bridge
*Browne Lake
*Buckboard Crossing
*Canyon Rim
*Castle Cliff
†Cedar Springs
*Deep Creek
*Deer Run
*Dripping Springs
†Dutch John Boat Ramp
*Greendale
*Greens Lakes
*Hades
*Iron Mine
*Little Hole
*Lodgepole
*Lucerne Valley
*Moon Lake
*Mustang Ridge
*Oaks Park
*Pole Creek Lake
*Red Springs
*Reservoir
*River View
†Sheep Creek Boat Ramp
*Skull Creek
*Swift Creek
*Uinta Canyon
†Uinta River
*Wandin
*White Rocks
*Yellowstone

Cache NF

*Anderson Cove
*Beirdneau
*Bluffs
*Botts
*†Box Elder
*Bridger
*Brown's Roll-Off
*Card
*China Row
*Chokecherry
*Dewitt
*Friendship
*†Guinavah
*Hawthorne
*High Creek
*Hobble
*Jefferson Hunt
*Lewis M. Turner
*Lodge
*Magpie
*†Malibu
*Maples
*Meadows
*†Monte Cristo
*Nook
*North Arm
*Old Juniper
*Pioneer
†Port Boat Ramp
*Preston Valley
*Red Banks
*Shenoa
*Smithfield Canyon
*South Arm
*South Fork Forest Camp
*Spring
*†Spring Hollow Rec. Area
*Sunrise
*Tony Grove Lake
*Twin Bridges
*Wild Cat
*Willows
*Woodcamp
*Zoo

Dixie NF

*†Duck Creek
*†Navajo Lake Area
*Kings Creek
*Panguitch Lake
*†Pine Valley Area
*Red Canyon
†Vermillion Castle
*White Bridge

Fishlake NF

*†Adelaide Park
*Anderson Meadow
*†Bowery 1
*†Bowery 2
*Buckskin Charlie
*City Creek
*Copley's Cove
*Elkhorn
*†Frying Pan
†Johnson Reservoir Boat Ramp
*†Kent's Lake
*†Little Cottonwood
*†Little Reservoir
*†Mackinaw
*Mahogany Cove
*†Maple Grove
*†Monrovian
*†Oak Creek
*†Pistol Rock
*†Ponderosa
*Shingle Mill
*Sun Glow
*†Twin Creeks

Manti-la Sal NF

*†Dalton Springs
*†Devils Canyon
*†Ferron Canyon
*Ferron Reservoir Cmpgd.
*†Flat Canyon
*†Forks of Huntington Canyon
*†Gooseberry
*†Indian Creek
*Joe's Valley
*Joe's Valley Boat Ramp
*†Lake Hill
*†Lake Oowah
*Manti Community
*†Old Folks Flat
*Pinchot
*Twelve Mile Flat
*†Warner

Uinta NF

*Altamont
*†Aspen Grove
*†Balsam
†Bear Canyon
*Birch
*†Cherry
*†Diamond-Palmyra
*Dry Creek
*Echo
*†Granite Flat
*Graycliff
*Hanging Rock
*Hawthorne
*Hope
*Houserock
*†Kolob
*†Little Mill
*†Lodgepole
*Lone Fir
*Maple Bench
*Martin
*Mile Rock
*Mill Hollow
*Mt. Timpanogos
*North Mill

*†Payson
*Payson Lakes
*Ponderosa
*†Riverside
*Roadhouse
*Sulphur
*†Timpooneke
*Three Forks
*Warrick
*†Whiting
*†Wolf Creek

Wasatch NF

*Albion Basin
*Bear River
*Beaver Creek
*Beaver View
*Birches
†Bountiful Peak
*†Boxelder
*†Boy Scout
*Bridger Lake
*Brighton
*Butterfly
*China Meadows
*Christmas Meadows
*Church Fork
*Cobble Rest
*†Cottonwood
*Dogwood
*East Fork of Bear River
*Hayden's Fork
*Hoop Lake
*Intake
*†Jordan Pines
*†Ledgefork
*Ledgemere
*Lily Lake
*Little Lyman Lake
*Loop
*Lost Creek
*Lower Narrows
*Lower Provo
*Lower Smith Morehouse
*Maple Grove
*Marsh Lake
*Mirror Lake
*Moosehorn
*Moss Ledge
*†Mueller Park
*Oak Ridge
†Pine Valley
*Redman
*Shady Dell
†Shingle Creek
*†Soapstone
*†Stillwater
*†Storm Mountain
*†Sulphur
*Tanners Flat
*Terrace
*Trial Lake
*†Upper Narrows
*Yellow Pine

BUREAU OF SPORT FISHERIES AND WILDLIFE

Bear River NWR

*Public Use Area

NATIONAL PARK SERVICE

**Arches NM*

†Devils Garden Cmpgd.

**Bryce Canyon NP*

†North Cmpgd.
†Sunset Cmpgd.

Capitol Reef NM

†Capitol Reef Cmpgd.

Cedar Breaks NM

†Point Supreme Cmpgd.

Dinosaur NM (also listed under Colorado)

†Green River Cmpgd.
†Split Mountain Cmpgd.

Glen Canyon NRA (also listed under Arizona)

†Bullfrog Cmpgd.
†Lees Ferry Cmpgd.
†Wahweap Cmpgd.

Hovenweep NM (also listed under Colorado)

†Square Tower House Cmpgd.

Timpanogos Cave NM

†Cave
†Timpanogos Cave Cmpgd.

**Zion NP*

†South Cmpgd.
†Watchman Cmpgd.

BUREAU OF LAND MANAGEMENT

Cedar City District

*Red Cliffs Cmpgd.

Kanab District

*Calf Creek Cmpgd.

Monticello District (Canyon Rims Recreation Lands)

*Anticline Overlook
*Hatch Point Cmpgd.
*Needles Overlook
*Windwhistle Cmpgd.

Price District

*Price Canyon

Richfield District

*Star Springs

VERMONT

FOREST SERVICE

Green Mountain NF

*Chittenden Brook
*Greendale
*†Hapgood Pond
*Moosalamoo

VIRGINIA

FOREST SERVICE

George Washington NF

†Bealers Ferry
*Blowing Springs
*Camp Roosevelt
*Elizabeth Furnace
*Hone Quarry
*Little Fort
*Longdale
*†Sherando Lake
*Todd Lake

*Entrance and Admission Fees/†User or Service Fees.

Jefferson NF

*Cave Mountain Lake
*High Knob
*Hurricane
*Raccoon Branch
*Scott Wise Lake
*White Rocks

BUREAU OF SPORT FISHERIES AND WILDLIFE

**Chincoteague NWR (Joint fee with Assateague Is. NS)*

†Presquile NWR

NATIONAL PARK SERVICE

**Appomattox NHP Assateague Island NS (Joint fee with Chincoteague NWR)*

†Assateague Is. Cmpgd.

Blue Ridge Parkway (Also listed under North Carolina)

†Crabtree Meadows Cmpgd.
†Doughton Park Cmpgd.
†Linville Falls Cmpgd.
†Otter Creek Cmpgd.
†Peaks of Otter Cmpgd.
†Pisgah Cmpgd.
†Price Park Cmpgd.
†Roanoke Mountain Cmpgd.
†Rocky Knob Cmpgd.

Colonial NHP

*Jamestown Island (Joint fee with the Assoc. for the Preservation of Virginia Antiquities)
*Moore House

Cumberland Gap NHP (Also listed under Kentucky and Tennessee)

†Wilderness Cmpgd.
*Custis Lee Mansion N Mem

Fredericksburg and Spotsylvania NMP

*Fredericksburg and Chancellorsville Visitor Centers
*George Washington Birth Place NM
Manassas NBP
*Museum

Prince William Forest Park

†Group Cabin Camps
†Oak Ridge Cmpgd.
†Turkey Run Ridge Cmpgd.

**Shenandoah NP*

*Big Meadows Cmpgd.
*Lewis Mountain Cmpgd.
*Loft Mountain Cmpgd.
*Matthews Arm Cmpgd.

WASHINGTON

FOREST SERVICE

Colville NF

*†Lake Gillette
*Lake Leo
*Lake Thomas
*Long Lake
*Noisy Creek
*†Pierre Lake
*†Sullivan Lake
*†Swan Lake
*Ten Mile

Gifford Pinchot NF

*Adams Fork
*Beaver
*Bench Lake
*Bird Creek Meadows
*Bird Lake
*Blue Lake Creek
*Clearwater
*Cultus Creek
*Council Lake
*Goose Lake
*Government Mineral Springs
*Iron Creek
*Ice Caves
*La Wis Wis
*Maple Leaf
*Mirror Lake
*Moss Creek
*North Fork
*Paradise Creek
*Peterson Prairie
*Spirit Lake
*Takhlakh
*Tillicum
*Tower Rock
*Walupt Lake

Mt. Baker NF

*Baker Lake
*Boulder Creek
*Douglas Fir
*Gold Basin
*Hemple Creek
*Horseshoe Cove
*Nooksack
*Park Creek
*Silver Fir
*Turlo
*Verlot

Okanogan NF

*Bonaparte Lake
*Lost Lake Cmpgd.

Olympic NF

*Falls Creek
*Falls View
*Hamma Hamma
*Klahowya
*Olallie
*Seal Rock
*Willaby

Snoqualmie NF

*Big Creek
*Cedar Springs
*Cottonwood
*Cougar Flat
*Denny Creek
*House Creek
*Hells Crossing
*Indian Creek
*Kaner Flats
*Lodgepole
*Money Creek
*River Bend
*Sawmill Flat

XUM

*Silver Springs
*The Dalles
*Wild Rose
*Willows
*Windy Point

Umatilla NF

*Tuncannon

Wenatchee NF

*Cottonwood
*Crystal Springs
*Glacier View
*Kachess
*Mineral Springs
*Nason Creek
*Salmon La Sac
*Silver Falls
*Swauk
*Taneum
*Tronsen
*Tumwater

NATIONAL PARK SERVICE

Coulee Dam Rec. Area

†Evans Cmpgd.
†Fort Spokane Cmpgd.
†Kettle Falls Cmpgd.
†Porcupine Bay Cmpgd.
†Spring Canyon Cmpgd.

**Mt. Rainier NP*

†Cougar Rock Cmpgd.
†Longmire Cmpgd.
†Ohanapecosh Cmpgd.
†Paradise Cmpgd.
†Sunrise Cmpgd.
†White River Cmpgd.

North Cascades NP and Ross Lake and Chelan Lake Rec. Area

†Colonial Creek Cmpgd.
†Goodell Creek Cmpgd.

Olympic NP

†Fairholm Cmpgd.
†Heart O' The Hills Cmpgd.
†Hoh Cmpgd.
†Kalalock Cmpgd.
†Mora Cmpgd.
†Soleduck Cmpgd.
†Staircase Cmpgd.

WEST VIRGINIA

FOREST SERVICE

George Washington NF

*Brandywine Lake
*Wolf Gap

Monongahela NF

*†Blue Bend
*Cranberry
*†Horseshoe
*†Lake Sherwood
*Smoke Hale
*Spruce Knob Lake
*†Stuart
*Woodbine

WISCONSIN

FOREST SERVICE

Chequamegon NF

*Beaver Lake
*Birch Grove
*Black Lake
*Chippewa River
*East Twin Lake
*Emily Lake
*Kathryn Lake
*Lake Three
*Lakeview
*Long Lake
*Mondeux Dam
*†Namekagon Lake
*Newman Lake
*Perch Lake
*Sailor Lake
*†Spearhead Point
*Twin Lakes
*†Two Lakes
*Wabasse Lake
*Wanoka Lake
*West Point

NICOLET

*Ada Lake
*Anvil Lake
*Bagley Rapids
*Bear Lake
*†Boat Lake
*†Boulder Lake
*Chipamunk Rapids
*†Franklin Lake
*Kantuck Lake
*Lac Vieux Desert
*Laura-Gordon Lakes
*Laurel Lake
*†Lost Lake
*Luna White Deer
*†Margan Lake
*Pine Lake
*Richardson Lake
*Seven Mile Lake
*Spectacle Lake
*Stevens Lake

WYOMING

FOREST SERVICE

Bighorne NF

*Bald Mountian
†Boulder Park Trailer
*Bull Creek
*Burgess
*Cabin Creek
†Cabin Creek Trailer
*Circle Park
*Crazy Woman
*Dead Swade
*Dear Park
*East Park
*Granite Creek
*†Hettinger
*Hidden Basin
*Island Park
*Lake Point
*Lakeview
*Leigh Creek
*Lower Doyle
*Lower Paintrock Lake
*Medicine Lodge Lake
*Middle Fork
*North Fork
*North Tongue
*Owen Creek
*†Pine Island
*Porcupine
*Post Creek
*Prune Creek
*Range Creek 1
*†Ranger Creek 2
*Ranger Creek
Shell Creek PG
*Sibley Lake 1
*Sibley Lake 2
*Sitting Bull
*Sourdough
*South Fork
*South Tongue
*Ten Sleep Creek
*Tie Flume
*Tiehack
*Twin Lakes
*Upper Paintrock Lake
*West Ten Sleep Lake

Black hills nf

*Bear Lodge
*Cook Lake
*Reuter

Bridger nf

*Allred Flat
*Big Sandy
*Bridge
*Cottonwood Lake
*Forest Park
*Forks
*Fremont Lake
*Green River Lake
*Half Moon
*Half Moon Picnic
*Hams Fork
*Lynx Creek
*Middle Piney Lake
*Moose Flat
*Murphy Creek
*Narrows
*†New Fork Group
*New Fork Lake
*Sacajawea
*Sandy Beach Picnic
*Swift Creek
*Trails End
*Upper Half Moon
*Whiskey Grove

Medicine bow nf

*Blair
*Brooklyn Lake
*Evans Creek
†Hidden Valley
*Lake Marie
*Lake Owen
*Lewis Lake 1
*Lewis Lake 2
*Libby Creek
*Lincoln Park
*Miller Lake
*Mirror Lake
*Nash Fork 1
*Pickaroon
*Pike Pole
*Pole Creek
*Rob Roy
*Silver Lake
*South Brush Creek
*Tie City
*Vedauwoo 1
*Vedauwoo 2
*Wallis
*Yellow Pine

Shoshone nf

*Beartooth Lake
*Big Game
*Brooks Lake
*Bruce
*†Clearwater
*Crazy Creek
*Dead Indian
*Double Cabin
*Dickenson Creek
*Eagle Creek
*Elk Fork
*Falls
*Fiddlers Lake
*Fox Creek
*Hanging Rock
*Horse Creek 1
*Horse Creek 2
*Hunter Peak
*Island Lake
*Lake Creek
*Louis Lake
*Newton Creek
*Pahaska
*Popo Agie
*Reef Creek
*Rex Hole
*Sinks Canyon
*Sleeping Giant
*Sunlight Creek
*Three Mile
*Wapiti

Targhee NF

*Alpine
*Cabin Creek
*Cave Falls
*East Table Creek
*Elbow
*Little Cottonwood
*Station Creek
*Teton Canyon
*Trail Creek
*Wolf Creek

Teton NF

*Atherton Creek
*Crystal Creek
*Curtis Canyon
*Four Mile Meadow
*Granite Creek
*Hatchet
*Hoback
*Kozy
*Lava Creek
*Red Hills
*Snake River

BUREAU OF LAND MANAGEMENT

Lander District

*Cottonwood Campground

Worland District

*Five Springs Falls Campground

NATIONAL PARK SERVICE

*Bighorn Cayon NRA (also listed under Montana)
†Barry's Landing Boat Ramp
†Horseshoe Bend Campground
†Horseshoe Bend Boat Ramp
†Kane Bridge Boat Ramp
*Devils Tower NM
†Belle Fourche River Campground

Grand Teton NP

†Colter Bay Campground
†Gros Ventre Campground
†Jenny Lake Campground
†Lizark Point Campground
†Signal Mountain Campground
*Yellowstone NP (Also listed under Idaho and Montana)
†Bridge Bay Campground
†Canyon Campground
†Fishing Bridge Campground
†Grant Village Campground
†Madison Campground
†Mammoth Campground
†Norris Campground

DO YOU NEED MORE INFORMATION?

You may obtain information on the location, recreation opportunities available, types of facilities, or other matters by writing to the agency administering the area in which you are interested. Regional, State, or area offices of administering agencies are listed. You may write to the office closest to the area in which you are interested or to the office closest to your home. Your letter will be answered directly or referred to the office best able to supply the information you request. For general information about the Federal recreation fee program, you may write to: Bureau of Outdoor Recreation, Operation Golden Eagle, Box 7763, Washington, D.C. 20044.

FEE AREA DESIGNATION CRITERIA

Areas are designated for outdoor recreation fee collection in accordance with Section 3 of Executive Order 11200. Basically these criteria are:

1. An area must be administered by one of eight agencies listed in the Land and Water Conservation Fund Act.
2. An area must be administered primarily for recreation or one of several specified related purposes.
3. An area must have recreation facilities or services provided at Federal expense.
4. Fee collection at an area must be administratively and economically practical.

Authority for designation is granted to the President by the Land and Water Conservation Fund Act. This authority is delegated to the Secretaries of the Departments of Agriculture, Defense, and Interior and to the Board of Directors of the Tennessee Valley Authority by Section 1 of Executive Order 11200. This authority has in turn been delegated to agency heads through a series of Secretarial delegations of authority. Actual interpretation of the designation criteria and designation of areas, therefore, is the responsibility of the chief administrative officer of the various agencies collecting fees.

Specific criteria supplementing the general criteria in the Executive Order have been developed only for the Corps of Engineers. These criteria were developed because there was much contention over any designation of Corps areas and some agreement had to be reached before any fees could be collected at Corps' areas. These criteria are well known as the "White House Agreement."

Agency heads of all other agencies have examined all areas under their administration and have designated those believed to be "administratively and economically practical." Considerable variation in the number of areas designated has prevailed from one year to the next. Each year of experience in working with the fee program has demonstrated the practicability or impracticability of designating a specific group of areas.

Attempts have been made to develop specific criteria which could be used as an aid to securing greater uniformity in the fee program. For each criterion proposed, one or more agencies has been able to advance examples of existing areas where the proposal would prove to be impractical. One must realize that the Federal Government is providing a wide variety of recreation services through several agencies. Each agency has differing management objective, experience, development standards, clientele groups, resource potentials and so on for a host of other differences. However, greater uniformity is possible and should be sought if a coordinated fee program is continued through some extension of authorities similar to those contained in the Land and Water Conservation Fund Act. For the present, the ability of the agencies to achieve steady increases in fee revenue within reasonable administrative cost limits and with dramatic decreases in the number of letters of complaint received should be accepted as evidence that the selection of designated areas is a selection based upon experience, observation and professional judgment.

Mr. CHURCH. Mr. President, I ask unanimous consent also to have printed in the RECORD at this point a statement entitled "Background Statement Concerning the Land and Water Conservation Fund and Discontinuance of the Golden Eagle Passport," which has been prepared by the Bureau of Outdoor Recreation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BACKGROUND STATEMENT CONCERNING THE LAND AND WATER CONSERVATION FUND AND DISCONTINUANCE OF THE GOLDEN EAGLE PASSPORT

The Land and Water Conservation Fund Act of September 3, 1964, Public Law 88–578, established the Land and Water Conservation Fund as of January 1, 1965, to help provide expanded local, State, and Federal outdoor recreation opportunities.

The Act authorized as revenue for the Fund: (1) Proceeds from the sale of Federal surplus real property, (2) Federal motorboat fuels tax, and (3) Entrance, admission, and user fees at Federal recreation areas.

Money appropriated by Congress from the Fund is used by the National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife to acquire authorized national outdoor recreation lands and waters; and as matching grants to the States and their political subdivisions for planning, acquiring, and developing outdoor recreation areas and facilities. During the first five fiscal years of the Fund, receipts have averaged around $100 million annually.

In 1968, Congress amended the Land and Water Conservation Fund Act to provide that the original sources of revenue to the Fund could be augmented to provide a Fund of $200 million annually, 1969 through 1973.

The additional income to the Fund will come from General Fund receipts or Outer Continental Shelf mineral leasing receipts.

By the same Act, Congress repealed authority for the annual Federal recreation area permit, known as the Golden Eagle Passport, and for other recreation entrance and user fees collected under the Golden Eagle program. The Federal agencies still have authority to collect recreation fees at their areas, but after March 31, 1970, there will be no annual permit which may be used at all Federal recreation fee areas.

The termination action was based, in large part, upon complaints from citizens regarding fees at Corps of Engineers' reservoirs where fees had not been previously collected, and on a lack of revenue from recreation entrance and user fees.

Under fee collection authorities which have not been repealed individual Federal agencies managing outdoor recreation areas may establish fee schedules for their areas following termination of the Passport. Revenue from fees collected after March 31, 1970, will be available for appropriation to the collecting agency for support of its authorized outdoor recreation functions. Federal recreation fees are expected to continue to be reasonable, but more specific information is not available at this time.

Continuation of the nationwide Passport or some similar permit beyond March 31, 1970 would require Congressional authorization. The legislative history of Public Law 90–401 indicates that a major consideration in extending the life of the Golden Eagle Passport until March 31, 1970, was to provide Congress with additional time to consider the advantages, disadvantages, and public attitudes regarding the existing Federal outdoor recreation fee collection system.

Mr. COOPER. Mr. President, I have listened to the discussion of the effect of repealing section 210 of the Flood Control Act of 1968, as proposed in S. 2315, which is being reconsidered by the Senate today because of concern expressed by the senior Senator from Oklahoma and others that doing so could authorize the collection of entrance fees on lakes and reservoirs under the jurisdiction of the Corps of Engineers, which have traditionally been open for public use and which, in a large section of the country offer great opportunities for recreation.

I would like to comment briefly for, as the ranking minority member of the Senate Committee on Public Works, I was a conferee on the Flood Control Act of 1968, and recall the purpose of section 210 which, while it was not included in the bill as passed by the Senate, was adopted by the conference. That section prohibits the collection of entrance or admission fees at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers. It provides that user fees may be collected only from users of highly developed facilities, and not for access to or use of water areas, or undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical equipment is provided. It seems to me a proper provision, because recreation facilities at these projects are not only developed with public funds, but under the Federal Water Project Recreation Act of 1965 States and local governments are required to reimburse half the cost of the recreational development.

I believe the amendment offered by the senior Senator from Idaho resolves this question, and that it does so in a way that preserves the intent and effect of section 210 of the Flood Control Act of 1968. The amendment would include in section 2(a) of the Land and Water Conservation Fund Act of 1965 the requirement that user fees at recreation areas administered by the United States at Federal

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lakes and reservoirs may be collected only from users of highly developed facilities, and may not be collected for entrance or access to or use of water areas, or undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical equipment is provided. So it seems to me that the amendment maintains the effect of section 210 and, in fact, applies that policy to all recreation areas at Federal reservoirs, not only those under the jurisdiction of the Corps of Engineers.

Placing the language in the Land and Water Conservation Fund Act and applying it to all Federal reservoirs should make possible uniform administration of this policy and of the golden eagle passport program. I am glad to support the amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. CHURCH. Mr. President, before we proceed to final passage of the bill as amended, I wish to say that the use of the golden eagle passport to enter national parks and other Federal outdoor recreation areas has established itself as a public service. I have received hundreds of letters urging its continuance, and many writers have volunteered that they would be happy to pay more for the passport—often citing $10 as a suggested fee. An increase from $7 to $10 is provided by this bill.

I have been particularly impressed with the enthusiastic use of the permit by our senior citizens. Many of these people, on restricted incomes, would not otherwise be enabled to visit and camp in the national parks and other Government recreation areas. In letter after letter, they express their pleasure in this activity, and their approval of the program.

Receipts from the sale of the golden eagle passport have greatly increased, proving the growing popularity and use of the permit, and that it adds considerably to the money needed in the land and water conservation fund.

Therefore, Mr. President, I believe this is a bill of much merit. It has the general approval of the people who have benefited from the passports in the past. It makes a significant contribution to the land and water conservation fund, which has become very important to the States and local governments, since it provides for Federal matching money to assist those governments in land acquisition and the development of outdoor recreation facilities. This is a good bill, Mr. President, and I urge that it be passed.

Mr. BIBLE. Mr. President, before the Senator moves the passage of the bill, will he yield to me?

Mr. CHURCH. I am happy to yield to my colleague from my neighboring State of Nevada.

Mr. BIBLE. I wholeheartedly concur in what the Senator from Idaho has said so very well. I think this is excellent legislation. I think it is an act with wide support; I am sure that the Senator's mail reflects the same amount of approval and the same general type of support as does my own, particularly from the elderly and retired people of our country who use these park and recreation areas.

I hope that the House of Representatives will have hearings, if they have not already done so. I am not advised as to that. Perhaps the Senator can tell me; has the House of Representatives had hearings on this matter?

Mr. CHURCH. No hearings have as yet been held.

Mr. BIBLE. We are running against a deadline, or an expiration date, on this bill. I hope that the distinguished chairman of the House Interior Committee will schedule early hearings. The people are left in a state of uncertainty as to whether or not this program will be continued. Many doubts have been raised in their minds; unquestionably some of the earlier news releases have led to such doubts; and then, of course, the action of the House Public Works Committee in the resolution which prevented the enforcement of the bill which was passed last year insofar as the Army Engineers are concerned led to further doubts.

Has that problem been completely resolved as between those who had varying viewpoints, the Army Engineer problem?

Mr. CHURCH. I would say to the Senator that, in light of the action the Senate has just taken, and with the cooperation that has been given by the distinguished Senator from Oklahoma (Mr. HARRIS), I think that this problem has now been satisfactorily solved.

Mr. BIBLE. I have not followed this particular agreement that has been entered into between the chairman of our committee and the Senator from Oklahoma. Probably the Senator from Idaho has already developed it, but I would appreciate it if the Senator from Idaho would tell me exactly what the amendment provides insofar as users of the areas under the control and jurisdiction of the Army Engineers are concerned. Exactly how does that work?

Mr. CHURCH. I would say to the Senator that, under the bill as amended, the user fees would apply to recreational areas, reservoirs, and like facilities, administered by all Federal agencies. It would apply specifically to multiple-purpose reservoirs, whether they are under the jurisdiction of the Bureau of Reclamation, the Corps of Engineers, or other Federal agency.

Mr. BIBLE. Do they have to have highly developed recreation facilities? Would there have to be an overnight use? This is where the original problem arose, and I am trying to clarify the matter.

Mr. CHURCH. If I may read the Senator the language of the amendment, I think it will constitute a full reply to his inquiry.

Mr. BIBLE. I wish the Senator would.

Mr. CHURCH. The pertinent part of the amendment reads:

> User fees at recreation areas administered by the United States at Federal lakes and reservoirs shall be collected by officers and employees only from users of highly developed facilities constructed for reasons of public health, safety, and convenience, and which require a schedule of regular maintenance and supervision. Fees shall not be collected for entrance or access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

Mr. BIBLE. I appreciate the Senator's reading that into the RECORD. In reexamining that language—and I now have it before me—I wish the Senator would point out how that differs from the language that was in the Flood Control Act, which caused the adverse resolution which came from the Public Works Committee of the House of Representatives. How does that differ?

Mr. CHURCH. I would say it is very similar to the language that appeared in the Flood Control Act.

But in the Flood Control Act the language had reference only to Corps of Engineers reservoirs. Under the pending bill, as now amended, the formula would be applicable to all outdoor recreational facilities, regardless of the Federal agency concerned. Thus we will achieve the uniformity we have been seeking.

Mr. BIBLE. I understand that, but the real problem arose in areas under control of the Army Corps of Engineers. That is where the basic problem arose. I just wonder whether this would solve the problem. I do not know how it would, since it is put in almost the same language.

Mr. CHURCH. The language of the Flood Control Act was intended to resolve the problem for the Corps of Engineers.

Mr. BIBLE. But it did not. Is that not true?

Mr. CHURCH. We believe, with the legislative history that is being made today, and with the insertion of this amendment in the Land and Water Conservation Fund Act, where is belongs, that the intention of Congress is being made sufficiently clear, so that the confusion will be cleared up, as to those facilities operated by the Corps of Engineers and those operated by the Bureau of Reclamation and other Federal agencies.

Mr. BIBLE. I hope that is true. My concern has been the lack of uniformity in the interpretation and enforcement of the golden eagle provisions in the Land and Water Conservation Act. This was a very helpful instrument, as I see it, in encouraging the elderly people to make better use of the facilities of the National Park Service, the Bureau of Land Management, the Corps of Engineers, and other governmental agencies.

I would hope this would solve the problem. One problem that developed during the hearings was the difficulty in determining the difference between a highly developed facility and a lightly developed facility.

Does the Senator have any information on that? It seems to me that is where the differences of opinion arise.

Mr. CHURCH. Mr. President, this is one of the problems with which we attempt to deal in the language of the substitute amendment.

I think that his language spells out, as precisely as we can, the intended differentiation between highly developed facilities and lightly developed facilities which consist, as an example, only of picnic grounds or simple boat launching aprons—facilities, that is, that do not require the degree of maintenance or supervision for which fees would be charged.

I think that the language of the amendment, together with this very helpful colloquy with the Senator from Nevada, along with the other contributions to the debate, should establish a legislative record to clarify the law.

Mr. BIBLE. Do overnight facilities have anything to do with distinguishing between highly developed and lightly developed facilities? Is that a distinguishing point? If I were to stay overnight in a facility under the operation of the Federal Government, then I assume I would be subject to the golden eagle provision. Is that correct?

Mr. CHURCH. If the Senator were to stay overnight at a campground of the kind that provides electricity, waste disposal, and other facilities that require close supervision, then the answer would be yes. He would be charged for that kind of service. It is clear that in developed campgrounds of this character services are rendered for which fees should be collected.

Mr. BIBLE. I agree with that. I think it should be charged in those areas.

All I am trying to do is to narrow down the difference of opinion that has come about since the first enactment of the golden eagle program, particularly with the Army Corps of Engineers.

I would hope that by legislative history, colloquy, and discussion on the matter, we could clarify it so that in the future there would be no further problems. I know that is what the Senator from Idaho is trying to do.

Certainly it is a worthwhile program. I hope that the House of Representatives would agree to the amendment.

I commend the Senator. I think he has made a fine presentation. I hope that we have made some contribution toward clarifying the misunderstanding, if there is a misunderstanding, as to the areas in which the golden eagle pass is required and in which it is not.

Mr. CHURCH. Mr. President, I appreciate very much the contribution of the Senator from Nevada. He has helped to establish a very valuable legislative history, one that will assist the administrative agencies in interpreting the intent of Congress in approving the amendment.

I think the questions raised involve a reasonable man test, if I might put it that way. The Senator from Nevada, for example, is aware of the kind of boat launching aprons to be found at many Corps of Engineer reservoirs. All that is necessary to use them is to back the boat into the water. It is not intended, under the language of the pending bill, that such a facility should be charged for. However, if the boat ramp is of a different character, and entails the use of hydraulic equipment that must be carefully maintained, which might require the presence of an operator, a Federal employee, then that would be a developed facility of the kind for which a fee should be charged within the intent of this provision.

I again thank the Senator from Nevada for his interest.

Mr. MOSS. Mr. President, it is most important that we take favorable action on the golden eagle passport bill before us—S. 2315—and that we pass the bill as reported by the committee, without amendments which dilute its effectiveness.

I sincerely wish it were not necessary to charge admission fees to any of our Federal recreation areas or campgrounds. But we all know we cannot afford to do this. We appropriate substantial sums of money each year to maintain and improve our parks and recreation areas, and to acquire new ones, but we never have enough money to do all of the things we want to do, and must do, if we are to keep the high standards we have set for ourselves in our present recreation areas, and if we are to continue to acquire additional ones to satisfy the needs of our burgeoning population. We must have the extra revenue that entrance and users fees bring us.

The golden eagle passport has been devised as a fair way to allow those people who use our parks and recreation areas most often and most widely to continue to support them, and still get a very good bargain for themselves.

By the simple purchase of one $10 gold eagle passport each year, they can enter as many of our Federal recreation areas and campgrounds as they wish, and as often as they wish. They can take in a whole car full of people on a single passport. They can come in and out and back and forth—without question.

If that is not a good buy, and a considerable convenience—I do not know what would be.

I remember at the time the golden eagle passport was first recommended, there was a wide outcry against it. Nobody wanted it. Now that the golden eagle faces extinction if this legislation extending its life is not passed, everybody is writing to plead for it. This is because the passport has more than proved itself.

There are, however, some people who are protesting the increase in its annual cost, from $7 to $10. These people are unaware, I am sure, that the reason the passport was slated for extinction is that it was not bringing in enough revenue to justify its continuation. An increase to $10 would mean an additional $2,076,000 for the land and water conservation fund.

The alternative to the increase from $7 to $10 is a return to the system of making everyone pay entrance fees everywhere, and users fees to concession operators.

I am confident all the people will all accept the $10 increase, once they understand its purpose. I am confident they want the golden eagle extended. It will honor those who already know about it to visit our recreation areas as often as they wish, and will encourage their use by others who have not already been aware of its broad benefits, to begin using our recreation areas more often.

I do feel, however, that this should be a one-for-all, and an all-for-one pass. The policy should be uniform. There should be no exceptions among our recreation areas where it can or cannot be used. Nor should there be some recreation areas where entrance is free and some where there must be an entrance payment.

A national golden eagle passport is effective if it is national in every sense.

Mr. President, I ask that S. 2315 be passed without further amendment and delay.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2315) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes", approved July 15, 1968 (82 Stat. 354; Public Law 90–401), is hereby repealed.

(b) Subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5), as added by section 2 of the Act of July 15, 1968 (82 Stat. 354; Public Law 90–401), is redesignated as subsection (d).

* * * * *

(c) The first sentence of section 8 of the Land and Water Conservation Fund Act, as amended, is further amended to read as follows:

"Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each fiscal year for the acquisition of lands, waters, or interest therein within areas specified in section 6(a)(1) of this Act."

SEC. 2. (a) Section 2(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), is amended by deleting "$7" and inserting in lieu thereof "$10".

(b) Section 7 of such Act (78 Stat. 903), is amended by inserting immediately before the period at the end thereof a comma and the following: "except to the extent that the Secretary of the Interior determines necessary in order to advertise and promote any entrance or user fee program established pursuant to section 2(a) of this Act".

SEC. 3. Section 210 of the Flood Control Act of 1968 (82 Stat. 746) is repealed.

SEC. 4. Section 2(a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is amended by inserting, immediately after the words "for use of any waters." in the second paragraph of such section 2(a) the following: "User fees at recreation areas administered by the United States at Federal lakes and reservoirs shall be collected by officers and employees only from users of highly developed facilities constructed for reasons of public health, safety, and convenience, and which require a schedule of regular maintenance and supervision. Fees shall not be collected for entrance or access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided."

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the Senate will proceed to the transaction of routine morning business and the statements will be limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF SENATOR METCALF AS A MEMBER OF THE MIGRATORY BIRD CONSERVATION COMMISSION

The VICE PRESIDENT laid before the Senate the following letter from the Senator from Montana (Mr. Metcalf):

> Migratory Bird Conservation Commission,
> *Washington, D.C., September 24, 1969.*
>
> Hon. Spiro T. Agnew,
> *Vice President of the United States, Senate Office Building, Washington, D.C.*
>
> Dear Mr. Vice President: I hereby resign as a member of the Migratory Bird Conservation Commission.
>
> Very truly yours,
> Lee Metcalf.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letter, which was referred as indicated:

Proposed Legislation To Amend Title 49, United States Code, "Transportation"

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation, to codify subtitles I, II, IV, and V of title 49 "Transportation" of the United States Code (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLEN, from the Committee on Government Operations, with an amendment:

S. 2210. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums (Rept. No. 91–423).

By Mr. ALLEN, from the Committee on Government Operations, with amendments:

S. 406. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes (Rept. No. 91–424);

S. 1366. A bill to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp. (Rept. No. 91–425); and

S. 1718. A bill to provide the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city (Rept. No. 91–426).

By Mr. JACKSON, from the Committee on Government Operations, with amendments:

S. 1707. A bill to establish a Commission on Government Procurement (Rept. No. 91–427).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 12829. A bill to provide an extension of the interest equalization tax, and for other purposes (Rept. No. 91–428).

By. Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

H.R. 12982. A bill to provide additional revenue for the District of Columbia, and for other purposes (Rept. No. 91–429).

By Mr. MUNDT, from the Committee on Government Operations, without amendment:

S.J. Res. 117. A joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes (Rept. No. 91–430).

ESTABLISHMENT OF A COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE—REPORT OF A COMMITTEE (S. REPT. NO. 91–431)

Mr. MUNDT. Mr. President, I am happy to report, without amendment, S. 2701, which would create a Commission on Population Growth and the American Future has been unanimously recommended by the Government Operations Committee for passage in the Senate and I submit a report thereon. This is a particularly happy occasion for me for I introduced this bill on behalf of the Nixon administration after a recognition that there is a national urgency to study population trends, movements, and demographic characteristics which have a direct bearing on the economic and social progress of our Nation.

Those of you familiar with S. 2701 will recognize its relationship and similarity to Senate Joint Resolution 60 which would establish a National Commission on Balanced Economic Development. This legislation has, as you know, been passed by the Senate on two occasions and now is awaiting action by the House of Representatives, and I am happy to call your attention to the fact that the proposed Commission on Population Growth and the American Future will incorporate many of the basic principles and objectives as the Balanced Economic Development Commission.

In presenting S. 2701 to the Senate for consideration I can think of no stronger argument for its passage than to quote from testimony prepared by Senator Howard Baker, Jr., of Tennessee when he spoke in behalf of the Balanced Economic Development Commission concept during the Government Operations Committee's hearings in 1967. Senator Baker said in part:

> Our concern here is a dramatically important part of the larger challenge that confronts our Nation in this age of revolutionary technological advancement: whether the new technology will overwhelm us in a way that minimizes our freedoms and our individuality, or whether by bold and anticipatory thinking we can harness technology in a way that will maximize our freedom, our opportunities, our comfort, and our productivity.
>
> *A sensible and imaginative national policy toward the proper distribution of population and industry across our Nation could dramatically increase the opportunities of each American to choose where he prefers to work and live.*
>
> The heart of our concern is that during this 20th century more than 63 percent of the American people have concentrated in one percent of the land area. More than 40 percent of the population resides in the 38 largest areas of the country. And, as Senator Mundt has pointed out, population increased in metropolitan areas between 1960 and 1965 at a rate twice that outside the metropolitan areas.
>
> There has been, and there will continue to be, speculation about why such a disproportionately large segment of the people tends to concentrate so heavily. . . . Nevertheless, one could at least say that beyond question our national government—by means of its variety of programs which influence the nation's social, economic, and political development—plays an increasingly important role in the location of industry and population. One would think, then, that the national government would have developed an understanding of this phenomenon and have formulated a policy, or at least an attitude or approach toward it.
>
> *Senator Mundt believes that we have no such policy,* and that we have hardly begun to inquire about what our approach should be toward encouraging a more desirable balance in industry and population distribution. *I must admit that neither have I been able to discern an identifiable policy,* nor much concern about developing a policy.
>
> This, then, is my reason for support of the Mundt proposal which would: first, inquire how the national government and other forces affect social, political and economic factors which influence the location of population and industry; second, decide whether there can be national, or regional, agreement upon what kind of balance there should be in the nation between distribution of population and industry; and, third, perhaps suggest an approach or policy that will guide our national government in activities which influence such a distribution.
>
> This is an exciting area of concern. It is an integral part of the continuing dialogue about what New Direction our Nation shall take in the technological age.

Mr. President, on July 18 of this year, President Nixon recognized the very problems that the balanced economic development bill would tackle and I had urged previous administrations to endorse so that we might very well look toward that "new direction" that Senator Baker spoke about 2 years ago. On this day, President Nixon proposed the establishment of a National Commission on Population Growth whose duties would be to study demographic, social and mobility characteristics of our population in order to systematically and effectively plan for proper economic and social developments within our Nation, and to share the information and technology developed to study these factors with all the nations of the world who are or will soon be facing the problems of overpopulation. Reading his statement of July 18 brought to mind a statement I made concerning the Balanced Economic Development Commission.

I believe it is extremely pertinent today as I recommend to you S. 2701. In May 1967, I said:

> Two major national problems, which are directly related, are the objective of the proposed study (to establish a Commission on Balanced Economic Development). *One is the tremendous decline in population occurring in rural areas of America; the other is the overcrowding of already heavily-pop-*

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ulated urban centers. There are those who believe such a study is unnecessary, because it is "not the business of Government" to concern itself with population growth and movement or that the answer is already known, "a simple economic fact of life—people go where the jobs are!"

The "simple economic fact of life," however, is that many people go where they *think* the jobs are—and *end up on welfare rolls.* As to the Government's role, population shifts of the past decade *have already moved* the Federal Government actively into an effort to solve problems created by such movements. But too often we are finding the solutions which are recommended *either inadequate or off the target.* For example, mass transportation programs are recommended to alleviate traffic problems. But for every freeway built, we have displaced hundreds of people from their homes, frequently many who are poor and must be provided public housing elsewhere. And with construction of new public housing, we have found ourselves confronted with additional problems, a need for law enforcement in one area, more classrooms for another, stepped-up health facilities elsewhere. It is a seemingly *never-ending cycle of problems begetting new problems* and always involving the Federal Government to a greater degree.

A reverse of this condition exists in rural America. People leave one area because they believe economic opportunity is better elsewhere. The depletion of families for one reason results in economic decline for those remaining. Thus, an entire community, a region or a state becomes a depressed area.

Is it wise for the Federal Government to move now in a direction which proposes to look at population movements in their totality? My conviction is that if we delay until the situation *becomes so severe* in a decade or two, *a massive outlay of billions of Federal funds will be considered the only answer!* Even then, if past history is any judge, this will not accomplish what can be achieved now with considerable less expenditure and also avoiding the feared Federal encroachment which *would be a certainty at a later date in any massive "crash" program.*

The goal sought through my resolution is the compilation and subsequent analysis of *geographic trends in American economic development,* the *causative factors influencing such trends, the implications in terms of distribution* of population, the *effect of governmental actions* in shaping such trends, and the *factors both public and private, which influence the geographic location of industry and commerce.*

One phase of the study, for example, would evaluate economic, social and political factors effecting *geographic location of industry.* Another would concern factors necessary for industries to operate efficiently *both within and outside large urban areas.* Evaluation would be given the *impact Federal programs and expenditures have on economic development* in the Nation. The role which *state and local governments have or should have in promoting geographic balance* in the economic development of a state or region would be studied.

The objective of this Commission study *is not to place the Federal Government in the role of determining where you or your neighbors are to live, nor to dictate where industry may or may not locate.* What is sought is information from which a partnership concept can be developed in which the various levels of government and the private sector can work together to achieve a *national growth of benefit to all areas of the nation* and particularly those which are hard-pressed through *either a heavy decline or a massive influx* of population.

More recently, I spoke in behalf of the Commission on Population Growth and the American Future while the Government Operations Committee was considering the bill. I cannot give a more impassioned plea for the passage of S. 2710 than the following excerpt from my testimony on September 15:

> I would hope that when the National Commission on Population Growth and the American Future becomes an active investigatory body it will give its attention in a meaningful way the eight objectives that were basic duties of the Balanced Economic Development Commission which I have proposed. In listing them here I trust that we will all see the interrelatedness of these eight objectives with a study of the nation's population. Indeed, without such prior population studies and gathering of statistics the Balanced Economic Development Commission could not achieve its intended goals. And likewise, I see in this legislation we are considering here today that its goals will not adequately be met unless the Commission addresses itself to the entire array of economic, social, and political factors that interact to affect both our system of government and the living of our lives as freeholding citizens. It is suggested that the National Commission on Population Growth, embody the following objectives into their report to the President and the Congress:
>
> (1) An analysis and evaluation of the economic, social, and political factors which affect the geographic location of industry;
>
> (2) An analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;
>
> (3) A consideration of the ways and means whereby the Federal Government might effectively encourage a more balance industrial and economic growth throughout the Nation:
>
> (4) An analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;
>
> (5) An analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;
>
> (6) An analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;
>
> (7) An analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and
>
> (8) An analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

The hearings pointed out that there is a dire need for us to authorize the President to establish a National Commission on Population Growth and I therefore urge this body to join me in passing this needed legislation.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and the report will be printed.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. McCLELLAN, from the Committee on Government Operations:

Robert F. Keller, of Maryland, to be Assistant Comptroller General of the United States.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN:

S. 2952. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to an additional county; to the Committee on Public Works.

By Mr. BAYH:

S. 2953. A bill for the relief of Khaled Barmada; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2954. A bill for the relief of Angela Ching-Yee Chan; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 2955. A bill to amend section 1902(d) of the Social Security Act; to the Committee on Finance.

(The remarks of Mr. Harris when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 2956. A bill to provide private relief for Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy (retired) continued on active duty in a retired status after June 30, 1967; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2957. A bill for the relief of Edith Jeanne Hendrickse; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2958. A bill to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GRAVEL (for himself and Mr. Fong):

S.J. Res. 155. A joint resolution to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing; to the Committee on Foreign Relations.

(The remarks of Mr. Gravel when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 2955—INTRODUCTION OF A BILL TO AMEND SECTION 1902(d) OF THE SOCIAL SECURITY ACT

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to amend section 1902(d) of the Social Security Act. The amendment is simply a technical amendment and does not change the substance of section 1902(d).

Relief can be granted to States that are having difficulty maintaining their level of payments and services to patients under medicaid by complying with the conditions set forth in section 1902 (d). One step in the compliance procedure is certification by the Governor that the State qualifies for the relief. Due to the fact that in some States directors or boards are responsible for the welfare program, it has been suggested that the certification called for under section 1902

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(d) should more properly be accomplished by the State agency administering or supervising the administration of the State program. The amendment I offer would accomplish this purpose.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2955), to amend section 1902(d) of the Social Security Act, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Finance.

S. 2958—INTRODUCTION OF A BILL TO AUTHORIZE THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PURCHASE CONVENTIONAL MORTGAGES AND FOR OTHER PURPOSES

Mr. SPARKMAN. Mr. President, I introduce a bill for reference to the Banking and Currency Committee, together with an explanation of the bill and a statement showing how the present law would be changed.

I ask unanimous consent that the bill, the explanation of the bill, and the statement showing the change to be made in present law may be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the explanation, statement, and the text of the bill will be printed in the RECORD.

The bill (S. 2958), to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 302(b) of the Federal National Mortgage Association Charter Act is amended—

(1) by inserting "(1)" immediately following "(b)";

(2) by striking out "each of the bodies corporate named in subsection (a)(2)" and inserting in lieu thereof "the Association";

(3) by striking out "; and the corporation is authorized to lend on the security of any such mortgages and to purchase, sell, or otherwise deal in any securities guaranteed by the Association under section 306(g)"; and

(4) by adding thereto the following new paragraph:

"(2) For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages and in securities guaranteed by the Association under section 306(g). The corporation shall not in the regular course of its business purchase or lend on the security of any mortgage which is not insured or guaranteed by the Secretary of Housing and Urban Development, the Administrator of Veterans' Affairs, or some other officer or agency of the Federal Government, unless the outstanding principal balance thereof at the time of purchase does not exceed 80 per centum of the amount determined by the corporation to be the value of the mortgaged property, or unless that portion of the unpaid principal balance which is in excess of such 80 per centum is guaranteed or insured by an institution, and under a contract, determined by the corporation to be generally acceptable to other institutional mortgage investors."

(b) Section 305(h) of such Act is amended by striking out "clause (2) of section 302 (b)" and inserting in lieu thereof "clause (2) of the proviso to the first sentence of section 302(b)(1)".

The material presented by Mr. SPARKMAN follows:

EXPLANATION OF BILL AUTHORIZING FEDERAL NATIONAL MORTGAGE ASSOCIATION—TO DEAL IN CONVENTIONAL MORTGAGES

The bill would authorize FNMA to purchase, service, sell, lend on the security of, or otherwise deal in conventional mortgages. This is the same range of authority FNMA now has with respect to mortgages insured by the Federal Housing Administration, or insured or guaranteed by the Veteran's Administration or the Farmers Home Administration.

With respect to these conventional mortgages, however, FNMA would not be allowed to purchase or lend on the security of any such mortgage unless its outstanding principal balance did not exceed 80% of the value of the mortgaged property, or unless that portion of the unpaid principal balance in excess of 80% was guaranteed or insured by an institution, and under a contract, determined by FNMA to be generally acceptable to other institutional mortgage investors.

By supplying a secondary market for Government assisted mortgages, FNMA has played an essential role in maintaining stability in the prices of these mortgages. This has never been more vividly demonstrated than in the last year since FNMA became a private, Government sponsored corporation.

At the present time, FNMA is making commitments to purchase Government backed mortgages at an annual rate of nearly $8 billion, compared to its highest previous activity of $2.4 billion in one year. Without this assistance and the willingness and ability to FNMA to purchase these FHA and VA mortgages, the mortgage funds available to this important segment of the residential mortgage market would have been considerably lower and probably at significantly higher discounts.

It is now proposed to permit FNMA to expand this important secondary market activity to the conventional mortgage market. This market has been suffering in recent months because of the severe tightness of mortgage money and the lack of any real, national secondary market. Since it represents the great bulk of residential mortgages issued in the country—approximately 75% to 80%—the establishment of a sound secondary market will serve to provide a much needed stability in times of tight credit such as in 1966 and the present.

The ability of FNMA to deal in conventional mortgages has never been seriously questioned. In the past, however, because of its dual private-Government ownership, the general opinion was that its activities ought to be limited to Government backed mortgages. This inhibition no longer exists because of the split up of the functions of FNMA authorized in the Housing and Urban Development Act of 1968 which placed in a new, privately owned FNMA the responsibility of handling the non-subsidized activities of the old FNMA.

Since the creation of the privately owned FNMA on September 1, 1968, the new FNMA has demonstrated its unquestioned ability to function without Government support. Its activity during this past year has been at a rate higher than any year in its previous history. FNMA has also demonstrated that the funds it needs to carry on its activities are readily obtainable in the private market without reliance on the Federal Government as was often necessary in the past.

It is recognized that there will be technical problems and difficulties involved in implementing a secondary market for conventional mortgages. However, these are not believed to be insurmountable, and the most important problem to be overcome, the establishment of a uniform mortgage instrument, can only really be worked out when there is a firm basis for taking such a step. The availability of a secondary market for conventional mortgages will serve to spur the development of such an instrument.

In support of this step, Mr. Raymond H. Lapin, President and Chairman of the Board of FNMA, in recent testimony before the Subcommittee on Housing of the Committee on Banking and Currency of the House of Representatives, stated that he would recommend that a proper role for FNMA may be to aid the conventional mortgage market. He also stated that FNMA has been conducting in-depth studies related to the technical problems associated with such a move. Mr. Lapin's statements are consistent with those of Mr. Stanley Baughman, his immediate predecessor, and of others knowledgeable in this field.

SECTIONS 302(b) AND 305(h) OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT AS THEY WOULD BE AMENDED BY CONVENTIONAL LOAN PROPOSAL

SEC. 303. * * *

(b)(*1*) For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, [each of the bodies corporate named in subsection (a)(2)] *the Association* is authorized, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in any mortgages which are insured under the National Housing Act or title V of the Housing Act of 1949, or which are insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code [; and the corporation is authorized to lend on the security of any such mortgages and to purchase, sell, or otherwise deal in any securities guaranteed by the Association under section 306(g)]: *Provided,* That (1) the Association may not purchase any mortgage at a price exceeding 100 per centum of the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items; (2) the Association may not purchase any mortgage, except a mortgage insured under title V of the Housing Act of 1949, if it is offered by, or covers property held by, a State, territorial, or municipal instrumentality; and (3) the Association may not purchase any mortgage under section 305, except a mortgage insured under section 220 or title VIII, or under title X with respect to a new community approved under section 1004 thereof, or insured under section 213 and covering property located in an urban renewal area, or a mortgage covering property located in Alaska, Guam, or Hawaii, if the original principal obligation thereof exceeds or exceeded $17,500 for each family residence or dwelling unit covered by the mortgage (plus an additional $2,500 for each such family residence or dwelling unit which has four or more bedrooms). Notwithstanding the provisions of clause (3) in the preceding sentence, the Association may purchase a mortgage under section 305 with an original principal obligation that exceeds $17,500 per dwelling unit if the mortgage (1) is a below-market interest rate mortgage insured under section 221(d)(3), and (2) covers property which has the benefit of local tax abatement in an amount determined by the Secretary of Housing and Urban Development to be sufficient to make possible rentals not in excess of those that would be approved by the Secretary if the mortgage amount did not exceed $17,500 per dwelling unit and if local tax abatement were not provided. For the purposes of this title, the terms

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"mortgages" and "home mortgages" shall be inclusive of any mortgages or other loans insured under any of the provisions of the National Housing Act or title V of the Housing Act of 1949.

(2) *For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages and in securities guaranteed by the Association under section 306(g). The corporation shall not in the regular course of its business purchase or lend on the security of any mortgage which is not insured or guaranteed by the Secretary of Housing and Urban Development, the Administrator of Veterans' Affairs, or some other officer or agency of the Federal Government unless the outstanding principal balance thereof at the time of purchase does not exceed 80 per centum of the amount determined by the corporation to be the value of the mortgaged property, or unless that portion of the unpaid principal balance which is in excess of such 80 per centum is guaranteed or insured by an institution, and under a contract, determined by the corporation to be generally acceptable to other institutional mortgage investors.*

* * * * *

SEC. 305. * * *

(h) Notwithstanding clause (2) of *the proviso to the first sentence of* section **[**302(b)**]** *302(b)(1)* and any provision of this Act which is inconsistent with this subsection, the Association is authorized (subject to Presidential action as provided in subsection (a), as limited by subsection (c)) to purchase pursuant to commitments or otherwise, and to service, sell, or otherwise deal in, mortgages insured under the provisions of sections 221(d)(3) and 221(h) of this Act.

SENATE JOINT RESOLUTION 155—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE FOR A STUDY AND EVALUATION OF INTERNATIONAL AND OTHER FOREIGN POLICY ASPECTS OF UNDERGROUND WEAPONS TESTING

Mr. GRAVEL. Mr. President, on behalf of myself and the Senator from Hawaii (Mr. FONG), I introduce today, for appropriate reference, a joint resolution to establish a commission that would review the international and foreign policy implications of the United States underground testing.

In recent days, two nations, Japan and Canada, have expressed their concern formally over the planned underground tests at Amchitka, Alaska. Both nations objected to the tests, raising the question of safety, the question of damage, and the question of liability.

The full text of those objections has not yet been released by the State Department, but the content in part is known.

There is considerable concern throughout the Pacific region regarding the forthcoming tests. In Alaska, the public has been alarmed. Though Atomic Energy Commission officials have been attempting to reduce that alarm it continues to exist. In Hawaii, as my distinguished colleagues Mr. FONG and Mr. INOUYE can confirm, concern is equally high. There is enough scientific information on the seismic punch of underground tests to suggest the possibility of a manmade earthquake, and an equal possibility of a resultant tsunami wave.

Each nation on the rim at one time or another in this century has suffered damage by such natural occurences. The fear is now expressed, by two of our closest national allies, that the next occurrence may be man made. The foreign policy implications of such an event need to be fully recognized by the United States before we proceed.

Second, both Japan and Canada—close powers to the United States economically and strategically—share in the Pacific fish and wildlife abundance. We in the large sense live on that abundance. Native peoples in all three places take their subsistence from it. International business concerns add to the gross fiscal product of the world through the marketing of the Pacific fishery products. At least 10 other Pacific rim nations are affected by that fishery, and its health. Again, the question of submarine venting, the concentration of radioactivity in fish, and the increased radioactivity among those who consume those fish, has also been raised. We know that because of 1962 tests, atmospheric tests, in the Pacific, the salmon running up the Kotzebue, Kuskokwim and Yukon Rivers delivered the highest radioactivity counts ever measured on earth to the Eskimos of my State. What foreign policy considerations are brought into view by the possibility of internationalizing the radioactivity? This is another question my joint resolution seeks to have answered.

In view of the impending tests at Amchitka, Mr. President, I have prepared this joint resolution with particular emphasis on foreign policy considerations. If the United States is to be fully liable for the immediate effects of a possible tsunami, or the possible destruction of a fishery, or the increase of radioactivity generally among people of the Pacific rim, I believe we should know the implications and extensions of that liability. I would hope that the Foreign Relations Committee, in recognition of this fact, would schedule early hearings on the measure, and I trust that will be the case.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 155), to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS OF BILLS

S. 2718

Mr. GRIFFIN. Mr. President, at the request of the Senator from Utah (Mr. BENNETT), I ask unanimous consent that at the next printing, the names of the Senator from Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. BELLMON), the Senator from Illinois (Mr. PERCY), and the Senator from Indiana (Mr. HARTKE) be added as cosponsors of S. 2718, a bill to modify ammunition recordkeeping requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2887

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of S. 2887, a bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2890

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), I ask unanimous consent that, at the next printing, the names of the Senator from Washington (Mr. MAGNUSON), the Senator from Nevada (Mr. CANNON), the Senator from Ohio (Mr. SAXBE), and the Senator from Minnesota (Mr. MONDALE), be added as cosponsors of S. 2890, a bill to amend title 38 of the United States Code to permit certain active duty for training to be counted on active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 38—CONCURRENT RESOLUTION SUBMITTED RELATING TO HIJACKING OF AIRCRAFT

Mr. CANNON. Mr. President, I submit, for appropriate reference, a concurrent resolution (S. Con. Res. 38) concerning the hijacking of commercial aircraft.

In almost all of the past hijacking flight crew skills, air carrier policies, and fortunate circumstances have permitted hijacked flights to be completed; however, we have been lucky and there is general fear it is only a matter of time before a hijacking incident results in a catastrophic aircraft accident. As each hijacking increases the probability of such a disaster, there is also concern that such a disaster would generate a wave of public feeling making deliberate and careful consideration of the hijacking problem difficult.

An aircraft hijacking involves immediate physical danger to all of the occupants of the aircraft. The hijacker, who is usually a fugitive from justice, a malcontent, or a 'nut" armed with anything from a sawed-off shotgun to a dynamite bomb, may panic at any time and destroy the aircraft directly or indirectly by physically incapacitating the pilots. Also, passengers may panic or react in an imprudent manner to endanger the aircraft. There are also additional hazards presented by landing an aircraft at an unfamiliar airport, particularly at night without adequate landing aids, lights, and so forth. To reduced the hazards somewhat, arrangements have been made for extra fuel to be placed aboard aircraft in the case of airline flights terminating in the Florida area and for cards to be carried by flight crews on which is printed in both English and Spanish such messages as "not enough fuel to reach Cuba" in case the hijacker does not understand English.

Recently, the Nation's news media has extensively publicized the gravity of the hijacking offense, the many hazards to safety of the aircraft, and that even when successful, hijacking an aircraft does not pay. The public has been informed that the so-called "safe haven" of Cuba may be an illusion and this should discourage would-be hijackers who are often fugitives from justice and persons with personality disorders who are seeking notoriety and excitement. The press has reported that hijackers are given rough treatment and that at least one hijacker was put into solitary confinement for longer than 2 weeks. Another hijacker was reported to have spent the first 6 weeks after his arrival there in a Cuban jail. The news media has also informed the public that two aircraft hijackers, who were returned to the United States by Cuba are serving 20 years' sentence. Unsuccessful hijackings have been widely publicized as well as the policy recently instituted by the Justice Department to indict hijackers who can be identified so that when jurisdiction over the person is obtained, he will immediately be prosecuted.

However, the permanent solution to the aircraft hijacking problem is to secure an agreement based on internationally accepted standards that hijacking is a serious crime endangering many lives and that the hijacker shall be severely punished. Hijacking of a commercial aircraft is an offense that may involve aircraft of any country, operating in any part of the world, and is likely to occur anytime that tensions exist between two or more countries. With respect to the hijacker who requests political asylum, the dangers of hijacking a commercial aircraft are clearly so great that nations acting responsibly should agree to return the hijacker provided, however, that he will be tried and punished only for the hijacking offense.

The concurrent resolution would make it the sense of Congress that this should be done.

I submit the concurrent resolution.

The **PRESIDING OFFICER**. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 38), which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 38

Whereas the hijacking of the Trans World Airlines Boeing 707 to Syria by Arab guerrillas on August 26, 1969 astonished responsible governments that any government would condone and associate itself with the hijacking of a commercial airplane; and

Whereas the hijacking of any commercial airplane greatly endangers the lives of the passengers and crew of the airplane, and results in delays and inconvenience to both passengers and the airlines; and

Whereas in the past flight crew skills, airline policies, and favorable circumstances have fortunately prevented a hijacking incident from becoming a catastrophic airplane accident; and

Whereas the hijacking of commercial airplanes will cease only when an international agreement is reached that recognizes hijacking as a vicious international crime and provides that the hijacker shall be punished; and

Whereas the Tokyo Convention on hijacking and certain other offenses committed aboard aircraft, establishes sound international law to promote safety of civil aviation, but does not provide that the hijacker shall be punished: Therefore be it

Resolved by the Senate of the United States (The House of Representatives concurring), That it is the sense of the Congress that the Administration should act immediately to enter into bilateral agreements with all nations to provide for the mandatory extradition of a hijacker, including a hijacker who requests political asylum to the flag country of the hijacked aircraft; and be it further

Resolved, That the bilateral agreements shall provide that the hijacker who is extradited will be tried and punished only for the hijacking offense.

ADDITIONAL COSPONSORS OF RESOLUTION

SENATE RESOLUTION 243

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. McCARTHY), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. YARBOROUGH), be added as cosponsors of Senate Resolution 243, a resolution expressing the sense of the Senate concerning action by the United Nations for the purpose of obtaining compliance by North Vietnam with the requirements of the Geneva Convention relative to the treatment of prisoners of war.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ENROLLED BILL SIGNED—MESSAGE FROM THE HOUSE

A message from the House announced that the Speaker had affixed his signature to the enrolled bill (S. 1888) to change the composition of the Commission for Extension of the U.S. Capitol, and it was signed by the Vice President.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 202

Mr. SPARKMAN submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

FOREIGN ASSISTANCE ACT OF 1969—AMENDMENTS

AMENDMENT NO. 203

Mr. PELL. Mr. President, I submit an amendment intended to be proposed by me to the administration's foreign aid bill, S. 2347, which would curtail military aid to Greece.

Following the military coup in April 1967, the United States suspended shipment of major arms to Greece and, although there was modification of the policy last fall, the suspension of major items, such as tanks and aircraft, remains in effect. But authorizations and appropriations for military aid to Greece have continued each year in the hope that democratic government would be restored, thus justifying a resumption of arms deliveries. As a consequence, a sizable backlog of weapons has accumulated in the pipeline.

As of June 30, 1968, $122 million in military aid was available for delivery which, together with the $37 million approved for fiscal 1969 made a total of $159 million in arms aid available, twice the highest annual arms aid program provided Greece during the last 5 years. The bulk of this amount remains undelivered, much of it composed of suspended items.

But this is only a part of the picture. In addition to the $159 million in regular military aid available in fiscal 1969 large quantities of surplus defense equipment, originally costing $105 million, were programed for Greece. Although Defense officials explain that this is used equipment and should only be counted at a fraction of original cost, they look through American, not Greek, eyes. To our military men a used tank may be worth only its value as junk. But to a Greek military man a tank is a tank. So the value to the Greeks of the surplus arms set aside would be far higher than the Pentagon cares to admit.

My amendment would not affect military aid previously voted for Greece. It would insure only that no additional aid is programed until Congress gives its approval. With the large amount already in the pipeline the actual effect on Greece's military posture, should Congress not vote additional aid until next year, would be minimal. There will, of course, be some disruption in the flow of arms, should full shipments be resumed following a change in the character of the Greek Government. But the United States cannot have its cake and eat it too. I believe we should demonstrate in no uncertain terms to the world, and particularly to the Greeks themselves, that the present Greek Government does not enjoy the full support of the United States and that the arms spigot has been turned off until a reasonably democratic government emerges. To glut the pipeline further in view of the current situation in Greece will only add to the pressures to ease up on the suspension policy.

I might point out that if future events warrant a full resumption of military aid a supplemental authorization can always be requested by the administration. And there is also the emergency authority of section 506 of the Foreign Assistance Act which permits the President to provide up to $300 million in arms to foreign countries from Defense Department stocks if he deems it important to the national security.

There is no cause for optimism over the prospects for a return to truly democratic government for the unfortunate people of Greece. We can hope for a change, but mere hope is not a proper basis for congressional approval of tens of millions of dollars in military aid.

I hope that the Committee on Foreign Relations will adopt my amendment.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 203) was referred to the Committee on Foreign Relations.

AMENDMENT OF JOHN F. KENNEDY CENTER ACT—AMENDMENT

AMENDMENT NO. 204

Mrs. SMITH of Maine (for herself and Mr. GOLDWATER) submitted an amendment, intended to be proposed by her, to the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such center, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 205

Mr. MATHIAS. Mr. President, I submit an amendment intended to be proposed by me to S. 7, a bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

This amendment is a short one intended simply to augment the very constructive provisions of S. 7, which for the first time would require compliance with water quality standards by all activities and facilities over which the Federal Government has direct control or for which Federal licenses or permits are required.

Section 103 of S. 7 would establish a new section 16 of the Federal Water Pollution Control Act. Section 16(c) would require that no Federal agency shall issue a license or permit for any activity which may affect water quality until it receives certification from the State in which the discharge would originate that the proposed activity will be designed to insure compliance with applicable water quality standards.

My amendment to section 16(c) would simply specify that, before a State or, where appropriate, interstate agency or the Secretary of the Interior issues such a certification, it shall provide an opportunity for public hearings on the application being considered.

This additional clause would insure that the concerned public would have a role in the new review process, and that public views would be heard by the certifying agency before a decision is reached.

The most obvious type of case to which 16(c) would apply is that of new nuclear powerplants, such as the large facility being constructed by the Baltimore Gas & Electric Co. at Calvert Cliffs on the Chesapeake Bay. This project has aroused great public controversy on a number of points, including the possible extent of thermal pollution of Chesapeake Bay through the discharge of heated waters which could adversely affect the ecology of that part of the bay. The company has exerted strenuous effort to accommodate public opinion and to meet objective criticism, but there has been no regular forum for such purpose.

Thermal pollution is a serious question which should be fully considered before any new powerplant is built anywhere. Unfortunately, as many concerned citizens of Maryland discovered during the early stages of the Calvert Cliffs debate, current Federal law does not provide for any review of this problem before the basic construction license for a nuclear powerplant is issued by the Atomic Energy Commission. The AEC's jurisdiction does not permit thermal effects to be considered as a licensing criterion. The only forums offered to the public may be provided by the Army Corps of Engineers, which must issue permits for pipes or other structures in navigable waters, or under State law. Neither of these alternatives insures the full, timely and direct consideration of the project's water quality impact before construction has actually begun.

Under section 16(c) of S. 7, however, before approving any nuclear powerplant construction or operating license in the future, the Atomic Energy Commission would be required to obtain from the appropriate State certification that the project would comply with applicable water quality standards. The thermal pollution problem would thus be considered directly and at the most appropriate stage.

Section 16(c) of course would apply not just to nuclear powerplants, but to all facilities and activities conducted under licenses and permits issued by any Federal agency. It thus extends to all of the operations in and around navigable waters which require permits from the Army Corps of Engineers, such as dredging, construction and extension of piers, and the laying of pipelines.

Such activities are multiplying in Maryland and other States which depend heavily on their waterways for commerce and recreation. The Baltimore District of the Army Corps of Engineers, for instance, is now receiving 600 to 800 permit applications per year involving Maryland waters alone. Comment from relevant State agencies is now solicited by the corps in every case. Section 16(c) of S. 7 would alter these procedures and require each applicant to obtain from the State a certification that the proposed project or activity would comply with water quality standards.

I believe it is the intent of section 16(c) that a State or other certifying agency, before reaching a decision on any given application, shall make a full review of the situation and avail itself of all expert opinion on the potential effects of the project on water quality, desirable project modifications and appropriate safeguards.

My amendment would make this intent explicit, by requiring that the certifying agency shall provide the public an opportunity to be heard at this point.

I might note that my amendment would not require a full, formal public hearing to be held on every single application. Many projects which require Federal permits, such as the construction or extension of a small pier or pipe, are essentially noncontroversial and would have no impact on water quality. In such cases the certifying agency could invite comment by public notice but would not actually have to hold a public hearing if no interest in one was expressed. The degree of controversy and extent of public concern would be the factors determining precisely how extensive a hearing should be held in a given case.

The opportunity for public hearings would be particularly constructive in one particular type of case, where the facility or activity involved is going to be constructed, operated or carried on by a State agency. In such instances, under section 16(c) a State would have to certify that its own activities would be in compliance with its own water quality standards. It would essentially be vouching for itself.

Such a situation would develop, for example, if the District of Columbia government applied for a Corps of Engineers permit to enlarge the pipeline which discharges effluent into the Potomac estuary from the Blue Plains sewage treatment plant. Under section 16(c), the District government itself would provide the certification that its own activity would not impair the quality of the estuary. Public hearings could be especially valuable in such a case.

I might note, finally, that section 16(c) has been carefully drafted by the Committee on Public Works to insure that its requirements will apply in the near future to projects now under construction. In the case of the Calvert Cliffs powerplant, for instance, a construction license has already been granted by the Atomic Energy Commission. The water quality impact of the project would still be reviewed, however, and State certification of compliance with water quality standards would be required before a long-term operating license could be granted. Under my amendment, the public would have an opportunity to comment at that point.

Mr. President, I believe that this amendment is fully in accord with the purposes and procedures of this important section of S. 7. The bill as a whole, in fact, is a response to growing and justified public concern over the degradation of our waterways by many types of pollution. It is therefore most fitting to insure that the public will participate actively in enforcing water quality standards and implementing this vital legislation.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

CUTBACKS IN FEDERAL GRANTS-IN-AID FOR STATE AND LOCAL CONSTRUCTION

Mr. McCLELLAN. Mr. President, I am much disturbed because of imminent prospects of a 75-percent cutback in Federal grants-in-aid for State and local construction. President Nixon issued a statement on Septmber 4, in which he strongly urged State and local governments to cut drastically their construction plans. However, if the State and local response is not sufficient, the President has indicated that he will reduce Federal matching funds for State and local construction to 25 percent. Of course, if Federal funds are restricted, particularly in the highway construction program, the impact will be devastating.

Because of the possible adverse effect of the proposal on the economy of Arkansas, I sent a telegram to President Nixon yesterday, which expressed my deep concern, and urged that a cutback of such magnitude not be imposed. I ask unanmous consent to insert in the Record a copy of that telegram, together with a copy of a telegram to me signed by numerous trade associations and citizens of the State of Arkansas who express their opposition and highlight possible consequences of a major cutback. I would like to insert in the Record a copy of a letter from Mr. Ward Goodman, director of the Arkansas State Highway Commission, which details specific highway projects that will be affected.

There being no objection, the material was ordered to be printed in the Record, as follows:

The President,
The White House,
Washington, D.C.:

I am much disturbed because of reports that there will be a 75 percent cutback in Federal grants-in-aid for State and local construction. Because of inflationary pressures and a 75 percent reduction of direct Federal construction contracts already in force, the construction industry is moving to a virtual standstill. If Federal grant-in-aid for State and local construction is cut back to 25 percent, the impact could be devastating. I am advised that in Arkansas it would mean a decrease in Federal matching funds for highway construction from $32 million to approximately $6.5 million. This would cause a long delay in the construction of many vital public improvements and will ultimately require additional expenditures to overcome disruption, deterioration, and increased costs. Many contractors who have made large investments in anticipation of Government funding could well sustain severe loses, while thousands of workers would lose their jobs and be forced onto the unemployment compensation rolls and welfare grants. Such a drastic reduction will certainly prove to be false economy and will be adverse to and hinder national progress.

I most respectfully urge that it not be imposed.

John L. McClellan,
U.S. Senator.

Little Rock, Ark.,
September 18, 1969.

Senator John L. McClellan,
Washington, D.C.:

At a meeting held at 10 a.m. this date at the Coachmans Inn Little Rock the undersigned representing approximately twenty-five thousand people in construction and allied industries in Arkansas respectfully request that you as a Senator of the State of Arkansas—

Oppose any cut back in the Federal and highway program. If the highway program is reduced there will be several thousand people out of work placing additional burden on the Welfare Department and the Employment Fund. We believe a cut back will be disastrous to our State highway system as well as the construction industry and will not curb inflation. The construction industry was assured by Secretary of Transportation Mr. Volpe that the highway industry would not have a stop and go highway program. Therefore the contractors have committed themselves to long range financial obligations in equipment and plants. The highway contractors have committed themselves to a training program for the minority groups in Arkansas at no cost to the Federal Government. A cut back would cause serious curtailment to this program. Statistics reflect that construction cost in highway construciton have increased at only about one half the rate of increased cost for construction in the building industry. Thereby indicating that highway construction is not a major cause of inflationary conditions in the nation. If drastic measures are needed to control inflation, we suggest wage and price controls. Arkansas is faced with ever increased highway users safety because of neglect of highways in previous years. The highway trust fund provides for orderly and planned programs, a cut back will break faith with the highway users of this Nation.

We respectfully request that you inform the President and the Secretary of Transportation that we oppose any cutback in highway funds.

Arkansas Chapter of the Associated General Contractors, Arkansas Chapter American Road Builders Association, Arkansas Chapter National Asphalt Paving Association, Associated Equipment Distributors of Arkansas, S. M. Dixon, Gordon Wilson.

Little Rock Road and Machinery, Tyndel Dickinson, McGeorge Construction, Elmer Barber, Jr., Barber Bridge Builders, McBride Construction Co., Max Lyons, J. C. Mitchell, J. A. Riggs, D. B. Hill, Freshour Construction Co.

McDonald Equipment Co., Ben M. Hogan, Howard Jones, Clark McClinton, Sam Fullerton, Jim Reynolds, Waldron Construction Co., Jack East, Midcoark, Ft. Smith Structural Steel, R. A. Young and Sons, Gordon McNulty.

Arkansas State Highway Commission,
Little Rock, Ark., September 17, 1969.

Hon. John L. McClellan,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator McClellan: At the recent Governors Conference in Palm Springs, Vice President Agnew leaked the information that a reduction in construction by seventy-five percent was in the making. On September 4, 1969, President Nixon issued a Statement (not an Executive Order) in which he verified that such a move was possible. First, he directed all agencies of the Federal Government to put into effect immediately a seventy-five percent reduction in new contracts for Government construction. This affects the highway program in a minor degree because very little of the monies allocated to us are in this classification.

In the second part of the President's statement he said, "I strongly urge the state and local governments to follow the example of the Federal Government by cutting back temporarily on their construction plans. The degree and promptness with which they respond to this plea for partnership in action will be watched carefully. If the response proves insufficient, I shall need to restrict the commitments for construction that can be financed through Federal grants. Should this step become unavoidable, the states and localities will, of course, be given due notice, so that they can adjust their affairs properly."

From the interpretation of this statement by the Press, it was indicated that this statement would not affect the regular Federal-aid Highway Program at this time. The press also indicated that most of the Governors present gave tacit approval to the statement due to the inflationary tendencies not in effect. I doubt that they had been given all of the facts when they did, if this be true.

I have learned recently that the Federal Highway Administration and others are interpreting this statement to mean that the voluntary part of the statement will not prove effective, that the cutback will apply to the Highway Program and might be put into effect immediately. This must not be allowed.

With a reduced program such as is being discussed, in order to get the best use of our Federal-aid funds the Interstate System will suffer most. During the year we will have some grades prepared which must have pavement placed upon them immediately if we are to protect our investment from erosion and deterioration. These are gaps on the Interstate that need to be filled in Franklin and Hempstead Counties. One project that is sure to suffer, though not on the Interstate, is the new bridge across the Arkansas River at Pine Bluff. We are raising, many times daily, an old and antiquated bridge to serve our new navigation demands. No one knows when it may stick or become jammed and tie up traffic for miles and miles. Piers for the new bridge are in place and under a normal program, funds would be available in October to let a contract for the superstructure. Due to the magnitude of this project, for which we have been saving money for years, our chances for letting a contract in November will be ruined. Work on the desperately needed Interstate West Bypass of Little Rock and any future contracts for the new Memphis Bridge will be stopped.

Highway contractors in Arkansas and the Nation have believed promises made by members of the Administration in the past that there will be no more "off and on" highway programs. They have bought equipment with the full expectation of having the work available to make payments. They have staffed their crews and set up training programs for the minority groups to adequately handle our expected highway program. A major cutback will ruin, financially, many contractors and stop the training programs.

In the beginning of the President's Statement, he says that the reason for the action is because the cost of building a home or apartment has become exorbitant and the rapidly rising costs of housing are a particular cause for national concern when we are striving to bring the forces of inflation under control. We agree wholeheartedly with that part of the Statement but from charts I have seen, although labor costs for roads and bridges have increased, the rate is about one-half that for housing, why should the highway program be stopped in order to help another industry that is contributing to the problem?

We have had no official directive from anyone that such a cutback for roads is to be put into effect. Persons in high positions tell me it will. My purpose in writing this letter is to beg you to do all within your personal power to see that it is not.

On the basis of some figures I have seen, prepared by the Federal Highway Administration, our ration for the remainder of this fiscal year would be $6.5 Million instead of about $32 Million to which we are entitled. I would ask you, what happened to the "the states and localities will, of course, be given due notice so that they can adjust their affairs properly."?

You will recall that monies collected for highway construction are put in a trust fund and can be expended for nothing else. They are dedicated and reserved for highway and bridge construction. If a cutback of this magnitude is put into effect, the trust fund will continue to grow and the balance will be looked upon by other agencies as a source of possible revenue. It is of grave concern to us in the highway field that the trust fund be left alone.

If you concur in our thoughts, your help will be sincerely appreciated.

Respectfully,

Ward Goodman,
Director of Highways.

MONEY IS NO PANACEA

Mr. ANDERSON. Mr. President, in response to the growing chorus of Americans who feel that money allocated to the space program could be better spent on our Nation's urban and social needs, Mr. Art V. Maxwell, president of the Consulting Engineers Council of the United States, has written an article entitled "Money Is No Panacea." This article appeared in the September issue of Consulting Engineer magazine.

I ask unanimous consent that this be printed in the Record. I recommend this reading to all Members of the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

CEC Comments: Money Is No Panacea

(By Art V. Maxwell)

Like many Americans, I was awestruck by our nation's magnificently executed moon flight. A feat of this magnitude virtually dwarfs all other scientific and technological phenomena and I am particularly proud of the role played by fellow consultants in designing many of the elements which made this mission possible. (After months of engineers being chastised for design of facilities and products which despoil our land, air, and water, it was personally gratifying to hear our profession acclaimed for its flawless contribution to this historic event.)

Yet, even as this praise was ringing in our ears, many distinguished citizens were raising serious questions as to the importance of our space program when weighed against the enormous problems of war, hunger, disease, crime, and poverty. They insist, "If government, science and industry can put men on the moon, why can't these same bodies provide the U.S. with efficient transportation, adequate housing, a cure for cancer, and peace on earth?" Such statements assume that the $24 billion spent in conquering the moon could more humanely be directed to the cure of America's complex social ills.

Frankly, I wonder if we, or any nation, can solve all problems simply by expending great sums of money and applying the latest in research and development. Many of the issues confronting us do not involve financial or technological solutions; there are legal, social, political, and bureaucratic factors totally unrelated to dollars.

This point was underscored by New Mexico's Senator Clinton P. Anderson when he reminded his colleagues that there is already $26.9 billion in the budget for federal aid to this country's 22 million poor. That represents a total of $6000 per family of five persons who are classified as "poor." Add to this the monies furnished by state and local governments, private charities, and the modest incomes of such families, and we face the enigma of why anyone can be considered "poor."

One answer is the drain on funds resulting from poor administration. Before transferring NASA's funds to economic assistance programs, government officials might profit from a careful reexamination of the Space Administration's success. Though money and ingenuity were essential to Apollo's achievement, a vital ingredient was the orderly direction and recognizable chain-of-command that characterized this effort. More significant, there was a single, definable, agreed-upon objective.

Everyone connected with the manned flight project had his eyes riveted on the goal of safely putting the U.S. on the moon in this decade. Decisions were rendered on that basis. Congress, while concerned with the cost, seldom second-guessed or overruled the scientists-engineers in charge of the program. New ideas were encouraged and utilized. Fabricators and producers were rewarded for excellent products and performance. Buckpassing was minimized and redtape was something to be cut through.

Compare that operation with the Office of Economic Opportunity, or any of a dozen other Federal agencies. Regional administrators have minimal authority (even minor decisions are often made in Washington); many administrative appointments are based not on qualifications but on political patronage; self-nominated Congressional experts are not above revising priorities in midstream; the glorious promise of new programs oftentimes fades to disappointment as delays occur in implementation and the staffing of needed offices; Congressional funding is often whimsical and belated; and stultified administrators inhibit innovation by insisting that projects go according to outdated standards.

In some agencies, like the Post Office, employee unions appear to wield more control than executive personnel. (Even former Postmaster Generals have publicly conceded that they lacked sufficient authority to make improvements.) Rivalry between (and within) agencies with related responsibilities has bred a competition that often borders on the infantile.

All the money in the U.S. Treasury will not correct these defects.

Congressmen who are swayed by appeals to divert space and other technological investments to the solution of urban and social problems may find they have inadvertently halted our forward progress, and with it, our ranking as a world leader. The fact is no nation has ever solved all of its internal problems. Even the Greeks, at the time they built the Parthenon, had poverty, hunger, disease, and social upheaval; but this beautiful edifice has survived as a tribute to the vision and genius of that great civilization.

NEED IMPROVED MANAGEMENT

I would be the first to agree that NASA's $24 billion could benefit thousands of Americans if it were applied to new airports, sewage treatment, medical research, housing, and other needs. But I would be far more enthusiastic if this transfer of funds were accompanied by improved management of the affected programs. First priority, in my opinion, should be correction of the problem cited by Delaware Congressman William Roth at this year's AIA–CEC Public Affairs Conference: "The Federal bureaucracy is so enmeshed in duplicative redtape that no one, least of all Congress, is fully and completely informed on all of the grant-in-aid programs presently in existence."

Apollo 11 has opened a new frontier; it has rekindled America's dreams and revived our lagging spirits. No one is able at this time to comprehend fully the significance of this achievement. The tangible technical benefits are already accruing from space research faster, and in larger quantities, than even the most optimistic prophets anticipated. Engineers, including consultants, have advanced the boundaries of nearly every technical discipline and have even created new disciplines.

This is the spinoff of a program that demonstrated which can be accomplished by not only money and intellect, but a definite, uncontested objective which is systematically attacked. In doing so, personnel were assigned and exercised specific authority; there was little hesitancy to adopt new methods, new ideas, and new procedures necessary to get the job done.

I am hopeful that this vital lesson is not overlooked by those with administrative authority in Washington.

FORMER UNDER SECRETARY OF AIR FORCE SPEAKS OUT ON VIETNAM

Mr. SYMINGTON. Mr. President, without comment, I ask unanimous consent to have printed in the Record an interview with Hon. Townsend Hoopes, former Under Secretary of the Air Force, published in the Armed Forces Journal of September 20. I am certain that every Member of the Senate will be intensely interested in what Mr. Hoopes has to say.

There being no objection, the article was ordered to be printed in the Record, as follows:

Former Under Secretary Speaks Out on Vietnam

(By Benjamin F. Schemmer)

Townsend Hoopes, Air Force Under Secretary in the waning days of the Johnson Administration, has labeled former Defense Secretary Robert Strange McNamara an "ambivalent" manager who "finessed serious debate on basic issues," of U.S. intervention in Vietnam. He also calls Walt Rostow, the former President's chief advisor on national security affairs, "a fanatic in sheep's clothing" unwilling to listen to other's ideas.

In a recent telephone interview, Hoopes said that "If he [Johnson] had known it would take 100,000 or 200,000 men in Vietnam, he'd not have gone in." (Hoopes was referring to decisions made in late 1964 and early 1965 to follow up on retaliatory bombing raids over North Vietnam with a major commitment of U.S. combat forces in the South.) "But," Hoopes also told the JOURNAL, Johnson "didn't want to hear" any such pessimistic advice.

Hoopes confirmed that in a major new book on Vietnam—not to be released until late October—he also characterizes:

Dean Rusk as "a major contributor to the national confusion over Vietnam."

LBJ as a "sentimental patriot" who lacked self-confidence in foreign affairs and leaned too heavily on the counsel of poor advisors.

The JCS as having led the former President down "the garden path." (Here, Hoopes quotes a blunt report requested by LBJ from former Secretary of State Dean Acheson.)

PLAYING IT BY EAR

"A notable exception" to the poor advice given Johnson on U.S. intervention in Vietnam, Hoopes told the Journal, was that of former Under Secretary of State George Ball, who predicted late in 1964 that "there would be over 300,000 men in Vietnam within about a year." According to Hoopes, McNamara and Johnson "never even had an idea of the troops that would be required." He said they were "playing it by ear, day by day."

Asked if he had consulted with McNamara while writing the new book, Hoopes said that he had invited McNamara "to be drawn into a number of candid discussions" about the war in Vietnam. McNamara declined to comment, however, Hoopes said. He described the former Secretary as a "close personal friend who obviously made some mistakes."

Hoopes said that, while he does not know precisely to what extent McNamara was "in the vanguard" of the 1964–1965 decisions to intervene, there clearly was "no major dissent" between the former Defense Secretary and JCS Chairman General Earle G. Wheeler.

By the summer of 1967, Hoopes told The Journal, McNamara was "aware that the war, as it had developed, had become a great mistake." McNamara's doubts, Hoopes said, first surfaced publicly in the summer of 1967 during hearings before the Senate Preparedness Investigating Subcommittee, when that panel was probing restrictions imposed by the Pentagon on the U.S. bombing campaign over North Vietnam.

XUM

Asked if such publicly-expressed doubts were responsible for McNamara's sudden appointment in November of 1967 to his current post as President of the World Bank, Hoopes said, "McNamara was becoming quite dovish at a time when the President was driving on to clear victory. There was a disparity he [Johnson] didn't want to live with." Hoopes described the President's motives in replacing McNamara as "mixed, some of the highest and friendliest" character. He also labeled Johnson's decision to move McNamara out of the Pentagon "a fateful hinge."

Hoopes' book (The Limits of Intervention, *An Inside Account of How the Johnson Policy of Escalation in Vietnam Was Reversed*) is being published by David McKay (Long Island). It will retail for $5.95. According to *Publishers' Weekly,* the release date has been set for October 27.

Hoopes told The Journal that he has also written an article, based on the book, for the October issue of *Atlantic*. (The magazine says that the issue will be on the newsstands about 30 September.)

Hoopes' book gives a brief, phase-by-phase account of the Vietnam escalation after the Gulf of Tonkin incident. Most of the narrative, however, concerns the six months of Administration soul-searching that led to former President's Johnson's decision of 31 March 1968 to halt bombing of North Vietnam about the 20th parallel, and not to seek re-election. Throughout the book, Hoopes critically examines advice given to the former President by his principal Southeast Asia advisors.

Hoopes served in key Pentagon posts for over four years. He was sworn in on 2 December 1964 as Principal Deputy Assistant Secretary of Defense for International Security Affairs. Hoopes told the Journal that, notwithstanding his position title, he had little to do with the late 1964-early 1965 decisions which "crystallized the inner group's determination to intervene" in Vietnam. Hoopes said that his ISA duties mainly concerned the Military Assistance Program (MAP) and the Near and Middle East. In October of 1966 Hoopes replaced Norman S. Paul as Air Force Under Secretary, a Presidential appointment.

WARNKE, CLIFFORD: DECISIVE INFLUENCES

During The Journal interview Hoopes said that he played "a rather indirect" role in the early 1968 decision to de-escalate. He described himself as "one of four people" who were a "decisive" influence on former Defense Secretary Clark Clifford, who in turn was, Hoopes said, the most persuasive figure convincing President Johnson to reverse his previously hawkish stand on Vietnam. The other three DoD officials who comprised the "decisive influence" quartet, Hoopes said, were:

Paul Warnke (then Assistant Sec Def for International Security Affairs, now a partner in Clifford's Washington, D.C., law firm);

Phil Goulding, then Assistant Sec Def for Public Affairs; and,

Paul Nitze, Clifford's Deputy Secretary of Defense.

Of the four, Hoopes said, "Warnke had more influence on Clifford than any other single person."

RECKLESS ESCALATION

Hoopes told The Journal that he felt the decision to intervene in Vietnam was "a deliberate decision," triggered by successive Viet Cong attacks on the airfield at Bien Hoa (two days before the November, 1964 Presidential election), at Pleiku (on 7 February 1965), and—three days later—at Qui Nhon where a barracks was bombed. It was primarily the 3 November 1964 Bien Hoa attack, however that "crystallized the inner group's determination to intervene," Hoopes said.

"Reckless escalation" is the way Hoopes described to The Journal subsequent increases in U.S. Southeast Asia force levels.

In a note to The Journal mailed last week from Edgartown, Mass., where he was vacationing, Hoopes enclosed extracts from galley proofs of the article he has written for *Atlantic,* by way of further comment on questions he was asked about McNamara's "management" of the Vietnam War.

M'NAMARA'S MANAGED DECISIONS

Hoopes spells out the fateful consequences of a trip made to Vietnam in late February 1968 by JCS Chairman Wheeler. McNamara, serving out his final month as Defense Secretary, did not accompany Wheeler. The trip resulted in an "authoritative" and "undiluted" request for 206,000 more troops.

In contrast, Hoopes says, on every previous such trip McNamara flew to Vietnam with the JCS Chairman "to bargain directly with Westmoreland" on the manpower levels and discretionary authority needed to fight the war. *"In every instance, he* [McNamara] *had reached his own conclusions before departing Washington,"* Hoopes says. McNamara even had "meticulously prepared his position" *before* departing on such trips, *"including a draft of what he would report to the President on his return"* (Journal italics).

Thus, McNamara prevailed upon SEA commanders to "scale down" their requests, in return for his public endorsement of new build-up plans.

Hoopes concluded that McNamara—by holding control within very narrow channels, by developing his position on future troop requirements before each trip to the battlefield and by moving fast—"finessed serious debate on basic issues" and thus "saved" President Johnson from having to arbitrate disputes among Administration advisors. Hoopes notes that the result was a twenty-five-fold increase, (21,000 to 510,000) over three years, in U.S. forces sent to Vietnam.

McNamara's typical reaction to military recommendations, according to Hoopes, was to "manage the problem, whittle down the numbers, muffle the differences and thereby avoid a bruising confrontation within the Administration."

In contrast, Hoopes notes, the "undiluted" Westmoreland-Wheeler request of early 1968 touched off an "immediate and dramatic reappraisal of policy." (According to Clifford's own account, published in the July issue of *Foreign Affairs,* he had been directed to determine "how" the new requirement would be met, not to assess the need for it.) But the reappraisal led—31 days after Clifford took office as Secretary of Defense—to Johnson's decision of 31 March 1968 to de-escalate and not to run for re-election.

TROOP CUTBACK

Mr. BYRD of West Virginia. Mr. President, I hope the new withdrawal of U.S. troops will spur the South Vietnamese to assume more of the combat burden. We have already spent more than a hundred billion dollars and lost nearly 40,000 men. I have supported every effort to train and equip the South Vietnamese to take over the fighting. But I do not believe they will do so until we compel them to. From the beginning we have fought this war with one hand tied behind our back. We should have hit the enemy with all of our conventional power. We should have destroyed his dikes, closed his ports, and forced him to negotiate in good faith. Our fighting men did not ask to go to Vietnam. If we are not going to do all that we can to protect them and get them back alive, then we ought to continue the gradual withdrawal and get out.

CODAF AND UNITED STATES-MEXICO RELATIONS

Mr. GOLDWATER. Mr. President, on September 8, when President Nixon met with Mexican President Diaz Ordaz at the border to dedicate the Amistad Dam, he referred to the "special relationship" which binds the two nations. The official name given that day to the $78 million joint complex signaled the nature of the ceremonies which brought the two Presidents together. "Amistad" is the Spanish word for "friendship."

The good will and harmony which marked the occasion of the first meeting between Presidents Nixon and Diaz Ordaz is about to be shattered, however, by the impact of a diplomatic slap in the face for which Congress will bear the major blame. This threat to cordial inter-American relations is caused by the failure of Congress to pass legislation to extend the life of the newly created joint United States-Mexican Commission to improve border relations and conditions. The organization possesses a long title, the United States-Mexico Commission for Border Development and Friendship, but it is generally described as "CODAF."

I know that whichever name is used, several Senators still will want to ask themselves: "What is it and what does it do?" And here is where a great deal of the present difficulties may be traced. For no fault of its own, CODAF is up against a recognition gap. Consequently, it will be my purpose today to inform Senators of the outstanding work being done by CODAF and to urge that immediate attention be given to preventing its disappearance.

Mr. President, at this point in my statement, I would like to describe exactly how the Commission is organized and just what its role is supposed to be.

CODAF was established at the highest levels of our two governments. Its origin can be traced to a joint statement issued by the Presidents of Mexico and the United States on April 16, 1966. At that time they announced their agreement to create a commission which would find ways in which the two countries, through cooperative action, could "improve the relations between the frontier cities of both countries" and "elevate the life of those who live in the border region." The Presidents expressly noted that the Commission should focus on means "to raise the standard of living of the respective communities from a social and cultural as well as a material point of view."

In accordance with this agreement, two sections were set up by the respective governments and the joint Commission began its formal operations in July of 1967. The U.S. section is composed of the Chairman and 10 Commissioners appointed from Federal departments and agencies whose programs are of concern to the border area. Our Commissioners have been drawn from eight major departments and three executive offices. In turn, the Mexican section consists of Commissioners appointed from nine major departments and three offices.

In addition to the membership of the Commission, there are 14 separate joint working groups which have been established to handle much of the fieldwork of CODAF. The bulk of the problems that confront CODAF are highly specialized and it is these working groups which provide the Commission with the amount of proficiency needed to carry out its responsibilities. Each of these groups consists of technical experts who explore a number of topics in the areas of their competence and formulate specific recommendations for action to be taken by communities along the border and programs to be sponsored by the full Commission.

Mr. President, I believe this brief historical review amply demonstrates that CODAF has been given a very important role to play on the inter-American stage. First, it is charged with elevating the economic, social, and cultural life of the peoples in the entire border area, a territory that sweeps across 2,000 miles and encompasses 5 million persons. Second, it has been given the mandate to work towards the improvement of relations between border communities and to concern itself with any programs that would stimulate friendship between the two nations.

Speaking as a person who has lived on the border all his life, I would like to vouch for the fact that CODAF has made an excellent start toward both objectives. Although the Commission only began operations 2 years ago, it has promptly achieved a remarkable series of constructive accomplishments. I believe the following summary of 16 major contributions will substantiate my comment.

First. CODAF drafted the first formal agreement ever entered into between Mexico and the United States dealing with cooperative action in case of emergencies and natural disasters in the border area. This agreement was put into effect at the second joint meeting of CODAF. The United States and Canada have had such an agreement for years, but the spirit and mechanism provided by CODAF and its Emergency Planning Working Group were a prerequisite to the establishment of such an agreement with Mexico.

Second. For the first time in history, local, State, and Federal technicians from both sides of the border have been brought together to consider the twin border cities in a "single community" context. The Urban Development Working Group of CODAF has sponsored successful meetings in four of the twin border cities, and five more joint urban development workshops are scheduled.

Third. The U.S. section of CODAF has assisted in the development of a pilot program in which 80 "roundhouses," to sell for a maximum of $5,000, are being constructed in Del Rio, Tex. The Mexican section has expressed interest in this approach to obtaining low-cost housing in border cities and is considering a similar undertaking on its side of the border.

Fourth. CODAF has stimulated discussions with Mexico which have led to collaboration on the forthcoming American and Mexican 1970 census to guarantee collection of comparable data.

Fifth. The Transportation Working Group has initiated discussions—

For the development of joint transportation planning in the Brownsville-Matamoros area;

For the location of a new bridge in Laredo;

For the coordination of plans for building highways in the border area; and

For the adoption of a uniform system of traffic signs in the border area.

Sixth. The U.S. section has obtained the publication of a major study relative to the special economic and social characteristics of the border as they relate to industrialization. This report, entitled "Industrial and Employment Potential of the United States-Mexico Border," was published in December 1968. For its part, Mexico has a program for industrialization of the border zone well underway.

Seventh. CODAF is about to achieve a significant breakthrough by arranging the establishment of a joint labor market and skill survey all along the border. As the first step toward this goal, the Manpower and Labor Working Group has initiated a pilot survey that has been conducted on both sides of the border at the El Paso-Ciudad Juarez, Chihuahua area.

Eighth. CODAF has proposed an imaginative scheme for the designation of a network of roads and highways along both sides of the border, to be known as the "Border Friendship Route." All four of our border States have approved designation of this route, and the implementation of this concept is now being considered by the tourism working group.

Ninth. The education working group scheduled a joint conference on the accreditation of university level studies which was held at the twin border cities of Ciudad Juarez, Chihuahua-El Paso, Tex., in April 1969. Approximately 30 educators from each country, representing universities, college accrediting associations, and the two Governments attended the conference.

Tenth. The education working group is seeking to inaugurate a pilot project for the exchange of high school language teachers between the cities of El Paso and Ciudad Juarez.

Eleventh. A binational sanitary landfill project has been established for Nogales, Arizona-Nogales Sonora. This project originated with the public health working group, was approved by the Mexican authorities, and has been funded by the U.S. Public Health Service.

Twelfth. The cultural activities working group has recommended that CODAF promote conferences, workshops, and competition in the arts in the border area, and that two pilot cultural projects be established in twin border cities. United States and Mexican authorities have already set in motion the initial steps which will lead toward the creation of a national committee in each country, and local coordinating groups in the border communities, to act as mechanisms for carrying out joint cultural programs.

Thirteenth. A CODAF-sponsored pilot project has been established for Laredo, Tex., by which five mobile trailer vans devoted to theatrical productions, recreation, educational and cultural films, history, and health services, will make scheduled visits to neighborhood centers in and around Laredo, to rural communities in Webb County and Nuevo Laredo, Tamaulipas, across the border.

Fourteenth. A similar CODAF-supported binational project is the Calexico, Calif., community services project. This project includes a multiservice cultural unit, a vocational training electronics unit, and a mobile health services unit. As its contribution to this project, Mexico has purchased $83,000 worth of industrial equipment for CECATI, a vocational training institute in Mexicali, Baja California, which will be made available to U.S. trainees.

Fifteenth. An adult education demonstration project, with CODAF participation, is in operation in a five-county area of Arizona. This project utilizes radio and a closed circuit mobile television unit to bring practical education courses to people in a widespread rural area.

Sixteenth. CODAF has sponsored two annual "Border Beauty and Friendship Days," which were held on May 18, 1968, and April 19, 1969. The results of these events have been so encouraging that both United States and Mexican officials have concluded that border beautification efforts should be carried out on a continuing basis and that the day shall be established as an annual ceremony.

Mr. President, these successes readily demonstrate why we who live on the border feel that CODAF has more than lived up to the original hopes expressed for it by the Presidents of the two countries. CODAF has chalked up a sizable list of tangible accomplishments that have been set in operation and are not merely plans on the drawing board And, perhaps the most singular characteristic of the CODAF-sponsored projects is that they are models which have planted the seeds for cooperative action to grow all along the border for years and years into the future.

In view of all this, it is obvious that it would be sheer folly to permit CODAF to disappear. But, this is exactly what will happen unless Congress acts without further delay to approve legislation which authorizes the continued financing of the U.S. section of the Commission.

The difficulty is that, because of a sweeping prohibition passed by Congress just last year, the U.S. section has lost its authority to be appropriated funds. This newly effective restriction is set forth in section 510 of Public Law 90–479, which bars the financing of executive commissions unless they possess some form of authorizing legislation.

Thus, while the U.S. section has been funded in the past by contributions from its member agencies, this manner of financing is now foreclosed. Further, as a result of the broad limitation enacted in the last session, the congressional appropriations committees have been powerless to act on the 1970 funding for CODAF.

Without prompt action by Congress on a bill to provide some form of specific legislative foundation for the U.S. section, it simply will have to fold up. We cannot allow this to happen.

The failure to authorize funds for the

continued U.S. participation in CODAF would be to renege on the commitment made to the peoples living on the border, would leave a large number of problems standing unsettled without any joint forum to place them before, and would amount to a serious diplomatic affront with traumatic effects on U.S. efforts to achieve a better understanding and improvement of the cordial relations between the two border nations.

The solution is clear. There is no question that this matter deserves our immediate attention. We must act, and act now, on legislation to keep CODAF alive.

JEWISH HIGH HOLY DAYS AND THE SOVIET UNION

Mr. DODD. Mr. President, millions of Jewish faith have observed their holy days and New Year, but a significant portion of those people have been forcibly isolated from their co-religionists. I should like to make the following observations on the plight of Jews in the Soviet Union.

An ominous silence from hostile quarters has fallen, like a leaden weight, on the historic Jewish High Holy Days just concluded with the commemoration of Yom Kippur, the Day of Atonement.

It was a day that also reminded Jew and non-Jew alike in this Nation of the mammoth burdens and ignominies heaped on the largest Jewish community outside the United States, that in the Soviet Union.

I was particularly reminded of that plight by a great Hebrew liturgical work sung here in the Capital for the first time. It is called "U-Nessaneh Tokef," composed by Michael Moses Milner.

He was a victim of the Stalin purges. His music was dedicated "to our brethren in Russia."

We know of the wretched conditions of the remnants of once-flourishing Jewish communities in most Arab States. But the Day of Atonement pointed up poignantly the problems besetting Jews in the Soviet Union.

They are the only minority in the U.S.S.R. forced to carry identity cards which bear the word, "Jew," as an identifying mark. It was not very long ago, under another totalitarian regime, that Jews were compelled to so identify themselves.

That was under Hitler and there was a world outcry. But it is a muted protest that appeals to the Soviet sense of humanity to desist from this malevolent practice.

Added to this humiliation is the refusal of the Soviet authorities to permit Jews to emigrate from the U.S.S.R. to Israel. Only a few aged people are allowed to leave to be reunited with families.

But 3 million Jews are compelled to remain in the Soviet Union, forbidden to develop their old culture and not even allowed new prayerbooks.

We all have read the tragedy of Babi Yar, where Jews were slaughtered near Kiev by Nazis and hurled into a mass grave. That monstrous episode in contemporary history also has been distorted by the men who rule Russia.

And Svetlana Alliluyeva, the daughter of Stalin, told us the other day of her own knowledge about those practitioners of brute and errant power.

It is mournful and macabre, indeed, to reflect on a savage word that has become part of the international lexicography. The word is: "pogrom," manhunt and massacre. It is a Russian word.

Without mass manhunts, a permanent pogrom is in progress in the Soviet Union. Why are voices not raised in persistent demand to let those 3 million go?

Must it only be a liturgy like Milner's heard on the Day of Atonement?

We have a great and long tradition of succoring the oppressed. Let it not be confined in this case to majestic music and clucks of indifferent sympathy.

Rather it should be a strong and vibrant call to the men in the Kremlin: Let those people go.

"DO IT YOURSELF" CURE FOR INFLATION

Mr. DOLE. Mr. President, it is a basic economic fact of life that excessive spending by the Federal Government is a major contributing factor to the devastating inflationary activity which continues to plague our Nation. It is also basic that the cure resides largely in the hands of all of us if we wish to achieve it, but to do so means denial and self-restraint.

An editorial published in the Atchison, Kans., Globe on September 17, 1969, points up some of the problems our country faces in trying to restore some semblance of financial stability to our economy. If we as a nation choose to ignore these economic facts of life, the future in this regard is not hard to predict. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Do-It-Yourself Economic Self-Education

It is time to stop, think and act about the great problem no one can solve but ourselves.

For the last 40 years every President of the United States has faced the problem: how to do what is best for the people when the people seemingly do not know what is best for them.

Under universal suffrage good leadership requires intelligent followership which in turn requires informed citizenship.

Where are you going to lead a people who believe that deficit spending reduces the amount they must pay for government?

Where are you going to lead a people who do not know that higher incomes without higher production do nothing but increase living costs?

Where are you going to lead a people who do not know that payroll comes from the customer and that the customer is the worker who gets the payroll?

You are going to lead them into inflation and then take the blame for the high cost of living. You're damned if you do and you're damned if you don't.

Perhaps you remember the high note on which Franklin D. Roosevelt opened his administration. He said: "Taxes are paid in the sweat of every man who labors because they are a burden on production and can be paid only by production. Our workers may never see a tax bill, but they pay in deductions from wages and in the increased cost of what they buy."

It was the economic ignorance of the people that drove Franklin Roosevelt away from sound money. He had to do it to retain his popularity.

Do you remember Dwight Eisenhower's futile fight to protect the purchasing power of the dollar? The people wanted it protected but were unwilling to do what had to be done.

Newly-elected John F. Kennedy appealed to the people: "Ask not what your country can do for you, but what you can do for your country," but most of the people, ignorant of economic consequences, still wanted things done for them.

President Nixon, and all future Presidents, will face the same problem and suffer the same discouragements unless the people understand the fallacies of increasing government spending and taxation.

For your "Do-It-Yourself" economic self-education we reprint the "Ten Pillars of Economic Wisdom" which were prepared by the American Economic Foundation:

Nothing in our material world can come from nowhere or go nowhere, nor can it be be free: everything in our economic life has a source, a destination and a cost that must be paid.

Government is never a source of goods. Everything produced is produced by the people, and everything that government gives to the people, it must first take from the people.

The only valuable money that government has to spend is that money taxed or borrowed out of the people's earnings. When government decides to spend more than it has thus received, that extra unearned money is created out of thin air, through the banks, and, when spent, takes on value only by reducing the value of all money, savings and insurance.

In our modern exchange economy, all payroll and employment come from customers, and the only worthwhile job security is customer security; if there are no customers, there can be no payroll and no jobs.

Customer security can be achieved by the worker only when he cooperates with management in doing the things that win and hold customers. Job security, therefore, is a partnership problem that can be solved only in a spirit of understanding and cooperation.

Because wages are the principal cost of everything, widespread wage increases, without corresponding increase in production, simply increase the cost of everybody's living.

The greatest good for the greatest number means, in its material sense, the greatest goods for the greatest number which, in turn, means the greatest productivity per worker.

All productivity is based on three factors: 1) natural resources, whose form, place and condition are changed by the expenditure of 2) human energy (both muscular and mental), with the aid of 3) tools.

Tools are the only one of these three factors that man can increase without limit, and tools come into being in a free society only when there is a reward for the temporary self-denial that people must practice in order to channel part of their earnings away from purchases that produce immediate comfort and pleasure, and into new tools of production. Proper payment for the use of tools is essential to their creation.

The productivity of the tools—that is, the efficiency of the human energy applied in connection with their use—has always been highest in a competitive society in which the economic decisions are made by millions of progress-seeking individuals, rather than a state-planned society in which those decisions are made by a handful of all-powerful people, regardless of how well-meaning, unselfish, sincere and intelligent those people may be.

PUBLIC HOUSING FAILURE

Mr. PERCY. Mr. President, Chicago has its Robert Taylor public housing

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project; St. Louis has its Pruitt-Igoe. The Christian Science Monitor for Tuesday, September 23, 1969, reports the terrifying story of Pruitt-Igoe.

Built just 15 years ago and hailed as a new concept in public housing, a way for working-class people to get better housing, Pruitt-Igoe today has the following attributes:

Eight murders in the last year.

Human excrement and urine in the elevators and stairways.

An 8-foot-high fence surrounding the buildings so that children would not destroy the improvements HUD is trying to make in the buildings.

Elevators that do not work because repairmen do not like to be shot at when they come to repair the elevators.

A woman who has not left her apartment for 3 years because she is afraid.

A mother who fears that her 8-year-old daughter will be raped every time she leaves the apartment.

Stairwells serving as havens for dope addicts and sexual perverts.

Grounds that look like a battlefield, with glass, old tires, and other junk everywhere.

Fifteen years have translated a vision of hope into fear, squalor, hopelessness.

As George Favre, the author of the article points out, "5,000 under-16 kids roam like undisciplined animals across Pruitt-Igoe's barren acres, wasting all their marvelous potential and boundless energies in self-destructive pursuits."

Yesterday the Senate passed a 2-year extension of existing Federal housing programs with some modifications. The next 15 years must record a very different story for the people who move into these dwellings.

As a people, we must alleviate human misery, both physical and emotional. We must not keep cramming people in large impersonal public housing projects to live like animals. We must go in the direction of giving people a stake in their own future, of giving them something to be proud of—to live for. This is what sections 235 and 236 of the Housing Act are designed to do. Section 235 permits lower income families to purchase homes. This is vital. A family that has equity interest in its dwelling is not going to defile it. Section 236 helps subsidize rents to enable people to get out of high rise public housing projects into better houses in other parts of the city.

Another problem in Pruitt-Igoe and other housing projects is that, historically, the Federal contribution to public housing projects has been limited to amounts required to cover debt service on the capital cost of the project, with the local authority covering other project expenses out of annual income. But with public housing projects taking in more and more welfare tenants and costs of operation rising every year, local housing authorities have been driven closer and closer to bankruptcy. There has been no money for modernization and improvement of existing facilities. The Senate recognized this problem yesterday by providing $20 million for Federal contributions for public housing projects for modernization and rehabilitation of existing older structures. These provisions should help maintain projects in a sound condition. It is intended that this $20 million be used solely for modernization and to insure that all public housing projects be improved to at least meet minimum housing codes in each community.

I think the Senate moved in the right direction yesterday. I pray that it did, because if we fail again, there will be more Pruitt-Igoes in the future with their incalculable human suffering.

I ask unanimous consent to have printed in the RECORD an article entitled "A Story of Housing that Failed," written by George H. Favre, and published in the Christian Science Monitor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A Story of Housing That Failed

(By George H. Favre)

ST. LOUIS.—Pruitt-Igoe is a nasty word on the lips of St. Louisans. Given the address, a taxi driver comments: "You'd better have a shotgun with you." You smile a bit wryly and settle back, undisturbed because you've seen slums before.

But you haven't seen Pruitt-Igoe, a public-housing project.

You haven't seen elderly people locked behind an eight-foot steel-mesh fence to keep children from terrorizing them.

Where ordinary slum children are dispersed throughout many city blocks of dilapidated housing, here in Pruitt-Igoe upward of 5,000 children are crowded onto 57 acres of what is supposed to be renewed urban territory. Lawlessness, disorder, vandalism, sexual aggression, perversion, and criminal activity—running the gamut from rape to murder—are rampant. The situation, against the backdrop of a modern housing development, presents raging irony.

STAIRWELL LITTERED

You have walked through filth in ancient, rotting tenements before. But this is your first time to walk up the stairwell of a building just 15 years new, picking your way past garbage, beer cans, and human excrement.

You hear the story of a woman who has refused to leave her apartment for three years because she is terrified of being molested.

You hear how 27 high-rise buildings have been without elevator service for weeks because repairmen refuse to be targets for teenage snipers, firing guns out of upper-story windows.

You hear a young mother tell you of the terror she feels every time her eight-year-old daughter goes out the apartment door, fearing that she may be raped in the stairwell.

You hear a young father tell with despair how he hasn't been able to get a job that earns enough money so he can move himself and his young family out—a man who had moved into Pruitt-Igoe originally to get out of a slum and into "a decent place to live."

Visiting Pruitt-Igoe is an unnnerving experience, because Pruitt-Igoe is part of what is supposed to be a national housing program to eliminate the social problems of urban living. Instead, Pruitt-Igoe has become a breeding place for human degradation.

Why did it happen? What went wrong?

When Pruitt-Igoe opened its doors in 1954, it got rave reviews in prestigious architectural magazines and even an award for its economy and design. But public housing 15 years ago was a different world than it is today. Both the name and the rules of the game have changed. Pruitt-Igoe simply could not change with the times.

Pruitt-Igoe was originally designed for working-class people of low income, who wanted to move into good housing and keep it that way. In its early years, only 10 percent of Pruitt-Igoe's tenants were on welfare. The Housing and Redevelopment Authority could and did screen out its tenants.

Pruitt-Igoe was also originally a segregated project. Igoe was for white tenants. Pruitt was for blacks.

INTEGRATION ORDERED

The National Association for the Advancement of Colored People, however, went to court and got a ruling that the project must be integrated. About the same time, the welfare agencies in St. Louis brought pressure to bear on the Housing and Redevelopment Authority to take in more welfare cases.

The results were not long in coming. White families moved out, poor blacks moved in. Then the better-off black families began to move out after the whites.

Today some two-thirds of Pruitt-Igoe's 11,000 residents are on welfare.

Pruitt-Igoe's award-winning design is a parody, for the project is an architectural failure. Not in terms of appearances, but in terms of design for living. Most of the apartments have one or two bedrooms, but some of its tenant families have 10, 12, 14, or more children.

Elevators, when they run, do not stop at every floor. In what was then hailed as a triumph of economic design, the elevators were made to stop at the first, fourth, seventh, and 11th floors only, opening onto a gallery running the length of the building.

STAIRWAYS TO APARTMENTS

This meant that apartments open onto narrow, dark stairwells instead of into hallways.

Children burn, rip, and jam, the elevators at Pruitt-Igoe. Then they shoot at the repairmen. That is why 27 buildings were without elevator service the day this correspondent visited the project.

Even when the elevators work, little children seldom have time when nature calls to make it to an elevator, wait for its arrival, get off at a between-floors galleys, and run-do-not-walk to the apartment. Result: Elevators and stairwells serve as toilets.

The galleries themselves have become havens for dope addicts and pushers, alcoholics, sexual perverts, and other social parasites, although they are not necessarily residents. This accounts for the terror that law-abiding residents experience simply in leaving their apartments to get outdoors or to return.

Project manager James Bell refuses to blame outsiders. "Ninety-nine percent of the problems live right here," he says.

GUNS FLASH AT DUSK

There are no police or guards at Pruitt-Igoe. Asked why not, Mr. Bell shrugs and says: "You have to come out here sometime at dusk and see the gun flashes—it's like a battlefield. Last Thursday we had a boy killed—that's the eighth fatal shooting in the year I've been here. We have offered the residents guards, but they'll be shot at, too. Cops can't do today what they could do 10 years ago. If they take in a kid for doing something wrong, there's no place to send him—the jails are all full. So they take him around the corner, let him go with a warning, and he comes back a hero to the other kids."

I did not go back to see Pruitt-Igoe at dusk. I had no desire to be a target of one of those gun flashes. But even when the sun shines brightly, Pruitt-Igoe has something of the air of a battlefield. Scraps of paper, millions of glass splinters, old rubber tires, and other junk clutter the paths and the ragged worn grass.

BUILDINGS MODERNIZED

The Housing and Redevelopment Authority has not totally given up on Pruitt-Igoe. It currently is engaged in a program of modernizing the buildings. Two or three already

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are completed, and seven more are in the process of reconstruction.

During the renovation period, eight-foot steel-mesh fences are erected around the building, to keep children from getting in and undoing what has been done. When the job is complete, the fence is left up, and sturdy locks are put on the gates. The new residents are carefully screened. Families with severe social problems are not brought in. And each tenant is given a key to unlock the gate each time he goes in or out.

I asked Mr. Bell what would happen to the problem families.

Without much conviction, he noted that the project has reactivated its community-services office in an attempt to reach problem families with social workers. Some interested tenants also act as home-service visitors, keeping an ear to the ground to inform management of problems that it otherwise may miss.

REEVALUATION URGED

How, Mr. Bell was asked, do you turn a situation like this around and make success out of a failure?

"We have got to reevaluate our priorities," he replied. "We've got to make a national decision if we're actually going to house the poor, minority-group people. And if we are, then we're going to have to realize it will cost money. We can't do it without a massive reorientation program."

Reorientation, to Mr. Bell, means work with the children to keep them constructively occupied and out of mischief. He would like a gym with an organized athletic program, to give the youngsters incentive to compete for excellence. He also wants a program to work with the mothers. "The mothers have to be changed," he says.

Can you change the situation, I asked when you have so many problem families crowded together in one project? Won't you have to disperse them around the city?

"St. Louis is now 14,000 units short," Mr. Bell sighed. "There are no dispersal plans in sight. So we're forced to work with this situation." He is not optimistic. "You're defeated from the start," he admits.

MORE THAN MONEY ASKED

So long as so many "problem families" are jammed into a single area, Mr. Bell's defeatism is probably justified. Money alone cannot resolve a situation where antisocial attitudes feed upon themselves and multiply. But even if money were an answer, the present federal public housing formula makes it nearly impossible for a city such as St. Louis to get funds for the type of solutions proposed by Mr. Bell.

The public-housing formula, set by the federal government, ensures the kind of problems Pruitt-Igoe has run into, Says Irvin Dagen, executive director of the Land Clearance and Housing Authority in St. Louis. The federal government builds the project and the local housing authority operates it. But the formula says that rents must cover the cost of operation (except in housing for the elderly).

"What is happening," Mr. Dagen says, "is that operating costs are going up, but family incomes stay about the same. And the gap is increasing."

FORMULA REVISION PROPOSED

He would revise the formula to have apartment rents pay for total costs of operation, including capital improvements and replacements to keep the property up to standard. This is more expensive to do with poor families; and since their income is fixed, the difference between rents and costs would have to be made up by federal rent supplements to tenants.

But even if this were done, Mr. Dagen does not believe it would resolve Pruitt-Igoe's problems, especially the design problem. "You will still have the high-rise building with its built-in social problems," he says.

The combination of rising operational costs, large numbers of welfare tenants, and the requirement that rental income pay for operating costs has driven the housing authority right up to the line of bankruptcy.

So the problem of public housing in St. Louis comes back always to dollars.

But dollars are only one measure of failure. Far more significant, far more dangerous far more tragic is the human failure—those 5,000 under-16 kids that roam like undisciplined animals across Pruitt-Igoe's barren acres, wasting all their marvelous potential and boundless energies in self-destructive pursuits.

TENNESSEE WALKING HORSE

Mr. TYDINGS. Mr. President, last week, I presided over hearings before the Subcommittee on Energy, Natural Resources, and the Environment, on S. 2543, my bill designed to put an end to the cruel and unnecessary practice of "soring" the feet of Tennessee walking horses in order to exaggerate their natural gait.

Through the use of chains and irritating ointments, the pastern area of a horse's foot is deliberately made sore and raw so that when the foot is placed upon the ground, the extreme pain that results causes the horse to bring his leg up and out in the desired gait.

This gait can be achieved through careful training. Soring, however, is a quick and cheap way to obtain it. That soring is a barbaric practice does not seem to bother those who do it.

Recently it has been brought to my attention that efforts will be made to cripple this proposed legislation. Opponents will argue that soring is much less prevalent than before and that the State of Tennessee intends to crack down on the practice.

Unfortunately, this is the same tired argument that we have heard before. Somehow, soring has always been on the decrease, yet it never seems to stop. Testimony before the subcommittee by John Seiganthaler, editor of the Nashville Tennessean, which has just concluded a major series on the Tennessee walking horse industry, revealed that the practice is widespread and as extensive as ever.

That Tennessee intends to put a stop to soring is most commendable. But it is already a misdemeanor under Tennessee law and carries a relatively stiff penalty. State law has simply been unable to stop soring. The record makes this very evident. The practice, moreover, extends far beyond Tennessee lines, so even were Tennessee to put an end to soring, the practice would continue elsewhere. The conclusion is obvious. Only Federal law, such as S. 2543, can effectively stop soring. Talk of any other approach is exactly that—just words. The hearings showed that neither the industry nor the States can terminate the practice. Federal legislation is, therefore, required.

This is recognized by a number of Californians who own and train Tennessee walking horses. I ask unanimous consent that their telegrams in support of S. 2543 be printed in the RECORD. Further, I ask unanimous consent that an Evening Star editorial of September 19, entitled "Training Stable Atrocities," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Senator JOSEPH TYDINGS,
Senate Commerce Commission,
Washington, D.C.:

There are numerous persons and customers among my acquaintances, who are definitely in favor of Senate Bill S–2543.

My interest is prompted principally because my stable is engaged in training Walking Horses.

I sincerely hope that you will use all your influence toward the passage of this bill.

MERCEDES MURPHY,
Centaur Stables.

Senator JOSEPH TYDINGS,
Senate Commerce Commission,
Washington, D.C.:

As a life long trainer of Walking Horses it is one of my greatest desires to see the passage of Senate Bill S–2543.

For at least twenty years I have seen the soring problem becoming worse, and I hope that the passage of this bill will eliminate it. You have much support in this matter.

OWEN DANIELS.

LOMITA, CALIF.

Senator JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.:

As owners and exhibitors of Tennessee walking horses, we wish to support S. 2543. We are Totally opposed to soring horses.

Mr. & Mrs. FRANK L. TREZISE.

We would like to add our support to your efforts toward passage of Senate bill 2543. As owners of several Tennessee Walking Horses which we like to show, we are appalled at some of the cruelty to horses that we personally have observed. It is our sincere desire to see it stopped, and we appreciate all efforts to that end. Please pass the strongest measures possible.

Drs. C. J. and JOY E. CARTER.

TRAINING STABLE ATROCITIES

A Senate Commerce Subcommittee has opened hearings on a bill sponsored by Senator Joseph Tydings, Democrat of Maryland, to halt the practice of maiming Tennessee walking horses to force them to prance with a prize-winning gait.

This odious practice, which apparently has become widespread over the past 20 years despite the condemnation of breeders and exhibitors, involves the "soring" of the horse's front pasterns, the area between hoof and ankle.

This is achieved by methods which would do credit to the most sadistic of Nazi concentration camp commanders: The pasterns are pricked with nails, chafed with chains or blistered with chemicals to the point where it is agony for the horse to put his weight on his front legs.

The "sored" area is covered during exhibitions with a three-inch "boot" which serves the double purpose of concealing the wounds inflicted upon the horse and increasing the animal's agony.

Senator Tydings' bill—Republican Congressman G. William Whitehurst of Virginia has a similar bill in the House—would impose penalties of six months in prison and/or a $500 fine for shipping such horses across state lines, or for exhibiting them in shows.

In response to a challenge by Senator Tydings to halt the exhibition of horses showing signs of past ill-treatment at the Washington International Horse Show, which opens here October 27, show president Austin Kiplinger has promised his full support.

Man's inhumanity to man is sickening enough. His inhumanity is particularly despicable when dumb animals are victimized for the sake of a blue ribbon.

In our view, owners or trainers guilty of such heinous acts should be barred for life from working with or owning an animal of any sort.

LIBERTY LOBBY

Mr. DODD. Mr. President, in my Senate speech supporting the Otepka nomination on June 24, 1969, I made the point that the support for the Otepka nomination did not originate with and was not confined to the John Birch Society and the Liberty Lobby, as Drew Pearson and Jack Anderson had charged in repeated columns. I noted that Otepka had very widespread support from editors and columnists and veterans' organizations and political organizations around the country.

On the basis of information which has come to me from a source which I have in the past always found reliable, I also said that according to my information, the Liberty Lobby had taken the stand that Otepka should hold out for complete reinstatement in his previous position, because they prefer to have him as a martyr to the cause.

I have been informed by spokesmen for Liberty Lobby that this last statement was an inaccurate presentation of their position, and that Liberty Lobby was, in fact, among the many organizations that supported Otepka's nomination to the Subversive Activities Control Board.

While I have many political differences with Liberty Lobby, this in no way affects the overriding requirement for fairness and accuracy in all public statements.

On the basis of Liberty Lobby's assurance that they supported the Otepka appointment to SACB, I wish to correct this one statement which I made about them in my speech of June 24.

SENATOR GOODELL

Mr. PERCY. Mr. President, last week, several Senators joined to observe the completion of a year's service in the Senate by the junior Senator from New York (Mr. Goodell). Unfortunately, I was unable to join them in observing this anniversary, since at the time I was with the Governor of my State in Springfield for the announcement of the appointment of our new colleague, Senator Ralph Smith.

Senator Goodell also came to the Senate through an appointment after compiling a distinguished career as a legislator and as a party leader in the House of Representatives. In his first year in the Senate, Senator Goodell has continued to compile an excellent legislative record. Along with his senior colleague from New York, Senator Jacob K. Javits, Senator Goodell has most ably represented the interests of all the people of New York.

I am particularly pleased to serve with Senator Goodell on the Committee on Banking and Currency. There, I supported his move to replace the present inflexible cost limits on public housing with more realistic and flexible limits—thus helping to ease the national crisis in public housing construction. Senator Goodell also successfully urged our committee to remove the unrealistically low limits imposed on the rehabilitation loan program. Under these limits, tenants were barred from receiving the benefits of rehabilitation because the landlord's income was not low enough to qualify.

In all respects, Senator Goodell has performed the demanding tasks of a U.S. Senator with the energy and conscience that has earned him the full respect of his colleagues in the Senate.

STATUES OF KING KAMEHAMEHA AND FATHER DAMIEN—DEDICATION CEREMONIES IN THE CAPITOL

Mr. INOUYE. Mr. President, the State of Hawaii was proud and happy to present to the people of the United States on April 15 the statues of two of its finest men, King Kamehameha the Great and Father Joseph De Veuster Damien.

The following chronicle of the presentation of the statues to the National Statuary Hall collection bears testimony to the significance of Hawaii's choice of the two men whose images now grace our Capitol.

In a time when our Nation's success is measured by its gross national product and an individual's by his bank account, and in a time when extraordinary efforts are being exerted by mankind to make life easier and more comfortable, the people of Hawaii selected a man who turned his back on comfort and ease and chose instead a life of toil, sacrifice, and dedication—a life which he knew could only end with the contraction of a dreadful disease. He was, perhaps, one of mankind's last saints.

Also, in a time when governments across the world are experiencing the trauma and chaos brought by the conscious effort of some to disrupt and disunify, the State of Hawaii selected a man who will long be remembered for his establishment of law and order based on justice and for the unification of his people. It is noteworthy that in the time of King Kamehameha, unlike today, a person could walk the trails and byways, climb mountain tops, and rest in the valleys safe in the knowledge that he would not be molested or assaulted. Kamehameha is hailed by some for his physical and military prowess, but I believe the people of Hawaii chose to honor him for his leadership in the development of a stable government from which the State of Hawaii did eventually grow.

With their gift, the people of Hawaii set before the eyes of the Nation two men who placed spiritual and moral values before others.

Mr. President, at this time it is my great pleasure and honor to share with my colleagues and the American people the complete proceedings of the State of Hawaii's dedication ceremonies for its statues of King Kamehameha the Great and Father Damien. I ask unanimous consent to have printed in the Record the transcript of the ceremony.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

TRANSCRIPT OF DEDICATION CEREMONIES FOR THE STATUES OF FATHER DAMIEN AND KING KAMEHAMEHA I

Senator Inouye. Distinguished Guests, Ladies and Gentlemen:

This is a very special day and a very proud day for the people of Hawaii because on this day we honor two of our greatest men, Father Damien of Molokai and King Kamehameha the Great, our first ruler.

May I now call upon the Armed Services Color Guard and the U.S. Marine Corps Band. Please rise. (The Colors are presented by the Armed Services Color Guard, while the Marine Corps Band plays the National Emblem and the Star Spangled Banner.)

I am pleased to call upon The Very Reverend Henry Systermans, Superior General of the Sacred Hearts Order, to invoke the Divine blessings.

Reverend Systerman: Merciful Father, whose love for men embraces all peoples, especially the most abandoned, you sent your Beloved Son into the world to bring good news to the poor; to proclaim to the captives, release; to give sight to the blind; and to set at liberty the oppressed. Fill our hearts with the same compassionate love that filled the Heart of your Son and the heart of Father Damien, whose memory we honor today. Like him, help us to see Christ in the most miserable of our brothers. Give us some of that generous love which enabled him to sacrifice his own interest for the needs of the lepers of Molokai. May this statue, which so vividly depicts the extent to which his love carried him, be an example to all who will stand before it in years to come. Father grant us this favor, through Christ our Lord. Amen.

Senator Inouye. Thank you very much. Please be seated. Before proceeding with the program, I would like to introduce to you some of our very special guests. First, the members of the Hawaii Congressional Delegation: the senior Senator from the State of Hawaii, the Honorable Hiram L. Fong and Mrs. Fong, United States Representative Spark Matsunaga and Mrs. Matsunaga, United States Representative Patsy Mink and Mr. Mink. We are also deeply honored to have with us the very distinguished Speaker of the House of Representatives, the Honorable John McCormack. And I note the very distinguished Minority Leader of the United States House of Representatives, the Honorable Gerald Ford. And we have with us special representatives of the Legislature of the State of Hawaii. May I present to you our Senators from the State of Hawaii: the Honorable John Lanham, the Honorable William Fernandes, the Honorable James Clark, the Honorable John Ushijima, and the Honorable Wadsworth Yee. Representing the Hawaii State House of Representatives we have the Honorable Akoni Pule, the Honorable Pedro de la Cruz, the Honorable Anthony Baptiste, Jr., the Honorable Andrew Poepoe, and the Honorable Bernaldo Bicoy. We are also pleased to have with us Brother Dornbos, who is the principal of Damien High School in Honolulu and representatives of several Hawaiian organizations.

At this time, it is my pleasure to present to you the Chairman of the Statuary Hall Commission of the State of Hawaii, Mr. Louis A. Lopez. Mr. Lopez:

Mr. Lopez. Your Excellencies, Distinguished Guests and Friends of Hawaii:

It is my great privilege to welcome you to these solemn ceremonies. I welcome you on behalf of the members of the Hawaii Statuary Hall Commission and the hundreds of people who have worked so diligently to make this historic occasion a reality. I also welcome you on behalf of the hundreds and thousands of Hawaii citizens who on this day, are mindful of what is occurring here at this hour and who in their hearts wish to give to their Nation a supreme gift. We feel that this gift is more than just two bronze statues. It is a gift of supreme achievement of our Hawaiian culture and society. It is a gift of the memory and inspirational lives of a Polynesian king and a saintly missionary priest. It is their lives of devoted service that we offer as monuments to our Nation. It is the

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best gift, perhaps, that Hawaii can offer to a Nation that is deserving of the best.

Senator INOUYE. Thank you very much. And now, I am very pleased to present to you a very special friend, Mrs. Gladys Brandt, who is the Coordinator of Secondary Education and Principal of Kamehameha Schools for Girls. Mrs. Brandt.

Mrs. BRANDT. Your Excellencies, Distinguished Guests, Ladies and Gentlemen:

In the century and a half, since the passing of Hawaii's great King Kamehameha I, countless ceremonies have been held to honor and respect him. His name graces schools, highways, avenues and buildings. Each year the entire state observes a holiday on June 11, to celebrate Kamehameha Day.

Today, by placing his statue in the Nation's Capitol, Hawaii in fitting manner declares its admiration and aloha for her illustrious hero King.

To the Hawaiian people, King Kamehameha I is the greatest of all Hawaiians. He was born about 1758 of royal blood, and at a time when the islands were unknown to the outside world. Tutored in the traditions of his people, and trained in the skills of a young warrior, he was eminently prepared to rule. The United States had just emerged as a nation when Kamehameha consolidated the major islands into his kingdom.

There was strength in that great warrior—statesman; strength of body—for he was tall and powerful, active in warfare and skilled in the use of weapons. And with that strength there was a courage of a high order.

But not merely courage distinguished him. He was also pre-eminent for his self-denial and his regard for the welfare of his people which he put before his personal claims. He loved peace more than war and the good of his country more than many victories.

It is said that he was the first Hawaiian to have had an adequate appreciation of the advantages to be gained from friendly relations with foreigners. His was a great era of integration—for crossing racial lines he took into his court men of other cultures and those of wisdom he chose for his cabinet. The sure foundation of his power lay in his self-control and his deference to the opinions of experienced men.

He dignified labor by working side by side with his people. As a conservationist, he placed high priority in protecting and developing his country's human and natural resources.

As a lawgiver, he tempered justice with mercy. Few rulers before the dawn of the 19th century were respectful enough of human rights to proclaim and enforce a decree like Kamehameha's Law of the Splintered Paddle, guaranteeing protection to the weak and the helpless.

In evaluating the reasons for Kamehameha's lasting fame, historians are agreed that his greatness was based upon the simple basic concept of right and wrong. Justice was the premise that pervaded his life and thinking. And as one historian put it, "had he been cast in Europe instead of the remotest islands of the sea—he would have figured as one of the most conspicuous figures in history; no king in history ever knew better how to rule his people." And quoting the eminent 19th century historian, James Jackson Jarves, "In form and stature a herculean savage; in abilities and character, a man that any country might have been proud to acknowledge as her son."—King Kamehameha the Great.

PROCESSION

We present now a brief Hawaiian processional ritual—heralding the presence of Hawaiian royalty.

First is heard the sound of the conch shell—known as the *pu-kani* and blown in the days of the kings by young men of noble birth. The vibrant tones of the shell trumpet, that might be heard at a distance of two miles, commanded the respect of all persons along the path of the advancing party.

Then comes the bearer of the tabu stick—called *pu-lo'u'lo'u*. This sacred symbol of respect and of tabu was fashioned from a staff made from the hard wood of the ka-uila tree and topped with a ball of white tapa or bark cloth. In a procession, the pu-lo'u'lo'u was carried before the Chief by a young man of the same royal lineage. The tabu symbol was firmly planted upright in front of the Chief's compound to signify that it was royal and sacred ground.

Then come the plumed staffs of state—the *Kahili*—the sacred emblem and embellishment of Hawaiian royalty which accompanied royal personages on all occasions. Towering to some 30 feet in height, the Kahili were usually carried in pairs and held aloft by stalwart chiefs.

In early times the staffs or poles were decorated with ivory, bone and tortoise shell, and the cylinders of feathers of native birds were distinctly patterned to be immediately recognizable, even from afar, as to the rank and family lineage of the approaching chief or chiefess.

And, importantly, within the processional ritual is a *chanter*—for in old Hawaii, as in early Greece and Rome, special events and important personages were the subjects of oratory. This form of expression in Polynesia was the chant—and through it, history and tradition were perpetuated.

Our chanter for this occasion was chosen for his skill in this highly specialized art. Too, his ancestry may be traced back to the family of the king whom we are honoring.

We present Mr. Ka'upena Wong, descendant of Chiefess Ka-ha-'opu-lani, foster-mother of Kamehameka I. Mr. Wong, of Hawaiian, Chinese and Caucasian ancestry, will chant to Kamehameha, extolling the virtues and distinction of the King. (Mr. Wong's chant.)

KAMEHAMEHA

O Kamehameha lani kā'eu ke āno kapu,
O Ka haku manawa kapu ali'i kēnā
He alii no ka mu'o lani kapu o lono,
Nona ke kapu, ka wela,
Ka hāhāna I holo I luna o ka wēkiu
Lū ka ōla'i, naue ka honua,
'Oni ke kai, nauēuē ka moku,
'Ike I ka lepa kao a kalani,
Ha'awi wale mai o kahēkili
Ua lilo ia kalani nui keku'iāpo-iwa I ke kapu,
'Anapu wela ma ka honua mea,
He inoa
He inoa no kalani Kamehameha kapu ali'i he inoa
He inoa no Kamehameha

(English translation of Mr. Wong's chant)

KAMEHAMEHA

Kamehameha is chief, for him the profound Kapu,
A lord indeed, a sacred chief is he,
A chief from the highest and most sacred realm of Lono.
His is the Kapu, the fiery Kapu,
The burning Kapu that reaches the very heavens,
The earth quakes, it is set a-tremble.
The sea is disturbed, the land is moved,
And these are the signs of a mighty warrior.
A gift was given by the chief, Kahekili
It was carried away by the high chiefess
Keku'iapoiwa, the sacred one.
A flash of hot light over the earth is he.
We chant his praise.
We praise the king, Kamehameha, a noble chief, we praise him
We honor the name Kamehameha

Representing the youth of Hawaii, and having the high honor in unveiling the Statue of our King are two students from the Kamehameha Schools in Honolulu. These schools were named for Kamehameha the Great and are supported by the income from the royal lands of this dynasty of rulers.

Miss Catherine Cavaco, senior, is president of the Student Government of the high school division. She is of Hawaiian, Portuguese, English and Scotch ancestry.

Cadet Colonel Daniel Hano, also a senior, is of Hawaiian and English ancestry. He is the Brigade Commander of the Kamehameha School for Boys.

This statue soon to be viewed shows the king dressed in the garments which a Hawaiian ruler wore both for the affairs of state and on the battlefield.

A full-length cloak was made especially for Kamehameha by his subjects who tied some half-million small yellow feathers to a net of fine mesh. For eight generations, according to tradition, the bird-catchers searched the rain-forests for the seventy-thousand mamo birds needed to provide the feathers for his royal robe. After the men plucked a few feathers from each bird they released them that they might be free to grow more.

The helmet, also of rare feathers affixed to a sturdy frame of wickerwork and cordage, was the symbol of a ruler and a protection to his head in the Hawaiian hand-to-hand warfare.

Partly covering his simple loincloth and extending up and over his left shoulder, is a sash-like cordon. This feather-covered symbol of royalty was made for one of Kamehameha's ancestors, King Liloa, who ruled the island of Hawaii, according to oral history, about the years 1455 to 1485.

Sandals, worn in Hawaii only when travelers were on rough terrain, were braided or twisted from tough plant fibers. The sandals portrayed here are not copies from Kahehameha's time but suggest the general type of footwear used by him.

The King carries a hardwood spear as a symbol of his ability to defend himself. In the statue, Kamehameha is holding the spear in his left hand as a reminder that he brought wars to an end. His right hand is extended with palm open in a gesture of friendliness—the Hawaiian spirit of aloha. (The statue of King Kamehameha I is unveiled while the Kamehameha School choir sings "Hole Waimea.")

Senator INOUYE. Thank you very, very much. Before proceeding, I would like to recognize the presence of the two official representatives of the City and County of Honolulu, Councilman Herman Wedemeyer and Councilman Brian Casey. A few moments ago the very distinguished Minority Leader of the United States Senate had to leave the ceremonies because of pressing business. Mr. Dirksen has sent his greetings to the people of Hawaii. I would like to also present at this time a very distinguished American, the Majority Leader of the United States House of Representatives, the Honorable Carl Albert.

The statue of Kamehameha that we see here in this Rotunda is a duplicate of one of the most photographed objects in the State of Hawaii.

Originally created by the American sculptor Thomas Gould in 1880 the Kamehameha statue was unveiled in 1883 and has remained in view in front of the State Judiciary Building. The duplicate that we have here today was produced by a team of Mr. Clarence P. Curtis and Mr. Ortho Fairbanks of Salt Lake City. Mr. Curtis provided the technical knowledge and supervised the taking of the molds and Mr. Fairbanks coordinated the endeavor with the Commission and supervised the foundry work. I would like to recognize Mr. Curtis and Mr. Fairbanks at this time.

It is now my great honor to present to you, His Excellency, the Bishop of Honolulu, the Most Reverend John J. Scanlan. Bishop Scanlan.

Bishop SCANLAN. Senator Inouye, Distinguished Guests of Church and State:

It is with mingled feelings of pride and joy, the humility in a sense of unworthiness that we of the 50th State join this distinguished assemblage here today to honor Hawaii and one of its most distinguished adopted sons. It is my particular privilege to represent over 200,000 people of Hawaii who profess the same faith which Father

Damien professed. But, today, we join with all the citizens of the State of every creed and ethnic background and express for them our collective joy and pride that Hawaii Nei has this opportunity to place here in our Nation's Capitol the statue of one who exemplified in such an utterly convincing way the spirit of aloha. Humility takes possession of all of us on this unique occasion, for we know that the motivation which inspired the supreme involvement of Damien in the suffering and despair of Kalawao springs only from a greatness of soul which most of us do not have. We are humble in this proud moment for Hawaii because we have realized that the dedication, the unflagging courage, and unwearying love of God and man which Damien showed are the possession only of a few. His statue will stand here among the statues of the great men who each in his own way contributed to the building of America. This humble but sturdy farmer's son from the plains of Flanders takes his place here because his contribution to Hawaii, to America, and to all mankind was the greatest. They are faith, hope and love, but the greatest of these is love. Many of the great men who are represented here were men of faith and courage, hope and persistence. Damien also was a man of faith and hope, but especially of love. His claim to greatness is not in the wisdom which discovered that ordered administration and proper balance of authority given to us by the founding fathers of our Republic, and neither is it to be found in the daring adventure which opened up new areas in our broad land, nor in the military victories which preserved our union and our liberties. Damien's greatness is in the heroic example of Christian living which he gave to all. Life, liberty and the pursuit of happiness are human rights. For Damien, life meant losing it for the sake of Him who said "he who loses his life for my sake shall find it." Liberty meant shutting himself up in his prison at the foot of the cliffs of Molokai for 16 years that he and his charges might possess the liberty of the sons of God. His pursuit of happiness was paced for eternity for his faith told him the age old experience of mankind—that the human spirit is not satisfied with even the best that this life can offer. Accordingly, he witnessed to his Divine Master in an extraordinary degree.

Where there was suffering, he brought alleviation. Where there was despair, he brought hope. Where there was ugliness and deformity of flesh, he brought beauty of soul. In that place where it was said that there was no law of God or man he showed what could be gained by humble obedience to a Heavenly Father. Where the living death of leprosy made life meaningless and without purpose, he showed man the vision of life eternal and the privileged way of the suffering pilgrim.

It was written of him by one who did not share his faith but who saw and admired his greatness of soul that he stepped into battle under the eyes of God to succor the afflicted and console the dying. He himself was afflicted in his turn and died upon the field of honor. Greater love than this no one has.

Our country today is blessed beyond measure with the material things made possible by the intelligence, energy and industry of our people, but we need greater values for the human spirit. We need the understanding of and the dedication to the values to which the life of Damien gives witness. We need the recognition of the value of human life itself from its very beginnings. We need the recognition of the dignity of the human person, even the poorest and most wretched. We need a humanity possessed of a pity which is not condescending and of a humility which thinks of duties before rights. We need that attitude of mind which leads to a faithful personal adherance to the blueprint for living given to us in The Ten Commandments and in the Sermon on the Mount. It includes a sense of justice. It means an intelligent patriotism. It contains the simple virtues indicated by home and altar which make for true greatness. These values are not merely ideals to be admired. It is not true that they are beyond the reach of men. They must be reached and put into practice if the civilization which was built on them is to be saved. Damien, human in his short temper and impatience, human in his stubborness, but with the mark of divinity in his loving concern for the most wretched of men and women, speaks now from this seat of civil government of the Nation and the word he utters is the Hawaiian word which expresses what is noblest and greatest in us all—it is Aloha.

Senator INOUYE. Thank you very much Bishop Scanlan.

In a selection process involving sixty-six leading sculptors of this world, the Statutary Hall Commission in the State of Hawaii selected a most distinguished modernist of international renown. It is now my pleasure to present to you, the artist, Miss Marisol Escobar. Miss Escobar.

Marisol ESCOBAR. I am very grateful that I was asked to do the sculpture of Father Damien because I am very touched by his story. From all the photographs they sent me from Hawaii, I chose very naturally the most interesting one to me, which was the one taken when he was older. He had more character when he had fulfilled himself.

I did the sculpture exactly the same size in wood because I always work in wood and it was the way in which Father Damien liked to work also. The final work was cast in bronze in Italy. I did the sculpture simply, directly, and sturdily because I thought these must be the qualities that Father Damien had in order to devote himself so completely to the lepers. I hope that the people of Hawaii will come to find it a fitting tribute to this Holy Man.

Senator INOUYE. Thank you very much Miss Escobar.

To unveil the statue of Father Damien of Molokai is the Reverend Father Ernest Claes of the Sacred Hearts Order. Father Claes is related to Father Damien. He was baptized with the name of Damien. And Father Claes joined the same congregation and followed his illustrious relative in serving the people of Hawaii spiritually. He has been a priest in Hawaii for the past 39 years, and is deeply respected and loved by all of us in Hawaii. May I now call upon Father Claes to unveil the statue of his relative, Father Damien.

(The statue of Father Joseph Damien De Veuster is unveiled while the Kamehameha School Choir sings)

Senator INOUYE. May I draw your attention to the pedestal of the statue of Father Damien. You will note that emblazoned is the jeweled insignia of the Order of the Knight Commander of the Royal Order of King Kalakaua. This medal was bestowed on Father Damien by Her Royal Highness, the Princess Regent Liliuokalani. The word *keola* means "the salvation", "the life", or "the health." We believe this is most fitting considering the service provided by Father Damien to the people of Hawaii.

And now representing His Majesty King Baudouin of Belgium is His Excellency Baron Louis Scheyven, the Ambassador of Belgium. It is my pleasure and my great honor to present to you, His Excellency Baron Scheyven.

Ambassador SCHEYVEN. Mr. Speaker, Distinguished Guests, Ladies and Gentlemen:

Here is a message I received from His Majesty The King of the Belgians.

"In this shrine of the American Nations, where each State of the Union has the privilege to be represented by the effigy of two of its most eminent sons, the State of Hawaii has chosen, in association with the memory of one of its Kings, my countryman Joseph De Veuster, Father Damien, known to the entire world for his exemplary life and death at Molokai.

This moving tribute deeply touches Belgium. In the name of my country, I wish to express gratitude to our American friends and especially to the people of Hawaii, who, more than thirty years ago—in 1935—agreed that Father Damien's remains leave the isles where he devoted so many years of his life and come to rest forever in his native land.

Today, by paying exceptional homage and acknowledging as one of their own the man who, some time ago, gave them his life, the Hawaiian people remind us that fraternity and love among mankind know no boundary.

With this noble idea, we associate ourself with all our heart."

BAUDOUIN,
King of the Belgians.

And now, Ladies and Gentlemen, I wish to tell you a very moving story about Damien's boyhood. When he was a schoolboy, every night before he would fall asleep, his dear mother would read to him a chapter from a large book she would lay across her knees. The title of that book was the Lives of the Holy Martyrs and Hermits. And so, one day, the young Damien, when he was on his way home from school, decided to turn his companions and himself into hermits. They stopped in the woods to practice silence, recollection and prayer until nightfall. He was only 8 years old at the time. Now, later on, when Damien made up his mind to embrace the religious life, (he was then 18 years old), he sent a letter to his parents which has been kept: "If God calls me, I must obey. In refusing to answer the Divine call I should be exposing myself to eternal ruin. As for you, the good God could punish you severely for your opposition to me following His will."

And I want to remind some of you and to tell all of you that when it was possible, in 1936, for the body of Father Damien to come back by boat to Belgium, the King and the Cardinal, as well as the American Ambassador and all authorities were present in Antwerp and joined in the people in greeting Father Damien's body as it touched Belgian soil there. According to reports and articles I read upon their publication the day after the ceremonies, the estimates were that more than one million Belgians had made the effort to follow the long cortege from Antwerp to Tremeloo where Damien's body was put to rest. And so he came home a hero.

Ladies and Gentlemen, we have here two heroes who were sent to this shrine by that wonderful State of Hawaii. One is a King and one is a leper. And as a Belgian hero enters the Capitol this evening, I want to thank the authorities concerned for having made that entry of a countryman of mine possible. If ever any of you would be tired as I am, sometimes, of our own smallness, I strongly believe that we could and should find inspiration in the example given to the world by Father Damien—his devotion, his offering his life, a lesson which should benefit all of us. Ladies and Gentlemen, let us through his example, have enough strength, vigor and enthusiasm. Let us aim for higher things!

Senator INOUYE. Thank you very much Mr. Ambassador.

The Very Reverend Henry Systermans, the Superior General of the Sacred Hearts Order, has traveled from Rome to be at these ceremonies honoring one of the most celebrated members of his congregation. I wish to now call upon Father Systermans for his response.

Father SYSTERMANS. Your Excellencies, Distinguished Guests, Ladies and Gentlemen:

On behalf of the missionary family to which Father Damien belonged, I wish to thank the State of Hawaii for inviting me here today. This is indeed a great day for the people of Hawaii and for all men of good will all over the world who recognize the value of personal dedication and heroism.

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Father Damien De Veuster followed faithfully in the footsteps of his Master—the blind saw, the lame walked, lepers were cleansed, the good news was proclaimed. Most faithfully he realized the word and the example of his Master. "This is the greatest love a man can show," said Christ, "that he should lay down his life for his friends."

When Father Damien arrived at the settlement of Molokai in 1873, he was confronted with the state of affairs which would have terrified the bravest of men. Nearly 800 lepers were there huddled together in poverty and dirt, old and young, those who had pain and those who were heartily attacked by the disease, in horrifying promiscuity. A living graveyard indeed. He set to work at once, knowing quite well what was before him. Everything was to be done and he did everything. He took care of bodies and souls, for both needed his help. He provided food, clothing, medicine, water supplies and clean cottages for his unfortunate flock. When they died he often carried out their bodies in his hands or made their crude caskets with his own hands. He encouraged the stronger to do some gardening so that flowers might embellish the settlement. He organized processions and festivals with a band and songs just to help his lepers turn their thoughts from misery. Gradually, a new spirit came to life in the settlement. These most rejected of outcasts found hope and confidence again because they came to know that there was a man among them who cared. A man who loved them, a man of great heart, a man who had given up everything to go and live with them and to die as one of them. Since he had a strong faith in God, who is all love, he was moved by a simple and great passion—love for God and love for his fellow men. His love expressed itself not merely in empty wishes and thin words, but in deeds. He did not content himself with the assertion that his God was a God of love. He shouted it by his actions. He was a simple man. He speaks to us. We all can love our fellow men with simple and practical deeds. If I might borrow words from the Inaugural Address of President Nixon: "We need the energies of our people enlisted not only in grand enterprises but more importantly in those small, splendid efforts. With these we today can build a great cathedral of the spirit. Each of us raising it one stone at a time as he reaches out to his neighbor, helping, daring, doing." Thank you.

Senator INOUYE. Thank you very much, Father Systermans.

His Holiness Pope Paul VI is represented this afternoon by the Apostolic Delegate to the United States, His Excellency the Apostolic Delegate and Archbishop of Tarsus, Luigi Raimondi. May I present to you His Excellency.

LUIGI RAIMONDI. Mr. Senator, Mr. Speaker of the House, Bishop Scanlan, Distinguished Guests and Ladies and Gentlemen:

All through history, geniuses, prophets and saints have been held in high honor as the guiding lights of humanity. By their life and work, they became standard-bearers in the march of humanity. As a poet said: "God has stamped in them a greater mark of Himself."

Saints, in particular, are the embodiment of the highest moral ideals of perfection and spiritual nobility. By their selflessness and luminous example, they have been a constant inspiration and encouragement. In a true sense, they have helped to maintain faith in the basic goodness and worth of human existence.

In the endless variety of their manifestations, those who emerged as saintly figures have one characteristic in common: love in its purest essence. Love expresses itself in giving. Saints have not only given of themselves, but have given themselves in the service of God and their brethren.

Father Damien is certainly in that category of extraordinary men. He lived his life of love and dedication in a most heroic yet unassuming and self-effacing way. He lived for others: those whose needs were greatest. He brought to the lepers of Molokai the riches of his spirit, the warmth of Christian charity. He radiated light and hope where there were suffering, darkness, and despair. His life has been an epopoeia of love. His work reveals the greatness of his soul. His example will shine forever.

We who have gathered in this august place, the center and heart of the Nation which honors his memory, as well as that of another outstanding figure in Hawaiian history, are conscious of the greatness of this humble missionary from Belgium and of the debt of gratitude that we owe him.

We congratulate the officials of the State of Hawaii for entrusting the memory of these two distinctive figures to the admiration and gratitude of the American people. Enshrined, so to speak, in the Nation's Capitol, they will be revered along with many others who have contributed to the greatness of the country and who will continue to inspire new generations.

Senator INOUYE. Thank you very much Your Excellency.

Because of a problem of great gravity and urgency the Governor of the State of Hawaii has found it impossible to be here with us this afternoon to personally present to the people of the United States these two statues. Representing the Governor of the State of Hawaii, the Honorable John A. Burns, I am pleased to present to you, Mr. Myron Thompson, his Administrative Director. Mr. Thompson.

Mr. THOMPSON. Your Excellencies, Distinguished Guests, Sons and Daughters and Friends of Hawaii Nei. Aloha e na hoaloha, na makamaka, a me na oiwi o Hawaii, aloha ka kou.

(Greetings to acquaintances and friends with whom I break bread with and native Hawaiians—aloha to all of us.)

It is with profound pride and great joy that I present to our Nation today, a gift from the people of the sovereign State of Hawaii, in the form of bronze statues of the two most distinguished citizens in the history of our Islands. King Kamehameha the Great and Father Damien have been judged eminently worthy of a place of honor among the greatest heroes of the United States. They will henceforth be enshrined with George Washington, Ethan Allen, Henry Clay, Andrew Jackson, Robert E. Lee, Pere Marquette, Sequoya, Father Serra, Daniel Webster, Brigham Young and scores of other great men and women whose lives formed the foundation stones of America.

Two aspects of our gift giving are especially to be noted on this historic occasion. First, these statues represent the will and free choice of all the people of Hawaii, expressed through the democratic process which has distinguished our great Nation from those in which the power structure is controlled neither by the people nor for the people. By a non-violent petition, by public dialogue, by extensive legislative debate and by the full, free, and fair votes of the people's elected representatives, the citizens of Hawaii chose their two greatest heroes from a long list of illustrious candidates, and they selected in the same open manner the artist and craftsmen who were to prepare the statues that you see here. The second aspect of our gift giving is found in the two remarkable men selected as the noblest in the unique history of our Pacific Island State. We have chosen a Polynesian High Chief. We now rightly call him King because of his extraordinary achievement in uniting for the first time communities of all the Hawaiian Islands under his supreme dominion. He was a king by reason of his birth among the "Alii" or ruling chiefs of his home island. He was king by right of contest and conquest. He was king by reason of his natural courage, his ability to govern well, and his exceptional native wisdom. This wisdom was tested to the utmost when profound changes shook the native Hawaiian social structure after the unprecedented arrival of the strange white men from unknown lands in the ships of Captain James Cook. It was shortly after Cook's arrival that Kamehameha met another naval explorer, the Russian Von Kotzebue. He was so deeply impressed by Kamehameha that he wrote later and I quote: "He (Kamehameha) deserves to have a monument erected to him." This prophetic suggestion has been fulfilled. Kamehameha should not be caricatured by those who have not studied their history well. He was a king, and kingly, and is most worthy of national esteem. Hawaii has also chosen a European missionary for the honors of national Statuary Hall. Father Damien was a deeply humble, worker-priest of outstanding virtue. He freely chose as his way of life, for 16 years, the role of servant to the most neglected of the Hawaiian people—the suffering victims of leprosy on the Island of Molokai. He was a revolutionary who upset the comfortable lives of many in his time by his total and unwavering commitment to suffering humanity. His compassionate courage is legendary.

His name is revered around the globe. His greatness is in his simplicity and his spirit of poverty. This simplicity is aptly summed up in these few words from one of his letters to the Board of Health of the Kingdom of Hawaii, and I quote: "Kindness to all, charity to the needy, a sympathizing hand to the suffering and the dying." The millions who will visit these statues this year and in the future will see in the Marisol statue of Father Damien the face of a leper and the face of a saint. It was Robert Louis Stevenson who prophesized that 100 years after Damien's death the process of his canonization would be under way. Today, on this memorable occasion of the 80th Anniversary of Damien's death, that prophesy has been fulfilled. Not only is Damien revered by his own Church, but his memory is made even more glorious by the tribute which the State pays to him for his humanitarianism. In this we see the ideal relationship of Church and State, neither union nor separation, but cooperation and mutual respect.

In King Kamehameha and Father Damien of Hawaii, heroes representative of the cultures of both the Atlantic and Pacific hemispheres, we have symbols of the basic unity and oneness of a human family. Our State of Hawaii, observing this year the 10th anniversary of statehood, recognizes that it is blessed among the communities of the globe in the harmony which characterizes our society and its resultant broader vision of that world. In the legacies left to us by such heroes as Kamehameha and Damien, we find the inspiration to believe that harmony among all races of mankind is God's clear mandate to all of us. In their lives we have found the examples of wisdom, of courage, respect and service to our fellow men which transend all narrow boundaries of national origin, creed and color of skin.

Today, we give to the United States and to the world, in these statues, in the lives of Kamehameha and Damien, evidence of the truth of our Hawaii State Motto—Ua-mau-ke-ea-o-ka-aina-i-ka-pono. The life of the land is perpetuated by righteousness. Aloha pumehana kakou—May love abide with us all. Thank you.

Senator INOUYE. Thank you very much.

The statues of Father Damien of Molokai and Kamehameha the Great will be accepted in behalf of the people of the United States of America by a great American, the Majority Leader of the United States Senate and the senior Senator of the State of Montana, the Honorable Mike Mansfield. Senator Mansfield.

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Senator MANSFIELD. Mr. Ambassador, Mr. Speaker, Your Excellencies, Very Reverend, Reverend Fathers, Beloved Sisters, Members of the Clergy, Our Fellow Citizens, My Fellow Americans:

The men and women portrayed in stone in the Capitol are an inspiration to the countless Americans from all parts of our Nation who visit this building and this hall each year. In this honored group, we now add the sculptured figures of the two remarkable men who have been chosen for inclusion by the people of Hawaii what it is today—a great contributor to the strength and progress of the Union. It is fitting that the men who are honored today were a European and an indiginous Hawaiian. In their different national and racial origins, they mirror the melting pot as it has existed so uniquely in the 50th State. In Hawaii, races not only lived in harmony with races but more and more and in a higher sense they lived without race. The man responsible for the political integration of the Hawaiian Islands, King Kamehameha, and the man who exemplified the humanitarian spirit that characterizes Hawaii, the Belgian Father Damien, richly deserve the honor we pay them on this occasion.

Kamehameha the Great was determined in war and just in peace. He brought the warring islands for the first time under one roof. He reigned with wisdom, understanding well the needs and aspirations of his peoples. He led them to higher levels of economic well being and political stability by encouraging agriculture, industry, and efficient administration, and by the act of seeking a friendship with foreigners to whom he extended Hawaii's traditional aloha, a heartfelt warmth of welcome to the stranger. For his acts of enlightened leadership, Kamehameha the First is remembered with respect and admiration throughout the State. And Kamehameha is the first monarch to be honored in these hallowed halls of democracy. The supreme Christian charity of Father Damien will remain a profound inspiration to Hawaiians, all Americans, and to all mankind.

Dedicated to the service of God and to all of God's children, Father Damien devoted his life to the victims of leprosy on the Island of Molokai. There compassion and tireless self sacrifice brought physical comfort and spiritual hope to the afflicted and dying. For his reward, he accepted with religious ecstasy his own death as a leper.

These were great men of a great State. I am honored to accept on behalf of the Capitol, therefore, the sculptured likeness of King Kamehameha the Great and Father Damien, who will henceforth represent the State of Hawaii in Statuary Hall.

Senator INOUYE. Thank you very much, Senator Mansfield.

And as we close this happy ceremony, I wish to recognize the young ladies and gentlemen who participated in these ceremonies. All of these young girls and boys are students of a school named after the Great Kamehameha. Opened in 1887, in fulfillment of a will of Princess Bernice Pauahi Bishop, the great granddaughter of the King, Kamehameha School presently has an enrollment of over 3,000 students.

May we give a special applause for our young friends here.

And now may I call upon the Apostolic Delegate to the United States for the benediction. Will you all rise?

Luigi RAIMONDI. Merciful and eternal God, we are grateful for all the great things we have been witnessing today in commemorating the memory of great men who have aided their country and given a great example to follow to each one of us, gathered here from many countries, many races. We recognize your paternity. We recognize that we are your children. And we strive to see in each here one of our neighbors the reflection of your protections, particularly your love. We ask you to help us to live in paternal harmony, understanding and love. AMEN.

Senator INOUYE. The anthem of the State of Hawaii, Hawaii Ponoi, was the anthem of the Kingdom of Hawaii, the Republic of Hawaii, the Territory of Hawaii, and now the State of Hawaii. May I call upon the United States Marine Band for Hawaii Ponoi.

To close this ceremony, the people of Hawaii would wish to present to you our most sacred word. A word that means hello and goodbye, but most importantly it means I love you. To all of you—Aloha. (The United States Marine Corps Band plays Hawaii Ponoi)

THE PHILADELPHIA PLAN

Mr. BROOKE. Mr. President, a most significant decision was taken yesterday by the Nixon administration—one which deserves our recognition and support.

For many weeks a controversy has swirled about the so-called Philadelphia plan, an equal opportunity compliance program first put into effect in the Philadelphia area in July of this year. Under this program, designed to implement a 1965 Executive order requiring equal employment opportunity in Federal contracts and federally assisted construction work, six construction trades were required to set specific goals for the utilization of minority employees, and to make every good faith effort to reach those goals.

Yesterday, in a joint press conference, the Secretary of Labor and the Attorney General disposed, once and for all, of the specious argument that the plan was illegal because it violated a provision of the Civil Rights Act declaring that race and national origin could not be used as a factor in employment. According to the Attorney General:

> There is no inherent inconsistency between a requirement that each qualified employee and applicant be individually treated without regard to race, and a requirement that an employer make every good faith effort to achieve a certain range of minority employment.

In his statement, the Attorney General recognized the fact that the construction unions are often in a position not only of discriminating against minority workers, but of dominating the hiring system as well. Such practices make it nearly impossible for qualified blacks to obtain jobs on federally financed construction projects. An attempt to overcome such practices could never be "discriminatory."

Secretary Shultz has fought long and hard for equal opportunity in the construction trades. Yesterday's joint announcement represents a major victory. It is a victory for the minority workers, who will now find their employment opportunities expanded as the Philadelphia plan, or modifications thereof, take root in other cities. It is a victory for the Department of Labor, and for the administration, which has recognized the roots of discontent among America's poor and its minorities and has taken steps to answer this discontent. But most of all, it represents a victory for America itself, for it is the beginning of a clear commitment to equal employment opportunity, and with employment can come the essentials of a better life for all Americans.

CUTBACKS IN HEALTH RESEARCH FORCES WRECKING THE MORALE OF HEALTH SCIENTISTS WORKING FOR GOVERNMENT

Mr. YARBOROUGH. Mr. President, we in the Senate have an obligation to the people of this country to protest vigorously the callous cutbacks the administration is making in the Nation's health programs.

The announcement that there will be a cutback this year in research in many chronic diseases and a termination of much of this research next year is one of the most heartless pronouncements the administration could make.

This administration is saying that to save a few dollars it is willing to put an end to research which might find a prevention or a cure to many of the killing and disabling diseases. A cutback in research in heart disease and cancer means countless more Americans are being condemned to suffer from these chronic, killing diseases.

Dr. R. Lee Clark, medical director of the University of Texas M. D. Anderson Hospital in Houston, has stated publicly that most major forms of cancer could be conquered by the year 1976 if we would but make it a national goal. But the announced cutbacks in research indicate this administration has given the lives of those now suffering from cancer and the future victims of cancer a low priority in its evaluation of what is and what is not important.

Instead of having a cure for cancer by 1976, the 200th birthday of our Nation, this administration appears to be on a course of dragging out a war in Southeast Asia until 1976.

While the American people are undoubtedly perplexed by this administration's decision to say, virtually, it is giving up on trying to solve the great health needs of America, the professionals in the health field are dismayed and disheartened.

Mike Causey, writing in the Washington Post Wednesday, September 24, 1969, reports of the breakdown of morale among the scientists in the Department of Health, Education, and Welfare, as cutbacks are ordered in research programs. Many of these talented people, Mr. Causey says, have decided to leave the Government because of the cutbacks. It will take years to reassemble these research teams once they have been broken up.

It is imperative that this Nation examine its priorities, find where its emphasis is, decide if it is going to forsake the health and welfare of the people and downgrade the quality of life in these United States and do all of this to provide the billions of dollars spent on a war in Southeast Asia.

Mr. President, I ask unanimous consent that the article by Mr. Causey be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEW CUTS HIT MORALE OF ITS SCIENTISTS

(By Mike Causey)

Program cuts—real and rumored—have hurt employee morale at the Department of Health, Education and Welfare. The result is that many young scientists in the agency are looking for other jobs, and long-time program managers have been advised to find some place (other than where they are) they might be useful.

The National Institutes of Health has been told to make a 5 per cent cut in continuation grants—on-going research programs, and a 10 per cent reduction in new grants. This will mean cutbacks in research in such chronic disease programs as heart, cancer, diabetes, and other major medical programs. Officials say the cutbacks won't affect research in nutrition, smoking and health and kidney disease.

But some of the best talent, young and old, at NIH are involved in the heart and cancer programs. Many of the young scientists—doing their military hitch with the Public Health Service—have already decided to leave the government because of the program cutbacks.

Administrative workers are also worried about the phasedown of many programs in which they've spent entire careers. Rumor has it that their budgets will be cut up to 20 per cent, and officials can't promise them that entire programs won't be shut down.

HEW itself is in a bind because Congress still hasn't approved its budget. It is operating at last year's financial level, unsure what Congress will finally vote it and what further cuts the Administration will make because of increased Medicare and Medicaid costs.

Officials who would like to head off mass resignations (that is failure to re-enlist) within the Public Health Service can't promise the young doctors and other scientists that programs they've been working on will be continued. Many of them have decided to go with universities—which will operate off federal grants—or to go into private practice where the money, if not their hearts, is to be found.

Another result of the cuts is that scientific and professional people—at PHS and the Consumer Protection and Environmental Health Services—have been shunted to administrative and clerical duties.

THE MILITARY CONSTRUCTION AUTHORIZATION BILL

Mr. GOLDWATER. Mr. President, during the recent debate on the military authorization bill, I commented several times that the debate was more than due and that it could result in good for the country. Now that it is over, I have some doubts about my observations, for in reviewing the RECORD I find practically nothing mentioned by those opposed to the committee bill as to the threat involved. Nor did I hear or read anything about the defense of our people, our country, our freedom.

The current issue of Air Force Space Digest contains an editorial, written by John Loosbrock, which gets pretty close to the feelings I have on reviewing those eight long weeks. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NEW POLITICIANS AND THE DEFENSE BUDGET

(By John F. Loosbrock)

In a remarkably illuminating analysis, beginning on page 46 of this issue, Senior Editor Claude Witze points out that the military budget debate has been turned into a symbolic exercise by those who would like to slash military expenditures drastically. The announced aim is to reduce tensions between the US and USSR on the one hand and, on the other hand, to spend more public money on the economic and social problems that plague the nation. For lack of a better term, we will borrow, and abbreviate, Herman Kahn's term for this group. Kahn calls them, collectively, the New Political Milieu. We will refer to them as the New Politicians, since the old words, liberal and conservative, simply do not apply in this context.

What has happened, in our judgment, is that the New Politicians have been so blinded by their own oratorical smokepots that they overlook several important considerations that are pertinent to their own arguments and desires.

Central to any discussion of national security policy must be a threat. No one wants a military establishment for its own sake, least of all those who serve in it, whether willingly or unwillingly. There is no nobility in make-work or featherbedding. The New Politicians either ignore the threat or downgrade it. There is room for argument here, of course, but the solid evidence of any mellowing of Communist aggressive aims is hard to find. We do not find it in Vietnam, nor at the Paris peace table, nor in Czechoslovakia.

The New Politicians say the national security budget is swollen. It is big, for a fact. No one calls $80 billion a piddling sum. But the New Politicians like to ignore what has made it so big. Certainly it is not the advanced, high technology, strategic systems such as ABM, or AMSA, or improved missiles. We are spending less, relatively and absolutely, on strategic systems now than we were back in 1959.

No, it is Vietnam that has swollen the military budget. And how did this come about? Vietnam is a direct outgrowth of theories of limited war gleefully seized on by the New Politicians of 1961 as an alternative to John Foster Dulles' "massive retaliation." The new strategy became coupled with the self-proclaimed ability of former Secretary of Defense, Robert S. McNamara, a New Politician in his own right, to manage the war without straining either the pocketbooks or the patience of the American people. It was this combination that inflated the defense budget to its present size.

The New Politicians say that the money can be better spent in solving such problems as poverty, housing, education, and transportation. This view, however desirable, is fallacious on several counts. As Ernest W. Lefever, a serious advocate of arms control, disarmament, and peace, has indicated, such savings are more likely to go into tax reductions than into domestic welfare programs. Indeed, Lefever points out the high inconsistency of the New Politicians when they ignore the historical truth that social programs have fared much better in times of large military budgets than in times of reduced defense spending.

In their criticisms of cost overruns and other examples of so-called military inefficiency, the New Politicians imply that there is little waste, inefficiency, or corruption in nonmilitary government spending. But there has been no Billie Sol Estes in the defense business since World War II. And what about the welfare check scandals in New York when the money wound up in Swiss bank accounts instead of in the pockets of the poor? Or a recent case in Washington where both the government and the Ford Foundation were swindled out of hundreds of thousands of dollars that were supposed to be used to make artisans out of welfare recipients? Simply because the defense budget is so big, the military has evolved a procurement expertise unmatched elsewhere in the government. In truth, the socially oriented agencies would not know how to spend $40 billion wisely if they got it tomorrow. They probably would have to turn to the professional military managers, just as NASA did with Apollo.

Most important of all, and a point completely ignored by the New Politicians, is the beneficial impact of high technological risk programs on the economy that must feed, clothe, house, and educate our people. Advanced technology projects demand machinery that will run hotter, use fuel more efficiently, weigh less, perform more functions with greater precision, last longer, and be more reliable.

All this is what generates new ideas, new concepts, new products, and more jobs. Drying up the well of technological demand is self-defeating, as the New Politicians will discover if they have their way. Direct expenditures for welfare are necessary, but they are a quick fix that does not solve the basic problem. If technology does not move ahead simultaneously, the quick fix becomes a permanent panacea, and eventually there is no money to finance it.

Ask the British.

BRITON WARNS OF RUSSIA'S BROTHERLY GUISE

Mr. DODD. Mr. President, recently the Washington Post published an article by Hugh Seton-Watson, one of the top British authorities on Soviet affairs, which I found remarkable for its bluntness and for its commonsense quality. It was all the more remarkable because we live in an era when blinkered thinking has become fashionable and hard truths about the Soviet Union are frowned upon as unfashionable.

Professor Seton-Watson took particular issue with those Western "pseudoliberals," as he calls them, who believe that the United States and the Soviet Union "are converging," or are growing more and more alike, and who, accordingly, believe that the world will be a more attractive place if we accept its division into two vast spheres of influence, one Soviet, the other American.

Says Professor Seton-Watson:

> Enthusiasts for this noble vision will hardly be deterred by mere evidence. Soviet spokesmen addressing their own public invariably repudiate spheres-of-influence and convergence theories and insist on the complete impossibility of "ideological coexistence" between the "bourgeois" and "socialist" worlds. The essence of the sin of the Czech and Slovak Communists, from which they had to be saved by the invasion of half a million troops, was that they believed in ideological coexistence.

Professor Seton-Watson points out that the general tone of the Soviet press in recent months suggests that the bigots and fundamentalists have gained control, and that this is not likely to make for more peaceful policies. He raises the possibility of a Soviet invasion of Rumania, pointing out that the consequences of such an invasion would be unpredictable. He said:

> Particularly serious would be the danger of fighting spilling over into Yugoslavia. If Russian armies entered Slovenia, with both Austria and Italy in immediate danger, absolutely nothing can be predicted. The willingness of the NATO powers to put up with almost any degree of provocation is not in doubt. Unfortunately, such willingness is no guarantee against disaster.

I invite attention, in particular to the following paragraphs which I have excerpted from Professor Seton-Watson's article:

> Today, everyone in Central Europe sees that the fundamental fact is Russian exploitation, and that this exploitation is utterly odious, a force not of progress but of impoverishment and oppression.
>
> Central Europe is explosive today because

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it is oppressed. This oppression is not an "internal matter" to which the Western powers can be indifferent. On the contrary, it is the decisive factor for or against long-term peace in Europe, for or against the long-term survival of the Western European nations. As long as this oppression lasts, there cannot be a peaceful coexistence of American and Soviet spheres in Europe. If United States foreign policy does not recognize this, it will fail, and its failure will involve our common ruin.

The United States will not be able to achieve a durable relationship with the Soviet Union in the world as a whole until it can convince the Soviet leaders that oppression of the people of Central Europe and threats to the people of the Balkans are fraught with mortal danger, no less to themselves than to their victims. It may take a long time to convince them of this, but that does not remove the duty to persevere.

Mr. President, I ask unanimous consent that the complete text of Professor Seton-Watson's article, entitled "Briton Warns of Russia's Brotherly Guise," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITON WARNS OF RUSSIA'S BROTHERLY GUISE

(By Hugh Seton-Watson[1])

Recent events in Czechoslovakia inevitably recall those of 30 years ago. From a new Munich in August, 1968, we have moved on to a new Protectorate in August, 1969. Or perhaps a better parallel is with Vichy.

The men who now rule in Prague are mostly good Czechs or Slovaks trying to save their country, as the men who ruled in Vichy in 1940 were good Frenchmen trying to save France. Four years later power had passed to French traitors and torturers in the service of the occupying power. Whether this will happen in Czechosolvakia, no one can tell.

Their past record shows Svoboda and Husak to be morally stronger men than Petain and Laval. France's conquerors from 1940 to 1944 were fighting a world war, whereas the Soviet Union in 1969 is at peace.

Whether the Russians whom Brezhnev appoints as his gauleiters will be more humane than Heydrich remains to be seen. The last months have seen a depressing increase of the pressure on Husak to repudiate his people, and already some of the traitors and torturers of the 1950s are offering themselves for new service.

BENEVOLENT LOOK-ALIKES

Meanwhile, to a certain type of Western pseudoliberal, psuedo-scientific mind, the division of the world into two vast spheres of influence remains attractive. Western Europe, Latin America and Japan would fall into the American sphere, Eastern Europe into the Soviet. Hard bargaining would decide the lines of demarcation in the Middle East and Southern Asia, and with mutual goodwill, there could even be agreement about such awkward enclaves as Berlin and Cuba.

As this type of mind sees the world, the United States and the Soviet Union are two potentially benevolent giants whose social, cultural and even political systems are growing more and more alike. Their modern-minded statesmen can offer the world peace and material progress as the leaders of nation states, whether old or new, cannot.

If they stand together, they can keep the lesser breeds—conceited French, effete British, restive Czechs, barbarous Chinese and the like—in their place. Under their protective shield, big business and big Communist bureaucracy can march forward together to a scientific paradise of computers and gobbledygook.

Enthusiasts for this noble vision will hardly be deterred by mere evidence. Soviet spokesmen addressing their own public invariably repudiate spheres-of-influence and convergence theories and insist on the complete impossibility of "ideological coexistence" between the "bourgeois" and "socialist" worlds. The essence of the sin of the Czech and Slovak Communists, from which they had to be saved by the invasion of half a million troops, was that they believed in ideological coexistence.

Certainly the Soviet leaders insist on retaining their empire in Eastern Europe (which, of course, is not an empire, or a sphere of influence, but a socialist community of fraternal nations), but there is no question of their recognizing an American empire anywhere else. Our enthusiasts remain unconvinced.

What 200,000 Communist Party officials, from Brezhnev down to the secretaries of party branches in factories or collective farms, tell their subjects is all camouflage. The *real* views of the Soviet leaders are what some nice guy from the Soviet delegation at the U.N. said over a quiet drink or what an itinerant Midwestern scientist heard from some friendly academician in Novosibirsk.

WHEN SPHERES CRUMBLE

There is another type of evidence for which our enthusiasts have even greater contempt—the evidence of history. This shows that spheres of influence can work when the peoples allocated to a protecting power either genuinely accept its protection or are terrorized into submission, but that they break down when neither of these conditions applies.

For example, in 1878, the wisdom of Bismarck, the greatest statesman of the world of that time, allocated Serbia to the Austrian sphere and Bulgaria to the Russian. Neither nation was terrorized, but neither was content. Within a few years, each looked to the protector of its neighbor—the Serbs to Russia and the Bulgarians to Austria.

Far from consolidating Austro-Russian cooperation, the division of the Balkans into spheres of influence inflamed Austro-Russian hostility. The failure to consider the feelings of the peoples themselves in 1878 was a major cause of the world war which began in 1914.

Today, the Russians are hated in every country of Eastern Europe except possibly Bulgaria, but at the same time the people, especially the young, are not frightened as they were in Stalin's time. On the other hand, the Americans are hated in Latin America and increasingly resented in Western Europe, and certainly in neither region do they inspire much fear. The truth is that neither of the protecting powers is willingly accepted, and neither is the object of an effectively paralyzing fear.

Today, Europe is one of the most explosive parts of the world. This is especially true of Central Europe. The abject regime of Gomulka, subservient not only to Russia but to the Red Prussia of Ulbricht, enjoys widespread contempt. It is true that, since the student demonstrations of March, 1968, the Poles have been quiet. It would be unwise to take this at its face value.

The tragic history of Poland since the 18th century partitions has a strangely cyclical character. Patriotic insurrection is crushed, heroics are discredited and a period of "realistic" cooperation with the conquerors follows. But this too fails as the conqueror proves incapable of generosity, and cooperation in its turn is discredited, a new generation grows up which did not experience the last tragedy and a new insurrection occurs.

History never repeats itself in detail, whether as tragedy or as farce, but there are patterns which tend to recur. Poland in 1969 is a very uncertain and dangerous country.

A TRANSFERRED CONTEMPT

In Czechoslovakia, the predominant feeling is hatred and contempt for the Russians, something quite new in the history of the Czech and Slovak peoples. Indeed, their attitude may be roughly compared to their parents' attitude to the Germans in 1939, before the Nazis had begun their rule of terror.

The Czechs and Slovaks are not likely to provoke their occupiers, but it remains to be seen whether provocation will come from the Russian side in the form of mass arrests, deportations, show trials and the like. There is already ominous talk of preparations to victimize those who organized passive resistance in August, 1968. The effect of such action on a new generation which does not remember the humiliations of 1938 and 1948 is unpredictable.

As for the Hungarians, they too remain quiet, and their rulers are without doubt more humane and intelligent than those of their northern neighbors. However, the hatred and contempt of Hungarians, Communist or not, for the Russians lies close beneath the surface of political life. Finally, the potentially explosive character of Eastern Germany is too well known to need elaboration.

In the Balkan states, the internal situation is more stable, and the main danger comes from outside. It is, of course, true that there are social, political and national discontents in both Rumania and Yugoslavia, but it is also true that both governments can count on widespread patriotic support. Bulgaria, the only remaining example of the Slav version of *Niebelungentreue,* appears undisturbed by internal stresses; appearances may or may not be deceptive.

The Rumanian government has hitherto shown a remarkable combination of firmness and prudence. Ceausescu insists on Rumania's sovereignty but avoids provoking the Russians. It does not follow, however, that his statesmanship will save his country

If Rumania were invaded, and if its army were to resist at least for some days, the consequences are unpredictable. Particularly serious would be the danger of fighting spilling over into Yugoslavia. If Russian armies entered Slovenia, with both Austria and Italy in immediate danger, absolutely nothing can be predicted.

The willingness of the NATO powers to put up with almost any degree of provocation is not in doubt. Unfortunately, such willingness is no guarantee against disaster.

In 1945, Central Europe was crushed and exhausted, but it was also full of utopian longings and hopes. The Russians then behaved brutally, but there were still many Central Europeans who believed that they were liberators, and that Russian misbehavior was a temporary price to be paid for the lasting benefits of socialism.

Today, everyone in Central Europe sees that the fundamental fact is Russian exploitation, and that this exploitation is utterly odious, a force not of progress but of impoverishment and oppression. The Russians do not admit this to themselves.

They know that in 20 years, seven out of the eight states of the region have rebelled against them in one form or another. This hostility cannot be due to any fault of theirs: "as is well known," Soviet policy is based on pure disinterested love of peace, on fraternal love and on unselfish aid to the socialist brothers.

The source of the hostility must be external; it is an infection from the West, especially from West Germany. Western observers are often puzzled by the fact that Willy Brandt's *Ostpolitik* aroused more frenzied hostility in Moscow than Adenauer's rigidity.

The explanation is simple. Translated

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[1] Professor of Russian history at the School of Slavonic and East European Studies of the University of London, Seton-Watson is the author of many books on Eastern European and international politics. His article is reprinted from Interplay magazine.

from Communist double-talk, the revanchism and aggression of the Bonn government means the potential dissolving effect on Germany's eastern neighbors of friendly relations with a free and prosperous Germany. Western Germany represents to the Soviet leaders today exactly the same kind of threat as free Czechoslovakia represented to Hitler's Third Reich.

A RUPTURED WEST

At the same time, this Western Europe which is the source of the infection of liberty is itself internally divided and weak. France nearly collapsed in May, 1968, and de Gaulle's departure leaves the future quite uncertain. In Germany, a weak leadership, subject to alternating bouts of guilt feelings and nationalism, is challenged by the "extraparliamentary opposition" of the so-called left and the noisy antics of the NPD. As for the state of Britain, it defies comment.

The Soviet leaders are themselves weak, ignorant and divided, and the struggle for succession to autocratic power, built into the Soviet political system, presses them to compete with each other in belligerent patriotic postures. The general tone of Soviet public life in recent months suggests that the bigots and the fundamentalists have gained ground in both civil and military affairs. The views of these men on the way to treat Western Europe, which they must regard as both irretrievably hostile and irreversibly decadent, are not likely to make for peaceful politics.

The basic reason why Central Europe is explosive today is that the Soviet leaders refuse to respect its people's national identities and cultural traditions, or to permit its governments to ensure justice and personal liberty to their citizens. The Central European nations are not Russians; they cannot endure the slavery with which all but a small minority of Russians have been content for the last 700 years. The demand for personal and national liberty is endemic and ineradicable.

If it is satisfied, the Central European peoples will be perfectly willing to live at peace with the Russians and to maintain formal alliances with them. The Western European governments are also perfectly willing that these alliances should exist. Russia's general supremacy as a great power in Central Europe is not at issue; what is at issue is the liberty of the Central European peoples.

Central Europe is explosive today because it is oppressed. This oppression is not an "internal matter" to which the Western powers can be indifferent. On the contrary, it is the decisive factor for or against long-term peace in Europe, for or against the long-term survival of the Western European nations. As long as this oppression lasts, there cannot be a peaceful coexistence of American and Soviet spheres in Europe. If United States foreign policy does not recognize this, it will fail, and its failure will involve our common ruin.

RUSSIA'S INTEREST

A European observer may perhaps be forgiven if he is skeptical about Soviet benevolence toward the United States or doubtful as to the desirability of securing Soviet diplomatic help in Vietnam at the expense of Europe and China. The American people and the Vietnamese people, North and South, have an interest in peace; the Soviet Union has no such interest. The interest of the Soviet Union is to go on fighting the United States to the last Vietcong soldier. When peace does come in Vietnam, it is as likely to be in spite of the Soviet Union as because of it.

The interest of the United States is to exploit the Chinese threat to Russia. It may be that the Chinese regime is more unpleasant than the Soviet, though this is very difficult to believe; it is certain that it is much less dangerous to the United States. China has ancient legitimate and deep-seated grounds for resentment against the imperialism of the czars and Bolsheviks.

It may or may not be impossible for the United States to come to terms with China. It is certainly odd that the sporadic U.S.-Chinese negotiations are conducted in the capital of Russia's most abject satellite. But if America cannot at present cooperate with China, that is certainly no reason for helping Russia against China.

Obviously there must be continued contact between Washington and Moscow, and obviously agreements between the two powers are desirable in a whole series of problems and regions. But if these contacts are pursued in the belief that the present leadership of the Soviet Union is in any sense friendly, peaceful or satisfied, they will merely strengthen the bigots and the fundamentalists and harm those Russians, inside or outside the Communist Party, who are struggling for humane policies. They will thereby make the situation of the United States worse, not better; they will further undermine the shaky foundations of world peace, not strengthen them.

The United States will not be able to achieve a durable relationship with the Soviet Union in the world as a whole until it can convince the Soviet leaders that oppression of the people of Central Europe and threats to the people of the Balkans are fraught with mortal danger, no less to themselves than to their victims. It may take a long time to convince them of this, but that does not remove the duty to persevere.

Both the Soviet and American leaders would do well to remember the fate of Nicholas I, Izvolsky, William II and Hitler, and to change course before it is too late.

APPOINTMENT OF PRESIDENTIAL TASK FORCE ON INTERNATIONAL DEVELOPMENT

Mr. JAVITS. Mr. President, the White House has now made public the names of 15 distinguished Americans who will comprise the Presidential Task Force on International Development, which has been established under the authority of my amendment to the Foreign Assistance Act of 1968. This distinguished committee of private citizens, chaired by Rudolph A. Peterson, president and chief executive officer of the Bank of America, will review the aid program of the United States to provide new directions for this program as we enter the critical 1970's—the second development decade.

The naming of this panel comes at a most auspicious time. On a worldwide scale programs of developmental assistance are under review. I refer to the Jackson capacity study going forward under the auspices of the United Nations and the Pearson commission study which has been requested by the World Bank. Central to all these reviews is the fact—and this perhaps may be the key moral problem facing the world in the 1970's—that the gap is growing—the "rich" nations are growing richer while the "poor" nations are growing poorer. Aside from the problem of environmental pollution, there, perhaps, will be no greater problem facing the world in the coming decade.

The naming of the Presidential task force is auspicious for another important reason. Recent polls have clearly revealed not only that the popularity of our foreign aid programs is declining, but also that there is a great misunderstanding among Americans regarding the scope and size of our aid programs. Few realize that our aid programs have consistently used only less than 1 percent of the goods and services that this economy produces each year—a far smaller percentage than many other industrial nations devote to their aid programs.

I congratulate the distinguished public citizens who have been appointed by the President to develop new directions in our foreign assistance programs consistent with the overall foreign policy of the United States and at the same time to mobilize and inform public opinion about the size and mission of our foreign assistance programs.

I ask unanimous consent to have printed in the RECORD a press release from the White House under today's date.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

WHITE HOUSE ANNOUNCEMENT

The President today announced the full membership of the Presidential Task Force on International Development, which will be chaired by Rudolph A. Peterson, President and Chief Executive Officer of the Bank of America.

When the President announced the appointment of Mr. Peterson on September 2, he directed the Task Force to focus on the underlying rationale of the United States aid effort and its relationship to over-all United States foreign policy. The President has charged the Task Force with developing a new U.S. approach to aid for the 1970's for presentation to him next February. It will hold its first meeting on September 24.

The members of the Task Force are as follows:

Earl L. Butz, Vice President and former Dean of Agriculture, Purdue University, Lafayette, Indiana

William J. Casey, Partner, Hall, Casey, Dickler, and Howley, Roslyn Harbor, New York

Terence Cardinal Cooke, Archbishop of New York

John E. Countryman, Chairman of the Board, Del Monte Corporation San Francisco, California

Thomas B. Curtis, Vice President and General Counsel, Encyclopaedia Britannica, Inc., Chicago, Illinois

Ralph Burton Gookin, President and Chief Executive Officer, H. J. Heinz Co., Pittsburgh, Pennsylvania

William T. Gossett, Immediate Past President, American Bar Association, Bloomfield Hills, Michigan

Walter A. Haas, Jr., President, Levi Strauss & Co., San Francisco, California

Gottfried Haberler, Professor of International Trade, Harvard University, Cambridge, Massachusetts

William A. Hewitt, Chaiman of Board and Chief Executive Officer, Deere & Co., Moline, Illinois

Samuel P. Huntington, Professor of Government, Harvard University, Cambridge, Massachusetts

Edward Mason, Professor, Harvard University, Cambridge, Massachusetts

Rudolph A. Peterson, Chairman, President, Bank of America, Piedmont, California

David Rockefeller, Chairman of Board, The Chase Manhattan Bank, N.A., New York City

Robert Roosa, Partner, Brown Brothers, Harriman, Harrison, New York

General Robert Wood, Retired, Staff Member, Research Analysis Corporation, Stafford, Virginia

TRIBUTE TO MR. JOHN CROOKER, CHAIRMAN OF CIVIL AERONAUTICS BOARD

Mr. CANNON. Mr. President, it is not a new nor a startling observation to note the amazing growth of our air transportation industry. We have come to accept air transport superlatives quite casually in any discussion of speed, distance, travel bargains, and aircraft size.

The Civil Aeronautics Board, the agency which regulates, promotes, and encourages the development of that industry, has recently come through a period of activity and accomplishment that can also be described in superlatives.

Mr. John Crooker's resignation from the CAB becomes effective the end of this month. In the 18 months since his appointment by President Johnson, the CAB has either decided, moved near completion, or initiated some of the most significant proceedings in years. They touch on domestic and international route development, development of the regional air transportation industry and development of regulation over the growing third-level air carrier industry, the air taxis and commuter airlines.

Domestically, the Board's route program during fiscal 1969 increased benefits to the public through authorization of first single-plane service, first competitive service and new nonstop service in markets where the growth of traffic warranted it. Local service carrier routes were realined to permit flexible scheduling and improved operating results. Major route extensions for local service carriers and grants of nonstop authority between pairs of points already served by these regional airlines also achieved effective subsidy reduction. Substitution of air taxi service for service provided by local service carriers and the Alaskan carriers in certain low-density markets was introduced where greater frequency of service would apparently result, and where the community involved supported the change. In turn, this afforded some relief to the regional and the Alaskan carriers in regard to costly equipment purchases.

Major international cases completed by the Civil Aeronautics Board in this period involved better air service to every continent on earth, and there were many large and complex domestic cases also decided.

Nor can we overlook the efforts at relieving congestion at some of the Nation's major air traffic hubs. This problem is not solved but the delays were less in the summer of 1969, contrasted with the summer of 1968.

In a look ahead at the congestion problem, Chairman Crooker spearheaded the recently completed study to identify the airports which will have the most serious congestion problems within the next 6 years.

I have enumerated but a few of the major areas of recent accomplishment by the CAB—accomplishment that has shown the mark of effective leadership by Chairman Crooker. He has done his homework—and has done it well. I want to commend and thank him for his service to our Government at this important juncture in the development of civil aviation, I know that my colleagues join me in this expression of appreciation.

THE SUPERSONIC TRANSPORT

Mr. CANNON. Mr. President, yesterday the President and Secretary of Transportation, John Volpe, gave the go-ahead signal on the supersonic transport. The President stated we would have a prototype in the air by 1972 and commercial operations by 1978. The aircraft will be able to fly at 1,700 to 1,800 miles per hour.

I am glad the President finally decided to go ahead. This gives the United States the chance to maintain its leadership in air transport, a lead we have held for half a century.

I must point out, as I did last April and again in May, that the international SST era began in December 1968 with the first flight of the Russian TU–144. This was followed in March of 1969 by the flight of the French Concorde, and in April by the British version of the Concord. These were first flights.

So, Mr. President, three supersonic transports are already in the air. It has been estimated that revenue passenger miles in the free world will increase at least sixfold between 1969 and 1990. It has been estimated that $125 billion worth of new commercial aircraft will be required to carry this traffic. Of this expanding traffic the SST market will total about $25 billion by 1990. It is estimated that the proposed American SST design can obtain at least $20 billion of this $25 billion market through the sale of at least 500 SST's, 270 of them to foreign airlines.

It is also estimated that the prospective direct employment for producing 500 SST's will involve approximately 50,000 additional people at peak production. There will be an additional 150,000 in industries connected with the production of the aircraft. The original investment by the Government of $1.2 billion will be returned by the sale of the 300th aircraft and an additional $1.2 billion will be paid to the Government by the time we sell the 500th airplane.

The return to our Government will be under contract by means of royalty payments, so it seems this unusual arrangement will give us a dollar profit in addition to more employment which in itself generates tax payments.

I am glad, Mr. President, that after starting, and stopping and stretching out this program, we are underway again.

GRASSROOTS REACTION TO THE NIXON SOCIAL SECURITY PROPOSAL

Mr. WILLIAMS of New Jersey. Mr. President, we in the Congress are now awaiting the full text of President Nixon's message requesting an increase in social security benefits. The only information we now have is that it will be a call for a 10-percent across-the-board increase.

The President's preliminary comments on the proposed increase were made at a White House ceremony for the signing of other legislation, and presumably he did not have time to provide pertinent details. It is to be hoped, however, that his forthcoming message will deal with fundamental issues related to the economic security of older Americans.

What, for example, are the Presidential intentions about minimum social security benefits? At present, a single individual can receive as little as $55 a month under social security, or a total annual income of $660. A 10-percent increase would raise his total income for the month by $5.50 and for the year by $66. Not much, and certainly not enough.

And what should be done about such matters as the earnings limitation under social security, the need for more adequate attention to widows, and other basic problems?

The Senate Special Committee on Aging, on which I serve as chairman, is now conducting hearings and studies on "The Economics of Aging: Toward a Full Share in Abundance." From all we have heard thus far, it has become increasingly clear that the economic security of today's elderly—and those in decades to come—is endangered by many problems, not the least of which has been our reluctance to face up to fundamental deficiencies in our social security system.

I intend to have much more to say on this subject after the President's message is sent to us, For the moment, I would like to introduce for the record two examples of grassroots reaction to the early statements made by the President on his intentions.

One is an editorial from the Trenton N.J., Times of September 19. The editorial quotes one of the findings of our committee study—that three out of 10 Americans over 65 live in poverty—and rightly describes that as a shameful record. It also concludes that the "Nixon proposal isn't good enough."

The other item is a perceptive article written by Mr. Robert Ambruster, Consumer Affairs Writer for the Sunday Record Call of Hackensack, N.J., on September 21. Mr. Ambruster shows that the budgetary problems of the elderly are not limited to central urban areas or poverty-stricken rural areas. He describes the very real problems encountered by the elderly in a suburban New Jersey county which is generally considered to be "well-off" and comfortable. But for the older residents of that area, the cost of living is a daily problem which is rapidly worsening.

I ask unanimous consent to have the two items printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Trenton (N.J.) Times, Sept. 19, 1969]

SOCIAL SECURITY: NOT KEEPING UP

Back in the summer of 1968, both major political parties pledged themselves to put into the Social Security system a feature which would make pensions for elderly Americans rise automatically with increases in the cost of living.

Nothing is as quickly forgettable as a plank in a party platform. But bipartisan agreement in principle, the rapid rise of living costs under inflationary pressures and the undeniable financial problems of many older Americans make it inexcusable to ignore this sensible proposition.

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A U.S. Senate study reported last month that three out of 10 Americans over 65 live in poverty—a shameful record.

The speed with which living costs have been increasing has caused President Nixon to plan a more liberal rise in Social Security benefits—10 percent instead of the 7 percent he proposed earlier. But he would push his proposed effective date from February back to April 1, 1970. The highest rate thus wouldn't cost any more money in fiscal 1970; nor, by the same token, would it put any more money into the pockets of the elderly trying to cope with higher food prices, higher rents, higher taxes, higher medical costs, etc.

The Nixon proposal isn't good enough. The last increase in Social Security benefits came Feb. 1, 1968. What group of government employees or union workers goes more than two years without a raise? Before he left office last January, President Johnson recommended an increase of 13 percent, which would do more to lift pensioners out of poverty.

Politicians from the President down like to be able to approve higher Social Security benefits during an election year. That understandable desire is a formidable obstacle to approving a benefit schedule that would rise automatically with the cost of living. But in fairness to older Americans, who too often become poor after they become old, it ought to be done.

[From the Sunday Record Call, Sept. 21, 1969]

SENIORS SHRUG AT "RAISE"

(By Robert Armbruster)

Even with President Nixon's proposed 10 per cent increase in Social Security benefits, retired people will still find it difficult to live in affluent America.

"Ten per cent of $80!" exclaimed Mrs. Clinton Horni, Bergenfield's welfare director. She says that in her town alone there are 142 persons over 65 with incomes of less than $1,000.

Nishan Krikorian, president of the Ridgefield Senior Citizens, said:

"It will be very nice to get the 10 percent, but I maintain that it should be a whole lot more. Senior citizens should get at least a 50 per cent increase if we are to live a normal life."

NATIONAL INDEX UP

The Consumer Price Index has gone up 27 per cent nationally and 30 per cent in the New York area since January 1959, but the Social Security benefits have gone up only 20 per cent.

President Nixon's proposal if passed by Congress, would go into effect next April, thus bringing the percentage of increases in Social Security benefits in line with the percentage in the cost of living—if there is no great increase in the cost of living between now and next April.

In the years since January 1959—during which Social Security benefits have gone up 20 per cent—gross wages in the private economy have gone up 46 per cent. But, with inflation and higher taxes, even the wage earner is not that much better off than he was 10 years ago.

Bureau of Labor Statistics figures indicate that net spendable earnings after taxes and adjusted to the cost of living for a manufacturing worker with three dependents are about 12 per cent higher than 10 years ago.

CLIMBED FASTER

For the senior citizens, rents and property taxes have climbed much faster than have Social Security benefits.

The senior citizen receiving about $100 a month Social Security in 1959 now receives about $120.

At present, minimum Social Security payment is $55 a month and the maximum is $189.

Louis Miller, manager of the Social Security office in Hackensack, says the average monthly payment in New Jersey is $98 and the average payment in Bergen County is $99.

About 94,000 persons in Bergen County receive $9.3 million in benefits every month, he said.

Edward Carr, legislative representative for the Bergen County Senior Citizens Clubs, says although the maximum is $189, he rarely has heard of anyone getting more than $150.

Social Security benefit increases of 6 per cent became effective in January 1959. Since then, there have been two increases—7 per cent in January 1965 and 13 per cent in February 1968—for a total of 20 per cent (in the time the cost of living nationally has gone up 27 per cent).

The amount a senior citizen receives monthly depends upon the amount he paid into Social Security over the years. It also depends upon whether a person waits until 65 to claim the benefits or whether he decides to take them between 62 and 65. The monthly benefit is lower if he chooses to receive benefits before 65.

The Social Security benefits are financed out of a special trust fund supplied by payroll taxes from both employers and employees. Each pays 4.8 per cent on the first $7,800 of a worker's salary. Under existing legislation, the payroll tax rate will rise to 5.2 per cent Jan. 1, 1971.

Mr. WILLIAMS of New Jersey. I also ask consent to have reprinted an article which appeared in the August 20 issue of the Newark, N.J., Star-Ledger. This editorial appeared before the President's comments about a 10-percent social security increase, but its major points are highly relevant to that issue. After describing a hearing conducted by the Committee on Aging in Bergen County, the editorial describes the problems faced generally by the elderly; and it concludes with a very timely and significant commentary upon the economic security of today's elderly:

> When Congress talks of priorities, as it does too often, it can no longer ignore the growing crisis among the older citizens. Unless there is swift remedial action in expanding benefits in social security, in medicare and providing a better tax break for the aged, the average American will approach old age with abject horror. The monumental problems of the elderly must be viewed by federal legislators with a greater sense of urgency than has been evident to date in Congress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLIGHT OF THE ELDERLY

In case anyone has forgotten (and too many have with a preoccupation and obsessive concern with other frustrating problems facing the nation), the plight of our older citizens has become even more aggravated by the persistent rise in living costs.

There was a poignant reminder in the recent hearing in Bergen County of the special Senate committee on aging, headed by Sen. Harrison A. Williams, New Jersey Democrat.

It has become an old story but a true one: The elderly are caught up in a vicious economic pincer of minimal fixed incomes (in too many cases) and inflated costs. Many have set incomes below the poverty level standards set by the federal government.

The economics of aging in this country is an area that has until recently been only superficially explored. But it is a field that will require extensive research and a radically different legislative approach to alleviate the onerous economic and social burdens of the nation's older citizens.

It is ironic that a modern society that has realized the enormous benefits of medical breakthroughs, which have dramatically prolonged human life, has not made adequate provision for the older citizens in their years of retirement, when they need it most.

The escalating costs of the staples of human life—food, housing, clothing and medical care—have created a crisis for the elderly. A task force reported last year that more than seven million older people live in poverty or near-poverty, a figure of dismaying proportions.

Until recently, there was a quiet despair among the older citizens. But a sense of urgency, born of desperation, appears to have forged a crucible of determination that becomes increasingly evident at public hearings, such as the one conducted by Senator Williams.

It has been apparent for some time that positive steps must be taken to ease the burden of the elderly being squeezed unconscionably by inadequate income, inflation and the rising cost of medical services. Thirty-five per cent of the 20 million people over 65 live in poverty and 10 per cent more border on poverty.

When Congress talks of priorities, as it does too often, it can no longer ignore the growing crisis among the older citizens. Unless there is swift remedial action in expanding benefits in social security, in medicare and providing a better tax break for the aged, the average American will approach old age with abject horror. The monumental problems of the elderly must be viewed by federal legislators with a greater sense of urgency than has been evident to date in Congress.

PUBLIC HEARINGS TAX REFORM ACT OF 1969—SUMMARIES OF TESTIMONY

Mr. LONG. Mr. President, on Monday, September 22, the Senate Finance Committee received testimony relating to the tax treatment of farm losses and hobby farmers. The committee also heard witnesses address themselves to that portion of the House-passed tax reform bill which concerns taxation of cooperative enterprises and their patrons. Among Monday's witnesses was the Honorable George Meany, president of the AFL–CIO, who presented labor's case for tax reform.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of Monday's testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

GENERAL

GEORGE MEANY, PRESIDENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

General

Advocates tax justice; does not believe it was achieved under the House bill. Indicates, also, that the administration's proposals will not bring tax justice.

States that the tax laws discriminate against those whose income comes from the work they do rather than from investments. Points out that a triple standard is applied to income taxed by the Federal Government: (1) income from wages, salaries, and other forms of ordinary income which is taxed in full; (2) income from stocks, real estate, and other so-called capital assets on which only half of such income is taxed; and (3) certain forms of income which is not taxed, such as interest on State and local bonds, nonexistent costs as oil depletion, fast depreciation writeoffs, and bookkeeping farm losses.

Points out that tax justice can only come when the impoverished are removed from the tax rolls, there is meaningful reduction in the relative tax burdens of low- and middle-income families, and the loopholes of special

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tax privileges for wealthy families and businesses are eliminated.

Capital gains

States that the single most costly loophole and the one that is the prime culprit of unfairness is the capital gains loophole. Recommends, that this tax concept be eliminated. Recommends also, that the capital gains passed at death be taxed.

Points out that even with the improvements contained in the House bill (the elimination of the 25-percent maximum and extension, the holding period for long-term capital gains to 1 year) unearned income would still be preferably taxed. Points out that the administration has proposed to weaken even these modest tax reforms.

Commends certain provisions in the House bill

Supports the provisions in the House bill which relieve the working poor from any Federal tax obligations, give relief to the low- and middle-income taxpayers, repeal the 7-percent investment credit to business and trim or eliminate other loopholes and gimmicks.

Recommendations

Urges the Senate to improve the House bill and proposes the following changes: close the capital gains loophole, ending the major tax preference for unearned income; put an end of the tax abuses of the oil, gas, and other mineral industries; eliminate the maximum tax provision; strengthen the minimum tax provisions of the House bill; and strengthen and improve other measures contained in the House bill, such as the interest on State and local bonds (suggests full taxation and an interest subsidy by the Federal Government), the loss-limit approach contained in S. 500 for the hobby farm loophole; the income-averaging formula should not include capital gains; interest deductions on bonds used to finance corporate mergers and acquisitions should be completely disallowed; and rapid depreciation on real estate should be disallowed except for low- and moderate-income housing.

Tax relief

Suggests that more substantive relief should be provided to the taxpayers whose incomes are moderate and whose tax burdens are unnecessarily severe.

Support the provisions in the House bill to increase the low-income allowance to a flat $1,100 and to increase the standard deduction to 15 perecnt and $2,000. Opposes the general rate reductions contained in the House bill. Suggests, instead, a reduction in the tax rates that apply to the first $8,000 of everyone's taxable income (the first $4,000 for single persons).

Depletion

Recommends that the deductions for depletion not be permitted to be taken after the cost of the property has been fully written off.

Interest on State and local bonds

States that this tax-free interest erodes the equity of the tax laws since it benefits only the wealthy. Recommends that all interest on State and local debt securities be subject to the income tax. Suggests that the Federal Governmnet guarantee the bonds and pay the issuing State or local government one-third of the interest cost on such taxable issues. Opposes any special treatment for industrial development bonds.

Real estate

Points out that a host of special tax-forgiveness provisions apply to real estate. Recommends that all depreciation in excess of straight line be disallowed on all real estate except low- and moderate-housing real estate.

Farm losses

Points out that there are special tax accounting privileges for farmers, developed to ease the bookkeeping chores of ordinary farmers. Indicates that these accounting privileges are being manipulated to provide tax benefits to wealthy individuals and corporations who operate or invest in farms in order to get tax losses (though, not real economic losses). Recommends enactment of the loss-limit approach contained in S. 500.

Tax-exempt foundations

Points out that the tax-exempt status granted to certain foundations represents one of the most glaring examples of how a well-intended, seemingly desirable, tax privilege can become twisted. Indicates that the Government is relinquishing funds it would otherwise be entitled to, and therefore others must pay a high share of the costs of Government. Notes that family foundations frequently are used as a means whereby the wealthy can avoid income, gift, and inheritance taxes yet maintain control over wealth.

Recommends the following for foundations: that financial transactions between a foundation and its founders, contributors, officers, directors, and trustees be prohibited; that foundations be required to spend their income within 1 year of receipt; that they not be permitted to own 20 percent or more of any business unrelated to their charitable function; that if a donor maintains control of a business or property after it is contributed, no donation deduction from taxes be allowed until the foundation disposes of the property or the donor's control over the property ends; that foundation borrowing to buy investment properties be prohibited; that a limitation (such as 40 years) be placed on the life of foundations; and that Congress studied the problems posed by the operations of foundations and the need for some Federal regulation.

Unlimited charitable contribution deduction

Indicates that this is a loophole used by the wealthy. Recommends immediate repeal of the unlimited charitable contribution deduction (recognizing that the House bill would phase it out over a 5-year period).

Multiple surtax exemption

Supports the House bill and the administration in recommending the repeal of the multiple surtax exemptions.

Conglomerates

Points out that presently there is the greatest wave of corporate mergers in American history. Notes that not only are the "bigs" taking over the "smalls," but minnows are swallowing whales, and the "bigs" are merging with other "bigs."

States that the House bill does not go far enough in meeting this problem. Recommends that the interest deductions be completely disallowed.

HON. LEE METCALF, U.S. SENATOR, STATE OF MONTANA

Farm losses

States that his bill, S. 500, would eliminate distortions in the farm economy by limiting the amount by which a "farm loss" may offset nonfarm income to $15,000 or to the amount of "special deductions" (such as taxes, interest, casualty, abandonment, and losses from sale or exchange of farm property). Indicates that the problem in farm losses is that liberal tax accounting rules designed for the benefit of the ordinary farmer are being manipulated by nonfarmers.

Maintains that neither the House bill nor the administration's proposal contains a comparable provision to protect the legitimate farmer and rancher from being penalized for having incurred an economic agricultural loss. Explains that S. 500 protects new farmers as well as others having true losses by providing a 3-year carryback and 5-year carryforward of any disallowed loss.

Argues that the problem with the House bill and the administration proposal is that they allow the "tax-dodge farmer" to defer any recognized capital gains while at the same time allowing continuation of the full amount of his artificial losses as an offset against nonfarm income each year.

Asserts that the EDA approach will not remove any of the incentive from existing clients of cattle management firms. Notes that S. 500 has received bipartisan support in Congress as well as from numerous farm organizations.

Revenue impact of S. 500

Indicates that S. 500 would affect an estimated 14,000 individual tax returns (as it is not known how many corporations would be affected), and raise an additional $205 million a year in revenue. Points out that the House bill provisions would affect only about 3,000 returns and increase tax revenue by about $25 million a year by 1979. States that the administration proposal would affect 9,300 returns and raise about $50 million a year.

Affect of S. 500 on farm accounting methods

Claims that S. 500 would only affect the relatively few tax-dodge farmers who are currently distorting the farm economy. Notes that the "*Statistics of Income—1967, Preliminary,*" reveals that approximately 770,000 individual tax returns reported a net loss from farming, and that S. 500 would affect only about 2 percent of these. Asserts that his bill would not force farmers to use the accrual system of accounting.

HON. THRUSTON B. MORTON, PRESIDENT, AMERICAN HORSE COUNCIL, AND HON. GEORGE A. SMATHERS, GENERAL COUNSEL

Farm losses and the horse industry

Opposes sections 211, 212, and 213 of H.R. 13270. Contends that these would constitute a serious threat to the horse industry.

States that the horse breeder is subject to similar risks as other farmers, but does not receive price supports from the Federal Government. Argues that the horse breeder is providing jobs and recreation for thousands of people, and that horseracing has provided millions of dollars to State governments.

Farm incentives

Points out that Congress has permitted farmers to use the simplified cash accounting method; and in 1962, Congress exempted livestock from the depreciation recapture rule applicable to personal property. Contends that the so-called tax loophole problem of farm losses is insignificant compared to the total tax revenue and other giant loopholes.

Believes that the answer to the few abuses lies not in new legislation but in stronger enforcement of present law such as section 165 which prohibits the deduction of all farm losses unless a farm is being operated for profit.

HON. LOUIE B. NUNN, GOVERNOR, COMMONWEALTH OF KENTUCKY

Farm losses

States the House proposals would materially and adversely affect the economy of Kentucky and of 26 other States that are involved in horseracing or breeding. Indicates the proposals would directly affect those engaged in the commercial activities of the horse industry (which includes breeding, training, racing, and showing), since people in these activities make their living directly from working on or with horses—horses are the tools of their trade.

Points out that tourism is a significant revenue source to Kentucky, and states that last year the horse industry was responsible (directly and indirectly) for attracting more than 50 percent of its tourists.

Indicates that labor utilized for commercial horses alone in the categories of breeding, training, racing, and showing amounts to more than 125,000 jobs, and that between 25,000 and 33,000 full-time jobs are created among the supportive services and supply

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industries for horses. Also, in 1968, the horse industry generated $427 million directly to the States in revenue from parimutuel wagering, and $19 million in other taxes paid by racetracks—and that this is at a time when the Congress is being asked to provide Federal revenue to the States.

HARRY J. FARNHAM, PRESIDENT, NATIONAL ASSOCIATION OF STATE RACING COMMISSIONERS

Farm losses

Opposes the farm loss tax provisions contained in the House bill, as well as those proposed by Senator Miller (S. 1560) and as proposed by Senator Metcalf (S. 500).

States that the farm loss proposals will discourage investment in the horse breeding industry, resulting in an attrition of good horses and a sharp reduction in number of all horses bred by small breeders. Indicates that a reduction in the breeding of horses will affect the size and number of raising programs, thereby seriously endangering the racing industry.

Urges the deletion of the farm loss provisions from the House bill on the basis that fulfillment of the Federal Government's need for additional revenue should not jeopardize the industry's source of funds for the States' pressing needs.

HERBERT A. FOGEL, GENERAL COUNSEL, PENNSYLVANIA HARNESS RACING COMMISSIONERS

Hobby losses

States that the proposed changes to the "hobby loss" provisions of present law could drive the bulk of racehorse owners out of business. Indicates that the probable result would be that there would not be enough horses to fill the races, thus depriving the Commonwealth of Pennsylvania and other States of substantial sources of revenue.

Recommendations

Believes that there are several approaches which could achieve the desired result of eliminating abuses: (1) supports the proposal that the holding period for horses be at least 1 year after such animal normally would have first been used for its intended purpose before allowing capital gains treatment; (2) suggests that depreciation rules similar to those set forth in section 1245 of the code be adopted with respect to racehorses; (3) believes that the section of the House bill relating to the denial of capital gains when there exists a surplus in an excess depreciation account should be deleted; and (4) urges that the proposed changes to the "hobby loss" provisions of the code be entirely deleted. Argues that these legislative changes, rather than the changes proposed to the hobby loss provisions would achieve the result of correcting the abuses and at the same time would permit the thousands of bona fide persons who own and breed horses to remain in this industry.

CLAUDE M. MAER, JR., ON BEHALF OF THE NATIONAL LIVESTOCK TAX COMMITTEE

Proposals of National Livestock Tax Committee

Recognizes certain problems in the tax laws affecting livestock and other agricultural operations. Submitted the following proposals to the Ways and Means Committee to help eliminate tax profit schemes in agricultural operations while at the same time provide fair and equitable tax treatment for the industry; (1) apply the depreciation recapture rules of section 1245 to purchased livestock used for draft, breeding, dairy, or racing purposes; (2) extend the holding period of cattle and horses from 12 to 24 months in order to qualify for capital gains treatment; (3) clarify that male calves or steers cannot be traded tax free for female calves or cows; (4) require a taxpayer to prove the purpose for which he held livestock in addition to proving the period the livestock were held to qualify for capital gains; and (5) establish a sliding scale recapture of land improvement expenses when farm or ranch land is sold within 10 years after its acquisition.

Farm loss provisions in House bill

States that certain provisions in the House bill dealing with farm losses, namely, those dealing with an excess deductions account, a hobby loss presumption (which disallows all farm losses if they exceeded $25,000 for any 3 of 5 consecutive years) that affects even a legitimate farmer or a rancher who has been in the business all his life, the limit on tax preferences and the allocation of deductions which includes farm losses as a tax preference, are unnecessary and are contrary to the basic objectives of a sound and equitable tax system.

Indicates that these unneeded provisions in the House bill unfairly discriminate between farmers and ranchers based upon accounting systems used and the size of losses sustained; impose restriction on capital gains claimed by persons only in agriculture and classify only certain losses from farming, but not from any other business, as "tax preferences"; and make compliance with and enforcement of these unneeded provisions unworkable and in some instances practically impossible.

General objections to the farm loss provisions in the House bill

States that the provisions in the House bill would create extreme complexity and confusion to livestock operators, would discourage diversification by farmers and ranchers into nonfarm businesses, would isolate agriculture from the rest of the Nation's economy, would impede vital agricultural programs, would dry up needed sources of outside capital and restrict entry of new blood into industry, and could result in substantial meat price increases to the public consumers.

Recommendations

States that fair and equitable tax treatment of ranch and farm businesses can be achieved by adoption of the proposals made by the tax committee (listed above) which were included in the House bill (in a somewhat modified form). Indicates that these proposals will eliminate the relatively small amount of tax profiteering and will not substantially harm the industry in that they are simple and easy to apply and will not require complicated cost techniques.

Metcalf and Miller bills

Opposes the provisions and principles of the bills introduced by Senator Metcalf (S. 500) and Senator Miller (S. 1560). Believes that these bills would seriously harm the whole industry and perhaps cause the greatest damage to the small- and medium-sized family farms and ranches.

Senator Gore's bill

Favors the approach taken by Senator Gore's bill (S. 2645) because of its simplicity and ease of application. Believes that it would be at least a partial solution to eliminating tax profiteering in the livestock industry. Suggests, however, that the depreciation recapture rules of present law which apply to all depreicable personal property, other than livestock, should also be extended to livestock. Indicates that this would make the restriction on useful life provision in Senator Gore's bill unnecessary.

MARVIN M'LAIN, LEGISLATIVE DIRECTOR, AMERICAN FARM BUREAU FEDERATION:

General

States that the most pressing tax reform needed is general reduction in Federal taxation and for this to be possible more effort will have to be made to bring spending under control. Urges this committee to act slowly and deliberately to make sure that proposed tax reform is not complicated for the average taxpayer.

Tax treatment of farm losses

Points out that the farm bureau has proposed that the tax loss problem be dealt with by placing a simple limitation of $15,000 on the amount of farm losses that can be used as an offset to nonfarm income. Opposes sections of the House bill which would (1) extend the holding period required for livestock to be eligible for capital gains treatment, and (2) repeal the livestock exemption from the depreciation recapture provisions of current law. States that the farm bureau does not oppose the proposed creation of an excess deductions amount for taxpayers with farming losses provided the exemption from this requirement is not reduced below the $15,000 level.

Hobby losses

Indicates no objection to the proposed tightening of the so-called hobby loss provision of present law.

Treatment of cooperative patronage refunds

Contends that the provisions of the House bill would unnecessarily increase the Federal Government's role in the management of cooperative fiscal affairs. Maintains that the 15-year payout requirement for retained patronage allocations would force cooperatives to treat these allocations as bad debt rather than equity and reduce their borrowing capacity.

Capital gains

Opposes the proposed extension of the capital gains holding period to 12 months because it would discourage the investment that is needed to sustain economic growth. Opposes also the proposed elimination of the alternative tax on capital gains because a great many farmers benefit from it when they sell a farm or liquidate their farming operations.

Tax treatment of tax-exempt bonds

Opposes the section of the House bill which deals with the tax treatment of income from presently tax-exempt State and municipal bonds. Asks the committee to exempt income from State and municipal bonds from the provisions of the House bill which would establish a limit on tax preferences and require the allocation of deductions. Believes that if local governments were forced to pay higher interest rates to borrow money, a part of the cost will fall on overburdened property owners, including farmers.

ANGUS M'DONALD, DIRECTOR OF RESEARCH, NATIONAL FARMERS UNION

Tax treatment of cooperatives

Opposes the non-revenue-producing cooperative provisions of the House bill. Believes that the cooperative provisions would work a hardship on the organizations and that many would be forced out of existence. Maintains that the cooperative provision which would ultimately require 50 percent of the patronage refund to be paid in cash is an unwarranted intrusion into a business. Indicates that it would penalize cooperatives regardless of the wishes of a majority of their numbers and would entail additional bookkeeping. States that the provision requiring all redemption of paper within 15 years would affect adversely the capital needs and credit of cooperatives.

Farm losses

Supports S. 500 introduced by Senator Metcalf and 22 other Senators. States that this legislation would stop a major loophole in our tax laws which permits wealthy individuals to avoid payment of their fair share of taxes. Contends that the so-called tax farmers engage in activities adverse to working farmers by inflating the price of land and entering into competition with farmers who have no off-farm income. Maintains that the excess deduction account provision in the House bill would affect very few tax farmers and bring in little additional revenue.

ROBERT M. FREDERICK, LEGISLATIVE REPRESENTATIVE OF THE NATIONAL GRANGE

Tax-loss farming

Points out that the House bill undertakes to correct a situation in which some high-income taxpayers not primarily engaged in farming have used farm losses to obtain a deduction in their high-bracket nonfarm income. Indicates that the House bill does this by requiring taxpayers to maintain an excess deductions account (EDA) to record the farm losses. Believes that the EDA account approach does not resolve the tax-loss farming loophole. Indicates that it only postpones the issue and strikes at all farmers, big and small, bona fide as well as the investor who is investing in agriculture for a profit. Supports the amendment (No. 139) introduced by Senator Metcalf to correct the abuse of the liberal tax rules provided for the use of bona fide farmers. Points out that this corrective amendment will affect only nonfarmers with large amounts of nonfarm income who invest in farming to obtain tax losses.

Hobby losses

Believes that if the Metcalf amendment is adopted, there will be no need to make further provisions in the law for the so-called hobby farmers, as the loss limitation approach in the amendment would include the hobby-loss farmer and would limit the current deductions of his farm losses.

Holding period for livestock

States that the House bill discriminates against livestock for dairy, draft, or breeding purposes by requiring that such animals be held for at least 365 days after the animals would have first been used for such purpose. Believes that the tax rules should not be made more stringent against the farm industry at a time when it is undergoing severe economic problems. Believes that the same rules for holding period for capital gains should apply for livestock.

Cooperative tax revisions

Believes that the cooperative tax treatment has no connection to tax reform. Indicates that hasty action on a subject of vital concern to the lifeblood of all small co-ops can have a devastating effect and completely wipe out many co-op marketing associations.

Agrees that it is desirable for the farmer to receive as big a cash refund as possible and as quickly as it can be paid. Indicates, though, that this is already being done. States that the 15-year payout provision is one of the least understood but potentially the most damaging of the new rules being proposed for cooperatives. Indicates that this could completely disrupt the capital structure of the cooperative and impair its ability to borrow money.

Federal estate tax

Believes that the tax reform legislation should not ignore the problem of Federal estate tax, especially as it affects the family-owned operation or a closely held business. Points out that bills have been introduced by (Congressman Price and Senator Dole) in both Houses to correct this tax inequity. Suggests that this committee include in the Tax Reform Act the provisions contained in these bills.

Tax reform recommendations

Proposes the following tax reforms: (1) suggests further changes and simplification in the tax forms; (2) supports the mineral depletion allowances; however, suggests that present legislation be carefully reviewed; (3) approves giving the farmer the option of choosing the limitation of losses that are deductible or reporting his farming operations on an "accural accounting" basis, but opposes any action requiring farmers to report on an accrual basis; (4) suggests removing the tax-exempt status for industrial development bonds issued by State and local governments; (5) suggests, when reductions in revenue are possible, the elimination of the income surtax and a substantial increase in the personal exemption; and (6) favors legislation which would press the burden of proof on the Internal Revenue Service whenever it takes action against the taxpayer.

COOPERATIVES

HON. E. A. JAENKE, GOVERNOR, FARM CREDIT ADMINISTRATION

Cooperatives

States that clarification is needed on two points of law affecting the 13 banks for cooperatives under the Farm Credit Act of 1933, which became taxable only recently when they retired their government capital.

(1) States that the cooperative banks make loans similar to commercial bank loans, and their loans have even greater risk because they are limited to one industry. Maintains that cooperative banks should be entitled to the same bad-debt reserve deduction as commercial banks under existing law but have not been given this deduction because they do not receive deposits, and therefore have not been treated as banks under existing Internal Revenue Service rulings. Urges the committee to indicate in its report on the tax reform bill or otherwise that it sees no objection to a bank for cooperatives being allowed a bad-debt reserve deduction under the rules applicable to commercial banks generally.

(2) States that cooperative banks are required by the Farm Credit Act to pay annual patronage dividends to cooperatives that are borrowers. Maintains that interest from securities temporarily held or from temporary loans to other farm credit banks, which amount to less than 5 percent of gross income, should not have to be accounted for separately but should be included in the income from business done with borrowing cooperatives for purposes of patronage dividends. Urges that this be expressed as the intention of the commitee in its report on the tax reform bill or otherwise.

JERRY VOORHIS, PAST PRESIDENT, COOPERATIVES LEAGUE OF THE UNITED STATES

Cooperatives

States that no hearings were held on taxation of cooperatives to allow an explanation of opposition to the proposed changes. Recommends deletion of section 531 of the bill. Considers the House provision to be ill conceived, discriminatory, extremely damaging to farmers, and punitive in nature against cooperatives.

Contends that cooperatives would be handicapped in raising development capital, and that the proposed legislation would result in a preemption of the functions of the cooperative's board of directors.

Indicates that the proposed changes would hinder cooperative development at a time when Government policy is to encourage cooperatives as a means of maintaining farm income and assisting those in urban poverty to escape by means of cooperative enterprises.

Argues that the proposals in the bill will not raise additional revenue. Asserts that the Revenue Act of 1962 makes certain that both cooperatives and patrons will pay their full share of taxation.

MELVIN E. SIMS, PRESIDENT, NATIONAL COUNCIL OF FARMER COOPERATIVES

Cooperatives

Opposes section 531 of the bill.

States that there was no opportunity for public testimony on these provisions by any representative of any cooperative before the Ways and Means Committee.

Argues that these provisions are based on the erroneous premise that the members and patrons of farmers' cooperative do not individually have a choice as to investment of part of their patronage refunds in the cooperative. States that under existing law members must be given a copy of the bylaws requiring capital contributions of part of their patronage refunds, and each member makes an individual and fully informed decision as to whether he will retain or obtain membership in light of these bylaws.

Contends that the provisions are arbitrary and would be an unwarranted dictation by the Federal Government to the members of cooperatives as to how to finance and operate their business.

Argues that the 15-year payout requirement is discriminatory and punitive in that no such requirement is made of other corporations, partnerships, or other business enterprises.

Maintains that while section 531 is not estimated to yield any revenue gain or loss, it will actually result in the loss of revenue, because the damaging effect of the provisions on cooperatives will eventually result in decreasing the taxable income of the cooperatives or their members and patrons.

Contends that the required conversion of membership capital from equity to debt under the 15-year payout rule would seriously and immediately impair and ultimately destroy the borrowing ability of cooperatives to soundly finance growing farm demand for services and facilities.

Argues that section 531 would produce grave and costly enforcement problems for the Government and compliance problems for farmer cooperatives.

Maintains that section 531 would undermine the "capital fund method of financing" which has been adopted by an increasing number of cooperatives with approval of the Internal Revenue Service.

Maintains that section 531 would impose hardships and inequities on members and patrons through the limitation of the current payout requirement to qualified written notices of allocation. States that the current payout requirement could not be satisfied by redeeming certificates issued for years before 1963.

HON. FRANK CARLSON, ON BEHALF OF THE NATIONAL FEDERATION OF GRAIN COOPERATIVES

Cooperatives

Opposes section 531 of the bill. Argues that the 50 percent cash payout requirement and the 15-year payout requirement will do irreparable harm to cooperatives, without any increase in revenue. Contends that these provisions result from efforts by competitors of cooperatives to further their own well-being by depriving member-owners of the economic benefits of cooperatives which both Congress and the executive branch have encouraged over many decades.

PATRICK B. HEALY, SECRETARY, NATIONAL MILK PRODUCERS FEDERATION

Cooperatives

Opposes section 531 of the bill for the following reasons:

(1) It serves no valid tax objective since it neither increases nor decreases the tax liability of cooperatives or farmers;

(2) It is a destructive and discriminatory attack upon farmers agricultural cooperations, designed to undermine their capital and financial structures and make it easier for processors and middlemen to reap a greater profit at the farmer's expense;

(3) It substitutes the judgment of Congress for that of the farmer boards of directors of cooperatives;

(4) It prescribes an across-the-board rule which would be inflexible and inadequate to meet changing requirements;

(5) Problems relating to the internal operation of cooperatives should be considered by the Agriculture Committees and not the tax committees of Congress;

(6) As long as one level of tax is currently paid, farmers should be free to manage their own cooperatives and to finance them with their own money in whatever manner they deem best.

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IRVING CLARK, ON BEHALF OF THE FARMERS UNION CENTRAL EXCHANGE, FARMERS UNION GRAIN TERMINAL ASSOCIATION, GREAT PLAINS SUPPLY COMPANY, LAND O'LAKES CREAMERIES, INC., MIDLAND COOPERATIVES, INC., AND TWIN CITY MILK PRODUCERS ASSOCIATION, NORTHERN COOPERATIVES, INC., NORTH STAR DAIRY

Cooperatives

Opposes section 531 of the bill for the following reasons:

(1) The 50 percent payout requirement would permit small cooperatives with annual earnings of less than $25,000 to retain only 50 percent of their earnings, although comparable corporations can retain 78 percent.

(2) It is erroneous to treat annual earnings as cash available for distribution, since they are often represented by nonliquid assets, and are subject to prior claims such as outstanding debt or equities which must be retired first and matured revolving fund certificates.

(3) The 15-year retention requirement has the effect of requiring annual cash distributions in excess of 50 percent in the immediate future rather than in 15 years, because the cooperative must retire older certificates first, even if the bill does not apply to them.

(4) The working capital needs of cooperatives are increasing, and their ability to revolve out patrons' capital on a "due date" basis is diminishing, rather than increasing. A considerable part of the earnings of local cooperatives is represented by essential investments in regional cooperatives, and changing economic conditions have seriously reduced the ability of regional cooperatives to make cash distributions to the local cooperatives.

(5) The cash distribution requirements ignore existing debt and other business needs.

(6) The arguments advanced in favor of the provision are mistaken and illusory.

Mr. LONG. Mr. President, on Tuesday, September 23, the Committee on Finance began hearings with respect to the tax treatment of income earned on obligations of State and municipal governments. More than 250 witnesses requested to be heard on these features of the House tax reform bill. Five important Governors representing the Governors' Conference and speaking for the Governors of all 50 States opposed each of the three provisions in the House bill which relate to the matter of State and local government indebtedness. In addition, the Mayors' Conference presented testimony to the same effect.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TAX TREATMENT OF STATE AND LOCAL BOND INTEREST

HON. HOWARD H. BAKER, JR., U.S. SENATOR, STATE OF TENNESSEE

Limit on tax preferences and allocation of deductions

Contends that inclusion of tax-exempt interest from State and local bonds in the limit on tax preferences and the allocation of deductions proposals would adversely affect the ability of State and local government to meet their capital requirements. Recommends deletion of tax-exempt bond interest from these proposals.

Tax treatment of State and local bond interest

Argues that the immunity of State and local governments from Federal taxation is necessary for the preservation of our "constitutionally delineated dual sovereignty" form of government. Believes that if Congress encroaches upon the tax exemption, it has the power to control State and local financing.

Agrees with the attempt to achieve a more equitable tax burden. Emphasizes, however, that Congress must consider the fair distribution of the *total* tax burden—Federal, State, and local. Indicates that if the proposed limitations on tax-exempt bonds are enacted, interest rates on such bonds will increase even further—resulting in higher sales and property taxes to pay for the added interest expense, the burden of which would fall disproportionately upon middle- and low-income taxpayers.

Considers the proposals affecting municipal financing to be inconsistent with the concept of revenue sharing at a time when State and local governments are lacking in funds.

Points out that the 154 individuals with adjusted gross incomes of over $200,000 who paid no Federal income tax did not include tax-exempt bond interest since it is not required to be reported on the tax return. Proposes that holders of these bonds be required to report the interest in order to determine if there is substantial abuse of this exemption.

NATIONAL GOVERNORS' CONFERENCE, COUNCIL OF STATE GOVERNMENTS (PANEL)

HON. JOHN A. LOVE, GOVERNOR, STATE OF COLORADO

General

Indicates that capital requirements of State and local governments are growing at a rapid rate—outstanding bonds were less than $50 billion in 1956, $140 billion in 1969, and an estimated $210 billion by 1975.

Limit on tax preferences and allocations of deductions

Believes that although the revenue impact of these proposals would be small, the market impact would be great.

States that comparable municipal and corporate bonds have had a yield relationship of 70 percent; i.e., municipal yields have been about 70 percent of corporates. Notes that this has increased to 80 percent in 1969. Contends that the *threat* of taxation has caused this reduction in differential.

Estimates that proposals affecting State and local bonds could increase the interest cost for 1970 by up to $270 million.

HON. DANIEL J. EVANS, GOVERNOR, STATE OF WASHINGTON

Taxation of State and local bonds

Contends that the provisions of H.R. 13270 dealing with taxation of State and local bonds will result in a basic change in our governmental structure arising from immediate economic pressure.

Argues that the provisions insure a narrowing of the differential interest cost of taxable and nontaxable issues, so that even under the subsidy option the cost of borrowing would increase substantially. Asserts that the current increase in municipal interest yields is due in large part to the proposed provisions, and has resulted in cancellation and postponement of many bond issues due to interest ceilings of these governments.

Considers the net effect of the provisions to only slightly increase Federal revenues but also to substantially increase regressive State and local taxes and utility charges needed to pay the higher interest costs. Feels that the entire Federal, State, and local tax burdens must be considered, not just the Federal.

Believes that the basis of tax exemption is constitutional and that it will result in legal challenge and continuing chaos in the bond market as well as intergovernmental conflict damaging to the federal system of government.

Maintains that the purchaser of municipal bonds now pays a "minimum tax" by accepting a lower interest yield.

States that there is no indication that tax-exempt bond interest was a significant factor in the failure of wealthy individuals to pay income taxes. Urges that a study of this be conducted before accepting the provisions of H.R. 13270.

HON. NORBERT T. TIEMANN, GOVERNOR, STATE OF NEBRASKA

Tax treatment of State and local bonds

Points out that the Bond Buyers' Index of 20 representative municipal bonds rose from 5.04 percent in February 1969 to 6.02 percent in August, while corporate and 20-year U.S. Government bonds experienced interest rate increases of much smaller amounts. Asserts that the House proposals have been the largest contributor to this unusual rise in municipal yields. Contends that further increases will be forthcoming if Congress actually enacts the proposals.

Argues that the relatively small increase in Federal revenue in these proposals do not justify the severity of the market impact and costs to State and local governments.

Believes that Federal taxation of municipals without consent is unconstitutional.

Alternatives to consider

Considers it to be ironic that serious consideration is being given to revenue sharing, a mass transit fund, and reformation of welfare systems—and to taxing State and local bond interest. Argues that the latter proposal could cost State and local governments more than the benefits from the former.

Urges that a study be conducted by the Advisory Commission on Intergovernmental Relations on the various proposals.

Suggests that if the committee feels compelled to act without further study, it consider—

(1) a Federal interest subsidy system guaranteeing a percentage of the interest cost of future taxable issues, at the choice of the State or local government; or

(2) a federal system of "Urbanks."

Emphasizes four criteria that any plan must contain: (1) State and local determination of all policy questions relative to bonding—free of Federal control; (2) State and local option between any alternative plans; (3) assurance of continuance of plan, with at least 3 years' notice of any termination; and (4) a minimum processing time for the plan.

HON. JOHN J. M'KEITHEN, GOVERNOR, STATE OF LOUISIANA

General

Notes that Federal grants-in-aid for capital purposes will total $6.5 billion for fiscal year 1970, and that this requires matching capital outlays financed mostly from bonds.

Tax treatment of State and local bond interest

Opposes the inclusion of municipal bond interest in the limit on tax preferences and allocation of deductions proposals. Considers the administration's allocation of deductions proposal to be more damaging than the House provision.

Maintains that the immunity from Federal taxation is inherent in the concept of federalism.

Contends that the interest cost to State and local governments will be far greater than the increased revenue to the Federal Government. Asserts that regressive State and local taxes will have to be increased at the same time Congress is reducing the progressive income tax.

States that it is not known to what extent wealthy individuals benefit from tax-exempt interest.

HON. CLAUDE R. KIRK, JR., GOVERNOR, STATE OF FLORIDA

Tax status of municipal bonds

Argues that changing the tax-exempt status of municipal bonds would result in a loss of faith in the integrity of our Government. States that while Congress has been considering the tax treatment of State and local bonds, the market situation has deteriorated.

Maintains that the proposal to subsidize a portion of interest costs would lead to Federal control over State and local borrowing. Contends that the "minimum tax" and allocation of deductions proposals would increase the cost of borrowing, increasing State and local taxes even further. Indicates that this would be particularly harmful due to the critical need for capital financing.

States that if the Federal Government violates the doctrine of reciprocal immunity from taxes, States will tax U.S. Treasury obligations.

NATIONAL LEAGUE OF CITIES AND U.S. CONFERENCE OF MAYORS (PANEL)

HON. C. BEVERLY BRILEY, MAYOR, NASHVILLE, TENN., AND PRESIDENT, NATIONAL LEAGUE OF CITIES

State and local bond interest

Expresses concern with the House proposals and suggests that they would increase the cost of city government and threaten the fiscal rejuvenation of our cities.

States that the actual and the psychological impact of the allocation of deduction rules and the limit on tax preferences will severely curtail the market for municipal bonds.

Urges that interest from municipal bonds should be deleted from the limit on tax preferences and from the allocation of deductions proposals, and that "interest subsidy program" should be deleted and deferred to future hearings.

OTHER WITNESSES

HON. W. W. DUMAS, MAYOR-PRESIDENT OF PARISH OF EAST BATON ROUGE, CITY OF BATON ROUGE, LA.

Tax treatment of State and local bonds

States that the passage of the House bill has prevented many cities, including Baton Rouge, from proceeding with vital works of public improvement. Maintains that the effort to tax State and local bonds should be turned back by the Senate Finance Committee. Urges the strongest possible pronouncement by this committee that any attempt to tax municipal bonds to any extent will not be allowed now or at any time in the future.

Contends that many projects in the State of Louisiana would simply not be subject to financing if it were not for the advantage of tax exemption. Argues that if these projects were required to compete on the open market without tax-exempt advantage, the burden of increased interest rates would be so great as to delay financing for years or perhaps prevent it forever.

HON. LOUIE WELCH, MAYOR, HOUSTON, TEX.

State and local bonds

Opposes the provisions in the House bill which affect State and local bonds. Indicates that the interest subsidy proposal would have dire effects. States that it has been traditional for the people to preserve their right to determine their own destiny in local matters and by imposing this new concept on local governments would severely restrict the right of a community to meet its own challenges.

States that the buyers of municipal bonds ordinarily have paid their taxes when they buy the bonds. Points out that the simple effect of the present treatment is their accepting a lower return on their investments than would be available in fully taxable securities.

Urges the examination of other alternative proposals. Suggests that the proposal prepared by the Urban Institute (Washington, D.C.) is a more effective and acceptable alternative to the interest subsidy proposal. States that this proposal accomplishes the desirable purpose of broadening the market for State and local bonds by inducing new types of investors to purchase these securities. Points out that this approach would offer, for example, a subsidy to State and local retirement funds, which would lower local government borrowing costs by opening the door to a substantial, new, and rapidly increasing source of funds. Indicates that it would reserve the integrity of tax-exempt bonds and the independence of local governments to finance capital improvements.

HON. ILUS W. DAVIS, MAYOR, KANSAS CITY, MO.

State and local bond interest

Is of the opinion that the House proposal could destroy their ability to proceed with and plan any bond-financed capital programs. States that if interest from municipal bonds becomes taxable, there must be a complete reappraisal of the municipal bond as an instrument of financing, and that they would then be competing directly with the vast requirements of private enterprise in its financing of corporate expansion.

Expresses the belief that if the Federal Government starts paying some substantial share of the interest on municipal debt that the next step would be for the Federal Government to exercise control over the issuance of that debt.

Suggests that if the present proposal is enacted, it would be subject to challenge on the basis of its constitutionality, that it would be a period of time before this question could be resolved, and that in the meantime the municipal bond market would be in a state of limbo due to the uncertainty that would be created.

AUSTIN J. TOBIN, EXECUTIVE DIRECTOR, PORT OF NEW YORK AUTHORITY

State and local bond interest

States that the Port of New York Authority's contribution to current and future transportation requirements, and the contribution State and local governments generally, would be substantially curtailed by the provisions of the bill relating to State and local bond interest.

Argues that the provisions present a fundamental constitutional issue of Federal control of the powers reserved to the States under the Constitution.

Maintains that the bill would cause additional interest costs on State and local borrowing which would be passed on principally in the form of regressive property sales, and other taxes.

Contends that the *threat of* impaired tax exemption has thrown the bond market into chaos, and many State and local governments have been unable to borrow at all, or have done so at punitive interest rates. Maintains that the bill would cause a continued disarray of the market for years to come.

Argues that the proposal would capture a mere $45 to $80 million annually from wealthy taxpayers, but would increase borrowing costs after 5 years by about $540 million annually. Maintains that the deduction of the taxes necessary to pay the additional borrowing cost, since they are deductible for Federal tax purposes, would result in a net Federal revenue loss.

Maintains that municipal bondholders pay substantial taxes to State and local governments by accepting interest rates 30 to 35 percent less than those available on comparable corporate obligations.

Argues that the provision for a Federal subsidy of interest rates is unacceptable because the Treasury has too wide a discretion to fix the size of the payment, and the statutory authority for the subsidy could be amended or repealed at any time.

HON. IVY BAKER PRIEST, CALIFORNIA STATE TREASURER

State and local bond interest

Contends that the provisions taxing State and local bond interest are unconstitutional whether or not the Government subsidizes all or part of the increased interest costs of taxable bonds.

Maintains that taxation of municipal bond interest will immediately and automatically increase interest rates, resulting in increased State and local taxes, the burden of which would be borne by low- and middle-income taxpayers.

Argues that once Congress takes the first step away from tax exemption, it can take other steps whenever circumstances make it expedient to do so. States that the Federal interest subsidy can be withdrawn as easily as it was first offered.

Contends that the mere consideration by Congress of the provisions of the bill already has had adverse effects upon the bond market.

Argues that the bill will cause greater dependence upon the Federal Government as a source of major public works funding for State and local needs in direct contradiction to current efforts to bring about better working relationships between National and State Governments.

Argues that the bill will nullify the administration's efforts to curb inflation in the bond market. States that California is in the process of raising the limit on interest, with voter approval, to 7 percent, but the change may become moot if, through Federal taxation, bond interest rates are forced above the new ceiling.

Mr. LONG. Mr. President, today the Senate Finance Committee continued receiving testimony from State and local government officials, and interested individuals, concerning the tax treatment of interest earned on State and municipal obligations. The National Association of Counties presented a panel of distinguished local government officials from around the country, all vocally opposed to the features of the House bill which affect their bonded indebtedness. Additional Governors, mayors, State legislators, and other public officials also opposed the House bill.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TAX TREATMENT OF STATE AND LOCAL BOND INTEREST

(Honorable Jack Williams, Governor, State of Arizona, National Association of Counties, panel)

HON. CONRAD FOWLER, PRESIDENT, NATIONAL ASSOCIATION OF COUNTIES

State and local bond interest.—General aspects

Opposes the provisions in the House bill which would tax the interest on municipal bonds. Believes that the inclusion of the proposed tax has, and would, precipitate irreparable damage to the present municipal bond market.

Feels strongly that any legislation which, directly or indirectly, taxes interest on local government bonds would precipitate fiscal disaster in county government. Points out that the size of the new issue market in local government financing is shrinking as officials postpone or cancel bond sales because of the progressive deterioration of the market. Indicates that the inevitable result of taxing municipal bond interest would be a substantial curtailment in scheduled public construction of projects vitally needed on the State and local level and that new and higher taxes will be required. Believes that the

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provisions in the House bill are unconstitutional and threaten the fiscal integrity of local government.

HON. WILLIAM CONNER, VICE PRESIDENT, NATIONAL ASSOCIATION OF COUNTIES

State and local bond interest.—Impact of limit on tax preference and allocation of deductions on county government

States that taxing the interest on local bonds through limited tax preferences and allocation of deduction strikes at the very keystone of financing State, county, and municipal government; that it poses serious challenges to our Federal system; that it will adversely affect construction employment through the stoppage of essential public works; and most importantly that if this same tax had been applied to the $16 billion of State and local bonds issued in 1968, those governments' local taxpayers would have a liability to pay over $12 billion of additional interest costs during the life of 20-year bonds. Indicates that it will raise local taxes and rents for millions of citizens throughout our land.

Points out that since the House began consideration of this package, the interest rate has moved steadily up and is now almost 1 percentage point above the level which would normally be expected at this time.

Believes that in the name of tax reform and in an attempt to close loopholes affecting a few hundred people, increased financial burdens will be imposed on millions of small taxpayers and seriously impair the efforts that had been made in governmental relationships to increase local responsibility and ability to finance local projects.

HON. JOHN BREWER, CHAIRMAN, TAXATION AND FINANCE COMMITTEE, NATIONAL ASSOCIATION OF COUNTIES

State and local bond interest.—The subsidy provision in the House bill

States that in those States where there is no maximum ceiling on bond interest, the interest on tax-exempt bonds has already jumped to record levels since this legislation was proposed. Points out that the House bill provides alternative capital financing approaches which would provide a somewhat automatic, but variable, Federal interest payment to those local governments which waive their tax exemption. Indicates that there are several problems in this provision. States that one problem revolves around who will determine the difference in taxable versus tax-exempt yield. Notes that the House bill gives the authority to the Treasury Department and also allows it to vary the subsidy.

Believes that the subsidy plan gives State and local Governments no real options, as the choice is to issue partially taxed bonds without a subsidy or fully taxed bonds with it, when the bonds are now fully exempt from tax. Believes that the crucial flow in the subsidy is that there is simply nothing to prevent Congress from curtailing, or eliminating it at any time. States that if any form of a subsidy is to be acceptable to county government, it must be allowed to operate as an optional alternative and not under the pressures of present tax-reform proposals upon our present market.

Urges that the question of subsidy be removed from the House bill and be the subject of further hearings, including awaiting the results of a significant study being conducted by The Advisory Commission on Intergovernmental Relations.

HON. GEORGE R. LONG, EXECUTIVE DIRECTOR, VIRGINIA ASSOCIATION OF COUNTIES

State and local bond interest.—Adverse effects of the House bill on the counties of Virginia

States that the impact of the consideration of the proposal to tax the interest accruing from local and State government bonds along with the statutory interest rate (6% in Virginia) has worked to remove local government bonds of Virginia, and nearly all States, from the bond market. Indicates that the removal of such bonds from the market resulting in the reduction in volume offered is reflected in the slight decline in average interest rates in the past several weeks.

States that counties across the country agree with the Virginia counties that it is not the intent of Congress to stem progress in county government across the Nation. Believes, though, this is the effect of the proposed legislation, and that it will increase State and local taxes upon those taxpayers whom it is seeking to relieve.

HILL HEALAN, EXECUTIVE SECRETARY, ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA

State and local bond interest.—Expected adverse impacts of the House bill on the counties of Georgia

Points out that many of the rural counties of Georgia are lacking in public improvements such as streets, libraries, schools, water and sewer systems, and many other needed public improvements which can be obtained only through the issue and sale of bonds. Indicates that the local governments are willing to assume these burdens but that it is beyond the power of local governments in Georgia to finance these projects if the principal source of financing, namely, general obligation and revenue bonds, do not find a ready market at reasonable rates of interest.

States that it is important that these bonds be made attractive to big investors, such as local trust banks and other institutions which invest a substantial part of their assets in State and local securities.

Indicates that the threat of the proposed legislation has already adversely affected the sale of millions of dollars of municipal bonds which would have financed vital projects. Notes that the tax-exempt status of a bond is a control of factor in its purchase by such institutions.

States that the threat of taxation has caused alarm to both commercial banks and the small individual investors who in many cases are trying to unload their municipal holdings for fear that Congress will levy income taxes upon the outstanding issues. States that this "unloading" is killing the market for new issues.

Points out that the threat of the proposed legislation has already adversely affected the sale of millions of dollars of municipal bonds which would have financed schools, hospitals, sewage plants, and other vital projects.

ARTHUR R. SYPEK, FIRST VICE-PRESIDENT, NEW JERSEY ASSOCIATION OF CHOSEN FREEHOLDERS

State and local bond interest.—Expected adverse impact of House bill on the counties of New Jersey

Points out the specific dollar impact of the proposed changes in the House bill on certain counties of New Jersey. Notes that New Jersey counties, the closest entity there is to regional government in the State, depend heavily on the effective use of municipal bonds. Indicates that if the tax status of municipal bonds is changed, the county colleges, hospitals, bridges, and various other projects and services could be seriously curtailed and additional new tax burdens would fall on already over-burdened New Jersey property taxpayers.

HON. DALE ANDERSON, DIRECTOR, NATIONAL ASSOCIATION OF COUNTIES

State and local bond interest.—Summary of the N.A.C.O.'s position on the House bill

States that the county governments across the country have been stretched to the complete end of their fiscal capability and are reaching a point where revolt against increasing rates of local taxation is highly probable. Indicates that the assault on the immunity of State and local bonds from Federal taxation represents a direct and frontal assault on the local homeowners. Points out that the legislation will be felt unfavorably by every person no matter how modest his means: if he owns a house his property taxes will be increased; if he rents his home, the owner's increased taxes will be reflected in the tenant's rent increase.

Estimates that as a result of the inclusion of tax-exempt interest in the allocation of deduction rule alone, State and local taxpayers will have to pay amounts almost 10 times more than the money returned to the Treasury in the fifth year after enactment. Notes that this provision seems even more questionable when it is considered that all of the increased State and local taxes will be subject to deduction from Federal income tax returns.

Urges that the municipal bond interest not be included in the limit on tax preferences or in the allocation of deduction provisions. Indicates that the tax subsidy provisions are not the answer.

HON. LEWIS H. VADEN, TREASURER, STATE OF VIRGINIA

Tax-exempt feature of State and local bonds

Asserts that the mere statement of Congressional purpose to infringe the tax immunity has drastically increased the cost of State and local bond financing. Indicates that since July, yields on new issues of local AA-rated bonds has risen from about 5.50 percent to 6.25 percent, or 75 basic points, while similarly-rated corporate bonds have risen about 10 basic points. Notes that the size of the new-issue market is shrinking because of postponements and cancellations of issues.

Argues that this initial impact is likely to be compounded by the uncertainties of litigation of the tax immunity issue. States that Virginia is now unable to market any local bonds due to a 6-percent interest ceiling.

Contends that the purchaser is, in effect, paying a tax to the localities by accepting a lower yield on the tax-exempt issues.

Proposed Federal subsidy

Maintains that buyers of taxable local bonds will have to be found apart from the current market for tax-exempt securities, as present purchasers would probably only be interested in short-term taxable bonds and put their money in other equity securities or whatever tax shelters that may still be around.

Expresses the view that the tax-exempt privilege for local governments cannot be waived without consent of the State, and that this must be done by a State constitutional convention rather than by a Governor or State legislature.

Questions the claim that the Federal Government would gain any net revenue after paying the interest subsidy.

Believes that the proposal will result in greater centralization of Government in Washington.

HON. DAVID BUCKSON, ATTORNEY GENERAL, STATE OF DELAWARE

State and local bond interest

Protests the inclusion of State and municipal bond interests in the Limit on Tax Preferences and the Allocation of Deductions proposals, as well as the "ill-conceived rebate plan" of the bill and the "arbitrage bond" provision.

Discusses case law and argues that it is unconstitutional for the Federal Government to tax interest from State and local obligations.

States that the House proposals are not optional, that the Limit on Tax Preferences and Allocation of Deduction rules are mandatory, and that these proposals along with the rebate plan coercively drive the States "to take what they can."

NATIONAL ASSOCIATION OF STATE AUDITORS, JOINT STATEMENT: HON. LOUIS GOLDSTEIN, STATE COMPTROLLER OF MARYLAND; HON. JOHN D. HERBERT, STATE TREASURER OF OHIO; AND DANIEL B. GOLDBERG, COUNSEL, MUNICIPAL FINANCE OFFICERS ASSOCIATION

Tax treatment of State and local bond interest

Argues that the bill will drastically increase State and municipal interest rates and force State and local governments to curtail services needed by the average citizen or increase local taxes, principally regressive property and sales taxes.

Contends that the bill has caused State and municipal interest rates to skyrocket and has narrowed the gap between tax exempts and comparable taxable bonds from 30 to 35 percent to only 17 percent. Argues that enactment of the bill would cost fully 1 percent additional interest.

Contends that when new issues equal the present level of $130 billion, the annual cost of the bill to States and municipalities will be $1.3 billion, and the added cost over the life of the bonds will be some $17 billion. States that this enormous extra burden on State and local governments and their taxpayers would offset many times over the mere $80 million a year which the Treasury estimates would be realized from applying both LTP and the allocation plan to all State and municipal bonds, even those now outstanding.

Argues that the violence of the market reaction contradicts the Treasury assertion that it results only from inclusion in LTP of State and municipal interest, which the Treasury opposes, and not from their inclusion in the allocation plan, which Treasury favors. Contends that the market reaction results from loss of investor confidence in continued exemption, once Congress for the first time repudiates the basic concept of exemption by "gimmick" plans to reduce the value of exemption, and that investor confidence can be restored only by scrapping all the bill's plans to curtail tax exemption of State and municipal bonds.

Argues that there is no evidence of abuse of the exemption, and that the facts on the 154 non-taxpaying millionaires shows no holding of State or municipal bonds by the group.

States that in the highest bracket, adjusted gross income of $315,000 and over, 38 percent of the individuals had no municipals at all, and only 6 percent derived as much as 25 percent from this source. States that 7 percent of those in the middle income bracket of $16,400 to $31,000 adjusted gross income hold municipals, and that they can be caught by the bill.

Argues that gains from tax exemption in recent years have been more than offset by capital shrinkage of the market price of the bonds as interest rates have risen.

Contends that the bill will produce State retaliation in the form of LTP and allocation plans applicable to the $300 billion of Federal bonds hitherto exempt from State taxation.

Argues that municipal bondholders already pay 30 percent to 35 percent to the cost of government by accepting that much less interest than comparable taxable bonds would yield, and that since 30 percent to 35 percent is the highest level of tax proposed on other "tax preference" income, there is no argument in equity for exacting it a second time from the holder of municipals.

Maintains that the State and municipal bonds exemption is not a congressionally created "tax preference," but derives from the constitutional form of our Federal system which Congress is not free to change.

Contends that the provisions are unconstitutional, and that litigation over their validity would produce market chaos for years.

Maintains that the provision taxing "arbitrage bond" interest is outrageous, since if properly defined there are no such bonds which can be lawfully issued.

States that the Federal interest subsidy plan is a travesty of a truly optional plan when combined with the inclusion of State and municipal bond interest in LTP and allocation of deductions, because there are no tax-exempt bonds to opt for. Objects to allowing the Secretary of the Treasury to be the arbiter of what the rate of recompense should be. Argues that a 25 percent floor under the recompense rate threatens a return to the issuers of less than tax exemption has saved them. States that the plan would leave the States and municipalities helpless if the recompense was withdrawn by a later Congress after the traditional tax-exempt market had withered away.

WILLIAM SUMMERS JOHNSON, DIRECTOR OF FINANCE, CITY AND COUNTY OF HONOLULU, HAWAII

State and local bond interest

Expresses the hope that the tax reform legislation will not increase the borrowing costs of State and local governments, or even leave the matter in doubt, but will help to reduce these borrowing costs.

Believes modification of the bill will reduce borrowing costs for State and local governments, achieve the purpose of the legislation, and avoid some of the philosophical objections to the bill.

Suggests that the interest-cost sharing formula be made definite and that it provide for gradually increasing cost sharing. Believes it appropriate to set the first year rate at 30 percent, and provide for an increase of 1 percentage point each year, until the 40 percent level is reached in 10 years. Contends this would accomplish the equity purposes of the limited tax preference provision, not by taxing the tax-exempt bonds, but by causing them to largely disappear.

States that this would also bring about an orderly shift from non-taxable to taxable municipals outstanding without serious capital losses.

HON. ELMER O. FRIDAY, FLORIDA STATE SENATOR

Taxation of State and municipal bonds

Indicates that the Council of State Governments opposes the provisions of the bill which alter the tax treatment of municipal bonds. Maintains that these proposals have disrupted the municipal bond market and have driven interest rates to a height to seriously threaten the fiscal ability of State and local governments to meet the public needs.

Believes that States would have to do one of three things if the bill is enacted: (1) reduce financing by bonds, but increase taxes; (2) pay increased interest costs, increasing the debt and taxes; or (3) reduce needed public services.

Argues that the interest subsidy would be expensive to administer and could be used to coerce local governments to depend more on Washington. States that if the subsidy is high, local governments will be forced to abandon the present system of tax-exempt bonds entirely.

THOMAS M. O'CONNOR, PRESIDENT, NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS

Municipal bonds

Urges that the present reciprocity of tax immunity between Federal and municipal bonds be continued.

Contends that direct or indirect taxation of municipal bonds is unconstitutional as enunciated in *McCullock* v. *Maryland* and *Pollock* v. *Farmers' Loan & Trust Co.*, (1894), and was upheld in *Hale* v. *Iowa State Board* (1937), *Helvering* v. *Gerhardt* (1938), *James* v. *Dravo Contracting Co.* (1937), and *First Agr. Nat. Bank* v. *State Tax Commission* (1938).

Maintains that the 16th amendment did not have any impact on the Pollock decision holding municipal bonds tax exempt.

Argues that *United States* v. *Atlas Life Insurance Co.* does not support the constitutionality of the allocation of deductions proposal, as *Atlas* only involved taxation of insurance companies, not individuals, and involved allocation of income, not deductions by individuals.

WILLIAM E. SIMON, MUNICIPAL DIRECTOR, INVESTMENT BANKERS ASSOCIATION OF AMERICA

Tax treatment of State and local bond interest

Argues that impairment of the income tax exemption of State and municipal bonds will drastically increase the cost of future local government financing, and that the increased cost will be passed along to the average taxpayer, especially homeowners, in the form of higher local taxes.

States that the market for municipal bonds has become almost completely demoralized and many local governments have been unable to issue their bonds at rates within the maximum limits fixed by law, as a result of investor reaction to the bill, specifically the limit on tax preferences and the allocation of deductions provisions. Contends that the mere threat of the proposed change of status has already raised municipal bond interest rates by at least one-half of 1 percent to a full 1 percent.

States that the allocation of deductions would affect many more taxpayers than would the limit on tax preferences. Maintains that under either proposal, the States and their municipalities will pay far more in interest costs than the Treasury will ever gain in revenue.

Argues that the proposal is in effect a capital levy in that it causes a major reduction in the market value of outstanding bonds, and that the breach of what was believed to be a constitutional exemption will permanently deter many investors from buying municipal bonds.

Maintains that the Federal interest, subsidy plan would put State and local borrowing into direct competition with Federal bonds, private industry borrowing, and mortgages. This would likely bring about an across-the-board rise of three-fourths of 1 percent in the level of interest rates on taxable securities, both Federal and private. This escalation of interest rates would hit first and hardest at the already depressed home mortgage market. Results of a comprehensive survey of institutional investors conducted by Dr. Sally S. Ronk show that the Treasury would lost $121 million annually if tax-exempt issues were replaced by taxable issues.

NORTHCUTT ELY, GENERAL COUNSEL, AMERICAN PUBLIC POWER ASSOCIATION

State and local bond interest

Opposes the limit on tax preferences and allocation of deductions proposals, because their combined effect would cripple the borrowing power of States and municipalities. Believes the cost of money would thereby increase and impose long-lasting inflation on local taxes which support schools and essential public services.

Also opposes the House proposal which would entitle local governments to a subsidy, contending it would largely deprive local governments of the power of self-help. Believes that to the extent local governments are willing to carry their own burdens, it is in the national interest that they be permitted to do so.

Urges deletion of House provisions affecting tax-exempt interest, and offers amendments which would accomplish this.

RICHARD D. WILSON, GENERAL COUNSEL, CONSUMER PUBLIC POWER, DISTRICT OF NEBRASKA

State and local interest

States that the House provision will increase the relative burdens of the lower-income individual and will complicate the Federal income tax system. Expresses doubts as to the constitutionality of the proposals, and believes they will increase the costs of local

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governments, and that the increases will be passed on to their taxpayers.

Urges elimination of the provisions for including interest paid on State and local government bonds in the Limit on Tax Preferences and in the Allocation of Deductions proposals, as well as the provision for an interest subsidy.

HON. GRADY L. PATTERSON, TREASURER, STATE OF SOUTH CAROLINA

State and local bonds

Urges that all proposals affecting the exempt status of the interest on State and local government bonds be deleted from H.R. 13270.

Contends that these proposals strike at the sovereignty of the State and will substantially increase the local tax burden due to increased interest costs.

Argues that the tax-exempt status will be destroyed by the "minimum tax" proposal, and damaged by the allocation of deductions proposal by jeopardizing investor confidence.

Maintains that the tax exemption is a direct method of revenue sharing. Feels that the interest subsidy proposal would result in administrative complexities.

Believes that investors in municipal bonds are paying a tax by accepting a lower yield. States that the secondary bond market of commercial banks will be irreparably damaged as a result of the proposed change in tax treatment of bond sales by banks.

HON. JAMES H. J. TATE, MAYOR, PHILADELPHIA, PA., AND VICE PRESIDENT U.S. CONFERENCE OF MAYORS

State and local bond interest

States the House proposals respecting tax-exempt bonds would permit the Federal Government to begin to exercise the most coercive form of dominion over State and local governmental functions by subjecting them to financial controls through the use of taxing power.

Characterizes the proposals as "fiscal irresponsibility," and states the financial liabilities they would impose upon State and local governments would overwhelmingly exceed any gross return to the Treasury in the form of income taxes. Claims the proposals would actually cause a net loss in tax revenues to the Federal Government.

Suggests that the passage of any legislation which would result in even the indirect taxing of tax-exempt bond interest would insure the continuing chaotic state of the bond market for years to come because litigation challenging the constitutionality of such legislation would be inevitable.

Indicates disapproval of the interest subsidy provisions of the House proposal because of the wide latitude given the Treasury to determine the amount of the subsidy and also because the Congress could curtail or eliminate the subsidy at any time. Believes this proposal would result in a loss of independence by the State and local governments.

THE PESTICIDE PERIL—LV

Mr. NELSON. Mr. President, many people alarmed about the dangers of persistent, toxic pesticides have lamented the lack of information on how to safely dispose of the pesticides which are presently sitting on their shelves.

Unfortunately, there has been very little published on this problem. The Department of Agriculture 5 years ago put out a booklet on safe disposal of dangerous pesticides, but it apparently badly needs updating. The State of Michigan has been a leader in establishing controls on the use of DDT and related pesticides and earlier this year ordered a ban on DDT in that State. Following through on that ban, the State Department of Natural Resources has now published a bulletin entitled, "How to Dispose of DDT," which is available on request in single copies, small numbers or large quantities. As this information is of general interest, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

HOW TO DISPOSE OF DDT

HOMEOWNERS

To get rid of DDT (dichloro diphenyl trichloroethane) products such as aerosol bombs, liquid sprays, powders, and dusts—bury them on your own property. If each homeowner does so, these products will be safely dispersed and will reduce dangerous concentrations of DDT and other toxic materials at public disposal sites. By law, ingredients are listed on the label.

1. Select a place away from trees and other desirable shrubs or plants and at least 50 feet from any well or surface water such as a lake, stream, pond, or drain.
2. Dig a hole deep enough to cover the DDT products and containers with three feet of dirt.
3. Aerosol (pressurized) cans should not be punctured, but put in the hole intact.
4. Glass and metal containers should be opened and put in the hole tilted down to allow drainage. The glass should not be broken.
5. Bags and boxes should be buried intact.
6. The hole should not be left open. It should be filled with three feet of dirt immediately.

The only exception to the above recommendations is if the water table on your property is less than five feet below the ground. (If you do not know your underground water level, call your local health department.) If the water table on your property is less than five feet below the ground, your health department will advise you on what to do.

(NOTE.—DDT and other toxic products should not be flushed down the toilet, poured down a drain, put in the garbage or trash can, or taken to a public dump or landfill.)

AGRICULTURAL, COMMERCIAL AND MUNICIPAL USERS

The disposal of DDT in larger quantities should be done in one of the following ways:

A. Bury on own property

1. Select a site at least six feet above the highest ground water table in an area that is not likely to be used for crops or building purposes. The site should be at least 300 feet from any well or surface body of water including lakes, streams, ponds and drainage ditches.
2. Dig a hole deep enough to cover the insecticide and containers with three feet of soil.
3. Open containers of liquids before placing them in the hole so as to permit drainage of the insecticide from the containers.
4. Place bags or cartons containing wettable powders or dusts in the hole intact.
5. Fill in the hole with soil immediately.

B. Disposal through Michigan Department of Natural Resources

Notify your field office, Michigan Department of Natural Resources, of products to be disposed of, particularly those in 30 and 55 gallon drum lots. The Michigan Department of Natural Resources will take them to central collection facilities. Here, storage facilities will be posted and locked and materials will be held for proper disposal.

In case of accidental poisoning or suspected poisoning—a local poison control center or physician should be contacted immediately.

PACE OF TROOP WITHDRAWAL FROM VIETNAM TOO SLOW

Mr. MONDALE. Mr. President, I welcome the administration's announcement of further troop withdrawals from Vietnam by December, but I am disappointed. Our disengagement from the war is too slow.

It is time to recognize our mistakes in Vietnam, to wind down the tensions of the war, to end needless American deaths and to end the costs and inflation brought by the war. We must turn the war back to the South Vietnamese, fairly and systematically, but completely.

According to a recent editorial in the Minneapolis Tribune the administration's total scheduled withdrawal of 60,000 men in about 6 months is an average of 10,000 men a month—an average which would keep U.S. troops in Vietnam until 1974. This is not "ending" the war.

I ask unanimous consent that the editorial entitled "The Withdrawal of 35,000 More Troops" from the Minneapolis Tribune for Wednesday, September 17, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WITHDRAWAL OF 35,000 MORE TROOPS

President Nixon's decision to withdraw 35,000 more troops from Vietnam by Dec. 15 is another step toward winding down U.S. involvement in the war. But it is not enough.

The total scheduled withdrawal of 60,000 men in about six months represents an average of about 10,000 a month. At this rate, if it were to be continued, American troops would not leave Vietnam until nearly 1974—or four years from next Christmas. Four years is longer than Americans fought in World War II.

In reaching his decision, Mr. Nixon apparently sought a middle ground between the recommendations of some advisers (civilians) who wanted a bigger troop cut and of other advisers (military) who are resisting pressures to withdraw from Vietnam.

Since President Nixon first pledged 18 months ago that a new administration would end the war, 19,000 Americans have died in Vietnam, died in a war that few still say is vital to our national interest. Meanwhile, while the President tells the nation that he will not negotiate the right of the people of South Vietnam to determine their own future free from outside influence, this country continues to prop up a repressive, unrepresentative, corruption-scarred government in Saigon. And this country continues a massive presence in Vietnam which not only is devastating vast areas of that country but which saps the will of many South Vietnamese to fight what should be their cause, not ours.

Through his announcement Tuesday, Mr. Nixon has moved in the right direction and has demonstrated, we believe, his desire to end the war. But he has again made an end of U.S. involvement dependent upon a response from North Vietnam and the Viet Cong and dependent upon the actions of the South Vietnamese generals. The President has not—or at least his announcement suggests he has not—made the decision to get out of Vietnam within a reasonable time. Ten thousand troops a month is too slow.

NATIONAL SCHOOL BOARD ASSOCIATION ENDORSES S. 2625, THE URBAN AND RURAL EDUCATION BILL

Mr. MURPHY. Mr. President, the National School Board Association whose president is Mr. Boardman W. Moore, a distinguished Californian and a former president of the California School Board Association, has strongly urged the enactment of the Urban and Rural Education Act of 1969 which I introduced on July 15, 1969. In addition, Mr. August Steinhilber, the director of Federal and congressional relations for the National School Boards Association sent me a more detailed endorsement from the National School Boards Association. Mr. Steinhilber said:

> As correctly indicated in your statement introducing the bill, NSBA is worried that the dire necessity for providing compensatory education cannot be accomplished because the financial resources are not available. Many cities and rural areas simply cannot pay the costs.
>
> Your bill, if enacted and funded, would provide this additional support for those districts whose needs are greatest with additional financial assistance to bolster programs for our younger children in the elementary schools. We hope this concept might be incorporated in the extension of the Elementary and Secondary Education Act now being reviewed by the Senate Committee on Labor and Public Welfare.

I ask unanimous consent that these letters and an accompanying chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,
Evanston, Ill., August 6, 1969.
The Honorable GEORGE MURPHY,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: As indicated in our testimony before the Senate Education Committee June 17, NSBA is acutely aware of the education needs of the urban and rural children and supports full funding of all ESEA programs as well as Title I.

Your Bill S. 2625 will increase the opportunity to reach the children early in their school careers. It is well documented at the local level that early identification and remediation pays off manyfold financially as well as educationally.

Your presentation of your bill on the floor of the Senate eloquently describes the need for this legislation. We heartily endorse the measure.

Sincerely,
BOARDMAN W. MOORE.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Washington, D.C., September 22, 1969.
Honorable GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: Although our President Mr. Boardman Moore wrote to you on August 6 endorsing your bill S. 2625, the problems of the educationally disadvantaged are so acute that we believe our position should be very clear.

We applaud your interest in the education of the disadvantaged and support your bill. As correctly indicated in your statement introducing the bill, NSBA is worried that the dire necessity for providing compensatory education for disadvantaged children cannot be accomplished because the financial resources are not available. Many cities and rural areas simply cannot pay the costs.

Some of the great cities of the nation are characterized by a disproportionally large low-income population, above average number of school children coming from deprived home environments, and a deteriorating economic base. Frequently a large low-income population, declining or at best stagnant property values, and the flight of commerce, industry and middle-income residents combine with very high social costs (that preempt a rising share of available revenue resources) to restrict the capability to finance schools. Often they even fare poorly under state and federal grant programs. Increasingly, tax rates in these cities are among the highest; the quality of their governmental programs, once among the best, are now second rate; municipal structures are poorly maintained.

These old cities, particularly frequent in the Northeast and Middle West—some at the hub of urban areas, others scattered throughout the area—are obliged to spend less and less per child relative to their more prosperous neighbors, despite the fact that their children are particularly in need of the stronger education programs. The financial problems of the cities are further increased by rising costs of regular educational programs. For example, land costs for new schools in Baltimore have reached $300,000 an acre.

Poorer rural communities, particularly conspicuous in the South and Middle West, are characterized by consolidation and mechanization of farm holdings with reduced job opportunities and declining populations, by abandoned rural and town structures, and by little or no new construction. Taxable values on property tax rolls lag far behind national growth rates. An increasing proportion of properties in these places is financed by out-of-area institutional investors (rather than the town bank), producing a continuing out-flow of cash income from the community. At best, the local economy just manages to hold its own. Appalachia-type pockets of poverty abound. Frequently, the school fiscal problem is further aggravated by diseconomies of scale, because the school population is declining at the same time that progress in educational technology calls for larger school units.

By contrast, high income suburbia is financially well off. Using Cleveland, Ohio and some of its suburban areas for examples: Last year Cleveland spent approximately $578 per child for public education; Shaker Heights spent $958; Bratenall $1,342; and, Cuyahoga Heights $1,344. The attached table, based on 1964–65 data, further illustrates these differences.

It is well documented that students from good homes in middle- and high-income environments make better progress in school than underprivileged children. They may be able to progress even under relatively weak school programs. Students without these advantages require more school resources. Since some children's education is considerably more expensive than that of others, the undertaking to afford each child an equal educational opportunity requires an unequal investment per child.

Your bill, if enacted and funded, would provide this additional support for those districts whose needs are greatest with additional financial assistance to bolster programs for our younger children in the elementary schools. We hope this concept might be incorporated in the extension of the Elementary and Secondary Education Act now being reviewed by the Senate Committee on Labor and Public Welfare.

Sincerely yours,
AUGUST W. STEINHILBER,
Director, Federal and Congressional Relations.

PER CAPITA AND PER PUPIL CURRENT EXPENDITURE FOR LOCAL SCHOOLS, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS (SMSA), 1964-65

	Per capita			Per pupil		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif	$118	$94	$134	$558	$424	$654
San Bernardino-Riverside-Ontario, Calif	123	142	115	578	498	631
San Diego, Calif	107	89	129	549	485	621
San Francisco-Oakland, Calif	127	79	158	701	565	758
Denver, Colo	111	95	124	471	493	457
Washington, D.C	107	90	117	545	508	562
Miami, Fla	94	94	94	503	503	503
Tampa-St. Petersburg, Fla	67	67	67	362	362	362
Atlanta, Ga	86	69	100	318	234	403
Chicago, Ill	86	67	109	508	433	578
Indianapolis, Ind	106	79	176	471	407	579
Louisville, Ky.-Indiana	71	45	97	416	350	455
New Orleans, La	57	50	71	333	310	369
Baltimore, Md	85	81	90	429	407	452
Boston, Mass	84	68	88	493	490	499
Detroit, Mich	108	81	129	509	454	539
Minneapolis-St. Paul, Minn	108	80	135	564	527	587
Kansas City, Mo.-Kans	91	59	117	494	425	531
St. Louis, Mo.-Illinois	82	68	88	532	411	594
Newark, N.J	106	96	109	595	515	619
Paterson-Clifton-Passaic, N.J	95	76	101	557	477	579
Buffalo, N.Y	125	74	157	694	507	777
New York, N.Y	121	96	181	790	728	889
Rochester, N.Y	138	104	172	807	700	885
Cincinnati, Ohio-Kentucky-Indiana	79	78	79	472	439	494
Cleveland, Ohio	94	81	105	528	433	609
Columbus, Ohio	82	70	115	410	368	500
Dayton, Ohio	101	100	102	431	431	432
Portland, Oreg.-Washington	115	92	133	543	444	616
Philadelphia, Pa.-New Jersey	88	63	108	586	477	656
Pittsburgh, Pa	90	58	100	521	419	544
Providence, R.I	70	64	72	430	436	427
Dallas, Tex	73	60	93	422	334	597
Houston, Tex	86	62	164	430	311	794
San Antonio, Tex	65	(1)	(1)	310	(1)	(1)
Seattle, Wash	119	74	169	527	476	556
Milwaukee, Wis	85	66	116	485	421	568
Unweighted average	97	82	113	524	449	573

[1] Not available.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census and from the Office of Education, Department of Health, Education, and Welfare.

UNDERSTANDINGS COULD BE ADDED TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, public hearings on the Genocide Convention were held in January and February 1950, by a subcommittee of the Senate Foreign Relations Committee. On May 23, 1950, the subcommittee reported the Convention to the full committee and recommended that four specific understandings and one declaration be embodied in the resolution consenting to ratification if the full Foreign Relations Committee decided to recommend approval of the Convention.

Those understandings were as follows:

First, that article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nations of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable for damages for injuries inflicted by it on its own nations.

Second, that the United States Government understands and construes the crime of genocide, which it undertakes to punish in accordance with this Convention, to mean the commission of any of the acts enumerated in article II of the Convention, with the intent to destroy an entire national, ethnical, racial, or religious group within the territory of the United States, in such manner as to affect a substantial portion of the group concerned.

Third, that the United States Government understands and construes the words "mental harm" appearing in article II of this Convention to mean permanent physical injury to mental faculties.

Fourth, that the United States Government understands and construes the words "complicity in genocide" appearing in article II of this Convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide.

The Declaration read:

> In giving its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the Senate of the United States of America does so considering this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by Article I, section 8, clause 10 of the United States Constitution, and consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged.

Mr. President, since the 82d Congress, no further action has been taken on this convention. I think that many of the objections raised to this Convention can be answered by the language contained in these "Understandings," or similar reasonable language that could be worked out. Let us then consider the possibility of just such reservations but let us take action on this Convention.

FOREIGN AID FOR GHANA—SOCIAL SECURITY NUMBERS WITHOUT A PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, the American taxpayers might be interested in knowing that last year the U.S. Government under the AID program approved a project estimated to cost over $1 million the purpose of which was to provide identification cards for prospective voters in Ghana.

Allegedly this short-term project was for the purpose of aiding the citizens of that country in the elections which were about to be held. Later when it became apparent that this would not be feasible, rather than abandoning the project and saving money the Agency just changed the stated purpose of the program and called it a 3-year project to supply the citizens of that country with social security identification numbers.

Of just what use social security numbers would be for citizens of Ghana, a country without a social security program, is unexplained.

The Electoral Commission of Ghana has expressed strong doubt as to the need for any such program and has indicated a reluctance to meet any portion of the cost; but the fact that the Government of Ghana is not enthusiastic about the project seemed unimportant to our AID officials, and as of the last notice they indicated their intention to proceed as long as the money lasted.

This is just one example of the loose manner in which those administering this AID program are handling the taxpayers' money.

I ask unanimous consent that a letter dated July 14, 1969, signed by Mr. J. K. Mansfield, Inspector General of Foreign Assistance, Department of State, and addressed to Mr. John A. Hannah, Administrator of the Agency for International Development, wherein he comments on this project, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, THE INSPECTOR GENERAL OF FOREIGN ASSISTANCE,

July 14, 1969.

Hon. JOHN A. HANNAH,
Administrator, Agency for International Development.

DEAR DR. HANNAH: Early this year, we examined a proposed AID-financed voter identification card program for Ghana. As then conceived, the program was to provide identification cards for voters in the elections scheduled for this fall.

We found it hard to see how a program of this complexity and magnitude could be carried out before the elections. On February 7 we accordingly wrote to the Agency and expressed our doubts that the program had a reasonable chance of producing benefits worth its very considerable cost—then estimated at over $1 million.

The Agency's reply of March 14 stressed the critical importance of giving the citizens of Ghana faith in the integrity of the forthcoming elections, and said that the identification card project could do much to help.

When my associates Joseph A. O'Hearn and James L. South visited Ghana a few weeks later, they learned that the planned program had been very much changed. Now, it was seen as a three-year project, in which only a portion of the voters in this fall's election would receive cards, and in which it would not be necessary to have a card to vote. This change increased our doubts about the worth of the project.

Last week, we checked with the Ghana Desk and learned that the project has been changed for a third time. Now, we were told, it is no longer planned to use the identification cards for this fall's elections, and that the cards are now to be multipurpose—for social security identification, and the like. We were told also that it now appears that the Ghana Electoral Commission may be unwilling or unable to pick up the local currency costs of the program.

These successive transformations of this project have served only to reinforce the doubts we had originally concerning its worth.

I would be most grateful if the Agency could now review this matter in the light of these changed circumstances and give us its judgment as to whether the program merits continued United States financial support.

Sincerely,

J. K. MANSFIELD.

COMMUNITY MENTAL HEALTH CENTERS

Mr. BURDICK. Mr. President, there is presently pending in the Senate Labor and Public Welfare Committee a bill, S. 2523, the Community Mental Health Centers Amendments of 1969. This bill would extend, amend, and improve legislation under which millions of Americans who are touched by the tragedy of mental and emotional illnesses may find new hope, and through which this country may move toward preventing mental illness.

I am pleased to be a cosponsor of this legislation, and hope we may see it reach the floor sometime during the first session. I am proud to represent a State whose citizens have made such great progress in meeting their responsibilities in the treatment of our mentally ill population.

The North Dakota State Hospital administrator, Mr. Henry A. Lahaug, has just informed me that North Dakota received a gold award for comprehensive mental health services to rural communities by the American Psychiatric Association. The basis for this award is explained in a September 17 article in the Jamestown Sun. I ask unanimous consent that this article and Dr. Lahaug's September 19 letter be printed at this point in the RECORD.

There being no objection, the article and the letter were ordered to be printed in the RECORD, as follows:

[From the Jamestown Sun, Sept. 17, 1969]

GOLD AWARD ACCEPTED FOR STATE HERE

The Mental Health and Retardation Division of the North Dakota State Department of Health has been given a gold award for comprehensive mental health services to rural communities.

The award was announced at the American Psychiatric Association's Hospital and Community Psychiatry Service meeting in Houston.

The award said North Dakota had effectively demonstrated that a sparsely populated rural area can offer comprehensive mental health services to its citizens.

The program included five community mental health centers available to nearly 500,000 of the state's residents and the state hospital which has upgraded its services and reorganized into regional units corresponding to regions served by the centers.

Dr. Hubert A. Carbone, M.D., received the award for the hospital.

In addition to the state hospital here, the five comprehensive mental health centers cited in the award include facilities located in Bismarck, Grand Forks, Fargo and Minot.

Henry Lahaug, hospital administrator, announced in addition to the award, the Jamestown mental health center is moving to a new location. The center, formerly located at 424 4th Ave. NE, will move its facility to a recently completed building on I-94 business loop east.

The state hospital has full accreditation.

NORTH DAKOTA STATE HOSPITAL,
Jamestown, N. Dak., September 19, 1969.

Hon. QUENTIN N. BURDICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BURDICK: We are taking the liberty of calling your attention to the fact that North Dakota just received a National Award, *A Gold Medal Award* for its outstanding program in Mental Health. A clip from the Jamestown Sun release is enclosed.

The American Psychiatric Association each year awards a gold, silver and bronze medal to outstanding programs.

It may also be mentioned that North Dakota now is 2nd in the nation in terms of Community Mental Health Service coverage to its citizens. The State of Kentucky is No. 1 covering 87% of its citizens, North Dakota, No. 2, with 80% and Vermont No. 3 with 44% coverage. Colorado, Massachusetts, Montana and Michigan came 4th with 39–42%. The areas in North Dakota not yet fully covered with Mental Health Services are the Dickinson, Williston and Devils Lake regions.

Sincerely yours,

HENRY A. LAHAUG,
Hospital Administrator.

A CALL TO ACTION

Mr. **PROXMIRE**. Mr. President, I want to call to the attention of the Congress and the public an excellent editorial, "A Call to Action," in Parade magazine for Sunday, September 21, 1969. What the editorial calls for is for the Nation to set goals which we can achieve by the 200th anniversary of the Nation in 1976.

This Nation set a goal to place a man on the moon before 1970. By concentrating on that goal, we achieved it. While we have done this we have failed in other even more pressing areas. In the field of health, housing, hunger, education, and pollution, to name only a few, we have yet to meet the challenge they present.

Twenty years ago we said we believe in a decent home and a suitable living environment for every American family. We failed to achieve that goal because we failed to set precise numbers and appropriate specific resources. In the Housing Act of 1968 we finally did set a national housing goal of 2.6 million units a year for a decade. But we still must build those houses.

We have not yet even set specific targets and goals for other programs. Why not eradicate hunger by 1976? Let us set that as a goal, determine what resources are needed to do it, establish the programs, and get the job done.

We should do the same for air pollution, water pollution, and education. Surely we should set a goal of finding a way to eradicate cancer and to reduce heart disease. The funds and resources could be concentrated to achieve it.

This is what Parade calls for. The time has long passed when we should follow their advice. Let us act now.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CALL TO ACTION

In less than seven years, the United States will celebrate its 200th anniversary as a nation.

On July 4, 1976, our President and assorted orators will congratulate us as a people on our many and monumental achievements.

Not the least of course, will be our landing of Americans on the moon.

Having harnessed our special strengths—money, men, materials and the organizational genius to control them—we conquered space before 1970.

Why can we not conquer some of our social problems on earth by 1976?

PARADE today suggests that if we can put men on the moon, then surely we can eradicate hunger in our nation by that target-date.

Surely by then we can cleanse the air we've poisoned and the water we've polluted.

Surely—by concentrating our scientists and resources in a crash program such as the Manhattan Project in World War II that created the A-bomb in five years—we can produce a cure for cancer.

Surely we can build adequate housing for the poor and end some of our educational and economic injustices.

But first we must make one or some or all of these achievements a national goal and July 4, 1976, a national deadline.

Can we do this? A nation that has conquered the secrets of space and nature in record time can with strong leadership conquer problems of poverty, pollution, and spirit.

In part it will be a matter of money. More important, it will be a matter of attitude—of discipline and compassion.

If each of us can change his mind and heart, only a little, America will have entered the Age of the Possible. And we will proudly record on the 200th anniversary of the Republic that we reached the moon and put our glory to work at home.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

FOOD STAMP PROGRAM

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The **PRESIDING OFFICER**. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2547) to amend the Food Stamp Act of 1964.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **SPONG** obtained the floor.

Mr. **MANSFIELD**. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. **SPONG**. I yield.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. CRANSTON in the chair). Without objection, it is so ordered.

Mr. **SPONG**. Mr. President, according to statistics recently released by the Senate Select Committee on Nutrition and Human Needs, 24 percent of the Virginia population had poor diets in 1965. Although persons with poor diets could be found in all income strata, those with low incomes, especially those with incomes of less than $3,000 annually, were particularly likely to have inadequate diets.

During the Easter and Memorial Day recesses I toured various parts of Virginia, discussing nutritional problems with low-income persons and health and welfare personnel. I also studied the operation of the existing commodity distribution and food stamp programs.

In my opinion, four modifications in the program are needed. First, free food stamps should be available to families with very little or no income.

Second, food stamps should be offered for sale at least several times a month and in additional places such as banks, post offices, and other public and nonprofit agencies.

Third, persons should be allowed to purchase less than a full month's supply of stamps at one time. For many low-income persons it is simply impossible to obtain enough money at one time to purchase a full month's supply of stamps as is currently required.

Fourth, limited items necessary for personal hygiene and household sanitation should be covered by food stamps.

I have long felt that programs which are well operated on the local level are preferable to federally administered programs, since those on a local level are more likely to understand the specific nature and problems of the political jurisdictions. At the same time, I believe that recent statistics indicate the need for food assistance programs in every locality. In some localities the need for such assistance will, of course, be quite small. It is, however, unlikely that there is any political jurisdiction which does not have a few low-income persons.

Under proposals which will be made during consideration of this bill, all counties would be required to have food assistance programs by January 1971. In my State this would mean more than 40 jurisdictions would need to establish such programs in the next 15 months.

There are a number of flaws in the existing food assistance programs. The ideas behind these programs are, however, basically good. We are now working on a bill which seeks to eliminate existing inadequacies.

I commend Senator ELLENDER and the other members of the Senate Agriculture and Forestry Committee for their work on this bill and for reporting it so promptly to the Senate in order that we may give consideration to these pressing matters.

Mr. **ELLENDER**. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. ELLENDER. I am glad to state that the four conditions named are incorporated in the bill, except the one to buy soap.

Mr. SPONG. Yes.

Mr. ELLENDER. Many Senators desire free food stamps for people having a low income. The bill provides that the stamps be free to recipients, but that they be paid for by the State or local organizations, and that amount is only $3.

It is my belief that in order to get complete cooperation on this bill with the Federal Government and the local authorities, the local authorities should at least be made to participate in it to that extent.

Mr. SPONG. I commend the Senator from Louisiana and the committee for the attention they have devoted to these areas and to this matter of free food stamps particularly.

I listened with great interest yesterday when he made his presentation. My own views are more nearly akin to those of the Senator from Kansas, who also spoke yesterday afternoon on the subject of free food stamps.

But I do think that it is a salutary thing that the committee has come to the floor with such a thoughtful and extensive bill and that there will be an opportunity today for us to fully weigh the alternatives with regard to the food stamp program.

Mr. ELLENDER. I suppose the Senator concedes that this program can be made effective by having the local people participate in it.

Mr. SPONG. I said that in my remarks. I think that is always desirable.

Mr. ELLENDER. As I have said, historically, much of the work has been done, in some cases, by the Salvation Army and church societies in various parts of the country.

The bill before the Senate does contemplate free food stamps for persons whose income is, say, $30 or even $40. But inasmuch as the Federal Government assumes all the expenses of the food stamps, it strikes me that the amount to be paid by the State or the local charities, say, up to $3 per family, is truly a small amount. The only difference is that our bill while it provides for free food stamps to recipients, we also provide that they be paid for by the local people or the county, whereas the amendment of the Senator from Kansas would provide for payment by the Federal Government.

Mr. SPONG. I understand that. I am glad that this matter will be discussed thoroughly. I thank the Senator from Louisiana.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, I urge immediate passage of S. 2547, a bill to amend the Food Stamp Act of 1964. I feel strongly about the need to pass this bill because it incorporates many provisions of S. 1864, the food stamp bill I offered on April 18.

The committee bill represents the culmination of a tremendous effort on the part of several members of the committee. Everyone here is familiar with the fine job Senator McGovern has done in focusing attention on the problem of hunger and malnutrition in America. His Select Committee on Nutrition and Human Needs has brought together, for the benefit of the Senate and the Nation as a whole, the best available data and testimony with regard to the incidence and extent of hunger in this country.

Many Members of the Senate have chosen to travel around the country to acquire firsthand information about hunger and malnutrition. I toured my own State to examine the school lunch, food stamp, and commodity distribution programs which are operating in Georgia. When the American public became aware of the grave problem of hunger in America, it was quick to express its indignation. Many citizens felt that their elected public officials had done too much talking and too little legislating on the problem.

Realizing that our current food assistance programs have serious flaws, I introduced corrective legislation. My study of the commodity distribution program convinced me that it could never prove satisfactory in providing food assistance for those individuals who are unable to purchase a nutritionally adequate diet. There are grave problems of logistics and distribution in this program. Moreover, it is inflexible and not easily adaptable to the special diets required by so many of the elderly and the very young. However, the most damning aspect of the commodity distribution program is that it is a dole and a complete giveaway. Therefore, it tends to be destructive of human dignity and self-respect.

Upon reaching these conclusions about the commodity distribution program, I sought ways to improve our food stamp program. Although the food stamp program has great potential, shortcomings in present law make it less attractive than the commodity distribution plan in many cases. The flaws of the current food stamp program may be divided into three categories: First, the high cost of coupons; second, inadequate food bonuses, and third; inaccesibility of food stamps.

For example, a southern family of four with a monthly net income of $130 is required to pay $48 for food stamps under the present system. My bill provided that no eligible family would be required to pay more than 25 percent of its income to purchase food stamps.

Under the committee bill, the maximum charge for food stamps is limited to 30 percent of household income. While I prefer the 25-percent figure of my bill, I believe that the 30-percent figure is a substantial improvement over the present system.

It is a sad commentary that under the present system even those families who qualify for assistance under the food stamp program and are able to pay the price of the coupons do not, in many cases, get a nutritionally adequate diet. The southern family of four, to which I previously referred, is allowed only $72 for total food purchases under the present system. With today's rapidly inflating food prices, $72 is hardly adequate to provide food for a family of four for 1 month. The committee bill makes a substantial improvement in this area by raising the coupon allotment to an amount equal to the cost of a nutritionally adequate diet.

The third shortcoming, the inaccessibility of food stamps to eligible households, is somewhat ameliorated by the committee bill. The committee adopted a provision contained in my bill which provides for the deduction of the charge for coupons from an eligible family's public assistance payments when authorized by the household. This provision will be especially helpful to aged families who find it difficult to make a separate trip each time coupons are being issued. Also, the committee would assure greater accessibility of food stamps by providing that coupons shall be issued on at least monthly and semimonthly schedules. This provision was also contained in my bill.

One provision of my food stamp amendments, which would have greatly improved distribution of food stamps, was the section authorizing the sale of food stamps in the Post Office. Unfortunately, the committee did not see fit to adopt this provision of my bill.

I regret that the committee rejected my proposals for free food stamps for families with no income or minimal income. The committee bill provides that the State agency would be required to arrange for payment from State or local sources such portion of the coupon charge as may be necessary to insure participation by those individuals having no income. I feel that it would be more desirable for the Federal Government to provide free food stamps for those individuals with little or no income. Such a provision would cost little, and would be a more efficient and effective means of providing adequate nutrition to the poorest of the poor. Therefore, I will support Senator Dole's amendment to provide free stamps to those individuals with incomes of less than $30 per month.

Of course, no member of the Senate Agriculture Committee would claim that we have reached a perfect solution in our attempt to deal with the problem of hunger and malnutrition. As we learn more and more about the extent of hunger in this country, and as we develop more sophisticated methods of dealing with this problem, there will be a need to revise existing programs, both by regulation and legislation. Therefore, I am happy that the committee saw fit to include my proposal for the establishment of an interdepartmental committee to be known as the National Nutrition Committee. Under this section, the Secretary of Agriculture would establish an interdepartmental committee to coordinate the efforts of all departments of the Federal Government and the private food industry in the field of nutrition. This committee would utilize the technical expertise and imaginative ideas of private industry in attacking the problem of hunger and malnutrition.

As Chairman Ellender has explained, the other sections of S. 2547 will provide

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substantial improvements over the present system. Under this bill, various State eligibility standards will be more uniform. The bill would permit direct commodity distribution during the transition to a food stamp program. With the adoption of this bill, the food stamp program should prove so attractive that most counties would prefer to participate in the program rather than the commodity distribution program.

Of course, no program changes would mean anything without a massive infusion of additional funds. I believe that the Senate Agriculture Committee has responded generously by increasing the appropriation authorization from $315 million in fiscal year 1969, to $750 million in fiscal 1970, and one and five-tenths billion dollars in each fiscal year, 1971 and 1972.

In my mind, one of the strong points of S. 2547 is the fact that it provides for needed improvements in the food stamp program within the framework of the Department of Agriculture. Here of late, there has been substantial agitation to move the food programs from the Department of Agriculture to the Department of Health, Education, and Welfare. I can see no justification for such a move. An objective appraisal should convince any observer that the shortcomings of our food programs in the past have not been due to the inherent inadequacy of the Department of Agriculture, but to restrictive legislation and inadequate funding. Employees of the Department of Agriculture have considerable expertise in administering food programs. They are some of the most dedicated and capable of our public servants.

Certainly, the Department of Health, Education, and Welfare appears to have enough problems it cannot solve without giving it the additional responsibility of feeding the hungry of the Nation. Until such time as I am shown that the Department of Health, Education, and Welfare can do a better job of feeding hungry people than the Department of Agriculture, I shall fight the transfer of food programs with every resource at my command.

The bill now before the Senate provides the legislative framework and necessary funding to enable the Department of Agriculture to get the job done. Let us give that Department a chance.

Mr. President, I do not believe that any Member of this body will deny that there is considerable hunger and malnutrition in this country. I believe that we all realize that it is indefensible for a country with as much agricultural abundance as ours to continue to tolerate this national disgrace.

I urge the Senate to act now to pass this food stamp legislation so that the House may have an opportunity to act before the end of the year. There is no excuse for delay. The facts are on the table. It is within our capacity to alleviate hunger and malnutrition in this country now.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ARAB REFUGEE PROBLEM IN PERSPECTIVE

Mr. HARTKE. Mr. President, since the June 1967 Arab-Israeli war, we have all rediscovered the tragedy of the Arab refugees. Unfortunately many have concluded either that their fate was unavoidable or that the Israelis must be at fault. Articles appear frequently with full-scale color photos of ragged children with empty soup bowls. Columnists note that Al Fatah finds its recruits primarily among the Arab refugees. United Nations relief workers shake their heads and complain that no solution appears possible. We are led to believe that it was always so. Nothing could be further from the truth.

The Arab refugee has a little-known counterpart. In the aftermath of the 1948 war for independence, the Arab States summarily expelled or condoned harassment of their substantial Jewish populations. From Algeria to Yemen and Egypt to Syria, Jewish communities dating from the fall of the second temple in A.D. 70 were uprooted and thrust toward Israel. In many states the largest part of the nation's merchant classes left with the clothes they could pack in a duffel bag.

In the 21 years since, the energies and compassion of Israel have absorbed almost all of this second diaspora. It was an act of faith that embraced the dispossessed and sponsored in the first months of Israel nationhood, the largest refugee settlement program the world has ever seen.

The problem was very similar to the problem facing the Arab States. There were 450,000 Jewish refugees, perhaps a hundred thousand more than the original Arab exodus. They were Sephardic Jews, often illiterate, with Arabic backgrounds completely foreign to the Western, modern culture of Israel. They had been expelled from communities with nearly 2,000 years of family and tradition.

All of the rhetoric of imperialism self-righteously used by Arab socialists—the expropriation of land traditionally belonging to the native, the displacement of the native artisan—applies as well to the Middle Eastern Jew expelled by Arab socialists. Like many other third world refugees, he too was suddenly deprived of property valued for thousands of years; he too faced a new and incomprehensible world; he too suffered the trauma of scampering from a reign of terror.

Unlike the Arab refugee, though, the Middle Eastern Jew had no offer of compensation and surely no offer to return to the home of his fathers. Unlike the Arab refugee, he escaped to a world of technology, industry, and knowledge which he barely, if at all, understood. And unlike the Arab refugee, he and one-half million others fled to a nation already burdened with the survivors of Auschwitz. It is one of the human wonders of our age that nearly no American has ever heard of a Middle Eastern Jewish refugee. Twenty years later, they are the citizens of Israel, the sinews of one of the world's newest and fastest growing nations and a reproach to every nation that has refused its compassion to the poor.

The fate of the Arab refugees is a chilling contrast. In the paroxysm of Israel's birth, with Arab armies poised on three sides, terrified Arabs succumbed to the urging of Palestinian newspapers and Egyptian radios and fled their homes. Believing that the victorious Arab legions would wipe the Israelis off the face of the earth, they left with their kitchenware, children and clothes, expecting to return in a matter of weeks and share in the spoils of a new Palestine.

The bravado of Arab airwaves in 1948 began the wandering trek, that over 21 years has led to hopelessness. Rejected, despite the rhetoric of Arab brotherhood, by the states surrounding Palestine, the refugees languish in explosive boredom. Life degenerates to a fantasy where violence and violence alone intersects reality. It is here that Al Fatah recruits. It is here that the Middle East burns. It is here that hatred is fueled by squalor. Until the Arab refugee is embraced by societies that want him, the Middle East will continue to burn.

The responsibility for the million lives that waste in refugee camps belongs uniquely to no one source, but should lie heavily on the Arab conscience. Even the Israelis have been more willing to bear their burden of responsibility for the Arab refugee. Lands formerly belonging to Arabs have long since become part of the Israeli economy and should either be returned or compensated for. While obviously reluctant, since Palestinian Arabs would be an extraordinary security problem, Israel nonetheless has offered to 100,000 the possibility of return, and to the rest, compensation for their losses. Similar offers have been made throughout the last 20 years. The Arab world has refused to accept an offer from the Israeli Government which would mean implicit recognition of the existence of the State of Israel—something no Arab politician has been willing to do for the last 20 years. While we might sympathize with the outraged pride of the losers in 1948, we must weigh in the balance the squalor of the refugee camps in 1969.

Far less excusable than Arab refusal to accept Israel funds is the treatment doled out to the refugees by their brothers in Islam. Channing B. Richardson, professor of political science at Hamilton College, N.Y., in his study of the refugee problem, reports:

> With a few exceptions, the refugees have not been wanted in the countries into which they have fled. Egypt evacuated the few thousand refugees who fled there, turning them back into the tiny Gaza strip and maintaining close guard lest any of the 200,000 slip back. Lebanon places severe restrictions on the refugees who have fled into her territories. Syria, with the largest usable area of arable land upon which hundreds of thousands could begin life anew, will accept no more.

Only the tiny kingdom of Jordan granted the refugees citizenship and began some tentative resettlement programs.

The reasons involved reflect no credit on the Arab nations. In many cases, tight control of the land by a few wealthy families has led to exploitation that no Palestinian would accept. At times as much as four-fifths of the crop could be demanded in return for seed and the use of land. In many cases governments were more interested in the foreign exchange available in U.N. relief payments than they were in genuine resettlement. Each successful self-supporting Palestinian represented one less relief check and the end to an easy flow of hard Western currency. Nearly $425 million in relief has flowed into the region; and with the demands of modernization, Arab regimes have, in effect, decided to sacrifice the refugees to the exigencies of development. Finally, the refugees, subsisting on United Nations checks, can afford to work for far lower wages than the already low-paid Arab worker. Fear of a flood of cheap labor has led to legal restrictions on employment very similar to American immigration policy on the Mexican border. While all of these reasons are in some way understandable, they do not add up to an impressive or humanitarian record, and they certainly undercut the often outrageous moral self-righteousness of Arab spokesmen crying about the fate of refugees.

The United States, itself, is not entirely free from blame. Since 1948, we have blindly, though of good will, financed the U.N. refugee camps, supporting nearly 70 percent of the cost. The Soviets, meanwhile, despite their claims of undying friendship for the Arab peoples, have refused all along to contribute that first penny for refugee relief. With such policies, much like our welfare programs, we have made it economically profitable for both the host country and the refugee to remain unsettled. The entire program is a huge disincentive to solutions. Clearly a more humane and ultimately successful approach would provide incentives in the form of foreign credits for U.S. goods and materials. Tied to a settlement program, the credits could be limited to agricultural or industrial development programs that employ and settle the residents of the refugee camps. Naturally, some provision would have to be made for the old, sick, or disabled among the refugees, but surely that is not an insurmountable barrier.

There is a precedent for refugee settlement. Following the 1948 war, nearly 100,000 Arab refugees remained in Israel. Over a several year period, the Israelis managed to assimilate all but the "hard core"—the disabled, the sick, the old, the very young. The program produced the high Arab per capita wage in the Middle East. No one should delude himself into thinking that a U.S.-sponsored program is going to succeed immediately, but we must, I think, take the first step. With the lure of American dollars, to be given or withheld, Arab lands might yet assimilate the refugees.

Mr. President, I have directed my remarks today to the particular problem of the Arab refugees, because there it seemed that the United States might make an immediate impact. But the deeper problem remains—the problem of finding a path to lasting peace in the Middle East. For as we all recognize, the tragic plight of the refugees will not be fully alleviated until peace is attained.

Five months ago in this Chamber I had occasion to remark that a settlement could not be imposed by outside parties. Nothing that has happened since then leads me to change that view. Let me therefore repeat:

> Peace will come to the Middle East when, and only when, the direct parties to the conflict sit down together, and together resolve their differences. This, in turn, will come when, and only when, the Arab states are prepared to concede the most elementary point in international relations: Israel's right to exist, and that, finally, will come when, and only when, Israel's own strength and America's firmness of purpose make it finally and unequivocally clear that Israel is not going to be overwhelmed by the weight of Arab numbers and Soviet arms.

Let us hope, Mr. President, that responsible Arab leaders will grasp that point before they themselves are engulfed by the tidal wave of fanaticism which their maneuverings threaten to loose.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:45 P.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:45 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon (at 12 o'clock and 28 minutes p.m.) the Senate took a recess until 12:45 p.m.

At 12:45 p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. CRANSTON in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. DINGELL, Mr. ASPINALL, Mr. PELLY, and Mr. SAYLOR were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 474) to establish a Commission on Government Procurement, in which it requested the concurrence of the Senate.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 24, 1969, he presented to the President of the United States the enrolled bill (S. 1888) to change the composition of the Commission for Extension of the U.S. Capitol.

FOOD STAMP PROGRAM

The Senate resumed the consideration of the bill (S. 2547) to amend the Food Stamp Act of 1964.

Mr. McGOVERN. Mr. President, I send to the desk an amendment in the nature of a substitute for the bill now before the Senate, and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. McGOVERN. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN's amendment is on page 1 line 3 strike everything after the enacting clause through page 8 line 6, and insert in lieu thereof the following:

SEC. 2. The Food Stamp Act of 1964 is amended as follows:

"(1) Section 2 is amended to read as follows:

"'SEC. 2. It is hereby declared to be the policy of Congress in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to the maximum extent to safeguard the health and well-being of the Nation's population and provide adequate levels of food consumption and nutrition among low-income households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate levels of food consumption and nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households with low incomes to receive a share of the Nation's food abundance sufficient to provide them with adequate levels of food consumption and nutrition, is herein authorized.'

"(2) Subsection (b) of section 3 is amended by adding at the end thereof a new sentence to read as follows:

"'The term "food" also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation.'

"(3) The second sentence of subsection (e) of section 3 is amended to read as follows:

"'The term "household" shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10(h) of this Act.'

“(4) Subsection (f) of section 3 is amended by adding at the end thereof a new sentence to read as follows:

“‘Such term also means a private nonprofit institution, boarding house (other than a fraternity, sorority, or other social club) or school which provides meals to persons of sixty-five years or over who are not residing in an institution or boarding house; a private nonprofit organization that prepares and delivers meals to persons of sixty-five years or over in their homes; and commissaries operated by the Department of Defense which shall accept coupons in exchange for food for any participating household which otherwise is eligible under regulations of the Department of Defense to utilize the services of such commissaries.’

“(5) Subsection (j) of section 3 is amended to read as follows:

“‘(j) The term “State” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.’

“(6) Subsection (a) of section 4 is amended by striking out the first sentence and inserting in lieu thereof the following: ‘The Secretary is authorized to formulate and administer a food stamp program under which eligible households within a State will be provided with coupon allotments of sufficient monetary value to enable them to purchase a nutritionally adequate diet. Such program shall be carried out in any State at the request of the appropriate State agency of such State or pursuant to section 10(f) of this Act.’

“(7) Subsection (b) of section 4 is amended to read as follows:

“‘(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder shall be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted because of a disaster; (2) in any county where a food stamp program is being initiated and where federally owned foods have been distributed to households during any one of the three months immediately prior to initiation of a food stamp program, until such time as the number of persons participating in a food stamp program exceeds the monthly average number of persons who received federally owned foods during the three month period immediately prior to the initiation of a food stamp program; or (3) on request of the State agency if the State agrees to finance, from funds available to the State or political subdivisions thereof, all of the costs, subsequent to the delivery of such foods within the State, of handling, storing and issuing federally donated food to eligible households in the area.’

“(8) Section 5 is amended to read as follows:

“‘SEC. 5. (a) Households whose income is determined, as provided in this section, to be insufficient to permit them to purchase a nutritionally adequate diet shall be eligible to participate in the food stamp program. The Secretary shall prescribe, not less often than once a year, the minimum level of income a household must have in order to purchase a nutritionally adequate diet for the members of such household and be financially able to meet the other normal living expenses of a household. He shall prescribe such level of income for households composed of varying numbers of individuals, but in no case shall the minimum income level prescribed by the Secretary be less for any household than the equivalent of $4,000 per year for a household composed of four persons. In prescribing minimum income levels for households under this section the Secretary may take into consideration such relevant factors as the regional variations in the cost of food described in the low-cost food plan published by the Agricultural Research Service of the United States Department of Agriculture or such other relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. The Secretary shall also prescribe the maximum level of income for households composed of varying numbers of individuals above which households shall be ineligible to participate in the food stamp program. Income limitations prescribed under this subsection shall be revised annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics, Department of Labor.

“‘(b) In complying with the limitations on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such eligibility standards shall comply with the maximum and minimum income levels prescribed by the Secretary under subsection (a) of this section and shall also place a limitation on the resources to be allowed eligible households, but such limitation shall apply to the income, if any, realized from such resources and not to any income which might be realized through liquidation of such resources. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary.’

“(9) Subsections (a) and (b) of section 7 are amended to read as follows:

“‘(a) Except as hereinafter provided in this subsection, the face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than the amount necessary to purchase a nutritionally adequate diet for the members of such household. The amount necessary to purchase a nutritionally adequate diet for households composed of varying numbers of individuals shall be determined by the Secretary and shall be revised annually by the Secretary. In determining the amount necessary to purchase a nutritionally adequate diet for any household the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds and amounts of food contained in the low-cost food plan established by the Agricultural Research Service of the United States Department of Agriculture and published in the “Family Economics Review.” The Agricultural Research Service shall revise and publish the amount which it determines to be necessary to purchase such food at least annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.

“‘(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined not to exceed a reasonable investment on the part of the household: *Provided*, that (1) any eligible household whose income is less than two-thirds the current amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under section 7(a) of this Act shall not be charged any amount for such coupon allotment; and (2) in no case shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment.’

“(10) Subsection (a) of section 10 is amended to read as follows:

“‘SEC. 10. (a) The food stamp program shall be administered to insure that participants are afforded the opportunity to receive at schools, at approved retail food stores, in their homes, or at other appropriate places convenient to participants such instruction and counseling as will best assure that they are able to use their increased purchasing power to obtain those nutritious foods most likely to insure that they receive a nutritionally adequate diet. The food stamp program shall also be administered to insure that all households eligible to participate in the program are informed of its existence and given such assistance as may be required to enable them to make application for the benefits of this Act. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted for the purpose of providing nutrition counseling and home economics services for eligible households using such authorities as may be available to the Secretary, or in cooperation with other agencies of the Federal Government or private agencies. The Secretary is authorized to use the educational potential of the national school lunch program and its extension to introduce better eating patterns and better nutrition to eligible households under this Act.’

“(11) Subsection (b) of section 10 is amended by striking everything following the colon and inserting in lieu thereof the following:

“‘*Provided*, That the State agency shall comply with the requirements of clauses (2) and (3) of section 10(e) of this Act. The operating agency may delegate its responsibility for the issuance of coupons and the collection of the amounts charged from eligible households to the United States Post Offices, banks, credit unions, or any other public agency or private nonprofit agency. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations.’

“(12) Subsection (c) of section 10 is amended by inserting immediately preceding the first sentence the following:

“‘Any household making application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal.’

“(13) Subsection (d) of section 10 is amended by inserting immediately preceding the first sentence the following:

“‘Notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotment bears to the full coupon allotment such household was entitled to purchase. The Secretary shall prescribe general guidelines and minimum requirements with respect to the quality of certification and issuance services to be provided by State agencies to eligible households, including, but not limited to, matters relating to the places, times, and frequency of coupon issuance services in political subdivisions approved for participation in the food stamp program. Such general guidelines and minimum requirements shall include at least the following provisions: (1) that the issuance of coupons shall take place no less often than once per week and (2) that at each issuance of coupons any household may purchase the entire monthly coupon allotment to which it is entitled or any portion of that coupon allotment which it has not previously purchased. The State agency shall, notwithstanding any other provision of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elected, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its coupon allotment distributed to it with such grant or payment.'

"(14) Subsection (e) of section 10 is amended by striking '(3)' and '(4)' and inserting in lieu thereof '(4)' and '(5)', respectively, and by striking clause (2) and inserting in lieu thereof the following:

"'(2) that the State agency shall make every possible effort to insure that all households who meet the eligibility requirements set forth in this Act are certified to participate in the food stamp program;

"'(3) that the State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required frm eligible households as payment therefor through the facilities of United States Post Offices directly or by mail, through the facilities of participating retail food stores or in such other manner convenient to participating households as shall best insure their participation.'

"(15) Subsection (f) of section 10 is amended to read as follows:

"'(f) Nothwithstanding any other provision of this Act, the Secretary shall administer a food stamp program through any private nonprofit organization or through any Federal, State or county agency he deems appropriate in any political subdivision of a State if

"'(1) he determines that in the administration of the program in such political subdivision there is a failure by the State agency to comply with the provisions of this Act, or with the regulations issued thereunder, or with the State plan of operation approved by the Secretary and he has informed such State agency of such failure and such failure has not been corrected after a reasonable period of time; or

"'(2) he determines that a food stamp program is needed in such political subdivision and the appropriate officials of such political subdivision or the State have not requested a food stamp program for such political subdivision after the Secretary has made an offer of Federal payments as authorized by this section; or

"'(3) a food stamp program is not being operated, or is not being operated in accordance with the provisions of this Act, in such political subdivision on January 1, 1971, or thereafter; or

"'(4) he determines that the ratio of the number of persons participating in the food stamp program in such political subdivision to the number of persons classified by the Office of Economic Opportunity as low income in such political subdivision is not adequate to effectuate the policy of Congress and the purposes of this Act.

When the Secretary administers a food stamp program under the provisions of this subsection, he shall observe, or require the administering organization or agency to observe, all of the appropriate provisions of this Act and regulations issued pursuant thereto.

"(16) Section 10 is amended by adding at the end thereof a new subsection as follows:

"'(h) Subject to such terms and conditions as may be prescribed by the Secretary, food stamps issued under this Act to any elderly person may be exchanged by such person for meals prepared and served by any group authorized to prepare and serve meals under subsection (f) of section 3 of this Act if:

"'(i) such person does not have facilities for the preparation of food in his living quarters, or does not have reasonable access to such facilities, and the meals served by such organization are served in a common dining room and are prepared and served primarily for the benefit of elderly persons; or

"'(ii) such person is housebound, feeble, physically handicapped, or otherwise disabled to the extent that he is unable to prepare nutritious meals for himself, and such organization prepares and delivers meals to such person.'

"Section 14 is amended by adding at the end thereof a new subsection as follows:

"'(e) No person shall be charged with a violation of this or any other Act, or of any regulation issued under this or any other Act, or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 6(d) of this Act, except for fraud.'

"(18) Section 15 is amended by adding at the end thereof the following new subsection:

"'(c) Notwithstanding the provisions of subsection (a) of this section, the Secretary shall pay to the State agency of a State the costs of issuing coupons to eligible households and of collecting the sums required from eligible households as payment therefor.'

"(19) Section 16 is amended to read as follows:

"'(a) To carry out the provisions of this Act there is hereby authorized to be appropriated not in excess of $1,250,000,000 for the fiscal year ending June 30, 1970; not in excess of $2,000,000,000 for the fiscal year ending June 30, 1971; and not in excess of $2,500,000,000 for the fiscal year ending June 30, 1972. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for purposes of this Act until expended.

"'(b) Upon written notification to the Congress of his intent to do so, the Secretary is authorized in any fiscal year to obligate sums in excess of the sums appropriated for such fiscal year pursuant to subsection (a) of this section, if such excess obligations are necessary to meet unanticipated increases in participation. In no event shall the amount of excess obligations in any fiscal year exceed an amount equal to 15 per centum of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. The amount of any excess obligation incurred in any fiscal year shall be paid for out of funds appropriated to carry out this Act in the succeeding fiscal year.

"'(c) If the Secretary determines that any portion of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.'"

Mr. McGOVERN. Mr. President, the amendment in the nature of a substitute which I have just offered embraces the principal parts of the series of amendments I submitted in the Senate on Tuesday of this week and had printed in the RECORD. This substitute amendment is cosponsored by the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. COOK), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), the Senator from Texas (Mr. YARBOROUGH), the Senator from Minnesota (Mr. MONDALE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART), the Senator from Virginia (Mr. SPONG), and the Senator from New York (Mr. GOODELL).

I would like to thank each of these Senators for their confidence.

In particular I would like to thank the distinguished senior Senator from New York, Senator JAVITS, and the very capable Senators from Illinois and Kentucky, Senators PERCY and COOK, for their diligence, hard work, and cooperation as minority members of the Select Committee on Nutrition. Without their help neither that committee, nor the substitute which we offer today, would have been possible.

I wish to make it clear, Mr. President, that the Senator from Virginia (Mr. SPONG), in joining as a cosponsor, has one reservation concerning the amendment, relating to the level at which families would become eligible for free food stamps, and he will doubtless join in an effort to write in a different figure than the one in the substitute bill. But with that exception, it is my understanding that the cosponsors are in support of all phases of the proposed substitute.

Mr. President, I want, first of all, to express my personal appreciation to the Senator from Louisiana (Mr. ELLENDER), the chairman of the Committee on Agriculture and Forestry, who has been my chairman on that committee during the entire 6½ years that I have served as a member of the committee, and with whom I also have the privilege of serving on the Senate Select Committee on Nutrition and Human Needs. Both as a member of the Standing Committee on Agriculture and Forestry and as a member of Select Committee, I have enjoyed the friendliest and most cordial relations with him, and I think he knows the growing admiration and high regard that I have for him and for his leadership, particularly in the field of food-stamp legislation which the Senate is considering today. He was the principal author, years ago, of some of the major parts of our food-assistance programs, under which millions of people have been fed in this country over the last quarter of a century.

I also express appreciation for the forward steps that are proposed in the committee bill as reported by our chairman, the Senator from Louisiana (Mr. ELLENDER), with reference to the problems of hunger and malnutrition.

There is not the slightest doubt but that the committee bill represents a very important improvement over our existing food stamp program. The reason I offer a substitute is that I want to go somewhat beyond the bill reported by the Committee on Agriculture and Forestry, to incorporate what I firmly believe to be the principal findings of the Select Committee on Nutrition and Human Needs, findings based on the studies, investigations, and hearings of that committee over the past 10 months.

Mr. President, the debate on hunger and malnutrition in the United States, a land of plenty, has come a long way, especially in 1969.

We have investigated. We have debated the issue. Now, finally we are called upon to act. I hope that our action will be commensurate with the enormous significance of the issue of hunger in our country.

This debate really began 3 years ago when four of our colleagues first saw the results of hunger and malnutrition engraved on the faces of little children in the United States. Two of those colleagues are still with us. One was defeated for reelection—former Senator Clark of Pennsylvania. One was the victim of an assassination—Senator Kennedy of New York.

From that time until today we have labored to establish the proposition that what they saw on the faces of these little children was not simply an isolated circumstance, but was the sign of a much larger nationwide tragedy. The fact of this larger tragedy is now established beyond doubt.

Mr. President, this fact has been established by three different committees of the Senate—perhaps most clearly by the Select Committee on Nutrition and Human Needs, which has addressed itself exclusively to this issue.

The fact of the existence of hunger has also been accepted by the administration. I am confident that it has been recognized by the American people at large. It has been documented by a careful Government-sponsored medical survey, by private studies, newspaper, magazines, and television networks across the land.

As awareness of the existence of malnutrition has grown, so has an understanding of the disastrous effects that hunger and malnutrition have on the people of our country.

In what I personally believe to be one of the most politically courageous statements I have ever been priviliged to hear, the Senator from South Carolina (Mr. HOLLINGS), one of the cosponsors of the substitute amendment, said before the Select Committee on Nutrition and Human Needs: "It is cheaper to feed the child than to jail the man."

Stating that he personally was late in recognizing the problem, the Senator said:

> Many is the time that my friends have pointed a finger and said, "Look at that dumb Negro."
>
> The charge too often is true. He is dumb. He is dumb because we have denied him food. Dumb in infancy, he has been blighted for life.

That sad confession can be made with reference to millions of white as well as black citizens in our country who will carry the irreparable damage of malnutrition throughout their lives. They were afflicted with this damage either before birth or in the early stages of their lives.

In page upon page of testimony, experts have added convincing documentation to the moving statement of the distinguished Senator from South Carolina. Expert after expert has testified that malnutrition is an important cause of premature birth and infant mortality. It is an important cause of brain damage, an important cause of decreased learning capacity, of low work productivity, of disease, and, in some cases, of death.

Had we known in 1964 what we now know—that the hungry child does not learn and the hungry adult cannot work—I suspect that the war on poverty might have been more successful.

While we may continue to argue about the extent to which ending hunger would eliminate poverty, it is a fact that if we fail to do battle against hunger in America, we will never win the war on poverty.

Mr. President, one of the first witnesses before the Select Committee on Nutrition and Human Needs, the so-called Hunger Committee, was the distinguished social scientist, Margaret Mead. She stated categorically that hunger is the No. 1 social challenge before the people of this country. And she said:

> If we can't solve the problem of hunger and malnutrition in the United States, we are not going to solve anything.

None of the problems of the cities, the unemployed, disease, the low educability of many of our people, will be solved if we cannot solve this chronic problem of malnutrition and hunger that is such a terrible blight on millions of people in this country.

I have no hesitancy in saying that I regard this matter as being of first priority. Of all the social problems facing this country, this is the one that we ought to begin working on. This is the one on which we can score a decisive victory with a modest investment of money, and effort, and administrative improvement. This is problem No. 1. And it ought to have the commitment of every Member of the Senate.

Mr. President, in both a study by the Bureau of the Budget and in a study undertaken for the select committee it has been pointed out that it actually costs our Government at least three times as much to provide a lifetime of care for the diseased or damaged victims of infant malnutrition as it would to provide the food which would prevent that malnutrition in the first place. In other words, laying aside the moral issue or the human factors involved, if one wants to look at this matter purely from a benefit-cost ratio in terms of dollars and cents, for every dollar that it would cost to close the hunger gap, it would cost us $3.50 to permit that hunger gap to remain open, $3.50 to deal with the ravages of malnutrition that bring about decreased job effectiveness, low learning capacity and chronic disease.

All of those factors, according to the Bureau of the Budget study that has been circulated in tentative form, add up to a cost of over 3 times as much to this country in dollars and cents to permit malnutrition to exist as it would cost to close that hunger and malnutrition gap under the formula spelled out in the pending substitute amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MONDALE. Mr. President, when the Indian Education Subcommittee was on a visit to Alaska, we went to many of the schools throughout that area.

One of them that I will never forget was a visit to a second-grade class in Nome, Alaska. When the class that we were viewing concluded, I went to the teacher and I asked her, "What kind of educational problems do you have? Are your textbooks adequate? Are the physical facilities adequate? What is the basic problem?"

She said:

> Senator, the fact is that most of these children are hungry and they cannot learn. I have adjusted to that. I did not when I first came here. I used to take the money that I and my husband earned, and we tried to buy sandwiches for them and had them over to the house and gave them something to eat.
>
> But we found we just couldn't afford it. The local school district either can't afford or refuses to afford any kind of programs to help these children, and the truth of it is that I can't educate them. They react in one of two ways: Either they go to sleep very early in the morning during class, because they are so malnourished that they can't stay awake, or they become serious behavior problems. They are working out their frustrations caused by hunger in that fashion.

You could look at the children's faces, and the tragedy of certain failure was apparent on each of them.

The statistics about the lost money are impressive. But what I cannot get out of my mind is the sight of these children who simply did not have enough to eat and who did not have the capacity to learn.

We saw the same phenomenon less than a mile away from here, in the District of Columbia. They have a Headstart program here—an early childhood effort—and they would send tutors into the homes on an experimental basis, to try to teach 2- and 3-year-old children to read. The tutors reported that they could not get the child's attention because the child was searching the floor for crumbs, something to eat.

The same phenomenon has been reported around this country, and the truth of it is that we are destroying millions of children who have never had a chance—in part because they do not have the basic elements of adequate nutrition. I do not know how to cost that item out, but I do know that it is a national disgrace to permit it to continue.

Mr. McGOVERN. Mr. President (Mr. SPONG in the chair), I want to respond to the excellent points that were made by the Senator from Minnesota (Mr. MONDALE), who is a member of the Senate Select Committee on Nutrition and Human Needs and also has been an important member of the Special Committee on Indian Education.

It seems to me that the point he makes is beyond question—that we cannot talk seriously about the education of children without also recognizing the fact that perhaps the principal barrier to the educational development and educational growth of children, at least from the mil-

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lions of poor families in this country, is malnutrition. I do not know of a teacher of any experience who has had any contact at all with children from poor families who cannot attest to that fact.

It makes no sense at all for us to appropriate billions of dollars for educational programs, for special educational programs to deal with disadvantaged children, funds for mentally retarded children and the whole range of programs related to child development, and then stop short by a few hundred million dollars of what we need to really put an end to malnutrition and hunger in this country.

I know that all Senators share the objective of wanting to end hunger and malnutrition. What we are going to be talking about here for the next few hours at least is the question of what it will take to accomplish that. It is the belief of those of us who have cosponsored the substitute bill that we have a modest proposal that will close the hunger gap. We do not think that will happen in the bill S. 2547, which was reported by the Committee on Agriculture and Forestry.

I thank the Senator from Minnesota for this helpful contribution. I understand that he is going to speak at greater length a little later.

Mr. President, it is facts such as these, facts which so dramatically expose the utter folly of permitting hunger to scar the lives of children in this land—a land with a gross national product that is now approaching a trillion dollars—that have brought us to the point of decision on the question of hunger in the United States. On the surface, this decision would seem easy. Certainly, no Member of the Senate is going to advocate hunger. So, surely, every Senator is going to vote one way or another, as he sees it, for a program designed to bring this unacceptable tragedy to an end.

President Nixon has pledged his support toward that end. He has called flatly for an end to hunger in America for all time. And nearly every Senator has at one time or another echoed that resolve. I want to commend the administration for going as far as it has in this matter, although I would like to see steps somewhat more substantial than those outlined so far.

But, deep down, the decision is much harder than simply making a declaration against hunger. Quick, effective action against poverty-related hunger requires both new expenditures and new Federal authority. Some Senators may, on conscientious ground, oppose both of those steps, both the funds we believe are needed and the new authority that we think is needed.

If it can be said that in some measure it has been the work of the Select Committee on Nutrition and Human Needs which has helped to bring us to this point of decision, then it can also be said that it has been the nonpartisan cooperation of every member of the committee which has enabled us to carry on our investigation effectively. I believe that the same spirit of nonpartisan cooperation will carry over to the Senate as a whole, if we are to act effectively against hunger today.

For this reason, I am pleased to join with the Senators whose names I read a few moments ago in offering what I believe to be the most comprehensive reform of the food stamp program ever seriously suggested in this Chamber. The case for this reform, which is offered in a single, bipartisan substitute for the bill reported by the Committee on Agriculture and Forestry, is strong, is straightforward, and is not in need of rhetorical embellishment, and I intend to present it in that fashion.

I am aware that Senators are weary after the marathon debate over defense procurement; but I am glad, in a sense, that this issue follows as closely as it does the debate on the military bill, because I am certain that, having labored for 2 months to understand the needs of the Pentagon, we will be willing to devote at least a day or two to understand the legislative needs of the hungry people of this country.

As the distinguished chairman of the Agriculture Committee, the Senator from Louisiana (Mr. ELLENDER), knows, I have deep appreciation, as I have said, for his leadership in this area; and our only disagreement rests on the question of whether S. 2547, the committee bill, is adequate to reach the end that we both wish to achieve. If we seriously expect to make the food stamp program into an effective vehicle for the elimination of poverty-related hunger in America, I think we must write a program which meets at least three basic minimal criteria.

First, we must write a program which provides the poor family with enough food stamps to insure that it is actually able to purchase an adequate, nutritious diet.

Second, we must provide those stamps at a price the family can afford.

Third, we have to make food stamps available through an administrative system which insures that the people who qualify for them actually receive the stamps. I have no hesitancy in saying that no one of the three criteria is met by the present system.

I believe that on each of these three key points the substitute I propose offers the kind of reform we must have if this is to be the year in which we finally begin to move effectively against hunger. The difference between the substitute bill and the committee bill on these three points is not hard to understand. Let us look at them in detail.

On the first point, the provision of enough food stamps to a poor family to be sure they are able to purchase an adequate diet, I think that only the substitute bill really meets that criteria.

The practical effect of enacting the committee bill would be to provide a family of four with a monthly stamp allotment of $100. Yet according to the Department of Agriculture:

> Less than 10 percent of the families spending $100 a month on food as recommended by the Economy Diet Plan are actually able to achieve a nutritious diet.

Then, the Department continues:

> The public assistance agency that is interested in the nutritional well-being of its clientele will recommend a money allowance for food considerably higher than the $100 cost level of the economy plan.

To speak of ending hunger with a program which the Department of Agriculture itself admits provides only enough stamps to adequately feed one out of every 10 poor families does not achieve the criteria as outlined. It raises false hopes that it cannot satisfy.

Mr. President, the substitute provides a more adequate though still modest stamp allotment—one equal in value to the $125 per month low cost diet which the Department of Agriculture recommends for those interested in the nutritional well-being of the poor.

That is the first clear difference in these two bills, the committee bill suggesting food stamps worth $100 per month for a family of four, and the substitute bill setting that figure at $125 a month.

I think the Senate is interested in the nutritional well-being of the poor and that it will adopt the adequate low cost stamp allotment at the $125 figure.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Louisiana.

Mr. ELLENDER. On page 3, section 3 (a), I would like the Senator to interpret the language that appears there. I refer to the top of page 3.

Mr. McGOVERN. Is that language in the substitute bill?

Mr. ELLENDER. No. That language is in the bill that was reported by the committee. The section reads as follows:

> (a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

Does not that mean that the Secretary may supplement the income of the recipient with food stamps so as to do the very thing the Senator is talking about?

Mr. McGOVERN. It has been my understanding that the legislative history as outlined by the committee in writing in that section is that a nutritionally adequate diet would be set in the so-called economy figure which is $100 a month; and the Secretary of Agriculture stated that if this bill, that is, the committee bill, which represents at least a part of the administration point of view, were enacted as presently stated he would set that figure at $100.

Mr. ELLENDER. That would not mean that under the section I have just read he could not raise it, would it?

Mr. McGOVERN. That is correct.

Mr. ELLENDER. Exactly. In his bill the Senator is tying it to $125.

Mr. McGOVERN. Whatever the Secretary sets as an adequate diet year by year.

Mr. ELLENDER. Which is provided for in the section I have just read.

Mr. McGOVERN. I again come back to say to the Senator that the Secretary has stated and told the committee, as the Senator will recall, that without a specific figure in the legislation he would set that diet level at $100 a month. That is why I have specified that the level be set at the $125 figure.

Mr. ELLENDER. Who sets that $125 figure?

Mr. McGOVERN. I think this is where the confusion comes in. I wish to say to the Senator that we are setting a minimum of $125.

Mr. ELLENDER. Where is it in the Senator's bill? It is not in the bill. The Senator uses virtually the same language as is provided in the section I have just read; that it will be up to the Department of Agriculture, through the Secretary, to provide stamps in order to purchase food sufficient to give a nutritionally adequate diet.

Mr. McGOVERN. I shall read the language in the substitute bill.

Mr. ELLENDER. I have one further point.

We have the Secretary fix that amount whereas the Senator would have the Agricultural Research Service to fix it. We provide that the Secretary would fix it.

Mr. McGOVERN. I shall read the language that relates to that point in the substitute bill. It is found on page 6 of the substitute bill beginning on line 11:

> In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds and amounts of food contained in the low-cost food plan established by the Agricultural Research Service of the United States Department of Agriculture and published in the "Family Economics Review."

Mr. ELLENDER. Is that fully adequate? Does it state it is fully adequate?

Mr. McGOVERN. Yes. That is my understanding.

Mr. ELLENDER. Under the language I have just read the Secretary must provide food stamps sufficient to buy food for a nutritionally adequate diet. It is not a question of low or high diet, but it must be nutritionally adequate.

Mr. McGOVERN. If the Secretary had told our committee that he regards the nutritionally adequate diet to be based on the findings of the Agricultural Research Service, which says a family of four cannot be fed on $100 a month, that they must have at least $125 at today's prices, then I would accept that language without any further spelling out. However, in the absence of that kind of assurance we should write in a provision that would state that a family of four gets not less than $125 a month.

Mr. ELLENDER. I do not wish to continue to press the point, but the Secretary is the one who must fix it to provide a nutritionally adequate diet. If the research board states $100 or $125 that is what it is going to be because the Secretary fixes the amount.

Mr. McGOVERN. I agree with the Senator, but then the Secretary tells us he is going to fix it at $100 a month and his own research service says not more than 10 percent of the people of this country can be fed an adequate diet at that level.

Mr. ELLENDER. Whom are we to believe, the Secretary or his subordinates?

Mr. McGOVERN. When I interrogated the Secretary, I thought he was quite wobbly on trying to assure us that a family could be adequately fed on $100 a month. The Senator will recall that he did not come back with very much conviction that a family could eat adequately on $100 a month. He was talking more in terms of budget pressure than he was of the pressure of a hungry stomach.

Mr. ELLENDER. If it requires more than $100 a month, he will have to provide more money under the language provided for in the committee bill, would he not?

Mr. McGOVERN. If the Senator could develop legislative history to support that, I believe that would strengthen the committee's bill.

Mr. ELLENDER. I have no doubt of it. It is as plain as it can be, where it says:

> The face value of the stamp or coupon allotment which the State agency shall be authorized to issue to any household certified as eligible to participate in the Food Stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

I do not see how we can make it any plainer than that.

Mr. AIKEN. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr AIKEN. I would think that putting the responsibility on the Agricultural Research Service, rather than the Secretary would be the same thing, in effect, as putting the State Department above the President in formulating foreign policy.

The Secretary, of course, would probably use the Agricultural Research Service, but there might be other agencies he would also want to use. In the final analysis, he has the responsibility. He is the only one we can hold responsible.

Mr. McGOVERN. I agree.

Mr. AIKEN. I would put the responsibility on the Secretary of Agriculture rather than on a subordinate agency.

Mr. McGOVERN. Let me say to the Senator from Vermont that my substitute bill does put the responsibility on the Secretary. It says, "He shall determine it," but that, "he shall not do so at a level less than the amount determined by this agency as constituting an adequate nutritional diet." In other words, this sets a guideline below which the Secretary cannot go. It still makes him responsible for establishing——

Mr. AIKEN. That would be the same as saying the President could make foreign policy but he could not make it above or below that recommended by the State Department. It does not seem to me that that would work. After all, the Agricultural Research Service is under the Secretary, and I suppose the Secretary could change the personnel of that agency whenever he saw fit to do so. He has the final responsibility. Thus, I think that the responsibility should be placed on him, with the expectation that he would use the Agricultural Research Service to the best of its ability.

I am wondering whether the Senator from South Dakota expects a vote on the substitute bill as a whole. I realize that some of the amendments to be offered will, doubtless, receive greater consideration by the Senate than others.

Mr. McGOVERN. I would anticipate that there would be a vote on the bill as a whole.

Mr. AIKEN. And then the Senator will offer his amendments one by one.

Mr. McGOVERN. If the substitute carries, as I hope it will, that will not be necessary.

Mr. AIKEN. I think maybe it will be necessary. With particular reference to the use of food stamps for the purchase of bathtubs——

Mr. McGOVERN. I beg the Senator's pardon. Is the Senator against bathtubs?

Mr. AIKEN. They could use food stamps for the purchase of bathtubs?

Mr. McGOVERN. Yes; but I think before people eat, they should wash their hands.

Mr. AIKEN. Some of the amendments will probably be considered by the Senate. Thus, I hope we would be able to get to them one by one. Of course, they are the Senator's amendments, not mine. I was just trying to get the "lay of the land."

Mr. ELLENDER. In connection with our discussion, I wonder whether the Senator from South Dakota would tell us what he means relative to page 9, which has a provision which states:

> Notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase.

What does the Senator mean by that?

Mr. McGOVERN. If a family were entitled to buy $125 worth of stamps at a price, let us say, of $25 and they did not have the $25 in a particular month, but they had $10, they would be permitted to buy $10 worth of stamps with the total proportion reduced in accordance with what they have paid. If at some later time in the month they received additional money, they could go back and use the unused allotment to make other purchases. In other words, this is to get away from the contention that they have to buy the whole allotment at one time, or they have to buy the same amount month after month.

Mr. ELLENDER. If that language is left in there, would it not mean the recipient would not have to buy a sufficient number of coupons so as to provide him with an adequate diet?

Mr. McGOVERN. If he did not have the money at any given time in any given month, if he were short in any given month, what this would mean is that he would not be out of the program entirely. He could buy such stamps as his funds would permit, and then, as his financial condition improved, he could come back the next month at the regular level. This is the so-called variable feature.

Mr. ELLENDER. Would it not also mean that he could use them as cash for purposes other than to buy food? That, I presume, would be what would cause him to desire to spend less money and get less diet.

Mr. McGOVERN. I believe that every one of these poor families, of the kind we would probably be dealing with at some time or other, will be faced with the situation that they will have rent pressing in, medical bills to pay, and other problems. What was revealed, as I am sure the Senator will recall from the testimony we took, was that there are times when it is almost impossible for a family to make its normal food stamp purchases. But why not let them go as far as the funds they have will permit them in that month, and then come back the next month at their regular level?

Mr. ELLENDER. That could be easily accomplished if the State decided to have them buy four times a month, if they so desired. We provide a minimum here of twice a month, but the States could provide for four times a month if they desired.

Mr. McGOVERN. That is the provision in the substitute bill, that there would be a provision for weekly purchases.

Mr. ELLENDER. We have that in our bill. We fix a minimum of two per month, but the States would have authority to make it four times a month, or five times a month, at their convenience.

Mr. McGOVERN. I understand the Senator's point.

Mr. MONDALE. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. MONDALE. The point I want to make is that administration testimony the other day indicated it felt there was great need for the kind of variable purchase plans which I think are contemplated in the substitute amendment. I am glad to see it is reached, in part, by the committee. I think they are both trying to deal with the same problem.

Mr. McGOVERN. That was brought out on page 15, in testimony from Secretaries Hardin and Finch, that they favored the so-called variable provision that would permit a family to purchase differing amounts of food stamps from month to month, and also at different times during the month.

The second major provision required of a realistic food stamp program is that it offers stamps at a price which the poor can fairly be expected to pay. What is this price?

Some 1.3 million Americans have no cash income at all. OEO estimates that 561,000 are unrelated individuals; 770,000 live in families of varying size.

The Agriculture Committee not only rejected a proposal to authorize free stamps to families with incomes of less than $40 a month, it wrote into its bill a minimum charge of 50 cents per person per month—a provision more restrictive than present law which, at least technically, authorizes free stamps to households with no "normal expenditures for food."

To require that families with no income pay for their stamps will simply write out of the program 1.3 million poor who have no cash income, on the false assumption that the poor need some incentive to save their money for food and learn to budget their food dollar.

More than 5 million poor people have incomes lower than the amount they must have for food alone—less than the equivalent of $125 a month for a family of four. Food is the first necessity of life which they need desperately. Food is what they buy with the money they have left over—if they have any left—after they pay to keep from being evicted by the landlord, to keep their lights from being shut off, and to keep from freezing in winter. It is cruel to ask such a family to choose between food and medicine and other necessities and call that choice an education in effective budgeting.

We have given free food to poor families for decades under the commodity donation program. Yet we do not call that program a dole. Instead, we use the rationalization that we need to dispose of the surplus our farmers produce. I have never been really able to understand why it is acceptable—and it has been acceptable for years—to Members of Congress to provide free direct food without any cost and yet we feel that, somehow, there must be a charge for food stamps that in turn are converted into food. We provide free education for American families whether they are poor or rich. We provide income supplements in the form of public assistance, based, theoretically, on a family's minimum basic living expenses, including food, and we do not ask the poor to pay into those programs on a "let's not give something for nothing" rationalization. The food stamp program is the only Federal poverty program that requires the poor to pay an admission fee—a token fee except for those who cannot pay, designed to put us safely on record against "the dole."

We should have the compassion and decency to waive that admission fee for those whose incomes and standards of living are so low that they are in a state of hopeless poverty. A family whose income forces it into a perpetual state of hunger and malnutrition should receive its food stamps free.

One of the most important provisions of the substitute will provide free stamps to such families—families whose entire monthly income is less than $80.00.

In other words, any family of 4 with an income of $80 per month, an average of $20 per person, or below, would receive its stamps without cost.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MONDALE. Am I correct that the pending committee bill prohibits the distribution of free stamps?

Mr. McGOVERN. Yes.

Mr. ELLENDER. No.

Mr. McGOVERN. I think I am correct. Is there not a minimum charge made?

Mr. ELLENDER. Yes, but that charge must be paid by the State agency.

The bill reads, on page 3, beginning at line 18:

> The State agency shall arrange for payment from State or local sources, including sums made available by charitable and similar organizations, of such portion of the minimum charge as may be necessary to insure the participation of all households certified for participation at the minimum charge.

Mr. McGOVERN. In other words, the stamps would not be made available free by the Federal Government, but whatever minimum cost was involved would be picked up by the State and local agencies?

Mr. ELLENDER. By the State, that is right.

As I stated on the floor yesterday, this program will be better administered if it is on a cooperative basis, the same as our school lunch programs. The Senator well knows that what made the school lunch programs so popular and so effective was that it was a cooperative effort on the part of the Federal Government, the State government, and the children involved, as well as the counties and the school districts. In that way we have been able to put on a program involving the expenditure of over $2¼ billion, with the Federal Government paying out a substantial portion of it. We want to get the State governments involved to some extent.

Under the bill the only thing the States would pay would be the cost of administering the program and being responsible for the stamps. The Federal Government would pay, I think, half of the cost of servicing people not on welfare. It is a very small charge.

The Senator will remember that the Senator from Kansas (Mr. DOLE) or the Senator from Nebraska (Mr. CURTIS) offered an amendment to require the States to pay at least 10 percent of the cost of the program. The committee voted down that amendment. It strikes me that $3 is a very small amount that they will have to contribute. That is the only amount the State would have to pay, plus the cost of administration.

Mr. McGOVERN. There is much logic in the Senator's point in that it seems to me the State and local agencies would be willing to pick up part of the cost; but, as the Senator knows, we have had great trouble in getting States and counties to participate in the program. I do not know whether it is because they are so hard-pressed that they do not want to spend a few dollars, but it occurs to me that the problem of hunger and malnutrition is so important, particularly when we are talking about families at the bottom economically, that for the few additional dollars it would cost to make that food available to the very poorest of families, we would avoid much delay and confusion if we wrote into the bill that those stamps would be made available without cost to the recipient.

It seems to me we are going to spend as much money collecting that little fee and getting the machinery set up as we would to write off the cost of the whole program. It is a small amount, the Senator will agree, in terms of the cost of the total effort we are talking about here.

Mr. ELLENDER. It is a small amount, but, in my opinion, it would mean more cooperation on the part of the States with the Federal Government and would make a better program.

Mr. McGOVERN. I appreciate the Senator's point of view, and I know he feels strongly about it.

I yield now to the Senator from Minnesota.

Mr. MONDALE. I do not wish to interrupt the Senator from South Dakota unduly at this point, but I believe the point he makes about the need for free food stamps to assist desperately poor people—some of whom have no income

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or incomes that are hardly worth mentioning—is essential if we are to get food to those who are, by definition, most desperately in need.

We have seen many unintended effects of our food programs, but I think one thing was apparent wherever we went in our field trips: that the the people who most desperately needed food were the ones receiving no assistance at all.

This is not a problem in only one sector of the country. A series of articles published in the Minneapolis Tribune, which I had printed in the RECORD, reported the fact that there were hundreds of families in Minnesota making $20, $30, or $40 a month, who could not possibly afford food stamps.

Thus, I see this part of the Senator's proposal as the key to any hope for reaching the national objective, declared by the President of the United States, of eliminating hunger.

One thing that bothers me about the pending committee proposal is that it does not deal effectively with one of the most disappointing aspects of the present programs—the failure of a number of States and counties to participate in the program. There are seven States not even in the food stamp program, and a number of counties with no food programs at all; but, more important than that, seven or eight hundred counties have programs that are only token programs, in which fewer than 20 percent of the needy receive any help at all.

If we go on from that point, and add a total charge of $200 million to build an incentive, we will discourage States and local governments because anyone who receives help imposes a larger charge on the counties. If we have learned anything from the program, we know that many counties would be even less inclined to be helped.

Mr. McGOVERN. I appreciate the points the Senator has made.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Louisiana.

Mr. ELLENDER. I realize that, under the laws that now exist, State could not participate or did not participate as much as they should have. But this new act would make it possible for the Federal Government to supply a needy family with an adequate diet at a cost which would mean that all that the participant would have to contribute would be a token amount of, say, $3, either directly or through a local church organization, the Salvation Army, or what have you. Under the present law that could not be done, but under this new bill, we have made the requirement so flexible that the Secretary of Agriculture has a right to expand its features to the fullest extent, so as to provide for an adequate diet for every family.

The bill, as presented to the Senate, does provide for that; and it also goes farther than the present law in this respect: The Senator stated an example a while ago of the need for keeping a little cash on hand for certain purposes. Under this proposal, relief can be obtained in cases where it is needed. For instance, it would be possible that if, for example, a family of five has an income of $1,000, and that family could show that it must have more than half of that for medical care, it could retain that much cash for that purpose; or if it could show that $750 would be necessary to take care of that need, that amount could be exempted. The Secretary of Agriculture would then be bound, under this measure, as I understand it, to furnish sufficient stamps, irrespective of what total income the recipient has, to give that family an adequate diet.

That is how far the committee bill goes; and I think it is far enough.

Mr. McGOVERN. Mr. President, another important provision of the substitute stipulates that no poor family be asked to pay over 25 percent of its total income for stamps. Since the average American family spends only 17 percent of its income for food, I can see no reason for asking the poor to spend the 30 percent of their tiny incomes which S. 2547 requires them to spend on stamps.

The third critical requirement of a decent stamp program is that it provide administration and regulations which help the needy family to participate, rather than hindering or even prohibiting its participation.

The present food stamp program is part and parcel of the welfare system which President Nixon branded a "colossal failure." In order to reform that system and provide what he called "elementary justice," the President proposed that applicants for assistance should be certified by simple personal self-declaration and that any family earning less than about $4,000 per year should be eligible. Neither of these very important reforms is made by S. 2547. Both reforms, reforms which would replace costly, humiliating eligibility investigations with simple, effective spot checks, and would substitute an adequate national eligibility standard for the patent inequity of wildly varying State-by-State standards, are contained in the substitute.

Also written into our substitute for S. 2547 is a workable guarantee that every county in the Nation will have a food stamp program by 1971. Since it is widely agreed that the food stamp program is our best food program, and since it is obviously unfair to offer the poor either no program at all, or an inadequate substitute for the food stamp program, the substitute provides appropriate authority for the Secretary to operate stamp programs as a last resort to insure that we will finally have a real national program by 1971. S. 2547 sets no date, and provides no authority for creating a truly national food stamp program.

Each of these administrative and regulatory reforms—national eligibility standards, self-certification, and national program coverage—have been accepted as vital to a workable welfare system. They are equally vital to that step-child of the welfare system, the food stamp program. Without these reforms it will make little difference whether our food stamp program offers the poor family a chance to eat properly, for few families will be able to cut through the existing administrative mess to take advantage of that chance. Only if the substitute for the committee bill is adopted can we fairly announce that we have written a program which offers food assistance to all of the poor, and offers that assistance solely on the basis of the family's need.

The final, and in the last analysis decisive, prerequisite to any real effort to end hunger is the provision of enough money to do the job. The only honest statement which can be made about the annual cost of an adequate food stamp program is that this cost cannot be accurately estimated. By juggling "guesstimates" of future participation and unemployment rates, one can obtain whatever cost estimate suits his purpose. I do not think we should engage in such guessing games with respect to this substitute. It will cost more than the Agriculture Committee bill—perhaps 25 percent more per person reached. How much the entire program might cost depends entirely on factors which neither I, USDA, nor anyone else can predict.

The only way to absolutely guarantee an adequate food stamp program is to provide the sort of financial flexibility which we already guarantee to our farmers through the back-door funding scheme operated by the Commodity Credit Corporation, and to our schoolchildren through the open-ended authorization. But because I am aware of the Senate's longstanding opposition to financing of this sort, except for the agricultural program, I have dropped my publicly stated insistence on an open-ended authorization for the food stamp program. I do that only as a concession to the strong feeling on the part of many of the Senators against open-ended authorization.

I fully agree with the cosponsors of the substitute that the authorization levels which it contains—$1.25 billion for fiscal 1970, $2 billion for fiscal 1971, and $2.5 billion for fiscal 1972—over the next 3 fiscal years represent the most far-reaching commitment of resources to the battle of hunger ever considered by the Senate.

In addition to the changes which I have mentioned, a substitute for the Agriculture Committee bill makes a number of other improvements. All are important. All meet needs exposed in long days of hearings before the Select Committee on Nutrition. All would amend the food stamp program so as to insure that it becomes at last what we have long promised it to be—a strong first line of defense against the hunger which afflicts our poor.

Mr. President, there are some issues that cannot be compromised. Ending the hunger of America's poorest families is one such issue. We have the opportunity now to enact the first program which can offer real hope to the very poorest families in America—families which for years have watched helplessly while their children followed the same dismal cycle that has ruined their own lives. This cycle leads from infant malnutrition through adult dependency to total despair. It must be broken. In the words of Dr. Charles Lowe:

> The most readily accessible step is also the most critical. Were we to ensure that the infants, children and pregnant mothers of this country receive adequate nutrition, we could interrupt the cycle and remodel the future.

"Interrupt the cycle and remodel the future." It sounds too simple to resolve the seemingly insoluble problems we face. Yet, as is often the case with what seems insoluble, it may be the simple but basic approach, rather than the complex remedy, that provides the ultimate solution.

I ask that the Senate take this simple, basic approach to ending poverty by voting today for the kind of strong, expanded food stamp program which will finally win the long battle against hunger in America. Only the bipartisan substitute to S. 2547 would create such a program.

Mr. President, I yield the floor.

Mr. MONDALE. Mr. President, I rise to support the substitute proposal offered by the distinguished Senator from South Dakota (Mr. McGovern) and several other cosponsors. I am proud to be a cosponsor of the measure.

Before I begin my remarks on behalf of the substitute, I express my admiration for the magnificent work which the Senator from South Dakota has done—first, in proposing the creation of the Committee on Nutrition and Human Needs, and next in chairing a truly remarkable series of hearings and visits to provide us with a thorough knowledge of the problems of hunger in our land and recommendations as to what we must do if we are to eliminate them.

The speech we have just heard and the reports that have been issued by the Select Committee on Nutrition and Human Needs reflect the inspired and creative dedication of the Senator from South Dakota toward the end that we eliminate the curse of hunger and malnutrition in our land.

Mr. President, there are many aspects to this issue. I do not intend to deal with all of them in my remarks.

On July 30, 1968, the Senate unanimously approved Senate Resolution 281, establishing the Select Committee on Nutrition and Human Needs. That decision was a turning point in the effort to end hunger in the United States—for the first time, the Senate was willing to face up to the possible existence of widespread hunger and malnutrition in the world's most prosperous country. Our creation of this committee demonstrated a willingness to come to grips with this problem in a meaningful fashion.

In its relatively brief existence, the select committee has thoroughly and comprehensively documented the widespread existence of hunger and malnutrition in this country. And it has produced substantial evidence of the failures of Federal food programs.

I have served on this committee, and I have heard witness after witness describe the existence of hunger, its devastating effects, and the inadequacies of existing programs.

The testimony of these witnesses confirmed what I suspected to be true. But testimony alone cannot adequately convey the shocking reality of hunger and dire poverty. It was not until I traveled with the committee to southwest Florida that I truly understood the meaning of what I had read and heard.

In Florida, we saw many who lived in shacks which were unfit for human habitation. We saw children and old people who regularly missed one or two meals a day and who depended on grits and fatback to survive. And we saw people of all ages who were obviously defeated by these conditions.

In the evenings, I met privately with migrant workers, who constitute a large segment of the population of southern Florida. They told me a story of unequalled human misery and despair—of seldom having enough to eat, of seldom knowing where or when their next job would be, of seldom being eligible for community services we take for granted.

What I saw during the day and heard at night had a profound impact on me. But it is the faces of listless and undersized young children that I cannot get out of my mind—faces which stared straight ahead, indicating no comprehension of the world around them. The condition of these children was the vivid and terrible proof of what nutritionists and pediatricians had been telling our committee for several months; that children who are malnourished suffer irreversible brain damage, as well as injury to the body's tissues.

I could see the result of many years of malnutrition and sordid living conditions in the parents of these children. It is not overdramatic to characterize their existence as a "shadow life"—hemmed in by poverty in its most extreme form and yet too weak, too ill, and simply too worn down to press for change.

These conditions are not unique to one State or to one region. The committee saw essentially the same thing in the District of Columbia, in California, and in Illinois. And we heard witnesses from almost every area of the country describe to us what we had seen for ourselves in other places.

Few of us would quarrel with President Nixon's statement that "millions of Americans are simply too poor to feed their families properly." And I think that few of us would quarrel with the select committee's finding in its interim report on the failure of family food assistance:

> In relation to the dimensions of the problem, the impact of the two major Federal food assistance programs, the food stamp and commodity distribution programs, has been minimal. They have neither served a significant proportion of those in need of assistance, nor been administered to provide sufficient food or food stamps to enable the few who do participate to provide themselves and their families with an adequate diet. They have been neither funded nor administered to allleviate the problem of poverty-related hunger.

The bill reported by the Committee on Agriculture and Forestry is an attempt to correct many of the deficiencies in the most important of these Federal programs—the Food Stamp Act. This bill is a step in the right direction. The distinguished chairman of the Agriculture Committee (Mr. Ellender), who was the author of the Food Stamp Act and who has been one of the most diligent and hard-working members of the select committee, deserves an enormous amount of credit for his efforts to improve Federal food programs of all varieties. If there is a more informed, honest, and diligent Member of the Senate, I have not met him.

But I believe that some aspects of the program need strengthening. I believe that the substitute proposed by the Senator from South Dakota (Mr. McGovern) fully deals with these problems.

The bill reported by the Agriculture Committee does not eliminate some of the most basic deficiencies in the food stamp program. That is why nine of the 13 members of the select committee have joined together in a bipartisan effort to improve the Agriculture Committee's bill. We have offered a substitute bill which, in our opinion, contains essential reforms which are lacking in the committee bill.

For example, the substitute bill would provide free coupons to families whose total income is less than two-thirds the cost of purchasing an adequate diet; the committee bill prohibits free stamps. The substitute bill woulld require the simultaneous operations in a county of both the food stamp and commodity programs during the transition from commodities to stamps until participation in the stamp program equals previous participation in the commodity program; the committee bill prohibits the simultaneous operation of these programs except for 90 days after transition to stamps if the State agency requests and pays for it. And the substitute bill would simplify the method of certification for food stamp eligibility by requiring only a personal declaration in the form of an affidavit; the committee bill leaves the present cumbersome certification procedure substantially intact.

Each of these provisions, as well as other basic reforms in the substitute bill, have been fully explained by the chairman of the select committee. But there is one reform contained in the substitute bill which I believe to be absolutely essential to the successful operation of the food stamp program. It is found in section 15 of this bill, and reads as follows:

> Notwithstanding any other provision of this Act, the Secretary shall administer a food stamp program through any private nonprofit organization or through any Federal, State, or county agency he deems appropriate in any political subdivision of a State if
>
> (1) he determines that in the administration of the program in such political subdivision there is a failure by the State agency to comply with the provisions of this Act, or with the regulations issued thereunder, or with the State plan of operation approved by the Secretary and he has informed such State agency of such failure and such failure has not been corrected after a reasonable period of time; or
>
> (2) he determines that a food stamp program is needed in such political subdivision and the appropriate officials of such political subdivision or the State have not requested a food stamp program for such political subdivision after the Secretary has made an offer of Federal payments as authorized by this section; or
>
> (3) a food stamp program is not being operated, or is not being operated in accord-

> ance with the provisions of this Act, in such political subdivision on January 1, 1971, or thereafter; or
>
> (4) he determines that the ratio of the number of persons participating in the food stamp program to the number of persons classified by the Office of Economic Opportunity as low income in such political subdivision is not adequate to effectuate the policy of Congress and the purposes of this Act.
>
> When the Secretary administers a food stamp program under the provisions of this subsection, he shall observe, or require the administering organization or agency to observe, all of the appropriate provisions of this Act and regulations issued pursuant thereto.

Without this provision, the other reforms in the substitute bill, vital as they are, will not dramatically improve the administration of the present food stamp program. For we have seen that the absence of food programs in some counties and the token nature of these programs in most counties is a result of one basic flaw in the present legislation—no level of government is ultimately responsible for finding and feeding the poor.

I emphasize that because it is, in my opinion, the fundamental findings of the Select Committee on Nutrition and Human Needs. It is the fact that hits one in the face whenever he goes out on a tour to investigate hunger and malnutrition. It is dramatically and unarguably set forth in certain statistics that I shall submit for the RECORD: That is, that today no single level of government is ultimately responsible for finding and feeding the poor. The problem of doing so is still a political football or a hot potato. It is thrown from one level of government to another. No one feels responsible, and no one is. That is why millions of Americans are hungry and malnourished today.

Under present legislation there is little that a person needing food assistance can do if he has the misfortune of living in a county with no food program. As of June 13, 1969, there were 413 such counties throughout the United States. A person could be starving, he could be demonstrably near death from hunger, and there would be nothing he could do insofar as the official programs of the county are concerned; there is no direct commodity food program or food stamp program in these counties.

A county's failure to request a food program may be a result of the callousness and indifference of local officials or it may be due to the fact that the county cannot afford to pay the administrative expenses of these programs. Whatever the cause, the only real losers are the poor and needy living in these counties.

In Collier County, Fla., county officials repeatedly refused to participate in the commodity program, ignoring their citizens' pleas for participation and ignoring the overwhelming need for such a program. In a county where there are often as many as 22,000 migrants in residence, the attitude of these local officials was best expressed by one commissioner, who told the select committee that the county had no responsibility for its migrants, since, as he put it:

> The migrants themselves are Federal people. They are not Immokalee people. They are not Collier people, they are not Florida people. They are Federal people, and if there is free food, these people will come early and stay late. We will have them in town all year long.

He went on to say that he thought it was illegal to provide food to the hungry migrants and farm workers in his county. He is not unusual in this respect, nor is this an unusual county. The figures I am about to introduce will show that this is not a localized problem, not a Southern problem; it is a national problem, and it exists throughout this country. Unfortunately, up until this point, the record has been as I have described it. No one is really responsible, and thus the job is not being done.

Despite this incredible abdication of local responsibility, despite the pressure generated by the committee's visit to Collier County, and despite the Department of Agriculture's authority to directly administer a commodity program, the people of that county still have no food program—some 7 months after the committee's visit.

But it is not just those people living in the counties without any food program who are suffering as a result of the "local option" feature of present legislation. I wish to emphasize this, because in recent testimony, by the Secretaries of Health, Education, and Welfare, and Agriculture, there was an assumption that the Federal Government had fulfilled its responsibility when a county joined the program. None of their testimony focused on the question of token programs, and that is the biggest problem of all. Counties which join a program and serve very few, and only a nominal or token part of the hungry within their county, comprise the largest part of the present Federal food stamp program.

The Secretary of Agriculture was asked how he intended to deal with that problem. He said he was going to deal with it through persuasion. It boggles the imagination to know, in the light of the record that has been established over the years and the figures I am going to produce, how "persuasion" could possibly work.

Thus, even in those counties where there is either a food stamp or commodities program, most of the poor do not participate in these programs. I emphasize that: Even in those counties where there is either a food stamp or commodities program, most of the poor do not participate in these programs.

There are 1,125 counties with a commodity distribution program: In 327 of these counties less than 20 percent of the poor participate in the program; in 431 of these counties, less than 40 percent participate; in 241 counties, less than 60 percent participate; and only in 126 of these counties—less than 12 percent of the total number of counties in the program—does the participation of the poor rise to more than 60 percent.

These statistics are shocking, but they are not as shocking as going and looking at the situation firsthand; because the people who are denied the help are almost invariably the worst off—the poor, the sick, the aging, the young, the enfeebled, the illiterate, who are so incapacitated because of deprival that they are unable to assert any rights they might have. They suffer silently, in a sort of shadow life, suffering from hunger and malnutrition, which often takes their lives or stunts them so thoroughly that they would be better off dead.

The statistics on participation in the food stamp program are even worse. Only 20 of the 1,139 food stamp counties show a level of participation in excess of 60 percent. In other words, most of the food stamp programs today—several years after institution of the program—serve fewer than 20 percent of those estimated to need food stamp assistance. Only 20 of the 1,139 food stamp counties show a level of participation in excess of 60 percent. In 701 of the counties enrolled in this program, participation by the poor is less than 20 percent. In 322 counties, participation is less than 40 percent, and in the remaining 96 counties, participation is less than 60 percent. I might say that at this point, that there are seven States in this Union that have yet to join the food stamp program—seven sovereign States out of 50 which refuse to have any food stamp program whatsoever.

Indeed, in the past year, the California Legislature passed a bill providing that every county in the State must have a food program, and the distinguished Governor of that State vetoed the bill.

What accounts for the massive failure of these programs to reach the people they were designed to serve? A large part of this failure can be explained by the various deficiencies of the programs—bureaucratic certification procedures, the inability to pay for stamps, and rigid eligibility standards. The substitute bill would correct, or partially correct, most of these deficiencies.

But there is another basic cause of these shamefully low levels of participation: In many of these counties, local officials are simply unconcerned by the fact that most of those needing food assistance are not receiving it. In some of these counties, officials are indifferent to the condition of malnutrition and make no real efforts to improve the level of participation in these programs; in other counties, officials are motivated by the belief that it is their duty to protect the public purse from "welfare chiselers."

In Lee County, Fla., the harsh and restrictive administration of the commodity program by the county welfare director—who is known lovingly by the community as "Mr. Crab"— has led to a situation in which less than 2 percent of the county's population receive commodity foods, while 32 percent of the population earns less than $3,000 per year. The officials in this county have repeatedly refused to hire outreach workers or to set up food distribution centers nearer to the depressed areas of the county.

The substitute bill and its provision assigning ultimate responsibility for these programs to the Federal Government will make it possible to reach those most in need of food assistance. The bill is based on the premise that the food stamp program is the most effective means of ending hunger and malnutrition. Section

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(15) empowers the Secretary of Agriculture to assure that every county in America has a meaningful food stamp program.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the finding of the Select Committee on Nutrition and Human Needs as set forth on page 33 of the committee print entitled "The Food Gap: Poverty and Malnutrition in the United States."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

LOCAL OBSTRUCTION

> The committee believes that local cooperation is essential to the operation of all Federal food assistance programs. In most food stamp and commodity counties, local officials do the best they can with what they have to work with. But the committee has found some counties where local officials refuse to help their own citizens and others where local program administrators simply have little or no regard for the people they are serving.
>
> In those counties, such as Collier, Fla., where local officials simply refuse to feed the poor, the committee sees no alternative to Federal administration. The law now permits the Department of Agriculture to administer the commodity distribution program directly where a county will not assume this responsibility. The Department should use this power in any county that refuses to feed its poor regardless of whether the county is among the thousand poorest in the Nation. Similarly, the Department should be allowed to administer the food stamp program directly in counties which arbitrarily refuse to participate in the face of clear need. In other counties, ways must be found to deal with the all too familiar litany of long lines, too few administrators, too short hours, humiliating investigations and other inconveniences which discourage participation.
>
> Far too many counties either have no food programs or programs in which so few participate that they can only be described as token. Bureaucratic inefficiencies as well as statutory inadequacies often combine with the obstruction of local officials with the result that most of the poor in these counties remain hungry and malnourished. Some level of government must be given the ultimate responsibility for finding and feeding the poor.
>
> Ending hunger in America is a national objective. The responsibility for fulfilling that objective should encompass Federal authority to override recalcitrant local officials so that those who most desperately need Federal food assistance will receive the help they need to overcome malnutrition.

Mr. MONDALE. I would like to refer to this language, because I think it underscores the feeling and the findings of our committee. It concludes with this language:

> Far too many counties either have no food programs or programs in which so few participate that they can only be described as token. Bureaucratic inefficiencies as well as statutory inadequacies often combine with the obstruction of local officials with the result that most—

I underscore the word "most"—

> of the poor in these counties remain hungry and malnourished. Some level of government must be given the ultimate responsibility for finding and feeding the poor.
>
> Ending hunger in America is a national objective. The responsibility for fulfilling that objective should encompass Federal authority to override recalcitrant local officials so that those who most desperately need Federal food assistance will receive the help they need to overcome malnutrition.

Under present food programs, there is clear evidence of resistance at the local county level. Some local officials do not like to set up convenient distribution centers because they cost money; they do not like to hire outreach workers because it costs money to do so. However, the pending committee proposal would require local counties or States, or both, to assume the cost of assisting the impoverished in paying the cost of food stamps.

It is estimated that initially the cost to local governments would be $200 million. To the extent that a county has a successful program to reach all the hungry, those costs would rise; to the extent that it was a token program and most of the hungry ignored, those costs would drop. In light of the record of token participation—and the statistics are unarguable—we are creating a financial incentive to ignore the hungry.

Under the select committee's substitute bill, the Secretary of Agriculture is directed to establish a food stamp program in any county which has refused to request such a program in the face of evident need.

Section 15 also provides for the establishment of a nationwide food stamp program by 1971.

In order to deal with the most prevalent problem of inadequate participation by the poor, section (15) requires the Secretary to administer the program, either directly or indirectly, in any county where he determines that the ratio of the numbers of persons participating in the food stamp program to the number of low-income persons in the county is inadequate to effectuate the purposes of the act; or that local officials have failed to comply with the provisions of the Food Stamp Act and its regulations.

The committee bill does not deal effectively with this problem of indifference or inaction on the part of local officials. The bill does authorize direct Federal administration in counties which refuse to accept a food stamp program. But as Senator MCGOVERN observed in his individual views to the committee report:

> This provision . . . is so incumbered by conditions and restrictions as to be almost totally ineffective. First, the Secretary must find and notify the State welfare agencies that there is a "manifest and urgent need" for the program. Then, if the State agency "fails and refuses" to request a program for the area concerned for 90 days, *and if* the Governor requests, the Secretary may administer a program directly.
>
> Not only does this provision seem to require that the Secretary all but declare an emergency before finding a need for a program, it makes the State welfare agency responsible for the recalcitrance of local county officials and then puts the Governor in the position of having to overrule his own welfare department and invite Federal intervention.

The assignment of ultimate responsibility for finding and feeding the poor to the Federal Government is both proper and essential. For as the select committee observed in its interim report—

> Ending hunger in America is a national objective.

This is not to say that it is desirable for the Department of Agriculture to directly administer the food-stamp program in any county where the poor remain hungry and malnourished. Section (15) gives the Secretary the flexibility to administer the program "through any nonprofit organization or through any Federal, State, or county agency he deems appropriate in any political subdivision of a State." The bill thus recognizes that "local cooperation is essential to the operation of all Federal food-assistance programs" and would allow the Secretary to turn to another local organization or agency where local officials with primary responsibility have failed.

Nor is the select committee's substitute bill designed to end local control over the food-stamp program in those counties which simply cannot afford to pay the administrative costs of the program. The bill authorizes the Federal Government to pay the largest part of the administrative costs of the program where a county is unable to do so. I think this is a very important part of the measure.

The bill, then, is not aimed at centralizing the operation of the food-stamp program. Rather, its purpose is to assure that some level of government will be ultimately responsible for providing food assistance throughout the country. The buck must stop somewhere, and this bill will enable those who are barred from receiving needed food assistance to look to the Federal Government for help.

It would be tragic if Congress enacts legislation which improves aspects of the food stamp program but fails to solve the problem of indifference and obstruction on the part of local officials. That is why section 15 of the substitute bill is so vital. It is the key to any real and lasting improvement in the food stamp program.

Today, we have the opportunity to create, for the first time, a truly meaningful food stamp program. If we fail to take this opportunity now, each passing year without action means millions of children are born to face hunger and the shadow-life existence of their parents.

I do not mean to be overly dramatic. But I am convinced that if there was ever a time for decisive action, it is now. We have studied, analyzed, and talked to the poor to the point of embarrassment. The decision to approve the select committee's substitute bill is another crucial turning point—for the time has come to see if the Senate meant what it said when it mandated the committee to study the extent of hunger in America and to make recommendations to alleviate and eliminate this condition.

Mr. President, I have several documents to substantiate the remarks I have just made. The first document is a table which shows the percentage of poor people served by food stamp programs by State and county as of February, 1969. The table shows that as of February 1969, out of 1,139 counties participating in the program, 701 counties distributed food stamps to fewer than 20 percent of those estimated to be needing assistance in those counties. In very few counties, indeed, have we had a higher percentage. There are many counties in which there was no food stamp program whatsoever.

The policy of the Department of Agriculture is to shift from direct commodity food programs to food stamps. Where this occurs, there has been, on the average, a 50 percent dropoff in participation in the number of families being served by food stamps as against direct commodities. One wonders what happened to the lives of those people who cannot afford to participate in the food-stamp program. I ask unanimous consent that the table to which I have just referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 30.—THE PERCENTAGE OF POOR PEOPLE SERVED BY FOOD STAMP PROGRAMS BY STATE AND COUNTY, FEBRUARY 1969[1]

State	Number of programs	Average participation in State[2] (percent)	Number of counties reaching given percentages of the poor[3]: 0 to 19	20 to 39	40 to 59	60 plus
Alabama	19	17.4	10	7	2	0
Alaska[4]	33					
Arizona[5]	0	0	0	0	0	0
Arkansas	52	18.8	37	10	5	0
California	9	35.3	1	4	4	0
Colorado	43	27.2	25	14	3	1
Connecticut[6]						
Delaware[5]	0	0	0	0	0	0
District of Columbia	1	40.5	0	1	0	0
Florida[5]	0	0	0	0	0	0
Georgia	72	17.1	53	14	4	1
Hawaii	4	16.4	4	0	0	0
Idaho[5]	0	0	0	0	0	0
Illinois	69	19.2	63	6	0	0
Indiana	21	17.0	17	4	0	0
Iowa	73	11.3	68	5	0	0
Kansas	7	9.8	7	0	0	0
Kentucky	51	29.3	14	19	14	4
Louisiana	35	23.1	14	19	1	1
Maine	1	12.2	0	1	0	0
Maryland	16	17.0	14	2	0	0
Massachusetts[6]						
Michigan	22	18.2	12	8	1	1
Minnesota	42	21.3	27	12	1	2
Mississippi	43	36.6	4	24	14	1
Missouri	1	21.0	0	1	0	0
Montana	8	32.1	5	1	1	1
Nebraska	45	13.7	43	2	0	0
Nevada[5]	0	0	0	0	0	0
New Hampshire[5]	0	0	0	0	0	0
New Jersey	12	27.9	3	7	2	0
New Mexico	20	38.7	5	8	6	1
New York	7	29.3	4	2	1	0
North Carolina	27	17.1	17	9	1	0
North Dakota	29	15.8	23	6	0	0
Ohio	50	28.1	34	14	2	0
Oklahoma[5]	0	0	0	0	0	0
Oregon	1	25.1	0	1	0	0
Pennsylvania	39	24.6	20	18	1	0
Rhode Island[6]						
South Carolina	37	21.6	19	15	3	0
South Dakota	4	18.5	2	2	0	0
Tennessee	73	17.0	41	26	5	1
Texas	10	12.6	7	3	0	0
Utah	26	12.5	24	2	0	0
Vermont[4]	23					
Virginia	27	11.3	24	3	0	0
Washington	37	48.3	3	14	15	5
West Virginia	54	29.1	16	29	8	1
Wisconsin	30	26.0	24	6	0	0
Wyoming	23	24.5	17	4	2	0
U.S. total	1,139	21.6	701	322	96	20

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[1] Participation rates are based on USDA figures for February 1969 for those counties that had food stamp programs established before September 1968. Counties in which programs operated in only part of the county are not included in the analysis since data concerning the number of poor was available only on a countywide basis except for independent cities in Virginia and for New York, Baltimore and St. Louis. The number of poor was calculated by taking the 1960 census data for the number of poor and multiplying it by ⅔ in order to reflect the decreased number of poor in 1968 relative to 1959 (26,000,000 compared to 39,000,000). The definition of poverty used is that of the Social Security Administration which defined a nonfarm family of 4 as poor if their income was below $3,060 in 1959 or $3,335 in 1968. This table differs slightly from the table that appeared in the Congressional Record on June 24, 1969 page 16907. The table in the Record was based on figures calculated by USDA that used a total base of 39,000,000 poor people rather than the base of 26,000,000 poor people used in this table. The above table does not include counties in which programs have been recently established and thus are likely to have lower participation rates.

[2] The average for the State refers to the percentage of poor people being served by food stamp programs in those counties that had programs in operation before September 1968. An average based on the total number of poor people in the State would be much lower since many counties have a commodity distribution program instead of the food stamp program or have no program at all. Average figures for the combined programs can be found in table 32.

[3] The term "county" refers to all administrative units of government that operate food stam-programs. This would include independent cities, parishes, and Indian reservations where appropriate.

[4] Alaska and Vermont have food stamp programs in all areas of the State. However, calculations about the program for this table were impossible since census data about the number of poor are based on counties and food stamp units are welfare districts that vary from county lines.

[5] No food stamp program operates in the State.

[6] All food stamp programs that operate in the State are in cities rather than countywide and thus calculations for this table were impossible.

Mr. **MONDALE**. Mr. President, I also ask unanimous consent to have printed in the RECORD a table showing the percentage of poor people served by commodity distribution programs by State and county as of February 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 31.—THE PERCENTAGE OF POOR PEOPLE SERVED BY COMMODITY DISTRIBUTION PROGRAMS BY STATE AND COUNTY, FEBRUARY 1969[1]

State	Number of programs	Average participation in State[2]	Number of counties reaching given percentages of the poor[3]: 0 to 19 percent	20 to 39 percent	40 to 59 percent	60 percent and over
Alabama	46	44.7	0	19	19	8
Alaska[4]	0	0	0	0	0	0
Arizona	12	45.6	2	5	2	3
Arkansas	21	27.5	7	9	4	1
California	25	42.6	7	5	8	5
Colorado[4]	0	0	0	0	0	0
Connecticut	3	25.8	1	1	1	0
Delaware	3	59.1	0	0	2	1
District of Columbia[4]	0	0	0	0	0	0
Florida	47	24.5	7	17	22	1
Georgia	79	34.0	10	30	33	6
Hawaii[4]	0	0	0	0	0	0
Idaho	11	42.5	2	6	2	1
Illinois	12	19.7	9	3	0	0
Indiana	67	15.6	52	15	0	0
Iowa	13	25.1	9	3	1	0
Kansas	14	35.4	8	5	1	0
Kentucky	64	25.2	19	42	2	1
Louisiana	16	63.2	0	1	3	12
Maine	15	24.9	7	6	2	0
Maryland	1	14.4	1	0	0	0
Massachusetts[5]						
Michigan	47	36.6	6	23	12	6
Minnesota	21	18.8	15	6	0	0
Mississippi	38	58.1	0	6	15	17
Missouri	57	39.6	9	25	11	12
Montana	4	71.3	0	1	1	2
Nebraska	2	38.4	0	1	0	1
Nevada	10	24.9	5	2	2	1
New Hampshire	10	16.1	5	5	0	0
New Jersey[5]						
New Mexico	10	43.4	1	2	6	1
New York	40	38.9	1	13	24	2
North Carolina	59	21.3	25	27	6	1
North Dakota	7	44.7	2	5	0	0
Ohio	18	25.4	9	7	1	1
Oklahoma	71	53.1	1	23	28	19
Oregon	34	60.9	2	3	12	17
Pennsylvania	16	15.3	10	6	0	0
Rhode Island[5]						
South Carolina[4]	0	0	0	0	0	
South Dakota	35	35.3	21	9	0	5
Tennessee	14	27.8	5	8	0	1
Texas	128	20.1	45	62	15	6
Utah[4]	0	0	0	0	0	0
Vermont[4]	0	0	0	0	0	0
Virginia	38	23.4	17	20	1	0
Washington[4]	0	0	0	0	0	0
West Virginia[4]	0	0	0	0	0	0
Wisconsin	30	21.9	17	7	5	1
Wyoming[4]	0	0	0	0	0	0
U.S. total	1,125	32.7	327	431	241	126

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[1] Participation rates are based on USDA figures for February 1969 for those counties that had commodity programs established before September 1968. See footnote 1, table 30, for further information concerning methodology.

[2] The average for the State refers to the percentage of poor people being served by commodity distribution programs in those counties that had programs in operation before September 1968. An average based on the total number of poor people in the State would be much lower since many counties have a food stamp program, rather than a commodity program, or have no program at all. Average figures for the combined programs can be found in table 32.

[3] The term "county" refers to all administrative units of government that operate commodity distribution programs. This would include independent cities, parishes, and Indian reservations where appropriate.

[4] No commodity distribution program.

[5] Commodity distribution program on city basis only so calculations for this table are impossible.

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed at this point in my remarks a table prepared by the Department of Agriculture which sets forth—on a State and county basis—the percentage of persons participating in food stamps and direct commodity distribution programs.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ALABAMA		
Autauga	46	
Baldwin	43	
Barbour		10
Bibb	27	
Blount	18	
Bullock		41
Butler	35	
Calhoun	18	
Chambers	33	
Cherokee	25	
Chilton	28	
Choctaw		15
Clarke		5
Clay	30	
Cleburne	30	
Coffee	25	
Colbert	22	
Conecuh	38	
Coosa	27	
Covington	27	
Crenshaw	26	
Cullman	28	
Dale	28	
Dallas		24
De Kalb	16	
Elmore	33	
Escambia	41	
Etowah	24	
Fayette	27	
Franklin	16	
Geneva	22	
Greene		42
Hale		24
Henry	47	
Houston		9
Jackson	23	
Jefferson		8
Lamar		9
Lauderdale	23	
Lawrence	35	
Lee	36	
Limestone	26	
Lowndes	92	
Macon	74	
Madison	25	
Marengo	63	
Marion	16	
Marshall	27	
Mobile		19
Monroe	55	
Montgomery		10
Perry		28
Pickens		16
Pike		10
Randolph	28	
Russell		14
St. Clair	18	
Shelby	24	
Sumter		19
Talladega	38	
Tallapoosa	27	
Walker		19
Washington		16
Wilcox	68	
Winston	23	
ALASKA		
Total		30
ARIZONA		
Apache	5	
Cochise	18	
Coconino	9	
Gila	26	
Graham	63	
Greenlee	18	
Maricopa	30	
Mohave	18	
Navajo	40	
Pima	31	
Pinal	58	
Santa Cruz	32	
Yavapai	10	
Yuma	21	
ARKANSAS		
Arkansas		6
Ashley		18
Baxter	9	
Benton	8	
Boone		3
Bradley		6
Calhoun		5
Carroll	4	
Chicot		28
Clark	11	
Clay	21	
Cleburne	11	
Cleveland	13	
Columbia		4
Conway		9
Craighead		9
Crawford		7
Crittenden		36
Cross		18
Dallas		6
Desha		15
Drew		14
Faulkner		4
Franklin	13	
Fulton	22	
Garland		5
Grant		8
Greene		8
Hempstead		4
Hot Spring	10	
Howard	8	
Independence		8
Izard		9
Jackson		16
Jefferson		14
Johnson		8
Lafayette		14
Lawrence		10
Lee		34
Lincoln		24
Little River		6
Logan		7
Lonoke		8
Madison	14	
Marion		6
Miller		3
Mississippi		23
Monroe		36
Montgomery	17	
Nevada	16	
Newton	42	
Ouachita		5
Perry		14
Phillips		37
Pike	12	
Poinsett		23
Polk		6
Pope		6
Prairie		9
Pulaski		8
Randolph		7
St. Francis		38
Saline		6
Scott	8	
Searcy	27	
Sebastian		4
Sevier		4
Sharp		9
Stone		14
Union		6
Van Buren	23	
Washington		4
White	17	
Woodruff	34	
Yell		6
CALIFORNIA		
Alameda		30
Amador	6	
Colusa	19	
Contra Costa		61
El Dorado	41	
Fresno	35	
Humboldt		25
Inyo	12	
Kern	43	
Kings	11	
Lake	25	
Lassen		30
Los Angeles		20
Madera	48	
Mendocino	3	
Merced	2	
Modoc		6
Monterey		40
Napa	25	
Plumas	20	
Sacramento	42	
San Francisco		17
San Joaquin	38	
San Luis Obispo	20	
San Mateo		13
Santa Barbara	35	
Santa Clara		32
Santa Cruz	20	
Shasta		57
Sonoma		20
Stanislaus	30	
Sutter	5	
Tehama	14	
Tulare	10	
Tuolumne	36	
Ventura	28	
Yolo	32	
Yuba	3	
COLORADO		
Adams		33
Alamosa		14
Arapahoe		15
Archuleta		14
Baca		4
Bent		18
Boulder		8
Chaffee		6
Cheyenne		6
Clear Creek		8
Conejos		40
Costilla		48
Crowley		13
Custer		4
Delta		7
Denver		28
Dolores		14
Eagle		11
Elbert		3
El Paso		12
Fremont		8
Garfield		5
Gilpin		(1)
Grand		4
Gunnison		12
Huerfano		17
Jefferson		8
Kiowa		6
Kit Carson		10
Lake		20
La Plata		14
Larimer		29
Las Animas		16
Lincoln		7
Logan		8
Mesa		11
Mineral		(1)
Moffat		14
Montezuma		12
Montrose		10
Morgan		15
Otero		21
Phillips		4
Prowers		14
Pueblo		31
Rio Blanco		8
Rio Grande		19
Routt		8
Saguache		10
Sedgwick		3
Teller		9
Washington		4
Weld		9
Yuma		3
CONNECTICUT		
Hartford: Hartford (Dist.)		26
Litchfield	3	
New Haven:		
New Haven (Dist.)		23
Waterbury (Dist.)		38
New London	16	
Tolland	5	
Windham	28	
DELAWARE		
Kent	35	
New Castle	51	
Sussex	28	
District of Columbia: Washington		
FLORIDA		
Alachua	23	
Baker	37	

Footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
FLORIDA—Continued		
Bay	12	
Bradford	33	
Broward	10	
Collier	0	
Calhoun	41	
Columbia	35	
Dade	11	
De Soto	20	
Dixie	30	
Duval	18	
Escambia	26	
Franklin	24	
Gadsden	74	
Gilchrist	25	
Glades	29	
Gulf	37	
Hamilton	37	
Hardee	15	
Hernando	24	
Highlands	13	
Hillsborough	13	
Holmes	28	
Jackson	28	
Jefferson	51	
Lafayette	26	
Lake	10	
Lee	9	
Leon	22	
Levy	26	
Liberty	38	
Madison	39	
Monroe	8	
Okaloosa	18	
Okeechobee	18	
Palm Beach	16	
Pasco	14	
Pinellas	8	
Polk	48	
St. Lucie	23	
Santa Rosa	31	
Sumter	33	
Suwannee	29	
Taylor	28	
Union	27	
Volusia	9	
Wakulla	41	
Walton	30	
Washington	35	
GEORGIA		
Appling	24	
Atkinson	47	
Bacon	25	
Baker	50	
Baldwin		14
Banks	18	
Barrow	17	
Bartow	14	
Ben Hill		12
Berrien		4
Bibb		13
Bleckley		13
Brantley	32	
Brooks	43	
Bryan	38	
Bulloch	25	
Burke		22
Butts	35	
Calhoun		8
Camden	47	
Candler	33	
Carroll		6
Catoosa		11
Charlton		35
Chatham		10
Chattahoochee	68	
Chattooga	22	
Cherokee	11	
Clarke	12	
Clayton	13	
Clinch		14
Cobb	12	
Coffee	24	
Colquitt		12
Columbia	25	
Cook	20	
Coweta		7
Crawford	41	
Crisp		9
Dade	14	
Dawson		6
Decatur		13
De Kalb	19	
Dodge		18
Dooly	41	
Dougherty		14
GEORGIA—Continued		
Douglas	13	
Early	49	
Echols		37
Effingham	48	
Elbert		9
Emanuel	29	
Evans	32	
Fannin	15	
Fayette		6
Floyd	20	
Forsyth		3
Franklin	12	
Fulton	23	
Gilmer		5
Glascock	32	
Glynn	16	
Gordon		5
Grady		12
Greene		6
Gwinnett	15	
Habersham		5
Hall		6
Hancock		27
Haralson	19	
Harris	35	
Hart		8
Heard		13
Henry	19	
Houston		14
Irwin	35	
Jackson	16	
Jasper		14
Jeff Davis	21	
Jefferson	37	
Jenkins		12
Johnson		18
Jones		11
Lamar		6
Lanier		12
Laurens		12
Lee		34
Liberty	36	
Lincoln		10
Long	48	
Lowndes		11
Lumpkin		11
McDuffie		4
McIntosh	34	
Macon	61	
Madison		4
Marion	38	
Meriwether		14
Miller	29	
Mitchell		22
Monroe	24	
Montgomery	34	
Morgan		12
Murray	11	
Muscogee	18	
Newton	22	
Oconee		8
Oglethorpe		6
Paulding	26	
Peach		7
Pickens		5
Pierce		11
Pike		17
Polk		5
Pulaski		17
Putnam		14
Quitman	78	
Rabun		21
Randolph	36	
Richmond		6
Rockdale	26	
Schley	35	
Screven	41	
Seminole		15
Spalding		9
Stephens		6
Stewart	39	
Sumter	37	
Talbot	33	
Taliaferro		56
Tattnall	30	
Taylor	38	
Telfair	27	
Terrell	58	
Thomas		16
Tift		12
Toombs		7
Towns		12
Treutlen		12
Turner	28	
Twiggs		21
Union	21	
GEORGIA—Continued		
Upson		7
Walker	23	
Walton		7
Ware	32	
Warren		18
Washington		15
Wayne	33	
Webster	40	
Wheeler		10
White		4
Whitfield	16	
Wilcox	38	
Wilkes		7
Wilkinson	47	
Worth	34	
HAWAII		
Hawaii		14
Honolulu		17
Kauai		(1)
Maui		14
IDAHO		
Benewah	16	
Bonner	21	
Boundary	17	
Clearwater	71	
Fremont	12	
Idaho	19	
Kootenai	26	
Latah	10	
Lewis	24	
Nez Perce	47	
Shoshone	32	
Teton	14	
ILLINOIS		
Adams		6
Alexander		12
Bond		3
Brown		2
Bureau		1
Calhoun		6
Carroll	3	
Cass		3
Champaign		4
Christian		2
Clark		1
Clay		5
Clinton		2
Colee		3
Cook		18
Crawford		3
Cumberland		3
De Witt		1
Douglas		5
Edgar		4
Edwards		1
Effingham		5
Fayette		5
Ford		2
Franklin		11
Fulton		3
Gallatin		6
Greene		4
Grundy		1
Hamilton		2
Hancock		2
Hardin		10
Henderson	14	
Henry	5	
Iroquois		1
Jackson		9
Jasper		2
Jefferson		9
Jersey		2
Jo Daviess	3	
Johnson		6
Kane		2
Kankakee		7
Knox		4
La Salle		2
Lawrence		12
Lee	9	
Livingston		2
Logan		1
McDonough		1
McHenry	4	
McLean		1
Macon		9
Macoupin		3
Madison		13
Marion		8

See footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ILLINOIS		
Marshall		3
Mason		4
Massac		8
Menard		2
Mercer	10	
Monroe		4
Montgomery		2
Morgan		3
Moultrie		3
Ogle	5	
Peoria		12
Perry		3
Piatt		1
Pike		5
Pope		9
Pulaski		20
Putnam		1
Randolph		4
Richland		2
Rock Island	17	
St. Clair		27
Saline		9
Sangamon		5
Schuyler		3
Scott		3
Shelby		1
Tazewell		4
Union		6
Vermilion		3
Wabash		3
Warren	7	
Washington		1
Wayne		17
White		3
Whiteside	10	
Will		1
Williamson		5
Winnebago	22	
INDIANA		
Adams	4	
Allen	18	
Bartholomew		12
Benton	1	
Blackford	9	
Boone	2	
Brown	17	
Carroll	6	
Cass	6	
Clark	13	
Clay	10	
Clinton	2	
Crawford	12	
Daviess		4
Dearborn		10
Decatur	7	
De Kalb	4	
Delaware	11	
Dubois	3	
Elkhart	5	
Fayette	9	
Floyd		11
Fountain	7	
Franklin	10	
Fulton	2	
Gibson		6
Grant	10	
Greene	12	
Hamilton	3	
Hancock	5	
Harrison		5
Hendricks	3	
Henry	6	
Howard		6
Huntington	1	
Jackson	13	
Jasper	3	
Jay	4	
Jefferson	8	
Jennings	12	
Johnson	9	
Knox		6
Kosciusko	3	
Lagrange	2	
Lake		26
La Porte	11	
Lawrence	11	
Madison		7
Marion		9
Marshall		4
Martin	17	
Miami	6	
Monroe	12	
Montgomery	3	
Morgan	10	
Noble	6	
INDIANA—Continued		
Ohio	8	
Orange	13	
Owen	10	
Parks	13	
Perry		18
Pike		10
Porter	5	
Posey		9
Pulaski	3	
Putnam		3
Randolph	7	
Ripley	6	
Rush	3	
St. Jospeh	10	
Scott	19	
Shelby	4	
Spencer		11
Starke	15	
Sullivan	13	
Switzerland		6
Tippecanoe	7	
Tipton		5
Union	4	
Vanderburgh		11
Vermillion	14	
Vigo	21	
Wasbash	1	
Warren	2	
Warrick		9
Washington	8	
Wayne	13	
Wells	1	
Whitley	2	
IOWA		
Adair		2
Adams		1
Allamakee	8	
Appanoose		9
Audubon		3
Benton		2
Black Hawk	34	
Boone	16	
Buchanan	9	
Buena Vista		2
Butler		2
Bremer		3
Calhoun		3
Carroll		6
Cass		5
Cedar	6	
Cerro Gordo		7
Cherokee		3
Chickasaw	10	
Clarke		2
Clay		5
Clayton		5
Clinton		7
Crawford	7	
Dallas		5
Davis		6
Decatur		6
Delaware		5
Des Moines		4
Dickinson		3
Dubuque		15
Emmet		3
Floyd		4
Franklin		2
Fremont		4
Greene		3
Grundy		2
Guthrie		2
Hamilton		5
Hancock		2
Hardin		3
Harrison		4
Henry		2
Howard		3
Humboldt		6
Ida		2
Iowa	5	
Jackson		6
Jasper		5
Jefferson		5
Johnson		5
Jones		4
Keokuk	9	
Kossuth		6
Lee		6
Linn		9
Louisa	17	
Lucas		11
Lyon		2
Madison		3
Mahaska	15	
IOWA—Continued		
Marion		8
Marshall		4
Mitchell		2
Mills		5
Monona		5
Monroe	16	
Montgomery		2
Muscatine	18	
O'Brien		2
Osceola		2
Page		4
Palo Alto		10
Plymouth		2
Pocahontas		4
Polk		28
Pottawattamie		10
Poweshiek		2
Pinggold		4
Sac		3
Scott		20
Shelby		1
Sioux		3
Story		7
Tama		3
Taylor		3
Union		5
Van Buren		3
Vapello		14
Warren		5
Washington		2
Wayne		4
Webster	25	
Winnebago		3
Winneshiek	9	
Woodbury		18
Worth		3
Wright		4
KANSAS		
Atchison		7
Bourbon		2
Cherokee		8
Clark	5	
Crawford		5
Elk	4	
Ford	7	
Grant	18	
Greenwood		5
Hamilton	11	
Harper	4	
Hodgeman	3	
Kearny	9	
Kingman	1	
Labette		4
Leavenworth		4
Meade	3	
Sedgwick	25	
Shawnee	16	
Sherman	15	
Wilson		3
Wyandotte	39	
KENTUCKY		
Adair		8
Allen		4
Anderson	4	
Ballard	8	
Barren	13	
Bath		19
Bell		34
Boone	6	
Boyd	27	
Boyle	13	
Bracken	13	
Breathitt		48
Breckinridge	18	
Bullitt	12	
Butler		10
Caldwell	17	
Calloway	8	
Campbell		12
Carlisle	16	
Carroll	12	
Carter		17
Casey		13
Christian	14	
Clark		9
Clay		43
Clinton		23
Crittenden	12	
Cumberland		18
Daviess	20	
Edmonson	25	
Elliott		30
Estill		26

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Admin. unit	Commodity distribution	Food stamp
KENTUCKY—Continued		
Fayette	9	
Fleming	16	
Floyd		24
Franklin	19	
Fulton	40	
Gallatin	18	
Garrard	11	
Grant		6
Graves	9	
Grayson	13	
Greene	13	
Greenup	20	
Hancock	17	
Hardin	11	
Harlan		36
Hart	15	
Henderson	11	
Henry	10	
Hickman		10
Hopkins	7	
Jackson		28
Jefferson		6
Jessamine	13	
Johnson		28
Kenton		13
Knott		50
Knox		36
Larue	11	
Laurel		22
Lawrence	27	
Lee		37
Leslie		59
Letcher		30
Lewis	26	
Lincoln		14
Livingston	17	
Logan		7
Lyon	19	
McCracken	20	
McCreary		40
McLean	21	
Madison	12	
Magoffin		47
Marion	24	
Marshall	6	
Martin		53
Mason	12	
Meade	6	
Menifee		19
Mercer	15	
Metcalfe	10	
Monroe	17	
Montgomery		14
Morgan		28
Muhlenberg		7
Nelson	22	
Nicholas	22	
Ohio	21	
Oldham	15	
Owen	15	
Owsley		42
Pendleton	14	
Perry		38
Pike		14
Powell		31
Pulaski		12
Robertson	12	
Rockcastle		29
Rowan		16
Russell		13
Scott	11	
Shelby		3
Simpson		5
Spencer	10	
Taylor	10	
Tood		5
Trigg	21	
Trimble	10	
Union	13	
Warren	9	
Washington	16	
Wayne		20
Webster	18	
Whitley		23
Wolfe		33
Woodford	18	
LOUISIANA		
Acadia		18
Allen		16
Ascension	46	
Assumption		25
Avoyelles		31
Beauregard		8
Bienville	44	
Caddo		6
LOUISIANA—Continued		
Calcasieu		19
Caldwell		15
Cameron		6
Catahoula	48	
Claiborne	45	
Concordia		20
De Soto		8
East Baton Rouge		9
East Carroll		26
East Feliciana	61	
Evangeline		41
Franklin		29
Grant	45	
Iberia		8
Iberville		25
Jefferson Davis		11
Lafayette		18
La Salle	28	
Livingston	71	
Madison		22
Morehouse		22
Natchitoches		18
Orleans		6
Pointe Coupee		26
Rapides		12
Red River		26
Richland		25
Sabine	45	
St. Bernard	53	
St. Charles	35	
St. Helena		14
St. James		13
St. John the Baptist		18
St. Landry		29
St. Martin		25
St. Mary	37	
Tangipahoa	53	
Tensas		18
Union		13
Vermilion		7
Vernon		13
Washington	45	
West Baton Rouge	61	
West Carroll		21
West Feliciana	68	
Winn		10
MAINE		
Androscoggin		19
Aroostook	35	
Cumberland	18	
Franklin	4	
Hancock	14	
Kennebec	18	
Knox	27	
Lincoln	7	
Oxford	10	
Penobscot	14	
Piscataquis	21	
Sagadahoc	24	
Somerset	2	
Waldo	7	
Washington	10	
York	11	
MARYLAND		
Allegany		8
Anne Arundel		12
Baltimore		5
Caroline		8
Carroll		4
Charles		31
Dorchester		3
Frederick		3
Garrett		9
Harford	10	
Kent		4
Montgomery		9
Prince Georges		15
Queen Annes		4
St. Mary's		10
Somerset		3
Talbot		3
Wicomico		7
Worcester		1
Independent city		
Baltimore City		19
MASSACHUSETTS		
Bristol: New Bedford (city)	21	
Essex: Lynnfield (city)	(1)	
MASSACHUSETTS—Continued		
Franklin:		
Bernardston (city)	(1)	
Buckland (city)	(1)	
Deerfield (city)	(1)	
Springfield (city)	20	
W. Springfield (city)	(1)	
Hampshire:		
Amherst (city)	(1)	
Easthampton (city)	(1)	
Goshen (city)	(1)	
Northampton (city)	30	
Williamsburg (city)	(1)	
Middlesex:		
Cambridge (city)	15	
Lowell (city)	28	
Maiden (city)	14	
Norfolk: Quincy (city)	7	
Plymouth:		
Brocton (city)	34	
Whitman (city)	(1)	
Suffolk: Boston (city)	28	
Worcester:		
Gardner (city)	(1)	
Winchendon (city)	(1)	
MICHIGAN		
Alcona	24	
Alger		19
Allegan		12
Alpena	25	
Antrim	24	
Arenac	21	
Baraga	39	
Barry		10
Bay	29	
Benzie	29	
Berrien		14
Branch	15	
Calhoun	37	
Cass	17	
Charlevoix	16	
Cheboygan	26	
Chippewa	30	
Clare		15
Clinton		7
Crawford		19
Delta	27	
Dickinson	29	
Eaton		6
Emmet	15	
Genesee		19
Gladwin	20	
Gogebic		13
Grand Traverse		16
Gratiot		10
Hillsdale		6
Houghton		24
Huron		4
Ingham		16
Ionia	12	
Iosco	21	
Iron		13
Isabella		11
Jackson		15
Kalamazoo		9
Kalkasha	52	
Kent	29	
Keweenaw		47
Lake	35	
Lapeer		9
Leelanau		10
Lenawee	16	
Livingston	16	
Luce	31	
Mackinac		13
Macomb		11
Manistee	25	
Marquette	16	
Mason	20	
Mecosta	11	
Menominee	16	
Missaukee	32	
Monroe		7
Montcalm	15	
Montmorency	22	
Muskegon		25
Newaygo	23	
Oakland		9
Oceana	22	
Ogemaw		17
Ontonagon		10
Osceola	20	
Oscoda	43	
Otsego	11	
Ottawa	16	
Presque Isle	19	

Footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MICHIGAN—Continued		
Roscommon	29	
Saginaw		28
St. Clair		14
St. Joseph		6
Sanilac	5	
Schoolcraft	32	
Shiawassee	21	
Tuscola	15	
Van Buren		7
Washtenaw		4
Wayne		13
Wexford	26	
MINNESOTA		
Aitkin		8
Anoka		25
Becker		13
Beltrami		17
Benton		8
Big Stone		9
Blue Earth		8
Carlton		24
Carver		5
Cass		12
Chippewa		3
Chisago		8
Clearwater	25	
Cook		34
Cottonwood	5	
Crow Wing		13
Dakota		12
Douglas	12	
Faribault	10	
Grant	11	
Hennepin		15
Hubbard		15
Isanti	8	
Itasca		18
Jackson	4	
Kanabec	7	
Kandiyohi		8
Kittson		6
Koochiching		22
Lac qui Parle		3
Lake		8
Lake of the Woods		13
Le Sueur		5
Lincoln		8
Lyon	12	
Mahnomen	24	
Marshall		7
Meeker	7	
Mille Lacs		10
Morrison	57	
Mower	56	
Murray		31
Nicollet	40	
Nobles		16
Otter Tail		16
Pennington		28
Pine		36
Pipestone		17
Polk		27
Pope	20	
Ramsey		26
Red Lake		9
Redwood		4
Renville		5
Rock	4	
Roseau		5
St. Louis		21
Scott	10	
Sherburne	11	
Sibley		5
Stearns		9
Stevens	7	
Swift		7
Todd	13	
Traverse	10	
Wadena		7
Waseca	9	
Washington		12
Wright		6
Yellow Medicine		4
MISSISSIPPI		
Adams	35	
Alcorn		19
Amite	51	
Attala		26
Benton	64	
Bolivar		48
Calhoun	32	
Carroll	54	
Chickasaw		21
Choctaw	43	
MISSISSIPPI—Continued		
Claiborne		31
Clarke	52	
Clay		40
Coahoma		49
Copiah	41	
Covington		25
DeSoto		50
Forrest		18
Franklin	34	
George	51	
Greene	53	
Grenada		22
Hancock	20	
Harrison		12
Hinds		24
Holmes		48
Humphreys		40
Issaquena	61	
Itawamba		9
Jackson		14
Jasper		31
Jefferson	73	
Jefferson Davis		31
Jones		27
Kemper	44	
Lafayette	31	
Lamar		19
Lauderdale	32	
Lawrence	48	
Leake	60	
Lee		17
Leflore		43
Lincoln		18
Lowndes		19
Madison		30
Marion		15
Marshall	73	
Monroe		20
Montgomery		25
Neshoba	23	
Newton	26	
Noxubee	75	
Oktibbeha		21
Panola		31
Pearl River	22	
Perry	31	
Pike		19
Pontotoc	23	
Prentiss		14
Quitman		36
Rankin	54	
Scott		24
Sharkey	89	
Simpson		14
Smith	31	
Stone	30	
Sunflower		35
Tallahatchie		44
Tate	50	
Tippah	29	
Tishomingo	18	
Tunica		53
Union		16
Walthall	57	
Warren		15
Washington		29
Wayne	43	
Webster	25	
Wilkinson	66	
Winston	40	
Yalobusha		24
Yazoo		40
MISSOURI		
Benton	14	
Bollinger	27	
Buchanan	19	
Butler	35	
Caldwell	1	
Cape Girardeau	18	
Carter	49	
Christian	17	
Clay	10	
Dade	13	
Dallas	24	
Daviess	11	
De Kalb	1	
Dent	25	
Douglas	21	
Dunklin	34	
Gentry	1	
Greene	23	
Harrison	10	
Hickory	18	
Howell	21	
MISSOURI—Continued		
Iron	43	
Jackson	17	
Jefferson	17	
Lewis	13	
Linn	1	
Livingston	16	
McDonald	14	
Madison	26	
Maries	12	
Marion	16	
Mercer	10	
Mississippi	54	
New Madrid	44	
Nodaway	1	
Oregon	27	
Osage	13	
Ozark	23	
Pemiscot	52	
Perry	1	
Pike	15	
Polk	27	
Putnam	14	
Ralls	11	
Reynolds	70	
Ripley	38	
St. Charles	45	
St. Clair	12	
St. Francois	31	
St. Louis	20	
Schuyler	1	
Scott	42	
Shannon	36	
Shelby	19	
Stoddard	37	
Stone	21	
Sullivan	11	
Texas	23	
Washington	44	
Wayne	43	
Webster	17	
Worth	9	
Wright	22	
Independent city		
St. Louis		15
MONTANA		
Cascade		27
Deer Lodge		18
Flathead	30	
Glacier		8
Lewis and Clark		8
Lincoln		38
Roosevelt	65	
Silver Bow		22
Valley		12
Wibaux	17	
NEBRASKA		
Antelope		3
Boone		4
Boyd		6
Box Butte		4
Buffalo		4
Butler		2
Cedar		4
Clay		3
Cuming		3
Custer		3
Dakota		8
Dawson		4
Deuel		3
Dixon		5
Dodge		5
Douglas		23
Franklin		2
Gage		3
Garfield		4
Gosper		3
Greeley		9
Hall		5
Harlan		6
Holt		2
Howard		3
Johnson		1
Kearney		3
Keith		5
Knox	13	
Lancaster		6
Madison		1
Merrick		3
Morrill		4
Nance		1
Nemaha		3
Phelps		4

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEBRASKA—Continued		
Pierce		1
Pawnee		3
Rock		6
Sarpy		9
Saunders		3
Scotts Bluff		10
Sheridan		7
Sherman		2
Stanton		3
Thayer		2
Thurston	48	
Valley		3
Washington		2
Wheeler		3
York		2
NEVADA		
Churchill	21	
Clark	13	
Elko	20	
Eureka	16	
Humboldt	51	
*Lincoln	15	
Lyon	29	
Mineral	34	
Ormsby	9	
Pershing	27	
Washoe	18	
White Pine	28	
NEW HAMPSHIRE		
Belknap	18	
Carroll	14	
Cheshire	19	
Coos	23	
Grafton	7	
Hillsborough	11	
Merrimack	15	
Rockingham	5	
Strafford	8	
Sullivan	12	
NEW JERSEY		
Atlanta		20
Bergen		6
Burlington:		
Mount Holly (city)	(1)	
Mount Laurel (city)	(1)	
North Hanover (city)	(1)	
Camden		18
Cape May		15
Cumberland		21
Essex: Newark (city)	22	
Gloucester:		
Glassboro (city)	(1)	
Washington (township)	(1)	
Monroe (city)	(1)	
Hudson		27
Mercer		15
Middlesex		19
Monmouth:		
Asbury Park	(1)	
Keyport (city)	(1)	
Ocean		24
Passaic		6
Salem		23
Somerset: Millstone (city)	(1)	
Sussex: Franklin (city)	(1)	
Union		12
Warren		10
NEW MEXICO		
Bernalillo		49
Catron	17	
Chaves		18
Collax		19
Curry		19
De Baca		11
Dona Ana	34	
Eddy		25
Grant	25	
Guadalupe		41
Harding		12
Hidalgo	34	
Lea		13
Lincoln		10
Luna	41	
McKinley	47	
Mora		44
Otero		18
Quay		21
NEW MEXICO—Continued		
Rio Arriba		60
Roosevelt		20
Sandoval		49
San Juan	50	
San Miguel		50
Santa Fe		47
Sierra	23	
Socorro	56	
Taos		4
Torrance		32
Union		8
Valencia	47	
NEW YORK		
Albany	13	
Allegany	22	
Broome	22	
Binghamton (city)	46	
Union (city)	(1)	
Cattaraugus		12
Cayuga	28	
Auburn (city)	29	
Chautauqua	(1)	
Jamestown (city)		(1)
Chemung	32	
Clinton		14
Columbia	19	
Cortland	27	
Delaware	25	
Erie		20
Essex	30	
Franklin	44	
Fulton	38	
Genesee	28	
Greene	13	
Hamilton	31	
Herkimer	18	
Jefferson	28	
Lewis	50	
Livingston	19	
Madison	30	
Monroe	25	
Montgomery	22	
Nassau	20	
New York (city)	27	
Niagara		24
Oneida	27	
Onondaga	39	
Orleans	30	
Oswego	40	
Oswego (city)	(1)	
Rensselaer	32	
St. Lawrence	39	
Saratoga	14	
Schenectady	11	
Scoharie	29	
Schuyler	30	
Seneca	24	
Steuben	33	
Suffolk	29	
Tioga	34	
Tompkins	20	
Ulster	12	
Warren	27	
Washington	33	
Wayne		8
Westchester	18	
Wyoming		5
Yates	25	
NORTH CAROLINA		
Alexander	12	
Alleghany	15	
Anson		12
Ashe	12	
Avery	23	
Beaufort	11	
Bertie		32
Bladen		29
Brunswick		12
Buncombe	12	
Burke	5	
Cabarrus		4
Caldwell	6	
Camden	30	
Carteret	11	
Caswell	16	
Catawba		4
Chatham		6
Cherokee	13	
Chowan		11
Clay	17	
Cleveland		5
Columbus	23	
NORTH CAROLINA—Continued		
Craven	18	
Cumberland	17	
Currituck	24	
Dare		8
Davidson	6	
Davie		5
Duplin	14	
Durham		14
Edgecombe	31	
Forsyth		7
Franklin		17
Gaston	11	
Gates	19	
Graham	17	
Granville		9
Greene		26
Guilford	14	
Halifax		24
Harnett		4
Haywood	20	
Henderson	8	
Hertford	38	
Hoke	34	
Hyde	46	
Jackson	15	
Johnston	12	
Jones	40	
Lee		15
Lenoir	17	
McDowell		7
Macon	10	
Madison	23	
Martin		25
Mecklenburg	20	
Mitchell	30	
Montgomery	13	
Moore		7
Nash		18
New Hanover		8
Northampton		19
Onslow	11	
Orange		6
Pamlico	15	
Pasquotank	17	
Pender	15	
Perquimans	23	
Person		13
Pitt	37	
Richmond		4
Robeson	17	
Rockingham		3
Rowan	7	
Rutherford	7	
Sampson	15	
Scotland		18
Stokes	9	
Surry		5
Swain	22	
Transylvania	10	
Tyrrell	40	
Union		6
Vance	28	
Wake	18	
Warren		29
Washington	39	
Watauga	25	
Wayne	22	
Wilkes	11	
Wilson	21	
Yadkin	6	
Yancey	18	
NORTH DAKOTA		
Barnes		13
Benson		21
Billings		5
Bottineau		5
Burke		5
Burleigh	24	
Cass	14	
Cavalier		18
Dickey		12
Divide		7
Dunn		5
Emmons		25
Foster	9	
Golden Valley		(2)
Grand Forks	18	
Grant		5
Griggs		7
Hettinger		7
Kidder		4
La Moure		11
Logan		7
McHenry		10

Footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NORTH DAKOTA—Continued		
McIntosh		7
McLean		5
Mercer		6
Morton		12
Mountrail		12
Nelson		3
Oliver		7
Pembina		11
Pierce		9
Ramsey	4	
Ransom		5
Richland		7
Rolette	15	
Sargent		10
Sheridan		8
Sioux		3
Stark		13
Steele		4
Towner		9
Traill		9
Walsh	16	
Ward	21	
Williams		13
OHIO		
Adams	21	
Allen		10
Ashland		2
Ashtabula		10
Athens		12
Belmont		7
Brown	14	
Butler		9
Carroll		4
Champaign	4	
Clark		9
Clermont		23
Clinton	19	
Columbiana		10
Coshocton		3
Crawford		5
Cuyahoga		36
Darke	7	
Erie		8
Fayette	17	
Franklin		22
Fulton		2
Geauga		8
Guernsey		6
Hamilton		21
Hardin		3
Harrison		4
Highland	17	
Hocking		8
Holmes		2
Huron		6
Jackson	41	
Jefferson		21
Knox		5
Lake		7
Lawrence		26
Licking	10	
Logan		5
Lorain		27
Lucas		30
Madison	20	
Mahoning		18
Marion		9
Medina		4
Meigs		12
Miami		5
Monroe		9
Montgomery		15
Morgan		9
Morrow	6	
Muskingum		14
Ottawa		10
Perry	11	
Pickaway	20	
Pike	43	
Portage		8
Preble	7	
Richland		6
Ross		13
Sandusky		6
Scioto		19
Shelby	4	
Stark		11
Summit		17
Trumbull		15
Tuscarawas		7
Union	7	
Van Wert		4
Vinton		9
Warren	9	
OHIO—Continued		
Washington		5
Wayne		4
Wood		8
Wyandot		7
OKLAHOMA		
Adair	71	
Alfalfa	11	
Atoka	34	
Beckham	28	
Blaine	20	
Bryan	20	
Caddo	37	
Canadian	12	
Carter	33	
Cherokee	37	
Choctaw	41	
Cimarron	19	
Cleveland	20	
Coal	43	
Comanche	16	
Cotton	20	
Craig	18	
Creek	32	
Custer	22	
Delaware	45	
Dewey	14	
Ellis	11	
Garfield	17	
Garvin	30	
Grady	30	
Grant	9	
Greer	26	
Harper	16	
Haskell	48	
Hughes	36	
Jackson	30	
Jefferson	27	
Johnston	43	
Kay	24	
Kingfisher	13	
Kiowa	26	
Latimer	52	
Le Flore	45	
Lincoln	22	
Logan	27	
Love	33	
McClain	20	
McCurtain	53	
McIntosh	45	
Marshall	38	
Mayes	30	
Murray	30	
Muskogee	42	
Noble	18	
Nowata	32	
Okfuskee	40	
Oklahoma	37	
Okmulgee	40	
Osage	21	
Ottawa	24	
Pawnee	23	
Payne	17	
Pittsburg	26	
Pontotoc	25	
Pottawatomie	26	
Pushmataha	36	
Roger Mills	12	
Rogers	23	
Seminole	40	
Sequoyah	65	
Stephens	23	
Texas	24	
Tillman	41	
Tulsa	25	
Wagoner	36	
Washington	19	
Washita	11	
Woodward	12	
OREGON		
Baker	26	
Benton	19	
Clackamas	38	
Clatsop	22	
Columbia	47	
Coos	57	
Crook	40	
Curry	56	
Deachutes	31	
Douglas	48	
Gilliam	4	
Grant	37	
Harney	25	
Hood River	50	
OREGON—Continued		
Jackson	24	
Jefferson	49	
Josephine	48	
Klamath	27	
Lake	37	
Lane	56	
Lincoln	34	
Linn	45	
Malheur	32	
Marion	39	
Morrow	19	
Multnomah		15
Polk	36	
Sherman	16	
Umatilla	30	
Union	17	
Wallowa	24	
Wasco	31	
Washington	24	
Wheeler	10	
Yamhill	28	
PENNSYLVANIA		
Allegheny		23
Armstrong		13
Beaver		17
Bedford	16	
Berks		8
Blair		9
Bradford		19
Bucks	17	
Butler		11
Cambria		13
Cameron		15
Carbon	9	
Centre		10
Chester	5	
Clarion		22
Clearfield		15
Clinton		10
Columbia		5
Crawford		8
Cumberland	7	
Dauphin		9
Delaware		20
Elk		7
Erie		10
Fayette		27
Forest	10	
Franklin	13	
Fulton	23	
Greene		24
Huntingdon		14
Indiana		13
Jefferson		11
Juniata		7
Lackawanna		14
Lancaster	4	
Lawrence		25
Lebanon	6	
Lehigh	5	
Luzerne		9
Lycoming		7
McKean		19
Mercer		9
Mifflin		10
Monroe		11
Montgomery	6	
Montour		2
Northampton		11
Northumberland		8
Perry		8
Philadelphia		18
Potter		18
Schuylkill	14	
Snyder	9	
Somerset		13
Sullivan		9
Susquehanna		9
Tioga		24
Union	16	
Venango		16
Warren	11	
Washington		16
Wayne		4
Westmoreland		12
Wyoming		6
York		14
RHODE ISLAND		
Bristol:		
Bristol (city)	(1)	
Warren (city)	(1)	

Footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
RHODE ISLAND—Continued		
Kent:		
Coventry (city)	(1)	
East Greenwich (city)	(1)	
Warwick (city)	10	
West Greenwich (city)	(1)	
West Warwick (city)	(1)	
Newport:		
Jamestown (city)	(1)	
Newport (city)	(1)	[1] N/A
Providence:		
Burrillville (city)	(1)	
Central Falls (city)		[1] N/A
Cranston (city)	12	
East Providence (city)		[1] N/A
Foster (city)	(1)	
Glocester (city)	(1)	
Johnston (city)	(1)	
Lincoln (city)	(1)	
North Providence (city)	(1)	
North Smithfield (city)	(1)	
Pawtucket (city)		(1)
Providence (city)		25
Smithfield (city)	(1)	
Woonsocket (city)		(1)
SOUTH CAROLINA		
Abbeville		4
Aiken		8
Allendale		24
Anderson		3
Bamberg		18
Barnwell		18
Beaufort		20
Berkeley		24
Calhoun		19
Charleston		9
Cherokee		6
Chester		6
Chesterfield		13
Clarendon		31
Colleton		16
Darlington		17
Dillon		40
Dorchester		19
Edgefield		13
Fairfield		8
Florence		26
Georgetown		36
Greenville		7
Greenwood		3
Hampton		17
Horry		16
Jasper		16
Kershaw		11
Lancaster		7
Laurens		6
Lee		40
Lexington		5
McCormick		31
Marion		18
Marlboro		31
Newberry		5
Oconee		7
Orangeburg		18
Pickens		5
Richland		4
Saluda		11
Spartanburg		5
Sumter		16
Union		5
Williamsburg		40
York		14
SOUTH DAKOTA		
Beadle		6
Bennett		3
Bon Homme	6	
Brookings	8	
Brown		7
Brule	13	
Buffalo	10	
Campbell	18	
Charles Mix	21	
Clark		4
Codington		6
Corson		4
Davison		9
Day	14	
Deuel	11	
Dewey		17
Douglas	8	
SOUTH DAKOTA—Continued		
Edmunds	10	
Faulk	6	
Grant	6	
Gregory	11	
Hamlin	5	
Hand	9	
Hanson	3	
Hutchison		2
Hyde		9
Jackson		8
Jerauld	5	
Kingsbury	12	
Lake		6
Lincoln		3
Lyman	7	
McCook	9	
McPherson	4	
Marshall	7	
Mellette	8	
Miner	4	
Moody	16	
Pennington		22
Perkins	9	
Potter	10	
Roberts	8	
Sanborn	6	
Todd	6	
Tripp	16	
Turner		3
Union	9	
Walworth	23	
Ziebach		32
TENNESSEE		
Anderson		25
Bedford		3
Benton	16	
Bledsoe		26
Blount		10
Bradley		8
Campbell		27
Cannon		12
Carroll	12	
Carter		18
Cheatham	20	
Chester		6
Claiborne		18
Clay		16
Cocke		10
Coffee		8
Crockett		14
Cumberland		14
Davidson		4
Decatur	13	
DeKalb		8
Dickson		6
Dyer		13
Fayette		39
Fentress		20
Franklin		10
Gibson	19	
Giles		6
Grainger		14
Greene	5	
Grundy		17
Hamblen	12	
Hamilton		8
Hancock		23
Hardeman	51	
Hardin		15
Hawkins		10
Haywood		41
Henderson		12
Henry		4
Hickman		14
Houston		13
Humphreys		12
Jackson		13
Jefferson	17	
Johnson		11
Knox		9
Lake		31
Lauderdale		29
Lawrence		7
Lewis		9
Lincoln		7
Loudon		9
McMinn		7
McNairy		13
Macon		6
Madison	10	
Marion		26
Marshall	11	
Maury		5
TENNESSEE—Continued		
Meigs		12
Monroe		9
Montgomery		6
Moor		6
Morgan		32
Obion		4
Overton		14
Perry		12
Pickett		14
Polk		8
Putnam		9
Rhea		17
Roane		17
Robertson	13	
Rutherford		5
Scott		39
Sequatchie		23
Sevier		6
Shelby		8
Smith		7
Stewart	21	
Sullivan		11
Sumner		9
Tipton		28
Trousdale		8
Unicoi		17
Union	24	
Van Buren		11
Warren		6
Washington	8	
Wayne		10
Weakley		5
White		11
Wilsen		6
TEXAS		
Anderson	6	
Angelina	42	
Atascosa	12	
Austin	8	
Bastrop	18	
Bee	4	
Bexar		12
Brewster		12
Brooks	61	
Brown	11	
Burleson	28	
Caldwell	16	
Callahan	9	
Cameron	14	
Camp	24	
Carson	3	
Cass	18	
Cherokee	11	
Childress	7	
Cochran	18	
Coke	8	
Comanche	10	
Cooke	11	
Cottle	24	
Crosby	6	
Culberson		15
Dallam	6	
Dallas	12	
Dawson	16	
Delta	15	
De Witt	16	
Dickens	19	
Dimmit	30	
Duval	51	
Eastland	11	
El Paso		13
Falls	17	
Fannin	21	
Fayette	9	
Fisher	10	
Floyd	10	
Foard	12	
Franklin	15	
Freestone	19	
Frio	32	
Galveston	10	
Goliad	34	
Gonzales	20	
Grimes	25	
Grayson		
Denison (City)	(1)	
Guadalupe	8	
Hale	13	
Hamilton	5	
Hardeman	13	
Hardin	19	
Harris	10	
Haskell	14	

Footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS—Continued		
Hays	19	
Hemphill	7	
Henderson	8	
Hidalgo	17	
Hills	13	
Hockley	10	
Houston	20	
Howard	9	
Hudspeth		17
Hutchison	23	
Irion	22	
Jackson	8	
Jasper	20	
Jeff Davis		16
Jefferson	11	
Jim Hogg	58	
Jim Wells	25	
Jones	18	
Karnes	41	
Kent	18	
Kinney	55	
Kleberg	21	
Know	15	
Lamb	8	
La Salle	45	
Lavaca	11	
Lee	19	
Leon	27	
Liberty	12	
Limestone	19	
Lipscomb	3	
Live Oak	41	
Lubbock	6	
McLennan	6	
Madison	25	
Marion	33	
Martin	7	
Matagorda	17	
Maverick	44	
Madina	16	
Milam	19	
Montague	13	
Moore	4	
Morris	19	
Motley	22	
Nacagdoches	14	
Newton	23	
Nolan	15	
Nueces	8	
Orange	10	
Panola	18	
Pecos		12
Polk	19	
Potter	7	
Presidio		36
Rains	15	
Real	33	
Robertson	41	
Sabine	10	
San Augustine	18	
San Jacinto	39	
San Patricio	27	
Scurry	16	
Shelby	8	
Smith	2	
Starr	67	
Stonewall	18	
Swisher	17	
Tarrant		6
Terrell		6
Terry	5	
Titus	15	
Tom Green	11	
Travis	20	
Trinity	23	
Tyler	14	
Upshur	20	
Val Verde Del Rio (city)	23	
Waller	14	
Walker	38	
Ward	27	
Washington	23	
Webb	40	
Wilbarger	13	
Willacy	39	
Williamson	10	
Wilson	15	
Zapata	57	
Zavala	28	
UTAH		
Beaver		5
Box Elder		5
Cache		3
Carbon		10
Daggett		(3)
Davis		11
Duchesne		11
Emery		6
Garfield		8
Grand		11
Iron		6
Juab		4
Kane		2
Millard		2
Morgan		4
Piute		8
Rich		1
Salt Lake		18
San Juan		26
Sanpete		6
Sevier		5
Summit		4
Tooele		4
Uintah		10
Utah		10
Wasatch		6
Washington		4
Wayne		1
Weber		19
VERMONT [4]		
Addison		(1)
Middlebury [4]		
Bennington		
Bennington [4]		(1)
Caledonia		
Morrisville (WD)		(1)
St. Johnsbury (WD)		(1)
Chittendon		
St. Alban's (WD)		(1)
Burlington (WD)		30
Middlebury (WD)		(1)
Morrisville (WD)		(1)
Essex		
Newport (WD)		(1)
St. Johnsbury (WD)		(1)
Franklin		
St. Alban's (WD)		(1)
Grand Isle		
St. Alban's (WD)		(1)
Lamoille		
Morrisville (WD)		(1)
Orange		
Hartford (WD)		(1)
Montpelier (WD)		(1)
St. Johnsbury (WD)		(1)
Orleans		
Newport (WD)		(1)
Rutland		
Rutland (WD)		(1)
Washington		
Montpelier (WD)		(1)
Morrisville (WD)		(1)
St. Johnsbury (WD)		(1)
Windham		
Brattleboro (WD)		(1)
Springfield (WD)		(1)
Windsor		
Hartford (WD)		(1)
Springfield (WD)		(1)
VIRGINIA		
Accomack	7	
Amelia		5
Amherst	11	
Appomattox	17	
Bath	16	
Bland	11	
Brunswick	15	
Buchanan	21	
Buckingham	15	
Caroline		2
Carroll	9	
Charles City		5
Charlotte	9	
Craig	13	
Cumberland	15	
Dickenson		23
Dinwiddie		6
Essex		3
Fairfax		5
Floyd	5	
Fluvanna	18	
Franklin	6	
Giles	18	
Goochland		2
Grayson [1]		4
Greene	19	
Greenville	16	
Halifax	18	
Highland		1
Isle of Wight	27	
King and Queen	14	
Lee		14
Louisa	11	
Lunenburg	13	
Madison		4
Mecklenburg		1
Middlesex		5
Nansemond	33	
Nelson	12	
Northampton	13	
Northumberland		2
Nottoway	20	
Page	24	
Patrick	4	
Pittsylvania	22	
Powhatan	14	
Prince Edwards	18	
Rappahannock	17	
Richmond	20	
Russell	20	
Scott	16	
Smyth		4
Southampton		9
Surry	15	
Sussex	29	
Tazewell		15
Washington		6
Westmoreland		3
Wise		13
Wythe		2
INDEPENDENT CITIES		
Bristol		16
Chesapeake		13
Danville		7
Fairfax		(1)
Falls Church		(1)
Norfolk		7
Norton		(1)
Roanoke	9	
WASHINGTON		
Adams		35
Asotin		28
Benton		37
Chelan		34
Clallam		31
Clark		24
Columbia		31
Cowlitz		21
Douglas		28
Ferry		19
Franklin		35
Garfield		16
Grant		28
Grays Harbor		49
Island		5
Jefferson		18
King		20
Kitsap		14
Kittitas		18
Klickitat		28
Lewis		21
Lincoln		6
Mason		32
Okanogan		21
Pacific		15
Pand Oreille		18
Pierce		22
San Juan		3
Skagit		32
Skamania		68
Snohomish		23
Spokane		29
Stevens		16
Thurston		20
Wahkiakum		33
Walla Walla		35
Whatcom		20
Whitman		14
Yakima		46
WEST VIRGINIA		
Barbour		18
Berkeley		9
Boone		36
Braxton		23
Brooke		26

Footnotes at end of table.

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969)

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
WEST VIRGINIA—Continued		
Cabell		14
Calhoun		28
Clay		46
Doddridge		11
Fayette		25
Gilmer		23
Grant		8
Greenbrier		14
Hampshire		9
Hancock		14
Hardy		11
Harrison		9
Jackson		18
Jefferson		9
Kanawha		20
Lewis		14
Lincoln		41
Logan		37
McDowell		36
Marion		10
Marshall		14
Mason		14
Mercer		18
Mineral		18
Mingo		52
Monongalia		8
Monroe		15
Morgan		6
Nicholas		22
Ohio		12
Pendleton		10
Pleasants		14
Pocahontas		14
Preston		14
Putnam		17
Raleigh		21
Randolph		21
Ritchie		11
Roane		19
Summers		28
Taylor		11
Tucker		15
Tyler		12
Upshur		19
Wayne		40
Webster		38
Wetzel		22
Wirt		8
Wood		10
Wyoming		41
WISCONSIN		
Adams		11
Ashland	29	----
Barron		6

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969

[In percent]

State/Admin. unit	Commodity distribution	Food stamp
WISCONSIN—Continued		
Bayfield		10
Brown	14	----
Buffalo	11	----
Burnett		7
Chippewa:		
Arthur (city)	(1)	----
Bloomer (city)	(1)	----
Birch Creek (city)	(1)	----
Cadott (city)	(1)	----
Chippewa Falls (city)	(1)	----
Cleveland (city)	(1)	----
Cornell (city)	(1)	----
Eagle Point (city)	(1)	----
Estella (city)	(1)	----
New Holcombe (city)	(1)	----
New Auburn (city)	(1)	----
Ruby (city)	(1)	----
Sampson (city)	(1)	----
Stanley (city)	(1)	----
Clark	8	----
Columbia		4
Crawford		11
Dane	16	----
Dodge	5	----
Door		4
Douglas		24
Duan		7
Eau Claire		10
Florence	40	----
Fond du Lac	7	----
Forest		13
Grant		6
Green		3
Iowa		3
Iron		6
Jackson	16	----
Juneau	13	----
Kenosha	32	----
Kewaunee		3
LaCrosse		12
Lafayette	14	----
Langlade		7
Lincoln		13
Manitowoc	13	----
Marathon	10	----
Marinette		11
Marquette		4
Menominee	85	----
Milwaukee		25
Monroe		7
Oconto	11	----
Oneida		18
Outagamie	9 10	----
Ozaukee	8	----
Pepin		10

EXHIBIT 2—Continued

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969

[In percent]

State/Admin. unit	Commodity distribution	Food stamp
WISCONSIN—Continued		
Pierce		
Polk	11	----
Portage	12	----
Price		8
Racine	30	----
Richland		5
Rock	19	----
Rusk		11
St. Croix		4
Sauk	7	----
Sawyer	27	----
Shawano	9	----
Sheboygan	7	----
Taylor	14	----
Trempealeau		4
Vernon		4
Washburn	27	----
Washington	9	----
Waukesha		9
Waupaca	9	----
Waushara	10	----
Winnebago	8	----
Wood	16	----
WYOMING		
Albany		9
Big Horn		16
Campbell		6
Carbon		16
Converse		6
Crook		2
Fremont		4
Goshen		10
Hot Spirngs		3
Johnson		6
Laramie		34
Lincoln		3
Natrona		16
Niobrara		4
Park		9
Platte		10
Sheridan		8
Sublette		4
Sweetwater		17
Teton		13
Uinta		2
Washakie		10
Weston		11
National average	22	16

[1] Not available.
[2] Included with Billings County.
[3] Combined with Uintah.
[4] Welfare district.

EXHIBIT 3

STATE-BY-STATE PROFILE OF THE DROP IN PARTICIPATION IN COUNTIES TRANSFERRING FROM COMMODITY DISTRIBUTION PROGRAM TO FOOD STAMP PROGRAM[1]

State	Commodity participation just after transfer	Food stamp participation just after transfer	Food stamp participation Jan. 1, 1969	Decline in participation	
				Number	Percent
Total[3]	2,783,108	1,478,568	1,698,891	1,084,217	40
Alabama	69,562	27,308	28,302	41,260	58
Arkansas	118,777	47,630	64,464	54,313	46
California	6,196	3,652	8,039	+1,843	(3)
Colorado	65,425	25,200	45,135	20,290	31
Connecticut	574	21,382	18,104	+17,530	----
Georgia	31,325	7,316	12,086	19,239	67
Illinois	112,394	42,191	43,792	68,602	61
Indiana	49,846	22,255	35,162	14,684	29
Iowa	43,755	16,832	22,660	21,095	48
Kansas	1,820	1,034	763	1,057	58
Kentucky	196,083	95,071	119,968	76,115	39
Louisiana	113,444	66,336	66,068	47,376	42
Maine	1,070	647	2,738	+1,668	----
Maryland	43,447	31,634	32,339	11,108	26
Massachusetts	[4] 133	[4] 294	[4] 134	(3)	----
Michigan	217,162	113,070	86,925	130,237	60
Minnesota	47,265	21,700	27,297	19,968	42
Mississippi	295,500	176,415	178,050	117,450	40
Missouri	68,106	9,235	21,876	46,230	67
Montana	2,768	1,518	1,855	913	33
Nebraska	12,872	6,992	8,665	4,207	33
New Jersey	5,138	19,856	31,414	+26,276	----
New Mexico	34,637	18,566	36,043	+1,406	----
New York	54,569	33,289	36,044	18,525	34
North Carolina	19,925	9,909	11,563	8,362	42
North Dakota	1,582	1,968	2,127	+545	----
Ohio	274,053	169,814	216,704	57,349	21
Oregon	31,383	9,841	11,703	19,680	63
Pennsylvania	416,685	231,241	223,197	193,488	46
Rhode Island	4,299	4,591	6,282	+1,983	----
South Carolina	13,119	7,264	9,671	3,448	26
Tennessee	98,412	73,066	72,870	25,542	26
Texas	7,844	5,207	7,534	310	4
Utah	9,957	4,852	4,786	5,171	52
Vermont	2,297	3,679	4,777	+2,480	----
Virginia	13,838	10,019	6,519	7,319	52
Washington	76,028	37,362	60,923	15,105	20
West Virginia	198,741	89,851	[4] 121,235	77,506	39
Wisconsin	13,529	5,551	5,958	7,571	56
Wyoming	9,681	5,224	5,253	4,428	45

Footnotes on following page.

[1] Includes only counties transferring during fiscal years 1961–68. Based on participation in food stamp programs on Jan. 1, 1969, as reported by USDA and on USDA publication "Participation in Needy Family Program in Projects Prior to Transfer to Food Stamp Program and Participation in Food Stamp Program" C. & M. S./CFPSS, Dec. 2, 1968. Participation in food stamp program on Jan. 1, 1969 includes only counties which have transferred from the commodity program, thus, it is not equivalent to total participation in the food stamp program. Prepared by the Select Committee on Nutrition and Human Needs.

[2] These totals vary slightly from totals in USDA table II because cities for which Jan. 1, 1969, participation figures are not available are omitted from this table.

[3] See the following table:

	Commodity participation just before transfer	Food stamp participation just after transfer	Food stamp participation Jan. 1, 1969
California:			
Humboldt	5,032	1,027	3,539
Modoc	282	59	127
Shasta	882	2,556	4,373

[4] This figure is based on the May 1968 participation, not the December 1968 participation as all the others are.

[5] Returned to commodity program.

TABLE II.—PARTICIPATION IN NEEDY FAMILY PROGRAM FOR PROJECTS BEFORE TRANSFERRING TO FOOD STAMP PROGRAM AND IN FOOD STAMP PROGRAM AFTER TRANSFERRING AND PARTICIPATION IN ALL PROJECTS OF FOOD STAMP PROGRAM,[1] BY MONTH

	Transfers from needy family to food stamp				Food stamp, all projects		
			Persons participating				
Month entered food stamp program	States[2]	Counties or cities	In needy family prior to transfer	In food stamp after transfer	States[2]	Projects[3]	Persons participating
Fiscal year 1968:							
July	1	1	517	277	1	1	277
August	1	1	5,187	2,946	2	2	6,452
September	1	1	5,940	3,008	3	3	7,749
October	2	4	41,750	32,025	4	5	35,113
November	1	3	574	21,382	1	2	37,922
January					1	1	1,267
February	2	2	1,069	1,024	3	4	1,631
March	11	26	42,750	32,620	18	72	72,315
April	16	56	85,929	54,539	25	103	94,932
Total	23	94	183,716	147,821	30	193	258,162
Cumulative to date	42	728	2,956,633	1,524,574	[4] 43	[6] 1,027	2,024,982
Fiscal year 1969:							
July	6	18	38,505		10	57	
August	8	24	54,806		19	83	
September	1	2	494		4	13	
October					1	1	
November	4	6	3,199		6	7	
Total	14	50	97,004		24	161	
Cumulative to date	42	778	3,053,637		[7] 43	[8] 1,186	
Fiscal year 1961:							
May	1	1	36,673	11,287	1	1	11,287
June	4	4	52,096	33,715	5	5	38,353
Total	5	5	88,769	45,002	6	6	49,640
Fiscal year 1962:							
July	2	2	168,238	91,315	2	2	91,315
Cumulative total	7	7	257,007	136,317	8	8	140,955
Fiscal year 1963:							
October	1	1	32,285	11,500	1	1	11,500
November	3	6	50,106	28,829	4	7	31,372
December	3	3	62,728	29,321	3	3	29,321
January	2	2	79,922	20,239	2	2	20,239
February	1	1	6,536	4,717	1	1	4,717
March	8	10	214,464	91,214	8	10	91,214
April	2	2	18,705	5,163	2	2	5,163
May	2	2	90,544	46,568	2	2	46,568
June	2	5	18,231	8,894	3	6	9,386
Total	16	32	573,521	246,445	18	34	249,480
Cumulative total	19	39	830,528	382,762	21	42	390,435
Fiscal year 1964:							
September	1	1	3,423	1,264	1	1	1,264
Cumulative total	20	40	833,951	384,026	22	43	391,699
Fiscal year 1965:							
February	3	8	45,980	26,652	3	8	26,652
March	6	12	81,209	40,094	8	19	61,102
April	10	15	101,569	73,400	11	20	156,465
May	5	12	63,201	29,042	7	15	33,587
June	3	3	17,755	7,889	5	5	11,106
Total	17	50	309,714	177,077	21	67	288,912
Cumulative total	27	90	1,143,655	561,103	29	110	680,611
Fiscal year 1966:							
July[4]	5	6	84,444	36,988	5	6	37,240
September	1	2	6,807	5,267	1	2	5,267
October	4	8	43,537	24,321	5	9	29,532
November	12	25	83,854	57,070	18	32	74,119
December	10	21	95,650	45,910	16	32	125,363
January	2	2	35,133	16,422	5	5	30,342
February	1	1	33,926	20,779	4	4	33,825
March	2	4	22,079	7,987	6	9	12,173
April	9	15	53,006	21,746	18	31	55,253
May	14	45	339,356	134,217	16	57	138,012
June	9	28	87,175	36,483	15	28	38,586
Total	24	157	884,967	407,190	37	215	579,712
Cumulative total	33	247	2,028,632	968,293	41	[5] 324	1,260,323
Fiscal year 1967:							
July	2	2	7,401	4,518	2	2	4,518
August	1	1	12,984	9,167	1	1	9,167
September	1	3	4,299	4,591	2	4	16,532
October					1	1	117
November	8	38	45,878	25,787	13	62	39,926
December	14	57	100,829	60,163	20	83	79,694
January	17	91	157,256	79,489	18	112	89,291
February	10	47	103,638	64,593	14	56	68,108
March	10	22	79,402	45,445	15	35	59,655
April	14	30	51,548	27,587	17	44	36,830
May	16	49	56,821	26,134	18	60	32,094
June	9	47	124,229	63,465	14	54	70,565
Total	30	387	744,285	410,939	34	514	506,497
Cumulative date	39	634	2,772,917	1,376,753	42	838	1,766,820

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[1] Participation in needy family program is the peak of the 3 months prior to entering food stamp program; participation in food stamp program is the peak month nationally in fiscal year.

[2] States are counted only once in arriving at fiscal year total; also, only once since beginning of food stamp program in arriving at cumulative total.

[3] Projects expanding city to county operation or new county joining existing projects are not included as new projects.

[4] Includes District of Columbia.

[5] Rice County, Kans., withdrew Apr. 1, 1965.

[6] Cherokee County, S.C. (reentered July 1, 1968) and Hardeman County, Tenn., withdrew July 1, 1967; Nash County, N.C., withdrew Aug. 1, 1967 (reentered Aug. 1, 1968); Marshall County, Miss., withdrew Dec. 29, 1967.

[7] Includes District of Columbia; Massachusetts discontinued program when Amherst (city) withdrew July 31, 1968.

[8] Amherst (city), Mass., withdrew July 31, 1968; Red River, Tex., withdrew Sept. 30, 1968.

Mr. MONDALE. Mr. President, the table to which I have just referred shows that most food-stamp programs are token programs that appear to be—but are not—feeding the poor. Once again Congress would be adopting a program which has the appearance of dealing with a problem but which in fact does not do so.

Now, Mr. President, I am not pointing the finger at other States because we have the same problems in Minnesota. In looking at the table, I find that, as of a few months ago, there were 12 counties in my State with no food programs—no direct commodity program, no food-stamp program. I appealed to the Governor of my State to help. I asked him to set up a committee. He did not do so. So that the citizens who need food assistance in those counties are still in need.

Mr. President, I ask unanimous consent that my letter of April 21, 1969, to Governor LeVander be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 21, 1969.

Hon. HAROLD LEVANDER,
Governor, State of Minnesota, State Capitol, St. Paul, Minn.

DEAR GOVERNOR LEVANDER: During the past several months, the Select Committee on Nutrition and Human Needs of the U.S. Senate, assisted by numerous private and public efforts including a survey by the U.S. Department of Public Health, has carefully documented the widespread existence of hunger and malnutrition in this country.

As a Minnesotan who has been privileged to serve on the Committee and participate in this study, I have become increasingly concerned about its implications for our State. While we have not held hearings in Minnesota, authoritative statistical and other printed reports indicate that many of the same patterns of income variation, spotty participation in supplementary food programs, and ineffective delivery of assistance may also be present in Minnesota, where we pride ourselves on the quantity and quality of our food production and our concern for the needy.

THE NATIONAL PICTURE

Much work remains to be done in organizing and evaluating the information we are gathering, but I believe the following observations represent a fair appraisal of what we have established to the satisfaction of a responsible bipartisan cross-section of the Committee:

1. Hunger and malnutrition are far more widespread than any of us have thought. While figures are necessarily speculative at this time, most responsible authorities would now agree that approximately 10 million Americans suffer from some degree of malnutrition.

2. Although there may be pockets of more serious and more concentrated nutritional deprivation, hunger and malnutrition do exist in all parts of the United States and in every State.

3. While programs to avert hunger and malnutrition have expanded in recent years they still fail substantially to meet their goals. To summarize some of the inadequacies of major nutrition programs:

A. Direct commodity food program (DCF)

DCF programs exist in only 1,342 of the nation's 3,098 counties, or just over 43 percent. A county may not participate in both DCF or Food Stamp programs. Foods distributed under DCF programs are inadequate to carry a needy family through the entire month for which they are provided. Eligible foods often do not meet the special requirements of the ill, the young, and those who have special traditional eating patterns.

Food is often available at only one point in a county, requiring as much as $7.00 to $8.00 per month for pick-up costs if transportation can be found at all. Some county administrators carry out the program in such a way that they unintentionally or intentionally discriminate against certain recipients or embarrass and harass the poor to the point that they prefer to remain hungry. Outreach workers are rarely available to find those most in need.

B. Food-stamp program (FS)

The FS program is designed to permit a recipient to purchase his own food according to his family's needs, but the bonus value of stamps is usually so meager that a family receiving food stamps, as former Secretary of Agriculture Freeman testified before the committee, may spend more money on food stamps than it previously spent on food and will still spend a greater proportion of its net income for food than will a family of average means.

Since food stamps—except in two counties in South Carolina—are never free, a recipient may find himself unable at a given time to make the full payment for a two-week or one-month supply of food stamps because he simply does not have the cash. Rent, fuel, utilities, costs of going to and from work, and other expenses which require immediate cash payment literally take food from the mouths of his family. Like the DCF program, the FS program will not carry a family through its food needs for the month even if the initial cash investment can be made. The cash problem may help to explain why, when counties shift from DCF to FS programs, as many as 50 percent of persons who have been receiving commodities do not participate in the Food Stamp program! How do they feed themselves and their families?

Food stamps are available only for foods or food products. While a food stamp purchaser may use his stamps to purchase cake, candy, potato chips, or other "luxury" foods, for example, assistance is not available for the purchase of such basic household needs as soap, detergent, and medicine. The immediate necessity for cash outlay for these items can also cut substantially into funds available for a food stamp payment. In addition, the FS program relies on the family to make purchasing judgments, but nutrition education for the family is usually lacking.

Like the DCF program, the FS program can be and sometimes is administered in a token, conservative or actually insulting and discriminatory way. And outreach workers are rarely available in this program to seek out those most in need.

C. The national school lunch and breakfast programs

Although adequate nutrition is vital to the energy and learning capacity of students, not enough schools participate in the programs—a shocking percentage of the very poorest children *cannot* participate because of the charges that may be imposed by the school. Estimates indicate that there are approximately 6.6 million school children in the country whose families can be described as poverty-stricken, but only two million of them can participate in school lunch programs. Others may be left out because there are no programs where they live or because their families cannot provide money for lunches. Often these latter children sit next to friends and higher-income families who enjoy hot, nutritious, government-subsidized lunches while poor children have little for lunch except humiliation.

The School Breakfast Program suffers the same inadequacies, besides being so new that it can be found only in a small number of schools. I have been appalled to find how many children come to school without breakfast, jeopardizing both their health and their ability to learn. In Florida alone, it is reliably estimated that 85 thousand school children arrive at school each morning without breakfast.

Like other programs for the poor, the National School Lunch and Breakfast programs are often least available to those who need them most. The poorest school districts have the least financial resources for school cafeteria facilities and operational costs, and they are also the least able to provide reduced-price or free meals for those who must go hungry without that help.

4. Inadequate as these programs are, they do exist; but there is no program to deal even remotely with the critical nutrition needs of infants from the period before birth until they reach school age. Pediatricians have pleaded eloquently before the Committee for national recognition of the disaster—mental as well as physical—which befalls undernourished infants. Besides the dangers of permanent physical impairment and increased susceptibility to illness which malnutrition brings during the pre-school period. a child's capacity to learn may be seriously and *permanently* damaged by undernourishment. Most of a human being's mental capacity develops in the pre-school years. A mind crippled by malnutrition *cannot* later be restored to full capacity. In fact, malnutrition may be one of the key reasons that infant mortality, premature birth, and physical and mental subnormality are found in such shocking percentages among the very poor. We now know that kwashiorkor, pellagra, marasmus, and rickets, all diseases of malnutrition, are serious problems in this country. Dr. Charles Lowe, chairman of the Committee on Nutrition of the American Academy of Pediatrics, was asked before our Committee whether his testimony meant that he thought the problem of hunger and malnutrition was the first factor that must be solved if we are to break the cycle of poverty in America.

"That would be my opinion," Dr. Lowe replied, "not only the first but the most readily approachable."

But we do not have systematic, nationwide programs to attack this basic, approachable problem in the early years of childhood where they are most critical.

5. Those most needing help to obtain good nutrition—infants and children, mothers, the illiterate, the aging, the physically and mentally disabled, the mentally ill, the totally impoverished—are at the same time the most difficult to reach. They suffer, and die, in baffled and heartbreaking silence. They are usually neither seen nor heard. Many live a "shadow life"—not even knowing or understanding their problems, let alone what they might do to solve them. Others, I am convinced—thousands and perhaps millions of them—prefer hunger to the degrading treatment they receive when they seek help. So present programs almost invariably stop at the shoreline of greatest need, by default depriving unreached Americans of their health, their physical and mental abilities, sometimes their chance for pride—even, perhaps their capacity to care for themselves. And what is worse is that this nation is therefore denied the productivity of thousands or millions of Americans crippled to the point of uselessness as producers. We are a nation whose capacity to produce nutritious foods is world-renowned; pervasive hunger and malnutrition is our national shame.

MINNESOTA

Hunger in Minnesota is as difficult to measure precisely as hunger in the nation as a whole, but some of the same general measures make it possible to judge that a problem does exist in our State.

A new Bureau of Labor Statistics study concludes that an urban family of four must receive a gross income of $6,000 a year to feed its members properly and still meet other minimum expenses. A comparable rural family, the Bureau estimates, must receive a gross income of $5,000 to $5,500 per year. Even then, according to the study, only one-fourth of persons living on those incomes actually obtain adequate diets.

Assuming the Bureau's estimates are reasonable, surely families of four anywhere in Minnesota who receive $3,000 or less in gross income per year must suffer some degree of nutritional deprivation. In Minnesota an estimated 600,000 persons live in such families, while only about 73,000 Minnesotans are currently participating in either the Direct Commodity Food Program or the Food Stamp program, according to current Department of Agriculture figures.

For some of the more than 500,000 Minnesotans whose family income is below $3,000 but who are not receiving food supplements through either program, the National School Lunch program may be providing some help for the children. But 170,000 elementary and secondary school children in Minnesota attend the 1,454 schools of the 3,299 schools in our state where the program is not available, and the children from poor families among them obviously have no opportunity to receive these benefits. Furthermore, of the 507,000 children who do participate in the National School Lunch Program in Minnesota, the percentage receiving free meals was only 2.7 per cent during the past fiscal year. This compares with a national average of 12 per cent of children in the program who received free meals during the same period. It is impossible to know how many undernourished children remain hungry in Minnesota despite the National School Lunch Program, but it is fair to speculate on the basis of the available information that many Minnesota children from needy families, like similar children throughout the nation, are being missed by this program.

School Breakfast Programs in Minnesota, as elsewhere in the Nation, are pitifully inadequate. During fiscal 1968 only 18 schools served 3,426 Minnesota children. If Florida estimates 85,000 breakfast-less children, how many do we have in Minnesota?

The general nutritional situation can be looked at in another way. Every person receiving welfare assistance is eligible automatically for food assistance. But even if *all* of the persons presently receiving help from either the Direct Commodity Food program or the Food Stamp program in Minnesota were assumed to be welfare recipients (and they almost certainly are not all welfare recipients) these programs would be reaching only slightly more than half of the 144,000 persons receiving welfare assistance in Minnesota in November 1968.

Furthermore, some of the same administrative problems evident in these food programs nationally are probably present in Minnesota as well. I should expect that there would be less tokenism and harassment in Minnesota than in most states, but it is true that some Minnesota counties distribute as few as 15 of the 22 Commodity Food items available and that none of the Minnesota counties have more than one distribution point for commodities. As we would expect in Minnesota, there are some impressive volunteer efforts to make up for this deficiency, most notably in Pope, Douglas, and Lyon counties, according to the U.S. Department of Agriculture.

These are the basic questions:

How many of the 170,000 Minnesota school children in schools which do not have School Lunch Programs are undernourished?

How many of the 507,000 school children participating in the School Lunch Program should be receiving free lunches but are not? How many of the 360,000 children who are not receiving lunches in schools which *have* the program should be participating, probably through free lunches?

How many eligible welfare recipients are not receiving food supplements of any kind?

How many eligible families do not participate in food supplement programs because of administrative or information problems, or because the counties in which they live do not have any program at all?

Tragically, we do not know the answers to these questions. But we should know them, so that we can deal with the problems they reflect, and I hope we will find them out.

SUPPLEMENTAL FOOD AND EMERGENCY SERVICES PROGRAMS

In addition, other special federal nutritional programs could be more widely used in Minnesota.

One such program is USDA's new Supplemental Food program under which doctors are permitted to prescribe food for mothers and young children whom they diagnose as suffering from malnutrition. This program is aimed directly at those most susceptible to the crippling effects of malnutrition, and it should be adopted as widely as possible in Minnesota.

Another program which might be expanded in Minnesota is the Emergency Food and Medical Services program of the Office of Economic Opportunity. Under this program outreach workers tour areas with substantial poverty-striken populations, informing eligible residents of the help available to them, offering information on proper nutritional practices, and providing direct aid in cases of severe need. Recently I was able to help establish one such program on the Leech Lake Indian Reservation, and we certainly should have others.

A NUTRITION SURVEY FOR MINNESOTA

I have gone on at some length to sketch the character of nutritional problems and program deficiencies at the state and national levels. Regrettably, we must speculate on the basis of general income figures about the extent and location of the hungry in Minnesota.

To improve the basis of our information, I would be happy to join with you in asking the U.S. Public Health Service to expand its National Nutrition Survey to include Minnesota. As an alternative, Minnesota, like New York, might enlist the expert nutritionists available within the State in a comprehensive nutrition survey of its own. If we are to deal with malnutrition effectively in Minnesota, we will need expert assistance to identify its specific locations, its magnitude, and the measures which might be taken to alleviate it.

Since it is unlikely, however, that such a survey would come quickly enough or be state-wide in its application, I urge you to establish quickly a State Commission on Human Nutrition to examine all aspects of the problem of malnutrition in Minnesota. This Committee might be composed of federal, state, and local representatives of such programs as the Direct Commodity Food program, the Food Stamp Program, the School Lunch and Breakfast programs, the OEO's Emergency Food and Medical Services Program, and USDA's new Supplemental Food Program. It could also usefully draw on the expect knowledge available at our universities and the practical knowledge possessed by the food industry in Minnesota. It should include welfare officers, Public Health specialists, and a wide range of interested and knowledgeable citizens.

I would hope that the Commission could begin work immediately so that, if possible, it could present this session of the legislature with proposals to make our State government a full participant in the growing effort to eradicate hunger. The Committee might then continue the preparation of a comprehensive report that details the location and extent of hunger in Minnesota, outlines existing programs for its alleviation, and presents a comprehensive plan to commit all available State resources to a coordinated federal-state-local-private campaign against hunger.

Several states have committed themselves to such efforts. In North Carolina, for example, Governor Moore has made the eradication of hunger the keystone of his administration. Toward this end North Carolina has sponsored a careful study of the nutritional requirements of its citizens; examined the failures of Federal Food programs; called on every State agency with responsibility in the area of nutrition to report on its present efforts and lay plans for expanding these efforts; urged county officials to adopt and encourage participation in existing food programs; convened a state-wide "opportunity group" to coordinate state efforts and to enlist the help of private industry and charitable groups; assisted new nutrition education programs in many counties; and, most important, appropriated state funds to help needy persons, poor counties, and weak school districts to participate in useful, but often too costly, Federal programs.

I note also, in today's newspapers, that Governor Rockefeller has asked the New York State legislature to require that every county participate in the Food Stamp program as soon as adequate Federal funds are available, and to require that counties participate in the Direct Commodity Food program until Food Stamp participation is possible.

We need not imitate the North Carolina or New York efforts, but we should emulate their resolution to act quickly and effectively at the State level to eradicate hunger. I sincerely hope that you will act now by establishing a Commission on Human Nutrition.

I will enthusiastically support any significant new efforts at the State level and continue my own efforts to improve food assistance programs at the Federal level.

As public officials, we share responsibility for the pitifully inadequate public efforts to meet the needs of the poor and the hungry in America. But assessing blame will not feed anyone. What we must share in the future instead is a firm resolve to move together in a non-partisan attack which will draw all of our resources—local, state, federal, and private—into a united drive against hunger.

I look forward to working with you in this effort.

Sincerely,

WALTER F. MONDALE.

Mr. MONDALE. Mr. President, looking at the Minnesota counties which do participate, one of them delivers food stamps to only 8 percent of those needing them; another to 5 percent; another to 3 percent; many others to 3 percent and 5 percent and other kinds of token percentages.

I am glad to see that there are a few counties doing better, but the same pattern exists in Minnesota as in other States. It shows that we have only a token food stamp program in this country. We talk about ending hunger but we are not acting to alleviate it.

Mr. President, as we meet here today, there are millions of Americans, of all ages, all races, all beliefs, who are hungry and suffer from malnutrition. We are robbing many of our children of the promise of a decent life because Congresses have not fully met this problem.

Mr. President, now is the time for this Congress to act.

I yield the floor.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I rise to support the substitute food-stamp bill introduced today by Senator McGOVERN, myself, and other colleagues.

I would like to say at the outset of my comments that the Committee on Agriculture and especially my distinguished colleague from Louisiana, Senator ELLENDER, should be commended for the excellent efforts which they have made, first earlier in this session to increase the 1970 authorization for food stamps to $750 million and for the many improvements which they have made in the bill recently reported to the floor.

However, in view of the massive national concern for the problem of malnutrition at this time, I think it is extremely important that we do not miss the opportunity to pass a food-stamp bill which would encompass all the improvements needed in the food-stamp program to eliminate malnutrition in this country.

As a member of the Senate Select Committee on Nutrition and Human Needs, I have become extremely sensi-

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tive to the suffering and hardship felt by those many Americans who lack an adequate diet.

I believe it would be extremely unfortunate if the Senate would pass a food-stamp bill which would only provide a limited amount of progress toward the elimination of malnutrition in this country; a goal which I believe is shared by all Americans. It is for this reason that I have joined with Senator McGovern and other members of the Senate Select Committee on Nutrition and Human Needs in the introduction of a substitute bill which would go that extra mile needed to reach our goal of an adequate diet for all Americans regardless of income.

If we are to span the nutrition gap, then we must build a bridge based on the food stamp program which does not fall short of reaching the goal supported by all Americans—an adequate diet for all.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending McGovern substitute, and all amendments thereto, occur not later than 3:45 p.m.; in the meantime, the time to be equally divided between the Senator from South Dakota (Mr. McGovern) and the Senator from Louisiana (Mr. Ellender), the Senator in charge of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. McGOVERN. Mr. President, at this time I would like to make a minor modification of the pending substitute. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. Does the Senator wish to modify his amendment?

Mr. McGOVERN. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is modified as the Senator requests.

The modification is on page 7 line 2 of the substitute strike "two-thirds" and insert in lieu thereof "one-half."

Mr. McGOVERN. Mr. President, if I may just have the attention of the Senate, the modification relates to the matter of free food stamps. Instead of making families eligible for free food stamps when they have an income of $80 a month or less, this is a somewhat more conservative amendment. It would set that figure at approximately $60. The formula would be one-half the current amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under section 7(a).

Mr. HOLLAND. Mr. President, I would have no objection.

Mr. McGOVERN. The purpose of that modification is to comply with the request made by the Senator from Virginia (Mr. Spong), one of the cosponsors of the substitute bill, that would take a somewhat more conservative approach on the matter of free food stamps. Otherwise the substitute bill stands as originally offered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ELLENDER. Mr. President, is that time to be taken out of the time of the Senator from South Dakota?

Mr. McGOVERN. Yes, to be taken out of my time.

The PRESIDING OFFICER. The time will be taken out of the time of the Senator from South Dakota.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McGOVERN. Mr. President, I yield such time as required to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, last February 18, I joined with several of my colleagues to support the fight for full funding of the Select Committee on Nutrition and Human Needs. At that time, we were concerned with the need to extend, full blown, the life of that committee, in order to continue to investigate the problems of hunger and malnutrition in our society. Authorization for full funding was approved by this Senate, and the committee has been conducting its very thorough investigation.

Under the leadership of Senator McGovern, that investigation has produced indisputable evidence of the tragic consequences of hunger and deprivation. The information about poor nutrition and inadequate food, gathered and presented to the American public, leaves no question that this problem is one of the most serious in our society.

Today, we are concerned not with continuing the committee's investigation, although that remains as a yet unfinished task; instead, we are concerned with a proposal to help meet the needs that have already been explicitly documented.

The current Federal food stamp program serves only 3.2 million of the currently estimated 25 million poor and 13 million near poor. Combined in these groups, are those people whose incomes place them in substantial danger of being malnourished.

Suppose the disbursement to farmers eligible to receive Federal payments for holding the ceiling on their production of food was limited to just a few of the eligible farmers. If that payment were made to farmers on the same limited basis that food stamps are issued to the hungry poor, then 193,000 farmers would have received subsidy payments instead of the 2.3 million farmers who got Government subsidy checks last year.

Eligible people who might be able to eat better with Federal food stamps live in every county in the United States. Yet, the stamp program is currently serving only 16 percent of all hungry Americans in the Nation's counties.

Imagine, if you will, what it would mean if the Department of Defense provided adequate diets for just 16 percent of the men in every military unit. That could never happen because the DOD does not let itself become embroiled in debates about the relationship between good nutrition and desired productivity. They know a hungry soldier is not an effective soldier. Only when we are asked to consider food assistance for the poor do we make probing inquiries about the value of an adequate diet. Only then do we make microscopic investigations into the proposed cost of putting enough food into the mouths of the hungry.

Public debates about the country's ability to feed the poor pointlessly end in a wrangle about money, loss of personal incentives and concern over proving the relationship between good nutrition and desired productivity. But in the largest Federal food assistance program administered by the Department of Defense, these irrelevant concerns are never debated. In fiscal year 1970, DOD plans to expend nearly $4 billion to feed 3.5 million servicemen at an annual rate of considerably over $1,100 per person. This compares with the administration budget for food assistance for the poor which would allegedly service 8 million poor people at a cost of $1.226 billion, or an annual rate of $145 per person. That ratio of nearly 8 to 1 in favor of the armed services can only make the poor firmly convinced that their Government is not fighting the real enemy.

For a family that is poor, the enemy that gnaws away throughout each day of their dreary, hollow existence is their constantly undernourished, anemic diets. Even for those participating in the food stamp program, there is no provision to insure that recipients will enjoy an adequate, healthy diet. They get, instead, the crumbs of a cruelly administered fraud. Our Government has estimated that more than $3 billion is needed to provide an economy, low-cost diet for all poor families—a diet, that was admittedly designed for emergency situations to meet food needs for a very few days. Yet, the total food benefits planned by the administration for fiscal 1970 fall $2 billion short of that amount. It falls nearly $4 billion short of the amount needed to provide a more nutritious low-budget diet which has been prescribed as the absolute minimum a family needs to achieve nutritional adequacy over a period of time.

In other words, we are being woefully unfair and dishonest with the poor, when an admittedly weak program is approved to meet the serious nutritional needs of millions of Americans. We know that the current food stamp program cannot buy enough nutritious food to feed a poor family. Yet, it is the cost of this soup line program which is used to measure the total cost for feeding the hungry. It is astounding that over the years we can continue these pitiful illusions.

If the needs of the war in Vietnam were met in the same way, American life might be considerably different. What would be happening in Vietnam if, when the Pentagon asks for 500 jet fighters, funds are made available to procure only 100?

Dr. Charles Upton Lowe, chairman of the Committee on Nutrition of the American Academy of Pediatrics notes:

> We have a reasonable set of figures upon which to estimate the dollar cost of relieving

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> malnutrition. Food to meet the needs of an adult costs approximately one dollar a day; infants, during the period they are bottle fed, need 36 cents a day for milk. Extrapolating these figures to national need, one can estimate that in addition to the present food programs, we must spend another 3 billion dollars if we are to provide adequate food for all those in America who are now suffering some degree of malnutrition. The cost, although great in dollars, is a small fraction of the gross national product; less than one third of one percent and miniscule compared to the social cost of failure to feed hungry people.

Senator Robert Kennedy's 1967 observations of the seriousness of hunger and malnutrition in Mississippi focused national attention on this problem. His concerns have hastened our consideration of ways to improve the program so that more of the poor, including those with no income at all, can maintain an adequate diet.

Later, that year, Senator Kennedy joined with our very able colleague from New York (Senator JAVITS) to submit the Partnership for Health Amendments of 1967. That provision called for a comprehensive national survey of the incidence and location of serious hunger and malnutrition and related health problems. Since then, the Public Health Service initiated and is conducting the national nutrition survey. Under Dr. Arnold Schaefer's direction, this survey has already verified instances of starvation and neglect.

Because of Robert Kennedy's insistence to highlight the national hunger problem, the celebrated CBS report "Hunger in America" developed a sympathetic stirring for American TV viewers. Perhaps, that documentary has done more than any other single event to awaken the public to this national shame.

Senator McGOVERN's bill is designed to realistically meet the food needs of the poor. By citing only selected features of Senator McGOVERN's proposal, we see that his bill will authorize free food stamps for 5 million poor Americans. They represent the 20 percent of all the poor, whose total income is less than $1,000 per year. Over 1 million of these very poor have no cash income at all. This is a provision that was offered more than 2 years ago.

In June 1967, Robert Kennedy asked Secretary of Agriculture, Orville Freeman, to issue free food stamps. Senator Kennedy asserted that the minimum payment must be reduced permanently to zero for people who have no income. Today's bill offered by Senator McGOVERN will also provide for an allotment of food stamps that is large enough to buy a nutritious diet. It is not a continuation of the present watered down program that weakly attempts to buy a poor family the skimpy diet designed for emergency use.

And finally, this bill requires the Secretary of Agriculture to operate a food stamp program whenever local officials refuse to recognize and meet the needs of the hungry poor. I am pleased to give my full support to Senator McGOVERN. He has compiled in this bill the provisions that are necessary to begin a sincere attack on hunger induced by poverty.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 1 minute to thank the Senator from Massachusetts for the excellent statement he has made today, for the leadership he has provided the Select Committee on Nutrition and Human Needs, and for the excellent work he has done as Chairman of the Subcommittee on Indian Education which has been looking into the problems of that neglected group of citizens. I appreciate very much the contribution the Senator has made.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I do not think we ought to adopt the proposed amendment as a substitute bill. There are many things that do not fit the situation at all. These are some points which we should consider:

First, rather than allow the elderly to give stamps to nonprofit organizations and commissaries of the Department of Defense, it would be simpler to meet their needs through other programs.

Second, under the substitute simultaneous operation of commodity distribution and food stamp programs must continue until participation of the food stamp program equals the previous participation in the commodity program. Thus, simultaneous operation, with its duplication of effort, could go on for a long time.

Third, the substitute amendment, offered by the Senator from South Dakota and others requires distribution of stamps and collection of charges by the Post Office. Too many persons have had trouble getting mail lately with an overworked Post Office Department, and it does not seem that we should put this additional burden on the Post Office until they are able to handle the excessive work which is already loaded on them.

Fourth, the amendment offered requires establishment of the program in every area after January 1, 1971. Yet, the appropration authorization for fiscal 1972 is only $2.5 billion, and heaven knows what little distance that would go if we complied with the rest of the amendment.

Fifth, the amendment authorizes the Secretary of Agriculture to administer the program nationally or in any area through a nonprofit organization. We can see the difficulties which would be encountered in that situation, with the nonprofit organizations all vying with each other to see who would run the food stamp program.

Sixth, the amendment relieves the States of the cost of issuing coupons and collecting charges for food stamps, and this further lessens the State's responsibility in a cooperative program.

I cannot think of any reason in the world why we should vote for the amendment offered by several of our very well-meaning colleagues.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Who yields time?

Mr. McGOVERN. I yield 10 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The Senator has only 6 minutes remaining.

Mr. McGOVERN. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think that the argument just made by the Senator from Vermont (Mr. AIKEN) is a very important one. I think the answer to it is that this is an alternate plan for the plan proposed by the Agriculture Committee, dealing with certain fundamental changes which overshadow the particular matters to which my beloved colleague, Senator AIKEN, has called attention—that is, they deal with the question of free food stamps.

The level is now down to $60 a month. It deals with the adequacy of the stamp allotment which requires $125 a month for a low-cost food plan, and it makes national eligibility standards and therefore insures that we will not have the situation in which 10 percent of the counties in the country have no plan of any kind. These are critically important things, and I consider also very important the bypassing provision.

I am the ranking minority member of the committee which Senator McGOVERN has so very ably and brilliantly led; and we found county after county in which, no matter what you do whether people are starving or not the county just will not take corrective action. If we are going to be stymied by that, then the United States is not performing its obligation.

Therefore, Mr. President, as the ranking Republican member of the Select Committee on Nutrition and Human Needs, I proudly join in sponsoring the substitute food stamp bill—an urgently needed reform measure to eliminate the intolerable conditions of hunger and malnutrition from our Nation.

I think it significant that nine members of the select committee—on a bipartisan basis—joined in sponsoring the substitute food stamp bill. As members of the select committee, we have—in the course of our 9-month investigation of the extent of hunger in this Nation—witnessed firsthand the evils of malnutrition and the inadequacy of the present food stamp program.

I would like to express pride in the fact that this administration has overcome some of the redtape and bureaucracy which has entangled its predecessors and has brought us from discovery of a national problem to a commitment to take action to deal with malnutrition and hunger.

I also wish to commend the Committee on Agriculture and Forestry, and particularly its chairman, Senator ELLENDER, for acknowledging the need for an expanded stamp program as evidenced by his leadership in the Senate's passage of the $750,000,000 emergency food stamp authorization several weeks ago.

However, I do not feel that the committee bill goes far enough in providing the expansion and reform in the food stamp program which is so desperately needed. If we are to really get the job done and effect meaningful food stamp reform, then I believe that we must adopt the substitute bill and reject that reported by the Committee on Agriculture and Forestry.

The substitute bill as I have indicated, would provide the needed reforms in the stamp program including free stamps for

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families of four whose income is less than $60 per month; a stamp coupon allotment for families of four at an amount not less than the USDA low-cost food plan of approximately $125 per month, and national eligibility standards which would allow families of four with income less than $4,000 per year to participate in the stamp program.

Mr. President, these provisions in the substitute bill are similar to provisions in the food stamp section of my omnibus hunger bill, which I introduced several weeks ago. They were needed then and they are needed now. If we can give away free commodity foods, then we can and should do no less for the neediest recipients of food stamps. I think that free food stamps would go a long way in meeting the food needs of such recipients, whose incomes are less than $60 a month for a family of four.

Regarding the coupon allotment of approximately $1,500 per year, we should certainly provide this much food to the very needy in our country. The Department of Labor, Bureau of Labor Statistics estimated that in 1967, the average low-level standard food-at-home budget for a family of four ranged from $1,433 to $2,120 in metropolitan-urban areas of the United States and from $1,369 to $2,059 in nonmetropolitan areas—population from 2,500 to 50,000 In the Northeastern region of the United States, which includes New York, the range was from $1,503 to $2,237.

We should not hestitate to provide eligibility to those households where annual income is under $4,000—especially since the average low-level standard of total budget expenses for a family of four is $5,473 in the South alone—if we hope to someday see such families no longer in need for such aid.

The committee has taken a step forward in food stamp reform, but with all due respect to its members who worked so long and hard on writing the bill, we can no longer take steps when we need to take giant strides. The substitute represents the strides that must be taken if we are to help those to whom the doors of economic independence and adequate nutrition have been closed for too long. Let us open those doors, Mr. President. Let us open those doors so that mothers will no longer have to stare at the bloated bellies of their malnourished children and so that empty stomachs will no longer exist as a bar to gaining a full mind for many millions of school children who live in poverty.

Regarding appropriations, Mr. President, the substitute bill would provide $1.25 billion for fiscal 1970, $2 billion for 1971 and $2.5 billion for 1972. Without these funds, we cannot have an expanded and meaningful food stamp program. The very least we can do is to fund the program at a level to solve the problem.

Finally, Mr. President, I view this substitute bill as an important interim measure at least until a comprehensive and adequate welfare reform program is enacted to provide monetary payments at a high enough level to permit food stamps to be discontinued without hardship to recipients. It would be unjust and unfair to phase out food stamps before adequate welfare reform is enacted. We must meet the need right now, and I believe that the substitute stamp bill will provide the program and funds necessary to accomplish that goal.

In the final analysis, Mr. President, we will be judged morally as a great Nation, not only by our general well-being, but also by how well we provide for those who have too little.

Therefore, we are not doing anything overgenerous in this substitute bill. We are simply recognizing the reality that this country regurgitates when it thinks about the fact that there are many people in this country who are so malnourished that they are on the verge of starvation. Yet, that is the finding of fact that affects 5 million American families.

If our country cannot morally gird itself up to do something remotely adequate about it, it is a pretty sad day. In other words, instead of looking at this through the wrong end of the telescope, at subsidies and particular regulations, remember, the House has not acted, and they can tie up any particular minor detail that we do not cover in this substitute.

We have to look at the fundamental thrust of what has aroused the conscience of this country to an extent greater than did the war on poverty or anything in the welfare field. This is the fact that medical testimony has proven and demonstrated that many Americans—an estimate of 5 million families—are affected by hunger and malnutrition.

The substitute makes minimal provision and it differs from the basic measure before the Senate in the fundamental point—that we will not allow a family to starve because it does not have the money to pay for food stamps, and that we will not allow any political entity, a county or otherwise, to frustrate the conscience of the United States in providing for people who can find no income for food—not to mention other basic necessities of life.

For those reasons, Mr. President, because it settles the basic question of principle in a reasonable and modest way, I hope very much that the Senate will adopt the substitute and do its part to deal with what is a blot on the national escutcheon and an affront to the national conscience that demonstrably, hundreds of thousands of Americans go to bed hungry every night is something which I do not think any American wants to tolerate, however we may differ on any other question.

I thank the Senator for yielding to me.

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

Mr. President, the substitute means a rewriting of the whole bill. The Committee on Agriculture and Forestry spent 4 days in hearings and 2 or 3 days in marking up the bill. The only opposition was from the Senator from South Dakota. There was some opposition to a provision in the bill relating to granting free stamps to people receiving incomes of less than $40 or $60.

But this is a very liberal bill. It is not the same as the law we now have on the statute books, by any means. In this bill, I read from section 3 (a):

> The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

Mr. President, the bill provides $750 million for fiscal year 1970. The testimony was that the administration could use only $610 million. Therefore, under the bill we are now considering we are providing $140 million more than the administration said it could use.

For the second year the administrator would have $1.5 billion and a carryover of whatever is left from fiscal year 1970. For the third year $1.5 billion plus whatever is carried over from the two preceding years would be available.

Mr. President, the bill we are now considering is a vast improvement over the law that is now on the statute books. The present law provides that the recipient of stamps shall pay as much cash for stamps as he did pay in the past and, depending on his income, he would receive a small bonus of stamps for that much cash.

Under the old rules and regulations that were made by the Secretary of Agriculture, a person paying as low as $2 could get stamps in the amount of $30, $40, up to $50; and under this new bill the Secretary could even go further than that.

Under the new bill as well as the present law administration is provided at the local level. In other words, it involves participation by the State, by the county, and the people.

Under the substitute bill, if a county does not join in and ask for the program, the Federal Government could go in and establish a program not administered directly by the Secretary but by some association which he chooses to do the job.

Mr. President, I do not know the implications involved in the substitute we are now considering. We have not had time to consider all of the provisions of the substitute bill. The committee spent much time in producing the bill which was reported. In my humble judgment the substitute would not give to the people the diet that is prescribed in the bill that we have presented to the Senate for the reason that, as the Senator from South Dakota admitted today, the money could be used for other purposes than to buy stamps.

Our bill specifies that the stamps are to be used to provide a diet which the Secretary determines to be a nutritionally adequate diet. That is prescribed in the bill itself.

The substitute provides that the stamps could be used to buy soap—I will refer to the bill for the other language that is contained in the provision.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. The substitute bill provides:

> The term "food" also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation.

Mr. AIKEN. That could mean clothing.

Mr. ELLENDER. It could mean clothing. It could mean housing.

Mr. AIKEN. It could mean almost anything pertaining to living quarters.

Mr. ELLENDER. There is no doubt about it.

As I said, Mr. President, the proposals of the Senator would change the bill altogether. On local administration I dare say that this bill would not give to the recipients the stamps necessary to give them an adequate diet. The local administration should be retained, but under the substitute bill it is intended that every county and every parish in the United States shall have a program of food stamps; and, if the locality does not do so, if it does not follow the law in applying for it, then, as I said a while ago the Secretary could employ an association—the Salvation Army or the Black Panthers, or what-have-you—to operate the program in the counties where the local authorities refuse or have reason not to desire to have a program.

One of the most seriously defective sections in the bill is the provision for concurrent operation of the food distribution program, which does not provide an adequate diet, along with the food stamp program, permitting participants to purchase less than that which is allotted as necessary to an adequate diet, and permitting food stamps to be used for a wide variety of nonfood products instead of being used for food.

Now, in order to carry out the program as envisioned by the distinguished Senator from South Dakota it would not require $2.5 billion but probably $5 billion per year to operate, and particularly when the bill provides that the moneys can be used for purposes other than food.

The committee felt that the program for food stamps should be relegated to food needs, for the purpose of purchasing food and nothing else.

Mr. President, I am very hopeful that the Senate will not make a snap judgment and vote for this substitute in lieu of the bill reported by the committee with little or no opposition from anyone except, as I said, a few who desire to have free stamps ranging from $40 to $60 to low income families.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I wish to say that we are charged with proceeding at a snail's pace. Now we are raising the appropriation authorization from $340 million to $1.5 billion in 2 years and that is a pretty good pace for a snail. It is more than a 400-percent increase.

Mr. ELLENDER. I agree with the Senator.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, I yield such time as he may require to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I have not seen a more serious effort to come up with good legislation than that which the Committee on Agriculture and Forestry used in the several days of hearings and the several days of markup which we employed. We came out with a bill which is really revolutionary in the amount of the increase to meet the problems of hunger in this Nation.

The Senator from Vermont (Mr. AIKEN) and the Senator from Louisiana (Mr. ELLENDER) both have stated accurately what happened in committee.

With only the reservation on the part of the Senator from South Dakota that he expected to offer a substitute bill, and the reservations of about four Senators that they wanted to vote for free food stamps for the least able families, there was no division in that committee of 13 Senators on the bill when it was reported.

Mr. President, the first point I want to mention, which has already been mentioned, is the fact that the substitute bill as proposed by the Senator from South Dakota would change the nature of the bill. This is a food stamp bill. I read only these words from the substitute bill:

> The term "food" also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation.

That means soap, toothpaste, toothbrushes, Lysol, toilet tissue, and any number of other things which we could mention that would be added to the articles which would come within the purview of the bill; that would make it not at all a food stamp bill exclusively.

I hardly need mention the fact that a drive would be made by many industries to get in under the purchases which could be made by food stamps, if this kind of provision were put in the bill.

The second thing I want to mention is the power of the Secretary of Agriculture to override the Governor and the State welfare department that would be given by the substitute bill. It is provided in the bill that, in the event the State welfare department has not managed the program well or does not ask for a program, and the Governor does not ask for a program, the Secretary of Agriculture can, on his own motion, bring food stamps into any county and have the program administered by a nonprofit association or organization of his choice, or by a public organization, if he so chooses.

Mr. President, if that is consonant with our form of government, then I fail to recognize it. It seems to me it seeks to put in the hands of a Federal agency, and in an important officer of the Federal Government, the power to override entirely the will of the local community, and the will of the State, that is directly opposed to the use of this kind of program.

Incidentally, there may be units that want to continue the commodity distribution program, which can be done, even under the committee bill.

The third point I want to mention is the excessive amounts that would be authorized in the bill. The present program for 1969 is $315 million. The amount authorized for 1970 is $340 million. The committee bill raises that to $750 million—that is more than double—and raises that by doubling it to $1.5 billion for 1971; and for the same amount, $1.5 billion for 1972. It also provides for a cumulative use of the authorizations and appropriations. So that, as a matter of fact, what is provided is a total authorization of $3.75 billion for the 3 years covered by the committee bill.

Mr. President, the substitute bill provides, instead, $5.75 billion, or exactly $2 billion more for the program in those 3 years, meaning that the judgment of the committee, after hearing all the testimony, is considered to be that far off in its effort to meet the practical problems of expansion of the present existing problems within those 3 years.

I want to give full credit to the Secretary of Agriculture. I think he is quite an humanitarian. He appeared before the committee more than once. We asked him to give us the figures as to what he thought could be spent in the first year, the second year, and the third year. He did so, and Senators will find the figures on page 411 of the printed record of the hearings.

The figures are as follows: That in the 1970 year, $610,000,000 could be spent; that in the 1971 year, $1,517,000,000 could be spent; that in the 1972 year, $1,742,000,000 could be spent—meaning that he found, during the 3 years, that $3,870,000,000, or a little less than that, could be spent by expanding, in every practical way known to him and his staff, this very important program.

Mr. President, I invite attention to the fact that there is only a slender difference between the total for 3 years as stated by the Secretary of Agriculture and what is in the committee bill. It is $3,750,000,000 in the committee bill. It is $3,870,000,000 under the testimony of the Secretary of Agriculture.

I say again that I think the Secretary of Agriculture is an humanitarian. He is as good an humanitarian as anyone in this Chamber, including those who press for adoption of the substitute bill. I think he knows a good deal more about administration than they do and can do, when he tells the commitee what he told it. I believe that we should listen to him in that regard.

Mr. President, in these days of fiscal difficulty, shall we come in here and say that we want to authorize nearly $2 billion more than he says can possibly be properly spent in the three years covered by the bill?

The next point I want to make—I am on limited time—is the practical point that I think we will make immensely harder the passage of any appropriate legislation if we adopt the substitute bill.

I remind Senators that several months ago we passed a provision, by special resolution, which we called an emergency resolution, raising the authorization to $750,000,000 for 1970. We had hoped that it would be promptly handled in the House. It has not been so handled. It is still hanging fire over there.

For us to come up now with this figure, which would jump this year's authorization by half a billion dollars, and the years into the future even more, Mr. President, is just like putting a live match in grass which has been saturated with gasoline. We have no chance to hope for a real peaceful working out of this important program. We have got a limited time to do it in. We are already 3 months up into fiscal 1970, and we just cannot hope for a practical working out of that problem with the other House. They have just as much to say and just as much influence and just as much ob-

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ligation in the passage of this measure as have we. I think it would be extremely unwise from the practical standpoint. I am sorry that I cannot feel there is any practicality at all in the substitute provision that is brought here, because I think it offers what amounts to almost a declaration of war with the other committees at the other end of the Capitol that are handling this type of legislation.

It is my very strong hope that the committee bill will prevail. I do not agree with every part of it, but we came out with the best judgment that we could agree on which represented the vast majority feeling of that committee, and when the final vote came, it was a unanimous vote except for the fact that the distinguished Senator from South Dakota reserved the right to offer the substitute bill here on the floor, which this committee had had before it and which the committee had declined to adopt for reasons that we thought were overwhelmingly powerful. We still feel that way. We feel the committee bill is a good job. We hope it will be enacted as reported by the committee.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from North Dakota (Mr. Young).

Mr. YOUNG of North Dakota. Mr. President, shortly after I came to the U.S. Senate nearly 25 years ago, I became a cosponsor of food stamp legislation with the senior Senator from Vermont (Mr. Aiken). I have been a cosponsor with him all these years since. I look upon Senator Aiken as a real authority in this field. He favored this program long before most Members here even thought about it or it became law.

The chairman of the committee, Senator Ellender, has given great study to this very worthwhile program.

I think our committee was very liberal in authorizing a vast amount of additional money, probably far more than we should at this time. I do not think doubling the program in 1 year does the program or the recipients of it any good. I think a more moderate expansion would have been far more advisable.

I support the action of the committee and hope the substitute bill does not prevail.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from California (Mr. Murphy).

Mr. MURPHY. I thank my colleague for yielding.

Mr. President, I would like to ask one question on a point on which the Senator from California is not clear. I was present at the hearings, 2 years ago in Massachusetts which I think possibly began to focus attention generally on this situation. We found a circumstance in one of the Southern States brought on by new legislation, the minimum wage law, as applied to farm labor in which we found there were a number of people in the area who had no work whatsoever, no wages whatsoever, and therefore a very definite and special situation was created where they had absolutely no money to buy stamps.

Under the committee bill, is there a provision, which would make it possible for the Secretary of Agriculture to approach such a situation as an emergency and, under these provisions, provide food or food stamps free under circumstances in which people need it free, having no money with which to buy the stamps?

Mr. ELLENDER. Mr. President, may I state to my good friend that the law today has a provision which reads as follows:

> In areas where a food stamp program is in effect there shall be no distribution of federally owned food to households under the authority of any other law except during emergency situations caused by natural or other disaster as determined by the Secretary.

That still remains the law.

Mr. MURPHY. In other words, the Secretary of Agriculture, the administrator of this particular bill, could declare that there was an emergency, and therefore he would have the power under the bill to provide food or food stamps free?

Mr. ELLENDER. Under the present law.

Mr. MURPHY. I thank my distinguished colleague very much.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I do not know that anything more can be said than what has already been stated.

There is one point I would like to elaborate a little more than I did a while ago, and it relates to the direct distribution program. The substitute makes it possible for this food program to continue indefinitely if the State pays the cost of administration even though a food stamp program becomes effective.

In my opinion, and as I think all of us know, the direct distribution program has been a failure because there are only 22 different commodities that are now distributed under that program. It is a very limited program.

If that program of free distribution of food is permitted to go on, it will mean the Secretary will be unable to provide for an adequate diet for people. I am sure that, because of the fact that the food is free under the program, many will be tempted to accept the free food rather than obtain stamps with which they can buy any food of their choosing. That is one point I would like to emphasize.

We do not provide that alternative in the bill. The committee bill provides that in the course of time the Secretary can gradually work the program from a food distributing program to a food stamp program.

Mr. President, I must oppose this substitute amendment. It is not the proper way to legislate. The committee has worked diligently on the committee bill. It analyzed all the proposals that were made on this subject, heard all witnesses that wished to be heard, had the counsel of the Senator from South Dakota, who is a member of the committee, had the technical assistance of experts on this program, and brought out a bill that the Senator from South Dakota recognizes as a major step to meet the problem.

On Monday the Senator had 17 amendments printed. Some are alternative provisions. Probably none of them are identical to anything in the Senator's bill, S. 2014. Many of them are far reaching and the committee has had little opportunity to look into them from the standpoint of policy. Today we have a complete substitute, which we have had no opportunity to examine. We do not know its full implications.

If it is a compilation of the amendments which were printed and available yesterday, it does some things which I do not believe its author intended. For instance, it would make a millionaire eligible for the program if all his resources were in cash or non-income-producing property. It would repeal the Secretary's authority to limit the issuance of stamps to the amount of funds available for their redemption. It would make certification more cumbersome by requiring an affidavit, and subject the applicant to State criminal laws for any false statements in his affidavit.

The proposals of the Senator from South Dakota would, first, defeat the purpose of the act and perpetuate hunger and malnutrition by offering the commodity distribution program, which does not provide an adequate diet, as an alternative to the food stamp program; permitting participants to purchase less than the allotment necessary to an adequate diet; and permitting food stamps to be used for a wide variety of nonfood products instead of being used for food.

Second, increase Federal expenditures by providing for payment by the Federal, rather than the State government of the cost of stamps for those who cannot afford to pay; providing free stamps for those who can afford to pay—and who are now paying; extending the program to a wide variety of nonfood products; locking into the law a minimum national eligibility standard—$4,000—which is almost $700 in excess of what Senator McGovern terms at page 26 of the committee report "the minimum national standard that should be set"—$3,335; inviting fraud by prohibiting the Secretary from looking behind an applicant's affidavit; providing for Federal payment of administrative costs now borne by local governments; providing for complete assumption of local administration by the Federal Government in certain situations; extending the act to foreign and other areas not subject to U.S. tax laws; authorizing expenditures in excess of appropriations; and repealing the Secretary's authority to limit the number of stamps issued to the amount of funds available to redeem them.

Third, make the certification process more cumbersome by requiring an affidavit, in lieu of the present unsworn statement.

Mr. JAVITS. Mr. President, will the Senator yield to me for a question or two?

Mr. ELLENDER. Surely.

Mr. JAVITS. Mr. President, first I would like to reemphasize the cooperation of the Senator from Louisiana (Mr. Ellender). He is on the same committee with the Senator from South Dakota (Mr. McGovern), and I would not want anything I say to reflect on his approach to the problem and his desire to do everything he can, as a human being, to im-

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prove the situation. We may differ as to what ought to be done, its magnitude, and so forth, but as to the question of heart, there is no doubt about the Senator from Louisiana (Mr. ELLENDER). I wanted to reiterate that statement, as has the Senator from South Dakota (Mr. McGOVERN).

I want to ask a question with relation to the question asked by the Senator from California (Mr. MURPHY) about free food distribution. We had a very heated debate with Secretary Freeman because he did not interpret the law to permit distribution of free food stamps. It was only when Secretary Hardin came to office that the law was interpreted to permit distribution of free stamps, and then in a really extreme situation. It remains a rather vexing question. There is no channel in the existing law with respect to the distribution of free food stamps in the manner with which we are concerned in this debate.

Mr. ELLENDER. It is the law, as I just read it. That law has been used, as the Senator has said. It is true there may have been a misinterpretation by Secretary Freeman.

I think the Senator from Florida (Mr. HOLLAND) has something to say about that and has had some experience with it.

Mr. HOLLAND. Mr. President, if the Senator will yield to me, I would like to say this for the record in this matter. Secretary Freeman initiated the program, to assist people in the lower income classes, to help in advising on good quality food that could be bought with food stamps.

When Secretary Hardin came into office, he wanted to try free distribution of food stamps in two counties in South Carolina. He came to me, simply because I am chairman of the Appropriations Subcommittee on Agriculture, as the Senator knows. I told him I thought it should stand on the question of the legal interpretation of his rights under the section 32 law.

The Solicitor of the Department of Agriculture rendered him an opinion stating that in case of an emergency, he could use section 32 funds, if available, for that purpose; and the funds used in the two South Carolina counties where free distribution of food stamps took place on that limited scale came from section 32.

That opinion, I think, still stands, and I am sure that in the event of any grave emergency it would again be invoked. Certainly, as chairman of the subcommittee which I head, I would agree to its being invoked; and I wish to say that both Secretary Freeman, in the instance I mentioned, and Secretary Hardin, in the instance I mentioned—and he also carried on the food stamp assistance program that Secretary Freeman had begun—showed themselves to be real humanitarians; and I have no doubt whatever that any Secretary of Agriculture, in the event of real emergency, would make available funds under section 32 for distribution of free food stamps.

Mr. JAVITS. The Senator is aware, is he not, of the fact that we did have a very heated discussion with Secretary Freeman about the fact that he did not interpret the law that way? It was not until Secretary Hardin came along that the section was so interpreted by the Department.

The Senator speaks of grave emergencies. Will he not agree that this does not apply, in any national way, to families of extremely limited income, like the $60 standard contained in the substitute?

Mr. HOLLAND. My feeling is that it would pertain only in case of emergency and the Secretary found, and thought he was justified in finding, that in those two counties in South Carolina, there was an emergency gravely affecting the lives and welfare of human beings.

What later interpretations might be I do not know; but I think it would have to be some sort of emergency. It could be much less than a hurricane-destroyed area, because it was less than that in the areas in question.

The Secretary found that, under section 32, there was authority to dip into section 32 funds in an emergency, even for the payment of that part of the food stamps for each family that otherwise would have to be paid for by them or someone locally.

Mr. PERCY. Mr. President, I deeply appreciate the opportunity to speak on this measure.

This has been a notable year for our country. We have sent three men to the moon, taken a critical look at our tax structure, authorized already nearly $20 billion for military procurement and will probably have a gross national product in excess of $295 billion. But in this notable year, we will also have hundreds of thousands of men, women and children who will wake up hungry, remain hungry throughout the day, and lie down at night with their hunger still unrelieved.

As a member of the Senate Select Committee on Nutrition, I have seen the hungry and how they live. I have heard startling testimony about the extent of malnutrition in this country. And I am horrified.

But I have also learned that there is something we in Congress can do to change what I have seen and heard. I am convinced that we can alleviate hunger and its debilitating effects which all too often force people to live in poverty as unproductive members of our society.

We have, in fact, already begun to act through the food stamp and commodity distribution programs which reach approximately 6 million people.

Today we again have the opportunity to attack the problem of hunger by amending the Food Stamp Act. Senator ELLENDER and the members of the Agriculture Committee have provided us with this opportunity by reporting out the food stamp amendments now before us. They are to be commended for grappling with the food stamp program and attempting to correct its deficiencies.

The administration too should be commended for supporting this program and recommending some vital changes in it.

Despite these efforts, however, I feel that additional changes must be made to ensure the efficacy of our food assistance programs. It is for this reason that I am cosponsoring the substitute food stamp amendment before us today.

This legislation will expand the food stamp program into the 469 counties which currently fail to provide food assistance to some 2 million people. It will, in addition, begin to set national standards of eligibility for participation in the food stamp program. This is the direction in which the President is moving for his family assistance proposal. It is the direction in which we must move if the food stamp program is to reach those most in need of assistance.

Not only will this bill increase eligibility under the Food Stamp Act, it will also increase participation in the program. One of the major reasons the food stamp program in Chicago and elsewhere across the Nation does not reach more people is because the poor cannot afford to participate in it. They simply cannot gather together once a month all the money they need to buy food stamps. Thus, they go hungry.

The variable purchase sections of this legislation will correct this problem. It will permit families to buy a portion of their food stamp allotment at least once a week.

Yet, the acquisition of stamps alone will not necessarily mean that a recipient will have a nutritionally adequate diet. Many of the poor do not know what such a diet entails.

Under the substitute education programs for recipients will be initiated. The administration of a food stamp program will include a nutrition education program to teach families what types of food to buy to insure that they have a balanced diet.

The importance of such a program cannot be overstated. A family that does not know what is nutritional can remain malnourished despite the availability of food stamps.

Finally, this legislation provides for the concurrent distribution of food stamps and commodities during emergencies, during the transition to a food stamp program, and when requested and financed by the State.

Mr. President, the appropriation requested to enact the provisions I have outlined is $1.25 billion for fiscal 1970. This is far less than the $2.93 billion the Bureau of the Budget indicated would be needed to eliminate hunger in the Nation this year.

We have a responsibility to make this investment, an obligation to the hungry and to our society to see that all our citizens are fed. I hope that we will accept this responsibility today as we consider amending the Food Stamp Act.

Mr. McGOVERN. Mr. President, in addition to the nine of the 13 members of the Select Committee on Nutrition and Human Needs who cosponsored this amendment in the nature of a substitute, I ask unanimous consent that the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. SPONG), the Senator from New York (Mr. GOODELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Oregon (Mr. HATFIELD),

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the Senator from Massachusetts (Mr. BROOKE), and the Senator from California (Mr. CRANSTON) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, the bipartisan amendment that is before the Senate is designed to carry out the call that President Nixon and others have made to put an end to hunger in this country once and for all. It is my best judgment that the committee bill, while it is a big improvement over the existing program, will still leave about half of the 15 million hungry people in this country malnourished. It will not reach, in my judgment, more than seven or eight million of those people who can be classified as malnourished.

The substitute provision will reach all 15 million of those people.

The PRESIDING OFFICER. All time has expired.

Mr. SCOTT. Mr. President, I am pleased that the substitute food stamp bill, now before us, includes language similar to my amendment to extend the benefits of the food stamp program to elderly persons now denied eligibility be-because they lack kitchen facilities, or because they are physically unable to cook for themselves. My amendment proposed that private, nonprofit organizations be authorized to accept food stamps in exchange for cooked meals prepared either for home delivery or for consumption in community dining halls.

Thirty-three Senators joined me as a cosponsor of S. 2470, the bill which I introduced earlier this year, and on which my amendment is based. These distinguished Senators are: Mr. ALLOTT, Mr. BIBLE, Mr. BROOKE, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. FONG, Mr. GURNEY, Mr. HART, Mr. HANSEN, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MONDALE, Mr. MATHIAS, Mr. METCALF, Mr. MOSS, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PROUTY, Mr. PELL, Mr. RANDOLPH, Mr. SPONG, Mr. SAXBE, Mr. STEVENS, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH.

Legislation identical to S. 2470 has been introduced also in the House of Representatives by two of Pennsylvania's able Congressmen, Mr. EDWARD G. BIESTER, JR., and Mr. JOSEPH M. McDADE.

Congress, in approving the Food Stamp Act of 1964, the act which we are today amending, intended to help older citizens with meager incomes to buy more and better food. Under the present law, however, persons who otherwise meet age, residency and income requirements are still not eligible for food stamps if they do not have cooking facilities in their households. If a physical incapacity or chronic illness makes it impossible for persons to shop or prepare food, and if they have no one to do these things for them, these persons, too, are in effect denied the use of food stamps. I see no reason why these citizens, who are often among the most isolated and needy in the community, should be denied the benefits which the Food Stamp Act was enacted to provide.

My proposal would amend the Food Stamp Act to meet this problem. It would authorize the Secretary of Agriculture, under regulations carefully prescribed and administered by him, to designate specific church and other nonprofit organizations of a bona fide charitable nature to accept food stamps in exchange for prepared meals. Although the redemption of these stamps would assist eligible groups in the purchase of food, the stamps themselves would be issued only to individuals, who would be the direct beneficiaries of this amendment. This, I believe, is fully in keeping with the congressional intent behind the Food Stamp Act. Moreover, by engaging the cooperation of nonprofit, charitable organizations, my proposal would be in keeping also with the current focus of relying more heavily on private initiative for solutions to pressing national problems, of which one, certainly, is hunger.

Today, in 27 States across America, more than 75 charitable organizations are taking one approach to the alleviation of hunger through programs which offer prepared meals to "shut-ins" and other elderly persons who are unable to cook for themselves and who, in the absence of this assistance, might otherwise face the dismal prospect of institutionalization. These programs, relying heavily on voluntary effort, are aimed at an element of the hunger problem which, though less noticed, is nevertheless significant and fully worthy of attention and corrective action.

It was through one such effort in my Commonwealth of Pennsylvania that I first learned of the need for the amendment which I am proposing today. The meals on wheels program, operated by the Lutheran Service Society of western Pennsylvania, currently provides such service to Pittsburgh's Northside, a section in which an unusually large number of persons live in rooming houses. A well-balanced nutritious diet is offered through two meals a day served five times weekly. Despite the extensive use of volunteers, however, food and other costs have limited the number of elderly who can be reached by this program so far to only about 50. Estimates indicate that in this one area alone, several thousand needy persons might potentially be served. My amendment is designed to encourage and make possible the expansion of just such efforts, not only for Pittsburgh, but for the many communities and cities throughout the Nation where a similar situation and need exist.

It is an irony, in these times of unprecedented economic achievement, that the basic goal of enough to eat still remains, for too many Americans, a promise rather than reality. As a nation, we have become increasingly aware of the need to strengthen our food assistance programs to assure access to a proper diet for persons living on poverty level incomes and below. This administration has announced its intention to make the food stamp program a more effective vehicle for this purpose. Yet, without the changes proposed in my amendment, some of our most needy older citizens will remain disenfranchised from food stamp benefits.

Mr. President, the Senate Agriculture and Forestry Committee held extensive hearings before reporting its bill. This legislation, while extending and expanding the food stamp program, still failed to deal with the problem which my amendment is intended to resolve. The committee's bill still failed to provide a change of eligibility needed to enable the poor, who otherwise qualify, but who cannot cook for themselves because of physical disability or a lack of kitchen facilities, to purchase, and to effectively utilize, food stamps. This is the purpose of my amendment.

Some may question the effects of the administration's sweeping welfare proposals on the need for my amendment. The President intends his welfare program, and the food stamp program, to complement each other—at least for the time being. The administration's welfare proposals deal in no way, however, with a change in food stamp eligibility. Moreover, the $65 minimum Federal monthly payment envisioned by the administration's welfare plan, with State supplement, will presumably be used by recipients to pay their total living costs. It will provide that much more security for those individuals who can reduce the portion of this payment allocated for food costs through the purchase of food stamps. Finally, the administration's welfare package is complex, making final congressional action this year doubtful. My amendment, by contrast, provides a simple approach, immediately, to the problem of hunger among the special group of elderly citizens which this proposal is designed to reach.

I recognize, too, that my amendment may be questioned in the light of the Older Americans Act. Title IV of this act authorizes Federal grants to State or State-approved agencies which may be used for demonstration or pilot food service programs to provide meals either for home delivery or for consumption in community dining halls. The use of title IV grants for this purpose, however, is limited generally to the payment of administrative and research costs in connection with these programs. This means that those persons, to whom these meals are offered, are still expected to pay for the cost of the food which goes into the meals which they consume. Even if title IV funding were to be increased dramatically, this would only enhance the ability of organizations to provide food services, without in any way increasing the ability of individual recipients to pay for their meals. I stress, Mr. President, that title IV of the Older Americans Act deals in this area primarily with administrative and research costs. In this, it differs markedly from my amendment, which addresses itself to the problem older citizens face as individuals in attempting to pay for the cost of meals obtained from nonprofit sources.

Many elderly persons, who are physically fit but who do not have kitchen facilities, would find their lives more rewarding if the use of food stamps were to make it possible for them to join others in community dining halls. This is true also for those elderly, physically handicapped and chronically ill persons who otherwise could not afford them, but who could obtain home-delivered meals from religious and other nonprofit voluntary sources if authorized to use food stamps for this purpose. Too often the alternative, documented in hearings this year before the Select Committee on Nutrition and Human Needs, is hunger and malnutrition.

Mr. President, I remain convinced that my amendment is needed as an addition to the food stamp program in order to bring the Federal Government and many communities together in a further common effort to erase the problem of hunger among the elderly. I urge its favorable consideration.

SUPPORT FOR AN ADEQUATE FOOD STAMP PROGRAM

Mr. YARBOROUGH. Mr. President, I rise to support the McGovern substitute to S. 2547. The Select Committee on Nutrition and Human Needs, of which I am a member, has uncovered many inadequacies in the food stamp program, inadequacies which I feel these amendments remedy.

First, income eligibility standards would be no lower than three times the cost of the Department of Agriculture's low-cost food plan. This standard would have to be revised annually to reflect increases in food prices.

Second, the total coupon allotment would equal the USDA low-cost food plan in value. These provisions would guarantee an adequate diet for food stamp recipients—a goal not being achieved under the present program.

Third, the amendment provides for free food stamps for families of four, earning less than $1,000 annually. This provision would make food stamps available to those who cannot now afford to purchase them. Furthermore, the amendment would require families to spend more than 25 percent of their total income on food stamps.

But the most vital provision in this bill is the one which authorizes the Secretary of Agriculture to operate a food stamp program directly or through any public or private agency when no food stamp program exist where one is needed, where no program exists at all by January 1, 1971, or where fewer than half of the poor in an area participate in a food stamp program. One of the most shocking inadequacies in the present program is the inability of the Federal Government to make food stamps available anywhere a clear need for them exists. It is simply inconceivable not to provide food stamps for all Americans that need them.

Mr. President, as a member of the Select Committee on Nutrition and Human Needs and as chairman of the Health Subcommittee of the Labor and Public Welfare Committee, I have seen the horrible damage which hunger and malnutrition can do. In adults, hunger and malnutrition sap the body and breaks the spirit. They rob men of energy and of initiative. They reduce the ability of the body to resist disease.

But the most sickening effect of an inadequate diet are found in children. Hungry and undernourished children suffer from all of the ill effects found in hungry or undernourished adults. But hungry children are doubly afflicted, for hungry children cannot learn. Thus, when we condemn a child to hunger because we fail to assure that he has an adequate diet, we also condemn him to lag behind the other children because he cannot learn as well as they can.

The hearings held before the Select Committee on Nutrition and Human Needs have shown that 90 percent of the potential intellectual development of a person is fixed and determined by the time he reaches 4 years of age, and that malnutrition during the first 4 years of life of a child means that the child will be mentally retarded or a slow learner. A child malnourished during the first 4 years is mentally malnourished all the rest of his life, regardless of the diet he receives during later years.

I submit, Mr. President, that we, in this Senate, in this Nation, cannot go on record as being willing to do anything less than provide food for every American who needs it. Will we have it said of us that we were the generation that placed an American on the moon, we were the generation which achieved an undreamed-of level of technology here on earth and that we failed to feed its own fellow citizens? I think not, Mr. President. I urge adoption of this substitute.

Mr. McGOVERN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment, in the nature of a substitute, of the Senator from South Dakota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. On this vote I have a pair with the Senator from Iowa (Mr. Hughes). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Washington, Mr. Magnuson) is absent on official business.

I also announce that the Senator from Tennessee (Mr. Gore), the Senator from Mississippi (Mr. Eastland), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. Gore), the Senator from Washington (Mr. Magnuson), and the Senator from Wyoming (Mr. McGee) would each vote "yea."

I further announce that, if present and voting, the Senator from Mississippi (Mr. Eastland) would vote "nay."

The result was announced—yeas 54, nays 40, as follows:

[No. 98 Leg.]

YEAS—54

Anderson
Baker
Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dodd
Eagleton
Fulbright
Goodell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Ill.
Spong
Stevens
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—40

Aiken
Allen
Allott
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Mundt
Murphy
Pearson
Prouty
Russell
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, against.

NOT VOTING—5

Eastland
Gore
Hughes
Magnuson
McGee

So Mr. McGovern's amendment in the nature of a substitute was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the substitute amendment was agreed to.

Mr. McGOVERN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF ELECTION OF MINORITY LEADER AND MINORITY WHIP

Mrs. SMITH of Maine. Mr. President, as chairman of the Republican Senatorial Conference, I wish to announce to the Senate that today the Republican Senatorial Conference elected the senior Senator from Pennsylvania, Senator Hugh Scott, as floor leader, and the junior Senator from Michigan, Senator Robert Griffin, as whip.

I make this announcement so that there may be official record of the action of the Republican Senatorial Conference.

Mr. HART. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. HART. Mr. President, it is not in bad grace for this expression to come from this side of the aisle. I rise to congratulate my colleague from Michigan, Bob Griffin. Now that his votes are counted, it will do him no damage to say that if I were a Republican and a participant in that caucus, I most certainly would have voted for Bob. [Laughter.]

FOOD STAMP PROGRAM

The Senate resumed the consideration of the bill (S. 2547) to amend the Food Stamp Act of 1964.

Mr. JAVITS. Third reading, Mr. President.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

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Mr. ELLENDER. I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, since I shall vote against the passage of this bill, I want the record to show, rather briefly, some of the reasons why I was opposed to it.

Mr. BYRD of West Virginia. Mr. President, there is not order in the Senate. I ask that all persons not immediately needed on the floor of the Senate be asked to leave the Chamber.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Sergeant at Arms will clear the Chamber of all unnecessary personnel at this time.

Mr. YOUNG of Ohio. Mr. President, the Senate is not in order. I ask that all attachés be compelled to leave the Chamber immediately. They are overpaid for the work they are supposed to do in their offices, and they are here out of curiosity. I ask that the Sergeant at Arms perform his duties immediately.

The PRESIDING OFFICER. The Sergeant at Arms has been so instructed, and the unauthorized personnel are leaving the Chamber.

Mr. HOLLAND. Mr. President, if any of my distinguished colleagues do not wish to hear my brief remarks, they of course have the privilege of withdrawing from the Chamber; but I hope they will do me the courtesy to listen if they are in the Chamber.

Mr. President, I want to briefly state why I shall vote against this bill, and against what I regard as a very bad bill. The first thing I want to mention is that it raises by $2 billion over the period of 3 years the expenditures that are allowed in the committee bill, which itself is a very, very liberal bill. In the second place I want the record to show it raises by nearly $2 billion the amount that the Secretary of Agriculture—whom I regard as not only a fine man but also a great humanitarian—says he can spend, by expanding to the greatest effective limit that he can expand during these 3 years the food stamp program.

This bill would say that the Secretary of Agriculture is wrong, that he can spend much more than he says is the maximum limit, and that he does not know what he is talking about or is not a humanitarian. I think he both knows what he is talking about and that he is a humanitarian. I agree with him implicitly.

The third thing I object to about this bill is the power it would give the Secretary of Agriculture to completely override the preference of the State and the Governor of that State, openly expressed, to continue that State under another program, the commodity food program. This bill would give the Secretary the power to overrule the Governor, to say that the Governor and the other authorities in the State, including the welfare board, do not know anything about the problems of their State, that the Secretary knows more and better, and that he can manditorily impose food stamp programs in each unit of that State, and can even, as the substitute bill provides, use a nonprofit corporation or association to administer the program within the State or any unit of the State, thus completely bypassing the legal structure of the State. I do not think that is good government, and I particularly do not think it is good American government.

Mr. President, the next point I wish to make is purely a practical point. More than 2 months ago we passed, as an emergency measure, a resolution raising the authorization for this program for fiscal year 1970 from $340 million to $750 million. We a good deal more than doubled it. We put that amount of $750 million in our appropriation bill because we passed that resolution. That emergency resolution still languishes at the other end of the Capitol in the hands of a committee which has convictions just as we have them here, and which thinks we are going overboard in this matter.

I hope they will overcome their present feelings and will approve that bill. But now to send over to them a bill which raises the authorization for this year from $340 to $1,250 million and raises the authorization from the committee bill for the years that are to follow in each case by a large amount, or from $1.5 billion in 1971 to $2 billion, and from $1.5 billion in 1972 to $2.5 billion, I think brings about an almost intolerable situation for us to work out with the other body.

I am interested in this legislation. I supported it in committee. I thought we were being highly liberal. I approved that liberality when we voted in committee on this bill increasing the appropriation of $315 million last year, and the authorization for this year of $340 million to $750 million, and increasing the authorizations for 1971 and 1972 to $1.5 billion each year.

I know of no orderly program in the more than 23 years I have been in the Senate which has been able to step up effectively at any such rate as this. I do not believe this program can be stepped up effectively in this period of time at any such rate as that proposed by the substitute. I think the Secretary of Agriculture, who will have the administration of this bill if it is passed, should be listened to by the Senate when he tells us he cannot spend by all means within his control, with good effective management, more than $610 million this year and more than the other amounts stated by him in the 2 years to follow, bringing the total to a little bit more than the committee bill.

Mr. President, believing this substitute to be a very bad bill; believing also that it brings about a very grave impasse between this body and the other body; recognizing the fact that as wise as the Senate is, it is not the only body to pass on legislation, and that the other body is going to have a say on this matter; and recognizing further that the administration certainly will have a say, when we are going far over the administration request and far over the administrator's limit as to what he says he can spend, I think we are acting unwisely.

Mr. President, therefore, I shall oppose the bill.

Mr. CURTIS. Mr. President, I wish to commend the distinguished Senator from Florida for what he has said.

No man in the country is more dedicated to the task of ending malnutrition in America than the Secretary of Agriculture. No man in America is more qualified to speak on the situation.

The Committee on Agriculture and Forestry held 4 days of hearings on this matter. We were in executive session for a while. The distinguished chairman of the committee, the Senator from Louisiana (Mr. ELLENDER) gave consideration and permitted members to present all the problems that have been raised about this program. If there was a point to be decided, it was decided in favor of generosity and in favor of feeding the hungry.

Here in this one step the authorization for the current fiscal year is raised from $315 million to $750 million; and it will go, in the years that follow, to $1.5 billion.

This is not a miserly approach. The Secretary of Agriculture in addition to being very knowledgeable about this matter, has approached it in a humanitarian way as well as in a sensible way. He is mobilizing the forces of the Department of Agriculture, the Extension Service, and individuals who are well qualified to deal with all aspects of malnutrition.

It is not always a shortage of food; it is a matter of training. All of these aspects are given attention. The committee reported not only a sound bill but also a generous bill.

I call attention to the 12 points enumerated in the committee report. Mr. President, I ask unanimous consent that those 12 points, which appear on pages 1 and 2 of the report, be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would amend the Food Stamp Act of 1964 to expand the program, simplify participation procedures, correct grievances, assure participants of an adequate diet, reduce coupon costs for the neediest households, and assure all eligible households of the opportunity to participate. It would—

(1) Increase the appropriation authorization from $315 million in fiscal 1969 to $750 million in fiscal 1970 and $1.5 billion in each of the fiscal years 1971 and 1972;

(2) Assure program participants of a nutritionally adequate diet;

(3) Assure all eligible households of the opportunity to participate in the program by requiring the State agency to arrange for payment of the minimum charge, and limiting the maximum charge to 30 percent of household income;

(4) Permit direct administration by the Secretary in local areas where such action is necessary;

(5) Provide for State eligibility standards which take local factors into account, but meet national standards prescribed by the Secretary;

(6) Provide for program information activities to insure participation of eligible households;

(7) Provide a hearing procedure for aggrieved participants;

(8) Permit direct commodity distribution during the transition to a food stamp program;

(9) Simplify certification for certain assistance households;

(10) Provide for issuance of stamps at least twice monthly;

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(11) Permit recipients to have the cost of coupons deducted from welfare checks; and

(12) Provide for an interdepartmental committee to advise the Secretary on food assistance programs.

Mr. CURTIS. Mr. President, I call attention not only to the great increase that we are making in this program but also to other points of explanation. This is to assure a program in which participants will receive a nutritionally adequate diet. It will permit direct administration by the Secretary in local areas where such action is necessary. It meets all the problems. On the problem of having a local governing body which is out of step with what is being done, in certain situations the Secretary can move in. It provides a hearing for an aggrieved party. It simplifies it. Many of these poor people have to buy their stamps once a month. That was difficult to do. It provides that they must be issued at least twice monthly.

Testimony presented before the committee pointed out many things. For instance, welfare recipients sometimes have no means of transportation. It is difficult for them to get to the location where food stamps can be purchased. This is simplifying it so that it can be taken out of their welfare check so they can get all the food money immediately, which is probably the most important.

My point is that this is not only a good bill, it is also a generous bill. To go beyond it, in my opinion, is reckless. It cannot be well administered. It would be better if we returned to the committee bill and operated under that, at least during those months that we know it will be impossible to administer to as many people as are provided for in the bill.

I commend those who supported the committee bill. In doing so, they have done the right thing for all the parties concerned. To go beyond that is to raise false hopes, and deal with the impossible.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, I introduced a food stamp bill which was considered by the Committee on Agriculture and Forestry. Many of the provisions offered in that bill were approved by the committee. I thought the committee was quite generous in increasing the funds authorized from $315 million last year, to $750 million this year, and $1.5 billion next year.

That sum of money, in fact, was more than the Secretary of Agriculture stated he could administer. I thought the bill that the committee brought forth was quite generous. It had the support of every member of the Agriculture and Forestry Committee, except one. That was the Senator from South Dakota (Mr. McGOVERN).

I want to compliment and commend the Senator from South Dakota for the fine work he has done in this field. His Select Committee on Nutrition, in my judgment, has awakened the conscience of the country to the fact that we do have the problem of malnutrition in this country, and that a good deal of it is attributable to poverty.

The McGovern committee, in my judgment, served its purpose in awakening the legislative committee that had jurisdiction to act. It took action, and the action that it took was adequate.

I regret very much that I am unable to support the substitute bill that the Senate has agreed to.

Mr. President, let me tell you some of the reasons why I cannot vote for the bill the Senate has just agreed to.

First. Any applicant can be certified for food stamps merely by going in and signing an affidavit. That is all that is required to enable an applicant to receive food stamps.

Second. Any family of four that earns $4,000 a year would be eligible for food stamps under the McGovern substitute. This is not the maximum, but the minimum level of eligibility.

Mr. President, let me show what they can buy with some of the food stamps they will receive: Any item that relates to personal cleanliness, hygiene, or home sanitation.

What does that include? That would include such items as brooms, mops, hair shampoos, deodorants, laundry aids, water softeners, and things of that kind.

In my judgment, the Senate has gone much too far. It is my considered opinion that the House committee will not adopt the provisions which we have just agreed to. I think that we would have had some difficulty in getting the House committee to agree to the language of the Senate committee bill, but at least I think we would have gone forward in that direction.

I deeply regret that in pursuing what I think is a worthwhile endeavor, that is, to aid the poor, those who live in poverty, and those who suffer from malnutrition, today, the Senate has established a monster which will attempt to give food to everyone in the country on their word alone—on their affidavit—regardless of their financial circumstances.

I believe that is going too far.

Mr. CURTIS. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am happly to yield to the Senator from Nebraska.

Mr. CURTIS. I should like to point out, in reference to some of the nonfood items, that there may be situations where poor families should have those purchases, but that would come under the welfare department.

This is a nutrition bill. We should not establish two national welfare departments. This matter should be confined to food because, basically, this is a nutrition bill.

Whatever the needs might be for nonfood items, they should be met in some other manner than through food stamps.

I thank the Senator from Georgia very much for yielding to me.

Mr. TALMADGE. I thank the Senator from Nebraska for his comments.

Mr. AIKEN. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am very happy to yield to the Senator from Vermont, the ranking minority member on the committee.

Mr. AIKEN. Mr. President, I am really shocked at the vote of the Senate on the McGovern substitute bill. What the Senate has done is to sign a death warrant for the food stamp program, unless it is reversed in some manner. I do not know that we can do that now, except by returning it to the committee.

I hope that most of those who voted for the substitute bill did not understand the import of what they were doing. I presume that they did not, because they were not in the Chamber when it was being discussed. Let me say this: Thank God I do not want to be President of the United States. That is one thing I want to say. I think I can be rational in talking about this program.

Mr. TALMADGE. Mr. President, I want all Members of the Senate to know that the distinguished Senator from Vermont (Mr. AIKEN) offered the first food stamp bill in the Senate prior to World War II. That is the genesis of the program we are talking about right now.

Mr. AIKEN. Mr. President, I have worked for this program for the past 30 years. It is a good program. Its purpose is good. The purpose of the Committee on Agriculture and Forestry in reporting the bill they did, which provided for a 400-percent increase in the food stamp program, was to report a good bill. That was not a small increase. It was an increase as large as the administrative officers could handle over the next 3 years.

I do not say it is the ultimate, but when they talk about turning the program over to private institutions, turning it over to the Post Office Department, as is provided for in the substitute bill, when they provide for the use of food stamps for purchase of household commodities as well as food, then it can only mean that they merely wish to kill the bill or, perhaps, they want to force the President to veto it. I do not know what was on their minds, but I think we should make a last effort to save the bill.

Therefore, Mr. President, I move to recommit it at this time to the Committee on Agriculture and Forestry, because I am so ashamed of some of it.

Mr. PERCY. Mr. President, I urge the Senate to vote on final passage of the bill; and if there is a motion to recommit, I urge Senators to defeat such a motion.

I feel this is not a generous bill, as has been stated by the Senator from Nebraska. The Bureau of the Budget has made an analysis of what it would cost America to fill the food gap, the hunger gap. As is pointed out in the interim report of the Select Committee on Nutrition and Human Needs, in a footnote on page 23, the Bureau of the Budget has estimated the cost of closing the hunger gap to be $2.930 billion for fiscal year 1970 based on the economy food plan.

In other words, the $1.250 billion authorized in the substitute bill is $1.680 billion short of what the Bureau of the Budget said is needed to feed hungry Americans this year.

When we deal in percentages of increase, that numbers game is a defeating game if we recognize that we started with literally no recognition of what this problem of hunger was.

In my previous comments, I commend the Committee on Agriculture and Forestry for stepping up and facing this

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problem, for recommending programs that, a few years ago, would have been utterly impossible. But, even more, I commend my distinguished colleague from South Carolina, who is known as a fiscal conservative but a humanitarian, who went out to the rural areas of his own State and saw with his own eyes the hunger that existed in his State, as exists in other States.

I attended the hearings of the Select Committee on Hunger and Human Needs in the State of Illinois. I am conscious of the fact that we have schoolchildren in Chicago who go to school in the morning so hungry that they cannot think of filling their minds—all they can think about is filling their empty stomachs. But we also have a voluntary program to feed those children. For the first time the city of Chicago and the State legislature have faced up to the fact that we have a disgrace—hunger—amidst the affluence in Illinois.

Why did the committee go to Illinois? We did it because the U.S. Senate had the wisdom to look ahead, to set up a committee, under the chairmanship of the Senator from South Dakota (Mr. McGovern), with the Senator from New York (Mr. Javits) as the ranking minority member, to determine the need for food that exists in America.

The Senate committee went into several States. We investigated right here in Washington, D.C. Two miles from the Capitol we found hunger.

Mr. President, hunger is the kind of problem that cannot be corrected easily. It is a problem that we cannot correct in the next fiscal budget. We know, from expert testimony, that a malnourished body means an undernourished mind and brain. We know that we cannot ever make up for the damage done to children who are malnourished.

If children are not equipped educationally or mentally to go into labor or work, we can make up for it later by putting them on welfare. We determined, from a careful study, however, that the results of malnutrition cannot be as easily compensated for. Therefore, the investment now of a few hundred dollars in food for a pregnant mother, for infant children, would mean a saving of thousands of dollars later as an investment in human beings.

In this year, when in the Senate we have already authorized $20 billion for defense, when we have authorized $3.750 billion for a space program aimed 10 and 20 years into the future, when the Bureau of the Budget says we need $2.930 billion to feed hungry Americans, can we say that the program we passed is an overly generous program? I am sorry we felt we could afford only $1.250 billion this year, but it is a start.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. PERCY. I am happy to yield for a question.

Mr. CURTIS. Has the Bureau of the Budget made a study of the number of hungry people in the country, and the extent of hunger?

Mr. PERCY. We have only footnoted a section from the report it made, but it has made such an estimate, and the best estimate it made was that $2.930 billion is necessary to fill that food gap.

Mr. CURTIS. Has the Bureau used somebody else's figures as to the number of people involved and the amount of the need and merely made a mathematical computation, or has the Bureau of the Budget made a survey of hunger and malnutrition in the country?

Mr. PERCY. I do not think it has made——

Mr. CURTIS. I do not think it has.

Mr. PERCY. It has not made as exhaustive a study as our own Senate committee has made. BOB has been simply able to estimate what the incomes of people are. It can estimate what it costs to live. It can then see the tremendous gap that exists.

The Senate did not establish merely a hunger committee; it set up a Select Committee on Nutrition and Human Needs. Its members stood in shopping centers and watched people use food stamps. Senator McGovern and I went to East St. Louis and talked to store owners and asked how the stamps are being used. A store owner said he watched people who are hungry and who need food take money for those stamps and use them for soap, because the people have to have some sense of cleanliness. We know what happens if teeth are not kept clean and if people are not kept clean. We know what happens if people do not try to keep a decent house, if floors and windows are dirty, if they live in pig sties. How can they raise children that way? For that reason members of the cosponsors of the substitute committee insisted that we get into this bill a provision for the purchase of soap, and sanitary products. It was for that reason that we felt strongly about the fact that the Department of Agriculture, which is in charge of helping produce food, should not be the sole decision maker about what the needs of people are.

As a matter of fact, the Department of Agriculture has not been able to look beyond many of the problems it has. When the Nutrition Committee was in Illinois we went into storage houses at the railroad stations to which the Department of Agriculture had delivered commodity food parcels. Once the food reaches these storehouses it becomes the responsibility of the community to deliver. Yet no one seems to care. We have gone into storehouses where the boxes are labeled, "Store only in temperatures 30 to 70 degrees," and stood in temperatures of 105 degrees. I then began to worry about the kind of food the Department of Agriculture was delivering to people.

For those reasons, I commend the administration for concluding that the food stamp program should be shifted to the Department of Health, Education, and Welfare, from the Department of Agriculture.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I am glad to yield.

Mr. JAVITS. Is not what we are witnessing precisely the situation in the country? Yes, this program was started 30 years ago, and I bless the Senator from Vermont (Mr. Aiken) for starting it. But is it not a fact that we have just discovered in the last year or year and a half a massive problem, and before that time we had a question as to whether, even in a hunger emergency, the Secretary could allow free food or free food stamps? Therefore, as this question has exploded upon us in all its magnitude, we are trying to meet, to some extent, the problem on the order of magnitude required.

One further question. Is it not a fact that even the order of magnitude that we have adopted in our substitute is not very much different from that which the Committee on Agriculture and Forestry itself has done? It says $750 million this year; we say $1.25 billion. Then it goes on with a billion and a half next year and the year after that, and we say $2 billion and $2.5 billion.

We are not trying to upset the whole world with revolutionary doctrine. They themselves said that the order of magnitude has to be manifold increased—10 times—and we say the same thing. We may differ with them in degree, but the fundamental principle is that there has been in this country a sudden revulsion against a dreadful situation which assails our sense of morality, and that is what we are trying to respond to with this amendment.

Mr. PERCY. Mr. President, if I may reply to the Senator by using my personal experience as an example. When my late distinguished senior colleague, Senator Dirksen, asked me to go on the Nutrition Committee, I really questioned the need for even establishing it. In fact, many Senators raised this question, because we were given a very small budget to start with, and had to fight for a budget sufficient to at least do a study in four or five States.

If one had asked, 2 years ago, "In the United States of America, are there hungry and malnourished Americans?" 99 percent of the people throughout this country would have said no.

For a very modest sum, a quarter of a million dollars, this committee of the Senate has informed the United States of America about the perilous nature of the problem of hunger we do have. One of the great dissatisfactions that exists in this affluent country is the disparity between the haves and the have-nots; and we are trying, by helping provide the basic needs of life, to close that gap with a humanitarian—but, I think, a sensible and hardheaded—approach.

I simply say this is not overly generous. It is not anything that anyone could feel is a giveaway program. The need must be demonstrated.

Again I commend the administration for looking ahead and saying that ultimately cash is better than stamps. I tend to think so, too. I think the reformed welfare program will be a far better program in the future. But we have not even started to debate that.

The hungry Americans exist today, and we have to take care of them until we can find a better solution than stamps or welfare. I happen to think stamps are degrading. I think one of the reasons people who need and should have

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them do not want to apply for them is that they have to stand in line at a grocery store and suffer the shame of paying the bill with stamps. They then also suffer shame of being distinguished, from other Americans. I know the shame people felt during the depression when they were on relief, and that food truck would pull up to their front door. Every neighbor then knew about their poverty.

Mr. President, I feel deeply about the necessity for this bill. I think the committee has done an outstanding job, and I agree with the Senator from New York. The Committee on Agriculture and Forestry has solved the principle. They have recognized the need. We are not talking about the principle now; we are meeting this need.

The cosponsors and supporters of this substitute bill are saying "Now is really the time to step up and meet the problem of hunger." Providing $1.25 billion for this effort is one of the best investments the Senate of the United States could make in the future citizens of this country. If we can feed millions of Indians—as we have done, generously, year after year after year—how can any of us say to our own taxpayers, our own citizens, "We do not have the money to feed you. We know the need is there. The Bureau of the Budget has certified that the need is there, but we do not have the money to feed you now. Wait until fiscal 1971, fiscal 1972, or fiscal 1973. Tell your children to wait, and then finally we will find the money for food for hungry Americans."

Mr. President, I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the pending motion.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague for his remarks. I rise in support of the Senator from South Dakota (Mr. McGovern) as a cosponsor of his amendment.

I congratulate the committee on its excellent and very deliberate approach to the problem of hunger in America. But it is strikingly strange, and absolutely unacceptable, Mr. President, to have watched the Senate, over the past 2 months, argue at length and finally approve a mistake of $2 billion on one defense item, a mistake of $750 million on another defense item, and, by a majority vote, continued to underwrite these same mistakes—and I voted with the majority—and then, all of a sudden, when we come to a difference—and this is a question of the difference between $750 million and $1.25 billion, or $500 million, for the next fiscal year; that is what we are arguing about—a difference for 1971 between $1.5 billion and $2 billion and for 1972, a difference between $1.5 billion and $2.5 billion, we find, all of a sudden, complete chaos; we have ruined the food stamp program, it ought to be recommitted, the Secretary could not possibly administer a billion dollars.

Yesterday we passed by unanimous consent a bill to provide $8 billion for a far less serious problem—though it is an important one—housing. We passed an $8 billion bill without a dissenting vote, in this same Chamber. But here, when it comes to a difference of $500 million, there is chaos. It is fearfully stated that even private concerns might get into the program.

Let me tell you about what is going on. Let me tell you about the success of the program. It so happens that the only free food stamp program in America today is in my backyard. We went there in January of this year and there was complete hostility, a complete rebuff, complete lack of local cooperation, and an actual voting down unanimously by the Bar Association of the OEO programs, and by the medical society of the health programs. The OEO program itself was defunct. The local officials were not talking to each other, and things had ground to a halt. Even Joe Fraser, the heavyweight boxing champion, had come down there trying to build day care centers. He put on exhibition boxing matches, and got up enough to start seven. The churches completed two, but five were standing as stark monuments to Federal bureaucracy. Why? Because the Government here in Washington, with everybody talking about ruining the Government, ruining the budget, and ruining the program, said, "Yes, you need $40,000 to complete five of these day care centers. Senator, we can give you two consultants to study the program for $20,000 a year, but we cannot give you the $40,000 to complete the centers."

That was a typical example. Warsaw Island desperately needs fresh water. Some of us are always talking about purchasing soap and detergents with food stamps. They ought to go down and look in our backyards, and they would know what we are talking about. On Warsaw Island, for 7 years they have been trying to get water. They keep putting a request in, and the Federal Government insists on a comprehensive water plan. Well, it is easier to build an ABM or put a man on the moon than to get a comprehensive water plan for a 31-island area with nowhere to look except here in Washington.

That land was distributed to emancipated Negro families in 10-acre plots—10 acres and a mule—and they left it to their descendants, and they left it to theirs. It was their property. But when they applied—those people, living in those shacks—for housing loans, the FHA said they had to get a fee simple title.

It was their property but fee simple title was impossible.

The OEO said, "We will send two lawyers there and let them take on the project and clear up the title as far as they can go, so that it will be acceptable for HEW."

The Bar Association said no. However, the distinguished Senator from South Dakota (Mr. McGovern) and I went over to see the Secretary of Agriculture. I want to tell how generous he is. He is far more generous than anyone would say about here.

We have to talk about what the alternative is if we do not have an effective food stamp program.

We met that evening for a couple of hours. One of the Assistant Secretaries said:

> Well, Senator Hollings, you have proved your point. You have had the psychologists. You have had the doctors, you have had the professors from Vanderbilt University and South Carolina, and they have all recommended a nutrition program. Senator McGovern and Bill Smith and the local authorities have testified for it. The local black leaders have testified in support of it. That proves that 31 islands need assistance. You need a superintendent, an assistant superintendent, and one truck for each of 5 islands.

That is putting bureaucracy upon bureaucracy.

I told Secretary Hardin:

> If you start with that kind of bureaucracy, you will ruin it. It will go into billions of dollars. You need private and local participation, control, and supervision.

I do not care if we put $10 billion worth of food on Ladies Island in Beaufort County. Once that food is consumed or spoiled, they will still be living in hunger and in filth. They still will not have a house. They still will not have water. And we will still have a problem.

Everyone knows of the great leadership we have given them for 30 years. We have not faced up to the problem. We do not even know what the problem is.

I said:

> All I want is free food stamps. Give me the salary of one truck driver and let me do the rest.

The Secretary of Agriculture agreed. He is generous. He was willing to give more. However, this committee asked for less.

Opponents say it sounds like a racket—$500 million. That is what they say. They say it will ruin the hunger program.

I say that if we do not get the $500 million, that will ruin it. That is my position. It will ruin it.

The distinguished Senators from South Dakota, Illinois, New York, and other States used our program. It has not been extravagant. It has not been run by wild liberals or harebrains who would put everyone on the food stamp program.

On the contrary, they said, "Let us start it. Let us try it."

I could belabor the Senate with the matter. However, it would take too long. Someday we will detail how the medical society has completely flip-flopped and endorsed the health program.

We are clearing up the title problem. We have got things rolling so that the poor people would not be cheated. And you cannot put that into the law. How would we write it? It has to be done locally.

We had one private merchant in the Beaufort area who volunteered the rolling stock to take food to the outside areas. He actually took orders and delivered it to the people at his own expense, for the information of those who are worried about private participation. That is how the people are getting the food now.

One of the great things we have found is that we need a tremendously vast and enlarged program to get the food stamps to the people. In Beaufort County there were 700 families consisting of 2,700 persons who in January were participating in the program. By May, they had 896 families involving 3,176 people. The food itself in May cost $43,718. And someone wonders why it has to be half a billion dollars. They think that a mistake can be made and that we can have inflation as a result. They think that we can do all kinds of terrible things.

They think that all of a sudden it is a harebrained, ill-conceived, wild idea to provide for the hungry; but it can be done.

We started it with the nutritional program. The Senator from South Dakota was instrumental in the matter of feeding the children under 6 years of age and pregnant mothers.

At the present time we are feeding 2,127 in Beaufort County under that program. And the State health officer, who is the most conservative of conservatives, a graduate of the Medical College of South Carolina and past county health officer, went to all his health officers in the other 48 counties in South Carolina with regard to the matter. Next year in South Carolina if we continue extending the program, which this measure would do, we will feed many thousands.

They say it will involve so much money that the Secretary cannot handle it.

I point out that he can handle $4 billion for subsidy programs. However, somehow, the provision of a half billion dollars just completely wrecks the program, and he could not accept it if it were extended.

What is the alternative?

As one of my distinguished colleagues was saying the other day, "It is bad to grow old." The other fellow said, "Yes, it is until you think of the alternative."

What is the alternative? Perhaps the Senator from South Carolina and some of our liberal friends will part ways on this one.

Here is the Secretary of Agriculture talking about a new program. He has recommended $1,600 a year in cash. We would say, "Just sign your name. Don't even sign your name. Get the money."

I hear a lot of objections on the food stamp program. I get letter after letter reading:

> DEAR SENATOR: I saw them standing in line getting cigarettes and beer and maraschino cherries for their martinis.

I never heard of such a thing. However, I continue to ask the people in the grocery stores. We have audited the figures. It is on my shoulders and these are the objections we hear. And the grocers say that under the law they cannot get whisky and cigarettes.

The question was and is, "Are we going to get a decent response with respect to the food program, or are we going to get a half-way response?" It was said that it would not solve the problem, and we should give them the cash.

Secretary Hardin and Secretary Finch came to the committee and testified to that effect.

It was said that would not solve the problem, that we should give them the cash.

I do not think we can solve it with cash. That is why I feel so strongly about the food stamp program. It does bring into play local participation. If it were not for the private suppliers, we could not be feeding 2,100 young kids and pregnant mothers in Beaufort County.

I have friends who volunteered to trigger the matter in the private sector and participate in it. That is what we are doing. That is why I am so strong for going at the matter in this particular fashion.

It has been tried in my backyard. It has been proved, and there is no reason whatsoever to say whether it is generous or not generous.

The August figures for participation tapered off. In the summer the number of jobs pick up. People on the food stamp program find jobs. But the Secretary would not have to spend the money.

When the rural people do not have the money to spend to buy food and everything else, the program would then cost more. That is the answer.

The opponents come back and say that the House will not like it. I do not know what they are doing over there. But they had better study the matter.

The opponents say the measure ought to be recommitted.

I feel that we have been diddling and playing with this thing over many years and had never faced up to the problem until Robert Kennedy went into the boondocks and until the Senator from South Dakota took the matter over.

The leadership has come from his committee. This is no time to holler "chaos" and "the end of the world is coming" over the expenditure of $500 million in the next fiscal year. That is what we were talking about when yesterday we passed $8 billion unanimously. I was part of that, because I thought the judgment was sound.

You are bound to make mistakes. If this is a half-million-dollar mistake, come back and tell me next year, "Just like you did on military, HOLLINGS, you did it on hunger. We overspent $5 million." Come back and tell me, and that will be fine; but do not kill a good program.

When the Secretary of Agriculture testified, I am fully of the opinion that he intended his $1,600 a year to replace the food stamp program completely; and when he and the Secretary of Health, Education, and Welfare testified before this committee, he was actually above $1,600. He is already up to $2,300 some odd right now in his approach to the program. And this bill we are debating is far under what the Republican Secretary of Agriculture recommends as of this minute.

Mr. ELLENDER. Mr. President, I regret the action taken by the Senate this afternoon on the pending measure.

I was very much interested in the statement made by my good friend, the Senator from South Carolina. He told us of the fine progress made in two counties. Well, it happened that that fine progress was made under the law that is now on the statute books. And it was a success because of the cooperation at the local level. The people got into the act with the Federal Government.

It has been shown that many States refused to participate in the program. Some said it was not needed, and others based it on the fact that they did not have the funds to carry on the program.

Under the substitute amendment, if a county, a parish, or a neighborhood refuses to have a food stamp program, some association can carry it on in behalf of the Secretary of Agriculture. That will mean this, in my opinion: If States can obtain this program without putting any money into it, that is the way it is going to be handled; because many States today are hard pressed for funds. If they know that there is a law under which this program can be carried out entirely by the Federal Government, they are simply going to get out of the program.

Mr. President, I have been dealing with programs of this kind for quite some time. The distinguished Senator from Georgia (Mr. RUSSELL) and I, back in 1946, fathered the school lunch program, and that program was a great success. And why? Simply because we got the complete cooperation of the people at the local level to carry on such a program. That program involves the expenditure of over $2.5 billion a year, and the Federal Government puts up approximately 26 percent of it.

Under the substitute that is now before the Senate, if adopted, I would venture to say that if the House goes along, this fine food stamp program will be a welfare program and will be handled entirely by the Federal Government, at the Federal level. That is what is going to happen.

Mr. President, my good friend the Senator from Vermont made the motion to recommit the bill. I would have done it had he not done so. So I want to give notice that, so far as I am concerned, I will vote to recommit this bill, in the hope that we can present the Senate a bill that will be acceptable to the House.

As the Senator from Florida stated earlier, we tried to get the House to go along with an additional authorization of $750 million instead of the $340 million. I have tried zealously in the past 4 or 5 weeks to get the House to act on that, and I could not budge them.

My fear is that if this bill goes to the House in its present form, we will have no action on the food stamp bill. I regret that that condition faces us, and it seems to me that we should try to get our heads together.

I presented my side of the argument yesterday for over an hour on the floor, and again today, and I was really surprised—in fact, I was much upset—on this, my 79th birthday, to notice the package I have been given as chairman of the Committee on Agriculture and Forestry.

Mr. HARRIS. Mr. President, I have spoken on this matter in some detail earlier on the Senate floor. I do not want to burden the RECORD at this time or unduly delay the Senate.

My wife, Mrs. Harris, testified before the Committee on Agriculture and Forestry as a representative of the National Urban Coalition's board and chairman of its committee on health.

That testimony is contained in the hearings now before us.

Suffice it to say at this point, Mr. President, that I feel that the Senate in adoption of the substitute bill earlier this afternoon, took a monumental step forward for the people of this country and particularly for the poor people of this

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country. I think that the distinguished Senator from South Dakota (Mr. McGovern) and others have performed a service in bringing out the facts about hunger and malnutrition in this country in such a way as to make it impossible for us not to act—a service which will be of tremendous credit to their names and their lives for many, many years to come. I am hopeful that before long the country will adopt a much more realistic and humane income maintenance system and a much more realistic and humane system to guarantee jobs to those who are willing and able to work. In the meantime, the very least we can do is to recognize that the right to be free of hunger and malnutrition, the right to enough to eat, is exactly that—a right of every American citizen; that providing every American with enough to eat is not a matter of charity, the Senate has done a great thing today in the adoption of this substitute. I just hope that the Senate will now reject the motion to recommit the bill. The bill has had sufficient study and sufficient debate. It has had sufficient explanation. Now is the time to reject the motion to recommit, to pass the bill, and to send it on its way to the other body.

Mr. STEVENS. Mr. President, yesterday I submitted an amendment designed to alleviate malnutrition in the rural areas of my State. I find today that the parliamentary situation now is that a motion has been made to recommit the bill and that I am unable to have my amendment considered.

I thought that the manner in which the amendment in the nature of a substitute was offered would have allowed the consideration of other amendments that might have been offered. I discussed my amendment with the chairman on the floor of the Senate yesterday. I testified in support of the bill before the committee.

I cannot understand why the amendment in the nature of a substitute should have been acted on before the other amendments were considered. Therefore, I shall vote to recommit the bill.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. McGOVERN. The parliamentary situation did not foreclose the offering of amendments to the amendment in the nature of a substitute.

Mr. STEVENS. It was my understanding that it did.

Mr. McGOVERN. I think the Senator from Alaska has been misinformed, although I bow to the judgment of persons more familiar with the rules than I am. My understanding is that an amendment in the nature of a substitute can itself be amended.

Mr. STEVENS. It is my understanding that amendments could not be offered after the amendment in the nature of a substitute had been agreed to.

As a matter of fact, I voted in favor of the substitute amendment because of the situation that existed. I did agree with a portion of the substitute amendment. But I was late in arriving in the Chamber, and at the time the vote was finished, the Senate went immediately to the third reading, and there was no opportunity to offer my amendment. The Senator from Kansas (Mr. Dole) was in the same situation I was in.

I think the bill should be recommitted. I think we should deal with the chairman of the committee. I think the bill and the substitute should go back to the committee for further review.

Mr. DOLE. Mr. President, I should like to ask the Senator from South Dakota (Mr. McGovern) a question with reference to the situation. I point out, as the Senator from Alaska has, that we realized the parliamentary situation. I could have offered my amendment to the amendment in the nature of a substitute, but I was delayed at an election. I lost there, and I suppose I will lose here.

With reference to the use of food stamps for items other than food, does the Senator from South Dakota interpret that to mean the buying of mops, brooms, and the like?

Mr. McGOVERN. That would be in the discretion of the Secretary. But I presume that he would authorize the recipients of food stamps to purchase soap with which to wash their hands, so that they would not become infested with parisites, worms, and bacteria; soap with which to wash the dishes, so that the food that is served on them would be clean.

One of the shocking things that came out before the select committee was the testimony of witnesses in South Carolina, who suggested to the distinguished Senator from South Carolina (Mr. Hollings) the problem of worm infestation. We found in a good many cases that persons who were suffering from inadequate diet were sharing that inadequate diet with worms. The reason for this amendment is to introduce, at what I would assume would be a very modest cost, the right of food stamp recipients to use a small portion of that to purchase soap and other things that would give them the sanitation they require.

Mr. DOLE. Would it include such items of hardware as mops and brooms?

Mr. McGOVERN. I would not anticipate that it would, but it would be entirely up to the Secretary of Agriculture. However, I cannot see him authorizing items which he did not feel were necessary.

Mr. DOLE. With respect to the inclusion of Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands, I am wondering about the cost of this addition. What would the additional cost be because of those additions?

Mr. McGOVERN. I would say it could actually result in a reduction in the cost because those areas now have the commodity distribution program. It seems to me more economical and practical to give them food stamps to permit them to make purchases through normal retail channels rather than shipping in commodities, which we are now doing.

Mr. DOLE. Third, do I understand that one of the provisions does provide for current operation of the food stamp program and the commodity program? I have specific reference to this situation. As I understand it, it is practical on Indian reservations because food stamps take longer than 90 days at times. Does the Senator have a provision to take care of this situation?

Mr. McGOVERN. That is one of the advantages of the substitute bill. It has a provision to permit the Secretary to operate both until such time as the participation in the food stamp program equals what it had heretofore had under the commodity distribution program.

Mr. DOLE. If the State or local community requested a continuation of, let us say, the commodity distribution program while undertaking to implement the food stamp program, would the State or local community pay the cost or the Federal Government?

Mr. McGOVERN. The State and the community would pay the cost if they requested a program under clause 3 of section 4(b) of the Food Stamp Act as it would be amended by my substitute.

Mr. DOLE. I agree with that amendment. As the Senator knows, this was a provision I hoped to offer for the administration. That is contained in the substitute.

Mr. McGOVERN. While I am engaged in colloquy with the Senator I would like to point out to him one of the things that he wanted to accomplish was partially accomplished in that we reduced the level at which families would qualify for free food stamps from approximately $80 to $60. We went about halfway in the direction the Senator wanted to go. I believe the substitute bill is now in a form which should be more acceptable to him than when we introduced it.

Mr. DOLE. As the Senator knows, in the Committee on Agriculture and Forestry, there was an effort by some of us to establish the principle of free food stamps.

Mr. McGOVERN. That is correct. I think the Senator from Kansas initiated that effort.

Mr. DOLE. I have never been able to follow the hangup that some have on offering free food stamps. I think the only difference was the change in the Senator's substitute as to where we should draw the line, whether it should be at $80, $60, $50, or the $40 suggested by the Secretary. I understand the substitute has a cutoff at $60.

Mr. McGOVERN. The Senator is approximately correct.

Mr. DOLE. Finally, and I think this is contained in the substitute, Is there a provision which provides that the recipient has the right to purchase less than the full amount of the stamps?

Mr. McGOVERN. That is correct.

Mr. DOLE. There is a range in the substitute?

Mr. McGOVERN. Yes.

Mr. DOLE. The need for such a provision has been outlined in the field hearings. Sometimes they do not want to spend all their money at one time for food and it offers them more opportunity.

Mr. McGOVERN. The Senator will recall that a week ago Monday Mr. Hardin, the Secretary of Agriculture, and Mr. Lyng, the Assistant Secretary, testified and recommended the so-called variable purchase principle, and this concept is incorporated in the substitute bill.

Mr. DOLE. By reducing the limitation from $80 to $60 what does that do to the overall cost? Would this reduce the initial cost?

Mr. McGOVERN. Yes, it would. It would reduce that cost by approximately one-fourth; the cost of operating that portion of the bill that provides for free food stamps would be reduced by approximately one-fourth.

Mr. DOLE. In other words, for fiscal years 1970, 1971, and 1972 we are talking about, instead of an additional $2 billion, an additional $1.5 billion.

Mr. McGOVERN. It would not be that much because it is difficult to forecast how many people would be participating under any provision of the bill.

What I am suggesting is that that cost factor in the bill covers grants in free food stamps to those families on an income of $80 a month, and when we reduce that figure to $60 a month obviously cuts are being made in the cost of the program.

Mr. DOLE. With respect to nutritional education in retail stores, I am not sure I understand the full meaning of that provision.

Mr. McGOVERN. That is permissive language, I wish to say to the Senator. It does not require retail stores to carry out nutritional education. If, for example, pamphlet material were available on how to shop wisely, or plan, and diet, and stores that are handling food stamps were willing to do it, this would all be managed under the provisions of the bill when they distribute such information to food stamp recipients.

Mr. DOLE. I thank the Senator from South Dakota. Generally, let me say, most of the amendments in the substitute bill are acceptable. I do not know of any great discussion about them. I think, perhaps, when we come to the limitation, we should know more about the free food stamps, and perhaps about one or two other areas. Perhaps the Senator from Alaska was precluded from offering his amendment, but generally I support the objectives of the substitute bill, particularly the principle with reference to free food stamps, if I could have some assurance that the cost has been reduced by as much as 25 percent.

Mr. McGOVERN. It is in the nature of an estimate. I cannot foretell exactly how many people will sign up for the program, but certainly it will be in that direction.

Mr. DOLE. The Senator from South Carolina (Mr. HOLLINGS) pointed out that certainly the Secretary could spend another half a billion dollars or $1 billion, whatever the case may be. I was under the impression, from the testimony given in the hearings held before the committee, that perhaps all we can spend in this fiscal year is around $640 million—between $500 and $600 million—because it takes some time to implement the program. I am wondering whether, by authorizing a certain amount, this does not mean we can possibly spend that much money. We are already into the fiscal year. Is there a necessity for going as far as we go in the substitute?

Mr. McGOVERN. I would say to the Senator that I think there is, for the reasons that were outlined by the Senator from Illinois (Mr. PERCY). He cited the Budget Bureau estimate of around $2.9 billion that would be needed in fiscal 1970 to take care of all the problems of malnutrition and hunger.

I think the figure of $1¼ billion is prudent and conservative. As soon as we adopt the formula which provides $125 a month in food stamps to a family of four, and permits those families with incomes of $60 a month or less to draw free food stamps, and then incorporate the outreach section that requires the Secretary to get this information out to the country, I think we will find that that $1¼ billion will be taken up and expended in the food stamp program without any great difficulty. As a matter of fact, I think it is on the conservative side.

Mr. DOLE. I believe that the administration, in all fairness to the Senator's position, did indicate a request for 1971 and 1972 for open ended authorizations. It did not ask for any limit to be placed on either fiscal year.

Mr. McGOVERN. That is, frankly, my preference. I wish we had an open ended authorization. I do not think that anyone can really forecast exactly the level of participation we will get. Of course, if the administration finds, for some reason or other, that it cannot use the funds, there is nothing in the bill which requires it to spend it.

Mr. DOLE. I have been concerned about the possibility or the feasibility of operating a food stamp program in small and sparsely settled counties in Kansas. A great number of the 105 counties in Kansas do not participate in a food stamp program. I have determined and have learned from the Department of Agriculture that they do authorize the counties to be combined for this purpose. Some of the smaller Kansas counties are made up of 2,000 or fewer people—maybe as many as half a dozen families qualify for welfare assistance. So that the only practical way to meet the problem is to consolidate the counties for food stamps or direct commodity programs. It is not practical to begin a food stamp program for five, six, or eight persons. Thus, I have learned that they do have, in some parts of the country, multiple-county food assistance programs. I certainly hope that the Department will continue to urge this in States such as Kansas, the Dakotas, and perhaps other States, where we have as few as 2,000 or 3,000 persons living in one county.

On the basis of the comments of the Senator from South Dakota, it would appear that the objections that some of us had have been met by the substitute bill and, therefore, I shall vote against the motion to recommit.

Mr. AIKEN. Mr. President, let me say that my only reason for moving to recommit the substitute bill was to find out if Members of the Senate really meant what they appeared to mean when they voted for the substitute offered by the Senator from South Dakota.

In my opinion, it will be an emasculation of the food stamp program. As the substitute bill now reads, it is just a plain welfare program, with very little resemblance to the food stamp program we intended it to be.

That is the reason, Mr. President, I moved to recommit the bill, to find out if Senators really mean to emasculate the food stamp program.

Mr. McGOVERN. Mr. President, one brief comment before this comes to a vote. I do not wish to delay the Senate. I believe that all the arguments which can be made have already been made.

The Senator from Vermont (Mr. AIKEN) raised the question about whether the Senate knew what it was doing when it voted 54 to 40 to approve the substitute provision.

Let me say that what we voted for substantially was a bill which was introduced in the Senate several months ago, was printed at that time in the RECORD with full and complete explanations; there was then introduced a series of amendments on Monday which were printed in the RECORD with a full explanation of every amendment.

The substitute bill had the cosponsorship of nine of the 13 members of the Select Committee on Nutrition and Human Needs. They have been sitting on the subject and holding hearings in all parts of the country for the past 10 months. It had the cosponsorship of two Senators who, I think, have made the most extended tours of their districts; namely, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Virginia (Mr. SPONG), both of whom took the time to make personal tours of their own districts and go out and look at the problems firsthand.

Let me say to the Senators who are raising questions about whether we knew what we were doing, that most Senators believe that what we are doing is a conservative step. It is not a wild, irresponsible effort.

As has been pointed out by the Senator from Illinois (Mr. PERCY), the Bureau of the Budget has concluded that the cost to this country is 3½ times as much to permit malnutrition to continue as it would cost to end it.

Therefore, I think the time has come to stop the delay and put an end to hunger. We have a bill before us now which has been approved, in the nature of a substitute, and I earnestly hope that the Senate will not knock out that bill and further delay our answer to this all-important problem of hunger.

I urge that the motion to recommit be rejected.

Mr. JAVITS. Mr. President, is it not a fact that after the Senator did his bill, and after I did mine, the Senator made no compromise in order to win myself, the Senator from Kentucky (Mr. COOK), and the Senator from Illinois (Mr. PERCY) to be sponsors—as we are on the committee—but there were further compromises to win the Senator from Virginia (Mr. SPONG) and others over to reducing the $80 to $60, and to reduce the appropriations, and otherwise refine the individual elements of the bill.

Mr. McGOVERN. The Senator is absolutely correct. Without that kind of strong bipartisan cooperation, we would not have had the vote we had awhile ago. I hope that by at least as decisive a margin, the Senate will reject the motion to recommit.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont (Mr. AIKEN) to recommit the bill to committee.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I further announce that the Senator from Tennessee (Mr. GORE) and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Tennessee (Mr. GORE), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent and his pair has been previously announced.

The result was announced—yeas 39, nays 56, as follows:

[No. 99 Leg.]

YEAS—39

Aiken
Allen
Allott
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Mundt
Murphy
Prouty
Russell
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—56

Anderson
Baker
Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dodd
Dole
Eagleton
Fulbright
Goodell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Javits
Kennedy
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Mansfield, against.

NOT VOTING—4

Gore
Hughes
Magnuson
Tower

So Mr. AIKEN's motion to recommit was rejected.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. GRIFFIN. Mr. President, on that question I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. SPARKMAN (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Iowa (Mr. HUGHES). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I further announce that the Senator from Tennessee (Mr. GORE), the Senator from Iowa (Mr. HUGHES), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent and his pair has been previously announced.

The Senator from Arizona (Mr GOLDWATER) is detained on official business.

The result was announced—yeas 78, nays 14, as follows:

[No. 100 Leg.]

YEAS—78

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stevens
Symington
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—14

Allen
Bellmon
Bennett
Eastland
Ellender
Ervin
Gurney
Holland
Jordan, N.C.
Russell
Stennis
Talmadge
Thurmond
Williams, Del.

PRESENT AND ANNOUNCING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Cooper, for.
Sparkman, against.

NOT VOTING—6

Goldwater
Gore
Hughes
Magnuson
McClellan
Tower

So the bill (S. 2547) was passed, as follows:

S. 2547

An Act to amend the Food Stamp Act of 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Food Stamp Act of 1964 is amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. It is hereby declared to be the policy of Congress in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to the maximum extent to safeguard the health and well-being of the Nation's population and provide adequate levels of food consumption and nutrition among low-income households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate levels of food consumption and nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households with low incomes to receive a share of the Nation's food abundance sufficient to provide them with adequate levels of food consumption and nutrition, is herein authorized."

(2) Subsection (b) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "The term 'food' also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation."

(3) The second sentence of subsection (e) of section 3 is amended to read as follows: "The term 'household' shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10(h) of this Act."

(4) Subsection (f) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "Such term also means a private nonprofit institution, boarding house (other than a fraternity, sorority, or other social club) or school which provides meals to persons of sixty-five years or over who are not residing in an institution or boarding house; a private nonprofit organization that prepares and delivers meals to persons of sixty-five years or over in their homes; and commissaries operated by the Department of Defense which shall accept coupons in exchange for food for any participating household which otherwise is eligible under regulations of the Department of Defense to utilize the services of such commissaries."

(5) Subsection (j) of section 3 is amended to read as follows:

"(j) The term 'State' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands."

(6) Subsection (a) of section 4 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to formulate and administer a food stamp program under which eligible households within a State will be provided with coupon allotments of sufficient monetary value to enable them to purchase a nutritionally adequate diet. Such program shall be carried out in any State at the request of the appropriate State agency of such State or pursuant to section 10(f) of this Act."

(7) Subsection (b) of section 4 is amended to read as follows:

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder shall be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted because of a disaster; (2) in any county where a food stamp program is being initiated and where federally owned foods have been distributed to households during any one of the three months immediately prior to initiation of a food stamp program, until such time as the number of persons participating in a food stamp program exceeds the monthly average number of persons who received federally owned foods during the three month period immediately prior to the initiation of a food stamp program; or (3) on request of the State agency if the State agrees to finance, from funds available to the State or political subdivisions thereof, all of the costs, subsequent to the delivery of such foods within the State, of handling, storing and issuing federally donated food to eligible households in the area."

(8) Section 5 is amended to read as follows:

"SEC. 5. (a) Households whose income is determined, as provided in this section, to be insufficient to permit them to purchase a nutritionally adequate diet shall be eligible to participate in the food stamp program. The Secretary shall prescribe, not less often than once a year, the minimum level of income a household must have in order to purchase a nutritionally adequate diet for the members of such household and be financially able to meet the other normal living expenses of a household. He shall prescribe such level of income for households composed of varying numbers of individuals, but in no case shall the minimum income level prescribed by the Secretary be less for any household than the equivalent of $4,000 per year for a household composed of four persons. In prescribing minimum income levels for households under this section the Secretary may take into consideration such relevant factors as the regional variations in the cost of food described in the low-cost food plan published by the Agricultural Research Service of the United States Department of Agriculture or such other relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. The Secretary shall also prescribe the maximum level of income for households composed of varying numbers of individuals above which households shall be ineligible to participate in the food stamp program. Income limitations prescribed under this subsection shall be revised annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics, Department of Labor.

"(b) In complying with the limitations on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such eligibility standards shall comply with the maximum and minimum income levels prescribed by the Secretary under subsection (a) of this section and shall also place a limitation on the resources to be allowed eligible households, but such limitation shall apply to the income, if any, realized from such resources and not to any income which might be realized through liquidation of such resources. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary."

"(9) Subsections (a) and (b) of section 7 are amended to read as follows:

"(a) Except as hereinafter provided in this subsection, the face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than the amount necessary to purchase a nutritionally adequate diet for the members of such household. The amount necessary to purchase a nutritionally adequate diet for households composed of varying numbers of individuals shall be determined by the Secretary and shall be revised annually by the Secretary. In determining the amount necessary to purchase a nutritionally adequate diet for any household the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds and amounts of food contained in the low-cost food plan established by the Agricultural Research Service of the United States Department of Agriculture and published in the 'Family Economics Review'. The Agricultural Research Service shall revise and publish the amount which it determines to be necessary to purchase such food at least annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.

"(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined not to exceed a reasonable investment on the part of the household: *Provided*, That (1) any eligible household whose income is less than one-half the current amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under section 7(a) of this Act shall not be charged any amount for such coupon allotment; and (2) in no case shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment."

(10) Subsection (a) of section 10 is amended to read as follows:

"SEC. 10. (a) The food stamp program shall be administered to insure that participants are afforded the opportunity to receive at schools, at approved retail food stores, in their homes, or at other appropriate places convenient to participants such instruction and counseling as will best assure that they are able to use their increased purchasing power to obtain those nutritious foods most likely to insure that they receive a nutritionally adequate diet. The food stamp program shall also be administered to insure that all households eligible to participate in the program are informed of its existence and given such assistance as may be required to enable them to make application for the benefits of this Act. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted for the purpose of providing nutrition counseling and home economics services for eligible households using such authorities as may be available to the Secretary, or in cooperation with other agencies of the Federal Government or private agencies. The Secretary is authorized to use the educational potential of the national school lunch program and its extension to introduce better eating patterns and better nutrition to eligible households under this Act."

(11) Subsection (b) of section 10 is amended by striking everything following the colon and inserting in lieu thereof the following: "*Provided*, That the State agency shall comply with the requirements of clauses (2) and (3) of section 10(e) of this Act. The operating agency may delegate its responsibility for the issuance of coupon and the collection of the amounts charged from eligible households to the United States Post Offices, banks, credit unions, or any other public agency or private nonprofit agency. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations."

(12) Subsection (c) of section 10 is amended by inserting immediately preceding the first sentence the following: "Any household making application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal."

(13) Subsection (d) of section 10 is amended by inserting immediately preceding the first sentence the following: "Notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotment bears to the full coupon allotment such household was entitled to purchase. The Secretary shall prescribe general guidelines and minimum requirements with respect to the quality of certification and issuance services to be provided by State agencies to eligible households, including, but not limited to, matters relating to the places, times, and frequency of coupon issuance services in political subdivisions approved for participation in the food stamp program. Such general guidelines and minimum requirements shall include at least the following provisions: (1) that the issuance of coupons shall take place no less often than once per week and (2) that at each issuance of coupons any household may purchase the entire monthly coupon allotment to which it is entitled or any portion of that coupon which it has not previously purchased. The State agency shall, notwithstanding any other provisions of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its coupon allotment distributed to it with such grant or payment."

(14) Subsection (e) of section 10 is amended by striking "(3)" and "(4)" and inserting in lieu thereof "(4)" and "(5)", respectively, and by striking clause (2) and inserting in lieu thereof the following:

"(2) that the State agency shall make every possible effort to insure that all households who meet the eligibility requirements set forth in this Act are certified to participate in the food stamp program;

"(3) that the State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor through the facilities of United States Post Offices directly or by mail, through the facilities of participating retail food stores or in such other manner convenient to participating households as shall best insure their participation."

(15) Subsection (f) of section 10 is amended to read as follows:

"(f) Notwithstanding any other provision of this Act, the Secretary shall administer a food stamp program through any private nonprofit organization or through any Federal, State or county agency he deems appropriate in any political subdivision of a State if—

"(1) he determines that in the administration of the program in such political subdivision there is a failure by the State agency to comply with the provisions of this Act, or with the regulations issued thereunder, or with the State plan of operation approved by the Secretary and he has informed such State agency of such failure and such failure has not been corrected after a reasonable period of time; or

"(2) he determines that a food stamp program is needed in such political subdivision and the appropriate officials of such political subdivision or the State have not requested a food stamp program for such political subdivision after the Secretary has made an offer of Federal payments as authorized by this section; or

"(3) a food stamp program is not being operated, or is not being operated in accordance with the provisions of this Act, in such political subdivision on January 1, 1971, or thereafter; or

"(4) he determines that the ratio of the number of persons participating in the food stamp program in such political subdivision to the number of persons classified by the Office of Economic Opportunity as low income in such political subdivision is not adequate to effectuate the policy of Congress and the purposes of this Act.

When the Secretary administers a food-stamp program under the provisions of this subsection, he shall observe, or require the administering organization or agency to observe, all of the appropriate provisions of this Act and regulations issued pursuant thereto."

(16) Section 10 is amended by adding at the end thereof a new subsection as follows:

"(h) Subject to such terms and conditions as may be prescribed by the Secretary, food stamps issued under this Act to any elderly person may be exchanged by such person for meals prepared and served by any group authorized to prepare and serve meals under subsection (f) of section 3 of this Act if:

"(i) such person does not have facilities for the preparation of food in his living quarters, or does not have reasonable access to such facilities, and the meals served by such organization are served in a common dining room and are prepared and served primarily for the benefit of elderly persons; or

"(ii) such person is housebound, feeble, physically handicapped, or otherwise disabled to the extent that he is unable to prepare nutritious meals for himself, and such organization prepares and delivers meals to such person."

(17) Section 14 is amended by adding at the end thereof a new subsection as follows:

"(e) No person shall be charged with a violation of this or any other Act, or of any regulation issued under this or any other Act, or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 6(d) of this Act, except for fraud."

(18) Section 15 is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the provisions of subsection (a) of this section, the Secretary shall pay to the State agency of a State the costs of issuing coupons to eligible households and of collecting the sums required from eligible households as payment therefor."

(19) Section 16 is amended to read as follows:

"(a) To carry out the provisions of this Act there is hereby authorized to be appropriated not in excess of $1,250,000,000 for the fiscal year ending June 30, 1970; not in excess of $2,000,000,000 for the fiscal year ending June 30, 1971; and not in excess of $2,500,000,000 for the fiscal year ending June 30, 1972. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for purposes of this Act until expended.

"(b) Upon written notification to the Congress of his intent to do so, the Secretary is authorized in any fiscal year to obligate sums in excess of the sums appropriated for such fiscal year pursuant to subsection (a) of this section, if such excess obligations are necessary to meet unanticipated increases in participation. In no event shall the amount of excess obligations in any fiscal year exceed an amount equal to 15 per centum of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. The amount of any excess obligation incurred in any fiscal year shall be paid for out of funds appropriated to carry out this Act in the succeeding fiscal year.

"(c) If the Secretary determines that any portion of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury."

Mr. KENNEDY. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate is deeply grateful to the Senior Senator from Louisiana (Mr. ELLENDER) for his outstanding effort in presenting the food stamp measure to the Senate. Characteristically, Senator ELLENDER applied the greatest devotion and most careful diligence to this proposal. As the chairman of the Agriculture Committee, may I say, there is no Senator who understands better the matter of food and hunger. He has long been a supporter of the Food Stamp program and the fact that he could not in good conscience support the substitute measure which was finally adopted by the Senate does not change that fact. He is to be commended and deserves our warmest thanks.

The same may be said for the Senator from Vermont (Mr. AIKEN) who has himself been a prime sponsor of the food stamp approach to resolving the problem of malnutrition since the inception of the program following the war. Senator Aiken, of course, serves as the ranking minority member of the Committee on Agriculture. He has consistently been identified with all efforts to resolve hunger and malnutrition. His assistance on this measure was outstanding and he too deserves the deepest gratitude of the Senate.

I must say that the Senator from South Dakota (Mr. McGOVERN) is to be singled out for the fine advocacy he displayed in presenting his substitute measure to the Senate. Its acceptance speaks abundantly for the legislative talents and ability of Senator McGOVERN. His work as chairman of the Select Committee on Nutrition and Human Needs has placed him in the forefront of this critically important area.

Other Senators contributed most effectively to the debate. Noteworthy were the contributions of the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Florida (Mr. HOLLAND). Their own strong views were urged sincerely and with the greatest skill and ability. The Senate may be proud of another splendid achievement obtained with magnificent cooperation and the full appreciation of the views of every Member.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed without amendment, the joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. In behalf of the Vice President and pursuant to title 16, United States Code, section 715A, the Chair appoints the Senator from Maryland (Mr. TYDINGS) to the Migratory Bird Conservation Commission, in lieu of the Senator from Montana (Mr. METCALF), who resigned.

U.S. RECOGNITION OF FOREIGN GOVERNMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 331, Senate Resolution 205, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The resolution will be stated.

The LEGISLATIVE CLERK. A resolution (S. Res. 205) to set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with amendments on page 2, at the beginning of line 4, insert "of itself"; and in the same line, after the word "States", strike out "necessarily"; so as to make the resolution read:

> *Resolved*, That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I should like to ask the distinguished majority leader if he can advise us of the business next to come up and as far into the week as he can tell us now.

Mr. MANSFIELD. Mr. President, no action will be taken on Senate Resolution 205 tonight. There will be no further rollcall votes tonight.

When the Senate completes action on the resolution, hopefully sometime tomorrow, it is the anticipation of the leadership to call up the Mine Safety bill, the debate on which may well go into Friday, if not beyond.

Following the conclusion of action on the Mine Safety bill, the water pollution control bill, Calendar 346, S. 7, will be taken up. However, there is at present a jurisdictional dispute concerning that particular proposal. It is hoped that the dispute will be settled by the time we are ready to take up the bill; but as of now, the hopes are somewhat dim.

Following that, we will take up Calendar No. 316, H.R. 11249, a bill to amend the John F. Kennedy Center Act to authorize additional funds for such center; and then various other items as they appear on the calendar from time to time.

Some time around the middle of next week, we will consider the civil service retirement bills. I had mentioned those bills earlier.

That is the best I can say to my friend, the distinguishd minority leader, at this time. I would hope that, as always, he would allow a little flexibility so that we will not be held too closely to the particular day or time.

Mr. SCOTT. That is well understood. I thank the distinguished Senator from Montana.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 336, 337, 338, and 340 separately, but in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMOGENE TILMON

The Senate proceeded to consider the bill (S. 65) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.

Mr. MILLER. Mr. President, I send to the desk an mendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment as follows:

> On page 2, line 2, insert the following before the period: "; and, *Provided*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract".

Mr. MILLER. Mr. President, the committee report accompanying the bill states that the prospective buyers of the lands concerned contend that the reservations preclude excavations for building foundations and use of the excavated material for fill elsewhere on the land.

The amendment is designed to limit the bill to meet this specific need.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 65) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 65

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to Emogene Tilmon the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of 80.07 acres of land, conveyed to her by deed dated September 22, 1960, recorded in Logan County, Arkansas, on October 10, 1960, in Book 52 of Deeds, page 691: *Provided*, That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited September 22, 1960, deed from the United States: *And provided further*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

ENOCH A. LOWDER

The Senate proceeded to consider the bill (S.80) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 2, insert the following before the period: "; and, *Provided*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract".

Mr. MILLER. Mr. President, the committee report accompanying the bill states:

> The prospective buyers of the lands concerned contend that the reservations preclude excavation for building foundations and use of the excavated material for fill elsewhere on the land.

The amendment is designed to limit the bill to meet this specific need.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 80) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 80

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to Enoch A. Lowder, the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of forty acres of land, more or less, conveyed to her by deed dated February 5, 1963, recorded in Logan County, Arkansas, on February 23, 1963, in Book 55 of Deeds, page 141: *Provided*, That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited February 5, 1963, deed from the United States: *And provided further*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

WAYNE TILMON AND EMOGENE TILMON

The Senate proceeded to consider the bill (S. 82) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 2, insert the following before the period: "; and, *Provided*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract".

Mr. MILLER. Mr. President, the committee report accompanying the bill states:

> The prospective buyers of the lands concerned contend that the reservations preclude excavation for building foundations and use of the excavated material for fill elsewhere on the land.

The amendment is designed to limit the bill to meet this specific need.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 82) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 82

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to Wayne Tilmon and Emogene Tilmon, his wife, the sand, gravel, stone, clay and similar ma-

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terials reserved to the United States in a certain tract of 70.36 acres of land, more or less, conveyed to them by deed dated November 27, 1959, recorded in Logan County, Arkansas, on March 8, 1960, in Book 52 of Deeds, page 556: *Provided*, That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited November 27, 1959, deed from the United States: *And provided further*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

J. B. SMITH AND SULA E. SMITH

The Senate proceeded to consider the bill (S. 81) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark., which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, line 8, after the word "dated" strike out "September 12, 1962, recorded in Logan County, Arkansas, on September 13, 1962, in Book 62 of Deeds, page 129" and insert "November 26, 1962, recorded January 12, 1963, in deed book 55, page 110, Southern District Court House of Logan County, at Booneville, Arkansas"; and on page 2, line 4, after the word "cited" strike out "September 12" and insert "November 26,"; so as to make the bill read:

S. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to J. B. Smith and Suia E. Smith, his wife, the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of 52.13 acres of land, more or less, conveyed to them by deed dated November 26, 1962, recorded January 12, 1963, in deed book 55, page 110, Southern District Court House of Logan County, at Booneville, Arkansas: *Provided*, That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited November 26, 1962, deed from the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 5, insert the following before the period: "; and, *Provided*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract".

Mr. MILLER. Mr. President, the committee report accompanying the bill states:

The prospective buyers of the lands concerned contend that the reservations preclude excavation for building foundations and use of the excavated material for fill elsewhere on the land.

The amendment is designed to limit the bill to meet this specific need.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 81) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey by quitclaim deed, without consideration, to J. B. Smith and Sula E. Smith, his wife, the sand, gravel, stone, clay, and similar materials reserved to the United States in a certain tract of 52.13 acres of land, more or less, conveyed to them by deed dated November 26, 1962, recorded January 12, 1963, in deed book 55, page 110, Southern District Court House of Logan County, at Booneville, Arkansas: *Provided*, That the conveyance authorized by this Act shall change none of the other provisions or conditions of the above cited November 26, 1962, deed from the United States: *And provided further*, That such sand, gravel, stone, clay, and similar materials shall only be used on said tract.

THE WILLIAM HOWARD TAFT NATIONAL HISTORICAL SITE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 400, H.R. 7066.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7066) to provide for the establishment of the William Howard Taft National Historical Site.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the text of S. 560, Calendar 390, companion Senate bill, as reported.

The motion was agreed to.

The PRESIDING OFFICER. the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate bill 560 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CERTAIN KAW INDIANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 171, Senate Resolution 162.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 162) for the relief of certain Kaw Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from North Carolina (Mr. ERVIN) I offer an amendment, and I ask unanimous consent that a letter from Senator ERVIN to the Calendar Committee of the minority be printed in the RECORD, as well as a memorandum raising certain questions which precipitated the amendment. Both of these insertions are offered at the request of the distinguished senior Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER. Without objection, the material will be printed in the RECORD.

(See exhibit 1.)

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On the first page, line 11, beginning with the word "of" where it first appears, strike out all through "claimant" on line 3 page 2, and insert in lieu thereof the following: as to whether there was a constructive taking by the United States of the lands referred to in the first section of the Act of August 8, 1968 (Private Law 90–318), and, if so, whether interest on the amounts authorized pursuant to such Act is legally or equitably due from the United States to the recipients of such amounts from January 1862, until paid.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to, as follows:

S. RES. 162

Resolved, That the bill (S. 1391) entitled "A bill for the relief of certain Kaw Indians", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, as amended by the Act of October 15, 1966 (80 Stat. 958), and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress as to whether there was a constructive taking by the United States of the lands referred to in the first section of the Act of August 8, 1968 (Private Law 90–318), and, if so, whether interest on the amounts authorized pursuant to such Act is legally or equitably due from the United States to the recipients of such amounts from January 1, 1862, until paid.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON THE
JUDICIARY, SUBCOMMITTEE ON
CONSTITUTIONAL RIGHTS,
Washington, D.C., June 26, 1969.

HON. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR PAUL: I was rather disturbed a couple of days ago upon reading a memorandum opposing S. Res. 162, which would refer S. 1391 to the Chief Commissioner of the U.S. Court of Claims for a report and recommendation.

The memorandum expresses the view that the referral of S. 1391, which would grant interest on the overdue payment of a claim to certain Kaw Indians, to the Court of Claims would represent an unfortunate precedent which might open the floodgate for hundreds of Indians to appeal to the Congress for private relief.

First of all, there is no question that the ancestors of the Kaw Indians mentioned in S. 1391 were the victims of the brutality, selfishness and greed of white settlers in taking the land reserved to these Indians under the Kaw Treaty of 1825. The settlers acted with the concurrence and participation of the U.S. Government Indian agent. In fact, it could be argued that there was a constructive taking on the part of the government.

Last year Congress, by enacting Private Law 90–318, determined that the original 23 half-blood Kaw Indians had been wronged by the taking of allotments under Article 6 of the treaty of June 3, 1825 (7 Stat. 244), and that recompense was due them from the government. I introduced the original bill in the realization that the descendants of these 23 half-breed Kaws had few friends in Congress. Under Private Law 90–318, $3,200 was authorized to be paid to the heirs of each of the 23 original Kaws. This $3,200 figure was based upon a valuation of $5.00 per acre, which appraisal was made in 1862, and which by today's standards would be hopelessly inadequate.

After Private Law 90–318 was enacted, it occurred to me that it was a great injustice to the descendants of the original half-breed Kaws to authorize such a paltry amount based upon a valuation nearly a century old. Today there are many heirs of each of the ancestor Kaws, and based upon today's prices some of them would hardly receive enough to warrant writing the checks. Therefore, I introduced S. 1391 to amend Private Law 90–318 to provide the payment of interest from January 1, 1862 until paid.

The memorandum referred to above states that the referral of S. 1391 to the Court of Claims "might well establish a costly precedent." As you well know, I am a firm believer in precedent, but if maintaining a precedent merely perpetuates an injustice, the precedent should fall. Moreover, and as far as precedent is concerned in this case, I feel and certainly hope that it is highly unlikely that such a set of circumstances as those involved in the Kaw matter would ever arise again.

S. Res. 162 simply refers the bill and all related materials to the Chief Commissioner of the Court of Claims for a report and recommendation thereon to the Senate. The Commissioner is directed to inform Congress whether the demand is a "legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant."

The author of the memorandum strongly implies that Congress accepts without question the recommendations of the Commissioner in all cases. However, I shall not concede that the Congress is so ill-advised that it will rubberstamp any suggestion made by the Chief Commissioner of the Court of Claims or any other individual. In the overwhelming majority of cases in which Congress has followed the Commissioner's recommendations, I would like to think that Congress examined the matter and decided that the recommendation was just and would serve the interests of equity and fairness. If this resolution passes the Senate, I for one intend to scrutinize closely any recommendation that may be forthcoming from the Commissioner, and I assure you that I would be more than happy to cooperate with you in your examination and assessment of the recommendation.

The group of half-breed Kaws have no other recourse for relief in this matter. The Indian Claims Commission was not set up to hear individual Indian land allotment cases, and therefore I view the procedure contained in S. Res. 162 as essential to the fair settlement of the Kaw claims. Congress is by no means abrogating its legislative function in this matter, but is only asking for a recommendation and report on a very complex issue.

I know of your deep concern for and your many arduous efforts on behalf of our first Americans, and I hope you will join with me in seeing that the courthouse door is not barred to these half-breed Kaws, who have no special friends nor lobbyists with vast sums of money to forward their cause.

With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, JR.,
Chairman.

MEMORANDUM

Memorandum with respect to S. Res. 162, referring the bill, S. 1391, to the Chief Commissioner of the U.S. Court of Claims for a report and recommendation thereon to the Senate. The sponsor of both the bill and the resolution is Senator Ervin.

The bill, S. 1391, would amend Private Law 90–318, approved August 8, 1968, to provide for the payment of interest "at the rate of 6 per centum per annum from January 1, 1862, until paid."

Private Law 90–318, provided for payment of $3,200 to the heirs of each of twenty-three half-breed Kaw Indians. One-square-mile tracts were reserved to each ancestor under article 6 of the treaty of June 3, 1825, in which the Kaw or Kansas Indians had ceded certain lands to the United States. The total amount of the authorized statutory payment was $73,600, and was to be in full and final satisfaction of all claims of the named individuals or their heirs against the United States "based upon the loss of Indian lands included in the twenty-three half-breed Kaw allotments granted" in said treaty and "in full satisfaction of any claims of the original allottees or his heirs for the consequent loss of use of the land."

In recommending referral of S. 1391 to the Chief Commissioner of the Court of Claims, the report accompanying S. Res. 162 states: "It appears to the committee that there are legal and equitable questions raised in S. 1391 which should be submitted to an appropriate judicial forum for its determination and a report back to the Congress. It also includes consideration of the policy of the Government relating to the payment of interest on claims which should be resolved."

The following is quoted from the House report justifying relief for the heirs of the individuals named in Private Law 90–318: "In the years prior to 1860, the Indian agent charged with responsibility for protecting the interests of the Indians indicated that intruders had settled on the lands and driven the allottees away. As a result of these reports, on May 26, 1860, the Congress passed a law to remedy the situation. Section 1 of that act vested in each of the allottees then living all of the title, interest, and (e)state of the United States in his allotment. In the event that the original allottee was dead, the Secretary of the Interior was directed to determine the heirs and the title of the United States was vested and confirmed by the act in such heirs. Section 1 also provided that nothing in the act would give any binding effect to any prior sale of the land by an allottee or heir.

"Section 2 of the act of May 26, 1860, authorized the Secretary of the Interior to sell an allotment on request of the allottee or heir and to sell the allotment of deceased allottees who left no heirs. Section 3 of the act authorized the Secretary to apply the proceeds of the sale in the manner that would be most advantageous to the person entitled thereto.

"As is outlined in the Department of the Interior report, to facilitate the carrying out of the 1860 act, the Secretary of the Interior appointed W. H. Walsh and William H. Coombs to prepare reports in accordance with the purposes of the act. Those reports were prepared in 1861–62. In transmitting the Walsh-Coombs reports to the Senate in June 1862, the Secretary noted that the reports disclosed that many settlers were on the land (some of whom had made improvements), and that the settlers claimed they had a right to purchase the lands. The reports also set forth the difficulties encountered in properly determining the descendants of the deceased reserve(e)s.

"The whole process was changed by Congress in the act of July 17, 1862 (12 Stat. 628). This act repealed section 2 and 3 of the 1860 act and that part of section 1 which authorized the Secretary to determine the heirs of the allottees. The Department of the Interior states that the effect of the 1862 act was to remove any Federal interest in the lands and to terminate any trust responsibilities the Government may have had on the basis of earlier legislation. The departmental report goes on to state in connection with this termination that 'In retrospect, the wisdom of termination of the Federal interest in 1862 in view of the known situation which existed at that time may be questioned. Nevertheless, that question represented a deliberate policy decision by the Congress.' The committee feels that the foregoing statement does not foreclose a present-day attempt to remedy this longstanding inequity.* * *

"In recommending this legislation, the committee had fixed the land value of the allotment on the basis of a valuation of $5 an acre. The valuation of this land is based upon the fact that an appraisal was made of the property in 1862, and that each allotment was given a valuation on the basis of its value per acre. Averaging the values made at that time approximates $5 an acre, so that this is the value adopted by the committee in fixing the amounts set forth in the amended bill."

Comment: This resolution involves subject matter which might well establish a costly precedent.

The award of compensation to these Indians in Private Law 90–318 was based on a value of $5 per acre. This valuation, in turn, was based upon an 1862 appraisal, which is understood to be a standard practice in determining value in Indian land claims.

There was vigorous agency opposition (Budget Bureau and Interior) to granting relief of any kind in this situation. Such agency opposition doubtless would be much stronger on the question of adding interest on top of the award itself.

The general rule is that no interest is paid on a claim against the Government prior to the date of a judgment in favor of a claimant.

There are two exceptions: (1) where there is a "taking" by the Government (as by eminent domain); and (2) where there is a specific obligation to pay interest, such as in a treaty, statute (as in tax cases), contract, or other specific commitment.

Indian claims are subject to these general rules. The Indian Claims Commission has never allowed interest, but in line with the above stated exceptions, the Supreme Court ordered the Indian Claims Commission to determine the interest to be paid in the case of Peoria Tribe v. *United States, 390 U.S. 468 (1967).*

It has long been and is the general policy of Congress not to pay interest in private relief bills based on the negligence of the Government.

As the facts appear in the report accompanying the resolution of referral to the Chief Commissioner of the Court of Claims, there seems to be nothing to justify the payment of interest in the present situation, on the basis of the precedents which have been established. Thus, article 6 of the 1825 treaty with the Kansas Nation of Indians provided simply and only for reservations from the lands ceded to the United States under that

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treaty of 1 square mile for each of twenty-three named half-breeds. The treaty contained no other undertaking on the part of the United States respecting these half-breed Indians. The act of May 26, 1860 (12 Stat. 21) provided, in section 1, for vesting in each of the allottees then living all of the title, interest, and estate of the United States in his allotment. In the case of deceased allottees, the Secretary of the Interior was directed to determine the heirs, and the title of the United States was vested and confirmed by the act in such heirs. Section 1 also provided that nothing therein would give any binding effect to any prior sale of the land by an allottee or heir. Section 2 of that act authorized the Secretary of the Interior to sell an allotment on request of the allottee or heir, and to sell the allotments of deceased allottees who left no heirs. Section 3 of that act authorized the Secretary to apply the proceeds of sale in a manner that would be most advantageous to the persons entitled thereto.

The act of July 17, 1862 (12 Stat. 628), repealed sections 2 and 3 of the 1860 act and the part of section 1 which authorized the Secretary to determine the heirs of the allottees.

Whether or not the relief provided in Private Law 90–318 should have been provided at all is irrevelant at this point. However, nothing appears in the facts of the present situation to come within the exceptions outlined above where interest might properly be added as a factor in an award.

If this referral should result adversely to the Govenment and interest is ultimately awarded in addition to the amounts provided in Private Law 90–318, the effect of that result on Indian claims generally cannot be ignored. It should be borne in mind that these claimants are descendants of nontribal Indians. Indeed, according to the Bureau of the Budget—"If they had been acting as an Indian tribe, band, or other identifiable Indian group, it would have been appropriate to present their case to the Indian Claims Commission while that avenue was still open." (See Senate Report No. 91–183, p. 8).

An objective of the Indian Claims Commission is finality in its work. However, if the precedent is established here of awarding interest to nontribal Indians, it could open Pandora's box with respect to various claims of tribal Indians against the Government going back over the years which, in one way or another, have been finally adjudicated or settled but without interest.

The tribal Indians might well ask: "Why pay interest to nontribal Indians but exclude us from having the advantage of the same standard of payment on the same kind of claim?" What would or should prevent them from coming to Congress to seek the reopening of a legion of claims hitherto believed by all the parties to be settled, for the purpose of adding interest as part of the claim?

The factor of interest as a multiple of the original award should also be considered here. If interest should ultimately be allowed, and assuming it to be for 100 years at 4 percent, the *increase* in the amount of the award would be 4 times that of the award itself. The end result would be the award multiplied by 5.

The pending resolution would refer this matter to the Chief Commissioner of the Court of Claims for his report, without fixing standards or guidelines on the interest question for him to use in preparing his report to the Senate.

In such a congressional reference, the Commissioner "shall append to his findings of fact conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant." (28 U.S. Code § 2509). Under such a broad mandate, the Commissioner would in no sense be bound by precedent. In such referral cases "equity" has been construed to mean what Webster says it is, not what the law dictionaries define it to be. It may be argued that Congress need not accept the recommendations of the Commissioner, but all known precedent is to the contrary. Once a favorable report and recommendation is filed Congress has invariably followed such a report by appropriating whatever amount is recommended in the report. In only one known case has there been a presidential veto of such congressional action.

In view of the foregoing, it would seem much more appropriate for Congress itself to decide the policy question, either on the basis of existing Government policy or by carving out a further exception, grounded on the facts as they appear.

PRESIDENT NIXON'S DECISION TO FUND THE SST IS A SAD MISTAKE

Mr. PROXMIRE. Mr. President, the Nixon administration's decision to go ahead with the SST is a sad mistake. The administration insists on putting the taxpayer's golden eggs in all the wrong baskets.

The administration has recognized the need for cutbacks in Federal expenditures. The President has ordered a drastic cut in Federal construction programs. He has reduced the funds for health programs. But in the places where really substantial savings could be made, such as in the military budget and the SST, it is "go for broke."

It is going to cost the taxpayers over $1.2 billion just to build and test two SST prototypes. And that is not likely to be the end of the Government's involvement. Some Government financing is likely to be required to see the SST through the tooling up, certification, and production stages.

Estimates of what that total might be range all the way up to $4 billion. And that I think is a conservative figure. The C–5A disaster shows what can happen to initial cost estimates. And the C–5A although enormous in size, is a conventional aircraft.

The SST is anything but conventional. There are almost no guidelines based on past engineering experience to assist us with a supersonic plane of this size. The snafus that have plagued the design stage of the SST are simply a prolog to the problems ahead.

We will be building what will amount to a second-generation SST. Titanium is to be used to sheath the fuselage—something that has never been done before. The Russian and Anglo-French SST's use aluminum. We are sailing into uncharted waters. A good rule of thumb is that the more unknowns you have, the more money it is going to cost. We may end up spending $6 or $8 billion on this plane—or more.

And yet this plane is the last thing we need. There are too many other demands on the taxpayer's money of far greater urgency.

The arguments in favor of going ahead with this plane are fallacious. Taxpayer support for this plane is not needed to protect our aviation industry from foreign competition. Our aviation industry is thriving now as it never has before. It is working overtime on the jumbo jets and on defense orders.

Private financing for an American SST will be forthcoming when and if investors perceive that an SST would be a profitmaker. The fact that Russia and an Anglo-French consortium are ahead of us in building SST's does not change the picture in the long run. Our aircraft industry is far and away the most efficient in the world and it is not going to be hurt by waiting for a decision on the SST to be made in the marketplace instead of in the councils of government.

Neither is the SST going to correct our balance-of-payments problems as its advocates insist it will. There are many able economists who argue that the SST would hurt our balance-of-payments position by increasing the flow of American tourist dollars abroad.

The main point, however, is that the benefits of the SST will be tragically minuscule compared to the social costs it could impose if not strictly limited to transoceanic flights—a limitation I think is not likely because it would destroy any hope of real profits for the plane.

Each SST would lay down a carpet of sonic booms 60 to 70 miles wide. Fleets of SST's crisscrossing the country would create unprecedented pandemonium. We would be callously swapping the serenity of virtually the entire population of the country in return for a fleet of planes that would carry only 1 to 5 percent of all Americans. This is sound pollution with a vengeance.

Ironically, even the one undeniable benefit of the plane—increased speed—would be all but erased by the traffic jams over major airports and—on the the ground—between airports and the central city. What do we really gain?

In addition, Mr. President, I would like to call the Senate's attention to another aspect of the SST development. Pan American, Trans World, American, United, and a number of other airlines are chipping in to Boeing for part of Boeing's cost of developing this mammoth plane. The total amount that is contributed to Boeing under this arrangement is $52 million.

Last week the Internal Revenue Service ruled that the airlines could consider these payments to be ordinary and necessary business expenses and deduct them on their tax returns. This ruling—which was reported in this morning's Wall Street Journal—permits these payments to be written off against ordinary income as research or experimental expenses under section 174 of the Internal Revenue Code.

The result of this ruling is that the Federal Government will forgo some $27 million in Federal income taxes from the airlines—a cost which should be added to the already gigantic cost to the Federal Government for developing the SST. How does the IRS justify such a ruling?

Section 174 of the code reads as follows:

> A taxpayer may treat research or experimental expenditures *which are paid or incurred by him* during the taxable year *in connection with his trade or business* . . . as a deduction. (Emphasis supplied).

To this Senator, this language is perfectly clear. If American Airlines, say, were developing the SST for itself, it could deduct the research and developmental costs against ordinary income. Similarly, any airline which was engaged in the actual development could deduct these costs.

But these airlines are not developing the SST. Who is? The Federal Government, in conjunction with Boeing Aircraft. Section 174 clearly applies only to research and experimental expenditures paid or incurred by the developer. And these payments, according to section 174, must be "in connection with his trade or business." It requires quite a stretch of the imagination to say that payments to Boeing by American, Pan Am, United, TWA, and the others are payments that paid or incurred by the developer.

Of course, no one is arguing that these payments should not figure in the airlines' tax returns. They should. But as capital costs—not ordinary and necessary business expenses. These payments should be regarded legally as exactly what they are intended for in reality—namely, as part of the cost of purchasing these planes from Boeing. Then, when the planes are delivered to the airlines, the carriers' basis in the planes should be increased by the amount paid to Boeing in the course of development, and this higher basis should then be amortized over the life of the plane as a capital cost.

That these payments are in connection with the purchase of the planes can be seen clearly from the arrangement between Boeing and the airlines. One million dollars is being given to Boeing by each carrier for each of their 52 "positions," or options, to buy the SST, when available. In other words, the $52 million represents a downpayment on the purchase of 52 planes, at the rate of $1 million a plane.

Mr. President, these payments are unquestionably capital outlays, and should be regarded as such. Treating them as ordinary and necessary business expenses of the airlines, as IRS has done, twists the clear and unambiguous language of the Internal Revenue Code to benefit the airlines at the expense of the Federal Government.

This tax ruling constitutes another SST subsidy in this case, a tax expenditure subsidy with millions to be added to the hundreds of millions already spent on this boondoggle for international jet setters.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 25, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, September 24, 1969:

OFFICE OF ECONOMIC OPPORTUNITY

Frank Charles Carlucci III, of Pennsylvania, to be an Assistant Director of the Office of Economic Opportunity, vice Theodore M. Berry.

DISTRICT OF COLUMBIA COUNCIL

Harry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970, vice William S. Thompson, resigned.

ARMY NATIONAL GUARD

The Army National Guard of the United States named herein for promotion as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Gen. Sylvester T. DelCorso, 703-07-7268, Adjutant General's Corps.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1969:

DEPARTMENT OF STATE

William B. Macomber, Jr., of New York, to be a Deputy Under Secretary of State.

Francis G. Meyer, of Virginia, to be an Assistant Secretary of State.

John P. Humes, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

Graham A. Martin, of North Carolina, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

REPRESENTATIVE TO THE EUROPEAN OFFICE OF THE UNITED NATIONS

Idar Rimestad, of North Dakota, a Foreign Service officer of class 1, to be the representative of the United States of America to the European office of the United Nations, with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Wednesday, September 24, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With Thee is the fountain of life; in Thy light shall we see light.—Psalm 36: 9.

O Thou Eternal Spirit whose will for us is peace and whose purposes never fail, we come to Thee seeking to know Thy will and praying for strength to do it as we enter this new day fresh from Thy hand.

Amid the demanding duties of these disturbing days may we discover adequate resources in Thee and find our souls restored and renewed as we walk in right paths.

We pray for our country—that all malice and misery, all narrow exclusiveness may be swept away by Thy spirit and that honor, justice, and good will may be established among us. Thus may every person be given the opportunity to live a full, a free, and a fruitful life to the glory of Thy name and for the good of all mankind. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 858. An act to amend the Agricultural Adjustment Act of 1938 with respect to wheat;

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purposes; and

S.J. Res. 152. Joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY AND TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today and tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNUAL REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-162)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with Section 10(a) of Public Law 358, 83rd Congress, as amended, I am transmitting the Annual Report of the St. Lawrence Seaway Development Corporation for the year ending December 31, 1968.

RICHARD NIXON.

THE WHITE HOUSE, *September 24, 1969.*

NEW PEACE CORPS POLICY DISREGARDS CONGRESSIONAL HISTORY

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the new Director of the Peace Corps, Mr. Blatchford, has announced a series of policy changes for that organization that were described in the newspapers this morning and yesterday and which sound to me as if they must have been conceived in the depths of Senegal or perhaps in some fastness of the Andes. They disregard entirely the congressional history of recent years of development of the legislation authorizing the Peace Corps. They involve a very substantial and marked change of direction for this agency. They include such things as the International Peace Corps, the Exchange Peace Corps, industry financial support, and other matters which certainly are controversial, to say the least. Previously unrevealed but obviously subject to dispute are proposals to recruit skilled workers from industry where such people are scarce, to boost enlistment of aliens and to cut down on youthful volunteers.

No one wants to solidify any Federal organization. At the same time, it should be kept to its original charter or the Congress should change it. It should not be changed into something that it has not been by executive fiat.

I hope that the Director will review the congressional hearings and the discussions and actions which have developed the legislation and the Peace Corps as we know them today.

CLIPPING THE WINGS OF THE PEACE CORPS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, in line with what the gentleman from Connecticut (Mr. MONAGAN) just said about the Peace Corps, I should like to say it looks like it is going to be a full-time job to keep the wings clipped of the new Director of the Peace Corps. We clipped one wing a week or so ago when we put an amendment in the authorization bill, and put it in almost unanimously, denying any funds for a reverse Peace Corps.

If the chairman of the appropriations subcommittee does not—and I suspect he will—offer an amendment or have an amendment in the bill, I will offer one on the floor to deny any funds for the hiring of foreign nationals, which he says he is going to do. He is going to have 50 percent of the administrative people of the Peace Corps, which we are paying for, to be foreign nationals. I propose to offer an amendment at the time to prohibit any funds being spent to hire foreign nationals to administer the Peace Corps.

Whatever else in the way of clipping needs to be done, I will try to be available to help clip.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I agree completely with the gentleman from Ohio in his suggested clipping operation. If we are not careful, those foreign nationals will be here in this underdeveloped District of Columbia.

Mr. HAYS. Well, I am about ready to say, let us hire a foreign national to replace Mr. Blatchford, and maybe we would be better off.

PROVIDING FOR PRINTING OF EULOGIES ON DWIGHT DAVID EISENHOWER

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–512) on the concurrent resolution (H. Con. Res. 368) providing for the printing of copies of the eulogies on Dwight David Eisenhower, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 368

Resolved by the House of Representatives (the Senate concurring), That there shall be printed with illustrations as a House document a compilation of the eulogies on the late Dwight David Eisenhower delivered in the Congress; the eulogy delivered by President Nixon and the benediction by the Reverend Doctor Elson in the rotunda of the Capitol on Sunday, March 30, 1969; the text of the funeral service at the Washington Cathedral on Monday, March 31, 1969; and the text of appropriate eulogies, messages, prayers, and scriptural selections delivered at the funeral services at Abilene, Kansas, April 2, 1969; and that thirty-two thousand two hundred and fifty additional copies shall be printed, of which twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives and ten thousand and thirty copies shall be for the use of the Senate.

SEC. 2. The copy shall be prepared and bound in such style as the Joint Committee on Printing may direct.

SEC. 3. Copies of such document shall be prorated to Members of the House of Representatives and the Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS A HOUSE DOCUMENT OF HEARINGS ON SCIENCE AND STRATEGIES FOR NATIONAL SECURITY IN THE 1970'S BY SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–513) on the concurrent resolution (H. Con. Res. 338) authorizing the printing as a House document of hearings on science and strategies for national security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES 338

Resolved by the House of Representatives (the Senate concurring), That the document entitled "Strategy and Science: Toward a National Security Policy for the 1970's", hearings by the Subcommittee on National Security Policy and Scientific Developments, dated April 27, 1969, be printed as a House document and that an additional three thousand copies be printed for the use of the Committee on Foreign Affairs of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS A HOUSE DOCUMENT OF CAPTIVE NATIONS WEEK PROCLAMATIONS AND PERTINENT MATERIAL

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–514) on the resolution (H. Res. 368) authorizing the printing as a House document of Captive Nations Week proclamations and pertinent material, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That in commemoration this July of the tenth anniversary of the congressional Captive Nations Week resolution, signed in 1959 by President Dwight D. Eisenhower, and in observance of the Czechoslovak tragedy, there be printed as a House document a concise anthology of Captive Nations Week proclamations and statements these past ten years, together with any other relevant material; and that ten thousand additional copies shall be printed, of which seven thousand five hundred shall be for the use of the House of Representatives, and two thousand five hundred shall be for the use of the Senate.

With the following committee amendments:

Page 1, lines 7 and 8. strike out "ten thousand" and insert in lieu thereof "nine thousand nine hundred and thirty-five";

Page 1, lines 8 and 9, strike out "seven thousand five hundred" and insert in lieu thereof "seven thousand four hundred and sixty-three";

Page 1, line 10, strike out "two thousand five hundred" and insert in lieu thereof "two thousand four hundred and seventy-two";

Page 1, immediately below line 11, insert the following new section:

"SEC. 2. Copies of such document shall be prorated to Members of the House of Representatives and Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms."

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF "CENTRALIZATION OF FEDERAL SCIENCE ACTIVITIES"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–515) on the resolution (H. Res. 485) authorizing reprinting of "Centralization of Federal Science Activities" and ask for immediate consideration of the resolution.

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The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That the committee print entitled "Centralization of Federal Science Activities" be printed as a House document, with three thousand copies for the use of the Committee on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE THAT CERTAIN PROCEEDINGS OF THE ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES, INC., BE PRINTED AS HOUSE DOCUMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a report (Rept. No. 91–516) on the bill (H.R. 10481) to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc. shall be printed as a House document, and for other purposes, and ask unanimous consent for the immediate consideration of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 2, 1931, as amended (44 U.S.C. 275b), is amended to read as follows:

"That hereafter the proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, the Disabled American Veterans, the AMVETS (American Veterans of World War II), and the Italian American War Veterans of the United States, Incorporated, respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 574, AUTHORIZING SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 528 provides an open rule with 1 hour of general debate for consideration of S. 574, a bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The purpose of S. 574 is to authorize the Secretary to engage in feasibility investigations of eight water resource development projects which may subsequently be presented for authorization by the Congress as elements of the Federal reclamation program.

The estimated cost of the eight studies is $3,815,000. These funds would be expended over a period of not less than 5 years. The total amount is about one-half the average amount appropriated annually for feasibility investigations by the Bureau of Reclamation. Funds in the amount of $172,000 with which to initiate three of the studies were requested in the President's budget for fiscal year 1970. They are the Armel, Corn Creek, and Front Range units of the Missouri River Basin project, which three units were in the bill as passed by the Senate. The studies added by the House committee are: Buffalo Bill Dam modifications, the Shoshone River; Sioux Falls unit, Missouri River Basin project; Amargosa project, in the Amargosa River Basin——

REQUEST FOR CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Alabama makes the point of order that a quorum is not present before the gentleman from Hawaii concludes his remarks?

Mr. DICKINSON. Mr. Speaker, I withhold my point of order.

The SPEAKER. The gentleman from Alabama withdraws his point of order at this time.

Mr. MATSUNAGA. Mr. Speaker, I continue in the naming of the projects added by the House to the Senate bill. The Willamette River project; in the Calapooia River Basin; Willamette River project, on the South Yanhill and Willamette Rivers.

The bill does not include a specific dollar limitation because of the inherent difficulty in estimating investigation costs.

Mr. Speaker, I urge the adoption of House Resolution 528 in order that S. 574 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I shall be pleased to yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman saying that there is not the personnel in-house in the Interior Department or there is not the funding in the Interior Department to carry on a study such as is proposed in this bill?

Mr. MATSUNAGA. There is presently insufficient funds to carry on these special investigations on these eight projects named in the bill; that is correct.

Mr. GROSS. Well, have there been previous studies made?

Mr. MATSUNAGA. Not on these projects.

Mr. GROSS. Would this not come under the purview of the Environmental Quality Control Act, or whatever it was, that the House approved yesterday?

Mr. MATSUNAGA. No, because the gentleman will recall that the bill which was passed yesterday merely called for the creation of a Council, an Advisory Council, to the President and the Council would be vested with the authority to gather facts and to analyze these facts and report to the President for the President to be able to make his annual report to the Congress and also to make recommendations for future projects; whereas, this bill now before the House pertains to specific projects on which the Secretary of the Interior would be authorized to go ahead with the investigations.

Mr. GROSS. The gentleman I am sure is aware that the President has announced a 75-percent cutback in Federal construction. Would the gentleman not think that this proposed expenditure of some $4 million for this purpose should be subject to the 75-percent cutback?

Mr. MATSUNAGA. Well, as the gentleman has observed I am sure, this bill calls for an authorization of $3,815,000.

But whether the President agrees with us or not, it is up to the Congress on its own initiative to provide the authorizations for the projects which the Congress deems to be in the best interest of the country. Just because the President has declared a cut of 75 percent does not mean that the Congress should stop its operations.

Mr. Speaker, I now yield to the gentleman from Ohio (Mr. LATTA).

The SPEAKER. Does the gentleman from Alabama (Mr. DICKINSON) insist on his point of order that a quorum is not present?

Mr. DICKINSON. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The gentleman withdraws his point of order.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 182]

Anderson, Tenn.
Baring
Barrett
Bell, Calif.
Biaggi
Blanton
Blatnik
Bolling
Brown, Ohio
Byrne, Pa.
Cahill
Celler
Clark
Clay
Corman
Daddario
Dawson
Downing
Eilberg
Fallon
Fascell
Feighan
Fish
Fuqua
Gallagher
Gilbert
Griffiths
Grover
Hanna
Hansen, Wash.
Harvey
Hosmer
Howard
Kee
Kirwan
Landgrebe
Landrum
Lipscomb
Long, La.
McCloskey
McKneally
Mills
Mizell
Mollohan
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Philbin
Powell
Pucinski
Purcell
Railsback
Reifel
Riegle
Rostenkowski
Slack
Stafford
Staggers
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Utt
Whalley
Wyatt

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF S. 574, AUTHORIZING THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to authorize the Secretary of the Interior to conduct feasibility studies of eight water resource development projects.

Since 1965 and the passage of the Federal Water Projects Recreation Act, it has been necessary for the Department of the Interior to request authority from the Congress to conduct such studies on possible projects which their preliminary studies have shown to be worthy of detailed analysis.

Eight investigations are authorized by the bill: all have been recommended by the administration and have been the subject of preliminary study by the Bureau of Reclamation.

The estimated cost of all eight studies is $3,815,000. Funds in the amount of $172,000 to begin three of the studies were included in the budget; the other five were not included in the budget. No dollar limitation is contained in the bill because, as the report points out, there is extreme difficulty in accurately estimating such investigation costs.

There are no minority views. Three letters from the Department of the Interior are contained in the report. With respect to the five feasibility studies not included in the budget, these letters agree that feasibility studies are warranted. The Department proposes to undertake those studies as soon as the study authorization is available and the work can be fitted into the Bureau of Reclamation's planning program.

Mr. Speaker, I have no requests for time. I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF RURAL HOUSING PROGRAMS AND FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, for what period is this extension?

Mr. PATMAN. Mr. Speaker, if the gentleman will yield, it is 90 days, I will state to the gentleman from Iowa.

The Senate passed it yesterday and we would like to approve it. It is this October 1 deadline which we cannot meet—neither body can—but this 90 days will enable us to meet that deadline.

Mr. GROSS. With the enactment of new legislation; is that correct?

Mr. PATMAN. Yes, sir. We had it in the housing bill but, of course, it cannot be brought up quickly.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 152

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 513, 515(b) (5), and 517(a) (1) of the Housing Act of 1949 are amended respectively by striking out "October 1, 1969", wherever it appears in such sections, and inserting in lieu thereof "January 1, 1970".

Sec. 2. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1969" in the first sentence and inserting in lieu thereof "January 1, 1970".

(b) Section 217 of such Act is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1969" in the fifth sentence and inserting in lieu thereof "January 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(e) Section 810(k) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "October 1, 1969" in the second sentence and inserting in lieu thereof "January 1, 1970".

Sec. 3. Section 3(a) of the Act of May 7, 1968 (Public Law 90–301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF RURAL HOUSING PROGRAMS AND FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 152 passed the other body yesterday. It provides for the temporary extension for 90 days of our rural housing programs, Federal Housing Administration insurance authority, and the time period during which the Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration may establish maximum interest rates on insured FHA and VA loans.

Mr. Speaker, these subjects are being considered in the Housing and Urban Development Act legislation which the House Committee on Banking and Currency ordered reported last Friday. This legislation would provide us with the time needed for the basic housing legislation to clear the House floor and go through the conference process.

In other words, by passage of Senate Joint Resolution 152, we will have the necessary breathing space in which to calmly consider the proposals contained in the 1969 Housing Act.

I should state at this point that the ranking minority member of the House Committee on Banking and Currency, the gentleman from New Jersey (Mr. Widnall), and all other members of the House Committee on Banking and Currency are in unanimous agreement with the request I am making.

PROVIDING FOR CONSIDERATION OF H.R. 850, TO DESIGNATE THE DESOLATION WILDERNESS, ELDORADO NATIONAL FOREST, CALIF.

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 543

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R.

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850) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 850, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 713, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 850 as passed by the House.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 543 provides an open rule with 1 hour of general debate for consideration of H.R. 850 to designate the Desolation Wilderness, Eldorado National Forest, in the State of California. The resolution also provides that, after passage of H.R. 850, it shall be in order to discharge the Committee on Interior and Insular Affairs from further consideration of S. 713 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 850, as reported, designates approximately 60,300 acres of the Desolation Valley Primitive Area and adjoining national forest land in the Eldorado National Forest, Calif., as wilderness. The designated area will be administered in accordance with the Wilderness Act of 1964.

A similar proposal, S. 713, was passed by the Senate March 24, 1969.

The proposed Desolation Valley Wilderness is situated in El Dorado County, Calif., immediately west of Lake Tahoe, approximately 90 miles east of Sacramento, and includes the headwaters of the Rubicon River, the South Fork of the American River, and the Truckee River watershed within El Dorado County.

The area has been popular with hikers and backpackers and displays superb mountain scenery, glaciated ridges and valleys, and alpine vegetation. More than half of the area is devoid of vegetation and shows only barren, weathered rock formations. The existing vegetation consists of scattered stands of noncommercial timber, brush, grass, and some meadow plants where sufficient soil has accumulated to sustain growth. Wildlife is made up of a summer population of deer and bear with a yearlong resident population of the smaller mammals. Fishing is popular in the numerous lakes and streams and accounts for much of the area's use.

There is no known mineral production from the area and its potential mineral value is reported as poor. Grazing permits are issued on an annual basis to commercial packers. These uses will continue and no conflicts are expected.

The proposed wilderness area is important as a source of water, which is almost 100 percent utilized for agriculture, irrigation, domestic use, and power generation.

There are two low dams in the area—Rubicon and Lake Aloha—which would be eliminated from the Desolation Valley Wilderness and would be managed in a manner consistent with the adjacent wilderness, except provision would be made for reasonable access by the utility companies for maintenance and operation of the hydroelectric facilities.

Mr. Speaker, I urge the adoption of House Resolution 543 in order that H.R. 850 may be considered.

Mr. Speaker, there is no cash involved in this, and I urge the adoption of this measure.

I now yield to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. YOUNG) has explained, House Resolution 543 provides for 1 hour of debate under an open rule for the consideration of the bill H.R. 850.

The purpose of the bill is to designate approximately 60,300 acres of the Desolation Valley Primitive Area and the adjoining Eldorado National Forest as wilderness to be administered in accordance with the Wilderness Act of 1964. The proposed Desolation Valley Wilderness lies immediately west of Lake Tahoe on both sides of the crest of the Sierra Nevada Mountains. Due to the area's proximity to both Sacramento and the San Francisco Bay area, it has long been popular with hikers. The area has superb mountain scenery, glaciated ridges, and Alpine-type vegetation.

There is no known mineral production in the area and the potential mineral value is very low. Several grazing permits in the area are now in existence; these uses will be continued and no problems are expected.

The bill, as reported, eliminates an area where two dams have been constructed by local utility companies. This is the only manmade development in the area and none further is expected. Access to these areas for maintenance and operation of the hydroelectric facilities will be continued but no further development is expected to interfere with the natural wilderness setting. The bill contains language to insure that the excluded lands which are adjacent to the wilderness will continue to be managed in a manner which is consistent with the wilderness area created by the bill. Reasonable access will be permitted but any commercialization in the area is prohibited.

No additional budgetary expenses is involved in the enactment of this bill.

The Department of Agriculture, which administers such areas, supports the passage of the bill as does the Bureau of the Budget.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUHTORIZING THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 574, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the full Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, the bill we are discussing today, S. 574, is the third in a recent series that has been made necessary by a provision of the Federal Water Projects Recreation Act—Public Law 89–72. That law provided in relevant part that the Secretary of the Interior might not thereafter engage in feasibility investigations of potential projects intended for authorization under reclamation law without specific prior authorization of each study by the Congress.

Prior to the passage of that legislation, the Secretary of the Interior was able under his general authorities to request funds for feasibility studies, and if such funds were appropriated to conduct the studies without legislative oversight and to propose projects for authorization pursuant to the findings. This resulted in a situation where the responsible legislative committees of the House and Senate had no opportunity to participate in program direction until relatively large sums had been expended, reports were completed and publicized, and various propositions of dubious merit oftentimes developed a degree of political momentum that made it very hard to maintain congressional control over the program.

The procedure we now follow, since

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passage of Public Law 89–72, is to require the Department to appear before the committee, present the results of its reconnaissance inquiry, and show that the potential development actually has enough merit to warrant the expenditure of feasibility study funds. In my opinion, the procedure we are now following is working well. It has the predicted effect of weeding out those propositions that are lacking in technical merit and gives the Congress a chance to say how the study effort should be directed in the interest of achieving national goals and assuring fairness among regions and interests.

Prior to the 91st Congress, we have brought out of committee, and the Congress has passed, two previous feasibility study authority bills. The first of these was an omnibus bill that legalized all of the studies then underway. This bill was passed in 1966. Subsequently, in February 1968, six additional studies were authorized. This backlog of authorized study, together with the eight projects contained in S. 574, as amended in committee, will give the Department and the Bureau of Reclamation a pool of authorized studies from which to make selections for funding. This pool appears to be large enough and sufficiently diverse that there would be no need for a similar bill in the second session of this Congress, and we would not now propose to entertain one.

I am taking this conservative position out of concern for the lack of attention that is being shown for water resource development by the former as well as the present administration. I see no logic in continuing indiscriminately to stockpile plans, well conceived though they may be, in the face of the cutbacks being given to the construction programs at every turn. In the face of documented proof of increasing demands for water-based products and services, we see budget cuts, contract freezes and every device conceivable to weaken our economic capability to meet the minimum demands of society for food, clothing, shelter, recreation, and other amenities. Now the studies we are talking about in S. 574 may well result in plans for more projects to add to the unfunded backlog of authorized work, and looking at the situation narrowly, one would be prone to oppose the bill. I do not oppose the bill, however, for a variety of reasons, the sum of which argue for passage.

First of all, a period of 5 to 10 years will be required to get study funds, complete the studies, process the reports and authorize the program which may ensue. We can at least hope that by that time our sense of national priorities will have been reversed, water development will have been restored to its proper role in the scheme of things, and the present backlog will have been reduced. Second, many of the studies heretofore authorized, while apparently good projects at the time, may no longer be justified and feasible under present discount rates and at present inflated price levels. This being the case the backlog of authorized studies may prove to be ephemeral in terms of sound programs actually evolving. Third, the Department of the Interior must be authorized and able to maintain a nucleus or cadre of qualified planning people to work on the water problems of the next decade and generation. If there is one thing certain about our national resource problems it is that our water problems are going to get more severe, and we must maintain a capability to cope with it.

This summarizes my reasons for urging continuation of the reclamation feasibility study program at a deliberate controlled level such as would be provided by enactment of S. 574. During the hearings before the Subcommittee on Irrigation and Reclamation under the chairmanship of our colleague, the gentleman from California (Mr. JOHNSON), the results of the reconnaissance investigations were made available to us. Without exception, the eight studies were shown to be meritorious and are calculated to produce plans for badly needed programs.

I would like to call attention specifically to the fact that we are here only talking about less than $4 million spread over a period of 5 to perhaps 8 or 10 years. We have not put an absolute ceiling on the appropriations authority for the reason that this is not customarily done with studies, and I doubt that it would be a workable procedure. We have provided in the committee report for the Secretary to advise us every year of trends in the cost estimates and have taken a strong position that the estimates are not to be increased without prior notification of the committee. Thus through our oversight function, we can assure the House that costs are not getting out of hand, and I can pledge that the committee will be vigilant in this respect.

The immediate budgetary significance of S. 574 is limited to $172,000 during fiscal year 1970. The President's budget contains a request for that amount subject to the passage of this legislation. For this and the reasons previously enumerated, I urge the support of all Members for S. 574, as amended.

May I make this further observation for the Members so that they will know what we are talking about in overall terms of perhaps future construction. If all eight of these projects were constructed some time in the next 5 to 8 to 10 years, the cost would be about $263 million, as we can best determine from the reconnaissance surveys. This is, of course, a figure we cannot bank on until we receive the feasibility reports. If the suggested amount of $263 million is the amount finally found to be necessary for construction of the proposed projects then the amount would be, even with the cutbacks in the construction programs at the present time only about 50 percent of the total of congressional appropriations for construction—construction running about $220 million a year—for this Congress. The appropriations should run $350 or $400 million a year, but the recent cutbacks reduce the amount by about 50 percent. This would compare to $220 million a year which we are presently seeing appropriated as compared to the suggested overall amount of $263 million heretofore referred to. Such amount could also be compared to the $440 million likely to be appropriated in the overall congressional period of 2 years.

Mr. Chairman, I yield now to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the gentleman's yielding. I certainly appreciate the clarity of the explanation the gentleman has given the committee as to the necessity for these surveys.

Mr. Chairman, I wonder if the distinguished gentleman in the well, the chairman of the Committee on Interior and Insular Affairs, would reaffirm to us that the reconnaissance and feasibility surveys are one and the same thing, and that both being one and the same they preclude the actual authorization or beginning of construction?

Mr. ASPINALL. Mr. Chairman, they are not one and the same thing, but they do have to do with one and the same operation. In other words, the Department of the Interior and its Bureau of Reclamation at the present time have general authority to go out and see whether or not there are any possible projects. These they look over very briefly and not too carefully, with a transit and so forth, and come to some kind of decision as to whether there is a possibility of a feasible project in this locality.

Also, in the past they have used this opportunity to sell a project to local residents. This is where we take exception to their actions.

After they have done this and they have found what appears to be a possible program, a constructable project, then they must come to our committee to get legislation to bring before the House to have the feasibility study, the final feasibility study which will provide for the planning report. It is the feasibility planning report which must be delivered to the President and to the President of the Senate and the Speaker, who then refer the reports to the various committees having jurisdiction.

Mr. HALL. I understand, Mr. Chairman. If the gentleman will yield further, I presume this just applies to the 17 Western States, as do most reclamation projects under the Department of the Interior.

With the gentleman's affirmation of that and with my knowledge more of the Corps of Engineers' land acquisition—and I believe the distinguished gentleman from Colorado knows of my interest in that area as it affects the Corps of Engineers and other Federal land acquisition agencies—let me ask if there has been a sufficient time allotted. In other words, has the time evolved been sufficient so that there have been any feasibility reports made to the committee, so we can pass judgment?

Mr. ASPINALL. Yes. That is correct. We have had this material furnished to us, that is a reconnaissance report. I know my colleague has read the report. It is a statement from the reconnaissance study on each one of these proposed studies.

Mr. HALL. For the benefit of the Committee, if the gentleman will yield further, have any of them been found poor on the basis of reconnaissance or nonfeasible on the basis of a feasibility study?

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Mr. ASPINALL. The best I can answer that question, of course, is to turn to the report and see what the benefit-cost ratio is supposed to be in each instance. I would say that each one of these has a very favorable benefit-cost ratio.

The benefit-cost ratio, as far as the reconnaissance survey is concerned, is 1.5 to 1 in one instance, 3.7 to 1 in one instance, 1.7 to 1 in one instance, 3.6 to 1 in one instance, and 1.47 to 1 in another instance.

Mr. HALL. This depends on the usual 40- or 50-year payout or repayment so far as economic feasibility is concerned?

Mr. ASPINALL. A 50-year payout, figuring 100-year direct as well as indirect benefits. This includes the indirect benefits. These projects are good as of this time, with the new method by which they figure feasibility.

Mr. HALL. I thank the gentleman.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Colorado.

Mr. BROTZMAN. I thank the gentleman for yielding.

I congratulate the Committee on Interior and Insular Affairs for bringing this very important piece of legislation to the floor.

It is with both pleasure and a sense of high purpose that I rise to add my voice to those urging the enactment of S. 574. I will limit my remarks to the project under this authorization bill which directly concerns my district—the Front Range unit of the Missouri River Basin project.

It was my privilege to introduce this legislation, as a cosponsor to the chairman of the Committee on Interior and Insular Affairs, my colleague, the gentleman from Colorado (Mr. ASPINALL).

The Front Range unit has the potential of increasing the average annual water resources of northern Colorado by more than 100,000 acre-feet. In an area in which many of our communities cannot assure water for projected population and industrial growth beyond 1980, this would be a new resource of tremendous value.

Techniques such as water reutilization and prevention of seepage and evaporation from conduits would be considered in the study, but the primary source of the 100,000 acre-feet would be surplus water impounded during high runoff years. These occur about every 3 years when the mountain snowpack is heavy, or spring rains are bountiful, or both—as is the case in 1969.

For example, had the reservoirs envisaged in an earlier reconnaissance study in the Front Range unit been in operation during cloudbursts which hit northern Colorado last spring, it is probable that 100,000 acre-feet of water could have been impounded in a 2-day period.

Moreover, and of course secondarily in the context of the Bureau of Reclamation charter, flood damage totaling perhaps 10 percent of the ultimate cost of the Front Range unit could have been averted.

In closing, I would point out that the Front Range unit would benefit one of the fastest growing regions in the Nation—an area in which the quality of life for the individual citizen is unusually high.

Such dynamic communities as Boulder, Longmont, Broomfield, Lafayette, Louisville, Fort Collins, Estes Park, and Loveland are included.

One of the decisive factors involved in maintaining that environmental quality will be the availability of an adequate water supply. Some believe it is the most decisive factor in a land which is otherwise blessed with an excellent climate and vigorous and productive citizens.

Congress has an opportunity to provide one of the answers by voting for S. 574. I urge my colleagues to act favorably on this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Iowa.

Mr. GROSS. I am curious to know what "reconnaissance 1968" and "reconnaissance 1967" means.

Mr. ASPINALL. That would mean the year in which the reconnaissance report was finally finished, the work having been done prior to that date.

Mr. GROSS. What is a reconnaissance report? A reconnaissance of what?

Mr. ASPINALL. The reconnaissance of this particular project that they have been studying generally, not specifically but generally.

I believe I could best recall to my friend's mind the reconnaissance studies they had on the Colorado River. They were dated 1946 and 1947. They were in two voluminous volumes, about an inch and a half or an inch and three-quarters in thickness. They brought up before the Congress of the United States this subject, and brought its attention to the fact that there were a possible 258, if I remember correctly, reclamation projects in the Colorado River area. Out of this, of course, we have finally had feasibility reports and finally authorized, if I remember correctly, four run of the river dam projects—Flaming Gorge, Navajo, Curecanti, Glen Canyon. We have authorized in the neighborhood of 20 participating projects. In other words, out of the 258 we have in the neighborhood of 24 or 25 projects.

That is the way to find out, from a reconnaissance study, what is possible so far as a later feasibility study is concerned.

Mr. GROSS. To put it in simpler language, "reconnaissance 1967" means the Government has already looked at that proposal. It reconnoitered and looked the situation over in 1967. Still it wants a feasibility study?

Mr. ASPINALL. For the simple reason that the reconnaissance report does not go to those definite items that are necessary in the final study on which Congress or its committee can pass judgment as to whether or not this a good project.

It used to be, as my friend knows, before he and I came here, that we had secretarial authorizations. They never brought them to the Congress. First they had a feasibility study and then there was a secretarial authorization. All that was ever done was the appropriating of the money by Congress.

Mr. GROSS. Sort of on the same basis as the construction of Federal buildings in the District of Columbia now. Congress as a whole no longer authorizes construction. The Public Works Committee approves them and then they are funded. We can only get a whack at them through appropriations.

Mr. ASPINALL. I can tell the gentleman that the Committee on Interior and Insular Affairs looks at all of these things. The gentleman from Pennsylvania (Mr. SAYLOR) and I have little difference on this legislation. We see to it, working with our colleagues, that we pretty well know what is going on, and we have not had a sour project since we started the new procedure.

Mr. GROSS. Will the gentleman yield for another question?

Mr. ASPINALL. Certainly.

Mr. GROSS. I note a good many thousand acres of land, if the feasibility studies prove out, will be irrigated and brought into production. Is this to be at any time in the immediate future? If so, why do we need the production now when we have agricultural surpluses running out of our ears?

Mr. ASPINALL. This is the argument that we have had for years. First of all may I say to my friend that crops raised on irrigation lands are not crops that are usually in surplus or on which there are support prices. The second thing I want to say is that we have a large backlog and it will be many, many years before these particular projects are authorized. Two or three of them have not only to do with irrigation features but some needed municipal water features, as suggested by the gentleman from Colorado (Mr. BROTZMAN). All of these are working together and they will have to come into their place in our economy and into our social structure when needed.

Mr. GROSS. They may be needed in years to come, but will only compound the problem that is so difficult to solve as of now. I understand the gentleman is saying that some crops grown on this land will not be in competition with corn for instance, in the State of Iowa. But these irrigated lands may raise other grains and forage crops of one kind or another, thus coming into competition, as my friend from Colorado well knows, with the surpluses of the Midwest.

Mr. ASPINALL. I will not be here and I do not expect my colleague will be here when they come up for authorization, but I expect at that time we will still have this 10-year provision and none of these surplus crops on which there are support prices will be grown on this land during a certain period of time.

Mr. GROSS. I thank the gentleman for yielding.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the legislation and associate myself with the comments of the gentleman from Colorado who stated his case very well.

Mr. Chairman, I would like to take this opportunity to rise in support of the remarks of my distinguished colleague from Colorado relative to the authoriza-

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tion of feasibility investigations for water resource projects.

In my judgment, the gentleman from Colorado (Mr. ASPINALL) has explained the entire concept very well. However, there have been questions raised that I should like to address myself to at this point, namely, the present $5 billion backlog of authorized, but not funded, water resource projects, and whether or not this is the proper time to authorize further feasibility investigation.

Quite frankly, due to the tremendous time lapse between beginning of studies and the actual construction of any water projects, it is imperative that we move forward with these investigations at this time.

Without the necessary, low-cost agricultural water, it is going to be extremely difficult, if not totally impossible, for the United States to meet not only its own domestic needs, but also those of the underdeveloped nations of the world as well.

In 1966, a House Task Force on Agriculture reported, and I quote:

> Unless the United States remains able to meet its own food needs without the fear of scarcity, our government will never be in a position to provide even token assistance to the hungry nations of the world.

What is at stake, quite frankly, is the fact that by 1980, the world is going to have five times more mouths to feed than it now has, and the malnutrition present in many of the world's underdeveloped countries will be compounded beyond belief.

I would remind you that communism has advanced only in areas where people are hungry. As evidence of this, we need only recall the peasants of Cuba and the masses of China. We must remember that the minds and hearts of man can be most effectively won for freedom only after the pangs of hunger have been stilled.

The time is at hand when we can move forward with a viable, multinational program that has as its goal the monumental task of eliminating starvation worldwide, and gives underdeveloped nations the food resources and productive capability of filling the empty stomachs of their peoples.

Our agricultural genius is the most potent "weapon" in our "arsenal of peace," and is the key to the elimination of hunger in the world—and let us never lose sight of the fact that the country that controls the "breadbasket of the world" may also control the future "destiny of man."

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation, but I do it rather faintheartedly because of a number of things that I will call to your attention.

As the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL), has explained, when he and I came to the Congress the Secretary of the Interior had general authority to proceed on his own with any studies, both reconnaissance and feasibility, as he saw fit. Very frankly, the record of all of the Secretaries of the Interior in this respect was rather poor, because in the first 50 years of being in business with the Bureau of Reclamation they never built one project within the estimated cost they told the Congress they could build the project for.

Now, because of that situation and because of the concern which the gentleman from Colorado, the chairman of the full committee, and myself and other Members have had about this loose practice, in the 89th Congress we passed the Federal Water Projects Recreation Act in 1965 in which we prohibited the Bureau of Reclamation of the Department of Interior from going ahead with the general authorization to conduct feasibility studies.

Now, for the benefit of my colleague from Iowa who wanted to know what a feasibility study is, I shall try to explain the difference between the reconnaissance and the feasibility study.

The Department receives requests not only from Members of Congress, but from Governors and local communities for an investigation of a project. They may have as many as 500. They send their people out when they are available to investigate and find out whether or not the project has any merit whatsoever. If it has some merit, under the law which Congress passed during the 89th Congress, they now come back with their report saying that it has some potential, will you give us the authority to go out and make a complete survey.

Now, this is the difference between a reconnaissance study and a feasibility study. They cannot make feasibility studies until Congress authorizes them.

Following the passage of the act in 1965 and in keeping faith with the Department of the Interior we in a blanket bill authorized the continuation of all feasibility studies which the Department had underway at that time.

Now, in 1968 by act of Congress we authorized the Department to complete six additional studies and we have come here in this bill asking for the authority to let them proceed with feasibility studies on eight additional projects which have shown, according to the Department of the Interior, cost-benefit ratios based upon the standards as enacted, to be better than 1 to 1. In fact, some of these projects have the best cost-benefit ratios on the preliminary investigation of any projects that Congress has been asked to look into for a long time.

Now, the estimated cost of these feasibility studies for these eight projects is $3,815,000. The total cost of these projects, on the basis of the preliminary studies, is around somewhere between $292 to $300 million at the present time.

The reason I said in my opening remarks that I did not come here with enthusiasm in support of this bill is because of what is already on record.

Congress has authorized and there are now in the Department of the Interior and the Bureau of Reclamation authorized but unconstructed Federal reclamation projects totaling $5 billion.

Now, at the rate we are financing them—somewhat in excess of around $250 million a year—that is hardly keeping up with the increase in the engineering cost indexes in the construction industry. So that instead of gaining, we are actually falling behind.

Mr. Chairman, these are not the only feasibility studies that have been underway. There are 25 feasibility studies that have been investigated and are now in the review process before submission to Congress.

There are 61 feasibility studies that are underway under the blanket authorization which we gave in 1966 and there are 12 feasibility studies awaiting initiation now by the Bureau of Reclamation, in addition to the eight studies to be authorized in this bill.

The cost estimates for these eight feasibility studies are $3.8 million. While I can appreciate the fact that Members of Congress in whose districts these projects are located would like to have a feasibility study made, it might be the better part of wisdom to take that approximately $4 million and apply it to building a project that is already authorized and on the books. But these feasibility studies meet the requirements that Congress has laid down. Therefore it is for this reason that I support the measure in a halfhearted manner.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I want to thank the gentleman for yielding.

Mr. Chairman, as I look at the report I notice that there are some projects that involve irrigation projects for farmland. I happen to represent an area in a Midwestern State that, for instance, is heavily involved in corn production. What I am wondering about, since we have surpluses both in soybeans and in corn, and it concerns me that given those facts we are going ahead, for instance, in one project, I believe, with a total estimated cost of over $17 million.

I wonder if there are any restrictions as to money spent for reclamation purposes that are going to provide irrigation for agriculture for farmland, as to what crops can be produced on such land? I wonder if the gentleman from Pennsylvania can help me out on that question?

Mr. SAYLOR. Mr. Chairman, I will be happy to explain the limitation that the House Committee on Interior and Insular Affairs has placed on all authorizing legislation for reclamation projects.

We have stated that during the initial period of development and for 10 years thereafter no crops can be grown that are subsidized by the Federal Government. This limitation has been placed in such legislation over the past number of years. I believe—and I will yield to the chairman if it is not correct—that this is for a development period and for 10 years thereafter.

So that basically, since it takes about 10 years to develop a project, and a prohibition for 10 years thereafter, that therefore we have placed a limitation of approximately 20 years upon these projects as a rule of thumb.

Mr. RAILSBACK. Does that limitation refer back to this time? In other words, subsidies that are in effect for crops at this time?

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Mr. SAYLOR. No; it is on subsidies that are in effect at the time the bill is passed.

The language we have tried to write into the legislation prohibits the raising of any crops that are subsidized by the Federal Government for that approximately 20-year period.

Mr. RAILSBACK. I thank the gentleman again for yielding.

Mr. WOLD. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Wyoming (Mr. WOLD).

Mr. WOLD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this bill which involves two feasibility studies in my own district, bills which I sponsored.

I realize that there are many Members of this body who are concerned about the agricultural aspects of many of these projects because at this time we have a national concern about the withdrawal of croplands because of so many agricultural surpluses. But I would like to point out that most of these projects will not come into effect from an agricultural point of view for many years—15 or 20 years, probably, or even longer in many instances.

I believe it is particularly important to remember that all of these projects have multiple purposes in mind, flood control, reclamation, industrial development, municipal water.

As the chairman of the full committee has pointed out, in an area such as Wyoming or in the Rocky Mountain areas, that it is most important as we move into an era of the development of our mineral resources, or the great coal deposits, that we have industrial water available to go with this type of development.

Mr. Chairman, the Nation is facing a distinct and real crisis with a cost of living index that is rising at the rate of over 6 percent a year. This is the greatest level of inflation the Nation has had since the days of the Korean war and despite signs to the contrary, the situation still appears ominous.

Nonetheless, we cannot avoid our responsibility to the future—to a day when the inflationary situation will be controlled. Nor can we ignore our responsibility to insure the orderly development of our Nation.

S. 574 would authorize eight feasibility investigations of water resource developments. Two of these, the Corn Creek unit and the Buffalo Bill Dam modifications, are within my district, the great State of Wyoming.

The vital need for the go ahead on these projects has been brought forth both in committee hearings and by constituents who would be affected.

Today the Malthusian specter haunts the world as never before. Indeed, there is a growing recognition that even the United States is not immune from the immense pressures brought about by a growing population—pressures which are compounded in the United States by the highest standard of living in the world.

The pressures are most critical in our urban areas. This, then, is the reason why we must devote a portion of our national effort to the development of our rural and underdeveloped areas. If we do not, we will continue to see an influx of citizens from rural to urban areas.

A large portion of the Nation's underdeveloped and rural areas are in the arid regions of the West. This land has almost unlimited potential—provided that adequate water can be provided to social, industrial, and agricultural use.

The feasibility studies that would be authorized by this bill mark a beginning. They are relatively inexpensive in this inflationary period and provide the type of action which will lead to valuable future water development projects.

So, Mr. Chairman, I urge the passage of this bill.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. MYERS. Mr. Chairman, in the gentleman's colloquy with the gentleman from Illinois I heard him say that no crops that were subsidized could be planted in 10 years. However, in visiting various sections of the country, I have seen areas using irrigation that was subsidized, where they are planting crops that go directly into cattle for feed as corn is. Also there are substitute crops replacing our Midwest corn such as milo, going again directly into cattle.

At the same time in the hearing today before the Committee on Agriculture, when we are talking about diverted acreage, taking unneeded productive land and putting it into diverted acreage to reduce production, these same people being subsidized through this very program right here are objecting to taking our productive land and putting it into grass because they object to subsidized grazing. Their grass is being subsidized often when irrigation is involved. However, they do not always remember this when we discuss farm programs.

I think your answer might have been just a little bit—not knowingly—I do not mean that you intended it to be so, however, I hope you did not mean to leave the impression that it does not have some bearing on the total overproduction picture in our country today which right now the Department of Agriculture as well as this Congress is very much concerned about.

Mr. SAYLOR. I might say to my colleague that there may be substitute crops that are grown, but I am one who has a great deal of faith in you people who come from the Midwest.

Now it has been over a period at least 10 years and maybe a little longer that the Congress has placed this limitation on authorizations of Federal reclamation projects and I believe they should continue. But after all if your land in your State is being taken out of production by your own people such as with the Interstate Highway System and the city of Urbana, which is expanding and taking some of the finest farmland in the world out of production. However, as I stated, I have a great deal of faith in the people of the Midwest because it is only the ingenuity of the American farmer that has enabled us to stay ahead.

In the days to come, I say to you in all sincerity that I sincerely believe the reclamation projects will prove their worth. If you farmers who come from the Midwest have problems, those of us who come from the East will be glad to sit down and talk them over and work out your problems just as hard as we are trying to work out the problems in the West.

I think we ought to look at this country as a whole—from coast to coast and border to border. We have some local problems in the West and some in the East, and they have some in the cities and you have some in the Midwest. It is fine that the Members of Congress are looking out for their own constituents. But was it not the English statesman, Edmund Burke, who said that it was the duty of those elected to legislative bodies not to worry about their constituents, but to worry about their country?

That is what I would like to challenge the Members to do as they look at this bill.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. MYERS. Mr. Chairman, I did not mean to leave the impression that I was totally opposed to reclamation projects. I know they have done a lot of good in the country, but I think we would be remiss today if we do not inform this body that we are creating an imbalance here that nature possibly did not intend.

We are now creating more productive land through these projects and we have to get compensated from some place, and if we have to compensate the Midwest for our productive land, I hope you will remember what helped cause part of the problem and why this part of the problem is so important to us.

Mr. SAYLOR. Mr. Chairman, we would probably compensate—if that is what you are wondering about—that would best be, I should think, at the expense of the 50 States of the Union.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I would like to go back to a procedural question quite different from the recent colloquy.

My question pertains to the responsibilities of the various committees and the bureaus and departments downtown so far as surveillance, oversight, review and implementation of the intended legislation is concerned. I believe the gentleman was attentive when I discussed with the chairman of this distinguished committee the question of feasibility study, which I understand now, after the gentleman from Pennsylvania has reexplained it, is the same as the old previously understood survey granted by the legislative committees of Congress.

Insofar as general land acquisition or impoundment—municipal water supply, multipurpose dams, flood-control lakes, and so forth—is concerned, in view of the commendable action of the gentleman's committee in reviewing each recognizance and then authorizing a survey for feasibilty, and then, I presume, finally the authorization for the start itself, subject to appropriation therefor, is there any way now that any of the bureaus or the departments downtown

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can take an end run around the gentleman's distinguished committee or any of the other responsible committees that have surveillance or oversight of the bureaus and get a start made by Presidential authorization without congressional review?

I am thinking in particular, if I may sharpen up this point and the penetration of my question, of maybe a total wattershed study authorized by the Congress which reports that some agency—whether it be the Bureau of Reclamation, the Department of the Interior, the Corps of Engineers, or the Department of the Army, or others reporting directly to the President through the Rivers and Harbors or Flood Control Council—may be started if authorized by the President without coming back to Congress? Is this possible under the gentleman's Public Law 89–80?

Mr. SAYLOR. It is not, and the reason I say that is that we have made sure that even the Council and Commissions which we have created to make river basin studies and which report to the President will come to Congress for construction authorization. We have placed in those laws provisions that the President shall then submit, if he approves the studies, his recommendations to the Congress. They will then be referred to the appropriate committee, and the Congress will then have to act to pass the enabling legislation.

Mr. HALL. I appreciate the gentleman's answer. If he will yield for one further clarifying question, I shall be brief.

Mr. SAYLOR. I yield to the gentleman from Missouri.

Mr. HALL. I understand the Congress has final review in authorization and appropriation after it comes back on Presidential recommendation in a river basin study. But does this eliminate the prior need for the feasibility survey which has always been authorized either in the Committee on Public Works or in the committee having surveillance over reclamation before the authorization for a start is granted?

Mr. SAYLOR. As far as the Department of the Interior and the Bureau of Reclamation are concerned, the answer is no.

Mr. HALL. I thank the gentleman.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I want to take just a minute to commend the chairman of the subcommittee, the gentleman from California (Mr. JOHNSON), and the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL), and also the ranking minority member, the gentleman from Pennsylvania (Mr. SAYLOR), for acting responsibly in bringing this feasibility legislation before the Congress. I was particularly pleased, I would say to my friend from Pennsylvania, to hear his stirring defense of Western reclamation. It did my heart good, because I know that it came from his heart.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I wish to say to my good friend from Oregon that some people have said that I am a foe of reclamation. I think they will find the record replete with instances that where the projects that have been proposed by the Bureau of Reclamation have complied with the law that is on the books, I have been a most ardent supporter.

My difficulty with the Bureau has been when it came up with projects that Congress said were outside the law.

Mr. ULLMAN. I appreciate those remarks.

Mr. Chairman, this new procedure whereby each project feasibility study is considered on its merits is working out very well.

The Interior Committee is one of the most responsible committees in the House. It was my privilege to serve on this committee for 4 years. Every Member of Congress can rest assured these individual projects have received study in depth by the committee, and the projects would not be in this bill if they did not meet all the tests and were completely eligible to go forward with feasibility studies.

This bill authorizes the Secretary of the Interior to conduct feasibility studies of eight reclamation projects throughout the Nation, including the Calapooia Division of the Willamette project in Oregon. Although the Calapooia project study was not included in the Senate-passed bill, its inclusion in the House bill was recommended by the Department of Interior. This particular study is not only compatible with the program of the Bureau of Reclamation in Oregon, but is an essential ingredient of the Bureau's development program for the Willamette Valley region. A reconnaissance survey indicates that the development is engineeringly feasible and that more detailed study is economically justified.

This is a region that has historically depended upon natural rainfall for agriculture. It is already in cultivation, but the additional benefit of late season irrigation and a dependable water supply will add greatly to the economic stability of the farming sector. The water supply for this project is already in existence. Storage in Corps of Engineer dams on the South Santiam and Calapooia Rivers has been allocated for this purpose, and all that is now required is the development of an adequate distribution system. Such a system will benefit approximately 47,600 acres—all of which is already in cultivation, but which can be put to much greater economic use in more intensive and diversified farming. Based upon the 1967 reconnaissance study, the total estimated cost of the project—if it is found to be feasible and is authorized by Congress—is $41,750,000.

The development of this project has the strong support of local governments, organizations, and individuals, all of whom recognize the value of dependable irrigation to the agricultural sector.

Mr. RHODES. Mr. Chairman will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I associate myself with the remarks of the gentleman from Oregon in praising the work of the Committee on Interior and Insular Affairs and particularly its chairman and its ranking minority member.

I too am an alumnus of the committee, as the gentleman from Oregon will recall. It is a great committee and has always done a very thorough and workmanlike job in its jurisdiction. I agree with the gentleman from Oregon when he says the Members of the House can rest assured that its jurisdiction and interests are being protected and the interests of the country are being furthered by the work of this fine committee.

Mr. ULLMAN. Mr. Chairman, I appreciate those comments. It was my privilege to serve on the committee with my friend, the gentleman from Arizona.

(Mr. BARING (at the request of Mr. JOHNSON of California) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BARING. Mr. Chairman, I stand in support of S. 574 to authorize feasibility investigations of certain water resource developments. I cosponsored legislation here in the House, H.R. 12140, with my colleague, the gentleman from California, BIZZ JOHNSON, to determine the feasibility of economically utilizing and developing the land and water resources of the Amargosa Valley area in the vicinity of Beatty, Nev., and Death Valley Junction, Calif., for agriculture, municipal, and industrial purposes.

The proposed plan of development provides for drilling additional wells, and constructing the necessary distribution and drainage facilities to supply water to 21,000 acres of irrigable lands and for anticipated municipal and industrial development.

The 1968 reconnaissance study indicates there are about 93,000 acres of arable land in the Amargosa Valley and that vast amounts of untapped underground water appear to exist just beneath the surface of this land.

While a limited amount of irrigation has been developed by privately owned wells or springs, the high cost of such development is beyond the financial resources of most of the potential irrigators. As a result, the area is dependent to a high degree on tourism and the local economy is not sufficient enough to garner local financial support for the hardworking citizens to develop the venture alone. Moreover, the irrigation has taken in widely dispersed areas, thus the tax base is very limited and, as a result the roads and other services are entirely inadequate.

The 1968 reconnaissance report and the existing developments have demonstrated clearly that irrigated farming can be a very successful enterprise and would make a major contribution to the economic growth of the area. The only practical approach to developing the land and water resources is a Federal reclamation development. Thus the feasibility study, as proposed in the legislation under discussion today, would be the first step to accomplishment of this objective.

The residents of the valley have formed the Amargosa Valley Improve-

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ment Association, Inc., in order to deal with the problems and needs in the valley, and residents in the area have expressed a deep interest in obtaining Federal help in developing the vast resources of the Amargosa Valley.

Your support of this legislation is deeply appreciated.

Mr. JOHNSON of California. Mr. Chairman, I yield myself as much time as I may consume to speak in favor of enactment of S. 574, as amended by the Committee on Interior and Insular Affairs. The gentleman from Colorado, the chairman of the full committee, has given a full and complete report to the Committee of the Whole on the background, policy aspects, and need for this legislation. I support his reasoning and concur fully in the need for continuing with a deliberate, controlled program of study of the opportunities to develop and utilize for beneficial purposes the remaining uncommitted water supplies of the Western States.

The Subcommittee on Irrigation and Reclamation, which I have the honor to chair, held full and complete hearings. At that time we were afforded the opportunity to review and study the reconnaissance findings which have been performed by the Bureau of Reclamation on each of the studies now proposed for authorization. All of the studies were shown to meet the tests of justification and feasibility required for favorable consideration. Four of the eight studies being proposed feature as major functions the provision of municipal and industrial water for the growing needs of the reclamation States. The others involve largely the utilization of water supplies already provided by previously constructed multiple purpose reservoirs or are for the provision of supplemental water for inadequately irrigated lands. It can, therefore, fairly be said that we are not here proposing any significant new irrigation programs. During our hearings, we heard from our colleagues in whose constituencies the projects would be located and were assured that there is no local opposition to any of these studies.

The chairman of the full committee has pointed out that S. 574 is a study bill and that the only authorization that is involved is for study. There will be no construction authorized by this measure as it will be necessary for the Department to return to the Congress with its reports and establish that the programs will meet the tests that will be applicable at that point in time. Conceivably, there could mature from these studies, action programs approaching a cost burden of $300 million, but this commitment is at least 5 years down the road and in certain cases may be as long as 8 to 10 years.

Mr. Chairman, I have a tabulation of the costs of the various projects and studies.

The direct and immediate cost burden—that being the cost of the studies—is about $3.8 million to be spread over a term of 5 to 8 years, depending on the rate of appropriations. Only $172,000 of this amount is presently scheduled for appropriation in fiscal year 1970. This seems to be a very modest price to pay to maintain our surveillance of opportunities for putting our dwindling water supplies to work throughout the West.

As pointed out in our committee report on S. 574, as amended, each of the contemplated studies is badly needed to reinforce and augment the economic well-being of their respective local areas. These needs have been recognized by the administration, which has recommended each of them for authorization. I join with the President in commending these studies to the House and urge that S. 574, as proposed to be amended, be enacted now.

Mr. REIFEL. Mr. Chairman, I rise in support of S. 574, which contains, among other recommended feasibility investigations, authorization of a study of Slip-Up Creek in the Big Sioux River Basin, near the city of Sioux Falls, S. Dak.

The potential unit involves diversion of excess flows of the Big Sioux River into an off-stream reservoir on Slip-Up Creek. The water would be stored there and later released to the water supply of the city. This investigation would develop a detailed plan for furnishing supplemental municipal and industrial water for Sioux Falls.

A reconnaissance investigation was initiated in June 1967 on this project. A favorable report from the Bureau of Reclamation of the Department of Interior recommends a feasibility investigation. The city of Sioux Falls has maintained continued interest in the unit during the reconnaissance investigation.

Mr. Chairman, I believe the authorization of this study is justified. Sioux Falls needs supplemental water to meet forecasted industrial needs. There are also great needs for increased water-oriented recreation and municipal water demands.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Missouri River Basin project, Oregon Trail division, Corn Creek unit, in south-central Goshen County, in the vicinity of Hawk Springs, Wyoming;

(2) Missouri River Basin project, Longs Peak division, Front Range unit, in Cache la Poudre River and Saint Vrain Creek Basins and adjacent areas in the general vicinity of Boulder, Colorado; and

(3) Missouri River Basin project, Upper Republican division, Armel unit, on the South Fork of the Republican River in the vinicity of Hale, Colorado.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 11, strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 3, delete the period and insert a semicolon and the following language:

"(4) Shoshone project, Buffalo Bill Dam modifications, the Shoshone River, about five miles west of Cody, Wyoming;

"(5) Missouri River Basin project, James Division, Sioux Falls unit, in the Big Sioux River Basin in the vicinity of Sioux Falls, South Dakota;

"(6) Amargosa project, in the Amargosa River Basin in the vicinity of Beatty, Nevada, and Death Valley Junction, California;

"(7) Willamette River project, Calapooia division, in the Calapooia River Basin in Linn County, Oregon; and

"(8) Willamette River project, South Yamhill division, on the South Yamhill and Willamette Rivers in Yamhill and Polk Counties, Oregon."

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA TO THE COMMITTEE AMENDMENT

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California to the committee amendment: On page 2, line 15, strike "Yanhill" and insert "Yamhill".

The amendment to the committee amendment was agreed to.

Mr. JOHNSON of California. Mr. Chairman, there is a typographical error in the bill. I ask unanimous consent that on line 4, page 1, after the word "studies" the language read "of the". There is a typographical error there on spacing.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, pursuant to House Resolution 528, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there

XUM

were—yeas 365, nays 16, not voting 49, as follows:

[Roll No. 183]

YEAS—364

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bingham
~~Blackburn~~
~~Blanton~~
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collins
Colmer
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—16

Arends
Ashbrook
Brock
Collier
Conable
Denney
Dennis
Gross
Hall
Hutchinson
Jonas
Michel
Myers
Railsback
Roudebush
Scherle

NOT VOTING—49

Baring
Bell, Calif.
Biaggi
Bolling
Brown, Ohio
Burton, Utah
Cahill
Daddario
Dawson
Eilberg
Fallon
Fascell
Fish
Gilbert
Griffiths
Grover
Hanna
Hansen, Wash.
Harvey
Hosmer
Kee
Kirwan
Landgrebe
Lipscomb
Long, La.
McCloskey
McKneally
Mills
Mizell
Mollohan
Nichols
O'Konski
O'Neill, Mass.
Pepper
Powell
Pucinski
Purcell
Reifel
Riegle
Rostenkowski
Slack
Smith, Calif.
Staggers
Taft
Teague, Calif.
Thompson, Ga.
Utt
Whalley
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Smith of California.

Mr. Daddario with Mr. Lipscomb.

Mr. Biaggi with Mr. Cahill.

Mr. Fallon with Mr. Brown of Ohio.

Mr. Mills with Mr. Reifel.

Mr. Baring with Mr. Teague of California.

Mr. Gilbert with Mr. Grover.

Mr. Rostenkowski with Mr. Harvey.

Mr. Long of Louisiana with Mr. Burton of Utah.

Mr. Staggers with Mr. McKneally.

Mr. Eilberg with Mr. Taft.

Mr. Pepper with Mr. Wyatt.

Mr. Nichols with Mr. Utt.

Mr. Hanna with Mr. Dawson.

Mr. Pucinski with Mr. Bell of California.

Mr. Slack with Mr. Fish.

Mr. Purcell with Mr. Whalley.

Mr. Kirwan with Mr. O'Konski.

Mr. Mollohan with Mr. Mizell.

Mrs. Hansen of Washington with Mr. McCloskey.

Mrs. Griffiths with Mr. Riegle.

Mr. Kee with Mr. Landgrebe.

Mr. Hosmer with Mr. Thompson of Georgia.

Mr. MICHEL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

DESIGNATING THE DESOLATION WILDERNESS, ELDORADO NATIONAL FOREST, CALIF.

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 850) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

The SPEAKER pro tempore (Mr. SMITH of Iowa). The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 850, with Mr. ZABLOCKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado (Mr. ASPINALL) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 850 is another of the numerous bills that would add land to the existing wilderness system that was established by Public Law 88–577 of September 3, 1964.

That act, in addition to immediately designating as wilderness approximately 9 million acres of existing national forest land that had been administratively classified as "wild," "wilderness," or "canoe" areas, also made provision that additional areas of land under the administrative jurisdiction of the Secretary of Agriculture and the Secretary of the Interior could be reviewed to determine its suitability for wilderness designation. This review is to be completed within 10 years. Those areas found suitable by the administrative agency are submitted to the President and the President advises the Senate and the House of his recommendations with respect to these areas. H.R. 850 is such a bill and would make additions to the wilderness system.

H.R. 850, as amended and approved by the Committee on Interior and Insular Affairs, designates 60,300 acres of national forest land in El Dorado County, Calif., as the Desolation Valley Wilderness. Of this 60,300 acres, approximately two-thirds, or about 37,500 acres, are within the existing Desolation Valley Primitive Area, while the remaining 22,700 acres are made up of adjoining national forest land within the Eldorado National Forest.

This area is located immediately west of Lake Tahoe, on both sides of the crest of the Sierra Nevada Mountains. It is less than 90 miles east of Sacremento and is about double that distance from the San Francisco Bay area.

It is, therefore, conveniently near large centers of population. Because of this location, it has been popular with outdoor recreationists and its designation as wilderness will not lessen this popularity. The designation as wilderness will, however, preserve it in its natural state and prevent commercialization.

The area under consideration displays typical high mountain scenery. It shows glaciated ridges and valleys, alpine vegetation and much of it is almost totally devoid of vegetation and shows only barren, weathered rock formations.

As for natural resources, it has no commercial timber and supports only limited grazing for livestock. Minerals have not been produced within the area in economic amounts, and its potential for future mineral production is reported as poor by the Geological Survey. There are wildlife populations of deer, bear, and smaller mammals and summer fishing is popular.

The most significant resource, other than its wilderness value, is water. The area contains the headwaters of three significant rivers and is a major watershed area. These rivers are the Rubicon, the south fork of the American, and the Truckee watershed within El Dorado County. This water resource is almost 100 percent utilized for irrigation, domestic use and for hydroelectric purposes. To facilitate this water utilization, a series of 22 small streamflow maintenance dams and two larger dams creating substantial reservoirs have been constructed.

Of the two larger dams, one, the Rubicon Dam, was built by the Sacramento Municipal Utility District in 1963. It is located near the northwest corner of the proposed wilderness area. This is a low, grey concrete structure that, through a series of tunnels, furnishes water to the Sacramento area. The other structure, the Lake Aloha Dam, was built in 1865 and enlarged in 1875. It is made of native rock and is near the southern end of the area. It is operated by the Pacific Gas & Electric Co. for generation of power at a site outside the present primitive area.

In considering this legislation, the committee was faced with the problem created by the two larger dams and whether their inclusion within the proposed wilderness area would tend to downgrade the quality of wilderness in this particular area and in the entire system by establishing an undesirable precedent.

It is helpful to turn to the definition of wilderness as given in the 1954 Act and to review once again that definition as well as the basic objective of the Wilderness Act.

As defined in the original Wilderness Act, a wilderness area, in contrast with those areas where man and his works dominate the landscape, is an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural condition; where the imprint of man's work is substantially unnoticed, and where there are outstanding opportunities for solitude or for a primitive and unconfined type of recreation.

Everything in this definition and everything that has heretofore been written or spoken in connection with the Wilderness Act has stressed that the works of man are undesirable and forbidden in true wilderness areas. Mechanization of any sort, including automobiles, motorcycles, motorboats, and powersaws are prohibited or very carefully regulated by the Forest Service to keep to an absolute minimum man's influence. Campsites are of the most primitive type without the usual tables, fireplaces or the customary sanitation facilities. Trails and roads are designated, if at all, by inconspicuous signs. Permanent structures, even ranger cabins, are not acceptable. Commercialization of any type, if it would in any way detract from the primeval atmosphere, is to be avoided. In short, wilderness areas, as contemplated by Congress are to be as nearly unchanged, primitive, and primeval as possible.

Because of this definition and because of our desire not to downgrade the wilderness system, the committee voted to adopt amendments that would eliminate 3,200 acres containing the two larger dams. Although it may be maintained by some that these two structures were within the existing primitive area, that they are relatively small in size and blend well with the surrounding terrain, they nevertheless are nonconforming manmade structures. As such, they are incompatible with the accepted standards of wilderness and should be excluded. To do otherwise would establish an undesirable precedent and would lessen the quality of the entire wilderness system. It would be a clear indication that quantity was being substituted for quality.

A larger acreage is not the important factor in maintaining our wilderness system. Quality is more important than mere acreage. We presently have millions of acres within national forests that have the usual recreational values, but most of this area could not qualify as wilderness. A clear distinction must be maintained between "wilderness" and other forest service land. Otherwise, the wilderness system that Congress so carefully established will be gradually downgraded until it is indistinguishable from the adjoining land. The purpose of the act will be defeated.

The amendments adopted by the committee will maintain this distinction and will retain the original objective of the 1964 legislation, which was to preserve wilderness areas in an unchanged and unaltered state. In addition, the adoption permits the two operating utility companies freedom of access to the two dams for maintenance and operation that is not permissible within wilderness areas. The amendment adopted, however, provides that these two areas that have been deleted from H.R. 850 will continue to be managed in a manner that is consistent with the adjacent wilderness. This will prevent any further commercialization of the excluded areas and for all practical purposes they will not be distinguishable from that designated as wilderness. The high quality of the wilderness system will be maintained and the two operating utility companies will have the necessary freedom of access to the two dams without the necessity of obtaining prior approval of the Secretary of Agriculture.

Mr. Chairman, as chairman of the Committee on Interior and Insular Affairs, I feel this is good legislation, and I recommend its enactment by the House.

The CHAIRMAN. The gentleman from Colorado has consumed 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 850, as amended and reported by the Commitee on Interior and Insular Affairs.

The purpose of H.R. 850, as introduced by the gentleman from California (Mr. JOHNSON), is to designate approximately 63,500 acres in the State of California as the Desolation Wilderness, pursuant to the Wilderness Act of September 3, 1964. The administration, through the Department of the Interior, the Department of Agriculture, and the Bureau of the Budget, has recommended enactment of H.R. 850 as introduced and containing approximately 63,500 acres. The other body passed on March 24, 1969, an identical bill to H.R. 850, as introduced, containing approximately 63,500 acres.

However, the House Committee on Interior and Insular Affairs, in reporting H.R. 850, does not follow the recommendations of the administration, or the action of the other body, and recommends that the bill do pass, if amended. The committee amendments in the main propose to delete approximately 3,200 acres of the area to be designated as wilderness because there are two privately operated water resource development projects within the 63,500-acre proposed wilderness area. The reason advanced for the deletion of this acreage is that the inclusion of these water resource projects within the proposed wilderness area would trespass upon and dilute the wilderness concept. Yet, the committee, by its amendment adding section 5 to the bill proposes that despite the exclusion of this acreage from the wilderness area, that the Department of Agriculture shall continue to be managed in a manner consistent with the adjacent wilderness. Now that is a play on words if I have ever witnessed such a thing.

I submit that the reasoning and action of the committees in adopting the committee amendments by a vote of 17 to 11 makes the administration of this wilderness an anomaly. Technically, the 3,200 acres are excluded from the wilderness. On the other hand, the bill requires that despite the exclusion of the 3,200 acres, it shall continue to be managed in a manner consistent with the adjacent wilderness.

This dilemma should be resolved in this body by defeating the committee amendments and including these 3,200 acres in the proposed Desolation Wilderness. To include this acreage within the proposed wilderness will not violate the wilderness concept in any way. The Department of the Interior in favoring the inclusion of this area within the wilderness, states in its report on this legislation:

> Because of the particular circumstances surrounding the use, establishment, and management of these dams, we do not be-

lieve that their inclusion within the area will dilute the wilderness concept.

Here is what the Department of Agriculture stated on this question in its testimony before the committee:

> Past water management activities have altered the wilderness character of the area somewhat. These activities have resulted in two structures which you should be fully aware of as you consider this wilderness proposal. One, Aloha Lake Dam, was constructed of native rock and mortar in 1865 and is today substantially unnoticeable.
>
> The other is the Rubicon Reservoir Dam, a more formal concrete structure which diverts water from the Rubicon River to Rockbound Lake. After careful analysis in 1958 the Forest Service agreed to the construction of this facility within the Primitive Area. It is an indispensable part of the Sacramento Municipal Utility District's American River Project. The actual structures were designed and constructed in such a manner as to minimize the impact on the wilderness resource.
>
> The decision to recommend inclusion of the Rubicon Reservoir in the proposed Desolation Wilderness is based only on the unique circumstances in this particular case. It does not imply that the structure in and by itself conforms to the criteria for wilderness designation as expressed in the Wilderness Act. When the decision was made in 1958 to agree to the construction of this facility it was determined that the need for it was so great that it should be allowed even though it was in the Primitive Area. The same recommendation would have been made for action by the President under subsection 4(d)(4)(1) of the Wilderness Act, if the provisions of that Act had been in effect at that time. For this reason we have included it in the wilderness proposal.

The definition of a wilderness as contained in section 2(c) of the Wilderness Act does not by definition exclude these 3,200 acres of federally owned lands. Section 2(c) of that act states:

> An area of wilderness is further defined to mean . . . an area of undeveloped Federal land . . . *and* which (1) generally appears to have been affected primarily by the forces of nature, *with the imprint of man's work substantially unnoticeable.*

This language of the act in defining a wilderness area conclusively points up the fact that it was intended that some wilderness areas would be proposed for inclusion in the wilderness preservation system which did contain the imprint of man's work provided it was substantially unnoticeable. The testimony before our committee is clear that one water resource facility is "today substantially unnoticeable," and the other facility was "designed and constructed in such a manner as to minimize the impact on the wilderness resource."

Section 4(a)(3) of the Wilderness Act provides that—

> Nothing in this Act shall modify the statutory authority . . . under which the area was created, or any other Act of Congress which might pertain to or affect such area, including but not limited to . . . section 3(2) of the Federal Power Act.

It is clear from this language of the act that the authority of the Federal Power Commission to require its licensees to operate and maintain their facilities in a manner so as not to impair the protection of life, health, and property was not to be abrogated by the inclusion of a licensee's facility within a wilderness area. It follows then, that the inclusion of a facility operated by a licensee under the Federal Power Act, in a wilderness area, is not a violation of the wilderness concept if such facility meets the other criteria for inclusion in the system.

In addition, section 4(c) of the Wilderness Act which prohibits certain uses in wilderness areas specifically excepts and subjects such prohibition to existing private rights. In this situation the private operators of the water resource facilities have rights which are protected by the Wilderness Act despite the prohibitions and the inclusion of these facilities in the proposed wilderness.

The special provisions of the Wilderness Act in section 4(d)(1), which permits the use of aircraft or motorboats where these uses have already become established within areas designated by the Wilderness Act, again, clearly points out the feasibility of including these water resource facilities within the Desolation Wilderness. Such action was contemplated and intended by the language of the act at its inception and, therefore, not a violation of the wilderness concept to include these 3,200 acres.

The fact that the inclusion of these two water resource facilities within the Desolation Wilderness would not violate the wilderness concept is most clearly pointed out by section 4(d)(4) of the Wilderness Act. This section specifically provides that the President may authorize water resource facilities within wilderness areas in the national forests designated by the Wilderness Act, where such facilities are needed in the public interest, and where such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial. This language of the Wilderness Act very lucidly shows that the inclusion of water resource facilities in a wilderness area does not violate the wilderness concept, if such facilities serve the ultimate interest—the public interest.

Mr. Chairman, I think it is quite clear that the inclusion of these 3,200 acres, including the water resource facilities, within the proposed Desolation Wilderness is not a violation, degradation, or dilution of the wilderness concept as defined and spelled out in the Wilderness Act of September 3, 1964. In fact, the failure to include these areas within the proposed Desolation Wilderness is, in my judgment, another attempt to eviscerate the wilderness concept as passed by the Congress. The inclusion of these 3,200 acres including the water resource facilities is completely consistent with the principles and concept of the Wilderness Act.

I urge my colleagues to defeat the committee amendments to H.R. 850 and support the passage of the bill as introduced.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I would like to ask the gentleman, what part of it will be excepted, the 3,500 acres?

Mr. SAYLOR. It is 3,200 acres.

Mr. JONAS. One part of the excepted area is located near the northern boundary, the northwest corner of the proposed wilderness area, and the other part is near the southerly boundary. The report does not say how near. Would these areas be carved out of the proposed wilderness area? Do they lie along the edge?

Mr. SAYLOR. They are carved out of the wilderness area.

Mr. JONAS. And the wilderness area would surround the excepted portions?

Mr. SAYLOR. That is correct.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, the gentleman from Pennsylvania uses some unfortunate language when he says "carved out." The Forest Service will administer all this area, whether these two enclaves are in or out. Under the bill, if a person enters that entire area and crosses from the wilderness over a line where there is no fence into the area where these dams are located, he will never know whether he is in a carved out area or the other area, because the same agency administers both parts in exactly the same way.

Mr. SAYLOR. This is correct. This is the reason I point out that the amendment which the committee adopted in section 5 makes the committee amendment a real anomaly. They realized they were making a mistake, and so, to try to correct that mistake, they ordered the Forest Service to handle the areas as though they were wilderness.

Mr. ASPINALL. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, no man in America has done more for the wilderness concept or to give this country a system of wilderness preservation than the chairman of the House Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL).

H.R. 850 provides for the establishment of the Desolation Wilderness on the Eldorado National Forest in California, as part of the national wilderness preservation system.

The House Committee on Interior and Insular Affairs has reduced the total acreage in the bill below the figure proposed by the sponsor of the bill, the gentleman from California (Mr. JOHNSON). The gentleman from California (Mr. JOHNSON) is proposing an amendment on the floor to restore this reduction so that the original size of 63,439 acres can be established as the Desolation Wilderness. I would urge each of you to join with other distinguished Members of this House and vote for this amendment.

The 3,200 acres were removed from H.R. 850 by committee action. The 3,200 acres includes two water storage reservoirs and adjacent land extending from the reservoirs all the way out to the boundary of the wilderness area as originally proposed—a distance of over 2 miles in the one case and of over 4 miles in the other. One of these reservoirs, called Lake Aloha, is over a hundred years old, having been built in 1865. The other, called Rubicon Reservoir, was built in 1963 only after prolonged study had fully documented the need. There are no buildings, no powerlines, and not even any road into either reservoir.

No one really wants manmade reservoirs within the national wilderness system. An attempt to build a new reservoir within the national wilderness system would be vigorously opposed. Yet the fact is that scores of similar small reservoirs are already in the system. They were already in existence at the time of passage of the Wilderness Act in 1964 and were located within national forest primitive areas which became part of the national wilderness system upon passage of the act.

It would be nice to have our national wilderness system absolutely pure and completely free of any sign of the hand of man. But the fact is that we are getting a late start in this business of preserving America's wilderness. Logging has occurred; woods roads have been opened and later abandoned; cabins have been built which in time have decayed and fallen down; in the interest of public health and safety and to protect the natural resources there may sometimes be lookout towers and patrol cabins. All of these are imperfections within the wilderness. Yet how often is man able to create or to establish anything which is truly perfect? Very, very rarely—if ever. Congress has declared it is our national policy to preserve America's wilderness resource. Whether some prior existing imperfection—something less than absolute purity—is to be accepted into the national wilderness system should be determined by whether its inclusion will significantly contribute to the implementation of this national policy of wilderness preservation or whether its omission will significantly obstruct this policy.

The 3,200 acres of land omitted from H.R. 850 as reported out by the committee are of wilderness quality. Their wilderness character merits their inclusion in the national wilderness system. The imperfection lies in the two reservoirs themselves. To persist in exclusion of the reservoirs will create a deep intrusion into the wilderness—extending over 2 miles for one reservoir and over 4 miles for the other. Their exclusion will permit incompatible uses to occur far within the designated wilderness. Not only will the 3,200 acres of natural wilderness be subject to harmful intrusions, but the wilderness environment of the surrounding designated wilderness will be depreciated. In the Wilderness Act the Congress declared its intent to preserve the wilderness—not to depreciate it. This congressional intent will best be served by including the two existing reservoirs and the 3,200 acres in the designated wilderness.

Your support of the amendment to restore the reservoirs and 3,200 acres to H.R. 850—all of which were included in the original bill as filed and sponsored by the gentleman from California (Mr. JOHNSON) as recommended by the U.S. Forest Service, and as endorsed by conservationists—is earnestly requested.

Mr. Chairman, I regret differing with the gentleman from Colorado on one small portion of this bill. I would emphasize the difference between the chairman of the committee and the gentleman from Pennsylvania and the gentleman from California and me is not a large one. We are talking about a wilderness area of more thn 60,000 acres. The committee is in agreement on what should be done with all but a small portion of this wilderness area.

I think it would be a mistake to accept and approve the committee amendments which excluded and carved out these two small areas, one at either end of the proposed wilderness system.

My philosophy is very simple. I think it is a practical philosophy. Reasonable men can differ about this matter of philosophy we are discussing today. One can say, as the gentleman from Colorado does, and the gentleman from Iowa, that either we are going to have a wilderness or not have a wilderness. They suggest if we have structures and manmade works, then we ought to take the areas out of the wilderness area, and keep it pure and pristine; that we ought not to set up pieces of land and call them wilderness if they do not meet the purest criteria of the Wilderness Act and its concept.

On the other hand, one can say, as I do, that if substantially all the values of wilderness are there, we should preserve it. After all, few things that men do are perfect. We cannot have perfection. We can always find in a wilderness area a lookout tower or some cabin an old prospector built 100 years ago, or different kinds of structures in different states of repair. One can say that because they are there, this is not pure and pristine and we should therefore carve that area out.

In the areas we are talking about, one dam is 100 years old, and the other is more recent, built in 1963. There are no roads into either of the dams. They require no maintenance of any great consequence. The companies can go in there once or twice a year and preserve the structures and make the necessary adjustments to keep them in operation.

It seems to me we ought to be practical about this. We did not start with perfection. We started with the forest areas, the wilderness areas, as they are. We have to give our best judgment.

We had a similar situation develop in New Jersey just a year ago, when, within 60 or 70 miles of New York City, there was the only chance to have a wilderness area, part of the wilderness system, in this great eastern metropolitan area. This was in the great swamp area of New Jersey. When one drew a logical boundary, it included a place which had once been used as a dump by a city, but the testimony was that when it was covered over and properly restored, one could not tell it had ever been used in that fashion. It had some modest little dikes and structures. Taken as a whole, with the boundaries that were drawn, we had essentially a wilderness area. It seemed to me one could compromise with reality and say that substantially we were preserving a wilderness area, one which deserved to be in this great wilderness system.

I take this same philosophy to approach this particular problem.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. ASPINALL. Mr. Chairman, I yield the gentleman 1 additional minute, and at the same time ask him to yield for a question.

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. So that he will be on record, does my friend from Arizona really believe that these two separate areas are absolutely necessary in order to preserve the wilderness aspect of this area?

Mr. UDALL. No. I would have to tell the gentleman from Colorado in frankness we will have a pretty good wilderness area whether the amendment is agreed to or not. We will have a far better one, in my judgment—and I recognize that reasonable men can differ—if we do not carve out these two sections, one at either end of the wilderness, and say we are going to exclude these because of man-made structures in them.

I urge members of the Committee, when we reach this point in the amending process, to support the gentleman from California in his efforts to defeat the modest amendments that were made.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, I thank the gentleman from Colorado very much for making time available to me to speak in favor of the amendment which is going to be offered by my colleague, the gentleman from California (Mr. JOHNSON).

I agree with everything that has been said by the gentleman from Arizona (Mr. UDALL) with respect to the 3,200 acres which have been excluded under the committee bill.

I feel that the desolution wilderness area is one which is extraordinarily beautiful. It is one which should be included in the Wilderness Act. These 3,200 acres, in which there are two reservoirs, are an integral part of the overall area.

We know that there have been in the past provisions made in the national wilderness system, under the Wilderness Act of 1964, so far as access to these two reservoirs is concerned. Section 4(c) of the Wilderness Act provides for the continuation of prior existing rights. The act, as written, assures the utility companies the right to go in and service these reservoirs for maintenance purposes.

There is no special provision in H.R. 850 that is necessary to allow that, so I do not feel that just because there have been minor improvements, that are of an ancient variety, we should not keep the 3,200 acres in the overall area and make it an integral part of this new wilderness area.

Mr. Chairman, I yield back the remainder of my time.

Mr. ASPINALL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I strongly support the bill and I am especially interested in the position taken by the gentleman from Arizona (Mr.

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Udall) and the gentleman from California (Mr. Johnson), and urge adoption of the amendment at the appropriate time.

Mr. Chairman, we are considering today H.R. 850, which will establish the desolation wilderness on the Eldorado National Forest in California as a part of the national wilderness preservation system.

This bill, as introduced by my colleague, Bizz Johnson, was modified in committee so as to delete 3,200 acres from the original package. This 3,200-acre deletion encompasses two reservoirs on the boundaries of the wilderness. The committee action was taken in order to assure access to these reservoirs by the two utility companies which maintain them.

I do not feel this deletion is necessary. Access to these reservoirs is already provided for under section 4(c) of the Wilderness Act, which declares that prior existing rights shall continue after any area is placed in the national wilderness system. Therefore there is no necessity to exclude the reservoirs and adjacent land from the national wilderness system.

As for these reservoirs themselves, it is true that no one voluntarily wants these structures within the wilderness. Yet their exclusion in this case would do more harm to the wilderness than their inclusion. One reservoir is situated more than 2 miles inside the originally proposed boundary for the desolation wilderness; the other is more than 4 miles inside. Each reservoir, plus the total of 3,200 acres of wild land extending from the reservoirs to the proposed wilderness boundary, would, if excluded from the established wilderness, permit uses incompatible with the wilderness to be carried on there. Such incompatible uses would be harmful both to the 3,200 acres of natural wilderness and to the environment of the surrounding, legally established wilderness. There are already many such reservoirs within the national wilderness system. The potential depreciation to the wilderness values which could occur by omitting these two reservoirs from the protection of the Wilderness Act is serious. The inclusion of these minor imperfections, on the other hand, will prevent such depreciation and will assure a unified, uninterrupted expanse of wilderness.

I strongly endorse the amendment of the gentleman from California (Mr. Johnson), which will restore the 3,200 acres and two reservoirs to the bill.

Mr. ASPINALL. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Chairman, as the Representative of the Second Congressional District of California in which the proposed Desolation Wilderness is located, I rise to express my full support of this proposal, providing the House of Representatives adopts an amendment in the nature of a substitute.

As you know, I am the author of the legislation pending before the Committee of the Whole at the moment, H.R. 850, which would establish this wilderness located in the rugged Sierra Nevada immediately west of Lake Tahoe at the crest of the Sierra range. The proposal includes the Desolation Valley Primitive Area which has been maintained in a primitive state since 1931 when it was set aside by an order of the Chief of the Forest Service. The area is located about 90 miles east of Sacramento and for those who would seek the opportunity to enjoy the wilderness, it is not far removed from U.S. Highway 50.

The area includes the headwaters of the Rubicon River, the South Fork of the American River, and the Truckee River watershed within El Dorado County. The proposed wilderness is an area popular with numerous hikers because of its superb scenery of rugged mountains, glaciated ridges and valleys, lakes, streams, and alpine vegetation. It has been managed to maintain its primeval characteristics. Despite its popularity and developments for water, it retains its rugged, natural appearance. It is the summer home of deer and bear, and the year-round home of numerous smaller animals. Fishing is very popular, and in part, accounts for the fact that the number of recreation visitors has doubled in the last 5 years.

Approximately 65 percent of the proposed area is void of vegetation. Severe winter storms keep soil from accumulating, except in protected spots where vegetation has become established. The bulk of the area, therefore, is made up of barren, weathered-rock formations for which the area is so well known. The vegetation which does grow consists of scattered stands of timber, fields of brush, and grasses and plants in mountain meadows. Approximately a third of the surface is covered by this vegetative growth. Lakes are abundant, and make up about 3 percent of the area.

The mineral potential is very low within the proposed wilderness. There is record of three lode claims located in 1930, but there is no evidence of a significant discovery. The U.S. Geological Survey and the U.S. Bureau of Mines have examined the area and report a discovery of gold-bearing sulfides in a limited area. However, they conclude the deposit is of too low a grade to be of commercial interest. There are no gas and oil leases within the area. Several grazing permits are used annually. There are no present conflicts between this use by cattle and grazing by the pack and riding stock used for recreation.

In conclusion, Mr. Chairman, I would like to say that the establishment of this wilderness has followed the normal procedures in that it was first proposed in March of 1967, public hearings were held in Placerville the following month, the State of California, county of El Dorado, other Federal agencies, all are in complete support of this proposal.

As the Desolation Valley is most suitable as designated as a wilderness, therefore, I urge my colleagues to support the legislation which we have before us.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I wish to commend the gentleman for his proposal and state that I will support it. It is a good step, I believe, and will provide a wilderness area of which we can all be proud and one which will remain that way. The power companies have been amply protected in the bill and the gentleman's amendment will not disturb that. The Forest Service and conservationists and everybody that I know of will favor this legislation as the gentleman will amend it. I would like to add my support to it.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I am glad to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I, too, want to commend the distinguished gentleman from California for his very fine statement.

As you know, the temperament of the House is to cut back. Could the gentleman enlighten us as to whether this proposed amendment will cost any money and, if so, how much?

Mr. JOHNSON of California. No. There is no cost to it all all. These lands are all owned by the Federal Government at the present time, so there is no money involved in the bill whatsoever.

Mr GRAY. I thank my friend.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I would like to point out to my colleagues, that, in my judgment, the gentleman from Colorado (Mr. Aspinall) and the gentleman from Iowa (Mr. Kyl) have certainly brought out the true facts and conditions regarding the designation of the Desolation Wilderness in the El Dorado National Forest in California.

However, my colleague, the gentleman from California (Mr. Johnson), is presenting a substitute bill, which I intend to support for several reasons.

First of all, it is imperative, in my judgment, that the proper and necessary access be assured to the storage and hydroelectric facilities in the proposed wilderness area. The people of the Sacramento Valley have depended and will continue to depend on these facilities for water and power, and the only way that this can be accomplished, in my judgment, is by passage of the Johnson substitute.

Second, I have received a telegram from the Sierra Club urging my support of the substitute, and the Wilderness Society has also asked for my assistance in the passage of this measure, and I fully intend to honor their request.

I strongly urge my colleagues to give their full support to the Johnson substitute.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Idaho.

Mr. McCLURE. For the purpose of clarification, would it be the gentleman's intention under his proposed amendment to leave the language that appears on lines 11 through 15 on page 3 of the bill as is with regard to the access of the power companies in a manner consistent

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with prior practices without prior approval of the Secretary; is that correct?

Mr. JOHNSON of California. That is correct.

The CHAIRMAN. There being no further requset for time, the Clerk will read.

The Clerk read as follows:

H.R. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled "Desolation Wilderness—Proposed," dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as a part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Desolation Valley Primitive Area is hereby abolished.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to request of the gentleman from Colorado?

There was no objection.

SUBSTITUTE AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JOHNSON of California: Strike out all after the enacting clause and substitute the following:

"That, in accordance with subsection 3 (b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled 'Desolation Wilderness—Proposed,' dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as a part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

"SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

"SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and except that the owners and operators of existing Federally licensed hydroelectric facilities shall have the right of reasonable access for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

"SEC. 4. The previous classification of the Desolation Valley Primitive Area, is hereby abolished."

Mr. JOHNSON of California. Mr. Chairman, this substitute amendment, if adopted, would restore H.R. 850 to its original form, putting back in it the two wilderness areas and using the map that was dated April 26, 1967. It would restore the total amount of acreage that was included originally, approximately 63,500 acres, including these two areas that were deleted by the committee amendment.

If adopted, it would allow for the proper access on the part of the owners and operators of the two utility districts that have facilities located within the proposed wilderness area to have access to those facilities although access would only be by foot or horseback or by helicopter.

It was stated to the committee that this was absolutely necessary for the operation of the two water projects and that they were obligated under their Federal Power Commission permits to do certain things at certain times of the year and it was very necessary that they go into this wilderness area.

This wilderness area is at a very high elevation where they are subject to 20 or 25 feet of snow, and it is necessary to get in there for maintenance and operation of the outflows of the two lakes. One of these moves through a newly developed tunnel, and the other goes down a natural stream bed and outlet.

I really know of no opposition to this other than the opposition that was taken in the committee. The Forest Service is in complete agreement with this language. The utility companies are in agreement with it, and all of the conservation organizations that have sponsored this legislation are in complete support of it.

A I said earlier, I hate to differ with my chairman, who is a very fine and knowledgeable person, and who has done much to provide the wilderness areas that we have now in the United States, and I hate to be in opposition to the gentleman here today.

I assure you all that if this amendment in the way of a substitute prevails, the wilderness will be protected, the utilities will be allowed to operate and maintain their facilities, and all of the conservation groups will be able to use this area as a truly wilderness area.

Mr. Chairman, I yield back the balance of my time.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment, and I shall stand with the statement that I made relative thereto during the direct presentation in general debate.

The gentleman from California (Mr. JOHNSON) has said that with the amendment we would have a true wilderness area. That is the only place that he and I differ. We do not have a true wilderness area where we make provision to take in those facilities or those areas which are not wilderness, which could be left out without endangering the legislation in any particular.

I would be the first one to agree with my friend, the gentleman from Pennsylvania, that in the future if it is found to be necessary for water resources development that the President of the United States has the right to make such a recommendation to Congress. But here the inclusion of these areas are not necessary as far as the wilderness concept is concerned. The wilderness values will be maintained under the bill that was reported out by the House Committee on Interior and Insular Affairs.

The part that bothers me in the amendment offered by my friend, the gentleman from California (Mr. JOHNSON), is the part that reads: "and except that the owners and operators of existing federally licensed hydroelectric facilities shall have the right of reasonable access for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary."

Mr. Chairman, my position is that this is contrary to the wilderness concept contained in the parent legislation that Congress approved, and the President signed into law. If this is what is desired in regard to future wilderness proposals, then it is about time that the committee have it in mind, because although this was a primitive area it was restudied and found by the committee, by a rather substantial vote, that a proposed parcel of the part recommended did not conform to the definition of wilderness.

It seems to me that the precedents that we are establishing will be called upon time and time again in order to lessen the effectiveness of the wilderness concept.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address myself for a few moments to the matter of principle.

I want to say first, if I do not have my way on this amendment, I will support the bill. We have had too many times when conservationists have said, "If we cannot have everything we want, we will not take anything until we get what we want."

Now, first of all, I think each Member of this body should know what wilderness is in the legal sense. It is a special legal classification for a certain kind of conservation effort. Wilderness is not a national park. Wilderness is not a recreation area. Wilderness is not a national forest. It is not a national monument.

Wilderness is wilderness—a special le-

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gal classification, which has prohibitions on use. Wilderness is dedicated to certain purposes.

The addition of 3,000 acres or the elimination of 3,000 acres is not going to make a difference in whether you have a good or bad wilderness in the proposal before us. We are talking about 60,000 acres without the inclusion of these two areas which represent the point at issue.

Bear in mind also, we have proposals before us now to make wilderness areas out of pieces of ground which are not even one acre in size—and many more, for a few acres. Yet, we have had it said here that without these 3,000 acres, 60,000 acres is not enough.

There are other facts, as the chairman of the committee has suggested. For the first time we provide in wilderness legislation, the right for someone other than the Forest Service to go into an area without prior approval or authorization or anything from the Forest Service or anybody else. That is in the amendment.

Let us look a little further. If this wilderness area is created without the inclusion of these two particular tracts, under the bill which the committee approved, the two areas left out would be administered by the same agency, by the Forest Service, and they would be administered as wilderness.

As I said a moment ago, a person going into this area would never know when he left the wilderness boundary, and went into these two areas. He would get exactly the same kind of experience. They would be administered in the same way.

What then is the principle involved here? If we here set up a wilderness area which has two manmade water projects included, we do in fact diminish what is a pure concept of what wilderness shall be.

Let me give you an illustration. A couple of years ago we had a bill before us which called for the construction of a dam on the Gila River outside a wilderness area. The conservationists objected strenuously because this dam which would be used for another purpose would actually back some water up inside a wilderness area, and the argument was made that this would despoil the wilderness.

I went along with that. I think it is a pretty good concept. But here you see we are going the other way when we say—We have two manmade water resource areas, but we are going to put them in a wilderness.

What I am saying to you exactly is this. If you can create a wilderness area where there are water projects of this kind, the next step is to build water resource areas inside a created wilderness.

It is a kind of strange thing that some of the people who want to include these areas because they are so meaningful to wilderness are the same people who really proposed to build a dam outside the Gila wilderness backing water into that wilderness area.

If we are going to have a wilderness concept which is meaningful, we are going to have to have some pretty hard and fast rules or we diminish its value.

No values will be destroyed in this piece of wilderness by excluding the two areas—none whatsoever. But if we do exclude them, then we protect the integrity of what this body and the other body and the President of the United States signed into law as a concept for a particular kind of preservation. That is the story, pure and simple.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. JOHNSON of California. I might say, in the first instance, in the original Wilderness Act, when there were a good many millions of acres placed in wilderness, we had some of these water developments in the area, and in this particular area, when it was a primitive area, these facilities that are in there now were built. There are 24 dams. Twenty-two are fishery dams and the other two involve water projects. You stated that we would interfere with the wilderness concept in 3,000 acres, and I might say that the people who go in there would not use more than half an acre where their works are located at the present time, at the very minimum.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. KYL was allowed to proceed for 5 additional minutes.)

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield further?

Mr. KYL. I yield to the gentleman from California.

Mr. JOHNSON of California. Is that not quite true?

Mr. KYL. In fact, I will go just a little further than the gentleman has gone. We have some 70 proposals prepared to go to Congress which will make wilderness areas out of fish and wildlife areas. One of these which has been presented, in fact, would create a wilderness in an area which was cut over 5 years ago, a further diminution, I think, of the wilderness concept. Somehow there is second or third growth of virgin timber that comes along in these areas and makes it legitimate wilderness. The gentleman is correct. We have contemplated going much farther. That is exactly why I am on the floor this afternoon. I think we have done too much violence to this thing already.

Mr. JOHNSON of California. Mr. Chairman, will the gentlman yield further?

Mr. KYL. I yield to the gentleman from California.

Mr. JOHNSON of California. The Forest Service approved both of these areas being made a part of the wilderness. I refer to the record that was made in the committee.

Mr. KYL. Let me go on record, and I will do it in this way: If the gentleman from California or the gentleman from Iowa were the head of the Forest Service and we had bumped our heads against the wall presented by the Congress time after time for the inclusion of areas or the exclusion of areas, both the gentleman from California and the gentleman from Iowa would finally throw up their hands and say, "Do what you please, because that is what you are going to do in the end anyhow."

Mr. JOHNSON of California. In the interim, after the legislation had passed the committee, we had that opportunity as well. I had the Chief of the Forest Service with me. I have been in the area many times. I am quite familiar with it. It is one of the older areas used as a primitive area by many people in California.

Mr. KYL. It is a beautiful area. That is why I shall vote for the bill whether the amendments are in or out.

Mr. JOHNSON of California. That is the way I view the matter. I shall vote for the measure either way. We had the Forest Service with us; we had the utility people. They all agreed. The conservation groups went over it very thoroughly. That is when I agreed to go back and place it in wilderness, allowing the utilities the right to go in there and use a very small portion of the area to take care of their work so far as regulating the facilities that are placed in the reservoir.

Mr. KYL. I certainly do not want to make the appearance of scolding the gentleman from California for offering his amendment. But I do want to say this to him and to the Chairman of this body: If we adopt this amendment thinking that we are doing something for conservation, something for wilderness, I point out that this is going to come back to haunt us time and time and time again. If the amendment is adopted, I would be able to stand here in the future and say, "I told you so," but that is not why I am here. I am here because I believe in the principle of extreme conservation that we have in the wilderness concept, and I do not want it disturbed.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. TUNNEY. I think the gentleman from Iowa knows the very high regard I have for him and his ability, and particularly his knowledge of the problems of Interior and Insular Affairs. I recognize the argument the gentleman is making is a curious argument that does have a certain amount of appeal. It has a certain amount of appeal to me.

However, we do know, as a practical matter, that there is no area in the country that is really truly a wilderness area if we are going to use the sort of purist standards that existed before Columbus.

Mr. KYL. Let me interrupt the gentleman. There are such areas.

Mr. TUNNEY. We know in many of our areas there are fire roads and there have to be fire roads to protect the wilderness areas, and that is a manmade creation.

I think the Wilderness Act, section 4(c), provides that there is a continuation of existing rights and assumes that this kind of situation will be taken care of if the 3,200 acres we are talking about are brought in under the Wilderness Act. In other words, it provides that the utility companies could go in and service their property.

Mr. KYL. Without the permission of the Secretary.

Mr. TUNNEY. There has to be prior permission. I think there does, I believe that there has to be prior permission. I will find out in a few minutes specifically on that from the staff, but I do believe the gentleman is incorrect in that point.

The point I would like to make finally is, if we leave this 3,200 acres out, there are going to be two corridors, one of 2 miles and another of 4 miles, that in future years could be subject to incompatible development—incompatible to the wilderness area, and that is why I disagree with the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. ASPINALL, and by unanimous consent, Mr. KYL was allowed to proceed for 5 additional minutes.)

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, is it not true that there are no fire roads to be built in the wilderness area in order to take care of fire?

Mr. KYL. That is correct.

Mr. ASPINALL. We have existing roads, but even they are not proposed to be used, but fires are to be taken care of in another manner.

Mr. KYL. As a matter of fact, some roads in the wilderness areas existing, we have ordered to be closed.

Mr. ASPINALL. The late Howard Zahnheiser told me personally that if there was a fire, he would prefer to see the whole mountainside blackened rather than see any cutting of timber for the fire road. That is the true concept of wilderness.

Mr. Chairman, let us get back to the bill. As I read this language—and I trust the gentleman from California is listening—this is the language:

> But the owners and operators of existing Federally licensed hydroelectric facilities shall have the right of reasonable access to the areas for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

That gives the companies anything they have had heretofore. They can go in and do it without the approval of the Secretary, as I read the language.

Mr. TUNNEY. Mr. Chairman, if the gentleman from Iowa will yield further, I admit my error on that. I am sorry. I was thinking of the previous bill.

Mr. FOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from California (Mr. JOHNSON).

What we have before us is a decision on which, as the gentleman from Arizona said earlier, reasonable minds can differ. Certainly the distinguished Chairman of the Committee on Interior and Insular Affairs and the gentleman who just left the well, the gentleman from Iowa (Mr. KYL), are distinguished in both their knowledge of the problems associated with wilderness areas and their concern in preserving the concept of wilderness.

However, I think it is important that we realize if we exclude these areas, as the committee bill would do, we are allowing two long fingers of land to intrude within a wilderness area and possibly threaten the other 63,000 acres we are setting aside by this legislation.

It is true that these areas would be administered by the Forest Service, but they would be administered under conditions which would permit the Forest Service to change the character of management. If we include the areas within the wilderness system, the Congress has placed a legal restriction on the management on the area and only a congressional act could change that restriction.

Some of the Members who have opposed this amendment have suggested the right of the companies to come in and service their structures in the areas is wrong—they will, of course, have that right and more, if we do not include the reservoir areas in the wilderness.

I would agree it is difficult to establish absolutely pure wilderness areas. There are few areas in the country which do not have some existing structures, some existing roads or trails. If we took an absolutely purist approach to this I believe there would be few of the great areas now in our wilderness system that could meet the qualifications.

Our decision, on this substitute amendment is a choice between a conceptually pure idea of wilderness, that may not be as efficient in protecting the greater part of this wilderness area, or one that includes these two fingers of land and insures that they will be administered in a manner compatible with the whole area threatened.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Arizona.

Mr. UDALL. I commend the gentleman for the statement he is making and the logic he has enunciated here. I believe he makes a strong case in support of the pending amendment offered by the gentleman from California (Mr. JOHNSON). I agree with him.

In support of that I should like to call the attention of the Committee to the fact that when we established the original wilderness system we bracketed into it at that time several dozen areas designated as the original wilderness system. The record of the testimony and the hearings on this bill, and other bills before our committee, indicates there are several dozen—I do not have the precise number, but several dozen—manmade reservoirs and structures now in the wilderness system, bracketed in originally. This would indicate a congressional intent, it seems to me, in the original act, that the fact that there was a manmade structure or dam of the like of this would not mean it would be arbitrarily excluded from having wilderness value, but was something to be considered carefully in determining whether there was a basic wilderness concept there to preserve.

Mr. FOLEY. I thank the gentleman.

In conclusion, I believe it is wiser, it is better wilderness policy and better conservation policy, for us to insure that this entire area will not be threatened, rather than to permit these unusual, almost gerrymandered, intrusions of land which would lie outside the wilderness area.

There are 3,200 acres involved. The total area is about 63,000 acres. The Forest Service does not object to inclusion. Those companies having private interests in the area now do not object to inclusion.

The substitute should be adopted.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but I want to respond to certain of the allegations which have been made with regard to the Forest Service.

In one of the colloquies which occurred it was said if the Forest Service had batted its head time and time again and lost out it would turn around and say we could do what Congress wanted to, because they were going to do that anyway.

I can only say that on those propositions we have had before our committee dealing with wilderness I do not know of any instance in which the Forest Service has lost out. They have won in every one of the cases. If we support the amendment of our colleague, the gentleman from California (Mr. JOHNSON) they will win again.

My good friend from Iowa suggested that there was an analogy somewhere between this proposition of the two reservoirs in Desolation Wilderness and one down in the Gila Wilderness Area. Well, there is a great deal of difference between the two. Here we are dealing with something that is already in existence.

One of them has been in existence for 100 years. The area has been designated as a wilderness area and a primitive one by the Forest Service ever since the classification was in existence. In the Gila Wilderness there is no dam although somebody wants to build one. To me there is a tremendous difference whether or not you are going to deal with something that someone would like to build or something which is already in existence. For that reason I hope the amendment in the nature of a substitute that has been offered by our colleague, the gentleman from California (Mr. JOHNSON), will be carried.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. KYL. I thank the gentleman for yielding.

I wish to call the gentleman's attention to one of his own pertinent remarks that he has made on many occasions when he has said that any time the Congress takes an action it can plea until the cows come home that it is not a precedent; once it is done it is still a precedent.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. JOHNSON).

The substitute amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of Iowa) having resumed the chair, Mr. ZABLOCKI, Chairman of the Committee of the Whole House on the State of the

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Union, reported that that Committee, having had under consideration the bill (H.R. 850) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California, pursuant to House Resolution 543, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 543, the Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 713.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL: Strike all after the enacting clause of S. 713 and insert in lieu thereof the provisions of H.R. 850, as passed, as follows:

"That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled 'Desolation Wilderness—Proposed,' dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

"SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

"SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and except that the owners and operators of existing federally licensed hydroelectric facilities shall have the right of reasonable access to the areas for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

"SEC. 4. The previous classification of the Desolation Valley Primitive Area is hereby abolished."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 850) was laid on the table.

PRESIDENT NIXON AND HIS MISPLACED PRIORITIES

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I hope that it was as distressing to the Members of this House as it was to me to hear President Nixon's announcement that the Federal Government will continue to pay the major share for the development of the SST.

At a time when the people and Government of this Nation are just awakening to the dangers threatening our environment resulting from air, water, and noise pollution, it seems somewhat foolish and contradictory to continue to spend additional millions of dollars on the project that will render our environment more hazardous. The supersonic boom generated by these planes has not been technologically disposed of and the SST could not be used over the mainland because the noise would so adversely affect our population.

Furthermore, if SST flights were restricted to overseas routes as seems possible there is considerable doubt that the Federal Government would receive much return from its "advance of money." It is my understanding that a restriction on overland travel could seriously reduce industry's demand for the plane and the $1.3 billion investment by the Federal Government would be wasted.

Finally, one of the most obvious arguments against such an expenditure is the pressing need for Federal moneys for housing, education, and food for the impoverished and so many other "creature needs" as opposed to "creature comforts." The President recently turned his back on adequate funding for mass transit—a transportation system which would daily assist more than 200 million people in this country. Yet the President is quick to assist the needs of those who would like to cut their trips to Paris from 5½ to 3½ hours. The small savings in time for the smallest part of the population, paid for by all of us, is simply not to be tolerated and I hope that this Congress will deny the President the funding he has requested.

A DOG-GONE GOOD IDEA ON RAT CONTROL

(Mr. FOREMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FOREMAN. Mr. Speaker, in June, in my regular monthly news report to my New Mexico constituents, I wrote:

EXPENSIVE RAT KILLING

The District of Columbia will soon be asking the taxpayers of the nation to provide many more millions of dollars to support the city government of Washington.

Recently, the District Department of Public Health announced a proposal to spend $1.1 million for "rat extermination." To "administer" the plan they would hire two $12,174 a year men and eleven at $10,203 a year, or a total of thirteen men at a cost of $136,481 just to boss rat killing. Even the rats breed fat payrolls in Washington, D.C.

A very intelligent and attractive little girl, Mary Haas, 12 years old, of 2225 Thomas Drive in Las Cruces, N. Mex., saw a copy of my report, and recently, she forwarded me an economical suggestion for a solution to the rat problem, and perhaps, even the "rat bureaucracy" problem.

Mary Haas suggests that we consider investing in some small rat dogs, specially bred and trained terriers for rat eradication. She even sent me an explanatory letter from Bertha M. Bowman, of Crusaders Kennels, Stafford, Kans., the folks who raise and train these type dogs.

On just individual orders, these useful little pets can be purchased for about $20 each. Therefore, even by ordering them at retail prices, we could buy 6,824 of these useful, effective rat-killing rat dogs for the same amount of money, $136,481, now being expended for the first year's projected "management" costs in just salaries alone for the present rat program. If the little dogs only catch one rat per day, 6 days per week, they would be ridding the District of Columbia of 2,129,088 rats per year.

If, on the original rat dog purchase, we are capitalistic enough to make our order 50–50—male and female dogs—then under most conservative estimates, we should not only double our number of dogs the first year, but we would also double the number of rats disposed of.

Surely this suggestion has interested my colleagues' imagination sufficiently that they can complete or project the outcome far better than I—in fact, someone has already suggested that this program sounds so dog-gone good, we should get started "rat" now.

The explanation letter on the rat dogs follows:

CRUSADERS KENNELS,
Stafford, Kans.

DEAR FRIEND: I received your inquiry and am very glad to describe my Terriers to you. I have the greatest collection of Rat Dogs in America. They are Rat Dogs and not all around dogs. The successful all around dog has not and never will be bred. Many breeds of dogs are advertised as such, but they never carry a guarantee to be workers in any one line. We well know that some breeds are workers along certain lines. Take for example the Bird Dogs. There are many breeders that spend years perfecting them and trying to breed a field trial winner. Others spend years breeding a show winner among the same breed. But the show winner never enters field trials. He may be only a few generations from the field trial winner, yet the few years neglect along this line has spoiled his ability in the field. There are several other breeds of which the same story could be told along their respective lines of work. You can now understand why some strains of dogs are workers and others are not.

I have the best strain of working Rat Dogs in America, and am making every possible effort to make them better. My pups begin killing rats at about 6 months of age without any previous experience. After the first rat is killed with a little help they begin hunting and grow steadily better with age and experience.

A good Rat Dog is the most efficient means of exterminating rats. A good dog will whine, growl and bark while digging and as a rat is a lover of the quiet, he will leave the place if he is not caught. A dog is always on the job. He drives the rats out and keeps them away. He is always on the lookout for the intruder.

In physical conformation I try to preserve perfect balance, which gives both beauty and physical capability. I have the small type and the standard size. They are white, marked generally with black markings. They are very short haired and tails are always bobbed. As pets they cannot be excelled and are very beautiful. You rarely see a smoother or finer featured terrier. My small type pups will mature from 7 to 10 pounds and the standard size from 12 to 15 pounds.

Pups are shipped from six to twelve weeks of age. Pups are shipped only by Air Express, so be sure to give your nearest Air Express when ordering. I guarantee safe and healthy arrival. My Kennel is inspected once a week by an Approved Veterinarian and Health Certificate accompanies shipments to states requiring them. Will ship C.O.D. if desired. Can send you a splendid unrelated pair now.

Male pups are priced at $25.00 each and female pups at $20.00 each. Can furnish you a splendid unrelated pair now at $45.00 F.O.B.

On all orders sold in Kansas, please add 3% to price quoted above for Sales Tax.

Please do not compare our stock with that offered by others at similar prices as this is our business and not a passing hobby or neglected sideline. We will be pleased to fill an order for you from this fine selection now ready for shipment.

Yours very truly,

CRUSADER KENNELS.

HEW AIR QUALITY STANDARDS CHALLENGED BY PENNSYLVANIA

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, the State of Pennsylvania, seeking air quality standards in accordance with the 1967 Clean Air Act, has challenged the validity of certain criteria compiled by the Department of Health, Education, and Welfare.

The act gives the State the right to determine its own air standards but stipulates they must be acceptable to HEW. HEW issued criteria to assist the States in their determination, indicating specific levels of pollution where certain adverse health effects might occur.

The Pennsylvania Air Pollution Commission has rejected the criteria on suspended particulates as being unrealistic. It is considering standards which, in relation to the criteria, could have injurious health effects on people, including increased deaths in certain age groups.

This conflict of scientific opinion is revealed in a report I received from Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, an agency of HEW. It contains the State's justification of its opinion as well as NAPCA's response.

I am shocked and gravely concerned about the differences and the possible dangers involved. I presented this data on Septemper 9 in testimony before the State Commission's public hearing in Pittsburgh. I brought it to the attention of my State colleagues in the House. Many share my fears and have joined me in a bipartisan appeal to Gov. Raymond P. Shafer to have his commission reconsider its proposals.

However, I feel the gravity of the problem and the potential threat is so great it dictates the inconsistencies be resolved before the State standards are submitted to HEW for approval. Such a step might eliminate months of delay and, thereby, ease the threat to the public health while the entire procedure to determine safe air standards is repeated.

Mr. Speaker, I would like to have my remarks and supporting documents included in the RECORD and I invite my colleagues to study them in considering the air pollution problem in their respective States:

AUGUST 11, 1969.

Dr. JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration, Arlington, Virginia.

DEAR DR. MIDDLETON: I would like to have comparisons with HEW air pollution criteria on sulphur oxide and particulates with real levels of concentration in the Pittsburgh Air Quality Control Region.

We are anticipating hearings in our district shortly, and I would like to be advised as to what the air contaminant levels are in my area.

Thank you for your immediate attention to this request.

Sincerely yours,

JOSEPH M. GAYDOS,
Member of Congress.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Arlington, Va., August 28, 1969.

Hon. JOSEPH M. GAYDOS,
New Federal Building,
Pittsburgh, Pa.

DEAR MR. GAYDOS: As I understand your August 11 letter, and its subsequent amplification by your staff on the telephone, you are concerned with three items: the relationship between the present air quality in the Pittsburgh Air Quality Control Region and the levels at which various air pollution effects occur, as set forth in the Air Quality Criteria documents issued by this agency; a review of the air quality standards proposed by the State of Pennsylvania for the Pittsburgh and the Philadelphia regions; and our reaction to justification of the proposed particulate standard as set forth in the minutes of the July 17 Pennsylvania Air Pollution Commission meeting.

We have made a comparison of current air quality information available to us from the Pittsburgh area with the Air Quality Criteria issued by this agency. This has been accomplished by reference to the Report for Consultation on the Metropolitan Pittsburgh Intrastate Air Quality Control Region to obtain annual average values and, where necessary, applying the relationships found to exist in metropolitan areas between annual averages and values for different averaging times and percentiles. The correspondence is only approximate, however, and specific data on current levels of pollution for various averaging times would be required in order to make a thoroughly meaningful evaluation. The Guidelines for the Development of Air Quality Standards and Implementation Plans issued by DHEW to the states request that such data be supplied when air quality standards adopted by the states are submitted to the Department for approval in compliance with the Air Quality Act of 1967. A more rigorous analysis will be possible at that time.

Based on the summary and conclusions from the Air Quality Criteria for Particulate Matter and the necessary interpretation of the information available from the Report for Consultation, the following relationships can be drawn:

1. Where concentrations range from 80 to 100 micrograms per cubic meter for particulates (annual geometric mean) with sulfation levels of about 30 milligrams per square centimeter per month, increased death rates for persons over 50 years of age may occur. This effect level may be compared with the actual levels as indicated in the Report for Consultation. In Pittsburgh, the annual geometric mean is 140 micrograms per cubic meter; in Monessen, the available data indicate that an annual geometric mean of 145 is experienced; in Avalon, available data indicate that an annual level of 150 is experienced; and in Bessemer, available data indicate that an annual level of 262 is experienced. Thus, actual levels in the Pittsburgh area are ¾ to more than 3 times higher than the level at which increased death rates in elderly persons may occur.

2. Where concentrations above 300 micrograms per cubic meter of particulate matter persist on a 24-hour average, accompanied by sulfur dioxide concentrations exceeding 0.22 parts per million over the same period, chronic bronchitis patients will likely suffer acute worsening of symptoms. Calculation of expected 24-hour particulate maxima based on the data in the Report for Consultation show that Pittsburgh can experience 24-hour levels of 461 micrograms per cubic meter; Monessen can expect 24-hour levels of 477; Avalon could expect 24-hour levels of 495; and Bessemer a 24-hour level of 862. Levels in the Pittsburgh area are ½ to 2½ times higher than the level at which acute worsening of symptoms in bronchitis patients may occur.

Based on the Summary and Conclusions from the Air Quality Criteria for Sulfur Oxides and the necessary interpretation of the information available from the Report for Consultation, the following relationships can be drawn:

The annual average sulfur dioxide level in Pittsburgh is 93 micrograms per cubic meter. This is lower than the level of 115 at which health effects may be expected to occur, but is somewhat higher than the level of 85 at which damage to vegetation has been observed. This evaluation is based on only limited data from a single location in the region. As noted above, more specific data for more locations throughout the region would be needed to develope a thoroughly meaningful evaluation.

With regard to a review of the air quality standards proposed by the State of Pennsylvania, we have prepared a report on this subject, a copy of which is enclosed for your information. This is a highly technical review, but the most salient feature relates to the proposed particulate matter standard of 100 micrograms per cubic meter on an annual average. When converted to the same terms in which the criteria are stated, this represents a level which most of the time would be as much as 25 per cent higher than the level at which increased death rates may occur.

The justification of the particulate standard set forth in the minutes of the Pennsylvania Air Pollution Commission seems to us to have certain inconsistencies. The justification refers to a study, cited in the criteria, which is one of the major underlying studies suggesting that an annual level of 80 micrograms per cubic meter of particulate matter may be related to increased death rates, and states that this criterion is not valid because "insufficient attention was paid to the socioeconomic factor" and also because the "synergistic effect of sulfur dioxide was ignored."

Frankly, we are puzzled by these statements. On page 158 of the Air Quality Criteria for Particulate Matter, in the discussion of this study, it is quite clearly stated that, the conclusions from the study took into consideration the air pollution intensity and the socioeconomic levels of the deceased. Further, it may be noted that the criteria document was thoroughly reviewed during all phases of its preparation by the National Air Quality Criteria Advisory Committee, appointed for this purpose as required by the Federal Clean Air Act. Members of the Committee as renowned experts in their

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several fields. During a discussion at one of the Committee meetings, this subject was taken into consideration. Speaking to this point, Dr. Ian T. Higgins, Professor, School of Public Health, University of Michigan, described the method used by the investigators in this study and said they were a legitimate way of taking socioeconomic levels into consideration.

As to the matter of synergistic effects, the Commission may have misunderstood the significance of the manner in which criteria are to be used. In the Conclusions of the Air Quality Criteria for Particulate Matter, page 189, the text clearly indicates the level of sulfur pollution related to the 80 microgram per cubic meter particulate level. The significance of this is shown on page 183:

"Epidemiological studies do not have the precision of laboratory studies, but they have the advantage of being carried out under ambient air conditions. In most epidemiological studies, indices of air pollution level are obtained by measuring selected pollutants, most commonly particulates and sulfur compounds. *To use these same studies to establish criteria for individual pollutants is justified by the experimental data on interaction of pollutants.* However, in reviewing the results of epidemiological investigations it should always be remembered that the specific pollutant under discussion is being used as an index of pollution, not as a physiochemical entity."

The third factor raised in the Commission's justification is that of the practicability for reaching the standard. They concluded on the basis of calculations using emission inventory information from the Delaware Valley Region that a level of 100 micrograms per cubic meter was the lowest annual average practically attainable. They further stated that their calculations indicate it would be "impossible to reach 80 micrograms per cubic meter even if all controllable sources were controlled to 100% efficiency, since the uncontrollable sources alone would result in concentrations greater than 80 micrograms per cubic meter." The basis for these conclusions is not clear.

Our analysis of actual particulate levels in the Delaware Valley region, using measurements obtained during a joint study conducted during the past year by the three states and this agency, indicates that the *highest* annual level in the area is 150 micrograms per cubic meter, with levels falling off from the center of the region to around 50 toward the outer portions of the area. (It is interesting to note, in fact, that for some 90 percent of the region, current annual levels of particulates are *below* the level of 80 at which health effects occur.) Taking normal background levels into account, we have calculated that present levels would have to be reduced only by 70% in order for the air quality level at the "dirtiest" site to reach the 80 microgram per cubic meter mark. Our engineers have calculated that this level of reduction can easily be achieved through application of existing pollution control technology.

When assessing the significance of the above relationships, it should be emphasized that air quality criteria are not an indication of how much air pollution man and his environment can tolerate without risk, nor do they necessarily indicate the lowest levels of exposure that will produce adverse effects. Knowledge of the effects of air pollution is not—and may never—be complete. Accordingly, reason and prudence lead to the conclusion that, when establishing ambient air quality standards, consideration should be given to requirements for margins of safety which take into account long-term effects on health and materials that occur at levels lower than the lowest at which demonstrable effects have been observed.

I trust that this report will help you and your constituents assess the facts and issues involved.

Sincerely yours,

JOHN T. MIDDLETON,
Commissioner.

STATEMENT BEFORE PENNSYLVANIA AIR POLLUTION COMMISSION PUBLIC HEARING, SEPTEMBER 9, 1969

Gentlemen, I am Joseph M. Gaydos, Congressman from the 20th District in Pennsylvania.

My testimony at this hearing today will center around a report I received from Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, an agency of the Federal Government's Department of Health, Education and Welfare.

Dr. Middleton's report deals with the quality of air in the Pittsburgh region, the criteria established by HEW and the standard of quality proposed by the Pennsylvania Air Pollution Commission.

I will include several copies of his report for the record of this hearing.

Gentlemen, I live and represent in the Congress an area of Allegheny county where air pollution has been a source of public indignation and irritation, physical and emotional, for many years.

My purpose for appearing here is I recognize the seriousness of the situation in my area and the need for immediate improvement. I am concerned with the apparent differences between the State and HEW. Where other states have seen fit to comply with the Federal criteria, Pennsylvania appears to be on the threshold of not complying.

There is no disagreement adverse health effects will occur at certain concentrations of pollution. The 'rub' is the specific level where these effects will manifest themselves. I am speaking now of suspended particulates, not oxides.

Dr. Middleton's report states adverse health effects may occur between 80 and 100 micrograms per cubic meter of air, according to HEW's criteria. Increased death rates for persons over 50 years of age may occur within this range, he warns.

Furthermore, the report claims the annual geometric mean in the Pittsburgh area is 140 micrograms. The HEW criteria calls for an annual geometric mean of 80 micrograms.

The Middleton report cites specific readings for other areas: Monessen has an annual geometric mean of 145 micrograms, Avalon has 150 and Bessemer has 262.

Dr. Middleton observes, and I quote: "Thus, actual levels in the Pittsburgh area are ¾ to more than 3 times higher than the level at which increased death rates in elderly persons may occur."

That's pretty shocking, gentlemen. It becomes more so when we learn the State favors a standard at the high point of the range outlined by Dr. Middleton as being a danger area.

Pennsylvania is proposing a standard of 100 micrograms per cubic meter of air. Already this figure is being questioned by members of the Scientific Community. The Pittsburgh chapter of the Federation of American Scientists has claimed the standard is not high enough to protect the citizens of this state.

Pennsylvania is the only state among those proposing air quality standards to disregard the HEW criteria. Some of those States have gone beyond the Federal guideline. New Jersey, for instance, is proposing a standard of 65 micrograms.

It has been said if Pennsylvania adopts its proposed standard it will have the distinction of being the first State to legalize particulate pollution at levels which are injurious to public health.

The State air pollution commission justified its position at a meeting July 17. Minutes of that session express the opinion the HEW criteria was not valid because insufficient attention was given socioeconomic factors.

Dr. Middleton's report answers this charge. He refers to a review of the criteria by a special advisory committee comprised of experts in several fields. He notes a Dr. Ian T. Higgins of the School of Public Health at the University of Michigan described the method used to consider socio-economic factors and said it was legitimate.

Gentleman, somebody is wrong! I recognize there are technical difficulties involved in implementing criteria and standards. There are cost factors to be considered and I am aware a problem compounded over 150 years cannot be solved overnight.

These are factors any reasonable individual understands and accepts. However, the first step in solving this problem is to establish realistic air quality standards. The question of attaining them, the means and the money needed, is another problem.

The immedaite concern is setting a safe standard. My feeling on this point, at least for the moment, is based on what HEW experts have said and the reaction of other States to the criteria.

Until shown otherwise I have to take the position the HEW criteria are realistic and Pennsylvania should comply with them.

At any rate, it seems to me when two groups of experts disagree over something as important as air quality standards they would attempt to reach a meeting of the minds. I would expect they would meet, review data on both sides, debate the differences and seek a solution agreeable to both.

But, I understand HEW was not given an opportunity to defend its criteria until after the State's proposal had been made known. Also I understand HEW cannot testify at these proceedings today unless invited. As far as I know, gentlemen, such an invitation has not been extended.

I am sure the public would have been interested in a confrontation between two groups of experts, each armed with their statistical data and able to converse on the same level. Certainly, we would have benefited from the exchange of information.

As it is, gentlemen, I wonder if the public confidence in the air pollution commission has not been shaken because of the contradictions.

Rejection of the Federal criteria without sound reasons could have far reaching effects.

It was public concern, gentlemen, that prompted the Federal Government to spend millions of dollars in gathering data from all over the world in preparation for the HEW criteria.

It was public concern which led Congress in 1967 to enact a clean air law, making it mandatory that States set up air quality standards acceptable to HEW.

If HEW does not approve the standards adopted by Pennsylvania (and I fail to see how it could approve them as now proposed) it would be a serious setback to our citizens. Pennsylvania would have to start from scratch in attacking the first problem of correcting polluted air.

New studies would have to be made by the Pollution Commission, the standards revised and proposed again and, finally, new hearings held for the public benefit.

Meanwhile, of course, we would continue to breath polluted air.

On the other hand, if HEW, for some reason, would accept the State standards now proposed it not only would be an embarrassing admission the Federal criteria was wrong, it would open the door for other States to flaunt the criteria and adopt standards actually injurious to the health of their residents.

The death knell for air pollution control through the 50 States would be sounded. The

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Clean Air Act of 1967, designed to cover this Nation with a uniform, protective blanket of pollution control, would collapse. Dirt, dust and chemicals would continue to contaminate the air we breathe, cutting precious years off productive lives.

If Pennsylvania is right in its proposed air quality standards, we in Washington will have to take corrective measures. If the State is wrong it must be willing to make the corrections.

I urge this Commission to weigh carefully all facts and evidence. In the time remaining before the standards are adopted I hope the Commission will re-evaluate its own studies and leave no margin of error which would be detrimental to the citizens of the Commonwealth.

Don't gamble with the public's health! Don't play Russian roulette with a gun that has every chamber loaded!

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, D.C. September 19, 1969.

Hon. RAYMOND P. SHAFER,
State Capitol Building,
Harrisburg, Pa.

DEAR GOVERNOR SHAFER: It has come to my attention the Pennsylvania Air Pollution Commission, presently in the process of establishing ambient air quality standards for the Commonwealth of Pennsylvania, is questioning the validity of certain air pollution criteria for suspended particulates as determined by the U.S. Department of Health, Education and Welfare.

It is both significant and dangerous that Pennsylvania, thus far, is the first state to challenge the established Federal guidelines. I am concerned that the Pennsylvania Commission's proposed standards may prove to be injurious to the health and general welfare of all Pennsylvania residents. I have attached hereto a list of cosignators which indicates my colleagues in the House of Representatives also share my concern.

The Pennsylvania Commission, at its July 17th meeting, released proposed air quality standards which included, inter alia, an annual maximum of 100 micrograms per cubic meter of air for suspended particulates. Thereafter, and upon my request, Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, informed me in writing of the Federal department's criteria relating to suspended particulates and questions the Pennsylvania Commission's justification of its proposed standards. I have attached herewith a copy of this communication for your review.

In view of the obvious discrepancies between the Federal criteria and the Pennsylvania Commission's proposed standards, I and my colleagues are of the opinion this matter be best brought to your attention because of your repeated concern with air pollution and its problems. We respectfully urge that you consider directing a review and reevaluation of the present proposed standards promulgated by the Pennsylvania Air Pollution Commission.

Sincerely yours,
JOSEPH M. GAYDOS, JAMES A. BYRNE, FRANK M. CLARK, WILLIAM J. GREEN, ROBERT N. C. NIX, JOSHUA EILBERG, JOHN H. DENT, JOSEPH P. VIGORITO, JAMES G. FULTON, GUS YATRON, WILLIAM A. BARRETT, THOMAS E. MORGAN, DANIEL J. FLOOD, FRED B. ROONEY, WILLIAM S. MOORHEAD, Members of Congress.

THE POST-APOLLO SPACE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I have read with great interest the report of the President's Task Force entitled, "The Post-Apollo Space Program: Directions for the Future."

On August 11 of this year, in a speech delivered in this well, I expressed my concern over the possibility that we were about to embark on another "crash program" in space—this time to put a man on Mars in the next decade. In that speech I expressed the opinion that there was a need to face the coming decades with a realistic set of priorities, and that our first priority should be making this country a better place in which to live for all Americans. If I may quote from that speech—

> I would suggest that we set aside the immediate goal of putting a man on Mars and instead make life a bit more bearable for men on earth . . . . I am convinced we would be far better off if we shifted our priorities from baking pie in the sky to giving a piece of the pie to everyone here on Earth.

Mr. Speaker, I was pleased to read that the President's Space Task Force has rejected the idea of a "crash program" to put a man on Mars. Quoting from the report:

> We conclude that a manned Mars mission should be accepted as a long-range goal for the space program. Acceptance of this goal would not give the manned Mars mission overriding priority relative to other program objectives, since options for decision on its specific date are inherent in a balanced program. Continuity of other unmanned exploration and applications efforts during periods of unusual budget constraints should be supported in all future plans.

The report goes on to recommend "that this Nation accept the basic goal of a balanced manned and unmanned space program conducted for the benefit of all mankind."

Mr. Speaker, I wish to commend the President's Space Task Force on both its excellent work and its well-reasoned conclusions. I wish to associate myself with the objective of "a balanced manned and unmanned space program conducted for the benefit of all mankind." As we move forward in space we must constantly re-ask ourselves: How can this best be pursued for the benefit of all mankind?

We would be hard put to justify the urgency of sending a man to Mars tomorrow if we were to give less urgency to the problems of population and environment, housing and education, wars and racial strife here on Earth. In my opinion, the President's Space Task Force has wisely recognized the need to put our space program in the total perspective of national priorities.

My own feelings are perhaps best summed up by the eloquent statement made by Astronaut Michael Collins when he appeared before us last week. In describing the journey of the Apollo 11 spacecraft, he made this observation, and I quote:

> As we turned, the earth and the moon alternately appeared in our windows. We had our choice. We could look toward the Moon, toward Mars, toward our future in space—toward the new Indies—or we could look back toward the Earth, our home, with its problems spawned over more than a millennium of human occupancy. We looked both ways. We saw both, and I think that is what our Nation must do. We can ignore neither the wealth of the Indies nor the realities of the immediate needs of our cities, our citizens, or our civics. We cannot launch our planetary probes from a springboard of poverty, discrimination, or unrest. But neither can we wait until each and every terrestrial problem has been solved.

Mr. Speaker, I hope we will continue to reach for the stars, but at the same time let us increase our efforts to reach our fellowman and make his life on this planet a more rewarding one.

At this point in the RECORD I include an article from the September 18 Washington Post on the Space Task Force report, and also other related articles:

[From the Washington (D.C.) Post, Sept. 18, 1969]

U.S. TASK FORCE OPPOSES CRASH MARS PROGRAM

(By Thomas O'Toole)

President Nixon's Space Task Group came out yesterday in favor of landing men on Mars but backed away from calling for a crash program to do it.

Instead, the task group called on the nation to "accept the long-range goal of manned planetary exploration," with its "first target" being a "manned Mars mission before the end of this century."

"Manned exploration of the solar system leading to a manned Mars landing is inevitable," said Vice President Agnew, who was chairman of the Space Task Group. "It should be established as a basic theme of our space program."

Agnew's tasks group gave President Nixon three options to achieve the manned Mars landing.

LANDING BY 1983

The first option would be to hurry it up and make a landing as early as 1983, the second would be to go at slower pace and make the landing no sooner than 1986.

A third option would be to proceed toward a Mars landing at a still slower pace, making the landing sometime in the last decade of this century.

The task group said it favored no single one of the three opinions, though Vice President Agnew said he personally preferred the option that would lead to a manned Mars landing in 1986.

"This approach should engender broad scientific and politcial support," Agnew said in a letter to President Nixon, "since the decision will be made when our technological, scientific and fiscal positions are better defined."

FREE TO BE FLEXIBLE

At a briefing held yesterday at the White House, Agnew said this option "leaves us free to be flexible." He said that under this option a decision to land men on Mars would not have to be made until 1976, when unmanned spacecraft would have already landed on Mars and presumably would have answered many of the riddles of the Red Planet.

The other members of the task group—Presidential Science adviser Lee DuBridge, NASA administrator Thomas Paine and Air Force Secretary Robert Seamans—said yesterday they had no public preferences on when to make the Mars landing.

Paine said that the space agency will endorse a landing date in about two weeks.

If he accepts the task group's proposal for a Mars landing, President Nixon does not have to commit the nation to it for at least four years. This is the result of the task group's

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rejecting an immediate all-out effort to land on Mars.

RISING BUDGET SEEN

"We rejected a crash program for obvious budget reasons," said Agnew. "Right now, there are too many competing priorities and we're in a difficult time of inflation."

Whatever option President Nixon chooses, it will mean a rising space budget over the next decade.

Under the option that would land men on Mars in 1983, the space budget would rise next year from $3.7 billion to $4.2 billion, then to $4.8 billion in fiscal 1972, to almost $6 billion the following year and to almost $7 billion in fiscal 1974.

Under this plan, the decision to make a Mars landing would come in 1974. If the decision was to go ahead, the space budget would soar in fiscal 1975 to $7.7 billion and then rise every year for the next five years to a peak of $9.4 billion in fiscal 1980.

A $5 BILLION LEVEL

The option that Agnew favors—the one putting men on Mars in the late 1980s—would see space spending staying below the $5 billion-a-year level until fiscal 1975, when it would reach $5.5 billion.

The nation would make the final resolve to go to Mars in 1978 on this timetable with the space budget moving up to $6.6 billion in fiscal 1979 and $7.7 billion a year later. This plan would result in peak expenditures of $8 billion annually in the early 1980s.

To fulfill the Mars landing mission, the task group urged development of four specific pieces of equipment—a manned space station, a shuttle "bus" to ferry men to the space station from earth, a nuclear rocket engine for long life in space and an atomic-powered space tugboat to push the space station around in space, whether in earth, moon, or Martian orbit.

In tandem with the Mars landing goal, the task group proposed continued exploration of the moon with men, even after the 10th manned Apollo landing in 1972..

NASA Administrator Paine said a 12-man space station could be placed into orbit around the moon by 1978. Two years later, a capsule could be dropped from the space station to land and to establish a permanent base on the moon.

"This would take place," Paine said, "when we selected the area on the moon where men might best live."

Besides increasing manned efforts in space, the task group also urged a companion growth in the unmanned exploration of the planets.

It recommended the nation orbit unmanned spacecraft around Mars or land unmanned spacecraft on the red planet every two years for the next decade. It also recommended several "tours" of the outer planets Jupiter, Saturn, Uranus and Neptune in the late 1970s as well as attempts to study asteroids and comets by flying unmanned spacecraft as close to them as possible.

[From the Washington (D.C.) Post, Sept. 19, 1969]

A Spaceman's Sense of Balance

The report of President Nixon's Task Group on Space and, indeed, even the speeches to Congress of the three men who rode in Apollo 11 have brought some rationality back to the discussion of whither the space program. That report recommends that the President commit the nation to a "long-range goal of manned planetary exploration" aimed at a landing on Mars in the early 1980s, the mid-1980s, or the 1990s. Acceptance by the President of the basic recommendation would eliminate talk of abandoning manned space flight, which would be a foolish course of action, or of proceeding toward Mars in a crash effort to get there as quickly as possible.

It is difficult for anyone to reach any other conclusion except those who blindly opposed manned space travel or those who, equally blindly, favor giving it the nation's top priority. Space exploration ought to proceed in an orderly way, maximizing at every step the advance of knowledge and the utilization of it here on earth. In fact, it is not at all clear that the President should set a "goal" of a Mars landing in any particular year.

What is important is for the nation to push ahead on the immediate recommendations of the Task Group—exploring the moon, developing the tools that are needed for systematic exploitation of our space travel capability, and extracting from the space program more benefits for those of us who are earthbound. This means that NASA would continue its moon flights, perhaps reaching the day in the 1970s when semi-permanent colonies would be established on the moon's surface. At the same time, it would push development of a nuclear rocket engine, which would make long-range space travel more feasible, a space vehicle that could be landed on earth and used over and over again, which would reduce the costs of each mission sharply, and a space station to hold a dozen or so men that could be flown in orbit around the earth or the moon or, when the time comes, Mars.

This kind of program would keep NASA operating for a while on about the budget it now has. It would have the advantage of allowing the agency to keep together the remarkable team of scientists and engineers it has created by giving them new and interesting problems to solve. At the same time, it would encourage those in NASA who want to tailor the space program to produce more information directly useful in the solution of earthly problems—surveys of natural resources, weather prediction and control, and so on.

Although parts of the speeches the three astronauts of Apollo 11 delivered to Congress Tuesday were open pleas for money for future space flights, they were carefully balanced by the recognition each man gave to the needs of domestic programs for the funds that might otherwise be spent in space. The words of Neil Armstrong, the first man to walk on the moon, are worth repeating because they catch the spirit of the delicate balance that must be made between the dreams for adventure and the practical realities of life:

"Several weeks ago, I enjoyed the warmth of reflection on the true meaning of the spirit of Apollo. I stood in the highlands of this nation, near the continental divide, introducing to my sons the wonders of nature and pleasures of looking for deer and elk. In their enthusiasm for the view, they frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk.

"To those of you have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator. To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail."

[From the Washington (D.C.) Evening Star, Sept. 18, 1969]

Slow Trip to Mars

Although President Nixon supports an American commitment to land a man on Mars, he has made clear through Press Secretary Ziegler that the undertaking will not involve a high-speed, extra-costly crash program that would ignore "budgetary considerations."

This is a sensible, realistic view. It is in keeping, in fact, with the balanced space program that has been recommended by a special panel of advisers in the report just accepted and endorsed by Mr. Nixon. The panel headed by Vice President Agnew, includes NASA Administrator Thomas O. Paine, Air Force Secretary Robert C. Seamans and White House Science Adviser Lee E. DuBridge—all well-qualified to offer sound counsel on the subject.

These and other distinguished members of the study group have given the President three options as to the timing of a landing on Mars—in 1983, no sooner than 1986, or around the year 2000. With the President's concurrence, the panel has rejected two alternatives as extreme. One would have the country go all-out—more or less in the manner of the Apollo moon landing—to put an American on Mars in the shortest possible time, regardless of cost. The other, on completion of the Apollo program, would put an end to all manned space projects.

What seems predictable is that when he makes his decision on the timetable for Mars, Mr. Nixon will be governed by what its effects may be not only on other space ventures, but also on down-to-earth human requirements and the amount of money available to meet them. Meanwhile, he has indicated that he fully agrees with the panel's recommendation that the space program, wholly apart from the Apollo landings still to come, should be pressed forward with vigor through the 1970s. The program would include unmanned probes of the Martian surface and a "grand tour" of the environs of the outer planets. Also, strenuous efforts would be made to develop a re-usable shuttle vehicle that would be capable of remaining in orbit, with large crews, for months at a time.

One of the important aspects of such a program is that it would provide for projects numerous enough and significant enough to insure against a grave weakening or withering away of the great and vital complex of scientists, technicians, administrators and technological plants now engaged in space work. It is work full of immense actual and potential value. And it will lead, among other things, to the day when man will almost certainly set foot on Mars and go on from there to explore deeper and deeper in the firmament.

CENSUS REFORM AND THE BETTS AMENDMENT

(Mr. BETTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETTS. Mr. Speaker, this week, the House is scheduled to consider H.R. 12884, a bill which would assure the confidentiality of census information. As the principal sponsor of census reform legislation, I believe that this is an extremely important measure and should like, therefore, to comment on the proposed changes.

On July 24, 1969, the House Post Office and Civil Service Committee, by unanimous consent, reported out this bill which I feel represents a forward step toward involving Congress more directly in determining census policies and procedures. Chairman WILSON and members of the Subcommittee on Census and Statistics who studied extensively this complex issue are to be commended for effectively confronting the main areas of contention and finally to report out a bill of significant substance. Of particular merit are the following provisions: repeal of the jail sentence, modernization of terminology appropriate to the computer-technological age, strengthening of administrative procedures designed to guarantee the confidentiality of census information, updating of data collection procedures and congressional review of questions 3 years in advance. I am hopeful that this bill is indicative of the beginning, rather than the culmination, of further legislative study that will expand in scope to include the broader implications of informational privacy.

I am disappointed, however, that the committee failed to propose a provision which would limit the number of mandatory questions by providing for a part voluntary or mixed census. The case for such a provision has been aired extensively and although I have followed the debate over its merit scrupulously, I am unable to find hard evidence to disprove my contention that a part voluntary census would be successful. Indeed, I have submitted documentation from specialists who work with data supplied by the Census Bureau who advocate the need for an approach which relies on public cooperation rather than compulsion.

I know the committee considered carefully my proposal but in the end apparently sided with those who claim that a part voluntary census provides invalid data. Nevertheless, there was agreement that a need existed for closer scrutiny and more legislative supervision over the formulation of questions. Thus, they have proposed that the Secretary of Commerce submit questions to the responsible committees for their review 3 years in advance. Congress then is to notify the Secretary at least 2 years prior to census day of its "approval, rejection, or revision of the proposed questions." I concur with their intent which is to limit the number of overly personal, business oriented and irrelevant questions which do not demonstrate a valid public need.

In essence, however, this proposal achieves little more than providing a codification of existing practices. Even now, Congress exerts a strong influence on the quality and quantity of questions if it so desires. The Census Subcommittee can express strong disapproval during the hearings on census plans and policies, and if the executive branch still refuses to heed their desire, the Census Bureau will then meet opposition in the Appropriations Committee. Contrary to what my colleagues on the Census Committee have stated, committee rejection of a question is not final. The Secretary of Commerce is under no legal obligation to accept their decision and should the Secretary want to include it and admittedly suffer the political consequences of such an action, he will have the statutory authority to do so under H.R. 12884.

The committee's proposed changes does not provide a satisfactory answer for the thousands of concerned citizens to the question of why should answering irrelevant questions be mandatory at all. Besides gaining a census head count, is there a legitimate need for imposing civil penalties for not responding to these questions? In answering this I would like now to summarize my arguments which are based on 2½ years of studying this issue.

The thrust of my contention is that decennial census questionnaires on a part voluntary basis can be successful in providing accurate statistical data. The Census Bureau, even though it conducts many periodic surveys and samplings on a voluntary basis, contends to the contrary, although it is unwilling to test a proposal advocated by various members of the Census Subcommittee as well as myself to determine the variance in response between a compulsory survey and one that is clearly stated as being voluntary.

A study I made of the 50 State statistical gathering programs in 1967 revealed that in only two States was population information sought under penalty of fine or imprisonment for noncompliance. The States engage in considerable data collection and have found no need for compulsion to secure satisfactory results.

Also, I sent inquiries to major private market research organizations in the United States to determine their position on a voluntary versus mandatory approach. Private companies, of course, must rely on public cooperation for the success of their survey work. Presidents of these organizations were nearly unanimous in their support for the voluntary approach and some went so far as to state their opinion that the mandatory nature of the census may distort the accuracy of such reports.

Constitutional law experts and civil libertarians have spoken out against sanctions in order to acquire personal information from individuals and have questioned the empirical basis supporting the hypothesis that voluntary responses provide useless data. Lawrence Speiser, of the American Civil Liberties Union, made this statement recently before Senator SAM J. ERVIN's Subcommittee on Constitutional Rights:

> I recognize that Government agencies as well as most survey statisticians contend that if individuals are told clearly and candidly that their responses are voluntary, that this would cut down the number of responses. I have attempted to find out without success the empirical basis for this axiom of statisticians. I do not believe it exists.

We must also bear in mind that as of this date, eight State legislatures have passed, or are considering, resolutions memorializing Congress to reform the 1970 census and to assure a complete count of the population. The legislatures of New Mexico, Kansas, Washington, Idaho, Pennsylvania, Delaware, Wisconsin, and Ohio have urged us, in the words of the Ohio resolution, "to return the decennial census to its intended constitutional purpose, restore personal privacy rights to the American people through repeal of offensive criminal penalties, and provide every possible assurance that the count of population will be conducted successfully."

I believe that a part voluntary census is the most feasible solution to the dilemma of balancing public needs with protecting our inherent right of personal privacy. This proposal would not change the questions which will appear on the 1970 census form since this is all but impossible now that the Government Printing Office is printing the forms. However, Dr. A. Ross Eckler, former Director of the Census Bureau, has stated in testimony before the Census Subcommittee that if a part voluntary census were enacted the only real change in procedure would be noting new penalty requirements in instruction sheets for enumerators and other field personnel. The public media can assist by informing the citizenry of this and other changes.

Mr. Speaker, it is my firm conviction that unless we put the full weight of the Census Bureau behind an accurate headcount, especially due to recent Supreme Court decisions, the apportionment of Congress may be jeopardized. In the 1960 census some 5.7 million citizens were missed by census takers representing a 3-percent undercount nationally which I understand ran as high as 6 or 7 percent in some inner city areas. Commenting on the 2.1 million undercount of Negroes, the editors of Ebony magazine emphasized the importance of an accurate headcount of black Americans:

> In the next decade black Americans are going to make more and more just demands upon this country and it is necessary that there be an accurate count of black Americans for many of these demands will be in the field of voting, housing, education, and employment where one must generate from a base of facts.

Another example of the problem of a complete headcount of all citizens is the inclusion of Americans overseas, particularly military and foreign service personnel and their dependents who are out of the country at the time of the census. There were 1.3 million such individuals in 1960 and because of the overall problem of determining where these Americans might live, they were systematically excluded from the count of population in each of the 50 States by the Census Bureau. Here is a place that needs more attention for to deliberately disenfranchise Americans overseas from congressional representation is unconscionable. Unless and until the early and complete count of the people is accomplished, I will continue to challenge its use for other sundry purposes.

H.R. 12884 in its entirety indicates to the executive branch that Congress will no longer acquiesce to administrative determination to what information should be collected by the Government. There is no conflict here in objectives. My amendment which provides for a part voluntary census will further strengthen this claim by acknowledging that public cooperation is better than compulsion in obtaining valid information. Except for minimal basic data needed from the citizenry for apportionment purposes, which should be mandatory, the rest of the census should be nonpunitive.

ROGERS INTRODUCES BILL TO CREATE NATIONAL INSTITUTE OF MARINE MEDICINE AND PHARMACOLOGY

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, earlier this year there was a report in the medical journals which spoke of a discovery of two new antitumor and antiviral compounds.

Developed at the University of Pennsylvania School of Medicine, this new substance, although still in the preliminary stages, gives every indication of being able to kill certain tumor cells, block virus, and even control some kinds of human leukemia.

It may well turn out to be one of our new wonder drugs. A boon to mankind.

And I would like to make one point in addition to these startling facts. This compound was developed from a species of Caribbean sponge.

It represents one of the many discoveries which men of medicine are turning up in the depths of oceans, on coral rock, and from the fish which swim in the oceans of the world.

We have already developed drugs from the sea which reduce man's absorption of radioactive strontium, speed coagulation of blood, control surface bleeding, relax muscles, and many, many other medical aids.

But we are proceeding piecemeal, on a catch as catch can basis. Every scientist will agree that almost every known form of animal life found on earth can also be found in the sea—and then some. There are thousands of animals, fish and life forms in the seas which are yet unnamed, unclassified, undiscovered.

Men of science and men of medicine have arrived at the conclusion that the seas represent a storehouse of medical wealth. All it needs is to be worked.

For that reason, I am today introducing, along with 20 of my colleagues, a bill to create a National Institute of Marine Medicine and Pharmacology. Joining as cosponsors are: John Jarman, of Oklahoma; David E. Satterfield III, of Virginia; Peter N. Kyros, of Maine; Richardson Preyer, of North Carolina; Ancher Nelsen, of Minnesota; Tim Lee Carter, of Kentucky; Joe Skubitz, of Kansas; James F. Hastings, of New York; Charles A. Mosher, of Ohio; Thomas N. Downing, of Virginia; Thomas M. Pelly, of Washington; Howard W. Pollock, of Alaska; Bob Wilson, of California; Richard T. Hanna, of California; Jerry L. Pettis, of California; Joseph E. Karth, of Minnesota; Walter B. Jones, of North Carolina; George E. Shipley, of Illinois; Hastings Keith, of Massachusetts, and William D. Hathaway, of Maine.

Although we are lagging in developing the resources of the seas for the benefit of medical science, we see ample evidence that the Russians have taken a great interest in this field.

At Vladivostok, the Russian Government has established and has been operating for several years, an Institute of Biologically Active Substances.

Using their giant oceanographic fleet, the Russians are beginning to explore the oceans of the world for potentially useful new drugs and food resources.

We, as a Nation, have been seeking new biological breakthroughs to conquer cancer and its killer companions for many years, yet we have neglected the oceans—the richest storehouse of potential sources.

The establishment of a National Institute of Marine Medicine and Pharmacology within the National Institutes of Health would add unaccounted new resources to our medical and scientific spectrum.

I hope that other of my colleagues will join with us in pushing for the establishment of this institute. There is an entire new world just beneath the waves. This represents only one of many benefits our Nation can and will reap from this yet unexplored world.

OIL DEPLETION ALLOWANCE

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, today a newspaper dispatch reports that one of President Nixon's lieutenants, Mr. Harry S. Dent, told Judge Barber Culver of Midland County, Tex., in the heart of Texas oil country, that the White House will reverse its field and support the 27½ percent oil depletion allowance. He stated that the President stood by a Texas campaign speech made last fall in which he opposed the reduction of the oil depletion allowance.

A later dispatch widens the mystery caused by the Dent letter. It stated that a canvass today of Treasury Department sources turned up no one who would admit knowing of the newest policy change indicated by the Dent letter.

Another later dispatch quotes White House Press Secretary Ronald Ziegler as saying that he had no information and that he hoped to be able to comment later in the day on the issue.

From all this, we learn one thing: The administration's position on the oil depletion allowance is as much lacking in integrity as it is in identity.

If President Nixon opposes tax reform proposals to cut back the oil depletion allowance, he must take responsibility for destroying the tax reform efforts of the House of Representatives.

There can be no tax reform program which permits oil privileges to continue "scot free" and almost tax free.

LEGISLATION INTRODUCED TO MAKE FEDERALLY COLLECTED REVENUES AVAILABLE FOR PERCENTAGE SHARING WITH THE STATES AND CITIES

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, today more than 75 Members of the House, including seven from the Ways and Means Committee, have joined to introduce legislation that will make federally collected revenues available for percentage sharing with the States and cities.

When passed, this legislation will effectively carry out the proposal made by President Nixon last August 13 that Federal revenues should be made available for use by the States and cities on a no-strings-attached basis.

Mr. Speaker, introduction of this legislation today marks the first time in recent history that a concerted effort has been begun to give States and local governments the funds that will allow them effectively to live up to their commitments and their responsibilities to their citizens.

I think it is generally agreed that the Central Government until now has increasingly preempted the sources of revenue available to States and local governments, thus leaving no alternative except for the Federal Government also to preempt their responsibilities.

Until now, money flowing from the Federal Government to the States has been sent in the form of categorical grants, with the Federal Government determining how and where the funds will be spent. Often, in doing so, we have put such grants on a matching basis. This forced the recipients to increase their own taxes to take advantage of projects and programs they need less than some for which we have provided no grants.

The legislation we are seeking today will provide additional funds that States and counties and cities can spend as they see fit.

Mr. Speaker, there are those who lack confidence in the ability of States and local governments to spend money effectively or properly. I would agree there will be cases where money is badly spent.

But we have no further to look than the Federal Government to see great sums badly spent on poorly devised programs devised for questionable reasons.

Mr. Speaker, we are a self-governing people. The Constitution ordains our system as such, and the vast majority of Americans want it that way.

Self-governing begins with the government closest to the people—local, county, and State government.

Revenue sharing will make it possible to make that government more effective and more able to meet the needs of those it governs.

Mr. Speaker, remembering that big government is not necessarily the best government, I urge the Members of this House to give this legislation not only their careful study but also their votes of approval.

Our Nation will be the stronger for it.

INTERCITY RAIL SERVICE

The SPEAKER pro tempore (Mr. Smith of Iowa). Under a previous order of the House the gentleman from Washington (Mr. Adams) is recognized for 60 minutes.

(Mr. ADAMS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. ADAMS. Thank you, Mr. Speaker.

The purpose of the special order today will be to discuss the intercity rail service to change the legislative authority of the Interstate Commerce Commission.

Mr. Speaker, we have sponsored a series of bills with many cosponsors to accompany this and before the afternoon is over I shall enter another bill which will bring the number of cosponsors to over 90.

Also, I have a series of statements that I shall introduce into the Record at the end of this special order today from various Members who wish to be a part of this special order. I also want to mention the fact at this time that the Honorable **Henry B. Gonzalez**, of Texas, has previously entered remarks with reference to this matter and which can be found on pages 26772 and 26773 in support of this proposition.

Mr. Speaker, the debate over the quality and quantity of interstate rail service has been building up a head of steam for some time. The recent decision of the Interstate Commerce Commission in the matter of the Sunset Limited that is sometimes known as the Messer decision placed the whole matter before Congress. Many people have wondered why we bring this up at this time and why something has not been done before. The reason is that a week ago the Interstate Commerce Commission decided that they did not have the authority to regulate the adequacy of rail passenger service between the major cities of America. Many of us think this decision is incorrect and in a moment I will review a part of the history of the ICC Act covering this question which we believe is the responsibility of the Congress. But rather than going through a series of court decisions that might last several years we believe the better decision is for the Congress to amend the Interstate Commerce Act and make it clear that under the interstate commerce clause that the Interstate Commerce Commission has the authority.

It is clear from a reading of the very words of the act that the carrier is required to both "provide" and "furnish" transportation.

There are no words in the act that existing ownership and control is a prerequisite to the carriers' duty to provide and furnish service. From the explicit words of the act, it would seem to follow that if a reasonable request is made for cars and the carrier does not possess them, it must acquire them.

The original act to regulate commerce of February 4, 1887, C. 104, 24 Stat. 379, provided simply that:

> The term "railroad" as used in this act shall include all bridges and ferries and the term "transportation" shall include all instrumentalities of shipment or carriage.

In interpreting the act, the ICC in 1888 in *Scofield* v. *Lake Shore Ry. Co.*, 2 ICC 90, and again in 1904 in *Re Transportation of Fruit*, 10 ICC 360, ruled that although there was a common law obligation to furnish oil tank cars, the act of 1887 neither imposed this obligation nor empowered the ICC to enforce it.

Now, with this attitude of the ICC in mind, the Congress passed the Hepburn Act of 1906, and specifically added the duty of furnishing cars so there again would be no question.

The Hepburn Act was the culmination of a long popular agitation in favor of increased control over the railroads. It was argued in the public debate that if a railroad could provide adequate trains for some communities and not for others, the railroad could stifle the growth of some cities in favor of others.

Upon introducing the Hepburn bill, Congressman Townsend said:

> The measure which passed the House last session was believed to cover all the facilities of transportation, but inasmuch as some gentlemen contended that it did not, we have endeavored in the present bill to use such language as will take the matter out of real doubt. To that end we have declared that cars, vehicles, instrumentalities of shipment or carriage . . . shall be considered as being furnished by the carrier, and therefore under the supervision of the Interstate Commerce Commission. (Cong. Record, 59th Cong., 1st Sess., Vol. 40, Pt. 2, pp. 1764, 1765.)

Mr. Davidson stated on the floor:

> Enact this measure and all the practices of . . . auxiliary companies, as well as those of the carriers themselves will be subject to regulation and control by the Commission. (Id. pp. 2103–2104.)

If there remained any doubt that Congress intended the ICC should regulate the quality of rail service, it should have been cleared up in 1910. Section 15 of the act was amended in 1910 by striking out the words "affecting such rates" and gave the Commission power to set what regulation or practice in respect to trains is just, fair and reasonable—whether or not such practices directly affect rates. The Commission by the statute had the power to make an order that the carrier shall cease and desist from such violation, and the carrier shall conform to the regulation or practice prescribed.

In the mind of the Congress, the extent of the power already conferred on the ICC apparently was not thoroughly appreciated by the ICC. And it was deemed so important to secure effective provisions for adequate service that in the amendment of 1910 it was proposed to make the legislative declaration of the carriers' duties to render reasonable service all-embracing and to put beyond reasonable question the power of the Commission to compel such service.

The report of the Committee on Interstate and Foreign Commerce on April 1, 1910, recommended the bill to amend the Interstate Commerce Act—H.R. 17536, House Report No. 923, 61st Congress, Second Session—stating on page 10:

> Section 9 of the bill proposes to amend section 15 of the Act to regulate commerce. Section 15 of the Act is the section under which orders of the Commission in regard to rates are now made. Under provisions of section 15, as it now stands, the authority of the Commission to enter an order is confined to the subject matter of rates for transportation and regulations or practices "affecting such rates" and the establishment of through routes where "no reasonable or satisfactory through route exists." As recommended to be amended by your committee, section 15 of the present law will have its scope largely increased, and the jurisdiction of the Commission will be much enlarged.
>
> Under the section as reported, the Commission is given jurisdiction to enter orders not only in regard to rates, but also in regard to classifications, regulations, or practices, whether they affect rates or not, and to determine what are proper classifications, regulations, and practices, in addition to rates and to require the carriers not only to follow the rate which may be fixed by the order of the Commission, but also to adopt the classification and conform to and establish, observe, and enforce the regulation or practice prescribed by the Commission.

On the floor Congressman Mann stated:

> We have conferred upon the Interstate Commission the broadest kind of powers now so far as railway rates are concerned, and we are proposing in this bill to greatly enlarge their power by giving them the same power over classifications, regulations, and practices which they now have over rates. (Cong. Rec. 61st Cong., 2nd Sess., Vol. 45, pt. 5, p. 4573.)

It has been my position, and that of many other Members of this House, that the ICC has always had sufficient power to set standards for rail passenger service, but last month the ICC, a majority on it, said that they did not have the power to set adequate standards for service.

In order to remove this doubt, I have introduced H.R. 13832 which authorizes the ICC to set standards for adequate rail passenger service. At that time more than 70 Members of the House joined me in cosponsoring this legislation. We are now at over 87 Members of the House, and this total continues to grow every day.

If this legislation is passed, there would no longer be any doubt that it is the intent of the Congress that the ICC should regulate the railroads in such a way that the public will have safe, clean, efficient, and a speedy alternative mode of intercity transportation. This bill would give the ICC the authority to set standards for adequate rail passenger service first by amending section 1(4) so that the carrier would have an explicit duty to furnish adequate transportation for both property and passenger.

Second, section 12(1) would also be amended so there would be no question as to whether the ICC has the power to enforce a duty placed on the carrier by section 1(4). These amendments should fill the jurisdictional gaps which the ICC thought existed when the Commission issued the Sunset Limited-Adequacies decision. In addition to the amendments just mentioned, the bill would authorize the ICC to require adequate facilities for the handling of through car service. In my mind, as I have already mentioned, the ICC was vested with these powers from the earliest days of its creation. However, since the ICC has taken a contrary view, legisaltion is our recourse.

The only part of H.R. 13832 which I believe contains a new grant of power to the ICC is the amendment of section 3 (5). This amendment to the Interstate Commerce Act would authorize the ICC to require railroads to share trackage. The law as it stand now has provision for the sharing of trackage for a reasonable distance outside a terminal. The amendment would delete that phrase and leave the ICC free to require certain passenger trains to move over another carrier's track any place on the route. I think this provision is necessary if we are to have an integrated rail passenger system.

The ICC noted in its 1968 report:

> It is becoming evident, however, that much of the service is deteriorating in quality, and, in some instances, that a purposeful downgrading of service may be taking place.

Our bill, H.R. 13832, will enable the ICC to put a stop to the practice of deliberately downgrading passenger service in order to drive away passengers.

Now, in the past 10 years the number of regular intercity passenger trains has declined from more than 1,400 trains in 1958 to 513 trains this year. In fact, in the last 12 months the numbers of inter-

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city trains has dropped from 580 to 513. Over this period of time the railroad industry has made virtually no investment of new passenger equipment, and the quality of service has dipped to an all-time low.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr. Speaker, I would like to commend the distinguished gentleman for his initiative in bringing this important matter to the attention of the House.

May I say that this is a matter in which I have had great interest and concern as chairman of the subcommittee on independent offices appropriations. The Interstate Commerce Commission has appeared before my committee for many years and I have questioned them along the very lines that the gentleman is addressing the House at this time, stating certainly it was the intent of the Congress when this legislation was passed that they would have the power to direct and demand quality service in railroad service.

It seems to me that the Interstate Commerce Commission has reached the stage in its career now in which they just want to do a lot of what the railroads request. For instance, they want to abandon lines.

But why do they not take an affirmative stand on the issue like the gentleman is insisting and require quality railroad transportation for this country? I think it can be done and it should be done. I think the authority exists in present legislation. I have so stated on several occasions, although I believe the gentleman is finding out as a result of his inquiry that a majority of the commissioners do not feel that they have such authority. Maybe two or three state that there is such an authority. There is a division within the commission.

I would support the gentleman's legislation to establish this authority in the commission, to require quality transportation for the American public.

Mr. Speaker, I certainly want to commend the gentleman for his fight in this regard.

Mr. ADAMS. I thank the gentleman. I appreciate what the situation has been in the past with other members of the Committee on Appropriations and we will try through authorizations and appropriations to implement this matter.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to commend the distinguished gentleman from Washington for the outstanding job he is doing here today in bringing to the attention of the Members of Congress the problems of the plight that the American public find themselves insofar as the passenger service of the railroads is concerned.

It seems to me this statement by the Interstate Commerce Commission, and I do not agree with it, certainly is shocking, to think that this board would be in operation all down through the years and they would not have this power and authority.

I do know because of the efforts of the lobbyists representing the railroads that they have been successful on many occasions in weakening the powers of the ICC.

The whole northeast corridor of the United States has a real problem so far as railroad passenger service is concerned. North of Boston, going all up through the States of Massachusetts, New Hampshire, Vermont, and up through Maine, there is practically no railroad service today. We find that on the service from Boston to New York under the old New Haven system that was taken over by the Penn Central, 91 trains have been taken off as a result of the decision by the ICC this year on which I believe they acted in too hasty a manner.

We find the roadbeds are in terrible condition. There are accidents throughout the entire Nation. Every day you pick up the papers and read about some freight car that has overturned or some accident that has happened because of the poor condition of the railroads.

This Nation has spent billions and billions of dollars on our highways. They have bled our urban areas. There is a great need for mass transportation. There is a great need for providing safe railroad beds throughout the entire country. The railroad beds of this Nation are in a disgraceful condition. The public does not realize the danger and the jeopardy involved when they ride over many of these roads. Some have not been taken care for the past 25 years. The New York Central Railroad recently spent about $35 million on the New York to Washington run and on that Metroliner system the people are lined at the Penn Station in New York and here at the Union Station in Washington waiting to get on that train and to use that service. That indicates the public wants railroad passenger service and the railroads down through the years have done everything to discourage them.

I understand that on many occasions before these trains take off the one in charge of putting the cars onto the train will pick out the dirtiest and the worst cars in the yard and say, "Put those cars on that trip."

They make sure the public will never use train service again. So we must have a whole reappraisal of our railroad systems in this country. God help us if we are ever involved in a major war again such as World War II. We would not be able to transport around this country the troops that would be needed. The railroads have allowed their equipment and the roadbed to go down, down, and down, and it is about time that our Government concentrated its attention on the railroads of this country. Use of the railroads must be a part of the answer to our urban problems. It has to be the answer to the glutted airports of our Nation and the glutted airways.

A solution of the problem is the only answer we have in our effort to take millions and millions of vehicles off the highways, vehicles that are killing over 50,000 people a year in this country.

So I join with the gentleman from Washington and commend him. Let us get behind a bill, a law that will help in the solution of the railroad problems of our country. Let us get behind such a program the way we got behind the highway program. We have cloverleafs, underground highways, overground facilities—we have everything. When we pick up the newspapers each day in Washington, we observe they are talking about the Three Sisters Bridge and the need for better transportation here in the Washington area.

The same problem exists in every urban center of our country. So it is about time that those in authority, those who are charged with the responsibility, those on the Interstate and Commerce Committee, the Secretary of Transportation and, yes, the White House, and including the leaders of both parties, take the bull by the horns and do the job in this field that must be done in our Nation.

I commend the gentleman in the well for trying to correct one of the problems that the ICC is facing in relation to the treatment of passenger cars. Certainly the ICC should have power and authority in that field, and if they do not have it today, as they say they do not, the Congress should act in an expeditious manner and get a law enacted that would give them such authority.

Mr. ADAMS. I thank the gentleman from Massachusetts for his most eloquent statement. We appreciate very much his support.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from Washington yield?

Mr. ADAMS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I agree with everything that the gentleman from Massachusetts has so eloquently said. I do not always agree with him on residual oil imports, but in this particular case I think he has stated the issue very clearly. I would only add this: No matter what legislation we pass on this issue, I think we are going to have to clean out the Interstate Commerce Commission and its staff before we are going to get aggressive protection of the public interest.

The Interstate Commerce Commission was established in 1887. It is now 82 years of age. I suggest that it has "tired blood." I suggest that the majority of the members of the Commission have taken a backward step in the kind of decision that they rendered in the Southern Pacific case. Something is terribly wrong with an agency whose staff compiles the statistics, the arguments, the accounting data, and the other mumbo-jumbo which all add up to conclusions as to why they cannot protect the public interest as Congress has charged them with doing.

There are a few bright lights that are shining exceptions to the general rule of insensitivity to the public interest. One of these battlers for the public interest is the Chairman of the Commission, Mrs. Virginia Mae Brown, of Pliny, W. Va., a former member of the West Virginia Public Service Commission.

I would like to quote a few lines from a letter in Sunday's Star by Pierre E. Dostert that states this a little more eloquently than I. He refers to the decision of the Interstate Commerce Commission in the Southern Pacific case, and he says:

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> The decision itself, and the circumstances surrounding it establish beyond any doubt that the ICC is now nothing more than an extension of the railroad lobby within the United States government.

He goes on to indicate that it is clear the public interest will not be served by only minor measures. He states:

> With the exception of Chairman Brown and Commissioner Tierney, who boldly resisted the moves of the other commissioners in the Southern Pacific case, the remainder of the present commissioners should be legislated out of government service.
>
> The chronic disease of railroad influence, which the commission has had for many years, has become acute. Only radical surgery will rid it of this affliction.

Mr. Speaker, I would like to point out also that there are many illustrations of deliberate downgrading of passenger service by the railroads who then later apply for discontinuance of passenger trains. I have two specific ones which occurred during the months of July and August in Huntington and Charleston, W. Va. For the protection of railroad employees, I must disguise the complete and specific details of the numbers of the trains which I have here, but I would be glad to make available the numbers of the trains to any Member of the House, as well as the names of personnel involved.

There have been occasions when loaded trains have come into Huntington, when the official personnel on those trains have phoned ahead many, many miles to try to get additional coaches and have been told by the railroad: "No, let the passengers stand."

In several other cases, there have been situations where it would have been possible, with one little switch of a train from one track to another, to have seated all the passengers or to make connections. Yet the railroad has made passengers get off the train and to wait in a cold station for many hours until another train comes along. There are many, many other examples of horror stories which have been detailed in Peter Lyon's book "To Hell in a Day Coach."

Mr. Speaker, any Member of Congress who has testified before the Interstate Commerce Commission and before any Examiner on any of these discontinuance cases knows how difficult it is, with a battery of the railroads' highly paid lawyers sitting in front, raising objections, and cross-examining in an insolent manner in an attempt to discredit those passengers who have legitimate criticism of railroad service. When a Member of Congress comes in with letters from his constituents pointing out incidents of deliberate downgrading of service, those lawyers object to the fact that this may be hearsay testimony, coming from some constituent, and they strenuously object to the interjection of any of this testimony into the record.

Mr. **OLSEN**. Mr. Speaker, will the gentleman yield?

Mr. **ADAMS**. I yield to the gentleman from Montana.

Mr. **OLSEN**. Mr. Speaker, I commend the gentleman in the well and all the Members who are taking part in this special order. I think it is good for the American people.

However, Mr. Speaker, I heard the gentleman from West Virginia say something about Members of Congress appearing to testify before the Interstate Commerce Commission. I want to say I do not think anybody in Congress ever has testified before the Interstate Commerce Commission. The Interstate Commerce Commission does not listen to anybody. We have to go before an examiner. We have not had a Member of Congress appear before the Interstate Commerce Commission because they do not hear us or anybody.

Mr. **HECHLER** of West Virginia. Mr. Speaker, I stand corrected. I did testify before a hearing examiner. The incident I was describing involved just that situation where I appeared before a hearing examiner.

Mr. **OLSEN**. Mr. Speaker, I have been practicing law for 29 years, and in all those years I have tried to appear before an outfit like Interstate Commerce Commission, and never have I had such a chance. I keep thinking in my years of service in the Congress that one of those people will have to come in and appear here some day. The only way we could get to talk to the Interstate Commerce Commission is to be a part of the railroad lobby.

Mr. Speaker, the Congress should never have given the power away in 1887. That was a terrible decision. It is time we repealed some of that grant of power and took that authority back here. This is what would happen if we have a postal corporation. It would be the same thing. Never again would the people ever have a chance to be heard if we do that.

Mr. Speaker, there are only two places in Government where people are heard, and one is the Congress and one is the courts. Never do the commissions listen to the people. They send those who testify before a hearing examiner, and that is all you get from the commissions. But in Congress somebody has to be there, and some Congressman has to sit in the hearing, and in the courts, a judicial officer has to be there.

Mr. **HECHLER** of West Virginia. Mr. Speaker, will the gentleman from Washington yield further?

Mr. **ADAMS**. I yield to the gentleman from West Virginia.

Mr. **HECHLER** of West Virginia. Mr. Speaker, although I am a supporter of the postal corporation, the remarks of the gentleman from Montana bring an additional thought to mind. The Post Office Department has not contributed to the solution of the railroad passenger service problem one bit, and in fact has exacerbated the problem by taking the mail off trains. When the Post Office Department takes the mail off the passenger trains, it has several effects: First, it slows down the delivery of the mail, which cannot be sorted en route; and second, it gives the railroads a further excuse to claim loss of revenue and apply for discontinuance of passenger trains. As a matter of fact, if the truth be completely known, I would be willing to wager that there has been collusion between the railroads and the Post Office Department concerning taking mail off. Often it is difficult to conclude which comes first, the chicken or the egg. The railroad may want to take off a passenger train, and starts to make rumbling noises that portend some effort to cut off a train. Then the Post Office Department comes along and claims that since there is danger that the railroad might discontinue a particular passenger train, perhaps it might be well for the Post Office Department to take the mail off the train in question, then the railroad runs to the Interstate Commerce Commission and claims: "Look, we are losing all this revenue because the Post Office Department is taking the mail off the train." This is a real slick operation which happens so fast that the public is left gazing in disbelief at the card sharks and marveling at the slight of hand, but unable to do anything about it.

Mr. Speaker, I would like to conclude my remarks by asking unanimous consent to insert the full text of the letter from Pierre E. Dostert in the Sunday Star of September 21, as well as the text of an article on Commissioner Tierney and the dissenting opinions of Chairman Brown and Commissioner Tierney in the Southern Pacific Railroad case. These dissenting opinions set forth very clearly the fact that the railroads of this Nation have deliberately downgraded passenger service and have by one trick or another attempted to discourage passengers from using the trains.

Mr. Speaker, I applaud the gentleman from Washington for his constructive efforts to remedy the situation.

I would merely suggest that we need even more thorough housecleaning of the Interstate Commerce Commission beyond the passage of this legislation.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The letters, article, and dissenting opinions referred to follow:

[From the Washington (D.C.) Sunday Star, Sept. 21, 1969]

ICC AND THE SOUTHERN PACIFIC

SIR: I have had an opportunity to read and consider the decision of the Interstate Commerce Commission dealing with the adequacy of passenger services of the Southern Pacific Railroad. The decision itself, with the circumstances surrounding it, establish beyond any doubt that the ICC is now nothing more than an extension of the railroad lobby within the United States government. Several aspects of the proceeding merit attention.

The Southern Pacific case was filed in 1966. The railroad was charged with deliberately downgrading its passenger service in order to drive the public away with the ultimate goal of discontinuance of such service. A hearing examiner sustained the charges in April 1968 and ordered that the railroad restore its service to its former quality.

The matter then went to the commission, where it sat for 17 months. It was only when the ICC was threatened by the suggestion of getting an injunction compelling a ruling by the commissioners that they acted. The decision has a printed date of December 10, 1969, indicating that the commissioners had intended to sit on the case for three more months—this was crossed out and September 12, 1969, written in by hand.

The commissioners held that they had no jurisdiction over passenger train service, a conclusion that is demonstrably and patently false. More important, they asked Congress

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for additional authority in order to regulate the quality of passenger service (even though they already have the authority). In requesting this, the commissioners indicate that they will only regulate quality when a railroad can make a profit, real or imaginary, out of passenger service. They go on to discuss the need for governmental subsidies for passenger service.

In their decision, the commissioners allude to a report of the ICC issued recently in which the commission found that the railroads have totally falsified and exaggerated their losses from passenger service. Notwithstanding this, the commissioners seek to promote the subsidy sought by the railroads to compensate for their partially falsified losses. This is nothing less than blatant intellectual dishonesty.

The Star recently reported extensively on the acceptance of free travel and accomodations by ICC personnel from the railroads. It was only in the face of this publicity that this practice was reluctantly discontinued by order of the commission. One does not need a legal education to conclude that the practice should never have been permitted in the first place.

The railroads are now actively lobbying in Congress to rush through a subsidy program to underwrite continued passenger service. The actions and timing of the commissioners in the Southern Pacific case indicate that they seek to actively assist the railroads in obtaining this goal.

Congress now has before it a bill to effect some minor changes in the ICC. Based upon the performance of the present commissioners, it is clear that the public interest will not be served by only minor measures. With the exception of Chairman Brown and Commissioner Tierney, who boldly resisted the moves of the other commissioners in the Southern Pacific case, the remainder of the present commissioners should be legislated out of government service.

The chronic disease of railroad influence, which the commission has had for many years, has become acute. Only radical surgery will rid it of this affliction.

PIERRE E. DOSTERT.

[From the Washington (D.C.) Post, Sept. 23, 1969]

MEMBER BLAMES ICC, RAILS FOR POOR PASSENGER SERVICE

(By William H. Jones)

A member of the Interstate Commerce Commission yesterday blamed his fellow commissioners and the nation's railroads for permitting the deterioration of railway passenger service.

In a dissent to the ICC's 7-to-2 ruling on Sept. 12 that the commission lacked authority to enforce minimum standards of rail passenger service, Commissioner and former Chairman Paul J. Tierney said the agency "presently has jurisdiction" and that it is "now painfully clear that some carriers have abandoned any pretense of responsibility to rail passengers."

Chairman Virginia Mae Brown also dissented in the case brought to the ICC by five southwestern states which contended that the Southern Pacific had deliberately downgraded service on its Sunset Limited between New Orleans and Los Angeles.

"A remedy for the poor quality of existing rail service has been sought from this commission," Tierney said, and "by the action of the majority, the public must now look elsewhere for help—either to the Congress or to the courts."

He said that the nation's railroads "can control" the adequacy of existing service, "yet it is painfully clear that some trains are being operated so as to force the public to desert rail travel. The majority contends the commission cannot prevent the railroads from abandoning their fundamental duties as common carriers.

"It is inconceivable to me that it was Congress' intention that this agency should be impotent to enforce such duties." Tierney concluded.

The commissioner's dissent, released yesterday, came on the eve of three days of Senate hearings on the subject of national railroad problems, during which legislation specifically ordering the ICC to regulate rail-service standards will be considered.

Sen. Vance Hartke (D-Ind.) this morning will open hearings of his Senate Commerce subcommittee on surface transportation with a call for major legislation this year to deal with the U.S. rail crisis. Before his subcommittee are at least eight bills. Some drafts call for studies of national transportation needs and one bill—supported by the rail industry—calls for direct federal subsidies to railroads to finance money-losing passenger operations that are required by the ICC to be continued as a public need.

The ICC, which has called for congressional action to prevent total elimination of long-distance trains within a few years, is expected to ask today for legislation granting the agency authority to regulate minimum standards of rail service.

A group of 40 congressmen, a number of senators and the two dissenting members of the ICC in the Southern Pacific case believe the Commission already has such authority. The ICC majority, while rejecting that position, did call for legislation on the subject. The 40 congressman, led by Rep. Brock Adams (D-Wash.) have already introduced a bill in the House to authorize such jurisdiction.

Among the witnesses at today's subcommittee session will be Sens. Frank E. Moss (D-Utah), Harrison A. Williams Jr. (D-N.J.) and Joseph D. Tydings (D-Md.), Rep. Adams, and the ICC chairman, Mrs. Brown.

DISSENTING OPINION OF CHAIRMAN BROWN

I dissent. While recognizing that the majority has expressed in this report only those legalistic concepts which serve its purpose, I see no reason to counter with a contrary legal viewpoint. To do so would only further shroud the jurisdictional issue in an enigmatic dilemma.

I am content to state that after an exhaustive examination of the law and a most careful and deliberate consideration of the powers delegated by Congress to the Commission, it is my opinion that within the four corners of the Interstate Commerce Act there are appropriate statutory provisions which, when read in *pari materia*, empower this Commission to assert jurisdiction in this proceeding and to determine the substantive question raised in the instant complaint as to the adequacy of rail passenger service.

DISSENTING OPINION OF COMMISSIONER TIERNEY

I am in full agreement with the majority that Federal jurisdiction over the quality of intercity rail passenger service is clearly necessary. Unlike the majority, I believe that this agency presently has jurisdiction and need not request congressional aid.

The rapid decline in the quantity of rail passenger service needs no documentation. Long-distance passenger operations have been pared to the bone. This country has reached the point where only massive and immediate changes in governmental and carrier policies can preserve even a minimal nationwide system of passenger service.

In a period when journalists are regularly writing in nostalgic fashion about the eventual extinction of the long-haul passenger train, the present value of rail passenger service has been drastically discounted. I cannot fault the majority for underscoring the relative decline of rail passenger operations. But at the same time, we must not overlook the significant service that is still provided by the passenger train.

In 1968, 295.6 million passengers moved over the rails in the United States. They have traveled 13.3 *billion* miles. Despite the abrupt declines in intercity rail operations over the past few years, more than two-thirds of these passenger-miles—nearly 9 billion—are still attributable to noncommutation traffic.[1] The value and use of intercity rail passenger service cannot be cavalierly confined to those who cannot drive, those who cannot get a plane or bus ticket, and those who are unable to fly. Railroads still provide more than 10 percent of all intercity for-hire passenger traffic in this country.

The rising expenses of passenger service and the decline in patronage have led to mounting losses. These losses have, in turn, resulted in more train discontinuances. Most carrier attempts to cut expenses have been limited to service reductions. One can accept the inevitability of some reductions in the quality of service as the product of the reasonable contraction of the rail passenger network. However, it is now painfully clear that some carriers have abandoned any pretense of responsibility to rail passengers.

Many eastern rail commuters are openly complaining that the condition of the cars on some trains ranges from bad to terrible. They argue that coaches are hot in the summer and cold in the winter, but that the affinity of the trains for operating behind schedule seems to show no seasonal preferences.

The rail commuter is not alone in his plight. Rail passengers on certain intercity trains are not faring much better.

In 1966, the Commission found that the Southern Pacific had continued to discourage use of two of its trains operating through New Mexico and Arizona and had "intensified its efforts in that direction."[2]

Five months later the Commission found that the same carrier had also been attempting to discourage travel on its San Francisco to Portland trains.[3]

In 1968, we found that train service from Ogden to San Francisco was "more likely to drive passengers away than to attract anyone."[4] The protesting passengers were less dipolmatic. They found the cars dirty, the food poor, the service bad and the employees discourteous.[5]

Discouraging intercity travelers is not confined to any one carrier.[6] Numerous allegations of inadequate service has been made in cases pending before this Commission.

The Commission has warned that neither the deficit nature nor the uncertain future of intercity passenger service eliminate the carriers' responsibility to provide reasonable service that the public requires.[7] Such admonitions have fallen on deaf ears. While the Commission has refused to approve any discontinuances where the carriers have purposefully downgraded their service without regard to public need, these denials have not stopped the deterioration of rail passenger service. Although it is recognized that air travel and the interstate highway system have made inroads on rail passenger business, the recent decline is also attributable to the railroads' growing reputation for dreary terminals, late trains, apathetic employees and poorly maintained equipment. Even those railroads who have tried to maintain decent operations find it increasingly difficult to maintain adequate patronage as a result of this image.

I. JURISDICTION OVER THE ADEQUACY OF RAIL PASSENGER SERVICE

In such an environment, the Commission no longer can deny, as it did in 1960,[8] that Federal regulation is not essential. The majority does, however, persist in upholding the Commission's traditional position that it cannot require the carriers to provide reasonable standards of service.

The majority's opinion also seems to be bottomed on a reiteration of the Commission's presentations to Congress and its interpretations of court opinions in support of this conclusion to justify the past.

Footnotes at end of article.

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In my opinion, the majority has misinterpreted the court decisions and misapplied the Commission's rulings. I, therefore, find myself seriously at odds with the appraisal that the examination of the pertinent statutes was conducted "in meticulous detail."

Carriers admit that they have a common law responsibility to provide reasonably adequate service and this duty is incorporated in section 1(4) of the act. The majority agree, but abrogate, unfortunately and unnecessarily in my judgment, any responsibility to enforce that duty and insist on resort to the courts.

In an attempt to show that the Commission does not have the power to enforce the provisions of section 1(4), the majority valiantly searches for support.

The lynchpin of the majority's argument that the Commission cannot enforce the duty of the railroads to provide adequate service on the passenger trains which they operate is its interpretation of *United States* v. *Pennsylvania R.R. Co.*, 242 U.S. 208 (1916).[9]

Overlooked in the selective quotations from this Supreme Court decision is the fact that the issue there was whether the Commission could require the carrier to buy or provide *additional* tank cars under section 1(4), not whether the Commission had power over the general equipment of the carrier.

The very first paragraph of the court's opinion states at page 217:

"The question in the case is, has the Commission the jurisdiction exercised by the order? It is not denied that the Commission has power over the general equipment of a carrier, * * *"

The defendant argued that the act neither imposed upon carriers the obligation to buy additional tank cars (which were specialized equipment primarily owned by shippers) nor invested the Commission with the power to require the purchase of additional tank cars.

Even the syllabus of the court's opinion contains the same distinction at page 209:

"Without attempting to define the measure of the *carrier's duty to satisfy the needs of shippers by adding in quantity or kind to its car equipment*, held, that neither by the Act of 1887 nor the amendatory Act of 1906 did Congress intend that the enforcement of *such duty* might be compelled by orders of the Interstate Commerce Commission." [Emphasis added.]

The court proceeded to emphasize the distinction between the Commission's power over general equipment and over the provision of additional cars throughout its opinion.[10]

The interpretation of the *Pennsylvania* case now espoused by the majority suggests that despite the recognized duties of the carrier to furnish reasonably adequate service with its existing equipment, the public's only recourse is to the courts. However, in *Trojan Scrap Iron Corp.* v. *Boston & M. R.* 270 I.C.C. 727, 729, (1948), the Commission, Division 3, said:

"Defendant contends that this Commission is without jurisdiction to order the operation sought. It regards the Front Street track as an independent railroad, owned neither by defendant nor by complainants, and points out that we have no jurisdiction to order one railroad to operate over another railroad. In *United States* v. *Pennsylvania R. Co.* 242 U.S. 208, the Court held that this Commission was without jurisdiction to order a railroad company to equip itself with tank cars and to provide and furnish transportation therewith. Defendant points out that the foregoing decision has been cited with approval as establishing a precedent that this Commission is without jurisdiction to enforce the provisions of section 1(4) of the Interstate Commerce Act. See, for example, *C. S. Wells & Sons* v. *Chicago B. & Q. R. Co.*, 161 I.C.C. 145. Section 1(4) makes it the duty of every common carrier to provide and furnish transportation upon reasonable request therefor.

"The jurisdictional issue will be determined first. The issue in *United States* v. *Pennsylvania R. Co., supra,* was whether or not this Commission had jurisdiction to order a carrier to equip itself with special equipment to provide transportation. The opinion stated, page 217: 'It is not denied that the Commission has power over the general equipment of the carrier, * * *.' The issue determined by the Court was whether or not the provision in section 1(4) 'to provide and furnish transportation,' meant that a carrier could also be compelled by this Commission to obtain equipment with which to furnish transportation. *The holding was in the negative, but there is no logical inference therefrom that this Commission is without jurisdiction to order a carrier to provide and furnish transportation with its general equipment if the duty to perform such transportation is clearly established.*" [Emphasis added.]

This language is clear and accurate. The majority opinion cannot summarily disown the impact of this decision by simply stating: "* * * it contains an egregious error in the citation of language out of context."

More recently, the entire Commission had occasion to construe the provisions of part II of the act, which are comparable to section 1(4). In *Galveston Truck & Line Corp.* v. *Ada Motor Lines, Inc.*, 73 M.C.C. 617 (1957), the Commission had before it a complaint of a motor carrier that certain connecting lines, the drivers of which refused to cross picket lines at the complainant's terminals, were failing to observe the statutory requirement of section 216(b) of the act[11] that they render reasonably adequate transportation services. The Commission, at page 626, said:

"We think it beyond doubt that the Interstate Commerce Act imposes upon common carriers by motor vehicle subject to our jurisdiction the clear and unmistakable duty *to provide adequate service, equipment, and facilities for the transportation of property in interstate or foreign commerce* within the scope of their holdings out to the public, and that they are obligated to accept and transport all freight offered to them in accordance with the provisions of their published tariffs. This duty is almost an absolute one; and, if the public is to be adequately protected, common carriers must be held strictly accountable for its performance. * * *" [Emphasis added.]

The Commission found the motor carriers had violated the act and entered an order "requiring defendants to cease and desist, and thereafter to refrain and abstain, from the practices herein found to have been unlawful and in violation of the terms, conditions, and limitations of their certificates."

Two more considerations underscore the weakness of the majority's contention that the Commission lacks the power to enforce the statutory obligation of carriers to render reasonably adequate transportation services. First, the Commission in the *Galveston* case asserted jurisdiction though some courts earlier had entertained actions against motor carriers for their failure to observe what was found to be their common law duty to render service. See, for example, *Montgomery Ward & Co.* v. *Northern Pacific Term. Co.*, 128 F. Supp. 475 (D. Ore. 1953). Second, the Commission's *Galveston* decision was cited with approval by the Supreme Court in *Carpenters' Union* v. *Labor Board*, 357 U.S. 93, 109 (1958). Indeed, the Supreme Court specifically noted that the Commission in the *Galveston* case sought not "to determine, as an abstract matter, the legality of hot cargo clauses, but only *to enforce* whatever duty was imposed on the carriers by the Interstate Commerce Act and their certificates." [Emphasis added.]

Finally, the majority's reading of the *Pennsylvania* case fails to recognize that the court carefully distinguished its earlier cases dealing with Federal and Commission jurisdiction over car service.

Among these cases were *Chicago, Rock Island and Pacific Railway Company* v. *Hardwick Farmers Elevator Company*, 226 U.S. 426 (1913), an action upon a Minnesota statute requiring railroads to furnish cars within prescribed periods of time. The principal issue in that case was whether the Minnesota statute was a reasonable exercise of State power in the absence of action by Congress on the subject of the delivery, when called for, of cars to be used in interstate traffic. The Supreme Court concluded that the Congress by the enactment of the Hepburn Act, amending what is now section 1(4) of the act, had preempted the area. At 226 U.S. 434, it said:

"The purpose of Congress to specifically impose a duty upon a carrier in respect to the furnishing of cars for interstate traffic is of course by these provisions [section 1(4)] clearly declared. That Congress was specially concerning itself with that subject is further shown by a proviso inserted to supplement § 1 of the original act imposing the duty under certain circumstances to furnish switch connections for interstate traffic, whereby it is specifically declared that the common carrier making such connections 'shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper.' Not only is there then a specific duty imposed to furnish cars for interstate traffic upon reasonable requests therefor, but other applicable sections of the Act to Regulate Commerce give remedies for the violation of that duty."

The Commission's decisions following the enactment of the Hepburn Act in 1906 and before the passage of the Esch Car Service Act in 1917, assumed that what is now section 1(4) of the act imposed upon the carriers an obligation to render an adequate car service and conferred upon the Commission jurisdiction to regulate the quality of rail service. In *Brook-Rauch Mill & Elevator Co.* v. *St. Louis, I.M. & S. Ry. Co*, 21 ICC 651, 654 (1911), the Commission said:

"We are of the opinion that the refusal by defendants to furnish a car for the outbound movement of the shipment in question amounted to a failure to furnish transportation as required by the provisions of section 1 of the act. It was their duty to furnish such transportation and as part thereof to supply the necessary services in connection with the transfer in transit of the shipment. There can be no doubt that their refusal to do so was the occasion of annoyance and expense to complainant, and operated to its prejudice. In this view we do not doubt that complainant's petition presents a case within our jurisdiction."

Finally, in the leading case, *Car Supply Investigation*, 42 I.C.C. 657 (1917), a decision rendered after the *Pennsylvania* case, the Commission found the railroad's car service rules to be unlawful and prescribed car service rules of its own. While the question of the Commission's jurisdiction to enter an order requiring the carriers to observe reasonable car service rules was not squarely before the Commission, the Commission, at page 674, addressed itself to that issue, as follows:

"It is clear that the entry of a formal order is necessary to protect shippers, consignees, and the general public, but not less is it necessary to protect those carriers which have sent foreign cars home in obedience to the direction at the hearing but which have not received their own cars from other lines. It would indeed be an anomaly if certain carriers could with impunity violate section 1 by failure to observe reasonable rules for the 'exchange, interchange, and return of cars,' and by so doing prevent other carriers from furnishing the transportation upon reasonable request which is required by the same section."

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It would appear, therefore, that the Commission asserted at least a measure of regulatory jurisdiction over railroad services under section 1(4) of the act, long before the enactment of the Esch Car Service Act, and that the limitation of that legislation, conferring jurisdiction upon the Commission only with respect to "cars used in the transportation of property," is not in any way a restriction upon the Commission's jurisdiction under section 1(4) of the act. On the contrary, the Esch Car Service Act was designed to "remove any doubt as to the powers of the Commission" [12] and may be said to be merely declarative of the jurisdiction, at least as to "cars used in the transportation of property," previously asserted by the Commission.

The majority attempts to buttress its view of the Commission's inability to enforce section 1(4) by analogy to sections 1(18) and 13a. They cite *Powell* v. *United States,* 300 U.S. 276 (1937), as support for an asserted inability to enforce (under section 12(1)) section 1(18), which provides for Commission approval over abandonments and extensions of rail lines. The majority's reliance on that case is entirely misplaced. That case makes clear that, but for the express grant of exclusive jurisdiction to the courts made by section 1(20), the requirements of section 1(18) would be enforced by the Commission.

Reliance upon the limited jurisdiction conferred upon the Commission by section 13a(1) as an indication of our inability to use section 12(1) to enforce all the provisions of part I has little weight. Here too, the limits of our enforcement powers are defined by the specific language of the statute. Moreover, this section concerns the discontinuance of service, not the reasonableness of existing service.

Part II of the act—section 206(a)—contains comparable provisions relating to prohibitions against motor carriers engaging in operations without a certificate. And although no specific section of part II instructs the Commission to enforce the provisions of section 206(a) or to enter cease and desist orders, such enforcement is commonplace.

Implicit in the majority's report is the concept that the provisions of the act fall into two categories: (1) those that specify the rights and duties of the carriers; and (2) those that specify the responsibilities and powers of the Commission. I can find no such division in the regulatory scheme and attach little significance to the fact that the act does not specifically charge the Commission with the responsibility of enforcing the requirements of section 1(4) of the act, beyond the general admonition of section 12(1) that the Commission "execute and enforce" the provisions of this part.

An assertion of lack of power specifically delegated to the Commission was made in *American Trucking Assns.* v. *U.S.,* 344 U.S. 298, 309–310 (1953), in which the Supreme Court said:

"All urge upon us the fact that nowhere in the Act is there an express delegation of power to control, regulate or affect leasing practices, and it is further insisted that in each separate provision of the Act granting regulatory authority there is no direct implication of such power. Our function, however, does not stop with a section-by-section search for the phrase 'regulation of leasing practices' among the literal words of the statutory provisions. As a matter of principle, we might agree with appellants' contentions if we thought it a reasonable canon of interpretation that the draftsmen of acts delegating agency powers, as a practical and realistic matter, can or do include specific consideration of every evil sought to be corrected. But no great acquaintance with practical affairs is required to know that such prescience, either in fact or in the minds of Congress, does not exist. *National Broadcasting Co.* v. *United States,* 319 U.S. 190, 219–220; *Phelps Dodge Corp.* v. *Labor Board,* 313 U.S. 177, 193-194. Its very absence, moreover, is precisely one of the reasons why regulatory agencies such as the Commission are created, for it is the fond hope of their authors that they bring to their work the expert's familiarity with industry conditions which members of the delegating legislatures cannot be expected to possess. *United States* v. *Pennsylvania R. Co.,* 323 U.S. 612."

The obligation imposed upon railroads by section 1(4) to render reasonably adequate transportation services is not unlike the requirement of section 3(4) that they shall not discriminate between connecting lines. The Commission under the act is no more specifically charged with the duty of enforcing section 3(4) than it is with the obligation to enforce section 1(4), and yet the courts have held that the Commission has an affirmative duty to eliminate discriminatory treatment no matter what form it may take. *Western Pac. R. Co.* v. *United States,* 382 U.S. 237 (1965), *Arrow Transportation Co.* v. *United States,* 176 F. Supp. 411 (N.D. Ala. 1959), *aff'd mem.,* 361 U.S. 353 (1960).

Previous Commission decisions that had lacked authority over the quality of passenger service stems from a common source, *Wisconsin R. Commission* v. *Chicago & N.W. Ry. Co.,* 87 I.C.C. 195 (1925). In that case, the Wisconsin Commission had found that the railroad's partial discontinuances rendered its passenger service inadequate and proposed to enter orders requiring additional service, but the entry of the orders was withheld pending the determination of whether the agency or the Commission had jurisdiction. On this occasion, the railroad contended that only the Commission had jurisdiction, relying largely upon section 1(10) of the act, as amended by the Transportation Act of 1920. The Commission disagreed and, at page 197, found that section 1(10) "was enacted to enable us to facilitate and expedite the movement of property."

The *Wisconsin* case has been the principal source for the Commission's disclaimers of jurisdiction in all subsequent proceedings involving the adequacy of rail passenger service. In *Train Service On Northern Pacific,* 112 I.C.C. 191, 193 (1926), the Commission referred to the *Wisconsin* case and said that it in turn "held, for reasons there stated, that jurisdiction to regulate the operation of passenger trains had not been vested in us." In *Commutation Fares Between Washington and Virginia,* 231 I.C.C. 397 (1939), the Commission cited the *Northern Pacific* case for authority that it had no jurisdiction over "the pick-up and discharge of passengers." In *Barton* v. *Baltimore & O. R. Co.,* 280 I.C.C. 9 (1950), the case most frequently cited by the railroads, the Commission again based its decisions on *Wisconsin* and its successors.

More recently, in *New Jersey & N.Y.R. Co. Passenger Train Operation,* 299 I.C.C. 41, 45–46 (1956), the Commission again held that it had no authority over the adequacy of passenger services:

"So far as our jurisdiction over interstate passenger transportation is concerned, the provisions of part I, except as to service matters, parallel those respecting freight transportation. Section 1, paragraphs 10 to 17, and 21, are generally restricted to car service in the transportation of property. The addition, in 1920, of the authority to regulate the supply of trains is not specifically restricted to trains used in the transportation of property, but when the question came before us in *Wisconsin R. Comm.* v. *Chicago & N.W. Ry. Co.,* 87 I.C.C. 195 (1924), we felt impelled to hold that the additional words related only to the transportation of property, and did not confer upon us jurisdiction to determine whether the discontinuance of certain passenger trains resulted in inadequate service or to require the restoration, in whole or in part, of the service discontinued."

None of these cases developed a rationale for the Commission's lack of jurisdiction over the adequacy of existing rail passenger service beyond that first set out by the Commission in the *Wisconsin* case. Neither that case or its successors declares that the Commission is without jurisdiction in this area, except under section 1(10) and the other freight car service provisions of the act.

The majority states that the "*Wisconsin* decision was not limited merely to an examination of section 1(10)" and that "it ranged as far as the Constitution * * *" That decision was written in less than 3½ pages. All but the last two paragraphs deal with the factual setting of the case and the interpretation of section 1(10). Sections 15a and 1(17) are briefly cited at the end of the decision in reply to contentions of the railroad. Nowhere are the Commission's powers under section 1(4) questioned or discussed.

The Commission is not precluded by these cases and the broad disclaimers of jurisdiction which they make from asserting jurisdiction under section 1(4) of the act to regulate the adequacy of rail passenger service. The contention, advanced by the railroad respondents in the instant proceeding, that the requirements of section 1(4) of the act are enforceable only by the courts and not the Commission, based upon the *Pennsylvania* decision, is unpersuasive. The whole trend of decisional law has been toward confining the areas of transportation law in which the courts may act unaided by prior determinations of the Commission and enlarging the areas that under the primary jurisdiction doctrine must first come to the Commission for its determination. See, for example, *United States* v. *Western Pacific R. Co.,* 352 U.S 59, 70 (1956)

Two recent cases specifically confirm that under the primary jurisdiction doctrine questions involving car service first must come to the Commission for its determination. In *Elgin Coal Company* v. *Louisville & Nashville Railroad Co.,* 277 F. Supp. 247 (E. D. Tenn. 1967), the court declined to enter a temporary restraining order requiring the defendant railroad to deliver and pick up coal cars beyond the service then being rendered. The court agreed with the defendant that the unreasonableness of rail service is a matter for the initial determination of the Commission. The court, at page 250, stated:

"The plaintiff appears to rely principally upon the case of *Minneapolis & St. Louis Railway Co.* v. *Pacific Gamble Robinson Co.,* 8 Cir., 215 F. 2d 126, wherein the Court awarded damages for refusal of the railroad to provide any cars unto the shipper at a time when the shipper's place of business was being picketed as a result of a labor dispute. The trial court overruled the defendant's contention that the Interstate Commerce Commission had exclusive jurisdiction. D. C., 105 F. Supp. 794. Apart from the fact that the doctrine of primary jurisdiction vests some discretion in the Court with regard to the jurisdiction issue, the case of *Minneapolis & St. Louis Railway Co.* v. *Pacific Gamble Robinson Co., supra,* can be distinguished from the present case in that the railway there declined to furnish the shipper any cars. In the principal case the issue is not the refusal of the railway to furnish the shipper any cars. Rather, it is the adequacy of the service being rendered. In this regard the shipper's right to as many cars as are needed is not an absolute right and the law exacts only what is reasonable of the railway under all of the existing circumstances.

"The Court is accordingly of the opinion that under the doctrine of primary jurisdiction, application to the Interstate Commerce Commission would be a prerequisite to the maintenance of this action in this court. An order will accordingly enter dismissing the lawsuit."

In the same vein, the court in *Spence* v. *Baltimore & Ohio Railroad Company,* 360 F.

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2d 887 (7th Cir. 1966), reversed a lower court which had entered an injunction requiring the railroad to provide the shipper with not fewer than eight boxcars daily for the hauling of its soybeans. The lower court had asserted jurisdiction, presumably under section 1(4) of the act, and section 23, which permits a court to enter mandatory relief to assure shippers of obtaining equal facilities. The appellate court, quoting ***Balt. & Ohio R.R.*** v. ***Pitcairn Coal Co.***, 215 U.S. 481 (1910), said that there was no escape from the conclusion that the grievances complained of were primarily within the administrative competency of the Commission and not subject to be judicially enforced, at least until the Commission had been afforded the opportunity to exert its administrative functions.

In addition to the majority's views of what the court said in the *Pennsylvania* case and what the Commission has said with respect to sections 1(10) *et seq.* of the act, the third premise offered for the conclusions of the majority are the Commission's repeated assertions that it had no powers over the quality of passenger service and the acquiescence of Congress in this interpretation. Neither the belief nor the acceptance of that belief constitutes immutable barriers to overturning prior decisions. No administrative agency is inextricably tied to its past decisions by rigid rules of *stare decisis*, nor is its prior policy irreversible, for the very purpose which it serves is to be able to flexibly respond to new and changing circumstances. 2 K. Davis, Administrative Law Treatise §17.07, at 525 (1958). This Commission, in its piggyback case, sustained in ***Atchison, T. & S. F. Ry. Co.*** v. *United States*, 387 U.S. 397 (1967), construed the right of motor carriers to avail themselves of rail services quite differently than it had previously. In that case, the Supreme Court disposed of prior inconsistent decisions of the Commission by stating (at page 416) that "in any event, we agree that the Commission, faced with new developments or in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings and practice." The Supreme Court also noted that the attention of the Congress had been called to the need for action to secure the relief which the Commission subsequently granted in its rules (at page 416). However, the court concluded at page 417 that "We do not regard this as legislative history demonstrating a congressional construction of the meaning of the statute, nor do we find in it evidence of an administrative interpretation of the Act which should tilt the scales against the correctness of the Commission's conclusions as to its authority to prescribe the present rules."

Even the majority concedes that disavowals of jurisdiction and requests for legislation do not close the door on later finding such jurisdiction. Without its interpretation of the *Pennsylvania* case, the majority's attempt to distinguish between the two recent Supreme Court decisions (*U.S.* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968 (*CATV* case), and the *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968)), and the present situation obviously becomes strained. The mere statements that changing times do not create jurisdiction and that only Congress can create jurisdiction does not negate the language and import of the *Permian Basin Area Rate Cases*, which the majority cites.

On balance, I think that the majority has erred in claiming that the *Pennsylvania* case vitiates the Commission's asserting of jurisdiction under section 1(4). Bootstrapping its denial of jurisdiction with a parade of cases involving the car service provisions adds nothing of substance to the majority's report. Finally, persistent presentations of its views to Congress certainly does not close the door to change. The Commission cannot become inextricably wedded to its past decisions and views. Such obdurate fixations would render it a useless bureaucratic appendage—ineffective to solve new problems or to meet changing conditions.

On the other hand, I believe that the railroads have a responsibility under section 1(4) to furnish adequate passenger service with their present equipment on existing trains, that the Commission has the power to enforce (under section 12(1)) this responsibility, and that the national transportation policy—which directs the Commission to enforce the act "to promote safe, adequate, economical, and efficient service * * *" dictates that considerations of efficiency and adequacy should govern such enforcement. The words of section 1(4) and the national transportation policy are plain and unambiguous.

II. FORMULATION AND APPLICATION OF STANDARDS

The fact that rail passenger service loses money cannot be stretched into an assumption that the lack of profitability makes that service immune from the ultimate purposes of the national transportation policy or that we should ignore the common carrier responsibilities of passenger carrying railroads. Neither adverse operating conditions nor the lack of a clear and vital future role can eliminate the railroads' obligation to provide an adequate quality of service on those trains which are still running. That obligation is not unlimited; carriers can seek relief under section 13a or the relevant State laws.

By the majority's own admission, the situation has radically changed since 1960, and it now presents a major defect in the Nation's passenger system. While some trains continue to provide reasonable passenger service, the operations of other trains have deteriorated to the point where the situation has plainly become intolerable.

I concur in the majority's explanation of what should constitute reasonable, adequate and efficient passenger service for legislative purposes. These same standards could have been implemented without recourse to the Congress since the power to enforce section 1(4) is present.

In setting standards for the quality of rail passenger service, the Commission's course need not travel unmarked paths, for it has previously dealt with the reasonableness of such service in proceedings under other sections of the act. For example, under section 13a(1), the quality of passenger service offered is a crucial determinant in judging whether public convenience and necessity justifies the proposed discontinuance. Where the evidence shows that a carrier has deliberately downgraded passenger service or otherwise discouraged the use of its trains without regard to the public need for that service, the burdens of continued operation are considered to be voluntarily inflicted by the carrier to justify the discontinuance, and the train may be ordered continued for a 1-year period. See *Southern Pac. Co. Discontinuance of Trains, supra.*

The obligations of a passenger carrying railroad were further defined in *New York, N.H. & H.R. Co.,—Discontinuance of Trains*, 327 I.C.C. 151, 221 (1966), where the Commission emphasized the carrier's obligation to the public, stating that the "railroad must accord to promotion of its economically viable passenger service the same *reasonable effort* it would accord to promotion of its basic freight services * * *." In making such determinations, we must necessarily judge whether the quality of service has been reasonably maintained.

A similar judgment is required under section 15, which provides that whenever after full hearing, we are of the opinion that any carrier "practice whatsoever * * * is or will be unjust or *unreasonable* * * *, the Commission is hereby authorized and empowered to determine what * * * practice is or will be just, fair and *reasonable* * * *" [emphasis added] While this section applies primarily to regulations or practices affecting rates, it nevertheless requires us to determine the reasonableness of a particular practice, just as here we are determining the reasonableness of a particular service.

The Commission is, therefore, qualified to apply the standards contained in section 1(4) and the national transportation policy to rail passenger service, although it must be emphasized that these standards may vary from the particular requirements of sections 13a(1) or 1(15). Implicit in a common carrier's duty to furnish transportation upon reasonable request therefor is the duty to provide a reasonably adequate level of service. The railroads concede that the carrier obligation under section 1(4) is equivalent to that imposed by the common law, and that the common law required a common carrier to provide safe and efficient service to the traveling public. This duty is reiterated by the national transportation policy's requirement that the service offered by a regulated carrier be "safe, adequate, economical, and efficient"—a requirement broad enough to embrace such matters as the availability of seats, cleanliness, sanitation, proper heating, air conditioning, and eating facilities.

However, the Commission could not generalize as the examiner recommended, and prescribe uniform standards of service applicable to all passenger-carrying railroads. Such promulgation of industrywide standards would, on the record of this proceeding, violate fundamental concepts of fairness and due process. Southern Pacific was the only respondent to this proceeding. No notice was given to Southern Pacific or to any other railroad that rules of conduct applicable to all railroads would evolve from this proceeding. Under the Administrative Procedure Act, the promulgation of uniform standards applicable to all railroads would require a rulemaking proceeding, with notice to all affected carriers and an opportunity for such carriers to participate therein through the submission of evidence, views or arguments. 5 U.S.C.A. 553. See *Chicago, Burlington and Quincy Railroad Co.* v. *United States*, 242 F. Supp. 414 (N.D. Ill. 1965). Since the instant proceeding was restricted by our order of June 21, 1966, to an investigation of the passenger service of Southern Pacific, it would be inappropriate to promulgate industrywide standards on the basis of the record developed herein. Any decision must therefore, be confined to the passenger service of Southern Pacific.

Moreover, in my opinion, the rulemaking approach would not be practicable. Such factors as distance, geographic location, methods of operation, time of operation, passenger needs and costs militate against the promulgation of specific minimum standards on an industrywide basis. In fact, many of the carriers have presented sound reasons in their verified statements to show that specific minimum standards on an industrywide or systemwide basis would be unworkable, unreasonable, costly and in many instances unduly burdensome. For example, the Northwestern argued that the specific standards recommended by the examiner might require it to put sleeping cars on its Chicago area commuter trains operating after 10 p.m. The Milwaukee contended that it might be required to operate sleeping cars on a pair of trains that have operated without sleepers since the turn of the century. Other carriers, notably the Illinois Central and the CB&Q, stressed the costs that would be required in investing in sleeping cars and diners if industrywide standards were to be prescribed. On the present record, I agree with the railroads that specific standards that would be applicable to all the Nation's passenger carrying railroads would be unworkable, impractical, and, in many instances, unreasonable.

Having found jurisdiction and defined general standards of adequate service, I would then proceed to apply those standards to the

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specific trains in question—the Southern Pacific's Sunset. The records in this case and in the proposed discontinuance of that train, *Southern Pac. Co. Discontinuance,* 333 I.C.C. 783, 784; are replete with examples of a service designed without passengers in mind. The service has continually ebbed to lower and lower standards without regard for the 160,000 passengers who use this train.

Southern Pacific discontinued dining car and Pullman service for the first 1200 miles of the Sunset in 1966 in actions which led to the request for this investigation. On April 22, 1968, the examiner's recommended report and order was issued. He found the reinstatement of sleeping and dining services should be required by the Commission. The same day, the carrier moved to eliminate Pullman service over the remaining 800-mile route of the Sunset. A month later the carrier sought to discontinue the train.

As described in the examiner's report, the choice of food on the automat is very limited, its quality is vastly inferior to that normally served on railroad diners. Formerly called a vending car, the automat is largely a self-service operation equipped with food vending machines and microwave ovens which frequently malfunction. Many of the public witnesses complained about the removal of the diner-lounge car and the poor quality of the food and eating facilities now provided on the Sunset. Passengers were at times forced to go without food or to subsist on cold snacks or sandwiches. At best the present dining facilities on the Sunset are rudimentary and do not adequately provide for the reasonable needs of the traveling public. While Southern Pacific does not have to provide gourmet menus and elaborate eating facilities, the passengers on this 2,000 mile, 45-hour run, regardless of whether the passenger is first class or coach, should be accorded an opportunity to purchase hot meals in a regular diner or combination diner-lounge at moderate prices.

The record here reflects that the carrier removed the diner-lounge service without making any attempt to ascertain the needs of the Sunset passengers for such service. In fact, it seems apparent that Southern Pacific's removal of the diner-lounge car just a short time prior to the partial discontinuance of Pullman service was part of a pattern of conduct designed to downgrade passenger service on the Sunset and to discourage the use thereof by present and potential patronage. See *Southern Pac. Co. Discontinuance; supra,* at 800.

Southern Pacific argues that the elimination of sleeping accommodations and the removal of the diner-lounge car were economy measures that constituted a reasonable exercise of its managerial discretion. The record regarding the cost of operating Pullman service and the diner-lounge car is not convincing, because of the piecemeal discontinuance of Pullman service, the substitution of other eating facilities for the diner-lounge car and for the further reason that Southern Pacific's figures respecting the use of the diner-lounge cover only that portion of the run between New Orleans and El Paso. Under these circumstances, it is not possible to ascertain the extent of Southern Pacific's loss on either the Pullman service or the diner-lounge. Little consideration can be accorded to whatever losses may have been incurred in circumstances where, as here, the losses were at least in part self-imposed.

It is estimated that more than 160,000 passengers patronized the Sunset during 1968, and generally the same number in 1969. Broken down, this averages out to about 220 passengers a day per train or 440 a day for both trains. This number provides a potentially good market for diner-lounge type service.

SP discontinued Pullman service between New Orleans and El Paso in 1966 at a time when there was a substantial demand for sleeping accommodations. It seems obvious that the elimination of Pullman service between New Orleans and El Paso had a significantly adverse effect upon the use of such service between El Paso and Los Angeles, for a prospective Pullman passenger faced with two full nights of travel would normally be dissuaded from boarding the train in New Orleans, knowing that sleeping accommodations were available for only a portion of the trip. The elimination of Pullman service on a portion of the run was instrumental in causing a decrease in Pullman patronage on the remainder of the run.

If fully occupied, each Pullman car can accommodate a total of 22 patrons. On many occasions in recent years, depending upon the time of the year and demand for service, Southern Pacific used two Pullman cars. For the most part, however, Pullman service was limited to one car. While exact data respecting Pullman usage are not available, it appears that the number of Pullman passengers ranged from a low of about 12 to a high of about 35 in summer peak periods. During the period when but one car was used, the daily average number of Pullman passengers was about 16 which represents a load factor of approximately 70 percent. The need for Pullman service is demonstrated by the fact that it was necessary on a number of occasions for the carrier to use two Pullman cars, and by the further consideration that out of 160,000 total passengers a year, or 220 a day in each direction, there is a sufficient potential to justify at least one Pullman car. I do not believe that it is asking too much of a carrier to require it to furnish appropriate sleeping accommodations on a two-night trip for a significant number of passengers. Certain employees of Southern Pacific are provided sleeping accommodations en route. Fare paying passengers should be afforded, at least, the opportunity to avail themselves of such accommodations should they desire to pay an additional fare—until it can be demonstrated that the public will not support this service or that such facilities are an inordinate burden on the carrier.

There is no contention that returning adequate sleeping and dining cars to the Sunset would require Southern Pacific to purchase additional equipment. The carrier's annual reports to this Commission show that it owned 70 dining tavern and grill cars on January 1, 1967, about the same number it still owned a year later. While ownership of sleeping cars declined somewhat in 1967, the Southern Pacific owned 75 at the beginning of 1968, and only retired 6 in the next 12 months, despite the fact that only two sets of its trains still offer Pullman facilities.

The *Sunset* case contained instances where sleeping and dining services were blatantly eliminated without regard to public use or costs to the carrier. However, in the long run the real impact of service standards should relate to other service defects; poor on-time records, inadequate seating, inadequate condition of equipment and facility services, and failure to provide any semblance of information relating to train schedules and seating. These are the real problems that face most rail patrons, not the lack of sleeping cars.

In *Southern Pacific Discontinuance, supra,* the eight members of the Commission who participated in that case set forth their evaluation of the overall service offered on the Sunset based on a more recent record than that compiled in this proceeding. At page 800 they stated:

"The record is convincing that the Southern Pacific has deliberately set out to discourage existing, as well as new, patronage of the Sunsets by reducing what was once a convenient and comfortable railroad passenger service to a slow, unreliable, uncomfortable train without sleeping facilities, with only rudimentary dining facilities; a train on which a seat cannot be reserved, arrival and departure times cannot be easily ascertained by telephone, or by printed schedules because they are often unobtainable, and a train for which adequate station waiting room is frequently lacking."

The evidence in this case in no way justifies a different conclusion.

CONCLUSION

Each day that the quality of rail passenger service is allowed to deteriorate, the demise of intercity service becomes less doubtful. The railroads cannot control or reverse all of the conditions which have caused the decline in its passenger service. They can control the adequacy of existing service. Yet it is painfully clear that some trains are being operated so as to force the public to desert rail travel. The majority contends this Commission cannot prevent the railroads from abandoning their fundamental duties as common carriers. It is inconceivable to me that it was Congress' intention that this agency should be impotent to enforce such duties.

Substantial changes and public assistance are required to solve this Nation's rail passenger dilemma. This Commission has urged such help. But the railroad industry can hardly expect its pleas for assistance or those issued by others, no matter how well justified, to be openly and generally accepted while such conditions as are present here continue.

A remedy for the poor quality of existing rail service has been sought from this Commission. Now by the action of the majority, the public must look elsewhere for help—either to the Congress or to the courts. It is to be hoped that an effective and expeditious solution will be forthcoming from one of those sources.

FOOTNOTES

[1] The statement at page 9, that passenger-miles had declined to 148.6 million in 1967 is apparently a technical error; passenger train-miles approximate that figure but passenger-miles were more than ten times as great as indicated.

[2] *Southern Pac. Co. Discontinuance of Trains,* 328 I.C.C. 360, 365 (1966).

[3] Finance Docket No. 23756, *Southern Pacific Co. Discontinuance,* decided by Decision and Order May 24, 1966.

[4] *Southern Pac. Co. Discontinuance—Ogden to Oakland,* 333 I.C.C. 525, 560 (1968).

[5] Id. at 544.

[6] *Chicago, Burlington & Quincy R. Co.—Discontinuance,* 330 I.C.C. 742, 760 (1967).

[7] *No. Pac. Co. Discont.—Fargo to Seattle-Tacoma,* 333 I.C.C. 15, 39 (1968).

[8] Hearings on S. 3020 Before the Surface Transportation Subcommittee of the Senate Committee on Interstate and Foreign Commerce, 86th Cong., 2d Session (1960).

[9] The *Pennsylvania* case arose from the Commission's report and order in *Pennsylvania Paraffine Works* v. *P.R.R. Co.,* 34 I.C.C. 179 (1915), a complaint action brought by a shipper after the railroad had denied its request to increase the supply of tank car equipment available to it

[10] For example, the court made specific mention of the district court's opinion which stated that existing legislation "has thus far left the carriers free to exercise their own judgment in the purchase, construction and equipment of their roads and in the selection of their rolling stock." Indicating that the law conferred upon the Commission the power to prevent and redress unfair practices and discriminations, the district court was quoted further: "We find nothing in the law which confers upon the Commission power to compel a carrier to acquire facilities it does not possess or to acquire better facilities than those it possesses, not with the object of preventing discrimination and preferences, but in order that the shipper may have larger, better, and perhaps more economical facilities."

[11] Section 216(b) applies to motor carriers of property and requires the provision of "adequate service, equipment and facilities for the transportation of property. * * *"

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[12] H. Rep. No. 18, 65th Cong., 1st Sess. 6 (1917).

Mr. ADAMS. Mr. Speaker, I thank the gentleman from West Virginia for his comments.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

(Mr. ROBISON asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ROBISON. Mr. Speaker, I appreciate the gentleman's yielding, and I would like to compliment him on the service he is rendering by focusing, in this fashion, the attention of this body—and hopefully the public—on what I believe to be one of our more serious challenges as we look toward the day, perhaps only some 30 years off, when the population of this Nation will be close to a third of a billion people.

If we think we have transportation problems now—and we surely do—they will be as nothing when compared to the transportation problems we will face in that fast-approaching future, the demands of which will simply not be met unless we plan to do so now.

As I see that future, it will be absolutely essential for us to begin now to establish the basic framework for a viable, national railway passenger system—and I submit we are going in the wrong direction by standing idly by while the Interstate Commerce Commission continues, in part because of congressional inaction, to permit the disassembly of such intercity rail passenger network as still remains.

The bill the gentleman has introduced—and for which I am pleased to be a cosponsor—will help, if enacted, and its early enactment is essential. I hope my friend, by virtue of his service on the Committee on Interstate and Foreign Commerce, can obtain prompt committee consideration of this and other related legislative proposals, such as H.R. 12084, the bill introduced not long ago by the gentleman from Kansas (Mr. SKUBITZ), and of which, again, I am a cosponsor. The Skubitz-Robison bill addresses itself, specifically, as the gentleman may know, to that other problem of the "last train" on an intercity route, something which is of immediate concern to me because the southern tier area of New York—that I am honored to represent in part—is now, literally, down to its "last" remaining passenger train, and that train is now the subject of a discontinuance proceeding before the ICC.

I recently testified before an ICC examiner in this particular case and, if the gentleman would permit, I would like at this time, Mr. Speaker, to have my statement in that proceeding made a part of the RECORD at this point:

STATEMENT BY REPRESENTATIVE HOWARD W. ROBISON, 33D CONGRESSIONAL DISTRICT OF NEW YORK AT INTERSTATE COMMERCE COMMISSION HEARING

Mr. Examiner, permit me to begin by expressing my appreciation not only for this opportunity to be heard in this proceeding—in behalf of the people I represent in Congress—but also for the fact that this additional hearing was scheduled, in response to popular demand, here in Elmira.

This is the third such proceeding, involving the divestiture by the Erie-Lackawanna of its remaining passenger-train service through the Southern Tier portion of New York, that I have attended in the past three years.

It will also be the last such opportunity I shall have for, as you well know, these subject trains represent the *last remaining passenger-trains* travelling this route and serving the communities, and their inhabitants, in this area of New York State.

That fact—by itself—in my judgment magnifies the importance of this proceeding, and—again by itself—in my judgment compels an even more-careful consideration by you of the factors relating to "public convenience and necessity" that may lie behind your eventual decision as to whether or not these particular trains should be continued.

In support of that contention, I would wish to call your attention to two items: (1) The Commission's decision in the Norfolk and Western case (Finance Document 25517), as ordered on June 28th of this year, wherein the Commission paid especial attention to the problem of discontinuance of ". . . the *last passenger train* of the carrier in a service area," and (2) the attitude of Mrs. Virginia Mae Brown, Chairman of the Commission, as expressed in her letter of July 16th of this year to the Hon. Warren G. Magnuson, Chairman of the Senate Committee on Commerce (on transmitting the report of the Commission entitled "Investigation of Costs of Intercity Rail Passenger Service"), in which she not only took note of the ". . . rapid decline in intercity rail service during the past two decades," but also declared that the Commission would support ". . . more restrictive provisions (to) be placed on the discontinuance of the *last remaining passenger trains* on intercity rail routes in operation today."

With your permission, I should like to address my remarks to that second point first:

This proceeding is being conducted under the authority of Section 13-a(1) of the Interstate Commerce Act. That section of the Act was inserted by Congress in 1958, in order to give the Nation's rail carriers relief from the situation in which they then found themselves wherein they could only discontinue unneeded passenger service on consent of State public-service commissions—consent that most such commissions refused to grant.

At that time, with the rapid post-war growth being experienced by other forms of passenger transportation—a growth rate, it is only fair to note, that was accelerated by large doses of supporting public funds—the railroads were facing a serious financial problem; and the Congressional response was remedial in nature.

If railroad management at that time had used the 13–a procedure to divest itself of its clearly unneeded and financially-burdensome passenger routes, while at the same time aggressively seeking to preserve and promote those intercity routes that gave promise—through their inherent advantages over other forms of travel; advantages that, I believe, are becoming more apparent every day—railway passenger service in this Nation would not, today, be in its death throes.

Though this may very well now be only academic, I believe it to be true that, instead of grasping that opportunity, railroad management since 1958 has consistently and persistently sought to divest itself of *all* rail passenger service as fast as it could. Management rationale behind this conscious or unconscious decision has seemed to follow two lines of argument, as described in a 1966 magazine article by William V. Shannon this way:

"The railroads and their apologists usually offer two arguments in behalf of their retreat from passenger service. First, they contend that just as the railroads supplanted the stagecoach and the canals in the last century, it is inevitable 'progress' that the faster airplane and the private automobile should now replace the railroad in the transport of passengers. There is no public right or necessity, they argue, why the travelling public is entitled to the maintenance of the older, slower mode of transport. Secondly, they contend that it is purely a matter of economics involving prices, profits, the allocation of resources, and a railroad's duty to its stockholders. If freight is more profitable than passengers, then that is a signal under the capitalist system that freight should be expanded and passenger service cut back."

Mr. Shannon then examined and commented upon these arguments in this fashion:

"If railroads were disappearing or becoming outmoded, as the stagecoaches were, and if railroads were, like a corner grocery store, merely private enterprises with no large social costs involved, these would be compelling arguments. As it is, they are merely proofs of the superficial, haphazard manner in which the debate over transportation policy has been conducted. *A necessary, valuable, and highly desirable portion of a balanced transportation system is being abandoned in a fit of absence of mind.* It is a decision that the public and government policy-makers will keenly regret in the near future, perhaps as early as a decade from now."

Mr. Examiner, on the day after I appeared in Binghamton, in August of 1966, to protest the discontinuance of the "Phoebe Snow," the House of Representatives voted—my vote being in the affirmative—to create a Federal Department of Transportation.

Originally proposed in the 1880's, recommended in 1946 by the Hoover Commission Task Force on Transportation, such a Department was not created by Congress until 1966. Even so, I took hope in such late action for, as I said that day in Binghamton, this step could ". . . signify a new framework and a new posture on the part of the Federal government; a willingness, at last, to look at our many interrelated transportation problems in a *comprehensive and balanced* way and, I would hope, a willingness at last to grapple realistically with them."

It would be a gross understatement to merely say that I have been disappointed by the absence of follow-on administrative or Congressional action in that direction since then. For I am literally appalled at the fact that this Nation that prides itself on its technical competence, and that can place men on the moon and bring them safely back, still cannot somehow get to work on developing the framework for a balanced *national transportation system* of which, I am convinced, fast, safe and efficient railway passenger service on intercity routes like this one will have to be an integral part.

Mr. Examiner, I am not merely making a "speech," though it may have sounded like it.

Instead, I am arguing that the 13-a procedure—that Congress ought long ago to have reviewed and revised by at least placing the burden-of-proof in cases such as this on the *carrier* instead of an ill-prepared public—*has* been abused, and *is* being abused, and that the eventual result, sooner than we think, will be the end of *all* railway passenger service anywhere in this Nation.

The statistics proving that possibility are dismal to contemplate. I don't have the figures for Elmira, as far as this company is concerned, but as late as 1963 the neighboring city of Binghamton, New York—the largest in my Congressional District—was served by 14 daily Erie-Lackawanna passenger trains; now it, like Elmira, is down to these two.

The national trend is equally obvious; as Mrs. Brown points out in her aforementioned letter to Senator Magnuson, during 1968, intercity passenger miles decreased 20 percent from 1967—the largest relative decline in any year since the post-war era began. And then, in behalf of the Commission, she quite properly warns that ". . . without a majority change in Federal and carrier policies, significant segments of present intercity service to points outside of high density population corridors will *not* survive the next few years."

Though I shall do all I can to encourage Congress to so act as not to permit this to happen, my efforts of the past several years in that direction have been unavailing and I am not optimistic about the immediate future insofar as corrective legislative action is concerned.

However, Mr. Examiner, I would further argue that the 13–a procedure is being *used by the railroads* in a manner *not contemplated* by Congress at the time of enactment of such section, and that, despite the precedents you must face, you have sufficient authority under 13–a *as it stands* to examine that question of "public convenience and necessity" in something *more than a short-term light*.

The company has probably already established the fact that these two trains are not much used by the public. I would not question that fact, though I would question what the company has done, if anything, to make this service attractive and competitive, and to promote its use in ways it would if it had any intention of trying to stay in the passenger business.

And I would argue that—even if you should find that the continuance of these trains is not required from a standpoint of immediate "public *convenience*," as based on their lack of use or the availability of alternative methods of travel—you could still find, under the authority of 13–a as it now stands, that the continuance of these trains was nevertheless required from a longer-ranged standpoint of "public *necessity*" on the grounds that they are part of the base upon which an important and integral segment of a *viable, national railway passenger system* will, in the near future, have to be built.

Such a finding on your part would, I know, be of a "landmark" nature—similar to that made by your colleague, Examiner John S. Messer, over a year ago in the still-pending Southern Pacific case—but I invite you to consider it, for it would perhaps stir Congress into action at least to the extent of authorizing the kind of study that I and numerous colleagues of mine in both the Senate and House have urged, as does the Commission itself, to determine (again borrowing Mrs. Brown's phrase) what "minimal network of passenger service is to be preserved," and how the same is to be financed for, obviously, the carriers will need Federal assistance of some sort.

And such a finding on your part, if followed in other, pending "last train" cases could at least also hold together the skeletal framework of that essential, national network during the period required to complete such a study, which should not be more than a year.

Pending your decision on this point, however, permit me in my remaining time to revert to the *other* item I called to your attention near the beginning of these remarks: The Commission's recent decision in that Norfolk and Western case.

For that has reference to the other point you must consider under 13–a in this proceeding, which is whether or not the continuation of these trains constitutes an undue burden on interstate commerce. I understand—though I have only had the benefit of newspaper clippings in this respect—that the company claims a potential loss of $1.7 million annually if the trains continue to operate.

That is a substantial figure, and I am sure you will examine carefully into its accuracy for, as the Commission's report I mentioned on cost-ascertainment methods indicates, there are numerous and uncertain factors involved in arriving at a true cost-saving figure in these cases.

Even so, whatever the final ascertainment, the Commission stated in the Norfolk and Western case that the *"overall financial condition"* of the carrier is to be considered, and in that instance went on to say:

"The losses being incurred from the operation of these trains while not insubstantial, are not so great when considered from the overall prosperity of the carrier as to create an undue burden on interstate commerce. And *this is particularly true* when it involves the *last passenger train* of the carrier in the service area.

"A substantial need for the service might justify the continuation of the service *even if* it were performed at a substantial loss to the carrier."

I have not been able to obtain as full information about the overall financial condition of this company as I would have liked. But I understand it has reported, for the first six month of this year, total operating revenues of $126,596,656 as against operating expenses of $97,682,091—a margin of nearly $29 million—and a net railway-operating income (after taxes, etc., apparently) for the same six months of $8,694,671.

The Erie-Lakawanna has not been noted for operating in the "black" but, evidently, it now is, for which my congratulations to its new management—but, in addition to that, which should bear upon its ability to at least continue these trains for the one-year period the Commission can order, it would also seem to me that consideration should be given to the fact that, since April 1, 1968, all of the Erie-Lackawanna's outstanding common-stock has been held by Dereco, Inc., a holding company formed by the normally-profitable Norfolk and Western Railway Company. I now tread into unfamiliar legal and accounting waters, but in determining the *actual* burden on interstate commerce that continuation of these trains may pose it would seem logical to me for the Commission to weigh the claimed loss figure of $1.7 annually against the overall prosperity of the larger and complicated corporate structure of which this company is now but a small part. I do not know what the precedents may be in this respect, but where a clear public interest is involved it would make sense to me, at least, to weigh that against the largest possible commercial interest also involved in order to determine the nature of whatever true "burden" on interstate commerce may exist.

Mr. Examiner, in again thanking you—and counsel—for the opportunity to make this statement, let me again say that I believe this to be a most-important matter, and one transcending in potential importance the immediate needs and convenience of those who presently ride these trains, or those who serve them as employees of the carrier.

And it has that potentiality precisely because, as former President Johnson said in urging creation of a Department of Transportation, "In a nation that spans a continent, *transportation is the web of union.*"

Whatever the event in this proceeding, by the year 2000—30 years from now—the population of that Nation will be close to one-third of a billion. We may think we have transportation problems now, with our clogged highways and our nearly saturated airways, but those problems will be as nothing as compared to those we will encounter in that year of 2000—and we had best begin to prepare to meet those problems now.

I could think of no better beginning point that the one here presented to us all—representatives as we are of the Federal, State and local governments, of free-enterprise with all its inborn vitality, and the general public that both are intended to serve.

As the gentleman also knows, since I believe he, too, is a cosponsor of the so-called Skubitz bill, that proposal would shift the burden of proof, relative to public convenience and necessity in "last train" cases from the public to the railroads, where I believe it properly belongs, and would also authorize the kind of study in depth of this entire problem that even the ICC has now asked for, and on which I believe work should have been begun long ago.

Finally, if my friend will again permit, I would like to call his attention and that of the House to H.R. 13311, as introduced by the gentleman from Connecticut (Mr. WEICKER), and myself and several others. Though this proposal—to establish a comprehensive program of Federal assistance to all forms of transportation in the United States, and one Federal transportation trust fund—cuts across some long-established jurisdictional lines here in the Congress, and will run full tilt into all sorts of arguments and counterarguments as between the supporters of the presently competing modes of public transportation we have available, I think the idea behind it makes eminent good sense and, in the long run, may be our only route toward establishing a truly coordinated, national transportation system. This particular proposal has gone not to the gentleman's committee but to the Committee on Ways and Means; nevertheless, I would hope that the gentleman would interest himself in it, and that those of us who see merit in it could count on his help in also moving it along toward early congressional consideration.

On September 13, the Washington Post spoke editorially in favor of this sort of an approach and, again, if the gentleman would permit, I would like now, Mr. Speaker, to have that editorial also made a part of the RECORD at this point:

PUBLIC TRANSPORTATION AND THE AUTOMOBILE

If any one thing symbolizes American life in this part of the 20th century, it has to be the automobile. The number of cars and trucks on the highways has doubled since 1950. There are now half as many vehicles in the country as there are people and the number of cars and trucks is increasing each year more rapidly than the number of people. The inherent love of most Americans for mobility has helped to cause this automotive explosion and has fed on it; the desire and the need of Americans to travel easily and quickly has never been greater, yet the ability to do so by public transportation is deteriorating steadily. The airways are crowded to the danger point, mass transit systems in the cities are in a state of chaos, and railroad passenger service is on its last legs. Even the highways, despite the outpouring of federal funds in the last 15 years, are becoming more rather than less crowded.

All of which is more than enough reason for Congress to start thinking about the need for the federal government to support in practice as well as in rhetoric the development of a balanced transportation system in the country. The creation of the Department of Transportation was, no doubt, a step in that direction. And the Nixon administration has proposed two major bills this year in an effort to make a start on such a program. Neither of these bills is adequate—one would provide $5 billion over 10 years for airport expansion and air traffic control systems while the other would provide $10 billion over 12 years for urban mass transit—and each ought to be regarded only as an interim step in what is really a battle to retain some measure of mobility.

The key to retaining that mobility is the Highway Trust Fund, created in 1956 to pro-

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vide for the construction of the Interstate Highway System. That fund is now taking in about $5 billion a year from taxes on gasoline and other automotive products, all of it earmarked exclusively for improvement of the highways. This fund has produced a great highway system which will have cost more than $50 billion when it is completed in the mid-1970s. But while solving that part of the transportation problem, this expenditure of funds has helped create some of the crises that exist in other parts. Automobiles, more than airplanes, are killing passenger trains. Automobiles, despite outrageous parking rates and jammed highways, are killing urban transit systems, as well as polluting the air over urban areas. In time, automobiles will kill themselves since the nation's fleet is now large enough to fill the 41,000-mile interstate highway system bumper to bumper and is growing each year by enough to fill a two-lane highway bumper to bumper from Washington to Los Angeles.

The only program that makes much sense out of this situation is one in which the Highway Trust Fund, augmented by the user taxes on airplane and other kinds of travel, is turned into a transportation trust fund. With such a fund, and the authority to spend it on highways or airports or mass transit systems or railroad service, the Department of Transportation could begin to produce a balanced transportation system. Without it, either the taxes on automobile users will be reduced and the funds essential to underwrite other modes of transportation will have to come out of income-tax revenue or the country will just keep on building highways at a $5-billion-a-year clip until there is no more space to build them or no more air to breathe. It seems fair to think of cars as just one part of a transportation network and it is time for Congress to regard them as such and get over its sacrosanct attitude toward the Highway Trust Fund.

Mr. ADAMS. I thank the gentleman. He has made an excellent statement. I will later, in my remarks, join with him in his three-pronged approach to the problem.

The gentleman is precisely correct. In addition to the ICC correction which must be made by this bill, we must also change the train discontinuance bill. I have joined with the gentleman from Kansas (Mr. SKUBITZ) on this.

I have also introduced a bill to subsidize by Government buying and leasing to the railroads passenger train cars.

One might say we are creeping up on it because of the difficulties the gentleman pointed out on competing modes refusing to allow any type of bill that would put altogether in one pot the Federal moneys to aid the whole system.

But it has to come. We cannot, with the population explosion and the concentration in the cities that we have, rely on individual automobiles and the present airways to carry the population, particularly in the areas of 300 to 500 miles and in the corridors that exist between here and New York, New York and Boston, and New York and Chicago. This is so simply because we cannot mechanically do it. Some type of mass intercity surface transportation is the only answer.

Mr. Speaker, I am very pleased that the gentleman made the statement he did because it highlights the unity of the three parts that have to be created here; namely, regulation, assistance, and discipline, all at the same time.

Mr. ROBISON. Precisely so. And I appreciate the gentleman's further remarks.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. ECKHARDT. First let me say I want to compliment the gentleman in the well, the able Member from Washington, for introducing the bill and thank him for making available this opportunity for many of us to express our views in favor of the position he has taken.

The gentleman from West Virginia indicated that he was not able to give specific instances involved because the parties who were involved would thus be revealed. I have one instance which I have no difficulty giving information on because it was one of the many instances in which I have been involved. I know that basically the difficulty in this situation has been that the railroads have been in a position to downgrade their own service and then show that their service does not make money and then cease the operation on that particular line.

I recall at one time leaving Denver after attempting to get the railroad station on the telephone for 45 minutes. I was ultimately able to get a ticket at the station, and I also noticed when I got there why I could not get in touch with them. It was because the receiver was hanging down over the waste basket.

Well, when I walked to my railroad car, I found that the temperature there was 95° in the pullman. I asked the porter is there anything that can be done about the temperature. He said, "The train has been in the yard, and as soon as it leaves the temperature will go down." So after we passed a station 30 miles down the road toward Texas I went back and looked at the thermometer and it was still reading 95°. I found the porter and asked him, saying "We are 35 miles out, and the temperature is still 95°." He said, "No. It cannot be." I said, "Why?" He said, "Because we are out of the yard." So it was necessary to prop the stool that you get off the train on in the doorway and permit zero-degree temperatures to come in the bottom of the pullman car. Thus, by alternately standing on the seat and sitting on the floor it was possible to get some comfort.

If the Interstate Commerce Commission cannot do anything about this, then they can do nothing about the train companies going out of business. It is precisely, as an old lawyer friend told me on the occasion of a person being disbarred in Austin, Tex., who was a little bit soft on the bottom—"He had disbarred himself 10 years ago." I think that is precisely what is occurring in the railroad business.

For these reasons, Mr. Speaker, I strongly concur with the gentleman's bills and wish to support him. I wish to join him in introducing them and in every manner support the position he has taken.

I thank the gentleman again for yielding.

(Mr. HUNGATE (at the request of Mr. ECKHARDT) was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the many letters from my constituents in Missouri's Ninth District reflect the need for adequate rail passenger service. Rail passenger service is the best means of transportation for many people in Missouri and in numerous States. Standardization of adequate rail passenger service would be mutually beneficial to the public and the railroads. This would offer immediate relief to those already affected by deteriorating service and would provide encouragement for many to travel by railroad. The railroads could once again prosper in providing a vital service to American passenger transportation.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, America is facing a crisis in its rail transportation industry which can no longer be ignored. In the past few years, hundreds of rail passenger trains have been discontinued. I rise to speak today both in defense of the railroad industry and in the defense of the American public. I hope, in the long run, that any action taken by this body does not force its Members to side against either interest. The plain and simple fact is that at this time, Congress simply does not have adequate information on the problem to take sides.

Because we lack this information, I was among the earliest sponsors in the House of Representatives who authored legislation calling for a thorough study of the problems involved in rail services. My legislation differs only slightly from the intent of many other proposals, in that it invites the participation of the National Association of Regulatory Utility Commissioners, a non-Federal body. A provision of my proposed House Concurrent Resolution 143, and similar legislation authored by my colleagues, calls for a moratorium on further discontinuances until this matter can be given the in-depth study it so heartily demands.

I think both sides of the issue must be made perfectly clear to the American people, since through their elected representatives, they must ultimately decide the fate of railroad service in this country.

Federal regulation of the railroad industry is not new. The Government encouraged the railroads to expand during the early days of our history by offering land grants. It was felt that this industry provided a public service not only in transportation, but in terms of communication, economics, and national security. In the early 1900's growing pains of the new railroad labor unions broke into nationwide violence. Again, the Federal Government stepped in with an injunction against the striking unions. It was said by the Attorney General of the United States that the strikes could not be allowed to continue, bringing devastation to the national economy.

Convinced that the security of the country rested in part in the functioning of our railroads, the Federal Government long ago brought it under its wing as a regulated utility. Since that time, railroads have been allowed to operate as a monopoly within their own regions. Under Federal guidance, these regional units have been made to function as a nation-

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wide network in the best interests of the general public.

The first question, then, is whether we can require the railroads to operate at the great losses to which they have sworn in Interstate Commerce Commission hearings. I am sure that we all agree that the Constitution does not allow any man to be required by his Government to work at a job which offers no reward.

But, again, we have the other side of the question. Are the railroads suffering economic hardship in the continuance of passenger service? It has been said that the costs of passenger service presented by the railroads are highly inflated. I am certainly in no position to make that charge on the basis of personal knowledge, but I feel that we must find the truth.

Serious charges have also been laid that the railroads have been negligent in their responsibility of providing adequate equipment and service. Some feel that the railroads have deliberately tampered with passenger schedules in an attempt to make rail passage as difficult as possible for its users.

If this is true, no wonder that boardings have decreased, giving the railroads leverage in arguing for discontinuance.

There is no question in my mind that equipment and service on the passenger trains does not meet the high standards of 20 years ago. At one time, you traveled in a comfortable chair or Pullman and looked forward to well-prepared meals in the comfort of a luxurious dining car. Today, most passenger cars are old and uncomfortable. The only available meal in many cases is a prewrapped sandwich at an exhorbitant price. Faced with such service, it is no wonder that people hesitate to use rail transportation.

We must, then, determine the actual demand for rail passenger service. Is it true, as the railroads assert, that people no longer wish to travel by rail? Or has deteriorating service and equipment driven them away? If service and equipment is improved, will the demand for passenger service increase? I hasten to point out that the problem here is not solely caused by management. Labor must also assume some responsibility for the "service with a smile" which has been a byword of successful American enterprises.

I know from the letters I have received from my Idaho constituents that the proposed discontinuances would bring real hardship to many areas of the State. People are dependent upon the trains to travel from their rural areas to their county seats or major market centers.

Competition from other transport industries, has, I am sure, taken its toll on prospective rail passengers. However, we must give attention to a recent European study. Its results show that people are willing to travel up to 400 miles by rail. While we can continue to expect air service to carry people on long trips, an efficient rail network could conceivably bear heavy traffic to and from less distant points.

There is another Federal relationship to this problem which has not been adequately explored. The Post Office Department has removed most of its mail transport service from the railroads because of alleged unreliability in time schedules. The railroads claim that the loss of these postal revenues has necessitated many of their proposed discontinuances. We need to determine whether we can and should reinstate some mail transportation on the railroads. A Federal rail subsidy has been proposed in Congress, but mail contracts may well provide the necessary revenue to continue passenger train operations. Perhaps in upgrading rail transportation through mail contracts, we can travel the full cycle—passenger trains will improve to the point where they can deliver the mail on schedule.

Mr. Speaker, what I am asking for today is an evaluation of the most practical means for preserving essential railroad passenger service and a study of the role of railroad passenger service in meeting America's growing transportation needs. We must have an inventory of the present passenger trains still operating, the quality of these trains, and the scheduling of connections within each region. It is important that an evaluation be made of the adverse effects that a single train discontinuance can have on a region and upon national service. We must determine the relationship of regional needs and the national network of railroad service. In the event that the level of rail passenger service determined to be in the public interest cannot be made self-supporting by mail and passenger revenues, we must determine the method of providing the necessary funding.

And, most important, we must intercede for the time being with a moratorium on further railroad service discontinuances until we can determine the future of rail service in this country.

The ICC has clearly indicated the need for a study and I believe it must relate to all forms of transportation, and not just rail transportation. The recent decision of the ICC regarding their power, and the power of State regulatory agencies, underlines that necessity. It is heartening to note that hearings have been set in the other body on this problem. I believe it is urgent that we in the Congress act now. We have in recent years dedicated billions of dollars to development of highways. We are faced with the critical necessity of protecting public safety in our airlines. We must determine the function of the railroads in passenger transportation.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from California.

Mr. VAN DEERLIN. Surely one of the most important aspects of maintaining passenger support and passenger interest in transportation is the ability to get where you want on true schedules and to be able to make connections.

Mr. Speaker, I hope I will not be considered unduly parochial if I direct your attention to an area in southern California. I know some of my colleagues were surprised that we do have railroads in southern California. You think of us particularly in terms of freeways and throughways. But, we once had a very good systematic way of getting in and out of the Los Angeles area and making connections north and east.

Mr. Speaker, I obtained a schedule recently—and this is a real achievement in itself. Schedules are not easily available. If you try to get the information over the telephone, you wait until it has rung 24 times and then you dial and try again.

I should preface all of this with the fact that the problems of the railroads are problems with which we must deal because they will be inimicable to the public interest if left unsolved.

But, this schedule which I obtained shows the absolute deviousness of the railroads in arranging schedules that will permit passengers to miss rather than make connections, and often by as little as 5 minutes, just to add an extra measure of frustration, I suppose.

This schedule shows the San Joaquin Daylight arriving at 7:50 p.m. in Los Angeles. The San Diegan train No. 78, the last rain to San Diego, leaves at 7:45 p.m. In other words the last train of the day leaves for San Diego five minutes before the arrival of the Coast Daylight train from the north. So, if you lived in Fresno and were going by train to San Diego you would be obliged to spend the night in Los Angeles and then continue by rail at 7:30 a.m. the following day. Some people look upon a night spent in Los Angeles as a night gained while there are others of us who look upon it as a night lost.

The Coast Daylight arrives from San Luis or Santa Barbara at 8:05 p.m., while the Super Chief-El Capitan has already left for eastern points at 7:30 p.m. So you miss that train by 35 minutes. Going northbound from San Diego, we used to have a 6 a.m. departure which put one in Los Angeles at 8:45 a.m., time for a business day and time to catch the Daylight when it left at 9 a.m., I believe, in years past. Now the train leaves San Diego at 7 a.m. and arrives in Los Angeles at 9:55 a.m., connecting with virtually nothing because U.P.'s City of Los Angeles leaves in the early afternoon.

Mr. Speaker, this is something that the ICC ought to be able to do something about. The agency ought to be empowered to tell the railroads that with all their problems, they cannot be permitted to compound their problems by deliberately discouraging passenger traffic.

This is only one small facet of the larger picture, But since it is something that this legislation will address itself to, I am an enthusiastic cosponsor of the legislation. It is my further hope that we shall be able to get hearings before the Committee on Interstate and Foreign Commerce and have legislation on the floor of the House very soon in order to at least give the ICC the powers it requires if we wish to deal with this great problem of national importance at an early date.

Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. ADAMS. I thank my distinguished colleague for his contribution.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I wish to also commend the gentleman from Washington for spearheading this par-

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ticular special order so that we can bring to the attention of the American people this existing condition of poor passenger railway service.

In my part of the country, despite the deliberate attempts by the railroads to discourage passenger traffic, there is a lingering affection for this type of travel. Until the railroads came some 88 years ago, the westernmost part of Texas was one of America's last frontiers. The city of El Paso burgeoned from a border village to one of the commercially important cities of the west. Along the lines of the Southern Pacific, the Texas & Pacific, and the Santa Fe, the railroad towns grew up, and railroading became a way of life for many of our people.

Today, railroading presents a dismal picture in our area. Only one passenger train, the once luxurious Sunset Limited, serves my entire district. There is one eastbound train and one westbound train each day, and the Southern Pacific has asked the Interstate Commerce Commission for permission to reduce its service to three trains a week in each direction.

The railroads have cited decreased patronage as the reason for this decrease in service. They have cited the competition of the automobile and the airplane. But rather than attempting to meet this competition in the classic spirit of American free enterprise, the record shows that the railroads were, instead, eager to surrender just as soon as possible.

The Interstate Commerce Commission, in its decision denying Southern Pacific's request to discontinue the Sunset Limited entirely, gave this appraisal of the railroad's treatment of its passengers:

> The record is convincing that the Southern Pacific has deliberately set out to discourage existing, as well as new, patronage of the Sunsets by reducing what was once a convenient and comfortable railroad passenger service to a slow, unreliable, uncomfortable train without sleeping facilities, with only rudimentary dining facilities; a train on which a seat cannot be reserved, arrival and departure times cannot easily be ascertained by telephone, or by printed schedules because they are often unobtainable, and a train for which adequate station waiting room is frequently lacking.

To use a railroad aphorism that has become a part of our daily speech, "That isn't any way to run a railroad." This judgment by the ICC came after a blistering condemnation of Southern Pacific passenger service by Interstate Commerce Commission Examiner John W. Messer. It was partially because of the many complaints to the ICC submitted through my office, and because of my numerous communications to the Commission, along with many other complaints along the entire line from Los Angeles to New Orleans, that this investigation of the adequacy of passenger service on the Southern Pacific was launched.

The investigation itself broke new ground for the Commission and Examiner Messer's finding was hailed as a landmark in railroad history. For the first time, it seemed that the Interstate Commerce Commission had decided that, in order to qualify as a passenger train, a train should meet certain standards. Examiner Messer evidently felt that to deny passengers such elementary facilities as dining and sleeping cars along the weary trip from New Orleans to Los Angeles was somewhat uncivilized. He ordered, subject to approval of the Commission, that Southern Pacific be found in violation of the Interstate Commerce Act and that it be ordered to institute certain reforms: principally that dining and Pullman service be restored, and that passenger trains run at least as fast as the fastest freight trains on the line.

The Interstate Commerce Commission studied its examiner's record for more than 15 months—and finally came up with the decision that it had no authority to enforce his findings. The present Chairman and the immediate past Chairman of the Commission dissented from this ruling, but the majority of the Commission called upon Congress to give it the authority they feel it does not have—to require standards of adequate passenger service. Mr. Speaker, I am glad to be numbered among those Members of Congress who are introducing the legislation the Commission requests, and I would urge that the appropriate committees take the action that the problem demands.

The increase in every form of transportation is creating a national challenge that must be met. Our highway system in many areas is often overcrowded to the extent of stagnation. Our airways are so jammed with traffic that the Federal Aviation Administration has had to place a ceiling on flights in and out of the Nation's major airports. This is no time for the railroads to retreat to the 19th century in their service to the traveling public.

One of the impressive facts developed in the findings of Examiner Messer was that, despite the deterioration of service, people continued to ride the railroad in surprising numbers. If, by legislation, we can require the railroads to offer adequate service, I believe the solution to many of our transportation problems will prove easier.

The gentleman from Washington (Mr. ADAMS) comes from the West, as I do, from Texas, and as the gentleman knows it is a part of Texas that is somewhat remote by some standards.

As I stated, my part of Texas was developed by the railroad companies, over 80 years ago. Until that time it was a very isolated area, with marauding Indians who harassed travelers and even the State legislators at times could not get to the State capitol at Austin. The railroads came, and the community flourished. Today we have 375,000 people on my side of the border, and 400,000 on the other side. Much of this was due to the railroads.

As the gentleman knows, the railroads came there through inducement when they came in that great race across the country. They were given grants and have been given grants throughout much of Texas, much of which today is oil land, and this has enriched their enterprise.

To many people the railroads came by a contract with the American people to furnish passenger service.

Now, we still have remote areas. There are over 300 miles across my district. Some of these areas are not serviced by buses; some of them are, but the railroad is the link, the connection with more populated areas. If this last passenger service is taken off, the Southern Pacific, then my district will have no passenger connection by rail with the rest of the State of Texas, and to California—and they like to go to California, the west Texans like to go to California.

I have been in ice storms in west Texas, wherein all automobile traffic was at a standstill. So we waited for the railroad to come through. It is our one opportunity to get through when the highways are iced.

Another point that I think I should suggest is in view of the burgeoning population. There is a movement toward urbanizing society, and the countrysides are losing their population. That population is going to the cities, and this is compounding the problems in the cities. Now, here we have a problem which is aggravating the diminution of the population in our countrysides, by taking away from them another link from society itself. Country people are being further isolated by the removal of the railroads. If we are to slow the urbanizing process we must maintain full opportunity for the people in the countryside for good travel and communication facilities.

I think the bill that the gentleman from Washington (Mr. ADAMS) has sponsored is so important—and I incidentally have had drafted a companion bill today to give the ICC this power to enforce good passenger railroad conditions.

I might mention one other thing that I do not believe has been mentioned today, and that is that none of us I believe wants to nationalize the railroads. That is the very last thing we want to do. I know that it is certainly the last thing I would want to do.

But if private enterprise in railroading is going to succeed, they have to stand up to the test, and give the facilities and the services which they by the very nature of their role are dedicated and committed to do. If railroads continue with this process of lopping off service, then eventually some generation down the line is going to force nationalization of the railroads. I think the railroads themselves ought to look at what they may force the public to do. If the railroads continue to depreciate their service to the American people, somebody is going to think of this undesirable alternative.

Again I thank the gentleman in the well for yielding me this time.

Mr. ADAMS. Mr. Speaker, I thank the gentleman from Texas, and I am particularly grateful to him for mentioning the grants that were given to the railroads in the Western States.

I know in the State I come from the railroads were given every other section clear across the State in order to build the right-of-way. I know that they own tremendous amounts, for example, of timber and other resources, and we do not dispute this, but we feel also that there has been a contract made with the American people, as the gentleman stated so well. We have towns in the mountains; I know of one in particular, the little town of Lester, that has no connection whatsoever with the outside world for 6 months during the winter season.

Its only connection is by railroad. Now

they have stopped the railroad passenger service. I simply do not know what the people in that little town will do to get in and out during the winter.

I thank the gentleman for the very valid points that he has made.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. MELCHER. Mr. Speaker, an important discussion of America's passenger transportation needs is taking place here and throughout the country.

In my own State of Montana and throughout the Northwest the Northern Pacific seeks permission of the Interstate Commerce Commission to cease operating their Mainstreeter passenger trains. As for myself and the rest of the Montana delegation—we oppose.

The Northern Pacific points to financial losses in operating these trains and cites declining passengers—a situation largely due to deteriorating service, and difficulty in using the train. The need for these trains in Montana is a real need, they should be coordinated with mail and express services to improve them as well as passenger service.

I am sure many other passenger trains discontinued in other areas of the country have left blank spots in our transportation systems.

Yesterday President Nixon asked for congressional approval of the supersonic transport airplane to cost the taxpayers about $100 million now and more later—a total of $1 billion. The airlines are to put up only $148 million. The balance of taxpayers' subsidy is weighted heavily in favor of the airlines and those who travel by air.

On one hand, land transportation by rail is drying up. On the other hand, our highways are becoming so crowded and dangerous, partly because there is no adequate alternate passenger service, that we are being asked to appropriate ever increasing sums for freeways.

What the Nation requires now is a complete study and planning of transportation needs. H.R. 13832, sponsored by the able and distinguished Congressman, BROCK ADAMS and 77 others, including myself, is needed to guide the Interstate Commerce Commission on the quality of service on railroad passenger trains. H.R. 13588, which I introduced September 3, calls for a moratorium on passenger service discontinuances and the study of passenger service requirements we need to move wisely on transportation policy. These two bills complement each other and can provide the framework for the start of a national railroad transportation policy. The relationship we as a nation expect to maintain between automobile, bus, train, and airline should be evaluated. We have patchwork now. It is time to dovetail our efforts with all modes of transportation.

Mr. ADAMS. I thank the gentleman for his remarks, and particularly his remarks with reference to subsidy.

Senator TYDINGS in the other body, a number of other cosponsors and I have sponsored a bill to provide a pool of passenger cars which the Government would provide on lease to the railroads. If we are going to require industry to upgrade service, they will need help in the form of supplying passenger cars so that they will be able to maintain the service.

The authorization level in the Adams-Tydings bill is $195,000,000 over a period to end June 30, 1973. The bill also establishes a fund into which both general funds and lease payments from the carriers will be placed. This fund will be used to purchase and rehabilitate railroad passenger equipment.

We believe that the ICC is given authority under this ICC bill we are discussing today. We also go into the proposition of providing a pool of cars for them under the second bill I have just referred to. Third, under the Skubitz bill, in which a number of our colleagues have joined, we try to stop discontinuances at least at the point of the last passenger train between cities. We believe that with the three parts of this program it will enable the railroad passenger train service of the Nation to continue to exist.

I think that it is very important that we have a balanced system. We have highways, we have airways, we have railways, and all three of these are going to be necessary if we are going to move our population in the coming years.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding. I am sorry I could not have been present in the chamber at the very beginning to hear all the remarks made on the gentleman's special order. It is timely and I commend the gentleman for asking for this time. Like all who have spoken, I am deeply concerned about the potential loss of railroad passenger service. I support the measure which the gentleman has introduced which would grant authority to the ICC to establish a quality of service as one possible step in halting the decline in passenger service.

I happen to be a Member, incidentally, who believes that the ICC was correct in the ruling that the agency did not at this particular time have the authority to rule on the quality-of-service question. But granting the authority to establish quality of service on the passenger trains and its exercise may give us some of the answers we need for the future of railroad passenger service.

But standing alone by itself, I doubt that it will reach the root of the problem or at least go to the heart of the problem. I hope to comment on that point as I go along.

The question of adequate passenger service is one which is broad in scope. The ICC and, indeed, any other body which takes an independent look at rail operations must realize that the question of profitability of certain passenger service does not hinge merely on the actual passenger revenues but also on how those revenues might be increased through varying levels of passenger service.

Whatever the causes, passenger train losses now are real and they are substantial. Simply to tell the railroads to run them as we have proposed to do by this bill, in a sense, or how to run them without regard to cost or results or without going further in some degree is not practical or realistic. In other words, I believe the step before us is in order, but I do not think that we should let this be the sole step that we hope to take at this time. As you know, the railroads themselves are asking for reimbursement of losses sustained on passenger trains which they are required to keep in operation as public conveniences. Bills are pending which would authorize the purchase of equipment to be rented by the railroads. Ground transportation master plans are proposed, and other changes in train discontinuance and procedures are suggested. We are continuing our effort to push high-speed ground transportation research and development.

I mention these matters because I think the time has come for Congress to take a broad and comprehensive look at present and future passenger train service and to take action accordingly.

Today, if the gentleman will yield further, I saw a release that was issued by the Department of Transportation, by the Secretary of that Department, the Honorable John Volpe, in which he said that the results were encouraging today, that more people indicate that they would ride the trains if they had good, fast, suitable conveyances, and I think that is true.

The point I want to make is that I think the climate is right. For the first time in at least the last 2 or 3 years I believe the Congress, management, labor, and all aspects of passenger train service and the industry would probably be anxious now to see something done. I hope the Department of Transportation does something. I hope the Department undertakes the ground-speed research project that we authorized nearly 2 years ago. They have done nothing about selecting a site or anything about it.

To pass this bill—and I think we should—is not alone enough action to take. It seems to me we ought to try to combine various pending bills relating to some four or five different approaches that are now before the Congress.

For the first time I think we can do something meaningful for passenger service, if we really tie it together. I would hope we would do that. I would hope the gentleman would either help advance other bills or join with us as we try to find answers, and not just on the quality of service.

We must realize, as I am sure the gentleman in the well realizes, if we pass this bill—and I hope it passes—this means the next step would be that we, having authorized quality of service, then must decide what we are going to do to get the right kinds of trains—fast conveyances, up-to-date trains, with good roadbeds, and no road crossings.

We may have to enter into the matter of subsidy, or a combination of approaches. The railroads may ask the same type consideration we give to other methods of conveyance. But we are at a point where, if we take this first step, others may follow. While I am for this first step, I think we are committing ourselves to a course of action, and we should face the fact that and we will have to face it again further down the road.

Mr. ADAMS. Mr. Speaker, I thank the

gentleman from Texas. I agree with the gentleman. We will be proceeding on that. I will support the gentleman's efforts on the committee to see that we do have a combined approach.

Mr. Speaker, I thank the Members for their participation.

THE ICC SHOULD ACT TO PROTECT THE PUBLIC INTEREST

Mr. HOWARD. Mr. Speaker, the charge is often made that regulatory agencies are really the captives of the industry they are supposed to regulate. The recent decision of the Interstate Commerce Commission in the Sunset Limited Adequacies case gives credence to this charge. The ICC, voting 7 to 2, overruled its hearings examiner and said that it did not have the authority to set standards of service for passenger trains.

This amazing and unfortunate decision, which in my opinion flies in the face of the clear language of the Commerce Act, will allow the railroads to continue their policy of systematically downgrading passenger trains in order to drive passengers away. This policy inflates the passenger deficit, and allows the railroad to claim the passenger has deserted the trains. Did he desert or was he deliberately driven away? The Metroliner certainly proves that a good, modern train will be heavily patronized.

There is one extraordinary statement in the ICC's decision which I would like to bring to my colleagues' attention:

> Implicit in a common carrier's duty to furnish transportation upon reasonable request therefore is the duty to provide a reasonably adequate level of service. The railroads concede that section 1(4) incorporates into the statute carrier obligations under common law, and, though this commission does not have the jurisdiction to enforce those obligations, that the common law required a common carrier to provide safe and efficient service to the travelling public.

What this amazing piece of doubletalk means is that the ICC thinks that the railroads have a clear obligation to "provide safe and efficient service to the traveling public" but the Commission refuses to use its authority to insure that the railroads live up to this obligation. To me this is an abdication of its responsibility to protect the public interest. The ICC must be more than a mechanism for granting freight rate increases. It should take an active role in protecting the forgotten man of transportation—the rail passenger. Since the ICC refuses to acknowledge that it has authority over pasenger service standards under present law, as I and many others believe it does, I think that Congress should swiftly pass clarifying legislation, making it doubly clear that they do have this power. In this way, the Congress will make clear to the Commission and to the railroad industry, that the American public expects the safe and efficient passenger service which the law clearly calls for.

Mr. PELLY. Mr. Speaker, as a frequent cross-country train passenger, I can speak on the subject of railroad standards objectively and with firsthand knowledge.

But, I also realize the problems facing the railroads in trying to maintain passenger service, and indeed I favor the Government aiding in solving these problems.

The end result, however, is that some lines are making an effort to keep clean, dependable passenger service available; there are those that appear apathetic to the needs of the passenger; and there are others whose apparent intent is to do away with passenger trains at the earliest possible time.

The point is that minimum standards are not present on many of the Nation's trains, and now that the Interstate Commerce Commission has indicated that it does not have the authority to regulate the quality of rail passenger service, legislation is imperative to resolve the problem.

I am anxious to see this legislation passed so that the ICC can be directed to establish a list of those trains that should be kept in service in the public interest. Without these intercity trains, there would be no need for provisions on standards of operation.

Mr. Speaker, rail service in America is vital. With our growth of population and the problems and congestion of major airports, adequate railroad passenger service is a necessity.

Yet, it seems as if petitions to discontinue a major passenger train are reported daily. I have asked the ICC to defer the discontinuance of any inter-city passenger train until Congress has a chance to consider legislation giving the ICC authority to compel railroads to continue essential passenger service.

I also am the sponsor of legislation which would establish a Commission on Passenger Railroads to make a full and complete investigation and study of all problems relative to the decline in the transportation of passengers by railroads and to recommend methods to resolve these problems.

In addition, I introduced legislation to authorize the Federal Railroad Administrator to set certain standards for the comfort, safety and convenience of railroad passengers.

Because of my intense belief that railroad passenger service that is clean, dependable and safe must be maintained in the public interest in America, I became a cosponsor of H.R. 13832.

CONGRESSMAN ANNUNZIO SUPPORTS AUTHORITY FOR THE ICC TO SET STANDARDS FOR RAIL PASSENGER SERVICE

Mr. ANNUNZIO. Mr. Speaker, the distinguished Congressman from the Seventh District of Washington, Hon. BROCK ADAMS, has taken a special order today in order to give Members of Congress the opportunity to discuss deteriorating rail passenger service in the United States, and I congratulate Mr. ADAMS for taking the initiative on this essential issue.

I was delighted to join Congressman ADAMS yesterday in cosponsoring legislation (H.R. 13919) to grant the Interstate Commerce Commission the authority to set standards for adequate rail passenger service.

Two weeks ago the Interstate Commerce Commission ruled by a 7-to-2 vote that the jurisdiction assigned to the ICC by Congress did not include the power to regulate the quality of passenger service.

The decision was the conclusion to a case involving five States' regulatory agencies which charged the Southern Pacific Railroad with intentionally downgrading rail passenger service on the Sunset Limited between Los Angeles, Calif., and New Orleans, La. The ICC examiner in the case, John S. Messer, recommended in April 1968, that the ICC order the Southern Pacific to improve the quality of its "Sunset" service.

The ICC's reversal of its examiner's recommendation clears the way for further deterioration of passenger service.

Passenger service conditions are already appalling, and the list of passenger complaints is endless. Both trains and stations are filthy. Trains are not on time. They no longer offer baggage service or sleeping and dining accommodations. Ticket and schedule information is difficult to obtain. The list goes on and on.

The ICC is aware that railroads do indeed deliberately downgrade passenger service, hoping that the public will desert rail travel so that passenger trains will be discontinued. Statistics support this contention. The number of passenger trains on July 1 was 513 compared to the 580 trains just 12 months ago.

The ICC, realizing both the deplorable conditions of passenger service and that the States have been unable to regulate passenger service effectively, has requested that Congress grant them jurisdiction over the quality and adequacy of rail passenger service.

The ICC has stated that it has no intention of forcing the carriers to spend millions on ultra-modern cars, but it does desire that reasonable standards of service, equipment and facilities be maintained.

Mr. Speaker, I do not believe that the ICC is asking too much to provide reasonable standards of passenger service for those Americans who desire or must ride the trains. It is in the public interest for us immediately to grant the ICC the authority to regulate passenger service.

Mr. OTTINGER. Mr. Speaker, I sincerely hope that today's discussion will mark the beginning of a movement to restore railroad passenger service to a position of full partnership in our national transportation program. Rail transportation in the United States has reached the point of crisis, and the time for action is fast running out.

In the last 10 years, the number of regular intercity passenger trains has declined to more than 60 percent from the 1,448 trains operated in 1958. Fourteen railroads have abandoned all intercity service. The railroads are making virtually no investment in new passenger equipment and the quality of service has never been lower. The Interstate Commerce Commission noted in its report for 1968:

> It is now becoming evident, however, that much of the service is deteriorating in quality, and, in some instances, that a purposeful downgrading of service may be taking place.

The ICC quite properly concluded that—

> In view of these trends, significant segments of the last remaining long- and

medium-distance intercity rail passenger service will not survive the next few years without a major shift in Federal and carrier policies.

Seemingly aware of the crisis, the ICC's exercise of its regulatory authority has been less than energetic. It recently awoke from its torpor to authorize the discontinuance of a few more of the country's best passenger trains—the Santa Fe's Chicago-Los Angeles streamliner, the Chief; the Chesapeake and Ohio's Fast Flying Virginian and the Washington-Cincinnati Sportsman.

The report of ICC hearing examiner John S. Messer in the Southern Pacific case was a scorching indictment both of the railroad and the Commission. It set forth an uncontrovertible chronology of the railroad's deliberate attempt to discourage passenger service and the Commission's abject failure to protect the traveling public.

The Messer report brought home forcefully the ICC's culpabality in failing to formulate and enforce minimum standards for passenger service while cooperating with railroad management's plans to concentrate instead on their more profitable freight operations. It reminded us of a fact which the Congress, the ICC, and many State regulatory agencies have overlooked for years: that railroads simply are not ordinary business firms, but rather quasi-public corporations endowed with enormous land grants and the power of eminent domain in order to perform a specific service.

The ICC, with only two commissioners dissenting, ruled on September 12 that it lacked statutory authority to set standards for railroad passenger service. That is why we are here today.

The Commission, in the Southern Pacific decision, asked Congress to give it authority to set standards for railroad passenger service. I still believe that the Interstate Commerce Act grants that authority, but in response to the Commission's request I have today introduced legislation which makes that authority clear.

My bill amends section 1 of the Interstate Commerce Act by adding the following provision:

> The Commission shall prescribe, and from time to time revise, minimum standards for railroad passenger service applicable to carriers subject to this part. Such minimum standards shall be designed to promote the comfort, safety and convenience of railroad passengers. Any standard prescribed under this section shall become effective on the sixtieth day after its publication in the Federal Register.

The bill I have introduced today also adopts provisions of a measure introduced last week by my good friend and distinguished colleague, the gentleman from Washington (Mr. ADAMS). Those provisions amend five paragraphs of section 1 of the Interstate Commerce Act to include passenger service under the ICC's regulatory authority. While the provisions of the Adams bill are important refinements of the Interstate Commerce Act, I felt it necessary to specify the Commission's obligation to set standards of service for passenger operations.

The ICC recently proposed legislation broadening its authority in discontinuance proceedings pursuant to section 13(a) of the Interstate Commerce Act. This legislation was before the Committee on Interstate and Foreign Commerce during the 90th Congress but was not reported. I think it urgent that the 13(a) bills be considered by our committee at the earliest possible opportunity, and in conjunction with my bill and the Adams bill dealing with standards of passenger service. I am requesting the chairman to schedule these bills accordingly, and I am hopeful that we can complete action during the current session.

I cannot overemphasize the urgent need for action in this area. While the railroads would have us believe that passenger service has no future, the truth of the matter is that 98 million passengers, not counting daily commuters, traveled on intercity trains last year. And as highway and air congestion worsen, the need for expanded passenger service will become even more critical than it is today.

Congress and the administration must work together to see that a functioning, modern network of passenger railroads is established and maintained. We can make a start toward that goal by giving the ICC the authority it has requested, and seeing that that authority is fully exercised.

Mr. ANDERSON of California. Mr. Speaker, I am pleased to give the following statement in support of Congressman ADAMS' bill:

For many years the railroad industry depended upon passengers as well as freight for its source of revenue. As the number of passengers declined, the industry neglected the needs of the passenger in favor of the more lucrative freight service. This has resulted in a marked downgrading in services to passengers.

Who determines whether the conditions and standards of service offered to passengers are adequate? This question was raised in the Sunset Limited Adequacies case. In this case, five Western States, joined by the National Association of Regulatory Utility Commissioners—public State officials charged with regulating the railroads in the individual States—brought a plea to the Interstate Commerce Commission that the Southern Pacific Co., over a period of years, had allegedly downgraded its passenger train service between New Orleans and Los Angeles with the preconceived purpose of discouraging patronage and ultimately eliminating this service altogether. In effect, the States, by regulatory powers, are no longer equal to the task involved in the passenger service.

The hearing examiner of the Sunset Limited Adequacies case determined, contrary to previous Interstate Commerce Commission rulings, that jurisdiction over the quality of interstate passenger service was vested in the ICC.

Historically, the Commission's position has been, as originally set forth in Wisconsin Railroad Commission against C. & N.W. Railway Co., that jurisdiction to regulate the operation of passenger trains was not vested in the ICC. The ICC did not break precedent and ruled in the Sunset Limited case that it did not have jurisdiction "to pass upon the adequacy of the Southern Pacific Company's passenger service."

Thus, confusion as to authority apparently exists in the area of interstate passenger service regulation.

In order to insure that conditions and standards of services offered to passengers are adequate, I have cosponsored Congressman ADAMS' bill which will give the ICC the necessary authority to set adequate standards for railroad passenger service.

Mr. QUIE. Mr. Speaker, the rapid decline in the number of passenger trains and the quality of remaining service is of great concern to millions of Americans. I am happy to join in this effort to set a national policy in this matter and provide enforcement standards.

This country is in the midst of a transportation revolution. Actually, the situation approaches anarchy as authority is fragmented between various levels of government and regulatory agencies.

The expansion of the air transportation system and improvement of the highways in recent years has brought a major reduction in the traveling public's demand for rail service. To accommodate this fact, the Congress simplified the process leading to elimination of passenger service. The new procedure worked so well, there is little remaining passenger service except for commuter service.

The decline in service has now reached the point that further reduction will prove harmful to the national interest. Many people still prefer to use railroads for medium- and long-range trips. Others would use the service if it were good. When the ceiling is zero and the planes are not flying, there is a greater need for passenger service, particularly during holiday seasons.

Mr. Speaker, it appears to me as though the time has arrived when further passenger service reduction must be ended and a determination made as to the type of rail service which is needed by the traveling public. I trust the appropriate committees of the Congress will take up this problem immediately and recommend legislation to the House and Senate.

Mr. TIERNAN. Mr. Speaker, passenger service on railways throughout New England and much of the Nation is a disgrace. At a time when our highways are overloaded with commuters and our airways jammed with traffic, it is of utmost importance to the people of America that we have a comprehensive, efficient, national transportation system.

It is quite obvious, to anyone who takes the time to look, that there has been a rapid decline in the quality of rail passenger operations. It is imperative that if America is to find a suitable relief for the bedraggled passenger of the railroads, that only a massive and immediate change in governmental and carrier policies come about. America has reached the point where we are in danger of being unable to even preserve the minimal nationwide system of passenger service that we now have.

The Interstate Commerce Commission has pointed out that some carriers have abandoned any preference of responsibility to rail passengers. One could spend hours recounting stories of disgruntled passengers who have been frustrated by the poor passenger service on many lines.

A number of people point out that the condition of the cars in some trains ranges from bad to terrible. Anyone who travels the rails now can relate the fact that the coaches are too hot in the summer, too cold in the winter, and almost invariably behind schedule. There is often dirt and other trash in certain of the trains, lack of decent or any food service, as well as dingy and filthy stations for passengers. There are frequent reports of discourteous employee service.

The present passenger service is intolerable. Some trains do continue to provide reasonable passenger service, but the operation of many other trains has deteriorated to the point where the situation is plainly absurd.

For too long now we have let the question of profits for carriers stand in the way of quality rail service. The ICC has made it clear that the lack of profitability does not make rail service immune from the ultimate purposes for which the national transportation policy has been established. We cannot allow the rail carriers to escape their passenger carrying responsibility. Those lines that are now operating passenger service are obligated to provide adequate quality passenger service regardless of what may happen in the future.

We must move to assure that we will have a reasonably economical, safe and efficient passenger service. This must embrace such matters as the availability of seats, cleanliness, sanitation, proper heating and air-conditioning, and eating facilities.

Every day that the quality of rail passenger service is allowed to deteriorate, the demise of intercity service becomes more likely. I realize that the railroads cannot undo or reverse all of the conditions which have led to decline in the passenger service. They can control the adequacy of existing service. Yet it is painfully clear that some trains are being operated so as to force the public to desert rail travel.

The ICC has made it obvious that major problems do exist in rail passenger service as it now exists and that they have no power to solve this situation. This is why I am in support of H.R. 13832, for it will enable the ICC to put a stop to the practice of deliberately downgrading passenger service in order to drive away passengers. Through such a bill we can give the ICC the power to upgrade quality rail service. This can make rail passenger service a viable alternative to other modes of intercity travel. I do not want to see intercity rail passenger trains disappear from the American scene, for I feel that they can be of great service.

This bill, along with the Intercity Rail Passenger Service Act, will make a concerted effort to bring to passengers, quality service on the railways of the Nation. Carriers must rehabilitate the equipment that they now have, to insure that they will meet standards upheld by other forms of transportation. In addition to this, the carriers should plan to purchase new equipment. These two steps would cut down on the number of rail lines discontinuing their passenger service. Our bills will give the ICC the power to make sure that all passenger carrying railroads operating in interstate commerce be required to observe minimal standards respecting equipment, speed, sanitation, cleanliness, and other accommodations.

Mr. MIKVA. Mr. Speaker, the need for adequate rail passenger service in America is a problem which is quickly reaching crisis proportions. As our highways become ever more clogged and our airways ever more dangerously congested, the need for attractive, economical rail passenger service becomes ever more acute. For this reason, I am pleased to join my colleague from Washington (Mr. ADAMS) in cosponsoring a bill which would authorize the Interstate Commerce Commission to set standards for adequate rail passenger service. I consider this bill a corollary to H.R. 13352, which I cosponsored on August 6, 1969, known as the Intercity Rail Passenger Service Act, which would provide Federal money for the purchase of railroad rolling stock in order to make economical rail passenger service possible. With these two bills we have provided Federal money to make such service economically possible and Federal authority to insure that the quality of that service is adequate.

Whether the ICC was correct or not in its recent interpretation of congressional intent in the Messer case is no longer really the point. Whether Congress intended the ICC to have regulatory authority over rail passenger service or not, the Commission has not determined that it will not exercise that authority without an explicit delegation of it by Congress. Thus it is incumbent upon us who recognize the need for improved intercity rail service to make that explicit delegation of authority possible. This bill which my colleague from Washington introduces today on our behalf will do just that.

The railroads in America have played a dynamic and important role in the country's development. In the early days, they were the first to make transcontinental travel reasonably easy and economical, and with the benefit of large grants of Government land and other special privileges, they contributed significantly to the industrial and economic development of the growing Nation. But as rail passenger service became less profitable, the railroads determined that they would rather concentrate on the more lucrative areas of transporting freight and abandon passenger service where it proved economically unprofitable. We have all heard the explanations. Railroads which maintained their own rights-of-way were forced to compete with other forms of transportation which used public highways or airport facilities which were financed and built with tax dollars. Under these circumstances, the railroads maintained, it was impossible to run railroad passenger service at a profit.

Whether or not a failure to modernize rail passenger service operations—such as has been done in Japan—was a contributing factor to the inability to attract volume business is really now only an academic question. The quality, the volume, and the very existence of rail passenger services have today declined so far that it will require a major public effort to restore service to decent levels of quality and frequency. I believe that in the interests of the Nation, such an effort must be made. But as a part of that effort, the Interstate Commerce Commission must possess the power to regulate the quality—and not merely the existence or nonexistence—of rail passenger service. This is the only way in which such service can ultimately be made attractive enough to make it economical. In addition, if large sums of Federal money are to be expended to make rail passenger service possible, there must be Federal regulatory authority to insure that the money expended is properly used.

Thus, I support the effort to provide the ICC with regulatory authority over rail passenger service and am happy to join in cosponsoring that proposal, as I earlier cosponsored the Intercity Rail Passenger Service Act. If we neglect rail passenger service, we shall do so at our peril and to the great detriment of the Nation.

Mr. ZWACH. Mr. Speaker, at a time when we are on the threshold of a resurgence in the countryside, we are faced with the additional handicap of curtailed transportation facilites.

Rail freight and passenger transportation has deteriorated in some areas to the point that the public can no longer use it advantageously. Certainly it would seem that if the railroads were to push for freight and passenger service as other transportation services have, there would be no need for me to stand here today to request my fellow Congressmen to join me in giving the Interstate Commerce Commission the authority to rule on the adequacy of railroad service. Mr. Speaker, I am pleased to be a cosponsor of H.R. 13832.

Mr. SLACK. Mr. Speaker, this is a welcome opportunity to join in a general expression of concern for the future of passenger rail travel. It is a subject to which we are turning our attention none to soon. During the past 10 years we have all observed the steady erosion of rail passenger trains and the downgrading of service on those remaining. But nothing has arisen to take the place of the service the people have lost.

One of the basic characteristics of our growth as a Nation has been our mobility as a people. We have resisted all efforts to Balkanize our country, and we have been free to move ourselves, our families and our goods from one location to another in pursuit of opportunity anywhere.

But the cost of such movement is getting prohibitive, because our population grows but our internal transportation system does not. Our highway program barely keeps pace with the demands of vehicle use. Our airways are overcrowded, and we move very slowly toward an airport construction program which can hardly have an impact on the situation for 5 years or more. Our major urban areas are being strangled by a lack of rapid transit systems.

In these circumstances we must act to preserve the rail passenger service we have, and to encourage maximum efficient use of the rail rights-of-way, particularly around big cities and on certain major long-haul routes between them.

The recent ICC decision in the South-

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ern Pacific case has brought the whole matter to the center of attention. The members of the Commission have concluded that they lack the authority to rule on the adequacy of rail passenger service. They have proposed that Congress pass legislation giving them such authority.

The members of the Commission are to be commended for laying the cards openly on the table, and I believe ICC Chairman Virginia Mae Brown has earned a special word of praise for the candid and forthright manner in which she has sounded frequent advance warnings of the gravity of the situation.

I will be happy to cosponsor the proposal to give the ICC authority to set adequate standards for passenger service, and to give it my full suppport. But I submit for the consideration of all interested Members that I do not think such an approach is adequate to the purpose, standing by itself. Just what will be considered "adequate" passenger rail service will become a subject of torrid controversy, if all other factors weighing on the situation remain in status quo.

Let us ask ourselves: How did we get in this position? It is not a new or unforeseen emergency. The cloud has been growing larger on the horizon for many years. But we have not taken action, chiefly because there seemed no practical point of entry toward the solution of the problem.

Is there to be a subsidy for new rail passenger equipment?

Should there be subsidy funds appropriated to offset deficits incurred by railroads in maintaining service under ICC orders?

What of the congested urban areas? Should we move toward high-speed rail rapid transit by utilizing existing rail routes first? If so, what should be the extent of the Federal interest?

From the national defense standpoint, can we afford to permit skeletonizing of the passenger rail service, looking to possible future emergencies?

Should we simply give up on private railroad operations and take over the passenger service? Or assign it to some semipublic body like Comsat?

There are endless questions but no answers, and we have no answers largely because we have no national transportation policy.

In 1966 when we passed Public Law 89-670 creating the Department of Transportation, that body was charged with the responsibility for developing transportation policies and programs "conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives." To date we have had no policy recommendations of this nature from the Department, and I say this as a statement of fact, not of criticism, because the creation of such a policy would challenge the wisdom of Solomon.

But until we have a policy, it seems probable that we will drift, since we will be lacking a yardstick against which we would measure the appropriate extent of Federal interest in not only rail passenger service but any other mode of transportation. While we drift, the reductions in rail passenger service will accelerate, as a means of challenging any definition of "adequacy" which may be assigned to the ICC by new legislation.

On August 5, I introduced a bill, H.R. 13347, which provides for a moratorium on the discontinuance or reduction of rail passenger service until the Congress has approved a national transportation policy recommended by the Secretary of Transportation in fulfillment of his responsibility under section 2 of Public Law 89-670. I commend this bill to your attention. I believe it is the simplest and most effective means of reaching the goal we all seek, present circumstances considered. I hope the committee will see its way clear to schedule hearings on all pending rail passenger bills at an early date, so that the best elements in all proposals can be woven together into a sound legislative fabric.

The march of recent events, spurred by the decision in the Southern Pacific case, suggests that if we do not move this session, the rail passenger service of this Nation will be an item for exhibit in the Smithsonian by this time next year.

Mr. HALPERN. Mr. Speaker, I am grateful for this opportunity to declare my firm support for legislation to authorize the Interstate Commerce Commission to set standards for our Nation's railroad passenger service.

Recently, a majority of the Interstate Commerce Commission concluded that it did not have the power to regulate the quality of passenger train service. However, the Commission, realizing that upgrading of service is badly needed, requested that Congress grant them authority to regulate the quality of passenger service.

The ICC's ruling was in connection with a case involving the Southern Pacific Railway's Sunset Limited. Five States—Texas, California, Arizona, New Mexico, and Louisiana—charged the Southern Pacific Co. with intentionally downgrading the passenger service of the Sunset Limited. In April 1968, ICC examiner John S. Messer recommended that Southern Pacific be censured for downgrading their passenger service and for charging an extra fee for service it no longer provided on the train. Messer believed that the ICC had the power to compel railroads to upgrade their service; however, a majority of the Commissioners reversed Messer's decision, ruling that they did not have legal authority to govern the quality of railroad passenger service.

It is imperative that the ICC be granted the authority to compel railroads to upgrade their passenger service. Railroad passenger service conditions have gone from bad to horrendous. The ICC believes that some railroads are intentionally reducing the quality of their passenger trains in order to discourage people from riding trains, giving the railroads grounds for dropping passenger service lines altogether. Dirty trains, malfunctioning restrooms, inadequate air conditioning or heating, and deplorable on-time performance are becoming more and more commonplace. Recently, the New Mexico State Corporation Commission submitted photographs to the ICC of conditions discovered on a train. The photographs depicted filthy restrooms, dirt-infested seating, and windows virtually opaque from dirt.

The ICC has stated that it has no intention of seeking new and radical standards for the quality of service, but rather the restoration of reasonable standards of service, equipment, and facilities. Reasonable standards of cleanliness, adequate seating comforts, and on-time performance would significantly improve the current passenger service.

I urge my colleagues to grant the ICC the authority to set minimum standards of quality for passenger service. Now that the ICC has ruled that its hands are tied, railroads are free to allow passenger service operations to deteriorate completely. If we do not move swiftly to grant the ICC authority to set standards of quality for passenger service, our railroad passenger cars will become Augean stables on wheels.

Mr. BUCHANAN. Mr. Speaker, I commend the gentleman from Washington (Mr. ADAMS) for his leadership toward obtaining a legislative remedy to the serious problem of rapidly declining railroad passenger service in the United States. Today I join with him in focusing the attention of the Congress on the extent of this problem and on the urgent need to preserve and improve this vital sector of our national transportation system.

Mr. Speaker, this problem is truly a national one. I doubt that there is a Member in this House who has not received letters from concerned constituents complaining of the decreasing number of railroad passenger routes available to them, chronic delays among those still available, inadequate—and often even unsanitary—facilities on passenger cars, and the completely unsympathetic attitude evidenced by many railroads when confronted with passenger distress over such inadequacies.

In recent years the railroads have been faced with declining profits on their passenger lines on the one hand and the opportunity for a much greater income from freight service on the other. As a result the public has witnessed a continual disappearance of passenger lines. The extent of this problem was graphically depicted in an article by Mr. Albert R. Karr which appeared in the September 3 issue of the Wall Street Journal:

> If something isn't done, city-to-city passenger trains might all but disappear in America. From nearly 1,500 a decade ago, the number of intercity trains was down to 513 on July 1, including a decline of 67 since mid-1968.

In a free economy we cannot, of course, ignore the monetary aspects of this problem and the fact that many railroads have in fact been losing money on their passenger runs at the same time their essential service of freight transportation has been offering a far greater remuneration. On the other hand, there is little doubt in my mind that this situation could be substantially improved by comparable improvements in the passenger service offered by the railroads. That is, many persons have abandoned rail travel primarily because it has become such a miserable, inconvenient, and undependable way to travel. We have only to look at the tremendous popularity of the new Metroliner passenger train now operating between Washington and New York City for evidence that people who formerly traveled this route by air will be induced to travel by train when the service and convenience is of high quality.

Unfortunately, many railroad passengers feel that the railroads are striving in the opposite direction; that they are deliberately trying to discourage people from riding the trains in order to make it easier for them to demonstrate the need to drop such unprofitable service in favor of moneymaking freight.

Whether or not this is actually the case, however, the problem of inadequate rail passenger service remains a serious one. It is a problem whose implications reach beyond the mere inconveniencing of those persons who are forced to resort to other means of transportation. There are still some Americans who would consider rail travel not a luxury, but a necessity, and who would have difficulty finding other forms of reasonably accessible transportation. We must also consider this problem within the context of the increasing congestion on our Nation's highways and airways. We are all familiar with the urgency of this latter problem and most of the experts agree that a solution depends on the development of a more balanced system of transportation in the United States. With the rapidly increasing mobility of our citizens, a decline in the means of transportation available to them can only result in chaos in our airports and on highways which are often already dangerously overcrowded.

Mr. Speaker, as one who believes in the least possible interference by the Federal Government in our Nation's economy, I always find it regrettable when such interference clearly becomes necessary—as in the case of deteriorating railroad passenger service. In this instance it is particularly regrettable that the Federal agency with jurisdiction over the railroad industry has disavowed its authority to require the maintenance of adequate passenger service. In a case brought to it by five Southwestern States which contended that the Southern Pacific had deliberately downgraded service on its Sunset Limited between New Orleans and Los Angeles, the Interstate Commerce Commission on September 12 ruled that it lacked authority to enforce minimum standards of rail passenger service. In the words of one of the two dissenting Commissioners in this case, Commissioner Paul J. Tierney:

> By the action of the majority, the public must now look elsewhere for help—either to the Congress or to the courts.

The need for legislation specifically authorizing the ICC to set adequate standards for rail passenger service is now clear. I have been glad, therefore, to join with Mr. Adams and over 40 other colleagues in sponsoring such legislation, and urge prompt and favorable consideration of it by the Congress.

Mr. REID of New York. Mr. Speaker, I am delighted to join the gentleman from Washington (Mr. Adams) in his efforts to improve the quality of rail passenger service in this country.

In recent weeks and months many of us have received growing numbers of complaints about the deterioration of service on the Nation's railroads. My own constituents, many of whom are regular passengers on the Penn Central's commuter divisions, have cited dirty cars, defective air conditioning and heating systems, short trains, and broken windows as cause for particular concern.

The Interstate Commerce Commission has apparently been powerless to improve service on the railroads, and held on September 12 in the Messer case that it does not have authority to rule on the adequacy of passenger service. In response to the Commission's request, I have cosponsored with Mr. Adams legislation granting it authority to set adequate standards for rail passenger service. I hope that, before the end of this session, that bill will receive affirmative action by the House.

An editorial from the New York Times of September 18 in support of such legislation follows:

Missing the Train

> In what could have been a landmark decision and a turning point in the decay of American railroads, the Interstate Commerce Commission has evaded its responsibility with a plea of impotence. Denying its power to regulate the quality of passenger service, it rejected a petition by five states that the Southern Pacific Railway be ordered to improve the service on its Sunset Limited—by restoring a dining car, for example, for the 45-hour trip from New Orleans to Los Angeles, in place of the vending machine car it now carries.
>
> The I.C.C. would be pleased, it said, if Congress were to give it the authority it considers itself to lack. Since it has in fact the power to determine whether a passenger route may be discontinued for decline in patronage, it is hard to see how it can evade the duty of determining whether or not that decline was avoidable or willfully and culpably incurred. Indeed, its own examiner, finding in the case of the Sunset Limited that the cause of decline lay with the railroad, not the passengers, urged that the Southern Pacific be censured and that the commission require sleeping and dining cars on certain trains, along with provision for inspection of services.
>
> Nobody, not even the I.C.C., can be under any illusion about the deliberate sabotage of their passenger trains by some railroads intent on more profitable aspects of their business—on skimming the cream from their diversified interests rather than performing the public service for which they long ago received invaluable rights of way. Those vanishing Americans who still hopefully ride the rails have too frequently experienced monstrous indifference to schedule, wretched connections, surly personnel and outmoded equipment; inedible food and failures of lighting, water and air-conditioning. And the commission itself knows that applications for dropping a passenger line are regularly preceded by months of just such deteriorating service, designed to discourage so many patrons that a case for discontinuance can be made.
>
> Since the I.C.C. in its recent decision says it lacks the power to save the passenger lines from self-destruction, we hope Congress will spell out that power and require its use. With intercity passenger trains down to a little more than a third of the number that ran only ten years ago, the commission could suspend applications for discontinuance at least until Congress has had a reasonable time to act.

GENERAL LEAVE TO EXTEND

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

TRIBUTE TO CONGRESSMAN FRED SCHWENGEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Morse) is recognized for 60 minutes.

Mr. MORSE. Mr. Speaker, I am especially pleased and proud to take the floor today to pay tribute to my very good friend and distinguished colleague, Fred Schwengel, for his enormously valuable efforts as a founder and only President of the National Capitol Historical Society.

Fred helped to found the Historical Society in 1962 and ever since he has been its driving force in efforts to bring a greater appreciation of the Capitol and its history by the American people. The attractive and highly informative booklet, "We the People," has been a singular contribution of the Society. Its success is evidenced by the fact that over 2 million copies have been sold and it has now been translated into five foreign languages. People throughout this country, and indeed around the world, have a better understanding and deeper knowledge of the Capitol and the tremendous history that surrounds it, because of the tireless efforts of Fred Schwengel. For that alone, we can all be very grateful.

But Fred's efforts are not confined to helping to preserve the history of our National Capitol. First elected to the House in 1954, after five terms in the Iowa Legislature, Fred quickly became known as the kind of man who devotes his time and energy to service, both on behalf of his country and his constituents.

As a conscientious and effective member of the Public Works Committee, on which he has served since his election to the House, Fred Schwengel has demonstrated his deep concern in such problems as flood control, roads, and watershed development. As ranking minority member of the ad hoc Subcommittee on Appalachia, he has had a significant impact on legislation designed to help that impoverished area of our Nation.

I know that the people of Fred's district, as well as across the country, are indeed grateful for his efforts in the area of flood control and water pollution. Certainly there are no more pressing problems which demand our immediate attention. Coming from a district which borders the Mississippi River, Fred Schwengel is uniquely aware of the problem of flood control and has diligently worked to obtain funds for the construction of the levees and flood control projects which protect the cities and farmland in the river's flood plain.

Fred is a leader in the present effort to restore the full funding for the Clean Water Act, realizing as he does the tremendous importance of providing sufficient funds to combat water pollution.

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Coming as he does from an agricultural area, Fred has been active in searching for better ways to insure farm prosperity. He has worked for amendments to the Food and Grain Act which would aid grain farmers. As a strong advocate of soil and water conservation programs, he has introduced legislation to accelerate the development of watershed programs, so important in conservation and research efforts.

Fred Schwengel has not limited his concern only to problems that affect his constituents directly. As a responsible legislator he has been increasingly concerned about the Vietnam war and in 1967 he went to South Vietnam, on his own resources, to see for himself what the situation was. He came back greatly concerned that previous pacification programs were not being successful in implementing the tremendous potential for agricultural development that is present in South Vietnam.

There are certainly many other contributions which I could enumerate. The ~~fact that~~ so many of his colleagues have ~~taken time~~ to pay tribute to Fred's work is evidence of the fact that we hold him in very high esteem indeed.

We are all grateful to Fred for having given so much of himself, his time and his resources over the years and I know we are all looking forward to sharing with and benefiting from his work in the years to come.

Mr. ANDREWS of North Dakota. Mr. Speaker, I am very pleased to associate myself with the remarks of my colleagues paying tribute this afternoon to the gentleman from Iowa, Fred Schwengel. His dedication and the distinction with which he has served in the Congress these 12 years have earned for him the respect and admiration of all of us privileged to serve with him, and I dare say this includes the Members on the other side of the political aisle.

Like Fred Schwengel's district in Iowa, the district in North Dakota I am privileged to represent is primarily rural and its welfare depends upon a strong agricultural economy. Our colleague from Iowa has distinguished himself as a fighter for his farmer constituents, continually seeking ways to insure farm prosperity. He continues to work for solid improvements in the feed grain program and the Food and Grain Act. He is one of the outstanding spokesmen in Congress for soil and water conservation programs. He has introduced legislation aimed at accelerating the development of watershed programs, and he is working hard for its adoption.

Fred Schwengel is recognized as a frontline fighter for the food-for-peace program, which helps feed the hungry of this world and provides an export outlet for the products of American farmers. He is a strong advocate of farmers' bargaining power and has introduced the Agricultural Marketing Act which prohibits processors from discriminating against farmers who join producers cooperatives to bargain for better prices.

Fred Schwengel's efforts on behalf of our Nation's farmers are alone sufficient reason why I, as a Representative from a rural district and a farmer myself, am pleased to join in this tribute to him today.

There are, however, many other reasons and I want to mention one specifically. As the founding president of the U.S. Capitol Historical Society, Fred Schwengel helped thousands of Americans, including many of us in this Congress, to appreciate better the significance of this grand building and the many significant events in our Nation's history that have occurred here.

This country of ours is indeed fortunate that the good folks in Iowa's First Congressional District have the wisdom to return Fred Schwengel to Washington as their Representative time and time again.

Mr. SHRIVER. Mr. Speaker, it is a privilege to join with my colleagues in the House of Representatives in paying tribute to the distinguished gentleman from Iowa, Fred Schwengel. We are indeed indebted to Fred Schwengel not only for his contributions as an outstanding legislator, but for his leadership and tireless efforts in founding the U.S. Capitol Historical Society.

Fred Schwengel has given much of himself, his time and his personal resources over the years to create a better understanding of the Congress and the Capitol. In addition to the services he has rendered to his constituents, he has contributed to a better understanding and appreciation of the legislative branch and this historic building by hundreds of thousands of Americans, young and old, who have come from all over the Nation to visit their Nation's Capitol.

Fred Schwengel has found the time to accomplish the objectives of the Historical Society, and at the same time serve his Iowa constituency with distinction. He is a hard-working member of the Committee on Public Works and the House Administration Committee. He is a patriot, a historian, a valuable legislator, and a great American.

I commend the gentleman from Massachusetts (Mr. Morse) for reserving this time in order that we could take note of the important contributions which Fred Schwengel has made to his district, his State, and our great Nation.

Mr. GOODLING. Mr. Speaker, if we were to select one word to characterize the Honorable Fred Schwengel, that word would be "dedicated."

Fred has a deep interest in American history and in its politics, gaining from his studies in these areas an understanding of those personalities and conditions that have contributed to this country's greatness. He is also a student of our Capitol, having a vast comprehension of its structure and its history. And in his unselfish way, he has always been eager to share freely this great harvest of information with others.

Every Member of Congress is conscious of Fred Schwengel's devotion to his congressional duties. Both in the committees and in the House Chamber, he is highly respected for his competence and diligence. He can always be relied upon to "get the job done."

Fred Schwengel is the type of Congressman who recognizes that while he provides representation for his people in Iowa, he also must act to keep our Nation sound and strong. He is a man of broad vision, able to see both near and far in his congressional duties.

Our system of government is a representative republic, where American citizens select one from their group to represent them and speak out for them on vital issues in the Congress. The people of Iowa's First Congressional District made a wise choice in selecting Fred Schwengel as their Representative—his service and attainments in the House of Representatives illustrate this fact clearly and remarkably.

Mr. MIZE. Mr. Speaker, I am pleased to join with my colleagues today in recognizing the gentleman from Iowa, our colleague, Fred Schwengel, for what he has done to make all of us more aware of the historic significance of the U.S. Capitol. In speaking of "all of us," I mean not only the legislators who meet in this Chamber, but the students in all grades, their parents, their teachers, average citizens, and visitors from foreign shores. Because of his interest in making this building and its rich history come alive in words and pictures, the Capitol has become more than a symbol of our greatness, it has become enshrined in the hearts of the people to whom it belongs as well. It is their building; it speaks for them to the world. It is recognized as the seat of a government of, for, and by the people.

Fred Schwengel deserves our commendation because he has enlarged his capacity for service beyond the geographic boundaries of the First District of Iowa. He represents a "second constituency" of millions who take pride in the Capitol Building and the form of government for which it stands. All of us are the beneficiaries of his interest and his patriotism, and we are better citizens because he made us more appreciative of our heritage.

Most people pursue hobbies and avocations primarily for their own pleasure and satisfaction. Fred Schwengel's pursuit of knowledge about the U.S. Capitol not only has its own rewards for him, but it is something he can share with his "second constituency." This is the measure of a man who regards the privilege of serving in the U.S. Congress as something more than a job. He feels an obligation to give something in return. The U.S. Capitol Historical Society stands as one of the major contributions he has made in serving all of us.

Mr. MAILLIARD. Mr. Speaker, today I would like to join some of my colleagues in expressing our gratitude for the outstanding job Fred Schwengel has performed during his 13 years in Congress. The constant enthusiasm he generates, the interest he kindles, and his perseverance, no matter what the task or odds, should not pass without notice.

Here in Washington, he is perhaps best known throughout his public service career, as the founding president, and current board member of the National Capitol Historical Society. Through his efforts and time, a better understanding and appreciation of our Capitol and Congress, an integral part of our Nation's heritage, has been created.

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It has been my privilege to serve with Fred during his entire 13 years thus far in Congress, and I must add that it is rare to find a man of his caliber and talents. His career has exemplified the highest standards of devotion to duty, people, and love of country. He has long rendered distinguished service to Midwestern Americans, as well as to the constituents of Iowa's First District, and I know that they are justifiably proud of Mr. Schwengel's accomplishments.

Mr. REIFEL. Mr. Speaker, our colleague, the Honorable Fred Schwengel, has done more than any other individual to make the Nation's Capitol a source of moving patriotic inspiration which quickens the heartbeat of the thousands of fellow Americans and foreign visitors who come here daily. In addition, he is the moving force that brought "We, the People" to our hands and eyes. That magnificent book, a pictorial and written history of this revered centerpiece of our land, is equally stirring as it reaches those who have yet to see this awesome, yet warmly exciting, symbol of freedom—our Capitol.

In recognition of his endless energetic drive to get the facts and thus become thoroughly knowledgeable, Speaker Rayburn, a Democrat, appointed Fred, a Republican, to be chairman of the committee that was responsible for reenacting Lincoln's first and second inaugurations. Fred also served on the Civil War Centennial Commission. To improve tourist facilities in Washington, he is overseeing plans to convert Union Station into a National Visitor's Bureau.

Fred is a regular attendant at the Thursday morning congressional prayer breakfasts where he takes careful notes of comments made during the discussions. Eventually he hopes to publish a book that will contain some of the pertinent statements of hundreds of Members of Congress made at these meetings. It will be entitled "This Is What They Said."

His devotion to duty in giving the best possible service to, as he says, "the nicest folks anywhere—the people in the First District of Iowa," is so intense that I, as one of his colleagues, can only attempt to emulate it. He sets a fine example of dedication and loyalty to his district, his State, and his beloved country for those who are privileged to serve with him in Congress.

To Fred Schwengel, an educator, legislator and above all a great and kind American, my best wishes. Thank you for all that your labors have done to make this a better land in which all of us can live.

Mr. KLEPPE. Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. Morse) for taking this time to compliment our colleague, Fred Schwengel of Iowa. In the 3 years that I have served in the House, Fred has exemplified to me what it is for a colleague to be helpful and considerate. If we believe that man's only excuse for health, strength, and life is to be helpful and useful to his fellow man, then in my opinion, Fred Schwengel has accomplished this ideal position.

Fred has certainly gone out of his way above and beyond the normal call of duty in the time and effort he has expended as the founding president of the U.S. Capitol Historical Society. All of this effort and work has been done concurrently with Fred's attention to his duties, to his Nation, and to the district which he represents from the State of Iowa.

It pleases me to have this opportunity to join in paying this recognition to a man who has earned it.

Mr. SIKES. Mr. Speaker, I wish to join with my colleagues in paying special tribute to Representative Fred Schwengel who has so ably represented the First District of Iowa for 12 years.

Fred Schwengel has been a leader in agriculture, education, highway, and social security legislation. As a member of the Public Works Committee, he led the fight which resulted in changing the allocation formula for highway funds. Water pollution is another topic which the Public Works Committee considers. Fred has consistently supported meaningful legislation in this area and is one of the sponsors of legislation which would encourage the construction of water pollution control facilities through tax credits. He is also a member of the House Administration Committee where he serves with distinction.

However, I think it must be admitted his first love has been the Capitol Building of the United States, and here his contributions have been particularly meaningful. I think it very obvious that his leadership has been outstanding in efforts to preserve the Capitol Building and in the collection of historical data regarding this magnificent old institution. These meaningful efforts will forever endear him to a great many people who know and appreciate what he has done.

Fred Schwengel is a loyal party man but believes in the two-party system and has contributed to its strength. For this, he has earned the respect of all Members on both sides of the aisle.

Seldom does one find a man of this stature so wholeheartedly dedicated and responsive to the needs of the people he serves. Fred Schwengel's record in Congress has earned for him the genuine admiration of his colleagues. He is a loyal and generous friend, a helpful coworker, a tireless and deeply knowledgeable student of our Nation's most difficult and complex problems.

Mr. BELCHER. Mr. Speaker, I want to commend the gentleman from Massachusetts for having taken this time in which we may pay tribute to our colleague, the gentleman from Iowa, for the magnificence of his effort to research, enhance, and preserve the history of our Nation's Capitol and the Congress and to make it available for the enlightenment of the American people that they may fully appreciate the glorious heritage of our great Republic.

Through the work of the U.S. Capitol Historical Society, of which Fred Schwengel was the founding president, much exciting but nearly forgotten information about the Capitol, the Congress, and the people whose privilege it has been to participate in the parade of history through these halls, has been dug out and made available to present and future generations to enrich their sense of patriotism, of national pride, and love of country.

Into the fabric and fiber of this Nation—this unique experiment in self-government we call the United States of America—its Founding Fathers wove some of the most judicious, balanced, forwardlooking and democratic principles of government and social order ever devised or envisioned by the minds of men. And succeeding generations have struggled heroically to preserve those principles while adapting them to new problems and new challenges in our national life.

Always, though, we have been blessed with leadership from men who knew and revered the principles on which our Government was founded, and the people have shared that reverence. In this era of great complexity, of rapid change, of increasing diversity and controversy among our people there is a grave danger—and it seems to me a growing tendency—that we will forget our past heritage, the timelessness of our founding principles, and succumb to the temptation to seek "now" answers, pragmatic answers, which ignore or disavow the lessons of our history. In the wake of such shortsightedness we will surely create greater problems than those we seek to solve.

In that atmosphere, I can think of no greater contribution to be made than that of illuminating our heritage and giving it exciting and appealing circulation.

Fred Schwengel is a "now" Congressman, a man of action, a man of our times, a man who cares, but most importantly a man who brings to his efforts to deal with the problems of the future a deep understanding of their roots in the past. He has been a faithful and effective servant of his Iowa congressional district; a Representative who knows the wishes of the people he represents; a skilled legislator who understands the workings of Congress and successfully negotiates the shoals of parliamentary procedure to achieve sound legislative results; a statesman who serves the best interests of the Nation as well as his constituents.

It is perhaps the supreme compliment to be able to say all these things of a Member of Congress and then to add that he still has the dedication and energy left to qualify as the Congress' leading historian.

Fred Schwengel has appeared as a guest on my weekly radio-television program to the great delight of my constituents in the First District of Oklahoma. I am something of a Lincoln buff and, of course, Fred is one of the great Lincoln experts, so our discussions never seem to get far beyond the great patriot President. I enjoy those discussions, but someday, Fred, we are going to have to devote a program entirely to the work of the Capitol Historical Society.

Yes, it may in truth be said that a nation's past is only its future grown older and wiser and the nation that forgets its past will be little remembered for its future. It is appropriate that we today commend and honor one of our leading

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exponents of the proposition that this Nation shall not forget, as a people, who we are nor from whence we came nor where we are going. We owe a deep debt of gratitude to this fine man and truly great American, the Honorable Fred Schwengel.

Mr. SCHNEEBELI. Mr. Speaker, when I came to the Congress in 1960, Fred Schwengel had already been recognized as a guiding force in bringing to light much of the historical wealth of our Capital City, with emphasis being directed to the past years' accomplishments by the Congress, the Presidents, and of those who have served on the Supreme Court of the United States.

As most all of us are aware, Fred has worked long hours in his concentrated efforts to gather as much information as possible about the history of the Capitol and to incorporate it, with pictorial evidences, into the volume which we know as "We, the People." This publication had its introduction to the Congress and the general public in 1963 by the U.S. Capitol Historical Society which at that time had Fred Schwengel as its president. I am sure this group of history buffs had been brought together through Fred's great interest and definite belief that such an organization would and could be so useful in bringing to the attention of the general public the wonderful history through which our country had already lived. We all are, I believe, much more aware of the historical importance of our Congress, its work in the past, the hopes for its future achievements, through knowing Fred and listening to his extremely interesting characterizations of the struggles that went into the formation of our earliest Continental Congress, and the sacrifices that are still to be made in order to keep our goals of democracy in sight.

Fred Schwengel is one of the most tireless workers I have known in the Congress. When he is interested in a cause or anything for the good of his fellow man, his energy never seems to flag and he pursues his goal with enthusiasm which infects all those around him.

Fred is a good man to have on your side when a tough issue comes up before the House for a decision. I value greatly his friendship and worthy advice. He is very deserving of the special recognition which is being given to him today.

Mrs. MAY. Mr. Speaker, the people of the First District of Iowa are to be congratulated for continuing to exercise their good judgment in selecting Fred Schwengel as their Representative in Congress. Fred is an effective Congressman who is devoted to his district and its people.

Wherever Fred works, in his home State and in Washington, D.C., he makes an enormous contribution toward the finest aspects of our American tradition.

As the founding president of the U.S. Capitol Historical Society, Fred has given tremendously of himself to create, throughout the length and breadth of our Nation, a better understanding and appreciation of the Congress and of the Capitol.

All of us owe him a debt of gratitude and I am delighted to join with my many colleagues today in publicly recognizing our esteemed colleague in this way.

Mr. BYRNES of Wisconsin. Mr. Speaker, it is a pleasure for me to join in paying tribute to our colleague, Fred Schwengel.

His has indeed been a remarkable record of accomplishment for his district, his State, and his Nation. The 12 years Fred Schwengel has devoted to public service in the Congress have been significantly fruitful. In addition to the representation he has given to his district and the contributions he has made to national legislation, he has given us all a new appreciation of the history of this building and the Congress through his pioneer efforts with the U.S. Capitol Historical Society.

I am pleased to extend to Fred my very best wishes and the hope that the Nation will have the benefit of his outstanding abilities for many years to come.

Mr. HUNGATE. Mr. Speaker, I wish to call attention to the fact that Congressman Fred Schwengel attended Northeast State College in Kirksville, Mo., in the Ninth District which I represent. I am very happy to relate the pride my constituents in the Kirksville area have for Fred's achievements. And, this pride has grown from the days when he played football for Northeast Missouri State—under Coach Don Faurot—to his great contributions being acknowledged today that have made him a leader among his colleagues in the House of Representatives. I join my constituents in expressing our admiration of a dedicated public servant. When the history of the House is written, it must include its foremost historian, Congressman Fred Schwengel of Iowa.

Mr. HARVEY. Mr. Speaker, the late Senator Everett McKinley Dirksen once wrote:

> I have found the nation's capital to be an incredibly interesting place. It is the seat of government of the greatest free democracy on earth. It is where history unfolds and discloses a divine pattern if we will only look for it.

This is an appropriate time for us then to extend our thanks to our colleague, Fred Schwengel, for adding immensely to our Nation's Capital, and to paraphrase the late Senator Dirksen, in making our U.S. Capitol Building and its history an even more "incredibly interesting place."

I believe all Members of Congress shall forever be grateful for the special personal efforts of Fred Schwengel to make our Capitol Building more livable and more beloved through his work as the founding president of the U.S. Capitol Historical Society.

But it is not for that reason alone, although it would be sufficient, to rise in honor of Fred Schwengel. It has been my pleasure to serve with Fred on the Committee on House Administration. My friendship and my respect for this man and his enormous contributions have grown through our association as members together on two subcommittees there—Library and Memorials and Electrical and Mechanical Office Equipment. Fred has shown, time and time again, outstanding leadership qualities.

Of course, no one knows this better than the people of the First Congressional District of Iowa. Since 1954, when first elected to Congress, he has been dedicated to service to the people. As he nears the completion of his 13th year in Congress, I know of no Member who has served his Nation, his State, and his district with greater distinction or effectiveness.

I have learned from Fred Schwengel. And I am proud, as are thousands of Iowans, to count him as a friend. I offer my most sincere congratulations and extend my appreciation for his contributions to Congress and to our U.S. Capitol Building. Thank you, Fred, and continued good health, success, and happiness.

Mr. ANNUNZIO. Mr. Speaker, I would like to commend my distinguished colleague, Mr. F. Bradford Morse, from Massachusetts, for taking this special order and for giving us the opportunity to honor the founding father of the U.S. Capitol Historical Society, Congressman Fred Schwengel. Like Mr. Morse, for many years I have admired the efforts of our good friend and colleague to create a better understanding and appreciation of the Capitol Building, its precious history and heritage, among Congressmen and the American public.

Last year, on April 30, Congressman Schwengel was present, with the entire staff of the U.S. Capitol Historical Society, at the ceremonies held in the rotunda of the Capitol to dedicate the bust of Constantino Brumidi. I was the chief sponsor in the House of Representatives of legislation to procure this bust of the great Italian artist who came to be known as the "Michelangelo of the U.S. Capitol" because of the many, many years he spent beautifying the interior of the Capitol Building with his brilliant works of art.

It was gratifying indeed to have Fred Schwengel present at the ceremony, because he has contributed more than any other man on Capitol Hill to the cause of creating a better understanding and appreciation of the rich history of the Capitol.

Fred Schwengel has given distinguished service for more than 12 years as the Representative of the First District of Iowa. He is highly regarded not only by his constituents, whom he has served so well over the years, but by his colleagues in the Congress who respect and admire the leadership, knowledge, and ability which he has demonstrated in his legislative work. He serves on the powerful Public Works Committee, and is the ranking Republican member of the Appalachia Subcommittee. In this capacity, he has been instrumental in influencing the course of such vital measures as the Appalachia bill, the Interstate Highway bill, water pollution control bills, and others. Congressman Schwengel also serves as the sixth ranking Republican member of the House Administration Committee.

Mr. Speaker, all of us owe a tremendous debt of gratitude to Congressman Schwengel. History to him is not a series of dates to memorize from a book, but a vivid, living experience. He is one of those rare individuals with the ability to bring history to life for all of us, with all of its color and drama. In the foreword to the Capitol Historical Society's book

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"Where Liberty Stands Guard," Congressman Schwengel wrote:

> History is as personal as the thumb a baby sucks; and from cradle to grave, this wonderful relationship endures. Over our lifetimes, everything we do and think and feel becomes history. As we study others in the past, trying to understand their motives, their dreams, so will coming generations study us. We are the living, the brave, the free—at least here in America.
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> A thousand authorities could be quoted to prove what American freedom means to you, but in the end, only one person can honestly explain *your* America, *your* life. You must do it. With your eyes on God's stars and your feet on God's earth, there can be only one valid truth—the life you live.
>
> How others have discovered this fact and what it has meant to them is history. By great luck, here in America we have a single mound of earth called Capitol Hill where, for long years, Americans have been bringing their dreams, their frustrations. Here they have fought—sometimes winning, sometimes losing—but what they have found together is common respect. As a Congressman, I love this story. I am a small part of it. When, early in the morning, I drive to my office and glimpse the Goddess of Freedom high on her dome, I may weep a bit. That old girl up there has won my heart.

This is the faith and inspiration that Mr. Schwengel has brought to us, his colleagues, and to all Americans. Through the story of the Capitol he has fostered an understanding of the richness and inspiration of American history. Out of love and pride he has brought into the national consciousness the structure "within whose walls—through contention and through compromise, sometimes brilliantly, and sometimes not so brilliantly, by pronouncement and by painful progress—a Government truly 'of the people' has evolved."

The work of Congressman Schwengel stands out as a tremendous contribution to the advancement of American ideals and has strengthened faith everywhere in the American experience. For all those who cherish freedom, the story of the majestic edifice that is our Capitol—how it came about, how it grew, and why it stands as a symbol in stone of the success of our Republic—is one of the most precious treasures of our national heritage. For the love and dedication which Fred Schwengel has put into the telling of this story, as well as for the patriotic and devoted service he has rendered our beloved country, every American owes an enormous debt of gratitude.

I take this opportunity to extend my congratulations to Fred Schwengel, and to extend to him my best wishes for abundant good health and many more years of fruitful public service.

Mr. FINDLEY. Mr. Speaker, today we pay tribute to our good friend and colleague, Fred Schwengel, the distinguished Representative from the State of Iowa. Now in his seventh term, Fred has served the people of Iowa and the people of this Nation for nearly a quarter of a century. For 10 years he was a member of the Iowa House of Representatives where he gained a broad competence in the problems of State and local government. This intimate knowledge of the workings of State government has permitted him to serve the citizens of his district with extraordinary effectiveness. At the same time he also serves the people of this Nation by bringing to bear a depth of understanding of local problems which enables him to contribute meaningfully to Federal legislation aimed at helping to solve local problems.

Most of us in this body have come to know and admire Fred Schwengel since he was elected to serve in Congress in 1954. Since that time, with but one brief and unfortunate intermission, we and the rest of the Nation have had the same benefit of Fred's perceptive intelligence as his Iowa constituents had previously.

Fred Schwengel's contributions to the people of his district and to the Nation are legion. Born on a farm, and coming from an area which, like mine, has a substantial rural population, Fred has worked consistently to protect the American farmer and to enable him to earn a fair and adequate income. In addition, he has contributed substantially to every highway legislation bill coming before Congress in recent years, to the control of water pollution, to strong soil and water conservation programs, as well as to measures to aid our small businessmen.

Fred, as founder of the U.S. Capitol Historical Society, has also worked ceaselessly and untiringly to preserve and protect much of the history surrounding the U.S. Capitol, and any one of his constituents who has visited Washington and seen the Capitol can testify to his great contribution.

Fred Schwengel is truly one of the outstanding Members of the House and I feel it is an honor and a privilege to serve with him.

Mr. QUIE. Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. Morse) for taking this special order to recognize the immense contributions of the distinguished gentleman from Iowa (Mr. Schwengel).

Usually we wait until our colleagues have passed on to their rewards before paying tribute to their accomplishments on behalf of the Nation and their fellowman. But the contributions of Fred Schwengel in preserving and enhancing, through the U.S. Capitol Historical Society, the history and traditions of the Capitol and the people who serve therein are of such magnitude that I am glad to join in honoring him while he still is very much alive and active among us.

The pursuit of the true history of the Capitol and the Congress is more than an avocation with Fred Schwengel. It is a burning passion. The more he has learned and shared with others, the more he has wanted to uncover and preserve.

This is typical of his selfless, conscientious approach which we see so often in his everyday conduct of the affairs of his office. There is no more dedicated, thorough and persevering Member of Congress than Fred Schwengel.

Through his efforts the American people have been furnished a great wealth of knowledge about the Captiol, the Congress, and its work.

I know I speak for all Members of Congress when I say that his diligent research and carefully documented findings have given me a far greater appreciation of the building in which we are privileged to serve and the traditions of the two bodies that compose the Congress.

All of us owe a vote of thanks to this distinguished scholar and our esteemed colleague.

Mr. LANGEN. Mr. Speaker, occasionally, a person is honored for his accomplishments while he is still alive. More often, a man is accorded his accolades by history. We have among us a man who has earned the graditude of his colleagues because of his personal tribute to history. I am sure that history will reply in kind.

The Honorable Fred Schwengel, of Iowa, has served well and honorably in the House of Representatives for 13 years. But he has also taken upon himself the task of restoring for the benefit of a grateful American people, the history and documented drama of the building in which we meet. As founding president of the U.S. Capitol Historical Society, the gentleman from Iowa has directed teams of researchers who have reclaimed memories of the past. He has supervised the publishing of many pieces of literature that have served well to acquaint visitors to the Capitol with the history and significance of the building they tour.

Mr. Schwengel knows more about this old building than any living man. He is responsible for what most of the rest of us know about it. He wrote:

> Here is evidence of the struggles that have been made, and the struggles and sacrifices that must yet be made, to keep the goal of equality of opportunity, of justice, and of freedom alive for all in the world.

These goals are most assuredly alive and alive in part because of the dedicated men who protect them. Such a man is Fred Schwengel.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to join with my colleagues today in paying tribute to our good friend and fellow Congressman, Fred Schwengel of the First District of Iowa.

Some of you may not be aware of the fact that Fred Schwengel represents a district that gave birth to our Nation's 31st President, Herbert Clark Hoover of West Branch, Iowa. I think there are some remarkable parallels between these two great men, besides the obvious one of party affiliation. The mark of greatness for Herbert Hoover was his humility and his humanitarianism. In like manner, Fred Schwengel is both a humble man and a man who cares about people. Fred has taken an active interest in a wide spectrum of humanitarian activities, ranging from education for our young people to adequate care for our senior citizens. He has made a great contribution to providing relief to flood victims along the Mississippi River.

Herbert Hoover was also a noted conservationist; and, in like manner, Fred Schwengel has played an active role in soil and water conservation efforts.

Two weeks ago I had the opportunity to appear with Fred Schwengel before a group of people in Johnson County, Iowa, and I could not help but be struck by the high regard those people hold for their distinguished Congressman. They reflected the pride and respect the people of that area have for this man who has served the First District with distinction for 12 years. FRED SCHWENGEL has set and continues to set an outstanding example as one who is truly a people's Representative in the Congress of the United States.

Mr. Speaker, FRED SCHWENGEL has also made his mark in the House of Representatives as a legislator in the finest sense of the word. He has served with distinction on the Public Works Committee and the Committee on House Administration. But his interests and activities go far beyond the scope of those two committees. He is a Congressman who is knowledgable on a wide range of legislative matters because he does his homework.

And his contributions extend even beyond the Halls of Congress. FRED SCHWENGEL is the founding president of the U.S. Capitol Historical Society. No other man has done more than FRED SCHWENGEL to preserve and promote the rich traditions of our Nation's Capital. His efforts have given the American people a better understanding and appreciation for this great city and its vivid history, institutions, and landmarks.

Mr. Speaker, I am proud to say that FRED SCHWENGEL is my friend and party colleague, and I look forward to many more years of service with this great man in the Congress.

Mr. BUCHANAN. Mr. Speaker, it is indeed a privilege to join today in paying tribute to our esteemed colleague from the State of Iowa, the Honorable FRED SCHWENGEL. Now serving his 13th year in the U.S. Congress, FRED SCHWENGEL has distinguished himself as a conscientious Representative responsive to the needs of his constituents in the First District of Iowa, a hard-working member of the House Administration and Public Works Committees of the House, and as a legislator who consistently keeps himself informed on the measures which come before the House of Representatives.

For a man who has been so diligent in fulfilling the many duties of his office, it is almost amazing that he has found the time to serve his country so well in yet another way—as the founding president of the U.S. Capitol Historical Society. Having long held a deep interest in the heritage of our great Nation, Congressman SCHWENGEL in 1962 founded this society as a nonprofit educational organization dedicated to the publicizing and preservation of the history and tradition of the U.S. Capitol.

He has served as the president of the U.S. Capitol Historical Society since its inception, during which time its membership has expanded to the present level of 5,950. In addition to Members of Congress, the society's membership now includes students, historians, and organizations such as schools and libraries from throughout the Nation.

We are all familiar with one of the society's most outstanding activities, the publication of the inspirational and informative book on the U.S. Capitol—"We, the People." In this book, the society has shared the history, the beauty, and the symbolic significance of our Capitol Building with countless citizens and friends of the United States. Now in its sixth edition, some 1,800,000 copies of "We, the People" have already been distributed and it is now printed in five foreign languages.

Other publications of the society include the "National Capital Profile," a collection of five historical books; the Capitol Dome, a quarterly newsletter; and for young children, Our Nation's Capital coloring book. They are currently working on a bibliography of reference materials on the Capitol, which is designed to stimulate scholars to do more research on this subject.

Mr. Speaker, I commend the gentleman from Iowa for his outstanding work with the National Capitol Historical Society and I am confident that his efforts are equally appreciated by all the Members of the Congress.

Mr. UDALL. Mr. Speaker, I note that a number of my colleagues have had some favorable things to say about the gentleman from Iowa (Mr. SCHWENGEL). I cannot understand this at all, aside from the fact that FRED SCHWENGEL is an unusually capable, hard-working, and dedicated Congressman who it is impossible not to like.

As a member of the other party, I am not sure I should join in these praises; from the standpoint of party regularity it is almost treasonous. Compliments for the departed, yes; but for the quick, no. However, who can object when the subject in question is FRED SCHWENGEL? Therefore, I am happy to join the gentleman from Massachusetts (Mr. MORSE) and all the others appearing today in praise of my friend from Davenport.

I recall my first days in the House and my early acquaintance with my Iowa colleague when he and I worked together on home rule for the District of Columbia, a noble cause which has yet to achieve its objective. I thought then and I believe now that the District of Columbia has few friends as dedicated to its cause as FRED SCHWENGEL.

Back in 1961 when I arrived, I was struck by FRED's interest in history and his eagerness to give the people of this country, particularly visitors to Washington, some idea of the history of this great institution, the Congress of the United States. How far he has come since then. Not even an election defeat in 1964 could interfere with this work.

Today the U.S. Capitol Historical Society is a thriving organization performing a variety of excellent services for the Congress and the public. There is no doubt at all in my mind that this is directly a result of the efforts and energies of FRED SCHWENGEL. We are all in his debt, and I want him to know how much I personally appreciate what he has done.

He is a good man even if he does sit on the wrong side of the aisle.

Mr. MAYNE. Mr. Speaker, it is with great pleasure that I join my colleagues in paying special tribute to the Congressman representing the First District of Iowa, the Honorable FRED SCHWENGEL.

As an outstanding legislator, educator, statesman, historian, and humanitarian, FRED SCHWENGEL well deserves this tribute. It was my good fortune to know FRED before I came to Congress, and I will never forget the friendly counsel and assistance he gave me when I first arrived here as a new Member in these hallowed halls. I know he has been equally helpful to countless other freshmen Congressmen. Because of his expertise in various areas of legislation, his advice is often sought even by senior colleagues. While FRED and I may not always agree on the issues, when such a variance does occur I have to be particularly certain of my facts and my conclusions because I know that FRED will most certainly have done his homework very thoroughly and conscientiously before taking his position.

I have long been interested in the First District of Iowa and in its Congressman, having attended law school there at the University of Iowa Law School in Iowa City. My interest is even greater now that my only daughter, my son-in-law, and my grandson are residents of that district.

FRED SCHWENGEL served his home area in the Iowa General Assembly from 1944 to 1954, and was first elected to the Congress in 1954. His constituents have returned him to each Congress since that date, save the temporary aberration of voters in 1964 from which they soon recovered by again returning FRED to Washington in 1966 and 1968. There is great respect and love for FRED SCHWENGEL in his constituency, for he has conscientiously and industriously represented his constituents without regard to their political affiliations.

The First District of Iowa, site of the first capitol of Iowa and of the birthplace of the great former President, the late Herbert Hoover, takes great and just pride in its historical background. In view of Abraham Lincoln's many associations with the district, it is natural and fitting that it be represented in Congress by FRED SCHWENGEL who is a true Lincoln scholar, one recognized for his extensive research and wide knowledge of the Lincoln era.

Nor has FRED SCHWENGEL limited his interest and enthusiasm for history to the life of Lincoln. He is highly respected as one of the leading authorities on the history of Washington, D.C., and the Capitol itself. As president of the U.S. Capitol Historical Society, Congressman SCHWENGEL was primarily responsible for publication of the outstanding book entitled "Our Capitol." In telling the story of this great edifice and the institutions which it has housed, this book has illuminated and enlivened history for thousands of visitors from throughout these United States and from abroad. FRED has on countless occasions honored my requests and those of other colleagues to conduct tours of the Capitol for our constituents; these tours have been considered by many to be the high point of their visits to Washington, D.C.

Thank you, Congressman FRED SCHWENGEL, not only for serving your constituents, your State, and your colleagues with such great distinction, but also for the great contribution you have made toward preserving our great American heritage.

Mr. REID of New York. Mr. Speaker, I am pleased to join today to honor FRED SCHWENGEL, my distinguished and conscientious colleague from Iowa.

FRED SCHWENGEL's record speaks for itself. His contributions to many Federal programs, along with his active and concerned interest in the problems of his

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constituents as individuals, have brought him respect throughout the Congress as an effective and independent Representative of Iowa's First District and the Nation.

On the floor of the House, Fred Schwengel has been a leader in the fight for strong soil and water conservation programs and antipollution measures. He has worked to authorize flood control as well, and has always been aware of the problems and needs of the rural country which he has so ably served.

As founding president of the U.S. Capitol Historical Society, Fred Schwengel has informed himself and all Americans about the history of our Nation. He is the leading Lincoln scholar in the House, and he has shown real leadership in this area.

I appreciate this opportunity to speak about Fred, and I hope he will continue his work on behalf of the First District of Iowa for many years to come.

Mr. ESCH. Mr. Speaker, I am honored to have this opportunity to pay tribute to one of the most outstanding Members of the House of Representatives, the Republican Representative from the First District of Iowa, the Honorable Fred Schwengel.

Fred was one of the first Members who I had an opportunity to meet when I came to the House 3 years ago. His sage advice and wise counsel was of immeasurable assistance to me as I learned the "congressional ropes." I certainly consider him one of the finest Representatives in this Hall and am proud to serve in this body with him.

Since he was first elected in 1954, Fred Schwengel has proven himself worthy of the trust bestowed on him by the citizens of Iowa's First District. He has represented them and their interests well and has worked diligently to improve conditions for residents in his district. He has served as a true representative of his people in the finest sense of that word.

But Fred's contributions have not been limited to representation of his constituents. He has also represented the interests of the entire Nation. A historian of note, he was the founder of the National Capitol Historical Society which has worked so diligently and effectively to preserve the great historic monuments of the U.S. Capitol. Because of his precise and detailed historic research, our knowledge of the Capitol has been tremendously enriched. I am sure that many of you remember, as I do, his fascinating tours of the Capitol and the extensive historic and philosophic background which he imparts.

Fred Schwengel is acknowledged as one of the world's greatest Lincolnian scholars. His library of Lincoln memorabilia is one of the largest in existence. He is largely responsible for the impressive reenactments of the Lincoln inaugurations which thrilled the Nation a few years ago.

Fred Schwengel is one of the most conscientious Members of this body. His work is detailed and specific. His analysis always goes to the root of the problem, rather than just scratching the surface. His comments on the great issues facing the Nation are well considered.

In short, Mr. Speaker, Fred Schwengel is an outstanding Representative, and I am pleased to have this opportunity to recognize his enormous contributions.

Mr. HORTON. Mr. Speaker, I want to express my admiration for the Honorable Fred Schwengel of the First District of Iowa. I have deep respect for his work as the founder and president of the U.S. Capitol Historical Society.

Despite the grandeur of the Capitol, it has been overlooked for years by historical investigators. As a service to our American heritage, Fred Schwengel has made remarkable efforts to rectify this situation. His accomplishments are considerable.

With numerous scholars and congressional colleagues, he has uncovered historical facts which have been concealed by neglect and unconcern.

Congressman Schwengel believes in the importance of history as a force in promoting the democratic process. He has sought to make known our Capitol's extraordinary past.

Since 1800, this building has been the scene of unrelenting activity by thousands of conscientious Americans vitally involved in the democratic process. The story of these activities deserve our attention, and at last is receiving it, at the urging of Congressman Schwengel.

The publications of the U.S. Capitol Historical Society are without parallel in interesting detail and scholarly content.

We of this Chamber owe our thanks to the Honorable Fred Schwengel for his magnificent work. The Capitol and the Congress have no better advocate or friend.

It is remarkable that our colleague has been able to provide the impetus and stimulation of the activities of the historical society, at the same time he serves as a very diligent and capable Representative for the people of his district and the State of Iowa.

Mr. WHALEN. Mr. Speaker, I first would like to congratulate my good friend and colleague Brad Morse, for making it possible for us to join this afternoon in tribute to the distinguished gentleman from the First District of Iowa, Fred Schwengel.

Mr. Speaker, I believe the most striking aspect of Congressman Schwengel's 12 years in this body is the way in which he has succeeded in combining his interest in both the agricultural and urban needs of this Nation. His legislative record is one of strong support for the problems of his district; such as, flood control and improved farm programs. At the same time, he has recognized the urgent needs of the cities by supporting legislation to provide tax credits to those who bring industry to the ghettos and give job training to the unemployed. Furthermore, Fred Schwengel has exhibited an international viewpoint in his efforts in behalf of the food-for-peace program. Few of us, Mr. Speaker, can purport to have a sphere of interest as broad as our colleague's from Iowa.

Another legislative interest of Congressman Schwengel that I would like to note particularly, because of my own deep concern in the area, is that of congressional reform. That one, who has served for 12 years in this House, is interested in this subject is extremely encouraging to those of us who have arrived in the last two Congresses and are pushing for internal reforms.

I also share a deep interest with Fred Schwengel in the proposal to base social security benefit increases on the cost of living, and I hope that our combined efforts will lead to the enactment of such a proposal when the Ways and Means Committee meets later next month to review the social security laws.

Nevertheless, the enactments of this body which have reflected the influence of Congressman Schwengel cannot easily be categorized. Education, jobs for rural and urban Americans, harbor development, highways, soil and water conservation, small business, and private enterprise all are problems to which Fred Schwengel has directed his concern. In addition, he has continued to give priority to the individual needs of his constituents.

However, we have singled out for particular tribute today his efforts in behalf of the U.S. Capitol Historical Society, of which Fred is the founding president. Thousands of citizens who have visited these Halls and this city have taken home with them the story of the Capitol, "We, the People," which the society has published in cooperation with the National Geographic Society. Other projects of the Capitol Historical Society range from publications on the White House and the Supreme Court to films, and its research covers every phase of Capitol life, from the Congress to architecture and art.

My family and I were proud and gratified to be asked to participate in the latest volume of "We, the People." As a result, I became not only aware of, but also deeply impressed by, the contribution which Fred Schwengel has made through the society to the entire Nation by presenting for the people a concise compilation of the architectural and artistic wonder of this Capitol Building, as well as a thorough explanation of the work undertaken within its walls.

Therefore, Mr. Speaker, in behalf of the thousands of Americans who have benefited from his efforts, I would like to thank Fred for his unique contribution to furthering the understanding of this Government and its legislative process. It is, indeed, an honor to serve with him as a Member of this House.

Mr. NELSEN. Mr. Speaker, to my neighbor from the south where the tall corn grows, my congratulations. We have often heard the statement, "Those who ignore history are destined to repeat it," and, of course, the wisdom of this quotation causes us to fully understand that if history were not recorded, we could not profit by the lessons it teaches.

Fred Schwengel has made an outstanding contribution to history by searching out information that gives us all a greater appreciation of our country, and certainly in order to preserve the beauty of its philosophy one must understand most of the background that brought about the greatness that America presently embraces.

When we think of the millions of schoolchildren who today can read about the history of our Capitol and of the leaders of our country, we know that this opportunity might never have been available to them had it not been for the untiring efforts of my good neighbor. So thanks, Fred, and I am sure that I express the appreciation of the citizens of your sister State of Minnesota for the work that you have done.

Mr. RHODES. Mr. Speaker, it is a privilege to join with my colleague from Massachusetts, as well as my other colleagues today, in honoring a Member of this body who does credit to the concept of representative government.

This man comes from the very heart of America and has taken a great interest in and devoted his considerable talents to the preservation of the memorabilia of our Nation's Capitol. It is in tribute to him that at the same time he has been able to devote his abundant energy to the task of being a full-time Congressman.

The people of Iowa's First District have forthright, honest, and effective representation in Congress. I consider as one of the distinct privileges of serving in the House of Representatives the opportunity to associate with a man like Fred Schwengel.

Mr. GERALD R. FORD. Mr. Speaker, today a group of our colleagues pay tribute to Representative Fred Schwengel, of Iowa's First Congressional District, founder of the U.S. Capitol Historical Society.

Fred Schwengel is a most unusual man. He is a man with a deep sense of history, a sharp feeling for what it means to be an American, a far-ranging appreciation of the glories and greatness of America. That is the reason that Fred became the driving force which led to the establishment in 1962 of the U.S. Historical Society.

Fred Schwengel is a one-man crusade. He burns with zeal for causes he believes to be fitting and just—whether that cause be proper recognition of the President known as "the Great Emancipator" or an effort to block a bill authorizing greater lengths and sizes for trucks using our highways. Fred has prevailed in those causes, too, even when he at times appeared to be carrying the torch all by himself.

Fred is a tireless worker for what he believes to be right and an indefatigable servant of the people.

Fred cares about people, and that is the source of his personal strength and his charm.

I recall recently when Fred asked me to write a letter of greetings to a boy in his district who was suffering from a terminal illness. It was the boy's birthday. It may have been his last. I was most happy to write the letter. I was deeply touched, and Fred was overjoyed that we could bring a little happiness to a sick boy whose only pastime is watching the fortunes of the Minnesota Twins.

Mr. Speaker, we have a rare combination in Fred Schwengel—a Lincoln scholar who like Lincoln is a man of the people, a man with a heart, a man of deep compassion.

I add my voice to those raised in praise of a fine gentleman, an outstanding Congressman, and a historian extraordinary—the Honorable Fred Schwengel.

Mr. DELLENBACK. Mr. Speaker, at this time I would like to associate myself with the remarks made by a number of my colleagues in tribute to one of our finest Members, Fred Schwengel.

The tributes made to Fred so far have clearly illustrated the diversity of his interests and achievements by the wide variety of topics mentioned. As chairman of the Republican Task Force on Education and Manpower Training, it has been my privilege this year to observe still another example of Fred's diversified interests. Despite his active participation in so many other areas, Fred has demonstrated a deep concern for education problems and contributes a great deal of both information and enthusiasm to the task force.

He is especially knowledgeable in the complicated field of financing higher education, and has studied this subject in depth with experts in the field. Fred's concern and empathy for young people has been demonstrated by his personal visits to college campuses to listen to them rather then lecture them.

Fred Schwengel's willingness to assume extra responsibilities while skillfully fulfilling every commitment is convincing testimony to his outstanding abilities. I thank my colleague from Massachusetts, Brad Morse, for giving us all this opportunity to call attention to Fred's accomplishments.

GENERAL LEAVE

Mr. MORSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in connection with my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE: 47TH ANNUAL MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, one of the greatest scientific organizations in the world for research in the field of tropical diseases is the Gorgas Memorial Institute of Tropical and Preventive Medicine of Washington, D.C., which supervises the operation and maintenance of the Gorgas Memorial Laboratory located in Panama City, Republic of Panama.

In line with its regular practice, the institute held its 47th annual meeting on September 10, 1969, in the Nation's Capital which was attended by many distinguished authorities on tropical diseases and activities related thereto. The principal feature of the program was an illustrated summary of the highlights of scientific accomplishments during the past year by its director, Dr. Martin D. Young. A full report of this work will be published at an early date as a Government document.

It will be of special interest in the Congress that the board of directors of the institute elected the Honorable Maurice H. Thatcher, former distinguished Member of Congress from Kentucky with assignment to the House Committee on Appropriations, as its honorary president and reelected him as a member of the board and as general counsel.

Congressman Thatcher in 1928 was the author of the legislation under which the Gorgas Memorial Laboratory was established and has been subsequently maintained and operated by congressional appropriations aided by certain grants.

Among those in attendance at the meetings was the Honorable Roberto Aleman, who, as Ambassador of Panama to the United States, is one of the related members of the board of directors. Governor Thatcher, in remarks of appreciation of the continued competence of the institute commended particularly Ambassador Aleman, who had so effectively cooperated with the Governor in securing an adequate title for the land recently given by the Republic of Panama to the institute for the construction of a Central American Medical Library and its maintenance and operation by the laboratory, and for any new buildings for the purposes of the library.

The institute also adopted a resolution in support of the late John F. Stevens—1853–1943—for election in 1970 to the Hall of Fame for Great Americans at New York University. Mr. Stevens, one of the greatest civil engineers that our country ever produced, was appointed by President Theodore Roosevelt in 1905 as chief engineer of the Isthmian Canal Commission. Stevens was the first man in authority after U.S. acquisition of the Canal Zone to recognize the value of the sanitary work of the then Chief Health Officer Gorgas. Immediately on taking charge, he strongly supported Dr. Gorgas, who proceeded to clean up the Isthmus and made the success of the canal project a certainty. As to the canal itself, Chief Engineer Stevens developed the high-level lake and lock plan, brought about its adoption by the Congress and the President, acquired the plant for building it, organized the engineering forces for construction, and launched the project on the road to successful completion. In recognition of his important services, Stevens won appointment in 1907 by President Theodore Roosevelt as the first official to hold the combined offices of chairman and chief engineer of the Isthmian Canal Commission.

In order that the activities of the Gorgas Memorial Institute at its 47th annual meetings may be more widely known, I quote a press release and the indicated resolution as parts of my remarks:

Gorgas Memorial Institute of Tropical and Preventive Medicine

The 47th Annual Meeting of the Gorgas Memorial Institute of Tropical and Preventive Medicine, a non-profit international biomedical research and training organization, were held on Wednesday, 10 September 1969, at the Medical Society of the District of Columbia Building.

The Gorgas Memorial Laboratory, the operating arm of the Institute, is located in Panama, Republic of Panama, as a living memorial to Major General William Crawford Gorgas. It was established in 1929 through legislative action of the Congress of the United States and of the National Assembly of Panama and is supported by Congressional funds, supplemented by grants and contracts from other institutions.

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The Board of Directors elected by acclamation as its Honorary President the Honorable Maurice H. Thatcher, author of the Congressional Act establishing the Gorgas Memorial Laboratory, only surviving member of the Isthmian Canal Commission, once Governor of the Canal Zone, and former member of the House of Representatives from Kentucky. Other officers elected were: Rear Admiral Calvin B. Galloway, MC, USN, retired, President; Major General Paul H. Streit, USA, retired, Vice President; Hon. Maurice H. Thatcher, General Counsel; Dr. Leon Jacobs, Secretary; Mr. Donald A. McCormack, Treasurer; and Mr. John C. Gibbons, Assistant Treasurer.

The Board of Directors also adopted a resolution strongly recommending the election in 1970 to the Hall of Fame for Great Americans at New York University of John Frank Stevens (1853–1943), a native of West Gardiner, Maine, a civil engineer and one of the greatest railroad builders in the history of the world. Appointed in 1905 by President Theodore Roosevelt as Chief Engineer of the Isthmian Canal Commission and eventually Chairman and Chief Engineer in 1907, Mr. Stevens, on taking charge of Panama Canal construction, immediately gave Chief Health Officer Gorgas the indispensable and greatly needed support to put into effect the sanitary regulations which reclaimed the Isthmus from yellow fever and made possible the building of the Canal.

The scientific accomplishments of the Laboratory during the past year were reviewed by its Director, Dr. Martin D. Young. Among the highlights reported were:

Although yellow fever has invaded Panama twice since 1948, the annual surveillance by the GML scientists indicate that no yellow fever was present in the eastern part of Panama, the area where it usually enters, during the past year. However, other arbovirus diseases have been present and quite active.

A study of Venezuelan equine encephalitis has indicated that it infects many kinds of wild animals and insects and is present in the human population in various areas of Panama. Panama contains nearly 10 percent of the known viruses transmitted by insects.

Leishmaniasis, which causes a skin lesion, is an important disease in Panama and other tropical countries. It is found in Panama especially in the jungle or where the forest are being cut down for farming. Until recently the reservoir hosts have been few in number and it has been a puzzle how the parasite is maintained in nature. During the past few years, and especially during the past year, it has been found that a variety of wild animals have the disease naturally and probably serve as the source for the *Phlebotomus* sandflies to transmit the disease to man. The hosts and the insect vectors have been shown to live at ground level and high up in the jungle canopy. One of the most important findings during the last year was an infection in a dog in an old settled community of Panama. The importance of domestic animals as sources of the infections to man is under study.

The GML scientists are showing that Panama monkeys can be infected with human malarias. It is hoped that monkeys may substitute for humans in the future in tests for the development of new drugs and for the understanding of the biology of the parasite. Curiously, one type of malaria, and the most dangerous type, *Plasmodium falciparum*, will not grow well in Panama monkeys although the same species of malaria from Africa and Malaya will grow in these animals under certain conditions.

Chagas' disease, one of the worst tropical diseases, has been under intensive study. It is being shown that the parasites are present it many wild animals and especially in rats that live in the native houses. The disease affects the heart, sometimes causing death. It is being found that the effect of the acute disease may contribute to the death of the patients years later. In addition, there is a high death rate among patients with the acute disease.

A nationwide survey indicates that brucellosis is at a low level in Panama and is not a major public health problem.

A rare and fatal disease reported recently is hydatid (cysts) infection caused by the intermediate stages of a tapeworm that alternates between wildcats and small forest rodent, such as agoutis. During the year, it was found also that the spiny rat, probably the most common rodent in Panama, also is naturally infected and may contribute to the maintenance and spread of the disease.

Pollution of waters, especially by sewage, is becoming a very important health problem in the tropics. In cooperation with the U.S. Army, model ponds have been established to determine how such stabilization ponds can operate in the tropics. There is hope that such inexpensive operation can be advantageously used in the tropics for the disposal of sewage and to prevent the spread of disease organisms in the sewage.

Resolution Adopted by the Board of Directors of the Gorgas Memorial Institute of Tropical and Preventive Medicine at Its Annual Meeting on September 10, 1969

JOHN FRANK STEVENS, 1853–1943

Whereas, the membership of the Gorgas Memorial Institute of Tropical and Preventive Medicine includes eminent authorities in these fields who are familiar with the history of health and sanitation on the Isthmus of Panama and the dramatic story of constructing the Panama Canal; and

Whereas, the late John Frank Stevens, a native of West Gardiner, Maine, and one of the most distinguished civil engineers in the field of railroad construction in the history of the world, was appointed on June 30, 1905, by President Theodore Roosevelt as Chief Engineer of the Isthmian Canal Commission at a time of grave crisis incident to a yellow fever epidemic; and

Whereas, Chief Engineer Stevens, who had accepted the theory of the mosquito as the chief vector of yellow fever and other tropical diseases, on assuming direction of the Canal project on July 25, 1905, recognized the danger and immediately became an ardent supporter of Chief Health Officer William C. Gorgas in the indispensable work of sanitation on the Isthmus that made the construction of the Panama Canal possible; and

Whereas, while serving as Chief Engineer, 1905–1907, Mr. Stevens developed, the high-level-lake and lock plan for the construction of the Canal, brought about its adoption by the President and the Congress, acquired a major part of the plant for construction, formed the permanent engineering organization, and launched the project on the road to successful completion, gaining a place in history as the basic architect of the Panama Canal,

Be it, therefore, resolved, that the Gorgas Memorial Institute of Tropical and Preventive Medicine strongly recommends John Frank Stevens as eminently meriting memorialization in the Hall of Fame for Great Americans at New York University and respectfully commends his election to this great honor in 1970.

OPERATION INTERCEPT

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, the Nixon administration's Operation Intercept on the United States-Mexico border has become a matter of some concern to those of us who live on the border. We, of course, suppport any effort to curtail the importation of illegal drugs, but time and time again I have come before this House and the committees of this body to mention the very pleasant and amicable relations which we have with our neighbors to the south—and have had for several hundred years.

Too often my complaint has been that individuals who do not know the border or its people implement programs which in the final analysis turn out to be of more harm than good. Such appeared to be the case with the original procedures being used for Operation Intercept. Their immediate effect was to paralyze the daily business, civic, and social life of our border communities. And the amount of ill will created could be of longer duration than the possible minimal curtailment of the problem which originated the operation.

I submit for your kind consideration a copy of a telegram which is representative of the many communications which I have received:

BROWNSVILLE, TEX.,
September 23, 1969.

Representative E. KIKA DE LA GARZA,
House Office Building,
Washington, D.C.:

Operation Intercept has created unexpected chaos in border traffic. Disruption in international relations eminent. Request immediate reconsideration of methods to achieve the objective. Strongly urge some constructive action.

IRVIN G. SHEPARD,
President, Brownsville Chamber of Commerce.

Mr. Speaker, since the border is my home—my birthplace—and my business in the House of Representatives—I offered some advice to Assistant Secretary of the Treasury, Mr. Eugene T. Rossides—who is in charge of Operation Intercept—by sending him a telegram as follows:

Mr. EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury, Department of the Treasury, Washington, D.C.:

Reference our conversation on Operation Intercept. Daily civic social and business life is being interrupted in the border communities in my district. Your objective in stopping nacotics traffic is uniformly supported. However questions arise concerning methods and procedures in conflict with the economy and daily life of the area. Perhaps special traffic lanes and additional personnel could be made available for inspection of doctors, grade school children, those seeking hospitalization, and those engaged in regular commercial business which historically has never been tainted with illegal flavor. Are there any plans to provide for the passage without hindrance of legitimate traffic perhaps through some special arrangement or special identification? Your consideration of necessary changes deeply appreciated to avoid further suffering by the people in my area.

KIKA DE LA GARZA,
Member of Congress.

I respectfully, but emphatically, recommended to the administration that every possible effort be made toward correcting the procedures which were causing undue hardship on our border communities. I am informed that they have now corrected some of the procedures and that the situation seems to be operating more smoothly. I, therefore, again respectfully recommend that they continue to evalu-

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ate said procedures so that they might achieve the maximum success for their original endeavor, and yet maintain the normal daily life of our communities on the border.

U.S. PARTICIPATION IN ISRAELI DESALINATION PROJECT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the visit of Israeli Premier Golda Meir to Washington and her talks with President Nixon and the Secretary of State will afford the President the opportunity to reaffirm the commitment made last January by President Johnson to former Premier Eshkol that the United States would participate in the construction of a desalination plant in Israel. I urge the administration to clarify its position on this important project which the Department of the Interior described on January 17, 1969, as "vital to Israel in terms of water supply and power," and also as giving the United States "an opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to the development of low-cost desalinization processes."

Unfortunately, so far the Nixon administration has declined to affirm its support for the proposed desalination plant. I wrote to President Nixon on February 18 and April 2 urging the administration to carry out President Johnson's commitment. I included that exchange of correspondence with the President in the CONGRESSIONAL RECORD, volume 115, part 9, page 12459.

In view of the failure of the administration to clarify its position, I again wrote to President Nixon on August 14. The reply from the White House signed by William E. Timmons, Deputy Assistant to the President, was disappointing. In essence it said that the matter was under intensive study and that one of the considerations involved in a decision was:

> How can we accompany any agreement with Israel with some corresponding gesture to friendly Arab nations, hopefully to alleviate the refugee problem which is causing instabilities in the Middle East?

I do not understand the relevance of linking the longstanding commitment on the desalinization plant to the Arab refugee question.

The desalination plant on its own merits will contribute greatly to stability in the Middle East. The Arab refugee question is one of the issues to be determined through direct negotiations between Israel and the Arab states in the effort to achieve peace in the Middle East.

I have introduced legislation in the past two Congresses which would allow the U.S. Government to enter into an agreement with the Israeli Government to share the cost of the plant. In this Congress my bill is H.R. 587. The plant would be capable of producing 100 to 150 million gallons of fresh water and 300,000 to 400,000 kilowatts of electricity daily.

In January the Johnson administration submitted legislation to the Congress, authorizing U.S. assistance to Israel in the design, development, and construction of such a dual-purpose plant.

The Johnson proposal was the result of extensive study dating back to the Eisenhower administration. At that time, it was hoped that a regional desalinization plant could be built in the Middle East, but Arab political intransigence wiped out hopes of such international cooperation.

In 1965, the American-Israel Desalting Board said that the project was technically feasible. In the 4 years since, the need for the plant has become greater, both from the standpoint of Israel and the standpoint of development of desalination technology.

I think adequate study has been made. Such a plant has had support since 1964, and the need for water and power in Israel becomes more serious daily. With the population of Israel growing at its present rate, it is scheduled to increase by 1.5 million by the early 1980's.

Experts have made it clear that neither agricultural nor power needs will be met if additional sources of fresh water are not immediately developed.

During his campaign President Nixon promised to maintain America's commitment to Israel. President Johnson's endorsement of the Israeli desalination plant is an important part of continuing American support to Israel.

I urge President Nixon to demonstrate our goodwill toward Israel and our desire to keep our commitments to her by assuring Premier Golda Meir of our participation in the desalination project.

I include at this point in the RECORD my latest exchange of correspondence with the White House:

AUGUST 14, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On February 18, 1969 and again on April 2, 1969, I wrote to you concerning the importance of your support for United States participation in the construction of a prototype desalination plant in Israel. In January of this year President Johnson made a commitment to Israeli Premier Eshkol for United States participation in this project which would make a major contribution to stability in the Middle East.

As I pointed out in my previous correspondence, Secretary of the Interior Hickel so far has not taken a position on this project, even though it was recommended to the Congress by his predecessor.

I have been hopeful that you would make clear the position of your Administration on this vitally needed facility. Unfortunately, I still have not heard from you as to your position, although Bryce N. Harlow, Assistant to the President, stated in an April 11 letter to me that you had directed that a study be made.

I would appreciate knowing the status of that study and whether or not the commitment made by President Johnson to Israel will be carried out. I really believe that this commitment constitutes an important part of continuing United States support for Israel.

During your campaign for the Presidency on several occasions you mentioned the need to maintain America's commitment to Israel. I certainly hope that you will reaffirm Executive support for this project.

With kindest regards.

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

THE WHITE HOUSE,
Washington, D.C., September 13, 1969.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: I am pleased to reply further to your letter of August 14, inquiring as to the status of the Administration's commitment in the construction of a prototype desalination plant in Israel.

This matter has been under intensive study by the several government departments which are involved in or affected by an Administration decision. Some of the considerations involved in this study have been: Does the proposal made by the Johnson Administration still represent an optimum insofar as the research and development plans of the Department of the Interior are concerned; how is it affected by what we have learned about desalination during the past year? From the Israeli point of view, will the proposed desalination plant be able to furnish water at a low enough cost so as not to constitute a drain on the Israeli economy; would it be preferable to view our possible involvement with Israel as a water research project to which both parties contribute and from which both parties will eventually benefit? Further, how can we accompany any agreement with Israel with some corresponding gesture to friendly Arab nations, hopefully to alleviate the refugee problem which is causing instabilities in the Middle East?

I am confident that, during the next few weeks, we can develop a proposal which will be optimum to the United States as well as to Israel, either similar to the original proposal or an improvement thereupon. The President is mindful of the fact that joint studies of desalination plants have been carried out by the United States and Israel since 1964, and that both parties have contributed considerable sums of money. Please rest assured that our response will take this past history into account.

Sincerely yours,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

UNITED STATES MUST PERSEVERE IN SST PROGRAM

(Mr. KUYKENDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, I cannot remember when I have heard so much rhetoric, based on so few facts, as that triggered by the President's announcement that he wants the United States to persevere in its plans for a supersonic transport aircraft.

We are told that this money should go for more important programs, that the noise of this aircraft will deafen us all, curdle the milk in the dairies, and put cracks in our marble halls.

We are asked to believe that the hundreds of millions of dollars already spent for research should be abandoned. We are told that the SST is not economically feasible.

Are we really so impoverished that we cannot afford something that may well turn out to be the aviation bargain of the century?

At this moment, salesmen for Soviet Russia, Britain, and France are flung all over the world, calling on the presidents of aircraft companies. They are selling SST's. They are selling options to buy—the Soviet-made TU-144 and the British-French Concorde are already flying, and so are the order blanks.

Make no mistake about this, when you assign your budgetary priorities. Whether America builds SST's or not, Americans will fly on SST's. When you are talking about a $40 million airplane, and a potential market of more than 500 of them, you are talking about enough money to make the Congress of the United States sit up and take notice. Our aircraft industry may not be the total answer to the problem of gold flow in or out of this Nation, but it is and will continue to be the major factor we cannot afford to overlook.

Both the Concorde and the TU-144 have a healthy jump on the American SST. But we still have the healthiest and strongest aerospace industry in the world, and we can catch up. In the long run our airplane should prove more profitable for the airlines because of its larger passenger capacity, greater speed, and superior technological backup.

Have any of the critics making so much noise about noise really studied their subject? Do they know that the sonic boom produced by the SST would measure about 2.2 pounds per square foot at 1,800 miles an hour at 60,000 feet? Do they know this pressure is roughly equivalent to being inside a Volkswagen when the door is slammed?

Have they looked at our globe, to visualize the polar routes and the overwater routes that would make Tokyo 6 hours away, Australia 7½ hours, and New York-to-Miami about 1 hour without flying overland? Have they considered that the polar routes would make Anchorage, Alaska, one of the major air crossroads in the world, and would open up that part of our Nation to an economic boom second only to the gold rush days?

Mr. Speaker, these people are the same ones that passed laws in the early 1900's requiring horseless carriages to be preceded by men carrying lanterns. And if they had been at Kitty Hawk, N.C., 66 years ago, they would have tried to get out court injunctions to keep Orville and Wilbur Wright from killing themselves.

SHOWDOWN AT THE "OK" CORRAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, recently the Federal Power Commission granted a 6-month extension of approved rate schedules and charges by the Southwestern Power Administration to various electric energy customers in Louisiana and Oklahoma. This is the second temporary extension made by FPC to give the Department of the Interior an opportunity to review SWPA's operations with the purpose of modifying present contract provisions in order to recover SWPA's cost of producing and transporting electric energy, including the amortization of capital investment allocated to power.

This action was of particular interest because the Department of the Interior recently expressed agreement with the assessment of SWPA's financial problems and requested this additional time to accomplish the reassessment and redirection of SWPA's operations. As many of my colleagues will recall, I have been urging such a financial reassessment of this and all other Federal power marketing agencies and activities for several years.

FPC's very capable vice chairman, Carl E. Bagge, deserves a special white hat commendation for the persistent manner in which he has insisted upon this necessary correction in SWPA's rate schedules to bring about financial integrity of that system. Commissioner Bagge concurred in the FPC's order but filed a separate statement in which he said:

BAGGE STATEMENT

In my concurring statement to the Commission's order issued August 15, 1968, in this proceeding, the lack of adherence to sound economic principles in establishing the Southwestern Power Administration's rate schedules moved me to state that "to allow the rates to remain unchanged would perpetuate a totally unacceptable situation; one which is already a plethora of questionable financial judgments." In the continuing belief that the rates should be changed and the continuing hope that they will be, I concur in granting a six month extension but only to the extent that this order constitutes a continuance of the application for approval of SWPA's rates and charges in order to permit the parties additional time to complete their review and formulate adequate rates and charges for our subsequent approval.

My concurrence last year was based on similar hopes. However, the protractive nature of these remedial efforts has caused me to have serious doubts about the efficacy of the statutory framework within which we are obliged to operate. It is for this reason that I believe the Federal Power Commission's duties and responsibilities as embodied in Section 5 of the Flood Control Act of 1944 should be reexamined. H.R. 13107, the proposed Federal Electric Power Project Cost Repayment Act of 1969, introduced by Congressman Saylor in the current session of Congress would, in my opinion, be the appropriate method of providing a workable and rational basis for resolving these problems. In particular, Section 7 of the Act would afford the public a solution to the very problem with which the Commission is now faced:

All power rate schedules set by the Secretary to conform with the requirements of this Act shall be submitted to and approved by the Federal Power Commission. Whenever the Commission shall find that any such rate schedule will result in inadequate revenue to repay all costs as required by this Act, the Commission shall determine the necessary rate schedule thereafter to be in force and shall fix the same by order: *Provided*, That the ordered rate shall not be in conflict with a rate established in accordance with the proviso in section 8 of this Act.

The present situation not only requires that the financial integrity of the SWPA System be restored, but also indicates an affirmative need for delegating adequate authority to a more appropriate independent government agency in order to effect the meaningful financial management of the government's investment and the public's trust.

This statement of Commissioner Bagge's, inspired the reporter who writes the Washington Comment column in the magazine Electrical World to write in the September 22 edition that, "There is going to be a showdown at 'OK' Corral," concerning the SWPA power rates.

Mr. Speaker, this column from Electrical World is so significant and calls attention to this important problem of Federal electrical power project repayment in such graphic terms that I think every Member of this body should read it. For this reason, without objection, I will insert the full text of "Showdown at the 'OK' Corral" at this point in my remarks:

SHOWDOWN AT THE "OK" CORRAL

There is going to be a showdown at "OK" corral, fourth floor left at the Federal Power Commission. Hard-riding, fast-talking Commission Vice-Chairman Carl E. Bagge is imploring his four fellow commissioners to join him in a shootout.

Bagge says these men are using the wrong branding iron—allegedly a rubber stamp—to mark the Commission's "OK" on the various rate schedules and contract terms under which Interior Department's Southwestern Power Administration [Swpa] sells wholesale power to three utilities in the Southwest.

The commissioners announced in late August they had okayed a six-month extension of Swpa's rate schedules so that Interior can continue "studies and reviews . . . toward corrective action." This latest extension is added to a previous 12-month postponement, and Bagge is blowing the whistle.

Bagge claims Swpa officials have long believed they are untouchable when they go before the commission for rates and charges review. "The whole thing is scandalous," Bagge says. "Their rates are not adequate, and to allow their rates to remain unchanged would perpetuate a totally unacceptable situation—one which is already a plethora of questionable financial judgments."

From its inception in 1944, Swpa's history is pockmarked with red-ink accounting and business practices that formerly brought howls in the halls of Congress.

The fault of "rubber stamping" Swpa's rates and charges is not all the FPC's, however. Under the 1944 Flood Control Act, FPC is supposedly given authority to review rates charged by Interior power marketing agencies such as Swpa. But there is no provision for FPC to enforce its disapproval of rate schedules, contract rates, and charges. "The [Interior] Secretary can continue to collect rates without increase even with FPC disapproval," Bagge said.

Bagge believes the present situation not only requires that the financial integrity of Swpa's system be restored, but also "indicates an affirmative need for delegating adequate authority to a more appropriate, independent government agency in order to effect the meaningful financial management of the government's investment and the public's trust."

He doubts the efficacy of "the statutory framework within which we are obliged to operate," and endorses the proposed federal electric power project repayment bill [HR 13107] introduced by Rep John Saylor [R-Pa.]. The bill would give FPC the power to establish "specific, uniform standards and requirements" to determine "the annual payments needed to liquidate, with interest," the government's investment.

The bill would be "the appropriate method of producing a workable and rational basis for resolving these problems," Bagge said. But Bagge realizes that the situation calls for something more than a one-man crusade.

So he wants fellow commissioners to oil up their shooting irons. And Interior Secretary Hickel might do well to stand aside—unless he wants his jacket ventilated.

Mr. Speaker, Commissioner Bagge's endorsement of H.R. 13107, the proposed Federal Electric Power Project Cost Repayment Act of 1969, is significant. I am sure all 11 of the bill's sponsors appreciate his statement and we sincerely hope he will be successful in convincing his four fellow Commissioners to join in support of H.R. 13107. As I said on July 24, when this bill was introduced, the

Congress has made substantial progress in recent years in establishing uniform policies applicable to water resource development standards as they apply to irrigation, municipal and industrial water supply, and recreation facilities. But, there still remains the need to write uniformity into the law relative to repayment of power cost. The time has long passed for the Congress to procrastinate in correcting this problem.

LIC. ADOLFO LOPEZ MATEOS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, it is with great sadness that I appear before before you today to bring to your kind attention the death of a former President of Mexico, Lic. Adolfo Lopez Mateos.

This has brought to me personal sadness for I had the happy privilege of knowing him as a friend. It has brought sadness to Mexico and all Mexicans everywhere, indeed, his loss is shared by humans everywhere. For not only did he lead his country with honor and distinction, he was also a world leader.

His contributions to his country and to the world community were many and it is with a great degree of sadness that we now realize the shortness of his life and the vastness of his contributions—judge, legislator, cabinet member, then President of Mexico at the age of 48. Six years as its President and and not much later, his illness, and now his death, at 59.

Many of his friends, including myself, envisioned him perhaps as Secretary General of the United Nations, or as leader of some important world organization.

I know his brilliant and dedicated counsel will be missed in his country and throughout the world.

I, therefore, respectfully ask you, Mr. Speaker, and my colleagues to join me in extending our sympathy to the family of Lic. Lopez Mateos and to the Government and people of Mexico. I thank you.

ECONOMIC OPPORTUNITY FOR MINORITY CONSTRUCTION CONTRACTORS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I have long been concerned about the fact that thousands of minority contractors are unable to take part in this Nation's construction industry. Their participation is prevented because of the obstacles they encounter in seeking credit or in obtaining performance bonds.

Without performance bonds, it is virtually impossible to get construction work. In Harlem, for example, black contractors are unable to work in the community because they cannot convince surety companies to provide them with performance or payment bonds.

I tried to tackle this problem in 1966 in the 89th Congress when I offered an amendment to the Economic Opportunity Act which would have provided Federal guarantees for contractors. I also introduced legislation that would permit the Small Business Administration to indemnify a surety company against losses which might result from the bonding of a small construction firm, and I reintroduced the bill in the 90th Congress.

In this Congress it is H.R. 649. H.R. 649 would allow the Small Business Administration to indemnify a surety company with respect to the bonding of a small business firm when the indemnification would materially affect the business's ability to be bonded and would further the objectives of the Economic Opportunity Act.

This legislation would help combat the vicious cycle of discouraged enterprise and unemployment. The American dream of advancement through hard work and self-improvement has been denied to a large part of our urban population. The bill would not only allow these minority entrepreneurs to try to achieve the American dream, but it would also provide jobs in the areas where they are needed most—in the ghettos of our cities.

To complement H.R. 649, I introduced three bills on September 10 which would also help to permit minority businessmen to take their rightful place in the mainstream of the American economy.

The first, H.R. 13734, would amend section 3 of the Housing and Urban Development Act of 1968, which requires the employment of indigenous persons in federally assisted housing projects to include federally assisted programs of urban planning, development, redevelopment, or renewal; public or community facilities; and new community developments.

The second, H.R. 13735, would permit the Small Business Administration to provide a Federal guarantee of certain types of construction bonds—including bid bonds, payment bonds, and performance bonds. It would authorize the acceptance of a certification of competency in lieu of bonding in connection with any construction projects involving a Federal department or agency. And it would establish a national construction task force staffed to provide technical instruction and counseling with respect to the management, financing, and operation of small construction firms; the techniques necessary for successful bidding on construction contracts; and the correlation and dissemination of information concerning opportunities for small construction firms.

The third bill, H.R. 13736, would amend the Miller Act of 1935, raising the ceiling at which contracts must be bonded from $2,000 to $20,000. This would give small companies, which have difficulty obtaining bonding, new opportunities to participate in Federal construction.

The situation has not changed very much since I first introduced legislation in 1966. Three years later, it is still almost impossible for minority contractors to get bonding. Jobs are still scarce. The housing supply is still inadequate.

The passage of this legislative package will help stimulate the economy, provide more homes, provide more jobs, and make it possible for black and Spanish-speaking contractors to obtain construction work.

I urge prompt congressional action on this problem.

THE NIGERIA BIAFRA TRAGEDY

(Mr. CONYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONYERS. Mr. Speaker, my most recent discussion with my friend, the Assistant Secretary of African Affairs, Mr. David D. Newsom, about the Nigeria Biafra tragedy has been, frankly, disappointing. The State Department, except for humanitarian statements of concern, as far as I can see, has done little to assist in the political resolution of this matter. I protest this inaction and demand that we embark upon more meaningful courses of action. To enlarge the Secretary's point of view on this matter, I bring to his attention this article from Freedomways magazine:

A MESSAGE TO BLACK ACTIVISTS ON THE NIGERIAN CRISIS

(By Lindsay Barrett*)

The Nigerian civil war represents one of the most significant active symbols of the African struggle for a larger measure of self-determination and unification of the exploited peoples of the non-white world being pursued today. Baldly stated, the Nigerian Civil War represents the confrontation between the positive need for unity in the national politics of Africa and the temptation to seek to continue the subservient status of the continent through the fragmentation of its parts. The tragedy is that this confrontation is not as openly ideological in terms of white vs. non-white interests in Nigeria as it was in the Congo. But the fact is that at an even more profound level than in the Congo this is the true nature of the forces that keep the Nigerian Civil War going. The Federal Government of Nigeria has waged a most benevolent war against the forces of division ever since 1967. This is a fact that must not be lightly passed over. I have worked in war zones for more than a year now and have been an eye-witness to the fantastic restraint of the Federal Troops; quite the opposite of the picture of naked howling savagery painted by secessionist propaganda. Had the surface quarrel that gave rise to the crisis remained the only issue in the war, reconciliation might very well have been effected within a few short months of the start of the war. But if we look back quickly on the way in which the crisis was brought into being we will discern that these deeper influences were at work every step of the way. Post-independence Nigerian politics like post-independence politics in most of Africa was largely controlled not by the desires of the masses but by the manipulations of foreign power politics and international economic interests.

In order to ensure the preservation of their interests the large powers with economic interests invested in the nation as well as those with economic prospects in view in the

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**Lindsay Barrett works with the Nigerian Federal Government in Enugu as Head of the Information Department of the East Central State. This article does not necessarily reflect the official views of the Nigerian Government. It represents instead Mr. Barrett's conclusions drawn from personal observations over the past two years, as he has lived in various parts of Nigeria and spoken with Nigerians from every part of the nation. This is the first of a number of articles which FREEDOMWAYS will publish on the tragic situation in Nigeria.*

nation, sought to woo and to win the allegiance of the nation's rulers. The pressures brought to bear on the leaders of the young nation in this wise led to the inevitable result of alienation between the masses who were led and the leaders who were supposed to lead. Corruption and disregard of the basic democratic principles of political action became the norm. One industrialist, an Englishman whose factory employed more than eight hundred Nigerians in Enugu before the war, admitted to me that in the post-independence political era just before the crisis broke his benevolence exercised a measure of control over local politics according to how many jobs he would promise to certain supporters of certain candidates.

An oil executive, a Dutchman, has told me that similar influence was wielded by his company in Port Harcourt. While this syndrome, which was widespread in the nation, was not the only factor responsible for the breakdown of the democratic experience in the nation, it is symbolic of the type of influence which foreign interests wielded in the political life of the nation. At the same time the Nigerian army was undergoing a process of change and growth having only been handed over to the full command of Nigerians in 1965. It must of course be remembered that African Armies are for the most part inheritors of the colonial military tradition of oppression rather than protection. The change to an army of protection and defense from that of an army of oppression must give rise to traumatic problems, especially within the officer corps. The army has to identify on a benevolent level with people whom in its initial stages it was employed to coerce.

Thus, when as a result of the machinations of the politicians who sought to remain in power by cultivating the support of the nation's economic enemies, the gulf between the nation's people and its leaders grew so wide that a full scale civil crisis was precipitated, the young officers, who saw in the ills of the nation the ills of their army, sought to remedy both by attempting to eliminate in one stroke retrogressive elements in the military and political institutions in the nation. Tactical errors brought down the first attempt in January 1966. The coup did not give rise to a Government led by those who started it. Instead it had the effect of eliminating a sector of the political experience of the country without being able to replace it with the planned political alternative. Hence it soon became obvious after the January coup that the Governmental direction forced upon the new leaders was for the most part directed by the sentiments of the coup leaders who were then in prison or in hiding and had no real basis in any long term decisions taken by the new leaders. Of course such a situation was bound to lead to dangerous ambiguities.

DIVIDE AND CONQUER

In the process of political existence and identity in the nation, and in the struggle to grasp the very ideals of the men whose incarceration had brought them to power, the new leaders, especially the southern hierarchy led by Ironsi, seemed to be indifferent to some of the more blatant betrayals of those same ideals in the execution of the January coup. The most tragic of these was the fact that owing to previously mentioned tactical errors the Ibo political hierarchy was virtually untouched by the events of January 15th while the North, West, and Mid-West lost nearly all their most prominent and active leaders. Naturally the increasing trauma of tribal and inter-tribal suspicion raised by this situation was ripe field for the nation's enemies. They did not hesitate. Picking the lines of weakest division the foreign jackals moved in early.

They sought, and in some cases found, willing listeners in all sections of the country among the new leaders as well as among the people. They concentrated particularly on the East and the North. In the East they spoke of Northern domination of the troop force of the Army as a potential threat to the south. In the North they spoke of Eastern domination of the key posts in the officer grades in the Army as being a continuation of the evils that should have been destroyed by the January coup. What they were in fact doing was that they were reading the already outlined ambiguities of the situation and heightening them along unnatural lines, being fully aware that the new Government was insecure in its directives because it was a Government by default. They felt that they could stave off the eventual correction of the January mistakes which correctives would give rise to a truly national Government working for the self-sufficiency of the community and against the continued ascendancy of external interests in the economic life of the nation. Tragically this trick worked to an extent and a line of suspicion was drawn between even the younger officers in the army. The insensitivity of the Ironsi regime to this problem was remarkable.

THE JULY MEETING

If the realities had been realized early enough and the Ironsi hierarchy had been able and willing to take the drastic step of honoring the ideals of the young January coup leaders then the July mutiny would have been staved off. But this did not happen. The July mutiny however was the best thing that could have happened at that time because it succeeded, again by default, in placing the issues of division squarely before the nation. Ironically just as the January coup could be said to have failed so can the July mutiny be seen as a failure. Neither action resulted in its primary aim. But remarkably the failure of the July mutiny seemed to give rise at last to a Government that was prepared to honor the ideals of the first coup. When Major General Yakubu Gowon stepped in to quell the mutiny he did so with a full understanding of the native grievances of the mutineers. For this reason he did not seek to berate them but rather to soothe their feelings and to promise that if given a chance he would head a national Government that would seek to correct the grievances that they sought to eliminate by violence, in a peaceful manner.

Obviously such a promise was not in the best interests of the nation's enemies and what is more the implied Goverment would obviously be forced to review the basic causes of the alienation of the governed from the governing in an effort to heal the breach. Now it became necessary for the foreign interests who were the driving force behind the continuation of this alienation to step up their efforts to maintain a position of strength in Nigeria by finding and supporting any internal movement that might promote division. We can now only speculate on the reasons why this search bore greater fruit in the East under Ojukwu than it did in the rest of the Federation under Major General Gowon. While both are young men, one, Ojukwu, had been openly contemptuous of the mutineers in July while the other, as has already been pointed out, was courageous enough to admit that native grievances existed but to express the opinion that such grievances could not be remedied by the method chosen. It is therefore not surprising that Ojukwu should have felt that his own stand, which he was not prepared to change would not be popular within the framework of a reconstructed Government that based its premise of justification on the recognition of the verities inherent in the grievances exposed by the July mutiny.

Thus it was that right from this point in an effort to gain some semblance of legitimacy for his own stand Ojukwu found it necessary to overplay the essence of ethnic divisionalism present in the upheaval and to project this essence upon the national situation in such a way as to impress foreign groups with the hysteria of purported genocidal persecution. Given his peculiar histrionic and oratorical talents it is not surprising that he was highly successful. But his success was also to a large measure predetermined by the fact that his stand suggested division and was therefore sympathetic to the dilemma of the foreign interveners whose interests were being threatened by Nigeria's thrust toward self-sufficiency.

THE ABURI CONFERENCE AND ITS AFTERMATH

At this point with the above outline as our guide we must examine the present state of affairs in the light of its internal shape and effect. One of the first things that Major General Yakubu Gowon tried to do was to bring about a reconciliation of the divisive forces within the army. These efforts were supported at the highest level by the senior officers of every region except the East. As a result a deadlock within the army developed and the last and most publicized attempt to break it was the Aburi Conference which took place in Ghana in 1967.

It must be pointed out that this Conference came after Ojukwu's high-powered drive to ethnicize the social problems of the nation in keeping with his July stand had culminated in the much publicized killing of several thousand people of both Eastern and Northern origins in the North and in the East. Thus it was that Aburi, which should have a Military Conference was really a political confrontation.

However, treating the crisis on the military level only, enormous concessions were made to Ojukwu's stand. It was agreed that for an undefined interim period troops would be confined to their regions of origin. This might not seem in the best interests of the principle of unity in the nation but as has been said before Major General Gowon had pledged to settle the critical situation by methods of peace and he seemed prepared to compromise his own position of power even to achieve this.

However, immediately, Ojukwu returned to Enugu; he met with his advisers and some foreign sympathizers and announced that the stage was now set for the final thrust to division. It now seems most likely that this remarkably insidious conclusion was prompted by the fact that even before deciding to go to the conference Ojukwu had been in touch with his foreign backers and had been promised their unqualified support in the event of his deciding to pull out of the Federation after this last ditch move. It even seems likely that none of the Western powers who were then observing the Nigerian situation closely was sure that the degree of rapport reached between the different parties at that meeting could actually be reached. Ojukwu was aware of this and did everything he could at that meeting to maintain the state of deadlock.

When he was unsuccessful in this he found that the only chance of success for the force of division lay in ignoring the very points that he had won in the meeting and going ahead full steam toward his goal of a separate nation. This surmise is borne out by the fact that his own Eastern advisers were wary of his proposed trip to Aburi, feeling that just such a degree of rapport might be reached. His trip to Aburi was undertaken in an atmosphere of the closest secrecy even at the point of his departure from his regional capital Enugu. Oburi was the greatest surprise that Ojukwu and his foreign supporters ever had, but it is interesting to note that the first signs of division in the ranks of his native advisers, especially in the military forces appeared immediately after the Aburi conference and culminated eventually in the death of two of the guiding lights of the original January coup.

Major Nzeogwu (Ibo) who was the most idealistic and fearless initiator of the original effort in January, was taken out of the jail in which he had been placed by Major General Ironsi and forced to lead secessionist soldiers at the early battlefront near Nsukka.

There he made an attempt to escape from the rebel side into the Nigerian lines but was shot by a Nigerian sentry whose alertness played no truck with political ramifications. To this day senior officers in the Nigerian Army lament this misfortune. The other highly idealistic Ibo officer, Major Emmanuel Ifeajuna, who sought to effect reconciliation after the Aburi conference, was executed for his pains by Ojukwu in Enugu in September, 1967 just before Enugu was liberated by the Federal Troops. But all this is a bit ahead of the sequence of events.

The Nigerian developments following the Aburi Conference featured Major General Gowon's repeated pleas for another conference to iron out whatever differences might have given foreign interests a loophole for influencing Ojukwu to ignore his most concrete gains. Furthermore the re-development of troops according to their regions of origin was started, but had to be halted when it became apparent that another clause of the agreement eschewing violence as a solution for the crisis was not apparently sufficiently engrained in the actions of, and principles of, the secessionist Army commanded by Ojukwu, since they were then discovered to be involved in large arms deals through the agencies of such nations as Portugal and South Africa. It was at this point that the Lagos Government led by Major General Yakubu Gowon decided to turn its efforts to some of the more profound political decisions necessary to secure the future stability of a united Nigeria.

THE MINORITIES AND AUTONOMY

The problem of minority ethnic groups seeking a measure of autonomy through the creation of separate states within a unified federation of states forming one united country had been for a long time one of the most pressing political problems in the nation. As has been said before, because of the insidious influence of foreign politics on the political life of the country prior to the military era this was one of the most vocal and visible symbols of the alienation between the masses, who sought this type of unity, and the politicians who sought to subjugate the labor and political forces represented by these demands in order to control the flow of foreign wealth stolen from the nation into their own pockets.

The Federal Government under Major General Gowon addressed itself to this problem with remarkable zeal and after a series of pulsating meetings in Lagos it was decided that eight new states should be created in the nation bringing the total to twelve. This had the effect of equalizing the ratio of mass representation on the Councils of Central Government in the Federation and thus ensuring the almost immediate elimination of "domination from the top" which Ojukwu professed to fear. But when the minority forces in his own region welcomed the Lagos move Ojukwu, prodded openly by foreign backers, refused to heed their demands for a re-thinking of his position in the crisis and instead declared immediate secession from the Federation, thus coercing more than six million of the people under his normal rule into a state of seige.

These are the facts of the start of the war and they form the basis of any true understanding of the present state of the crisis, that of a benevolent civil war waged from a position of unity by the Federal Military Government of Nigeria, and resisted from a position of division and neo-colonialism support by the secessionists led by Odumegwu Ojukwu.

All that I have said so far is a prelude to the message that I wish to impart to all black activists on the side of the forces that seek self-sufficiency and consequent self-determination for black men within the non-white community of this world. We cannot, in the light of the true political implications of this war, afford to make decisions or utterances harmful to the cause of unity in this nation or helpful to the forces of division in it. To do so will be to condone the intervention of our emotional and economic enemies in any internal and fraternal quarrel that we might have.

As I said at the start of my message, the Nigerian Civil War is one of the most significant symbols of our struggle against such intervention today. The secessionists have of necessity to seek such intervention in the form of so-called aid. In this light Ojukwu has addressed his wonderful sense of drama to dramatizing the emotional issues involved and the ethnic divisions in the country in an effort to raise the bogey of genocide and starvation as his last ditch justification for promoting the division of this nation. Having impressed these lies upon the moral vanguard of the neo-colonial forces, through agencies of religion and relief, he has succeeded in sustaining his rebellion by having arms and foreign currency procured for him by these white agencies under the pretext of carrying out humanitarian duties. Two examples of the way in which this is done will suffice to expose the true nature of the secessionist rebellion.

(1) Since the so-called Biafran currency is not negotiable by virtue of lack of material solvency the secessionist regime obtains foreign exchange by having some of these white agencies pay the amount of money meant for the purchase of local foods into foreign banks. The foods are then bought from the farmers in the rebel areas in nonnegotiable currency and given to the relief organizations.

(2) Arms bought in Switzerland, France, and the U.S. are flown to a central pool in Lisbon, from where they are flown by quota to Sao Tome, a Portuguese occupied island off the Nigerian Coast out of which relief organizations flying to the rebel areas operate. From there they are put into relief planes along with an equivalent weight-load of relief materials, to be flown to the rebel areas where such planes are not allowed to land unless radio signals from Sao Tome indicate that the proportion of weapons to food being carried is correct.

UNITY MUST PREVAIL

These are only two of several such devices employed by the rebel regime in pursuing its aim of perpetuating division in Nigeria. We cannot afford to lose sight of the fact that the nations engaged in ensuring the workability of such devices are nations dedicated to the external subservience of Africa and the black race to their own burgeoning economic ascendancy.

I have written this as an appeal and explanation. Black brothers working in their various ways towards the ideal of unity and unit strength for our people in several parts of the world have written to me asking for me to clarify for them my own relationship to this crisis in this black nation, because I am here. You black brothers have cited my earlier writings on the subject of black force, black unity, black love. These are the issues at stake here and only the unity represented and pursued with benevolence and dignity by the Federal Government, without pandering to foreign sentiments, can achieve the forward movement of these issues in this crisis.

Reality and reason demand that those of us who are Africans born outside of Africa should now address all our efforts and selves to supporting Nigeria's cause, the unity of blackness and the dignity of man, wherever we are, whenever we can.

CHANGING THE FISCAL YEAR

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, I rise today to bring to the attention of this body the single fact that on Friday, a conference committee made up of Members of the House of Representatives and the Senate began meeting to reconcile differences between the appropriation bill passed by the House and the appropriation bill passed by the Senate for the Department of the Treasury and the Post Office Department. This is the first of 13 such bills that authorize the Federal Government to pay the bills each year. These 13 bills are standard bills and each year must be passed and signed by the President to permit the functioning of the U.S. Government. They are the authority Congress gives each department of Government to spend money. They are one of the fundamental functions of Congress. They are of primary importance. They describe the spending for the fiscal year.

As you know, Mr. Speaker, the bill we began considering this week describes the spending the Congress allows for the fiscal year that began July 1. Now, 2½ months later, we are still considering the conference committee report on only the first of 13 bills. The conference bills must be resubmitted to each House and must pass again. The President's signature making only the first bill law and official could be affixed as early as October 1, if all goes well. That would be a full 3 months after the beginning of the fiscal year for which the bill prescribes the will of the Congress. The progress of the other 12 bills is being carefully watched.

One of the most important, most generally adjusted and most significant in terms of new programs or changes in old ones, is the appropriation bill covering the Department of Health, Education, and Welfare, and the Department of Labor. In this bill are drastic changes in existing programs of social benefit including all of this Government's efforts to provide assistance to under and unemployed workers, all of our efforts to insure the highest quality of education to our young people, all of our efforts to provide housing to those who need a place to live, all of our efforts to promote general welfare among our people. Mr. Speaker, this bill is not scheduled for hearings in the Senate until the end of this month.

Assuming all dispatch and speed, this bill could be signed by the President and enacted into law by the middle of November. Mr. Speaker, that is a full four and a half months after the beginning of the fiscal year for which it appropriates funds.

The list of examples of the inconvenience, administrative difficulties, bureaucratic bungling and added expense due and attributable directly to this condition has yet to be compiled. The obvious examples of college students who, at this very moment, are in the throws of indecision because of the failure of the system to meet their loan needs, cannot be disregarded. The examples that could be developed in public works projects, community development projects and social welfare projects would be staggering. The added cost due to difficulties in administration and the simple ease of taking advantage of the poorly functioning system will be found to be astronomical. The individuals who are without the services their Government has pledged to provide will line up to present their own pathetic testimony at unemployment and welfare offices throughout this Nation.

This simple fact of the matter is that times have changed and the rules of Congress have not kept pace. The job of a Congressman was once, and not long ago, divided equally between service in Washington and service in the District. Representatives met in Washington in January, transacted the Nation's business, and then returned home in June or July. Money was authorized and appropriated for a fiscal year that began soon after final passage of the bills and their enactment by the President. The system worked well.

The Nation's population is, however, increasing rapidly and the needs of the American people are multiplying even faster. The services being provided by Government now involve myriad aspects of human life. These services are more complex and more sensitive. The consideration accorded the new programs requires deeper investigation and better understanding. The Nation's business requires more time. Representatives spend more time in Washington. Hearings attract more witnesses. Bills require more time to write. Programs require more research. The needs have generally increased to the point where a full-time Congress must meet 12 months a year in order to meet the demands of people.

Mr. Speaker, the fiscal year still begins on July 1, just as it always did. The system has not kept pace. The rules must be changed to allow for the recent developments.

The problem promises to become more acute as the years pass. There is no letup in sight. The complexity is far more likely to increase rather than vice versa. The appropriation bills will require more time in the future as opposed to less time. More people will demand their rights to present their views at hearings rather than fewer. The programs will become more involved rather than simpler. The requirements made on the Representatives here in Washington will increase and will not diminish. The rules remain the same.

The practice of this body to enact continuing resolutions each year to account for the shortcomings of our system will each year become more unsatisfactory. The resolutions will to a greater extent each year fail to allow for subtle changes in the Federal expenditures and the dramatic changes in the needs of the people. If we continue the process of stopgap legislation, we will each year pile a larger burden on a weakening link in Government. It requires no imagination to foresee drastic and even catastrophic developments under the present system.

I have proposed a bill that would change the system. My plan would simply alter the Federal Government's fiscal year to coincide with the year as Congress meets. It would make the fiscal year start on January 1, rather than in the middle of the congressional business year. It would permit a full year to consider appropriations and allow a greater opportunity for individuals to make their position relative to the bills known. It would relieve the Congress of the pressure now exerted by the ill-times beginning of the fiscal year. It would permit programs so important to the welfare of our people to be authorized and funded in advance of the start of the year. It would end the waste and diversion that costs the Government so much now.

My bill solves a serious problem with a relatively simple change in the system. The problems that would develop during the year of the changeover would undoubtedly be insignificant compared to the problems of doing otherwise. I urge consideration of a simple step that will avert a situation that will require immediate attention at some future date.

Mr. Speaker, this Congress will change its fiscal year at some date. It remains to be seen whether it will do it in a calm, well-considered atmosphere or whether circumstances at some future date will require a hasty change under the threat of pending disaster.

PROMISE VERSUS PERFORMANCE IN ANTIPOLLUTION FIGHT

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, the widening gap between Federal promise and performance in cleaning up the Nation's waterways is an issue of major concern that will again confront the House when the public works appropriations bill comes before us next week.

For a recent article in the Toledo Blade, Frank Kane of the Washington Bureau inquired about the Federal Government's newest antipollution drive in which specific targets such as the city of Toledo and four Ohio steel firms have been selected for possible court action. How does the Nixon administration justify a new crackdown on alleged polluters at a time when Federal appropriations for cleaning up the Nation's streams and lakes are lagging so far behind congressional promises made 3 years ago?

Responding to the question, Murray Stein, Assistant Commissioner for Enforcement for the Federal Water Pollution Control Administration, said:

> Look, I know of nothing in the law that permits a polluter to continue dumping waste into a river until the Federal or State government gives him money to clean up. In the case of Toledo, the City is creating the waste, not the Federal government or the State of Ohio.

Mr. Speaker, it occurs to me that Mr. Stein expresses very concisely the viewpoint and attitude of the last Republican administration. It was with open disapproval that President Eisenhower in 1956 accepted a 10-year program of matching grants to help localities construct sewage disposal plants and 2 years later he specifically requested Congress to discontinue the grant program despite its acknowledged success.

In 1959 the administration continued its opposition to Federal pollution abatement grants. Health, Education, and Welfare Secretary Arthur S. Flemming made a personal appearance before the House Public Works Committee to urge that the Federal Government should pursue enforcement procedures and engage in research and other support activities but that the grants program should be gradually eliminated.

The Congress, as we know, rejected this view and this set the stage for the President's veto of the broadest pollution abatement bill passed by the Congress up to that time.

The Eisenhower veto message is worth quoting because it appears to reflect so precisely the attitudes expressed by the current Assistant Commissioner for Enforcement for FWPCA:

> Because water pollution is a uniquely local blight, primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised, as it has been, by State and local governments. This being so, the defects of H.R. 3610 are apparent. *By holding forth the promise of a large scale program of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds.*

The message went on to contend that "the Federal Government can help, but it should stimulate State and local action rather than provide excuses for inaction."

Although the vote to override the veto fell short of the necessary two-thirds vote—249 in favor of overriding to 157 against—the veto did not disrupt the program established by the 1956 law, including the grants program. Congressional and White House support of this program of assistance to local communities for the construction of pollution abatement facilities from 1960 through 1968 is evidenced by the fact that a total of $1,220,000,000 was authorized during this period for Federal construction grants for pollution control and that $917 million was actually appropriated for this purpose.

It was not until fiscal 1969 and fiscal 1970, under the current administration, that a sudden gap developed between Federal promise and Federal performance. In fiscal 1969, $700 million was authorized for Federal grants but only $214 million was appropriated. For the current fiscal year, the Congress has authorized $1 billion but the administration has budgeted only $214 million.

Thus it can be seen that the difference between promise and performance, between authorization and appropriation, total $303 million for the 9 years from 1960 through 1968, while for the fiscal years 1969 and 1970 the administration has programed a gap of $1,272,000,000.

Despite the current failure of the Federal Government to make good on previous promises of financial help in licking the Nation's pollution problems, many cities and States are nonetheless going forward and meeting their responsibilities. The city of Toledo and State of Ohio, despite Mr. Stein's saber rattlings, are a case in point. Last November, the voters of Toledo approved a $17 million bond issue to improve the city's secondary treatment plant and they joined other Ohioans in voting a $450 million State bond issue, $120 milion of which is earmarked for pollution abatement. Because promised Federal assistance has not been forthcoming, the Ohio Legislature this year established the Ohio Water Development Authority which is empowered to sell bonds for an additional $350 million for pollution abatement facilities.

Under these circumstances, Mr. Speaker, I think the citizens of Toledo can be forgiven their expressions of indignation when they are singled out by the Department of the Interior for public "identification" and told that nothing in the law permits a polluter to continue dumping waste into a river until the Federal or State government gives him money to clean it up. Mr. Speaker, let me make it clear that the citizens I represent support Federal pollution abatement enforcement because they understand full well that this is necessary if we are to clean up our waterways. But they feel, as I do, that if this is a national problem, as most certainly it is, then Federal responsibility goes further than enforcement. It also includes keeping its promises of financial assistance.

Next week it is expected that this issue will come before the House of Representatives. At that time we will have an opportunity to eliminate the gap between promise and performance by rejecting the administration recommendation which would make available only a little more than $5 million per State for the current fiscal year for water pollution control grants. The cleaning up and preservation of our water resources commands a higher priority, Mr. Speaker, and if the administration is unwilling to face this fact, then clearly the responsibility falls on the Congress.

TRIBUTE TO LT. GEN. LEONARD D. HEATON, THE ARMY SURGEON GENERAL

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, on June 1, 1959, President Dwight D. Eisenhower appointed Maj. Gen. Leonard D. Heaton as the Army Surgeon General. Since that time, he has risen to the rank of lieutenant general while heading one of the world's biggest and best medical services.

Lieutenant General Heaton retires from the Army Medical Department on September 30 of this year, after a long and distinguished worldwide career.

Leonard Heaton chose to follow one of the most exacting of the professions—medicine. The man who gives his life to the healing of others is, indeed, a rare individual. However, the man who devotes his life to both medicine and his country is almost unique. Dr. Heaton is such a man.

He is a physician with many outstanding and sustaining qualities. He has a great faith, a faith such as guided Galen, one of the greatest physicians of the ancient world. He has the same quality of hope that sustained Dr. Schweitzer, who spent more time healing than preaching; the same love for the unfortunate that upheld Livingstone in those dreary years in the Dark Continent; the same inspiration that gave Dr. Sun Yat-sen the vision of a better life for 700 million of the most downtrodden and hopeless inhabitants of this planet.

His has been a dedicated concern to the advancement of medicine and ministration to the sick. His compassion for his fellow man knows no boundaries.

General Heaton once described the men and women of the Army Medical Department as "hard-working, loyal, and dedicated." These glowing adjectives are no less descriptive of General Heaton himself—and to the list could be added "competent, intelligent, and personable."

The general is nationally known as a surgeon's surgeon with a reputation as one of the most competent in medicine today. He has used his formidable skill to minister to such prominent leaders as President Eisenhower, John Foster Dulles, Douglas MacArthur, Gen. George C. Marshall, and Prince Mashur of Saudi Arabia, to name just a few.

He is a man who refused to let a full-time administrative job force him to put aside his surgical skills. In addition, he has published many scientific papers, taught surgical techniques to civilian doctors, and generally has been the inspiring force for improved medical techniques.

But, of course, military medicine was his prime work. Under his wise guidance, the standards of medical care offered by the 21,000 officers, 53,000 enlisted men and women, and 28,000 civilians of the Army Medical Department, were vastly improved.

During his tour of duty as the Army's Physician-in-Chief, General Heaton was responsible for the construction of more than 20 new hospitals, including the new Letterman General Hospital in San Francisco. Owing to his forceful leadership, this was the first Army general hospital constructed in the continental United States in about 30 years. General Heaton was also instrumental in acquiring many new laboratories, dental clinics, and other Army medical treatment facilities.

Although the Army Medical Department was designed for the care and treatment of military personnel, General Heaton was a strong believer in this country's people-to-people program. At all times during his career, he encouraged Army medical personnel, wherever they were stationed, to give freely of their services as an example of America's friendship and concern for people of other nationalities.

When he takes off his uniform and retires to private life, we are losing a counselor and a friend. But, more importantly, we are losing the services of a fine American, whose philosophy sets the things of the mind and heart above material matters, making them serve the ends which the mind and heart conceives.

I know that General Heaton, even in retirement, will continue to be active not only in his chosen profession of medicine, but also he will continue to follow the course of military medicine as an honored and trusted adviser to the armed services of our country.

I wish for him many years of continued good health and happiness. May God continue to shower upon him an abundance of his most choicest blessings for many years to come.

THE ADMINISTRATION SERVES CONSUMERS—USING A COOK BOOK

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, for the past few months, the Nation has been treated to one of the greatest feats of legerdemain ever performed by an administration in the area of consumer protection. Major corporate interests of America are far too powerful in the ruling councils of the Republican Party to be challenged, particularly in the area of consumer protection. So this administration has performed a miracle of the highest amperage by eviscerating consumer protection programs on one hand while assuring an increasingly unhappy consuming public that every day in every way things are getting better and better.

How has this feat been accomplished? It is a tale of derring-do which deserves close examination. I shall do so now. The President first appointed the lady from Good Housekeeping as his consumer advocate, whatever her name was. Then it turned out that Good Housekeeping only gave its sacrosanct seal of approval to products advertised in its holy pages. Out went the lady from Good Housekeeping, whoever she was. In came Mrs. Virginia Knauer, an articulate and energetic Republican from Pennsylvania, and around her our wondrous tale revolves.

This sincere, artful dodger has crisscrossed the Nation like a veritable dervish from Arabian Nights, assuring one and all that the administration is for the consumer to the last corpuscle. She wages war against already dead enemies, charges through already open doors with loud cries and chops valiantly at stumps of trees which were hewn down generations ago. While she pursues her feverish schedule, assuring people that the President would walk a mile for a clean hot dog and would personally assure fair packaging, that very same President's administration has proceeded to annihilate every meaningful piece of consumer protection legislation enacted by Democratic administrations. In truth, this administration has about as much concern for consumers as Judge Haynsworth has for textile unions. Let us see what it has actually been doing behind the scenes as Mrs. Knauer has frenetically journeyed across the face of America.

A review of the budget for fiscal 1970 reveals no increase for any programs of consumer protection. Cuts exceed $13 million from already slim allocations, plus elimination of $25 million for highway safety programs. A few examples of cuts are as follows:

An 18-percent cut in funds for Mrs. Knauer's own committee. A 5-percent cut in meat and poultry inspection. How fascinating that Mr. Phillip Campbell, former State commissioner of agriculture of the State of Georgia, is in charge of enforcement of these clean meat and poultry laws. How fascinating that he was appointed after bitterly opposing the Wholesome Meat Act of 1967. Now the President appoints him to head enforcement of provisions of a law he violently opposed. And how fascinating that we now can enjoy the culinary delight of garbage chicken parts in hot dogs. Up to 15 percent, according to the Department of Agriculture. Eat hearty, folks. Somehow, Mrs. Knauer does not mention any of these glittering gems of accomplishment in her speeches. There is an 18-percent cut in traffic and safety funds. A 5-percent cut in HEW's radiation control program. A 100-percent cut in FDA's fund for enforcement of the Fair Packaging and Labeling Act. No meaningful consumer programs emerge from the White House. The Office of Consumer Counsel in the Department of Justice remains vacant. Too busy eavesdropping to bother, I suppose.

In field after field the consumer is being annihilated when he or she enters the marketplace. What about interest rates? What about the law suit this administration just killed against all major auto companies on their outrageous collusion to suppress antipollution devices? Has Mrs. Knauer made a speech on any of these subjects? I pant for enlightenment on the subject, yet no knowledgeable syllables from the good lady ravished my ears.

Periodically, some consumer champion will emit a howl of pure outrage over these cumulative grotesque machinations. Such was the case last week when Ralph Nader expressed his utter disgust before a House Committee at the utter bankruptcy of the administration's consumer policy. What will be their response? Can there be any doubt? Let us gaze into the crystal ball and see. I see much travel in Mrs. Knauer's future. Go forth and carry the word, she will be instructed. And go forth she will, armed with heavy weapons consisting of devastating cliches, heavy platitudes and eloquent redundancies. Across the plains, valleys, and mountains she will carry the eloquent message, informing panting, yearning ladies groups and gatherings of Rotary and Moose that the President is for the consumer, body, boots, and britches, I reckon. How? Well, you know. And besides, he will do thus and such. Of course he supports that—in principle. And they will sigh, and believe for a little while longer. Not much longer, but for a little while.

If the lovely lady would like to really protect the consumer, let her "tell it like it is" on cigarettes, on television commercials, gasoline station games which are frauds, artificial sweeteners, monosodium glutamate, tires, auto pollution, chicken in hot dogs, enforcement of the Wholesome Meat Act, a Clean Fish Act, credit frauds, and enforcement of existing labeling laws.

Why does she not tell the people in Boise or the ladies in Toledo about unwanted magazine subscriptions, highway safety, enforcement of the Flammable Fabrics and Natural Gas Pipeline Safety Acts. The list goes on and on, ad infinitum, ad nauseum. Will platitudes prevent salmonella, and other forms of food poisoning? No. But a clean fish act would. Will cliches give us safe cars? Will thumping redundancy give us enforcement of existing laws?

Mrs. Knauer is certainly a sincere, hard-working person. She seeks to push a 10-ton boulder up a steep hill, with the rest of the administration leaning against her from the other side. Surely, however, she must know that all informed people have seen the true anticonsumer policy of the administration. How she can associate herself with such callous policies which exploit her commercially as badly as any product is a bit difficult to comprehend. In this case, however, the advertising campaign has just about run out of steam, and the public knows it. In short enough order, they will change advertising agencies.

In the meantime, we can add one more opening line to our list of fairy tale openers. We used to have "the Pentagon announced today," "the State Department said," and "the White House made the following announcement." Now we can add that deathless phrase, "Mrs. Virginia Knauer, the President's Special Assistant for Consumer Affairs, today called for."

JUDGE HAYNSWORTH REGRETS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, President Nixon's Supreme Court nominee, Clement Haynsworth, Jr., has expressed regret for buying $16,000 in stock of a company involved in a case on which he voted as chief judge of the Fourth U.S. Circuit Court of Appeals. He said he was "very sorry" and would not have bought the stock if he had "remembered" that Brunswick Corp., the company in question, had a case before him.

How admirable for the good judge to voice his regrets. How thoughtful of him to close the barn door after the horse has been stolen. How reassuring to know he really did not mean it after all, fellows. Gee whiz. What is a few thousand dollars worth of stock between a judge deciding a case and the company involved in the litigation, after all? Are you boys not being very petty? Is it not all sour grapes?

Correct me if I have the facts wrong, but did not a group of holier-than-thou guardians of public morality drive a Justice of the Supreme Court off the bench because he engaged in practices regarded as questionable in light of the position he held? Now let me see. What was his name again? Fortas, I believe, it was. What Justice Fortas did was inexcusable. He deserved his fate. What Judge Haynsworth is revealed to have done is just as inexcusable. Fortas did not hold stock in a company involved in a case before him at all. I believe he was involved with accepting lecture funds from a foundation controlled by a man convicted of several crimes who was serving time in prison. The funds were returned, if I have my facts correct. He rendered no decision involving the Foundation itself. He kept no money. But perhaps a different standard applies to the good judge from South Carolina, Mr. Haynsworth.

Where are all those defenders of the flag, American womanhood, justice and loganberry pie? Where are those noble stentorian voices which were raised against sin, immorality and misbehavior on the bench? Where are those outraged champions of virtue who would perish for principles of American justice?

Why I do believe they are defending Judge Haynsworth, he who "regrets" purchasing stock in a company involved in a case he sat in judgment on. They are hymning him to the skies as a combination of Moses, John the Baptist, Blackstone, and John Marshall, none of whom owned stock in a major interest they were pressing judgment on, if I remember my history.

Suddenly there is a standard for Justice Fortas and a different one for Judge Haynsworth. Fortas was black as sin and Haynsworth is white and pure as driven snow. Fortas is a fallen angel and Haynsworth the rising cherub.

Whose transgression is the greater of the two? Does it make any difference? Has there not been ample proof that the skirts of the good judge from South Carolina are more than a little tarnished and soiled? Now is the time for those champions of truth and American virtue to come sailing into view in defense of the American judiciary, which they have done so much to bring into disrepute over the years. Where are the violent shouts we heard during the Fortas hearings of "Caesar's wife must be above suspicion?" I listen for their outraged cries against such acts in vain. I strain an ear in their direction, hoping for a signal from them which will signify to me, lost and groaning in ignorance, that American justice, virtue, and morality are yet alive and kicking.

Alas, there is no sound, and evidence of Judge Haynsworth's fascinating and voluminous financial dealings grow daily. Now I am beginning to wonder a bit. Should the good judge not set a real example and disqualify himself from the Supreme Bench as he failed to do on the case in question? Why does he not withdraw and allow we unenlightened heathens to be judicially ruled over by some other judge, perhaps one with a better memory?

Now I am certainly not one to question the President of the United States. Yet perhaps it might be exceedingly wise of him to gaze a little deeper into a man's financial wheelings and dealings before he embraces and appoints him to high office on the basis of ideology. How enlightening it is to note that questionable behavior on the bench is not the monopoly of liberal democrats.

NIXON ADMINISTRATION'S RESPONSIBLE AND CONSTRUCTIVE ATTITUDE TOWARD FARM POLICY PLANNING

(Mrs. MAY asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MAY. Mr. Speaker, the Nixon

administration's responsible and constructive attitude toward farm policy planning will be an important factor in the development of a good farm bill in the Congress during the coming weeks.

Agriculture Secretary Hardin's presentation before the House Committee on Agriculture this morning leaves no doubt that the administration and the Department of Agriuclture will make every effort to cooperate on a nonpartisan basis with the Congress in designing equitable, effective farm legislation. I was glad to hear the Secretary again stress the need for a united effort to find a common ground of agreement on basic U.S. farm policy.

Several different farm bills have already been introduced in the Congress and it was clear to all of us in the committee this morning that the administration's legislative suggestions were presented as additional alternatives to be explored, rather than as neatly packaged solutions waiting to be stamped with approval.

Secretary Hardin advised our committee of the administration's farm program objectives—increased income, more decisionmaking to farmers, and lower Government costs—and he emphasized the importance of maintaining export markets for our farm commodities. He outlined two new alternative commodity program approaches designed to achieve these objectives, and described three resource adjustment programs to shift land permanently from cropland to other uses and reduce the need for commodity programs in the long run. He stressed the need for caution in this approach, however, and rightly so. The Secretary also pointed to the need for separating commodity programs from programs for people, and outlined ways in which low-income rural residents can be assisted.

Mr. Speaker, I believe the Secretary of Agriculture and the administration should be commended for the excellent attitude revealed in the Secretary's testimony this morning, and I trust that our committee and the Congress will share this attitude. At this point I should like to bring to the attention of my colleagues in the House the statement presented by Secretary Hardin:

STATEMENT OF HON. CLIFFORD M. HARDIN, SECRETARY OF AGRICULTURE

Mr. Chairman and Members of the Committee: The charge given to me by President Nixon is to represent the farmers of this country in the councils of government. It is in that role that I appear before you and I am grateful for the opportunity to do so.

Present farm legislation expires after the 1970 crop. Unless new legislation is passed before then we would fall back to laws passed before the Agriculture Act of 1965 was written. In that situation we would be forced to proclaim a marketing quota for wheat, subject to a producer referendum. We would go back to a high loan for cotton, running much of the crop into the Commodity Credit Corporation. There would be no diversion program for feed grains and a loan level for which all corn would be eligible. At the loan rate, the Commodity Credit Corporation would acquire a very large inventory. Net farm income, we estimate, would decrease by approximately a billion dollars below 1969 levels.

It is therefore my earnest desire to assist in the passage of good new legislation. And I am aware, as you are, that if new legislation is to be passed it must be acceptable to a majority of the Senators and Representatives.

Our purpose is to work toward farm programs that will increase farm incomes and reduce government cost. The most promising way of achieving these two objectives, we think, is to help bring about better overall resource adjustment, and within that setting, give farmers a wider range of decision-making. The suggestions we have to offer are of this type.

In preparing for this presentation we have tried to be as thorough as possible. We have had a series of very helpful meetings with this Committee. We have had listening conferences at Lincoln, Pullman, Fresno, Athens, and College Station. We have consulted with farmers and farm organizations. We have had a task force at work in the Department of Agriculture almost from the time I took office. We have conferred with the leading farm policy men from the Land Grant Colleges. We have reviewed our judgments within the Executive Branch and with the legislative leaders. Naturally, the counsel given us was varied. What we have to say to this Committee obviously is not derived from any single source. After listening to all who availed themselves of the opportunity to be heard, it is clear to us that farmers want help to bring their incomes up to the level of the national average and that they want a bigger say in decision-making on their own farms.

This surely is a time when farmers and farm groups, acting through their enlightened self-interest, must find as much common ground as possible. I agree with the statement made by Chairman Poage last week in Texas to the effect that, by themselves neither this committee, nor the Administration, nor the Republicans, nor the Democrats, could pass a farm bill. We shall have to concentrate on the things that unite us if we are to rally the needed strength. It is in that spirit and in that framework that my colleagues and I desire to work with you.

The most persistent characteristic of American agriculture during these past years has been the ability of American farmers to produce in excess of our markets, both foreign and domestic. It is my firm belief that whatever series of programs we ultimately decide upon must provide the restraints on production that will permit *satisfactory levels of price and income* and will *neither inhibit the growth of markets nor place needless obstacles in the way of efficient farm operation.* While there is clear need for sizeable programs to restrict output of American farm products, we must avoid giving our overseas competition the idea that they can expand their production without limit while the United States carries, by itself, the whole burden of acreage limitation. *We must not concede the level market growth to our competition.*

I do not need to emphasize to this Committee that problems we deal with are complicated and that their solutions have resisted the best efforts of competent minds for many years. Because they are so complicated and because it is *so important* that we find workable and constructive solutions, I recommend that we examine jointly and in depth the options that are available. This Committee represents, altogether, several hundred years of combined experience in agricultural matters. This is a resource that should be fully used. Proceeding in this fashion will give all of us more time for comprehensive analysis and also provide greater opportunity for response from farm organizations, commodity and producer groups.

My presentation is in several sections. The first section relates to legislation for certain major commodities. The second section is concerned with general cropland retirement. I then take up a variety of subjects, including a brief statement on limitations on payments. Finally, there is an appendix with illustrative material on how the various alternative programs would operate on typical farms.

PROGRAMS FOR THE MAJOR COMMODITIES

Programs for wheat, cotton and feed grains are the ones that affect most farmers and set the patterns for other commodity programs. Therefore they are considered first. You already have before you a number of proposals offered by the farm organizations. I outline for you two additional approaches, either of which could divert a sufficient amount of land and serve to sustain farm income. They differ chiefly in the degree of freedom they would give to farm operators.

1. A "set-aside" program

A "set-aside" program visualizes a domestic allotment for cotton and wheat and, in addition, a national feed grain base. The feed grain base would be similar to the present one. Price support loans would be offered participating producers who would be required to "set-aside" a crop acreage equivalent to perhaps 75 to 100 percent of the domestic cotton or wheat allotment and 30 to 50 percent of the feed grain base. No constraints on acreage or production would apply to any crop except the set-aside acreage, which would be in addition to the normal conserving base. Loan levels would be set (1) at a figure intended to encourage exports generally without subsidy, and (2) at levels that are intended to bring forth a desirable "mix" of the different crops. Loans would be available for the total output of participants. The program would be voluntary; a farmer who wished to stay out of the program would be free to do so. He would be subject to no restrictions, would receive no payments, and would not be eligible for a loan. Marketing quotas for these commodities would be eliminated. Under anticipated conditions, the Commodity Credit Corporation would acquire no new stocks.

Income support payments would be made to cotton and wheat producers on the normal production of their domestic allotment acreage and to feed grain producers on the normal production of half of their feed grain base. Rates of payment could vary over time and would affect the number of participants and thus the acreage in the set-aside.

The set-aside program encourages some diversion of cropland on all participating farms and pays for it through the commodity payments. It would retain, in part, present constraints on inter-area shifts in production.

Chief determinations to be made with this approach would be the acreage computed for the domestic allotment, the size of the government payment, the amount of land to be diverted as a condition of eligibility for the payment, and the level of the loan. Under this program, the allotment would serve only as the basis for calculating the size of the payment and the amount of land to be diverted. After a farmer had diverted the necessary number of acres he would have full freedom to use the remainder of his tilled land in any way he wished. Thus there would be opportunity to use the land in an efficient manner. Farmers would decide on the acreage planted to cotton, wheat and feed grains in much the same fashion as they now do for the majority of the other crops.

The program could be used to generate various levels of farm income. A one-cent per pound change in the cotton payment, for example, would make a difference of about $45 million in the income of cotton producers. For wheat, a one-cent change per bushel in the value of the certificate would mean about $5 million. For feed grain, changes in the amount paid for diverting acreage could affect farm incomes.

The program as outlined here will need to be described in much greater details. This we will be pleased to do at another meeting.

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The appendix indicates, for representative farms, how the program might operate.

2. A domestic allotment and diversion program

Another possible approach is a "domestic allotment" program. This also grants somewhat more freedom to farmers than they presently have.

As in the "set-aside", there would be an an acreage allotted to each wheat and cotton producer, equal to his computed share of the domestic market. On this allotment he would receive payments. There would be no diversion required for cotton or wheat.

Feed grains and wheat would be aggregated into a total grain base. There would be no domestic allotment for feed grain. There would be diversion payments to take the desired amount of land out of feed grains. A price-stabilizing loan would be available for participants. Grain producers would be eligible for loans if they produced within their total allotment.

As in the "set-aside", this program dispenses with marketing quotas. Wheat and cotton growers, of whom no diversion would be required, could plant whatever they wished on their tilled acreage. Feed grain growers who chose to participate in the program would be required to limit their plantings of feed grains to an acreage equivalent to their base minus the feed grain acreage diverted. Substitution between feed grains, including wheat for feed, would be allowed. Ordinarily, the Commodity Credit Corporation would not expect to acquire stocks.

The construction of such a program offers several features that can affect the level of farm income, the amount of Treasury cost, and the volume and price of farm products. Chief among these are: (1) the rate of payment on the domestic allotment for cotton, (2) the rate of payment on the domestic allotment for wheat, (3) the level of the loan for feed grains, and (4) the rate of payment for diversion of grain base and the acreage diverted.

The domestic allotment approach differs from the "set-aside" in that it requires no diversion for cotton or wheat. For the feed grains the chief difference is that in the domestic allotment plan the wheat base and the feed grain base are added together to give the new grain base.

This program also will need to be developed in greater detail. We will be happy to work with you on it.

The appendix shows how this program might operate on representative farms.

CLASS I BASE PLAN FOR DAIRY

One feature of the Act of 1965, as extended, is authority to provide Class I bases for fluid milk. This authority is scheduled to expire with the Act. If the Class I Base Plan now in effect in Puget Sound is to continue, legislation must be enacted. It would be good to treat this matter separately and early; if changes are contemplated it will take some months to prepare for a new Marketing Order and get it adopted.

Present legislation should be amended so as to provide easier entry for new producers. Precaution should be taken so that bases, while transferable, would not take on unreasonable value and therefore add excessively to the cost of producing milk.

The Department has a draft bill that we think would accomplish these changes. We will be glad to work with you on it.

OTHER PROGRAMS

Certain other features of present legislation are scheduled to expire. Among these are programs for: wool; the Cropland Adjustment Program; leasing of tobacco acreage; and the sale, lease and transfer of peanut acreage. Public Law 480 will expire on December 31, 1970, and the Sugar Act a year later. After some pattern has been set for cotton, wheat and feed grains we must give close attention to these other programs.

PAYMENT LIMITATIONS

There are many arguments for and against payment limitations. On one hand, the contention is made by typical family farm operators that unlimited payments favor the large-scale corporate-type farms. The small growers say that they are willing to meet the competition of the big units on ordinary terms but that the large payments constitute a special advantage.

On the other hand, there is a legitimate concern regarding payment limitations. It is the fear that payments might be limited, first to $20,000, then to $10,000, then to $5,000, to $3,000 or even less. Payment limits that are too low would force big operators to go outside the program, would break efficient farms down into a number of less efficient units, would impose excessive acreage cuts on the small farms, and with a given target for acreage reduction, would increase costs rather than reduce them.

We have testified already that we believe it is possible to design sound farm programs that provide for some payment limitation. As I have said before, a simple amendment to the appropriations bill will not suffice. The Department is ready to work with the legislative committees on basic changes in the legislation. The alternative proposals I have laid before you are intended to be workable with a reasonable kind of payment limit.

RESOURCE ADJUSTMENT PROGRAMS

Annual programs of the type I have been describing are needed to balance up our overexpanded agriculture and to protect current farm income. But they offer little opportunity for shifting unneeded cropland into uses for which there are growing requirements: timber, grazing, recreation, the propagation of wildlife, and other non-farming uses related to an urban society.

To shift land permanently from cropland to these other uses would be to move in the direction of redressing our agricultural imbalance and would reduce the need for commodity programs.

But sound counsel bids caution. Too rapid a rate of long-term land retirement would depopulate the rural areas. An excessively large program would attract new land into production. Acres put to grazing could unbalance the cattle industry. It is best to proceed cautiously, learning as we go.

Resource adjustment programs should be viewed not merely as a way of balancing our agricultural production but also as a way of facilitating human adjustment and meeting the space needs of our increasing population, using the attractive environment of town and country.

The three resource adjustment programs that I next outline are not alternatives to one another; they could be used together. And they should be used in connection with one of the commodity programs previously discussed.

1. Cropland conversion

The Cropland Conversion law was put on the books in 1962. It was intended to get cropland converted to non-crop income-producing purposes on a contract basis. It was written as a pilot program, limited to $10 million a year. The program has not been used for some time. It should be funded and activated, providing needed experience for possible later expansion.

2. Living space

Land with a cropping history could be purchased by States and units of local government for parks, airports, and the like. Costs could be shared. Thus land could be shifted from crop use, for which it is not needed, to other non-crop uses that are in growing demand.

Because of the limited number of acres likely to be needed for these purposes, perhaps not more than half a million acres over a ten-year perod, the program would be primarily in the service of city people. It would have relatively little effect on the supply of farm products. Nevertheless, it would be strongly in the interest of the larger public.

A small program of this kind, known as Greenspan, was operated briefly a few years ago as part of the Cropland Adjustment Program. Under this program some 7,000 acres of cropland were purchased. The share of the cost accruing to the Federal Government was about 25 perecnt of the purchase price. The program was well received. It was terminated, without adverse appraisal, when the parent Act went unfunded.

3. Easement program

A new tool should be fashioned for converting whole farms, permanently, on a voluntary basis, from cropping to other uses. The instrument appropriate for this purpose is an easement, the sale of cropping rights to the Government. Title would remain with the farmer, who could continue to live on his land and use it for anything other than crop production.

The easement approach has never been used for this purpose. Thus we are unable to judge its cost, its effectiveness, or its public acceptance. We therefore propose a pilot program.

The total annual cost of the three resource adjustment programs would be about $100 million. About 3 or 4 million acres would be retired annually until accumulated experience permitted appraisal.

PROGRAMS FOR RURAL PEOPLE

Throughout the years, a major effort has been to try to adapt commodity programs to the needs of farmers on small, inefficient units. Despite strong attempts to make this adaptation, the desired result has never been achieved.

Now, however, a new approach has been made. The President has proposed a Family Assistance Program for those who, though employed, have inadequate incomes.

The application of this program to farm people will require the answering of many difficult questions. How can the program be adapated to the self-employed? Are there to be limitations on asset holdings?

We have made some tentative judgments regarding these and other questions. Our best estimate is that perhaps 400,000 farm operator families might be eligible for the program. These families might receive an average of perhaps $1,000 annually, totaling about $400 million.

The Rural Development Program of the Department is being reorganized. A Presidentially-appointed Task Force is at work on the problem. I invite the strong support of this Committee for the changes and the expansion of the Rural Development Program that we will from time to time lay before you.

Other Departments have resources to attack rural problems related to low income. Among these Departments are Health, Education and Welfare, Housing and Urban Development, Labor, and Commerce. The work of all of these Departments can be expanded, coordinated, and focused on the problems of people in rural areas.

The point of all of this is that we should separate the commodity problems from the people problems, and attack them both, with tools appropriate to each. This we are beginning to do. The primary focus of this Committee has long been the commodity problems. These can be more appropriately fashioned if they are relieved of trying to meet a need for which they cannot be well fashioned.

We hear much about three problems: our excess crop production capacity, the population decline in the rural areas, and what we call the urban problen.. We are coming to see that these are in part three results of the same force, which is the technological revolution in agriculture. Rural Development attacks all three of these problems. By supplying off-farm employment opportunities in the rural areas it provides an alternative for boxed-in farmers. It helps hold in the rural areas the people who prefer to live there and it reduces the urban crush.

TIMING

The Congress last year extended existing farm legislation to December 31, 1970, in order to give time for a new administration and a new Congress to study alternative solutions. We would be well advised to use that time, as this Committee has chosen to do.

Legislation is needed prior to the time when farmers, particularly growers of winter wheat, must make plans for the 1971 crop year. It is important that we be thorough in our deliberations, but also that we move with some dispatch.

You and I and the farm organizations face a problem together—the task of fashioning sound farm legislation of such a character and such a cost that it will win the approval of the Congress. If we can do that, we will perform a real service for our farm people and the Nation. I pledge my full cooperation toward that end.

APPENDIX

I. The "Set-Aside"

EXAMPLES

A cotton farm:	
Total acreage (acres)	500
Domestic allotment of cotton (acres)	100
Conserving base (acres)	125
Percent of domestic allotment to be set aside	75

The farmer would "set aside" 75 acres of tilled land (100A (75%)) in addition to the 125 acres of conserving base.

The remaining 300 acres could then be used for any crop, or any combination of crops. If the farmer wished he could plant it all to cotton.

There would be a cotton loan at a relatively low level, for which all of the farmer's cotton would be eligible, and a payment of so much a pound on the normal yield on the domestic allotment.

A feed grain farm:	
Total acreage (acres)	300
Feed grain base (corn, sorghum, barley) (acres)	200
Conserving base (acres)	50
Percent of feed grain base to be set aside	30

The farmer would "set-aside" 60 acres (200A (30%)) plus the 50 acres of conserving base. On the remaining 190 acres the farmer could plant whatever he wished.

The farmer would receive a payment of so much a bushel on his normal yield as an inducement for entering the program. There would be a loan at a relatively low level. On cooperating farms all grain grown would be eligible for the loan.

There would be opportunity to divert more than the specified acres for extra payment.

A wheat farm:	
Total acreage (acres)	2,000
Domestic allotment for wheat (acres)	500
Conserving base (acres)	100
Percent of domestic allotment to be set aside	100

The farmer would "set aside" 500 acres of tilled land (500A (100%)) in addition to the 100 acres of conserving base. The remaining 1,400 acres could be farmed as the farmer wished.

There would be a relatively low loan available for all wheat grown, and a wheat certificate of so much a bushel on the domestic allotment.

For any of the above programs, a farmer could be in the program for one crop without necessarily being in for others. He would be paid only for the crop on which he participated.

II. Domestic allotment and diversion

EXAMPLES

Grain farm with domestic wheat allotment:	*Acres*
Cropland	500
1969 wheat allotment	100
1969 domestic wheat allotment	43
1969 feed grain base	200
Grain base under this program	300
Conserving base	100

Options: By accepting wheat payments the farmer incurs the obligation either to plant to grain or idle an acreage equal to his domestic wheat allotment. (Under payment limits the obligation could be limited to those acres for which he receives payment.) He would also be required to maintain his conserving base. No other obligation is incurred by accepting the wheat payment.

By electing to divert grain base the farmer incurs additional obligation with respect to acres idled and planted to grain.

The obligations under several options are outlined below.

Option 1: Accept wheat payment; no grain base diversion.

II. Domestic allotment and diversion—Con.

EXAMPLES

Land use:	*Acres*
Planted to grain and/or idled (domestic allotment)	43
Conserving base	100
As desired	357
Total	500

Option 2: Accept wheat payment; divert minimum grain base.

Land use:	*Acres*
Planted to grain and/or idled	43
Diverted grain base	60
Any nongrain use	100
Conserving base	100
As desired	197
Total	500

(By electing to divert grain base this farmer was required to restrict total grain acreage to grain base less diversion.)

Option 3: Accept wheat payment; divert maximum grain base.

Land use:	*Acres*
Planted to grain and/or idled	43
Diverted grain base	150
Any nongrain use	100
Conserving base	100
As desired	107
Total	500

(As in option 2, required to restrict grain acreage to base less diversion. This feature makes the diversion option less attractive to those non-participants in feed grain program now exceeding feed grain base. It would *not* be desirable to attract many of the non-participants in present feed grain program to diversion in this program because of the consequent increase in soybean acreage.)

Option 4: Refuse wheat payment; divert minimum grain base. (This example is also illustrative of farm with no wheat allotment.)

Land use:	*Acres*
Diverted grain base	60
Any nongrain use	100
Conserving base	100
As desired	240
Total	500

Cotton farm with grain base

	Acres
Cropland	500
Domestic cotton allotment	100
1969 feed grain base	100
Grain base under this program	100
Conserving base	100

Options: By accepting cotton payments the farmer incurs the obligation either to plant to cotton or idle an acreage equal to his domestic allotment. (Under payment limits the obligation could be limited to those acres for which he receives payment.) He would also be required to maintain his conserving base. No other obligation is incurred.

Option 1: Accept cotton payment; no grain diversion.

Land use:	*Acres*
Planted to cotton and/or idled	100
Conserving base	100
Use as desired	300

Option 2: Accept cotton payment; divert maximum grain base.

Land use:	*Acres*
Planted to cotton and/or idled	100
Diverted grain base	50
Any non-grain use	200
Conserving base	100
Use as desired	50

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. **Watson** (at the request of Mr. **Gerald R. Ford**), for September 25 and balance of week, on account of official business as a member of the House Select Committee on Crime conducting hearings in Boston, Mass.

Mr. **Daddario**, for Wednesday, September 24 through Friday, October 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. **Button** (at the request of Mr. **Collins**), for 1 hour on October 15; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. **Patten**), to revise and extend their remarks and include extraneous matter:)

Mr. **Gonzalez**, for 15 minutes, today.

Mr. **Flood**, for 15 minutes, today.

Mr. **Sikes**, for 15 minutes, on September 30.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. **Reifel** at the request of Mr. **Saylor**) to extend his remarks prior to passage of S. 574.

(The following Members (at the request of Mr. **Collins**) and include extraneous matter:)

Mr. **Duncan** in two instances.

Mr. **Conte** in two instances.

Mr. **Bob Wilson** in two instances.

Mr. **Railsback**.

Mr. **Ashbrook**.

Mr. **Schwengel**.

Mr. **Utt**.

Mr. **Wyman** in two instances.

Mr. **Pelly**.

Mr. Shriver.
Mr. Mize.
Mr. Devine.
Mrs. Dwyer.
Mr. Meskill in two instances.
Mr. Hall in two instances.
Mr. Hogan.
Mr. Cramer.
Mr. Steiger of Wisconsin.

(The following Members (at the request of Mr. Patten) and to include extraneous matter:)

Mr. Long of Maryland in two instances.
Mr. Cohelan in two instances.
Mr. Gonzalez in two instances.
Mr. Rodino.
Mr. Biaggi.
Mr. Murphy of New York.
Mr. Hawkins.
Mr. Corman.
Mr. Patten.
Mr. Leggett.
Mr. Ryan in three instances.
Mr. Mikva in two instances.
Mr. Rarick in three instances.
Mr. Waldie in two instances.
Mr. Evins of Tennessee.
Mr. Ottinger.
Mr. Rogers of Florida in five instances.
Mr. Boggs.
Mr. Montgomery.
Mr. Bingham in two instances.
Mr. Ashley.
Mr. Philbin in three instances.
Mr. Obey in three instances.
Mr. Rooney of New York in four instances.
Mr. Tunney.
Mr. Rosenthal.
Mr. Stokes.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee; to the Committee on Agriculture.

S. 858. An act to amend the Agricultural Adjustment Act of 1938 with respect to wheat; to the Committee on Agriculture.

S. 2864. An act to amend and extend laws relating to housing and urban development, and for other purpose; to the Committee on Banking and Currency.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1888. An act to change the composition of the Commission for Extension of the U.S. Capitol.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1173. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions, equipment and facilities, for the quarter ended June 30, 1969, pursuant to the provisions of subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1174. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions, personnel and administration, for the fiscal year ended June 30, 1969, pursuant to the provisions of subsection 205 of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1175. A letter from the Comptroller General of the United States, transmitting a report on the administration of sugar marketing quotas established by the Sugar Act of 1948, as amended, Agricultural Stabilization and Conservation Service, Department of Agriculture; to the Committee on Government Operations.

1176. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of August 31, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1177. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

1178. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to enact title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENT: Committee on House Administration. House Concurrent Resolution 368. Concurrent resolution providing for the printing of copies of the eulogies on Dwight David Eisenhower; without amendment (Rept. No. 91–512). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof; without amendment (Rept. No. 91–513). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 368. Resolution authorizing the printing as a House document of Captive Nations Week proclamations and pertinent material; with amendments (Rept. No. 91–514). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 485. Resolution authorizing reprinting of "Centralization of Federal Science Activities"; without amendment (Rept. No. 91–515). Ordered to be printed.

Mr. DENT: Committee on House Administration. H.R. 10481. A bill to amend the Act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; without amendment (Rept. No. 91–516). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 210. A bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards; with amendments (Rept. No. 91–517). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12605. A bill to amend section 613 of the Merchant Marine Act, 1936, as amended; with amendments (Rept. No. 91–518). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 13968. A bill to amend section 521 of title 38, United States Code, to exclude from consideration as income, for the purpose of determining eligibility for pension, all payments of any kind or from any source, including salary, retirement or annuity payments, endowments or similar income, which a veteran receives or is entitled to receive after attaining age 72; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of Alabama (for himself and Mr. Montgomery):

H.R. 13969. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 13970. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON (for himself, Mr. Cowger, Mr. Zion, and Mr. Snyder):

H.R. 13971. A bill granting the consent of Congress to the falls of the Ohio Interstate Park Compact; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 13972. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance programs, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself, Mr. Dulski, Mr. Olsen, Mr. Daniels of New Jersey, Mr. Nix, Mr. Hanley, Mr. White, Mr. Brasco, Mr. Tiernan, Mr. Corbett, Mr. Cunningham, Mr. Derwinski, Mr. Johnson of Pennsylvania, Mr. Button, Mr. Lukens, and Mr. Hogan):

H.R. 13973. A bill to provide mail recipients with the option not to receive through the mail unsolicited and potentially offensive sexual materials, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself and Mr. Hastings):

H.R. 13974. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 13975. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 13976. A bill to provide for support by the Teacher Corps of programs in which volunteers serve as part-time tutors or full-time instructional assistants; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. Jarman, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Nelsen, Mr. Carter, Mr. Skubitz, Mr. Hastings, Mr. Mosher, Mr. Downing, Mr. Pelly, Mr. Pollock, Mr. Bob Wilson, Mr. Hanna, Mr. Pettis, Mr. Karth, Mr. Jones of North Carolina, Mr. Shipley, Mr. Keith, and Mr. Hathaway):

H.R. 13977. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Marine Medicine and Pharmacology; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK (for himself, Mr. Johnson of California, Mr. Leggett, Mr. McFall, Mr. Moss, Mr. Teague of California, and Mr. Waldie):

H.R. 13978. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds; to the Committee on Agriculture.

By Mr. SPRINGER:

H.R. 13979. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 13980. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADAMS (for himself, Mr. Farbstein, Mr. Friedel, Mrs. Heckler of Massachusetts, Mr. Matsunaga, Mr. Olsen, Mr. Pickle, Mr. Podell, Mr. Waldie, Mr. Zwach, Mr. Fraser, Mr. Conyers, and Mrs. Chisholm):

H.R. 13981. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BETTS (for himself, Mr. Gerald R. Ford, Mr. Arends, Mr. Anderson of Illinois, Mr. Rhodes, Mr. Cramer, Mr. Poff, Mr. Taft, Mr. Bob Wilson, Mr. Collier, Mr. Broyhill of Virginia, Mr. Conable, Mr. Bush, Mr. Morton, and Mr. Chamberlain):

H.R. 13982. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. Adair, Mr. Beall of Maryland, Mr. Bell of California, Mr. Blackburn, Mr. Bow, Mr. Brock, Mr. Brown of Ohio, Mr. Buchanan, Mr. Burton of Utah, Mr. Cederberg, Mr. Don H. Clausen, Mr. Cleveland, Mr. Cowger, Mr. Cunningham, Mr. Derwinski, Mr. Duncan, Mr. Esch, Mr. Eshleman, Mr. Fish, Mr. Frelinghuysen, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Goodling, and Mr. Gubser):

H.R. 13983. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. Hansen of Idaho, Mr. Harvey, Mr. Johnson of Pennsylvania, Mr. Keith, Mr. Kleppe, Mr. Kuykendall, Mr. Lukens, Mr. McDonald of Michigan, Mr. MacGregor, Mrs. May, Mr. Mayne, Mr. Michel, Mr. Nelsen, Mr. Pirnie, Mr. Pollock, Mr. Railsback, Mr. Robison, Mr. Ruppe, Mr. Scott, Mr. Sebelius, Mr. Shriver, Mr. Smith of New York, Mr. Steiger of Arizona, and Mr. Steiger of Wisconsin):

H.R. 13984. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. Miller of Ohio, Mr. Talcott, Mr. Wampler, Mr. Watkins, Mr. Weicker, Mr. Whalen, Mr. Winn, Mr. Wold, Mr. Wydler, Mr. Wylie, Mr. Wyman, Mr. Zwach, and Mr. McEwen):

H.R. 13985. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 13986. A bill to amend the Tariff Act of 1930—to extend the duty-free treatment of certain dyes; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mrs. Sullivan, Mr. Lennon, Mr. Clark, Mr. Byrne of Pennsylvania, Mr. Murphy of New York, Mr. St. Onge, Mr. Karth, Mr. Hathaway, Mr. Hanna, Mr. Feighan, Mr. Annunzio, Mr. Keith, Mr. Schadeberg, Mr. Pollock, Mr. Ruppe, Mr. McCloskey, Mr. Frey, Mr. Dingell, Mr. Mailliard, Mr. Button, and Mr. Biaggi):

H.R. 13987. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 13988. A bill to amend certain titles of the United States Code to codify recent law, and to improve the code; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 13989. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13990. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 13991. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. TUNNEY:

H.R. 13992. A bill to direct the Secretary of the Interior to exchange certain oil leases on federally owned submerged lands for scrip, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 13993. A bill to authorize the Attorney General to provide financial assistance to States and localities for the construction and modernization of correctional institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 13994. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER (for himself, Mr. Rogers of Florida, Mr. Morgan, and Mr. Hall):

H.J. Res. 911. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. COHELAN:

H. Con. Res. 375. Concurrent resolution for humane treatment and early release of American prisoners of war held by North Vietnam; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself and Mr. Goodling):

H. Con. Res. 376. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. HANLEY:

H. Con. Res. 377. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. UDALL:

H. Con. Res. 378. Concurrent resolution expressing the sense of the Congress relating to the withdrawal of U.S. Forces from South Vietnam; to the Committee on Foreign Affairs.

By Mr. CRAMER:

H. Con. Res. 379. Concurrent resolution expressing the sense of Congress condemning the inhumane treatment of political prisoners in Cuba; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTTON:

H.R. 13995. A bill for the relief of Antonio DiFalco and his wife, Lidia DiFalco, and their child, Irene DiFalco; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 13996. A bill for the relief of Knud Otto Schroder; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 13997. A bill to confer citizenship to S. Sgt. Ryuzo Somma, deceased; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 13998. A bill for the relief of Pureza Ruiz-Languisan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

262. The SPEAKER presented a petition of the State Council of Tennessee, Junior Order, United American Mechanics, relative to Bible reading in public as an exercise of the freedom of speech; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PRESIDENTIAL PRESSURE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. HALL. Mr. Speaker, President Nixon's urgent concern with the inequities and uncertainties of our present draft laws has led him to a forceful stand on this issue, a stand which is receiving favorable reactions from citizens, young and old, throughout the Nation.

The President has publicly supported change in the draft laws since early in his presidential campaign. Now he has outlined plans for reform and has made it plain that, if the Congress should fail to approve his proposals this year, he will change the present unfair system by executive order. Clearly, this is another example of the President's willingness to back up his words with actions, and to follow through on promises he has made to the American people. It further alines the original legislative intent of the amendments to the Selective Training and Service Act of July 1967.

I commend to the attention of my colleagues an editorial on this subject, from the September 22 Washington Star:

PRESIDENTIAL PRESSURE

President Nixon's tactical approach to the Democratic Congress—up to the present—has been to stand aside, to avoid stirring up the congressional natives and to hope that all goes well with the Republican administration's program.

The politics of aloofness has produced one of the most relaxed congresses in recent history. Now, it appears, those halcyon waters between the White House and the Hill may start churning.

The issue is the major revision of existing draft laws—a goal that Nixon set for himself during the early days of his campaign for the presidency, and one he still clearly considers a top domestic priority. He has made it obvious that he is prepared to push, pull, cajole, threaten and twist arms to get a new draft law out of Congress.

The President unveiled the politics of pressure at the same time he announced the suspension of the draft call for November and December. And he added an electrical charge to his congressional prod by suggesting that, unless the legislators move quickly, the executive branch will undertake to revamp the system within the existing framework.

It can be argued that the President delayed too long in sending the draft legislation to Congress, and that he waited too long to see what the congressional reaction would be. But that does not change the fact that draft revision is needed now.

The draft cut is no solution. It is a temporary expedient that may serve to cool campus unrest, in some slight measure, this fall. The real need is for a random selection system that makes every eligible man subject to the draft for one year of his life. The need is to abolish the present cumbersome law, with its patent inequities that make every man vulnerable to the draft for seven uncertain years.

The administration has said that the minimum requirement is the amendment of the present law to strike out one sentence: The stipulation that the lottery system will not be used. All other changes can be made by executive order. Congress should give priority to the request.

The draft law should be changed in order to remove one justified cause for dissatisfaction and unrest among the youth. It should be changed because a measurable reduction in anti-war and anti-draft violence could have a beneficial effect on the progress of the Paris talks. But, most important of all, the present draft system should be changed because it is wrong.

SECRETARY OF TRANSPORTATION JOHN A. VOLPE DEFINES AVIATION PROBLEMS IN ADDRESS TO NATIONAL BUSINESS AIRCRAFT ASSOCIATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 24, 1969

Mr. RANDOLPH. Mr. President, in recent years more and more businesses have discovered the advantages of including aircraft among their equipment. They have determined that the advantages of quick, convenient transportation in their own airplanes are of great benefit.

With this growth in the use of aircraft has come a growth in the National Business Aircraft Association which this week is holding its 22d annual convention in Washington.

It was my pleasure to serve as toastmaster last night at the convention banquet, attended by more than 650 men and women. At that time B. Owen Mayfield of Hercules, Inc., retired as president of the association. He introduced E. E. Dunsworth, of Trunkline Gas Co., who moved from vice president to the presidency. Elected the new vice president was John B. Bean, of International Milling Co. James F. Coleman, of Ziff Davis Publishing Co., was named to the board of directors, and Norman L. Mitchell, of the Minneapolis Star and Tribune, was chosen treasurer. Also on the program was James E. Hanretta, of Page Airways, chairman of the association's Washington Arrangements Committee.

Secretary of Transportation John A Volpe discussed with candor the pressing problems facing American aviation and related forms of transportation.

I ask unanimous consent that excerpts from Secretary Volpe's address be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS PROPOSED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE, BEFORE THE NATIONAL BUSINESS AIRCRAFT ASSOCIATION

There is a feeling among some aviation people that their growth problem is unique and that, therefore, they should receive special assistance.

Gentlemen, the same pattern of tremendous growth and imbalance is common to our whole transportation system. The number of automobiles in America is increasing by well over 10,000 every day—automobile usage is increasing by 40 percent every eight years.

The railroads are now carrying about 750 billion ton miles of freight. In five years, that figure will jump to one trillion ton miles.

Our commercial airlines are adding thousands of new passengers every day. In your own field—there are 150 new planes added to the fleet every week; total general aviation hours are increasing by 4,000 a day.

On the ground, in public transportation, the situation is reversed. In recent years, 235 bus and transit companies have gone out of business. In the past 25 years, transit fares have tripled and during the same period, passenger totals have declined by two-thirds. Yet, public transit is the sole means of transportation for many Americans. Half of our minority group households have no car. More than two-thirds of households with incomes of less than $2,000 a year are without an automobile. We are, consequently, determined to help mass transit.

And these transportation problems must be seen against our changing population patterns. The total number of Americans increases 180,000 a month.

These are the kinds of challenges I am dealing with every day. If you think you have problems, then . . . welcome to the club. The point is that meeting these transportation needs is going to place tremendous demands on limited resources.

The aviation crisis can be defined in a few words. Our aviation facilities—both in the air and on the ground—are simply not keeping pace with the production of aircraft or the demand for air service.

Our Federal Aviation Administration's air traffic control system consists of more than 4,000 field installations. These range from the 400 man en-route air traffic control centers with complete radar coverage down to unmanned, simple radio beacons. It goes without saying that the operation and maintenance of these facilities is a sizable financial undertaking. We have determined, for example, that the cost to the government of one average IFR (Instrument Flight Rules) flight by an airliner or executive jet from Boston to New York—185 miles—is about $54.

Such a flight from Los Angeles to New York costs the government about $114.

Even a VFR (Visual Flight Rules) flight involving only tower and FSS (Flight Service Station) facilities has a cost that can be allocated to the taxpayers. A short VFR flight from, say, Tulsa to Wichita—130 miles—costs the government about $12.

These are expensive services, but more importantly, they are special services—services which are of immediate benefit only to aviation and the passengers who travel in planes. Now it is the policy of this administration that those who derive direct and immediate benefit from government services should help pay for those services. There is nothing new about this idea. In general terms, our social security program is based on this idea. And, of course, it is the basis of the very successful highway trust fund created during the administration of the late President Eisenhower. These highway user charges in the form of Federal gasoline taxes have given our Nation the greatest highway system in the world.

There may be a lesson in the history of the highway fund that applies to the aviation industry. I had the honor of being the first Federal Highway Administrator. I remember that some of the opposition we had came from the automobile and highway industries. Those early opponents, however, are now the strongest supporters of the highway program. I foresee the distinct possibility that our aviation user charge proposals will go through the same cycle.

I also want to emphasize that we are not asking aviation to pay the complete costs of the services provided them. The nonflying general taxpayer will still be paying a share—no question about it. If the President's legislation is approved by the Congress, and we are optimistic about its chances, the revenues from general aviation in the first two-year period would come to around $113 million. During this period, however, general aviation could be utilizing airways services that cost as much as $600-million. During the same period, an additional $50-million would be spent for general aviation airports and part of an additional $320-million would be spent on reliever airports. During the ten-year span of the program, in fact, total revenues from the user charge will still be $2.5 billion short of the Government's aviation costs.

You get some idea of the size of the program from our personnel requirements. We shall require 2,000 additional controllers every year for the next ten years. We shall have to recruit an additional 800 men every year just for the installation and maintenance of navaids.

Let me make another very important point. We have drawn up our user charges on the basis of usage of our facilities. These allocation figures, however, are not final. They are not locked-in. We are aware that allocating airport and airways costs is a highly complicated and lengthy process.

A key section of this Bill calls for the implementation of a two-year study to determine what share of airport and airways expenses should be allocated to each segment of aviation. Let me add that you members of the National Business Aircraft Association will participate with us in this study—as will representatives from other sectors of aviation.

We want the best and most exact information we can get. And on the basis of this study, we shall, if necessary, make appropriate adjustments in the tax levels.

We already have a pretty good indication of the usage of our facilities by general aviation.

Last year, for example, the total of air carrier aircraft contacted by our FAA Flight Service Stations was about 700,000. Total for general aviation—nearly 8-million.

Total air carrier itinerant operations at airports with FAA towers last year—10 million. For general aviation—22-million.

Our FAA towers also recorded an additional 19-million local operations for general aviation. And our FAA centers handled some 3-million general aviation aircraft. There is no question that general aviation is a major user of our airways facilities.

The details of the President's plan are well known. Our Bill calls for increasing airline passenger ticket tax from five to eight percent. We would also impose a new tax of $3 on passenger tickets for most international flights beginning in the United States and for flights to Alaska and Hawaii. The program also calls for five percent tax on air freight waybills.

Concerning general aviation—we propose to eliminate the two cent per gallon refund on gasoline and substitute instead a flat nine cents a gallon tax on all fuels used by general aviation.

The funds derived from these user charges will be placed in a designated account. Those funds will be available only for airway and airport improvement and expansion. This is legislation designed to cope with a near-emergency situation.

I hope that as you consider our program, you will accept at least one basic truth. And that is, that if our proposed user charge legislation fails to be enacted, the projected growth of American aviation is simply not going to take place. We will become second rate faster than it takes to say "cleared for takeoff."

I am fully aware, through working with the President and his staff on this Bill—and from other meetings—that we are firmly committed to a sound budget. That is the byword of this administration. And—candidly—there is not enough "stretch" in that budget to pay for the major expenses that will come with the expansion of airport-airway facilities.

I am confident that this Nation will get the statesmanship it has come to expect from the aviation community. After all, yours is an industry—especially in general aviation—that has justly earned a reputation for leadership, clear-thinking, and solid responsibility.

There is a very real danger, however, that "maverick" segments of aviation, pursuing immediate interests, could hinder passage of this Bill. And if those who oppose this Bill should win their battle, I am afraid all of us together would lose our war.

This is "must" legislation. I solicit your support, because there is more than just aviation involved here. All transportation—including air travel—means freedom. Restrict the mobility of a people and you restrict freedom of choice. Freeze the mobility of a society and you hinder growth.

On the other hand, enlarge and improve the mobility of a people and you increase the diversity and the quantity of social and economic opportunities. Provide better transportation for a Nation and you contribute to its growth.

I want to provide better transportation. I want to see all forms of transportation expand and grow—I want to see our economy expand and grow. I want to see more jobs. I want to see more people being able to afford the things they need and want.

This is why we need your support. Together, we can help this Nation maintain its pre-eminence in aviation. Together, we can prevent that all-too-real threat of being "second-rate." Together, we can develop, expand, and efficiently utilize our rapidly shrinking airspace, a precious natural resource.

CONSUMER PRODUCT INFORMATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROSENTHAL. Mr. Speaker, it is quite clear that the consumer is on the move. Unfortunately, the Federal Government remains far behind.

In June and July 1967, the House Government Operations' Special Consumer Inquiry, of which I am chairman, held hearings on consumer product information in the possession of the Federal Government. Those hearings offered convincing evidence that Federal departments and agencies possess vast amounts of consumer product information, which, if made available to the public, would prove extremely valuable.

That view was reinforced last week when Ralph Nader released a report of the Task Force on Product Test Information, commissioned by President Johnson's consumer adviser, Betty Furness. As stated by Mr. Nader, this Task Force report is the "most encouraging policy document in the consumer affairs area prepared by the previous administration."

My bill to establish a high-level consumer protection agency in the Federal Government provides for the release of this Federal consumer information. I offer for inclusion in the RECORD the Nader letter to Mr. Herbert Klein, Director of Communications in the present administration, and a copy of the report itself:

SEPTEMBER 20, 1969.

Mr. HERBERT KLEIN,
Director of Communications,
The White House,
Washington, D.C.

DEAR MR. KLEIN: One of the most important domestic information policies which your Office can help establish deals with freeing the multiple sources of information which could assist consumers in their purchasing decisions, counter much deceptive or false advertising, and improve overall the efficiency of the market system. As you know, federal agencies have resisted in past years the disclosure of brand and nonbrand information developed in the course of procurement or other governmental testing functions.

A dramatic change began to occur within the federal establishment in the latter half of 1968 over the refinement and release to the public of brand and other product information accumulated by various agencies with this same public's funds. The Veterans Administration indicated it would release brand information from future tests on products such as hearing aids and wheel chairs. The Federal Trade Commission was in full swing in its disclosure of nicotine levels by brand of cigarette. But above all, the most optimistic evidence was contained in the still restricted "Report of the Task Force on Product Test Information," (dated December 9, 1968) requested by the White House under the Johnson Administration. I consider this Report the most encouraging policy document in the consumer affairs area prepared by the previous Administration. A flavor of its contents, which will now be released, suggests how bright was the promise in December and how dim the follow-through since that date.

The Task Force surveyed six agencies—the General Services Administration, the Department of Defense, the National Bureau of Standards, the Veterans Administration and the Departments of Agriculture and Health, Education and Welfare. These agencies perform the bulk of government product testing. One of them, HEW, announced through Secretary Cohen that it would initiate a broad, new program for releasing product information regarding the "cost, safety, merit or comparative value of goods and services." The Department of Defense, the Task Force noted, "may possibly be able to release some brand information relating to drugs;" GSA could release 98 product types including tests of anti-freeze, flashlights and hand files and HEW might be able to disclose tests of contraceptive devices and drugs. Perhaps most remarkable was the Task Force's report that the Commerce Department—"and specifically the National Bureau of Standards—is enthusiastic about taking on the program, believing that during the first year general information on perhaps a dozen products (including paints, roofing materials, floor coverings, and textiles) could be prepared for release." "As to nonbrand product information," the Task Force continued, "since GSA tests a great many unbranded or specially branded products that consumers use in other branded forms, it possesses large amounts of general information about consumer products. Of the Federal specifications and standards used in the procurement of items for government agencies, GSA estimates that approximately 900 pertain to items of possible use to the general public. Except for clothing,

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this generic information includes almost the entire range of products purchased by the average family." At the present time only the manufacturer of the specific product tested is informed of the results of the tests. The Task Force noted that the Army possesses "considerable information" on drugs and added that "a substantial portion of the drugs sold through commercial pharmacies do not meet the exacting specifications set by the Army. The Task Force strongly believes that every effort should be made to include some of this information within any release program."

A strong reminder of the forces working against disclosure is contained in the Report's mention of the Department of Agriculture's research program in household appliances that was discontinued without explanation in 1965. "Tests were conducted regularly on commercial refrigerators, stoves, water heaters, irons, washers and dryers for the purpose of evaluating performance in use," said the Report; "much brand data were amassed, but department policy precluded reference to brand names in Departmental releases."

The Task Force recommended, in a draft Presidential memorandum, that the President request that "all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released." The draft memorandum suggested by the Task Force would name the President's Committee on Consumer Interests to serve as coordinator of the program on the following timetable—all federal agencies would report to the Task Force by April 1, 1969 on what they can release to the public, and by July 1, 1969 "on the steps they have taken to carry out the directions" in the proposed memorandum by the President, and by August 1, 1969 the Committee would report to the President on its findings and recommendations.

Since the present Administration took office, the recommendations of the Task Force on Product Test Information have either been ignored or actively opposed. Led by the Bureau of the Budget and a highly unsympathetic Presidential staff, this incipient breakthrough in consumer autonomy has been squelched as a practical matter. Lip service attention remains in Mrs. Virginia Knauer's office, but even in that last repository of consumer concern, there is little anticipation that anything will be done. Of course none of the timetables suggested in the Report have been met and the entire operation is on the shelf. It is important to note that the Task Force's recommendations center on assisting the consumer to help himself in the marketplace, with little need for added government manpower and funds. Perhaps an indication of how hostile modern industry is to an efficiently functioning market system and an intelligent consumer body that the recommendations contained in the Task Force Report are strongly opposed by industry and commerce. During the past decade, this is the reaction to any governmental official or member of Congress who proposed such disclosure. The auto industry, for example, has wielded strong representations to keep the National Highway Safety Bureau from releasing the results of compliance testing of automobiles, even though motorists have a right to know at what levels their seat belts tear out or their fuel tanks rupture or what vehicles fail to meet the government's safety standards (by the Bureau's own admission between 15 and 20 percent of the vehicles or equipment tested failed one or more standards.)

Enough has been said to etch the outlines of a massive and long on-going suppression of government information relating to consumer products, and thereby to consumer protection. I ask you to address your energies and influence in these directions so as to expedite and assist those now weak forces in government who wish such disclosure to be accomplished on an ever more refined and efficient scale.

I look forward to your thoughts and recommendations on this matter affecting 200 million American consumers.

Sincerely yours,

RALPH NADER.

REPORT OF THE TASK FORCE ON PRODUCT TEST INFORMATION

SUMMARY OF TASK FORCE FINDINGS AND RECOMMENDATIONS

The Task Force was requested to assess various programs for making more fully available the knowledge the government has gained about consumer products in the course of its procurement activities. We have found two classes of possibly useful information in the government's possession:

Detailed factual data on the properties and performance characteristics of brandname consumer products.

General information about qualities to look for in numerous classes of products.

At the present time, the amount of brand information in the government's possession that could be helpful to consumers is very small—less than many task force members had anticipated. But even this modest store, none of which is currently released, could be made available to consumers. Of nonbrand information, much more exists. Some is disseminated now, but broader release of existing information could be profitably undertaken at very little cost.

Recognizing these facts, Secretary Cohen has announced in the last few weeks that HEW will initiate a broad, new program for releasing product information regarding the "cost, safety, merit or comparative value of goods and services." The Veterans Administration has likewise announced that it will release brand information from future tests on products used in treating veterans or purchased for distribution to them. The VA proposal is a milestone, because it has been taken by an agency whose function is not primarily to protect or inform the general public.

We believe that a release policy regarding brand and generic information merits adoption on a government-wide basis. We have framed a recommendation that provides flexibility for the agencies and safeguards for both the agencies and for the manufacturers whose products are covered. All agencies participating in the Task Force—including the procurement agencies most affected by it—concur in our recommendation with the safeguards proposed.

Specifically, we recommend that the President issue a memorandum to all federal agencies and departments requesting:

That all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released.

That departments and agencies conducting tests on consumer products participate in a pilot program for releasing such information. Participating agencies will select the products about which information is released. Before release:

Test results will be reviewed by the releasing agency for accuracy, reliability, objectivity, and meaningfulness; among the factors the agency will consider are the size of the sample tested and the uniformity of test methods employed.

Trade secrets and other proprietary information will be excluded from materials.

Information will be accompanied by explanations of test methods and by appropriate statements on the limitations of application.

When the information arises from tests for purposes of procurement, suppliers in the selected product industries will be informed prior to testing that test results will be subject to release.

That the Department of Commerce, through the National Bureau of Standards, take a lead role in certain important areas of consumer information programming. Specifically, it will:

Convert selected government specifications and other generic product information into forms useful to consumers.

Seek to develop techniques for describing product characteristics in terms understandable and useful to consumers.

Work with manufacturers to encourage labelling that is of maximum informativeness to consumers.

That agencies include in all materials released a statement to the effect that the government does not endorse particular products and that, while advertising of released information is permissible, any implication that the government does endorse any product will be considered false and misleading.

The President's Committee on Consumer Interests will serve as coordinator of the program set forth in this Memorandum. All agencies will extend the maximum possible cooperation to the Committee:

All federal agencies, including those participating in the release program, will report to the Task Force by April 1, 1969, on the results of their surveys of existing product information, on their studies of the appropriate additional roles they can perform in serving the consumer's needs for information, and on such other questions as the Committee may ask.

All agencies participating in the product test information release program will report to the Task Force by July 1, 1969, on the steps they have taken to carry out the directions in this memorandum, on the results to date of their programs, and on such other questions as the Committee may ask.

The Committee will report to the President by August 1, 1969, on their findings and on their recommendations for further actions in the area.

We have attached as Appendix F a draft of a possible Presidential memorandum incorporating our recommendation.

As to brand information, the General Services Administration is the agency other than VA that would be most directly affected by the adoption of the recommended policy. A number of the products tested by it for Qualified Products Lists—now covering products of 98 types—would become subject to release. Examples of products GSA anticipates that it would cover in the first year are antifreeze, flashlights, and hand files. The Department of Defense may possibly be able to release some brand information relating to drugs. HEW is also uncertain, but contraceptive devices and drugs are among products it might cover. It must be stressed, however, that the total number of products about which the government now has brand information is extremely small and that meaningful brand information is lacking about whole classes of products of critical importance to consumers—including, for example, home appliances and clothing.

Regarding general product information, we recommend that a recent Commerce Department request for $100,000 in its 1970 budget for the kind of generic product information program outlined above, be revived, despite preliminary Budget Bureau disapproval. Commerce—and specifically the National Bureau of Standards—is enthusiastic about taking on the program, believing that during the first year general information on perhaps a dozen products (including paints, roofing materials, floor coverings, and textiles) could be prepared for release.

We have formed our recommendations to respond to the consumers' increasing need for reliable product information and believe

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that right now is a particularly auspicious time for implementing such a program. Consumer groups have been calling loudly for increased information. Bills have been introduced into recent Congresses, and are almost certain to be introduced again, to establish new agencies to disseminate such information. Indeed legislation has recently been enacted that bears directly on the product test information issue.

The new Freedom of Information section of the Administrative Procedure Act (5 U.S. of the Administrative Procedure Act (5 U.S.C. Section 552) establishes broadened rights of access to government information. A court may hold that such rights extend to the very kinds of brand information we are considering here.[1] Consumers Union is now suing the Veterans Administration under this section for the results by brand of tests on commercial hearing aids.

The government's resistance to the Consumers Union demand has already been criticized as contrary to the Administration's record as a champion of consumer rights. (See editorial, Wall Street Journal, August 21, 1968.) The adoption of a new federal policy such as that proposed here would be an important reaffirmation of the Administration's position.

I. BENEFITS TO ECONOMY AND CONSUMERS FROM IMPROVED PRODUCT INFORMATION

The Task Force was requested to "assess the possible benefits to consumers and to the economy as a whole that might flow from the adoption of various release policies."

As a starting point, it is apparently true that the consuming public rarely has sufficient information to make fully rational decisions about the products they purchase. A bewildering variety of goods are available and many are of a level of mechanical and technical complexity far beyond their individual talents to assess. Few independent sources of product information exist.

Advertising greatly compounds the consumers' difficulties. Though advertising and promotion provide economic benefits to society by informing the public of the existence of useful products, there is a strong tendency for promotional efforts to go beyond mere information. Most ads for the general consumer provide little information of real usefulness—relying on glamour, catchy jingles, lush music and other distracting stimuli.

These problems cannot be easily overcome. Placing direct limitations on advertising expenses would be of questionable economic value, even if they were politically feasible.

For this reason, programs to increase consumer knowledge and sophistication, however slow their effect may be, are among the few available techniques for minimizing the effects of product differentiation. If the consumer can make informed judgments about product characteristics, producers will be forced to respond with price competition and with products that meet the claims made for them. From this, the consumer benefits are obvious—as are the benefits to the economy.

Of course, the degree of impact that any particular program for informing consumers will have is highly speculative. Even if information is released, getting it to consumers in a form easily used by them presents serious obstacles. If a generalization is possible, however, it seems likely that the more specific the data conveyed the more useful it will be to the consumer. Data by brand—if reliable and fresh—will be more useful (and more easily remembered) than broad recommendations as to what to look for in products. In our search for recommendations, the Task Force has thus sought data of maximum possible specificity and utility.

II. EXISTING GOVERNMENT INFORMATION ABOUT CONSUMER PRODUCTS AND PRESENT POLICIES REGARDING RELEASE

As an initial step in our study, we have sought to survey the amount and character of product information currently held in key Federal agencies. We have not been able to survey all agencies, but six agencies with consumer product information have participated. Three—General Services Administration, Department of Defense and the National Bureau of Standards—perform the great bulk of government product testing. The others—the Veterans Administration and Departments of Agriculture and Health, Education and Welfare—also conduct product tests and have, in addition, special experience with consumer interests and programs. All six prepared answers to a questionnaire prepared for Task Force use.

The Task Force found less brand information of usefulness to consumers than might have been expected—though enough to justify adoption of a limited federal program for release. We found a substantially greater quantity of nonbrand product information which could, at relatively low cost, be translated into a form easily used by consumers.

General Services Administration

Most of the product information GSA gathers is of little relevance to the general consumer. Many products purchased by GSA are not needed or used by individual buyers. Many others have been specially tailored by suppliers to meet government specifications and are simply not available to the nongovernment consumer.

GSA does, however, gather brand information in two contexts that might be relevant to consumers.

The first arises in connection with the establishment of Qualified Products Lists. For many products, GSA establishes not merely a specification but also a "Qualified Products List" of brand products meeting the specification. Federal agencies are authorized to accept bids from the manufacturers of those products listed. All known manufacturers are invited to participate in QPL testing. Qualified Products Lists are publicly available now, as are the specifications, but a reader cannot tell whether the absence from the list of any given brand is due to its having failed to meet the specification. Nor can a consumer tell among those products listed which performed better with regard to any specific quality. GSA does, however, have available to it the data lying behind the listings.

There are 98 products for which Qualified Products Lists have been promulgated. They include a few products of great relevance to consumers such as antifreeze and storage batteries (as well as many products of less relevance such as pneumatic riveters and electric blasting caps): Current QPL products are set forth in Appendix A. We have marked those which GSA believes might be suitable for a release program.

The second body of brand name data is produced at an earlier stage of procurement in the development of new specifications and test methods. GSA gave instances of this kind of testing in its answers to the Task Force questionnaire:

"For example, as a result of a number of requests by Government agencies for waivers to allow the procurement of commercial paint in lieu of the specification paint, GSA ran comparative tests of a number of brand names of well known commercial paints with the paints furnished under GSA specifications. This kind of testing is a one-time test and is limited in scope to the products of a few well known paint manufacturers. Another example is the tire testing program under which GSA purchased tires of various types and material from different manufacturers for testing to develop performance requirements for incorporation in the Federal specification. This test program did not include tires of all manufacturers nor all types available to the consumer. The selection was limited to tires of the level of original equipment or better to assist us in establishing one grade level which would meet the various operational requirements of Government agencies."

GSA believes that none of the brand data developed in this section type of testing is of sufficient reliability as to any given brand to justify release.

As to nonbrand product information, since GSA tests a great many unbranded or specially branded products that consumers use in other branded forms, it possesses large amounts of general information about consumer products. Of the Federal specifications and standards used in the procurement of items for government agencies, GSA estimates that approximately 900 pertain to items of possible use to the general public. Except for clothing, this generic information includes almost the entire range of products purchased by the average family.

Unfortunately, as set forth in the language of specifications, the information is of little use to the average consumer. GSA believes, however, that "many of the specifications are susceptible to conversion for layman use by technically qualified personnel." The list of possibly usable specifications is set forth in Appendix B. An example of a specification converted into layman's language is attached as Appendix C. Even more refining is possible to make the information fully usable.

GSA releases no information of a brand or nonbrand variety, apart from the specifications and QPL's. Only the manufacturer of the specific product tested is informed of the results of tests. The current nonrelease policy is set forth in GSA Orders FSS P 2900.5 and FSS P 4445.1, Supply Operations Handbook, Chapter 4.

Department of Defense

In response to a Task Force question about DOD testing of brand name products that are available to individual or corporate buyers, DOD responded that it does "for all practical purposes none." One possible exception is drugs, about which the Army possesses considerable information. A substantial portion of the drugs sold through commercial pharmacies do not meet the exacting specifications set by the Army. The Task Force strongly believes that every effort should be made to include some of this information within any release program.

DOD possesses a larger body of relevant nonbrand information. As stated by the department in its reply to the Task Force questionnaire:

"Both the Army and the Defense Supply Agency are involved in testing of consumer type supplies furnished to the Military Services. For the purpose of this discussion we are limiting the commodities to clothing and textiles (including shoes), subsistence and drugs, pharmaceuticals and biologics. It must be pointed out that these commodities may not be identical with those marketed in civilian sector because the items may be procured in accordance with specifications which reflect military characteristics."

The Department has a general policy that the public be given "free access to all information which does not qualify for protection under security directives or other criteria established by law." (DOD Directive 5400.7 and Armed Services Procurement Regulations 1–329–3). Pursuant to this policy, generic product information is published from time to time in reports and in papers written for scientific journals. At the same time, however, it has been a firm DOD policy "not to release information on a specific contractor [or his products] to a competitor or the public at large." Thus the Department's "free access" policy is somewhat less than total.

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[1] If such a holding is reached, changes in the proposal here will be required. The Department of Justice does not anticipate any final court resolution of this issue within the next year.

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National Bureau of Standards

"The National Bureau of Standards is not a procurement agency. It occasionally performs tests on brand products for the benefit of other agencies. (The hearing aid tests it conducted for VA are a typical example.) It does a wider range of product research in developing new testing methods.

In the course of these activities, it accumulates significant amounts of product information, "some of it by brand." A list of consumer products for which it has brand and nonbrand data is set forth in Appendix D.

NBS generally leaves to the agency for which it has conducted tests the decision whether the test data are to be released. It publishes no brand data itself. Even as to general product information, there is a published Commerce Department policy explicitly prohibiting release. (Procedures and Reports Manual of the National Bureau of Standards.)

Department of Agriculture

Brand information comes to the Department of Agriculture primarily through its administration of the inspection and grading program on fresh meat and poultry. Little is gathered of direct usefulness to consumers, since most fresh meat products are sold to the public unlabelled as to the packer. Even as to the few major differentiated meat products like bacon and hot dogs, there is practically no comparative information of any value to consumers.

Until 1965, the Department conducted a small research program in household appliances through its Agricultural Research Service. Tests were conducted regularly on commercial refrigerators, stoves, water heaters, irons, washers and dryers for the purpose of evaluating performance-in-use. Much brand data were amassed, but department policy precluded reference to brand names in Departmental releases. Beginning in FY 1966, Congress discontinued support of the research altogether. The reasons for discontinuance were not fully clear, though questions had frequently been raised about the appropriateness of using Agriculture's funds for this type of research. It was also claimed that by 1965 independent testing groups were providing adequate information on commercial appliances.

The information distributed by Agriculture about appliances was almost entirely in the form of general guides about qualities to look for and what to expect. This kind of general product information remains an important function of the Department of Agriculture: The Department provides day-to-day information on foods in bountiful supply, how to buy, how to cook and how to serve them. Newspapers, resturants, supermarket chains—as well as some consumers—are all users of this information. New approaches are being developed to reach more consumers, particularly in low income areas.[3] In addition, standards have been set for several hundred fresh food items.

Department of Health, Education, and Welfare

In a statement before the Federal Trade Commission on November 25, 1968, Secretary Cohen announced a new position for his Department on the release of product information:

"The results of government-sponsored research that are relevant to consumer choice should be available to the consumer. This is true whether the information relates to cost, safety, merit, or comparative value of goods or services. Moreover, information should not be limited to product information in the traditional sense, but should include the comparative value of such things as insurance policies and educational systems.

"In keeping with this policy, I have directed that a survey be made of recent or current research projects in HEW to focus on this issue and make sure that the agency does not fail to disseminate the results of research that could be useful to the consumer.

"Research results will be published as they become available. In addition, to make sure that this information and any other HEW information of value to the consumer gets to people in language that they can understand, we will publish it periodically in the consumer-oriented newsletter of the Office of Consumer Services."

HEW has reported to the Task Force that the surveys of agency information mentioned by the Secretary are just beginning to come in. For this reason, they are unable to state at this time any products on which they can with certainty release brand or generic information. They are hoping to be able to release information about drugs, birth control devices and educational materials and services.

Prior to the recent statement, HEW had no departmentwide policy regarding the release of information. Little, if any, comparative brand data has apparently been released in recent years. A small amount of generic information has from time to time been published in booklet form.

Veterans' Administration

The Veterans Administration develops brand information in the process of establishing Qualified Products Lists. QPL's are currently in force for five products: surgical instruments, hypodermic needles, syringes bandages and hospital beds. Brand tests are also conducted on hearing aids, wheel chairs, and artificial limb component parts. VA believes that much of this information could be valuable to consumers, though hearing aids and wheel chairs seem to be the only products of high consumer interest.

As to general product information, VA believes it has very little. It states that "reasonable information could conceivably be developed on such products as drugs and those for which we have developed qualified products lists." General information on prosthetics and sensory aids is published in VA's Bulletin of Prosthetic Research, available through the Superintendent of Documents.

Until very recently, VA released no brand data whatsoever. Earlier this year it denied a request by Consumers Union under the Freedom of Information Act for the results of its tests on hearing aids. Consumers Union has now brought suit in a Federal District Court in New York. Since the initiation of the suit, VA has announced a new policy, placing its suppliers on notice that hereafter it reserves the right to release the results of tests on their products. The VA policy statement taking this landmark step is set forth in Appendix E.

III. TASK FORCE RECOMMENDATIONS

The Task Force proposes a new government-wide policy for releasing consumer product data. We recommend its implementation through executive action—specifically a Presidential memorandum—because new legislation is not needed to make a beginning and because action by the President now can be an important reaffirmation of this Administration's interest in the consumer. The discussion below is in six parts, following the format of the proposed Presidential Memorandum, which we have set forth in a rough draft form as Appendix F.

A. General request to all agencies

The Proposal

That all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released.

Discussion

Taken together with Part D below, requiring the agencies to report to the President's Committee on Consumer Interests, this section is intended to complete the function that time and manpower prevented us from performing: that is, a thorough survey of product information in the government's possession. A program review can also serve—if taken with the right spirit—as an opportunity for agencies to rethink the role they can play in serving the public. We are aware of the Bureau of the Budget's reluctance to require agencies to conduct studies. We believe, however, that the survey we propose will require little time. We also believe that applying some part of the Presidential action to all agencies is a way of indicating the importance attached to it.

For the review to be effective, the Committee on Consumer Interests will have to ask the agencies specific questions and prod them to answer respectively. The Committee should consider the information problem in its broadest form and develop longer range attacks on the problem that we were able to treat in depth here.

B. Restricted program for relasing brand data

The Proposal

That departments and agencies conducting tests on consumer products participate in a pilot program for releasing such information. Participating agencies will select the products about which information is released. Before release:

Test results will be reviewed by the releasing agency for accuracy, reliability, objectivity, and meaningfulness; among the factors the agency will consider are the size of the sample tested and the uniformity of test methods employed.

Trade secrets and other proprietary information will be excluded from materials.

Information will be accompanied by explanations of test methods and by appropriate statements on the limitations of application.

When the information arises from tests for purposes of procurement, suppliers in the selected product industries will be informed prior to testing that test results will be subject to release.

If adopted, the policy change would have the following likely effects during its first year: VA would release test information on hearing aids and a few other products. GSA would release comparable information on several of its QPL products; at this time, GSA anticipates that antifreeze, flashlights, and hand files would be among the initial products covered. Possibly, DOD would be able to release some drug information. HEW is uncertain as yet what it would release, but believes some consumer products can be covered.

The Reasons Behind the Proposal

As discussed above, our survey of information in the hands of government agencies has revealed varying levels of conceivably useful brand data—very little, if any, at Agriculture and National Bureau of Standards, little at Defense a little more at Veterans Administration, and a greater amount (though unclear how much greater) at General Services Administration, and a wholly uncertain amount at Health, Education and Welfare.

The finding that brand information existed was, however, the beginning, not the end, of our analysis. Many doubts were raised as to the reliability of existing information, the fairness to manufacturers in releasing it, and the political feasibility of release.

Brand data, did however, have one great attraction to us as a subject for release: by being specific, it could be of maximum possible usefulness to consumers. Given the woeful state of consumer knowledge, information serving as meaningful guides appeared highly desirable. Accordingly, after reviewing VA's and HEW's new policies for release and the FTC's experience with comparative brand data on nicotine and tar content in cigarettes, we have framed a proposal for a government-wide release program—one with safeguards to protect to the maximum possible extent against the release of misleading or inaccurate information. The proposal above is the product of our efforts.

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[3] Techniques being tried include: illustrated recipes; graphic presentation of buying hints about the four food groups needed for a healthy diet; colorful pictures and slides; and a coloring book for children.

Because it is critical in evaluating our proposal to understand the dangers and pitfalls that have been pointed out, we have set them forth here in some detail, along with specific reference to the safeguards we have devised to protect against them:

1. Incompleteness of Data: The General Services Administration has pointed out that, as to most products, it does not conduct tests on the full range of available brands. Many quality levels, wholly acceptable to the general consumer, are excluded from their testing. Moreover, many corporations, for a variety of sound business reasons, simply do not participate in procurement programs. Any program of release might, GSA believes, cause unjust injury to products not included. It is uncertain the degree to which this danger can-be avoided through warnings issued with the information when released. (The provisos to our proposed release policy permitting releasing agencies to select the products dealt with, requiring them to review the data for reliability and meaningfulness, and requiring them to issue warnings about limitations of application, are responsive to this fear.)

2. Raw data can be misleading: The Department of Defense has pointed out that many raw data are misleading. Raw data may, for example, indicate minor degrees of difference among products that are much less important than the consumer might be led to believe. Statistical terms are easily misunderstood. Even though it is probable that most brand information would reach the consumer through mediaries such as Consumers Union, it is unclear to what extent the possibly misleading impressions would be avoided. There is also the danger that manufacturers in their advertising would make more of the differences than is justified. (Again, see provisos permitting selectivity in release and requiring review for meaningfulness. See also prohibition below against advertising implying government endorsement.)

3. Staleness of data: Several agencies have expressed the fear that by the time test data become publicly disseminated, product changes will have rendered the tests out of date. Both manufacturers and consumers could be thus injured. It is clear that any program for release will have to employ data of the maximum possible freshness. (Again, see proviso permitting selectivity in release and requiring review for reliability and meaningfulness.)

4. Nonuniformity of testing: Much testing of products to determine conformity with GSA specifications is conducted in the manufacturer's own plant under GSA scrutiny. Manufacturers applying varying test methods and varying sizes of samples. As to these products, comparative test results are likely to be particularly misleading. In addition, the supplier pays the cost of testing. GSA believes this fact increases the unfairness of release. (Again, see provisos permitting selectivity in release and requiring review for meaningfulness.)

5. Danger of Disclosure of Proprietary Information. Government suppliers occasionally furnish procurement agencies with closely guarded proprietary information about their products. Grave doubts exist whether manufacturers possessing such secrets would participate in procurement programs if proprietary information were subject to release. Indeed, there is already a specific provision of the federal criminal code prohibiting government employees from revealing trade secrets coming to them in the course of their official duties. (See 18 U.S.C. Section 1905.) (See proviso to our proposal expressly prohibiting release of trade secrets.)

6. Manufacturers may refuse to participate in procurement and testing programs: Because of the various dangers of misuse and misinterpretation discussed above, fears have been expressed that a program for releasing brand information will result in some manufacturers becoming unwilling to participate in procurement programs at all. The National Bureau of Standards shares this fear and is even more fearful of impairing the close working relationship it has with manufacturers in devising new test methods. The extent to which the fears of nonparticipation or noncooperation are justified cannot be measured. Unfortunately, the problem is circular to a degree: if suppliers are aware that the government is afraid of non-participation, they may be more likely to threaten it. The danger of nonparticipation is nevertheless real and we have had to take it into account in framing our recommendations. (The proviso permitting selectivity should be helpful here. More importantly, the proposal includes a reporting provision to assess agency experience after about six to eight months. The policy could then, if necessary, be abandoned or modified in the light of experience.)

7. Manufacturers may participate in testing with no intent to participate in procurement: GSA believes that nonparticipation is less likely than its opposite, over-participation: that manufacturers who have not previously participated in procurement programs (and have no intent of entering competitive bids) will want to have their goods tested for advertising reasons. Even though suppliers pay for the testing, GSA's procurement tasks would become more cumbersome. (Again see, as a partial safeguard, provisos for selectivity and review after six months.)

8. Political Dangers: In 1952–53, the National Bureau of Standards came under heavy Congressional fire after releasing a statement that no battery additive they had tested—including one particular named additive—was capable of extending a battery's life (the principal function the additives were said to perform). Though the NBS findings proved substantially correct, NBS was labelled as an enemy of small business. This experience urges great caution in developing a brand-release program. Nevertheless, two important facts distinguish today's situation from that in 1953. First, there are now several members of Congress who will applaud and support a government program to disseminate product information. Senator Hart and Representative Rosenthal have already, for example, introduced legislation to accomplish much the same end as we propose. And, second, the new Freedom-of-Information Act provides a shield through its establishment of a broad federal policy favoring public access to government data.

C. The role of the National Bureau of Standards

The Proposal

That the Department of Commerce, through the National Bureau of Standards, take a lead role in certain important areas of consumer information programming. Specifically, it will:

Convert selected government specifications and other generic product information into forms useful to consumers.

Seek to develop techniques for describing product characteristics in terms understandable and useful to consumers.

Work with manufacturers to encourage labelling that is of maximum informativeness to consumers,

Reasons

The Task Force was in unanimous agreement that a broader program for disseminating nonbrand information was justified and desirable. Each of the participating procurement agencies, with the exception of VA,[3] stated that it perceived no problems of unfairness to manufacturers that might flow from such a program. All believed that the government possesses substantial quantities of generic information that might, if properly handled, be highly useful to consumers in making product choices.

Some general product information is already prepared for dissemination to consumers. The programs of VA and Agriculture are discussed above. We have made two recommendations to build on these existing programs. First, we have included a general injunction to all agencies to consider the role they can play in providing information to consumers. This recommendation is discussed above. Second, we recommend that the NBS now take affirmative steps to develop and release product information, principally through the conversion of specifications into forms useful to consumers. We have centered the program in a single agency for reasons of efficiency. We have selected NBS because of its special technical skills and because it performs work for and with all of the federal procurement agencies.

Dr. Allen V. Astin, a deputy on the Task Force and Director of the Bureau, is eager to under take such a program—indeed had already proposed it. The Department of Commerce had made a request for $100,000 in the Department's proposed 1970 budget to undertake it. We have discussed budget considerations below.

If our recommendation is adopted, Dr. Astin intends to assign 4 or 5 staff personnel to work exclusively on this project. He believes that within a year they could prepare materials on about a dozen consumer products, including paints, roofing materials, floor coverings, and textiles.

A major problem for any product information program will be the development of means for effectively communicating information to consumers. Thus, we have also recommended that the NBS focus particular attention on developing new techniques for describing product characteristics in terms understandable to consumers. The Department of Defense and other agencies have repeatedly pointed out to the Task Force that there is a grave need for research to develop useful performance standards for consumers and terminology to convey information to them. With the funds here recommended, NBS will be able to make only the smallest beginnings in this area. In terms of making a long-run contribution to consumer autonomy, this may be the most important area for government effort.

We have also recommended NBS efforts to encourage manufacturers to label their products more informatively. The materials NBS will release on consumer products will provide consumers with important questions to ask, but salesmen are not the optimum desirable sources of answers. More informative

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[3] VA, though endorsing a pilot program in the Bureau of Standards, raised the following warning: Such a program [of releasing nonbrand product information] might well damage industry and mislead the public, particularly where accepted industry standards do not exist. In the absence of accepted industry standards, judgment is necessarily subjective as to what factors are controlling, and in the case of the Government, based on the needs of the Government. The needs of an individual consumer are not necessarily those of a Government agency as other factors may be considered controlling.

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labeling is desirable and several members of the Task Force believe that voluntary cooperation is possible. Special efforts might be focused initially on manufacturers of the types of products covered in NBS releases.

Consideration should also be given to long-range techniques for securing more effective labeling. A legislative program for encouraging all firms in an industry to reveal more about their products has been initiated on a voluntary basis in Great Britain as the "Tel Tag" program. Legislative sponsored by Representative Rosenthal in the last Congress would introduce a similar voluntary program in the United States (H. R. 17097, 90th Cong., 2nd Sess.). Experience with an NBS program may indicate that Administration backing for such legislation is called for.

D. Limitation on advertising

The Proposal

That agencies include in all materials released a statement to the effect that the government does not endorse particular products and that, while advertising of released information is permissible, any implication that the government does endorse any product will be considered false and misleading.

Reasons

All agencies represented on the Task Force agree that the Federal government must not endorse specific products—or even specific kinds of product (e.g., frost-free refrigerators). And, of course, participating agencies should avoid using value-loaded terms in the materials they release. To the maximum extent possible, materials should be descriptive, not prescriptive. No matter how much care the government exercises, however, manufacturers may still use and abuse the information in their advertising.

The Task Force recommends against attempting to prohibit all advertising of released information. In the first place, truthful advertising of government data would be difficult to prevent. The releasing agency could, it is true, threaten offending suppliers with disqualification from participation in procurement (as GSA has implicitly done in forbidding those on Qualified Products Lists from advertising the fact), but such a threat would not affect nonparticipant manufacturers. Much more importantly, truthful advertising of test results appears to be highly desirable because it serves the very purpose underlying the release proposal: informing the consumer.

Assuming no attempt is made to prevent all advertising, the harder problem comes in determining when advertising of government information crosses the borderline into the area that ought to be controlled as misleading. Advertising specifically stating that the Government has endorsed a product or class of products should certainly be prevented through procurement agency or FTC action. We further suggest sanctions against advertising that attributes the government value judgments not actually stated by it—however easily the judgment might have been inferred from the released material. ("Brand X proved best by GSA test.") Perhaps, the FTC should be encouraged to devise guidelines in this area.

E. Coordination by President's Committee on Consumer Interests

The Proposal

The President's Committee on Consumer Interests will serve as coordinator of the program set forth in this Memorandum. All agencies will extend the maximum possible cooperation to the Committee:

All federal agencies, including those participating in the release program, will report to the Task Force by April 1, 1969, on the results of their surveys of existing product information, on their studies of the appropriate additional roles they can perform in serving the consumer's needs for information, and on such other questions as the Committee may ask.

All agencies participating in the product test information release program will report to the Task Force by July 1, 1969, on the steps they have taken to carry out the directions in this memorandum, on the results to date of their programs, and on such other questions as the Committee may ask.

The Committee will report to the President by August 1, 1969, on their findings and on their recommendations for further actions in the area.

Reasons

Particularly because of the gaps in communication possible during a change of Administrations, the Task Force decided that it would be highly desirable to have some single agency monitor and coordinate the recommended program and make follow-up recommendations. The President's Committee on Consumer Interests seemed the most appropriate agency for several reasons: its sphere of interest is the same as that covered in the recommendation; it is set up to advise the President, a function needed here; it includes as members nearly all of the agencies affected by the new policies;[4] and it is not tied to the interests of any single agency.

F. Costs

The only new funds we recommend for carrying out this program will be for the National Bureau of Standards. For it, we recommend the allocation of $100,000 from the Department of Commerce's 1970 budget. As mentioned above, Dr. Astin, the Director of NBS, had already requested such an amount in the Department's proposed budget. This request was recently denied by the Bureau of the Budget on fiscal (not policy) grounds. Though we do not know all the factors considered by BOB, we believe that the program we recommend, when regarded as a pilot for possible further action, is worth many times its small cost. We thus recommend that the Budget Bureau decision be reversed.

No new funds need be sought for any of the other agencies. VA plans to carry out its new program within its existing budget. We believe that other agencies can do likewise. Experience with the program over the first year will indicate whether special funding is desirable in future years.[5]

Concluding Note

The principal suggestions we have made are severable: We recommend that the new test data policy be adopted even if the National Bureau of Standards proposal is rejected—and vice versa. We believe that the two proposals fit well together, but either can stand alone.

APPENDIX F: DRAFT OF PRESIDENTIAL MEMORANDUM ON PRODUCT INFORMATION

Each year, American consumers have available to them products of increasing variety and complexity. All of us face a growing need for reliable information about the products we buy.

The federal government has long responded to this need—through the Department of Agriculture, through the Federal Trade Commission, through the Food and Drug Administration, and, most recently, through legislation such as the Truth-in-Packaging Act. Within the last few months, several agencies have announced expanded programs for providing product information to the public. These steps are extremely important.

We must, of course, avoid overestimating the amount of useful information the government now has. The vast bulk of the goods the government purchases are specially made to government specifications and are not available to the general consumer. Modern science, though greatly advanced in communicating technical information to other scientists, has done little to develop meaningful methods of communicating technical information to laymen or to devise standards of performance of meaning to consumers.

Working within these limitations, however, we believe that new efforts can be undertaken throughout government now at several levels. In all areas, we will seek to develop a fuller understanding of the amount and quality of information the government has and the ways it can be made useful. In some areas, new policies will be immediately put into effect.

Our eagerness to act along these lines reflects our strong concurrence with the purpose and spirit of the recently enacted Public Information Section of the Administrative Procedure Act. This new section expresses the concern of Congress and of this Administration that all citizens should have access to government information to the fullest extent consistent with individual privacy and the national interest.

Therefore, to develop a government-wide program for releasing product information, I am today requesting:

That all federal departments and agencies review existing programs to determine what information they have about the properties and performance of products purchased by consumers and to consider the means they can employ to make available to the public information not now released.

That departments and agencies conducting tests on consumer products participate in a pilot program for releasing such information. Participating agencies will select the products about which information is released. Before release:

Test results will be reviewed by the releasing agency for accuracy, reliability, objectivity, and meaningfulness; among the factors, the agency will consider are the size of the sample tested and the uniformity of test methods employed.

Trade secrets and other proprietary information will be excluded from materials.

Information will be accompanied by explanations of test methods and by appropriate statements on the limitations of application.

When the information arises from tests for purposes of procurement, suppliers in the selected product industries will be informed prior to testing that test results will be subject to release.

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[4] The Committee's membership now includes: The Council of Economic Advisers; the Department of Agriculture; the Department of Commerce; the Department of Health, Education, and Welfare; the Department of the Interior; the Department of Justice; the Department of Labor; the Post Office Department; the Department of Housing and Urban Development; the Federal Trade Commission; the Veterans Administration; and the Office of Economic Opportunity. The only key agencies not represented are the Department of Defense and GSA; they could be invited to sit in this project.

[5] Under current procedures, government suppliers pay for the tests on their own products. GSA has suggested that it might be politically and tactically wiser to release data only when the tests have been paid for by the government. The Task Force as a whole recommends against this further condition. Manufacturers take the cost of testing into account in bidding on procurement contracts and in establishing pricing policies generally. Moreover, as long as they have been warned that the test information may be released, they are not unfairly surprised by a change in policy. It cannot be denied, however, that GSA possesses vast experience with reaction of suppliers to various policies and regulations. For this reason a brief experience with the release program may indicate that the condition regarding government payment should be added. If added, the program we recommend will become appreciably more costly and will have to be reconsidered in that light.

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That the Department of Commerce, through the National Bureau of Standards, take a lead role in certain important areas of consumer information programing. Specifically, they will:

Convert selected government specifications and other generic product information into forms useful to consumers.

Seek to develop techniques for describing product characteristics in terms understandable and useful to consumers.

Work with manufacturers to encourage labelling that is of maximum informativeness to consumers.

That agencies include in all materials released a statement to the effect that the government does not endorse particular products and that, while advertising of released information is permissible, any implication that the government does endorse any product will be considered false and misleading.

The President's Committee on Consumer Interests will serve as coordinator of the program set forth in this Memorandum. All agencies will extend the maximum possible cooperation to the Committee:

All federal agencies, including those participating in the release program, will report to the Task Force by April 1, 1969, on the results of their surveys of existing product information, on their studies of the appropriate additional roles they can perform in serving the consumer's needs for information, and on such other questions as the Committee may ask.

All agencies participating in the product test information release program will report to the Task Force by July 1, 1969, on the steps they have taken to carry out the directions in this memorandum, on the results to date of their programs, and on such other questions as the Committee may ask.

The Committee will report to the President by August 1, 1969, on their findings and on their recommendations for further actions in the area.

FOOTPRINTS ON THE MOON

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 24, 1969

Mr. BAYH. Mr. President, one of my constituents, Arthur Franklin Mapes, has composed a very fine poem honoring the magnificent space voyage by our astronauts and man's first visit to the moon last July. A well-known and highly respected Hoosier poet, Mr. Mapes is the author of the official Indiana State poem and has become widely noted for his excellent literary works.

It is my understanding that his latest composition, entitled "Footprints on the Moon," has already received some recognition. As a tribute both to the astronauts who risked their lives on this unprecedented venture and to Mr. Mapes, I ask unanimous consent that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

FOOTPRINTS ON THE MOON

(By Arthur Franklin Mapes)

Unlike a fabled argosy of old
That ventured o'er a mythical lagoon;
Our great Apollo, manned by men so bold,
Roared skyward on its journey to the moon.
Up through the atmosphere that shields our world
Our valiant astronauts streaked through the blue,
On lunar soil . . . Old Glory was unfurled,
And one of mankind's oldest dreams came true.

The Eagle landed on a barren plain,
Its feet set firmly on volcanic crust;
Two men descended to the strange terrain,
And left their footprints in the lunar dust.

Celestial gateways now have opened wide,
The galaxies now beckon overhead;
We now accept this fact with awe and pride,
And who of us can say that God is dead.

Two men have won a place in history,
The glory of their feat will long be known,
But do not honor two men . . . honor three,
For one man orbited the moon alone.

I look up at the moon at close of day,
Knowing that dreams of conquest will not cease.
How proud we are . . . yet still we all must pray
That man shall . . . also . . . find the way to peace.

NIXON ADMINISTRATION DOUBLE-TALK IN EDUCATION HIT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. HAWKINS. Mr. Speaker, regretfully, I must accept as political naivete the belief of U.S. Education Commissioner James E. Allen, Jr., that he is in fact pledging "the Nixon administration to a new national goal of assuring every citizen the right to read."

Merely citing data showing reading deficiencies and expressing pious hope of national involvement to correct conditions are simply not enough. Especially is this true in view of this administration's varied commitments to cut Federal spending, to fight inflation, to maintain military supremacy in weapons and space, to seek tax reform, and to share Federal revenues without strings with state and local governments.

Nor is the record to date of this administration very convincing in support of such a national commitment. Recently, for example, the House had to fight against Nixonites in order to add a billion dollars to the Health, Education, and Welfare, and Labor Appropriations Act for fiscal year 1970.

In another instance, the administration bill for Federal support of education as submitted would have reduced school library funds to zero, cut in half college library materials, eliminated funds for guidance and counseling under the Defense Education Act, and greatly reduced aid to federally impacted school districts.

Even less clear is this administration's commitment to desegregation of the Nation's schools. Vice President AGNEW is assuring southern Governors of one thing; Secretary Robert Finch is appealing to northern liberals that the opposite is true. Meanwhile, the administration is seeking a delay in desegregation of 30 Mississippi school districts that have had 15 years in which to comply.

Last week, the U.S. Commission on Civil Rights reported:

> Recent actions involving Federal efforts to bring about school desegregation are a major retreat in the struggle to achieve meaningful school desegregation.

The Commission, in effect, was reprimanding the Government for not following "the moral and legal principles and promises on which our Constitution and laws are based."

On what foundation then is the U.S. Commissioner of Education, an outstanding and respected educator, actually basing the commitment of this administration and Government to ending illiteracy? He proposed no new legislation, cited no specific financial targets, outlined no guidelines to end segregation, and offered no new techniques except Federal coordination and technical assistance.

Perhaps the best he can do is to try to coordinate Cabinet members who daily contradict each other.

CLEANING UP BEAR CREEK

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. LONG of Maryland. Mr. Speaker, one of the biggest problems in my congressional district is water pollution—which has reached critical proportions in the last few years. Mrs. Ella Kirby, editor of the Dundalk Times has written a timely and perceptive article on this problem which I should like to share with my colleagues by including it in the RECORD:

CLEANING UP BEAR CREEK

The county health department has stated that most marinas in the county already conform to a new law forbidding the use of boat toilets at piers and requiring land-based facilities for boaters.

But earlier this month the Baltimore County Council passed a bill giving the marinas two years to make needed connections. The new law will require marina operators to post notices of the restrictions on their piers and to provide toilets for men and women for each 100 boat slips.

The main problem in the Dundalk-Sparrows Point area will come from marinas whose sewage systems are not working properly. The very low ground on which most marinas are located may cause trouble.

A $350,000 county appropriation for a new sewage pumping station in Sparrows Point has not as yet been passed by the County Council. The station and the mains attached to it would transfer sewage from the Point area to the Back River treatment plant. We hope it will be considered at the next council meeting.

Now if the county will check other sources of pollution of Bear Creek including their own sewage pumping system, which overflowed recently, we may look forward in a few years to swimming here again.

It is not impossible. It just takes a huge sum of money and time.

THE COUNTRY CANNOT WAIT—$6 BILLION PEACE DIVIDEND IS PEANUTS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. LEGGETT. Mr. Speaker, the country is literally screaming to have its wounds bound up and a reallocation of national effort and priorities. Secretary Laird a few weeks ago dashed all hopes for a peace dividend when he stated that the multibillion dollar unfunded demands of his military departments would readily regobble any reduction of funds that might be realized by a reduction of Vietnam efforts.

This was followed last week by Presidential Advisor Moynihan who confirmed from the White House that this was the case. Even conservative Republican leadership recognized that their image was about to get out of hand if the Grand Old Party did what comes naturally. So Jerry Ford forthrightly stood up a few days later for a $6 billion dividend.

The country will not wait and cannot survive on peanut offerings. My constituent, Will Finch, tells it like it is in the September 4 issue of the Woodland Daily Democrat:

America Cannot Wait Till 1990

Recently a responsible representative of the Nixon administration said that we need not expect the federal budget to provide substantial help on the domestic problems now facing this country until about 1990. Even with the end of the Vietnam war, the money saved will be needed, they say, to build up supply of war materials—everything from hand-grenades to helicopters—to carry on nuclear and space research and development and for carrying out our foreign commitments. So only small amounts of federal money will be available for meeting domestic problems.

America cannot wait twenty years for poverty families to get more than token support; for needlessly hungry and malnourished children to be fed; for the problems of city ghettos and rural slums to be vigorously attacked; for the welfare of handicapped children and of the aged to be adequately cared for.

America cannot wait twenty years for the federal government to give substantial aid to the county and local government, now dependent almost wholly on the property and sales tax for revenue, to pay the costs of public education, of law enforcement, of juvenile delinquency and of public health, etc.

America cannot wait twenty years for the high rates of unemployment among minority groups to be substantially reduced by "training programs" that often lead nowhere because some unions will not let these trainees join and because contractors on government work, who are supposed to provide equality of job opportunity often do not do so; for private industry to carry all the load of employing all this labor unless the government itself becomes "the employer of last resort"; for the minimum wage law to be applied to all types of work and for the federal government to really enforce the law requiring equal pay for equal work.

America cannot wait twenty years for the federal government to more adequate and vigorous support to civil rights legislation so that the principle of equal rights to register, to vote, to hold elective and appointive office, to fair and equal treatment by law enforcement officers and the courts; for equal educational opportunity for all within school districts and among the States; for really "open" housing; and for higher education to be available freely to intellectually able but economically unable youth.

America cannot wait twenty years for federal leadership and funds to attack the problems of air and water pollution. Or to round out the national program of national parks and recreational facilities. What will be left if we wait twenty years?

It may take twenty years to meet some of these situations but we cannot wait that long to begin. We must begin in 1970, not 1990. We can begin now to push for federal leadership and funds by being sure that those elected to local, state, and federal offices in 1970 recognize the folly of delay and the need for a national attack on these problems now. Before we vote for they they must commit themselves to helping to develop adequate solutions for these problems and to vote money which will get these plans under way without delay.

As Governor Rockefeller pointed out on TV recently if one third of the increase in the extra taxes that the federal income tax will yield in the next five years, was returned to the states and local governments to help them on these problems, the federal government would still have a lot more money to spend than it now has. This would be about three times per year what the administration has suggested for the next five years. The tendency of the federal government to spend all of its extra money on space and "national defense" and "to maintain our military posture abroad"—to quote the Secretary of Defense—can be checked if we make it clear to candidates in 1970 that America not only can't wait till 1990 but won't. 1970 is the crucial year.

TRIBUTE TO SENATOR BYRD OF VIRGINIA

HON. JAMES B. ALLEN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 24, 1969

Mr. ALLEN. Mr. President, I ask unanimous consent that excerpts from two editorials mentioning our colleague, the senior Senator from Virginia, be included in the Extensions of Remarks. The editorials were printed in the Pontiac Press, Pontiac, Mich., and the Christian Science Monitor, Boston, Mass.

Senator Harry F. Byrd, Jr., an outstanding Virginian and a great American, is making a record in the U.S. Senate that proves him to be a worthy successor of his father who served in the Senate with such distinction for so many years.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From the Boston (Mass.) Christian Science Monitor]

Trends

The national debt—in case you haven't noticed—is still doing what comes naturally—floating up, up, up.

Sen. Harry F. Byrd Jr. (D) of Virginia has produced some figures for his senatorial colleagues to chew on as they cogitate the President's request for higher taxes (in the form of a continued income-tax surcharge).

As of May 1, he says, the national debt was $366,277,176,554, which is $10.5 billion more than last year's level of $355,697,465,654.

Interest on the debt has been climbing with equal rapidity. It rose from $14.5 billion in fiscal 1968 to $16.5 billion in fiscal 1969.

The conservative Virginian points out that a one-year extension of the surtax, as requested by Mr. Nixon and approved by the House, will bring in only $7.6 billion during 1970, while the interest on the national debt for the fiscal year just beginning will be a whopping $17.5 billion.

[From the Pontiac (Mich.) Press]

Harry F. Byrd, Jr., is one of the most astute and hardheaded members of the U.S. Senate.

INEQUITIES IN OUR PRESENT DRAFT SYSTEM

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. RAILSBACK. Mr. Speaker, I have been concerned about the obvious inequities in our present draft system. Each Member of this House is aware that the youth of today also view our present procedures as basically unfair and inequitable. Few here would disagree with them. On the contrary, most Americans feel that our present draft system very much needs to be revised. Because of this I was extremely heartened when President Nixon's draft reform proposals were announced.

His decision to cancel the draft calls for November and December is encouraging in two respects. First, it indicates to me that perhaps the corner may have been turned in Vietnam. Although it is perhaps too early to assume this, it does reflect a favorable trend in the Vietnamization of the war. It also indicates an awareness and sensitivity of the pressures that the draft system has placed upon our youth and society. It will provide, I hope, a meaningful pause in which our entire position in Vietnam can be reassessed.

Perhaps of greater significance, however, was the announced decision to restructure the draft procedure in an effort to make it more responsive to our needs, as well as more equitable in its effects. Mr. Speaker, there is no easy solution or simple substitute for the difficulties posed by an involuntary conscription of men. President Nixon has requested our support of his effort to reform our present draft procedures. The need for reform has been clearly demonstrated and I intend to support our President. My decision to do so is based upon the belief that the youth of our Nation deserve a better system, one that recognizes their needs and aspirations as well as those of national security. There is no reason why the period of vulnerability and uncertainty should not be shortened. There is no reason why complete reform should falter for lack of concern and sense of urgency in this House.

President Nixon has accepted the responsibility of initiating and instituting reform procedures and has requested congressional action. He is prepared to institute reform with our assistance and cooperation, but recognizing the present urgency is willing to proceed to the fullest extent of his authority if this Congress fails to accept his request. I feel that President Nixon should be commended for his concern and willingness to act during this crucial time in our history. No other President has demonstrated such sensitivity to the voice of our youth or such an awareness of their needs in this area. I heartily endorse his proposals and urge every Member to give them the most serious consideration and the necessary support for prompt implementation.

THE ELECTORAL COLLEGE REFORM YES: ABOLITION NO

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. EVINS of Tennessee. Mr. Speaker, following up on the important matter of electoral college reform, I wanted to point out that two great Tennessee Presidents—President Andrew Jackson and President James K. Polk—favored and publicly supported electoral college reform based on a congressional district plan similar to that which I supported in the recent debate on electoral reform.

The movement for electoral reform in 1826 followed the deadlock in the 1824 presidential election, which threw the decision into the House of Representatives, resulting in a victory by John Quincy Adams although Jackson had more electoral votes and a substantial margin in popular vote in the election.

Since neither candidate had a majority the decision was made by the House and resulted in the charge by Jackson supporters that Adams and Henry Clay, another presidential candidate, had made a "corrupt bargain," and that Clay threw his support to Adams in return for an appointment to the Cabinet as Secretary of State.

As a result of the thwarting of the will of the people as expressed in electoral and popular vote, Polk, who was then a Congressman and ally of Jackson in the House, and other Jackson supporters proposed a congressional district plan which would provide either that each district would choose an elector and that the electoral votes would be counted nationwide, thereby assuring a winner in the election, or that Presidents be chosen by districts without electors.

In a letter from Jackson to Polk on May 3, 1826, Jackson said:

> I agree with you that the District System is the true meaning of the Constitution but as this cannot be obtained any uniform system ought to be adopted instead of leaving the election of President to Congress.

Jackson assured Polk that his position on the congressional district plan was well received by his constituents.

Polk, in explaining his proposal, said:

> The sentiment of each mass of the community throughout the Union, composing a District, is fairly elicited, and made to have its due and proportional weight in the general collected sentiment of all the districts in the Union.

The fact that these great constitutionalists, President Jackson and President Polk, favored the congressional district approach to electoral reform rather than a national popular vote adds strength to the position of those who favor the congressional district plan proposed in the recent debate in the House 142 years later.

In other words these leaders felt then, as I feel now, that the balance between the smaller and larger States be presevered rather than shifting the balance of power further toward the big population States and reducing the power of the smaller States.

Presidents Jackson and Polk felt that it would be preferable to reform the system rather than abolish the system, by preserving the grassroots expression of the people in each congressional district unit in the process of electing the President.

The House has adopted the direct election proposal and the matter is now pending in the Senate. Approval by three-fourths of the States is required for ratification. This proposal is questioned by many who view the amendment as infringing on the equity and balance between the States.

SANTA BARBARA CHANNEL DRILLING BILL

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TUNNEY. Mr. Speaker, I am today introducing a bill to direct the Secretary of the Interior to exchange certain oil leases in the Santa Barbara Channel for scrip of equivalent value. This may be used to bid for substitute leases on public domain or other offshore lands.

Since the heavy seepage of oil at the time of the blowout last January, there has been a steady leak of 30 to 40 barrels a day, at minimum. I am informed that the leakage has now been reduced to about 10 barrels a day, after cement was inserted into various fissures, and after 10 multiple-cased shallow wells were drilled to relieve pressure.

Although there is hope that the ecological damage from last January's disaster may at last be brought under more control, I am still disturbed by the fact that, little by little, the Department of the Interior has allowed 15 to 20 leasees to begin drilling again. This drilling is not intended to remedy problems created by the original blowout. It is new exploratory drilling. Typically several deep wells will be drilled by each leasee. I anticipate that further new drilling will be allowed.

Drilling does now meet stricter Federal standards. I am nonetheless concerned about the risk of a recurrence of the tragedy which clogged the channel, fouled miles of beaches and tarred thousands of birds and other wildlife. For this reason I propose that we end drilling in the channel. No less than this can guarantee the preservation of this priceless recreational resource.

TRIBUTE TO ANOTHER ILLUSTRIOUS ILLINOISAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. PATTEN. Mr. Speaker, I was indeed impressed by the fine newspaper article written for Roll Call by John Brunner regarding our former colleague from Illinois, Representative Barratt O'Hara. It was indeed an exceptional article inasmuch as it revealed the "real man" as observed in a personal relationship by a staff member who encountered his everyday actions which, by the way, were many as we all know from his service in this distinguished body of our Government.

The article entitled "Tribute to Another Illustrious Illinoisan" that appeared in the September 11, 1969, issue of Roll Call follows:

TRIBUTE TO ANOTHER ILLUSTRIOUS ILLINOISAN

(By John Brunner)

It was late in February, 1968, when Barratt O'Hara learned that his Congressional career was coming to an end. The Chicago Democratic party organization withheld its endorsement to a man who so much wanted and pleaded for a tenth term in the House. But Barratt O'Hara was no ordinary man, and thus he went on to wage a proud campaign against the practically invincible Daley machine. There was never really any doubt about the outcome. The odds were just too great.

Defeat was nothing new for Barratt O'Hara. He was a political gambler. He lost some and won some. In 1912 Barratt cornered the Democratic nomination for lieutenant governor of Illinois. It was to be a Republican year until Teddy Roosevelt's Bull Moose faction arose and unexpectedly swept many Democrats into office. At 30, O'Hara became the youngest lieutenant governor in Illinois history. Ironically, only 15 years before, O'Hara had followed Teddy Roosevelt and his Rough Riders at the seige of Santiago de Cuba in the Spanish-American War.

It was 1948 and said to be another Republican year. The Illinois Second Congressional district with its University of Chicago faculty under suspicion for disloyalty was considered a GOP domain. At 66, when most are comfortably retired, Barratt O'Hara waged a relentless campaign and won the seat. His wife died the same year and in 1950 he lost partly because of his never-ending opposition to the House Un-American Activities Committee and a local sheriff's race. O'Hara returned to Congress in 1952 and easily won reelection thereafter.

Barratt O'Hara often remarked that "O'Hara was a fighting name," and he soon became known as "Battling Barratt." He appeared in Municipal court one day for fighting. A newspaper reported he had been knocked down. "That story hurt my pride," O'Hara told the judge. "When I was a young man in St. Louis, I trained at the same gym with Tommy Sullivan. When I came to Chicago I took delight in working with Abe Attel and other boxers of my weight. I have always taken pride in my boxing prowess." The record was corrected to show that O'Hara decked two bailiffs.

O'Hara was no stranger to the courts. He defended over 300 murder cases with fewer than 30 of his clients convicted and none received the death penalty. "I always wanted to be a lawyer," he said later, "There just were some detours." Clarence Darrow was once quoted as having said, "I am envious of only one thing in the world—I wish I had Barratt O'Hara's courage."

XUM

Barratt's courtroom oratory followed him to the House floor. Unlike many older members who prefer to remain silent and then vote, O'Hara had a zest for debate. Once, when past 80, he leaped up so fast to answer a young speaker that he tripped over a colleague's foot and gashed his head. He was back the next day with a bandage.

One of Barratt's later loves was Africa. He continually exalted it and defended it as chairman of a House subcommittee. He once replied to a disparaging remark about Africa by saying, "As Africa goes, so goes the world." He continually advocated a "complete divorcement" of the United States from colonialism and in 1964 undertook a controversial investigation of apartheid in South Africa.

Barratt O'Hara was forever planning, always thinking about the future. The next day intrigued him because he knew there would be new challenges. That's probably why we see interspersed among his careers as lawyer, soldier, and statesman those of journalist, publisher, motion-picture executive, and explorer.

After he left the Congress, he toyed with the idea of practicing law again and completing his autobiography. But the expectations of his mind surpassed the realities of his body. He has left a legacy of integrity and goodwill and the inspiration to be able to emulate just one of his many distinguished careers.

BRIDGING THE GENERATION GAP

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mrs. DWYER. Mr. Speaker, a significant effort toward bridging the "generation gap" was made last weekend by President Nixon, when he hosted a reception and meeting at the White House for representatives of college student governments throughout the country.

This was an important gesture in itself, but perhaps more important was the President's offer to the students that, rather than merely complaining about the problems facing our Nation, they help in finding solutions to them.

An editorial from the Philadelphia Inquirer, "Finding the Answers—Together," discusses the importance of this meeting. I insert this editorial in the RECORD:

FINDING THE ANSWERS—TOGETHER

President Nixon paid a timely tribute, in word and deed, by inviting hundreds of young college men and women who are student government representatives on campuses across the nation to attend a reception held at the White House over the weekend. He expressed to them his personal pride in their deep and wholesome concern about problems in this country and elsewhere. Noting that he and other leaders of government are concerned about the same problems, he said: "We want to find answers with you."

This is the kind of challenge college students everywhere should accept. It is not an easy challenge but it is a constructive one. It is easier to complain about unsolved problems than to offer solutions. It is easier to protest than to remedy. It is easier to be irresponsible than responsible.

The older generations are far from infallible and readily admit it. If the younger generations will concede that they don't know it all, either, a firm foundation will exist for mutual understanding, reciprocal respect, and a common quest for ways to make this a better world for all of us.

U.S. VIETNAM POLICY UNCLEAR: TROOP MORALE DECLINES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MIKVA. Mr. Speaker, recently an article appeared in the Montreal Gazette describing the depths to which morale of U.S. fighting men in South Vietnam has sunk. This results quite obviously from an absence of clear U.S. policy in South Vietnam, from our policy of appearing to negotiate an end to the war while continuing to fight it. The article was written by Eloise Henkel, a constituent of mine, who has spent many months in Vietnam observing the situation there. Her incisive observations on the state of U.S. troop morale will, I believe, be of interest to my colleagues.

What Miss Henkel observes is that the obscurity of U.S. policy objectives in South Vietnam has confused and disheartened every American, and not least the American servicemen who serve there. While token troop withdrawals continue to dominate the headlines, American casualties mount apace. As a marine observed to Miss Henkel, "Sure we'll pull out 50,000 troops 50,000 dead."

I insert Miss Henkel's article at this point in the RECORD because it demonstrates the obvious point, that the longer we stay in Vietnam—where we had no business in the first place—the harder it will be both on us and on the South Vietnamese.

The article referred to follows:

MORALE OF U.S. TROOPS IN VIETNAM AT ITS LOWEST

(By Eloise Henkel)

SAIGON.—The sagging morale of U.S. troops in Vietnam was the most striking difference I noticed between my visit this summer and my 1967–1968 tour.

The morale of many of the troops has plunged like the stock market the past year, and some of the troops feel they are being sold short by speculators in the stock of Thieu and Ky.

American civilians, too, now talk much differently from the way they did when I first went to Vietnam two and a half years ago.

The State Department officials spoke in glowing terms about "building a viable government," winning the war, and pacifying the entire countryside. Many soldiers talked about "fighting 'them' here so we won't have to fight them in San Francisco."

No more today. With the bombing of the North halted, the talks in Paris going on, and the stated policy of the U.S. government to "withdraw" from Vietnam, it's a different story.

High U.S. Embassy officials talk now about "how we got over involved in Vietnam" and how "it's in our national interest to disengage because we are concerned about other areas of the world, too, and the home front."

So who wants to get killed in an unpopular, discredited war on the way out?

G.I.'s from Hue in the north to Can Tho in the Delta told me this summer if the men were given a free choice to line up at Tan Son Nhut airport and fly home and forget Vietnam "about 100 per cent would go."

Many were openly skeptical and cynical about troop withdrawals.

"Sure, we'll pull out 50,000 troops," a Marine in Danang said. "Fifty-thousand dead."

One reporter said, "If we pull out 50,000, maybe we'll put 60,000 back in. Who's going to the airport and count all the planes that come and go every day?"

This question was in spite of the fact that some of the military say, "There's so much fat here, we could pull out 50,000 men without noticing it if we wanted to."

And even an Information Officer said, "We could pull out 100,000 this year without hurting the effort. The boys might not get three hot meals a day in the field and pillow cases, but it wouldn't hurt us tactically. And the ARVN want us to go. They're tired of having us run things. We could pull out some of the advisors with no sweat."

As I traveled throughout the country, talking with men on first, second, third, and even fourth tours in Vietnam I found only one G.I. from Georgia who suggested, "I guess we're fighting them here so we won't have to fight them in Georgia."

Marines at the Danang airport who had just arrived in the country looked sad and gloomy.

I asked some if they knew why they were in Vietnam and they said, "No. But maybe we'll learn after we've been here a while."

"What do you think about the V.C.?" I asked.

"We don't know, we never met any," one said.

"We've been told to be nice to the people, the civilians," he added. "But how can you be nice to people who are shooting at you? I know the civilians are the ones who are shooting at us."

"My wife is pregnant and doesn't know why I had to come. Nobody explained to her. I couldn't either. All I know is that I got orders for Vietnam and had to go."

Red Cross workers are usually among the most enthusiastic people in a war zone, but one I met at Tan Son Nhut who had been in Vietnam 10 months said, "I'm disgusted. What are we fighting and dying for here? We're not winning any ground. And there's so much corruption in the government. No freedom of the press. The government isn't popular and the people aren't for the war. If our troops could go home, all of them would go. "I was a hawk when I came over here, but I'm not any more. I didn't realize we weren't winning any ground. I don't think the people at home get the right idea from the papers."

A G.I. who had been in Vietnam eight months said, "There's so much hostility among the people here, especially in smaller places. Around Phu Bai, for example, they're all farmers who sympathize with the V.C. They don't like us and they wish we'd go home. So why are we here anyway? How can we be helping the people if the people don't want us here? I don't get it."

A writer who has been in Vietnam six years said, "Everything's different here now. I've just been out on an operation with the First Cav (First Cavalry Division) and the morale is down.

"In the old days, pilots would talk about the Big Zapper when a plane or chopper was shot down. They were fatalistic, daring devil-may-care.

"Today they're losing their nerve, they're concerned about their individual fate, they want to get home safely. They talk about White Robe Six and pray He will pluck them out of a falling chopper and save them in battle. They don't want to die here.

"Even an old-time sergeant I talked to was depressed and weary. He told me he was sick of the war and at LZ (Landing Zone) Grant he even refused a direct order to go out into the jungle.

"The student radicals and pacifists are winning some points. The boys sent now are caught between the pressure of the VC and the pressure of ideas. Some were students a year ago, listening to talks on campus.

"Now they're in dangerous situations where they're getting incoming and need to be in the best possible shape. But they're not. Many think it's a money war and wonder why they should die to win points for Thieu and Ky.

XUM

Special Forces men are often among the toughest and most gung-ho troops, but one sergeant stationed at a camp near the Cambodian border told me, "This is my fourth tour here. We're doing the same things we were doing six years ago here. It's crazy. We're getting a lot of Incoming and getting out tails shot off—for what? To of my best friends were killed this week in a fight with the friendlies by mistake.

"If Nixon announced all the men in Vietnam would be sent home by midnight tonight, I'd be the happiest man in Asia."

Incoming? Outgoing? Kill or be killed? Like for what?

That's the question of Americans in Vietnam today.

They know that nobody at home except their families and friends really cares very much.

So they do their job, count off the days, and pray it will soon be over.

MIDAIR COLLISIONS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DEVINE. Mr. Speaker, following the tragic commercial and private plane collision in Indiana, much controversy has preceded the official investigative findings which will take many months.

Meanwhile, a statement has been issued by the Air Transportation Association on the reduction of midair collision risks which should be of interest to all Members charged with the responsibility of doing something about it. It follows:

STATEMENT BY THE AIR TRANSPORT ASSOCIATION OF AMERICA ON THE REDUCTION OF MID-AIR COLLISION RISKS, SEPTEMBER 15, 1969

Relatively inexpensive equipment and improved pilot qualifications for private planes operating in congested airspace areas could greatly reduce that risk of mid-air collisions such as the one that occurred at Indianapolis last Tuesday.

It is simply not true that nothing could have been done to reduce the possibility of that type of small plane-airliner collision. Action can be taken now which does not require large expenditures of funds.

The airlines have been pleading for years for protection by the Air Traffic Control System (ATC) under those circumstances where there is a mix of aircraft operating under visual flight rules (VFR) and instrument flight rules (IFR). The FAA, itself, recognized this need in early 1968 by proposing a plan for high density terminal areas which would require a "price of admission" for operation in certain high density terminal areas. This price would include minimum aircraft equipment and pilot qualifications to operate in certain congested-designated airspace. As recently as August 7, 1969, the ATA, in asking the FAA for urgent action on this High Density Terminal Area Plan (HDTA), said "the airlines feel that this problem, which bears so closely upon safety, cannot be ignored any longer." ATA, in a telegram to the FAA Administrator on September 15, 1969 again requested that immediate action be taken to issue the HDTA plan which incorporates airspace configurations, dimensions and procedures contained in the paper circulated by the FAA at the March 7, 1968 meeting.

Rules and procedures such as those contained in this rule do not require large expenditures of money by the Federal Government but just a resolve to carry through on regulations that are perhaps distasteful, since they impose some limited restrictions on certain usage of airspace.

In May of this year, in commenting on FAA's Near Mid-Air Collision Report, ATA said: "While the report clearly points out the present ATC system provided for separation between IFR flights, it should be noted that no separation is provided between VFR flights or between IFR and VFR flights, except in the Atlanta area. In reality, therefore, in large portions of airspace, where large numbers of aircraft operate, there is only part of a system."

ATA also said the FAA report noted many conflicts between aircraft controlled by the ATC system and those operating outside of the system. This is not surprising, considering the manner in which the system is operated. The obvious solution is a system where, in certain controlled airspace, all operations are separated. Insofar as the airlines are concerned, the major safety problem area continues to be the intermix of VFR and IFR aircraft (controlled and uncontrolled) at the lower altitudes, particularly when climbing and descending. Earlier proposals by the airlines to lower the altitude in which positive control (APC) is exercised in the enroute environment, along with companion action in the terminal area will assist in solving this problem.

Another action that can be taken is the accelerated implementation and broadening of a recently proposed rule which would require mandatory carriage of Radar Beacon Transponders and the more rapid installation of the ground facilities that can make the best use of the information transmitted by the transponders. Radar beacon transponders transmit, along with the regular radar signal, an additional signal that appears on radar scopes to identify each aircraft.

The airlines have been urging adoption of a transponder rule for years. However, the rule is only now being considered by the FAA for partial implementation by 1973. Again this past June, in commenting to the FAA on the proposed rule, the airlines criticized the slow progress on getting the rule in effect and added: "The airlines are prepared to complete their part of the implementation program at an earlier date than proposed, if FAA can provide the corresponding modern ground facilities." In this regard, the Federal Government has not moved as rapidly as possible to provide their counterpart capability. The airlines also asked that the rule be broadened to apply to *all* aircraft operating in *all* controlled airspace at the earliest possible date.

Another action that can be taken is the preparation by the FAA of charts showing the area and routes normally followed by aircraft operating under instrument flight rules in medium and high density areas. These would be available to all pilots operating in these areas. Discussions have been in progress since mid-April 1968 between FAA and ATA on the need to proceed rapidly toward publishing of such high and medium Terminal Area Graphic Notices in the Airman's Information Manual. ATA has recommended that these graphical charts show special Air Traffic Control procedures, Instrument Flight Rules, altitude usage, arrival and departure flows, frequencies and other data. These graphic charts, while not the solution to the mid-air collision problem, would certainly be a contribution to increased safety. They would serve as a notice and assist in alerting pilots operating under visual flight rules of circumstances and air traffic they could expect to encounter if operating within or in the vicinity of certain areas. This recommendation is supported by the low incidence of near misses within the Chicago terminal area (where such a graphic chart has been published), as reported in the agency's Near Mid-Air Collision Report, despite heavy traffic volume.

ELECTORAL REFORM

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BOGGS. Mr. Speaker, the New Orleans States-Item is doing an excellent job of informing the people of my area about the issues that the leaders of government face in Washington.

An excellent example of this is a recent editorial explaining the complexities involved in the electoral reform constitutional amendment. I believe it merits the consideration of all Members of Congress. It follows:

[From the New Orleans States-Item, Sept. 20, 1969]

ELECTORAL REFORM

For a number of reasons, it is imperative that Congress come up with either meaningful reform or abolition of the antiquated electoral college method of electing the president.

A step in that direction has been taken by the U.S. House of Representatives in its overwhelming approval of a constitutional amendment to abolish the electoral college system.

How meaningful this vote will ultimately be is still to be tested. The constitutional amendment approved still requires a two-thirds vote by the Senate and ratification by 38 states.

The spectre of a national election disaster is, of course, what prompted sudden congressional interest in the present system.

The 1968 presidential election which vaulted Richard M. Nixon into the White House could have produced an electoral college deadlock that could have set up third-party candidate George Wallace as the kingmaker.

As has been pointed out many times before, in the event of such a deadlock, the power to pick a president could conceivably have shifted from the 72 million Americans who went to the polls to the shoulders of one man.

Rep. Edward P. Boland, D-Mass., reminded the House on Sept. 10 that "The shift of a relative handful of votes in Illinois, which gave (Nixon) 26 electoral votes, and Missouri, which gave him 12, would have produced . . . deadlock" in the electoral college.

There are more obvious reasons for basic change, either through the framework of the existing electoral college system (which electoral college defenders contend has worked very well for many years), or through a constitutional amendment, making the big jump to a direct popular election method of selecting a president.

It is an historical fact that in three presidential elections the man who went to the White House actually received fewer votes than his opponent. But, because of the electoral college system, he was declared the winner.

In two elections, the presidency was actually thrown into the House of Representatives for a decision.

Another basic truth is this: In any given state, thousands of voters are, in effect, disenfranchised every presidential election simply because they voted for the man who did not carry the state.

Public polls strongly favor the switch to direct vote selection of a president. Both the recent Gallup Poll and the Harris Survey

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showed 80 per cent of the American people favor direct election.

In addition, the switch has been endorsed by several national organizations, including the normally conservative American Bar Association.

There are several arguments for retention of the electoral college system. In a close popular vote, for instance, it reduces doubts about the outcome. In addition, the electoral college system gives the impression, no matter how close the popular decision, of unanimity within the nation. The victory appears, at least, to be clear-cut. It is possible that in a straight, popular vote, the outcome might not be known for days.

All of these considerations must be taken into account in a decision to change the system. But, careful consideration should be given to a change.

PROFESSOR SEES HIGH RISK IN LEGAL MARIHUANA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. **BOB WILSON**. Mr. Speaker, in the present furor over the legalization of marihuana, we lose sight of how little we know about this drug and its long-range effects on human personality and behavior. This point was recently emphasized by Dr. Daniel Freedman, chairman of the department of psychiatry at the University of Chicago, and I would like to share the following September 20 Chicago Tribune article outlining his testimony with my House colleagues:

PROFESSOR SEES HIGH RISK IN LEGAL MARIHUANA

(By Aldo Beckman)

WASHINGTON, September 19.—Those advocating legalizing marijuana "should be willing to risk exposure of many to becoming casualties," Dr. Daniel X. Freedman, chairman of the department of psychiatry at the University of Chicago, said today.

"Until we have research and experience nothing can be said about long-term usage of marijuana," Freedman warned. "We must scrutinize effects [of marijuana] in other cultures. We at least can know better how to predict before we accept no constraints [on the use of the drug]."

INDORSED BILL

Freedman's remarks came as he testified before the Senate special subcommittee on alcoholism and narcotics. He indorsed a bill, offered by Sen. Ralph Yarborough [D., Tex.], which would place the major responsibility for narcotics control with the department of health, education, and welfare, rather than with the justice department.

He urged further study of the effects of marijuana and noted that today's youth don't believe police and doubt authentic expert information.

VULNERABILITY NOT BELIEVED

"No cigaret smoker or wine connoisseur believes really in his vulnerability to becoming dependent or misusing the effects of his favorite drug," said Freedman. "Most of us, unfortunately, believe simply the testimony of our senses: if there are no immediate ill consequences, we assume all warnings are moralistic manipulations to induce conformity."

During today's hearing, Sen. Harold Hughes [D., Ia.], who heads the subcommittee, attacked the Nixon administration for its lack of action in taking positions on the various drug bills being considered. Creed Black, a former Chicago newspaper executive and now assistant secretary of HEW, denied there was a lack of interest in the problem and blamed the delay on the tremendous load of bills awaiting administration position papers.

A SUPERSONIC ERROR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. OTTINGER. Mr. Speaker, President Nixon's decision to spend $100 million a year on Federal subsidies for a civilian supersonic transport plane is a major blow at fiscal responsibility.

At a time when inflation is soaring and vital programs of education, health, social security, and tax and welfare reform are being shortchanged, this kind of extravagant subsidy is totally unjustified.

In the aviation field alone this year, despite a growing crisis of air safety, there were no requests to Congress for control towers, instrument landing systems, or radar which the large majority of commercial airports still lack. These vitally needed safety facilities could be installed at every airport which lack them for $50 million less than the SST subsidy the President has proposed.

Why did the President single out one industry for such support while a major tax reform measure to aid the forgotten American languishes in the Senate for want of administration support?

Where is the aggressive leadership in welfare reform and anticrime measures?

Perhaps the most disturbing aspect is the fact that the decision has been made to proceed pell-mell with this project even though important environmental and technological questions remain unanswered.

The experts concede that the supersonic transport will never be able to travel across land at supersonic speeds. The "boom" would be ear-shattering and might well do physical damage to people and property. Furthermore, there is serious question as to whether existing airports can be used without multimillion dollar redesign.

One must seriously question the administration's sense of national priorities in promoting this multimillion dollar bonanza for the aircraft industry at a time when really pressing national needs are not being met.

I would like to enter into the RECORD the excellent editorial which appeared in the Washington Evening Star today:

WRONG DECISION

The reasoning behind the administration's decision to proceed with the development of the supersonic transport plane appears to run something like this: Other nations are building the machines, therefore the United States must do the same or lose face.

The logic of the compulsion to follow the other lemmings as they march over the cliff escapes us.

The SST will provide the dubious advantage of carrying passengers to Europe in approximately three hours, instead of the present seven hours. While a handful of particularly eager jet-setters may be intrigued by that prospect, many travelers would prefer to retain the option of a few hours sleep en route.

The argument of national prestige is also open to question. The United States cannot be first. The Russians and the British-French combine have already flown SSTs and expect to have them in service by 1973—some five years before the U.S. gets into the act. And there is considerable doubt how much prestige will accrue to the nations whose planes leave a trail of supersonic destruction and disruption wherever they go.

For the privilege of coming in third in the race for a bigger and better sonic boom, the American taxpayer will shell out—according to today's estimate—$994,000,000. By the time these estimates complete their inevitable upward revisions, a reasonable guess is that the federal government's part of the tab will be closer to $2 billion.

Just offhand, we can think of a dozen better ways to spend that kind of money than on a financially dubious investment in luxury travel.

The matter now goes to Congress for approval, as the saying goes. Better still, there is a good chance that the legislators will disapprove, electing to forgo the opportunity to join the thoughtless parade. Perhaps, just this once, Congress will be willing to let someone else make the costly mitsakes and give the United States a chance to profit by them. Perhaps the Hill will decline to sign the blank check the White House has handed it.

UNNECESSARY MILITARY SPENDING

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. CARTER. Mr. Speaker, I have always supported our men in Vietnam, although I have not supported the policies which put them there. I have voted for military appropriations because I wanted them to have such ammunition and supplies of all types which might be needful to them and which might save their lives.

I trust that the Subcommittee on Appropriations for the Armed Services will carefully peruse all appropriations to see that the many unnecessary items are eliminated. While sufficient military spending is necessary, the taxpayers' money should be so used that none is spent uselessly. I submit the following article by Jack Anderson and the late Drew Pearson, in which is pointed out how much unnecessary military spending goes on:

THE CARE AND FEEDING OF OUR ABSURD RESEARCH MACHINE

(By Drew Pearson and Jack Anderson)

Want to know the anal temperatures of Alaskan sled dogs? Or be brought up to date on the biology of the biting midge? The taxpayers have financed solemn studies of both subjects. The undertail warmth of sled dogs apparently is considered essential to the conquest of space. And for the sake of defense, the Pentagon has paid $7,200 for intimate information about the biting midge, a two-winged fly found in Taiwan. The Pentagon has also spent $55,000 to study the mosquitos of Malaysia and $11,000 to learn more about the birds of Bhutan.

It's all part of a great giveaway game called

R&D, for research and development. Anything bearing this magic label receives federal millions with few questions asked. Other examples include the following:

In 1968 the U.S. Army paid $20,000 to a professor at the University of Chile to report on the nervous system of the Chilean squid.

A quarter-million dollars recently went to a group of researchers who probed the feelings of 1,500 Puerto Ricans and reported that the wealthy were happier than the poor, the healthy happier than the sick.

A 1966 federal grant of $32,900 went to a museum in Iceland for a study of the population patterns of the northern grouse.

The R&D game is played with blue chips. This fiscal year R&D programs will cost the taxpayers a whopping $15 billion—a phenomenal increase over the $1 billion spent two decades ago, or even the $8 billion spent in 1960. Next fiscal year it is being scaled down somewhat.

Firms specializing in R&D have sprung up amid all this lush Treasury greenery like dandelions in the spring. In the Washington area, the research and development industry has mushroomed from 13 outfits in 1941 to more than 400 today. They range in size from one-man and two-man operations to large corporations. They are all getting fat on federal money.

Take the case of Merle Thomas, of the Merle Thomas Corporation of Kensington, Maryland. While teaching at a local university, Thomas took the advice of a friend and submitted a bid for a research contract. He landed the contract, then another that netted him over half-a-million dollars. Today he has a staff of more than 100.

Or take Electronic Data Processing Technology, Inc., founded last year by 29-year-old Sanford D. Greenberg, a former science adviser to President Johnson. Adhering to the principle that contacts generate contracts, Greenberg hired former Food and Drug Commissioner James Goddard and Agriculture Secretary Orville Freeman. Within months, EDP Technology was earning millions doing research for NASA and the Labor Department.

Some research, undoubtedly, is well worth the cost. Few conscientious Americans will begrudge expenditures that help mankind reach into space, conquer cancer or improve weather prediction. But all too much government-supported research is worthless, irrelevant or a duplication of existing information. The new knowledge man has gained on such absorbing topics as the Lisu tribe of northern Thailand ($43,687) or the dental arches of Australian aborigines ($48,687) could scarcely have been worth the price tag.

Yet R&D has become as sacrosanct around Washington as motherhood or the FBI. Politicians dare not speak against it lest they appear to oppose progress. Thus, almost any project, program or pitchman's plan tagged "research" goes unquestioned.

R&D has become such a boondoggle that even some scientists who benefit from the grants are growing uneasy. *Science,* the magazine of the august American Association for the Advancement of Science, occasionally spoofs the situation. The magazine publishes interviews with the fictitious and farcical Dr. Grant Swinger, director of Breakthrough Institute and chairman of the Center for the Absorption of Federal Funds. (Its motto: "As long as you're up, get me a grant.") Doctor Swinger's irreverence for random research is typified in this interchange:

Q. Specifically, what are some of the examples of the Center's work?

A. Well, the Center staff members have resolved the conflict between teaching and research.

Q. How?

A. By doing neither.

Government agencies have found R&D a particularly attractive outlet for any unused funds that may be still on hand at the end of the fiscal year. Bureaucrats are mortally opposed to turning money back to the Treasury. This might give Congress the idea they don't need all the money they are allotted, which could result in the worst calamity to befall a federal agency: an appropriations cut. Before the books are closed each June 30, therefore, the bureaucrats hastily rustle up research projects to deplete any budget surplus.

Some of the research is so ridiculous that it would be funny, except that the joke is on the taxpayers. These foolish projects usually are concealed beneath vague language and technical jargon and buried in an anthill of small print in order to escape Congressional scrutiny.

Above all other specialists in spending, the Pentagon's brass hats are the most lavish with research funds, which they literally scatter around the world like green confetti. In fiscal 1969 the Pentagon poured out $8 billion for R&D, much of it only remotely related to defense. Sen. William Fulbright (D-Ark.) recently became so incensed over military intrusion into the social sciences that he inserted a 13-page list of questionable Pentagon studies into the Congressional Record.

They included a $62,000 grant to the Langley Porter Institute for a study of facial expressions and gestures as an aid to communication; $20,000 to the University of Malaysia to study "the weathering of rocks under humid, tropical conditions"; $16,000 to Australia's Adelaide University for research on "water and electrolyte economy of desert aborigines and indigenous New Guineans"; $13,300 to Federal University of Bahia, Brazil, for research concerning the "pathogenesis of diarrhea in severe strongyloidiasis" (translated, this is a roundworm disease in horses); and $50,000 to the Israel Institute of Applied Social Research for an "investigation of leadership qualities of kibbutz-raised young men."

It is evident from this worldwide spending that the Pentagon is a soft touch for foreign as well as domestic researchers. Indeed, 440 Pentagon research projects are now in progress in 44 foreign countries. Only communist countries are excluded from the Pentagon's largesse. The Defense Department justifies this strange passion for the most obscure data from the most remote lands, in the words of a Pentagon pitchman, by calling the research grants "a peacefare program." For those who thought "peacefare" was the prerogative of the State Department, it should be pointed out that the Pentagon has money to splurge, while the State Department doesn't.

Most defense R&D, of course, is devoted to developing new weapons. From the research seeds have mushroomed a crowded technological garden of missiles, electronic paraphernalia and other weaponry. All these bear multibillion-dollar fruit for the big defense contractors, which scramble eagerly for the research grants. For the company that does the research, almost invariably, winds up with the production contract. Some examples from 1968:

The McDonnell-Douglas Corporation, which manufactures the Interceptor rocket for the antiballistic missile system, wangled $224,355,000 in research grants. To put the findings into production, the company was awarded other contracts worth well over a billion dollars.

The Martin-Marietta Corporation, which manufactures the Spring rocket for the ABM, got $172,844,000 in research grants, a stupendous $4 billion in production contracts.

General Electric received half-a-billion dollars for research, almost $1.5 billion for production.

The research decisions which determine what weapons the U.S. should build are made largely by industry men who leave their companies for brief periods to run the Pentagon's R&D. After two or three years as Pentagon policy-makers, they return to their companies to work on contracts they generated while they were in the public service.

This may explain why such staggering sums have been lavished on armaments that should have been scrapped or never built in the first place. The research chiefs, who have been planted in the Pentagon by military manufacturers, often seem more interested in producing profitable contracts than effective weapons. Result: an alarming number of new weapons have turned out to be impractical or obsolete.

Most weapons research is farmed out to 500 of the largest corporations in the nation: Lockheed Aircraft, General Dynamics and on down the list. The Pentagon also keeps 16 contract research centers, known less formally as "think tanks," in business. These come in all shapes and sizes, and include such distinguished institutions as the Stanford Research Institute, MIT's Lincoln Laboratories, the Institute for Defense Analyses, Johns Hopkins University's Applied Physics Laboratory, and the Aerospace Corporation. Last year, these think tanks aggregated $304 million for their thoughts.

Although they describe themselves piously as nonprofit institutions, *someone* is making a profit. Aerospace's president, for instance, receives a $90,000 yearly salary—more than triple what Pentagon researchers are paid for thinking about the same problem. His two top deputies are paid $66,000 and $60,000 respectively. Gen. Maxwell Taylor heads the Institute for Defense Analyses at $49,200 salary—a tidy supplement to his military retirement pay.

Nor is the work too strenuous. One scientist, retained by a research organization to think for the government, chortled happily: "I can sit on my front porch or in my easy chair, and nobody knows whether I'm thinking or not." Another research veteran confided that many reports are merely rewrites of previous research. The Pentagon has accumulated so much research that it sometimes becomes a research project to assemble the right research.

Indeed, the Defense Department has so much money for research that it has developed a special program to spread it around. "Project Themis" was adopted three years ago "to stimulate the development of additional centers of defense relevant research." Themis distributes funds to colleges and universities around the country, an enterprise that has served mainly to draw professors out of classrooms. Themis shelled out $28 million in fiscal 1969, will distribute another $33 million in fiscal 1970.

If the taxpayers are unsettled by all this defense spending, the Defense Department has produced still another study to reassure them. A Pentagon-paid "scientific study" by the Logistics Management Institute has concluded solemnly that defense contractors really earn smaller profits than do companies engaged in civilian production. This dubious "scientific" discovery is based upon voluntary mail questionnaires.

It is uncanny how often these subsidized studies reach the precise conclusion sought by the agency that pays for them. Any hostile findings are usually swept under a secrecy level. The Pentagon is particularly resourceful at classifying research that might embarass the brass hats. But the civilian agencies are also adept with the secrecy stamp. The Federal Aviation Administration, for instance, got back unwelcome results from a $650,000 study of the proposed supersonic transport. The agency had planned to make the studies public until they turned out to be highly critical of the program. With some fast wrist action, the critical reports were stamped "For Official Use Only."

As in other areas the civilian agencies are outspent in R&D by the Defense Department.

But they have managed valiantly to dream up research projects every bit as silly as those commissioned by the Pentagon. The Agriculture Department, for example, recently financed a project entitled "A Study of the Canadian Tobacco Auctions." And the National Institutes of Health indulged a costly curiosity about "the social history of French medicine, 1789–1815."

The Housing and Urban Development Department spent $30,000 of the taxpayers' money last year to find out what should have been obvious: that word on HUD programs was not reaching state and city administrators. For the $30,000, HUD received only 10 copies of the report. Any local administrators who wanted to improve their communications with HUD were obliged to pay $4.50 for a copy.

A few years ago, the Food and Drug Administration put up $100,000 for a study of the public reaction to its programs. The project was completed, and the 100 grand was paid. But few people ever saw the results. "I took one look at the study and saw that it was horrible," recalls the FDA official to whom the report was delivered. "The researchers used loaded questions in their interviews with the public. On top of that, the results were in direct conflict with a fair-labeling bill that the Administration was pushing. I took the report, stashed it away in a desk drawer and hoped nobody would ask for it. Nobody ever did. As far as I know, that report is still stashed away in my old drawer."

Johns Hopkins University in 1968 devised a computer system to help relay and store information for hospital radiologists. Commissioned by the National Center for Radiological Health, the study was widely hailed as an outstanding example of the benefits of federal research programs. The bureaucrats later learned that they had squandered $100,000 on a system that was remarkably similar to one put into operation three years earlier in Sweden. The one minor difference was that the Swedish system was more sophisticated yet easier to use.

The Transportation Department called upon the public-relations consulting firm of Dudley-Anderson-Yutzy, of Washington, D.C., to find out why traffic accidents continue to rise despite the wide publicity giving gruesome accident statistics. For a little less than $10,000 the researchers sent out 729 questionnaires to the news media. And the firm also organized a two-day bash at Airlie House—a popular bureaucrats' retreat located some 30 miles from the capital—to ponder the problem. For all their efforts, the research team came up with conclusions they could have obtained for the price of a few beers at the National Press Club bar: newsmen thought the Department of Transportation's safety publicity was "outmoded and less than adequate." The situation, however, was not completely hopeless. The researchers recommended additional research on how to bring the program up to date—which Dudley-Anderson-Yutzy was promptly hired to conduct.

Postal authorities recently announced the development of a new safety belt for postal vehicles. The new design, said authorities, made use of "existing hardware," and was developed by the Post Office's own engineers. But the publicists failed to mention a $282,816 contract they had previously awarded to the All American Engineering Co. of Wilmington, Delaware, to develop a restraint system. Asked about this, the bureaucrats conceded that the All American contract had been "concluded" after payments of $167,850. However, no mention was made of the fact that the new safety belt was a lap-type arrangement, and that federal standards now being drawn up will require postal vehicles to be equipped with shoulder-harness belts.

Research grants have been proliferating like Al Capp's schmoos throughout the federal bureaucracy. In fiscal 1968, for example, NASA budgeted $4.3 billion for R&D; the Health, Education, and Welfare Department, $1.4 billion; the Atomic Energy Commission, $1.5 billion. Even the Bureau of Public Roads, which occupies only a tiny corner of government, financed 825 studies worth $35 million.

Ironically, the poverty field has brought prosperity to researchers. The poor are still poor, but students of the poor are richer. Some examples:

In 1965 and 1966 alone, the Office of Economic Opportunity spent $12,333,547 on 88 research and evaluation contracts and grants.

It cost the General Accounting Office over $100,000 to find out that a Washington, D.C., anti-poverty operation had misspent $2,100.

National Analysts of Philadelphia received $39,000 to question young people who wrote letters in response to a rock-'n'-roll show with a poverty theme.

The House Government Operations Committee even commissioned a study on studies. The members wanted to know how federal money was being spent on social research. The predictable result: a four-volume masterpiece, well-padded with magazine reprints, memos, bibliography, and all the other addenda guaranteed to lend heft, if not light, to the subject.

For the benefit of those who may wish to cash in on R&D, the federal government has published a helpful book entitled, "Small Business and Government Research and Development." For two bits the Government Printing Office will mail the book to any interested person. It contains all the information necessary to start a firm, land that first contract and keep the contracts coming. The book makes this encouraging comment on the potential rewards:

"Contract research may also yield two important by-products . . . (1) potential commercial application, and (2) government production contracts."

With unbureaucratic candor, the book discloses the key to R&D contracts: "Continuous personal contact with the staff of the contracting agencies is a means of keeping informed about government R&D contracts. The importance of such contacts is illustrated by a comment sometimes voiced that 'you are already out of the running if you first learn of a possible research contract through a proposal request.' As in other aspects of business life, personal contacts are important."

Surprisingly few critical comments are heard in official circles about the R&D industry. The reason may be that research and development have grown to such proportions that few congressmen can get a handle on it. Making sense out of the abstract reports and technical jargon is a formidable task in itself. But an occasional cry of dismay is heard.

Senator Fulbright, in his relentless campaign to cut the military down to size, watches Pentagon spending closely. His thesis is that the Defense Department should stick to military affairs and leave foreign policy to the proper agencies. "All too many of these studies," he has said, "indicate that the Pentagon planners have not learned any lessons from Viet Nam, but that they are busily engaged in blueprinting strategies where our military will play the key role in trying to maintain order in the world."

But the critic of critics is cantankerous Adm. Hyman Rickover. Ever at odds with the bureaucracy, Rickover has grumped that "the administrators are busy making studies—endless arrays of studies. The technical people have to stop designing and supervising construction of military hardware to do the paper work the administrators and analysts demand. . . ."

Rickover acidly tells of a Navy study "to determine the psychological differences between sailors who had been tattooed once, sailors who had been tatooed more than once, sailors who had never been tattooed but wished they had and sailors who hadn't been tattooed and didn't want to be." The psychologists, according to Rickover, found this to be a "very complex subject that would require more study."

Admiral Rickover is also concerned about the effect of all these studies upon the nation's timber supply. "Studies use up a lot of wood for making the paper needed for the reports." And he maintains that federally-sponsored research is responsible for much of the trouble on our campuses: "The professors are often off campus, traveling from one place to another under government contract, attending panel meetings, consulting, doing research in foreign countries, all at government expense."

After the studies are written, the crusty admiral often finds that he can't understand them. "Many years ago when I was younger and more impressionable, I used to read some of the social-science stuff, and I said to myself, 'Rickover, you must be stupid because you can't understand the words they use,' and I got myself a fine inferiority complex. . . . In more recent years, with somewhat more maturity, I know that no relatively sane person can understand social-science jargon. There has to be something wrong with you if you do understand."

Somewhere, somehow, the federal government must begin trimming back its burgeoning R&D program. While many projects are highly commendable, others are simply worthless. Indeed, they create enormous problems. Think tanks, for instance, serve as a "brain drain" to draw off competent government personnel; the R&D outfits are not bound by structured salaries established by Congress. Universities lose highly capable teachers and professors to industry. And American science and technology has to suffer as it devotes more and more time and energy to satisfying government demands.

Every day's delay in cutting back wasteful research only adds to the staggering cost. A 1965 report to the House Committee on Science and Astronautics warned: "Surveys have become increasingly expensive as their technology becomes more complex, as a greater precision from the data is demanded by the researchers. For example, a study of the National Opinion Research Center of the prestige of occupations in 1947 cost little more than $9,000. An improved restudy of the same topic currently under way will cost $150,000."

It's getting so the taxpayers can hardly afford to study the north-end temperatures of southbound sled dogs.

DENOUNCING A CUSTOM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. UDALL. Mr. Speaker, recently I introduced a bill that is designed to overcome a problem that is faced daily by thousands of our citizens who either own or use airplanes or boats. These citizens, while flying for their personal pleasure of use, are forced to pay unreasonable customs charges whenever they reenter the United States, after having left it for personal reasons.

The customs laws these citizens are penalized under were originally designed to affect the commercial traffic entering our country. They were never intended to penalize the private entry of citizens.

This bill will stipulate certain times on weekends and holidays when entry into this country by private boats or aircraft will not be charged the present high inspection rates. It will also set up a flat rate for other periods rather than the variable rate system now in effect, whose primary purpose is to charge commercial users for any excess, overtime costs of customs inspectors.

In a country like ours where more and more of our people are enjoying the pleasures of boating and flying, the Congress should not allow outmoded laws to take precedence over the rights of our citizens.

WASHINGTON REPORT

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. UTT. Mr. Speaker, I would like to include the Washington Report which I am sending to my constituents this week. It deals with the steps that have been taken over the last 10 years which seem to be leading us in the direction of unilateral disarmament.

The report follows:

DISARMAMENT—CONQUEST—SLAVERY

(By Congressman JAMES B. UTT)

I have long been concerned about disarmament, as it seemed to me that the creation of the U.S. Arms Control and Disarmament Agency was for the purpose of implementing unilateral disarmament, based on Khrushchev's address in 1959 at the United Nations, entitled "General and Complete Disarmament." It was obvious to me that he meant general and complete disarmament for everybody but Russia, and we adopted his purpose in September 1961 when we created the Disarmament Agency.

Prior to that time, on April 29, 1960, there was a national strategy seminar at Asilomar Conference Grounds, Monterey Peninsula, California. At the seminar, Mr. Paul Nitze advocated a plan for strategic disarmament of the United States by scrapping 90% of our nuclear power and surrendering the other 10% to the United Nations. I wrote a "Washington Report" on that subject. He further stated that our military power should be partially surrendered to less powerful countries so that we would have no superiority. For this choice statement, Mr. Nitze became an instructor at the War College. Later he became Assistant Secretary of Defense for International Security Affairs, and was Secretary of the Navy under President Johnson.

Adam Yarmolinsky, whose mother was a very active Communist, was messing around in the military structure of the Pentagon at that time, as Special Assistant to Secretary McNamara. Mr. Yarmolinsky had published a pro-Communist paper when he was a student at Harvard.

Then came the infamous State Department Document No. 7277, entitled "Freedom from War—The United States Program for General and Complete Disarmament in a Peaceful World." In 1961, the notorious Reuther Memorandum was submitted to then Attorney General Robert Kennedy. This was also the subject of one of my "Washington Reports," and deals with the muzzling of the military and the crushing of the so-called "radical right." Of course, Victor Reuther's definition of "radical right" includes anyone who is an anti-Communist.

In January 1962, there was the secret Rostow-Moscow Report, which called for implementation of the "no-win policy," through the following five points:

1. Abandon first strike weapons;
2. Refrain from encouraging revolts behind the Iron Curtain;
3. Refrain from criticizing satellite countries;
4. Deny foreign aid to countries which refuse "coalition governments" (as we did in Laos), and
5. Work toward general and complete disarmament.

In September 1962, the ten Executive Orders for Emergency Preparedness were issued, giving the government power to take over, in time of emergency (not limited to armed attack), all transportation, communications, public utilities, and food production and distribution; to mobilize all civilians into a work force; to operate a national registration of all persons; and to relocate entire communities.

In March of 1963, there was the report of George W. Ball, Under Secretary of State, which urged increased trade with Soviet Russia and its satellites; the repeal of the Battle Act; and repeal of all tariff laws involving slave-made goods so that these goods could be sold in America to finance the USSR.

In April of 1962, we were to implement the State Department Document 7277, calling for a total disarmament in nine years, by cutting 30% in armaments within three years and 70% within an additional six years. This would take place between 1962 and 1971, the end of the period being only a year away.

Such cutbacks in the military are being urged now as a result of public clamor to convert military funds into social welfare funds, which would be disastrous to our country. A military take-over of this country by Russia would destroy every freedom that we have—and all our social programs.

On June 10, 1963, the late President Kennedy made a commencement speech at the American University wherein he confirmed that complete disarmament was then our national policy. On the Fourth of July, 1962, in Philadelphia (how fitting), Mr. Kennedy had already said that "The era of independence is over and the era of interdependence is here."

In 1963, we passed the Nuclear Test Ban Treaty (observed since by us, but not by Russia). Later in 1963, the Phoenix Report was prepared for the Disarmament Agency, which was a complete blueprint for national suicide.

In 500 B.C., Sun Tzu, Chinese strategist, issued a paper entitled, "The Art of War," and I would like to quote one sentence:

"To fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy's resistance, without fighting."

That was 2500 years ago, and we have done much toward eliminating our defenses which, if not checked, will break our will to resist in accordance with Sun Tzu's blueprint.

STATEMENT BY JACK WHETSTONE, EXECUTIVE VICE PRESIDENT, TEXAS COTTONSEED CRUSHERS' ASSOCIATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on September 18, Secretary of Agriculture Clifford M. Hardin held his "Listening Conference" for Texas at College Station. Under leave to extend my remarks in the RECORD, I wish to include the statement of the Texas Cottonseed Crushers' Association as presented by their executive vice president, Mr. Jack Whetstone:

STATEMENT AT THE "LISTENING CONFERENCE" OF THE HONORABLE CLIFFORD M. HARDIN, U.S. SECRETARY OF AGRICULTURE AT COLLEGE STATION, TEX., SEPT. 18, 1969

(By Jack Whetstone)

Mr. Secretary, we commend you for coming here to Texas, in the heart of the nation's leading cotton, grain and livestock producing region, to listen to the spokesmen for agriculture and agribusiness which yearly contribute more than $6.6 billion to the economy of this nation.

The purpose of the Texas Cottonseed Crushers' Association in presenting this statement is to summarize basic issues which are vital to the existence of producers and all phases of agribusiness and to the well-being of this nation and the Free World.

American agricultural producers and associated off-the-farm businesses have fed and clothed the American people more efficiently and economically—and with a greater abundance of healthful, useful products of superior quality—than any agriculture has ever done before in the history of mankind. At the same time, our abundance has enabled other nations to return to peace and prosperity in a difficult postwar period.

U.S. agribusiness has accomplished this in face of labor shortages and far-greater increases in the costs of its essential raw materials and tools than in returns from the products it sells.

Yet, its reward has been a rising tide of public criticism of the so-called subsidization of the farmer, and demands for limitations of payments to individuals or even complete elimination of agricultural research and other programs which benefit the users of products more than those who produce them.

As the leader in agriculture, you know that much of this is ill-advised and dangerous, unsoundly based upon misinformation and misunderstanding. But the American people do not know this, and the 8 out of 10 Americans who live far from the farm and ranch are equally distant from the facts about our agricultural situation.

It is for this reason, Mr. Secretary, that we urgently recommend that you encourage President Nixon to proclaim a period of National Recognition for American Agriculture for its great and essential contributions to this nation and to the world.

By mobilizing public and private resources to give deserved recognition to the producer and his co-worker, the government will do much to narrow the widening gulf between rural and urban America and to create a community of goodwill and understanding.

Among fundamental facts which the pubics should have are these:

1. American agricultural producers operate in a highly competitive world in which foreign producers are subsidized at high rates and protected by tariffs and other trade barriers against U.S. commodities. No one, Mr. Secretary, is more aware of this than you and your associates and no one has been more active than you in working in Europe and the Orient to remove these handicaps. But most Americans know little of this and all need to know more.

2. To achieve his present low costs, high quality and volume of production, the American producer had to be efficient. To maintain and improve this outstanding achievement in the future, he must be even more efficient.

That efficiency requires operations large enough to enable the producer to purchase large, modern machinery, adequate chemicals and other necessities for production, harvesting and marketing. Last year, U.S. Department of Agriculture estimated that the average Texas producer had 751 acres of land and $99,100 invested in land and buildings. That investment is greater today and there seems little likelihood that it can be anything but larger tomorrow.

3. But the men and women who remain on that farm and ranch to produce our food and fiber are middle-aged or older. Here in Texas, the 1964 U.S. Census showed that only 18,491 farm operators were 35 years of age or younger, out of 205,110 in the state, while there were 44,256 operators 65 years or older and 53,529 who were 55 to 64 years of age five years ago.

Our failure to hold and attract young men and women to agriculture is one of the greatest dangers to our nation today. It menaces our future, first of all, because it deprives us of the brains, ambition and energy we must have to continue to produce and process efficiently and economically. But it also endangers our nation because it is pouring into our congested cities more and more people, compounding the costs and problems of urban life and crime.

Americans need to know this and to understand that limitations of payments, curtailment of research and agricultural credit will further curtail the opportunities and attractions of farming.

We must dispel the idea that the business enterprise of farming which receives a gross income of $50,000 or $100,000 or more, including a large government payment, is some bloated "fat cat" profiting at the public trough. We must create an understanding that agricultural incomes are the product of more investment per man, more managerial skill and usually longer, harder hours of work than are required for the same gross returns in urban business. And, as any agricultural economist can prove, the net profits usually are far less, regardless of whether they are measured by investment ratio or by returns for managerial expertise.

Truth is, most farmers today receive tragically meager profits out of which to provide a living for themselves and their families.

Limitations on government payments would force these producers to dump some of their acreage, thereby depressing land values, or to resort to devious devices to change land ownership to escape the law and secure the funds needed to operate efficiently on adequate acreage. Limitations would accelerate the movement of individuals and managerial know-how away from the farm. U.S. Department of Agriculture has long advocated more efficient and productive units; it should fight to preserve the basic factors which will lead to those sound goals.

The Texas Cottonseed Crushers' Association, one of the state's oldest trade associations, for 76 years has worked with cotton producers and livestock producers which use its feed products. Our goal is, as it has been, those policies which serve best the majority in agriculture; and, most specifically, the cotton and cottonseed industry which has products contributing yearly $400 million to $800 million in gross income to producers and more than $2 billion to the economy of Texas.

Our purpose in this presentation, therefore, is to endorse the basic program for cotton as advocated by the Cotton Producer Groups.

Subsidy is necessary for the foreseeable future due to erroneous government farm programs of the past twenty years which have completely destroyed marketing structures to handle cotton in the open market place. It is a known fact now that government will market the bulk of cotton in the future.

The problem is not within agriculture, but between government agencies—namely, the Department of Agriculture and the State Department. There is nothing wrong with a farmer making a fair return on his investment. There is nothing wrong with subsidizing this operation to keep it healthy and attractive to our coming generation.

It is agreed direct cash subsidy cannot remain in the public eye; nevertheless, a subsidy must remain. Therefore, we recommend placing it on the price of the commodity and requiring the farmer to produce in volume to obtain the subsidy.

We hide government subsidy on everything from pocket knives to men's hats; therefore, what's wrong with hiding the farmers' subsidy? We must remain healthy in the agriculture section of our great nation.

We agree due to loss of the free market place that the government must market the bulk of agriculture products. Then placing the subsidy on price makes little difference when trading a ten thousand dollar cat for a ten thousand dollar dog.

Let's quit fooling ourselves and particularly our competitors in world trade. Every cotton growing country in the world is subsidizing their farmers in some way—a lot of them with U.S. Dollars.

You, Mr. Secretary, have a challenging opportunity to provide leadership as a spokesman for farmers and ranchmen, to carry on the fight to save agriculture so that our people will continue to be the best-fed and best-clothed people in the world.

Thank You!

AIRCRAFT ACCIDENT REPORT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. TAFT. Mr. Speaker, I read with interest the National Transportation Safety Board's report on the November 20, 1967, crash. While I am glad that it has finally been issued, and some of the conclusions are ones from which we can learn a great deal, it does seem questionable whether it should have taken 20 months to reach those conclusions.

Fortunately, the Board advises that as problems and probable causes are uncovered during an investigation, action is taken to implement corrective measures before the final issuance of the report.

This happened, of course, in Cincinnati some time ago, with regard to the installation of lights on the hill on the approach to runway 18. This improvement, along with the activation of glide-slope equipment and high intensity lights, which were not operating at the time of the accident, and the retention of ILS equipment on the runway, hopefully have eliminated any problem.

The 1967 accident, along with the terrible recent mid-air collision in the Indianapolis area, show that we must rethink our approach to accident reports and drop the concept of pilot or controller error, or equipment failure, as separate items. Rather, we must think in terms of systems failure.

Pilot or controller error generally results not because the man himself has made a mistake, but because when a pilot or controller does commit an error, it is not picked up by another person, or by an instrument. In the case of the 1967 accident, the NTSB laid "probable cause" on the visual errors of the pilots, and seemed to ignore the fact that the glide-slope equipment, and high intensity lights were inoperative at the time. I have commented previously on the desirability of temporary glide-slope equipment where permanent equipment is inoperative, as in periods of runway extensions, and the like.

It is obvious that the Cincinnati accident very likely might have been avoided if glide-slope equipment had been in use.

Therefore, the overall responsibility seems to boil down to a systems failure in which no glide slope was in use, no high intensity lights were in use, there was no awareness of the illusionary characteristics of the valley, there were no lights on the crown of the hill, and the crew failed in their visual judgment of altitude.

President Nixon has recommended, and I strongly endorse the enactment immediately of a new program for financing air transportation facilities almost doubling revenues available for expenditure on airport and airway programs.

Acting on the President's recommendations, Congress should move immediately to cause a thorough overhaul of our commercial and private air transportation system.

Even at high cost, we must equip our airports with a glide-slope approach and high intensity light system, and radar and transponders which can measure altitude.

In addition, we need hundreds of new controllers and new and better equipment must be developed to warn of mid-air collision danger.

It seems clear that most air accidents in this country today are caused by systems failures of one type or another.

Except in externally caused situations, such as direct hits on airplanes by lightning or bomb explosions, the danger should and can be eliminated.

As the size of planes and as the volume of air traffic continues to increase, we will face even greater tragedy unless we quit talking about the problem and start providing the action and dollar support necessary.

The following is the National Transportation Safety Board's report on the November 20, 1967, air accident near Greater Cincinnati Airport:

AIRCRAFT ACCIDENT REPORT—ADOPTED AUGUST 27, 1969

(By the National Transportation Safety Board, Department of Transportation, Washington, D.C.)

(Trans World Airlines, Inc., Convair 880, N821TW, Constance, Ky., November 20, 1967.)

SYNOPSIS

A Trans World Airlines, Inc., Convair 880, N821TW, Flight 128, crashed on the final approach to landing on Runway 18 at Greater Cincinnati Airport, Covington, Kentucky, at 2057e.s.t., November 20, 1967. Of the 75 passengers and seven crewmembers aboard, 10 passengers and two crewmembers survived. The aircraft was destroyed by impact and fire.

The flight was en route from Los Angeles, California, to Boston, Massachusetts, with scheduled stops at Cincinnati, Ohio, and Pittsburgh, Pennsylvania. The flight had been cleared for an ILS approach to Runway 18 and, after reporting over the outer marker beacon, had been cleared to land.

The ILS localizer was operational but the ILS glide slope, runway approach lights, and the middle marker beacon were inoperative due to runway construction. The crew was aware of these conditions.

The published minimums for this approach were 400 feet ceiling and 1 mile visibility. The official reported weather at the airport, just prior to the accident, was ceiling 1,000 feet obscured, visibility 1½ miles in light snow. The airport elevation was 890 feet m.s.l. and the altimeter setting 30.08.

The aircraft first struck trees at an elevation of approximately 875 feet m.s.l, 9,357 feet short of the approach end of Runway 18 and 429 feet right of the extended runway centerline. After several more impacts with trees and the ground, the aircraft came to rest approximately 6,878 feet from the runway and 442 feet right of the extended runway centerline.

The Board determines that the probable cause of this accident was an attempt by the crew to conduct a night, visual, no-glide-slope approach during deteriorating weather conditions without adequate altimeter cross-reference. The approach was conducted using visual reference to partially lighted irregular terrain which may have been conducive to producing an illusionary sense of adequate terrain clearance.

1. INVESTIGATIONS

1.1 *History of flight*

Flight 128, a Trans World Airlines, Inc., Convair 880, N821TW, departed from Los Angeles International Airport, Los Angeles, California, at 1737 e.s.t.[1] for Greater Cincinnati Airport, Covington, Kentucky. The flight was cleared for a descent and ILS approach to Greater Cincinnati Airport. The crew reported over the outer marker at 2056 and was cleared to land, straight in, on Runway 18. The crew initiated the final descent, extended 50° flaps, and performed the final landing checklist. The prescribed minimum altitude over the outer marker beacon, 4.0 miles from the approach end of the runway, was 1,973 feet m.s.l. The middle marker beacon and the runway approach lights were inoperative. A minimum altitude of 1,290 feet m.s.l. was published for the conditions that existed for this approach. This altitude was discussed by the crew as they left the outer marker and was properly stated by the captain.

The aircraft first contacted small tree limbs, at a point approximately 9,357 feet from the approach end of the runway, 429 feet right of the extended centerline, at an elevation of approximately 875 feet m.s.l. A surviving stewardess stated that the first noticeable impact felt like a hard landing. This was followed by a series of bumps and final impact. None of the survivors recalled any increase of engine power or felt any rotation of the aircraft.

The aircraft came to rest 6,878 feet short of the runway and 442 feet right of the extended runway centerline, virtually disintegrated and enveloped in flames.

The accident occurred during darkness in an area where snow was falling.

Three witnesses observed the aircraft crossing the Ohio River Valley just prior to the impact. One witness stated that other aircraft she had observed were "always higher" by comparison than Flight 128 was at this point in the flight. She described the aircraft as "Lowering himself faster—steeper descent than usual—attitude approximately 10 degrees nosedown." Another witness stated that, "It appeared that the aircraft was coming down at a steep angle. I called this to my wife's attention. About that time, it started to level off and I saw it fly level until it was across the river." The wife of this witness stated that she: "Thought my husband was mistaken about it being too low." She further stated that the "aircraft appeared to be nose-diving into River Road. It wasn't an abrupt cutoff, it just leveled off naturally and I was sure then that it wasn't too low, that it would make it across the river okay. From the time it leveled off, I imagined that only a few seconds passed before the explosion."

1.2 *Injuries to persons*

Injuries	Crew	Passengers	Others
Fatal	5	65	0
Nonfatal	2	10	0
None	0	0	----------

1.3 *Damage to aircraft*

The aircraft was destroyed by impact and fire.

1.4 *Other damage*

Trees and pastureland were damaged by the impact and post-impact fire.

1.5 *Crew information*

All crewmembers were properly certificated and qualified for their respective assignments. (See Appendix A for details.)

A first officer, who flew nine trips with the captain of Flight 128 during the month of October 1967, testified that they had conducted approximately 60 approaches and landings during those trips. Four of those approaches were performed under instrument flight conditions, including one ADF approach to Runway 09 at Cincinnati. Several of the approaches were made using an ILS. The witness stated that the captain was very precise in intercepting the glide slope at the published altitude and that the rate of descent was normally 600 to 700 feet per minute. The witness also testified that the captain normally extended the landing flaps at the placarded airspeeds.

Statements were taken from seven other first officers who had recently flown with the captain. In summary, they stated that he flew the CV-880 at all times in accordance with the TWA Flight Manual. They also stated that during their flights with the captain, he extended the landing flaps in accordance with the placarded airspeeds and maintained a rate of descent on the final approach of less than 1,000 feet per minute. All of them classified him as a smooth, competent pilot.

In the year preceding the accident, the captain had landed at Cincinnati 59 times, including five landings in the preceding 60 days. Three of the five landings were conducted at night on Runway 18.

Several designated check airmen and training officers from TWA testified regarding the CV-880 training given to the captain of Flight 128.

During his transition and preparation for release as a captain, he always received satisfactory grades. He was, however, returned for further instruction and practice on level off and landing technique in the CV-880 before being released for line flying. He took one additional training trip and then completed the second check ride.

On November 9, 1967, the captain was given a Category II check which qualified him to make instrument approaches and landings at specially equipped airports which had lower weather minimums than those specified for a normal ILS approach and landing. The minima used for Category II are: decision altitude 110 feet above ground; and Runway Visual Range (RVR) of 1,200 or more. During this check, the captain made eight ILS approaches, four of which terminated in landings and four of which were terminated by intentional missed approaches. The captain had no difficulty in passing this check ride and was the first TWA pilot at his domicile to complete this training and receive the Category II rating in the CV-880.

It was also reported that the captain, during his training in the CV-880, had accomplished at least two back course ILS approaches which were performed without benefit of the ILS glide slope. His grades on these maneuvers were satisfactory.

1.6 *Aircraft information*

The aircraft records and pilot reports indicate that the aircraft was airworthy at the time of its departure from Los Angeles. There was no evidence of any occurrence en route which affected the airworthiness of the aircraft. The aircraft was properly certificated and equipped for the flight it was performing and, according to the maintenance records, was maintained in accordance with existing company and FAA criteria.

The weight and balance were calculated to have been within limits at take off and at the time of the accident. The aircraft was fueled with 71,000 pounds of aviation kerosene at the time of takeoff from Los Angeles and had approximately 29,600 pounds of fuel aboard at the time of the accident.

A review of the aircraft's maintenance records did not disclose any recurrent writeups or discrepancies that appear to be connected with this accident. The history of the pitot static system and the pitot static system and the pitot static instruments of both N821TW and TWA's CV-880 fleet was reviewed. Occasional malfunctions of individual instruments had occurred but, in those cases, the duplicate installed instruments continued to operate in a satisfactory manner. There was no evidence in these records of any malfunctioning of the system or instruments that would introduce significant errors to all the pitot static instruments at the same time.

The aircraft records indicate that all of the installed components were being operated within their prescribed overhaul time and there were no uncompleted Airworthiness Directives assigned to the aircraft.

In order to be able to use a common fitting on static system test equipment, the center hole in each static port on TWA's CV-880's was enlarged from an original size of 0.047 inches to 0.125 inches. This modification was accomplished on N821TW on September 20, 1967. Following the modification, the static ports consisted of six holes arranged in a circle around a center hole which had been enlarged to 0.125 inch diameter. The six outer holes were 0.047 inch diameter.

On October 19, 1967, the flight data recorder in N821TW was moved from its original location in the hydraulic compartment of the aircraft to a new position in the aft end of the aircraft. This move was performed in accordance with an FAA requirement to install all flight data recorders in the aft end of transport category aircraft. As part of this move, correlation studies were performed to assure that the flight data recorder and the flight instruments read essentially the same under certain conditions. Tests were also performed to determine what amount of lag might have been introduced into the flight data recorder by this relocation. These tests revealed no significant lag in the new system. (See Appendix B for aircraft data.)

1.7 *Meteorological information*

The surface weather observation taken at the Greater Cincinnati Airport at 1955 reported 600 feet scattered clouds, ceiling 4,500 feet overcast, visibility 6 miles in haze, temperature 34°, dew point 29°, wind 080° at 4 knots, and the altimeter setting was 30.06. A check observation was made at 2040 which reported 600 feet scattered clouds, an estimated ceiling of 3,000 feet overcast, visi-

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[1] All times hereinafter are reported as eastern standard time on the 24-hour clock unless otherwise noted.

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bility 5 miles in light snow and haze, wind from 120° at 6 knots, and the altimeter was 30.07.

At 2049, the tower reported to the Weather Bureau observer that the visibility had reduced to 1½ miles. Responsibility for official visibility observations was assumed by the tower personnel at that time and this responsibility was retained by the tower personnel for the rest of the evening. At 2055, a record special observation was made by the Weather Bureau which reported an indefinite ceiling at 1,000 feet, sky obscured, surface and tower visibility 1½ miles in light snow, temperature 34°, dew point 30°, wind from 110° at 7 knots, and the altimeter setting was 30.08. The snow had begun at 2001 and the RVR on Runway 18 was reported to be more than 6,000 feet.

Because of the accident, a local observation was taken at 2104 which reported an indefinite ceiling at 1,000 feet, sky obscured, surface and tower visibility 1½ miles in light snow, temperature 34°, dew point 30°, with the wind from 090° at 8 knots, altimeter 30.07. The RVR on Runway 18 was more than 6,000 feet.

The surface weather observations taken at Lunken Field, approximately 12 miles east of the final approach path to the Greater Cincinnati Airport, were:

1955, measured 4,000 overcast, 7 miles visibility, temperature 36°, dew point 31°, wind from 120° at an estimated 2 knots, and the altimeter was 30.07.

2055, estimated 5,000 overcast, visibility 7 miles, temperature 36°, dew point 31°, wind from 120° at an estimated 2 knots, and the altimeter was 30.09.

2130, check observation, estimated 2,000 overcast, surface and tower visibility 3 miles in light snow, the wind was from 080° at 4 knots, and the altimeter was 30.09. The snow began at 2102.

The method of determining the visibility at the Greater Cincinnati Airport during the hours of darkness was examined. The Weather Bureau determines and reports the visibility when it is 4 miles or more. When the visibility is less than 4 miles, the responsibility for observing and reporting the official visibility is transferred to Weather Bureau-certificated FAA air traffic control personnel stationed in the airport control tower. A transmissometer is located at approximately the touchdown point on both Runways 18 and 36. Information from these transmissometers is used to determine and report the RVR.

Both the Weather Bureau office and the control tower are equipped with charts showing the range and bearing to various prominent objects and lights around the airport for use in determining the visibility. At night, the observer determines the visibility by searching for these lights and, applying his experience and judgment regarding which lights he can see and how clearly he can see them, arrives at a visibility which is reported as the official visibility.

The variability of the visibility surrounding the Greater Cincinnati Airport was evidenced by the statements of the FAA controllers, the Weather Bureau observer, and the witnesses in the accident area. The local controller commented on the intercom at 2039:42 that "Good vis to the north it's, uh, restricted to the south." The controller who was working the ground control position stated "At approximately 2048 e.s.t. I observed a slight increase in the snowfall. At this time I glanced towards our 2-mile visibility checkpoint to the southwest of the airport and was unable to see it. At this time, the local controller said the visibility is coming down. The flight data processor also made a remark concerning the reduction of visibility. The local controller, flight data processor and I agreed the prevailing visibility was a mile and a half." The 1½-mile visibility report was transmitted to Flight 128 at 2049:22.

The precipitation in the Cincinnati area on the night of the accident was moving from the west to east. The duty forecaster in his analysis assumed a weather movement from the west or west-southwest, while the radar meteorologist stated that the cells in the area were moving from 290° at about 20 knots.

There was a dearth of nighttime visibility references surrounding the Greater Cincinnati Airport. The lack of nighttime visibility reference lights was particularly acute along the approach path which Flight 128 was following. For example, once beyond the ½-mile range from the observation site at the airport, there were only two lighted markers north-northeast of the airport. One of these markers was located at a distance of 3 miles and was reported to be relatively unreliable. The other marker, north-northeast of the airport, was a beacon 6 nautical miles from the airport.

One-hundredth of an inch of precipitation in the form of light snow [2] was recorded at the airport between 2000 and 2100 and the same amount fell between 2100 and 2200.

The Weather Bureau observing and electronic recording equipment was checked after the accident and was certified as operating in a satisfactory manner.

Ground witnesses and survivors stated it was snowing in the accident area at the time of the accident.

A radar weather observation, recorded at 2040 on the Cincinnati weather radar log, reported Cincinnati to be in a broken area of radar echoes described as: snow showers of unknown intensity, moderate rain showers, light rain showers, and the picture had not changed in the last hour. The area reported was 100 miles wide with cells moving from 290° at 20 knots. The top of detectable moisture was reported to be 20,000 feet.

At 2104, a special radar weather observation was taken because of the accident and showed essentially the same picture as the 2040 observation except that the top of visible moisture was noted as 15,000 feet, north of Cincinnati, and the area was 115 miles wide. An overlay made of the radarscope showed moderate precipitation occurring in an area extending from west to south to south-southeast of the airport.

The crew of another air carrier flight inbound to Cincinnati was interviewed regarding their observations of the weather in the area of the airport. They reported that, as they approached the airport area from the southwest, the descent was accomplished in snow. No turbulence was noted and no icing was detected. The flight arrived over the outer marker beacon at approximately 2100 at an altitude of 3,000 feet m.s.l. They were directed to enter a holding pattern at that point and maintained 3,000 feet throughout their operation in the Cincinnati area.

At 3,000 feet, they were "Under the overcast in light snow and some scattered clouds below. The slant visibility was variable going as low as 1–2 miles and up to 15 plus miles, being much better to the north of our location than to the south."

A short time after entering the holding pattern, this crew was requested to fly toward the airport and to see if they could see any sign of TWA Flight 128. As the aicraft left the outer marker inbound toward the airport, the crew noted that the intensity of the snow had decreased. They could see the ground by looking straight down but could not see anything ahead of them looking through the windshield. When they arrived over the position of the middle marker, 0.5 miles from the end of Runway 18, they could see approximately one-half of the runway lights. After spotting and reporting the fire associated with the accident, the flight returned to the outer marker and resumed the holding pattern. At 2140, they were able to see all of the airport from a position over the beacon. A short time later the flight was diverted to an alternate airport and did not approach or land at Cincinnati.

It was calculated that the freezing level in the area of the airport was 1,000 to 2,000 feet above the surface. The forecast for the area predicted occasional moderate rime icing in clouds, briefly moderate mixed icing in clouds, and precipitation above the freezing level. It was also calculated that the air over the Cincinnati area was saturated, or nearly so, from approximately 5,000 feet up to the top of the clouds.

The crew of Flight 128 was provided with the latest available weather prior to their departure from Los Angeles. Updated weather information was available to them through FAA and TWA communication facilities throughout the flight, including their descent and landing approach.

1.8 *Aids to navigation*

The navigational aids available to this flight incurred a surveillance radar, an ILS localizer, an outer marker beacon, a nondirectional low frequency radio beacon, and the CVG (Covington, Kentucky) VORTAC. These facilities were flight-checked within 3 hours after the accident and were found to be operating within established tolerances. The ILS glide slope, the high-intensity approach lights, and the middle marker beacon were inoperative due to the construction of an extension to the runway at the approach end of Runway 18. This construction necessitated the relocation of the approach lights and middle marker transmitter, and grading around the glide slope transmitter building.

The ILS approach for Runway 18 prescribed an initial approach at 2,000 feet m.s.l. and an interception of the glide slope at the outer marker beacon at 1,973 feet m.s.l. The inbound heading to the runway was published as 180° from the outer marker beacon which was 4.0 nautical miles from the approach end of the runway. The inoperative middle marker beacon was located 0.5 nautical miles from the end of the runway. The standard minimums for an ILS approach in a four-engine commercial jet aircraft, with all the ground system and aircraft components operational, were 300 feet ceiling and visibility ¾ mile. With the glide slope, approach lights, and middle marker inoperative, as was the case in this approach, the minimums were 400 feet and 1 mile.

In a situation where no glide slope was available, the TWA flight procedures advised pilots to arrive over the final fix (outer marker) with the landing gear down, landing flaps set at 40°, the minimum airspeed was reference plus 10, and to start the final checklist. The descent was initiated to the minimum altitude or the final approach "slot." The rate of descent in this type of approach could be higher than normal at the pilot's discretion. The final approach "slot" was defined as that point in the approach where the pilot determined that he could safely accomplish his approach and landing.

The aircraft should have either descended to the minimum altitude, 1,290 feet m.s.l., or the approach "slot." If the runway was not in sight at the minimum altitude, the aircraft should have leveled off and flown the rest of the calculated time toward the end of the runway. If the runway was not seen, a missed approach would be made in accordance with the published procedure. If, during the descent, the pilot determined that he was in the "slot," he would have extended 50° of flaps and continued his descent to landing.

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[2] Light snow is defined by the Weather Bureau as when the visibility is ⅝ statute mile or more. When another obstruction to visibility exists, such as haze, the intensity of snow is based on relative apparent rate of fall or accumulation on a surface recently free of precipitation.

A summary of NOTAM's was issued by TWA on November 20, 1967, erroneously indicating that the ILS glide slope for Runway 18 at Cincinnati was available. This information was given to the crew before departure from Los Angeles. However, the crew was informed by the FAA Approach Controller of the inoperative condition of the ILS components, including the glide slope, prior to their commencing the approach.

The approach terrain clearance for Runway 18 was examined and found to provide standard terrain clearance and, in the case of no-glide-slope approaches, provided 100 feet more terrain clearance than was provided for a full system ILS approach with the glide slope operational. The 400-foot minimum thus provided 325 feet clearance over high-tension lines in the approach zone.

These high-tension lines on the approach to Runway 18 were reported to be too far from the glide slope transmitter to have any effect on the glide slope when it was operating. These lines had no known effect on the localizer beam in use during the accident. Numerous flight checks were made before and after the accident with no reported discrepancies caused by these high-tension lines.

Special test flights were conducted to establish the operational characteristics of the outer marker beacon transmitter and it was found to be operating within established tolerances.

A series of flight tests was conducted during which the marker beacon receiver audio signals were timed. These tests were performed with a marker beacon receiver taken from N821TW, a shop-calibrated receiver taken from TWA shelf stock, and a receiver installed in an FAA flight check aircraft which is regularly used to perform such checks. One heat damaged diode was replaced in the accident receiver prior to the tests.

The first tests involving all three receivers were made in an FAA aircraft at the outer marker beacon at Cincinnati. The second test was made using the two TWA receivers and was performed in a TWA CV–880 at Kansas City, Missouri. The third series of tests was performed at West Palm Beach, Florida, using only the receiver from N821TW.

A series of calculations was prepared using ground speeds from 179 knots to 250 knots and an audible signal time of 5.9 seconds, as taken from the cockpit voice recorder tape of N821TW. Based on these calculations, and assuming that the aircraft passed through the minor axis of the marker beacon radiation pattern, the test indicated that Flight 128 was between 1,945 and 2,145 feet m.s.l. when it passed over the marker beacon just prior to the accident. At this point the flight recorder indicated 2,340 feet m.s.l. The minor axis of the marker beacon was measured by the FAA shortly after the accident and found to be 2,835 feet wide at 2,000 feet m.s.l.

1.9 *Communications*

Radio communications between the crew and the air traffic control facilities were normal and without known interruption.

1.10 *Aerodrome and ground facilities*

Greater Cincinnati Airport had two runways available for use by air carrier aircraft. They were Runway 18–36 which was 8,600 feet long and 150 feet wide, and Runway 9R–27L which was the same width but 5,499 feet long. Runway 18–36 was normally equipped with U.S. Standard A approach lights; however, at the time of the accident, these lights had been removed from the approach to Runway 18 but were still installed and operational on Runway 36. Runway 18–36 had high-intensity runway lights installed and these lights were operating at their highest brilliancy setting at the time of the accident. Both Runways 18–36 and 9R–27L were painted with all-weather markings.

A runway extension 900 feet long had been constructed at the approach end of Runway 18; however, it had not been opened for use at the time of the accident.

There were an operational control tower and radar approach control (airport surveillance radar) on the airport and they were in operation at the time of the accident). The flight was observed on radar throughout the approach and the controller stated that it did not deviate significantly from the extended centerline of the runway until the target disappeared from the radarscope. The approach control radar provided range and azimuth information only and had no height finding capability.

The Greater Cincinnati Airport was designated as a medium hub airport served by six scheduled air carriers and one nonscheduled carrier.

The average annual number of scheduled operations was 19,925. Additionally, an annual average of 1,850 military operations, 33,647 local operations, and 51,290 itinerant operations was reported. The calculated total number of operations was 106,712 for a 12-month period ending June 5, 1967. These operations included aircraft ranging in size and capability from small single-engine general aviation aircraft to four-engine turbine-powered air transports.

1.11 *Flight recorders*

The aircraft was equipped with a Lockheed 109CR flight data recorder (FDR) and a Fairchild cockpit voice recorder (CVR). Both recording units were installed in the aft end of the aircraft and were recovered from the wreckage in good condition.

The FDR made a record of indicated heading, vertical acceleration, indicated airspeed, and, based on a barometric setting of 29.92, indicated altitude. It received its airspeed and pressure altitude information from the pitot head and static source that provided these inputs for the first officer's flight instruments.

The CVR recorded, on four tracks simultaneously, audio inputs from a cockpit area microphone, the captain's radio channel, the first officer's radio channel, and the third crewmember's radio channel.

The FDR recording medium was examined and a complete chart of the recorded data was prepared. An expanded chart of the last 3 minutes of the flight was also prepared. The expanded chart indicated that the flight arrived over the outer marker at 2,340 feet m.s.l.[3] and at an indicated airspeed of 200 knots. After the aircraft passed the outer marker, the rate of descent then increased to and stabilized at approximately 1,800 f.p.m. until approximately 20 seconds prior to initial impact.[4] The rate then increased to approximately 3,000 f.p.m. for about 5 seconds and then decreased to 1,800 f.p.m. The rate of 1,800 f.p.m. was held until approximately 5 seconds before initial contact. Prior to initial contact, the aircraft was rotated to virtually a level attitude. The approximate indicated airspeed at the time of impact was 191 knots and the indicated altitude was 900 feet m.s.l.

A transcription of the cockpit area microphone channel of the cockpit voice recorder was prepared covering the period from approximately 13 minutes prior to the accident up to the time of impact.

This transcription began when the aircraft was at about 19,000 feet in its descent. The first recorded discussion concerned aircraft depressurization and a determination was made that there would be sufficient flying time remaining to have cabin pressure reduced to ground level before landing. The crew then read and acknowledged all items on the preliminary landing cockpit checklist, including the altimeter settings (setting used 30.06).

Appropriate settings were then applied to the radio navigation equipment (frequency and course selection) for the ILS approach to Runway 18. The existing weather report was discussed with regard to the minimums for the approach and it was determined that there was a more than adequate margin between them. There were then some crew remarks about the snow being encountered. The crew then reset the altimeters to the then-current altimeter setting (30.07) as heard in the tower's transmission to another aircraft. Appropriate flap settings were requested consistent with the aircraft's flight regime, and the landing gear was lowered. The aircraft passed over the ILS outer marker at 2056:00, from which point the following relevant exchanges took place in the cockpit:

2056:00 A/C over the center of the Outer Marker
2056:09 Capt: "Okay, and we gotta go down to, ah, four hundred, that would be, ah (Copilot: Twelve ninety) (Capt: Twelve ninety.)" Capt: "Flaps 50 please." Copilot: "Flaps 50."
2056:25 Final checklist being read. All items covered
2056:37 including "Altimeters set, cross checked on zero seven." Flight Engr: "No Smoking." Capt: "It's on."
Unidentified voice: "Nothing to it."
Flight Engr: "Yaw damper check."
Unidentified voice: "Okay" (very faint).
2056:46 Capt: "What's that . . . say, what you say, twelve ninety?" Copilot: "Ten ninety."
2056:49 Capt: "Come on, you" (last voice intelligence on voice recorder)
2056:49.5 Sound of Impact Begins.[5]
2056:55 Recorder ceased operation

The TWA Flight Operations Policy Manual specified certain procedures to be followed by the crew during the descent and approach for landing.

The crew of Flight 128 followed the prescribed procedures until after crossing the outer marker, according to the cockpit voice recorder transcriptions. In this case, the first officer should have called "airspeed" when the indicated airspeed was more than 5 knots different from the target airspeed, called "sink rate" if the rate of descent exceeded 1,000 feet per minute, called the elevation above the field in feet m.s.l. (1,390 feet m.s.l.) when 500 feet above airport elevation and reported no warning flags on the instruments, called out each 100 feet of altitude change below 500 feet above field elevation until reaching the minimum altitude (1.290 feet m.s.l.), and called "runway in sight" or "minimums—no runway," as appropriate, when the aircraft reached the prescribed minimum altitude.

According to the flight data recorder, the airspeed, sink rate, and indicated altitudes were such as to warrant warning calls but none were recorded on the CVR transcriptions. There is no record of the first officer's calling the altitude at 500 feet above the field elevation (1,390) nor is there any call for the 100 feet increments between that altitude and the altitude at which the aircraft first struck the trees. The first officer did not call when the aircraft appeared to have arrived at the minimum approach altitude.

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[3] The indicated altitude on this chart was corrected for a barometric pressure of 30.07 in. Hg.

[4] The Board believes this contact with the small branches of a tree was not recorded by the CVR.

[5] The Board believes this sound was recorded upon impact with large trees approximately 1,300 to 1,400 feet after initial contact.

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Several TWA training pilots and management pilots testified at the public hearing regarding the company's position on the use of checklists and the proper performance of a glide slope out ILS approach. In summary, their testimony indicated that the use of the checklist and callouts of variations from prescribed parameters on the final approach were desirable but were also backup procedures. If other duties involving the flying of the aircraft, radio contacts, etc., interfered with the performance of these callouts, they did not believe it would adversely affect the operation of the aircraft. In this testimony, the term final approach "slot" was defined as a point where the pilot-in-command felt that he was set up for a glidepath angle or approach descent angle which would carry him from his present position to the touchdown zone on the runway. It was also indicated that the rate of descent was faster in a no-glide-slope approach than it would be in a full ILS procedure.

The Board examined the possibility that the extension of the static and pressure lines to serve the flight data recorder, in its new location in the aft end of the aircraft, might have introduced an error into the recording, either due to lag associated with the length of the line runs, the restrictions incorporated in the new lines, or the bending of the lines required to make them conform to the fuselage as they passed aft from the cockpit area to the tail section of the aircraft.

Bench tests were performed of the new installation and demonstrated that there was no appreciable lag in the system due to the changes caused by moving the recorder. In addition, theoretical studies performed showed no basis for an increase in lag error in the information sensed by the recorder.

1.12 *Wreckage*

The aircraft initially struck a tree at an approximate measured elevation of 875 feet m.s.l., at a point 9,378 feet short of the threshold of Runway 18. This tree was 429 feet right of the extended runway centerline. It was computed that the aircraft was wings level, heading 180° magnetic, in a near level attitude at the time of the initial impact. The primary wreckage area, 2,500 feet from the initial impact point, contained the bulk of the aircraft and was approximately 500 feet long and 200 feet wide, with its center 6,878 feet from the runway threshold.

No part of the aircraft was found outside the wreckage path or the primary wreckage area, and portions of all parts of the aircraft were found in those areas.

There was no evidence of preimpact failure of the airframe, flight controls, or the powerplants. There was no evidence of in-flight fire found on any recovered wreckage. All fractures observed were of the overload type. The landing gear was down and locked, the landing flaps were extended 50°, the spoilers were retracted, and the outboard landing lights were retracted at the time of impact. The horizontal stabilizer jackscrew extension was measured and found to be in a position equivalent to a 5° nose-up stabilizer setting.

The crew's flight instruments disclosed no usable information. Examinations of the Kollsman Integrated Flight System (KIFIS) components were conducted and electrical readings of altitude and airspeed were obtained. The captain's scale error corrector module was found at the electrical equivalent of an altitude of 856 feet and the first officer's at 899 feet.

An extensive examination of the pitot static system was conducted. This was a dual, balanced, self-draining system with separate pitot heads and static ports powering the instruments on each side of the cockpit. The static system was balanced so that an interference to one static source would have a minimum effect on any of the flight instruments by averaging out the static pressure in the system. The pitot heads were provided with electrical anti-icing devices but the fuselage-mounted, flush-installed, static ports were not protected against ice accretion. The right pitot head served the first officer's instruments and the flight data recorder.

The static source which served the first officer's instruments also provided data to the FDR. The captain's pitot static system served his flight instruments only. A separate static source was provided for the autopilot, the pressurization system, and the air conditioning.

The pitot head anti-icing systems were operational and the CVR indicated the crew had turned them on. Both pitot heads had been plugged with wood and torn from the aircraft as it passed through the various trees it struck.

The left static port assembly was removed from the aircraft and examined. Inside the static plate, burnt residue and granulated ash were found. The static port assemblies from other TWA CV-880 aircraft were examined and it was found that, in some cases, the sealant compound used to make an airtight seal had extruded into the chamber behind the port assembly. In some cases, the static holes had been drilled through the plate and then through the extruded sealant material. The static ports were originally drilled in the plate as a circle of six holes, each being 0.047 in diameter, and a seventh hole of the same diameter centered in the circle. As previously noted, TWA had, shortly before the accident, drilled the center holes to 0.125 inch diameter to accommodate a common fitting on static test equipment. There is no evidence that this modification had any effect on the static system.

Extensive examination of the KIFIS components, including the test circuitry, did not reveal any discrepancies.

The recovered navigational instruments, navigational radios, and communication radios were properly tuned for an ILS approach to Runway 18. According to the CVR transcript and the Air Traffic Control transcript all of the required aircraft navigational equipment, flight instruments, and communications equipment were functioning in a manner that appeared normal to the crew until just before the first impact.

1.13 *Fire*

There was no evidence of in-flight fire. The aircraft did burn after it came to rest and witnesses reported several explosions after the crash.

Firefighting equipment responded from the airport and surrounding communities, and the fires were contained and extinguished by them.

1.14 *Survival aspects*

Of the 82 occupants of the aircraft at the time of the accident, 60 persons were killed outright, 22 were removed to local hospitals where 10 subsequently died. Of the 12 survivors, two cabin attendants and four adult passengers were interviewed shortly after the accident. The physical condition of the remainder precluded interviews at that time but all of the adults have subsequently received questionnaires. Only one person, a passenger, has been able to give a clear, sequential report of his escape. This man read the emergency information card as instructed and had his seat belt tight. At the first unusual sounds he put his head between his knees and remained in that position until the aircraft movement stopped. Being in a window seat, he was able to crawl out through the fractured fuselage beside his seat and escape serious injury.

1.15 *Test and research*

In an effort to resolve some apparent anomalies indicated by a comparison between the flight data recorder record and the prescribed flightpath of the aircraft, the Board performed a number of special studies and flight tests.

A test flight program was designed to resolve apparent differences between CV-880 drag data (based on an aircraft in the landing configuration) furnished to the Board by the manufacturer and other CV-880 drag data provided for simulator purposes furnished to NASA at an earlier time.

The Board requested TWA to conduct a special test flight, observed by Board investigators, to attempt to determine which of these drag data was correct. A recently overhauled TWA CV-880 was used for the test and, prior to the test, all of the pertinent instruments were calibrated and the landing flap positions were checked for conformity to prescribed tolerances. The test plan was prepared by Convair personnel and reviewed by the Board's investigators.

The test was performed with a takeoff gross weight of approximately 173,000 pounds and a center of gravity 22 percent MAC. This c.g. was maintained throughout the flight.

Because there was conformance between the drag data sets referenced above for an aircraft in a relatively clean configuration, a series of runs was made with the aircraft in the cruise configuration to ascertain if there was any substantial deviation in engine thrust from the manufacturer's predicted nominal values. Next, a series of runs was made with the landing gear down and the landing flaps set at 50° to establish the aircraft drag in the landing configuration at the lower lift coefficients. All of the test runs were initiated at pressure altitudes between 8,000 and 10,000 feet and, in a majority of the cases, duplicate runs were made on reciprocal headings. During each of the test runs, a cockpit-mounted camera was used to take a sequence of pictures of the first officer's instrument panel, and the pertinent data was extracted from these photographs.

The runs made in the landing configuration were flown with the engine power set at 1.4 EPR and the calibrated airspeeds varied between 159 and 191 knots, corresponding to lift coefficients ranging from 0.98 to 0.59, respectively. Several runs were also made with the engines at idle thrust, approximately 1.0 EPR, in the landing configuration, and the airspeeds controlled between 180 and 185 knots.

In the clean configuration, EPR values ranged from about 1.0 to 1.6, with airspeeds ranging from 155 to 309 knots. The respective lift coefficients varied from 0.83 to 0.21.

Drag coefficients were calculated for all of the above runs and a reasonable correlation appears to exist for both the clean as well as the landing configurations when test data were compared to predicted values.

The drag of the accident aircraft was computed by revising the drag of the test aircraft to account for applicable variations in induced drag (caused by the difference in lift required between a 135,000-pound aircraft and the actual weight of the test aircraft). The resultant drag values were plotted on a curve of drag versus equivalent airspeed, and good correlation was achieved with the manufacturer's predicted values.

In an effort to determine engine power used during the latter stages of the flight of N821TW, the original CVR tape was provided to the engine manufacturer for an analysis of engine-generated sound spectral frequency relationships.

Several prominent resonances were detected on the accident CVR tape. To define and identify further these prominent resonances and resultant frequencies in terms of rotating engine components, the Board, in a coordinated effort with the Aircraft Engine Group of General Electric Company, continued this study and examination of the original CVR accident tape.

These rotating engine components were identified in terms of sound pressure (energy) levels and frequencies. It was determined that the most prominent resonance noted corresponded to the first-stage compressor blade passing fundamental frequen-

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cy. Other, less discernible, fundamental passing frequencies that were identified, included the second- and third-stage compressor blades.

These frequencies were at a mechanically fixed constant relationship to each other and were functions of the number of compressor blades and the physical engine rotor speed. These frequencies were in constant relationship with engine speed, thus allowing interpretation on a continuous flight time versus engine speed management basis.

A total flight profile time of 8 minutes prior to the first impact sound was studied and interpreted by General Electric in terms of engine speed management. Their interpretation of engine speed management was made by independently determining engine speed from the first- and second-stage compressor frequencies and then averaging these values. Deviation of these averages was approximately 0.1 percent. Individual engine speeds were also determined by this method. Based on the manufacturer's interpretation of the engine sound spectrum, it was calculated that the following flight profile versus engine power management schedule was conducted by the flightcrew:

At the start of the 8-minute period, it was calculated that two engines were at flight idle and two engines were at approximately 78 percent of engine r.p.m. These settings remained constant for 3:56 minutes and then the two engines at flight idle were accelerated up to approximately 78 percent, followed by a slow acceleration of all four engines to approximately 84.1 percent. These accelerations took about 18 seconds. This speed setting remained constant for 41 seconds and then the engines were accelerated to 86.1 percent in a 3-second period. This engine speed remained constant for 1:20 minutes when the r.p.m. was reduced to 85.0 percent in a 1-second time period. The engines remained at 85.0 percent for 1:18 minutes and then were reduced to 82.5 percent in 2 seconds. This latter engine speed existed until approximately 0.8 second before the first impact sound detected on the CVR. During the last 0.8 second the engine speed of all four engines increased to approximately 86.5 percent.

Th engine speeds calculated by this method were then correlated with the altitude and indicated airspeed data recorded on the FDR, and the ambient temperature as calculated from the Dayton, Ohio, weather observations, translated to pass through the recorded Cincinnati surface temperature. These correlations were then used to compute total net thrust generated and the nominal percentage of the physical rotor speed, as a function of flight time prior to impact. Engine performance data were corrected for a 30-horsepower extraction for accessory drive loss and a 4-pound-per-second air bleed extraction.

Since net thrust accuracy is dependent primarily upon the speed/airflow relationship and the compressor stator schedule tolerance on thrust, these points were presented as a thrust band. This thrust band was generally equivalent to 2 percent of engine speed at approach power settings. (See Appendix C.)

Based on this study, average total net thrust values were calculated. At 2:57 minutes before the first sound of impact, the net thrust was approximately 8,200 pounds. It increased to slightly over 11,000 pounds in about 3 seconds and then decreased to 10,600 pounds over a period of about 1:20 minutes. The thrust was then reduced to 9,000 pounds in a 1-second interval and then increased to 10,400 pounds over a 1:18-minute period. The thrust was reduced to 7,000 pounds during a 2-second period, then increased to 7,200 pounds during an 11-second period. Finally, the total thrust increased to a value of approximately 13,400 pounds at the first recorded sound of impact.

Prior to initiation of the sound spectral analysis to determine engine generated thrust, the Board calculated the total aircraft thrust required based upon drag data submitted by the manufacturer and an energy analysis of the performance data from the flight data recorder readout. The calculated values were intended to reflect the dynamic character of the aircraft motions, since account was taken of the energy balance requirements for an ascending or descending, accelerating or decelerating aircraft. This latter effort was subject to considerably more interpretation than the spectral study since it requred "fairing" both the altitude and airspeed curves. The general magnitude of the calculated thrust-required values did, however, appear reasonably consistent with the thrust values derived from the spectral analysis.

The average thrust required for the time interval between approximately 3 minutes and 50 seconds prior to impact was estimated as between 8,000 and 10,000 pounds. From 3 minutes through 1 minute and 30 seconds before impact, the average thrust required was estimated as approximately 12,000 pounds, and from this latter point through 15 seconds before impact, the average required thrust value was calculated as between 12,000 and 14,000 pounds. Between 15 seconds and 10 seconds before impact, the thrust required dropped to between 6,000 and 8,000 pounds and then subsequently increased, at about the time of impact, to about 20,000 pounds. It should be noted that although the discrete data points on Appendix C are connected in sequence, this graphical artifact is not intended to serve as a means of portraying thrust-time gradients, since this information would have required either an accurate knowledge of engine rotor speeds or an inordinately large number of data points.

The engine manufacturer's calculated thrust values were correlated and applied to an aircraft estimated to weigh 135,356 pounds performing an approach at Cincinnati under the ambient conditions believed to exist at that time. With the landing gear down and the landing flaps extended 40°, the aircraft would have required 21,200 pounds of thrust to maintain level flight at 195 knots. At 45 seconds before the impact, the net thrust indicated by the sound spectral analysis was approximately 10,000 pounds. Two ways this difference of 11,200 pounds of thrust could be made up were either by increasing the thrust output of the engines or by placing the aircraft in a descent. When an aircraft is placed in a descent, a vertical component of the aircraft's weight is resolved into effective thrust along the aircraft's flightpath. If an aircraft were to descend vertically, its total weight would become added thrust, or if the aircraft maintained level flights, there would be no effective thrust due to the aircraft weight.

A series of calculations was then performed in which the approach was divided into segments. These calculations considered only the 45-second time period between the outer marker and the point of the first impact.

The first segment was considered with the flaps at 40°, airspeed 195 knots, landing gear down, thrust required 21,200 pounds, net thrust generated 10,000 pounds, and a gross weight of 135,356 pounds for 30 seconds. This calculation indicated that the aircraft would have had to descend at a 4.75° angle to achieve a balance between thrust required and thrust generated.

The second segment was for a period of 5 seconds, aircraft weight unchanged, gear down, airspeed still 195 knots, the landing flaps extended to 50°, the thrust required increased to 24,000 pounds and the thrust generated increased to 10,400 pounds. This calculation indicated that the descent angle required was 5.76°.

The configuration for the third segment was the same as the second. The thrust generated was reduced to 7,000 pounds while thrust required was 24,000 pounds, and the time element was 11 seconds. This segment required a 7.15° angle of descent.

Resolving these angles to altitude indicates that the difference in altitude between the first and second segments was 795 feet; between the second and third points, 165 feet; and between the third point and the impact area on the first tree, 453 feet. The total 1,413 feet added to the altitude of the first impact, 890 feet, resulted in a necessary total altitude over the outer marker of 2,303 feet m.s.l. In this connection, the FDR indicated an altitude of 2,340 feet m.s.l. at that point in the flight.

TWA conducted a series of laboratory tests of various static port configurations to attempt to learn whether it was possible for static ports to ingest water and cause errors in the altimeters. In these laboratory conditions, they found it was possible to ingest water, and errors did occur in both the altimeters and vertical speed instruments. The results obtained during these laboratory tests are not relatable, at this time, to an actual flight regime under meteorological conditions similar to those which existed at the time of the accident.

The Douglas Aircraft Company has conducted in-flight water ingestion tests relative to the static system on their DC–9 aircraft. Although water was ingested, such ingestion was readily discernible on the instruments and the excursions were not of appreciable magnitude.

The Board expresses appreciation for the extensive test program which TWA has conducted, both on our behalf and on their own initiative, in an effort to explore possible altimetry problems in conjunction with this investigation.

2. ANALYSIS AND CONCLUSIONS

2.1 *Analysis*

In analyzing this accident, the Board has carefully reviewed and investigated all the theories postulated in this matter, and it is our belief that the preponderance of evidence supports the findings as stated in our probable cause.

In our review of this accident, the Board has been able to eliminate a number of causal areas.

The autopsy reports, a review of the medical records of the flight crew, the toxicological examinations, and an evaluation of the cockpit voice recorder transcription revealed no evidence of any flightcrew incapacitation. The crewmembers were all performing their duties and conversing in normal tone until just before the accident occurred.

Insofar as an aircraft control system malfunction is concerned, there was no physical evidence, nor did the cockpit voice recorder transcription reveal any evidence, to support such a conclusion. We believe that any unusual flight control action or lack of control would have been commented on by the crew. Further, the flight data recorder indicated that the aircraft's recorded flight was indicative of normal flight control response. We have calculated that approximately 1.4 "g" would have been required to accomplish the roundout recorded just prior to the first recorded impact sound. This amount of "g" was recorded at the appropriate time on the FDR trace. Finally, our examination of the wreckage has revealed no evidence of any preimpact malfunction or failure of the flight control system. Therefore, we believe the aircraft was responding normally to the control inputs of the fight crew until the first impact with the trees.

The evidence indicates that the flight of N821TW was routine and without notable comment until sometime during the descent to Cincinnati. The departure from Los Angeles was delayed due to an equipment change but the assigned aircraft was airworthy at the time of departure. The only carryover discrepancy was an inoperative

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generator which was not a safety of flight problem and had no bearing on this accident.

The descent into the Cincinnati area from cruising altitude was delayed due to conflicting traffic and was initiated closer to the destination than normal. This should not have caused any problem to the crew or affected the safety of the flight. It did require the crew to conduct the descent with a higher than normal rate toward the initial approach fix. The crew discussed the technique they were using to increase the rate of descent, and the cockpit voice recorder indicated that they were relaxed, unworried, and operating within the established operating limits of the aircraft. This operation was verified by the flight data recorder readout.

A review of the flight data recorder record for this section of the flight indicates that the parameters that could be checked were in good agreement with known benchmarks such as heading, turns, and altitude.

As the flight reported leaving 15,500 feet, a member of the flight-crew remarked to others in the cockpit about the rapidity of the descent, and the following remark was made in the cockpit, apparently with reference to the underlying cloud conditions, "Hope that is still a thin layer." In connection with the rapid descent, we noted that the winds at 14,000 feet and above were in excess of 50 knots from a westerly direction. The remark about the "thin layer" was consistent with the observations of the radar meteorologist at Cincinnati, who described the tops of the clouds to the north of Cincinnati as being approximately 15,000 feet. One of the survivors of the crash advised that "It was real clear and we could see the moon before the approach."

The CVR indicated that the crew checked the anti-icing equipment and conversations after that time indicated that the crew was not aware of any discrepancies regarding that system. Icing would have been light from 20,000 feet to about 16,000 feet, becoming moderate to 12,000 feet. Heavy icing may have occurred from 12,000 down to 6,000 feet. From 6,000 feet down to the surface, any icing encountered should have again been moderate. Turbulence should have been light, with occasional moderate turbulence in convective activity during the descent and approach. The only record of turbulence, during the descent and approach, was depicted on the flight data recorder trace of the aircraft's descent from 16.000 to 9,000 feet.

The aid traffic control of the flight was without remarkable incident until the flight was turned over to the approach controller, and that controller failed to provide the crew with the current altimeter setting of 30.07. The crew had previously been given a setting of 30.06. However, the CVR indicated that shortly after the flight came under the control of the approach controller, the crew intercepted a transmission containing the current altimeter setting of 30.07 when it was transmitted to another flight in the area. The CVR also indicated that they set and cross-checked that setting on their altimeters. Examination of the altimeters to verify these settings was not possible due to the damage they received.

Throughout the descent, the first officer called out the appropriate warnings to the captain as the aircraft approached assigned altitudes and apparently performed all of his assigned duties without prompting by the captain. The CVR indicated that the crew coordination was very good during this portion of the flight.

The weather conditions in the Cincinnati area were such that the aircrew should have established visual contact with the ground by the time they reached 3,000 to 4.000 feet during the descent. This conclusion is based upon the following considerations. The last reported official weather observation at Greater Cincinnati Airport prior to the 2055 Record Special observation was a check observation taken at 2040. At that time, scattered clouds were reported at 600 feet, the estimated height of the overcast ceiling was 3,000 feet, and the visibility was 5 miles in light snow and haze. The last measured ceiling at Greater Cincinnati Airport, prior to the accident, was taken at 1941. At that time, the measured height was 4,800 feet overcast. The first measured ceiling subsequent to the accident was taken at 2125. At that time, the ceiling was measured as 4,200 feet overcast. At Lunken Airport, Cincinnati, the ceiling at 2035 and 2055 was reported to be 5,000 feet and the visibility was 7 miles. Lunken Airport was approximately 12 miles east of the approach path to Runway 18 at Greater Cincinnati Airport where that approach path crosses the north bank of the Ohio River.

As the flight approached the final fix, approximately 7 minutes before the accident, the crew was given the latest reported weather which indicated that the ceiling was approximately 1,000 feet and the visibility was 1½ miles in snow and haze. Approximately 1 minute later they were reminded that the ILS glide slope was out of service, as was the middle marker beacon and the approach lights. The crew acknowledged receipt of this information and the CVR indicated that they planned their approach to the proper minimum altitude, 400 feet above the ground, to allow for these outages.

From this point in the approach until passing over the outer marker, the flight data recorder readout showed that the aircraft altitudes and headings were in general agreement with announced altitudes from the aircrew and the headings they were instructed to fly. The CVR also indicated, through this portion of the flight, a normal operation of the aircraft. The proper configuration was established for the approach to the outer marker in accordance with the company's operating instructions for this portion of the flight.

When the crew reported over the outer marker, they were cleared to land on Runway 18 and advised that the wind was blowing from 090° at 8 knots and the RVR was more than 6,000 feet.

The sound of the marker beacon, on the low sensitivity setting, was heard from 2055:58 to 2056:03. The center of this time span, 2056, was used as the time of outer marker passage for all calculations relating to the latter portion of the flight from the outer marker to the first recorded sound of impact.

At this time, the first officer reported to the captain that they were past the marker and that there was no glide slope. The captain acknowledged this comment and stated ". . . we gotta go down to, ah, four hundred, that would be, ah." At this point, the first officer supplied the information "twelve ninety" and the captain repeated "twelve ninety."

The flight arrived at the outer marker with the landing gear down, the flaps set at 40° down, the altitude was approximately 2,340 feet, and the airspeed was approximately 200 knots.

The flight data recorder shows that, after the aircraft passed the outer marker, a rate of descent of 1,800 f.p.m. was established at an airspeed of about 190 knots. In this connection, it should be noted that these values are above those recommended by the company for instrument approaches. However, an examination of previous flight records indicates that the captain had, on previous occasions, when operating under visual conditions exceeded the recommended values. This rate of descent was nearly constant until approximately 20 seconds before the first recorded sound of impact. At that time the rate increased to approximately 3,000 f.p.m., coincident with a request for 50° flaps, and a decrease in thrust, and then decreased to about 1,800 f.p.m. until about 5 seconds before the initial contact. Prior to initial contact, the aircraft was rotated to a virtually level attitude, the rate of descent was decreasing, the airspeed was about 191 knots, and the indicated altitude was about 900 feet m.s.l.

The altitude readings obtained from the KIFIS components, 856 feet on the captain's side and 899 feet on the first officer's side, compare quite closely to the indicated altitude of 900 feet and the measured altitude of 875 feet at the point of first impact. The pitot static system examination revealed that any blockage or partial blockage of the static system which might affect the flight recorder would likewise affect the first officer's instrumentation.

The activities of the flightcrew as reflected in their recorded conversation indicated that, during the greater part of the time between the outer marker and the crash, the first officer and the flight engineer were involved in accomplishing the final landing checklist. The captain's request for 50° of flaps and the recorded sounds of the engines changing power were the only indications we have of the captain's activities during this period. If we assume that the flight instruments were accurately reflecting the operation of the aircraft, it appears that the captain knew he was high at the time of the arrival over the outer marker. In line with the company practice of getting down to the designated minimum altitude as soon as possible during a no-glide-slope ILS approach, he initiated a rate of descent higher than that required for a normal ILS approach. The possibility exists, however, that the captain's attention was divided between attempting to locate the runway ahead of him, and flying the aircraft by partial reference to his instruments and partial reference to ground lights or other objects outside of the aircraft.

Up to the time the aircraft reached the river bank, we believe the aircraft was being operated in essentially a VFR flight condition. However, in the vicinity of the river, the flight would have encountered the snow shower which reduced visibility. In these circumstances, the captain may have been faced with the problem of reorienting himself with the flight instruments. It is approximately at this point in the flight where the ground witnesses described the aircraft as descending steeply, nose down, being lower than normal, leveling off, and disappearing in heavy snow. These observations were terminated by the crash which they noted by the flash of light.

Because of the circumstances surrounding this accident, the Board has expended considerable time and effort, as have several of the parties to the investigation, in an attempt to find some evidence that would indicate a malfunction of the pilot static system.

Calculations performed by the Board, based on test flights and special studies, indicate that the aircraft was in an altitude envelope over the outer marker which includes the altitude recorded by the flight data recorder.

An evaluation of the total thrust required during the final approach, versus the thrust generated, was made. The thrust generated, based on the study and interpretation of the sound spectral analysis of the CVR-recorded engine sounds and the FDR data, by the engines very closely approximated the thrust required to perform the flight as depicted by the FDR.

Considering the above factors, we have two, separately obtained, verifiable cross-checks of the data recorded by the FDR. Additionally, the data recovered from the KIFIS system as regards the altitude of the aircraft at impact support this finding.

Our investigation of the CV-880 fleet and this aircraft's history of pitot static system malfunctions reveals no evidence to support a finding of a multiple malfunction or failure of the instruments on both sides of the aircraft. If, as in this case, we believe that the copilot's instruments were accurately reflecting the flight as flown, we must assume that they were either not observed or the indications on them were ignored for some reason. They were used at times during the descent, as prescribed by the operator, to cross-check the captain's instrument indications.

The special studies conducted by the carrier suggest that in flight in heavy precipitation, water ingestion can occur and lead to erroneous readings on the altimeter and the vertical speed indicator. So far as the record of this investigation indicates, there was no precipitation other than snow in the operational area of the aircraft. There was rain in the Cincinnati area but we cannot connect its location with the flightpath of the aircraft. Acording to our calculations, the freezing level in the approach area was just above the surface, probably no higher than 1,000 feet above ground level (1,890 m.s.l.), so that any precipitation that occurred above that altitude should have been in a solid form such as snow. Were there any water droplets impinging on the aircraft with its supercooled skin, we would expect them to freeze into ice if they adhered to the structure. Under these circumstances, we cannot conceive of any mechanism that would cause a flow of water rivulets across the static ports so as to cause fluid ingestion. Furthermore, the static ports are located in a nonicing area of the aircraft and there are no known cases in which the static ports on these aircraft have been blocked by ice or snow.

The record of this investigation indicates that the flightcrew checked the anti-icing systems during the descent and we believe that they were operating throughout the descent and approach. There are no recorded comments on the CVR to indicate that the crew detected any ice or any malfunction of these anti-icing systems. We have, therefore, discounted icing as a problem in this case.

Following the public hearing held as a part of this investigation, recommendations as to the conclusions that should be drawn from the evidence submitted at the public hearing were offered by Trans World Airlines, Inc. These recommendations were supplemented by additional recommendations following additional tests and research by the carrier.

The initial recommendations postulated that the flight data recorder did not properly depict the flight profile of the aircraft during the final approach. Based on this thesis, TWA also questioned the validity of the information presented on the aircraft flight instruments for use by the crew during the approach.

The carrier supported the inaccurate depiction of the flight profile by referring to the testimony of the ground witnesses near the river and the witnesses who were located north of the outer marker. TWA also pointed out that, in their opinion, the flight recorder did not reflect the necessary pullup "g" load required to level out at the end of the high rate of descent below 2,000 feet. The testimony of the survivors that they did not recall any excessive "g" or noticeable change in noise level (engine) was also noted.

TWA stated that, based on the CVR transcription and the testimony of other TWA pilots who had flown with Captain Cochrane, it is inconceivable that he would have flown the latter portion of the flight as depicted by the FDR. TWA also considered that the airspeed shown by the FDR was not consistent with a time-distance calculation for the flight from the outer marker to the impact point. They believed that the lack of calls regarding sink rate, altitude, and airspeed indicated that the flight instruments were not providing proper information to the crew.

TWA concluded that the time interval of recorded marker beacon signal passage did not necessarily indicate the altitude at which the aircraft crossed the marker beacon.

Based in the *original* sound spectral analysis, they concluded that the power level developed by the engines did not change through the initial approach, descent, and level-off.

The carrier discussed the flight test work they performed, based on the original sound spectral analysis and the FDR. They concluded that it was not possible to reproduce the flightpath depicted by the FDR, using the power settings based on this sound spectral analysis. They supplemented this conclusion by reference to the Thrust Required Chart prepared by the Board. In this connection, they noted the wide disparity between the thrust required and the thrust generated.

Finally, they noted that the "heavy wet" snow observed by ground witnesses, and near freezing temperatures, may have had some influence on the aircraft air-data instrumentation. They pointed out that a partial obstruction of the static system could cause a lag in the instrument readings. This lag would have caused the pilot to believe he was at an altitude higher than actual, with an airspeed higher than actual, and a rate of descent that was less than indicated.

In conclusion, TWA recommended that further study and testing in the areas of static port ingestion and simulation of the accident aircraft performance be made.

Several months later, TWA submitted their supplemental recommendations. In these supplemental recommendations, they pointed out again that the flight as depicted on the FDR was not that which would be expected of the crew under the circumstances that existed in this case. TWA reported that they had reexamined the FDR readout and compared the FDR readout, the *new* sound spectral analysis, and the thrust required data considering the confirmed drag data obtained by test flights. After reviewing these data, the carrier believed that there were significant discrepancies between the thrust required and the thrust generated, based on the engine r.p.m. indicated by the sound spectral analysis. They also pointed out that they could not resolve these differences when they reviewed the FDR profile of the flight from 11,000 to 3,000 feet. They reiterated that in their earlier test flights they could not reproduce the FDR depicted flight profile using power settings between 86.2 percent and 89.7 percent r.p.m., particularly with regard to indicated airspeed.

They analyzed these discrepancies as being the result of ice or water intermittently blocking or being ingested by the static ports on both sides of the aircraft at the same time. As a result of this analysis, TWA prepared a technical paper outlining a research program on *Flush Static Port Water Ingestion*.

Both of the recommendations, with their supporting documentation, have been entered into the public record of this investigation, served on the Parties to the Investigation, and considered by the Board during the preparation of this accident report.

No recommendations have been submitted by any other Party to the Investigation of this accident.

Taking TWA's comments in the order presented, the Board offers the following remarks:

We believe that the flight recorder accurately depicted the profile of the flight. We would point out that the recorder was designed to reflect the recorded parameters of a flight with approximately a ±2 percent degree of accuracy. It is essentially a trend instrument rather than an infallible point reading instrument. Using the chart attached to the report as Appendix E,[6] we believe that we have accurately depicted the sequence of events from the outer marker to the point of impact. The test work described in the factual portion of this report indicates to us that the aircraft was capable of performing the latter portion of the flight as recorded by the FDR. Within the accuracy of the information available, we see no indication of support for a theory of erroneous information being generated by the air-data system and presented to either the flightcrew or the FDR. In fact, the record of this investigation indicates that, historically, there is no record of any failure or malfunction of the pilot static system that has affected all the flight instruments aboard an aircraft. Additionally, to accept this theory, the Board would have to believe that the FDR and the flight instruments agreed when the aircraft was at 3,500 feet and at impact, but that a malfunction existed between those two points which affected all the instruments but was not reflected on the FDR. Finally, this theoretical malfunction was not detected by the flightcrew.

The Board cannot place any credence on calculations based on the ground witnesses' statements because either the statements contained no specific information or the information was not precise enough to allow us to perform exact calculations leading to meaningful conclusions. Our evaluation of these statements provided an envelope of altitudes within which the aircraft could have been operating. The altitudes indicated by the FDR are within or near this envelope of altitude.

Our interpretation of the FDR shows a +1.4 "g" pullup at the appropriate place in the flight profile to reflect the level-off pullup.

The testimony of the survivors which reflects no recall of excessive "g" or noticeable change in noise level is, we believe, not unusual in light of the events which followed the pullup and increase in power. However, the FDR and the CVR clearly reflect these actions on the part of the aircrew.

The time-distance calculations performed by TWA are based on time from the outer marker to the first recorded sound of impact. They assigned that sound to the impact with the first tree struck by the aircraft. We do not believe that impact was recorded by the CVR but that the later impact, 1,300 to 1,400 feet closer to the runway, was the sound recorded by the CVR.

As previously stated, we believe the flight instruments were accurately reflecting the aircraft's operation.

We agree that the recorded outer marker signal did not necessarily indicate the altitude at which the aircraft crossed the beacon. However, our calculations in this area developed an altitude envelope that was in reasonable agreement with the FDR-depicted altitude.

There is no documented, actual experience available to the Board that will support a malfunction of the complete pilot static system caused by ingestion or partial blockage, without detection by the flightcrew or the FDR. When problems of this nature have been detected in the past by crewmembers, they have been indicated by the erratic operation of flight instruments. This erratic operation is also reflected by the FDR. There is no evidence of such a malfunction on the FDR record of this flight. Also, under the circumstances hypothesized by TWA in this case, the pilot should have been concerned about, and made some effort to correct, a higher-than-normal airspeed. This type of action by the pilot was not reflected by either the FDR or the CVR.

With reference to TWA's supplemental recommendation, they stated that they could not explain discrepancies between the thrust required and thrust generated. We do not see the discrepancies to be as large as TWA does, and it is our opinion that the differences be-

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[6] Appendix E is a chart on which are depicted a flightpath based on the FDR readout, a terrain profile, and CVR comments all keyed to time.

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tween thrust required and thrust generated are explained by the rates of descent on the final approach.

In summary, we can find no evidence in the record of this investigation which will support a finding of fluid ingestion or some form of partial blockage of the static ports as a causal factor in this accident.

After consideration of all the above-cited data, the Board believes that the following sequence best describes the events that occurred between the outer marker and ground impact.

The outer marker was passed at 2,340 feet m.s.l. (1,550 feet above the airport) at 2056:00. Three seconds later, the first officer stated that the flight was "by the marker and no glide slope." This was acknowledged by the captain who then said "we gotta go down to, ah, four hundred, that would be, ah, . . . twelve ninety." At this time the aircraft configuration was landing gear down, and landing flaps set at 40°. A descent was initiated and stabilized at approximately 1,800 f.p.m. at an airspeed of 195 knots.

At 2056:21, the flight engineer asked "Want the final checklist?" and the first officer said "You bet." According to TWA procedures, the call for the final landing checklist is made by the captain to acknowledge the landing gear being down and locked. Apparently, in the absence of this call by the captain, the flight engineer initiated a reminder regarding the checklist. Almost simultaneously with the first officer's response, the captain requested "Flaps 50 please." This flap selection is, according to TWA's procedures, normally accomplished as the aircraft intercepts the final approach "slot." The slot is that portion of the approach where the pilot determines that he can successfully complete the approach and landing. During the next 11 seconds the final landing checklist was completed, including a cross-check of the altimeters.

At 2056:34.5, approximately 3 seconds before completing the last item on the checklist, a power reduction was recorded on the CVR, followed 1 second later by an unidentified crewman's remark "Nothing to it." At this time the aircraft was at an altitude of approximately 1,275 feet m.s.l., approximately 2½ statute miles from the approach end of the runway. At this point, the aircraft was about 400 feet above the airport elevation but was also nearly 800 feet above the river valley with its associated lights. During this portion of the flight, the weather on the approach path was such that the Board believes the captain was able to establish visual reference to the lights in the river valley and, possibly, the glow of lights, associated with the airport. In this connection, the Board notes that the reported visibility at the airport was never less than 1½ miles and was reported to be "better to the north" several times. The sighting of the lights mentioned above may have elicited the "nothing to it" comment.

It was noted during the investigation, that the profile of this particular terrain along the approach path from the outer marker to the airport may have provided the crew with an illusion of having adequate terrain clearance on their approach (see Appendix E). The Ohio River Valley is approximately 400 feet lower than the airport mesa terrain and is separated from higher ground by a steeply rising unlighted hillside.

The Board, in studying this terrain, believes there are two methods whereby an illusionary effect might be induced. At night under lowering visibility conditions, it is possible that the lights in the river valley could be associated with airport terrain elevation and, if used for altitude reference, would provide an illusion of adequate altitude for terrain clearance. It is also possible, since there are no lights which would provide terrain definition (unlighted slope), that the lights in the valley associated with the lights on the airport terrain would provide a condition of a lighted upslope terrain illusion as described in Boeing studies on Night Visual Approaches to Lighted Sloping Terrain. In these studies, it was demonstrated that pilots making approaches to airports, in or adjacent to a lighted upsloping city, received visual cues that produced sensations of being much higher than their actual altitudes.

The Board believes the pilot used the lights in the river valley (400 feet below the airport elevation) as a visual reference to establish his final approach altitude. In this connection, the Board noted that there have been two prior accidents within 1,000 feet of the point where Flight 128 made initial contact with the trees. Both of those aircraft were operating at night in conditions of limited visibility. The record of investigation of those two accidents indicates that in each case, the crew saw or believed they saw, the runway lights shortly before they crashed into terrain lower than the airport elevation. Flight 128 leveled off at about 875 feet m.s.l. (15 feet below the airport elevation) but 400 feet above the river valley.

The cockpit crew conversations reflect a relaxed atmosphere in the cockpit until the last few seconds prior to impact. The recorded cockpit conversations also indicate that the captain may not have had the applicable minimum altitude of 1,290 feet fixed clearly in his mind. When the first officer reported: "By the marker and no glide slope," the captain acknowledged and started some mental arithmetic: "We gotta go down to, ah, four hundred, that would be ah . . ." Before he could complete this thought process, the first officer provided the answer: "Twelve ninety" and the captain repeated the answer.

Initial tree contact occurred 3 seconds after level-off commenced and the captain exclaimed: "What's that—say what you say twelve ninety?" Had the captain been referring to his altimeters during the start of level-off, he certainly would not have been asking for a minimum altitude verification 3 or 4 seconds later in such an apparently rhetorical manner. We believe that he was surprised to see his altimeter displaying an altitude far below his target altitude of 1,290 feet.

The captain then initiated a pullup and exclaimed: "Come on, you." Destructive impact occurred about one-half second later and was recorded on the CVR at 2056:49.5. (See Appendix E.)

This crew had flown together enough to have established a rapport between the pilots. The uneventful flight and reported weather well above minimums may have paved the way for complacency on the part of the crew. Each of the pilots knew the other could do his job without being monitored and each probably felt he could count on that performance. The testimony at the public hearing indicates that the monitoring of the pilot flying the aircraft by the other pilot was a backup procedure and was not, in the view of the company, a mandatory procedure, at the time of the accident.

If the flight was, as we believe, operating in an area clear of clouds and precipitation inbound to the marker beacon, the pilot flying the aircraft may have divided his attention between the visible ground lights and the flight instruments. Knowing the glide slope was inoperative and the middle marker beacon and the approach lights were out, but with a reported visibility of 1½ miles and an RVR of more than 6,000 feet, the captain may have devoted a part of his attention to attempting to pick up the runway lights. TWA procedures allowed a higher-than-normal rate of descent to get down to the minimum approach altitude in cases where the glide slope is not operating. With the visibility more than 1 mile, the captain may have decided to descend to his minimum altitude as quickly as possible so when the runway lights came into sight he would be in a position to establish his final landing approach without having so much altitude to dissipate. This operating procedure may not have been noticed by the first officer and the engineer because they were involved in preparing the aircraft for the landing and performing the final pre-landing checklist.

Two reasons are suggested for this possible breakdown of the cross-checks between the pilots. One is the possibility that the first officer was so involved with the performance of the final landing check that he did not observe his flight instruments. The second possibility is that the first officer may have observed the instrument indications but was not concerned because of his confidence in the captain.

The copilot had made all the required altitude callouts on descent and particularly told the pilot when passing through 3,500 feet for the assigned level out altitude of 3,000 feet. The flight recorder and the copilot's instruments agreed at 3,000 feet when he called that they were "out of three." It is thus believed that the main reason that the copilot made no further calls was that he felt the captain was making satisfactory visual approach. Since the copilot was looking at the same values of airspeed and altitude as the flight recorder, he should have called out high approach speed, high sink rate, 100 feet above intended level-out (500 feet), and minimums if the captain were making the approach on instruments, but, if he believed that they were in visual conditions and the captain was using visual ground reference to make the approach, none of these would necessarily be made.

After careful consideration of all the available information in this investigation, the Board believes that this is the most likely explanation for the sequence of events that led to this accident.

2.2 *Conclusions*

(a) Findings

1. The weather was suitable for the operation contemplated and should not have affected the safe operation of the aircraft.

2. The aircraft probably operated clear of clouds and precipitation from a point 3,000 to 4,000 feet above the ground in the descent, until the aircraft approached the river. At that time, the aircraft encountered a snow shower which reduced the visibility to 1½ to 2 miles.

3. The visibility during the final approach phase was such as to have permitted the crew to have visual reference to ground lights in the river valley and possibly to the glow of lights associated with the airport.

4. The powerplants were capable of and were delivering power to the aircraft without interruption and without recorded difficulty until the time of the crash.

5. The airframe and flight control systems were intact and capable of normal response until the time of the initial impact.

6. There is no evidence of an in-flight fire either inside or outside the aircraft.

7. There was no deficiency of the flight control system or structure that caused the aircraft to descend below its minimum altitude.

8. There was no in-flight separation of any major aircraft component.

9. There is no evidence of a bird strike which could have been in causal relationship to this accident.

10. The aircraft initially struck a tree at an altitude of approximately 875 feet m.s.l., in a virtually level attitude, with the landing gear down, and the landing flaps set at 50°. The aircraft continued to fly, striking trees along its flightpath, until it was not capable of further sustained flight.

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11. Initial impact was 9,378 feet short of the approach end of Runway 18 and 429 feet west of the extended runway centerline.

12. The captain's altimeter was indicating 856 feet m.s.l., and the first officer's altimeter was indicating 899 feet when the electrical power to the KIFIS system was terminated.

13. There is no evidence of a failure or malfunction of any aircraft system.

14. There is no physical evidence of any malfunction or failure of the pitot static system.

15. There is no evidence that the crew detected any malfunction in the aircraft or its system.

16. The weight and center of gravity were within limits at the time of the accident.

17. The functioning ground navigational facilities were operating within their established parameters without reported discrepancies.

18. With the exception of the failure to provide the crew of Flight 128 with the current altimeter setting on initial contact, the air traffic control of this flight was routine and without reported discrepancy. The crew intercepted the current altimeter setting before they began the approach and the CVR indicates it was set and cross-checked.

19. The ILS glide slope, middle marker beacon, and high-intensity approach lights were inoperative. The crew was advised of these conditions and planned their approach accordingly.

20. There is no evidence that indicates the enlargement of the center hole in the static ports of the CV–880 in any way contributed to the accident.

21. Bench tests and independent calculations indicate that the relocation of the flight data recorder in the aft end of the aircraft did not affect the accuracy or timeliness of the flight data record.

22. The available night visibility checkpoints at the Cincinnati Airport were not adequate to determine visibility properly in all four quadrants when there were restrictions that reduced visibility below 5 miles.

23. There was a snow shower moving across the airport and the approach path of the aircraft during the descent from the outer marker.

24. The approach minimums which applied in this case provided FAA-required terrain clearance.

25. The aircraft was at approximately 2,340 feet m.s.l., when it passed the outer marker, as indicated by the flight data recorder.

26. The airport was equipped with surveillance radar which was used to observe the flight of the aircraft; however, this radar had no height information available and the controller could not have provided any warning to the crew regarding a descent below the established minimums.

27. The CVR transcription reveals that the flight operated in accordance with normal operating procedure including crew coordination until about the time of passing the outer marker. There are no comments on the tape which indicate that any crewmember detected any deviation from a normal operation until the initial tree contact.

28. The captain's exclamation regarding altitude "twelve ninety" and the first officer's reply of "ten ninety" is the first indication that the Board finds which could be construed as the detection of a problem by the crew.

29. The first officer did not call out any deviation from localizer centerline, airspeed, altitude, or rate of descent.

30. During the time the required calls should have been made, the first officer and the flight engineer were carrying out the final landing checklist. This took about 11 seconds, and all required items including altimeters were checked off. This activity, combined with the first officer's confidence in the captain, probably lead to the omission of these calls.

31. The captain did not have the applicable minimum altitude of 1,290 feet fixed clearly in his mind and endeavored to conduct his approach partially by visual reference to ground lights in the river area. He leveled off at the airport elevation (400 feet above the river) rather than 1,290 feet (400 feet above the airport elevation).

32. The extruded sealant found in the left static port was not a causal factor in this accident.

(b) Probable Cause

The Board determines that the probable cause of this accident was an attempt by the crew to conduct a night, visual, no-glide-slope approach during deteriorating weather conditions without adequate altimeter cross-reference. The approach was conducted using visual reference to partially lighted irregular terrain which may have been conducive to producing an illusionary sense of adequate terrain clearance.

3. RECOMMENDATIONS

This accident was one of a series of landing approach accidents that have occurred in recent years. These accidents are generally typified by a non-precision approach conducted at night in restricted visibility over irregular terrain.

In light of these circumstances, the Board believes that recent studies which have been conducted relative to illusionary effects associated with approaches to lighted, sloping terrain should be expanded to encompass approaches similar to the one involved in this accident.

Concerned with the recurring nature of these accidents, the Board forwarded a letter of recommendation to the FAA regarding the need for operational improvements, research in altimetry, and in the development of approach and landing aids. (See Appendix D.) Additionally, the Board's personnel have engaged in a series of meetings with Government and industry personnel directly concerned with the problems involved in this type of accident. These groups have included: the National Aeronautics and Space Administration; the Federal Aviation Administration; the Air Line Pilots Association; the Air Transport Association; the Aircraft Owners and Pilots Association; the Aircraft Industries Association; the National Business Aircraft Association; and the manufacturers of aircraft instruments. A number of these organizations have begun various programs of tests and studies in an attempt to isolate and identify the areas where corrective actions could be applied to prevent this type of accident.

By the National Transportation Safety Board:

JOHN H. REED,
Chairman.
OSCAR M. LAUREL,
FRANCIS H. MCADAMS,
LOUIS M. THAYER,
Members.

APPENDIX

CREW INFORMATION

Captain Charles L. Cochran, aged 45, possessed Airline Transport Pilot Certificate No. 445006 with aircraft multiengine and single-engine land ratings and type ratings in Lockheed Constellation CV–880/990 aircraft and a flight instructor's certificate for Constellations. His most recent first-class medical certificate was issued October 18, 1967, with no limitations or waivers. The captain had 12,895 flying time including 1,390 hours in CV–880 aircraft. He had flown 169 hours in the last 90 days and 57 hours in the last 30 days. His last line check was completed May 20, 1967, and his last proficiency check was November 8, 1967 He had been on duty 4:20 hours, including 3:20 of flight time when the accident occurred. His rest period prior to reporting for duty was 14:23 hours.

First Officer Robert P. Moyers, aged 33, possessed commercial pilot's certificate No. 1394932 with aircraft single-engine and multiengine land, instrument, and Boeing 377 ratings. His first-class medical certificate was issued May 19, 1967, with no limitations or waivers. He had approximately 2,647 hours total flying time including 447 in CV–880 aircraft. He had flown 192 hours in the last 90 days and 66 hours in the last 30 days. His last proficiency check was completed February 13, 1967. His rest time and duty time were the same as the captain's.

Flight Engineer Jerry L. Roades, aged 29, possessed flight engineer certificate No. 1743383, issued March 1, 1967, with a turbojet rating, and commercial pilot's certificate No. 1544014, issued September 21, 1966, with airplane single-multiengine land and instrument ratings. The flight engineer had 3,479 pilot hours, none of which were in the CV–880, and 288 hours as a flight engineer in the CV–880. His most recent first-class medical certificate was issued May 25, 1967, with no limitations or waivers.

The four stewardesses were regularly employed by TWA for this duty and their training was current.

APPENDIX B

AIRCRAFT INFORMATION

Convair 880, N821TW, the property of Trans World Airlines, Inc., received an airworthiness certificate January 8, 1961, and the certificate was still valid at the time of the accident.

The aircraft records show that the aircraft was manufactured December 20, 1960, and was placed in service by TWA January 12, 1961. The aircraft had a total airframe time of 18,850 hours[1] and received a Base Overhaul 5,640 hours before the accident. The only known maintenance discrepancy of the aircraft at the time of its departure from Los Angeles was an inoperative No. 1 generator, which was caused by a malfunctioning Constant Speed Drive unit, and the CSD was disconnected by TWA maintenance personnel. A Time Controlled Service Check was completed on the aircraft November 19, 1967, 10 hours before the accident, and no significant pitot static system writeups were noted.

There had been a number of maintenance writeups regarding discrepancies with various components of the flight instruments; however, the records indicate that these writeups had been cleared in accordance with the existing maintenance procedures. In no case reported were both the captain's and first officer's altimeters malfunctioning at the same time.

The aircraft was equipped with four General Electric CJ–805–3A engines:

Position:	*Total time (Hours)*	*T.S.O.*
1	14, 679	4, 076
2	12, 355	620
3	13, 612	4, 127
4	15, 379	1, 751

APPENDIX D

NATIONAL TRANSPORTATION SAFETY BOARD, DEPARTMENT OF TRANSPORTATION,
Washington, D.C., January 17, 1969.

MR. DAVID D. THOMAS,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. THOMAS: Accidents which occur during the approach and landing phase of flight continue to be among the most numerous. They are again highlighted by some of the events of the past month that have aroused nationwide interest in air safety.

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[1] All times reported to the nearest hour.

Most approach and landing accidents have been attributed to improper operational procedures, techniques, distractions, and flight management. In many cases vertical/horizontal wind shear, forms of turbulence, and altimetry difficulties were, or could have been contributing factors. The phenomenon of breaking out into visual flight conditions and subsequently becoming involved in patches of fog, haze, rain, blowing snow and snow showers and other visibility obscuring forms of precipitation seems to be fairly common occurrence. The sensory illusion problem associated with night approaches over unlighted terrain or water is another likely factor about which more is being learned daily.

Other related factors are the handling characteristics of our transport type aircraft in day-to-day operations, the absence or outage of glide slope facilities, cockpit procedures, possible effects of snow or rain on dual static port systems as they could affect altimetry accuracy, and altitude awareness. These are all factors which may exist singularly or in combination. The inability to detect or obtain positive evidence, particularly such evidence as ice accretion or moisture which becomes lost in wreckage, makes it difficult, if not impossible, in many cases to reach conclusions based upon substantial evidence. It is clear that had all ground and airborne navigational systems been operating accurately and had the flight crews been piloting with meticulous reference to properly indicating flight instruments, these accidents would not have occurred.

In this light, and with the number and frequency of approach and landing phase accidents under similar weather and operating environments, we believe that certain immediate accident prevention measures need to be taken. We believe that preliminary to the successful completion of our investigations into the factors and causes of the recent rash of accidents, renewed attention to, and emphasis on recognized good practices will tend to reduce the possibilities of future accidents.

Pilots, operators and the regulatory agencies should renew emphasis on—and improve wherever possible—cockpit procedures, crew discipline, and flight management. It is recommended that both the air carrier industry and the FAA review policies, procedures, practices, and training toward increasing crew efficiency and reducing distractions and nonessential crew functions during the approach and landing phase of the flight. It is specifically recommended that crew functions not directly related to the approach and landing, be reduced or eliminated, especially during the last 1000 feet of descent. Accomplishment of the in-range and landing check lists as far as possible in advance of the last 1,000-foot descent will allow for more intense and perhaps more accurate cross checking and monitoring of the descent through these critical altitudes.

It is also recommended that during the final approach one pilot maintain continuous vigilance of flight instruments—inside the cockpit—until positive visual reference is established.

In order to induce a renewed altitude awareness during approaches where less than full precision facilities exist, it is recommended that there be a requirement that during the last 1000′ of final approach the pilot not flying call out altitudes in 100-foot decrements above airport elevation (in addition to airspeed and rate-of-descent). To further enhance altitude awareness within the cockpit, it is recommended that there be a requirement to report indicated altitude to Air Traffic Control at various points in the approach procedure such as the outbound procedure turn and at the outer marker position.

Consistent with and in support of the concept inherent in your Notice of Proposed Rulemaking No. 67-53, the Board urges the aviation community to consider expediting development and installation of audible and visible altitude warning devices and the implementation of procedures for their own use. Additional improvements, although desirable now, are attainable only through continued research and development.

The reassessment of altimetry systems with particular regard to their susceptibility to insidious interference by forms of precipitation needs to be the subject of attention by the highest level of aeronautical research facilities and personnel. Toward this end, we are meeting with members of your staff, the National Aeronautics and Space Administration and various segments of the aviation community to initiate an assessment of possible failure modes and effects within the static system.

The possibility of development of additional altitude warning systems—external to the aircraft—needs to be explored by the aviation community. One such possibility would be a high intensity visual warning red light beam—projected up along and slightly below the desired approach glide slope—to warn of flight below the desired path.

Likewise, development is needed in the fields of radio/radar, and inertial altimetry and CRT/microwave pictorial display approach aids as possible improved replacement of the barometric altimetry system in the near future.

Modified use of existing approach radar should be further studied with regard to its adaptability as a surveillance—accident prevention—tool for nonprecision instrument approach.

During the time that we press for answers as to the causes of a number of these recent accidents, the Board urges increased surveillance, more frequent and more rigorous inspection and maintenance of altimetry systems by both the air carrier operators and the FAA; and urges also that the FAA reexamine certification requirements and procedures to determine if there is a possibility of a single failure mode of nominally dual systems which, when combined with an already existent passive failure or inadequate cockpit procedures, can invalidate dual failure protection features.

Whereas these problems have been highlighted by air carrier accidents, they should not be construed as being unique to air carrier aviation. The Safety Board considers that they are applicable to all forms of air transportation.

We know that your Administration, as well as other responsible segments of the aviation community, have been working extensively in all of these areas.

We appreciate your continuing emphasis on the safety of air carrier operations as evidenced by recent communications with your inspectors and airline management.

Your views regarding the implementation of our suggestions will be welcome.

Sincerely yours,
JOSEPH J. O'CONNELL, Jr.,
Chairman.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., February 6, 1969.
Hon. JOSEPH J. O'CONNELL, Jr.,
Chairman, National Transportation Safety Board, Department of Transportation, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of January 17, 1969, which contained suggestions and recommendations for the prevention of accidents during the approach and landing phase of flight.

My letter of January 28, 1969, commented on a number of the items covered in your January 17 letter. Therefore, I will not repeat them here, except to reiterate that our immediate concern and followup actions are directed to the areas of adherence to established procedures, altitude awareness, winter operating procedures, and cockpit discipline and vigilance.

Our comments concerning the matters discussed in your letter are as follows:

1. *Reduce distractions and non-essential crew functions during approach and landing.* Instructions to our inspectors require them to review on a continuing basis cockpit check lists and procedures to assure that minimum checking will be done during the more critical periods of flight such as departures, approaches, and landings.

2. *Use of in-range and landing check lists.* We believe the airlines require all cockpit check procedures, particularly the in-range check list, to be completed well before the last 1,000 feet of descent. However, we will request our inspectors to doublecheck and take action where warranted.

3. *Cockpit vigilance.* The instructions to our inspectors referred to in item 1 above also require them to assure that cockpit check procedures are arranged so that the pilot flying devotes full attention to flight instruments. As stated in my letter of January 28, 1969, crew vigilance and cockpit discipline is one of the areas stressed in my wire to the airline presidents.

4. *Altitude awareness.* Over two and one-half (2½) years ago, instructions were issued to our inspectors to be sure the airlines emphasized in training and included in company manuals altitude awareness procedures to be used during climbs, descents, and instrument approaches. This is one of the areas on which we asked our inspectors to place emphasis during the accelerated inspections mentioned in my January 28 letter.

Your letter recommended that during the last 1,000 feet of the final approach the pilot not flying be required to call out altitudes in 100 foot increments. The altitude awareness procedures that we have asked the carriers to adopt require the pilot not flying to call out, during the final 1,000 feet of the approach, 500 feet above field elevation, 100 feet above minimums, and minimums. We believe this procedure is preferable, since it serves to keep cockpit conversation to a minimum and at the same time, assures pilot altitude awareness. This procedure also reduces pilot workload.

5. *Pilot reports to ATC of altitudes during instrument approaches.* Adoption of this suggestion would significantly increase frequency congestion and increase crew and controller workload. We believe our efforts in the areas of pilot training and education will prove to be the most beneficial course of action.

6. *Altitude alerting devices.* I appreciate your support of the rule which became effective on September 28, 1968, which will require by February 28, 1971, both visual and aural altitude alerting signals to warn pilots of jet aircraft when approaching selected altitudes during climbs, descents, and instrument approaches.

7. *Altimetry systems.* With respect to your suggestion that an assessment be made of possible failure modes of altimeter static systems, we plan to participate with NASA and the aviation industry to assist in such a program. Development and testing to validate such improvements will be required. At this time, we know of no practical replacement for the barometric altimeter.

8. *Additional altitude warning systems.* Your suggestion concerning visual glide path warning would not provide complete information concerning the optimum glide path as does the Visual Approach Slope Indicator (VASI) systems which are installed at many runways throughout the country. We plan to continue to install these systems in accordance with current criteria within the limits of funds appropriated for this purpose.

9. *Development to replace barometric altimeter systems.* The use of inertial altimetry could be investigated, but must be considered as a long range R&D program. CRT/

microwave pictorial display (radar mapping) has been evaluated by the military as an additional approach aid monitor. The FAA as yet does not have detailed information, since this equipment, until recently, was classified. However, we plan to obtain additional information and will look into the matter further.

10. *Modified use of existing approach radar*. I would appreciate receiving from you additional details on the modified use you had in mind, so that we can more properly evaluate and respond to your suggestion.

11. *Inspection and maintenance of altimeter systems*. On January 29, 1969, representatives of our Flight Standards Service met with ATA's Engineering and Maintenance Advisory Committee to review and discuss altimetry problems. The airlines are monitoring the operation of these systems and reviewing their maintenance procedures. ATA advised us at this meeting that few troubles are being experienced or reported by the flight crews. This is confirmed by our analysis of the MRR reports. Nevertheless, ATA has agreed to reactivate its Altimetry and Static System Maintenance Subcommittee to further explore this area and intends to review and update material previously published on this subject.

12. *Certification of altimeter systems*. On August 16, 1968, we issued a Notice of Proposed Rule Making proposing revisions to Part 25 of the Federal Aviation Regulations to require in systems design means to assure continued safe operation following any single failure or combination of failures not shown to be extremely improbable. Industry comments are now being reviewed and analyzed.

Your interest in these problems is appreciated and I can assure you we will continue to press for solutions to them.

Sincererly,

D. D. THOMAS,
Acting Administrator.

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., January 27, 1969.

Mr. JOSEPH J. O'CONNELL, Jr.,
National Transportation Safety Board, Department of Transportation, Washington, D.C.

DEAR MR. O'CONNELL: We have read your Januray 17th letter to Mr. D. D. Thomas with a great deal of interest. We would like to comment both favorably and unfavorably:

We were very pleased that on page two third paragraph from the bottom refers to a "Reassessment of Altimetry Systems". The entire contents of this paragraph has our complete approval and appreciation. Altimetry development and reliability is a subject which the Association has been stressing as in urgent need of attention.

We are also pleased to see NTSB urging the development and installation of "Audible and Visual Altitude Warning Devices", since we have been on record for many years in regard to pointing out a demonstrated need exists for such devices.

We continue to be greatly concerned that the type of accidents continuing to occur all too frequently during an approach to a landing are apparently no different than those that have been occuring for many years due to the lack of the best available equipment and landing aids both in the airplanes and guidance from ground installed electronic landing aid equipment.

The Association we believe is justifiably concerned to any inference such as contained in the NTSB letter quoted as follows:

"Had the flight crew been piloting with meticulous reference to properly indicating flight instruments, these accidents would not have occurred."

All pilots be they private, military or airline, fly their airplanes with meticulous care while making an instrument approach toward a landing for obvious reasons. Since instrument flying occurs without any visual reference to the ground the success of an instrument flight is dependent upon the "Properly Indicating Flight Instruments". We believe the choice of wording with regard to a pilot not using meticulous reference to properly indicating flight instruments can be inadvertently misleading to the public by infering carelessness or negligence.

We are also concerned that the NTSB letter infers that there is *not* sufficient emphasis in using recognized good operating practices. We refer to the paragraph that follows:

"In this light, and with the number and frequency of approach and landing phase accidents under similar weather and operating environments, we believe that certain immediate accident prevention measures need to be taken. We believe that preliminary to the successful completion of our investigation into the factors and causes of the recent rash of accidents, renewed attention to, and emphasis on recognized good practices will tend to reduce the possibilities of future accidents."

Our comments to the above are that we believe neither the carriers nor the pilots overlook using any "Recognized Good Practices". Here again, there is an inference which is misleading to the lay public and airline passengers.

In our view the most tangible means that would immediately "tend to reduce the possibility of future accidents" is a program for expediting installation of improved landing aids and getting on with the long delayed need for updating our airports so that the new airline transports are not squeezed into obstruction-bound short runways. Overcoming airport obsolescence requires the same ruthless program that is used to make sure remarkable progress in overcoming highway obsolescence.

The Association points out that there are approximately 6 million takeoffs and landings by airline pilots and thereby indicating a high degree of professional airmanship and also indicating that when accidents do occur in the vicinity or on an airport the incident or accident should be carefully investigated with particular emphasis on the possibility of instrumentation reliability, lack of landing aids, or lack of airport safety standards, such as inadequate runway length, runways surrounded by obstructions and a lack of sufficient numbers of runways to minimize the hazards associated with take offs and landings on slippery runways when strong crosswinds occur.

Again we commend the NTSB for bringing forth several items requiring immediate attention which will enhance air safety. We also point out that while we favor providing the public with informaton regarding the cause of airline accidents we respectfully recommend that the NTSB would do well to coordinate with other segments of the airline industry such as the ATA and ALPA. This would enable obtaining the view points of other aviation organizations vitally interested in air safety for consideration by the NTSB when providing information for the public relating to airline accident causes.

Rest assured of our interest and appreciation for your continued cooperation in our mutual efforts to increase air safety.

Sincerely yours,

THEO G. LINNERT,
Director, Engineering and Air Safety Department.

JANUARY 31, 1969.

Mr. THEO. G. LINNERT,
Director, Engineering and Air Safety Department, Air Line Pilots Association, Washington, D.C.

DEAR MR. LINNERT: I have your letter of January 27, 1969, commenting "both favorably and unfavorably" on our safety recommendation of January 17, 1969, addressed to David D. Thomas, FAA Acting Administrator.

I can readily understand that ALPA would be sensitive to anything that might impute less than meticulous attention to his task by any ALPA flight crewmember. Such was not, of course, our intention or the thrust of our letter, although I am sure you would agree, on reflection, that such inattention can occur. however rarely.

I might suggest that the quotation in your letter, taken out of context as it was, creates precisely the impression you avow a desire to avoid, and to correct any misapprehension *your* letter may have created I quote what we actually said in this connection:

"It is clear that had all ground and airborne navigational systems been operating accurately and *had the flight crews been piloting with meticulous reference to properly indicating flight instruments, these accidents would not have occurred.*"

The italicized part is what your letter quoted and obviously tends to pervert both what we said and what we meant.

Sincerely,

JOSEPH J. O'CONNELL, Jr.,
Chairman.

APPENDIX F

INVESTIGATION AND HEARING

1. Investigation

The Board received notification of the accident at approximately 2200 e.s.t. on November 20, 1967, from the Federal Aviation Administration. An investigating team was immediately dispatched to the scene of the accident. Working groups were established for Operations, Air Traffic Control, Witnesses, Weather, Human Factors, Structures, Powerplants, Systems, Flight Data Recorder, Maintenance Records, Cockpit Voice Recorder, and Special Studies. Interested Parties included: the Federal Aviation Administration; Trans World Airlines, Inc.; Convair Division of General Dynamics Aircraft Corporation; General Electric Corporation; Bendix Corporation; Air Line Pilots Association; Flight Engineers International Association; Air Traffic Controllers Association; International Association of Machinists; Kentucky State Police; Boone County Coroner; Federal Bureau of Investigation; Transport Workers Union; U.S. Weather Bureau; and the Armed Forces Institute of Pathology.

The on-scene investigation was completed on November 28, 1967.

2. Hearing

A public hearing was held at Cincinnati, Ohio, on February 27–29, 1968. Parties to the Investigation included: the Federal Aviation Administration; U.S. Weather Bureau; Trans World Airlines, Inc.; Convair Division; General Dynamics Aircraft Corporation; Kollsman Instrument Corporation; Air Line Pilots Association; and Air Traffic Control Association.

3. Preliminary reports

An Interim Report of Investigation summarizing the facts disclosed by the investigation was published on December 6, 1967. A summary of the testimony which was taken at the public hearing was published by the Board March 15, 1968.

THE INTERSTATE TAXATION ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. WALDIE. Mr. Speaker, on two occasions I have expressed my opposition on the floor of the House to the enactment of H.R. 7906, the Interstate Taxation Act. In this regard, I should like to also incorporate in the Record a resolution which was approved by the Western Governors' Conference in Seattle, Wash., on July 31, 1969, which also expresses opposition to H.R. 7906, and supports the multistate tax compact:

Western Governors' Conference, July 31, 1969, Washington Plaza Hotel, Seattle, Wash.

MULTISTATE TAX COMPACT

Whereas the United States House of Representatives has again passed a bill which represents a threat to state tax revenues and provides unjustified tax loopholes for businesses engaged in interstate commerce; and

Whereas a majority of the states are now participating in the Multistate Tax Compact, an instrument which provides an effective method for fair and uniform interstate business taxation;

Now, therefore, be it resolved that the 1969 Annual Meeting of the Western Governors' Conference in Seattle, Washington, urges the United States Senate to postpone indefinitely the measure passed by the House of Representatives, and in lieu thereof to give full consideration to an appropriate consent bill by Congress for the Multistate Tax Compact.

HON. GARNER SHRIVER RECEIVES AWARD FOR URBAN EDUCATION CONTRIBUTIONS

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MIZE. Mr. Speaker, on September 2, 1969, Congressman Garner E. Shriver, a member of the House Subcommittee on Labor and Health, Education, and Welfare Appropriations was honored for his contributions to urban education. He was presented a citation from Dr. Robert Stalcup, director of the Mid-Continent Regional Educational Laboratory, praising him for his "service to the State, Nation, and the inner-cities of America."

Congressman Shriver was the principal speaker at a banquet in Wichita, Kans., honoring 41 students who were beginning a semester of work under the Cooperative Urban Teacher Education—CUTE—program. The students will do practice teaching, attend seminar sessions, and work with community agencies as they prepare to assume responsibilities eventually as teachers in the inner-cities of America.

Congressman Shriver has long been dedicated to education. Through his service on the House Committee on Appropriations he has insisted on a high priority for funding of Federal education programs. Prior to coming to Congress, he was a leader in the quest for quality education in Kansas while a member of the Kansas Legislature for 12 years. He also served as legal counsel for 9 years for the Wichita Board of Education.

Congressman Shriver's remarks at the banquet are worthy of special note because I am sure he speaks the minds of a great many Members in the expression of this body's commitment to education. Under leave to extend my remarks, I am privileged to present the speech he delivered:

Remarks of U.S. Representative Garner E. Shriver, Kansas, Fourth District, to Mid-Continent Regional Educational Laboratory Cooperative Urban Teacher Education Banquet, Wichita, Kans., September 2, 1969

It is a great honor to be here with you this evening as you mark the beginning of an important semester of study and preparation under the cooperative urban teacher education program. I congratulate and commend you for your interest and your dedication to the objective of teaching in those areas where the disadvantaged live.

It is gratifying to see this program in operation here in Kansas and in the 4th Congressional District, and to observe the broad cooperation between the colleges and universities of this area with the public schools and the Catholic Diocese of Wichita.

The Mid-Continent Regional Educational Laboratory and the Danforth Foundation have provided the necessary leadership and financing to make this program go. It has been properly tested. Its success depends now upon you who are committed to preparing yourselves for urban teaching.

Education has been recognized within our decade as one of the most important single elements in this Nation's continuing progress and prosperity. We have long paid lip service to the value of public schooling and mass education, but only recently have we been willing to commit Federal resources, in partnership with local and State revenues, to achieve better results in our elementary and secondary schools.

The passage of the Elementary and Secondary Education Act in 1965 and its amendment in 1966 and '67 signal the beginning of a new era of commitment to excellence in education. Tonight I should like to talk about the prospects for future Federal spending in this area, particularly as it relates to the needs of disadvantaged students and their teachers, and to the increasingly important role of educational research.

In the current session of Congress, two or three issues are under consideration which provide us with some very important clues to the directions which Federal assistance to education may take in the coming years.

The House of Representatives has already passed its version of the bill extending the Elementary and Secondary Education Act, and the bill appropriating funds for the Department of Health, Education and Welfare in fiscal 1970.

As a member of the subcommittee which appropriates funds for educational programs, I have been working with other subcommittee members for the last six months on the budget requests. Our subcommittee held 10 weeks of hearings—we received testimony from 659 private individuals and organizations. The hearings on the office of education alone stimulated nearly 1200 pages of convincing testimony. I will return to this vital matter of funding educational programs in a few minutes.

The extension of the Elementary and Secondary Education Act raised two crucial questions—one relating to the length of the extension, the other to the administration of programs.

The original bill, reported by the Education and Labor Committee, proposed a five-year extension of ESEA and related programs. Enactment of such a proposal would seem to be the best guarantee of congressional commitment.

However, extension in itself does not guarantee quality or results. To extend the program for five years would have foreclosed changes or necessary improvements.

The flood debate on this bill made it abundantly clear that Members of Congress will not be satisfied with mediocre results.

Education has become too important to the Nation's welfare to be satisfied with less than the best. We must be willing to work harder to devise improved approaches to school assistance—and not just rubber stamp the status quo.

Thus, the two-year extension through fiscal 1972, which the House voted, gives us the time we need to come up with further refinements in the law without closing the door to change for another 5 years. Such critical scrutiny of existing programs and their impact seems to me to be the best assurance that the Federal Government will continue to be responsive to the changing needs of the Nation's schools.

The other issue raised in the extension of ESEA involved the consolidation of several existing programs. Titles II and III of ESEA and titles III–A and V–A of the National Defense Education Act were combined by the House of Representatives under a new title IX of ESEA.

Such a merger gives greater flexibility to the States in the allocation of Federal funds, while reducing the time and red tape they must expend and endure in applying for and administering programs which overlap.

The new directions indicated by the House action on this bill are two-fold: First, Congress is willing to devote a considerable effort to improving existing legislation: and, second, the States will be encouraged to take on greater responsibility in the administration and allocation of Federal funds.

Improved legislation is but the first step in a process which must include adequate appropriations if our goals are to be achieved.

House action on the HEW appropriations this year has broken all precedents. Not only did the House Committee on Appropriations, on which I serve, recommend a $123 million increase over the amounts proposed by the administration, but more than $854 million was added to the committee's recommendations in the floor debate on this bill.

I might add that I enthusiastically joined in supporting the addition of these funds for educational programs.

Thus, the education budget has been increased by more than $1 billion due to the concerted efforts of Congressmen, on both sides of the political aisle, and educators, to assign top priority to the needs of the Nation's schools.

The time has come when we must take a close look at the order of national priorities. For too long, past administrations and Congresses have created new programs amid great public fanfare and failed to provide adequate funds. The air has been filled with promises that could not be kept.

It is true that we are engaged in an expensive and unpopular war in Vietnam. We all hope and pray that it will soon end and American boys will be able to come home. The Nixon administration has taken a big first step towards "Vietnamizing" of the war—and for the first time in 4 years United States troops are being withdrawn.

There are growing numbers of Congressmen who question whether or not we can wait until the financial burdens of Vietnam are over until we meet such pressing domestic priorities as education, air and water pollution, housing, hunger and nutrition.

The vote in the House on the 1970 HEW Appropriations Bill is a sign that we are ready to tackle the problems facing the Nation's schools.

Speaking of tackling, maybe you have heard about the halfback having a tryout with the Kansas City Chiefs. He was being interviewed and said:

"Yes, I run a hundred in less than 10 seconds in full uniform. I block so well that last season 4 of our opponents had to be carried off the field with broken legs. In forward passing, I average about 60 yards a throw—against the wind.

"But son," the impressed coach said,—"Everyone of us has some weakness or deficiency. What's yours?"

XUM

"Well," replied the player, "I'm inclined to exaggerate a little."

In the past there has been a tendency to exaggerate what the Federal Government could deliver in implementing so many new programs.

Better legislation and the money to implement it is going to have considerable impact on that portion of the population which concerns each of you tonight—namely, the disadvantaged inner city child.

Torn as our urban areas are by poverty, ignorance and unrest, we might do well to recall the words which ring from the preamble to the UNESCO constitution:

"Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."

The battle to save our cities must be fought largely in our Nation's classrooms. And it is to you, who are striving to improve the quality of teaching and learning in the inner-city, that we must turn for help.

The Commissioner of Education, James Allen, has already indicated to my subcommittee that the problems of the urban student and his teachers will be receiving considerable attention under the Nixon administration.

Already, poor students at all levels of education are enjoying greater services than ever before:

Project Headstart and its companion programs, project follow through and parent and child centers, are helping to prepare many young children to make the most of their primary education. The recently announced Office of Child Development will contribute greatly to the success of these programs by coordinating the Government's many efforts in the fields of early childhood education and day care.

Title I of the Elementary and Secondary Education Act has had a measurable impact on the achievement of disadvantaged students throughout the Nation.

The Vocational Education Act amendments of 1968 included special provisions for the training of disadvantaged youth for the world of work.

Over 1 million adults have emerged from the twilight of illiteracy thanks to programs authorized by the Adult Basic Education Act of 1966.

If we are to achieve maximum effectiveness of both existing and proposed measures to aid the disadvantaged, there are two essential areas in which far greater resources must be concentrated: The training and retraining of teachers of the disadvantaged, and research into the teaching methods which can best meet the special needs of the Nation's poor.

Passage of the Education Professions Development Act in 1967—Title V of the Higher Education Act of 1965—Marked the first congressional commitment to the improvement of the quality of teaching.

Although this act was passed with little fanfare, its potential for improving the quality of instruction in our schools is substantial.

Federal funds can have little impact unless the programs they support are implemented with the enthusiasm and wisdom of dedicated and highly-skilled professionals here at the grass roots.

But improving the quality of classroom teaching is not the whole solution.

At the very heart of educational progress lies education research. Teacher improvement can only proceed as rapidly as the discovery of better teaching methods. In order to devise such methods, a better understanding of the basic processes of teaching and learning is required. We also need better channels through which to communicate the findings of such research.

The contributions of the research activities authorized by Title IV of ESEA have already had considerable impact on the education of the disadvantaged child. Regional laboratories have been in the forefront of the movement for educational change.

This program, known as cute, in which you are engaged is a very important part of this movement for change.

The work you are engaged in here under the leadership and direction of the Mid-Continent Regional Educational Laboratory is absolutely essential to the improvement of our schools.

The conduct of research and the improvement of urban teaching will provide the key we need to finally open the door to equality of educational opportunity for all.

Tonight as you launch your semester you, like astronaut Neil Armstrong, are in a large sense taking "a giant step for all mankind."

I congratulate you on your foresight and I look forward to sharing with you in a world in which your efforts will have made a better place for all of us to live. Good luck and thank you.

WHERE ADDICTS RULE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MURPHY of New York. Mr. Speaker, in some areas of New York, narcotics addicts virtually "rule" the neighborhood and render it a desperate place to live. This second article in the New York Times series by Richard Severo describes such an area of New York. It demonstrates the horrors of addiction going unchecked and untreated. I commend it to you:

Hunts Point: Ruled by Addicts

(By Richard Severo and Barbara Campbell)

In basic ways, portions of the Hunts Point section of the southeast Bronx have ceased to be a part of New York City.

Many city services, such as police protection, garbage collection, water supply—and citizen obligations, such as payment of taxes, decent maintenance of property, some semblance of civil order—do not occur with any degree of predictability in Hunts Point.

Repeated visits to Hunts Point uncover so much that is not supposed to be America in 1969 that the visitor wonders if he has suddenly entered a time machine and been transported back to frontier days. Nearly everything seems touched by lawlessness.

On three of the worst streets, residents have less than a 1 in 20 chance of dying a natural death.

Drug addiction is a major cause of what is wrong in Hunts Point. But the frequently heard argument that blight conditions may be creating the addicts, rather than the other way around, is both reasonable and meaningless at this point.

Although former addicts agree that the area's physical condition probably contributes significantly to the mental state of the people who resort to heroin, such reasonable explanations are small comfort to residents, who are literally living in a state of siege.

For Hunts Point, which conveys an overwhelming sense of despair, is a neighborhood whose life style is largely determined by the heroin addicts who live there, travel to buy drugs there, and, most important, steal there.

Heroin addicts are everywhere in Hunts Point—on street corners, in abandoned buildings, in occupied buildings, on rooftops, in hallways, in basements—buying and selling dope freely and openly at all hours of the day.

ACTIVITY IS BRAZEN

If any one word can describe their conduct, it is brazen—for at the intersection of Simpson Street and Westchester Avenue, junkie prostitutes sell themselves, pushers make deals and addicts purchase drugs. All just a half block from the 41st Precinct station.

And behind closed doors, wedged tight with iron bars bolted to the floor, sit the non-addict residents of Hunts Points, most of them Puerto Rican, many of them with little knowledge of English or what it takes to survive in New York, wondering when they will be mugged, or when their flats will be burglarized, or when their children will come home with a bag of heroin purchased in the schoolyard.

Deputy Inspector Anthony J. McNally, commander of the 41st Precinct, says his men are doing a good job. He thinks that neighborhood critics misunderstand what the police can and cannot do to make arrests that do not violate the constitutional rights of addicts. Moreover, he does not think the heroin problem in Hunts Point is getting worse.

"We are emphasizing the problem more," he said.

The Catholic church that serves the Puerto Rican majority in Hunts Point, St. Athanasius, has no poor box. It was stolen too many times by junkies. There are grocers who drive to distant warehouses to pick up goods, because wholesalers will not deliver; junkies have been known to swarm over trucks, stealing them clean in broad daylight. Women are robbed of their purses at knifepoint at high noon, and passers-by scarcely notice it.

Residents telephone the police, explaining excitedly that they are watching junkies stealing a television set from a neighbor across the way. But the police do not come.

Two landlords report that they have to pay policemen as private bodyguards to protect them from marauding junkies on days when they deposit rent money in the bank. The police are paid $10 a trip.

Protection is a service hard to come by in Hunts Point. On Fox Street, a landlord has hired as his building superintendent a convicted murderer who patrols the halls around the clock between cat naps. He is armed with a machete, an ax and a 160-pound German shepherd.

"I treat people with respect," the superintendent says, "and that's why they respect me."

GUN BATTLE IN STREET

While junkies "respect" his building and avoid it, just outside one may wish he had the convicted murderer as his bodyguard. One warm afternoon this summer a visitor to Fox Street saw two men running down the street, the pursuer yelling profanities at the man ahead of him.

In the middle of the block—just two blocks from the police station—the men stopped, pulled out guns and began shooting at each other. As bullets richocheted from the moldering bricks, junkies nodded in doorways, alcoholics slumped in the shadows of tenements, finger prints of wine and small children waded through garbage-filled gutters gushing with water from a hydrant opened by an enterprising teen-ager.

Some of the children seemed mildly interested in the shooting that was taking place a few yards away.

At the tenement windows above, where people sat to catch a breeze, a few put their newspapers aside to watch the shoot-out. Laborers in a nearby building laughed at the scene but did not interrupt their work.

Then the shooting stopped as suddenly as it had started. The two men again ran down the street. Not a policeman was in sight.

Two days later the visitor was on Fox Street again, accompanied by a former drug addict. Near the corner of Fox and Westchester, two addicts, desperate for a fix but without

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money, had just attacked a pusher, stabbing him a few times and leaving him in the street. Ferreting through his pockets, they found enough heroin to provide "half a load"—not enough to make either junkie high, but enough to satisfy the gnawing desire, for a few hours.

The former addict spoke to the two men briefly. One of them had bloodstains on his shirt. As the pair left, the ex-addict shook his head. "Damn," he said, "if that man lives, he gonna be madder 'n hell at them two. Them two better watch themselves."

LIFE AND DEATH IN HUNTS POINT

Such outbursts of violence illustrate what happens to a neighborhood overrun by junkies. Here are other facets of life in Hunts Point:

In late August, of the 42 buildings in the 900–1000 block of Simpson Street, at least eight owed $46,061 in back real-estate and water taxes. Landlords in the area claim junkies drive away good tenants, making their buildings unprofitable. Said one landlord: "If I paid taxes, I'd be in the poorhouse."

Two buildings on Simpson Street had neither drinking water nor working toilets (junkies had stolen water pipes, which they sell at a junkyard not far from the police station), an estimated 25 per cent of the families on the block paid no rent or paid it sporadically and drug addicts were living in at least six buildings declared uninhabitable by the city.

Ex-addicts from Odyssey House, an institution for the rehabilitation of heroin users, are at work in Simpson Street and estimate that 9 out of 10 teen-agers in the 900–1000 block are using drugs. "We don't care about marijuana here," said one Puerto Rican mother. "If our kids take marijuana only, we consider ourselves lucky."

Heroin flows so freely that a casual visitor to the neighborhood was able to buy a $3 bag in the street in broad daylight. Moreover, he saw at least 10 other sales in the same area over a three-week period.

If statistics compiled by Dr. Michael Baden, associate medical examiner, are taken as a guide, residents of three of the worst streets in Hunts Point—Simpson, Fox and Tiffany—have less than a 20-to-1 chance of dying a natural death. Of the 37 deaths the Medical Examiner's office investigated there between Jan. 1 and Aug. 10, only two were of natural causes. Only 7 percent of all deaths in New York City are of other than natural causes.

The Medical Examiner's office investigates all deaths in the city in which a private doctor has not been in attendance a week or more before death. Since this sort of medical service is rare in Hunts Point, Dr. Baden believes his office has investigated virtually all the deaths there.

A breakdown of Dr. Baden's figures on the 35 people who died from other than natural causes showed:

There were five homicides, including a strangled 75-year-old widow, three fatal stabbings and one fatal shooting.

Seven persons died after injecting heroin into their veins. They ranged from a 16-year-old Negro to a 30-year-old Puerto Rican, both residents of Fox Street. Actual death was accompanied by a variety of ailments triggered by drug use, including hepatitis and acute vitamin deficiency.

Eleven persons died of alcoholism, almost all of them with severe liver damage. The youngest was a 30-year-old Puerto Rican; the oldest a 58-year-old Negro.

One man died of alcoholism complicated by drug use and another died of alcoholism and tuberculosis combined.

One man got drunk and died after he fell down a flight of stairs. Another man died of a brain hemorrhage. The medical examiner is not sure how the hemorrhage occurred, except that it was "traumatic" and caused by other than natural causes.

THREE CHILDREN BEATEN TO DEATH

Four children fell out of windows, just on Fox, Simpson and Tiffany Streets. During the same period, only 16 children fell from windows in all of New York

Three more children were battered to death, the Medical examiner's office reported, all of them on two consecutive blocks in Fox Street.

A fourth child was classified as a "crib death." Dr. Baden is not sure whether the death was natural or deliberate but suffocation has not been ruled out.

Only one traffic fatality took place during the period studied in Simpson, Fox and Tiffany streets. "Well, of course we don't get too much auto traffic," one addict explained. "Drivers know what can happen to their cars." An empty car can lose its tires in eight hours and be picked clean in 24.

Both deaths attributed to natural causes were heart failures. Nobody committed suicide.

Among the survivors in Hunts Point, a few have a tenacity that can only be compared to that of the pioneers who crossed the Great Plains.

One who has remained is Mrs. Margaret Hajos, a widow of 74 who looks 15 years younger. At one point during the summer she was the only resident of the five-story tenement at 1003 Simpson Street.

She was found in her $1-a-month basement apartment (the city had reduced her rent from $33.54 in recognition of the fact that the building had been declared unfit for human habitation). The place was quite neat and clean except for about 2 inches of water on the floor.

"The junkies," Mrs. Hajos explained. "They stole the pipes upstairs; all the water came down here."

TV SET STOLEN

Mrs. Hajos was upset that day. Junkies had stolen her year-old 18-inch Emerson television set, which had cost her $256—a major investment for a woman who receives $89.20 a month in Social Security and $44.90 from a union pension, earned for years of work in a handbag factory.

"Yes, they stole it," she said. "While I was out on the front steps and God only knows how they got in. They steal everything."

Asked how she managed without running water, she replied: "Oh, I get water from my neighbors. All I need."

Why didn't she move from the neighborhood? "No. My father always told me to work hard. He said, 'You gotta be tougher than they are.' I stay."

A few weeks later Mrs. Hajos moved next door to 1007 Simpson, which had running water of sorts; it took 20 minutes to fill a glass.

"I remember," she said, "40 years ago when there were cows in Hunts Point. It was beautiful. Trees everywhere. Nice people, too. Russians, Jews, Hungarians—all nice people. All hard workers. It could happen again."

Another resident who will not move is Mrs. Clara Spindler, 79, who lives at 957 Fox Street. Also a widow, she suffers from asthma, cancer and bad eyesight. She has been pushed and punched by her neighbors. A junkie recently threatened her with a knife. But she will not move in with her son in New Jersey ("I am independent") or apply for public housing.

"My husband and I lived in this block together," she said. "We lived just up the street and it was very nice."

LANDLORDS HAVE TROUBLE

Landlords as well as tenants are having trouble in Hunts Point. A landlord who owns two houses on Fox Street said he paid $600 a year just to replace broken glass.

"No, I don't pay any taxes," he said. "I figure the city is going to take this building for urban renewal some day. I'll get shafted when that happens, so I'm taking steps to protect myself now."

The residents complain that "dope is everywhere." Putting the statement to the test, a visitor, accompanied by a former addict, made a purchase at 2:30 P.M. on July 10, a couple of blocks from the 41st Precinct station.

The pusher, a fat man in a blue T-shirt, made the sale without hesitation. The visitor asked his companion if the pusher might suspect a stranger as a police undercover agent.

"Come on, man, you must be kidding," he replied.

Later, the contents of the package were analyzed. It contained 7.5 milligrams of heroin—about 10 per cent of the total contents, which was a normal dose. The rest was quinine and milk sugar.

In Hunts Point, as in other neighborhoods in the southeast Bronx—Mott Haven, Morrisania, South Bronx—pushers were hawking heroin. The words heard in front of the Bronx Casino on 149th Street were heard over and over again:

Hay, baby, you wanna deuce (a $2 bag of heroin) . . . you wanna a tres ($3 bag) I got cibas, man, cibas cibas (Doriden, a sedative manufactured by the Ciba Corporation) . . . tengo, la tengo (I have it) . . . pito, pito (reefers) . . . you wanna bolsita (a little bag) . . . you wanna eye dropper . . . I know where you can get it . . . you looking' for action . . . I got bams, baby (a kind of liquid stimulant, occasionally taken with heroin) . . . you wanna buy coke (cocaine) . . . whatchoo lookin for?

Apathy and fear pervade Hunts Point in almost equal measure.

Morris Leschins, a pharmacist who owns the Farmacia Latina at 1429 Wilkens Avenue, keeps 30 brands of cough medicine, none of them with codeine. He will fill no narcotics prescriptions, even legitimate ones. He gets repeated requests for any medicine that comes with an eye dropper, since the dropper is used by addicts to pump liquefied heroin through a hypodermic needle.

"I never drive my car to work," he told a visitor. "You didn't drive up here, did you?" Then he added: "I'd sell this business in a minute, even at a loss. But nobody wants it."

Mrs. Sarahlyce Dabney, director of the Bethany Family Circle, a community organization that works with the poor of Hunts Point, had her purse snatched just after 5 p.m. last April 1. Some men stopped the purse snatcher, for which she was grateful. But nobody would be her witness against the man in court.

"They all said they were too busy working," she said, amused at the excuse since 80 per cent of the people in her neighborhood are on welfare. "Everybody," she said, "is afraid."

Ex-addicts from Odyssey House have taken over the operation of 1007 Simpson from a landlord who doesn't want it. They call tenants' meetings twice a week. They want to motivate the people in the building. But they can't even motivate the people to come to the tenants' meetings. "Nobody cares," said one of the former addicts, Alton Johnson. "They are afraid."

"Afraid of what?" he was asked.

"Of everything," he replied.

The Rev. Louis Gigante, assistant pastor of St. Athanasius, has advocated the formation of defense groups to "confront" addicts and drive them from the neighborhood. But he can't find anyone willing to do the confronting.

"These people do not think of the streets as theirs, but as somebody else's," he said. "They are afraid of their problems. They want somebody else to solve them—the city, the police, even the parish priest."

Unlike Puerto Ricans on the Lower East

Side, residents of Hunts Point are not "turf"-oriented. They tend to be older, more submissive, more unclear as to what they should expect from life in New York and less inclined to defend their neighborhood against junkie invaders.

In Hunts Point, they look fearfully toward abandoned buildings and complain about drug addicts, who emerge periodically to get fixes and to prey on the community. But nobody talks about getting them out. They are waiting for the police.

A visitor entered 999 Simpson Street at 8:30 P.M. last July 17 to determine whether the tenement was as empty as it appeared from the street.

Inside, he found a young man and his girl. Both were Puerto Rican. He was 22 and had recently completed a stay in a facility of the State Narcotic Addiction Control Commission. "They let me out when I was cured," he said. The girl was 19 and had recently served two weeks in jail for prostitution.

The young man was cooking heroin in a bottle cap, held over a small candle with twisted wire. He frowned as the stranger approached.

"You the man [police]?"

"No."

"Then why you here?"

"I want to know about the drug problem here."

"LOTTA KIDS HOOKED"

"That's good," the young man said, intently watching the heroin. "We got a terrible problem here. Lotta kids getting hooked."

The heroin had cooked; he pulled some of it up into his hypodermic needle and matter-of-factly injected it into his girl's shoulder. He did not give it to her in a vein (mainlining), but just through the skin (skin-popping). "She ain't ready for no mainlining yet," he said.

Then he tied a piece of rubber tubing around his arm, and whirled his arm around to make his veins bulge. "Everybody keep still," he warned, "or I mess this up." The needle went in. Immediately his head began to nod. "Youuuuu ain't the mannnnn," he said from another world. His girl was still unaffected.

"It'll take a while," she said, "but in an hour we'll be together. Don't you understand?"

THE TAPPING REEVE LAW SCHOOL

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MESKILL. Mr. Speaker, for more than 60 years members of the bar have been arguing over the location of the oldest law school in America. Depending upon where your sentiments lie, the argument boils down to a choice between whether the first, formal legal education began at the Tapping Reeve Law School in Litchfield, Conn., or at the College of William and Mary in Virginia.

The September issue of the American Bar Association Journal pictures the Litchfield Law School on its cover. The cover story on Tapping Reeve's law school, located in the beautiful foothills of the Berkshires, sheds some new light on "The Best That Is in the Old."

Mr. Speaker, for the benefit of my colleagues and historians of the bar, I would like to insert this brief article on the history of the Nation's first law school in the CONGRESSIONAL RECORD. The article follows:

THE BEST THAT IS IN THE OLD

When the National Parks Service selected the Litchfield Law School at Litchfield, Connecticut, as a National Historic Site in 1965, it failed to note that this particular site was of special interest to some more contentious citizens than the average road-weary tourist, and so it erected a sign declaring that Litchfield was the nation's first law school.

For some sixty years members of the Bar had been arguing whether formal legal education in America began at Litchfield or at the College of William and Mary. The Department of the Interior had had no intention of attempting to resolve the dispute, which was just as well, since the National Parks Service had three years earlier added William and Mary's Wren Building, with its claim of being the nation's first law school, to the same National Historic Sites program. Interior made a judicious retreat, changing Litchfield's sign: "Tapping Reeve's law school, the first in the United States" to: "Tapping Reeve's proprietary law school, the first in the United States not associated with a college or university."

Tapping Reeve took his first student, his wife's brother, Aaron Burr, into his office in 1774, two years after being admitted to practice and settling in Litchfield. Reeve was prepared to offer more than the customary office apprenticeship, with its incidental instruction and bits of advice, for after being graduated from Princeton, he had tutored there for several years. More students followed Burr, and in 1782, perhaps motivated by his conception of law as a science, Reeve began presenting to his students an organized body of formal lectures. Two years later he had fifteen students, and, unable to accommodate them in the office in his home, he erected a small frame structure (pictured on this month's cover) nearby. There he assembled his law library, and there his scholars diligently pursued their note-taking despite the fact that Reeve included neither stove nor fireplace to ward off the bitter New England winters.

By this time William and Mary, whose chair of law had been established in 1779, was also offering formal preparation for the Bar. The two schools remained the only alternatives to legal apprenticeship during the period between the Revolution and the turn of the century, when the states were establishing legislatures, the common law had to be adapted to the needs of a new nation, and both the courts and the public were facing the problem of interpretation of the new Federal Constitution.

The demands on the legal profession were great, but attainment in the law was, at least in terms of formal training, a simpler and a briefer procedure in those days. An advertisement in Litchfield's first catalogue, issued in 1828, describes a comprehensive coverage that no law school would dare to claim today:

> . . . the Law is divided into forty-eight Titles, which embrace all its important branches, and of which [the lecturer] treats in systematic detail. . . . The Lectures . . . embrace every principle and rule falling under the several divisions of the different Titles. . . . Whenever the opinions upon any point are contradictory, the authorities in support of either doctrine are cited, and the arguments, advanced by either side, are presented in a clear and concise manner, together with the lecturer's own views of the question. In fact, every ancient and modern opinion, whether over-ruled, doubted, or in any way qualified, is here systematically digested.

The entire term lasted fourteen months, including two four-week vacations. Students paid $100 for the first year and $60 for the remainder. An hour-and-a-half lecture was presented each day. Students were expected to take down the lecture in full, to spend the rest of the day examining the cited authorities, and then to transcribe their notes "in a more neat and legible hand". By the end of the term these notes generally comprised five volumes, which were to serve as basic reference works for future practice. On Saturdays an examination covering the preceding week's lectures was given, and each week's schedule also included a moot court session.

The students adopted a code of rules of conduct, regulating such matters as use of books in the library and disorderly behavior. The copy that remains in the law school is partly illegible, leaving the last resolution to the imagination: "Any . . . shall be hung."

When Tapping Reeve was appointed to the Superior Court of Connecticut in 1798, he selected a former pupil, James Gould, to help him carry on the instruction of Litchfield. Gould was particularly interested in the law of pleading, and his treatise on the subject, published in 1832, remained the authority for many years. Reeve concentrated on the law of domestic relations, publishing a treatise in 1816. Reeve and Gould divided the courses along the lines of their interests, the students passing from one house to the other with their inkstands and portfolios.

Reeve was passionate in his sentiments and particularly in his enthusiasm for the law, which he conceived of as the application of religious principle to the business affairs of life. Gould was a social favorite, handsome and elegant in his appearance, concise and lucid in his thought, forcible and eloquent in his rhetoric. It is said that the students respected Gould, but loved Reeve.

In 1820 Reeve retired, leaving Gould to carry on the school until 1833. By that time leading universities had added law to their curricula, and students found it more advantageous to be associated with a university.

During the fifty-odd years of its existence, Litchfield prepared over a thousand students for the aBr, a number that can be better appreciated in light of the fact that Harvard graduated a total of 1,066 students from 1809 to 1826. Two thirds of Litchfield's students came from outside Connecticut. They were from every state in the Union, Georgia alone contributing seventy. Two students, Aaron Burr and John C. Calhoun, became Vice Presidents of the United States. Three became Justices of the Supreme Court (Levi Woodbury, Henry Baldwin and Ward Hunt). Six became Cabinet members; fourteen, governors; sixteen, chief justices of states. One hundred and twenty-nine were elected to Congress. Some—Horace Mann, for example—pursued fields other than law. George Catlin painted life in the Far West.

The breadth of the school's influence on the legal profession is apparent. Equally evident, though more difficult to delineate, was its influence on the course of this nation's history. For instance, Tapping Reeve was an ardent Federalist, adamantly opposed to the policies of Thomas Jefferson and to the burgeoning Democratic movement. In 1804, the year John C. Calhoun, later to be known as "The Great Nullifier", came to study at Litchfield, Reeve wrote to his close friend and former pupil, Senator Uriah Tracy:

> I have seen many of our friends; and all that I have seen, and most that I have heard from, believe that we [New England] must separate, and that this is the most favorable moment. The difficulty is, How is this to be accomplished?

Litchfield was undoubtedly a cradle of many of the legal and political attitudes that first began to mold this nation. Today, when "the trend is towards new and untried theories . . . [Litchfield reminds us that] while reaching out for the new, our young men must still tie back to the best that is in the old", Arthur F. Ells observed in an article about the law school, written when he was a judge of the Superior Court of Connecticut. That was in 1928.

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A COMMON MARKET FOR THE UNITED STATES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. RODINO. Mr. Speaker, I was very interested to read in the Washington Sunday Star of September 21, 1969, an article by the distinguished Senator from California (Mr. Murphy), which most effectively describes the damaging effects of the present chaotic system of taxation by the individual States. I heartily concur with his statement that it constitutes "a piling up of individual State rules and laws which collectively make deep slashes in the principle of free trade between States."

A solution to the problem, as Senator Murphy has pointed out, would be enactment of my bill, H.R. 7906, the Interstate Taxation Act, which passed the House on June 26 and is now pending in the Senate committee. Mr. Speaker, for the information of our colleagues I would like to include in the Record Senator Murphy's excellent analysis of the urgent need for action to establish what he so aptly terms a "common market" for the United States:

Senator Murphy Urges a "Common Market" for the United States

(By Senator George Murphy)

American businessmen today find trying to trade across a series of state lines is like trying to bid at an auction while blindfolded.

There is a hodge-podge of conflicting state laws and regulations that thwart the Constitutional principle of a national common market. These laws tend to discriminate against any business that is located outside the taxing state's borders.

The latest Congressional study shows that in 1965 there were 38 sets of state corporate income tax laws, 38 sales and use tax laws, 37 capital stock laws and eight gross receipts tax laws of general application.

In addition, sales taxes were imposed by more than 2,300 localities; gross receipts taxes by more than one thousand and corporate income taxes by more than 100 local governments.

The result is the businessman has no uniform guidelines on which he can rely in dealing from state to state. He must grope through reams of paper work and at the same time deal with what amounts to homegrown protectionism in order to sell his product.

The United States has long recognized that protectionism and high tariff policies prevent economic development consistent with the modern industrial age. That's why, since the end of World War II, five Presidents have urged liberalized trade policies and the establishment of common markets abroad.

Yet, the idea of a common market at home—written into our Constitution—has been frustrated in many instances at state borders. How does a typical business face this problem in the United States?

Take wine, one of the principal agricultural industries of my state. The California wine industry is now 200 years old and the state is the Nation's leading wine-producing area.

Surveys across the country show wine is becoming an increasingly popular mealtime beverage. In fact, the average American last year drank 2½ more glasses of wine than he did the year before.

Yet, despite this, restrictive trade policies from state to state prevent the wine industry from reaching this consumer group in a normal, unrestricted way.

Eight states levy higher wine taxes on any wine produced outside the state than they impose on domestically-produced wine. Fourteen states impose license fees on out-of-state firms who solicit orders from wholesalers within the state. Another 14 states place high license fees on those who "import" wine into the state.

How is the principle of free flow of goods in interstate commerce observed when one Southern state can impose a tax of 20 cents a gallon on locally-produced wine, yet tax all other wine at one dollar a gallon?

Some states justify these policies on the grounds they are trying to develop new industry. But in the cases of the Southern state just mentioned, there is only one winery in the entire state—and it has been in operation for more than 30 years!

Nor can such policies be justified on grounds of temperance.

The pattern is repeated in many forms. Four states tax manufactured products made outside the state, yet will exempt the identical product if it is made within the state.

Six states have rules which discriminate against the consumer who trades in a car which he purchased out-of-state. In some states, certain commodities—such as insecticides—are exempt from sales taxes but not use taxes.

One Southern state allows local publishers to sell magazines by subscription without having to pay sales tax. Out-of-state publishers are denied this exemption.

And so it goes—a piling up of individual state rules and laws which collectively make deep slashes in the principle of free trade between states.

There may be several ways to help restore the vitality of the national common market intended by the framers of our Constitution.

One would be a multi-state tax compact under which participating states would share uniform methods of dealing with this problem. The difficulty with this is that completion of the pact is a time-consuming process, and not much headway has been made to date on such efforts.

The second would be adoption of a Congressional bill to set some national standards for interstate taxation of business. The House has twice passed such a bill by large majorities (a vote of 311–87 this year and 286–89 in 1968.)

A Senate version of this bill is still in committee. Senate action this year could wrap up the Federal law. Continued delay, however, will only mean the erection of more "Berlin Walls" to impede the free flow of commerce.

THE JEWISH NEW YEAR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROONEY of New York. Mr. Speaker, those who number among their closest friends devout Jews are indeed fortunate to witness the deep reverence in which Rosh Hashana the beginning of the Jewish New Year is held.

This year, 5730 of the Jewish calendar, has given me a particularly coveted opportunity to sense once more the deep significance which my Jewish friends and neighbors attribute to the 10-day period of penitence, a period where man strips himself of the shams and pretenses to see his true self. It is a period when grudges are to be forgotten, where sins are to be forgiven and where man seeks to wipe the slate clean and begin his relationship with family and friends on a new and higher level.

One cannot but be impressed with the effect which the observance of such holy days has upon its participants, for the results are self-evident in relationships which worshipers have with their fellow men. These 10 days of soul-searching and somber meditation are a thorough preparation for the observance of the holiest day of the Jewish year, Yom Kippur, the Day of Atonement.

With the sounding of the shofur and the synagogue's call to worship, the ancient sacred rite of Jewry brings men to a revived awareness of God and an intensified awareness of their responsibilities and obligations to their fellow men.

I am sure all America is grateful for the spiritual intensification which has taken place these past days. I am sure, too, that Americans of all faiths and creeds join in wishing our Jewish friends a truly happy and prosperous New Year. I am particularly happy to extend such greetings to my many Jewish friends and to express my gratitude for what Rosh Hashana and Yom Kippur have meant to me over all the years of my life.

MYSTERIOUS MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the short but informative editorial in the New York Times, Wednesday, September 10, 1969, discusses some of the preliminary scientific results obtained by analysis of samples of lunar soil returned from the moon by the Apollo 11 flight. These preliminary findings, as the editorial points out, indicates that science is in store for a number of surprises as the future of the earth-moon relationship is more deeply probed. More significantly, it is important to note that much is to be learned as to the origin of the earth, moon, and the solar system by continued lunar exploration. This new knowledge plus other benefits derived from our Apollo program will be significant to the Nation and the world in the years ahead. I commend this editorial to your reading:

Mysterious Moon

The study of the rocks, soil and dust brought back by the Apollo 11 astronauts is bringing to light as many mysteries as it unravels.

The great age of the rocks from the lunar surface has produced the most intense interest for it raises the possibility that much of the terrain is 3 to 4 billion years old, that is it was formed and remained unchanged since long before the first life appeared here on earth. Only slightly less surprising is the evidence that the interior of the moon may be honeycombed by great cracks and fissures reaching far toward the center. Other mysteries are posed by the abundance of glassy material, the great scarcity of organic compounds and the unexplained relatively high percentage of titanium and zirconium among the components of the available moon stuff.

The theorists are made understandably

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cautious by realization that the new evidence all comes from one small area, the region immediately adjacent to Tranquility Base. It is likely that the picture will become still more complex when a representative collection of samples becomes available from ten, twenty or thirty areas spread over the entire lunar surface.

But even the limitations of the present data suggest strongly that the moon is very different from earth, and therefore has much to teach human science about the origin and evolution of the solar system. The case for intensive scientific study of the moon—conducted in part by geologists and other scientists sent there for on-the-spot investigation—is strong.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. SCHWENGEL. Mr. Speaker, as I indicated yesterday, I plan to insert into the Record, each day, editorials from the several States relative to the big truck bill. Today's editorials are from the Montgomery Advertiser and the Birmingham Post-Herald in the State of Alabama, and are as follows:

[From the Montgomery (Ala.) Advertiser, July 28, 1969]

GETTING HIT BY HIGHWAY TRAINS

A damaging blow to the trucking industry's strenuous efforts to get bigger, heavier and more dangerous trucks legalized was delivered by the executive vice president of the American Automobile Association, George Kachlein, in testimony before the House Public Works Committee recently.

Kachlein said that truckers were attempting to get double and triple bottoms, as the monsters are called, legalized before Congress realized how dangerous they were. Research into the safety factors of the larger trucks hasn't been completed. But what is known is frightening.

Kachlein said that trucking industry statistics show that heavy trucks, those weighing over 26,000 pounds, account for only 1.54 per cent of vehicle registrations and 5.33 per cent of the total mileage driven annually in the nation. Yet, the heavier trucks are involved in 11.6 per cent of the fatal accidents. Kachlein said:

"When a truck collides with a passenger car, it is the operator and passengers in the smaller vehicle who are most likely to be killed."

In collisions between automobiles and small trucks, such as pickups, the fatality rate is low. Between passenger cars and semis, the rate is 7.1 fatal injuries per 100 persons involved, Kachlein said:

"When the collision is between a passenger car and a tractor-two-trailer combination, the rate increases drastically to 13.3. This is a 173 per cent increase in severity in a collision between a passenger car and a double bottom over a collision between a passenger car and a conventional tractor-trailer."

A report from the Bureau of Motor Carrier Safety supports Kachlein's testimony. The Bureau said that in 1967, more than half of the accidents reported to it involved passenger cars. These collisions accounted for 66 per cent of the fatalities and 64.5 per cent of the injuries resulting from truck accidents.

While trucks figured in each of these accidents, only two per cent of the deaths were truck drivers. The other 98 per cent were drivers or passengers in automobiles.

The import of Kachlein's testimony is that accidents between heavy trucks and passenger cars are one-sided affairs, with the occupants of the passenger cars coming out on the fatal end. Furthermore, the chances of tangling with double and triple bottoms and surviving uninjured are even worse.

Congress should not approve the legislation before it that would allow the behemoths on federal highways.. And the bills asking the privilege of the Alabama Legislature should die in the Senate and House Committees where they currently reside. The highways of this state and the nation are not safe now. Double bottoms would increase highway perils.

[From the Birmingham (Ala.) Post-Herald, July 19, 1969]

THE TRUCK BILL AGAIN

Congress, which last year shelved a bill to permit longer, wider and heavier trucks on the interstate highway system, is engaged now in studying a somewhat modified version.

The new bill would lift the present 73,280-pound weight limit, extend the width limit from eight to eight-and-a-half feet and impose a length limit of 70 feet. This last provision was absent from last year's bill.

The trucking industry argues an axle-spacing formula set out in the new bill would permit more even weight distribution, thus easing the strain on bridges and highways despite heavier loads and greater length.

These factors, the truckers contend, also would promote safety by permitting improved braking ability for big rigs and better road visibility for their drivers.

The industry's primary interest in the bill, of course, is the greater "economic return" larger vehicles would provide for truckers and lower per unit hauling costs for customers—a legitimate interest, certainly.

But that interest must be weighed against the public's interest in the use of the interstate system—a $60 billion, taxpayer-financed project—and the other highway arteries onto which it empties.

Executive Vice President George Kachlein of the American Automobile Association, which opposes the bill, charges the extra truck weights permitted (up to 108,500 pounds for a nine-axle truck) would cost $1.8 billion for road repairs in 10 years.

And even if the bigger rigs could operate safely on the interstate, millions of feeder roads on which some of them would have to travel are far below the interstate's design and safety standards. Congress has been warned by the National Association of County Engineers, the National Association of Counties and other opponents.

Further, the improved safety factors of the bigger rigs are projected rather than proved. And the sight of a passing truck 15 feet longer and tens of thousands of pounds heavier than the 55-foot vehicles now permitted throughout most of the east seems unlikely to steady the nerves of the average motorist.

On balance, the truckers' interest are outweighed by the public interest in safe and economic use of the highways. The new bill should join the old one on the congressional shelf.

A CLARIFICATION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. VAN DEERLIN. Mr. Speaker, last June 24 I addressed the House about an unfortunate incident which had occurred earlier that day at Dulles International Airport. My remarks appear on page 17015.

Subsequently, the airline involved, Overseas National Airways, furnished me with a detailed explanation of circumstances which had led to the problems at Dulles, and the accompanying inconvenience to passengers.

I would like at this point to insert the letter I received from G. F. Steedman Hinckley, president of Overseas National, in the interest of fairness and in order to complete the account of the incident:

OVERSEAS NATIONAL AIRWAYS,
July 15, 1969.

Hon. LIONEL VAN DEERLIN,
House of Representatives,
Washington, D.C.

DEAR MR. VAN DEERLIN: As a result of the complaint of one of your constituents which caused you to insert some remarks in the Congressional Record concerning the unfortunate situation at Dulles Airport whereby some of our passengers were delayed on their flight to Europe, we asked our Washington Representative, Mr. Ralph Slater, to personally explain the circumstances to you and the purpose of this letter is to follow-up Mr. Slater's verbal briefing with a written account of the circumstances.

The two trips involved were our flight 1381/1322 bound from Los Angeles to London with a scheduled fuel and service stop in Bangor, Maine, and our flight 1203 from Los Angeles to Frankfurt with a traffic stop in San Diego and a scheduled fuel and service stop at Bangor. Presumably your constituent was on flight 1203.

As the two aircraft proceeded eastbound, we were advised that all major airports north of Baltimore were below weather minimums and, therefore it was necessary to divert the two flights into Dulles. Each flight was to have picked up a navigator in Bangor for the over-water flight to Europe. Since the Bangor stop was to be by-passed, we immediately made plans to fly two other navigators from New York to Dulles to meet the incoming aircraft.

We scheduled these two navigators, plus two ground services personnel, on a Braniff International flight which was to have arrived at Dulles before the arrival of our airplanes. As an added precaution, in case the Braniff flight was delayed or canceled, we made ready a limousine to drive our personnel to Dulles.

Braniff assured us that its flight would depart on time and we learned that the aircraft to be used for the flight was on the ground at Kennedy International Airport ready for departure. Later, however, Braniff began to inform our flight operations personnel, at 30 to 40 minute intervals, that its flight would be late in leaving, but continued to assure us that it would depart. These delays continued until it was too late to fly our people to Dulles in time. Eastern Airlines had shut down its Air-Shuttle because of the bad weather, and no other air transportation was available. By this time it was too late to use our limousine. The Braniff flight finally took off, seven hours late. Because of this delay and other factors it became necessary to hold flight 1203 on the ground at Dulles until the weather improved at Bangor so the aircraft could be routed through that station for crew change.

To complicate things further, telephone communication between New York and Dulles Airport had broken down during the night, so that our transportation services people in New York were unable to get through to the airport to arrange for food or hotel accommodations for the stranded pas-

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sengers, although they tried for hours to do so. Even though our representatives at Dulles alerted the Dulles Airport officials that we were diverting two aircraft there with 430 people aboard—other airlines were diverting aircraft there also—the terminal, including its restaurant and bar adhered to its customary 11 p.m., closing time. A small coffee bar remained open, but we were told it was too small to handle our 430 passengers.

When our ground services people arrived from New York, they arranged for complete breakfasts for all the passengers and the flights continued. Our London flight had incurred a two hour and forty-five minute delay at Dulles and the Frankfurt flight had been delayed there eight hours and thirty-five minutes.

As you can see, this was a complicated set of circumstances, which defied our best efforts and plans. Weather, the delayed Braniff flight and the unfortunate closing of government operated Dulles Airport terminal facilities made for a very unhappy situation.

I assure you, Mr. Van Deerlin, that we are completely aware of our public responsibility and constantly strive to improve the service to our passengers. As a member of the House Interstate and Foreign Commerce Committee you surely know and recognize our role in the air transportation system as established by the Congress in 1962. By law the supplemental carriers are to provide charter services to supplement the individually ticketed services of the scheduled route carriers. Through the exercise of this authority we have become the charter specialists of our national air carrier system and have historically provided a competitive spur to create and develop new markets and to maintain economic rates. In your remarks before the House you spoke of many of our charter passengers being elderly citizens who have scrimped and saved for years to take these trips. Our experience corroborates your statement and we have found that most of these people are flying for the first time, at prices they can afford, and all this is possible because a far sighted Congress in it's wisdom created the supplemental carriers to develop low cost charter transportation as an integral part of our national system. Yes, Mr. Van Deerlin, we put 250 passengers on our stretch DC–8's and in so doing your constituent who very rightfully complained of the lack of service at Dulles Airport paid less than $280.00 for a round trip charter flight from the West Coast to Europe instead of $794.00 for an economy class ticket on a scheduled carrier whose economy seat spacing is no more comfortable than ours.

Indeed we regret the inconvenience caused the passengers at Dulles. However, I have reviewed all the factors associated with this incident and am confident that we did everything we could reasonably be expected to do to minimize the discomfort.

The tone and content of your very damaging remarks in the Record convey the impression that this incident was a typical example of the slip-shod operations of charter carriers in general and ONA in particular. Based on the information you received from your constituent you undoubtedly believed the remarks to be justified. However now that you have both sides of the situation which indicates the existence of circumstances beyond our control and clearly shows that our actions were those of a responsible professional airline operating in the best interests of safety and public concern, I hope you will now publish our side of the story in the Congressional Record.

I take this opportunity to enclose one of our recent brochures that will give you some further information on Overseas National.

Sincerely,

G. F. Steedman Hinckley,
President.

INTERNATIONAL ASSESSMENTS OR WORLD TAXES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. RARICK. Mr. Speaker, a cadre of international money manipulators, headed by former Canadian Prime Minister, Lester B. Pearson, has unveiled their interesting plan to assess all industrialized nations at least 1 percent of the gross national product to assist the World Bank in leveling the wealth of the world by subsidizing unfair economic advantage against productive nations.

Interestingly enough, the figures of the OED for last year indicate that $12.9 billion was contributed to the wealthy few in countries poorer in comparison by 16 major non-Communist nations.

The full study, which is to be released at the World Bank meeting on October 1, should prove most enlightening; especially their program to use the SDR's, "paper gold," as a source of new funds for the international bankers. The suggestion of multinational corporations to be chartered by the UNO looms as the latest portent in massing power into the hands of an international few. And all of this, of course, under the guise of relieving poverty of nations.

I include herewith a news report from a local paper setting forth the gist of this intriguing world cartel blueprint:

[From the Washington Post, Sept. 23, 1969]

INTERNATIONAL COMMISSION TO LAUNCH NEW MOVE TO AID DEVELOPING NATIONS

(By A. D. Horne)

A major effort to renew the industrialized nations' lagging commitment to aid the developing world will be launched here next week by a prestigious international commission headed by former Canadian Prime Minister Lester B. Pearson.

The end-product of a year long study, the commission report has attracted intense interest in advance of its publication Oct. 1 during the annual meeting of the World Bank.

The report, early drafts of which have been circulating among government officials who deal with international economic policy, is expected to set forth a new rationale for the developed nations' efforts to channel government funds and private investment to the poorer nations, and to make 80 specific recommendations on ways to increase the effectiveness of such aid.

Sources familiar with the report's contents say the Commission has accepted as a starting point the 1968 United Nations Conference on Trade and Development (UNCTAD) target for industrialized nations to send the poorer nations aid and private capital equal to at least 1 per cent of their own gross national product.

Last year, according to Organization for Economic Development figures, the 16 major non-Communist aid-giving countries sent $12.9 billion to the poor nations, or 0.77 per cent of their own combined GNPs. This percentage has generally declined since 1961, although the 1 per cent target has been widely accepted.

The Pearson Commission, informed sources said, has attempted to make this 1 percent measure more meaningful by suggesting specific goals within it.

One hint was provided last week by the Commission's West German member, Wilfried Guth, who told a Nobel Foundation conference in Sweden that the report will urge specific allocations for research and education to the poor countries based on each developed nation's budget in this field

The report is also said to endorse the "Horowitz Plan," advanced by Bank of Israel governor David Horowitz, which would cope with the rising cost of development loans through international subsidies to offset high interest rates to the poorer nations.

Some experts see a significant new source of funds for international development in Special Drawing Rights (SDRs), the "paper gold" which the International Monetary Fund will begin activating next week. The 10 major nations which worked out the SDR system as a safety valve against gold price rises resisted attempts to link the new currency—$9.5 billion is to be created in three years—with development efforts. The Pearson report, it is understood, will endorse the principle of linking SDRs and development aid, while leaving open whether this should be done through the World Bank's International Development Association or otherwise.

The Commission also will make recommendations in the trade and investment areas. One idea mentioned in the report, although not a recommendation, is United Nations chartering of multinational corporations presumably less vulnerable to expropriation than direct investors.

The report will come at a critical time for the United States, now re-examining its aid and trade policies under domestic and international pressure.

The Pearson report was commissioned by World Bank President Robert S. McNamara in August, 1968. The Commission members—Chairman Pearson, Sir Edward Boyle of Britain, Roberto Campos of Brazil, former U.S. Treasury Secretary C. Douglas Dillon, W. Arthur Lewis of the West Indies, Robert Marjolin of France, Saburo Okita of Japan and Guth—served as individuals, not as representatives of their governments.

LETTER FROM CONSTITUENT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. NICHOLS. Mr. Speaker, like most of my colleagues, I receive hundreds of letters each week. From time to time, one of these letters impresses me so much that I share it with other Members by placing it in the CONGRESSIONAL RECORD. I received such a letter this week from a constituent of mine who is vitally concerned about the war in Vietnam. Mrs. Ernest C. Pharr of Selma, Ala., has a son in Vietnam. I believe that she expresses the feelings that many thousands of Americans have about this war. I include her letter in the RECORD at this point:

SELMA, ALA.,
September 18, 1969.

Hon. BILL NICHOLS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: My husband and I were seriously debating to whom we should write to be most effective in our plea to impress upon our Congress and President our feelings about the Vietnam war. We decided that you have shown a deep interest in this matter and would be in a favorable position to vocally relay our opinions to our higher echelons of Government.

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If we, as a nation, are indeed threatened by a communist takeover and overt action by any foreign power *as a result of a communist takeover in South Vietnam*, then by all that is reasonable let us provide all the fighting strength, arms, money and effort necessary to conquer the enemy and not just have an ineffective, perpetual police action in a far off geographical section sacrificing our finest young men to a horrible death and the grave before they have even been given a chance to exercise their inalienable rights to the pursuit of happiness which they had been taught was theirs by virtue of their birth in this still freest of all societies. If we are not so threatened, then let us withdraw all our troops, except for volunteers, and if the South Vietnamese are concerned about their country and their freedom, they will stop deserting and courageously fight for what they believe instead of continually taking advantage of our benevolent politicians and the American people's acquiescence in obeying our leaders' commands by sending our boys to offer their lives and giving our tax dollars to give our far off foreign neighbors a more prosperous life. We would not mind so much supplying their weapons and money if they would just display a more concerted effort to liberate themselves from an undesirable political rule, but to give the lives of our sons, husbands and fathers in place of their own is more than a true friend would ask of us.

I, as one of legions of mothers, cannot sleep at night for listening to every news cast until I fall asleep from exhaustion, straining for the glimmer of hope that our 22 year old son, who is stationed on a small army post just outside of Saigon, has maybe not undergone the latest mortar attack; and in the morning, following on the map the attacks reported having taken place through the night.

Yesterday, another of our handsome, healthy young nephews boarded a plane in Montgomery enroute to his next Marine Base in Saigon. He had decided not to marry his fiancee while he was home on leave from boot training because he didn't want to take the chance of leaving a widow. As long as they could see a speck of the departing airplane his sisters were in tears shouting, "Please, please come back to us Eddie", their only brother. The plane he boarded had just unloaded one more $80.00 GI coffin draped with our Country's Stars and Stripes—I can imagine the anxiety that must have crossed through his mind.

The whole situation of *helping* the South Vietnamese people seems to have gotten hopelessly muddled as to its objective and we all wonder where and if it will ever be brought to any semblance of a conclusion. We feel as if our 14 year old son has a better than ever chance of being sent there for the police action in a few years the way things are shaped at the present. We feel that our leaders must take positive action now, not to withdraw just a few men by replacing them with new recruits, but to send all our citizens home by Christmas time, or else take positive steps now to bring the North Vietnamese to their knes from where they just might be willing to negotiate for a peace settlement.

My husband was a part of the last invasion into Germany during WWII, my brother served two years in the barren, iced Aleutians and most of my friends volunteered to fight and some didn't return; my younger brother served in Japan during the Korean war and now our son and many acquaintances are in Vietnam. We all felt justified in protecting ourselves against the German and Japanese invasions and would again if we were so threatened again. However, I have never heard one single person qualify himself as truly understanding or believing there is any sense in sacrificing our men in South Vietnam; and if our rulers know that there is, let them put out a real effort to make us believe there is the need now to defend ourselves and then we all, men, women and children, would be willing to put our hearts and minds into a just cause, instead of enduring this slow torture of defeatism.

According to what I have been able to comprehend of the North Vietnamese's thinking according to statements they have upheld through the many years of conflict, they will never make concessions of any kind unless they are somehow brought to a desperate impasse. No action presently being taken will encourage them to offer beneficial overtures towards South Vietnam or the United States of America. They are determined to realize their goal of uniting South Vietnam with them until their last man shall stand and we had better believe it. They understand no defeat or compromise except by force.

I hope you can present these feelings to our higher echelon officials in such a way that they will take definite action and not just meaningless measures with which they hope to pacify the people of our country while stalling for more time. I often hear people saying, "We should all write letters and make our feelings known"; well, I have written mine and thank you kindly for taking up your time and for any efforts you put forth to solve this terrible dilemma from which our country is having such a difficult time extricating itself.

Sincerely yours,
Mrs. ERNEST C. (Ann) PHARR.

DO WE NEED 50 STATES?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROSENTHAL. Mr. Speaker, I recently discussed with Gov. Nelson Rockefeller, of New York, at a public meeting of the Intergovernmental Affairs Subcommittee of the House Government Operations Committee, the need for reorganizing our State governments. One suggestion I made was that the 50 States be abolished and regional governments substituted for them.

This suggestion, while it has enormous political implications and problems, raises, I believe, the important question of why and how we are wedded to a system of State government and State boundaries which no longer corresponds to the problems our country faces.

Prof. Raymond J. Phillips, Jr., of the State University of New York, discusses some of these problems and prospective solutions in his previously unpublished article which follows:

DO WE NEED 50 STATES?

(By Raymond J. Phillips, Jr.)

"Not content with surveying our institutions bathed in the mellow radiance of a glorious past, we would examine them in the cold glare of the present." [1]

Over the years, and particularly in recent decades, numerous proposals have been submitted with the intended purpose of strengthening and revitalizing the governments of the several states.[2] These proposals, in the main, have started with the premise that the states should be preserved in much their present form and that somehow their governmental structures can be revitalized in a manner that will make them both responsible and responsive. Upon careful examination, however, it appears that much of the frustration emanating from the failure to implement these proposals, or even a meaningful part of them, is that they have been predicated upon the assumption that there are no alternatives available outside of the present structure of fifty separate entities.

Fully aware of the arguments that it is politically not feasible to consider a scheme of government that does not include the current structure of fifty states, this writer, nevertheless, would like to suggest a plan that departs radically from most suggestions for strengthening our federal system.[3] This is done not with any illusion of the plan's immediate adoption or general acceptance even in theory, but with the purpose in mind of removing the blinders that have restricted much of our thinking in this area and of encouraging new ideas for improving the structure of American federalism. With increasingly meaningless state lines, the result of a mobile people, it would appear appropriate, if not entirely necessary, to begin a national debate in this area and to create an environment that will free even public officials who have for too long been restricted in their public pronouncements in this area. The laboratories of the physical sciences are not so confined, nor should they be for the social sciences.

Very briefly, then, what is suggested here is that the federal system could operate more efficiently and meet the demands of society more effectively with fewer than fifty states. In addition to the fifty states, we have approximately 90,000 units of local government—counties, townships, special districts, municipalities—whose boundaries and jurisdictions no longer realistically reflect the shifts in population of a people on the move to wherever opportunities present themselves. As Professor Grodzins observed in referring to our multiplicity of governmental units, ". . . government in the United States is chaotic." [4]

As was noted earlier in this article, numerous suggestions have been made in the past for establishing regional governments, and in 1933, Luther Gulick opined, "The American state is finished. I do not predict that the states will go, but affirm that they have gone." [5] Although the states have not yet vanished, they have failed in many instances to meet their commitments, and plans for upgrading the states have remained primarily plans.

Everyone is familiar with the historical basis of our federal system, but in view of the wide geographical area that comprises the United States and of its large population, it would not seem practicable to replace it with a purely unitary system such as England has. There is available, if we are willing to search for a meaningful alternative, a plan that would fall somewhere between our present fifty states and a unitary system. Our present situation in which the necessity of maintaining fifty states is open to very serious question should not alarm any citizen, for this represents the natural course of any mature federal system. This was observed many years ago by a particularly clairvoyant scholar:

"The two natural elements in our system are now the Community and the Nation. The former is the point of real local self-government; the latter that of general self-government; and in the adjustments of the future these are the forces which will carry with them the determining power. The commonwealth government is now but a sort of middle instance. Too large for local government, too small for general, it is beginning to be regarded as a meddlesome intruder in both spheres—the tool of the strongest interest, the oppressor of the individual. This has been its history in other lands and other times;

Footnotes at end of article.

and the mere fact that it professes to be popular here, while it has been princely or aristocratic elsewhere, will not save it from the same fate."[6]

The fact of the matter is that the problems which confront government today are either relatively small ones that can be attended to by local units or they are major ones beyond the capacity of any state to deal with effectively. The states lack the resources, or the geographical size commensurate with the problem, or in some instances the will to attack these problems. The mobility of a people in an industrial society is not determined by artificial or even natural boundaries. Employment situations are not mandated by state lines. Water and air pollution does not respect political boundaries. The quality of education should not be determined by geographical considerations or political boundaries. Professor Willbern remarked several years ago, "Most of us are so deeply immersed in these transformations [changing patterns of life] that we do not understand their nature very well, and we see even less clearly the governmental adaptations that will be associated with changes in living patterns."[7] Thirty-five years ago one writer noted that ". . . the multiplicity of forty-eight states . . . has no valid social or political reason for being preserved."[8] More recently an international city planner observed: "This confusion [concerning the development of policies to approach the problems of the urban areas] does not allow us to see the overall picture of the problem. It binds us too much to presentday notions about remedies. It concentrates our attention too much on the idea of an individual project, a single city, or a single urban area, whereas we should be thinking about regions and the nation as a whole."[9] The development of sprawling population centers will dramatically reverse the population patterns of the past, and Doxiadis concludes, ". . . the picture has become reversed. Settlements were once isolated spots within the countryside; now the open areas are isolated within an urban network, although those areas are much larger than were the earlier urban settlements within the countryside."[10]

We possess, and have for many years, the know-how necessary to cope with the situation. A quarter of a century ago it was observed, "There is no question but that modern communications and organizational methods make it physically possible at this time to rearrange our federal system into larger units and someday this may come to pass."[11]

The indictment against the states represents a long and serious list of charges calling for dramatic changes in the federal system. The fact remains that the most significant revitalizing change in state government in recent years has come in the form of a mandate from the United States Supreme Court,[12] and it has been resisted by the states with such effort that we have come closer to petitioning Congress to call a national convention than at any other time since the adoption of the Constitution.

A recent study by the Committee for Economic Development concluded that the failure of state governments to meet their commitments was attributable to geographic handicaps, outmoded structures, inadequate resources, and political weaknesses.[13] The report noted that a single state cannot be expected to solve problems that transcend its boundaries, nor can a state solve internal problems when it is hampered by archaic constitutions, figurehead governors, parochial-minded legislators, and judges elected on partisan ballots for short terms. Even in states where governors have a real commitment to move ahead, political expediency too often dictates against recommending tax programs necessary to implement needed programs. One-party politics in far too many states has contributed to entrenched machine politics where the major concern is with electoral successes rather than with providing the services that can reasonably be expected of government in the second half of the twentieth century.

An adequate tax base is the single most important element necessary for any government that desires to be responsive to the demands of the people it is intended to serve, and although the Heller Plan[14] has much to recommend its adoption, it would nevertheless fall far short of enabling the states to meet many of their obligations.

Too often those who are loudest in their defense of state sovereignty are the individuals who contribute most to the destruction of the system they desire to preserve. As Elliott stated in 1935, "Always in such a crisis of constitutional development it is the stand-pat conservatives who ultimately make the destruction of the system inevitable—because they demand impossible things of antiquated machinery. It is not those who would reform but those who would ossify a constitution who would bring about its destruction."[15]

This writer submits that in view of the growing urbanization of this country and its resulting blurring of state lines, in view of the development of a national constituency with lessening ties to states carved out a century or more ago, and in view of the increasing awareness that the problems of this century are either local or national in scope, the only effective way to modernize state government is to abolish it in its existing form and to substitute in its place regional governments between the national and local levels.

The plan that is suggested here is not intended as the final solution of the problems engendered by a federal system. Rather, its purpose is to serve as a beginning, as a working paper that can be refined by involving representatives of all areas of the country and all levels of government. To replace the existing structure will necessitate many mechanical problems which need not concern us at this stage. What is intended here is a broad and general outline of the form that the new structure might follow, and to think in terms that represent a radical departure, and not to become lost in the technicalities of implementation in the early stages.

The plan proposed here would call for substituting a number of regional governmental units for the present fifty states. The boundaries of these regions would recognize sectional differences and also reflect more realistically than the present state boundaries the large concentrations of population and the directions in which they appear to be spreading. Standard Metropolitan Statistical Areas (SMSA) would no longer be divided by artificial lines. The entire population of an area that is economically and socially integrated would be subject to the same regional government. Nor would these new regional lines necessarily be permanent, but would be subject to periodic redrawing as required by population changes.

Each region would serve in a dual capacity. On the one hand they would be administrative units of the national government, charged with the implementation of federal programs which would have replaced many of the existing state programs. On the other they would have the responsibility for supervising local programs. Changes in the latter area would call for a dramatic alteration of existing units of local government through the development of fewer but more viable local governments.

With the demise of the existing states we could develop a national court system, standard suffrage legislation, a national public school system that would include higher education, uniform marriage and divorce laws, standard automobile registration and licensing, and many others. Although national programs and standards would be established under this plan, provision is made for regional implementation to avoid a completely unsensitive central bureaucracy that might well be unaware of local peculiarities.

Many of the inconveniences that now confront many individuals as they move from state to state would be removed through the adoption of this plan, as would the competition among the states in such areas as taxation.

The people of this country are not yet ready for the adoption of a plan of this nature, but they must be prepared for the implementation of a governmental structure that is radically different from the present system. Everyone who is concerned with the viability of government must help to initiate a national debate that will result in seeking alternatives to the present system. Proposals for revitalizing government cannot be made in the narrow confines of the system to which we have become accustomed. Governmental machinery adequate to meet the exigencies of one era is not necessarily adequate for all periods in our history. Makeshift and patchwork government eventually becomes irresponsible government. We cannot live by tradition indefinitely, although we will, unfortunately, somehow struggle along with the present structure for sometime. The problems encountered in stirring a people to accept change has never been stated better than in the Declaration of Independence: ". . . all experience hath shown that mankind are most disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

There is a pervasive attitude among many Americans that the activities of the national government must be curbed and that the affairs of state must be returned to the state and local governments. Consider, for example, the following hypothetical, but perhaps not completely unreal, situation:

A postal employee and his wife, whose only source of income is the national government, attend a public address by a member of Congress. The congressman's grave concern with the increase in power in the government in Washington evokes almost the same reaction as if he had referred to the government in Peking. His ringing call for a return of government to the people at the state and local levels elicits applause which reverberates through the rafters of the partly federally financed municipal auditorium. Having had their faith in state and local government renewed and their fears of the federal government reaffirmed, they depart for suburbia. On the way home they travel over an interstate beltway, 90 per cent of which has been financed by the federal government, and they remark to each other about the convenience of the new highway. (What they are saying, in effect, is that the interstate highway is far superior to the state and locally financed streets through the ghetto.) As they enter their suburban community, they drive over streets under which lie sewage lines partially financed by the federal government. When they arrive at their house, the mortgage of which has been guaranteed by the Veterans' Administration, they turn on their FCC regulated television. Before falling asleep that night they ponder over how much better things would really be if somehow the scope of activities of the national government could be restricted.

It is this particular type of attitude that must be transformed as a necessary prelude to the radical restructuring of our federal system. In this area, the schools and colleges of this nation have an opportunity and a responsibility to educate a generation of students who will think in terms of alternatives that transcend the present federal structure. Too much attention in the past has been devoted to discussing the problems

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Footnotes at end of article.

XUM

of government within the narrow confines of federalism. The kind of departure called for here in the halls of academe will not only make them livelier centers of learning, but will also produce a generation of students who can begin to alter the climate surrounding the discussions of public issues. We must remove from our thinking the idea that there is something sacred about our federal system of government. When we have achieved this, then we will be in a position to develop the specific forms and structures of regional governments.

We do not need to establish more commissions to examine ways of strengthening and revitalizing state government, for we are aware of the problems that confront our governments, we have the resources and the expertise necessary to cope with these problems in a meaningful sense. What we need now is the courage to embark upon a different course and to attack these problems. How long are we willing to permit the problems of an urban and industrial society to be administered by governmental machinery developed in a rural and agrarian society of two centuries ago?

FOOTNOTES

[1] William Kay Wallace, *Our Obsolete Constitution*, New York: The John Day Company, 1932, p. 17.

[2] Among the most recent studies is the report of the Committee for Economic Development, *Modernizing State Government*, New York, 1967.

[3] There were, however, some earlier studies that called for the establishment of regional governments to replace the states. For example, Wallace, *op. cit.*, and Alexander Heymeyer, *Time for a Change: A Proposal for a Second Constitutional Convention*, New York: Rineholt & Co., 1943.

[4] Morton Grodzins, "Centralization and Decentralization in the American Federal System" in Robert A. Goldwin (Ed.), *A Nation of States*, Chicago: Rand McNally & Company, 1963, p. 1.

[5] Luther Gulick, "Reorganization of the State," *Civil Engineering* III (August, 1933), pp. 420–421.

[6] John W. Burgess, "The American Commonwealth: Changes in Its Relation to the Nation," *Political Science Quarterly* (March 1886), p. 23.

[7] York Willbern, *The Withering Away of the City*, Bloomington: Indiana University Press, 1964, p. 5.

[8] Wallace, *op cit.*, p. 184.

[9] C. A. Doxiadis, *Urban Renewal and the Future of the American City*, Chicago: Public Administration Service, 1966, p. 51.

[10] *Ibid*, p. 78.

[11] Heymeyer, *op. cit.*, p. 119.

[12] *Baker* v. *Carr*, 369 U.S. 186 (1962) and *Reynolds* v. *Sims*, 377 U.S. 533 (1964).

[13] *Modernizing State Government*, *op. cit.*, pp. 14–19.

[14] Walter W. Heller, *New Dimensions of Political Economy*, New York: W. W. Norton & Company, Inc., 1967, Ch. 3.

[15] William Y. Elliott, *The Need for Constitutional Reform*, New York: McGraw-Hill, 1935, pp. 207–208.

PRESIDENT NIXON AND THE SAIGON GENERALS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BINGHAM. Mr. Speaker, in a speech on the floor of the House yesterday I noted the increasing evidence that General Thieu is the major obstruction to progress at the Vietnam peacetable. I called on President Nixon to serve notice on General Thieu to abandon his continuing opposition to any peaceful settlement or accept an early, total withdrawal of U.S. forces. New York Times columnist James Reston, in an article published today, expresses a similar point of view. His article, "President Nixon and the Saigon Generals," follows:

PRESIDENT NIXON AND THE SAIGON GENERALS

(By James Reston)

It is clear from the recent statements of President Nixon at the United Nations and Generals Thieu and Ky in Saigon that the United States and South Vietnamese Governments are now running into a serious crisis over their divergent objectives in the war.

The main difference between them is that Mr. Nixon says he is fighting for what the South Vietnamese *people* want, and this cannot be ascertained without free and fair elections which Generals Thieu and Ky oppose.

ELECTIONS AND COALITION

There cannot be free and fair elections for all the divided and tormented factions in South Vietnam under the Thieu Government, which puts its leading political opponents in jail. And the Communists in the National Liberation Front and in Hanoi will not agree to elections unless they are supervised by a new cabinet representing all the contending groups including the N.L.F.

In his speech at the U.N. the other day, President Nixon said: "We in the United States want to end this war . . . but let there be no question on this one fundamental point: We will not accept a settlement that would arbitrarily dictate the political future of South Vietnam.

"What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam. To secure this right and to secure this principle is our one limited and fundamental objective."

In contrast, General Ky told Terence Smith of The New York Times the other day in Saigon: "The Americans are deluding themselves if they think they can replace this government with another and then bring about a coalition. If the new government tried to make a coalition with the Communists, there would be a coup inside ten days."

General Thieu took a similar line both on South Vietnamese television recently and again in a private talk with a British Parliamentary delegation. He is reported to have told the British visitors that he was opposed to any direct Communist participation and predicted that it would take twenty to thirty years for the Communists to make their politics acceptable to the South Vietnamese Government. This was interpreted as a warning to the Nixon Administration not to expect any further concessions in the Paris peace talks.

These differences are obviously fundamental. How can anybody know what the South Vietnamese people want without elections run by a coalition of all the parties concerned? How is the President to achieve his "one limited objective" if he continues to back Generals Thieu and Ky in their opposition to a new coalition?

THE SIMPLE DILEMMA

The dilemma can be reduced to a simple formula: No coalition, no elections; no elections, no genuine test of the will of the people; and no peace.

Meanwhile, General Ky has been threatening to use military force to oppose political concessions if necessary. He recently told a gathering of South Vietnamese Air Force officers:

"The future of our country is in your hands—yours and mine. We cannot afford to leave our destiny in the hands of dirty politicans. I tell you we will replace them, we will replace them in leading this country to victory. . . . No country, incuding the United States, can determine our future for us."

A BASIC DIFFERENCE

This is considerably different from Mr. Nixon's "no military victory" policy. Even when allowances are made for the generals' political problems in Saigon, it is fairly clear that they are taking a harder line as Mr. Nixon takes a softer line.

They are saying that what is important is what the South Vietnamese *Government* wants while President Nixon is saying the important thing is what the South Vietnamese *people* want.

Nor is this fundamental difference likely to be removed by evading it or denying that it exists. For the President cannot really be faithful to his one peace objective and responsive or obedient to the Saigon generals at the same time.

ROTC IN DECLINE

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the following article on the ROTC program at Mississippi State University. I believe the article is a good example of what can happen to the ROTC program when it is placed on a voluntary basis. I hope this does not foretell of the complete demise of the ROTC program in America. The article reads as follows:

ARMY ROTC IN DRASTIC DECLINE AT MISSISSIPPI STATE

STARKVILLE, MISS.—Officials at Mississippi State University, the state's first university to abandon compulsory Reserve Officer Training Corps training, report a drastic decline in ROTC participation since the program went on a voluntary basis.

Col. Charles R. Cadenhead, professor of military science, said the harder hit of the schools' two military programs was Army ROTC.

"We are asking ourselves what we did to last year's boys to come up with so few (this year)," Cadenhead said.

"We have a very disturbing figure in our sophomore class—only 73 boys are signed this year, whereas last year we had almost 300.

"Last year we had 50 boys in the band, but this year we don't have enough to have a band."

Cadenhead reported the total number of freshman and sophomore cadets in the Army program this year is 196, compared to 687 last year when participating was required.

Col Ralph H. Lane Jr., professor of aerospace science, said the Air Force ROTC is in somewhat better shape but also showed a heavy drop in signups.

"We had 780 freshmen and sophomores last year, compared with this year's 447," Lane said.

"Of course, the Air Force was in favor of making training voluntary as we are interested in career-motivated men rather than the two-year men the Army wants."

The University of Mississippi and Southern Mississippi, both of which subsequently dropped compulsory ROTC, reported a similar decline in participation.

JUDGE HAMILTON S. BURNETT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DUNCAN. Mr. Speaker, today I would like to pay tribute to the Honorable Hamilton S. Burnett, who retired the first of this month as chief justice of the Tennessee Supreme Court. Judge Burnett justly deserves the respect and admiration we Tennesseans hold for him. The distinguished judge was first appointed to our high court in 1947 and served with great wisdom and diligence.

The judge's own words should be included here and I now place in the RECORD an interview from the Knoxville, Tenn., Journal in which the judge gives some of his opinions and philosophy. Too, I want to share an editorial from the same newspaper which lauds his comments.

The material referred to, follows:

RETIRED JUSTICE BURNETT CRITICIZES SOME RECENT HIGH COURT DECISIONS

(By Dudley Brewer)

Hamilton S. Burnett, just retired as chief justice of the Tennessee Supreme Court, expressed some forthright criticisms Thursday of the high federal judiciary for decisions in criminal cases, civil liberties actions and the Adam Clayton Powell affair.

His comments were made at his office in the State Supreme Court building here and were in response to questions put to him during an interview. They follow in question and answer form.

Q: "Does Judge Burnett feel U.S. Supreme Court decisions, of recent years have strained constitutional rights to the benefit of criminals rather than the public?"

A: "I unquestionably think so. In my own judgment it's due to lack of previous judicial experience. There are some brilliant minds there, but they lack the necessary experience. The highest IQ is not enough without experience. The Supreme Court is supposed to be the check and balance between the legislative and executive branches. Its members should be men who have come up the judicial ladder."

Q: "Does Judge Burnett have any comment on U.S. Supreme Court decisions and ensuing executive actions in civil liberties and desegregation cases?"

A: "The same answer would more or less apply to this question—the same criticism. The principal criticism from the bar is that a judge should not go to a partisan political convention and listen to a partisan argument that might involve questions on which he might have to rule later. But the justices of the U.S. Supreme Court attended sessions of Congress when President Lyndon Johnson made speeches on civil liberties. As a human being, it seems to me, a judge cannot hear one side of a thing and keep unbiased when it comes to a judicial opinion."

Q: "Can Judge Burnett comment whether the US Supreme Court decision in the Adam Clayton Powell case as to his membership in Congress truly adhered to the Constitution?"

A: "I do not think so. From what I have been taught all my life, those bodies (Senate and House) are the final judges of who their members should be. That's just common sense. Otherwise crooks and criminals would be there. Anybody knows it's wrong."

Q: "What are Judge Burnett's thoughts on the need for judicial reforms in Tennessee and what directions should they take?"

A: "The main thing is what is back of my own retirement. There are men on the bench today in the lower courts who have lived beyond their time. We should have compulsory retirement of judges. I know of some chief justices in other states who are much too old for the demands of their positions.

"Another thing is this. Five years ago I named three men from each congressional district of the state, the best men regardless of politics. They worked five years and drafted changes in practices and procedures. These should be legislated into action. I think the next time the General Assembly will do it. That will be the greatest improvement in my 50 years at the bar."

Q: "Will Judge Burnett be kind enough to state his philosophy of jurisprudence and the administration of justice?"

A: "I think this was stated over 100 years ago by one of our great judges in the Tennessee Supreme Court, Justice Robert L. Caruthers. The sense of what is said is that justice is done when we no longer are hunting for technicalities to affirm or reverse a judgment, but all we are looking for is whether the person has had a fair trial. That ought to be all anybody would want. That's what you're after—a fair and honest trial. If you want more, you are not wanting justice. But judges always must be on guard not to do an injustice."

Judge Burnett, 4072 Kingston Park Drive, was elected chief justice in 1963, having become the senior member of the Supreme Court. He was appointed to the high court in 1947 and had been a member of the State Court of Appeals five years prior to that.

Born Aug. 20, 1895, in Jefferson City, Judge Burnett's father was a Baptist preacher who later became president of Carson-Newman College. His mother died when he was born.

He is a graduate of Carson-Newman, Class of 1916, and was principal of a two-year high school in Cleveland for one year, then became manager of the Bluefield, W. Va., Gas and Power Co. a short time before joining the Marine Corps in 1917. Later, he entered the University of Virginia Law School and practiced in Richmond until 1924 when he came to Knoxville to begin law practice.

The judge has been a member of the Carson-Newman Board of Trustees for more than 20 years and served as chairman of the board from 1953 to 1956. He also was a member of the committees which selected the college's last two presidents, Dr. D. Harley Fite, now retired, and Dr. John Albert Fincher.

Judge Burnett's political career started in 1928 when he was elected to the Knoxville Board of Education. He was Knox County Circuit Court judge from 1934 to 1942.

The former chief justice and Mrs. Burnett are now at their other home in Linville, N.C., but will return to Knoxville in a few weeks. Their plans for the future include a lot of travel, probably first to the British Isles and Europe.

JUDICIARY CRITICIZED

It's one thing when laymen take pot shots at the U.S. Supreme Court, but when a distinguished jurist follows suit, it's quite ananother matter.

Ordinary citizens may be quite correct in their observations, but one schooled in the law stands on firmer ground. Such is the case with Hamilton S. Burnett, who has just retired as chief justice of the Tennessee Supreme Court and whose comments appear elsewhere in today's Knoxville Journal.

Burnett was rather outspoken in his criticism of high federal courts. He is now in a position as a private citizen to make statements which he could not properly make as a member of the judiciary.

The former chief justice criticized U.S. Supreme Court decisions on criminal matters, on civil liberties cases and in the Adam Clayton Powell affair.

Burnett likewise has some strong feelings about the need for judicial reforms in Tennessee. He advocates compulsory retirement of judges and urges enactment of other reforms. "There are men on the bench today in the lower courts who have lived beyond their time," he said. "We should have compulsory retirement of judges."

Former Chief Justice Burnett will find considerable agreement with his opinions among the citizenry. We are indebted to him for such frank appraisals of both national and state judicial circumstances and practices.

WILLIAM (BILL) CLAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. STOKES. Mr. Speaker, last Saturday evening I was privileged to attend the annual awards banquet of the distinguished Capitol Press Club. One of the main speakers at the dinner was my good friend and colleague, Mr. WILLIAM "BILL" CLAY, Democrat, of Missouri.

BILL gave what I found to be an extremely trenchant and interesting address on the philosophical and economic priorities of the current administration. I believe that he did an excellent job of articulating the hypocrisy and hollowness of many of these priorities, and thus respectfully insert the following excerpts in the RECORD so that the remainder of my colleagues will have an opportunity to share his thinking:

EXCERPTS FROM SPEECH BY CONGRESSMAN WILLIAM L. CLAY, CAPITOL PRESS CLUB, SEPTEMBER 20, 1969

I could think of no more relevant topic for today—than today itself. I want to discuss with you the temper of the times in which we live and the issues facing us—those issues demand that we stand up and speak out.

The strength of our nation is not in the Government—but in the people. Regardless of which party is in power—the needs of people must be served and the rights of minorities must be protected.

The question today is—will injustice and inequality be rooted out of our system—or will the people sit idly by and let an insensitive administration continue to repress and exploit the poor.

The question is—will we use our energies and our determination to rise to the challenge—or will we wait and hope that by ignoring the pain—the cancer will go away. The challenge facing us is to save our nation. This country is clouded with internal unrest and external wars. There are 5½ million known alcoholics, 3½ million known drug addicts—10% of our adult population—and we ask is this a sick society! We deny employment to many—and when they seek welfare we degrade and ridicule them. When they steal and rob we imprison them. By our refusal to give jobs we force them to steal or beg. And when they do we use that as a reason for not giving them employment. Do we need understanding? But understanding is the one thing we don't have today. "Our leadership thinks it must meet force with force—power with power—violence with violence. The majority in this country believe that the only choice we have is between change that results from violence—or violence that results from lack of change."

Our leadership does not understand the real problems of this nation—does not understand the causes of the great division in our land. The warnings expressed in the Kerner Report are completely ignored.

XUM

Our President finds security in the past and popularity among those who relish 18th Century ideas. In my opinion, Mr. Nixon has not distinguished himself by accelerating the missile race, stalling school integration and attempting to sabotage the 1965 Voting Rights Act and appointing reactionaries to the courts. Our Government is becoming a Govermnent not of the people but of big corporations and big defense contractors. Our Government is more interested in the profits of the rich than the problems of the poor."

Constantly we are told about honoring some vague commitments to Vietnam—but nothing about honoring long standing commitments to citizens of this land. Is there any sense in this sort of honor to weapons and dishonor to human beings?

This nation is spending over $80 billion on defense—only $3 billion on education and $2 billion on poverty. It costs us $20,000 for the ammunition to kill one Vietcong—but we only spend $44 to educate one American child for a year. Last year we spent over $1 billion in tax money to subsidize farmers. Four thousand farmers collected more than $100,000 each for not growing crops. Last month our Government paid four farmers in California over $10 million for not planting crops on their land. We pay some not to grow food—yet others go hungry and undernourished."

Mississippi's Senator James Eastland received $116,000 last year from the Government for not growing food. But in the State of Mississippi a child on welfare only receives $9.50 a month. That's $114 a year. In Alabama each poor person on welfare gets $1.40 for one week's food. In Missouri a person on welfare only gets $2.50 per week for food. And in Mississippi, only 80¢ a week or 4¢ a meal.

Our President has become a world traveler. He has traveled 85,000 miles since he took office: 25,000 in foreign lands—he has been to the Philippines, Indonesia, Thailand, South Vietnam, Midway, India, Pakistan, Rumania, France, England and the Vatican. Mr. Nixon has become the "Marco Polo" of the White House—and his travels would be meaningful if at the same time he had travelled to Watts, Harlem, Fillmore, Anacostia, or Hough.

Any man who's been elected to the White House and who spends 111 of his first 230 days—away from the capitol—and then moves the White House to California—must not be very comfortable in Washington—that move to California was not an economy move! Although our President stresses economy. It costs the taxpayers $9,000 to drive limousines to California, $36,000 for motel rent for aides, $100,000 first year lease on Western White House, $70,000 to furnish and partition—$400 per hour to fly persons. Last week the Secretary of Defense told us he would cut his spending by $3 billion. He *did not* tell us that he is still spending $77 billion.

Secretary Laird told us he would cut back 100,000 troops. He did not tell us that in West Germany alone, "we maintain 228,000 men and their dependents—not for defense—but to boost the German domestic economy. There are 1,400,000 American troops on foreign soil, 500,000 dependents. The Secretary could release 100,000 servicemen without seriously impairing our national security. He could release 500,000 without harm to us—but it might impair the economy of Japan, Germany, the Philippines and Thailand. But is the purpose of large American armies for Defense or for foreign policy to boost the economy of our allies."

The President finally took the spotlight and presented us with his solution to poverty. He apologized more than once in his speech because we might have to spend $4 billion to relieve poverty in this country.

He recommended we spend $4 billion for the total welfare package. Yet the Senate Hunger Committee reported this month—that it would take at least $5 billion—just to feed the poor. The President's recommendation of $4 billion did not include the need for food. Only after great pressure did he agree to include food stamps as part of his program.

There are 25 million poor Americans whose incomes right now—together with the food assistance they receive—is not sufficient to provide them with the basic necessities another 13 million people have incomes sufficient to meet the costs of a low-budget diet and still provide for other basic needs. These 38 million people indicate the width and depth of poverty and hunger in America. Why must we apologize in order to spend $4 billion to alleviate the suffering of our own people.

The overriding concern in the President's speech was a regard for money. When on that occasion, it should have been clearly a concern for people. If this is new federalism, then I fear it means warfare—not welfare or workfare. Mr. Nixon addressed old prejudices and called it new federalism—and thus reinforced distorted views.

Now there are those who have told me that I should not criticize the President. There are those who have told me that Black people did not suport Mr. Nixon therefore he does not owe us anything politically. However, I happen to believe that a man who becomes President should have the capacity to rise above political considerations—he is obligated by the office to serve all the people. He is still my President—and by remaining silent while observing injustices—I would do no service to the office of the President, to my conscience or to my constituents.

When a U.S. Senator says poor people should help themselves and then helps himself to a large chunk of federal farm money—should I remain silent?

When the Civil Service Commission in Washington is charged with assuring equal opportunity in Government jobs—and when that commission itself turns out to be a prime dicriminator against Black employees—should I remain silent?

When the Federal Government grants $265,000 to a club in Natchez, Mississippi so that they can have a golf course—and when I know that the Black folks in Natchez, Mississippi don't all have shoes—much less golf shoes—isn't it my obligation to speak out?

When a peace-loving people such as the Quakers are arrested for standing on the steps of their nation's capitol—when they are jailed for reading the names of soldiers killed in Vietnam—when peaceful dissent in Washington becomes a crime punishable by imprisonment—all Americans should speak out.

In light of all this, the President told us a few weeks ago that man had lived his greatest day—that man's greatest day came when he set foot on the moon." How incredible it seems that the President could decide for us our greatest day.

Congressman Louis Stokes summed it up well when he said, "something is drastically wrong when a nation can set foot on the moon and cannot put shoes on all its citizens."

Yes, I am afraid that too many Americans must disagree with the President about our greatest day. Setting foot on the moon has not brought us one step closer to brotherhood on earth. Our greatest day will be when every American can get food and lodging in any public place—when every American can work commensurate with his ability and training—when every child receives quality education regardless of his race or status of life—our greatest day will be when every American can live in a decent home in a decent neighborhood.

America will not see its greatest day until Black mothers will no longer die in childbirth at a rate four times as great as white mothers—until Black babies no longer die of rat bites at a rate eight times as great as white babies. We will see our greatest day when people no longer go to bed hungry or when people no longer turn to dope or alcohol as an escape from frustration and despair.

Our greatest day will be when all the slums are destroyed. When Americans attack injustice and prejudice with a determination to end both—when every man enters a community without fear of disgrace or embarrassment—when every man is judged by his character not his color—when every American is proud of his manhood and his country.

We will see our greatest day when we no longer expect a man to be born in a segregated hospital, reared in a segregated neighborhood, educated in a segregated school, married in a segregated church, die and be buried by a segregated undertaker in a segregated cemetery and wake up in an integrated heaven.

CRIME IN THE DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. HOGAN. Mr. Speaker, on September 15, I placed in the RECORD a letter from a constituent, Mr. Walter L. Green, which dramatically and graphically described the appalling condition of crime in the District—a crime which was committed with impunity but two blocks from the White House. Again, Mr. Green has written to me with more criminal tragedies.

And again, I come before you to persist in my question as to when the Congress and the administration are going to take action?

Two of these crimes and their victims, about which Mr. Green has writtten in his letter, concern constituents of mine. But aside from the crimes themselves, Mr. Green asks some interesting questions about so-called law and order in the Nation's Capital. If the seat of government itself can be threatened by criminals, how can its vital work be accomplished?

I hope every Member of this body will read the cogent letter written by Mr. Green:

GREEN, BABCOCK & DUKES,
Hyattsville, Md., September 17, 1969.

Hon. LAWRENCE J. HOGAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR LARRY: With further reference to our conversation of yesterday about the crime situation in the District of Columbia, I am inclosing page C–1 of this morning's Washington Post in which you will notice an article to the effect that a guard was killed at a Safeway store at 1231 11th Street, N.W., which is only a few blocks from the Ebbitt Hotel, Eugene C. Good, the guard who was killed, resided in Seat Pleasant and was your constituent.

You will notice also under that item "Gas Worker is Wounded by Thief After Joining Chase on NW Street", and that person is Francis Thorne, who resides at 7708 Kittridge Drive, Forestville, Maryland, your constituent.

You will also notice that on the same page it is reported that an Ecuadorian visitor to the United States was killed by a robber while walking with a friend at Connecticut and Cathedral Avenue, N.W., which at one time was a very safe address. Also on that page is a picture of three District of Columbia policemen in the Council chambers and an item to the effect that 71 policemen and building guards were in the City Council chambers yesterday. What kind of government requires 71 guards to be in a council chamber?

The thought occurs to me that one or two of those 71 policemen in the council chamber might have prevented the robbery at the Ebbitt Hotel, one might have prevented the death of our visitor from Ecuador, another might have prevented the wounding of your constituent from Forestville, and another might have prevented the death of your constituent from Seat Pleasant; and if they had been so rationed there would still have been 67 men to guard the City Council, which would have been, in my judgment, an adequate number as the situation developed.

Also inclosed is page C–5 of the Washington Post which reports 17 additional robberies, some of them in broad daylight in the District of Columbia. Another of your constituents appears in that group, namely Joseph Haslinger of Greenbelt, who was held up in the 1300 block of C Street, S.E., at 3:30 P.M. on Monday by a man who said "Give me your money or I'll blow your brains out." That occurred only a few blocks from the nation's capitol.

It is notable that that list is considerably shorter than the list in the Washington Post the previous day. You will also notice on that page that a cab driver was shot in a robbery in the 3200 block of Hiatt Place, N.W. We have previously been led to believe that that was a fairly safe address in the nation's capitol.

I am likewise inclosing page 5 taken from the Washington Daily News of September 16. You will notice that there is a further report that Mr. Medina, of Quito, Ecuador, was slain in a street robbery. Two suspects were quizzed; apparently no arrests.

Below that you will notice the headline that a woman, 82 years of age, was raped in her northwest home by a man in his early 20's, and the woman was taken to Doctor's Hospital in a state of shock.

Also on this page is the headline "A somber street picture here" "Chief Wilson warns of 'a long winter of crime.' "

Where is the law and order that was predicted for the District of Columbia? Somehow, somewhere we need a champion of this cause, and if you care to make the speech that you referred to I think you can probably get some help from the material which I have sent to you.

My very highest regards.

Sincerely,

WALTER L. GREEN.

RUSSIA AS A NEWS SOURCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DERWINSKI. Mr. Speaker, an interesting commentary on the validity and objectivity of news coming out of the Soviet Union appeared in the September 12 New World, the official publication of the Catholic Archdiocese of Chicago. It must be properly emphasized that the Soviet Union controls news and continues to use the communications media for propaganda purposes. The following editorial properly reminds us of the fact:

RUSSIA AS A NEWS SOURCE

I only know what I read in the papers, is the old saying. More often than not, that is not enough these days, if it ever was.

Take the Soviet Union, and the reporting we read in our papers from that vast and powerful country.

Henery Kamm, head of the New York Times' Moscow bureau for two years, recently wrote about the reporting situation there. It is worth noting this was after he had returned to the United States.

Mr. Kamm writes that the Soviet Union has been "remarkably successful in creating conditions in which Western news media find it difficult to present a true and complete image of the country."

The methods, he notes, are "crude pressure or gentle persuasion," and adds: "they work."

He points out the threat of expulsion hangs over the correspondents of the Western press; the government pressures have frightened the bulk of the Western correspondents so they think twice before writing an article that might cause warnings, retaliation or expulsion.

The Soviet government is able to do this, Mr. Kamm writes, because of the "extraordinary controls" it exercises over their activities. Any contacts foreign correspondents have with Russians to gather news must be cleared through the press department of the foreign ministry; so must all travel beyond the suburbs of Moscow.

Mr. Kamm suggests that "with the total absence of reliable Soviet sources, and the secrecy in which the leaders of the Soviet Union conduct their affairs, newspaper readers should have the right to demand that Moscow correspondents take a pauper's oath confessing that they do not and cannot know what goes on inside the Kremlin."

And if the newspaper correspondents do not and cannot know what goes on, how much less so their readers!

JUSTICE OF PEACE HANNAH O'ROURKE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Pittsburgh (Pa.) Press, June 29, 1969]

JUSTICE OF PEACE HANNAH O'ROURKE

(By Ruth Heimbuecher)

Mrs. Hannah O'Rourke believes in marriage. She'd better. She has officiated at hundreds of weddings, and has sometimes married the same person twice. This does not cool her enthusiasm.

A justice of the peace since 1938 in South Park Twp. (formerly Snowden Twp.), Mrs. O'Rourke says firmly: "I think everybody should get married. Your life isn't complete until you do."

Mrs. O'Rourke followed her own advice—she married John M. O'Rourke in 1913. They eloped, married in Wellsville, Ohio, and settled in Large, Pa.

Four children were born—Alice, John, Jim and Joe—over a period of 12 years. From Large they moved to Bruceton then to Broughton, and finally to Snowden Twp., where the O'Rourkes built their first home in 1934.

John, a justice of the peace in Snowden Twp. for over 16 years, died in 1935, leaving Mrs. O'Rourke with four children and a mortgage.

Fortunately, Mrs. O'Rourke is one of those indomitable types. She wasn't appointed to fill out her husband's unexpired term, but several years later, her neighbors got her on the ballot, and she has been in office ever since.

NO TRESPASSING

"I'd never planned to be a justice of the peace," Mrs. O'Rourke, now 83, said. In fact, she never learned anything about law and order from her husband. "He wouldn't even let me in his office."

The "no trespassing" sign was imposed on Mr. O'Rourke's office door after one memorable day. Mrs. O'Rourke said to her daughter, Alice; "Let's go in and listen to a hearing."

They did, and sat quietly in the office-dining room while her husband and the defendant talked. Mrs. O'Rourke stayed as patient as she could, listening to the man call her husband a crook and other equally uncomplimentary epithets.

Her patience exhausted, she finally got up and slapped the man.

She never got inside her husband's office again—until she took over as justice of the peace.

All sorts of cases have come before Mrs. O'Rourke's jurisdiction—everything from disorderly conduct to murder. And all of those weddings—hundreds of them. She even married one of her sons, two nephews and two nieces.

One man—not a relative—took the marriage ceremony hard. He cried and cried and cried. "Not just a few tears," Mrs. O'Rourke said. "It was like somebody had poured a bucket of water on him. I never had a wedding like that."

IT'S NOT PAY DAY

She did have a ceremony where the bridegroom was casual, to say the least. "He wore his working clothes, his mill badge, and carried his pail," Mrs. O'Rourke laughed. "When the ceremony was over, the bridal party was walking out and I said, 'Haven't you forgotten something?'

"The bridegroom said: 'It's not pay day, you know." Then the best man said: 'How much?' I said; 'Whatever you want to give.' He gave me a dollar."

Actually, Mrs. O'Rourke is a popular squire, partly because of her kindliness, partly because of her low, low prices. In spite of inflation, weddings still reap a meager $5, and often, when youngsters come in for learners' permits with a half dollar, she doesn't have the heart to ask for 50 cents more.

Busy all the time, Mrs. O'Rourke sandwiches her housework between hearings, sometimes keeps going until 5 in the morning. Last week, she had a case every night.

Now working on her sixth six-year term, Mrs. O'Rourke has five years yet to serve. Then she plans to retire. "I won't run anymore," she said. "Would you, if you were 83?"

IMPORTANT CASE BEGINS TODAY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ASHBROOK. Mr. Speaker, the trial of the eight dissenters charged with conspiring to incite mob action during the Democratic National Convention last year was scheduled to begin in Chicago today. The case is an important one for it is the initial test of the antiriot provisions of the 1968 Civil Rights Act. The defense contends that the Federal antiriot provisions are unconstitutional and that the law, instead of requiring an overt act, imposes criminal penalties for a state of mind. If guilty, the defendants could be sentenced to 10 years in prison and fined $20,000. Most of the defendants are public figures and well known in leftist circles: Rennie Davis, Dave Dellinger, Tom Hayden, Abbie Hoffman, Jerry Rubin, and Bobby Seale. Because of the importance of the trial on future radical attempts at disruption, I insert in the RECORD at this point the extensive article which appeared in the New York Times of September 24 by J. Anthony Lukas which gives short sketches of the individuals involved, the charges, and various legal factors which make this case a truly important one:

EIGHT GO ON TRIAL TODAY IN ANOTHER ROUND IN 1968 CHICAGO CONVENTION STRIFE

(By J. Anthony Lukas)

CHICAGO, September 23.—More than a year has passed. The grass has grown over the scuffle marks in Grant Park. The tear gas and stink bombs have been flushed from the Conrad Hilton's lobby. But there is still no truce in the Battle of Chicago.

The struggle between the young dissenters and constituted authority that erupted during last year's Democratic National Convention will resume at 10 A.M. tomorrow when eight of the activists go on trial in Federal District Court here. An official of the American Civil Liberties Union calls it "probably the most important political trial in the history of the United States."

Tonight a number of dissenters gathered in Lincoln Park to demonstrate support for the defendants.

The trial of the Chicago Eight has a dual significance. It is the first prosecution under the 1968 Civil Rights Act's antiriot provisions, which prohibit the crossing of state lines to provoke disorders. Therefore, it is an important test of the limits of radical dissent in America.

DEMONSTRATIONS PLANNED

But, beyond that, it is an event in the radical movement itself. It will be a focus for further demonstrations against the war and racism. A major demonstration is planned outside the courthouse tomorrow, and others are scheduled every week of the trial. These demonstrations could well lead to further arrests and further trials.

It will be an opportunity for radical organizing. The eight defendants have organized themselves into a group that they call—half satirically, half seriously—The Conspiracy, after the conspiracy charges brought against them. They hope to enlist thousands of other young Americans behind this banner in a Happening that would give expression to political, social and cultural changes.

A Conspiracy spokesman has predicted that it will be "a combination Scopes trial, revolution in the streets, Woodstock Festival and People's Park, all rolled into one." And The Conspiracy has enlisted two promoters of the Woodstock Festival, attended by 400,000 young people in Woodstock, N.Y., this August, to help organize the event.

Chicago, to say the least, is not enchanted with the prospect.

Federal and city officials have declined to talk about the case publicly. "We try out cases in court, not in the press," an assistant United States attorney said here today.

But there are indications of a tough line from the courts and City Hall. Last week the chief Federal judge here banned all photographers and television crews from the Federal Building and the plaza outside.

He relented somewhat after several cameramen challenged the ruling by getting themselves arrested, but there are now rumors that the city may try to ban all demonstrations in the plaza. Chicago policemen have been deputized as Federal marshals to maintain security in and around the building.

This may take a host of deputies if the defendants' supporters show up as predicted. For the eight reflect virtually the entire spectrum of what is now generally called "The Movement"—from the pacifists to the hard political radicals to the cultural revolutionaries and "crazes."

THE DEFENDANTS

The eight, who were indicted by a Federal grand jury here on March 20, are:

Rennard C. (Rennie) Davis, 29 years old, a founder of Students for a Democratic Society who has since been active in the National Mobilization Committee to End the War in Vietnam and served as one of the committee's project directors for the demonstrations during the Democratic convention.

David Dellinger, 53, a Yale graduate who has been active in the pacifist movement for three decades, serving two prison terms for his failure to register for the draft. He is editor of Liberation Magazine and chairman of the National Mobilization Committee.

John Fronines, 30, who entered the radical movement through the civil rights struggle of the early 60's and through politics at Berkeley. Now an assistant professor of chemistry at the University of Oregon, he helped to found the Radical Science Information Service and was on the Mobilization Committee's convention staff.

Tom Hayden, 29, a founder of S.D.S. and the main drafter of its 1962 manifesto. "The Post Huron Statement." He was the moving spirit behind S.D.S. community organizing projects and worked as an organizer in Newark for two years. Since then he has made two trips to Hanoi and was codirector of the Mobilization's convention project.

Abbott (Abbie) Hoffman, 31, a Brandeis graduate who worked briefly as a clinical psychologist before going South in the civil rights movement. Later he became a spokesman for the new youth culture in New York and a founder of the Yippies (Youth International Party), which sponsored demonstrations during the Democratic convention.

Jerry Rubin, 31, a native of Cincinnati, where he worked briefly on a newspaper. He became involved in radical politics through the Berkeley Free Speech Movement and later was project director for the 1967 March on the Pentagon before becoming a founder of the Yippies.

Bobby Seale, 32, a graduate of Merritt College in Oakland, where he met Hughie P. Newton with whom he formed the Black Panther party. He is now national chairman of the radical black organization.

Lee Weiner, 30, the only Chicagoan among the eight. After receiving a master's in social work, he worked for the Mayor's Commission on Youth Welfare and then as a community organizer. Now a teaching assistant in sociology at Northwestern, he was on the Mobilization Committee staff during the convention.

The anti-riot provisions they are accused of violating were tacked on as a rider to the 1968 Civil Rights Act by Senator Strom Thurmond, Republican of South Carolina. During the debate in Congress, the "agitators" most often referred to were Stokely Carmichael and H. Rap Brown, both former chairmen of the Student Nonviolent Coordinating Committee.

The anti-riot bill, before being tacked on to the Civil Rights Act, was often known as the "Rap Brown law."

But the law has not been used against these Negro leaders. It became law only on April 11, 1968, after most of the major black riots in the cities were over. But four months later the disorders broke out in Chicago and leaders of the Chicago demonstrations became the first defendants under the law.

The defendants are being charged with conspiracy to do the following:

Travel across state lines with the intention of inciting a riot.

Teach the use of incendiary devices with the intention that they be employed during a riot.

Obstruct firemen and law enforcement officials in the performance of their duties during a riot.

In addition, each defendant is charged with an individual "overt act"—making a speech, attending a meeting or a training session.

If found guilty, the defendants can get a maximum of 10 years in jail and a fine of $20,000.

At a news conference yesterday, Leonard Weinglass and William M. Kunstler, two defense attorneys, indicated they would make a broad attack on the law.

Mr. Weinglass said the law boiled down to "prosecuting people for crossing a state line with an intent, and intention is pretty hard to prove or disprove."

Moreover, he contended, the law's definition of a riot is so vague as to include almost any kind of demonstration.

The American Civil Liberties Union says of the law:

"The effect will be felt most keenly not by those who are bent on causing death and destruction, but upon those who desire to work for social change within the framework of the law."

For its part, in a brief already filed, the Government argues that no Fifth Amendment rights are curtailed by the law.

"Congress can properly pass legislation prohibiting traveling in or using the facilities of interstate commerce with the intent to engage in criminal conduct," the brief says.

The defense has filed a motion to bar Government use of wiretaps. But Judge Julius J. Hoffman, the 74-year-old judge who will preside in the case, has reserved his ruling on this motion until the trial is over.

Judge Hoffman had denied 13 other defense motions, including a motion that the judge disqualify himself because of "personal hostility" to the defendants and their points of view.

At yesterday's news conference, Mr. Weinglass said the defense would make a final motion tomorrow asking Judge Hoffman to disqualify himself.

Mr. Weinglass also said the defense would make a motion tomorrow calling for moving the trial from Judge Hoffman's courtroom on the 23d floor of the Federal Building. He said the judge had allowed only 75 reporters and 100 spectators to be present, "which is entirely inadequate." He said the defendants were entitled to be tried "in the company of their friends."

Mr. Weinglass said the defense would be hampered by the fact that two of the defendants are in the Cook County jail. They are Mr. Rubin, who is serving a 45-day sentence for a California sit-in, and Mr. Seale, who had been arrested on charges growing out of the murder of a Black Panther in Connecticut.

Last week the defense made a final appeal to the United States Supreme Court for a continuance, based largely on the illness of Charles Gary, chief trial counsel for the defense. The motion was denied this week.

CALIFORNIAN WRITES TO AUTOMOBILE EXECUTIVES ON SMOG

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BROWN of California. Mr. Speaker, the following letter which I insert into the RECORD outlines in a direct and powerful manner how one man views the role of the automobile industry and its "struggles" to fight smog.

Samuel Orlich, Jr. of Riverside, Calif., is writing automobile company executives because he believes only they can take the action needed to reduce air pollution. One reason he wrote to them—and, not, for example, to us here in Congress—is because he sees the executives as the only persons who can act.

And, given the Government's performance in this area, I do not really blame him. If he was not already discouraged, last month's Justice Department request for a consent decree in the antitrust case against the auto manufacturers who were accused of conspiring to retard development of effective smog controls should really convince him whose side the Government is on.

I commend Mr. Orlich for his efforts, and I would like to see thousands of other concerned Americans peppering the automobile companies, pressuring them to do something about air-pollution before we have no air to pollute.

Mr. Speaker, I insert Mr. Orlich's letter into the RECORD at this point:

LETTER TO EXECUTIVES OF THE AUTOMOBILE INDUSTRY

General Motors Corporation: Mr. James M. Roche, Chairman of the Board, Chairman, Executive Committee, Chief Executive Officer, General Motors Building, Detroit, Michigan.

Ford Motor Company: Mr. Henry Ford II, Chairman; Mr. Arjay Miller, Vice Chairman; Mr. Semon E. Knudsen, President; The American Road, Dearborn, Michigan.

Chrysler Corporation: Mr. Lynn A. Townsent, Chairman; Mr. V. E. Boyd, President, 341 Massachusetts Avenue, Detroit, Michigan.

American Motors Corporation: Mr. Roy D. Chapin Jr., Chairman, Chief Executive Officer; Mr. William V. Luneburg, President, Chief Executive Officer, 14250 Plymouth Road, Detroit, Michigan.

Kaiser Jeep Corporation: Mr. Edgar F. Kaiser, Chairman; Mr. E. E. Trefether Jr., Vice Chairman; Mr. S. A. Girard, President, Chief Executive Officer, 940 North Core Boulevard, Toledo, Ohio.

Dear Sir: I'm launching an attack on you and your colleagues in the Automotive Industry because you, in a sense, have driven me to make some important decisions:—to put my home up for sale;—to quit my job;—to move from this area!—Big decisions for any man.

You, a leader in industry, a creator of jobs, one whose decisions affect millions;—you, who have the power to act,—haven't! That's why you're my target! The casual observer might make the trite comparison of David and Goliath. How wrong! It's more like Goliath against Goliath! For you see; I'm not alone. I'm one of *Two Hundred Million!*

Weekends, we work in our yards, mowing, weeding, sprinkling, whatever one does to keep it green, or just to relax. At the end of a day in the open air, my throat and chest ache, I'm short of breath, and I cough and gasp excessively! No, I don't have a bad heart. My physical condition is excellent. And when my children run and play hard all day in the *fresh* air, it hurts me more to hear their heavy wheezing and hacking half the night. The statement of our parents, "Go outside and play; it's good for you," is no longer true. There are schools which have issued surgical-type masks to children for playground period, and there are times when they won't let them go out at all. No, the weather isn't inclement; the sun is shining,—faintly,—it's warm, and there isn't a cloud in the sky;—that is,—that one can see. This is a terrific manner in which to combat the problem which exists in the air we breathe;—or don't you agree?

Today, I looked down the hill and couldn't see the end of our street,—only ½ mile away. A bluish-brown fog slops over the hills and streets, chomping and mushing our lungs and lives away. There was a time when this town was immune to it. Now,—people move away, and in so doing, unconsciously spread the cancer—*smog!*

California, lovely state that it is—when you can see it—with its browning and withering pine forests, its wilting and shrinking food crops, isn't the only place affected by the problem. It's spreading like a rampant epidemic, ignoring Hollywood movie jargon of "Head it off at the pass!" because it knows no boundaries.

Why pick on you and the auto industry for this? Air pollution is caused by many factors. It's common knowledge that, depending on the place, manner of measure, type of pollutant, etc., the car is attributed with anywhere from 60% to 90% of the garbage tossed into the atmosphere. After we stop the automobile, the rest will be easier.

A TV program recently put on by KNBC, Los Angeles, *really* brought the problem home. I commend them for producing this extremely informative program, *"The Slow Guillotine!"* Mr. Jack Lemmon, without leaning on his fine acting talents, did a superb job of narration, really laying it out straight and forward. I recommend it highly for extra-curricular study.

KNBC had interesting interviews with officials of the automotive Big Three—all of whom praised your work in trying to meet government smog specifications on automobiles. However, not one could pin-point the amount spent on smog control. Yet I would venture that you could tell, to the penny, your re-tooling costs for yearly changes in designing and styling. I doubt whether your corporation has slip-shod accounting methods so you wouldn't know. In that case, I would say you've relegated air-pollution to a secondary position—something not too important, but worked on to possibly pacify extremists. It doesn't make money.

You're probably saying, "We're very aware of the problem and are doing everything possible to combat it!" This I cannot believe! If it were so, the Federal Government wouldn't have jumped you this past January. The states wouldn't have to push laws controlling the amount of exhaust emission cars throw into the air. And the experts wouldn't pass out glum information that if we're lucky, and really drive hard, we may have liveable air in 20 years; or we have *no* air at all. I won't wait for that answer.

The industry has supposedly cooperated within itself for over 15 years in a program designed to control auto emissions contributing to smog. It's come up with crankcase emission valves, ventilating valves, and other means of control. Good, but not good enough to pat yourselves on the back. If you're really putting forth your fullest effort to combat air pollution, then why?—why did you fight federal controls and scream, "Foul!" with all your lobbyists, when California set up emission standards exceeding the Federal Government's? And the kicker really hit when after the California State Senate passed a resolution to either clean up the internal combustion engine or outlaw it by 1975, your lobbyists descended on the state assembly like vultures to insure defeat of the measure. Too extreme a law? This problem has dragged so long, it's time for extremes. Why do you fight legislatures? You and your cohorts are all intelligent men! Why don't you sit down and say, "Okay, fellows, this is a big problem; join us and let's work it out together and get rid of it by 1975!?

This is the whole point!!! Your entire program is geared to modify and control smog,—not eradicate it!!!

July 20, 1969: The culmination of roughly the same 15 years' work was realized by the first men walking on the moon. That accomplishment seems much more remote, much more impossible than cleaning up our air on earth!

"Aha!" you say! "The Federal Government spent billions on the moon project!—We don't have that kind of money available!" This money was most likely expended because the prospects of men walking on the moon is more exciting, adventurous, and romantic than cleaning hydrocarbons, carbon monoxides, or oxides of nitrogen from the air.

The basic problem then, is lack of funds! Or is it the lack of initiative to spend funds in the correct places? Do you, as an individual, know how much effort or expenditure commensurate with your gross has been put forth in the past 15 years to combat air pollution? Compare this with your expenditures on restyling. To some it was more important that we put man on the moon in 1969 than to preserve air on the planet we're already on. To some, it's more important to spend billions on an Anti-Ballistic Missile System which could be ineffective in the event an enemy did attack. How much more good and safety would be realized by channeling these funds to fighting an enemy which has already attacked and is daily taking a terrible toll? And,—to some,—it's more important to make an extra dollar profit than maintaining a safe level of health and life itself.

Now, let's figure out how to get these much needed funds and channel them in the right direction.

Today, auto styling is truly artistic, and I imagine your designers have some fantastic things on the drawing boards. However, if we're really going to dig into the main problem, let's forego the esthetics of automobile styling and think of the esthetics of the world in which we live. Let's say all auto manufacturers eliminate style changes on all models from 1971 through 1975—five years. How many million dollars could then be channeled into smog control instead? If you're concerned about the American public not buying cars because of lack of change, it would be a baseless worry. Cars are beautiful and they are necessities, and people will buy them because they need them. Change the grill work if need be to designate the model year. I don't believe you'd have much to worry from foreign manufacturers, such as Volkswagen, who change their models so extensively every year.

Now, we the public, can't expect you, the manufacturer, to shoulder the entire brunt of the cost. After all, we drive the manure spreaders. I'm sure no self-respecting citizen would argue against paying—$10.00 additional for a new car if the funds were set aside to operate a Smog Eradication Center. The $10.00 wouldn't be in the cost or profit base, merely an amount tacked on to find a cure for the problem. That's approximately $100,000,000 per year! Could we breathe clean air by 1975 with these additional monies?

If each auto manufacturer put into the Smog Eradication Center $5.00 per car sold,

XUM

without increasing the sales price,—foreign companies as well, or they couldn't sell their products in this country;—we'd have about another $50,000,000 per year!! Utilization of air pollution information by the foreign companies could be used to abolish this plague worldwide.

Your counter-parts in the oil industry should not be adverse to adding to the Smog Eradication Center. (Cars can't make smog without gas and oil.) One quarter cent a gallon, matched by the motorist, could add millions for the cause.

The awesome financial power of the Auto Industry, Oil Industry, and the American Public, backed by state and federal governments, would be unstoppable. Other smog-creating industries wouldn't dare buck it.

So you see, I really don't want to attack you; I'd rather join you. (No,—I don't mean, "If you can't beat 'em, join 'em!") This air pollution problem is such that mankind must act *now!*—and we can't work in contradictory directions.

I realize you must think of making a profit first. That's why you're in business. However, in your position, when you said, "I do!" and took over your present status, you married not only the job, but accepted countless civic responsibilities above and beyond those which the average man may have, simply because in your position, you affect more lives than the average man. You have a duty to perform,—perform it! If this seems like a naive approach to the problem, maybe it's time we started simplifying our manner of getting things done.

To make you, individually, truly aware of what we face, and of further discuss methods of getting this crash program underway, I extend to you a personal invitation to be my guest so that you may see, smell, and feel, the pollution of which the car is the main spoiler. I'll show you what's happening to man on the surface, in every day living. We'll also visit the Air Pollution Research Center to see their findings in the laboratory. You won't have to read their mailings, (which you may never see anyway:) sent to your public relations departments. Also, we'll fly over this sagging, smothering blanket to see how widespread this plague has moved. If you've never seen a wall of smog move in, you can't imagine how frightening it is!—One minute, it's clear, shining, becalmed —then a tidal wave, thousands of feet high, boiling and plowing, blots out the sun, smothering, enveloping,—and you are lost, and gasping.

I also invite you to write me and tell specifically what you intend to do about this problem. I'll detour from social convention and make this invitation more of an expectation. Letting me know what your firm is doing at present isn't acceptable;—because it's quite evident it's not enough. You must study the problem, decide on an all-out program and let us know of it. No,—I won't accept a letter from your public relations department:—"Dear Mr. Orlich, Thank you for your interest, however, due to a strenuous schedule, etc.,—we are doing everything possible, etc.—No, sir, this won't do; because your public relations officers have no authority to make decisions necessary to combat smog. I want *your* answer, which will be made available to the public through the media which will also receive copies of this message.

A negative response can only result in our declaring all-out war on you! This attack can take on the aspects of a Ralph Nader campaign, or possibly one similar to what the tobacco industry is now experiencing. T-V ads condemning smog-producing autos can be just as affective as ads which are condemning cigarettes for health reasons. Ask the tobacco companies what a concerted public opinion effort can do.

Is this a warning?—a threat?—possibly.

The air pollution program has been snailing along for 20 to 25 years. Politics, which is a compromising manner of doing things, has had some say in the dragging program. However, there is no longer any time for compromise. It has to be a "Damn the torpedoes, full speed ahead!!" program or we can forget the whole thing! Nature's balance may have been tipped too far. The *Slow Guillotine* may have dropped beyond being pulled back.

The American people can write, news commentators can comment, legislators can pass laws,—but you,—and men in your position are the only ones who can finally say, "Okay, Let's go!" I'm putting pressure on the heart;—the ones who can act,—*You!!* And, if you and your peers don't act, or ignore this message, or answer it with a courteous brush-off;—then, sir, you'll hear from the other 199,999,999!—That is,—unless the smog gets them first.

Sincerely yours,

SAMUEL ORLICH, Jr.

PITTSFIELD STUDENTS IN NATIONAL MERIT SCHOLARSHIP COMPETION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. CONTE. Mr. Speaker, it is, I trust with pardonable pride that I call attention today to the latest accomplishments of high school students from my own area of Pittsfield, Mass.

All told, some 28 students from Berkshire County have been selected as semifinalists in the prestigious National Merit Scholarship competition.

Sixteen of these bright young people are students at Pittsfield High School which this year again produced more semifinalists than any other public school in Massachusetts.

But, while school administrators can rightly take pride in this record, the real credit, of course, must go to the students themselves. I congratulate them and their parents for their outstanding achievement.

I include as part of my remarks a recent news account of their selection, published in the Berkshire Eagle of September 17, 1969:

TWENTY PITTSFIELD STUDENTS NAMED SEMIFINALISTS IN NATIONAL MERIT SCHOLARSHIP COMPETITION

(By Richard K. Weil)

Twenty Pittsfield students were named semifinalists in the 1969–70 National Merit Scholarship competition today.

All took the merit qualifying test last spring when they were juniors at Pittsfield High, making PHS the numerical leader among public schools in Massachusetts.

Other Berkshire County schools contributed a total of eight semifinalists in the competition for the most coveted academic honor a high school student can win.

Among these, Berkshire School in Sheffield, a private school, placed three semifinalists and Mt. Greylock Regional in Williamstown, two.

Some 750,000 students from 17,500 schools nationwide took the qualifying test. Only 2 per cent of the contestants—a total of 15,000—became semifinalists. They constitute less than 1 per cent of the class that will graduate next spring.

Only 3,000 will actually be awarded merit scholarships in the spring.

THE SEMIFINALISTS

Three of the Pittsfield semifinalists are now at Taconic High. One is studying in Kentucky. Sixteen are at PHS. They are:

David R. Arnold, PHS, son of Mr. and Mrs. Reginald Arnold of 82 Strong Ave. He wants to major in electrical engineering with an eye toward a career in that field.

Paul Atcheson, PHS, son of Mr. and Mrs. William H. Atcheson of 115 Stratford Ave., who also is working toward a career in electrical engineering.

Susan F. Burke, Taconic High, daughter of Mr. and Mrs. Raymond E. Burke of 124 Fort Hill Ave. She is undecided about her career.

Alan Cutler, PHS, son of Mr. and Mrs. Maurice Cutler of 120 Livingston Ave., who wants to major in biology toward a cereer in medicine.

Stephen M. Frenkel, PHS, son of Mr. and Mrs. George Frenkel of 22 Ann Drive, who plans to pursue a liberal arts course in college.

Michael E. Keegan, PHS, son of Mr. and Mrs. John Keegan of 248 Cheshire Road, who wants to major in business administration.

Richard D. Levinson, PHS, son of Mrs. Beatrice Levinson of 331 Williams St., who wants to major in electrical engineering toward a career in business.

Larry A. Litscher, PHS, son of Mr. and Mrs. E. Christian Litscher of 62 Sampson Pkwy., who wants to major in biological sciences.

SECOND IN FAMILY

Frederick Perkins, PHS, son of Mr. and Mrs. Milton Perkins of 456 Hubbard Ave. and brother of Clifford Perkins, who won a merit scholarship in 1967. Fred is undecided about his major.

Theresa Pink, PHS, daughter of Mr. and Mrs. Andrew Pink of 30 Lillian St., who wants to major in biological sciences toward a career in the health fields.

Thomas A. Propst, Lafayette High in Lexington, Ky., son of Mr. and Mrs. Richard Propst, who moved from Pittsfield to Lexington in the summer. Thomas wants to become an engineer.

Jonathan Samel, PHS, son of Mr. and Mrs. Arthur I. Samel of 25 May Ter., who is undecided about his major.

Kathi L. Sawyer, PHS, daughter of Mrs. Marolyn Sawyer, undecided about her major.

Carol Shepardson, PHS, daughter of Mr. and Mrs. Alan Shepardson of 45 Northumberland Road, who is undecided about her major.

Darlene P. Sigda, Taconic High, daughter of Mr. and Mrs. Stanley Sigda of 24 Park St., who wants to become an occupational therapist.

OTHERS ON LIST

Robert B. Stanley, PHS, son of Mrs. Ruth Stanley of 14 Harwich St., who wants to become a physicist.

Polly A. Steele, PHS, daughter of Mr. and Mrs. Charles P. Steele of 72 Strong Ave., who wants to pursue a liberal arts course.

Christopher van den Honert, PHS, son of Mr. and Mrs. Leonard van den Honert of 115 Mountain Drive, who wants to become a physician.

Carol Vandergrift, Taconic High, daughter of Mr. and Mrs. Wayne Vandergrift of 35 Morewood Drive, who wants to become a social worker.

William Wakefield, PHS, son of Mr. and Mrs. Walter Wakefield of 53 Northumberland Road, who wants to go into the field of archaeology or anthropolgy.

OTHER SEMIFINALISTS

Other Berkshire County semifinalists, listed by school are:

Lenox Memorial High. Barbara K. Ducharme, daughter of Mrs. Louise H. Ducharme of 663 East St., Lenox, and Joseph M. Ducharme of 507 Church St., Pittsfield. She wants to major in psychology.

Cranwell School in Lenox: Francis R. Richards of Birmingham, Mich., who wants to be an electrical engineer.

Monument Mountain Regional in Great Barrington: Wayne Gannett, son of Mr. and Mrs. Ernest Gannett of 43 Castle St. in that town. Wayne is attending Manzano High School in Albuquerque, N.M., but is expected back in Great Barrington in November. He is undecided about his major.

Berkshire School of Sheffield: Morris C. Hancock of Gladwyne, Pa., who wants to be an architect; Stephen M. Lincoln of Longmeadow, undecided about his major; and Charles W. Neuhauser of Westfield, N.J., also undecided.

Mt. Greylock Regional of Williamstown: David W. Armstrong, son of Arthur H. Armstrong of Williamstown and Mrs. Armstrong of East Greenbush, N.Y., undecided about his major; Gianni C. Donati, son of Mr. and Mrs. Richard C. Donati of Colonial Village, Williamstown, also undecided.

St. Paul's School of Concord, N.H., Nathaniel T. Wheelwright, son of Dr. and Mrs. Henry J. Wheelwright of Lenox.

The National Merit Scholarship Corporation, which directs the competition from home offices in Evanston, Ill., warns that the semifinalist list should not be used to compare schools or school systems.

The theory is that IQ and family interest in education have more to do with the tiny percentage of semifinalists than their courses or teachers.

But the PHS record over the years has been impressive. In 1963–64, the school had 10 semifinalists but no winners; 1964–65 a state-leading 15 semifinalists and three winners; 1965–66, four semifinalists, no winners; 1966–67, four semifinalists, two winners; 1967–68, six semifinalists, no winner; 1968–69, eight semifinalists, no winners.

This year PHS produced more winners than an other single public school in the state. There were one or two other communities that, on a basis of population, produced more semifinalists than Pittsfield. For examply, Wayland with a population of 12,200, compared to Pittsfield's 56,500, produced 11 semifinalists.

Pittsfield High achieved its highest total ever with students who had known nothing but double sessions for their sophomore and junior years, which hints to some that, for the best students at least, double sessions are not damaging.

PRINCIPAL COMMENTS

In a statement of congratulations today, PHS Principal Lawrence J. Murphy said: "Perhaps the most remarkable aspect of their (the students') success, in addition to being at one of the top secondary schools in the state is . . . that this record was achieved despite crowded physical conditions and shorter class instructional time occasioned by two years of double sessions.

"Their success must be attributed to the spirit of the students, their desire to work under adverse conditions and the efforts of the teachers . . . throughout their school years."

BYZANTINE ARCHBISHOP

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to insert an editorial on the elevation of an outstanding Pittsburgh religious leader, Archbishop Stephen J. Kocisko as head of the Byzantine Rite's new Metropolitan See. This editorial appeared in the Pittsburgh Press on Thursday, June 12, 1969:

BYZANTINE ARCHBISHOP

Once again, the Pittsburgh district has been honored by the elevation of one of its religious leaders.

The installation of Archbishop Stephen J. Kocisko as head of the Byzantine Rite's new Metropolitan See of Munhall is a noteworthy event in the history of religion in America.

As the then Bishop Kocisko noted when the new archeparchy was established by Pope Paul VI earlier this year:

"It brings great joy and satisfaction to our dedicated clergy, religious and faithful, not only in the U.S.A. but also in the land of our forefathers in Europe. This is the first time that the Ruthenians have a Metropolitan See of their own."

The new archeparchy, which extends from Western Pennsylvania to Texas, has 80 parishes and approximately 140,000 communicants.

Archbishop Kocisko, who was bishop of the Pittsburgh Byzantine Catholic Diocese before becoming leader of the newly created See, was installed yesterday in Holy Spirit Church, Oakland, in a ceremony attended by representatives of various denominations.

In this spirit of ecumenism, all people of good will in Western Pennsylvania and throughout the U.S. will wish Archbishop Kocisko good fortune in his new position of eminence in his church.

SMALL BUSINESS HAILS PASSAGE OF PROCUREMENT COMMISSION BILL

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. CORMAN. Mr. Speaker, as chairman of the Subcommittee on Government Procurement of the House Select Committee on Small Business, I am particularly gratified by the action of the House yesterday in passing H.R. 474, to establish a Commission on Government Procurement, which I had the privilege to cosponsor.

We are greatly indebted to my distinguished colleague from California, CHET HOLIFIELD, and to the subcommittee he chairs, for this legislation. Mr. HOLIFIELD has served for some 17 years as chairman of the Subcommittee on Military Operations of the Government Operations Committee. During these years, he did everything humanly possible to preserve the integrity and efficiency of the procurement process. He has long been aware of the need for a Commission on Government Procurement. As he stated on the floor yesterday, he became convinced that "this is such a tremendous job that no committee of Congress, unless it gave its full time for a couple of years to the subject, could do the job." It was through CHET HOLIFIELD's persistent endeavor that the proposal to establish this Commission finally reached the floor yesterday and that it was accepted with overwhelming support.

H.R. 474 has been endorsed not only by various departments of the Federal Government, but also by numerous organizations and associations, whose membership includes small business firms that supply the Government. Just a few days ago, I had the occasion to address one such group—the Western Electronic Manufacturers Association, whose representatives testified before the Holifield subcommittee in support of this bill. In my conversation with their members, they reaffirmed their belief that the establishment of such a Commission would benefit them in their procurement dealings with the Government.

In my opinion, the proposed Procurement Commission is long overdue and urgently needed. There has been no overall, fullscale study of the Government procurement system since 1949. Its need today is far greater than it was in 1949. Government requirements for goods and services have greatly increased. Today, our Government is the largest purchaser of goods and services in the world market. Defense and civilian agency purchases represent a significant portion of our entire gross national product. Understandably, the manner in which procurement agencies use this immense purchasing power has a profound effect upon our competitive free enterprise system and the economic well-being of our people.

As chairman of the Procurement Subcommittee of the House Small Business Committee, I have a special interest in this legislation, as I am sure does each and every member of the subcommittee. In this era of mounting conglomerate mergers and economic concentration, we find an emergence of industrial "giantism" in the present multi-billion-dollar procurement market. To preserve our free economic enterprise system, we must heed the repeatedly declared policy of the Congress that the agencies of the Government assist and protect the interests of small business and place a fair share of their purchases with small business enterprises.

It is gratifying to know that these policies have been protected in the concept of the legislation establishing the Commission. Also, many of the problems encountered by small business firms in the procurement process have been considered in this legislation. With the establishment of the Procurement Commission, small business can look forward to long-awaited solutions of such problems, particularly those caused by paper profusion, complex and complicated rules and regulations, references and cross-references, and the requirement in some cases to hire professional personnel in order to compete for and perform a Government contract.

Mr. Speaker, I am confident that the establishment of the Procurement Commission will benefit industry; that it will increase the efficiency and effectiveness of the procurement process—and, at the same time, result in cost savings to the American taxpayer.

I am hopeful that the overwhelming support of the bill on the House side presages favorable and immediate action in the Senate.

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MORATORIUM TO MARK NEW PUBLIC PRESSURE TO END WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BROWN of California. Mr. Speaker, procrastination, token withdrawals, partial cease-fires will not end the war in Vietnam. Strong, positive efforts by the Nixon administration are imperative if we ever will get out of the morass we have created in Southeast Asia.

A year ago, candidate Richard Nixon toured the Nation promising a solution to the war. President Nixon might do well to read those utterances and vows.

I have always felt that public consternation over the Johnson administration's stance on the war was a key factor in the Nixon victory. Time after time, in last year's primaries and throughout the torrid campaign, national sentiment swung increasingly for a rapid disengagement from Vietnam.

I do not think the public has changed its mind.

Mass demonstrations against the war have been curtailed so far this year. Most war critics went along with the theory that the new administration needed a little time to get set on its course out of Vietnam.

Now, that patience wears thin.

Since January, over 9,000 Americans have died in Vietnam. Nearly 60,000 have been injured. Meanwhile, the rhetoric drones on.

Next month marks the opening of a series of national observances and demonstrations which will once more show the massive support behind those of us who advocate to end the war as soon as possible.

On October 15, the first of the Vietnam moratorium days will take place. I endorse the efforts of the moratorium planners, and I actively support their program and policies. And I hope that the moratorium will do what our leaders have not been able to do—speed up the eventual climax of our tragic adventurism in Vietnam.

Mr. Speaker, at this point I would like to insert in the RECORD a statement made by the Vietnam Moratorium Committee and a story on the moratorium by Mary McGrory of the Washington Evening Star:

STATEMENT BY VIETNAM MORATORIUM COMMITTEE

In 1968 the candidacies of Senators Kennedy, McCarthy, and McGovern challenged the basic assumptions of the United States Vietnam policy. Their successful campaigns, together with the shattering experience of the "Tet" offensive, forced an end to the policy of continued escalation. By the summer of 1968 all major candidates had abandoned the myth of a military solution to a political conflict, and had adopted the slogan, "Peace with honor". Those who had long opposed American military involvement in Vietnam had been vindicated.

The Vietnam Moratorium Committee, however, feels that those who oppose the war must now be more vocal in their opposition than ever before. The present administration is vacillating between policies of withdrawal and military victory through massive use of our technological supremacy. All who desire peace must be disappointed that the United States continues to press large scale military operations while the N.L.F. has shown a willingness to lower the scale of fighting. We can rest assured that the President is advised by the Pentagon and some members of Congress to hold fast, and wait for the inevitable military victory. If he should follow this path the political, military, and moral disasters attendant upon past American Vietnam policy would only be compounded. It is imperative that those who desire the quickest possible American disengagement in Vietnam make their views known.

In light of these considerations the Vietnam Moratorium Committee proposes that on October 15 all who desire an end to American military involvement in Vietnam should make their views publicly known. Students, workers, clergymen, and interested groups of citizens are asked to cease from their normal activities on that day, and make their anti-war position known as they see fit. The Committee proposes these actions as expressions of public opinion, and hopes they will serve to educate the administration and the public at large. As expressions of legitimate political opinion these public demonstrations are envisaged by the Committee as being totally lawful and orderly. The Committee does not encourage any acts of civil disobedience or violent confrontation.

In the hope of stirring widespread public support for the October 15 demonstrations, the Committee is asking endorsements of its aims by leaders of business, labor, civic groups, and of elected public officials. It is hoped that many of these well-known, and respected citizens will lend their support to an attempt to continue the New Politics of 1968, and to bring an end to a disastrous episode in American history.

[From the Washington (D.C.) Evening Star, Sept. 23, 1969]

MORATORIUM: MCCARTHY DRIVE REVISITED

(By Mary McGrory)

The Vietnam Moratorium Committee is the McCarthy campaign revisited, except there's nobody over 30 around occasionally telling them what to do.

The eighth-floor Moratorium offices on Vermont Avenue are full of miniskirts, fat ties, bare feet and bustle. The young men's hair is longer, allowed to grow in protest against what happened to their candidate last year.

This time, they're running the show themselves. Sam Brown, McCarthy's youth captain and 24-year-old Harvard Divinity School dropout, is the head man.

He is assisted by David Mixner, the husky, sunny 24-year-old veteran of 1968, and David Hawk, 26, a Cornell graduate and all-American swimmer who is under indictment on a charge of refusing induction.

Marge Sklenkar, 22, the canvass, supervisor of the McCarthy effort, is in charge of the office.

SHUTDOWN PLANNED

Their plan is to close down classes for a day while students study the war as conducted by Richard Nixon.

They're using the skills and lists acquired in last year's fruitless effort to elect a peace candidate, and they are being financed by McCarthy angels. They are sending out huge shipments of buttons and bumper-stickers that say, "Work for Peace on October 15."

They think the country has been radicalized on the war since they went around last year rather timidly advocating a negotiated coalition government. Now they say the cry is for unconditional, complete and immediate troop withdrawal.

President Nixon's efforts to slow down protest have only spurred them on.

"Some people have called in," reports Miss Sklenkar, "and said we ought to quit because he's going in the right direction. But they're mostly over 40, and sound like World War II veterans. The campuses just aren't buying it."

"The President did us a favor," says Brown. "Now we're really mobilizing. And we're hearing from parents who say that now the commitment has been made to withdraw, they don't want their boys to be killed or lose a leg while the withdrawals are going on."

The young activists don't think "Nixon's sitting over there in the White House thinking about us," but they have been pleased at a report from a Republican source who said, "The same people who did it to Johnson are starting all over again."

They have a lively liaison with peace-minded members of Congress. They don't ask much of them, but Sen. George McGovern of South Dakota has offered to speak at an areawide rally in Boston.

"Mostly we want them not to worry," says Brown.

BACKING CITED

Some 500 colleges have now signed up to suspend normal activity. The Moratorium has the endorsement of the Americans for Democratic Action and the New Democratic Coalition.

Their biggest lift came from an announcement from Mason Gross, president of Rutgers, who called upon the university community to exercise its role "as teacher, as guardian of civilized values and as the critical and moral intelligence which compels the country to ponder its courses of action."

The committee has asked its agents in New Haven to propose a similar declaration to Yale's President Kingman Brewster.

The Colorado School of Mines in Golden is one of the smaller schools participating. Students there are planning to read the list of war dead beginning at midnight Oct. 15, attend a mass for the Colorado dead in the town square at noon and march in a torchlight parade in which high school students will carry signs saying, "Please don't send me to war."

David Hawk does not think the Moratorium will reactivate the universal antagonism stirred by the campus rampages of last spring. For one thing, he says, it will be non-violent.

For another, he says, "I think older people look to the young for leadership on the war. They think we have a right to speak out on that."

THE 25TH ANNIVERSARY OF THE CAPTURE OF MONTE CASSINO, AUGUST 15, 1969, AT THE WAR CEMETERY AT MONTE CASSINO, ITALY

HON. JOHN J. ROONEY

OF NEW YORK

Wednesday, September 24, 1969

Mr. ROONEY of New York. Mr. Speaker, a few weeks ago during the course of my appropriations committee work in Europe, I had the unique privilege of attending the impressive ceremonies commemorating the 25th anniversary of the battle of Monte Cassino in Italy. Here in this historic monastery won by the heroic Polish Army from the Germans at great cost a moving ceremony was conducted in the war cemetery. Paying homage to their fallen com-

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rades were many Polish war veterans, the most illustrious of whom was that renowned World War II hero, Lt. Gen. Wladyslaw Anders.

The mere presence of this great soldier and his aging comrades gave deep meaning to depth to which a grateful world acknowledges the sacrifices made 25 years ago to wrest Monte Cassino from enemy hands. The attendance of many thousands of men, women, and children of Polish birth and lineage from all over the world signifies the particular significance of Monte Cassino to them.

I was truly gratified to see the fine representation from the leadership of our great Polish American organizations. It was a real thrill for me to see the splendid representation of Polish American Boy and Girl Scouts who were participating in these ceremonies with several thousands other Scouts from all over the world.

Subsequent to the Masses for the Greek Orthodox and Roman Catholic Poles and the Protestant religious rites a massive convocation took place in which many eminent persons participated, such as General Anders; Withold Zahorski, the chairman and president of the Polish War Veterans in Italy; Dr. Antonio Farraro, mayor of Cassino; His Excellency Bishop Rubin; His Excellency Bishop Wesoly; and Ambassador Kazimierz Pappé.

Mr. Speaker, I count it a distinct honor to have been the only American invited to address this deeply spiritual meeting. I shall always cherish the memory of General Anders rising from his chair at the conclusion of my remarks to step forward and thank me publicly for my statement and for the greetings which I brought from the American people. It was a real thrill to have a chance to chat with General Anders after the ceremony as well as to meet the many other dignitaries and to shake hands with Boy and Girl Scouts from many countries.

I consider as most meaningful of all the impressive ceremonies and moving addresses, the transfer of the responsibilities for preserving the ideals of freedom from the hands of the old soldiers to the Polish Boy and Girl Scouts in attendance and to their fellow Scouts in all the countries of the world. The acceptance of the torch of freedom by those with youth and vigor to meet the future from those who fought on those sacred mountain slopes and from those who gave their lives there a generation ago was impressive indeed.

Mr. Speaker, I include my remarks given on this historic occasion at this point in the RECORD:

REMARKS OF CONGRESSMAN JOHN J. ROONEY OF NEW YORK UPON THE OBSERVANCE OF THE 25TH ANNIVERSARY OF THE CAPTURE OF MONTE CASSINO, AUGUST 15, 1969, AT THE WAR CEMETERY AT MONTE CASINO, ITALY

For all of us the opportunity to visit this world famous and historic monastery provides a moving experience. All of us are deeply moved as we stand looking down the precipitous slopes of this fortress where such a valiant battle was fought twenty-five years ago. We cannot escape the feeling that we are treading upon holy ground and that we stand in an eternal shrine consecrated by the blood of valiant soldiers of the Cross. To those who are of Polish birth or lineage a visit to Monte Cassino is truly the attainment of a Holy Pilgrimage.

It is no wonder that those of Polish blood revere this mountain stronghold for over the centuries Polish blood has been spilled both in its defense and in its capture. To them the history of this lofty bastion is as personal as it is thrilling.

These walls built and rebuilt date back to 529 A.D. when St. Benedict founded the Abbey of Monte Cassino. This was an event of tremendous importance to all mankind since it represented the first gleam of civilization returning to this area of Italy after the darkness which fell subsequent to the barbaric invasions.

You of Polish ancestry are entitled to be proud not only of the role your valiant forebears played when the Polish legions under General Henryk Dabrowski guarded this mountainous area for the armies of Napoleon in a vain hope for freedom, but of the strong stand made by Polish soldiers again in 1918 throughout this same battle area.

I am sure your greatest pride comes from the magnificent achievements of the Second Polish Army Corps under the leadership of one of the greatest World War II heroes, Lt. General Wladyslaw Anders.

A fortnight ago I had the privilege of attending the impressive meeting in Washington celebrating the 25th Anniversary of the Polish American Congress. The principal speaker on this occasion was General Earle G. Wheeler, USA, Chairman of the Joint Chiefs of Staff.

All of us were thrilled to hear General Wheeler's extensive praise of the accomplishments of Polish soldiers, particularly during World War II. Every person of Polish blood can take particular pride in the courage and effectiveness of Polish fighters which General Wheeler so graphically outlined for us. All of us shared in a tremendous pride for the valiant stand the people of Poland took in defying Hitler's 80,000,000 Germans on their Western frontier and the armed forces of Russia's 175,000,000 people on their Eastern border.

The free world recognized this and remembers today the manner in which the people of Poland stood up against terrible odds and fought to preserve their freedom from Hitler's tyranny. We cannot forget those seventeen days of horror as Poles fought and fell to the crushing pincer of the Russian columns and the Panzer divisions.

We remember with real satisfaction that the thousands of heroic Polish people refused to accept defeat and made their way to the West to join the Allies in the never-to-be-forgotten battles which were waged from Tobruk to Norway.

I think it is particularly fitting and proper that we of the Western World remind ourselves of the successful efforts of General Anders and his loyal Polish troops in achieving the fall of this mighty mountain stronghold from which the Germans had successfully resisted four Allied Army attacks to persist in blocking the allied northern offensive.

It is fitting that the free world join in observing the 25th Anniversary of the epic battle which raged for eight days with great loss of life among the Polish attackers and even greater casualties among the Nazi defenders.

How gratifying it was for the people of the Allied nations to receive the news on May 18, 1944 that General Anders' victorious troops had raised the Polish white and red flag over the smouldering and blood-drenched Abbey.

Let us never forget that when the smoke of battle had cleared away; when the noise of cannon and the whine of shells had been silenced; when the suffering of the wounded had been eased; and when the dead and dying had been tenderly removed from the bloody field of battle, these Polish fighting men began at once to help restore the famous Abbey.

To the Polish Boy Scouts and Girl Scouts privileged to attend this world-wide jamboree this visit will always remain one of the high points in their lives. To the Boy and Girl Scouts from Polish American families this visit has special importance. I am delighted that 22 boys and girls from my Congressional District in Brooklyn, New York, are in attendance, among them the charming daughter of my good friend Joseph Dubicki, Brooklyn Editor of *Nowy Swiat*. All of these American children are ambassadors of goodwill as they make friends with Scouts from all over the world.

And let all of us, boys, girls, and adults, not forget the words of that glorious dedication which has been left to posterity on the slopes of Point 593 just below "Phantom Ridge,"

> "We Polish Soldiers,
> For your freedom and ours,
> Have given our Souls to God,
> Our bodies to the Soil of Italy,
> And our hearts to Poland."

How wonderful it is that this younger generation of patriotic Polish people are today inheriting from their fathers the noble ideals of dedicated service to the cause of freedom for all.

May all of these youthful leaders representing many nations keep ever alive and burning for all mankind the glorious record of courage and patriotic zeal which characterized the Polish fighters who for so long fought and died on this famed mountainside.

A NEW HISTORY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROSENTHAL. Mr. Speaker, Barbara Ward is one of our most valuable resources in trying to place events in a proper historical setting. Her insights into the merits and limitations of the contributions of the Western countries make her a truly international historian.

Barbara Ward has earned so many honors that only a full-time biographer could assemble them. But a recent speech she gave, at the University of Cape Town, in South Africa, provides us with such an extraordinary perspective that it deserves, I believe, the widest possible readership.

Her talk, "A New History," is not addressed to South Africans although she speaks, on this occasion, to them. She perceives and relates the basic problems of how we, the Westerners, intend to pursue our course in an increasingly related world. We cannot, she says, continue in our present ways. We owe something to the world which we cannot pay in dollars or resources, material or human. We owe the world—including ourselves—an understanding of where we fit into that mammoth ebb and flow which we call history.

We can start on that understanding by listening to Barbara Ward whose talk follows:

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A NEW HISTORY

(The 10th T. B. Davie Memorial Lecture, delivered in the University of Cape Town on June 11, 1969, by Barbara Ward)

I

We are all of us immersed in the stream of time. As history bears us onwards over its cataracts of change we cannot be certain where we are or where we are tending. I am sure that Charlemagne's followers never thought of themselves as "coming out of the dark ages". The men of the late Middle Ages did not know their period was giving away to the Renaissance. In fact, as far as they were concerned, their age was not in the Middle but right out in front—like every other age to its contemporaries. It follows that there can be a very real degree of scepticism about any attempt to define historical epochs. I may believe that a momentous period in human history has come to an end. I may say that I agree with Pope Paul VI when he speaks of our times as "a new history", so profound are its changes and upheavals. But I fully realize that nothing is more difficult to share and perhaps easier to refute than a particular angle of vision on human affairs. Historical change has a way of deluding its observers. "We are progressing", cried the Gadarene Swine.

Perhaps the complexity of our times comes from the fact that two processes have been going on simultaneously—a recession in the political control exercised for centuries by the peoples of Western Europe and a worldwide expansion of the technological and egalitarian revolution they set in motion. Throughout history there have, of course, been these sudden violent incursions of particular groups of peoples who, leaving their homelands, stream out over everyone else's. Sometimes, like the Mongols, they take little with them and after a period of dominance, leave little behind except, perhaps, a legend of ferocity. Sometimes like the Arabs they take with them a conquering religion and change the culture of a whole region. The West Europeans have changed everything because as their dominion grew, they invented and carried through the decisive modern revolutions based on the drives of equality, science and technology. Their own total transformation affected everybody else. There has never been anything like this before. The "new history" is precisely our planet as it emerges, totally transformed, from the West European incursions. It is so new, so unlikely, so breathtaking that we can hardly take our soundings. We are all thrashing about in mountainous seas of change. But we must try to get our bearings and make for calmer waters. Our hold on other planets is still too tenuous for us to risk drowning the human race on planet Earth.

What have we to say about the West European eruption? Since we are West Europeans or descendants of West Europeans, we are being asked to think about ourselves. I need hardly underline the point that most human beings try to think well of themselves. We are no exception. We have talked a great deal about our civilizing mission. We have, in our own minds, rescued peoples from barbarism, converted the heathen and made three blades of grass where none grew before. We have even claimed some special endowment and privilege for the colour of our skin. Perhaps, I should make clear at once that I know of no fundamental value that does not belong to human beings as such. The white inhabitants of Iberia were less sophisticated but not intrinsically less valuable than the brown Moors who invaded them and ruled them for four and five hundred years. The white peoples of the Principality of Kiev were weaker but not inferior when they were conquered by yellow Mongols. Conquest and power do not confer intrinsic value. That lies in Man's being alone, the humanity he shares with all God's creatures. The fact that the latest world outburst of conquest was conducted by men of white skin tells us only that, during that period, they had the edge in strength, the weaponry and new techniques.

Indeed, if they had been all they claim, at times, to be in terms of superiority, we would now be living in a well-ordered Utopia. Our world is still largely the world they made. The confusion and violence in which our planet is now immersed suggests that the white West Europeans are not supermen. They are men. And so are all the other inhabitants of this globe.

So let us, in spite of our blinkers and prejudices, try to look as objectively as we can at the impact of the West Europeans as they explode out of the maritime fringes of Europe and (from the sixteenth to the twentieth centuries) deploy their power and their interests round the world.

Let us try to see ourselves, not as we appear to ourselves, but as we appear to two-thirds of the human race who are not, by origin, white, West European, Judeo-Christian, mercantile, individualist, ruthless, adventurous, meritocratic—and all the other adjectives which could be applied to that imperious race of men who, between 1500 and 1900, virtually took over control of the planet and, in doing so, have created a planetary community.

The odd thing is that we did not intend any such thing. The West Europeans and their descendants—North Americans, Latin Americans, Australians, Boers, New Zealanders—together with the Slavs and their descendants, acquired sovereignty over most of the world's land masses and all the oceans without really meaning to do so. They had no imperial plan. So long as strong governments whose writ they could recognize, stood up to them, they did not indulge in conquest. They expanded by two main routes—in a way like nature in a vacuum. When the governments of sophisticated and populated countries weakened, they came in, took over the reins of governments and carried on, in order to safeguard their own economic interests which local disorders had disturbed. When temperate land proved to be in the possession of tribal people at lower levels of technology, they tended to settle on the land and either kill or enslave the earlier inhabitants. By these two routes, they took over, almost inadvertently, in the celebrated "fit of absence of mind", the whole of Planet Earth.

You probably know as well as I do the steps by which this process went forward. The sixteenth century is the century of take-over in the Americas. The Iberian conquerors had meant—again the inadvertence—to get to India and do away with the Arab Middlemen who sold to Europe the silks and spices and precious metals which our uncouth forefathers could not produce in Europe's dank swamps and forests. In South America, Cortez and Pizarro defeated Aztec and Inca, took the land and the gold, turned the Indians into serfs and helped to decimate the Caribbean where climate and soil promised new spice islands. To the north British and French settlers began the three centuries of war which drove the American Indian from his forests to the meagre, latter-day reserves. Thus the world's largest stretch of temperate land lay open to the Europeans.

In Asia, Portuguese ships outflanked the Arabs and reached the gorgeous, populated, rich and powerful East. They established maritime posts on the coasts of these wealthy lands and began to break the Arab monopoly of spices and silks. At this stage, as the sixteenth gave way to the seventeenth century, all the maritime powers of Europe joined in and fought each other ferociously for the monopoly of the spice trade. The Dutch, settling a few of their number to establish a trading post in the Cape, went on to fight the Portuguese for their Asian Bases. Local power in the Spice Islands collapsed at about that time. By backing this sultan and then that, the Dutch threw out their European rivals and began their three hundred years of control. Thus by the end of the seventeenth century, the first wave of West Europeans had established their power in the Americas, created footholds in Africa and accomplished the first Asian take-over.

The eighteenth century consolidated European power in the Americas; in Asia, the collapse of Moghul authority permitted the British to repeat in India the earlier Dutch take-over in Indonesia. They maneuvered the French out of and themselves into sovereignty. And European involvement with Africa began to grip and spread. It was not at this point a matter of settlement. The Portuguese did little with their coastal footholds in Angola and Mozambique. The Boers clustered below the mountains. At this stage Europe's involvement with Africa was both more external yet more ferocious than any settlement. Once again it was in a sense inadvertent, a by-product of something else—the growth of the commercial plantation economy in the Americas.

The Caribbean, the northern states of Latin America and later the Southern States of North America were discovered to be potential producers of many of the raw materials once traded for in the East. Spices, cotton and above all sugar could be sent back to Europe without the need of shipments to Asia of precious bullion. But success demanded fairly large scale plantation production. Machines had not yet been invented. There were either no local "hands" to do the work, or survivors proved too few and too untameable. Thus began the vast, appalling, ferocious and sustained development of the slave trade which over three centuries may have taken out of Africa to death or enslavement some 40 million souls.

To control this trade the West Europeans fought each other as savagely as they had done over spices. The British were the winners as the eighteenth century advanced. And this savage trade must be seen as only the largest strand in the astonishing reweaving of the Earth's demographic and racial fabric under the energies and greeds of West European investment in raw materials—in plantations and mines. Sugar took not only Africans but East Indians to the Caribbean and to Guyana. Sugar took East Indians to Fiji and Mauritius, rice took them to Burma, later still, railway building to East Africa. Tin took the Chinese to Malaya. Sugar and rubber and trade scattered them through the East Indies and out to Hawaii and even, very briefly, to South Africa.

At the same time, the West Europeans themselves filled up every available cranny of more or less temperate land. They spread across North America. They filled up the South American coasts and the pampas. They spread clear across Northern Asia adding Siberia and the Turkish and Mongol lands to Russia's empire. They settled Australia. They settled New Zealand. They appeared on the Pacific Islands. Not the Arabs, not the Mongols at the height of their power had every spread so far or so fast. If one could have taken a speeded up movie of Planet Earth from the Moon, one could have seen moving currents of West Europeans—energetic, driven by curiosity, by trade, by missionary ardour, by greed—scurrying like white ants across the surface of the globe, moving, conglomerating, driving back other groups, consolidating and all the while bringing into being a wholly new kind of interrelated, interwoven world economy, its destiny increasing with each movement, each investment and each exchange.

Into this thickening web, Africa was the last to be drawn. The chief effect of the earlier centuries had been not an involvement but the terrible haemorrhage of slavery.

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This above all prevented anything creative from developing in the Portuguese footholds. The interior remained unknown, cut off by nonexistent harbours and unnavigable rivers. The only tiny tip of settlement—the Dutch at the Cape—was more a by-product of the Indies trade than a local occupation. The West Europeans there had the effect not unknown elsewhere—of strongly reducing, by pressure and disease, the local people, the Hottentots. But in the vast expanse of Africa, this was still only a small trickle from the already thundering West European floods elsewhere.

When the full impact came in the nineteenth century, it had many of the features of earlier changes elsewhere—and also two decisive new features, the abolition of slavery and the coming of the new technological society, based on science and savings.

Taking the more familiar issues first, we can say that just as spices drew Europe to Asia, now the search for raw materials brought the traders to West Africa's palm groves to find enough soap for Europe's filthy industrial cities. The passion for discovery sent men in search of the sources of the Niger and the Nile. At the Cape, with land for settlement nearly used up between the mountains and the sea, one motive behind the Boer's trek northwards was, as with Middle Western farmers in America, the desire to open up new land. But, unlike the American farmers, they could not disperse but only defeat the local peoples. The Bantu stayed on the land to work as farm serfs.

Then in the 1870's came magnets of material attraction as brilliant as any offered to the Spanish Conquistadors. The lure of diamonds and gold brought British "outlanders" streaming in to build up a modern mining industry on the high veld.

This revolution had two consequences. Externally it speeded up a new struggle between the West Europeans for territorial control in Africa. Just as they had fought for the spice trade and then fought for the slave trade, the West Europeans now fell into a new struggle—the "scramble for Africa". In a couple of decades, coastal footholds became vast areas of occupation in the interior with Europe's language frontiers imposed across Africa's tribes. Internally, in South Africa, the gold rush created today's largely tri-partite society of Bantu, Boer and Briton—a mix in some ways more complicated than any in colonial history, yet bearing a family resemblance to such Andean states as Peru or Ecuador where Spanish feudalism, American business and the Indian peasantry coexist in a fragile and unstable social order.

When we turn to the new factors, we begin to confront the ambiguity of the West European world view. Unconsciously, almost as a by-product of trade, of national self assertion—of cupidity, daring, curiosity and missionary zeal, the West Europeans had, by the end of the eighteenth century, got control of much of the world's remaining temperate land and almost all of its growing network of trade. At the core of that trade was slavery. In fact, in Britain's complicated global trading triangle, slavery and gold from West Africa were the indispensable hinge. The slaves sold to the Caribbean produced the sugar sold to Britain for resale to Europe for the iron and timber needed in the ships trading with Asia whose silks and spices were still paid for with "guinea gold". Guns and gin compensated the West African section of the great triangle. Without slaves and gold, Britain's balancing act would have been virtually impossible. And without it, how long would Britain's technological revolution in the late eighteenth century have been delayed?

Yet it was precisely in Britain that the movement to abolish slavery took hold—Britain with its vast vested interests in the slave trade, with Bristol and Liverpool living off the slaveships, with millions of pounds tied up in Caribbean plantations dependent upon slave labour—property which, when emancipation finally came in the 1830's, cost the British government what is probably the equivalent of $240 million in modern value in compensation to slave owners. It is a fantastic story—the leading slaver becomes the leading anti-slaver, the chief beneficiary of the slave trade turns abolitionist for his own country and policeman for everyone else. True, the value of the slave plantations had declined with the ending of the century. But the slave trade, now supplying the Southern United States, was booming as never before. We have therefore to look for more than economic reasons. And these bring us clear into contemporary history—the egalitarian and technological society which mankind is being driven to establish on a world-wide scale.

Anti-slavery was one strand in the new, evolving, world view of Western man. From his Judeo-Christian vision of souls equal before the judgment and majesty of God, from his classical inheritance of Greek democracy and Roman citizenship, he was feeling his way towards wholly new concepts of what it meant to be a responsible member of society. Hierarchy, caste, institutionalized inequality—the inheritance of thousands of years of aristocratic civilization—had begun to lose their absolute validity. Throughout the nineteenth century, the erosion went on. The American revolution presaged political equality for citizens and self-determination for national groups of citizens. The Civil War was a first effort to extend these notions of equality to include full racial equality as well.

In Europe, the liberal tradition added to political equality the notion of freedom of economic and social opportunity. Communists and socialists rejecting the idea of "opportunity" as meaningless in a class society based on unequal ownership, opted for economic and social equality as such.

These concepts have remained the driving force for change in this century. "Self-determination" rewrote Europe's map after the first world war; after the second, it ended virtually all direct colonial control save in Southern Africa and Central Asia. And every Western society has struggled on—indeed is still struggling—to discern the meaning of equality inside its own social order. We have none of us reached it—I need hardly say. Men and women are born, right across the spectrum of race and tribe and nation, with different capacities and energies. Some rise, some fall. Those who rise wish to keep their privileges. Lenin's classless society ends with dominant bureaucrats. America's society of equal opportunity creates an enormously entrenched and dominant middle class. I am not aware of any society in which women exercise all their gifts and functions in perfect equality. But the West Europeans put that drive of equality into their culture and they cancel it only by ceasing to be themselves.

This effort has been changed and in some ways eased by the second great driving force of West European civilization—the technological revolution. While the West Europeans were pushing their trade round the globe and settling the New World, some of them began to undergo a total transformation of their own economics. A change as momentous as the change from hunting to settled agriculture appeared in the world and once again, the site for the development was Europe's western fringe. Britain led the way, pushing up the productivity of its farms by the use of manure and machinery, mechanized its traditional handicrafts, inventing the steam engine and then the railway and over the first decades of the nineteenth century, devoting a rising share of its income to further productive investment, moving more and more workers from farms to factories and launching the first technological society based upon industry and modernized agriculture. The British were followed by Western Europe and then overhauled by the United States.

This new kind of economy played its own part in speeding up the various revolutions of equality. It produced energy and machines to do the backbreaking work once done by slaves. Aristotle had said that if the looms worked themselves, there would be no need for slavery. Now the looms did so—and traditional forms of slavery duly vanished in developed societies.

The new system also depended on brains, energy and applied knowledge. Hierarchies based only on tradition and inheritance weakened before the new men. But the technological society *did* depend upon capital. It rewarded not only the efficient but also those with savings—in other words, the rich. In many societies, the old feudal wealth and the new entrepreneural wealth fused to form a powerful new hierarchy. For the critics of the new system, Marxist or Socialist, a new "wage slavery" had simply taken the place of the old servitude. It did not strike anyone in the earlier stages of the process that the fantastic productivity of the new system might mean that nearly everyone could be rich, indeed that high general income would be needed to match the rising output of the new machines.

These momentous changes were not long confined to the North Atlantic. Indeed they probably could not have happened without a preexistent network of trade on a worldwide basis. They certainly could not have gathered momentum without a world trading system to sustain them. Britain established what quickly became the dominant form of nineteenth and twentieth century world trade. It sent out capital to open up farms, plantations and mines overseas. It paid for the materials sent back to Britain with its manufactured goods and with further capital. In the process, it knocked out India's old artisan textiles, sold Lancashire goods from Bombay to Benares, opened up the production of tea and jute and cotton—and delayed India's industrialization by perhaps a century. In varying degrees, this pattern of trade became and has remained the typical "North-South" exchange. To-day, the share of the post-colonial continents in the world's trade in manufactures is still not much above 10 per cent—and a quarter of this comes from Hong Kong.

Why has the circuit had so limited an effect? If world trade was one of Europe's preconditions of modernization, why did the other countries drawn into the network not experience a comparable transformation?

The first reason is political. Large parts of the world in the nineteenth century were colonial and their governments did not feel compelled to encourage change. Japan modernized its economy in forty years. But its independent government had determined to do so. India could not even put on a tariff until the 1920's.

The second reason lies in the nature of the exchange. The early industrial system did reward most highly its domestic entrepreneurs and owners. It did not behave differently when it was extended to the world at large. The capital coming in to develop local resources—tea and jute, tin and copper, gold and oil—had been largely produced by the West Europeans (or the North Atlanticists, as we might call them at this stage). The profit, capital gains and senior salaries involved in this investment flowed back to the developed North Atlantic countries. Local purchasing power generated by the mining and plantation activities was mopped up by the purchase of Atlantic manufactures distributed through the big import-export houses—UAC, SCOA, Mitchell Cotts, Jardine Matheson—which also sent their profits back

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to the developed world. This market circuit did not of itself generate much local capital for use outside the single export sector to which all the local facilities of railways, power and ports were attached.

In these "dual economies" food production remained traditional—for subsistence and for feudal rents. Local manufactures could hardly compete with imports and in any case, the saving needed for the whole infrastructure of education, transport and power was simply not available. In Latin America, in the treaty ports of Asia, in Africa, one could discern a comparable pattern, the "economie de traite"—the "milch-cow-economy"—with every modern facility serving the export sector and all routes and services going, like so many drains, down to the ports. In Peru, the installations of a great petroleum company rose alongside an unchanged feudal agriculture with a small minority of Spanish families in control of their remote, alienated, impoverished Indian serfs. To this day, 80 per cent of Latin American land is owned by less than ten per cent of its people. In India, Scottish tea and jute planters and the great managing agencies co-existed with a stagnant countryside where population rose and food did not. In South Africa, for many years, British business, Boer farming and African near-slavery coexisted in a pattern repeated, with variations, all round the colonial continents. It was to this lopsided world economy with its investment controlled from the North Atlantic that Lenin applied his analysis of the inevitable conflicts of an imperial system in which the few industrial nations controlled the markets of the world and fought each other to control them. He, too, could not envisage a system so abundant that the external markets might be largely irrelevant.

When we come to the twentieth century, it must be reported that even the import-export circuit slackened. Two world wars and a long depression halted the expansion of world trade, reduced primary prices and gave little or no stimulus to real growth. When after 1945, the gathering mood of political anti-colonialism in the North Atlantic world led to a rapid ending of *formal* political dependence, the underlying economic and social structure still reflected the old relations of dependence and "immobilism". Twenty per cent of the world's peoples, living in the main round the North Atlantic, descendants of the West Europeans whose trade and mastery had built the world economy, now inherited eighty per cent of the world's wealth, eighty per cent of its investment, eighty per cent of its trade. They controlled nearly 100 per cent of its banking and insurance, 96 per cent of its shipping and all of its marketing services. In addition, they disposed of virtually all its research funds and included most of its institutes of higher learning.

Wherever the colonial centuries left mixed population coexisting in the same community, something of the same gap could be observed *inside* the country. The Indian tin miners in Bolivia lived at survival level while the Patinos used their vast fortune to marry into the Bourbon family in Europe. The Negro sharecropper in the Southern United States still falls consistently below the minimum family income fixed for subsistence while in the town next door his white neighbour, at an average family income of $8000 to $10,000 a year, has the highest standards in the world. And beyond this average, one should mention the new oil and conglomerate baronies, pushing fortunes up towards the billion mark. In South Africa, one could compare a family income for white urban households of R4601 in 1966 with the urban African who appears to have about R700 for a rather larger family. These are, as it were, the microcosms of a much larger pattern—the lopsided world inherited from the colonial years

To sum up, we have to say that the drive towards equality among men and nations—which has been the single most forceful political energy in modern Western society—has reached a point in the last part of the twentieth century at which most of the political consequences of white Western dominion have been erased, but the social and economic consequences are not yet overcome.

II

What now? Is this gap between political aspiration and worldwide reality leading us, inelectably, to a desperate social and racial conflagration? Or can we argue that the sheer productivity and rising wealth of our new technological system can give us time for essential adjustments? After all, the Japanese have joined the new technical society and enjoy wealth enough to be taken into the club as honorary white members. The Mexicans have a booming economy and their age-old practice of mingling European and Indian stock seems to be producing a mestizo class who could also "qualify." The Russians, having modernized their economy by state planning and without giving up their old colonial gains, now find themselves accused of "imperialist revisionism" by the Chinese who want back their "lost lands". So perhaps we can argue that a good dose of successful economic growth does marvels for both racial and ideological differences and that the sheer momentum of wealth-creation, stimulated by the Atlantic lead in modernization, will be enough to carry us through to the next century with enough hope and expansion to keep protest and revolt at bay. Does this hope operate for the whole world-wide white community? Does it hold good for particular communities? If the "trickle down" theory—which at least explains some of the relative stability inside the North Atlantic world—is applicable on a wider basis, just possibly the "new history" will be a little less turbulent than some contemporary prophets suggest.

One can point to some hopeful signs. Spurred on by an almost continuous Atlantic boom, world trade has grown by some 7 per cent a year throughout the last fifteen years. The cramp and strain of the inter-war period could be yielding to better technical management. In 1960's, at least thirty of the ex-colonial lands, drawn from each of the developing continents, have managed to grow by 6 per cent a year; the average for all of them lies between 4.5 and 4.8 per cent, a better achievement than the Atlanic world in the nineteenth century and incomparably better than their own record under colonialism. Average growth statistics are, of course, misleading. There are windfalls of harvests and discoveries. "Average" income can—and does—hide appalling disparities in individual income. Yet the figures do cover a very large increase in investment by governments in education, health and infrastructure. Some break from the "milch-cow-economy", some of the preliminaries for more rapid modernization are taking place. If one wants a local application of these hopes, one could point out that between 1960 and 1970 African wages in manufacturing in South Africa appear to have risen in real terms by over 5 per cent a year. In the United States, over the same period, the average family income of black citizens rose from $3800 to $5500 (in 1967 prices).

But other factors suggest that the uncorrected market, operating on the traditional "trickle down" strategy, is unlikely to deal with the more disturbing possibilities of our new post-colonial epoch. At the root of most of the difficulties is a single, baneful fact. To develop in the last part of the twentieth century is quite simply much more difficult than to do so a hundred years earlier. In the Atlantic world, an agricultural revolution both in technology and in the critical structural change of abolishing feudalism, preceded full-scale modernization. Farming produced a surplus because it was more productive and could respond to market incentives because it had left status and subsistence behind. The workers leaving the land because less labour was needed went to firms hungry for "hands" in the early stages of mechanization. In these urban areas, the control of epidemics and water-borne disease was still so weak that higher birth rates were still checked by early death. The steel mill was invented before the drain pipe, the steam engine before pure water and typhoid control. By the time public health had sent the death rate plunging down, by the time industry began to need more skills and fewer "hands," family size had started to stabilize. By luck, by coincidence, the cycle of Atlantic development allowed for a more or less balanced transfer of manpower from farming to urban pursuits and kept a balance of employment in both.

The fundamental dilemma of the final three decades of this century is that for the developing continents this balance looks virtually impossible. They are caught in a series of obstructions which mutually compound the difficulties. In large measure, they are an inheritance from the colonial period—when governments introduced public health ahead of industry, did little to develop agriculture, gave no spur to industry and allowed the export sector, with its big city port, to "drain" men as well as goods to an urban society still not equipped to employ them. Population is spurting ahead—by over 2.5 per cent in Asia, by 3 per cent and more in Latin America and in tropical Africa. Malaria control, pure water, sewage have been introduced ahead of modernization in agriculture or the growth of urban employment. A relatively stagnant agriculture cannot absorb the new births. In Latin America, for instance, over the last 40 years, some 60 million have entered the work force. Agriculture, still largely caught in a feudal straight jacket, has provided only 12 million jobs. If the choice is between joblessness and hunger on the land or the same risk in the cities, the peasants move en masse to the cities. The urban areas grow twice as fast as the population at large, the big cities twice as fast again.

But the next obstruction is that modern mechanization and automation tend to reduce the need for unskilled workers. In Latin America, many cities have a 30 per cent unemployment rate. Huddled in shanty towns, the migrants live by petty trade and petty crime and all the time their numbers grow. Seventy per cent of Calcutta's families live in one room. No one knows how many live simply on the pavement. At present, in Latin America, nine cities have over a million people. Only twenty years from now, there will be 27, seven of them with over four million inhabitants—and still, perhaps with a 30 per cent rate of unemployment. In these countries, rural unemployment simply picks itself up and sets itself down again as urban unemployment. Skills, habits, training are lacking for city life. But there is no returning to the country either—except, perhaps, by enforcement as in China—and South Africa? Country jobs are not available either and life there seems even more frustrated. If the Tomlinson Report is correct in forecasting a non-European population of 26 million in South Africa by the year 2000, the provision of ten million more jobs—whatever their distribution between factory and farm—offers a formidable challenge to peaceful development.

Nor can the local producer rely on international trade, as Britain did, to extend his opportunities. The developed Atlantic countries control much of the world market. They protect their own farmers. Their population and hence their demand for raw materials are not growing as rapidly as in the nine-

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teenth century. As for the poor countries' manufactures, Atlantic tariff structures are designed to keep them out. America just now is going round Asia, pleading for a "voluntary" textile" quota to protect U.S. interests. So, for developing states, between stagnant markets at home and blocked markets in the developed world, the vicious circle is complete. A sodden mass of missery weighs down the base of society. People's lack of purchasing power inhibits economic growth. Their despair threatens the stability of the more fortunate. Their alienation could reduce countryside and city to endemic violence. So far, the post-colonial contradictions have neither ruined nor dynamited developing lands. But can we be sure of patience—or passivity—lasting on into the 1990's as conditions grow inexorably worse?

But before we assume that the devastating prospects are inevitable, it is as well to remember that the developing world could be on the verge of a revolution in technology as important as the railway, the steamship and the opening of the prairies to grain production—all changes which in the nineteenth century lifted Europe out of the risk of stagnation at the end of the "hungry forties." This is the technological revolution centering on the new hybrid grains.

If they are given the fertilizer and the water they require, if the credit, the extension services, the reforms in land tenure are introduced to give the farmer capital and incentive to use new methods, if marketing networks and purchasing power are built up to absorb the trebling and quadrupling of the new harvests, if regional urban centres are developed for markets and processing plants, for medical and family planning centres, for high schools and colleges—in short, if the "green revolution" is set in the framework of a full regional strategy with complementary measures for urban and manufacturing expansion, there is an excellent chance, over the next three decades, of deflecting the torrent of population into creative channels and building up a productive economy in which it can be fully used. Already in parts of India and Pakistan, in South East Asia and the Philippines, the harvests are beginning to grow. That essential preliminary to balanced growth—an agricultural surplus—is beginning to appear. Just because farm techniques have been so inadequate, the new seeds, with water and fertilizer, can have a literally revolutionary effect. But there is one pre-condition and one obstacle. Can the massive inputs of capital needed for these transformations be secured—and secured in time?

The countries themselves cannot produce enough. They *have* been increasing the share of their income going to productive savings. Eighty per cent and more of the growth of recent decades has been provided out of domestic capital and the proportion of savings to national income has risen, on the average, to over 12 per cent. But the needs are so vast and the growth of population still so high that a genuine breakthrough still requires large inputs of capital from outside.

Estimates vary but the World Bank has feasible projects which could absorb four billion dollars a year over and above the present aid flow of about six billion dollars a year. The Scientific Advisers to the President of the United States suggested, eighteen months ago, that the "green revolution" would require an extra four billion dollars in transfers of capital. Since this figure was for seed and fertilizer alone—fertilizer incidentally looks like being an immediate bottleneck—one could add another three to four billion for all the needed regional infrastructure of markets and services. All in all, the one per cent of G.N.P. proposed for capital transfers from rich to poor nations and, with many uncertainties and qualifications, accepted by Atlantic Governments at last year's UNCTAD Conference, seems not far off the mark. At present rates of Atlantic growth, it would bring in between 15 and 20 billion dollars in genuine assistance. Such a figure could not be reached in one jump. But it should be the target for the mid-1970's.

Could capital on this scale be made available? Economically there is no problem. The collective national income of the developed countries grows these days by not much less than three to four per cent a year. If the United States reversed its present downward trend in aid giving and moved towards the one per cent target, a $9 billion contribution would be less than a sixth of the annual *increase* in its goods and services. For the developed world as a whole, the sum of $18 billion—a one per cent transfer—is added to our abundant wealth roughly every quarter. It is a sobering thought that these additions at the annual level equal the entire national income of Latin America and are twice that of India or Africa. But they simply reflect our control of vast and growing resources, a control rooted in our inheritance of territorial expansion, our conquest of temperate productive land, our early start on modernization, our growing reserves of capital, our intellectual resources, our world-wide investment: our position, in short, as the dominant economic power-centre of the whole world economy.

One can approach the question of resources from another angle. Over the last decade, the spending on armaments in the developed countries—America, Europe and Russia—has passed the horrific figure of 130 billion dollars a year. Scepticism is growing, possibly on both sides of the ideological division, about the security provided by such monstrous expenditures. If both sides command the same advances, scientific experience, research and facilities, they have equal access to the same data and can never leapfrog ahead of each other to produce the absolutely certain nuclear knockout. So each round of ballistic and anti-ballistic sophistication leads to the same stalemate—but at three or four times more "overkill" and with a boost to costs of another $40 billion.

At the other end of the scale, Vietnam suggests the limitations of the attempt to use large conventional weapons in guerilla wars. The question is being asked whether, say, a tenth of the arms budget devoted to development might not give infinitely more security than the sterile investment in ever more complicated nuclear stalemates or in arms for wars of popular desperation which might never have been fought if land reform, agricultural growth, urban employment and some prospects for the future had been provided in time.

These questions come up again in a domestic context wherever the colonial inheritance has left peoples of different race and culture living in the *same* community. Some of the colonial and post-colonial societies appear to have ended the fatal divisions which appear when race defines opportunity, when every distinction of wealth, of education, of respect, follows the lines of culture or colour. Mexico, Brazil have outlived the Iberian colour bar. The island societies of the Caribbean have achieved a measure of racial harmony in independence. Slav, Turk and Mongol do not appear to split on racial lines in Soviet Asia.

Yet unresolved divisions are world-wide and arise between many different groups; the conflict between Malay and Chinese is proving especially painful and violent. There is, however, a special edge to the confrontations of West Europeans and their descendants with peoples of other races simply because the Atlantic minority are so entrenched in overwhelming wealth and their position owes so much to the preceding centuries of world-wide Western expansion and conquest. The black citizen in America is not only, in the majority, still paid less, housed worse, fed less well and treated with less than full human dignity. He knows that he has helped for three hundred years to build up a society which has taken his work and rewarded him with not much more than his bare existence. A fundamental reason for the vast black migrations to the Northern cities of America over the last two decades has been precisely the still "colonial" or near-slave condition of the black farmer in the South and his determination, repeated all over Latin America and Asia and Africa, to move to the cities and to the hope—all too often frustrated—of work and advancement.

Those Americans now who propose a "Marshall Plan for the cities", or a guaranteed annual income for all citizens or a large increase in assistance to public education for the minority groups at all levels—the sums spent have in fact increased three and four fold over the last decade—are in a sense proposing that massive transfers of capital should be made across the *internal* frontiers inherited from the colonial dispension. An external effort of aid to development to end the lopsidedness of the post-colonial world economy should be matched by an internal effort on comparable lines so that as the whole Western colonial experience fades into history, pockets of injustice, misery and bitterness should not be left behind.

Clearly, South Africa has inherited one of the most difficult of the post-colonial situations. The conquests and settlement of the nineteenth century have established a white minority in complete control of a large African majority. The work of this group has been incorporated as an indispensable element in the functioning of a successful and rapidly expanding economy. The latest figures speak for themselves. The total labour force is 2,243,000. Of this, white workers are only 527,000. All the rest are non-European and over half are African. In quarrying and mining, 564,000 out of 634,000 are African. Over half the workers in manufacturing are African; so are two thirds in construction. The consumer demand of all these workers is an essential market for the products of the country's growing industry. Yet the present distribution of wealth, rewards and opportunity inside South Africa resembles the larger world-wide concentration of power and wealth in the hands of the Atlantic minority. As whites in world society, we enjoy 80 per cent of practically every material advantage. As white citizens of South Africa, you control 87 per cent of the land, a possibly greater share of industrial wealth and receive incomes on the average seven times larger than that of the African citizen, even when, as is sometimes the case, virtually identical work is being done. This is a lopsidedness of reward which spells danger and instability at the world level. It does so equally at the local level.

It would not seem to an outside observer that present plans for dealing with the imbalance look very promising, either for South Africa's present population of over 16 million non-white citizens—nor for the 10 million more who at the very least will be added over the next decades. The aim of "separate development" is and will be to transfer the bulk of Africans to reserves, to "homelands" with some of the attributes of sovereignty and to build up their economic opportunity by locating industry in border regions to which Africans from the reserves can, as it were, commute.

There are two ways of looking at this policy. The first question we have to ask is whether, within the context of public policy, enough is being done to make the strategy work. The second is to ask whether it is a policy that can be applied without a total disregard for the fundamental rights, opportunities and decencies of a majority of fellow human beings.

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"Separate development" or *apartheid* presumably aims at turning South Africa into a common market of white and black "nations". The black inhabitants will occupy the present reserves—13 per cent of the land—with perhaps arrangements for some further settlement in Swaziland, Lesotho and Botswana. But we encounter questions of viability at once. Some estimates suggest that two-thirds of the present inhabitants of the reserves should be moved out of farming in order to check soil erosion. Even so, a very considerable investment in the "homeland" would be needed if the "green revolution" were to be carried to the remaining farmers.

Families moving out of agriculture would presumably be absorbed into "border industries". These industries are also expected to provide work for a rising percentage of the annual increase in the African labour force which, it seems, is some 82,000 a year. In addition there is talk of annually transferring 80,000 workers—or 5 per cent of the present working force—out of white areas into the Reserves. I have seen no convincing account of just how many jobs will have to be provided ultimately, if this separation is to be carried out. But last year, I believe, just over 6000 new jobs were created and some 48 million rand were spent—apart from education—on the homelands. Between 1961 and 1966, the annual average creation of needed jobs has been estimated at about 8000, the annual expenditure at some 90 million rand.

All forecasts of future jobs and expenditures must be very imprecise. But it does seem clear that if a real effort is to be made to absorb a considerable part of the increase in African manpower caused by rising numbers, released by better farming and transferred from white areas, the aim could not be less than say, 80 to 90,000 jobs a year. And such a level would seem to require annual investment of the order of 900 million rand—a figure which is over half the total 1968/69 federal budget and incidentally three times present expenditures on police and defence. It may be that there are plans to renew the reserves and expand border industries on this heroic scale. But possibly, too, there are not.

If capital on this scale were forthcoming, one could perhaps conceive of a development on or near the African's thirteen per cent of the land which would renew agricultural productivity, build up new regional growth points of urbanization and industry and create a new market network exchanging local food for local manufactures.[1] But it would be difficult to be certain at this moment that expenditures on any such scale are intended. Without them, the policy could end by confining Africans to small eroded reserves with inadequate industrial opportunities either in them or nearby. Subsistence income on farms in the reserves could not increase from the present average income of 140 rand a year. Enough jobs to absorb the migrants from the farms and from the white areas would simply be unavailable. A high number of workers would, therefore, stay and work in white areas but without any security of tenure or job employment and even divided from wives and children who would be compelled to live in African areas. All this would indeed be "separate". But it does not really look like "Development".

This brings us to the second question. Does the strategy really redress in some degree the imbalance of power, privilege and prosperity inherited by the white minority from the colonial epoch? With full expenditures, society might be better and more humane. But it has certain built-in weaknesses which investment mitigates but does not cure. If most of the work is to be done in border areas and if the reserves are to be, as some of them are, no more than reserved townships of the Soweto kind, then separate development will not put an end to migratory work or to the disruptions in family life or to a high dependence on white areas where at least ten million Africans will probably go on working permanently. But they look like doing so without any rights and safeguards and exposed to the full insecurity of being liable to exile whenever white society so decides. The African will thus provide essential work to the economy. He will receive back little beyond a wage and uncertain shelter. As numbers grow, as a booming South Africa retains more and more Africans in white industry, as skills edge upwards under the pressure of technological sophistication, one can ask whether, with or without capital, the idea of separation is really viable. If, by the year 2000, perhaps 85 per cent of the workers in white areas are black, if the intertwining and interdependence of the society is nearly complete at the economic level, one may well question whether it can continue without a corresponding social and political co-operation, indeed without a genuine effort to achieve for the majority full human dignity and respect.

III

These questions remind us that for the world's white minorities the real questions are only partially economic. Wealth is now created on such a scale that we could produce 6 per cent growth rates all round the planet, wipe out illiteracy, rehouse the shelterless, make the desert blossom, feed the human family and undertake any of the wide variety of material tasks for which modern science and technology give us the resources. The crucial question—at the world level and again in each local white community—is whether, as inheritors of overwhelming wealth and power, the West Europeans and their descendants have the political will to lessen the disproportions in our society's wealth and opportunity, to cancel our colonial preponderance and join the larger, juster more equal planetary society which, at least in physical terms of access and communications, our science and technology are bringing to life.

The temptation is naturally to want no change. Its very comfortable to be at the top of the heap, to live in clean suburbs, not filthy shanty towns, to live to 70, not 42, to see all our children grow up, not die before 5, to have no experience of hunger, to be literate and skilled, to know nothing of human contempt. All this lulls the conscience, dulls the mind and narrows the heart. Why should we change, we who have never had it so good? As Robert Kennedy said in this place two years before his tragic assassination:

"For the fortunate among us, the danger is comfort; the temptation to follow the easy and familiar paths of personal ambition and financial success so grandly spread before those who have the privilege of education. But that is not the road history has marked out for us. There is a Chinese curse which says, "May he live in interesting times". Like it or not, we live in interesting times. They are times of danger and uncertainty; but they are also more open to the creative energy of men than any other time in history. And everyone here will ultimately be judged—will ultimately judge himself—on the effort he has contributed to building a new world society and the extent to which his ideals and goals have shaped that effort."

But how do we mobilize our energies for such goals? I suppose the motive could be fear. They say that it is the beginning of wisdom and if we look back over history at the fate of overmighty conquerors—which, from a world historical point of view, we West Europeans still are—it does not offer very pleasant alternatives. Privileged minorities who persist in keeping their monopoly of power and wealth seem to become inherently insecure. The options open to total conservatism are not really very numerous. If we arm to the teeth, increase internal repression and live eternally on the *qui vive* for external and internal enemies, we become a different kind of society and one in which, for all our comforts, we might find it intolerable to live. If we lash out and try to drive back opposition, the ring of potential opponents round the world is so vast that they would regroup and reappear. And if we tried, perhaps in some nuclear holocaust, to get rid of them altogether, we could vanish, too.

I hasten to say that I think this scenario at present totally unrealistic. There is, of course, China's alienation and Lin Piao's version of latter-day Leninism in which the world's poor, coloured peasants will surround and conquer the "white urban citadel" of wicked Americans, Europeans—and Russians. But this mood is not yet echoed much elsewhere. With all our wealth, with all our exclusiveness, yes, with all our brutality, we West Europeans are still treated very tolerantly in most parts of the world. I myself lived for eight years in Ghana and can testify that my presence there seemed to evoke not only courtesy but even a certain gaiety and enjoyment. In Kenya, I have seen marvels of reconciliation between European and African in the wake of Mau Mau. African heads of State, Asian statesmen, Latin American opposition leaders do not speak of race-war and annihilation. Recently the Heads of State of Central and East Africa repeated their commitment to the hope of racial partnership. Such leaders plead for co-operation and justice and seem pleased with the relatively small evidence that the wealthy white world does not mean to sit for ever on top of its inherited predominance.

Of course, if through the Seventies and Eighties we in the wider Atlantic society and you in your local offshoot keep our monopolies of wealth, our overwhelming power and our exclusive privileges, we shall end by creating the irresistible enmity we fear. But there is time for manoeuvre, for policy, for imagination. Above all, there are resources, growing all the time, which place in our hands the instruments of creative change.

The world would look a very different place if the West Europeans, the heirs of the conquerors and the colonialists, the inheritors of eighty per cent of practically everything, set to work, with patience and courage, over the final decades of this century—the first century of emancipation—to modify this huge and monstrous imbalance. At the world level, an annual transfer of one per cent of our gross national product could set in motion the "green revolution", create regional centers of urban growth, build up jobs in the cities, stabilize populations, educate the young, house the families, feed everyone. It is no more complicated than conquering the planets. It is infinitely cheaper than bombarding Vietnam.

In the United States, a genuine Marshall plan for the cities, opportunities for employment and housing outside the ghettoes, education to take in the disadvantaged young—these are not more impossible than spending 90 billion on highways—or 80 billion a year on the weapons of death.

In South Africa, to begin with, African areas big enough to give the African farmer a prosperous life and regional industrial development in new cities to employ him and his children could lead to the end of unworkable separations. It could pave the way to a society of human partnership and solidarity where all races could earn equal rewards, respect and opportunity in return for an equal contribution to the nation's livelihood.

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[1] This, in turn, could be an effective step towards an ultimately equal and integrated society.

To change in this way the direction and generosity of our spending does not involve much actual economic sacrifice. We are growing too fast for that. A massive transfer to Atlantic capital to world-wide economic assistance would not entail more than a slight slowing down in the rate of growth of our wealth. For you, a society of greater opportunity for all your people is actually what your growing shortage of skills really dictates. To move away from separatism is to move towards a wider prosperity for all. A policy based upon separate enclaves, even if it were generous enough to provide a decent living for their inhabitants, does not even begin to deal with the problem of millions of Africans working, as disadvantaged un-citizens, in the general economy. A really large scale effort now to make still separate development a reality in income, jobs, education and opportunity could, however, prepare the way for human partnership and equality in the future. And this, in turn, could assure the growth of capacity, trained skills and markets which all races require.

Who knows, if the wealthy minority both at the world level and in the local community were generous enough to take these first steps towards a less biased, exploitative and selfish stance in our narrow world, what came afterwards might go—as it should—far beyond a mere redressing of an inherited imbalance. We might begin to advance towards a society of political, social and economic equality which our Western civilization upholds as its highest civic aim—even as it falters in achieving it.

At present, great gaps in culture, understanding, education and income hold the races apart. It is not simply a question of white and black. It is brown and black. It is brown and yellow. It is all round the world, particularly in every area where the forced migrations of the eighteenth century leave different groups of migrant peoples confronting each other in anger and fear. But with education and opportunity, as we know, the gaps diminish. Today, the yellow is honorary white, provided he is sufficiently rich, energetic and educated. Is it inconceivable that the consequence of a much greater, more sustained and more honest attempt at social and economic development might not begin to fill in the gulfs between white and black, above all, the gulf which today is being gouged ever deeper by separation and fear? Is it totally unrealistic to think of a planetary society in which human beings of all races could meet each other in mutual courtesy and receive the same rewards for the same work, the same responsibility and participation, the same basic respect for the common fact of shared humanity?

I would go further and say that the phase of history in which we have arrived and for which the West Europeans have acted as midwives makes this kind of development the only alternative to human annihilation. In this society which we, West Europeans, or descendants of West Europeans, have created on this planet, certain wholly new facts about the human experiment have emerged. First, we know enough about history to realize that the present predominance and overwhelming wealth of the West Europeans and their descendants are the product of historical chances which will not be repeated and will not, in their present form, be maintained. Secondly, we have the wealth, the machines, the science and the energy to give every "earthling" a share in the good life. Thirdly, the same revolution of wealth and science is creating a single planetary community which the astronauts have helped humanity to see—the small blue vivid world in whose little compass all of us must learn to live. Fourthly, we know that the secrets of power which made this wealth possible are accessible to every trained human intelligence, whatever the outer colour of the covering skin. Chinese already have atom bombs, Africans will have them. No repression can cancel this counter threat. It only makes the nemesis more certain. Fifthly, and equally, we know that reconciliation over time is a genuine possibility and that, against all likelihood or even all justice, other races are ready to welcome to a fully human community the West Europeans who for so long have ridden on their backs and jumped on their heads. This patience is a miracle which Westerners do not deserve. It gives them a little time for readjustment.

Are we ready for it?

I can only end with my own confession of faith. I am a Christian. I believe that God made this planet for all His creatures. I am white and fortunate and ridiculously privileged. I am so because of good fortune and good inheritance. I have done precisely nothing to earn this, save to be born in the right place. This, I confess, does not give me a feeling that wealth and influence and respect are mine by right. They have to be earned. The talents are not to be buried in self concern. They must be set to work for my neighbour, for my world. How can I, how can any member of this whole powerful, violent, successful West European race come before the judgment of history and of God and say: We thank You that we are not as other men. We'll keep the eighty per cent of Your planet's wealth. We'll hang on to every last cent that conquest and slavery and fortune and our own and other men's work have placed at our disposal. We won't share much, we'll give up very little. And meanwhile we count on You to see to it that the judgements of Your history are diverted from us while we hang on to predominance and privilege and fortune and power.

It may be that in the "new history," the old judgements are cancelled. Perhaps, in the age of planetary unity and nuclear power, it is no longer true to say "God is not mocked". But I doubt it. I still think we reap as we sow. And when I think of our fortune, our injustice and our indifference, I remember the just judgements of God and I tremble for myself and for all who accept their luck and wealth as a right and are ready to base their own fortune on the enslavement and indignity of their fellow men.

SPEED ANTIPOLLUTION PROGRAMS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. PHILBIN. Mr. Speaker, this Nation is currently visited with pollution of all kinds that is causing the people great concern and making life intolerable and unbearable for many.

Conditions in our rivers, lakes, ponds, and waterways are incredibly filthy. Our streets and public places are littered with refuse, garbage, waste, and filth in many areas. The polluted air of many places in a country where clear water and clean air were once almost universal is now posing one of the most difficult problems we have; namely, keeping our surroundings, our environments, our homes, and public places and areas clean, wholesome, and healthful and free of noisome stench and foul litter.

We need large sums of money to carry on the fight against pollution of all kinds, yet on the basis of the reduced budget request of the administration to implement the Clean Water Restoration Act of 1966, the amount requested is only $214 million and only 1,185 communities in the Nation could be assisted. This would leave 3,889 communities without assistance, representing $2.55 billion of required projects unfunded.

This situation is to be greatly deplored, because it means that we are losing the battle against water pollution as well as against air pollution and it will increase and spread pollute conditions in the country.

The film, "Who Killed Lake Erie," has been received with acclaim and enthusiasm by the people, because it emphasizes what the true situation is in some areas and points up the great need we have for appropriate action in Congress, and the urgency of united action on a crash basis by local, State, and Federal governments.

There are few things, more important, that this Congress can do today than to provide the authority and the money to fight against the great evils of polluted air, water, and environment, and I hope and urge prompt action to the crying need for a determined, united massive program to rid the Nation and many of its afflicted communities of the evils and baneful effects of pollution in all its obnoxious, injurious manifestations.

The fact is, Mr. Speaker, that if we do not respond to pollution eradication appeals and needs very promptly, this country could be visited by deadly plagues, diseases, and human misery such as it has never known or even conceived possible.

Let us have no further delay at local, State and Federal levels, replace inertia with positive action, cut dilatory redtape which is bogging down progress with irrelevant talk, and cumbersome planning, and in that way, we should be able to banish avoidable delay and get some action in moving and funding necessary antipollution programs. This question deserves very high priority and I urge it be so considered.

POT IS DANGEROUS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. BOB WILSON. Mr. Speaker, recent scientific research is helping to confirm previous evidence on the dangers of marihuana. The upsurge in marihuana use in the past few years has provided an increasing number of tragic examples of the effects of this drug. The following article from the Chula Vista, Calif., Star outlines some of the new and disturbing findings at the Donner Laboratory, University of California, Berkeley:

POT IS DANGEROUS

About a year ago, when the Surgeon General of the United States took a somewhat ambivalent position on the effects of smoking marijuana, we too were not entirely convinced the drug should be banned.

Now, with new evidence at hand, we are absolutely convinced that marijuana should be absolutely prohibited. It should not be legalized.

The evidence is quite convincing, and mounting every day.

As reported just this month by Professor Hardin B. Jones of the Donner Laboratory of the University of California at Berkeley, marijuana is not only habit forming and productive of hallucinatory intoxication, but also has probable long range physical and cumulative mental effects which can permanently damage the mind and personality.

For example, according to Professor Hardin, the use of marijuana is almost sure to produce the long range (and cumulative) physical effect of causing cancer, in the same way that tobacco—also a combustible vegetable substance—does.

Equally important is the evidence that marijuana, or "pot," produces cumulative, long range mental effects which cause permanent personality changes, together with the loss of purpose, drive and the ability to reason and make decisions clearly.

As Professor Hardin puts it, "Most chronic pot users are incapable of having long-range goals of accomplishment. The hippie cult started four years ago with sweet, naive young people being induced to 'expand their perceptions.' Many of them today look sick and aged. They are."

There has never been doubt in any competent observer's mind, including the overly-cautious Surgeon General's, that the amphetamines, LSD, heroin and morphine are permanently harmful. There has been some doubt about marijuana; however, to the point that many well-educated bright adults have even tried it.

It is clear now that these well-meaning persons simply didn't know enough about the drug to sensibly, objectively turn it down. They were "taken in" by the Timothy Leary advocates. Had they known all the facts about marijuana, most of them would never have tried it.

Today, four years after the marijuana craze began in earnest, competent scientists like Professor Hardin have had ample opportunity to gauge the effects of the drug.

Their conclusion is that it has long-range harmful effects which are cumulative. That is, the effects don't "wear off" after smoking one, two or ten marijuana cigarettes. The deleterious effects remain with the pot smoker, permanently impairing his ability to reason and think clearly.

Just as the surgeon general finally published his report on smoking and health, which clearly defined the harm caused by cigarettes, the scientists are today beginning to produce their own reports on marijuana. And their conclusions are much the same.

Thanks to the weight of scientific evidence, the consumption of cigarettes, is finally beginning to go down. Fifteen years ago, for example, 70 percent of all physicians smoked cigarettes; today only 7 percent smoke!

Also in response to the evidence, legislative bodies throughout the country are moving to label cigarettes for the health hazard they are. The tobacco industry itself has agreed to halt all cigarette advertising on TV in 1970, and firms within the industry are scrambling to diversify their holdings so as to lessen the impact on profits as cigarette consumption continues to dwindle.

Should we then outlaw cigarettes altogether?

The time will probably come when this happens.

But it will not happen until the overwhelming majority of the general public is so convinced of the harmful effects of cigarettes that enforcing such a law will not be difficult.

Alcohol may also someday be outlawed. But, again, it won't happen until the vast majority of the populous is convinced of the death-dealing effects of alcohol.

Prohibition failed because too many people simply didn't realize how harmful alcohol really is. The public still doesn't realize it today.

Yet, as Professor Hardin points out, ". . . alcohol is the commonest cause of irresponsible and even criminal conduct in the adult population. Each year about 25,000 deaths from automobile accidents (half the total) are attributed to drivers under the influence of alcohol. About half the 2,400,000 traffic injuries are similarly attributed to alcohol, and each year about 50,000 persons die from liver disease of a type which is almost exclusively the result of chronic overuse of alcohol."

Someday if the scientists, the schools, the surgeon general, and the mass media put their minds to it, enough persons may be convinced of the deleterious effects of alcohol to ban it.

But until they do, there will be no laws against it.

What we're saying here, is that education, based on sound scientific evidence, is really the only way a free, democratic society can make laws for its own common good.

If we as parents and responsible citizens care enough to "tell it like it is" when it comes to marijuana and (cigarettes and alcohol too!) then perhaps we can foster a coming generation of voters who will treat these dangers in a more sensible, responsible manner than we have done.

SST ANNOUNCEMENT INCONSISTENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. WALDIE. Mr. Speaker, yesterday the President announced that the Federal Government would expend an additional $660 million for development of a commercial supersonic transport aircraft.

I find this announcement to be ill-timed in view of the administration's recent disclosure that Federal construction projects are to be cut back by 75 percent in the interest of curbing inflation.

Upon reading of the President's announcement yesterday, I issued a news release on this subject which I would like to submit for inclusion in the Congressional Record:

News Release

(By Congressman Jerome R. Waldie)

President Nixon's call for an expenditure of $195 million this year for development of the Supersonic Transport (SST), has been sharply criticized by Congressman Jerome R. Waldie, D-Antioch.

"I find the President's announcement to be quite inconsistent with his recent order to curtail Federal construction by 75 percent in the interest of curtailing inflation," Waldie said.

"In my opinion the problem of getting a man to Europe or Hawaii one or two hours quicker than he can now is miniscule in comparison with the increasingly difficult problem of getting a man from his home to his job and back."

Waldie called the request for $195 million, "doubly distasteful in light of the Administration's expenditure of but $175 million for rapid transit projects over the entire Nation.

"It is apparent that the Administration is ignoring the greater problems of the cities, too many cars, too little parking and too much auto exhaust-caused pollution, for the competition between nations to rush a member of a highly privileged group across the oceans quicker than the next fellow."

Waldie also pointed out that the impact of the Administration plan to curtail construction projects would be felt by the less-skilled employees, the worker whose job is usually seasonal and who cannot usually find other employment.

"Thus we have the situation," Waldie said, "of an Administration removing one group from the work force of the Nation in the interest of 'economy' and on the other hand, creating new highly specialized jobs for the ultimate benefit of a small percentage of the public.

"That," Waldie said, "is an inconsistency—a most unfair and discriminating inconsistency."

Waldie said he had criticized the Administration previously for its apparent "priority gap" in transportation.

"That gap still exists as long as rapid transit and the cities fall below such dubious and superfluous projects as the SST."

THE AMERICAN CHILDREN'S RESEARCH HOSPITAL IN KRAKOW, POLAND

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. ROONEY of New York. Mr. Speaker, I am sure that all the Members of this body are interested in learning of significant successes in our foreign assistance programs. My colleagues who joined with me some years back to enact legislation permitting the use of some of our surplus zlotys for the building of an American financed hospital in Krakow, Poland, will be particularly gratified to learn the extent to which this investment is paying dividends.

During the course of my recent Appropriations Committee responsibilities abroad, I had the opportunity to again visit the American Children's Research Hospital in Krakow, Poland. My visit was not at all cursory or casual. In the company of Dr. Barbara Kanska, the very competent director of the hospital, I made a thorough inspection of its structure and a detailed examination of its operations and administrative practices. I am sure that our American Ambassador Walter Stoessel and the other American officials who accompanied me were just as impressed as I was with the physical plant and the fine modern laboratories and equipment. We were all equally impressed with the exceptionally high morale of the entire staff of doctors, nurses, administrators, and the patients themselves. Nowhere in any country could you find a more devoted and dedicated staff than in this magnificent hospital.

I was thrilled not only in seeing firsthand the extensive humanitarian services being rendered to thousands upon thousands of Poland's sick and suffering children but I was tremendously impressed with the goodwill toward America which this project has generated.

As Americans we can be justly proud of an institution which excels any other of its type not only in Poland but in all of Central and Eastern Europe. Its achievements in research and its success in treatment have given it a reputation of the highest order. Both the professionals and the lay public feel that the staff of the American children's hospital are "curing the incurables and rehabilitating the hopeless."

I witnessed an appendicitis operation performed by skilled surgeons with every modern hospital facility at hand. I visited countless sick rooms and talked with ill children and their grateful parents. I visited the classrooms maintained for children who are patients able to study. I worshipped in the chapel available for supplying the spiritual therapy needed by the sick.

I was informed of the emergency cases brought to this hospital to benefit from the exceptionally fine facilities and professional skills.

Mr. Speaker, without a doubt the American Children's Research Hospital represents one of the most satisfactory projects launched anywhere in the world with American money. It represents the epitome of a cooperative arrangement between two governments. I hope that many of my colleagues will have an opportunity to visit this institution.

Subsequent to my visit to the project, I was asked to make a public statement as to my reactions. Mr. Speaker, I submit the text of this statement for inclusion in the RECORD at this point:

I have always been impressed with the cordial reception granted to me and to those who accompany me when I have visited the American Children's Research Hospital here in Krakow. The generous hospitality which you extend to us is a source of deep gratification.

This much needed medical center is the fulfillment of a dream some of us had for putting to good use some of the excess zlotys which had accrued to the credit of the U.S. government. Little did any of us begin to realize the magnificence of the structure which we viewed on the drawing board and in the early stages of construction, such as I saw on my last visit.

Those of us in the United States Congress who have major responsibility for the utilization of federal funds derived from the tax payments of our citizens are always gratified when we see those funds being spent economically and wisely. This is particularly true with respect to the very heavy expenditures being made throughout the world for the benefit of other nations.

What I have seen today assures me that my fellow Americans can be justly proud of what has been accomplished with their help. We are well aware of the fact that our foreign aid projects are seldom complete in themselves. All of them require a form of matching in one manner or other and all of them assure a continuing operating expense on the part of the receiving government. This is as it should be for too frequently a contribution toward operating costs entails some measure of control on the part of the donor. This is a form of interference which the United States has consistently sought to avoid.

We are satisfied that this medical institution was established in accordance with our mutually agreed upon plans to meet the needs of Polish children. The type of benefits and treatment extended to them is the full and complete responsibility of the Polish Government just as is the selection of those who are to be admitted for diagnosis and treatment.

This institution here in Krakow is a dramatic argument that the ethnic bonds and the ties of kinship are capable of reestablishing the lines of communication which often become temporarily jammed or severed in times of international stress and political unrest. It is my hope that this project and other projects like it may help all of us to achieve greater understanding of one another's motives and a deeper bond of friendship sufficient to allow the sharing of our assets, our talents and our culture with each other.

No one could deny that America is richer because of the great contributions which have been made to generations by the people of Poland to our economy, our cultural achievements and to our religious and social well-being. May the sharing of these great gifts continue with the help of the great God in Heaven.

HOUSE OF REPRESENTATIVES—*Thursday, September 25, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

See that none render evil for evil unto any man; but ever follow that which is good, both among yourselves, and to all men.—I Thessalonians 5: 15.

God of grace and God of glory, in the midst of the troubles of this time we would find in the living water of prayer the spirit which can restore our souls, renew our bodies, and make us ready for the tasks of this new day.

We are disturbed by the divisions in our world and in our Nation, weighed down by many worries, tempted to lose hope, and to give up because peace and justice seem so long in coming. We confess that we do so little when there is so much to be done.

We pray for our country and for ourselves, the leaders of our people. May we not increase our divisions by any ill will but take advantage of every opportunity to spread good will so that our influence shall always be for the good of all.

Give us courage to carry on, knowing Thou art always with us and believing that with Thee we cannot fail.

In the spirit of Him whose truth is marching on, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.;

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.;

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.;

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.;

S. 2226. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination;

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act; and

S. 2547. An act to amend the Food Stamp Act of 1964.

The message also announced that the Vice President, pursuant to title 16, United States Code, section 715a, appointed Mr. TYDINGS to the Migratory Bird Conservation Commission in lieu of Mr. METCALF, resigned.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT UNTIL NOON, SATURDAY, SEPTEMBER 27

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until noon on Saturday, September 27, to file a report on the Office of Economic Opportunity.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DEFAMING OUR PRESIDENT DOES HONOR TO NO ONE

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, last week the chairman of the Democratic National Committee accused the President of "the wildest kind of improvisation" in attempting to solve the problems of Vietnam and inflation.

Almost at the same time one of our liberal columnists, writing about the same problems, used almost the same terms saying the President was "wildly improvising."

Now, Mr. Speaker, most of us do not commonly, in everyday talk, use such terminology, especially when it has no basis in fact. And it is more than coincidence, I think, when two biased presidential critics use the same unusual terminology only a day or two apart.

The question naturally arises: Is the Democratic national chairman the puppet of the liberal columnist or is the liberal columnist being used by the Democratic national chairman?

Regardless, a working agreement between a member of the liberal press and the Democratic chairman for the purpose of defaming the President does honor to neither.

END QUOTA ON IMPORTED OIL NOW

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, thanks to the diligence of the press, there is good news today for all of us who, for years, have been fighting the inequitable mandatory oil import control program.

Last night, Secretary Hickel ordered the release of a study by the Department's Bureau of Mines predicting that the cost of the quota system to consumers could reach more than $7 billion a year by 1975 and over $8 billion by 1980.

More importantly, the study confirms the view of other experts that we could assure a 12-month supply of crude oil by the stockpiling of oil in underground salt domes at a cost far less than the consumer must bear today.

The study also indicates that an end to the quota system could drop the price of crude oil from $3.30 to $2 a barrel, which would be directly translated into similar reductions in gasoline and other products.

This tends to confirm recent testimony before the Senate Antitrust and Monopoly Subcommittee that abolition of the quotas would reduce gasoline prices by 5 cents a gallon and home heating fuel prices by nearly 4 cents a gallon.

Mr. Speaker, I am sure that all 53 cosponsors of my bill to eliminate the oil quota system are as encouraged as I am by this recent survey. This should fortify our position with the Ways and Means Committee to hold early hearings.

Finally, as I said only recently on this floor, we in the Northeast face a serious shortage in home heating oil this coming winter. I have written Secretary Hickel urging him to immediately assign unused Department of Defense quotas to alleviate this shortage. But, even if this urgently needed action is taken, again averting the near emergency that we faced in 1968, this is only a temporary solution.

The only satisfactory solution, Mr. Speaker, is to end this quota program, and to end it now.

PERSONAL EXPLANATION

(Mr. FISH asked and was given permission to address the House for 1 minute.)

Mr. FISH. Mr. Speaker, yesterday, Wednesday, September 24, I was absent from the floor at the time of rollcall No. 183 on the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

Mr. Speaker, had I been present I would have voted in the affirmative.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON MILITARY PROCUREMENT BILL, UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 26

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight, Friday, September 26, to file a report on the military procurement bill for fiscal year 1970.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the gentleman from Michigan, there remains on the calendar to be taken up this week only one bill, which is H.R. 12884, to assure confidentiality of census information. That bill will be taken up presently.

The program for next week is as follows:

On Monday:

H.R. 13369, extending authority to set interest rates on mortgages to veterans, under an open rule with 1 hour of debate;

House Resolution 538, to grant additional travel authority to the Committee on Public Works, with 1 hour of debate; and

H.R. 4314, joint labor-management trust funds for scholarships and child care centers, which will come under an open rule with 1 hour of debate.

On Tuesday:

H.R. 13300, amendments to the Railroad Retirement Act and the Railroad Retirement Tax Act, which will come up under an open rule with 1 hour of debate; and

H.R. 8449, Hours of Service Act Amendments, to come up under an open rule with 1 hour of debate.

For Wednesday and the balance of the week, the military procurement authorization for fiscal year 1970, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

PERMISSION FOR SUBCOMMITTEE NO. 3, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 3 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 184]

Alexander
Baring
Bell, Calif.
Bolling
Brown, Calif.
Burton, Utah
Cahill
Carey
Celler
Chappell
Clark
Corman
Cowger
Daddario
Dawson
Denney
Dent
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Esch
Fascell
Flood
Ford, William D.
Frelinghuysen
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Hagan
Hanna
Hansen, Wash.
Hays
Hébert
Heckler, Mass.
Hosmer
Jones, Tenn.
Kirwan
Lipscomb
Long, La.
McCloskey
McClure
McDonald, Mich.
McKneally
Mailliard
May
Mills
Morse
O'Hara
O'Konski
Passman
Pelly
Pepper
Pike
Podell
Powell
Quillen
Reifel
Rooney, Pa.
Rosenthal
Sandman
Scheuer
Shipley
Slack
Snyder
Staggers
Stubblefield
Teague, Calif.
Teague, Tex.
Utt
Watson
Whalley
Whitten
Wiggins
Wilson, Bob
Wright
Wyatt

The SPEAKER. On this rollcall 351 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SELECT SUBCOMMITTEE ON LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that the select subcommittee on labor may sit this afternoon during general debate.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

CONFIDENTIALITY OF CENSUS INFORMATION

Mr. **O'NEILL** of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 545, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 545

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, and all points of order against lines 4 through 9 on page 5 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER**. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. **O'NEILL** of Massachusetts. Mr. Speaker, I yield myself such time as I may consume, and at the conclusion of my remarks I will yield to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 545 provides an open rule with 2 hours of general debate for consideration of H.R. 12884 to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes. The resolution also provides that all points of order are waived against lines 4 through 9 on page 5 of the bill. The waiver of points of order was granted due to the transfer of funds.

The major purposes of H.R. 12884 are:

To provide the committees of Congress having legislative jurisdiction over the Bureau of the Census the final authority for the approval, rejection, or revision of the content of the decennial census questionnaires;

To further strengthen those provisions of title 13, United States Code, which guarantee the confidentiality of the individual information obtained by the Bureau of the Census; and

To eliminate the jail sentence penalty provisions of title 13, United States Code, currently applicable to both individuals and organizations, for either refusal to answer census questionnaires or willful falsification of the information being provided.

There are a number of statutes which require the use of census data for the administration of programs or as a basis for the allocation of funds. The legislation is designed to enable the Bureau to more responsibly meet the needs of government and society for the statistical information required for intelligent decisionmaking, while at the same time strengthening the guarantees protecting the rights and privacy of the individuals responding to the questionnaires.

The legislation is sponsored by each member of, and was reported by unanimous vote of, the Subcommittee on Census and Statistics of the Post Office and Civil Service Committee.

Mr. Speaker, I urge the adoption of House Resolution 545 in order that H.R. 12884 may be considered.

Mr. Speaker, I yield to the gentleman from California (Mr. SMITH).

Mr. **SMITH** of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Massachusetts, House Resolution 545 does provide an open rule with 2 hours of debate for consideration of H.R. 12884, to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires. All points of order are waived against lines 4 through 9 on page 5 of the bill because there is a transfer of funds.

The purposes of the bill are: to broaden the permissible scope of questions of a decennial census; to insure that congressional committees have jurisdiction over any changes in census questionnaires; to strengthen the guarantee of the confidentiality of the information obtained by the Bureau of the Census; and to eliminate the jail sentence provisions of current law applicable to those who either refuse to answer census questions or knowingly give false answers.

The need for a complete and accurate decennial census is clear. Many Federal programs substantially base their fund distribution on formulas which use census data as their fundamental factor. Additionally, many private agencies, as well as State and local governments, use this same data for their own purposes. These private agencies range from labor unions to universities.

Current law restricts questions which may be asked on a census questionnaire to those concerning population, unemployment, and housing, including utilities and equipment. The bill broadens this by striking the phrase "unemployment and housing" and adding in lieu thereof "and is authorized to obtain such other census information as necessary." This is done to insure that all additional information deemed necessary in future years can be secured.

At the same time the bill seeks to insure that American citizens will not be subjected to any harassment or undue prying by the Federal census agents. To insure this, the bill provides that the Secretary of Commerce must submit, 3 years before the next census, "the questions proposed to be included in the decennial census." The proposed questionnaire must be submitted to the two Post Office and Civil Service Committees of the Congress, which are required "not less than 2 years before the said census date to notify the Secretary of their approval, rejection, or revision of the proposed questions."

Further, current provisions of law are strengthened to insure that the confidentiality of individual responses are guaranteed. The current penalty for any Bureau of the Census employee who reveals such information is increased from a $1,000 fine or 2 years' imprisonment, or both, to a fine of $5,000 or imprisonment for 5 years, or both. Presently the Secretary of Commerce, by written approval, may permit disclosure; this provision is repealed.

With these protective guarantees, the bill also continues the requirement of mandatory answering of questions by the individual citizen. The committee believes that, at the present time, this is the only way to insure that all citizens answer all questions and so insure the necessary data for the Federal Government. The committee does urge the Bureau of the Census in its report to continue its current efforts into studies of voluntary surveys to see if a voluntary census questionnaire could be developed. At the same time, the bill repeals current law providing a jail sentence for those who do not accurately answer the census questionnaire. It has never been used and serves no purpose.

Passage of the bill will not require any additional funding.

The Department of Commerce opposes passage of the bill in its present form. It particularly objects to congressional approval of the questionnaire. It believes this violates the separation of powers doctrine of the Constitution. The Bureau of the Budget supports this position.

There are no minority views.

So far as I am personally concerned, Mr. Speaker, I think this is as good a bill as the committee can bring out. Obviously, it is not going to satisfy all the businesses and the agencies that want to get all the information they can possibly get about every citizen to help them in connection with how many items of various sorts they can sell to them. By the same token, it will not satisfy all the people who believe that the questions should be confined to six questions, and that they have a right to privacy as to all other questions. I think the committee has done a good job. I urge adoption of the rule and the adoption of this resolution. I reserve the balance of my time.

Mr. **O'NEILL** of Massachusetts. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **DULSKI**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The SPEAKER. The Chair designates as Chairman of the Committee of the Whole the gentleman from Alabama, Mr. ANDREWS, and the Chair requests that the gentleman from New York, Mr. STRATTON, temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12884, with the Chairman pro tempore (Mr. STRATTON) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, H.R. 12884 is an excellent bill which responds most effectively to the general public interest in assuring the confidentiality of answers to census questions and inquiries.

The bill effects long needed and effective modernization of laws, regulations, and administrative policies under which our massive decennial census responsibilities are carried out. It warrants the overwhelming support of the House.

This important legislation is a special tribute to the gentleman from California, the chairman of our Subcommittee on Census and Statistics, and the entire membership of the subcommittee. Their diligence, perseverance, and patience in working out solutions to the many difficult and complex problems they faced is in the highest tradition of the Committee on Post Office and Civil Service.

I urge all Members to vote for H.R. 12884 as reported by the committee.

I yield such time as he may require to the chairman of the subcommittee, the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Chairman, in the 180 years since its inception in 1790, the decennial census has become an indispensable service to the American people, providing the kinds of information which an advanced technological society must have if it is to remain vigorous, dynamic, and free.

The Congress, in its concern for insuring the continued greatness and growth of the United States, has consistently recognized the need for accurate information and has demanded that the decisions of Government be based on facts. For example, every major legislative measure enacted by the Congress during the past decade that involved the disbursement of funds to municipal, State, and other local governments for housing, urban renewal, transportation, health, education, and welfare programs, requires that the local agency submit to the Federal regulating agency a complex and detailed evaluation and justification of needs, backed up by the best possible statistical information.

The list of statutes which require the use of census data for the administration of programs or as a basis for the allocation of funds includes—

The Adult Education Act of 1966 as amended;

The Elementary and Secondary Education Act of 1965 as amended;

The Economic Opportunity Act of 1964 as amended;

The Appalachian Regional Development Act of 1965 as amended;

The Manpower Development and Training Act of 1962 as amended;

The National School Lunch Act as amended;

The Public Health Service Act as amended; and

The Vocational Education Act as amended.

In addition, data on population and housing characteristics are used in the administration of programs under—

The Civil Rights Act of 1964;

The Voting Rights Act of 1965;

The Fair Labor Standards Act of 1958 as amended;

The Federal-Aid Highways Act;

The National Housing Acts—subsidized homeownership and rent programs; low-rent public housing program;

The Demonstration Cities and Metropolitan Development Act of 1966;

The Housing and Urban Development Acts of 1965 and 1968;

The Military Construction Authorization Acts; and

Executive Orders 10997 to 11005 assigning emergency preparedness functions to various departments and agencies.

There is no question but that much of the billions of dollars in funds, goods, and services which the Federal Government distributes each year to State and local governments is allocated according to data provided by the census.

Equally important are the uses made of census data by the private sector of the economy—whether by business for market research purposes; by labor unions to establish bases from which to negotiate for improvements in the economic and social well-being of their members; by voluntary organizations and professional, trade, educational, and charitable associations in order to carry out the mandates of their charters; by equal rights groups in measuring the condition and progress of minority groups and substandard neighborhoods; or by universities, scholars, or research institutions for analyses of current events and forecasts of future probabilities.

Nevertheless, the census remains a little understood or appreciated institution—probably because the products of the census are like the oxygen in the air. They are consumed so widely that they are accepted as a matter of course and their use as the base for most other statistics goes unrecognized.

Every decennial census, therefore, has raised some protests, and the 1970 census has proven no exception to the rule. Quite the contrary. With today's concerns over invasion of privacy and computer data banks, Government requests for further information are automatically resented and looked upon with suspicion. I wish to acknowledge the contribution made by the gentleman from Ohio (Mr. BETTS) for his recognition of the problem. He deserves much, if not all of the credit for bringing the 1970 census to the special attention of the Congress.

Impressed with the importance of the issue, the Subcommittee on Census and Statistics—which I have the honor to chair—undertook an immediate investigation and on April 1, 1969, held the first of an extensive series of hearings covering a nationwide cross-section of opinion and interest. Beginning with the Director of the Bureau of the Census, and including the Secretary of Commerce, the Under Secretary of the Department of Housing and Urban Development, and other high-level Government officials, testimony was received from more than 50 knowledgeable and qualified witnesses. In addition, more than 3,000 letters and statements were received from State and local governments, scientific and professional organizations, and the business community, as well as individual citizens, expressing either support or criticism of the 1970 census program.

Further, as a direct result of the subcommittee's activity, the Secretary of Commerce reduced, by some 10,000,000, the number of individuals who would receive the long-form census questionnaire, provided for more representation from the general public on Census Advisory Committees, and announced the future appointment of a blue-ribbon commission to examine census procedures.

H.R. 12884, the bill now before the House, incorporates the conclusions of the subcommittee. It mirrors the fact that many who criticized as well as all who supported the census testified to the vital need for accurate, up-to-date census data.

The subcommittee met the elements of the census controversy head on. It eliminated or adjusted those features that have most disturbed our citizens without adversely affecting the census. It eliminated the jail sentence penalties which have been a justifiable source of concern to our citizens. It tightened the confidentiality provisions of census law to further guarantee the protection of our citizens. It placed final approval of the proposed questions in the hands of Congress so that the people can be assured that no questions will be asked which will compromise their privacy. And finally, it eliminated the overemphasis in the census on housing equipment and utilities.

The Subcommittee on Census and Statistics directed special attention to the need for continuation of the mandatory reporting requirements of census law. Opposing arguments were based largely on the success of voluntary questionnaires as used by survey and market research organizations and the expressed opinion that voluntary response would bring as good, if not better, coopera-

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tion from the public than mandatory response.

However, the importance of census data and the need for census statistics for very small geographic areas, plus the committee's recognition that some individuals may neglect their responsibilities to fill out the census questionnaires unless they are required by law to do so, convinced the committee that a voluntary census would not be in the public interest.

In summary, the subcommittee has developed legislation which will guarantee the rights and privacy of our citizens, but will not deny to Government and society the information needed to make the intelligent and responsible decisions required in these difficult times.

H.R. 12884 was ordered reported, without an adverse vote, by the full Post Office and Civil Service Committee—many of whose members had previously supported strongly restrictive census legislation.

Many of the features of H.R. 12884 are highly technical in nature. Those provisions of the bill I will not discuss at this time, though I will be pleased to answer questions relating to any feature of this legislation. The sections of the bill which bear directly on the controversial issues raised by the 1970 census are these:

Section 4 provides two of the several new protections for individual privacy which are afforded by the bill.

The first such new protection consists of the elimination in its entirety of the present subsection (a) of section 8 of title 13, which now authorizes the furnishing of individual data, upon request, to Governors of States and territories and courts of record for genealogical purposes. The present language would allow a Governor of a State or territory to gain from the Bureau of the Census information of a personal nature about any of the citizens of his respective State or territory. While there is no evidence that this has ever happened, we felt it incumbent to remove this danger.

The second such new protection consists of strengthening the confidentiality provisions of subsection (b) of section 8 of title 13, which authorizes the furnishing of tables and other census records to, and the making of special statistical compilations and surveys for, State or local officials, private concerns, or individuals. This new section continues to allow the Secretary of Commerce to furnish copies of tabulations and other statistical materials to other Federal agencies, local governments, private organizations and individuals, but prevents the Secretary from disclosing the personal information reported to the Government by any individual.

Section 5 of H.R. 12884 amends section 9 of title 13 to establish new and improved policies and practices for guaranteeing the confidentiality of individual information obtained by the Bureau of the Census. The amendment incorporates into the new section 9 the various administrative procedures already in effect within the Bureau of the Census to insure confidentiality. This new section incorporates into law and amplifies the scope of present administration procedures. It prevents the Secretary of Commerce or any other employees of the Department of Commerce from—

Using, for any purpose other than general statistical purposes any information furnished by individuals;

Publishing personal information collected from individuals;

Producing any publication which will permit systematic disclosure, by statistical inference, of data furnished by any individual;

Transferring to computer tapes the names of individuals so that such names could be collated with individual information;

Disclosing the names and addresses of individuals to outside interests; and

Permitting anyone, other than authorized personnel, from examining the report of any individual.

Section 6 of the bill amends section 141(a) of title 13, United States Code, to provide specifically for a census of population only by omitting "unemployment, and housing, including utilities and equipment" and adding in its place authority for obtaining "such other census information as necessary."

The omission of "unemployment, and housing, including utilities and equipment" is not intended to deny the Secretary the authority to ask questions on these subjects in the decennial censuses. It is intended, first, to permit the Secretary greater discretion in the determination of the extent to which questions on unemployment and housing are to be included; and, second, by authorizing such other census information as necessary, to permit the inclusion of questions relating to health, quality of education, quality of available employment, et cetera, as may be required to meet the needs of the times.

Section 6 of the bill also adds a new subsection (c) to section 141 of title 13. The new subsection provides that the census questions be submitted, for review and approval, of the committees of Congress having legislative jurisdiction over the Census Bureau—that is, the Post Office and Civil Service Committees of the House and the Senate—3 years in advance of the decennial census date. Subsequently, Congress is to notify the Secretary not less than 2 years before the said census date of its approval, rejection or revision of the proposed questions.

The new subsection (c) further provides that the Secretary may, during the remaining period before the census date, submit additions or changes to Congress for acceptance, rejection, or revision, if he finds that new or different circumstances warrant it.

Section 9 of the bill amends section 214 of title 13, United States Code, to increase the penalties for wrongful disclosure by Census employees from $1,000 fine or 2 years' imprisonment, or both, to $5,000 fine or 5 years' imprisonment, or both. .

Section 10 of the bill strikes out the imprisonment penalty now imposed by section 221(a) and 221(b) of title 13, United States Code, for refusal or neglect to answer questions or giving false answers.

Section 11 of the bill strikes out the imprisonment penalty now imposed by section 224 of title 13 for failure to answer, or giving false answers to, census questions by "companies, businesses, religious bodies and other organizations."

Section 14 of the bill is a "separability" provision, maintaining the effect of those parts of the bill that are valid in the event that any part thereof shall be determined to be invalid.

The administration has submitted an adverse report concerning several features of H.R. 12884, in particular:

The elimination of the jail sentence penalties of present census law, on the grounds that fines alone are not sufficient to secure compliance;

The new requirement that the Secretary submit proposed decennial census questions to the Post Office and Civil Service Committees of Congress for their "approval, rejection or revision" on the grounds that this is clearly violative of the doctrine of separation of powers; and

The elimination of the phrase "unemployment and housing, including equipment and utilities" on the grounds that this could lead to elimination of important and needed information in these areas.

The Post Office and Civil Service Committee believes the administrative objections to be without merit.

As I stated earlier, H.R. 12884 was ordered reported without an adverse vote. On the merits of the bill and because of the demonstrable need for remedial legislation in this area, I ask for your support for passage of this legislation without amendment.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to point out that the gentleman from Illinois (Mr. DERWINSKI), the ranking member of the subcommittee, will handle this bill from here on.

Mr. Chairman, I rise to express my confidence in the judgment of our subcommittee members whose efforts have produced H.R. 12884, a bill to revise the census laws. This legislation responds to public demand for a change in our census-taking policy and at the same time meets the test of good government in the public interest.

I will, Mr. Chairman, leave the technical explanation of the bill to those who have written it and will take a few minutes to comment on the policy of the legislation in general.

As we all know from the mail we have received, the citizens of our country urged congressional attention to the preparation of the questionnaire to be used in the upcoming 1970 census. Their concern was directed toward three areas—the proliferation of privacy-invading questions, the onerous threat of legal action resulting in a prison sentence or fine for failure or refusal to answer questions, and the possibility of damaging use of private facts acquired through a census.

The Subcommittee on Census and Statistics recognized the validity of the many questions being asked by the general public about the census and pro-

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ceeded with diligent public hearings on the subject both in Washington and around the country.

The subcommittee heard citizens who objected to the personal nature of questions asked by census takers. They heard from various spokesmen of the economic and academic world who expressed a need for the type of statistical material which only the Bureau of the Census could compile. And they heard from Federal agency heads who testified to their reliance on the census information in order to carry out the many programs enacted by Congress. Our subcommittee also kept in mind, I am sure, the basic constitutional reason for the decennial census, and that is to provide an accurate population count for the purposes of congressional apportionment.

The resulting legislation, which is in the form of H.R. 12884, responds to these many demands. It repeals the onerous prison sentence for individuals who refuse to answer questions or who may falsify their answers to a census questionnaire. It strengthens the confidentiality of the gathered census information by increasing the fine from $1,000 to $5,000 and the prison sentence from 2 to 5 years for any employee of the Census Bureau who wrongfully discloses census information.

And to maintain control of the type and number of questions which may be asked on a census form, the bill requires that the Census Bureau submit its proposed questions to the appropriate committees of Congress for approval, rejection, or revision 3 years before each decennial census.

I think it is significant to point out that the 1970 census will be conducted mainly through the mails—on a mail-out, mail-back procedure. This will be the first decennial census so conducted and is a result of legislation which I sponsored during the 88th Congress. In the 1970 census 65 percent of the coverage will be by mail, including all the major metropolitan areas. This procedure will permit citizens to answer the questions privately in their homes. Coupled with the removal of the threat of a prison sentence and the added insurance of stricter confidentiality, this procedure, I believe, will encourage responses which will result in a more complete and accurate census.

Mr. Chairman, I believe that this legislation, H.R. 12884, is a reasonable compromise and is deserving of approval by the House.

Mr. DERWINSKI. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut (Mr. Meskill).

Mr. MESKILL. Mr. Chairman, the basic issue, as I observed it, during the conduct of public hearings by our Subcommittee on Census and Statistics is that of the right of individual privacy and just how far we should permit our Government to go toward an invasion of that privacy.

The pending bill, H.R. 12884, takes some significant steps toward meeting that issue and because it takes steps in this direction, I believe it deserves approval by the House. I support this bill as it is written, but I hope that our committee and the Congress will not regard it as a cure-all to the public indignation which has arisen over the conduct of the census and that we will continue to exercise legislative oversight.

Mr. Chairman, there is a difference, in my opinion, between the right of privacy and confidentiality. I think the right of privacy is the right of an individual to keep a fact about himself to himself, not to tell anyone. When you are concerned with whether or not this right should or should not be invaded for the public good, you are concerned with this one fact: that he can keep this to himself or that he cannot keep it to himself.

Confidentiality, on the other hand, is one step removed. It comes into play once a person has disclosed a fact about himself, or once he is forced by law to disclose a fact about himself.

Therefore, I am pleased that this legislation tightens the confidentiality provisions of census law to further guarantee the protection of those facts which citizens must divulge. I am also pleased that the legislation removes the penalty of a prison sentence for refusal to answer census questions. This provision of law appears to serve no purpose and has never been applied and, therefore, is only an irritation to each citizen.

While I support the bill and urge its approval, I must, Mr. Chairman, divorce myself from that portion of the committee reports on this legislation which states that "a voluntary census would not be in the public interest." I am not so convinced, and I continue to oppose a compulsory census. The testimony presented to the subcommittee did not demonstrate, to my satisfaction, that a voluntary census would not be feasible. I note that the committee report urges the Bureau of the Census "to conduct tests which will unequivocally demonstrate either the necessity for a fully mandatory census or the viability of a fully or partially voluntary census." I hope that the Bureau will observe this request.

The bill correctly places with Congress the power to approve, reject, or revise proposed questions for the decennial census. The year's time which is needed to prepare for a census does not permit the application of this provision until the 1980 census, but it nevertheless is an important change in law. Therefore, Mr. Chairman, I support H.R. 12884 and recommend its approval.

Mr. Chairman, I would like to pay particular tribute to the gentleman from Ohio (Mr. Betts). He is the gentleman who stirred up a hornets' nest with his bill which was cosponsored by many other Members of this body, including myself. I am also a cosponsor of H.R. 12884. After listening to all the testimony in the various hearings held here in our committee rooms, and also around the country I would not want to let the report of the subcommittee be written into the legislative history of this bill unchallenged.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, would the gentleman agree that perhaps we could obtain better information from reading the bill rather than the report, because I see the first thing it says is:

> The major purposes of this legislation are to broaden the scope.

In all of the testimony we heard I heard no testimony to broaden the scope of the census.

Mr. Chairman, I am fully in support of this bill, but not because it broadens the scope of the census questionnaire. If I felt it did broaden the scope of the census questionnaire, I would vote and speak against the bill.

I do not think that was the intent of our subcommittee, to broaden the scope of the census questionnaire. Would the gentleman agree with me?

Mr. MESKILL. I agree with the gentleman. That certainly is not the primary purpose. I think it is one of the purposes. However it resulted from some excellent questioning by Mr. Waldie during one of the hearings. Mr. Waldie asked why there were not more questions concerned with education, and why the questionnaire seems to be weighted so heavily in favor of housing.

Broadening the scope of the census is certainly one of the purposes of the bill but its appearing first in list of purposes in the committee report might give the members of this committee the idea that this was the No. 1 purpose. It certainly is not.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I am happy to yield to the gentleman.

Mr. LATTA. I think there is a little bit of disagreement here between what the gentleman just said in answer to the inquiry of the gentleman from Virginia and what was stated before the Committee on Rules when this matter was before that committee for a rule.

If you will turn to page 8 of this bill, line 2, it says:

> The Secretary shall, in the year 1980 and every ten years thereafter, take a decennial census of population as of the first day of April, which date shall be known as the census date, including the use of sampling procedures, and special surveys, and is authorized—

And I emphasize this—

> to obtain such other census information as necessary.

As I pointed out there, and I am certain the gentleman from California (Mr. Wilson) will agree, this is more or less a blank check. This opens up the door. The only way to close that door is the provision you propose in the bill to submit these questions on any subject, as I pointed out in the language just read, to the Congress.

Then we run into this problem and I am sure the gentleman is aware of this—the administration opposes this provision—and rightly so, because the administration should not be submitting questions back to the Congress. We should give them a proper and sound law to administer not go into little details in this census or any census.

The administration should not have to submit them to the Congress. This is a question of execution privilege which has been before this Congress many, many times. The administration has already stated it does not agree with it. If this legislation becomes law, I am certain this provision of submitting it back to the Congress is not going to be in it. So it leaves us right back to putting in an open door provision which gives the Bureau of the Census the power to ask for any information—not only counting noses so to speak but other census information as they deem necessary. I think you have broadened it and I do not think there is any way you can escape that conclusion. Would the gentleman like to comment on that?

Mr. MESKILL. I would be happy to comment on it.

I agree with the gentleman's statement about the administration's position on this. I do not agree completely with the gentleman from Virginia. As I said, this is one of the purposes but it was not the main purpose. I would say the reason for the change in scope was that formerly the word "housing" was in the bill and it was felt when you include a particular category, you thereby exclude questions which do not come within that category.

The feeling of the committee was that education is as important, and perhaps more important, than housing, and questions on education should be included. The Bureau of the Census should not be able to rely on the word "housing" to exclude questions on education.

Mr. LATTA. I quite agree with the gentleman's statement.

This is not left to the Bureau, but as this bill came out of the committee I agree 100 percent with the report. It says "to broaden the scope" and it certainly does. This will permit the Bureau of the Census in 1980 and thereafter, unless it is changed by the Congress, to ask any questions that they deem necessary in conducting the census.

So they can go into a person's home and say, "Well, how much are you in debt?" Because they want to find out how much the personal liability in the country is, and things of this nature could be asked. If you think that on this census coming up we have had trouble on some of these questions, you just wait until 1979.

I certainly hope if this legislation is passed in its present form and is sent to the other body that they will make some corrections and limit the scope of these questions.

Mr. MESKILL. I thank the gentleman for his contribution.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. Before yielding, I would like to make another statement before my time runs out.

Mr. FLYNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 185]

Baring
Bell, Calif.
Blackburn
Bolling
Brown, Calif.
Buchanan
Burton, Utah
Cahill
Carey
Celler
Chappell
Clark
Clay
Collins
Corbett
Cowger
Daddario
Daniels, N.J.
Dawson
Denney
Dent
Diggs
Edwards, Ala.
Esch
Fascell
Flood
Ford, William D.
Fountain
Frelinghuysen
Fulton, Tenn.
Gaydos
Gilbert
Goldwater
Green, Oreg.
Griffiths
Grover
Hanna
Hansen, Wash.
Hathaway
Hays
Hébert
Heckler, Mass.
Horton
Hosmer
Karth
Kirwan
Leggett
Lipscomb
Long, Md.
McCloskey
McDonald, Mich.
McKneally
Mailliard
Mills
Morse
Nix
O'Hara
O'Konski
Passman
Pepper
Philbin
Podell
Powell
Quillen
Railsback
Reid, N.Y.
Reifel
Sandman
Slack
Smith, Calif.
Snyder
Staggers
Steed
Stubblefield
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Utt
Watson
Whalley
Widnall
Wiggins
Wilson, Bob
Wright
Wyatt

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SISK) having assumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12884, and finding itself without a quorum, he had directed the roll to be called, when 345 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Connecticut (Mr. MESKILL) is recognized for 5 minutes.

Mr. MESKILL. Mr. Chairman, as I said earlier, I would not want to have this report go into the legislative record without some objection, or clarification, particularly concerning the statement on page 4, the last part of which says—referring to certain things which took place—and I quote, "convinced the committee that a voluntary census would not be in the public interest."

The subcommittee devoted, I would say, the majority of its time to questions and answers concerning this very point. So far as this Member is concerned, I reached no such conclusion. I did not reach the conclusion that I was certain a voluntary census would be effective or that it was absolutely necessary to be mandatory.

I think it was the unanimous feeling of the subcommittee that the census was so important that we would take a moderate approach and leave it on a mandatory basis, but reduce the penalty for failure to answer questions or for failure to answer them accurately. We devoted a great deal of time to the individual questions on the questionnaire to the need for these questions and to the wording of the questions. This was one of the reasons why, while we extend the scope of the census questionnaire, as we do in this legislation, we also request and I think and hope we will demand legislative oversight. If as the gentleman from Ohio (Mr. LATTA), the distinguished member of the Committee on Rules states, the administration will never buy this legislative oversight, I certainly hope this body will not agree to the expansion of the scope of this census. I think there is a definite legislative "quid pro quo" here.

I would like to state, on the matter of reduction of penalties, we had an interesting series of questions by the distinguished gentleman from California (Mr. WALDIE) concerning the purpose of the penalty.

He asked Dr. Bowman from the Bureau of the Budget, and I will quote:

> Why do you have penalties? If you are going to assess the penalty of either the fine or imprisonment, you must bring out in court the fact that they have been dishonest or the fact that they have lied, and that betrays the confidentiality of the information that they have provided you.

Then Dr. Bowman said:

> Mr. Waldie, I think I have to disagree with this view.

And listen to this, Mr. Chairman:

> The compulsory nature of the response is one way by which the Government considers the need to answer to the question to have a very high priority.

Then the gentleman from California (Mr. WALDIE) went on to press the question of whether or not the purpose of the penalty was to get an answer, and a return of the questionnaire, more than to get an accurate answer. Then Dr. Bowman deferred to Dr. Eskler, Director of the Census, and Dr. Eckler finally said:

> A consistent and generally widespread response, that is the primary purpose of this, Mr. Waldie. I believe that it removes from us the danger that the results could be subject to a great deal of possible manipulation by organized groups. It could work both ways.

We were left with the impression that in view of the fact that no prosecutions had taken place for false answers or for failure to answer, the principal purpose of the penalty was to get a return of the questionnaire, and that while the Bureau wants accurate answers, accuracy is not the primary purpose of the penalty.

I think that one of the most effective testimony in favor of a mandatory census, so far as I am concerned, was a letter from Mr. Nielsen, who conducts the Nielsen ratings, in which he explained something which I did not previously understand. I quote from his letter:

> Those research companies stating that they do not have any trouble getting cooperation, on query by me, admit to using quota samples. This is an important point because the quotas used by these companies are made up from the known population and housing characteristics obtained by the Census Bureau.

These population and housing characteristics are obtained from a mandatory census. Continuing to read:

> Without the solid benchmark statistics supplied by the Census, these market research companies would not know how to construct a proper quota sample.

This carried great weight with me and led me to believe that perhaps there was some merit in the mandatory requirements. So I would say that while I am not completely satisfied, I feel that this legislation is a step in the right direction. I intend to support it. Once again I

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wish to pay tribute to the gentleman from Ohio (Mr. Betts) who really got the ball rolling on this important issue. He has performed a great service to his country.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Corman).

DEATH OF SALLY BELL, WIFE OF CONGRESSMAN ALPHONZO BELL

(By unanimous consent, Mr. Corman was permitted to speak out of order.)

Mr. CORMAN. Mr. Chairman, I take this time to perform a very sad duty, and to report to you that Sally Bell, the wife of our colleague, Alphonzo Bell, died this morning after a brief illness.

Sally had been hospitalized in Washington since September 17, following a cerebral stroke. With her at the time of her death were her husband and her sons, John and Donald Ellis. Also surviving are three other sons, Mathew, Robert, and Anthony Bell, who were in California at the time of her death; her mother, Mrs. Charles R. Austin, of Los Angeles; and her sister, Mrs. Louis Willoughby, of Des Moines, Iowa.

The funeral will be held at 11 a.m., Saturday, September 27, in the Chapel Wee Kirk o' the Heather, Forest Lawn Memorial Park, Glendale, Calif.

Mr. Chairman, I cannot begin to express the depth of my sadness at the death of Sally Bell. Nor can I find any words that would offer real comfort to my dear friend, Al Bell, and his family. Time, the only healer, will eventually work its way. But those of us who knew her will understand that time will never erase, neither from her family nor her friends, the memory of this wonderful person.

I know that the thoughts and prayers of the Members of the House are with Al Bell today, with the hope that our heartfelt sympathy will bring him some measure of comfort.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I join the gentleman from California in expressing my sorrow and the sorrow of all Members of the House to our fine and beloved colleague, the gentleman from California (Mr. Bell) over the loss of his dear wife. Mrs. Albert and I extend to him and his family our deepest sympathy in this heavy hour of grief.

Mr. TALCOTT. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to my colleague from California.

Mr. TALCOTT. I thank the gentleman for yielding. This is indeed a sad announcement. We all, of course, share the bereavement of the gentleman from California (Mr. Bell). Sally was beloved by our entire delegation, especially by our wives. We cannot help but regret that she died so young. We can only extend our condolences to Al and his family.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to my colleague from California (Mr. Miller).

Mr. MILLER of California. I am shocked to hear of Sally Bell's passing. I knew her very well. She was a wonderful girl. The world is going to be a poorer place because of her loss. I am certain that all our sympathies go out to Al.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding. I, too, am saddened by the announcement of the gentleman in the well. Our colleague, the gentleman from California (Mr. Corman), has brought to the attention of the House, the passing of Sally Bell, the wife of our colleague, Congressman Al Bell. Sally Bell certainly will be remembered, by those of us who knew her well as a very vivacious person. Her sparkling personality and love for people made her stand out among her peers. She was truly Congressman Bell's life partner, always supplementing and complementing his best efforts, as he served his district. It could be said that Sally gave her life to and for Al Bell. She shared in many of the successes of his political and business career.

We will all miss her but we are equally thankful for the privilege of knowing her.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Waldie).

Mr. WALDIE. Mr. Chairman, I wish only to address myself to two provisions in the bill. One is the amendment to the existing census form that would remove from the title several words and would leave the title just a population census. The purpose of that was not, as may be implied in the report, to broaden the authority of the census but to make it clear to those who receive census information and census inquiries that the primary interest of the Government of the United States did not happen to be only with housing and unemployment.

So we changed the title just to read "Population"—again not for purposes of defining the extent of the census inquiry but for purposes of making it more flexible.

The other question on which I wish to address myself very briefly is the subject mentioned by the gentleman from Connecticut (Mr. Meskill) and covered much more adequately by him than I intend to do, but I wish to emphasize it. I join with the gentleman in extending my congratulations and credit to the gentleman from Ohio (Mr. Betts) for having brought the subject to the attention of the Nation with the force which he has done, but I think the amendment which the gentleman proposes today is not in the best interests of the Committee to adopt.

The reasons for this are fairly clear. Under our able chairman, the gentleman from California (Mr. Charles H. Wilson), at the time we started the hearings we considered whether we would advance into the compulsory-voluntary questions which were being considered due to the efforts of the gentleman from Ohio (Mr. Betts). We considered that the factors then involved in changing from today's census to that type of census simply did not permit the adoption of a compulsory-voluntary census. Neither did it warrant the expense that would be necessary to gear up the entire census process, which takes about 3 years prior to the taking of the census. The cost of changing to that process did not warrant our going that route at this time.

But I call the attention of members of the Committee to page 4 of the report where there is a discussion of the committee's expression on this issue. When we consider the amendment proposed by the gentleman from Ohio (Mr. Betts), it is well to consider also these views. The report says:

> This legislation, therefore, retains the mandatory reporting requirements of title 13, United States Code, for any of the decennial census questions, whether, they be 100 percent questions or sample questions. The committee, however, recommends that the Bureau of the Census continue its investigation into the use of voluntary surveys in the hope that techniques and procedures can be developed which will, in the future, lead to the elimination of the mandatory response requirement for the decennial census sample questions. The Bureau is urged to conduct tests which will unequivocally demonstrate either the necessity for a fully mandatory census or the viability of a fully or partially voluntary census.

That is a strong statement of the committee's belief, that I certainly share, that the issue of mandatory versus voluntary questions on the census questionnaire has not been up to this point disposed of, and the vote of Members on the bill will not thereby foreclose further consideration of that issue. The committee's reluctance to go into that issue was not because there was not on the committee itself substantial sentiment—myself included—for the approach of the gentleman from Ohio (Mr. Betts) but the reluctance involved the difficulty manually of tooling up the census to go on a mandatory-voluntary basis, the expense of this decision were we to go that route.

There is every intention on the part of that committee—and I am certain our chairman will confirm this contention—that the proposal of the gentleman from Ohio (Mr. Betts) for the mandatory-voluntary combination census will be considered by this committee for application in a future census, but the decision the gentleman is seeking to have the Members make on his amendment today is fraught with sensitive and complicated questions that simply should not be resolved without extensive consideration as to the mechanical difficulties and the costs of bringing about that approach.

Mr. DERWINSKI. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, I note from the committee report, as has been previously mentioned, that one of the purposes of this legislation is to broaden the scope of the census. Our subcommittee, which heard testimony that too many questions were being asked, had no intention of broadening the scope of the census. Certainly I was glad to hear the gentleman from California (Mr. WALDIE) comment in a similar manner a few minutes ago, and I feel this should be a part of the legislative history of the bill. Some members felt that questions relating to unemployment and housing were unnecessary; some felt that questions on education could well replace less important questions planned to be asked in 1970. All agreed on the constitutional requirement for a population count. We agreed that the Secretary of Commerce should be free to propose questions for review by legislative committees of the Congress but that the committees would have the right to approve, revise, or reject his recommendations. We are not asking this House to approve larger census questionnaires. The choice of words in the report is unfortunate, so I thought at the outset this should be clarified.

Congressional oversight should result in each proposed question being weighed to determine whether the statistical benefit to the Government is sufficient to warrant the inconvenience to the citizen. Frankly, I regret that this measure was not acted upon some years ago so that the limitations would have applied to the 1970 census but the measure we are considering appears to be the best legislation on the subject that can be enacted and approved this year.

The gentleman from California (Mr. CHARLES H. WILSON), the chairman of our subcommittee, was very fair in holding hearings and listening to all points of view. I especially appreciate the hearing within my own congressional district.

H.R. 12884 was jointly sponsored by all members of the Subcommittee on Census and Statistics and I urge its adoption.

Mr. Chairman, in all probability every Member of this body has received mail protesting the number and nature of census questions and objecting to the fact that these questions are required to be answered under penalty of law. It is obvious that there is great concern, for more than 80 bills have been introduced, some of them with a dozen or more cosponsors, which deal with limiting the categories of census questions that may be asked.

I was one of the sponsors of such legislation both in the 90th Congress and early this year, and while my original bills went much further toward restricting mandatory questions, I am satisfied that we have an effective piece of legislation in H.R. 12884.

My chief purpose was to provide congressional oversight of the number and nature of questions asked of our citizens in the decennial census. This purpose is carried out after 1970 in H.R. 12884. A headcount-type of census has been conducted since the inception of our Republic and we know that our Constitution provides for the apportionment of the House of Representatives on the basis of the decennial census. Certainly, we need population counts, even more frequently and I am hopeful that we can get the other body to join us in authorizing a mid-decade census of population.

Congress has permitted itself to lose control of what is asked of the people of the country in mandatory censuses, and the questions have, in my opinion, become repressive. Unless the Congress does determine what questions can be asked and what cannot be asked, our citizens will be harassed and pressure will be put upon the Bureau of the Census to continue to increase the scope of its inquiry until no privacy will remain from Government agencies.

We will hear the word "compromise" used in association with this bill and I suggest that it does represent a compromise in the best legislative sense.

While the bill retains the mandatory feature of the census, its principal achievement, I believe, is to place in the hands of Congress final authority for the approval, rejection, or revision of proposed decennial census questions. Members of this body, of necessity, remain in close touch with citizens we represent and, being directly responsible to them, we are more sensitive to their desires and needs than a remote bureaucratic agency.

The bill eliminates all jail sentence penalty provisions for individuals or organizations who refuse to answer census questionnaires or who willfully falsify them. However, as previously mentioned, the penalty of a fine for such action remains in the law. Our hearings disclosed that the threat of a jail sentence was a justifiable source of concern to many citizens.

Maintaining the confidentiality of information gathered through censuses also concerns citizens, and while our hearings did not disclose any breach of this confidence, we have, in response to public demands, written further safeguards into the bill. The measure incorporates into law present administrative procedures for guaranteeing confidentiality of census information and it increases the fine from $1,000 to $5,000 and the jail sentence from 2 to 5 years for any employee of the Census Bureau who wrongfully divulges census information.

In general, Mr. Chairman, this legislation deals with three areas of concern—the broad scope of census questions, the Dark Ages threat of a prison sentence for failure to respond, and the assurance that census information will remain confidential. I believe that it treats these matters responsibly and that its enactment will bring a marked improvement to our census-taking procedures. Perhaps the fact that the Census Bureau feels that it goes too far and many sincere concerned citizens believe it does not go far enough is a good test of the bill our subcommittee has drafted for your consideration.

Mr. BROTZMAN. Mr. Chairman, I urge the passage of H.R. 12884. In my opinion this legislation is important to the preservation of an endangered right of the American people—the right to a reasonable degree of privacy.

I recognize the necessity of an accurate census containing a generous measure of socioeconomic information. As a matter of fact, I have cosponsored the still-pending bill which would establish mid-decade "headcount" censuses.

However, I think there are definite signs that the census has, over the years, tended to become overinquisitive. It has begun to cover ground which more properly should be in the province of industrial market research. It has begun to pose questions which are of a highly personal nature.

A portion of H.R. 12884 was derived from a bill which I authored. It would provide penalties of up to $5,000 fine and 5 years in prison for illicit disclosure of census information by Bureau of the Census employees.

The current sanctions against wrongful disclosure of this information are a maximum of $1,000 fine and 1 year in prison. When they were set in 1909 this probably was an adequate deterrent, but times have changed. In our society there is a proliferation of computerized data banks of personal information—many of which are quite ethical but some of which clearly constitute a threat to the right of a reasonable degree of privacy. It would be tragic for census interview information to find its way into the latter. I believe the increased penalties will make this highly unlikely.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I am glad to yield to our chairman.

Mr. CHARLES H. WILSON. I want to compliment the gentleman for his contributions on the subcommittee and to tell him, the gentleman from Illinois (Mr. DERWINSKI), and the other members of the subcommittee how much I personally appreciate the time and effort that they put in.

In connection with the hearings we held in the city of Vienna in your district, you may recall one of the local newspapers reported that we were going to hold a hearing in Vienna. My youngest son came home from school and said, "Daddy, the kids are kidding me because they think you are going on a junket." Well, I think it should be fairly reported that it was in Vienna, Va., we held this meeting rather than Vienna, Austria, where we had a successful meeting and accomplished considerable for the committee.

Mr. SCOTT. I thank the gentleman for his comments. I know the people in my district will be glad to know that I stayed within the congressional district rather than leaving the country.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Chairman, I rise today to support H.R. 12884 for I believe that it is a reasonable and responsible reaction of the Congress to deficiencies which seem to exist in the liaison between the Congress and the Bureau of the Census. I do not believe that H.R. 12884 will provide the final answer to the problems raised by increasing information gathering by Census and other Federal agencies, but it is an intelligently conceived alternative to the situation which is in effect now.

Let me discuss the four main proposals of H.R. 12884. To begin with the future censuses will be broadened in scope by eliminating the restriction which limits them to only population, unemployment, and housing. While this may seem

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to be an extremely dangerous provision I believe that the second major thrust of this legislation will effectively control the possible harmful effects. Let me explain why, if the first section of the bill is passed, the second must be also.

SOCIAL SECURITY NUMBER AND RELIGIOUS PREFERENCE ELIMINATED FOR 1970

I have long been a critic of questions asked in censuses. I recall many long hours spent with the former Director, H. Ross Eckler, and I always came away from our meetings with increased respect for his dedication and his competence. I brought severe objections to the proposal to request both the social security number and religious preferences on the 1970 census to Dr. Eckler and, in the company of other concerned groups, we were able to reach an agreement that these two areas of personal information would not be requested.

Mr. Chairman, this illustrates why it is absolutely essential that the concerned subcommittees must have the right to raise meaningful objections to questions on future censuses. While I was not a member of the House committee which had jurisdiction over the census, I had been drawn into the issue by my investigations with my Special Subcommittee on Invasion of Privacy. The Subcommittee on Census and Statistics has done a splendid job through the years and I believe that they will be extremely effective and extremely diligent in the future.

This legislation gives this subcommittee the "final authority for the approval, rejection, or revision of the content of decennial census questionnaires," as House Report No. 91–407, which accompanies H.R. 12884, phrases it. When I appeared before the subcommittee in 1966 and 1967 to offer testimony and to report on my own efforts, it was suggested that the Congress was not competent to pass upon the content of the census. Since this legislation has been drafted, it has been suggested that such control is unconstitutional. Let me deal briefly with both of those objections.

CONGRESSIONAL COMMITTEES COMPETENT AND CONTROL CONSTITUTIONAL

If the Congress is not competent to pass upon the content of census questions a Federal impact on every single one of our constituents, then we might as well formally admit that we are merely a supine confirming body for executive branch decisions. We might just as well turn the Government over to "experts" and content ourselves with the prestige of Congress with none of its power or prerogatives. It is our duty to make the voice of the people heard in the halls of government and this means raising our voices occasionally against the cool and calm statements so often advanced in the cause of efficiency and economy within Federal agencies.

Mr. Chairman, the simple fact that we are required to go to the people every 2 years makes us competent to evaluate the content of the decennial census. We have the duty to bring our own expertise in leading our people, as well as in reflecting their views, to the attention of those who stand for office every 4 years, and especially those who never run for office at all but who are appointed.

The balance of powers is what has allowed a balanced government to continue and we must not sacrifice that constitutional responsibility because some of us may feel the task is too big or that our educations may not be up to dealing with the blandishments of the steady influx of Ph. D.'s into the executive branch. I would remind those who have plucked the gaudy fruit in the groves of academe that each congressional campaign provides a separate, but equal, education.

Mr. Chairman, the contention that it may be unconstitutional for the concerned congressional committees to exercise control over the content of census questionnaires makes no sense to me. Every single day Congress prescribes specific rules for the executive branch to follow. For example, the fields of agriculture, foreign aid, grants-in-aid to States. The list is as lengthy as it is obvious.

I believe that the reason why some doubts may be raised about the constitutionality of this section of H.R. 12884 is that people do not regard information as a thing. Data are too amorphous, too ambiguous to have the status of potatoes; so the argument might go. I would respond that my special subcommittee's initiation of congressional consideration of the practices of the credit industry has shown that information can destroy lives, can alter futures, as well as permit a man to buy a color television set on time.

I would turn the constitutionality argument around and say that I would hope that the subcommittee which considers census questions will require a constitutional or, at the very least, a legislative mandate to be shown before the information can be requested from a citizen. I am confident in the Subcommittee on Census and Statistics and I know that they will exercise the responsibility which will be given to them with great care. I would expect that since constitutionality has been advanced as an argument against truly effective oversight, that they will apply the rigid standards of constitutional law to each question presented by the Bureau of the Census.

Mr. Chairman, this is how the objection to the first part of H.R. 12884 will be met. It is the nature of executive branch employees to feel they must have more and more information before they can recommend a program. It is to be expected that if H.R. 12884 is passed, they will employ the "broadening of scope" provisions to mean an open season, a hunting license to gather all information. They may focus on civil liberties; they may get human values in the crosshairs of the scope aiming the gun of executive branch power. The Congress can jam the gun and thus privacy, not administrative intrusiveness, will be the target.

CENSUS CONFIDENTIALITY RECORD UNIMPEACHABLE

The third part of the bill before us today is to strengthen the confidentiality provisions of the Census Act. I would regard this as unnecessary from one point of view but, perhaps, the most important point of this legislation from another.

I have long expressed my opinion, as a Congressman who has been very concerned with the invasion of privacy issue, that data in the hands of the Bureau of the Census is in the best hands in the Federal Establishment. When I was the sole Congressman to testify on the 1970 census before the Subcommittee on Census and Statistics in the 1966 hearings I said:

> The Census Bureau perhaps deserves the highest commendation for protecting those who supply them with information. On the aspect of confidentiality of the Census Bureau, it seems to me that it is unimpeachable.

On October 24, 1967, when the able Congressman JACKSON BETTS and I were the only two Members to appear before the subcommittee, I repeated those thoughts:

> I might point out that the Census Bureau has one of the finest records of protecting the information it receives.

And when I joined at least 47 other Members in presenting views to the subcommittee's 1969 hearings, I extended these statements by disclosing that the Bureau of the Census had resisted strong pressures to release the names of every Japanese-American citizen to other agencies of the Federal branch shortly after Pearl Harbor.

Mr. Chairman, no information has been brought to my attention which alters those views. It is extremely unfair to the dedicated people at Census to allow the very real concerns over invasion of privacy in the procedures of other Federal agencies, bureaus, departments, and so forth, to cloud the climate of trust which they should enjoy with the American people.

In point of fact, I urged the subcommittee to consider methods of extending the confidentiality requirements of the Bureau of the Census to other Federal agencies. I would repeat that urgent call today.

CENSUS DAY IMPACT ON ELECTION DAY

So, from one point of view, it would seem that this increase in penalties for a violation of confidentiality at Census may be unnecessary. However, if passage of this particular section of H.R. 12884 will help allay the fears which are so obviously in the public mind and which are so apparent from letters to every single Congressman, it will be very useful.

Mr. Chairman, since the census touches every family in our districts and of course determines just which families will be in our districts, the anticipated amount of public resistance to the 1970 census should be a source of concern to every person who wants to see our democracy endure and, indeed, prevail. The House of Representatives, especially, is becoming the focal point of increasing public disenchantment with specific Federal policies and even the goals of government. Our system of government depends upon the willingness of the people to place their trust in their elected representatives and it is we who are held accountable for failure. If the lack of trust in census can be allayed somewhat by our action in imposing higher penalties for violations of Census confidentiality, then this provision of H.R. 12884 will be not only of great assistance to the collection of the vital data on census day, 1970; it may also be important on election day, 1970.

PENALTY PROVISIONS REDUCED, BUT RETAINED

Mr. Chairman, the fourth major provision of the legislation before us today is to eliminate the jail sentence for either refusal to answer questions or answering them falsely. The very low fine is kept, however, so that the Census retains its mandatory feature. While all of us would vastly prefer a strictly voluntary census, I am afraid that its mandatory nature is essential. Let me explain my views on this point.

We must be realistic when we legislate and part of this realism must take into consideration the very real tendency of any individual to procrastinate. The sight of people racing to the post office around midnight on April 15 of each year proves this fact. Now this may not fit in with academic theories of behavior and it may not be the greatest glory of the American Republic; but it exists and must enter our deliberations over this legislation.

I believe that a fine, even though it has only been invoked twice in the long history of the census, is an effective and subtle urging toward good citizenship. A jail sentence, however, seems to me to escalate that into outright coercion.

Mr. Chairman, I would not like to conclude my remarks today before paying the tribute to my able and effective colleague, the Honorable JACKSON BETTS of Ohio. While we have taken a slightly different tack on the issue of census privacy, I believe we are running on a parallel course on the crucial aspect of privacy as an essential feature of democratic government. The gentleman from Ohio (Mr. BETTS) has focused on the data collection procedures and I have devoted a majority of my efforts in resisting insensitive centralization and unbenevolent disclosure. But I applaud the vigor with which he has pursued his battles for privacy and I am proud to number him among my fellow Members of the House.

PROFESSOR MILLER OFFERS INFORMED ANALYSIS

Mr. Chairman, at this point in my remarks I would like to introduce a section from a recently published article in April 1969 Michigan Law Review. The title of the long and exhaustive survey is "Personal Privacy in the Computer Age: The Challenge of a New Technology in an Information-Oriented Society," and its author is Prof. Arthur R. Miller, of the University of Michigan Law School. This section is but a tiny fragment of the whole article and I would hope that those who direct their attention to it will be encouraged to read the entire article. In my judgment, it provides the most current and most comprehensive discussion of the crucial issues of which the debate over census questions is but the tip of the iceberg.

The section follows:

A. CONFIDENTIALITY—THE CENSUS BUREAU MODEL

The Bureau of the Census long has been one of the federal government's chief data gatherers. The decennial census has evolved from the simple "enumeration" of the populace described in the Constitution[1] to a comprehensive survey seeking numerous items of data. Citizens are now required to answer questions about their health, employment, finances, and even the number of bathrooms in their homes.[2] Several of the questions on recent censuses have been included at the request of social planners from both governmental and nongovernmental institutions, as well as industry groups desirous of procuring information that will aid in making marketing decisions.

Information for the census is extracted under threat of criminal penalties,[3] and, on the few occasions when the propriety of census techniques has been questioned in the courts, the Bureau's broad discretion has been upheld.[4] In recent years, however, the symbiotic relationship between the Census Bureau's seemingly insatiable appetite for personal information and the Damoclean sword of criminal sanctions has engendered an increasing number of complaints from the public, with resulting criticism in Congress.[5] A proposal to demand data on religious affiliations was a special target of the critics,[6] and that line of inquiry was eliminated from the 1970 census. But the dissatisfaction runs deper and a number of bills have been introduced in Congress that would sharply limit the kinds of questions that respondents are legally required to answer.[7] In April 1969 the Senate Subcommittee on Constitutional Rights, chaired by Senator Ervin, held broad hearings on the status and the possible development of a theory to protect citizens from abusive inquiries by the government.[8]

Notwithstanding the recent criticisms, it generally is agreed that the Census Bureau has an unequalled record among federal agencies in preserving the confidentiality of personal information.[9] In fact, the Census Bureau's enviable history frequently has been cited by advocates of a National Data Center as indicative of the type of security that can be achieved by a statistical organization.[10]

The basic confidentiality provisions of the Census Act impose three prohibitions on Census Bureau employees. They may incur criminal penalties [11] if they—

> (1) use the information furnished under the provisions of . . . [the Act] for any purpose other than the statistical purposes for which it is supplied; or
>
> (2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or
>
> (3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.[12]

There have been a few instances in which these commandments have been violated. In 1963, for example, the Census Bureau reportedly provided the American Medical Association with a "statistical" list of 188 doctors residing in Illinois. The list was broken down into more than two dozen income categories, and each category was further subdivided by medical specialty and area of residence.[13] It also is likely that there is a fair amount of data disclosure at the information-gathering level by the large corps of people employed to carry out the Bureau's periodic canvassing.[14] This type of abuse may be reduced by wider use of direct mail techniques.

One basic infirmity in the Census Act restrictions is their ambiguity, which makes consistent application difficult. The classification of information as "statistical" within the meaning of subdivision (1), rather than as "identifying" or "surveillance," will depend in large measure on how the information is presented and what can be inferred from it by a user who is intimately familiar with the subject matter of the underlying question. It also may be unrealistic to require Census Bureau employees to make hypothetical judgments about whether or not a user will be able to determine the identity of respondents from a particular tabulation. The task of making a present judgment about a possible future use is bound to become more difficult as computer analysis techniques become more refined. Moreover, the Bureau's burden of making these judgments will increase because requests to release data in small aggregates of respondent units rather than large tabulations are certain to proliferate as a result of the trend toward computer analysis of "microdata" in the social sciences.[15]

Pressure for the relaxation of Census' confidentiality restrictions has come from other sources. In *St. Regis Paper Co. v. United States*,[16] the Supreme Court held that the confidentiality provisions of the Census Act did not prevent other branches of the government from compelling a respondent to produce file copies of reports that it had given to the Bureau. The Court reasoned that the rights granted by the statute were enforceable only against the Census officials receiving the information, and did not attach to the information itself. Fortunately, the *St. Regis* case was legislatively overruled in 1962,[17] and retained copies of census reports are now immune from subpoena.

A number of disturbing questions raised by the case remain, however. For one thing, *St. Regis* can be interpreted as supporting the proposition that, in spite of the collecting agency's pledge of confidentiality, a copy of any report supplied to the Government is amenable to compulsory process in the absence of a specific statute exempting it.[18] Moreover, if the Census Act's confidentiality restrictions are enforceable only against officials authorized to gather the information initially, it is conceivable that the statutory prohibition cannot be enforced against a third party who lawfully obtains information from the Bureau and then proceeds to misuse the data.

In any event, the protection afforded by the legislative resolution of the *St. Regis* affair may prove to be more apparent than real. It does not prevent any interested agency from framing a questionnaire asking questions that appear on a census survey, thereby compromising the latter's confidentiality. Moreover, many agencies use the ploy of having the Census Bureau conduct surveys for them.[19] This technique enables the inquiring agency to procure the desired data directly and in the precise form it deems necessary. At the same time, it gets the benefit of the quasicoercive demeanor of an official Census Bureau questionnaire.[20] Furthermore, once the collected data is transferred to the agency that requested the survey,[21] the excellent record of the Census Bureau becomes irrelevant. At this point the requesting agency has the capacity to use and disseminate the data in any way that its officials and employees feel it appropriate. Most of the data turned over by Census will be in the form of computer tapes, and this type of transfer has special implications, which are discussed in the next section of this Article.[22]

Another potential deficiency in the Census Act is the provision granting the Secretary of the Department of Commerce discretionary authority to "furnish to Governors of States . . . courts of record, *and individuals*, data for genealogical and other proper purposes, from the population, agriculture, and housing schedules,[23] subject to the palliative that "[i]n no case shall information furnished . . . be used to the detriment of the persons to whom such information relates." [24] This grant of authority operates as an ill-defined exception to the prohibitions in the confidentiality section.[25] The quantum of protection provided by the vague standard of "detriment to the individual" seems scant;

Footnotes at end of article.

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it can be vitiated all too easily by a strict judicial interpretation. Indeed, in one state case "detriment" was construed to mean that the subject of the data must be deprived of something that is lawfully his[26]—a test that appears impossible to satisfy except under the most limited circumstances.

The most serious limitation on confidentiality restrictions of the type governing the Census Bureau, however, is not the scheme's potential ineffectiveness as a means of deterring wrongful disclosures by agency personnel. Rather, it is the fact that information transactions are engaged in without giving notice and an opportunity to be heard to the citizen whose files are subject to the risk of wrongful disclosure or disclosure under the statutory provision described in the preceding paragraph. This is coupled with a total failure to deal with the problem of how an individual can correct erroneous entries or add ameliorating information to the contents of a potentially damaging file.

Admittedly, the absence of procedural safeguards has not had catastrophic consequences in the past, primarily because the Census Bureau has operated on the basis of aggregate data and has restricted itself to relatively bland statistical endeavors. But the twin pressures of increased information-gathering and widespread detailed multivariate analysis will be felt not only by Census but by all information-handling agencies. As a result, fissures in the existing structure for privacy protection are almost certain to develop.

FOOTNOTES

[1] U.S. CONSTITUTION, art. 1, § 2.

[2] *See generally Hearings on 1970 Census Questions Before the House Comm. on Post Office and Civil Service,* 89th Cong., 2d Sess. (1966).

[3] 13 U.S.C. §§ 221–224 (1964).

[4] *See, e.g.,* United States v. Rickenbacker, 309 F.2d 462, 463–64 (2d Cir. 1962), *cert. denied*, 371 U.S. 962 (1963):

"The questions contained in the household questionnaire related to important federal concerns, such as housing, labor, and health, and were not unduly broad or sweeping in their scope. The fact that some public opinion research experts might regard the size of the household questionnaire "sample" as larger than necessary to obtain an accurate result does not support a conclusion that the census was arbitrary or in violation of the Fourth Amendment."

Cf. United States v. Moriarity, 106 F. 886, 890–92 (C.C.S.D.N.Y. 1901).

[5] *See* note 347 and text accompanying notes 527–32 *infra. See also* Rickenbacker, *The Fourth House,* NATL. REV., May 21, 1960, at 325. The author has had occasion to examine some of the mail received by Senator Ervin and the Subcommittee on Constitutional Rights on the subject of the census and governmental questionnaires. It indicates a strong concern over the loss of individual privacy and growing governmental intrusiveness. The staff of Congressman Jackson Betts of Ohio, a leader in the census reform movement in the House, reports the same phenomenon. *See also* Detroit News, March 23, 1969, at 8A, col. 1: "Congressmen report receiving large volumes of mail from constituents demanding census reform legislation. Similar reactions are being received by the news media from persons who want to thwart any invasion of their privacy. . . ."

[6] *See, e.g., Hearings on 1970 Census Questions Before the House Comm. on Post Office and Civil Service,* 89th Cong., 2d Sess. 70 (1966) (statement of Morris B. Abram, President, American Jewish Committee); *id.* at 3 (statement of Representative Cornelius Gallagher). *See also id.* at 45–46 (statement of the Most Reverend Paul F. Tanner, General Secretary, National Catholic Welfare Conference):

"Many commercial and welfare interests can be served by statistics about religious affiliation. In industrial and commercial circles it is well known that markets are influenced by the religious affiliation of prospective customers. Market analyses . . . would be more complete—and better suited to the needs of the citizenry—if they incorporated projections based on statistics on religious affiliations."

[7] *See, e.g.,* H.R. 20, 91st Cong., 1st Sess. (1969), which would limit criminal penalties to refusals to answer questions involving name and address, relationship to head of household, sex, date of birth, marital status, and visitors in the home at the time of the census. *See also* S. 494, 90th Cong., 1st Sess. (1969); 113 CONG. REC. H16,231–32 (June 19, 1967).

[8] These hearings have not been published as of this writing. Among the witnesses were three law professors, including the author, and a number of citizens deemed "representative of thousands from every walk of life who have complained to Congress about unwarranted invasion of their personal privacy and about increased harassment by government agencies in their ever-lasting quests for information." Office of the Senate Constitutional Rights Subcommittee, press release, April 14, 1969.

[9] *See, e.g.,* Ruggles, *On the Needs and Values of Data Banks,* in *Symposium—Computers, Data Banks, and Individual Privacy,* 53 MINN. L. REV. 211, 218–19 (1968). In testimony before the House Subcommittee on Census and Statistics on May 8, 1969, Congressman Cornelius E. Gallagher revealed that the Census Bureau resisted pressure to disclose the names of all Japanese-Americans following the outbreak of World War II.

[10] *See, e.g., House Hearings on the Computer and Invasion of Privacy* 51–56; *Hearings on 1970 Census Questions Before the House Comm. on Post Office and Civil Service,* 89th Cong., 2d Sess. 27–28 (1966).

[11] Maximum penalties of $1000 fine and two years' imprisonment for wrongful disclosure of information by employees are set forth in 13 U.S.C. § 214 (1964).

[12] 13 U.S.C. § 9(a) (1964).

[13] Hirsch, *The Punchcard Snoopers,* THE NATION, Oct. 16, 1967, at 369.

[14] *See* Miller, *On Proposals and Requirements for Solution,* in *Symposium—Computers, Data Banks, and Individual Privacy,* 53 MINN. L. REV. 224, 230 (1968).

[15] *See* pt. II.C. *supra.*

[16] 368 U.S. 208 (1961).

[17] 13 U.S.C. § 9(a)(3) (1964).

[18] 368 U.S. at 218:

Congress did not prohibit the use of the reports *per se* but merely restricted their use while in the hands of those persons receiving them, *i.e.,* the government officials. Indeed, when Congress has intended like reports not to be subject to compulsory process it has said so.

[19] A list furnished the author by Senator Ervin's office shows that in a period of approximately two years the Census Bureau performed surveys for over twenty federal, state, and local governmental organizations. In many instances the surveys were taken weekly, monthly, or annually. It is difficult to determine how many respondents were involved; the figure 6,000,000 seems conservative.

A perusal of some of the questionnaires reveals them to be lengthy and, on occasion, intrusive. A document entitled Longitudinal Retirement History Survey, collected by the Census Bureau for the Department of Health, Education, and Welfare, is almost twice as long as the 1970 census. It is being sent to a sample group of recent retirees who are receiving social security benefits. The survey apparently is a response to a recommendation by the Advisory Council on Social Security that data be collected on people who come on the benefit rolls before age sixty-five. Some of its inquiries, in addition to numerous probing interrogatories about the respondent's finances and past employment, include:

What have you been doing in the last four weeks to find work?

When you retire, do you expect to live here or somewhere else? Where?

Taking things all together, would you say you're very happy, pretty happy, or not too happy these days?

Do you have any artificial dentures?

Is there some kind of care or treatment that you have put off even though you may still need it? What is this care or treatment for?

Do you (or your spouse) see or telephone your parent(s) as often as once a week?

What is the total number of gifts that you . . . give to individuals per year . . . ?

How many different newspapers do you receive and buy regularly?

About how often do you . . . go to a barber shop or beauty salon?

What were you doing most of last week?

Senator Ervin has introduced a bill designed to remedy intrusive federal data-gathering activities. S. 1971, 91st Cong., 1st Sess. (1969). The bill was the focal point of the April 1969 hearings of the Subcommittee on Constitutional Rights. *See* note 348 *supra. See also* text accompanying notes 544–45 *infra.*

[20] Although most of the surveys conducted for other agencies by the Census Bureau are voluntary, that fact often is not indicated on the documents. A recent voluntary home survey questionnaire was boldly marked: "This Form Should Be Completed And Returned Whether You Are A Renter Or A Homeowner, Whether You Live In A One-Family Home, Or A House With Two Or More Families, An Apartment, Or Any Other Type Of Building." This approach apparently is typical. In addition, respondents who do not reply are sent follow-up letters (occasionally by certified mail) or receive personal visits.

[21] The Census Bureau normally codes and edits the data, sends one copy to the requesting agency, and retains the raw data and one copy of the coded data. See Survey of New Beneficiaries: Report Compiled in Response to Senator Ervin's Letter of Feb. 28, 1969, at 3 (prepared by Robert M. Ball, Commissioner of Social Security) (copy on file with the *Michigan Law Review*).

[22] *See* pt. VI.B. *infra.*

[23] 13 U.S.C. § 8(a) (1964) (emphasis added). *See also id.* at § 8(b): "The Secretary may furnish transcripts or copies of tables and other census records and make special statistical compilations and surveys for State or local officials, private concerns, or individuals upon the payment of the actual; or estimated cost of such work." Section 8(b) also permits the furnishing of census data, but seems limited to statistical and aggregate material.

[24] 13 U.S.C. § 8(c) (1964). The prohibition on detrimental use extends only to material appearing in the three censuses enumerated in section 8(a). St. Regis Paper Co. v. United States, 368 U.S. 208, 215 (1961).

[25] 13 U.S.C. § 9(a) (1964). The primary utilization of this exception seems to be by individuals procuring data from earlier censuses about themselves, especially for proof of age in connection with Social Security, Medicare, and other benefits. *See Hearings on the 1970 Census Questions Before the House Comm. on Post Office and Civil Service,* 89th Cong., 2d Sess. 29 (1966) (statement of Dr. A. Ross Eckler, Director, Bureau of the Census).

[26] In Edwards v. Edwards, 239 S.C. 85, 121 S.E.2d 432 (1961), the defendants in an inheritance dispute contended that the plaintiffs' use of census records as evidence was detrimental to their interests. The South Carolina Supreme Court rejected this construction of the Act: "The use of such information to the detriment of those to whom

> it relates does not mean detriment in the sense of a financial loss flowing from establishing the truth in a Court of law. If plaintiff is the . . . brother of defendants, he is entitled to an equal share and they have not been deprived of anything that was lawfully theirs but only that which they had no lawful right to claim as theirs." 239 S.C. at 91, 121 S.E.2d at 435.

PERSONAL PRIVACY AND POLITICAL FREEDOM ARE THE SAME

Mr. Chairman, let me conclude my remarks with a brief discussion of the outlook for privacy and why it is my belief that the struggle to preserve privacy is inextricably interwoven with the struggle to preserve democracy itself.

The landmark book in this field is by Dr. Alan Westin and is entitled "Privacy and Freedom." Dr. Westin proves in his brilliant and definitive work that there is no fundamental distinction between privacy and freedom and leads me to the conclusion that personal privacy provides an essential ingredient to the continuation of political freedom. The growth of computer and other technologies gives those who would invade privacy for noble or other reasons powerful tools to conduct constant and demeaning surveillance over individuals' lives and actions. In my opinion, we have seen technology elevated to a position superior to many of the traditional American values which has made us a great nation. In order to fatten itself and prosper, technology needs to feed upon data, hard statistics, and must quantify information which relates to the quality of life.

Thus, Mr. Chairman, it is felt that in order to keep the engine of mechanistic progress running, areas of personal life must yield to the demands of data collectors. Technology has undeniably provided abundance of material possessions for the vast majority of Americans, but my feeling is that it has grown overabundant itself. To be precise, it has become fat, and its methodology puts a layer of insensitive flab between itself and the people whose data it voraciously consumes.

We would all certainly agree that the pollution of our air and our water has been one effect of technology. It is my contention that it threatens to pollute our political life as well.

I regard the vigorous debate of census questions as an extremely healthy and hopeful sign. Federal data gathering procedures, operating frequently under the imprimatur of the Bureau of the Census, may be in the process of turning Americans away from government itself. The extrusiveness of data collection practices must be curtailed and I hope that the factors which motivated those who spoke today will continue to be a part of the discussion over every single piece of legislation which requests personal information from our citizens.

Mr. Chairman, on May 7, 1968, I conclude a speech before the Practicum of Practical Politics at Jersey City State College with the following remarks. I believe they are even more relevant today and I would like to use them to complete my speech on the question of the 1970 census.

The remarks follow:

REVOLT: ANOTHER BYPRODUCT OF TECHNOLOGY

> We are already seeing the effects of regarding the individual personality as merely an irrelevant subsidiary to an IBM punch card. There may be a direct correlation between the dependence on the computer to process and instruct our Nation's youth with the alienation that is too explosively evident on many college compuses today. This is the main reason I am delighted to be at Jersey City State College tonight and to be able to address this mixture of students and experienced political activists. All of us, students, legislators, and political leaders, have an equal stake in preserving human values. We must always ask ourselves if the dependence on technology to make hard decisions and research easier does not contain dangers which will threaten the benefits of our programs. Technology must not be allowed to kill privacy or else outraged men, stripped of the essence of their humanity, may kill technology.
>
> Privacy is essential to almost all human activities. Those who ask us to surrender to a suffocating sense of survellance represented by computer/communuication systems may find that the smooth hum of their computer is drowned out by the shouts of man reasserting his individuality and his humanity.

Mr. DERWINSKI. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I agree with the gentleman from New Jersey, who is one of the great scholars in the House, and who is, I should also add, one of the great authorities on foreign affairs in the Congress.

Mr. Chairman, I wish to add my support to the bill, H.R. 12884, and endorse its approval. As has already been explained, this legislation makes certain changes in the census law which will affect the 1970 census—especially with regard to penalty provisions—and more important, it writes into law procedure for congressional approval of the 1980 census questions.

I know that this legislation will not suit everyone. In fact, I was, along with probably 100 other Members of the House, one of the early sponsors of legislation to tightly restrict the number of mandatory questions which may be asked in the decennial census. But for some very practical reasons, H.R. 12884 is a modification of the early legislation which prompted our subcommittee into action. We were, first of all, faced with the printing deadline which governs the preparation of the 1970 census which will begin on April 1 of next year. We are told, and I am sure it is true, that a year's leadtime is needed by the Bureau of the Census to print, assemble, and distribute the great volume of forms and material necessary to conduct a census.

This immediately forced us to forgo the type of congressional review and approval procedure of questions which is established in this bill for the following decennial census. We did, through our subcommittee efforts, achieve some changes in the phrasing of certain 1970 questions which were offensive to many and we achieved a reduction in the number of families which will be required to answer each and every question on the form.

I want to also point out that the bill was drafted in the face of strong opposition from governmental agencies, and especially the Department of Commerce, which saw no reason to change the status quo.

There are at least three features of this bill which, I believe, warrant its approval, for these features take steps in the right direction toward revision of censustaking procedure. First is a new section to the law which provides that the census questions proposed to be asked beginning with the 1980 census are to be submitted for review and approval to the appropriate committees of the Congress. The questions are to be submitted to Congress 3 years in advance of the census, giving Congress a full year for its study and approval or rejection.

While I have advocated even stronger control over the type and character of census questions, I think this feature of the bill is a much-needed and desirable change in law.

Second, the bill removes jail sentences as a penalty for refusal to answer or falsifying answers to a census questionnaire. While the census remains mandatory under penalty of fine, the bill at least removes a most objectionable provision of present census law. Finally, this legislation eliminates the overemphasis on housing equipment and utilities which has marked decennial censuses for the past 30 years. In the 1970 census, for example, of 68 subject items on which questions are based, 38 of them, or more than half, are on housing. Less than a third of the subject items are directly related to population which is, as we know, the overriding reason for taking the census.

Mr. Chairman, as I have said, H.R. 12884 may not satisfy those who would want a much more restrictive law on the type and number of census questions which should be permitted. It does, however, take steps in this direction and I urge its approval by the House to pave the way for its enactment so that the provisions amending the penalties and strengthening the confidentiality will be applicable to the 1970 census.

However, I wish to reemphasize, Mr. Chairman, the point that has been made all afternoon, that this bill is not perfect, but it is the most practical vehicle available, and for that reason I urge its support.

I would like to mention, though, that the objections raised to the so-called loosening of control that we are supposedly creating by eliminating the emphasis on unemployment and housing is not so at all. We are actually deemphasizing the overemphasis that the Census Bureau for years has placed on housing.

As a matter of fact, since 1940 the housing section has completely dwarfed the normal purposes of the census, so much so that in 1960 and 1970 we had more of a census on housing than anything else. So the thrust of the bill is to deemphasize this overemphasis on housing.

The Census Bureau has always had the flexibility to raise various points. The Members might be interested to know that, starting in 1840, there was a departure from just the head count. In the 1840 census the question was first raised in the census as to the number of sane

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or idiotic people in a family. And in 1890 the question was first raised as to whether a person owned a home or rented, and if the home was owned, if there were a mortgage.

In 1910 a question was added as to the class of worker. I guess this was to establish social distinction by the Census Bureau, but that question was injected.

In 1930 the question was raised as to the person's age at the time of his or her first marriage. This pattern of expanding the questions has been evident, and our committee's emphasis is to place proper control over the Census Bureau before the bureaucrats run wild.

So I believe this bill deserves the support of the Members. The very fact that it is objected to by some people on the ground it is not going far enough, and that it is objected to by the Department of Commerce on the ground that it is going too far, proves that it has hit a very happy medium.

As long as I have raised the question as to the type of questions that have been used in the census, the Members may be interested to know that in 1930 they took a census on radio sets. Now, it is conceivable that they would ask in 1980 the number of households who have two, three, or more television sets, or helicopters, or something of that nature. There is no end to what could be perpetrated unless the control of our committee over the Census Bureau is maintained as provided for in this bill.

Mr. Chairman, I wish to reemphasize the point that the other Members have mentioned, and that is that the gentleman from Ohio (Mr. Betts) has been the real sparkplug and instigator of this legislation. By drawing public attention to the questions he has created the drive and the necessary interest that the committee has followed. The chairman of the subcommittee, the gentleman from California (Mr. Charles H. Wilson) has been very methodical in pursuit of our subcommittee goals.

Mr. Chairman, I think that this legislation is far reaching in its impact. It is practical, it takes into account the realities of the proximity of the 1970 census. It takes into account the further changes we have to make by 1980.

I urge the support of the Members in the adoption of the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CHARLES H. WILSON. Mr. Chairman. I yield 5 minutes to the gentleman from Texas (Mr. White).

Mr. WHITE. Mr. Chairman, I rise in support of H.R. 12884, the bill to assure confidentiality of census information, and commend it to the House as a bill devised with deliberation and compromise.

Under the able leadership of Congressman Charles H. Wilson of California, the census and statistics subcommittee held exhaustive hearings on every facet of this bill and how it impinges on the rights and needs of Americans and America.

Foremost in our minds was the question of invasion of privacy. None of the committee wanted to allow the U.S. Government to make unwarranted probes into the lives of American citizens. Therefore, we required the Census Bureau to justify every question that will be asked in the 1970 census and to designate their derivation. We found that less questions are being asked this year than in previous years, and most of the questions asked have their beginning many decades ago.

One question I originally objected to I have found was first asked in 1790, and has been asked ever since. Contrary to the popular scare notion, no one is being asked with whom they are taking a shower.

Each question apparently was weighed for consideration of orderly Federal, State and municipal development and progress.

The committee was and is highly concerned about the confidentiality of the information gleaned from the individual returns, and therefore, in this bill we increased the penalties assessed against an employee who breaches the confidence of information solicited and elicited by these returns.

The committee did not feel that the onus of a prison sentence should be assessed against one who fails or refuses to answer, and therefore, we removed this prison sentence which has been so objectionable to the American people.

We weighed the possibility of providing for optional returns as opposed to mandatory responses. In this bill we did not change the status of the law, because first, millions of forms have already been printed and it would cost the Government considerable money and time to alter the forms now.

Second, if we required a reprint of the forms, it would be most difficult to meet the deadline of the decennial census by April of 1970. The matter of optional returns will be considered in a mid-decade census bill before the committee now, in which, among other things, we certainly intend to further insure the confidentiality of material received, along with other forms.

But further than this, after talking to many census experts from all over the world, and hearing a tremendous amount of testimony, the preliminary findings of the committee were that by an optional return full response would not be had, and the figures developed from the 1970 census might be in question.

In fact, you could expect to have only about from a 70 to 90 percent return after the Census Bureau goes back a second time to elicit from the recipients forms that previously would be mailed to them.

Therefore, in the present census the basic questions on a sampling basis will be mandatorily answered by 20 percent of the population. From this sampling appropriate estimates can be made.

If these questions were asked on an optional basis, it has been estimated, as I said, that the response would be only between 70 and 90 percent. Experts in the census field say that a strictly optional response would invalidate the accuracy of the results because, for example, the less educated would be less likely to answer, and these are the very ones we want to reach with many of the Federal programs.

Therefore, in our judgment, we give you a bill that we feel is of merit and worthy of your consideration.

The committee staff and the chairman have a copy of the census questions. If anyone feels that they would want to look into these questions and satisfy themselves as to whether or not these questions are an unwarranted invasion of privacy in this particular instance, and whether or not we should take the time and expense to revise this particular form, I invite them to consult with the staff or with the chairman.

I thank my colleagues very much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Betts).

Mr. BETTS. Mr. Chairman, I take this time to make a few comments concerning the bill in general and the amendment which I intend to offer.

But, first, I want to thank the chairman of the subcommittee, the gentleman from California, and various other Members who have paid me compliments for the bill I have introduced.

I would like to respond to that by saying that certainly the momentum which was generated to bring this bill out and to arouse interest and activity in the committee and in the Congress is not my sole responsibility because my bill was sponsored, I think, by over 140 Members of the House either individually or as cosponsors. So anything that resulted in bringing this bill to the floor of the House is the result of the interest manifested by all of these Members. I certainly wish to thank the gentleman again for his kind comments. The chairman and all members of the committee were very gracious and considerate when I appeared before the committee. I believe I was before the Census Committee on two different occasions, and each time I was given unlimited time to discuss my position and the contents of my bill. Of course, I am grateful to the committee for all this attention.

I would not want to let this opportunity pass without saying something about the Census Bureau. The Census Bureau has been under a great deal of attack, some of which has resulted from our discussions here. But I want it understood that, so far as I am concerned, there has been nothing personal in any of the statements I have made, so far as the Director of the Census is concerned or any of his employees. In my opinion, they are dedicated public officials, and they are doing the job they are supposed to do. If there is anything wrong with the census, it is the fault of the Congress, which makes the laws and provides what the census will contain and how it will be conducted.

I have been particularly impressed with Dr. Eckler and the wide range of knowledge he has and the courtesy with which he discussed with me all the ramifications of the issue. He came to my office several times and we have had many discussions on the subject. This bill has been surrounded by controversy, but any controversy has been one of principle and certainly not one of personality.

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A great deal has been said about congressional support of the bill. My comment would be that the committee has responded to the extent that it has brought out a bill which certainly provides an improvement over the present law. To that extent I certainly wish to compliment the committee. I take the position, which has been supported by a great number of people, that the bill does not go far enough. I intend to offer an amendment which I believe will strengthen the bill.

My only purpose in rising at this time is merely to advise the committee of the amendment which I intend to offer. I commented upon it yesterday, and my remarks appear in yesterday's RECORD. I hope that the Members of the House had an opportunity to read those comments and to understand what the amendment is about. My whole concern about the census has been in relation to compulsory or mandatory answers. This question came to me through contacts which I had out in my district. It had nothing to do with private research. It was one of those things that happen. I responded by the introduction of a bill which I think probably has had as much support as any other measure that has been introduced in the House.

It would be unfair to all other Members who have introduced bills and also to the thousands of people all over the country who have responded by letter stating their support of this position if I did not mention those bills, letters, editorials, newspapers, TV and radio broadcasts which have supported this position. Briefly, the position was this: There are only a certain few questions as a result of constitutional intent which ought to be asked on a compulsory basis. Those are six in number. They have to do with what I believe has a direct bearing on the head count, which is the only reason for a census.

So far as the remainder of the questions are concerned, the Census Bureau can ask anything they wish to. I am not concerned about the number of questions they ask. That is the position I take. I merely claim that any other question above and beyond what is necessary for a head count should be asked upon voluntary basis.

The gentleman from California (Mr. WALDIE) made some comments which I understand have been pretty widely circulated and to which I would like to respond, that is that this amendment will come too late for this census, that it would be simply impossible, and this way of taking the census would probably cost too much.

I have not had any facts presented to me about how much it would increase the costs, but as far as the time element, let me briefly refer to some of the hearings before the committee. This is testimony which was taken on April 24, 1969, in a hearing before the subcommittee of which the gentleman from California is chairman. This was in a colloquy between the gentleman from California (Mr. CHARLES H. WILSON), and Dr. Eckler, who was at that time Director of the Bureau of the Census:

Mr. WILSON. So that we could, as late as of the end of this year, change that section in the law without affecting the printed form in any way?

Dr. ECKLER. If you change the section of the law—you mean to remove the jail sentence?

Mr. WILSON. Yes. That wouldn't affect any printing.

Dr. ECKLER. It wouldn't affect the printing of these schedules. It affects instructions perhaps for enumerators, crew leaders and so forth.

Mr. WILSON. We would make any such changes before the census enumeration was started.

Dr. ECKLER. As far as the basic printing of the forms, I don't think that affects it.

I offer this to the committee as an answer to the statement that the gentleman from California (Mr. WALDIE) made, that if this amendment which I offer were to pass, it would hold up the census.

I repeat what Dr. Eckler told the committee at that time, that any changes that were necessary by reason of the amendment could be made by instructions to the enumerators and the crewleaders and others who would engage in taking the census.

So at the proper time, I will offer this amendment which basically is the bill which I introduced and which more than 140 other Members of the House introduced, and which briefly provides that six basic questions which have to do with a head count only to be asked upon a compulsory or mandatory basis, and that all the others are to be asked on a voluntary basis.

Much has been said that there has been some relief as far as penalties are concerned, and, of course, there is. The jail sentence has been removed, but the fact still remains that there is a provision for a penalty for refusal to answer, and it maintains the compulsory and mandatory feature. It is for that reason that I offer my amendment.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to my colleague, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I take this opportunity to commend the gentleman in the well, the gentleman from Ohio (Mr. BETTS), for the leadership which he has shown in this area. Certainly without his diligence and hard work on this bill we would not have it before us today. Even though the gentleman is proposing a very important amendment to the bill, he is supporting the bill, as I understand it. Is that correct?

Mr. BETTS. If my amendment should fail, which I hope it does not.

Mr. LATTA. I intend to support the amendment offered by the gentleman, because I agree with it 100 percent, that these question go too far afield and should not be asked under fear that a person failing to answer may be subjected to imprisonment or fine. As I understand it, the jail sentence has been taken out of this bill, but there still is a provision subjecting persons to a fine. Is that correct?

Mr. BETTS. That is correct.

Mr. LATTA. I intend to support the amendment offered by the gentleman. As I pointed out earlier today, this bill goes much further than the present law in giving the Bureau of the Census the power to investigate and to quiz on any subject that it finds "necessary"—and I would like to have the gentleman's comments on this.

Mr. BETTS. I want to say that I was in the Chamber when the gentleman from Ohio made his comments on this subject. I do not see how we can arrive at any other conclusion. When we drop out specific purposes and say it is for any other purposes—and if that means what it says—then they can ask questions for any possible reason. I would be inclined to agree with the gentleman.

Mr. LATTA. Mr. Chairman, I thank the gentleman.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. BETTS. Mr. Chairman, I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I commend the gentleman from Ohio (Mr. BETTS) for the excellent leadership he has shown first of all in presenting the legislation—of which I was also a sponsor, along with a number of other Members of the House—attempting to moderate the impact of the original proposals on changing the census.

The gentleman from Ohio should be given credit for the very introduction of his legislation was instrumental in getting the penalties in the original bill moderated. For that he should be given great credit.

I, too, feel very strongly that there should be a division in respect to the mandatory application, to which the amendment goes, whereby only certain key questions will be mandatory and answers to the other questions will be voluntary on the part of the citizen.

I, too, intend to support the amendment when it is offered.

Mr. BETTS. I certainly thank the gentlewoman for her kind remarks, and also for her support.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DERWINSKI. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I also want to congratulate our colleague in the well. I believe he has, through the sponsorship of his legislation, brought the attention of the committee and of the Members of the House to this very vital issue.

I can assure the gentleman that when we began holding hearings, under the direction of Chairman WILSON, I felt we could undertake a census and achieve the results that were necessary under the Constitution; that is, the head count. I felt very strongly about this, in view of recent Supreme Court decisions on reapportionment, whereby we are required to have a one-man one-vote criterion.

The fact is that in the 1960 census we had a loss of about 3 percent, nationally. Some of the testimony indicated that probably in some of our urban areas we had a loss of almost 10 percent.

I was vitally concerned with regard to whether the census should not be purely directed to the count of heads, so that

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we would not have any difficulty with the reapportionment of the House.

But as we went about the country we talked to the people who were in the field. We talked to the chamber of commerce people in California. For example, we talked to the head of the Savings & Loan Association and the heads of the construction industries throughout this country.

They assured us, and very strongly impressed upon all of the members of the committee, how vital it was that the statistics in the census not come up with any flaws in them.

I believe this has been an overriding consideration of the subcommittee in providing at this time for the continuation of the mandatory requirement. We did go half way by eliminating the jail sentence, but we kept the penalty in.

We also strengthened, as the gentleman knows, the penalties for any information given out by the Bureau. There has never been any case or any instance where any information has been given to any member of the public by any official or any employee of that department. I want to make that very clear. It has been made clear, and the gentleman knows that.

I do believe that we can try, perhaps at the midcensus, the 5-year census, to undertake this on the basis of a voluntary census, to see if what is being said to us by the representatives of the Census Bureau and the professionals is correct. Then we can determine whether we can get the information that way.

The gentleman knows that the committee in its report clearly spelled out that we want the Census Bureau to undertake voluntary samplings in voluntary areas. I suggested during the course of the hearings that we might even take sections of the country in this census, under the authority the Director now has, and say in that area we want to do it on a purely voluntary basis without force of law. Of course, that brings up the difficulty of having it uniformly applied under the laws of the country. This is why we probably will have to do it in some other method, and why perhaps we can achieve the results the gentleman seeks in his amendment during the midcensus or 5-year census.

I believe we would run a grave risk to adopt the amendment. I strongly oppose the amendment not for what it ultimately attempts to achieve but only at this time when we would have all kinds of difficulties if we did not come up with what was a true census with regard to the population, as an example, because then every seat in this House would be challenged in the Supreme Court on reapportionment.

I for one want to commend the gentleman for his amendment and for his legislation in this area, because it has directed our attention to the problems. I believe as a result of his legislation and his proposals we have made changes. As he knows, the changes made in this bill are very substantial. Even now the Department of Commerce and the Bureau of Census object to the legislation because we have made those changes. We require them to submit the questions in the future to the Congress or the legislative committees of the Congress for review. I believe this is a very important step forward.

I thank the gentleman for yielding.

Mr. BETTS. I thank the gentleman for his comments. I am sure the gentleman knows I respect his views. I am also encouraged by the statement made not only by the gentleman but also by others here, that there is a continuing interest in this question as to whether or not any questions, or part of the questions, should be asked on a voluntary basis.

I am very much encouraged by your comments on that.

Mr. TIERNAN. With regard to that one point, I would say the chairman of the committee has already indicated to our committee we would be in hearing on the proposal of having a mid-decennial census, at which time we will go into the question of having some voluntary questions propounded.

Thank you.

Mr. BETTS. I want to say that as of now I am inclined to go along with the mid-decennial census. I appreciate the comments of the gentleman.

I might say also that I attempted to discuss during the hearings the question of voluntary questions as against the mandatory questions.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Wisconsin.

Mr. SCHADEBERG. I wish to add my voice in commending the gentleman with regard to his efforts on this behalf. You have my support in your amendment. I cannot personally feel that there is going to be that much difficulty with the results. Let us say even if 10 percent of the people decide that they do not wish to answer all the questions, I do not believe it would be a big problem. I clearly agree with you that it should be on a voluntary basis except perhaps for those questions that you are deleting in your amendment.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I, too, wish to join the others in commending the distinguished gentleman from Ohio for his outstanding leadership in this field. Had it not been for his initiative and leadership and determined progress in this area, I am sure the bill before us today would not have some of the changes that are in it. Yet I am deeply concerned about the removal of this restriction that the census should deal only with population, unemployment, and housing and open it up by adding the phrase "such other census information as is necessary." That seems to me to be a step backward. Certainly it gives the bureaucrats a blank check to go into any subject or phase that they want to. It is a catch-all. There is no restriction in this bill, as I see it, except that the questions must be submitted to the committees. However, what if the committee fails to approve certain questions and informs the bureau that they object to certain questions? In this legislation there is no recourse. The Bureau of the Census can go ahead and disregard the feelings of the committee. I find that there are no teeth in here to provide the committee with some means by which they can enforce deletion of certain questions from the census. Am I right in that observation?

Mr. BETTS. I assume the gentleman knows he is not the first to raise this question, and I think it is significant. I go along with him completely; when you drop out two specific areas of questions and substitute questions that could be raised for any other purpose, that you could raise a problem. I think the gentleman is correct in saying that that really opens up the census to anything anybody wants. I have some genuine doubts about the significance of the committee's approval or rejection of questions. I think there is good legal authority—I cannot say judicial authority, because I do not know how far it goes—for this action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. BETTS. As I understand it, there is good legal thinking on the point that the Bureau of Census would not be bound by an approval or a rejection by the committees.

Mr. HARSHA. I understand that the administration opposes that provision on the basis that it feels it is an invasion of the separation of powers and it is in their purview solely to determine that.

Mr. BETTS. Of course, I think the reason—and I say this kindly—but I think the administration's objection is based upon elements of protecting bureaucracy. I am not so sure that I go along with the administration on this particular point. I think there should be some clarification of it.

Mr. HARSHA. But does the gentleman agree with me that for the sake of argument if this does stay in the bill as it is written, there is still no recourse if the bureau decides to disregard the committee's suggestions?

Mr. BETTS. I am not prepared to say, frankly, one way or the other. However, I think the gentleman is correct.

Mr. HARSHA. I want to thank the gentleman and wish to state that I am in agreement with the gentleman's purpose. I feel that there should be several questions but any other questions should be on a voluntary basis.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I am glad to yield to the distinguished chairman of the subcommittee.

Mr. CHARLES H. WILSON. Mr. Chairman, in connection with the question asked by the gentleman from Ohio (Mr. HARSHA) may I say that in my opinion there is no question about the final authority that we have written into the bill and that is that the Congress would have this authority. It is sufficient that the department is concerned about it but I would think if we can pass the bill in this form, in spite of some of the fears of some of those who agree with congressional approval, it might be vetoed. I think the bill in this form will be signed if we can get it through the

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other body in substantially the same form as it is now. I am not of the opinion myself that this is a firm authority that we would have.

Mr. HARSHA. Mr. Chairman, will the gentleman yield further?

Mr. BETTS. I yield further to the gentleman from Ohio.

Mr. HARSHA. Could the distinguished chairman of the subcommittee tell me what recourse the committee would have in the event the bureau failed to heed the suggestions of the committee or the committee's objection to certain questions?

Mr. CHARLES H. WILSON. Mr. Chairman, if the gentleman will yield further, there is no recourse spelled out in the bill. It says what the department has to do. I imagine if the department refused to cooperate, it would not take long for us to take any necessary legislative action to see that they did what they were required to do. I do not see how they could disregard what we have in there and get along too well.

I do not know what further assurance needs to be given at this point.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the distinguished gentleman from Illinois.

Mr. DERWINSKI. I was going to add the point that obviously if this bill passes and it is in the law that even the Department of Commerce would then be within the law, bureaucracy notwithstanding.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I thank the gentleman in the well for yielding and it is my opinion that the gentleman makes a very significant point. This is not really an administration question, because this issue developed prior to the administration's position. It is a policy decision within the Bureau itself.

In connection with what the gentleman from Ohio (Mr. HARSHA) asked, I think this is a point where we ought to develop a little legislative history as to the intent of what we propose to do here. Therefore, if the gentleman will yield further, I would like to ask the chairman of the subcommittee, the gentleman from California (Mr. CHARLES H. WILSON), whether or not it is the intent of the committee that if the committee disapproves of a particular question and it is refused, it is the committee's understanding that the intent of this legislation is that the Bureau will remove that question from the upcoming census?

Mr. CHARLES H. WILSON. That is the sole purpose of this provision.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. DERWINSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. CHARLES H. WILSON. As I was stating, that is the sole purpose of this provision. I am confident that what it does is to require that the departments submit 3 years prior to the census—and no one knows who is going to be here 10 years from now when this will take place—but it requires the department to submit to the committees of the two Houses 3 years prior to the time they would have to take the census the questions they would recommend and they would start developing them as soon as they finish this last census. In other words, this would give them 2 years during which to prepare the questions and to give us 1 year during which to review the questions.

We have the authority to reject any question that is submitted by the Census Bureau, we can approve or reject any question that is submitted, that would be within the authority of the committee.

It was my intention—or cetrainly my understanding—that the committee would submit these questions to the entire Congress so that all of us would have the opportunity to review them and make our recommendations to the respective committees.

Mr. GALLAGHER. Mr. Chairman, I thank the distinguished chairman for making that particular point. I compliment the committee for finally developing a foundation upon which we can put some sense of direction for the approval of Congress.

I recall when the social security number question came up—and I appreciate the gentleman yielding further—Mr. Eckler came to my office where we had a meeting with several Members, and he thought that the Bureau should be responsive to the Congress, and on that basis he would remove the social security number and the religious question from the 1970 census.

So, Mr. Chairman, I think the committee has performed an extremely valuable service by finally writing into law what the intent of the Congress is.

Again I thank the gentleman for yielding.

Mr. BETTS. Mr. Chairman, I yield back the balance of my time.

Mr. CHARLES H. WILSON. Mr. Chairman, I have no further requests for time.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I will not take the full 5 minutes, but I do appreciate the gentleman yielding this time to me.

My sole purpose for arising at this time is to clarify the provision for committee review of the questions proposed by the Secretary of Commerce.

I think the chairman of our subcommittee and each member of the committee would agree that it was our intention in drafting this legislation that the Secretary would submit to the legislative committees of the Congress for review and approval the questions that he felt should be asked in the census, so that no questions could be asked by the Secretary unless they had the approval of the legislative committees of both Houses of the Congress.

I would ask the distinguished chairman of the subcommittee for his understanding of the matter so that there will be no misunderstanding of legislative intent.

Mr. CHARLES H. WILSON. Mr. Chairman, if the gentleman will yield, that is absolutely correct, and I just so stated, and it is my understanding that the Congress would have final approval on the questions; that is, approval of the two Houses.

Mr. SCOTT. I thank the gentleman for his statement. We did discuss that, Mr. Chairman, during the time that our subcommittee was considering this legislation, and it was our unanimous opinion that no questions could be asked without approval of the legislative committees.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia yields back 3 minutes.

Mr. TUNNEY. Mr. Chairman I would like to take this opportunity to express my views on the need for census reform.

The taking of any census inherently becomes a very personal matter, for it touches the lives of every American citizen. And, because it is so personal, it is subject to widespread emotion, misinterpretation and outright resentment.

The coming 1970 decennial census is no exception.

Thus, I believe it is incumbent upon Congress to rationally review the current controversy. We must approach the question of census reform objectively.

Without losing sight of the constitutional justification for the census, nor overlooking the very real but oftentimes hidden benefits accruing to Federal, State and local governments, private industry and individual citizens from the compilation and dissemination of such a massive volume of data.

To begin with, let us put the issue squarely in perspective. The current criticism is not really directed purely at what is popularly felt to be an invasion of privacy, nor is it solely a question of the need for, or the right of Government to compile wide-ranging statistical data.

Rather, the core of the issue crystalizes around the mandatory requirement that all such information be divulged under the unveiled threat of a fine and/or imprisonment. Reduced to the simplest, common denominator, the underlying problem is the objectionable manner in which the Census Bureau goes collecting the information. In essence, they are not asking "will you" provide this data—they are demanding that "you will or else."

Two fundamental questions become paramount. Is this information so vital that a democratic society must impose harsh punishment common to that of a criminal misdemeanor to force compliance? Is all this information so essential that it requires a prison sentence or a fine in order to acquire it?

The answer to both these questions can only be a resounding no. Let us look at the facts.

The legal authority for conducting a census is derived from article I, section II, of the Constitution. It is obvious, even to the casual student of history, that the Republic's Founding Fathers sought to insure a balance of power between the large and the small States. This could only be done with an actual count of all citizens—a "census of the population."

But as anyone who has ever conducted a survey knows, there are requests from

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many corners to expand the number of questions asked. "As long as you are at it," so the question goes, "why do you not also ask thus-and-so?"

James Madison advanced this thought in 1789—before the first census was even taken—resulting in questions being included on age and sex. The pressures to expand the scope of the census have never since subsided—the temptations to capitulate are great. Bureaucrats and the Congress can and have justified the need for expanding the list of questions, to the point that today, the census pries into ever nook and cranny of our business and private lives.

This per se is not necessarily bad. The need to know the full dimensions of our population is a vital aspect of the search for solutions to the problems of a given era. Finding the solution to our current problems of deteriorating cities, disadvantaged urban and rural citizens, poverty, education, inflation, unemployment and mass transportation literally demands that we know as much about our people and their habits as is possible to know.

But, does the means by which we obtain this information justify the end? I think not.

Are there no alternatives to our present collection system, which relies upon compulsion and fear of incurring the wrath of Government for cooperation? I submit that there are workable alternatives.

Let us examine the specific issue of mandatorily requiring an answer to each question asked under threat of criminal-type punishment for noncompliance.

Out of all the millions of Americans surveyed in 1960, only two were fined and none were jailed for not responding fully to the census.

This suggests that either the Census Bureau is intimidating citizens into compliance, possibly with extreme measures—or that Americans are willing to cooperate when the facts are explained and the needs are justified. The first is reprehensible; the latter confirms my own belief that people will cooperate when properly approached.

Some will contend that this high degree of compliance is obtained only because citizens know they will be punished for not responding fully. While this may be partially true, I think it also raises a question as to the validity of such responses. Human nature being what it is, there is nothing to prevent a person from taking out his resentment over such tactics by purposely giving wrong answers to questions.

But more basic to the issue, however, is whether or not the offense justifies the penalty.

Mr. Chairman, I have made a careful review of the various questions which the Census Bureau plans to include in the official census questionnaire. It contains such questions as:

Do you have a washing machine, a clothes dryer, a dishwasher, a home food freezer?

Where did you live on April 1, 1965?

How many hours did you work last week?

Your income from all sources?

Your marital history and the number of children born and when?

These are but a few examples. Yet they demonstrate clearly the lengths of which the Census Bureau has gone in an unwarranted invasion of personal freedom and privacy by compelling citizens to divulge such information.

I find it extremely hard to believe that the failure or refusal to answer such questions warrants sending a person to jail for 60 days. I have no intention of further dramatizing this point. Suffice it to say that there are thousands of violations of civil and criminal law reported in the public press far more damaging to society than not answering personal questions—that do not result in jail terms of 60 days.

Let us now turn to the question of alternative ways of acquiring information. The statistical formula proposed for gathering information in 1970 is prima facie evidence that not all persons must answer all questions to insure statistical validity. In fact, only a relatively small number of persons will be asked all the questions. If random sampling techniques can be refined to insure statistical reliability in this context, why then cannot other techniques provide reliable data on a voluntary rather than mandatory basis?

The Census Bureau builds its case on this mandatory versus voluntary issue partly on the allegedly critical need to supply precise data to other Government agencies for their use in formulating policy and programs. I have looked into this rationale, Mr. Chairman, and found that some of the data supplied by the Census Bureau is not in a form usable to all the agencies which need it. Frequently, because the census data format is compromised to serve many masters, it is not as useful for each of the respective purposes intended. Thus, one finds that other Government agencies must make their own surveys—on a voluntary compliance basis—for policy and program formulation.

Mr. Chairman, the need for greater congressional control over the administration, scope, and content of the decennial census has been amply demonstrated. The proposed reforms in the census are not designed to discourage or prevent the Census Bureau from seeking voluntary responses to useful questions. The legislation which I have cosponsored is very explicit in this respect. It states that:

> Nothing in this (legislation) shall be construed to prevent the Secretary (of Commerce) from requesting any such information in connection with such census on a voluntary basis.

I have no desire to limit the statistical-gathering activities of the Census Bureau. I am simply advocating that: First, the 60-day jail sentence for noncompliance be eliminated from the present law; and second, that mandatory questions—noncompliance with which would be punishable by a $100 fine—cover only the subject areas of name and address, relationship to the head of household, sex, date of birth, marital status, and visitors in the house at the time of the census.

The committee bill is acceptable and accomplishes most of the reforms. However, I urge support for Congressman Betts' amendment which would eliminate the mandatory penalty and the $100 fine for all but the six basic census questions. Other questions which have been added under the mandatory penalty by bureaucratic inertia constitute an unwarranted invasion of personal freedom and privacy. If additional questions are to be used let them be on a voluntary basis. As the committee report points out, the Bureau of Census must continue its investigation into the use of voluntary surveys and not rest upon the threat of a penalty in order to meet its obligations.

Mr. **BROYHILL** of Virginia. Mr. Chairman, I rise in support of H.R. 12884, and commend our colleagues on the Committee on Post Office and Civil Service for the extensive hearings they held throughout the Nation to enable the citizens of this great Nation to be heard in their objections to certain census laws and regulations. I congratulate the members of the committee and its chairman for formulating H.R. 12884 as a result of evaluation of the testimony of our citizens.

Earlier this year I introduced H.R. 9902, which is identical to a number of other bills, and which would have permitted only six basic questions to be asked on a mandatory basis; eliminated the jail sentence for refusing to answer questionnaires or for answering falsely. I introduced this bill, as I know a number of my colleagues did also, in response to the protests of hundreds of northern Virginia residents against the undue coercion imposed by the threat of a jail sentence for failure to comply by responding to some highly sensitive and personal questions which were included by the Census Bureau for the 1970 census.

All of us acknowledge the need by our Government for census data. However, the people of northern Virginia were demanding to know why the Census Bureau needed to know their income, dollar by dollar, from all sources including public assistance, alimony, unemployment and desirabilty insurance, pensions and investments; the value of their property or the amount of rent they pay; their educational, marital, employment and military history; with whom they share their bathroom and kitchen facilities; how many dishwashers, televisions, radios, automobiles and/or second homes they own. The demand, under penalty of $100 fine and 60 days in jail, that each and every American answer some 67 questions, appeared to many to be an invasion of privacy never before attempted by the Government on such a broad scale.

Mr. Chairman, the constitutional purpose of the decennial census is to count people. Emphasis on secondary matters has all but destroyed the accuracy of the count. In 1960 we failed to count some 5.7 million. In spite of the fact that the Census Bureau has now revised downward the number of extraneous questions it will pose next year, I doubt if we will do much better than we did in 1960.

Mr. Chairman, the committee was wise to remove the phrase "unemploy-

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ment and housing—including utilities and equipment"—and to substitute authorization to "obtain such other census information as necessary" for that language in the Code. It was wise to provide for a review by committees of Congress of the questions the Census Bureau proposes to ask. In this way the Congress, representing all of the people of the Nation, will be afforded the opportunity of determining whether or not specific proposed questions are responsive to the statistical needs of the Nation.

The committee is to be commended, Mr. Chairman, for strengthening the confidentiality provisions of our census laws by amplifying the scope of existing statutes and sharply increasing the severity of punishment of any employee of the Census Bureau who might divulge confidential information. I know of no case in which the Bureau has made individual information available to others, but the remote possibility that this might ever be done is sufficient to justify this action.

Finally and most importantly, Mr. Chairman, the committee directed its attention to the mandatory response requirements in existing law, and took the long overdue step of removing the jail sentence penalty applicable to both individuals and organizations, for either refusal to answer questions or willful falsification of the information provided. I regret that the committee did not feel that the entire mandatory provisions could not be eliminated, but am encouraged that the committee has directed the Bureau of the Census to augment its investigation into use of voluntary surveys which may lead to the elimination of the mandatory response requirement in the foreseeable future. Certainly, recognition that the threat of a jail sentence represents undue coercion, and elimination of that threat, is a big step in the right direction.

Mr. Chairman, I believe this bill represents a compromise, a good compromise, and I urge its passage.

Mr. Chairman, for several months I have been deluged with letters from people in my district, asking that their right to privacy not be impaired by the 1970 census.

There is real fear on the part of the people that the confidential information that is extracted through the census will be used in a manner that would deny them one of their very basic rights—the right to privacy. It is for this reason that I support H.R. 12884. Every safeguard possible must be given to the citizens of this country to insure that the information taken on the 1970 census is not handed out to every person or group of persons that seeks to have such information.

Specifically, my people are asking that the facts they furnish on the census not be placed on computer tapes corresponding with their names; they are asking that this information not be given to their heirs or agents without their written permission; and they most certainly wish to make sure their names are not placed on commercial mailing lists.

All these safeguards are written into H.R. 12884, Mr. Chairman, and I, therefore, urge its support and passage.

Mr. ABBITT. Mr. Chairman, as one of the original sponsors of census reform legislation. I am very much interested in this overall matter. I feel that the committee has done a very thorough job in dealing with the many aspects of the reform proposals and the proposal before us is a decided improvement over existing laws.

I am, however, hopeful that the committee bill can be amended to include certain provisions which I feel are essential if we are to meet the primary objections which many people have raised as to procedures which are now being used by the Bureau of the Census.

When I introduced my bill earlier this year, my main purpose in doing so was to obtain some revisions of existing laws regarding mandatory requirements on answering questions and to cut the number of questions which our people would be required to answer. The general public is strongly of the opinion that too many personal questions have been asked in the past and that prospects for the 1970 census indicated that there would be a substantial increase in the number and types of these questions. Furthermore, under existing law, there are strict penalties for failure to answer such questions.

Although the bill before us would remove the jail sentence penalty for failure to answer census questions, it retains the provisions for fines. I would like to see such penalties removed on all but the six basic categories of questions.

I also would like to see a limitation on the mandatory questions which would be more meaningful than the bill now provides. It seems to me that all we have now is a "gentleman's agreement" from the Census Bureau that it will try to abide by the general consensus on such matters. I do not believe that to make part of the census voluntary would destroy or impair the usefulness of the census.

It is most helpful that the committee bill provides that census questions be submitted to Congress 3 years in advance of census day and this will give us an opportunity to gage beforehand what the Bureau intends to do. This is a vast improvement and such congressional scrutiny should be taken seriously. This should not fall into a mere approval of the status quo but Congress should be forever seeking to improve the quality and service of the census and see to it that the confidentiality of the records be assured and that unnecessary and ridiculous information not be demanded of the general public. In the years that lie ahead, we should not allow things to get out of hand. In my opinion, some of the questions proposed for next year's census are ridiculous and should not be considered mandatory for the general public. Congress should keep in mind that the primary complaint of the public at large has been and continues to be why they should be required under the threat of penalties to answer questions which invade their privacy.

I urge that this aspect be considered by the members of the House in consideration of this bill and hope that we can improve on the basic protections. The committee has done a good job, as far as it goes, and I commend those who have worked long and hard on this matter. If we can go one step further and take the corrective steps that are necessary, then the job will have been better done, in my opinion.

It seems to me that the basic forms and questionnaires already printed could still be used if adequate publicity is given to the real purposes which prompted the changes we seek. Also, any action that is taken now would be additional assurance that any census of the future will be more closely atuned to the will of Congress.

Mr. GOODLING. Mr. Chairman, I rise to offer my strong support for H.R. 12884, legislation designed to assure confidentiality of census information.

In January of this year, I joined with many of my colleagues in sponsoring legislation designed to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing. The legislation presently before this body is designed to obtain similar objectives.

My principal interest in introducing and supporting this type of legislation is directed toward preserving the privacy and dignity of the American citizen. Unless this privacy and dignity is preserved, the citizen becomes, in effect, an instrument to serve the purposes of government. This violates our system of government, which is based on the concept of making the Government the servant rather than the master of the people.

I am particularly pleased to observe that this legislation eliminates all jail sentence penalty provisions, both for individuals and organizations with respect to either falsifying information or failing to supply information. The penalty provisions presently in the law are extremely severe and do not by any means suit the supposed offense. They are particularly ironic when it is realized that others in our society—who create social chaos in one manner or another—are excused from the stringent punishment to which good-living citizens of our general society are subjected.

I am further pleased to see that the legislation now before us compresses the questions to be asked on the census questionnaire. There are some who contend that the census form should be used to gather general information that would provide a perspective on the habits and disposition of the American population, thereby providing an aid for businesses in our economy. My answer to this is that much of this type of data already has been gathered and is on hand in various Federal departments and agencies. The Department of Commerce, for instance, has various offices that have vast amounts of data on hand that would be useful for commercial purposes. There is no point in duplicating this information, for this would be inconsistent with our interest in eliminating duplication in Government activities.

In brief, Mr. Chairman, I subscribe to

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the "head count" theory of the census, as prescribed in the U.S. Constitution for the purpose of apportioning the U.S. House of Representatives.

The mail that has come into my office over the past months registers stiff opposition to impertinent questions on the census questionnaire, fortifying my feeling on the matter. The census procedure should, I feel, be limited to a few simple questions—these questions should provide the Government with the basic census information it needs and, at the same time, preserve both the dignity and disposition of the American citizen.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 12884, a bill to assure confidentiality of information furnished in response to questionnaires, inquiries and other requests of the Bureau of the Census.

Although I question the need to expand the scope of the decennial censuses by eliminating the restriction that decennial census questions are limited to population, unemployment, and housing, I support the legislation because the committees of the Congress would, by the bill, have after 1970 the final authority for the approval, rejection, or revision of the content of the decennial census questionnaires.

Earlier this year, I introduced H.R. 3779, which would limit the decennial census to six categories which would provide the basic information which, I believe, a census is designed to obtian, and not pry into the private lives of our citizens seeking information that is of questionable value to the Government and to the citizens of this Nation.

However, another significant provision of this bill before the House today prompts my support and that is the elimination of the jail sentence in the present law applicable to both individuals and organizations, for either refusal to answer census questionnaires or willful falsification of the information being provided.

Although in the entire history of the census the jail sentence has never been used, such a threat serves no useful purpose and is properly eliminated by this legislation.

I am also pleased that this legislation strengthens the provisions guaranteeing the confidentiality by administrative procedures and by increasing the penalty applicable to any employee of the Bureau of the Census who divulges confidential information.

While this legislation does not go as far as I would like in placing the census in proper perspective to the national need for the information obtained, I believe it is an improvement in the existing procedure and I support the measure.

Mr. BOLAND. Mr. Chairman, over the past 2 years widespread concern has been expressed by many thoughtful Americans concerning the format and scope of the forthcoming decennial census of population, housing, and unemployment.

Those critical of the census contend that its conduct raises serious questions about: invasion of privacy; the guarantee of confidentiality of census information; and the relevance of many of the questions to be asked in the proposed census questionnaire. As you well know there has been a great outpouring of citizen support for extensive and meaningful reforms in the census.

Interest likewise has been keen in the Congress, with well over a quarter of the House membership endorsing legislation calling for strict and specific limitations on the number and type of categories of questions required to be answered under penalty of law in each decennial census.

This legislation which I had the honor of cosponsoring was highly instrumental in prompting the House Post Office and Civil Service Committee to hold extensive hearings on the question of census reform. Today we in the House are being asked to consider the final product of these hearings; namely, legislation which would amend title 13 of the United States Code to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census.

Under existing statutory authority the Census Bureau has virtual blanket authority concerning the scope and content of the decennial census. The proposal which we are considering today would in essence terminate such authority, giving the Post Office and Civil Service Committees of the House and Senate the final authority for the approval, rejection, or revision of the content of official decennial census questionnaires.

In light of the virtual flood of mail the Congress has received on the question of census reform in recent years, I am confident that this legislation will do much toward restoring citizen confidence in the decennial census. I do regret the fact that this legislation makes no provision for placing specific limitations on the scope and content of the census—as provided for in my bill, H.R. 3778.

However, the fact that the present bill—H.R. 12884—does in fact clearly give the Congress the ultimate authority concerning what can and cannot be asked of our citizens in each decennial census does, indeed, mark a giant step forward in our drive to keep the census confined only to those areas which are pertinent to the essential functions of the census. I am also pleased that H.R. 12884, first, will provide added protections relating to the confidentiality of the individual information obtained by the Bureau of the Census, and, second, will eliminate what I consider a highly objectionable and wholly unnecessary requirement of existing law; namely, the jail penalty provisions of title 13 of the United States Code which are applicable to both individuals and organizations for either refusal to answer census questionnaires or willful falsification of the information being provided.

Mr. Chairman, the legislation which we have before us today has received the strong endorsement of the House Post Office and Civil Service Committees and it is my hope that the Congress without any further delay will vote its approval of this bill. Such action is clearly in the national interest.

Mr. DONOHUE. Mr. Chairman, this bill, before us, H.R. 12884, represents an initial response to the earnest request of millions of Americans for the proper protection of their privacy and for the insurance of confidentiality in connection with information questionnaires involved in the mandatory decennial census.

There is hardly any doubt that for whatever bureaucratic reason or motivation, the advice and information being requested through these questionnaires has been increasingly invasive of individual privacy and open to very serious challenge as to actual necessity, relevance, or useful application in the national interest. It has become quite clear that sensible restrictions ought to be placed, by the Congress, upon the manner in which the census is projected, the content of the questionnaires and the proposed penalties for the withholding of answers to objectionable questions.

Unfortunately, this particular measure does not include provisions for specific limitations on the scope and content of the census as I and many other Members of Congress have urged and recommended. However, it does return to the Congress, where it belongs, the ultimate authority to keep the census confined to those areas which are pertinent to the basic functions of the census. It will also further protect and guarantee the confidentiality of personal information and it will eliminate what is commonly regarded as perhaps the most objectionable requirement of existing law, the jail penalty provision of title 13 of the United States Code.

Mr. Chairman, although I and a great many other Members here have urged the presentation of a stronger measure, this bill represents the best compromise that can now be obtained and since it it a wholesome beginning to more complete reform in this sensitive area of individual privacy and confidentiality, I urge its acceptance today while we pledge preserving effort to expand and strengthen its provisions at the earliest possible date in the future.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 12884, and associate myself with the amendment to be offered by the distinguished gentleman from Ohio (Mr. BETTS). I wish to commend him on his unceasing and untiring efforts to insure that census reform is affected in an equitable and meaningful manner.

Throughout our history, the fundamental purpose of the decennial census has been to provide an accurate as possible "head count" of our citizenry. The need for such a count has never been questioned. It is clear that complete and accurate information about our population is needed if Government is to adequately discharge its responsibilities to the American people. Effective governmental decisionmaking requires precise demographic information, which in turn depends in large measure upon the decennial census.

As society has grown in size, and the complexity of human interrelationships has multiplied, Government services have also expanded. The result has been that much of the billions of dollars in funds, goods, and services which the Federal Government distributes each year to State and local governments is allocated on the basis of data provided by the census. Accordingly, both bureaucrats and the Congress have tried to justify the need for expanding the list of census questions to the point that today the census, under the cloak of "data collection," pries into every nook and cranny of our lives.

I believe that the census has gone too far afield from its fundamental task. As a result, it has raised a real conflict between society's need for demographic information and the right of every individual to a sphere of privacy which no man may penetrate without consent. Basic to this conflict is the question of whether the information that society needs is so vital that it must impose harsh punishment to insure popular compliance.

I do not believe that the scope of the questions presently asked by the census are vital to successful governmental operations, and I do not believe that the ends to which the information is used justifies the coercion by which the information is presently obtained. Many citizens of the Texas Panhandle are justifiably demanding to know why the Census Bureau needs to know their income, dollar by dollar, from all sources including public assistance; alimony; unemployment and disability insurance; pensions and investments; property values; rent paid; educational, marital, employment, and military history; with whom they share their bathroom and kitchen facilities; how many dishwashers, televisions, radios, automobiles; and, the number of second homes they own or rent.

My constituents also want to know whether the Government has such a low opinion of their integrity and citizenship that it feels they must be threatened like common criminals before they will cooperate with the census takers.

In an effort to rectify some of the blatant offensiveness in the decennial census, I introduced last January legislation similar in many respects to the legislation pending before the House today, and to the Betts amendment.

In my view, the census should be confined to asking six basic questions on a mandatory basis, and the rest on a purely voluntary basis. This would, I feel, narrow the scope of the census and make it conform more with its historical function of taking a "head count" of our population. As for the voluntary portion of the census, I feel that the Census Bureau should be able to ask any questions it wants, so long as the individuals are not coerced directly or indirectly into answering. In addition, although the penal provisions in the present law have been removed by H.R. 12884, there is still a provision subjecting individuals to punishment by fine. As I find this patently offensive to the very concept of democracy, I support the amendment to be offered by the gentleman from Ohio.

Mr. **DERWINSKI**. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN**. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 12884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of title 13, United States Code, is amended to read as follows:

"§ 1. Definitions

"(a) As used in this title, unless the context requires another meaning or unless it is otherwise provided—

"(1) 'Bureau' means the Bureau of the Census; and

"(2) 'Secretary' means the Secretary of Commerce.

"(b) As used in this subchapter, 'respondent' includes a person, corporation, company, association, firm, partnership, proprietorship, society, or other organization or entity which shall have furnished information in response to a questionnaire, inquiry, or other request of the Bureau.".

Sec. 2. (a) Section 5 of title 13, United States Code, is amended to read as follows:

"§ 5. Questionnaires; number, form, and scope of inquiries

"The Secretary shall prepare questionnaires, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this title.".

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

"5. Schedules; number, form, and scope of inquiries."

and inserting in lieu thereof—

"5. Questionnaires; number, form, and scope of inquiries.".

Sec. 3. (a) Section 6 of title 13, United States Code, is amended to read as follows:

"§ 6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources

"(a) The Secretary, whenever he considers it advisable, may call upon any other department, agency, or establishment of the Federal Government, or of the municipal government of the District of Columbia, for information pertinent to the work provided for in this title.

"(b) The Secretary may acquire, by purchase or otherwise, from States, counties, cities, and other units of government, and from their instrumentalities, and from private individuals, agencies, and organizations, such copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title.

"(c) To the maximum extent possible and consistent with the kind, timeliness, quality, and scope of the statistics required, the Secretary shall acquire and use information already available from any source referred to in subsection (a) or (b) of this section instead of conducting direct inquiries.".

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

"6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources."

and inserting in lieu thereof—

"6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources."

Sec. 4. (a) Section 8 of title 13, United States Code, is amended to read as follows·

"§ 8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received

"(a) The Secretary may, upon written request, furnish to any respondent, or to the heir, successor, or authorized agent of such respondent, authenticated transcripts or copies of reports filed by, or on behalf of, such respondent in connection with the surveys and censuses provided for in this title, upon payment of the actual or estimated cost of searching the records and a fee of $1 for supplying each authentication of a transcript or copy.

"(b) Subject to the limitations contained in sections 6(c) and 9 of this title, the Secretary may furnish copies of tabulations and other statistical materials which do not disclose the information reported by any respondent, and may make special statistical compilations and surveys, for other departments, agencies, and establishment of the Federal Government or the municipal government of the District of Columbia, State or local officials, and private agencies, organizations, and individuals, upon the payment of the actual or estimated cost of such work. In the case of nonprofit agencies or organizations, the Secretary may engage in joint statistical projects, the costs of which shall be shared equitably as determined by the Secretary if the purposes are otherwise authorized by law.

"(c) In no case shall information furnished under this section be used to the detriment of any respondent or other party covered by that information.

"(d) Money received in payment for work or services performed by the Secretary under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.".

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

"8. Certified copies of certain returns; other data; restrictions on use; disposition of fees received."

and inserting in lieu thereof—

"8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received."

Sec. 5. Section 9 of title 13, United States Code, is amended to read as follows:

"§9. Information as confidential; exception

"(a) Neither the Secretary nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, without the written permission of the respondent or his heir, successor, or authorized agent—

"(1) use, for any purpose other than the general statistical purposes authorized by this title, any information furnished by such respondent under the provisions of this title;

"(2) make any publication by or through which the information collected from any respondent under this title can be identified;

"(3) make any publication which will permit significant or systematic disclosure, by statistical inference of data furnished by any respondent;

"(4) permit anyone other than the sworn officers and employees of the Department of Commerce or bureau or agency thereof, as necessary for such officers and employees to carry out the provisions of this title, to examine the report of any respondent;

"(5) permit individual names collected in the censuses authorized by section 141(a) of this title to be transferred to computer tape in any fashion or manner by or through which any such name may be collated with individual information relating thereto; or

"(6) disclose the names of individuals and the addresses of their residences as collected in the censuses authorized by section 141(a) of this title.

"(b) Notwithstanding any other provision of law, the inviolability of the confidentiality of the individual information collected under authority of this title may not, except as specifically authorized by this section, be abrogated, abridged, or breached for any reason whatsoever.

"(c) No department, bureau, agency, officer, or employee of the Government, except

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the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any respondent or his heir, successor, or authorized agent. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of such respondent or his heir, successor, or authorized agent, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(d) The provisions of subsections (a), (b), and (c) of this section relating to the confidential treatment of data for particular individuals and establishments shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title nor to interim current data provided for by subchapter IV of such chapter as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or is customarily provided in, public records.".

SEC. 6. (a) Section 141 of title 13, United States Code, is amended to read as follows:

"§ 141. Population and other census information

"(a) The Secretary shall, in the year 1980 and every ten years thereafter, take a decennial census of population as of the first day of April, which date shall be known as the census date, including the use of sampling procedures and special surveys, and is authorized to obtain such other census information as necessary.

"(b) The tabulation of total population by States under subsection (a) of this section as required for the apportionment of Representatives in Congress among the several States shall be completed within eight months after the census date and reported by the Secretary to the President of the United States and to the Congress.

"(c) The Secretary shall submit to the committees of Congress having legislative jurisdiction over the Bureau, for their review and approval, his determination of the questions proposed to be included in the decennial census conducted under subsection (a) of this section no later than three years before the decennial census date for the decennial censuses provided for in this section and, not less than two years before the said census date, the aforesaid committees of Congress shall notify the Secretary of their approval, rejection or revision of the proposed questions: *Provided, however,* That the Secretary during the remaining period before the decennial census date, if he finds that new or different circumstances have occurred which necessitate new or changed questions for the census, shall submit such additions or changes to the committees of Congress having legislative jurisdiction over the Bureau for their acceptance, rejection or revision."

(b) The table of sections of chapter 5 of title 13, United States Code, is amended by striking out—

"141. Population, unemployment, and housing."

and inserting in lieu thereof—

"141. Population and other census information.".

SEC. 7. Section 195 of title 13, United States Code, is amended to read as follows:

"§ 195. Use of sampling

"Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.".

SEC. 8. (a) Subchapter V of chapter 5 of title 13, United States Code, is amended by adding at the end thereof the following new section:

"§ 197. Special censuses

"The Secretary may conduct special censuses for the government of any State, or of any county, city, or other political subdivision within a State, and for the municipal government of the District of Columbia, on subjects covered by the censuses provided for in this title, upon payment to the Secretary of the actual or estimated cost of each such special census. The Secretary shall certify the results of each such special census as 'Official Census Statistics.' These statistics may be used in the manner provided by applicable law.".

(b) The table of sections of subchapter V of chapter 5 of title 13, United States Code, is amended by adding at the end thereof—

"197. Special censuses.".

SEC. 9. Section 214 of title 13, United States Code, is amended to read as follows:

"§ 214. Wrongful disclosure of information

"Whoever, being an employee referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 9 of this title, publishes or communicates any information, the disclosure of which is prohibited under the provisions of section 9 of this title, and which comes into his possession by reason of his employment under the provisions of this title, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 10. Section 221 of title 13, United States Code, relating to refusal or neglect to answer questions and to willful false answers, is amended—

(1) by inserting "or questionnaire" immediately after "schedule" in subsection (a) thereof;

(2) by striking out "or imprisoned not more than sixty days, or both" in subsection (a) thereof; and

(3) by striking out "or imprisoned not more than one year, or both" in subsection (b) thereof.

SEC. 11. Section 224 of title 13, United States Code, relating to failure to answer questions affecting companies, businesses, religious bodies, and other organizations and to willful false answers, is amended—

(1) by striking out "whether such request be made by registered mail, by certified mail, by telegraph, by visiting representative, or by one or more of these methods,";

(2) by striking out "schedule" and inserting in lieu thereof "schedules or questionnaires";

(3) by striking out "or imprisoned not more than sixty days, or both"; and

(4) by striking out "or imprisoned not more than one year, or both".

SEC. 12. (a) Section 225 of title 13, United States Code, relating to applicability of penal provisions in certain cases, is amended—

(1) by inserting "and questionnaires" immediately after "schedules" in subsection (a)(1) thereof; and

(2) by striking out subsection (b) thereof which reads as follows:

"(b) The provisions for imprisonment provided by sections 221, 222, and 224 of this title shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.".

(b) Section 241 of title 13, United States Code, is amended by striking out "as authorized by section 224 of this title".

SEC. 13. The amendments made by section 6 of this Act shall become effective on January 1, 1973.

SEC. 14. If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

Mr. CHARLES H. WILSON (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from California.

There was no objection.

AMENDMENT OFFERED BY MR. BETTS

Mr. BETTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BETTS: On page 9, immediately before line 9, insert the following new section:

"SEC. 7. (a) (1) Subchapter II of chapter 5 of title 13, United States Code, is amended by inserting immediately after section 141 thereof the following new section:

" '§ 141A. Limitation on categories of information required under penalty of law in certain censuses

" '(a) In the conduct of any census under section 141 of this title, information required to be furnished under penalty of the provisions of section 221 of this title shall include only matter within the following categories:

" '(1) name and address;

" '(2) relationship to head of household;

" '(3) sex;

" '(4) date of birth;

" '(5) marital status; and

" '(6) visitors in home at the time of census.

" '(b) Refusal or neglect to furnish information not within the categories listed in subsection (a) of this section in connection with any census conducted under section 141 of this title shall not be an offense under section 221(a) of this title; but nothing in this section shall be construed to prevent the Secretary from requesting any such information in connection with such census on a voluntary basis.'.

"(2) The table of contents of subchapter II of chapter 5 of title 13, United States Code, as amended by section 6(b) of this Act, is amended by inserting—

" '141A. Limitation on categories of information required under penalty of law in certain censuses.'

immediately below—

" '141. Population and other census information.'

"(b) Section 221(a) of title 13, United States Code, is amended by striking out '(a) Whoever' and inserting in lieu thereof '(a) Subject to section 141A of this title, whoever'."

Mr. BETTS. Mr. Chairman, I have no intention of taking a great deal of time on this amendment because I had a special order on it once and I think enough Members have introduced the same bill. It has been discussed enough and Members have received enough letters from constituents and they have read enough newspaper editorials on it that extensive argument at this time is not necessary.

Let me review briefly some of the reasons I think this amendment should be considered at this time.

I want to repeat what I said before, that this bill as it comes before the House still provides for a mandatory census even though the jail sentence has been removed—there is still the penalty of a fine.

The position I take, and that this amendment sets forth is that the six questions that have to do with the basic reasons for a census should be asked on a compulsory or mandatory basis and all the other questions should be asked on a voluntary basis.

I might say that the six questions that I have selected for this bill, I think are the questions that are essential for a head count so far as determining population is concerned.

This amendment was prepared and sponsored and offered because we have felt that the intent of the Constitution—and the only place where it mentions a census—is to secure a head count for the purpose of apportionment of Members of Congress. That is the only place the census is mentioned in the Constitution.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman.

Mr. ROUDEBUSH. I would just like to say that I strongly support the gentleman's amendment.

Mr. Chairman, I know of no Member of this House or of this Committee who has done more than the gentleman from Ohio (Mr. BETTS) to bring this situation to the attention of the American people. I certainly commend the gentleman for his activity over a long period of time in behalf of this census legislation and a limitation on the questions to be asked. I commend the gentleman and I believe he has done a great service to the country.

Mr. BETTS. Mr. Chairman, I thank the gentleman from Indiana and appreciate his support.

In other words, the only purpose of the census is to ask questions and not to demand answers.

Many people say that this has gone on for many years in many censuses. But the spirit of reform is ever present in America today and all over the world, and I see no reason why this particular reform of the census is not completely proper at this time.

So the first reason that we ask for the approval of this amendment is to provide mandatory sentences only as to questions having to do with the sole reason for a census, and that is a head count for the purposes of apportionment of the Congress.

The second reason goes to the effectiveness of voluntary answers. I want to put to rest some of the arguments that have been made that you cannot secure proper or adequate answers on a voluntary basis—I refute this because my office sent out questionnaires to every State in the Union to determine whether or not the State itself conducted the census and whether or not they were compulsory or mandatory—and if they were voluntary, what the results were.

Briefly, we found out that all States conduct some sort of census and only two States do it on a compulsory or mandatory basis. Of the others that conduct these questionnaires by inquiries on a voluntary basis, everyone is completely satisfied with the accuracy and the completeness of the questions. We inquired of private research organizations. The answer was much the same, the majority of them responding that, according to their experience, they got just as satisfactory and complete answers on the voluntary basis as on the compulsory basis.

I would like the RECORD to show the nature of the responses from some of these research questions. For example, the president of Bellman Associates, who wrote me on August 14, 1967, said in part:

> In 26 years of research work we have never found that our clients suffered from our inability to employ the Government power to demand answers.

I could go on and on. I have pages of such statements before me.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Texas.

Mr. WHITE. I would like to go into the mechanics for a second, if I may. I think the gentleman is going in the right direction. The gentleman understood that the Census and Statistics Subcommittee had before it a bill upon which we were going to deliberate further that provided that in future censuses certain questions would be made optional and the balance mandatory. Now we have the instant form that has been presented for the deadline of April 1970, and, of course, in those forms it is designated that the questions shall be answered mandatorily. What would be the mechanics that you see or envision in the event your amendment is adopted?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. BETTS was allowed to proceed for 5 additional minutes.)

Mr. BETTS. I think the answer to the gentleman's question is the answer that I gave previously when I was asked a similar question by the chairman or another member of the committee. At that time I quoted from Mr. Eckler's statement before the committee that this would be handled by informing the enumerators as to how to present the questions that they were to ask.

Mr. WHITE. That is the point I am getting at. These questions, under the present procedure, are to be mailed out to the recipients. That is the understanding. If you include in this mailing a slip stating that only such-and-such questions are to be answered on a mandatory basis and the balance are optional, what kind of returns do you think we will get? Would we not be red-flagging the American public that their answers would be voluntary? How valid would be your responses?

Mr. BETTS. I would not anticipate any problem, for the American people who are interested in answering the questions would be smart enough to distinguish which ones were compulsory and which ones were not.

Mr. WHITE. According to the testimony, if the public knew that certain questions would be asked on an optional basis only, their response would be something like 50 percent and the Government would have to go back and urge the people to send out enumerators, and after the enumerators had gone out, you might get as much as 70 to 90 percent. I might add that the experts around the world with whom we have talked have stated that if you were going to make certain questions optional, the only way you could get any kind of response would be by not letting the people know that the questions were to be answered on an optional basis.

Mr. BETTS. Yes. I would be pleased to have the gentleman continue, but I have only a certain amount of time available.

The gentleman's primary question is with relation to the effect on the American people if they knew some questions were optional under a mailing system. The idea of mailing out the census form is not my idea of how to conduct a census anyway. I think it should be done on a person-to-person basis.

Mr. WHITE. That is not how it is being done.

Mr. BETTS. That is a problem that the Census Bureau will have to solve itself. It is not my way of taking a census. In answer to the gentleman's question, and I respect him for his position, and if he has any further statements to make I wish——

Mr. WHITE. The only other question I had was that I noticed the gentleman's amendment left out the matter of race and color, and in our hearings we had certain testimony that certain racial groups wanted to be included in the census returns. I wonder if the gentleman had some particular reason for leaving out race and color?

Mr. BETTS. I have no particular reasons for leaving them in or out. I left them out because there were objections to having them in. If the committee wanted to put them in, it would be perfectly all right with me. It is six of one and half a dozen of the other, as far as I am concerned.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, why did the gentleman leave out the place of birth of those enumerated, the State or nation in which they were born? That has been historically in the census. Starting with 1850, individual listings in the census record began. Prior to that time only the head of the household and the number in the household were listed. After that date the age of the person or date of the person's birth and the State or nation in which he was born were listed to show population trends. I wonder why that has been left out.

Mr. BETTS. To be perfectly frank, I cannot tell the gentleman why. These six questions were the ones we came up with and which we felt were basic in the head count.

As I commented in the discussion with the gentleman from Texas, I told them if they had any reason to be in, certainly it would be agreeable to me, but to answer the gentleman from Oklahoma, I cannot say why that was left out, frankly.

One more comment about the effect of the voluntary answers to questions. The Census Bureau constantly conducts samplings which are on a voluntary basis and on which they rely completely, or at least to a great extent. To me that certainly establishes the fact that much of the information on which industry and government rely today is based on samplings which are done on a voluntary basis.

I want to make one comment about the compulsions involved in questions and answers. We contacted a sociologist or psychologist on this subject, and the answer was that it would take a person with an education of about the 10th grade to answer all the questions on the questionnaire proposed.

If we assume that there are about 17 million people in the United States who do not have this 10th grade education, then we get some idea of the effectiveness and the adequacy and the completeness and the correctness of the answers.

If 17 million of them are not complete, then we get into the area the gentleman was talking about, the one-man, one-vote question. I was impressed with the fact that the areas where there would be the least opportunity to answer questions correctly or completely would be in the ghettos and similar areas, where there are great racial imbalances. So, on the basis of some of the questions that the Census Bureau is compelling to be answered, the result probably could be a discrepancy of almost 10 to 15 percent, which would reflect on the one-man, one-vote rule as far as representation of these areas are concerned.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Betts was allowed to proceed for 5 additional minutes.)

Mr. BETTS. Mr. Chairman, one of the really main arguments people have talked to me about when they discussed with me, about voluntary or compulsory answering of questions, is the right to privacy, and I wish to comment again on what the gentleman from Connecticut said.

I think a great many people fail to distinguish between the right to privacy and confidentiality. Many people think this question is completely answered when we have increased the penalties on release of information which is given to the Census Bureau with the understanding that it is confidential.

Again I would like to distinguish between the right to privacy, which I think means taking the form of forcing a person to give information which he does not want to give. As a matter of fact, a Supreme Court Justice once said in an important case that "the right to privacy is the right to be left alone."

Confidentiality relates to release of information which has been given—release by people other than themselves.

I believe that is the difference. I do not believe we have really gone into the question of the right to privacy in this case, when we strengthen, as we do, the penalties for violations of confidentiality. Of that I approve 100 percent, but I do not believe it answers the objections so far as invasion of the right to privacy is concerned.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Rhode Island.

Mr. TIERNAN. Along that line I cannot help but think of the previous statement which was made with regard to the objection to the policy of the Census Bureau, in respect to undertaking the census by mail rather than by enumerators going to the homes of the people.

I find that in conflict with the gentleman's feeling on the right to privacy. I believe the attempt here is to meet some of that objection of having the person fill out the form in the presence of a stranger in the house.

In the old days an enumerator went to the house and asked the lady how old she was. The lady used to object to asking how old she was. If this were put under the new proposal, the lady would be putting down precisely the information with respect to the living room and the dining room, however, she wants to, and no one will know how old she is.

The method we propose for the use of the Bureau of the Census this year goes a long way along the road the gentleman wants them to take. I cannot understand why he finds an objection to their doing it by mail.

Mr. BETTS. Whether it is done by mail or by enumerator, it is gaining from the person something he believes belongs to him alone. To me there is no difference, whether he answers on a questionnaire or tells it to someone who calls at his door.

However, I also object to the effectiveness of the mail questionnaire, and about that I am fearful. It was brought out, I believe, in one of the trials in New Haven, Conn., that only about 65 percent of the people responded.

As I said, it is impossible to get into all of the ramifications of this bill. I believe these are important matters for the Members to consider, so far as the answering of questions voluntarily or on a compulsory basis is concerned.

To repeat what I said, there are six questions. In my opinion and in the opinion of those who introduced and cosponsored this bill, they are the only ones which should be answered on a compulsory basis, because they fit into the historic constitutional concept of the census, which is confined to a headcount rather than a solicitation of information on any conceivable subject.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Missouri.

Mr. HUNGATE. I thank the gentleman for yielding.

I commend the gentleman on his efforts on behalf of making the census and the Census Bureau and the agencies responsive to the Congress and the people whom they serve. I joined him in his effort and the legislation he introduced earlier.

Nothing I have ever done, I believe, met with as warm a public response as this, which indicates the concern of the people and the fact that the position the gentleman puts forward is one which is well accepted by the American people.

I want to commend the gentleman again. I hope to hearten him further by saying the response he sees on the floor I do not believe is a measure of the real response in the country to his efforts to see that this system is truly responsive to the will of the people.

There are many things we do delegate to agencies and do not look again at what they are doing. Many things turn on what the census says. People commonly make speeches that 83 percent of the people live in urban areas.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. Hungate, and by unanimous consent, Mr. Betts was allowed to proceed for 5 additional minutes.)

Mr. HUNGATE. We are given figures as to the huge percentages of people who live in urban areas, and programs are directed accordingly. This comes about because the Census Bureau and the departments are defining an urban area as one with 2,500 people. If one defined an urban area to be one with 50,000, the results might be entirely different and the programs might be headed in different directions.

What is a standard metropolitan area is a determining factor for some of these important programs, and that has a great and substantive effect on legislation passed in this body.

Once again I commend the gentleman and thank him for the fine leadership he has provided here. Whatever bill we pass is going to be a better one because of his efforts.

Mr. BETTS. Mr. Chairman, I thank the gentleman for his kind comments and support. I urge support of the amendment and yield back the balance of my time.

Mr. ROUDEBUSH. Mr. Chairman, the Post Office and Civil Service Committee has performed an outstanding job in presenting the House with a census bill that improves and refines many of the objections that were contained in the original plans for the 1970 census.

I am particularly pleased with the provisions that, first, repeal the jail sentence; second, give Congress future approval over the questions; third, provide submission of the proposed census to Congress 3 years in advance; and fourth, strengthen procedures designed to guarantee the confidentiality of census information.

However, as strongly as I endorse these provisions of H.R. 12884, I support the amendment by the gentleman from Ohio (Mr. Betts) which would further strengthen the bill by limiting the number of mandatory questions.

As one of the early sponsors of such legislation this session, I introduced a bill on the first day of the 91st Congress which would limit these mandatory questions.

The constitutional purpose of the census has always been, and remains, to obtain an accurate head count of the Nation's population.

There is unanimous agreement that a successful census must accomplish this, however, I strongly believe that extraneous information should be collected on a strictly voluntary basis to avoid invasion of privacy of the American citizen.

As the gentleman from Ohio has explained, there is no supporting evidence that information gathered on a voluntary and cooperative basis is less valid than information extracted by compulsory means under duress.

Therefore, I wish to acknowledge my strong support for this corrective census legislation, and to endorse the amendment by the gentleman from Ohio.

I believe that the American people will cooperate with our census takers to provide legitimate information, however, I do not wish to see our people confronted by compulsory interrogations on matters of private concern.

Mr. **HAGAN**. Mr. Chairman, I rise to support the amendment being offered by the gentleman from Ohio and to commend him for the fortitude he has exhibited in this legislative endeavor over the last few years.

During this Congress, I joined with a number of my colleagues in introducing similar legislation—H.R. 9286—which limited the number of mandatory questions to be answered under penalty of the law in the 1970 and succeeding decennial censuses.

Although several questions which were obviously an invasion of privacy have been removed, I am disappointed that the committee has failed to allow for a part voluntary census.

I believe we must stop and recall that the original intent of the census under the Constitution is to provide an accurate population count for an equitable apportionment of the House of Representatives. And, as far as I know, this is still the intent of the census.

It is my belief that unless we insist that the Census Bureau strive for an accurate headcount, especially in light of the recent Supreme Court decision, the apportionment of Congress will be jeopardized.

We, too, must remember that this is a decennial census, not an industrial or commercial census, which is an entirely different matter.

Unless this Congress exerts a strong influence on the quality and quantity of questions it so desires, the importance of an accurate headcount will continue to be underemphasized.

The folks in my district are resentful of the directive that they must answer all questions or be subjected to a $100 fine and I am here to represent my people.

We must take the lead in seeing that the decennial census retain its intended constitutional purpose, restore personal privacy rights to the American people through repeal of the criminal penalties, and acknowledge the fact that public cooperation is better than compulsion in seeking the valid information needed to make the forthcoming decennial census successful.

The **CHAIRMAN**. The Committee will rise informally in order that the House may receive a message.

The **SPEAKER** resumed the chair.

The **SPEAKER**. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following date the President approved and signed a joint resolution of the House of the following title:

On September 24, 1969:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

The **SPEAKER**. The Committee will resume its sitting.

CONFIDENTIALITY OF CENSUS INFORMATION

The Committee resumed its sitting.

Mr. **McDONALD** of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of the amendment offered by my good friend and colleague from Ohio. First, I would like to commend the members of the Subcommittee on Census and Statistics for their diligent interest in hearing all sides of the controversy concerning the 1970 census. I feel that their efforts to eliminate the jail penalty and to strengthen the confidentiality provisions are most encouraging. However, I deeply regret they did not take further action by limiting the number of questions requiring answers under penalty of law. I would like to point out that the fundamental problem of census reform is not one of governmental data collection versus noncollection. I am well aware of the significance such information has on many business activities. More important if public officials are to formulate programs responsive to the needs of the people it is imperative our decisions are based on up-to-date facts.

Nonetheless, we must answer the basic question of how to get the best data with the least amount of inconvenience and infringement on certain inalienable human rights, specifically, the individual's right to privacy. The computer can be a most valuable tool, but its use, especially by a governmental agency must be closely scrutinized. During the last few years, there have been extensive legal and other professional writings on the need and right of every citizen to maintain control over information about himself. A partially voluntary census would certainly help achieve this worthy goal.

I realize that there is unanimity in the executive branch that a voluntary approach to the census will not yield sufficient information. I am also aware that the census figures are used to design both public and private voluntary sample surveys. However, I am not familiar with any data supporting the contention that criminal sanctions are any more productive. In fact, my personal experience as a Director of the 1960 census in Wayne County, Mich., leads me to believe that, in general, people are most cooperative in responding without any reference to the possibility of criminal punishment for noncompliance.

The Census Bureau and many State agencies carry out various surveys on a voluntary basis with minimal difficulty. Furthermore, private opinion and marketing organizations often deal with most sensitive areas and they have indicated that they have a very low refusal rate.

Now it has been said that proposals for conducting a substantial part of the census on voluntary basis came predominantly from people with no evident credentials in sampling procedures or in survey techniques. However, several noted statisticians have strongly stated they favor the voluntary census. In addition I would like to elaborate some of the pragmatic considerations which have led me to my position on this important issue.

Within the last decade this Nation has experienced an unprecedented amount of turmoil and dissension leveled against "the establishment" by young people and minority groups. I am also quick to point out that the deep concern and frustration over the census expressed by the average citizen is something we Representatives in Congress feel everyday. With the exception of tax reform, I have received more letters on this subject since January than I have on any other issue.

This situation has relevance when we consider that the 19th decennial census will distribute 60 percent of its questionnaires on a mail-out, mail-back basis and the long forms involving from 66 to 89 questions will be asked of 20 percent of the population. The success of this operation will depend upon the cooperation of our citizens. Granted the threat of criminal sanctions is admittedly only that, since it is most unlikely it will ever be realized. However, in light of the indignant mood of the Nation's populace, many citizens may refuse to cooperate by failing to respond and challenge the Government to prosecute them. To make criminals out of a large number of otherwise law-abiding citizens seems to be misguided and unwarranted.

A good way to reduce this resentment and to promote an atmosphere of courtesy to encourage the needed cooperation would be to eliminate the mandatory nature for all but the six basic categories mentioned in the Betts amendment. I believe this approach is more likely to produce sound data as well as to restore some degree of confidence, respect, and understanding between the people and their Government.

It is important to remember that 5.7 million people were not counted in the 1960 census and that census data serves as the basis for the allocation of funds for many important social programs in addition to legislative redistricting. This latter factor has great importance in light of last year's Supreme Court ruling which requires mathematical precision in reference to the one-man, one-vote concept and extends it to even elected county governing units. Therefore, in light of vital need for public cooperation to insure sound statistical readings coupled with the necessity to protect the right of privacy, it would seem more desirable for the Census Bureau in 1970 to accurately fulfill the basic constitutional purpose of the census and more greatly satisfy congressional mandates by limiting the number of questions to be asked under penalty of law rather than to risk the public's wrath and fail to effectively or adequately achieve either of these goals.

For these reasons I plan to vote for this amendment.

Mr. **CHARLES H. WILSON**. Mr. Chair-

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man, I rise in opposition to the amendment.

May I join those who have commended the gentleman from Ohio (Mr. BETTS) for introducing the original legislation in this field and agree with those who have spoken who said we would not have had legislation on the floor today had it not been for the legislation originally introduced by the gentleman from Ohio. I am one of those who feel this is true. As a result of his legislation and similar types of legislation introduced by more than 150 Members of the House, we did hold hearings on the matter. We were told in these hearings that it takes the Bureau of the Census about a year's leadtime to orderly prepare the census and have it printed and have the mailings taken care of so that it could proceed on schedule, as it is supposed to do, April 1 of 1970. We were able to get some delays in order to have a revision of some of the more controversial questions. I want to compliment the Secretary of Commerce for ~~his~~ cooperation with our committee and ~~his~~ understanding of the problems we have. I think we have gone too far, however, to make further changes which would affect the census to be taken in 1970. We have given assurance to the gentleman and to all of those who support his position that we intend to continue holding hearings and find out if there is not some reasonable way in which we can get a guarantee of a more responsive answer to the voluntary type of questionnaire. From the testimony of all of the witnesses we have, in spite of the fact that there is great opposition to the mandatory type of questions on so many items, we found no witnesses who could assure us that you could have a voluntary type of census which is of some substance. I would hope that those who are in agreement with the gentleman from Ohio (Mr. BETTS), would understand the position the Department is in in trying to prepare for this very important census and allow it to proceed with the questions now included in it. They have been modified and brought up to date. We have put into our bill the provision that there will be congressional approval required for future censuses. I think this is the guarantee the gentleman from Ohio has been seeking. We will only cause damage to a job that has been started and which has already proceeded in a very satisfactory manner. I would ask for the defeat of this amendment, Mr. Chairman.

Mr. BUCHANAN. Mr. Chairman, I rise in full support of the amendment offered by my distinguished colleague, the gentleman from Ohio (Mr. BETTS), which would limit the categories of census questions required to be answered under penalty of law. Under this amendment those questions which are pertinent to the constitutional purpose of the census—that is, name and address, relationship to head of household, sex, date of birth, marital status, and visitors in home at time of census—would retain their mandatory requirements. All other questions currently on the census form or planned for future use could still be included—but on a voluntary basis.

I have long shared my colleague's concern about the prospect of Federal census questions becoming an unwarranted intrusion into the right of privacy cherished by American citizens. Accordingly, I have already joined the gentleman from Ohio in introducing legislation containing the substance of the amendment which is before the House at this time.

Mr. Chairman, H.R. 12884 is a meritorious step in the right direction, for which I commend the committee. Among other things this bill eliminates all jail sentence penalty provisions for failure to answer census questions, it strengthens the confidentiality provisions of census law to further guarantee the protection of our citizens, it improves data collection procedures, and provides for congressional review and approval of questions 3 years before the census date. The House Post Office and Civil Service Committee and particularly its Subcommittee on Census and Statistics are certainly to be commended for their work on this legislation, which in my judgment deserves the support of the Congress.

I share Mr. BETTS' disappointment, however, over the committee's failure to include a provision which would limit the number of mandatory questions and provide for a partially voluntary census. Although I am certainly aware of the vital importance to the Federal Government—and indeed to many others—of the detailed and accurate information which is obtained through the decennial census, there is an urgent need to obtain a proper balance between the necessary acquisition of population data as provided for in the U.S. Constitution and the preservation of individual privacy. I firmly believe that the amendment offered by Mr. BETTS strikes this proper balance. I do not believe, furthermore, that by making part of the census voluntary the completeness, accuracy, and validity of the data obtained would be lessened.

Indeed there is reason to expect that the extensiveness of the mandatory questions in the 1970 census in its present form may substantially reduce the accuracy of the census data. For example, it has been reported that some 5 million people were uncounted in the 1970 census because of their own evasion and unwillingness to answer. The 1970 census may well leave millions more uncounted. By separating those personal questions which could lead to an increase in such census avoidance from those six questions related to the constitutional purpose of the Federal census, I am confident that the essential data obtained from the latter will be significantly more complete.

With respect to those more personal questions which would be made voluntary under this amendment, I believe there is reason to expect that here too the "answer rate" would be substantially improved. There are Americans who would refuse to answer certain census questions of a personal nature primarily because of the intimidation posed by their mandatory nature and the threat of penalties. I am confident that many of these people would not have objection to answering the same questions asked of them voluntarily. We have only to look at the tremendous growth in recent years of the private polling and marketing research industries to find evidence of the extent to which our citizens will cooperate in answering a wide variety of questions put to them on a voluntary basis. Why then should we assume that individuals who have shown themselves willing to cooperate in answering the questions of such private polling organizations would be unwilling to cooperate in equal measure with voluntary census questions?

I firmly believe that the large majority of our citizens would cooperate in answering voluntary census questions. But more important, I believe it to be our constitutional duty to give our citizens the right to cooperate voluntarily in divulging information of a personal nature—rather than demanding it of them under penalty of law.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the gentleman from Ohio (Mr. BETTS) in his efforts to reform the 1970 census. My own bill, H.R. 8312, has the same objective as his amendment and, if not identical, is very similar to his amendment.

Authority for taking the census is found in article 1, section 2, of the Constitution which provides for an enumeration of the population every 10 years. It is significant that the original purpose of the decennial census was to provide a base for apportioning Representatives in Congress and imposing direct taxes. The first census taken in 1790 asked only for the head of the family, the number of free white males 16 years of age or older and the number of white free females and freed slaves. The same information was asked in all the ensuing 50 years. In 1840, it seemed important to ascertain the number of idiots and insane persons. That year was the first time they asked about the occupation of persons. With the passing of each 10-year period, bureaucracy grew a little more. By 1850 they were asking the number of deaf, dumb, and blind individuals. In this year they asked for the first time the question about the value of real estate held.

It is sufficient to say in the first 140 years of the census a lot of things have been asked other than the information needed to apportion the population in the congressional districts. Even so, the "big brother" questions did not come into being until within the last 30 years. In 1940, however, there was some questions which suggested that the census was becoming a way of policing the people. Included in the 18 questions of that year were questions such as "income last year." There was a census of bathroom facilities, toilet facilities, and amount of rent paid. In other words, this was the first census of housing.

No one can deny some of the questions have produced information of value to the Government, but the trend started in 1940 and continuing now until 1970 has gone beyond the realm of propriety. Commencing in 1950 the stage was set for future questions designed to go further and further from the census intent which was to apportion the population into congressional districts and for purposes of direct taxes.

Now, in 1970, it is proposed these questions be asked: First, dollar-by-dollar accounting of income from all sources including public assistance, alimony, unemployment and disability insurance, pension, and investments. It would seem that these questions would provide the opportunity and the temptation for the Internal Revenue Service to use census forms to cross-check tax returns. The American people are already overburdened with tax and Government forms as well as all other sorts of redtape. I support the Betts amendment because I resent a further invasion of the rights of privacy of our people under the guise of census enumeration. None of this has anything to do with apportionment which is the only census authority. Second, the value of property or the amount paid for rent. Quite properly the question should be asked what do these things have to do with accurately counting the population? Third, educational, marital, employment, and military history. If questions such as these are asked, it would seem the argument made by some people is true that the census of the population has really become a way to establish a national data bank. The census has become an information file for keeping tabs on all people such as would be necessary if we were a police state. Fourth, the names of people with whom bathroom and kitchen facilities are shared. This question is offensive and out of place. It should not be a part of the census. Fifth, a listing of television sets, radios, dishwashers, automobiles, second homes, and a long list of household items. Now, the facts are that private industry does a good job of compiling this information. Is it proposed that the Government should take over this kind of statistical work from private industry? It is not beyond the realm of possibility that the purpose of this is to let the Government snoop into our homes for the purpose of double-checking a person's net worth. Sixth, a listing of birthplaces of citizens and their parents. Surely the information where each person and his parents are born will be found, one place or another in our paternalistic Government's recordkeeping. This information is already on file for each of us. Why ask for it again?

Mr. Chairman, I introduced H.R. 8312, my own bill, and I support the Betts amendment because my constituents are rebelling against the extent to which Government snooping has increased. But it is not only private individuals. The small businessman also has just about gone to the limit of his patience and endurance in the proliferation of informational returns he must complete and file. The number of these returns has reached unbelievable proportions. If we do not do something today, the time may very nearly be upon us when there will be a general rebellion of the amount of paperwork heaped upon the heads of our people.

It was encouraging to read a few months ago that the Commerce Department would consider a cutback in the number and kind of questions to be included in the 1970 census. The question we ought to ask is why should the Congress be dependent upon the executive branch? The congressional authority for enumerating the people provides the census shall be taken only in the manner Congress shall provide by law. What has happened is that Congress has abdicated its authority and the executive branch has stepped in. That is the reason the number and kinds of questions in the census questionnaires has proliferated. I understand that the 1970 census questionnaires which contain the many offensive questions have a warning that failure to answer and return the questionnaire exposes the person to a fine or imprisonment. Mr. Chairman, I introduced H.R. 8312 and support the Betts amendment because I believe the American people should not be faced with a $100 fine or 60 days in jail if they decline to reveal some overly personal information about themselves and their households. There is no justification for the mandatory requirement that forces citizens to provide all the detailed information about the questions I listed a moment ago.

If this amendment is not adopted, and unless there are extensive changes and deletions in the questionnaire now proposed, I predict the sensibilities of our people will be so offended as to cause widespread anger and indignant failure to return these forms.

I hope there will be no such failure of our people to return the forms. We do need accurate information as to the population count and such other information as can be developed by asking reasonable and pertinent questions in the enumeration. But, I most emphatically oppose the continuation of blanket authority of the Census Bureau to pose their own questions. We cannot let our country drift into the "big brother" overtones and "data bank" suggestions which attend the proposed 1970 census forms. If we do not do something to curb or limit the mandatory questions on the questionnaire to those questions which are essential to counting the population, the majority of our 62 million householders may respond to the census takers by saying, "it's nobody's business who shares my bathroom."

The title of H.R. 12884, the bill before us today is very interesting. It would seem to be a meritorious objective to assure confidentiality of census information. No one can argue that it does seem to represent a forward step toward involving Congress more directly in census policies and procedures. There has been an effort to strengthen the procedures designed to guarantee the confidentiality of census information.

But, there was no effort to limit the number of mandatory questions to the six questions provided in my bill, H.R. 8312, and as proposed by the Betts amendment. There are still approximately 113 questions in the official census questionnaire which are mandatory. H.R. 12884 does repeal the jail sentence just as our H.R. 8312 provided for the repeal of the jail sentence. But, there is no provision for voluntary questions or a limitation of questions. The bill actually goes in the opposite direction and leaves the door open for further expansion of questions and strengthens the statutory authority for asking these questions.

It is contended there can be no change in the questions which appear in the 1970 census form since the Government Printing Office is now printing these forms. I do not know, this may be true. But if we pass this bill today as amended maybe this will be a signal to the Printer or a flag raised which would slow down the printing as of right now.

Mr. Chairman, the principal thrust of my argument is that there is a feasible solution to the dilemma between the balancing of public needs for information obtained from the census on the one hand, and our inherent right of personal privacy on the other. We should set a limit for minimal basic data needed from the citizens for apportionment purposes which should be mandatory and the rest an entirely voluntary census which would be nonpunitive. Who can successfully argue that such would not be the better procedure? Certainly public cooperation is better than compulsion in obtaining accurate and valid information. We will have an improved bill if we adopt the proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BETTS).

The question was taken; and on a division (demanded by Mr. BETTS) there were—ayes 32, noes 22.

Mr. DULSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. DULSKI. Mr. Chairman, I demand tellers.

Mr. BETTS. Regular order, Mr. Chairman.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent to withdraw my point of order that a quorum is not present.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MONTGOMERY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, will the Chair inform the members of the Committee where we are from the standpoint of the parliamentary situation so we can decide how to proceed?

The CHAIRMAN. The Chair will state to the gentleman from Michigan that if the Chair finds that a quorum is not present, the Chair will order the roll to be called.

Mr. GERALD R. FORD. Mr. Chairman, another parliamentary inquiry: As I understand it, since the gentleman from New York made a point of order that a quorum is not present, subsequent to that a demand was made for tellers and subsequent to that the gentleman from New York sought to withdraw his point or order that a quorum was not present and the gentleman from Mississippi (Mr. MONTGOMERY) objected; is that a statement of fact?

The CHAIRMAN. The Chairman will state to the gentleman from Michigan that that is the fact.

The Chair will proceed to count for a quorum.

Mr. GERALD R. FORD. To count for a quorum?

The CHAIRMAN. Yes.

Seventy-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 186]

Addabbo
Anderson, Tenn.
Annunzio
Baring
Barrett
Bell, Calif.
Bolling
Brown, Calif.
Burton, Utah
Cabell
Cahill
Carey
Celler
Chisholm
Clay
Cowger
Daddario
Dawson
Denney
Dent
Edwards, Ala.
Esch
Fallon
Fascell
Ford, William D.
Frelinghuysen
Giaimo
Gilbert
Goldwater
Griffiths
Grover
Hanna
Hansen, Wash.
Hays
Hébert
Hosmer
Ichord
Karth
Kirwan
Lipscomb
Long, La.
McCloskey
McKneally
Mailliard
Mills
Monagan
Morse
Nix
O'Hara
O'Konski
Ottinger
Passman
Pepper
Pike
Powell
Purcell
Quillen
Reifel
Rivers
Sandman
Scheuer
Sisk
Slack
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Teague, Calif.
Teague, Tex.
Udall
Utt
Vander Jagt
Watson
Whalley
Wiggins
Wright
Wyatt

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Andrews of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12884, and finding itself without a quorum, he had directed the roll to be called, when 353 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CHARLES H. WILSON. Mr. Chairman——

The CHAIRMAN. The Committee will be in order.

Mr. CHARLES H. WILSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. CHARLES H. WILSON. Mr. Chairman, on the Betts amendment I demand tellers.

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, I make a point of order that the demand for tellers is out of order. The time is past for that. The Chair asked for a division vote and the vote was 32 to 22, and the amendment was agreed to. The Chairman announced that the amendment was agreed to. Then the chairman of the full Committee on Post Office and Civil Service made the point of order that a quorum was not present and there was a call of the House.

My point of order is that when the chairman of the Committee on Post Office and Civil Service made the point of order that a quorum was not present, that that cut off the teller vote.

Therefore, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. CHARLES H. WILSON. Mr. Chairman, I just ask for tellers and I assume I am following the correct procedure in asking for tellers. There has been no intervening business, and it is my understanding that——

Mr. MONTGOMERY. There was intervening business. There was a 20-minute delay.

Mr. HALL. Mr. Chairman, may I be heard on this point of order?

Mr. GERALD R. FORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. GERALD R. FORD. May I be heard on the point of order?

The CHAIRMAN. The gentleman from Michigan is recognized on the point of order.

Mr. GERALD R. FORD. There was no intervening business between the division vote and the point of order being made that a quorum was not present. We went through the quorum call immediately, and subsequently the gentleman from California asked for tellers.

The CHAIRMAN. The Chair will state that is the way the Chair recalls the procedure.

Mr. HALL. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will recognize the gentleman from Missouri to be heard on the point of order.

Mr. HALL. Mr. Chairman, I submit that the point of order should not be sustained inasmuch as the record will indicate that the Chair had announced the division vote, but it had not said that the amendment was agreed to. The Chair had not made the final decision. The right of any Member of the House to ask for a teller vote, to ask for a reconsideration, or to ask for any other privileged motion had not inured; therefore the request, because the quorum call could not be interrupted, to ask for tellers is quite in order.

Mr. GERALD R. FORD. Mr. Chairman, would the Chair again recognize me for one other observation?

The CHAIRMAN. The Chair recognizes the gentleman from Michigan on the point of order.

Mr. GERALD R. FORD. Mr. Chairman, I was on my feet awaiting the opportunity to ask for tellers at the time the gentleman from New York made the point of order that a quorum was not present.

The CHAIRMAN (Mr. Andrews of Alabama). The Chair is prepared to rule on the point of order.

The Chair will state that the gentleman from Missouri is correct in his recollection. The Chair had not said that the amendment was agreed to, therefore no intervening business had taken place when the point of order of no quorum was made.

The Chair will read from Cannon's Precedents of the House of Representatives, volume 8, page 646, section 3104:

> The right to demand tellers is not prejudiced by the fact that a point of no quorum has been made against a division of the question on which tellers are requested.

That precedent was established on December 13, 1917.

The Chair therefore overrules the point of order.

Mr. CHARLES H. WILSON. Mr. Chairman, I renew my request for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Betts, and Mr. Charles H. Wilson.

The Committee again divided, and the tellers reported that there were—ayes 107, noes 123.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Andrews of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, pursuant to House Resolution 545, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the Record on the bill H.R. 12884, to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 13827, UNTIL MIDNIGHT SATURDAY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have until midnight Saturday to file a report on the bill, H.R. 13827, a bill to amend and extend laws relating to housing and urban development and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4152), to authorize appropriations for certain

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maritime programs of the Department of Commerce, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 4, strike out "$15,000,000;" and insert "$12,000,000;".

Page 2, line 9, strike out "$2,040,000;" and insert "$2,270,000;".

The **SPEAKER**. Is there objection to the request of the gentleman from Maryland?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, how does the conference report compare with the authorization bill passed by the House?

Mr. **GARMATZ**. The bill H.R. 4152 as passed by the House authorized $15 million for expenses necessary for research and development activities. The Senate reduced it to $12 million because they believed the agency would not be able to use the larger sum at this time.

The other change consists of a change in financial assistance to State marine schools. The House had a sum of $2,040,000, and it was increased to $2,270,000, an increase of $230,000, in order to authorize the appropriation of sufficient funds for the first year of operation of the Great Lakes Maritime Academy.

There was no other change in the House bill.

Mr. **GROSS**. How long has that maritime academy at the Great Lakes been in existence? Is that something new?

Mr. **GARMATZ**. According to the Senate report, I will say to the gentleman from Iowa, at present there is no maritime academy located at the Great Lakes. Neither the Federal Merchant Marine Academy at Kings Point, N.Y., nor the several existing State schools furnish graduates trained to the particular needs of Great Lakes commerce, where more than 200 U.S.-flag vessels of 1,000 gross tons or over are operated. The establishment of a Great Lakes Maritime Academy would serve to meet the manpower needs of this trade.

Mr. **GROSS**. When was the school established? How long has it been in existence?

Mr. **GARMATZ**. Since 1957, Northwestern Michigan College has been working to establish a Great Lakes Maritime Academy.

Mr. **GROSS**. Working to establish it—but has it been established? Have we been funding this academy?

Mr. **GERALD R. FORD**. Mr. Speaker, will the gentleman from Iowa yield?

Mr. **GROSS**. I yield to the gentleman from Michigan.

Mr. **GERALD R. FORD**. Mr. Speaker, this academy was established about 3 years ago. It is in operation. They have gotten a grant vessel from the Coast Guard or Navy—I cannot remember. It is in operation and a going school and it is highly important to the whole Great Lakes area, the five large inland lakes. Although it is not in my district, I am familiar with it in general. I think it is a badly needed authorization.

Mr. **GROSS**. Has there been any diminution in the appropriation for the academy at Kings Point, under the circumstances of the establishment of another school?

Mr. **GARMATZ**. No.

Mr **GROSS**. Mr. Speaker, I thought we had a disappearing merchant marine.

Mr. **GARMATZ**. We do have several bills which will be coming before the committee shortly which will increase allowances for the Merchant Marine Academy and other State academies.

Mr. **GROSS**. We were told we have a disappearing merchant marine and that it is going downhill all the time. The American flag is going off the sea. Yet, we see another academy started. I am curious to know when and how many more academies it is contemplated to have in order to supply men for a merchant marine that is fast disappearing.

Mr. **GARMATZ**. Mr. Speaker, we hope this will help to build up our overall maritime picture. There is no question about the need for it in the Great Lakes region.

Mr. **GROSS**. Of course, they have been going to Kings Point and other State academies.

Mr. **GARMATZ**. But Kings Point is limited as to the number of students.

Mr. **KEITH**. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the gentleman from Massachusetts.

Mr. **KEITH**. Mr. Speaker, I would like to ask a question of the chairman. As the gentleman knows, I have been very much concerned about the amount of support that the students in the several maritime academies get. There has been no increase in allotment either to them as individuals or to the schools themselves for a period of several years. I have a bill that would give a sort of cost of living increase both to the schools that have the increased overhead and also to the students which also have increased overhead.

I firmly believe, as the gentleman knows, in the merchant marine and in the need for these academies. I share the concern of the gentleman from Iowa that we do not want to have so many of the schools spread around that we cannot get adequate numbers of students for those in existence. I do not think we have reached that point, but we are going to reach that point if we do not make it a little bit easier for the boys who go to these academies as contrasted with other educational institutions.

I would like to have some assurance that we are going to get some action on the bill that will adjust the allowances upward in modest amounts commensurate with the cost of operation and the cost of living—that is the budgets for the currently existing academies.

Would the gentleman from Maryland care to comment on that?

Mr. **GARMATZ**. As a member of the committee I assured the gentleman we would have hearings on his bill as soon as possible.

Mr. **KEITH**. That is a very open-ended observation. The gentleman sort of qualified it, if my memory is correct, if we could find a little more evidence of interest in this matter on the part of our constituents. My constituents have written me, and many have sent me copies of letters to the chairman and to the committee, indicating their great interest in this matter. It is a very natural thing, of course.

Mr. **GARMATZ**. I would hope by the middle of October, or a week or so later, there would be time for the bill.

Mr. **KEITH**. I thank the chairman very much.

Mr. **GROSS**. Mr. Speaker, I have no desire to prolong this colloquy, except to say in conclusion I am going to be very much interested in this subject, of which I was not aware until the Senate amendments came back, and very much interested in it when the appropriation bill surfaces in the House.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, SEPTEMBER 29, 1969

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that when the House adourns today it adjourn to meet on Monday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-163)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

This nation must not break faith with those Americans who have a right to expect that Social Security payments will protect them and their families.

The impact of an inflation now in its fourth year has undermined the value of every Social Security check and requires that we once again increase the benefits to help those among the most severely victimized by the rising cost of living.

I request that the Congress remedy the real losses to those who now receive Social Security benefits by increasing payments by 10 per cent.

Beyond that step to set right today's inequity, I propose that the Congress make certain once and for all that the retired, the disabled and the dependent never again bear the brunt of inflation. *The way to prevent future unfairness is to attach the benefit schedule to the cost of living.*

This will instill new security in Social Security. This will provide peace of mind to those concerned with their retirement years, and to their dependents.

By acting to raise benefits now to meet the rise in the cost of living, we keep faith with today's recipients. By acting to make future benefit raises automatic

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with rises in the cost of living, we remove questions about future years; we do much to remove this system from biennial politics; and we make fair treatment of beneficiaries a matter of certainty rather than a matter of hope.

In the 34 years since the Social Security program was first established, it has become a central part of life for a growing number of Americans. Today approximately 25 million people are receiving cash payments from this source. Three-quarters of these are older Americans; the Social Security check generally represents the greater part of total income. Millions of younger people receive benefits under the disability or survivor provisions of Social Security.

Almost all Americans have a stake in the soundness of the Social Security system. Some 92 million workers are contributing to Social Security this year. About 80 per cent of Americans of working age are protected by disability insurance and 95 per cent of children and mothers have survivorship insurance protection. Because the Social Security program is an essential part of life for so many Americans, we must continually re-examine the program and be prepared to make improvements.

Aiding in this Administration's review and evaluation is the Advisory Council on Social Security which the Secretary of Health, Education and Welfare appointed in May. For example, I will look to this Council for recommendations in regard to working women; changing work patterns and the increased contributions of working women to the system may make present law unfair to them. The recommendations of this Council and of other advisers, both within the Government and outside of it, will be important to our planning. As I indicated in my message to the Congress on April 14, improvement in the Social Security program is a major objective of this Administration.

There are certain changes in the Social Security program, however, for which the need is so clear that they should be made without awaiting the findings of the Advisory Council. The purpose of this message is to recommend such changes.

I propose an across-the-board increase of 10% in Social Security benefits, effective with checks mailed in April 1970, to make up for increases in the cost of living.

I propose that future benefits in the Social Security system be automatically adjusted to account for increases in the cost of living.

I propose an increase from $1680 to $1800 in the amount beneficiaries can earn annually without reduction of their benefits, effective January 1, 1971.

I propose to eliminate the one-dollar-for-one-dollar reduction in benefits for income earned in excess of $2880 a year and replace it by a one dollar reduction in benefits for every two dollars earned, which now applies at earnings levels between $1680 and $2880, also effective January 1, 1971.

I propose to increase the contribution and benefit base from $7800 to $9000, beginning in 1972, to strengthen the system, to help keep future benefits to the individual related to the growth of his wages, and to meet part of the cost of the improved program. From then on, the base will automatically be adjusted to reflect wage increases.

I propose a series of additional reforms to ensure more equitable treatment for widows, recipients above age 72, veterans, for persons disabled in childhood and for the dependent parents of disabled and retired workers.

I emphasize that the suggested changes are only first steps, and that further recommendations will come from our review process.

The Social Security system needs adjustment now so it will better serve people receiving benefits today, and those corrections are recommended in this message. The system is also in need of long-range reform, to make it better serve those who contribute now for benefits in future years, and that will be the subject of later recommendations.

THE BENEFIT INCREASE

With the increase of 10%, the average family benefit for an aged couple, both receiving benefits, would rise from $170 to $188 a month. Further indication of the impact of a 10 per cent increase on monthly benefits can be seen in the following table:

	Present minimum	New minimum	Present maximum	New maximum
Single person (a man retiring at age 65 in 1970)	$55.00	$61.00	$165.00	$181.50
Married couple (husband retiring at age 65 in 1970)	82.50	91.50	247.50	272.30

The proposed benefit increases will raise the income of more than 25 million persons who will be on the Social Security rolls in April, 1970. Total budget outlays for the first full calendar year in which the increase is effective will be approximately $3 billion.

AUTOMATIC ADJUSTMENTS

Benefits will be adjusted automatically to reflect increases in the cost of living. The uncertainty of adjustment under present laws and the delay often encountered when the needs are already apparent is unnecessarily harsh to those who must depend on Social Security benefits to live.

Benefits that automatically increase with rising living costs can be funded without increasing Social Security tax rates so long as the amount of earnings subject to tax reflects the rising level of wages. Therefore, I propose that the wage base be automatically adjusted so that it corresponds to increases in earnings levels.

These automatic adjustments are interrelated and should be enacted as a package. Taken together they will depoliticize, to a certain extent, the Social Security system and give a greater stability to what has become a cornerstone of our society's social insurance system.

REFORMING THE SYSTEM

I propose a series of reforms in present Social Security law to achieve new standards of fairness. These would provide:

1. *An increase in benefits to a widow who begins receiving her benefit at age 65 or later.* The benefit would increase the current 82½% of her husband's benefit to a full 100%. This increased benefit to widows would fulfill a pledge I made a year ago. It would provide *an average increase of $17 a month to almost three million widows.*

2. *Non-contributory earnings credits of about $100 a month for military service* from January, 1957 to December, 1967. During that period, individuals in military service were covered under Social Security but credit was not then given for "wages in kind"—room and board, etc. A law passed in 1967 corrected this for the future, but the men who served from 1957 (when coverage began for servicemen) to 1967 should not be overlooked.

3. *Benefits for the aged parents of retired and disabled workers.* Under present law, benefits are payable only to the dependent parents of a worker who has died; we would extend this to parents of workers who are disabled or who retire.

4. *Child's insurance benefits for life* if a child becomes permanently disabled before age 22. Under present law, a person must have become disabled before age 18 to qualify for these benefits. The proposal would be consistent with the payment of child's benefit to age 22 so long as the child is in school.

5. *Benefits in full paid to persons over 72,* regardless of the amount of his earnings in the year he attains that age. Under present law, he is bound by often confusing tests which may limit his exemption.

6. *A fairer means of determining benefits payable on a man's earnings record.* At present, men who retire at age 62 must compute their average earnings through three years of no earnings up to age 65, thus lowering the retirement benefit excessively. Under this proposal, only the years up to age 62 would be counted, just as is now done for women, and three higher-earning years could be substituted for low-earning years.

CHANGES IN THE RETIREMENT TEST

A feature of the present Social Security law that has drawn much criticism is the so-called "retirement test," a provision which limits the amount that a beneficiary can earn and still receive full benefits. I have been much concerned about this provision, particularly about its effects on incentives to work. The present retirement test actually penalizes Social Security beneficiaries for doing additional work or taking a job at higher pay. This is wrong.

In my view, many older people should be encouraged to work. Not only are they provided with added income, but the country retains the benefit of their skills and wisdom; they, in turn, have the feeling of usefulness and participation which employment can provide.

This is why I am recommending changes in the retirement test. Raising the amount of money a person can earn in a year without affecting his Social Security payments—from the present $1680 to $1800—is an important first step. But under the approach used in the present retirement test, people who

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earned more than the exempt amount of $1680, plus $1200, would continue to have $1 in Social Security benefits withheld for every $1 they received in earnings. A necessary second step is to eliminate from present law the requirement than when earnings reach $1200 above the exempt amount, Social Security benefits will be reduced by a full dollar for every dollar of added earnings until all his benefits are withheld; in effect, we impose a tax of more than 100% on these earnings.

To avoid this, I would eliminate this $1 reduction for each $1 earned and replace it with the same $1 reduction for each $2 earned above $3000. This change will reduce a disincentive to increased employment that arises under the retirement test in its present form.

The amount a retired person can earn and still receive his benefits should also increase automatically with the earnings level. It is sound policy to keep the exempt amount related to changes in the general level of earnings.

These alterations in the retirement test would result in added benefit payments of some $300 million in the first full calendar year. Approximately one million people would receive this money—some who are now receiving no benefits at all and some who now receive benefits but who would get more under this new arrangement. These suggestions are not by any means the solution to all the problems of the retirement test, however, and I am asking the Advisory Council on Social Security to give particular attention to this matter.

CONTRIBUTION AND BENEFIT BASE

The contribution and benefit base—the annual earnings on which Social Security contributions are paid and that can be counted toward Social Security benefits—has been increased several times since the Social Security program began. The further increase I am recommending—from its present level of $7800 to $9000 beginning January 1, 1972—will produce approximately the same relationship between the base and general earnings levels as that of the early 1950s. This is important since the goal of Social Security is the replacement, in part, of lost earnings, if the base on which contributions and benefits are figured does not rise with earnings increases, then the benefits deteriorate. The future benefit increases that will result from the higher base I am recommending today would help to prevent such deterioration. These increases would, of course, be in addition to those which result from the 10% across-the-board increase in benefits that is intended to bring them into line with the cost of living.

FINANCING

I recommend an acceleration of the tax rate scheduled for hospital insurance to bring the hospital insurance trust fund into actuarial balance. I also propose to decelerate the rate schedule of the old-age, survivors and disability insurance trust funds in current law. These funds taken together have a long-range surplus of income over outgo, which will meet much of the cost. The combined rate, known as the "social security contribution," already scheduled by statute, will be decreased from 1971 through 1976. Thus, in 1971 the currently scheduled rate of 5.2% to be paid by employees would become 5.1%, and in 1973 the currently scheduled rate of 5.65% would become 5.5%. The actuarial integrity of the two funds will be maintained, and the ultimate tax rates will not be changed in the rate schedules which will be proposed.

The voluntary supplementary medical insurance (SMI) of title XVIII of the Social Security Act, often referred to as part B Medicare coverage, is not adequately financed with the current $4 premium. Our preliminary studies indicate that there will have to be a substantial increase in the premium. The Secretary of Health, Education and Welfare will set the premium rate in December for the fiscal year beginning July 1970, as he is required to do by statute.

To meet the rising costs of health care in the United States, this Administration will soon forward a Health Cost Control proposal to the Congress. Other administrative measures are already being taken to hold down spiraling medical expenses.

In the coming months, this Administration will give careful study to ways in which we can further improve the Social Security program. The program is an established and important American institution, a foundation on which millions are able to build a more comfortable life than would otherwise be possible—after their retirement or in the event of disability or death of the family earner.

The recommendations I propose today, which I urge the Congress to adopt, will move the cause of Social Security forward on a broad front.

We will bring benefit payments up to date.

We will make sure that benefit payments stay up to date, automatically tied to the cost of living.

We will begin making basic reforms in the system to remove inequities and bring a new standard of fairness in the treatment of all Americans in the system.

And we will lay the groundwork for further study and improvement of a system that has served the country well and must serve future generations more fairly and more responsively.

RICHARD NIXON.

THE WHITE HOUSE, *September 25, 1969.*

DELINQUENT TAXES, A SHOCKING NEW TAX LOOPHOLE

(Mr. VANIK asked and was given permision to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, every day turns up a shocking new tax loophole which increases the tax burden on the average taxpayer who must foot the bill.

According to the latest Internal Revenue Service figures provided to my office, interest on delinquent taxes owed to the U.S. Treasury by individuals and corporations in fiscal year 1969 amounted to over $567 million. This amount of interest would indicate a $9.5 billion tax delinquecy in fiscal 1969: At this rate, the tax delinquency will increase in fiscal year 1970 by 12 percent—over $11 billion.

There is no joy to the American taxpayer in Treasury collection of this interest at a 6-percent rate. Who can get money cheaper than that? The delinquent taxpayer can invest these funds in absolute security at 8 percent or 12 percent. The delinquent taxpayer can profit by arbitrage at the expense of all other taxpayers who pay their bills.

It is incredible—but the delinquent taxpayer has another useful gimmick. He can get a tax writeoff against his current taxes for the interest he pays the Internal Revenue Service on his delinquent tax bill. This reward for delinquency adds a cruel insult to the average taxpayer who has to pay his tax bill before it is due.

Following is a table on interest received by the Treasury on tax delinquency in fiscal years 1967 and 1969:

	Fiscal year 1967	Fiscal year 1969
Interest on current assessments:		
Individual and OASDI withheld	$22,805,671	$45,248,522
Individual, other	40,493,167	56,270,714
Corporation	34,391,853	56,826,673
Excise	7,176,318	7,665,066
Estate and gift	13,017,332	19,341,523
Carriers' tax	338,306	1,045,712
Federal unemployment	1,532,283	1,767,477
Total	119,802,932	188,165,690
Interest on returns which have been audited:		
Individual and OASDI withheld	1,265,526	2,931,425
Individual, other	93,351,541	100,289,019
Corporation	208,052,317	233,279,121
Excise	6,497,014	4,725,364
Estate and gift	26,714,476	38,293,106
Carriers' tax	10,855	11
Federal unemployment	106,294	57,792
Total	335,998,028	379,575,842
Grand total, all interest	455,800,960	567,741,532

STUDENT LOANS CUT $35 MILLION

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I regret to say, this year President Richard Nixon is holding out on our Nation's college students. In an incredibly shortsighted move, the President proposed to the Congress that the funding level of the National Defense Education Act—NDEA—loan program be cut to $155 million, $35 million less than the $190 million appropriated last year.

Education should be the last place to suffer the President's budget slashes. What we are talking about are loans—not scholarships—which determine for most recipients whether or not they will go to college. The President's answer may be that the students can go to a local bank to get a loan, but with today's tight monetary situation, banks simply are not lending money to students.

Last week Representative NEAL SMITH, the distinguished gentleman from Iowa and a member of the Appropriations Committee, pointed out that the President, by a stroke of the pen can immediately release $35 million to our colleges for these loans; he need only to write a letter to the Congress revising his budget figure to the level of last year's appropriation. Under the continuing resolution a Department's spending cannot exceed the

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previous year's appropriation or the President's recommendation, whichever is lower. In this case, the President's recommendation was lower. And so, while the House has already approved $222 million for an expanded loan program, the Department has to hold its spending to the President's $155 million while it waits for the Senate to act on the House approved bill.

The President knows that the final appropriations bill to be approved by the Congress will provide at least the amount appropriated last year, $190 million, and probably more. The President's negligence in failing to act at this time affects the scholastic lives of an estimated 50,000 students, and this country should not let him get away with it.

The President has talked a lot recently about providing training for anyone who wants to work and needs a skill. I concur. At the same time we must not forget those students who need financial help to go to college. Education is not the place to save money, it is an investment in the future—an investment in our country's resources.

Mr. Speaker, I believe that the President can be persuaded to amend his budget request on this item if the students, professors, and college administrators of this country will only deluge him with letters urging him to do so. The time for action is here, surely the President will take this small step so important to the young people of this country.

CRIME CAPITAL

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, it comes as no surprise, since neither the new administration, the city, or Congress has done much about it, to learn that crime continues to rise here in Washington about four times higher than the national average.

Murder is up 42 percent since January; robberies, 46 percent; rape, 50 percent; larceny, 58 percent. Although Washington is the Nation's ninth largest city, it ranks sixth in murder, fifth in robberies and eighth in assaults.

Hearings on crime proposals are now underway in the House and Senate, but it took the administration so long to send up its proposals it may be difficult to get final action before the end of the year. Congress cannot put the blame for legislative delay solely on the new administration, although the inaction and lack of concern has shocked many who expected swift recommendations after the inauguration. Congress should have shown more concern on its own part after it became apparent, when the President reappointed Walter Washington as mayor of the city, that city government and the White House would not change direction and face the realities of the crime crisis.

While much of the attention has been focused on changes in law and in court reform, both of which are necessary steps, too little has been done by the city, the Justice Department or the White House within existing law to halt the crime wave. I realize that the President said many things during the campaign last fall that may be difficult to accomplish. And the demands on his time and attention are great. Yet he did make crime in Washington an important part of his campaign. He did appoint the Mayor and City Council Chairman, and the Attorney General of the United States and the District Attorney for Washington. Surely the President does not want to see Washington the deserted city it has become after dark.

The nature of the President's high office requires that he live behind iron gates, but surely he does not want to see iron gates on every storefront in the Capital of this great republic. I cannot believe he wants to see citizens arm themselves and live behind double locked doors, afraid to venture outside. Yet that is exactly what is happening, within the shadow of the White House.

Crime is like a cancer, spreading throughout the city, affecting the poor, the rich, the local resident, and the tourist.

It directly affects the cost of living, by increasing the cost of doing business here. Every customer of a Safeway grocery store, People's drug store, or High's dairy store pays the added cost of the almost daily robberies at these places of business. It is no wonder that Washington's cost of living increases well ahead of the national average when the crime rate also exceeds the national average by such a large percentage.

The President's own private secretary has been a victim of a burglary. A U.S. Senator was attacked in the elevator of his apartment house. FBI secretaries are attacked leaving the FBI building. And a third grade classroom in a public school was invaded by armed robbers who threatened the class while taking money from their teacher.

Mr. President, how can you tolerate these conditions in your Capital? Why not order a full crackdown on crime similar to the one you ordered on illegal drugs? Why not bring into Washington whatever manpower is necessary to do the job now? Put more policemen on the street. Take them off office jobs, and traffic work, even if you must bring in military police to take over these duties. Why not call in all of the officials, city and Federal, who are answerable to the President of the United States and tell them to put a stop to the crime wave now, or pack their bags and look for jobs elsewhere.

PRESIDENT'S INACTION ON TAX REFORM CRITICIZED

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, since my election on April 1, I have purposely tried to withhold strong criticism of the President because he, like I, has only been in his new job for a few short months. I share the sentiment voiced by the distinguished gentleman from Missouri, Congressman JAMES SYMINGTON, who stated recently:

> I would prefer not to add to the burden of any President more than conscience and honest difference require.

I have planned and I continue to plan to give to the President all the support I can, consistent with the dictates of my conscience and the needs of the Seventh District of Wisconsin. But the action of the President on the issue of tax reform requires me, in good conscience, to speak out because it is obvious that the President's recommendations to the Senate Finance Committee amount to little less than a sabotaging of the House-passed tax reform bill.

The House-passed bill contains some bad features, but I had hoped we would have the assistance of the President in the drive for tax reform so that the efforts of a good many Members of Congress from both sides of the political aisle, would not be wasted. But a review of newspaper headlines the day after the Secretary of the Treasury, David Kennedy, presented to the Senate Finance Committee President Nixon's suggested changes in the House-passed tax reform bill, reveal that the President has clearly not come down on the side of the public interest. In the 2 days after Secretary Kennedy testified on the tax reform bill, these headlines appeared in newspapers across the country:

"Nixon Presents Tax Bill That Would Limit Reform and Trim Levy on Corporations"—New York Times, September 15, 1969;

"Tax Bill Cheered by Wall Street"—New York Times, September 6, 1969, and the article went on to say:

> Wall Street reacted with undisguised glee yesterday to the Nixon Administration's tax bill announced on Thursday that would limit the reforms approved by the House.

"Nixon Tax Bid Gives Firms Bigger Break"—Washington Post, September 5, 1969.

"Administration To Seek Corporate Tax Cut to 46 Percent From 48 Percent—Sharp Battle Expected With Democrats"—Wall Street Journal, September 5, 1969, and that headline was followed by the following comments:

> The Nixon Administration headed into a big fight with Democrats by proposing that Congress cut the regular corporate income tax rate to 46% from 48% over a 2-year period starting in 1971 . . . The Administration would do this by reducing many of the tax benefits the House voted last month for low and middle-income persons.

These newspaper comments indicate just how far the administration has retreated from its promise in April to close tax loopholes that were causing a taxpayers' rebellion throughout the country.

What changes in the House-passed bill did the President recommend that caused such startling comments:

First. The House-passed bill contained $7.3 billion in tax relief for individual taxpayers. President Nixon asked Congress to eliminate $2.5 billion in tax reductions to individual taxpayers and substituted a 2-percent tax reduction for corporations instead.

Second. Under the House-passed bill, the average tax for a family of four with an income of $4,000 would be $65. President Nixon would raise it to $81. A family of four with an income of $7,500 would

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pay $576 in taxes under the House-passed bill, but would pay $616 under the President's recommendations.

Third. The capital gains loophole, which was slightly tightened by the House bill, would be lessened again under the President's recommendations.

Fourth. The House bill would raise the 10-percent standard deduction for individual taxpayers to 15 percent, but the President would cut it back to 12 percent.

Fifth. The municipal bond loophole, which presently allows the wealthy to escape taxation by investing their income in tax-free municipal bonds, was closed by the House bill. The President weakened the House attempt to close this unconscionable loophole.

The impact of the President's changes on the individual taxpayer can be clearly seen by the following United Press International tax table, which shows the difference in taxes which would be required under the House and the administration bills:

TAX PLANS COMPARED

WASHINGTON, D.C.—The treasury department Thursday showed the senate a table to demonstrate the effect beginning in 1972 of the administration's tax reform proposals and the house passed tax reform bill on a family of four with nonbusiness expenses totaling 10% of income:

Adjusted gross income	Present tax	House	Administration
$3,000	0	0	0
$3,500	$70	0	0
$4,000	140	$65	$81
$4,500	290	200	253
$7,500	687	576	616
$10,000	1,114	858	1,012
$12,500	1,567	1,347	1,447
$15,000	2,062	1,846	1,951
$17,500	2,598	2,393	2,451
$20,000	3,160	2,968	2,968
$25,000	4,412	4,170	4,170

Bad as the President's recommendations are, they did at least have two redeeming features:

First. The President did make good suggestions for narrowing the hobby-farming loophole and for correcting a House mistake in the area of cooperative taxation.

Second. The President did support the House move to cut the oil depletion allowance from 27½ to 20 percent.

But the blockbuster came on Wednesday when the Associated Press revealed that Harry S. Dent, Deputy Counsel to the President has written a letter to the county board of oil rich Midland County in Texas promising administration reversal of its position in support of a cut in the oil depletion allowance. Mr. Dent wrote:

> The recent testimony before the Senate Finance Committee is to be corrected very soon by the Secretary of the Treasury. The President continues to stand by his campaign commitments.

The Associated Press article stated that the commitment Dent referred to was made by President Nixon in a Texas speech last fall when he said:

> I oppose reduction of that 27½ percent allowance.

Such a reversal in the administration position would mean that the administration has taken even the last remaining step away from tax reform. And even if that reversal does not take place, the mere knowledge that the President privately prefers not to reduce the depletion allowance makes it more difficult to win the fight for that reduction.

One Member of this House warned in July that we could paint the most beautiful tax reform bill in the world, but that by the time the bill left the Senate it would look like someone has been finger-painting it with boxing gloves. Little did we know at the time that the fingerpainting would be done by the Secretary of the Treasury on the instructions of the President.

The weakness exhibited by this administration on the whole question of tax reform becomes more clear each day. It is testimony to the correctness of those of us in the Congress who opposed extension of the surtax without prior action on tax reform in the belief that if the surtax was extended, tax reform would never come.

The House-passed tax bill still contains loopholes that need to be closed further, not widened. That cannot happen with weak administration action.

I do not like saying what I have said today. I do not believe that any Member of Congress likes to say things like this about the President of the United States, but the stakes in this issue for the American taxpayer are too high to be submerged by other considerations.

The American taxpayer has throughout the years compiled a truly remarkable record of responsibility and generosity. He has reached into his pocket to help support not only his own society, but many others as well all around the globe. And he has done it largely on a self-assessment basis, despite his knowledge that for years special privilege loopholes in tax laws have given help to the rich and powerful at the expense of the lobbyless American taxpayer.

The American taxpayer does not ask much of his Government. He does not, by and large, seek to avoid his responsibility as a citizen so long as he knows that everyone else is also doing his fair share. He has a right to expect Congress to insure that everyone is doing his share and he has certainly, above all, the right to expect his President to be doing the same.

DISGRACEFUL SPECTACLE WITH REFERENCE TO PENDING TRIAL

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, the disgraceful spectacle that the news media are parading before the American people of U.S. soldiers pending trial for activities connected with their military operations against the enemy requires careful evaluation and consideration, and not a premature and emotional overreaction.

I, like most men on the street, do not favor the aspect of trying U.S. servicemen in a time of war for murder or conspiracy to murder an enemy agent—double agent or not. But I am constrained to accept that there are recognized military legal channels which must be followed. As a former combat infantryman, I also understand that the accepted conventional standards of the continental United States in peacetime may differ from those in a foreign country in a time of war, where even the simplest everyday action may mean sudden death. The most serious consequence of the whole situation has been that an all-out operation to sensationalize the incident seems to have generated a public opinion which has confused known facts with suppositions and half-truths so that the Green Berets have become but pawns in the game. Attention has been so skillfully diverted that the defendant on trial now appears to be the military services, military justice, and every man in uniform.

I do not pretend to know the facts, but as a former judge I do know that hearsay and newspaper stories of what is supposed to have occurred are not evidence either for or against anyone accused of wrongdoing.

As an attorney, I know that the ethics of the legal profession condemn wild public claims instigated by attorneys with the suspect purpose of molding opinion in a case, thereby preventing a fair and impartial trial. Legal ethics forbid such self-serving conduct by attorneys for while it may benefit the lawyer, it does irreparable damage to the client. The appropriate bar associations should examine the activities—not of our soldiers in Vietnam—but of the attorneys whose flamboyant accusations and wild charges represent an exploitation—not a defense—of their clients. These attorneys' conduct and statements are as disgusting as what they claim are the improprieties of the military.

Under the Constitution, this Congress is charged with the responsibility for making rules for the government of the Armed Forces of the United States. We have made these rules. We have not seen fit to provide for trial of military offenses in either the press or in civilian courts, but the courts-martial.

I urge an open mind in this matter unless and until the real facts are represented as we have provided by law.

If there is reason to believe that an offense punishable under the Uniform Code of Military Justice, an enactment of this Congress, has occurred then it is the duty of the appropriate military authorities and the President as Commander in Chief to take proper steps to see that the accused are accorded our traditional presumption of innocence and their rights to be preserved throughout, while the case is handled before a competent tribunal.

Certainly, no one can remain unmoved by this incident, for not one of us would sit back and permit a military fighting man of our country to be used as a scapegoat or a sacrifice for political expedience. Nevertheless, wisdom would have us subdue our emotions and safeguard against that possibility by observing the proceeding with keen interest, refraining from intermeddling, and allowing the machinery of military justice to operate as we have provided by law.

THE ISSUE OF SOCIAL SECURITY

(Mr. BOGGS asked and was given permission to address the House for 1 min-

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ute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I had the very difficult task of serving as the chairman of the Democratic platform committee last year. We wrote into that platform language calling for the automatic revision of the social security program as the cost of living advanced.

Mr. Speaker, I think the time has come for us to take action on social security payments.

Eighty-three percent of all our senior citizens—approximately 15,000,000—have only one source of income; namely, social security payments. I would hope that the Committee on Ways and Means on which I serve as the ranking member will begin hearings on this question very soon and that we raise social security benefits by at least 15 percent across the board, effective December 1 of this year.

Mr. Speaker, when I served as chairman of the platform committee at the Democratic National Convention just over a year ago, one of the most important issues we faced in drafting the platform was the issue of social security.

At that time, we wrote about our senior citizens:

> A lifetime of work and effort deserves a secure and satisfying retirement.
>
> Benefits, especially minimum benefits, under Old Age, Survivors, and Disability Insurance should be raised to overcome present inadequacies and thereafter should be adjusted automatically to reflect increases in living costs.

The time has now come for action on this pledge. We have seen President Johnson recommend a 10-percent increase in social security benefits before he left office, and we have seen President Nixon recommend that the benefits be raised.

Speaking as the ranking majority member on the Committee on Ways and Means, which will soon begin hearings on this vital subject, I would like to say that I believe it is imperative that we increase benefits across the board by at least 15 percent, effective December 1, 1969.

The compelling reason for this increase is to immediately rectify the decrease in the real buying power of social security payments that has come about in the rise in the cost of living. Since we last increased social security benefits, the cost of living has gone up 8.2 percent and the prospects are that it will continue to go up.

In addition, the Ways and Means Committee and each individual Congressman has been deluged with mail from the 25 million social security beneficiaries who are pleading for an increase to keep up with the rising cost of living.

The Democrats are responsible for the social security program. We enacted it in 1935 and we have sustained it ever since. We have made it work, we have made it our country's largest income maintenance program. Through it, we are approaching our goal of providing every elderly American citizen with a decent retirement income. And, more and more widows, young children and disabled persons are meeting their special challenge out of the depravity of poverty.

This magnificent system is being threatened today by the price spiral. And it is the time for all of us to stop this erosion of purchasing power of our senior citizens.

NATIONAL GUARD TECHNICIANS

(Mr. FRIEDEL asked and was given permission to address the House of 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, I am today introducing a bill which would correct inequities in the crediting of National Guard technician service and extend certain benefits to National Guard technicians.

The National Guard Technicians Act of 1968, clarified the status of National Guard technicians and made them Federal employees. My bill would correct certain inequities in the crediting of National Guard technician service in connection wth civil service retirement and would provide such rights as a uniform merit promotion program for technicians, as well as certain benefits, particularly applicable to these technicians. It also would provide that a National Guard technician who is separated from service after becoming 50 years of age and completing 20 years of service in the performance of such duty, would receive an annuity if the Secretary of the military department concerned recommended retirement and the Civil Service Commission approved the recommendation.

I am pleased to state that this bill has received the strong endorsement of the National Federation of Federal Employees, which has many technicians among its membership and also a large and growing list of locals composed of these employees, who are, in my judgment, properly and urgently hopeful that Congress will take the action provided under the terms of this constructive legislation.

There is a definite need for legislation giving these rights and benefits to the National Guard technicians. By every yardstick it is proper to treat National Guard technicians in a manner befitting the responsibilities which they have, and accord them the rights and benefits to which they are entitled as skilled Federal employees. Mr. Speaker, I urge prompt and favorable action by Congress on this bill.

REPORTS OF MISTREATMENT AND ABUSE IN THE ARMED FORCES

(Mr. MESKILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESKILL. Mr. Speaker, today I rise to bring a matter to the attention of the Members of this body which has given me a great deal of concern.

In recent days the press has contained a number of reports of Armed Forces recruits being mistreated and abused. If these reports are substantiated, they certainly raise some very serious questions about the conduct and procedures used in training our recruits for military duty.

I am prompted to speak to you on this subject today as a result of a matter that came to my attention early this week. On Monday evening, I was notified that Pvt. David L. Swanson, of my hometown of New Britain had committed suicide. Private Swanson was found Sunday morning by his father at their home in New Britain.

I have written to the Secretary of the Army, Stanley R. Resor, demanding an immediate investigation into the death of Private Swanson, a recruit at Fort Dix, N.J.

The details of the case are as follows:

On August 25, I was notified that Mrs. Arvid Swanson, mother of the boy, had contacted my office expressing her concern for her son's welfare. She informed my secretary that her son had attempted to commit suicide by slashing his wrists.

Immediately, my office contacted Army officials at the Army liaison office at Fort Dix advising them of Private Swanson's suicide attempt. I asked officials at Fort Dix to be alerted to the possibility that the boy might try to take his life again as he was still in an apparently depressed state of the mind.

On August 28, I received a letter from Private Swanson, himself, explaining his suicide attempt and confirming my concern that he might try again. The boy said he could not stand Army life, and indicated that he had been the object of abusive treatment by Army superiors. He reported that sergeants had made privates eat their cigarette butts and that Army personnel had threatened to "put an electrode on my arm and give me a good shock to wake it and me up." Private Swanson went on to say that he knew he would try to kill himself again and vowed that this time he would not fail.

After reading this letter, my office immediately called Fort Dix to advise them of the seriousness of this case and of my belief that this boy was in a suicidal state. Again we asked for continuing psychiatric counseling for Private Swanson.

I then wrote to Fort Dix and requested a health and welfare report on the young man, and again I repeated that I felt the boy should be receiving psychiatric counseling on a continuing basis. I also requested an explanation of the allegations made by Private Swanson relative to certain practices at Fort Dix.

I received a routine acknowledgment on September 8 from the Congressional Affairs Division at Fort Dix. I have never received a report or the information that I requested from the Army.

As far as I know, from a second letter that I received from Private Swanson on September 11, the young man saw two psychiatrists for about 5 minutes each.

It is too late to help Private Swanson now. The young man was successful in his third suicide attempt over the weekend.

It is my belief that the Army was grossly negligent and responsible for this young man's death for a failure to give assistance to this obviously disturbed young man. I have demanded a complete investigation of the way in which this matter was handled by the Army. It is incredible to me that a threat, so obviously serious, could be taken so lightly by Army officials.

In my opinion, there is no excuse for this kind of negligence. With this kind of treatment, it is no wonder that many of our young people oppose service to their country in the Armed Forces. If the military service is to ever be an attractive career, permiting the development of a professional military, the abuses, mistreatment, and negligence which this case exemplifies, will have to be eliminated.

TRUTH AND POSTAL LEGISLATION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, on Tuesday, September 23, my colleague, the gentleman from Montana (Mr. OLSEN), took the floor to offer some comments about postal legislation which is buried in a subcommittee of the Post Office and Civil Service Committee.

His remarks are interesting because at first blush I thought he might be admonishing Republican Members for what he terms "little actual interest or support for these rate increases." However, after doing a little research, I believe he must have the chairman of the Committee on Post Office and Civil Service in mind and perhaps what we are witnessing is the beginning of an internecine battle within the monolithic ranks of our Democrat colleagues. I should point out that the chairman of the Committee on Post Office and Civil Service on April 15 of this year issued a widely circulated press release which said:

> Let's get our priorities straight. Postal reform should be first and then we'll deal with the matter of postal rates. First things first and that means postal reform first. Only then will we take up the matter of postal rates. I do not intend for our Committee to consider the Department's rate increase proposal until after we make some real progress on postal reform.

Knowing our chairman as I do, I am sure he meant what he said and so it will be interesting to follow the zig and zags of our Democrat friends.

The remarks of my colleague from Montana are also interesting when related to Democrat tactics in committee to frustrate the consideration of the administration's postal reform bill, H.R. 11750. While the Democrats may have felt they were rebuffing the present administration by their tactics, they were also desecrating the image of their great Democrat leader, Lawrence F. O'Brien, who as Postmaster General himself promoted the concept of postal reform through a corporation approach. During Mr. O'Brien's tenure as Postmaster General, the Democrats of our committee hung on his every word.

Since the remarks of the gentleman from Montana (Mr. OLSEN) were entitled "Truth in Postal Rates," I must clear up one other point. Between June 24 and September 19, seven subcommittee hearings on postal rates were scheduled by the subcommittee chairman, Mr. OLSEN, and one of these was canceled. Of the remaining six, the subcommittee chairman found time to give his full attendance to only three. Three other hearings were turned over to an acting chairman for all or a substantial part of each hearing. Except for one meeting—on September 15—Republican representation was prompt and uninterrupted.

Frankly, I do not know why the subcommittee chairman should be concerned about Republican attendance. At the organizational meeting of the committee, the Democrats defeated on a straight party-line vote an amendment to the committee rules which would have required that one majority and one minority member constitute a quorum of subcommittees for the taking of testimony. The rule as it stands simply states that any two members constitute a quorum for receiving testimony in a subcommittee and the obvious intent of this rule is to permit the majority members to run the show. So far the show has not gotten past opening night.

EXPEDITING ACTION ON APPROPRIATIONS

(Mr. GIAIMO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIAIMO. Mr. Speaker, I rise in support of the resolution of the gentleman from New Hampshire which proposes to expedite action on appropriation bills. I am pleased to have cosponsored the resolution.

Mr. Speaker, last week this House expressed great concern about the deteriorated condition of the west front of the Capitol. Should we be less concerned about the deteriorated condition of our appropriations procedures?

As we near the end of the first quarter of fiscal 1970, only one appropriations bill is ready for Presidential approval. After approximately 8 months of study and debate, we are unable to tell most of the executive departments what resources will be available to them in a fiscal year already 3 months old. As we repeatedly call for improved planning and operational procedures by the executive agencies, these very agencies are threatened with administrative chaos because of our failure to act promptly.

I have never advocated rubberstamp treatment of appropriations bills or any other measures before this body. I have never urged approval of any legislation without first providing the opportunity for thorough consideration. I have never supported the idea that Government agencies should receive appropriations simply for the asking. Yet I and many of my colleagues are becoming thoroughly disillusioned with the delay in approving vital appropriations; a delay which seems to grow longer each year.

How can we call for fiscal responsibility in the executive branch, Mr. Speaker, when we do not allow the various agencies to know what their budgets will be until after they have started paying their bills? How can we demand efficient use of manpower when our Government personnel people have no idea how many men will be available to them? How can we even dream of long-range planning and problem solving when those in charge of our Government programs must worry more about what was spent yesterday than what should be spent tomorrow?

As a member of the Committee on Appropriations, I am certainly aware of the difficulties involved in enacting appropriations bills. Yet I see no valid reasons why, in most cases, authorizing legislation cannot be completed in the 6-month period between the beginning of the session and the beginning of the next fiscal year. Yes, there may be exceptions, but these should be reduced to a minimum. These can be either held over until the next fiscal year or, if the urgency is great, can be included in a supplemental appropriations bill.

I would expect strong conservative support for this proposal, since our adherence to it will result in better fiscal management by Congress and less inefficiency and waste in the executive branch. This proposal should also have strong liberal support, since it will make possible better planning and more effective programs to solve this Nation's present and future problems. I am confident, in fact, that this proposal will be supported by all who realize that we must use 1970 procedures if we are to solve 1970 problems.

For it would be ironic, Mr. Speaker, if we were to spend millions of dollars to repair the walls of the U.S. Capitol while the fiscal structure of our Government crumbled in our midst.

SECRETARY OF THE ARMY RESOR'S LETTER ON CHEMICAL WARFARE TESTS IN HAWAII

(Mrs. MINK asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, last week in reply to my letter the Army disclosed that tests of chemical warfare agents and munitions have been conducted in Hawaii. I have previously placed in the RECORD correspondence concerning this disclosure.

In response to my letter of September 16, the Honorable Stanley R. Resor, Secretary of the Army, has given further information concerning these tests. Mr. Resor also discloses that contrary to the Army's statement of September 11 that the testing "was done with the concurrence and knowledge of State officials," in fact the Governor of Hawaii was not so informed.

This admission and Secretary Resor's expression of regret that inaccurate and misleading information was given to Members of Congress is a laudable effort to restore credibility. I believe that the people of Hawaii and of the entire Nation are entitled to the full truth concerning this matter and I will continue my efforts to insist upon full disclosure of all matters relating to testing of chemical and biological agents anywhere in America.

For the RECORD I enclose Secretary Resor's letter:

XUM

DEPARTMENT OF THE ARMY,
Washington, D.C., September 20, 1969.
Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: This is in response to your letter of 16 September 1969 concerning testing of chemical warfare agents and biological research agents in Hawaii. You question the consistency of certain responses you have recently received in correspondence with the Department of the Army.

Please note that the 11 August 1969 paper entitled "Information to Members of Congress" states quite clearly that "the Army has conducted limited chemical tests under strict safety precautions to obtain defensive information." This statement is true and more detailed information concerning these tests was provided to you by letter dated 11 September 1969. In the answer to Question D in the 11 August 1969 paper, the initial "No" response is misleading and the further statement that the Army is not conducting tests of munitions is, unfortunately inaccurate. Munitions were exploded, although they were not fired from military weapons. Due to an administrative error, the misleading information was given to Members of Congress. The Public Affairs officials in Hawaii were informed to respond to the Hawaii Star-Bulletin query by answering only that "the Army has conducted limited chemical tests under strict precautions to obtain defensive information." I regret that misinformation was provided to you.

As you have been informed by letter of September 11, four separate tests of chemical-warfare-agent-filled munitions were conducted on the leased land. Three of the tests involved the non-persistent nerve agent, GB, and were conducted during April-June 1966, March-April 1967, and April-May 1967. One test involved the non-persistent chemical warfare incapacitating agent BZ and was conducted during May-June 1966. All of the testing was open-air and was conducted in a fenced 1.5 square mile area under rigorous safety precautions. The nearest down-wind habitation was 7 miles through thick jungle. The agent remained within the fenced area on every trial.

The test site was required in order to test agent-munitions effectiveness in a tropical jungle environment. The nature of the tests and the mission of the test facility were classified for national security reasons at the time the lease was negotiated and during the test period. Consequently, full public disclosure was not made.

Although the terms of the lease stated that the land was to be used for "classified meteorological and related tests", I regret that the Governor of Hawaii was not informed of the precise nature of the tests or of the precise mission of the test facility.

During the period May 1965 to February 1968 the Army also conducted tests with chemical and biological simulants on the Islands of Oahu and Hawaii; these substitutes for lethal agents simulate some of the characteristics of the agents, but in fact are harmless. I raise the question of simulants in order to avoid confusion between lethal agents and harmless simulants. All of the tests were related to our endeavors to maintain an adequate deterrent capability.

As indicated, the Army has conducted in Hawaii open-air tests of toxic chemicals at the test site. However, there are presently no such tests being conducted by the Army in your State and there are no plans to do so in the future. The Army has not conducted tests with lethal biological agents in the State of Hawaii and there are no plans to do so.

I assure you that the tests presented no danger to the welfare of the people of the State of Hawaii.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

THE METS—THE IMPOSSIBLE DREAM

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, last night, what the New York Times called the "impossible dream" came true.

The New York Mets, after 7 years of frustration, have finished first in the eastern division of the National League.

The Mets have not only shown that the same team that lost 120 games in its first season and finished ninth in the National League last year can bring pennant fever back to New York. The Mets have also restored a feeling of joy and excitement to New York which has been missing for too long.

Today the city of New York is in a state of euphoria. This team, whose fans have held on loyally all these years, has generously rewarded them.

It was once said by a newspaper sportswriter that the Mets had as much chance of winning the pennant as the man in the moon. We have already seen that impossible feat. And as the Washington Post said this morning:

> Last night the New York Mets completed their version of a great leap by mankind.

The Mets have renewed faith in the old idea that men, working together, can surmount any obstacle and reach the heights. The teamwork that helped the Mets climb to the top has brought to all New Yorkers an extraordinary sense of pride in their city and its team.

This feeling is going to be around New York for awhile. There still are the playoff games and the world's series.

I congratulate the Mets on their victory, and I look forward to the pennant, and hopefully, the world's series.

PRIORITY SHOULD BE GIVEN TO PEOPLE, NOT SUPERSONIC PLANES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, there has been a great deal of discussion in recent months concerning our national priorities. At a time when we are seeing our collective buying power disappear through inflation, when we continue our involvement in a war that President Nixon says we do not want to win and others say we cannot win, and when we see the limits of our economic and political power more clearly than ever before, this discussion on priorities has been particularly timely.

I was pleased earlier this year when President Nixon, announcing that budgets would have to be cut and our fiscal belts tightened, said that the policy of his administration would be to give top priority to programs that are people oriented.

But now I am confused. If that is still the goal of the administration, then there must be some grand design to administration policy or some aspects of it that I either do not see or do not understand.

I have tried to follow the President's advice and judge his administration by what it is doing rather than what it is saying. As a practical matter, this is the only approach that can be taken for to try to judge the administration by what it is saying would be something akin to determining which way a centipede is pointing.

On the basis of the decisions that have been made during the first 9 months of the new administration, however, I have a very great concern over the future course of our Nation.

A most disturbing development came Tuesday when President Nixon announced that the SST is going to be built. This proposal for the U.S. Government to subsidize the development of a supersonic transport aircraft would not bother me perhaps on another day or under other circumstances.

Putting this development into the perspective of the times, however, disturbs me a great deal.

Now let me make it clear that I do not want to put stumbling blocks in the path of technological development in any area of this country. I want to see the airlines industry develop, just as I want to see all of our industries develop to their full potential and capability. And I would be pleased to see this country lead in the development of the SST just as I was proud when we led the way to the exploration of the moon.

We must come back to the question of priorities, however.

The administration has decided that it is more important to spend $1.3 billion to develop the SST than it is to continue our construction projects in northeast Arkansas and other areas of the country. I find no justification in a 75-percent construction cutback that could wreak havoc in the construction industry when the President is proposing to go ahead with the development of the SST. I find myself in vigorous opposition to the administration priorities in this area.

The administration has decided that the construction of the SST has a higher priority than the continued development of libraries throughout the country or the development of our elementary, secondary and higher education systems.

I find no justification in building an airplane that has already been banned from overland flights at the expense of our educational system. I find myself in vigorous opposition to the administration priorities in this area.

The administration has concluded that it is more important to build a new supersonic airplane than it is to control flooding in northeast Arkansas that affects thousands of people two and three times a year. I find myself in vigorous opposition to the administration if it is their feeling that airplanes are more important than people.

The administration has given a higher priority to tax increases than to tax reform, and a higher priority to tax breaks and benefits for corporations than for middle- and lower-income citizens. These are priorities that neither I nor the people of northeast Arkansas that I represent can agree with.

I, too, would like to see the United States "continue to lead the world in air transport" as the President said, but

I do not want to see that goal reached at the expense of the people of Arkansas or the people of California or of any other State.

It is rapidly appearing to me that the "forgotten American" is destined to remain forgotten for at least another 3 years at the present rate.

A BILL TO PROTECT AMERICAN INDUSTRY

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, today I am reintroducing legislation similar to a bill I introduced last year to encourage the growth of international trade on a fair and equitable basis. This bill would provide for other nations to share the growth of America and under certain conditions provide U.S. industries protection against serious injury and to protect the domestic economy.

I have in mind, for example, the case of steel imports. Last year Japan agreed to help maintain an orderly steel market in this country and refrain from dumping low-wage steel products which would disrupt our steel industry. More and more U.S. plants have been losing out to Japanese, Canadian, and European bidders. The issue is one of setting quotas on imports to the United States that would preserve domestic competition but not do violence to our high cost of living standards or penalize our labor and its livelihood. We have a steel plant in my hometown of Seattle that was closed due to foreign imports.

My bill is designed to encourage fair and reasonable imports and at the same time to prevent injury to our domestic economy.

Mr. Speaker, I believe the enactment of this legislation would be helpful, especially to our domestic fishing industry. Foreign fish products now represent 70 percent of the fish consumed in the United States.

As I said in testimony before the House Ways and Means Committee on June 4, 1968, actually what has been going on is that world production of fish has increased from 40 billion pounds in 1948 to 125 billion pounds in 1967. Meanwhile, our domestic production has decreased to 4 billion pounds, the lowest since 1943. And, while our domestic production has decreased, our consumption of fish is at an alltime high. In 1948, we produced 80 percent of our domestic needs; now, we only produce 29 percent and the balance of 71 percent consists of ever-increasing imports from some 116 nations.

The United States has subsidized by foreign aid and has supported the improvement and expansion of foreign fishing fleets and the foreign fish industry. As a result, we brought on ourselves the invasion and destruction of fishing resources in the waters traditionally fished by our own American fishermen adjacent to our coastal waters.

As to my bill, under its formula the Tariff Commission would report to the President that an industry is at a serious competitive disadvantage in relation to imports and would establish a ceiling to apply to imports of that particular product based on the foreign share of the domestic consumption. This is a reasonable formula and there would be safeguards in the event of any deficiency or surplus so new ceilings could be set after investigation and public hearings.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when sufficient statistical evidence is available for the Tariff Commission to determine what share of the market—that is, of domestic consumption—is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports. In either approach, any industry, labor union or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the escape clause or for adjustment assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports—market penetration. Should this result affirmatively, the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

Upon finding of serious injury or threat thereof, the Commission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25 percent of the 1930 rate; and no quantitative limitation—import quota—could reduce imports below the average of the 2 most recent years.

If the President were opposed to putting the Commission's recommendation into effect, he would send his reasons to Congress, and if either House by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise, it would be put into effect.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation—import quota. If after such a limitation were imposed, imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation—import quota.

The ceiling for each article for which one had been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the domestic consumption of the article. This proportion might be 10, 12, 20 percent or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

Mr. Speaker, I believe in increased foreign trade and exchange of surplus goods between nations. On the other hand, I oppose the destruction of American industry due to foreign dumping on our market.

My legislation recognizes that foreign imports in some instances threaten to destroy some of our industries and likewise our way of life. At the same time, my bill would provide a fair basis for sharing the growth of the American market with other nations.

LET US GET ON WITH THE SST

(Mrs. MAY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MAY. Mr. Speaker, for 50 years the United States has led the world in air transport. Today we find ourselves at the crossroads, however, and we are faced with two major questions: Will the people of the world be flying in American supersonic transports or in the transports of other nations; and, will the United States, after starting and stopping our supersonic transport program, after stretching it out, finally decide to go ahead?

I applaud the courage and determination of our President to recommend immediate steps toward the construction of an American supersonic transport. I endorse his conviction wholeheartedly.

Building the SST will keep America in its position of leadership in civil aviation.

But beyond that, there are additional considerations. Airplanes and airplane parts are, today, among our best export products. The manufacture of SST's is especially suitable to American enterprise. The recognition of our skill is worldwide. And, of course, our aircraft industry and its many components spread throughout our land provides high-paying jobs.

Building an American SST will bring to maturity a nonmilitary dividend of military research and development. The military has been flying supersonically for 20 years, and we in America have invested substantially to keep our military second to none in the world. The SST will enable us to reap tremendous nonmilitary benefits from this investment.

The President has my full and unqualified support for the SST program. I say let us get on with it, and the sooner the better.

THE SST AND TRANSPORTATION LEADERSHIP

(Mr. CLANCY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLANCY. Mr. Speaker, the President's decision to go ahead with the development of the SST is a clear-cut effort on the part of the administration to retain our Nation's leadership in aviation. This program will not only keep the United States in the forefront of world aviation, but will result in numerous other benefits to the Nation as well.

The prospects of a supersonic transport in commercial airline operation are both exciting and unique. Perhaps equally unique, however, is the development approach which has been worked out. Because of the sheer magnitude of the program, private industry cannot undertake the task alone.

It is perhaps most important to point out that the initial investment of the taxpayers in this program will be repaid. Unlike many other projects receiving Government assistance, the SST program proposes to assure the return of the research and development expenditure, with interest. The Government's investment will be recovered through a royalty on the aircraft and engine sales to the airlines and to other countries.

We live today in a transportation-oriented society. The quality of transportation or its availability determines our mobility, affects our capacity for commerce, and even influences the ability of people to get and hold jobs. On the international scene, transportation has taken on a new importance with the advent of the jets, and now the supersonics promise to further compress traveltime and again increase the consumer demand for air travel.

History demonstrates that improvements in the ease or speed of transportation have always resulted in tremendous increases in the amount of travel. History also shows a direct relationship between improvements in travel and the betterment of the society. The link between transportation and a nation's progress is especially evident in the United States, where the waterways, railways, highways, and airways have sequentially and substantially promoted the growth of America's commerce.

As well as a mover of commerce, transportation is also a maker of jobs. The supersonic transport program which President Nixon has endorsed is expected to provide 50,000 jobs directly, and perhaps a quarter of a million new jobs will be created as a result of the SST's impact on our economy. Many of these will be high-technology jobs, of the type which the space program has fostered in the past.

The availability of a supersonic transport will give the United States a new degree of flexibility and versatility, not only in our transportation options but in our bid for world markets and in our efforts to strengther our export markets.

I hope that the great majority of the 50 million Americans who will be taking international flights by 1980—compared to the 15 million today—will be riding SST's made in the United States, and that millions of travelers on foreign airlines will also enjoy the superiority of the U.S. SST.

As I pointed out before, it is most important to note that the development of the supersonic transport will significantly improve the balance-of-payments situation by the industry-Government cost-share arrangement in the prototype phase and the recoupment arrangement in the investment phase.

I am confident that all of us in Congress will support the President's decision in order that the United States may maintain her leadership in the field of aviation.

ENACTMENT OF APPROPRIATION BILLS BEFORE THE FISCAL YEAR

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, there is no excuse when we are almost into the second quarter of fiscal year 1970 that the Government of the United States should be operating on a continuing resolution.

I think it goes without saying that it is important that Government agencies and departments should know what their appropriations are going to be in advance. The logjam on appropriations must be broken.

Accordingly, I am today introducing a resolution to change the Rules of the House and to provide an amendment to rule XXI, paragraph 2, to the effect that after June 1 of each year, appropriation bills may be acted upon on the floor of the House without being subject to a point of order because of no previous authorization.

There are no valid reasons, in most instances, why authorizing legislation cannot be completed in the 5-month period between January and June 1 in future years for the operation of the Federal Government and its agencies for the ensuing fiscal year. The hang-up on appropriations is squarely due to the provisions of this rule that prohibits bringing appropriations bills to the floor of the House until a separate authorization has been passed. This is not a matter of statutory law. It is merely a rule of this body and it ought to be modified to the extent of allowing the House of Representatives to get its appropriations measures through before the beginning of the fiscal year.

Some have suggested changing to a calendar year basis and this suggestion may have merit. But such a change involves an amendment to the United States Code. It would also create the specter of possible delay on appropriation action until November and December in future years and for this reason could further protract and stretch out our already virtually annual sessions of Congress. In election years it might even require post-election sessions that would invariably for one reason or another include a number of Members in the "lame-duck" category. So, changing to a calendar year for the entire Federal Establishment is a big subject and ought to be separately considered.

In the meantime this resolution would break the logjam in this body and would go a long way toward expediting the handling of authorizing legislation as well as appropriations. I want it to be understood that I am by no means proposing the abolition of the function and power of authorizing committees after June 1 of each year. An authorization subsequent to appropriation may well be in order if the Rules Committee sees fit to amend the rule to so provide. But it should be made clear, in this event, that the subsequent authorization cannot exceed the amounts appropriated although the authorizing committees would continue to have the authority to deny authorizations by categories in which event the appropriation would abort for that item as of the date of passage of such subsequent authorization.

Such a procedure would materially expedite the appropriating process and materially assist the House in getting its work done in each session of Congress. It would also have the happy effect of informing the various departments and agencies of the Government what their appropriation is going to be for the fiscal year ahead subject to reduction or veto by authorizing committees that have not acted prior to June 1 or the date of passage of the appropriation, whichever is subsequent. It would virtually eliminate the vexatious device of the so-called continuing resolution that for agencies having appropriations that vary substantially from year to year presently find the continuing resolution confusing and even wasteful.

Sponsorship of this proposal is bipartisan. It would be a substantial and constructive reform that would demonstrably improve both the efficiency and quality of the legislative process. I sincerely hope it will have the prompt approval of this body. The text of the resolution and the names of Members cosponsoring follows:

Resolved, That (a) rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. The Committee on Appropriations shall, to the maximum extent practicable in the determination of the Committee, take such action as may be necessary to report all general appropriation measures for each fiscal year (other than measures for supplemental and deficiency appropriations) to the House for its consideration by such time before the beginning of that fiscal year as will permit the enactment of all such measures into law before the beginning of that fiscal year."

(b) The second sentence of clause 2 of Rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following: "*Provided, further*, That after June 1st of each calendar year appropriations measures providing funds for the operation of any branch of the federal government or its independent agencies for the ensuing fiscal year shall be in order for consideration notwithstanding the provisions of this Rule."

COSPONSORS

Mr. Wyman, for himself and: Mr. Abbitt Mr. Anderson of Illinois, Mr. Beall of Maryland, Mr. Betts, Mr. Blackburn, Mr. Brotzman, Mr. Cederberg, Mr. Clancy, Mr. Cleveland, Mr. Conable, Mr. Conte, Mr. Cowger.

Mr. Fisher, Mr. Flynt, Mr. Gerald Ford of Michigan, Mr. Puqua, Mr. Giaimo, Mr. Goodling, Mr. Halpern, Mr. Hammerschmidt, Mr. Harvev, Mr. Keith, Mr. King, Mr. Kleppe, Mr. Kuykendall, Mr. Langen, Mr. Leggett, and Mr. Lloyd.

Mr. McCloskey, Mr. Culloch, Mr. McDade, Mr. Pollock, Mr. Pryor, Mr. Railsback, Mrs. Reid of Illinois, Mr. Rhodes, Mr. Riegle, Mr. Ruppe, Mr. Ruth.

XUM

Mr. Satterfield, Mr. Schadeberg, Mr. Scherle, Mr. Thomson of Wisconsin, Mr. Vander Jagt, Mr. Weicker, Mr. Wold, Mr. Wylie, Mr. Zwach.

WANTED: A RHODESIAN POLICY

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, the United States is pursuing a contradictory position in Rhodesia—on the one hand, condemning the illegal regime and endorsing United Nations economic sanctions, while at the same time maintaining our consulate general in Salisbury.

Today's New York Times emphasized the inconsistency of our alleged policy and its effects on our relations with those African nations attempting to establish nonracial states.

I urge the President to take immediate steps to clarify our position toward Rhodesia, by closing our consulate-general, and ask unanimous consent to include at this point in the RECORD the editorial from this morning's Times:

> WANTED: A RHODESIAN POLICY
>
> The United States claims that it adheres more strictly than any other country to the mandatory sanctions invoked against Rhodesia by the United Nations Security Council. At the same time, Washington continues to maintain a consulate general in Salisbury, seat of the white-minority regime, it says is illegal and immoral.
>
> For most black African governments the explanation for such schizophrenia is simple—and cynical: they do not believe the United States is really opposed to the regimes seeking to perpetuate white domination at any cost in southern Africa.
>
> The valid explanation, however, is even simpler—and equally inexcusable: in Rhodesia, as in other critical areas, the Nixon Administration, after eight months in office, has no policy. In this as in other areas, the much-maligned State Department is not to blame. The responsibility for a policy of no-policy rests with the White House.
>
> Mr. Nixon himself reportedly ordered the sanctions maintained despite some business and Congressional pressure for relaxation. But the White House to date has failed to act on the recommendation of Counsul General Paul O'Neill and the State Department that the consulate general in Salisbury be closed.
>
> It is not only the black Africans who are offended by this situation. Britain recalled its Governor General and ended diplomatic and consular ties with Salisbury in July, after Rhodesia's white electorate had approved a racist, despotic Constitution under which Prime Minister Ian Smith will soon proclaim a republic.
>
> The British are astonished that the United States, while agreeing that the Smith regime is illegal, maintains its consulate in what seems to be a fundamental break with London. France, West Germany, Italy, and the Netherlands have also kept their consulates open, reportedly awaiting the American decision.
>
> If the Administration has an interest in retaining some influence in black Africa, as well as in upholding the principles of nonracialism, majority rule and the rule of law on that continent, there is only one decision it can make. It ought to be made without further delay.

A 15-PERCENT INCREASE IN SOCIAL SECURITY IS A MUST—NOW

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, hearings on amendments to the Social Security Act are tentatively scheduled to begin October 20. The future welfare of our senior citizens depends on a significant increase in monthly benefits, not next year, not 5 years from now, but now. The immediate attention of Congress to the proposals currently before the Ways and Means Committee is imperative.

During the major portion of the summer recess at home in my district I found that one of the most urgent issues on the minds of my constituents was an increase in social security benefits. According to statistics compiled by the Social Security Administration, monthly benefits are virtually the sole support of at least 50 percent of the aged recipients. Statistics also reveal that 80 percent of the beneficiaries rely on their checks for most of their financial support.

An editorial which appeared in the Cleveland Plain Dealer of September 19, 1969, stated, and I quote:

> The elderly who exist on pensions and Social Security benefits are hard hit by the rising costs of food, shelter and medical care. Unless their income keeps pace with living costs, even a minor increase in grocery or local taxes can throw their tight budgets out of whack.

On May 21 of this year, I introduced H.R. 11554, a bill to amend title II of the Social Security Act, which will provide a 15-percent across-the-board increase in monthly benefits and will provide subsequent cost-of-living increases in social security benefits and a minimum benefit of $80 per month. The bill would provide for a review of the level of benefits every 3 months so that the social security benefits would be raised when the cost-of-living increases 3 percent above the previous base period.

I have also requested the gentleman from Arkansas (Mr. MILLS), chairman of the Committee on Ways and Means, and the other members of his committee, to act favorably on my bill, H.R. 1106, which, among other provisions, will provide full benefits, upon retirement, to be payable to men at age 62 and women at age 60.

During considerations beginning October 20, I urge all members of the Committee on Ways and Means to act favorably on the issues I have discussed.

THE GREEN BERETS

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, the confusion and contradictions surrounding the case of the Green Berets continues to grow and grow.

I have just received a news release quoting Secretary of Defense Laird as stating:

> When I found that these men were being unfairly confined, I immediately contacted the Secretary of the Army and action was taken within a matter of 24 hours to free the Green Berets from individual cells.

Frankly, we continue to be baffled.

The Green Berets were arrested on July 20 and their solitary confinement was obviously kept secret for a whole month from the Secretary of Defense even though one of the prisoners was the commanding officer of the entire Special Forces in Vietnam.

When I learned on August 14, through a telephone call to my constituent, Capt. Robert Marasco—one of the accused persons, that the Green Berets were in solitary confinement in 5- by 7-foot cells, I immediately contacted Secretary of Defense Laird.

In a letter dated August 19, the Acting Secretary of the Army, Thaddeus R. Beal, replied to me at the request of the Secretary of Defense. He in no way indicated that the Secretary of Defense had intervened or that the confinement was considered to be improper. Instead, Mr. Beal attributed the release from confinement solely to the fact that, "isolation of the prisoners which was necessary during one phase of the investigation was no longer required."

I commend Secretary of Defense Laird for having intervened—but continue to be shocked by the position taken by the Secretary of the Army. He persists in his position that despite the confinement, the handling of this case to date has been entirely proper. He has refused to assert his jurisdiction in this case as civilian authority over the Army.

Still another shocking feature of this case is reported today in the press. Immunity from prosecution is being forced on two of the Green Berets—whether they want it or not. The choice being given them is to testify against their fellow servicemen or go to prison. Has our system of military justice really come to this, Mr. Speaker? Will these men not be given the same basic constitutional rights that are granted every day in our courts to even the most wanton criminals? Can we allow field commanders to "make deals" with accused prisoners—or coerce servicemen to turn against each other—servicemen who have fought together in combat against our Nation's enemies and who now wish to stand together in a courtroom?

To bring an end to the bungling in this case and to assure that all further proceedings will be free of the unfairness and bias already demonstrated by the military commanders in the field, I, and other Members of Congress have requested a meeting with Secretary of Defense Laird. We shall continue to press for simple justice. We are hopeful that in view of the urgency the Secretary of Defense will meet with us promptly.

Mr. Speaker, I insert into the RECORD the news dispatches referred to:

> GREEN BERETS
>
> WASHINGTON.—Secretary of Defense Melvin R. Laird disclosed today he sought the release of the eight Green Berets accused of murder from small cramped cells in Vietnam, saying he felt that they were being "unfairly confined."
>
> It was the first official word that Laird had become involved directly in the controversial Green Beret case which supposedly involves the slaying of a South Vietnamese double agent.
>
> In a question and answer session following a speech at the National Press Club, Laird expressed concern that some people have apparently decided in advance of scheduled court martials for six of the Green Berets that they are guilty.

"These men are innocent until convicted by a court," he declared.

From accounts he said he had read, Laird said, "it seems that some people have convicted these gentlemen already."

But Laird said that "every effort will be made to guarantee that fair procedures are followed" in the case.

"When I found that these men were being unfairly confined, I immediately contacted the Secretary of the Army . . . and action was taken within a matter of 24 hours" to free the Green Berets from individual cells, he said.

The accused Green Berets have since been placed in a status of what the Army calls "installation parolees" at a base in Vietnam which gives them some amount of movement.

GREEN BERETS

LONG BINH, VIETNAM.—A warrant officer and a sergeant arrested in the Green Beret murder case face prison terms of up to five years if they refuse to testify at the courts-martial of six superior officers, military sources said today.

The Army, the sources said, has declared CWO2 Edward M. Boyle of New York and Sgt. 1C. Alvin L. Smith Jr., Naples, Fla., immune from prosecution on charges of murder and conspiracy to murder a Vietnamese agent.

"Immunity is being imposed on these men whether they want it or not," one informant said. "Their choice is to testify or risk going to prison."

The Army had previously ordered charges against Boyle and Smith held in abeyance.

Army spokesmen refused to confirm or deny the reports that Boyle and Smith had been declared immune from prosecution.

Defense lawyers have indicated they expect the Army to use testimony by Boyle and Smith to win convictions of the six Green Beret officers, awaiting trial on murder and murder conspiracy charges.

Boyle's civilian lawyer, Henry B. Rothblatt of New York, said he had been notified formally that his client has been declared immune from prosecution of the murder charges. A similar notice concerning Smith is reported to have been conveyed to his lawyers.

GREEN BERETS

LONG BINH.—Sources said the order to rule the two immune from prosecution was issued by Maj. Gen. G. L. Mabry Jr., after Boyle rejected the offer of immunity in exchange for his testimony. Mabry, commander of all U.S. support troops in Vietnam, is the convening authority in the case.

Rothblatt, who represents two of the accused in addition to Boyle, said two days ago that the warrant officer had "refused all tenders" by the Army for his cooperation as a witness against the others.

At the same time, Rothblatt said he would file a motion to have Boyle sent home to the United States on grounds that his Vietnam duty tour expired about two months ago.

Boyle and Smith are free of confinement but restricted to this big Army headquarters base, 15 miles northeast of Saigon, where the six officers remain in custody.

AVAILABILITY OF WORKERS SHOULD BE DETERMINED IN THE LOCAL LABOR MARKET

The SPEAKER. Under a previous order of the House the Gentleman from Ohio (Mr. FEIGHAN) is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, today I have introduced H.R. 13999 which will amend section 212(a)(14) of the Immigration and Nationality Act, as amended. Section 212(a)(14) presently requires special labor certification for most potential immigrants other than relatives of U.S. citizens or of permanent resident aliens. The labor certification primarily affects prospective immigrants in the sixth preference and nonpreference categories. The sixth preference provides for individuals who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which sufficient workers are not able, willing, qualified, and available in the United States at the time the alien files a visa application.

The labor certification provision also applies to many prospective immigrants seeking third preference visas. The third preference is available for professional persons or persons with exceptional ability in the arts or sciences.

Several years of operation of the act of October 3, 1965, have clearly demonstrated that the traditional patterns of immigration have been significantly altered since its effective date. Immigration from countries which enjoyed large quotas under the national origins quota system has fallen off drastically. Under the old law, there was no labor certification requirement. To a great degree, imposition of this requirement has resulted in the changing patterns of immigration. Traditionally, the countries with large numerical quotas sent many young adults, possessing no particular skill or experience. These "new seed" immigrants then took jobs as laborers, railroad workers, waiters, and numerous other unskilled positions. From such humble beginnings, many subsequently achieved great fame and great wealth, while contributing immeasurably to the growth of the United States.

The abolition of the national origins quota system coupled with the advent of the labor certification provision drastically reduced the flow of immigrants from the previously favored nations. Labor certifications were not issued for the types of unskilled labor previously performed by the "new seed" immigrants. The U.S. Department of Labor had determined that there was not a shortage of domestic labor in these unskilled occupational categories.

Regulations promulgated by the Department of Labor pursuant to section 212(a)(14) designated four classes of jobs for labor certification purposes. The first of these are contained on schedule A which is a listing of jobs for which there are not sufficient workers in the United States. Schedule B contains a listing of jobs for which sufficient domestic labor is available. Schedule C contains a list of occupations for which a determination has been made that there are not sufficient workers in certain States of the United States. Finally, individual determinations as to the availability of domestic labor are made by the Department of Labor for occupations not listed on schedules A, B, or C.

The occupations formerly filled by young immigrants coming to the United States to embark on a new life are those contained on the "unavailable nationwide list," which is schedule B, and also those unskilled jobs not contained on any list for which the Department of Labor customarily denies granting labor certifications throughout the country on an ad hoc or individual basis. Because the Department of Labor finds aliens seeking these jobs to be ineligible to qualify for a labor certification they are denied entry to the United States.

The labor certification provisions were included in the 1965 bill to protect the domestic labor force, particularly during periods of high unemployment. It was the desire of Congress to prevent an influx of aliens who would deny citizens of the United States gainful employment. I wholeheartedly supported inclusion of the labor certification provision in the act of October 3, 1965, and support its continued existence. Our country's foremost obligation is to assure optimum employment of its citizens.

However, it has become clear that occupations considered to have a surplusage of domestic workers and, therefore, no need for immigrants on a national level often have a deficit on a local level. Thus, although a certain occupation is listed on schedule B, there frequently exists a great deficit of workers and a great demand for workers in certain localities to fill these positions. This is the result of the Labor Department viewing manpower needs on a nationwide level as opposed to a local level. An effort to make a local determination has been made in the new schedule C which looks at the employment situation within a specific State. Even a State is too large a unit for a meaningful determination. For instance, the help-wanted ads from the Cleveland Plain Dealer show that a need for employees existed fairly consistently over a period from March 1969 to September 1969 in Cleveland in the following occupations: busboys, hotel clerks, charwomen, cook's helpers, hotel maids, day domestics, porters, general factory help, janitors, guards, warehousemen, handymen, stockmen, general laborers, dishwashers and truck driver helpers. The New York Times help-wanted ads from March 1969 to August 1969, show the following occupational needs in New York City: bookkeeper assistants, guards, warehousemen, stockmen, dishwashers, porters, mailroom and messengers, truckdriver helpers, kitchen helpers, and hotel clerks. The majority of these occupations are listed on schedule B. Application for labor certifications in the categories mentioned that are not on schedule B is seldom approved. Moreover, the demand in a given area for workers generally surpasses the demand for workers reflected through help-wanted ads. Clearly, work in numerous occupations is available and actively sought locally where there is purportedly no need nationally.

The purposes of the inclusion of the labor certification provisions into the law is being frustrated by its present operation. Aliens desiring to fill certain jobs where there is a definite need for such workers locally are barred from doing so because workers are deemed to be available nationwide for jobs of that description. This has contributed significantly to the decline in immigration from numerous nations previously having high annual quotas. The pattern of immigration was not intended by Congress to be so markedly disrupted as has occurred by the present application of section 212(a)(14).

H.R. 13999 will remedy this highly undesirable situation. It will amend section 212(a)(14) so that the availability of sufficient workers who are able, willing, qualified, and available to fill a certain position is determined at the place to which the alien is destined to perform such skilled or unskilled labor.

Under the provisions of H.R. 13999, the Labor Department would be required to view local employment needs in light of employment programs. In areas where there are significant efforts to place the unemployed in low skilled occupations in which manpower shortages exist, clearly aliens should not be permitted to fill these job vacancies. The hard core unemployed must have a definite priority. For instance, if there is a shortage of porters in New York City and programs to train the hard core unemployed to work as porters, aliens should not be accorded labor certification to fill these positions. The Department of Labor must evaluate the labor situation on a national basis in determining the availability of sufficient workers at the place to which the alien is destined. Where there are persons in one area who are trained in a certain occupation but unemployed because there is no need for their services in that locality at that time, but there is a need for such persons in another labor market, efforts should be made to relocate such persons so that they may be gainfully employed. Aliens should not be allowed to fill such positions.

So that there is no confusion, it is intended that the phrase "at the place to which the alien is destined to perform such skilled or unskilled labor" be interpreted to mean a labor market area. A labor market area is interpreted by the Department of Labor to consist of the central community and the surrounding territory in which there is a concentration of economic activity or labor demand and in which workers can generally change jobs without changing their residence. Thus, if an alien were destined to an unskilled job in a factory in Montgomery County, Md., and unemployed persons who could fill these positions were available in Washington, D.C., the labor certification would be denied.

It also must be understood that aliens will not be granted labor certification to work in the place to which they are destined, if their employment in that local labor market would result in adversely affecting wages and working conditions of workers similarly employed in that particular labor market. Such aliens must be employed at the prevailing wage rate for that type of work within that labor market.

Enactment of H.R. 13999 would result in lessening the present practice of aliens entering the country with a labor certification to work in a particular occupation with a specific employer and soon after their entry seeking employment in a different occupation and locality.

Generally, aliens engaging in this practice seek employment, different from that for which they received labor certification to enter the United States, in occupations classified as unavailable nationally or listed on schedule B. Very often, in the specific locality to which they soon migrate, there is actually a deficit of workers in these occupations even though they are contained on schedule B.

H.R. 13999, in most instances would allow the alien to be granted labor certification for the job that he ultimately desires. Thus, the alien would be much less likely soon after entry to assume employment different from that for which he originally entered.

If enacted, H.R. 13999 would assure that the original intention of Congress in enacting labor certification is effected. Aliens would be able to immigrate to fill vacant positions without injuring domestic labor.

The Department of Labor should have no difficulty in adapting to this new procedure inasmuch as the Department is affiliated with State employment service agencies which generally have compiled data on job demands in given localities, particularly in our large metropolitan areas.

Listings by the Department of Labor of available employment on a local basis would result from enactment of H.R. 13999. This would undoubtedly reflect more fully the actual situation in the labor market.

COALITION FARM BILL

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. Purcell) is recognized for 60 minutes.

Mr. PURCELL. Mr. Speaker, today I am introducing in the House a good bill for farmers and all Americans. Joining me in introducing this bill are the gentlemen from Texas (Mr. Roberts), Colorado (Mr. Evans), Missouri (Mr. Randall), Montana (Mr. Olsen), Oklahoma (Mr. Steed), Washington (Mr. Foley), Colorado (Mr. Aspinall), Washington (Mr. Meeds), Oregon (Mr. Ullman), Colorado (Mr. Rogers), Illinois (Mr. Gray), Texas (Mr. Burleson), Pennsylvania (Mr. Vigorito), Wisconsin (Mr. Obey), North Carolina (Mr. Henderson and Mr. Lennon), Hawaii (Mr. Matsunaga), Arkansas (Mr. Pryor), Texas (Mr. White), North Dakota (Mr. Andrews), South Dakota (Mr. Reifel), North Carolina (Mr. Jones) and the gentleman from Texas (Mr. Fisher).

With only minor changes, the bill was actually drafted by a coalition of general farm and commodity organizations. The coalition is made up of 22 such organizations. These organizations are as follows: National Farmers Union, National Grange, Midcontinent Farmers Association, National Farmers Organization, Grain Sorghum Producers' Association, Soybean Growers of America, National Association of Wheat Growers, National Milk Producers Federation, Pure Milk Products Cooperative, Peanut Growers Cooperative Marketing Association, North Carolina Peanut Growers Association, Virginia Peanut Growers Association, Western Cotton Growers Association, National Potato Council, National Corn Growers Association, American Rice Growers Cooperative Association, United Grain Farmers of America, Webster County Nebraska, Farmers Organization, National Wool Growers Association, Farmers Cooperative Council of North Carolina, Virginia Council of Farmers Cooperatives, and National Rice Growers Association.

Like many of you, I have urged great unity among farm organizations. Too often in the past, farm organizations have chartered a course of action which results in what one farm leader once called a "babble of voices."

The "babble of voices" in agriculture no longer exists for this group of farm organizations. They speak to the Congress with one voice. I commend the leaders of these organizations for their success. I urge them to continue to give the Congress their views on legislation relating to congressional efforts to help them solve their problems.

It was my privilege to join the chairman of the House Agriculture Committee earlier this year in a meeting with members of the coalition. At that time, there were 17 members. This 17-member committee met in Washington July 8 and approved the draft of the legislation I am introducing today.

When the coalition first met in Washington in January, there were many problems to be solved. Bringing unity to agriculture is not an easy task. The fact that the present coalition of 22 members can unanimously agree on the provisions of this bill reflects a highly significant coordinated effort. The dedication and work that went into building the farm coalition cannot be ignored. They have succeeded in doing what they have been urged to do. The Secretary of Agriculture has urged farm organizations to unify. The coalition met with Secretary of Agriculture Hardin on September 15 to report on what they had accomplished.

At the time a member of the coalition told the Secretary, "Mr. Secretary, we took you at your word when you said farm groups ought to get together and decide what kind of legislation is needed. We have gotten together and we have decided." I am sure that the Secretary was impressed as I am.

The coalition support for improving the 1965 Farm Act stems from their belief that it embodies the best combination of administrative tools necessary for coping with the problems that beset agriculture.

The bill that I am presenting to the House today embodies the so-called package approach to farm legislation. It permanently extends the commodity programs authorized by the 1965 Food and Agriculture Act with some income improvements and additional provisions.

Before discussing details of the bill, I want to comment on income versus cost.

The total cost of income improvement is expected to be approximately $660 million. Its effect on net farm income is expected to be an increase of from $1.3 to $1.4 billion.

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But I want to point out that the administration's farm program budget anticipates a cut next year of some $600 to $700 million. This reduction is expected because of savings resulting from the readjustment in the national wheat allotment and lower cost of the soybean program.

Therefore, the income improvements in this bill could take place with no increase over the 1969 farm program budget.

Where additional costs are involved they are shown in the summary which I am including in the RECORD at this point in my remarks:

SUMMARY OF COALITION FARM BILL BACKED BY 22 ORGANIZATIONS

TITLE I—DAIRY

(No additional costs.)

Extends Class I Base Plan with clarifying amendments of Lloyd Meads and others.

Provides authority for self-financing of advertising, research and promotion programs.

Changes procedure for support of manufacturing—support would be based on all components of milk instead of butterfat.

TITLE II—WOOL

(No additional costs.)

Extends Wool program.

TITLE III—FEED GRAINS

(Total additional cost—$350 million.)

Increased price support loan from $1.05 to $1.15 per bushel.

Increases direct payment from $.30 per bushel to $.40 per bushel.

Limits amount "projected yield" can be adjusted as result of natural disaster.

TITLE IV—COTTON

(No additional costs.)

Extend Cotton program.

TITLE V—WHEAT

(Total additional cost—$275 million.)

Provide authority for export certificate between 90 and 85 percent of parity (Cost is calculated on 65 percent of parity return or $.55 per bushel by 500 million bushels).

Limits amount "projected yield" can be adjusted as result of natural disaster.

Provided that one-half of wheat certificate value can be paid at time of sign up.

TITLE VI—SOYBEANS AND FLAXSEED

(Total addition cost $25 $35 million.)

Authorizes acreage diversion program for soybeans and flaxseed for such year as the total stocks of soybeans—CCC, Farm Reseal and Commercial—exceed as of Aug. 31, 150 million bushels or 15 percent of the previous year's utilization whichever is less.

(On August 31, 1969 soybeans stocks approximated 300 million bushels. This relatively small carryover would trigger a program in 1970 but only involving the diversion of 2 to 3 million acres of soybeans. Cost is based on this diversion level.)

Provides 75 percent of parity price support loan for participants in the acreage diversion program.

VII—CONSUMER PROTECTION RESERVE

(No additional costs.)

	Reseal on farms	Farmers contracts	CCC publicly owned
1. Amount of reserve:[1]			
Wheat	150,000,000 bushels	150,000,000 bushels	200,000,000 bushels.
Feed grains	7,500,000 tons	7,500,000 tons	15,000,000 tons.
Cotton			3,000,000 bales.
2. Maximum acquisition price	None	None	None.
3. Minimum resale price:			
a. Wheat	Producer option—no minimum price.	(2)	(2).
b. Feed grains	At release date	(3)	(3).
c. Soybeans		(4)	(4).
d. Cotton		(5)	(5).
4. Reserve held by farmers		Farmers	CCC.
5. Provision for emergency release at prices other than above.	None	(6)	(6).
6. Expiration date		Permanent	

[1] When estimated consumption, including exports, exceed production by more than 10 percent, reserve levels under both resale and in CCC reserves will be increased by 100,000,000 bushels of wheat, 7,500,000 tons of feed grains, 15,000,000 bushels of soybeans, and 1,000,000 bales of cotton.

[2] CCC stocks below above levels; parity price less 75¢ certified ($2.02 per bushel).

[3] CCC stocks below above levels; parity price less adjusted payment ($1.42 per bushel on corn).

[4] CCC stocks below above levels; parity price $3.64 per bushel.

[5] Stocks below above levels: Parity price 47.9¢ per pound (Upland Middling, 1 inch).

[6] In addition to minimum resale price, natural disaster, low production, military action would control release.

TITLE VIII—MARKETING ORDERS

(No additional costs.)

Extends market order authority to any commodity subject to approval by majority of affected producers.

Sets up advisory committee to help write market orders. Order may provide:

a. Market supply control ranging from grading standards to marketing allotments subject to approval of ⅔ of affected producers.

b. Pooling of sale proceeds where commodity is sold on use-classification basis.

Public hearings on terms and conditions of the market order.

Secretary of Agriculture would develop market order following public hearings.

Producer referendum with ⅔ vote required for operation of the market order.

TITLE IX—CROPLAND ADJUSTMENT

Remove limit of $245 million on amount of funds that can be appropriated for the Cropland Adjustment Program.

TITLE X—RICE

(No additional costs.)

An acreage diversion program for rice is authorized if the national rice allotment is established at less than that for 1965.

(The Title provides stand-by authority which has not been used to the present time.)

Mr. Speaker, we cannot weaken our farm program. We dare not. The Secretary of Agriculture is charged with carrying out the intent of Congress with respect to agriculture. I want to quote for you what that intent is. I quote from the declaration of policy of the Agricultural Adjustment Act of 1938, as amended—which stands as our present policy:

> It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing quotas, assisting farmers to obtain, insofar as practicable, parity prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.

This is a big order. We must provide the Secretary of Agriculture and the U.S. Department of Agriculture with the tools to do this job. We cannot expect it to be done with bare hands.

If each of us should be asked to submit a bill to accomplish this, I am sure that we would get almost as many different bills as there are Congressmen. Nearly everybody has a different, at least a somewhat different, idea. To whom can we look then for the answer? Who knows best what kind of a farm program will work? I believe farmers themselves know best. We have had a farm program in this Nation for more than 30 years. Farmers have lived with it. They have seen its successes and they have seen its failures.

One of the most impressive characteristics of this piece of legislation is that it builds on what we have. The Congress of the United States has struggled throughout the years to provide sensible answers to the problems of agriculture, as well as other important segments of our economy. We have not always succeeded to the extent we would desire. But neither have we failed. I do not believe that just because we have not done as well as we wanted to that we should quit and go home; although there are some people in America who would be very glad of that.

I think it is a tribute to this impressive coalition of farm groups that they recommend that we build on what we have. They recognize that much that the Congress has done over the years is good. Now they—along with most of us, I think—want to make it better.

The bill I am introducing today extends the 1965 Food and Agriculture Act. It makes this historic legislation permanent. And it seeks to improve it in several ways. These improvements are based on experience. They are designed to strengthen the 1965 act in places where it is not working as well as it should. It seeks to correct inequities. It seeks to strengthen the far meconomy in sectors where there is hardship and suffering.

Why make the 1965 Food and Agriculture Act permanent—as the first step toward improving it? Year after year those of us interested in the welfare of agriculture have had to return to the Congress and ask for passage of legislation already approved before. Time is taken from pressing new problems. Every session of Congress brings new Members who must listen to arguments their senior Members have heard many times before.

What we should be doing instead is bringing improvements to a permanent farm legislative base to the Congress. No other segment of the American economy is faced with this situation. Permanent legislation is passed. And then the ener-

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gies of Congressmen, and representatives of the people, can be used to alter the legislation to fit changing conditions, or improving it to sharpen its tools for dealing with old problems. Legislation can always be repealed, if it no longer works at all.

It is of crucial importance that we make our farm program permanent. Then we can devote ourselves to improving it.

Agriculture is—like every business in our Nation—unique. It requires special skills. It requires special capital resources. Above all, it is a business that produces a broad variety of commodities. Each commodity has its own growing season. Each commodity has its own marketing system. Indeed, the commodities of American agriculture have only one thing in common. They are vital—as no other kinds of products in our economy are vital—to the welfare of the American people.

The essence of the 1965 Food and Agriculture Act is that it recognizes the pluralism of American agriculture. It deals with its problems on a commodity-by-commodity basis.

Let me emphasize again the sense of this bill. It extends what we know is good. It improves what we know is weak. It is all based on experience. It is supported by 22 general farm and commodity organizations.

Now I want to summarize its provisions, title-by-title.

Title I of the bill contains provisions to improve dairy legislation.

Section 101 contains authority to include in Federal milk marketing orders, what has become known as "Class I base plans" for distributing returns from the sale of milk among dairy farmers supplying a market regulated by a Federal milk marketing order.

The provisions are not the same, in many respects, as appeared in the Agricultural Act of 1965. Under the terms of my amendment, authority for class I base plans would have no termination date. The authority would provide for established dairy farmers to share the benefits of market growth which, under the 1965 amendment, is set aside for the benefit of new producers and for the alleviation of hardship. Under the terms of my bill, the Secretary of Agriculture in promulgating a class I base plan, would develop through the public hearing process, provisions under which new producers could obtain class I bases and provisions for alleviating hardship and inequity among dairy farmers.

The amendment also would reinsert into the Agricultural Marketing Agreement Act of 1937, as amended, authority for incorporating in Federal milk marketing orders base plans for distributing returns among dairy farmers that are not related to the fluid milk requirements of the market.

These provisions were superseded by the 1965 amendment. There is some doubt as to whether or not the Act would provide for base plans of any type in the event the 1965 authority were allowed to lapse without extention and modification of the dairy provisions.

The bill also provides authority under which orders can contain provisions for adjusting prices seasonally to dairy farmers, without adjusting prices seasonally to handlers. These price adjustments encourage higher milk production during periods of the year when milk is in short supply and discourage production during periods of the year when milk, normally, is more plentiful. Such price adjustments are now used in many markets, but should be specifically authorized rather than to rely on the general provisions of the act.

The bill provides authority, such as was contained in the Food and Agriculture Act of 1965, to specifically authorize orders for milk used for manufacturing on the basis of a "production area" rather than a "marketing area." Also, the language of the 1965 act pertaining to producer-handlers is in my bill.

It also contains a new paragraph for inclusion in the Agricultural Marketing Agreement Act of 1937, as amended, authorizing use of pool funds under a Federal milk marketing order for establishment of research and development projects, advertising, sales promotion, educational and other programs designed to improve or promote the increased consumption of milk and its products.

An additional section of the bill amends the Agricultural Act of 1949, as amended. This amendment would remove the present mandatory requirement to support the price of butterfat, but would, in no way, change the present requirement to support prices paid farmers for milk.

The purchasing of butter, under the price support program, would not be eliminated. The deletion of butterfat, however, will allow the Secretary of Agriculture to establish purchase prices for butter, nonfat dry milk and cheese, under the price support program, at discretionary levels of price, so long as the final result is to assure farmers of the support level for milk which they market. This amendment was developed as a means of improving the competitive position of butterfat on one hand, and of increasing returns to dairy farmers for the skim milk contained in milk on the other.

TITLE II—WOOL

This has been a successful program. The bill would extend it on the same basis as in the 1965 act. It will involve no additional costs.

TITLE III—FEED GRAINS

Here we come to one of the areas that needs strengthening. There is hardship on farms that produce feed grains.

The bill provides for an increase in price support loans for corn from $1.05 to $1.15 per bushel, and an increase in direct payments for corn from 30 cents per bushel to 40 cents per bushel. Equivalent increases for other feed grains are provided.

Natural disaster stalks the feed grains producer. These crops—most of them producing enormous bulk during short, intensive growing seasons—are particularly susceptible to the natural disasters of flood, drought, and storm. Supply-management under our law requires the projection of yield based on the history of a farm's production. Crop failures as a result of natural disasters can drastically, though temporarily, affect the production history of a farm. This bill provides that in estimating "projected" yields, there can be no more than a 5-percent reduction following natural disasters.

The additional cost of the feed grains program is estimated at $350 million.

TITLE IV—COTTON

This program is working well. Cotton surpluses have been reduced. My bill would extend the program—at no additional costs.

TITLE V—WHEAT

Wheat is another crop where there is trouble. There is hardship on wheat farms.

Basically, our legislation is sound. One of its successful aspects is the certificate payment for wheat used in this country.

The basic need is for more income. My bill provides for the following:

An export certificate. Wheat accompanied by export certificate to be supported at between 65 percent—$1.80—and 90 percent—$2.49—of parity.

National average support price loan value of $1.25 per bushel at harvest time rather than at loan maturity time.

No reduction of projected yield for any farm by over 5 percent of the preceding year by reason of natural disaster.

Payment of at least 50 percent of value of domestic and export marketing certificates at time of program signup.

There are no proposed changes in the domestic certificate, the substitution clause, the overseeding privilege of any other of the 1965 Farm Act provisions pertaining to wheat.

In way of explanation and justification for these four proposed changes, I will comment briefly:

Despite desirable features of the wheat portion of the 1965 Farm Act, the commercial wheat farm economy is deteriorating rapidly. The domestic certificate assuring 100 percent of parity on domestically consumed wheat has been an important bulwark against the cost-price squeeze the farmer is suffering. However, even the domestic certificate has been unable to hold wheat returns at a survival level. In the three years since the certificate program went into effect, the blend price for compliers—national average market price per bushel plus returns for certificates—has been: 1966, $2.22; 1967, $1.87; 1968, $1.79.

Using this year's parity price and also this year's domestic certificate percentages, a complying farmer would receive:

Domestic, $2.77 per bushel for 43 percent of his normal yield.

Export, $1.80 per bushel for 40 percent of his normal yield—if minimum 65 percent of parity was used.

Noncertificated, $1.25 per bushel for 17 percent of his normal yield.

The blend price to farmers would be $2.12 per bushel for the normal yield on allotted acres.

It is now the practice to subtract 10 cents per bushel storage cost from the support loan price if the wheat is in commercial storage. The bill provides that the full loan rate be paid when the wheat is put into storage at harvest time and then make the farmer responsible for paying his own storage liability when his

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wheat is either sold or turned over to the Commodity Credit Corporation. This would have the effect of setting the market price floor, which is dependent on the loan level, 10 cents higher at harvest time.

There is presently no protection from having a very low per-acre yield caused by fire, hail, flood or other natural disaster, used as part of formula setting a farm's projected yield. This, of course, can drastically reduce the number of domestic certificates a farm is eligible for. The bill sets a limit of 5 percent as the most a projected yield might be reduced as the result of any one bad year due to natural disaster.

Farmers need operating money at time of signup, and high interest commercial loans are the only alternative. Advance payment at time of signup in the program involves no additional cost.

The export certificate provided in the bill would cost $275 million. Other program changes would involve no additional costs.

TITLE VI—SOYBEANS AND FLAXSEED

Early this year, with overproduction and other problems facing soybeans, the Secretary of Agriculture found it necessary to announce a significant cut in support prices. The result will be a cut in soybean income of over $250 million. But the tragedy is that cutting the loan rate is not an effective means of balancing production with utilization.

My bill authorizes an acreage diversion program for soybeans and flaxseed. It would be operative only as needed. This program would be available when total stocks of soybeans—held by the Commodity Credit Corporation, in farm reseal, and in commercial warehouses—on August 31 exceed 150 million bushels, or 15 percent of the previous year's utilization, whichever is less.

To illustrate this provision, let me point out that on August 31, 1969, soybean stocks were approximately 300 million bushels. This would, of course, trigger a program for 1970. It would involve the diversion of only 2 to 3 million acres. But it could prevent serious overproduction.

My bill would provide for price support loans of 75 percent of parity to participants in the acreage diversion program.

TITLE VII—CONSUMER PROTECTION RESERVES—WHEAT, FEED GRAINS, SOYBEANS, AND COTTON

I want to give special emphasis to this title. In my opinion, no title is more important. It recognizes the unique character of agriculture. It is suggested on the basis of experience.

We know the problems of adjusting production of crops to fit market requirements. The most difficult aspect of planning is that nobody knows at the beginning of the growing season what the harvest will be. How can we plan the threat of shortage that may result from crop failure or a poor growing season? Nobody wants to risk the possibility that consumers might have to do without essential products of food and fiber. We dare not count on a bumper crop every year. Yet when we count on less, one comes along and oversupply increases the costs of farm programs, while market prices turn sharply downward.

If reserves are in storage, consumers can be assured of adequate supplies no matter what happens during the growing season. Real planning for market needs can be carried out.

I will not go into details of how much reserve of each commodity we propose. Those figures are in the summary. But I call attention to the fact that these reserves will be maintained both on farms and in Commodity Credit Corporation stocks. The bill also provides for increasing those reserves when consumption warrants it.

This is a vital part of the bill. It will involve no additional costs to the program.

TITLE VIII—MARKETING ORDERS

This is a classic example of drawing on successful experience in order to make the farm program more workable. One of the most successful sections of our farm legislation has been marketing orders. They have been used by dairy farmers to help maintain and improve milk prices. They can work effectively in other commodities.

We should extend market order authority to any commodity where a majority of producers want it. My bill provides for setting up advisory committees to help write market orders. It provides that market orders may provide market supply control, ranging from grading standards to marketing allotments, subject to approval of two-thirds of affected producers. Orders may provide for pooling of sale proceeds where commodities are sold on use-classification basis. The bill provides for public hearings on the terms and conditions of such market orders. It provides that the Secretary of Agriculture will develop market orders following public hearings and before the operation of a marketing order a referendum must result in a two-thirds vote of producers in favor of it.

This title, like most of the titles of the bill, will result in no additional cost to the program.

TITLE IX—CROPLAND ADJUSTMENT PROGRAM

A cropland adjustment program does have a place in the farm program. It can be useful as an auxiliary lever to help provide stability of prices and income in agriculture.

This bill extends this program. It removes the $245 million limit on the amount of funds that can be appropriated for the program.

TITLE X—RICE

Rice is not in trouble at this time. However, we should strengthen the tools available to dealing with problems. This bill authorizes a standby acreage diversion program when needed. Specifically, it is authorized when the national rice allotment is established at less than that for 1965.

The Food and Agriculture Act is a good law. Its most important aspect is that, while putting major responsibility on the shoulders of the Secretary of Agriculture to maintain a stable farm economy, it provides him with machinery to do it. This machinery has never been used as effectively as it could be. But if used effectively, it can regulate production to prevent prices from falling to disastrous lows, and it can keep the farm program from being prohibitively expensive to the Nation's taxpayers.

The supply-management devices for voluntary programs include acreage diversion payments, direct payments and processor certificates. For mandatory programs mechanisms include acreage allotments, marketing quotas, direct payments, and penalties for non-compliance. The cropland adjustment program is a board approach to supply-management. Most of these levers will be denied to the Secretary if the commodity programs in the 1965 act are allowed to expire.

What kind of programs would be available to farmers in the absence of legislative action for the 1971 crop year and beyond?

Wheat: Under law in effect prior to 1965, the Secretary of Agriculture would determine whether the supply of wheat is excessive. If he found it to be so he would proclaim a marketing quota program subject to a grower referendum. Based on an approved national marketing quota, individual farm quotas would be established in terms of acreage allotments.

If marketing quotas are approved for wheat, penalties for overproduction would apply for failure to make mandatory diversion. The wheat marketing certificate program would be in effect. The Secretary would set the rate for domestic certificates plus the loan at not less than 65 percent nor more than 90 percent of parity. We would have variable export certificates, as at present. Processors would be required to pay the full value of domestic certificates. There would be no diversion payments.

If, on the other hand, marketing quotas were disapproved, price supports through loans and purchases to producers who comply with their allotment at 50 percent of parity would be available. There would, of course, be no quotas, penalties, wheat certificates, nor diversion payments.

If, as the law permits, marketing quotas were not proclaimed and put to a vote, the price support through loans or purchases to producers who comply with allotment would be 75 to 90 percent of parity, the maximum level depending on the supply percentage. Again, of course, there would be no marketing quotas, penalties, certificates, nor diversion payments. There would be no authority to substitute wheat for feed grains.

Feed grains: If we do not extend the 1965 act for feed grains, there would be no diversion or direct price support payments. The price support through loans or purchases for corn would be not less than 50 percent nor more than 90 percent of parity. The Secretary would determine the level in order not to result in increased CCC stocks of corn. Price support for other feed grains would be set at a level which is fair and reasonable in relations to the level for corn.

Cotton: The old law provides that the Secretary determine and announce whether the total cotton supply would

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exceed normal levels. If so, he would proclaim a marketing quota program subject to grower referendum. Such quotas would be established in terms of acreage allotments.

If marketing quotas are proclaimed and approved by two-thirds or more of the farmers voting in a referendum, marketing quotas would go into effect. There would be no diversion or price support payments. Price support to producers who comply would be through loans or purchases at no less than 65 percent or more than 90 percent of parity as determined by the Secretary of Agriculture. The law provides no authority to make cotton available to domestic mills at the world price if such price were lower than the legal minimum price for unrestricted use.

If cotton marketing quotas were disapproved in the referendum, the price support through loans or purchases to producers who comply with their allotments would be at 50 percent of parity. There would be no diversion or price support payments.

If the Secretary did not proclaim marketing quotas, price support would be at 65 to 90 percent of parity—as determined by the Secretary. Compliance with allotments would be required as a condition of eligibility for price support. There would be no diversion or direct price support payments.

Under the old law there is no authority to sell, lease, or transfer cotton allotments.

Wool: The old law provides for price support through loans or purchases at the discretion of the Secretary at not more than 90 percent of parity. There would be no direct price support payments.

Finally, there is no authority in prior law to conduct a cropland adjustment program.

The issue before us concerning extension of the 1965 Food and Agriculture Act is whether the welfare of rural America shall be subject to the collective judgment of the Congress, or turned over to the administrative judgment of a U.S. Department of Agriculture that is denied effective machinery for supply-management.

The old law is singularly long on responsibility for the Secretary of Agriculture, but it is short on the leverage required to do the job. The Secretary's job is difficult enough because he is beset on all sides by political forces that seem quite willing to make peons of American farmers. He does not want this and the Congress does not want it.

The need for this bill is deeply grounded in the economic plight of the farmer. Let me turn now to explain briefly why the farmer is entitled to the additional income provided by the bill.

The gross national product has increased 282.2 percent since 1947 with nonfarm sectors of the economy sharing substantially in the increase in the Nation's growth.

Interest of creditors is up 567.1 percent.

Dividends parallel the gross national product's increase about in direct ratio—up 292.3 percent.

Rental income of landlords is up 227.7 percent.

Other sectors have increased their income accordingly. This not only reflects inequity but rank injustice for the farmer.

The simple story is that while the consuming public has paid for the increasing technology and production in nonfarm sectors, farmers have given to the Nation since 1947 virtually all of the technology and expanded productivity in agriculture.

Failure of the farm sector of our economy to be rewarded commensurate with other sectors of our economy has resulted in the farm population being cut in half from 20 years ago—a decline of 24.3 million in 1947–49 to 10.5 million in 1968. Likewise, as would be expected the number of farms has been cut virtually in half—down from 5.8 million to 3 million.

A sound agricultural economy is essential to a healthy national economy. Farm work has failed to attract today's youth. The average age of farm operators continue to escalate. Let us not fail to extend opportunities for young people who want to stay in agriculture on a par with opportunities for nonfarm endeavor.

Escalating prices of the items farmers must buy to stay in business must be given more attention as budgets for agriculture are decided upon. Farmers simply cannot continue to stay even by cutting their costs of production through improved technology.

Moving more people into cities is not helping solve the problems on the farm nor in the cities.

The farm real estate debt in 1968 is $25.5 billion. In 1960—8 years ago—it was less than one-half that amount—only $12.1 billion.

Total farm liabilities amounted to $50.4 billion in 1968, over twice the liabilities of 1960—$24.8 billion.

Prices paid by farmers for commodities and services, interest, taxes, and wage rates have increased 54 percent since the 3-year average—1947–49. The cost of these items has gone up 5 percent since August 1968—1 year ago.

Now let us look at what has happened to farm prices since 1947–49: Comparing the price of all farm products as of August 15, 1969, with the earlier 3-year period, 1947–49, I find that farm prices have increased only 2.9 percent.

During this same period the number of persons fed and clothed per farmworker have increased from 14.5 to 45.

During this period, the parity ratio dropped from 108 to 75.

During this period of time, farm output per man-hour has increased more than three times.

During this period gross farm income increased from $33.5 billion to $51 billion. But realized net income dropped from $15.6 billion to about $15 billion in 1968.

These simple and uncomplicated statistics based on official USDA data tell the success story of our century.

Our farm families have given to the Nation an abundant production of agricultural commodities with farm prices virtually unchanged from 20 years ago. And with no increase in net farm income.

The management, perseverance, and skill of our farmers is recognized throughout the world. Their contribution to the Nation's economic welfare is better understood overseas than it is here at home. We take an abundance of food for granted while hunger and malnutrition continue to plague many areas.

My prediction is that farm families and their economic welfare will not be overlooked in this session of the Congress. Members from city, urban and rural areas representing both parties will come to appreciate and understand the need for the legislation being placed before this House.

I commend the organizations who acting in concert have drafted a farm bill. I respect them for their new dedication to the cause of unit in agriculture.

Their bill is a good bill for farm families.

It is a good bill for main street businessmen.

It is a good bill for all America.

DO WE NEED A NEW, MULTIBILLION-DOLLAR DEFENSE AGAINST SOVIET BOMBERS?

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Senator John Stennis, the distinguished chairman of the Senate Armed Services Committee, explained in the Record on September 18 his committee's action in cutting funds requested for a new, multibillion-dollar defense of the continental United States against Soviet-manned bombers.

He said:

> The Soviet-manned-bomber threat, is limited and will probably decrease. . . . It makes no sense to spend billions of dollars to protect against the relatively small fraction of the nuclear threat represented by manned bombers without a thick defense against ICBM's.

The Senate therefore reduced the $60 million requested for R. & D. funds for a new airborne warning and control system—AWACS—to $15 million, and the $18.5 million requested for R. & D. on a new manned interceptor to $2.5 million.

I include the text of Senator Stennis' speech in the Record at this point:

> Matters involved in the defense of the continental United States against manned bombers were considered by a special ad hoc subcommittee comprised of myself, as Chairman, and Senators Inouye, McIntyre, Smith, Dominick and Murphy. The subcommittee primarily studied and examined the following:
>
> 1. The existing continental air defense system and its present and future capabilities;
> 2. The threat presented by the present and projected manned bomber force of the Soviet Union;
> 3. The $60 million FY 1970 request for R&D funds for an airborne warning and control system (AWACS); and
> 4. The $18.5 million request for R&D funds for an improved manned interceptor.
>
> The only existing manned bomber threat is, of course, posed by the Soviet Union.

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There is sharp disagreement between the Air Force and the rest of the intelligence community as to the nature, extent and gravity of this threat. According to the National Intelligence Estimate, the Soviet bomber threat is limited and its heavy bomber force is expected to continue its gradual decline. The Air Force dissents and portrays a threat of significantly greater proportions.

The proposed airborne warning and control system (AWACS) aircraft would provide surveillance, warning and control for the interceptor force. It would have a look-down radar capability and would patrol hundreds of miles beyond our borders. It would be tied in with the Over-The-Horizon radars and other warning systems to provide early warning of a mass bomber attack. The estimated research and development and investment cost involved the proposed force could ultimately involve billions of dollars. Both the Secretary of Defense and the Department of the Air Force supported the AWACS proposal.

However, there was a sharp division on the improved interceptor. The FY 1970 budget statement by former Secretary of Defense Clifford recommended the research and development program for the F–700X as the approved interceptor. The F–106X was also supported by the Chairman of the Joint Chiefs of Staff and by the Director of Defense Research and Engineering. However, it was not supported by the Air Force. General McConnell, the Air Force Chief of Staff, indicated that he wanted an interceptor with a greater capability than the F–106X, such as the F–12 or something similar. Secretary Seamans stated that he had not had sufficient time to study the problem adequately so as to be able to arrive at a firm recommendation. Under these circumstances it is difficult to see how the Congress can approve a manned interceptor at this time since the cost of an F–12 force would be several times that of the F–106X. An F–12 type interceptor would, of course, be much more expensive than the F–106X.

The Committee concluded that it should not authorize a full-scale go-head on either AWACS or an improved interceptor at this time because we feel the manned bomber threat is limited and will probably decrease; there is no evidence of a new Soviet bomber or long-range air-to-surface missile in either development or production; it makes no sense to spend billions of dollars to protect against the relatively small fraction of the nuclear threat represented by manned bombers without a thick defense against ICBMs; and the cost and technology of the proposed systems are still uncertain. In addition, we do not think that these programs have a sufficiently high national priority at this time to justify a full-scale go-ahead.

On the other hand, we believe that the promising new radar concept involved in AWACS as proposed should be kept alive and that the matter of the improved interceptor should be further explored. Therefore, we have recommended a reduction in the AWACS authorization from $60 million to $15 million. We believe that this latter amount, together with FY 1969 funds, will permit the pursuit of the new radar concept and keep the technology alive. We have recommended a reduction in the improved interceptor request to $2.5 million. This will only provide funds for necessary cost and design studies and analyses so that firm and specific recommendations can be made next year.

We have also recommended that the relatively small amounts requested for modifications and engineering services for the Nike-Hercules system ($19.6 million) and research and development on the Over-The-Horizon (OTH) "backscatter" radar system ($3 million) be approved. This latter system is designed to provide long-range surveillance, detection and in tracking and identification of aircraft.

Before leaving the subject of continental air defense, I would like to point out that much greater funding is involved in this area than is generally recognized. The Air Force portion of this system has a total research and development and investment cost of about $11.3 billion. The annual operation and maintenance cost of the Air Force portion of the continental air defense system is about $1.4 billion. The Army's Hercules force had a total of investment cost of about $2 billion and an annual operating and maintenance cost of about $150 million.

Because of the large amounts involved, and the uncertainty about the threat and in the other areas, I am calling on the Department of Defense to make a special review and analysis of the entire matter. This should include an assessment of the bomber threat, the need for an air defense system, and the size and type of system required.

In this review, I think it would be proper for the Defense Department to rely primarily on the National Intelligence Estimate to measure the extent and gravity of the threat but, of course, the differing views of the Air Force and other defense agencies, if any exist, should not be entirely ignored.

As a part of its study, the Defense Department should make a judgment as to the mission of continental air defense both now and for the future, the weapons and systems required and proper to fill the mission, and estimates of the research and development, investment and ten year operating cost of the proposed system. I want to see a reassessment of the entire bomber defense program with respect to its relative priority in defense spending, and a conscientious effort to resolve the differences of opinion which now exist with respect to the bomber threat and air defense requirements, and the proper mission.

I expect the Department of Defense, after completion of its study and analysis, to submit to the Committee on Armed Services a written report containing its findings, determinations and recommendations. I hope that this will enable us to make an intelligent decision which will contribute to a solution of this perplexing problem. At the same time, the military should be warned not to consider this as an invitation to submit a shopping list for expensive new systems which are militarily unsound and economically unfeasible. We will insist on realism, prudence and sound judgment based on facts and hard requirements.

ADDITIONAL SPONSORS FOR A PRESIDENTIAL COMMISSION ON MARIHUANA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am reintroducing my bill providing for the establishment of a Presidential Commission on Marihuana. Joining me today in sponsoring this legislation are 27 Members of the House, bringing the total bipartisan sponsorship to 37.

The bill provides for a 1-year study by a blue ribbon panel of experts on the medical, sociological, and legal factors related to the use of marihuana. The establishment of the Commission in no way would prejudge the findings of the panel whose participants would represent all disciplines involved in the issue and both Government and private officials.

The use of marihuana, particularly among our college students has grown tremendously in the past few years; it has been estimated that 12 million people have tried it at least one time and that on some college campuses 60 percent of the students have used marihuana. But, there is a lot of smoke clouding the public's understanding of marihuana, and the "pot revolution" among our young people has been a major contributor to the generation gap. I believe it is time that we—of all generations—get the facts on "pot."

One of the basic misunderstandings arises from the customary lumping of marihuana with narcotics. While in scientific and medical lexicons it is classified not as a narcotic, but as an hallucinogen, because of the marihuana scare of the late 1930's the Marihuana Act of 1937 was passed imposing severe penalties for the sale and possession of marihuana. Today, among those conversant with the subject, it is widely agreed that the penalties are excessive and that the punishment and criminal record for anyone, but particularly a young college student, who is arrested for the possession of marihuana are far more devastating than any medical consequences which may flow from the act of smoking pot. Such feeling is perhaps best expressed in the words of Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs, who recently said:

> I think the penalties for marihuana are punitive, vindictive, and utterly out of relationship to the importance of marihuana.

Under Federal law, the first offense for the possession of marihuana is punishable by a minimum sentence of 2 years and a maximum sentence of 10 years. This compares to the Federal penalty for manslaughter, which carries no minimum and a maximum of 10 years in prison. Not only are the penalties out of proportion with the crime, they also usurp the power and jurisdiction of the courts in making individual determinations in sentencing and the judge's decision on whether he has before him a chronic offender or a college student experimenting for the first time.

We must decide where to go from here. While, as I have indicated, many believe that the criminal penalties should be reduced and perhaps eliminated with civil penalties being imposed for users as opposed to pushers, there are questions about the long-term effects of the drug on the individual and the effect on society because of its widespread use. We have to ask the question and find the answer to how much protection we are obliged to give the individual against his own acts visited on himself if he is not engaged in antisocial behavior. This is a question for philosphers as well as medical practitioners—and a question for sociologists, legal experts, and most all legislators. That is why it is so important that we have a broad-based panel and not simply settle for the medical studies being performed by the National Institute of Mental Health.

Some say that we do not need a Commission because studies have been and are being conducted on the medical aspects of marihuana. But only a Presidential Commission can give this subject the total examination it requires and bring forth conclusions and recommendations that will receive wide acceptance by the public which will be necessary if such recommendations are to be acted upon. Acted upon by individuals on their own personal lives—acted upon by legislators desirous of enacting laws that deal with the realities rather than reacting to panic and fear which come from a lack of knowledge.

A list of sponsors follows:

Bill Sponsors

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A GOOD BEGINNING

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, a well reasoned editorial "A Good Beginning," which supported the recent action of the House in voting to endorse the constitutional amendment which would pave the way for direct voting appeared in the Meriden Morning Record of September 20, 1969. I applaud the logic of this editorial and I appreciate the support for my position expressed therein and I am happy to include the editorial with my remarks:

A Good Beginning

The election of a president by direct popular vote is still a long way from accomplishment, but a significant step was taken Thursday when the House of Representatives voted 339–70 to bring about this basic constitutional change.

The proposed amendment would do away with the Electoral College, that cumbersome intermediary which thwarted and sometimes even distorted popular choice as expressed by the voters.

To Rep. Emanuel Celler, veteran New York Democrat, who heads the Judiciary Committee, and to the leaders of both parties in the House, goes the credit for the sizeable support which the measure received, far more than the two-thirds vote required.

Now, the bill goes to the Senate. If it is approved there it must be approved also by the legislatures of 38 states. The going will not be easy. There is already formidable opposition shaping up in the Senate. Getting approval of 38 states will be even more difficult, despite the reasonableness of the amendment. Eliminating the Electoral College has been talked of for years, about every four years, coinciding with national elections, especially. But until this year, the movement never got off the ground.

What gave particular impetus to reform at this time was the spectre of chaos raised last fall by the campaign of George Wallace. Had Wallace received sufficient votes, the election would have been made a political football.

The Electoral College is an archaic institution which has far outlived its usefulness. It is a relic of the days of poor communications and a lingering distrust of the electorate. But neither of these arguments justifies preserving a potential barrier between the electorate and the nation's chief executive.

Rep. Monagan, who represents the Fifth District in Congress, was one of the early sponsors of election reform. To him and to the other five Connecticut Congressmen who supported the measure, thanks are due. One may hope that the state's two Senators will give their full support, not only their votes, but the use of their influence with other Senators. The House has shown the way. Now it's up to the Senate and the state legislatures to buttress American democracy at the most basic level by establishing a one-man, one-vote relationship of direct election for president.

FRANK LOESSER

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, several weeks ago Frank Loesser died and with his passage we lost one of the most delightful and important figures in the American theater and in the field of national popular music as well.

No one could see "Guys and Dolls" without feeling that it was one of the most perfect fusion of music and lyrics that exist, nor could anyone listen to "The Most Happy Fella" without being charmed by the variety of Loesser's musical inspiration.

From "Praise the Lord and Pass the Ammunition"—which I never liked, believing the lyrics particularly corny—to "Standing on the Corner Watching All the Girls Go By," he produced songs which made their way into the national consciousness and raised the Nation's spirits.

Along with millions of other Americans I am grateful to Frank Loesser for the relaxation, the inspiration and the sheer enjoyment that he gave to us and while I feel a loss at his passing I cannot help but feel envious of a life which has contributed so much to elevating the spirits and warming the hearts of his fellow men.

The New York Times of August 10, 1969, contained an eloquent and moving appraisal of Frank Loesser by Abe Burrows, who certainly was in a position to know him. As a tribute to Frank Loesser I am happy to include the Burrows tribute in my remarks:

Frank Loesser, 1910–69

(By Abe Burrows)

When "The Most Happy Fella" was trying out in Philadelphia, Frank asked me to come down and take a look. This was his first show since "Guys and Dolls." He had been working on it for three years. We had done "Guys and Dolls" together, but this time he was flying solo. Music, lyrics and libretto. Pretty nervous about it, too. And so was I, for him. The show was remarkable. New kind of musical? Opera? Whatever it was, it was something special. I came out of the theater in great excitement, dashed up to Frank and began chattering away about the marvelous, funny stuff. Songs like "Standing on the Corner Watching All the Girls Go By," "Abbondanza," "Big D." Suddenly he cut me off angrilly. "The hell with those! We know I can do that kind of stuff. Tell me where I made you cry."

This was Frank. The public Loesser was a cerebral, tough, sharp man with wit and charm. In a working relationship, he was a demanding perfectionist with a short fuse on his temper, his anger directed against himself as much as anyone else. But all of these qualities were surface. Somewhere, buried very deep, was a gentle something that wanted to "make them cry."

Here was one of the greatest writers of musical comedy songs of all time. Yet he was never completely happy with his work or its effect on people. He kept reaching out and up in a passionate striving for something else. In his reaching he sometimes casually dismissed the value of many of the great things he had done. "Guys and Dolls" had many ballads that were lovely and moving, but most of the raves were for the comedy songs. I think this bothered him. So he proved he could do the other things in "The Most Happy Fella." I remember how it was in "How to Succeed in Business Without Really Trying." His work was brilliant, musically and lyrically. A tough, abrasive score. The satire was savage and funny. He and I got a Pulitzer for that one. But a week later, when we met at lunch to search out a new project, he was once more hunting for romance and tears. I respected him for this. That big talent had to be respected.

Frank was one of the song men in the musical theater who "did it all." A man with the technique and talent to cover the whole range of what is needed to get a musical show on. Ballads, character things, group songs, comedy numbers, and anything else, including a good overture. There haven't been many men who could "do it all" and, among the few who could, Frank ranks with the greatest.

Outside of his musical and lyrical genius, the thing that placed him among the greatest was the tremendous range of his interests. He was intellectually curious, a great reader, a language buff, a skillful painter. He even made fine furniture. He knew something about everything and something from everything always found its way into his work. To cap it all, he was a man of deep emotion. In whatever he wrote, ballad, comedy or marching song, these emotions always came through.

I remember the first time we met. It was in California. He was Private Frank Loesser. This was after Pearl Harbor and he had just written "Praise the Lord and Pass the Ammunition." He was a cocky private, dressed in a tailored uniform that a general would have given four stars for. I began to tease this slick, songwriting private by improvising a few songs which kidded the maudlin sentiments of many songwriters. One of the songs I did was "I Am Strolling Down Memory Lane Without a Single Thing to Remember." This was at a party and all of us were drinking. The next morning I had completely forgotten all of the lyrics. Two days later I saw Frank and he handed me a sheet of paper with all my words typed out. He encouraged me to do more. I did. We became friends and for the next almost 30 years we saw each other,

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helped each other, worked together, fought together. And now . . .

THE BLACK MANIFESTO CONTROVERSY

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASHBROOK. Mr. Speaker, in the September 10 issue of the CONGRESSIONAL RECORD I inserted the text of the black manifesto which demanded of various religious denominations a sum of $500 million as a reparations payment to the Negro people for the wrongs done them in the past. The manifesto, as many now know, along with the prefacing remarks of James Forman who delivered it at the National Black Economic Development Conference—NBEDC—in Detroit on April 25, is an epistle of violence, revolution, and totalitarianism in which any means will be utilized to realize their demands.

Ironically, Forman, in his opening remarks, denies the Negro people the freedom of choice. If they elect to advance themselves through "all types of schemes for black capitalism," they are "contributing to the continuous exploitation of black people all around the world."

As for the churches, they have no alternative either. The manifesto states:

> We call for the total disruption of selected church sponsored agencies operating anywhere in the U.S. and the world. Black workers, black women, black students and the black unemployed are encouraged to seize the offices, telephones, and printing apparatus of all church sponsored agencies and to hold these in trusteeship until our demands are met.

Recently, the Episcopal Church agreed to give $200,000 to the National Committee of Black Churchmen with some of the funds eventually going to the NBEDC, according to press accounts. Because of the extreme nature of the black manifesto and the participation of the NBEDC, opposition among Episcopal churchmen has arisen, if an article in the New York Times of September 21 is any indication. The Reverend Albert H. Palmer, rector of St. Thomas Episcopal Church in Farmingdale, Long Island, made a salient point of objection when, according to the Times article, he stated:

> There are more than enough legitimate areas where such a sum could be applied and really help the black man.

At this point I insert the above-mentioned article "Manifesto Fund Is Proving Vexing," by George Dugan in the RECORD at this point:

MANIFESTO FUND IS PROVING VEXING—CHURCHGOERS FEAR MONEY WILL BE SPENT UNWISELY

(By George Dugan)

Clergymen and laymen on the diocesan level of the Episcopal Church are expressing fear that the Black Economic Development Conference, the source of James Forman's "Black Manifesto," will receive thousands of dollars of church money and spend it irresponsibly. Denominational leaders, however, are trying to allay that fear.

Early this month, in a special convention at South Bend, Ind., the three-million-member denomination agreed to give the National Committee of Black Churchmen $200,000 in extrabudgetary funds to use as it saw fit in the economic development of the black community.

The committee is an independent group of more than 600 black clergymen representing a number of Protestant bodies. Inevitably, according to church spokesmen, the committee will channel some funds into the Black Economic Development Conference.

The convention called its action "an expression of unity" with black clergymen, in line with the principles of self-determination as expressed by the Black Conference.

"What we did," a church official said last week, "was to show that we have faith and trust in the black clergy."

CONCEPT REJECTED

The convention, however, firmly rejected the concept of "reparations" and much of the ideology of the Black Manifesto. The manifesto demands $3 billion from churches and synagogues for past injustices inflicted by whites on blacks. It also includes threats of violence if conditions do not improve.

Even so, grass-roots opposition to the convention's action mounted.

The Rev. Albert H. Palmer, rector of St. Thomas Episcopal Church in Farmingdale, L.I., said last week that "there are more than enough legitimate areas where such a sum could be applied and really help the black man."

"To give it to James Forman's group, by whatever devious means," he said, "marks an abject surrender on the part of the church to threats of violence, blackmail and intimidation."

The Rev. Graham H. Walworth, rector of Trinity Episcopal Church in Northport, L.I., said in a letter to parishioners that he and his two associates "unanimously believe that for the Episcopal Church, or for any diocese, to use either the authority or the funds entrusted to them by the faithful for the spread of the Gospel, or even contrary to and destructive of it, is a violation both of a sacred trust and of the sacramental nature of giving."

One church in Seattle, St. Dunstan's, will withhold a percentage of its contributions to the denomination. The Rev. W. Robert Webb, rector, said he was "shocked" to discover that the church could be "blackmailed."

"We in the parishes," he said, "are the little people, but we are called upon to pay the bills of the church and this is one program that is just too preposterous to offer even one cent."

Among church leaders who have sought to clarify the convention's action were the Right Rev. John E. Hines, Presiding Bishop of the church and chairman of its House of Bishops; the Rev. Dr. John B. Coburn, president of the convention's House of Deputies and rector of St. James Church here; the Right Rev. Jonathan G. Sherman, Bishop of Long Island, and the Right Rev. Leland Stark, Bishop of Newark.

In letters to their clergymen and in public statements they made these points:

The money raised will be voluntary and will not come out of diocesan quotas assigned by the national church.

No funds may be used for the benefit of any group or individual advocating violence.

The Episcopal Church is committed to the principle of self-determination for minority groups.

Mr. Forman is no longer actively associated with the Black Economic Development Conference, which is rapidly becoming more and more church-oriented.

In a recent letter to the New York Times, Bishop Hines and Dr. Coburn emphasized that the focus of the convention "was upon present and future attitudes and actions rather than upon the acknowledgment of a right to compensation for injuries in the past."

CRAMER SUPPORTS INCREASE IN SOCIAL SECURITY PAYMENTS AND BROADENING OF BENEFITS

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, as one who has urged the President to recommend an increase in social security payments I was glad to see the request submitted and it is my hope that it will trigger congressional action this year. One of the subjects I receive most of my mail on is related to social security problems and specifically relating to the increased cost of living. This is an extremely serious matter for those who are drawing payments in the lower brackets and for everyone on fixed incomes.

I am hoping the Congress will consider favorably a 15-percent increase retroactive to January 1 of this year, which is more consistent with the increased cost of living since the last legislation.

I have, for a long time, been an advocate of automatic increases in social security as the cost of living increases; this pattern having been set for civil service employees by legislation. I firmly believe those who are retired should be treated in the same manner with automatic increases as those who are presently employed because the hardship is equal in both cases.

I would also hope for a major overhaul of social security benefits included in a number of bills I have introduced calling for an automatic cost-of-living increase, an increase in the outside earnings permitted without loss of benefits, and inclusion of prescriptions and medicine costs under medicare, as examples.

There is no excuse for Congress to wait until next year. Social security recipients are feeling the pinch now. I have been sorely disappointed that the leadership in Congress has been unwilling to consider this matter despite the President's statement early this year that social security increases were justified and should be approved.

CRAMER CALLS FOR CONGRESSIONAL RESOLUTION CONDEMNING INHUMANE TREATMENT OF CUBAN PRISONERS

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, yesterday I introduced a resolution calling for the United States to urge the United Nations and the International Red Cross to condemn the inhumane treatment of Cuban political prisoners. This resolution calls attention to the fact that the Castro Communist government has starved, beaten, executed at random, humiliated, and inhumanely treated some 800 political prisoners beyond human endurance and that a large number of prisoners have, since August 28, been on a hunger strike, crying for deportation or death in protest.

I was personally visited by some 10 Cuban refugees and U.S. citizens who have sons, brothers, or other relatives in

La Cabana Prison, most of whom are on the hunger strike and they have personally advised me of incidents of unbelievably inhumane treatment in the prison. These are documented cases. Already some six deaths have occurred since the August 28 starvation protest started. Other deaths undoubtedly are occurring and hundreds are likely to occur unless world opinion is marshalled against the Castro Communist government's disregard for human dignity and human life.

These mothers, brothers, sisters, and relatives brought their tear-filled story to Washington begging for an audience and for an arousing of the American conscience.

Documented incidences of brutality, beatings, bayonetings, executions, and completely inhumane degradation are so numerous that they triggered the starvation protest. The prisoners are forced to remain naked in damp medieval cells, often without any outside contact. Visitors, when they were permitted, were stripped naked and humiliated. All visitations have now been terminated and all telephone calls ended. Protesting relatives outside the prison are being bludgeoned and bulldozed away. Rancid food under starvation conditions is causing deaths by dysentery and disease.

The world should know of these dastardly deeds and yesterday I introduced a resolution, a copy of which follows, calling the world's attention to this disgrace and asking for U.S. leadership in marshalling world opinion in hopes of saving the lives of these hunger-stricken prisoners.

The plea of the relatives have been made personally to the Department of State and to representatives of the White House in keeping with the American tradition of the right to be heard. The text of the resolution follows:

H. CON. RES. 379

Whereas Fidel Castro's government is inhumanely treating thousands of political prisoners languishing in Cuban prisons by keeping such prisoners in isolation cells, by beating and torturing them, by summarily executing many of them, by causing them to remain naked at all times, by providing them with rancid starvation diets, and in other ways subjecting them to shame, embarrassment, humiliation as well as extreme physical and mental pain and suffering; and

Whereas such political prisoners have gone on a hunger strike to protest such treatment and to generally protest Castro's Communist government; and

Whereas numerous deaths caused by beatings and starvation have already occured among these political prisoners; and

Whereas additional deaths are certain to occur unless Castro's inhumane treatment of these political prisoners is halted immediately; Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, the Department of State, and all other concerned departments of the United States Government urge the United Nations and the International Red Cross to take all steps as may be appropriate to insure that Fidel Castro's Communist government in Cuba abide by the humane treatment of political prisoners mandated by the basic standards of human decency as well as doing all possible to secure the release and deportation of said political prisoners.

IMPORTS AND JOBS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, one of the leading figures in the age-old battle to protect the jobs of America's workingmen, Mr. O. R. Strackbein, has written a perceptive letter to the Wall Street Journal outlining a responsible approach to the subject of imports. I want to bring that letter to the attention of my colleagues because it boldly states what many have forgotten—the real concern in the argument between the so-called freetraders and protectionists is jobs—American jobs.

We should not have to be reminded that the high standard of living we all enjoy is based in direct proportion to the high wages which America's workingmen have attained. Yet there are those who would encourage a national trade policy which could seriously undermine the wage base of this Nation's workers. The free-trade lobbyists are doing just that with their continual battle against measures aimed at offering some minimal and equitable protection to jobs in those industries threatened by unfair competition from abroad.

Mr. Strackbein does not advocate making the United States a tight little island of protected industries, nor do any of us who are concerned with this problem. We do ask that there be a recognition of the problem of the adverse effects of imports on American jobs and that such causes be eliminated. Perhaps many Members have not yet felt the impact of imports in their respective districts—I will leave you with one personal example in this regard to make the same point that Mr. Strackbein does in his letter. In the absence of steel imports, Pennsylvania's steel industry would have employed an additional 29,000 workers last year.

The letter follows:

LETTERS: THE PROTECTIONIST ARGUMENT

Editor, The Wall Street Journal:

According to David J. Steinberg, in his article "Pique, Panic and Protectionism" (Aug. 7), the falling and faltering of our trade balance is not due to the emasculation of our tariff hand-in-hand with cost-raising domestic economic policies; rather it is suddenly attributable to "huge extraordinary increases in domestic demand that tend to slow our export drive by diverting business attention from export opportunities to sales opportunities at home."

If this factor truly caused our trade debacle (which is actually even worse than our padded official statistics allow the public to see) why did not Japanese and West German trade suffer in like degree?

Japan, West Germany and Italy have outpaced this country in domestic industrial expansion, but their exports have grown apace. Japan has succeeded in converting a deficit in her trade with us as recently as 1964 into a handsome surplus in 1968 of over $1 billion. West Germany accomplished a similar but less spectacular feat, with Italy only a little behind.

Domestic prosperity did not temper the export climb of these countries, but promoted it. Why should domestic prosperity have an opposite effect in the United States? Obviously the reason must be found elsewhere, and we do not have to look very far.

The fact is that this counrty has grown steadily weaker as a competitor in world markets and within our own borders vis-a-vis imports. The explanation is quite simple. Our wages are by far the highest in the world (Canada excepted) and our former productivity lead over our foreign competitors has been narrowing. The sharp technological advancement recorded by the other industrial countries has shrunk our former lead.

This development, however, does not mean as some economists and commentators would have us believe, that American industry has stood still. We are still ahead of our foreign industrial competitors but our lead is not great enough to overcome their growing cost-advantage, which is traceable to their lower wages and enhanced productivity.

It was the loading of heavy cost burdens on our industries, along with cost-rigidities in the form of labor and agricultural policies, hand-in-hand with the virtual dismantling of the tariff, that melted away our competitive margin and sucked in imports while holding exports to a lower level of growth. The export figures would look yet leaner if we should strip them of our foreign aid, food-for-peace and subsidized agricultural shipments abroad.

The wage differential between us and our competitors has been pooh-poohed assiduously by an assortment of economists whose economic insight comes principally from college texts. The economic classicists have succeeded in creating an ideal of trade that finds little or no counterpart in the world today. Indeed since the Great Depression the free market idea that so entrances the free-traders has been buried under heavy layers of governmental interferences, controls and regulations, beyond exhumation. Competitive flexibility, which is so fundamental to the free-market concept, has been and continues to be inhibited and straitjacketed.

What has happened is no mystery. The American electorate has underwritten by heavy majorities economic and social policies that heap cost-burdens on production. At the same time, they turn around as consumers and look for bargains. Who volunteers for a wage or salary cut? Yet all wish to buy consumer goods from sources where low wages make possible bargain prices.

High wages, yet no one doubt, are necessary to the high consumer purchasing power that alone can absorb the torrent of goods rolling from our production lines.

Yet relatively high wages hand-in-hand with productivity cannot be written off as of no consequence in determination of ability to compete. Employee compensation in this country represents close to 80% of the corporate outlay for production. If wages are several times as high here as in other countries our productivity must also be several times as high if we are to compete, because employee compensation represents such a high portion of total cost. As other countries, with their wages still far below ours, come closer to our output per manhour, their competitive advantages improve.

Those who say that American industry if unable to compete with imports should sharpen their efficiency or shift to some other product seem unaware of what is involved. The best and indisputable example of the costs of greater efficiency in terms of employment is offered by our coal industry. Faced with peremptory demand to become competitive or go out of business circa 1950 the industry exerted itself very effectively to achieve greater efficiency by ruthless mechanization. By 1965 American coal was competitive with gas and oil and also overseas. We now export 10% of our coal.

The price in terms of employment? Two out of every three coal miners lost their jobs. Employment fell by 340,000 in 15 years, leaving only about 140,000 at work. The result was what we know painfully as the Appalachian problem.

Recently the steel industry became af-

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flicted with the import problem. From net exporter it was converted in ten years to a sharp deficit position. A 10% cost reduction which might make the industry competitive would involve the displacement of some 200,000 steel workers and supporting workers, all the way to the iron mines and coal pits.

The "protectionists," so-called, need not be driven by pique, panic, fear or selfishness. With the tariff virtually dismantled they have turned toward flexible ceilings and market sharing devices. Their case for such reasonable limits on imports is substantial.

With import ceilings, we would retain import competition and its benefits but would prevent imports from running wild, thus keeping displacement of workers within manageable limits.

Escalating the efficiency of our industries, on the other hand, would effect the necessary cost reduction to achieve competitiveness, but as in the case of the coal industry, at the cost of labor displacement. This could run into many hundreds of thousands of jobs considering the number of industries involved.

The effect of increased domestic efficiency on foreign exporters to this country might be as restrictive as outright import limitation, if such limitation were reasonable and flexible. The net difference would be the displacement of workers caused by greater domestic efficiency.

Surely this difference is worth pondering: Import limitation with little displacement of labor or similar limitation through greater efficiency and its attendant wholesale destruction of jobs in this country.

O. R. STRACKBEIN,
President, the Nation-Wide Committee on Import-Export Policy.
WASHINGTON.

THE MARVELOUS METS WIN A SWEET TITLE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, some years ago, two baseball teams whose names and owners now escape me, left the city of New York for lusher pastures somewhere in the Western portion of the continent. Since that time, little has been heard from them, save the ringing of cash registers, and even that has been diminishing in recent eras. The good people of New York were left with a sports vacuum which has been filled in a unique manner by the New York Mets.

They combined the drama of our beloved Dodgers with the hectic activity of the Giants. Fans turned out in roaring legions to observe their behavior, which has been the subject of much speculation and even more wonderment. Suffice it to say that the uniquely great city of New York took the uniquely entertaining club called the Mets to its lonesome heart. Never has a marriage turned out more happily, in spite of certain elements of disaster on the playing field.

Balls were dropped. Pop flies were lost in the sun. Grounders slipped through infielders legs. Pitchers served up gopher balls in staggering quantities. Batting averages sank to new lows. Pitchers could not find the plate. It made no difference. A love affair is a love affair, and that is that. For every season of existence, they dwelled in the cellar, reaching hopefully but in vain for the heights of second last place. Such is not the case today.

As of this morning, the New York Mets have vindicated the faith of all their fans, winning the championship in the Eastern Division of the National Baseball League. Bring on the Braves or whoever. We will mow down the Orioles or Twins. Killebrew? Who is he?

No matter what happens, we have had this day. The Mets are champs. All of New York is enormously proud. The greatest city of them all has the finest team of them all.

WE MUST RAISE SOCIAL SECURITY BENEFITS IMMEDIATELY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the Nixon administration has utterly ignored most domestic needs since taking office. No single group, however, has suffered more and is undergoing worse hardships than America's 20 million older citizens, who are watching inflation tear their fixed incomes to pieces. These people are going without daily necessities, and their cry is ignored by a President who just the other day could commit another $96 million of taxpayer money to subsidize a supersonic transport. We all knew President Nixon was not favorably disposed to the problems of the elderly, but no one could predict such a callous attitude.

Social security is the main bulwark of support for millions upon millions of senior citizens. This Government must act immediately and approve a minimum 15-percent rise in such benefits to every older American receiving them. There is no time for idiotic bumblings and mumblings about balanced budgets and national debts. The social security fund can absorb such an increase. Furthermore, if the Nixon administration is so concerned about the costs of such a raise, let them tell the major corporations of this country, which have been raising prices madly and coining profits in massive quantities, to trim their sails.

Twenty-five million Americans receive social security. Twenty million are the elderly in our midst. A series of recent statistics recently released on these citizens should be shouted from the housetops of this Nation. They are a searing indictment of the richest Nation in the world.

Three out of every 10 people over 65 live in poverty, compared with one out of every nine younger citizens. Fifty percent of older poor families have incomes under $4,000 annually. Twenty percent receive less than $2,000 per year.

Many of these older Americans were not poor when they reached retirement age. Lifetimes of effort went into creating security and financial stability that has been mercilessly wiped out by inflation. Further, they are the least able to physically alter their unbearable situations. Problems of aging automatically compound problems of poverty. Further, the number of people on poverty levels among our elderly is rising swiftly, contrary to all other national trends. And while the drug companies mercilessly raise prices, President Nixon's economists speak soothingly of absorbing painlessly an inflation rate of perhaps 2 percent annually. They overlook the fact that this would cut a fixed income by 10 percent in just 5 years.

Social security, private pensions and other forms of retirement income are not filling the vacuum. Additionally, municipalities on all levels are raising or initiating new use taxes such as sales taxes, which pinch and erode older citizens' incomes.

Social security, every pension plan, every retirement program and every annuity must possess an automatic adjustment-to-inflation proviso. We must prevent further payment to older Americans in cheaper dollars for rights they purchased with dearer dollars. How unfair for people to work for a lifetime to buy security that disappears before their eyes, reducing them often to the status of public charges. How utterly degrading to make such substantial people, who have labored to build this Nation, objects of public concern and charity. They never asked for this. Nor can we as a Nation tolerate such treatment of them.

If we can go to the moon, fight an endless war in Asia, and build the world's most massive military machine, we can make life secure for our elderly.

Other bills have been introduced by myself and other Members of the Congress which would not only increase social security, but flesh out the full range of benefits these citizens must have. They would enlarge medicare to cover drugs, annual checkups, eyeglasses, hearing aids, dentures, and other similar necessities. The same is true of subsidized housing and reduced transportation fees.

Studies have been made until they are running out of our ears. It is now a question of whether the administration wishes to act accordingly, do what is in their power and make the essential adjustments to make their lives meaningful.

America's conscience must be allowed no rest until justice has been done. The present administration sits there, babbling platitudes while these older citizens are nailed to the wall by inflation. They suffer in silence while the President vacations, travels, allows major price hikes by almost every major corporation, and spouts news releases about God, mother and country.

STATUS REPORT, CAMP LEJEUNE, N.C.

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, recently the Commandant of the Marine Corps issued a message to be read to all marines. This directive has been the subject of numerous news articles and editorials. In order that the record may be set straight, I feel the editorial in the September 24, 1969, edition of the Navy Times correctly analyzes this message. I am, therefore, inserting it in the RECORD in order that all Members of Congress may know that at least one publication believes we are on the way to a better spirit of comradeship at Camp Lejeune:

LAYING IT ON THE LINE

The commandant of the Marine Corps is not about to see the efficiency and the spirit of comradeship which have been hallmarks of Marines for nearly two centuries damaged by actions committed upon or by members of racial minorities in the Corps.

On the heels of the interracial brawls at Camp Lejeune and elsewhere, Gen. Chapman has taken the rather unusual, but necessary step of "telling it to the Marines" himself.

His message is to be read to every Marine, Regular and Reserve, except to those in combat "by immediate commanding officers personally."

It lays it on the line.

On the one hand, there is to be no discrimination, and there is to be an all-out effort to explain policies and to hear grievances so that such discrimination as has been practiced will end, and so that what members of minorities believe wrongly to have been discrimination—through misunderstanding or through false report—will be explained.

On the other hand, members of minorities are told plainly that the strict standards of the Corps apply to them too. Non-regulation gestures, salutes, items of clothing, haircuts are out! Afro-style haircuts tapered at the sides can be, and are regulation, the Commandant stressed (as did the commanding general of the 2d Division earlier).

This haircut business is a typical example of the extremism which, Gen. Chapman says, has got to end. For on the one hand there was the barring by local authority of all versions of a hairstyle of which a considerable number of people are very proud. And on the other hand there were the attempts by some (whites as well as blacks) to wear their hair in styles just too extreme to be tolerated in a military organization.

Only if the Commandant's injunctions are obeyed by all Marines, from COs through privates, will the Marine Corps continue to be the two things which Gen. Chapman rightly insists it must be:

"A band of comrades in arms, a loyal fraternity with a traditional esprit that spans an era of nearly 200 years."

A Corps which "has always demanded the highest standards in military appearance, military courtesy and proficiency and . . . will continue to do so. These high standards breed pride, and pride in turn builds the kind of discipline that is essential to battlefield success with minimum casualties."

COMMANDANT'S MESSAGE TO ALL MARINES

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, shortly before the recent recess, the Honorable L. MENDEL RIVERS, chairman of the House Committee on Armed Services, appointed a Special Subcommittee To Probe Disturbances on Military Bases. The subcommittee assumed as its first task a visit to Camp Lejeune, N.C., where an incident of major proportions occurred on July 20, 1969. At Camp Lejune, the members of the subcommittee conducted an inquiry, talking with numerous military personnel from privates to the commanding general, and including almost every rank in between. We were impressed with the attitude of the marines, both black and white, toward the goal of eliminating prejudicial feelings between marines of different races. I am happy to say that the efforts of the marine leaders together with marines of all ranks, have been successful in reducing the tensions that heretofore existed. So that the true situation might be reviewed by each Member of Congress, I am inserting in the RECORD a letter dated September 15, 1969, from Maj. Gen. M. P. Ryan, commanding officer, 2d Marine Division, stationed at Camp Lejeune:

U.S. MARINE CORPS,
Camp Lejeune, N.C., September 15, 1969.

Hon. WILLIAM J. RANDALL,
Committee on Armed Services,
Washington, D.C.

DEAR MR. RANDALL: Thank you for your letter of 4 September. This entire Division was impressed with the dedication of the Committee Members on their visits to Camp Lejeune.

I am happy to report that the actions we have taken at Camp Lejeune have resulted in a positive decline in the number of racial incidents involving Marines. So far this month we have not had a single incident that upon investigation was determined to be a racial assault.

I am attaching to this letter a list of some of the actions and activities that have been re-emphasized within the 2d Marine Division. The actions listed reflect nothing more than implementation of the Commandant of the Marine Corps' ALMAR 65, of which I am certain you have a copy.

Besides the decline in assaults and racial incidents, we have more positive indications of improved morale and attitudes within our units. The 1st Battalion, 6th Marines, which is the unit involved in the incident of 20 July, has been performing in a superb manner in the Mediterranean. The Commander has informed me that while the unit was on liberty in the French Riviera ports no incidents of any type occurred and the conduct of personnel ashore was exemplary in every respect. The appearance of the troops and their performance was the subject of laudatory comments by the American Ambassador to France. In addition, the new Caribbean Battalion landing team, the 3d Battalion, 8th Marines, has prepared for deployment and will sail tomorrow without one serious incident of assault since lock-on date six weeks ago. This represents a substantial change from past deployments.

We have noted other tangible indicators. Our brig population in the 2d Marine Division has declined from a high of 279 in July to 150 today. The number 150 includes 23 men currently under investigation in relation to the incident of 20 July 1969. The number of personnel in an unauthorized absence status at the end of August is the lowest since September of 1967, approximately 300 today which represents a decline from a high of 600 of 1 January 1969. This is still too high, but I hope and believe we can make this a continuing trend.

The requirements and conditions under which this Division is operating are unique. We have a high personnel turnover (100% in number since January 1969). Units must be rapidly formed (in six weeks to two months) for deployment to the Caribbean and Mediterranean, often requiring Marines who have just returned from WesPac (Vietnam), to endure another family separation. These conditions enhance the problem of building a unit esprit. It is significant that after battalions have been together for awhile on a deployment, disciplinary and racial problems tend to decline or disappear. Where unit loyalty is not completely established individual disagreements may tend to polarize along racial lines. When unit loyalty is established disagreements have a greater tendency to be expressed by a unit reaction. Our problems are exacerbated, of course, by an underlying racial tension. By reciting these problems I do not mean to imply that they are insolvable. Far from it—we are meeting them successfully and I believe that the current situation as reported in the press has been overstated.

There has been so much discussion about haircuts that I am enclosing pictures of a Marine which I have stated, indicate an acceptable cut. These pictures are being placed throughout the Division and I am sure you will agree they do not reflect a decline in the traditional Marine Corps appearance.

I am also enclosing a copy of the Platoon Leaders Pamphlet which I am sure you have and which is currently being employed within the Division. Discussion groups have been established within the battalions and have been useful in airing complaints, identifying real or imagined problems, and improving communications to all our Marines. The Division Chaplain reports to me that impact on the black Marines has been excellent. I cannot say which action we have taken has contributed most to the control or reduction of our problem. However, I believe that each action indicates the requirement for continuous energetic supervision and leadership at all levels on a twenty-four hour basis.

Our program is under continuous evaluation and unit commanders have been directed to submit monthly reports. We intend to improve and refine the program that we have established. I have every confidence that it will be successful. I should be happy to keep you apprised.

In summary, we are not complacent. We know there is a problem, but it is being controlled and solved by the application of the leadership principles outlined in ALMAR 65.

Sincerely,

M. P. RYAN,
Major General, U.S. Marine Corps,
Commanding.

MRS. O. A. BEECH, OF BEECH AIRCRAFT CORP., RECEIVES HIGHEST HONOR OF NATIONAL BUSINESS AIRCRAFT ASSOCIATION

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SHRIVER. Mr. Speaker, last night it was my privilege to be present with Mrs. Shriver at the Washington Hilton when the National Business Aircraft Association presented its highest honor, the award for meritorious service, to Mrs. Olive Ann Beech of Wichita, Kans.

It was a well-deserved honor for Mrs. Beech who is universally recognized as the First Lady of Aviation.

Mrs. Beech is chairman of the board and chief executive officer of Beech Aircraft Corp., of Wichita. She has provided dynamic leadership for this outstanding company since her husband, the late Walter Beech, died in 1950.

Mrs. Beech is an active leader in the life of her community, State, and Nation. She is a proud American, and a humble person.

It was fascinating last evening to be able to relive with Mrs. Beech the success story which is so reassuring for those of us who take great pride in the values of our private enterprise system.

The name of Beech—associated with aircraft since Walter Beech's famous travel airs of the 1920's—is synonymous

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today with business and general aviation.

In the 1930's Walter and Olive Ann Beech's company brought out the famous Beech 18 which to general aviation is what the DC-3 was to the airlines.

Today Mrs. Beech directs a diversified manufacturing complex whose products range from a 150-mile-an-hour training airplane to components for space vehicles. Since she has become head of the company, Beech has established divisions at Boulder, Colo., and at Liberal and Salina, Kans. It has brought out more than 20 commercial airplane models.

In addition to being one of the leaders in business aviation, we are proud in Kansas of the substantial contributions which Beech has made and is making to the security and defense of our Nation. The company has produced assemblies for jet fighters, transports, and helicopters. It also has assumed a significant role in manufacturing various systems for NASA's Gemini, Apollo, and lunar module projects.

Mr. Speaker, I take this opportunity to congratulate and commend Mrs. Beech for the recognition she has earned from the aviation community. It is an honor which reflects credit not only upon her, but the entire Beech team which she has assembled to compile the success story that is the Beech Aircraft Corp.

COUNCIL ON ENVIRONMENTAL QUALITY

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, last week the House passed H.R. 12549, a bill to provide for the establishment of a Council on Environmental Quality. I was officially absent and was then aboard the SS *Manhattan* on its historic trip through the icebound Northwest Passage. However, I am strongly in support of H.R. 12549.

The concept of a Council on Environmental Quality is not new. As early as 1967, a task force report to the Secretary of Health, Education, and Welfare recommended that a Council be created to advise the President on matters relating to the control of environmental pollution. During the 90th Congress, several Members of the House sought to implement the task force's suggestion by introducing legislation to establish a Council on Environmental Quality. Unfortunately, none of these bills was ever acted upon.

The longer we wait to establish an Advisory Council, the greater the need for this body becomes. Organic and inorganic wastes continue to pollute our lakes and rivers; fumes from factories and internal combustion engines still poison our air; and, the misguided use of our natural resources threatens their depletion.

In many instances, government and private industry, working separately or in partnership, have been able to prevent these abuses. However, the inescapable fact remains that these efforts are often fragmented and unorganized. On the Federal level, several administrative agencies police different aspects of the environmental control problem. Because there is no central body to establish priorities and to review the total environmental situation, our efforts to curb pollution are often piecemeal or conflicting.

We do have a Cabinet-level Council on Environmental Quality established by Executive order on May 29 of this year. However, the role that this interdepartmental Council can play is necessarily limited. As Dr. DuBridge stated in his testimony at the subcommittee hearings:

> The Cabinet cannot do the long-range planning; cannot take the deep expert look at the problems as they emerge; cannot evolve suggestions for exact policies and action to be taken.

Thus, we need to establish an organization of experts in the environmental sciences to complement the Cabinet-level Council. The Council on Environmental Quality proposed in H.R. 12549 would be responsible for collecting information, establishing priorities, and formulating long-term policies. This data would then be transmitted to the President and the Congress for appropriate action. The Cabinet-level Council would be left free to perform its vital function of implementing Presidential directives regarding pollution control. This bifurcated division of responsibility would relieve the Cabinet Council of tasks which are too time consuming to be performed by such an interdepartmental group.

Mr. Speaker, time is running out on us. We must bring our scientific and organizational skills to bear on the problem of environmental pollution if we are to remain a healthy and productive people. The Council on Environmental Quality, proposed by H.R. 12549, represents an excellent rallying point from which to begin our battle to restore a proper ecological balance between man and his environment.

POSTAL TRAFFIC IN PRURIENT AND UNSOLICITED MATTER

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill which, if enacted, will help to extirpate the evil postal traffic in prurient and unsolicited matter Specifically, the bill is designed to amend title 39, United States Code, by prescribing the rate of $150 an ounce for any erotic matter which has not been previously solicited by the addressee. If the prurient material has been solicited previously and the cover envelope bears a statement to this effect, regular postal rates will apply. It is to be hoped that this regulatory scheme will bar from the mails matter which depicts or describes erotic actions. Such material cannot possibly have any redeeming value; it constitutes a foul danger to innocent children, an obnoxious plague on unsuspecting adults, an unwarranted invasion of privacy for the vast majority of Americans, who do not solicit this kind of salacious matter and do not want to have any contact with it.

WIDENING OF SERGIUS AND WHITESTONE NARROWS, NEAR SITKA, ALASKA

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, on August 13, 1968, Congress enacted Public Law 90-483, the Omnibus Rivers and Harbors Act. Section 101 of this act authorized $3,606,000 for the widening of Sergius and Whitestone Narrows, near Sitka, Alaska. As yet, funds have not been appropriated for this worthy project. However, the extreme dangers to navigation which prompted Congress to enact the portion of the Rivers and Harbors Act relating to Sergius and Whitestone Narrows still remain. For this reason, I have just introduced a bill to appropriate funds for the widening of these narrows.

Mr. Speaker, this project is essential to the economic development of Sitka and all of southeastern Alaska. Although fishermen daily have the obstacles in Sergius and Whitestone Narrows to bring their catches to market, the navigational hazards in these waters make the fishing occupation dangerous and inefficient. The ferries which Sitka must have to provide a marine highway service are limited to once-a-week calls due, in large part, to the time involved in waiting for sufficient water to fill the narrows. Tourism, which one would expect to thrive in this beautiful area, is practically nonexistent, because it is so difficult to navigate ships through the narrows.

Many other examples could be given to illustrate the deleterious effect which the navigational obstacles in the narrows have had upon the economic progress of Sitka and its environs.

Mr. Speaker, the economic development of Sitka and southeastern Alaska is essential to the continuing economic growth of the entire State. The elimination of the navigational hazards in the Sergius and Whitestone Narrows will substantially accelerate the growth of the entire southeastern region. The people of Alaska will prosper and so will the inhabitants of other States, who will be the recipients of goods produced in the Sitka region. For this reason, I urge the prompt passage of this bill to appropriate funds for the removal of hazards to navigation in the narrows.

NAVIGATION IMPROVEMENTS IN COOK INLET, ALASKA

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, the bill which I have introduced today will, if enacted, result in the appropriation of funds for the study and survey of navigation improvements in Cook Inlet, Alaska. Specifically, my bill would appropriate $150,000 to the Army Corps of Engineers for the survey and study of Cook Inlet and its approaches. These funds were authorized by the Senate Committee on Public Works on June 12, 1969, but, as yet, moneys have not been appropriated to carry out the committee's resolution.

Mr. Speaker, the appropriation of this money is essential to the continuing economic development of the city of Anchorage and the State of Alaska. The funds represent an essential first step to the future elimination of navigational obstructions which have plagued waterborne traffic in the vicinity of Knik and Turneget Shoals, Cook Inlet, for many years. As time passes, the hazardous navigational situation in Cook Inlet becomes more and more acute. The 1969 shipping season indicates that the great tonnages forecast for the coming years will bring much larger, deeper draft ships to Anchorage. Recently, one large shipper has begun to use ships which draw several feet more in water than ships previously employed, and there is every indication that the major petroleum suppliers will begin to service Anchorage with larger tankers. With shipping schedules calling for 90 to 100 voyages in 1970 and tanker calls numbering close to 100, there is a severe need for safe, deep, obstacle-free access to the Port of Anchorage.

Mr. Speaker, the vast economic potential of Alaska remains relatively untapped. Recent developments, such as the north slope oil bidding, only begin to suggest the magnitude of the contribution that Alaska will make to the continuing growth of our Nation in the coming years. The project which I have outlined today will greatly benefit the people of Alaska and will also help to insure that Alaska's resources will be easily accessible when required to meet the demands of a prosperous, industrial nation.

For these reasons, I urge the prompt passage of this bill to appropriate funds to the Army Corps of Engineers for the study of the navigational situation in Cook Inlet.

FRANKED MAIL SHOULD BE TRANSMITTED AS AIR MAIL

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, on January 30, 1969, I introduced H.R. 5556, a bill to amend title 39, United States Code, to permit mail sent under the franking privilege to be transmitted in the mails as airmail.

Since January, many Members of the House have expressed their support for the bill. Because of this continuing interest and because I feel that the creation of an airmail frank is necessary if we are to remain responsive to the thoughts and wishes of our constituents, I am reintroducing H.R. 5556 today.

When the franking privilege was first instituted, the transmission of mail by surface carrier was the fastest and most efficient means for delivering congressional mail. Although much of our Nation's mail now moves by air, congressional mail continues to be transported by surface carrier. Many Members of Congress have found that responsive representation of their constituents requires greater speed than can be provided by the franking privilege in its present form. As a result, they have been forced to resort to extensive use of the telephone in order to circumvent the severe time lag which is often associated with surface mail transmission. However, the telephone is an expensive and unsatisfactory alternative to a more expeditious mailing system.

My distinguished colleagues, in the interest of efficient and responsive Government, I urge your careful consideration of this bill to establish an airmail frank. The benefits to be derived from the establishment of an airmail frank will reach far beyond the inner workings of the Congress. The citizens of all our States—North, South, East, and West—will be the ultimate beneficiaries of this legislation.

ESTABLISHMENT OF POST CEMETERY AT FORT RICHARDSON, ALASKA, AS A NATIONAL CEMETERY

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, today I am introducing a bill which provides for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery.

For many years, there has been a great need to establish a national cemetery in the Fort Richardson region. Presently, Alaska has only one national cemetery. Located in Sitka, this cemetery is far removed from the population centers of the State. As a result, many Alaskan military veterans—men who have served this Nation with honor—are denied one of the basic rights we grant all our veterans, the right to be buried in a national cemetery.

Mr. Speaker, our State is large, and our transportation system is expensive and often inadequate. In many instances, the only available modes of transportation are by sea or air. The combination of great traveling costs and long distances works a severe hardship on those relatives and friends who wish to visit the gravesites of deceased loved ones. For this reason, many veterans who wish to be buried in a national cemetery must forgo this honor for the sake of convenience. If a national cemetery is established at Fort Richardson, veterans will no longer be forced to make this difficult decision. Fort Richardson is located close to the population centers of central and south-central Alaska, thus eliminating the arduous journey to Sitka for those in Anchorage and other cities in the central region.

One other thing should be pointed out about my bill. Establishing a national cemetery at Fort Richardson will not contravene the spirit of the moratorium which has been placed on the construction of new national cemeteries. Cemetery facilities already exist at Fort Richardson. Therefore, only a minor administrative change would be necessary to designate Fort Richardson as a national cemetery.

Mr. Speaker, the servicemen from my State have served this Nation with distinction, bringing honor to themselves and to this great Nation. It is only right and proper that all of them should be afforded the privilege of being buried in a national cemetery, established to honor them. My distinguished colleagues, I urge your careful consideration of the bill which I have just introduced.

VOYAGE OF THE SS "MANHATTAN" THROUGH THE NORTHWEST PASSAGE

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, the icebreaker-tanker SS *Manhattan*, under charter to and operated by Humble Oil Co., successfully sailed westerly through the Northwest Passage on a historic experimental journey, clearing the Prince of Wales Strait between Victoria Island and Banks Island and entering Amundsen Gulf, the gateway into the Beaufort Sea, at approximately 23:34 local time on September 14. Some 3 days later, at 19:30 local time on Wednesday, September 17, the SS *Manhattan* crossed into Alaskan waters at latitude 70°32′ north, longitude 141°00′ west. It was my privilege to be aboard as a member of the House Committee on Merchant Marine and Fisheries. After visiting Barter Island, then Prudhoe Bay—where it took aboard a token drum of crude oil to return to the east coast—and Barrow, the vessel has now commenced its return voyage to the eastern seaboard of the United States. However, for further testing of vessel performance under varying and severe ice conditions, the SS *Manhattan* will spend about a month in Viscount Melville Sound.

Unquestionably, the SS *Manhattan* is the largest, most powerful icebreaker in the world, and it performed spectacularly under most rigorous ice conditions. It sliced through enormous ice pressure ridges up to an estimated 40 to 60 feet in height with no roll, no sway, and no shudder. The powerful ship outperformed the escorting Canadian and U.S. Coast Guard icebreakers. The performance exceeded all expectations. First and second year ice proved to be no problem whatever to negotiate; however, the denser, hard-packed, older multiyear polar ice floes periodically created massive side pressures that would impede forward motion and temporarily imprison the worthy vessel in the ever-changing icepack.

As a result of the tests thus far, it is apparent that, given sufficient additional horsepower in relation to ship's beam, an icebreaker could certainly be constructed to negotiate passage through almost any ice conditions. However, not only technical capability must be achieved, but economic feasibility as well. A commercial icebreaker with enormous horsepower might not be economically feasible if too much of the area intended for bulk oil storage were utilized for a massive powerplant—and each additional thickness of steel plate or additional reinforcement for the bow or hull ultimately has a substantial bearing on total construction cost, and hence, on economic feasibility.

In my considered opinion, Humble Oil

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will ultimately make the management decision to build a fleet of supertanker-icebreakers in the 250,000-deadweight-ton class, with a very substantial relative increase in horsepower—perhaps a magnitude of 85,000 to 100,000 horsepower. Today no shipyard in the United States is capable of handling the heavy gage steel for rolling and fabrication that would be required, and thus the shipyards selected must tool up in preparation for commencement of shipbuilding. Accordingly, it is estimated that the first commercial supertanker-icebreaker will not be commissioned for service until perhaps the second quarter of 1973—assuming a management decision by the middle of next year, a year for tooling up the selected shipyards, and a 2-year building time. Ultimately, 30 or so 250,000 ton supertanker-icebreakers could be built by industry for the commercial trade of the Arctic, with 35-day round trips programed—including a 3-day buffer for delays due to ice conditions—with 48 hours programed at each end for total turnaround time loading and unloading—at a pumping rate of up to 120,000 barrels per hour.

If these supertankers are built by the maritime industry, it would more than double the tonnage of the commercial fleet of the United States.

The success of the maiden voyage of the SS *Manhattan* as an icebreaker-tanker will almost certainly usher in a new era of marine and related industrial activity for the Far North. There will be increased commercial use of the northern waters for movement of oil and other mineral resources.

The spectacular performance of the SS *Manhattan* was a most impressive contrast to the demonstrably inadequate performance of the U.S. Coast Guard icebreaker *Northwind*. It simply could not keep up with the SS *Manhattan* nor with the Canadian Coast Guard escort icebreaker, the *John A. MacDonald*. The *Northwind* is a very old and underpowered vessel, ill-equipped to match the performance of modern icebreakers. Notwithstanding the exemplary performance of the Coast Guard personnel aboard, the *Northwind* was actually a liability to the test objectives of the SS *Manhattan* because it could not keep up and had to drop out as an escort.

In light of our strategic, scientific, and economic goals in the polar regions, it is obvious that we have insufficient icebreakers available to carry out our national requirements. The U.S. icebreakers in these polar regions have long outlived their usefulness. Icebreaking, with its repeated shocks, stresses, and strains, causes metal fatigue and heavy engine wear, the combination of which aggravates deterioration and hastens breakdown.

With the immediate potential of increased commercial activity, it is necessary that serious consideration be given now to providing modern, powerful icebreakers to meet our polar objectives. With ship transportation feasible for exploitation of mineral resources, a national commitment must be made which will establish a very high priority for building and commissioning the finest icebreakers in the world.

I am informed that Russia is presently building three 20,000-ton icebreakers as an addition to their fleet, each with 36,000 horsepower, with triple propellers and rudders aft, the centerline screw containing 18,000 shaft horsepower, or double that of the outside screws which are propelled by 9,000 shaft horsepower each. The *Northwind*, by contrast, is approximately 6,200 deadweight tons with a single screw powered by engines of a combined capacity of only about 9,000 shaft horsepower. The Canadian icebreakers are all far more modern, more powerful, more maneuverable, and thus, more useful than the American icebreakers. The contrast is striking.

It should be a matter of national prestige, aside from all other considerations, which compels us to embark upon an immediate, aggressive program of building additional and powerful icebreakers for the U.S. Coast Guard.

However, not only is our national prestige at stake. In northern Alaskan waters, the U.S. Coast Guard needs icebreaker capability for servicing the DEW line—distant early warning system—for native health care, law enforcement, marine safety, fisheries patrols, Federal-State cooperative missions, for gathering oceanographic data, rescue of ships entrapped in the ice, plane crashes in the polar seas, possible atomic submarine failures, ice clearance of navigable waters, icebreaking in support of domestic commerce, in support of military operations, and in support of national scientific goals.

As a matter of historical interest, the SS *Manhattan* navigated on Zulu or Greenwich time, but otherwise maintained Houston time—Z plus 5 hours—for all other purposes aboard ship; whereas, in Alaskan waters the concomitant local time was actually 4 hours earlier than the time aboard ship.

For taking part in the historic trip, I was presented a colorful certificate designating me as a bluenose icetronaut.

Mr. Chairman, it was a privilege to represent the Committee on Merchant Marine and Fisheries aboard the SS *Manhattan* on its historic crossing of the icebound Northwest Passage. I thank the committee for the opportunity.

THE 91ST CONGRESS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, if it is possible to be both amused and saddened simultaneously, this best sums up my reaction to the dramatic byplay which has been diverting some of my dear Democratic friends of the majority side in recent weeks. The theme of this minimelodrama seems to have been "Are We a Do-Nothing Congress?" And their resounding denials of such a horrid accusation were given added dignity and stature in the September 17 Congressional Record by the distinguished majority leader, the gentleman from Oklahoma.

The gentleman from Oklahoma (Mr. Albert) appears to have been alarmed by what he terms "reports in the morning press that Republican colleagues are hoping President Nixon will try to pin the 'do nothing' label on Democratic members of the 91st Congress."

I cannot pretend to bespeak the secret hopes of all my Republican colleagues, any more than my friend from Oklahoma can divine the designs of all his Democratic colleagues. But I wonder who first suggested a "do nothing" description for this 91st Congress. Was it President Nixon? Not that I know of. Certainly I have never leveled any such charge against my friends across the aisle; on the contrary, I have been generous in my praise, both public and private, for the cooperation which you, Mr. Speaker, and the majority leadership of this Congress has given on several outstanding occasions, such as the extension of the 10-percent income tax surcharge. Nor do I think the late Senate minority leader was ever party to a "do nothing" accusation, although it is perhaps true that the other body has dillydallied in this session a bit more than we have. In fact I know of no leader of my party who has branded this a "do nothing Congress" although some allegations of "foot dragging" and "stalling" have, not without justice, been made by Republican legislators.

So who started all this "do-nothing Congress" charge and countercharge? Why, Mr. Speaker, it was planted by no less an authority than the last Democratic candidate for President, the Honorable Hubert H. Humphrey.

I would like to quote from the eminent national columnist, Marquis Childs, in the Washington Post of September 17, reporting on a closed-door session which the former Vice President had with Senate Democrats before the Labor Day recess. Mr. Childs quotes Mr. Humphrey as saying:

> In 1970 President Nixon can go to the country with the same battle cry that President Truman used in 1948. He can talk about the legislative failures of a Congress with solid Democratic majorities. The President has put one program after another up to you and you haven't acted. He can appeal for the election of Republicans to help him get his programs through. And if the Republicans make substantial gains in the Senate and the House the chances for a Democrat winning in 1972 will be a lot worse than they are today. Unless the record of Congress improves in the second session and unless the Democratic Party gets behind its own legislative program, I can see Nixon aiming a campaign at the "90-worst" Congress just as Truman went after the "80-worst" Congress and won against all the odds.

So, the alarm having been sounded in the first place by their own Mr. Humphrey, my friends on the other side have now indignantly and officially denied that they are running a "do-nothing Congress." While I am loath to take sides in fights among Democrats, I must point out for the record that this entertaining sideshow has been scripted solely by them. It is histrionics, not history. As the Biblical proverb puts it so well:

> The wicked flee when no man pursueth.

My good friend, the gentleman from Oklahoma (Mr. Albert) compared the

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number of Presidential messages sent up to the 89th and 90th Congresses by former President Johnson and to this Congress by President Nixon. I do not think this numbers game is particularly relevant, but I wonder why the distinguished majority leader limited himself to the first 3 months of each of these Congresses, during which he says President Johnson submitted 25 messages in 1965, 23 in 1967, and President Nixon only 12 in 1969.

Is there extra merit in administration plans that have only baked, or half-baked, 90 days or less? If the Democrats' researchers had brought the record up to date, they would have logged 30 Presidential messages from President Nixon during his first 8 months in the White House. This compares with 31 and 28 messages, respectively, for the first 8 months of 1965 and 1967 from President Johnson. In President Nixon's 30 messages there are, of course, many more than 30 specific legislative proposals, of which the Democrat-controlled 91st Congress has completed action on only four.

But, Mr. Speaker, we all know that the workload of Congress cannot be measured so easily. I have said before and I say again that I would like this 91st Congress to be known as a quality Congress rather than a quantity Congress. My friend from Oklahoma in his recent remarks laid great stress upon the Great Society legislative proposals which were rubberstamped into law in 1965 by the lopsided 89th Congress. That was the Congress with 295 Democrats to 140 Republicans in the House and 68 Democrats to 32 Republicans in the Senate.

I believe the wise words of the distinguished majority leader of the other body, Senator MANSFIELD, about the legislative landslide of 1965 are still eminently worth repeating:

> We have passed a lot of major bills at this session, some of them very hastily, and they stand in extreme need of a going-over for loopholes, rough corners, and particularly for an assessment of current and ultimate cost in the framework of our capacity to meet it.

So I, for one, do not think there is any magic merit in sheer quantity of Presidential messages or public laws enacted by any particular Congress. And I, for one, intend to withhold judgment on the record of this session of the 91st Congress until we are finished. If it turns out then that this has been a "do-nothing Congress," I will have to agree with former Vice President Humphrey that the American people will know who was responsible and will know what to do about it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WIGGINS (at the request of Mr. GERALD R. FORD) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. ASHBROOK, for 30 minutes, today; to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. DANIEL of Virginia); to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. PURCELL, for 60 minutes, today.

Mr. REUSS, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WHITTEN and to include extraneous matter.

Mr. DULSKI in three instances and to include extraneous material.

Mr. O'NEILL of Massachusetts in three instances and to include extraneous matter.

Mr. RANDALL in two instances and to include extraneous matter.

Mr. BENNETT in two instances.

Mr. HAGAN to extend his remarks following those of Mr. BETTS and prior to the vote on the Betts amendment to H.R. 12884, today.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. WINN.

Mr. KEITH.

Mr. RIEGLE.

Mr. DUNCAN in two instances.

Mr. ROUDEBUSH.

Mr. RAILSBACK.

Mr. HORTON in two instances.

Mr. HALL.

Mr. SCHWENGEL.

Mr. MILLER of Ohio in two instances.

Mr. ASHBROOK.

Mr. STEIGER of Wisconsin.

Mr. PRICE of Texas.

Mr. WYMAN in two instances.

Mr. SCHADEBERG.

Mr. BROCK in two instances.

Mr. GUDE.

Mr. MIZELL.

Mr. BRAY in two instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. MURPHY of New York.

Mr. BRASCO.

Mr. LONG of Maryland in three instances.

Mr. ABBITT in two instances.

Mr. CASEY.

Mr. MOORHEAD in four instances.

Mr. KOCH.

Mr. MINISH.

Mr. HÉBERT.

Mr. THOMPSON of New Jersey in two instances.

Mr. RARICK in three instances.

Mr. WILLIAM D. FORD.

Mr. GONZALEZ.

Mr. TAYLOR in two instances.

Mr. RODINO in two instances.

Mr. VIGORITO in two instances.

Mr. ICHORD in two instances.

Mr. HOWARD.

Mr. HELSTOSKI.

Mr. RYAN in three instances.

Mr. DINGELL.

Mr. GRIFFIN in three instances.

Mr. JACOBS.

Mr. FRASER.

Mr. MCCARTHY in three instances.

Mr. ROSTENKOWSKI.

Mr. CHAPPELL.

Mr. OLSEN in two instances.

Mr. KASTENMEIER in two instances.

Mr. HOLIFIELD.

Mr. HICKS in two instances.

Mr. PICKLE in two instances.

Mr. BOGGS in two instances.

Mr. HAGAN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.; to the Committee on Agriculture.

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.; to the Committee on Agriculture.

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.; to the Committee on Agriculture.

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark; to the Committee on Agriculture.

S. 2226. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination; to the Committee on Agriculture.

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

S. 2547. An act to amend the Food Stamp Act of 1964; to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 152. Joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, September 29, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1179. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the text of International Labor Organization Recommendation No. 132, concerning the improvement of conditions of life and work of tenants, sharecroppers and similar categories of agricultural workers, together with a letter on the recommendation from the Secretary of Labor (H. Doc. No. 91–164); to the Committee on Foreign Affairs and ordered to be printed.

1180. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Detroit, Mich., Office of Economic Opportunity; to the Committee on Education and Labor.

1181. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service and for other purposes; to the Committee on Interstate and Foreign Commerce.

1182. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 213 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

1183. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 355 of the Revised Statutes, as amended, to eliminate mandatory submission for approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; to the Committee on the Judiciary.

1184. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8298. A bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; with an amendment (Rept. No. 91–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Science and Astronautics. S. 1287. An act to authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study; without amendment (Rept. No. 91–521). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENNIS: Committee on the Judiciary, H.R. 6600. A bill for the relief of Panagiotis, Georgia, and Constantina Malliaras; with an amendment (Rept. No. 91–519). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. FEIGHAN**:

H.R. 13999. A bill to amend the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By **Mr. RIVERS**:

H.R. 14000. A bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By **Mr. ARENDS**:

H.R. 14001. A bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act; to the Committee on Armed Services.

By **Mr. CORBETT**:

H.R. 14002. A bill to postpone for 2 years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards; to the Committee on Merchant Marine and Fisheries.

By **Mr. DENT** (for himself, **Mr. Hays**, **Mr. Moss**, **Mr. McFall**, **Mr. Green** of Pennsylvania, **Mr. Feighan**, **Mr. Olsen**, **Mr. Anderson** of California, **Mr. Udall**, **Mr. Obey**, and **Mr. Jacobs**):

H.R. 14003. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By **Mr. DUNCAN**:

H.R. 14004. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 14005. A bill to provide for the refund of certain duties and taxes with respect to exported articles, and for other purposes; to the Committee on Ways and Means.

By **Mr. FRIEDEL**:

H.R. 14006. A bill to extend certain benefits to National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Armed Services.

By **Mr. GARMATZ**:

H.R. 14007. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By **Mrs. GREEN** of Oregon:

H.R. 14008. A bill to amend the Higher Education Facilities Act of 1963 to provide relocation payments and services for persons, businesses, farmers, and nonprofit organizations displaced as a result of construction financed thereunder; to the Committee on Education and Labor.

By **Mr. HORTON**:

H.R. 14009. A bill to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation; to the Committee on the District of Columbia.

H.R. 14010. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By **Mr. KOCH** (for himself, **Mr. Addabbo**, **Mr. Brown** of California, **Mr. Button**, **Mrs. Chisholm**, **Mr. Clay**, **Mr. Cleveland**, **Mr. Conyers**, **Mr. Córdova**, **Mr. Coughlin**, **Mr. Dellenback**, **Mr. Farbstein**, **Mr. Fish**, **Mr. Halpern**, **Mr. Hamilton**, and **Mr. Obey**):

H.R. 14011. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on Judiciary.

By **Mr. KOCH** (for himself, **Mr. Hathaway**, **Mr. Keith**, **Mr. Lowenstein**, **Mr. McCloskey**, **Mr. Nedzi**, **Mr. Patten**, **Mr. Podell**, **Mr. Pollock**, **Mr. Powell**, **Mr. Rees**, **Mr. Reid** of New York, **Mr. Riegle**, and **Mr. Van Deerlin**):

H.R. 14012. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By **Mr. LOWENSTEIN** (for himself, **Mr. Steiger** of Wisconsin, **Mr. Addabbo**, **Mrs. Chisholm**, **Mr. Clay**, **Mr. Conyers**, **Mr. Cowger**, **Mr. Edwards** of California, **Mr. Findley**, **Mr. Halpern**, **Mr. Lukens**, **Mr. Rees**, **Mr. Ryan**, **Mr. Taft**, and **Mr. Udall**):

H.R. 14013. A bill to supply the manpower needs of the Armed Forces of the United Statess through a voluntary system of enlistments, to further improve, upgrade, and strengthen the Armed Forces, and for other purposes; to the Committee on Armed Services.

By **Mr. PURCELL** (for himself, **Mr. Roberts**, **Mr. Evans** of Colorado, **Mr. Randall**, **Mr. Olsen**, **Mr. Steed**, **Mr. Foley**, **Mr. Aspinall**, **Mr. Meeds**, **Mr. Ullman**, **Mr. Rogers** of Colorado, **Mr. Gray**, **Mr. Burleson** of Texas, **Mr. Vigorito**, **Mr. Obey**, **Mr. Henderson**, **Mr. Lennon**, **Mr. Matsunaga**, **Mr. Pryor** of Arkansas, **Mr. White**, **Mr. Andrews** of North Dakota, **Mr. Reifel**, **Mr. Jones** of North Carolina, **Mr. Taylor**, and **Mr. Fisher**):

H.R. 14014. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By **Mr. RIVERS**:

H.R. 14015. A bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act: to the Committee on Armed Services.

By **Mr. SATTERFIELD** (for himself, **Mr. Jarman**, **Mr. Rogers** of Florida, **Mr. Kyros**, **Mr. Preyer** of North Carolina, **Mr. Nelsen**, and **Mr. Carter**):

H.R. 14016. A bill to amend the Public Health Service Act to establish the eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for grants under the existing program of grants to improve the quality of such schools; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 14017. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 14018. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Commission on Agriculture.

H.R. 14019. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 14020. A bill to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. Berry, Mrs. Dwyer, Mr. McKneally, Mr. Minshall, Mr. Pelly, Mr. Thomson of Wisconsin, Mr. Vander Jagt, and Mr. Williams):

H.R. 14021. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BRAY:

H.R. 14022. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 14023. A bill to designate certain real property of the United States in the District of Columbia under the jurisdiction of the National Park Service as the "Wiley Park (Harvey W. Wiley and Anna Kelton Wiley)"; to the Committee on Public Works.

By Mr. BROCK:

H.R. 14024. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 14025. A bill to amend title II of the Social Security Act to provide that the benefits payable thereunder shall be exempt from all taxation; to the Committee on Ways and Means.

H.R. 14026. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 14027. A bill to provide certain legal remedies in order that the rights of persons within the jurisdiction of certain Indian tribes may be protected; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 14028. A bill to enact title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 14029. A bill to amend the Gun Control Act of 1968 to eliminate the requirement that licensed dealers keep records of the sale or delivery of certain ammunition; to the Committee on the Judiciary.

By Mr. O'NEAL of Georgia:

H.R. 14030. A bill to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments; to the Committee on Agriculture.

By Mr. POLLOCK:

H.R. 14031. A bill to appropriate funds for the study and survey of navigation improvements at Cook Inlet, Alaska; to the Committee on Appropriations.

H.R. 14032. A bill to appropriate funds for the works of improvement for navigation at Sergius and Whitestone Narrows, Alaska; to the Committee on Appropriations.

H.R. 14033. A bill to amend title 39, United States Code, to prescribe special postage rates for certain types of unsolicited mail matter not otherwise barred from the mails but of an erotic nature, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14034. A bill to provide for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery; to the Committee on Veterans' Affairs.

By Mr. POLLOCK (for himself, Mr. Burlison of Missouri, Mr. Halpern, Mr. Mikva, Mr. McCloskey, Mr. Leggett, Mrs. Chisholm, Mr. Dellenback, Mr. Moss, and Mr. Chappell):

H.R. 14035. A bill to amend title 39, United States Code, to permit mail sent under the franking privilege to be transmitted in the mails as airmail; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 14036. A bill to require Federal approval of voluntary industrial standards; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself and Mr. Addabbo):

H.R. 14037. A bill to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of New York City; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. Cowger, and Mrs. Heckler of Massachusetts):

H.R. 14038. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. YOUNG:

H.R. 14039. A bill to amend the Tariff Act of 1930 to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP:

H.J. Res. 912. Joint resolution proposing an amendment to the amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MICHEL:

H.J. Res. 913. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Senator Everett McKinley Dirksen; to the Committee on Post Office and Civil Service.

By Mr. CEDERBERG:

H. Con. Res. 380. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. DENT:

H. Con. Res. 381. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. FASCELL:

H. Con. Res. 382. Concurrent resolution expressing the sense of the Congress in support of United Nations action to deter aircraft hijacking and for other purposes; to the Committee on Foreign Affairs.

By Mr. FISH (for himself, Mr. Weicker, and Mr. Hogan):

H. Con. Res. 383. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. HALL:

H. Con. Res. 384. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Res. 557. A resolution amending the Gerald R. Ford, Mr. Anderson of Illinois, Mr. Rhodes, Mr. Giaimo, Mr. Cleveland, Mr. Flynt, Mr. Harvey, Mr. McCloskey, Mr. Blackburn, Mr. Kuykendall, Mr. Betts, Mr. King, Mr. Lloyd, Mr. Langen, Mr. Leggett, Mr. Fisher, Mr. Railsback, Mr. Beall of Maryland, Mr. McDade, Mr. Goodling, Mr. Kleppe, Mr. Vander Jagt, Mr. Zwach, and Mr. Ruth):

H. Res. 557. A resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

By Mr. WYMAN (for himself, Mr. Conable, Mr. Brotzman, Mr. Conte, Mr. Clancy, Mr. Wold, Mr. Cowger, Mrs. Reid of Illinois, Mr. Cederberg, Mr. Riegle, Mr. Fuqua, Mr. Schadeberg, Mr. Ruppe, Mr. Pryor of Arkansas, Mr. Halpern, Mr. Weicker, Mr. Hammerschmidt, Mr. Thomson of Wisconsin, Mr. McCulloch, Mr. Keith, Mr. Abbitt, Mr. Satterfield, Mr. Pollock, Mr. Scherle, and Mr. Wylie):

H. Res. 558. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. POLLOCK introduced a bill (H.R. 14040), for the relief of Anthony Dilbriovic, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

263. The SPEAKER presented a petition of Sylvia Rebecca Berger, Brooklyn, N.Y., relative to military expenditures, which was referred to the Committee on Armed Services.

SENATE—*Thursday, September 25, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Sovereign Lord of history and beyond, in whose sight a thousand years are but as yesterday when it is past, and as a watch in the night, we who live and move and have our being in the stream of history do not ask to see the distant scene. But we seek Thy guidance for today that our actions may be in the light of such knowledge we have of Thee and of Thy purposes. Give us clean hands, pure hearts, and a right spirit for this day. When we are unsure of tomorrow, or the final goal seems obscure, help us to walk and work in the faith that there will be light for tomorrow, that Thy hand is leading us and Thy love supporting us. Invest us with the spirit of the One who said "whoever would be greatest among you let him be the servant of all."

In His name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 24, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 10481) to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on science and strategies for national security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof; and

H. Con. Res. 368. Concurrent resolution providing for the printing of copies of the eulogies on Dwight David Eisenhower.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans and it was signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 10481) to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes, was read twice by its title and referred to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on science and strategies for national security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof; and

H. Con. Res. 368. Concurrent resolution providing for the printing of copies of the eulogies on Dwight David Eisenhower.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION AND REVISION OF THE FOOD STAMP PROGRAM—AUTHORIZATION FOR SECRETARY OF SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of S. 2547, dealing with the food stamp program, to make technical and clerical corrections.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GOODELL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the morning business, the junior Senator from New York (Mr. GOODELL) be recognized for not to exceed 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that when the pending business be laid before the Senate, the distinguished Senator from California (Mr. CRANSTON) be recognized, so that at the conclusion of the 30 minutes he may carry on with the pending business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

RESTORATION OF FEDERAL FUNDS TO GEORGIA SCHOOL SYSTEM

Mr. TALMADGE. Mr. President, on August 13 I wrote the Secretary of Health, Education, and Welfare to ask that Federal funds be restored to Georgia school systems that have been cut off under title VI of the Civil Rights Act.

There are more than ample grounds for taking this action.

A suit has been filed by the Department of Justice against the State of Georgia, and the issue is now before the courts.

A very important ruling by the U.S. Fifth Circuit Court of Appeals indicates there is a fatal flaw in all the enforcement proceedings that have been brought to date under title VI and resulted in fund cutoffs.

Aside from these vital considerations, one of the most overriding concerns is the adequate education and nutrition of thousands of schoolchildren.

On September 3, I received an answer from Leon E. Panetta, Director, Office for Civil Rights. On a matter of such importance—affecting the welfare and education of thousands of needy children—I had hoped that Secretary Finch would condescend to respond himself.

Thirty-five school districts are involved. Six million dollars—about two-thirds of which comes from programs designed primarily to help the poor—are involved. Ten thousand children presently being deprived of badly needed school lunches are involved.

An adequate educational program for these and many, many other pupils, which is their birthright, is also involved.

In any event, I did receive an answer. Mr. Panetta said he shared my concern about "the effect of termination of Federal financial assistance on all children—black and white." Then, he ducked behind what he called HEW's responsibilities under the law.

For one thing, if HEW were genuinely interested in its responsibilities under the law, the Department would recognize that there is no authority in the Civil Rights Act for cutting off school lunch funds.

In fact, legislative intent to the contrary was expressly stated. It was not just implied. It was spelled right out, so that anyone could understand it, that school lunches were to remain inviolate.

The floor manager of the bill, Senator Humphrey, said it was not the intention of title VI to cut off school lunch funds. He did not want to see that happen. Neither did Senator Pastore, the floor manager of title VI. He said in no uncertain terms that school lunch programs would not be jeopardized by title VI enforcement.

I do not know how it could have been made any clearer that title VI in no way would authorize the Federal Government to swoop down and cripple lunch programs for children who come to school hungry most of the time.

But this is what has been going on, contrary to the law, and contrary to the health and best interests of the children.

Now we have a new and significant ruling by the Fifth Circuit Court of Appeals—Taylor County, Fla., Board of Education against HEW—that accused HEW of abusing its authority under title VI. The court said HEW went beyond the law and congressional intent by making blanket cutoffs of Federal assistance to school districts. The court said there had to be a finding of discrimination, program by program, within the school district and that there could be no "guilt by association."

In order to uphold such sweeping action by HEW, the court said it would have to assume, contrary to the law, that defects in one part of the school system automatically infect the whole. The court said this would be clearly disruptive of the legislative scheme and in violation of statutory requirements.

If HEW were genuinely interested in its responsibility under the law, it would be studying this decision very closely. It would take another look at some of the cutoffs it has made. It would follow the command of the circuit court in the Taylor County case and order a remand and reexamination of all the programs, in all the school districts, in every State where there have been cutoffs of Federal assistance.

This is what HEW ought to do, or else it should start moving toward restoring Federal funds to these school systems.

Secretary Finch apparently has taken some cognizance of the Taylor County area. He said on ABC television Sunday that pending the outcome of a possible appeal of the circuit court ruling, there would be no more Federal aid cutoffs. And it was also disclosed this week that Secretary Finch has remanded enforcement proceedings against 39 school systems—15 of them in Georgia—that were approaching the cutoff stage. This puts the cases back before the original hearing examiners for another look at them, in accordance with the Taylor County decision.

This appears to be an indication of recognition by HEW of the fact that there were flaws in the findings against these school systems, in view of the circuit court ruling, and hence the cases are being sent back again. If there were probable defects in these cases that were about to be cut off, then it is apparent that there were also defects in the enforcement against the 35 school systems that have already been cut off.

This is certainly worthy of Mr. Finch's close scrutiny. I, for one, do not see how HEW can continue to punish schoolchildren so long as this matter remains enmeshed in a judicial and bureaucratic entanglement.

I was somewhat encouraged to read, in the Atlanta Journal of September 17, a statement by Paul Rilling, Regional Director of HEW, on the Georgia situation. He said the Georgia lawsuit is the first of its kind in the Nation and Washington attorneys are currently examining Department policy to see if an exception should be made; that is, to see if funds could be restored to the 35 school districts.

Mr. Panetta also indicated in his letter that HEW is giving this matter every consideration.

These funds can and they should be restored without further delay. Georgia schoolchildren for too long have had to endure the debilitating effect of short-changed education. Punitive and coercive action such as this serves no useful purpose. It, in fact, has a devastating effect upon the very ones that the law wants to help.

As I previously pointed out in the Senate, last spring I wrote to 122 school systems to determine how their educational programs and school lunch needs have suffered because of the loss of Federal assistance.

There were some typical comments. Said one school superintendent:

> These funds have been missed. Local taxes have increased, some 43 jobs were lost, 41 of them Negro people, and all programs curtailed in many respects. . . . I would estimate an additional 500 students are not adequately fed, either at home or at school at the present. These 500 could be cared for nutritionally with restored E.S.E.A. funds.

Said another superintendent:

> There were 1,386 children receiving lunches which were being paid for by Title I funds. All of these children would not have had the opportunity to eat in the lunchroom, had it not been for the Title I funds. Since this time, these children have gone without lunches.

Last Wednesday, September 17, the Georgia State Board of Education adopted a resolution, calling on Secretary Finch to restore Federal assistance.

The board of education said public education has been severely injured in several counties by the cutoff, and the children being penalized are primarily economically deprived families who would otherwise receive their greatest benefit from the federally funded programs.

Secretary Finch has received a copy of this resolution, and I wrote to him again yesterday to urge that HEW restore these funds so that educational programs which have been so severely damaged can be reinstated in areas where they are most needed.

I bring the resolution of the State board of education to the attention of the Senate and ask unanimous consent that it be printed in the Record at the conclusion of my remarks, along with a copy of my letter to Secretary Finch.

There being no objection, the material was ordered to be printed in the Record, as follows:

Georgia State
Department of Education,
Atlanta, Ga., September 17, 1969.

Hon. Robert H. Finch,
Secretary, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Dear Secretary Finch: The State Board of Education, in regular session September 17, 1969, unanimously adopted the enclosed resolution requesting the restoration of federal funds to all school systems in the State of Georgia. Your decision to restore or not restore these funds will have an immeasurable effect upon the children of these systems. Therefore, I earnestly solicit your careful consideration of this resolution.

With kindest regards, I am
Sincerely,

Jack P. Nix,
State Superintendent of Schools.

Resolution

Whereas, in numerous counties of the State of Georgia public education has been severely injured by the cut-off of federal funds by the United States Department of Health, Education and Welfare;

Whereas, the deprivation of such federal funds to the local boards of education responsible for the administration of public education in these counties penalizes primarily the children of such counties, and in particular those children from economically deprived families who would otherwise receive the greatest benefit from the federally funded programs;

Whereas, the decision recently rendered by the United States Court of Appeals for the Fifth Circuit in *Board of Public Education of Taylor County, Florida v. Robert H. Finch*, (No. 26841), indicates that such withholding of federal funds by the United States Department of Health, Education and Welfare has in all probability been contrary to law with respect to most, if not all, of the affected local school systems within the State of Georgia; and

Whereas, a currently pending suit brought by the United States against the State Board of Education of the State of Georgia could materially affect relationships between the United States Department of Health, Education and Welfare and those local boards of education whose federal funds have been cut off by the Department;

Now therefore, be it resolved by the State Board of Education that the Honorable Robert H. Finch, Secretary of the United States Department of Health, Education and Welfare be and he hereby is called upon and urged to order the restoration of federal financial assistance to all local school systems within the State of Georgia which have heretofore had such assistance withheld or terminated by said Department; and

Be it further resolved that the Secretary be called upon and urged to withhold approval of any further or additional cut-off orders against any of Georgia's local school systems until final adjudication of the pending litigation between the United States and the State Board of Education of the State of Georgia.

James S. Peters,
Chairman.

Attest:

Jack P. Nix,
Executive Secretary.

September 24, 1969.

Hon. Robert H. Finch,
Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: You will recall that on August 13 I wrote you to urge that federal assistance be restored to Georgia school systems cut off under Title VI of the Civil Rights Act now that the issue is primarily a responsibility of the Courts.

I was glad to hear from Mr. Panetta on September 3 and to learn that my recommendation is being considered. This is to reiterate my concern about the welfare and educational opportunities of children attending the 35 Georgia schools which have termination orders against them. I am sure you have by now received and had an opportunity to study the resolution adopted by the Georgia State Board of Education on September 17.

The Board noted the severe injury to public education in Georgia because of the cutoffs and pointed out, as I have for so long in the Senate, that the children suffering the most from this deprivation—the loss of funds for school lunches, special teaching, and other educational programs designed for the poor—are the ones that the law is actually meant to help. Such a punitive approach to the school problem has never made any sense to me, and it is deplorable that children would be denied their right to a full and adequate education in such a manner. The Georgia Board of Education has also urged the restoration of funds to these school districts.

Since August, I know you have closely studied the decision, as I have of the U.S. Fifth Circuit Court of Appeals in the *Taylor County, Florida* case. The Court clearly indicated that in all probability there are fatal defects in all the termination orders brought to date and are thus contrary to the law. Your order of September 17 remanding the cases of 39 school districts back to the original hearing examiners indicates your awareness of the questionable status of current enforcement proceedings in view of the *Taylor County* case. You are to be commended for taking this action, and I was also pleased to hear your decision stated on ABC television Sunday that no more fund cutoffs will occur pending possible appeal of the Fifth Circuit ruling.

Because this problem has now been placed before the federal judiciary and because of the serious questions raised as to the legality of the termination orders already in force, I again urge you to restore federal assistance to these school districts so that educational programs that have been so severely damaged can be reinstated in areas where they are needed the most.

I will appreciate your continued consideration, and I hope that affirmative action can be taken at the earliest possible moment.

With every good wish, I am

Sincerely,

Herman E. Talmadge.

SEVEN MORE CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, in the past 5 days since last Thursday, September 18, the Pentagon has notified seven more California families of the death of a loved one in Vietnam.

Those killed were:

Lance Cpl. Loyd D. Acosta, son of Mr. and Mrs. Harold L. Acosta of Norwalk;

Pfc. Edward M. Hanson, son of Mr. and Mrs. Maynard E. Hanson of Ventura;

Pfc. Michael A. Montellano, husband of Mrs. Eleanor Montellano of Los Angeles;

S. Sgt. Jerry L. Ogren, husband of Mrs. Katherine A. Ogren of Stockton;

Sp4c. Larry D. Strouse, son of Mr. and Mrs. Elmer L. Strouse of Granada Hills;

Pfc. John W. Walker, son of Mr. and Mrs. George Walker of Orange; and

Pfc. Thomas E. Young, brother of Miss Mary J. Young of San Diego.

They bring to 3,801 the total number of Californians killed in the Vietnam war.

REPLY TO CRITICISM OF DONALD RUMSFELD

Mr. DOMINICK. Mr. President, on September 23, 1969, the Senator from Texas (Mr. Yarborough) had printed in the Record an article by Jack Anderson. In the Record the Senator from Texas stated that it was "an illuminating column" and that it "calls for an explanation from Mr. Rumsfeld."

The article, a copy of which I have, is entitled "Anti-Poverty Czar Embellishes Office," and was published in the Washington Post on Monday, September 22, 1969.

It seems to me perfectly apparent that neither Mr. Anderson nor the Senator from Texas have been to the OEO office. It so happens that we are marking up the OEO authorization bill at the present time and I took the opportunity this morning to go to the OEO office and talk to some members of the OEO, including the Director.

The following are some of the inaccuracies that are apparent in the column. The column states:

> To be prepared should his budget-cutting efforts prove tiresome, he has added a bedroom to his executive suite.

That is a total fabrication. The executive offices of OEO are at 1200 19th Street NW. They are on the eighth floor and consist of one room where Mr. Rumsfeld is, and that room has his desk and one table in it.

The article states:

> Expensive lamps now give a soft, restful glow to the walls that were once lit by fluorescent tubes.

There is not a lamp in the office, either expensive or cheap, restful or not restful. There are three lamps, general GSA issue, in the reception area on the eighth floor.

The article states:

> There were no carpets.

There are still no carpets in the entire building as far as I can see.

Here is an effort once again by Jack Anderson to try to implicate Republicans for some reason, by stating they are rolling around in luxury. The article is an absolute fabrication from beginning to end.

The column also states:

> The stark photographs of poverty are gone from the walls, replaced by pastoral scenes.

There are some cardboard reproductions that he got on loan from the National Gallery. There are two of them. The poverty photographs are still there. The only other picture in the reception area is an official photograph of President Nixon. There is a picture of the House of Representatives in session, where Mr. Rumsfeld served for four terms. This could hardly be classed a "pastoral scene."

Mr. Anderson further states:

> And as evidence of his new Cabinet rank, Rumsfeld has added the ultimate in executive status symbols: a private bathroom.

Mr. Rumsfeld is a member of the Cabinet as an Assistant to the President, not as Director of OEO. There is no private bathroom. There are only two bathrooms on the eighth floor, where Rumsfeld's office is located—one for ladies and one for men. I am informed Mr. Rumsfeld uses the letter. The men's bathroom is not a bathroom in that there is no bath. It is a four stooler. Mr. Rumsfeld has requested for the last 3 months to have the door handle fixed. It has not been fixed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. I am just getting warmed up.

Mr. President, I do not understand how someone who is supposed to be a columnist of some significance in this country can write an article like this one and have it published when it is designed to create antipathy toward a person who is trying to do something for the poor, and when there is not one word of truth in what he is saying about these accommodations and new type efforts within the OEO.

Mr. Anderson states:

> Rumsfeld has carefully chosen Washington, the city with the highest proportion of blacks and the only city in America without a voice in Congress, to demonstrate his heavy hand on the budget.

Of all the inaccuracies in the column this item could be described as the worst distortion. It is full of innuendos. It just makes me wonder what kind of misinformation other columnists will bring up if this type of thing is allowed to go unchallenged.

Mr. Anderson indicates that Mr. Rumsfeld has "wielded an economy ax on programs for the poor." Well, in the 1969 fiscal year, expenditures were $1.948 billion. The Nixon administration asked for $2.048 billion. The authorization bill has not yet been reported from the committee. We are working on it right now. So we are asking for more money than was spent last year. In the meanwhile, the only possible thing that the OEO can do is to proceed under a continuing resolution and spend the same amount as it did before. That is what they are doing.

Mr. Anderson states $1 million was lopped off the poverty budget for Washington. Statutes require a minimum distribution of its funds to States based on a poverty index. UPO's budget last year was 268 percent over the minimum and other States in the mid-Atlantic region were less than 5 percent over the minimum. UPO has an excessive amount of unused funds from last year. The other States are in danger of falling below the minimum. UPO funds had to be reduced to meet the legal requirements of the other States. UPO will decide which programs are cut, not OEO. There has been no attempt by OEO to withdraw any funds from the Washington credit union.

Thus, once again, there is nothing of this kind going on which is truthful, so far as the article is concerned. It is just one more fabrication.

Mr. Anderson refers to shutting down a program in Minneapolis. As a matter of fact, what they did with a $2 million program was to temporarily suspend $15,000 and after they had worked out some changes to insure the programs would operate for the benefit of the poor, it was reinstated 34 days later. The program has been going forward as it was before, only better, so far as its administration is concerned.

Mr. Anderson notes "Rumsfeld plans one sop for blacks." He is seeking a black to head VISTA. Obviously it would be highly desirable to have a member of a minority group in VISTA. Such input can help make the activities of that agency responsive to the people it seeks to serve. Rumsfeld would be criticized if he did not seek such persons.

Thus, it would seem to me that here again we have a typical distortion of what happened. Apparently, it was done without any investigation of the facts. Once again it was designed to create problems for the OEO in its relationship with minorities and in OEO's efforts to try to help the poor.

He goes on and on. I am not going down the whole list, but it just seems to me that everything he says in here is exemplified by his allegations that a bedroom is being added to a suite. There is no suite. There is no bedroom in the whole building, much less any so-called office. There are no carpets. There are but three lamps in the reception room. The rest of the lights are fluorescent just the way they were before. There is no private bathroom.

I would say that what we need is a little more responsibility in reporting, so that it does not have an emotional impact upon the efforts of those who are trying to do their best to help the poor and bring them into the mainstream of American life.

EXECUTIVE COMMUNICATIONS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Federal Contributions Program, Equipment and Facilities

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal Contributions Program, Equipment and Facilities, for the quarter ending June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

Report of Federal Contributions, Personnel and Administration

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal Contributions, Personnel and Administration, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

Report of the Comptroller of the Currency

A letter from the Comptroller of the Currency, transmitting, pursuant to law, a report of the Comptroller for the year 1968 (with an accompanying report); to the Committee on Banking and Currency.

Proposed Amendment of Title 35, United States Code, "Patents"

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Eliminating Mandatory Submission for Approval by the Attorney General of the Title to Lands Acquired for or on Behalf of the United States

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend section 355 of the Revised Statutes, as amended, to eliminate mandatory submission for approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

Proposed Amendment of the Immigration and Nationality Act

A letter from the Attorney General of the United States, transmitting, pursuant to law, a draft of proposed legislation to amend section 213 of the Immigration and Nationality Act, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **PRESIDENT** pro tempore:

A letter from the President, State of New Mexico Constitutional Convention of 1969, Stanley, N. Mex., relating to U.S. servicemen captured in Southeast Asia; to the Committee on Foreign Relations.

A resolution adopted by the Grand Lodge of the Benevolent and Protective Order of Elks, Local Lodge No. 183, Savannah, Ga., praying for the enforcement of laws and the prosecution of dissidents; to the Committee on the Judiciary.

Resolutions adopted by the State Council of Tennessee, Junior Order, United American Mechanics, Knoxville, Tenn., relating to the right of persons to express their religious and spiritual convictions; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **TYDINGS**, from the Committee on the District of Columbia, without amendment:

S. 1484. A bill to abolish the commission authorized to consider a site and plans for building a national memorial stadium in the District of Columbia (Rept. No. 91–432); and

S. 2163. A bill to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes (Rept. No. 91–433).

By Mr. **TYDINGS**, from the Committee on the District of Columbia, with amendments:

S. 2164. A bill to establish a Commission on Government for the District of Columbia (Rept. No. 91–434).

By Mr. **YOUNG** of Ohio, from the Committee on Armed Services, without amendment:

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes (Rept. No. 91–435).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. **LONG**, from the Committee on Finance:

Daniel Eldred Rinehart, of Maryland, to be a member of the Renegotiation Board.

By Mrs. **SMITH** of Maine, from the Committee on Armed Services:

Brig. Gen. Joe M. Kilgore, Air Force Reserve, and sundry other officers of the Air Force Reserve, for promotion in the Air Force Reserve;

Brig. Gen. George W. Edmonds, California Air National Guard, and sundry other officers, for appointment as Reserve commissioned officers in the U.S. Air Force.

Mr. **STENNIS**. Mr. President, from the Committee on Armed Services I report favorably the nominations of 195 flag and general officers in the Army, Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The nominations, ordered to be placed

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on the Executive Calendar, are as follows:

Vice Adm. Lot Ensey, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Rear Adm. Frederick H. Michaelis, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Isaac C. Kidd, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. Bernard F. Roeder, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Vice Adm. Vernon L. Lowrance, U.S. Navy, for appointment to the grade of vice admiral, when retired;

John H. Cheffey, Ralph E. Faucett, and Francis L. Garrett, for promotion to the grade of rear admiral in the Navy;

Brig. Gen. Raymond E. Mason, Jr., and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. Daniel K. Edwards, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Rear Adm. Walter L. Curtis, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Maj. Gen. George Gray O'Connor, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of lieutenant general while so serving;

Brig. Gen. Robert Clinton Taber, Army of the United States (colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Maj. Gen. Alexander Day Surles, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of lieutenant general while so serving;

Jonas M. Platt, and sundry other officers, for permanent appointment in the Marine Corps; and

Brig. Gen. James S. Cheney, to be the Judge Advocate General, U.S. Air Force, and appointment to the grade of major general.

Mr. STENNIS. Mr. President, in addition, I report favorably 98 appointments in the Army in the grade of major and below, 854 appointments and promotions in the Navy in the grade of captain and below, 139 appointments in the Marine Corps in the grade of colonel and below, and 7,902 appointments and promotions in the Air Force in the grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Huey P. Lawery, and sundry other persons, for appointment in the Regular Air Force;

Frederick E. Abandschein, and sundry other officers, for promotion in the Regular Air Force;

Larry M. Baker, and sundry other students of the Air Force Reserve Officer Training Corps, for appointment in the Regular Air Force;

John G. Abbott, Jr., and sundry other officers, for promotion in the Regular Air Force;

Johnny L. Montgomery, and sundry other persons, for appointment in the Regular Army of the United States;

Nathaniel R. Robertson, and sundry other officers, for promotion in the Navy;

Robert L. Blake, and sundry other staff noncommissioned officers, for promotion in the Marine Corps; and

Hugh S. Aitken, and sundry other officers, for promotion in the Marine Corps.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Eugene A. Gulledge, of North Carolina, to be an Assistant Secretary of Housing and Urban Development.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HART (for himself and Mr. MOSS):

S. 2959. A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes; to the Committee on Commerce, by unanimous consent request.

(The remarks of Mr. HART when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TOWER:

S. 2960. A bill for the relief of Jose Clemente Vivanco; and

S. 2961. A bill for the relief of Hildegard Mercedes Schlubach Ercklentz, Enno W. Ercklentz, Jr., Hildegarde Ercklentz Merrill, and Alexander T. Ercklentz; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2962. A bill for the relief of Divina Redondo; and

S. 2963. A bill for the relief of Julieta M. Galimpin; to the Committee on the Judiciary.

By Mr. TOWER:

S. 2964. A bill for the relief of Ecaterini N. Economopoulou; to the Committee on Finance.

S. 2965. A bill to amend the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees of the Canal Zone Government, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. TOWER when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 2959—INTRODUCTION OF A BILL ESTABLISHING AN INDEPENDENT CONSUMER COUNCIL

Mr. HART. Mr. President, for 10 years—starting with Senator Kefauver's first foresighted proposal—the Senate regularly has been asked to give consumers an organization to help them with their special problems.

His original idea was a Department of Consumers, which would absorb the consumer functions of several existing agencies. This idea has remained alive in Congress—and is yet today, with Representative BENJAMIN ROSENTHAL its able sponsor.

Senator Kefauver, 4 years later, amended the proposal to be an Office of Consumers—leaving consumer functions in existing agencies but continuing plans for representation of consumers before Federal agencies and dissemination of product information.

In 1965, with Senator Kefauver taken from us, I undertook the lead in the Senate efforts to establish the Office of Consumers. While I will not accuse myself of half-hearted enthusiasm, I must honestly admit I felt unsure with the plan. This was not because I thought it would not be helpful but that it was not the best assistance we might conjure up for consumers.

By the last Congress, I had a modified proposal—for a National Consumer Service Foundation—which advanced the product information dissemination by using a nationwide computerized network.

Still, I kept tugging, attempting to produce the better plan for consumers that I remained convinced was possible.

Today I am introducing what I think is that better plan.

This proposal—for an Independent Consumer Council—makes two breaks from previous thinking—breaks which will give control to those it is to serve and which should increase effectiveness.

First, it will be far more independent of Government.

Only a cockeyed optimist can expect any agency established as an arm of the executive or Congress not to reflect constantly the prides and prejudices of its master.

If top appointments also are made by either the executive or Congress, the control of philosophy is even more absolute.

It simply is not realistic—and ignores human nature—to establish a consumers' watchdog on Government under those conditions and expect it to perform fully up to anticipations.

The Independent Consumer Council will neither be established as an arm of either branch of Government nor will it—after formation—be governed by appointees of either branch.

The initial Board members are named in the enabling legislation I submit today. But hereafter, positions on that Board will be filled by ballot of its local units.

Granted some funding will come from Federal appropriation—but it is planned that this should not be the major source of financing.

Thus the Board—and the Council—is in the complete control of its constituency, with no middlemen.

The second break this proposal makes from other envisioned consumer agencies is to establish local units.

This facet—in the months I have been discussing it—is what has caught the most generally admiring attention.

Alienation of citizens from their government is a source of great distress to many on both sides of the aisle in this body; it certainly is to me.

It is not youth alone who feel that their government—Federal and local—has taken on many aspects of a foreign power.

I fear a majority of our citizens see government as inaccessible and seemingly unresponsive to their needs and desires. Even those who assign no evil intent are frustrated almost beyond en-

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durance by the maze of bureaucracy which forecloses getting a simple answer to a simple question. They simply cannot discover the right number to call, the right door on which to knock or the right address to write.

Basically the functions of the Council are three.

First, it would serve as an ombudsman.

The local unit would be the one-stop complaint center for gripes against government—Federal and local. No longer need a consumer—as a novice fumbling his way—endure being switched from office to office, from agency to agency simply to get something to which he is entitled.

The Council's experienced staff could make it almost simple to get a street light replaced, a sidewalk repaired, a tax bill adjusted or a social security check processed.

Anyone who questions the need for this help should direct his attention to the mushrooming growth of "Action Line" type columns in metropolitan—and even weekly—newspapers.

These have performed a great service—not only in solving individual problems but in educating consumers as to how to cope with similar ones.

The only complaint I have heard on the columns comes from publishers. They fear that the columns very popularity might be producing adverse public relations. So vast is the number of complaints that only a few can be dealt with in print. A majority of the people are left unaided—and probably more upset than when they started.

Obviously the answer is not to expect newspapers to devote the majority of their space to such columns but to try to perform the service so as to serve more consumers. This the Consumer Council could do.

The local units also would be a funnel for complaints consumers have about products or service they purchase.

In all fairness, I think the growth of the consumer movement in many ways has damaged unjustly many businessmen. Awakened consumers, determined to get full value from each dollar, are not too inclined to give business the benefit of the doubt.

Yet, let us face it: The customer is not always right—old saws to the contrary. In fact, if European experience under the ombudsman system is typical, the complainant is right only a small fraction of the time.

Figures there are that only 50 percent of complaints—after initial examination—are worthy of investigation and only about 10 percent worth remedial action.

If the facts are remotely similar here, a vast majority of the time businessmen are being bad mouthed when they do not deserve it.

On the other hand, a good percentage of the time consumers do deserve adjustments—which most find are hard to come by when they seek them alone.

And, as long as 90 or some related percentage of complainants think they are right—even if they are not—and receive no satisfaction their disenchantment with business grows and festers.

The second significant role for the council would be to serve as "peoples counsel." As such, it would be the voice of the consumer before government—and also the prod to see that agencies implement and enforce consumer legislation once it has been enacted.

To date, we have expected governmental agencies to represent consumers—and have criticized them if we thought they failed. I submit that perhaps the fault in the past has been not with the agencies but with the system which we expect them to operate.

First and foremost, agencies are judges. As such they are presented with documented and forceful arguments from the special interests. But, when they turn to the other side of the courtroom for the representative of the public, the seat is vacant.

Absent a brief for consumers, agencies are forced to rely more on intuition than fact to comprehend the consumers' side. Unfortunately for consumers, statistics, charts, and several talented spokesmen tend to overwhelm the persuasiveness of intuition.

No judge should have to operate in such a system. The Council would be expected to fill the existing void.

As peoples counsel, the Council also would appear in lawsuits to argue for the consumer. Further, under proper circumstances, it would be authorized to initiate suits on behalf of consumers to obtain economic relief.

The third and final role of the Council would be to disseminate product information. Supplied by manufacturers, government testing and testing done by the Council, this information would be disseminated with the most modern of technology available.

As I envision it, we would have a network nationwide of computerized outlets from which—at the deposit of a coin or two—the consumer would receive a printout of information on the product in which he is interested.

Then, at his leisure in his home, he could analyze the facts—far more complete than those now available to him for product decisions—and decide which model would best suit his needs.

The Council would not recommend one brand over another. But it would supply sufficient information for the consumer to balance the individual models against his needs. More and more, consumers do not accept the notion that the advertising claims alone must be their only basis for a shopping decision.

Mr. President, as I said at the beginning, for 10 years Congress has continuously propped up consumers' hopes that "any day now" they would get a full-time, fully staffed organization to help them.

The performance here has been like the popular stage play, "Promises, Promises."

I sense consumers have stopped asking "When?" and today are demanding "Now." We must deliver. Hopefully this proposal for an Independent Consumer Council will catch the imagination and support of sufficient Members of Congress to do just that.

There has been some question raised as to whether this bill is inconsistent with other bills which would establish a statutory Office for Consumers in the executive branch. The answer is "absolutely not." In my book they would complement each other. My feeling is that the primary consumer need is an advocate—free from both Government and industry ties.

But such an advocate would lead a much easier life if there existed a statutory consumer post within the Government.

Given permanent status, an Esther Petersen, Betty Furness, or Virginia Knauer, would have additional tools with which to work with in the Government in the consumer interest. This is good. This is necessary. And much benefit will come of such a post.

But basically, such a post still is subject to the conflicting demands within the executive branch requiring compromise and, ultimately, direction by the President.

"Independence" is the key to a truly successful consumer effort. But the Independent Consumer Council would find its work simplified and its effectiveness increased if there existed a permanent consumer post within the executive structure.

Mr. President, I ask unanimous consent that the bill be received and referred to the Committee on Commerce.

The PRESIDING OFFICER. The bill will be received and, without objection, will be referred to the Committee on Commerce.

The bill (S. 2959) to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes, introduced by Mr. Hart, for himself and Mr. Moss, was received, read twice by its title, and referred to the Committee on Commerce, by unanimous consent.

Mr. HART. Mr. President, I also ask unanimous consent that the biographies furnished to us by the members of the board of directors be printed in the Record, together with a letter from Aaron S. Yohalem.

There being no objection, the biographies and letter were ordered to be printed in the Record, as follows:

Background and Biography—Clay Buckhout, Vice President, Time, Inc.

Clay Buckhout, senior advertising and marketing executive for Time Inc., has been closely associated with the fields of marketing and of communications throughout his working career, which has spanned more than a third of a century.

During much of that career, he was an executive of Life, having joined the magazine in 1939, less than three years after it was launched by Time Inc., as assistant to the general manager. After a period during which he was on loan from Life to be publisher of the *Army-Navy Journal of Recogni-*

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tion and other aircraft recognition manuals during World War II, he returned to the magazine. He was made Western Advertising Manager in 1946, Advertising Manager in 1947, and Advertising Director in 1948. He remained in that post until 1961. During that 13-year tenure, Life's advertising sales increased some 70%, from $81,700,000 to $138,000,000.

Buckhout was elected a Vice President of Time Inc. in 1957. In 1961 he left Life to take on a broad corporate assignment for the company, working with Board Chairman Andrew Heiskell on wide-ranging assignments connected with all the company's magazines and interests in the U.S. and abroad. In that capacity, his efforts have been concentrated in the field of marketing, and in advertising as the major communications tool of marketing.

He is International Vice President and Chairman of the International Committee of Sales & Marketing Executives-International, and is a member of the board and of the executive committee. Buckhout is also a member of the National Marketing Advisory Committee of the U.S. Department of Commerce. He was a founding trustee of the Marketing Science Institute, and is on its board and executive committee, and is a director-at-large, an executive committee member, and Chairman of the Planning & Steering Committee of the Advertising Council.

Buckhout is also active in a number of other trade and professional associations. He is a member of the National Economic Affairs Committee, the International Committee and the Marketing Committee of the National Association of Manufacturers. He is an Executive Committee member and Vice Chairman of the board of the Brand Names Foundation, and a member of the board of the Advertising Research Foundation. He is also a member of the United States-Japan Trade Council. In the publishing field, he served as Chairman of the Magazine Advertising Bureau for four terms and is on its Executive Committee. He is also on the board of the Publishers Information Bureau.

Born in New York City on June 13, 1910, Buckhout attended Loyola School in New York and was graduated from Fordham University in 1932. He took graduate work in transportation at Columbia University, after a brief period in which he did research in Europe for major airlines. He was one of the original members of General Air Express in 1933 and 1934, leaving that company prior to its merger with the Railway Express Company.

In 1934, Buckhout joined the New York Stock Exchange firm of McDonnell & Company, serving as a statistician and later as a branch manager. He left the company in 1938 to become Vice President and Advertising Manager of Balsa Wood Company, of Brooklyn and Ecuador. He left the firm to join Time Inc. the following year.

Buckhout was honored by Fordham University in 1957 with the Award for Achievement in the Field of Communication Arts. He is on the President's Committee of the University and an administrative trustee of the Fordham University Council, as well as a trustee of Finch College, New York City.

He is married to the former Martha Morgan, of New York City. They have two daughters, Mrs. Jerome K. Chase and Mrs. George T. Poillon. The Buckhouts have made their home since 1933 in Greenwich, Connecticut, where he is active in community affairs. He was chairman of the 1967 Community Chest Campaign for Greenwich, and he is currently a director of the Community Chest and Council Board.

Tru Clark

Truman B. Clark, 48, President of the Tappan Division of The Tappan Company (Mansfield, Ohio), was born in Boston, Massachusetts, October 21, 1920. He moved to Mansfield with his family in 1935. After graduating from Mansfield Senior High School in 1938, he attended the Engineering College of the Ohio State University at Columbus, Ohio. He left there in his senior year to join Bell Aircraft Corporation as a project engineer at Buffalo, New York and Marietta, Georgia from 1942 through 1945.

He began his career with Tappan in 1946 as a District Sales Manager. In 1949 he placed fourth in the Tappan National Sales Contest. After a successful tour of duty in sales, Clark returned to Mansfield to become Manager of the War Products Division. In 1952 he became an assistant to the Vice President of Manufacturing and in 1954 was appointed Director of Engineering. In 1958 he was advanced to the position of Works Manager. Two years later he assumed the leadership of the Mansfield operation as its Manager.

Elected to the Board of Directors of The Tappan Company in February 1962, he moved to Los Angeles in March of 1962 to assume the duties of Executive Vice President and General Manager of O'Keefe & Merritt Company, a wholly owned Tappan subsidiary. Under his guidance sales grew substantially and in 1964 he was promoted to President and General Manager.

In August of 1966 he returned to Mansfield to become President of the Tappan Division and assumed leadership of the Mansfield, Ohio and Murray, Kentucky operations. In addition to this responsibility, Tru is a member of the Executive Committee of The Tappan Company which is the parent organization of all the corporate divisions. With his background in engineering, sales, manufacturing and administration, plus his penchant for getting the job done, he led the Tappan Division to a turnaround during 1967.

As a family man, he and his wife, Joan, are raising six attractive daughters and two young sons in a manner to be emulated. They reserve many weekends for their children and their friends. Favorite recreational activities are sailing, family outings (including travel trailer trips) and hiking.

Tru's business record places him among those who are men of accomplishment. In short, Truman B. Clark is a man among men and an able leader of our Tappan teams.

William D. Drake, Ph. D. in Industrial Engineering, University of Michigan, 1964

Professor William Drake is presently Chairman of the University-wide Ph. D. Program in Urban and Regional Planning at the University of Michigan. He is a past member of the Independent Study Board appointed by the U.S. Secretary of Commerce for assessing the impact of governmental policies on regional economic development. In 1965–66 Dr. Drake served as Deputy Executive Secretary for Technology on the President's Commission on Technology, Automation, and Economic Progress.

He is also a member of the Board of Directors of the Consumers Union.

Résumé: John J. Flynn

Address: (Home) 954 Military Drive, Salt Lake City, Utah 84108. Telephone: 801–363–7742.

(Office) College of Law, University of Utah, Salt Lake City, Utah 84112.

Born: April 10, 1936, Chelmsford, Massachusetts.

Marital Status: Married (Sheila A. Flynn), 3 Children (John 6, Siobhan 5, Timothy 3).

Education: Primary: Chelmsford Massachusetts Public Schools 1942–1950; Chelmsford High School 1950–1954. College: Boston College, Chestnut Hill, Massachusetts, B.S. 1958 (with honors). Law School: Georgetown Law Center, Washington, D.C., L.L.B. 1961. Graduate School: University of Michigan Law School, S.J.D. 1967.

Honors: 3 year scholarship, Georgetown Law Center; W. W. Cooke Fellow, University of Michigan 1961–1963; Order of Coif; Board of Editors, Georgetown Law Journal; Graduate of the Year 1961.

Publications (Representative List):

Federalism and State Antitrust Enforcement. (Michigan Legal Publications 1964).

49 Geo. L. J. 322 (Juvenile Delinquency Proceedings).

49 Geo. L. J. 144 (Evidence).

48 Geo. L. J. 594 (Interlocutory Appeals).

1966 Utah L. Rev. 351 (State Government).

1966 Utah L. Rev. 311 (Federalism).

51 A.B.A. J. 229 (Federalism).

52 Cornell L. Q. 829 (Antitrust).

53 Iowa L. Rev. 983 (Antitrust) reprinted. 1 Antitrust L. & Econ. Reprints Vol. 1.

1967 Utah L. Rev. 152 (Antitrust).

22 Vanderbilt L. Rev. 103 (Antitrust).

45 Texas L. Rev. 1301 (Antitrust).

Bar Membership: Member, Massachusetts Bar, Boston Bar, American Bar Association, A.B.A. Antitrust Section, Applicant, Utah Bar Association.

Legal Experience: Professor of Law, University of Utah 1963-Present. Visiting Professor of Law, University of Michigan 1966. U.S. Labor Department Intern 1960. Consultant in several major antitrust and unfair competition cases. Witness before Senate Antitrust Subcommittee and Senate Constitutional Amendments Subcommittee.

Fields of Specialization: Antitrust; Unfair Competition; Regulated Industries; Securities Regulation; Corporations; Patents; Trademarks and Copyright.

Community Service: Chairman; Board of directors, Community Mental Health Center. Board of Directors, Big Brothers of Utah. Board of Directors, American Civil Liberties Union, Utah Affiliate.

Dr. Henry A. Hill

Dr. Henry A. Hill, president of Riverside Research Laboratory, Inc., of Haverhill, Massachusetts. His doctorate in organic chemistry was granted by the Massachusetts Institute of Technology and he has held several posts with major chemical companies. He is a member of the National Commission on Product Safety and the Advisory Council to the Senate Consumer Sub-Committee. Dr. and Mrs. Hill and their son Anthony reside in Watertown, Massachusetts.

Biographical Statement of Benny L. Kass

Mr. Kass is a practicing attorney in Washington, D.C., specializing in the area of consumer affairs. He is a consumer consultant to a number of organizations, including the National Legal Aid and Defender Association and the National Consumer Law Center. Prior to entering into legal practice, he was Assistant Counsel to the Senate Subcommittee on Administrative Practice and Procedure—a position he held from November, 1965–March, 1969.

Mr. Kass received a Bachelor of Science degree in Journalism from the Medill School of Journalism, Northwestern University, in 1957. In 1960, he was awarded an L.L.B. degree from the University of Michigan Law School. In 1967, he received his Master of Laws degree from the George Washington University Law School. Mr. Kass received an American Political Science Association Fellowship and spent 1967 studying the office and institution of Ombudsman. He is a member of Mayor Washington's Committee on Economic Development and Chairman of its Consumer Affairs Subcommittee.

From August of 1962 to November, 1965, he was Counsel to the Government Information Subcommittee (the Moss Subcommittee) of the House of Representatives. Prior to that, he served a year with the Air Force during the Berlin crises.

Mr. Kass was admitted to the Bar of the District of Columbia in September, 1960. He is a member of the American Bar Association and the Federal Bar Association. He is married to the former Salme Lundstrom and has one daughter, Gale, born April 25, 1966, and one son, Brian, born in July of 1968. They reside in Chevy Chase, D.C.

Mr. Kass was recently appointed a Commissioner from the District of Columbia to the National Conference of Commissioners on Uniform State Laws. He was appointed to this position by Mayor Walter Washington, in August of 1969.

BIOGRAPHY: JAMES SCOTT KEMPER, JR.

Title: President.

Company: Lumbermens Mutual Casualty Company.

Principal business: Insurance.

Business address: Mutual Insurance Building, Chicago, Illinois 60640.

Business phone: (312) 561–8000.

Other business affiliations:

Current: President, Kemperco, Inc., American Manufacturers Mutual Insurance Company; American Motorists Insurance Company; Kemperco Reinsurance Company: Chairman of the Board, Iowa Kemper Mutual Insurance Company; Economy Fire & Casualty Company; Richland-Knox Mutual Insurance Company: Director, Empire State Mutual Life Insurance Company; Stewart-Warner Corporation; The Calumet Publishing Company: Chairman of the Board of Trustees, The Insurance Institute of America, Inc. and The American Institute for Property and Liability Underwriters: Trustee, Underwriters Laboratories, Inc.

Former: Antitrust division, Department of Justice; private practice, New York, Chicago and Los Angeles.

Civic activities:

Current: Director, National Industrial Conference Board; National Council on Alcoholism, Inc.: President and Trustee, The James S. Kemper Foundation: Director, Boys' Clubs of America; Chicago Boys' Clubs; The American Red Cross, Mid-America Chapter: Member, Advisory Council, School of Business, Northwestern University: Trustee, The College of Insurance (New York); Wesley Memorial Hospital (Chicago); U.S. Council of International Chamber of Commerce; American Enterprise Institute: Member, Senior Advisory Board, National Strategy Committee of the American Security Council: Director, Freedom Studies Center of the Institute for American Strategy.

Former: Lieutenant Commander, USNR, World War II.

Home address: 530 Ash Street, Winnetka, Illinois 60093.

Home phone: (312) HI 6–7658.

Family names: Wife. Joan Hoff Kemper. Daughters, Linda; Judith; Sons, James S. III; Stephens; Robert.

Education: Lawrenceville School, Lawrenceville, New Jersey, Yale University, A.B.; Harvard University, LL.B.

Fraternal affiliations: Alpha Sigma Phi.

Church affiliation: Episcopal.

Birthdate: April 8, 1914.

Birthplace: Chicago, Illinois.

Club affiliations: Chicago Club; Bohemian Club, San Francisco; Metropolitan Club, Washington, D.C.; Glen View Club; Saddle and Cycle Club; Economic Club of Chicago.

Kemper board affiliations: Director, Lumbermens Mutual Casualty Company; Kemperco, Inc.; American Manufacturers Mutual Insurance Company; American Motorists Insurance Company; Federal Mutual Insurance Company; Fidelity Life Association; Federal Kemper Life Assurance Company; Economy Fire & Casualty Company; Sequoia Insurance Company; Iowa Kemper Mutual Insurance Company; Richland-Knox Mutual Insurance Company; Kemperco Reinsurance Company; Extel Corporation.

BIOGRAPHICAL SKETCH OF OLGA M. MADAR

Olga M. Madar, a member of UAW Local 769, was elected to the UAW International Executive Board as a board member-at-large at the 1966 convention, the first woman to achieve that distinction. Prior to that time, she had been director of the union's Recreation Dept. for 19 years.

She is currently director of the union's Dept. of Recreation and Leisure-Time Activities, the Dept. of Conservation and Resource Development, the servicing section of the Technical, Office and Professional Workers Dept. (TOP) and the newly-established Dept. of Consumer Affairs.

A native of Sykesville, Pa., she was graduated from Detroit's Northeastern High School in 1933 and received her Bachelor of Science degree from Eastern Michigan University in 1938. She now lives on Detroit's east side.

Her working career included jobs on the assembly line at the Chrysler Kercheval Plant and the Bower Roller Bearing Plant, both in Detroit, and at the Ford Willow Run Bomber Plant at Ypsilanti, Mich. during World War II.

She also worked as a recreational therapist at the Ypsilanti, Mich. State Hospital, taught school at Flat Rock, Mich. and then worked as recreation director for the now defunct UAW Local 50.

Prior to her election to the board, she had been on the staff of the International Union for 21 years, assigned to the Recreation Dept. After being appointed director of that department by UAW President Walter P. Reuther, her first assignment was to work with the union's Fair Practices Dept. to eliminate racial discrimination in organized bowling—a goal which was finally achieved in 1950. She also established the first UAW retirees centers.

As TOP Dept. servicing director, she has participated in major contract negotiations for white collar workers.

Currently one of her major projects is the campaign against water and air pollution and for conservation of our natural resources.

She is an officer or member of dozens of civic, recreational, professional, cultural and social work groups, including the American Youth Hostels, the UAW Retired Workers Activities Centers Board, the National Association of Social Work, the National Gerontological Society, the American Parks and Recreation Assn., the Michigan United Fund, the Michigan Welfare League and United Community Services of Metropolitan Detroit.

For eight years, she was a Detroit Parks and Recreation Commissioner and a board member of the Huron-Clinton Metropolitan Authority. As city recreation commissioner, she helped to establish the city's multipurpose centers for senior citizens and the Inter-Departmental Council on Aging.

Miss Madar was also instrumental in the establishment of a pilot program in Detroit called DART (Deprived Areas Recreation Team), geared to improving park and recreation facilities for inner city residents and to insuring maximum citizen participation in recreation planning and decision making.

Miss Madar has received numerous civic awards. Recent honors include a citation from the American Camping Association "for her support in the field of recreation and conservation and leadership in creating interracial-interfaith policy;" a citation from the Michigan United Conservation Clubs as "forest and park conservationist of the year;" the Fellowship Award of the Recreation Association of Michigan, and selection as one of Detroit's "Top Ten Working Women."

AUGUSTINE R. MARUSI

Augustine R. Marusi, chairman and president of Borden, Inc., joined the Borden Chemical Division in 1939 at its research laboratory in Bainbridge, N.Y.

A native of New York City, Mr. Marusi was graduated as a chemical engineer from Rensselaer Polytechnic Institute, Troy, N.Y., in 1936. He returned to Rensselaer in 1963, when he was awarded the honorary degree of Doctor of Engineering.

In 1946, following service with the U.S. Navy as commander of a minesweeper in the Pacific, Mr. Marusi returned to the Borden Chemical Division as sales manager at Kernersville, N.C. A year later, he was transferred to Brazil as a director and general manager of Alba, S.A., Borden's principal South American chemical operation.

Mr. Marusi returned to New York in 1952 and was named a vice president of the Chemical Division in charge of development. He became president of the Chemical Division in 1954, was elected a vice president of the parent company in 1955, a member of its board of directors in 1959, and an executive vice president in 1964.

Since February 1, 1967, Mr. Marusi has served as president of Borden, Inc., and since November 1, 1967, as its chief executive officer. On August 1, 1968, he assumed the additional position of chairman.

Mr. Marusi is a director of Chemical Bank, the American Sugar Company, the Bank of America, New York, The Advertising Council, Inc., the Grocery Manufacturers of America, Inc., the National Association of Manufacturers, and the National Industrial Conference Board, and a trustee of the Broadway Savings Bank, New York, N.Y., the Committee for Economic Development, the Rennsselaer Polytechnic Institute. He is also a director of the Economic Club of New York.

BIOGRAPHY—MARGARET S. MORITZ

Born in St. Paul, Minnesota. Raised in So. Pasadena, California. Presently living in White Plains, New York.

Education: Graduate of U.C.L.A. 1936. Graduate work at U.C.L.A., University of Washington and College of Chinese Studies, Peking, China.

Family: Late husband was Executive, International Committee, YMCAs of the U.S. and Canada. Died 1968. Four children.

Professional Experience: Associate Executive, YWCA of U.C.L.A., 1937–1940. National Staff, YWCA, Topeka, Kansas, 1940–41. Library Aide, Wutridge School, Pasadena, 1962–64. Specialist, World Fellowship Education, International Division, YWCA of the U.S.A., 1968–

Volunteer Experience: YWCA Boards, New York and California. President YWCA of Pasadena, California 1964. National Board YWCA, 1952–68.

Served on following committees:

College University; Personnel; Leadership Development; National Nominating; Public Affairs; Convention Planning.

Girl Scouts: Brownie and Girl Scout Leader, Council Member.

League of Women Voters of White Plains: Vice-President, Board Member.

Volunteer Service Bureau of Westchester County: Chairman—Two conferences for training of Board Members.

President, Episcopal Church Women, St. Bartholomew's Church, White Plains, New York, 1958.

Foreign Travel: Asia, Europe, Middle East and Africa. (Lived in China one year 1948.)

BIOGRAPHY OF JAMES M. NICHOLSON, COMMISSIONER

Nominated by President Johnson as an FTC Commissioner on December 5, 1967. Confirmed by Senate Commerce Committee on December 12, 1967 and by U.S. Senate on December 13, 1967. Sworn in office on January 5, 1968 for a term that expires on September 25, 1969.

Political affiliation: Democrat.

Born: July 11, 1928 at Oklahoma City, Oklahoma.

Education: Attended public schools in Oklahoma City, Oklahoma; Washington, D.C.; Silver Spring, Maryland; Fairhaven, Massachusetts; Hempstead and Sea Cliff, New

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York. A.B. degree, Knox College, Galesburg, Illinois, 1952. JD degree, Law School of the University of Michigan, 1954.

Career: Upon graduation from law school, Commissioner Nicholson began to practice law in Indianapolis, Indiana. From 1958 until his confirmation, he was a partner in the law firm of Cadick, Burns, Duck & Neighbours in Indianapolis, specializing in corporate law. Democratic nominee for the U.S. Congress from the Sixth District of Indiana in 1966. Admitted to Bars of Indiana; Federal District Courts; Court of Appeals, Sixth Circuit; and Supreme Court of the United States.

War service: Enlisted and served on active duty with the U.S. Navy from 1946 to 1948. Commissioned in the U.S. Army Reserve from 1950 to 1955.

Affiliations:

Chairman, Advisory Board of the Indiana School for the Deaf. Indianapolis Bar Association (Past Vice President, Member of Board of Managers), Indiana State Bar Association (Past member of House of Delegates, former Editor, *Res Gestae;* Co-author of Institute books on various legal topics).

American Bar Association (member of Sections of Antitrust, Administrative Law, and Taxation). Lawyers Association of Indianapolis (Past Director and Treasurer). American Judicature Society, Lawyers Club of Indianapolis.

Character and Fitness Committee for the Third Supreme Court Judicial District of Indiana by appointment of Indiana Supreme Court. Barristers Society, University of Michigan Law School. University Club of Indianapolis.

Phi Gamma Delta Fraternity, Phi Alpha Delta Law Fraternity. St. Paul's Episcopal Church, Indianapolis, Indiana. St. Luke's Episcopal Church, Bethesda, Maryland. Brotherhood of St. Andrew.

Marital status: Married to former Joan Barnes of Muncie, Indiana. They have four sons: James E., 17; William C., 15; Thomas B., 12; and John A., 9.

Philip G. Schrag

Assistant Counsel of NAACP Legal Defense and Educational Fund, Inc., Suite 2030, 10 Columbus Circle, New York, N.Y. (212 JU 6–8397), and of its National Office for the Rights of the Indigent (NORI). Mr. Schrag directs the Fund's consumer protection test litigation, including the recent case of *Sniadach* v. *Family Finance Corp* (June 9, 1969), in which the U.S. Supreme Court abolished pre-judgment wage garnishment. The Fund's consumer protection litigation docket also includes a case testing the availability of consumers' class actions in New York (*Hall* v. *Coburn Corp.*), a consumer's action for punitive damages against a ghetto department store, and a test of consumer standing to enforce Section 43a of the Lanham Trademark Act of 1946. The Fund also plans a program of test litigation under the Truth-in-Lending Act and Regulations.

Chairman, Consumers' Advisory Council, New York City Dept. of Consumer Affairs. The Council, appointed by Mayor Lindsay to set goals and perform studies for the new municipal consumer protection agency in New York, has drafted a model municipal consumer protection act which has been introduced in the City Council at the Mayor's request. The Council has also published an analysis of the Uniform Consumer Credit Code, and is conducting an extensive investigation of retail instalment sales and credit practices and abuses in New York.

Author of "Bleak House 1968: A Report on Consumer Test Litigation", 44 N.Y.U. Law Review 115.

Lecturer in Law, Columbia University Law School, teaching a course in consumer protection law in the fall of 1969.

Education: A.B. Harvard College, 1964 (magna cum laude); L.L.B. Yale Law School 1967.

June L. Sears

Mrs. June L. Sears, Extension Home Economist, is employed with the Michigan State University Cooperative Extension Service.

In May, 1968, Mrs. Sears, Wayne and Oakland Counties Extension Home Economist, received a USDA citation for her outstanding service from Orville Freeman, Secretary of Agriculture. Mrs. Sears was cited for "unusual insight and understanding of people living under adverse conditions and for providing enlightened leadership to develop their desires to learn and gain self-respect by doing things for themselves."

Her work with low-income families in the two-county area has gained her state-wide and national recognition. Her office is in Wayne. She was recently named to the National Advisory Council to the U.S. Food and Drug Administration. In 1966 she was cited by the Negro Business and Professional Women's Association of Detroit for outstanding service. She is also in "Who's Who in American Women."

Mrs. Sears earned her B.S. and M.S. degrees from Wayne State University. She was named family living agent for the Michigan State University Cooperative Extension Service in 1963 after two years teaching home economics at Southwestern High School, Detroit. She is married and the mother of four children. Two of the children are at Eastern Michigan University and the other two (twins) are at home.

Résumé: Gary Burns Sellers

Address: 14 Snow's Court N.W., Washington, D.C. 337–7246.

Marital Status: Married 9–11–68, Dorothy Davidson.

Education: Cranbrook School, Bloomfield, Hills, Michigan. Graduated 1953.

Wesleyan University, 1955, 1956, Middletown, Connecticut.

University of Michigan, 1954, 1957, A.B. 1957.

University of Michigan, Psychology, 1957–1960.

University of Michigan Law School, LLB, 1963.

Graduate Work: University of Michigan, Psychology and Graduate Work, 1957–1960. University of Michigan Law School, LLB, 1960–1963.

Professional Experience: Covington & Burling, Washington, D.C., 1963–1965. Preparation of briefs (before various regulatory agencies), legislative histories, and associated tasks, coverage of Congressional hearings and Supreme Court arguments on firm related business.

U.S. Bureau of the Budget, Washington, D.C., 1965 to 1969. Served as legislative attorney and program and budget examiner for Federal oil, energy and scientific research programs. Also drafted model State legislation and argued case before the Council of State Governments. Drafted and coordinated legislation for the White House for presentation to Congress.

Center for Study of Responsive Law, June, 1969—present. Serving as Counsel.

David A. Swankin

David A. Swankin, former executive director of the President's Committee on Consumer Interests, assumed duties as the Washington representative of Consumers Union on August 15, Swankin, a lawyer and economist, was director of the Labor Department's Bureau of Standards.

In his new position with the nonprofit consumer testing and advisory organization Mr. Swankin works with and is available to governmental bodies and agencies that deal with the consumer and writes for *Consumer Reports* and other CU publications.

Mr. Swankin, 35, has held several Federal consumer posts. Before serving as executive director of the President's Committee in 1965 and 1966, he was executive secretary of the President's Consumer Advisory Committee and executive assistant to the then Special Assistant to the President for Consumer Affairs, Mrs. Esther Peterson. In 1966, he co-authored a report that examined consumer programs of European governments and their relevance to Federal programs in the United States.

In announcing Swankin's appointment as Washington representative, the executive director of Consumers Union, Walker Sandbach, said:

"Although CU has not had a Washington representative for some years, we feel that the tempo of consumer activities at the Federal level is such that it is now desirable to reactivate that position. With a man of Mr. Swankin's experiences and abilities serving as the organization's eyes and ears in the Capitol, *Consumer Reports* will now be able to react more quickly to the need for certain in-depth stories about governmental issues affecting the consumer."

Mr. Swankin was appointed in 1968 as the director of the Bureau of Labor Standards, the same agency where he began his government career as a management intern in 1957. He had served as a staff assistant to the Assistant Secretary of Labor in 1962 and 1963, and as chief of the Section of Collective Bargaining in the Bureau of Labor Statistics in 1961.

Educated in public schools in Boston, he graduated from Brandeis University in 1954 with a B.A. degree. He received a master's degree in economics from the University of Wisconsin in 1957 and a law degree from George Washington University in 1962.

Mr. Swankin resides at 1604 Chimney House Road, Reston, Va.

Aaron S. Yohalem

Aaron S. Yohalem is one of the food industry's leading spokesman on consumer affairs.

He attended New York City schools and after graduating from New York University Law School in 1934, Mr. Yohalem became an associate of the law firm which counseled The Best Foods, Inc. He officially joined that company in 1943 as its corporate secretary and thereafter served successively in the posts of vice president in charge of the company's Canadian operations, vice president and assistant to the president, and executive vice president in charge of all operations. He was elected to the firm's Board of Directors in 1953.

In 1958 when Best Foods merged with Corn Products, he was elected vice president in charge of the Best Foods Division. In 1960 he was elected senior vice president of the company, and in 1963 joined the Board of Directors. He is currently a senior vice president and executive assistant to the president of CPC International Inc.

Mr. Yohalem has served as consultant to various government departments, testified before a number of Congressional committees, and has taken an active role in public affairs for the Grocery Manufacturers of America and the National Association of Manufacturers. He is now serving as chairman of the United States Chamber of Commerce Consumer Issues Committee. He is also a Director of the U.S. Chamber of Commerce and a Member of the Board of Trustees of the American Freedom from Hunger Foundation.

CPE International, Inc.,
Englewood Cliffs, N.J., August 1, 1969.

Senator Philip A. Hart,
Senate Office Building,
Washington, D.C.

Dear Senator Hart: You have paid me a signal honor by inviting me to serve on the first board of directors of the Independent Consumer Council, should your bill to create this organization be enacted into law.

As you know, I have no illusion that consumer problems do not exist. But I do not believe that the best interests of consumers and the economic system as a whole would be well served by the establishment of an agency, in or out of government, which would have the responsibilities your bill would assign the council. Accordingly, as I have explained, I must reserve the right to oppose this bill.

Nevertheless, should Congress enact this legislation, responsible businessmen should be willing to participate in the leadership and direction of the proposed Independent Consumer Council in order to give it whatever benefit they can of their experience and judgment in the performance of the organization's responsibilities.

Thus, even though I may oppose this legislation publicly, in good conscience I cannot refuse to let my name be listed among the initial group of proposed directors. If Congress finds that the public interest requires the creation of the council, I will do all in my power to contribute to a balanced resolution of the complex problems facing consumers, government and business.

I am grateful for the confidence you have shown in me by your invitation.

Sincerely yours,

A. S. YOHALEM,
Senior Vice President and Chairman, Consumer Issues Committee, U.S. Chamber of Commerce.

Mr. MOSS. Mr. President, it is, indeed, a pleasure for me to join the distinguished Senator from Michigan (Mr. HART) in introducing a bill that would establish an Independent Consumer Council to represent and serve American consumers.

As chairman of the Subcommittee for Consumers of the Committee on Commerce, I have been actively trying to improve the lot of American consumers. In legislative oversight hearings and in hearings examining new legislative proposals I have encountered certain recurrent consumer problems.

The most disturbing problem to me is this: Within many existing governmental agencies the consumer interest is without effective representation. Only on rare occasions have advocates of consumer interests effectively participated in the formulation of important governmental policies or far-reaching agency decisions. In contrast, the advocates of special interest are very adept at penetrating the inner corridors of Federal and State administrative and legislative offices.

Periodically there have been inroads which reverse the general trend. Witness the recent action by the Federal Communications Commission when it appointed two of its staff members to represent consumer viewpoints during closed discussions about rate increases. But this action simply reinforces my fear that in most governmental decisions the consumer interest is often overlooked entirely or given secondary status. Such a situation should not persist.

I am aware of the fine efforts of certain consumer-oriented groups within existing departments. Dianne McKaig's efforts within the Department of Health, Education, and Welfare, for example, have been monumental; but she would be the first to admit that her strenuous efforts have given only slight consumer orientation to health, education, and welfare policy.

The President's Adviser on Consumer Interests has also been trying to provide consumer orientation in the different departments of the Government. Each time Mrs. Knauer bites into a good American hot dog she probably gets indigestion by recalling the battle she waged with the Secretary of Agriculture over the permissible level of fat. Her victory may have been Pyrrhic—she may have won the battle but in all likelihood will lose the war.

Another problem facing the consumer is the way business firms listen to his complaints. The American consumer, in seeking to have his complaints heard, finds that the correspondence computers of American business are rather hard of hearing. The attrition of consumers in their battle with computers is great. Today it is questionable whether that pert young thing behind the customer complaint window can hear any better than the computer, for many times she is as curt as she is pert.

There are State and Federal governmental mechanisms for handling consumer complaints and there are such nongovernmental organizations as the Better Business Bureaus. I will want to explore their efficacy in hearings. I am also anxious to learn about the American Arbitration Association's proposals for mediation service in our large urban areas.

A third consumer problem is the lack of dissemination of product information which enables the consumer to make a rational choice in the marketplace. The governmental dissemination of objective product information—not endorsements of products but standardized information about them—is nonexistent. Only a recent lawsuit caused the Veterans' Administration to make public important test information on hearing aids. Nongovernmental dissemination of product information is not always designed to lead to rational consumer choice. By far the largest product information input is advertising. Seals of approval are not much more reliable. And too few people are readers of such publications as Consumer Reports which disseminates at least some objective production information.

Given the above mentioned recurrent consumer problems, I wholeheartedly support the objectives of the proposal for an Independent Consumer Council. In my view such an organization could serve very well the needs of the consumer.

By providing for the creation of local consumer units, the bill adopts a "grassroots," nonpolitical, and independent orientation that is absolutely essential if consumer problems are going to be minimized. The national Council with a board of directors elected by local groups gives the consumer a vehicle for national coordination and national attack on common problems. In many ways the organization parallels that of many large corporations whose regional offices radiate from the central corporate spoke. The businessman has found that the tension and dialog between its regional offices and the home office foster creative solutions to the problems which he confronts. A similarly organized consumer organization could meet with similar success.

Because the Council by law could not engage in political activities, it would continually serve as a vehicle for the citizen as consumer. There could be no ulterior motives, real or imagined, assigned to the board of directors who would be selected in a democratic fashion from various regions of the country.

The Council's independence from existing governmental structures would make it an ideal vehicle for conducting objective and sound studies of governmental and business policies which daily affect the lives of each of us as consumers. Such an input would be invaluable. Think of a study of competition policy which approaches the subject from the standpoint of the consumer free of certain business bias or preconceptions about governmental approaches for implementing such policies.

Because of the potential the Independent Consumer Council offers the American consumer, I have joined my distinguished colleague from Michigan (Mr. HART) in cosponsoring this legislation. I do not view this bill as a substitute for more intelligent governmental organization and approach to consumer problems, but I do see it as an important vehicle for fulfilling certain needs of the American consumer.

My colleagues and I on the Subcommittee for Consumers of the Senate Commerce Committee will use the bill introduced today as a "working paper" for more fully defining the means of meeting the consumer's need to have representation when governmental policies are formulated, to have effective avenues for hearing and justly disposing of consumer complaints, and to have objective product information disseminated.

After fully exploring these areas in committee, I feel my distinguished colleagues and I will be in a position to make some final judgments on the legislation and report favorably to this body a bill which will improve the lot of the American consumer. And if an Independent Consumer Council is created, I would hope that our hearing record would serve as a useful resource for the board of directors in launching their program.

S. 2965—INTRODUCTION OF A BILL TO PROVIDE COST-OF-LIVING INCREASES TO RELIEF PAYMENTS TO CERTAIN FORMER EMPLOYEES OF THE CANAL ZONE GOVERNMENT

Mr. TOWER. Mr. President, I introduce today for appropriate reference a measure which is designed to give a cost-of-living increase in cash relief to certain former employees of the Canal Zone Government. This measure would provide generally for workers whose services terminated prior to 1958, who are still residing in the Canal Zone area. The actual number to be covered is small, but their need is great; in an era when inflation has unfortunately become a way of life, the retirement benefits of these people who have served in the Canal Zone have simply not kept pace. In order for anything even resembling a reasonable program to be maintained, the passage of this measure by this body is a necessity.

Mr. President, a similar measure was recently passed by the House of Repre-

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sentatives and is currently pending here in the Senate. I am introducing this measure separately here today, hoping that by so doing, I can spur action. The cost to the Government of the United States will be nothing, since these payments are a charge against Panama Canal tolls. The aid to these people, some of whom were workers on the Panamanian enterprise in its earliest days, will recognize the debt that this Nation owes them. We rarely have an opportunity to accomplish this much good for no real cost to us; I trust that this measure will receive expeditious consideration by this body.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2965) to amend the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees of the Canal Zone Government, and for other purposes, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 1610

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA) I ask unanimous consent that, at the next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of S. 1610, to allow credit under the Civil Service Retirement Act to certain Federal employees for service in Federal-State cooperative programs in a State.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2899

Mr. CURTIS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of S. 2899, to amend the Budget and Accounting Act, 1921, so as to require the submission of the budget on an administrative budget, rather than a unified budget basis.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 148

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of Senate Joint Resolution 148, to authorize the Department of Health, Education, and Welfare to make allocations to local educational agencies under Public Law 874 on full entitlements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 245

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA) I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Resolution 245, calling for the release of American prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 25, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 206

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

IMPROVEMENT OF HEALTH AND SAFETY CONDITIONS OF PERSONS WORKING IN THE COAL MINING INDUSTRY—AMENDMENTS

AMENDMENTS NOS. 207, 208, AND 209

Mr. COOPER submitted three amendments, intended to be proposed by him, to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which were ordered to lie on the table and to be printed.

(The remarks of Mr. COOPER when he submitted the amendments appear later in the RECORD under the appropriate heading.)

ANNOUNCEMENT OF ADDITIONAL HEARINGS ON PESTICIDES AND THE FARMWORKER BY THE MIGRATORY LABOR SUBCOMMITTEE

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, I wish to announce that hearings will be held by the subcommittee on September 29 and 30, 1969, to continue our investigation of the effects of pesticides on farmworkers. The hearings will commence at 9:30 a.m., in room 4232 of the New Senate Office Building.

Witnesses invited to testify at the September 29 hearing include Cesar Chavez, director of the United Farm Workers Organizing Committee, Jerry Cohen, counsel to UFWOC, and Manuel Vasquez, Washington representative of UFWOC; and also representatives of the Food and Drug Administration of HEW, and the C. W. England Laboratories.

Witnesses invited to testify on September 30 include Anthony Bianco and John Giumarra, California grape growers; Paul Porter, a chemist with Shell Development Corp.; and Jerry Fielder, commissioner of agriculture, State of California.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Harry D. Steward, of California, to be U.S. attorney for the southern district of California for the term of 4 years, vice Edwin L. Miller, Jr.

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years, vice Vance W. Collins.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, October 2, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

DEPARTURE OF GEORGE W. MURPHY, JR., FROM FEDERAL HOME LOAN BANK BOARD

Mr. SPARKMAN. Mr. President, I wish to congratulate George W. Murphy, Jr., for his 11 years of service to the Federal Home Loan Bank Board and to thank him for the substantial contribution he has made to good government during those years. Preston Martin, Chairman of the Home Loan Bank Board, recently announced that George has resigned as associate general counsel to enter the private practice of law here in Washington.

After 2 years of military service and a year with the Department of Justice, George joined the staff of the general counsel's office at the Bank Board in 1958. Since that time he has been closely associated with all aspects of the Board's operations. Under former Chairman Joseph P. McMurray, George served as Assistant Chief of the Opinions and Regulation Section, participating in the drafting of regulations and the preparation of legal opinions which have had a significant and continuing impact on the operations of the Home Loan Bank Board and the industry which it regulates.

In January 1968, during the chairmanship of John E. Horne, Mr. Murphy was appointed director of the Board's Legislative Division and served as one of the principal draftsmen of the Federal receivership provisions of the Bank Protection Act of 1968, the savings and loan provisions of the Housing and Urban Development Act of 1968, and the liquidity and premium prepayment pro-

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visions of the 1968 rate control extension legislation.

George Murphy is a native of Hawley, Pa., and attended public schools there and in Washington, D.C. He was graduated from the College of Arts and Sciences, Georgetown University, in 1951 and received his bachelor of laws degree from Georgetown's law center in 1954. Georgetown awarded him a master of laws degree in 1959.

Mr. Murphy has had many occasions to work with the Senate Committee on Banking and Currency and its staff. During difficult times, his services have contributed substantially toward meeting the congressional purposes of providing for sound and economical home financing.

I am confident that his devotion to the public interest will continue in his new venture.

OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, the oil import program, which costs the American consumer some $6 billion a year, is currently being studied by a Cabinet task force. Five U.S. Senators have filed a submission with the task force urging abolition of the program. I believe the submission raises important questions of public policy. I ask unanimous consent that with a covering letter to Secretary of Labor Shultz, it be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

September 16, 1969.

Hon. George P. Shultz,
Secretary of Labor, Chairman, Cabinet Task Force on Oil Import Control.

Dear Mr. Secretary: Pursuant to notice in the Federal Register July 24, 1969 regarding second-round submissions to the Cabinet Task Force on Oil Import Control, we, the undersigned members of the United States Senate, attach a memorandum presenting our views on the initial submissions to the Task Force by other interested parties.

We submit our memorandum in the hope that it will assist the Task Force in formulating recommendations to the President. We urge that these recommendations be completed at the earliest possible date so that our constituents, American consumers and taxpayers, may be relieved at last of the burden they have been forced to bear for ten long years.

We and they have been encouraged by your work to date and expect that the promise of relief offered by that work will soon become a reality.

Respectfully submitted.

William Proxmire.
Edmund S. Muskie.

Submission to the Cabinet Task Force on Oil Import Control

SUMMARY AND CONCLUSIONS

The Oil Import Program is a costly departure from the concept of a free competitive market and can only be justified if it enhances our national security. The burden of proving that the program achieves this objective, and is the best method of achieving it, should rest upon those who wish to maintain the program.

Our own analysis of the submissions so far received by the Cabinet Task Force indicates that the proponents of the present program have not met their burden. Other programs which are much less costly are available to assure secure sources of oil for any conceivable emergency.

We conclude that the Task Force should recommend the abolition of the program, immediately if possible, or, at the latest within five years. Whatever timetable the Task Force adopts, it should, at a minimum, recommend the following interim measures:

(1) Immediate decontrol of Western Hemisphere oil imports to the U.S.

(2) Immediate decontrol of home heating oil (No. 2 fuel oil) imports from all sources.

(3) Immediate abolition of "historical" quotas.

(4) Commencement, if necessary, of direct federal programs to assure spare capacity.

The great mass of material submitted to the Cabinet Task Force on Oil Import Control makes a thorough analysis of each submission difficult. Therefore, we have concentrated, as we believe the Task Force should, on the submissions of those agencies charged with serving the national interest, rather than the submissions of private parties which, by and large, reflect attempts to justify the status quo or to promote parochial ends. We believe also that material received from qualified outside sources who are not special pleaders should receive special emphasis in the Task Force's deliberations.

The submissions of the Antitrust Division of the Justice Department and the Charles River Associates (C.R.A.) among others, as well as the economic data received by Senator Hart's Antitrust and Monopoly Subcommittee, demonstrate that the cost of oil import controls is enormous. Estimates vary, but perhaps the C.R.A. figure of $6.2 billion annually is as good an estimate as any. Obviously an annual expenditure of this magnitude must be subjected to careful scrutiny.

As disturbing as the total cost of the program is the fact that the cost is spread so unevenly across the nation: with the Northeast, the Middle Atlantic, the Upper Mid-West, the Southeastern coastal states, the Pacific Northwest, and Hawaii bearing a disproportionate burden. In these areas, prices for fuel, such as home heating oil, are far higher than in other parts of the nation, and are kept that way because of the Oil Import Program. In addition, despite the natural advantage its ports would have in terms of access to foreign sources of oil, no new refinery capacity has been built on the East Coast since the imposition of mandatory controls in 1959. As a result, the East Coast, which uses 45% of the nation's oil, has only 15% of the nation's refinery capacity.

These burdens should not be borne unless truly required in the interests of national security. Thus, we must carefully examine 1) the national security objectives which are supposed to be served by the program, 2) the extent to which the program actually serves those objectives, and 3) whether the same objectives could be served by less expensive alternative programs.

Although "national security" can be defined in many ways, it is generally conceded that with regard to the Oil Import Program, the term refers to our ability to assure sufficient oil supplies for our potential military requirement. Thus, the views of the Department of Defense are particularly relevant. And, the Department's submission makes several significant points:

First: Apparently without qualms, the Department currenly purchases forty percent of its own oil needs from foreign sources. (97% of the oil for Vietnam comes from our supposedly least secure source—the Middle East.) Increasing import restrictions and raising domestic production would probably not alter this situation, since U.S. refinery outputs, which are so heavily oriented to gasoline (47% in 1968), cannot meet U.S. military requirements for fuels which are below the motor gasoline range.

Second: the DOD does not believe that continuity of oil supply would be a significant problem in the aftermath of nuclear war since oil consumption and refining capacity would be so sharply reduced by the nuclear exchange. Nor do limited wars involving some of the producing nations pose a serious threat to our military capability. The foreign sources of oil are increasingly diverse and the denial of such sources is "not apt to be universal." It is most unlikely, for example, that the Caribbean will be affected by a limited war and this area has always increased supplies to the U.S. in times of crisis. It should be noted that the DOD rates Caribbean oil as secure militarily as our own Gulf Coast oil.

Third: The only serious problem in terms of oil shortages would arise in the event of a protracted conventional hostility. Even here, however, DOD states that "In the foreseeable future, partial or complete denial of foreign oil to this nation would not, to any important degree, limit our capability for military action and/or negotiations." DOD does suggest that a protracted conventional war might have a severe impact on the oil situation in Western European nations and in Japan. But clearly we should not bear the cost of assuring these nations an emergency oil supply. As the Antitrust Division submission emphasizes, it "seems inappropriate that the entire cost of allied security needs for oil should fall on the American consumer and taxpayer." There is no justification for this massive form of foreign aid to very prosperous nations.

Fourth: DOD acknowledges that "any type of extended emergency involving the United States and its allies cannot be adequately fueled by the United States alone, and therefore reliance must also be placed upon other free-world resources such as Canada and the Caribbean area. . . . Our national security dictates that we have in existence dependable, capable, and willing overseas sources to satisfy our petroleum needs on a global basis." Thus, DOD does not believe it is possible for us to achieve self-sufficiency in oil. Its submission argues against the policy of distorting our economy in a futile attempt to achieve such sufficiency. In fact, DOD appear to encourage development of overseas sources as essential to our own security.

The overall impression given by the DOD submission is that increased imports pose no serious threat to United States military interests. Some of those imports would obviously come from areas—e.g. Canada and the Caribbean—which DOD already relies on and deems completely secure. The remainder of the imports would come from diverse sources—Middle East, North Africa, West Africa, Indonesia—so that any denial of sources would not be "universal."

A careful analysis of the Interior Department's statistics (Table II–1) also demonstrates that there is no pressing national security justification for the present restrictions. Interior estimates that without import controls but with maximum production, domestic crude oil production in 1975 will be only 1.25 million b/d (11.3%) less than it would be if the present controls are retained. In 1980 domestic production without controls would be 3.36 million b/d (26.4%) less than production with present controls. These figures are based on a conservative estimate of the amount of low-cost Alaskan oil that will be produced in the next decade. Furthermore, not all of the projected decrease in production would be permanent; some idle facilities could be re-opened in an emergency. And, finally, much of the imported oil which would account for the decrease in domestic production would come from secure sources such as Canada and the Caribbean.

If it is determined that some special governmental effort is needed to maintain an emergency spare capacity, the Oil Import Program is not the best way to achieve this objective. As the Antitrust Division submis-

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sion emphasizes, "the preservation of reserve productive capacity is (presently) maintained, if at all, by state regulatory action which is made possible by the existence of the import restrictions." These state measures are designed for a variety of purposes, "e.g. incentives for local industry development, the production of tax revenues, the protection of health and safety, the prevention of waste, and the protection of correlative property rights." They are *not* designed to meet national security needs. Thus, "it would appear more desirable to insure the existence of adequate reserves by methods under the direct control of the National Government."

Several possible methods of federal control have been proposed. First, the government could construct extensive storage facilities. Since imports will increase only gradually after present controls are eliminated, such facilities could be completed before there is any massive increase in imports. It should be noted that C.R.A. estimates the annual Mobil places the cost in the 45–60 cent range and Shell Oil places the cost at 64 cents. Under the C.R.A. estimate, we could store 1.2 billion barrels (the Interior Department's projected decrease in annual domestic crude production by 1980 due to removal of controls) for only about $648 million. Second, the government could subsidize or otherwise promote the research necessary to make practicable the exploitation of shale oil and oil from coal in the United States and tar sands in Canada. Third, if pro-rationing is considered the best method of assuring adequate reserves, the government could establish a national system of pro-rationing of large, efficient fields designed to achieve national security, and only national security, objectives. For example, the government could require large domestic producers to operate at 85% of maximum efficient production, which would have only a small impact on the price of U.S. oil but would assure substantial reserve capacity. Fourth, a direct payment could be made to domestic producers based on the number of feet of exploratory wells drilled.

It has been suggested that, in the short run any method of direct federal action will be as expensive as the present import control system. Even if this highly doubtful proposition were so, the direct methods would have two advantages. First, they would impose the costs of assuring adequate reserves equally on all Americans—taxpayers or consumers—rather than imposing disproportionate burdens on the consumers of certain regions. Second, they would permit us to make a much more accurate estimate of the costs of assuring adequate reserves.

In the long run, the advantages of direct federal action over import controls are enormous. Based on a projected seven billion barrel annual demand for oil in 1980, the cost of the present program would be approximately $10.5 billion in that year. By comparison, any alternative method is cheap. Equally important, a direct government program would, in the words of the Antitrust Division submission, "avoid the anticompetitive consequences of the present import quotas and state market demand production limitations." It would create an oil industry which "would be tougher, healthier, and more competitive, better able to provide for our needs more efficiently and at a lower cost." Obviously, this is the kind of industry which will best be able to meet our civilian and military requirements in the decades to come.

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In light of the foregoing analysis we recommend the abolition of the Oil Import Program, immediately if possible, or, at the latest, within five years. A five-year phase-out would clearly provide sufficient time to cushion the economic dislocations in certain areas. Abolition of the program within this period would obviate the need for approval of foreign trade zones to afford relief to American consumers.

Whatever timetable the Task Force adopts, it should, at a minimum, recommend the following interim measures:

1) Immediate decontrol of imports of Western Hemisphere crude oil and refined products. DOD considers all of this oil at least as secure as U.S. Gulf Coast oil which moves to the East Coast by water. Immediate increases in imports of this lower cost oil will reduce U.S. prices and stimulate competition, thereby leading to more efficient production and operation by our domestic industry.

2) Immediate decontrol of home heating oil (No. 2 fuel oil) imports from all sources. The severe burdens which import quotas on this oil imposes on certain sections of the country makes immediate decontrol the only appropriate policy.

3) Immediate abolition of "historical" quotas. The Departments of Commerce and and Interior, and the Antitrust Division, agree there is no justification for the "historical" allocation of quotas.

4) Commencement, if necessary, of direct federal programs to assure emergence spare capacity.

RISING LEVEL OF TEXTILE IMPORTS THREATENS THE AMERICAN INDUSTRY

Mr. TALMADGE. Mr. President, there is increasing concern in Congress and in the administration about the rising level of textile imports that threaten to disrupt the American industry and throw hundreds of thousands of our people out of work.

This is a critical situation. It grows more critical every day. The volume of low-wage textile imports entering this country has reached staggering proportions. Last year they were more than double what they were just 5 years ago. During the first 6 months of this year, imports are already running 13-percent higher than last year's record level. It is estimated that some 227,000 textile apparel job opportunities are being lost because of imports.

Japan has been the worst offender in recent years. She has flooded the American market with cheap textiles and erected strict barriers against products from the United States and other countries.

We are prepared to negotiate voluntary textile import agreements. But if we cannot do that, then it becomes the duty of Congress to legislate controls to protect this industry that is so important to our Nation's economy. On Monday, September 22, the Macon Telegraph published an outspoken editorial on this problem. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Textile Industry Must Have Help

Last year scores of bills were introduced in Congress to impose quotas on textile imports but none became law and the nation's textile industry has been forced to carry on against increased competition from "Made in Japan" products.

Secretary of Commerce Maurice Stans went to Tokyo two months ago to persuade the Japanese government it should slacken its exports of textiles to the U.S., but he failed.

Five Japanese officials have now just returned home after a week in Washington where congressmen from textile producing areas sought to impress the visitors with the need of some relief for American textile interests. It is not likely they succeeded any more than did Secretary Stans.

Department of Labor studies indicate a loss of 100,000 jobs a year in the U.S. textile industry if present import trends continue.

The Nixon administration has given lip service both to free trade and to relief for the domestic textile industry, but he seems unsure which deserves priority.

While Secretary Stans pushes for textile quotas, President Nixon's special representative on trade matters, Carl J. Gilbert, advocates freer trade.

The prospect of hundreds of thousands of unemployed workers in the U.S. textile industry should persuade the administration what its trade policy on textiles should be.

OPPORTUNITY IN RURAL AMERICA

Mr. DOLE. Mr. President, much publicity is given to the pressing needs of our urban areas. While we must take action to alleviate the many problems of our cities, we cannot forget that there is a rural America that also deserves our attention. What is taking place on the farms and in the small towns of America has a direct relationship to the growth of our urban population.

There are people in the rural areas who are seeking to reverse the economic and population trends. My State of Kansas has many citizens who are seeking to attract industry and are finding better ways to utilize the great resources of Kansas. By diversifying our agriculture, we are adjusting to the weather and an increasingly complicated economy.

More important, many people are working at the local level without Federal or State money to solve their problems. It is through their private efforts that Kansas will continue to contribute to the Nation.

I ask unanimous consent that a truly heartening description of the efforts made by the people of Ulysses, Kans., be printed in the Record. The article, published in the National Observer, was written by a former Kansan who demonstrates a true understanding of the opportunities in southwest Kansas.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Smell of Success Covers the Dust Bowl—Underground Water and a Gambling Spirit Change the High Plains

Ulysses, Kans.—The Dust Bowl sprang from drought, wind, and wrong-headed farming. This unhappy combination turned the high plains of Kansas, Oklahoma, Texas, Colorado, and Nebraska into a monster that spewed blackness into the air, making day into night in the Midwest and putting a dingy ring around the sun as far off as Maine.

So Godforsaken and bereft of promise seemed the high plains that those who lived there, red-eyed and choking on its dirty air, lost their faith in the land. Thousands fled, some to gentler climates in the East, others, like the Joads in *The Grapes of Wrath*, to the promised land of California.

There still is little rain on the high plains, and the wind blows as fierce as ever. But a combination of different factors, this time a happy combination, has brought a revolution in the agriculture and the economy over

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the last 10 years of what once was the heart of the Dust Bowl.

It seems almost a vision to drive the country roads now, at harvest time, and see tomatoes growing in the old Dust Bowl, and cucumbers, sugar beets, popcorn, dry beans, and, of all things, cantaloup. The Dust Bowl has become a Vegetable Bowl. And the money to accomplish this has come not from hyperfunded Federal programs but from the savings of the struggling farmers and their willingness to go into debt.

The most important component of this revolution is the descovery that water far, far below the surface—200 to 600 feet down—could be pumped to the surface economically. It is economic partly because of another subsurface resource: a natural-gas field under so much pressure that the gas can be piped to the top and fed as fuel to the engines that pump up the water.

This precious water resource in a region that gets only 10 to 18 inches of rain a year—"You ought to be here on the two afternoons when we get it," remarks one rueful native—has thrown open previously unaccessible agricultural doors. Feed-grain crops, for example, are producing so well under irrigation that a whole new industry has been attracted to western Kansas—feeding cattle in lots that handle up to 30,000 head a day.

Just how dramatic the change is could be seen—could even be smelled—several days ago in one of the fields of A. G. McCray, who farms 6,000 acres west of Ulysses. A tall, lean man with a wind-burned face, Mr. McCray stood in the middle of thousands of tomato plants, supervising their harvest by huge, automated machines that scooped up whole plants three rows at a time, shook the fruit loose into bins, and discharged the residue out the rear.

The air was pungent with the smell of the tomatoes. And mixed in was the unmistakable aroma of fresh water, a smell noticeable only in country where it is rare. Mr. McCray pointed across the road to the adjoining field, also his, where two throbbing motors pumped water into rows of milo.

Other of Mr. McCray's acres grow cucumbers and corn, also through the use of water piped through a system of pipes. And he also grows wheat on dry land.

"I came here in '39 when the dust was still blowing," says Mr. McCray, squinting against the sun. " 'Course then we didn't grow any milo or corn or tomatoes. Just wheat. Now you can't make any money on wheat—lucky if if you can meet your expenses. What little I plant is just to have something to hold the land down."

To hold the land down. It was a hard lesson learned by the high-plains farmers. The rich loam that is capable of producing so much when conditions are just right can be blown to destruction when conditions are wrong.

There is nothing to slow down the wind, not mountains, not hills, not even trees. The prairie stretches out from Mr. McCray's fields so flat and unbroken that the grain elevators of tiny towns 20 miles away stand like distant castles on the horizon.

It is a land of open spaces and few people, where pleasures are small and close to home. The major topics of conservation in Ulysses on a recent week end were the performance in a nursing home of 4–H Club singers and the approaching Home Products Dinner, which features food produced on the hoofs and in the fields of Grant County, of which Ulysses is the county seat.

The teen-agers here don't look like their counterparts in urban and suburban areas. Their dress is more subdued, their hair is shorter—both the boys and girls—and their demeanor much calmer. To them, marijuana is just another weed that grows wild in the country.

The kids' principal recreations are riding around in cars, catching the one new movie a week feature by the sole theater in town, and stopping in at a restaurant with friends to drink Cokes, smoke cigarets out of sight of their parents, and gossip.

CHURCH SOCIALS AND WEATHER

Their parents pass the time at church socials and in talk of the weather, crops, and how Ulysses has grown from a fading little prairie crossroads 20 years ago to a bustling little city of 4,200. "There's not much else to do here," says a housewife who moved to Ulysses as a newlywed from a city in eastern Kansas 20 years ago. "There's no really good place to eat out, so most folks just stay home. But if you like small-town life, where you know everybody and everybody knows you, it's a nice place to live."

Local boosters like to talk about the Ulysses airport, which services mainly private craft; it has more take-offs and landings per year than the airport at Garden City, the nearest sizable city (population 12,000).

One mark of the region's prosperity is that many farmers own their own planes: Indeed, the Ulysses airport would be even busier except for the farmers' habit of landing their craft on county roads in front of their homes. And although most farmers hedge their bets and predict financial disaster every coming month, many of them are buying tractors with air-conditioned cabs and radios, so they will be cool and entertained while they plow.

When Ulysses folk yearn for special recreation, they usually drive 200 miles to the mountains in Colorado. They like to say that the state or Federal Government some day will dam up the Cimarron or another stream to create a reservoir for fishing and boating, but so far it is a distant dream. One drawback to storing precious water in a reservoir is that so much of it is lost to evaporation. Summer temperatures sometimes soar to 120 degrees. In winter, it can drop to 40 degrees below zero.

Weather is a constant subject for conversation, since it so intimately affects how people live. The role that weather—no rain, high wind, hot sun—played in creating the Dust Bowl is well remembered. And as recently as 1954, during a bad blow, dust and tumble weeds piled up to the second-floor windows of the Hotel Ralsamore in Ulysses. There was a fire call during the storm, and the dust was so thick that two firemen had to walk alongside their truck to guide it to the blaze. Somewhere up above, the sun was shining.

"The old timers like to tell about how hard the wind blows out here," says Leroy Martin, who manages the feed mill of a farmers' co-operative in Ulysses. "My dad farmed around here until 1930, when he got blowed out and moved east. He used to say that he didn't mind the wind blowing the dust around in the fields, but when he came in to eat dinner and couldn't see his wife sitting at the other end of the table, that was too much."

Lack of moisture now is a constant concern; decades ago, before the farmers moved in, it was less of a problem. When the high plains were first settled, the native buffalo grass had roots down so solid and deep that the sod could be cut out in blocks and used to build homes. The sod was nature's way of overcoming the semiarid climate; what little rain there was, the sod captured and held.

William Allen White, the famous Emporia, Kan., journalist, grew up when there was still some unbroken prairie left, and his description, in his autobiography, of what happened to it is hard to improve on: "In all the prairies across these latitudes, the plow has come and filled the brooks. Even the verdure of the prairies and the pastures is different. The brooks are dry. The land has changed."

Thus the plows won the range wars against the cattlemen in the late 1800s. Then Mennonites from southern Russia introduced drought-resistant winter wheat, and the foundation for the enormous wheat crops of years to come was secure.

But even with drought-resistant wheat, farming on the high-plains is chancy. "Back in the eastern part of the state, where there's more moisture, if they miss one wheat crop they think it's really bad," says Marshall Walker, agricultural agent for Grant County. "We've missed seven in a row. It was froze out two years, the drought got it two years, the aphids two years, and the grasshoppers one."

So Mr. McCray and other high-plains farmers are trying to transform their life's work from a gamble to a dependable, stable source of income, and it is to irrigation that they have turned.

But theirs is no ordinary irrigation story. No Federal millions have been spent on a Hoover Dam or on an intricate and expensive ditch network. No state or regional commission has put its weight behind the financing for the vast irrigation system needed in a land where trends are measured by what happens on millions of acres, where single farms often include thousands of acres.

The farmers have done it themselves. It costs about $20,000 to drill and equip one of these high-plains wells, and the farmers have dug into their savings or, more typically, have gone into debt to finance their own water systems.

State officials estimate there are 5,000 of these wells now operating just in the southwest 14 counties of Kansas, which is the heart of the Dust Bowl, and thousands more in surrounding high-plains regions of Texas, Oklahoma, Colorado, and Nebraska.

"I'm pretty well convinced that it's the largest irrigation system in the world built with private capital," says Milam Jones, horticulture specialist for Kansas State University at Manhattan.

Mr. Jones' job is to encourage growing what are called "specialty" crops, which in this land of grain growers means vegetables and fruits. So far, these crops make up a small part of the whole in the southwest 14 counties—10,000 acres of dry beans, 22,000 in sugar beets, 5,000 in popcorn, and a few hundred more in tomatoes, cantaloup, and cucumbers.

But Mr. Jones envisions the transformation into a Vegetable Bowl. His reasoning: The high plains are closer to the big Eastern markets than the major produce-growing areas in the Western states; moreover, high land prices out West are making produce growing uneconomic, while land prices on the prairie are far lower.

He says the biggest handicap is the lack of processing plants. Tomatoes now must be shipped to Colorado for canning, for example, and it is unlikely that the tomato crop will increase dramatically until a processor decides to build in western Kansas.

THE POPCORN INDUSTRY

But even if the specialty crops are still minor, they have made an impact. The existence of the popcorn crop resulted in the creation in Ulysses of a company to process it. Madison Traster, president of Southwestern Bean, Inc., reports that the company grossed $325,000 last year and shipped its bulk popcorn all over the country and to Peru, Mexico, Greece, Cyprus, and Japan.

"People in Iowa and Illinois told us we were crazy, that we could never grow popcorn out here," says Mr. Traster. "Well, we still have our violent weather to contend with—the high winds, the blizzards, the temperature exteremes—but we're learning methods to cope with these problems."

The most impressive evidence of the new agricultural practices can be seen simply by driving down the county roads. Such a trip 20 years ago would have shown a barren landscape—the wheat would have been harvested weeks earlier and nothing would have grown up to replace it.

Now the corn in some fields stands 12 feet high. The milo is thick and top-heavy with deep red seeds, its growth spurred by irrigation. These are the crops whose expansion in the high plains is measured by tens of thousands of acres, the crops that are fattening thousands of cattle being brought in from the range lands of Texas and Oklahoma.

A few figures: There were 433,000 acres of milo and other grain sorghums planted in the 14 southwestern Kansas counties in 1956. Last year the total was 864,000 acres, and 300,000 of the increase had come in just the previous two years. Similar statistics for corn are 3,500 acres in 1956 and 90,000 in 1968.

Better fertilizers, insecticides, and farming practices contributed to the increases, but irrigation brought most of it. And the growth of the cattle-feeding industry is spurring even more increases. One huge feed lot near Garden City handles 30,000 head a day, requiring 10,000 bushels of grain a day. There are half a dozen feed lots just as big and dozens of smaller ones scattered throughout southwest Kansas.

The feed lots are attracting still another related industry, meat packing. New plants have opened in Garden City and Dodge City in Kansas, and in Guymon, just across the line in Oklahoma. A new plant will open in Liberal, Kan., this fall, and two more are being planned for other communities.

Typical of the feed lots is one managed near Ulysses by Tex Demuth, a rangy, hard-working young man who gets about his feed lots on a horse. With his cowboy boots, spurs, and hat, Mr. Demuth would have fit into the landscape 100 years ago, but nothing else in his operation is reminiscent of former times.

Every operation is dedicated to getting the cattle as fat and tender as possible with the greatest efficiency. The grain, for example, is steamed and then rolled out so its starch will be fully digested rather than passed through. And feed lots are experimenting with feeding each animal three pounds of plastic pellets, which stay in the animal's rumen indefinitely to serve as roughage, rather than a more expensive daily portion of alfalfa.

"QUITE A REVOLUTION"

Remarks Mr. Demuth, just before riding off to a far corner of his feed lot: "It's been quite a revolution around here. It doesn't look like the same country as five years ago, and if you come back in another five you won't recognize it again."

Despite his optimism and that of others, however, there are a few sobering concerns about the future. Just as the land once was abused by overuse and neglect, the underground water supply could be endangered.

Once it was thought that the underground water in southwest Kansas was part of a vast artesian system constantly recharged by runoff from the Rocky Mountains. The high plains slope eastward from the mountains about 10 feet to the mile, and indeed there are places in Kansas where the underground water pressure built up by this downhill run is so high that pumps are not needed to bring it up.

But geologists now say that a fault in the earth's crust in Colorado diverts this mountain water from southwest Kansas. Thus it is theorized that the water the farmers have been pumping into their fields comes initially from those paltry few inches of rain a year and from seepage from the Arkansas and Cimarron rivers and smaller streams.

The Kansas Water Resources Board studied underground-water use in the six counties in the southwest corner of the state in 1968. The board concluded that if irrigation continues to be added at the present rate of 20,000 acres a year, the water supply could be exhausted within 45 years.

These concerns have prompted discussion about forming regional water-resources agencies to control water use. On a more theoretical level have been discussions about huge Federal programs to bring water up from the Mississippi in Louisiana, or down from the Missouri River in Nebraska.

"I know that sounds pretty farfetched," says Kansas State University's Milam Jones. "But if you stop and think of all the Dutch have done to get water out, it doesn't sound so farfetched after all."

LITTLE MOVEMENT IN VIETNAM POLICY

Mr. EAGLETON. Mr. President, despite much motion there has been little real movement in U.S. Vietnam policy. We have witnessed a change in style but not in content. We talk of negotiations but still pursue military victory.

We still cling to the hope that Saigon will rally and Hanoi will fold. We verbalize that hope as "Vietnamization"—the ability of the South Vietnamese to fight for their own country.

Mr. President, I fear that dependence on this policy offers little real hope for peace.

I ask unanimous consent that two recent and excellent articles which discuss "Vietnamization" and the prospects for its success be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Christian Science Monitor, Sept. 23, 1969]

TIME FOR WHOM?

(By Joseph C. Harsch)

WASHINGTON.—Now at least we should be able to find out whose side time really favors in Vietnam. And the answer may not be pleasant for Washington.

The whole theory behind the slow "second round" of United States troop withdrawals is that time favors the Saigon regime and its military position.

SHORT-FALL

In the official view of the "establishment" in Saigon the Viet Cong forces are nearly at the end of their capacity to go on fighting, and North Vietnam is incapable of making up for the difference much longer.

If there is any truth behind this theory then by the end of the year a true military victory for Saigon and its allies ought to be apparent.

President Nixon allowed himself to hope that he might be able to get even more than 100,000 Americans out of Vietnam by the end of this year. But his present timetable calls for only reducing the total by some 60,000.

This short-fall is a concession to those who argue that given "just a little more time" the long-sought "victory" will become real, and palpable.

Well, perhaps so.

And perhaps President Nixon really had no choice.

Who in his position would have announced a bigger cut at the risk of triggering a panic in Saigon itself which could well leave nothing but wreckage from the long years of American effort in Vietnam?

END OF RESOURCES

There is "the other side" of the coin.

On that other side is the possibility, just as likely to be true as is the theory of "time on our side," that the Saigon regime itself will never survive the departure of American forces no matter how long delayed.

The awesome danger Mr. Nixon really faced in arriving at this troop withdrawal decision was that a larger withdrawal announced at this time would cause such a collapse in South Vietnam that the American forces there might even have to fight their way back to the beaches.

Who is nearest collapse—the Saigon side or the Hanoi side?

Conceivably, both are near the end of their resources.

If you accept that possibility then the argument is a strong one indeed for keeping up the American effort just a little longer.

But if you take as your premise the possibility (perhaps the probability) that the Saigon regime is viable only with an American military underpinning then the issue really is only one of when that underpinning is withdrawn and Asia solves an Asian problem in its own way.

Since 1945, Asia has been trying to solve its problem in Vietnam one way, and Western forces have attempted to prevent that solution and impose a different solution.

First the French carried the burden. Then the United States took it up. But always the essential effort has been to impose a Western concept of a solution upon a part of Asia.

CONCESSION

We are really back now where all this started in 1945 and 1946.

At that time the State Department favored letting Indochina (North Vietnam) solve its own problem its own way.

Serious thought was given to preventing the French from attempting to reestablish their authority. It could have been done. French military resources were sparse. The French expedition which recaptured Haiphong and Hanoi could never have been mounted without American consent. That consent might have been withheld. Many in Washington wanted to withhold it.

Mr. Nixon has adopted as his general policy toward Asia one of "disengagement from the mainland of Asia." But he has put off for another three months the radical step in that direction. In effect, he has given the Saigon regime another three months for "shaping up."

One can only hope that it is not a wasted and expensive concession.

[From Newsweek magazine, Sept. 24, 1969]

THE ILLUSION OF VIETNAMIZATION

(By Maynard Parker)

(NOTE.—The watchword of American officials in Washington and Saigon these days is "Vietnamization," the process of turning over to the South Vietnamese the main burden of fighting the war in their homeland. Last week, Newsweek's Saigon bureau chief cabled his personal assessment of the program and its implications.)

All during the 1960s, through a series of fumbling half steps and half measures, the United States became hopelessly bogged down in a land war that it did not seek and did not want. Now the nation wants an end to the war. But the government is moving toward this goal with the same kind of stumbling steps, the same ambivalence, that first led it into the quagmire; and this erratic route may bring a conclusion no less tragic than the original process of involvement.

There can be little doubt that the Nixon Administration is pinning its main hopes on Vietnamization. In sum, this means that it has temporarily avoided the problem of a political solution to the war and has set out again in pursuit of a military victory—this time through the proxy of the South Vietnamese Army. How else can one explain the fact that, two weeks ago, President Nixon missed an opportunity presented by Ho Chi Minh's death, to advance a new peace proposal? Or that last month the American Embassy in Saigon did not murmur a complaint when President Nguyen Van Thieu appointed one of his own military colleagues as his new Premier?

Six months ago, when I stopped off in Paris on my way back to Vietnam, I was assured by all four sides that the war was running down—an assumption shared by many ordinary Americans. But now it is September, and due partly to North Vietnamese stonewalling and partly to President Thieu's intransigence, there has been no visible progress toward peace. There is little remorse in official Saigon over the failure of the talks. Fate has given the U.S. command a second chance to bring the war to an end on its own terms, and the generals believe they can do it with Vietnamization.

The strategy has definite attractions for both President Nixon and President Thieu. On the one hand, it will not force the South Vietnamese leader to broaden his government in order to win popular support; on the other, it will not compel Mr. Nixon to ram compromises, such as a coalition government, down Thieu's throat. As for the U.S. command in Saigon, it has been heartened by a secret report that argues that the domestic "public-opinion bomb could be defused" by withdrawing an average of 10,000 U.S. troops a month until after the 1972 U.S. Presidential election. Then the pullout would end and the remaining 250,000 men would settle in for the duration. As one strategist expressed it: "We'd put the war on page seventeen."

PREMISE

To the contrary, it seems to me that Vietnamization could put the war back on page one in headlines as bold as ever before. For one thing, it is based on a premise that few Americans would tolerate: that large numbers of U.S. troops will be fighting in Vietnam for perhaps another decade. The Administration talks of turning over the bulk of the fighting to the South Vietnamese by the end of 1971. But no one here believes that the Army of the Republic of Vietnam will be ready by then to cope with Hanoi's regulars. Admittedly, the ARVN has improved. But in general its performance remains mediocre. Most ARVN divisions still cling to the relatively safe coastal areas, and the desertion rate still runs an appalling one man in five each year. All indications are that the ARVN's improvement will continue to be agonizingly slow, and that the Americans will still have to do much of the fighting. Given the ARVN's weaknesses, it seems highly debatable that a 250,000-man U.S. force—which would include a sizable number of combat troops—can hold the same ground that half a million GI's are now working night and day to defend.

The reduced American force might well be subjected to savage North Vietnamese attacks, and there is strong reason to believe that the ARVN might offer little help. The siege of the U.S. Special Forces camp at Ben Het earlier this year offered an ominous hint of things to come. ARVN troops refused to defend a U.S. artillery battery, and when an American engineer company was ambushed, South Vietnamese officers refused to go to its aid. Relations between the allied armies are already so strained, in fact, that the U.S. command has drawn up contingency plans for fighting the *South* Vietnamese, if necessary, during a final American withdrawal.

Thus, it seems to me that the weekly U.S. death toll might continue to hover between 150 and 200, even with only half the present number of GI's in South Vietnam. And unless the war is ended by an over-all negotiated settlement, South Vietnam—as well as Laos and Cambodia—will remain terribly vulnerable to Communist conquest.

BEND

The only alternative to Vietnamization—and the only hope for ending the war—is to push the Saigon government into a compromise with the Communists. Such a compromise must allow the Viet Cong's National Liberation Front to share power in direct proportion to its popular support. So far, President Thieu has hardly begun to bend. True, he invited the NLF to join with him in holding elections. But in almost the same breath, he warned that he would jail anyone who espoused a coalition government, or who used the word "withdrawal" instead of "replacement" to describe the American pullout. Thieu's police have already jailed scores of non-Communist opposition members. What, the Viet Cong must be asking themselves: What would happen to *them* if they surfaced to take part in a national election?

Similarly, Thieu's choice of Gen. Tran Thien Khiem, the ranking general in the South Vietnamese Army, to head his "peace cabinet" represents a retrenchment on the right. It may be too much to ask Thieu, a rigid anti-Communist who was handpicked by the U.S. to fight the war to the bitter end, to willingly turn his government into an instrument of reconciliation. But if the war is ever to end, that is precisely what must be done. South Vietnam needs a predominantly civilian government, one that cares more about making peace than waging war. The only way to get it is through firm American pressure. With nearly 40,000 Americans already dead, this is no time for conventional diplomacy. President Thieu must be made to understand that his best chance for survival—indeed, his only chance—lies in compromise with the Communists. And as risky as that policy will be, Thieu must realize that if he rejects it, he will force the U.S. to make a deal with Hanoi behind his back.

At the national level, Thieu must make concessions to the non-Communist left, by bringing its leaders into his government. Thieu's position is as strong as it will ever be; NLF sympathizers amount to no more than 35 percent of South Vietnam's people. If Thieu and the other non-Communist factions cannot handle this minority in a political struggle once foreign troops withdraw, then something is so fundamentally wrong that another decade of American occupation can hardly be expected to cure it.

Past: At the local level, American officials must encourage the *de facto* cease-fires—called "accommodations"—that have already become common in this war. Especially in the Mekong Delta, it is normal procedure for commanders to stop fighting, either when a stalemate has been reached or when both sides wish to harvest crops. In the past, the U.S. has opposed such settlements. But encouraging accommodations might bring peace to large parts of the countryside without waiting for progress in Paris.

Certainly, a policy of accommodation at the national and local levels entails risk. But sooner or later, some such risk will have to be taken. The alternative is to proceed with Vietnamization, a program that promises only more fighting—much of it by Americans. Vietnamization will solve none of the basic causes of this conflict. It provides neither a method of reconciliation nor a means for the total withdrawal of foreign troops. As anthropologist Gerald Hickey has warned: "If an effort is not made at accomomdation, people in the U.S. had better be prepared for many years of fighting."

FUNDING OF POLLACK CONVERSION PROGRAM

Mr. BROOKE. Mr. President, fishing is one of this country's oldest industries, and like many it has not stood well the test of time. Depleted fisheries stocks, foreign competition, high interest rates, internal divisions, water pollution, and many other factors have all wreaked havoc with this proud and once productive industry. Now the fishing fleets of New England are coming to the end of the road.

The Senators and Congressmen of New England have continually sought Federal aid to try and reverse the seemingly inexorable tide of deterioration of her fleets and the demoralization of her fishermen. They have met with varying degrees of success. The plethora of bills introduced on their behalf has not generally received the attention they deserved and we have been forced to rely upon the few workable, existing programs for themselves have up to now lacked the unity and organization most necessary to the effective presentation of their case.

This year, the most exigent of all problems facing the New England fishing industry was the lack of haddock. Haddock is one of New England's staple food fish, and the species that the majority of New England fishermen depend upon for their livelihood. The drop in haddock landings has been incredible. In fact, they are now at their lowest point in the last 40 years. Marine biologists tell us that the only program that might save our haddock from almost total annihilation is a total moratorium on fishing in the Georges Bank area. The International Commission on North Atlantic Fisheries recently responded by declaring a partial moratorium on all haddock fishing by participating foreign nations who fish this once plentiful fishing ground. The fishermen of New England worked closely with the Bureau of Commercial Fisheries by assisting the Bureau's representatives to the ICNAF conference to present the conditions existing on the Georges Banks to the other nations at the conference. At the same time, work was going forward involving both the Bureau and the fishermen as they sought a viable alternative to haddock. The best substitute was found to be pollack.

The fishermen started to concentrate their efforts on making a success of this replacement program. This desire to help themselves brought about a major conference in mid-July in Gloucester, present at which were not only representatives of the fishermen, but the processors, and other important elements of the fishing community. From this meeting came a greater organization, coordination, and, most importantly, a momentum that would bring some success to the modest fishing boat conversion and pollack marketing programs that were being undertaken.

The Senate, in its decision to delete from the Department of the Interior appropriation the amount of $563,000 for research on pollack fishing, has seriously damaged the work of an entire summer. The momentum developed has been eliminated, and the possibility of continued heavy fishing of depleted haddock stocks will go on because the development of a logical alternative has not gone forward. Most important, with this cut in funds, the faith and confidence of the men of this industry that the Federal Government can respond effectively to their dilemma has been obliterated. At best, the money sought from the Interior appropriations bill is not great. It represents a start on what we hope will be a very significant program. Without it, however, any progress we might have made will be lost. I hope that when this measure is considered in conference, this

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small but critically important cut will be restored to the Interior budget.

Mr. President, just this morning the New York Times published a timely and incisive article on the condition and mood of the fishing fleet and fishermen of Gloucester. This is a painfully accurate description of the present state of the industry in New England. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. FISHING INDUSTRY FOUNDERS IN A SEA OF FOREIGN SHIPS

(By Paul L. Montgomery)

GLOUCESTER, MASS.—The days of glory are gone for this old fishing port. Only old men can remember when the harbor was full of schooners, their masts a forest of timber, or how the herring gulls clouded the sky following the fleet home.

Now in the dawn the rusty trawlers crawl out from the dilapidated piers while the gulls shift uneasily from foot to foot on the roof peaks. As often as not they come back half-loaded, their crews cursing the sleek, 300-vessel foreign fishing fleet that rules the rich grounds these fall days from Cape Ann to Montauk Point.

Since 1961, when the Soviet Union made its first probes in the Grand Banks, foreign ships have come in increasing numbers, staying longer and moving inexorably west and south to the 12-mile fishing limit off the northeastern coast.

Each year the vessels range farther and fish closer to shore. In August, 1968, 213 foreign fishing vessels were sighted in northeastern waters by the Bureau of Commercial Fisheries. They included 118 ships from the Soviet Union, 35 from Poland, 31 from East Germany and 29 from West Germany.

THROUGH FULL SEASON

This August the figure was 325, including 212 Soviet vessels, 37 from Poland, 40 from East Germany and 24 from West Germany. Most of the vessels, some of them twice as big as the largest American ship out of Gloucester, have stayed into September, and more ships have arrived.

The bureau's plane spotted 243 foreign vessels last week in the Georges Bank area east of Cape Cod. The national breakdown was 143 Soviet, 33 East German, 18 West German, 29 Polish, 14 Spanish, four Norwegian, 1 Rumanian and one Japanese.

There are also about 60 Soviet ships in the fishing grounds between Montauk Point and Nantucket. Earlier this year, single vessels from Israel, Greece, Bulgaria and Cuba were seen off the coast on what appeared to be exploratory missions.

Every year, the foreign fishing season off the American coast gets longer. Last year, for the first time, the Soviet fleet followed the herring south to Virginia and stayed late into the winter. The Germans and the Poles are expected to join the Russians this year.

While marine biologists and economists give many reasons, not only over-fishing, for the decline of the once-proud Gloucester fishery, the fishermen see only one—the seemingly omnivorous and often intimidating foreign fleet.

The other afternoon on the Seven Seas Pier, the Phyllis A. was unloading its small catch of haddock and whiting while the crew grumbled about low prices and stiff competition.

"LAST POUND" NEARING

The foreign ships were "only 23 miles from here," said the captain, "right out there like a picket fence keeping the fish out. You can't even turn around it's so crowded."

"We're on our last legs," said Joseph F. Grace, the Mayor of the town and chairman of the Gloucester Fisheries Commission, at the group's September meeting. "Every nation is out there racing to get that last pound of fish out of the sea. One day, they are going to discover they have that last pound."

The Mayor was making a plea for industry support for Senator Edward M. Kennedy's Fisheries Development Act of 1969, which seeks to "help our fishing industry recover from the crisis situation it is now in" through technical and financial assistance for conservation and new equipment.

The other day in the Fisherman's Institute, a rest home for old men of the sea, Seymour L. Harnish, a former captain, was talking about the old days.

"I'll be 91 if I live to see the 15th day of November coming," he said, "and, my gracious, I hope to tell you the difference between then and now is like night and day."

In the dim lounge of the institute a soap opera flickered on the television. Mr. Harnish, wearing a battered felt hat, occasionally glanced at the screen through his thick glasses. In a corner, two men bent over hand-whittled cribbage boards.

"I was captain of the Romance in 1914," Mr. Harnish said, continuing: "That's the year war broke out. We had 19 men, purse-seining mackerel. I come home with 180 barrels of salt mackerel at $20 a barrel. Why now you can't even hear tell of salt mackerel. People don't eat them any more."

FOREIGN ADVANTAGES

Mr. Harnish turned his attention to the foreign fleet.

"They're tearing up the feeding bottom," he said. "It stands to reason they must have cleaned up their own grounds on the other side, now they're over here cleaning up ours. I won't say it has destroyed our fishing yet, but if they keep on they will."

Mr. Harnish said the foreign ships enjoyed two big advantages—cheap labor and use of nets with smaller mesh than that permitted for American fishermen. "They get men on those boats living for months almost like convicts," he said. "You can't get our men to do that."

Down near the wharves, Sam Ciaramentaro was assembling a net at his chandler's shop. He is 54 and gave up fishing for a shore job in 1947. "I've got two boys; I wouldn't send them fishing," he said. "You waste your life out there, that's all."

Mr. Ciaramentaro said his business had dropped 20 per cent in the last few years. He said the foreign fleet was certainly part of the problem. "We don't have the vessels to compete with them, we're getting pushed around," he declared. "I've got nothing against anybody, Russian or American, working for a living, but not when you got to push somebody else around."

"We're all spoiled," he went on. "We wouldn't eat herring like the Russians are catching. Our young housewives want these prepared fish sticks they just have to heat and they're ready to go. You can't compete with that."

While most of the fish caught by foreign ships is for their own country's consumption, an increasing amount is finding its way back to the United States as imports. This is particularly true of blocks—frozen, compressed slabs of filleted fish that are used in making fish sticks and other prepared products.

Gorton's of Gloucester, which was founded in 1755, imports blocks from Poland. The blocks are made on the Polish ships from fish caught perhaps 50 miles from the factory, taken to the French territory of St. Pierre and Miquelon off Newfoundland for transfer to American freighters, then moved to Gorton's. Gloucester fishermen concede they cannot compete with the Polish prices.

The trend has had its effect on Gloucester, which was founded in 1623. The port's annual fish landings used to total about 350 million pounds; last year they totaled 97.6 million pounds.

The fleet, mostly vessels individually owned by Portuguese-American and Italian-American entrepreneurs, has shrunk from more than 200 ships 10 years ago to 110 now. Last year, one new vessel was added to the fleet while two older ones sank.

DROP IN FISHERMEN

There are about 1,000 fishermen in the town, compared with the total 10 years ago of 1,800. Crews of the ships share 60 per cent of the ships' catch as their wages; the owners get 40 per cent.

Although the Government has a grant and loan program that can pay up to half of the cost of new fishing vessels, the fisherman complain that it takes too long and is too complicated to get the Federal money, and very difficult to get the capital they need for their own share.

"We are the farmers of the sea," said Mayor Grace. "The Government pays our farmers money not to grow crops, and here we are trying to make a living and bring money into this country and we get very little help at all."

Gloucester still has hopes of reversing the decline of its fishing, and particularly of stemming fish imports. In the United States last year, 58 per cent of food fish and 76.2 per cent of all fish products were imported. The figure for food fish imported in 1960 was 41.4 per cent.

Mayor Grace, however, is something less than optimistic. "In the face of all the subsidies for fishing being handed out in all these other countries," he said at the fisheries commission meeting, "we should give an accolade to the American fisherman just for surviving."

ADDRESS BY PRESIDENT WERNER A. BAUM, UNIVERSITY OF RHODE ISLAND

Mr. PELL. Mr. President, on September 10, 1969, Werner A. Baum, president of the University of Rhode Island, Kingston, R.I., opened the academic year with a noteworthy statement concerning the problems of the university today. Speaking to the approximately 9,000 faculty and students assembled. Dr. Baum also made this statement something of a review of his impressions gained during his first year as president of the university.

I was greatly struck by the insights and views of Dr. Baum and would like to share them with the Senate. His speech discussed the complete spectrum of university problems; the unrest about Vietnam, the dislike of certain recruiting activities, the need for black involvement, and the right of student participation in the university governance.

As his statement is read, one recognizes a deep understanding of not only what has happened but, also of the reasons as to why it is happening, coupled with a discussion of the role of the university in the State of Rhode Island and as part of the general mainstream.

Another incisive portion of Dr. Baum's statement was the need for the campus moderates to make themselves heard. He discussed in detail how a small, but vocal minority, can all too easily disrupt a great university and how this pattern is not new. I quote:

> I lived through something like this once before, in Germany in the early 1930's, though I was too young to comprehend it at the time. The majority of scholars did not want

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to get involved in the preservation of their universities as free centers of intellectual activity. "Leave me be, all I want to do is my organic chemistry, or my medieval literature," was the common reaction. The result is history.

In the name of reason, scholarship, and the future of universities, I implore you, moderates: speak up—be counted! Governing boards and administrations are powerless without your active support.

I believe that statement clearly sums up a view which has all too often not been stated and I should like to congratulate Werner Baum on a most important contribution. I ask unanimous consent that the complete text of the statement be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRESIDENT WERNER A. BAUM AT OPENING CONVOCATION, URI, SEPTEMBER 10, 1969

I have spent a year getting to know our University and you. I believe I now have a fair understanding of our students, our faculty, and of the situation in which we work. With confidence based on that understanding, I can now speak to you of our duties and responsibilities, of our challenges and opportunities, of what we can and must do, and of what we cannot and must not do. So let's get down to the hard facts.

We face no identity crisis. We are a university, a public university. We exist because man is a creature who has replaced instinct with cultural tradition, with reason, and with the resulting fruits of contemplative thought. It is our function to seek and to transmit knowledge, and to teach students the processes whereby understanding and truth are made known.

There follow certain patterns of conduct within our community.

Being founded upon faith in knowledge and intelligence, we must defend their free operation. We must rely upon reason, wisdom, and truth to combat error. We are obligated to see that the conditions under which questions are examined are those which give play to intellect rather than to passion.

We shall be an open campus, with the widest latitude for the presentation of ideas. The primary test of acceptability is not the idea itself, but the mode and manner of its presentation. Orderly and peaceful presentations, even mass demonstrations and other non-obstructive forms of protest, are the right of any member of this community.

The University of Rhode Island is the creature of the State. It will not aid nor will it condone actions contrary to the laws of the State. Specifically included is a law of the State of Rhode Island and Providence Plantations which makes it illegal to obstruct the use of the property of another or to obstruct another in the prosecution of his lawful business or pursuits in any manner.

During the last academic year the Student Senate, the Faculty Senate, and the Board of Trustees affirmed not only the right of individuals to speak, but also the right of individuals to listen. Further, it was made clear by all these parties that we do not condone any disruption of normal university activities, any denial of access to or egress from university buildings, or any threat or actual use of force.

I call upon each of you, individually and collectively, to abide by these standards of conduct as you did last year.

The disruption which marked higher education on some other campuses last year is a cancer on the body academic. Nowhere is force or blackmail more out of place than in a university, the house of reason and persuasion. The academic community must rid itself of this cancer here and now, before malignancy destroys our vitality and our hard-won, precious independence to change society through orderly means. I do not expect this cancer to appear on our campus. But if it should, I will act promptly to eradicate it.

Our world is beset with problems, and the deep concerns and impatience of youths and adults are not hard to understand. We now know that the wars to end war did not succeed. We face the threat of "the bomb" and other lethal weaponry and we know that, as far as can be predicted from history, weapons are eventually used in war. We know that throughout the world more individuals are undernourished and ill than are well. Students and faculty in common support the ideal that medical care, good nutrition, good environment, equal rights, and freedom are birthrights. But we must realize that the University of Rhode Island, important as it is to us as the focal point of our lives, has limits to its capability to deal with these problems.

During the discussions in connection with the Dow Chemical Company incident last December, I was beset with such questions as "What is the University going to do to stop the war in Viet Nam?" and "What is the University going to do to destroy the military-industrial complex?" As an institution, of course, we can do very little. Not only are such problems of a scope beyond our means, but we are not a political action organization. Indeed, a completely independent posture is essential to our institutional role as a critic of society. When the university considers political, social or sectarian movements they are dissected and examined—not advocated—and the conclusion is left, with no tipping of the scales, to the logic of the facts.

Our most important contribution to the world's problems is the education of men and women who will help to solve such problems, or better yet, who will be wise enough to prevent such problems from developing in the first place.

On the other hand, there are many problems which are in our domain and upon which we can and must work. Within our university, for example, there is the ever-present problem of improving the process of information transmission. And our faculty needs to search for ways to improve its teaching by experimenting with new techniques and evaluating their effectiveness. And our students need to maintain the challenge to the faculty and to themselves so that this university continues to strive to become a community of scholars.

Two other problems which are critical to us and which I wish to discuss in some detail are the internal governance of our university, and the expansion of opportunities for young black citizens to study with us.

First, the matter of internal governance. The record clearly shows that the now dying Board of Trustees was consistently careful to distinguish between the policy decisions for which it was legally responsible and the internal administration of institutional affairs. I hope, trust, and believe that the new Board of Regents will be equally careful in treading this delicate but important line. The record of the past year also convinces you, I hope, that the Chancellor does not seek to be a super-president or to violate the integrity of the University as an organism with its own personality, hopes, and ambitions. And I trust I have convinced you that I do not intend to administer this institution unilaterally, arbitrarily or capriciously.

We have made great progress, far more than most universities, in making decisions on a broad base of participation. During the past year, to cite some examples, students and faculty in the College of Arts and Sciences collaborated in development of a new Bachelor of Arts curriculum which is now waiting consideration by the Faculty Senate; significant changes were made in our social regulations, based on recommendations of a student-faculty-administration committee and wide discussion within the various constituencies of the University; meetings of the Faculty Senate were attended by students, and students were appointed to all University committees of consequence.

Neither this University—nor any university—will ever be a model democracy. For one thing, no community of our size can be operated in a town-meeting fashion with everyone having a part in every discussion. What's more, the vast majority of our population is transient. Even more important is the fact that a university *should* not be a democracy; as I have pointed out before, the very reason for the existence of the university is that some people know more than do other people. If any student does not believe this to be the case, he is wasting his time, his money, and the taxpayers' money, and he should go somewhere where there are people who do know more than he does. The final decision-making authority must reside in the places where there is competence, responsibility, and accountability. This in no way negates the need for the widest possible input into the decision-making process. We must move further.

I believe that the greatest weakness in our system at this point lies in the University's legislative process. I hope we can strengthen this area as a result of the study now being made by the Student Life Committee. The Student Senate and the Faculty Senate are too disparate in their power and responsibility. They are poorly coordinated, and the administration is in a virtually impossible position when the two disagree. I hope that we can find a way, without detracting from the responsibility which is appropriately that of the faculty, of developing a unicameral body which deals with matters of joint responsibility.

What is more, we should recognize that major elements of the University are not completely disenfranchised in the legislative branch. The librarians, the professional personnel of the student services area, of the business area, and of the development area, and the classified personnel so critical to our total welfare, have no legislative vote whatsoever. If we are to govern ourselves even quasi-democratically, it seems to me only proper to provide a voice and a vote to these citizens of our society.

I hope many of you this year will devote a fraction of your time and energy to our problem of self-governance, so that we may build an even better framework for our basic job of teaching and learning.

Let me now turn to the problem of black students on our campus. This problem is almost unique in our case, because of the smallness of Rhode Island and the low proportion of black citizens.

Our past history is not a good one. While it is unfair to oversimplify by saying that there has been "systematic exclusion" of Blacks from the University, it is time that there has been insignificant enrollment of Blacks because there has not been equality of opportunity. This we must rectify, not because of guilt feelings or demands for reparations, but because our welfare requires that every individual have the opportunity to develop his potential to the fullest.

We are making significant progress. Our enrollment of black students this year, when the final figures are in, will certainly be very much higher than it was last year.

A substantial increase in black enrollment this fall is due to continuation and expansion of the Special Program for Talent Development which includes the pre-matriculation program which we operate on behalf of the three state institutions of higher learning. This summer we had approximately 50 black students on our campus in this program, to prepare them for entry as regular freshmen into one of the institutions, and it is probable that about 20 of them are starting at URI this week. They will continue to receive both substantial financial assistance as well as special tutorial aid as they require it. And of last year's smaller class, about a dozen have returned for their sophomore year at URI.

In addition, our black enrollment is increased due to a commendable special effort by our Curriculum in Community Planning and Area Development. As a result of collaboration between the United States Department of Housing and Urban Development, the Rhode Island Department of Community Affairs, and our faculty in Community Planning and Urban Development, we have received a training grant of $55,000. These funds are supporting five black graduate students in the professional master's degree program, each student receiving a stipend of $3,500 per year and payment of tuition and incidental expenses. In addition, the funds provided for six black high-school graduates in a sub-professional program on campus this summer, and these students will now work for the Rhode Island Department of Community Affairs and will be part-time undergraduate students.

The membership of these black students in our community will broaden educational experiences for all of us.

We are spending large sums of public and private moneys to support black students who have academic potential but do not have adequate financial resources. As I cannot treat this matter in detail now, I have asked Mr. DeBucci, our Director of Financial Aid, to address the next general faculty meeting and place the facts before the faculty. I might also suggest that the Student Senate invite Mr. DeBucci to make the same presentation.

But we must do more. And by doing more I do not mean necessarily increasing the number of black students to some magic percentage of our enrollment. Rather, I mean making certain that every student has that opportunity most appropriate to his own personal development, be it a vocational program at Rhode Island Junior College, the college-parallel program at RIJC, attendance at URI, or something else. As *the* State University, we must take a leadership role in this critical educational problem.

The first task is to increase the pitifully small number of black high school graduates who are prepared to enter higher education. An innovative effort is about to be made in this area by our Special Program for Talent Development with funds from the United States Department of Housing and Urban Development under its Model Cities Program. This year we are initiating a special tutorial program in three Providence high schools for juniors and seniors with the goal of increasing the number of black high school graduates who will be prepared and motivated to attempt higher education.

I call upon all members of the University community to do all in their power to work with the State Department of Education, local school boards, and individual schools and students, to increase significantly the proportion of black youngsters who complete high school and have the preparation and desire to seek the opportunities of a college education.

Then, among the Junior College, the College, and ourselves, we must seek to provide each graduate with that further opportunity most appropriate to him. I do not think we should care whether, in any given year, most of these students go to one institution or another. The talent of the individual must govern this decision. The individual must not be sacrificed for the sake of appearances. And our standard of expectations must not be lowered. When I drive over a bridge, I could care less whether the design engineer was white, black, yellow, or red. But I want the bridge to be safe and efficient.

In Rhode Island we must capitalize on our advantage of small numbers. We must work individually with the black student pool, and we must generate the necessary funds from State sources and through such grants as the one to our Curriculum in Community Planning and Area Development. We can and will evolve solutions which are likely to succeed in Rhode Island though they would be impossible if we had a situation such as New York or California.

I want to close with a plea, a plea addressed to most of you, who have come to be called "the silent majority." You must not, you cannot remain silent any longer with respect to the quality of life on our campus.

I believe most of you are moderates, as I am. I do not believe for one instant that our universities are so bad that revolution is either necessary or justified. On the contrary, they are magnificent institutions. But I do not believe that we are perfect and that the status quo is the ultimate. There is ample room for betterment, but that betterment should be evolutionary rather than revolutionary; it should come about by collaboration, in good faith, by compassionate men. We stand now in danger from extremists on both sides. Equally threatening are the revolutionary extremists of the left and the repressive extremists of the right. Either can kill all we hold dear about the life of the mind. Only the majority in the middle can save our freedom to inquire and to teach. But it will not save it if it remains silent.

I lived through something like this once before, in Germany in the early 1930's, though I was too young to comprehend it at the time. The majority of scholars did not want to get involved in the preservation of their universities as free centers of intellectual activity. "Leave me be, all I want to do is my organic chemistry, or my medieval literature," was the common reaction. The result is history.

In the name of reason, scholarship, and the future of universities, I implore you, moderates: speak up—be counted! Governing boards and administrations are powerless without your active support.

CHICAGO TRIBUNE EDITORIALS OF MERIT

Mr. MURPHY. Mr. President, two editorials published in the Chicago Tribune of September 23 are, in my opinion, of particular merit. One, entitled "More Bungling," takes a penetrating look at the ineptitude of the Federal Government's war on poverty. It points to several matters which this newspaper feels OEO Director Donald Rumsfeld might give his attention to immediately. I agree.

The second editorial entitled "Mr. Eban Tells It Like It Is," concerns the noteworthy address to the 24th session of the United Nations General Assembly by Israel's Foreign Minister Abba Eban.

I ask unanimous consent that these editorials and an article written by the Tribune's William Jones, and published on the same day, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MORE BUNGLING

The federal government's so-called war on poverty has been going on for four years. Nobody expected that all poverty would be eliminated in such a short time, but it was hoped that the office of economic opportunity would develop a fairly efficient organization and that some progress would be made in determining how deserving families could be helped to climb out of poverty.

The hopes were vain. Almost every week brings new revelations of bungling. The latest disclosure here is that an audit is being made to restore order in the financial affairs of the Cook county OEO, which was so badly managed that it failed to pay $329,000 in federal withholding taxes on income, and then reported the amount as access income at the end of the year.

Eventually the tax delinquency was discovered, and the agency had to borrow from a Chicago bank to pay its bills. Charles D. Hughes Jr., executive director of the agency, accurately described its problems as "best characterized as the result of incompetent activities."

So far there has been no showing of large scale fraud, but incompetent management also is wasteful. The taxpayers who supply funds for the OEO have a right to expect that its managers know what they are doing. As things stand, too many OEO programs are made up of the blind leading the blind.

While the war on poverty was under the direction of President Lyndon Johnson's Democratic administration, it was often charged that the main purpose was not to cure poverty but to consolidate the poor into a voting bloc which would demand an ever larger system of government handouts. Now the Republicans are in charge, at least in the top posts, and Donald Rumsfeld, director of the OEO, has promised more orderly and efficient operation.

Mr. Rumsfeld, a former congressman from the north shore suburbs, has some acquaintance with affairs in Cook county, and we trust he will insist on a measure of competence in the spending of antipoverty funds here.

Another matter for the attention of Mr. Rumsfeld is the part taken by Mrs. Frances Loman of East Chicago Heights in the affairs of the Cook county OEO. An investigation by THE TRIBUNE and Better Government association has shown that Mrs. Loman and her husband, Charles B. Loman, formerly were active in the Communist party in New York. A communist newspaper credited them with recruiting 17 persons into the party in 1944. In 1959 Charles Loman was suspended from positions on the national committee of the United States Communist party and as chairman of the Kings county, N.Y., branch of the party.

Mrs. Loman became a director of the Cook county OEO in 1966. Last May she was elected treasurer of the agency. She now says she is a registered Democrat.

With her record, it is hard to understand why she was named the financial officer of the organization which distributes more than 3 million dollars a year in Chicago suburban communities. Surely there must be somebody who is better qualified.

MR. EBAN TELLS IT LIKE IT IS

The swamp gas of vituperation and pious attitudinizing at the United Nations is seldom penerated by a gleam of truth. The address of Abba Eban, Israel's eloquent foreign minister, at the 24th session of the U.N. general assembly was an exception to the dreary rule.

He said the U.N., in another year of frustration and deadlock, had "receded still further toward a marginal role in world affairs. Its resonance has diminished; and its flame is burning low. . . . The truth is that the effective currents of action and discourse amongst nations now flow mostly outside these walls. . . .

"Since the summer of 1968, peace and freedom have been convulsed in Europe by the flagrant soviet invasion of Czechoslovakia; in southeastern Asia by the continued fighting in Viet Nam; in northeastern Asia by ominous lightning flashes on the Russian-Chinese border; in the middle east by the formal and effective Egyptian denunciation

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of the cease-fire; in Africa by the agony of millions in the Biafran region of Nigeria."

The security council, Mr. Eban observed, has been silent about these and other tragic events, and the gap between the vision and the reality of "sovereign nations united in a covenant of law and peace" grows wider year by year.

That gap has been apparent since the earliest days of the U.N., as this newspaper was among the first to note. We were scorned by deluded "liberals" as a voice of the troglodyte right when we warned our readers against confusing the vision and the reality. Now we are told by Israel's foreign minister, one of the most experienced and most enlightened delegates to the U.N., that its resolutions are adopted "by fortuitous majorities without regard to their equity or prospect of fulfillment" and "lack moral or judicial force."

Mr. Eban also was far more realistic than President Nixon in assessing the iniquitous role of the Soviet Union in world affairs. The President had repeated an earlier statement that we are moving from an era of confrontation to an era of negotiation with the Russians. He had appealed for the help of all U.N. members in persuading Hanoi to enter into serious peace negotiations, but had not mentioned the Soviet Union's support of North Viet Nam, without which it could not continue the war. Andrei Gromyko, the soviet foreign minister, boasted the next day after Mr. Nixon spoke: "We pride ourselves on the fact that the Soviet Union's assistance is multiplying the capabilities of free Viet Nam in its arduous and heroic struggle."

Mr. Eban, discussing the Soviet Union's activities in the middle east, said it "played a sinister role in the developments leading up to the 1967 war" and later intensified the pace of hostilities by renewing the arms race and uncritically supporting Arab intransigence in efforts to promote peace negotiations.

Mr. Nixon is not likely to find the Russians any more cooperative in negotiations for stability in the middle east or disarmament or anything else than they have been in respect to the Viet Nam war. He should be reminded by Mr. Eban's speech that it is dangerous to confuse the vision with the reality.

Scathing Report Raps Local Poverty Office

(By William Jones)

An official of the United States department of labor has issued a scathing report on the operations of the Cook County Office of Economic Opportunity, Inc., which calls for a shake-up in the higher echelons of management.

In addition, the report charges the war on poverty agency with giving poor counseling, failing to keep records, and mixing federal funds from a number of programs into one account. The report accuses program officials of failing to tell their own staff members about provisions of anti-poverty programs.

VIOLATIONS ARE CITED

The report, obtained by The Tribune and Better Government association, cites repeated violations of federal guidelines thru Oct., 1968, even tho the labor department began issuing warnings during the summer of 1967.

In other developments:

1. Donald Rumsfeld, director of the federal office of economic opportunity, ordered two investigators from his Washington office to Chicago for a full report on financial difficulties in the county poverty agency.

2. CCOEO issued a statement claiming disclosures by The Tribune Sunday that the agency is on the brink of financial chaos are incorrect.

The labor department report critical of CCOEO operations was issued in March over the signature of Richard E. Palmore, director of the department's manpower division in Chicago. In an interview last week, Palmore accused the agency of renting equipment purchased with OEO funds to labor department programs within the same office.

GUIDELINES ARE VIOLATED

"I assume they did this because it made more cash available to them, but it is a violation of all federal guidelines," Palmore said. "Our most serious complaint, however, involved the mixing in one bank account of labor department funds with those of the office of economic opportunity. I demanded that this be straightened out in February. When a man mixes my money up with someone else's, I want to know what is happening to my money."

Palmore said that when he recommended a shake-up in CCOEO leadership, "I was talking about a whole lot of people, including Mr. Hughes." Palmore said the labor department is powerless to replace administrators because they are hired and fired by the board of directors of the not-for-profit agency.

Charles D. Hughes, executive director of the suburban poverty agency, said Palmore's report should "more properly be aimed at the board of directors." Hughes said he learned of the renting of equipment by one program to another and ordered an immediate halt to it.

DISPUTES PALMORE'S CHARGE

Hughes said he did not know what Palmore was talking about when he referred to the mixing of funds from several programs into a single account.

The statement issued yesterday by CCOEO was released over the signature of the Rev. John Hilficker, president of the board of directors of the program. The statement denied there had been any loss of funds and said an estimated $330,000 in delinquent federal payroll taxes would be paid "upon completion of federal reports."

"Further penalties [if any] paid to the internal revenue service, will, of course, not cost the taxpayers money, because any amount will be paid to the government," the statement said. "At the present time, we have no reason to believe that this situation involves anything except a lag in record keeping."

HISTORIC STEP TO END HUNGER IN AMERICA

Mr. McGOVERN. Mr. President, it is with particular pleasure that I address the Senate today. Yesterday afternoon, the Senate took a historic step. It decided to eliminate hunger and malnutrition in the United States.

The sense of the Senate that it would no longer abide hunger in this land of plenty was a decision that cut across party and ideology. It showed once again more conclusively than ever before, that hunger is not a Democratic or a Republican issue, not a liberal or conservative issue, and not a northern or a southern issue. It is above all a human issue, perhaps the one human issue to which we all respond with the same compassion.

There were differences over what were the best ways to accomplish our common objective—how much money we should authorize, what administrative procedures we should lay down. For the most part, these differences were resolved. And, we said when it was over that hunger would no longer be allowed to stalk the land.

The Senate does not, however, have the only or final say. Our colleagues in the House of Representatives must also come to a decision on this matter. I hope that they will see fit to do so and soon.

In this regard, I would like to comment briefly on the position of the President and the present administration. I have previously applauded the President's message in which he said that the moment had arrived to put an end to hunger in America for all time. But I was also critical of the measure that he proposed to achieve that end. I did not believe it was enough to do the job—not enough money, not the right rules. The measure that the Committee on Agriculture and Forestry reported to the floor of the Senate resembled in large part the position of the administration.

It was for this reason that I and eight other members of the Select Committee on Nutrition decided to introduce our substitute measure, a measure that we felt was truly commensurate with the problem that we were setting out to solve.

The administration chose to oppose the substitute. It instructed its representatives to lobby in the corridors and private offices behind this Chamber in an 11th-hour effort to defeat the substitute. It told the Senate Agriculture Committee that it could not spend more than its own inadeqaute budget recommendation of $610 million. Its spokesmen announced in August that welfare families with children under its new family assistance program would no longer get food stamps—a policy which it fortunately reversed in September. These are not actions designed to fulfill a promise to end hunger in America for all time.

Now the question has moved to the House. The administration will have another opportunity to take a position as the issue is debated and voted upon there. It will have the opportunity to support measures that only go part way toward ending hunger or ones that go all the way. I sincerely hope that this time, the administration, recognizing the full need, will use its energies and good auspices, not to prevent the best possible measure from being passed, but to insure that it becomes the law of the land.

PHOTOGRAPHIC EXHIBIT IN OFFICE OF SENATOR TOWER

Mr. TOWER. Mr. President, I invite the attention of the Senators to a photographic exhibit in the reception room of my office.

The pictures were taken by residents of Texas.

There are 12 photographs in all, and they reflect the color and diversity of Texas life.

I am proud of these pictures—all of them taken by students of the Famous Photographers School of Westport, Conn.—and I invite Senators and their staffs to stop by my office and see them.

It is a great pleasure for me to show these photographs. I know others will enjoy them, too.

The photographers and the titles of their works featured in "The Face of Texas" exhibits are:

Lanier H. Bell, of San Angelo, "Round-up."

Robert W. Boyle, of Houston, "Bluebonnets."

Clyde A. Bush, of Waco, "House of Worship."

Albert Carter, of Austin, "Head Start Children."

Van G. Cook, of Amarillo, "Sunset at Home."

Gene D. Hovey, of Houston, "Girl With Guitar."

H. H. Jackson, of Lubbock, "Quarter Horse Racing."

Madeline Jeffress, of Amarillo, "Plant of the Century."

Emil D. Prieto, of Houston, "Bar Mitzvah Rehearsal."

George A. Richardson, of El Paso, "House of Worship."

Richard J. Steigerwald, of Sheppard Air Force Base, "Sky High."

Cecil C. Stibbens, of Grand Prairie, "Sunday Racers."

NATIONAL GOVERNORS' CONFERENCE POLICY STATEMENTS ON EDUCATION

Mr. PELL. Mr. President, at its recent annual meeting, the National Governors' Conference adopted various policy statements on education. I believe that we should be aware of the Governors' views, for many of them deal with issues that are of current concern to the Senate.

I was especially pleased that our own Rhode Island Governor, Hon. Frank Licht, expressed his concern about the funding of the Federal student assistance programs, specifically the need for continued funding of the national defense education student loan program. Governor Licht proposed an amendment to the staff-prepared policy statement, and it was adopted. I wish to congratulate him for bringing this issue to the attention of the Governors, who by their action further impress upon us the need for a balanced, well-funded Federal student assistance program.

I ask unanimous consent that the education policy statements adopted at the annual meeting of the Governors be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

EDUCATION

1. Assumption by the federal government of far greater responsibility for the financing of education. Such increased federal financial participation should take the form of general grants to the states for educational purposes. Both the legislation and federal regulations for such a program should leave maximum flexibility to states and localities to develop programs to meet their most urgent needs. The basic purpose of such a program would be to help meet the rapidly rising *basic* costs of education, not to stimulate new supplementary programs.

2. Adequate advance funding of existing federal programs commensurate with critical educational needs.

3. Consolidation of existing federal grant-in-aid programs for education into broad functional categories, thereby increasing the ability of states and localities to design programs within broad federal policy guidelines to meet critical needs in individual states and localities.

4. Maximum administrative simplification of planning, application, allocation, accounting and reporting procedures for all consolidated grant-in-aid programs to assure that the intended purpose of consolidation of grants is not subverted through detailed administrative requirements.

5. Consideration by the President of establishing an Intergovernmental Commission on Education broadly representative of local, state and federal officials and educational personnel to furnish guidance to the Congress, the executive branch of the federal government and the states, for more effective educational programs, and to continually review the goals, quality and cost of our educational system.

6. Provision in federal programs for joint federal-state-local development of standardized statistical data and other information necessary for sound analysis of educational needs and programs. Such standardized and comparable data is essential for educational planning at all levels of government.

7. Immediate funding of student loan program by guaranteeing interest at the prime rate of student loans.

8. The federal government should not cut back the funding of the National Defense Education Loan Program.

THE PHILADELPHIA PLAN

Mr. ERVIN. Mr. President, the contractors and employees in six trades which do business in Philadelphia are now hemmed in the center of what has become a senseless and embittered struggle between the executive and legislative branches of Government. It is a struggle characterized by semantic pitfalls and obscure issues rather than by reasonable differences, and it is a struggle which exacts a price from the contractors and workers of Philadelphia every day.

The major issue involved in this struggle, the Labor Department's revised Philadelphia plan, is clear. Mr. George Shultz, the Secretary of Labor, believes that Executive Order 11246 provides his Department with the authority to fix standards of minority group employment on Federal building projects. He believes that setting specific percentage ranges for minority employment is a legitimate part of the "affirmative action" programs sanctioned by that Executive order. Last Tuesday the Justice Department issued a memorandum supporting his position.

The Labor Department has taken the position that its standards of minority employment are in the form of percentage "ranges" and therefore do not constitute racial quotas which are prohibited by title VII of the Civil Rights Act of 1964. Further, the Labor Department argues that the revised Philadelphia plan is a creature of the Executive order and does not fall within the purview of title VII.

The Comptroller General of the United States, Mr. Elmer Staats, disagrees. To him, and I wholeheartedly agree, the revised Philadelphia plan does indeed impose an illegal racial quota system on Federal contractors. Mr. Staats also believes that other elements of the plan ignore the intent of Congress as expressed in title VII. For those reasons, he has refused to permit any Federal funds to be spent on projects implemented under the plan. The response of Mr. Shultz was that the Labor Department will pursue the revised Philadelphia plan with or without the Comptroller General's approval.

No man of good will will argue that a man should be denied the right to work because of his racial origin. Experience and ability alone should be the sole criteria.

But however much one may approve of the goal of equal employment opportunity for all citizens, one cannot approve of the Labor Department's plan to increase artificially and illegally the number of minority group members working in these six trades in Philadelphia.

Mr. President, it seems to me that despite the fact that the Labor Department has established its standards as somewhat flexible "ranges," the revised Philadelphia plan does indeed impose an illegal quota system. I believe it does so for this reason: If one Federal contractor is penalized by the Labor Department for failing to meet his affirmative action goal and cannot demonstrate good faith, then that contractor has been penalized for failing to meet a racial quota. And the penalties which an errant contractor faces are severe indeed. He can be barred from further Federal contracts, have his current contract pulled from under him at great personal expense, or even be taken to court by the Justice Department.

What I am saying, Mr. President, is that the contractors in Philadelphia are in an untenable position. On the one hand, they must meet their minority employment goals or else risk grave penalties. On the other, they take the chance of violating title VII if they comply with the Labor Department's wishes.

Late last week, my office was paid a visit by a contractor from Philadelphia who has had experience under both the revised and the original Philadelphia plans. I think his statement was particularly significant. He said:

> If the union sends me ten white electricians to work on a job, ten men with seniority in the union, what am I supposed to do? Can I say, "Well, I can take the first seven of you, but the rest of you can go home because the Office of Federal Contract Compliance says I need three minority group workers on this job?" To me, that's discrimination. But when I go to the OFCC and try to tell them about it, they say, "That's not our problem. We are under Executive Order 11246." That doesn't help me at all.

Mr. President, a contractor in this man's position is being forced to break the law to help eliminate discrimination over which he has no control. Congress did not intend that this should be so when it enacted the Civil Rights Act of 1964. That bill's legislative history clearly shows that contractors are not to be held responsible for the actions of labor unions. Moreover, the act was never intended to disrupt seniority systems.

What the Labor Department is trying to do, Mr. President, is attack the unions through the contractors. The power of organized labor in the United States dictates that prospective Federal contractors all over the country, not only in Philadelphia, must recruit their employees from union ranks. The contractors actually have little control over the composition of their employees, and no control over the composition of the unions. This

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situation makes the Philadelphia plan quite startling, for in effect, it punishes one man for another man's actions.

The Labor Department has argued that special conditions exist in Philadelphia, conditions of discrimination so blatant that unusual measures are needed to correct them. I would answer that whatever conditions exist there, they do not warrant the disregard of our laws. It is no excuse for the Labor Department to plead that the Philadelphia plan is a creature of Executive Order 11246; such Executive orders historically are considered to be instruments to implement legislation, not to negate it. It is no more reasonable for the Labor Department to argue that its plan is not subject to title VII than it would be for a State to revert to the doctrine of interposition. When a congressional act and an Executive order conflict, the Executive order must fall.

Further, I have serious questions about the conflict between the revised Philadelphia plan and the "equal protection" clause of the Constitution. On what grounds, for example, does the Labor Department justify exempting from the plan those contractors who execute Federal contracts worth less than $500,000? Is the Labor Department less concerned about the so-called "rights" of minority group workers employed on small jobs than those of employees working on large jobs?

In short, Mr. President, I believe that however commendable the goal of providing equal employment opportunity for all citizens, that goal is not served by the revised Philadelphia plan. When one contractor is penalized because he fails to hire enough minority group employees, and another is not so penalized, there is patent discrimination. When otherwise qualified workers with seniority are turned away from their jobs because of minority quotas, there is discrimination. Discrimination undoubtedly will occur under the plan, whether or not the Labor Department admits it. The flood of litigation which may arise from the plan could continue for years.

The Philadelphia plan is ill-conceived, and it should be relegated to some obscure bureaucratic wastebasket. The Labor Department should try again, bearing in mind the unalterable fact that one breed of discrimination is no more legal than another. The Department should respect the purpose of an Executive order and take care that it does not assert supremacy over the Congress and violate congressional intent as well as law.

The Subcommittee on Separation of Powers was established by a resolution sponsored jointly by our esteemed majority leader and the late beloved minority leader to investigate the extent to which each branch of the Government was impinging upon the rights and duties reserved to the other two under the Constitution and laws of the United States. I think this Philadelphia plan fiasco constitutes a perfect example of how the executive branch can deliberately take a clear and plain law and manipulate its meaning out of existence. Such blatant violations of the separation of powers doctrine must not and will not be tolerated.

The revised Philadelphia plan is an instrument of waste, frustration and fear. While the OFCC harasses contractors in Philadelphia, threatening them with prosecution and financial ruin if they do not comply with its wishes, construction costs on Federal projects continue to rise. The contractors of Philadelphia are frustrated, and the employees are fearful. We are seeing the results of those fears in Pittsburgh. The Philadelphia plan, far from moving toward the goal of equal employment opportunity for all, is pulling us farther apart.

Yes, Mr. President, the Labor Department should try again. For surely there can be found a legitimate plan which insures equal employment opportunity according to ability and yet does not violate title VII of the Civil Rights Act of 1964 and the obvious intent of the Congress in passing that act. As it is now drawn, the revised Philadelphia plan is little more than an instrument of harassment designed to enforce an unenforceable quota system. The Constitution of the United States gives to Congress the lawmaking power which clearly relegates Executive orders to some position less exalted than that attributed to Executive Order 11246 by the Labor Department. And the Congress, in exercising its legislative authority, has declared that quota systems, whatever they may be called, are illegal. That should end the matter.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. PERCY. Mr. President, yesterday, the Committee on Government Operations reported to the Senate S. 2701 to create a Commission on Population Growth and the American Future. This is an administration bill introduced by Senator MUNDT which I am pleased to cosponsor and support. It is, moreover, an important bill for it will help us to recognize and solve the problems generated by population growth and movement.

Today there are some definite and even disturbing trends in population movement in our country. We are all aware of the shift of people and industry from rural to already congested urban and suburban regions. We also know that 40 percent of our people are congregated in primarily 38 major areas; that during the 1960's the population increase in metropolitan areas doubled the increase in outlying regions. And we now realize that 63 percent of our population inhabits only 1 percent of our land area.

But we do not know what these trends mean, what their consequences may be. We must know, however, if our Nation is to accommodate and provide for the additional 100 million people we will have by the year 2000.

President Nixon astutely recognized this need to analyze our population trends when he sent to the Congress his message urging the creation of a Commission on Population Growth. At that time he raised such pertinent questions as "Where and how will future generations of Americans live; how will we feed, house, and educate them; what will their effect on our natural resources and environment be?"

These questions must be answered. We must know now the probable course of population growth; the resources in the public sector of the economy that will be required to deal with this growth; and the ways increased population will affect the activities of all levels of government.

We now have the opportunity to obtain the answers to these questions by enacting S. 2701. I urge that we take this opportunity. We owe it to our Nation and our future generations of Americans who must live in the circumstances we have created.

THE PESTICIDE PERIL–LVI

Mr. NELSON. Mr. President, with alarm spreading across the Nation about the dangers to our environment from the use of hard pesticides, increasing information on effective alternatives is becoming available to the home gardener.

Marguerite Baumgartner recently wrote an excellent article published in the Stevens Point, Wis., Daily Journal, in which she recommended several books which offer advice on home gardening without dangerous pesticides. She said of the current battle over DDT and related pesticides that—

> In spite of the desperate effort of the agricultural chemical industry, whose business will be hurt, to discredit the evidence as well as the scientists who devoted their efforts without recompense, in spite of a prolonged and costly hearing which still is not settled, the effort has been hailed as a landmark.
>
> At long last the public is getting the facts and is demanding action. Militant legislators on both state and national levels are getting popular support for curbs on the use and sale of hard pesticides. Not enough, and too late to save many things, but a start we can all support.
>
> Then comes the invariable question—we still have pests; what should we use instead?
>
> And this is a question, not only for the professional exterminator and the government agencies involved in massive eradication programs, but for every man or women who pushes a little button on a spray bomb or buys a can of "bug dope" at the local store.

I ask unanimous consent that Miss Baumgartner's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAN DDT—AND USE WHAT INSTEAD?

(By Marguerite Baumgartner)

For the better part of a year Wisconsin's battle over DDT has been raging in ever-widening circles.

After the initial shock and flurry of Rachel Carson's "Silent Spring," almost 10 years ago, the world has tried to forget her dire predictions and to belittle her facts. But new facts have continued to rear their ugly heads and thrust themselves upon the consciousness of thinking men and women.

Regardless of what good has been achieved by DDT and its affiliates in the past, this earth and its atmosphere have been overdosed.

Conservation organizations and conservation publications have devoted increasing efforts to alert the public to the irrefutable perils of pesticide contamination, before time runs out.

Spectacular action was taken in New York's Suffolk County. Michigan took up the cudgel last year (See the July issue of Audubon Magazine), and though both legal battles were lost, the resulting publicity achieved very satisfactory results.

XUM

In the fall of 1968 the storm broke in Wisconsin. During the winter and spring the events at Madison have made headlines throughout the country. Our file is chocked with clippings from metropolitan dailies and small town weeklies from Maine to Oklahoma to Oregon, with magazines ranging from general interest slicks to small school alumni bulletins.

Anyone who has read this far surely has been aware of the DDT hearings conducted by the state Department of Natural Resources. Initiated on request of the Citizens Natural Resources Association (CNRA) and supported by many other conservation groups and individuals throughout the country, the hearings made public a mountain of evidence, engineered by a dynamic little group called the Environmental Defense Fund (EDF).

In spite of the desperate effort of the agricultural chemical industry, whose business will be hurt, to discredit the evidence as well as the scientists who devoted their efforts without recompense, in spite of a prolonged and costly hearing which still is not settled, the effort has been hailed as a landmark.

At long last the public is getting the facts and is demanding action. Militant legislators on both state and national levels are getting popular support for curbs on the use and sale of hard pesticides. Not enough, and too late to save many things, but a start we can all support.

Then comes the invariable question—we still have pests; what should we use instead?

And this is a question, not only for the professional exterminator and the government agencies involved in massive eradication programs, but for every man or woman who pushes a little button on a spray bomb or buys a can of "bug dope" at the local store.

"Every man and woman" add up to a massive total, with immeasurable potential for correction or further degradation of our sick environment.

The answers fall into several categories, and some are far from new.

The final chapter of "Silent Spring" discusses some fascinating possibilities. There are biological controls—the introduction of natural enemies which are known to prey upon or infect and destroy the pest species.

More recently the sterilization and release of male insects has proved remarkably successful in reducing infestations.

There are lures and repellants which change the life patterns of insects, or lead specific pests to their destruction without contaminating the whole environment.

Instead of non-selective, non-soluble, long-lived chemical insecticides, there are specific, equally effective methods utilizing viruses, bacteria and microbes, far safer in the long run.

These are large scale operations which we mere people cannot employ ourselves, but need to demand of our public agencies and professional eradicators.

The problems so dramatically presented in Rachel Carson's "Silent Spring" are as glaringly crucial today as they were in 1962. For a first or fifth reading, there are copies of her book in both our city and university libraries.

Another little volume might well be part of the personal library of every householder. One of the Little Golden series, the paperback edition is a tremendous bargain at $1.

Entitled "Insect Pests," it includes specific descriptions and treatment for over 350 pests of home, garden, field and forest. For general information on insect control, the 14 introductory pages are worth many times the price of the book.

In terse, simple, readable language, the author discusses natural controls, biological controls, physical and mechanical controls, cultural controls, the new methods of using sterilants, hormones and ground silica.

The chapter on chemical insecticides is heavy with warnings: "Most insecticides are dangerous to people and other animals as well as to pests. Read and follow carefully the instructions on the label." "Keep out of reach of children." "Mark container poison."

Especially dangerous and long-lived are the chlorinated hydrocarbons. Beware of products containing (read all small print!) DDT, methoxychlor, TDE, DDE, benzinehexachloride, lindane, toxophene, chlordane, dieldrin, aldrin, engrin and heptachlor. The organophosphates are even more lethal to the higher animals including man. These include parathion, demeton, TEPP and DDVP.

Least toxic of the chemicals are methoxochlor and melathion—but by this time the names all sound alike and I prefer not to push a button of any kind.

And so it was with joy and relief that I discovered a no-poison guide to a beautiful garden.

There are a number of such books listed by bookstores and libraries. Classics are "Trumm's Gardening Without Poisons," and the magazine "Organic Gardening" (Emmaus, Pa.)

Mine was written by Janet Gillespie, a very eloquent housewife and gardener, wife of the headmaster of a private school. This small volume, with the improbable title of "Peacock Manure and Marigolds," reminds us that grandmother had many ways of protecting her garden from pests—natural fertilizers (including manure from her pet peacock), gardens bordered with marigolds whose rank odor fenced out insects.

There were also such sane and forgotten methods as the selection of hardy breeds, pairing compatible plants, encouraging the birds by leaving some unkempt spots, and even (horrors!) picking off the unwelcome bugs by hand.

Since we "garden" only the wild things that come to us naturally, I am not too good a judge of which of her methods might be of most significance to the most readers. I found it all fascinating reading, and it almost made a gardner out of me.

But for those who have been horrified by the expose of the hard pesticides and are asking "what now?," this book has many answers, as homely and specific as a neighbor's advice across the fence.

"Peacock Manure and Marigolds" has been ordered for the city library. Meanwhile, my copy is available on loan.

FISHING INDUSTRY DECLINE

Mr. KENNEDY. Mr. President, on August 11, I introduced the Fisheries Development Act of 1969. The bill is intended to set up the machinery for a revitalization of the American fishing industry. The bill is a revision and expansion of a similar bill I introduced in 1967.

Hearings on this and other bills important to the fishing industry have been scheduled for October 22 and 23. I think that the Senator from Michigan (Mr. Hart), who is chairman of the Commerce Committee subcommittee which will hold the hearings, deserves the thanks of all of us concerned with the future of our fishing industry.

My bill, S. 2825, can reverse the decline of the American fishing industry, and help to restore that industry to the preeminent position it once enjoyed. Today, the New York Times addressed itself to the plight of the fishing industry in Gloucester, Mass. However, the article could have been written about any of the once-great fishing ports of Massachusetts or New England. I urge Senators, who share my concern in this matter, to lend their most active support to the many bills now pending before us which deal with the various aspects of the problems facing the Nation's fishing industry.

In an effort to further acquaint the Senate with the seriousness of these problems, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. FISHING INDUSTRY FOUNDERS IN A SEA OF FOREIGN SHIPS

(By Paul L. Montgomery)

Gloucester, Mass.—The days of glory are gone for this old fishing port. Only old men can remember when the harbor was full of schooners, their masts a forest of timber, or how the herring gulls clouded the sky following the fleet home.

Now in the dawn the rusty trawlers crawl out from the dilapidated piers while the gulls shift uneasily from foot to foot on the roof peaks. As often as not they come back half-loaded, their crews cursing the sleek, 300-vessel foreign fishing fleet that rules the rich grounds these fall days from Cape Ann to Montauk Point.

Since 1961, when the Soviet Union made its first probes in the Grand Banks, foreign ships have come in increasing numbers, staying longer and moving inexorably west and south to the 12-mile fishing limit off the northeastern coast.

Each year the vessels range farther and fish closer to shore. In August, 1968, 213 foreign fishing vessels were sighted in northeastern waters by the Bureau of Commercial Fisheries. They included 118 ships from the Soviet Union, 35 from Poland, 31 from East Germany and 29 from West Germany.

THROUGH FULL SEASON

This August the figure was 325, including 212 Soviet vessels, 37 from Poland, 40 from East Germany and 24 from West Germany. Most of the vessels, some of them twice as big as the largest American ship out of Gloucester, have stayed into September, and more ships have arrived.

The bureau's plane spotted 243 foreign vessels last week in the Georges Bank area east of Cape Cod. The national breakdown was 143 Soviet, 33 East German, 18 West German, 29 Polish, 14 Spanish, four Norwegian, 1 Rumanian and one Japanese.

There are also about 60 Soviet ships in the fishing grounds between Montauk Point and Nantucket. Earlier this year, single vessels from Israel, Greece, Bulgaria and Cuba were seen off the coast on what appeared to be exploratory missions.

Every year, the foreign fishing season off the American coast gets longer. Last year, for the first time, the Soviet fleet followed the herring south to Virginia and stayed late into the winter. The Germans and the Poles are expected to join the Russians this year.

While marine biologists and economists give many reasons, not only over-fishing, for the decline of the once-proud Gloucester fishery, the fishermen see only one—the seemingly omnivorous and often intimidating foreign fleet.

The other afternoon on the Seven Sea Pier, the Phyllis A. was unloading its small catch of haddock and whiting while the crew grumbled about low prices and stiff competition.

"LAST POUND" NEARING

The foreign ships were "only 23 miles from here," said the captain, "right out there like a picket fence keeping the fish out. You can't even turn around it's so crowded."

"We've on our last legs," said Joseph F. Grace, the Mayor of the town and chairman of the Gloucester Fisheries Commission, at the group's September meeting. "Every nation is out there racing to get that last pound of fish out of the sea. One day, they are going to discover they have that last pound."

The Mayor was making a plea for industry support for Senator Edward M. Kennedy's Fisheries Development Act of 1969, which seeks to "help our fishing industry recover from the crisis situation it is now in" through technical and financial assistance for conservation and new equipment.

The other day in the Fisherman's Institute, a rest home for old men of the sea, Seymour L. Harnish, a former captain, was talking about the old days.

"I'll be 91 if I live to see the 15th day of November coming," he said, "and, my gracious, I hope to tell you the difference between then and now is like night and day."

In the dim lounge of the institute a soap opera flickered on the television. Mr. Harnish, wearing a battered felt hat, occasionally glanced at the screen through his thick glasses. In a corner, two men bent over hand whittled cribbage boards.

"I was captain of the Romance in 1914," Mr. Harnish said, continuing: "That's the year war broke out. We had 19 men, purse-seining mackerel. I come home with 180 barrels of salt mackerel at $20 a barrel. Why now you can't even hear tell of salt mackerel. People don't eat them any more."

FOREIGN ADVANTAGES

Mr. Harnish turned his attention to the foreign fleet.

"They're tearing up the feeding bottom," he said. "It stands to reason they must have cleaned up their own grounds on the other side, now they're over here cleaning up ours. I won't say it has destroyed our fishing yet, but if they keep on they will."

Mr. Harnish said the foreign ships enjoyed two big advantages—cheap labor and use of nets with smaller mesh than that permitted for American fishermen. "They get men on those boats living for months almost like convicts," he said. "You can't get our men to do that."

Down near the wharves, Sam Ciaramentaro was assembling a net at his chandler's shop. He is 54 and gave up fishing for a shore job in 1947. "I've got two boys; I wouldn't send them fishing," he said. "You waste your life out there, that's all."

Mr. Ciaramentaro said his business has dropped 20 per cent in the last few years. He said the foreign fleet was certainly part of the problem. "We don't have the vessels to compete with them, we're getting pushed around," he declared. "I've got nothing against anybody, Russian or American, working for a living, but not when you got to push somebody else around."

"We're all spoiled," he went on. "We wouldn't eat herring like the Russians are catching. Our young housewives want these prepared fish sticks they just have to heat and they're ready to go. You can't compete with that."

While most of the fish caught by foreign ships is for their own country's consumption, an increasing amount is finding its way back to the United States as imports. This is particularly true of blocks—frozen, compressed slabs of filleted fish that are used in making fish sticks and other prepared products.

Gorton's of Gloucester, which was founded in 1755, imports blocks from Poland. The blocks are made on the Polish ships from fish caught perhaps 50 miles from the factory, taken to the French territory of St. Pierre and Miquelon off Newfoundland for transfer to American freighters, then moved to Gorton's. Gloucester fishermen concede they cannot compete with the Polish prices.

The trend has had its effect on Gloucester, which was founded in 1623. The port's annual fish landings used to total about 350 million pounds; last year they totaled 97.6 million pounds.

The fleet, mostly vessels individually owned by Portuguese-American and Italian-American entrepreneurs, has shrunk from more than 200 ships 10 years ago to 110 now. Last year, one new vessel was added to the fleet while two older ones sank.

DROP IN FISHERMEN

There are about 1,000 fishermen in the town, compared with the total 10 years ago of 1,800. Crews of the ships share 60 per cent of the ships' catch as their wages; the owners get 40 per cent.

Although the Government has a grant and loan program that can pay up to half of the cost of new fishing vessels, the fishermen complain that it takes too long and is too complicated to get the Federal money, and very difficult to get the capital they need for their own share.

"We are the farmers of the sea," said Mayor Grace. "The Government pays our farmers money not to grow crops, and here we are trying to make a living and bring money into this country and we get very little help at all."

Gloucester still has hopes of reversing the decline of its fishing, and particularly of stemming fish imports. In the United States last year, 58 per cent of food fish and 76.2 per cent of all fish products were imported. The figure for food fish imported in 1960 was 41.4 per cent.

Mayor Grace, however, is something less than optimistic. "In the face of all the subsidies for fishing being handed out in all these other countries," he said at the fisheries commission meeting, "we should give an accolade to the American fisherman just for surviving."

THE ZIGS AND ZAGS OF SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, by now it should be no secret to Senators or any other interested observers that there is a great deal of confusion surrounding the intentions of the Nixon administration in the area of school desegregation, but instead of clarifying the situation, the endless statements merely add to the confusion.

In surveying the zigs and zags of the Nixon administration on school desegregation since January 20 of this year, one cannot be blamed for questioning whether such equivocation and contradictory statements could possibly have occurred accidentally. One knowledgeable civil rights spokesman declared recently that the actions of the Department of Justice, and the Department of Health, Education, and Welfare, "amount to what only can be called a policy of deliberate confusion."

The spokesman to whom I refer is Jack Greenberg, whose credentials in the area of civil rights generally and school desegregation in particular are well established and known to us all. He is the director-counsel of the NAACP Legal Defense and Educational Fund, Inc—LDF. Last week Mr. Greenberg issued a press release documenting the confusion of the last 8 months.

Yesterday a New York Times editorial entitled "Deliberate Speed—In Reverse" commented on the confusion and vacillation in the administration's school desegregation policy and the recent actions of the NAACP legal defense and educational fund.

Mr. President, I ask unanimous consent that the release and the editorial be printed in the Record. I urge all Members of Congress to take a few minutes to read them.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Jack Greenberg, Director-Counsel, NAACP Legal Defense and Educational Fund, Inc. (LDF)

Recent actions of the Department of Justice and the Department of Health, Education and Welfare with respect to school segregation amount to what only can be called a policy of deliberate confusion which has caused a slowdown from anticipated levels of desegregation this year and promises serious retreat in the future. These zigzags reflect the intense southern political pressure which stimulated protests in the Department of Justice's own Civil Rights Division.

EXAMPLE OF FAILURE TO MEET STANDARDS

Here are some concrete examples of what has resulted:

In the month prior to the opening of school at least ten districts notified HEW that they were not implementing their previously approved plans. We have preliminary information that many more are fulfilling their commitments only partially.

The Administration is accepting weaker desegregation plans. HEW has approved plans: *Where no substantial steps are required this year beyond free choice.*

Orangeburg No. 4 (Edisto) S.C.'s plan, accepted in August, has free choice for all grades in 1969 and calls only for the desegregation of faculty meetings.

Where all-black segregated schools remain which could have been phased out this year to achieve a totally integrated system.

Chester, Tenn. has been given an extra year to close an all-black school for no justifiable reason.

Where black schools which could have been integrated were either closed or remain segregated.

Florence, S.C. rejected HEW's proposal to zone elementary schools and to assign white children to formerly black schools. In August HEW accepted the district's plan under which 2 black schools were closed and others remain segregated. Black parents are boycotting because they want the two-way integration plan which HEW had earlier sought.

Terminal plans where segregated schools remain even though other options are available.

In Salisbury, N.C. the HEW accepted plan leaves two all-black schools. Black parents report that gerrymandered zone lines are responsible for keeping one of these schools segregated and that white students are being allowed to transfer out of schools with large black enrollments.

Where delays are permitted on the basis of vague future construction plans.

Bleckley, Ga. HEW has accepted a delay pending a bond issue for new construction even though HEW officials admit that there is no need for new buildings and that the district should have been required to pair schools.

York #2 (Clover), S.C. HEW has accepted a 1970 terminal plan on the justification that a new high school will be built. When the plan was accepted, the district had neither funds nor plans for construction. HEW officials admit the district could have integrated using existing facilities.

The Administration is not taking steps to accelerate staff integration.

HEW has accepted plans with very weak commitments for staff integration and without clear guarantees for job security for black teachers. No sanctions have been exercised against a district either because staff desegregation has been minimal or because black principals and staff have been fired or demoted. Example:

Johnston County, N.C., demoted its black high school principal and hired a white principal from outside the district. Although HEW's regional officials recommended sanctions because they believe this is a clear case of discrimination, HEW's General Counsel has refused to take action.

Forthcoming plans will be less effective as instruments to abolish dual school systems. We predict decreased use of plans which could end the dual school system in cities and towns, e.g., school pairing and affirmative zoning, and an increase in plans with assignment procedures based on intelligence tests and track systems—a process clearly intended to segregate black children.

One Administration policy has indeed been implemented. Decreased use is being made of sanctions available to HEW under the Civil Rights Act of 1964. A substantial number of districts have not been cited even though desegregation has been minimal. HEW has not moved against majority black districts which have not submitted terminal plans. These districts have been permitted to remain in a state of noncompliance; no enforcement proceedings have been initiated against them. There are at least 80 such districts; Arkansas alone has 25. HEW occasionally announces that it has cited additional school districts or has terminated funds. The question is: how many fully documented cases have accumulated without action on the desks of the Secretary or of HEW's General Counsel?

The decreased reliance on sanctions as a device to compel compliance is evident in the appointment to HEW's Reviewing Authority of two conservatives, one of whom is William R. Able, the chairman of the Republican Party in Columbia, South Carolina.

The Administration has announced that it will put more emphasis on the use of professional educators as provided for under Title IV of the Civil Rights Act of 1964. Technical assistance is no substitute for enforcement. Furthermore, the events of this summer have unfortunately revealed that the role of the Title IV program, which is supposed to provide the expert, impartial, professional service of educators in the development of effective desegregation plans, has been compromised by political pressure. Black parents now realize that they cannot trust a program which clearly does not regard their children as its clients whose constitutional rights are paramount.

Title IV staff submitted to Federal judges desegregation plans for South Carolina school districts where the target deadlines "1969–1970" had been crossed out and "1970–71" substituted and where only minimal steps were required for this term. In many of the 21 district plans, no requirements for additional pupil desegregation in 1969 were made. Emphasis was on exchange visits, bi-racial advisory and human relations committees, workshops, etc. Instead of steps to ensure the end of the dual school systems, these experts seemed able to produce only educational jargon. "All students will experience a series of interaction experiences with students of the opposite race."

We know that many Title IV staff members are deeply unhappy about the position into which they have been forced. We have been advised that when the Administration requested the delay in implementing desegregation plans in Mississippi, the Title IV staff members who had worked on them were called into Secretary Finch's office and asked to testify that the plans had been too hastily drawn. Many of them refused to do so.

THE USE OF THE DEPARTMENT OF JUSTICE INSTEAD OF HEW

The Administration has said it is shifting to litigation instead of administrative action whch cuts off federal funds from districts which do not integrate.

We had urged Justice to file suit where districts have refused federal money and insisted upon segregating. But a general shift from enforcement by federal fund cut-off under Title VI of the Civil Rights Act of 1964 to judicial enforcement would be disastrous.

First, experience shows that districts under court order have integrated substantially less than those under HEW supervision.

(2) Districts under court order can continue to receive federal funds even though they have not complied or the order may fall far short of constitutional requirements and HEW standards.

(3) For Justice to take on new cases means it will give less attention to cases it now has. Overall progress will be less. The Civil Rights Division has not increased in size. Lawyers there must work also on employment discrimination and campus unrest. Fewer lawyers will have more work.

(4) The position Justice took in Mississippi, urging delay in desegregating 33 districts, raises questions about its position in new cases it seeks to file.

The Legal Defense Fund has more than 200 school cases in the courts. In these cases and with regard to schools generally, we are concerned that the position of Justice and HEW will undermine judicially declared standards for effective and speedy desegregation. In the past HEW has looked to the courts for guidance. And the courts in turn have looked to HEW. Where courts grant delays, as at the request of the Federal Government in Mississippi, there is every prospect that HEW will follow that example. Where HEW dilutes its requirements, as in the many examples that appear in this statement, the courts may be expected to take a cue from government policy. Therefore, instead of mutual reenforcing higher standards, we are entering a period of mutually reenforced downgrading of standards.

THE LDF IS NOT PARTISAN—WE CRITICIZED JOHNSON ADMINISTRATION

Our analysis and description is not partisan. We were highly critical of the Johnson Administraton when it did not measure up on its constitutional obligation to integrate schools. But there was an important difference. There was dialogue between civil rights groups and administration officials. Here, except rarely, and in the most general terms and almost never with regard to specifics, there has been a failure of dialogue. The highest administration officials promised that before there would be changes in HEW policies those changes would be discussed with civil rights groups. That has not happened. The low point of non-cooperation occurred when the Department of Justice for the first time took an initiative to delay desegregation in 33 Mississippi school districts which had been scheduled in accordance with plans developed by HEW and then disavowed by it.

EXAMPLES OF SHIFTS IN POLICY

One thing is known about desegregation. To be effective, it must be firm, consistent, and clear. But apart from softness in enforcement, the Administration has been highly confusing. Some of the contradictory positions are set forth here:

January 29—Five Southern Districts about to be terminated are given a 60-day period of delay by Secretary Finch. If the districts come up with acceptable plans, they will receive lost funds retroactively.

March 10—Secretary Finch's interview in *U.S. News & World Report* alluded to some impending change in the guidelines. In addition the Secretary was quoted as saying that HEW must retain its enforcement powers: "We cannot turn (the whole enforcement-compliance field) over to the Justice Department now because we have built up a certain momentum in education, in terms of getting school districts to recognize that a . . . national goal has been set. If you were to chop off everything now in my department, just let Justice handle compliance . . . I think a lot of this momentum that has been built up would be lost."

March 14—General Counsel designate Robert Mardian sends Secretary Finch a memorandum advocating, among other things, that HEW might permit an extension beyond the previously established 1969 target date and that this policy could be implemented without any particular public announcement.

March 18—Civil Rights Leadership Conference received assurance from Finch that there will be no change in the guidelines.

March 24—Secretary Finch disavows Mardian memorandum.

April 15—The *Washington Post* reports that Administration sources claim that the guidelines are being "revamped" because they are "vague and ambiguous." Secretary Finch and Attorney General Mitchell reportedly attending meetings at the White House on the guidelines.

April 22—Leon Panetta's letter in response to Jack Greenberg's letter to Secretary Finch: "The Department is not contemplating any changes in the guidelines at this time."

May 16—Leon Panetta, in a speech in Atlanta, said: "Why can't we continue to use free choice? . . . The answer is that the Supreme Court ruled against it . . . HEW policies are controlled by that decision."

May 31—HEW submits two year plans to South Carolina Federal Court giving 21 districts another year of freedom of choice.

June 20—Jerris Leonard commented that the Administration's position is going to be that districts would be required to desegregate by the target deadline "where that was possible." He was also quoted as saying "It's wrong to set arbitrary deadlines." (*Washington Post*, June 20.)

June 28—Secretary Finch quoted as saying there would be no relaxation of the guidelines. (*New York Times*, July 1.)

July 1—Secretary Finch proposed to the White House that a new policy statement on the school desegregation guidelines contain no provisions for more time to comply with the law. (*New York Times*, July 1.)

July 3—Finch-Mitchell statement.

Districts that have "bona fide educational and administrative problems" will be given extra time to desegregate.

It is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in all districts or to lay down a single arbitrary system by which it should be achieved. On the federal level the law enforcement aspects will be handled by the Department of Justice in judicial proceedings. . . . and the educational aspects will be administered by HEW."

July 3—Leon Panetta announces that he plans to send all southern school superintendents a letter explaining the new policy. (*Washington Post*, July 4.) A few days later Secretary Finch was quoted as saying that no letter of explanation would be sent. He said it was "unnecessary."

July 5—White House Press Secretary says that the Administration is "unequivocally committed to the goal of finally ending racial discrimination in schools."

July 7—The Department of Justice files five school desegregation suits.

August 1—The Department of Justice files a state-wide suit against Georgia.

August 3—The Whitten Amendment to the HEW Appropriations Bill is passed by the House. This Amendment would, in effect, prohibit HEW from requiring anything other than freedom of choice plans. The Administration takes no position on the Amendment.

August 13—In Attorney General Mitchell's speech to the American Bar Association, he said: "The extravagant rhetoric of the last few years have offered promises which cannot be delivered, and have set as immediate goals programs which will take a decade to complete."

August 25—The Administration asks the Federal Courts to delay desegregation in 33

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Mississippi districts from this September until September 1970.

CONCLUSIONS OF OTHERS RE POLITICAL INFLUENCE

We are not alone in ascribing the Administration shifts—which are undermining desegregaton—to political influence. Followng are the views of other observers:

James Batten, Charlotte Observer, June 13, 1969

Tough recommendations of a 19-member team from the Office of Education for plans requiring desegregation in South Carolina school districts "were overruled" by Secretary Finch and Attorney General Mitchell. "Sources at HEW insisted that Finch and Mitchell made their move after Sen. Strom Thurmond, the conservative Republican from South Carolina, complained about the original plans."

Rowland Evans and Robert Novak, Washington Post, June 27, 1969

"A dramatic case is a telephone call to the HEW's civil rights division on June 24 from the School Board in Austin, Texas. Austin has dragged its heels on desegration for years. But last month, under pressure from HEW, the entire school board sat in all-day session with HEW officials here to devise a desegregation plan. Also present were staff aides of Republican Sen. John Tower of Texas and Rep. Jake Pickle, Austin's Democratic Congressman.

"On returning to Austin, the School Board wrestled for three weeks with a new plan and finally adopted one that even included some pupil bussing to assure racial balance in primary and secondary schools.

"That June 24 call, however, notified HEW that the School Board had heard from Tower that a "major change" in the guidelines was impending. Therefore the Board would stand pat until the change was announced and then "reappraise" its plans. That shattered the Austin model which HEW officials had hoped would pave the way for a desegregation breakthrough in Texas starting with San Antonio and Lubbock.

"At this writing, however, there is little chance of stopping the new guidelines. The pressures are too strong from Southern Republicans, from Attorney General John Mitchell's Justice Department (which strongly favors the relaxation), and from the Republican National Committee (where they have the blessing of the chairman, Rep. Rogers Morton of Maryland).

"The pressures have been intense. One Republican, Rep. Fletcher Thompson of Atlanta, Ga., flatly warned the White House that some Southern Republicans could not support President's Nixon's tax bill unless HEW slowed down desegregation. In Thompson's own district, a new school was recently ordered closed on grounds that it was specifically located in a Negro neighborhood to avoid sending Negro students to white schools.

"Perhaps more important, the Finch retreat fits the basic Southern political strategy that elected Mr. Nixon. Ever since he took office, the South has been demanding fulfillment of campaign pledges to ease desegregation. Only Finch and a HEW civil rights decision stood in the way. Now Finch, too, has yielded."

Editorial, Washington Post, August 28, 1969

". . . The precariously balanced official statements put out by the administration . . . with all their mutually cancelling clauses and paragraphs, have taken form in real life as a series of zigs and zags, swerves and screeches, threats and retreats—a kind of stock car race to nowhere that is far too arbitrary and ad hoc and politically accident-prone to be characterized as policy at all."

Editorial, New York Times, August 25, 1969

". . . In disavowing its own desegregation plans at least for the coming school year, Washington has clearly put Southern political pressures ahead of forward movement on the integration front."

Fred P. Graham, New York Times, August 28, 1969

"Civil Rights lawyers in the Justice Department decided to protest the Nixon Administration's desegregation polices after they were told by their superiors that political pressures had prompted the Government to call for a delay in Mississippi school integration."

Peter Milius, Washington Post, July 27, 1969

Judge Ben C. Dawkins in commenting on the role played by Rep. Joe D. Waggonner, Jr. (D.La.), stated that "At Waggonner's request I tried to get him (Harry S. Dent) at his office. He wasn't there so I left my home phone. He called me that night at home. He indicated there would be a general relaxation of the school desegregation guidelines, that they would not put so much emphasis on completing it this fall." Five days later Dawkins ordered HEW to renegotiate the cases with later timetables, after expressing "great gratitude" to the President, Mitchell and Finch, Louisiana's Senators and Congressmen, and especially Waggonner with whom "we have talked and conferred many, many times since May 28." Another U.S. District Judge in the state reportedly got three telephone calls in one day from Capitol Hill. All three were about desegregation cases and he had to interrupt hearings on the case to accept them.

Jimmie Allen, research and information director of Republican Party of South Carolina in an interview with Gary Orfield. Acknowledging pressure on the party from all over the state to fulfill the promises made in the fall campaign to weaken civil rights enforcement, he stated that the state organization had repeatedly obtained concessions for school districts from HEW but couldn't claim public credit because "all the damn liberals say Strom Thurmond is the President of the United States." One school district received a year's extension "inside of ten minutes" after the party's executive director called Washington. "If the guidelines are relaxed," Allen said, "the Republican Party owns South Carolina."

(Note.—The LDF is a completely separate and distinct organization even though we were established by the NAACP and those initials are retained in our name. Our correct designation is *NAACP Legal Defense and Educational Fund, Inc.*, frequently shortened to *LDF*.)

Deliberate Speed—In Reverse

The Administration's school desegregation policy—if indeed such a policy exists—has been swallowed up in a fog of confusion born of high-level contradictions. It is no longer clear whether the rapid succession of conflicting actions and statements derives from an ideological vacuum, or merely Southern political pressure. In either case, the outcome can only be a stiffening of the segregationist position.

A partial list of the Administration's actions and pronouncements includes: delay of desegregation in Mississippi, as the Federal Government itself discredits the plans of its own desegregation experts; de-emphasis of the guidelines set down by the Department of Health, Education and Welfare under the Civil Rights Act of 1964; a gratuitous attack on busing as an aid to integration by Vice President Agnew, at first supported by a White House spokesman and subsequently contradicted by H.E.W. Secretary Robert Finch.

The zigs and zags of the Administration's approach have been accompanied by a barrage of statistics and predictions of progress in desegregation and by protestations that, although fiscal sanctions against recalcitrant districts are to be relaxed, the power of friendly persuasion and court action will accomplish more than administrative enforcement. In view of the 15-year history of evasion and postponement by exactly those districts which are now to be given the new, persuasive treatment, the emerging policy can hardly encourage Negro parents whose children are still victims of dual school systems. Indeed, it was roundly condemned by the Justice Department's dissident civil rights lawyers, to their great credit, and was courageously attacked as "a major retreat" by the United States Government's Commission on Civil Rights.

It is against such a dismal background that the N.A.A.C.P. Legal Defense and Educational Fund has launched its appeal to the Supreme Court to end all further delays in school desegregation. Although sparked by the Administration's desegregation slowdown in Mississippi, the real issue is whether such a local triumph of the segregationists will not in fact set off a chain reaction of delay and sabotage.

What the L.D.F. fund has challenged is the misinterpretation of the Supreme Court's own 1954 ruling that desegregation must proceed "with all deliberate speed," a phrase clearly intended not to impede progress but to bring about speedy, though orderly, change.

The administration's vacillation is interpreted by the anti-desegregation forces as an invitation to further political pressure. Only a clear statement of principle can reverse so dismal a course. It is up to the President himself to affirm that his lieutenants are in fact bound by such principle.

A $50 MILLION WINDFALL?

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization, which has been reviewing the Federal role in health care, has uncovered an abuse that must not be permitted to continue.

We have found that many veterans of our Armed Forces who receive health care in Veterans' Administration facilities have purchased private health insurance. However, the companies that insure them, and to whom the veterans make their payments, often do not reimburse the VA.

We believe this abuse is resulting in a $50 million yearly windfall to insurance companies.

There is no good reason why insurance companies should not reimburse the VA for the care received by the individuals they insure.

On July 30, 1969, we asked the Comptroller General of the United States to review the number of patients in the VA who have private insurance.

We asked the General Accounting Office to determine the extent to which private insurance companies could reimburse the VA for all or part of the care the VA provides to patients who have health insurance.

We also asked GAO to report on possible alternatives to this present practice.

The Subcommittee on Executive Reorganization estimates that the $50 million is a minimum amount that private insurance companies should be paying for their VA patients.

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We expect soon to have the General Accounting Office report on this matter.

UNITED NATIONS ACTION CALLED FOR ON PRISONER-OF-WAR ISSUE

Mr. MONTOYA. Mr. President, I invite attention to remarks which I made on the floor of the Senate on August 13, 1969, when I introduced Senate Resolution 245 in behalf of American and other prisoners of war. At that time, I suggested that the United Nations might appeal to world opinion in behalf of war captives, and that ample precedent already exists for such an appeal in resolutions passed relative to treatment of POW's by the North Koreans and the Chinese Communists during the Korean conflict, as well as treatment of prisoners by both Arabs and Israelis in the wake of the six-day war.

In light of my concern over American prisoners and the need for the implementing of international conventions, I have directed a letter to U.S. Ambassador to the United Nations Charles Yost, asking that an attempt be made by the U.S. Mission to the United Nations to invoke the moral authority and prestige of the United Nations in securing more humane treatment, and the prompt release of prisoners of war.

I also furnished copies of my letter to Ambassador Yost to Secretary Rogers and to Assistant Secretary of Defense for International Security Affairs Warren Nutter.

On behalf of the wives and families of American and other prisoners of war, I am most anxious to learn about the plans of the State Department's U.N. delegation regarding this urgent humanitarian problem. I ask unanimous consent that my letter to Ambassador Yost be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 24, 1969.

Hon. CHARLES W. YOST,
U.S. Representative to the United Nations, U.S. Mission to the United Nations, New York, N.Y.

MY DEAR MR. AMBASSADOR: On behalf of the wives and families of American and other prisoners of war, it is my sincere hope that an attempt will be made by the U.S. Mission to the United Nations to invoke the moral authority and prestige of the United Nations to obtain more humane treatment and the prompt release of prisoners of war.

In this connection and by way of background, I am pleased to enclose reprints of statements I have made on the Floor of the United States Senate on this serious problem, together with a copy of Senate Resolution 245, which I introduced on August 13, 1969, calling for the use of all means of peaceful persuasion in accomplishing these ends.

I wish to call to your attention remarks which I made at the time S. Res. 245 was introduced, wherein I suggested that the United Nations might appeal to world opinion in behalf of prisoners of war. Certainly ample precedent already exists for such an appeal in resolutions passed relative to treatment of prisoners by the North Koreans and the Chinese Communists during the Korean conflict, and concerning the treatment of prisoners by both Arabs and Israelis in the wake of the six-day war.

I believe it would be most helpful for the United States to introduce a resolution in the General Assembly calling upon the Government of North Vietnam, the National Liberation Front, and the Pathet Lao to abide by the Geneva Convention and permit the inspection of their POW camps by a duly constituted international body, such as the International Committee of the Red Cross. That Committee, which is entirely Swiss, is well known for its activities relative to prisoners of war and may be an effective way for our Nation to pursue this issue. (As you are aware, the ICRC on September 13th adopted without dissent a Resolution at its Istanbul Conference calling for the protection of prisoners of war.)

Additionally, the U.S. Delegate to the Economic and Social Council (ECOSOC) might request the Human Rights Commission to attempt to pursue an investigation of conditions in the Communist prisoner of war camps.

As one who is greatly concerned over the need for implementation of international conventions, it is my fervent hope that you will use your good offices to bring about compliance with the 1949 Geneva Convention on treatment of prisoners of war, to which North Vietnam is a signatory, as well as reaffirm the Resolution passed in Istanbul on September 13th.

I look forward to hearing about your plans relative to this urgent humanitarian matter. With my very best wishes,

Cordially,

JOSEPH M. MONTOYA,
U.S. Senator.

HISTORIC PRESERVATION

Mr. KENNEDY. Mr. President, the Wall Street Journal for today contains an article describing in some detail the efforts of many Americans to prevent the wholesale demolition of buildings of unique historic significance.

The article presents with great clarity the clash of forces which makes historic preservation work such an uphill battle. Our technological progress is so swift, and its demands such that the pressures on local officials to bulldoze nonrevenue producing structures is almost overwhelming. Yet where we have made the effort to preserve the old, it enhances the new. Faneuil Hall, for example, adds an unmatchable flavor to the area around it, facing as it does the modernistic Boston City Hall.

It is my understanding that the Department of Housing and Urban Development and the Department of Interior are making renewed efforts to inform Federal and local officials that we, the Congress, adopted far-ranging historic preservation statutes in 1966. As the article points out, as recently as last spring "many regional HUD offices" remained unaware of the scope of the historic preservation legislation.

I had the opportunity on Tuesday, through the kind efforts of the Senator from New Mexico (Mr. MONTOYA), to testify on a historic preservation matter which lies literally at the doorstep of this Chamber—the proposed extension of the west front of the Capitol. I am opposed to that proposed extension, and I hope that we in the Senate can prevent it.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT HUD, A NEW RESPECT FOR HISTORY

(By Joann Lublin)

For Sale: A decaying six-story building in New Haven, Conn., doomed to be demolished and replaced by a parking garage in a $29 million Federally funded urban renewal project.

For three months in 1878 a lady telephone operator sat on a soapbox in a ground-floor room in this building and ran the nation's first commercial switchboard. Southern New England Telephone Co. long ago lost track of the origianl equipment; it has a replica exhibit downtown. The room is empty now, and a passerby sniffs: "The air in there must be historic."

Chances are the old building will come down, its significance memorialized with a plaque on the front of the parking garage. But the effort to preserve it, even for a little while, has a significance of its own: A departure from custom at the Department of Housing and Urban Development, popularly recognized as Washington's prime advocate of the wrecking ball.

It was HUD that postponed the New Haven building's demolition while historians from the Interior Department hunted for local preservationists who might buy the structure from the city and either relocate or restore it. In contrast, the usual HUD approach has been to tear down everything in a deteriorated urban area and rebuild in modern style—the bulldozer technique of renewal-through-removal that often gave HUD a black eye among architects and preservationists fighting to keep a city's distinctive character.

By no means does the New Haven reprieve signal a complete change of heart at HUD. Historic restoration still ranks comparatively low next to low-cost housing and downtown economic rejuvenation. And, despite the New Haven instance of cooperation with the Interior Department, a rivalry persists—HUD having renewal money (a $750 million Congressional authorization) and few historical experts, while Interior has trained historians and relatively little preservation money (a $32 million authorization, of which Congress has appropriated a scant $400,000).

HUD people shrug off Interior's fiscal frustrations. "They talk," says a HUD man, "and we put in the money."

Out of HUD's money, the 2,000-plus cities with urban renewal projects may seek up to $90,000 per building for historic restoration. The rest of the restoration cost is up to the city, but often it can write off this outlay as part of its required one-third share of the total bill for the renewal project.

HUD, in judging the authenticity of a prospective restoration, relies on the standards the Interior Department employs in compiling its National Register of Federally protected sites and buildings. The states nominate candidates for this list; currently it numbers more than 1,000. Paradoxically, preservationists rely on this very list in defending their treasures from HUD-financed bulldozers. When a listed building is threatened by the urban renewers or other Federal perils (superhighways, for instance), a 17-member Advisory Council on Historic Preservation steps in to help find ways of saving it.

Inclusion of the New Haven telephone building on the National Register has reddened some faces at Interior. But other choices need no apology: Henry Thoreau's Walden Pond in Concord, Mass., the Brooklyn Bridge, and Robert Goddard's first rocket-launching site (on the ninth fairway of the Pakachoag golf course in Worcester County, Mass.).

HUD now refuses to okay urban renewal funds until the local government justifies its intended handling of sites and buildings on the National Register. But as recently as last spring—two years after historic-preservation legislation took effect—many regional HUD officers remained unaware they could turn down renewal plans which did not take these structures into account. And some local historical groups have lodged their aged schoolhouse or armory on the Register—then defied oncoming bulldozers from behind the Register's protection.

Thus in Grand Rapids, Mich., where $3,267,141 in HUD money has poured into a downtown renewal project begun in 1961, the only non-new building left in Vandenberg Center is the 81-year-old city hall, which boasts a six-story clock tower and the first concrete roof poured in the U.S. The city fathers want their old hall torn down, but the Kent County council on historic preservation secured National Register recognition for it from the Interior Department last June.

Too late, say HUD's officials. Explains George Karas, an urban renewal expert, referring to the Government's loans: "To suddenly change signals on the developers, telling them we are going to save an old building, means you've sold money to them on false premises—and sabotaged the whole urban renewal plan."

So HUD begged off blocking the Grand Rapids city hall demolition, arguing that the 1966 preservation law can't retroactively affect renewal plans approved five years earlier. (The local preservationists, who filed suit Tuesday against HUD and the city, will be in court next week arguing for a delay in the demolition while the Advisory Council on Historic Preservation hears their case.)

The Nixon-tuned HUD administrators, mindful of hometown cries of "Federal interference," also remarks that if Grand Rapids residents cannot persuade their own city government to cancel destruction of the old city hall, "It raises the question of whether it should be saved."

A counter-argument, often expressed by Interior Department architects and historians, is that HUD should consider not the local but the national significance of a historic building—especially since renewal dollars are Federal tax money.

The new HUD policy of cooperating with the Interior Department's National Register has aggravated renewal-preservation woes in another way. While HUD maintains tenuous alliances with city planners, National Register people avoid them, relying instead on historian-architect teams or state liaison officers.

This infuriated local renewal planners in Derby, Conn., because they were not consulted when the city-owned Sterling Opera House, scheduled for demolition on a renewal site, was placed on the Register last March by the state. ("That's one of the strengths," says William Murtagh, keeper of the National Register. "The owner does not have to give his consent for a building to be put on the Register.")

HUD approved Derby's urban renewal contract in June, on the condition that planners justify demolition of the 80-year-old opera house before the Advisory Council in Washington in November. Now the city threatens to redraw its renewal plans and leave out the building, then tear it down and sell the land to an eager local bank. If no Federal assistance is involved, neither HUD nor the National Register could prevent the demolition of the opera house, where Lionel Barrymore performed and John L. Sullivan boxed—and the air is historic.

ATTORNEY GENERAL'S OPINION SUSTAINING LEGALITY OF REVISED PHILADELPHIA PLAN

Mr. JAVITS. Mr. President, on September 22, 1969, the Attorney General issued a formal opinion sustaining the legality of the revised Philadelphia plan. In my opinion, the Attorney General's opinion convincingly demonstrates that the revised Philadelphia plan does not violate title VII of the Civil Rights Act of 1964 and that the Comptroller General's recent ruling to that effect, on which I have previously commented, is clearly erroneous. Certain salient points of the Attorney General's opinion deserve special emphasis.

In the first place, the opinion points out that the "affirmative action" required of Federal contractors under Executive Order 11246 "imports something more than the merely negative obligation not to discriminate." Thus, regardless of whether a Federal contractor has actually violated the prohibition against overt discrimination contained in title VII of the Civil Rights Act of 1964, he may be required, as a condition for doing business with the Government under Executive Order 11246, to implement affirmative action policies to guarantee equal employment opportunity. As the opinion notes:

> It is important to distinguish between those things *prohibited* by Title VII as to all employers covered by that Act, and those things which are merely *not required* of employers by that Act. The United States as a contracting party may not require an employer to engage in practices which Congress has prohibited. It does not follow, however, that the United States may not require of those who contract with it certain employment practices which Congress has not seen fit to require of employers generally.

One of the faulty premises underlying the Comptroller General's erroneous opinion is the failure to recognize this distinction.

Second, the opinion, noting that the revised Philadelphia plan itself expressly provides that contractors need only make good faith efforts to meet the "goals" established under the plan, and that good faith efforts does not include any action which would violate title VII of the Civil Rights Act of 1964, concludes that the plan does not require federal contractors to violate title VII of the Civil Rights Act of 1964. In this connection, the Attorney General's opinion takes specific issue with the assumption running throughout the Comptroller General's ruling that title VII prohibits employers from making race or national origin a factor for consideration in any stage of the process of obtaining employees. The opinion points out what should be obvious to anyone who has a familiarity with the relevant judicial decisions in the field of discrimination, namely that the obligation of discrimination "does not require and, in some circumstances, may not permit obliviousness or indifference to the racial consequences of alternative courses of action which involve the application of outwardly neutral criteria."

Third, the opinion also refutes the contention that title VII is the exclusive remedy for discrimination and that Executive Order 11246 can neither require nor forbid actions or practices which title VII does not cover. For this reason, as the opinion also correctly points out, the references in the Comptroller General's ruling to some of the legislative history of title VII are simply irrelevant insofar as the proper interpretation of Executive Order 11246 is concerned.

Finally, the Attorney General's opinion specifically authorizes the Department of Labor to proceed on the basis that the revised Philadelphia plan is legal and to require Federal contracting and administering agencies to implement the plan in accordance with its terms. Implicit in this part of the opinion is the conclusion that the Comptroller General, in issuing his ruling concerning the revised Philadelphia plan, has greatly exceeded his authority. As I have stated previously, title VIII of the Civil Rights Act of 1964 does not give the Comptroller General authority to enforce or interpret its provisions; the agency of the Government primarily charged with this responsibility is the Justice Department, which has now spoken. In view of this situation it would be most unfortunate indeed if the Comptroller General, on the basis of his ruling, attempts to interfere with the implementation of the revised Philadelphia plan by the Labor Department. Under the circumstances, any dispute concerning the legality of the plan should be settled in the courts, which have the final authority to interpret and enforce title VII of the Civil Rights Act of 1964.

Mr. President, I ask unanimous consent that the opinion of the Attorney General concerning the revised Philadelphia plan and a news report of Assistant Secretary Fletcher's remarks concerning implementation of the plan, and its possible extension to other cities, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C. September 22, 1969.

The Honorable Secretary of Labor.

MY DEAR MR. SECRETARY: You have requested my opinion as to the legality of the Department of Labor's order of June 27, 1969, the Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction.

The Philadelphia Plan has been issued to implement Executive Order 11246 of September 24, 1965, as amended (30 F.R. 12319, 32 F.R. 14303, 34 F.R. 12986), in which the President has directed that Federal Government contracts and federally-assisted construction contracts contain specified language obligating the contractor and his subcontractors not to discriminate in employment because of race, color, religion, sex, or national origin.[1]

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[1] The essential part of the contractor's obligation under this order is: "The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race color, religion, sex or national orgin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. * * *. E.O. 11246, § 202(1).

In addition the contractor agrees to furnish required information and reports, to comply with orders and regulations implementing the Executive order, and to include these contractual provisions in subcontracts.

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The Secretary of Labor is responsible for the administration of Executive Order 11246 and is authorized to "adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof." E.O. 11246, § 201.

Among the undertakings required of contractors by Executive Order 11246 is to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, wtihout regard to their race, color, religion, sex or national origin." E. O. 11246, § 202(1). The obligation to take "affirmative action" imports something more than the merely negative obligation not to discriminate contained in the preceding sentence of the standard contract clause. It is given added definition by the Secretary's regulations, which require that contractors develop written affirmative action plans which shall "provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity." 41 C.F.R. 60–1.40.

The Department of Labor order of June 27th is based upon stated findings relating to the enforcement of the nondiscrimination and affirmative action requirements of Executive Order 11246 with respect to the construction trades in the Philadelphia area. The Department of Labor has found that contractors must ordinarily hire a new employee complement for each construction job and that whether by contract, custom, or convenience this hiring usually takes place on the basis of referral by the construction craft unions. The Department of Labor has found further that exclusionary practices on the part of certain of these unions, including a refusal to admit Negroes to membership in unions or in apprenticeship programs, and a preference in work referrals to union members and to those who have worked under union contracts, have resulted in the employment of only a small number of Negroes in the six construction trades in the area affected by the Philadelphia Plan. Accordingly, the Department of Labor has found that special measures were required in the Philadelphia area to provide equal employment opportunity in these six specified construction trades.[2]

The Revised Philadelphia Plan requires that with respect to construction contracts in the Philadelphia area which are subject to Executive Order 11246 and where the estimated total cost of the construction project exceeds $500,000, each bidder must, in the affirmative action program submitted with his bid, "set specific goals of minority manpower utilization which meet the definite standard" included in the invitation for bids. This standard will be a range of minority manpower utilization for the trades covered by the Plan and will be determined prior to the invitation for bids by the Department's area coordinator on the basis of the extent of minority group participation in the trade, the availability of minority group persons for employment in such trade, and other stated factors. As an alternative to setting such specific goals, the bidder may agree to participate in a multiemployer affirmative action program which has been approved by the Department of Labor's Office of Federal Contract Compliance.

The Plan provides that the contractor's commitment to specific goals "is not intended and shall not be used to discriminate against any qualified applicant or employee," (§ 6(b)(2)). Furthermore, the obligation to meet the goals is not absolute. "In the event of failure to meet the goals, the contractor shall be given an opportunity to demonstrate that he made every good faith effort to meet his commitment. In any proceeding in which such good faith performance is in issue, the contractor's entire compliance posture shall be reviewed and evaluated in the process of considering the imposition of sanctions," (§ 8(a)).

In response to Congressional inquiries the Comptroller General has, in his letter to you of August 5, 1969, expressed the opinion that the provision of the Philadelphia Plan for commitment to specific goals for minority group participation is in conflict with Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, and consequently unlawful, and he has indicated further that such illegality may affect the lawfulness of expenditures of appropriated funds under contracts entered into under the terms and procedures of the Philadelphia Plan. *Cf.* 42 Comp. Gen. 1 (1962).

I have reached a contrary result, and conclude that the Revised Philadelphia Plan is not in conflict with any provision of the Civil Rights Act, that it is a lawful implementation of the provisions of Executive Order 11246, and that it may be enforced in accordance with its terms in the award of Government contracts.

Before undertaking detailed analysis of the contentions involved, it is important to consider the functions of the Executive order and the Philadelphia Plan, as well as the provisions of the Plan itself. Executive Order 11246 is a lawful exercise of the Federal Government's authority to determine the terms and conditions on which it is willing to enter into contracts.[3] That order lays down a rule which governs only those employers who enter into contracts with the United States, construction contracts financed with Federal assistance, or subcontracts arising under such Federal or federally-assisted contracts. Neither the order nor the Philadelphia Plan, which implements the order with respect to certain construction contracts, regulates the practices of employers generally. While the power of the Government to determine the terms which shall be included in its contracts is subject to limitations imposed by the Constitution or by acts of Congress, the existence of such power does not depend on an affirmative legislative enactment. In evaluating the Comptroller General's challenge to the Philadelphia Plan on the basis of conflict with Title VII of the Civil Rights Act, it is important to distinguish between those things *prohibited* by Title VII as to all employers covered by that act, and those things which are merely *not required* of employers by that act. The United States as a contracting party may not require an employer to engage in practices which Congress has prohibited. It does not follow, however, that the United States may not require of those who contract with it certain employment practices which Congress has not seen fit to require of employers generally.

The requirements which the Plan would impose on contractors may be briefly summarized.[4] The contractor must—

(a) In his proposal set specific goals for minority group hiring within certain skilled trades, which goals must be within the range previously determined to be appropriate by the Secretary;

(b) He must make "every good faith effort" to meet these goals;

(c) But he may not, in so doing, discriminate against any qualified applicant or employee on grounds of race, color, religion, sex or national origin.

If a plan such as this conflicts with Title VII of the Civil Rights Act, its validity concededly cannot be sustained. But in my view no such conflict exists. Section 703(a) of the Civil Rights Act makes it an unlawful employment practice for an employer—

"(1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

"(2) To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

Nothing in the Philadelphia Plan requires an employer to violate section 703(a). The employer's obligation is to make every good faith effort to meet his goals. A good faith effort does not include any action which would violate section 703(a) or any other provision of Title VII. If the provisions of the Plan were ambiguous on this point, its interpretation would be governed by the principle that "where two constructions of a written contract are possible, preference will be given to that which does not result in violation of law," *Great Northern Ry. Co.* v. *Delmar Co.,* 283 U.S. 686, 691 (1931). However, to remove any doubt the Plan specifics that the contractor's commitment shall not be used to discriminate against any qualified applicant or employee.

Nevertheless, it might be argued—and the Comptroller General appears to take this position—that the obligation to make good faith efforts to achieve particular goals is meaningless if it does not contemplate deliberate efforts on the part of the contractor to affect the racial composition of his work force, that this necessarily involves a commitment "to making race or national origin a factor for consideration in obtaining [his] employees," and that any such action would violate Title VII.

It is not correct to say that Title VII prohibits employers from making race or national origin a factor for consideration at any stage in the process of obtaining employees. The legal definition of discrimination is an evolving one, but it is now well recognized in judicial opinions that the obligation of nondiscrimination, whether imposed by statute or by the Constitution, does not require and, in some circumstances, may not permit obliviousness or indifference to the racial consequences of alternative courses of action which involve the application of outwardly neutral criteria. *Gaston County* v. *United States,* 395 U.S. 285 (1969) (voting); *Offermann* v. *Nitkowski,* 378 F. 2d 22 (C.A. 2, 1967) (schools); *Local 189, United Papermakers,*

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[2] The order of June 27, issued by the Assistant Secretary for Wage and Labor Standards, is reprinted in the Cong. Rec. pp 21398–21400. All of the findings summarized above appear in section 4 of the order, in the Cong. Rec. p. 21399. The order originally extended to seven construction trades, but one trade has been removed from coverage.

[3] The order is generally similar to its predecessor, Executive Order 10925 of March 6, 1961, which, in 42 Ops. A.G. No. 21 (1961), was held to be a valid exercise of presidential authority. See also 40 Comp. Gen. 592 (1961); *Farkas* v. *Texas Instrument, Inc.,* 375 F. 2d 629, 632 (C.A. 5, 1967). The contract compliance program under these Executive orders has received legislative recognition in the Civil Rights Act of 1964, § 709(d), 42 U.S.C. 2000e–8(d), and in subsequent appropriations legislation. The Comptroller General does not challenge the validity of Executive Order 11246, as such, but concludes that the Revised Philadelphia Plan is not a permissible implementation of the order because of an asserted conflict with Title VII of the Civil Rights Act.

[4] I put to one side the bidder's option of participating in an OFCC-approved multiemployer program, since the details of such programs have yet to be worked out and the legality of such programs has not been called into question.

etc. v. *United States,* F. 2d 60 ¶ 9289 (C.A. 5, 1969) (employment).

There is no inherent inconsistency between a requirement that each qualified employee and applicant be individually treated without regard to race, and a requirement that an employer make every good faith effort to achieve a certain range of minority employment. The hiring process, viewed realistically, does not begin and end with the employer's choice among competing applicants. The standards he sets for consideration of applicants, the methods he uses to evaluate qualifications, his techniques for communicating information as to vacancies, the audience to which he communicates such information, are all factors likely to have a real and a predictable effect on the racial composition of his work force. Title VII does not prohibit some structuring of the hiring process, such as the broadening of the recruitment base, to encourage the employment of members of minority groups. *Local 189, etc.* v. *United States, supra* at ; see *Offermann* v. *Nitkowski, supra* at 24. The obligation of "affirmative action" imposed pursuant to Executive Order 11246 may require it. 41 C.F.R. 5-12.805-51(b), (c); Matter of Allen-Bradley Co., CCH Empl. Prac. Svce. ¶ 8065 (1968).

Viewed in this light, the example cited in the Comptroller General's opinion is not an argument against the legality of the Plan. The Comptroller General poses the examples of a contractor requiring twenty plumbers, with a specified "goal" that five of these plumbers be from minority groups. If the contractor has filled fifteen of these posts with nonminority plumbers, says the Comptroller General, the next white applicant for one of the five vacancies will envitably be discriminated against by reason of the fact that he is not a member of a minority group. Doubtless a part of the good faith effort required of the contractor to achieve the stated goals would have been to avail himself of manpower sources which might be expected to produce a representative number of minority applicants, so that the situation posed in the Comptroller General's example would arise but infrequently. Yet, quite clearly, if notwithstanding the good faith efforts of the employer such a situation does arise, the qualified nonminority employee may be hired. The fact that the minority employment goal was to this extent not reached would not in itself be sufficient ground for concluding that the contractor had not exerted good faith efforts to reach it.

The Philadelphia Plan addresses itself to a situation in which, according to the Department of Labor's findings, the contractors have in the past delegated an important part of the hiring function to labor organizations by selecting their work force on the basis of union referrals. The referral practices of certain unions, whether or not amounting to violations of Title VII, have in fact contributed to the virtual exclusion of Negroes from employment in certain trades in the Philadelphia area. Continued reliance by contractors on established hiring practices may reasonably be expected to result in continued exclusion of Negroes. The purpose of the Philadelphia Plan is to place squarely upon the contractor the burden of broadening his recruitment base whether within or without the existing union referral system, as he shall determine. The contractor's obligation is phrased primarily in terms of goals; the choice of methods is his, provided only that he does not discriminate against qualified employees or applicants. Unless it can be demonstrated that the hiring goals *cannot* be achieved without unlawful discrimination,[5] I fail to see why the Government is not permitted to require a pledge of good faith efforts to meet them as a condition for the award of contracts.

The Comptroller General argues that inasmuch as Title VII does not require labor organizations to achieve a racial balance in their membership or in referrals (§ 703(j)), Executive Order 11246 cannot be used to require an employer "to abandon his customary practice of hiring through a local union" even though experience has demonstrated that the union refers very few members of minority groups. I confess I find this argument difficult to follow. Since, as stated above, the obligation of affirmative action comprehends more than bare compliance with Title VII and may under proper circumstances include an obligation on the part of the employer to broaden his recruitment base, the order would be an exercise in futility if the employer may evade this obligation by contracting away his power to perform it. Whether or not the law permits him to accept referrals only from unions which are or may be discriminating,[6] the law does not require him to do so. To comply with his affirmative action obligation an employer may be forced to depart from his customary reliance on union referrals (though this will depend to a great extent on the unions' own response to the Plan), but since the law permits an employer to obtain employees from additional sources, I see no reason why the Government is not free to bargain for his assurance to do so. In other words, the employer may have a right to refuse to abandon his customary hiring practices, but he has no right to contract with the Government on his own terms. *Perkins* v. *Lukens Steel Co.,* 310 U.S. 113 (1940); *Copper Plumbing & Heating Co.* v. *Campbell,* 290 F. 2d 368, 370-71 (C.A. D.C. 1961). Accordingly, I conclude that the Philadelphia Plan is not inconsistent with any provision of Title VII of the Civil Rights Act.

Another argument might be urged against the legality of the Philadelphia Plan. Let it be conceded, this argument runs, that the Government may lawfully require a contractor to take certain forms of affirmative action to increase employment of members of minority groups, and conceded further that on its face the Philadelphia Plan requires no more than legally permissible forms of affirmative action to achieve the goals set by the contractor in response to the bidding invitation. Nevertheless, by stating the contractor's primary obligation in terms of a numerical result, by failing to specify what "good faith efforts" will be acceptable in lieu of the achievement of such result, and by placing upon the contractor who has failed to achieve his "goal" the burden of proving that, in effect, he did all that was legally permissible to meet it, the Government so weights the procedural scales against the nonachieving contractor as to coerce him in fact, if not in law, into discriminating. In other words, although the substance of the contractor's obligation under the Philadelphia Plan may be permissible, the Plan does not provide a fair method for resolving questions regarding compliance. *Cf. Speiser* v. *Randall,* 357 U.S. 513, 520-26 (1958).

This argument appears to me to be premature and speculative at this time. It is true that the Philadelphia Plan might be clearer if it were to state what good faith efforts are expected of contractors. But the general requirements of affirmative action, particularly in the area of recruitment, have been stated elsewhere in regulations, 41 C.F.R. 5-12.805-51(b), (c), and other publications, and there is no reason to believe that the Department of Labor officials administering the Plan would be unwilling to describe to any interested contractor the kind of actions expected of him. In short, I cannot assume that any contractor who desires to participate in good faith in the Philadelphia Plan will be forced, as a practical matter, to choose between noncompliance with his affirmative action obligation and violation of Title VII. If unfairness in the administration of the Plan should develop, it cannot be doubted that judicial remedies are available. *Cf. Copper Plumbing & Heating Co.* v. *Campbell, supra.*

Finally, the Comptroller General appears to suggest that although Title VII contemplated the continued operation of the contract compliance program under Executive orders, nevertheless the substantive provisions of Title VII somehow limit and preempt those of the order. The basis for this conclusion is nowhere explained. There is no question that the Executive order cannot require what Title VII forbids, but as has been pointed out above, the Philadelphia Plan does not seek to do so. The Comptroller General argues further, in effect, that the Executive order can neither require nor forbid actions or practices which Title VII declines to interfere with. This is the inference which must be drawn from the Comptroller General's references to expressions in the legislative history of the Civil Rights Act regarding what Title VII would *not* do.[7] But Title VII is not and was not understood by Congress to be the exclusive remedy for racially discriminatory practices in employment, *Local Union No. 12* v. *NLRB,* 368 F. 2d 12, 24 (C.A. 5, 1966), *cert. denied,* 389 U.S. 837 (1967), *rehearing denied,* 389 U.S. 1060 (1968). Nothing in the language or legislative history of that statute suggests that "affirmative action may not be required of Government contractors under the Executive order above and beyond what the statute requires of employers generally.[8]

It is, therefore, my view that the Revised Philadelphia Plan is legal and that your Department is authorized to require Federal contracting and administering agencies to implement the Plan in accordance with its terms in the award of contracts in the Philadelphia area. E.O. 11246, §§ 201, 205. Where a contractor submits a bid which does not comply with the invitation for bids issued pursuant to the Plan, such a bid may be rejected as not responsive. 38 Ops. A.G. 555 (1937); *Graybar Electric Co.* v. *United States,* 90 C. Cls. 232, 244 (1940). I hardly need add that the conclusions expressed herein may be relied on by your Department and other contracting agencies and their accountable officers in the administration of Executive Order 11246. 28 U.S.C. 512, 516; 37 Ops. A.G. 562, 563 (1934); 38 Ops AG 176, 178-81 (1935); *Smith* v. *Jackson,* 241 Fed. 747, 773 (C.A. 5, 1917), *aff'd,* 246 U.S. 388 (1918).

Sincerely,

JOHN N. MITCHELL,
Attorney General.

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[5] The Plan provides that the goals will be determined with particular attention to the factual situation in each affected trade. Accordingly, there is every reason to assume that the goals will represent an informed administrative judgment of what an effective affirmative action plan may be expected to achieve.

[6] On the facts before me it is impossible to determine whether the present practices of the unions affected by the Philadelphia Plan are in violation of Title VII and such a determination is not necessary to the resolution of the question of the legality of the Plan.

[7] On the view I take of the question before me, it is not necessary to consider the correctness of all the Comptroller General's conclusions regarding the scope of Title VII, and my failure to do so implies neither agreement nor disagreement with such conclusions.

[8] In the one instance where the statute deals with the overlap of Title VII and the Executive order, reporting requirements, it is the order and not the statute which is accorded priority. § 709(d).

XUM

[From the New York Times, Sept. 24, 1969]

UNITED STATES TO START PLAN GIVING MINORITIES JOBS IN BUILDING—PHILADELPHIA PILOT PROGRAM WILL BE EXTENDED LATER—MITCHELL TERMS IT LEGAL

(By James M. Naughton)

WASHINGTON, September 23.—The "Philadelphia plan" setting minority hiring guidelines for six skilled construction crafts working on federally assisted projects in Philadelphia was ordered into effect today by Secretary of Labor George P. Shultz.

At the same time, Attorney General John N. Mitchell issued an opinion declaring, contrary to an earlier ruling of the Controller General, that the plan was legal and did not violate terms of the Civil Rights Act of 1964.

Both announcements underscored the apparent decision by the Nixon Administration to concentrate its civil rights activity in the field of equal job opportunities—a decision that could have important political overtones.

Arthur A. Fletcher, an Assistant Secretary of Labor, said that it was time to "quit looking at the civil rights movement without looking at the unemployment rate."

PROBLEM TERMED ECONOMIC

"This is an economic problem and we can use the economic genius of this country to solve it," he said.

One White House source said that President Nixon believed such traditional civil rights activities as open housing and voting rights were less significant in the long run than effort to open up the job market to minorities.

Mr. Shultz said that the Philadelphia plan was a pilot program that would be extended later to other cities.

Chicago, one of several cities that have been scenes in recent weeks of demonstrations by Negroes for more construction jobs, could be next to receive a Labor Department mandate for more affirmative action on equal employment.

Under the plan set in motion today for Philadelphia, contractors working on federally assisted projects would be required to set specific goals within the Federal guidelines for hiring members of minority groups.

Affected by the order are six skilled crafts—ironworkers, steamfitters, sheetmetal workers, electrical workers, elevator constuction workers and plumbers and pipefitters. Employers would be expected to demonstrate "good faith efforts" at meeting minority hiring levels ranging from 4 per cent this year to 26 per cent in 1973.

The plan was first devised a year ago, but it has been blocked by rulings of the Controller General, Elmer B. Staats, who said that it would violate the Civil Rights Act of 1964 by setting racial hiring quotas.

Attorney General Mitchell's 20-page ruling today argued, however, that the plan was legal because it required affirmative action to meet goals rather than establishment of firm quotas.

Asked to explain the difference between goals and quotas, Mr. Shultz said that a "quota is a system which keeps people out."

"What we are seeking," he said, "are objectives to get people in."

DEMONSTRATIONS RECALLED

Implementation of the plan in Philadelphia has national significance because of efforts by Negroes and other minority groups across the United States to secure construction jobs.

Pittsburgh and Chicago have been scenes of demonstrations by Negroes, and in Pittsburgh white craft union members have conducted counter-demonstrations.

The American Federation of Labor and Congress of Industrial Organizations building trade unions went on record yesterday in Atlantic City in opposition to the Philadelphia plan or any other quota system.

C. J. Haggerty, president of the construction and building trades department of the federation, told its convention, "We are 100 per cent opposed to a quota system, whether it be called the Philadelphia plan or whatever."

Mr. Fletcher estimated that between 30 and 50 per cent of the work force in the United States was employed by companies with Government contracts.

One high Administration official said in an interview that there might be "justifiable criticism of the Nixon Administration on school desegregation, but I'm confident we're going to go farther in this Administration than did any other on job equality."

He said that the decision to focus on job equality "to a great extent reflects the priority of black people."

"Look at what's happening now in Chicago, Pittsburgh, Boston and Philadelphia," he said. "The big thrust now is not schools, but jobs."

By adding Government impetus to this thrust, the Nixon Administration could well be risking political reaction.

During the demonstrations in Pittsburgh last month, white construction workers stood before City Hall and chanted, "Wallace, Wallace, Wallace"—a sign that they linked the issue to the political philosophy of George C. Wallace and his renewed quest of the Presidency.

A NEED TO ANALYZE

Mr. Fletcher said in an interview that the Nixon Administration had come on the national scene at a time when there was "a need to analyze what has been happening in the last two decades."

Courtroom battles and social legislation have opened up opportunities for minorities to overcome previous discrimination, but the Nixon Administration has become aware that it must concentrate on developing economic opportunities, Mr. Fletcher said.

He said that the unemployment rate among nonwhites nationally "still lingers at the depression era levels." Faced with joblessness in the depression, the Federal Government acted to solve what was an economic problem, Mr. Fletcher said, and the same approach must now be made toward the economic problem of nonwhites.

"The dilemma has been that the rebuilding of the American cities is happening right under the black man's nose," he said. "Here he is saying, 'I won the right to go to the hotel, and I won the right to go to school, and I won the right to buy a house; now I need the money.' "

Asked if he believed that his views represented a policy decision by the Administration, Mr. Fletcher replied that Mr. Nixon stated on Aug. 13 that "there may be argument in this country on this whole problem of equality of opportunity, but there can be absolutely no compromise and no argument on that score."

The President's remark, made as he swore in John Wilks as Deputy Assistant Secretary of Labor for contract compliance, is "my license to do the job," Mr. Fletcher said.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance continued hearing witnesses present testimony on the proposed tax treatment of State and local bond interest. The committee also heard testimony concerning the question of the limitation on tax preferences and the allocation-of-deductions rules. Combined, these two features constitute the so-called minimum income tax. An additional statement was received relating to the proposed maximum tax on earned income—income averaging.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

LIMIT ON TAX PREFERENCES; ALLOCATION OF DEDUCTIONS

HON. C. DOUGLAS DILLON, FORMER SECRETARY OF THE TREASURY

Allocation of charitable deductions

Opposes the provision in the House bill requiring the allocation of charitable deductions. States that the allocation of deductions provision in the House bill, as it applies to charitable gifts, removes a substantial part of the tax benefit from all gifts to nonprofit institutions. Indicates that its effect on large-scale giving will be devastating.

Points out that charitable contributions are a voluntary matter and, when made, reduce the donor's net assets even when taken as a deduction in determining taxable income. Indicates that since donors have full control of their own giving, by reducing their gifts they can avoid the impact of the allocation of deductions provision.

Points out that a tax computation for a model taxpayer, which has been prepared by Price-Waterhouse & Co., shows that 40.1 percent of the taxpayers' gifts to charity would no longer be deductible under the House bill and that the overall tax to be paid by the model taxpayer would increase by 24.2 percent. States that of this increase 88.8 percent would be due to the treatment of charitable gifts under the allocation of deductions provisions.

Points out that the model shows that a reduction in giving of 87 percent would be required to eliminate the impact of the allocation of charitable deductions, and to leave the donor in the same economic position after gifts and taxes as would be the case under present law.

States that the modification suggested by the Treasury eliminating the classification of the appreciation on securities given to charity as tax preference income is a step in the right direction. Indicates, though, that it only removes a part of the problem. Urges the elimination of the allocation of deductions provision as it applies to charitable deductions.

Favors the provisions in the House bill eliminating the unlimited charitable deduction and providing for a limit on tax preferences in the belief that all citizens should make a fair contribution to the cost of government. Supports the Treasury proposals to reduce the tax on foundation income from 7½ to 2 percent and to allow credit to the appreciation in value of works of art given to museums.

HON. STANLEY S. SURREY, FORMER ASSISTANT SECRETARY OF THE TREASURY FOR TAX POLICY

General

Regards the Tax Reform Act of 1969 as a very significant step forward in accomplishing reform of the Federal tax structure.

Criticizes those who regard the tax system as a device "to pour out financial assistance to industries and activities that do not want to trust to the marketplace." Believes this approach can only be destructive of an equitable tax system and an efficient use of Government resources. States that it is the proper course now to cut back tax incentives, and that the House bill is a good start which should be pushd forward, not stripped back.

Individual income tax provisions in House bill

States the House bill fully meets the problem of low-income taxpayers by dealing with the taxation of those below the poverty level and the unfair burdens on low-income families above that level. With respect to middle-income taxpayers, believes the bill meets the major goal of restoring tax simplicity and tax equity in the case of personal deductions by increasing the standard deduction. (Adds, however, that the bill could be improved by revising the tax treatment of the elderly and disallowing the gasoline tax deduction.)

Believes the bill commences in a significant way to restore tax fairness by dealing with high-income taxpayers by elimination of the unlimited charitable contributions deduction, removal of the alternative capital gains rate, extension of the holding period for capital gains from 6 to 12 months, by treating tax-exempt interest on State and local bonds, and by the partial cutback on tax preferences accorded real estate—a cutback which should be pushed further.

Also approves of the adoption of the minimum tax or limit on tax preferences and allocation of deductions provisions. Suggests, however, that these two provisions as presently structured have serious omissions which should be corrected.

States that the bill falters seriously in its treatment of farm tax losses, and begins an unwise approach in placing a 50-percent limit on the top marginal rate applicable to earned income.

Corporate income tax provisions in House bill

Points out that there is an unevenness in the effective rate of tax paid by various industries, and attributes this result primarily to tax preferences applicable to two industries—natural resources and financial institutions. States that with respect to financial institutions, the House bill brings the effective tax rates of the commercial banks, mutual savings banks, and savings and loan associations closer to those paid by business generally, and also reduces the range of differences within these institutions themselves. With respect to natural resources, notes that the House bill reduces the percentage depletion rates by about 25 percent and states that it ends the abuse associated with mineral production payments. Indicates the bill fails to deal with the effect of intangible drilling expenses in the oil industries and the tax preferences accorded timber.

Approves of the bill's treatment of multiple corporations, tax preferences associated with real estate operations, and the rules governing foundations and other tax-exempt organizations. States that the bill has serious weaknesses in that it would open up three new tax incentives—and notes that the Treasury seeks to adopt others. These three incentives are the 5-year amortization for pollution control facilities and for rehabilitation expenditures on housing, and the 7-year amortization for railroad cars. States that it appears that "amortization" is now the magic word and we may be witnessing the beginning of a wide schedule of amortization periods by business and activities akin to the schedule of percentage depletion rates.

States that the House bill in its amortization incentives has a revenue cost of $830 million and if retained excessive depreciation for housing (especially luxury and high cost housing) is added, the bill involves over $1 billion of tax incentive expenditures. Believes that if a reduction in the net revenue cost of the bill is sought, these are areas where a start could properly be made. Expresses the opinion that if funds of this magnitude are to be spent for social and other programs, they ought to be spent directly as government expenditures and in accordance with carefully selected priorities in the various programs.

Tax rates and revenue costs in House bill

Believes the rate reductions of the House bill are aimed at those who should be first in line for tax relief—first, the low-income taxpayers, and then the middle-income taxpayers. States that the revenue loss with respect to these reductions is hardly significant over a period of several years. Disapproves of the Treasury approach to make across-the-board individual rate reductions paramount, and to strip back the relief for low- and middle-income families. Believes this is an upside-down view of the priorities for tax relief.

DAVID N. MILLS, DETROIT, MICH.

Allocation of deductions

States that since most of the "tax preference" items to which the allocation of deductions rules would apply do not represent cash or property received by the taxpayer during the year, they cannot be regarded as a source from which any personal deduction could have been paid. Believes that personal deductions should not be disallowed except to the extent actually attributable to tax-exempt income or preferences.

Suggests that if tax preferences are to be eliminated or reduced, that this should be done by taxing them directly, rather than using them as the basis for disallowing wholly unrelated and legitimate deductions.

Believes the allocation of deductions rules would have a serious effect on charitable and educational institutions dependent primarily on medium- and large-size gifts from individuals who determine the amount of their gifts by the "after-tax" cost of the contribution.

ROBERT M. JOHNSON, ATTORNEY, DENVER, COLO.

Tax treatment of State and local bonds

States serious questions exists as to the validity under the Federal Constitution of certain provisions of the House bill including (a) the limit on tax preferences imposing a direct Federal income tax on municipal bond interest, (b) the allocation of deductions imposing an indirect Federal income tax on such income by the reduction of other deductions mainly because of the receipt of such income by a taxpayer, and (c) the Federal subsidy and waiver of tax exemption. Believes that the serious constitutional questions resulting from these proposals will be the subject of protracted litigation resulting in a serious disturbance in the condition of the municipal bond market for a period of up to 10 years.

Maintains that the limit on tax preferences and allocation of deductions collectively impose a natural impediment upon the borrowing power of local governments, particularly in view of recent deterioration of the municipal bond market resulting from the consideration by Congress of the House proposals affecting these securities.

Points out that the doubts raised by tax reform proposals have been a major cause of the problems prevalent in the municipal bond market today. Indicates that the continued existence of such doubts can only result in the continued disruption of this important market thereby making it increasingly difficult or impossible for necessary public projects to be financed.

RICHARD H. WANGERIN, PRESIDENT, AMERICAN SYMPHONY ORCHESTRA LEAGUE, ON BEHALF OF THE SYMPHONY ORCHESTRAS OF THE UNITED STATES

Tax reform legislation

States that symphony orchestras are vital to the total cultural and educational life of the American people and the basic economic structure of U.S. symphony orchestras requires the subsidy of charitable giving for the orchestra's very existence. Indicates that current costs of 1,400 U.S. symphony orchestras total $85 million a year. States that $44 million of this amount must be obtained through contributed income and that if private support of U.S. orchestras is reduced, the orchestras would have to seek massive aid direct from government sources or abandon operations.

Believes that the repeal of the unlimited deduction, the changed tax treatment of gifts of appreciated property, and the gifts of use of property, and proposed changes in many aspects of more sophisticated types of giving would serve to reduce affluent individuals' ability to contribute to orchestras.

Supports the administration's recommendation to delete the appreciation element of charitable gifts from the "limit on tax preferences" and "the allocation of deductions." Approves Treasury's position that gifts of tangible personal property should continue to be allowed the same preferential treatment as gifts of securities and real property. States that the effect of the allocation of deductions provision would be to postpone many substantial gifts until the end of the year when the effects of the complex allocation could be finally determined with the result that many such gifts would not be made. Sees no reason why gifts of appreciated property to public charities should remain subject to the present 30-percent limit.

Standard deduction

Maintains that the proposal to increase the standard deduction would serve to reduce contributions the orchestras would receive from persons of more modest income. Points out that 88 percent of the total number of gifts made to symphony orchestras are in amounts of less than $100, averaging $37 and that these gifts account for approximately 40 percent of the total annual contribution dollars received by symphony orchestras. Urges that charitable deductions be isolated from other personal deductions for separate treatment, and that they be subject to continued itemization with deduction permitted even though the proposed increased standard deduction is used thereby preserving this crucial incentive for continued support of philanthropic endeavors

Foundations

States that orchestras received 20 percent of their contributed support from foundations. Endorses the Treasury proposal to substitute for the proposed 7½ percent tax on foundations, a 2 percent filing fee and to use this income from the fee to pay for increased policing of the private foundation area by the Internal Revenue Service. Opposes forced distribution of foundation capital because such a policy would result in a shrinkage of capital funds for future support of charitable organizations.

Believes that the proposed definition of "private foundations" for purposes of the new tax provisions may inadvertently cover many organizations that should not be treated as "private foundations". Supports the provision requiring all tax-exempt organizations to file an annual return but challenges the proposed additional requirement that all 501(c)(3) organizations be required to file listings of major contributors and amounts given and the names and salaries of highly compensated employees. Argues that contributors who make their gifts upon the contingency that the gifts be accorded complete anonymity should continue to enjoy this right.

Believes that the enactment of these complicated strictures on future tax treatment of contributions coupled with actual cancellation of long established tax incentives for giving would prove to be the final push toward a breakdown in the willingness of voluntary givers even to attempt to continue to shoulder these charitable burdens.

TAX TREATMENT OF STATE AND LOCAL BOND INTEREST

OSMOND R. SPRINGSTED, PRESIDENT, SPRINGSTED, INC.

Tax treatment of State and local bonds

States that the provisions of the House bill affecting State and local bonds will add to the cost of local governments. Indicates that in the 5-State area of Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin the additional cost of the 1969 financing through August could have been at least $271 million more without tax exemption.

Maintains that the exemption of municipal bond interest from Federal taxation is an economical and efficient subsidy. Believes that the provisions of the House bill will impair the marketing of municipal bonds to the detriment of the poor communities.

Believes that this is an inopportune time to consider innovations to the system of municipal financing and the proposed legislation could mean at least a temporary suspension of this type of financing.

Urges that the committee conclusively reject the proposals of the House bill which will affect the present tax treatment of municipal bonds.

DR. EDGAR F. SHANNON, JR., PRESIDENT, UNIVERSITY OF VIRGINIA

Arbitrage bonds

Indicates that the University of Virginia desires to issue bonds secured by and payable out of mortgages taken as security for loans made by the University for faculty housing. It is believed the interest on these bonds would be exempt from Federal taxation under present laws.

Is of the opinion that the arbitrage bonds provisions of the House bill would prevent these bonds from being issued by the university as tax exempt bonds.

Urges amendment of the bill to make clear that the definition of arbitrage will not apply to the university's bonds secured by mortgages on faculty housing.

HON. SAM YORTY, MAYOR, LOS ANGELES, CALIF.

Taxation of municipal bond interest

Urges the committee to reject the proposals which affect the tax-exempt status of municipal bonds. Indicates that these proposals constitute an unwarranted interference with the functioning of local government and comes at a time when the larger urban centers are confronted with increasing demands for financing essential capital projects. States that these provisions have caused a disruption in the municipal bond market and that interest rates have now risen beyond statutory interest rate limits for several classes of the city's bonds.

States that the subsidy proposal is not workable when consideration is given to the staggering volume of municipal projects which are needed now. Indicates, further, that this proposal runs counter to a growing awareness throughout the Nation that Government must decentralize in order to become responsive to the needs of its citizens.

HON. PAUL J. MANAFORT, MAYOR, NEW BRITAIN, CONN., AND PRESIDENT, CONNECTICUT CONFERENCE OF MAYORS

Taxation of interest on municipal bonds

Opposes Federal taxation of interest on municipal bonds. States that this exemption is essential if municipalities are to provide badly needed public facilities and to prevent further deterioration of their serious financial condition. Indicates that taxation of municipal bonds will result in higher interest rates. Believes that these higher interest rates will mean higher local taxes, adding to overburdened local property taxes, bearing most heavily on those who can afford it the least.

INCOME AVERAGING; MAXIMUM TAX ON EARNED INCOME

IRWIN KARP, COUNSEL, AUTHORS LEAGUE OF AMERICA

The 50-percent maximum tax on earned income

Asserts that the 50-percent tax limit would not apply to self-employed authors, dramatists, and composers under the present definition of "earned income" in section 802 of the bill, which is restricted to income from "personal services." Contends that the 50-percent limit should also apply to *earned* income from a taxpayer's personal efforts (e.g., an author's income)—as distinguished from income produced by the use of capital. Argues that the 50-percent limit would eliminate a deterrent to independent creative work.

Recommends that "earned income" be defined to include income derived by an author from the disposition of rights to use his works (as in sec. 401(c) (2) (C) of the code).

Income averaging

States that section 1301 of the code does not provide equitable taxation of an author when his income from one or two works, resulting from efforts of several years, is concentrated in the upper brackets of 1 or 2 tax years, especially if the second work occurs within 4 years of the first so that he cannot apply averaging to the income from the second work.

Suggests that section 1301 be revised to allow an individual to elect one of three alternative "base periods": (1) If current year income exceeds average annual income for the 3 previous years by at least 20 percent; (2) if current year income exceeds average annual income for the 4 previous years by at least 33⅓ percent; or (3) if current year income exceeds average annual income for the 6 previous years by at least 40 percent.

Notes that the code allows taxpayers to choose alternative methods of tax treatment under other sections, for example, depreciation, completed contract or percentage of completion reporting, and installment reporting alternative.

Minimum tax on deferred compensation

Hopes that section 331 of the bill will continue to not be applicable to periodic payments to authors under the "spread forward" provisions of publishing contracts.

A SALUTE TO THE FIATA 1969 WORLD CONGRESS

Mr. GOODELL. Mr. President, for the first time since its founding in 1926 the International Federation of Forwarding Agents Associations—FIATA—is holding its biennial world congress in the United States. This organization, with members in 32 countries and associate members in 45, will be meeting in New York City from September 28 through October 3 to review significant freight forwarding matters. This review will benefit the cause of world trade through more effective and economical methods utilized by competent and responsible members of the international freight forwarding industry.

It is with considerable interest and pleasure that I call this important gathering to the attention of my Senate colleagues. I should like to salute, in particular, the outstanding work undertaken by the New York Committee for FIATA 1969. The chairman of this group is Mr. Walter J. Mercer, former chairman of the National Customs Brokers & Forwarders Association of America, Inc. The vice chairman is Mr. Ted Przedpelski of the New York Foreign Freight Forwarders & Brokers Association, Inc. Mr. Clifford B. O'Hara, of the Port of New York Authority is the secretary of the committee. The other members of this group are: Mr. Leonard M. Shayne, president of the National Customs Brokers & Forwarders Association of America, Inc.; Mr. Lloyd Snedeker of the New York Foreign Freight Forwarders & Brokers Association, Inc.; and Mr. Gerard G. Gorman of the Port of New York Authority.

A significant aspect of this meeting has been set forth by Mr. O'Hara in his informative article entitled "Open Arms for FIATA," which appeared in the special edition of publisher John F. Budd's American Import & Export Bulletin honoring the 11th world congress of FIATA:

> Because of the tremendous interest of forwarders on both sides of the Atlantic in the growth of containerization, the 1969 Congress will include an in-depth panel discussion on the subject and on the effects of this revolution in international shipping on the industry. The program will also include an exploration of the relationship of the forwarding industry to the rapid development and growth in air cargo as well as other transportation topics of current interest.

Mr. President, I wish the FIATA World Congress every success in its forthcoming deliberations. I ask unanimous consent to have printed in the RECORD a message to the conference participants by Mr. D. I. Heys, of Liverpool, England, president of FIATA, and an article about the history and objectives of the National Customs Brokers & Forwarders Association of America by its president, Mr. Leonard M. Shayne. Mr. Heys' foreword and Mr. Shayne's article appeared in the special issue of American Import & Export Bulletin.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FOREWORD

(By D. I. Heys, President, International Federation of Forwarding Agents Associations—FIATA)

I am really delighted to accept the generous invitation of the editor of The American Import and Export Bulletin, Mr. William Budd, to write this foreword for the special FIATA Congress edition of their publication to be issued in August, as it gives me a unique opportunity to chat in an almost personal way with the great army of freight forwarders in your dynamic country, who contribute so much to the exchange of international commerce throughout the continents of the world.

FIATA is fortunate in having a select coterie of good friends amongst American freight forwarders, but we believe that it is in the vital interests of world forwarding that we take urgent steps to increase the number of U.S.A. forwarders, who adhere to our cause and are prepared to unite under our banner.

It would be trite of me to say that forwarding is a harsh and demanding profession which frequently suffers from the storms and tempests of commercial change which it is not always equipped to resist, and I think that most of us will agree that we are now facing a period of change which is not necessarily in our best interests.

This then, is one of the many reasons why FIATA, for the first time in its forty-five year history, with its membership of thirty-two countries and associate members in forty-five, including many U.S. enterprises, has decided to cross the ocean and accept the invitation of our American colleagues to hold the Congress in New York, where it is my sincere wish that a large and representative gathering of American forwarders will join in our various sessions and decide to take a big interest, and indeed, an active part in the leadership of our affairs.

An extensive and interesting programme has been devised by our hard working Com-

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mittee, who are organising our Congress and whilst technical subjects of great interest to us all will be discussed, the social programme is one of glittering splendour which must have great appeal, especially to the "ladies".

Outstanding events which I commend to your attention are our Forums on Combined Transport and Air-Freight, where there will be excellent speakers who, I am sure, will promote stimulating discussion.

In conclusion, may I therefore, express the wish that it will be our good fortune to make a large number of new American friends to our mutual advantage, and I therefore, extend a warm invitation to all my readers to participate in our World Congress which, after all, is specially designed for freight forwarders.

THE NCBFAA

(By Leonard M. Shayne, President, National Customs Brokers & Forwarders Association of America, Inc., Leading Forwarders, Inc.)

The National Customs Brokers and Forwarders Association of America, Inc., has been in the forefront of many important matters affecting Forwarders and Customs Brokers during the more than 70 years of its existence. There were so many of these which affected the very survival of the industry that it is difficult to limit citing them in a brief commentary such as this.

Of prime importance was the enactment of an Act in 1961 which provided for the payment of freight brokerage (compensation) by ocean carriers to Foreign Freight Forwarders. Thereafter were the revisions of regulations of the Federal Martime Commission regarding Foreign Freight Forwarders which resulted, after much uncertainty, in regulations which forwarders find generally acceptable, although in many respects American Forwarders are far more constrained than their foreign counterparts and sometimes find themselevs at a competitive disadvantage.

Important Association actions on behalf of Customs Brokers have been almost continuous in recent years due to the reorganization of U.S. Customs which has been taking place. Recent revisions of the Customs Regulations regarding Brokers, for example, were the cause of collective action via a special national meeting of representatives of all the local Associations in New York followed by a meeting the next day in Washington of these representatives with officials of the Bureau of Customs.

The NCBFAA has been active in countless matters related to the promotion of the foreign trade of the United States, and this has demanded much time and effort from its officers. Proposals which would adversely affect trade and the interests of industry members are put forward almost continuously by protectionists and isolationists as well as by well-meaning domestic interests who do not realize fully the effect of what they propose. Personal appearances before government officials or agencies and congressional committees are often required to combat or correct even seemingly minor matters.

One of the milestone pieces of legislation achieved in favor of Foreign Freight Forwarders was the Bland Forwarding Act of 1942. Congressman Bland, an imposing former judge, had carefully investigated the wartime plight of American Foreign Freight Forwarders and had become convinced that they were a necessary and fundamental part of the commercial foreign trade apparatus of the U.S. Finally the Act bearing his name, which directed that the facilities of Forwarders be used and not bypassed by government agencies, reached President Roosevelt's desk for signature. However, the British Ambassador had captured the President's ear to complain about the Act and its effect upon the British Purchasing Mission.

Bill Davies was a leader of the Forwarders' efforts behind the Bill. He had become well-known to Judge Bland and to the other government figures concerned with shipping matters. He received a hurry call from Jesse Jones, who headed Lend Lease at the time, to come to Washington to see him at once. Jones told Davies that the President was about to veto the bill and he had better come up fast with some good arguments to support the bill, or else it was dead. Davies pointed out that without the Bill all wartime shipping from the United States of what had been peacetime commercial cargoes would be handled by Allied Purchasing Missions. When the war ended, all of the handling and forwarding of exports from the United States would be under foreign management. The argument evidently had some merit. There was no veto. The Bill became law, and it remains the policy of the United States.

The original organization, which ultimately became the National Customs Brokers & Forwarders Association of America, Inc., was incorporated in New York in March 1897. Its motto was "An injury to one is an injury to all". Although a local organization, even at that time its objective was to become national as it declared in an early publication of the Association from the year 1900 entitled, The Gateway to the Continent. At that time 75% of the foreign trade of the nation then passed through New York. Although it is still far and away the country's principal port, this proportion has now fallen to 40%. The founders of the Association had the foresight to realize that the trade of the nation would diffuse to all its coasts and borders and that the industry serving that trade would have mutual interests wherever they would be located.

As the only national organization representing Foreign Freight Forwarders and Customs Brokers in this country, it has 493 regular members in the United States and Puerto Rico, and 161 associate members in countries throughout the world. The National Association, besides its direct memberships, is also an association of associations, composed of 14 local organizations from all over the United States. These associations are all members of the National Advisory Committee: Boston Customs Brokers & International Forwarders Association, Paul K. LaRoque, president (Stone & Downer Co.); Texas Ocean Freight Forwarders Association, Jack Gross, president (H. E. Schurig & Co., Inc.); Customs Brokers & Forwarders Association of Miami, Inc., John Gazitua, president; (Florida International Forwarders); Baltimore Customhouse Brokers & Forwarders Association, M. Sigmund Shapiro, president (Samuel Shapiro & Co., Inc.); Customhouse Brokers & International Freight Forwarders Assn., Washington State, J. W. Hansford, president (Geo. S. Bush & Co., Inc.); Philadelphia Freight Brokers Forwarders & Customs Brokers Association, Martin L. Hoffman, president (Allen Forwarding Co.); Los Angeles Customs & Freight Brokers Association, Inc., L. R. Terrile, president (James Loudon & Co., Inc.); Detroit Customhouse Brokers & Foreign Freight Forwarders Association, Geraldine Schmitt, president (Gerry Schmitt & Co.); Association of Forwarding Agents & Foreign Freight Brokers of Mobile, John L. Godwin, president (Godwin Shipping Co., Inc.); San Francisco Customs Brokers Association, James J. Connors, president (A. J. Fritz & Co., Inc.); Customs Brokers Assn.-Northern U.S. Border, James R. Todd, president (C. J. Tower & Sons of Buffalo, Inc.); Export-Import Association of Virginia, James G. Page, secretary (The Hipage Company, Inc.); New Orleans Association of Customs Brokers, Inc., Irwin M. Brown, president (The Irwin Brown Co.); Customs Brokers Assn. of Chicago, Inc., John Smith, president (Karl Schroff & Associates, Inc.).

The National Advisory Committee composed of the above members meets annually in New York in order to formulate policy for the coming year and to exchange views on local problems.

The headquarters office of the National Association is in New York at 26 Beaver Street. An office is also maintained in Washington, D.C. at 2000 P Street, N.W.

The governing board of the Association is the Executive Committee, composed of the officers and directors. Chairman is Frank J. Hult, president of J. E. Bernard & Company Inc., of New York. Other important and active members are: Walter J. Mercer, president of Hudson Shipping Co., Inc., who was president of the National Association for 12 years; and Martin J. Kerner, president of Heemsoth-Kerner Corp., who was president of the National Association for 15 years. The other members of the Executive Committee are: F. L. Kunz, M. J. Corbett & Co., Inc., A. J. Pascale, Universal Transcontinental Corp., and Roland R. Hummel, Jr., Taub, Hummel & Schnall, Inc.

The officers of the National Association consist of the president, who is the author of this article. Other vice presidents are: Vice President (Custom House Brokerage), Mortimer Bernstein, S. Stern & Co., Vice President (Foreign Freight Forwarder), Samuel Shapiro, Samuel Shapiro & Co., Inc.; Vice President (Import Air Freight), Joseph Gamburg, Air Clearance Association, Inc.; Vice President (Export Air Freight), Walter Schaaf, Hensel, Bruckmann & Lorbacher, Inc.; Vice President (Great Lakes-Northern U.S. Border), W. R. Casey, Jr., (F. W. Meyers & Co., Inc.) Customhouse Brokers Assn., Northern U.S. Border, Vice President (Gulf Area), R. W. Smith, (R. W. Smith & Co., Inc.) Texas Ocean Freight Forwarders Association; Vice President (Pacific Coast Area), J. W. Hansford, (Geo. S. Bush & Co., Inc.) Customhouse Brokers & Int'l Freight Forwarders Assn., Washington State.

The treasurer of the National Association for the past six years has been Percy S. Royals, president of W. R. Keating & Co. Inc. The Secretary for the past 16 years has been William Freedman, president of Freedman & Slater, Inc. He has also served as chairman of the important Membership and Ethics Committees. The executive secretary for the past 25 years has been John F. Budd, publisher of Budd Publications, Inc. which publishes such important trade publications as the annual Custom House Guide, American Import & Export Bulletin, and Air Transportation, etc. The Washington Representative of NCBFAA is Morris V. Rosenbloom, president of American Surveys, Inc. On occasion, as required, the National Association has employed legal counsel, occasionally on retainer as in the case of the late Benjamin Altschuler, and for special important matters such eminent attorneys as the late Charles Haight of Haight, Gardner, Poor & Havens, Gerald Ullman of New York, and Edward Schmeltzer, former director of the Federal Maritime Commission and now in the Washington office of Morgan, Lewis & Bockius of Philadelphia.

The National Association over the years has always enjoyed close friendly and cooperative relations with government officials, departments and bureaus, resulting in numerous awards and commendations from them.

The National Association has always encouraged and promoted the principle of "doing business in the family", resulting in members choosing other members when services are required in other ports here and abroad.

When Mr. Mercer assumed the Presidency of the Association in 1959 for the second time, he wrote an article for the American Import and Export Bulletin entitled "A Look Into the Roles of the Customs Broker and Foreign Freight Forwarder" which is well worth re-reading. This paragraph is particularly significant.

"When an importer or an exporter decides

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that he should engage the services of a Customhouse Broker or a Foreign Freight Forwarder, it would be well for him to exercise the same care as he would in selecting his bank. One certain way would be to consult the various publications listing Customhouse Brokers and Foreign Freight Forwarders, and determine whether or not that firm is a member of the (National) Customs Brokers & Forwarders Association of America, Inc. While this admonition may sound trite, and a plug for its membership, it is well to consider the fact that in order to qualify for membership in the NCBFAA, its standards and requirements, in many respects, are greater than the qualifications for a Customhouse Broker's license or a Federal Maritime Board registration number. This organization is constantly fighting for the industry. In so doing, it is protecting the importer and exporter."

The National Association in 1963 became the regular (ordinary) United States member of the Federation of International Forwarding Agents Associations (FIATA). By this act the National Association recognized the need for an international association to represent the world Foreign Freight Forwarding industry in the way the National Association represents the American industry.

As the members of our industry are meeting in New York at the Eleventh World Congress of FIATA to discuss the problems of today and to prepare for those of tomorrow, we are much aware that we are in an era of revolution. Yet it is worth while to remember the adage that "the more things change, the more they are the same." Perhaps this quotation of instructions from Colonel Francis Lovelace, Governour, on May 24, 1668, to Mr. Cornelius Van Ruyven, Collector of Customs in the City of New York, may serve as a reminder:

> "You or y'r clerk are to be deyly at ye Custome House from nine in ye morning until 12 at noone. There to receive ye Customes both in and out as Merchants shall come & enter, ye merchant is to make foure Bills, and signe them with his hand, writing his name to them, & ye some time, when you have signed ye Warrant, or one of ye Bills, you are to demand ye Custome, either in kinde at 10 P Cent inwards or double ye vallue of its first Cost in Holland, in Beaver. And likewise outwards for Peltry you are to recieve 10½ P Cent according to ye vallue in Beaver, for Tobacco one half penny Pr. pound Ster'g which is noe more than all Englishmen doe pay. * * * You to tell ye Merchant you are not to give credit. * * * If they doe not like your propositions, you are not to pass their Bills. * * *.
>
> "And Lastly pray lett ye Books be kept all in English and all Factoryes and Papers, that when I have occasion to satisfy myself I may better understand them."

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

U.S. RECOGNITION OF FOREIGN GOVERNMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The resolution will be stated by title.

The Legislative Clerk. A resolution (S. Res. 205) to set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with amendments on page 2, at the beginning of line 4, insert "of itself"; and in the same line, after the word "States", strike out "necessarily"; so as to make the resolution read:

> *Resolved,* That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, there is an order for the Senator from New York (Mr. Goodell) to be recognized at the end of morning business for not to exceed 30 minutes.

The Senator from New York is recognized.

THE VIETNAM DISENGAGEMENT ACT

Mr. GOODELL. Mr. President, the war drags on.

It still bleeds the human, moral, and economic strength of our people.

Its slaughter reaches ever deeper into the ranks of our youth.

It still brutalizes our collective conscience, distorts our priorities, and frustrates our good intentions.

It knew no real beginning, and it seems to know no end.

Richard Nixon sought the Presidency with a pledge to end the Vietnam war. Since assuming office, he has pursued that end with diligence and patience. He has changed the nature of our involvement in the war by clearly reversing the policy of military escalation so disastrously implemented by the previous administration. He has made the first significant troop withdrawals since our involvement in the war began—now 25,000 men, with an estimated 40,000 additional troops by the end of the year.

Yet the President has been faced with enormous obstacles in seeking the path to peace. The Paris peace talks are stalemated by the intransigence of North Vietnam and the Vietcong. The South Vietnamese Government has consistently resisted our deescalation efforts. Our own military establishment has continued to favor in the field a policy of maximum offensive military pressure on the enemy, that has contributed to high casualty rates, and brought no results in Paris.

Our military leadership assumes that the situation in Vietnam can be "stabilized" by a strategy that, at the end of 2 years, would leave a continued commitment of about 200,000 American troops.

This strategy bears an ominous similarity to the plans offered by a seemingly endless succession of generals, cabinet officials and Presidential envoys over the last 6 years—all of them offering the most optimistic predictions that the situation would be "stabilized" if we could maintain the American pressure in Vietnam for "only a few more years." None of these forecasts ever materialized, and we are still fighting on.

It makes no sense for us to keep 200,000 troops fighting and dying in Vietnam for 3, 4, or 5 years—or perhaps indefinitely.

Forty-five thousand young Americans have already died in Vietnam in the past 6 years. Today, American soldiers fall at the rate of 150 a week.

This slaughter must cease. The prosecution of the war with American troops must be ended, not merely reduced.

The only way of halting the loss of our young men's lives is to establish a clear timetable for terminating all American combat operations and troop commitments in Vietnam within the near future.

This objective can only be accomplished if the President and the Congress start facing up to some tough decisions.

This means a far more active role for Congress.

Many public officials and others have been putting the entire onus of ending the war on the President. There is no doubt that Congress must share this heavy responsibility, based upon its constitutional authority "to raise and support armies" and "to declare war."

I shall introduce in the Senate of the United States a new bill, the Vietnam Disengagement Act of 1969.

The operative provisions of this bill provide that no American military personnel shall be maintained in Vietnam after December 1, 1970.

The proposal would reassert the constitutional responsibility of Congress to share with the President the task of extricating the United States from the Vietnam war. It would end Congress' role as a passive bystander in a war effort directed by three Presidents.

The President, as Commander in Chief of the Armed Forces, has the responsibility for determining the strategy and managing the conduct of war. The Congress, however, shares the duty of deciding the basic issues of war and peace, under its constitutional power of raising armies and declaring war.

My proposal would require Congress to exercise this constitutional responsibility. It would involve Congress in setting a clear and unequivocal timetable for the termination of all American combat operations and the withdrawal of all American troops. Any variations from this schedule would require the enactment of new legislation by Congress.

This timetable would permit the South Vietnamese forces to take over military operations from American forces, as American troops are withdrawn.

The bill would give clear notice to the Thieu Government of South Vietnam that at the end of 1 year, they must assume the full burden of the fighting Withdrawal would not be immediate, but would be an orderly process based on a schedule set by the President with a required termination date of December 1, 1970.

We have been fighting for 6 years in Vietnam to give the South Vietnamese the opportunity of self-determination. South Vietnam is relatively equal in resources and population to North Vietnam. If the South Vietnamese people support their government and are determined to maintain their independence, they should be able to do so without American troops, on the basis of the 1-year notice provided in the bill.

Nothing in the bill would prohibit the United States from continuing to provide such military supplies, equipment and military aid funds to South Vietnam as are necessary to match Soviet military assistance to North Vietnam.

The bill would preserve the President's constitutional prerogative as Commander in Chief to determine the manner of combat operations and the method of completing the withdrawal of American troops by the termination date.

I am personally convinced, however, that we should no longer pursue an offensive combat strategy which seeks to inflict maximum casualties upon the enemy, while they likewise seek to inflict similar losses upon us. During the withdrawal period, we should pursue a revised combat strategy designed to keep American casualties at a minimum.

The adoption of the proposal would express a clear intent of Congress that all American military personnel be withdrawn from Vietnam within a year. Should the President wish to present further proposals for the utilization of American noncombat training personnel in Vietnam after the termination date, he would be required to obtain the specific authorization of Congress before taking such action.

By setting a clear schedule for withdrawal, the bill would place upon the South Vietnamese Government the task of reforming itself and broadening its popular base, if it wishes to survive. This "self-help" approach is, I believe, far more likely to succeed than attempting to force reforms upon a recalcitrant South Vietnamese Government—as we unsuccessfully attempted to do in the case of the Diem regime in 1963.

Would a timetable of the sort I am proposing adversely affect the negotiations we are now conducting in Paris?

At this date, I do not think it would. For the first 9 months of this year, I purposely refrained from making any proposals on the conduct of the war in order to give the Paris negotiations a full chance to develop fruitful results. The indications are now reasonably clear—and the administration has stated—that the talks have not been productive because of the intransigence of the other side, which apparently feels that it need not negotiate at the bargaining table.

Would proposing such a timetable make the other side step up its efforts, in the hope of increasing the pace of our withdrawals?

I think this is an illogical way of looking at the problem. The reason we are in our present plight in Vietnam is that we have spent too much time speculating on what Hanoi might do, and not enough time developing a workable long-range solution of our own. We have always tried simply to respond to North Vietnamese or Vietcong military initiatives, rather than preparing effective policy initiatives ourselves.

The purpose of my proposals to help the President and Congress develop a workable plan for ending American participation in the war—and the slaughter of American servicemen—in the very near future. At present, there is no visible plan of this kind, and the assumptions under which the military is now operating will probably keep us fighting for years. To say that a proposal such as mine should not be considered—because it will encourage Hanoi to persist in its obstinacy at the peace table—is presuming that past policies of failure will succeed in the future.

We have not won a victory in Vietnam. Victory is impossible through any military means acceptable to the American people. We have engaged in the wrong war, in the wrong place, at the wrong time and we have embraced a wrongheaded concept of American power and responsibility in the world. At inordinate sacrifice, we have for 6 years given the people of South Vietnam their option of freedom from North Vietnam. It is now for them alone to exercise that option. Now, it is for them alone to rally their people for war or peace. It is time for the South Vietnamese to make hard and realistic decisions without the protective mantle of American troops. It is time we told the South Vietnamese leaders that 1 year from now they will be on their own.

We would do well to remember the words of T. S. Eliot in the "Four Quartets":

> Why should we celebrate
> These dead men more than those dying
>
> * * * * *
>
> We cannot revive old factions
> We cannot restore old policies
> Or follow an antique drum.
> We shall not cease from exploration
> And the end of all our exploring
> Will be to arrive where we started
> And know the place for the first time.

Mr. President, I ask unanimous consent that the language of the bill, which I shall introduce, be printed in the RECORD at this point.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. —

A bill to amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1969."

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promote the social and political well being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies" and "declare war," to share with the President the task of extricating this nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention;

(3) to give clear notice to the government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 602A. Presence in Vietnam.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

Mr. PERCY. Mr. President, will the Senator yield?

Mr. GOODELL. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I am very sympathetic with the desire of the junior Senator from New York to find a way to end this tragic war. After all, the President himself has said the time has come to end the war. I have not had an opportunity to thoroughly appraise and analyze the proposal the Senator has made, but certainly all of us now will have a responsibility to do that.

I feel the time has come to appraise realistically the military and political situation in South Vietnam and to be guided by the concept of American disengagement. I believe a dialog should be started, and we should continue to try to seek an answer to this agonizing problem.

I think the program should encompass several decisions such as the following:

First, a faster timetable for American troop withdrawals. This is the most direct means we have to induce the Saigon government to assume an increasing share of the combat responsibility.

Second, when the American troop commitment is drawn down to a feasible level, no more draftees should be sent to Vietnam, except as volunteers. Today, nearly 40 percent of the U.S. troops in Vietnam are draftees. They could not be responsibly withdrawn now. But when the American troop commitment falls to half the present force or less, an all-volunteer policy should be instituted.

Third, greater diplomatic pressure should be brought to bear on North Viet-

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nam to open serious negotiations toward a peace settlement. We should continue to explore every avenue toward peace, including the prospect of a general cease-fire and the dispatch of an international force to guarantee the cease-fire and supervise free elections.

Fourth, increased pressure should be put on the Saigon government to bring a full measure of social justice to the people of South Vietnam, to redistribute land holdings, to reform undemocratic practices and to halt official corruption, thus broadening the base of the Saigon regime and achieving a much-needed element of political stability.

On my own trips to Vietnam, I have talked with the South Vietnamese military leaders. I am convinced that until they become convinced that we are going to withdraw on a time schedule, they are not going to feel that they will have to assume significantly greater military and political responsibility.

Moreover, when the American troop commitment is drawn down to a feasible level, no more draftees should be sent there except as volunteers. I think if that could be done, it would do more to quell the disorders on our campuses and the dissatisfactions that I have seen in Vietnam. I just came back with a hospital flight from Vietnam; traveling with those boys, you cannot but be impressed with the fact that many of them simply are not convinced, as draftees, of the rightness of the war. We will be much better off to eliminate as rapidly as we can the use of draftees in a war as highly controversial as this one.

Mr. President, President Nixon has wisely set us on a course of reducing the number of Americans engaged in this tragic struggle, while moving to turn over the primary combat responsibility to the South Vietnamese army. I think we can contrast with this the earlier American buildup in South Vietnam and the bombing of North Vietnam, which brought much criticism against the Johnson administration, and against America itself.

Among other initiatives for peace, President Nixon has proposed free elections arranged by joint commissions under international supervision; offered to negotiate cease-fires under international supervision; declared the United States does not seek to retain military bases in Vietnam; offered to withdraw U.S. and allied forces over a 12-month period following a settlement; agreed to accept the outcome of free elections, whatever government is chosen; offered to negotiate point by point, in the 10-point program presented by Hanoi; convinced the Saigon government to sit with the National Liberation Front and North Vietnam representatives in Paris and persuaded General Thieu to agree to direct talks with the NLF.

The President has rejected a military conclusion to the war. He has turned us away from the dangerous and futile course of escalation. He has declared unequivocally that we are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

In concrete terms, the President has reduced the number of American troops in combat and made it clear that further troop withdrawals are scheduled.

Despite these policy decisions, a political settlement still eludes us and peace is not yet in sight. Much of the blame for this situation must rest with the leaders in Hanoi who have consistently refused to negotiate in good faith and who have not matched U.S. concessions with reciprocal deescalatory steps of their own.

The rigid refusal of the Hanoi leadership to negotiate a peace rests, in part, on their previous experience in negotiating with the French, first after World War II, and then, in 1954, when the so-called Geneva Accords were signed.

But North Vietnam also senses that the war is widely unpopular in America and has seemingly chosen to wait until public opinion in our country forces the administration to agree to an abrupt and unilateral withdrawal rather than a negotiated, phased, mutual withdrawal.

This is a risky policy for Hanoi. American public opinion has changed in the past and it can change again. A frustrated public could turn toward an all-out military response—as disastrous as that course would be for America—instead of increased pressure for withdrawal.

We must respond to this pressure from Hanoi with a positive program of our own based on further realistic appraisals of the military and political situation in South Vietnam and firmly rooted in the concept of American disengagement. What is needed now, more than ever, is strength and resolve from the administration and from the American people that will turn us away from the killing and put us, once and for all, on the path toward peace.

I think we in the Legislature have an opportunity now, as well as an obligation, duty, and responsibility, certainly, to put forward ideas that, in our judgment, will not interfere with the negotiations in Paris; that will not disturb in any way a program to disengage that is now going on, but will add further support to those efforts, and perhaps reinforce them with new approaches.

I thank the distinguished Senator from New York.

Mr. **GOODELL**. I thank the distinguished Senator from Illinois for his comments. I share his desire for a further dialog on this question. That is one of the purposes of my proposal—to have a full debate with a specific objective in mind. I am not merely calling upon the President to bear all the responsibility. I am, instead, calling upon Congress to exercise its constitutional duty to assert itself with reference to the problems involved in extricating this country from Vietnam.

I do not offer this proposal in criticism of the past actions of the Nixon administration. I do feel that we must move faster, and that there must be an indication from Congress of a specific timetable for withdrawal, with notice to the South Vietnamese Government that after 6 years of fighting with American troops and preserving their opportunity for independence, it is time that, in an orderly way, they took over the burden.

I yield to the Senator from Michigan.

Mr. **GRIFFIN**. I thank the Senator from New York for yielding. I am sure that it is not necessary for me to recite the great respect, affection, and admiration that I have for the junior Senator from New York. We have been comrades together in a number of battles—but occasionally we disagree.

Mr. **GOODELL**. I hope the Senator will not say too many nice things about me, because that is usually the preface for a strong disagreement.

Mr. **GRIFFIN**. As the Senator may have suspected, that is what is coming now. Although I realize that this is not the appropriate time for a full-fledged debate on the proposal the Senator is introducing, I certainly want to indicate my deep concern about the proposal.

I realize that the proposal has not been offered in terms of criticizing the President. But it should be remembered that the President does have a policy on Vietnam, and it seems to me that he has spelled it out very clearly. The President wants to withdraw all American troops from Vietnam as quickly as the South Vietnamese forces are ready to take their place—and sooner if possible.

We have turned the corner. American boys are no longer going over to Vietnam in increasing numbers; indeed, they are now coming home. As you know, the President has called for the withdrawal of more than 60,000 troops, a force reduction of such significance that now we are able to cut back on our draft calls.

I believe that President Nixon has essentially the same objectives as the junior Senator from New York. But I question how wise it is to tell the enemy by declaration, in a formal resolution, that as of a particular date all American troops will be withdrawn, regardless of what the consequences might be. It is very difficult for me to understand how that could be useful or helpful to the negotiations in Paris. If such a resolution were adopted, it seems clear there would be no further point in negotiating.

I also wonder what effect such a resolution would have on the President's recent eloquent appeal at the United Nations where he called upon the other member nations of that world organization to assist the United States, through diplomatic channels and in other ways, in working toward progress at the Paris negotiations.

These questions deeply disturb me, but I do not wish to be argumentative. Obviously, this is not the appropriate time for the Senate to make its decision, but I believe that the Senate should explore these matters very carefully.

Mr. **GOODELL**. I thank the Senator from Michigan for his comments. I share his concerns. I have shared them in the past. That is why I have withheld making this proposal until now. But I think it is quite evident that the Paris peace talks are going nowhere. There has been absolutely no progress, and there is no indication of potential progress, in the Paris negotiations.

I believe also that it is unrealistic to expect negotiations and concessions from the North Vietnamese for a very long time, under the circumstances surrounding the death of Ho Chi Minh and the

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lack of a single governing authority in North Vietnam today.

So the objectives we share; and I reiterate that I know the President shares those objectives. But I think the time has come for us to tell the people of South Vietnam: "Your country is relatively equal in resources and population to North Vietnam. If your government is viable, if you are determined to maintain your freedom, we are not going to pull the boobytrap and let you fall through. We are giving you notice that, on an orderly basis, you must take up the burden of defending yourselves."

That is the purpose of the bill. It requires Members of Congress to stand on their own feet, and not just to continue to make speeches asking the President: "Please do something about this." We share the responsibility to end this tragic war.

Mr. GRIFFIN. Mr. President, will the Senator yield further?

Mr. GOODELL. I yield.

Mr. GRIFFIN. Would the Senator agree that whether or not the complete withdrawal of American troops should take place within 8 months, 12 months, 15 months, or 18 months might well depend, as a practical matter, upon military information, intelligence, and assessments.

Mr. GOODELL. Mr. President, the answer is "yes." I think it might very well depend on these factors. However, I think that we have all had our briefings from the military at various times.

I believe it is quite clear that, if we accept the recommendations of the military, we will be there for a long time. It is their view that we should remain there.

It is quite evident that the reductions made by the President in the number of our troops abroad have been made over the resistance of many of our leaders in the Pentagon. So we cannot rely just on the recommendations of the Pentagon. Following the recommendations of the Pentagon is what got us where we are today.

If we are to get out, we had better start exercising some independent judgment on these matters. I know that the President is exercising such independent judgment.

Mr. GRIFFIN. Mr. President, let me even in disagreement, salute the distinguished Senator from New York for his resourcefulness and careful preparation. He always presented intriguing ideas when he was a Member of the House and is continuing to do so now as a Member of the Senate.

Mr. GOODELL. Mr. President, I thank the Senator. In spite of his disagreement, I am still very proud of the fact that I assisted in getting him elected yesterday as the Republican Whip.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. JAVITS. Mr. President, the bill will probably be referred to the committee on which I serve—the Committee on Foreign Relations. I assure my colleague that the measure will have the very earnest consideration of one member of that committee, at least, and, I believe, of all members of the committee. I can and will bring the matter clearly to their attention.

Back timing now, as we said in the Army, it seems to me that what the Senator has really done is that he has shown us that there is a way in which we can stop this situation. That is very important, because the Senator's bill would be a law passed by Congress. Congress does have the power to pull the purse strings—and shut off the money. When Congress shuts off the money, that is the power that Congress has to negate anything that the President can do.

This is important because the President, we know, has the power as the Commander in Chief to do many things. He put the troops in Vietnam. It was not this President, happily for us on this side of the aisle. But it was President Johnson in the main who did this. And he put them there supported collaterally, as the lawyers say, by a resolution, the Gulf of Tonkin joint resolution.

Mr. President, if we were to repeal that resolution, we would not be doing too much. However, if we were to cut off the money, we would be doing everything.

The Senator renders a singular service, in my judgment, by showing Congress how it can exercise its power, if it chooses. We may not go along with the Senator right now. And I would not go along with him right now. I am telling the Senator that in a very straightforward manner. However, it does provide a tool if we want to use it.

It is critically important that the President understand at a time when the relationships between the President and the Congress on foreign policy are being realined, as shown in the debate on the military procurement authorization bill, that we are not powerless.

I think that merely by introducing the bill, if nothing else happens, the Senator has rendered a very singular service.

As to the merits of the matter, there may be a great many imperfections in respect to the practicality of the bill. We may simply be physically unable to do it.

There may be a very good case for logistic support of the South Vietnamese, even if they have to take over, as I want them to do, the whole combat responsibility. However, again, the idea of emphasizing the phasing out of the U.S. forces from combat responsibility is the only course open at this time.

Paris is stalemated, as the Senator knows. I have been there recently. The Thieu government is not broadening its base. It is narrowing its base. It is becoming less and less willing to negotiate on its own.

There is only one course remaining. That is to say, "You take it over. It is yours. The heat is on you." Then, they might see things differently.

This is the course I have pursued. I am pleased that my colleague has joined me in that effort.

I fully support the idea that the combat responsibility must be shifted as quickly as possible from the United States to the South Vietnamese.

I assure the Senator that I will pursue the matter as a member of the Committee on Foreign Relations and otherwise, as the Senator himself will do, as a Senator and as a man of distinct importance in our country.

I think the Senator has done us a service in showing that the power of Congress is there. That is what is meant by the power of the purse.

The Senator calls for the utmost use of that power. We may not choose to use it at this time. I do not think that we should but the Senator has shown us that that power of Congress is still possessed by Congress. It has been a very singular contribution.

I assure the Senator that the matter will be treated with great seriousness by me and by many of my colleagues. It will have an important place in the historic resolution of a dreadful war. And the Senator has accurately described this dreadful war in which the United States has become entangled, seemingly, if we listen to many people, with no way of getting out.

We refuse to accept that statement that we cannot get ourselves out. It is untrue. The Senator has helped very materially in this regard.

Mr. GOODELL. Mr. President, I appreciate the comments of the senior Senator from New York.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOODELL. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I agree that the junior Senator from New York has made a contribution to the situation as it relates to our predicament in South Vietnam. I do not suppose that I could agree with everything he has said. Particularly, I would not set a definite date for the withdrawal to occur.

I feel, however, that what the Senator has said will be welcomed by millions of people, and there are millions of people in his own State, as contrasted to my State. I believe that his contribution has been worthwhile, although I realize that there will be other views, many different views, as to what should be done to end this war in Vietnam.

I compliment the distinguished Senator from New York and I hope that he gets reelected.

Mr. GOODELL. Mr. President, the Senator's voice is one of the strongest independent voices in the U.S. Senate.

The views of the distinguished Senator from Vermont are very highly regarded by everyone in the country on all matters, but particularly on matters of foreign relations.

The words of the Senator are very heartwarming, as are the words of my distinguished colleague from New York. I deeply appreciate it.

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an article from the New York Times of Sunday,

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September 21, 1969, on Cyrus Vance's plans for a ceasefire.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE VANCE PLAN FOR A VIETNAM CEASE-FIRE

(By Robert Kleiman)

A 30-day race against time brought the first Vietnam war to an end at the 1954 Geneva Conference.

A simple two-word agreement on "temporary partition"—a phrase that never appeared in the official record—made peace possible. The outline of that agreement was found by Pierre Mendès-France in Foreign Ministry notes taken during private conversations held in Geneva, as he prepared to ask the French National Assembly for investiture as Premier. That is what led him to make his famous wager—that he would negotiate a settlement in a month or quit—a wager won him the Premiership and ended the war. Once the principle of partition had been accepted by both sides. Mendès-France realized, all that remained was to settle the details.

Is there a simple key to ending the second Vietnam war in 1969? Ambassador Cyrus R. Vance believes there may be. The former Vietnam peace negotiator thinks that that key is a "standstill cease-fire."

The attractiveness of the Vance Plan is that it is a proposal to negotiate a division of power—and territory—based on current realities. It would, simply, freeze the status quo and establish a modus vivendi between the contestants in Vietnam's two-decade civil war. Can it be done?

The leopard-spot distribution of Vietcong areas in South Vietnam has led some analysts to dismiss partition as an impossible solution. Most students of the problem in 1954 took the same view—for precisely the same reason. The Communist Vietminh then held areas in South Vietnam almost identical with those held by their Vietcong successors today, and held a similar though stronger position in the North.

But two young Frenchmen—one a diplomat, the other a colonel—believed otherwise, and devised a scheme. Foreign Minister Georges Bidault, a hawk who wanted to continue the war, brought it in his pocket to the Geneva conference for use if American intervention could not be obtained. The formula, without details, was suggested privately to a Vietminh delegate, Col. Ha Van Lau, who is now a delegate to the Paris peace talks.

Many weeks later, his agreement in principle was given on condition that the territory allocated to the Vietminh have the "character of a state," which he defined as an area with a capital and a port. It was a clear bid for the region of Tonkin, with its capital at Hanoi and its port at Haiphong.

Ha Van Lau's hand was on a map of Vietnam, covering that northern region, as he spoke. When his French interlocutor asked how far south he proposed to place the partition line, he moved his fingers into Annam Province and out again quickly, replying, "Not very far."

The cease-fire settlement of 1954 evacuated hundreds of thousands of French and Vietnamese troops from North Vietnam to the South, followed by a million civilians, mostly Roman Catholics. In the South, Vietminh forces regrouped into five zones and, later, 80,000 Vietminh troops and many of their families were evacuated to the North.

Beginning on this page are questions I posed to Mr. Vance, and his replies.

Q. *Mr. Vance, why are the peace talks stalemated in Paris?*

A. In my judgment, because there has not yet been proposed a realistic political-military package which could provide the basis for a settlement.

Q. *Our side is proposing mutual withdrawal of external forces and free elections run by a joint electoral commission, including the Communists. The Communists are proposing an interim coalition government to conduct the elections. Is there nothing negotiable here?*

A. As presently formulated, neither proposal is acceptable to the other side. For example, Hanoi and the National Liberation Front (N.L.F.) have made it clear that they are not going to discuss mutual withdrawal until the shape of the political settlement has been generally outlined. On the other hand, Saigon (the G.V.N.) has made it clear that it is not going to agree to the N.L.F. demand that it step aside in favor of a coalition provisional government. A middle ground has to be found which bridges the differences between the two sides.

Q. *What do you propose?*

A. That we change our strategy so as to cut down the fighting, and also put on the table in Paris a political-military package which proposes negotiation of a standstill cease-fire as the first order of business. This latter element is tremendously important because merely to propose it is to recognize the military, territorial and political status quo. It is necessary, in my judgment, to recognize the status quo to get serious negotiations.

I'm convinced that President Nixon is determined to achieve peace in Vietnam. In order to do this, I believe a new initiative is required.

Q. *What do you mean precisely by a standstill cease-fire?*

A. A simple cease-fire is one in which the writ of the Saigon Government would run throughout the country. Obviously, that would not be accepted by the other side, as they would view it as a surrender.

In contrast, a standstill, or cease-fire in place, recognizes the status quo. Each of the sides remains in place, takes defensive positions and stops all offensive actions. Free movement of trade, civilians and unarmed military personnel would be permitted throughout all areas of South Vietnam. Procedures would be developed to permit the movement of the required logistics for the military forces of both sides. During the winding down process, it would have to be agreed that local incidents of noncompliance would not justify departure from the general cease-fire. Further, the principle that no military or political advantage should be gained by either side throughout the period of the cease-fire would be recognized by the parties.

Q. *How could you assure that?*

A. There would have to be, first, an assurance that no Government troops would enter the areas under N.L.F. control except with the approval of the local government. This is a commitment somewhat like those made in the past to the Hoa Hao and Cao Dai sects and to some of the *montagnard* provinces. In return, Vietcong terrorism in areas controlled by Saigon would have to cease.

Second, an understanding would be needed that in the areas which are currently under N.L.F. control, the authority of existing local officials of the "liberation committee" would be recognized, pending elections, and that appointments of Saigon Government officials within those territories would not be made over the objections of the local authorities. There is precedent for this. Similar arrangements have been made in the important areas controlled by the Hoa Hao and the Cao Dai. The kind of Saigon Government officials that I have in mind are those from the civilian ministries, such as Agriculture and Health.

Third, there would be recognition, pending elections, of N.L.F. control over taxes in its areas and N.L.F. use of such taxes for local purposes. Again, this is a procedure similar to that currently being used in Saigon-controlled rural areas. Moreover, the N.L.F. already collects taxes in these areas.

Further, you would need a recognition by the Saigon Government of the legality of decrees by N.L.F. liberation committees on land tenure, unless Saigon first moves to institute its own program for land reform.

Q. *Now, isn't this in effect, a kind of partition of South Vietnam?*

A. In a sense it's a partition. But only by recognizing the realities that exist are you going to find a basis on which the two sides can negotiate a settlement.

Q. *The places now partitioned—Germany, India-Pakistan, Korea, North and South Vietnam, Berlin, Ireland—are divided by a fixed line, two in the case of India-Pakistan. But in South Vietnam there is a leopard-spot division of territories, cutting across roads, railroads, canals, separating cities from their countryside. How can partition work in that kind of a jigsaw puzzle?*

A. What I believe you would end up with is essentially a form of federation with the various local entities and their people represented in the national legislature, thus giving them a voice in the national government. At the local level you would have control resting in the hands of those who control the territory now.

Q. *How would you prevent violations of the agreements?*

A. The most practical mechanism to guard against violations of the cease-fire would be a modified International Control Commission (I.C.C.). The I.C.C. created by the 1954 settlement in Geneva consists of three parties—India, which serves as chairman, Canada and Poland. This peace-keeping force—either alone or in coordination with a joint military commission similar to that set up by the French and the Communist Vietminh in 1954—would establish and staff posts in the 43 province capitals and in the district towns. They would receive reports and make recommendations for the solution of difficulties and disputes. Local commanders would be instructed to comply with the recommendations of the local peace-keeping unit.

Q. *How many posts would you need?*

A. Perhaps 300 or so.

Q. *How many people would this involve?*

A. About 3,000. The posts could be small. The peace-keeping units would have to operate under majority rule; under the current procedures, the vote of one member can block action by the I.C.C. This would have to be changed. They would be guaranteed safe conduct and free movement to investigate reported violations rapidly.

Q. *Do you have any reason to believe that the Vietcong would accept majority decisions by the I.C.C.?*

A. They have never said either that they would or would not. But the Vietcong would have an interest in seeing that the peace-keeping force was effective. If the Vietcong is going to stop fighting, it will wish to be sure that its people will be protected, and therefore that it has effective machinery in place to which it can effectively appeal.

Now, I'm not suggesting that the Vietcong is going to turn in its arms, because that would be impractical during the period of working out the details of the political settlement.

Q. *You mean that they would continue to retain their own armed force?*

A. That's right.

Q. *On a permanent basis?*

A. No, on a permanent basis the nature and size of military forces that would be permitted is a matter that would have to be negotiated. Assuming a confederal type of settlement, one possibility is that the N.L.F. forces could become the local element of the national government forces in the particular area in which they lived.

Q. *How can you define the status quo territorially when so much of the country is contested territory, under the control of Saigon in the daytime and under the control of the Vietcong at night?*

A. This would have to be negotiated between Saigon and the N.L.F. in Paris.

Q. *In the end, they would wind up trading some areas for others—some areas would be given to the Vietcong and others would be given to Saigon?*

A. That's the case in any negotiation. In some disputed areas, the negotiators might agree to determine the majority allegiance by local balloting.

The idea of a leopard-spot federal or confederal solution is not a new theory, as you undoubtedly know. It has been discussed in Vietnamese circles and elsewhere. What has not always been seen clearly is that a proposal for a standstill cease-fire would almost automatically shape the solution in that way.

Q. *What about the people who live in these areas? Would they have to remain there?*

A. There would have to be complete freedom of movement for all civilians.

Q. *Anybody who didn't want to stay in a zone allocated to the Vietcong could move into another area?*

A. That's correct, and I would foresee elections in all areas eventually so that the people of South Vietnam would have a voice in determining their future.

Q. *Do you think this movement in population would take place before the elections?*

A. In a number of areas, yes. In others, there would be little movement. I would expect that local elections would precede national voting. You would first have elections of local representatives at the hamlet and village level, and perhaps at the provincial level as well. The elections, in areas where the N.L.F. is clearly in control, would obviously reflect the realities that exist on the ground. The same would be true in those areas where the Saigon Government is clearly in control.

Then you would have elections for the National Assembly—both the lower and upper houses—with all South Vietnamese entitled to vote. In this connection, I think you could expect to see the resulting legislature composed of various political, religious and ethnic groups.

Finally, there would be the election of a President and a Vice President.

Q. *You see this as a series of elections rather than one election?*

A. Probably. But the timing of the various elections would be for the parties to decide. What you would end up with, then, would be strong local governments in various areas which would be controlled and dominated by the N.L.F., as they actually are on the ground today. The Central Government's role in these areas would be a weak one. In other areas you would see the local governments dominated by Saigon. And in a third group of areas you would have sort of a mixed bag, with a center group emerging that is not aligned with either Saigon or the N.L.F. I think there is a large segment of Buddhists and others who fall into this category. It's a sort of third force that exists in all parts of South Vietnam.

Q. *Do you think they might be drawn into some local as well as national role as a buffer between the two major political forces that are armed?*

A. I think that's possible. You would also probably have Hoa Hao, Coa Dai and montagnard autonomous areas in the federation.

Q. *Who would conduct the elections?*

A. The elections would be conducted under a broadly representative electoral commission with the N.L.F. and the Saigon Government participating, and both sides pledged in advance to accept the outcome.

I want to make it clear that what I am suggesting is not a winner-take-all electoral solution. I don't think that either side is going to be willing to accept a winner-take-all election. The risks to each are too great, because in one fell swoop either might lose what it had been fighting and dying for over many years.

Q. *Is it your assumption that the N.L.F. would give up the idea of sharing power nationally through a coalition government? Are you saying that it would settle for minority representation in the national parliament if it were assured virtual local autonomy in the regions that it now controls?*

A. I think so. In the settlement I've outlined, the two sides would divide and territorially control rather than seek to govern jointly through a coalition government at the start. The N.L.F. would be accepting a trade-off, obtaining local control by giving up its demands for a strong position in the Central Government. It would see the prospect that it might increase its political power later by peaceful competition. Meanwhile, it would be guaranteed what it has achieved on the ground over the years.

Q. *Is this the essence of the political-military package you are proposing for the Paris talks?*

A. Yes. But there are other important elements as well. Let me say first that this plan did not spring to life overnight, nor is the process by which my conclusions evolved in this direction a unique one. The thinking of many students of the problem has helped to shape my thinking. Clark Kerr's Committee for a National Political Settlement in Vietnam, with which I have associated myself recently, saw the need very early for a package proposal of this kind. Similar proposals have been examined within our Government. There are six essential elements in the political-military package:

1) A standstill cease-fire. 2) Self-determination for the South Vietnamese through free elections. 3) A broadly representative electoral commission with N.L.F. participation that could determine what changes are needed in the Constitution and election laws, and could then conduct the elections. 4) An international peace-keeping force. 5) A sweeping land-reform program. 6) Medical aid and relief to North as well as South Vietnam to bind up the wounds of war, along with economic assistance.

Q. *One objection to the cease-fire approach is that the other side is a clandestine movement engaged in subversion and the use of terrorism. It moves by night under cover. Its activities would be difficult to regulate while the movement of the South Vietnamese Army and police in uniform would be controlled by the cease-fire. How would you get around that objection?*

A. From what we have been able to observe over the years, it appears that the North Vietnamese and the N.L.F. have the ability to exercise firm control over the action of their troops in the field. I think there's good reason to believe that an agreement would be carried out if the instructions to do so were given by the commanders of the North Vietnamese and N.L.F. forces. Moreover, you would have the peace-keeping force policing the cease-fire. I want to underscore the fact that the recent three-day truce is not a valid indicator of what might happen in the future because the G.V.N., according to reports from South Vietnam, did not observe the truce.

Q. *How could you control political infiltration and terrorism, and the use of threats, to extend N.L.F. political control during a period of cease-fire.*

A. As I have indicated, you would have either the I.C.C. or the I.C.C. together with a joint military commission, which would police the cease-fire and to whom complaints could be made about violations. In my judgment, this would act as a deterrent.

I'm not suggesting that there might not be a rather messy situation when the cease-fire was put into effect. There undoubtedly would be violations, and people would be injured and killed in the process. It would be misleading if I didn't make it very clear that this is to be expected.

On the other hand, as the situation exists today, taking the total casualties on both sides, many hundreds are being wounded or killed each week. If there were a standstill cease-fire, the casualties would be very substantially reduced—if not eliminated—even with the violations you would have to expect.

Q. *I suppose you would have as a deterrent the fact that Saigon's forces could always resume the fighting if they felt the Communists were taking advantage of the cease-fire?*

A. Yes.

Q. *The Saigon secret police would also, presumably, be functioning. Might there be a kind of tong warfare and clandestine undercover fighting going on in some of these areas?*

A. I'm sure you would have all kinds of violations of the cease-fire from time to time in various places throughout the country.

Q. *Now, another objection that is raised is this: If you had a standstill cease-fire, the N.L.F., which has set up a phantom provisional government, would be able to announce a capital and proclaim themselves there as the Government of South Vietnam. This is something they have not been able to do at present. Although they control large regions clandestinely, there is no part of the country which the South Vietnamese Army and the American forces cannot seize if they wish. But if there were a cease-fire, the army of Saigon would not be permitted to enter N.L.F. areas. The argument made by the Saigon Government is that the political position of the N.L.F. would be upgraded very substantially, if it could set up a secure capital. What do you think of this arguement?*

A. It is possible that the N.L.F. might take that action. But assuming that were done, I believe it is questionable that it would materially change the situation.

Q. *The final argument that's made against the cease-fire approach is that all these arrangements would weaken the Saigon Government, and its position might disintegrate. Is the Saigon Government that weak?*

A. If the G.V.N. broadens its political base and takes the initiative for peace, it should be able to win the support of a broad spectrum of the South Vietnamese people. But it must broaden its political base.

Q. *Do you see any broadening in the new Cabinet and in the replacement of a civilian Prime Minister with General Khiem?*

A. No, I think it was a step backward. In my judgment, it is essential that President Thieu promptly name a strong advisory council with a very broad political and religious base.

Q. *If the United States is withdrawing from Vietnam, does it have the right any longer to tell the Saigon leaders how to constitute their Government? We can't have it both ways, can we?*

A. The United States has made a great expenditure of lives and blood in Vietnam, and I think we have the right to urge what we believe is required to end the fighting and give some hope of stability for the future.

Q. *In other words, unilateral withdrawal or even a mutual withdrawal of the American and North Vietnamese forces might lead, not to peace, but to a continuation of the war?*

A. If you could get mutual withdrawal of North Vietnamese and United States forces, it might put pressure on both the N.L.F. and the G.V.N. to reach a political accommodation. But most important, we must try to stop the fighting now and capture the initiative for peace. If the United States were to come forward with a proposal calling for a standstill cease-fire, it could have a profound impact throughout the world. In my judgment, it would gain the support of world opinion. And even if the cease-fire proposal were turned down initially, it could be left on the table and world opinion would in time have its effect on the parties. As you know, both the North and South Vietnamese are very sensitive to world opinion.

Vietnam has been riven by war for many, many years. I think there's a great desire for peace among the Vietnamese people, North and South, running from the grass roots right up through all segments of the society. If a broadened Saigon Government were to offer the country peace and land reform, the other side would have to respond.

Q. *How does land reform fit into the peace negotiation package you are proposing?*

A. I hope that it will pass the Saigon legislature quickly, transferring all tenant-farmed land to the peasants who are tilling it. In my judgment, the land-reform program would have a major political effect throughout South Vietnam. I would think it would be of great concern to the N.L.F., and it could become a useful subject of negotiation with them. You might offer to withhold putting the program into effect in N.L.F. areas, pending a working out of the political settlement with the other side.

Q. *How could the N.L.F. come out against distributing the land to the peasants?*

A. They would claim they already had done that and that it was unnecessary for the Saigon Government to take any action in their areas.

Q. *What makes you think Hanoi wants to negotiate a settlement? Might they not think now that they only have to sit tight and the United States will pull out?*

A. They might, but one indicator is that they have shown great interest on a number of occasions in economic and technical assistance from the United States in the postwar period. Another indicator is the quality of the negotiators Hanoi has sent to Paris, which leads me to believe they have come to make a settlement, not to stall indefinitely. We were impressed by their serious attitude, their skill and precision and their courtesy. I also want to make it clear that the G.V.N. has also sent very able people to Paris.

Q. *Do you think American aid to North and South Vietnam would help to guarantee that the peace agreements would be carried out?*

A. It could have an important effect. I believe that the North Vietnamese want to remain independent of both China and the Soviet Union. To the extent that they could receive assistance elsewhere, it would fortify and strengthen this position. You will recall that both Hanoi and the N.L.F. have said that they look forward to good relations with the United States after the war.

Q. *Do you think the N.L.F. is serious about its stated desire to assume a neutral posture along with the rest of Southeast Asia?*

A. I hope so, but only time can tell.

Q. *The settlement you propose, then, would not terminate the political or economic role that the United States plays in Southeast Asia in support of national independence by countries in the area?*

A. No. Our Government has said on many occasions that it is prepared to take a very active role in supporting economic development for all of the peoples in Southeast Asia, including the North Vietnamese.

Q. *Would the federation within South Vietnam that you foresee ultimately join in a confederation with North Vietnam, or unite with it in some other way?*

A. That would be up to the North and the South to negotiate. My own feeling is that both North and South want some form of eventual unification. Indeed, I have heard individuals on both sides say that they wish to see North and South Vietnam eventually joined together in some way. Members of the N.L.F. have spoken to the press about a period of five or ten years before unification with the North.

Q. *Is there a political inhibition against early reunification?*

A. I think there's little question but that Southerners are Southerners in Vietnam. They want to pull themselves together politically so that they can deal with North Vietnam on an equal basis, rather than be taken over. The Saigon Government and the N.L.F., too, I believe, have suggested that the first steps be trade, exchange of letters, the movement of families back and forth from North Vietnam to South Vietnam and vice versa. The fact that South Vietnam had abundant rice was a very important factor in the past in trade with the North.

Q. *If Hanoi doesn't respond to all our offers, do you think we ought to continue unilateral withdrawal?*

A. Yes. I think that we can and should remove substantially larger forces than we have so far. We must try to bring about an end to the fighting now, but, if we can't, we ought to turn it over to the G.V.N. as rapidly as possible.

Q. *Would your objective in pulling out be to force Saigon to negotiate seriously?*

A. In part.

Q. *Do you think we are now in a period of de-escalation, and that if we reciprocate....?*

A. The only way we'll ever know is to test it. That's why we ought to come forward at this point and put on the table a proposal for a standstill cease-fire and for a realistic political settlement. We have nothing to lose by doing it, and everything to gain.

Q. *What would you do to deescalate in response to a lull?*

A. I would cut back on the search and destroy operations, and cut back further on the B–52 operations.

Q. *Why would you cut back on the B–52 operations?*

A. B–52 operations was one of the subjects that the other side raised many times in Paris. Because of the importance the other side attaches to these operations, cutting them back further might provide the initiative for the cutting down of hostilities by mutual example. It is important to remember that it would be unrealistic to expect an immediate response from the other side. These things take time.

Q. *What effect will Ho Chi Minh's death have on the Vietnam war and the Paris peace negotiations?*

A. I don't know. The death of a charismatic leader who over the years was strong enough to reach compromises, as he did, with the French in the nineteen-forties and nineteen-fifties may lessen the chance for peace. On the other hand, there will undoubtedly be a period of uncertainty in the aftermath of his death during which there will be a struggle for succession. It may well be, therefore, that the collective leadership, while sorting out their own relationships and those of their country with other countries, may want to take a fresh look at the situation.

In any event, we should seize this opportunity to open up a new path toward peace. To this end, we should propose a practical political-military package which could provide a basis for a settlement.

UNITED STATES-MEXICAN COOPERATION IN DRUG CONTROL

Mr. JAVITS. Mr. President, newspaper and television coverage has focused public attention on the dramatic campaign now underway to interdict the mammoth traffic in illicit drugs across the United States-Mexican border. Allegedly, nearly all of the high-potency marihuana and a significant percentage of the heroin consumed in this country enter the United States from Mexico. As the report of the President's Task Force on Narcotics, Marihuana, and Dangerous Drugs rightly stresses:

> The problem of illicit trafficking across the Mexican border is bilateral in nature. Neither country can solve it alone.

Given the bilateral nature of the problem, it is fortunate, in my judgment, that the authorities of the Republic of Mexico have adopted such a cooperative posture. The control of illicit drugs in Mexico is based on Federal statutes which are enforced by the Federal judicial police under the Attorney General of Mexico.

However, the fact of the matter is that the Mexican authorities are restricted in their efforts to enforce their own laws by a shortage of modern equipment and trained manpower. There is a special need for helicopters to aid in surveillance, discovery, and destruction of illicit crops. And, the increasing consumption of both marihuana and heroin in the United States has placed greatly increased strains on the limited capabilities for surveillance at the disposition of the Mexican authorities.

On occasions in the past, the United States has provided Mexico with aircraft for use in locating marihuana and opium fields, and for transporting agents to destroy these fields. I believe that this successful precedent should be used to provide significant material assistance to the Mexican authorities on a lend-lease basis in connection with the current campaign.

Inasmuch as the question of U.S. technical and material assistance is likely to be an important item of discussion at the next ad hoc meeting of United States and Mexican authorities—a meeting which will probably take place in Washington during the month of November—I urge the President to make available a program of U.S. technical assistance to Mexico including transport—helicopters and aircraft—and communications equipment on a lend-lease basis for the purpose of attacking the problem of illicit trafficking in drugs across the United States-Mexican border.

As to a joint United States-Mexican program against traffic in marihuana, I wish to make it clear that I do not thereby claim any wisdom, fairness, and efficacy in the current laws on marihuana. I am all for finding out scientifically as soon as possible about marihuana and its effects, concerning which there is so much controversy. I believe until we do find out more about marihuana, the proper course of action is to work to get the oppressive laws on penalties and prosecution reformed, but not in the meantime to allow the country to be inundated with marihuana because we cannot dam up the flood of it from Mexico.

I hope the administration will take my suggestions seriously on this subject.

Mr. DODD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DODD. Mr. President, I thoroughly agree with the Senator's statement. I think it is a very helpful statement. These facts need to be called to the attention of Congress and the American people.

The Senator will recall that he joined me in a discussion of the situation on the Mexican border several years ago. I know I had his support, sympathy, and advice on this subject.

We agreed then that we thought something should be done to stop the flow of these narcotics into the United States, and we tried to get it done and we tried to do some of the things the Senator suggests today.

This is perhaps the beginning of the end—of this situation on the border and I think the Senator deserves great credit for raising this subject on the floor of the Senate at this time.

Mr. JAVITS. I thank the Senator. I do recall our cooperation, which I welcomed, as I was then a member of the Committee on the Judiciary, on which the Senator serves so importantly.

The genesis of this idea comes from the fact that I serve on the Subcommittee on Latin America of the Committee on Foreign Relations, of which the Senator is also a member. I have gotten some ideas in that regard, and though they are in foreign policy, they bear on the drive which the United States is just setting up.

I am very grateful for the Senator's support.

U.S. RECOGNITION OF FOREIGN GOVERNMENTS

The Senate resumed the consideration of the resolution (S. Res. 205) to set forth as an expression of the Senate a basic principle regarding the recognition by the United States of foreign governments.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I am deeply honored to be joined by the senior Senator from Vermont (Mr. AIKEN) in cosponsorship of the pending resolution. I know of the Senator's long experience in this field and of his great knowledge and prestige in this body and in the Nation with respect to foreign policy. His joining in this effort lends great strength, and I thank him for his helpfulness.

The resolution that Senator AIKEN and I have proposed is designed to make it plain that when the United States recognizes a foreign government, that act does not in itself imply that we approve that government, its policy, its behavior, or any particular aspect of that government. It simply states that when the United States recognizes a foreign government, there is no connotation beyond the fact that we have recognized it, and therefore propose to seek to talk with it and to conduct business with it.

This, in effect, would clarify a great deal of confusion that exists about American recognition policy in world affairs. It would dispel some unfortunate clouds which presently surround our recognition policy and lead some—people in other lands and many Americans—to wonder what we stand for. It would return America to its original recognition policy, the policy that our Nation followed with great success in the days of Jefferson, Madison, Monroe, Adams, and other early leaders of our land.

In the early 1890's we began to leave that original recognition policy when we opted for dollar diplomacy. This caused a great deal of difficulty in our relations with other nations in this hemisphere. Two decades later, the dimension of democratic legitimacy was added to our foreign policy in terms of its recognition aspect, and this led to still greater problems and difficulties. More than once, the policy of nonrecognition was followed by absence of any communication, then by deepening misunderstanding. This in turn has led us on into military intervention in the affairs of the nation we have failed to recognize.

Nonrecognition has never really succeeded either in bringing down or coming to terms with a hostile regime. Often, nonrecognition has seemed to help more that it has seemed to hurt the nation that we have failed to recognize. Lack of communication and lack of understanding can lead to war among the people of this planet, and that is the most significant danger in our present policy.

What we lack is a fundamental principle in our policy that makes plain what recognition means and what recognition does not mean. Certainly, there are values that we want to preserve, protect, and project in this world. But let us seek effective ways to do that, and let us abandon ineffective ways. Nonrecognition makes it difficult for us to transmit our values and to state our purposes clearly. It deprives us of an opportunity to declare and discuss our policies and principles with others and to measure more effectively the effectiveness of our actions. It prevents us from exerting influence and from gaining intelligence and insight into the affairs, views and plans of other people and other governments; it holds increasingly grave risks of war out of misunderstanding in an age in which an atomic Armageddon is an ever present danger.

It is primarily for these reasons that the Senator from Vermont and I have offered this resolution, and I trust that it will have support of this body.

DOES OUR RECOGNITION POLICY NEED REDEFINING?

Mr. DODD. Mr. President, as I pointed out in my individual views, I am opposed to Senate Resolution 205 on three basic grounds.

First, the resolution is superfluous because, as the State Department pointed out, it simply "reflects the established position" of the U.S. Government, going back to the founding of our Republic.

I am opposed to it, secondly, because it is bound to generate confusion by conjuring up a pretended confusion where none, in fact, exists.

Contrary to the implications of the resolution's preamble, we have never in our long history made recognition dependent on political approval, or construed recognition as signifying our political approval.

I am opposed to the resolution in the third place because, in the name of giving the State Department greater flexibility, Senate Resolution 205 may wind up by restricting the flexible recognition policy which successive administrations have followed in the past.

I do not say this is the intent of the Senator from California. But I wonder what is in the minds of some of those who are behind it, who are not in the Senate but outside.

Is it an effort to establish a policy of recognizing every country in this world, without respect to our national interests? I am afraid that this will be the next step. And that would be a change in our policy.

We would be abandoning the position which we have held from the beginning that recognition should not be granted where it would not serve the national interest and that recognition, when it is granted, does not mean political approval or should not be construed as signifying our political approval.

It is impossible to think of a single useful purpose that the resolution before us would serve; and a resolution that serves no purpose should not be enacted, even if it does not hold the possibility of mischief, as this one, I fear, does.

The Senator from California (Mr. CRANSTON), who has sponsored this resolution, denies that it is "a camouflaged attempt to bring about the immediate, unconditional recognition of Communist China." By the use of the word "denies," I do not mean I have any doubt about his denial. I am sure that is his thinking on this subject. But I wonder if there are not some who have been promoting the resolutions from other quarters who do have the recognition of China in mind.

Whether one supports or opposes the recognition of Red China, there might be some logic to the resolution if it were, in fact, intended to bring about recognition. At least we could debate and vote on it.

But if the resolution is not intended to clear the way for the recognition of Communist China, now or in the near future, then it is difficult to understand the motivation behind it.

The resolution holds that a half century of official statements have given Americans and foreigners the misguided impression that our recognition of another government implies approval of it.

But the record of the hearing failed to produce any specifications to support this contention.

Since the days of Secretary of State Thomas Jefferson, according to Mr. George H. Aldrich, Acting Legal Adviser of the State Department, our acts of recognition have not been intended to imply "approval." The basic, overriding consideration, Mr. Aldrich told the committee, has been "national interest."

The Senator from California has stated:

> The resolution is not intended to have us follow the lead of the United Kingdom in adopting a policy of automatic recognition of a new government.

The historical preamble which seeks to justify the resolution is as inaccurate in its reference to British policy as it is in its reference to American policy.

The fact is that we recognize 136 governments, including Castro's Cuba, and have relations with 117, while the

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United Kingdom, whose recognition policy is supposed to be virtually automatic, recognizes only 128 and Moscow recognizes only 99.

The Senator from California further argued that "we should carefully weigh the national interest of the United States before deciding to extend recognition." But this is precisely what our policy has been for almost 200 years.

The fact that we recognized Hitler, and Mussolini, and Trujillo certainly did not signify that we approved of their regimes.

Nor have I ever heard anyone argue that our recognition of the Communist governments of Europe and most of the motley succession of military dictatorships in Latin America signifies our approval of these regimes.

I happen to be one who thought and said that our recognition in a number of cases was ill-advised. But I never heard anyone answer me and say we approved of those governments.

We have withheld recognition from countries like North Korea, North Vietnam, Red China, and Rhodesia for the simple reason that we consider nonrecognition to be in our national interest.

On the other hand, during World War II we granted recognition to the governments in exile in London, even though these governments were not in de facto control of their countries, while we denied recognition to the quisling government in Norway and other quisling governments set up by the Nazis in the countries they occupied, even though these governments did enjoy substantial de facto control over their respective territories.

If we had pursued a policy which needed correction, then there might be some point to a Senate resolution like Senate Resolution 205. But even by the standards which the Senator from California and the majority report of the Foreign Relations Committee suggest, our policy of 200 years would have to be given very high marks. Indeed, I feel it meets the standards on every single point.

I question the wisdom of this resolution for the same reason that I would question the wisdom of a doctor who sought to persuade a completely healthy patient that he was ill, and then proceeded to prescribe a medicine for him.

This resolution is not needed because in seeking to correct a nonexistent confusion, it generates confusion; and in seeking to endow our recognition policy with enhanced flexibility, it may well wind up curtailing the complete flexibility we have enjoyed in the past in deciding on the issue of recognition or nonrecognition.

There is nothing wrong with our policy. That is my point.

The resolution is not needed because, in seeking to correct a nonexistent confusion, it will generate confusion.

If the resolution is agreed to, the newspapers, the radio, and television will say, We did something new here. They will say, we have changed our historic position. They will say, from now on everything will be different.

Adoption of the resolution, I fear, will encourage those who want to change our policy, who want recognition extended to certain governments that the American people do not want recognized.

I think the resolution may very well bring about the mischief I have referred to, so that ultimately there will be blanket recognition of every government.

I do not believe the Senator from California wants us to recognize Rhodesia. I believe that he is on record as saying he is opposed to the recognition of Rhodesia. I happen to be, too, because I do not think it is in our national interest to recognize Rhodesia. That is the policy of our Government.

But I fear that if this resolution is agreed to, there will be those who want to recognize Rhodesia for their own reasons, and they will say, that is what the resolution means, even though it may be contrary to the national interest of the United States of America to do so.

What I said at the beginning, I repeat in closing: that the resolution is not needed because there is no confusion to remedy. Not only will it generate confusion but in seeking to endow our recognition policy with enhanced flexibilty, it may well wind up curtailing the flexibility we have enjoyed in the past in deciding on the issue of recognition or nonrecognition.

Mr. President, I have no illusions. I know that this resolution will be agreed to, as I was sure it would be from the beginning.

It is understandable that it will be approved. It sounds so sensible, people will think that if we pass this resolution, recognition will not therefore be construed as implying political approval.

If we keep saying that, pretty soon we will get people to think that before the resolution was passed political approval was a basis for our recognition, when the facts are 100 percent to the contrary.

I make this statement for the sake of the record, with the further observation that if any effort is made to use the resolution to extend recognition to countries to which recognition should not be extended in our national interest, someone will take the trouble to look at what has been said here today.

Mr. President, I hope that the resolution will not be agreed to. I shall not ask for a record vote. I do not care to delay the Senate. I know what will happen. It has happened before. It will not be the first time. I pray it will be the last time.

Mr. AIKEN. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I am very glad to join the Senator from California in sponsoring the resolution.

I can assure the Senate and the country that it is not a resolution looking to the early recognition of Communist China establishing a U.S. Embassy there. I realize that many other countries in the world have recognized Red China. I also realize that a great many of our industries in the United States would like to be able to do business with China without going through a third party in some other country.

The Senator from California has explained the purpose of the resolution, so I shall not dwell on it any longer. I should like to make a few points.

The State Department has no objection to the proposed resolution. I cleared the wording of it with the State Department before it was submitted to the Senate.

The resolution merely proposes that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, that the recognition does not of itself imply that the United States approves of the form, the ideology, or the policy of the foreign government that we recognize.

In other words, the resolution is a polite way of telling a country, "We can do business with you. We recognize that you are there, but we do not have to like you."

We have the responsibility of helping to break down the artificial barriers which have been constructed among ourselves and other parts of the world.

It is important, if we are to have peace in the world, that at least we talk with those who represent the governments of other countries. Our attitudes toward other countries change tremendously. If one reads history, he will be amazed at the revelations which appear there.

Take Cuba, for instance. Only 10 years ago, nearly everyone in the United States was rooting for Castro to win the revolution in Cuba. At that time, American interests owned or controlled 70 percent of the economy of Cuba. It was not long after that Cuba became anathema to much of the citizenry of the United States.

Take Russia, whom we have to watch carefully today, and I believe with good reason. Yet, during World War II, Russia fought on our side and lost a total of 16 million or more men killed while fighting with the Allies.

Take Germany, the most powerful enemy, perhaps, that the United States ever had. It is now one of our best customers and one of our foremost allies.

Take Japan. Today, Japan is our best customer. Only a few years ago, Japan was the worst enemy we had in the Pacific.

Take China, with its 800 million people. China was opened and developed largely by American business interests. For a long time China was looked upon not only as a fertile trading ground but also the Chinese people were considered to be strong friends of the United States. I expect that they would be today, if they had the opportunity.

Mr. President, those are some of the countries I point out as examples of why we cannot have any permanent rules which spell out whether we should recognize a country.

In the short history of the United States, we have fought for and against every major country on the face of the globe.

Mr. CRANSTON. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

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Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. But we cannot change the fact that all those countries—temporary friends and temporary foes alike—are still there. This is a fact of life.

We had our troubles in World War II. Who was it that held Hitler back a year from overrunning Southeast Europe and the Middle East? Yugoslavia, that is who. Who kept Russia from overrunning Greece, about the time General Eisenhower became President, and bringing all of Southeast Europe within the orbit of the Soviets? It was Yugoslavia. And how did she do it? She did it with guns and ammunition furnished by the United States. Fortunately, she did not have to go to war, but the fact that those guns and ammunition were in Yugoslavia kept Russia from going into the Middle East. This also kept Greece and other countries in that area from falling into the Communist orbit.

Also as long as we are talking about history, I would ask my colleagues to consider who made it possible for Russia to dominate Poland and Czechoslovakia? The United States, in the meeting at Yalta. That is when Europe was divided into two spheres of influence and the countries of Eastern Europe were placed in the Soviet orbit.

Speaking of Rumania, where private investments are now encouraged, the Government of West Germany, as well as private investors, have large investments in that so-called Communist state.

Rhodesia has been mentioned. I think it is ironic for the United States to discontinue its purchases of precious minerals—titanium, platinum, and chromium—from Rhodesia, thus forcing Rhodesia to put those minerals on the world market, where they can be purchased by Russia and sold to us at a substantial profit. It does not make sense. In private business, that would not be considered good business at all.

Then again, if we are worrying about an approach to communism and an approach to socialism, I might say that yesterday this Senate voted for a Federal welfare program which goes far beyond that in some of the other countries which we criticize today. I do not think the food stamp bill will become law in its present form, but if it does we will have some of the countries of Eastern Europe trailing behind us.

I think we are doing right when we say the recognition resolution cannot do any harm to the United States at all. It does not involve the recognition of any country which we do not want to recognize. It cannot hurt our position in the world, and may even help us to live in a friendlier world.

That is why I wholeheartedly support the resolution of the Senator from California, which I have had the privilege to cosponsor with him.

Mr. MILLER. Mr. President, I should like to address a few questions to my friend from California, who is managing the resolution.

To me, one thing that could cause concern is not so much what is in the resolution as what is not in the resolution. For example, if we adopt the resolution, we resolve—

> That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

Then the question comes up, What happens if we do not recognize and exchange diplomatic representatives?

I would like to ask my colleague whether the intention behind this language would include the following interpretation: that the failure to recognize and exchange diplomatic representatives does not of itself imply that the United States disapproves of the form, ideology, or policy of that government.

Mr. CRANSTON. Mr. President, let me say first to the Senator from Iowa that we endeavored to draft a resolution that would spell out what "recognition" means, and we found it exceedingly difficult to do. In consulting with the State Department, we came to the conclusion, with their advice, that we not try to spell out what was meant because we would get into too complicated a situation.

So, in direct answer to the question of the Senator, yes, that would be the implication. The implication would be if we did not recognize, that did not necessarily imply we did not approve. There might be some other reason for not recognizing the Government.

Mr. MILLER. I can see, for example, some misinterpretation—and I would like to get this matter clear for the RECORD—on the part of some superficial observers interpreting the failure of the United States to appoint an ambassador for a prolonged period of time is by itself an implication that the United States does not approve of the form, ideology, or policy of that Government.

Mr. CRANSTON. The purpose of the resolution is to make very plain that nonrecognition has no such implication or significance.

Mr. MILLER. Further, I would presume that the mere fact that there is no recognition or exchange of diplomatic representatives with a foreign government does not imply that the United States does not recognize the existence of such government.

Mr. CRANSTON. The Senator is absolutely correct in that assumption.

Mr. MILLER. As I read the committee report, the Senator testified before the Foreign Relations Committee that—

> In the first place, this resolution is not a camouflaged attempt to bring about the immediate, unconditional recognition of the Government of Communist China.

By the use of the word "unconditional" he implied that there could be conditional recognition. My question is: In the resolving clause of the resolution, where it says that "it is the sense of the Senate that when the United States recognizes," by the word "recognizes" does the Senator mean both unconditional and conditional recognition?

Mr. CRANSTON. That is correct; and the word "unconditional" was used there in that testimony for a different purpose.

Mr. MILLER. I thank my colleague.

Mr. CRANSTON. I thank the Senator very much for his penetrating questions.

Mr. AIKEN. Mr. President, if the Senator will yield, may I add that I think the U.S. Government would be very happy to recognize at least one, possibly more, friendly countries today where we do not now have ambassadors but where the country is covered by the ambassador from a nearby country.

Mr. MILLER. I agree with my colleague from Vermont, and that is why I thought it important for the RECORD to state that countries such as the Senator from Vermont referred to should not draw the erroneous inference from favorable action on this resolution that because we do not recognize them or exchange ambassadors, therefore we necessarily imply that the United States disapproves of the form, ideology, or policy of their governments.

Mr. AIKEN. On this point, we have recognized four different countries that have a population of less than 800,000, and we exchange ambassadors with them. With respect to other countries, with a greater population, the State Department might like to recognize one or two of them. The State Department certainly is not going to do so unless it is assured of the approval of the Congress.

Mr. MILLER. That is exactly what I was trying to get at in my question of the Senator from California; and I think now the record is abundantly clear on that point.

Mr. CRANSTON. The Senator's questions have helped make the record clearer than it would have been otherwise, and I am very grateful to the Senator from Iowa for doing that.

I should like to say, in regard to the questions about China, that, quite frankly, there are considerations other than this matter of approval involved. Under present conditions, there are other obstacles to recognition of China. The role and status of Taiwan would have to be worked out; the future of the Nationalist China Government is another problem that would have to be resolved. We would also, in the light of experience with other nations, have to be satisfied that any American representatives sent to China would not be abused or treated as hostages when they are there.

There are other elements which stand in the way of recognition at the present time. But perhaps some day those will be cleared away, and when those and other obstacles are cleared away, and when, as may become the fact, it is clearly in our national interest to recognize the Government of China, the passage of this resolution now will have removed an obstacle that might otherwise still stand in the way of recognizing them when, in our national interest, we should. That is another reason why the adoption of this resolution could serve a constructive purpose.

Mr. MILLER. I do not share the Senator's concern on his last point, because, as I understand it, we have recognized and exchanged diplomatic representatives with the Government of Greece, for example.

Mr. CRANSTON. That is correct; and I should like to say that one purpose of

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this resolution is to show that we do not necessarily approve the Government of Greece, as many people think we do because we recognize them and do not recognize Albania, for example.

Mr. MILLER. I think that is true, from accounts I read about the government of that troubled country.

But my point is that since we have recognized and exchanged diplomatic representatives with Greece, and since even with this resolution, it is not implied that we thereby approve the ideology or policy or particular form of the government, that has not impeded us from doing what we are doing. Therefore, even without this resolution, if all of the matters the Senator referred to pertaining to Red China were taken care of, I do not believe we would be any more inhibited in going ahead than we have been inhibited in going ahead in case of Greece.

My feeling is, though, that with the answers for the record that the Senator from California has given, there is a little clarification here which might be timely. There are too many erroneous inferences being drawn both ways at this moment. There have been some very erroneous inferences drawn from the failure, under circumstances which have nothing to do with the case, of the United States to appoint an ambassador to a particular country.

For example, there are some, I have heard, who are concerned about the fact that we do not have an ambassador to Sweden. They may be concerned, but to draw an erroneous inference that the United States, all of a sudden, has by the failure to do this disapproved of the form, ideology, or policy of the Government of Sweden would be, I think, most unfortunate. So I think there is some merit to having something done by way of this resolution.

Mr. CRANSTON. I thank the Senator very much.

Quite briefly, Mr. President, I should like to respond to a few of the remarks made by my good friend, the Senator from Connecticut. He spoke of those "outside" who are "behind" this resolution, conjuring up, perhaps, images that there are sinister forces somewhere who, having ulterior motives, suggested this resolution to the distinguished Senator from Vermont and myself.

I should like to say that, outside the Senate, the only people consulted by Senator AIKEN and me—and we did not get the idea outside the Senate, indeed we developed it ourselves inside the Senate—were at the State Department. While I differ with the State Department often, I do not consider them sinister.

They stated that they favored the resolution in testimony before the committee. Just to summarize a letter from the State Department to Chairman FULBRIGHT of the Committee on Foreign Relations, the Department went on record as saying:

> The Department agrees with the principles set forth in the proposed resolution.

Then they added:

> Adoption of S. Res. 205 by the Senate could be useful in dispelling any uncertainty that might exist as to the implications that flow from United States recognition of a foreign government or from the exchange of diplomatic representatives with it.

One of those we consulted, and one of those who testified before the committee in behalf of the resolution, was Mr. Adrian Fisher, a former counsel for the State Department and an acknowledged expert in this field, along with many other experts whom we consulted; and he spoke of his support primarily for this reason:

> I support the Senate resolution that is now before this committee as a step which will help eliminate some excess ideological baggage which has tended to confuse the discussion of the recognition policy of this country.

He referred to "verbal overkill," which has sometimes been employed in explaining why recognition has been withheld from some nations.

As to what the Senator from Connecticut referred to as a hole in the record, suggesting that there is no evidence that the United States has ever looked upon nonrecognition as meaning nonapproval, that hole in the record did not exist; it was covered in the record of the committee hearings, and I should like briefly to refer again to evidence that statements have been made by Secretaries of State, not to mention others, leading to the confusion and uncertainty that this resolution is designed to dispel.

Discussing possible recognition of the Communist regime in China in 1954, John Foster Dulles, then Secretary of State, declared:

> It is one thing to recognize evil as a fact. It is another thing to take evil to one's breast and call it good. That explains our nonrecognition of the Communist regime.

If that does not mean we are not recognizing because of nonapproval, I do not know what it means.

Mr. DODD. Mr. President, will the Senator yield at that point?

Mr. CRANSTON. Yes, I am happy to yield.

Mr. DODD. Does it occur to the Senator that what Secretary Dulles said is not inconsistent at all with the determining factor in granting recognition, because he was asserting merely that it was not in our national interest?

If the Senator will read what the representative of the State Department said at the same hearing, he replied, when he was questioned about this matter, and I thought quite effectively, that the Dulles statement which the Senator has just quoted, and statements like it, are "taking a shorthand way of saying"—those were his exact words—"that we do not recognize it because we think that, in our national interest, it is not desirable to recognize it for a variety of reasons."

Mr. CRANSTON. That is not what the Secretary of State said, though. He said: "We do not recognize it because it is evil."

Mr. DODD. That could be a reason for it not being in our national interest, and this is all I was talking about. Other Presidents have said the same thing. Franklin Roosevelt was more direct about certain governments in the world, as was Harry Truman. There have been many Presidents who have said very direct things about foreign governments.

But the policy of his Government has always been to put our national interest first, I repeat to the Senator what I said earlier: Show me a case where recognition of a government has either been extended or withheld for any reason other than our national interest. I do not think the Dulles statement he quoted disproves or answers my assertions.

Mr. CRANSTON. It is the withholding of recognition accompanied by statements stating that we do not recognize because the Nation is deemed to be evil that substantiates the case that caused Senator AIKEN and me to introduce this resolution. As another example, Senator Byrnes—a Democrat, from a Democratic administration, who served as Secretary of State—at one time suggested that recognizing the Communist governments in Eastern Europe would imply our approval, and so, he explained, we were not about to recognize them. He said we were recognizing Spain's Franco regime because we did approve of it. That is in the record, and is unchallengeable as to the statements that were made.

Finally, I should like to say that I concur with the Senator from Connecticut emphatically that the adoption of this resolution should not mean we must automatically recognize all governments. There will be times when it will serve our national interest not to recognize, and we should not recognize in those cases, and I would be very unhappy if this resolution were interpreted as meaning we had to recognize any nation automatically.

Again, to quote a distinguished committee witness, Adrian Fisher, former legal adviser to the State Department:

> When you recognize the importance of recognition as a political act, you really come down to the decision that recognition should be extended only when the totality of U.S. interests would be advanced by such actions. You don't have to do it automatically.

I submit that the Senator from Vermont (Mr. AIKEN) and the Senator from Connecticut (Mr. DODD), I, and others would concur.

Mr. DODD. Mr. President, I do not want to prolong the debate. I will make a couple of observations and sit down.

I take it that if the Secretary of State at some time were to think that the government of a country was evil, he might very well logically conclude that for this reason among others, it would not be in our national interest to recognize that government.

Does the Senator want to close that door and say that no such judgment should ever be made?

Let us paint a bad picture and suppose that country X was murdering people wholesale and conducting itself in an utterly horrible way in international and domestic affairs. Let us suppose that a wholly evil situation existed. Let us suppose that it was not any particular ideology that was involved, but just plain evil and inhumanity. Does not the Senator think that the U.S. Government, through the President, should be free to say that it would not be in our national interest to recognize that government because it was evil or inhuman or racist? Is this not, in effect, what we are doing in the case of Rhodesia today?

XUM

As I say, while the resolution is well intended, it might lead us into a swamp of difficulties from which I fear we will not easily extricate ourselves.

If the Senator can show me a clear case where, once in nearly 200 years, we have done anything other than grant or withhold recognition on the basis of national interest, he will then have my vote.

The Senator knows that I posed this question a number of weeks ago. I asked the Congressional Library if there was a special case. They said no. That is why I do not know what we are tilting at.

I think that I ought to set the record straight on one point. I have great respect for the distinguished senior Senator from Vermont (Mr. AIKEN). However, Yugoslavia did not protect Greece from Russia. Yugoslavia almost overran Greece for Russia in the postwar period. Indeed, it was a chief support base for the Greek Communists.

I think the Senator will agree the Truman doctrine saved Greece from the Communists.

I know that Tito broke from the Kremlin later. That hurt the Greek Communists.

If the Yugoslav Communists had had their way, however, Greece long since would have had a Communist government.

Mr. AIKEN. Mr. President, the United States supplied Yugoslavia with ammunition up until 1957 when they said they would not need it any longer.

Mr. DODD. The Senator is correct.

Mr. AIKEN. That was at a time when everything in southeast Europe was in a black state. Russia was perfectly willing to take over practically all of that area. I think that Yugoslavia did stand between us.

Mr. DODD. I understand the statement of the Senator. However, I merely wanted to clear the record.

Mr. MILLER. Mr. President, I regret that I neglected to ask this question in the previous colloquy I had.

At the time, I raised the question of whether or not "recognizes" includes both conditional and unconditional recognition. I neglected to ask whether any distinction was to be drawn between formal or official recognition and informal recognition. However, inasmuch as this is drawn to include an exchange of diplomatic relations, I would think this would mean only formal recognition, because without formal recognition, would it not be that we would not exchange diplomatic representatives?

Mr. CRANSTON. The Senator is correct.

Mr. MILLER. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. DODD. Mr. President, I did not mean to make any reference to anyone in particular. What I meant to say was that I have read some articles and some newspaper accounts in some of the newspapers. That was all I had reference to. It was the farthest thing from my mind to make any reference to anyone in the Senate.

Mr. CRANSTON. Mr. President, I thank the Senator.

Mr. SPONG. Mr. President, an astronaut circles the globe in 90 minutes. A jet makes the trip between New York and London in 6 hours; between New York and Moscow in 9 hours. A telephone call is put through from New York to Paris or from New York to Hong Kong in several minutes. Events on one continent are transmitted to another via satellite in a matter of seconds.

As a result of these and similar developments, events within nations and among nations are of significance throughout the world. To believe that a nation can retreat into isolation and ignore world events is to hold a fallacious belief. Peoples of various nations are more interrelated and interdependent than ever before.

For these reasons, it is important, if not vital, for nations to have efficient channels of communication and exchange—even when these nations disagree on policy, procedures, and philosophies.

Senate Resolution 205 is a result of the fact that modern international life demands communication, and often cooperation, among nations with divergent political and philosophical views. It reflects the dual realization that other nations, whether they be allies or opponents, cannot be ignored and that all actions and policies of the foreign nations with which the United States has diplomatic relations cannot be condoned.

Senate Resolution 205 is simply an expression of a diplomatic fact of life: The United States must communicate with some nations of which it does not approve. Communication, therefore, does not reflect approval.

I support Senate Resolution 205 as an expression of this diplomatic fact of life and as a restatement of established policy. In doing so, I also accept conclusively the testimony and committee report language to the effect that Senate Resolution 205 does not represent a de facto recognition of Communist China nor does it prepare the way for recognition. The recognition of Communist China is a separate question a more complex question than the clarification issue raised by Senate Resolution 205. I oppose the recognition of Communist China and will continue to do so until a government on mainland China gives sufficient evidence of its willingness and intention to assume international and political responsibilities.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. DOMINICK (after having voted in the negative). On this vote I have a pair with my colleague from Colorado, Mr. ALLOTT). If I were at liberty to vote, I should vote "nay." If he were present and voting, he would vote "yea." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON) is officially absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Washington (Mr. MAGNUSON), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from KENTUCKY (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. SMITH), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), and the Senator from Colorado (Mr. ALLOTT) are detained on official business. If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. SMITH), would each vote "yea."

The pair of the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) has been previously announced.

The result was announced—yeas 77, nays 3, as follows:

[No. 101 Leg.]

YEAS—77

Aiken
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—3

Allen
Cotton
Dodd

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Dominick, against.

XUM

NOT VOTING—19

Allott
Baker
Cook
Fong
Goldwater
Gore
Harris
Hartke
Hruska
Hughes
Inouye
Magnuson
Mathias
McCarthy
McGee
Moss
Smith, Ill.
Sparkman
Yarborough

So the resolution (S. Res. 205) was agreed to as follows:

> Whereas official statements over the last fifty years concerning the policy of the United States in granting or withholding recognition of a foreign government have given rise to uncertainty as to whether United States recognition of a foreign government implies approval of such a government; and
>
> Whereas recognition by the United States of foreign governments has been interpreted by many Americans and by many foreigners as implying United States approval of those foreign governments; and
>
> Whereas such uncertainty adversely affects the interests of the United States in its relations with foreign nations: Now, therefore, be it
>
> *Resolved*, That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not *of itself* imply that the United States approves of the form, ideology, or policy of that foreign government.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. PELL. Mr. President, the resolution the Senate has just passed is a positive and constructive step toward clarifying our national policy toward recognition or nonrecognition of foreign governments. The Senator from California (Mr. CRANSTON) deserves every congratulation in having pressed this resolution through to its conclusion.

In the past our national practice in according or withdrawing recognition has been inconsistent, but especially during the past 50 years, there has been a growing inclination to utilize recognition or nonrecognition as a symbol of official approval or disapproval of a government.

This practice has the regrettable and unfortunate consequence of severing the channels of diplomatic communication with a foreign government precisely at the time when direct communications are most needed and can be most useful.

There are other less awkward and more effective means of expressing approval or disapproval of a government. I believe these other means can and should be utilized and that the United States should return to the original concept of recognition; that is, when a government is in de facto control of a country, it should be accorded de jure recognition.

Mr. MANSFIELD. Mr. President, I join the Senator from Rhode Island in commending the distinguished Senator from California for his splendid effort in getting the resolution agreed to. The resolution clarifies a question which has plagued this country and this body too long.

I believe its overwhelming acceptance by the Senate speaks well for the fine manner and outstanding advocacy with which it was presented to the Senate.

Joining Senator CRANSTON, moreover, to assure this success, was the distinguished senior Senator from Vermont (Mr. AIKEN), the ranking minority member of the Committee on Foreign Relations. It hardly needs saying that Senator AIKEN's endorsement of this resolution was indispensable to its swift adoption. He is to be commended.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, since I have very great sympathy with the position taken in this matter by the distinguished Senator from Connecticut (Mr. DODD), I want the record to show why I was impelled to vote for the resolution and why I regarded it as a useful resolution, worthy of passage. I quote two brief passages from the testimony of Mr. George H. Aldrich, Acting Legal Adviser of the Department of State, in the hearing on this matter:

> The proposed resolution reflects the established position of the United States that recognition of a foreign government does not imply approval of that government's domestic policies or the means by which it came to power.

The second excerpt from his testimony reads:

> We believe that Senate Resolution 205 could serve a useful purpose in the conduct of U.S. foreign relations by helping to make clear that no implications of approval or endorsement may reasonably be drawn from U.S. recognition of a foreign government or from the exchange of diplomatic representatives with it. That this may not today be fully understood results, I believe, in significant measure from confusion between the factors that enter into a recognition decision and the proper meaning and implications of that decision. The Department of State is pleased to support Senate Resolution 205 as a contribution to the effort to dispel that confusion.

Mr. President, I yield the floor.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 410, S. 2917.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERAGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 418, S. 740.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

> That it is the purpose of this Act to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons.
>
> SEC. 2. (a) There is hereby established the Cabinet Committee on Opportunities for Spanish-Speaking People (hereinafter referred to as the "Committee").
>
> (b) The Committee shall be composed of—
>
> (1) the Secretary of Agriculture;
>
> (2) the Secretary of Commerce;
>
> (3) the Secretary of Labor;
>
> (4) the Secretary of Health, Education, and Welfare;
>
> (5) the Secretary of Housing and Urban Development;
>
> (6) the Secretary of the Treasury;
>
> (7) the Attorney General;
>
> (8) the Director of the Office of Economic Opportunity;
>
> (9) the Administrator of the Small Business Administration;
>
> (10) the Commissioner of the Equal Employment Opportunity Commission most concerned with the Spanish-speaking and Spanish-surnamed Americans;
>
> (11) the Chairman of the Civil Service Commission;
>
> (12) the Chairman of the Committee, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish speaking; and
>
> (13) such other officers of Federal departments and agencies as may be designated by the President or the Chairman of the Committee to serve at the pleasure of the person so designating such officer.
>
> (c)(1) The Chairman of the Committee shall not concurrently hold any other office or position of employment with the United States, but shall serve in a full-time capacity as the chief officer of the Committee.
>
> (2) The Chairman of the Committee shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5316 of title 5, United States Code.
>
> (3) The Chairman of the Committee shall designate one of the other Committee members to serve as acting Chairman during the absence or disability of the Chairman.
>
> (d) The Committee shall meet at least quarterly during each year.
>
> SEC. 3. (a) The Committee shall have the following functions:
>
> (1) to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-surnamed Americans; and
>
> (2) to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the

special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

(b) In carrying out its functions, the Committee may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Spanish-speaking and Spanish-surnamed Americans.

Sec. 4. (a) The Committee is authorized to prescribe rules and regulations as may be necessary to carry out the provisions of this Act.

(b) The Committee shall consult with and coordinate its activities with appropriate Federal departments and agencies and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out its functions.

(c) The Committee is authorized in carrying out its functions to enter into agreements with Federal departments and agencies as appropriate.

Sec. 5. The Committee is authorized to request directly from any Federal department or agency any information it deems necessary to carry out its functions under this Act, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Committee upon request of the Chairman to the extent permitted by law and within the limits of available funds.

Sec. 6. (a) The Chairman shall appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5332 of such title.

(b) Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the Chairman may request for carrying out the functions of the Committee, each such detail to be without loss of seniority, pay, or other employee status.

Sec. 7. (a) There is established an Advisory Council on Spanish-Speaking Americans (hereinafter referred to as the Advisory Council) composed of nine members appointed by the President from among individuals who are representative of the Mexican American, Puerto Rican American, Cuban American and other elements of the Spanish-speaking and Spanish-surnamed community in the United States. In making such appointments the President shall give due consideration to any recommendations submitted by the Committee.

(b) The Advisory Council shall advise the Committee with respect to such matters as the Chairman of the Committee may request. The President shall designate the Chairman and Vice Chairman of the Advisory Council. The Advisory Council is authorized to—

(1) appoint and fix the compensation of such personnel, and

(2) obtain the services of such experts and consultants in accordance with section 3109 of title 5, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5302 of such title,

as may be necessary to carry out its functions.

(c) Each member of the Advisory Council who is appointed from private life shall receive $100 a day (including traveltime) for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

Sec. 8. Nothing in this legislation shall be construed to restrict or infringe upon the authority of any Federal department or agency.

Sec. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and any funds heretofore made available for expenses of the Interagency Committee on Mexican-American Affairs established by the President's memorandum of June 9, 1967, shall be available for the purposes of this Act.

Sec. 10. The Committee shall, as soon as practicable, after the end of each fiscal year, submit a report to the President and the Congress of its activities for the preceding year, including in such report any recommendations the Committee deems appropriate to accomplish the purposes of this Act.

Mr. MONTOYA. Mr. President, I am greatly pleased to be the prime sponsor of this measure to establish legislatively the Cabinet Committee on Opportunities for Spanish-Speaking People. Enactment of this measure, Mr. President, I predict, will mark the turning point for all Spanish-speaking people of this Nation as they continue their quest for full equality of opportunity. Mr. President, the Senate today is indeed approving a landmark measure.

I will not dwell long, Mr. President, on the need for this legislation. I think the need for it has been clearly recognized by a majority of the Members of this body. I have been joined by 38 of my colleagues in sponsoring this proposal, both Republicans and Democrats. That in itself is testimony sufficient. The hearings held by the Subcommittee on Executive Reorganization of the Senate Government Operations Committee went into the problems confronting Spanish-speaking Americans in great depth for the first time in history. The measure was reported out unanimously by the subcommittee and has been reported out unanimously by the full committee.

Spanish-speaking Americans throughout this Nation can well find much to rejoice over, knowing that the U.S. Congress is finally taking heed, taking notice of their special and specific problems. Spanish-speaking Americans everywhere can look at the present economic and social status of their community as a whole and look forward to the day when things will improve.

Mr. President, the Spanish-speaking people of this Nation should be commended and I do commend them. They have been patient. They have been silent. They have been proud. Even though they rank at the bottom of the totem pole in education, in employment, in health, in housing, and in every other social and economic facet of life, they have been patient. Their patience is running out, however, and we are seeing small militant groups attempting to be rabble rousers and stir up dissension. Fortunately, Mr. President, we are today holding out a second alternative. We are saying to the Spanish-speaking Americans, "Do not despair. We have neglected to act to meet your problems in the past, but we recognize our mistakes and are moving now to rectify it." Mr. President, by enacting this bill today, we are providing the machinery within the highest chambers of the executive branch by which the Spanish-speaking of this Nation can make their needs and influence known.

I move quickly to caution, however, Mr. President, that this bill in and of itself will not change conditions for even one destitute Spanish American. This bill in and of itself will mean nothing if there is not a dedication, a full-fledged commitment on the part of the administration and on the part of us in Congress to see that its intent is carried out. We in Congress are providing the legislation and the funding. Now, I challenge the administration to put the full weight of the White House behind this new Cabinet-level committee so that the Spanish-American community can share in the American dream.

Mr. President, as the principal author of this measure, and the only U.S. Senator of Spanish heritage, I pledge to my people that I shall keep careful watch, that I shall keep careful surveillance over the activities of this new Cabinet-level committee to insure that it carries out its work in the dedicated spirit I know it is capable of.

In closing, Mr. President, I wish to pay tribute to Equal Employment Opportunity Commissioner Vicente Ximenes, who until this year served as Chairman of the Inter-Agency Committee on Mexican-American Affairs. It is Commissioner Ximenes' groundwork, his spadework which has made this legislation possible. It is his spadework which will make the job of his successor as Chairman, Mr. Martin Castillo, much easier. But so much yet needs to be done and we have hardly begun.

Mr. President, I ask unanimous consent to have printed in the Record at this point a listing of all 39 cosponsors. I will state for the Record, Mr. President, that the printed copy of the bill before us does not contain a complete listing of all the cosponsors and they should all receive due recognition.

There being no objection, the list was ordered to be printed in the Record, as follows:

Mr. Allen, Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. Dodd, Mr. Dominick.

Mr. Eagleton, Mr. Fannin, Mr. Goldwater, Mr. Goodell, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hartke.

Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McCarthy.

Mr. McClellan, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Murphy, Mr. Muskie, Mr. Nelson.

Mr. Packwood, Mr. Randolph, Mr. Sparkman, Mr. Stevens, Mr. Tower, Mr. Tydings, Mr. Yarborough.

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. Yarborough), is a prime sponsor of this measure which is designed to contribute immensely to the resolution of the problems faced by our many Spanish-speaking citizens. He certainly has been in the forefront of this highly important area.

XUM

It means so much to him. It means a great deal to the many Spanish-speaking people of his State.

Regrettably, Senator YARBOROUGH is necessarily absent from the Senate today but has prepared a splendid statement in support of this measure. I ask unanimous consent that his statement appear at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. YARBOROUGH. Mr. President, we have before us today for consideration S. 740 which represents a major step forward in solving the many social and economic problems which plague our Spanish-speaking citizens. This bill would replace the Interagency Committee on Mexican-American Affairs which was established by Executive Order by President Johnson in 1967 with a permanent Cabinet level committee entitled the Cabinet Committee on Opportunities for Spanish-Speaking People.

During its three year history, the Interagency Committee on Mexican-American Affairs has contributed greatly to improving the lives of the people who comprise our second largest minority group. However, this Committee is in danger of going out of existence unless Congress takes prompt action on S. 740.

The primary functions of the new committee created by S. 740 would be to advise the Federal department and agencies of what action should be taken to assure that Federal programs are serving the needs of Spanish-speaking Americans and to develop new programs and policies that would substantially benefit these underprivileged people.

I believe that the importance of this bill cannot be emphasized too strongly. It represents a significant effort on the part of Congress to bridge the gap that exists between our Spanish-speaking citizens and the more affluent elements of our society. Because I believe so deeply in the purpose for this Committee, I am proud to be a co-sponsor of S. 740 and I urge all of my colleagues to give this measure their support.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–422), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 740, as amended, is designed (1) to insure that Federal programs are reaching and providing the necessary assistance for all Spanish-speaking and Spanish-surnamed Americans, including Mexican, Puerto Rican, and Cuban Americans; (2) to provide for the development of new programs which may be necessary to meet the problems which are unique to such persons; and (3) to give impetus to an integrated, Government-wide effort of assistance to such groups by providing for the establishment by law of a permanent body—the Cabinet Committee on Opportunities for Spanish-Speaking people—to replace the Interagency Committee on Mexican-American Affairs, established by Presidential memorandum in 1967.

The principal functions of the proposed Cabinet Committee would be to advise Federal departments and agencies regarding (1) appropriate action to be taken to assure that Federal programs are providing the assistance required by such Spanish Americans, and (2) the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of the Spanish-American community. In connection therewith, the Committee would be authorized to foster such surveys, studies, research and demonstration, and technical assistance projects and establish and promote such relationships with and participation by State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of the people concerned. The Committee would be required to meet at least quarterly each year and to submit to the President and the Congress an annual report of its activities during the preceding year, including appropriate recommendations.

The Committee would be composed of seven Cabinet members—the Secretaries of Agriculture, Commerce, HEW, HUD, Labor, Treasury, and the Attorney General—and the Director of the Office of Economic Opportunity; the Administrator of the Small Business Administration; the Chairman of the Civil Service Commission; the Commissioner of the Equal Employment Opportunity Commission most concerned with Spanish American Affairs; a full-time Chairman, appointed by the President, subject to Senate confirmation at level V, executive schedule ($36,000), who would be barred from holding any other Federal office or position concurrently; and such other Federal officers as the President or the Chairman of the Committee may designate to serve at the pleasure of the designator.

The Committee would be further authorized to (1) prescribe appropriate rules and regulations; (2) consult, and coordinate its activities, with appropriate Federal departments and agencies, enter into agreements with them, and utilize their facilities and resources; and (3) acquire directly from any such Federal agencies information which it deems necessary to carry out its functions and utilize their services and facilities; and all such agencies would be authorized to furnish such information, services or facilities to the Committee, upon the request of its Chairman, to the extent permitted by law and available funds.

In addition, S. 740 would (1) authorize the Chairman of the Committee to appoint and fix the compensation of necessary personnel and procure the services of experts and consultants at rates not in excess of the daily equivalent paid for positions under GS–18, General Schedule; (2) authorize Federal departments and agencies, in their discretion, to provide the Committee with such temporary personnel as its Chairman may request; (3) authorize the appropriation of sums necessary to carry out the provisions of the act as well as any funds heretofore made available for expenses of the Interagency Committee on Mexican-American Affairs; and (4) provide that nothing contained therein shall be construed to restrict or infringe upon the authority of any Federal department or agency.

Finally, the bill, as amended, would establish an Advisory Council on Spanish-Speaking Americans, composed of nine Presidentially appointed members chosen from among representatives of various elements of the Spanish American community. The Council's Chairman and Vice Chairman would be designated by the President and its principal function would be to advise the Cabinet Committee with respect to such matters as the Chairman of the Committee may request.

BACKGROUND

According to testimony presented to the committee during hearings on S. 740, there are approximately 10 million Spanish-speaking and Spanish-surnamed Americans in the United States, of whom six and a half million reside in the Southwestern States of Arizona, California, Colorado, New Mexico, and Texas. Nearly 80 percent of these persons work in unskilled or semiskilled jobs; nearly 50 percent of all Spanish-speaking families fall below the poverty line of $3,200 annual income; most of them barely complete the eighth grade and many are functionally illiterate; and they own less than 1 percent of the businesses in the United States.

Establishment of committee

In an effort to improve the social and economic plight of these Spanish-speaking and Spanish-surnamed Americans, President Lyndon B. Johnson, by Presidential memorandum dated June 9, 1967, established a Cabinet Committee, designated as the Interagency Committee on Mexican-American Affairs. Noting that the time had come to focus our efforts more intensely on the Mexican Americans of our Nation, the President stated that the purpose of the Committee was "to assure that Federal programs are reaching the Mexican Americans and providing the assistance they need; and [to] seek out new programs that may be necessary to handle problems that are unique to the Mexican American community." He stated further that he was also asking members of the Committee "to meet with Mexican Americans, to review their problems and to hear from them what their needs are, and how the Federal Government can best work with State and local governments, with private industry, and with the Mexican Americans themselves in solving those problems."

Initially, the President appointed to the Committee the Secretaries of Agriculture, HEW; HUD; and Labor; the Director of the Office of Economic Opportunity; and a member of the Equal Employment Opportunity Commission, familiar with Mexican American problems, who was appointed Chairman. The Secretary of Commerce was subsequently added to the Committee. The Committee was funded by contributions from its member agencies. The approved level of spending for fiscal year 1969 was $485,000 and for fiscal year 1970, $510,000.

Committee's activities, 1967–69

In general, the Interagency Committee has served as the central liaison point between the Spanish-speaking and Spanish-surnamed communities and the Federal Government. Its principal activities during the past 2 years may be summarized as follows:

1. Providing technical assistance to Federal agencies which have either grant-in-aid or direct programs of significance to the community so that these programs will match the real needs of the community;

2. Providing technical assistance to community organizations seeking program assistance from the Federal Government;

3. As the occasion demands, matching the needs of the community with both private and public resources outside the community;

4. Providing research and statistical assistance to Federal agencies serving as a clearinghouse for the agencies and the community with respect to developments in this field;

5. Alerting Federal agencies to the largely untapped personnel resources of the community and supplying placement assistance; and

6. Assisting Federal agencies in the communications field so that the Government can, in a meaningful way, let the community know what services are available.

HEARINGS

Hearings on S. 740 were held by the Subcommittee on Executive Reorganization on June 11 and 12, 1969. Testimony was received from Senators Joseph M. Montoya, Ralph W. Yarborough, and Barry M. Goldwater; Vincent T. Ximenes, Commissioner, Equal Employment Opportunity Commission and former Chairman, Interagency Committee on Mexican-American Affairs; and Manuel Diaz, Jr., deputy commissioner, Manpower and Career Development Agency, Human Resources Administration, city of New York. Statements were submitted for the record by Senator Lee Metcalf, George Murphy, Ed-

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mund S. Muskie, John G. Tower, and other interested parties. All of the witnesses, as well as the executive branch agencies from which reports were requested, supported the bill and recommended its enactment. (Agency comments have been incorporated into the hearing record as exhibit No. 11.)

In general, the testimony presented consisted of (1) detailed information, supported by statistical data and studies, depicting the plight of some 10 million Spanish-speaking and Spanish-surnamed Americans relative to education, employment, housing, and income; (2) a review of the work and accomplishment of the interagency committee since its inception; and (3) a discussion of the necessity for the establishment of a resources committee to handle these problems.

Senators Montoya and Goldwater discussed several amendments which they felt were necessary to enable the proposed Committee to function effectively. These amendments are discussed below.

EXPLANATION OF AMENDMENTS

The committee adopted a number of amendments which incorporated recommendations of Senators Montoya, Goldwater, and other witnesses during the hearings on the bill. In general, they were designed to clarify the scope and coverage of the measure, give broader representation to all elements of the Spanish-American community, and strengthen the organization and operation of the Cabinet Committee.

S. 740, as introduced, referred only to Spanish-Americans and Spanish-surnamed Americans. In order to eliminate confusion and misunderstanding the bill was amended to indicate clearly that the new agency would be concerned with the problems of Mexican, Puerto Rican, Cuban, and all other Spanish-speaking and Spanish-surnamed Americans.

S. 740, as introduced, retained the existing name of the Interagency Committee on Mexican-American Affairs. The committee found that the existing agency was serving the needs of all Spanish Americans and had never limited its activities to Mexican Americans. Knowledgeable witnesses advised the committee that the existing name was confusing and that many Spanish Americans who are not of Mexican extraction felt that the body was not concerned with them or their problems. Accordingly, the committee adopted an amendment changing the name of the Committee from "Interagency Committee on Mexican-American Affairs" to "Cabinet Committee on Opportunities for Spanish-Speaking People."

Testimony at the hearings indicated that although Federal employment was an important factor in improving the economic conditions of Spanish Americans, the Federal Government employs only a relatively small number. In order to focus greater attention on this aspect, the committee adopted an amendment making the Chairman of the U.S. Civil Service Commission a member of the proposed Cabinet Committee.

S. 740, as introduced, provided that the Chairman of the Committee would be the Commissioner of the Equal Employment Opportunity Commission most concerned with Mexican-American affairs. In order to give status to the Chairman and insure his independence and fulltime attention to his responsibilities, the committee adopted an amendment (1) providing for the appointment of the Chairman by the President, subject to Senate confirmation, from among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish speaking; (2) prohibiting the Chairman from holding any other Federal office or position; and (3) requiring that he serve as chief officer of the Committee in a full-time capacity.

Testimony during the hearings revealed that the existing Committee met three times in 1967 and only twice in 1968. In view of the importance of the work and responsibilities of the Committee relative to some 10 million Americans, it was felt that a minimum of four meetings each year should be required and the committee adopted an amendment to that effect. In this connection, Senator Montoya, the sponsor of the bill, stressed the fact that this should not be interpreted as a maximum limitation or as a guideline with respect to the number of meetings each year. In general, it was felt that this should represent a bare minimum and that meetings should occur as often as necessary.

Expressing agreement with witnesses who testified that representation of Spanish-speaking Americans throughout the Nation should be broader than that which can be achieved through membership on the Cabinet Committee, the committee adopted an amendment establishing an Advisory Council on Spanish-Speaking Americans. This Council would be composed of nine members appointed by the President from among individuals who are representative of the Mexican American, Puerto Rican American, Cuban American, and other elements of the Spanish-speaking and Spanish-surnamed community in the United States, which would advise the Cabinet Committee with respect to such matters as the Committee Chairman may request.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, before the bill is passed, I wish to ask the Senator a question. It is a fact that the bill does now include Puerto Rico; is that right?

Mr. MONTOYA. Yes; the bill includes all Spanish-speaking Americans.

Mr. JAVITS. I thank the Senator. I think the Senator was very sensible and statesmanlike in his willingness to make that inclusion.

Mr. MONTOYA. Mr. President, I wish to express my thanks to the Senator from New York, to the Senator from Connecticut who headed the subcommittee hearings, and the membership of the Committee on Government Operations, including the distinguished chairman of that committee, the Senator from Arkansas (Mr. MCCLELLAN), whose committee reported the resolution unanimously. I also commend the Members on the other side who gave this resolution bipartisan support and joined me in sponsoring the resolution.

Mr. JAVITS. I thank the Senator.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Mr. President, I commend the Senator from New Mexico. I think this is a tremendously constructive step. My State, as does his State, share the border with Mexico. We have many Mexican-American people in our respective States and the longest international border of any State. I want to add my commendation, among the many others, to the Senator from New Mexico.

Mr. MONTOYA. I thank the Senator from Texas.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MONTOYA. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

C-5A OPPONENTS WIN BELATED VICTORY—FIFTH SQUADRON FUNDS CUT

Mr. PROXMIRE. Mr. President, during debate on the military authorization bill, and especially the C-5A amendment which I proposed, it became clear that the bill included funds not only for the fourth squadron of the C-5A but also $52 million in long leadtime items for the fifth squadron. In other words, not only was there money for planes 59 through 81, but long leadtime funds were included for planes 82 through 101, or 20 more planes.

MONEY FOR FIFTH SQUADRON DETECTED

When I discovered this fact, shortly before the vote on my amendment on September 9th, I drafted a substitute amendment which would have knocked out the $52 million and limited the authorization of funds solely to the fourth squadron. I presented that amendment to the chairman of the committee, the Senator from Mississippi (Mr. STENNIS), who seemed favorably inclined toward it. He took it up with various members of his committee, many of whom favored it, as a possible substitute for the amendment I had pending.

PENTAGON OPPOSED CUTTING $52 MILLION

However, even though there was general sympathy and general approval of it, the Defense Department at that time said they could not accept it. As a consequence I did not offer it formally on the grounds that if the amendment lost it would give the appearance that the Senate had clearly authorized the fifth squadron. I felt it would be easier to stop the fifth squadron of the plane without a vote rather than to have a vote and lose it. With vigorous Pentagon opposition, that also appeared to be its fate. This would have strengthened the Air Force's later arguments that the Senate had made an affirmative decision in favor of the fifth squadron.

After the vote, in which the Pentagon pulled out all the stops to authorize the fourth squadron of the C-5A, I felt that the amendment could not pass if the Pentagon continued in its opposition.

PENTAGON SUPPORTS OUR POSITION

Now, however, 15 days after the Pentagon refused to support my proposal to cut the $52 million in long leadtime funds for the fifth squadron of the C-5A, the Pentagon has reversed its field. In the report in today's Washington Post of the House Armed Services Committee's action yesterday on that same military authorization bill, I read the following:

> In a surprise announcement (Chairman Mendel) Rivers told committee members in

executive session that the Pentagon had decided it did not need the $52 million requested to buy hardware for a fifth squadron of C–5A's.

Rivers, according to committee sources, said that David Packard, Deputy Secretary of Defense, had just told him about the change of position on the C–5A.

However, it was not clear last night even to congressmen who attended the committee session whether Packard was merely postponing the money request or settling for the four squadrons totaling 81 planes rather than the original goal of 120 C–5A's.

PENTAGON FLIP-FLOP WELCOMED

Mr. President, whether this is a temporary or permanent decision it represents a great victory for the American people and the American taxpayer. If the amendment prevails in the House and in conference, as it should, at least the Air Force will have to come back to Congress in order to get further authorization. From the temper of most members of the Senate Armed Services Committee, as expressed to me, I believe that a fifth wing would not be approved. Certainly, it should not be approved.

By cutting out this $52 million and stopping the fifth squadron, about $1 billion will be saved for the American taxpayer.

I only wish the Pentagon had been willing to take this step 2 weeks ago. But it does represent a change and a change which many of us have pressed very hard to obtain.

FIGHT WILL CONTINUE

I serve notice that this Senator will continue to fight against any additional squadrons for the C–5A. Our group who fought for a second look at the C–5A and other weapons have been vindicated with this shift, however reluctant it may have been, at the Pentagon.

Mr. President, I ask unanimous consent to have printed in the Record the article to which I have referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rivers Adds Billion in Bill for Ships

(By George C. Wilson)

Chairman L. Mendel Rivers (D-S.C.) of the House Armed Services Committee yesterday added $1 billion to the military procurement bill to enable the Navy to authorize more ships in Fiscal 1970.

The addition was made over the protests of a handful of congressmen on the committee who also lost in several other attempts to curb military projects, including the anti-ballistic-missile defense and the C-5A transport.

In a surprise announcement, Rivers told committee members in executive session that the Pentagon had decided it did not need the $52 million requested to buy hardware for a fifth squadron of C-5As.

Rivers, according to committee sources, said that David Packard, Deputy Secretary of Defense, had just told him about the change of position on the C-5A.

However, it was not clear last night even to congressmen who attended the committee session whether Packard was merely postponing the money request or settling for the four squadrons totaling 81 planes rather than the original goal of 120 C-5As.

But the very fact that Packard was willing to forgo the $52 million for the C-5A was seen by critics of the program as strengthening their argument that the full force of 120 planes was not urgently needed.

Adding to the controversy, Rivers reportedly told his colleagues that the Pentagon now wanted the $52 million to go for a Freedom Fighter that the United States could sell abroad in competition with French planes.

Rep. Robert L. Leggett (D-Calif.) rebelled, figuring the money would go into Rivers' effort to help the Northrop Corp. build and market an overseas version of its F-5.

Rivers, without any request from the Pentagon, early this year added money to the Fiscal 1969 Pentagon authorization to help Northrop tool up for the export model of the F-5. But the Senate did not go along.

Leggett confirmed last night that he tried to strike out $36 million of the $52 million now headed for the Freedom Fighter program. He said he lost on a voice vote.

According to the explanation Leggett said he received about the Pentagon request, the $52 million would not necessarily go to Northrop. But Rivers had made clear his previous action had Northrop's plane in mind.

Packard figured in another action by Rivers yesterday. The committee's draft bill—still labeled confidential—would abolish the Pentagon's Office of Systems Analysis—headquarters for the civilian Whiz Kids who have been challenging the military since the days of former Defense Secretary Robert S. McNamara.

But Rivers according to committee sources, told his colleagues that Packard had promised to get the Whiz Kids "in hand." So the following section in the draft bill was deleted:

"The Office of Assistant Secretary of Defense for Systems Analysis is abolished. The functions heretofore performed by this office are transferred to the office of the Deputy Secretary of Defense, who shall allocate such functions within the department . . . to assure that the views of civilian and military personnel are given equal consideration."

Rivers long has disapproved of the Whiz Kids. Their proposal earlier this year to sink 10 of the oldest Polaris submarines to save money sent him into a rage.

Another sore spot with Rivers and one of his staunched allies on the committee, Rep. F. Edward Hébert (D-La.), is the refusal of some colleges and universities to cooperate with the military on recruiting and ROTC.

A section in their draft bill would require the Pentagon to notify Congress 60 days in advance of awarding any research money to educational institutions about "the record of the school, college or university with regard to cooperation on military matters . . ."

Hébert said last night that his committee "will not tolerate any weakening of the ROTC program on campus." He said the ROTC units should "stand as Gibraltars of strength against the minority which is attempting to downgrade the military and destroy our constitution and the nation."

While the military critics on the committee lost in most of their battles with Rivers, there was agreement between the hawks and doves on the need to reduce military manpower.

The House bill would cut the number of men in uniform to 3,285,000 by July 1, 1970, compared with about 3.5 million now, a reduction of 176,000 men. The Senate-passed procurement bill sets the ceiling at 3,461,000 but states it must be reduced by the number of troops withdrawn from Vietnam.

Rep. Lucien N. Nedzi (D. Mich.), one of the rebels on the House Armed Services Committee, said he and his allies mustered between four and eight votes on their amendment offered in committee yesterday.

The highest number of dissenting votes, eight, was cast for the amendment to strike $584 million for the ABM (anti-ballistic-missile) from the bill. The entire bill, to go before the House Rules Committee on Tuesday, was passed in committee by a 36 to 3 vote.

It is unusual for the House Armed Services Committee to split on the whole procurement bill. Voting against it were Nedzi, Reps. Otis G. Pike (D-N.Y.) and Rep. Charles W. Whalen Jr. (R-Ohio).

In contrast with the lengthy debate in the Senate, on the $20 billion procurement bills the House is expected to dispose of its version next week when amendments beaten down in committee will be offered again. Only three hours of debate will be requested for the bill, with amendments granted additional time.

Mr. TOWER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. TOWER. I think probably the acceptance of the reduction by the Department of Defense results from the desire to make some necessary or what it considers to be necessary economies in the Department, by virtue of the current fiscal and monetary fix we find ourselves in, rather than any diminution of need for the carrying capability that an additional squadron of C–5A's will give us.

Mr. PROXMIRE. I thank the Senator from Texas. Of course, it is possible for the Secretary of Defense and the Under Secretary of Defense to withhold these funds if they wish to do so, rather than tell the Armed Services Committee in the other body that they could delete the funds and that the advanced funds for the fifth squadron of C–5A's would not be necessary.

OFFERING FOR SALE OF U.S. ARMS BY SOUTH VIETNAM

Mr. PROXMIRE. Mr. President, the charge that South Vietnam is offering for sale arms obtained from the United States is most serious and requires an immediate investigation.

It would be an outrage to the taxpayer if U.S. arms intended to be used against the Vietcong are instead being sold by the South Vietnamese.

I am informed that the South Vietnam Embassy in Washington has confirmed the fact that these sales are occurring.

My understanding is that the arms offered to private arms dealers include over 5,000 M–16 rifles, as well as grenade launchers, Browning automatic rifles, submachineguns, and pistols.

The M–16 is our latest rifle and in the recent past we have had shortages and difficulty in getting them into the hands of our own troops.

I also understand that under an agreement between South Vietnam and the United States all surplus arms in the hands of the South Vietnamese army which were originally provided by the United States are to be turned over to self-defense units in the South Vietnamese hamlets. If, instead, they are being sold on the international arms market, there may be a serious violation of our agreement.

I have today requested the State Department and the Pentagon to confirm the charge that has been made and to make an immediate and full investigation of the facts.

The American people are entitled to know whether its tax dollars are being used to provide arms to a government which is selling those same arms on the open market.

What are the names of the private arms dealers involved in these sales and from what countries do they come?

How many sales have occurred so far?

What assurance is there that once the sales are made the arms will not turn up in the hands of the Vietcong, or of extremist groups in the United States?

What is the nature of the agreement between the government of South Vietnam and ourselves with respect to the disposition of arms which we provide to them?

Has any U.S. official checked to determine the condition of the weapons being sold? What are their condition?

If the arms have been declared surplus, could they be reconditioned and put back into use?

If they could not be used again as weapons, why would arms dealers be interested in purchasing them?

These are some of the questions that need to be answered. I hope a comprehensive report will be made by the Pentagon and the State Department at the earliest possible time.

RELIGIOUS GROUPS STRONGLY SUPPORT SENATE RATIFICATION OF THE HUMAN RIGHTS CONVENTION

Mr. PROXMIRE. Mr. President, as an advocate of Senate ratification of the Human Rights Conventions on Forced Labor, Genocide, and Political Rights of Women, I am deeply grateful for the invaluable support in behalf of ratification provided by American churches and religious organizations.

Among the American religious organizations which have worked long and hard for Senate ratification of these conventions are B'nai B'rith, the Episcopal Church, United Church of Christ, Unitarian-Universalist Association, National Council of Churches of Christ in the U.S.A., National Catholic Conference for Interracial Justice, General Board of Christian Social Concerns, the Methodist Church, American Friends Service Committee, National Conference of Christians and Jews, National Spiritual Assembly of the Bahai's of the United States, Catholic Association for International Peace, American Baptist Convention, American Jewish Congress, and Hadassah.

What a remarkable ecumenical display.

These groups with literally millions of members share one basic tenet—a belief in and a dedication to the real dignity of man.

I urge the Senate to heed the wise message of these millions of men and women of good will.

I also urge the Senate to ratify the Human Rights Conventions on forced Labor, Genocide, and Political Rights of Women, and thereby put the United States squarely on record on the fundamental question of human dignity.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. WILLIAMS of New Jersey. Mr. President, today, the Senate begins consideration of S. 2917, a bill to require urgently-needed improvements in health and safety at all coal mines in the United States. S. 2917 is legislation which, perhaps, should be known as a bill to reduce the cost of coal; not the cost in dollars and cents to the corporate operators of our coal mines, but the infinitely greater cost that does not appear on profit and loss records; the cost in human pain and suffering to our Nation's coal miners and to their families.

Ever since the Civil War, the Nation has witnessed the annual slaughter, in our coal mines. Countless Americans have burned in their memories the picture of the long-suffering coal miner's wife and family waiting at the portal of a Farmington, W. Va., mine last November 20, for the husband or father, son or brother to walk out of the mine or be carried out of it after a series of explosions. For 78 miners, they are still waiting.

Periodically, in the past 100 years, the Nation has responded to mine disasters with legislation, but the legislation has always been too timid and ineffective. Such legislation has frequently left more undone than was done.

In 1910, after a series of disasters, Congress created the U.S. Bureau of Mines, but deprived the Bureau of authority to make inspections.

Another series of disasters prior to the second World War prompted the enactment of the first Federal Coal Mine Safety Act in 1941. This act authorized inspections, but deprived the Bureau of authority to establish even the most rudimentary safety standards and enforcement powers.

During the Korean war, after one explosion had snuffed out the lives of 119 miners just 4 days before Christmas 1951, Congress enacted the 1952 Federal Coal Mine Safety Act which President Truman called "a sham." As he noted, on signing the bill, it exempted from compliance all mines employing 15 persons or less; it left prevention of a broad area of accidents to the States, despite the recognized inability of the States to fulfill that responsibility; it included exemptions worded in such a way as to permit unsafe conditions and practices to continue for years—indeed, in many instances they still continue; and its complex procedural provisions led the President to conclude:

> It could be exceedingly difficult, if not impossible, to carry out an effective enforcement program.

In 1966, the act was amended to provide limited coverage for miners in small mines, responding in part to one of President Truman's objections.

President Truman, however, was, indeed, prophetic. For, from 1952 through 1968, there have been nearly 5,000 miners killed, and 200,000 injured in underground coal mines of the United States, despite the passage of the 1952 act. During 1968, the Nation's underground coal miners produced about 350 million tons of coal, resulting in the death of 311 miners, or about one miner for every one million tons of production.

In the early morning of one bleak day last November, a series of explosions rocked Consolidation Coal Co.'s No. 9 mine at Farmington, W. Va., killing 78 miners.

Often described as the size of Manhattan Island, this mine was finally sealed 2 days after Thanksgiving Day. As we debate this bill today, men are risking their lives in an attempt to reopen this mine, recover the dead, and ascertain the cause of this tragedy.

Many of our miners who are lucky enough to escape the violence that has plagued the Nation's mines for years, are subject to another peril which often causes total disability or death. They pay the price of having to work in an atmosphere often saturated with coal dust, which is inhaled daily into their lungs, causing respiratory disability and later death, sometimes by cardiac failure. The press and others refer to this disease as "black lung." The doctors call it coal workers' pneumoconiosis. Whatever it is called, the fact is that the Surgeon General estimates that over 100,000 active and retired miners are afflicted with it.

Thus, the sudden violence of Farmington, and the slower, and often equally deadly, effects of black lung are the catalysts that have caused the public in general, and the miners in particular, to demand Federal action to eliminate the causes of this violence and disease, and to reduce the death and injury rate for this industry—a death and injury rate which is several times as high as the average for all other industries.

Indeed, this industry's record was described by Secretary Udall last December as "disgraceful."

The urgency of this action is dramatically and forcefully underscored by the near tragedy of just this week at another Consolidation Coal Mine in Fairview, W. Va., only 2 or 3 miles from the ill-fated Farmington mine.

At 5 a.m., while 116 men were underground, a mine fire started and got out of hand, requiring that the section be sealed. All escaped, fortunately. But the accident demonstrates the urgent need for this legislation.

Mr. President, S. 2917—the Federal

Coal Mine Health and Safety Act of 1969—is the first of a series of actions that must be taken if this demand is to be met. It is aimed at reducing and ultimately eliminating the excessively high price paid to produce coal each day, not by the industry, not by the consumer, but exclusively by the miner—the most valuable resource of this industry—and by his family.

The bill is the culmination of long and arduous work by members of the Labor Subcommittee and the full Labor and Public Welfare Committee, beginning with 9 days of public hearings and ending with 13 days of executive sessions, as well as untold hours of staff work. The issues involved were complex. The subject matter was extremely technical. The terminology used is unique to this industry.

Yet, despite this, with the able guidance of those Senators who represent the major coal producing States and who have a first-hand knowledge of this industry, with the remarkable diligence displayed by all members of the committee, the committee was able to develop and report out unanimously the most comprehensive coal mine health and safety bill ever to be considered by this body.

All of the members of the committee deserve a special word of gratitude for their tireless efforts.

I also wish, Mr. President, to express my gratitude to the senior Senator from Kentucky (Mr. COOPER), who, though not a member of our committee, accepted my invitation to meet with the subcommittee during its executive deliberations. He made a number of suggestions, several of which were adopted by the committee, and, in my judgment, helped to improve the legislation greatly.

Just last December, the chairman of the National Coal Association and president of Consolidation Coal Co. publicly stated:

> There can be no question that the health and safety of employees in the coal mining industry must be given first priority.

Later, in March of this year, the president of that association assured the subcommittee, stating:

> The industry does not believe profits should be put ahead of the health and safety of mineworkers.

I certainly concur with both of these statements. But to achieve these admirable industrial goals, the industry must make major changes in its health and safety practices. For, as the Department of the Interior stated:

> While the coal mining industry has made giant strides in its ability to extract the natural resource coal from the depths of the earth, it has lagged behind other industries in protecting its most valuable resource—the miner.

The purpose of S. 2917 is to insure that both the industry and the Government do, in fact, give first priority to the health and safety of the miner; to insure an end to the annual carnage in our Nation's coal mines; and to insure that new generations of coal miners are not ravaged by black lung.

The evidence is unmistakable that the miners themselves are no longer willing to accept the fatalistic attitude still prevalent in this industry—the attitude which almost accepts with a shrug of the shoulders the proposition that "mining is a hazardous occupation." They know that coal mining need not be so hazardous if only the operators and the Government will place as high a priority on the health and safety of the miner as is placed on economics.

That is what this bill is about. It recognizes that voluntarism in this industry which has been the byword of the past 17 years is not enough.

This bill provides the tools for better health and safety. The bill, however effective it may be, will never achieve adequate health and safety for the miner unless the Department of the Interior acquires new perspective and focus concerning the importance of the miner and unless there is strong and vigorous administration by the Department.

This Federal Coal Mine Health and Safety Act of 1969 makes an across-the-board comprehensive attack on both the safety and health problems. It not only corrects the deficiencies in the 1952 act, it accounts for all we have learned since 1952, and provides for the development and implementation of safeguards against hazards which may develop in the future. For the first time, it covers the health of the miner; covers surface, as well as underground coal mines; authorizes health and safety standards by regulation, not just by statute, and permits administrative change of the standards in the bill to improve health and safety; establishes an extensive array of interim mandatory health and safety standards; provides for injunctions and civil and criminal penalties for violations; requires an expansion of the sadly deficient Bureau of Mines safety and health research program, and provides for a health and safety research trust fund; and expands the coverage of the law to afford protection against all accidents, not just those that kill five or more at one time, as the 1952 act provided.

At this point, I should like to discuss some of the major issues in this legislation and the provisions in the bill which deal with them.

1. CONTROL OF RESPIRABLE DUST

A new dimension has been added to the already known hazards of coal mining. The new hazard is not violent, it is not even visible, yet it embraces in its deadly arms over 100,000 of our Nation's miners—black lung.

What is black lung? I ask my colleagues to take volume IV of the hearing record, that thin 12-page volume on your desks. In figure 1 you have a photograph of an actual lung cross section. It is a healthy lung. It was taken, during an autopsy, from a 90-year-old schoolteacher. Now look at the next page—figure 2. That is a lung section from a 40-year-old miner. That is black lung. Or look at figures 7 and 8, or figure 12. That, too, is black lung.

Unlike the violent death that may result from a methane ignition, mine fire, or other accident, black lung does not kill instantly. First, it causes many years of painful breathlessness before ultimate death—or—it causes heart failure.

The disease is caused by respirable coal dust, and, although the industry and the Government have known about the disease and its cause for some time now, the United States is the only major coal-producing nation in the world which does not have an industrywide Government standard to control this dust. Great Britain has a standard. Poland, Czechoslovakia, and even the Soviet Union have standards. But not the United States.

It is clear that a properly enforced official standard for respirable coal dust would make a significant reduction in new cases of coal workers' pneumoconiosis, and hopefully reduce the rate of progression in miners who have already contracted the disease.

The Surgeon General, in testifying on this legislation, cautioned the committee that the ideal dust level, in terms of absolute prevention of the disease, would be a zero dust level. The ideal would be to prohibit any respirable coal dust in any coal mine. He recognized, however, that this is a goal which cannot be achieved immediately.

On the basis of all of the testimony before the committee, and the entire five-volume record now before the Senate, especially the recommendations of the Surgeon General, S. 2917 provides for a two-phased mandatory reduction of the respirable coal dust levels in all U.S. mines.

Six months after enactment the bill requires that each coal mine operator maintain the respirable coal dust at a level no greater than 3.0 milligrams per cubic meter of air. Then, 3 years after enactment, he must reduce the level to 2.0 milligrams.

The committee recognized that not all mines would be able to achieve these statutory levels within the time prescribed. Therefore, the bill provides a procedure under which operators may obtain permission to operate at a higher level for a limited period of time. During the 2½-year period when the statutory level is 3.0 milligrams, an operator who cannot achieve the level may be permitted to operate at not more than 4.5 milligrams. Then, when the statutory level drops to 2.0, an operator who cannot achieve this new level may be permitted to operate for an additional period of up to 3 years at a 3.0 level. At the end of the sixth year after enactment, all mines must achieve the 2.0 level.

In the event, however, that it is technologically impossible to achieve this 2.0 level within the time permitted, the Secretary of the Interior may extend the period during which operators may be permitted to operate at 3.0 by filing an extension plan with the Congress. If neither the House nor the Senate disapproves of the extension plan, the plan would become effective.

I believe in this debate we should discuss the deliberations that led us to these periods, which might seem very long, for adjustment to the levels that the statute

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provides. It was a long deliberative process, and recognizing the problems that will be faced by industry in meeting our standards.

I note that my good friend, the senior Senator from Kentucky, is present in the Chamber. We went an unusual extra mile to be realistic and understand the problems that industry will face as we bring to the industry the requirement that it measures the air in terms of dust levels. Our objective is the elimination of this killing disease, pneumoconiosis, the so-called black lung.

The bill also directs the Surgeon General to establish, within 1 year, a health standard for application, as early as possible, which will insure that coal miners can work their entire adult lives in the mines without incurring black lung or any other occupationally caused disease.

Although the standards established by the bill will not in themselves completely prevent a miner from contracting pneumoconiosis, they will significantly reduce the probability that any given miner will be afflicted with the disease.

In addition to requiring reduced dust levels, the bill also provides for comprehensive medical examinations under the supervision of the Surgeon General, and for greatly expanded and intensified research by both the Government and the industry.

2. INTERIM SAFETY STANDARDS

To ward off the heavy toll of on-the-job fatalities and injuries, S. 2917 provides both a comprehensive set of interim safety standards and authority in the Secretary of the Interior to promulgate new and improved standards. The interim safety standards in the bill are directed at eliminating the extreme hazards of coal mining.

Specifically, the bill, which is applicable to all mines, includes provisions directed at the control of the roof falls which killed 99 miners last year. It requires improvements in ventilation to control methane; increased testing for methane; improvements in control of combustibles—such as loose coal—that propagate explosions; and broadened protection against potential dangers from the use of electrical equipment which killed 17 miners last year.

The bill contains provisions for the filing and updating of adequate mine maps and requires two adequately and clearly marked escapeways. The bill also requires for the first time, that mines be illuminated—a requirement which should eliminate many of the day-to-day accidents that occur.

3. ELIMINATION OF GASSY AND NONGASSY DISTINCTION

One of the major causes of deaths and injuries in the mines is the ignition or explosion of methane—a hazard that has killed over 1,100 miners and injured over 950 since 1941.

The bill requires greatly improved methods to prevent the accumulation of methane gas in explosive quantities. These include improved ventilation requirements, rock dusting requirements, and mine examinations.

In addition, the bill expands and improves measures in the 1952 act designed to eliminate the causes of methane ignition. These improved measures include prohibitions against smoking and the use of open flames, safer use of explosives, greater protection in the use of trailing cables, and the use of electric equipment in the face area of mines which meets ignition and explosion proofing standards.

Under the 1952 Federal Coal Mine Safety Act, as amended, special provisions permit the use of electric face equipment which is not arc or spark proof; that is, has not met the permissibility standards of the Bureau of Mines in mines that have never had an ignition or have never been found to have methane of more than 0.25 percent. These so-called nongassy mines have received special treatment under the premise of the 1952 act that a mine need not adopt special measures to control methane and prevent ignitions until there was "evidence of gas."

The Department of the Interior has consistently taken the position that all mines are potentially gassy. The committee, therefore, acting on the recommendation of the Department of the Interior, treated all mines alike in providing new and additional safeguards to control methane and prevent ignitions.

This decision is based on a conclusion that the only method of protecting all of the Nation's coal miners would be to treat all mines alike in preventing gas ignitions and explosions. In doing so, the committee provided that all low horsepower electric face equipment and large electric face equipment "grandfathered" under the 1952 act be arc and spark proof—that is, permissible, within 16 months after enactment. In addition, the committee provided that all large electric face equipment at the so-called nongassy mines must be permissible in this time frame, but, where the equipment is unavailable, an additional period of 32 months is allowed to convert.

The committee was impressed by the fact that although a substantial portion of the deaths and injuries caused by methane ignitions have occurred in gassy mines, the fact is that since 1941, 84 miners have been killed by methane ignitions in so-called nongassy mines—that is mines in which the law says there is not supposed to be any methane.

In fact, while the legislation was pending before the committee, five men were burned when a spark from a large piece of equipment in nonpermissible condition ignited methane in a so-called nongassy mine in West Virginia.

In short, the committee believed that it was not enough to tighten controls on gassy mines. The so-called nongassy mines also present a problem because ignitions occur there, too, as the record shows. Accordingly, the committee determined to meet both problems; yet, it recognized that more time is needed for the nongassy mines.

Mr. President, I ask unanimous consent that there be printed in the RECORD as exhibit 1 to my statement an analysis of the costs of this electrical equipment section as prepared by the Department of Interior. I also include as part of exhibit 1 the investigations reports prepared by the Bureau of Mines of five ignitions in nongassy mines caused by nonpermissible large equipment or by large equipment in nonpermissible condition.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

4. THE FEDERAL COAL MINE SAFETY ACT OF 1952

Mr. WILLIAMS of New Jersey. Mr. President, under the Federal Coal Mine Safety Act of 1952, there is a Coal Mine Safety Board of Review composed of two representatives of coal mine operators, two representatives of coal mine employees, and one public chairman—the most recent chairman having been a former vice president of a large coal company.

Both the outgoing and incoming administration bills, S. 355 and S. 1300, proposed that this Board continue in existence with veto power over the Secretary in enforcement actions.

In testifying on such a Board, which on its face appears to be an industry-oriented Board, or a special interest Board, the Director of the Bureau of Mines said that the Board was "an escape valve" for the industry. In the Board's own presentation before the subcommittee of the Committee on Appropriations, it referred to itself "essentially as a buffer between the U.S. Bureau of Mines, and the coal industry."

To put an "escape valve," "buffer" Board of this character over the Secretary would weaken any possibility for effective enforcement of a health and safety statute.

As noted by one of the most eminent professors of administrative practice and procedure, Prof. Louis L. Jaffe, Harvard Law School:

> The process precisely inverts what would be the proper sequence. There might be some warrant for an initial industry judgment prior to a final decision by the public officer, but it is difficult to see what legitimate interest is served by subjecting the Secretary's judgment to the final decision of an industry board.

The most effective enforcement can be expected if the Cabinet-level official charged with responsibility for the health and safety of coal miners is given the authority and responsibility for enforcing this law. Speedy due process will best be protected by immediate appeals of his decisions to the Federal courts of appeals.

5. RESEARCH

For 100 years, neither the industry nor the Government has made the concerted effort that is necessary to protect the men who go down into the mines to bring forth the Nation's source of energy. With a misguided sense of values, both industry and Government have spent hundreds of millions of dollars—over $350 million—on production research, on marketing research, on economic research in the past 17 years. But we have spent less than $2 million a year on human research, on the research necessary to protect the lives of those miners. Just this week, the Senate passed the

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House-enacted appropriations bill for the Department of the Interior, including $22 million for commercial coal research and only $3 million for health and safety research in all mining operations, not just coal.

It is, therefore, not surprising, though greatly depressing, that the frequency rate for coal mining fatalities has been a relatively constant 1.1 to 1.5 fatalities per million man-hours of work every year since 1952 with the exception of 1966. Between 50 and 58 miners have been injured for each million man-hours of work since 1952, with the exception of 1965, when the rate was 49.33 nonfatal injuries per million man-hours of work. This is a rate several times as high as the average rate for all other industries, according to the National Safety Council.

S. 2917 provides a new and major section establishing the coal mine health and safety research trust fund. There will be a research assessment on each ton of coal sold or used, beginning with 1 cent in the first year, and increasing a penny a year until it reaches a level of 4 cents per ton in the fourth year. This research assessment is expected to yield, by the fourth year, a minimum of $20 million annually for health and safety research. It will assure that the industry itself bears, in some measure, the increased costs of health and safety research—costs directly attributable to the industry's strange reluctance to solve its own problems.

At this point, I ask unanimous consent to have printed in the RECORD, as exhibit 2, a copy of the 1969 annual report of the Office of Coal Research. This report demonstrates part of the extensive nature of the Government's financing of commercial coal research.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WILLIAMS of New Jersey. Mr. President, S. 2917 is a major comprehensive measure which offers our Nation's coal miners the promise of a lifetime of productive work free from the hazards that have depleted this work force. It offers the families of our coal miners the hope of relief from the daily fears that permeate their lives.

The bill not only provides the means to improve the health and safety conditions and practices at all underground coal mines; it encompasses all other coal mines including strip mines, not now covered by the Federal Coal Mine Safety Act.

Mr. President, as I said earlier, this bill is the first Federal action aimed at meeting the demand for better health and safety in the coal mines. There must, however, be others if we expect to accomplish the goals of this legislation. The officials and employees of the Interior Department and the Bureau of Mines must reorient their attitudes toward the miner. Business as usual is no longer acceptable. They must develop the role of the "advocate" for the miner. They must vigorously seek sufficient manpower and funds to do the job. They must accelerate their health and safety research, always looking for new ways to save a life. They must institute a broad program of education of the operators and the miners to be safety and health conscious at all times. Time is no longer on their side. The Nation is demanding action. Any delay may well be disastrous.

A fatalistic attitude has permeated this industry for yéars. But the Nation's miners, the public, and Congress will no longer accept this attitude. Men's lives are at stake and those of their families who are dependent on them.

I believe that the hazards of coal mining can be substantially reduced or eliminated. Many are due to bad practices and a failure on the part of both the industry and the Government to act vigorously years ago to change them. We owe it to the miners who died at Farmington and their families, and to the 144 miners who have died with little publicity since Farmington, through July of this year.

We owe it even more to the living—the active hard-working miners in the mines today, and to their families. No longer can they be forced to bear the cost, in pain and suffering, of the Nation's coal production.

Mr. President (Mr. STEVENS in the chair), for all these reasons, I earnestly urge passage of S. 2917 as it is before us, as it was reported by a unanimous vote by the Committee on Labor and Public Welfare.

EXHIBIT 1

REPORT OF GAS EXPLOSION BARTON MINE YOUGHIOGHENY AND OHIO COAL COMPANY, BARTON, BELMONT COUNTY, OHIO, SEPTEMBER 5, 1944

(By O. V. Simpson, Coal-Mine Inspector)

INTRODUCTION

A gas explosion occurred in the Barton mine of the Youghiogheny and Ohio Coal Company at Barton, Belment County, Ohio, about 11 a.m., September 5, 1944, while 258 men were in the mine. Three men in the 50 B right entry off 12 north received burns about the face and hands, but the remaining 49 men in this section escaped uninjured and unassisted from the mine. The other 206 men were not called out of the mine.

GENERAL INFORMATION

The Barton mine is opened by two drifts and one shaft. One drift is used as a return airway and main haulage road, and the other drift is closed by heavy rock falls. The shaft is used both as an intake and return airway, and as an emergency escapeway. The shaft is 280 feet deep and is equipped with a stairway which is in intake air. The mine is developed in the Pittsburgh No. 8 coal bed, averaging 5 feet and 3 inches in thickness. The untreated coal dust has a ratio of volatile matter to total combustible matter of 0.44 and therefore is highly explosive.

MINING METHOD AND CONDITIONS

The panel room-and-pillar method of mining is employed. Pillar-recovery work is confined to entry-barrier pillars. All coal is loaded by hand. Face entries are driven in sets of 3 from the main entries at 1,530-foot intervals. Room entries on 480-foot centers are driven from the face entries in pairs. Entry-barrier pillars 200 feet wide and about 400 feet long are left betwen the face entries and the first rooms off the room entries. These pillars are recovered after room work in the room entries has been completed by driving a pair of entries into the center of the barrier pillar parallel to and between sets of room entries. Rooms are driven off both sides of this pair of entries. The butt entries that are driven into the center of the barrier pillars are driven to a depth of 170 feet, and the rooms off these butt entries are driven 160 feet deep. This system of recovering barrier pillars has only been in effect a very short time.

The Barton mine is rated nongassy by the Ohio Division of Mines and is operated as a nongassy mine. No permissible electrical equipment is used in the mine. The mine is ventilated by 4 air splits; the air enters through the fan shaft and is directed to the 3, 6, and 10 north, 12 north, 16 north, and 24 south. The air from 12 and 16 north, and 24 south returns along the main haulage road, thence to the surface through the shaft. The air from 3, 6, and 10 north returns through the main haulage entry to the surface.

STORY OF THE EXPLOSION

A mining-machine crew had undercut No. 4 room off 50 B right off 12 north, (50 A and B right entries are driven into the barrier pillar between 50 and 51 right room entries) a distance of about 12 feet from the right-hand rib. The machine operator had stopped the shortwall machine to remove some blocks from under the rear end of the machine, and when he started the machine again, an arc from the controller ignited the gas. The machine operator, helper, and a miner who were in the place received burns of the face and hands. The No. 4 room in which the machine was operating had holed into "A" room off 51 right and released a body of gas. The 51 right butt entries had been worked out and were sealed out by "A" room. "A" and "B" rooms had been driven from 51 right in the barrier pillar. The mining-machine crew stated that they did not know that they had cut into the abandoned room until the gas was ignited. A door or curtain was not being used to deflect the air into the No. 4 room, and a line brattice was not being used to the face of the room. The face of No. 4 room was 35 feet inby the crosscut between it and No. 3 room. The No. 4 room was 57 feet deep.

The entries and rooms that were being driven into the barrier pillars were laid out by the section foreman. It was stated that "A" and "B" rooms off 51 right were driven without engineers' driving points or spads. Moreover, it was stated that a plan or sketch had not been provided by the engineering department for the pillar work. The mine map had not been brought up to date for several months. The superintendent stated that a 30-foot pillar was supposed to be left between the barrier-pillar places and the abandoned entries and that a small pillar was to be left between No. 4 room off 50 B right and "A" room off 51 right. It was also stated that drill holes 6 feet deep were kept ahead of the face of No. 4 room.

At the time of the investigation, the section foreman for the 12 north section stated that methane was detected on the 12-north main entry with a flame safety lamp shortly after the explosion at a point 115 feet from the No. 4 room.

Three air samples were collected at the face of No. 4 room off 50 B right about 4 hours after the explosion. The samples contained 0.27, 0.30, and 0.44 percent methane respectively. The Bureau of Mines recommends in Mine Safety Board Decision No. 33, "That any coal mine wherein methane or other combustible gas can be detected in amounts as much as 0.25 percent or more by frequent systematic searches shall be classified as a gassy mine."

TABLE 1.—ANALYSES OF AIR SAMPLES COLLECTED, SEPT. 5, 1944

Bottle number and location in mine	Percent			
	CO_2	O_2	CH_4	N_2
585–V, 12 face, 50 B right, No. 4 room in left corner. Air from behind sealed area	0.14	20.16	0.27	79.43
586–Q, 12 face, 50 B right, No. 4 room in right corner. Air from sealed area	.14	19.98	.44	79.44
683–O, 12 face, 50 B right, No. 4 room in right corner. Air in working place from behind seal	.15	20.27	.30	79.28

The mining-machine operator stated that the mining-machine crew had been in the No. 4 room about one hour before the explosion occurred.

At the time of the investigation, September 5, 1944, an air measurement was taken on the 50 B right entry a few feet inby No. 4 room. It was found that 4,800 cubic feet of air a minute was passing this point.

The 50 B right entries had recently been rock-dusted; however, the rooms had not been rock-dusted. It is believed that coal dust did not enter into the explosion. Water is not used on the cutter bars of mining machines in any part of the mine.

The Barton mine was inspected by two Federal coal-mine inspectors July 9 to 17, 1942, and again by the writer May 3 to 9, 1944. The methane content in air samples collected on the original inspection ranged from 0.03 to 3.56 percent. The sample which contained 3.56 percent methane was collected in old works. The methane contents in samples collected on the reinspection of this mine ranged from 0.03 to 0.44 percent. All samples, collected on both inspections, contained some methane. It was recommended that the mine be classed as a gassy mine and be operated as such, on both inspections. Moreover, on page 23 of the reinspection report, the following recommendation is found: "When electrical equipment is used in face regions, tests for methane should be made at least every 30 minutes by a certified official or other competent person." The mining machinemen, or other persons except the section foremen and the mine foreman, are not provided with flame safety lamps. On page 20 of the reinspection report the following recommendation is made: "The quantity of air reaching the last open crosscut on any pair of working entries should be at least 6,000 cubic feet a minute, and that line brattices should be used from the last crosscut to the working faces."

Although this explosion was caused by a nonpermissible mining machine, a careful analysis of the explosion would class the ignition of the gas as a contributory cause, inasmuch as the primary cause was the breaking into the sealed abandoned workings with release of gas. Poor supervision and lack of accurate checks on the advancement of the working places by the engineering departments were largely responsible for this explosion. Accurate maps alone will not prevent such accidents; suitable action must be taken to utilize the information obtainable from maps.

LESSONS TO BE LEARNED

1. This is just another of the large number of supposedly nongassy mines suddenly becoming sufficiently gassy to cause an explosion. Fortunately, no one was killed or seriously injured. This accident again emphasizes the fact that all coal mines are potentially gassy.

2. This accident would not have occurred if drill holes of sufficient depth and on proper angles had been advanced ahead in the No. 4 room face and if other necessary precautions had been taken when approaching known abandoned workings.

3. If adequate ventilation had been provided in the No. 4 room, the gas that was released may have been diluted below the ignition point.

4. The explosion might have been averted had the machinemen been provided with a flame safety lamp and made frequent tests for methane as recommended in the Federal inspectors' inspection and reinspection reports.

5. This accident illustrates the necessity of care and accuracy in the making of surveys and extending workings on mine maps. The explosion would not have occurred if the closeness of the workings had been known and if proper precautions had been taken.

RECOMMENDATIONS

While this explosion was a minor one, and did not cause loss of life, similar accidents at other mines have caused violent explosions and the death of many men. It is with these things in mind and as a means of preventing accidents of this kind that the following recommendations are made.

1. The mine should be regarded as a gassy mine and operated as such.

2. Deflector curtains or doors should be placed on room entries to deflect the air into rooms.

3. Line brattices should be used to conduct the air from the last crosscut to the working faces to remove gases and explosive fumes.

4. All persons who operate portable electrical equipment in face regions should be provided with a permissible flame safety lamp for gas-testing purposes. They should be required to test for gas at the face immediately before the machine is taken beyond the last crosscut.

5. Examinations for gas should be made every 30 minutes in places where electrical equipment is operated.

6. Regardless of the supposed accuracy of the mine map, drill holes at least 20 feet deep should be drilled ahead of the face of any place when the working places are known or suspected to be close to abandoned, sealed, or other old workings which cannot be examined. Also, 45 degree angle holes at least 25 feet deep and not more than 8 feet apart should be made on each rib. These precautions should be started when a limit of 200 feet is reached from abandoned workings that cannot be inspected.

7. Accurate and frequent check measurements should be made of the distances in workings approaching abandoned or worked-out areas. This should be made in addition to the drill holes advanced ahead of the face.

8. Definite instructions should be issued to the operating mine officials, such as mine foreman, assistant mine foremen, section foreman, and the miners, limiting the distance of the places to be driven, regardless of whether or not the areas being approached can be inspected.

9. Electrically driven equipment that is operated inby the first open crosscut between entries or rooms, or in air that has ventilated one or more working places in mines classed as gassy, should be permissible.

ACKNOWLEDGMENT

The inspector was afforded cooperation by company officials in conducting the investigation, and data requested were given promptly and fully.

Respectfully submitted.

REPORT ON MINE EXPLOSION NO. 3 MINE, ACOSTA-GRAY CO., GRAY, SOMERSET COUNTY, PA., MARCH 24, 1952

(By H. E. Sanford, Chief, Johnstown Section, Accident Prevention and Health Division; C. J. Dalzell, Omar Elkins, Coal-Mine Inspectors)

INTRODUCTION

An explosion occurred in the No. 3 mine of the Acosta-Gray Company at Gray, Somerset County, Pennsylvania, about 7:15 a.m., Monday, March 24, 1952. Seventy men were in the mine at the time of the explosion, but only four were in the affected area. Two of these men, Lawrence Gelsbert and Dwight Knupp, were burned severely, and the others were cut and bruised.

The explosion occurred when methane was ignited in 21 room 4 flat 26 butt off 1 northwest entries. It was local in nature, and the flame was confined to the immediate area. Coal dust was a negligible factor in the explosion.

GENERAL INFORMATION

The No. 3 mine is at Gray, Somerset County, Pennsylvania, about ½ mile east of U.S. Highway 219, where it is served by the Western Maryland Railroad. It was opened in 1915 by the Consolidation Coal Company, Incorporated, and was known as the No. 123 mine. In 1946, the name of the company was changed to Pittsburgh Coal Company, and the mine was acquired and renamed No. 3 by the Acosta-Gray Company on January 1, 1951. The main office is at Gray, Pennsylvania, and the officials are as follows:

Albert M. Swank, President, Box 630, Johnstown, Pennsylvania.

Elmer N. Custer, General Manager, Gray, Pennsylvania.

Merril Holsopple, Mine Superintendent, Gray, Pennsylvania.

The mine is opened by two shafts and a slope into the Upper Freeport coal bed, which is known locally as the E bed. It is 38 inches thick at the place where the explosion occurred and averages 36 inches in thickness throughout the mine. The shafts are about 300 feet deep, and the overburden near the explosion area is approximately 450 feet in thickness.

The coal is low-volatile bituminous, generally called "smokeless." A composite moisture-free analysis of several samples of coal from this mine analyzed by the U.S. Bureau of Mines follows:

	Percent
Volatile matter	18.2
Fixed carbon	73.2
Ash	8.6
	100.0
B.t.u.	13,960

Numerous experiments by the Bureau of Mines have proved that coal dust having a volatile ratio in excess of 0.12 is explosive and that its explosibility increases as the volatile ratio increases. The volatile ratio of coal in this mine, based on the foregoing analysis, is 0.20, and the dust, consequently, is capable of entering into and propagating an explosion.

The mine was being operated 2 shifts a day, 5 days a week, and produced an average of 825 tons of coal daily with 140 employees. The coal was loaded onto conveyors by hand, and the total production in 1951 was 184,355 tons. An official estimated the remaining life of the mine to be 20 years. The last Federal inspection was completed on January 5, 1952.

Coal is mined from panels by a room-and-pillar system. Main and cross entries in sets of two, three, or four are about 18 feet wide on 50-foot centers. Room entries are in pairs, and rooms, as they advance, are driven 40 feet wide on 50-foot centers. When rooms reach their projected limits, part of the pillar on the inby side of the room is extracted by cutting a slab from the pillar. The coal is undercut with shortwall mining machines, blasted with permissible explosives, and loaded by hand onto chain-and-flight conveyors. The machine cuttings, because of high ash content, are gobbed in the mine.

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Prior to the explosion, the mine was classed nongassy by the Pennsylvania Department of Mines, and methane in excess of 0.03 percent had not been found by personnel of the U.S. Bureau of Mines. The C Prime or Upper Kittanning bed, which lies 90 to 100 feet under the E bed, is gassy in adjacent areas, but it has not been mined beneath the area where the explosion occurred.

Ventilation is induced by a 14-foot electrically driven centrifugal fan installed properly on the surface and blowing about 99,500 cubic feet of air a minute. It is in a brick building, offset about 25 feet from the air shaft, and proper manipulation of doors in the air ducts will reverse the direction of air flow. A fan-speed indicator and a pressure-recording gage are provided. Permanent stoppings and overcasts are constructed of fireproof materials, and doors are erected to form air locks. Line brattices conducted air to the working faces. During the last Federal inspection, except in 3 flat 26 butt, more than 6,000 cubic feet of air a minute was passing through the last open crosscut in each set of entries. On the day following the explosion, 10,200 cubic feet of air a minute was entering the explosion area, and there was no evidence of any recent change in ventilation.

Preshift examinations of the mine were not being made, but onshift and weekly examinations for methane were made. On March 24, 1952, the following entry was made in the assistant mine foreman's record book: "Examined all places working in 1 northwest section, found same in safe working condition, mine law complied with. Except 26 butt 4 flat heading No. 21 room, where an explosion occurred inby No. 2 crosscut when the machine operator started the machine. After explosion, examination showed a liberation of explosive gas coming off fall in No. 22 room at No. 2 crosscut. Four men were involved."

There were four major air splits, but many of the working places were ventilated by air that had first passed through pillar workings and worked-out and abandoned areas. Access to the caved areas was not possible, but samples collected in the air current entering the explosion area and at the edges of falls contained from 0.09 to 5.47 percent methane.

While parts of the mine were dry, most of it ranged from damp to wet. Parts that were not wet were rock-dusted to within 80 feet of the faces, and rock dust had been used in the explosion area.

The underground electric equipment was operated by 275-volt direct-current power and was in good operating condition. About one-half of the equipment used in the face regions was permissible type, but it was not maintained in permissible condition. The mining machine involved in this explosion is the nonpermissible type. Many of the trolley and feeder lines were installed in air returning from abandoned areas and pillar-recovery work. Trailing cables were approved type and in good condition. Tests for gas, except by foremen making their regular visits, were not made in the face areas when electric equipment was operated.

Only permissible-type electric cap lamps are used by the underground employees. Smoking in the mine is prohibited, and there was no evidence that the rule was being violated.

The Johnstown office of the Bureau of Mines learned of the explosion about 4:15 p.m., March 24, 1952, when Elmer Custer, General Manager, telephoned Inspector C. J. Dalzell that there had been a gas explosion. He reported that all the men were out of the mine, that no fatality had resulted, and that no property damage had been done. Messrs. Sanford and Dalzell went to the mine about 7:15 p.m., but an electrician, who was the only available person at the mine, reported that no one was working in the mine at that time. Arrangements were then made for an investigation the following day.

The investigation was started about 8:00 a.m., Tuesday, March 25, 1952, by representatives of the Pennsylvania Department of Mines, Acosta-Gray Company, and U.S. Bureau of Mines. It was completed on March 26, 1952. The names of the persons in the investigating party are as follows:

PENNSYLVANIA DEPARTMENT OF MINES

C. H. Maize, Inspector, 20th Bituminous District.

W. R. Cunningham, Inspector, 7th Bituminous District.

C. L. May, Inspector, 28th Bituminous District.

ACOSTA-GRAY COMPANY

Merril Holsopple, Mine Superintendent.

K. C. Stoy, Mine Foreman.

UNITED STATES BUREAU OF MINES

H. E. Sanford, Chief, Johnstown Section, Accident Prevention and Health Division.

C. J. Dalzell, Coal-Mine Inspector.

Omar Elkins, Coal-Mine Inspector.

James Westfield, Chief, Accident Prevention and Health Division, Region VIII, W. Dan Walker, Jr., Chief, Pittsburgh Branch, Accident Prevention and Health Division, and Clyde Brown, Electrical Engineer, arrived at the mine a short time after this investigating party returned to the surface, and they assisted in obtaining and analyzing data concerning the explosion. In all, six Bureau of Mines representatives collaborated in making the investigation and preparing the report.

DESCRIPTION OF THE OCCURRENCE

The mine had been operated on Saturday, was idle on Sunday, and normal operations were resumed on Monday, March 24, 1952. The fan charts show that the fan had been in continuous operation and was operating normally at the time of the explosion.

Assistant Mine Foreman Millard Phillips examined 21 room, 4 flat, 26 butt about noon on Saturday, March 22, 1952, and found the place in safe working condition. The second break-through in 21 room, when driven, had cut into a fall in 22 room, and this break-through was not depended upon in ventilating 21 room; instead a line brattice was maintained from the first break-through. This line brattice was in place when Phillips examined the room, and he did not detect methane with a permissible flame safety lamp. A preshift examination was not made on Monday, and no one had been in the explosion area from about 2:00 p.m., Saturday, when the day shift left until the conveyor crew arrived about 7:00 a.m., Monday.

The 4 flat entries off 26 butt had been cut into 29 butt. The coal between 4 flat and the 1 left entries was being recovered by driving 40-foot rooms, 300 feet long, on 50-foot centers into the panel. (See Appendix 1.) Each room was advanced to its limit and a 5-foot slab taken off the inby rib before the next room was driven. Five rooms had been completed, and the pillar in 21 room had been slabbed about 50 feet back from the face.

Upon arriving at 21 room on Monday morning, Lawrence Geisbert, Dwight Knupp, and Roy Knupp went into the room. On their way to the face, they found that about 50 feet of the line brattice inby the first break-through was down. They continued toward the face where Roy Knupp got an ax and went back to repair the line brattice. Geisbert and Dwight Knupp started oiling the mining machine, and the explosion occurred when Geisbert opened the controller to see whether the power was on. Both men were burned severely above the waist and were knocked unconscious by the blast. When Knupp regained consciousness, he found the place so filled with smoke and dust that breathing was difficult. When Knupp called to Geisbert, he found that he (Geisbert) was burned so severely he was unable to crawl out of the place. Whereupon, Knupp assisted Geisbert onto the conveyor, crawled to the mouth of the room, and brought Geisbert out by "nipping" the conveyor slowly along.

Roy Knupp met Roy Putman at the first break-through and prepared to replace the line brattice when the explosion occurred. They said the force blew them through the break-through and into 22 room. They lost their caps and were struck by flying particles, but neither man was burned. After picking themselves up, they crawled to the entry through 22 room, talked to Dwight Knupp at the mouth of 21 room, and went to a telephone and called for help.

The superintendent and the mine foreman responded to the telephone call, gave the men first aid, transported them to the surface, and sent three of them to a hospital in Somerset, Pennsylvania. The injured men told the official they had been burned by a blown-up cable; therefore, an examination for fire was made while the victims were being given first aid. As no fire was found, the remainder of the mine continued in operation.

Since two of the men were injured seriously, the district State mine inspector was notified immediately. After his arrival a preliminary investigation was made, and it then was decided that a gas explosion had occurred. Therefore, the second shift was not permitted to enter the mine.

The mine was not damaged by the explosion, but some line brattice was torn down in 21 room. Prior to the investigation, the line brattice in 21 room had been repaired. An air current was perceptible at the end of the line brattice during the investigation, but the velocity was too low to measure with an anemometer. No. 26 room was travelable to the face, but 22, 23, 24, and 25 rooms were travelable only a short distance in by the first break-through. Tests with a smoke tube showed that little if any air was traveling through the caved areas. Tests with a permissible flame safety lamp indicated a small percentage of methane at the face of 26 room, and an explosive mixture of methane and air was detected on a fall in the second crosscut in 21 room. Air samples collected at these places contained 1.52 and 5.47 percent methane, respectively, as indicated in table 1. An air sample collected at the face of 21 room contained 0.31 percent methane. The methane content in other samples collected at the falls in 21, 22, and 23 rooms ranged from 0.12 to 0.23 percent. The air entering 4 flat, which had passed through pillar workings and abandoned areas, contained 0.09 percent methane.

From the foregoing, there is ample reason to believe that the poorly ventilated areas in 22, 23, 24, and 25 rooms contained more than 5.50 percent of methane, that some of this gas entered 21 room and accumulated near the mining machine while a portion of the line brattice was dislodged, and that an arc from the machine controller ignited the gas.

Although the analyses of dust samples, see table 2, indicate that rock-dusting in the area was generally inadequate, the coal dust did not enter into this explosion because of moisture and the lack of violence. Appendix 2 shows details in the vicinity of the explosion.

Definite evidences of flame were present in the immediate vicinity of the mining machine, but the flame did not spread into the second break-through or to the face.

CONCLUSIONS

1. The ventilating system was inadequate, inasmuch as air that had first ventilated abandoned and worked-out areas was used to ventilate active workings.

2. Open-type electric equipment was op-

erating in air returning from abandoned and worked-out areas where gas might be liberated in dangerous amounts.

3. Methane liberated in the worked-out and abandoned area in 4 flat accumulated in 21 room off 4 flat 26 but 1 northwest and was ignited by an electric arc or spark when the controller of an open-type mining machine was opened.

4. The mine was not examined for gas before men, other than the fire boss, were permitted to enter.

RECOMMENDATIONS

Compliance with the following recommendations may prevent a similar occurrence in the future:

1. Air that has passed by or through abandoned areas or pillar workings should not be used to ventilate live workings.

2. Abandoned workings which are not thoroughly examined should be sealed or ventilated with air which returns to the surface without passing through active workings or over electric equipment.

3. Sufficient air should be directed to all parts of the mine to prevent accumulations of gas.

4. Line brattice should be maintained in good condition and repaired promptly if damaged.

5. Preshift examinations should be made before men, other than the fire bosses, are permitted to enter.

6. Tests for methane should be made with a permissible flame safety lamp before any electric equipment is operated in the face area, after each place has been cut or drilled, and before and after blasting.

7. Rock dust should be maintained on the top, floor, and sides of all open places that are not wet in such quantity that the incombustible content of the mine dust will be not less than 65 percent, plus 1 percent for each 0.1 percent of methane in any ventilating current.

8. Machine cuttings should be removed from the mine.

9. Trolley and other power wires should not be installed in air returning from pillar-recovery work or old wokings.

10. Electric equipment used in the face areas should be of a type approved by the U.S. Bureau of Mines and be maintained in permissible condition.

ACKNOWLEDGMENT

The writers acknowledge the courtesies extended and the help given by officials of the operating company, members of the United Mine Workers of America, and representatives of the Pennsylvania Department of Mines, who gave all information requested in connection with this investigation.

Respectfully submitted.

TABLE 1.—U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF MINES, MINE ATMOSPHERE ANALYSIS REPORT

Mine: Gray No. 3; Operator, Acosta-Gray Co.; Coal Bed "E"; State, Pennsylvania; County, Somerset; Town, Gray; Collector, Messrs. Elkins and Dalzell

Bottle number	881	B-4282	B-4283	B-4352.
Laboratory number	219713	219714	219715	219716.
Kind of sample	Top of fall	Mine air		Mine air.
Location of mine	26 butt 4, flat 1 north, last bt. between 21 and 22 rooms.	26 butt 4, flat 1, northwest crosscut between 21 and 22 rooms.	23 room 26 butt, 4 flat 1, northwest inby 1st break-through.	26 butt, 4 flat, 1, northwest, 1st crosscut rt. off 22 room.
Date and hour sampled	Mar. 25, 1952, 9:40 a.m	Mar. 25, 1952, 10:45 a.m	Mar. 25, 1952, 11 a.m	Mar. 25, 1952, 10:50 a.m.
Air quantity				
Carbon dioxide (CO_2)	0.41	0.21	0.26	0. 20.
Oxygen (O_2)	17.75	20.16	20. 11	20.07.
Hydrogen (H_2)				
Carbon monoxide (CO)	0.00	0.00	0.00	0.00.
Methane (CH_4)	5.47	0.12	0.16	0.15.
Nitrogen (N_2)	76.37	79.51	79.47	79.58.

Mine: Gray No. 3; Operator, Acosta-Gray Co.; Coal Bed "E"; State, Pennsylvania; County, Somerset; Town, Gray; Collector, Messrs. Elkins and Dalzell

Bottle number	B-4469	B-9858
Laboratory number	219717	219718
Kind of sample	Mine air	Mine air
Location in mine	26 butt 4, flat 1 northwest inby 26 room on 4 flat.	26 butt 4, flat 1 northwest face, No. 21 room.
Date and hour sampled	Mar. 25, 1952, 11:15 a.m	Mar. 25, 1952, 10 a.m
Air quantity	10, 200	
Carbon dioxide (CO_2)	0. 18	0. 30
Oxygen (O_2)	20. 26	19. 95
Hydrogen (H_2)		
Carbon monoxide (CO)	0. 00	0. 00
Methane (CH_4)	0. 09	0. 31
Nitrogen (N_2)	79. 47	79. 44

Mine No. 3; Operator, Acosta-Gray Co.; Coal bed, Upper Freeport; State, Pennsylvania; County, Somerset; Town, Gray; Collector, O. Elkins.

Bottle number	C-235	C-236	C-2321
Laboratory number	219789	219790	219791
Kind of sample	Mine air	Mine air	Mine air
Location in mine	Face No. 26, room 26, butt, 4 flat	50 ft. inby entrance to No. 21 room, 26 butt, 4 flat.	1,000 outby 21 room, 26 butt, 4 flat
Date and hour sampled	Mar. 25, 1952, 3:26 p.m	Mar. 25, 1952, 3:25 p.m	Mar. 25, 1952, 6:40 p.m
Air quantity			9,450 cu. ft
Carbon dioxide (CO_2)	0.51	0.29	0.20
Oxygen (O_2)	17.58	20.07	20.18
Hydrogen (H_2)			
Carbon monoxide (CO)			
Methane (CH_4)	1.52	0.23	0.15
Nitrogen (N_2)	80.39	79.41	79.47

TABLE 2.—ANALYSES OF DUST SAMPLES, COLLECTED MARCH 1952 MINE NO. 3; COMPANY, ACOSTA-GRAY CO.; COLLECTED BY OMAR ELKINS

[Lab. Nos. D-83588 to D-83601 inclusive]

Can Number	Sample of dust from	Location in mine	As received basis (percent)			
			Moist	Ash	Comb.	Incomb
F-795	Road	25 ft. from face 21 room, 26 butt, 4 flat	1. 2	11. 5	87. 3	12. 7
V-214	Top and ribs	do	1. 4	64. 0	34. 6	65. 4
V-141	Road	850 ft. in A.C., outby 21 room, 26 butt, 4 flat	0. 8	29. 0	70. 2	29. 8
C-164	do	150 ft. from face 21 room, 26 butt, 4 flat	1. 0	28. 9	70. 1	29. 9
R-581	Top and ribs	do	1. 1	50. 3	48. 6	51. 4
Q-667	Road	100 ft. outby 21 room, 26 butt, 4 flat	1. 9	66. 5	31. 6	68. 4
R-332	do	50 ft. from face 26 room, 26 butt, 4 flat	0. 6	53. 2	46. 2	53. 8
C-341	Top and ribs	do	0. 6	58. 3	41. 1	58. 9
R-329	Roof and ribs	100 ft. outby 21 room, 26 butt, 4 flat	4. 1	29. 1	66. 8	33. 2
C-19	Road	200 ft. from face 26 room, 26 butt, 4 flat	0. 9	55. 1	44. 0	56. 0
F-937	Top and ribs	do	2. 0	68. 7	29. 3	70. 7
T-564	do	850 ft. in A.C. outby 21 room, 26 butt, 4 flat	0. 6	63. 5	35. 9	64. 1
F-276	Road	850 ft. outby 21 room, 26 butt, 4 flat	2. 1	33. 2	64. 7	35. 3
A-21	Roof and ribs	do	3. 0	37. 8	59. 2	40. 8

FINAL REPORT OF MAJOR EXPLOSION DISASTER O'BRIEN MINE, O'BRIEN COAL CO., LOVILIA, MONROE COUNTY, IOWA, MARCH 30, 1953

(By Rop Capps, coal-mine inspector; W.B. Dalrymple, health and safety engineer; E. W. Felegy, mining engineer; James A. O'Connor, health and safety engineer; R. O. Pynnonen, mining engineer; H. F. Weaver, chief, coal-mine inspection branch)

INTRODUCTION

A coal-dust explosion in the O'Brien mine about 4 p.m., March 30, 1953 killed two shot firers, the only men in the mine at the time. Their bodies were recovered at 6 p.m. that day. Three of five men who entered the mine about 9 p.m., March 30, reportedly to make an investigation of the explosion, collapsed and died of carbon monoxide poisoning. The other two men escaped to the surface; one was hospitalized but was released from the hospital April 3.

The explosion resulted from two blown-out black blasting powder shots off the solid in No. 4 room, 10 west entry. The force of the explosion spread throughout 9 and 10 west entries, the only active section in the mine, and extended 700 feet in the main entries out by that section.

GENERAL INFORMATION

The O'Brien mine, O'Brien Coal Co., is 3½ miles west of Lovilia, Monroe County, Iowa, and is served by trucks. D. W. O'Brien, 1927 Easton Boulevard, Des Moines, Iowa, is owner and operator of the company. Fifteen men were employed underground, and 4 men were employed on the surface the day of the disaster. Average daily production was 125 tons of coal.

A 300-foot slope and a vertical air shaft 90 feet deep opened the mine in a flat-lying 66-inch bituminous coal bed. The coal bed was not correlated but probably is the Smoky Hollow bed. The roof was shale, usually free from slips and other irregularities, and the floor was fire clay. Analysis of a coal sample collected from the Smoky Hollow bed in the nearby Blackstone mine, now abandoned, was reported in Bureau of Mines Technical Paper 706, Analyses of Iowa Coals, as follows:

	Percent
Moisture	18.3
Volatile matter	34.5
Fixed carbon	38.4
Ash	8.8
	100.0
Sulfur	3.3
B.t.u.	10,400

Numerous tests by the Bureau of Mines have shown that dust from coal having a volatile ratio of 0.12 is explosive and that the explosibility increases with increase in the volatile ratio. The volatile ratio of the coal in the O'Brien mine as determined from the analysis given above was 0.47, indicating that the dust from the coal is highly explosive.

According to available records, no fires or explosions resulting in fatalities occurred previously in this or nearby mines. The last Federal inspection was October 9, 1952.

MINING METHODS, CONDITIONS, AND EQUIPMENT

Mining methods

A room-and-pillar system of mining was employed. Entries were driven in pairs, 12 feet wide on 30-foot centers. Rooms were driven 200 feet deep on 45-foot centers, and crosscuts were 50 to 60 feet apart. Coal was loaded by hand. About 70 percent of the coal was extracted and pillars were not recovered.

A systematic method of timbering was prescribed, but safety posts were not set at the working faces. Timbers knocked out in blasting were reset. Roof in the entries was supported by crossbars and lagging; crossbars generally were set on 4-foot centers throughout the mine.

Explosives

Coal was blasted off the solid by pellet black blasting powder fired by fuse. Occasional opener shots of permissible explosives were fired by cap and fuse. Holes were charged on shift but were fired off shift by shot firers when all other men were out of the mine. Both wooden and copper-tipped steel bars were used to stem the holes with a mixture of fine coal and fire clay. Explosives were stored underground in wooden and cardboard shipping containers and in miners' wooden explosives boxes.

Ventilation and gases

The mine is classed nongassy. Methane has not been detected by permissible flame safety lamps or other detecting devices in the mine. Analysis of an air sample collected February 3, 1948 at the face of the last crosscut between 1 and 2 west entries, now worked out and abandoned, indicated 0.03 percent methane. Methane was not found in air samples collected in the mine before or after that date. No gas or oil wells were in the vicinity of the mine.

Ventilation was provided by an electrically driven 2- by 4-foot centrifugal fan operated blowing and situated directly over the air shaft. Provisions were not made to reverse the direction of air flow. The fan was not equipped with a pressure-recording gage or water gage, or any device to give warning when the fan slows down or stops. More than 6,000 cubic feet of air a minute was passing through each of the last open entry crosscuts during the last Federal inspection, and 26,000 cubic feet of air a minute was measured at the foot of the slope. Rock stoppings, wooden doors, and brattice-cloth check curtains were used underground to direct air flow.

Preshift and weekly examinations were made for gas and other hazards. Weekly air measurements were made and a record of the measurements was kept by the mine foreman.

Results of analyses of air samples collected during the investigation are shown in table 1.

Dust

The mine was dry and dusty and was not rock dusted. Dust samples were not collected prior to the explosion. Results of analyses of dust samples collected during the investigation are shown in table 2.

Haulage

Single cars were hauled by animals from the face to the main side-track, and six-car trips were hauled to the slope bottom by one 5-ton storage battery locomotive. Single cars were hauled up the slope by a geared hoist powered by an internal-combustion engine on the surface. Crosscuts and room necks served as shelter holes along the haulageways. Man-trips were not provided.

Electricity

Power purchased as 220 volts alternating current was used to operate the fan motor and the mine pumps, and was reduced to 110 volts for lighting on the surface and underground. Power wires underground were insulated and were not in contact with timbers. Electricity was not used in the working areas.

TABLE 1.—RESULTS OF ANALYSES OF AIR SAMPLES COLLECTED IN THE O'BRIEN MINE, O'BRIEN COAL CO., LOVILIA, MONROE COUNTY, IOWA, MAR. 31 AND APR. 1, 1953

Bottle No.	Date	Location in mine	Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen	Cubic feet air per minute
D2876	Mar. 31	Return air 50 feet outby slope bottom	0.17	20.76	0.00	(1)	79.07	23'600
E3631	do	Face of No. 5 room, 10 west entry	.26	20.59	.00	0.00	79.15	(2)
D8438	do	Face of 8 east entry	.15	20.75	.00	(3)	79.10	(2)
D2874	do	Return air outby 7 west entry	.07	20.76	.00	.00	79.17	6,000
E5887	Apr. 1	Face of 10 west entry	.09	20.81	.00	(3)	79.10	(2)
E5879	do	Face of 9 west entry	.08	20.76	.00	.00	79.16	(2)

[1] Trace, less than 0.005.

[2] Negligible.

[3] Possible trace, less than 0.0025.

TABLE 2.—ANALYSES OF DUST SAMPLES COLLECTED IN THE O'BRIEN MINE, O'BRIEN COAL CO., LOVILIA, MONROE COUNTY, IOWA, APR. 1-3, 1953

Can No.	Sample of dust from—	Location in mine	Incombustible content	Coke
E358	Rib, roof, gob, timbers	9 West entry between rooms 3 and 4	31.3	None.
E353	Floor	do	46.5	Do.
J863	Rib, roof, gob, timbers	10 West entry outby room 1	36.9	Do.
L637	Floor	do	44.3	Do.
E853	Rib, roof, gob, timbers	10 West entry outby room 4	31.6	Do.
V739	Floor	do	39.2	Do.
E316	Rib, roof, gob, timbers	10 West entry inby room 5	27.4	Do.
E439	Floor	do	33.3	Do.
F431	Rib, roof, gob, timbers	Main entry 25 feet inby 7 east	29.1	Do.
K597	Floor	do	32.8	Do.
B828	Rib, roof, gob, timbers	Main entry 200 feet inby wrecked door at 7 west	44.5	Do.
R209	Floor	do	54.2	Do.
R491	Rib, roof, gob, timbers	Main entry 130 feet outby wrecked door at 7 west	43.1	Do.
C919	Floor	do	46.9	Do.
C900	Rib, roof, gob, timbers	Back entry 20 feet outby 7 east	37.7	Do.
R812	Floor	do	35.1	Do.
T452	Rib, roof, gob, timbers	Back entry midway 6 east and 7 east	44.2	Do.
K574	do	Back entry midway 4 east and 5 east	63.6	Do.

Illumination and smoking

Electric lights were used on the slope bottom and for a limited distance along the main haulageway. All underground employees used open-flame lights. Smoking was permitted and practiced underground.

Mine rescue

None of the employees of the O'Brien mine or nearby mines was trained in mine rescue. The only rescue equipment available was that owned by the fire department in Albia, Iowa, 14 miles from the mine; personnel of that department were not familiar with mine rescue procedures and requirements. Water in barrels, fire buckets, and carbon tetrachloride fire extinguishers were available for fire fighting on the surface and underground, but a firefighting organization was not maintained at the mine.

Legal procedures on notices

On October 9, 1952, upon completion of a Federal inspection of the O'Brien mine and in accordance with provisions of the Federal Coal Mine Safety Act, a Notice was issued to the operator of the O'Brien mine stating that black blasting powder was used to blast coal in the mine. The notice required that this violation of Section 209(h)(5) of the Federal Coal Mine Safety Act be totally abated by January 16, 1953.

A second Notice issued October 9, 1952 stated that the mine was dry and rock dust had not been applied, and required that this violation of Section 209(e)(3) of the Act be totally abated by April 9, 1953.

A third Notice issued October 9, 1952 stated that preshift examinations of the mine were not made, and required that this violation of Section 209(d)(8) of the Act be totally abated by January 26, 1953.

Copies of the three Notices are shown as appendixes D, E, and F.

Similar Notices concerning the use of black blasting powder and lack of rock dust had been issued October 2, 1952 at the No. 2 mine of the Lovilia Coal Company and October 3, 1952 at the No. 3 mine of the Lovilia Coal

Company upon completion of Federal inspections of those mines.

On December 14, 1952, the operator of the O'Brien Coal Company notified the Director of the Bureau of Mines by telegram that he would reduce the number of men employed underground to 14 on January 16, 1953, and requested advice as to whether under these circumstances the mine would be considered subject only to the provisions of Title I of the Federal Coal Mine Safety Act. The Director replied by night letter dated December 15, 1952 and advised in part that if the employment was such after January 16, 1953 that this mine is not covered by the Federal Coal Mine Safety Act, the Bureau of Mines could not require the operator to comply with Sec. 209(h) (5) of the Act pertaining to black blasting powder.

On January 9, 1953, the company requested the Director by telegram for interpretation of the language "fourteen individuals regularly employed underground" as used in Section 201(b) of the Act. The Director replied by air mail letter asking for further information to enable him to answer correctly the telegram of January 9; the Director received no reply to this request.

On January 19, 1953, the judge of the District Court of the State of Iowa in and for Monroe County granted a restraining order in the case entitled *Lovilia Coal Company* and *D. W. O'Brien*, doing business as *O'Brien Coal Company*, Plaintiffs, vs *W.B. Dalrymple* and *Roy Capps*, Defendants, enjoining the defendents from enforcing or attempting to enforce compliance by plaintiffs with the provisions of Section 209(h) (5) of the Federal Coal Mine Safety Act. The temporary injunction was served on Dalrymple the same day and on Capps the following day, and prevented reinspection of the Lovilia Coal Company and O'Brien Coal Company mines. The office of the United States Attorney for the district of Iowa involved cautioned Federal inspectors Dalrymple and Capps not to enter the premises of these mines pending further disposition of the case.

On February 4, 1953, United States Attorneys in Des Moines, Iowa, filed a petition for removal of the case from the State Court to the United States District Court, Southern District of Iowa, Ottumwa Division. The case was docketed as Civil No. 1–36. On February 20, 1953, a motion to dismiss and a brief on the motion to dismiss were filed by United States Attorneys in the United States District Court, and the case was argued orally before the court on March 20, 1953. On March 27, 1953, the Judge of the United States District Court sustained the motion to dismiss and dissolved the restraining order. Copies of this action were forwarded from Des Moines, Iowa, on March 30, 1953—the day of the explosion—to the Department of Justice, Washington, D.C., and to Region V of the Bureau of Mines. Notice of such action was received by the Bureau of Mines, Duluth office, at 2:00 p.m. March 31, 1953, and was the first official written knowledge the Bureau had that the injunction had been dissolved. However, about noon on March 31 the Chief Counsel, Bureau of Mines, Washington, D.C., called the Asst. U.S. Attorney in Iowa about the Bureau's right in view of the injunction to have Federal inspectors enter the premises of the O'Brien mine to investigate the disaster. During the conversation, the Chief Counsel of the Bureau of Mines was advised that the injunction had been dissolved on March 27, 1953.

STORY OF EXPLOSION AND RECOVERY OPERATIONS

Activities of Bureau of Mines personnel

Roy Capps, coal-mine inspector, and W. B. Dalrymple, health and safety engineer, Accident Prevention and Health Division, Region V, Bureau of Mines, Duluth, Minnesota, heard about the explosion at 7:30 p.m., March 30, from members of a first-aid class they were teaching at Centerville, Iowa, 31 miles from Lovilia. Dalrymple started for the mine. Capps called the local radio station to verify the news, called the Assistant United States Attorney at Des Moines, Iowa to ascertain if the restraining order (see above this report) permitted Bureau of Mines' personnel to assist in recovery operations and investigation of the explosion at the O'Brien mine, and notified the Duluth office of the Bureau of Mines before leaving Centerville. Dalrymple met T. C. Chapman, Iowa State mine inspector, at Albia, Iowa, between Centerville and Lovilia. Dalrymple was advised by Chapman, who had returned from the mine, that the bodies of the shot firers had been recovered, that no further activities were in progress at the mine, and that the State would conduct an investigation at 10 a.m. the following day. Dalrymple returned to Centerville and telephoned the Duluth office. Capps in the meantime had started for the mine and learned from miners in Lovilia that the bodies of the shot firers had been recovered, but decided to continue to the mine.

Capps arrived at the mine at 10 p.m., just as 2 of the 5 men who entered the mine at 9 p.m. returned to the surface. He supervised rescue and recovery operations that night, and notified Dalrymple and the Duluth office at 6 a.m. of the latest developments. Dalrymple arrived at the mine at 8:30 a.m., March 31, and supervised recovery operations that day. Rescue work was completed before the arrival of additional Bureau personnel.

James A. O'Connor, health and safety engineer, Accident Prevention and Health Division, Region VIII, Bureau of Mines, Vincennes, Indiana, was notified by the Washington office through the Regional Director, Region VIII to report to the mine, and arrived there at 9 p.m., March 31. H. F. Weaver, Chief, Coal Mine Inspection Branch, Health and Safety Division, Bureau of Mines, Washington, D.C., arrived at the mine at 9:30 p.m., March 31.

E. W. Felegy and R. O. Pynnonen, mining engineers, Accident Prevention and Health Division, Region V, Bureau of Mines, Duluth, Minnesota, arrived at the mine at 12:30 a.m., April 1. Two other men from the Duluth office started for the mine March 31 with the mine rescue truck and equipment but returned to Duluth when they were advised enroute that the equipment was no longer required at the mine. All the above-named Bureau of Mines' personnel participated in the investigation of the explosion.

Mine conditions immediately prior to explosion

The mine operated the usual single shift the day of the disaster. No unusual conditions were reported by the fire boss or any underground employees, and so far as is known, the fan had been operating continuously from 4 a.m. All men except the shot firers left the mine before 4 p.m.

Story of explosion

Holes were drilled and charged with pellet black blasting powder on shift in the faces of 13 rooms off 9 and 10 west entries off the main entry and in the face of 7 east entry off the back entry. Two shot firers, one of whom was the mine foreman, remained underground to fire the shots after the end of the shift. Both men were killed in the explosion, and their activities prior to the explosion can only be deduced from observed evidence.

Normal procedure required the shot firers to begin igniting fuses in No. 1 room off 9 west entry and to continue through the six rooms off that entry, cross over into No. 7 room off 10 west entry and work their way back to the main entry, then cross into the back entry to fire the shots in the face of 7 east entry before leaving the mine. That procedure kept them advancing into the air current and apparently was being followed the day of the explosion. All holes except the two in the face of No. 1 room off 10 west entry and three in the face of 7 east entry had been fired when the explosion occurred and killed the shot firers.

The force of the explosion spread throughout the 9 and 10 west entries and rooms and extended 700 feet along the main entries outby that section. Only minor damage resulted in the 9 and 10 west entries. A brattice-cloth check curtain in the main entry between 9 and 10 west entries was destroyed by the explosion, short circuiting the air past those entries. The four gob stoppings between the main and back entries immediately outby 9 west entry were partly or completely blown out into the main entry. A wooden door in the main entry between 7 and 8 west entries was demolished. Ten empty mine cars in the main entry were tumbled about and piled so as to block the entry almost completely. A number of timbers were knocked out at different points in the main and back entries. Roof falls partly blocked the main entry just outby 9 west entry and the back entry near 3 east entry. A roof fall blocked the back entry completely at 6 east entry, and other minor roof falls occurred throughout the affected area.

No definite evidence of the explosion was reported to have been observed on the surface. Three underground employees, X. Lennie, James Love, and Mike Hasso, were waiting on the surface for the shot firers to return. The shot firers usually returned to surface ahead of the main body of smoke from the blasts. The men on the surface observed what they assumed to be smoke from the blast coming up the slope and decided to go down the air shaft to find out why the shot firers had not returned. They entered the air shaft at 4:15 p.m. and found the back entry partly blocked by a roof fall and dislodged timbers near 3 east entry, and completely blocked near 6 east entry. They entered the main entry through a small door near 6 east entry, found additional roof falls and other property damage in the main entry and noticed that the air was contaminated. The men traveled outby on the main entry to a small door near 3 east entry, where they returned to the back entry and left the mine through the air shaft. Lennie called the central telephone operator and told her to summon help because of trouble at the mine.

Recovery operations

Pliny Samuels and Marion Brawdy, chief and asst. chief of the Albia Fire Department, Dr. N. F. Bay, Monroe County coroner, several members of Iowa Highway Patrol, and numerous miners and other persons arrived at the mine shortly after the telephone requests for assistance were made.

Smoke no longer was visible in the return air coming up the slope, and X. Lennie, James Love, and about 15 others entered the mine through the slope at 5:15 p.m. The party stopped at the first blow-out stopping, about 200 feet outby 9 west entry, and one man advanced a short additional distance until he saw the bodies of the two shot firers lying outby 9 west entry. Four more men helped carry the shot firers back to the point where the main party stopped. Lennie returned to the surface and lowered Dr. Bay and Fire Chiefs Samuels and Brawdy, with a resuscitator, down the slope in a mine car. Men underground were giving artificial respiration to one of the shot firers when Dr. Bay arrived and, after examination, pronounced both men dead. The entire party returned to the surface with the bodies of the victims shortly before 6 p.m. Lennie left the mine about 6:30 p.m.; only a few persons were still at the mine at that time.

Tom Wignall, managing partner, Lovilia Coal Company, and Thomas Little and Gerald Lane, partners and mine foremen, Lovilia Coal Company, arrived at the O'Brien mine shortly after 8 p.m., March 30, and after some discussion decided to enter the mine to see what they might determine about the cause and effect of the explosion. They went down the slope and along the main entry as far as the destroyed door between 7 and 8 west

XUM

entries, then returned to the surface to obtain a flame safety lamp. D. W. O'Brien, owner and operator of the O'Brien Coal Company, and James Love and A. B. Overturf, motorman and miner respectively at the O'Brien mine, arrived at the mine before Wignall, Little, and Lane reentered. Love previously had helped recover the bodies of the shot firers, and he and Overturf also decided to enter the mine. Wignall and Lane entered the air shaft and Little, Love, and Overturf went down the slope, and the five men met underground.

According to Wignall's testimony at the coroner's inquest, the men were under the impression that flame safety lamps provide adequate warning of all noxious gases encountered in coal mines. The party allegedly split up again, then rejoined at 10 west entry and examined a blown-out shot hole in No. 4 room off that entry. Two men had been there "5 or 10 minutes" when Overturf mentioned he "didn't think the air was too good" and suggested leaving the mine. Wignall and Overturf started toward the main entry, but Lane, Little, and Love started toward the face of 10 west entry. Wignall looked back, saw a light below No. 4 room, and returned to find Little lying on the floor. Wignall attempted to help Little, then realized that he too was losing consciousness, and crawled back to the main entry. Lane and Love could not be seen. Overturf helped Wignall reach the locomotive outby the last obstruction in the main entry, and both men rode the motor to the slope bottom and returned up the slope to the surface.

Wignall told Federal Inspector Capps, who had just arrived at the mine, that three men had been overcome by gas and were still in the mine. Capps requested Wignall to check the operation of the fan and to telephone for help and notify the State mine inspector and W. B. Dalrymple at Centerville. Dalrymple was not notified, but other help began to arrive at 10:35 p.m. and Capps attempted to organize recovery operations. Despite his attempts to explain the hazards involved and the safe procedure to be followed, numerous persons continued to go in and out of the slope until Ray Cooley, sheriff of Monroe County, posted a guard at the slope mouth.

A mine map was obtained and at 11:45 p.m. a rescue crew comprised of Capps, 2 miners, and 3 firemen from the Albia Fire Department equipped with 2 Chemox apparatus entered the air shaft and advanced on intake air toward the working section. Temporary brattice-cloth stoppings were erected across the entrances to 4, 5, and 6 east entries, a roof fell at 6 east entry was partly removed and the roof was retimbered, and four stoppings were repaired between the back and main entries in by 5 and 6 east entries. A check curtain in the main entry between 9 and 10 west entries was found to be destroyed when the party reached that point at 2:25 a.m. A test with a Hoolamite carbon monoxide detector indicated 0.3 percent carbon monoxide at a point 20 feet inside the 9 west entry. James Love's body was visible in 9 west entry at the junction with No. 2 room, and two firemen wearing Chemox apparatus carried the victim to fresh air in the main entry at 2:45 a.m. Difficult traveling and fatigue of crew members made it necessary to leave the body at 5 east entry when the rescue crew left the mine.

Experienced help was not available in the few people who were at the mine when the rescue party returned to the surface, and recovery work was suspended until Dalrymple arrived at the mine at 8:30 a.m., March 31.

Dalrymple organized a crew of 10 men and obtained additional repair supplies, stationed guards at the mine entrances, and entered the mine through the air shaft. The crew advanced in fresh air, removed obstructions in the entries, repaired temporary brattice-cloth stoppings erected by the first crew, and erected additional brattices to ventilate rooms and dead ends. T. C. Chapman and William Jervis, Iowa State mine inspectors, joined the party at 11 a.m. Ventilation was reestablished in 9 and 10 west entries by 12 noon. Gerald Lane's body was found in 9 west entry 20 feet outby No. 5 room, and Thomas Little's body was found in 10 west entry at the entrance to No. 6 room. The recovery crew returned to the surface with the three bodies at 1:10 p.m. No further work was done in the mine until the investigation on April 1.

INVESTIGATION OF CAUSE OF EXPLOSION

An investigation of the disaster was conducted April 1, 1953, by representatives of the Bureau of Mines, the Iowa State Department of Mine Inspectors, and an employee of the O'Brien Coal Company. The following persons were in the investigating party:

U.S. Bureau of Mines

Roy Capps, Coal-Mine Inspector.

W. B. Dalrymple, Health and Safety Engineer.

E. W. Felegy, Mining Engineer.

James A. O'Connor, Health and Safety Engineer.

R. O. Pynnonen, Mining Engineer.

H. F. Weaver, Chief, Coal Mine Inspection Branch.

Iowa State Department of Mine inspectors

T. C. Chapman, Inspector.

William Jervis, Inspector.

O'Brien Coal Co.

X. Lennie, Miner.

W. B. Dalrymple and R. O. Pynnonen attended the Monroe County coroner's jury inquest at Albia, Iowa, April 1, 1953. Additional information was obtained April 2 and 3 by Bureau personnel.

Dust and black blasting powder as factors in the explosion

The last Federal inspection of the mine was made October 9, 1952. The mine was found to be in violation of Section 209(e) (3) of the Federal Coal Mine Safety Act. A Notice of Findings was issued the same day stating that the mine was dry and rock dust was not applied, and requiring that the violation be totally abated by April 9, 1953 (see pp. 6 and 7 and appendix E). Recommendations to rock dust the mine according to provisions of the Federal Mine Safety Code were made in five previous inspection reports, the first of which was dated March 15, 1949.

Coal in this mine has a volatile ratio of 0.47, and the coal dust is highly explosive. Dust samples were not collected prior to the day of the disaster, but samples were collected from the roof, ribs, timbers, and bottom at 18 different points in the mine during the investigation. Results of analysis compiled in table 2, show that the incombustible content of all samples was less than the 65 percent minimum specified in the Federal Coal Mine Safety Act. The incombustible content of the dust was less than 40 percent in 10 samples; only 2 samples contained more than 50 percent incombustible material.

A Notice of Findings also issued October 9, 1952 upon completion of the last Federal inspection of the mine, stated that black blasting powder was used to blast coal in the mine and required that this violation of Section 209(h) (5) of the Federal Coal Mine Safety Act be totally abated by January 16, 1953 (see pp. 6 and 7 and appendix D). In nine previous inspection reports, the first dated March 12, 1947, recommendations were made to discontinue the use of black blasting powder and to use permissible explosives or permissible blasting devices according to provisions of the Federal Mine Safety Code.

Flame

No marked evidence of flame attributable to the explosion was found in 9 and 10 west entries or in the rooms turned off those entries. Paper flags marking the fuses of the unfired shots in No. 1 room off 10 west entry and in 7 east entry were not charred.

Splinters on timbers, and the edges of waxed-paper liners of empty and partly empty explosives containers at many points throughout the entire explosion area were charred, but no completely burned paper was found anywhere. Variation in the degree of charring and the random locations at which the more severe charring occured made it impossible to trace the course of the flame. All the timbers and many of the discarded containers had been near advancing working faces when those faces were blasted during working periods before the explosion. Flame from black powder shots at those times charred the timbers and containers, and during the investigation it was impossible to determine what part of the charring was attributable to the explosion and what part was attributable to previous blasts.

Definite evidence of flame from the explosion was found in the main entry between 9 and 10 west entries. The fragments of a brattice-cloth check curtain across the main entry at that point were charred severely. The bodies of the shot firers, however, found 45 feet outby the destroyed check curtain, showed no evidence of either flame or violence.

Neither plastic nor crusted coke was found on dust deposits on rib ledges or at any other points in the mine. Coal dust outside the explosion area exhibited the same metallic gray luster observed on dust in the explosion area, indicating that coked particles were not present in the dust in any part of the mine. The absence of coked particles in the mine dust was verified by results of laboratory analysis of samples collected during the investigation and shown in table 2.

Pellet black blasting powder and a few cartridges of permissible explosives were scattered in the vicinity of several containers at different points, but none of the cartridges were burned or charred and there was no evidence that explosives not confined in shot holes had been detonated.

Forces

Appendix B shows the direction of forces and the approximate area of the mine affected by violence. Forces in 9 and 10 west entries were relatively mild. Only a few timbers were dislodged and the gob stoppings between 9 and 10 west entries were undamaged. Light objects such as empty and partly empty wooden or cardboard explosives containers in 10 west entry were blown outby and inby from No. 4 room. Cars spotted in 10 west entry at the junctions with rooms 4, 3, and 2 before the explosion, were moved outby toward the main entry and one car was derailed. Forces into rooms turned off 10 west entry were not evident except in the outer abandoned portion of No. 1 room, where dislodged props, prevented from falling completely by supporting gob material, were canted toward the room face. Evidence of forces in 9 west entry was limited to movement of light objects toward the main entry.

Shot holes had been charged heavily in all working places. Timbers dislodged by the heavy solid shots had fallen toward the room necks; blasted coal in the shorter rooms was thrown into the room necks and through some room necks into the entries. The strong outward force of the face blasts in rooms off both 9 and 10 west entries obscured any indication of lighter forces from the coal-dust explosion moving into the rooms.

The intensity of the force wave increased suddenly when it reached the main entries. Crossbars at the junction of 9 west and the main entry were dislodged, resulting in a fall of roof at that point. A trip of 10 empty mine cars on the sidetrack immediately outby 9 west entry was hurled outby and wrecked. The cars were not heavily damaged but they were tumbled about and piled so as to block the main entry almost completely.

The forces moved outby in the back entry, and the four gob stoppings between the main and back entries immediately outby 9 west entry were partly or completely blown out into the main entry. Forces continued outby in both main entries, dislodging timbers intermittently, and violently demolishing a wooden door across the main entry at 7 west entry. The 7 and 8 west entries had been abandoned since the last Federal inspection and were not sealed; the momentary resistance of the door appeared to have deflected the forces into the abandoned workings. No timbers were dislodged in the mouths of 7 and 8 west entries but pieces of boards and an empty oil drum were blown 25 to 50 feet into the entries. No evidence of force was observed in the main entry outby the shattered door. Dislodged timbers and a roof fall completely blocked the back entry at 6 east entry. The last signs of violence in the back entry were dislodged crossbars and a relatively large roof fall near 3 east entry, 170 feet outby the destroyed door in the main entry between 7 and 8 west entries. Forces in the back entry appeared to have been dissipated in the old workings off 3 and 4 east entries.

Evidence of activities

The day shift was completed and all men except the shot firers were out of the mine. The investigation disclosed that shots had been fired in the 6 rooms off 9 west entry and in 6 of the 7 rooms off 10 west entry. Two holes in the face of No. 1 room off 10 west entry and three holes in the face of 7 east entry were charged but had not been fired.

Probable point of origin

All evidence observed in the investigation indicates that the explosion originated in No. 4 room off 10 west entry. Two blown-out shot holes were found in the solid face of that room, one along the left rib and one along the right rib, and evidence observed in 10 west entry showed that the force of the explosion radiated from the mouth of No. 4 room.

Factors preventing spread of explosion

Analysis of a coal sample collected in the nearby Blackstone mine from the same coal bed mined in the O'Brien mine shows a high ash and moisture content in the coal. The quantity of coal dust observed in the mine passageways was limited, and the coal bed was underlain by a soft fire-clay bottom. The main entry haulageway was wet outby 7 and 8 west entries, and old workings off both the main and back entries permited expansion of the force of the explosion. All the abovementioned factors contributed to limiting the spread of the explosion.

Summary of evidence

Appendix B shows the portion of the mine affected by the explosion, the positions of the slope and the air shaft, the normal course of the ventilating current, the probable point of origin of the explosion, the approximate area traversed by flame, the direction of forces and the approximate area affected by violence, the points at which the victims were found.

Explosion forces radiated outward from the mouth of No. 4 room off 10 west entry, and were relatively mild in 9 and 10 west entries. No evidence of violence was observed in the short distances to the faces of the main entries inby 9 and 10 west entries, but the intensity of the forces increased rapidly in the main entries outby 9 and 10 west entries. Maximum violence occurred outby 9 west entry in the main entry where a trip of 10 empty mine cars was wrecked and piled up in the entry. Explosion forces were dissipated in old workings off the main entries outby 9 and 10 west entries, and the farthermost limit of violence was 700 feet outby those entries.

Some evidence of flame was observed throughout the area of the mine affected by the explosion, but variation in the degree of charring and the random locations at which the more severe charring occurred made it impossible to trace the course of the flame. Little evidence of flame attributable to the explosion appeared in 9 and 10 west entries and the rooms turned off those entries and little or no evidence of flame appeared in the main entries inby 9 and 10 west entries. Paper flags marking the fuses of unfired shots in No. 1 room off 10 west entry and in 7 east entry were not charred. Maximum flame intensity was observed between 9 and 10 west entries where a brattice-cloth check curtain across the main entry was destroyed and the curtain fragments were severely charred. Plastic or crusted coke was not found anywhere in the mine, and coal dust in the explosion contained no granular coke particles.

Shots had been fired in the 6 rooms off 9 west entry and in 6 of the 7 rooms off 10 west entry. Two shot holes charged with pellet black blasting powder and fuse, but not fired, were found in the face of No. 1 room off 10 west entry, and 3 similarly charged but unfired shots were found in the face of 7 east entry.

The bodies of the shot firers were found in the main entry 45 feet outby the destroyed check curtain across the main entry between 9 and 10 west entries. The shot firers' unopened self rescuers were lying along the rib in the main entry at the junction with 9 west entry. No burns or evidence of violence appeared on the bodies of the shot firers, although they were found between the point of maximum flame intensity and the point of maximum violence. Apparently the shot firers were in a place protected from flame and violence when the explosion occurred, but whether they were protected by design or chance is purely conjectural. Their movements after lighting the last shots they fired cannot be determined. It is not known whether they took refuge because they expected a shot to blow out in No. 4 room or whether the blown-out shots and the resultant explosion caught them unawares but accidentally in a protected place, whether they started to leave the mine by the back entry intake air course and entered the return air main entry after they found the back entry blocked at 6 east entry, or whether they blindly and by instinct started to leave the mine by their usual route through the return air course and up the slope.

All discharged shots except those in No. 4 room off 10 west entry were effective in moving burden. Two holes in that room blew out.

Appendix C is a large scale sketch of No. 4 room off 10 west entry. One hole was drilled in the solid face along the left rib and one hole was drilled in the solid face along the right rib. Both holes were drilled essentially normal to the face and parallel to the ribs; both the face and ribs were irregular. Opener shots had been prepared at any point in the face between the two rib holes, and all investigators agreed that the two shots in No. 4 room were what locally are termed "impractical" shots. Both holes were heavily overburdened and probably heavily charged. Widely scattered broken coal and extensive timber dislodgment in other rooms blasted the day of the explosion indicated that all holes were charged heavily. Under the conditions of impossibly heavy burden and heavy explosives charges, it was almost certain that the two holes in No. 4 room would blow out, and in fact they did blow out.

Stubs of blasted holes in No. 4 room and in other working places in the mine were examined closely. Short sections of the bottoms of holes blasted with black powder were identifiable in every instance by characteristic cracks or crevices parallel to the long axis of the hole. Holes shot with higher explosives, probably permissible explosives, the only other type found in the mine, were identified by the shattering effect at the bottom of the hole or by the concave recess remaining when the shattered material was removed.

Four feet of the hole along the left rib in No. 4 room remained intact and the "collar" was coned out to approximately a 12-inch diameter. The hole along the right rib was 5½ feet deep and 1 foot of coal or less had been blown from the "collar" of the hole toward the center of the room. Although little or no burden was moved by the blown-out shots, the hole along the right rib was covered by a quantity of broken coal in the right front corner of the room. It was discovered by Bureau of Mines' investigators only after repeated careful examinations of the room face and ribs. Both holes exhibited the cracks or crevices parallel to the long axis, identified as characteristic of black powder shots.

Analysis of coal samples collected in a nearby mine from the same coal bed mined in the O'Brien mine indicates that the coal in the O'Brien mine has a volatile ratio of 0.47 and that therefore the coal dust is highly explosive.

Heavily charged shots in all rooms off 9 and 10 west entries suspended high concentrations of coal dust in the air throughout the working section before the shots in No. 4 room were ignited. The two blown-out shots in No. 4 room aggravated the dust concentration and greatly increased the air turbulence creating an ideal condition for ignition of the dust cloud by the hot and long enduring flame from the black blasting powder.

High ash and moisture content of the coal, relatively limited dust accumulations in the haulageways, pulverized fire-clay dust from the soft bottom mixed with coal dust in the haulageways, water in the main entry outby 7 and 8 west entries, and pressure release into old workings off both main entries with resultant reduced pressures and temperatures, all contributed to confining the coal-dust explosion to the original dust cloud and preventing propagation of the explosion throughout the rest of the mine.

A test of the atmosphere 20 feet inby the mouth of 9 west entry off the main entry, at 2:25 a.m., March 31, 10½ hours after the explosion occurred, indicated a carbon monoxide concentration of 0.3 percent. The absence of burns or signs of violence on the bodies of the shot firers or on the bodies of the three men who died in the mine about 5½ hours after the explosion indicate that the five fatalities were caused by carbon monoxide poisoning.

The shot firers' unopened self rescuers were found lying along the rib of the main entry at the junction with 9 west entry. It is possible that had they used the self rescuers they might have escaped from the mine.

Statements of 1 of the 2 men who escaped from the mine when 3 other men were overcome by carbon monoxide about 5½hours after the explosion showed that those men did not know that flame safety lamps cannot be used to detect the presence of dangerous concentrations of carbon monoxide.

Cause of explosion

The explosion was caused by ignition of a cloud of coal dust by two blown-out pellet black blasting powder shots off the solid in the face of No. 4 room off 10 west entry off the main entry.

RECOMMENDATIONS

Recommendations concerning the safe operation of this mine were made in reports of previous Federal inspections, the last inspection having been made October 9, 1952. Recommendations in this report, therefore, are limited to conditions related to this disaster.

Rock dust

1. The mine should be rock-dusted to within 40 feet of all faces, including open

crosscuts less than 40 feet from the faces. The incombustible content of the combined coal dust, rock dust, and other dust should not be less than 65 percent.

Explosives and blasting

2. Black blasting powder in any form should not be used underground. Permissible explosives or permissible blasting devices should be used, in a permissible manner.

3. Shooting off the solid should be discontinued. Solid coal should be cut so as to provide at least two free faces before blasting.

Miscellaneous

4. Mine officials and employees in this area should be trained in accident prevention and in mine rescue and recovery operations. The Bureau of Mines training courses include instruction on the occurrence, composition, and detection of mine gases. A central mine rescue station should be maintained to serve the area.

5. The use of open flame lights in this mine should be discontinued; only permissible electric lamps should be used for portable illumination underground.

ACKNOWLEDGEMENT

Valuable assistance was rendered in recovery operations by members of the Iowa Highway Patrol, the Albia Fire Department, the Monroe County coroner, and sheriff, and mining company employees. Acknowledgement is made to the Iowa State Department of Mine Inspectors, to the mining company, and particularly to X. Lennie, miner at the O'Brien mine, for their cooperation in conducting the investigation.

APPENDIX A.—VICTIMS OF EXPLOSION, O'BRIEN MINE: O'BRIEN COAL CO., LOVILIA, MONROE COUNTY, IOWA, MAR. 30, 1953

Name	Age	Occupation	Years' experience	Dependents
Harold Barnes	37	Mine foreman and shot firer.	17	1
Ben Nichols	47	Shot firer	30	1
Gerald Lane	59	Mine foreman.	40	2
Thomas Little	48	do	25	1
James Love	55	Motorman	35	1

[Form B]

NOTICE OF FINDINGS: FOR GRANTING REASONABLE TIME

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
October 9, 1952.

To the operator of the O'Brien mine, O'Brien Coal Company, Lovilia, Monroe County, Iowa.

Notice is hereby given that the undersigned Federal coal mine inspector finds that the following provision of Sec. 209 of the Federal Coal Mine Safety Act is being violated in the above-named mine. Violation: Sec. 209(d)(8).

In nongassy mines, a preshift examination, as prescribed in the Act shall be made at least once each calendar day during which coal is produced. Such examination shall be made within 4 hours immediately preceding the beginning of the first coal-producing shift on such day.

Description of conditions: A preshift examination, as prescribed in the Act, was not made of this mine on the days that coal was produced, within 4 hours immediately preceding the beginning of the first coal producing shift on such day.

The undersigned inspector finds that a reasonable time within which the foregoing violation of Sec. 209 should be totally abated is by January 16, 1953.

W. B. DALRYMPLE,
Federal Coal Mine Inspector.
DULUTH, MINN.

NOTICE OF FINDINGS: FOR GRANTING REASONABLE TIME

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
October 9, 1952.

To the operator of the O'Brien mine, O'Brien Coal Company, Lovilia, Monroe County, Iowa.

Notice is hereby given that the undersigned Federal coal miner inspector finds that the following provision of Sec. 209 of the Federal Coal Mine Safety Act is being violated in the above-named mine.

Violation Sec. 209(h)(5).

Black blasting powder shall not be stored, handled or used underground in a mine.

Description of conditions: Black blasting powder was used in this mine to blast coal.

The undersigned inspector finds that a reasonable time within which the foregoing violation of Sec. 209 should be totally abated is by January 16, 1953.

W. B. DALRYMPLE,
Federal Coal Mine Inspector.
DULUTH, MINN.

NOTICE OF FINDINGS: FOR GRANTING REASONABLE TIME

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
October 9, 1952.

To the operator of the O'Brien mine, O'Brien Coal Company, Lovilia, Monroe County, Iowa.

Notice is hereby given that the undersigned Federal coal mine inspector finds that the following provision of Sec. 209 of the Federal Coal Mine Safety Act is being violated in the above-named mine.

Violation Sec. 209(e)(3).

All underground mines, except those mines or areas of mines in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within 40 feet of all faces, and, if open crosscuts near such faces are less than 40 feet therefrom, such crosscuts shall be rock-dusted.

Description of conditions: The mine was dry and rock dust had not been applied.

The undersigned inspector finds that a reasonable time within which the foregoing violation of Sec. 209 should be totally abated is by April 9, 1953.

W. B. DALRYMPLE,
Federal Coal Mine Inspector.
DULUTH, MINN.

FINAL REPORT OF MAJOR MINE-EXPLOSION DISASTER, MINE NO. 2, BLUE BLAZE COAL COMPANY, HERRIN, WILLIAMSON COUNTY, ILLINOIS, JANUARY 10, 1962

(By F. J. Smith, District Supervisor; J. R. Summary, Federal Coal-Mine Inspector; C. M. Dovidas, Federal Coal-Mine Inspector; S. J. Douglas, Federal Coal-Mine Inspector, Electrical)

INTRODUCTION

A gas and dust explosion occurred in Mine No. 2 of the Blue Blaze Coal Company, 2 miles northwest of Herrin, Illinois, about 6:30 p.m., Wednesday, January 10, 1962, and caused the death of 11 men. These eleven were the only persons in the mine and all died from suffocation, burns and/or forces.

The names of the victims, their ages, marital status, occupations, and the number of dependents are listed in Appendix "A" of this report.

Bureau of Mines investigators believe the explosion originated in room 2 off 3 north entry at the neck of the second north crosscut when an explosive mixture of methane-air was ignited by an electric arc or spark from a piece of electrical equipment. The explosion was propagated by methane and coal dust.

Forces of the explosion radiated from room 2 off the 3 north entry and spread west and north, south and west towards the main shaft, and west and south into the holed-through abandoned sealed north working section at room 1 off the 1 north entry. All of the forces converged at the bottom of the main shaft, traveled up the shaft and dispersed upon reaching the surface.

GENERAL INFORMATION

Mine No. 2 is located 2 miles northwest of Herrin, Williamson County, Illinois. Coal was transported from the mine in autotrucks.

The operating officials of the company were as follows: Claud Gentry, Owner, Route 2, Carterville, Illinois; Virgil E. Woodburn, Mine Manager and Day Shift Leader, Cambria, Illinois; Ray Woodis, Night Shift Leader, Herrin, Illinois.

On January 10, 1962, a total of 30 men was employed; 6 on the surface and 24 underground on two coal-producing shifts. The average daily production was reported to be 280 tons of coal. The mine is opened by a concrete-lined shaft 168 feet deep and a 16-inch cased pilot hole which was primarily used as a refuse hole for the blasted strata for the enlargement of the air shaft. The workings are in the Illinois No. 6 coal bed, which averages 106 inches in the present mining area and dips very slightly to the north and east.

In 1956 a 7- by 10-foot concrete-lined slope was driven near the present side of the cased pilot hole for the proposed 6-foot circular air shaft. The slope was driven to a depth of 210 feet and collapsed unexpectedly, due to caving ground and an inrush of what is locally referred to as quicksand. Plans for opening the mine were suspended until April 23, 1959, when ground was broken for the present hoisting shaft. The hoist or main shaft was completed November 24, 1960; however, the further development of the mine was temporarily halted until the surface structures were erected. Coal on one shift was first produced July 30, 1961, and continued to be produced intermittently until the day of the explosion. A full crew on the second shift started to produce coal nine working shifts prior to the disaster.

The partly completed air shaft, located 520 feet east of the main shaft, was started November 7, 1961. The 6-foot circular steel-lined air shaft had been driven periodically to a depth of 70 feet below the surface soil and to within 74 feet of the coal bed at the time of the explosion.

The immediate roof is a medium-firm gray shale which is about 12 inches in thickness, overlaid by 12 feet of hard shale, 3 to 5 feet of limestone, and by 49 feet of sandstone, successively. The immediate roof disintegrates after it is exposed to the mine atmosphere, and to protect it from weathering approximately 12 to 18 inches of top coal is left. The floor is a smooth soft fire clay that also disintegrates when exposed to the mine atmosphere.

The analysis of a coal sample from the Illinois No. 6 coal seam obtained from a coal company located in the immediate vicinity is as follows: Moisture, 7.2 percent; volatile matter, 34.8 percent; fixed carbon, 51.0 percent; ash, 7.0 percent.

Numerous tests conducted by the Bureau of Mines have shown that coal dust having a volatile ratio of 0.12 is explosive and that the explosibility increases with an increase in the volatile ratio. The volatile ratio of coal in this mine as determined from the aforementioned analysis is 0.40, indicating that the dust is explosive.

A Federal inspection had not been made of this mine prior to the disaster. A Bureau of Mines roof-bolt representative visited the mine and issued a roof-bolt plan on July 31, 1961, but the mine was idle on several occasions when a Federal inspector visited it or contacted some of the employees to determine if the mine were in operation. The mine did not come under the provisions of Title II of the Federal Coal Mine Safety Act until January 1962, by virtue of the fact that less than 15 men were employed underground until that time.

MINING METHODS, CONDITIONS, AND EQUIPMENT

Mining Methods: The mine was being developed by a panel, room-and-pillar method and pillars were not extracted. Main entries were driven in sets of seven, 16 feet wide on 50-foot centers. Room-panel entries were being driven 16 feet wide on 50-foot centers in sets of 2 and 3 at various intervals. The first room crosscuts were used as shuttle-car roadways and were referred to as entries by the management. Rooms were driven 18 to 22 feet wide on 50-foot centers to various depths, and crosscuts were generally 18 feet wide and 60 feet apart.

The mine is surrounded by worked-out mines and provisions had been made in the projected development to allow 200 feet of coal for a barrier pillar between the mine and abandoned properties.

Bolts were used exclusively for roof support throughout the mine, and with one exception, were being installed according to the recommendations of the Bureau's roof-control representative.

A loading-machine unit was operated on each of the two coal-producing shifts.

Blasting: All coal in the mine was undercut by a rubber-mounted cutting machine and was broken down on shift by means of compressed air. Explosives were not used underground.

Ventilation and Mine Gases: Ventilation was induced by a 24-inch, electrically driven, centrifugal fan operated blowing and circulating approximately 7,500 cubic feet of air a minute. The fan was operated continuously and was installed on the surface, offset a few feet from the main shaft and was attended constantly. Room-panel and temporary stoppings were normally constructed of lumber covered with wood fiber; however, brattice cloth was used occasionally for temporary stoppings until replaced by lumber. No doors were used in the mine; however, two double-thickness brattice cloth curtains were suspended from a wooden frame near the shaft bottom. Permanent stoppings were built of concrete blocks.

The air was directed into the mine through a 22½-inch metal air duct which extended from the fan down the hoist shaft and through a circular hole in the poured concrete lining of the shaft. The air duct was constructed of a series of empty 55-gallon capacity oil drums that were joined by welding after the ends were removed from the barrels.

A split system of ventilation was used in this mine. A small split of air ventilated the temporarily idle main west section and a larger split was ventilating the active working area which included the 1, 2 and 3 north room-panel entries and the main east entries. The air entering the mine through the cased pilot hole of the air shaft combined with the air returning from the north entries and returned out the main east haulage and parallel entries and up the hoist shaft. No air readings were recorded in the mine examiner's book.

The mine was not classified gassy by the Illinois Department of Mines and Minerals. Preshift examinations were made of the entire mine for gas and other hazards by the mine manager and night shift leader for their respective shifts. On-shift examinations were made by the mine manager for gas and other hazards during the day shift; however, an on-shift examination apparently was made only for other hazards on the night of the explosion, since a flame safety lamp was not found in the mine during the investigation. The mine manager did state that he thought he detected gas in a roof cavity about three months prior to the day of the disaster; however, it was not noted in the record book. The analysis of air samples collected during State inspections of the mine showed a maximum methane content of 0.08 percent. There were no known oil or gas wells penetrating the coal bed in the area being worked.

Dust: The mine in general was dry, but water was present on the floor in the main east entries inby the north working section and in 6 and 7 east air course entries outby the north working section. The entire north working section was dry and dusty. Loose coal and coal-dust accumulations were present along the main east haulage road, at the hopper near the main shaft and throughout the north working section. Rock dust was applied daily by hand and the main entries had been rock-dusted by machine.

During the investigation, 20 mine-dust samples were collected in the main east and north entries and all of them contained less than 65 percent incombustible (see Table 2). A sample for coke was collected in room 2 off 3 north entry at the second north crosscut where the explosion was believed to have originated and at the junction of main east track entry and 2 north. The mine-dust samples collected were not representative of mine conditions prior to the explosion, as coal dust thrown into suspension and deposited on the rock-dusted surfaces increased the combustible content.

Transportation: Eight-ton Jeffrey trolley locomotives were used to haul the 8-ton, all-steel, drop-bottom-type coal cars from the north working section to the coal hopper located south of the main shaft. The coal was then loaded into a 5-ton skip and hoisted to the surface where it was prepared for domestic trade and for resale to another coal company.

Electricity: Power was purchased at 4,160 volts, three phase, and was transformed to 440, 220, and 110 volts for use on the surface and underground, with the exception of the surface motor generator, which operated at 4,160 volts on the primary side. Alternating current equipment underground consisted of a coal conveyor at the shaft bottom, and two water pumps, all 440-volt type. Direct-current power was generated at 250 volts by a 400 kilowatt conversion unit located in the hoist house. Direct current was transmitted into the mine by two plastic pipe-enclosures 1,000,000 circular mil copper cables installed in an 8-inch cased borehole. Power was transmitted along the motor roads and face region by 320,000 circular mil (6/0) trolley wire and 750,000 circular mil feeder lines, all well installed on insulators.

Face equipment consisted of a Joy 11BU loader, Joy 10SC shuttle car, Joy 10RU cutting machine, Joy CD41 coal drill, and a Jeffrey 56 RDR roof-bolting machine, all operated from the direct-current system. Face equipment was permissible with the exception of the roof-bolting machine, which lacked only an approval plate. Face equipment was fairly new and maintained in a permissible condition. The 10SC shuttle car contactor enclosure cover had been removed by the second shift which exposed a considerable array of electrical arcing devices, and repair work was in progress at the time of the explosion. Upon inspection it was discovered that a main contact on one of the tram reversing contactors would not close, therefore, the shuttle car could have only trammed towards the face on one motor at high speed and tramming would have been possible at low speed in the same direction. The 10SC shuttle car is a four-wheel drive type with a tram motor mounted on each side and each tram motor driving the two wheels on its respective side. Jockeying the shuttle car near the loader with the described fault would have been difficult as the car would have jumped on forward tram and probably frequently outed the overloaded relay. The regular mechanic was not working on the night of the explosion and repair work on the shuttle car was being done by members of the face crew, who apparently were not experienced in such work. This fact was self-evident when it was discovered that they had started to disassemble the wrong contactor. Under such conditions it was customary at this mine to try the equipment with the power on, with one person observing the contactors. The removal of the enclosure cover would provide several gas ignition sources which could have and probably did provide the primary ignition, as there was evidence that gas had burned in the enclosure.

Face equipment controller positions were checked after the ignition and all equipment was in an "off" position, except the coal drill which was apparently drilling at the time. Trailing cables were not provided with short-circuit protection at the nip ends, except the loader which had a 300-ampere fuse type nip. Temporary splices in trailing cables ranged in number from none to eight; all were fairly well made with the exception of one splice in the shuttle car cable which was bare. Trailing cables were listed as fire resistant, with the exception of some 75 feet of cable on the roof-bolting machine.

Illumination and Smoking: Permissible electric cap lamps were used for portable illumination underground, and fixed electric lights were installed at the underground shop, at the hopper and at frequent intervals along the haulage roads. Smoking was prohibited underground; however, smokers' articles were listed among the personal effects of one of the explosion victims. A damaged and corroded cigarette lighter was also found on the main east haulage road near the coal hopper but apparently it had been discarded sometime before the explosion.

Mine Rescue: A mine rescue team was not maintained at the mine and none of the mine personnel had been trained in mine rescue work in recent years. The nearest State-maintained mine rescue station and mine rescue teams were at Benton, Illinois, about 17 miles from the mine. Other State-maintained teams were from 20 to 178 miles away and were available. Each rescue station is equipped with the necessary gas-detection devices, McCaa 2-hour self-contained oxygen breathing apparatus, Chemox ¾-hour oxygen-generating breathing apparatus, and all-service gas masks. A box containing 6 self rescuers was kept underground in the shop near the shaft bottom. The underground employees were not searched for smokers' articles before entering the mine.

Two travelways, one of which was in intake air, were provided from the working section to the main shaft bottom; however, the main shaft was the only way out of the mine to the surface. A check-in and check-out system was in effect, and the men used assigned numbered electric cap lamps as a means of identification while underground.

Several fire extinguishers and rock dust were available on the surface and underground for fire-fighting purposes. Water furnished by the city of Herrin was also available on the surface for fire-fighting purposes.

STORY OF EXPLOSION AND RECOVERY OPERATIONS

Participating Organizations: These include the Blue Blaze Coal Company, the Illinois Department of Mines and Minerals, United Mine Workers of America and U.S. Bureau of Mines.

The following Illinois State mine rescue teams assisted with the recovery operations: Benton No. 1 and No. 2, DuQuoin and Eldorado.

Activities of Bureau of Mines Personnel: A representative of Mine Safety Appliances Company, Benton, Illinois, notified J. R. Summary, Federal coal-mine inspector, Benton, Illinois, of the explosion about 8:25 p.m., Wednesday, January 10, 1962. Mr. Summary immediately notified F. J. Smith, District

Health and Safety Supervisor, District E, who with Harry Schrecengost, Technical Assistant, U.S. Bureau of Mines, Washington, D.C., was on a special assignment in Benton, Illinois, at the time of the occurrence. Mr. Smith then relayed the information to other Bureau of Mines personnel. F. J. Smith, Harry Schrecengost and J. R. Summary left Benton, Illinois, at about 8:45 p.m., and arrived at the mine about 9:20 p.m. Federal Inspectors B. J. Dona, M. R. Messersmith, C. M. Dovidas, S. J. Douglas, J. A. McCune, J. P. Sheridan and Louis Lorenzo arrived at various times between 10:30 p.m., January 10 and 2:15 a.m., January 11. James Westfield, Assistant Director—Health and Safety, and R. W. Whittaker, Federal coal-mine inspector, arrived about 2:30 p.m., January 11. Federal inspectors H. E. Basinger, Brank Beck, J. R. Laird and J. A. Mower, stationed at Madisonville, Kentucky, arrived Sunday afternoon, January 13, and assisted in restoring ventilation in the mine to permit an investigation of the disaster the following day.

The bodies of the 11 victims were recovered at various times during the night of January 11 by rescue teams using oxygen-breathing apparatus, and by 12:40 a.m., January 12, all bodies were removed from the mine.

Mining Conditions Immediately prior to the Explosion: The weather on January 10, 1962, from 7:00 a.m., until noon consisted of scattered clouds and from 1:00 p.m., to 4:00 p.m., it was clear. The temperature at Herrin, Illinois, airport during this period ranged from 4 degrees below zero at 6:00 a.m., to 6 degrees above zero.

Records of barometric pressure on January 10, 1962, are as follows:

BAROMETER READINGS, JAN. 10, 1962

[The accepted standard barometer reading at the mine is 29.80]

Time	Barometric pressure	Time	Barometric pressure
1:00 a.m	30. 15	1:00 p.m	30. 30
2:00 a.m	30. 17	2:00 p.m	30. 30
3:00 a.m	30. 19	3:00 p.m	30. 30
4:00 a m	30. 20	4:00 p.m	30. 30
5:00 a.m	30. 20	5:00 p.m	30. 30
6:00 a.m	30. 20	6:00 p.m	30. 30
7:00 a.m	30. 20	6:30 p.m	(1)
8:00 a.m	30. 20	7:00 p.m	30. 30
9:00 a.m	30. 25	8:00 p.m	30. 30
10:00 a.m	30. 30	9:00 p.m	30. 30
11:00 a.m	30. 30	10:00 p.m	30. 30
Noon	30. 30	11:00 p.m	30. 30
		Midnight	30. 30

[1] Time of explosion.

At noon on January 9, 30½ hours prior to the time of the explosion, the recorded barometric pressure was 30.00 and it continued on a gradual rise until a high of 30.30 was recorded at 10:00 a.m., January 10, 1962, after which it leveled off and remained steady until midnight. The atmospheric pressure was not a contributing factor in the explosion. The mine was in operation at the time of the explosion and had been on an 8:00 a.m., and 4:00 p.m., operation since Monday, January 8, 1962. The fan was operating and the mine examiners did not record any unusual conditions in the mine.

Evidence of Activities and Story of Explosion: At the beginning of the 4:00 p.m., to midnight shift on January 10, eleven men entered the mine and all the men except the cager and two motormen walked to the working section. The underground employees reached the working section presumably without mishap, and all the coal-producing workmen had been in face of regions approximately 2½ hours when the explosion occurred. Conditions found after the explosion indicated that coal was being produced as usual. The mine examiner's record book at the mine showed a preshift examination of the entire mine had been made for the oncoming shift. Methane was not reported and the air was traveling in its normal course and quantity.

Normal operating procedure at this mine required all the day shift crew to be on the surface, except the mine manager, before the afternoon crew was permitted underground. The hoisting engineer on the afternoon shift stated that on January 10, 1962, at about 3:30 p.m., after all the crew was lowered, normal operation of the mine followed.

A trip of coal was being hoisted out of the mine and at approximately 6:25 p.m., the skip was lowered to the bottom and was stopped for about a minute when he heard a whirring and hissing sound similar to a short-circuit in high voltage power cable, followed by a terrific vibrating sound. The generator set was only a few feet from the hoist controls and, being concerned about the high voltage power, he pulled the power cut-off switch on the generator, stopping the set. Upon turning around he observed the hoisting cables vibrating, followed by a jet black column of smoke or dust pouring out of the shaft accompanied by a deafening whirring and vibrating sound. After waiting a few minutes he walked outside and around the corner of the hoist house and disconnected the 440-volt power to the mine. He walked back into the building housing the hoist, bath room, supplies and air compressor. The Airdox compressor was still in operation, and he then tried to call underground by telephone but could not get an answer. Realizing then that an explosion had occurred, he shouted from the hoist room door to the topman who was in the mine office to call the owner of the mine and tell him there had been an explosion in the mine. The owner-operator returned to the mine immediately and assisted in the recovery operations.

During the development of the main east entries toward the proposed air shaft, a set of north entries was driven to a depth of about 312 feet, with 5 rooms driven off to the west approximately 165 feet in depth and 4 rooms driven off to the east to a depth of about 87 feet. This was to provide storage room for rock and refuse that was dropped down the 16-inch pilot hole when sinking the 6-foot diameter air shaft. The panel was abandoned because of the distance and time it took to haul refuse from the shaft to unload in the panel, and because the panel would have to be ventilated and inspected it was closed January 7, 1962, by concrete-block stoppings. To facilitate the sinking of the air shaft and to offset the operating cost, the 1, 2 and 3 north room-panel entries off 7 main east were driven to increase production and to provide a closer area for storing the refuse from the shaft sinking operation.

All coal was mined with conventional mobile electric equipment, and the coal drill was the only piece of face equipment in operation when the explosion occurred. The roof-bolting machine was parked in No. 2 room off the 1 north while the face of the place was being broken down by compressed air by the shooter and the roof-bolt drill operator who occasionally helped the shooter. The explosion forced the drill boom of the roof-bolting machine about 8 inches into the partly broken down fall of coal, and the shooting shear strip was perforated in the shooting shell found in the bottom hole on the left side of the face. The bodies of the shooter and roof-bolt operator were found alongside of the roof-bolting machine. The mining machine was parked about 25 feet from the undercut face of No. 2 room off 3 north and had many new bits set in the cutter chain. The idle loading machine waiting for the shuttle car under the boom of the loader to be repaired was in the second crosscut north off No. 2 room off 3 north. The coal-drill operator was drilling the first hole in the last crosscut being driven east off 3 north, and the loading machine used to load rock and material from the air shaft sinking operations was parked on 3 north entry between 4 and 5 main east entries. All the controls of the face equipment were in the "off" position, except the coal-drilling machine. The 8 bodies of the victims in the 1, 2, and 3 north working section were found near their working places, except the shift leader whose body was found on 2 north entry about 25 feet from the end of the track and near the nipping station. One of the mining machine men was found near the spare rock and material loading machine, one motorman was found near the east end of the coal hopper at the hoisting shaft, the other motorman was in an empty coal car next to the motor on the 3 east haulage road about 80 feet from the coal hopper, and the bottom man or cager was found near his station at the skip hopper loading conveyor on the south side of the hoisting shaft. The victims died from one of the following causes: Burns, inhaling hot gases, lack of oxygen, or violence.

The day shift mine manager and shift leader stated that on January 10, he knew the No. 1 room off 1 north was near the closed abandoned north workings. He instructed the afternoon shift leader not to cut the face but did not take further action to assure that his oral instruction was followed. Sometime after the 4:00 p.m. shift started to work the closed abandoned north workings were penetrated by an opening of about 90 square feet by cutting and breaking down the coal in No. 1 room off 1 north permitting methane to enter into the air current ventilating the 1, 2, and 3 north working section. The gas then was apparently ignited by an electric arc or spark while repairs were being made in the control panel of the shuttle car. The cover was removed from the control box, the repairman's tools were nearby, and there was evidence of burning in the control compartment. The shuttle car was positioned behind the loading machine in the second crosscut left in room 2 off 3 north and extended part way into the intersection.

From the written report made in the mine examiner's record book, dated January 10, 1962, a preshift examination of the mine was made for the day and afternoon shifts and indicated the mine to be in safe condition. Testimony of day shift workmen was to the effect that tests for methane were frequently made on shift by the mine manager. The day shift mine manager stated he handed a flame safety lamp to the afternoon foreman, but no lamp was found underground.

The explosion destroyed all the stoppings underground. Only minor damage was done to the trolley, power feeder wires, telephone lines and the 3 locomotives near the hoisting shaft. The face equipment appeared to be in good condition, except for the burnt seats on the shuttle car and a seared tire on the mining machine. The major damage was done in the immediate vicinity of the shaft bottom, shaft, and to the coal skip which was at the shaft bottom.

The explosion resulted in the loss of production from the entire mine. The Closure Order on the entire mine issued January 11, 1962, remains in effect.

Recovery Operations: Claud Gentry, owner, after informing Ray McCluskey, district State mine inspector, of the explosion proceeded to the mine. Immediately after arriving at the mine, Gentry and McCluskey viewed the damage and discussed what was to be done to get underground as quickly as possible. While calls were being made for State mine rescue teams and other emergency units, work on installing a temporary auxiliary fan operating exhausting at the 16-inch pilot hole at the proposed air shaft was started to establish temporary ventilation underground, because the metal tubing from the main fan installed in the hoisting shaft was destroyed by the explosion. Considerable delay was encountered in hoisting and removing the coal skip from the damaged shaft and arranging for other temporary hoisting equipment. A truck-mounted winch was obtained and a small cage with enclosed sides that could accommodate two men was fastened to the winch rope and swung into the shaft. The fan at the air shaft was exhausting about 2,500 cubic feet of air a minute, and to increase the ventilation another auxiliary fan operating exhausting was set in parallel, increasing the quantity of air to about 3,500 cubic feet a minute. Numerous difficulties were encountered in getting on and off the 2-man cage at the surface and shaft bottom. At approximately 11:45 p.m., the lowering of rescue team members wearing oxygen-breathing apparatus began, and about 4:00 a.m., January 11, all bodies were accounted for. There were no survivors. In the meantime, an auxiliary blower fan with 18-inch tubing was obtained and the tubing was extended down to the shaft bottom landing to ventilate the immediate area around the bottom. This fan was capable of producing about 4,000 cubic feet of air a minute.

At about 11:10 p.m., January 11, the first body was brought to the surface and by 12:40 a.m., January 12, all bodies were hoisted out of the mine. On January 13, to facilitate the transportation of men and material into the mine, a triple deck construction cage that had been used when sinking the shaft was put into operation, utilizing the main hoist. On January 14, a voluntary crew of 13 men wearing gas masks, when the occasion required, constructed semi-permanent stoppings so that the small quantity of air available would clear the mine enough to conduct an investigation.

INVESTIGATION OF CAUSE OF EXPLOSION

Investigation Committee: The underground investigation of the cause of the explosion was begun on January 15, 1962. Members of the official investigation committee were:

Illinois Department of Mines and Minerals: William J. Orlandi, Director; Harold V. Richmond, Inspector At Large.

Illinois Mining Board: H. E. Mauck, Member.

Blue Blaze Coal Company: Claud Gentry, Operator and Owner.

United Mine Workers of America: Floyd Morris, Special Representative, District No. 12.

United States Bureau of Mines: James Westfield, Assistant Director, Health and Safety; F. J. Smith, District E. Supervisor.

Other representatives of the afore-mentioned organizations participated in different phases of the underground investigation of the disaster. Bureau of Mines representatives included: Messrs. B. J. Dona, M. R. Messersmith, J. A. McCune, J. P. Sheridan and Louis Lorenzo

William J. Orlandi, Director of the Illinois Department of Mines and Minerals, conducted an official hearing on the investigation of the explosion by interrogating the owner-operator, day shift mine manager and employees of the company at the Mines Rescue Station, Benton, Illinois, January 18, 1962. The purpose of the hearing was to hear and record all testimony relevant to conditions and practices in the mine prior to and on January 10, and to determine therefrom, if possible, the cause of the explosion. Some of the information thus obtained is included in this report. Representatives of the United Mines Workers of America, Illinois Department of Mines and Minerals, U.S. Bureau of Mines, and the mine owner-operator participated in the questioning of witnesses.

Methane as a Factor in the Explosion: The mine was not classed gassy by the Illinois Department of Mines and Minerals. Reportedly, methane was never detected in the mine with a permissible flame safety lamp, except for the one time that the mine manager thought he might have found a very small amount in a roof cavity. This trace of methane was detected in one of the east entries just after breaking away from the shaft bottom about 150 feet. The analyses of air samples collected during State inspections of the day shift mine manager and employees was that gas had not been detected during recovery operations. The analyses of 9 air samples collected at various locations underground after recovery operations had been completed and during the investigation showed the maximum amount of methane to be 0.40 percent. The maximum quantity of air the fan was producing was estimated to be approximately 7,500 cubic feet a minute. No written record of air measurements taken underground was available at the mine.

Fragile, globular coke droplets adhering to the roof and ribs, indicative of burning gas, were found on the south rib of the second crosscut from the face of No. 2 room off 3 north, the west rib of 3 north entry between the last open crosscut and the crosscut being driven between 2 and 3 north entries, the north rib of the last open crosscut between 2 and 3 north entries and the east rib of the last open crosscut between Nos. 2 and 3 rooms west of the closed abandoned north workings. Soot streamers were found about 100 feet east of the main hoisting shaft, in the abandoned north entries, 1, 2 and 3 north working section and to within about 200 feet of the faces of the main east entries.

Obviously, methane that was released by cutting into the closed abandoned north workings entered the ventilating current and was ignited by an electrical arc or spark while repairs were being made in the shuttle car control panel in No. 2 room off the 3 north.

Flame: Evidence of heat and flame, in the form of coke, soot or partly burned paper, canvas and wood, was observed in the north working section, in the abandoned north entry panel, in the main east entries about 100 feet inby and about 350 feet outby the north working section. (See Appendix B).

A total of 22 mine-dust samples, including two for coke only, was collected after the explosion, starting at a line across the 7 east entries about 100 feet inby the shaft bottom and continuing along the east entries at various intervals and into the main north working section to within about 100 feet of the north entry working faces. (See Tables 2 and 3 and Appendix B). The presence of coke in the mine-dust samples is one of the criteria by which extent of the flame was fixed, even though it is possible that such coke in the main east entries may have been blown there. All of the samples collected contained coke ranging in quantities from small to very large, and the two samples collected specifically for coke contained large and very large amounts. Coke was plastered on the roof and ribs at and near the intersection of the 3 east and 2 north haulage roads. Extremely heavy coke was evident in the 3 north entry inby the last open crosscut to within 50 feet of the face and in the last open crosscut between Nos. 2 and 3 north entries. A small amount of coke was observed on the east rib in the last open crosscut between rooms 2 and 3 which were driven west off the abandoned closed north entries.

Forces: Difficulty was not experienced in discerning the direction of forces. Coking and evidence of slow burning gas were on the roof, ribs and equipment at and near the intersection of room 2 and the blind crosscut in room 2 being driven towards room 3. The emanation of forces was from this area outward and extended throughout the entire mine, converged at the main shaft bottom, continued up the shaft and upon reaching the surface dispersed into the atmosphere. The only evidence underground of extreme violence was observed at and near the bottom of the main shaft. All of the stoppings were blown out. The stoppings in the north entries were driven in a westerly direction and with the exception of one, all concrete-block stoppings were blown in a southerly direction.

Probable Point of Origin: The consensus of the Bureau of Mines investigators is that the explosion originated at the last crosscut turned north off No. 2 room off 3 north where the shuttle car was being repaired.

Factors Preventing Spread of Explosion: The explosion spread throughout the mine and out the shaft, dissipating into the atmosphere.

Summary of Evidence: Conditions observed in the mine during recovery operations and the investigation following the disaster, together with information obtained from company officials, State mine inspector, workmen, and mine records, provided evidence as to the cause and the point of origin of the explosion. The evidence from which the conclusions of the Federal investigators are drawn is summarized as follows:

1. Records of the preshift examinations of the mine indicated no unusual conditions.

2. The Illinois No. 6 coal bed in the area is "gassy." All abandoned mines surrounding this mine were classified gassy.

3. The roof bolter was apparently assisting the shooter prepare coal in room 2 off 1 north since this was common practice. The shearing strip in the Airdox shell indicated that the shell was discharged prior to the explosion.

4. The roof bolt machine was apparently parked in the 1 north entry at room 2 and the forces of the explosion rammed it into the loose coal at the face of room 2. The chuck of the roof bolt drill was imbedded about 8 inches into the partially blasted coal face. The shooter and roof bolter were the only persons working in the rooms off the 1 north entry.

5. The coal drill was the only piece of electrical face equipment in operation at the time of the explosion and had drilled a top hole about 4 feet in depth in the right corner of room 4 off the 3 north entry.

6. The mining machine was not in operation. It had been pulled back about 25 feet from the recently cut face of room 2 off 3 north and apparently the operator and his helper had just changed bits and were waiting to undercut the crosscut after the coal was loaded out.

7. The loading machine operator had loaded about 2 shuttle cars of coal out of the crosscut in room 2 and repositioned his loading machine and loaded about 500 pounds of coal into the shuttle car when he stopped loading to assist in repairing the disabled car.

8. The shuttle car was being repaired. The control panel cover had been removed, exposing contactors which readily would provide a source of ignition with the trailing cable connected to the source of power.

9. The workmen trying to repair the shuttle car apparently deenergized the power before work was done on the machine. The shift leader found near the nipping station may have energized the power to the shuttle car for test purposes, which in turn may have created the arc or spark within the open control panel.

10. On-shift examinations for gas were apparently not always made, since a flame safety lamp was not found in the slightly damaged north working section after the explosion.

11. Methane probably entered the ventilating current from the abandoned closed north panel which was holed-through shortly after the start of the 4:00 p.m., shift and was carried by the ventilating current to where repairs were being made on the shuttle car.

12. Boreholes were not drilled in advance

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of the face when No. 1 room off the 1 north entry was being driven by the second shift crew within 50 feet of the abandoned north panel.

13. All forces emanated from room 2 off the 3 north entry.

14. Face equipment was fairly new, and with the exception of the roof-bolting machine which lacked only an approval plate, all the equipment was in permissible condition.

15. The coal is highly volatile, and the mine surfaces were dry, except at a few locations.

16. Coal dust in the immediate area entered into the explosion, which then picked up all the fuel necessary for propagation from the accumulations of coal throughout the north working section.

17. Smokers' articles were listed among the personal effects found on one of the victims of the explosion and an old discarded cigarette lighter found near the coal hopper indicated that smoking was practiced to some extent underground. Management did not have a searching program to assure that smokers' articles were not carried into the mine.

18. Fragile, globular particles of coke that would be indicative of slow buning gas were found adhering to the roof and ribs in No. 2 room off 3 north entry, in the 3 north entry, in the last open crosscut between Nos. 2 and 3 north entries, and in the last open crosscut between rooms 2 and 3 driven west in the abandoned north panel.

19. Plastered coke was observed on the roof and ribs at and near the intersection of the 3 east and 2 north haulage roads. Soot streamers were observed 100 feet inby the main shaft, in the abandoned north panel, in the entire north working section and to within 200 feet of the faces of the main east entries.

Cause of Explosion: The Federal inspectors are of the opinion that the disaster was caused by the ignition of methane in the air current in room 2 off 3 north entry at the entrance to the second north crosscut. Methane apparently entered the ventilating current from the abandoned north panel that had been penetrated. The gas was ignited by an arc or spark from the open control panel while repairs were being made on the shuttle car. Coal dust in the immediate area entered into the explosion, which then picked up all the fuel necessary for propagation from the accumulations of coal throughout the north working section.

RECOMMENDATIONS

1. Officials whose regular duties require them to inspect working places should have in their possession, and should use, when underground, a suitable permissible device capable of detecting methane and oxygen deficiency.

2. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane should be made with a permissible flame safety lamp by a person trained in the use of such lamp before such equipment is taken into or operated in face regions, and frequent examinations for methane should be made during the operation of the equipment.

3. Whenever any working place in an underground mine approaches within 50 feet of abandoned workings in such mine, as shown by surveys made and certified by a competent engineer or surveyor, which cannot be inspected and which may contain dangerous accumulations of water or gas a borehole or boreholes should be drilled to a distance of at least 20 feet in advance of the working face of such working place. Such boreholes should be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into such workings. Boreholes should also be drilled not more than eight feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of forty-five degrees. Such rib holes should be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

4. Coal dust and loose coal should not be permitted to accumulate in dangerous quantities in active underground workings of a mine.

5. Where rock dust is applied, it should be distributed by such methods to insure application to the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust and other dust will not be less than 65 percent plus 1 percent for each 0.1 percent methane in the ventilating current.

6. The effectiveness of rock-dust applications should be determined as necessary.

7. The quantity of air reaching the last open crosscut in any pair or set of entries should not be less than 6,000 cubic feet a minute.

8. At least once each week, a properly certified or competent person should measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in each active entry, and the volume at the intake and return of each split. A record of such measurements should be kept in a book on the surface, and the record should be open for inspection by interested persons.

9. Tests for methane with a permissible flame safety lamp, a permissible methane detector, or by chemical analysis should be made at least once a week by the mine manager or other properly certified person designated by him in the return of each split where it enters in the main return, at seals and in the main return. A record of these examinations and tests should be kept at the mine.

10. Each day, the mine manager and each assistant should enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision, which report should state clearly the location and nature of any danger observed by them or reported to them during the day, and the report should state what action, if any, was taken to remedy such danger.

11. Permissible junction or distribution boxes should be used for making multiple-power connections in working places where dangerous quantities of methane may be present or may enter the air current.

12. Only flame-resistant trailing cables should be used underground.

13. Trailing cables should be provided with short-circuit protection.

14. Temporary splices in trailing cables should be made in workmanlike manner, mechanically strong, and well insulated.

15. A program should be established to insure that trailing cables containing as many as five temporary splices will be removed from the equipment and service until such splices have been vulcanized.

16. The practice of smoking, carrying matches, lighters, and smoking materials underground should be prohibited, and management should initiate a search program to assure that smoker's articles are not carried into the mine.

17. The intentional creation of any arc, spark, or open flame should be prohibited, except as provided in Section 209(g)(6) of the Act.

18. Only development work necessary to connect the main opening with the air shaft should be done when opening a new mine.

19. A second means for men to escape from the mine in an emergency should be provided before the mine resumes operation.

20. Mine explosions, mine fires and fatal accidents should be reported immediately and by the quickest available means to the nearest office of the Federal coal-mine inspector or other representative of the Health and Safety Activity, United States Bureau of Mines.

ACKNOWLEDGMENT

The cooperation of the owner and employees, Illinois Department of Mines and Minerals, United Mine Workers of America and various coal companies in the area during this investigation is gratefully acknowledged.

Respectfully submitted.

ANALYSES OF AIR SAMPLES, MINE NO. 2, BLUE BLAZE COAL CO.

[Date collected: Jan. 13, 1962]

Location in mine	Bottle No.	Laboratory No.	Percent in volume					Cubic feet of air per minute	Cubic feet in methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
SE air-course entry due north of power and sand borehole	A3787	14972	0.16	20.50	0.37	0.033	78.94		
4th haulage road 1 crosscut west of hoisting shaft	A3788	14973	.78	19.83	.19	0.12	79.08		
Return upcast shaft from small fan	A3799	14974	.06	20.80	.10	Present less than 0.01	79.04	2,000	2,900
Return upcast shaft from large fan	A3800	14975	.10	20.73	.21	do	78.96	3,000	9,100
3 E haulage road 5 feet east of power and sand borehole	A3858	14976	.06	20.75	.09	do	79.10		
4 E haulage road 5 feet east of power and sand borehole	A3859	14977	.10	20.75	.18	0.012	78.96		
[Date collected: Jan. 16, 1962]									
Near face crosscut north off No. 2 room off 3 north off 7 east	S239	15079	.11	20.54	.40	None	78.95		
Near face of No. 4 room west off abandoned north panels off 7 east.	A625	15080	.04	20.76	.20	do	79.00		
Last open crosscut between abaondoned north panels off 7 east.	A626	15081	.15	20.74	.11	do	79.00		

ANALYSES OF DUST SAMPLES, MINE NO. 2, BLUE BLAZE COAL CO.

TABLE 2.—LAB. NOS. 28260-28261

[Date collected: Jan. 16, 1962]

Sample No.	Sample of dust from	Location in mine	Alcohol coke test	As received percent incombustible
		EXPLOSION SAMPLES		
1	Area	Track entry 1 and 2 northeast intersection.	Very large	30.4
		EXPLOSION SAMPLES—Cont.		
2	Area	No. 2 room off 4 north, 50 feet inby room neck.	Large	29.8

ANALYSES OF DUST SAMPLES, MINE NO. 2, BLUE BLAZE COAL CO.

TABLE 3.—LAB. NOS. 28262-28281

[Date collected: Jan. 16, 1962]

Sample No.	Sample of dust from	Location in mine	Alcohol coke test	As received percent incombustible
		Samples collected on main north entries, 15 feet inby A entry off main east at 50-foot intervals:		
A-1		Entry not developed		
B-1	Floor		Very large	44.8
C-1	Band		Large	42.5
D-1		Too wet to sample		
A-2		Entry not developed		
B-2	Band		Large	36.7
C-2	do		Small	29.2
D-2	do		do	42.5
A-3		Entry not developed		
B-3	Band		Large	33.2
C-3	do		do	35.4
D-3	do		do	37.6
E-3	do		Small	36.4
		Samples collected in main east entries, 100 feet inby main shaft bottom:		
A-1	Band		Small	30.8
B-1	do		Large	48.4
C-1	Rib and floor		Small	43.9
D-1	Band		Large	50.3
E-1	do		Small	54.7
F-1	do		do	38.8
G-1	do		do	36.1
		Samples collected in main east entries, 325 feet inby main shaft bottom:		
A-2		Too wet to sample		
B-2		do		
C-2	Band		Large	39.9
D-2	do		do	37.1
E-2	do		Very large	41.1
F-2	do		do	42.2
G-2	do	Too wet to sample		

APPENDIX A.—VICTIMS OF EXPLOSION, MINE NO. 2, BLUE BLAZE COAL CO., JAN 10, 1962

Name	Age	Occupation	Marital status	Number of dependents	Total years' experience in mines
1. John Barkus	54	Shuttle-car operator	Married	1	30
2. Ralph Brandon	50	Shooter	do	3	17
3. William Gartner	55	Loading-machine operator	do	1	30
4. Willie Gulley	43	Cager	do	2	15
5. George A. Horsley	55	Driller	do	3	30
6. Joseph H. Kimmel	44	Roof bolter	do	1	20
7. Melvin G. Ramsey	42	Cutting-machine man	do	2	20
8. Virgil Tanner	55	Motorman	do	3	30
9. Ira Williams	60	do	do	1	35
10. Roy Woodis	47	Shift leader	do	3	25
11. Ira Yewell	65	Cutting-machine man	do	1	40

REPORT OF COAL-MINE EXPLOSION, KEYSTONE No. 3-B MINE, EASTERN ASSOCIATED COAL CORP., HERNDON, WYOMING COUNTY, W. VA., JUNE 10, 1969

(By Thomas Allamon, Coal-Mine Inspection Supervisor; Fred H. Ryan, Federal Coal-Mine Inspector; Joseph O. Vallina, Jr., Electrical Engineering Technician)

INTRODUCTION

This report is based on an investigation made in accordance with the provisions of the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. Secs. 451-483) as amended.

A gas explosion occurred in the Keystone No. 3-B mine about 5:20 p.m., Tuesday, June 10, 1969, near the face of No. 2 entry 9 left section. Five of the eight men working in the section received first, second, and third degree burns and were hospitalized. Fifteen men working in other parts of the mine were not affected. These men heard the explosion and immediately traveled unassisted to the surface. The names of the injured men and their occupations are listed in Appendix A of this report.

The explosion occurred when an explosive mixture of methane air was ignited by an electric arc or spark created while work was being performed on a loading machine. Forces of the explosion dissipated rapidly and extended through only a small area, 9 left section.

GENERAL INFORMATION

The Keystone No. 3-B mine, at Herndon, West Virginia, off highway route No. 10, is served by autotrucks and the Norfolk and Western Railway.

The names and addresses of the operating officials are:

A. P. Boxley, President, Pittsburgh, Pennsylvania.

R. H. Freeman, Vice President, Production, Pittsburgh, Pennsylvania.

J. E. Wells, Assistant to Vice President, Herndon, West Virginia.

Joshua Smith, Safety Director, Beckley, West Virginia.

John J. Kodak, Superintendent, Herndon, West Virginia.

William Mabe, Safety Inspector, Herndon, West Virginia.

John D. Williams, Mine Foreman, Herndon, West Virginia.

A total of 77 men, 64 underground and 13 on the surface, is employed on 1 maintenance and 2 coal-producing shifts a day, 5 days a week. The daily production averages 1,000 tons of coal, all loaded mechanically.

The mine is opened through 3 drifts into the Pocahontas No. 6 coalbed, which averages 44 inches in thickness in the areas being mined.

Since the last Federal inspection, completed December 9, 1968, John D. Williams has been appointed mine foreman. A check-spot inspection of the 9 right section was made March 18, 1969.

MINING METHODS, CONDITIONS, AND EQUIPMENT

Mining Methods: The mine was being developed by a room-and-pillar method. Main and panel entries, on 75-foot centers and 18 to 20 feet wide, were driven in sets of 3 to 5. Connecting crosscuts were turned at intervals of 75 and 100 feet.

The 9 left section started producing coal June 2, 1969. Four entries had been developed left off No. 1 main entry, a distance of approximately 250 feet. Mining in the section was being done with conventional loading equipment.

The immediate roof is shale (drawn rock) varying in thickness from 6 to 12 inches, and the main roof is firm shale. Generally, roof bolts were used as a sole means of roof support in advance mining. Wooden timbers supplemented the roof bolts at several locations along the belt conveyors and shuttle-car haulage roads.

Ventilation and Gases: Ventilation in the mine was inducted by a propeller-type fan, which was operated continuously and exhausted 40,960 cubic feet of air a minute. The fan was suitably installed on the surface and equipped with the necessary safety devices. The main air current was divided into splits that were directed through the mine by means of incombustible stoppings and overcasts and temporary (canvas) stoppings. Generally, line brattice was not used; however, line brattice was installed at times to course the air current to the face of the place that the continuous miner was working. Doors were not used.

The 9 left section was ventilated by a current of air intaking through the Nos. 3 and 4 entries and returning through No. 1 entry. Check curtains were used to direct the air through the last open crosscuts. Approximately 9,600 cubic feet of air a minute was passing through the last open crosscut between Nos. 2 and 3 entries; however, line brattices were not used to course the air current to the faces, except for a short distance in No. 3 entry. An inspection of other parts of the mine revealed that less than 6,000 cubic feet of air a minute was reaching the last open crosscuts in the 7 right and south mains sections.

The mine was classed nongassy prior to the explosion. The highest methane content in any one of the air samples collected in open workings during the last Federal inspection was 0.05 percent. Preshift examinations for gas and other hazards were made each day by a certified fire boss before the first coal-producing crews entered the mine, and reportedly certified officials made tests for methane during their on-shift examinations. During the investigation, it was apparent that unsafe conditions were not being recorded by the preshift examiner in the book kept on the surface for that purpose. Weekly examinations for methane and other hazards were not being made during the last Federal inspection. Gas or oil wells were not known to have penetrated the coalbed on this property.

Permissible flame safety lamps, serviced by a lamp-house attendant, were provided for the section foremen to make tests for methane.

Harlan Kees, section foreman, stated that he carried a permissible flame safety lamp underground the greater part of the time; however, examinations of the face areas for methane were not deemed to be of great importance as the mine was classed nongassy and methane had not been found in the mine.

Dust: The mine surfaces ranged from wet to dry. Coal dust and loose coal were not accumulated in dangerous quantities at the close of the last Federal inspection, and rock dust was applied to within 40 feet of all working faces. The haulageways, open parallel entries, and back entries appeared to be rock-dusted adequately. However, at the time of the explosion, coal dust and loose coal were present in dangerous quantities along the shuttle-car roadways from the dumping points to the active faces in the 9 left and 7 right sections and at various locations along 7 right belt conveyor. Rock dust had not been applied, and where applied in 7 right, the applications were inadequate at several locations. Also, the rock-dust applications were inadequate at several locations along the parallel entry floors in the mains and at occasional locations along the belt conveyors.

Transportation: Coal is transported from the faces in shuttle cars and discharged onto belt conveyors which convey the coal to the surface. Men are transported underground on belt conveyors under the supervision of certified foremen.

Electricity: Electric power at 4,160 volts alternating current is supplied to the mine from a substation at Keystone No. 3 mine. A rotary converter on the surface and a rectifier underground provide 250 volts direct-current power for use underground. Disconnection switches and lightning arresters were provided in the circuits near the points where the circuits entered the mine. The underground power wires were installed on insulated hangers and cutout switches were provided at suitable intervals.

The trailing cables were of the flame-resistant type, and they were protected against short circuits. The ground conductors in the type G trailing cables were not connected in the temporary splices; therefore, the frames of the equipment were not grounded. Tests for methane were not made with a permissible flame safety lamp before electric equipment was taken into the face areas or while the equipment was being operated.

The electric face equipment was of the permissible type. In the 9 left section, the equipment in use at the time of the explosion consisted of a Joy 14BU10 loading machine, a Joy 16RB cutting machine, two Joy 8SC shuttle cars, and a Galis 310 roof-bolting machine. An examination of this equipment during the underground investigation revealed numerous permissible discrepancies. Major discrepancies on the loading machine were as follows: Openings were in excess of 0.004-inch around the controller compartment and the inspection plate covers of the right and left head motors and in excess of 0.006-inch at the end-bell housing of the left head motor; the junction box for the right head motor was improperly assembled and the flame path along the end-bell housing was damaged; entrance gland assemblies were improperly packed on the pump motor, left resistor, controller, trailing cable, left head motor, and left head motor junction box; the power tree and conduit hose for the right traction motor were damaged; and the trailing cable contained more than five temporary splices.

Illumination and Smoking: Permissible electric cap lamps were used for portable illumination underground. Foremen and employees stated that smoking was not a practice in the mine; however, a program to prohibit carrying smoking materials, matches, or lighters underground was not in effect. During the investigation, a box of matches was found near the face of No. 2 entry 9 left section (ignition area).

Mine Rescue and Firefighting Facilities: A State-trained and fully equipped mine rescue team was maintained at the company's Keystone No. 1 mine and was present at the mine after the explosion; however, services of the team were not necessary for recovery operations. A kit containing sufficient self-rescuers was provided in each section; however, self-rescuers were not carried on the person of officials or employees. Self-rescuers were used by the south mains crew to travel outby the dust and/or smoke following the explosion.

Fire extinguishers, waterlines, a rock-dusting machine, and an ample supply of rock dust were readily available underground.

STORY OF EXPLOSION AND RECOVERY OPERATIONS

Activities of Bureau of Mines Personnel: Federal Coal-Mine Inspector Ernest Sheppard was notified by a company official about 7:25 p.m., June 10, 1969, that gas had been ignited in the 9 left section. Notification of the occurrence was relayed immediately to W. R. Park, district manager, who instructed Inspectors Thomas Allamon, Ernest Sheppard, John Weekly, and Fred Ryan to proceed to the mine. The inspectors arrived at the mine about 9 p.m., and after they were briefed by company officials, they proceeded underground to examine the areas of the mine involved.

A Withdrawal Order, explosion danger, was issued under Section 203(a)(1) of the Federal Coal Mine Safety Act, requiring all persons, except those persons referred to in Section 203(a)(2) of the Act, to be withdrawn from and debarred from entering the entire mine. Before the Order was issued, management had withdrawn all persons from the mine.

An Order (Form 203(f)) was issued June 12, 1969, requiring the operator to comply with the provisions of Section 209 of the Act which pertain to gassy mines.

Mine Conditions Immediately Prior to the Explosion: Harlan Kees, section foreman, and his crew, consisting of seven men, arrived on the 9 left section about 4:30 p.m. The loading machine, cutting machine, and roof-bolting machine had been parked in the intersections out by the faces of Nos. 2 and 3 entries by the dayshift crew. At the start of the afternoon shift, the roof-bolting machine was trammed to the face of the right crosscut in No. 3 entry, the loading machine was trammed to the face of No. 2 entry, the cutting machine was trammed to the face of No. 1 entry, and mining operations were started.

The face of the No. 2 entry was 115 feet inby the last open crosscut, and a crosscut to the left had been started. In No. 3 entry, the face was 150 feet inby the last open crosscut, and the face was being advanced while driving crosscuts right and left off the entry. A line curtain in No. 3 entry, the only entry containing line curtain, was installed to a point immediately outby the rib of the crosscuts. The section foremen on both shifts reported that it was customary to continue advancing the entry faces while crosscuts were being driven.

Charles Adkins, dayshift foreman, examined the face of No. 2 entry for methane about 2 p.m., prior to blasting the cut, and reported the section "clear" to the on-coming shift foreman.

Evidence of Activities and Story of Explosion: Harlan Kees, section foreman, entered the No. 3 entry just prior to the explosion where James Grant was installing roof bolts in the right crosscut. Kees stated that he examined the entry and crosscut faces for methane with a permissible flame safety lamp and did not detect gas. Kees then proceeded to No. 2 entry where he was informed by Thomas Gambrell, loading machine operator, that only the right head motor of the loading machine was operating. Approximately six shuttle cars had been loaded from the cut, and the loading machine was parked about 15 feet outby the face.

Virlon Milam, electrician, was operating a shuttle car and was returning with the empty car to the No. 2 entry when he was informed of the condition of the loading machine. Milam stopped the shuttle car, parked it about 20 feet outby the loading machine, and proceeded to the right side of the loader. At this time, Gambrell and Kees were on the left side of the loader, and Gambrell was checking the motor lead wires. Milam was handing Gambrell a wrench when he observed fire roll out from under and around the loader head and then the place was engulfed in flame. Milam, Gambrell, and Kees were either knocked or fell to the floor.

Immediately prior to the explosion, Virgil Sargent, shuttle-car operator, was delivering rock dust when his shuttle car "hung up" in a swag in No. 4 entry. Sargent went to the No. 3 entry where Robert Thorn was working at the tailpiece of the belt conveyor and informed him that he would need the other shuttle car to help free his shuttle car. Sargent and Thorn secured a "hook" and were waiting at the tailpiece for Milam to return when the blast occurred. Sargent said that he heard a noise similar to noise made by a roof fall, felt a rush of air, and observed a "ball of fire" rolling through the crosscut from No. 2 entry toward them.

James Grant was installing roof bolts near the face of No. 3 entry when the explosion occurred. He saw a red glow at the mouth of the entry and started outby at once. Grant encountered "heat" and traveled behind the line curtain and to fresh air in the crosscut between Nos. 3 and 4 entries. Hubert Winebarger and Dave Jenkins, cutting machine crew, had finished cutting the face in No. 1 entry and were tamping the shot holes when they heard the noise. They stated that fire came through the crosscut from No. 2 entry to the intersection in No. 1 entry and rolled back.

Winebarger, Jenkins, and Grant were not injured, and they met with the burned victims shortly after the explosion occurred. Although five of the crew members were burned, all traveled from the area unassisted to the main belt conveyor at the mouth of 9 left section, where they boarded the belt conveyor and rode to the surface.

Recovery Operations: The men working in the south mains and 7 right sections heard the explosion and immediately traveled to the surface.

Representatives of the West Virginia Department of Mines and the Bureau of Mines proceeded to the explosion area, 9 left section, promptly after their arrival at the mine

June 10. They were met by company employees and officials and advised that ventilation had been partially restored, that the face areas had been examined, and that no fires were found. An investigation of the areas involved by Federal and State inspectors verified these statements.

The investigation revealed that the occurrence had been primarily a gas explosion, that coal dust had entered into propagation of the explosion only to a minor degree, and that damage in the area was confined to several blown out stoppings and a regulator and injuries to the crew members. It was apparent during the investigation that sufficient air was not being delivered to the active working faces. The No. 2 entry had been driven approximately 115 feet in by the last open crosscut, and a crosscut was started left and advanced approximately 27 feet. The No. 3 entry had been driven inby the last open crosscut for a distance of 150 feet and crosscuts were turned right and left.

A partially filled box of safety matches was found by a Federal investigator near the left gathering head of the loading machine in No. 2 room, but burned matches were not found. In addition, a careful search of the entire section failed to disclose whole or partially used cigarettes or other smokers' materials.

Normal mining operations were resumed on 7 right section June 27, 1969, after the Closure Order of June 10, 1969, had been revised by the Director The Closure Order remains in effect in other parts of the mine, including 9 left and south mains sections.

INVESTIGATION OF CAUSE OF EXPLOSION

Investigating Committee: The underground investigation of the explosion was started the day of the occurrence and continued the following day. Persons taking part in the investigation were:

Eastern Associated Coal Corp.

R. H. Freeman, Vice President—Production.
J. E. Wells, Assistant to Vice President.
Joshua Smith, Safety Director.
John J. Kodak, Superintendent.
Chester A. Webb, Assistant Safety Director.
William Mabe, Safety Inspector.
John Williams, Mine Foreman.

United Mine Workers of America

James Leeber, Safety Director, District 29.
Earl Stamper, Safety Representative, District 29.
Eugene Mills, Member, Mine Safety Committee.
Frazier Cordle, Member, Mine Safety Committee.
Alvin Lusk, Member, Mine Safety Committee.

West Virginia Department of Mines

Jay Philpott, Inspector-at-Large.
J. W. Hatfield, Assistant Inspector-at-Large.
Charles Cook, District Mine Inspector.
Joseph Withrow, District Mine Inspector.

United States Bureau of Mines

W. R. Park, District Manager.
Thomas Allamon, Federal Coal-Mine Inspection Supervisor.
Fred H. Ryan, Federal Coal-Mine Inspector.
John E. Weekly, Federal Coal-Mine Inspector.
Ernest Sheppard, Federal Coal-Mine Inspector.
Joseph O. Vallina, Jr., Electrical Engineering Technician.

The flame safety lamp assigned to Harlan Kees, section foreman, was reportedly brought to the surface by a company employee after the explosion. The lamp was examined and found to be well maintained and in permissible condition.

The five injured men were confined to area hospitals, and an official hearing on the occurrence was delayed until two of the injured men were released from the hospital. Harlan Kees and Virlon Milam were questioned in the Beckley Appalachian Regional Hospital. Thomas Gambrell is confined to the Beckley Hospital, Beckley, West Virginia, and an interview could not be arranged at this time. The official inquiry was conducted at the company's main office June 25, 1969.

Methane as a Factor in the Explosion: During the underground investigation, tests for methane were made with methane detectors and permissible flame safety lamps. Tests in each of the active working faces in the 9 left section (Nos. 1 to 4 entries), including the crosscuts, indicated the presence of methane in amounts ranging from 0.18 to 3.55 percent. Analyses of air samples collected at each face are shown in Table 1. The quantity of air being coursed through the last open crosscut between Nos. 2 and 3 entries 9 left was about 9,600 cubic feet a minute following the explosion, and check curtains and line brattices were installed in each entry and the methane was removed. Unquestionably, an undetected body of methane had accumulated at the face of the No. 2 entry.

Following the explosion, emission of methane from cracks in the mine floor was apparent in Nos. 2 and 3 entries in 9 left section. Further examinations also disclosed cracks in the mine floor in the main entries outby the mouth of 9 left section. The gassy Keystone No. 3 mine, which is operating in the Pocahontas No. 3 coalbed, is approximately 150 feet underneath the excavations of the Keystone No. 3–B mine. The map of Keystone No. 3 mine indicated pillared out areas near the 9 left section of the Keystone No. 3–B mine. Prior to and during the investigation of the explosion, audible sounds indicated subsidence underneath the 9 left section were heard often.

Rock-dust surveys were made in the main entries and 9 left section following the explosion. Dust samples were collected on pattern in each entry as indicated in Table 2 of this report. The incombustible content of 13 of the 20 dust samples collected in the main entries and 13 of the 14 dust samples collected in the 9 left section was less than 65 percent.

During the investigation, it was evident that coal dust had not entered extensively into the explosion. Dust samples collected following the explosion contained small to trace coke particles only in the area within the workings of 9 left section.

Flame: Flame extended outby from the face of No. 2 entry for a distance of approximately 150 feet, penetrating the crosscuts right and left and extended into Nos. 1, 3, and 4 entries.

Forces: The forces of the explosion traveled outby the face of No. 2 entry for a distance of 215 feet. There was no evidence that strong forces or pressures developed, and damage to stoppings and equipment was minor.

Point of Origin: The explosion originated near the face of No. 2 entry, 9 left section.

Factors Preventing Spread of Explosion: All evidence indicated that the explosion was relatively weak and nothing in the explosion area showed that high pressures and/or excessive speeds developed during the explosion.

Summary of Evidence: Conditions observed in the mine during the investigation following the explosion, together with information available from previous Federal coal-mine inspection reports and from company officials, workmen, and mine records, provided evidence as to the cause and origin of the explosion. The evidence from which the conclusions of the Federal investigators are drawn is summarized as follows:

1. This was a gas explosion, and coal dust did not enter extensively into propagation.

2. Five of the eight men on the section received first, second, and third degree burns.

3. Mining operations in the 9 left section were started June 2, 1969. During this investigation, four air samples collected near the faces in 9 left contained methane ranging from 0.18 to 3.55 percent.

4. Following the explosion, methane was being emitted from cracks in the mine floor in Nos. 2 and 3 entries 9 left.

5. Line brattice was used only for a short distance in No. 3 entry, and sufficient air was not being delivered to the faces to prevent methane accumulations.

6. The No. 2 entry was advanced a distance of 115 feet and No. 3 entry a distance of 150 feet inby the last open crosscut.

7. On-shift tests for methane at the working faces were not made with regularity.

8. Loose coal and coal dust were accumulated in dangerous quantities along the shuttle-car roadways inby the belt conveyor tailpiece in 9 left.

9. The loading machine had not been operating satisfactorily prior to the explosion, and the loading machine operator was examining the leads on a head motor when the ignition occurred.

10. A box of matches was found near the face of No. 2 entry.

11. The power leads were disconnected from the brushes, and the brushes were raised inside the left gathering head motor on the loading machine.

12. Numerous temporary splices in the trailing cables were poorly insulated, and the grounding conductors of the trailing cables were not connected when the splices were made.

13. All of the electric face equipment in the 9 left section was in nonpermissible condition at the time of the explosion.

14. Unsafe conditions were not being recorded by the preshift examiner in the book provided for that purpose.

Cause of the Explosion: The explosion was caused when a body of methane accumulated near the face of No. 2 entry 9 left section because of inadequate ventilation. It is believed that the methane was ignited by an electric arc created inside the left gathering head motor on the loading machine when a loose power lead contacted and welded itself to the frame.

RECOMMENDATIONS

The following recommendations are made to prevent a similar occurrence:

1. Line brattice shall be used to conduct air to the working faces, and the volume and velocity of the air current ventilating such faces shall be sufficient to dilute and carry away flammable gases.

2. The on-shift examinations shall include tests for methane and these examinations shall be made often enough to insure the safety of the men. Equipment operators, trained in the use of a flame safety lamp, shall make an examination for methane before such equipment is taken into or operated in face regions and at least every 20 minutes during such operations.

3. A program shall be put into effect to assure that necessary repairs are made to maintain the equipment in a safe operating condition.

4. Crosscuts should be made between entries at intervals in accordance with the applicable State law.

5. Coal dust and loose coal shall not be permitted to accumulate in dangerous quantities in any active underground workings.

6. Where rock dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust, and other dust will not be less than 65 percent.

7. The permissible-type electric face equipment shall be maintained in permissible condition.

8. Frames of electric equipment should be grounded effectively.

9. Temporary splices in training cables shall be limited to five in number, and the splices shall be well insulated.

10. Management shall establish a suitable search program to assure that smoking materials, matches, or lighters are not taken underground.

11. The mine examiner shall record all unsafe conditions observed during his ex-

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amination in the book provided for that purpose on the surface.

ACKNOWLEDGMENT

The cooperation of mine officials and employees, members of the United Mine Workers of America, and representatives of the West Virginia Department of Mines during this investigation is gratefully acknowledged.

APPENDIX A—NAMES AND OCCUPATIONS OF PERSONS INJURED

Harlan Kees, Thomas Gambrell, Virlon Milam, Robert Thorn, Virgil Sargent.

Section Foreman, Loader Operator, Electrician, Beltman, Shuttle-Car Operator.

APPENDIX B

[Not printed in RECORD]

APPENDIX C

[Not printed in RECORD]

TABLE 1.—ANALYSIS OF AIR SAMPLES, KEYSTONE NO. 3-B MINE EASTERN ASSOCIATED COAL CORP.

[Date collected: June 10, 1969]

Location in mine	Bottle No.	Laboratory No.	Percent in volume: Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen	Cubic feet air per minute	Cubic feet methane per 24 hours
Face No. 1 entry 9 left (critical sample)	J6022	101293	0.21	20.65	[1] 0.93	0	78.21		
Face No. 2 entry 9 left	J5754	101294	.12	20.76	.18	0	78.94		
Face 2 left crosscut 9 butt left (critical sample)	J5755	101295	.09	20.71	[1] .32	0	78.88		
Face No. 3 entry 9 left section (critical sample)	J6042	101296	.13	19.22	[1] 3.55	0.001	77.10		
Main return south mains at regulator out by 11 left	J6043	101297	.03	20.90	.02	0	79.05	8,500	

[1] This sample was analyzed by the gas chromatograph process and that analysis was checked by the Haldane process.

TABLE 2.—ANALYSES OF DUST SAMPLES, KEYSTONE NO. 3-B MINE, EASTERN ASSOCIATED COAL CORP.

[Date collected: June 12, 1969]

Laboratory No.	Can No.	Sample of dust from	Location in mine		Alcohol coke test	As-received percent incombustible
			Survey No. 1, main entries (zero=8 right overcast —40 feet No. 3 entry)			
			No. 1 entry			
307374	1A1	Band	0+00′		None	19.8
	1A2		0+300′	Wet, no sample		
307375	1A3	Band	0+600′		None	22.5
307376	1A3CC	do	0+600′		do	17.0
	1A4		0+900′	Wet, no sample		
	1A5		0+1.200′	Same		
			No. 2 entry			
307377	1B1	Band	0+00′		None	54.5
	1B2		0+300′	Wet, no sample		
307378	1B3	Band	0+600′		None	28.5
307379	1B3CC	do	0+600′		do	46.0
	1B4		0+900′	Wet, no sample		
	1B5		0+1,200′	Same		
			No. 3 entry			
307380	1C1	Band	0+00′		do	90.0
307381	1C2	do	0+300′		do	91.5
307382	1C3	do	0+600′		do	88.0
307383	1C3CC	do	0+600′		do	47.0
307384	1C4	do	0+900′		do	76.5
307385	1C5	do	0+1,200′		do	95.5
			No. 4 entry			
307386	1D1	do	0+00′		do	55.4
307387	1D2	do	0+300′		do	50.0
307388	1D3	do	0+600′		do	39.5
307389	1D3CC	do	0+600′		do	55.1
307390	1D4	do	0+900′		do	33.5
	1D5		0+1,200′	Wet, no sample		
			No 5 entry			
307391	1E1	Band	0+00′		do	90.5
307392	1E2	do	0+300′		do	87.5
	1E3		0+600′	Wet, no sample		
307393	1E4	Band	0+900′		None	40.5
	1E5		0+1,200′	Wet, no sample		
			Survey No. 2, 9 left section (zero=No. 3 main entry +30 feet)			
			No. 1 entry			
	2A1		0+00′	Wet, no sample		
	2A2		0+100′	Same		
307394	2A3	Band	0+200′		Small	37.9
307395	2A3CC	do	0+200′		do	26.8
307396	2A4	do	0+300′		None	20.5
			No. 2 entry			
	2B1		0+00′	Wet, no sample		
307397	2B2	Band	0+100′		do	43.5
307398	2B3	do	0+200′		Small	27.0
307399	2B3CC	do	0+200′		do	38.0
307400	2B4	do	0+300′		do	24.8
			No. 3 entry			
307401	2C1	do	0+00′		None	72.0
307402	2C2	do	0+100′		do	21.5
307403	2C3	do	0+200′		Trace	31.0
307404	2C3CC	do	0+200′		Small	30.3
307405	2C4	do	0+300′		None	20.1
			No. 4 entry			
	2D1		0+00′	Wet, no sample		
	2D2		0+100′	Same		
307406	2D3	Band	0+200′		Trace	15.5
307407	2D4	do	0+300′		do	14.7

ESTIMATES OF THE COST OF CHANGING NONPERMISSIBLE ELECTRIC FACE EQUIPMENT TO PERMISSIBLE CONDITION, BY THE DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1969.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Labor Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Enclosed are two attachments (A & B) in response to your letter of July 5, 1969, requesting further information on the cost of changing non-permissible electric face equipment in underground coal mines to permissible condition under the procedures (Schedule 2–G) of the Bureau of Mines. These procedures are primarily designed to assure that such equipment, if maintained in permissible condition, will not emit a spark or arc and cause a mine fire or explosion.

The first of these attachments is an updating and correction of estimates previously prepared and supplied to your subcommittee in relation to the cost of changing non-permissible equipment to permissible and the time needed to accomplish it.

The other attachment is the results of a survey of underground coal mines conducted, at your request, by the Bureau of Mines in each of the 9 major coal producing States. The survey was undertaken through the Bureau's district offices and compiled here. While it included some contact with the industry, repair shops, and equipment manufacturers, it is largely a paper survey based on records and data of the Bureau, including inspection reports, etc. We have discussed informally the results of the survey with your staff.

At the request of your staff, we checked, after completing the survey, on whether a bias had been introduced inadvertently due to the small number of mines sampled in the 9 States. Time did not permit a greater sampling. We have concluded that the samples for at least 3 of the States, Virginia, Kentucky, and West Virginia, are not truly typical of the small mines in those States. Thus, a bias was, in fact, inadvertently introduced.

From the survey we have, at your request, estimated the cost of making this equipment permissible either by conversion or rebuilding it. The estimates are as follows:

SMALL NON-GASSY MINES

Estimated costs

Cost of "conversion"[1] of all equipment:	
Nine States only	$37,000,000
County-wide basis (by extrapolation from data)	63,000,000
Cost of upgrading or using rebuilt equipment:	
Nine States only	54,882,580
County-wide basis (by extrapolation from data)	63,000,000

LARGE NON-GASSY MINES

Cost of upgrading or using rebuilt equipment:[2]	
Seven States only	13,475,650
Country-wide basis	18,100,000

[1] Assumes field permissibility approval will be feasible even for equipment that had never had permissible approval.

[2] Assumes that all equipment could be upgraded and none would be converted.

You also requested that we provide an estimate, based on the survey, of the costs of making this equipment permissible, through conversion, upgrading, purchasing rebuilt or purchasing new, in the case of those gassy mines with "grandfathered" equipment is still permitted under the 1952 Act. The estimates are as follows:

Grandfathered equipment, all Gassy Mines:

Cost to upgrade, $3,591,350.

Cost to rebuild, $14,158,060.

Cost new, $36,951,170.

Because of the bias mentioned above, you also asked if we could use the survey and make some estimates taking the bias into account. Probably the most appropriate way to make such an estimate is to use an average of the capital cost per yearly ton of coal produced. For these larger and more efficient mines covered by the survey a mine producing 20,000 tons per year would require an investment of about $16,000. If the equipment were used for 20 years this would represent a cost of 4 cents per ton of coal mined. There is, however, some tonnage produced in hand loaded mines where permissible equipment would not be required. On the other hand, smaller mechanized mines, also not included in the survey, would be expected to have a higher investment per daily ton than those included in the survey. In our estimate, we have assumed that these two factors to be in balance.

Using this method then, the cost for the small non-gassy mines for the country as a whole to convert or rebuild the equipment would be $30 million.

If all the equipment could be converted rather than using a combination of conversion and rebuilt equipment, the cost would be about $21 million.

The total cost can thus be estimated at $51.7 million, broken down as follows:

Grandfathered equipment (all upgraded), $3.6 million.

Cost of upgrading or using rebuilt equipment in large non-gassy mines, $18.1 million.

Cost for converting or using rebuilt equipment in small non-gassy mines, $30 million.

These figures are lower than those in Attachment A because we have assumed that the new concept of conversion which we have discussed with your staff using field approval for permissibility will be possible and because the size of the sample in the latest survey introduced a bias. Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment a more realistic cost estimate would be between $50 and $60 million. It is probable, however, that some portion of this sum would be expended anyway due to normal replacement needs.

Another cost is that of the Government which would be appreciably higher if all the equipment were converted, since it would involve a large increase in the man-hours required for field inspections of field converted and approved equipment.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

GENERAL COMMENT ON ELECTRIC FACE EQUIPMENT

COST OF BRINGING EQUIPMENT TO PERMISSIBLE CONDITION

Any attempt to estimate the cost of replacing and/or overhauling electric face equipment to meet the permissibility requirements, particularly that over 25 h.p., is difficult to make. The Bureau of Mines has not had the advantage of obtaining such estimates from the industry, although we have had some discussions along this line. Despite this shortcoming, we believe it is possible, by using two different methods of making the estimates, to provide a range of costs that are most probable. The details of making these estimates are attached as Appendix A.

Using method 1, the costs would range from about $110 to $219 million. Using method 2, they would range from about $69 to $330 million with a "reasonable" estimate by this method being about $155 million.

Typical sizes and costs of electrical equipment used underground are shown in Table 7 and published costs of new large equipment are shown in Table 8.

TIME REQUIRED

Data on which to base estimates of the time required to replace nonpermissible equipment are also difficult to obtain. In Appendix B, an attempt has been made to determine what the time parameters might be. Although the data are limited, it appears that a minimum of eight years might be required if the manufacturers could triple their sales capacity. It may, however, be as much as ten years if an adjustment is made for the fact that some of the equipment now sold is nonpermissible. On the other hand, these estimates are biased on the high side since there is no allowance for those pieces of equipment that are converted or those that might be bought new.

It is also important to recognize that manufacturers will probably give preference to their present customers and will prefer to use their capacity to produce new equipment rather than provide parts for replacement purposes. Also, the mine operator will have to consider whether he should replace, or, if the equipment can be made permissible, whether he should overhaul it for this purpose.

In summary, these are conservative estimates based on the best knowledge available. We believe it is possible, given the legislative directives in the bill and the incentives to the coal mining industry, that this period could be shortened considerably. But this possibility must be tempered by the knowledge that the equipment manufacturers may not gear up to provide the necessary capacity. Certainly ten years to complete this transition is too long a period, although we believe anything less than four years would not be realistic from the standpoint of available equipment and the potential costs involved.

APPENDIX A

METHOD 1

Large mines

In West Virginia (District B), a recent survey was made of nonpermissible equipment in mines. It was found that there was 182 nonpermissible machines in 84 large mines. The survey did not show whether the equipment was ever permissible or whether it could be made permissible. Extrapolating the data to the 400 large mines in the State showed that there would be about 840 nonpermissible machines in operation in large mines. Table 1 shows the cost of new equipment for a continuous miner section and for a conventional miner section. The average large mine in West Virginia has one conventional section and one continuous miner section so that for large mines the cost of new equipment would be: 840 times 43,900, or $36,000,000.

Table 2 shows the cost of rebuilt permissible equipment for both a conventional and continuous miner section. If all mines used rebuilt equipment, the replacement cost would be: 840 times $17,800, or $14,600,000.

Small mines

In the West Virginia survey, it was found that there were 85 nonpermissible face machines in operation in the 22 mines surveyed. Again the survey did not show whether the equipment was ever permissible or whether it could be made permissible. Extrapolating the data to 800 small mines in the State showed there would be 3100 nonpermissible machines in operation. Table 3 shows the costs of rebuilt equipment, if available, that might be used in these typical mines (this type of mine could not afford new equipment). The total cost of converting to rebuilt equipment would be: 3,100 times $2,700, or $8,400,000.

Similar calculations were made for the other Health and Safety districts of the Bureau of Mines using these approximate equipment costs but with modifications to reflect local conditions. For example, in District D no costs were included for continuous miners since all continuous miners in the

District were permissible. Using this method, the estimates in the following table were calculated.

COSTS TO BRING NONPERMISSIBLE EQUIPMENT TO PERMISSIBLE CONDITION

[In millions of dollars]

District	Number of nonpermissible units	Large mines		Small mines, rebuilt	Range
		New	Rebuilt		
A	880	18.0	7.0	1.5	
B	3,940	36.0	14.6	8.4	
C	10,375	120.0	48.0	22.5	
D	485	20.0	6.5	(1)	
E	230	2.4	0.6	0.8	
Total	15,910	196.4	76.7	33.2	229.6–109.9

(1) Included in large mine figures.

METHOD 2

Small mines

The number of mines and amount of production classified by gassy or nongassy and by large and small are shown in Tables 4 and 5. Table 6 gives the costs of bringing an average sized small one shift nongassy coal mine to meet gassy mine standards for three conditions—upgrading the equipment, assuming it had once been permissible, purchasing used equipment, and purchasing *new* permissible equipment. The information in Table 6 represents a cost per ton of $1.00, $1.40, and $5.60 for upgrading, purchasing used, and purchasing new equipment. Using this data and that in Table 5, the following can be calculated:

Upgrading, $1 per ton times 39,000,000 tons, equals $39 million.

Used, $1.40 per ton times 39,000,000 tons, equals $55 million.

New, $5.60 per ton times 39,000,000 tons, equals $220 million.

Large mines

Using the data in Tables 1 and 2, extrapolating the "upgrading cost", and combining that with the data in Table 5, the following costs were calculated:

[In millions]

Upgrading, $0.30 ton	$30
Purchasing used permissible equipment:	
Continuous miner $0.40 ton	40
Conventional miner $0.40 ton	40
Purchasing new permissible equipment:	
Continuous miner $0.80 ton	80
Conventional miner $1.10 ton	110

Assuming that all mines could be "upgraded", would give the lowest estimate of $69 million. Assuming all mines would purchase new equipment, would give the highest estimate of $330 million. A "reasonable" estimate would have the large mines purchasing about one half of their needs in new equipment and about one fourth upgrading and one fourth purchasing used equipment for a total cost of about $110 million. The small mines would upgrade when they could and purchase used equipment, if available, for the balance of their needs so that total costs might be about $45 million for small mines with an overall cost of $155 million.

APPENDIX B

1. Amount of equipment now in use:

The total amount of equipment now in use underground and the amount purchased in 1968 are shown in Table 9. The data were obtained from the Minerals Yearbook of the Bureau of Mines, the annual article published by Coal Age on equipment purchased and from the Department of Commerce publication on Mining Machinery and Equipment of Current Industrial Reports. It is not known how much of the equipment sold is nonpermissible and how much is permissible, although most coal cutting large equipment is probably manufactured so that it meets permissibility tests.

Assuming that the manufacturers were able to triple their selling rate, it would take a minimum of eight years to replace existing nonpermissible equipment in coal mines, if all the equipment being manufactured were of the permissible type and all the nonpermissible equipment were replaced with new equipment. The available data is based on sales, thus we cannot estimate what the production capacity is. Since some of the equipment sold is nonpermissible and it would take new manufacturers some time to design equipment and obtain permissibility approval of the Bureau of Mines, the total replacement time could be even greater again assuming that all of the nonpermissible equipment is replaced rather than repaired.

TABLE 1.—*New equipment*

CONTINUOUS MINER SECTION	
CM 35Y Miner (1)	$121,000
16SC Shuttle Cars (2)	80,000
Galis 300 Roof-bolter (1)	16,000
CONVENTIONAL SECTION	
14BU10 Loader (1)	60,000
18SC Shuttle Cars (2)	76,000
Galis 300 Roof-bolter (1)	16,000
Joy Coal Drill (1)	20,000
16RB Cutting Machine (1)	84,000
Supply Tractor	10,000
Total price of face equipment	483,000

Total pieces of equipment: 11.

Average price of one permissible machine: $43,900 ($483,000 divided by 11).

TABLE 2.—*Rebuilt equipment*

CM 35Y (1)	$75,000
6SC Shuttle Cars (2)	20,000
Galis 300 Roof-bolter (1)	9,000
14BU9 Loader (1)	22,500
Galis 300 Roof-bolter (1)	9,000
10SC Shuttle Cars (2)	12,500
Joy Coal Drill (1)	12,500
11RU Cutting Machine	30,000
Supply Tractor (1)	6,000
Total price of face equipment	196,500

Total pieces of equipment: 11.

Average price per rebuilt permissible machine: $17,800 ($196,500 divided by 11).

TABLE 3.—*Rebuilt equipment*

Bottom Cutting Machines (2)	$5,000
T-2 Utility Truck (1)	3,000
Permissible Battery Tractors and Trailers (2)	13,000
Hand-held Drills (3)	450
Total	21,450

Average price of replacement machine: $2,700 ($21,450 divided by 8).

TABLE 4.—*Number of underground bituminous and anthracite mines*

(1967 and 1968 data)

Large:	
Gassy	300
Nongassy	573
Total	873
Small:	
Gassy	150
Nongassy	2,755
Total	2,905

TABLE 5.—*Production of underground bituminous and anthracite mines*

[In millions of tons]

Large:	
Gassy	208
Nongassy	101
Total	309
Small:	
Gassy	2
Nongassy	39
Total	41

ESTIMATED COSTS OF CONVERTING ONE SECTION OF AN AVERAGE SIZE SMALL ONE-SHIFT NONGASSY COAL MINE TO MEET GASSY MINE STANDARDS

A. Average number of men employed at the mine, 6. Average number of men employed in the section, 5. Average annual production, 15,000 tons.

B. The average section in a small mine now uses two bottom cutting machines, one T–2 truck for tramming the cutting machines, three drag cable shuttle cars, and three hand-held drills. All of these pieces of equipment are nonpermissible-type.

C. The total cost of *converting* these pieces of nonpermissible-type equipment to permissible-type is: $15,950.

Bottom cutting machine, 2 at $1,000 each, $2,000. T–2 truck, 1 at $500.

Drag cable shuttle car: Not practicable to convert, must purchase 2 battery tractors (used) at $6,500 each, $13,000.

Hand-held drill, 3 at $150 each, $450.

D. The total cost of purchasing used permissible-type equipment is $21,450.

Bottom cutting machine, 2 at $2,500 each, $5,000. T–2 truck, 1 at $3,000.

Battery tractor, 2 at $6,500 each, $13,000.

Hand-held drills, 3 at $150 each, $450.

E. The total cost of purchasing new permissible-type equipment is $84,300.

Modern rubber tired cutting machine, 1 at $60,000.

Battery tractor, 2 at $12,000, $24,000.

Hydraulic drill, 1 at $300.

F. The cost of maintaining permissible-type electric face equipment in permissible condition is 16½ cents per ton.

G. Other costs of converting from nongassy to gassy status: $2,500 initial outlay for improvements in ventilation, purchase of a recording pressure gage, and methane detectors.

ESTIMATED SIZE AND COST OF NEW ELECTRICAL EQUIPMENT USED IN COAL MINES MAY 27, 1969

Coal drill, ¾ hp to 50 hp, $300 to $25,000 (Maximum horsepower of hand-held drills, 3).

Loader, 20 hp to 140 hp, $30,000 to $80,000.

Shuttle car, 3 hp to 160 hp, $5,000 to $50,000.

Tractor (battery), 5 hp to 35 hp, $3,000 to $20,000.

Telephone, $20 to $800.

Longwall equipment, 175 hp to 400 hp, $750,000 to $2,000,000.

Rectifier, 40 kw to 1,000 kw, $1,000 to $40,000.

Transformer, 5 kva to 1,000 kva, $500 to $45,000.

Rock duster, 3 hp to 100 hp, $1,300 to $80,000.

Car spotter and car hoist, 5 hp to 20 hp, $5,000 to $25,000.

Roof bolter, 3 hp to 40 hp, $2,500 to $35,000.

Cutting machine, 35 hp to 425 hp, $2,500 to $125,000.

Continuous miner, 50 hp to 600 hp, $50,000 to $200,000.

Methane detector with charging equipment, $273.

Methane detector, $2,000 to $2,500.

Mine lamp and charging equipment, $55.

Mine fan, 10 hp to 500 hp, $300 to $100,000.

Hoist, 20 hp to 500 hp, $40,000 to $100,000.

Pump, 1 hp to 500 hp, $100 to $25,000.

Electric locomotive, 40 hp to 400 hp, $12,000 to $150,000.

Personnel carrier, 10 hp to 25 hp, $6,500 to $20,000.

Belt drive, 25 hp to 600 hp, $2,000 to $35,000.

Belt feeder, 7½ hp to 50 hp, $2,000 to $25,000.

Battery charger, 5 kw to 50 kw, $1,000 to $8,000.

Air compressor, 1 hp to 100 hp, $300 to $50,000.

Auxiliary fan, 5 hp to 15 hp, $1,500 to $2,500.

Cap lamp with battery, $32.50.

COST OF NEW EQUIPMENT

Joy Manufacturing Co.

14 BU loading machine, $53,000.
15 RU cutting machine, $76,000.
RBD–15 roof bolter, $14,500.
10 SC shuttle car, $43,000.
16 SC shuttle car, $40,000.
18 SC shuttle car, $40,000.
CB–71A coal drill, $37,000.
8 CM continuous miner, $129,000.
1 CM continuous miner, $159,000.
6 CM continuous miner, $150,000.
9 CM continuous miner, $123,000.

Jeffrey Manufacturing Co.

70 URB cutting machine, $75,000.
202 loading machine, $65,000
203 loading machine, $85,000.
RAM car, $55,000.
Heliminer continuous miner, $200,000.
120 Heliminer miner, $180,000.
100 L miner, $65,000.
Bridge conveyor, $22,000.

Cost of rebuilt equipment

Lee Norse miner, $75,000.
Joy NSC shuttle car, $20,000.
Galis roof drill, $9,000.
Joy 14 BU loader, $22,500.
Joy CD–71A coal liner, $12,500.
Joy RU cutting machine, $30,000.

TABLE 9.—NEW EQUIPMENT PURCHASED AND EQUIPMENT IN USE IN UNDERGROUND BITUMINOUS MINES 1968

	Col. 1, in use	Col. 2, purchased	Expected life col. 1/col. 2, years
Drills	9,600	[1] 540	18
Shuttle cars	5,100	380	13
Continuous mining machine	1,410	240	[2] 6
Mobile loading machine	2,520	[1] 650	[1] 4
Coal-cutting machine	4,780	115	[2] 42
Total	23,410	1,925	12

[1] All mining—must be corrected for metal mines.

[2] The trend toward the use of continuous miners with a decrease in conventional coal cutting machine is reflected by these figures.

ATTACHMENT B.—COST OF UPGRADING ELECTRIC FACE EQUIPMENT IN SMALL NONGASSY MINES TO PERMISSIBLE STATUS OR TO PURCHASE USED REBUILT PERMISSIBLE EQUIPMENT IF UPGRADING IS NOT FEASIBLE [1]

State	Cost per small nongassy mine	Number of small nongassy mines	Total cost
West Virginia	$16,430	719	$11,813,170
Tennessee	13,740	99	1,360,260
Virginia	26,460	522	13,812,120
Alabama	9,600	67	643,200
Pennsylvania	17,345	121	2,098,745
Ohio	10,550	32	337,600
Colorado	[2] 2,485	29	72,065
Utah	8,470	10	84,700
Kentucky	31,455	784	24,660,720
Total		2,388	54,882,580

[1] Basic data were developed by selecting at random 10 small nongassy mines in each State, getting the number of pieces of electric face equipment in use by type of equipment, and whether permissible or nonpermissible type, then finally getting from local shops the cost of upgrading the equipment to permissible status or to purchase used rebuilt permissible equipment if upgrading is not feasible.

[2] Most of the equipment is maintained in permissible condition and upgrading is not required.

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT SMALL NONGASSY COAL MINES, JULY 1, 1969

Type of equipment	Permissible type	Non-permissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
COLORADO				
1 Joy 8 BU loading machine	X		(1)	$6,500
1 Sullivan CE7 cutting machine		X	$2,000	2,500
1 Joy 6 SC shuttle car		X	2,000	10,000
1 Chicago pneumatic hand held drill		X	150	150
(Underground employment, 6; daily production (tons), 100.)				
1 Joy JCM continuous miner	X		(1)	80,000
1 Joy 8 BU loading machine	X		(1)	5,000
2 Joy 6 SC shuttle cars	X		(1)	[2] 10,000
1 Ingersoll hand roof bolting machine		X	1,000	9,000
(Underground employment, 3; daily production (tons), 35.)				
1 Joy 10 RU cutting machine	X		(1)	25,000
1 Joy 10 SC shuttle car	X		(1)	20,000
1 Joy 8 BU loading machine	X		(1)	6,500
1 Joy 6 SC shuttle car		X	3,000	10,000
1 Chicago pneumatic hand held drill		X	105	150
1 Ingersoll hand roof bolting machine		X	1,000	9,000
1 Goodman 212 cutting machine		X	1,000	2,500
1 Hand held drill		X	150	150
(Underground employment, 3; daily production (tons), 12.)				
1 Lee Norse continuous miner	X		(1)	75,000
1 Joy 8 BU loading machine	X		(1)	6,500
1 Joy 10 SC shuttle car	X		(1)	20,000
(Underground employment, 2; daily production (tons), 50.)				
1 Fletcher roof bolting machine	X		(1)	5,000
1 Joy 8 BU loading machine		X	2,500	6,500
2 hand-held drills		X	[2] 150	[2] 150
1 Sullivan CE7 cutting machine		X	2,000	2,500
(Underground employment, 5; daily production (tons), 50.)				
1 Sullivan iron clad cutting machine		X	3,000	2,500
1 Hand held drill		X	150	150
(Underground employment, 2; daily production (tons), 10.)				
1 Goodman 212 cutting machine		X	1,000	2,500
1 hand held drill		X	150	150
(Underground employment, 1; daily production (tons), 10.)				
1 Sullivan CE cutting machine		X	2,000	2,500
1 Hand held drill		X	150	150
(Underground employment, 3; daily production (tons), 30.)				
1 Goodman 212 cutting machine		X	3,000	2,500
1 Hand held drill		X	150	150
(Underground employment, 2; daily production (tons), 15.)				
UTAH				
1 Joy 4 JCM continuous miner	X		(3)	60,000
1 Diesel shuttle car	X		(3)	20,000
(Underground employment, 10; daily production (tons), 325.)				
1 Goodman SW cutting machine	X		(3)	4,000
1 Hand held drill		X	150	150
(Underground employment, 6; daily production (tons), 50.)				
1 Lee Norse continuous miner	X		(3)	90,000
2 Joy 10 SC shuttle cars	X		(3)	[2] 20,000
(Underground employment, 7; daily production (tons), 250.)				
1 Joy 8 BU loading machine	X		(3)	6,500
UTAH—Continued				
1 Goodman 312 cutting machine	X		(3)	$2,500
1 Mobile drill	X		(3)	
2 Joy 10 SC shuttle cars		X	[2] $3,500 each	[2] 20,000 each
(Underground employment, 6; daily production (tons), 150.)				
1 Lee Norse continuous miner		X	(1)	
1 Homemade conveyor		X	4,000	6,000
1 Homemade reel shuttle car		X	2,000	10,000
(Underground employment, 11; daily production (tons), 1,000.)				
1 Sullivan 7 B cutting machine		X	3,000	4,500
2 Joy 10 SC shuttle cars		X	[2] 3,500	[2] 20,000
1 Joy 8 BU loading machine		X	2,500	6,500
1 handheld drill		X	150	150
(Underground employment, 4; daily production (tons), 35.)				
1 Joy 8 BU loading machine		X	2,500	6,500
1 Goodman 312 cutting machine		X	3,000	2,500
1 hand-held drill		X	150	150
2 diesel shuttle cars (local make)		X	[2] 8,000	20,000
(Underground employment, 6; daily production (tons), 85.)				
1 Joy 8 BU loading machine		X	2,500	6,500
1 Goodman B12 cutting machine		X	3,000	2,500
1 Chicago pneumatic hand held drill		X	150	150
1 diesel shuttle car (local make)		X	8,000	20,000
(Underground employment, 4; daily production (tons), 30.)				
1 Joy 8 BU loading machine		X	2,500	6,500
1 Chicago pneumatic handheld drill		X	150	150
1 Joy 6 SC shuttle car		X	2,800	10,000
1 Sullivan ironclad cutting machine		X	3,000	2,500
(Underground employment, 2; daily production (tons), 12.)				
1 Joy 8 BU loading machine		X	2,500	6,500
1 Sullivan ironclad cutting machine		X	3,000	2,500
1 Joy 6 SC shuttle car		X	2,800	10,000
1 mobile drill		X	7,000	12,500
(Underground employment, 3; daily production (tons), 75.)				
KENTUCKY				
1 Joy 12 RB cutting machine	X		5,000–6,000	
1 Joy 14 BU loading machine	X		5,000–6,000	
1 Galis roof bolting machine	X		2,000–3,000	
2 Hand held drills		X		[2] 350
3 Kersey shuttle cars		X		[2] 20,000
(Underground employment, 13; daily production (tons), 275.)				
1 Goodman 512 cutting machine	X		5,000–6,000	
1 Joy 14 BU loading machine	X		5,000–6,000	
1 Chicago pneumatic roof bolting machine	X		2,000–3,000	
1 Hand held drill		X	150– 200	
3 Kersey battery tractors		X	[2] 6,000	
1 T–2 utility truck		X	1,000–2,000	
(Underground employment, 10; daily production (tons), 300.)				
2 Goodman 512 cutting machines		X	[2] 5,000–6,000	
2 Joy 14 BU loading machines	X		[2] 5,000–6,000	
1 Roof bolting machine		X		14,000
2 Hand held drills		X		[2] 350
2 T–2 utility trucks		X	[2] 1,000–2,000	

See footnotes at end of table.

XUM

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT SMALL NONGASSY COAL MINES, JULY 1, 1969—Continued

Type of equipment	Permissible type	Non-permissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
KENTUCKY—Continued				
3 Kersey battery tractors		×	[3] $1,000–$2,000	
(Underground employment, 12; daily production (tons), 300.)				
1 Jeffrey SW 35L cutting machine	×		2,000–3,000	
1 Joy 12 BU loading machine	×		3,500–4,000	
3 hand held drills		×		[2] $400
4 battery tractors		×	[3] 2,000–3,000	
(Underground employment, 9; daily production (tons), 90.)				
1 Jeffrey 35L cutting machine	×		2,000–3,000	
1 Joy 14 BU loading machine	×		5,000–6,000	
3 Hand held drills		×		350
2 Drag cable shuttle cars		×		[3] 20,000
1 T–2 utility truck		×	1,000–1,200	
2 Battery tractors		×	[3] 2,000–3,000	
1 Wilcox continuous miner	×		5,000–6,000	
(Underground employment, 8; daily production (tons), 200.)				
1 Joy 11 RB cutting machine	×		5,000–6,000	
2 Joy 14 BU loading machines	×		[3] 5,000–6,000	
1 rubber-tired drill (handmade)		×		350
6 drag cable shuttle cars		×		[4] 2,000–3,000
(Underground employment, 12; daily production (tons), 100.)				
1 Joy 11 RB cutting machine	×		5,000–6,000	
1 Joy 14 BU loading machine	×		5,000–6,000	
1 Royal roof bolting machine		×		14,000
3 hand held drills		×		[2] 350
4 S. & S. battery tractors		×		[2] 2,000–3,000
(Underground employment, 13; daily production (tons), 275.)				
1 Joy 12 RB cutting machine	×		5,000–6,000	
1 Joy 14 BU loading machine	×		5,000–6,000	
1 Fletcher roof bolting machine	×		2,000–3,000	
2 Chicago pneumatic handheld drills		×		[2] 350
3 Joy 6SC shuttle cars	×		[2] 5,000–6,000	
(Underground employment, 6; daily production (tons), 200.)				
1 Jeffrey 35 S.W. cutting machine	×		5,000–6,000	
1 Joy 14 BU loading machine	×		5,000–6,000	
1 Jeffrey handheld drill	×		150–200	
2 S & S battery tractors		×	[2] 2,000–3,000	
2 Joy transfer trucks		×	[3] 2,000–3,000	
(Underground employment, 6; daily production (tons), 100.)				
VIRGINIA				
1 Jeffrey 300 U cutting machine	×		5,000–6,000	
1 Jeffrey 81C loading machine	×		5,000–6,000	
1 Galis roof bolting machine	×		2,000–3,000	
4 Battery tractors		×	[3] 2,000–3,000	
(Underground employment, 12; daily production (tons), 300.)				
1 Royal cutting machine		×		40,000
1 Stacy loading machine		×		14,000
1 Handheld drill		×		350
3 Battery tractors		×	[3] 2,000–3,000	
(Underground employment, 6; daily production (tons), 80.)				
1 Galis roof bolting machine	×		2,000–3,000	
1 Jeffrey 100L continuous miner	×		9,000–10,000	
2 Battery tractors		×	[3] 2,000–3,000	
(Underground employment, 8; daily production (tons), 200.)				
1 Stacey Spinner loading machine		×		14,000
1 Hand held drill		×		350
1 Battery tractor		×	2,000–3,000	
(Underground employment, 5; daily production (tons), 90.)				
1 Goodman 212 S.W. cutting machine	×		5,000–6,000	
1 Epling rubber-tired loading machine		×		14,000
1 Hand held drill		×		350
2 Battery tractors		×	[3] 2,000–3,000	
(Underground employment, 6; daily production (tons), 70.)				
1 Joy 12 R B cutting machine		×	5,000–6,000	
1 Jeffrey loading machine		×	9,000–10,000	
1 Galis roof bolting machine	×		2,000–3,000	
1 Long-Airdox drill	×			350
1 Joy 10 S. C. shuttle car		×	3,000–4,000	
1 Battery tractor		×	2,000	
(Underground employment, 4; daily production (tons), 20.)				
1 Jeffrey S.W cutting machine		×	2,000–3,000	
1 Joy 12 BU loading machine		×	3,500–4,500	4,800
1 Hand held drill		×		350
2 S. & S. battery tractors		×	[2] 2,000–3,000	
(Underground employment, 6; daily production (tons), 100.)				
1 Jeffrey S.W cutting machine		×	2,000–3,000	
1 Joy 12 BU loading machine		×	3,500–4,500	4,800
1 Hand held drill		×		350
2 S. & S. battery tractors		×	[2] 2,000–3,000	
(Underground employment, 6; daily production (tons), 100.)				
1 Royal cutting machine		×		40,000
1 Stacy loading machine		×		14,000
1 Hand held drill		×		350
2 Battery tractors		×	[3] 2,000–3,000	
(Underground employment, 7; daily production (tons), 150.)				
VIRGINIA—Continued				
1 Galis roof bolting machine	×		$2,000–$3,000	
1 Lee-Norse 35Y continuous miner	×		8,000–10,000	
3 Kersey battery tractors		×	[3] 2,000–3,000	
(Underground employment, 10; daily production (tons), 325.)				
1 Joy 12 R B cutting machine	×		5,000–6,000	
1 Long-Airdox loading machine	×		5,600–6,000	
1 roof bolting machine		×		$14,000
1 drill				350
3 battery tractors		×	[3] 2,000–3,000	
(Underground employment, 7; daily production (tons), 250.)				
TENNESSEE				
1 Joy 10 RU cutting machine	×		2,500–3,000	
1 Joy 14 BU loading machine	×		2,500–3,000	
1 Acme roof bolting machine	×		1,500–2,000	
1 Kersey battery tractor		×	2,000–3,000	
(Underground employment, 10; daily production (tons), 200.)				
1 Sullivan 11 B S.W. cutting machine	×		2,000–3,000	
1 Joy 14 BU loading machine	×		2,500–3,000	
2 Chicago pneumatic drills (hand drill)	×		150–200	
1 Joy 32E shuttle car	×		5,000–6,000	
1 Joy T–2 truck	×		1,000–1,200	
1 Goodman 512 S.W. cutting machine	×		2,000–3,000	
1 Long Airdox loading machine	×		2,500–3,000	
1 Chicago Pneumatic roof bolter	×		1,500–2,000	
1 Cincinnati drill		×		350
2 Shuttle cars		×		5,000
1 Joy T–2 truck	×		1,000–1,200	
(Underground employment, 7; daily production (tons), 150.)				
1 Joy 11 RB cutting machine	×		2,500–3,000	
1 Joy 14 BU loading machine	×		2,500–3,000	
1 Cincinnati drill (hand held)		×		[2] 350
2 drag cable shuttle cars		×		[2] 15,000
1 Joy T–2 truck	×		1,000–1,200	
(Underground employment, 8; daily production (tons), 75.)				
1 Jeffrey 35 B cutting machine	×		2,000–3,000	
1 Joy 11 BU loading machine	×		3,500–4,500	
1 Black and Decker hand held drill		×		350
1 Joy shuttle car (reel)	×		5,600–6,000	
1 Joy T–2 truck	×		1,000–1,200	
(Undergound employment, 5; daily production (tons), 100.)				
1 Wilcox continuous miner	×		2,500–2,700	
(Underground employment, 8; daily production (tons), 200.)				
1 Jeffrey 35 B S.W. cutting machine	×		2,000–3,000	
1 Black & Decker drill		×		350
1 Joy T–2 truck	×		1,000–1,200	
1 S. and S. battery tractor		×	500	
(Underground employment, 6; daily production (tons), 60.)				
1 Joy 11 BU cutting machine	×		2,500–3,000	
1 Cincinnati drill		×		350
2 Kersey battery tractors		×	[3] 2,000–3,000	
(Underground employment, 4; daily production (tons), 40.)				
1 Jeffrey 35 L cutting machine	×		2,500–3,000	
1 Kersey machine truck	×		2,000–3,000	
(Underground employment, 7; daily production (tons), 35.)				
1 Jeffrey 35B cutting machine	×		2,000–3,000	
1 Cincinnati hand held drill		×		350
4 homemade drag cable shuttle cars		×		(5)
(Underground employment, 7; daily production (tons), 50.)				
ALABAMA				
1 Joy 10 RU cutting machine	×		5,000–6,000	
1 Joy 14 BU loading machine	×		2,500–3,000	
1 Galis roof bolting machine	×		2,000–3,000	
1 Joy coal drill (mobile)	×		1,500–1,700	
2 Joy 10 SC shuttle cars	×		[3] 2,500–3,000	
(Underground employment, 9; daily production (tons), 180.)				
2 Goodman 212 short wall cutting machines		×	[2] 6,000	
2 Chicago pneumatic hand held drills		×		[2] 350
(Underground employment, 10; daily production (tons), 90.)				
1 Goodman 212 short wall cutting machine		×	6,000	
1 Chicago penumatic hand held drill		×		350
(Underground employment, 7; daily production (tons), 40.)				
2 Goodman SW cutting machines		×		[2] 6,000
2 Chicago pneumatic hand held drills		×		[2] 350
(Underground employment, 12; daily production (tons), 60.)				
2 Goodman 212 cutting machines		×		6,000
2 Chicago pneumatic hand held drills		×		[2] 350
(Underground employment, 5; daily production (tons), 25.)				
2 Goodman 212 cutting machines		×		[2] 6,000
2 Chicago pneumatic hand held drills		×		[2] 350
(Underground employment, 7; daily production (tons) 35.)				
1 Goodman 212 SW cutting machine		×		6,000

See footnotes at end of table.

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT SMALL NONGASSY COAL MINES, JULY 1, 1969—Continued

Type of equipment	Permissible type	Non-permissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
ALABAMA—Continued				
1 Jeffery hand held drill		×		$350
(Underground employment, 10; daily production (tons) 40.)				
1 Goodman 212 SW cutting machine		×		6,000
1 Chicago pneumatic hand held drill		×		350
(Underground employment, 6; daily production (tons), 20.)				
1 Goodman 212 SW cutting machine		×		6,000
1 Jeffrey hand held drill		×		350
(Underground employment, 9; daily production (tons), 35.)				
2 Goodman 212 SW cutting machines		×		[2] 6,000
2 Chicago pneumatic hand held drills		×		[2] 350
(Underground employment 10; daily production (tons) 60.)				
1 Lee-Norse 35Y		×	(6)	
2 Joy 6 SC shuttle cars		×	[2] $5,000	[2] 10,000
(Underground employment, 8; daily production (tons), 265.)				
1 Wilcox continuous miner	×		(1)	
1 Bridge conveyor	×		(1)	
1 Conveyor	×		(1)	
(Underground employment, 9; daily production (tons), 400.)				
1 Wilcox continuous miner	×		(1)	
1 Joy 6 SC shuttle car		×	5,000	10,000
(Underground employment, 3; daily production (tons), 40.)				
1 Joy 14 BU loading machine	×		6,000	20,000
1 Goodman 512 SW cutting machine	×		4,000	2,500
1 Chicago pneumatic handheld drill	×		150	150
(Underground employment, 7; daily production (tons), 90.)				
1 Jeffrey 35 B SW cutting machine		×	4,000	2,500
1 Joy 14 BU loading machine	×		6,000	20,000
1 Chicago pneumatic handheld drill	×		150	150
(Underground employment, 13; daily production (tons), 200.)				
2 Jeffrey 29 U cutting machines	×		[2] 4,000	[2] 37,500
1 Meyeys Whaley loading machine		×	8,000	20,000
3 Chicago pneumatic hand held drills	×		[2] 150	[2] 150
(Underground employment, 5; daily production (tons), 75.)				
1 Joy 6 SC shuttle car		×	5,000	10,000
2 Goodman 512 SW cutting machines	×		[2] 4,000	[2] 2,500
1 Joy 14 BU loading machine	×		6,000	20,000
2 Chicago pneumatic hand-held drills	×		[2] 150	[2] 150
(Underground employment, 2; daily production (tons), 40.)				
1 Jeffrey 29 U cutting machine	×		4,000	
1 Joy 14 BU loading machine	×		6,000	20,000
1 Chicago pneumatic hand-held drill	×		150	150
1 Fletcher mobile drill	×		5,000	
1 Joy 7 SC shuttle car	×		5,000	10,000
(Underground employment, 4; daily production (tons), 25.)				
1 Jeffrey 35 B cutting machine	×		4,000	
1 Chicago pneumatic hand-held drill	×		150	150
(Underground employment, 3; daily production (tons), 25.)				
1 Joy 14 BU loading machine	×		6,000	
1 Jeffrey 35 B cutting machine	×		4,000	2,500
1 Chicago pneumatic handheld drill	×		150	150
(Underground employment, 6; daily production (tons), 22.)				
PENNSYLVANIA				
2 Joy shuttle cars 10 SC	×		[2] 5,000	10,000
1 shortwall cutting machine	×		4,000	2,500
2 Joy 8 BU loading machines	×		[2] 6,000	[2] 6,000
1 handheld drill		×	150	150
(Underground employment, 10; daily production (tons), 200.)				
1 Shortwall cutting machine		×	6,000	2,500
1 Joy 8 BU loading machine	×		6,000	6,500
2 Joy 6 SC shuttle cars	×		[2] 5,000	[2] 10,000
2 Handheld drills	×		[2] 300	[2] 300
(Underground employment, 5; daily production (tons), 100.)				
1 Shortwall cutting machine	×		4,000	4,000
1 Joy 14 BU loading machine	×		6,000	15,000
1 Handheld drill		×		150
1 Battery tractor	×		7,000	6,000
(Underground employment, 3; daily production (tons), 40.)				
1 Wilcox miner	×		8,000	75,000
1 Bridge conveyor	×		8,000	8,000
(Underground employment, 5; daily production (tons), 100.)				
PENNSYLVANIA—Continued				
1 35B Jeffrey cutting machine	×		$4,000	$2,500
1 drag cable shuttle (homemade)		×		10,000
1 handheld drill		×		150
1 Joy 12BU loading machine	×		6,000	8,500
(Underground employment, 3; daily production (tons), 20.)				
1 hand-held drill		×		150
1 Miller auger		×		2,500
(Underground employment, 2; daily production (tons), 5.)				
2 Joy 10 SC shuttle cars	×		[2] 5,000	[2] 10,000
1 Joy 10 RU cutting machine	×		4,000	25,000
1 Joy 14 BU loading machine	×		6,000	15,000
(Underground employment, 9; daily production (tons), 125.)				
2 Goodman Universal cutting machines	×		[2] 4,000	[2] 25,000
1 Joy 12BU loading machine	×		6,000	8,500
1 Joy 6SC shuttle car	×		5,000	10,000
2 hand-held drills	×		[2] 300	[2] 150
(Underground employment, 4; daily production (tons), 25.)				
1 Jeffrey 35B cutting machine	×		4,000	2,500
1 Joy 14BU loading machine	×		6,000	15,000
1 Joy 6SC shuttle car	×		5,000	10,000
1 hand-held drill	×		300	150
1 T-2 truck	×		4,000	3,000
(Underground employment, 6; daily production (tons), 55.)				
WEST VIRGINIA				
2 Joy 8 BU loading machines	×		2,500	6,500
3 Goodman 12 AA cutting machines		×	[2] 2,500	[2] 2,500
1 Goodman 512 cutting machine	×		1,000	2,500
2 drag cable shuttle cars		×		[7] 6,000
1 Black and Decker hand-held drill		×		150
(Underground employment, 10; daily production (tons), 150.)				
1 Lee Norse 35 Y continuous miner	×		2,000	75,000
1 Jeffrey MP shuttle car	×		2,800	10,000
1 Joy 6 SC shuttle car	×		2,800	10,000
(Underground employment, 7; daily production (tons). 300.)				
1 Joy 8 BU loading machine	×		2,500	6,500
1 Joy 12 RB cutting machine	×		2,500	25,000
1 Joy 6 SC shuttle car	×		2,800	10,000
1 Joy 8 SC shuttle car	×		2,800	10,000
1 Galis 300 roof bolting machine	×		500	9,000
(Underground employment, 14; daily production (tons), 200.)				
1 Joy 14 BU loading machine	×		3,500	15,000
1 Joy 11 RU cutting machine	×		2,500	25,000
4 S&S battery tractors		×	[2] 2,500	[2] 6,500
1 Jeffrey A-7 drill (handheld)	×		150	150
(Underground employment, 6; daily production (tons), 150.)				
1 Joy 8 BU loading machine	×		2,500	6,500
2 home made drag cable shuttle cars		×		[7] 6,500
1 Jeffrey 35L cutting machine	×		800	2,500
1 Goodman 512 cutting machine	×		1,000	2,500
2 Jeffrey 87 hand-held drills	×		150	150
(Underground employment, 8; daily production (tons), 125.)				
1 Joy 12 BU loading machine	×		2,500	8,500
1 Joy T-2 utility truck (real)	×		1,000	3,000
2 home made drag cable shuttle cars		×		[2] 6,500
2 Chicago pneumatic hand-held drills	×		[2] 150	[2] 150
(Underground employment, 6; daily production (tons), 100.)				
1 Joy 12 BU loading machine	×		2,500	8,500
1 Joy T-2 utility truck	×		1,000	3,000
2 homemade drag cable shuttle cars		×		[2] 6,500
2 Chicago-pneumatic hand-held drills		×	[2] 150	[2] 150
(Underground employment, 13; daily production (tons), 200.)				
2 Goodman 12 AA cutting machines		×	[2] 2,500	[2] 8,500
3 drag cable shuttle cars		×		[2] 6,500
2 Jeffrey A-7 hand-held drills	×		[2] 150	[2] 150
(Underground employment, 4; daily production (tons), 50.)				
1 Joy 14 BU loading machine	×		1,000	42,500
1 Joy 12 RB cutting machine	×		2,500	25,000
1 Acme roof bolting machine	×		600	5,000
1 Long-Airdox T-D F10 mobile drill	×		500	5,000
4 Jeffrey MT 66 shuttle cars	×		[2] 2,800	[2] 10,000
(Underground employment, 10; daily production (tons), 150.)				

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[1] Nil. This equipment is maintained in permissible condition.
[2] Each.
[3] Nil.
[4] Each. Replace with 2 battery power tractor.
[5] 2 battery tractor at $7,000 each.
[6] Nil in permissible condition.
[7] Each cable reel.

COST OF CONVERTING ELECTRIC FACE EQUIPMENT IN LARGE NONGASSY COAL MINES TO PERMISSIBLE STATUS[1]

State and employment group	Number of mines in group	Cost per large representative nongassy mine	Total cost	Data on representative mine	
				Employment	Daily production
Virginia:					
15–49	31	$56,450	$1,749,950	22	255
50–99	4	44,000	176,000	93	1,485
100–149	2	144,000	288,000	130	1,300
150–199	1	118,500	118,500	150	2,400
200–249	1	89,500	89,500	211	3,700
Total			2,421,500		
Pennsylvania:					
15–30	37	7,000	259,000	17	240
31–50	5	2,900	14,500	34	500
51–70	6	5,800	34,800	65	1,200
71–90	3	11,600	34,800	81	1,500
91 and over	2	(2)	(2)	96	3,000
Total			[3] 343,100		
Tennessee:					
15–49	18	18,000	324,000	24	400
50–99	1	46,000	46,000	50	1,200
100–149	1	43,500	43,500	106	2,100
200–249	1	62,000	62,000	247	5,000
Total			475,800		
Alabama:					
15–49	3	12,450	37,350	15	75
50–99	1	35,000	35,000	96	1,000
Total			72,350		
Kentucky:					
15 to 49	89	$42,000	$3,738,000	28	400
50 to 99	14	37,000	518,000	68	2,000
100 to 149	6	73,000	438,000	137	2,000
150 to 199	5	95,500	477,500	160	3,700
200 to 249	3	246,500	339,500	223	3,700
Total			5,911,000		
Ohio:					
15 to 30	1	12,200	12,200	24	200
31 to 50	1	(2)	Nil	41	200
51 to 70	3	(2)	Nil	63	2,500
71 to 90	1	(2)	Nil	80	3,000
91 and over	2	(2)	Nil	99	4,000
Total			[3] 12,200		
West Virginia:					
15 to 24	80	12,100	968,000	20	800
25 to 64	63	22,700	1,430,100	45	1,200
65 to 99	24	46,800	1,123,200	81	1,735
100 to 130	8	49,200	393,600	125	2,800
131 to 199	7	40,400	282,800	180	3,750
200 to 450	4	10,500	42,000	230	5,500
Total			4,239,700		
Grand total			13,475,650		

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[1] Basic data were developed by selecting representative mines by employment groups in each State, getting the actual number of pieces of electric face equipment in use, by type of equipment and whether permissible or nonpermissible type, in the representative mine in each group, then finally getting from the mine management and local mine equipment rebuilding shops the estimated cost of converting the equipment to permissible status.

[2] Nil.

[3] Most of this equipment is maintained in permissible condition and the converting cost is low

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT LARGE NONGASSY COAL MINES, JULY 1969

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
PENNSYLVANIA				
1 Joy 14 BU loading machine	×		(1)	$25,000
1 Joy 10 RU cutting machine	×		(1)	30,000
1 Joy 6 SC shuttle car	×		(1)	18,000
1 Joy 6 SC shuttle car		×	$7,000	18,000
(Underground employment, 17; daily production (tons), 240; this mine represents 37 mines in a group employing 15 to 30 men.)				
3 Wilcox continuous miners	×		(1)	[2] 10,000
2 Kersey battery tractors		×	[2] 2,900	[2] 3,700
(Underground employment, 34; daily production (tons), 500; this mine represents 5 mines in a group employing 31 to 50 men.)				
2 Joy 14 BU loading machines	×		(1)	[2] 25,000
6 Joy 18 SC shuttle cars	×		(1)	18,000
3 Galis roof bolting machines	×		(1)	9,000
2 Lee Norse 28 E continuous miners	×		(1)	30,000
2 Joy 12 RB cutting machines	×		(1)	25,000
2 Kersey battery tractors		×	[2] 2,900	[2] 3,700
(Underground employment, 65; daily production (tons), 1,200; this mine represents 6 mines in a group employing 51 to 70 men.)				
4 Jeffrey 100 L continuous miners	×		(1)	[2] 32,000
4 Jeffrey 94 D bridge conveyors	×		(1)	[2] 4,000
2 S. & S. battery tractors	×		(1)	[2] 3,000
4 S. & S. battery tractors		×	[2] 2,900	[2] 3,600
(Underground employment, 81; daily production (tons), 1,500; this mine represents 3 mines in a group employing 71 to 90 men.)				
4 Joy 14 BU loading machines	×		(1)	[2] 25,000
8 Joy 18 SC shuttle cars	×		(1)	[2] 18,000
4 Fletcher roof bolting machines	×		(1)	[2] 7,500
4 Joy 12 RU cutting machines	×		(1)	[2] 30,000
4 Joy mobile drills	×		(1)	[2] 20,000
(Underground employment, 96; daily production (tons), 3,000; this mine represents 2 mines in a group employing 91 men and over.)				
OHIO				
2 Jeffrey cutting machines		×	[2] 6,000	[2] 6,000
1 Jeffrey hand held drill		×	200	200
(Underground employment, 24; daily production (tons), 200; this is the only mine in a group employing 15 to 30 men.)				
OHIO—Continued				
1 Lee Norse continuous miner	×		(1)	$30,000
2 Jeffrey ram cars	×		(1)	[2] 25,000
1 Fletcher roof bolting machine	×		(1)	7,500
(Underground employment, 41; daily production (tons), 200; this is the only mine in a group employing 31 to 50 men.)				
2 Joy loading machines	×		(1)	[2] 25,000
2 Joy 10 RU cutting machines	×		(1)	30,000
2 Joy 16 SC shuttle cars	×		(1)	18,000
2 Galis roof bolting machines	×		(1)	6,000
2 Long mobile drills	×		(1)	10,000
(Underground employment, 63; daily production (tons), 2,500, this mine represents 3 mines in a group employing 50 to 70 men.)				
3 Joy loading machines	×		(1)	(2)
3 Joy 10 RU cutting machines	×		(1)	(2)
3 Joy 16 SC shuttle cars	×		(1)	(2)
3 Galis roof bolting machines	×		(1)	(2)
3 Long mobile drills	×		(1)	(2)
(Underground employment, 80; daily production (tons), 3,000; this is the only mine in a group employing 71 to 90 men.)				
4 Joy loading machines	×		(1)	[2] 25,000
4 Joy 10 RU cutting machines	×		(1)	30,000
4 Joy 16 SC shuttle cars	×		(1)	18,000
4 Galis roof bolting machines	×		(1)	6,000
3 Long mobile drills	×		(1)	[2] 10,000
(Underground employment, 99; daily production (tons), 4,000; this mine represents 2 mines in a group employing 91 men or over.)				
WEST VIRGINIA				
1 Joy 10 RU cutting machine	×		$2,500	25,000
2 Joy 5 SC shuttle cars		×	[2] 2,800	[2] 10,000
1 Joy 14 BU 8 AE loading machine	×		2,000	18,000
1 Fletcher roof bolting machine		×	2,000	5,000
Underground employment, 20; daily production (tons) 800; this mine represents 80 mines in a group employing 15 to 24 men.				
1 Joy 14 BU–10 loading machine	×		1,000	32,500
1 Joy 11 RU cutting machine	×		2,500	32,500
4 Joy 18 SC shuttle cars	×		[2] 2,800	[2] 22,000
2 Kersey battery tractors		×	[2] 2,500	[2] 6,500

Footnotes at end of table.

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT LARGE NONGASSY COAL MINES, JULY 1969—Continued

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
WEST VIRGINIA—Continued				
1 Galis 410 mobile drill	×	------------	$500	$12,500
1 Galis 300 roof bolting machine	×	------------	500	9,000
1 Lee Norse 26 H continuous miner	×	------------	2,000	75,000
(Underground employment, 45; daily production (tons), 1,200; this mine represents 63 mines in a group employing 25 to 64 men.)				
5 Joy 14 BU-10 loading machines	×	------------	[2]1,000	[2]32,500
3 Joy 16 RB cutting machines	×	------------	2,500	50,000
2 Joy 12 RB cutting machines	×	------------	2,500	25,000
6 Joy 18 SC shuttle cars	×	------------	2,800	22,000
5 Galis 300 roof bolting machines	×	------------	[2]500	[2]9,000
1 Galis 4100 mobile drill	×	------------	500	12,500
1 Galis 410 mobile drill	×	------------	500	12,500
3 Long TDF-10 mobile drills	×	------------	[2]500	[2]5,000
2 S. & S. battery tractors		×	[2]2,500	[2]6,500
1 Kersey battery tractor		×	2,500	6,500
(Underground employment, 81; daily production (tons), 1,735; this mine represents 24 mines in a group employing 65 to 99 men.)				
3 Joy 14 BU-10 loading machines	×	------------	[2]1,000	[2]32,500
2 Joy 1 JCM continuous miners	×	------------	[2]2,000	[2]75,000
2 Joy 15 RU cutting machines	×	------------	[2]2,500	[2]50,000
7 Joy 10 SC shuttle cars	×	------------	[2]2,800	[2]6,250
2 Fletcher roof bolting machines	×	------------	[2]500	[2]5,000
2 Long TDF-24 mobile drills	×	------------	[2]500	[2]5,000
4 S. & S. battery tractors	×	------------	[2]2,500	[2]6,500
2 Joy 6 SC shuttle cars	×	------------	[2]2,800	[2]10,000
(Underground employment, 125; daily production (tons), 2,800; this mine represents 8 mines in a group employing 100 to 130 men.)				
2 Joy 15 RW cutting machines	×	------------	[2]2,500	[2]50,000
2 Joy 11 RW cutting machines	×	------------	2,500	25,000
4 Joy 14 BU-10 loading machines	×	------------	1,000	32,500
8 Joy 10 SC shuttle cars	×	------------	2,800	6,250
4 Galis 300 roof bolting machines	×	------------	500	9,000
4 Long TDF-24 mobile drills	×	------------	500	[2]5,000
(Underground employment, 180; daily production (tons), 3,750; this mine represents 7 mines in a group employing 131 to 199 men.)				
4 Lee Norse CM 48 continuous miners	×	------------	[2]300	[2]75,000
4 Joy JCM8 continous miners	×	------------	[2]300	[2]65,000
10 Joy 10 SC shuttle cars	×	------------	[2]300	[2]6,250
6 Jeffrey ram cars	×	------------	[2]300	[2]10,000
5 Galis 320 roof bolting machines	×	------------	[2]300	[2]15,000
4 Acme mobile drills	×	------------	[2]300	[2]7,000
1 Long 88 loading machine	×	------------	300	12,000
1 Long mobile drill	×	------------	300	5,000
(Underground employment, 230; daily production (tons), 5,500; this mine represents 4 mines in a group employing 200 to 450 men.)				
VIRGINIA				
1 Jeffrey B SW cutting machine		×	5,000	20,000
2 Jeffrey BB SW cutting machines		×	[2]5,000	[2]20,000
1 Joy 14 BU loading machine	×	------------	2,500	20,000
1 Joy 12 BU loading machine	×	------------	2,500	20,000
3 Black and Decker hand held drills		×	[2]150	[2]150
6 Osborne battery tractors		×	[2]6,000	[2]6,000
(Underground employment, 22; daily production (tons), 255; this mine represents 31 mines in a group employing 15 to 49 men.)				
3 Joy 16 RB cutting machines	×	------------	[2]2,000	[2]40,000
4 Goodman 964 loading machines	×	------------	[2]1,500	[2]35,000
4 Acme D-2 roof bolting machines	×	------------	[2]1,000	[2]8,000
2 Acme D-3 roof bolting machines	×	------------	[2]1,000	[2]8,000
3 Long mobile drills	×	------------	[2]4,000	[2]10,000
3 Goodman shuttle cars	×	------------	[2]2,000	[2]15,000
2 Joy 8 SC shuttle cars	×	------------	[2]2,000	[2]20,000
2 Joy 6 SC shuttle cars	×	------------	[2]2,000	[2]15,000
(Underground employment, 93; daily production (tons), 1,485; this mine represents 4 mines in a group employing 50 to 99 men.)				
2 Goodman 512 cutting machines		×	[2]6,000	[2]40,000
3 Joy 10 RU cutting machines		×	[2]6,000	[2]40,000
2 Joy 11 RU cutting machines		×	[2]6,000	[2]40,000
4 Joy 14 BU-7 loading machines		×	[2]3,000	[2]20,000
2 Joy 14 BU-3 loading machines		×	[2]3,000	[2]20,000
1 Jeffrey 81 CW loading machine		×	6,000	25,000
3 Fletcher roof bolting machines		×	[2]3,000	[2]8,000
1 Joy CV-26 mobile drill		×	3,000	10,000
2 Joy 10 SC shuttle cars		×	[2]4,000	[2]20,000
4 Jeffrey MT 66 shuttle cars		×	[2]4,000	[2]20,000
3 Kersey battery tractors		×	[2]2,000	[2]6,000
6 Osborne battery tractors		×	[2]6,000	[2]6,000
(Underground employment, 130; daily production (tons), 1,300; this mine represents 2 miles in a group employing 100-149 men.)				
3 Joy 10 RU cutting machines	×	------------	[2]3,000	[2]40,000
5 Goodman loading machines	×	------------	[2]6,000	[2]35,000
5 Fletcher roof bolting machines	×	------------	[2]1,000	[2]8,000
1 Galis roof bolting machine	×	------------	2,500	8,000
3 Lee Norse 32 y continuous miners	×	------------	[2]5,000	[2]40,000
VIRGINIA—Continued				
1 Lee Norse 35 y continuous miner	×	------------	$5,000	$60,000
11 Goodman 670 shuttle cars	×	------------	[2]4,000	[2]20,000
2 Goodman 680 shuttle cars	×	------------	[2]4,000	[2]20,000
(Underground employment, 150; daily production (tons), 2,400; this is the only mine in a group employing 150 to 199 men.)				
1 Joy 11 RU cutting machine		×	5,000	40,000
2 Jeffrey 300 cutting machines	×	------------	[2]1,000	[2]40,000
2 Joy 14 BU-8 loading machines	×	------------	[2]1,500	[2]25,000
1 Jeffrey almc loading machine	×	------------	1,500	35,000
1 Jeffrey A-1aH loading machine	×	------------	8,000	35,000
3 Fletcher roof bolting machines	×	------------	[2]1,000	[2]8,000
11 Fletcher SDMC root bolting machines	×	------------	[2]1,000	[2]8,000
6 Lee Norse CM 32 cotinuous miners	×	------------	[2]1,500	[2]40,000
1 Joy CD-25 mobile drill	×	------------	1,000	10,000
4 Jeffrey A-7 mobile drills	×	------------	[2]1,000	[2]10,000
3 Jeffrey MI-66 shuttle cars		×	[2]5,000	[2]20,000
18 Joy 16 SC shuttle cars	×	------------	[2]1,500	[2]20,000
(Underground employment, 211; daily production (tons), 3,700; this is the only mine in a group employing 200 to 249 men.)				
KENTUCKY				
1 Joy 16 RB cutting machine	×	------------	5,000	40,000
1 Joy 14 BU loading machine	×	------------	6,000	20,000
1 Acme D3C roof bolting machine	×	------------	4,000	7,500
1 Joy CD 29 mobile coal drill		×	6,000	12,000
7 Kersey battery tractors		×	[2]3,000	[2]8,000
(Underground employment, 28; daily production(tons), 400; this mine represents 89 mines in a group employing 15 to 49 men.)				
1 Joy 11 RU cutting machine		×	5,000	40,000
1 Jeffrey 300 cutting machine	×	------------	1,000	40,000
2 Joy 14 BU-10 loading machines	×	------------	[2]1,000	[2]35,000
1 Joy 14 BU-8 loading machine		×	6,000	25,000
1 Galis 300 roof bolting machine	×	------------	1,000	8,000
1 Galis 320 roof bolting machine	×	------------	1,000	8,000
2 Long TDF mobile drills	×	------------	[2]1,000	[2]10,000
2 Joy 18 SC shuttle cars	×	------------	1,000	20,000
2 Joy 6 SC shuttle cars		×	4,000	15,000
3 Kersey battery tractors		×	[2]3,000	[2]10,000
(Underground employment, 68; daily production (tons), 2,000; this mine represents 14 mines in a group employing 50 to 99 men.)				
2 Jeffrey 70 UR cutting machines		×	[2]6,000	[2]40,000
2 Jeffrey 81 a loading machines		×	[2]7,000	[2]40,000
2 Galis 300 roof bolting machines		×	[2]3,000	[2]8,000
1 Long LAD-7 roof bolting machine		×	2,000	8,000
2 Lee Norse CM 35 y continuous miners		×	[2]5,000	[2]60,000
1 Lee Norse 33 y continuous miner		×	5,000	40,000
4 Jeffrey MP 66 shuttle cars		×	[2]4,000	[2]20,000
4 Jeffrey battery ram cars	×	------------	[2]2,000	[2]30,000
(Underground employment, 137; daily production (tons), 2,000; this mine represents 6 mines in a group employing 100-149 men.				
6 Joy 14 BU loading machines		×	[2]3,000	[2]20,000
7 Fletcher roof bolting machines	×	------------	2,500	8,000
6 Lee Norse 35 y continuous miners	×	------------	5,000	60,000
7 Joy 18 SC shuttle cars		×	2,000	20,000
4 National Mine Service shuttle cars	×	------------	[2]4,000	[2]20,000
(Underground employment, 160; daily production (tons) 3,700; this mine represents 2 mines in a group employing 200 to 249 men.)				
3 Joy 11 RU cutting machines		×	[2]5,000	[2]40,000
3 Joy 16 RB cutting machines		×	[2]5,000	[2]40,000
3 Joy 12 RB cutting machines		×	[2]5,000	[2]40,000
8 Joy 14 BU loading machines		×	[2]4,000	[2]20,000
2 Joy 14 BU-10 loading machines		×	[2]4,000	[2]35,000
3 Westinghouse loading machines		×	[2]4,000	[2]35,000
11 Galis 300 roof bolting machines		×	[2]2,000	[2]14,000
8 Galis mobile drills		×	[2]2,000	[2]10,000
25 Joy 8 SC shuttle cars		×	[2]5,000	[2]15,000
(Underground employment, 223; daily production (tons), 3,700; this mine represents 3 mines in a group employing 200 to 249 men.)				
9 Joy 11 RU cutting machines		×	[2]5,000	[2]40,000
4 Joy 10 RU cutting machines		×	[2]3,000	[2]35,000
3 Goodman 967 loading machines	×	------------	[2]3,000	[2]35,000
8 Galis roof bolting machines		×	[2]2,000	[2]8,000
8 Joy mobile coal drills		×	[2]1,700	[2]8,000
21 Joy 6 SC shuttle cars		×	[2]5,000	[2]15,000
10 S. and S. battery tractors		×	[2]2,000	[2]6,000
(Underground employment, 250; daily production (tons), 4,400; this is the only mine in a group employing 250 to 299 men.)				
ALABAMA				
2 Goodman 212 cutting machines		×	[2]6,000	[2]40,000
3 Chicago pneumatic hand held drills		×	[2]150	[2]150
(Underground employment, 15; daily production (tons), 75; this mine represents 3 mines in a group employing 15 to 49 men.)				

Footnotes at end of table.

XUM

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT LARGE NONGASSY COAL MINES, JULY 1969—Continued

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
ALABAMA—Continued				
3 Jeffrey cutting machines		×	[2] $2,000	[2] $40,000
4 Joy 14 BU loading machines		×	[2] 5,000	[2] 20,000
3 Galis hand held drills	×	------------	(1)	[2] 700
4 Joy 10 SC shuttle cars	×	------------	[2] 1,500	[2] 20,000
2 Joy 10 SC shuttle cars		×	[2] 1,500	[2] 20,000
(Underground employment, 96; daily production (tons), 1,000; this is the only mine in a group employing 50 to 99 men.)				
TENNESSEE				
1 Joy 11 RU cutting machine		×	5,000	40,000
1 Joy 14 BU loading machine		×	3,000	20,000
2 Joy 6 SC shuttle cars		×	[2] 5,000	[2] 15,000
(Underground employment, 24; daily production (tons), 400; this mine represents 18 mines in a group employing 15 to 49 men.)				
2 Joy 16 RB cutting machines		×	[2] 5,000	[2] 30,000
2 Joy 14 BU-10 loading machines		×	[2] 3,000	[2] 35,000
2 Galis roof bolting machines		×	[2] 3,000	[2] 8,000
8 Kersey battery tractors		×	[2] 3,000	[2] 6,000
(Underground employment, 50; daily production (tons), 1,200; this is the only mine in a group employing 50 to 99 men.)				
TENNESSEE—Continued				
1 Joy 15 RU cutting machine	×	------------	$5,000	$40,000
1 Joy 11 RU cutting machine	×	------------	5,000	40,000
2 Jeffrey loading machines	×	------------	[2] 2,000	[2] 35,000
2 Joy 14 BU loading machines		×	[2] 3,000	[2] 20,000
1 Fletcher roof bolting machine	×	------------	1,500	7,000
1 Galis roof bolting machine	×	------------	2,000	7,000
1 Joy 9 SC shuttle car	×	------------	5,000	20,000
1 Joy 10 SC shuttle car		×	5,000	20,000
2 Joy 6 SC shuttle cars		×	[2] 5,000	[2] 15,000
(Underground employment, 106; daily production (tons), 2,100; this is the only mine in a group employing 100 to 149 men.)				
6 Joy 15 RU cutting machines	×	------------	[2] 2,500	[2] 40,000
6 Jeffrey loading machines	×	------------	[2] 2,000	[2] 35,000
5 Fletcher roof bolting machines	×	------------	[2] 1,000	[2] 7,000
1 Galis roof bolting machine	×	------------	1,000	7,000
2 Joy 10 CM continuous miners	×	------------	Nil	[2] 40,000
14 National Mine Service shuttle cars	×	------------	[2] 1,500	[2] 15,000
2 Joy 6 SC shuttle cars	×	------------	[2] 4,000	[2] 15,000
(Underground employment, 247; daily production (tons), 5,000; this is the only mine in a group employing 200,249 men.)				

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[1] Nil. Equipment is maintained in permissible condition.

[2] Each.

GRAND TOTAL COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES

Bureau of Mines Coal Mine Safety District	Number of pieces of equipment	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
A	231	$718,800	$3,178,500	$9,058,000
B	321	1,135,050	7,742,250	15,352,150
C	271	915,900	1,580,210	5,655,150
D	176	759,700	1,351,200	6,046,670
E	26	$61,900	$305,900	$839,200
Grand total	1,025	3,591,350	14,158,060	36,951,170

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY MINES—BUREAU OF MINES COAL MINE SAFETY DISTRICT A, PITTSBURGH, PA.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Small mines:				
Cutting machine	5	$7,000	$12,500	$250,000
Mobile drill	2	10,000	14,000	16,000
Battery tractor	2	10,000	28,000	32,000
Total	9	27,000	54,500	298,000
Large mines:				
Battery tractor	4	$24,000	$24,000	$40,000
Shuttle car	218	667,800	3,100,000	8,720,000
Total	222	691,800	3,124,000	8,760,000
Grand total	231	718,800	3,178,500	9,058,000

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES—BUREAU OF COAL MINE SAFETY DISTRICT B, MOUNT HOPE, W. VA.

	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new equipment
Small mines:				
Loading machine	4	$33,000	$45,500	$170,000
Cutting machine	7	13,000	62,500	400,000
Roof bolting machine	2	10,000	26,000	32,000
Shuttle car	16	42,000	180,000	640,000
Battery tractor	5	30,000	30,000	50,000
T-2 utility truck	2	2,000	6,000	30,000
Hand held drill	13	1,950	1,950	3,600
Total	49	131,950	353,950	1,325,600
Large mines:				
Loading machine	18	$58,000	$227,500	$850,000
Cutting machine	27	55,000	382,500	1,700,000
Roof bolting machine	6	30,000	84,000	96,000
Longwall planer	4	200,000	[1] 4,000,000	4,000,000
Mobile drill	5	23,000	50,000	96,000
Shuttle car	178	594,300	2,580,000	7,120,000
Battery tractor	5	30,000	30,000	50,000
Face chain conveyor	5	7,500	25,000	73,000
T-2 utility truck	2	2,000	6,000	30,000
Hand held drill	22	3,300	3,300	11,550
Total	272	1,003,100	7,388,300	14,026,550
Grand total	321	1,135,050	7,742,250	15,352,150

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[1] New.

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES—BUREAU OF MINES COAL MINE SAFETY DISTRICT C, NORTON, VA.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Small mines:				
Loading machine	13	$83,000	$158,500	$575,000
Cutting machine	30	93,500	135,000	1,375,000
Roof bolting machine	10	71,500	116,000	209,000
Shuttle car	2	5,600	20,000	80,000
Battery tractor	41	246,000	246,000	410,000
Face conveyor	2	3,000	10,000	29,200
Utility truck	2	2,000	6,000	30,000
Hand held drill	66	9,900	9,000	46,200
Total	166	514,500	701,410	2,754,400

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Large mines:				
Loading machine	11	$38,500	$173,000	$550,000
Cutting machine	14	46,500	180,000	850,000
Roof bolting machine	2	4,000	20,000	24,000
Shuttle car	27	76,600	270,000	1,080,000
Battery tractor	39	234,000	234,000	390,000
Hand held drill	12	1,800	1,800	6,750
Total	105	401,400	878,800	2,900,750
Grand total	271	915,900	1,580,210	5,655,150

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT IN GASSY MINES—BUREAU OF MINES COAL MINE SAFETY, DISTRICT D, VINCENNES, IND.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Small mines:				
Loading machine	2	$5,000	$13,500	$80,000
Cutting machine	10	21,000	28,000	520,000
Utility truck	6	6,000	18,000	90,000
Post mounted drill	3	750	750	2,370
Hand held drill	10	1,500	1,500	7,000
Total	31	34,250	61,750	699,370

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Large mines:				
Loading machine	5	$9,100	$26,500	$200,000
Cutting machine	18	40,000	67,500	900,000
Roof bolting machine	16	42,000	157,000	638,000
Shuttle car	54	528,000	658,000	2,152,000
Face conveyor	22	33,000	110,000	321,200
Mobile drill	27	72,900	270,000	1,134,000
Hand held drill	3	450	450	2,100
Total	145	725,450	1,289,450	5,347,300
Grand total	176	759,700	1,351,200	6,046,670

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT IN GASSY MINES—BUREAU OF MINES COAL MINE SAFETY DISTRICT E, DENVER, COLO.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new equipment
Small mines:				
Loading machine	1	$2,500	$6,500	$40,000
Cutting machine	4	7,000	10,000	200,000
Shuttle car	2	7,000	40,000	80,000
Hand held drill	6	900	900	4,200
Total	13	17,400	57,400	324,200

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new equipment
Large mines:				
Loading machine	1	$2,500	$8,500	$35,000
Shuttle car	12	42,000	240,000	480,000
Total	13	44,500	248,500	515,000
Grand total	26	61,900	305,900	839,200

NUMBER OF PIECES OF NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES (ALL SIZES)

Bureau of Mines coal mine safety district	Loading machine		Cutting machine		Roof bolting machine		Battery tractor		Hand held drill		Face chain conveyor		Shuttle car		T-2 utility truck		Post mounted drill		Mobile drill		Longwall planer		Total	
	L	S	L	S	L	S	L	S	L	S	L	S	L	S	L	S	L	S	L	S	L	S	L	S
A	0	0	0	5	0	0	4	2	0	0	0	0	218	0	0	0	0	0	0	2	0	0	222	9
B	18	4	27	7	6	2	5	5	22	13	5	0	178	16	2	2	0	0	5	0	4	0	272	49
C	11	13	14	30	2	10	39	41	12	66	0	2	27	2	0	2	0	0	0	0	0	0	105	166
D	5	2	18	10	16	0	0	0	3	10	22	0	54	0	0	6	0	3	27	0	0	0	145	31
E	1	1	0	4	0	0	0	0	0	6	0	0	12	2	0	0	0	0	0	0	0	0	13	13
Total	35	20	59	56	24	12	48	48	37	95	27	2	489	20	2	10	0	3	32	2	4	0	757	268

Note: Grand total of all columns, 1,025.

EXHIBIT 2

[From the U.S. Department of the Interior]

OFFICE OF COAL RESEARCH ANNUAL REPORT, 1969

JANUARY 15, 1969.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: It is my pleasure to forward herewith the Annual Report covering activities of the Office of Coal Research during calendar year 1968. This material is intended for submission by you as your report to the President and to the Congress as required by Section 7 of Public Law 86-599.

Sincerely yours,
GEORGE FUMICH, Jr.,
Director of Coal Research.

JANUARY 17, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are pleased to submit herewith the 1969 report of the Office of Coal Research relating to coal research activities undertaken during calendar year 1968 under the authority of Public Law 86-599, which requires that an annual report be submitted by February 15 of each year.

A Copy of the Act is included in the report.

The program of the Office of Coal Research has consistently sought out those projects that will make the most intelligent use of our tremendous coal resources by converting them to the forms needed in our growing economy. The program makes full use of the rapidly improving technology that is emerging from our national research expenditures in defense and space. Applied properly, the results of the program are expected to have broad social benefits across a wide section of the Nation.

Respectfully yours,
STEWART L. UDALL,
Secretary of the Interior.

GENERAL TECHNICAL ADVISORY COMMITTEE

Public Law 86-599, passed on July 7, 1960, which created the Office of Coal Research, specified that the new Office was to be guided in the examination and evaluation of research progress by an advisory committee composed of recognized experts in various aspects of coal research.

Selection of a "blue ribbon" committee by the Secretary of the Interior began immediately, even prior to the selection of a Director of Coal Research and staff. Members were sworn in, and the first formal meeting was held on June 6, 1961.

Since its inception, the General Technical Advisory Committee (GTAC) has been composed of nationally known researchers and authorities from the coal industry, the United Mine Workers, the electric utility industry, the coal-carrying railroads, and major coal-consuming industries. Their advice to the OCR relative to program and projects, decisions regarding pilot plant efforts, and avoidance of duplication has been and continues to be invaluable to the Government.

GTAC meetings are scheduled approximately quarterly or more frequently when major programs reach a point of decision. In addition, subcommittee meetings may be called as necessary, and the services of the individual members employed. Members have been generous in their devotion of time and effort to the OCR program. Their contribution to their Government has been a major one. With such guidance the Office of Coal Research program has been assisted in making the kind of progress that is described in this report.

Chairman of the Committee is the Director of Coal Research.

Current members of the Committee are listed below:

Mr. William A. Bear, President, Bear Coal Company, Somerset, Colorado.

Paul P. Boyle, Esq., Attorney, United Mine Workers of America, District 11, 301 North Eight Street Terre Haute, Indiana.

Mr. John Corcoran, President, Consolidation Coal Company, 3300–1 Oliver Plaza, Pittsburgh, Pennsylvania.

Mr. W. Donham Crawford, Administrative Vice-President, Consolidated Edison Company of New York, Inc., 4 Irving Place, New York City, New York.

Mr. Roy Dean, Vice President, The Pittsburg & Midway Coal Mining Co., Ten Main Center, Kansas City, Missouri.

Dr. Martin A. Elliott, Corporate Scientific Advisor, Texas Eastern Transmission Corporation, 912 Main at McKinney, P.O. Box 2521, Houston, Texas.

Mr. Lawrence T. Forbes, Vice President—Coal Traffic, Norfolk and Western Railway Company, Roanoke, Virginia.

Dr. Donald E. Garrett, Garrett Research and Development Company, Inc., 1855 Carrion Road, La Verne, California.

Mr. J. D. Jillson, President, Anthracite Institute, 2115 North Second Street, Harrisburg, Pennsylvania.

Mr. Harry LaViers, President, South-East Coal Company, Paintsville, Kentucky.

Dr. C. J. Potter, President, Rochester & Pittsburgh Coal Company, Indiana, Pennsylvania.

Mr. C. J. Routh, President, The Pittston Company, Inc., 200 Park Avenue, New York City, New York.

Mr. W. H. Rowand, Vice President, The Babcock & Wilcox Company, Boiler Division, Barberton, Ohio.

Mr. Philip Sporn, Consultant, 140 Broadway, Suite 4201, New York City, New York.

Mr. David Swan, Vice President-Technology, Kennecott Copper Corporation, 161 East 42d Street, New York City, New York.

Mr. W. L. Wearly, Chairman, Ingersoll-Rand Company, 11 Broadway, New York City, New York.

Mr. Carlton D. Weaver, Vice President, Ashland Oil & Refining Company, Ashland, Kentucky.

Mr. Michael F. Widman, Jr., Director, Research and Marketing Department, United Mine Workers of America, 900–15th Street, N.W., Washington, D.C.

Mr. Widman was recently named Director of Organization, UMWA.

Following are former members of the Committee, listed by title and address at the time of their service:

Dr. Maurice H. Bigelow, Plastics and Coal Chemicals Division, Allied Chemical Corporation, 40 Rector Street, New York City, New York.

Mr. Jack J. Boyle (deceased), President, Mountain States Mining Co., 928 Custer Avenue, Billings, Montana.

Dr. H. B. Charmbury, Head, Department of Mineral Preparation, College of Mineral Industries, The Pennsylvania State University, University Park, Pennsylvania.

Mr. F. S. Elfred, Vice Chairman of the Board, Peabody Coal Company, 301 North Memorial Drive, St. Louis, Missouri.

Mr. John J. Fitzpatrick, Vice President, Traffic Department, New York, Chicago & St. Louis Railroad Company, P.O. Box 6119, Cleveland, Ohio.

Mr. James L. Hamilton, Chairman of the Board, Island Creek Coal Company, 1501 Euclid Avenue, Cleveland, Ohio.

Mr. Robert H. Hughes, President, Clinchfield Coal Company, Division of The Pittston Company, Dante, Virginia.

Dr. Richard H. Jahns, Dean, College of Mineral Industries, The Pennsylvania State University, University Park, Pennsylvania.

Dr. Samuel Lenher, Vice President, E. I. Dupont de Nemours & Co., Inc., Wilmington, Delaware.

Mr. Herman H. Pevler, President, Norfolk & Western Railway Company, Roanoke, Virginia.

Mr. John S. Routh, Jr., President, The Pittston Company, Inc., 200 Park Avenue, New York City, New York.

Mr. R. E. Salvati, President, Island Creek Coal Company, 700 Chafin Building, Huntington, West Virginia.

Mr. S. T. Saunders, President, Norfolk & Western Railway Company, Roanoke, Virginia.

Mr. Walter K. Scherer, President, Fred Scherer, Incorporated, 424 West Madison Street, Ottawa, Illinois.

Mr. G. A. Shoemaker, President, Consolidation Coal Company, Koppers Building, Pittsburgh, Pennsylvania.

Dr. G. R. Spindler (deceased), Dean, School of Mines, West Virginia University, Morgantown, West Virginia.

Dr. E. J. Workman, New Mexico Institute of Mining and Technology, President, Socorro, New Mexico.

OCR HIGHLIGHTS, 1968

First Quarter

A report was published describing an independent evaluation of the H-Coal Process developed by Hydrocarbon Research, Inc. (HRI) under contract to the Office of Coal Research.

The "H-Coal" Process, an adaptation of HRI's "H-Oil" Process, is aimed at converting coal to synthetic petroleum, and eventually to gasoline and furnace oil. Development work performed over the last three years by HRI indicated high liquid-product yields and a strong possibility of eventual commercial practicability.

The evaluation was made by the Research and Development Department of American Oil Company, Whiting, Indiana, under a contract with OCR.

OCR's General Technical Advisory Committee (GTAC) met January 15, 1968, to review the program. To bring the members up to date on related developments, presentations were made by Dr. John T. Middleton, Director of the National Center for Air Pollution Control of the Department of Health, Education and Welfare, and by Mr. David S. Freeman, Director of the Energy Policy Staff, Office of Science and Technology in the Office of the President.

OCR completed and forwarded to the President and Congress its 1968 Annual Report.

OCR released a report entitled "Process Design and Cost Estimate for a 258 Billion Btu/Day Pipeline Gas Plant—Hydrogasification Using Synthesis Gas Generated by Electrothermal Gasification of Spent Char." The report was prepared by the Institute of Gas Technology (IGT), Chicago, Illinois, under a continuing development contract with OCR, supported by the American Gas Association.

The hydrogasification process is a method for making pipeline-quality gas (synthetic natural gas) from coal. A pilot plant, representing the final stage of process development, is being designed for construction in the Chicago area. The American Gas Association is sharing the costs.

The report, third in a series prepared by IGT, concludes that electrothermal gasification for hydrogen supply has the potential of being useful in a coal-to-pipeline-quality-gas plant, and that the resulting pipeline gas price should be competitive.

The first continuous run of flyash brick through the hydraulic press was successfully completed by the contractor, West Virginia University.

OCR's contractor, FMC Corporation, produced high-quality crude from Illinois, Indiana, Utah, Colorado, Wyoming, and West Virginia coals in its process development unit at Princeton, New Jersey.

A series of reports, bound in one volume, describing laboratory investigations performed by the University of Utah was issued.

The work on "Project Western Coal," being performed by the University of Utah, is directed toward investigation of the characteristics of Western coals as they may be adapted to liquid and gas conversion processes originally developed for other coals from the areas of the United States.

OCR completed annual budget testimony and justification before appropriations committees of the Senate and House for Fiscal Year 1969.

Second Quarter

The flyash-brick pilot plant began operation at Morgantown, West Virginia, producing in excess of designed rate. Initial runs produced bricks of satisfactory quality with rejection rates at acceptable levels. A short 16-mm sound film describing the plant and process is available from OCR on a loan basis.

The General Technical Advisory Committee met in Washington, D.C., May 21, to review the OCR program in the light of current appropriations limits, and to consider the status of major projects. They endorsed additional work on the Consolidation Coal Company Gasoline Project and Lignite Gasification Project, and recommended proceeding with a sizable effort on an MHD (magnetohydrodynamic) power proposal as soon as funds are available.

West Virginia University conducted tests of the Bureau of Mines Solids Waste Research process for making bricks from copper mill tailings and paper mill wastes in the Morgantown flyash-brick pilot plant.

The coal sewage-treatment pilot plant in Cleveland, Ohio, became operative on June 28, 1968, using coal as the filtration and absorption medium for the treatment of raw sewage. Performance is highly promising. Initial analyses show solids removal in excess of 98 percent and COD (chemical oxygen demand) reduction of more than 80 percent. No major mechanical or hydraulic problems were encountered.

Amendment No. 3 to the Westinghouse Electric Corporation fuel cell contract was executed on June 26, 1968, extending the term 2½ years to June 1970.

OCR staff and Departmental representatives of the Energy Policy Staff met for a

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detailed presentation, discussion, and review of MHD power generation. Eventual commercial MHD powerplants will require only minimum qualities of cooling water and, therefore, will minimize any thermal pollution and conserve vast quantities of water in arid areas of the West and elsewhere.

OCR staff participated in an Office of Oil and Gas study published under the title "United States Petroleum Through 1980" relating to future energy needs.

Howard University was authorized by OCR to award a subcontract to Value Engineering Company.

Third Quarter

OCR announced publication of a one-volume report describing the laboratory investigations and process development work recently concluded under a contract with Melpar, Inc., Falls Church, Virginia.

The project was initiated in May 1965 to develop a competitive process for large-scale manufacture of acetylene from anthracite as a raw material for the manufacture of plastics and other products. For this use, acetylene must compete with ethylene, a lower priced material. The results achieved were less encouraging than anticipated, and the work was discontinued.

Pennsylvania State University developed a formula from which the conversion yield of oil from coal in the Coal Oil Energy Device (COED) process can be accurately forecast The formula is based on the petrographic composition of coal, and its accuracy has been verified on nine different coals.

On a laboratory scale, Pennsylvania State University found that FMC Corporation char equals or exceeds commercial activated charcoal in its ability to collect SO_2 from combustion gases.

During a one-week period, the Cresap, West Virginia, plant produced 150 barrels of extract with an ash content of 0.6 percent.

A one-volume report prepared by Avco Space Systems Division, Lowell, Massachusetts, entitled "Phase 1 Feasibility Report Avco Arc-Coal Process," was published. It describes experimental work and engineering feasibility studies of a process being developed by Avco, under contract to OCR. The report also includes projection of the future acetylene market.

Results to date indicate that the process could produce acetylene at competitive prices and that future improvements reasonably expected in the process could open a large new market for acetylene as a raw material for manufacture of plastic.

OCR authorized the FMC Corporation to award a subcontract to Blaw-Knox Company for a multistage fluidized-bed pyrolysis pilot plant at Princeton, New Jersey.

OCR received its Fiscal Year 1969 appropriation of $13,700,000.

The Institute of Gas Technology was authorized by OCR to award a subcontract to Procon, Incorporated, for a hydrogasification pilot plant to be located in Chicago, Illinois.

OCR authorized The Pittsburg & Midway Coal Mining Co. to award a subcontract to Washington State University for a research study to examine the feasibility of producing useful and economical materials from residue of the low-ash coal process.

An interim report prepared by Pope, Evans and Robbins was released containing plans, specifications, and design drawings for a coal-fired vertical water tube boiler with a steam capacity of 100,000 pounds per hour.

Fourth Quarter

The General Technical Advisory Committee met in Pittsburgh, Pennsylvania, October 1 and 2, 1968. The Committee reviewed details of projects with particular "in depth" review of all major pilot plant projects, including discussions with contractors' professional and technical personnel. The members visited the facilities of Bituminous Coal Research, Inc.; Westinghouse Electric Corporation; West Virginia University; and the OCR pilot plant operated by Consolidation Coal Company at Cresap, West Virginia.

OCR announced availability of a report containing three independent evaluations of the electrogasdynamic (EGD) development program which had been underway since May 1966 at Gourdine Systems, Inc., Livingston, New Jersey, an OCR contractor.

Evaluation reports were prepared by Dynatech Corporation, Cambridge, Massachusetts, in September 1967 and August 1968; and by IIT Research Institute, Chicago, Illinois, and the Engineering Research Institute of Iowa State University, Ames, Iowa, in August 1968.

The evaluators reviewed the experimental work performed by Gourdine, projections of full-scale feasibility, and the theoretical aspects of EGD phenomena. The reports pointed out the unsolved problems, among which are a number involving considerable difficulty, namely, the required development of duct materials with the necessary electrical resistivity at high temperatures, the practical need for increasing power density, the need to eliminate losses due to radial particle draft in the space-charge field, and the need for better charging and collection systems.

A meeting of OCR contractors was held in Washington, D.C., on October 15, 1968, for the purpose of reviewing technological problems and discussing possible solutions, and providing continuing contacts between contractors.

A report entitled "Commercial Potential for the Kellogg Coal Gasification Process" was released. This is the final report on the work performed by The M. W. Kellogg Company.

The objective of the contract was to develop an economically feasible process for producing pipeline-quality gas (a natural gas substitute) from coal by reacting coal in a bath of molten sodium carbonate.

An extensive laboratory and bench-scale experimental program, together with supporting engineering studies, indicated that this process—if carried through pilot plant development—has potential as a supplier of pipeline gas, hydrogen, and synthesis gas manufactured from coal.

A report prepared for OCR by Stanford Research Institute, entitled "Pyrolysis of Coal in a Fluidized Bed with an Induction Plasma," was made available. The report describes work directed toward exploring the possibilities of producing useful chemicals from coal in a fluidized bed when subjected to a high-frequency induction field. Suitable construction materials were not found to permit the desired operation, nor was is possible to sustain a stable plasma with reasonable coal feed rates.

On November 8, 1968, an ad hoc subcommittee of the General Technical Advisory Committee, chaired by Mr. Paul P. Boyle, met in Washington, D.C., to review the OCR program for Fiscal Year 1970 in the light of current budget constraints. The meeting was attended by Messrs. Boyle, Crawford, Goldston, and Widman. The Director of Coal Research provided information as requested.

The Office of Coal Research announced release of an interim report entitled "Cost Estimate of a 500 Billion Btu/Day Pipeline Gas Plant via Hydrogasification and Electrothermal Gasification of Lignite."

As part of a joint Office of Coal Research and American Gas Association effort, the Institute of Gas Technology studied production costs of synthetic gas concurrently with the laboratory and pilot plant program. For the hypothetical plant studied, the report states that the minimum cost of pipeline gas would have a 20-year average selling price of 32.9 cents per million B.t.u.'s. Such a plant and coal mine combination would be expected to create approximately 1,500 jobs in the area served, and generate a total payroll of $5 million to $6 million.

Volume II of the Project Gasoline report, prepared by Consolidation Coal Company, an OCR contractor, became available. Volumes I, III, and IV, will be published and released in subsequent months.

The pilot plant has been completed and is continuing to undergo shakedown operations. Detailed process data have not been obtained to date, but the vast and growing interest in the project is such that publication of an interim report advisable.

The Department of the Interior announced the release of the final report on a contract with Hydrocarbon Research, Inc. The report describes a process for producing synthetic petroleum products from coal at a projected price which should be of interest to industry. It includes information on the development of a process to convert coal to synthetic-crude type material, followed by hydrogenation of the synthetic crude to produce fuel oil, jet fuel, and gasoline. The process includes direct hydrogenation of coal at total pressures common in petroleum refining today. The total liquid product yield obtained was about four barrels per ton of coal, although this figure varies with the particular coal fed to the process.

The Natural Resources Research Institute, University of Wyoming, was awarded a research contract to develop a process for the direct reaction of either coal and steam or char and steam to produce liquid hydrocarbons.

A contract report entitled "Chemical By-Products from Coal" was issued by Skeist Laboratories, Newark, New Jersey. It states that ". . . not only will coal be able to provide much of our future liquid and gas fuel requirements, but it seems certain that it will return to its historical status as the source of most of our organic chemical intermediates." The report includes information regarding a conceptual all-chemical refinery and provides detailed discussion covering ethylene and propylene; aromatics, naphthalene, hydrogen, ammonia, sulfur, and tar acids.

A contract report by Battelle Memorial Institute, Columbus, Ohio, appraises the outlook for residue chars after conversion of coal to liquid and gaseous fuels. It discloses that some of these chars possess heating values almost as high as the original coal, and foresees no trouble in burning the char.

A definite plus factor is evident for the use of char in magnetohydrodynamics (MHD), a developing technology for electric power generation.

Some chars possess adsorptive properties equal or nearly equal to commercial activated carbon. Battelle Memorial Institute states "The availability of relatively low cost 'activated' char should promote the use of tertiary sewage waste water treatment and treatment of waste water in general."

OCR's contract with Rand Development Corporation was extended 14 months to further demonstrate the practicality and economics of the coal filtration and adsorption process by making a series of full-scale runs in the existing pilot plant.

RESEARCH AND TECHNICAL MEETINGS

CROSS-FERTILIZATION

The OCR research and development contracts cover a wide range of disciplines and an even wider range of processes. Nevertheless, because all are aimed at improving coal technology, each has something in common with all the others. Also, aside from this common coal interest, the natural course of a project—perhaps from laboratory bench-scale experimentation to a process development unit, and ultimately to pilot plant design, construction, and operation—will develop many common management and administrative situations.

While OCR depends primarily on its contractors to provide their own scientific, technical, and managerial skills, it has been found beneficial to sponsor joint contractors' meetings for the exchange of ideas and in-

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formation. In these, all or some part of the group of contractors are brought together for a day or two of discussions. The purpose is to try to avoid duplication of effort, minimize problems, make the best ideas available to all, and generally to stimulate progress through cross-fertilization and indicate that each project is part of a larger overall effort. . . . in essence to maximize the opportunities.

Formal records of meetings are not maintained, but summaries and data tabulations are distributed. Each contractor presents a brief description of progress and problems since the last meeting.

The following was the program at the October 15, 1968, meeting:

I. Process analysis:

Virginia Polytechnic Institute—Computer Simulation of Mining.

West Virginia University—Gasification Optimization.

The Franklin Institute—Ammonia Bottoming Cycle.

Skeist Laboratories—Coal Chemicals.

II. Process development:

Avco Corporation—Arc Processing.

Bituminous Coal Research, Inc.—Two-Stage Gasification.

Howard University—Coal-Fired Diesel.

Iowa State University—Electrofluidic Coal Treatment.

Pennsylvania State University—Development and Preparation of Special Coals.

University of Utah—Western Coals.

Westinghouse Electric Corporation—Coal Energized Fuel Cell.

III. Pilot plant planning:

Consolidation Coal Company—CO_2 Acceptor.

FMC Corporation—Char-Oil-Energy-Device (COED).

Institute of Gas Technology—Hydrogasification.

The Pittsburg & Midway Coal Mining Co.—Low-Ash Coal.

IV. Pilot plant operation:

Consolidation Coal Company—Gasoline.

Pope, Evans and Robbins—Fluidized Combustion.

Rand Development Corporation—Sewage Treatment.

West Virginia University—Flyash Brick.

V. Final project evaluation:

ARCO Chemical Company—Project Seacoke.

The Franklin Institute—Szikla-Rosinek Combustor.

Consolidated Controls Corporation—Thermionic Topper.

Gourdine Systems, Inc.—Electrogasdynamics.

It is the consensus of contractors and OCR alike that these meetings are helpful to progress and beneficial to the program. They have fostered a continuing informal exchange of information between contractors, which is useful to the overall program. The meetings are also useful in maintaining good working relationships established formally under some OCR contracts. These include the ARCO Chemical Company "syncrude" characterization studies made for FMC Corporation and Consolidation Coal Company; the ARCO Chemical Company experimental work done in the FMC Corporation Process Development Unit; the furnishing of gasification optimization process data to West Virginia University; provision of process data to Skeist Laboratories; supplying of char and coal samples and process data to Pennsylvania State University and the feedback of analyses and utilization data from Pennsylvania State University to contractors who provide samples; and the gasification system design furnished to Westinghouse Electric Corporation by IGT.

ADMINISTRATION

During the past year the Office of Coal Research has been monitoring 40 active projects in varying stages of completion. The total dollar volume of projects presently underway and in various stages of progress is slightly more than $77 million. These 40 projects have been underway with 35 of the Nation's most advanced research organizations and educational institutions. There are an exceptionally large number of scientific disciplines involved among these contractors.

Despite the needs of the program, which have grown considerably in size and complexity, the OCR staff level has always been held to an absolute minimum, as evidenced by the fact that the staff currently numbers 19 professional, technical, and clerical employees, whereas Congress has authorized 25.

Detailed tasks related to monitoring and administering these projects have been performed with a minimum expenditure of Federal funds. The total administrative and supervisory costs of the program in the past year involved only 2.9 percent of the total program of $13.7 million.

Several meetings were held to bring about the likelihood of the greatest possible contribution by each contractor toward insuring the ultimate success of each project through cross-fertilization of research ideas, techniques, and disciplines, while at the same time avoiding duplication of effort.

During the past year the Office of Coal Research has also conducted three significant meetings with its General Technical Advisory Committee. This Committee comprises 20 individuals chosen by the Secretary of the Interior. All of the members are outstandingly qualified in their respective fields—business, science, technology, education, and labor. Their counsel and recommendations are of considerable importance in assuring that the projects undertaken are sound. The degree of success achieved by OCR projects to date, and their potentials for the future, are closely associated with the role of this Committee.

In the past year, numerous proposals for new projects in many areas of effort have been received. The proposals for new research have been carefully evaluated by OCR, its consultants, and other Department of the Interior agencies to assure their merits and to avoid duplication.

A number of these are deemed valuable and worth pursuing. Contracts will be awarded as soon as adequate funding becomes available. In view of the fact that, for two consecutive years, no funds have been provided for new contracts, contract action on these new proposals, as well as others of equal or greater merit (approved in previous years), had to be deferred.

More than 9,000 copies of technical reports have been distributed during the past year. They are made available without charge to selected depository libraries. Several thousand copies have been sold to the public in the United States and in more than two dozen foreign countries.

The program staff of the Office of Coal Research and OCR consultants made an extensive number of field trips in the course of insuring careful monitoring of technical and administrative details of projects in the past year. During this same period of time, hundreds of formal contract actions relating to administration of the various projects were initiated and completed.

The work being performed by OCR's various contractors may result in inventions and subsequent patents in the public domain as a result of the Government's sponsorship of the work. Up to the present time, six patents have been issued and seven patent applications are currently pending at the U.S. Patent Office. Additionally, thirty invention disclosures from contractors and OCR personnel are being reviewed by the Office of the Solicitor, Branch of Patents, pending decisions to file patent applications.

The Office of Survey and Review, Department of the Interior, recently completed a lengthy and comprehensive internal audit of all OCR contracts and contract procedures. The results were affirmative and uniformly favorable. Only three recommendations were made, all of a minor nature, affecting only one contract. These were promptly acted upon by OCR and necessary corrective steps were instituted.

Several thousand dollars' worth of valuable scientific and technical equipment became available for use on other projects upon completion of its required use on expired or terminated contracts. Such equipment was made available to other contractors, as well as other Departmental agencies. Some was disposed of by sale through normal General Services Administration procedures. These actions resulted in substantial dollar savings to the Government.

UTILIZATION

Projects undertaken by this Division are in several broad categories designed to develop new processes and equipment for utilization of coal as a raw material.

One category is the development of processes to convert coal to pipeline-quality gas, the equivalent of natural gas. The coal-derived gas must be largely methane with a heating value of about 1,000 B.t.u.'s per cubic foot and must meet certain trade specifications. Processes for producing pipeline gas and light liquid fuels from coal also remove sulfur, thus eliminating possible air pollution.

Another category includes the development of processes for converting coal to liquid fuels. The processes in this category are intended to produce a refinery feedstock for conversion to gasoline; as well as other customary oil refinery products such as fuel oils.

A third category is directed toward developing new methods of converting coal to electric energy. Improvements for increasing efficiency or lowering capital cost will have the effect of reducing the cost of electric energy. Some energy conversion systems being considered possess inherent advantages in reducing atmospheric and thermal pollution. A potential reduction in the cost of electric energy will permit increased expenditures for reduction of air pollution.

Other work is underway to develop processes for producing chemicals from coal, particularly those which may also require caol-produced electric energy.

Conversion—gases

Pipeline Gas by Hydrogasification (July 29, 1964—July 29, 1972)—Institute of Gas Technology—$11,646,230 U.S. Government Funds; $2,384,230 American Gas Association Funds.

A preliminary design of a pilot plant for this pipeline-quality gas process was completed by Bechtel and a detailed design-construction subcontract has been executed with Procon, Inc. Detailed design has been completed, some heavy equipment is being ordered, and construction will start in the spring of 1969 on a site leased to the Department of the Interior by the Institute of Gas Technology in Chicago.

Meanwhile, the contractor is proceeding with large bench-scale development of the electrofluid-bed process for production of hydrogen from char. Additional hydrogen generation methods may be investigated, including molten salt gasification of char.

Prior to OCR support, the contractor worked for a number of years, with the financial support of the American Gas Association, on the development of the hydrogasification process for producing pipeline-quality gas. For this reason, the process technology was more fully developed than that of other promising coal-gasification methods. The present contract includes continuing support from the American Gas Association to cover the construction and operation of the pilot plant.

Several conceptual design studies of full-scale plants, based on experimental work, indicate that considerable improvements have been made since the work was started, as shown by the projected gas cost (from $1.00 to as low as 40 cents per 1,000 cubic feet). Later study of the effect of incorporating improved hydrogen sources, together with additional experimentation, indicates further cost reductions may be possible and will be explored.

CO_2 Acceptor Process (June 11, 1964–June 11, 1971)—Consolidation Coal Company—$8,500,000.

Process and construction designs for a pilot plant have been completed. Construction is scheduled to begin by late spring or early summer of 1969. Last year, proposals for erection and operation of the pilot plant were received and evaluated by the contractor, and contract negotiations were initiated with engineering contractors.

This pipeline gas project presently relates to the use of Northwestern lignite as a raw material. Its principal feature is that it does not require large amounts of oxygen. Dolomite is used as a heat-transfer medium and CO_2 absorber. Laboratory and bench-scale work has been completed with encouraging results at the contractors' research laboratory. The contract was first amended to include the design of a pilot plant, and then further amended to include construction and operation of the pilot plant, which will be located in Rapid City, South Dakota.

Additional funds will be required to cover escalation of construction and operating costs during recent years.

Pipeline Gas from Coal (December 20, 1963–June 20, 1969)—Bituminous Coal Research, Inc.—$1,956,000.

This process is expected to develop an economically feasible pipeline-quality gas from coal. The first phase of the work was a study of all known methods of coal gasification. The resulting report, which has been published, is a useful compendium on the subject. After considerable success in experimental development with a small unit simulating the second stage of the proposed gasifier, the contract was extended in both time and money.

During 1968, a 100-pound-per-hour second-stage unit was installed and tested. An experimental high-pressure coal feeder was built and is now under test. Experimental operation is producing data for pilot plant engineering designs under a subcontract that is expected to start in March or April 1969.

Supporting petrographic and laboratory studies are continuing.

Computer Optimization of Gasification Processes (November 15, 1966–November 15, 1969)—West Virginia University—$162,959.

This program is designed to aid OCR gasification contractors in obtaining the best possible results and, if desirable, to integrate parts of the various gasification systems into other feasible systems. The contractor is using sophisticated mathematical computer techniques, as well as information from OCR gasification contractors. A number of basic investigations have been started to define and interrelate the important parameters.

During the work the contractor has visited laboratories, including those of all the OCR gasification contractors. Representative problems have been identified and their potential effect on process economics is being estimated. Appropriate reaction equations or system equations have been developed to allow computer programing. The computer program will form a basis for determining the effect of coal cost and rank, estimated capital and operating costs of the gasification plants, and byproduct credits on potential commercial gas price. Process areas likely to produce the greatest effect on gas cost are being determined.

The contractor has published several reports in the technical press describing some of his sophisticated procedures. It is expected that this project will be of considerable benefit, not only to coal-gasification processes, but to all coal-conversion processes.

Conversion—liquids

Project Gasoline (August 30, 1963–August 30, 1969)—Consolidation Coal Company—$15,200,000.

This project was undertaken to bring to successful development a process which previously had been under investigation by the contractor for a number of years. The method is to perform a solvent extraction operation on coal, then to hydrogenate the extract to produce a refinery feedstock which is a satisfactory source of high-octane gasoline.

The bench-scale work was completed in Fiscal Year 1965, and the pilot plant (erected during 1966) was accepted for operation during the second and third quarters of Fiscal Year 1967. Shakedown operation of the extraction side of the plant started in November 1966, and of the hydrogenation side in February 1967.

During 1968, no integrated operation of the plant has been achieved, even through all features of the process have proved to be technically sound. Recurring failure of equipment items has prevented satisfactory operation. The process has been changed or modified in both the extraction and hydrogenation sections of the plant, to circumvent equipment and operating problems. Early in 1968, the operating force was reduced to effect economies during the continuing shakedown.

A comprehensive report of the first five years' work is being prepared for publication in four volumes as follows:

Volume I—Research and Development Work and Review of Commercial Potential.

Volume II—Part 1—Solvent Extraction, Extract Filtration and Extract Deashing. Part 2—Hydrocracking with Supported Catalyst.

Volume III—Hydrocracking Coal and Extract with $ZnCl_2$ (zinc chloride) and Regeneration of $ZnCl_2$ Catalyst.

Volume IV—Phase II—Development of Pilot Plant Design and Construction and Initial Startup Operations.

Volume II is currently available from OCR and Volumes I, II, and IV will be available during the first quarter of 1969.

The zinc-chloride catalyst system that promises to reduce commercial production cost has been deferred until the plant has been operated, as designed. The plant and its operation have been reviewed for the Interior Department by a Special Task Force.

Project Gasoline (May 16, 1962-November 16, 1969)—The Ralph M. Parsons Company—$444,000.

This contractor has served as a consultant and monitor on Project Gasoline, a project being conducted under contract with the Consolidation Coal Company. The work performed includes (a) evaluation of the original concept and proposal, and (b) surveillance of the Cresap Pilot Plant design and construction. The contract term has been extended, permitting the contractor to continue in this general role throughout the life of Project Gasoline.

Project COED (May 16, 1962-May 29, 1970)—FMC Corporation—$7,670,000.

Work is now primarily directed toward construction of a 25-ton-per-day pilot plant, experimental runs of additional coals in the Process Development Unit, and improvement in char desulfurization. The original objective was to develop a process to produce a liquid product from coal, which could then be mixed with the residual char and both transported to market by pipeline. The contractor investigated several alternatives before his efforts produced a multistage fluidized-bed pyrolysis process which, upon analysis, appeared to be commercially feasible. A Process Development Unit with a capacity of about 100 pounds of coal per hour was operated successfully throughout most of 1965 to 1968. Commercially feasible yields of oil, gases (hydrogen, high-B.t.u., and fuel gas), and char were obtained from various coals in this unit. Projections of the results are highly encouraging.

A construction subcontract has been executed with Blaw-Knox Company, a site has been selected and prepared in Princeton, New Jersey, and preparations are being made to start construction of the pilot plant in the spring of 1969. Meanwhile, extensive bench-scale experimentation is proceeding on the char-desulfurization process, which holds the promise of being a source of low-cost, low-sulfur fuel for power generation.

Project Seacoke (August 10, 1964—February 10, 1969)—The Atlantic Richfield Company—$968,000.

Research on this contract has established the technical and, in certain locations, economic feasibility of simultaneous fluid coking of coal mixed with residuum from petroleum processing. During calendar year 1968, the process design for a commercial plant was completed.

The final report, to be issued early in 1969, describes in detail all special features of equipment and operations of the process. It also indicates the special features—existing adjacent operating petroleum refineries and powerplants—which may make the system economically viable.

Additionally the report will contain much information, not hitherto published, on the characteristics of synthetic crudes produced from coal. The purpose of this project was to develop a process for using and treating coal in oil-refinery fluidized coking units. The lighter fractions of coal would be converted to a refinery feedstock, and the residual char could serve as a boiler fuel in central-station powerplants adjacent to the refinery.

Bench-scale work indicates that the process is technically feasible. Work on a larger scale was done under the contractor's direction in the OCR Process Development Unit located at the FMC Corporation laboratory, Princeton, New Jersey. Use of this existing facility permitted the final development work to be performed at considerable savings in time and cost.

H-Coal Process (February 4, 1965–February 4, 1968)—Hydrocarbon Research, Inc.—$2,063,750.

The next step planned in this project was to have been the building and operation of a pilot plant to confirm the favorable indications of previous work. However, as funds were not available, the contract was terminated and a final report was published by OCR in 1968.

This process, an adaptation of the Hydrocarbon Research, Inc., commercial "H-Oil" process, is based on conversion of coal in an ebullating bed (a suspension of solid catalysts and coal in a flowing liquid) to a synthetic crude oil (syncrude) followed by additional treatment to refined products.

Bench-scale work, confirmed by larger operations at a rate of 200 pounds of coal per hour, produced higher yields than those originally projected. Detailed studies of coal refineries, based on experimental data, indicated potential commercial feasibility in several coal-producing areas of the United States. A report describing these studies has been published by OCR. (See Appendix.) An independent investigation of the feasibility of this process has been made by the Research Division of American Oil Company and has been published by OCR. The conclusions generally support the contractor's estimates and suggest that additional experimental work, including pilot-plant operations, may be desirable. A plant price of 12 cents per gallon of gasoline was estimated for a typical coal refinery. Coals from Illinois, Wyoming, New Mexico, and North Dakota were tested in the experimental program.

XUM

Conversion—power

Coal-Energized Fuel Cell (December 6, 1962–June 6, 1970)—Westinghouse Electric Corporation—$3,866,899.

The objective of this work is to develop a coal-energized fuel cell system with high thermal efficiency. The project received an Industrial Research Magazine award for 1965.

Jackson and Moreland, a subsidiary of United Engineers and Constructors, Inc., estimated power production at less than 3 mills per kilowatt hour with no air or thermal pollution.

During 1968 the contract was amended to provide additional funds and extend the time to continue the bench-scale effort. Materials (metal oxides) and frabrication procedures have been developed and selected for construction of the 100-kw. development unit. Engineering design for fabrication of the 100-kw. development unit is proceeding under subcontracts with the Institute of Gas Technology and Cameron and Jones, Inc. Projected completion date for these subcontracts is June 30, 1969. An erection and operation contract for the development unit is currently awaiting funding approval. This work continues to give every indication that the objectives can be achieved.

Electrogasdynamic Power Generation (May 10, 1966–September 30, 1968)—Gourdine Systems, Inc.—$1,200,000.

Electrogasdynamics (EGD) is a method of direct power conversion. With this system, gases, laden with coal-ash particles, are expanded through channels. An ionizing device at the upstream end of the channel charges the particles. The work done by the expanding gas results in the collection of very high voltages on an electrode at the downstream end of the channel. In this way it may be possible to generate high-voltage direct current from a device with no moving parts.

A conceptual design for a full-scale plant has been prepared, and small-scale laboratory tests have been conducted. A coal-fired rig has been constructed by Foster Wheeler Corporation (subcontractor) for development and testing of single and multiple electrogasdynamic channels. Continuing problems have been encountered with operation of this combustor-generator, and the efficiencies obtained in all tests indicate that this system cannot become practical in the near future. Work has been completed and a final report is being prepared.

Thermionic Topper (April 24, 1967–April 24, 1969)—Consolidated Controls Corporation—$241,798.

A thermionic topper is a device which, when exposed to high temperatures in a coal-fired furnace, emits ions and so generates an electric current. The high-temperature gases leaving the furnace are then used to generate steam in a conventional manner to drive a turbine generator. The results are increased power output and increased efficiency. Preliminary cost studies and estimates indicate that a thermionic topper has commercial possibilities. Analyses of such a topping device on a conventional steam cycle indicate a potential thermal efficiency gain of 5 to 10 percent absolute.

Work to date has been directed toward development of a small-size thermionic generator to be tested in experimental combustion furnaces. Material problems, together with a shortage of funds, preclude the extension of this work and a final report will be issued in 1969.

Supporting research

Low-Ash Coal (October 10, 1966–October 10, 1971)—The Pittsburg & Midway Coal Mining Co.—$7,640,000.

The Low-Ash Coal contract is for design, construction, and operation of a pilot plant to be located in Tacoma, Washington. Design work is in progress. Supporting laboratory studies are being undertaken, as subcontracts, at Washington State University and the Gulf Oil Corporation Research Laboratory.

The project represents a continuation of work performed by Spencer Chemical Company, an affiliate of The Pittsburgh & Midway Coal Mining Co., under a previous contract for development of a solvation process for treating coal to remove ash and other impurities. Technical feasibility was demonstrated on a wide range of coals from the highest rank to lignite. The end product, regardless of the coal type or source, contains about 16,000 B.t.u.'s per pound, has an ash content of one-tenth of one percent, and a very low sulfur content.

Studies indicate potential as a powerplant fuel (in areas where atmospheric contamination is a problem), as a gas turbine and diesel fuel (perhaps mixed with a distillate oil), a raw material for carbon and graphite electrodes, and other uses.

A specific site for the pilot plant has been selected on U.S. Government property at Ft. Louis, Washington, and the detailed construction design has been completed by Stearns-Roger Corporation. Because of funding constraints, the schedule for construction and operation of the pilot plant has not yet been established.

Electrofluidic Coal Processing (May 11, 1965–November 11, 1970)—Iowa State University—$226,200.

An initial laboratory program indicated the feasibility of producing useful gases by using a fluidized bed and resistance electric heating. The contractor's Phase I report indicates commercial possibilities, and the Institute of Gas Technology is planning to use this system to produce hydrogen in its hydrogasification process. Larger reactors are being designed.

The successful development of improved methods for power generation, such as the fuel cell, magnetohydrodynamics, or other systems, could result in availability of large blocks of low-cost power at mine-mouth plants. A successful method for electrotreatment of coal would then permit the establishment of a chemical complex at the mine mouth. Such a complex would benefit the economy of coal-producing areas and the entire Nation.

Arc Processing (May 11, 1966-November 11, 1969)—Avco Corporation $1,821,000.

Evaluation of experimental work performed under this contract shows that it has potential commercial application for the manufacture of acetylene. A Phase I report, indicating potential commercial feasibility, has been published by OCR.

The goal of this project is to develop a method of treating coal in an electric arc. There are many indications that coal treated by intense concentration of energy will, in miscroseconds, form useful chemicals such as acetylene. The problem areas are removing these chemicals from the reaction before they are degraded, maximizing the yield, and minimizing the power consumption.

The contractor has built several small high-intensity arc devices. Much has been learned about mechanics of the equipment, methods of coal feeding, and configuration of the cathodes and anodes. Acetylene has been produced and the yield has been increased several-fold (from 0.5 percent to 3.5 percent of coal feed). The specific energy requirement, a vital factor in process costs, has been reduced by a factor of 10.

A preliminary pilot plant design is being prepared, and the continuing small-scale experimental work has resulted in a steady rate of process improvements. Because of limited funding, the work will continue at the present level before proceeding to a possible pilot-plant scale.

Western Coal (August 24, 1962-August 24, 1969)—University of Utah—$476,000 U.S. Government Funds; $351,000 State of Utah Funds.

The purpose of this project, a laboratory-scale investigation, is to determine the processing characteristics of Western coals so that they may be readily adapted to processes being developed elsewhere by other OCR contractors. Generally, each OCR process development contractor starts work with the coal most conveniently available and with which he is most familiar. It is the desire of OCR to extend successful processes to as wide a range of coals as possible for the benefit of all areas of the country. The purpose of this research is to increase knowledge of Western coals and make this knowledge available.

Studies of coal solvation, as well as high-pressure hydrogenation of Western coals, are continuing.

Szikla-Rosinek Combustor System (June 28, 1966–December 28, 1968)—The Franklin Institute—$196,700.

Based on the Szikla-Rosinek Combustor, which originated in Hungary, this process is intended to develop equipment to generate an economical fuel gas for gas turbines and other purposes.

The Contractor has completed his preliminary investigation and has made a preliminary design of an experimental gasifier. Lack of funds precludes further activity at this time. Therefore, the work will be terminated and a Phase I report will be prepared.

The contractor is also making an engineering analysis of the application of an ammonia turbine bottoming cycle, in connection with conventional steam turbines, as a means of eliminating cooling water requirements in coal-fired electric-generating plants. Indications are that this study can help show the way to better utilization of our Western coal resources as an important energy source, and can be of importance in conserving water in arid areas. Also, it would provide greater flexibility for siting new plants.

Induction Heating of Coal (January 4, 1967–April 14, 1968)—Stanford Research Institute—$176,000.

The contractor conducted laboratory investigations on the electro-processing of coal in a system employing high-frequency induction transfer of electric energy to a fluidized bed of coal. The objective was to determine whether useful chemicals could be produced with this system. This approach to electro-processing is parallel to, but different from the approach of Avoc Corporation and Iowa State University.

During 1967 the contractor's efforts were devoted to experimenting with equipment configurations to arrive at a workable system. However, because of materials problems and impedance matching problems, the efforts were unsuccessful. A final report was published by OCR in 1968.

Low-Temperature Coal Tar Process (September 9, 1966–September 9, 1969)—West Virginia Institute of Technology—$16,800.

Work under this contract was directed toward demonstration of the economic feasibility of converting portions of coal tar into rubber-grade antioxidants. Alkyl phenol and Alkyl naphthol fractions were to be reacted with appropriate material in the hope of obtaining the desired antioxidant production. After two years of the three-year program, results indicated that the work was not likely to have commercial value.

The work was discontinued in December 1968, and a final report will be published early in 1969.

Multiple Catalyst Fluidized Reactions (November 27, 1968–November 27, 1973)—The University of Wyoming, Natural Resources Research Institute—$613,700.

This research is intended to explore the reactions of coal or char with steam in a fluidized bed in the presence of several catalysts simultaneously at pressures up to 30 atmospheres. The objective will be to optimize the production of useful hydrocarbons and gases from coal.

The work, just getting underway, has begun with a small-scale investigation using existing equipment at the University. If this is encouraging, a larger bench-scale reactor will be constructed and operated to determine further process data. Data from the bench-scale unit will be used to evaluate the process and for design of a small pilot plant.

Acetylene from Anthracite (May 26, 1965–March 31, 1968)—Melpar, Inc.—$364,000.

The objective of this project was large-scale use of anthracite in the manufacture of acetylene and other gaseous products. Early work indicated good potential for supplying feedstock to the plastic industry.

The economics of the process were updated at the end of the bench-scale work during the first quarter of 1968. This study showed a 1½ cent increase in the cost of producing acetylene from anthracite, while reduced costs were reported for other processes. Economic advantage being essentially eliminated, this work was discontinued. The final report was published in 1968.

MINING AND PREPARATION

Mining and Preparation Division is responsible for the development and technical administration of a contract research program directed toward: (a) finding new and expanded markets for coal in its conventional solid form; (b) developing more efficient, lower cost and safer methods of mining and preparing coal, thus reducing its cost to the consumer; (c) improving coal combustion and air pollution control techniques; and (d) creating markets for coal-associated minerals and waste products.

Since many of the contracts are in an advanced stage of progress, or are nearing completion, they are described in somewhat greater depth than other contracts included in this Annual Report.

Computer Simulation of Mining Techniques (June 9, 1964–March 9, 1968)—Virginia Polytechnic Institute—$332,000.

Since the completion of an earlier contract with VPI, the mining production computer simulation programs developed under that contract have been accepted and widely used by the mining industry, both in this country and abroad. These programs are designed to mathematically simulate the motions of each piece of face equipment and record and summarize the amount of time spent at each task, including inherent delay times.

The simulators permit the operator to detect bottlenecks within the system and determine which operations should be improved. The increased efficiency resulting from the improvements can be determined. New equipment also can be evaluated by inserting its performance capabilities in the computer programs. Thus, changes in methods, plans, or equipment can be determined without costly experimentation within the mine.

To date, over 35 companies have applied the production programs. One company has reorganized its industrial engineering department to use these programs more advantageously.

A number of producing companies have obtained the programs and have adapted them to run on their own computer facilities with their own personnel.

Visitors have come to VPI from Australia, South Africa, France and Germany to learn more of these programs, and inquiries have been received from Canada and Great Britain. The programs have been used in Australia and South Africa, and have been adapted to computers in those countries.

New Programs

The programs developed under the present contract have been extensively tested in the field. As with the mining production simulation programs, they are expected to be widely used by the industry. These programs provide a means for analysis of a wide range of engineering and operating systems, and should prove valuable in further reducing the cost and improving the safety of mining. The six programs are: ventilation network analysis (VENTSIM), power-systems-network analysis (POWERSIM), cost projection analysis and mine development scheduling (COSTSCHED), rail-haulage simulation (RAILSIM), belt-haulage simulation (BELTSIM), and pumping systems analysis (PUMPSIM).

Ventilation Program

The ventilation network analysis program determines the volume of air flowing and the pressure losses for each branch circuit in the mine. Air control devices, fans, and leakage may all be included in an analysis. By quickly and economically providing the pattern of flow and pressure losses throughout the mine, a wide variety of operating situations may be examined. These may include the effect of fan stoppages, adding new airshafts, inserting new overcasts, or reducing mine air resistance.

The program also indicates air regulator sizes, leakage volumes, and fan operating points. This program should prove valuable in both optimizing operating ventilation systems and in planning projected systems.

The program provides great capability for the insertion of safety criteria in the design of mining ventilation systems. Safety considerations can be evaluated and tested for their impact and feasibility before a design is implemented. The excessive dependence upon trial-and-error approaches can thus be reduced.

Power Programs

The power-systems-network analysis program has been structured to aid in the design or analysis of large-scale a.c. or d.c. power systems. Output from the program includes the currents, flowing, voltage drops, and power losses for each line. The current flowing, available voltage, percent of rated voltage, power consumption, and power factor are given for each load. Use of the program will enable the design engineer and the operating engineer to quickly determine the impact of changes on existing systems or to evaluate the adequacy of proposed designs.

Safety considerations and safety criteria are stressed. Electrical systems are critical in the prevention and control of mine fires and explosions, and this program has the potential to improve significantly the safety characteristics in such a system.

Cost and Scheduling Program

The cost projection analysis and mine development scheduling program is designed to show the effect of engineering and management decisions in dollars per ton. Labor, supply, general inside, general outside, plant and supervisory costs are computed on the basis of per ton mined, feet advanced, days worked, idle days accumulated, or on a monthly basis.

Thus, several operational plans may be quickly compared. For example, two-shift versus three-shift operation or the development of seven versus five entry mains may be readily compared. In addition, the program may also be used to forecast mine production and supply usage.

Rail-Haulage Program

The rail-haulage simulation program is designed to simulate haulage movements and production capabilities under any track haulage system, any operating strategy, and with any combination of equipment. Gathering locomotives, main-line locomotives, marshalling yards and sidings may all be included in an analysis. The program provides data which would be produced by running simultaneous time-studies on all locomotives, loading stations, storage sidings, and the car dump for a number of days or weeks. The program is probably the most complex of the many programs that have been developed, but it is also among the most useful.

Belt-Haulage Program

The belt-haulage simulation program is designed to simulate the flow of material over a belt-conveyor network containing belts of any length, width, and capacity, traveling at any speed. Transfer bins, overload switches, and belt feeders may be included at any point in the system.

The program allows the user to quickly and economically determine the technically feasible belt network's designs. The most economic may then be chosen. The belt and rail-haulage programs together have the capability of handling and solving the most complex haulage problems.

Drainage Program

The pumping systems analysis program is similar in concept to the ventilation and power programs. The branch flow rates, pressure drop, and pump operating points may be quickly obtained for virtually any configuration of pumping and piping equipment. Most of the input data can be obtained from schematic diagrams of the system, handbooks and manufacturers' data.

The program can be used to minimize the pollution of stream systems by mine discharges. The benefits of mixing waters of varying quality, storage in sumps, the use of additives, aeration of effluent and other beneficiation techniques can be evaluated to determine their effect on quality of mine-water discharge.

Large Packaged Boilers (February 20, 1965–February 20, 1969)—Pope, Evans and Robbins—$809,000.

The fluidized-bed boiler development program was described in detail in the 1968 OCR Annual Report. Recent work has been a full-scale single cell of a multicell boiler. This work has consisted of (1) finding solutions to the remaining problems in the system, (2) preparing an outline design of a "packaged" multicell boiler with a capacity of 250,000 pounds of steam per hour, (3) developing conceptual designs of a utility-sized boiler, and (4) conducting tests to determine gaseous emissions and techniques for controlling these emissions.

Development of the fluidized-bed single cell indicates that factory-assembled, coal-fired boilers may be constructed in capacities up to 350,000 pounds of steam hourly, as compared with the present 100,000-pound capacity limitation (also developed under OCR contract). The installed cost of a "packaged" fluidized-bed boiler in the range of 200,000 to 350,000 pounds per hour will be less than any field-erected counterpart, regardless of type of fuel. The installed cost, for example, will be 40 percent of the installed cost of a spreader-stoker-fired boiler of equal capacity. The present single-cell boiler has been optimized and proved with approximately 1,500 hours running time and all major obstacles have been overcome. Construction and satisfactory operation of a feasible multicell prototype coal-fired fluidized-bed boiler should demonstrate the advantages of this combustion system and assure its commercial acceptance.

Under the terms of an interagency agreement between OCR and the National Air Pollution Control Administration of the Department of Health, Education and Welfare, special tests have been conducted to determine the air-pollutant emissions from the fluidized-bed boiler and also the extent to which these emissions, particularly sulfur dioxide, may be reduced by the addition of limestone to the bed. This investigation was initiated because of a number of potential advantages of the fluidized bed, most important of which is the excellent gas-to-solids contact that can be achieved with limestone and its resultant reaction with sulfur dioxide.

Extensive tests conducted in a small-scale unit indicate that sulfur-dioxide emissions from high-sulfur coal can be reduced significantly by addition of limestone. The fact that not more than 50 percent of the limestone reacts, suggests that this performance can be improved by continued research. Tests in the full-scale cell indicate comparable performance.

The emission of nitric oxides from the fluidized-bed combustor, for all operating conditions, is less than reported values for most conventional boilers.

The promising results achieved thus far in developing fluidized-bed boilers indicate a need for the testing of a full-scale prototype boiler as the next essential step toward commercialization. Work should continue to develop methods for maximum economic gaseous control, as well as scaling up designs of the basic boiler. Although work to date has been concentrated in the industrial-size range, the greatest potential application lies in the utility field.

In the electric utility range of two million pounds or more of hourly steam capacity, a fluidized-bed boiler will occupy about 15 percent of the volumetric space required for a pulverized coal boiler. The installation costs of such boiler equipment, auxiliaries, and building for a 1,000-megawatt powerplant should be about one-half that of a conventional pulverized boiler system and should reduce the overall powerplant costs by $20 per kilowatt of capacity, or a total of $20 million in capital investment.

Present indications are that budget constraints will force a termination of this work.

Sewage-Treatment Pilot Plant (August 25, 1965-April 26, 1970)—Rand Development Corporation—$1,686,798.

The 10,000-gallon-per-hour coal-sewage pilot plant went into operation in June 1968. A clear effluent from raw sewage has been produced in one step and no major process difficulties have been encountered.

The pilot plant program is a continuation of an earlier OCR project in which the contractor found coal to be valuable as a filter medium, adsorbent and settling aid in the treatment of sewage and industrial waste waters. Although a new one-step treatment system based on coal has been developed and is being studied in the pilot plant, recent advances in the requirements for waste treatment have drawn attention to the unique disposable-filter aspect of the process as an attractive solution to problems in existing waste-treatment plants. This wider application of the coal process is also to be investigated in the pilot plant.

While technical progress to date is encouraging, a number of problem areas require further study and resolution in both the laboratory and pilot plant. Phosphate removal is unpredictable at present, and ranges from very high to negligible. Acid formation in a fresh coal bed during initial operating hours, while moderate, has not been explained. Basic scientific information is not available to explain the wide variation between coals of different geographic origins and classifications in terms of their adsorption characteristics. The ease of grinding and sizing coals to the desired range has been found to vary widely between coals from various seams. These factors indicate that coal sewage- and waste-treatment plants cannot be built on a standard packaged-design basis, but that each will have to be engineered to the best available coal at each plant site.

These matters will receive attention during the coming year's plant operation, as will the study of combustion characteristics of the coal-sewage sludge. The contractor also expects to explore the application of coal chars to the process in the belief that many of the chars produced from OCR conversion processes may have higher adsorptive capacities than the coals from which they were derived. This possibility has been strengthened by the independent findings of other OCR contractors.

High-Temperature Boiler Tube Corrosion (November 24, 1965-September 24, 1968)—Combustion Engineering, Inc.—$406,000.

OCR awarded a contract to Combustion Engineering to investigate methods by which coal can be processed to reduce corrosion or damage to fireside surfaces of high-temperature boilers. A further objective was to determine methods of reducing the amount of air pollutants.

This work has indicated certain relationships between coal composition and corrosion rates. Based on the data obtained from this testing program, the chief constituents affecting the corrosion rate are alkalies, alkaline earths, iron, and sulfur.

The alkaline earth materials are significant in that they may neutralize the alkalies, thus preventing formation of the complex compounds. Three of the tests conducted during this program have demonstrated the ability of alkaline earth materials to inhibit the corrosive effect of the alkalies.

Because of the close correlation between iron, pyritic sulfur, and total sulfur in most coals, it has been difficult to determine which of these variables is most significant. For corrosion to occur, both iron and sulfur must be present in some limited quantity. In addition, a certain concentration of sulfur trioxide is needed to maintain stability. The data indicate that both iron oxides and sulfur in the range normally found in utility coals are contributing factors in determining the corrosion rate.

The combination of effects of each of the variables—sodium, potassium, alkaline earths, and iron—made it possible to explain the corrosion rates on most of the coals tested. A nomograph has been constructed whereby the potential corrosiveness of a given coal can be determined. Also, amounts of neutralizing limes and limestones to be added (expressed as CaO equivalent) can be established from the nomograph. This nomograph provides a tool by which preparation processes can be modified to reduce the corrosiveness of the coal.

These results provided the groundwork for a corrosion-reduction study of the entire system of operations, from the seam face where mining begins to the point of loading for shipment.

1. The Mining System: Analyses of many channel samples indicate that the materials affecting corrosion, as well as other coal impurities, originate primarily from the roof, floor, or partings in the seam. Therefore, the corrosiveness of a coal may be reduced by mining so as to increase the alkaline earth materials or decrease the alkalies. This can be accomplished by one or more of the following:

(a) Inclusion or exclusion of roof material

(b) Inclusion or exclusion of floor material

(c) Inclusion or exclusion of parting materials.

2. Coal Preparation: The results of bench-scale chemical and physical tests reveal that the individual chemical constituents of coal ash often concentrate in specific size and/or weight fractions of coal. Thus, conventional sizing and gravity concentrating techniques can be used to alter the chemical composition of the coal product. Thus, it is possible to reduce corrosion through conventional coal-preparation methods.

In order to verify these possibilities, a 25-ton lot of coal was prepared by size and gravity separations to increase alkaline earths and decrease alkali content. The furnace test of this modified coal demonstrated substantial reduction of corrosion as expected.

3. Coal Additives and Blending: There are still other possibilities, at the mine site, for reducing corrosive properties. One of these is the use of locally purchased or mined corrosion-retarding additives such as limestone or dolomite.

Another method that has been in use for many years, especially in England, is the blending of corrosive and noncorrosive coals, possibly from different areas of the same mine.

A combination of these techniques may prove to be the most advantageous.

Methods used to produce noncorrosive coals can also serve for pollution control. However, 2 to 12 times as much neutralizing material may be needed to control pollution. Conversely, the amount of neutralizing material needed to control air pollution would, in most cases, exceed the amount needed to control high-temperature corrosion. According to results of the OCR study, the most corrosive coal tested would require an addition of 1.6 percent calcium oxide as measured on a coal basis to eliminate high-temperature corrosion.

To control both sulfur gas emissions and boiler corrosion, it is desirable to maintain an optimum balance between the sulfur level of the coal and the alkaline earths retained in the coal or added to the coal. Conventional cleaning using gravity techniques can remove most of the pyritic sulfur and thereby reduce the total sulfur by 50 percent or more. Such a reduction greatly reduces the alkaline earth requirements. Coal preparation processes might be designed not only to reduce the sulfur but increase alkaline earth percentages as well.

Flyash Construction Material Program (December 6, 1965-June 6, 1969)—West Virginia University—$466,500.

The WVU-OCR brick pilot plant was described in great detail in the 1968 Annual Report of the Office of Coal Research. Briefly, the process involves mixing flyash with bottom slag or with bottom ash in predetermined amounts, and adding small quantities of sodium silicate (water glass) solution as a binding agent. This mixture is then pressed into brick, block, or other structural shapes and subsequently fired to yield an inexpensive, lightweight, high-strength, high-quality product. The process is shown in the schematic diagram.

During the past year, shakedown and test operations were undertaken, and all mechanical phases of the pilot plant have proved to be technically sound. An extensive plant optimization program has been completed utilizing one flyash-slag combination. Optimum values for such variables as forming pressure, silica content, moisture content, firing cycles, etc., have been established and will serve as a guide for the remaining flyash-slag combinations chosen for the program.

Experimental work completed this year indicates that the chemical composition of flyash and bottom ash is of little significance in the production of structural materials, with the exception of a few problem flyashes. These flyashes, when untreated, produce an undesirable structural material. Problem flyashes containing relatively high quantities of soluble minerals and flyashes which originate from limestone-based experimental air pollution control processes can be treated by adding hydrochloric or acetic acid to yield a high-quality structural product. The acid additive reduces scumming and efflorescence, increases unfired and fired brick strength, and with certain flyashes reduces by 50 percent or more the sodium silicate binder consumption. The latter benefit offers a considerable cost saving, since the sodium silicate is the most costly item used to produce structural materials from coal ash.

A West Virginia University Coal Research Bureau report in question and answer form, covering all phases of the WVU-OCR Flyash Brick Program, will be published in the early part of the coming year.

Coal-Fired Diesel Engines (May 10, 1966–January 31, 1969)—Howard University—$229,350.

The contractor has been investigating the feasibility of converting a conventional diesel engine into an engine utilizing a combination of pulverized coal and diesel oil as the fuel.

The work employs a small four-stroke-cycle diesel engine rated at 15 horsepower at a full speed of 1800 rpm. This engine has been reconditioned and its lubrication system and other parts modified to reduce oil contamination by the pulverized coal.

The engine is instrumented to determine typical internal-combustion engine design factors such as pressure and temperature variations, fuel consumption, exhaust gas composition, brake horsepower, and heat losses.

Most recently Howard University, in conjunction with a subcontractor (Value Engineering Company), has completed approximately 50 hours of a 100-hour test aimed at identifying and assessing problems associated with fuel injection, corrosion, abrasion, and lubricating oil contamination. The wear rates reflect some improvement over previous studies, but they are still unsatisfactory. Slag accumulation around the exhaust valve, though no problem in the existing tests, is sufficient to be of concern in extended utilization of pulverized coal as a diesel fuel. The performance of the engine was found to be very sensitive to engine speed and particle size distribution and somewhat less sensitive to types and classifications of coal.

Based on existing market prices, savings in fuel cost might be realized using a coal/oil mix, but whether it would be sufficient to offset capital investment, maintenance, storage and handling costs is somewhat questionable.

25-HOUR COMPARISON—ENGINE OPERATING ON DIESEL OIL VS. OIL AND COAL, 1000 RPM 90 PERCENT RATED LOAD EQUALS 7.5 HP

	Oil	Oil/coal
Special fuel consumption.	0.423 lbs. oil/BHP-hour.	1.596 lbs. oil plus lbs. coal/BHP-hour.
Fuel consumption	3.15 lbs. oil/hour	.88 lbs. oil/hour. 11.02 lbs. coal/hour.
Mechanical efficiency	66 percent	66 percent.
Thermal efficiency	46.8 percent	16.7 percent.
Exhaust gas analysis:		
CO_2	6.3 percent	11.4 percent.
O_2 (Moisture free).	11.1 percent	3.8 percent.
CO	.14 percent	.6 percent.
N_2 (Bal)	82.5 percent	84.2 percent.
Heat balance:		
Heat from fuel	61,400 B.t.u./hour	73,660 B.t.u./hour.
Exhaust gases	32 percent	40 percent.
Water	17 percent	15 percent.
Work (IHO)	46.7 percent	39 percent.
Radiation and convention.	4 percent	6 percent.

Culm Bank Processing (August 26, 1966–February 26, 1969)—Dorr-Oliver, Inc.—$289,575 U.S. Government Funds; $96,525 Commonwealth of Pennsylvania Funds.

Hundreds of millions of tons of anthracite refuse exist in culm banks throughout the Pennsylvania anthracite coal mining region. The contractor has upgraded the refuse by processing crushed material in a fluidized-bed reactor to burn out most of the carbon, in the hope of producing an economically attractive product, or products, for further processing and end use.

As possibilities, many end products were listed for consideration, such as concrete and lightweight aggregates, "red dog," cinder, low-grade fuels, pozzolanic cements, alumina, lime, vanadium, germanium, lithium, uranium, sulfur dioxide, sulfuric acid and carbon dioxide.

For the long term and for strategic defense reasons, extraction and recovery of alumina from red dog could have importance. However, in view of the technical problems, and the absence of economic feasibility, actual testing has not been performed under this contract. Physical characteristics of synthetically produced red dog (hardness, porosity, friability, size consist and bulk density) were such that the material was found unsuitable in roadbuilding applications, e.g., as highway embankments, soil stabilization, soil cement mixes, and bituminous mixtures. Due to some or all of the above physical characteristics, the red dog is considered unsuitable for use as cement and lightweight aggregate in most building block mixtures.

Upgrading refuse to meet lightweight aggregate classification by bloating (increasing volume through heat treatment) did not prove feasible in a fluid-bed reactor. Test runs with flux additions did not produce bloating at safe operating temperatures, and it now seems doubtful that a fluid bed provides the type of regime for the fluxing action to take place.

Culm-bank refuse samples from Scranton and Coaldale, Pennsylvania, were processed at Dorr-Oliver's semiworks in Stamford, Connecticut, and sent on to the brick testing facilities of West Virginia University at Morgantown, West Virginia, for evaluation. In Stamford, samples of raw anthracite refuse were dried and stage-crushed from a top size of about 4 inches to minus 4 mesh, to provide a 12-inch diameter fluid-bed reactor feed containing a minimum of fines and a low sulfur content. Depending primarily on physical characteristics of the reactor product inherent in the raw refuse, superior-quality face brick can be made which has an attractive golden brown, rough-textured appearance and meets ASTM Grade SW specifications.

Brick optimization tests revealed the need for increased amounts of sodium silicate binder in cold-mix formulation and moderate to high firing temperatures in comparison with flyash-based brick. Upgrading of the fluid-bed reactor product may be achieved by crushing, screening or magnetic separation. Some nonmagnetic reactor product was found suitable for making refractory-grade brick.

Although the technical feasibility of processing anthracite into superior-quality face brick via combustion in a fluid-bed reactor has been demonstrated, the economics do not appear sufficiently attractive to justify operation of a pilot plant. It is possible that future developments will justify a reevaluation of culm-bank material as a raw material for the brick industry.

Investigation of fired refuse as roadbuilding material has not been adequately made, and large quantities of the more refractory reactor product could conceivably meet highway construction material and performance specifications.

SUPERIOR QUALITY FACE BRICK FROM TAYLOR REFUSE—ASTM SPECIFICATIONS

	Face brick (grade)		Common brick (grade)			Taylor face brick	
	SW	MW	SW	MW	NW		
Compressive breaking strength (p.s.i.)	3,000 minimum	2,500 minimum	3,000 minimum	2,500 minimum	1,500 minimum	3, 054	4, 101
Water absorption, 5-hour boil (percent)	17 maximum	22 maximum	17 maximum	22 maximum	No limit	11. 3	14. 83
Saturation coefficient	0.78 maximum	0.88 maximum	0.78 maximum	0.88 maximum	No limit	0. 744	0. 57
Efflorescence	Slight	Slight	No limit	No limit	No limit	Slight	Slight

Special Purpose Coals (September 26, 1966–January 26, 1969)—Pennsylvania State University—$492,856 U.S. Government Funds; $49,484 Pennsylvania State University Funds.

Pennsylvania State University research is aimed at adapting mining and preparation practices to yield, at the lowest possible cost, coal raw materials that are best suited for each new utilization process under development by OCR contractors. The objectives are to increase yields and efficiencies, minimize operational problems, and improve market competitiveness. The program includes investigation of both traditional and novel techniques of beneficiation that are suited to handling the complex mixture of coal types found in run-of-mine coal. Studies of coal grinding and other comminution techniques are underway in order to produce ultrafine sizes of anthracite for special uses and to develop cost data on crushing coal to micron sizes.

In addition, Pennsylvania State University provides a service to other OCR contractors by developing analytical data on all coals under study in experimental pilot plants.

Coal types and full-seam samples from all of the major coal regions of the United States have been collected for study and testing. The coal seams sampled contained a number of layered bodies, each often consisting of strikingly different types of coal. Each seam, therefore, comprises a source from which several raw materials can be extracted if proper mining and beneficiation methods are employed.

BENEFICIATION STUDIES

Coal-type samples were studied to determine the best beneficiation methods to segregate these materials during coal preparation. Following analysis of these studies the sample of as-mined coal was prepared, both to clean the coal and to yield the compositionally different coal types as separate products.

The ability to separate compositionally different coal materials from a single seam has been clearly demonstrated. In the case of a highly-volatile "A" rank bituminous coal from the Appalachian region, two layer samples were procured in the mine, together with a large, full-seam sample. The full-seam sample, given special preparation, produced four distinctly different types of coal material.

Similar experimental studies using lignites have shown that it is possible to control composition with these low-rank materials. The feasibility of producing coal raw materials of specified composition has been demonstrated, but still requires development of techniques for application on a commercial basis.

Properties of Various Coal Types

Each of the 42 common coal types collected has been studied to determine its important properties. Hardness, grindability and specific gravity are among these properties. The grindability of different coal types can differ greatly within coals of the same rank and even within the limits of a single seam in a single mine.

Other properties relate to utilization. The effect of heating on particles of the coal types and their elemental composition are examples. Some coal types become very fluid when heated in an inert atmosphere, others display little or no fluidity; some tend to agglomerate, others do not. These properties are of great importance to coke production for the iron and steel industries. The tendency to agglomerate is a severe difficulty in many coal-conversion processes under development. For these processes, nonagglomerating coal types must be chosen or costly pretreatment must be employed.

The mineral content of the coal types and the elemental composition of the coal ash display broad regional differences. To date, the number of samples inspected are inadequate for firm generalizations. However, different coal types have distinctly different potassium-sodium ratios. This is important in view of relationships between this ratio and the rate of boiler fireside tube corrosion.

The greatest adsorptive capacities have been found in coal types from relatively low-rank bituminous coals (high-volatile "C" rank). However, the individual coal types within this rank (and in other ranks) display significant differences in adsorptive capacities. The ability to separate these coal types in the preparation plant should permit optimizing adsorptive capacity of coal used for sewage treatment. Excellent adsorptive capacities have been demonstrated with several coal chars produced in some of the conversion processes under study by other OCR contractors.

Cooperative Studies

Preliminary attempts to predict oil yield from a knowledge of the coal types used in the process were sufficiently successful to warrant a cooperative effort with FMC Corporation to study the matter further. Bench-scale tests are being conducted to develop data on which a tentative conversion yield formula will be based. This will then be checked by test runs on a pilot-plant scale.

Similarly, studies of the relationship between coal type and acetylene production have shown promising results with considerable differences in yield from the various coal types.

EXAMPLES OF ELEMENTAL COMPOSITION OF THE ASH DERIVED FROM COAL TYPES OBTAINED IN EASTERN AND WESTERN UNITED STATES

	Eastern United States		Western United States	
	Range (percent)	Median	Range (percent)	Median
Sodium oxide	0.06– 3.88	0.42	0.20–11.48	0.74
Potassium oxide	.04– 2.29	.67	.05– 1.53	.19
Calcium oxide	.35– 9.00	2.80	1.75–34.63	19.87
Magnesium oxide	.19– 1.61	.65	.68–13.25	6.57
Iron oxide	1.28–64.13	7.45	1.20–20.50	6.34
Sodium/potassium ration	.10–15.88	.74	.18–28.70	7.00

ECONOMICS AND MARKETING

Economics and marketing studies supported by OCR are generally of two types: (a) assessments of potential markets for U.S. coal, with recommendations for action directed toward achieving indicated potentials (including transportation to markets); and (b) market studies related to economic problems to maximize the economic impact to OCR technological projects.

Chemical By-Products from Coal (August 16, 1968–December 6, 1968)—Skeist Laboratories, Inc.—$61,500.

Under contract with OCR, Skeist Laboratories, Inc., of Livingston, New Jersey, reviewed the potential costs and markets for the commercial byproduct chemicals anticipated from the conversion of coal to liquid and gaseous fuels. The contractor evaluated the probable net income attainable from the isolation and sale of such byproducts and submitted a final report containing a detailed discussion covering ethylene and propylene; aromatics; napthalene; hydrogen; ammonia; sulfur and tar acids. The report also includes the economics of a conceptual all-chemical refinery.

The potential profits derived from a coal refinery are improved by the credits obtainable through the sale of chemical byproducts. The technical capability to produce chemicals from coal at a high level of profitability now exists. In the last fifteen years, dramatic improvements have been made in crude oil refining processes and chemical recovery. Projects uneconomical in the years immediately following the war now appear highly attractive.

Synthetic crude oil from coal is a much better feedstock for production of aromatics than typical naphthalene-rich petroleum crudes. Aromatics are obtainable either as prime products or coproducts with fuel production. Olefins are obtainable from naphtha or off-gas feeds as readily as from petroleum. In addition, there is the possibility of isolating a variety of intermediates not readily available from petroleum and with potential value for new families of plastics, fibers and chemical specialties. Sulfur, ammonia, cresols and cresylic acids add further to the potential profitability of the coal refinery.

Conditions have changed, the report states, and industry must not be inhibited in its plans because of past economics. Not only will coal be able to provide much of our future liquid and gas fuel requirements, but it seems certain that it will return to its historical status as the source of most of our organic chemical intermediates. The final report has been issued and is available to the public.

Study of the Identification and Assessment of Potential Markets for Chars from Coal Processing Systems (June 12, 1967–December 26, 1968)—Battelle Memorial Institute—$61,500.

In converting coal to liquids or gases, a solid residue (char) having a substantial heating value, remains. This must be sold to receive byproduct credit for the process, or used for inplant purposes at some assigned value.

The amount of char to be produced by a single commercial plant will be considerable, varying from process to process. The range is from one million tons or less, annually, to as much as four or five million tons. Thus it is essential to find uses and markets which can consume such large quantities.

As was anticipated, the prime market for char was found to be as a fuel for the thermal generation of electric power. Some of the conversion chars possess a heating value almost as high as the net heating value of the original coal. No trouble is foreseen in burning the char.

Results from small-scale tests run in several laboratories indicate that the chars tested can be burned in a pulverized coal or cyclone furnace unit. However, an adjustment of the burner system, heat absorbing surfaces and furnace configuration is required. To burn some of these chars efficiently in a properly designed furnace-boiler system may involve no extra capital cost. Other chars may require up to 10 percent additional capital costs for the steam generating portion of the plant.

The report states that a definite plus factor exists for the use of char in magnetohydrodynamics (MHD) a developing technology for electric power generation. The advantages of char are its lower hydrogen content and a higher conductivity of the combustion products.

Work by two OCR contractors has shown that some chars possess adsorptive properties that are equal or nearly equal to commercial activated carbon for purposes such as waste water treatment and water purification. Battelle Memorial Institute states, "The availability of relatively low cost 'activated' char should promote the use of tertiary sewage waste water treatment and treatment of waste water in general."

Study of Coal Shipments to Canada (March 29, 1968–June 29, 1969)—R. L. Banks & Associates, Inc.,—$63,197.

A transportation consulting firm, R. L. Banks & Associates, Inc., is conducting an economics and marketing study of future coal shipments to Canada. This study was undertaken as a sequel to an earlier OCR export coal survey relating to Europe and Japan. It was decided that a somewhat similar study should be undertaken to examine coal exports to Canada, the largest customer in the U.S. coal-export trade.

The contractor has finished, to a substantial extent, its study of the size and trend of market potential for U.S. coals in the Provinces of Ontario and Quebec, Canada. An investigation has been made of the fuel-consuming industries in the region and the trends of consumption. An informal report has been issued to OCR, and this, with some additional material not affecting the economic and marketing conclusions, will be published as a part of the final report.

The contractor has determined seven potential U.S. coal export areas. As the work progresses, R. L. Banks & Associates, Inc., will consider possible transport alternatives for delivering U.S. coal, in substantial amounts, to some of these areas. Transportation of coal from U.S. mines to Canadian fuel users, including consideration of hauls to lake ports; storage and handling at lake ports; lake shipping; Canadian-side unloading, storage and distribution; and alternate all-rail routes will be examined. This study covers transport changes and efficient new methods as these relate to additional coal volume forecast for a future year.

APPENDIX

LIST OF OCR TECHNICAL REPORTS

All reports must be prepaid.

Survey of Opportunities to stimulate Coal Utilization: R & D Report No. 1—OCR Contract No. 14-01-0001-223. Contractor: Booz, Allen & Hamilton, Inc., refer to: PB-181177 (Volume 1)—$3.00 [2] PB-181178 (Volume II)—$3.00.[2]

Hydrogenation of Pulverized Coal in a Plasma Jet: R & D Report No. 2—OCR Contract No. 14-01-0001-228, Contractor: Georgia Institute of Technology. Refer to: PB-166819. Cost: $3.00 [2]

The Foreign Market Potential for United States Coal: R & D Report No. 3—OCR Contract No. 14-01-0001-258. Contractor: Robert R. Nathan Associates, Inc. Refer to: Above-titled report. Cost: $7.45 [1]

The Charring of Western Coals: R & D Report No. 4—OCR Contract No. 14-01-0001-274. Contractor: Montana State College. Refer to: PB-166081. Cost: $3.00 [2]

Ultrafine Coal Pulverization and its Application: R & D Report No. 5—OCR Contract No. 14-01-0001-226. Contractor: FMC Corporation. Refer to: PB-166058. Cost: $3.00 [2]

Optimization of Underground Mining: R & D Report No. 6—OCR Contract No. 14-01-0001-243. Contractor: Virginia Polytechnic

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Footnotes at end of article.

Institute. Refer to: PB-166291 (Volume I) $3.00,[2] PB-166291 (Volume II) $3.00,[2] PB-166291 (Volume III) $3.00.[2]

A study of Corona Processing of Coal: R & D Report No. 7—OCR Contract No. 14-01-0001-237. Contractor: General Electric Company. Refer to: PB-166406. Cost: $3.00 for hard copy [2] .65 for microfiche copy.[2]

Coal-Associated Minerals of the United States: R & D Report No. 8—OCR Contract No. 14-01-0001-269. Contractor: West Virginia University.[2]

Volume 1, Pennsylvania and Maryland Coal-Associated Mineral Occurrences and Markets, PB-168110, $3.00.[2]

Volume 2, Ohio Coal-Associated Mineral Occurrences and Markets, PB-168111, $3.00.[2]

Volume 3, West Virginia Coal-Associated Mineral Occurrences and Markets, PB-168112, $3.00.[2]

Volume 4, Southern Appalachian Coal-Associated Mineral Occurrences and Markets (Virginia, Eastern Kentucky, Tennessee, and Alabama), PB-168113, $3.00.[2]

Volume 5, Mid-Western Coal-Associated Mineral Occurrences and Markets (Illinois, Western Kentucky, Indiana, Missouri, Kansas, Iowa, and Texas), PB-168114, $3.00.[2]

Volume 6, Western Coal-Associated Mineral Occurrences and Markets (Colorado, Montana, New Mexico, North Dakota, Utah, South Dakota, Washington, and Wyoming, PB-168115, $3.00.[2]

Volume 7, Uses, Specifications and Processes Related to Coal-Associated Minerals, PB-168116, $3.00.[2]

Excerpt A new approach to the production of flyash-based structural materials, PB-168117, $3.00.[2]

Solvent Processing of Coal to Produce a De-ashed Product: R & D Report No. 9—OCR Contract No. 14-01-0001-275. Contractor: Spencer Chemical Division, Gulf Oil Corporation. Refer to: PB-167809. Cost: $3.00.[2]

Assessment of Potential Markets for Low-Ash Coal: R & D Report No. 10—OCR Contract No. 14-01-0001-471. Contractor: Battelle Memorial Institute. Refer to: PB-166820. Costs: $3.00.[2]

Char-Oil-Energy-Development: R & D Report No. 11—OCR Contract No. 14-01-0001-235. Contractor: FMC Corporation. Refer to: PB-169562 (Volume I) $3.00,[2] PB-169563 (Volume II) $3.00.[2]

Char-Oil-Energy-Development: R & D Report No. 11—Supplemental—OCR Contract No. 14-01-0001-235. Contractor: FMC Corporation. Refer to: PB-173916 (FINAL) $3.00,[2] PB-173917 (Appendix) $3.00.[2]

An Investigation of the Use of Coal for Treatment of Sewage and Waste Waters: R & D Report No. 12—OCR Contract No. 14-01-0001-348. Contractor: Rand Development Corporation. Refer to: PB-170490. Cost: $2.25.[1]

Feasibility Study of Coal-Burning MHD Generation: R & D Report No. 13—OCR Contract No. 14-01-0001-476. Contractor: Westinghouse Electric Corporation. Refer to: Above-titled report. Cost: $9.00 for one set—three volumes.[1]

Combustion Tests on a Specially Processed Low-Ash Low-Sulfur Coal: R & D Report No. 14—OCR Contract No. 14-01-0001-418. Contractor: Babcock & Wilcox Company. Refer to: PB-166816. Cost: $3.00.[2]

De-Ashed Coal Combustion Study: R & D Report No. 15—OCR Contract No. 14-01-0001-417. Contractor: Combustion Engineering, Inc. Refer to: PB-166815. Cost: $3.00.[2]

Pipeline Gas from Lignite Gasification—A Feasibility Study: R & D Report No. 16—Interim Report No. 1—OCR Contract No. 14-01-0001-415. Contractor: Consolidation Coal Company. Refer to: PB-166817 (Feasibility Study) $3.00, PB-166818 (Appendix) $3.00.

Low-Sulfur Boiler Fuel Using the Consol CO_2 Acceptor Process: R & D Report No. 16—Interim Report No. 2—OCR Contract No. 14-01-0001-415. Contractor: Consolidation Coal Company, Research Division. Refer to: Above-titled report and PB-176910, Cost: $3.00.[2]

COAL-FIRED PACKAGED BOILERS

[R. & D. Report No. 17—OCR Contract No. 14-01-0001-242]

Design No.	Height	Boiler Width	Length (app)	OTS order No.	Cost
Report only				PB-181585	$3.00
OCR 100[1]	14′2″	11′7″	30′	PB-181586	3.00
OCR 100-A[2]	14′2″	11′7″	30′	PB-181587	3.00
OCR 80[1]	14′2″	11′7″	25′	PB-181599	3.00
OCR 80-A[2]	14′2″	11′7″	25′	PB-181600	3.00
OCR 60[1]	14′2″	10′11″	21′	PB-181601	3.00
OCR 60-A[2]	14′2″	10′11″	21′	PB-181602	3.00
OCR 40[1]	14′2″	10′11″	17′	PB-181603	3.00
OCR 40-A[2]	14′2″	10′11″	17′	PB-181604	3.00

[1] Denotes underground storage of coal.
[2] Denotes above ground storage of coal.

Kinetic Studies of Thermal Dissolution of High-Volatile Bituminous Coal: R & D Report No. 18—Interim Report No. 1—OCR Contract No. 14-01-0001-271. Contractor: University of Utah, Fuels Engineering Department. Refer to: PB-167982. Cost: $3.00.[2]

Plasma Reactions With Powdered Coal: R & D Report No. 18—Interim Report No. 2—OCR Contract No. 14-01-0001-271. Contractor: University of Utah. Refer to: Above-titled report. Cost: $1.00.[1]

Project Western Coal—Compilation of Four 1967 Reports: (1) Flash Heating and Plasma Pyrolysis of Coal. (2) A Kinetic Study of Coal Extraction by Tetralin with Ultrasonic Irradiation. (3) A Kinetic Comparison of Coal Pyrolysis and Coal Dissolution. (4) Kinetics of the Hydro-Removal of Sulphur, Oxygen and Nitrogen from a Low-Temperature Coal Tar. R & D Report No. 18—Interim Report No. 3—OCR Contract No. 14-01-0001-271. Contractor: University of Utah. Refer to: Project Western Coal—1967 Compilation of Reports. Cost: $2.00 [1] (Four reports in one volume).

Compilation of Interim Reports on Projects for the Production of Pipeline Quality Gas From Coal: R & D Report No. 19. Contractors: Consolidation Coal Company, Institute of Gas Technology, The M. W. Kellogg Company, Bituminous Coal Research, Inc. Refer to: Above-titled report (Supply exhausted—not available).

Gas Generator Research and Development Survey and Evaluation, Phase One: R & D Report No. 20—Interim Report—OCR Contract No. 14-01-0001-324. Contractor: Bituminous Coal Research, Inc. (Out of print—not available).

Potential Market for Far Western Coal and Lignite: R & D Report No. 21—Phase I Final Report—OCR Contract No. 14-01-0001-475. Contractor: Robert R. Nathan Associates, Inc. Refer to: Summary, 28 pages $.35.[1] PB-169315 (Volume I) $3.00.[2] PB-169316 (Volume II) $3.00.[2]

The Potential Market for Midwestern and Alaskan Coal and Lignite: R & D Report No. 21—Phase II Final Report—OCR Contract No. 14-01-0001-475. Contractor: Robert R. Nathan Associates, Inc. Refer to: PB-175738. Cost: $3.00.[2]

Progress Design and Cost Estimate for Production of 265 Million SCF/Day of Pipeline Gas by the Hydrogasification of Bituminous Coal: R & D Report No. 22—Interim Report No. 1—OCR Contract No. 14-01-0001-381. Contractor: Institute of Gas Technology. Refer to: PB-176982. Cost: $3.00.[2]

Process Design and Cost Estimate for Production of 266 Million SCF/Day of Pipeline Gas by the Hydrogasification of Bituminous Coal—Hydrogen by the Steam-Iron Process: R & D Report No. 22—Interim Report No. 2—OCR Contract No. 14-01-0001-381. Contractor: Institute of Gas Technology. Refer to: PB-174064. Cost: $3.00.[2]

Prccess Design and Cost Estimate for a 258 billion BTU/day Pipeline Gas Plant—Hydrogasification Using Synthesis Gas Generated by Electrothermal Gasification of Spent Char: R & D Report No. 22—Interim Report No. 3—OCR Contract No. 14-01-0001-381. Contractor: Institute of Gas Technology. Refer to: Above-titled report. Cost: $1.25.[1]

Cost Estimate of a 500 Billion BTU/day Pipeline Gas Plant via Hydrogasification and Electrothermal Gasification of Lignite: R & D Report No. 22—Interim Report No. 4—OCR Contract No. 14-01-0001-381. Contractor: Institute of Gas Technology. Refer to: Above-titled report. Cost: $2.50.[1]

Study of Costs of Production and Potential Future Markets for (Phase I) Low-B.T.U. Industrial Fuel Gas (Producer Gas) and (Phase II) Industrial Hydrogen: R & D Report No. 23—OCR Contract No. 14-01-0001-474. Contractor: Battelle Memorial Institute. Refer to: PB-174835. Cost: $3.00.[2]

An economic analysis of the U.S. Export Coal Distribution System: R & D Report No. 24—OCR Contract No. 14-01-0001-480. Contractor: W. B. Saunders & Company. Refer to: Above-titled report. Cost: $2.50.[1]

Combined Desalination and Power Generation Using Coal Energy—Phase I: R & D Report No. 25—Interim Report No. 1—OCR Contract No. 14-01-0001-481. Contractor: The M. W. Kellogg Company. Refer to: Above-titled report (Supply exhausted—not available).

Combined Desalination and Power Generation Using Coal Energy—Phase II: R & D Report No. 25—Final Report—OCR Contract No. 14-01-0001-481. Contractor: The M. W. Kellogg Company. Refer to: PB-174938. Cost: $3.00.[2]

Commercial Process Evaluation of the H-Coal Hydrogenation Process: R & D Report No. 26—Interim Report No. 1—OCR Contract No. 14-01-0001-477. Contractor: Hydrocarbon Research, Inc. Refer to: PB-174696. Cost: $3.00.[2]

Project H-Coal Report on Process Development: R & D Report No. 26—Final Report—OCR Contract No. 14-01-0001-477. Contractor: Hydrocarbon Research, Inc. Refer to: Above-titled report. Cost: $5.00.[1]

Review and Evaluation of Project Fuel Cell: R & D Report No. 27—OCR Contract No. 14-01-0001-500. Contractor: Jackson & Moreland, Division of United Engineers & Constructors, Inc. Refer to: PB-173765. Cost: $3.00.[2]

Future Market for Utility Coal in New England: R & D Report No. 28—OCR Contract No. 14-01-0001-489. Contractor: Arthur D. Little, Inc. Refer to: PB-174540. Cost: $3.00.[2]

Catalytic Hydrotreating of Coal-derived Liquids—Project Seacoke—Phase II: R & D Report No. 29—Interim Report No. 1—OCR Contract No. 14-01-0001-473. Contractor: ARCO Chemical Company, A Division of Atlantic Richfield Company. Refer to: PB-174926. Cost: $3.00.[2]

Coal Processing by Electrofluidics—Phase

Footnotes at end of article.

I Report: R & D Report No. 30—Interim Report No. 1—OCR Contract No. 14-01-0001-479. Contractor: Iowa State University. Refer to: Above-titled report. Cost: $1.75.[1]

A Study of the Eastern Industrial Coal Market: R & D Report No. 31—OCR Contract No. 14-01-0001-486. Contractor: Booz, Allen & Hamilton, Inc. Refer to: Above-titled report. Cost: $2.50.[1]

Evaluation of Project H-Coal: R & D Report No. 32—OCR Contract No. 14-01-0001-1188. Contractor: American Oil Company. Refer to: Above-titled report and PB-177068. Cost: $3.00.[2]

Conversion of Anthracite Coal to Acetylene: R & D Report No. 33—OCR Contract No. 14-01-0001-472. Contractor: Melpar, Inc. Refer to: Above-tilted report. Cost: $1.50.[1]

Avco Arc-Coal Process—Phase I Feasibility Report: R & D Report No. 34—Interim Report No. 1—OCR Contract No. 14-01-0001-493. Contractor: Avco Space Systems Division, Avco Corporation. Refer to: Above-tilted report. Cost: $1.50.[1]

Separate Evaluations of Electrogasdynamics (EGD) Power Generation: R & D Report No. 35. Contractors: Dynatech Corporation—OCR Contract No. 14-01-0001-1191, OCR Contract No. 14-01-0001-1194. Engineering Research Institute of Iowa State University, OCR Contract No. 14-01-0001-1193. IIT Research Institute—OCR Contract 14-01-0001-1195. Refer to: Above-titled report. Cost: $1.50.[1]

Packaged-type Vertical Coal-Fired Water-Tube Boiler—100,000 Pounds Steam per Hour (OCR-V-100): R & D Report No. 36—Interim Report No. 1—OCR Contract No. 14-01-0001-478. Contractor: Pope, Evans and Robbins. Refer to: Above-titled report. Cost: $1.50.[1]

Commercial Potential for the Kellogg Coal Gasification Process: R & D Report No. 38—OCR Contract No. 14-01-0001-380. Contractor: The M. W. Kellogg Company. Refer to: Above-titled report and PB-180358. Cost: $3.00.[2]

Project Gasoline Pre-Pilot Plant Phase I Research on CSF Process—Volume II: R & D Report No. 39—Interim Report No. 1—OCR Contract No. 14-01-0001-310. Contractor: Consolidation Coal Company. Refer to: Above-titled report. Cost: $4.50.[1]

Pyrolysis of Coal in a Fluidized Bed With an Induction Plasma: R & D Report No. 40—OCR Contract No. 14-01-0001-490. Contractor: Stanford Research Institute. Refer to: Above-titled report. Cost: $3.00.[1]

Chemical By-Products From Coal: R & D Report No. 43—OCR Contract No. 14-01-0001-1192. Contractor: Skeist Laboratories, Inc. Refer to: Above-titled report. Cost: $2.00.[1]

Study of the Indentification and Assessment of Potential Markets for Chars From Coal Processing Systems: R & D Report No. 44—OCR Contract No. 14-01-0001-1192. Contractor: Battelle Memorial Institute. Refer to: Above-titled report.

PATENTS

The program of the Office of Coal Research shows promise in the number of patentable inventions that have resulted which will be in the public domain. Six (6) patents have been issued since the Office was established in July 1960, as follows:

1. No. 3,355,376—Hydrocracking of polynuclear hydrocarbons . . . Gorin, et al.
2. No. 3,257,992—Coal-burning water-tube steam generator construction, embodying integral primary coal slagging-type furnace and secondary furnace . . . John Bishop.
3. No. 3,341,447—Solvation process for carbonaceous fuels . . . Willard C. Bull, et al.
4. No. 3,371,049—Regeneration of zinc halide catalyst used in hydrocracking of polynuclear hydrocarbons . . . Gorin, et al.
5. No. 3,387,590—System for regulating the total heat output in a burning fluidized-bed heat exchanger or boiler . . . John Bishop.
6. No. 3,401,114—Process using coal in sewage treatment . . . Carlton, et al.

Seven (7) active patent applications are now pending in the U.S. Patent Office covering the following:

1. A low polarization, long-lived fuel electrode for solid-electrolyte fuel cells.
2. Solid-electrolyte stacked-disc fuel cell.
3. Dilute-phase particulate-matter boiler/heat exchanger.
4. High-quality hydrocarbon fuels from coal or any carbonaceous material.
5. Coal-fired hydrogen reformer.
6. Preparation of carbon dioxide acceptors by the melt process.
7. Reduction of unburned combustible in flyash.

At the present time, there are thirty (30) additional invention disclosures awaiting action in the Office of the Solicitor, Branch of Patents, before formal patent applications are filed.

H.R. 3375

[Public Law 86-599, 86th Congress, 74 Stat. 336, July 7, 1960]

An act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "research" means scientific, technical, and economic research and the practical application of that research.

OFFICE OF COAL RESEARCH, ESTABLISHMENT

SEC. 2. The Secretary shall establish within the Department of the Interior an Office of Coal Research, and through such Office shall—

(1) develop through research, new and more efficient methods of mining, preparing, and utilizing coal;

(2) contract for, sponsor, cosponsor, and promote the coordination of, research with recognized interested groups, including but not limited to, coal trade associations, coal research associations, educational institutions, and agencies of States and political subdivisions of States;

(3) establish technical advisory committees composed of recognized experts in various aspects of coal research to assist in the examination and evaluation of research progress and of all research proposals and contracts and to insure the avoidance of duplication of research; and

(4) cooperate to the fullest extent possible with other departments, agencies, and independent establishments of the Federal Government and with State governments, and with all other interested agencies, governmental and nongovernmental.

ADVISORY COMMITTEES, PROCEDURES

SEC. 3 (a) Any advisory committee appointed under the provisions of this Act shall keep minutes of each meeting, which shall contain as a minimum (1) the name of each person attending such meeting, (2) a copy of the agenda, and (3) a record of all votes or polls taken during the meeting.

(b) A copy of any such minutes or of any report made by any such committee after final action has been taken thereon by the Secretary shall be available to the public upon request and payment of the cost of furnishing such copy.

COMPENSATION—60 STAT. 808

(c) Members of any advisory committee appointed from private life under authority of this section shall each receive $50 per diem when engaged in the actual performance of their duties as a member of such advisory committee. Such members shall also be entitled to travel expenses and per diem in lieu of subsistance at the rates authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for all persons employed intermittently as consultants or experts receiving compensation on a per diem basis.

(d) Service by an individual as a member of such an advisory committee shall not subject him to the provisions of section 1914 of title 18 of the United States Code, or, except with respect to a particular matter which involves the Office of Coal Research or in which the Office of Coal Research is directly interested, to the provisions of sections 281, 283, or 284 of that title or of section 190 of the Revised Statutes (5 U.S.C. 99).

COAL RESEARCH DIRECTOR—5 USC 1071 NOTES—70 STAT. 739

SEC. 4. The Secretary may appoint a Director of Coal Research without regard to the provisions of the civil service laws, or the Classification Act of 1949, as amended. Section 107(a) of the Federal Executive Pay Act, as amended (5 U.S.C. 2206(a)), which prescribes an annual rate of basic compensation of $17,500 for certain positions, is amended by adding at the end thereof the following paragraph:

"(23) Director of Coal Research, Department of the Interior."

SEC. 5. Research authorized by this Act may be conducted whenever suitable personnel and facilities are available.

SEC. 6. No research shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. Whenever in the estimation of the Secretary the purposes of this Act would be furthered through the use of patented processes or equipment, the Secretary is authorized to enter into such agreements as he deems necessary for the acquisition or use of such patents on reasonable terms and conditions.

REPORT TO PRESIDENT AND CONGRESS

SEC. 7. The Secretary shall submit to the President and the Congress, on or before February 15 of each year, beginning with the year 1961, a comprehensive report concerning activities under the authority of this Act, including information on all research projects conducted, sponsored, or cosponsored under the authority of this Act during the preceding year.

APPROPRIATIONS

SEC. 8. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, not to exceed $2,000,000 to be used to carry out the purposes of this Act for the fiscal year beginning July 1, 1960.

(b) There are hereby authorized to be appropriated for each fiscal year beginning after June 30, 1961, such sums as may be necessary to carry out the purposes of this Act.

(c) Sums appropriated to carry out the purposes of this Act shall remain available until expended.

Approved July 7, 1960.

FOOTNOTES

[1] Available from: Office of Coal Research, Department of the Interior, Publications, Washington, D.C. 20240. (Make checks payable to: Interior, Office of the Secretary).

[2] Available from: U.S. Department of Commerce, Bureau of Standards, Clearinghouse for Federal Scientific and Technical Information, 5285 Port Royal Road, Springfield, Virginia 22151. Attention: Storage and Dissemination Section. (Make checks payable to: National Bureau of Standards).

[3] Available from: Superintendent of Documents, U.S. Government Printing Office, North Capitol and H Streets, N.W., Washington, D.C. 20401. (Make checks payable to: Superintendent of Documents or Treasurer of the United States).

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. RANDOLPH. Mr. President, the chairman of the Subcommittee on Labor of the Committee on Labor and Public Welfare is the Senator from New Jersey (Mr. WILLIAMS). I commend him for his capable and helpful discussion of the provisions and purposes of S. 2917. This legislation is necessary to improve the health and safety of the men who mine coal in the several producing States of this Republic. Our miners labor under hazardous conditions in the production of an energy fuel which has a dynamic impact on industry, commerce, the general economy of the United States, and, frankly, on practically all of the people regardless of the areas of the country in which they live.

Coal mining is a hazardous industry. But there are occupational hazards in many industries. We must do everything to lessen these hazards wherever they are prevalent. We must make a special commitment to help bring occupational health and safety improvements to the coal industry.

I do not wish to express a pleasantry, as pleasant as it would be to do that, but I do state factually my appreciation, as a member of the Subcommittee on Labor, for the diligent and effective leadership of the Senator from New Jersey (Mr. WILLIAMS). His leadership was apparent in all of the efforts which he constructively carried forward in presiding over the hearings by the subcommittee during the executive sessions of the subcommittee, and in his further active attention to these problems as the full committee worked its will on this vital measure which now is the pending business.

As the Senator from New Jersey will recall, we referred several unresolved and critically important facets of the bill to the full committee where the distinguished Senator from Texas (Mr. YARBOROUGH), chairman of the full Committee on Labor and Public Welfare, presided with patience and capability to help achieve the reporting of the legislation before us.

This is a very complex measure. There is, understandably, an emotionalism that cannot be separated from consideration of this type legislation. By the mention of "emotionalism" I do not imply even one iota that it supersedes or clouds the actual need for mine health and safety improvements for the men who mine coal in the United States. I only use the term in reference to the fact that too often it is tragic events which impel us to move positively into such vital areas of legislative consideration as this pending business. The report filed by our committee on this bill makes this fact clear. Congress—and the whole of government, in fact—should be more responsive to health and safety needs as normal procedure without waiting for tragedy to prod action. But, unfortunately, this is largely a failing that is inherent in the history of human behavior.

It is not inappropriate for me to say—I think it is necessary to point out—that there is a cushion of time built into several necessary provisions of this bill which I believe is to enable the coal mining industry to adjust to and meet the standards that are set down in the legislation which is before us. There are critics of these phase-in provisions who are entitled to their opinions. But I do not agree with their criticism in very many instances.

Mr. President, there were differences of opinion in the subcommittee, and then within the full committee, as to how quickly the coal mining industry would be required to meet all standards. In certain areas of the country there are conditions of mining which are different from conditions of mining in other areas. My colleague from West Virginia (Mr. BYRD) who is sitting in the Chamber during this debate, knows that there are wide differences between types and grades of coal and in mining methods in the northern part of West Virginia and in the southern part of West Virginia. Not only does coal texture differ, but so does the depth of the seams of coal. Yes, there are peculiar problems of mining that must be considered even within one State, as well as one State possibly differing from another State—even between neighboring States.

In the consideration of this legislation, which I have supported in general, and which, as I said, I helped to draft in the subcommittee and in the full committee—I have attempted not to reflect the viewpoint of any particular segment, either mining from the standpoint of the workers or mining from the standpoint of the operators. I have tried earnestly to think in terms of the overall implications and applications that will come from the passage of S. 2917, a bill that, in conference with the House probably will be brought back to the Senate to be finalized before being sent to the President.

I recall, and I hope I can reflect on and express my recollections with propriety and good taste, my membership in the House of Representatives at the time we prepared the first meaningful coal mine safety act in this country. That was in 1941. I am very quick to say it was inadequate to the needs but it was passed in 1941, even though there had been some foundation legislation prior to that time. I remember how difficult it was after we had had hearings in the Mines and Mining Committee of which I was a member—I was chairman of the Subcommittee on Coal—to develop positive legislative action. We worked and worked to bring from that committee legislation on this subject of safety and, to a lesser degree, the subject of health. I was a leader in placing a petition on the Speaker's desk so that we could discharge the committee and bring that legislation to the House floor.

We tried very diligently over a period of many months to achieve success with that discharge petition. That effort did succeed and the House of Representatives was able to act favorably on that measure, a measure that had earlier been acted on in the Senate. So the law was passed in 1941.

As the able chairman of the subcommittee knows, there was additional legislation on this subject matter in 1952.

In that year, there was an attempt to strengthen those provisions which, frankly, were more voluntary than regulatory in the act of 1941. I recall very well that the 1941 enactment had a strengthening effect. But I am quick to indicate in this debate that I think it would have been well to have strengthened the original amendments to the act during the period 1941 to 1952. Congress certainly must share a responsibility, which could be called an irresponsibility, for failure to meet the problems as they came with greater impact. One might ask: "Why do you say they come with greater impact?" Well, they came with greater impact because in this country, as the able Senators from Kentucky and Pennsylvania and Virginia well know, and as the Senators from West Virginia and other States know, we moved into those technological developments which gave us production of coal through mechanization more than by so-called hand labor.

We had, in the State of West Virginia, 120,000 to 125,000 miners digging coal in the 1940's and early 1950's. When the transition came, in some areas of our State, and in some States more quickly than others, there was a rapid reduction in manpower in the production of this fossil fuel. The men who were a part of the mining industry, and who made such a great contribution to this country's progress, realized that they were part of a mechanization program which lessened their numbers—and they saw that the production of coal was not decreased, but rather, was increased. It was the number of men involved in the production of coal which was so drastically reduced.

Thus, from approximately 125,000 bituminous coal miners in the State of West Virginia, the mining force has dropped to perhaps not more than 40,000 men and we come now to the hour when we open debate on S. 2917.

We have not reduced production through mechanization. We have increased it substantially. We have reduced only manpower.

I think it is important to stress that with the advance of mechanization there came the increasing problems of coal dust in the mines.

Hand labor did not create a situation by digging coal which affected the health and safety of miners to the degree that their health and safety are affected today when the fast drills are at work and when the dust flies as the cutting machine slices itself into mountains.

So I say that the transition from the digging of coal by labor to the mining of coal through mechanization and technological advances brought in a new element to the health and safety problem of miners to which I think Congress should have addressed itself more emphatically at a much earlier date.

Mr. President, let us think now in terms of the further legislation which came into being in 1966, when we felt it was necessary to apply the provisions of the Federal Mine Safety Act to those mines employing less than 15 workers, those mines which are so abundant in the State of Kentucky particularly, and to a lesser degree in Virginia and West Virginia and in some other parts of the country.

It was a difficult task to bring even that change of safety laws into being.

The record will disclose that I fought diligently to extend the Coal Mine Safety Act provisions to the smaller mines to protect all miners. Although I was not a Member of Congress during the years from 1947 through November of 1958, I say for the record that I feel that had I been here during that period of time I would have been active in giving attention to the mining problems of that era which have grown into the serious problems we begin to attack in the pending legislation.

In the 1966 act, I believe the record will indicate that there was no Member of this body who worked more earnestly for coverage to the smaller mines than did the Senator from West Virginia now speaking. But, Mr. President, I am again quick to admit that, as so often happens in this body—and what is true here is true of people generally—we react to tragedy. We react to that which causes us to stop and see the magnitude of a mine disaster like the Farmington disaster in West Virginia last November. I knew 15 of the 78 miners who perished in that disaster. I knew them personally, and, in several instances, I also knew the members of their families.

I have known many, many of the miners in West Virginia. I have worked with them on many of their problems. Today, I hope that with other Members of the Senate, I can at least partially meet the challenge of necessary and workable, yet reasonable, legislation which is encompassed in the bill now before the Senate.

Mr. President, we come so often after the fact. This is what we do legislatively, not only in this field of coal mine health and safety but also in the broad spectrum of the legislative field which we consider in the Senate.

Today we are faced with being suffocated by, or of being buried under, or of being drowned in the waste that we, the most affluent people in the world, have produced in this country.

So, in the Committee on Public Works, of which I have the responsibility to be chairman, we have been moving toward air and water pollution control and abatement legislation, and solid waste disposal programs, trying, as it were, after the fact, to see if we can keep pace with and overcome the degradation of the environment of which we are a part. We know what a difficult task it is. Unfortunately, in the field of solid waste disposal, the magnitude of that one problem in our country is hardly realized by the American people.

I use this as an illustration of the tendency of Members of Congress, as it is the tendency of all people, to come to the attacking of problems on a broad front too long a period of time after the crisis came upon us. The chairman and his subcommittee and the chairman and his full committee have performed great services in developing this bill. We thought our legislative acts of the past were bold steps, but they were timid and did not suffice.

I presided not long ago at a hearing of the subcommittee on water pollution control in Jacksonville, Fla. I have no desire to name an offender, but I can say that on that trip I saw with my own eyes, in the early morning before our meeting began, raw sewage coming into the St. Johns River. From where? From a hospital. That hospital is supposed to be concerned—and it is, as are the doctors working in it—with the health and safety of the men and women who are patients who are entitled to healing. They receive it in such an institution, but the citizenry of the community was exposed to incredible conditions by it. There is no need to mention the hospital. I saw what happened.

Like or similar conditions are repeated over and over in our country today. The reason for my mentioning it at this time is not in any sense to relieve the Congress of its responsibility, but only to say that, in a sense, it is only human nature in the Congress to come too much after the fact, rather than before the fact, on subject matters which are within the jurisdiction of almost every committee in the Senate.

Mr. President, I do not want to be misunderstood now. I am being very careful. I want to weigh my words. Humanity is involved here, and we must not overlook that. Precious lives are at stake, too, in the mining of coal. They are the lives of good people. The lives of hardy people are at stake. We must not overlook it.

I think I have the responsibility to say that the bill before us, if it is enacted, will cost many millions of dollars more than heretofore in the mining of coal. It is inescapable. There will be increased costs in the price of coal to the consumers, be they electric utilities or many of the other coal-using customers throughout the United States. But I think we must do what we are doing here. I do not use the trite expression, "We must pay the price." I do not mean that. I mean that as we necessarily move forward—perhaps much too slowly; I admit that—we must understand that the desired health and safety improvements cannot be accomplished without many of the costs being built in.

I see the Senator from Missouri (Mr. EAGLETON) on his feet. I say to him we, the consuming public, must be prepared to absorb those costs. We will pay them, possibly even in higher rates for electricity. I think industry will realize it is necessary to pay them. Those who mine the coal realize, and I think major portions of the management of the coal industry realize, that we can in no wise put profit ahead of the life of a coal miner in West Virginia or in any other State of this Union.

We in the Congress must understand, too, that the requirements on Federal departments and agencies for the administration of the provisions of this measure will be very costly and will necessitate vastly increased personnel and appropriations. That is a responsibility we must face and meet; it is another price we must pay in the interest of humanity.

Mr. President, amendments will be offered to the proposed legislation. At this time I do not indicate that I will support or oppose the amendments to be offered. It is important that we have thorough discussion and consideration of the bill. The viewpoints of members of the committee, some of whom will offer amendments, and those of other Senators who are not on the committee, but who also will offer amendments, must be given expression. There is a need for a dialog, in a democratic fashion, in the Senate on legislation of this type. There is no need to pass the bill within a few hours. In fact, that would beg the question, which is the very real one of doing that which is right or of doing that which might be expedient.

The Committee on Labor and Public Welfare, whose chairman, Senator RALPH YARBOROUGH of Texas, truly is a humanitarian in the true sense, means to do right on this measure. I have already expressed my compliment, which is in no wise cursory, about the chairman of the committee and the chairman of the subcommittee. I wish to pay the same compliments to the ranking minority member of the committee, Senator JAVITS of New York. With no coal mines in the Empire State, but with coal consumers in that great State, he has applied himself with great ability to a study of the important provisions and implications and applications of the legislation and he has made truly outstanding contributions to the development of this measure.

Mr. President, I propose to talk further at a subsequent time on this bill. I do not know what the actual progress of this legislation will be through the general debate and then through the amendment stage, but there are some matters which I shall wish to discuss with my colleagues.

We need the counsel of all Members of the Senate in the matter now before us. I hope that Members of the Senate who cannot, because of other commitments and responsibilities, be in the Chamber during the debate and discussion and determination will read carefully the report on S. 2917 and the material which is inserted in the RECORD by the chairman of the subcommittee as a necessary part of the RECORD.

I repeat what I have said in varying ways over a period of weeks and months, and it is that I believe the Senate will help the Congress of the United States send to the President a bill that will be effective. It must be effective. We will send to the President a bill that is workable—and it must be workable. We will send to the President a bill that is in the interests of the American public, as well as to the coal miners and their families. I am sure that to such a commitment not one, but all the Members of this body will subscribe.

I thank my colleague for yielding.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to say for myself that, coming as I do from a State that does not have coal mines, the responsibility of developing this legislation in the committee involved new subject matter to me. I wish to express my gratitude to the Senator from West Virginia. He brought to our committee deliberations nearly three decades of attention to the welfare of miners under the legislative processes, and it was invaluable to the chairman of the subcommittee and to the committee. His experience and his tireless devotion were certainly appreciated.

Mr. EAGLETON. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. EAGLETON. Mr. President, this is a good bill. That expression is perhaps a cliche; it is often said of almost any bill that is taken up for consideration by the Senate; but I can personally attest to the comprehensive and thorough treatment given to S. 2917, the Federal Coal Mine Health and Safety Act of 1969. I know of no bill that has been before this, the first session of the 91st Congress, that has received more attention in its public hearings, from a voluminous list of witnesses from all walks of life, than did S. 2917. I know of no bill, through its many executive sessions in both the Labor Subcommittee and the full Committee on Labor and Public Welfare, that has had expended upon it more man-hours by both Senators and their able staffs.

I think it is appropriate as we begin the consideration of this bill that I make some reference to three Senators who, above all others, played major roles in the evolution of the matter that is now before us.

First, of course, is the chairman of the Labor Subcommittee, the Senator from New Jersey (Mr. WILLIAMS). Most of us, though we are reluctant to admit it, are somewhat parochial in nature. We concern ourselves with those things that are of immediate and direct concern to our constituents in our respective States. We display more interest toward matters that are precisely germane to our electorate, and leave those things that are somewhat remote from our own jurisdiction to other Senators and other times.

The Senator from New Jersey, as has been pointed out, is from a State that has no coal mines. He has no vested interest, as a politician, in coal mines. He has no vested interest, as a politician, in coal mining. His constituency is not directly affected.

Yet, despite this lack of any immediate personal or political interest, he has displayed the greatest of patience, the greatest degree of leadership, and untold energy in seeing that S. 2917 was reported out from committee and is now before the Senate. Without his patience and his diligence, in my humble judgment, the bill would not have been before us in this first session of the 91st Congress, and indeed perhaps would not have been here in the second session, and might not even be before the 92d Congress when it convenes.

I pay tribute to him, not in the idle way in which Senators sometimes exchange personal pleasantries, but most sincerely, because he has been the single most important contributing factor, I think, to the evolution of this bill.

Next, I would be remiss if I did not point out the efforts of the Senator who just completed his introductory remarks, the senior Senator from West Virginia (Mr. RANDOLPH). As a display of my parochialism, I subscribe only to Missouri newspapers, and a couple of other journals called national in scope, some printed in this city and elsewhere in the East. I am not a subscriber to any newspaper published in West Virginia. I have no friends or relatives there to speak of, and so I am not in constant communication with the State. But it has been brought to my attention that it has been alleged that the Senator from West Virginia (Mr. RANDOLPH) was something less than completely interested in seeing that a sound, effective, workable, and meaningful Coal Mine Safety Act would come out of this session of Congress.

Whoever makes those statements in West Virginia could not be more totally misinformed, whether intentionally or unintentionally I know not, because at the same time that the Senator from New Jersey (Mr. WILLIAMS) was expending the amount of effort and time that I have already stated he put forth, Senator RANDOLPH likewise attended every session, both of public hearings of the Labor Subcommittee and of every executive session of both the Labor Subcommittee and the full Committee on Labor and Public Welfare, when the bill was considered. And not only was he there in attendance, he was there as a vigorous participant, trying to help bring out a bill that was effective and meaningful. He brought to this committee an expertise, a knowledge, an awareness, and a compassion that were indispensable to the creation of this bill. No other member of the committee was really knowledgeable about coal mining in specific detail. Senator RANDOLPH was and is, and at each juncture he was of immense value to all other Senators who served on both the subcommittee and the full committee, in imparting to us the expertise and the knowledge that, I repeat, were indispensable to the committee. At no time did he attempt to obstruct, impede, or in any way hinder the progress of this bill. At every meeting, on every point, he, together with Senator WILLIAMS, attempted to move the bill, to resolve disputes, to reconcile differences, and to move on to another section.

This is a complex and detailed bill, with facts and figures and percentages, and time limitations and duration periods, and rules and regulations that defy comprehension by even a reasonably well-informed layman. It is not the kind of bill that you can crank out of a committee in an hour, a day, or a week. But Senator RANDOLPH was there at every session, pushing, prodding, keeping us moving, explaining when explaining was necessary, so that this bill could come to the floor. I think it is only fair that the people of his State and, more importantly, the people of this country, and coal miners from every State, be made aware of the fact that without Senator RANDOLPH's prodding, his urging, his persuasion, and his ability to work out rational and effective compromises, this bill would not be before us.

This unjustified criticism should not be his reward for such labors. The gratitude and the thanks of the people who work in coal mines are owed to him. I think that in due course more and more people will begin to realize this. And those who have been critical, those who have done all the carping, will look back upon their criticism and their carping as, at the very least, terribly misguided.

Mr. RANDOLPH. Mr. President, will the Senator yield for a comment?

Mr. EAGLETON. I yield.

Mr. RANDOLPH. Mr. President, I am not an overly sensitive person to criticism, because I understand the problems of a legislator. I have experienced these problems during my 14 years in the House of Representatives and now for more than 10 years in the Senate. That is almost a quarter of a century of service in the Congress. So I can understand the attitudes of people—their misunderstandings and their apprehension and their criticism.

I think some misunderstandings have occurred. I hope that they can be clarified.

I shall ever be grateful for the expressions of my colleague, the Senator from Missouri, a valued member of the Committee on Labor and Public Welfare. In fact, I say with no overstatement that I shall carry in my pleasantest of memories that which he has said. I shall not forget.

Mr. EAGLETON. Mr. President, I thank the Senator from West Virginia.

Mr. President, the third Senator in the triumvirate who are owed so much insofar as the bill is concerned, is the ranking Republican member of the Committee on Labor and Public Welfare, the Senator from New York (Mr. JAVITS). He, like the Senator from New Jersey (Mr. WILLIAMS) is not a representative of a coal-producing State. However, again like the Senator from New Jersey, it is typical of the Senator from New York that in anything he undertakes, he gives of himself in an almost inexhaustible manner. He, too, is a tremendously skillful legislative craftsman.

The Senator from New York was of inestimable value in resolving the conflicting opinions of those who espoused opposite views with the result that the bill accomplishes the desired end.

Without the help of the distinguished Senator from New York, without his persuasion as an articulate and capable lawyer, and without his ability to find satisfactory and effective ways of surmounting what, from time to time, appeared to be an impasse, the bill would perhaps not be before the Senate today.

Mr. President, the entire Senate which, in due course, will cast its vote with respect to S. 2917 should be deeply and everlastingly grateful to these three Senators, the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. JAVITS), for the effort, the talent, the energy, and the compassion which they displayed in bringing the bill into being so that coal miners in all of the various States that engage in that industry will from the date of its enactment forward have a better, safer, and healthier place in which to work and ply their trade.

Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, I certainly express my appreciation to the Senator from Missouri for the generosity of his remarks dealing with me and also once again for his complete participation in all of our committee deliberations, for the hard and important but pleasant work that consumed us all with dedication, without acrimony, but with agreement and with good results, because we reported the bill with a unanimous vote.

The Senator from Missouri was most helpful in every step of the way. I appreciate his efforts.

Mr. BYRD of West Virginia. Mr. President, I would like to ask the able Senator from New Jersey a question as to what consideration if any was given to the possibility of having provisions included in the bill which would provide compensation for miners suffering from black lung who do not qualify for compensation under State law.

The reason I ask the question is that I have been very interested in legislation which would provide for compensation to miners suffering from pulmonary diseases who are not covered by State statute. In West Virginia there are many miners suffering from black lung and other pulmonary diseases who do not qualify under State statutes for compensation.

With this in mind, I gave considerable time to the development of proposed legislation which would provide Federal assistance in this area. I was able to work with the Washington headquarters of the United Mineworkers of America in developing a proposed bill which would provide Federal assistance over a period of 20 years, with the Federal assistance decreasing, I believe, in the amount of 5 percent a year and the States picking up the additional costs annually, but with no cost to the coal industry. I have felt that if the Federal Government could provide assistance along this line, without additional cost to the industry, we would not incur the opposition of the industry, which is already heavily burdened with overhead costs; but, at the same time, the Federal Government would be assuming some responsibility in this area, and I think it should assume such responsibility.

So it was with the advice and counsel and assistance of Mr. George Titler, vice president, and other officials of the United Mineworkers of America, that I was able to prepare the proposed legislation, and my senior colleague, Senator RANDOLPH, and I joined in cosponsoring it.

As the able Senator from New Jersey will recall, I appeared before his subcommittee and testified in support of this measure. My first question, therefore, is, Was consideration given in the subcommittee deliberations to adding provisions dealing with compensation?

My second question is, What are the prospects for such legislation at this point being added by way of an amendment to this bill?

My third question is, If such prospects are not good, what encouragement or assurance could the able Senator give to the Senator from West Virginia as to the prospects for such legislation in the near future?

Mr. WILLIAMS of New Jersey. First, the committee did not have before it any proposed legislation dealing exclusively with workmen's compensation for black lung disease, pneumoconiosis. One of the bills, S. 1094, although it included provisions on this subject, had health and safety as its major thrust. I believe I am accurate when I state my recollection that the first time the attention of the committee was directly drawn to the need for compensation for men disabled by black lung disease was by the junior Senator from West Virginia (Mr. BYRD). Of course, it was my personal feeling as chairman of the subcommittee that this certainly should receive careful attention and, so far as the chairman was concerned, most sympathetic consideration.

As we continued our hearings and deliberations on the safety and health measure, we did not deal in any comprehensive way with this particular approach of compensation for the disease. As necessary as it is, as grateful as we were that the junior Senator from West Virginia brought it to us, it was not dealt with at that point to the extent that we were able to include it in the pending bill.

So far as amendments here are concerned, it would seem to me that it is now established that this disease, without preadventure, is associated with the dust in the coal mining process, that it is disabling, and that it should be a compensable disease.

I would believe that our committee responsibility should be to consider it in depth. In the meantime, if there were a way to deal with this temporarily through a measure to bring disability payments to men disabled by the disease, certainly I would try to find, even now, a way to deal with the emergency in a temporary fashion, looking toward a comprehensive, long-range program of compensation for men disabled by pneumoconiosis.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his response. I understand his answer to be that it is quite possible that consideration might be given on the floor of the Senate to language which would establish a short-term program to assist coal miners who suffer from pulmonary diseases and who do not qualify under State statutes. Am I correct?

Mr. WILLIAMS of New Jersey. That is what I tried to convey to the Senator, yes.

Mr. BYRD of West Virginia. With the idea that there would be a study running concurrently with the temporary program, the study leading possibly to a long-range program.

Mr. WILLIAMS of New Jersey. Yes. I would think that would make a great deal of sense. That would be the logical and best way to do it. Whoever would make the study—Federal or State—it would be subject to discussion, decision, and conclusion. I would think a permanent program would be most sensible.

Mr. BYRD of West Virginia. I appreciate the sympathetic attitude on the part of the able Senator from New Jersey.

I realize that such long-range legislation would require considerable study and would require some actuarial cost estimates. But I would hope that something could be worked out while the bill is on the floor, leading in this direction at least—perhaps providing for an interim program as the chairman has suggested.

At this moment I also wish to express my appreciation to the able Senator for the great effort he has put into this matter and for the long hours of hard work he has spent in bringing this bill to the floor. I think he has done a splendid job.

I also wish to congratulate my able senior colleague, Senator RANDOLPH, who has been so diligent and so thorough in his study of this measure.

I also wish to congratulate and express appreciation to the able senior Senator from New York (Mr. JAVITS), who likewise has performed admirably.

Mr. WILLIAMS of New Jersey. Mr. President, may I say in that regard that it has been mentioned that this Senator comes from a State that does not have coal mining as an industry, and the Senator from New York, who has been so helpful in the whole process, comes from a State that is not known as a coal mining State. I do not know whether the Senator from New York has been, but I have been lightly abused and chided about my interest in an industry that does not come on bulking large in my State. With apology to the Senator from New York, I was referred to as the "Broadway coal miner."

But I will say this: Not knowing much about the industry and getting into this with a responsibility, I spent a good deal of time in coal mines and now know a little of the problems and dangers and I have a great feeling of compassion for the problems of the coal miners. I now have a sufficient working knowledge to feel confident that this bill is needed and it is a good bill to meet the objectives.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. JAVITS. Mr. President, for the information of the Senate, I should like to say at this moment that the Prime Minister of Israel is downstairs, being received by the Committee on Foreign Relations, of which I am a member. I should be honored to attend that session, if I am permitted to do so. So, although I am the ranking minority member, rather than follow Senator WILLIAMS, the Senator from Kentucky (Mr. COOPER), who has a profound interest in the proposed legislation, will succeed Senator WILLIAMS to the floor.

With the permisision of the acting majority leader, I should like to ask unanimous consent that, following Senator COOPER's remarks, I may be recognized in respect of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have just this further observation with respect to the statement by the Senator from New Jersey. He spoke of the need for Federal research, and research on the part of the industry, into the hazards of coal mining, and with respect to the health and safety of coal miners.

I want the record to show, Mr. President, that the Federal Government has been cognizant of the need for research in connection with diseases among the coal mining population.

As far back as 1963, I was successful in adding an amendment in the amount of $100,000 to the bill making appropriations for the Public Health Service to establish a research program in West Virginia dealing with pulmonary diseases among the coal-mining population. Each year thereafter the committee appropriated moneys for the continuation of this research program. Last year, the appropriation was $1,227,000, the result being that presently at the University of West Virginia in Morgantown there is what we call ALFORD, the Appalachian Laboratory for Occupational Respiratory Diseases, which gives its entire time to the study of pulmonary diseases among the mining population of Appalachia.

Also I would point out that Congress has appropriated approximately $5 million for the construction of the Appalachian Health Center which I was instrumental in locating at Morgantown, W. Va., and that center will carry on and conduct continuing research with respect to pulmonary diseases among the mining population.

I say this so the record will show that the Federal Government has not only appropriated moneys for coal research and research dealing with the commercialization of coal, the development of byproducts from coal, and so forth, but that it has also appropriated money dealing with research in connection with mining diseases.

I do not mean to denigrate what the Senator has said about the need for increased health research, but I thought the record should show that the Congress has not been entirely oblivious to this great need and that it has been responding over a period of several years.

Mr. WILLIAMS of New Jersey. We are where we are because there are now clear findings of the relationship of the dust to the respiratory system. Certainly some of the best data we have had in making these findings came from the facility the Senator referred to.

I wish to ask the Senator from West Virginia, who has been so close to this industry and the problems connected with the industry so much longer than I have, is it not true that the disease known as pneumoconiosis was not absolutely related to coal dust and the respiratory system until recent years?

Mr. BYRD of West Virginia. I think that is correct. Certainly as a result of this research we have learned more about pneumoconiosis, silicosis, black lung, and other pulmonary diseases, so prevalent among coal miners.

Mr. WILLIAMS of New Jersey. I agree. I thank the Senator from West Virginia.

Mr. JAVITS. Mr. President, I ask unanimous consent that the unanimous-consent agreement which was just obtained with respect to the order of speakers may be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, with the kind consent of the Senator from Kentucky (Mr. Cooper), I shall speak now because I find that the affairs downstairs have been delayed.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, as the ranking minority member of the Committee on Labor and Public Welfare, the Subcommittee on Labor, and as the author of two of the bills which the committee considered in drafting the coal mine health and safety bill which is now before the Senate as S. 2917, I support the bill as reported by the committee. The Subcommittee on Labor and the full committee have given this bill the most careful and detailed consideration.

I think with the great leadership which has been given to this matter by the Senator from New Jersey (Mr. Williams), we have brought to the Senate a credible reform measure on this most dangerous of all industrial fields.

I realize there are objections to the bill and problems which will be raised, primarily by our very distinguished friend, the Senator from Kentucky (Mr. Cooper). However, I think that all in all we have produced a product which is worthy of the Senate. Certainly it had the most thorough consideration.

We have heard over 40 witnesses representing the administration, operators of both large and small mines, coal miners, medical and safety experts in this country and Europe, and other interested persons. The hearing record covers over 1,500 pages.

The bill which is now before the Senate was the product of some 13 days of executive consideration by the Subcommittee on Labor and the full committee, and is certainly the most comprehensive health and safety legislation ever to come before the Congress. It is in no sense a partisan bill. It incorporates the ideas and suggestions of virtually every member of the committee. Furthermore, and I want to emphasize this point, it is in no sense a compromise bill. Throughout this bill the committee has consciously avoided sacrificing considerations of health or safety to economics or efficiency. To put the matter succinctly, this bill, if properly enforced, will produce the safest and healthiest coal mines possible, given the state of existing technology.

Under the bill, strict new interim safety standards are established to cope with the danger of explosions such as the one which killed 78 miners in Farmington, W. Va., last November. The improved standards are not, however, limited to those directed at preventing "major disasters"; that is, those which threaten injury or death to five or more miners. All types of dangers are covered, including particularly, roof falls, which are responsible for most of the deaths which have, year in and year out, occurred in the mines. In addition, the bill, for the first time, establishes health standards to limit the level of coal dust, the cause of the infamous "black lung" disease, which has disabled and killed thousands of miners. The Secretaries of Interior and Health, are given the responsibility and authority to develop and promulgate improved safety and health standards in the future, as research and experience show that new standards are necessary. A strict enforcement scheme is established with civil and criminal penalties applicable to operators of mines in which violations of health and safety standards occur and to miners in the case of violations of standards prohibiting smoking. Other salient features of the bill include crash research programs in areas in which the committee believes further and prompt improvement is necessary and a tax going up to 4 cents per ton of produced or imported coal to finance health and safety research.

Mr. President, I do not for a moment deny that this bill is strong medicine for the coal mine industry. But strong medicine is clearly required in the face of the facts concerning health and safety in this industry.

Coal mining is perhaps the most dangerous occupation in America. In the last 10 years there have been over 112,000 accidents in coal mines, 2,752 of them fatal. In 1968 alone there were 9,806 accidents, in which 311 men died. I have already spoken of the horrible catastrophe which occured last year in Farmington, W. Va., where the Mannington mine exploded, killing 78 miners. After that disaster, industry-government conferences were held, pledges were made by all parties to take special steps to increase health and safety in the mines, the number of inspections was drastically increased, the practice of notifying operators prior to Federal inspection was stopped, but we have still had over 95 fatalities in underground coal mines since last November.

No radical change can be expected in this record unless and until the existing Coal Mine Safety Act is modernized and strengthened.

As long ago as 1942, the Russell Sage Foundation published a study regarding the prevention of fatal explosions in coal mines. The authors of that report wryly commented:

> Dead miners have always been the most powerful influence in securing passage of mining legislation.

Mr. President, there is no doubt that the Mannington disaster has had a great deal to do with the kind of bill that the committee has reported out and is pending before the Senate today. This bill obviously comes too late to help the miners buried in the Mannington mine, or their widows and children, but it does represent an attempt, perhaps for the first time, to close the barn door before the horse have been stolen.

This is especially true insofar as the safety provisions of the bill dealing with the danger of explosions or ignitions are

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concerned. These provisions, which are of great importance to me, deal with such matters as better ventilation practices, more frequent tests for methane, the use of automatic methane monitors and the elimination of the wholly spurious distinction between so-called "nongassy" and "gassy" mines.

The elimination of this distinction between gassy and nongassy mines proved to be most controversial, and aside from the dust standard, no issue was given as much time or attention by the committee. After hearing the arguments advanced by the small mine gassy mine operators, and particularly the most eloquent and persuasive arguments of the senior Senator from Kentucky (Mr. COOPER), who appeared before the committee in executive session, the committee concluded, in my opinion correctly, that the danger of methane ignitions or explosions in mines previously classified as nongassy is sufficiently great to warrant elimination of the distinction and to require that all electric face equipment used in such mines be made permissible.

The committee report goes into this question in very great detail and, in my judgment, conclusively demonstrates the correctness of the decision reached by the committee. Briefly, the record shows that during the past 17 years, over 50 methane ignitions, causing 27 fatalities, have occurred in nongassy mines of every description, including drift, slope and shaft mines, above and below the water table. In many of the mines in which these explosions or ignitions occurred, none or only the slightest trace of methane had ever been found previously. As this record implies, the fact is that there is really no such thing as a nongassy mine; trapped pockets of methane may exist in any type of mine, whether or not it is a drift, slope or shaft mine and whether or not it is above the water table.

The majority of the methane ignitions or explosions which have occurred in nongassy mines have been caused by smoking or open flames. However, at least nine of the explosions were caused by low horsepower electric face equipment, such as drills, and it appears that four explosions one of which killed 11 miners, have been caused by electric face equipment in nonpermissible condition. Thus, it simply flies in the face of the facts to maintain, as some small operators have done, that the use of nonpermissible equipment has never been the cause of any injury or fatality in nongassy mines.

The senior Senator from Kentucky pointed out to the committee that in comparison to gassy mines, nongassy mines have an excellent safety record, particularly insofar as explosions or ignitions are concerned. Such is indeed the case. Senator COOPER also made several suggestions concerning the maintenance of proper barriers between coal mines and gas wells, and the prohibition of open flames and nonpermissible low horsepower equipment, such as drills, which the committee adopted, in substance. However, the committee, by a vote of 14 to 3, rejected his amendment which would have permitted the continued use of heavy nonpermissible type electric face equipment in nongassy mines. I voted against the amendment in committee, and will oppose it if offered on the floor.

In my view it is our duty to enact legislation which will provide the highest degree of protection possible to miners employed in both gassy and nongassy mines, and the fact that gassy mines may be more dangerous than nongassy mines does not justify ignoring such hazards as may exist in nongassy mines. Furthermore, the committee has, in fact, taken account of the much more dangerous nature of gassy mines as compared to nongassy mines. Section 301(i) of the bill requires the stationing of a Federal inspector permanently in those "underground mines which liberate excessive quantities of explosive gas and which are most likely to present explosion dangers in the opinion of the Secretary, based on the past history of the mine and other criteria he shall establish."

The heart of the matter is that gas can occur in any mine, and that sparks from nonpermissible equipment can ignite such gas in any kind of mine. If smoking or open flame lamps, or small nonpermissible equipment can cause explosions in nongassy mines, as it has on nine occasions, then so can large nonpermissible equipment, as has been demonstrated in four cases.

Nor in my view, does the cost of converting all equipment to permissible status justify continuance of present practices. The committee gave the most careful consideration to the economic arguments advanced by the small nongassy mine operators and Senator COOPER on their behalf. Members of the committee staff held intense discussions of this question of cost with representatives of the administration. As the committee report points out, one result of these intense deliberations was the finding that the previously high cost of obtaining approval from the Bureau of Mines for electric face equipment could be substantially moderated if a field inspection system were utilized, authorizing on the spot inspection of nonstandardized equipment. Fortunately, the Bureau of Mines concluded that such a system was indeed feasible and the committee bill specifically authorizes the uses of such a system.

The use of the field inspection system will drastically cut the estimated costs of conversion, rebuilding or upgrading existing equipment to meet permissibility standards. Instead of having to ship equipment to Pittsburgh for approval, operators will be permitted to buy component parts, link them together in a permissible manner and obtain approval from authorized representatives of the Bureau. As a result, the average cost of conversion for the typical small, nongassy mine, will probably not exceed $10,000. This of course is just an average figure and will vary considerably from mine to mine. But it is certainly a far cry from the exaggerated statements which have been made by some small nongassy operators to the effect that this bill would cost the average small mine operator over $200,000 in conversion costs.

The committee further recognized that even this much reduced cost level might produce problems for many small operators. It, therefore, authorized long-term low-interest loans to be made to such operators under both the Small Business Act and the Economic Development Act. Under these acts low-interest loans can be made for terms ranging up to 20 to 25 years to small operators to enable them to finance the cost of conversion of their existing equipment.

Finally, the committee also considered the problem of unavailability of equipment. Operators who demonstrate that they are unable to comply with the bill's requirements concerning the permissibility of heavy electric face equipment may obtain permits for noncompliance for up to 4 years, allowing them to continue to use existing nonpermissible equipment in nongassy mines.

Of equal importance to the improvements in standards designed to prevent explosions and all other accidents contained in this bill, are the provisions designed once and for all to end the scourge of "black lung," otherwise known as coal workers pneumoconiosis. The history of this disease and the lack of recognition accorded to it by medical authorities represents a sad comment on our insensitivity to the health and well-being of the hundreds of thousands of miners who have spent most of their working lives underground. First known as "miners con," then as "miners asthma," then classified as "silicosis" or "anthrasilicosis," coal workers pneumoconiosis has taken a terrible toll. In its complicated form it causes progressive massive fibrosis of the lung, severely impairing the respiratory functions of the miner, and eventually causing heart failure and death. The disease is particularly insidious in that there is no known cure, progression of the disease from its simple to its complicated stage is not necessarily halted when exposure to dust ends, and miners who are afflicted with it in the complicated form often spend the last years of their lives as virtual invalids, forced to gasp for breath with the least exertion. The incidence of the disease in the United States was revealed for the first time when the Public Health Service conducted a study of the problem between 1963 and 1965. The study showed that approximately 20 percent of all retired miners suffer from the disease and 10 percent of active miners suffer from it.

The Public Health Service study further found that among working miners 6.8 percent showed evidence of simple pneumoconiosis and 3.0 percent showed evidence of complicated pneumoconiosis; the percentages for nonworking miners were 9.2 and 9.0 respectively. Among miners working in dusty locations, such as near the face, these percentages were naturally higher. Thus 22.3 percent of working and 33 percent of nonworking miners who worked at or near the face of the mine showed evidence of pneumoconiosis.

The committee bill deals with the black lung problem the way it should be dealt with: It establishes strict controls on respirable coal dust, the cause of the disease.

From studies made in Great Britain, which is far ahead of the United States in attempting to deal with this problem, we know that the probability of developing simple pneumoconiosis decreases with decreasing dust concentration. Thus at 7 milligrams per cubic meter, which is the average dust level in mines surveyed by the Bureau of Mines, the rate per 1,000 miners after 35 years of continuous exposure, would be 36 percent. At 4.5 milligrams, the expected rate would be 150 per 1,000 miners or 15 percent. At 3 milligrams per cubic meter, the expected rate would be 50 per 1,000 miners, or 5 percent and at 2 milligrams per cubic meter, the expected rate would drop to 20 per 1,000 miners, or 2 percent.

British data also indicate that the probability of developing progressive massive fibrosis, which is the result of complicated pneumoconiosis, also significantly decreases with reduced dust exposure. Thus, at 7 milligrams per cubic meter the probability of developing complicated pneumoconiosis after 35 years of exposure is 13 percent. At 4.5 milligrams per cubic meter the rate is 4 percent; and at 3 milligrams per cubic meter, the rate is 2 percent.

Under the committee bill, 6 months after the date of the bill all mines which can do so must meet a 3-milligram standard; those which cannot meet that level, because of the unavailability of equipment using available technology can obtain permits for noncompliance from a special interim compliance panel set up for that purpose, which will permit them to operate for up to 1 year at a level which they can meet but in no event exceeding 4.5 milligrams per cubic meter. If upon the expiration of the initial permit for noncompliance the operator still cannot reduce dust levels to meet the 3 milligram standard, he may obtain up to a maximum of three renewal permits for periods of 6 months each, entitling him to operate at the lowest level which he can maintain, but again in no event exceeding 4.5 milligrams.

Three years after the date of enactment of the bill, all operators who can do so must meet a 2-milligram standard and those who cannot meet that standard using available technology may again receive permits for noncompliance entitling them to operate at levels not exceeding 3 milligrams. After 6 years from the date of enactment of the act, all mines must meet the 2-milligram standard unless the Secretary of the Interior, acting upon the basis of health standards established by the Surgeon General, and after due notice to Congress, extends this time for absolute compliance with the 2-milligram standard. Any such extension can be vetoed by either House of Congress.

Moreover, within 1 year after the date of enactment, the Surgeon General must develop and submit to the Secretary of the Interior and to Congress recommendations as to the absolute maximum permissible total exposure of individuals to coal dust during any working shift and within 3 years after the date of enactment the Secretary of the Interior must publish a schedule specifying the time within which mines shall reduce the total personal exposure to dust on a working shift to the levels recommended by the Surgeon General.

Mr. President, the provisions relating to dust control are based on information as to British experience in reducing the incidence of "black lung" through a dust control program and on information given to the committee, primarily by the Bureau of Mines, as to what is, in fact, attainable, given the state of existing technology in the coal mine industry. They are also consistent with the recommendations of the Public Health Service made in December 1968 for a 3-milligram standard and have, in general, been endorsed by the administration.

Specifically, the Director of the Bureau of Mines, Mr. John O'Leary, testified that virtually all coal mines in the United States could, with proper use of existing technology, and that includes primarily ventilation and water sprays, meet a 4.5-milligram standard.

In addition, the Director testified that approximately 30 to 50 percent of all U.S. mines could, using existing technology, meet a 3-milligram standard. Finally, the Director testified that it was his belief that within 3 years existing technology would be improved to the point where virtually all U.S. mines could meet the 3-milligram standard.

Although various representatives of the coal mine operators dispute Mr. O'Leary's contentions, the operators utterly failed to present to the committee any scientific evidence refuting them, or justifying the use of only a "best efforts" approach to meeting maximum dust levels, as urged by the operators. The committee also properly refused to adopt the suggestion of industry representatives and Secretary of Interior Hickel which would have permitted a 6-month extension on a mine-by-mine basis to reduce dust levels to 4.5 milligrams.

The fact is that despite the fact that the industry has been on notice concerning the dust problem for years; despite the fact that as long ago as last December the Surgeon General made a public recommendation for reduction of dust level to 4.5 milligrams; despite the fact that S. 1300 gave the industry notice that an interim maximum of 4.5 milligrams was being requested by the Administration; and, despite the fact that industry representatives pledged to take meaningful action to meet this problem both at the industry-Government conference last December and in testifying on this legislation last February—up to this very day—with one or two exceptions, virtually nothing has been done by operators to reduce dust levels. I deplore this record of inaction by the industry and I have recently expressed these sentiments in identical letters to Mr. Stephen Dunn, the president of the National Coal Association, and Mr. James Garvey, president of Bituminous Research, Inc. I ask that a copy of my letter to Mr. Dunn be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 3, 1969.

Mr. STEPHEN F. DUNN,
President, National Coal Association,
Washington, D.C.

DEAR MR. DUNN: Thank you for your recent communications concerning the coal mine health and safety bill, which, as you know, has recently been ordered reported by the Committee on Labor and Public Welfare. The Committee, quite properly in my opinion, rejected the suggestion that the provisions concerning coal dust merely require operators to use their best efforts to achieve a 4.5 milligram standard, and permit operators who cannot meet that standard to continue to operate, provided that miners exposed to excessive dust levels wear respirators. I have as yet seen no scientific evidence that a substantial number of operators cannot meet a 4.5 milligram standard, the maximum that would be allowed under permits for noncompliance during the first three years after the bill is enacted. Furthermore, I am informed that even those operators who have informed myself and other Committee members that they are not currently meeting a 4.5 milligram standard, without any improvement in dust control techniques, have not applied correct measurement techniques and may well be meeting the standard. Under these circumstances, I believe it would have been most irresponsible for the Committee to reject an absolute environmental dust control standard and to permit the use of respirators, especially since the testimony clearly indicated that many miners would refuse to wear them and, in any event, there is some question whether respirators will offer effective protection against coal workers' pneumoconiosis.

In my view, the Committee also properly rejected the suggestion that an additional six months be permitted, on a mine by mine basis, to attain a 4.5 milligram standard. The coal mine industry has been on notice that it would be asked to meet a dust standard of no higher than 4.5 milligrams for almost eight months. Another few months will probably elapse before this bill is signed into law. Despite this delay, and despite the firm promises by operators to the effect they are concerned about the dust problem and would make every effort to comply with the 4.5 standard, the industry, with at most a very few exceptions, has made no concerted attempt to lower existing dust levels. Indeed, had a real program been instituted by coal mine operators to reduce dust levels to 4.5 milligrams, without success, perhaps the Committee would have been more receptive to their protestations.

I believe that the industry ought not to wait until the legislative process has been completed before it begins to implement known techniques for reducing dust levels in the coal mines; I hope that the members of your organization will agree.

With best wishes,
Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. Mr. President, I hope very much that the industry will finally realize that we are not kidding about ending "black lung" in this country and that this bill is just not going to be weakened to spare the industry the cost of reducing dust to the level necessary to accomplish that objective.

In short, Mr. President, we have put health and safety first, above every other consideration. Under the leadership of

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the Senator from New Jersey (Mr. WILLIAMS), I hope very much that the Senate will sustain us.

Now, Mr. President, may I thank the distinguished Senator from Kentucky (Mr. COOPER) for being so gracious as to allow me to proceed and not disturb the arrangements we have made before.

Mr. COOPER. Mr. President, I thank the Senator from New York. He is the ranking Republican member on the committee and certainly has the privilege of speaking at any time he wishes and for as long as he wishes. I know that it is necessary for him to be in the Committee on Foreign Relations, and I am sure he will return to the Chamber later.

Mr. President, at the outset, I wish to pay my respects to and congratulate the chairman of the Subcommittee on Labor and Public Welfare, the distinguished Senator from New Jersey (Mr. WILLIAMS), and all the members of the subcommittee who have worked so faithfully on the pending bill. Also the chairman of the committee, the Senator from Texas (Mr. YARBOROUGH), and the Senator from West Virginia (Mr. RANDOLPH), who has a vital interest in the coal mine industry and in mine health and safety.

Mr. President, this debate will continue. I do not intend to speak at any great length today. I shall offer some amendments so that they may be printed for the convenience of Senators.

Mr. President, this is a very important subject. The coal industry itself is an important industry in this country. I believe there are 22 States which produce sizable amounts of coal. It happens that my State of Kentucky is the second largest producer of coal in the Nation following West Virginia. Pennsylvania is third, and Virginia, Illinois, Ohio, and Tennessee are also producers of large amounts of coal. There are many States in the West which, if transportation were accessible to the large industrial centers, would be larger producers of coal.

While the number of men who work in the mines has steadily lessened due to the modernization of mines, coal mining is still a source of income for thousands of miners and their families all over the Nation. Due to his progressive outlook and the work of the United Mine Workers of America, the coal miners have been paid wages which do not compensate them entirely for the dangerous work they undertake, but which have provided them with a higher wage standard than that of many members of other unions in this country.

Coal mine health and safety is a difficult subject. Not many of us have been in a coal mine. It is very hard to visualize what a coal mine is like, and how it works. Not many of us have worked in a coal mine. Not many of us have operated a coal mine. But, coal mining affects the livelihood of a great segment of our people. In addition to the workers, management, and those who furnish capital for the mines, it affects the railroads, the trucking industry, and every community in which the mines are located.

Mr. President, the subject of safety and health is difficult. In 1941, the first act was passed which gave the Bureau of Mines authority to make inspections and recommendations to the States and to the mine owners.

In 1952, the first substantial amendment was adopted by the Congress. It classified mines into two groups, title I and title II. Title I comprised those employing 14 or fewer. Title II were those employing more than 14.

In the case of title I mines, the small mines, the enforcement of the regulations was left to the States. In the case of title II mines, enforcement resided within the Bureau of Mines.

I served on the Labor and Public Welfare Committee in the 1950's for, I believe, 5 or 6 years. I served as a member of the Subcommittee on Mine Safety. For 2 or 3 years—1957, 1958, and 1959—under the leadership of former Senator Morse, who was chairman of the subcommittee, we tried to work out some amendments to provide better safety standards for the mines. I was on the committee. Senator Morse, the champion of the workingman, was on that committee. The late Senator John F. Kennedy was a member of that committee.

We brought a bill to the floor of the Senate which would have attacked the greatest danger in the mines, by requiring improved mine supports, to reduce the hazards of rib, roof, and face falls. The bill passed the Senate, but it was not passed in the House. It is my understanding that it was not passed in the House—and I say this with all respect—because of the opposition of the United Mine Workers, even though the bill would have provided better standards of safety against rib, face, and roof falls, for the protection of its members.

In 1966, while I was not a member of the committee, Senator Morse asked me to join with him in working on a bill to provide better standards for safety in our mines. I did so. That bill became law, the first major amendment to the Federal Coal Mine Safety Act since 1952. I am very proud to say that Senator Morse, on the floor of the Senate, called attention to the work I had done on it. I do not say that with any personal pride, but to indicate that throughout the years I have been interested in the subject and also that I have had some practical experience in dealing with it.

The bill before us today was, of course, developed in the subcommittee of the Committee on Labor and Public Welfare, and again I pay my tribute to the Senator from New Jersey (Mr. WILLIAMS). I have read and studied the hearings. I have noticed the assiduous dedication he has paid to the subject, as have the other members of the committee.

The bill deals, as its title indicates, with measures to provide better health standards to protect those who are in this hazardous occupation, and chiefly to deal with the disease of pneumoconiosis and other pulmonary diseases.

The health standards are directed to reduce the hazards created by dust that accumulates in mines, and particularly at the face of the coal, as a result of the operations of cutting machines, and continuous mining machines. These machines dig into the face of the coal and create large volumes of dust which miners have to breathe and swallow and thus their lungs are affected. Many of them are permanently injured. The bill fixes standards to give miners greater protection. I think the committee is to be complimented for its work.

The second section of the bill deals with safety standards which would provide a better measure of protection against injuries which could be permanent and serious and, above all, which could be fatal. It is directed toward reducing the number of fatalities and major and minor injuries. Again, the committee has done very fine work in providing better protection against roof, rib, and face falls.

I offered an amendment to the bill on this subject, and it was accepted by the committee. Measures which were practical and good and deserved inclusion in the bill were those providing for better ventilation, a larger volume of air that must be circulated through the mines to protect against gas, additional inspections for gas shelters within the mines, and better means of escape.

I proposed to the committee another amendment which would maintain the classification between gassy and nongassy mines. That is a subject to which I shall address myself in a few minutes.

Safety is the thrust of this legislation, and it is the chief concern of the Congress and of the people, certainly those who work within the mines.

When one discusses an amendment such as the one I shall offer, it is argued that one places more interest upon economic considerations than he does upon the safety of those who work in the mines. In the comparisons I am going to make now between the dangers in the gassy and the dangers in the nongassy mines, I will answer that charge. In fact, I will not only answer the safety argument, but I will say to those whose proposal would close down many of the nongassy mines and leave open the large gassy mines which are killing the miners year after year, that economic considerations take precedent over the safety of those who work in those gassy mines.

I asked the Bureau of Mines for its best information upon the number of gassy and nongassy mines and the number of fatalities and injuries that have occurred in those mines over a period of years, for which the Bureau has accurate information. The Bureau of Mines sent me tables, which I shall ask to have placed in the RECORD, and I hope Members of this body will examine those records.

The first chart that I shall ask to be placed in the RECORD is a statement which was received from the Bureau of Mines giving the number of gassy mines and the number of nongassy mines by State, the production and the number of employees. These figures are for the year 1967.

The records of the Bureau of Mines indicate that there were 392 gassy mines and 3,191 nongassy mines. Thus, there were 8 times as many nongassy mines operating as there were gassy mines.

Mr. President, I ask unanimous consent that Mr. O'Leary's letter dated June 5,

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1969, and the attached chart be inserted in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, D.C., June 5, 1969.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: Enclosed is the information on the number of underground mines, employees, and production, by States, for the calendar year 1967, as requested in your letter of May 28, 1969.

The data were not available in the manner you requested but were collected in the following manner:

1. The number of mines is the number inspected during the year.

2. The number of employees and production were assembled from the best source available to our field offices.

We will be glad to supply any additional information you may need.

Sincerely yours,

JOHN F. O'LEARY,
Director.

NUMBER OF BITUMINOUS UNDERGROUND COAL MINES, EMPLOYMENT AND PRODUCTION BY STATES AND BY GASSY AND NONGASSY MINES, 1967

	Gassy			Nongassy		
	Number of Mines	Employees	Production	Number of Mines	Employees	Production
Alabama	17	3,222	8,443,850	85	1,633	739,350
Arizona				1	3	969
Arkansas	5	61	93,600			
Colorado	23	1,026	3,008,995	36	239	569,915
Illinois	26	5,271	27,797,978	9	111	525,834
Indiana	7	421	1,564,831	4	285	142,483
Iowa				5	51	244,917
Kentucky	32	3,851	18,996,388	913	10,687	42,000,000
					580	2,287,406
Maryland				33	236	409,550
Missouri				2	14	3,000
Montana		16	6,200	12	41	22,650
New Mexico	1	98	625,000	7	22	4,375
North Dakota				1	5	976
Ohio	18	2,115	8,922,588	55	1,244	4,496,000
Oklahoma	1	4	2,400			
Oregon				1	5	1,000
Pennsylvania	68	13,973	46,110,933	279	3,007	8,302,238
Tennessee	7	57	135,250	142	1,924	4,364,750
Utah	10	799	2,785,122	17	359	1,478,102
Virginia	44	3,347	14,265,000	673	4,722	16,625,000
Washington	1	7	8,599	3	31	48,017
West Virginia	132	20,848	80,348,324	908	20,181	61,037,451
					32	30,812
Wyoming				5	60	118,942
Total	392	55,116	213,115,058	3,191	45,472	143,453,737

Mr. COOPER. Mr. President, how did the Bureau of Mines determine whether a mine should be classed gassy or nongassy?

The method is prescribed in the law, and also in the Code of Mine Safety. A mine is classed as gassy when an inspector, upon taking a test near the face of the mine—I think within 12 inches—finds in that portion of air, more than 0.25 percent of the volume to be methane, in which case the mine is immediately classified as a gassy mine, and can never be changed back and reclassified as a nongassy mine.

I want this point to be remembered: That for a nongassy mine to maintain its classification, there must never be detected, in that mine, more than 0.25 percent of methane. All mines operating with more than that percentage are classified as gassy mines.

The Federal Coal Mine Safety Act does not require any special care or vigilance to be taken until 1.0 percent of methane gas is found, at which point the operator must increase his ventilation. So there is an incentive upon nongassy mine owners to follow the regulations and observe the best practices in their mines, to keep that percentage of methane below 0.25 percent; but there is no incentive, in a gassy mine, to keep the percentage below 1 percent.

The records show that explosions usually occur when the volume of methane gas reaches 4.0 to 5.0 percent.

What is the record? In 16 years, in the 392 gassy mines, there were 374 workers killed, and 427 who suffered serious injuries. In that same 16 years, with nearly eight times as many nongassy mines—3,191 mines—there were 27 fatalities and 54 injuries. Can you imagine what the death and injury record would have been in those 3,191 mines if they had all been gassy, based on the present record of the gassy mines? I have calculated it, and theoretically, at the same rate, there would have been more than 4,000 deaths in those nongassy mines, if they had in fact been gassy.

Mr. President, I ask unanimous consent that the record of ignitions and gas explosions as reported by the Bureau of Mines for the period 1952–68 for nongassy mines and the record for gassy mines be inserted in the RECORD at this point.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

NUMBER OF GAS IGNITIONS OR EXPLOSIONS IN NONGASSY COAL MINES AND NUMBER OF PERSONS KILLED OR INJURED, JULY 1, 1952, THROUGH NOV. 30, 1968

Year	Number of ignitions or explosions	Killed	Injured
1952 (6 months)	0	0	0
1953	3	0	3
1954	5	0	6
1955	3	0	4
1956	4	0	2
1957	5	0	5
1958	3	0	3
1959	3	[1] 9	2
1960	4	2	0
1961	7	0	7
1962	4	[2] 11	6
1963	1	0	0
1964	4	0	6
1965	3	[3] 5	4
1966	2	0	3
1967	0	0	0
1968	1	0	3
Total	52	27	54

Footnotes at end of table.

[1] No. 1 mine, Philips & West Coal Co., Robbins, Tenn., Mar. 23 1959, 9 killed, 0 injuried.

[2] Mine No. 2, Blue Blaze Coal Co., Herrin, Ill., Jan. 10 1962, 11 killed, 0 injured.

[3] No. 2–A mine, C. L. Kline Coal Co., Robbins, Tenn., 5 killed, 0 injured.

GASSY MINES—IGNITIONS OR EXPLOSIONS JULY 1, 1952–DECEMBER 1968

	Number of ignitions or explosions	Killed	Injured
Year:			
1952	7	0	15
1953	21	9	32
1954	23	19	37
1955	18	4	20
1956	29	8	18
1957	20	66	20
1958	19	42	32
1959	19	1	12
1960	13	1	7
1961	17	26	27
1962	17	41	16
1963	33	36	35
1964	35	6	27
1965	32	14	32
1966	26	10	31
1967	30	12	44
1968	22	79	22
Total	381	374	427

Mr. COOPER. Mr. President, this is the glaring record of the gassy mines. One of the chief reasons we are even considering this bill is that last year, in Farmington, W. Va., there was a tragic explosion which resulted in the deaths of 78 men.

In one mine, 78 men. In nearly 3,200 nongassy mines, in 16 years, there have been 27 fatalities. One fatality is tragic, but I intend to produce records to show that there is hardly any industry in this country that has had as good a safety record as the nongassy mines: 16 years, 3,200 mines, and 27 fatalities.

Then I shall place in the RECORD another table. I asked the Bureau of Mines to give me a list of the mines in which two or more explosions had occurred for any period of time of which they had records. They submitted to me a list of mines which experienced two or more explosions between July of 1952 and July of 1969.

Many of the gassy mines have had explosions more than once. Some of them have had as many as 18 explosions in one gassy mine. The chart shows the number killed, and I shall submit it for the RECORD. For example, there have been as many as 18 in the Clinchfield mine at Dola, W. Va.; seven occurred in the Pittsburgh & Midway coal mine at Union, Ky.; 10 at the United States Steel Corp. mine at Concord, Ala.; eight at the Jones-Laughlin Steel Co. mine at Con-

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cord, Ala.; eight at the Jones-Laughlin Steel Co. mine in Vestaburg, Pa., and, of course, we are reminded poignantly of the fact that the explosion at the Farmington mine in West Virginia last year, which took the lives of 78 miners, was preceded in 1954 by an explosion which took 16 lives at the mine owned by the Consolidated Coal Co.

I asked them to give me the same information about the nongassy mines, as to whether there had been more than one explosion. In only two nongassy mines have there been more than one ignition or gas explosion over this same period.

So there is a sound basis for the distinction between gassy and nongassy mines. Later in the debate, I shall comment on the physical characteristics of the mines, to show why they are nongassy. But I point out, just for emphasis again, the figures: 392 mines, 374 fatalities. Three thousand, one hundred and ninety-one nongassy mines, 27 fatalities—all over a 16-year period.

Up to 18 multiple explosions have occurred in one gassy mine. This mine in West Virginia, where the explosion that killed 78 miners took place, had a similar explosion several years before, and as I recall, 16 or 17 were killed then. Testimony given the committee indicates that this mine is located in a gasfield.

Mr. President, I ask unanimous consent to include in the RECORD at this point a table prepared by the Bureau of Mines listing the number of ignitions and explosions occurring in "gassy" mines in the period July 1952 through July 1969, and a table listing those gassy mines experiencing two or more ignitions or gas explosions.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

GASSY MINES

GASSY UNDERGROUND MINES IN WHICH MORE THAN 1 IGNITION OR EXPLOSION OCCURRED, JULY 1952–JULY 1969

Mine	Company	Location	Number of ignitions or explosions	Killed	Injured
Compass No. 2	Clinchfield Coal	Dola, W. Va	6	22	2
Shannopin	Jones & Laughlin Steel Corp	Bobtown, Pa	4	0	0
Nelms No. 2	The Youghiogheny & Ohio Coal	Hopedale, Ohio	4	0	2
Enoco collieries	Enoco Collieries, Inc	Bruceville, Ind	2	0	4
Emerald	Hillman Coal & Coke	Clarksville, Pa	2	0	0
Itmann No. 3	Itmann Coal	Itmann, W. Va	3	0	3
Mathies	Mathies Coal	Courtney, Pa	4	0	0
Glen Burn colliery	Gap-Anthracite	Shamokin, Pa	3	1	6
Moss No. 3	Clinchfield Coal	Duty, Va	4	0	2
Kenilworth	Independent Coal	Kenilworth, Utah	2	0	0
Rolena No. 3	United States Steel Corp	Greensboro, Pa	5	37	5
Colver Ebensburg	Eastern Associated Coal Corp (3) Ebensburg Coal Co. (1).	Colver, Pa	4	0	0
Bunker	Trotter Coal	Cassville, W. Va	2	0	1
Howe	Howe Coal	Heavener, Okla	6	0	2
Lambert Fork	Clinchfield Coal	Dante, Va	3	0	1
No. 34	Bishop Coal	Bishop, W. Va	3	22	1
Gateway	Gateway Coal	Clarksville, Pa	8	0	0
No. 2	Carbon Fuel	Helper, Utah	3	9	3
Lancashire No. 15	Barnes & Tucker	Bakerton, Pa	8	0	14
No. 2 shaft, Storrs colliery	Moffat Coal	Dickson City, Pa	2	0	5
Pursglove No. 15	Christopher Coal	Pursglove, W. Va	4	0	9
Vesta No. 5	Jones & Laughlin Steel Corp	Vestaburg, Pa	8	0	1
Consolidation No. 9, Llewellyn shaft No. 9.	Mountaineer Coal, division of Consolidation Coal, Jamison Coal Co.	Farmington, W. Va	3	98	1
Keystone No. 1	Eastern Associated Coal Corp	Keystone, W. Va	2	0	2
No. 32	Bethlehem Mines Corp	Revloc, Pa	2	0	0
Ireland	Hanna Coal	Moundsville, W. Va	4	0	0
Concord No. 1	United States Steel Corp	Concord, Ala	10	0	0
Sunnyside No. 3	Kaiser Steel Corp	Sunnyside, Utah	2	0	0
Beatrice	Beatrice-Pocahontas	Keen Mount, Va	5	0	5
Nelms (No. 1)	The Youghiogheny & Ohio Coal	Cadiz,Ohio	4	0	0
Dutch Creek	Mid-Continent Coal & Coke	Redstone, Colo	8	9	10
O'Donnell No. 1	Rochester & Pittsburgh Coal	Four States, W. Va	2	0	6
Moss No. 2	Clinchfield Coal	Dola, W. Va	18	2	5
Wildwood	Butler Consolidated Coal	Wildwood, Pa	2	0	4
Osage No. 3	Christopher Coal	Cassville, W. Va	4	1	9
Loveridge	Mountaineer Coal, Division of Consolidation Coal.	Fairview, W. Va	3	1	1
Robena No. 4	United States Steel Corp	Greensboro, Pa	2	0	0
Forge Slope	Glen Nan Corp	Newport Township, Pa	2	4	10
Bird No. 3	Bird Coal	Johnstown, Pa	6	0	9
Compass No. 3	Compass Coal	Dola, W. Va	6	0	4
Valley Camp No. 3	Valley Camp Coal	Triadelphia, W. Va	2	0	1
Clyde	Republic Steel Corp	Fredricktown, Pa	3	0	0
DeKoven No. 6	Pittsburgh & Midway Coal Mining.	Union, Ky	7	1	4
No. 93	Consolidation Coal	Jordan, W. Va	2	0	2
Mensie	Warner Collieries	East Springfield, Ohio	3	0	2
Marianna No. 58	Bethlehem Mines Corp	Marianna, Pa	6	6	5
Maple Creek	United States Steel Corp	New Eagle, Pa	2	0	7
Ernest No. 3	Rochester & Pittsburgh Coal	Ernest, Pa	3	0	1

GASSY MINES—METHANE IGNITIONS AND EXPLOSIONS IN GASSY UNDERGROUND COAL MINES, JULY 1952 TO JULY 1969

Date	Mine	Town	State	Company	Killed	Injured
July 1, 1952	Stankiewicz Slope	Shamokin	Pennsylvania	Frank Stankiewicz, operator	0	2
Sept. 15, 1952	Diamond No. 2	Charles	do	Imperial Coal Corp	0	1
Oct. 7, 1952	No. 53	Cokeburg	do	Bethlehem Mines Corp	0	2
Oct. 21, 1952	Potts Colliery	Locustdale	do	Philadelphia & Reading Coal & Iron	0	4
Oct. 23, 1952	Lance Colliery	Larksville	do	Glen Alden Coal	0	2
Nov. 12, 1952	No. 34	Bishop	West Virginia	Pocahontas Fuel	0	1
Dec. 9, 1952	Maple Hill Colliery	Shanandoah	Pennsylvania	Philadelphia & Reading Coal & Iron	0	2
Jan. 16, 1953	Loomis Colliery	Nanticoke	do	Glen Alden Coal	1	2
Jan. 29, 1953	Packer No. 5 Colliery	Girardville	do	Gilbertson Coal	0	3
Mar. 6, 1953	Jamison No. 22	Fairview	West Virginia	Jamison Coal & Coke	3	0
Mar. 12, 1953	Chieftain No. 2	Dola	do	Pursglove Coal Service	0	0
Apr. 28, 1953	Lancashire No. 15	Bakerton	Pennsylvania	Barnes & Tucker	0	2
Aug. 12, 1953	No. 2 Shaft-Storrs Colliery	Dickson City	do	Moffat Coal	0	1
Aug. 14, 1953	Tracy Slope	Port Carbon	do	Cano & Martin Coal	0	7
Aug. 26, 1953	No. 1 Slope	Minersville	do	Frank Russian, operator	0	1
Oct. 3, 1953	Tri-K	Terre Haute	Indiana	Tri-K Mining	0	0
Oct. 30, 1953	No. 14	Duquoin	Illinois	Peabody Coal	0	2
Nov. 4, 1953	Pursglove No. 15	Pursglove	West Virginia	Christopher Coal	0	1
Nov. 20, 1953	No. 2	Tire Hill	Pennsylvania	Bird Coal	0	0
May 1, 1953	Vesta No. 5	Vestaburg	do	Jones & Laughlin Steel Corp	0	0
May 12, 1953	No. 58 Slope	Nanticoke	do	Biscontini & Sons Coal	2	0
May 29, 1953	No. 6 Dodson Colliery	Lansford	do	Weston-Dodson	2	2
June 3, 1953	No. 33	Near Bishop, Va	West Virginia	Pocahontas Fuel	1	0
June 4, 1953	Peach Mountain Slope	Schuylkill	Pennsylvania	Bassininsky, Carl & Wenner	0	4
June 12, 1953	Potts Colliery	Locustdale	do	Philadelphia & Reading Coal & Iron	0	2
June 22, 1953	Pursglove No. 15	Pursglove	West Virginia	Christopher Coal	0	3
Dec. 13, 1953	No. 10	Wilcoe	do	U.S. Steel Corp., Oper. Div	0	2
Jan. 7, 1954	Oriole	Madisonville	Kentucky	Bell & Zoller Coal	0	1
Jan. 13, 1954	No. 11	Capels	West Virginia	New River & Pocahontas Consolidated Coal	0	0
Feb. 9, 1954	IHI No. 3	Rifle	Colorado	Haas Coal	0	2
Feb. 17, 1954	Bunker	Cassville	West Virginia	Trotter Coal	0	1
Feb. 18, 1954	Joanne	Rachel	do	Joanne Coal	0	0
Apr. 6, 1954	Havaco No. 9	Havaco	do	New River & Pocahontas Consolidated Coal	0	3
Apr. 14, 1954	No. 8 Coaldale Colliery	Coaldale	Pennsylvania	Lehigh Navigation Coal	0	2
Apr. 17, 1954	New Castle	New Castle	Colorado	New Castle Coal	0	0
Apr. 27, 1954	Springdale	Logan's Ferry	Pennsylvania	Allegheny-Pittsburgh Coal	0	0
Apr. 28, 1954	No. 2 Shaft Storrs Collieries	Dickson City	do	Moffat Coal	0	4
May 4, 1954	Enoco Collieries	Bruceville	Indiana	Enoco Collieries, Inc	0	4
May 6, 1954	do	Bruceville	do	do	0	1

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GASSY MINES—METHANE IGNITIONS AND EXPLOSIONS IN GASSY UNDERGROUND COAL MINES, JULY 1952 TO JULY 1969—Continued

Date	Mine	Town	State	Company	Killed	Injured
May 12, 1954	Gaston No. 2	Wyoming	West Virginia	Gaston Coal	1	6
May 25, 1954	No. 10	Franklin	Washington	Palmer Coking Coal	0	2
June 8, 1954	Carbon No. 5	Carbon	Oklahoma	Lone Star Steel	0	0
July 16, 1954	Fies	Madisonville	Kentucky	Miners Coal	0	0
Aug. 24, 1954	Germantown Colliery	Centralia	Pennsylvania	Raven Run Coal	1	0
Aug. 27, 1954	Lucerne No. 3	Lucerne Mines	do	Rochester & Pittsburgh Coal	1	0
Sept. 28, 1954	Buttonwood	Wilkes-Barre	do	Glen Alden Coal	0	8
Nov. 3, 1954	No. 32	Revloc	do	Bethlehem Mines Corp	0	0
Nov. 13, 1954	No. 9	Farmington	West Virginia	Jamison Coal & Coke	16	0
Nov. 17, 1954	Bird No. 3	Johnstown	Pennsylvania	Bird Coal Co	0	0
Dec. 13, 1954	No. 1 Slope	Buck Run	do	Katchmar & Machita Partners	0	3
Jan. 18, 1955	Mathies	Courtney	do	Mathies Coal	0	0
Jan. 28, 1955	Wyoming	Wyoming	West Virginia	Red Jacket Coal Corp	2	5
Feb. 25, 1955	No. 2	Wilcoe	do	United States Steel Corp	0	0
Mar. 14, 1955	Loomis Colliery	Nanticoke	Pennsylvania	Glen Alden Coal	0	0
Mar. 18, 1955	Vesta No. 5	Vestaburg	do	Jones & Laughlin Steel Corp	0	0
Apr. 25, 1955	No. 2 Lykens Vein Slope	Shamokin	do	Allen Shoffler Coal Hole	1	1
Do	No. 9 Vein	Trevorton	do	Fair Deal Coal	0	2
Do	Coiltown	Nebo	Kentucky	Coiltown Mining	0	2
June 9, 1955	South Wilkes-Barre Colliery	Wilkes-Barre	Pennsylvania	Glen Alden Corp	0	0
June 17, 1955	Vesta No. 5	Vestaburg	do	Jones & Laughlin Steel Corp	0	0
June 18, 1955	South Wilkes-Barre Colliery	Wilkes-Barre	do	Glen Alden Corp	0	0
Aug. 23, 1955	Ten Mile	Dola	West Virginia	Haywood Coal	0	0
Aug. 29, 1955	Saginaw No. 1	St. Clairsville	Ohio	Saginaw Dock & Terminal	0	2
Oct. 22, 1955	Hickory Drift No. 12	Pine Grove	Pennsylvania	Knorr-Schwalm Dunleavy Coal	0	2
Nov. 8, 1955	Nelms	Cadiz	Ohio	Youghiogheny & Ohio Coal	0	0
Nov. 30, 1955	Pursglove No. 15	Pursglove	West Virginia	Christopher Coal	0	5
Dec. 9, 1955	Maysville No. 1 Slope Glen Burn Colliery	Kulpmont	Pennsylvania	Susquehanna Col. Div. The M. A. Hanna Co	1	1
Jan. 4, 1956	Peach Mountain Slope	Pottsville	do	Lengle Coal	0	2
Feb. 3, 1956	McCurtain	McCurtain	Oklahoma	Lone Star Coal	0	0
Feb. 14, 1956	Alexander No. 2	Moore's Junction	Ohio	Wilson Coal	0	2
Feb. 20, 1956	Pikeview	Pikeview	Colorado	Pikes Peak Fuel, division of the Golden Cycle Corp	0	0
Feb. 24, 1956	Clyde	Fredericktown	Pennsylvania	Republic Steel Corp	0	0
Mar. 2, 1956	Vesta No. 5	Vestaburg	do	Jones & Laughlin Steel Corp	0	0
Mar. 14, 1956	S & J	Minersville	do	S & J Coal	0	2
Mar. 20, 1956	Vesta No. 5	Vestaburg	do	Jones & Laughlin Steel Corp	0	0
Mar. 22, 1956	Osage No. 3	Cassville	West Virginia	Christopher Coal	0	0
Apr. 3–4, 1956	Green Valley	Terre Haute	Indiana	Snow Hill Coal Corp	0	0
Apr. 6, 1956	Compass No. 3	Dola	West Virginia	Compass Coal	0	0
Apr. 12, 1956	Ebensburg No. 1	Colver	Pennsylvania	Ebensburg Coal	0	0
Apr. 13, 1956	Valley Camp No. 3	Triadelphia	West Virginia	Valley Camp Coal	0	1
Apr. 24, 1956	Compass No. 3	Dola	do	Compass Coal	0	0
May 21, 1956	Vesta No. 5	Vestaburg	Pennsylvania	Jones & Laughlin Steel Corp	0	1
May 31, 1956	Praco	Praco	Alabama	Alabama By-Products Corp	2	0
June 9, 1956	Nos. 4 and 6, Lansford Colliery	Lansford	Pennsylvania	Panther Valley Coal	0	5
July 12, 1956	Pond Creek	Williamson	Kentucky	Osborne Mining Corp	1	1
July 19, 1956	V.C. No. 3	Triadelphia	West Virginia	valley Camp Coal	0	0
Aug. 31, 1956	Allen	Stonewall	Colorado	Colorado Fuel & Iron Corp	0	0
Sept. 18, 1956	Bunker	Cassville	West Virginia	Trotter Coal	0	0
Oct. 8, 1956	Compass No. 3	Dola	do	Compass Coal	0	0
Oct. 20, 1956	Lancashire No. 15	Bakerton	Pennsylvania	Barnes & Tucker	0	1
Oct. 25, 1956	Green Valley	Terre Haute	Indiana	Snow Hill Coal Corp	0	0
Nov. 2, 1956	Bunker	Cassville	West Virginia	Trotter Coal	0	1
Nov. 7, 1956	Truesdale Colliery	Nanticoke	Pennsylvania	Glen Alden Corp	4	0
Dec. 5, 1956	Marianna No. 58	Marianna	do	Bethlehem Mines Corp	0	0
Dec. 14, 1956	Shannopin	Bobtown	do	Jones & Laughlin Steel Corp	0	0
Dec. 20, 1956	Baltimore Colliery	Wilkes-Barre	do	The Hudson Coal	0	2
Do	Deerfield	Itmann	West Virginia	American Coal	1	0
Dec. 21, 1956	New Castle Vulcan No. 3	New Castle	Colorado	New Castle Coal	0	2
Jan. 3, 1957	Loveridge	Fairview	West Virginia	Jamison Coal & Coke	0	0
Jan. 11, 1957	No. 2	Morganfield	Kentucky	Syers Coal	0	1
Jan. 17, 1957	Blackwood Drift	Zerbe	Pennsylvania	Bonton & Donfrio Coal	0	1
Jan. 18, 1957	Evan Jones	Jonesville	Alaska	Evan Jones Coal	5	0
Jan. 23, 1957	South Dip Slope	Trevorton	Pennsylvania	B and P Coal	0	2
Feb. 4, 1957	No. 34	McDowell County, W. Va	(Near Bishop, Va.)	Pocahontas Fuel	37	0
Feb. 19, 1957	Bird No. 3	Johnstown	Pennsylvania	Bird Coal	0	4
Feb. 26, 1957	No. 4 (C main opening)	Alva	Kentucky	Black Star Coal Corp	0	0
Mar. 10, 1957	No. 93	Jordon	West Virginia	Consolidation Coal (W. Va.)	0	2
May 1, 1957	Clyde	Fredricktown	Pennsylvania	Republic Steel Corp	0	0
May 10, 1957	Vesta No. 5	Vestaburg	do	Jones & Laughlin Steel Corp	0	0
May 27, 1957	DeKoven	Union	Kentucky	Pittsburg & Midway Coal Mining	0	0
June 6, 1957	Jensie	E. Springfield	Ohio	Warner Collieries	0	0
June 14, 1957	Loomis Colliery	Nanticoke	Pennsylvania	Glen Alden Corp	3	2
Aug. 2, 1957	Jensie	E. Springfield	Ohio	Warner Collieries Co	0	0
Aug. 6, 1957	No. 93	Jordon	West Virgina	Consolidation Coal (W. Va.)	0	0
Sept. 23, 1957	Marianna No. 58	Marianna	Pennsylvania	Bethlehem Mines Corp	6	5
Oct. 9, 1957	Germantown Colliery	Centralia	do	Raven Run Coal	0	2
Nov. 16, 1957	Mayton Slope	Coal Run	do	Mayton Brothers	0	3
Nov. 20, 1957	Wyoming No. 8 Slope Henry Colliery	Plains	do	Lehigh Valley Coal	0	1
Dec. 11, 1957	Peerless No. 3	Greeewood	Arkansas	Peerless Coal	4	0
Dec. 27, 1957	No. 31	Amonate	West Virginia	Pocahontas Fuel	11	0
Jan. 17, 1958	Powhatan No. 3	Dilles Bottom	Ohio	The Powhatan Mining	0	1
Do	Spring Canyon No. 4	Spring Canyon	Utah	Spring Canyon Coal	4	0
Feb. 6, 1958	O'Donnell	Four States	West Virginia	Rochester & Pittsburgh Coal	0	2
Apr. 8, 1958	Moss No. 2	Dola	Virginia	Clinchfield Coal Corp	2	4
May 1, 1958	No. 9 Coaldale Colliery	Coaldale	Pennsylvania	Coaldale Mining	0	3
June 11, 1958	Wildwood	Wildwood	do	Butler Consolidated Coal	0	4
June 19, 1958	Maysville No. 1 Slope, Glen Burn Colliery	Kulpmont	do	Susquehanna Collieries, Division The M. A. Hanna Co	1	4
June 27, 1958	Osage No. 3	Cassville	West Virginia	Christopher Coal	0	1
July 9, 1958	Slab Fork No. 1	Slabfork	do	Slab Fork Coal	3	0
Aug. 22, 1958	No. 6	Bradshaw	do	Island Creek Coal	0	2
Sept. 6, 1958	Ernest No. 3	Ernest	Pennsylvania	Rochester & Pittsburgh Coal	0	1
Sept. 18–19, 1958	Conemaugh	Smokeless	do	Conemaugh Mining	0	3
Sept. 26, 1958	No. 34	McDowell County, W. Va	(Near Bishop, Va.)	Pocahontas Fuel (Division of Consolidation Coal)	0	0
Sept. 29, 1958	No. 11	Capels	West Virginia	The New River & Pocahontas Consolidated Coal	0	0
Oct. 17, 1958	No. 2	Robbins	Tennessee	Terry Coal	0	0
Oct. 27, 1958	Potts Colliery	Locustdale	Pennsylvania	Locust Dale Mining & Contracting	0	1
Do	Bishop (No. 34)	Bishop	West Virginia	Pocahontas Fuel (Division of Consolidation Coal)	22	0
Oct. 28, 1958	Burton	Craigsville	do	Oglebay Norton	14	3
Dec. 5, 1958	Avondale Colliery	Plymouth	Pennsylvania	Avon Mining	0	1
Dec. 19 1958	Landsburg	Franklin	Washington	Palmer Coking Coal	0	2
Jan. 29, 1959	Loveridge	Fairview	West Virginia	Mountaineer Coal Co. Division of Consolidation Coal	1	0
Feb. 5, 1959	Loveridge	do	do	do	0	0
Feb. 6, 1959	No. 7	Vivian	do	Peerless Coal & Coke	0	0
Mar. 18, 1959	Nelms	Cadiz	Ohio	Youghiegheny & Ohio Coal	0	0
Apr. 16, 1959	Robena No. 3	Greensboro	Pennsylvania	United States Steel Corp	0	1
Apr. 22, 1959	Peca Shaft	Mahanoy City	do	Peca Coal	0	1
May 5, 1959	Buck Mountain Slope	Ravine	do	Guy Zimmerman & Partners	0	2

GASSY MINES—METHANE IGNITIONS AND EXPLOSIONS IN GASSY UNDERGROUND COAL MINES, JULY 1952 TO JULY 1969—Continued

Date	Mine	Town	State	Company	Killed	Injured
June 1, 1959	Lake Superior No. 3	Superior	West Virginia	Lake Superior Coal	0	0
June 4, 1959	Colver	Colver	Pennsylvania	Eastern Gas & Fuel Association, Coal Division	0	0
June 11, 1959	No. 27	Scarlet	West Virginia	Island Creek Coal	0	1
June 22, 1959	Compass No. 2	Dola	do	Clinchfield Coal, Division of Pittston Co., compass operations.	0	0
June 23, 1959	Moss No. 3	Duty	Virginia	do	0	0
Aug. 15, 1959	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	3
Aug. 20, 1959	Lancashire No. 15	Bakerton	Pennsylvania	Barnes & Tucker	0	1
Aug. 31, 1959	Compass No. 2	Dola	West Virginia	Clinchfield Coal (Division of Pittston compass operations).	0	0
Oct. 9, 1959	Nelms	Cadiz	Ohio	Youghiogheny & Ohio Coal	0	0
Oct. 20, 1959	Buckhorn No. 2	Johnston City	Illinois	Bell & Zoller Coal	0	3
Dec. 11, 1959	Shannopin	Bobtown	Pennsylvania	Jones & Laughlin Steel Corp	0	0
Dec. 21, 1959	Wildwood	Wildwood	do	Butler Consolidated Coal	0	0
Jan. 30, 1960	Colver	Colver	do	Eastern Gas and Fuel Associates, Coal Division	0	0
Feb. 22, 1960	Nelms No. 1	Cadiz	Ohio	Youghiogheny & Ohio Coal	0	0
Mar. 1, 1960	Jensie	East Springfield	do	North American Coal Corp., Powhatan Division	0	0
May 17, 1960	Marianna No. 58	Marianna	Pennsylvania	Bethlehem Mines Corp.	0	0
July 1, 1960	Nos. 4 and 6 Slopes	Zerbe	do	Rickert Bros. Coal	0	2
July 12, 1960	Nelms No. 2	Hopedale	Ohio	Youghiogheny & Ohio Coal	0	0
July 20, 1960	Bessie	Maben	Alabama	U.S. Pipe & Foundry	0	2
Aug. 26, 1960	Compass No. 2	Dola	West Virginia	Clinchfield Coal	0	0
Sept. 11, 1960	Olga No. 1	Coalwood	do	Olga Coal	1	0
Oct. 27, 1960	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	0
Nov. 4, 1960	Enoco Collieries	Bruceville	Indiana	Enoco Collieries, Inc	0	1
Nov. 5, 1960	No. 3 Rock Slope	Buck Run	Pennsylvania	David J. Dando Mining	0	2
Nov. 8, 1960	Lucerne No. 3	Lucerne Mines	do	Rochester & Pittsburgh Coal	0	0
Jan. 16, 1961	Enoco Collieries	Bruceville	Indiana	Enoco Collieries, Inc	0	3
Jan. 21, 1961	No. 32 Slope, No. 18 Mine, Wanamie Colliery.	Wanamie	Pennsylvania	Glen Alden	0	3
Jan. 17, 1961	O'Donnel No. 2	Sand Fork	West Virginia	Rochester & Pittsburgh Coal	0	0
Jan. 4, 1961	Scovern & Salter Slope Mine	Gowen City	Pennsylvania	Gowen Coal	0	1
Jan. 13, 1961	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	0
Feb. 16, 1961	Marianna No. 58	Marianna	Pennsylvania	Bethlehem Mines Corp.	0	0
Mar. 2, 1961	Viking Mine	Terre Haute	Indiana	Viking Coal	22	0
Apr. 18, 1961	Osage No. 3	Cassville	West Virginia	Christopher Coal	1	5
Apr. 17, 1961	Itmann No. 1	Itmann	do	Pocahontas Fuel (Division of Consolidation Coal)	0	2
May 16, 1961	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	1
May 29, 1961	No. 5	Omar	West Virginia	Omar Mining	2	1
July 29, 1961	do	Trammel	Virginia	Phillips Coal	1	2
Oct. 20, 1961	Nelms No. 1	Cadiz	Ohio	Youghiogheny & Ohio Coal	0	0
Oct. 26, 1961	Lancashire No. 15	Bakerton	Pennsylvania	Barnes and Tucker	0	4
Nov. 24, 1961	Marianna No. 58	Marianna	do	Bethlehem Mines Corp	0	0
Dec. 12, 1961	Federal No. 1	Grant Town	West Virginia	Eastern Gas & Fuel Associates	0	4
Dec. 14, 1961	Nos. 2 and 3 Slopes	Buck Run	Pennsylvania	Deitrick & Ebert Coal	0	1
Feb. 2, 1962	Nelms No. 2	Hopedale	Ohio	Youghiogheny & Ohio	0	2
Feb. 5, 1962	Glen Burn Colliery	Shamokin	Pennsylvania	Gap-Anthracite	0	1
Feb. 7, 1962	do	do	do	do	0	2
May 24, 1962	Shannopin	Bobtown	do	Jones & Laughlin Steel	0	0
June 6, 1962	Loyal	Loyalhanna, Twp	do	Seanor	0	5
June 12, 1962	No. 3	Winifrede	West Virginia	Fields Creek	1	0
Aug. 7, 1962	Banning No. 3	West Newton	Pennsylvania	Republic Steel	0	0
Aug. 9, 1962	No. 1	Grimsleyville	Virginia	S. & S.	0	1
Sept. 28, 1962	Moss No. 3	Duty	do	Clinchfield Coal	0	1
Oct. 2, 1962	Robena (Nos. 1, 2, and 3)	Greensboro	do	United States Steel	2	2
Oct. 23, 1962	DeKoven	DeKoven	Kentucky	The Pittsburgh & Midway	1	0
Oct. 25, 1962	Kenilworth	Kenilworth	Utah	Independent Coal & Coke	0	0
Nov. 15, 1962	Marianna No. 58	Marianna	Pennsylvania	Bethlehem Mines Corp	0	0
Nov. 29, 1962	Top Split Mammoth Slope	Goodspring	do	Bush Coal	0	2
Dec. 6, 1962	Robena No. 3	Greensboro	do	United States Steel	37	0
Dec. 14, 1962	Lancashire No. 15	Bakerton	do	Barnes and Tucker	0	0
Dec. 24, 1962	Emerald	Clarksville	do	Hillman Coal and Coke	0	0
Jan. 4, 1963	Maple Creek	New Eagle	do	U.S. Steel Corp	0	1
Jan. 4, 1963	Emerald	Clarksville	do	Hillman Coal & Coke	0	0
Jan. 8, 1963	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Jan. 14, 1963	No. 40 Slope	Wanamie	Pennsylvania	Ciarofoni Coal	0	2
Jan. 29, 1963	Glen Burn	Shamokin	do	Gap-Anthracite Coal	1	3
Jan. 29, 1963	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Feb. 4, 1963	Skidmore Slope	Valley View	Pennsylvania	Williamson Coal	0	2
Mar. 20, 1963	Bird No. 3	Johnstown	do	Bird Coal	0	0
March 1963	Itmann No. 3	Itmann	West Virginia	Itmann Coal	0	0
Apr. 8, 1963	No. 4 Acton	Helena	Alabama	Paramount Coal	0	2
Apr. 12, 1963	Moss No. 3	Clinchfield	Virginia	Clinchfield Coal	0	0
Apr. 16, 1963	Forge Slope	Newport Twp	Pennsylvania	Glen Nan Coal Corp	4	8
Apr. 17, 1963	Bird No. 3	Johnstown	do	Bird Coal	0	2
Apr. 25, 1963	Compass No. 2	Dola	West Virginia	Clinchfield Coal	22	0
May 14, 1963	Moss No. 3	Clinchfield	Virginia	Clinchfield Coal	0	1
July 18, 1963	Mathies	Courtney	Pennsylvania	Mathies Coal	0	0
July 23, 1963	Nelms No. 2	Hopedale	Ohio	The Youghiogheny & Ohio Coal	0	0
Aug. 7, 1963	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Aug. 8, 1963	do	do	do	do	0	0
Aug. 13, 1963	Kenilworth	Kenilworth	Utah	Independent Coal & Coke	0	0
Aug. 17, 1963	Itmann No. 3	Itmann	West Virginia	Itmann Coal	0	2
Aug. 21, 1963	Maple Creek	New Eagle	Pennsylvania	United States Steel Corp	0	0
Aug. 26, 1963	Lancashire No. 15	Bakerton	do	Barnes & Tucker	0	1
Sept. 16, 1963	Mathies	Courtney	do	Mathies Coal	0	0
Sept. 27, 1963	Drifton No. 1	Drifton	do	J. F. Lee	0	2
Oct. 12, 1963	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Oct. 14, 1963	Compass No. 2	Dola	West Virginia	do	0	1
Oct. 15, 1963	Robena Nos. 1, 2, 3, 4	Greensboro	Pennsylvania	United States Steel Corp	0	0
Oct. 24, 1963	do	do	do	do	0	0
Oct. 31, 1963	Ernest No. 3	Ernest	do	Rochester & Pittsburgh Coal	0	0
Nov. 4, 1963	Gateway	Clarksville	do	Gateway Coal	0	0
Nov. 6, 1963	do	do	do	do	0	0
Nov. 11, 1963	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	9
Dec. 16, 1963	No. 2	Helper	Utah	Carbon Fuel	9	1
Feb. 3, 1964	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	0
Do	Bednarczyk Nos. 2 and 3 slopes	Gowen City	Pennsylvania	Bednarczyk Coal	3	1
Feb. 24, 1964	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Feb. 26, 1964	Ireland	Moundsville	West Virginia	Hanna Coal	0	0
Feb. 28, 1964	do	do	do	do	0	0
Do	Crescent	Central City	Kentucky	Nashville Coal, Inc	0	0
Mar. 1, 1964	Marion	Tunnelton	Pennsylvania	Tunnelton Mining	0	0
Mar. 11, 1964	Concord No. 1	Concord	Alabama	United States Steel Corp	0	0
May 7, 1964	Bird No. 3	Johnstown	Pennsylvania	Bird Coal	0	2
May 8, 1964	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
May 26, 1964	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	0
June 16, 1964	Compass No. 3	Dola	West Virginia	Clinchfield Coal	0	0

GASSY MINES—METHANE IGNITIONS AND EXPLOSIONS IN GASSY UNDERGROUND COAL MINES, JULY 1952 TO JULY 1969—Continued

Date	Mine	Town	State	Company	Killed	Injured
June 24, 1964	O'Donnell No. 1	Four States	West Virginia	Rochester & Pittsburgh Coal	0	4
July 15, 1964	Huber	Ashley	Pennsylvania	Glen Alden Coal	0	2
July 20, 1964	Robena No. 4	Greensboro	do	United States Steel Corp	0	0
July 27, 1964	Concord No. 1	Concord	Alabama	do	0	0
July 30, 1964	No. 2	Acton	do	Alabama Red Ash Coal	0	2
Aug. 5, 1964	Robena No. 3	Greensboro	Pennsylvania	United States Steel Corp	0	0
Aug. 18, 1964	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Aug. 19, 1964	No. 9 Vein South Dip Slope	Trevorton	Pennsylvania	Fair Deal Coal	0	2
Sept. 3, 1964	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Mining Co	0	1
Sept. 15, 1964	Gateway	Clarksville	Pennsylvania	Gateway Coal	0	0
Sept. 28, 1964	No. 6	Bradshaw	West Virginia	Island Greek Coal	3	0
Oct. 3, 1964	Nelms No. 2	Hopedale	Ohio	The Youghiogheny & Ohio Coal Co	0	2
Oct 5, 1964	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	0	0
Oct. 7, 1964	Lady Dunn No. 105	Cannelton	West Virginia	Cannelton Coal	0	3
Oct. 17, 1964	Westland	Westland	Pennsylvania	Pittsburgh Coal	0	0
Nov. 2, 1964	Lancashire No. 15	Bakerton	do	Barnes & Tucker	0	2
Nov. 7, 1964	Colver	Colver	do	Eastern Associated Coal Corp	0	0
Nov. 9, 1964	Beatrice	Keen Mt	Virginia	Beatrice Pocahontas	0	0
Nov. 20, 1964	Itmann No. 3	Itmann	West Virginia	Itmann Coal	0	1
Dec. 3, 1964	Concord No. 1	Concord	Alabama	United States Steel Corp	0	0
Dec. 7, 1964	No. 19	Wanamie	Pennsylvania	Glen Alden Coal	0	5
Dec. 11, 1964	Gateway	Clarksville	do	Gateway Coal	0	0
Jan. 7, 1965	Sunnyside No. 3	Sunnyside	Utah	Kaiser Steel Corp	0	0
Jan. 26, 1965	Bird No. 3	Johnstown	Pennsylvania	Bird Coal	0	1
Feb. 3, 1965	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Co	0	1
Feb. 11, 1965	No. 5	Marvin	Virginia	Horn & Whited Coal	0	2
Feb. 18, 1965	Clyde	Fredricktown	Pennsylvania	Republic Steel Corp	0	0
Feb. 18, 1965	No. 217 Slope	Nanticoke	do	Bristol Mining Co	0	1
Feb. 26, 1965	Delmont No. 10B	Hunkers	do	Delmont Fuel	0	2
Mar. 3, 1965	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Mar. 3, 1965	Pleasant View	Madisonville	Kentucky	Island Creek Coal	0	0
Mar. 16, 1965	No. 2	Helper	Utah	Carbon Fuel	0	2
Mar. 25, 1965	Osage No. 3	Cassville	West Virginia	Christopher Coal	0	0
Mar. 31, 1965	Beatrice	Keen Mt	Virginia	Beatrice Pocahontas Co	0	0
Apr. 13, 1965	Keystone	Herndon	West Virginia	Eastern Associated Coal Corp	0	4
Apr. 28, 1965	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Apr. 30, 1965	Llewellyn Shaft	Farmington	West Virginia	R. G. Johnson	4	1
June 3, 1965	Robena No. 3	Greensboro	Pennsylvania	Uuited States Steel Corp	0	0
June 8, 1965	Tracy Slope	Donaldson	do	Rickert Coal	0	0
June 24, 1965	Lancashire No. 15	Bakerton	do	Barnes & Tucker	0	4
Do	Loveridge	Fairview	West Virginia	Mountaineer Coal Co	0	1
July 6, 1965	No. 3 Slope	Tremont	Pennsylvania	Herb and Reed	0	2
Do	Pandora	Sullivan	Indiana	Pandora Coal Co., Inc	0	0
July 16, 1965	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Mining Co	0	2
Aug. 15, 1965	Sunnyside No. 1	Sunnyside	Utah	Kaiser Steel Corp	0	1
Sept. 27, 1965	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	1
Oct. 20, 1965	Compass No. 3	Dola	West Virginia	do	0	1
Nov. 8, 1965	Flat Top	Flat Top	Alabama	U.S. Pipe & Foundry	0	1
Nov. 19, 1965	Hillsboro	Coffeen	Illinois	Truax-Traer Coal	0	0
Nov. 29, 1965	Keystone No. 1	Keystone	West Virginia	Eastern Associated Coal Corp	0	1
Nov. 29, 1965	No. 11	Pennington Gap	Virginia	Turner Coal	0	2
Dec. 15, 1965	Keystone No. 1	Keystone	West Virginia	Eastern Associated Coal Corp	0	1
Dec. 16, 1965	Brule No. 4	Otsego	do	Oglebay Norton Co	1	1
Dec. 21, 1965	Bishop	Bishop	do	Bishop Coal Co	0	1
Dec. 23, 1965	Bishop	do	do	do	0	1
Dec. 28, 1965	Dutch Creek	Redstone	Colorado	Mid-Continent Coal & Coke	9	0
Jan. 24, 1966	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Mining	0	0
Jan. 25, 1966	No. 19	Wanamie	Pennsylvania	Glen Alden Coal	0	4
Jan. 28, 1966	Shannopin	Bobtown	do	Jones & Laughlin Steel Corp	0	0
Jan. 29, 1966	do	do	do	do	0	5
Feb. 11, 1966	No. 1 Lykens Vien Slope	Joliett	do	Lengel Coal	0	1
Feb. 12, 1966	Gateway	Clarksville	do	Gateway Coal	0	0
Mar. 2, 1966	Burnwell No. 1	Hesperus	Colorado	Oren A. Pilcher, operator	3	0
Mar. 11, 1966	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Mining	0	1
Apr. 19, 1966	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	1
June 1, 1966	Beatrice	Keen Mountain	do	Beatrice Pocahontas	0	3
June 13, 1966	Shannopin	Bobtown	Pennsylvania	Jones & Laughlin Steel Corp	0	0
June 23, 1966	Robena No. 3	Greensboro	do	United States Steel Corp	0	4
July 20, 1966	No. 2 Dutch Creek	Redstone	Colorado	Mid-Continent Coal and Coke	0	0
July 23, 1966	Siltix	Mount Hope	West Virginia	The New River	7	2
Aug. 4, 1966	Concord No. 1	Concord	Alabama	United States Steel Corp	0	0
Aug. 12, 1966	Warwick No. 2	Greensboro	Pennsylvania	Duquesne Light	0	0
Aug. 31, 1966	Huber Colliery	Ashley	do	Blue Coal Corp	0	2
Sept. 1, 1966	Nos. 3 and 4	Superior	West Virginia	Cannelton Coal	0	2
Oct. 6, 1966	Ireland	Moundsville	do	Hanna Coal	0	0
Oct. 27, 1966	Stanaford No. 2	Stanaford	do	The New River	0	1
Nov. 4, 1966	Concord No. 1	Concord	Alabama	U.S. Steel Corp	0	0
Nov. 30, 1966	Beatrice	Keen Mountain	Virginia	Beatrice Pocahontas	0	0
Dec. 2, 1966	Moss No. 2	Clinchfield	do	Clinchfield Coal	0	1
Dec. 14, 1966	Concord No. 1	Concord	Alabama	U.S. Steel Corp	0	0
Dec. 26, 1966	Lancashire No. 24	Stiles Crossing	Pennsylvania	Barnes & Tucker	0	0
Jan. 10, 1967	Mathies	Courtney	do	Mathies Coal	0	0
Jan. 24, 1967	Virginia Pocahontas No. 1	Oakwood	Virginia	Island Creek Coal (shaft sinking operations, Zini-McKinney-Williams Corp.)	3	5
Jan. 30, 1967	Joanne	Rachel	West Virginia	Joanne Coal	2	4
Feb. 2, 1967	Nelms No. 2	Hopedale	Ohio	The Youghiogheny & Ohio Coal	0	0
Feb. 7, 1967	Jamison No. 1	Salina	Pennsylvania	Jamison Coal	0	6
Mar. 6, 1967	Beatrice	Keen Mountain	Virginia	Beatrice Pocahontas	0	3
Mar. 10, 1967	Concord No. 1	Concord	Alabama	U.S. Steel Corp	0	0
Mar. 30, 1967	Compass No. 2	Dola	West Virginia	Clinchfield Coal	0	1
Apr. 19, 1967	No. 32	Revloc	Pennsylvania	Bethlehem Mines Corp	0	0
Apr. 3, 1967	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
May 12, 1967	Gateway	Clarksville	Pennsylvania	Gateway Coal	0	0
June 1, 1967	do	do	do	do	0	0
June 14, 1967	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Mining	0	0
June 20, 1967	Rose Valley No. 6	Hopedale	Ohio	Hanna Coal Co	0	1
June 22, 1967	No. 1	Bartley	West Virginia	Island Creek Coal	0	2
June 29, 1967	Osage No. 3	Cassville	do	Christopher Coal	0	3
July 6, 1967	Humphrey No. 7	Maidsville	do	do	0	0
July 28, 1967	No. 1	David	Kentucky	Princess Coals, Inc	4	0
Aug. 10, 1967	Moss No. 2	Clinchfield	Virginia	Clinchfield Coal	0	0
Aug. 17, 1967	Forge Slope	Newport Township	Pennsylvania	Glen Nan Coal	0	2
Aug. 18, 1967	Robena No. 4	Greensboro	do	U.S. Steel Corp	0	0
Sept. 6, 1967	No. 7	Keen Mountain	Virginia	Horn & Whited Coal	0	6
Sept. 27, 1967	Lancashire No. 15	Bakerton	Pennsylvania	Barnes & Tucker	0	4
Oct. 10, 1967	Ireland	Moundsville	West Virginia	Ohio Valley Division Consolidation Coal	0	0

GASSY MINES—METHANE IGNITIONS AND EXPLOSIONS IN GASSY UNDERGROUND COAL MINES, JULY 1952 TO JULY 1969—Continued

Date	Mine	Town	State	Company	Killed	Injured
Oct. 17, 1967	Buck Slope	Tremont	Pennsylvania	Farley Coal	0	1
Do	No. 32	Revloc	do	Bethlehem Mines Corp.	0	0
Do	Compass No. 2	Dola	West Virginia	Clinchfield Coal	0	3
Nov. 17, 1967	DeKoven No. 6	Union	Kentucky	The Pittsburgh & Midway Coal Mining	3	1
Nov. 28, 1967	Compass No. 3	Dola	West Virginia	Clinchfield Coal	0	3
Jan. 13, 1968	Gateway	Clarksville	Pennsylvania	Gateway	0	0
Jan. 22, 1968	West Gulf No. 5	Eccles	West Virginia	Winding Gulf Coals, Inc.	1	1
Feb. 8, 1968	Clyde	Fredricktown	Pennsylvania	Republic Steel Corp	0	0
Feb. 22, 1968	Sunnyside No. 1	Sunnyside	Utah	Kaiser Steel Corp	0	0
Apr. 9, 1968	Vesta No. 5	Vestaburg	Pennsylvania	Jones & Laughlin Steel Corp	0	0
May 8, 1968	Virginia Pocahontas Mine No. 1	Oakwood	Virginia	Island Creek Coal	0	2
July 5, 1968	Howe No. 1	Heavener	Oklahoma	Howe Coal	0	0
July 10, 1968	Concord No. 1	Concord	Alabama	U.S. Steel Corp	0	0
July 15, 1968	Mars No. 2	Wilsonburg	West Virginia	Clinchfield Coal	0	3
July 19, 1968	Howe No. 1	Heavener	Oklahoma	Howe Coal	0	0
July 24, 1968	Slab Fork No. 8	Slab Fork	West Virginia	Slab Fork Coal	0	8
July 26, 1968	Howe No. 1	Heavener	Oklahoma	Howe Coal	0	0
July 30, 1968	do	do	do	do	0	0
Aug. 27, 1968	Ireland	Moundsville	West Virginia	Consolidation Coal	0	0
Aug. 30, 1968	Moss No. 2	Dante	Virginia	Clinchfield Coal	0	2
Sept. 12, 1968	Nelms No. 2	Hopedale	Ohio	Youghiogheny & Ohio	0	0
Oct. 21, 1968	Middle Split Slope	Goodspring	Pennsylvania	Erdman Bros. Coal	0	1
Oct. 31, 1968	Howe No. 1	Heavener	Oklahoma	Howe Coal	0	2
Nov. 13, 1968	No. 2	Dante	Virginia	Clinchfield Coal	0	3
Nov. 20, 1968	Consol No. 9	Farmington	West Virginia	The Mountaineer Coal Division of Consolidation Coal	78	0
Nov. 22, 1968	Lambert Fork	Dante	Virginia	Clinchfield Coal	0	0
Dec. 23, 1968	do	do	do	do	0	1
Dec. 23, 1968	Concord No. 1	Concord	Alabama	U.S. Steel Corp	0	0
Jan. 8, 1969	No. 10	Tams	West Virginia	Slab Fork Coal	0	3
Feb. 6, 1969	Howe No. 1	Heavener	Oklahoma	Howe Coal	0	0
Feb. 12, 1969	Robena No. 1	Greensboro	Pennsylvania	U.S. Steel Corp	0	0
Feb. 13, 1969	Dutch Creek No. 1	Redstone	Colorado	Mid-Continent Coal & Coke	0	0
Mar. 19, 1969	Howe No. 1	Heavener	Oklahoma	Howe Coal	0	0
Apr. 29, 1969	No. 2	Helper	Utah	Carbon Fuel	0	0
May 23, 1969	Concord No. 1	Concord	Alabama	U.S. Steel Corp	0	0
May 26, 1969	Gateway	Clarksville	Pennsylvania	Gateway Coal	0	0
June 9, 1969	do	do	do	do	0	0
June 10, 1969	Lambert Fork	Dante	Virginia	Clinchfield Coal	0	0
June 10, 1969	Keystone 3-B	Herndon	West Virginia	Eastern Associated Coal Corp	0	5

Mr. COOPER. Mr. President, what is the remedy? I say, with all respect to the chairman, because I know how hard he has labored, that remedy, of course, is to increase the safety standards, both in the gassy and nongassy mines. We seek a remedy to improve the good safety record of the nongassy mines, and I hope to improve the bad safety record of the gassy mines.

The committee's remedy would be to point to the nongassy mines and say to them, "These mines will have to equip themselves with what is called permissible equipment," which means equipment designed, as best they can, not to emit sparks.

I studied the record of the hearings. The committee did not hear one iota of testimony on the cost of equiping these mines with permissible machinery, with the exception of the testimony of Mr. Cloyd B. McDowell, president of the Harlan County Coal Operators Association, who testified from his own knowledge that the cost of installing permissible machinery in one section of a small mine would be $260,000—a mine producing 150 to 250 tons of coal a day. Of course, it would be economically impossible to operate a mine of that small production with such a high capital expenditure. He testified that a Bureau of Mines representative had estimated that it would cost $10 million in Harlan County alone for the nongassy mines to change over to permissible equipment.

Increased costs have the effect of driving these small mines out of business, and they not only drive the mineowners out of business, but also the miners, and the effect is felt on the economy of the community in which the mines are located.

Coal production must continue. There is an ever-mounting demand for coal, and we are thankful for that, and for the increased demand for electrical energy.

The coal industry, due to the efforts of both operators and miners, can today produce a ton of coal as cheaply as in World War II. Not many businesses can make that statement. The prices of few products can be listed in a comparable manner.

The supply of coal must be produced. What happens? The small mines, usually operated and owned by people in the community and furnishing work in the community, will be closed down. Production will come from the gassy mines.

The miners who are able-bodied and must find work can only go to the gassy mines. There is a reason why they are gassy. People who have not seen these mines may not know that there are several types of mines.

First, we have shaft mines. Shaft mines are in western Kentucky, Illinois, and Ohio which go down vertically into the deep earth. From that shaft, entries and corridors run in all directions.

Then there are slope mines, entering on the surface of the earth and running at an angle under the earth. Then again, there are corridors, entries, and rooms going in many directions.

This type of mine requires a large area in which to operate. It requires a large area in which to install the advanced and modern equipment. And the only way in which these mines can be operated efficiently and economically is to employ a large number of miners. These are the situations in which a large number of miners are killed, as happened in West Virginia. These mines are located under the water table and the gas cannot be released. As a result they are gassy.

The nongassy mines are termed "drift mines."

We see entries running horizontally into the side of the hill. There are rooms and hallways from the main entry. They are above the water level, and the gas has escaped. That is the reason that they do not have 0.25 percent of methane per volume of air.

There is no testimony in the hearing record on the question of cost and the availability of permissible equipment. I shall introduce correspondence I have had from equipment manufacturers on this subject.

If these men are driven out of the nongassy mines containing less than 0.25 percent gas by volume in the air—and I have been told that is less dangerous and gassy than the volume of air in some outside areas—and driven into the gassy mines where the explosions and fatalities are, historically, much more likely to occur, I do not think that this provision in the bill will increase safety in our mines.

Let me answer the economic argument. I propose to offer an amendment to maintain the classification between gassy and nongassy mines so that there will be an incentive to keep the volume of gas low, if there is any, in these nongassy mines.

It will be said—and I have already heard some comments—"That is a measure which places economic interest above human life and safety."

Is it? If classifying these nongassy mines as gassy mines drives men into the gassy mines which have experienced explosions year after year, how does that improve safety?

I am going to offer an amendment to go farther than the committee has done. I will say, "Close down the mines that have experienced two or more ignitions or gas explosions."

Why do we not close them down? Why

do we not close that mine in West Virginia that has already taken the lives of nearly 100 men?

It will not be done because the large coal operators, in Pennsylvania and West Virginia and New York, the United States Steel Co. and the Bethlehem Steel Co. in my State, these people who came in and helped develop these areas—and I am not going to attack them for their development of these areas, because we needed it—have ravaged our hills and taken out the wealth and left the hills scarred.

The big companies operating gassy mines will be protected because they have an economic interest to be protected. They have put millions of dollars into the mines. They have the most advanced machinery. They have the continuous miners which create large quantities of the coal dust and cause pneumoconiosis.

The miners are not getting pneumoconiosis in the small mines. Where is the economic interest? It is with the big coal companies who are going to keep operating these gassy mines in gassy fields.

I know a good deal about the coal industry, if I may say so. I live on the edge of the coal section of Kentucky. I own no mine. I own no interest in any mine. However, I have been in the mines. It may surprise some. I have never worked in a mine. However, one summer I worked 4 months at a mine. It did not amount to much work I laid track and worked on cars.

I know how the big organizations develop. There was a time if a coal operator saw one talking with a United Mine Worker official, he was dead to him. And if a United Mine Worker official saw one talking with a coal operator, he was dead to him. Today the big coal operators and the United Mine Workers—and I am just stating a fact and not criticizing either one of them—are together on every measure which affects their interests, such as this, to keep these big coal mines open, these gassy mines which are the mines that are killing the miners who work in them.

Mr. President, I ask unanimous consent to insert in the RECORD the lead editorial appearing in the Courier-Journal of August 23, 1969, entitled "Do Non-gassy Mines Require Caution Needed in Gassy Ones?"

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DO NON-GASSY MINES REQUEST CAUTION NEEDED IN GASSY ONES?

Bureau of Mines Director John O'Leary was back on Capitol Hill this week defending his coal mine health and safety bill and promising to fight any and all attempts to water it down. He has facts, figures and evidence to support him, as well as the emotional impetus supplied by recent mine disasters and accumulating medical data showing the need for better working conditions in the nation's underground mines. And with the exception of one questionable segment, the bill he is backing is a good one.

Mr. O'Leary admits that tighter safety regulations and the machinery it will require will probably raise the price of coal, but says that coal consumers need fuel so much that they won't balk at paying. He also declares that he is not moved by claims that hundreds of small coal operators may be put out of business if they are forced to install in their small, non-gassy mines the same safety equipment required in big, gassy mines. And it is here that he misses the point.

No one, including Mr. O'Leary, can say with any assurance whether or not a small operator, with a coal lease and some expensive machinery on which he probably owes considerable money, can afford to amortize the cost of safety equipment and pay it off by raising the price of his coal, as Mr. O'Leary suggests. But the point is not whether he can but whether he should be required to. There is a great deal of evidence that small, non-gassy drift mines do not need, for the health and safety of their miners, the same equipment needed in the big, gassy shaft or slope mines.

A MATTER OF STATISTICS

As Senator John Cooper—certainly no foe of mine safety—has pointed out, the record on gas explosions in American mines in recent years indicates strongly that non-gassy mines simply do not need the same safety equipment that conditions in gassy mines require, and that the cause of miner safety would gain little by the installation. Between 1952 and 1969 there were only 52 explosions in all non-gassy mines, and only four were fatal. There were 381 explosions in gassy mines, in which 374 miners were killed and 427 were injured.

Investigations revealed furthermore, that in each of the fatal explosions in non-gassy mines the explosion was caused by open flames (matches, cigarette lighters or open lamps) resulting from violation of existing mine-safety laws. They could have been prevented, in other words, by closer enforcement and obedience of present regulations, and would not necessarily have been prevented by reclassification of the mines or the installation of new safety equipment.

Kentucky, of course, has an economic stake in the argument. Most Kentucky mines are drift mines that run into the hillside fairly near the top of the earth and extend for relatively short distances. The state has few gassy mines, large shaft mines sunk into the earth like wells which branch out into passageways below the water table and thus tend to trap pockets of gas. It seems obvious that gassy mines should be equipped with ventilating and non-sparking machinery that is not needed for safety or health purposes in non-gassy mines.

It is therefore hard to see why all mines should be indiscriminately lumped into the gassy category and all required to have the same kind of equipment, which is what Mr. O'Leary is asking. He is certainly on the right track with his other demands for higher health and safety provisions, and everyone familiar with the bloody record of American coal mining will wish him success. But on the matter of the non-gassy mines, he hasn't made a good case for himself.

Mr. COOPER. Mr. President, I send to the desk three amendments and ask unanimous consent that they be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 207, 208, and 209) are as follows:

AMENDMENT No. 207

On page 51, beginning with line 8, strike out all through line 24 and insert in lieu thereof the following:

"(1) (1) One year after the operative date of this title—

"(A) all electric face equipment which is taken into or used inby the last open crosscut of any grassy mine shall be permissible; and

"(B) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where quantities of methane in amounts in excess of 1 per centum may be present or may enter the air currents, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible junction or distribution boxes in use, on the operative date of this title, inby the last open crosscut or in any other place where quantities of methane in amounts in excess of 1 per centum may be present or may enter the air current, to continue in use for such period as he deems appropriate, after taking into consideration the availability of permissible junction or distribution boxes and the time required to install such boxes.".

On page 52, line 4, strike out "coal" and insert in lieu thereof "gassy".

On page 52, line 4, strike out "coal" and insert in lieu thereof "gassy".

On page 52, line 21, strike out "(D)" and insert "(A)".

On page 53, line 4, strike out "(D)" and insert "(A)".

On page 53, line 6, strike out "(D)" and insert "(A)".

On page 53, line 12, strike out "(D)" and insert "(A)".

On page 54, line 1, strike out "(D)" and insert "(A)".

On page 54, line 12, strike out "(D)" and insert "(A)".

On page 54, line 22, strike out "(D)" and insert "(A)".

On page 56, beginning with line 18, strike out all through line 20 and insert in lieu thereof the following:

"(n) On and after the opesative date of this title, all electric coal drills used in a nongassy mine shall be permissible and shall be maintained in a permissible condition.".

On page 80, line 6, strike out "and".

On page 80, line 10, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 80, between lines 10 and 11, insert the following:

"(9) 'gassy mine' means any mine which has been or hereafter is classed in any manner as a gassy or gaseous mine in accordance with the laws of the State in which it is located or any Federal law, or which has been operated as a gassy mine prior to the operative date of this title, or in which methane has been ignited, or in which an authorized representative of the Secretary finds methane in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib."

AMENDMENT No. 208

At the end of page 7, add the following:

"SEC. 6. Any coal mine in operation on the date of the enactment of this Act which, during the period commencing July 1, 1952, and ending on such date of enactment, has experienced two or more ignitions or explosions due to methane shall, within sixty days following such date of enactment, close and cease its mining operations. After the date of the enactment of this Act, any coal mine which has experienced, subsequent to July 1, 1952, two ignitions or explosions due to methane shall, within sixty days following such second ignition or explosion, close and cease its mining operations.".

AMENDMENT No. 209

On page 57, between lines 11 and 12, insert the following:

"(r)(1) For a transition period of eight years from the operative date of this title, the provisions of this section requiring use of permissible electric equipment, other than hand drills, shall not be applicable to any drift mine which has not been classed as gassy or which is not subsequently found to be gassy under the laws of any State. On

> and after two years from the operative date of this title, all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use on or after two years from the operative date of this title, such equipment shall be put in and shall thereafter be maintained in permissible condition.
>
> "(2) As used in this subsection, the term 'drift mine' means a coal mine driven in a substantially horizontal direction into the side of a hill or mountain, above drainage, to work a seam of coal which runs on substantially the same lateral plane as that of the mine entry or portal."

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, certainly I know the longstanding interest and contribution of the Senator from Kentucky to the debates over the years on the whole subject matter of legislation dealing with coal mines.

We have had opportunities this year to learn from the Senator from Kentucky in the committee about this matter.

As I recall, the Senator mentioned roof falls and other safety areas in which we found agreement with the Senator from Kentucky. We know that the Senator will move to deal with the present gassy-nongassy classification. Is that what I am to understand, that the Senator would continue the gassy-nongassy distinction?

Mr. COOPER. I have just introduced an amendment to preserve the classification.

Mr. WILLIAMS of New Jersey. That nomenclature does not say that there is no gas in a nongassy mine.

Mr. COOPER. I just describe how they are classified. Certainly, there is less gas in a nongassy mine.

Mr. WILLIAMS of New Jersey. So what it boils down to—in the Senator's terms—is the difference between lots of gas and less gas.

Mr. COOPER. That is the assumption upon which this proposal is made.

The Director of the Bureau of Mines, Mr. O'Leary has told the committee that all mines are potentially gassy. There is some truth in that. But what I have done today is to put into the RECORD the statistics furnished by the Bureau of Mines which show that the nongassy mines are probably as safe as any industry in the United States, while the gassy mines have continued to kill and injure people year after year.

Mr. WILLIAMS of New Jersey. I just wanted to raise this point at this time: We are in agreement, the committee and the Senator from Kentucky, that we have arrived at the point that in nongassy mines smoking should be prohibited. Am I correct in that?

Mr. COOPER. Absolutely.

Mr. WILLIAMS of New Jersey. We are in agreement there. Because, even though there might be a small amount of gas, that cigarette could ignite even the small amount of gas.

One further thing: We would agree that in the nongassy mines we absolutely prohibit open flames.

Mr. COOPER. Yes. I offered that amendment.

Mr. WILLIAMS of New Jersey. We certainly agree. These are prohibitions on open flame and smoking in nongassy mines. Whatever happens to the bill or to the Senator's amendment, in nongassy mines we are not going to have the flames that could ignite even that little bit—as the Senator has said, the 0.25 gas that is there.

Mr. COOPER. The Senator is absolutely correct. If any gas at all is present, the flame is likely to ignite it. That is so in connection with coal dust, as well as fires. Coal dust itself is combustible, and if it has any gas in it, it is even more dangerous.

I asked the Bureau of Mines to give me the causes of the 52 ignitions which had occurred in nongassy mines over a period of 16 years, and the record shows that, with the exception of the use of a nonpermissible drill—with which there was an explosion, as I recall, in nine cases—none of the other explosions would have been prevented even if they had had permissible equipment. It came from other causes, such as smoking, igniting matches, and that sort of thing.

Mr. President, I ask unanimous consent that a table identifying the 52 ignitions in nongassy mines and their causes be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IGNITIONS IN MINES CLASSED NONGASSY AT THE TIME THE IGNITION OCCURRED

Date of ignition	State	Source of ignition	Number	Fatalities	Injuries
Jan. 3, 1953	Pennsylvania	Match	1	0	----------
May 5, 1953	Kentucky	Open flame lamp	2	0	0
Oct. 9, 1953	Pennsylvania	do	3	0	2
Apr. 9, 1954	do	do	4	0	1
May 10, 1954	Tennessee	Match	5	0	0
May 17, 1954	Kentucky	Open flame (lamp)	6	0	0
May 28, 1954	Pennsylvania	Smoking or electric arc at signal station	7	0	3
Nov. 30, 1954	Kentucky	Arc from 250-volt circuit used to blast	8	0	2
June 18, 1955	Pennsylvania (anthracite)	Nonpermissible electric coal drill	9	0	1
July 23, 1955	do	do	10	0	2
Dec. 19, 1955	Maryland	Smoking	11	0	1
Feb. 28, 1956	Alabama	Open flame (lamp)	12	0	0
Mar. 21, 1956	Colorado	Nonpermissible electric coal drill	13	0	2
July 17, 1956	Kentucky	Open flame (lamp)	14	0	0
Nov. 28, 1956	Pennsylvania	do	15	0	0
Jan. 17, 1957	do	do	16	0	0
Feb. 5, 1957	do	do	17	0	0
Feb. 26, 1957	Kentucky	Match	18	0	0
May 1, 1957	Pennsylvania	Open flame (lamp)	19	0	2
Nov. 16, 1957	do	Nonpermissible blower fan or match	20	0	3
Jan. 10, 1958	Virginia	Open flame (lamp)	21	0	0
Jan. 31, 1958	Tennessee	do	22	0	0
Dec. 11, 1958	Pennsylvania	Nonpermissible electric coal drill	23	0	3
Mar. 23, 1959	Tennessee	Electric locomotive or smoking	24	9	0
Oct. 8, 1959	Pennsylvania	Improperly assembled flame safety lamp	25	0	2
Nov. 4, 1959	Virginia	Cigarette lighter	26	0	2
Aug. 16, 1960	do	Open flame (lamp)	27	0	0
Aug. 23, 1960	Kentucky	do	28	0	0
Dec. 7, 1960	Pennsylvania	Nonpermissible blower fan	29	0	1
Dec. 28, 1960	West Virginia	Match	30	2	0
Apr. 13, 1961	Colorado	Smoking	31	0	1
May 9, 1961	Virginia	Open flame (lamp)	32	0	0
May 30, 1961	West Virginia	Smoking	33	0	1
Aug. 3, 1961	Virginia	Open flame (lamp)	34	0	0
Aug. 28, 1961	Pennsylvania	Nonpermissible blower fan	35	0	3
Oct. 7, 1961	do	Nonpermissible electric coal drill	36	0	1
Nov. 28, 1961	Virginia	Open flame (lamp)	37	0	0
Jan. 10, 1962	Illinois	Permissible type shuttle car being repaired where ignition occurred.	38	11	0
Apr. 9, 1962	Pennsylvania (anthracite)	Match	39	0	1
Nov. 12, 1962	do	Nonpermissible electric coal drill	40	0	1
Nov. 21, 1962	Virginia	Match	41	0	4
July 17, 1963	Kentucky	Open flame (lamp)	42	0	0
June 11, 1964	Pennsylvania	Propane torch or burning blasting fuse	43	0	3
July 17, 1964	do	Match	44	0	2
Oct. 14, 1964	Virginia	Open flame (lamp)	45	0	0
Dec 16, 1964	Pennsylvania	Nonpermissible electric coal drill	46	0	1
Jan. 25, 1965	do	do	47	0	3
May 24, 1965	Tennessee	Cigarette lighter	48	5	0
Aug. 6, 1965	Virginia	Smoking	49	0	1
June 20, 1966	West Virginia	do	50	0	2
Nov. 7, 1966	Virginia	Nonpermissible electric coal drill	51	0	1
Aug. 2, 1968	Kentucky	Match	52	0	3
Total			52	27	56

PRIVILEGE OF THE FLOOR

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the members of the staff of the Committee on Labor and Public Welfare may have the privilege of the floor during consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEASIBILITY INVESTIGATIONS OF CERTAIN RESOURCE DEVELOPMENTS

Mr. BYRD of West Virginia. Mr. President on behalf of the Senator from Washington (Mr. JACKSON), I ask the Chair to lay before the Senate a message from the House of Representatives on S. 574.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments which were, on page 1, line 11, strike out "and".

On page 2, line 3, strike out "Colorado." and insert "Colorado;".

And, on page 2, after line 3, insert:

(4) Shoshone project, Buffalo Bill Dam modifications, the Shoshone River, about five miles west of Cody, Wyoming;

(5) Missouri River Basin project, James Division, Sioux Falls unit, in the Big Sioux River Basin in the vicinity of Sioux Falls, South Dakota;

(6) Amargosa project, in the Amargosa River Basin in the vicinity of Beatty, Nevada, and Death Valley Junction, California;

(7) Willamette River project, Calapoola division, in the Calapoola River Basin in Linn County, Oregon; and

(8) Willamette River project, South Yamhill division, on the South Yamhill and Willamette Rivers in Yamhill and Polk Counties, Oregon.

Mr. BYRD of West Virginia. Mr. President, the purpose of this measure is to authorize the Secretary of the Interior to undertake feasibility investigations of certain Federal reclamation projects. This authority is required to permit the orderly continuation of the Bureau of Reclamation's program of investigations leading to recommendations for authorization of water resource development projects.

S. 574, as passed by the Senate on May 23, included authorization of three studies which had then been recommended by the Department of the Interior. The House has amended the bill to add five additional studies which have been recommended by the Department since the Senate acted.

The Committee on Interior and Insular Affairs believes that the studies added by the House should be authorized. They meet the requirement of being potentially feasible project proposals as shown by completed reconnaissance studies. Separate bills have been introduced in the Senate which would authorize each of the studies added by the House.

Mr. President, I move that the Senate concur in the amendment of the House.

This has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

SOCIAL SECURITY MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-163)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

This nation must not break faith with those Americans who have a right to expect that Social Security payments will protect them and their families.

The impact of an inflation now in its fourth year has undermined the value of every Social Security check and requires that we once again increase the benefits to help those among the most severely victimized by the rising cost of living.

I request that the Congress remedy the real losses to those who now receive Social Security benefits by increasing payments by 10 per cent.

Beyond that step to set right today's inequity, I propose that the Congress make certain once and for all that the retired, the disabled and the dependent never again bear the brunt of inflation. *The way to prevent future unfairness is to attach the benefit schedule to the cost of living.*

This will instill new security in Social Security. This will provide peace of mind to those concerned with their retirement years and to their dependents.

By acting to raise benefits now to meet the rise in the cost of living, we keep faith with today's recipients. By acting to make future benefit raises automatic with rises in the cost of living, we remove questions about future years; we do much to remove this system from biennial politics; and we make fair treatment of beneficiaries a matter of certainty rather than a matter of hope.

In the 34 years since the Social Security program was first established, it has become a central part of life for a growing number of Americans. Today approximately 25 million people are receiving cash payments from this source. Three-quarters of these are older Americans; the Social Security check generally represents the greater part of total income. Millions of younger people receive benefits under the disability or survivor provisions of Social Security.

Almost all Americans have a stake in the soundness of the Social Security system. Some 92 million workers are contributing to Social Security this year. About 80 per cent of Americans of working age are protected by disability insurance and 95 per cent of children and mothers have survivorship insurance protection. Because the Social Security program is an essential part of life for so many Americans, we must continually re-examine the program and be prepared to make improvements.

Aiding in this Administration's review and evaluation is the Advisory Council on Social Security which the Secretary of Health, Education and Welfare appointed in May. For example, I will look to this Council for recommendations in regard to working women; changing work patterns and the increased contributions of working women to the system may make present law unfair to them. The recommendations of this Council and of other advisers, both within the Government and outside of it, will be important to our planning. As I indicated in my message to the Congress on April 14, improvement in the Social Security program is a major objective of this Administration.

There are certain changes in the Social Security program, however, for which the need is so clear that they should be made without awaiting the findings of the Advisory Council. The purpose of this message is to recommend such changes.

I propose an across-the-board increase of 10% in Social Security benefits, effective with checks mailed in April 1970, to make up for increases in the cost of living.

I propose that future benefits in the Social Security system be automatically adjusted to account for increases in the cost of living.

I propose an increase from $1680 to $1800 in the amount beneficiaries can earn annually without reduction of their benefits, effective January 1, 1971.

I propose to eliminate the one-dollar-for-one-dollar reduction in benefits for income earned in excess of $2880 a year and replace it by a one dollar reduction in benefits for every two dollars earned, which now applies at earnings levels between $1680 and $2880, also effective January 1, 1971.

I propose to increase the contribution and benefit base from $7800 to $9000, beginning in 1972, to strengthen the system, to help keep future benefits to the individual related to the growth of his wages, and to meet part of the cost of the improved program. From then on, the base will automatically be adjusted to reflect wage increases.

I propose a series of additional reforms to ensure more equitable treatment for widows, recipients above age 72, veterans, for persons disabled in childhood and for the dependent parents of disabled and retired workers.

I emphasize that the suggested changes are only first steps, and that further recommendations will come from our review process.

The Social Security system needs adjustment now so it will better serve people receiving benefits today, and those corrections are recommended in this message. The system is also in need of long-range reform, to make it better serve those who contribute now for benefits in future years, and that will be the subject of later recommendations.

THE BENEFIT INCREASE

With the increase of 10% the average family benefit for an aged couple, both receiving benefits, would rise from $170 to $188 a month. Further indication of the impact of a 10 per cent increase on monthly benefits can be seen in the following table:

	Present minimum	New minimum	Present maximum	New maximum
Single person (a man retiring at age 65 in 1970)	$55.00	$61.00	$165.00	$181.50
Married couple (husband retiring at age 65 in 1970)	82.50	91.50	247.50	272.30

The proposed benefit increases will raise the income of more than 25 million persons who will be on the Social Security rolls in April, 1970. Total budget outlays for the first full calendar year in which the increase is effective will be approximately $3 billion.

AUTOMATIC ADJUSTMENTS

Benefits will be adjusted automatically to reflect increases in the cost of living. The uncertainty of adjustment under present laws and the delay often encountered when the needs are already apparent is unnecessarily harsh to those who must depend on Social Security benefits to live.

Benefits that automatically increase with rising living costs can be funded without increasing Social Security tax rates so long as the amount of earnings subject to tax reflects the rising level of wages. Therefore, I propose that the wage base be automatically adjusted so that it corresponds to increases in earnings levels.

These automatic adjustments are interrelated and should be enacted as a package. Taken together they will depoliticize, to a certain extent, the Social Security system and give a greater stability to what has become a cornerstone of our society's social insurance system.

REFORMING THE SYSTEM

I propose a series of reforms in present Social Security law to achieve new standards of fairness. These would provide:

1. *An increase in benefits to a widow who begins receiving her benefit at age 65 or later.* The benefit would increase the current 82½% of her husband's benefit to a full 100%. This increased benefit to widows would fulfill a pledge I made a year ago. It would provide *an average increase of $17 a month to almost three million widows.*

2. *Non-contributory earnings credits of about $100 a month for military service* from January, 1957 to December, 1967. During that period, individuals in military service were covered under Social Security but credit was not then given for "wages in kind"—room and board, etc. A law passed in 1967 corrected this for the future, but the men who served from 1957 (when coverage began for servicemen) to 1967 should not be overlooked.

3. *Benefits for the aged parents of retired and disabled workers.* Under present law, benefits are payable only to the dependent parents of a worker who has died; we would extend this to parents of workers who are disabled or who retire.

4. *Child's insurance benefits for life* if a child becomes permanently disabled before age 22. Under present law, a person must have become disabled before age 18 to qualify for these benefits. The proposal would be consistent with the payment of child's benefit to age 22 so long as the child is in school.

5. *Benefits in full paid to persons over 72,* regardless of the amount of his earnings in the year he attains that age. Under present law, he is bound by often confusing tests which may limit his exemption.

6. *A fairer means of determining benefits payable on a man's earnings record.* At present, men who retire at age 62 must compute their average earnings through three years of no earnings up to age 65, thus lowering the retirement benefit excessively. Under this proposal, only the years up to age 62 would be counted, just as is now done for women, and three higher-earning years could be substituted for low-earning years.

CHANGES IN THE RETIREMENT TEST

A feature of the present Social Security law that has drawn much criticism is the so-called "retirement test," a provision which limits the amount that a beneficiary can earn and still receive full benefits. I have been much concerned about this provision, particularly about its effects on incentives to work. The present retirement test actually penalizes Social Security beneficiaries for doing additional work or taking a job at higher pay. This is wrong.

In my view, many older people should be encouraged to work. Not only are they provided with added income, but the country retains the benefit of their skills and wisdom; they, in turn, have the feeling of usefulness and participation which employment can provide.

This is why I am recommending changes in the retirement test. Raising the amount of money a person can earn in a year without affecting his Social Security payments—from the present $1680 to $1800—is an important first step. But under the approach used in the present retirement test, people who earned more than the exempt amount of $1680, plus $1200, would continue to have $1 in Social Security benefits withheld for every $1 they received in earnings. A necessary second step is to eliminate from present law the requirement that when earnings reach $1200 above the exempt amount, Social Security benefits will be reduced by a full dollar for every dollar of added earnings until all his benefits are withheld; in effect, we impose a tax of more than 100% on these earnings.

To avoid this, I would eliminate this $1 reduction for each $1 earned and replace it with the same $1 reduction for each $2 earned above $3000. This change will reduce a disincentive to increased employment that arises under the retirement test in its present form.

The amount a retired person can earn and still receive his benefits should also increase automatically with the earnings level. It is sound policy to keep the exempt amount related to changes in the general level of earnings.

These alterations in the retirement test would result in added benefit payments of some $300 million in the first full calendar year. Approximately one million people would receive this money—some who are now receiving no benefits at all and some who now receive benefits but who would get more under this new arrangement. These suggestions are not by any means the solution to all the problems of the retirement test, however, and I am asking the Advisory Council on Social Security to give particular attention to this matter.

CONTRIBUTION AND BENEFIT BASE

The contribution and benefit base—the annual earnings on which Social Security contributions are paid and that can be counted toward Social Security benefits—has been increased several times since the Social Security program began. The further increase I am recommending—from its present level of $7800 to $9000 beginning January 1, 1972—will produce approximately the same relationship between the base and general earnings levels as that of the early 1950s. This is important since the goal of Social Security is the replacement, in part, of lost earnings; if the base on which contributions and benefits are figured does not rise with earnings increases, then the benefits deteriorate. The future benefit increases that will result from the higher base I am recommending today would help to prevent such deterioration. These increases would, of course, be in addition to those which result from the 10% across-the-board increase in benefits that is intended to bring them into line with the cost of living.

FINANCING

I recommend an acceleration of the tax rate scheduled for hospital insurance to bring the hospital insurance trust fund into actuarial balance. I also propose to decelerate the rate schedule of the old-age, survivors and disability insurance trust funds in current law. These funds taken together have a long-range surplus of income over outgo, which will meet much of the cost. The combined rate, known as the "social security contribution," already scheduled by statute, will be decreased from 1971 through 1976. Thus, in 1971 the currently scheduled rate of 5.2% to be paid by employees would become 5.1%, and in 1973 the currently scheduled rate of 5.65% would become 5.5%. The actuarial integrity of the two funds will be maintained, and the ultimate tax rates will not be changed in the rate schedules which will be proposed.

The voluntary supplementary medical insurance (SMI) of title XVIII of the Social Security Act, often referred to as part B Medicare coverage, is not adequately financed with the current $4 premium. Our preliminary studies indicate that there will have to be a substantial increase in the premium. The Secretary of Health, Education and Welfare will set the premium rate in December for the fiscal year beginning July 1970, as he is required to do by statute.

To meet the rising costs of health care in the United States, this Administration will soon forward a Health Cost Control proposal to the Congress. Other administrative measures are already being taken to hold down spiraling medical expenses.

In the coming months, this Administration will give careful study to ways in which we can further improve the Social Security program. The program is an established and important American institution, a foundation on which millions are able to build a more comfortable life than would otherwise be possible—after their retirement or in the event of disability or death of the family earner.

The recommendations I propose today, which I urge the Congress to adopt, will move the cause of Social Security forward on a broad front.

We will bring benefit payments up to date.

We will make sure that benefit payments stay up to date, automatically tied to the cost of living.

We will begin making basic reforms in

the system to remove inequities and bring a new standard of fairness in the treatment of all Americans in the system.

And we will lay the groundwork for further study and improvement of a system that has served the country well and must serve future generations more fairly and more responsively.

RICHARD NIXON.

THE WHITE HOUSE, *September 25, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER FOR ADJOURNMENT

Mr. **BYRD** of West Virginia, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE NEW YORK METS

Mr. **JAVITS**. Mr. President. I am very glad that this opportunity comes at the end of the day for me to make this brief statement.

I wish to call to the attention of the Senate a great victory of an underdog, the Mets of New York. This is so unusual that I think it is worthy of the attention of even the Senate.

The success of the Mets is not just a reward to a fabulous and hustling ball club, but it is a symbol of the fact that even in New York City the fighting underdog can win.

Mr. President, in New York we dare to hope that the Mets will be the champions of the world. Regardless of what other team loyalties may be in the Senate I hope that Members will cheer us on simply because at one point in the lives of all Members, every one of us has been the underdog and this is a time when the underdog has really come out on top.

PRIME MINISTER GOLDA MEIR

Mr. **WILLIAMS** of New Jersey. Mr. President, I had the great pleasure of visiting with Mrs. Golda Meir, the Prime Minister, in Tel Aviv in early June of this year.

If Mrs. Meir were not so down-to-earth human and real, her majesty and beauty and power would be overwhelming. The moments I had with her for me will be unforgettable.

The Washington Post article by Marie Smith in today's newspaper has so magnificently described the greatness of Mrs. Meir that I ask unanimous consent to have it printed in the RECORD so that everyone will have the opportunity to appreciate the qualities of this great leader.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. MEIR: A STERN LIBERAL

(By Marie Smith)

PHILADELPHIA, September 24.—"She has a face you can't walk past in a crowd without noticing—the large nose that gives character, the broad brow, the firmly set jaw, the warmth in her eyes."

Shaul Ben-Haim, a counselor at the Embassy of Israel was describing Golda Meir, Israel's 71-year-old Prime Minister, who arrived here today on the first leg of an official visit. She flies to Washington on Thursday.

The usually stern face of Golda Meir was wrinkled by smile after smile as she stepped off the plane here and acknowledged the cheers of the estimated 5,000 school children shouting, "Shalom," and waving friendly signs, saying among other things, "We dig Golda."

She waved to them walked over and shook hands with a score or more. En route, she stopped to kiss three little boys.

For a fleeting moment, she was again just a doting grandmother. The three little boys were the sons of her only son, Menachin Meir, a concert cellist who is this year a graduate student in music at the University of Connecticut.

As they waited for the giant El Al airplane that brought her from Israel to land, they reminisced about Mrs. Meir.

Gideon Meir, 7, the youngest grandson, talked about the month-long visit they had with the Prime Minister in Tel Aviv last summer and the delicious gefiltefish she had prepared for them.

Daniel, 9, said his grandmother was, "very busy," and added, "A President doesn't work as hard as a Prime Minister." But he said, he did not want to be either.

Amnon, 11, the eldest of the grandchildren, recalled a helicopter ride Golda Meir took them on last summer and said he wanted to be a pilot.

"At heart, she's really a homemaker," said Clara Stern of her elder sister, the Prime Minister, Mrs. Stern, from Bridgeport, Conn., added that she was not surprised that Golda became Prime Minister. Recalling their youth in Milwaukee, she said, "Even then, Golda was a leader. When she was nine, she organized a club at school to raise money to buy textbooks for children."

Menachin's wife, said she resents hearing Mrs. Meir described as "a tough leader."

"She's one of the kindest, most considerate people. She's tough only because she has tough problems."

"Yes," added Mrs. Stern, "She thinks like a man—no trivialities—but the idea that she is tough like a man is a lot of nonsense. She loves beautiful clothes, jewelry and she loves to give presents."

"They say she comes here to shop for planes," the Prime Minister's daughter-in-law continued. "But she would love nothing better than to go to Macy's basement and shop for kitchen gadgets. She loves buying kitchen gadgets."

"Or buying toys for the grandchildren," Mrs. Stern added.

Mrs. Meir wore a black and white tweed suit, black blouse and ivory necklace and carried white gloves.

She wore no makeup and her frizzled dark graying hair was pulled severely back from a center part to a heavy bun at the nape of her neck.

She walked at a slow pace because her heavy legs are plagued with phlebitis and varicose veins. On the flight from Tel Aviv she propped her legs up in front of her and read Israeli and London newspapers and some official papers before closing her eyes for one of her quick naps that enabled her to out work any of the men around her.

When people ask the deep-voiced former Milwaukee school teacher what it is like for a woman in her statesmanship role, her answer is "I wouldn't know. I was never a man."

Prime Minister Meir is never at a loss for words but is reluctant to talk about herself. Those who have worked through the years with her are ready with anecdotes, however, that tell more about her than she herself would ever disclose.

"She has managed to bridge the gap between being a woman and a Prime Minister. But her womanly qualities come out on occasions," one aide said.

"She won't go to sleep at night while the Israeli soldiers are over the border on military operations. She leaves word to be telephoned when they return. When the word comes, she answers the telephone on the first ring."

In a crisis, instead of wringing her hands, Mrs. Meir lights another cigarette.

"She's a chain smoker but puts the cigarettes away when photographers are around. She says she does not want to influence young people to smoke," the aide said.

But Mrs. Meir adds, "at my age, there's no danger of dying young."

At the end of a long day of conferences and crises she often goes into her bathroom at 2 a.m. and washes her hair. "She always washes her own hair though. She never went to a hairdresser in her life," said Lou Keddar, the Prime Minister's personal assistant who accompanied her on this visit.

Mrs. Keddar, who was deputy head of the Department of Africa Ministry before becoming Mrs. Meir's personal assistant, said the Prime Minister selects her own clothes and has "very simple tastes."

"She cleans her own shoes, too, because she thinks she can do it as well as anyone," Mrs. Keddar added.

The Prime Minister wears her hemlines at mid-calf but is not opposed to the miniskirts that are also popular in Israel.

Mrs. Meir has a married daughter who lives on a collective farm in Israel and delights in visiting her. She dotes on her five grandchildren, "but she doesn't have a complex of being a mother to everyone, or look upon herself as being the mother of a nation," the aide added.

She is not a great orator, but when she speaks it is from the heart, almost never from a prepared text.

Addressing the crowd estimated at 20,000 which filled the park at Independence Hall today, Mrs. Meir spoke without notes. It was not one of her so-called tough speeches, but a sentimental one.

It was her 10th visit to the City of Brotherly Love and she told the applauding thousands, "We have no hatred for anyone. We want peace for everyone . . . there is no joy in war or winning the war. There is joy and peace in work . . . joy in what this city stands for, brotherly love."

It was a speech that brought her a standing ovation and a kiss on the cheek by Philadelphia Mayor James J. H. Tate.

At home, Mrs. Meir loves to cook, but doesn't use the kitchen as an escape from state duties.

"She'll start a conference in the lounge, and as it runs into the night the group will follow her into the kitchen, talking around the table while she prepares omelettes at the stove," Ben-Haim said.

When she relaxes, it is with a good book or classical music. She has a large collection of records.

Although she now lives in the Prime Minister's residence and enjoys the fringe benefits of that office, she keeps her own three room flat in the northern part of Tel Aviv. She and her husband moved to Palestine in 1921 and were subsequently separated.

As Prime Minister, she has a chauffeured car but prefers to sit in front rather than alone in the back seat.

During the period she was out of office, after resigning as foreign minister, she didn't have a car and was often seen standing waiting for the bus.

XUM

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 26, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate September 25, 1969:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Paul J. O'Neill, of Florida, to be a Member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1974, vice Leonard L. Sells, term expired.

IN THE MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of captain:

Joseph C. Abrams
Bruce J. Acker
Gordon E. Ackley, Jr.
James F. Adams
Jack W. Ailstock
Ervin E. Akers
Alfred B. Alberts
David G. Albizo, Jr.
Arthur I. Alexander
Frank A. Alexander
Homer L. Allen
James M. Allen
Paul W. Allen
Raymond K. Allen
Robert L. Allen
Ronald H. Alnutt
Henry D. Amos, Jr.
Robert D. Amos, Jr.
John J. Anaya
Marvin R. Andelin
Charles F. Anderson
Douglas E. Anderson
Melvin L. Anderson
Wilbur L. Anderson
William E. Anderson
James A. Andes
George E. Andrews
Donald F. Andrus
James E. Annis
Salvatore Anselmo
Anthony R. Arbisi
Robert J. Arboleda
Gavin C. Ardolino
Billy T. Arnold
Everett C. Arnold
George J. Ash
Calvin H. Ashley
Raymond F. Asselin
Robert O. Atherton
Michael J. Avellino
James A. Ayotte
Harry K. Azarian
Robert L. Bachstein
Peter R. Badger
Bernard J. Baeza
Charlie E. Bailey
George H. Bailey
Walter F. Bajkowski
Donald G. Baldwin
Grant H. Baldwin
Ernest N. Balignasay
Ronald A. Balius
John F. Baltes
Edward A. Banaszek
Henry F. Banaszek
Curtis J. Bare
Robert A. Baribeau
Richard L. Barineau
Charles P. Barker
Robert L. Barker
Glen E. Barnes
William P. Barnes
Robert K. Barnett
James W. Barotti
Hector Barrientes
Wade H. Barrier
Bonie P. Barron
James M. Barry
Lawrence E. Barry
James N. Bartlett
Robert C. Bash
Henry S. Bass
William E. Bass
Michael J. Bastyr
Salvatore A. Battista
William P. Bau
John W. Bauer
Robert E. Baurle
Francis J. Bausemer
Marvin H. Bechtel
Arthur R. Beck
Edgar L. Becker
Durham J. Belanger
Travis E. Belcher
George Beley
Augustus D. Beligotti
Thomas C. Belkonen
Walter H. Bell
Richard T. Bellis
Arthur J. Belville, Jr.
Eugene R. Benjamin
Gilbert T. Benjamin
Thomas G. Benson
Anthony B. Benz
Bobby F. Bequette
Roger J. Berger
Bernard L. Bersano
William R. Bertagnolli
Allan C. Bevilacqua
Raymond R. Bickel III
Frederick S. Beisinger
David D. Bigness
George A. Bille
Walter G. Bines, Jr.
Thomas F. Bingham
Donald W. Blair
Marvin S. Blair, Jr.
Robert W. Bland
Kenneth L. Blass
Otis W. Bledsoe
L. O. Belvins
William C. Blivin
Billy R. Blocker
Ray L. Bloxom
Oscar E. Bly
Robert A. Bock
Lee D. Bodkin
Gary M. Boggess
William R. Boggs
Robert A. Bogniard
Jackson D. Boley, Jr.
Francis G. Bonin
Juan B. Bonini
James M. Bonneau
Michael J. Bornemann
Richard E. Bos
Leslie W. Boston, Jr.
Donald R. Botsford
John F. Bouldin
Leo C. Boutin
John H. Bower
Daniel C. Bowers
Ralph C. Bowers
John W. Bowman, Jr.
Lindy E. Bowyer
Robert C. Box
Richard R. Boyd
Everett J. Boyser, Jr.
Donald Brady
John A. Brady
Kenneth G. Bragg
Leo A. Brandenburg
Patrick M. Brey
Franklin D. Brier
Jerry J. Briggs
George A. Brock
Austin W. Bromley
Charles E. Brookfield
John V. Brooks
Ronald D. Brooks
Theo I. Brooks
Arthur C. Broska, Jr.
George H. Brouillette
Charles W. Brown
Edward H. Brown, Jr.
George R. Brown
Herbert D. Brown
Jerrell M. Brown
John P. Brown
Kermit E. Brown
Norman Brown
Richard M. Brown
Thomas L. Brown
William A. Brown
William A. Brown
Fred D. Broyer
George M. Bryant
James H. Buchholz
Edwin L. Buell
Delbert A. Bullock
Olin L. Bumgarner
Vernon B. Bunnell
Robert D. Bunner
Richard G. Burcham
James R. Burie
John R. Burke
Robert G. Burkhard
Harold G. Burley, Jr.
William R. Buringame
Earl V. Burnett
Robert D. Burnett
Robert J. Burns
Jack H. Burrell
Walter R. Burroughs
Harry E. Buser, Jr.
Brice L. Bussell
Stephen W. Butchko, Jr.
Erston Butler
Ronald L. Caldwell
Fred J. Call
Thomas E. Campbell
Thomas P. Candlen
Joseph A. Canonico
Robert L. Capeci
Robert A. Cardell
Floyd A. Carlson, Jr.
James D. Carman
George Carnako
Robert F. Caroll
H. C. Carpenter
Robert J. Carroll
Milton E. Carson
Joseph M. Carter
Tommy A. Carter
William L. Carter, Jr.
David B. Carver
Andy Casey
Howard L. Casey
Jackie V. Casey
Bert Cass
James E. Casti
James A. Cathcart
Norman C. Cefail
Herbert Chandler, Jr.
James M. Chapin
James L. Chapman
Daniel D. Chase, Jr.
Jerome M. Chase
Jerry D. Chase
Percy L. Chastang
Pedro Chavez
Earl F. Chin
Julian R. Choate, Jr.
Clayton C. Christensen
James K. Chun
Earl V. Church
Robert P. Cipriani
Richard G. Cirka
Curtis R. Clark
Donald J. Clark
Leonard T. Clark
Thomas J. Clark
Raymond C. Clausen
John P. Clelland, Jr.
Duane T. Clemens
Edgar L. Clemons
Harold K. Cleveland
David M. Clickner
Gerald R. Clifford
Charles S. Cline
Rollin W. Cline
Paul B. Clontz
Oliver P. Cobb, Jr.
Rex G. Coble
Ralph E. Cochran
Ernest Cockrell
Peter P. Coconis
Huey C. Cofty
Keith E. Cohenour
Robert E. Cole
Clinton R. Coleman
Harold J. Coleman
Charles B. Collins
Charles G. Collins
Donald C. Collins
William J. Colton
Charles G. Comer
Anthony R. Condroski
William R. Connell
Patrick J. Connor
John M. Conyers
Charles E. Cook
Dannie L. Cook
Freddy V. Cook
James A. Cook
Paul M. Cook II
Charles S. Cooley
Joseph R. Cooper, Jr.
Warren E. Cooper
Franklin L. Cornelius
Jose F. Cortez
Anthony J. Cotterell
Stanley E. Cottle
Robert J. Coulter
Ronald K. Coulter
Billy R. Courtney
Charles K. Cox
Kenneth L. Crabb
Gordon N. Crane
Ronald E. Crane
Chandler C. Crangle
Keith D. Creech
Billy D. Crews
Jack E. Crippen
Roger A. Critzer
Edward J. Croghan III
Richard A. Cronin
Robert Crosby
John T. Crowe
Norvin A. Croy II
Willard D. Crull
William L. Culp
Fledge E. Cummings, Jr.
Carl R. Curry
Albert Curtis
Otis F. Curtis IV
Richard M. Cushman
Homer S. Cutlip
Karl W. Czapor
Raymond F. Czubachowski
Edwin L. Dailey, Jr.
Terrence R. Dake
Wayne R. Dale
James T. Daley
Carl B. Damon
Johnny L. Daniel
Joseph P. Darcy
James J. Dargan
Martin H. Darity, Jr.
Walter C. Daskan
Gerald B. Daugherty
Daniel Davis
David A. Davis
George K. Davis
Lawrence Davis
Louis L. Davis
Robert D. Davis
William J. Davis
Lester L. Dawdy
Charles L. Dawson
Richard Deaver
Anthony A. Degennaro
Paul L. Degrenier
Richard V. Degryse
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Virgil D. Hiatt
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Owen J. Toland
Masao Toma
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Normand C. Tracy
Edward L. Trainor
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William F. Tyndall
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Jerry Uritescu
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Stephen Valent
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Ivan L. Vance
Marshall C. Vance
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Bobby L. Wamble
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Richard E. Warne
Jesse R. Wasson
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Gerald A. Watts
John R. Watts
Deland C. Weatherford
Louis E. Weatherford
John M. Weathersby
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William A. Whiting
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Thaddeus D. Wiener
William C. Wiggins
William A. Wiktorek
James L. Wilding
Kenneth J. Wilkerson
Digby H. Willard
Michael W. Willett
Albert Williams
Joseph H. Williams
Marvin L. Williams
Ted E. Williams
Leon Williamson
Thomas W. Williamson
Carl E. Wilson
Eugene S. Wilson
Jimmie J. Wilson
Guy H. Winkleman
Harry L. Winters
Hershel E. Wisdom
Merton T. Witham
Michael J. Witsell
Harry Witten
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Nels C. Youngstom, Jr.
John M. Zalipski
John S. Zdanowski
Joseph A. Zeitvogel
Larry P. Zenns
Edward M. Zerbe

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

James L. Anderson
Ronald H. Asmus
John J. Asta
James E. Bailey
Henry W. Baldwin
Deryll B. Banning
Albert E. Bauman, III
Charles E. Beard
James A. Belfiore
Charles R. Bell, Jr.
Luther A. Bolenbarker
Dennis L. Boudreaux
Gary L. Brandt
Boyd Brummett
Gerald S. Bucklin
Marcus J. Bumm, Jr.
Allen F. Burton
James J. Burton, Jr.
Carl F. Cain, Jr.
Everett J. Campbell, Jr.
Donald K. Carman
William W. Chapman
Thomas L. Clemons
Kenneth V. Cole
Michael L. Cook
Edwin M. Cooper
James W. Coward
Daniel D. Critchfield
John W. Curry
David D. Dail
Charles A. Dankmyer, Jr.
Oscar Delagarza, Jr.
Armand H. Desjardin
David B. Dorn
David C. Duberstein
Gordon L. Duke
William L. Dunn
Eugene H. Dunning
George E. Dyer
Claude M. Elliott
Peter M. Farris
Donnie L. Fauver
Clyde L. Fisher
Edgar Franklin, Jr.
Paul L. Frederick
Steve M. Fuqua III
Anthony L. Gasper
Leon E. Gingras
Richard F. Golec
Paul D. Gordon
John P. Graff
William W. Green
John W. Guild
Gene H. Haga
John D. Hamm
David L. Harris
Thomas W. Hayes
Richard A. Hedin
Patrick H. Hill III
Ernie W. Howe
Donald W. James
James R. Jennings
Robert D. Jones
Richard H. Kayser
Richard J. King
Bruce B. Knutson, Jr.
Ernestine A. Koch
James A. Kuch
Ralph V. Lanning
Richard L. Lewis, Jr.
William M. Liebenow
Joseph R. Linko
Thomas C. Lish
Redmond J. Loftus, Jr.
Howard Lovingood
William J. Lucas
Patrick J. Lynch
Thomas W. Mackie
Orbia B. Martin
Salvador Martinez. Jr.
James F. Mazur
Billy R. McCrary
Thomas J. McIntryre
David D. McNally
Linwood H. McNeill
Robert M. Miller
Thomas S. Miller
Kenneth L. Mitchell
John V. Morris
William A. Mullins
Melvin P. Neu
James R. Oldham
Elhanan Pennington
John D. Perry
Johnnie E. Phillips
Robert K. Potter
John H. Quackenbush
Billy G. Ratcliff
Virgil G. Rhoads
Gerald L. Rodden
Duane L. Rose
John F. Rush
Ray H. Scott
Richard E. Scott
John R. Shultz, Jr.
Joseph A. Silvoso
Danny L. Simpson
James L. Thompson
George J. Trautman
John F. Velardo
Durward C. Waddill
William J. Walker
Frederick M. Waller, Jr.
Lawrence Ward
Loyd T. Weeks
James H. Weigert
Herbert J. Werner
Frederick A. Wilson
Larry L. Wine
John D. Wright

INTERSTATE COMMERCE COMMISSION

Robert Coleman Gresham, of Maryland, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1974, vice Wallace R. Burke, deceased.

DEPARTMENT OF DEFENSE

Robert Louis Johnson, of California, to be an Assistant Secretary of the Army, vice Russell D. O'Neal, resigned.

EXTENSIONS OF REMARKS

AN ODE TO THE ORIOLES

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. TYDINGS. Mr. President, John Kunreuther has lived in Baltimore but is a 12-year-old Scarsdale boy who is as strong an Oriole fan as we have. He composed a poem which I ask to have printed in the RECORD for the pleasure of Senators and of Oriole fans everywhere.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE OF A KIND

(By John Kunreuther)

In Baltimore, there are many jobs
Such as selling crabs to the waiting mobs
Or being a doctor or a nurse
Or being the guy who swipes a purse.

On every street in Baltimore
There is always at least one seafood store
And they all have different speciality winners
Such as fantastic crab and broiled fish dinners.

And so in Baltimore, the "happening" town,
There live a bunch of wonderful clowns,
And these very popular, talented souls
Are widely known as the Orioles.

This super team has recently shown
That a team can win with a Floyd or Salmon,
And that some time, some night, or maybe some day
A homer can be hit by Davey May!

At first, of course, is "Booger" Powell
And laterly he's had the eye of an owl,
And when Boog swings the bat hard it's easy to hear
Chuck Thompson yell, "That ball's out of here ! ! !"

The Orioles want Dave and Mark to stay
So they can always get the double play;
The bad remarks about their hitting were lies
Cause both their bats have been a big surprise.

The infield ends with B. Robbie at third
And the team sure is glad that he, too, is a bird,
Cause even if he cannot hit
He is spectacular with the mitt.

And now we see Don Buford in left
Who is well known for his home-run theft
The opposing teams' throats have many lumps
When Don is at the wall and jumps.

"Mr. Motormouth" is now his name
But he plays great baseball all the same,
And running for those fly-balls, Blair
Is just as speedy as any hare!

In right field is the other one
Of the two great Robinsons
He plays the game so well that he
Has twice now run the M.V.P.

When the ball hits you from behind the plate, POW ! ! !
There's nothing to do but yell out, "OW! !"
And Andy and Ellie have been hit hard
But manage each game to be one who starred.

Jim, Dave, Tom and Mike
The opposing hitters do not like
When they're good, the batters cannot hit
And they will strike out and have a fit.

Earl Weaver is the one whose
Job is in danger if his club does lose
And people call him some very bad names
When he leads the division by 15 games.

Over all this team is great
And to be the champs they cannot wait,
And when they end up winning it all
In Baltimore they'll have a BALL! !

MEDIC

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. BRASCO. Mr. Speaker, the development of vast medical centers, rapid advances in the medical sciences, heightened concern over health care, and the passage of historic social legislation have combined to pose a new and awesome challenge to the hospital community of our Nation.

Essentially, the problem lies in the need for close coordination between the various hospital departments, so as to assure the highest level of patient care and to help management to achieve the most effective utilization of its resources.

From the time a patient enters the hospital until the time he is discharged, there is a constant flow of information about the patient among the many departments that have concern for his health and well-being. However, in hospitals today, redtape and mountains of paperwork impedes efforts to provide optimum patient care.

Now, along with the many other wondrous functions it can perform, the computer has come to the aid of hospitals whose basic mission, the treatment and care of the sick, is hampered by inadequate communications systems.

One of the most notable developments is a system, known appropriately enough as MEDIC, the result of a joint effort by Gamut Systems, Inc., of New York and the renowned St. Barnabas Medical Center in Livingston, N.J.

This unique, new shared hospital and medical information system was developed to substantially reduce the administrative, nursing, and medical paperwork concerning patient care. The most remarkable feature of MEDIC is that it provides hospital personnel with automated handling of information on some 90 percent of patient-related activities. Hundreds of thousands of man-hours of recordkeeping are taken out of the hospital and turned over to the computer.

This includes total information concerning admissions, medications, laboratory, X-ray, dietary, central service, financial reporting, patient billing, general ledger, accounts receivable, payroll, and personnel management.

Each of these functions within the hospital, medical, or nursing center is provided by remote terminals linked via telephone lines to a central computer system at Gamut's medical information center. The computer records, correlates, updates, and disseminates necessary information concerning patient activities, schedules, and daily services. All pertinent processed information is applied to the financial and management reporting system to allow for accurate and timely patient billing, accounts receivable, medical insurance, and medicare proration, inventory control, and control of drug and medication utilization.

The cost to the hospital community for this remarkable service is dramatically reduced through the simultaneous use and sharing of Gamut's central computer by several hospitals.

Mr. Speaker, Gamut Systems and St. Barnabas Medical Center merit the highest praise for bringing to bear their imagination, resourcefulness, skill, and determination in creating a system which I believe is an important asset to institutions concerned with providing quality health care for the American public.

THE RUSSIAN JEWS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. CRANSTON. Mr. President, the living conditions and psychological atmosphere for Jewish citizens of the U.S.S.R. remains intolerable. I ask unanimous consent that the following case study describing this situation be printed in the RECORD.

Although some Jews are being released from the Soviet Union under the reunification-of-families program promised by Premier Kosygin in December 1966, the intensity of the problem continues.

Politically the Soviet Union is fearful of opening its emigration gates wide because of the huge exodus which would obviously occur, thus giving the Soviets a propaganda black eye.

The second part of the political problem is that Russian Jews are being used as political pawns and hostages within the U.S.S.R. so as to increase tensions in the already volatile Middle East situation. With these pressures the lid is unfortunately being kept on one of the U.S.S.R.'s most creative group of citizens.

Mr. President, I bring the Kochubiyevsky case before you and our colleagues to demonstrate once again the maleficent situation Jews in the Soviet Union face. I am deeply concerned for their plight, and hope the Soviet Government reconsiders its policy toward Russian Jewry, a people rich in mind and in spirit.

There being no objection, the study was ordered to be printed in the Record, as follows:

The Case of Boris L. Kochubiyevsky

The attached letter speaks for itself. A few biographical details are in order.

Boris Lvovich Kochubiyevsky was born in Kiev, the Ukraine, in 1936. His parents were killed by the Nazis at Babi Yar, the charnel house on the outskirts of Kiev where tens of thousands of Jews were slaughtered in September 1941.

The boy was brought up in an orphanage and attended a trade school. Later, he received an engineering degree from the Kiev Polytechnical Institute. He had no Jewish education or culture and his wife, Larisa Aleksandrovna Kochubiyevsky, is non-Jewish. Still, his experiences as a Jew in the Soviet Union made him always aware of his Jewish origins.

In June 1967, at a meeting organized at his factory to protest "Israeli aggression," Kochubiyevsky heatedly rejected the official line and upheld Israel's right of defense. At a subsequent meeting of his factory trade union, his action was discussed and he was asked to resign, which he refused to do.

At a memorial meeting at Babi Yar in February 1968, Kochubiyevsky once more overly contradicted an official Soviet line. This time he protested the Soviet policy of minimizing or even keeping silent about the Jewish massacre at Babi Yar.

In May 1968, he finally succumbed to pressure and resigned his job. That summer, he and his wife applied for exit permits to Israel; they were refused. But in November, they were given permission to leave and were told to appear at the passport office on November 28 to pick up their documents. That morning, however, their apartment was searched and many of his letters were seized, among them protest letters written to Soviet authorities.

The following week, Kochubiyevsky was arrested. His wife, after refusing pressures to leave him and divorce him, was expelled from the Teachers College where she was a student, and from the Komsomol. His arrest was based on Article 187, Chapter 1, of the Ukrainian criminal code, and it cited his statements at the above-mentioned occasions.

On January 20, 1969, his pretrial examination was concluded by the local prosecutor's office and submitted to the court—where, however, it was sent back for further investigation. The court stated that the evidence was insufficient to support the charge that he intended to disseminate anti-Soviet slanders.

The petition to the United Nations signed on May 20, 1969 by fifty-five Soviet intellectuals, calling for an investigation of "the repression of basic civil rights in the Soviet Union," protests the trial and sentence of Kochubiyevsky the week before to three years in prison.

The text of his letter to the Soviet authorities follows:

TEXT OF KOCHUBIYEVSKY LETTER

November 28, 1968.

To: The Secretary General of the CPSU Central Committee—Brezhnev. The First Secretary of the (Ukraine CP) Central Committee—Shelest.

Copy: to the Investigator of the Prosecutor's Office of the Shevchenko. Region of the city of Kiev—V. V. Doroshenko.

From: The accused of slander against Soviet reality—B. L. Kochubiyevsky, Jew.

I am a Jew: I want to live in the Jewish State. This is my right, just as it is the right of a Ukrainian, the right of a Russian to live in Russia and the right of a Georgian to live in Georgia.

I want to live in Israel.

This is my dream, this is the purpose not only of my life, but also of the lives of hundreds of generations which preceded me, of my ancestors expelled from their land.

I want my children to study in a school in the Hebrew language. I want to read Jewish papers, I want to go to a Jewish theatre. What is bad in this? What is my crime? most of my relatives were shot by the fascists. My father was killed and his parents were killed. Were they alive now, they would stand at my side: Let me go!

I have appealed with this request many times to various authorities and I have achieved only this: Dismissal from my job; the expulsion of my wife from the Institute; and, to crown it all, a criminal charge of slandering Soviet reality. Of what does this slander consist? Is it slander that in the multi-national Soviet State only the Jewish people cannot teach its children in Jewish schools? Is it slander that in the USSR there is no Jewish theatre? Is it slander that in the USSR there are no Jewish papers? Incidentally, no one even denies this. Perhaps it is slander that for over a year I have not succeeded in obtaining an exit permit for Israel? Or is it slander that people don't want to talk to me, that there is no one to complain to? Nobody reacts. But even this isn't the heart of the matter. I don't want to be involved in the national affairs of a State in which I consider myself an alien. I want to go away from here. I want to live in Israel. My wish does not contradict Soviet laws.

I have an affidavit from relatives; all the formalities have been observed. Is it for this that you are starting a criminal case against me?

Is it for this that a search has been made at my house?

I don't ask you for recommendations for mercy. Listen yourselves to the voice of reason:

Let me go!

As long as I am alive, as long as I am capable of feeling, I shall devote all my strength to obtain an exit permit for Israel. And even if you should find it possible to sentence me for this—I shall anyway, if I live long enough to be freed, be ready even then to make my way even on foot to the fatherland of my ancestors.

Kochubiyevsky.

PROMISES AND ACTION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HELSTOSKI. Mr. Speaker, last fall when he was campaigning for the Presidency, Richard Nixon made it clear to the American people that the multitude of the Nation's problems would be attacked with realism, rather than with sloganeering.

Nine months have now elapsed since the Republican Administration came into power and its actions do not make an especially convincing crusade to combat the Nation's ills.

In his inaugural address, President Nixon has promised a low-key, low volume administration, and at the first 8 months in office, this is approximately the image that has emerged.

There has been restraint in appraising the successes and failures of the new administration, but now evaluations are being made by the political analysts and by men in high places who are aware of the problems which confront the Nation.

Mr. Speaker, I wish to call attention to a thoughtful appraisal of the Nixon administration by Hubert Humphrey, which appeared in the Washington Daily News last Monday, September 22, 1969. I wish to include Mr. Humphrey's observations and critique as part of my remarks.

The article follows:

No Way To Run an Airline, a Railroad, or a Nation

(By Hubert Humphrey)

A year ago, six weeks before the election, Richard M. Nixon told the American people of his concept of the presidency. He said: "The next president must take an activist view of his office. He must articulate the nation's values, define its goals and marshal its will."

All thru the campaign, candidate Nixon said he would stop crime and inflation and rising taxes. He promised peace at home and abroad.

In his acceptance speech at Miami, he said: "The wave of crime is not going to be the wave of the future of the United States of America."

He said: "Let us build bridges, my friends, build bridges of human dignity across that gulf that separates black America from white America."

And he said: "I see the day when our senior citizens and millions of others can plan for the future with the assurance that their government is not going to rob them of their savings by destroying the value of the dollar."

The Republican theme in 1968 was a special concern for the silent American, the forgotten American. They pay most of the taxes. It is their dollar being eroded by inflation. They suffer from increasing costs of higher education for their sons and daughters. They are the victims of spiraling medical costs. They are being squeezed by tight credit and high interest rates. Their neighborhoods are threatened with violence and crime.

Their pain and suffering was to be eased. A new administration would set America on a new course. Let's take a look at the record.

Crime is still out of control. FBI figures for 1969 indicate a 10 per cent increase in the crime rate. After all the campaign rhetoric, Attorney General John N. Mitchell now says: "Basically, street crime is outside the jurisdiction of the federal government."

Food prices are rising 8 per cent a year. In most cities, hamburger and bacon have gone up 10 cents a pound.

Parents who sent their children to college this fall found costs up $100 to $200 per year. The average increase was 8 per cent.

Families who hoped to buy a new home this year have found interest rates rapidly rising, with the average rate for a new home now 8 per cent.

While the nation's housing needs are estimated at 2.5 million units per year for the next 10 years, new housing starts have dropped from an annual rate of 1.8 million in 1968 to 1.4 million this year, and the rate may drop even more.

The cost of living, which went up 3 per cent in 1967 and 4 per cent in 1968, is increasing at an annual rate of 6½ per cent under President Nixon.

The White House sat idly by while the big banks increased the prime interest rate to 8½ per cent, and there is talk of another increase.

Despite a campaign promise to the contrary, President Nixon demanded extension of the 10 per cent income tax surcharge.

A tax reform bill finally passed the House of Representatives, but it was the work of Democrats in Congress, not the Nixon administration. The bill provides $9 billion a year in tax relief for low and middle income families, but the Nixon administration says the House bill gives too much tax relief to the low and middle income families and not enough to business. So the administration proposal is to hand corporate business, which is already enjoying record profits, $2 billion in extra tax relief.

Hospital and medical costs continue to rise at an alarming rate. Budget cutbacks are forcing reductions in medical research, hospital construction and neighborhood health centers.

Candidate Nixon's "black capitalism" program no longer is mentioned at the White House. "Black capitalism is a shambles," according to Whitney Young, Jr., executive director of the National Urban League.

During the campaign, candidate Nixon also emphasized that he did not want a government of "yes men." He promised an administration of "open, candid dialogue."

One of President Nixon's first nominations was that of Dr. Franklin Long to head the National Science Foundation. President Nixon called Dr. Long "a man of eminent credentials," but then when it was discovered Dr. Long opposed the Nixon ABM plan, the nomination was withdrawn. After withering criticism from the scientific community, President Nixon again reversed himself and offered the job to Dr. Long, who by this time wanted no part of the administration.

Then HEW Secretary Robert Finch selected Dr. John Knowles to be his assistant secretary for health. But top officials of the American Medical Association, which had contributed heavily to the Nixon campaign, objected. After six months of political infighting, Secretary Finch finally had to back down. Senator Charles Goodell, R., N.Y., concluded: "The choice was between filling the nation's top medical post on the basis of merit or politics. Politics won."

In March, Clifford L. Alexander, Jr., chairman of the Equal Employment Opportunities Commission, was warned that businessmen were complaining of "being harassed" by the commission. He was told "it is going to stop or somebody is going to lose his job." The next day, Alexander was replaced as chairman, and in April Alexander resigned from the commission, saying, "The public conclusion is inescapable: vigorous efforts to enforce the laws on employment discrimination are not among the goals of this administration."

After eight months, it is beginning to look as if the Nixon administration may not only be veering to the right as part of a "southern strategy" of re-election, but it may not get off the ground at all.

We were told the Nixon years would be a beautiful flight into the future. What's happened? The plane made it to the end of the runway, but its engines are sputtering and it's not moving. I think one of the problems is that the pilot is looking over maps that were good in the 1950s but are out of date in 1969.

As we head into the 1970s, the flight into the promised land probably will be cancelled and passengers will be taken back to the terminal for a safer, slower horse and buggy. The forgotten American has been forgotten.

I say this is no way to run an airline, a railroad, or a nation.

AMERICAN ACADEMICS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. FANNIN. Mr. President, I invite the attention of Senators to an address delivered at the University of Tulsa by Daniel J. Boorstin. Just as this is not an ordinary, run-of-the-mill speech neither is Mr. Boorstin an ordinary man.

He is a recipient of the Preston and Sterling Morton Distinguished Service Professor of History at the University of Chicago and a member of its faculty since 1944, and has been described by a reviewer for the National Observer as "no ordinary historian," but "a practitioner of 'social history,' a field that for years has struggled to gain respectability alongside the more conventional fields." Daniel Joseph Boorstin was born on October 2, 1914 in Atlanta, Ga., one of the two sons of Samuel Aaron Boorstin, a lawyer, and of Dora (Olsan) Boorstin. His grandparents on both sides of his family were Russian-Jewish immigrants. His brother, Robert L. Boorstin, is an investment counselor in Beverly Hills, Calif. Boorstin grew up in Tulsa, Okla., where he had moved with his family at the age of 2. After graduating from Central High School in Tulsa in 1930, he entered Harvard University at the encouragement of his mother. Undecided about a career, he majored in English history and in literature. At Harvard, Boorstin also served as editor of the undergraduate daily, the Crimson. A senior honor essay that he wrote about Edward Gibbon's "History of the Decline and Fall of the Roman Empire" brought him the Bowdoin Prize in 1934, when he graduated from Harvard summa cum laude with a B.A. degree.

Dr. Boorstin, by his own account, is a refugee from radicalism. He has a distinguished and unusual legal career, being one of the few Americans who is entitled to plead cases before the English Bar. He is a distinguished editor and author and has provided us with some excellent comments upon the current academic scene.

He has been honored by previous administrations and I am sure will continue to serve the Nation in a valuable way.

As I have said, his was not an ordinary address. It did not pit American against American, black against white, poor against rich. It freely acknowledged the existence of problems—many of which are real, others only imagined, but nearly all with us for far too many years. The majority of his talk, however, concerned itself with what is right in America, and how each of us—young and old—can and must work together to make it better.

It focuses attention on our educational system—both its successes, which are many, and its failures, which are few. But mostly it is a plea. A plea for rationality, for true intellectualism, for toleration. It is, it seems to me, a plea we can ignore only at the expense of our excellent system of education and, therefore, only at the expense of America herself. I highly recommend its being read, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS AT THE UNIVERSITY OF TULSA, JUNE 1, 1969

(By Daniel J. Boorstin)

Apology has become the American posture. The liberal virtue of self-criticism is becoming the national vice of self-hate. We seem to see everything about ourselves except what is good, everything about our past except what we have achieved. Groveling has become the national disease.

The missing ingredient in the United States today is pride. This is what the dictionary calls "a becoming or dignified sense of what is due to one's self or one's position or character; self-respect; self-esteem." We have become so accustomed to the lack of it that we have begun to imagine that our absence of self-esteem is somehow a virtue.

The accumulating symptoms are everywhere. In the Unilted States it has always been hard to define an "intellectual." But we have now almost reached the point where an American intellectual is a person who believes that the whole community is anti-intellectual. And, similarly, the definition of a "liberal" here has been elusive. Now in the United States people who call themselves liberals tend to be those who believe that all American society is illiberal. And extremist-liberals would even seem to believe that our nation consists predominantly of imperalist, war-mongering racists.

How have we come to this plight? How can we explain that our nation which fought the Civil War, the bloodiest war of the 19th century, to secure the freedom of an oppressed minority, which in the last century and a half was the asylum for the oppressed of the world and received some fifty million immigrants, which for so long considered itself "the last best hope of mankind"—how can we explain that our spirits have fallen so low that we have made us a national costume of sackcloth and ashes?

The answer, I suggest, does not lie in an objective failure of American institutions. It is not that we have given up the struggle for a better life. It is rather that our impatient, energetic nation, plunging and pushing and pulling toward a fulfillment of democracy, has refused to face its paradoxes. A paradox, you will recall, is a statement seemingly contradictory, but actually true.

Tonight I will speak of one of the paradoxes of democracy. Of one point where our extravagant democratic hopes come up against the hard facts of life—in the world of higher education.

During the last three centuries the American People have undertaken the most widespread, perhaps the most remarkable, and probably the most successful educational experiment in history. Even in the early 17th century a law of the Massachusetts Bay Colony required each community to provide a system of public education. Free and universal public education, unheard of in the Old World, became familiar in America.. Communities first provided free elementary education, then secondary education (the public high school was an American innovation).

Then, with the rise of state universities, land-grant colleges, and myriad municipal and other institutions, in our time we have provided a virtually free and nearly universal higher education. At every stage this movement has been unprecedented.

Our system of higher education is without doubt the best in the world. Our colleges and universities are by far the best staffed in faculty, the best equipped in libraries, laboratories, and classrooms. They are the most numerous and reach the largest proportion of the population. Today some 2,400 American institutions of higher learning contain a student enrollment of over 7,000,000 and faculties numbering over 500,000. The *faculty* members of American colleges and universities are nearly as numerous as the combined *student* populations of all institutions of higher learning in England and France. Our college student population itself is nearly equal to the combined total populations of persons of all ages in Denmark and Norway. About 40% of the students are women. Even

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ten years ago, there were more Negroes attending American colleges and universities than the then total college population of England or of France.

Anyone who complains of the lack of opportunity for "communication" between faculty and students here should visit the other cultivated nations of the world. In Italy, Spain, Greece, and Latin America the norm is a part-time faculty. The shockingly-underpaid professors who have to piece out their incomes by other jobs, barely have time to attend their classes, much less to chat informally with students at office-hours or over a glass of beer at their homes. In great British universities we still see segregated dining facilities, offering superior cuisine for the faculty. At the Sorbonne the faculty is so dispersed, so hurried, and so jealous of one another's work, that they barely communicate with one another, much less with their students.

If American students believe their housing inadequate or their social halls ill-equipped, let them leave their stadia and their swimming pools and bowling alleys and billiard rooms and ping-pong tables and lunchrooms and take a quick trip to Paris, where there are no social facilities at all. The cafes of the Left Bank, so picturesque for the three-day tourist, look far different to the French student who must pay for the privilege of sitting there to meet his friends. He cannot meet them in the library for—by American university standards—there is no library, but only a dank, crowded hall without the current books much less a comfortable place to sit while you read them. And it is difficult for him to meet his friends between lectures. For if the student is not seated in the lecture hall an hour or so in advance, he may have to sit on the floor or stand in the door. In Paris, it is not unusual for students to live in ill-lighted attics or basements which few American institutions would use for piling trash.

If American students complain of lack of democracy and lack of opportunity for student participation, let them read the sign, yellowed with age, at the entrance to the Sorbonne, warning that to use these premises for political discussions is illegal. Or, let them take time out from student councils and committees and sit-ins to visit the great Universities of Germany or Japan. There the standoffish Herr Doktor Professor rules the roost.

The sober fact is that our system of colleges and universities is without equal. At least seventy-five of our Universities and at least five hundred of our four-year colleges provide a total educational opportunity rivalled by only a few institutions elsewhere in the world.

How, then, can we explain the current national psychosis—of apology for our higher education? How can we explain the spectacle—which now begins to have the uniformity and regularity of a folk-ritual? Whenever a rock is thrown, a sit-in is staged, or knives or guns are brandished on campus (by persons who may or may not be students), we hear from many professors, from nearly all deans and college presidents, and from too many half-informed public figures, a chorus sung in unison. The tune may vary, but the words are always the same: "Reforms-Long-Overdue!" The chorus is recited with the self-righteousness of a pledge of allegiance and with the solemn orthodoxy of a national anthem.

Tonight I will not try to talk about the deeper forces and motives that have given a few of our students their myopia, and have brought them to this pitch of irrationality. I will not talk about the increasing conspicuousness of dissent, the increasing temptations of our ever-multiplying media to dramatize and advertise and spectacularize the most violent acts and to make heroes of dyspeptics and psychotics. Nor will I talk about how this tendency of our technology has been reenforced by many irresponsible newspaper editors, radio commentators, and television programmers. I will not talk about the new Sociology of self-denigration, about the vulgarization of the social sciences so that people who consider themselves up-to-date and well-informed like to think of our whole country as a nation of racist, waste-making, hidden-persuading, Madison-Avenue, organization men—a power-élite working in executive suites and (with their status-seeking wives) inhabiting a child-centered Suburban Wasteland. Nor will I talk about the deeper tendencies in American education, in American religion, or in the American family, which have pushed out of vision the continuity of our past. Nor will I trace the movements which have displaced "history" by "social studies" and which have replaced the narrative of achievements, the study of institutions, the excitement of great men and great events by a dreary focus on "issues" and "problems." Nor will I try to explain the extraordinary feat by which the whole American past—a great chronicle of the cooperative adventure of varied peoples—has come to be presented to more and more students as only so many centuries of Excedrin headaches.

Here in the United States today the crucial problems of higher education come from the very fact that till now we have been so spectacularly democratic. Relentlessly insisting that every American is entitled, as his birthright, to all the education that his native talents equip him for, we have pushed toward the outer limits of the real world. We begin to believe that all Americans, when they reach the proper age, are by definition equally qualified to profit from a higher education, and that similarly all these Americans when they reach the usual age of college-graduation are then *ex hypothesi* entitled to a diploma. The right to a diploma becomes equated with the right to vote.

It is important to remember that we come to this bizarre way of thinking through our democratic faith. And we are actually strengthened in our fantastic expectations by our real success in developing an equalitarian society. Our traditional optimism and our wealth have nourished our charitable desire to give Everybody Everything. Because we do know in our democratic hearts that Everybody is as good as Everybody else. But certain problems arise when the Good Thing that we want to give to Everybody is a higher education. This is a painful Democratic Paradox. We must now face it if we are to have any system of higher education at all.

While a democratic society must be ruthless in treating all citizens as equal before the law, while republican government depends on willingness to acquiesce in the decisions of the majority constitutionally expressed, the rules of the world of learning are quite different. The claim of an idea or a fact to a hearing cannot be decided by majority-vote and dare not be decided by force.

If Universities are to serve a democratic society, if our democratic society is to survive against totalitarian governments, we must not merely recognize, but must actually preserve and treasure this paradox. The corruption of learning in totalitarian countries is itself oddly enough an example of what happens when "democracy"—the rule of the majority will—is allowed to govern teaching and research in universities. The fact that a majority of the German people favored Nazism and believe the Aryan Myth—this did not make Nazism one whit better as a governing principle in universities. The fact that the Central Committee of the Soviet Communist Party was probably supported by a majority of the populace when in 1948 they enacted the genetics of Lysenko into university gospel for universities—this did not make it one iota better as science. Our own American universities have again and again profited from the coming of refugee scholars, who managed to escape petty tyrants or labor camps or gas chambers, where the "majority" view of their former society would have sent them, and in which their "Aryan" or otherwise orthodox colleagues acquiesced.

The university must be a place of respect for and preference for intellectual superiority. Not for superiority in wealth, in ancestry, in political influence, and surely not in race—white or black. Within the universities, then, White Racism and Black Brahmanism, and every other kind of non-intellectual exceptionalism, is a cancer.

In the university all men are *not* equal. Those better endowed or better equipped intellectually must be preferred in admission, and preferred in recognition. The teacher-student relationship, too, must be governed by this fact. If the teacher does not have more knowledge or intellectual skill than the student, then the student is wasting his time; if he does, then in the intellectual relationship they are not quite equal. If we give in to the armed demands of militants to admit persons to university because of their race, their poverty, their illiteracy, or any other non-intellectual distinctions, our universities can no longer serve all of us—or any of us. If any ill-informed person can receive the imprimatur of the university because a bomb will explode if he does not, the university has begun to cease to be a university.

Can we reward intellectual mediocrity and inferiority (whether due to heredity *or* environment *or* lack of opportunity) and still expect to produce intellectual excellence? Of course it is our democratic duty to open the chances for all Americans—regardless of race, creed, or sex—fully to develop their talents. But it is also our democratic duty not to debase our intellectual life or to corrupt the sources of our knowledge. Our national prosperity and even our national survival depends on our ability to enlist our best geniuses and our ablest minds in the service of all of us. If we are not at least as ruthless in preferring intellectual excellence as we are in enforcing equality before the law, it will not be long before we will not have any society in which the rich or the poor, the equal or the unequal can survive, much less prosper.

It has sometimes been considered an amiable American democratic foible to give prizes and titles to everybody. The German and Swiss and French officers who came to serve with us in the American Revolution were astonished that the Continental Army had so few privates. They were advised to address everybody as "captain" until the contrary was proven. We have shown the same weakness when it has come to college degrees. Bliss Perry, after forty years of teaching at Williams, Princeton, and Harvard, once proposed that the only way to solve the democratic dilemma in American colleges was to award the Bachelor's Degree to all Americans at birth.

The proverbial willingness of some of our colleges to award degrees for good fellowship or athletic prowess, once considered hilarious, is no longer even funny. Nowadays a nation cannot survive, much less hold world leadership, if it does not keep moving on the frontiers of knowledge. Recently, one of our sharpest critics, the French journalist J. J. Servan-Schreiber in his *American Challenge* tried to awaken the peoples of Europe by showing how American leadership grew out of our superiority in knowledge and in organization. And these, he explained, were a long-term product of our system of higher education. *We* would do well to take his words seriously.

The intellectual resources of any nation are limited. Superior talents are scarce in all times and places. They must be sifted and treasured and nurtured. For Technology is ruthlessly democratic. She has no special respect for minorities. She knows nothing but competence. An atomic reactor is no better run because it is run by a person whose skin is white or black. This is what Jefferson meant when he urged that the survival of our society might depend on our ability to discover and to nurture our "natural aristocracy." An equalitarian society, to be strong, must have institutions of higher learning which give due respect to superior knowledge and superior talents. Yet our colleges and universities must remain integral with our whole democratic society. We have long since abolished hereditary titles, benefit of clergy, the buying and selling of offices, and the notion that learned men are a law unto themselves. But now, under the shibboleth of reform and under cover of "equality" we hear the claim that student militants and black militants *are* a law unto themselves. They claim for themselves the privileges we have long since denied to men of wealth, men of "good family," to the clergy, or to any other special group. Our overprivileged militants, when they claim for their unlettered selves the privileges of the learned clerks, would take us back to the middle ages. They claim exemption from the rules of our society against robbery, trespass, mayhem, false-imprisonment, arson, blackmail, and murder. These student militants and "black" militants—for all their talk of "equality" and "the future"—are our most unashamed claimants of special privilege. *They* are our reactionaries.

As a historian I cannot deny that history shows that violence has its uses. But was there ever an example of an educational institution improved by acts of violence, of libraries improved by the burning of books or card catalogues, or of educational processes improved by paralysis? When did educational leaders gain respect by surrendering their institutions to those who would destroy them?

What sensible person can deny that our colleges and universities can be improved? But who will say that they can be improved if they cease to be arenas of rational discussion? To hand over university-government, or any part of it, to those persons (students or non-students, white or black) who condemn the rational processes which alone justify a university—this can only be the first step of chaos. This is what recently happened at Cornell and at Harvard—to their shame, and ours.

We can all be happy to see the disappearance from the calendar of living folk-figures of the once-familiar Uncle Tom. That shuffling, "Yassuh-Boss" character will not be missed. But we must be just as unhappy to see him replaced by a new American folk-figure, now becoming all-too-familiar. He is the "Professor Tom." His moral fault is worse than that of the old Uncle Tom. The old Uncle Tom at least did not have the advantages of education nor the power or dignity of any position of authority. And, to Harriet Beecher Stowe, at least, he had the dignity of the Christ-like lover of his enemies, willing to suffer so that others might be saved. But our *Professor* Tom is cut from another cloth. If he suffers, it is not from courage but from weakness. If he fails his is a failure not only of personal integrity, but of leadership.

Professor Tom is running scared. The slightest show of force, or even a threat of a threat of force is enouugh to make him quake, and then add a few more militants to his ad hoc committee.

But just as the old Uncle Tom was indignity to all of us, so the new Professor Tom symbolizes a moral weakness that can corrupt us all. Professors who believe in the mission of their universities, who believe in the need for knowledge and rational discussion among men, cannot become Professor Tom's. Students who want an education will not want to be taught by Professor Tom's.

Democracies are seldom murdered. More often they commit suicide. A democratic society cannot be destroyed except with the collaboration of its victims. In our time we can see a foreshadowing of this collaboration in the widespread tendency to Spiritual Appeasement. This will not bring "Peace in our Time"—or in any time. The forces of unreason cannot be conciliated by telling the Nazis within that they are half-right, or by giving them an "equal voice." The Golden Mean, despite current claims to the contrary, is not a policy halfway between right and wrong. No assertion becomes more right or more rational because it is supported by threats. Spiritual Appeasement is the disease of those who lack faith in themselves, in their institutions, and in the struggle to make all men fully human. The antidote is not hate: It is faith, and pride.

RETURN OF BLACK MILITANT LEADER

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. ICHORD. Mr. Speaker, I noted with deep concern the recent return to the United States of black militant leader Robert Franklin Williams, who has been a fugitive for the past 8 years from kidnaping charges growing out of a racial incident in Monroe, N.C. Since fleeing from the United States in 1961, Williams has spent the bulk of his time in the hostile countries of Cuba, Communist China, and North Vietnam. While in Cuba, Williams broadcasted regularly over Fidel Castro's "Radio Dixie" encouraging the American Negro community to foment unrest and to take part in riots and uprisings. One of the most vicious instruments utilized by Williams in his propaganda attacks on the United States has been "The Crusader," a newsletter published by Williams in Communist China. As an example of this man's propensity for violence, I would like to call to your attention remarks made by Williams in the summer 1969, issue of "The Crusader." On page 19 of this issue, Williams in openly advocating urban guerrilla warfare and street fighting, stated:

> This is the era of extended communications, exposed pipelines, arteries, inflammable cities, a highly sensitive and complicated, but essential, industrial complex. This is the era of the match, the molotov cocktail, the slingshot with steel pellets, the plastic bomb, the sniper's rifle, the hacksaw and a host of other highly destructive weapons that are readily available.

Recent newspaper articles reported that upon his arrival in Detroit on September 12, 1969, Williams, president of the Republic of New Africa, a black militant group which demands possession of six Southern States for a Negro republic, was given a hero's welcome by over 100 members of the Black Legion, the paramilitary arm of the Republic of New Africa. These followers attired in black fatigue uniforms with leopard-skin epaulets and black berets gave a rousing cheer when Williams stepped off the plane.

How important and dangerous are Williams and his followers? This question cannot be considered merely academically in view of the overt violence and revolutionary tactics employed by this band of militants. In addition, Williams' contacts with representatives of hostile countries serves to increase the potential for violence by giving inspiration, encouragement, and support to the revolutionary aims, doctrines, and activities of black extremists in this country. In view of this, we must certainly look upon Williams and his cohorts as a present and potential threat to our society and its institutions.

It is my hope that Negro citizens will continue to follow the lead of the responsible leaders of the civil rights movement, who have repeatedly warned of the misfortunes of violence. It is my hope that Negro citizens will recognize the truly pernicious nature of Williams' doctrines, which would usher in an era of catastrophy for all. He and his fellow malcontents must be isolated and defused.

DEATH OF FRANCIS J. BEATON, IMMEDIATE PAST COMMANDER, DISABLED AMERICAN VETERANS

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. YOUNG of North Dakota. Mr. President, the sudden and unexpected passing of the late Francis J. Beaton of Fargo, N. Dak., immediate past national commander of the Disabled American Veterans, has shocked and saddened me and his hundreds of other friends and admirers.

We North Dakotans were very proud of Francis, not only because he rose to the highest office in this outstanding veterans organization, but for his many other accomplishments and virtures. He was deeply devoted to his fellow man, and particularly to finding ways to be of assistance to disabled veterans and their families. There was never a more intense and dedicated patriot than Francis Beaton.

The September issue of the Disabled American Veterans Magazine carried an editorial tribute to Francis Beaton. It is a beautiful and moving article that reflects the high esteem held for Francis by all he came in contact with. He is greatly missed.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN MEMORIAM: FRANCIS J. BEATON

When God's hand touched the heart of our beloved friend and Past National Commander, Francis J. Beaton, June 28, 1969, He healed it forever. And from his earthly work to his rest and reward, Comrade Beaton touched profoundly every heart among the Disabled American Veterans and a great company beyond, to whom the cause and succor of the disabled are sacred. The testimony of hundreds of friends was evidenced when they gathered in Fargo, North Dakota, for the last rites in the Church of the Nativity. While hundreds of others sent bouquets of flowers, of bud and bloom, from God's natural garden, each sent a prayer-offering to

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God that Francis might enjoy the spiritual garden of love created by the benevolent love of God.

Not yet can we measure the meaning of his withdrawal from us, because, for so many years his life was an unending stream of devotion toward his fellowmen and country. The fifty-seven months in the Army during World War II and the wounds he received in the Battle of the Bulge are pictures of courage. The unselfish stream of courage and love flowed freely and joyously in many directions. But we know that his cup, which overflowed toward others, will nurture the growth of love for all mankind. In this far-reaching influence, his devotional life for others becomes his true monument among us, a cairn of remembrance of his sheer love for others and solid faith which need no eulogistic inscription from any engraver's hand.

Those friends who lived close to him will remember his individual courage, toil, and struggle in life. By his penetrating insight into the deeper needs of the disabled and the world in which he labored, he relied solely for competent guidance upon the school of experience he found in following those precepts which has created America's greatness as a nation.

His intense feeling for the disabled veteran is best seen by the fact that he never lost his interest in needs of the lowest and highest among mankind, never reached finality in his researches, and never ceased to be a learner of life. The stimulus of his early training was largely in his openness and freshness of mind and his love of God, family, and country. It was through his love for his fellowman that he found the expression of tireless energy to the widow, orphan, and dependents both in his community and across the nation. The faith in our nation counted so greatly in the influence he exerted that men had unbounded faith in his veracity and knew that his mature conclusions were uttered without reserve or fear.

By his combination of zeal of a visonary, judgment of a businessman, and persistence in finding men for the myriad tasks he faced within the DAV from chapter to national levels, he willingly persuaded men to share in the herculean tasks, which gave impetus to the fulfillment of the needs of the disabled.

We need no tape recorder or echo to enable us to listen to his voice. That eager, yet judicial, voice made up a presence never to be forgotten. When he stood before a chapter installation of officers, when he lifted up a sincere pledge during a meeting, or while he was seated in an airplane, counseling with another, one could readily hear a voice that had heard another say, "Know before whom thou standest." Surely he knew with what the Creator may endow man's spirit and what divine gifts would belong to man if mankind would recognize before whom it stood. This was the voice he sought, in his natural way, to share with others.

He honored his father and mother in the home in which he grew up. Love, truth, kindness, and high nobility permeated that home.

Deep as were his roots in his faith also were his roots in the community called Fargo. He knew the meaning of the plowman stooped over the kindly black earth as he prepared the soil for seedtime and harvest. Faith and hope were his companions as he scattered the seeds within the furrows. And as the plow was the creative quill inscribing its theme in the soil, so was his patriotic spirit the impulse which constantly anointed his heart. He thus could see the glow of expectancy emerge from soil and heart alike. Cultivating each through diligence, prayer, faith, and hope, he shared the fruits of his labors and his faith with his neighbor and his fellowman.

Often he said, in essence, that man should not cease sowing because he is denied the fruits, for plow and plowman, like body and soul, must unite into a continuing covenant to enrich mankind.

It was natural that one such as he should seek ways of serving his fellowman. The rejected disabled felt the strength of his hand and heart.

The people in small offices knew the broadness of his smile. The struggling DAV chapter knew the breadth of his encouragement. And the circle of love for his community of comrades across America was woven through thoughtfulness and understanding. These were made manifest because he knew and shared the common denominator which bands them together.

Surely it is most fitting to say to his beloved wife, to his children, and to all members of his warmly-knit family: "'Be strong and of good courage.' Hold fast to your beautiful memories and therein find solace. Hold fast to the ideas he bequeathed to you and therein find consolation. Hold fast to the ideals that were so nobly his and so fully yours. Therein you will find strength, guidance, and understanding throughout your lives. Hold fast his loyal love for God and country. Therein will you fulfill the hope he found as a reality with the God who is Father of all."

Francis Beaton was a good man in the highest meaning of the word. Transparent and unselfish courtesy, beneficent firmness in the right, fidelity, and fear of and love for God—these characterized him—these linger now in memory.

Yes, diminished as we are by the death of any man, we are here joined in heart in a renewal of dedication toward the heritage of the ideals he set forth by precept and example—all to the glory of God. We are indeed diminished by his death even as our lives were enlarged by him. His portrait will long hang in the hallowed hall of the Disabled American Veterans.

ADMINISTRATIVE DISCHARGE REFORM

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. BENNETT. Mr. Speaker, over the past 20 years, military justice has kept pace with the most enlightened views of the science of jurisprudence. With enactment of the Uniform Code of Military Justice in 1950 and again with the Military Justice Act of 1968, Congress has sought to insure that members of the Armed Forces do receive similar or better protection at the hands of their military superiors than before a civilian court of law. No country can now boast of a better code of military justice than the United States, and I hope that we will always be able to make this claim.

As long as the Armed Forces have existed, there has been, in addition to courts-martial, a system of administrative actions through boards of officers whereby persons could be "administratively discharged" for cause. Initially, this system was designed to supplement the military justice system by providing a method of separating from the Armed Forces individuals of dubious character who could not be court-martialed for one reason or another, but who clearly were unsuited or unfit for further military service. Until the end of World War II, however, these administrative discharge procedures were little used. Their use gained ascendency following enactment of the Uniform Code of Military Justice. A study conducted by the Judge Advocate General of the Air Force in 1960 revealed that many commanders were using administrative discharge procedures to avoid the rigorous procedures of the Uniform Code of Military Justice. Use of these procedures was facilitated by the fact that they are a creature not of statute but of regulation. The statute authorizing the administrative discharge system states simply that regular enlisted members of an armed force may be discharged before the expiration of their term of service as prescribed by the Secretary concerned.

If the Armed Forces were like other branches of the Government or private employers, the fact that no statutory authority exists for an individual's separation from "employment" would not be a cause for worry because an employer can normally fire his employee for any reason whatever. However, the Armed Forces are not like other employers, and for a very good reason. Employers do not normally give discharge certificates, and do not characterize the certificate to describe the employee's service. The Armed Forces, on the other hand, have an elaborate system of discharge characterization, whereby discharges under honorable conditions—honorable and general discharges—under other than honorable conditions—administratively awarded undesirable discharges—and punitive—bad conduct discharges and dishonorable discharges awarded by court-martial—may be awarded. Furthermore, the award of an unfavorable discharge has serious effects on an individual's future life. Veterans' benefits are generally conditioned on the award of a discharge under honorable conditions, and many State benefits are conditioned on the award of an honorable discharge. Employers are frequently reluctant to hire individuals possessing less than honorable discharges. These adverse effects flowing from less than honorable discharges create the problem because an administrative discharge system that does not give some form of protection to the rights of an individual subject to an adverse discharge, deprives him of his constitutional rights.

Congress has been aware of the problems related to administrative discharges for the past 7 years. The Senate Subcommittee on Constitutional Rights, under the able leadership of Senator SAM J. ERVIN, JR., Democrat of North Carolina, has twice held detailed hearings into the nature of and reform of the administrative discharge system. Senator ERVIN has introduced a number of detailed bills purporting to reform the administrative discharge system. The Department of Defense has also tried to reform the system and has accomplished a number of salutary changes. Foremost among these changes accomplished by the Department of Defense is a guarantee of the right to counsel in cases involving unfitness. Despite these administrative changes, certain reforms can only be accomplished by statute.

Both the nature of the administrative discharge system and the need for its improvement were graphically highlighted last year by the American Bar Association at its annual convention. The American Bar Association adopted a set of resolutions setting forth what it considered to be the "minimum standards of due process" that should be accorded in administrative discharge procedure wherein a discharge under other than honorable conditions could result, and urged the enactment of legislation incorporating these standards. Among these standards are the following: Right to legally qualified counsel, right to confront adverse witnesses, right to require that the Government carry the burden of proof by a preponderance of the evidence, right to appeal to an impartial review board, protection against double jeopardy, and application of the rules of evidence applied in the Federal courts. These standards may sound similar to those accorded in a criminal trial or court-martial. However, it is precisely because the undesirable discharge has effects similar to a bad conduct discharge without the protection accorded by a court-martial that these standards of due process are necessary.

Because I believe that the American Bar Association standards are appropriate and because I believe that reform of the administrative discharge system is necessary, I have introduced a bill, H.R. 943, in the House of Representatives incorporating these minimum standards. The Department of Defense has recognized the necessity for reform and has indicated its support for my bill. It is my belief that this bill can be enacted into law in this session of Congress, and I intend to press for its passage. With the enactment of this bill, our servicemen will receive first class justice not only before a court-martial but in administrative discharge proceedings as well. Indeed, passage of this bill will serve to demonstrate to all our servicemen that our debt of gratitude for their sacrifices is ever-continuing, and that charges of drumhead justice are indeed a thing of the past.

LAND REFORM IN SOUTH VIETNAM

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. CRANSTON. Mr. President, land reform, a long overdue and vitally necessary program, is again an issue in South Vietnam. President Thieu favors land reform, but faces serious opposition from legislators in the lower House.

An excellent article published in the Christian Science Monitor of September 24, 1969, reports that if the Thieu government is able to enact this program by the end of the year, it "will have taken one of the most important forward steps possible in its struggle for a political majority."

Since the mid-1950's, many Vietnamese and Americans have urged the passage of land reform. The present proposal places a 30-hectares limitation on what each landholder can possess. However, as George W. Ashworth reports in the article, the revised bill of South Vietnam's lower House undermines progress by allowing landlords to—

> Keep 15 hectares above what they till in the delta and the highlands and 5 hectares in the central lowlands. In addition, up to 15 hectares of "ancestor worship" land could be retained. Priority would go to "legal" occupants, something that would be virtually impossible to determine with the vicissitudes of war, and which would lend itself to shady dealings.

Mr. Ashworth points out that this retention plan would be unworkable. As now outlined, this kind of determination to prevent social and economic progress by the large landholding class, supported by the legislator, would be an obstacle to progress.

But if a workable bill is produced—

> The Saigon Government could have one of the most potent weapons possible in its political confrontation with the Communists.
>
> As one source put it: "It will be very hard to get rid of any government that has allowed the people to own their own land."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORKABLE LAND REFORM WITHIN SAIGON'S REACH?

(By George W. Ashworth)

SAIGON.—South Vietnam could have a workable land-reform program by the end of the year.

If so, many political analysts here believe, the Thieu government will have taken one of the most important forward steps possible in its struggle for a political majority.

Earlier this month, the lower house gave approval to a comprehensive land-reform bill. But the few changes instituted by the House in President Thieu's proposed program had the probable effect of making the proposal unworkable.

The House action was a sharp blow to South Vietnamese who have been working steadfastly for passage of the far-reaching land-reform bill.

But now, able to view the House vote in retrospect, many Vietnamese and Americans say that odds favor passage of a workable program in time for the December-to-February harvest.

Their reasoning goes like this:

The House defeat of the Thieu proposal is seen less as a rejection of broad land reform than as a political rebuff to Mr. Thieu.

The amendments were demanded by a combination of disgruntled landlords, those who thought Mr. Thieu was usurping assembly prerogatives in proposing such a vast program, and those who just wanted to oppose Mr. Thieu for other reasons. Opposition was helped by Mr. Thieu's reluctance to press for support in the crucial consideration period.

The Senate, which is not so jealous of its prerogatives as the lower House, is normally more responsive to Mr. Thieu's wishes.

The combination of support by a Senate majority, plus anticipated hard campaigning for the proposals by the President, should lead the Senate to bring the bill much closer to the original form.

Mr. Thieu could then exercise his executive prerogatives to amend the bill still further, if necessary, to get precisely what he and the Agriculture and Land Reform Ministry want.

To reject Mr. Thieu's amendments, the two houses would have to muster a two-thirds vote against the bill, seen here as an unlikely eventuality.

Once land reform is approved, officials foresee the village committees set up to give "land to the tiller" as being inundated with applications. The ensuing paper work morass could slow distribution of the land well past the harvest time, depriving the potential land holder of full ownership of this year's crop.

Consequently, some Americans have suggested that President Thieu could issue a decree that all applications would have conditional approval immediately, except where there are conflicts.

President Nixon heartily endorsed the land-reform proposal at the June Midway conference, and he reiterated his support upon his visit here in July.

The Americans have committed $10 million immediately upon inauguration of the program, which would cost an estimated $400 million. The Americans would plan on giving another $30 million later.

RICE BONDS SUGGESTED

But some American land-reform experts have argued that 10 percent support is not enough. Instead, they have told United States officials, the government should be willing to pay half or $200 million, preferably in commodities, to ensure steady and successful progress of the difficult program.

To avoid inflation, some experts have suggested that the government give bonds for all but about 20 percent of the purchase costs. These would be negotiable inflation-proof rice bonds.

Roy Prosterman, a professor of law at the University of Washington and specialist on Southeast Asian land reform, was in Vietnam recently to look into current progress.

"This program is of such fundamental importance that we would be very remiss if we were not to give full financial backing," he said.

But, Professor Prosterman added, "by the same token, this is a crucial test of the maturity of the Vietnamese political process. If, despite promises of full United States backing, the Vietnamese are unwilling or unable to take this essential measure of self-help, then I think there has to be a basic reexamination of whether we can or should furnish a single additional life or a single additional dollar to the conflict."

Mr. Prosterman pointed out that in 1954 President Eisenhower had made it clear to the South Vietnamese that land reform was one of the conditions of United States support.

CONCLUSION DRAWN

He concluded: "A great deal of our trouble has been the willingness to give the aid and not insist on the reforms."

Land reform was accomplished to some degree under the late President Diem, but the present program is vastly more comprehensive than those early beginnings.

One of the more revolutionary aspects of the current program is the concept of giving, not selling, land to the tiller. Americans and Vietnamese believe that revolutionary aspect is essential in the present situation.

These reasons are cited:

If forced to pay a fair price, the peasants would have to give up perhaps a quarter of the crop for 12 years. Coupled with taxes and other costs of ownership, this could make them less well off than they are now with landlords taking roughly a half of the gross crops in many instances.

Under the present situation, there is no adequate method to collect payments. Corruption would be promoted, and the peasant would be the certain loser with little net gain for the government in funds, and possibly great losses in support.

COMPETITION ASSESSED

The tillers have already paid a great deal for the use of the land. Some experts say many have paid half again the legal rate for years.

In order to compete with the Viet Cong, who are giving the land to the peasants in areas they control with an eye to future collectivization, the government should give the land with no strings attached.

The South Vietnamese Government believes its program can compete quite successfully against that of the Viet Cong.

First, the gift is permanent.

Second, government land taxes to be levied on new owners after a year of grace will be far less than present taxes imposed by the Viet Cong.

Third, back rents are not to be collected from newly liberated lands.

And finally, landlords will be fairly compensated.

In all, the program is destined to give 1–3 hectares of land each to possibly one million landless tenants, or perhaps to 80 percent of those who, surveys have indicated, would like to own their own land.

The present land-reform bill approved by the House could cut by at least one-half the number benefiting from the program.

WHAT LAND TO KEEP

Mr. Thieu had called for landlords to be able to keep only land they tilled themselves, up to a total of 30 hectares. Under the House bill, landlords could keep 15 hectares above what they till in the delta and the highlands and 5 hectares in the central lowlands.

In addition, up to 15 hectares of "ancestor worship" land could be retained. Priority would go to "legal" occupants, something that would be virtually impossible to determine with the vicissitudes of war, and which would lend itself to shady dealings.

The House retention plan would make the program unworkable, sources believe, as it would open the way for a great deal of maneuvering by shifty landlords and bribed officials.

As for "ancestor worship" land of such a large size, that could be easily abused. There have been some reports of zealous landlords hastily shifting their ancestral graves into more productive land areas.

If these problems can be surmounted, and a workable bill produced, sources say, the Saigon government could have one of the most potent weapons possible in its political confrontation with the Communists.

As one source put it: "It will be very hard to get rid of any government that has allowed the people to own their own land."

THE SCHOOL OF THE OZARKS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HALL. Mr. Speaker, for a number of years, I have been intensely interested in the growth and development of the School of the Ozarks, located at Point Lookout, Mo.

Since 1917, this school has grown from a one-room log cabin to a modern and well-planned campus.

I have served a tenure as physician to the students.

I have participated in the dedication of many of their buildings on campus.

I have observed the college become accredited by the North Central Association before it even graduated its first 4-year class.

It is obvious, that my pride in this fine school is boundless.

Recently, a former next door neighbor of mine, Dickson Terry, now living in St. Louis, Mo., wrote a feature story about this unique school for the publication, The Midwest Motorist. It was so well done, and so enlightening, that I have asked permission to have it printed in the RECORD so that others may make themselves aware of the many fine accomplishments of this institution.

The article follows:

[FROM THE MIDWEST MOTORIST]

(By Dickson Terry)

For a school to become a tourist attraction is somewhat out of the ordinary, but then, so is the school.

It is called the School of the Ozarks, and it is situated on a 1,200-acre campus which overlooks Lake Taneycomo on the southern edge of the famed Shepherd of the Hills country.

It has been there since 1906, when it was a one-building school set up to give youngsters of the hill country a high school education—if they were willing to work for it.

Today it is a fully accredited college with 800 students, and, as it has grown in size, it has grown also in fame. In recent years, it has become a nationally known institution, unique in its operation. But whereas today it offers a college education, its basic principle remains the same. It is open only to boys and girls who have to, and are willing, to work for it. Anyone who can pay his way through college need not apply.

The school has always had a trickling of visitors through the years, and they have always been welcome. They are still welcome, but since the place began to achieve national fame through magazine and newspaper articles a decade or so ago, the trickle has turned into a flood.

"Last year we had more than 50,000 visitors," said Dr. M. Graham Clark, dynamic president of the school, who has been largely responsible both for its fame and growth, "and the number keeps growing every year. It's now a part of the Ozarks tour."

STUDENTS ARE GUIDES

This might have presented something of a problem to some schools, but Dr. Clark, running true to type, has merely turned the tide of visitors to the school's advantage.

First he equipped groups of male students with smart maroon blazers, decorated with the school's seal, and they became guides to show visitors around. This provided another avenue of employment for students.

Then last year he completed a huge new facility near the main gate of the school called "Friendship House." It contains a modern, rather plush dining room for visitors, another source of revenue for the school, and it also has a large weaving room and gift shop. Here visitors can buy the attractive woven goods which girl students turn out on the 20 looms, or the jellies and jams put up at the school's factory, or various souvenirs made at the school.

This year the school has added a miniature electric train, once a ski train at Lake Placid, which will take visitors the eighth of a mile from the main gate to the campus proper. There they are met by young girl students, also smartly turned out in school blazers, who will take them for a tour of the ground and buildings.

This, too, is good business.

"You'd be surprised," said Dr. Clark, "how many of these tourists will go home and mail us a check to help keep the school going."

FOUNDED BY MISSIONARY

The school has more than 100 buildings now, and is on a fairly firm financial basis, but it wasn't always that way. At the turn of the century, James Forsyth, a young home missionary for the Presbyterian church, was assigned to the Ozark mountains in southwest Missouri. He found a region almost as remote as a foreign country. Roads were passable only on horseback, and the people lived unto themselves. Some of the youngsters got elementary schooling a few months of the year in log schools. High school was looked upon as something unattainable.

Forsyth appealed to the heads of his church. With their help, and with nickels and dimes donated by the hill people themselves, he built the first one-room School of the Ozarks at Forsyth, Mo. The youngsters came on foot and on horseback. Most of them had never seen running water in a home, not to mention electric lights. To help pay for their education, they brought hams, sides of bacon, and home-canned vegetables.

The school opened in 1906, but so few of its students were equipped for a high school education that the first class wasn't graduated until 1913.

The school burned in 1915. It was moved to a one-time clubhouse on Point Lookout where it has been since. The first tuition-earning projects at the school were gardening and canning, and the Rev. Dr. R. M. Good, now president emeritus, recalls too well the long periods when students and faculty had little to eat except the vegetables they grew themselves, with meat once a week.

A group of club women visited the school and observed that the students had no milk to drink. They donated a cow. That was the beginning of a dairy herd which is today graded one of the best in the Midwest.

In 1946, Dr. Clark left a job as an insurance executive in Atlanta to come to the school as assistant administrator. He became president in 1952. By this time roads and highways had penetrated the Ozarks, and most youngsters were able to go to nearby towns to high school. The School of the Ozarks changed its curriculum to include the last two years of high school and two years of junior college. In 1967, with no further need for a high school, the School of the Ozarks became a four-year, liberal arts college.

TOURIST ATTRACTION

Tourists are surprised, even amazed, at what they see at the place. On the tour they learn what makes the wheels turn. To pay for their tuition, room, and board, students are required to work 540 hours during the summer and at least 22 hours a week while school is in session.

The students farm 600 acres, process their own meat and dairy products. They work in the canning factory, the construction department (virtually all new construction work is done by students under supervision of skilled carpenters and stonemasons), the power plant, the printing plant, or the weaving room. They also do their own plumbing, sheet metal work, and engineering.

Visitors can see the new, modern library with 300,000 volumes and hundreds of periodicals—all new.

They can see the Williams Memorial Chapel, an inspiring building which would be a credit to any campus. They can visit the Jones Learning Center which contains a completely equipped modern theater where students present classical and modern plays.

THE FOSTER MUSEUM

And finally there is the museum. It is called the Ralph Foster Museum, and for sheer heterogeneity there is nothing like it this side of the Smithsonian Institution. Where else under one roof, would you find General Grant's rolltop desk, the late Cicero Weaver's spinning bow tie beloved of vaudeville fans for a generation, and a 1931 Rolls Royce in mint condition?

The museum was started when Foster, who owns radio and television stations in Springfield, Mo., donated to the school his life-long collection of Indian artifacts, 100,000 of them, ranging from tiny arrowheads which would shoot down a sparrow to spears which would bring down a buffalo.

The students built a museum to house the collection, and since then the museum has been enlarged time after time to contain the many and varied objects which have come to the school from people all over the United States.

Gun collectors could spend a week in the place, drooling over the collection of more than 1,200 antique firearms, ranging from the Daniel Boone era through the Civil War, and both World Wars.

COLLECTIONS GALORE

The pistol collection starts with flintlocks and runs the gamut through cap and ball, derringers, and handsome dueling pistols inlaid with gold and silver. Included are pistols used by Bat Masterson, the Quantrills, the James boys, and the Dalton gang.

There are medieval arms and suits of armor, antique shackles and handcuffs used by law officers of the old West. A coin collection of 100,000 items, tens of thousands of old stock certificates and paper money of all denominations. There are collections of antique china and silver, a log cabin moved from the hills when Bull Shoals lake was formed, a Buddhist shrine, a seven-foot high stuffed grizzly bear, a two-headed calf (also stuffed, of course), as well as stuffed moose, bison and caribou.

A sea shell collection contains hundreds of specimens, as does the butterfly collection. There are hundreds of mounted animal heads, a complete country store and barber shop of a century ago, and in addition to General Grant's desk there is the bed in which General Lyon died after the battle of Wilson's Creek.

What the visitors won't see at the school are beards, kookie clothes, or automobiles. The students have neither the time for dissention, nor the money for cars and expensive clothes. Social stratification is not a problem.

As Dr. Clark points out, the academic program is rigorous. The work program takes four hours of each day. Most students take part in at least one extracurricular activity. Add to this homework and eight hours of sleep, and the 24 hours of the day are heavily mortgaged.

A SON DIES IN VIETNAM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. FANNIN. Mr. President, recently I received one of the most moving stories I have ever read. It is the poignant story of a mother and her family in my State of Arizona, who must go through the ordeal of burying a son who has been killed in Vietnam.

In the debate that rolls from time to time in the Senate, we often forget that the issues we debate are issues that are ultimately reconciled only in human lives and fortunes.

Mrs. Roseanne Carter, has recorded for us the emotions of grief, helplessness, and pride bordering on anger, that overtook her and her family upon the loss of their son in Vietnam.

I have written to the Carter family with my inadequate expression of sympathy. One of the things which I told them is that Mrs. Carter's story helped me. In order that it might be of help to an even wider circle, I ask unanimous consent that her story, published in the Chicago Tribune Sunday Magazine September 14, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"REJOICE NOT AGAINST ME, O MINE ENEMY: WHEN I FALL, I SHALL ARISE; WHEN I SIT IN DARKNESS, THE LORD SHALL BE A LIGHT UNTO ME"—MICAH 7:8

(By Roseanne Carter)

We were about half a block from home when I saw the khaki-colored car and the uniformed men. I began to feel a crawling numbness which slipped over my head and advanced steadily downward except as I could push it back by saying: "O no. Marsha, no. No, Marsha." My 17-year-old daughter was holding the baby, Paul, on the seat beside me. Lorri, Brian, and Roseanne Jr. in the back became very still. I thought I might miss the driveway or come into it too close and hit the fence again, but I didn't. I got out of the carryall. I looked at the concrete driveway and at the grass in our yard, then I looked at the street. The men were there and they were coming toward us.

I got the key out and opened our front door. The men followed the children inside. I went into the living room and sat down. The major said, "Is your husband at home?" I said, "He's at our store. Lorri, call your daddy." She dialed the number twice but couldn't seem to dial correctly. The sergeant made the call for her.

I said, "He's wounded, isn't he? Is it bad? How bad is it? He is wounded. What hospital is he in?" The major sat down on the couch. "He isn't wounded." I looked at the sergeant. He was crying.

I heard my husband come in the back door. The major said, "Mrs. Carter, it's my duty to inform you that your son, Jack David Carter, was killed by friendly artillery on 25 March 1969 in Quang Tri province while engaged in action against hostile forces." Jack had come into the living room. He said, "Honey, we knew this might happen." I said, "I didn't."

The major said, "Your son's service number was 2473062?" I got the form letter we had received giving us Jackie's Viet Nam address. "His number is 2473062." Brian, 11, who had been on the couch by the major, said, "My brother isn't dead, is he?" The major put his hand on Brian's shoulder. Jack said, "Is there a chance it might be a mistake?" The major said, "I don't think so."

The major told us all he knew, which had come in a telegram from Washington. He was patient, exhaustingly thoro, and he was calm. Such calculated calmness serves a purpose. There is much to be said for calmness in an emotionally charged situation. It steadies. And it has the effect of forcing the participants to use their reserves of civility. Faced with a marine doing his duty I was able even to feel a sense of reflected pride. My son had been part of that tough, capable tradition. And if I didn't bear up, they might think he hadn't been a good marine.

When the major and sergeant had gone my husband went to his office at the store. I hadn't wanted him to go. I hadn't understood why he left us. I was thinking of myself and not of his need to be alone. Shortly, I called Jack at the store, I said, "Please come home now." He said, "All right." After that we began to call people. We called everyone we could. It wasn't really just to let them know. It was like saying "Help!"

Shortly, I became consumed with a need to phone the girl Jackie had dated. I knew her last name started with a P or a T and we knew the street on which she lived. It took three hours to find the phone number, then I decided to go to her house and tell her myself. I wanted to be sure her parents were at home. I found the house and told her mother who cried for she had loved the boy. Then I felt I had done as he would have wanted, so I left.

Early the next morning, a Sunday, Marsha and Lorri [aged 13] straightened the house. They worked quietly and quickly. Jack and I sat in the front yard. Friends came by. We were glad, eager to see them. Paul, the 4-month-old, danced on my lap, laughing at the breezes which tickled his nose, or at the inappropriate sun on the verbena or just because the world seemed a cheery place. I was holding the baby and developing a fantasy: Jackie David had exchanged dog tags with another marine for good luck. I could see the boys switching tags, laughing, chiding each other for their mutual superstition. The truth is that tho I didn't want any one's son to be dead, most of all I didn't want my son dead.

The major had said he would return at 1 p.m. Sunday to give us more details and to assist us in filling out various forms and in understanding the applicable benefits. We were anxious to talk to him. We wanted to ask the same questions again. We would be glad to see him. Because our son was a marine we had developed a fondness for the sight of marine dress.

The major came by after church and proceeded to be painstaking about the pertinent information. He answered our questions and shortly, but not with abruptness, took his leave. When he had gone we listened to FM or talked or stared out the windows. I bought a supply of frozen dinners at the store—five turkeys, five chickens, five meat loaves. Making a menu and shopping for needed items seemed impossible tasks. But I would have benefited had I had sufficient discipline at that moment to force myself. Discipline was called for. A discipline I would later dredge up, shake out, and activate in order to continue functioning.

Sunday morning we had received a telegram at our Scottsdale [Ariz.] home confirming all the major had told us on Saturday. On Monday we received a telegram which said our son's body would arrive in Phoenix at 6:15 p.m. Wednesday. We talked to the funeral director and to the major. They advised us not to meet his body. "The military casket is in a wooden crate," the major told us. "They unload it on the far side of the field." It seemed to me that this was wrong. That his body should be borne thru the airport, down the noisy, beige corridor and into the large waiting room with the fiery phoenix on its wall. To have him returned like that, unloaded in some dim undistinguished spot without anyone who loved him to oversee, to care about the handling of him, seemed shameful. But we didn't go. We didn't know our way around out there on the far side of the field. We imagined mishaps, hours of waiting, and that the funeral people might think we didn't trust them.

We went instead to the funeral home to wait until they had applied whatever additional cosmetic art might be called for. My husband's mother, executive housekeeper in a Florida hotel, had flown out. [Her boss made the arrangements and paid her fare. It was a good and desirable gift.] She stayed at home with the other children. I think now how difficult and tiring it must have been for her. If it was, she didn't let us know.

We waited at the funeral home and smoked too much. We were sitting on the gold satin couch in the front waiting room. I confessed to my husband that in the back of my mind I harbored the idea that the body would not be Jackie's. That we would know when we had seen the boy in the casket that our son was somewhere still alive. Jack said he had the same secret hope. Expression of that mutual hope did not enhance it, but had a depressing effect. I think we both realized that we were experiencing a common psychological phenomenon.

There in the front room of the funeral

XUM

home the numbness was slipping over me again. I had cried some each day since they told us. Each time I had stopped crying because of the hope. Now I began to be afraid. Not just in my mind, not just with a sinking stomach, but deep in the joints that hold my body together and inside the veins which seemed to relay the message to the muscles they service: "He's dead. It is him and he is dead."

Then it seemed I was poured full of lead. I could not move. If they came and said, "You may see the body now," I wouldn't be able to get up and go look at it. We listened for that whisper on the carpeting which signaled their coming, and we began not to see each other. We studied the marble-topped coffee table or the tear-drop chandelier. The sun was down, there were headlights in the street. The funeral director came down the hall. "You can see the body now."

The funeral home is beautiful but I resented it. I resented the lovely appointments, I resented the courtesy of the people who work there, I resented the box of dead people's glasses on a table at the end of the hall. We followed the funeral director down the hall. Inside a smallish room the blue metal casket with its chrome handles was on a pedestal. We walked slowly but certainly toward it tho in my mind I halted 100 times between the door and the coffin.

The upper half of the body was covered with glass. In San Francisco they had put on dress blues and white gloves. We looked at the face. It was his face. His hair needed cutting. The close "Nam" cut was overgrown. Jack said, "We'll have to have the glass removed." The funeral director said it would take a few minutes and for us to wait outside. Earlier we had decided that if his body was covered by glass we must ask to have it removed. We thought that if something of him were still alive in there it ought to have a chance to get out. I can't explain many of the things we thought and felt. But I can and do report them.

When we returned to the room the funeral director cautioned us not to touch the face for it had been rebuilt, also portions of the chest were not stable. Jack said, "We'd like to be alone with our son." When the funeral director had gone we studied the dead face more intently. We identified the scar in the right eyebrow caused by a motorcycle accident, the shape of his lips, the way hair above his forehead grew, leaning toward his left when it was too long, its straw color and fineness. Didn't I know the feel, the smell, the look of that head. Full of sweat or fresh from the bathtub. That face, waking or lost in sleep, the naturally arched brows above those round eyes, the straight fringe of his lashes above his narrow cheeks.

The odor of formaldehyde was overpowering. I touched one of the white gloved hands in the casket and drew away from the thick stiffness of it. My husband touched the chest of his son, his breast, his stomach, his upper legs, his fingers, his arms. "His right arm is off," Jack was crying. It was as tho he had said, "Our right arm is off. They've filled in our chest. Our nose has been patched together." Jack's inspection of our son was carried out as tho he needed to discover in what condition he might expect, at the next blinking of his eyes, to find himself.

I was thinking of how our son had been and feeling amazed that it could so suddenly come to this. Jackie could run and jump and climb and walk for miles; he could laugh hard, open jars, fix mail boxes; he could hunt and fish, row and swim, dive and duck, and play king of the mountain; he could trim Christmas trees, mow the lawn, sweep floors, diaper the babies, fix refrigeration units, care for plants, handle horses, kiss me good-night and say, "I love you mother." The room was small and unvented. Formaldehyde fumes were in our eyes, our throats, our lungs, and on the clothes we wore. I wanted to get the smell of it off me. But I wanted to get the smell of it off my son, too.

The funeral director came in. We were standing close to the body holding the rim of his casket. The funeral director stood by us for a moment, then he said sometimes it is difficult to decide whether or not to allow children to view the body of a dead relative. And that the studies have shown that it is best to allow children to see the body since later on there were likely to be fewer incidences of bizarre behavior related to the death, funeral, and burial. We had thought the younger children should not see their brother dead. That it would ease their minds, keep their remembrances bright if they were able to think of him only as he had been in life.

The funeral director said that the children would wonder, even as we had until we saw the body, whether it was Jackie David's in the coffin. And they might wonder whether he really was dead. If they doubted that, the burial would be intolerable for them. We thanked him and said that we would then have the children come to see their brother but keep the casket closed for public viewing. The funeral director wanted to put the glass back over the body. I put my hand on Jackie's chest and moved one brass button so that the insignia on it was straightened. My husband said, "We'll go for the children."

My mother-in-law and the children were waiting for us. Mother had them ready just in case. We drove back to the funeral home and went in. The baby was chewing on the collar of my dress and pulling my hair. I tried to stay close to all the children, my husband was by his mother. We jammed up at the door to the small room, hesitated, then moved ahead in a knot. At the casket no one cried. They looked, they searched the dead features. Each child in his turn studied the face and became resolved that it was Jackie David.

Our son's marine escort, a corporal, was on duty in the room. The corporal was a tall, midwestern boy who had served in Viet Nam. He was to stay with our son from 2 to 5 and from 7 to 9 p.m. He was having trouble finding a motel room. The funeral director said: "We have a little room out back. You can stay there." The corporal responded in a rush of words, "No sir, thank you very much, sir."

Those days between the arrival of the body and the burial seemed very long. At first it felt strange and sickening to be going so much to the funeral home. Then I noticed that I had become fond of going to the funeral home. Jackie David was there, wasn't he? On Thursday and Friday evening when everyone else had left, we opened the casket and had the glass removed. Mother and Jack and I and the children stood close around full of greeting, or praise, blessing or unsayable devotion. And we waited for that moment. How anxious we were for the last straggling guests who had seen only his picture on a stand above the coffin to leave so that we might be alone with him. We had quickly grown accustomed to the alterations in his features and had privately welcomed him back among us. The epitomy of love had been realized. No more shock or fear at the sight of his body. Our common affection had led us to accept and, accepting, to share in this experience with Jackie with whom we had shared years of happenings.

Fifty-seven baskets of flowers arrived. On Friday after the body had been moved into the chapel, I had arranged each of the new baskets according to color and relative height. Pure reds, stately gladioli, flanking the altar. Reds and whites on the platform. Whites and yellows to the right rear. Predominantly orange bunches to the right front, predominantly purples to the left front. Family roses at each end of the casket. More whites and yellows around the large door into the chapel. I carried the stands to and fro. I alternated baskets. When these were balanced to my satisfaction I set about picking lint from the flag covering his coffin. This done, I began to concern myself with the condition of the polish on the podium. Then I sat down to cry because I hadn't furniture polish with me.

By early Saturday morning I had transferred my attention to counting names in the guest book, Jack had arrived at the funeral home earlier. He had tried to take pictures of the casket and flowers but none of them turned out as well as he hoped. When people began to arrive for the 10 a.m. services, we arranged ourselves in the front. Alice, our family friend, was near to help with Paul. Jack's face was weighted with grief. The children alternately stared and wept silently except for 3-year-old Roseanne who took the occasion as a celebration of the fact that Jackie was sleeping in the flowers. She chatted and pulled the white ribbons on her hat. She removed her gloves and tried to fill one with air so she could smash it. Failing that, contented herself with tripping from our pew to the one behind us where Alice and Lorri sat with Paul. When I turned to caution Roseanne I saw the chapel was full and there were people standing at the back.

The chaplain, a navy reserve officer, had visited us earlier. We had requested his use of the 34th psalm from verses 15, 18, and 21: ". . . the eyes of the Lord are upon the righteous, and His ears are open unto their cry . . . the Lord is nigh unto them that are of a broken heart. . . . Evil shall slay the wicked; and they that hate the righteous shall be desolate. . . ." And verse 8 of Micah, chapter 7: ". . . Rejoice not against me, O mine enemy: when I fall, I shall arise; when I sit in darkness, the Lord shall be a light unto me." And we had asked the chaplain not to make any references to the idea that God giveth and God taketh away. We feel that the God who is love is not in any way responsible for the death of our son. We had talked about the idea that people tend to use the Diety as a catchall for the unspeakable or for those things with which they prefer not to cope. While it is true that God Almighty does not need Jack and Roseanne Carter to defend His integrity, it is also true that as honorable human beings we could not allow Him to be miscredited on our account. The chaplain, happy to please us, had not dissented.

Now the chaplain, stiff and meekly handsome, arrived and seated himself behind the podium. Marine members of the firing squad and the pallbearers were seated in the front to our left. The chaplain approached the podium and proceeded in his crisp, persuasive voice to deliver an excellent eulogy which was to our taste. He quoted from Jackie's letters: "I want to prove that there are good Americans and I'm going to prove it"; "Don't forget I love each of you very much and I always will. . . . I pray a lot. All the time." Mother wept. Jack put his arm around her.

Finally, people were filing past the casket and exiting thru the avenue of marines at a nearby door. When they all had left the room, we gathered again by Jackie. We put our hands on the flag. I guess all of us prayed. It felt like we did. I kissed one of the red stripes on his flag and thought that I didn't want him to be in the ground.

At the cemetery the chaplain awaited the marines bearing their comrade. The casket was on a stand above the grave. Six marines held the flag which had covered his casket. I don't remember the exact sequence of events. The chaplain spoke. The firing squad used three volleys which sounded like large cap pistols. Taps was sounded. The marines folded the flag and the major presented it to Brian. Brian stood to receive the flag. His glasses slipped down on his nose. The bluish eyes behind them were moist but steady.

The major said, "You're a good marine." Brian straightened his shoulders and tilted his chin. "Thank you, sir."

On the way back to the limousine Mother was having trouble breathing. She was embarrassed that she had to be helped to the car. Paul was screaming uncontrollably. I thanked Alice and took him. In the car I got his water from my purse and gave it to him.

At home the house was suddenly uncozy. We sat in the front yard near the tree Jackie had planted. Jack said, "It should bear next year." Our friends came by, our neighbors. We wanted to see them. We were pleased to be visited. We wanted to hear their words. Their voices were good sounds. Their gifts rare and wonderful. Some said to us, most did, that as time wears on one forgets. I was thinking: "You don't understand, I am diminished. Look at us, we are the less." Time, they said, and said it over and over, time is the answer.

TWO TRUSTEES OF THE AEROSPACE CORPORATION RECEIVE EXCEPTIONAL SERVICE AWARDS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HOLIFIELD. Mr. Speaker, at the annual meeting of the board of trustees of the Aerospace Corp., September 12 and 13, 1969, two of its most distinguished members retired after long and dedicated service: Mr. Sherrod E. Skinner and Lt. Gen. James H. Doolittle, USAF, retired.

As many of my colleagues will recall, the Aerospace Corp. was incorporated under the laws of the State of California June 3, 1960, to render scientific and engineering services to or for the U.S. Government. It was formed at the request of the Secretary of the Air Force to aid the U.S. Air Force in applying the full resources of modern science and technology to the problem of achieving those continuing advances in ballistic missiles and military space systems which are basic to national security.

The control, supervision, and direction of the general management of the corporation are vested in the board of trustees who are leading citizens selected from fields of industry, science, education, and public service, and who take very seriously their Aerospace trusteeship. The board meets at least four times a year and its several committees hold additional meetings. I believe that those who have had the opportunity I have had over the years to become familiar with the work of Aerospace will agree that the company's technical and managerial accomplishments attest to the faithfulness of the board's administration of its trust.

The chairman of the Aerospace Corp. board for all but 18 months of its more than 9 years' existence has been Mr. Sherrod E. Skinner, who has now retired. A submariner is World War I and director of the War Department's production division in World War II, Mr. Skinner was executive vice president of the General Motors Corp. when he retired in 1961 after 31 years with that company. Elected board chairman of Aerospace in 1961, Mr. Skinner served actively and continuously in that capacity until his recent retirement.

Lt. Gen. James H. Doolittle, U.S. Air Force, retired, needs no introduction to this body. Jimmy Doolittle is perhaps best known for earning this Nation's highest award for valor, the Congressional Medal of Honor, for leading the heroic flight to Tokyo in 1942. But he has been a scientist, earning master's and doctor's degrees from the Massachusetts Institute of Technology; an industrial executive, having served for many years with the Shell Oil Co., from which he retired as vice president and director; and a Government adviser, having served on many boards and committees, including one of special interest to me as chairman of the Joint Committee on Atomic Energy, the AEC's Plowshare Committee. General Doolittle was elected to the Aerospace Corp. board of trustees in 1963 and served as vice chairman of the board from 1965 until just before his retirement.

I am pleased to note that on the occasion of their retirement the Secretary of the Air Force awarded both Chuck Skinner and Jimmy Doolittle the U.S. Air Force Exceptional Service Award for their service with the Aerospace board. The citation accompanying Mr. Skinner's award reads as follows:

> Mr. Skinner distinguished himself by exceptionally meritorious service as Chairman of The Aerospace Corporation Board of Trustees from 12 December 1961 to 13 September 1969. During this period Mr. Skinner devoted himself unstintingly to the furtherance of the Corporation's role in aiding the United States Air Force in applying the full resources of modern science and technology to the problems of achieving those continuing advances in ballistic missiles and military space systems which are basic to national security. His efforts constitute an unusually outstanding contribution by a civilian in support of the Air Force's participation in the national defense and space programs, thereby reflecting great credit upon himself and have earned for him the sincere gratitude of the United States Air Force.

And the citation to General Doolittle reads:

> Lieutenant General James H. Doolittle, United States Air Force, retired, distinguished himself by exceptionally meritorious public service as Vice Chairman of The Aerospace Corporation Board of Trustees and Chairman of its Executive Committee from 6 December 1963 to 13 September 1969. During this period General Doolittle was instrumental in the development and maintenance of a sound technical organization capable of foreseeing technical requirements of the United States Air Force. His devoted service has been attended by outstanding success in the accomplishment of this most difficult and exacting mission. His efforts constitute an outstanding contribution in support of the Air Force's participation in the national defense and space programs, thereby reflecting great credit upon himself and have earned for him the sincere gratitude of the United States Air Force.

Mr. Speaker, I would like to add my own congratulations to these gentlemen for their distinguished service, and to send every good wish for the future. The Nation has been fortunate that men so dedicated have served in these important capacities. I am pleased to note the election of Mr. V. G. Nielsen, a trustee since 1961, as vice chairman, replacing General Doolittle, and of Dr. T. Keith Glennan, former AEC Commissioner, first Administrator of NASA, and president emeritus of Case Institute of Technology, as chairman of the board, replacing Mr. Skinner. I congratulate these gentlemen and am certain that they will serve with the same high distinction that has become characteristic of the Aerospace Corporation board of trustees.

POTOMAC VALLEY TEST FACILITY

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. CRANSTON. Mr. President, few people get upset about pollution unless they have to swim in it. The average man finds the subject easy to belittle until one morning he goes out and finds excrement in his own swimming pool. At that point pollution becomes important.

In Washington, it is particularly easy to think of pollution as someone else's problem despite the national disgrace which daily flows past us between the banks of the Potomac.

In the purified air of our Federal buildings, the oil-soaked beaches of Santa Barbara, the raw sewage discharged by U.S. Navy vessels in San Diego harbor, the internal combustion engine's constant defecation into the atmosphere of Los Angeles all are easy to ignore.

This observation on our Capital life was incisively underlined in a recently published article in Science magazine by Dael Wolfe. The proposal for a Potomac Valley Test Facility should bring home the message.

I ask unanimous consent that the vignette be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Science magazine, Sept. 5, 1969]

POTOMAC VALLEY TEST FACILITY

> If we had had the foresight a few years ago to establish the Potomac Valley Test Facility, several recent national problems could have been handled more satisfactorily. An example was the problem of what to do with a large supply of unwanted poison gas in Colorado. The Army proposed to ship it by train to the East Coast and then dump it at sea off the coast of New Jersey. Had the Potomac Valley Test Facility been in existence, several containers of the gas could have been dropped into the Potomac River, between the White House and the Pentagon, from an altitude calculated to give the impact velocity expected at sea bottom. Dropping a few containers into the Potomac River would have given congressmen, Army officials, and other interested persons an opportunity to observe at first hand whether the containers survived unharmed, and if they did not, the rate of leakage of the gas and its effects on the neighboring flora and fauna. Nothing quite takes the place of direct, personal experience in evaluating an event and its consequences. The nation's central decision makers should not be denied this experience.

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More recently, the Edgewood Arsenal and Fort McClellan have suspended open-air testing of nerve gas until a team of scientists can determine whether such tests are as free from danger as they are reputed to be. The National Academy of Sciences, which is frequently asked to advise the government on difficult technical matters, has its headquarters in Washington. Also nearby are the National Bureau of Standards, the Food and Drug Administration, and other agencies that can provide much technical information and relevant expertise. If open-air tests of nerve gas were conducted in or near Washington, representatives of appropriate agencies and of interested congressional committees could easily obtain the firsthand information which they will no doubt wish to have in evaluating the possible hazards of testing such gases in or near inhabited areas.

Another use of the Potomac Valley Test Facility would be in conducting studies of the sonic boom. Sonic boom tests have already been carried out in several parts of the country, but the test sites have been remote from Washington, and there is still considerable disagreement over the extent of the disturbance and the willingness of the public to accept repeated sonic booms. Again, firsthand information would be useful to the decision makers. If repeated tests were conducted over Washington, members of Congress and officials of responsible Executive agencies could observe the effects on babies, pets, the sick and the elderly, on classrooms and conferences, and also on widow panes and other fragile objects. They could learn for themselves just how much or little disturbance repeated sonic booms produce at various times of day and night.

There would be still other advantages of having a general-purpose test facility located in Washington. Studies of the time-zone effect indicate that physiological disturbances, loss of sleep, reduced effectiveness, and impaired judgment follow sudden transportation from a time zone to which a person is adapted to another, several time zones removed. However, there are individual differences in these effects, and the whole matter needs further study. Washington is full of people who make frequent trips to Europe, Africa, the West Coast, or Asia. Clearly they would be good subjects for studies of time-zone effects, and their number could readily be increased, for it would be easy to get nominations of politicians, bureaucrats, editorial writers, and others whose frequent or prolonged absence from Washington would be considered by many to be in the national interest.

SAVING THE PASSENGER TRAIN

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HICKS. Mr. Speaker, it is obvious to just about everyone in the country that passenger train service has deteriorated terribly. It is obvious that something must be done about it.

Just what should be done is anything but obvious.

On the one hand, we need rail passenger service now and are very likely to need it desperately in the future, so we must either preserve the trains presently in operation or face the prospect of starting from Genesis with new trains when the need becomes really pressing in a few years.

On the other hand, the current practice is to make the railroads maintain service at a substantial financial loss, which is patently unfair; we don't do that to other transit services.

It seems to me, Mr. Speaker, that what we must do for the immediate future is undertake a holding action until we can decide what ultimate course we should take. To this end I have joined the gentleman from Washington (Mr. ADAMS) and other Members in introducing legislation to give the Interstate Commerce Commission authority to set standards for passenger service. And to this end I propose a moratorium on any and all actions to discontinue passenger trains until we find a solution to the problem.

Right new the ICC has before it a proposal by the Northern Pacific Railroad to discontinue the Mainstreeter train, which runs between Minneapolis and Puget Sound, my home territory. I have urged the railroad and the ICC to hold off on this action for the present, although I sympathize with the railroad's reluctance to go on losing money—it is a business, and businesses just are not set up to lose money voluntarily.

And I think, Mr. Speaker, that the Congress has got to come to grips with this problem. We cannot afford to evade it. We have got to find a solution, or the problem will solve itself by doing away with money-losing passenger trains. That means most passenger trains, I am afraid.

And I also think that blaming the railroads for the decline in service does much to further the cause. As I said, they are businesses and do not like to volunteer to lose money.

I am told that right after World War II more than a billion dollars was spent to put together some of the finest trains in the world. More millions went into advertising.

What happened? Well, Mr. Speaker, between 1946 and 1958, when the railroads were spending all this money to attract passengers, the railroads' share of intercity passenger traffic dropped from 72.9 to 31.1 percent. And now it is down to about 12 percent.

That is among for-hire carriers. If automobiles are counted in, railroads figure that they are carrying only about 1 percent of intercity travelers. That is not an exciting market.

So railroaders started cutting trains. They are accused of downgrading service so people would not travel on their trains, so they in turn could justify discontinuing the trains. Perhaps they have done so. But we could argue for the next 10 years about which came first, the "chicken" of declining passenger traffic or the "egg" of downgraded trains, and it would not bring us any nearer a solution.

The basic fact of life in this context is that everybody is in a hurry. If I were to travel to my district by train, it would take me 3 days. Even at 100 miles an hour without stopping, a train to my home would take 30 hours. A jet can make it in five.

We may yearn for a gentler, more relaxed age. We may think back to the time when we could board a train and settle back for a long trip, eat good meals, pass some time in the lounge car, observe the countryside. As a matter of fact, I did just that when I returned to Washington, D.C., from the congressional recess in August—traveled by train from Tacoma, Wash., to Chicago just for old times' sake while there are still fine trains to travel on; but I traveled from Chicago here by jet, and I will continue to cross the country by jet.

Certainly passenger trains are not what they used to be. Dining cars are disappearing, sleepers are almost a thing of the past on some trains, the equipment is getting somewhat rickety. No one denies that, not even the railroads.

The conclusion one hears mostly is that if the railroads would just put out some money to improve their equipment, they would attract plenty of passengers.

It is worth a try. That is why I favor giving the ICC the authority to regulate adequacy of service.

But that is still only a holding action. Anyone who thinks it is a cure-all may be about to let the patient die.

What I am saying is that we need to be careful in our diagnosis, to take a little more time. But above all we must sincerely and aggressively make a diagnosis.

Railroads are too important to this country to be ignored in this critical matter.

Whenever there is a threat of a nationwide strike or lockout, the best efforts of everyone involved, including Government, are bent to head off such a catastrophe.

Why all the concern? Is it the threatened stoppage of passenger service? Certainly not.

It is because we suddenly remember that railroads have a freight service which is absolutely indispensable. We remember that more than 40 percent of the country's intercity freight goes by rail. We remember that if railroads stop running the wheels of commerce could not turn at their usual speed; and if the stoppage were to last very long, commerce could very well stop too.

So we must act cautiously. We must weigh the possible results of our actions.

If we place intolerable burdens on the railroads, what will happen?

Will freight charges be increased to cover the new expense? And if they are—to the degree necessary to keep the railroads going—what will that do to the price of every consumer item that is shipped by rail?

Railroads are businesses, operated to earn profits, like any other business. Their stockholders are entitled to the same consideration as any others. Their employees, too.

If there are public-interest factors in long-haul passenger service that take precedence over the profit factors, then we must consider the consequences.

I do not think we can tell the railroads: "Do this. Do that. Don't bother us with how much it will cost. We don't want to hear that you can't afford it. Just do it—sink or swim."

The railroad industry has advanced a proposal that would provide for reimbursement to railroads required to run money-losing passenger trains in the public interest.

That may not be the only answer, or the best answer. But it is worth considering. As are all the other proposals that have been made.

Let us be clear about one point.

The issue that presently concerns us is not commuter service. Commuter trains have their own problems. But a lack of passengers is not one of them, and I do not think they are in any danger of being discontinued.

And we are not really talking about medium-distance rail travel in densely populated corridors. The early success of the Metroliner indicates there is a bright future for trains like that.

But the big question is the future of long-haul, intercity passenger trains.

The problem is that it costs more to run most of them than they bring in.

This is not just a railroad claim. It is now backed up by the Interstate Commerce Commission.

In a recent study of eight railroads, the ICC came to the conclusion that those eight railroads could have saved $118 million by not running passenger trains last year.

Now that is a lot of cash, and I do not think we can lightly tell the railroad industry that it must go on losing this kind of money—not only lose it but toss more into the same well.

It is sometimes said that railroads owe the country passenger service because of land grants. Certainly they did at one time. Perhaps they still do, but that obligation will not last forever at the rate railroads say they are losing money on passenger trains. In any event, Federal land grants were a factor in less than 8 percent of the total rail mileage.

There is something else we always hear in any discussion of passenger service.

That is the excellence of some foreign passenger trains—Canadian, European, and especially Japanese.

We need to look at this situation more carefully, too.

For one thing, those railroads are Government-owned and, in Europe and Japan, automobile ownership is nowhere near as high as it is in this country—meaning that fewer people have a reasonable alternative to rail travel.

Even with these advantages, the Canadian National Railroad loses about $50 million a year on passenger service, and the Japanese National Railway System lost $261 million in 1968. All foreign railroads have an average deficit of about 20 percent. In other words, they have to spend $1.20 for every $1 they take in.

So that argument does not get us very far either.

Here is another thing to think about: We are spending an awful lot of public money on transportation these days but we are letting the railroads go it pretty much alone.

Federal spending—leaving aside State and local—is estimated at $6 billion in 1969 for highways, waterways, airports, airways, and aircraft development and direct airline subsidies.

Meanwhile, the Federal Government has appropriated $13 million for research and development on high-speed intercity ground transportation—and only $4.3 million of this was for rail projects.

Now, I am not saying other forms of transportation are not essential to this country's economy and progress. Certainly not. And I am not criticizing all of these other expenditures. But it may be time to take a look at our priorities if we want a balanced transportation system.

Out in "Boeing Country," we have been able to see what can be done when Government and industry work toward a common goal—through research and the development of a technology that has helped a private industry achieve greatness and improve its service to the public.

If fine passenger trains are the goal, I see no reason why Government and the railroads cannot cooperate in a similar manner.

But that is just another possibility. We may find the corridor trains like the Metroliner are all the country needs or even wants.

It just may be that Congress is a little behind on this issue. It may be that the public has already voted—with their travel dollars. And it may be they have voted against the longhaul passenger train—regardless of any laws we may pass or any new technology we may develop.

And it may be that times will change again. The airways are getting crowded and the highways are worse.

So my suggestion is that we plan a holding action that will maintain the nucleus of a passenger train system while we get more solid answers. And that we do this without ruining an industry.

We need to cut down on the heat and let in a little more light on this whole question of passenger travel.

THE 1969 PLATFORM OF THE YOUNG DEMOCRATIC CLUBS OF MARYLAND

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, September 25, 1969

Mr. TYDINGS. Mr. President, on September 20, 1969, the Young Democratic Clubs of Maryland met in annual convention. All the convention's decisions and deliberations are of deep interest to me, but I look forward, especially, to studying the "platform" adopted by this outstanding group representative of Maryland's conscience and community leadership.

The 1969 platform is well prepared and thought-provoking. It has been well received in Maryland and while each of us may disagree with some of the platform recommendations, the document should be very useful to Members of Congress and many others. I ask unanimous consent that the 1969 platform of the Young Democratic Clubs of Maryland, together with the names of the distinguished platform committee, be printed in the RECORD.

There being no objection, the platform and list were ordered to be printed in the RECORD, as follows:

THE PLATFORM OF THE YOUNG DEMOCRATIC CLUBS OF MARYLAND, 1969, AS ACCEPTED AT THE CONVENTION MEETING, SEPTEMBER 20, 1969

The United States of America, a Nation which has made that one giant leap for mankind, evolved to world leadership, and is the most affluent nation on earth, is still unable to solve its own social, political and economic problems. Millions of our fellow countrymen still suffer from the lack of proper medical attention, food, housing, education, jobs, and social acceptance. In these critical times, demanding dynamic leadership and the solution of present problems now, we, as young Americans and the young Democrats of Maryland in convention assembled, striving for the ultimate goals of all men—life, liberty, the pursuit of happiness, peace throughout the world, and brotherhood for all mankind—state the following as our programs:

BUDGET PRIORITIES

We recommend that as a first order of business the Congress clearly set forth established priorities of needs to be accomplished in the decade about to open, and that our large but limited resources be allocated so as to provide workable solutions to these problems.

Although defense of our people must always have a high priority, we believe that research on weapons systems and a reasonable stockpile of hardware can be maintained at a fraction of the current cost. The Congress should also make every effort to obtain quality for the defense dollar and avoid useless expenditures for undesirable overkill systems.

Highest priority should go to certain of our domestic needs, specifically:

(1) Adequate housing, health care and diet for *all* our citizens;

(2) Education and job training to prepare all our citizens to lead useful lives in our complex civilization;

(3) Crime control so as to insure that each of our citizens is safe in his life, liberty and property;

(4) Clean water and clean air so that life on this planet is worth living; and

(5) Tax reform.

CIVIL RIGHTS

In the area of civil rights we support all efforts to insure individual equality and dignity to all people regardless of their race, creed, sex, or color; this includes voting rights, housing, education and job opportunities. We condemn any attempts to postpone rational steps toward the ultimate goal of equality. We condemn segregation in any form. Although we realize that it is more desirable that progress in civil rights comes about through changes in individual attitudes, which we will do all possible to encourage, we support the government in assuming leadership through legal processes in the area of civil liberties.

LAW, ORDER, WITH JUSTICE FOR ALL

Intolerable living conditions in our cities, inadequate national response to the granting of full citizenship to the minority groups of our nation, poorly trained as well as underpaid, overworked and understaffed police and the backlog of cases to be tried in the courts, and the abominable conditions in our penal institutions are major reasons why crime and rioting have reached alarming proportions.

We suggest that Maryland establish new, and more adequately funded community self-help programs similar to Washington, D.C.'s PRIDE. Such programs help to overcome alienation and poor community morale which contribute to anti-social behavior. To further reduce hostility and frustration of deprived youth, we advocate the extension and establishment of summer camps such as the one held at Fort Meade this summer for city youth.

A major cause of rioting throughout the country is the injustice of our state and na-

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tional policies in regard to minority groups. We therefore recommend that all appointed and elected officials, both on the state and national level, do their utmost to enforce civil rights laws.

Although we must eliminate the causes of crime and rioting, we must also make sure that offenders are properly apprehended and brought to justice. To accomplish this we must increase the quality and effectiveness of Maryland's police and therefore we suggest intensification of Law Enforcement programs in Educational institutions including financial aid for those police officers who attend. Further, we suggest that the salaries of law enforcement employees be increased so that we can recruit the highest quality people.

We also ask that the State of Maryland institute a study of the backlog problem in its courts, following Chief Justice Burger's suggestion that the nation's courts immediately develop a corps of trained administrators to manage the litigation machinery so that judges can get on with the disposing of cases. We also believe that all judges in Maryland should be members of the Maryland Bar.

We advocate the abolition of the death sentence in Maryland. To reduce the high return rate to our state prisons and decrease the crime-producing atmosphere in so many of our penal institutions, we further advocate that the Committee on Correctional Administrations should intensify its studies and use as consultants capable criminologists, psychiatrists, and other qualified professionals and report its findings to the public.

An upgrading of the requirements and remuneration for all personnel in prison administration would enable all employees to use the most modern and effective means of rehabilitating and protecting prisoners. Consequently, we support a substantial increase in the Department of Correction's budget.

We recommend the institution of Halfway Houses for juveniles in Maryland and the appropriation of more funds for the present Maryland juvenile institutions and the extension of constitutional guarantees to juveniles.

We support peaceful demonstrations but deplore the use of violence and intimidation by police, students and others; however we do not approve of the Federal Government withholding or withdrawing Federal loans to students on those campuses where violence occurs.

We recommend that the General Assembly review the establishment of a law requiring that a person obtain a license to own a gun.

Because heavy users of hard drugs and marijuana have emotional problems, we advocate that the laws pertaining to the use of hard drugs and marijuana as a criminal offense be abolished, and in their place a more rational system of dealing with these problems be adopted. The adoption of the above new drug code should provide for strict enforcement against violations of that code involving "pushing" and illegal sale of drugs. We also support the use of methadone for the treatment of drug addicts.

HEALTH

The opportunity to enjoy good health should be the right of every American and must not be dependent upon ability to pay. We therefore favor a national comprehensive health insurance program that will cover all Americans and which will replace the present patchwork of special programs. Meanwhile we recommend the state take the following action:

(1) Expand services in the area of family planning, pre-natal and post-natal care.

(2) Medicaid—Increase efficiency of payments to physicians and pharmacies in hopes that prompt payments will encourage broader selection of services.

(3) Make health programs more accessible and more comprehensive.

(4) Make more community facilities available for senior citizens.

A vigorous food distribution program must be the Nation's number one priority until such time as hunger and malnutrition are eliminated. Food stamps should immediately become free as an emergency measure. Distribution of food stamps on the state level should be more accessible and better publicized. Nutritionist services should be available at each neighborhood health center.

Mental illness, the number one health problem in Maryland, affects almost 400,000 of our residents. We believe that a state which ranks tenth in per capita income can afford to do better than the present thirty-sixth in per capita expenditures for community mental health programs. We therefore urge a substantial increase in expenditures for community mental health programs. Emphasis in community services should be on those most neglected—the impoverished and the young.

Maryland's mental hospitals are now largely providing custodial care for their patients. Therefore these institutions should receive more adequate operating funds until they can be gradually replaced by community services.

Alcoholism has been recognized as a health problem in Maryland, but to develop the necessary community facilities and programs there must be funding.

Drug abuse should be considered a health and mental health problem, not just a criminal problem. Treatment services should be expanded through local Health Departments.

We strongly recommend the passage of legislation which will provide for the emergency admission to a mental health facility of persons who are considered likely to harm themselves or others because of mental illness. Such legislation should treat such disorders as illness, not crime, and should safeguard the individual's rights and dignity to the maximum extent possible, consistent with the needs of society.

Many of Maryland's laws dealing with mental illness are archaic in language and content. We endorse the Pierson Commission's revision of these codes which will be introduced in the next General Assembly.

For several years we have urged the establishment of small regional facilities to care for the needs of the mentally retarded. The Department of Mental Hygiene has now proposed a specific plan for the establishment of such facilities and we urge its immediate implementation.

We also endorse the proposal by the Secretary of Health to establish a Division of Mental Retardation to better coordinate the services for the retarded.

Maryland's waterways are becoming open sewers and our air is becoming an open gas chamber. We commend the intelligent stand taken by Governor Marvin Mandel against the use of DDT and we hope that he, *along with the legislature* will take strong steps to eliminate harmful insecticides, commercial wastes, industrial wastes and other pollutants from our environment.

EDUCATION

Since education is our investment in our future, it should receive top priority. In recent years, Maryland's sub-divisions have encountered rapidly increasing difficulty in financing their educational programs. To resolve this we recommend:

(1) That the state should make a greater contribution to the sub-divisions for education by paying the entire cost of construction and more towards teachers' salaries.

(2) At the same time the counties should hire only teachers who meet the state's standards and, the state should raise its standards for school construction as these standards are inadequate in some sub-divisions.

(3) We advocate the establishment of educational parks and the use of these parks also as community and recreational centers.

(4) We feel schools must operate on a year-round basis where students would still attend school for only nine months, but school terms would be staggered.

In order to provide an adequate education for handicapped children we recommend the following:

(1) Legislation requiring the Department of Mental Hygiene and the Department of Education to co-operate in developing educational and treatment programs for emotionally disturbed children.

(2) Headstart programs to prevent environmental handicaps in children and to aid those children already handicapped, but we feel these programs must start at a much earlier age than at present, and they must be followed through by providing compensatory education in elementary schools and where necessary in high schools.

(3) The enactment of the proposed legislation which will raise the minimum payment from $800 to $1,000 per child for development of public school special classes and also to parents who must send their children to private schools due to lack of adequate public classes.

We believe that most students will benefit from sex education, and we support the board of education's program in this regard.

In order to attract qualified teachers, we advocate not only higher salaries but also better teaching conditions such as: smaller classes; compensation for non-teaching duties; training programs for inner city teachers; and adequate quantity and quality of textbooks—i.e. modern texts which relate to all races, classes and levels of students; and the hiring of more teachers aides.

INCOME MAINTENANCE

Our welfare system is totally unworkable. Its goals should be to assure an income above the poverty level to every American while maintaining an incentive to become usefully employed. It should be administered by the Federal Government and maintain the dignity of the individual. The proposals recently submitted to the Congress accomplish many of these objectives: however, the proposed payments do not even reach the Federal Government's own definition of poverty-level income. With a raising of this level plus adequate provisions for job training, medical and dental care for the poor, and adequate old age assistance, our welfare system would become a model for all free societies.

TAX REFORM

If our self-assessment system of taxation is to work, the burden of governments must be shared fairly. Furthermore, taxes should not be so high and tax laws so complicated as to stifle business and individual incentive. We congratulate the Democratic House of Representatives on its Tax Reform and Reduction Bill and urge that such a bill pass the Congress this session and that future reforms be forthcoming shortly. We further urge that Maryland eliminate the State property tax and make its income tax truly progressive. Accordingly, we recommend that all State taxes be levied by and all appropriations be made by the General Assembly including debt service on bonded capital improvements. We also urge review and reform of the State farmland assessment law and State inheritance taxes. Finally, we recommend that the General Assembly permit a more flexible system of financing local government services, and devise new sources of revenue for our local governments.

HOUSING

Our slums, both urban and rural, are multiplying, and so are the problems they bring. We urge the immediate creation of more low-income housing including the use of special incentives to private industry, increased rent supplements, and special grants to local governments and non-profit housing organizations. We further urge that in slum clearance, urban renewal, and highway construction, special care be given to provide adequate housing at the same cost to those displaced.

We support the Housing Act recently adopted by the General Assembly and urge its passage in the 1970 referendum. This law provides a housing authority which is essential to provide better housing and enforcement of housing regulations.

TRANSPORTATION

Our rapidly growing population is placing increased demands upon our transportation system. We must have fast, safe, and economic modes of transportation under the principles of fair competition. To meet the challenge of transportation, we propose a dynamic partnership between industry and government at all levels.

Recognizing the fact that our air traffic control system is ineffective through both obsolete equipment and worthless planning for the sake of fiscal expediency, we agree that Congress should immediately allocate funds to the Federal Aeronautics Board and the hiring of desperately needed air traffic controllers.

We support expanded assistance to mass transit in order to avoid increased congestion in center cities and to link residential and work areas. Thus we urge the immediate release of funds for the Metropolitan Washington subway system, the creation of a similar system in the Baltimore area, and a system linking the two areas. Furthermore, we, the Young Democrats of Maryland, condemn Democratic Congressman William Natcher of Kentucky for his cavalier treatment of Metropolitan Washington's vital public transportation system.

We support the development of high speed passenger trains to serve major areas.

We urge replacement and augmentation of our obsolete merchant ships with updated vessels built in American shipyards and the further development of harbors, ports, and inland waterways, especially the Panama Canal and St. Lawrence Seaway.

THE DRAFT

We support a random selection system which will reduce the period of eligibility for the military service to one year, guarantee fair selection, and thereby reduce the uncertainty from the lives of American young men. The present system leaves them totally uncertain as to their future during their academic careers. We support the instantaneous retirement of General Hershey.

CENSORSHIP

We believe that censorship is undemocratic in principle and advocate the abolishment of the Maryland State Board of Censors.

CONSUMER PROTECTION

We support expanded consumer protection legislation which provides for the following measures:

(1) Investigatory and supoena powers for the State Consumer Protection Division.

(2) Enabling the local governmental units to provide for their own Consumer Protection programs, it being understood that the State does not mean to pre-empt this field, provided that local governmental units shall not enact any less stringent regulations than are enacted on the State level.

(3) Authorizing Consumers to bring private actions under the present Consumer Protection law with the recovery of costs and attorney fees.

FOREIGN AFFAIRS

Since 1960 the United States has built up a powerful defense establishment and now enjoys a superiority in defense unlikely to be matched soon; therefore, we should now make every effort to build peace between East and West so as to make further armament unnecessary. The present administration must shift its emphasis from increased defense apparatus such as the costly Anti-Ballistic Missile system to increased cultural, social, political and economic ties with the Soviet Union, Red China, and the countries within their spheres of influence.

To accomplish those objectives we must overcome certain obstacles to world peace. These include the conflicts in Viet Nam, the Middle East, and Germany.

We believe that the war in Viet Nam has been a political and economic fiasco and urge deliberate steps for immediate de-Americanization of the war. We support the negotiations in Paris, but feel that ultimately the final solution remains with the Vietnamese people.

The tensions in the Middle East remain a constant threat to world peace; we must do all within our power to eliminate them.

A meaningful arms control should be established which must include mutual arms quarantine in the Middle East.

It is our contention that a permanent peace in this area depends upon agreed and secured frontiers, respected for the territorial integrity of all states, the guaranteed right of free passage through all international waterways, a massive resettlement of the Arab refugees purportedly but not actually represented by el fatah, and the establishment of a non-provocative military balance.

To realize these goals for a permanent peace, we advocate negotiations with the prime parties concerned, and if these attempts fail, we support a negotiated peace arbitrated by the United States, Russia and a neutral nation.

We further believe that the situation in Europe has stabilized to such a degree that the North Atlantic Treaty Organization is no longer needed as a military tool to prevent aggression from Soviet Russia. It should be scrapped as a military alliance and converted into a political and economic development of the European community and the rest of the world. A substantial reduction of military material and personnel will facilitate a greater feeling of security throughout Europe and prepare for mutual disarmament, and for greater and freer economic intercourse within the European community and the rest of the world.

We further believe that though South America is struggling for political and economic development, she is confronted with grinding poverty, illiteracy, and a stubborn resistance to constructive change. The aspirations and frustrations of the people are frequently exploited by self-serving revolutionaries who employ illegal and violent means.

Many Latin American nations formerly dependent upon America for aid, are now viable and stable as a result of this aid. We support strengthened U.S. development aid programs and their constant evaluaion to insure that they alleviate the problems of the South American people rather than in aiding those self-seeking individuals not concerned with the political and economic development of their countries.

DEMOCRATIC PARTY REFORM

In recent years, there has been an increasing awareness by the public of the inequitable structure of political parties. Traditionally, politics has been a pursuit of power by the few, at the expense of the public's participation. In response to a gradual, but persistent, public awakening, this situation is now beginning to be remedied. The process is proceeding too slowly, however, as political parties encounter difficulties in wresting power from those with very definite, fixed interests in maintaining such power. We are concerned about the lack of progress in this area, and urge the following proposals for the Democratic Party, on a state or national level.

The governing, or policy-making body of a political party should be available to all who belong to the party. Presently in Maryland, registered Democrats have only the most limited access to party policy and decision-making. This should immediately be remedied by the institution of the "Open Precinct" System, whereby all registered Democrats within a particular precinct would belong to the precinct organization, and be entitled to vote on all matters within the precinct. They would elect all precinct-level party officials and also elect delegates to the County Party organization, which would be composed solely of delegates from the local precincts. The County organization would, in turn, elect all County-level party officials, and delegates to the State Party organization, as well. The State organization would, in turn, elect all State Party officials from within its ranks. In this way, all Party officials would be elected and all policy decisions would be made by representatives chosen in a manner which would ensure the maximum participation and access of members to the Democratic Party.

Failure to reform our Party to allow this increased participation and access to Party affairs will result in a diminution of interests, membership and effectiveness in the Democratic Party.

We challenge, therefore, the Democratic members of our State and Federal Legislatures to submit and defend our platform's suggestions as to their respective bodies.

NATIONAL ELECTION REFORM

We recommend the abolishment of the electoral college and endorse popular elections of national candidates.

YOUNG DEMOCRATS

We urge that the Democratic Party sincerely attempt to involve more youth within the framework of the Party. We also recommend that government commissions, boards, and agencies include, as members and advisors, more young people, especially where the activities are relevant to their lives. We further urge that the Democratic National Committee rescind its recent directives affecting the Young Democrats, including the cancellation of the National Young Democratic Newsletter. We believe that the Democratic Party should make every effort to include all young people in the Party through the Young Democrats.

Finally, we earnestly support a constitutional amendment to lower the voting age to eighteen.

PLATFORM COMMITTEE

Jay S. Bernstein, Chairman.

Linda Kroh, Vice Chairman and Secretary.

William Bradford, Vice Chairman.
Martha Fenton, Vice Chairman.
Stuart Goldberg, Vice Chairman.
Michael Gordon, Vice Chairman.
Anita McCain, Vice Chairman.

A. B. Chisholm, Charlotte Chipper Debusky, Kenneth B. Frank, Ben Griffith, David Lentz, Carl A. Maio, Jean Morris, Larry Otter, Janet Shedd, and Linda Thiel.

MONTCLAIR'S GREATEST DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RODINO. Mr. Speaker, as a final note to that wonderful day for Montclair, N.J., when her own Buzz Aldrin came "home," I want to insert the following editorial which appeared in the Montclair Times of September 11. Everyone connected with the magnificent planning and execution of this tribute deserves the highest commendation, for it was truly a day to remember with pride.

MONTCLAIR'S GREATEST DAY

"At Tranquillity Base stands a proud native son of Montclair."

"Well done, Buzz!"

"There are footprints on the moon and they belong to you."

"Montclair's Red Letter Day."

"Psalm 8: When I consider Thy heavens, the work of Thy fingertips, the moon and the stars which Thou hast ordained; what is man that Thou art mindful of him?"

These are the quotes which will make Aldrin Day a treasured moment for those of Montclair and surrounding communities who were there for any or all of the outpouring of genuine recognition for a man who didn't get to the moon easily.

Aldrin's education at Montclair High School, the guidance of Clary Anderson, the confidence of former Senator Hawkes who appointed him to West Point, the inspiration of his father, an aviation pioneer, and years of hard work have made Buzz Aldrin an inspiration to the youth of this country that desperately needs to know the value of meaningful effort to make themselves a part of the world of tomorrow. He and his colleagues have also been a unifying force in a world where men have forgotten that the earth is so small a part of the universe that frustration, bloodshed and riots can hopefully be subordinated into an effort to bring together all mankind. Mayor Carter said it: "We hope Moscow and Peking are listening." Col. Aldrin and his partners have done what no statesman in the world has so far wrought: True recognition that our planet is part of a vast cosmic design that should be explored in a common effort.

And to Commissioner Theodore MacLachlan, who did a magnificent job as chairman of Saturday's tribute to Montclair's native son, must go the heartfelt thanks of a proud community.

SUPERSONIC TRANSPORT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. SEBELIUS. Mr. Speaker, I think we should move ahead with the supersonic transport without any further delay. After all, it is the next logical step in commercial aviation and one which this country should take if we are to maintain our world leadership.

Other countries have built supersonic transports—the British and French are now flying two Concorde prototypes and the Soviets are flying at least one prototype of their TU-144 supersonic transport. This competition we are engaged in is real and, if their programs continue to be successful, those countries will take over a large share of the leadership we now enjoy.

Since the Government is sharing in the costs, the contracts with the manufacturers include investment recovery provisions, giving the Government the right to royalties on the sales of SST products. If the program is successful, the Government will get its money back plus an additional return, depending upon how successful the program is. The royalty formula is designed for the Government to break even at the sale of 300 SST's and to receive further return on additional sales.

Now, of course, the Government is not involved in the program for reasons of making money or a profit. The Government is involved in the program for the reason of national benefits and, basically, to get the SST built.

Air transportation is important to our country, since it is the Nation's seventh largest industry and growing faster than any other major segment of our economy. For the past 20 years, air travel has been growing at a rate of about 17 percent annually, which is nearly double the rate of the second most vigorous industry in our economy—electric utilities.

It is obvious to me that we must have this program to remain in harmony with our national standards and goals. I endorse the proposed program by the President completely.

SST COMMENTARY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HOWARD. Mr. Speaker, at a time when the administration is telling us to cut back on the financing of such vital measures as air and water pollution control as well as in the field of education, we are told that, of course, we can spend $100 million a year on Federal subsidies for a civilian supersonic transport plane.

Susan Truitt, who performs so ably as a television reporter for Metromedia News, made a brief commentary on this situation this week. It is short and to the point. It sums up in capsule form the way priorities are being set in the White House.

Mr. Speaker, I urge all of my colleagues to take a brief moment, look over Mrs. Truitt's commentary, and then decide if our priorities are not quite badly mixed up.

Mrs. Truitt's commentary follows:

At this moment in Washington . . . there are dozens of public officials that admit they just don't have the money to do the job.

The Mayor has told D.C. General Doctors . . . they can't heal the sick . . . not because they don't have the technology . . . but they don't have the money.

Washington's War on Poverty has just been told it's lost a million dollars . . . not because it isn't doing the job . . . but the funds aren't there.

The Welfare Department has admitted the recipients do need money for school clothes . . . but the funds aren't there.

And the President has ordered a cutback on water pollution control . . . and federal construction . . . because all that spending contributes to the monumental inflation.

But perhaps the most paradoxical aspect of having money for an SST is . . . that we don't have money for adequate air traffic control . . . or adequate airports for the planes we already have.

It is very true that we will be able to get to Tokyo faster . . .

But the old questions are still with us . . .

Can we make it past Indianapolis? and if we do . . . can we find our baggage . . .?

For that matter . . . can we even get thru the traffic to the airport?

And . . . as for keeping America first in aviation . . . didn't the moon shot cover that?

SUSAN TRUITT,
Metromedia News.

WASHINGTON.

TRANSPORTATION PROBLEMS AND THE 91ST CONGRESS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. ROSTENKOWSKI. Mr. Speaker, on September 16, my colleague Mr. MURPHY of New York had the honor to speak at the Traffic Club of Hudson County's Steamship and Foreign Freight Forwarders Night. More than 250 steamship and freight forwarder executives and their clients attended the affair. Mr. MURPHY's remarks centered on legislative matters before the 91st Congress dealing with transportation problems. Very few people are aware of the crisis in the transportation industry and therefore, Mr. Speaker, I include his address in the RECORD:

TRANSPORTATION PROBLEMS AND THE 91ST CONGRESS

I want to thank you first of all for giving me the privilege of speaking to you on your Traffic Club's Steamship and Foreign Freight Forwarder Night.

As a Member of Congress, I think the most appropriate subject I can talk on is legislation. But I will confine my remarks to several legislative matters which hold a specific interest for you. These are the freight forwarder bill and the authorization and appropriation for the merchant marine. Incidentally many knowledgeable transportation authorities say that both industries are in serious trouble.

The freight forwarder bill—H.R. 10293—has generated considerable interest even though no hearings have been held on it so far this year. And it has something of a history.

Last year, there was a bill before the Subcommittee on Transportation and Aeronautics, of the House Committee on Interstate and Foreign Commerce. That particular measure—H.R. 10831, 90th Congress—would have amended Part IV of the Interstate Commerce Act so as to permit freight forwarders to enter into rate contracts with railroads.

The intent here was to place the freight forwarders in a relationship with railroads which is similar to the forwarders' relationship with motor carriers. Section 409 which covers this matter, and which has been amended several times previously, provides that freight forwarders under Part IV may enter into contracts with common carriers by motor vehicle subject to Part II of the Act.

In such relationship with motor carriers, the compensation paid under the contracts is comparable with divisions of a joint rate rather than with compensation paid to carriers by shippers under a regular published tariff.

The legislative proposal would have allowed the forwarders a similar rate contract position with railroads. In other words, the forwarders were seeking the right to negotiate special rates with railroads, rather than having access only to the railroads' existing published rates open to all shippers.

As you know, freight forwarding goes back many, many years, with its basic function of pooling and consolidating smaller shipments into larger ones including all of the activities directly related to this function. In fact, the forwarders have been described as the less-than-carload arm of the railroads.

When containerization first began to make its imprint as an important transportation practice in the form of piggyback about ten years ago or so, the pinch began to be felt by the freight forwarders, as those of you in the business are keenly aware. They were never able to take full advantage of the piggyback concept. The forwarders are not permitted to make use of the various piggyback plans on any rate basis but are limited to that of published rail rates. Joint rates such as those the motor carriers are permitted to negotiate are not allowed.

The legislation failed to get anywhere, and this is a little surprising. I say this because the Department of Transportation, the Interstate Commerce Commission, which administers the freight forwarders portion of the Commerce Act, and the Federal Martime Commission, all supported it.

In a letter from the Department of Transportation to Committee Charman Harley Staggers, dated October 27, 1968, the Department said:

"We are of the opinion that joint rate arrangements would be an appropriate arrangement for freight forwarders in dealing with railroads and motor carriers. Nevertheless, we recognize that there is also merit to the approach of extending the scope of section 409(a) to include the making of contracts between the railroads and the forwarders. As a matter of fair and impartial regulation, it would seem appropriate to accord the forwarders the same treatment in dealing with both railroads and motor carriers."

And earlier that year, on January 23, 1968, the Interstate Commerce Commission had written to the Chairman of the Subcommittee, Congressman SAMUEL FRIEDEL, setting forth the Commission's recommendations on this proposal. The statement made the point that:

"In general, these recommendations reflected our belief that, while a freight forwarder legally is a shipper when dealing with other modes of transportation, its relationships with these other carriers are sufficiently distinct and different as opposed to any other large shipper or exempt shipper association, established under section 402(c) of the Act, so as to warrant special consideration."

Finally, in a letter dated January 22, 1968, the Maritime Commission stated that if the proposal is needed:

"To provide an improved service to the shipping public and is not inconsistent with our overall transportation policies, then such legislation should be favorably acted upon the public interest."

But Congress failed to enact such a proposal in 1968, and so we have a new proposal before the 91st Congress.

The present bill takes a different tack. It would amend Part I of the Commerce Act, which is the portion that deals with the railroads. Part I would be modified so as to permit, in effect, common carriers including freight forwarders, to negotiate with railroads for rates.

Perhaps this year will see a breakthrough for the forwarders.

But do not become complacent. I warned previously that the industry is in trouble. The reason for this danger can be put quite simply. The common carriers—rail and motor—are both willing now to offer services they were unwilling to perform in the past. And it was this lack of service that lead to the creation of the freight forwarding industry.

A second major legislative matter which is, I am sure, of special interest to you is the merchant ship construction subsidy.

As you are aware, we are at a critical stage with our merchant marine fleet. About 70 percent of our fleet of fewer than 1,000 vessels are 20 years or older.

The Administration's budget request which went to Congress last January contained only $15,918,000 for the ship construction account. This amount, together with carryover funds of previous years, was intended to provide Federal funds for the construction of ten or eleven new vessels.

The House Merchant Marine and Fisheries Committee found this amount of $15 million totally inadequate, and authorized $145 million for ship construction. The House, acting as a Committee of the Whole, agreed and accepted the $145 million authorization.

Subsequently, the Appropriations Committee of the House went even farther and recommended an appropriation of $200 million for ship construction—or $55 million more than that authorized by the Merchant Marine and Fisheries Committee. It was intended to build 30 or more vessels.

Unfortunately, when the $200 million came up for approval in the House, the Senate had not yet acted on the authorization. So the item of ship construction funds was stricken from the Maritime Administration appropriation. Undoubtedly, it will reappear later in this session. And, it will just as surely be substantial.

I think the important point in all this is that there is reflected an awareness of the critical state confronting our merchant marine, and a determination of key Members of Congress to initiate a program of rebuilding the commercial fleet. Action taken by the 91st Congress could mark the turning point of our entire merchant marine industry.

And while on the topic of Congressional legislation relating to maritime matters, I might mention in passing maritime bills introduced in which key Members in both the House and Senate have indicated they support. These proposals would revise and strengthen our entire merchant marine posture. Indicative of their scope, it is proposed to establish an authorization of $300 million in ship construction subsidy funds for each of the next five years. Such a program would place the industry on a peacetime level of activity it has not experienced for many years.

And now, turning to a non-legislative subject, I mentioned previously the new concept in transportation: containerization.

This relatively new form has sent all of you to the drawing board. And it won't be all smooth sailing. Witness the recent jurisdictional uprising of the Federal Maritime Commission when the Interstate Commerce Commission issued its "Special Permission No. 70–275." Eyeing the land-bridge concept, the Commission declared that domestic carriers, which it regulates, and the merchant marine, which it does not regulate, could file through rates on import and export shipments.

Federal Maritime Commission Chairman, John Harllee, denounced the ICC action, terming it a violation of the law. The ICC thereupon suspended its action.

The appointment of Helen Delich Bentley as Chairman of the Federal Maritime Commission, I would like to add, should be an asset in solving jurisdictional disputes. Mrs. Bentley and Mrs. Brown, the capable Chairman of the Interstate Commerce Commission have resolved this issue.

The full thrust of international containerization is not making headway as fast as it should. At least that's the way Interstate Commerce Commissioner Dale Hardin sees it.

In the recent New England Forwarding Co. case, Commissioner Hardin wrote a dissent in which he enumerated the reasons why the development of international containerization is progressing far too slowly.

His reasons are (1) major overseas carriers' failure to publish container rates, (2) jurisdictional labor disputes in this country, (3) the controversy over the proper size of containers, (4) documentation, (5) customs problems both in the United States and abroad, (6) labor problems abroad, and (7) a lack of legal authority to file single-factor rates.

In spite of this, the container transportation concept is moving ahead. Its potential is vast.

And jurisdictional problems notwithstanding, if the land-bridge proves to have economic merit, its establishment will be inevitable.

We in Congress, along with those of you on the firing line, will be watching the continuing development of the containerization revolution, in all of its ramifications.

Let me assure you that I along with most Members of the Congress have an intense interest in making certain that the commerce of the United States, both at home and with foreign countries, will continue to grow. It must not falter for lack of proper transportation and distribution facilities. He assured that, as we consider legislation affecting industries which you represent and those in whose future you have a stake, we will welcome your views and will give the most serious consideration. Thank you for inviting me to be with you on this happy occasion.

JOHN CROOKER HAS AN OUTSTANDING RECORD OF SERVICE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. PICKLE. Mr. Speaker, Hon. John H. Crooker will step down as Chairman of the Civil Aeronautics Board soon, and before he leaves, I want him to know of the gratitude this Nation has for the way he has done his job. In the 18 months since he was named Chairman by President Lyndon Johnson, John Crooker has aggressively moved this agency on a progressive course.

I have known John Crooker since we were both in law school at the University of Texas in the mid-1930's. His academic scores set a track record; he was a Phi Beta Kappa and a member of virtually every other honorary academic society eligible to law students. His pace since college has not slackened; in fact, it has accelerated.

As a Navy officer serving under Admiral Kincaid, John Crooker received the Bronze Star and other battle decorations while serving the 7th Fleet in the Southwest Pacific area in World War II.

John Crooker has pursued his civic interests with the same fervor he developed during the war. He has been chairman of the Central YMCA in his home town of Houston; he has headed the Episcopal Churchman's Association in Houston; and he has been a bank president. All this in addition to conducting a very active law practice for three decades. Plus, he has maintained his constant interest in higher education—he has served for several years as a member of the board of regents of the State senior colleges of Texas.

During the time John Crooker has served as Chairman of the Civil Aeronautics Board, I have observed—as a member of the Interstate and Foreign Commerce Committee—his keen grasp of legislative issues which vitally affect aviation; and I share the views of my colleague from Texas, Mr. BOB CASEY, that John Crooker has done an exceptionally outstanding job. His ability and his analytical leadership will long be remembered at the CAB. He did his homework. He knew his business. He is highly respected.

I know of few men who possess the rare balance of enthusiasm and wisdom of John Crooker. In record time, he be-

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came a veteran in the intricacies of the air transportation problems—and its solutions. He has directed this agency with but one goal: better service for the public. He commanded the attention, and the respect, of a tough-minded industry.

The first year that John Crooker served as chairman, the CAB heard 23 percent more cases than it had the previous year—223 full and formal cases. During fiscal year 1969, the Board completed a record 1,496 dockets. The second-place year was fiscal year 1961 with 1,353 completed dockets. All this was managed without increased cost to the public, even though the agency absorbed some $185,000 in pay raises. Efficiency breeds economy, obviously.

John Crooker, as much as any man who flies the commercial airlines, understands the industry. I am certain he will not object if I relate the sad tale of two passengers on separate flights to Austin. I was one of those passengers. In order to make an important engagement on time in Texas, I arranged for a helicopter shuttle between airports in the Dallas area. As my helicopter was landing beside the commercial airplane—they were closing the doors and hauling away the loading ramp. No amount of gentle persuasion on my part could convince the airlines to let me aboard.

Hours later, I arrived in Austin—too late for my meeting. Looking for someone to register a complaint with, when I spied Chairman John Crooker. He heard my complaint and smiled knowingly.

Not once, but twice, he was bumped from a standby position on a flight from Chicago to Austin. He understood and could sympathize. I could more easily accept this human involvement.

He is a great man and his understanding will be missed. Many of us will miss his presence here because a lifetime of friendship is involved. As the chairman goes, the best wishes of all members accompany him and his lovely wife Kay.

HOUSE NEEDS ELECTRONIC VOTING

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. BENNETT. Mr. Speaker, the House Standards of Official Conduct Committee has reported on the irregular voting in the House of Representatives in the last Congress.

The chairman of the committee, Congressman Melvin Price of Illinois, urged a House administration subcommittee to approve an "error-proof voting system for the House of Representatives."

I applaud this recommendation and believe the House should have an electronic automatic voting system in the hall of the House.

Pending before the House Administration Committee is my bill, H.R. 397, which I introduced on the first day of this Congress. It would provide for a modern, error-proof system of casting Members' votes. This legislation is something I have worked on since I came to Congress in 1949, and it was one of the first bills I introduced.

Voting procedures used now in the House of Representatives are, in my opinion, antiquated, time-consuming, and dangerous to our democracy. The recent case of irregularity in voting is a prime example of the possible threat to the continued public confidence and veracity of the House of Representatives. Mistakes in voting are noted frequently. The time of a rollcall lasts from 30 to 45 minutes. We are playing roulette with the most important gift of our democracy—a Representative's vote for his constituents and his country.

The space age demands a modern system for recording a Member's vote, not a horse and buggy method that is subject to error and misuse of the public trust.

I urge the House Administration Committee to report out my bill, H.R. 397, or similar legislation to allow the U.S. House of Representatives to install an electronic voting system.

HON. FRED SCHWENGEL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. DUNCAN. Mr. Speaker, today we pay tribute to a man who gets much joy out of serving others and it is an honor to work with this colleague. Fred Schwengel serves the First District of Iowa with great care and with pride.

He serves well because he understands well—the people of his district, their needs, their future needs. He serves well because he knows and understands his job. Fred works hard for his constituents helping them get better schools, hospitals, and public facilities; assisting them in unraveling Government redtape; listening to their views and interpreting and presenting them to the Congress; effectively pushing for economic development and better programs for the farmers; and helping with a multitude of other problems.

I am privileged to serve with Representative Schwengel on the Public Works Committee and I know how effective he can be. He works well with both parties, and has sponsored much important legislation in our committee.

This gentleman not only does a good job as the elected representative of the folks back home, but he takes on extra work on behalf of all Americans. I refer to his role as founder and president of the U.S. Capitol Historical Society.

More than anything the Capitol is the symbol of our democratic society. It belongs to all citizens and Fred Schwengel has helped to acquaint Americans with the fascinating history of this building. The publications of the society are available nationally and are always in demand.

I congratulate my colleague on a great job and wish him many more successful years of service to Iowa and America.

SONIC BOOM

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. MIZE. Mr. Speaker, yesterday President Nixon announced that he was pushing ahead with development of the supersonic transport. I strongly commend that action.

Unfortunately, we immediately heard criticism from some quarters concerning sonic boom—a phenomenon which I doubt will ever make as much noise in the sky as it already has on the ground.

Nevertheless, Secretary of Transportation John A. Volpe has given us solid assurance that the plane will not be flown where the noise factor is unacceptable.

It will not be allowed to fly over populated areas unless the noise factor is within acceptable limits. I find that critics are flailing the air with this sort of criticism.

The SST, with a projected nonstop range of 4,500 to 5,000 miles, has an excellent future market for transatlantic flights, for flights on the United States-South America runs and for transpacific flights.

The plane's outstanding characteristics; speeds up to 1,800 miles per hour, the ability to carry 300 passengers, and its tremendous range, will allow it to enter markets even the other supersonic planes cannot touch.

If, on the other hand, we fail to continue development of the SST, the British-French Concorde and the Russian Tupelov would soon saturate the market.

I urge my colleagues to lend their support to this program.

Mr. Speaker, President Nixon yesterday took another giant step for the prestige of this country and the pride of its people when he announced continued support of the supersonic transport.

One of my distinguished colleagues remarked Tuesday that the moon shot gave America enough eminence to last for a long time.

Gentlemen, I submit that world respect is not a commodity which can be earned by one action, one deed, one brilliant moment. Rather it is the continued leadership and achievement which day after day says to the world, "we are the country that promotes freedom and progress."

The SST is just another in the chain of achievements that the United States can point to with pride. To fail with continuation of the program would erase all that has already been accomplished.

The United States cannot afford to give up this opportunity for technological advancement, any more than it can afford to give up the profitable transoceanic travel market.

The United States now has approximately 80 to 85 percent of that market with existing aircraft. It is obvious, however, that without the SST, the British-French Concorde and the Russian Tupelov would soon erode our current domination.

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I personally would feel a lot better knowing that the "friendly skies" are filled with U.S.-produced aircraft.

RAILROAD PASSENGER SERVICE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. COHELAN. Mr. Speaker, I rise in support of H.R. 13432, a bill to authorize the Interstate Commerce Commission to set minimum standards for railroad passenger service.

This bill represents another milestone in the long debate over the future of passenger rail service in this country. And it is essential that it be adopted now so that we may at least attempt to solve this very intricate and complicated problem.

Theoretically, the ICC already has the authority to regulate passenger service. However, it appears that their legal jurisdiction has been questioned and will continue to be questioned unless Congress acts to reaffirm by legislation the ICC's authority to establish standards for service.

A number of different issues come to play in this question of the future of passenger rail service. I have been studying the problem for some time, with particular reference to two passenger trains that directly affect my district in California—the California Zephyr and the City of San Francisco. These trains are the only two left that provide service from Chicago to San Francisco. Recently the respective railroad companies arbitrarily decided to discontinue these two trains.

Both cases are now pending before the ICC, but once again the old question of who can determine the quality and standards of service appears to be muddled and confuse the issue. Until the ICC's jurisdiction in this area is clearly reiterated by an act of Congress, very little can or will be accomplished.

These trains are not up to standards, but it is clear that there is a need for passenger rail service. At the same time, it is clear that railroad companies are doing all they can to downgrade service in order to discourage people from riding trains. This is a deplorable situation and should not be allowed to continue unchecked.

The "California Zephyr" and the "City of San Francisco" are cases in point, cases symptomatic of a nationwide crisis in passenger service. I mention these only to illustrate what might very well happen in the rest of the country if railroad management is allowed to determine what is good and what is bad and if the ICC is prevented from making these determinations that are necessary.

An efficient and smooth-functioning passenger rail service is a vital part of a balanced transportation system. The convenience of the public demands the continuance and improvement of such service both in congested urban areas and in isolated rural areas. Modern passenger rail service will undoubtedly help ease our increasingly crowded skys and congested highways.

Conditions on passenger trains continue to get worse. The complaints of our citizens grow louder and more frequent. It is time we begin to take positive action in this area.

This bill, by reaffirming the ICC's jurisdiction in the area of setting standards for passenger trains is an important step on the road toward positive action. I have every good reason to believe, from past debate on this issue, that the Congress is disposed to the preservation of passenger rail transportation.

Let us now take this opportunity to save a very vital public utility. Mr. Speaker, I cannot overemphasize the importance of this bill. I urge my colleagues in this Chamber to adopt H.R. 13432.

THIS IS YOUNG AMERICA

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HÉBERT. Mr. Speaker, I was privileged to be in attendance Tuesday night at the annual Air Force Association dinner-dance, and it turned out to be a most rewarding evening.

AFA was highlighting ROTC, and what an experience it was to witness the performance of the young Americans who spoke at the affair.

A young high school student stole the show. He was Cadet Lt. Edwin S. Sweeney of Oxon Hill High School, in Maryland, representing Junior ROTC. Miss Marjorie Erwin, national commander of the Angel Flight, also addressed the more than 2,000 persons who were present.

I was particularly proud of the representative of the ROTC program on our college and university campuses because he is from my old alma mater, Tulane University in New Orleans. Charles P. Azukas, national commander of the Arnold Air Society, gave a fine speech.

Listening to these youngsters was like a fresh breeze in a smoke-filled room. Here was really young America; youth we believe in.

Each youngster had a message, a contribution. These are the youth who speak for America, not the dissenters who try to wreck ROTC and destroy our Constitution and Nation. There was no generation gap between them and the audience. Their message came through loud and clear and it was a message of patriotism and love of country and fellow man.

And while this was going on, I could not help but wonder where our great corps of objective newsmen were. Where were the popping flashbulbs of the news photographers? Where were the klieg lights of television? Where were the hordes of reporters?

Needless to say, they were nowhere to be found. If it had been the other way around, though, if a group of anti-ROTC pickets had been causing trouble outside the hotel or trying to disrupt the function, the lights of news media cameras would have been blinding.

Or if it had been a gathering to protest ROTC and downgrade the military, a gathering of the Students for a Democratic Society or other radical minority group, the news media would have been there to record on film and tape every word which was said.

But here were kids in favor of ROTC. That was not news. Here were kids preaching America and patriotism. That was not news. Here were kids pouring their hearts out for belief in their country and ready to tell the world about it. But that was not news.

The record shows that today the news media, particularly television, finds news only in riots, disorders, obscenity, minority group protests, and antimilitary and anti-Government demonstrations.

Defiance of country, burning of draft cards, trampling of the American flag. Now that is news.

Never mind this. Come with me and look over my shoulder to see what was said that night. When you do, I know you will agree with me, that a fine organization, the Air Force Association, staged a fine program. It is worthy of everyone's attention.

The material referred to above follow:

Good evening, Ladies and Gentlemen.

Welcome to our Annual Dinner-Dance commemorating the 22nd anniversary of the United States Air Force.

Among the many Air Force leaders . . . past, present and future . . . with us on this festive occasion are two former Chiefs of Staff of the United States Air Force.

We take special pride in presenting . . . and paying our respect . . . to them.

Ladies and Gentlemen . . .

The First Chief of Staff of the Air Force, General Carl A. Spaatz.

And, the Sixth Chief of Staff of the Air Force, General J. P. McConnell.

As we pay tribute to the youngest, and the mightiest, of our military services, and to the glories of its past, we call special attention to the young people who will make up the Air Force of the future. We target in on the students of the nation's high schools and colleges . . . and specifically those students who are the youngest members of the Air Force Family . . . as they begin another school year.

I refer, of course, to the Air Force ROTC program, now active on 175 college campuses . . . and its Junior program—only four years old—but active at more than 100 high schools.

The Air Force Association's own link with the Future is our affiliate, the Arnold Air Society, comprised of more than 6,000 select Air Force ROTC cadets and the associated Angel Flights of some 5,000 college co-eds.

These dedicated young people have worked diligently and effectively—against many odds—in service to country . . . and we in AFA are mighty proud of them.

It has been our special pleasure to have the Executive Board of the Arnold Air Society convene in plenary session during this Fall Meeting and to work on programs which . . . I am confident . . . will further increase the effectiveness of ROTC and the Air Force.

These 27 Arnold Air Society leaders come from 22 different colleges and universities all across the country. I ask that they stand as a group so that we may recognize them.

Ladies and Gentlemen . . . the members of the Arnold Air Society's Executive Board.

Thank you.

AFA is fortunate to have the guidance and support of its Arnold Air Society Alumni

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Council—a group which also is meeting concurrently with this Fall Meeting. I ask that Members of the Council stand so that we may recognize you.

Ladies and Gentlemen, the members of AFA's Arnold Air Society Alumni Council.

Thank you.

And as a fitting finale for our group introductions, let's wind up with the fair sex.

Ladies and Gentlemen . . . from Ohio State University . . . the six national officers of the Angel Flights.

Thank you.

No salute to the ROTC would be complete without a special tribute to the agency of the Congress most responsible for the revitalized ROTC Program . . . . . the House Armed Services Committee.

Ladies and Gentlemen . . . .

A senior member of that committee . . from New Orleans . . . . . . Louisiana . . .

A man known as "the Father of the Modern ROTC Program", The Honorable F. EDWARD HÉBERT.

And—that great friend of the men and women in uniform . . . from Charleston, South Carolina . . . the venerable Chairman of the Armed Services Committee, the honorable L. MENDEL RIVERS.

Now, let's hear from some of the young people with us tonight.

First, from our Junior Air Force ROTC representative.

He comes from Oxon Hill High School in Maryland, just outside Washington, D.C. Now in his senior year, he ranks first academically among the 1500 students in his school.

He has been named to the Senior National Honor Society. His father is an Air Force Colonel on duty in the Pentagon . . .

Ladies and Gentlemen . . . the Cadet Commander of the Oxon Hill detachment, tonight representing the 19,000 students enrolled in the Junior Air Force ROTC program, Cadet Lieutenant Edwin S. Sweeney.

CADET SWEENEY'S REMARKS

Mr. Secretary, General Ryan, President Hardy, Distinguished Guests, Ladies and Gentlemen.

I am very honored to be here tonight representing 19,000 cadets across the nation. I am sure each of them would like to participate in the Air Force Association's salute to the ROTC program. I know that your endorsement of Junior ROTC will provide stature and strength to the program.

I have been asked to comment on the Junior ROTC Program. My remarks will primarily concern our squadron at Oxon Hill Senior High School.

I cannot overemphasize the qualities of leadership continually demonstrated by our instructors, Colonel Pavlakis and Sergeant Tatman. You can watch when a cadet first joins the program and see him develop over the two or three year period. Self-discipline and personal pride are two of the outstanding qualities one observes developing in the cadets. Human Relations and Leadership are highlighted throughout the program and there is no better time than High School to acquire this knowledge.

Also, I believe that Junior ROTC teaches us about the aerospace world and national security. This is very important because so much of the world in which we are living is associated with advances in aerospace development and national security. Even if one never goes to the moon, I think it is important that he understands a little bit about the science and engineering involved in going. Our aerospace education courses in the Junior ROTC Program give us this knowledge which is necessary to equip us to live in the world today.

Again, I'm very proud to be here tonight. I thank the Air Force Association for this salute. I accept it for each of the students in all the high schools across the country who are in the Junior ROTC.

Thank you again.

Next, a young lady, who will graduate next year from Ohio State University, majoring in elementary education. Her older sister is married to an Air Force major. Her younger brother will enter the Air Force next month. She wants to become an airline stewardess. She is training to become a private pilot. How about that?

Ladies and Gentlemen . . . The National Commander of the Angel Flight, Miss Marjorie Erwin.

MISS ERWIN'S REMARKS

The women's auxiliary of the AFROTC is a service organization dedicated to promoting interest in the cadet program, to educating the college woman to the military service, and to supporting the U.S.A.F.

In supporting the cadet program, we serve as hostesses, work on projects such as blood drives, or help cadets on briefings. Not only the men benefit from these activities—the Angels profit too because they learn the basics of the cadet program and military functions—and meet and often make some of the truest friends they'll ever have.

When an Angel takes a course in ROTC along with the cadets, she begins to realize the importance and the relevance of the Air Force. Since we are also exposed to the anti-military sentiments on campus, we get both sides of the story and are better qualified to make up our own minds—and need I tell you what side we're on!

I've had so many interesting and rewarding experiences since I've been an Angel. When sending cards to Vietnam at Christmas and Valentine's Day, she gets a sense of usefulness. The letters she receives are not only heart-warming but challenging in that they make an Angel want not only to support the USAF, but to advocate it!

When she works on a project like a party for disabled children, she has a sense of responsibility. She gets a feeling of worth and understands that indescribable feeling of helping others.

But the Angel Flight certainly isn't *just* a "service" organization. Here the women can form relationships with the other Angels and the Arnold Air Men that are lasting, warm, and wonderful. It's not only a challenge to be an Angel, it's a most rewarding experience. I'm very proud and honored to be a member of the Angel Flight.

And, a fourth year student at Tulane University in New Orleans, who has earned awards for academic achievement and proficiency . . . who is Manager of the Tulane football team . . . who is a staunch believer in the need to restore order and a spirit of positive patriotism to the nation's campuses.

Ladies and Gentlemen . . . the National Commander of the Arnold Air Society, Cadet Major Charles Paul Azukas.

CADET AZUKAS' REMARKS

Mr. Secretary, General Ryan, President Hardy, Distinguished Guests, ladies and gentlemen. Today as never before the ROTC on campus is under fire. In virtually every state on the various university campuses the ROTC system faces constant confrontation with dissident and disenchanted students and faculty.

Should then the ROTC move off the liberal arts campuses in favor of the more compatible surroundings of the military academies and service schools? *Definitely not.* We must face this current confrontation on the American campus not defensively but rather in a progressive approach in the areas of leadership and academic excellence.

The American tradition of the citizen soldier is deep in both tradition and value. The Air Force today not only has the mission to keep technologically abreast of our enemies, but it also must be aware of the sociological and psychological trends that move this country from within. One of the great strengths of our nation's military structure has been that our military men have never been *just soldiers*. But rather *citizen soldiers* able to show rationality and logic in areas other than their immediate fields.

No . . . the ROTC should not be removed from the American campus but rather its position *should be solidified on it.*

We cannot afford to substitute our own confrontation tactics on this current campus issue but we must insure that stronger and more dynamic programs are constantly being introduced into the Air Force ROTC curriculums. . . . We of the Arnold Air Society have made it our mission to press for programs that will not be repressive to dissident student groups, but rather programs that will strengthen our curriculums to the point where they have reached *unchallengable excellence*. It is our sincere hope that when this has been accomplished we can substitute the word *communication* for the word *confrontation* on the American campus.

Thank you, each of you, and thank God we have people like you in the Air Force family.

And now, to climax this anniversary program, we will hear from the current leaders of the Air Force.

First, from the Chief . . .

Ladies and Gentlemen . . . the Chief of Staff, United States Air Force, *General John D. Ryan.*

GENERAL RYAN'S REMARKS

One reason why I volunteered to make a speech at this Anniversary Dinner was that somebody told me the emphasis was going to be on two completely non-controversial subjects—Youth and ROTC.

Another reason for volunteering was a note of encouragement from Secretary Seamans. And his note did not include any place for "regrets."

A further inducement was a reminder that I should limit my remarks to three minutes.

I will start with a few observations about Youth. I consider Youth to be one of the oldest and best institutions in the world. After all, it has kept the "Establishment" on 24-hour alert throughout history.

Some years ago a famous novelist pointed out that our young people have a pretty good case against us which they haven't yet taken to court. If they wanted to press their case, they could get a judgment against us for defamation of character. And they could build their case on a lot of widely publicized and misleading claims that they are undisciplined, rebellious, dangerous, and generally a menace to the country.

I'm glad to say that my own experience at home and throughout the Air Force shows me a completely different picture. My efforts at career counseling, at home, netted us a hundred percent male representation in the Air Force.

Now it may very well be that sales resistance to the career package is a lot stronger across the board. But there are good indications that the Air Force is scoring much higher with young people than most of us realize. After all, the median age of Air Force men and women is between 22 and 23 years. And almost 80 percent of them haven't reached that magic crossover point of their 30th birthday.

But even more important than numbers is the matter of potential. On that point, I'd say that the young people in today's Air Force are better educated than any previous generation. As a result, they're more skeptical. You can't snow them and you can't look down your nose at them. But once they are convinced that something is worthwhile, they will do the job with a keen sense of mission and real dedication.

We see examples of this every day over a wide range of Air Force operations. That tells me that the key to success in bringing young people to their highest level of achievement is a special quality of leadership. "Get 'em young, treat 'em rough, and tell 'em nothin" just isn't good enough. We've known that for a long time. We must now recognize that, more than security, they want to identify personally with a constructive effort. And they want to challenge to their knowledge and skill as well as their stamina. As they say, they want to relate. They want to be relevant.

I believe that our leadership must stay closely attuned to these realities. For the future, we must continue to rely heavily on the AFROTC as a source for leadership.

There are many reasons why ROTC—for us and for the other Services—deserves continued support by all elements of our society. And this applies in particular to those critics who attack ROTC primarily as a means of expressing their opposition to the war in Vietnam.

One reason is that through ROTC, the armed forces are able to obtain officers who represent a broad cross section of the social, economic, and cultural interests of this country. This provides further insurance against the emergence of a parochial military clique.

Speaking for the Air Force, I want to emphasize that ROTC has proved to be an invaluable source of leadership that is uniquely tailored to the special requirements of the aerospace age. As exemplified by the membership of the Arnold Air Society, our cadets have demonstrated an impressive record in both the military and non-military phases of their studies.

Before I disqualify myself for a three-minute speech award, I want to say that I am happy to see them honored here tonight. It is good to know these AFROTC cadets, and others like them across the country, are the real index to American Youth!

Thank you, General Ryan.

Ladies and gentlemen, the Secretary of the Air Force, the Honorable Robert C. Seamans, Jr.

REMARKS BY THE HONORABLE ROBERT C. SEAMANS, JR., SECRETARY OF THE AIR FORCE, AFA AIR FORCE ANNIVERSARY DINNER, WASHINGTON, D.C., SEPTEMBER 23, 1969

Closing the generation gap

A few months ago I had a very striking encounter with the generation gap. As a member of the Harvard Board of Overseers I went to an informal meeting to review certain academic programs with a number of students. I was in the midst of an interesting discussion with an attractive Radcliffe girl when someone said: "I guess no one from the Overseers is even going to show up." When I acknowledged that I was an Overseer, the girl I was talking with said: "Oh, I hope you're not a member of the military-industrial complex!" At that point the generation gap opened up like the Grand Canyon. I'm not sure what reply she expected, but I am sure that "Secretary of the Air Force" was one step beyond her wildest fears.

There probably is not much any one of us can do about that particular sort of gap, although I hope it's realized that we are also human beings even though we may appear misguided or worse.

But there are aspects to the generation gap that can and must be resolved—at least within the Air Force.

The traditional problem arises because those of us in the older generations tend to become set in our ways. We all have a tendency to assume that something we reasoned out last year is still valid today.

This is a terrible offense in the eyes of youth. They put a lot more emphasis on change than we do. That doesn't necessarily mean that they are always right and we are always wrong. But it does mean that we have to continually explain our reasons, and do it well.

We must join the younger generation in seeking an inquiring mind rather than a closed mind; in pursuing understanding rather than acting by rote; and welcoming technical innovation rather than sticking to the same old ways of doing things.

But there is also another aspect to the generation gap, one in which I hope the younger generation will choose to join us. We must convince them that the institutions we have built in this country should not be destroyed but should be perfected, and that we have many basic values that are worth preserving.

The ROTC program provides us with officers who have technological expertise, broad understanding, and intellectual curiosity. But just as important, they are men who share key professional military values. They understand that honor and integrity is mandatory in a man who is entrusted with the security of his nation and the lives of his fellow citizens. They have thought about and accepted an attitude of basic devotion to the United States. Clearly the ROTC program makes an essential contribution to our national welfare and safety.

Thank you, Mr. Secretary.

On behalf of AFA, our warmest thanks to Chief Warrant Officer Bob Bunton and his magnificent Airmen of Note. As always, you have been terrific.

To all members of the United States Air Force—wherever you may be . . . Happy Birthday!

Well, that's it . . . For the rest of the night everybody—like the Air Force—is 22 years of age. Let the music play . . . and we'll dance across the generation gap.

THE SST AND THE WORLD MARKET

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, it has not yet been 11 years since the first commercial jet service began in the United States. In that time the jet has revised our concepts of time and distance, revolutionized air transportation, and significantly changed our way of life as well. Now the availability of supersonic jet travel promises to further extend the "speed limits" and the economic impact of the jet revolution—particularly in terms of the international market.

The total revenue passenger miles flown by the world's airlines will have doubled between 1965 and 1970, and are expected to increase five times by 1980 to a total of 630 billion. The international passenger revenue miles flown by U.S. airlines alone are predicted to reach 91 billion by 1980, 10 billion more revenue passenger miles than the domestic market achieved by U.S. airlines in 1968. Transpacific traffic will increase sixfold, and travel to the Far East, Australia, and the South Pacific islands will quintuple.

If the public demand for air transportation increases at a rate of only 10 percent a year—and the increases have been averaging 17 percent in recent years—there will be a world market for some 500 large supersonic transports for use over international routes. This is a market the U.S. SST is well designed to serve.

By moving ahead with the SST prototype development and construction program, President Nixon has indicated his continuing confidence in the aviation industry of this country to produce superior commercial aircraft to supply the world market. The sale of 500 SST aircraft by 1990 is a $20 billion proposition, with the continued leadership of the United States in the sale of aviation products at stake.

As President Nixon said in urging go-ahead development of the SST prototype, the supersonic transport will bring the countries of the world closer together. From New York to London will be less than 3 hours' flying time. New York to Rio will be under 5 hours. The west coast will be as close to Australia as the east coast is to Europe today. No two major cities on the globe will be more than 12 hours apart.

Jets have been responsible, in large part, for the growth of international markets, and for opening up new avenues of trade and commerce. The supersonic jet will put tomorrow's business executive closer to his customer—the tourist closer to his vacation site. Supersonic flight will eventually mean faster delivery of high-value products, and the shortening of management channels in the affairs of business.

The SST is an investment of great potential reward—a project that will reach deep into the economic and technical future of our country. I applaud President Nixon's decision to build an SST that will fully satisfy the looming market for a safe, superior, economically profitable faster-than-sound airplane.

THE SST AND INTERNATIONAL COMPETITION

Four out of five commercial jetliners in use throughout the world today are American-made, and aviation products represent one of the few remaining manufacturing fields in which the United States still enjoys an export advantage.

That advantage is being threatened today by efforts on the part of the French, British, and Russians to capture the supersonic transport market. Prototype supersonic transport aircraft are being flown in each of these countries, and 70 orders already have been placed for the Concorde. About half of these, I might mention, are ticketed for U.S. airlines.

The U.S. objective always has been to produce a superior SST—superior in terms of speed, range, and travel comfort; and superior also in its profitability for the airlines, by offering greater travel comfort for passengers traveling the world's airways.

The SST designed by the Boeing Co. and now under development as the 2707-300 will have direct operating costs comparable to today's largest 707 and, if passenger load factors are only slightly better than the industry average, will compete favorably in cost efficiencies with the "jumbo" jets. With the added speed of the U.S. SST and its greater productivity—more trips per day—the option of supersonic travel over the long haul international routes should appeal to airline operators and travelers alike.

The SST will fit ideally into the air transportation market of the late 1970's and 1980's, when the international jet travel market is forecast to be as large as the total jet travel market today.

The President's timely decision to proceed with the prototype SST program assures the United States of a substantial share of the world market for supersonic transports. To delay the program or to defer it for any reason would be to forfeit that market to the competition, and to surrender also this Nation's leadership in commercial aviation and the economic benefits that flow from that leadership.

N. E. Halaby, president of Pan American Airways, has put the matter in perspective. He recently said:

> The supersonics are coming—as surely as tomorrow. You will be flying one version or another by 1980 and be trying to remember what the great debate was all about. Who was it who said that if man was meant to fly he would have been born with wings? An antecedent, perhaps, of the same man who now says that man should fly just so fast and no faster.

We have always had doubters in our society, I am sure the debate on this important question will be no different.

However, I want to make, in conclusion, this one compelling point.

In a nuclear age, a defense posture, by itself, will not provide or guarantee security for ourselves and freedom's cause in this rapidly changing technological era.

What is needed, in my judgment, is an airborne freedom ideological offensive by accelerating the economic integration with our free world friends—the SST and the jumbo jets can and will enhance our worldwide air marketing capabilities. This is the way to achieve security for our free way of life in the future.

PATRIOTISM AND FAITH

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. WHITTEN. Mr. Speaker, at a time when we have so much turmoil, it is well to recognize the patriotism of the Americans who have made this country great; who have accepted their sacrifices with an abiding faith.

Mr. and Mrs. Jack Malone, Fulton, Miss., gave up their only son, James A. Malone, in World War II. Mrs. Malone has expressed so well her feelings that I consider it a privilege to have it placed in the RECORD for all to see:

GREATNESS OF GOD

I will build my hope on the Greatness of God.
Out into the depth of His love
I will put my trust in the God above;
And not in the weakness of man.

I will work by faith and not by sight.
I will look for the things unseen.
I will lean on the Arm that never fails,
And not on the weakness of man.

I live and work and do my best
And trust in God for all the rest.
I will scatter sunshine all the way
To brighten up life's cloudy days.

And when my race on earth is run
And my new life in Heaven begun,
I will know then, as I am known,
The happy faces of Dear Ones gone on.

MRS. JACK MALONE,
(nee Gertrude McCamey).

GO WEST YOUNG MAN

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. OLSEN. Mr. Speaker, Horace Greeley's admonition "Go West Young Man" continues to spark the imagination. More and more urbanites are fleeing from the asphalt jungles to the mountains and plains of the West. The arterial links to civilization from these remote places has made it possible for a businessman to live out in the "sticks" and either travel via the new Interstate Highway System or in the comfort of a jet to his place of business.

I recently met with a group of businessmen, all in the higher income brackets—making more than $50,000 a year. The unanimous consensus of opinion among these men was that they had to get away from it—"it" being the rat-race—and seek rest and relaxation several times a year. All but one had been to the West, and all of them had been to Europe. Once again, a consensus—the West was the place to go. Wide open, rough, free, clean air, and few people. These men are not alone in their thinking, and it is the opinion of the editors of the U.S. News & World Report—pages 49–50, September 29—that more people than ever will make the trek westward during the coming decade of the seventies.

U.S. News & World Report predicts that the Far West, which includes Alaska, will increase in population 22 percent by 1979. Of course, California and Hawaii make up much of this increase. However, the presently isolated States in the Rocky Mountain area, including my native State of Montana, are expected to increase 14 percent during the same period. This is the second largest percentage increase in the Nation. Another set of statistics showing that the people moving to these areas mean to set up permanent housekeeping reveals that the number of households will increase in the Far West 36 percent, and in the Rocky Mountain area 32 percent, by 1979.

Why? Oil, minerals, and recreation promise to spur growth in the Rocky Mountain area. Also, the national parks throughout the entire region are attracting more and more people each year. The Far West speaks for itself. California and Hawaii continue as the recreation spots in the Nation. What about Alaska? The recent events at Prudhoe Bay have sparked more interest in the West than any event since the days of the gold rushes.

Last week 179 tracts of land—450,858 acres—put on the auction block netted the State of Alaska about $900 million. It is believed that 10 billion barrels of oil may gush out of this vastness. First indications constitute Prudhoe as the greatest oil find in North America. Not only will Alaska prosper, but the coming boom will also mean more business for the entire Northwest, a major supplier to the 49th State.

More people, more jobs, more houses, more roads, more, more, more. The Northwestern Continental United States is finally emerging out of its isolationism with the advent of the Interstate Highway System and the construction of jetports. However, it still faces furious competition in the commercial markets, but it is nowhere as isolated as Alaska.

Imagine a State of the United States; the wealthiest State, the largest State, one of the most beautiful States, isolated except for the air and sea routes. We can excuse this condition in Hawaii since it is an island. For a lifetime, "North to Alaska" has meant traveling along a dusty road for some 1,500 miles from Dawson Creek, British Columbia, to the border of Alaska. For 20 years, a small group of people have worked to save the Alaska Highway, predicting that a day would come when we would be embarrassed to ask: "Why wasn't it paved before?" This small group has now grown, and involves people from all walks of life. As one of that group, I have introduced a bill to pave the Alaska Highway (H.R. 13128). Hearings before the Public Works Subcommittee on Roads, should be scheduled in the next few weeks, and I sincerely hope that the response will justify the years of work by the proponents.

The reasons for paving the "Alaska Highway" have increased one by one over the years, but I submit that the oil discovery far outshines all other reasons. With the oil discovery has come an acute housing shortage, recently noted by the Department of Housing and Urban Development. This is caused, the Department stated, because of the influx of workers and tourists. With more people, and almost a status quo in the commerce supply, prices continue to skyrocket. The sea routes and the airways are backlogged with priorities. The answer—a land route.

It is my sincere hope that some of the oil or the oil money gushing from Alaska will be used to pave the "Highway." Surely, the oil companies and all of Alaska will benefit tremendously from a completed land route. Today, it costs almost $700,000 to fly an oil rig to Prudhoe. By land, that figure would be greatly reduced. By land, the cost of almost everything could be reduced.

Alaska and western Canada have a lot to offer, the "Lower 48" have a lot to share. Let us begin another "giant step for mankind."

A DISTINGUISHED TEXAN RETIRES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. PRICE of Texas. Mr. Speaker, on September 1, 1969, Rear Adm. John Harllee, USN, retired, resigned his duties as Chairman of the Federal Maritime Commission. His resignation marked the close of another chapter in a career of dedicated public service that spanned four decades.

Admiral Harllee is a native Texan, a descendant of our pioneer stock. Both sides of his family hold distinguished places in Texas history. His grandfather was Judge Zachary Taylor Fulmore, county judge of Travis County, the county in which the State capital is located. In commemoration to his contributions to the community, a junior high school in Austin proudly bears his name. George C. Childress, the admiral's great uncle, was the author of the Texas Declaration of Independence.

Before coming to the Federal Maritime Commission in 1961, Admiral Harllee compiled a distinguished war record which earned him, among other honors, the Silver Star and the Legion of Merit awards. After being a member of the Commission for only 2 years, Admiral Harllee was named its Chairman—truly a great honor for so junior a member.

During his 16 years as Chairman of the Federal Maritime Commission, the admiral was the recipient of many well-deserved honors, which reflected the high quality of leadership he provided the Commission.

All Texans and all Americans can be justly proud of such a man.

NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. **BOGGS**. Mr. Speaker, the National Commission on the Causes and Prevention of Violence has, through its chairman, Dr. Milton Eisenhower, issued its report on violence in television entertainment programs.

The distinguished gentleman from Ohio, WILLIAM M. McCULLOCH, and I serve as the Members of the House of Representatives on the Commission. We believe the report merits the consideration of all our colleagues and insert it in the CONGRESSIONAL RECORD for reading.

The report stresses the importance of safeguarding our greatest resource—our children. Yet we found that we daily expose these same children to violence that is contrary to civilization.

In the report we note the recent favorable trend toward less violent programs but we reiterate our call for continued improvement in programing?

The report follows:

VIOLENCE IN TELEVISION ENTERTAINMENT PROGRAMS

(NOTE.—This statement is for use after the press conference of Dr. Milton S. Eisenhower, Chairman of the Commission, on or after Tuesday, September 23, 1969 (exact time and place to be announced).)

The mass media are an integral part of the daily life of virtually every American. Among these media the youngest, television, is the most pervasive. Ninety-five percent of American homes have at least one TV set, and on the average that set is in use for about 40 hours each week. The central place of television in American life makes this medium the focal point of a growing national concern over the effects of media portrayals of violence on the values, attitudes, and behavior of an ever-increasing audience.

Commercial television occasionally offers the American public some of the finest in classical and contemporary drama, music, and entertainment, excellent documentaries and panel discussions on subjects of cultural and social interest, and it regularly brings the nation together with its skilled coverage of major political events and such exploits as the Apollo space flights. But many of television's entertainment programs feature violence, and this Commission has received from the general public more suggestions, strong recommendations and often bitter complaints about violence on television than about any other single issue.

We approach this question with great care. In our concern about violence and its causes, it is easy to make television a scapegoat. But we reemphasize what we said in our Progress Report last January: there is no simple answer to the problem of violence—no single explanation of its causes, and no single prescription for its control. We urge that those who read our statement do so carefully, without exaggeration of its findings, remembering that America also experienced high levels of crime and violence in periods before the advent of television.

The problems of balance, taste, and artistic merit in entertainment programs on television are complex. We cannot countenance government censorship of television. Nor would we seek to impose arbitrary limitations on programming which might jeopardize television's ability to deal in dramatic presentations with controversial social issues. Nonetheless, we are deeply troubled by television's constant portrayal of violence, not in any genuine attempt to focus artistic expression on the human condition, but rather in pandering to a public preoccupation with violence that television itself has helped to generate.

Experience with pervasive mass communications—and particularly television—is so recent that at present there is much that is not fully understood and little that is proven beyond a reasonable doubt about the full social impact of the mass media. It is difficult to design studies linking human behavior or personality formation to media content, in view of the vast array of other variables in the social environment that converge to shape a person's conduct and values. Television is but one powerful element in a complex nexus of social forces impinging on people's lives. Consequently, we have seen our principal task as being one of clarifying the issues surrounding the problem of television violence and its effects, weighing the evidence in light of the risks of continuing the recent volume and style of violence portrayed on television, and framing recommendations appropriate to a problem that is as yet imperfectly understood.

We do not and cannot answer all of the questions raised by television programs that contain violence. But we do believe that our findings are adequate to support the recommendations which we offer to the broadcasting industry, to the government, and to the public. Questions of social policy can rarely be resolved beyond a reasonable doubt—but when we know enough to act, there is no excuse for inaction.

I

Who watches television and what they see

Everyone knows that Americans spend a great deal of time before their television sets. A number of studies described in testimony[1] before this Commission suggest, however, that we are even heavier television users than we commonly realize.

A typical, middle-income, American male devotes a total of aboue five hours a day to the mass media. The most popular medium is television. His TV set is in use for six hours a day and he himself watches about two and one-half hours each weekday. He also listens to the radio about two hours each day, mostly outside his home, and he reads the newspaper for about 30 minutes each day. Movies and magazines are negligible consumers of his time: he has probably read or looked through a magazine in the last week, but he only goes to a movie every three or four months.

Low income adults are even heavier viewers of television: one survey indicates that the adults in low income homes watch television for an average of more than five hours each day. The low income adult reads the newspaper less frequently and less intensely than the average middle-class citizen, and for most low income adults it has been six months or more since they saw a movie.

All surveys indicate that children and adolescents are the heaviest viewers of television. Depending on their particular social stratum, children and adolescents spend on an average anywhere from one-fourth to as much as one-half of their waking day before a television screen—as much or more than the time that they spend in school.

One study of 15 to 17-year-olds found that on Sunday the middle-class youngsters watch television for four hours while the low income youngsters watch it for upwards of five to six hours.

Another study of fourth and fifth graders found that the lower income children watched television from five to seven hours *each weekday*.

Moreover, some children watch television late into the evening hours: a Nielsen study showed many evening shows having a larger number of two to five year olds watching than did any daytime show and over five million children under age twelve still watching between 10:30 and 11 p.m. one Monday night.[2]

The time spent by adults and children watching television today is greater than what it was a decade ago.[3] Adults, for example, report watching one-half hour more television each day in 1968 than they did in 1961 and studies of children's viewing time indicate a substantial increase in 1968 over the two to four per day reported in the late 1950's.

That there is a great deal of violence on television is clear to everyone. In an effort to specify how much and what kind, we have examined the results of the numerous analyses that have been made of the content of television programs.

Much relevant evidence is to be found in testimony presented in hearings before the Senate Subcommittee to Investigate Juvenile Delinquency in 1955, 1961, and 1964. Some of these studies counted the number and kinds of violent acts on television, finding, for example, in a week of television watching in New York City in 1953, an average of 6.2 acts or threats of violence per one-hour program. Another study in 1962 compared the occurrence of "aggressive episodes" to the concurrence of "protective and affectionate" behavior, finding a four to one ratio of assault to affection. Other studies considered the proportion of total television fare represented by programs featuring violence. One such analysis suggested that the percentage of prime time "action and adventure" programs approximately tripled between 1954 and 1961, reaching the point where such programs constituted between one-half and two-thirds of all programs in the 7 to 10 p.m. time span. (Further analyses in 1964 showed no change in the offerings of television stations in several large cities, despite a substantial reduction of violent-format programs by CBS in the period between 1962 and 1964).

More recent studies have tried to refine the analysis of television content by considering the extent to which violence is used as a means of problem-solving in television drama. Thus, in a study published in 1963

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one group of researchers classified program goals and examined what methods were used to obtain these goals.[4] They found that violent means predominated: in children's shows for example, violent means were used 47% of the time, with "escape" and non-legal means short of violence adding another 15%. The researchers concluded that methods that are *not* socially approved seem to be portrayed in television content as having a better chance of achieving the desired goal than those methods which are socially approved.

Under the auspices of our Media Task Force, this Commission had an independent analysis made of all dramatic television programs presented by the three major commercial television networks during the prime children's and adults' viewing time (4 to 10 p.m.) on weekdays and Sunday and on Saturday mornings in the week of October 1 through 7, 1968 and in the same week in 1967.[5] This study attempted not only to measure in a number of different ways the amount of violence in network dramatic programs but also, and more importantly, to present a picture of the kind of world in which television violence occurs. Some of the findings of this study are here summarized:

In both 1967 and 1968 approximately eight out of every ten dramatic programs contained some violence.[6] On the other hand, the total number of violent episodes in the study week declined by nearly one-fifth between the two years (from 478 to 394).[7] This decline somewhat exceeded the decline in the total number of hours of dramatic programs (from 64 to 58.5); accordingly, the rate of violent episodes per hour showed a decline from 7.5 in 1967 to 6.7 in 1968.

Of the crime, western, and action-adventure programs comprising about two-thirds of the networks' dramatic programs in both 1967 and 1968, virtually all contained violence in both years. Similarly, in both years they averaged about nine episodes per hour.

Cartoon programs comprised only about ten percent of the total hours of dramatic programs, but they were almost entirely concentrated in the children's programs on Saturday morning. Almost all the cartoon programs contained violence, and the rate of violent episodes was quite high in both years—more than twenty per hour.

Three-fourths of all violent programs and nearly nine out of every ten violent episodes were found in the crime, western, action-adventure category. Analysis of *all* program categories showed that eight out of every ten violent episodes occurred in a serious or sinister context. Overtly humorous intent (slapstick, sham, satirical) could be observed in only two out of every ten violent episodes in all program categories. Comparing the 1968 study week with that from 1967, however, there did appear to be a shift of perhaps one in every ten violent episodes out of the "serious" category into the "humorous" category.

The programs of each of the three major commercial networks contributed in different ways to the overall level of violence on television, depending on the measure of violence which is used. ABC's dramatic programs, for example, contained the greatest number of violent episodes in 1967, but that network significantly reduced the number of such episodes and in the 1968 study week was lowest in total number. In both years, however, ABC led in the percentage of dramatic program hours containing violence. CBS was least violent by this measure; but it slightly increased that percentage in 1968, and it substantially increased the rate of violent episodes per program hour. In the 1968 study week, NBC had the greatest number of violent episodes, and taking the two study years together, NBC was the leader in the amount of time devoted to programs in the category of crime, western, action-adventure.

What these findings confirm is that as of 1968 the viewing public was still being exposed to a high level of televised violence. What was the nature of this violence? What were the moral and social values explicit or implicit in the context within which the violence was portrayed?

Violent encounters in televised drama, unlike violent encounters in real life, are rarely between intimates. They generally occur at close range between, young to middle-aged single males who, half the time, are strangers to each other. Six times out of ten, the violent acts involve the use of weapons; equally often, the act evokes no counter-violence from the victim.

More than half of all the leading characters in the programs (241 out of 455 identified in the two sample weeks) inflict violence in some form upon other persons. Most of these violent encounters (eight out of ten) are between clearly identified "good guys" and "bad guys." The violence is initiated about equally by each type, so that the distinction between "good" and "bad" is not determined by the use of violence.

Those who commit acts of violence more often perceive them to be in their self-interest than in the service of some other cause. Nearly half of all the leading characters who kill (25 of 54) and more than half of all leading characters who are violent (126 of 241) achieve a clearly happy ending in the programs. To this extent, violence is portrayed as a successful means of attaining a desired end.

Half of all violent episodes do not involve witnesses. When present, witnesses are usually passive and either do not or cannot intervene. In the rare instance in which a witness does intervene, it is as often to encourage or assist violence as it is to prevent it. To this extent, violence is not shown to be unacceptable in the immediate social context of the world of television drama.

Lawful arrest and trial are indicated as a consequence of major acts of violence in only two out of every ten violent programs. But the question of legality seldom arises because in the world of television violence is usually presented outside of any relevant legal context.

Physical pain—details of physical injury or death—is shown to be a consequence of violence in only one out of every four violent acts. In television drama violence does not hurt too much, nor are its consequences very bloody or messy, even though it may lead to injury or death.

In summary, then, television portrays a world in which "good guys" and "bad guys" alike use violence to solve problems and achieve goals. Violence is rarely presented as illegal or socially unacceptable. Indeed, as often as not, it is portrayed as a legitimate means for attaining desired ends. Moreover, the painful consequences of violence are underplayed and de-emphasized by the "sanitized" way in which much of it is presented.

The findings of this analysis are now a year old. Network officials testifying before this Commission last December told us that it takes about 18 months for programming decisions to be reflected in network schedules. Thus, the test of network intentions to reduce violence on television, as these were expressed in the spring and summer of 1968, can properly begin with this year's television season.

II

What are the effects of television violence?

Each year advertisers spend $2½ billion in the belief that television can influence human behavior. The television industry enthusiastically agrees with them, but nonetheless contends that its programs of violence do not have any such influence. The preponderance of the available research evidence strongly suggests, however, that violence in television programs can and does have adverse effects upon audiences—particularly child audiences.

Television enters powerfully into the learning process of children and teaches them a set of moral and social values about violence which are inconsistent with the standards of a civilized society. As a child matures physicaly, he also undergoes a process of social preparation for adult roles. Much of this preparation ordinarily takes place through primary interaction with other people—in the family, in play groups, and in school. It goes on all the time the child is awake and active, even when neither he nor the persons with whom he interacts are consciously concerned with shaping his character. What he becomes is a result of his genetic endowment, his environment, what he has done, and what he has learned.

Reward and punishment, trial and error—i.e., the responses that a child's behavior elicits—are significant sources of social learning in the early years of childhood. But as the child grows older, he learns increasingly more from what he observes in the behavior of others. His own behavior is shaped by observation of the successes and failures and the rewards and punishments meted out to those around him. In short, he learns by vicarious reinforcement.

Children turn to television primarily for entertainment, relaxation, or relief of boredom and loneliness. Despite the relative passivity of these motivations, a process of incidental "observational learning" takes place. A child's observational learning from television depends on a number of factors. One is the degree to which the child can identify with a TV character. Another is the extent to which he perceives utility for his own purposes in the behavioral or informational items portrayed. A third factor is his belief that learning and acting on the item will succeed in producing gratifications sought. Younger children, between the ages of three and eight, are particularly susceptible to observational learning when the material portrayed is new to them and therefore absorbs their attention. Because the life-experiences of younger children are narrow and limited, most of what they see on television is, of course, unfamiliar to them. Finally, the "reality" of the portrayal affects observational learning. What younger children see on television is peculiarly "real," for they are still in the process of learning to discriminate between fantasy and reality.

As they get older, children bring somewhat more purposeful motivations to their television viewing, even when they are primarily seeking entertainment. Many adolescents consciously rely on mass media models in learning to play real-life roles. In particular, they obtain ideas and advice about dating and behavior toward the opposite sex. This is especially true of those adolescents who are not well integrated into family and school life and who rely more heavily on the mass media for social learning because more conventional sources are not available. Television is a primary source of socialization for low-income teenagers. In the absence of family, peer, and school relationships, television becomes the most compatible substitute for real-life experiences.

One reason that children are inclined to learn from television is that it provides "the most accessible back door to the grown-up world."[8] It is never too busy to talk to them, and it never has to brush them aside while it does household chores. Unlike their preoccupied parents, television seems to want their attention at any time, and goes to considerable lengths to attract it. The image of the adult world which most children get from television drama is by and large an unwholesome one, but it is at least an image they find available when they may not have access to the guidance of parents. Indeed, parents too often use the television set as a

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baby-sitter, and for many this is an abdication of their parental responsibility to instill proper values in their children.

Moreover, as we have said, many young children are inclined to believe that the world they see portrayed on television is a reflection of the real world. The ability to differentiate between fact and fiction naturally increases with age and maturity, but it also appears to be a function of the child's particular social environment. Of teenagers asked whether they agreed or disagreed with such statements as: "The programs I see on television tell about life the way it really is" and "The people I see on TV programs are just like the people I meet in real life," 40 percent of the poor black adolescents and 30 percent of the poor whites strongly believed in the true-to-life nature of television content, as compared with only 15 percent of the middle class white youngsters. In short, young children and a large proportion of teenagers from low income families believe that people behave in the real world the way they do in the fictional world of television.

These findings are hardly surprising. Because of its apparent fidelity to reality, its vividness, its simultaneous appeal to both vision and hearing, television seems intrinsically authentic and credible, whether it presents fact or fancy. It requires some intellectual maturity or breadth of experience on the part of a youngster to discount what he sees and hears.

A large body of research on observational learning by pre-school children (described in testimony before this Commission and in the staff report of our Mass Media Task Force) confirms that children can and do learn aggressive behavior from what they see in a film or on a TV screen, and that they learn it equally from real life and fantasy (cartoon) models. They retain what they learn for several months if they practice the aggressive response at least once, and their re-enactment of such learned behavior is, in large part, determined by the perceived rewards and punishments meted out to the models they have observed.

Some defenders of violence on television, however, contend that viewers "drain off" aggressive tendencies by their vicarious participation in violent media programs. According to this reasoning, the mass media serve a socially useful "cathartic" function: by displaying violence they provide harmless outlets for the violent impulses of audience members and thereby prevent overt actions that would be socially undesirable.

Laboratory experiments on the reactions of adults and teenagers to violent film content provide little support for this theory. In fact, the vast majority of experimental studies on this question have found that observed violence stimulates aggressive behavior, rather than the opposite. Moreover, the stimulation of aggressive responses from exposure to filmed aggression is more likely to occur when the witnessed aggression occurs in a justified rather than in an unjustified context. Further experimental elaboration has shown that stimulation of aggression is most likely when the context of the film is similar to the viewer's perception of his own situation.

The psychiatric and psychological literature suggests other emotional effects that may be associated with exposure to media violence. In particular, there is reason to believe that repeated exposure to media violence may have the effect not only of dulling the audience's emotional reactions to fictional violence, but may also desensitize viewers to violence in real life and, thus, make them more willing actually to engage in aggressive actions when provoking circumstances arise. On the other hand, exposure to particularly horrifying episodes focusing on the painful results of violence may possibly have just the opposite effect by sensitizing viewers to the potential harm that they themselves might inflict.

We believe it is reasonable to conclude that a constant diet of violent behavior on television has an adverse effect on human character and attitudes. Violence on television encourages violent forms of behavior, and fosters moral and social values about violence in daily life which are unacceptable in a civilized society.

We do not suggest that television is a principal cause of violence in society. We do suggest that it is a contributing factor. Television, of course, operates in a complex social setting and its effects are undoubtedly mitigated by other social influences. But it is a matter for grave concern that at a time when the values and the influence of traditional institutions such as family, church, and school are in question, television is emphasizing violent, antisocial styles of life.

Although the negative values imparted by television can be ameliorated by parental influence, our concern over television violence is not diminished by this fact. In the first place, surveys have found that while most parents wish to eliminate programs of crime, violence, and horror from their children's television diet, only a tiny fraction of these believe that they can actually keep their children from watching such programs. The practical problems of monitoring children's television habits are too great in the face of the pervasiveness of televised crime and violence. Further, television may reduce or even counteract parental influence. Children daily see acts committed on television for which they have been or would be punished, while the actors often appear to go unpunished and even to be rewarded.

Moreover, television is a particularly potent force in families where parental influences and primary group ties are weak or completely lacking, notably in low-income areas or where violent life-styles are common. In these instances, television does not displace parental influence: it fills a vacuum. The strong preference of low-income teenagers for crime, action, and adventure stories means that they are constantly exposed to the values of violent television programs without the ameliorating moral influence of their parents. This is a fact of considerable social importance, especially in light of the large amounts of time low-income youngsters spend with television and the high credence they place in what they watch. The television experience of these children and adolescents reinforces a distorted, pathological view of society.[9]

III

What should be done?

The television industry has consistently argued that its standards for the portrayal of violence and its machinery for enforcements of these standards are adequate to protect the public interest. We do not agree. The inadequacy of the standards and the enforcement machinery may be briefly stated.

The National Association of Broadcasters' Code, to which the three networks and some two-thirds of the nation's commercial television stations subscribe, sets overall industry standards for the portrayal of violence. These standards are aimed primarily at screening out material that might alarm audiences or offend their sensibilities. This deference to public taste, while better than nothing at all, results in an essentially cosmetic approach to the portrayal of violence which does not get to the heart of the problem.

The NAB Code's standards for children's programs—that portrayal of the "techniques of crime in such detail as to invite imitation" should be avoided and that violence should be portrayed only as "required by plot development or character delineation"—do not begin to meet the issues we have discussed. Despite the existence of some generalizations on the subject, the NAB Code notably omits any meaningful standards relating to the crucial issue of providing suitably balanced program fare—that is, reducing the number of programs which, because of their basic format, require the use of violence as the basic mode of conflict resolution.

In any event, although two of the three networks now submit programs in advance to the NAB for clearance under NAB standards, the primary responsibility for screening program content rests, as it properly should, upon the networks and individual stations themselves. ABC, CBS, and NBC each has standards similar to the NAB Code and each has a Program Standards and Practices Department with authority independent of other divisions to review scripts, roughcuts, and final films to assure adherence to NAB and network standards. As with the NAB, however, the Program Standards and Practices Departments have no responsibility for determining program mix or format in the network schedule; they concern themselves only with the manner in which violence is portrayed in particular programs.

Although all of the networks say that they are keeping abreast of current research on the effects of violence on viewers, until recently none of them has conducted research on its own, and each has taken the position that the research others have done is wholly inconclusive. As one network official put it: "There are many conflicting points of view on the influence of the media on human behavior and there is no conclusive research on which appropriate guidelines can be based." We are informed that the networks are now beginning to conduct their own research on the effects of programs containing violence, but at present network standards on violence are based on essentially subjective interpretations of audience tastes and on what is considered appropriate to television's role as a "guest in the home."

We believe that the television networks, network affiliates, independent stations, and other members of the broadcasting industry should recognize the strong probability that a high incidence of violence in entertainment programs is contributing to undesirable attitudes and even to violence in American society. It is time for them to stop asserting "not proved" to charges of adverse effects from pervasive violence in television programming when they should instead be accepting the burden of proof that such programs are not harmful to the public interest. Much remains to be learned about media violence and its effects, but enough is known to require that constructive action be taken at once to reduce the amount and alter the kind of violent programs which have pervaded television.

We offer four recommendations to all the members of the television industry:

1. The broadcasting of children's cartoons containing serious, non-comic violence should be abandoned. The cartoons broadcast by the networks on Saturday morning during the 1967–68 and 1968–69 seasons were the most intensively violent programs on television, with perhaps the least amount of redeeming constructive value. We note that the networks have effected substantial improvements in the cartoon programs offered this season. We urge that these improvements be maintained in coming seasons, and we urge affiliates and independent stations to refrain from broadcast of violent cartoons produced in prior years.

2. The amount of time devoted to the broadcast of crime, western and action-adventure programs containing violent episodes should be reduced. We include here full-length motion-pictures shown by both the networks and independent television stations. It is especially these kinds of programs in which the problems faced by the characters almost inevitably call for violent

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solutions, and thus it is these programs which most distort the nature of life in civilized society. In particular, we recommend that programs of this type be restricted to the late viewing hours when fewer very young children are watching television.

With respect to this recommendation, we note that the networks' 1969–70 program schedule seems to indicate the beginning of a favorable trend along the lines recommended here. We welcome this trend and urge its continuation.

3. More effective efforts should be made to alter the basic context in which violence is presented in television dramas. When the resort to violence is depicted as an unusual and undesirable outcome, the context is sharply different from the world of contemporary television in which violence has been the routine method by which people solve problems. It may be simpler to write scripts and shoot film where confrontations are resolved by violence, but it is just these artistically and dramatically inferior programs that are probably doing the most damage.

4. The members of the television industry should become more actively and seriously involved in research on the effects of violent television programs, and their future policies, standards, and practices with regard to entertainment programs should be more responsive to the best evidence provided by social scientists, psychologists, and communications researchers. Although we believe in the desirability of further research and thus urge continuing cooperation with such valuable efforts as the current Surgeon General's study of television violence, we re-emphasize our conclusion that enough is known to make inexcusable any delay in taking action along the lines we have recommended. In this regard, we especially urge the Surgeon General's committee and independent research groups to undertake regular analyses of television program content for the purpose of ascertaining whether a reduction in televised violence is being carried through, both by the networks and by the local stations.

We note that an effective response by the television industry to our recommendations may require some measure of joint action by the industry members. To the extent that cooperative action is necessary in the public interest, we are confident that appropriate antitrust clearances will be provided.

We offer one recommendation to the President and the Congress:

Adequate and permanent financing, in the form of a dedicated tax, should be provided for the Corporation for Public Broadcasting so that it may develop the kind of educational, cultural, and dramatic programming not presently provided in sufficient measure by commercial broadcasting.

We believe, as the Public Broadcasting Act of 1967 states, "that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence," and "that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial radio and television service available to all the citizens of the United States." We suggest financing by means of a dedicated tax, because we believe that public television must be free from the political pressures that result from the need for annual federal appropriations.

Public broadcasts can be a much needed alternative to commercial programs. It is generally assumed that commercial television caters to the public taste. But television also creates the public taste. If a wide range of wholesome entertainment and public service programs is offered as an alternative to the current fare of entertainment violence, it is likely that this will effect changes in public tastes and ultimately make violent television programs less commercially attractive. But this longer-term possibility does not relieve commercial television of the responsibility to reduce now the volume and change the character of its violent programs.

We offer the following recommendations to the viewing public and especially to parents:

1. Parents should make every effort to supervise their children's television viewing and to assert their basic responsibility for the moral development of their children.

2. The viewing public should express to the networks and to the local stations both their disapproval of programs which they find objectionable and their support for programs they like. We believe that most families do not want large doses of violence on television, and thus we urge them to make the weight of their opinion felt.

Finally, we add a special word on motion pictures produced for initial showing in theaters. Movies have not been a focal point of this Commission's studies because children spend a far smaller part of their lives in motion picture theaters than before television sets. Motion pictures, however, often portray more extreme forms of violence and we cannot ignore their potential for harm.

The motion picture industry has adopted a new voluntary film rating system whose system primary objective is to identify, and to restrict access to, pictures which are inappropriate for children because of the treatment of "sex, violence, crime or profanity." The President of the Motion Picture Association of America stated to this Commission that the success of this system will depend on how fairly pictures are rated, how responsible is the attitude of filmmakers, and how well the ratings are enforced at the box office, as well as on how much the parents of the country want it to work. We agree with this judgment, and we urge an evaluation of the effectiveness of the new movie-rating system with an emphasis on the question of the validity of the ratings as they relate to violence and the enforcement of the admission standards regarding minors.[10]

Of course, the motion picture rating system can solve only part of the problem. Most motion pictures, after theater exhibition, are subsequently shown on television—where there is no possibility of restricting viewing of violent pictures to adults only. As with other kinds of programs, the responsibility for not showing unsuitably violent motion pictures lies with the networks and with the affiliated and independent stations.

IV

Conclusion

We reemphasize and summarize:

Television is one of our significant national resources, but our greatest resource is our children. Children begin to absorb the lessons of television before they can read or write. In a fundamental way, television helps to create what children expect of themselves and of others, and of what constitutes the standards of civilized society. Yet, as one witness before this Commission graphically stated it, we daily permit our children during their formative years to enter a world of police interrogations, of gangsters beating enemies, of spies performing fatal brain surgery, and of routine demonstrations of all kinds of killing and maiming.

The producers of television programs have access to the imagination and knowledge of the best talents of our time to display the full range of human behavior and to present prominently and regularly what is possible and laudible in the human spirit. They have time to think and experiment, and they have the entire history of man from which to draw. Television entertainment based on violence may be effective merchandising, but it is an appalling way to serve a civilization—an appalling way to fulfill the requirements of the law that broadcasting serve the "public interest, convenience and necessity." The recent favorable trend toward less violent program is a hopeful sign that the nation's broadcasters share this view.

SEPARATE STATEMENT OF JUDGE ERNEST W. M'FARLAND

Judge McFarland, because of his interest in a television station, did not participate in the findings or approve them, but stated he recognized the television industry should continue to improve programming and help build character in the youth of our Nation and voted to approve the recommendation of the Commission.

FOOTNOTES

[1] Testimony of Professor Bradley Greenberg, Department of Communications, Michigan State University, October 16, 1968.

[2] Lyle, "Contemporary Functions of the Mass Media," Appendix, Report of the Mass Media Task Force of this Commission.

[3] Roper Research Associates, *A Ten-Year View of Public Attitudes Toward Television and Other Mass Media 1959–1968* (March 26, 1969); Schramm, Lyle & Parker, *Television in the Lives of Our Children* (1961).

[4] Larsen, Gray & Fortis, "Achieving Goals Through Violence On Television," in *Violence and the Mass Media* (Larsen ed. 1968).

[5] Dramatic programs—fictional stories of all kinds—accounted for two-thirds of the program hours offered by each network between 7 and 10 p.m. in 1968, as opposed to about three-fourths of such offerings in 1967. (The remaining programs—excluded from the study—include variety shows, game shows, and news or documentary presentations.) In both 1967 and 1968 virtually no dramatic programs were offered by the networks between 4 and 7 p.m., and our study made no attempt to determine whether and to what extent dramatic programs were transmitted by local stations during this time period.

[6] A program was defined for the purposes of this study as any discrete story unit, from a short cartoon to a full-length movie. Violence was defined as "the overt expression of force intended to hurt or kill."

[7] A violent "episode" is a scene of whatever duration between the same violent parties—anything from a full-scale battle to a single violent encounter between two characters.

[8] Robert Lewis Shayon, *Television and Our Children*, 1951, p. 37.

[9] In another report, this Commission points out that in every major city the district which has the lowest level of education, the highest rate of unemployment, the poorest housing, and the highest degree of poverty is also the district with the highest rate of violent crime. These areas also have the most persistent television viewing. Here, the distinction between the use of violence on television and that in real life is less than it is in other areas.

[10] We note that the Commission on Obscenity and Pornography has contracted for a study which will throw some light on these questions.

DR. SERGIO ANGELETTI

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RODINO. Mr. Speaker, it is with a real sense of loss that I rise today to bid farewell to Dr. Sergio Angeletti, labor counselor of the Italian Embassy, who is leaving this country to return to Italy. During his all too brief term of office, he

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has demonstrated a deep understanding of the problems with which he has been confronted, and has proven himself a man of high ability and integrity. His warm and friendly disposition has made his mission all the more effective, and has served to strengthen the already friendly ties between the United States and Italy.

Working under the most able and distinguished Ambassador, my dear friend Egidio Ortona, Sergio Angeletti has added substantially to Italy's representation in this country, and I am indeed sorry to see him leave. To Sergio and his charming wife and family, I bid bon voyage and "buona fortuna."

THE RESOLUTION OF UKRAINIAN ORGANIZATIONS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. MINISH. Mr. Speaker, we in the Congress deplore the violations of religious and human rights in Ukraine that those stanch people are encountering. I, therefore, insert for the edification of my colleagues a resolution adopted by representatives of the Ukrainian Organizations of the Newark Branch of the Ukrainian Congress Committee, who attended a special meeting in Newark, N.J., on June 9, 1969. This group condemns the harsh treatment endured by the Ukrainian people, and asks for a legitimate and peaceful solution to put an end to it.

The resolution follows:

RESOLUTION

We, the undersigned, the representatives of the Ukrainian Organizations under the direction of the Executives of the Newark Branch of the Ukrainian Congress Committee of America, the national representative body of over 2 million Americans of Ukrainian descent, gathered at a special meeting, held on Monday, June 9, 1969, in Newark, N.J., unanimously adopted the following resolution:

Whereas, the Soviet Government destroyed the Ukrainian Autocephalic Orthodox Church in the 1930's by murdering over 30 archbishops and bishops, and over 20,000 clergy; and

Whereas, the Kremlin has ruthlessly annihilated the Ukrainian Catholic Church in Western Ukraine by arresting 11 bishops and over 2,000 Catholic priests, monks and nuns, and forced some 5 million Ukrainian Catholics into the fold of the Communist-Controlled Russian Orthodox Church against their will and conviction; and

Whereas, on January 27, 1969, the KGB has arrested in Lviv, Ukraine, Archbishop Vasyl Welychkovsky, a high-ranking prelate of the Ukrainian Catholic Church, as well as a number of other Catholic priests; and

Whereas, the Soviet government persistently harasses and persecutes Christian adherents in Ukraine by closing the houses of worship of the Baptists, Evangelics, Jehovah's Witnesses and others; and

Whereas, the government of the Soviet Union has been engaged in a relentless policy of russification in Ukraine by imposing the Russian language and culture, and by arresting, trying and deporting Ukrainian intellectuals for their loyalty to and defense of the Ukrainian culture and national heritage; and

Whereas, the Soviet government is guilty of flagrant and systematic violations of the *Universal Declaration of Human Rights*, to which it has been an official signatory, particularly Art. 18 of the said Declaration, which provides for the right to freedom of thought, conscience and religion, as well as Art. 2 and 15 which provide for the equality of all races and nationalities.

Now, therefore, we hereby unanimously resolve:

1. To dispatch this resolution to the two Senators and the U.S. Representatives from the State of New Jersey, and to members of the State Legislature of the State of New Jersey, so as to inform them about the religious, political and cultural persecution of some 46,000,000 Ukrainian people by the alien regime of Communist Russia;

2. To ask these elected representatives of the State of New Jersey to prevail upon the U.S. Government to raise at all high-level conferences with the rulers of the USSR the question of the actual negation of the right of self-determination of the Ukrainian Nation as well as all other captive nations now enslaved by the USSR and its subservient communist satellites in Europe and Asia.

Alliance of the Friends of Ukrainian Democratic Republic Branch in Newark, N.J.

American-Ukrainian Citizen Club, Inc., Newark, N.J.

Association for Free Ukraine, Inc. (O.P.W.B.U.).

Brotherhood of former Soldiers of the First Ukrainian Div. U.N.A.

Fathers' Committee of St. John Ukrainian Catholic School in Newark, N.J.

Federation of Ukrainian Student Organizations of America Branch of Newark, N.J.

Ladies Sodality.

Organization for the Defense of Lemkivshtchyna Branch #5 in Newark, N.J.

Organization for the Rebirth of Ukraine (ODWU) Inc., Branch #70 in Newark, N.J.

Organization of Defense of Four Freedoms of Ukraine, Inc., Branch #1 in Newark, N.J.

"Plast" Inc. Ukrainian Youth Organization, Chapter #17.

Ridna Shkola.

Selfreliance Association.

Society of Veterans of Ukrainian Insurgent Army, Inc.

The Providence Association of the Ukrainian Catholics in America.

The Ukrainian Music Institute of America, Inc. Branch Newark, N.J.

Ukrainian-American Businessmen's Association of Newark, N.J.

Ukrainian American Youth Association, Inc.

Ukrainian Athletic Association "Chornomorska Sitch", Inc.

Ukrainian Choir Society "Trembita".

Ukrainian Community Center, Inc.

Ukrainian Congress Committee of America, Inc., Branch for Newark, N.J. and Vicinity.

Ukrainian Evangelical Baptist Church in Newark, N.J.

Ukrainian Hetman Organization of America, Inc. Branch #14 Newark, N.J.

Ukrainian National Aid Association of America, Branch #161, Newark, N.J.

Ukrainian National Association Inc., District Committee, Newark, N.J.

Ukrainian National Women's League of America, Inc., Branches #28 and #86 in Newark, N.J.

Ukrainian Orthodox Church of the Holy Ascension in Newark, N.J.

Ukrainian Orthodox Church of the Holy Trinity in Irvington, N.J.

Ukrainian Research and Information Institute, Inc., Branch #7 in Newark, N.J.

Ukrainian Workingmen's Association of State of New Jersey.

United Ukrainian War Veterans in America.

ECONOMIC EXPANSION THROUGH TAX INCENTIVES IS PROGRAM FOR WEST VIRGINIA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. COLLIER. Mr. Speaker, last January our able and distinguished colleague, Arch A. Moore, Jr., retired from the House of Representatives after 12 years of dedicated and effective service. He and I entered this Congress together and I was privileged to be his personal friend during his tenure here in the Nation's Capital.

Arch Moore could have continued to represent his district in the National Capital, but he decided to run for Governor of West Virginia instead. He was elected to that high office last November and has been an outstanding Governor since he assumed the reins in January.

A recent news release issued by the National Federation of Independent Business, Inc., shows that Governor Moore has provided constructive leadership for his State. As I know that my colleagues will be interested in what Arch has done since he left this body, I am offering the federation's account for the RECORD:

An oft-repeated American aphorism is "he puts his money where his mouth is."

This expression could probably be well applied to Governor Arch Moore, Jr. of West Virginia. Before leaving Congress to become governor this year, Moore was ranking minority member of the House Small Business Committee.

In this capacity he supported many of the tax-incentive measures endorsed by the nation's independent business sector in votes conducted by the National Federation of Independent Business. And as ranking minority member of the House Small Business Committee he led his colleagues in supporting the rural redevelopment bill of Congressman Joe Evins of Tennessee, chairman of the committee. This proposal would grant tax incentives for employment providing enterprises starting up in rural areas.

But it is perhaps one thing as a member of a supporting group, and another matter to take the same stand as a chief executive, where as former President Truman once stated, the buck stops.

Yet Governor Moore, concerned over the economic condition of West Virginia called an extraordinary session of the state legislature this summer for a principal purpose of providing tax incentives for the creation of new industry in the state, and the expansion of existing industry.

His viewpoint prevailed, with the result that West Virginia now offers substantial tax incentives to business that provides employment to its residents.

In common with many states in that area, West Virginia levies on business what is known as a business and occupation tax which is on a sliding scale, depending on volume. This is an important source of the revenue of these states. In West Virginia last year one-fifth of the state budget of $500 million was raised from this source, or $90 million to be exact.

The bill as passed provides for a new firm that builds facilities in the state, or an existing one that expands, to write off up to 50 percent of the business and occupation tax. The dollar investment is not used as the sale guide but rather the useful life of the facilities. If that life is eight years or longer,

XUM

the full amount of 50 percent can be taken as a tax credit. If the estimated life is 4 to 6 years one-third of this amount can be taken as a credit, with other periods of life on a proportionate scale.

The Moore proposal was enacted on July 25 and in less than a month two new employment giving industries moved into West Virginia and there are indications that many smaller enterprises already established in the state are planning expansions on the basis of this credit.

Starting with the presidential campaign of 1960, West Virginia has long been used as a case history of poverty conditions, and for several years heavy infusions of Federal money poured into the state split between a wide variety of Federal programs.

A careful analysis of the situation convinced Governor Moore that the answer to his state's problems was not to be found in Federal outlays.

Or as his press secretary Murray Yost puts it, "Too many of the Federal programs were concentrated on trying to teach the poor how to live better in poverty. The Governor feels that the only practical way to get out of poverty is to have a steady job. And this is the purpose of the tax incentive . . . to encourage more business expansion that can provide those jobs in West Virginia."

During his years on the House Small Business Committee, Governor Moore was a consistent advocate of solving economic problems through tax incentives. He was also recognized on the Hill as one of the better informed legislators on the practical problems of small business.

In 1966, he was featured on the documentary film "Small Business is Big Business" emceed by Bennett Cerf and produced through the cooperation of the National Federation of Independent Business. The film has subsequently been shown in the nation's TV markets.

The Federation legislative staff says that if he were still in Congress, the Governor would have been one of the first to have introduced an amendment to the current tax bill to provide that some part of the seven percent investment credit be retained for small business, an issue now being fought over with several Congressmen taking a stand for small and independent business.

JUSTICE FOR SENIOR CITIZENS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. BROCK. Mr. Speaker, I think that I speak for many of the Members of the House in welcoming the inclusion of an automatic cost-of-living provision in the President's social security legislation.

Since entering the Congress almost 7 years ago, I have fought for an approach to social security that meets the real needs of our senior citizens who have been left at the mercy of runaway inflation. By guaranteeing built-in protection for older Americans and establishing a fair, reasonable system of continuity for social security, we can also free it from partisan politics. Too often in the past, it has been this factor rather than the protection of those dependent on social security for their livelihood that has prompted congressional attention.

If a majority of the House will support President Nixon's cost-of-living provision, we can correct this longstanding injustice and give our deserving senior citizens the dignity and security which has so long been denied them.

The choice is clear. I strongly urge that Congress give immediate attention to this positive measure.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Arkansas Democrat in the State of Arkansas:

MONSTER TRUCK BILL IN CONGRESS AGAIN

(By Karr Shannon)

The freight truck industry is persistent. The same bill which eased through the Senate last summer, only to head into a roadblock in the House, is back in Congress for another try at increasing the size and load limits of the highway boxcars.

The reason it failed in the House last year was the deluge of letters, telegrams, phone calls and personal contacts with congressmen from the people. It must be stopped again.

If it should get through both houses of Congress this time, private car owners will be encumbered with the deplorable prospect of competing for space on the nation's highways with the behemoths which could weigh over five tons and be up to 105 feet long—about five times the length of the average passenger automobile.

Lobbyists describe the bill as "permissive" since it would merely permit the several states to authorize larger trucks than allowed under present law, dating from 1956, to operate on interstate highways within their borders.

STATES ARE VULNERABLE

But states, especially Arkansas, has been vulnerable to the trucking interests. Traditionally they give the truckers about what they want. Approval of this bill by Congress would pave the way for making our highways super freight lines.

Driving conditions would become hazardous. Longer, wider and heavier (as much as 50 per cent more in weight) monsters on wheels would be allowed to roar along the nation's highways, increasing congestion of the already clogged traffic on all arteries.

The big trucks, even under the present size and weight limitations, are not paying their way on our highways. And if the truck lobby gets what it wants through the bill now before Congress the elephantine trucks will reduce the life span for many roadways and bridges, especially older ones, and will drastically increase maintenance and replacement costs for taxpaying motorists.

COST EXORBITANT

An editorial in the St. Louis Globe-Democrat says "the price is too high to pay for the convenience of any one industry." The editorial continues:

"In testimony on the bill last year, it was estimated that proposed increases in truck sizes might add up to $3 billion in federal highway costs for strengthening roads and bridges.

"Furthermore, it was revealed that even on the interstate system there are bridges unable to take heavier loads than the standards which existed during the years they were designed.

"Making matters worse is the fact it would be impossible to restrict the big trucks to interstate highways. The monsters would have to get off the interstate routes for pickups and deliveries, rumbling over city streets and roadways totally incapable of withstanding the pounding of the rubber-tired juggernauts . . ."

The highways in Arkansas—and in the rest of the nation, for that matter—already are inadequate for the ever-increasing traffic load, and the cost of upkeep is exorbitant, without subjecting them to the stress of heavier and longer freighters.

Trucks at present size and weight are difficult to pass, especially when two or three are tailgating ahead. And it's little short of horrifying to think of trying to pass ahead of one of the wide, 105-foot-long, 50-ton monsters, or of meeting one on a narrow roadway, or having one come up from behind and breathe down your neck for miles.

SHAMEFUL AND SELFISH

Statistically speaking, there are now approximately 80 million passenger cars in the United States, compared to about 17 million trucks of all sizes. Of this number only a small percentage classify as heavy highway freighters. So the construction and maintenance of highways is chiefly the tax burden of the some 80 million passenger cars which operate with scarcely any damage to the roadways.

The truck bill defeated last year and now before Congress again is a shameful and selfish effort toward special interest legislation.

It was defeated in the House the first time up because of the heavy pressure from "the people back home." Now is the time to get letters and telegrams to representatives in both House and Senate, urging them to vote against the truck bill.

THE NEW ADVISORY COUNCIL FOR MINORITY ENTERPRISE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. WINN. Mr. Speaker, last week in a little-noted action the President named 63 prominent Americans to serve on the new Advisory Council for Minority Enterprise.

Today, it is not my purpose to repeat those names even though, in my opinion they did not and have not received from the press the notice they deserve for volunteering to serve on this Council.

Today, Mr. Speaker, I want to take just a moment to point out that the President continues to move forward in his efforts to solve the real problems of our minorities.

He has not done it with loud fanfare or with promises easily made but seldom kept. Instead, he has done it in ways that will have long-term benefits for our entire Nation.

Mr. Speaker, the President has pointed out that encouraging more successful enterprise by minority group members is a vital objective of this administration. Republicans believe that every American should have the opportunity to share in the profits of our free enterprise system because we know that with each new business that comes into being we enlarge the opportunities for more new careers among our minorities.

The Office of Minority Business Enterprise was created 6 months ago in an effort to provide new opportunities. The President is determined that this long-term effort will succeed.

Mr. Speaker, there are those who continue to criticize this administration for not moving fast enough to help our minorities and our poor. But I am convinced that the real accomplishments of the Nixon administration in this area will stand head and shoulders ahead of all the talking we hear from so many of the so-called liberals.

DISRUPTERS DISCIPLINED BY COLLEGES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, in the course of our deliberations on matters involving student unrest on our Nation's campuses, we often lose sight of two facts. One, the constructive activities of many of today's students; and, two, the steps that college and university officials have taken to discipline disruptive students.

Whenever possible I have called examples of both to the attention of my colleagues.

I would like to include as part of my remarks at this point an article by Philip W. Semas which appeared in the Chronicle of Higher Education, August 11, 1969, entitled "Colleges Punish Large Numbers of Disrupters":

COLLEGES PUNISH LARGE NUMBERS OF DISRUPTERS

Colleges and universities have been much tougher on student protesters than critics give them credit for.

On 28 of the campuses that suffered disorders or demonstrations during the past academic year, more than 900 students have been expelled or suspended. More than 850 others have been given reprimands which could lead to expulsion or suspension if they commit another violation.

Some institutions, such as Stanford and the University of California at Berkeley, have collected fines from demonstrators to pay for property damage.

Six of the 28 institutions have taken no disciplinary action. In three of those, the administration agreed not to act if students would vacate buildings they were holding, thus avoiding violence.

At another institution, Columbia University, disciplinary action is still in progress. At Howard University, Dean of Students Carl Anderson has recommended that no action be taken against 14 students whose cases were dismissed by a District of Columbia judge. James E. Cheek, Howard's new president, said he was still considering possible action against them. At Cornell University, disciplinary action—if any—will not be taken until the school's disciplinary machinery is revised.

Examples of punishments handed out to protesters:

San Francisco State College expelled one student, suspended 22, put 13 on probation, and reprimanded 105. The cases of 122 students have not yet been decided.

Harvard expelled 16, put 20 on probation, and placed 99 "under warning."

Wisconsin State University at Oshkosh expelled 90 students.

The University of Kansas suspended 33 students for the fall, 1969, semester, and 13 who would have graduated in June had their credits held up until January, 1970.

The University of Chicago expelled 43 students, suspended 81, put three on probation, and fined one.

Dartmouth College suspended one student for one year, gave four students token suspensions, and placed 19 on probation. Eleven cases are still to be decided by the student-faculty discipline committee.

The University of California at Berkeley, which often has been accused of taking a lax attitude toward protesters, has dismissed 15 students, suspended 35, placed 160 on disciplinary probation, and collected $20,000 in fines for property damage during the past year.

Some universities also are taking action against faculty members involved in disorders. Dartmouth College has suspended two faculty members for two years because of their involvement in the takeover of a building there. A Harvard committee is considering charges against three professors. San Francisco State College President S. I. Hayakawa fired Nathan Hare, chairman of the black studies department, because of his involvement in disorders on that campus.

In another case involving Mr. Hare, the U.S. Court of Appeals for the District of Columbia ruled that Howard University acted improperly when it fired him and four other faculty members after disorders there during 1968. The court did not question the university's right to hire and fire whomever it wished, but it did say the university should have followed normal due process.

Administrators also have been much more willing to call the police than is generally believed. Eighteen of the 28 institutions called the police. Of the 10 that didn't, six used campus disciplinary machinery to deal with the demonstrators.

FBI SAYS 4,000 ARRESTED

J. Edgar Hoover, director of the Federal Bureau of Investigation, said in his report on FBI activities during fiscal 1969 that campus disorders resulted in more than 4,000 arrests.

During these cases, courts in Ohio, New York, and Missouri have upheld the right of colleges and universities to use campus rules and disciplinary procedures to maintain order on their campuses.

Many universities also have revised their codes of conduct and campus rules, both as a result of the past year's demonstrations and in anticipation of further unrest next fall. Among the developments:

The Cornell University board of trustees adopted regulations on campus conduct at a meeting in July, as they were required to do by a new New York state law. Acting President Dale R. Corson has appointed a student-faculty-administration task force to consider possible changes in the regulations before classes begin in September, since the requirements of the law made it impossible for the trustees to consult with either faculty or students. Cornell's constituent assembly, which was formed after the disorders there, also may recommend some changes in campus rules.

The Harvard faculty of arts and sciences has adopted an interim statement on acceptable behavior for students, faculty members, and administrators. They said they hoped to develop a broader statement "in the near future."

Both the University of California and the California state colleges have made changes in their campus rules during disorders.

"UNACCEPTABLE" CONDUCT DEFINED

Among the actions most frequently classified as "unacceptable" by these rules are:

Disrupting the normal, orderly functioning of the educational process;

Threatening or using physical force or violence or inciting others to use force or violence;

Obstructing access to campus buildings or other facilities;

Unlawfully entering or remaining in a building;

Damaging university property;

Interfering with free speech;

Using obscene language in speaking or on signs;

Failing to comply with a lawful order by a police officer or a university official;

Interfering with disciplinary proceedings.

Several institutions also added a rule prohibiting firearms on campus, following the publicity given the carrying of guns by students at Cornell.

MOST GUARANTEE DUE PROCESS

Most of the codes also guarantee due process to student violators, usually through some kind of student-faculty committee to hear cases. Students also usually are granted the right to be represented by counsel and to confront the witnesses against them.

The courts seem to be moving toward requiring due process in campus discipline. Judge Francis J. Good, of the Suffolk County, Mass., Superior Court, said recent developments in civil rights law have made it questionable whether "a university can make charges against a student and expel him without due process of law." In Madison, Wis., Federal District Judge James E. Doyle ruled that Oshkosh State University could not suspend or expel 94 black students without hearings. —PHILIP W. SEMAS.

HON. FRED SCHWENGEL

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. TAFT. Mr. Speaker, I am pleased to join with my colleagues in honoring my good friend and fellow legislator FRED SCHWENGEL, of Iowa.

Those of us who have been privileged to serve with FRED in the House are aware of his outstanding contributions over the years. Not only has he been an effective Congressman for Iowa's First Congressional District, but, he has done much to improve the Nation's highway system to meet the needs of our ever changing society.

I do not believe there is another Congressman who has done as much as FRED SCHWENGEL has to create a better appreciation for the U.S. Capitol. As founding president of the Capitol Historical Society, FRED has done much to impress upon his fellow Congressmen the history and meaning of the buildings in which we daily work. His study and application of history to the affairs of our day have not stopped there. No Member more effectively draws upon our national experience and pride to provide inspiration and chart sound directions in solving problems of today and tomorrow.

FRED SCHWENGEL was first elected to Congress in 1954. Since that time he has unceasingly worked for the betterment of his district and the country. He has been recognized by all as an effective, imaginative Congressman. His solid voting record is a credit to the people who have elected him.

DEDUCTIBLE EDUCATIONAL TRUST FUNDS COULD EASE THE BURDEN ON MIDDLE-INCOME AMERICANS FACED WITH HIGHER EDUCATION COSTS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HORTON. Mr. Speaker, the cost of higher education is increasing at a staggering rate. Many parents, particularly those in middle-income levels, are finding it more and more difficult to finance the cost of educating their children.

Many families attempt to cope with the problem through savings, loans, or scholarships—or a combination of all three—but rising educational costs and tax rates may soon make it prohibitive for many parents to send their children to college at all. Financing higher education is fast becoming a major national problem.

Take, for example, a 30-year-old father with two children ages 8 and 10. By 1976 this father can look forward to having his oldest child ready for college and the second one right behind. This family can expect to lay out $10,000 to $20,000 within the next 10 to 16 years for tuition and expenses.

The key to this problem, of course, is advanced planning. Many parents are making the attempt to put away money for this purpose. We could help these parents, and encourage many others to do so, by providing an incentive for educational trust funds.

Almost every year dozens of bills are tossed in the hopper to lessen the burden on the middle-income family so their children can go to college.

Mr. BURKE of Massachusetts and several other colleagues have developed an excellent proposal which would permit parents a limited tax deduction for money set aside in an educational trust fund for their children's college education.

I strongly support the concept of the Burke bill, H.R. 12891, and I commend the gentleman from Massachusetts on his leadership in presenting this important proposal. In fact, the bill I am submitting today embraces many of the provisions of the Burke bill.

My bill would allow a taxpayer to set aside in a "higher education fund" up to $500 for each eligible child, and provides for a deduction from gross income up to a maximum of $2,500 a year for contributions to this fund. In other words a family, whatever its level of income, would be permitted to deduct up to $500 per eligible dependent for up to five dependents and save this money in a custodial or trust fund earmarked for higher education expenses.

The $500 and $2,500 limits are reasonable and would provide tremendous incentive for those parents who elect to plan ahead for their future college expenses.

These limits should not place a unreasonable burden on the economy. In fact the benefits which would accrue to society by extending higher education to more young people through private financing should far offset any tax revenue reduction, and would lessen the necessity for funding more and more of the Nation's higher education costs with tax dollars.

Mr. Speaker, nothing can be more important to our people and country than the education of our young. By encouraging longer range savings plans for higher education, we can help ease the burdens of the increasing costs of educating our children.

KLEIN CRACKING DOWN

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RAILSBACK. Mr. Speaker, one of the many pleasures of being an elected official is the opportunity to meet and become acquainted with some of our Nation's outstanding citizens. It is also rewarding to know that our administration has been able to attract such individuals to serve in positions of leadership and responsibility. Such is the case of Carl L. Klein, Assistant Secretary for Water Quality and Research, U.S. Department of the Interior.

It was my pleasure to serve in the Illinois State Legislature with Carl Klein where he was instrumental in the legislative effort to formulate water quality standards for the State of Illinois. He is familiar with the problems that face us in this most important effort and has the ability to overcome the many obstacles that now exist and stand in the way of improving the quality of this great national resource.

The task will not be an easy one to achieve, and I was pleased to read that he has taken a strong position to advance our national commitment to improve the quality of our water. For this reason, I would like to call the following article to the attention of the House:

[From the Illinois Federation of Sportsmen's "Wildlife," July 23, 1969]

KLEIN CRACKING DOWN

"President Nixon has assigned a top priority to environmental quality with heavy emphasis on cleaning up water pollution," according to Carl L. Klein, Assistant Secretary for Water Quality and Research, Department of the Interior.

"This is one of only three such Cabinet Councils that President Nixon has established. In the Executive Order establishing it, Section 103 places heavy responsibility for the success of this Council on the Secretary of the Interior. This shows that we mean business and that we plan to get the job done, according to the President's instructions 'to protect against pollution of the Nation's air, water and land, and its living resources'."

"Secretary Hickel has given us definite instructions to use all possible and attainable means to improve the pollution situation," Mr. Klein stated. "This is not just a 'tough' policy for the sake of being tough; it is a reasonable approach to the countless problems. We intend to follow Secretary Hickel's policy vigorously. Where necessary, we will use every method of reaching attainable goals as the Secretary has instructed us."

Secretary Klein believes that major improvements in pollution abatement can be accomplished by informal confrontations in addition to enforcement conferences, since everybody concerned knows that these have the force of law lurking in the background. These negotiations have already begun to produce results as pointed out in a letter of May 21, 1969, from Mr. Klein to The New York Times:

"A statement of anti-pollution policy from United States Steel Company several weeks ago culminated long negotiations, and will undoubtedly be a help in the fight for industrial waste pollution abatement; the state of Missouri has agreed to hold its own conferences to update the 1982 date accepted by my predecessor for secondary treatment on the Mississippi and Missouri Rivers and has scheduled the first hearing for June 13; discussions on the Memphis situation with local authorities resulted in plans for early construction of a primary sewage treatment plant; informal talks with St. Charles, Missouri have led to implementation for both primary and secondary treatment plants where the issue was stalled before."

This confrontation process by no means precludes any renunciation of the legal recourse. Interior has conducted, or planned, five conferences since Klein took office on March 20, 1969. These were at Washington, D.C., Boston, Massachusetts, Duluth, Minnesota, New York, N.Y., with another scheduled for June 27 at Cleveland, Ohio. Klein has plans for several other such conferences of the previous administrations; it is, in fact, a stepping up of enforcement conferences.

Upon completion of the conference, the Secretary is also required to make recommendations for remedial action if such recommendations are indicated. "The Secretary is not without power when abatement does not take place on interstate waters," Mr. Klein points out. "Under the law he can call a public hearing if reasonable progress to abate pollution is not being taken. Then, if necessary, he can turn the matter over to the Attorney General for court action."

"Please rest assured," Klein has stated, "that the Secretary intends to enforce the law and take such recourse as necessary."

In connection with the Duluth hearings on Lake Superior, considerable confusion developed because of a report prepared by Dr. Charles Stoddard and submitted to the Army Engineers on his own responsibility as Regional Coordinator for the Department, a post he has since resigned. This report was disowned by former Assistant Secretary Max N. Edwards on January 17, 1969. The so-called Stoddard report also was denounced by J. I. Bregman, Deputy Assistant Secretary under the previous administration, in January as "raw, unevaluated draft, full of mistakes." Subsequently an official report from Interior was prepared for the Duluth conference.

All of these actions show that the Secretary and Mr. Klein really "mean business."

MARYLAND GI DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. LONG of Maryland. Mr. Speaker, S. Sgt. George E. Snyder, a fine man from Maryland, was killed recently in Vietnam. I wish to commend his courage and to honor his memory by including the following article in the RECORD:

> **Hagerstown GI Dies in Vietnam—S. Sgt. George E. Snyder Killed in Copter Crash**
>
> Staff Sgt. George E. Snyder, 29, of Hagerstown, was killed in Vietnam August 12 when the helicopter in which he was a crew member crashed while under enemy fire.
>
> Sergeant Snyder, a seven-year Army veteran, was serving his second tour of duty in Vietnam and was due to return to the United States at the end of this month. He had previously served a year in Vietnam in 1968.
>
> RAISED IN MICHIGAN
>
> He was assigned to the 1st Battalion, 30th Artillery, 1st Cavalry Division. The Defense Department did not disclose the location of the action.
>
> Sergeant Snyder was born July 12, 1940, in Clear Spring Village, Md., and moved to Ferndale, Mich., as a boy. He was raised in Michigan by an aunt, Mrs. Carrie Greathouse, and graduated from Ferndale High School in 1959.
>
> After graduation, he worked as a meatcutter, then joined the Army and decided to make it a career.
>
> His previous assignments included three years in Germany.
>
> Sergeant Snyder is survived by his father, Charles J. Snyder, of Buckeystown; two brothers, Harry M. Snyder, of Hagerstown, and Jackie W. Snyder, of Buckeystown; and his aunt, Mrs. Greathouse, of Hagerstown.

LAND AND WATER CONSERVATION FUND

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. **TAYLOR.** Mr. Speaker, last year Congress authorized the creation of the Redwoods National Park, Biscayne Bay National Monument and the North Cascades National Park. In addition, we approved a new system of wild and scenic rivers and a national trails system. All of this was done only after the Land and Water Conservation Fund Act was amended to increase the annual revenues to the fund to $200 million per year. We have moved forward on a sound, constructive recreation program with the understanding that $1 billion of earmarked funds would be available in the 5-year period starting in fiscal year 1969. Our action reflects the congressional expectation that the full amount of money available in the fund would be requested by the President in his budget and utilized to make the recreation program we authorized a reality.

We understood, last year, that if these moneys were available in the next 5 years then the recreation projects already auauthorized could be paid for and that other areas worthy of national recognition could be considered. But we knew that the full $200 million per year would have to be appropriated. We knew that economy demanded rapid acquisition of authorized recreation facilities if escalating land prices were to be avoided.

This year, however, the Bureau of the Budget has approved only $124 million of the $200 million in the land and water conservation fund and has indicated in a recent letter to the chairman of the Committee on Interior and Insular Affairs that no larger amount will be approved for the year 1971. This means that it will take 7 or 8 years to pay for the recreation areas already authorized even if land prices in the areas remain at current levels and that is a circumstance which no reasonable person can predict.

Mr. Speaker, the Bureau of the Budget has not kept faith with the Congress. Its obligation is to carry out the mandates, considered by Congress and approved by the President. It is no super Congress, though its overbearing omnipresence suggests it would take over the constitutional powers of Congress if it could.

I do not see how the administration can combat inflation by refusing to keep commitments to purchase land with money already placed in an earmarked fund.

During the recess period last August, I, as chairman of the House Subcommittee on National Parks and Recreation, along with other subcommittee members visited the proposed Sleeping Bear Dunes National Lakeshore in the State of Michigan. We also visited, and conducted hearings concerning two other proposed areas—the proposed Apostle Islands National Lakeshore in Wisconsin and the proposed Voyageurs National Park in Minnesota. These are all beautiful, unspoiled areas of park-like quality. They represent an opportunity which, at least, merits consideration by the Congress. Witnesses for and against the proposals emphasized that action should be taken to resolve the issue one way or the other. The people owning the land want to know how to plan their future. It is unfair to keep them dangling, but it would be grossly inequitable for Congress to authorize additional park and recreation areas if adequate funds are not going to be requested to make reasonable progress toward making them available for public use.

Mr. Speaker, we feel that in recent years the Congress has established a sound recreation program for our Nation. In establishing the land and water conservation fund, we made our intent clear. It is in the nature of a trust fund for the future of all Americans. From it moneys were to be appropriated to accomplish objectives which we—the Congress—established. Now the Bureau of the Budget, with its petty approach to this program, is making it impossible for us to live up to commitments made and to maintain reasonable progress on an orderly program for the future. While the Bureau of the Budget has created this intolerable situation, the Congress is being unjustly blamed for it.

CONGRESSMAN FRED SCHWENGEL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1969

Mr. WOLFF. Mr. Speaker, I am pleased that my respected colleague, Mr. Morse, has taken a special order which affords me the opportunity to pay tribute to a close friend and equally respected colleague of mine, Fred Schwengel.

Ever since entering Congress I have marveled at the diversity and acumen of this fine gentleman. Few other men exemplify the ability to champion sensitive yet vital issues without permanently alienating those who do not agree with them. Fred Schwengel has championed much far-reaching legislation and has never failed to maintain the respect of all Congressmen who have had the chance to know him either on the House floor or outside the Chambers of congressional activity.

As president of the Capitol Historical Society, he has insured that traditions and majesty bestowed on us by our forefathers will continue to be enjoyed by our generation and the generations to come.

Representative Schwengel, a man of integrity and both active and effective as a legislator is completing his 12th year in Congress. I think that today's special order is an opportune moment not only to thank him for maintaining the highest congressional standards but for also giving all of us the chance to know a warm, capable, and intelligent colleague.

PTA NATIONAL CHOOSES PRICE PRESIDENT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. COLLINS. Mr. Speaker, everyone in Texas is proud to see the PTA choose Mrs. Pearl Price as their national president. This lovely lady has done more than any one person in the Southwest to build more effective leadership for progressive education.

Her energy is unlimited. Her personality is effervescent. Her sincerity and friendship is as broad as her wide range of activity.

I believe the sound judgment and council of Pearl Price will establish this year as a record period of achievement for the PTA.

All of you will be interested in this fine article written September 24, 1969, by Doris E. Harris, managing editor of the Oak Cliff Tribune about our fine neighbor:

> She's so small that she only chins the podium, but when she speaks, America's parents, educators and politicians listen.
>
> Pearl Price is the first lady of the national Parent Teachers Association. Thanks to people like her, PTA no longer stands for Pretty-Tired-Attitudes. Today, it's where the action is, and Mrs. Price is very much a part of its fresh mobility.
>
> When the Oak Cliff homemaker, mother and grandmother, makes a point, it frequently works its way to President Nixon's ears, thence into the hands of some of his most important aides.
>
> "We CAN turn our world around," proclaimed Mrs. Price at her inauguration last May. "It's high time we put on our own demonstration; time we acted in accord with the morality and democratic values that we profess. We must give our believes in humane values in a daily workout."
>
> Pearl's ideas will get plenty of exercise this December, when the President's White

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House Conference on Food, Health and Nutrition convenes in Washington, D.C. under the direction of Dr. Jean Mayer.

Mayer, author of "Hunger, USA," has been appointed by President Nixon to head a research and report team on such issues as providing proper nutrition in school lunches, assuring the consumer full value for his food purchases, and the possibility of using food stamps to combat hunger.

By December, however, the White House Conference will already have become well acquainted with Pearl Price. For she fills a key role in research and development of the program. In fact, she flew to Chicago only this week to confer with Mayer, his committee and the PTA national board, about the December session. The White House conference findings will have major influence upon legislation, and thus upon the very course of tomorrow's society.

"The PTA's job," says Mrs. Price, "is to create awareness among the people. No problem can be solved unless it is first recognized."

Mrs. Price attributes her own awareness of the human predicament in today's world to the PTA. "If I hadn't become involved with this group when my children were young, I might never have had the opportunity or incentive to keep up with what's going on," she admits.

Pearl and her husband, Leon S. Price, a retired employee of Texas & Pacific Railway, are parents of two grown daughters, Mrs. Lee G. (Patti) Gunter of Corpus Christi, and Mrs. Jack D. (Laura) Mahoney of South America. The Prices also have two grandchildren in the Gunter family.

Mrs. Price launched her PTA career here in Oak Cliff, when Laura was enrolled in W. E. Greiner Junior High School. She served there as president and later headed the Dallas City Council of PTA. She was eventually offered the state presidency, several seats on the national board, and finally, the national office.

She is also active in the Dallas Council on World Affairs, Zonta Club, Greater Dallas Planning Council and Cliff Temple Baptist Church.

Mrs. Price's national job has demanded that she become a frequent traveler, an aspect which she enjoys. But her favorite hours are those which she and her husband share on their long evening walks along the creek bank near their home at 406 Mayrant.

"My husband is my most loyal supporter, and my most ardent critic," says Mrs. Price.

"She has the constitution of a mule," her husband affectionately taunts.

Asked how it feels to be a national figure, Mrs. Price replied: "Well, I don't know. I've never thought about it. One thing is sure, I'm glad to be a woman. We have a lot of responsibility, but we also have many privileges and opportunities which belong exclusively to our sex."

Aside from the professional goals which she must try to achieve, there is a personal aspiration too. When her two-year term ends in 1971, she hopes she will have been "good for our children and our youth."

Already, Pearl Price has demonstrated her ability to move mountains (and people); to be nimble when it comes to leaping across the generation gap; and to promote better understanding among different races, creeds and eras.

PRESIDENT JOHNSON IS HONORED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. PICKLE. Mr. Speaker, last month, our former President Lyndon B. Johnson celebrated his 61st birthday—his first birthday in a number of years that was not celebrated while he was in the service of his Government.

Each day, President Johnson's record looks better and better. In his role as elder statesman, even at this young age, he has gained added stature and respect by quietly going about his business and not trying to second guess the national leaders on domestic programs. His advice is sought by leaders of both parties—and the President gives frank and penetrating suggestions that come from nearly 40 years of experiences on the Washington scene.

Conrad Black, publisher of the Record in Sherbrooke, Canada, has written a fitting tribute to President Johnson and his service to the Nation.

I commend this article—written by a Canadian who can understand President Johnson's contributions in an objective manner—I commend the article for all Americans to read:

A YEAR AFTER CHICAGO: HOMAGE TO L.B.J.

(By Conrad Black)

(NOTE.—Conrad Black is the publisher of the Sherbrooke, Canada, Record. He was formerly associated with the Canada-United States Interparliamentary Group which he represented at the Convention of the US Democratic Party in 1964.)

Lyndon Baines Johnson left Washington seven months ago, after more than three decades there, and home again under "the tattered skies of Texas" he reflects on a uniquely long and productive career.

As secretary to a Congressman he arrived in Washington in the vanguard of the New Deal in 1932, and after two years in the National Youth Administration, was elected to Congress in 1937, aged 29.

Throughout his public career, Johnson advocated liberal domestic policies, military preparedness, and full international participation. He led the fight which resulted in irrigation, flood and drought control, and rural electrification for almost one sixth of all Texas; supported aid to embattled Britain and peacetime conscription in 1940 and 1941, and large post-war foreign aid programs, starting with the Marshall Plan.

Despite his reputation as a liberal and international maverick, Johnson was elected Senator in 1948, following a hotly contested primary which he won by 87 votes out of 988,000 cast. This precarious result was upheld in subsequent investigations, and Johnson took his place in the Senate as one of the few southerners who had remained loyal to the administration after the accession of Harry Truman.

It is generally agreed that Lyndon Johnson was one of the most effective, ingenious, and picturesque figures in the whole storied history of the United States Senate. He became the youngest Majority Leader in history in 1955, and except during elections, was the most powerful member of the Democratic Party throughout the Eisenhower years. These were lean times for American liberals and Johnson was the nation's principal source of progressive legislation. He exposed huge wastes in defense procurement during the Korean War; engineered the downfall of the immensely distasteful Senator Joseph R. McCarthy and the dissolution of his witch-hunting committee in 1954; and secured passage of civil rights bills in 1957 and 1960, the first initiatives taken by Congress in this field in 80 years. In his successful espousal of the latter act he had to put down a fullscale filibuster by southern Democrats. One of the leading opponents, then as subsequently, was William Fulbright of Arkansas, who recently has demanded for the people of South Vietnam liberties whose extension to the U.S. negro he has stertorously denounced as unconstitutional.

Johnson's judgment of the mood of the Senate was unfailing, and he became a ubiquitous, mysterious, potentate, always in motion, surrounded by scurrying aides and bourbon-bibbing cronies in a gothic tableau already very much of another era.

Johnson was an early advocate of missile development and space exploration; was the first chairman of the Aeoronautics and Space Committee set up after the original fiascoes of the American space program, and continued to have responsibility for this program under President Kennedy. He has always defended it against budgetary critics, and has overseen its growth from a retarded and embarrassing infancy to the recent outstanding successes of the Apollo series.

THE NEW FRONTIER

In 1958 Johnson brought forth a comprehensive program of reform that was the manifesto for his party's sweeping Congressional victory that year. It was a plan "to extend the American frontier," the inspiration for the slogan "New Frontier" that Kennedy made famous in 1960. Johnson came second to Kennedy in the quest for the Democratic Presidential nomination in 1960, and surprised many by accepting second spot on the ticket. Kennedy's assistant, Theodore Sorensen, has written that Kennedy regarded Johnson as: "A Senator's Senator who had accomplished more in Congress in the previous eight years than Eisenhower. Kennedy admired from first hand observation Johnson's tireless ability to campaign, cajole, and persuade, his leadership of the party in its dark days, and his surefooted finesse in the Senate. Refusing to back down on civil rights, Johnson brought persuasive pressure to bear on southern Senators, Governors, and local leaders who had theretofore refused to work for a politically unpopular ticket." In one of the closest elections in U.S. history, Johnson provided the margin of victory in the south, and was the only person who could have done so. Probably, neither Kennedy nor Johnson would have become President without the other.

As Vice President, Johnson concentrated on the space program, foreign visits, especially to Berlin and the Far East, and the Commission on Equal Employment Opportunity, where he continued to work for racial understanding.

NOVEMBER 22, 1963

Never has a President been sworn in who was better qualified by experience, and never in more tragic circumstances than Lyndon B. Johnson, hastily inaugurated at Dallas Airport on November 22, 1963, following the assassination of his popular and talented predecessor.

The contrast between the styles of the old and new Presidents was sharp and continued to grate on many who fondly remembered the facile elegance of Kennedy and his principal collaborators. Though the transition was carried out with dignity, the initial spirit of national unity created around the new leader gave way to a feeling among many that Johnson was an illegitimate President, and even a usurper.

Kennedy had achieved passage of only 39 per cent of the bills he had sent to Congress. This shockingly low figure attests to the amateurishness of his approach to Congress and to the lethargic performance of Mike Mansfield, Johnson's bland and ineffectual successor as Majority Leader. Johnson's view had been that the Congress should be as productive as possible, regardless of the party standings, and he helped secure passage of 46 per cent of the Eisenhower program. As President, Johnson gained adoption of a phenomenal 66 per cent of his proposals, and when he entered the White House, committeee chairmen accustomed to whimsically

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delaying Presidential priorities indefinitely soon learned that there was a new hand on the realm.

Johnson rescued from committees where they had languished for many months Kennedy's civil rights and tax-cut bills, and cleared them through Congress. Similarly, Kennedy's agriculture bill which had been continually rejected by Congress, and finally by farmers themselves in a referendum, was passed with minor alterations for Johnson's signature.

THE GREAT SOCIETY

President Johnson unveiled his Great Society program before 80,000 people at Ann Arbor, Michigan, in May, 1964. A plan for massive social and political change, it was the platform from which L. B. J. led his party to the greatest electoral victory in American history that autumn. The opposition was Senator Barry Goldwater, and his following of antediluvian conservatives, who had sent millions of American moderates to the wailing wall with their call for the dismantling of most of the gains made by American liberals since Roosevelt's day. It is hard to believe now, but in that year many felt that liberalism was endangered by the long-stifled forces of reaction, which had captured the Republican Party. Perhaps the most damaging issue for Goldwater in that campaign was that, since he had suggested nuclear defoliation of the jungles of Vietnam, he might be tempted, in General Lemay's inimitable phrase, "to lob one into the men's room in the Kremlin".

As the American involvement in Vietnam grew so did the illusion that Johnson had pledged himself in that campaign to avoid escalation of the Vietnam War. He pledged nothing of the kind. He pledged to respond with appropriate measures to the actions of the enemy; he pledged to seek co-operation with the communist powers, especially the Soviet Union, and he commended himself to the U.S. voters as more moderate in word and therefore in deed also, than his opponent. History will record that he kept his pledge.

Johnson used the immense harvest of votes in 1964 to press his domestic program. The Great Society legislation was one of the finest, if least fully appreciated, hours in the fretful history of American liberalism. The last five years are rivalled as a period of legislative productivity only by the first four years of the New Deal, and when current emotionalism subsides LBJ will take his place beside FDR in the pantheon of American reformers.

CIVIL RIGHTS

Those who had despaired of the cause of justice to the negro when a southerner became President; who flourished alleged quotations from a Johnson 20 years younger campaigning for election in rural Texas, were silenced by the President's words to the Congress and the nation, March 15, 1965. Speaking of the negroes then demonstrating in and around Selma, Alabama, he said: "Their cause must be our cause too. Because it is not just negroes, but really it is all of us, who must overcome." Martin Luther King commented that the speech was "one of the most eloquent, unequivocal, and passionate pleas for human rights ever made by a President of the United States. He revealed great and amazing understanding of the depth and dimension of the problem of racial injustice".

The voting rights bill that the President then sent to Congress, which approved it, was the most significant forward step for American blacks since the Proclamation of Emancipation. Johnson was the first President since Abraham Lincoln to do something to improve the lives of all blacks, and through two civil rights acts and numerous economic and social laws, he did a great deal.

The initial steps toward the Great Society were leftovers from the Kennedy program; the War on Poverty and the Appalachia relief and road-construction bill, but the program broadened into a concentrated attack on all the roots of dispossession and underprivilege in America. Poverty was combatted through stimulation of small businesses, advanced and improved education for the children of poor families, creation of a National Teacher Corps, job retraining for the unemployed of all ages, aid through incentives to depressed areas, and community development programs, some of them managed by the most novel forms of local administration.

SOCIAL PROGRESS

The War on Poverty was much criticized for overlapping, bureaucratic inefficiencies, and the supposedly Orwellian implications of expanding big government. The President himself admitted there was waste and agreed that streamlining was in order. Despite difficulties, most of the program will be retained by the new administration and the number of Americans hobbled by conditions of poverty according to an inflation-adjusted scale declined from 1963 to 1968 by more than six million.

When Johnson first attained elected office, President Roosevelt spoke of "one third of a nation" in the structures of poverty; as he left, after thirty years of work on their behalf, the fraction was one seventh.

Johnson did more for the expansion and availability of medical facilities than any previous President, passing several far-reaching but not coercive measures. Most important was the Medicare bill, a left-over from the Truman days, and supposedly the principal policy difference between Kennedy and Nixon in 1960. It was passed under Johnson's artful prodding after twice being rejected during the Kennedy administration.

Unquestionably, Lyndon Johnson has done more for the development of American education than any other individual in the history of the nation. The much admired former Secretary of Health, Education and Welfare, John Gardner described a conversation about education with the ex-President as "one of the most exciting moments of my life." According to the New York Times: "Education has been the interest closest to the President's heart, and a national leader could have no more important concern. He has signed into law more than forty separate pieces of legislation to support education, from pre-school projects to graduate education. The federal government has nearly tripled its investment in education, and has for the first time, brought federal money directly to the slum schools which need it most."

Lyndon Johnson was the first President to seriously tackle the whole complex of urban problems that had been allowed to fester virtually untended for the entire history of industrial America up to his intervention.

Housing: from a plodding and grossly underfunded throwaway building about 30,000 units a year for low-income families in the Kennedy era, he expanded the federal program to the projected construction of 300,000 units this year, and over six million in the next ten years. Besides new construction, the President's program, one of the most imaginative and extensive ever devised anywhere, emphasizes home improvement in shabby but not irreparable areas, rent supplements for hundreds of thousands of families and the enlistment for the first time of private industry, through tax incentives, in the construction of housing.

Government departments of Housing and Urban Development, and of Transportation, were set up to concentrate the federal approach to these problems, and a Model Cities Act was passed whereby Washington has already subsidized more than 150 locally devised schemes for the improvement of the local urban environment. Mindful of the problems created by entrusting too much of the War on Poverty to the federal bureaucracy, Johnson here, as with housing involved private industry and local authorities as builders and planners, while the federal government served as a catalyst and financing guarantor.

Lyndon Johnson, the Texas rancher, in the mastering of the corrosive problem of environmental pollution and in the conservation of wildlife and natural resources, has made a contribution unique in his country's history. He has added millions of acres to the domain of national parks, secured passage of multi-billion dollar schemes for the cleaning up of the Great Lakes, for the disposal of solid wastes, the beautification of rivers and highways and federal property, the depollution of the air and shores of America, and the creation of greater recreational facilities for its people.

The Johnson program could also be cited for many other advances such as the dissemination of birth control information (the first administration to legislate on this controversial subject), and consumer protection through an assortment of bills including landmark measures for truth in packaging, and money-lending auto safety standards, and cigarette-smoking health warnings. The Safe Streets and Crime Control Act has made law enforcement more efficient without reducing individual collective liberties. There were also bills for the financing of Presidential campaigns and control and licensing of firearms, which although more modest than the Administration requested, were at least a beginning.

The Congressional Quarterly reports that in the five years of the Johnson Presidency, five times as much important legislation was passed than in the previous 10 years under Eisenhower and Kennedy. Lyndon Johnson also sought, without great success, to be one of the few Presidents to change the structure of American political life through the almost impossible procedure of constitutional amendment. Under his Administration, there was an amendment providing that the Vice Presidency should never be left vacant, as it was for 14 months after the death of President Kennedy. Some of his other principal proposals, though not yet acted upon, may be considered of a prophetic nature: lowering the voting age to 18; lengthening the term of the House of Representatives to four years; and abolition of the electoral college to eliminate the possibility of a hung election, such as almost occurred in the 1968 Nixon-Humphrey-Wallace race.

It is the primordial cliche on the subject of Johnson to say that the ghetto riots and the Vietnam war did him in. Most Negro militant leaders, excepting Eldridge Cleaver, Bobby Seale and other members of the criminal lunatic fringe, are in accord that the era of the big riots is over, and there have been no significant riots since shortly after the death of Martin Luther King in April, 1968. The exodus from the southern cotton fields to the northern ghettoes is now almost at an end, and the population of some ghettoes is already declining.

The United States is now enjoying high employment and has committed itself to equalizing standards of eduction, hireability, housing, and sanitation, between the black and white communities, among lower economic groups and for the first time, most Negroes are now in the middle class. There is some reason to believe, therefore, as newscaster Chet Huntley remarked, that the riots of recent years, "were not signal-fires of the future, but funeral pyres of the past." It is difficult to see, in any event, how this painful period of adjustment could have been avoided and what more Johnson could have done for racial justice.

VIETNAM

Vietnam is a story too well known to require telling, yet too agonized and uncertain to be dealt with briefly. However, several points are worth recording already. President Johnson inherited a deteriorating situation from his predecessor and was advised by all those whose advice he also inherited (Bundy, Rusk, Taylor, McNamara, et al.), to intervene forcefully. Indeed, as even dovish columnist Stewart Alsop remarked, it was surprising that Kennedy's attempt to win the war "by proxy" took as long as it did to fail. Throughout the time of active American involvement in Vietnam, Johnson has stated that his country's motives were not total victory, but honorable compromise: his speech at Johns Hopkins University in Baltimore, in June, 1965, was one of the more memorable of such restatements and to this end, he called three bombing halts prior to 1968. The principal motives of the American involvement in Vietnam were:

To prove that the murderous euphemism of "the people's war of liberation" is not an invincible means of territorial expansion; to aid in the construction of a balance of power in East Asia by developing a coalition of states as a counterweight to China; to contain and deter the eruptive and aggressive force of revolutionary China-Vietnam; to prevent one of Asia's most strategic areas (before the war South Vietnam was the greatest rice exporter in Asia) from falling by default into the hands of America's self-proclaimed enemies; and to honor the original SEATO commitments signed by President Eisenhower and Prime Minister Churchill in 1954.

In these objectives, the U.S.A. has been supported by all the noncommunist states of the area, except Cambodia. The recent stirring of the Philippines and Japan from slumber under the American umbrella, and the downfall of the pyrotechnic President Sukarno in Indonesia, augur well for the American goal of an independent and self-reliant coalition of noncommunist states in the Far East. The other objectives will be achieved if the peace that seems slowly to be emerging from the tortuous roundel at Paris is the honorable compromise President Johnson long ago pledged himself to pursue.

Except for the hysterical and apocalyptic, to whose venomous and uninformed tongues the tedious refrain of genocide, war criminals, etc. comes automatically the principal objection to the Vietnamese policy has been on the grounds that the energies expended in the war could never be justified or repaid, even by the war's victorious conclusion.

This is a serious argument that may never be resolved, and certainly not before the war is ended and its cost can be estimated. At no time did the war absorb more than 15 per cent of federal government expenditures. The loss of 34,000 men over 7 years is of course an immeasurable tragedy, even in a country which loses over 60,000 dead a year on its highways. However, the cost of abandoning Vietnam and with it the objectives enumerated above would also have been very heavy. Perhaps President Johnson was being somewhat theatrical when he said: "Not even blood is a high price to pay for civilization" but before dismissing the war a sanguinary fiasco, critics should assess the grievous implications of the uniformly unpleasant alternatives, an exercise that few critics have troubled to attempt.

The war was never a holy crusade against communism and those who accuse the ex-President of having an irrational fear of the "international communist conspiracy (words which neither he nor any other administration spokesman has uttered since the Dulles era), ignore the fact that he negotiated the Nuclear Non-proliferation Treaty, a trade expansion, and encouragement plan, a consular agreement, and the beginnings of general armaments-control talks with the Soviet Union. All of these were stalled or rejected by the Senate, or had to be postponed because of the Soviet invasion of Czechoslovakia. Johnson also assembled a staff of China experts who were designated to occupy the U.S. Embassy in Peking when conditions eventually permit mutual recognition between the two countries.

ABDICATION

When Lyndon Johnson announced on March 21, 1968, that he would not seek re-election, it was the greatest bombshell in an American political generation. Senator Eugene McCarthy had come close to defeating the President in the New Hampshire Primary, but he was certainly not a serious threat to his authority. McCarthy's urbane but supercilious waspishness finally irritated as many people as it impressed and his recent erratic conduct had caused many to wonder if he is even fit to continue as a mediocre, lazy and temperamental Senator let alone preside over the nation. His campaign was based on three factors: peace at almost any price in Vietnam; a scatter-gun demand for reduction of the powers of the Presidency, a vague and rather maudlin recollection of the tranquil, midwest, mid-twenties, America of Sinclair Lewis (the bandshell-in-the-park syndrome): a flimsy platform indeed. Furthermore, McCarthy seems to be a political masochist: his hero is Sir Thomas More and it is difficult to shed the impression that he, too, wanted to be beheaded by Henry VIII—LBJ.

But McCarthy's performance did smoke out the real opposition: Bobby Kennedy was moved to make yet another "reassessment" of his "noncandidacy." He would enter the lists, to save the very liberalism Johnson had fought for 30 years to advance and to deliver the nation from Richard Nixon.

Johnson never doubted who Judas would be. In the last two years of his regime, Johnson was obliged to deal with a steadily increasing barrage of hysterical and infantilistic abuse from reflex liberals in Congress, the Democratic Party, and the press. Bobby Kennedy, as the inimitable opportunist of contemporary American affairs, bubbled naturally to the top of this political cesspool—the war-time President's traditional cup of hemlock.

Even Stewart Alsop, one of the more torrential snivellers of the American press, recently wrote that "a lot of people, especially journalistic admirers of President Kennedy, including this one, have been brutally unfair to Lyndon Johnson." Many of the same writers who decried the Congress in Kennedy's day as cumbrous and obsolescent insinuated that Johnson was an immoderate and power-lusting autocrat when he made the system work. Many of the dispossessed Kennedyites who criticized Johnson for pirating the unhatched brain-children of his "martyred" predecessor, blasted him in equal voice for unimaginative and antiquated solutions to the problems of the '60's; and asinine criticism in itself, but doubly so considering the source. The same elements which denounced Johnson for appointing a commission to investigate the cause of riots because it would bring forth hum-drum recommendations, paused only to draw breath before attacking him for not requesting immediate Congressional action on the commission's very penetrating and even radical report.

The President had recently suffered the defeat of an open housing-civil rights bill, and of a bill giving home rule to Washington, D.C., a predominately Negro city, though his manner of getting around this and appointing a Negro mayor in spite of Congress, prompted liberal writer Richard Rovere to reaffirm that Johnson was a great President in all respects except Vietnam. The Riots Commission reported that "white racism" was the principal cause of Negro violence, and true though this perhaps was, the President was understandably reluctant to send to Congress a controversial measure that would have no chance of success. Many of the critics who accused Johnson of being too intractable with the Communist powers cried like stuck pigs when it occurred to them that he might meet with the Soviet leadership even after the invasion of Czechoslovakia.

Arthur Schlesinger, by his interminable whining support of lost causes and his attempts to become a swinger through the doubtful baptism of repeated dunkings in Ethel Kennedy's swimming pool is now one of America's more pathetic figures. He lightly criticized Kennedy for Vietnam ("He never gave it his full attention, it was the greatest failing of his administration."), but condemned Johnson for being "obsessed" with the subject.

Time Magazine, which three years before when it was beating the drums for Vietnam, had declared that General William Westmoreland was the "Man of the Year", had the affrontery to accuse Johnson of praising the General too highly when he promoted him from the Vietnam command to be Army Chief of Staff.

Last and certainly least, Norman Mailer, the bedraggled warhorse of American blowhardism, whose effort to become the moral arbiter of modern America was hindered somewhat by his stabbing of his first wife, and who by his own admission is "full of crap", was taken seriously for the first time in 20 years when he uttered the most specious and irrevelant opinions about Johnson.

Some merely misunderstood Johnson; many others subjected him to the most disgusting abuse. Stokely Carmichael called him a "hunky, a buffoon, and a liar", and H. Rap Brown suggested that Johnson and his wife "should be shot". Robert Sherrill described Johnson as "treacherous, dishonest, manic-aggressive, spoiled", and he was referred to in the play MacBird, as a "canker, tyrant, villain, traitor, cur." The campaign of youthful vilification against the President reached a sickening climax in Chicago last August. The president was in Texas celebrating his birthday, but this did not prevent thousands of youths from marching around Grant Park shouting the ultimate obscenity at Johnson, and finally feeding a birthday cake to a pig in commemoration of his anniversary. Johnson said only that if he were a young person he would probably feel like protesting too; a less patient and dedicated man, when taunted incessantly with the chant "Hey, hey, L. B. J., how many kids have you killed today?" might have been tempted to reply: "none, unfortunately."

BOBBY

The aspiring head of all the opposition, responsible and not, was Bobby Kennedy, who regarded Johnson as a crude interloper, tainted by long years of public service in previous eras less enlightened and edifying than the Kennedy camelot. As the senior surviving Kennedy brother, he felt that he had not only the right, but the obligation to keep faith with the honoured dead by ending this usurpation. His statement the previous July that Johnson was "a great President", like his long-standing enthusiasm for the Vietnam War before public support for it fell off, he dismissed with a glazed pall of boyish prevarication and the fatuous remark that the "only sin is to be too proud to admit mistakes." One of Kennedy's principal coconspirators was Jesse Unruh, the corpulent boss of California Democrats. The mere gross appearance of this man indicates that he has had his front feet in the trough long enough. This impression is fortified by the bovine imagery which characterizes Unruh's speech; (i.e. "Money is the mother-milk of politics.")

Johnson looked on Bobby as the man who had worked for Joseph McCarthy, American liberalism's greatest enemy, whom Johnson

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overthrew; as the man who had objected to Johnson's nomination as Vice President in 1960 but was overruled by his brother who fortunately for the Democrats had a better knowledge of political arithmetic: as the man who as Attorney General had been the foremost wire-tapper in U.S. history; who had been caught publicly lying by the F.B.I., who had suddenly discovered a hatful of votes in civil rights after Johnson had worked for racial understanding for years in the unfertile south; as the man who in running for his first elective office, as Senator from New York, had gotten into trouble on the carpet-bagger issue, requested the aid of the President's coat-tails and trailed Johnson into office by two million votes, and as the man who spoke as if he had discovered the word meritocracy, yet had inherited access to more money and popularity than any politician in U.S. history.

There wasn't room for both of them in Washington, and shortly both were gone. If they had contested at the convention in Chicago, Johnson would surely have won. At the time he withdrew, all surveys showed him with an easy and assured majority of the delegates, most of them unshakeable Johnson loyalists, friends accumulated over a long career of influential backscratching. In view of the close race run by his stand-in, Hubert Humphrey, he might even have won re-election. His withdrawal was motivated in part by health reasons, and in part by a fear of electoral defeat, which would have been a humiliating last hurrah. But even the jaded Washington press corps managed to find more important reasons. The serried ranks of American punditry wavered badly in the Johnson years; the cavernously pontifical Water Lippmann changed course so often, but always with such oracular pomposity, that one was tempted to ask if the real Walter Lippmann would please shut up; and the remarks of the eternally smug and smart Tom Wicker were rarely deserving of attention. But Stewart Alsop, conscience-ridden as usual, raised himself above his peers long enough to give this assessment of Johnson's withdrawal: "Lyndon Johnson could almost certainly have bullied his way through to renomination, and quite possibly to re-election. To abandon power goes against the man's every instinct; yet he chose to do so. He so chose for several reasons, some not unconnected with his colossal pride. But the main reason, surely, was simply love of country. He knew the country would have to pay a terrible price in what he called, in his March 31 speech, "divisiveness", if he ran again. He chose not to make the country pay that price. For that, as well as for much else for which he has received little credit, Lyndon Johnson deserves the heartfelt thanks of his countrymen."

HISTORY'S JUDGMENT

The Chicago Sun-Times said that the nation had failed him more often than he had failed the nation; more likely, neither had failed. As Johnson left office, racial tensions were declining somewhat; Vietnam was going better militarily, and peace seemed in sight; there were two consecutive balanced budgets; the official balance of payments was favourable again after ten years of chronic deficits; and employment was almost full. Inflation was admittedly a serious problem but the tools to combat it were at hand. The New York Times said: "Mr. Johnson has presided over a new age of progressivism. He laboured mightily on behalf of this nation and always tried to serve the best interest of all the people. He has no reason to fear history's judgment."

Indeed many serious historians such as Allan Nevins, Clinton Rossiter and James MacGregor Burns already regard him as an outstanding President.

The reforms achieved by Johnson differed from Roosevelt's in that they were aimed more at economic rehabilitation than emergency relief, and in contrast to the depression President, he attacked poverty and underprivilege without baiting the rich. His objective was not a redistribution of the wealth of the country, a Robin Hood-like taking from the rich to give to the poor. The rationale for the Great Society was that the natural premium on the growth of the American economy could be used to raise up the disadvantaged to the level of economic participation. The poor could be helped without hurting the rich, said L.B.J., and the same President who cut the maximum personal income tax rate by 26 per cent also raised welfare and services expenditures from 30 to 68 billion dollars. The same President Johnson who was derided by liberals as an heirloom from the New Deal, first sponsored the involvement of business in the reconstruction of society through a program of grants and incentives. The first southern President in over a century to a certain extent he reintegrated the south in political processes of the country. The President who routed the extreme right in 1964, he also helped to save the country from the extreme left in 1968.

His one really serious mistake was to send 540,000 soldiers to a foreign war without express Congressional authorization. He could have obtained such approval, in February, 1965, almost unanimously, and a man of Johnson's experience should have known better than to embark on that enterprise on such vague authority as the Gulf of Tonkin Resolution, which only urged him to take the steps necessary for the defense of American interests.

If there was a second mistake, it was his handling of the Detroit riot in 1967, when he insisted that Michigan Governor Romney admit that he had lost control of the situation before the dispatch of federal troops. This gave the impression of playing politics with lives in one of the nation's largest cities.

Some critics claim the Dominican Republic intervention in 1965 was a mistake, but the operation was quite successful. A communist take-over through front organizations was avoided, and in impartially supervised free elections, the anticommunist candidate won a landslide victory. Johnson could however, have been rather more convincing in explaining the motive for the O.A.S. intervention.

More damaging than any blunder; Johnson was not, as his old mentor Franklin D. Roosevelt had said the President must be: "preeminently the head of the American people for the Presidency is a place of moral leadership."

In person, Johnson could be very impressive. His technique of personal persuasion, an overpowering hard-sell of cajolery and bullying, was almost irresistible, and many strong-minded men, including George Wallace, buckled under it. Even Bobby Kennedy called him "a very formidable man" after a meeting. He was also both clever and intelligent. Richard Nixon has called him "one of the greatest political craftsmen of our time," and J. K. Galbraith said of him: "He's genuinely intelligent, imaginative, flexible, and he wants to do things." James Reston described him as "one of the most eloquent and persuasive advocates of this generation." He could be a prodigious and effective campaigner.

But in addressing himself to the whole nation, Johnson did not always achieve the full status of his office. Whether because of his regional mannerisms, accent, or old Senate habits of secretiveness and even double-talk, he sometimes had problems of communication, but he was also the victim of what the New York Times called "vulgar snobbery," and the credibility gap was an almost entirely phony issue. Johnson was as forthright as most Presidents and more so than many, (including Roosevelt, who was saved, however, by managing to sound like an apostle even when he was lying). But Johnson's critics, in one of history's most effective and insidious hatchet jobs, managed to sow mistrust between the people and their President.

Johnson's abdication, like that of Cincinnatus, was a classic example of the voluntary surrender of great power, a very dramatic act, in history as in the theatre. All knew that a titan had passed whose like would not be seen again. His talents, his ego, his compassion, determination and capacity for work, were, like his services to the nation and his much-caricatured ears, very prominent.

And so an epoch in American and world affairs which only began with the intercession of tragedy, ended prematurely, and the plane in which Lyndon Baines Johnson was inaugurated President at Dallas, and which carried him and the corpse and the widow of his predecessor back to Washington in 1963, carried him also back to Texas at the end of his public days in 1969. Thousands bade the President a friendly farewell at Washington airport, and the largest and most appropriate sign they held aloft read: "Vaja con Dios, L.B.J."

COUNTRY WILL APPROVE CANCELLATION OF DRAFT CALLS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Wichita, Kans., Eagle, which presents the positive aspects of the actions taken by President Nixon relating to the draft. Congress now has an opportunity to take constructive steps to correct inequities in the draft by acting on the recommendations which the administration has made. The editorial follows:

COUNTRY WILL APPROVE CANCELLATION OF DRAFT CALLS

It is sure to be said that President Nixon's curtailment of the draft and the announcement of additional Vietnam troop withdrawals were calculated to "cool" campus unrest as the new school year begins.

Few Americans—especially the students—will complain whatever the motives.

The President's cancellation of November and December draft calls and the spacing out of the induction of men already called to less than 10,000 a month came very close to an outright two-month suspension of the draft.

This, and his announced withdrawal of 35,000 additional troops from the Vietnam war zone by mid-December cannot help but calm opponents of the war.

The President has made a positive move in the interim before Congress can act on his proposals for overhaul of the draft, and at least 32,000 additional young Americans will be home for Christmas who might have spent the holidays in a foxhole in Vietnam.

In addition, the January draft call, now programmed for 35,000 men, will be reviewed in December with a view toward a possible cutback.

The Administration, meanwhile, will try to achieve draft reform through an executive order that would become effective the first of the year.

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The latest troop withdrawals and the draft curtailment coincide with Mr. Nixon's address to the United Nations in which he urged the 126 member nations to use their best diplomatic efforts to persuade North Vietnam to move seriously into the negotiations which could end the war.

No one knows what the practical effect of these actions will be, ultimately, but the President is not content to sit idly and let the problems mount.

He is doing what he can, it seems, to move the country a little closer to peace at home and abroad.

NARCOTICS: MANY PROBLEMS, NO SOLUTIONS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. MURPHY of New York. Mr. Speaker, a commonly asked question today is, "Why cannot the police stop the drug traffic?" The problem is intensely complicated and there are no easy answers. This third article by Richard Severo in the New York Times lends considerable insight into the problem and analyzes some of the solutions. I commend it to you:

POLICE VIEW OF ADDICT CONTROL: ONLY PROBLEMS, NOT SOLUTIONS

(By Richard Severo with the assistance of Barbara Campbell, third of a series)

"Why can't the police stop the drug traffic?"

The question is heard all over New York these days, asked with almost as much frequency at Midtown cocktail parties as on the front stoops of Brownsville, Harlem and Hunts Point.

Although Federal and local agents have sleuthed their way to impressive hauls of heroin and have arrested some distributors, the drug is as easy to get in New York as it ever was.

Law-enforcement officials offer several explanations for the easy access to heroin, chiefly lack of manpower. The 120 Federal narcotics agents working in and around New York record prodigious hours of overtime each week; the narcotics squad of the New York City Police Department has 480 men at full strength, less than 2 per cent of the city's total police manpower.

Yet even the police concede that the solution does not lie just in additional manpower—or even in more arrests and drug seizures. One precinct commander in the Bronx, who asked to remain anonymous, noted ruefully that during periods when heroin was hard to get on the streets (junkies call these times "panics"), the price went up and confirmed addicts then had to steal even more than they usually do.

As for effectively "sealing" United States borders to heroin grown abroad and smuggled here, no law-enforcement official interviewed during the preparation of this series thought it was remotely feasible.

Deputy Chief John B. McCahey of the Narcotics Squad estimated, for example, that one medium-sized oceangoing freighter has about 35,000 places in which heroin could be hidden. A kilo of heroin, worth $20,000 to $25,000 wholesale in New York, can easily be tucked into the space of a shoe box.

"It is impossible," says Chief McCahey, "to check everything."

Clearly, too many factors overseas, where the poppies are grown from which heroin is made, are outside police control. The domestic control problem is complicated by lapses in communication among local and Federal law-enforcement agencies, which sometimes seem to regard one another as rivals rather than participants in a common cause.

LOCAL PROBLEMS CITED

The problem is complicated in the New York area by these factors:

Drug addicts accused of crimes are violating parole and bail privileges in discouragingly large numbers and are not showing up in court to face charges. The addicts then presumably continue to steal to buy heroin. A study by the Vero Institute of Justice, a private agency that seeks court reform in New York, showed that in a group of addicts in the Bronx 37 per cent "failed to appear" when their cases were called. The study also said that "it is quite likely that the actual default rate among addicts is higher than this, because a number of crimes with which addicts are commonly associated were not included in the study."

Despite the efforts of top police officials, there was no perceptible, uniform policy for attacking the drug problem at the precinct level. One precinct commander said it made no sense to arrest pushers; another said he pursued pushers but not users. Other police officers said it made little sense to deal with either pusher or addict, and still others said they thought there was merit in applying pressure on both pusher and addict in the street.

In slum neighborhoods, suspicion of the relationship between the police and drug pushers is wide spread. Sources within the Police Department said that some of their colleagues were taking bribes and that the department was not doing enough to clean itself up.

HIGH OFFICERS CRITICIZED

"The breakdown in law and order does not start on the street," said one detective, who asked that his name not be used. "It starts at a very high level in the Police Department where top brass protect the department, whether it's right or wrong."

An unevenness in police service was observed in some neighborhoods. In several instances the police failed to respond to telephone calls from residents that might have enabled them to apprehend drug addicts in the process of stealing

Stolen property is being purchased from drug addicts in beauty parlors, bars and slum gambling houses, in poor neighborhoods, in some instances by the very residents who are complaining most about the conduct of the police. Moreover, because they distrust the police and also fear retribution from pushers and addicts, these same people are most reluctant to testify to the crimes they have witnessed in the streets.

In its study of bail-jumping among addicts, the Vera Institute found that almost half the addicts who failed to show up "had not returned to court during the nine months after default." The analysis was based on a four-month study of 339 addict defendants in the Bronx Criminal Court in March of 1968.

The problem of addicts who violate bail or parole worries the police, who feel that most addicts, when free, will continue to steal to support their habits.

Bronx District Attorney Burton B. Roberts feels that suspected addicts should be denied bail and treated in much the same way as a person suspected of being a psychotic. "Both the addict and the psychotic can do great damage both to themselves and to society," he said.

PRE-TRIAL DETENTION OPPOSED

The Vera study did not advocate pre-trial detention. It pointed out that while "37 per cent of the addict-defendants jumped, 63 per cent did not. A blanket policy of pre-trial detention would result in confinement of approximately two defendants who would not have jumped for each thwarted jumper."

The addict-defendants who were released in their own recognizance and thus posted no money jumped bail more often than those who had to post bond. The study reported that they failed to reappear at a rate 20 per cent greater than those addicts who had to post bail to get out.

These facts, the study said, suggest that a cash bail "may be a more effective deterrent to flight by a narcotically involved defendant than personal recognizance." But the analysis also emphasized that the posting of money alone cannot be the only factor in considering the problem of bail jumping.

At the present time, if a police officer thinks that the person he has arrested is a drug addict, he fills in a "CR–1" form in which he states that he observed the physical symptoms associated with the use of narcotics—scarred arms, dilated pupils, drowsiness.

But Vera contends that the CR–1 form is not a completely satisfactory way to identify addicts since "the police officer is not a medical expert and physical symptoms observed, or thought to be observed, by him are not clinical proof . . ."

SHORTCOMINGS OF SYSTEM

The lack of a precise means of identifying addicts, according to Vera, "hampers the ability of the administrators of justic to give proper consideration at the bail-setting stage to a large percentage of defendants, including both those who are in fact addicts but are not identified as such, and those who are erroneously assumed to be addicts."

Vera says that in the present New York criminal court system, "it is all but certain that many addicts pass through the system unidentified, even though substantial proof of addiction may be available."

The study said that a means must be found to inform judges about the drug use of a defendant he may consider for bail, and urged consideration of a plan under which suspected addicts would receive physical examinations before they were arraigned. "Obviously," the study said, "a number of serious legal and medical questions would have to be met before a judgment on the feasibility of such a procedure could be made."

District Attorney Roberts, alarmed at the rise in the last few years of serious crimes committed by addicts, feels those questions must be answered soon. In recent weeks he has been advocating a plan that would deny bail to anyone suspected of being an addict. The plan would work this way:

If an arresting policeman has "probable cause" to believe someone is a drug addict, the defendant would be taken to Rikers Island penitentiary immediately after arraignment, promptly tested by doctors for heroin in his urine, then re-arraigned in a court facility set up at Rikers Island.

If doctors concluded that the defendant was an addict and if the defendant was not a hardened criminal and wished to confirm the doctor's report, he would be considered for a civil commitment to a facility run by the State Narcotic Addiction Control Commission.

If the man was accused of a serious crime he would have to be tried within 90 days. If for any reason he was not tried within 90 days, bail would have to be set.

If the defendant wished to contest the findings and claim he was not an addict, a hearing would have to be held within four weeks "before a judge who would make a determination if there is probable cause to detain the defendant without bail as an addict."

Mario A. Procaccino, the Democratic candidate, for Mayor, issued a narcotics policy statement Tuesday that embraced most of Mr. Roberts's ideas and also proposed a massive, voluntary methodone program. Methadone, a synthetic addictive drug that blocks the desire for heroin in many addicts, would be given to any addict who wanted it under Mr. Procaccino's program.

OBJECTIONS TO ROBERTS PLAN

A New York Supreme Court justice and several lawyers, all of whom asked to remain anonymous, were asked what they thought of Mr. Roberts's plan. They raised these objections:

Under the Roberts plan a policeman would have the discretion to determine who might be an addict. Policemen are not qualified to do this. Moreover, they could interpret "probable cause" to harass suspected criminals who might or might not be either criminals or addicts.

The Roberts plan would come into affect only after heroin addicts were caught in the commission of a crime. It says nothing of the tens of thousands who are never caught.

The facilities of the State Narcotic Addiction Control Commission have come under criticism recently as being more custodial than rehabilitative.

If addicts were to be accorded all the guarantees of law, including the right to choose counsel at arraignment, the problem of getting a private lawyer to Rikers Island in time for arraignment would be serious.

Since the court system is woefully overloaded now, it is doubtful that it could really dispose of all addiction hearings within four weeks and trials within 90 days.

POLICE DISAGREE ON TACTICS

Along with the disagreement among legal authorities is the lack of agreement among the police themselves on how to cope with heroin addicts.

In the Brownsville section of Brooklyn Capt. John E. Wilson of the 73d Precinct (an area with probably thousands of addicts) feels that arresting pushers is an ineffective way of dealing with the problem because "somebody takes his place."

But Capt. George S. Cerrone of the 75th Precinct in the East New York section of Brooklyn says he believes in arresting pushers to "dry up the source." Deputy Inspector Anthony J. McNally of the 41st Precinct in the Hunts Point section of the Bronx says he thinks it makes sense to arrest the pusher but not the user.

Other police officers said they felt it was a waste of time to arrest either pushers or users because the real powers in the drug trade went untouched. A few other policemen said they thought it was necessary to keep the pressure on both pushers and addicts so that no neighborhood would become an easy mark for them.

Some policemen expressed reluctance to make drug and other arrests in slum neighborhoods because of what they considered a lack of support from the community.

"All I have to do is tell one whore to move on," complained one Bronx patrolman, "and around here, I'd have 50 people yelling police brutality."

POLICE PROMISED MORE FUNDS

Mayor Lindsay recently announced that he wanted the police to intensify their efforts against the drug traffic. He indicated that he felt the problem heretofore was complicated by a lack of funds for nacotics operations and pledged that more money would be provided.

What would be an arrestable offense in some sections of the city goes almost unnoticed in others.

A visitor to the Hunts Point section (called Fort Apache by some of the embattled residents) observed at least three instances in which the police did not respond to calls that would have enabled them to catch addict-burglars at work.

On one occasion in early July a woman saw several young neighborhood heroin users on the roof of a building at the corner of Tiffany Street and Southern Boulevard. They were carrying a portable television set, a toaster and an iron. Although she telephoned the police three times, they never responded. The junkies got away.

IMMEDIATE RESPONSE

On another occasion, when the same woman saw a policeman who appeared to be on the verge of having serious trouble with a small crowd at the same intersection, she called the 41st Precinct, which dispatched a squad car almost instantly.

Deputy Inspector Anthony J. McNally of the 41st Precinct said he believed his men were responding to calls as quickly as possible.

However, a Roman Catholic priest who used to work in Hunts Point thought that local policemen there "regard Hunts Point as a garbage can and they think their only job is to keep the top on it and not let the garbage out."

On the Lower East Side, the leader of a street gang that is confronting addicts and pushers in the street said, "When you talk to kids around here about cops, they just laugh."

Members of the gang, some of them former heroin users, said that when the police conducted raids they did not always account for all the cash or all the drugs confiscated.

Harold Rothwax, a lawyer for Mobilization for Youth who has represented some poor defendants accused of possessing narcotics, said that some of his clients have told him that they had more heroin in their possession than they were charged with having. "I see no reason why they would not tell me the truth about that sort of thing," Mr. Rothwax said.

He said there was a feeling in some neighborhoods that the police kept some heroin either to sell themselves or perhaps to plant on a particular suspect they wanted to arrest.

LOYALTY AND BRIBERY

Harold Foner, a criminal lawyer who represents the 3,300-member Traffic Squad Benevolent Association, said: "There is an awful lot of bribery. The department, out of a mistaken kind of loyalty, protects these men.

"Policemen who take bribes know they can't be prosecuted. It's practically impossible. That's why they do it. Once you're labeled an addict or a prostitute, even if you tell the truth, nobody will believe you."

A spokesman for the Police Department declined to comment on the criticism.

Another internal problem of law enforcement concerns the degree of cooperation among Federal and local officials. And although Federal and city police agencies say they are cooperating, there appear to be some communications gaps between them.

Deputy Chief McCahey pointed out that the New York City Narcotics Squad maintained liaison with Federal narcotics agents. But he also conceded that the liaison did not include the exchange of briefings on specific current cases. The result is that Federal and local agents could be working on the same leads and not know about it. But Chief McCahey added: "I don't know that this has ever happened."

FBI FEARS DISCLOSURES

Sources in the Federal Bureau of Investigation said they feared disclosure of information by inept or corrupt local lawmen. Other F.B.I. sources conceded the existence of a continuing rivalry between the F.B.I. and agents of the Federal Bureau of Narcotics and Dangerous Drugs, although it is perhaps diminishing.

A new Federal-city task force was set up in July to deal with the narcotics problem. It is composed of Federal narcotics agents, customs inspectors and New York police. Among other things, the task force hopes to utilize existing resources more efficiently.

But whatever the internal problems of enforcement may be, it would be inaccurate to blame these alone for the formidable drug problem that exists in so many New York neighborhoods.

Part of the problem lies within the neighborhoods. In Harlem, for example, junkies find it relatively easy to sell stolen merchandise to church-going middle-class residents who deplore the lawlessness that surrounds them.

A Harlem drug addict who estimated that he stole more than $400 worth of goods each week to support his habit said that one of the easiest places to dispose of stolen merchandise was in Harlem beauty salons.

"Let's face it," he said, "people up there aren't exactly the wealthiest people in New York. If some housewife can pick up a brand-new television set for $15, she'd be a damned fool to turn it down so that she could pay $200 in a store."

The head of a Bronx antipoverty unit who is highly critical of police behavior admitted to a reporter that he recently purchased 50 pounds of spareribs that had been stolen by drug addicts from a warehouse.

NOW I'M SORRY

"I can tell you now I'm sorry I did it," the man said. "But when the spareribs were offered to me at such a low price I rationalized it, saying: 'Well, you may as well buy them. If you don't, somebody else will.' "

The task of keeping heroin out of the country remains much as it has always been: overwhelming.

Turkey is still the major source of illicit heroin. William J. Durkin, regional director of the Federal Bureau of Narcotics, estimated that 80 to 85 per cent of the heroin sold in this country originated in Turkish poppy fields.

The poppies in Turkey are grown ostensibly for the manufacture of morphine, which is used as a pain killer all over the world. Though acreage used for this purpose is regulated by the Turkish Government, Mr. Durkin pointed out that it is relatively easy for a farmer in Turkey or any place else to exceed his quota, and it is extraordinarily difficult for police to catch him. The country is vast; the numbers of policemen checking on farmers are few.

Other current sources of heroin are Communist China, Thailand, Burma, Laos and Mexico. There is no poppy growing in the United States.

Marseilles, France, and Beirut, Lebanon, remain centers of narcotics traffic. In and around both cities, small "factories" exist where the raw opium is transformed first into a morphine base and then into heroin, the preferred form of the drug in the United States.

MARKUP ON HEROIN

At present, a kilo of good quality heroin costs about $4,000 in Marseilles. The same kilo is worth six times that amount to wholesalers in New York. By the time it reaches the street, passing through many hands, the original kilo cut (diluted) and recut, sells by the milligram. A $3 bag contains about 7.5 milligrams of heroin. This constitutes an astronomical markup.

Mr. Durkin estimated that 1,500 to 2,500 kilograms of heroin came into the United States in 1968, much of it through New York, the biggest single point in world narcotics traffic, both in terms of consumption and distribution.

Asked why French and Lebanese police do not shut the factories down, Mr. Durkin explained that the factories were both small and mobile and thus hard to find. He said that police abroad—as here—must have some basis for obtaining warrants to conduct raids, and evidence is hard to get.

ROLE OF THE MAFIA

Mr. Durkin said that although members of the Mafia with large bankrolls played a major role in the international drug trade, they were by no means alone. A number of Latin Americans are also in the business, probably independent of the Mafia, he said, as well as a major narcotics ring in Australia that has nothing to do with the Mafia.

The Federal Narotics Bureau maintains bureaus in many cities abroad. These include Paris, where many of the Marseilles heroin runners live; Lima, Peru, now a center for cocain traffic; Seoul, South Korea, a distribution point for heroin sold to U.S. servicemen in Asia; Hong Kong, a major relay point for heroin originating in Communist China that is bound for the United States; and Bangkok, Thailand, a relay point for heroin made in Thailand and Laos.

Federal agents are also stationed in Rome, where some deportees from the United States have engaged in drug traffic, Beirut and Marseilles.

In New York, Mr. Durkin's men concentrate on levels higher than the street pusher. He believes that getting pushers off the streets all over the city would require a saturation level of local police. And such a mobilization of manpower to fight the onslaugth of heroin at present seems unlikely.

CRIME IN THE DISTRICT OF COLUMBIA AS COMPARED WITH BUFFALO, N.Y.

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. McCARTHY. Mr. Speaker, the skyrocketing crime rate in the District of Columbia is a matter of serious concern.

This week the FBI reported that robberies here increased 46 percent in the first 6 months of this year while the increase for the Nation as a whole was 17 percent compared with the first 6 months of last year.

The District also far outdistanced the Nation as a whole in the case of murder and nonnegligent manslaughter. The Nation increased 8 percent while the District increase was 42 percent. Murders in the District climbed from 88 to 125. Rapes rose from 100 to 150; aggravated assault from 1,489 to 1,725; and burglary, breaking and entering climbed from 8,829 to 10,107. These statistics are all disappointing in view of the pledge made in the last campaign by President Nixon to make the Nation's Capital a model city with regard to crime.

Washington's record during the first half of 1969 contrasts sharply with the crime record of Buffalo, N.Y., during the same timespan.

There, a sharp drop in crime was reported. Crimes of violence in the first half of this year were 826—down 66 from the same 1968 period. Crimes against property were recorded at 6,228—a drop of 844 from the same period a year earlier. The number of rapes was listed at 67—down 14 from a year earlier. Automobile thefts fell markedly from 2,423 in the first 6 months of 1968 to 1,638 in the first half of this year. In four of the seven major categories listed by the FBI, Buffalo registered a similar drop. And in one of these categories, murder, there were 17 in the first 6 months of this year as compared to 16 in the same period last year.

Naturally I am proud of this record of my hometown, Mr. Speaker, although we are determined to do even better in the future in the matter of reducing crime. I believe that the police officials in the District of Columbia could benefit from a conference with their counterparts in the city of Buffalo.

DRUGS: PART 1—OUR CHILDREN ARE TURNING ON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. MOORHEAD. Mr. Speaker, do we really know the scope of the drug problem in the United States? Is marihuana addictive? Does its use automatically lead to more dangerous drugs?

The answers to these and other questions are necessary before this Government proceeds to absolve or incarcerate anyone for use of drugs.

But, except for some unrecognized forays by individual scholars, there have been no comprehensive studies of marihuana and its effects. This information could be obtained by a Presidential committee similar to the Kerner Commission.

In calling my colleagues' attention to the need for such a commission, I would like to introduce into the RECORD, a series of four articles which appeared in the Pittsburgh Point on consecutive weeks beginning June 26.

These articles discuss the drug problem in general and some of the specific aberrations in Pittsburgh.

A good friend of mine—and of many Pittsburghers—Dr. Emil Trellis, provided much of the background for these pieces. Dr. Trellis has worked with narcotic addicts in Pittsburgh and elsewhere, including the Federal hospital in Lexington.

Parenthetically, the title of the third of these articles, "The Failure of Laws and Programs," could aptly describe our current "more jails and stiffer penalties" approach to narcotics and their increasing use.

The articles referred to follow:

DRUGS: PART 1—OUR CHILDREN ARE TURNING ON

(By Richard Rieker)

All of a sudden—so it seems—everyone is talking about drugs. Books and articles on the "drug culture" proliferate. The popular press, often in nearly hysterical tones, warns of the growing menace of teenage addiction. Political candidates are asked to take a position on drug laws. Legislators debate everything from repeal of drug laws to greatly increased penalties.

What is everybody so excited about? Drug addiction has been with us for a long time. Has it suddenly become a major problem? Or is it, rather, just a symptom of the general malaise of the country?

This and the articles which will follow will attempt to discuss, though not answer, those questions and others as well. For example, what are these "drugs" that everyone is talking about? How do they differ from each other, and are they all equally harmful? And who are the "addicts," and how do *they* differ from each other? What has society tried to do about drug addiction, besides impose penalties? What should be done?

Needless to say, this series will not be a definitive treatise on drug addiction. All I hope to do is bring some perspective to this complex problem, without adding to the confusion.

Emil S. Trellis is a psychiatrist. In 1961, following his residency at Western Psychiatric Institute, he went to the U.S. Public Health Service Hospital at Lexington, Ky., where for two years he was psychiatric chief of the Women's Addiction Service. From 1963 to 1967 Dr. Trellis was director of the Narcotics Addiction Treatment Program of Western Pennsylvania, a pilot program which he developed. From July, 1967, until recently he was director of the Hill District Mental Health Team of the Community Mental Health Center at Western Psychiatric Institute. He is a clinical assistant professor at WPI. He is in private practice, in the course of which he sees many young people who "use drugs."

Despite all his experience with drug addiction, Dr. Trellis has no easy answers, and he is upset by those who have. In a recent interview I asked him why there was suddenly so much concern over drug abuse. His answer: "Prior to the mid-Sixties nobody gave a damn about drugs because it was a 'black' problem. The drug getting the most attention was heroin, and it was being used by blacks and Puerto Ricans and Mexican-Americans out of all proportion to their numbers. When heroin use increased among juveniles after World War Two, our answer was to pass the punitive legislation of the Fifties. All that did was to increase the number of addicts in the federal prisons. There was still no real concern. But *now*—now hundreds of thousands of middle class and suburban kids are fooling with marijuana. These are 'our children' who are facing a felony conviction for possession and sale of marijuana, 'our children' who could end up with a record—and the country's hysterical."

Trellis is also unhappy about newspaper articles which use scare techniques to "alert" the public to the drug problem. "The Pittsburgh Press carried a series by Dr. Max Rafferty recently. Dr. Rafferty told the parents that it was all their fault, that they were too permissive. He wants the parents to play cops-and-robbers with their kids, to know what they have in their rooms and so on. Other people are telling parents to check their children's skin pallor and whether their pupils are dilated. That's a terrific way to build a relationship based on trust!"

"Some well-meaning people," he went on, "want to put classes in the schools at all levels, to teach the children not to use drugs. The trouble with that is that the young people most likely to use drugs are the most anti-social, the least likely to respond to authority. School in the usual sense may be the last place to teach them anything. But if we are going to use the schools, let's not teach them about drugs—let's teach them not to kill, not to suicide, not to hurt others or themselves."

Trellis said that he had seen several films which were supposed to turn children off drugs. "One was called 'The Decision.' It was awful, out-of-date and absurd. The kids laughed. There was another one that probably did nothing but turn the kids on sexually—the blood, the tourniquet, pushing the needle in, pulling it out, and so on. And some of these films are *too* informative: I never knew how to sniff glue until I saw a movie about it."

Information alone is not the answer, Trellis said. "I've seen four young girls in private practice, all pregnant. Intellectually they all knew about contraception and ovulation, but not emotionally. It's the same thing with drugs."

THE PROBLEM IN PERSPECTIVE

Is drug abuse among young people a real problem? "It's a real problem," Trellis said, "but it's not the major problem of our time. The trouble is that by focusing on drug abuse we can ignore the really major problems. We can ignore the fact that 35,000 Americans have died in Vietnam, and God knows how many Vietnamese. We can forget that 160 cities burned after the death of Martin Luther King, and all we've done is build up the police and the National Guard. There are 800,000 people on relief in New York City, but we don't think about that because drugs—'dope' when you want to be more sensational—has become a major issue. We can forget about Appalachia or the American Indian or the fact that in the wealthiest country in the world there are children suffering from malnutrition comparable to what you can see in Biafra. All we can see is that 'our children' are using drugs. We're using drugs the same way some of them are—to cop out."

"Instead of thinking so much about drugs," Trellis said, "we should be thinking about adolescence—what does it mean to be an adolescent? We should remember that adolescence is a time for developing independence, for learning how to form relationships, particularly heterosexual ones. We should consider that adolescence is a time of protest—against parents, school, society—and we should be asking how drug-use relates to that protest. Is drug-use worse than other kinds of acting-out behavior? Is it worse than drinking too much, or promiscuous sex, or reckless driving, or failing in school? My practice is in the South Hills. I know of young people from there who drive to West Virginia, get drunk, and drive back, maybe 90 miles an hour. Is drug-taking worse than that? We kill 50,000 people a year on the highways, and alcohol is involved in maybe half of those deaths. Why don't we get excited about that?"

"We can't just talk about 'drugs,'" Trellis continued. "There are all sorts of drugs, just as there are all kinds of people who take them. We have to be specific. We have to ask who is taking what and why. And we even have to entertain the idea that not all drug-use may be 'bad.' We have to ask how a drug experience has been integrated into a given person's life style—has it been harmful or helpful?"

"Young people all over the country are protesting," Trellis said. "They're resisting the draft, saying they'd rather go to jail than to Vietnam. They're disrupting campuses. And they're taking drugs. Maybe they're playing a game with the drugs—and we're focusing on the drugs and missing what they're really saying."

"We have the force, or we can get the force, to put down all this protest," Trellis said. "But it might be too costly in the long run, because the casualties will be 'our children.'"

DRUGS: PART 2—WE ARE ALL "USERS"

(By Richard Rieker)

There were 48,535 addicts known to the Federal Bureau of Narcotics and Dangerous Drugs as of December 31, 1963. At year-end 1967 the figure had risen to 62,045. The 1967 figure for Pennsylvania was 1656, including 251 "new" names added during the year.

The age breakdown of the total number of known addicts for 1967 was as follows: under 17, .2 per cent; 18–20, 3.4 per cent; 21–30, 45.8 per cent; 31–40, 37 per cent; over 40, 13.6 per cent.

Figures for 1968 are not yet available, but Bureau officials estimate that the total will be nearly 64,000. The Bureau gets its statistics primarily from the arrest records of federal, state, and local law enforcement agencies. Almost all of the addicts known to the Bureau have been arrested for using "hard" narcotics—heroin and, to a much lesser extent, cocaine. Some Bureau officials feel that their statistics reflect only about half of the actual hard narcotics used in the United States.

The people known to the Bureau are called "addicts." That term, of course, has been in common use for a long time—but what exactly does it mean? What is "drug addiction"?

The World Health Organization has proposed the following definition of drug addiction:

> A state of periodic and chronic intoxication detrimental to the individual and to society, produced by the repeated consumption of a drug (narcotic or synthetic). Its characteristics include: (1) an overpowering desire or need (compulsion) to continue taking the drug, and to obtain it by any means; (2) a tendency to increase the dose; and (3) a psychic (psychological) and sometimes a physical dependence on the effects of the drugs.

A much more detailed description of the characteristics of addiction may be found in *The Psychoanalytic Theory of Neurosis* by Dr. Otto Fenichel (New York: W. W. Norton, 1945). This is a textbook used in psychiatric training. Dr. Fenichel discusses drug addiction in a chapter entitled "Perversions and Impulse Neuroses." He begins by saying, "The same urge that governs other pathological impulses is operative in addicts: the need to get something that is not merely sexual satisfaction but also security and assurance of self-assertion, and as such essential to the person's very existence. Addicts represent the most clear-cut type of 'impulsives.'"

Dr. Fenichel goes on to say that addicts are "fixated to a passive-narcissistic aim," interested solely in their own gratification. "Objects are nothing else for them but deliverers of supplies. Erogenously, the leading zones are the oral zone and the skin; self-esteem, even existence, are dependent on getting food and warmth.

The effect of the drug rests on the fact that it is felt as this food and warmth. Persons of this kind react to situations that create the need for sedation or stimulation differently from others. They are intolerant of tension. They cannot endure pain, frustration, situations of waiting. They seize any opportunity for escape more readily and may experience the effect of the drug as something much more gratifying than the original situation that had been interrupted by the precipitating pain or frustration. After the elation, pain or frustration becomes all the more unbearable, inducing a heightened use of the drug. All other strivings become gradually more and more replaced by the 'pharmacotoxic longing.' Interests in reality gradually disappear, except those having to do with procuring the drug. In the end, all of reality may come to reside in the hypodermic needle. The tendency toward such a development, rooted in an oral dependence on outer supplies, is the essence of drug addiction. All other features are incidental.

With the above definitions in mind, let us look at some items which appeared in the May, 1969, issue of the Drug Law Bulletin, a new publication of the U.S. National Student Association.

Dr. John Talbott, after spending one year with a neuro-psychiatric team in Vietnam, estimated that 50 per cent of the troops use marijuana. Only one to five per cent of psychiatric drug admissions are marijuana-related, he reports; the biggest medical problem is still alcohol.

According to the Wall Street Journal, liquor consumption for 1968 was estimated to be 342,000,000 gallons, up 5 per cent from 1967.

Preliminary findings of the four-year study being conducted by Dr. Hugh V. Perry of George Washington University, which does not include marijuana, narcotics, or psychedelics, indicates that at least half of the adult population of the United States uses stimulants, depressants and tranquilizers.

What are we to say of all this consumption of marijuana, pills, and liquor? Surely all of these people are not "addicts." But if not, how are we to describe them (ourselves?)?

In recent years physicians and psychiatrists have developed the concept of "drug dependence," which is meant to include both "addiction" and "habituation." In an article entitled "Medical Management of Drug Dependence" (Journal of the American Medical Association, 11/11/68), Dr. Philip Solomon, a psychiatrist, defined the terms.

The word "drug" is now widely used to mean only those highly active substances taken for pleasurable, rather than therapeutic, purposes, usually with the implication of illicitness and danger. Aspirin, digitalis, etc., are now called "medicines." The term "drug dependence" includes addiction (which implies tissue dependence, tolerance, and withdrawal symptoms) and habituation (which specifies the continuing nature of the drug taking and implies psychological rather than physiological dependence). One may become addicted to heroin and other opium derivatives (narcotics), habituated to barbiturates, or dependent on any of these or on psychedelic drugs (lysergic acid, diethylamide [LSD], mescaline, peyote, etc.), amphetamines, alcohol, or marijuana.

Dr. Solomon divides drug dependence into three categories, according to intensity: social, neurotic, or psychotic; and he would presumably include any sort of drug-taking under one of these. Dr. Emil S. Trellis, who has been following the life-styles of drug-takers since 1962, agrees with the concept of drug dependence, but feels that it does not go quite far enough. He suggested an additional term, "drug use." "'Drug use,'" he said, "might describe the taking of a substance by a person who is addicted or dependent, but it could also refer to a person who only casually or intermittently takes drugs. Take alcohol for example. When we take a drink we are involved in 'drug use.' We don't like to look at it that way but it's true. The difference between alcohol and, say, marijuana, in one sense at least, is that adult society sanctions the use of alcohol. We not only sanction it, we advertise and promote it. It's 'our thing.' But when the kids come and say marijuana is 'their thing' we say 'no.'"

(During one of our conversations, Dr. Trellis, who doesn't smoke, remarked that I, along with millions of other Americans, am "dependent" on cigarettes. Then we decided that we both "use" alcohol. We did not discuss our addictions.)

In general, Dr. Trellis is wary of all definitions. "We mustn't get hung up on them. Just defining a problem is not dealing with it." He believes that "medical models" are of limited value because they tend to ignore social factors: a strict adherence to the psychoanalytic model of an addict "would make such a person untreatable," he said.

THE DRUGS

When we turn to the drugs themselves, we find that people are sniffing, swallowing, smoking, or injecting into their bodies a fantastic variety of substances. Following is a list of the main categories of these substances (omitting some of the more exotic items, such as nutmeg), together with a brief description of their effect on the people who take them.

Narcotics. These are the pain-killers. They include morphine, demerol, dilaudid, percodan, methadone, paregoric, and others, all of which may be legally prescribed by a doctor; and heroin, which is illegal under any circumstances. Heroin is, nevertheless, the addict's "drug of choice"; it is also, of course, big business.

Persons using narcotics generally build up a tolerance for them, meaning that more and more of the drug must be used to get the desired effect. Depriving a narcotics addict of his drugs causes a withdrawal syndrome: running eyes and nose, nausea and vomiting, abdominal cramps and diarrhea, a mild temperature and chills, bone-ache, restlessness—something like a severe case of the flu. Death, however, is rare.

Contrary to the popular notion, narcotics

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use suppresses drives, including sex and hunger. Many addicts have to force themselves to eat. Many female-addicts stop menstruating. Heroin addicts, particularly, may have all sorts of associated health problems—scarred arms and legs, tooth decay, skin abscesses, phlebitis, and (from a "dirty" needle) hepatitis, syphilis, tetanus, nonspecific bloodstream infections, and inflammation of the lining of the heart. Children of addicts may be born addicted; Dr. Trellis has withdrawn a baby born of an addict mother.

According to Dr. Trellis, it is hard to draw an accurate addiction-and-withdrawal picture of a typical heroin addict because of the variation among bags of heroin. A given bag of "heroin" may contain anywhere from zero to 20 per cent heroin, the balance being sugar, quinine, baking soda, etc.

Barbiturates

These drugs depress the central nervous system, hence they are most commonly used as sedatives. Over-use may produce intoxication similar to that produced by alcohol—a feeling of being "high," dizziness, impairment of coordination and judgment, coma, and, in some cases, death from paralysis of the respiratory center. They are commonly misused along with alcohol, increasing the chances of damage or death. Barbiturate intoxication can lead to such things as falling down stairs, dropping cigarettes in bed, automobile accidents, etc. The withdrawal syndrome related to barbiturates includes the possibility of convulsions; deaths have been reported as a result of continuous convulsions. Psychological disturbances, such as confusion, disorientation, and hallucinations can also result. Cardiovascular collapse, while rare, has happened during withdrawal.

The addiction-withdrawal pattern of barbiturates may also occur following the misuse of certain non-barbiturate sleeping pills, or certain tranquilizers—*e.g.*, Valium, Librium, Milltown—commonly used in medical practice.

Amphetamines

These drugs are powerful stimulants to the central nervous system. In medicine, they are commonly used by "diet doctors" to suppress appetite, and are sometimes used to treat narcolepsy (intense desire to sleep). They are also used, paradoxically, to treat hyperactive children. They are commonly misused by, for example, truck drivers and students, to help them stay awake. A regular user of amphetamines can develop a tolerance for them. As with the barbiturates, various emotional disturbances, such as confusion or disorientation, may occur, sometimes involving hallucinations and feelings of persecution. Persons under the influence of amphetamines have often been brought to psychiatric emergency rooms with symptoms indistinguishable from acute paranoid-schizophrenia. In some instances, misuse of amphetamines has been connected with both homicide and suicide. There is no characteristic withdrawal syndrome, but depression has been found to occur in some cases; occasionally the depression is severe enough for the person to consider suicide.

Psychedelics

These drugs and substances produce a profound change in consciousness. The best known is LSD; the group also includes mescaline, peyote, a certain type of morning-glory seed, and a group of new chemical substances, among which are DMT, DTS, and STP. Use of these drugs may cause changes in perception involving all the senses—the now-famous "trip." Some users of psychedelics have claimed new and significant insights or new abilities in solving problems. Others have become panicky, utterly confused, or profoundly depressed, to the extent that they required pychiatric hospitalization. "Flashbacks"—recurrence of symptoms—have been known to take place as long as six months after a person has stopped taking the drug. Questions about the possible effect of LSD on chromosomes have been raised, but thus far there is little clinical information.

Glue et al.

Sniffing glue, lighter fluid, paint thinner, gasoline, etc., can produce emotional changes similar to those obtained from alcohol, as well as more severe types of confusion, hallucination, or delusion (*e.g.*, "I can fly!"). While these inhalants are not addictive as such, people can become dependent on them. Beyond this there is the remote possibility of liver and kidney damage, and suppression of the ability of bone marrow to produce red blood cells. There is at least one reported case of brain damage. Deaths associated with the use of these inhalants are usually by suffocation from using plastic bags, or by accidents resulting from impaired judgment.

Cough medicines

Various non-prescription cough medicines are sought for their alcohol and codeine content. Alcohol content may range from 3.5 per cent (comparable to most beer) to 40 per cent; codeine content is usually one grain per ounce. Cough medicine is sometimes used by heroin addicts when heroin is unavailable, in an attempt to avoid withdrawal symptoms; more often it is used for the codeine-alcohol "high."

Marijuana

This much-discussed plant is listed here separately because there is great disagreement among experts as to its nature and effect. Legally it is included with narcotics, but according to Dr. Trellis it is unlike narcotics pharmacologically in that it gives little relief from physical pain, tolerance does not occur, and it is not addicting.

A great deal remains to be learned about marijuana. Its main pharmacologic ingredient, tetrahydrocannabinol (THC), has been isolated only within the past couple of years. The amount of THC per unit of marijuana varies considerably, which may account in part for the variation in the effects of the drug. Marijuana does distort perception, but the extent varies from person to person and from time to time; it also varies with the social setting. Users tend to handle these distortions in keeping with their general emotional stability. Thus, while some people smoke marijuana without any apparent bad effect, others have been admitted to psychiatric hospitals in an acute psychotic state following marijuana use. Marijuana dependence can render a user relatively ineffectual socially or intellectually. Whether this is a function of the marijuana or the emotional make-up of the user is not known.

A major point of contention is the question of whether marijuana leads to heroin or other "hard" drugs. Physicians tend to say no, citing the absence of any clinical evidence. Law enforcement officials counter by pointing out that the majority of heroin-users admit to having smoked marijuana at one time. Dr. Trellis feels that the cause and effect relationship has not been proved. "It should be kept in mind," he said, "that the great majority of heroin-users come from communities where not only is heroin endemic, but so is marijuana, so is wine-drinking among young people, so is juvenile petty crime and every other kind of anti-social behavior. It's no big surprise that heroin-users 'started' with marijuana, but it simply doesn't follow that one drug leads to another."

In Trellis's view, the best reason for not smoking marijuana is that it's against the law. And because there are some serious unanswered questions about it, he is not for legalizing it. But he would like to have the penalty reduced to a misdemeanor.

Alcohol

An alcoholic's withdrawal can result in convulsions and delirium tremens (DT's).

WHY?

Perhaps the most important question to ask about drugs is: why? Why do people take all these things? The reasons are obviously so varied and so complex that one is tempted to answer: life—and let it go at that. But even if there are no answers, there are clues which should be explored.

Statistics can provide one clue. Of the 62,045 addicts listed by the Federal Bureau of Narcotics and Dangerous Drugs in 1967, 30,815, or 49.7 percent, were listed as black; 30,881, or 49.8 percent, were listed as white. The black population of the United States has been estimated at about ten percent of of the total, yet in 1967 almost exactly half of the known narcotics addicts were black.

Going back a little further, in 1963 the FBNDD included an ethnic breakdown in its statistics (a practice which has apparently been discontinued). Of the 48,535 known addicts for that year, Negroes made up 53.8 percent; Puerto Ricans, 11.7 percent; "Mexicans," 6.6 percent; all other Caucasians, 26.9 percent; all others, .7 percent.

To Emil Trellis, these statistics tend to verify one of his major theses: that the heroin problem in the United States has been and is a "black" problem, and that whites started paying attention to it only when their own children began using drugs. He is strongly convinced that we will never be able to deal with the drug problem as long as we ignore the social implications of racial or ethnic prejudice.

With this in mind, Trellis believes that we should look at drug use on three levels, which he calls intrapsychic, intrafamilial, and intrasocial. In other words, we should look at the psychological make-up of the individual drug-taker; we should look at him in relation to his family; and we should look at him and his family in the context of the larger society.

It is probably not possible to draw a psychological profile of a "typical" drug user. Speaking of narcotics addicts, however, Trellis feels that there are certain common characteristics which seem to cut across racial or socio-economic lines. "Most narcotics addicts," he said "are people who don't like themselves, who are not at peace with themselves. They're chronically depressed, life has no hope or meaning for them. They don't compete well. They don't do well at man-woman relationships; they're either exploitive or dependent. They don't relate well to authority figures. They have poor impulse control and little self-esteem. A great deal of their behavior is self-defeating."

"Here's an ironic thing," Trellis said. "Addicts don't trust anybody—yet an addict will buy a bag of 'dope' in the street, from somebody he doesn't really know, and hope that it's been properly 'cut'—otherwise he might die of an overdose. Besides, he has to think of his 'enemies'—people he's shortchanged on money or heroin, or people on whom he has informed—because in that case a small amount of rat poison or some other substance might be in the bag, and that could result in his death."

Trellis believes that in family relationships, psychological factors are more important than sociological ones. He said that in some families the relationship between parents and a child or children, or parent-child against other parent and/or children, results in emotional illness which may manifest itself as a neurotic pattern, or be an apparent factor in schizophrenia, or in severe self-defeating behavior, including the use of drugs.

At the societal level Trellis sees a pattern which is distinctly racial. He believes that conditions in ghettos would be sufficient in themselves to cause blacks, Puerto Ricans, and Mexican-Americans to have a high rate of narcotics use, even if psychological factors were absent, which of course they aren't. "There's a whole syndrome in the ghetto," he said: "crime, delinquency, dropping out of school, illegitimacy, infant mortality, alcoholism, violence. Hope is low—or at least it was until Black Power came along. These are social conditions that are not usually found in white areas."

Trellis said that he was not able to draw a sociological profile of white narcotics users because the cross-section is too great. He did say that there are some small groups of mostly whites who use 100 per cent pure pharmaceutical narcotics. These include doctors and nurses; iatrogenic addicts—people suffering pain who are addicted knowingly or unknowingly by their doctors; and some anti-social people who forge prescriptions or buy them from corrupt doctors or pharmacists. Any of these people might turn eventually to heroin, Trellis said, but ordinarily they do not. And taken all together they do not constitute a major problem for society.

Heroin is the big problem, Trellis said, not only because it is addicting, but because getting it becomes a way of life. "Heroin costs about $7 a bag," he said. "Consumption varies from a bag a week to six, eight, ten bags a day. A lot of addicts are out snatching and grabbing to get money to buy the stuff. Women are prostituting. There are addict couples who leave the house in the morning, just like anyone else, shoplift all day, and come back in the evening and ask each other, 'How'd you do today?' "

"Heroin traffic is big business, with tremendous profits," Trellis said. "And it's extremely hard to police. The social conditions which foster it are all around us in the cities. And the emotional needs of some people are very high."

DRUGS: PART 3—THE FAILURE OF LAWS AND PROGRAMS

(By Richard Rieker)

The federal government has been trying to regulate the importation and distribution of narcotics for more than 50 years. It has not succeeded; narcotics addiction is a serious and growing problem today. Other drugs, too, are being widely misused, despite federal and state prohibitions carrying severe penalties. Quite simply, the drug laws have failed.

Narcotics addiction treatment programs have also been tried (rather fitfully) over the years. Some of these have been government-sponsored, some private, some a combination. Statistically, in terms of the number of persons "cured," these programs, too, have failed. But some of the more recent of them do seem to have developed some promising methods of treatment.

THE LAWS

Prior to 1914 it was legal for a physician to prescribe narcotics for a patient who was an addict. In 1914, however, Congress passed the Harrison Act to regulate the flow of narcotics. From that time on most physicians, because of their own possible legal jeopardy, refused to supply their addict patients with narcotics. The addicts turned to illicit channels.

During the 1919–24 period. approximately 40 cities had dispensaries and outpatient clinics for the medical treatment of addicts, with narcotics available. Under pressure from the Bureau of Internal Revenue, which enforced the Harrison Act, all of these clinics were eventually closed. More addicts were forced into illegal activities to obtain their drugs.

Through the years the federal government increased the penalties for narcotics violations. Severe penalties were also instituted for the misuse of "dangerous drugs" (amphetamines, barbiturates, psychedelics, etc.). The states built up similar bodies of law.

Here are the present federal penalties for the sale or possession of narcotics or dangerous drugs:

Narcotics: Possession

1st offense: not less than 2 or more than 10 years in prison; not more than $20,000 fine. Minimum sentence mandatory, but judge may suspend it.

2nd offense: 5–20 years; $20,000. No probation, no parole.

3rd offense: 10–40 years; $20,000. No probation, no parole.

Narcotics: Sale

1st offense: 5–20 years; $20,000. No probation, no parole (except for marijuana). For a person over 18 who sells a narcotic (including marijuana) to a person under 18, or conspires to do so, the sentence may be 10–40 years; if the drug is heroin, the sentence may be 10 years to life, or, at the jury's discretion, the death penalty.

2nd and subsequent offenses: 10–40 years; $20,000. No probation, no parole (except for marijuana, after one-third of the sentence has been served).

Dangerous drugs: Sale or possession for sale

1st and subsequent offenses: up to 5 years; up to $10,000. A person over 18 who sells to a person under 21 may be given up to 10 years and fined up to $15,000; for a second offense, up to 15 years and $20,000.

Dangerous drugs: Possession

1st or 2nd offense: 1 year and/or $1000. On a first conviction, person may be put on probation; if he does well, conviction can be wiped out.

3rd offense: up to 3 years and/or $10,000.

The federal law regarding the possession of marijuana has undergone a very recent change, as a result of a U.S. Supreme Court decision in a case involving Dr. Timothy Leary. According to Assistant U.S. Attorney John H. Bingler, Jr., who provided me with the above information, the Leary decision held in effect that compliance with the federal law could force a person to incriminate himself, a violation of the Fifth Amendment. Bingler said that there probably would not be any more federal prosecutions for possession of marijuana until a new statute was written. However, he added, prosecutions for sale of marijuana would probably continue. And, of course, prosecutions for both possession and sale of marijuana will continue at the state and local levels.

Under Pennsylvania law, possession or sale of narcotics is a felony. Penalties for possession range from 2 to 30 years in prison, with fines of from $2000 to $7500, depending on the number of the offense. Penalties for sale range from 5 years to life, with fines of from $5000 to $30,000. Pennsylvania also has a law against the *use* of narcotics, with penalties of up to 1 year and/or a fine of up to $5000 for a first offense, up to 3 years and/or a fine of up to $25,000 for a second. The same penalties also apply to the possession or sale of dangerous drugs.

THE PROGRAMS

In the early Thirties the U.S. Public Health Service established hospitals for the treatment of narcotics addicts at Lexington, Ky., and Fort Worth, Texas. Addicts were withdrawn from drugs; mental health professionals were available for counseling; vocational and recreational programs were provided.

Nearly 40 years later people are still debating the effectiveness of these hospitals. Dr. Emil S. Trellis, who spent two years at Lexington as head of the Women's Addiction Service, feels that on balance they were not successful. "They made a contribution at a certain point in time," he said in a recent interview. "At Lexington they took in anybody, regardless of race, and they offered shelter and food and a chance to be withdrawn from drugs. But the place was built as a maximum-security prison, and it functioned as a minimum-security prison, until recent years anyway. They couldn't possibly provide more than a fragmented human experience. There was no way for the addicts to take the relationships with them when they went back to their homes. Except for one pilot program in New York City, there was no attempt at follow-up."

In November, 1963, the President's Advisory Commission on Narcotics and Drug Abuse recommended that the two hospitals "accept voluntary patients only for purposes of research study in the future." Today, however, the two hospitals are being used for examination and treatment of addicts under the Narcotic Addict Rehabilitation Act of 1966. This act, in the words of a Public Health Service flyer, "represents the view that narcotic addiction is symptomatic of an illness that should be treated and not a criminal circumstance in itself." Under the provisions of NARA, addicts who are charged with certain federal crimes may choose treatment instead of prosecution; or addicts convicted of a federal crime may be sentenced by the court to commitment for treatment; or addicts not charged with a crime may ask to be civilly committed.

The government intends to eventually have all of the services provided under NARA available in local communities throughout the country. In the Pittsburgh area, the government has contracted with the Harmarville Rehabilitation Center for post-hospital care of approximately 20 addicts.

Dr. Trellis is in complete agreement with this community concept. "Why should a person from Pittsburgh have to go to Lexington for treatment?" he asked. "That takes too many communities off the hook."

Turning to other programs, California has one that is about ten years old. The main facility is in a former Naval officers' club located in Corona. Addicts are taken in under civil commitment or in lieu of prison sentences. The program operates under the California Board of Parole. Educational and recreational activities are provided. There are "halfway houses" associated with the program.

Another program which began in California has become perhaps the best-known in the country. It is Synanon, begun in the late Fifties by a group of ex-addicts. Synanon developed the concept of the "therapeutic community"—a "family" of residents working together to take care of each other. Addicts are made to "kick cold"—withdraw abruptly, with no substitute for the drugs they have been using. No medicines are allowed, not even aspirin.

Dr. Trellis believes that the "therapeutic community" concept is an important development. "The people who succeed at Synanon are able to learn motivation and self-discipline," he said. "They are able to live with dignity. They are able to become creative, not just artistically but intellectually, in a variety of ways. They've learned how to interact with other human beings in a very open way, not fearing vulnerability the way they once did."

"Synanon has always been very selective," Trellis said, "taking in only the best-motivated people, through a fairly elaborate intake procedure. A criticism sometimes raised is that they have never released figures on how many people left prematurely, or how many people were able to stay off drugs after they left."

Of the more than 64,000 narcotics addicts presently known to the government, more than half are in New York. It is not surprising that New York has developed a variety of programs to try to deal with the problem.

New York has a civil commitment program, under which addicts are committed to state hospitals surrounding New York City. "This program is not working out well," Trellis said. "One reason may be that in any pro-

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gram of this type the responsibility for carrying out the treatment is taken away from a person so committed, and transferred to his doctors and the other authorities."

Another New York program is Daytop Village. This was the first "therapeutic community" program on the East Coast. It was set up by the federal courts, and is run by a former Synanon resident. People from Daytop Village have recently begun going into other communities to see if they can develop similar programs.

In New York in the early Sixties, Drs. Vincent P. Dole and Marie B. Nyswander pioneered what has come to be called "methadone maintenance." Methadone is a synthetic narcotic. Dole and Nyswander found that increasing increments of methadone would not only block heroin craving, but would also block the "high" produced clinically by a grain of pure heroin. (A grain of pure heroin is equal to 3-4 grains of morphine; 3 grains of morphine is 12 times the average therapeutic dose.) In addition to medical treatment, people in this program are given support, job counseling, etc.

Critics have charged that this program is just another form of addiction. Dr. Trellis believes that it is a significant breakthrough. "Certainly a person has a lifelong commitment to methadone, which means at least a limitation to travel," he said. "But equally important is the fact that methadone does not meet the emotional needs we've talked about. Many people on methadone turn to alcohol and other drugs in an attempt to deal with these problems. Sensitivity and control—urine-testing for drugs, for example—are just as important in the treatment as the methadone itself. But when a person is successfully treated with methadone, he is able to function, he is able to live with some peace and dignity."

Another program which Trellis believes has promise is Phoenix House. It was developed in New York over the past few years It is another "therapeutic community" program, with ex-addicts, storefronts for contacts, etc. It operates under the Addiction Service Agency of New York City, and it is also supported by the Phoenix Foundation. The program has stages, starting with a Phoenix Center, where an addict may have to kick his habit without medical help. From there he goes to a day-care center, then to a Phoenix House, where treatment may last as long as a year. Following that he goes to a "re-entry house," where he begins to work his way back into the community. People may drop out at various stages; currently there are over 700 people in treatment.

Dr. Trellis himself developed and ran for four years a pilot program for treating narcotics addiction, at Torrance State Hospital. Of that program, he said simply: "It was an honorable failure. Some patients are still doing well; others did well for various periods of time. And I think to a certain extent we educated the community—the police, the courts, and so on."

Trellis went on to say: "The biggest mistake I made was in pitying the addicts, in assuming that we—society—had to do things for them, like getting them withdrawn, finding them jobs, etc.—instead of showing them that was their responsibility. Also, unless you have community involvement—which we weren't able to develop—it matters very little what you do in an isolated hospital setting. That's why I consider the 'therapeutic community' model as having the greatest potential for treatment."

In reference to the "therapeutic community" concept, Dr. Trellis said that it was his understanding that Black Muslims have had some success in treating addiction. "It was mentioned in Malcolm X's autobiography," he said. "I also heard about it at Lexington and again here in Pittsburgh. I have had no direct knowledge of it, however."

There are no large-scale treatment programs operating at present in Pittsburgh, although several small programs using various approaches have been initiated. Elsewhere, several states are developing programs, using, variously, "therapeutic community," "methadone maintenance," or hospital models. It is of course too early to evaluate these programs.

* * * * *

Last February, John E. Ingersoll, director of the Federal Bureau of Narcotics and Dangerous Drugs, addressed the National Coordinating Council on Drug Abuse Education and Information. According to the New York Times, Ingersoll told the Council members that drug-abuse arrests had increased 774 percent over the past eight years. That was, he said, "a shame and a tragedy." "We are not preventing enough drug abuse; we are not apprehending enough peddlers; we are not rehabilitating enough abusers," he said. In prevention and rehabilitation particularly, he said, "we have failed miserably."

* * * * *

Thus far in this series we have spent a good deal of time on narcotics, specifically on heroin addiction. In terms of its cost to the individual and to society, heroin addiction is the most serious drug problem. And, as we have seen, there are no answers, only beginnings.

Heroin addicts, however, make up only a portion of the drug-using population. There are serious implications for society in *all* drug use. But are these implications always the same, or do they vary from drug to drug and from person to person?

Drugs: Part 4—The Issue Is Human Misery

(By Richard Rieker)

Suppose we have come to see that "drug use" in its broadest sense—including, for example, alcohol—is all but universal in our society. And suppose we accept the term "drug use" as implying anything from occasional use to physiological or psychological dependence to, finally, addiction. And suppose we recognize that every single case of drug use involves complex psychological and socio-economic factors. The big question remains: what can we do about it?

For this final article I put a series of questions to Dr. Emil S. Trellis.

First of all, what is your attitude toward drug use in general?

I don't think it can be said that everyone who uses a drug is "sick," anymore than it can be said that anytime any of us does any one thing in a self-defeating way it indicates emotional illness. I think more important is, what is the frequency, the pattern, the specific nature of the self-defeating behavior? Also, what does this behavior mean in the context of the person's life style?

What's the first thing you do when you're consulted about a person who is using drugs?

I find out what the drug is. The implications are different for each drug. Heroin implies potential addiction; it also implies many years' commitment to a way of life totally centered around getting the drug. Everybody who shoots heroin doesn't become an addict, but the potential is always there. It's there for any narcotic. The doctor or nurse who uses narcotics—self-medicates—may be in for the same thing—a way of life, a little more graceful but just as fixed.

Barbiturates might imply the total spectrum which we talked about, from intermittent use, with whatever "comfort" a person gets, through physiologic addiction, to death from an overdose alone or in combination with alcohol.

Amphetamines could mean anything from the occasional "high" to "speeding"—going for days at an exhilarated rate, with little food or sleep—to the tremendous depression which many people fear when they discontinue the drug. In short, the whole gamut of things we discussed before.

Psychedelics can mean a "good time" or a very bad one, with all the consequences we talked about. To me the so-called "good trip" carries all the potential for a bad one at some future time.

I don't know what all the implications of marijuana are. There's a legal risk, and one certainly has to ask why a person is willing to run that risk.

As for glue and cough medicine and the like, what they imply to me is a person who for some reason is looking to be "high" much of the time. I don't think the substance is that important; what's important is what it means. A ten-year-old child sniffing glue is addiction-prone; a young adult who drives all over the county picking up bottles of cough medicine may well "graduate" to something else.

What else do you look for? What about the age of the person?

Age is important because the younger the person is—with the exception of heroin-users—the more the drug use can be thought of as a part of adolescence, and the more hope I might have for the person.

Why the exception for heroin-users?

It's my feeling that, with some exceptions, the heroin-user is so psychologically ill before he starts using heroin that he almost has to hurt himself very badly before he can consider stopping.

What if the person is beyond adolescence?

Again the implications vary. If a person in his late twenties or early thirties starts using drugs, for example, at a time when he should be in the prime of his life, I ask myself, why is he doing what the young people are doing, why doesn't he have something better going for himself?

What else?

I try to find out what the person's doing with his life in general—does he have a job, is he in school, does he have something that brings him some kind of gratification? Then I might ask, what kind of family does he have—who cares about him, and for him? And how much does he have to "pay" them for their caring? Sometimes it's very costly to be loved. Sometimes through any form of social deviance you're acting out the unconscious wishes of those who love you. Some sociologists feel that any deviant person acts out for the society at large. And certainly one effect is that it allows the rest of us to feel "holier than thou," or, if you prefer, "healthier than thou."

I'd probably ask the person how he sees himself in the context of drug use. The "seeing himself" is what's important. If he *truly* sees himself as having no problems, I feel that very little can be done, other than going through certain ritualistic motions—Lexington, psychiatric care, threatening to put him in jail, and so on—all of which haven't demonstrated very much.

Do you write that person off them?

I don't think we should write anybody off. But for practical purposes we haven't yet found institutional forces to deal effectively with people like this. There are certain exceptions—in our own community, for example, I know two particularly sensitive men who happen to be clergymen, who have had success in difficult one-to-one relationships. That gives a modicum of hope. But these people are usually so overworked, and so misunderstood by the community at large, as well as by the churches they represent—and hence so undersupported—that they find it hard to work out programs.

We've been talking so far as if all drug users were men. The latest figures on narcotics addiction show that about 15 per cent of those listed are women. Are there additional implications in drug use by women?

The obvious one is pregnancy. If a woman should become pregnant, either because she's prostituting to support her habit, or out of a general self-destructiveness, there are serious consequences for her and for society—the unwanted baby, the psychological consequences of adoption or therapeutic abortion, the physical and psychological consequences of criminal abortion, and so on.

Let's turn to race. I know you draw major implications from the correlation between race and the use of certain drugs.

It's true that I choose to emphasize that heroin use predominates in black, Puerto Rican, or "Mexican" ghettos, as part of the ghetto syndrome. Which, by the way, is seen by some people in the ghetto as "beating the Man." I recognize that that's an obvious over-simplification. In our society there are whites from a variety of socio-economic backgrounds—Squirrel Hill, Shadyside, Brookline, Morningside, Larimer Avenue—who are using heroin. But *heroin is not endemic* to those communities. And the expectation of white people *for* white people is certainly much different from that of white people for black people. This is racism. The expectation or lack of expectation of the culture at large is a factor in what is acted out as social deviance. In this connection, I personally feel that a kid from Squirrel Hill who sticks a needle in his arm has to be much sicker than his counterpart in the black community. Whether that's a fit subject for research or a subtle expression of my own racism is hard to say.

Yet, when you say the white kid is "sicker" aren't you yourself coming dangerously close to racism, either the white or black kind?

I see the danger but I don't think that's what I'm doing. What I'm stressing is this enormous differential in expectation. What I'm saying, in effect, is that it's sicker for a white kid to go *against* society's expectation than for a black kid to live up to it.

It's this difference in expectation that I believe is at the center of all the concern today about drugs. As I've said before, we're now being confronted with the fact that "our children" are using a whole variety of drugs, and in our confusion and hysteria we're acting as if they were all using heroin—which we previously never cared about. We've suddenly discovered that the narcotics law includes marijuana. We're asking for treatment programs and the only models we have are for treating heroin addiction—or the private practice of psychiatry. In our frenzy to prevent drug use—as if that were the only issue—we're offering courses on drugs to children and parents. But all along we had in our society a significant number of people addicted to heroin, and we didn't care. It's ironic, but the fact of our having cared so little for those groups inclined to use heroin, may be part of the illness in our society to which our children are reacting, in part through their own use of drugs.

Let's look at what has been done to try to control drug abuse. Take the law: do you have any recommendations?

Philosophically, one has to consider the intent of the law. It would seem to me that the laws concerning narcotics are intended to remove people from society, and to punish them. In the absence of effective treatment programs, this may be in fact what society really wants to do.

Specifically, I do think that the minimum mandatory five-year sentence for the sale of narcotics, with the no probation-no parole provision, should be revised. In the first place, if incarceration is to have any redeeming value to the person, the possibility of parole should exist so that the person is motivated to get what positive things he can from the institution, rather than finding negative ways to adapt to it. And secondly, though the intent of the law was to remove the "pusher" from circulation, the "pusher" in most cases turns out to be a little man in the business who is addicted himself; it's seldom the people with key "executive" positions who get caught.

As for marijuana, I think that since it's not pharmacologically a narcotic, its legal position should be reconsidered.

How do you feel about legalizing narcotics?

That question is often raised in reference to the so-called "British system." England, today, does not have a problem of the magnitude of ours, not because their "system" is so good, but because they never made addiction a criminal matter—instead they allowed it to be an illness calling for medical treatment. But today the authorities in England are very concerned about the growing use of heroin, cocaine, and other substances. As a result they're imposing many restrictions on the medical model which they've been using. They're also studying what is being done in this country to see what they might adopt. In other words, there is no "British system"—they merely have not forced addicts to become criminals. The closest I would come to advocating legalized narcotics at this moment in time would be to support honest, well-controlled methadone maintenance programs.

Let's go on to the area of treatment. Last week we looked at some programs for treating narcotics addicts. What are your views on those, as well as on treatment in general?

For heroin addiction, I feel that the therapeutic community and methadone maintenance concepts ought to be strongly supported, with on-going evaluation, particularly of methadone maintenance. There are two other current concepts which I think should be re-examined very carefully. One is civil commitment, the other is the availability of withdrawal beds. For the first, if society wants to get addicts off the streets, civil commitment has merit; but New York and California experiences indicate that for most addicts this is not a very effective treatment method.

The same can be said for the idea of making withdrawal beds available. Many addicts in the street will say, if they could only kick their habit and get a job they would be fine. But it has been demonstrated over and over that physiological withdrawal is the easiest aspect of treatment to achieve, and in itself has very little value beyond the temporary comfort of the addict, and the fact that while he's lying in bed he's not shoplifting. Withdrawal beds are the easiest things for legislators to provide. I'm not opposed to withdrawal beds as such; I just wish people wouldn't kid themselves that they provide any kind of significant treatment.

For people not using narcotics, varying approaches can be considered, depending on the clinical circumstances. In some cases psychiatric hospitalization may be necessary. For others, psychotherapy or counseling might be helpful. For the majority, however, I'm afraid that these are neither indicated nor of significant value.

I think we have to find new ways of working with young people, in groups, where they themselves do the grouping. This requires a great deal of flexibility on the part of the treatment staff. The staff, by the way, can be anyone related to the mental health professions, or for that matter can be any interested, sensitive person with appropriate training and sufficient psychiatric support when needed. This group approach also requires a lot of interpretation to funding sources, to advisory boards, and to the community at large, so that the people working with the kids won't be held personally responsible for any self-destructive act committed by any kid in the program—which could happen at any hour, day or night.

You seem to be implying that there will be a lot of self-destructive acts.

There well may be; these kids are hurting themselves right now. The point I've been trying to make throughout this series is that we must not look at drug use alone, we must look at all the things that young people are into. What society seems to want is some service-for-a-fee which will make all these things go away—and in my opinion that's just not possible today. That's why it's so important to support those people who are working well with the kids, so that their energy can be directed to the kids and not dissipated in trying to justify everything that's being done.

You jumped from narcotics addicts to young people. What about people in their thirties or forties who are using drugs other than narcotics?

Where possible we ought to use the conventional approaches—psychotherapy, counseling, and so on. But unless some unusual person with a great deal of energy wants to innovate, I don't think there's much that can be done today for this group; and there certainly isn't much financial support available.

Are you saying that in some circumstances a lay person might be more effective than professionals, including psychiatrists?

Yes. This has been demonstrated in the therapeutic communities. The important issue is that the people involved in treatment, in the broadest sense of that word, be psychologically sound themselves. That implies that they'll have the kind of honesty to report factually what happens, and that they won't use the drug-users as a means of meeting their own emotional needs.

I guess the only major concept we haven't discussed is prevention. I assume that the best way to deal with drug abuse is to prevent it. Does anybody know how?

I certainly don't have any specific program for doing it. If I had, I would have announced it long before this.

I do think that all of us could begin to think about new ways of using existing institutions to attack the problem. For example, schools at all levels have a captive audience for x-number of days out of the year. Dare we begin to take time from studies to let children talk about whatever children want to talk about? Do we have the time to let a first-grader talk about what it means to him when his mother comes home from the hospital with a new baby with whom he has to compete? Can we let a child in the third or fourth grade talk about loss—a game, a test—even a parent? Dare we let kids really talk about sexuality, at any level, apart from "sex education"?

We can't do these things now because, aside from the notion that we "don't have the time," we aren't willing to pay for the kind of person called "teacher" who is capable of handling them. But if we did do these things, we might be able to prevent some of what we're trying to treat today. I think we'd also be able to see emerging mental illness in some children. Then, of course, we'd have to have the facilities for treating that.

To go on with schools for a moment—could schools become relevant for parents, other than as barometers of their own self-esteem regarding their children's grades? Could we use the schools as a place for conducting workshops for parents, dealing with subjects that affect both their children and themselves? Suppose instead of a "talk about drugs," the parents had a ten-week seminar on adolescence, where they met in small groups with an appropriate leader. For some this might reinforce the positive aspects of the parent-child relationship; for others it might provide some insight into the negative aspects. In the process, a few parents might experience such emotional stress that they'd become significantly distraught. The experience wouldn't have made them sick, it would have brought into the open areas of conflict which up to then had been dormant. Again, we would have to have sufficient clinical resources available to meet such problems.

Are you talking about "encounter groups"?

Not necessarily. My feeling is that true encounter groups should be limited to those who have been somewhat screened, so that people won't be unnecessarily hurt; or should be part of a program which can meet the needs of those who are hurt.

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What other institutions would you use besides the schools?

Dare we reconsider the purpose of religious institutions? Should organized religion in the twentieth century do no more than address itself to the spiritual needs of its congregations, in return for the financial support of those congregations? Here again, in a somewhat captive audience assembled with the hope of going to heaven, dare we try to bring heaven down to earth?

I think that formal religious institutions ought to think about programs at every age level which would consider the emotional needs of their members. This doesn't necessarily require in-depth group psychotherapy; discussion groups at a conscious level might be effective. Whatever the vehicle, the issues of people living together ought to be explored.

I could go on listing other institutions, but I think the point is clear: we have got to find ways of meeting the emotional needs of people *before* they become ill. If we can do that, I think we have a chance of preventing drug abuse, as well as some of the other symptoms of emotional illness. Because, as I've said over and over, drug abuse is not an isolated phenomenon. And it can't be prevented the way polio once was, with three sugar cubes. The question is not how do we prevent drug abuse; the question is how do we prevent human misery.

* * * * *

Postscript: As we were concluding this series President Nixon sent to Congress a new ten-point program for dealing with drug abuse. (*New York Times, 7/15/69*) *The legislative package includes, among other things, stiffer penalties for violations involving LSD; authority for federal agents to break into homes unannounced to look for evidence; new measures to control importation and distribution of illegal drugs; and new programs in education, research, and rehabilitation. I asked Dr. Trellis to comment on the President's program.*

It's obvious that the people who advise the President have a point of view very different from mine. Their emphasis is largely on laws to control and punish. When they get into education, they evidently feel that "bringing the facts to every American" will meet people's emotional needs. In the section on rehabilitation, Mr. Nixon says that "Society has an obligation both to itself and to these people to help them break the chains of their dependency." It would seem to me that American citizens who are black or Puerto Rican or Mexican-American need a few additional chains broken.

In short, it's sad that a collection of cliches is being used in a highly simplistic way to try to meet a series of highly complex problems. But maybe at this stage of our national awareness, with the multitude of problems facing us, Mr. Nixon is providing what most Americans want.

TECHNOLOGICAL ADVANCEMENT

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. HARVEY. Mr. Speaker, I want to take this opportunity to rise in support of the supersonic transport.

To those of us who have followed the growth of aviation, the SST is an exciting prospect both from the standpoint of passenger service and advancing technology.

There is no doubt but that the SST will be built. The question is when and by whom. I think President Nixon read the pioneering spirit of America correctly when he announced that this country would meet the challenges of technology, competition and market success.

This plane, which will fly at nearly 1,800 miles per hour, will mean that by 1978, when it will fly commercially, Tokyo will be as close to Washington, D.C., in terms of hours as London is today.

We cannot delay that date and that achievement by putting off our commitment. There is too much to lose in terms of technological leadership.

I think it should be pointed out that the sooner we can get that plane in the air, the sooner we can begin realizing a return on our investment.

The SST is a sound program, comprehensively planned and programed for both technological and financial success. Thousands of man-hours have gone into its design and production. We cannot allow that effort to go down the drain.

WORLD FOOD AND POPULATION CRISIS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RIEGLE. Mr. Speaker, I would like to draw my colleagues' attention to an article entitled "Food and Population—the Noncrisis Crisis," by Mr. Paul G. Hoffman. This article appeared in the July issue of the War on Hunger, monthly publication of the Agency for International Development of which Dr. John A. Hannah, former president of the University of Michigan, is the Administrator.

Paul Hoffman's name is, of course, familiar to all those who have an interest in the economic and social growth of the underdeveloped regions of the world. Although he is probably best recalled as the first administrator of the Marshall plan, he has subsequently served as president of the Ford Foundation. Since 1959 he has headed the development program of the United Nations. His has clearly been a long and distinguished career of service to mankind.

I was most impressed by the dynamic challenges laid down in this article. Mr. Hoffman makes it quite clear that a major food-population crisis is rapidly developing; if not already upon us. He also explains why we cannot deal with this problem solely in crisis terms; for to do so would only postpone the day of reckoning. Instead, he calls for a program of total development of the complete potential of the low-income countries. Although the time for doing what must be accomplished, if hunger is to be eradicated and birth rates to decline, is extremely short, Mr. Hoffman is optimistic on the chances of success.

Certainly this is a subject of deep and growing concern to all Members of Congress and to the general public. I recommend it to your reading, as follows:

FOOD AND POPULATION—THE NONCRISIS CRISIS

(By Paul G. Hoffman)

(NOTE.—The United Nations Development Program is one of the major forces in the War on Hunger. As a member of the U.N., through the Agency for International Development, the United States proposed to increase its contribution to the UNDP in Fiscal Year 1970 to $100 million, compared to $70.3 million in Fiscal Year 1969. The total pledged by all nations in 1969 is an estimated $196 million.)

Amid the welter of facts and assumptions characterizing the food-population problem, three things at least seem clear. First, a crisis of major proportions is certainly shaping up, if it is not already upon us. Second, we can't afford to think of or deal with this situation *solely* in crisis terms for to do so will only postpone the day of reckoning and not avert it. Third, the food-population problem *can* be resolved because new technologies—some already perfected and others within our grasp—make it possible for us to do so.

We know, to our sorrow, that hundreds of millions of people throughout Asia, Africa, Latin America and the Middle East rarely, if ever, get enough nourishing food to eat; and that, while few may be literally starving, a great many are dying prematurely from the effects of chronic malnutrition. This is an appalling human tragedy.

We also know that the tragedy threatens to deepen, because the number of mouths to be fed in these areas of deprivation is increasing by perhaps 55 to 60 million every year. We know, finally, that no part of the earth can hope to remain untouched by the political instability, social unrest and economic dislocation which the food-population imbalance in the developing countries is bound to cause. Herein lies the "crisis" aspect of the situation.

Beyond doubt, there is urgent need for intensified action on both the food production and family planning fronts. As regards the first of these areas a great deal has already been accomplished by the development of high-yield cereals. In a number of countries, millions of acres have been converted from low-yield to high-yield varieties of rice, wheat and corn with a consequent doubling of output per acre. However, much remains to be done. For example, only a small start has been made toward enriching the nutritional value of rice, wheat, corn and other nonmeat foodstuffs which make up so large a part of the average man's diet in the low-income countries.

Containing the population explosion is a more difficult matter, since effective birth planning measures require a long lead time before showing appreciable results. Nevertheless, far swifter progress is possible in this field than has as yet been achieved.

But intensified basic agricultural research and expanded action to foster family planning, essential though they are, will not provide the total answer to the food-population problem. What is necessary, rather, is a many-faceted, closely integrated attack—pressed home with urgency but also with due deliberation and great perseverance.

THE NEED FOR "TOTAL" DEVELOPMENT

The United Nations Development Program, in close collaboration with 16 international agencies and in cooperation with more than a score of bilateral programs (including, of course, that of the Agency for International Development), is supporting the efforts of over 120 low-income countries to solve the food-population problem. The rationale which underlies UNDP activities, and which has evolved over many years of practical field experience, may be briefly summed up as follows.

We are convinced that the food-population imbalance in the low-income countries is part of the *overall development problem* those countries face and cannot successfully be dealt with in isolation. It can, in fact, only be corrected when the entire economic, social and cultural climate in a given area becomes favorable to this process.

This is not surprising when we consider how complex and closely interlocking are the many elements involved.

There is a somberly curious fact about the food-population problem—the fact that its causes and effects are so closely entwined with each other as to form an unusually vicious circle. To be specific, the combination of malfunctioning agricultural systems and excessive population growth tends to create conditions that keep food production down and birth rates up. Thus, the problem is perpetuated by its own consequences.

The myriad of impediments to economic growth, which both stem from and result in a low level of agricultural production, also contribute to the population problem. Although the mechanism is still not fully understood, there seems to be a definite relationship between widespread poverty and high birth rates. Where one exists, you almost always find the other. But when living standards rise, birth rates generally go down and, indeed, there is some evidence to show that the former is *essential* to the latter.

SOME EXTRAORDINARY STUBBORN PROBLEMS

Beyond these complexities of cause and effect, there are certain other conditions prevalent throughout the underdeveloped parts of the world which have thus far made the food-population imbalance hard to rectify.

One of these is that, until quite recently, much of the land area in the low-income countries was literally *terra incognita*—with potentially fertile areas unsurveyed, soil conditions untested, water resources of all kinds unexplored, and fertilizer and irrigation needs largely unevaluated. Another limiting circumstance has been, and remains, the shortage of agricultural technicians, of rural extension workers, and even of ordinary farmers literate enough to read a simple instructional pamphlet.

Outdated and inefficient land tenure systems played and still play an adverse role. So, too, does the fact that in many developing areas there is little economic incentive for the average farmer to produce more than his own family needs for subsistence. The depredations of insects, rodents and birds on growing crops—as well as the spoilage of foodstuffs in transit or in warehouses—also make drastic inroads on available supplies.

This listing does not exhaust the roster of problems which spark the food-population crisis and fuel its continuation. What it does is to demonstrate the complexity of that crisis, its huge dimensions, and the inadequacy of an emergency-oriented, fire-fighting approach.

Nevertheless, despite past discouragements and present dangers, I am convinced that the threat of widespread famine in the world's low-income countries need never materialize. Beyond this I am equally convinced that these countries can within the foreseeable future make the kind of overall development progress which would, among much else, largely banish hunger, malnutrition and all their attendant miseries from the global scene. That will be by no means an easy task. But it is by no means an impossible one.

PREINVESTMENT AND PRODUCTIVITY

One reason I feel such confidence is the accumulation of evidence that poverty in the low-income nations—including their agricultural underdevelopment—does not stem from any lack of natural or human resources but from a great under-utilization of those resources. In fact, according to generally accepted estimates, the low-income countries are currently able to employ only about 20 percent of their natural resource potentials and about 10 percent of their human productive capabilities.

Another reason for optimism is that during the past decade the majority of the developing lands have successfully laid the groundwork for altering this ratio and for converting their latent wealth into productive wealth-in-being. It should be emphasized that this vital but often "hidden" progress has very largely achieved through the efforts of low-income countries themselves, for they have borne and are bearing the major share of the costs. But it must equally be realized that external development aid has been, and will continue to be, a vital supplementary factor.

As the world's largest channel for multilateral preinvestment and technical assistance to the low-income countries, the United National Development Program is an active force on virtually every sector of the drive for economic growth. It helps governments representing more than 1.5 billion people to survey, assess, and make fuller use of their untapped natural resources.

These preinvestment projects have a twofold aim. The first is to create favorable conditions for mobilizing development capital on a sound and businesslike basis from both domestic and external sources. The second is to prepare the way for fully effective use of such capital and of all other available economic and human assets.

ACCENT ON AGRICULTURE

During the last ten years, the UNDP has supported many hundreds of large and smaller-scale agricultural projects with a total cost of over $950 million—more than half of which was met by the developing countries themselves. This figure represents roughly 33 percent of total program commitments.

A wide range of activities is involved. They include integrated rural development, land and water use, forestry, fishing, plant production and protection, animal production and health, food processing and marketing, and adult literacy training for farm families. Though several members of the U.N. agency family have collaborated in carrying out such UNDP-supported projects, the bulk of the responsibility has, of course, been entrusted to the Food and Agriculture Organization (FAO).

Space allows only the barest sampling of the agricultural development work undertaken by the UNDP, its participating agencies and low-income countries in every part of the world. But a very brief sketch of two major projects will give at least some impression of the Program's activities in this field.

In 1962, the UNDP joined with the government of Upper Volta and FAO to found an Agricultural Training Center at Bobo-Dioulasso. This project, which has recently been expanded in scope and extended for an additional five years, serves as the nucleus of a coordinated rural development effort. The Center conducts advanced courses for agricultural specialists, accelerated training for lower-level technicians, refresher studies for government personnel and "on-the-job" training for the area's leading farmers. A demonstration farm has been set up to produce improved seeds and animal breeding stock for local use. Families living in a small model village established by the project have tripled their incomes and doubled their corn harvests.

Fifteen to 20 similar communities are now being planned and these, in turn, will become prototypes for a nation-wide program. Future activities will also include formation of an Agricultural Extension Section to help raise farm output and rural living standards . . . the inauguration of radio broadcasts with associated "listener-discussion" groups . . . and the establishment of a Regional Development Organization to work with local cooperatives in providing credit, marketing, health, sanitation and other vital services.

AN ALL-AROUND ATTACK

A survey assisted by the UNDP and FAO has drawn up detailed $79 million investment plans for forestry and mixed farming development in northeastern Nicaragua. The study disclosed that this region has the capacity for meeting most of the country's food-grain requirements, for doubling the present size of its cattle herds, and for significantly increasing fish catches. Proper exploitation of these potentials would free land in the West for expanded production of export crops. Of even greater importance, the project revealed that forestry development in the area would annually yield some 600,000 tons of unbleached pine fibers with a sales value exceeding $70 million dollars.

The UNDP—working with the United Nations Office of Technical Cooperation, ILO, UNESCO, the World Bank, WHO and other participating agencies—is also involved in a broad spectrum of non-agricultural activities which are intimately related to solving the food population problem.

Among these are projects for industrial expansion, for the improvement of public utilities and services, for equipping large numbers of men and women with many kinds of essential skills, for raising health and social welfare standards and, of course, for extending voluntary birth control measures. In this latter field, our work has largely been confined thus far to helping governments carry out demographic and other population studies. But we hope, indeed we expect, that we will shortly be called on to play a much greater part in meeting this absolutely critical challenge.

Not only in its agricultural efforts, but all across the board, the UNDP has received very generous support from the United States. The United States has provided valuable guidance for our work through its membership in our Governing Council. It has voluntarily contributed nearly $800 million to our central resources. Beyond this it has furnished direct supplementary aid to scores of projects all over the world.

WHAT NEXT IN THE WAR ON HUNGER

Mr. A. H. Boerma, Director-General of FAO, has expressed the view that the idea of a race between food production and population growth is an oversimplification. He feels that an effective response to the food-population crisis in the developing countries requires an overall attack on the basic problems of poverty. I think as I have tried to show, that this goes to the heart of the matter.

Clearly, much must be done in the agricultural field alone. Here there are certain key areas which deserve a high priority. To list but a few, intensive work must be done on the development of cereal and vegetable strains with a high protein content. Systematic efforts must be made to harvest rather than simply "hunt" the seas. More research must be carried out on inexpensive and safe pesticides and on improved, more readily available fertilizers. There must be greater efforts to introduce and win acceptance of modern farming techniques so that the full potentials of the "green revolution" can be realized. Perhaps above all, there must be increased emphasis on integrated rural development.

Still we should think in broader terms than these. For the wise physician treats more than the ailment, he treats the whole person. If we are to cure the critical ailment of food-population imbalance which afflicts two-thirds of mankind and threatens all the rest, we must take a similar approach.

We must work for the total development of all the vast productive potentials which the low-income countries possess. And we must seek to integrate that development with simultaneous progress toward a unified global economy.

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AUSTRALIA BUYS F-111

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. FISHER. Mr. Speaker, Prime Minister Gorton has informed the Australian Legislature and the people of Australia of his decision to acquire the F-111 aircraft, according to news reports.

Among other things, the Prime Minister stated:

> For this purpose it is the best aircraft in the world, and our military advisers after evaluating other possible aircraft types tell us that there is not in being or in prospect any aircraft that would approach the already demonstrated performance of the F-111 as a Strike aircraft of the kind the RAAF requires.

This expression is shared by many of us who have felt all along that the F-111 is the finest aircraft of its type in the world, and the only aircraft that can do many of the essential jobs of a true strike aircraft.

Under leave to extend my remarks, I include the news report from Canberra, which follows:

> The Prime Minister made the following statement to the House this evening.
>
> This House will know that the government recently sent a high-level mission to the United States to discuss matters concerning F-111 aircraft.
>
> That mission has now submitted its report to the government and the government has considered it.
>
> However, before detailing the matters discussed and the conclusions reached, there is one matter which I believe should be made clear.
>
> Because of the great publicity which has been given to any accident in which any F-111 aircraft has been involved there has grown up a feeling that the aircraft itself is unsafe.
>
> The record shows that this belief is simply not true.
>
> The United States Air Force fleet of F-111 aircraft have now been flying for a total of more than 40,000 hours, including more than 25,000 hours in the operational command, and now has an accident record better, for example, than the super Sabre or the Phantom and better than any other F century series of aircraft.
>
> On the record, the aircraft is not unsafe and this should be known.
>
> The matters discussed by the mission related to the aircraft's range, its weapons load, the assurance of a continuing supply of spare parts during its service life, and the fatigue performance of the wing carry through box.
>
> Our military advisers are completely satisfied that the range and weapons load of the aircraft will meet the requirements of the Air Force, as set down when the decision to order the aircraft was made.
>
> It will do the job which the Air Force wanted an aircraft to do.
>
> They are also completely satisfied that there will continue to be a full availability of spares, readily available, during the full period of service of the aircraft with the R.A.A.F.
>
> Furthermore, our advice is that the F-111, both in practice and during operations, has demonstrated a capacity to deliver a bomb load in any weather condition with unprecedented accuracy, whether the target can be seen or not.
>
> For this purpose it is the best aircraft in the world, and our military advisers after evaluating other possible aircraft types tell us that there is not in being or in prospect any aircraft that would approach the already demonstrated performance of the F-111 as a strike aircraft of the kind the RAAF requires.
>
> The Government believes that the RAAF must have an ultra modern bomber strike aircraft to replace the Canberras which are now the RAAF's only strike force.
>
> The Government knows that the Canberras are approaching the limit of their service life.
>
> And the considerations which I have set out above all point to the F-111 as the best aircraft to be this replacement, without exception.
>
> But there remains the problem of the fatigue performance of the wing carry through box.
>
> This has been a matter of concern to us because it indicates that we would not get the length of service from the aircraft which we require, or anything approaching it.
>
> And our concern has been shared by USAF, although the United States already has over 120 F-111 aircraft operating with the present wing box.
>
> As a result of this concern two matters are in progress.
>
> Firstly the wing box which gave an insufficiently long life under test has been modified as a result of information gained and is to begin a new series at fatigue tests next month.
>
> Secondly more far-reaching activity has been undertaken to overcome the fatigue problems identified as limiting the service life of the aircraft.
>
> Action taken has been comprehensive and has included the participation of groups of technical experts from universities, industry and government all participating in detailed reviews of the test results and proposed actions to resolve those technical problems.
>
> These groups have been assisted by Australian structural experts.
>
> As a result of these investigations, a new design of the wing carry through box is under way and it is intended that this new design will be fitted to F-111 aircraft by 1972.
>
> But, of course, the new design box—which our mission has advised us it confidently expects to be successful—has not yet been in practice.
>
> The question posed now is whether we should accept our F-111s with the modified wing box which is due to begin testing next month.
>
> If we do it is expected that this box will give our F-111s a longer service life than the present wing box but not the length of service life we require.
>
> Modifications seen to be required would be made to the wing boxes already fitted to our aircraft without additional charge to the RAAF.
>
> The Government has decided that, provided the modified wing box to be tested next month lives up to expectations, we should accept the aircraft.
>
> This, however, is conditional on an agreement which has been reached that whatever is needed to finally overcome the wing box problem will be incorporated in our aircraft at the appropriate time and at no increase to the ceiling price under the formula applicable to the purchase of our aircraft.
>
> That is to say that unless the modified wing box we now propose to accept meets the endurance requirements for which it is designed, the USAF will replace it with the new design box to be available in 1972—again with no increase to the ceiling price under the formula applicable to the purchase of our aircraft.
>
> A further safeguard is the agreement that should one or more of the wing boxes we now propose to accept become unserviceable due to a design deficiency before the new design box is ready for fitting, then the United States will replace those boxes at no cost to us—and as often as may be necessary until the new wing box is available for fitting.
>
> As a result of these agreements we have therefore decided to accept delivery of our F-111's as soon as the fatigue tests beginning next month have proved successful.
>
> We believe that in so doing we will be greatly strengthening the defence capacity of Australia—and that the remaining problems of the aircraft which is not one of safety but of service life—will have been overcome by the arrangements to fit new boxes—or replacement boxes until the new boxes are ready.
>
> I believe I should, in this statement, remind members that the arrangement made with the USAF for those aircraft was that the ceiling cost was to be dollars 5.95 million plus escalation of labour costs and materials after 1965, modification requested by the RAAF, and improvement, modification proposed by the USAF and accepted by the RAAF.
>
> The combined effect of this item will approximate dollars 1.5 million per aircraft.
>
> I would also add that the USAF has decided to go to a RF-111A version for the reconnaissance aircraft and that this decision now makes it possible for the RAAF to proceed to a reconnaissance version of the F-111C as originally contemplated, which will be common with the reconnaissance aircraft in the USAF inventory.
>
> Before the government makes a decision on this matter the government would require far more information as to cost.
>
> Sir, I hope the House and the country will agree that our Air Force needs a strike bomber most effective in operations.
>
> I hope they will accept the advice of our military experts that the F-111 is far and away the best such bomber available.
>
> And I believe they will agree our acceptance of the bomber, subject to the conditions I have set out, will be a powerful addition to our capacity to defend ourselves in need.

INCREASE SOCIAL SECURITY BENEFITS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. VANIK. Mr. Speaker, I am delighted to note that, pursuant to the request of 132 Members of the House of Representatives Democratic caucus, the chairman of the Democratic caucus has today called for a special caucus on October 7, 1969, at 10:30 a.m.

The purpose of this special meeting is to consider a resolution relating to enactment of meaningful across-the-board increases in the social security benefits of not less than 15 percent.

The complete resolution which will be considered is as follows:

> Whereas, the inflationary impact which continues without restraint is a critical burden on the elderly on retirement; and
>
> Whereas, the cost of living has skyrocketed since the last Social Security benefit increase and further increases in the cost of living this year will continue to widen the gap between Social Security benefits and the cost of living; and
>
> Whereas, the ten percent increase in

Social Security benefits proposed by the Administration effective April 1, 1970 is too little and too late; and

Whereas, the increase in Social Security benefits should not be deferred until the Administration prepares its broad-scale welfare program;

Now, therefore, be it resolved by the Democratic Caucus of the House of Representatives of the 91st Congress

That it is the sense of this Caucus that meaningful across-the-board increases in Social Security benefits of not less than 15 percent should be enacted this year;

That the Ways and Means Committee expedite a meaningful increase in Social Security benefits, if the Committee, as a result of its study, reaches the same conclusion;

That this decision should not be delayed by other legislative consideration.

I am also delighted to note the statements in support of this position for immediate 15-percent across-the-board increases in social security benefits by the Honorable JOHN W. McCORMACK, Speaker of the House, the Honorable CARL ALBERT, majority leader, and the Honorable GERALD FORD, minority leader.

It is my hope, Mr. Speaker, that this legislation will be enacted before the end of the year. Our responsibility to the senior citizens of America requires immediate action.

TRADE WITH THE ENEMY CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RARICK. Mr. Speaker, the decent, hard-working American citizens remain flabbergasted as to why their country continues to trade with Red countries, consequently strengthening their enemy.

Some have even questioned, if our national policy is to trade with these Bolsheviks, why no arrangements have been made for the release of our military prisoners of war held captive by the Red puppets—North Vietnam, North Korea, and Red China.

I include the Herald of Freedom for September 5, 1969, several news clippings, and the Washington Intelligence Report for June 1969:

[From the Herald of Freedom, Sept. 5, 1969]

TRADING WITH THE ENEMY

Over the years, since Soviet Russia ceased being "our noble ally" at the close of World War II, the Communists have been the enemy of the United States and all the free nations of the world. This has been the period of the Cold War in which the United States has been "fighting" Communism with policies of "containment," giving way to "bridge-building," in what has been termed by President Nixon as an "era of confrontation." He has stated he wishes to end this era and begin an "era of negotiation."

The U.S. President is not moving fast enough, however, to please the Soviets and an article in "Za Rubezhom" (Abroad), a Soviet foreign affairs weekly, recently complained that the Nixon Administration is doing little to reduce world tensions. Commenting upon Mr. Nixon's call for an "era of negotiation," the article stated:

"One cannot say that the Republican Administration has publicly refused to fulfill this pledge. But at the same time one cannot help but notice one absolutely clear trend in both the domestic and foreign policies of Washington—a trend toward speeding up the arms race, accompanied by talk about the necessity to preserve and even increase a position of strength in relations with the Soviet Union. Washington has done little in practice to reduce the tension in the world . . .

"If the current leadership of the United States really wants to open a new era in the history of international relations, it must substitute talk about its love for peace with concrete deeds that could strengthen peace and cooperation."

The Soviet Union is well known for its desire for "peaceful coexistence" but, as is not so well known, that happy state can only come when the International Communist Conspiracy has succeeded in its plans for control of the whole world. The Soviet leaders do not wish to co-exist with the free world except on their own terms and the American leaders do not wish to "fight Communism." Ezra Taft Benson, Secretary of Agriculture in the Eisenhower Administration, asks in his book, "An Enemy Hath Done This," a question that should trouble all Americans:

"If we really mean to oppose communist aggression, why did we pick distant Vietnam instead of Cuba? We had the Monroe Doctrine before there ever was a U.N. or a SEATO. If our government leaders are really opposed to communism, why don't they start cleaning them out at home?"

A Communist regime exists and thrives ninety miles from our shores. It began in the Republican Eisenhower Administration with the aid of certain persons in the State Department, the C.I.A. and the NEW YORK TIMES. Cuban patriots were defeated, captured and killed in an invasion attempt at the Bay of Pigs in a planned "failure" arranged by the Kennedy Administration. The Kennedy Administration also guaranteed the safety of the Cuban Communist government from U.S. based Cuban anti-Castro forces in secret agreements at the time of the "Cuban Confrontation." This was presented to the gullible American public as a great "victory" for John F. Kennedy in an "eyeball-to-eyeball" confrontation with Khrushchev over the Soviet missile build-up in Cuba. Some covered cigar-shaped objects were removed from Cuba and these were supposedly the missiles being shipped back to Russia, giving Kennedy his "victory" to bolster Democratic candidates on election eve.

The Johnson Administration continued the Kennedy policy of not allowing Communist Cuba to be bothered by its exiled patriots and the Nixon Administration is following suit. Paul Scott in his syndicated column has stated:

"The Johnson policy of barring anti-Castro refugees from using the U.S. as a base from which to operate against Cuba is being strictly enforced by the Nixon Administration.

"Immigration, Custom, and Coast Guard authorities have orders from the White House to seize and arrest any persons violating this policy which has crippled efforts of Cuban refugees to overthrow Castro.

"So tight is this American protection ring around Cuba that anti-Castro refugee leaders are now being stopped from leaving the U.S. to visit other Latin American nations.

"To travel outside the country all anti-Castro refugee leaders must now convince both the State Department and Immigration officials that their trips have nothing to do with meeting other anti-Castro groups.

"Several Cuban refugees recently were arrested by the FBI for planning attacks against Cuban ships scheduled to dock in Canada. Hundreds of FBI, Immigration and Custom officials are specially assigned to infiltrate these anti-Castro groups to learn in advance of their plans so they can be thwarted. . . .

"All moves within the Nixon Administration to tighten up the quarantine of Cuba (A Nixon campaign promise—Ed.) have been blocked by Henry Kissinger. . . .

"In private conversations with foreign diplomats in Havana, Castro recently boasted that Nixon's campaign statements would never be carried out.

"'President Nixon made a big mistake in publicly ruling out any military action against us,' Castro told an Ambassador from a European country. 'We really didn't know what he would do until he made that statement. Now we can continue to train guerrilla fighters for eventual use in the U.S. We know Nixon will not take any meaningful action against us.'"

Kissinger has not only blocked moves to tighten the economic quarantine of Cuba, he has ordered from the Rand Corporation a report on "the feasibility of restoring political, economic and cultural relations with Cuba." This is not because he wants to be friendly with all Latin American countries because he has also requested from the same think-tank a study "determining the circumstances under which the government of Brazil might be overthrown if it decides to expropriate American property." Castro has already taken care of all the expropriation and Kissinger does not seem upset. The difference could be that the Castro government is Communist and the Brazil government is anti-Communist.

Kissinger is most anxious to take care of the Cuban situation personally and has barred all other agencies of the government from asking for Cuban policy studies without his advance approval. The report he requested is to be paid for with Defense Department funds but Secretary of Defense Laird was not consulted about it. Kissinger encouraged persons working on Governor Nelson Rockefeller's Latin American report to recommend that U.S. resume normal trade relations with Cuba and also reportedly played a "major role" in getting the National Council of Churches to call for the reestablishment of diplomatic relations with Cuba and the dropping of the quarantine. He has also tried unsuccessfully to do away with travel restrictions from the United States to Cuba.

To help these pro-Castro moves, stories are being circulated that Castro is "souring" on Russia. This is the same old "hogwash" we were fed when Castro was accomplishing his takeover of Cuba in the first place. We were told that Castro had to turn to the Communists for help when we refused to support him, thus "creating a vacuum." Castro gave the lie to this story when he publicly admitted he had been a Communist all along and always would be. The old story that a country is "trying to break away from the domination of Moscow" is always used when the U.S. planners are trying to sell the public (of which they are still afraid) on the idea of giving foreign aid, increasing trade or resuming diplomatic and "cultural" relations with a Communist country. How far Castro is from "souring" on Moscow was revealed by a recent Cuban defector, Orlando Castro Hidalgo, a former high ranking Cuban intelligence officer.

He has warned that Castro is helping Moscow tighten its hold on Cuba under the terms of a secret agreement made in 1968. The Russian Communists have been granted naval and air base rights in Cuba in exchange for increased Soviet military and economic aid. The Soviets have been sending "technicians" to prepare and maintain these bases at which Russian ships, submarines and planes are to be stationed. Cuba is to be used as part of a network of military bases now being established around the world, in the Mediterranean, the Persian Gulf and Suez Canal and

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around Africa. According to the defecting intelligence officer, "This outward movement of Soviet military power will see an increase in both the militancy of national-liberation wars and movements and in direct strategic Soviet support for them in Latin America, Africa and Asia."

Castro Hidalgo produced documents showing that Castro's intelligence service and secret police have been taken over by the Russians. This service is known as the General Directorate of Intelligence (GDI) and has received large amounts of money from Russia to extend its operations in Canada, Mexico and at the United Nations. He furnished details of how Cuban agents trained in Havana and Moscow have been infiltrated into the United States to make contact with militant student and Negro organizations.

Only recently a U.N. "diplomat" from Cuba was revealed to have attempted to bribe certain Cubans in Florida to infiltrate the Key Biscayne household of President Nixon, gain the confidence of other servants and the family and eventually request a transfer to Washington.

Another Communist country in which Henry Kissinger is interested is Romania, as he is credited with having arranged for President Nixon's unprecedented visit to that country. Arthur Schlesinger went to Romania to prepare for Nixon's visit and also to Russia for Astronaut Borman's visit there during which he was instructed to place a ceremonial wreath on the gave of Lenin, founder of Communism in Russia. The President's Romania visit was timed to coincide with Captive Nations Week by Kissinger, a deliberate negation of the rays of hope this small remembrance of their enslavement brings to the people suffering under Communist tyranny.

President Nixon's visit to Romania was so enjoyable that he has called for better and closer relations with that Communist nation. He posed with his arm around the Communist president and danced the "Romanian version" of the Hora, a Jewish folk-dance. He stated, upon his return to the United States, that Liberation is not possible, but Communication is, not a very comforting thought for the enslaved masses. In a joint United States-Romanian statement issued by President Nixon and President Nicolae Ceausescu, they declared:

"The two heads of state devoted particular attention also to the economic relations between their countries. While noting the upward trend which these relations have displayed in recent years they also agreed on the need in the interests of both countries to develop and diversify the economic ties between the United States and Romania. In this connection it was agreed to look for new ways of realizing the potentialities which this important field offers."

Subsequently introduced was a bill to be known as the Rumanian Trade Act of 1969 giving the President the authority to extend most-favored-nation treatment to Rumania "when it is determined to be in the national interest." Sen. Mondale stated: "The Rumanian Trade Act of 1969 responds to the spirit of the President's visit to Rumania. I hope that we can use this most opportune moment to put our economic relationship with another Eastern European (i.e. Communist-Ed.) nation on a normal basis . . . MFN treatment for Rumania, if coupled with the liberalization of the Export Control Act recommended by the Banking and Currency Committee, and reform of the Export-Import Act to permit extension of credit and guarantees to assist such trade, would go far to expand and normalize trade relations with Rumania and further prospects for understanding and peace. It would underscore the President's apt appeal to the 'spirit of Apollo.' "

Paul Scott had previously reported in his column:

"Highly significant moves are underway to make Romania a member of the $15 billion International Monetary Fund and the $21 billion International Bank for Reconstruction & Development (World Bank).

"Such membership would open the door for the communist regime of President Ceausescu to obtain his long-term foreign credits he urgently needs to bolster his country's sagging economy.

"Britain, pantingly eager to expand its Iron Curtain trade, is spearheading the backstage drive to bring Romania into the IMF and World Bank.

"Prime Minister Wilson initiated the hush-hush overtures of Romania with the knowledge and encouraging approval of key-placed members of the Nixon Administration.

"Foremost among them are Henry Kissinger . . . and Secretary of State William Rogers.

"The heads of both powerful international financial organizations are credited as favoring Romania's membership. Robert McNamara, President of the World Bank, has favored both Romania and Russia's admission for some time."

Anthony C. Sutton, a research Fellow at the Hoover Institution on War, Revolution and Peace at Stanford University in California has prepared a study on the impact of Western technology on the Communist bloc for the past ten years. He concluded that "the single most important factor in Soviet economic and military developments has been the infusion of Western, primarily American origin, technology." The Export-Import Bank financed a deal for the Fiat automobile plant in the Soviet Union but the Fiat company relies mainly on U.S. suppliers. Even while the Soviet Army was invading Czechoslovakia, U.S. machine tool manufacturers were (and still are) shipping equipment to the USSR.

Sutton warned that if history is any guide, the Fiat plant will be used to produce military vehicles, adding that the distinction between civilian and military goods is fallacious. In attempting to get data for his study he was refused information (usually made public) by the Export-Import Bank concerning the Fiat deal. The Hon. Glenard P. Lipscomb discussed the role of the American Government in the Fiat-Soviet deal and the secrecy involved at that time (Congressional Record, October 17, 1966):

It had long been rumored that the agreement by the Fiat Automobile Co. of Italy to construct a large automobile factory in the Soviet Union, which became publicly known early in May of this year, really hinged on a secret agreement by officials of the U.S. Government that we would authorize shipment of machine tools from the United States for use in this plant. This has now been confirmed. . . .

"(FORBES) magazine reported that 'this arrangement has the approval of both the State Department and the Department of Commerce.' It further says that Fiat's former chairman and managing director, Vittorio Valletta, cleared this in advance in conference with Secretary of State Rusk and Secretary of Commerce Connor here in Washington early this year.

"Forbes further says that some U.S. machine tool makers already have agreed to supply Fiat with machinery for the U.S.S.R.

"The Forbes magazine article has another interesting comment. The article states:

" 'State and Commerce Department Officials have kept the U.S. role in the Fiat deal as hush-hush as possible. They were shocked when they heard Forbes had learned of Valetta's conversation with Rusk and Connor. They are frankly scared that, as the real story of the deal emerges, a clamor will arise to prevent U.S. firms from participating. . . .' "

This same secrecy applies when one attempts to get information from the U.S. Government concerning firms doing business with Communist countries. One might receive a letter similar to that written by the Director of the Office of Export Control of the Department of Commerce:

"We have given our careful consideration to the request . . . for a list of all commodities licensed for export to Communist contries in the past five years the identity of each exporter and each shipper, and the value of each commodity, which you enclosed in your letter to Secretary Stans. . . . For the reasons set forth below, we cannot comply with . . . (the) request for release of this specific information.

"Since export license applications are accepted from exporters with the understanding that the information therein is to be deemed confidential . . . (the) request was considered in the light of Section 6(c) of the Export Control Act of 1949. This section provides, in effect, that information obtained under this Act that is deemed confidential shall not be published or disclosed unless the Secretary of Commerce determines that withholding of this information would be contrary to the national interest.

"The purpose of Section 6(c) of the Export Control Act is to afford the business community protection for the detailed commercial information that must be disclosed in applying for an export license. We have exercised extreme care in guarding confidential information requested and received from American businessmen. . .

"The subject of the confidentiality of the type of information requested was raised in 1961, and the present policy was set forth at that time by then Secretary Hodges. This policy of confidentiality has been affirmed by every Secretary of Commerce since; most recently by Secretary Stans in connection with a request for similar information by a private citizen conducting research for a book on the Soviet economy. The Department's policy of treating as confidential the names of persons or firms receiving export licenses is, we believe both in the public interest and in accord with the intent of Congress as expressed in Section 6(c) of the Export Control Act and in Subsection e(3) of the Freedom of Information Act. . . ."

The U.S. Government is protecting the firms doing business with Communist countries from possible reprisals by Americans opposed to trading with the enemy. At present we are fighting a war in Vietnam and our boys are dying because of arms and materiel supplied to North Vietnam by Communist countries with whom we are still trading. Not only that, but at the recent World Communist Conference, an appeal was issued to all workers to boycott supplies bound for U.S. troops in South Vietnam. The 75-nation conference called for the boycott in a document giving full support to North Vietnamese and Viet Cong proposals toward ending the Vietnam war. The document congratulated the Vietnamese Communists on their "historic successes scored in the struggle against United States imperialism." At this conference Leonid Brezhnev, general secretary of the Communist Party of the Soviet Union, stated: "We have ahead of us trying battles with a strong, experienced and cunning class enemy . . . having united our ranks and coordinated our actions, we shall win these battles." The "cunning class enemy" is, of course, "U.S. imperialism" and there was no talk of "peaceful coexistence" or "spurring better relations." Such talk is saved for the gullible (?) American leaders and their advisers who are really not that gullible.

[From the Berkeley (Calif.) Times, Aug. 16, 1969]

Secret Studies Ordered on Startling Questions

(By Flora Lewis)

WASHINGTON.—Henry Kissinger, the White House national security adviser, has ordered

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some secret studies from the Rand Corporation on some startling questions.

They do not represent any policy decisions. But they are highly unusual and raise strange implications about some of Kissinger's ideas and his method of operating with the rest of the government.

According to reliable sources, these are the questions Rand has been asked to study for the National Security Council:

1. Circumstances in which American nuclear weapons might be used in the Middle East.

2. Circumstances in which the government of Brazil might be overthrown if it decides to expropriate American assets.

3. Feasibility of restoring political, economic and cultural relations with Castro's Cuba.

4. Prospects for nuclear proliferation around the world, in addition to the five existing nuclear powers.

There was a fifth question put to Rand under the same contract. It was for a study on the danger and extent of insurgency in Thailand. That was a rush job with a September 1 deadline for delivery to the National Security Council. The others were ordered for completion as quickly as possible.

The contract with Rand, a private study organization, by-passed all the government intelligence and planning agencies; it was made through a Defense Department agency but on behalf of the National Security Council. It guaranteed Rand $210,000 plus $12,500 for travel expenses, but another $500,000 was set aside to be made available if Rand needed and could find suitable extra staff for the job.

The Pentagon was not told what questions would be posed when it negotiated the contract. By a series of stumbles, Defense Secretary Melvin Laird happened to find out about the Thai study. He was angry and complained that Kissinger was using Defense funds to end-run the Pentagon. But when he complained, he wasn't told about the other studies. He has just found out about those and was doubly sore.

The questions do not mean that Kissinger is recommending the actions implied. In a sense, the Middle East and Brazil studies are about the "unthinkable." But the government does not buy such studies idly, for the exercise.

It isn't unusual, as former high defense officials point out, to contract for private studies on international security questions. But these officials say such studies are for one of two reasons: Either a new question has arisen which government agencies aren't in a position to answer as needed, or someone in a high position wants a new answer to an old question and can't get it inside the government.

The second reason was almost certainly the motive for the Thai study, which is expected to show the insurgency danger much less than the Pentagon estimates and therefore to undercut any U.S. Army pressure to move troops withdrawn from Vietnam into Thailand. President Nixon in effect anticipated this conclusion with his policy comments during his Far Eastern tour.

The same reason is probably behind the Cuba question. Government agencies, especially the CIA, tend to be hard-line about Cuba. They consider it so mired in Maoism that complete quarantine is the only way to prevent a spread of Cuba-backed rebellions.

The question on Brazil is ominous. There is intelligence that the Brazilian military government is considering expropriation of all American assets. It is in serious political and financial trouble, and the example of Peru's expropriation of the International Petroleum Company, a subsidiary of Standard Oil of New Jersey, is tempting. That brought the Peruvian military government wide national support.

The Middle East question is the most ominous of all, "simply insane," a former defense official in the Johnson administration called it. The context is not at all clear. Presumably, it contemplates a "demonstration" nuclear blast on some Egyptian target if Israel were in danger of annihilation, since there is no suggestion of using nuclear weapons against Soviet forces in the area. Israeli officials deny any knowledge of the question and shrug it off as totally unnecessary and irrelevant to their defense situation.

There is concern over the fact that the Egyptian army has jammed most of its equipment as well as its strength into forward positions between Cairo and the Suez Canal. But there is nothing visible in current U.S. military assessments of the Middle East situation to justify the most hypothetical question of using American atomic weapons there.

The extraordinary points in all this are the questions and the fact that Kissinger ordered the studies with Pentagon money but without telling Laird. The White House Kissinger shop, as it's called, is operating in a very different way from previous security advisers. And contrary to public impression, it is not at all unusual for the government to put hair-raising questions to private companies for mere mental calisthenics. There has to be some policy purpose for spending the money.

Kissinger isn't telling what it is.

[From the Evening Star, Sept. 22, 1969]

Tricia Attends Opening

Tricia Nixon flies to Philadelphia this afternoon to attend the opening of a Brancusi exhibition and dinner at the Philadelphia Museum of Art.

Escorted by John McIlvain, Miss Nixon will receive guests beside the Ambassador of Romania and Mrs. Cornelius Bogdan, who will also be honor guests at the Romanian sculptor's show.

Attending the black tie dinner and the exhibit will be museum president and Mrs. Evan Turner, George M. Cheston, museum director and Mrs. Cheston, and Mrs. John Russell, chairman of the women's committee.

Mrs. Emile Geyelin, president of the Alliance Francais in Philadelphia, will represent French cultural interests at the affair. Brancusi became a French citizen.

Miss Nixon will fly privately to Philadelphia, alone, according to the White House this morning.

[From the Washington Intelligence Report, June 1969]

Communists United Against America

(By Herbert A. Philbrick)

"Unity of the Communist and anti-imperialist forces on a new and higher level is the chief achievement of the recently concluded 75-party conference (in Moscow, U.S.S.R.). That is the opinion of Henry Winston, General Secretary, Communist Party U.S.A., who headed the U.S. delegation to the meeting."

So boasted the Red "Daily World," official communist party newspaper in the United States, reporting the meeting of the Communist International held at the world headquarters in Moscow, June 5–8, 1969.

One of the most significant of all the proposals to come out of the communist meeting in Moscow was the Red call for a "broad world anti-imperialist conference" to be held at an undetermined date in the future, in addition to the designation of Sunday, July 20 as an "international day of struggle to end the war in Vietnam."

It is clear that the Communist bosses in Moscow are hoping, through the "world anti-imperialist conference," to mobilize noncommunist as well as communist forces in a massive frontal attack against the United States. In communist lingo, "imperialist forces" are those countries, including the United States, who are not yet controlled by a Red dictatorship, or who have a free, nonsocialist economy.

Gus Hall, convicted criminal and head of the communist apparatus in America expressed great optimism as to the results of the smash-America project, declaring that "the greater cohesion of Communist Parties will act as a powerful force of attraction for non-Communist anti-imperalists everywhere."

Hall arrived in Moscow accompanied by U.S. Communist comrades Henry Winston, Helen Winter, Louis Weinstone, and James Jackson. The U.S. communist delegation was met by a top Soviet militarist, Comrade D. F. Ustinov of the Soviet Central Committee. It was Ustinov who, in January of 1966, journeyed to communist Hanoi with a Soviet delegation led by A. N. Shelepin. As the Central Committee Secretary for Defense and Armaments, Ustinov negotiated the supplying of arms and ammunition to the North Vietnamese Communists to be used in its aggression in South Vietnam.

The Red writer, Mike Davidow, who serves as the Daily World "foreign correspondent" in Moscow, reported that the "delegates" from 75 Communist and Workers organizations "representing millions of communists" had "unanimously called for all-out support of the heroic people of Vietnam, calling for united struggle against imperalism, and particularly against U.S. imperialism."

Davidow wrote that "when Luis Corvalan, Communist Party of Chile declared the appeal was unanimously adopted, the delegates broke into prolonged applause.

The unanimously adopted resolution also called for the boycott of transportation of troops, weapons and supplies to the free Vietnamese (but no boycott against troops, weapons and supplies for the communist aggressors) and invited "progressives" the world over to join with the Communists to "stop U.S. aggression."

Communist Rumania, which likes to boast an "independent communist line" was one of the official 75 communist and workers parties at the Moscow convention. Upon the return of Comrade Nicolae Ceausescu, Secretary General of the Rumanian Communist Party Central Committee, a plenum of the Central Committee issued an official statement which declared that "the plenum fully approves the activity carried out at the conference by our party's delegation . . . activity which has received the unanimous approval and complete support of the party organizations, of all the communists, and of the working people of the entire country." The "plenum" especially praised the Rumanian delegation for its "contribution . . . to the development of the relations of solidarity with the communist and workers parties in the spirit of trust and mutual respect, on the basis of the principles of Marxism-Leninism and proletarian internationalism." *

While expressing "reservations" with the documents approved at the international communist conference, the Rumanian Central Committee plenum rubber stamped the Moscow declarations, and pledged its "determination to work firmly in order to contribute to the achievement of the basic objectives of the anti-imperialist struggle."

Upon their return to the United States from the Moscow meeting, Communist bosses Hall and Winston told a gathering of the pro-Soviet faithful in New York that they had held "a number of meetings with fraternal parties, among them the Communist

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*This important element in communist theory and practice—"Proletarian Internationalism"—will be discussed at length in a forthcoming issue of the Washington Intelligence Report.

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Party of Cuba." As a result, Hall and Winston said, they will lead an official delegation of the C.P.U.S.A. to Cuba for a two-week visit in August.

All of the evidence from the meeting of 75 world communist organizations in Moscow show that they were united, indeed enthusiastically united, in their common and never-changing goal to one day destroy the United States as a free nation, and to impose a communist dictatorship over the people of America. There was not one shred of evidence to be found in anything said or done at the international meeting of communists to indicate the slightest dissent or disagreement by any communist party in any country that it was not their intention to work together toward that goal.

Yet there exists in this country, in certain circles, a dangerous unrealism which holds that communists don't exist, or that if they do exist, they pose no danger to the free nations of the world.

According to press reports, at a hearing before the Senate Foreign Relations Committee in Washington, witness Dr. Karl Menninger told of the employee who threw scraps of yellow paper on the railroad tracks. When he was asked why, he said that it was to ward off elephants. Someone said there were no elephants around there. He said, "See, it is already working."

One newspaper story said, a spectator to a full round of applause and laughter from the audience, chimed in, "And is that why we are about to deploy the Anti-Ballistic Missiles?"

" 'You said it,' Dr. Menninger grinned."

Rational people will agree that the Communists, by their own statements and actions over the past 53 years, pose a grave danger to any free society. Far more dangerous to the security of the world, however, are those individuals who think that Communists, like Dr. Menninger's mythical elephants, don't exist.

DELEGATES TO MOSCOW

Most of the "liberal" newspapers and columnists in the United States, if they mentioned the meeting of the communist international at all, went out of their way to emphasize the very few communist countries who were *not* there—such as Red China, Communist Albania, etc.

Herewith, from official Communist sources, is the list of communist delegations who *were* there.

Communist Party of Australia,
Communist Party of Austria,
Socialist Vanguard Party of Algeria,
Communist Party of Argentina,
Communist Party of Belgium,
Socialist Unity Party of West Berlin,
Bulgarian Communist Party,
Communist Party of Bolivia,
Brazilian Communist Party,
Communist Party of Great Britain,
Hungarian Socialist Workers Party,
Communist Party of Venezuela,
United Party of Haitian Communists,
People's Progressive Party of Guyana,
Guadeloupe Communist Party,
Guatemala Party of Labour,
Communist Party of Germany,
Socialist Unity Party of Germany,
Communist Party of Honduras,
Communist Party of Greece,
Danish Communist Party,
Dominican Communist Party,
Community Party of Israel,
Indian Communist Party,
Communist Party of Jordan,
Communist Party of Iraq,
People's Party of Iran,
Communist Party of Northern Ireland,
Labour Party of Ireland,
Communist Party of Spain,
Italian Communist Party,
Canadian Communist Party,
Progressive Party of the Working People of Cyprus,
Communist Party of Colombia,
People's Vanguard of Costa Rica Party,
Communist Party of Cuba (as an observer),
Communist Party of Luxembourg,
Party of Liberation and Socialism (Morocco),
Martinique Communist Party,
Mexican Communist Party,
Mongolian People's Revolutionary Party,
Party of Nigerian Marxism-Leninists,
Nicaraguan Socialist Party,
Communist Party of Norway,
Communist Party of East Pakistan,
People's Party of Panama,
Paraguayan Communist Party,
Peruvian Communist Party,
Polish United Workers Party,
Portuguese Communist Party,
Rumanian Communist Party,
Communist Party of Salvador,
San Marino Communist Party,
Syrian Communist Party,
Communist Party of the Soviet Union,
Communist Party of the United States,
Communist Party of the Sudan,
Tunisian Communist Party,
Communist Party of Turkey,
Communist Party of Uruguay,
Communist Party of Finland,
French Communist Party,
Communist Party of Ceylon,
Communist Party of Czechoslovakia,
Communist Party of Chile,
Swiss Labour Party,
Left Party-Communists of Sweden (as observers),
Communist Party of Ecuador,
South African Communist Party, and two parties working underground whose names are not given to conceal their identity.

THREE MARYLAND GI'S DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Gerry D. Rice, Pfc. William H. Waidman, and L. Cpl. Leland A. Bailey, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

THREE MARYLAND GI'S DIE IN VIETNAM—MARINES KILLED IN COMBAT IN DIFFERENT AREAS

Three Maryland marines have been killed in three Vietnam combat actions, the Defense Department announced yesterday.

They were:

Pfc. Gerry D. Rice, 20, of the 3100 block of Grace road, Baltimore, who was killed September 18 in a fire fight near Khe Sanh.

Pfc. William H. Waidman, Jr., 21, Berkshire, in Prince Georges county, who died from fragmentation wounds he suffered in a battle near Cam Lou, in Quan Tri province, on September 17.

Lance Cpl. Leland A. Bailey, 18 of Middle River, who died September 20 at a military hospital in Da Nang from wounds received during a September 11 combat operation in Quang Nam province.

Private Rice, a graduate of the Sparrows Point Senior High School, arrived in Vietnam just over a month ago after spending a 10 day leave at home.

He is survived by his wife, Mrs. Betty K. Rice, and his parents, who live in the North Point area of Baltimore county.

Private Waidman was a 1967 graduate of Suitland Senior High School who enlisted in November, 1967. He had been in Vietnam for just over a month.

His mother, Mrs. Mary Waidman, said yesterday that the young marine used to write them after major battles to assure them that he was unhurt.

Besides his parents, Mr. and Mrs. William H. Waidman, he is survived by two sisters, Susan Waidman and Patty Waidman, and a brother, Robert Waidman.

Corporal Bailey, who had attended the Overlea Senior High School, enlisted in June, 1968, and was sent to Vietnam in December.

He is survived by his parents, Mr. and Mrs. Bernard A. Bailey, and three brothers, Roland Bailey, Leonard C. Bailey, and Marvin Bailey.

POLITICAL PHILOSOPHY UNDERGOING REAPPRAISAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. DERWINSKI. Mr. Speaker, a very fascinating commentary on the relative strength of various political philosophies appeared in the September 5 New World, the official publication of the Catholic Archdiocese of Chicago, in an article by Columnist Jeffrey Hart. Since the political philosophy of the American public seems to be undergoing reappraisal, Mr. Hart's commentary is quite timely:

CREATED BY MEDIA: LIBERAL MAJORITY—"JUST AN ILLUSION"

(By Jeffrey Hart)

As most readers of this paper doubtless know, the magazine, The Public Interest, was started four years ago with the intention of using the social sciences to illuminate our public problems.

Its contributors are mostly academicians, though not invariably: Irving Kristol, a publisher and a generalist, is one of the editors; and it is a very distinguished journal.

Daniel Bell, Nathan Glazer and Daniel Patrick Moynihan, for example, are closely associated with it, and put in frequent appearances in its pages.

The current issue (Summer 1969) contains an article of the first importance by Kristol and Paul Weaver, a Harvard professor, entitled "Who Knows New York?—Notes on a Mixed-up City," an article which deserves the widest possible audience, for its significance extends far beyond the city of New York.

Briefly, Kristol and Weaver have two important points to make.

First, they point out that the media convey an utterly false picture of urban reality. The result is that active politicians and leading journalists are frequently "blithely unaware of the kinds of people who live in their city, of where they live and how, of what their condition is and of what their problems are."

Kristol and Weaver give numerous examples of this. The media have made us aware, for example, of New York's Negro population, Harlem, Bedford-Stuyvesant, Ocean Hill-Brownsville—the names of these Negro neighborhoods—are familiar to a nationwide audience.

Yet in the coming election the combined Negro-Puerto Rican vote will be around 15 per cent of the electorate; there are as many

Italians in the Bronx as there are Negroes in Harlem, and they vote. But they are invisible to the mass media—to TV, to the Times, etc.

Any black militant who shows up at City Hall, with a list of demands will find the attention of the media focused upon him; his visage will glare out over the TV screen on the evening's news. The other 85 per cent of the electorate remains terra incognita.

How come? Kristol and Weaver argue that the editors and reporters and network executives entertain a number of general ideas about the "urban crisis" which distracts their attention from the empirical particulars of the city they live in. Their awareness, moreover, is largely confined to Manhattan where they live and work.

"Most of the editors of these magazines, most of the executives of these networks have visited Paris far more often than they have visited Brooklyn and can find their way around St. Germain des Pres though they would be forever lost in Bensonhurst."

The result is that the media produce a highly distorted image of the urban reality, frequently propose schemes such as "decentralization" and "community control of the schools" which turn out to be unworkable if not disastrous, and, finally, are inevitably surprised by the results of elections and other political phenomena.

Decentralization and community control of services—currently a fashionable nostrum—would, Kristol and Weaver point out, function in practice to freeze existing neighborhoods, inhibit Negro mobility, and create a kind of apartheid.

In response to the demands of militants, the opinion-making elite is in the process of lowering the standards at the city colleges, once excellent institutions, thus nullifying them as instruments of upward mobility for blacks and whites alike.

The opinion makers, comments the article sardonically, imagine that since the militants use such earthy language they have grassroots support.

As the result of such illusions, the opinion makers and the governing elite now find themselves in a startling circumstance: their favored candidate, John Lindsay, was rejected by the Republican primary, carrying only the borough of Manhattan; and it now looks very possible that he will run third behind Marchi and Proccacino.

Kristol and Weaver have a second major point to make, and it too has national significance. "Those people who consider themselves to be liberals have never been, in the nation as a whole, more than a tiny fraction of the rather odd coalition that makes up the Democratic party.

"They were, for the most part, upper income WASPs and Jews, had gone to the better universities, were professionals of one sort or another, and lived in the great metropolises of the northeast or California.

"Through their persistence, expertise, and articulateness, these liberals managed to control the presidential wing of the Democratic party, from which position they exercised an ever-expanding moral hegemony over most of the nation's public institutions.

"By the early 1960s, things had come to the point where a man of even modest aspirations in government, law, medicine, business, communications, or the academy found it difficult *not* to be a liberal."

Yet this liberal hegemony fostered a pervasive illusion: that because liberals governed, and set the moral and intellectual tone of our public life, liberalism represented a majority opinion.

In reality, the liberals governed through a kind of log-rolling strategy, giving to each of many groups something it needed or wanted: subsidies for the farmers, welfare to the indigent, civil rights to the Negro, favorable legislation to the unions, and so forth. But the votes of these various groups did not by any means, as the liberals imagined, mean concurrence in liberal doctrine.

"Just beneath the surface of public discussion, there remained big differences of opinion between liberals and the bulk of their supporters, whose non-liberal views found persistent representation in Congress, the State legislatures, and the city councils."

This has now become manifest as events have shattered the old liberal coalition. Despite the adulation of the media, a liberal candidate for President cannot count on carrying a single southern state. The liberal candidate for mayor of New York, the "nation's most liberal city," is almost certain to lose.

On issues like integration, law and order, pornography, and civilian review boards, the majority is heavily against the liberal positions.

"New York" conclude Kristol and Weaver, "has seemingly passed beyond liberalism to—well, what New York is coming to is impossible to foretell, but how it is getting there is only too clear."

To complete their thesis, to fill in the gap in that last sentence, Kristol and Weaver need only consult Kevin Phillips' new book, "The Emerging Republican Majority."

ANNIVERSARY OF DANVILLE TOBACCO ASSOCIATION

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. ABBITT. Mr. Speaker, one of the principal cash crops of American farmers is that of tobacco, and one of the principal tobacco-growing States is Virginia. From the earliest days of our Nation tobacco has held an important place in the economy. For the past century the Danville Tobacco Association has served the tobacco industry and this week the association is marking its 100th anniversary.

As part of this observance those who produce this important commodity were saluted on Growers Day at Danville, Va. Speaker for the occasion was the Honorable William E. Galbraith, Under Secretary of Agriculture. His remarks will be of interest to my colleagues and I insert them in the RECORD:

SPEECH BY DEPUTY UNDER SECRETARY WILLIAM E. GALBRAITH, U.S. DEPARTMENT OF AGRICULTURE, BEFORE THE DANVILLE TOBACCO ASSOCIATION, BALLOU PARK, DANVILLE, VIRGINIA, ON GROWERS DAY, WEDNESDAY, SEPTEMBER 24, 1969, AT 2:30 P.M.

It is a real pleasure and a privilege for me to be here today to join you in celebrating the One Hundredth Anniversary of the Danville Tobacco Association.

You have a right to be proud of this organization. The men who founded it and those who have maintained it through the years stand among the fabled Captains of Industry who laid the industrial foundations of these United States.

They merit special recognition that I am sure all Virginians accord them for establishing this great community in history as the cradle of leaf tobacco marketing and manufacturing.

The tobacco industry and the Nation as a whole have been well served by the Danville Tobacco Association for all of the 100 years since 1869.

On behalf of the Secretary of Agriculture I congratulate the Danville Tobacco Association on having achieved this centennial. I further wish to commend the City of Danville and the Centennial Committee for the fine job done in putting on this week-long celebration. You do honor not only to yourselves, to your Governor and to your history-steeped State—you do honor to our country.

At the outset let me assure you that Under Secretary J. Phil Campbell would have loved nothing better than being here with you today as he had planned.

Ever since your very able Chairman, George Myers, first contacted him, Phil has been enthusiastic about this celebration. He was enthusiastic because he has known and worked with tobacco people for many years.

When he was Commissioner of Agriculture for the State of Georgia, he had the opportunity of setting the date for the opening of the tobacco market. And today he enjoys recalling his relationship with the tobacco industry and the people in it.

So be assured that the only reason Phil Campbell isn't here is due to an act of Congress—in this case that act was an invitation from the House Committee on Agriculture. That is why instead of being here today Phil Campbell is with Secretary Hardin on Capitol Hill, presenting to the Congress and to the American people proposals out of which will come a new farm program—a program that hopefully will solve some of the problems that confront this Nation—including the cost-price squeeze that is ham-stringing our farmers.

Now, I didn't come here to dampen the high spirits of this Centennial celebration by reciting a list of problems and statistics, but I am sure you will agree that during the observation of any great milestone such as this, it's just good sense to pause for a moment and take a collective look at where we are and where we are headed. We live in the present and we deal with the future. So, I want to talk with you a moment about where we are headed in agriculture.

CONGRESSMAN DANIEL

Before I get into this, I'd like to recognize another man who is a great friend of tobacco people. He is a very good friend to me who just happens to be a Congressman, and a man from this area.

I'm talking about the Honorable W. C. Daniel, Representative from Virginia's 5th Congressional District. Dan is doing a great job in the Congress, and if you don't already know it, I don't mind telling you we need more men like him in the Congress.

We need men like Dan for many reasons, but one reason is the fact that he is a friend and a supporter of agriculture, and never before did agriculture need friends so badly. But I'll say more about that later.

I think everybody knows that tobacco is an important industry in these United States, but let's take a brief look at the impact the industry has made on our economy.

The dollar value of farm sales of tobacco in the United States last year was $1.2 billion. Cash receipts on finished tobacco products total $9.9 billion. The total taxes—local, State, and Federal—derived from tobacco amounted to $4.4 billion.

Today, tobacco is grown on about 535,000 farms in the United States, and there are some 75,000 people employed by the tobacco industry in manufacturing alone.

In Virginia—in the Old Dominion—tobacco accounts for 36 percent of cash returns from all crops.

TOBACCO PROGRAMS

I think most of us would agree that tobacco programs have worked fairly well.

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When problems came up, the industry and government—both the legislative and executive branches—cooperated to work out solutions.

The present tobacco program is a direct descendant of actions taken back in 1933—a production control program supplemented by the use of marketing agreements to raise the prices of several types of tobacco. With rare exception, programs have been in effect continuously to the present day with the support of tobacco growers, in referendum.

But there have been problems which occasionally have required a change in programs. In the early 1960's for example, increases in yields per acre under the straight acreage marketing quota program affected tobacco quality adversely and put the whole program in jeopardy.

The result was enactment in 1965 of the acreage-poundage legislation which was then approved by growers.

Acreage-poundage has been in effect beginning with the 1965 crop. It has helped to hold down production. And it has put the emphasis back on quality rather than quantity of production.

Generally, acreage-poundage has had a beneficial effect on exports, and on returns to growers. However, supplies are not yet in line with demand, due largely to the decline in domestic use of flue-cured tobacco in recent years. You may recall that during the 1964–65 marketing year, the supply of flue-cured tobacco was sufficient for three years—at the rate we were then using it and exporting it. Current estimates suggest the present supply is sufficient for about 2.7 years.

I believe it is generally agreed that a supply of about two and one-half years is desirable for flue-cured tobacco. So, while progress has been made in bringing supplies in line with demand, the job is not yet done.

BURLEY TOBACCO

Now, about burley. Successive reductions in acreage allotments in 1964, 1965, and 1966 have brought about some reduction in burley stocks. In fact, since 1965 total burley stocks have been reduced by 104 million pounds, but as of April 1, government loan holdings were up to 33 million pounds.

A special referendum among burley growers on two occasions has been short of the two-thirds majority required by law to change the program to acreage-poundage. A decision will be made before next February 1 as to whether acreage-poundage will be offered again to burley growers.

For other kinds of tobacco, supplies are in reasonable balance with demand, except possibly for dark air-cured types grown in Kentucky and Tennessee.

EXPORT MARKET

Looking at the export picture, tobacco makes an important contribution to international trade and to our balance of payments position. For many years, tobacco has ranked among the five most important agricultural export commodities in the United States, with total tobacco exports running about $600 million in value each year.

However, as you know, for several years prior to 1966, our share of world tobacco trade was declining.

From an annual average of just under 500 million pounds during the 1961–65 period, our exports of unmanufactured leaf have risen steadily to about 600 million pounds in 1968.

This was the largest volume since 1946, and the highest value ever—$524 million. When you add the value of manufactured products exports to the leaf, you get a record total value of $686 million in tobacco exports during 1968. About 95 percent of these sales were for dollars, and this made a significant contribution to the Nation's balance of payments.

World cigarette output continues to climb, and we expect it to continue to increase at about 2.5 percent a year and to exceed 3 billion output by 1975.

The acreage-poundage program for flue-cured tobacco has contributed significantly to the improved export situation for U.S. tobacco. Many of our foreign customers indicate that further improvement in quality and better sorting and preparation for market will further enhance our export opportunities.

But the record for the past three years has been very good and it will be difficult to improve on it.

EUROPEAN COMMON MARKET

As you know, one of the major problems facing tobacco at this time is continued access to the Common Market in Europe, popularly called the EC.

This is the largest single tobacco market in the world, and the largest for U.S. tobacco. In 1968 we exported about 165 million pounds to the EC, or about 28 percent of our total tobacco exports.

As a result of the Kennedy Round negotiations, the Common External Tariff on tobacco imports to the EC was reduced.

With a reduced duty structure and no impairment of these concessions, we normally would expect the U.S. to hold its own, and possibly make some gains in tobacco exports to the EC in the period ahead.

However, we are deeply concerned about the proposed Common Agricultural Policy (CAP) for tobacco in the European Community. We have become increasingly troubled by possible implications for our tobacco exports if the features in the Commission's proposed CAP for tobacco are adopted.

Some of the objectionable features of primary concern are:

(a) High price guarantees with no production control.

(b) Buyer's premium.

(c) Harmonization of excise taxes.

(d) Only minor reforms in tobacco monopolies.

(e) Duty preference for Associated Overseas Territories.

(f) Provisions for an export subsidy.

(g) Requirement for an import certificate and surety deposit system.

If adopted, these features could adversely affect our tobacco trade. As you might expect, we have vigorously opposed this proposal, and we have advised EC officials that if a tobacco regulation is adopted that impairs our existing trade concessions, we will move swiftly to restore the balance of trade advantage between us.

In addition to this situation in EC, we face increased competition from foreign producers of light cigarette leaf tobacco.

The decline in flue-cured production in Rhodesia has led to increased production in several developing countries like Mexico, Yugoslavia, Tanzania, South Korea, Pakistan and Thailand.

These tobaccos are lower in quality than U.S. flue-cured, but some of them are in strong demand on the world market because their price is about one-half the level of the U.S. export price.

And production of burley tobacco outside the U.S. has risen rapidly in recent years, a trend expected to continue, for although foreign manufacturers like the quality of U.S. burley, they complain about the sharp increase in prices.

INDUSTRY CHALLENGES

These are some of the challenges the tobacco industry faces. They are intensified there by the added factors of the smoking and health issue, and high cost of production with resulting high leaf price.

At present it requires 400 to 450 man-hours to produce an acre of tobacco. In an effort to help lower production costs, while improving tobacco quality, the U.S. Department of Agriculture has some intensive tobacco research projects underway. Much of this work is done cooperatively with the various tobacco-growing States and private industry.

The most immediate need is mechanization, an area in which some progress has been made.

Research is also being intensified on smoking and health. We're trying to determine what substances in tobacco smoke may be injurious to health, and then either to remove these substances or prevent them from forming. And care is being taken to avoid loss of any of the tobacco's desirable flavor and aroma.

In the area of marketing, studies are underway to prevent tobacco deterioration caused by fungi and bacteria during transport and storage. These studies are also concerned with improving methods for controlling insects that infest stored tobacco.

I could go on—because the tobacco story is a long and interesting one, but now, I invite you to take a look at some broader issues that face us as people interested in agriculture, and as Americans.

I said earlier that the tobacco industry and government are cooperating on research projects. I regret I cannot say that is true within the tobacco industry.

Supporters of the tobacco program has not always recognized the need to work with and for each other. And sometimes groups within the industry tend to isolate themselves from other actions within the community.

I want to take this opportunity to tell you that tobacco growers and everybody in agriculture *must* get together if we are to be an effective influence in the Congress.

REPRESENTATION IN CONGRESS

For most of our history, representatives of agricultural interests in the Congress were a decided majority. That day has passed. There are no longer enough legislators from farm districts in the U.S. Congress to enact by themselves the kind of farm programs the country needs—programs such as Secretary Hardin and Under-Secretary Campbell are presenting before the House Committee today.

Today's Congress is an urban-oriented Congress, and a simple fact of life is that city Congressmen will naturally give greater attention to city problems.

Congressmen who represent agriculture must support some of the things city people need and want if we are to continue to have farm programs we need.

City Congressmen control the future legislative and financial support of agriculture. This is a recent development, but it is one that will be with us from now on as farmers become a tiny minority in the Nation's population—10 million out of 200 million, or a scant five percent.

Now, I don't think we need to get disturbed about the plight of agriculture because we are a minority. If this realization prods us to act with greater unity, greater energy, and greater imagination, then agriculture has nothing to fear.

I can't impress too strongly the importance of this as Congress today begins consideration of new farm legislation for the years beyond 1970.

You, and I, and all of us interested in agriculture need to re-evaluate agriculture's position and strength—its political position and its status in the public mind.

We must broaden our interests to include the many areas of vital concern that today confront America, and we must let our rural Congressmen know that we will support them when they work with city Congressmen on programs of improved housing, feeding programs, urban development, narcotics control, crime control, rat control and water and air pollution.

There are some other vital concerns on which we as Americans must work more closely together and in conclusion, I'd like to just touch on a few.

VIETNAM

One is the need to bring to an honorable and just end the war in Vietnam. As President Nixon has said, nothing has commanded so much of his time and energy since January 20 as the search for a way to bring lasting peace in Vietnam.

We all want an end to this conflict. But, in the President's words, "we want to end it permanently so that the younger brothers of our soldiers in Vietnam will not have to fight in the future in another Vietnam, some place in the world.

Another vital issue is to assure the military strength needed to back up American diplomacy. This is why the decision was made to proceed with the anti-ballistic missile system.

Still another vital concern is to stem the upward spiral of inflation that has been threatening the economy and wiping out progress of farmers, workers and consumers in recent years.

The battle against inflation is a fight that involves all of us. It cannot be won without strong support from all segments of the economy—and this means strong vocal support as well as individual and group action.

The President has proposed a budget designed to produce a surplus—a surplus that is essential if we are to curb inflation. And he has asked Congress to extend the income tax surcharge. The President is committed to eventual elimination of the surtax, but if we are to win the war against inflation, we need the revenues that will be produced by extending the surtax.

Agriculture is moving into the economic and political mainstream. We cannot consider the needs of farmers apart from their markets, suppliers, and processors. Whether they be growers of tobacco or other commodities, we can no longer separate the needs of farmers from other priorities that concern America.

That is why I took this opportunity to point out to you some of the most vital concerns now before us.

As we pause here on this One Hundredth Anniversary of Perseverance and progress, let's rededicate our energies toward greater unity and understanding—between farmers and farm organizations, agriculture and agribusiness, country people and city people—in short, let's speak up and work for America.

This is the way to push off toward another 100 years and a better future for the tobacco industry, for agriculture as a whole, and for all the people of America.

"A CALL TO ACTION"—CHALLENGE TO THE INDIVIDUAL FOR AMERICA'S BICENTENNIAL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. MOORHEAD. Mr. Speaker, one of America's best known poets, Walt Whitman, once wrote that—

> An individual is as superb as a nation when he has qualities which make a superb nation.

Ours is a superb nation, and as we look toward the celebration of our 200th birthday in 1976, we can take pride in many notable achievements. However, as the Parade editorial in the Washington Post of September 21 points out: Man has conquered space through the dedicated commitment and teamwork of the best minds of this country; we can and must conquer our myriad social and economic ills—but this will be possible only if, individually, we have the minds and hearts to do it.

Parade's call for the age of the possible is reminiscent of the late Senator Robert Kennedy's comment that—

> Some men see things as they are and ask, "Why"—I dream things that never were, and ask, "Why not?"

As we look toward 1976, this is a worthy challenge for each of us.

I applaud the Parade editorial and include it at this point in the RECORD for the attention of my colleagues:

[From the Washington Post, Parade magazine, Sept 21, 1969]

A CALL TO ACTION

In less than seven years, the United States will celebrate its 200th anniversary as a nation.

On July 4, 1976, our President and assorted orators will congratulate us as a people on our many and monumental achievements.

Not the least of course, will be our landing of Americans on the moon.

Having harnessed our special strengths—money, men, materials and the organizational genius to control them—we conquered space before 1970.

Why can we not conquer some of our social problems on earth by 1976?

Parade today suggests that if we can put men on the moon, then surely we can eradicate hunger in our nation by that target-date.

Surely by then we can cleanse the air we've poisoned and the water we've polluted.

Surely—by concentrating our scientists and resources in a crash program such as the Manhattan Project in World War II that created the A-bomb in five years—we can produce a cure for cancer.

Surely we can build adequate housing for the poor and end some of our educational and economic injustices.

But first we must make one or some or all of these achievements a national goal and July 4, 1976, a national deadline.

Can we do this? A nation that has conquered the secrets of space and nature in record time can with strong leadership conquer problems of poverty, pollution, and spirit.

In part it will be a matter of money. More important, it will be a matter of attitude—of discipline and compassion.

If each of us can change his mind and heart, only a little, America will have entered the Age of the Possible. And we will proudly record on the 200th anniversary of the Republic that we reached the moon and put our glory to work at home.

TRIBUTE TO A VALIANT YOUNG SOLDIER

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. CASEY. Mr. Speaker, I want to share with you and my colleagues in Congress the tragic and eloquent eulogy to a young soldier from Texas, who gave his life for his country on the battlefield in Vietnam.

The following obituary appeared in the Houston Chronicle and impressed me deeply.

To the parents of Sp5c Marvin Ray Robinson, and to his relatives and his many friends at the Alabama-Coushatta Indian Reservation in Texas, I extend my heartfelt and deepest sympathy. I share with you the great hope so eloquently expressed in the tribute to this valiant young soldier:

MARVIN RAY ROBINSON

SP5 Marvin Ray Robinson, 23, the last surviving male heir of the chieftians of the Coushatta Indians, the only son of Mr. and Mrs. Sampson Robinson, was found dead of sniper fire on September 11, 1969, in Vietnam.

Marvin had served in the Army since October 9, 1966 taking his Basic Training at Ft. Polk, La. He served one year in Germany, then going to Vietnam in April, 1969.

Marvin Ray came from an old and honorable Indian family known for their leadership in the Coushatta Tribe, his parents having come to the Coushatt Territory in 1923. He was born at the Indian village, grew up there, attended school and graduated from Big Sandy High School. He was attending Lamar Tech College at Beaumont, Texas when entering the service of his country. He was a member of the First Texas Indian Baptist Church at the Reservation.

Marvin Ray was an only son of Mr. and Mrs. Sampson Robinson of the Indian Village. Besides his parents he is survived by one sister, Wynema Kay Robinson, paternal grandmother, Mrs. Lizzie Robinson, Elton, La., maternal grandmother, Mrs. Phoebe Celestine of the Village. Several aunts, uncles and cousins in Elton, La., Indian Village at Livingston, Texas and Houston, Texas.

The remains will arrive Sept. 22 and will lie in state at the First Texas Indian Baptist Church at Indian Village with civilian rites and full military honors at 10 a.m. Sept. 23, then with military escort and final military honors and last rites at the Veterans National Cemetery at 10410 Stubener-Airline, Houston, Texas, at 1 p.m., Sept. 23.

He is missed by and grieved for by the many Indian people who knew and loved him. Yet these same people are proud to know he gave his life that this world may soon know peace and in fighting side by side, the white man may walk in unity and Christian love with the Red Man and all races of our world.

Funeral arrangements by Edwards Funeral Home, Woodville, Texas.

IRA NOEL GABRIELSON 80TH BIRTHDAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. DINGELL. Mr. Speaker, Saturday, September 27, marks the 80th birthday of a great American and a great conservationist, a man who has devoted more than a half-century to maintaining America's natural beauty and habitable environment.

I refer to Ira Noel Gabrielson, the dean of American conservationists, whom I have known and counted among my friends since the days of my youth.

Dr. Gabrielson is equally well known to all of my colleagues who have had anything to do with conservation issues. Many of us, on some occasion, have

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sought his counsel and have received quick, positive and accurate answers delivered in an authoritative manner spiced with an earthy humor.

Few men have been more a living part of the conservation movement than Ira Gabrielson. He was born in Sioux Rapids, Iowa, in 1889, and graduated from Morningside College with a degree in biology. In 1915, after 3 years as a high school teacher in biology, he joined the staff of the old Bureau of Biological Survey in the Department of Agriculture.

In his capacity as a biologist, he engaged in a wide variety of activities, from studies of economic ornithology to predator and rodent control and game management.

Within a few years he had attained national recognition as one of the leading authorities in Federal service on the birds, mammals, and plants of the West. By 1931, he had been promoted to regional supervisor of predator and rodent control in charge of all Federal game management activities in the Northwest. In 1935, Jan N. "Ding" Darling, the Chief of the Bureau of Biological Survey brought him to Washington as assistant chief of the Division of Wildlife Research. Dr. Gabrielson became Chief of the Bureau on Darling's retirement in November of the same year.

He became the first Director of the U.S. Fish and Wildlife Service in 1940 when the new agency was formed by combining the Biological Survey and the Bureau of Fisheries in the Department of the Interior. Much of our great system of national wildlife refuges was built under his supervision. During World War II he served as a Deputy Coordinator of Fisheries, and in this capacity was responsible for developing and sustaining the production of marine sea foods essential to the conduct of the war. He was a delegate to the International Whaling Conference in 1946.

Dr. Gabrielson resigned from Federal service in 1946 to accept the presidency of the Wildlife Management Institute. He has served continuously and energetically in that position since that time.

He has been a member or officer of many governmental committees and citizens' conservation groups. He served on the advisory committee of the Outdoor Recreation Resources Review Commission. He was secretary of the Secretary of the Interior's Advisory Committee for many years, embracing at least three administrations. His work as president of the World Wildlife Fund since its founding has brought him international acclaim.

State as well as Federal administrators and legislators have sought his advice. Since 1950, he has directed staff studies of the organization and operations of the wildlife departments in 32 States and two Canadian Provinces. He is author of four authoritative books on conservation and ornithology and has coauthored three others. In 1964 he was the recipient of the Conservation Service Award of the Department of the Interior. He received the Distinguished Service Medal of the Department of the Interior in 1948, the Audubon Medal of the National Audubon Society in 1949, the Aldo Leopold Medal of the Wildlife Society in 1953, and the Distinguished Service Award of the American Forestry Association in 1962. He has received honorary degrees of doctor of science from three colleges.

Mr. Speaker, at 80 years of age Ira Gabrielson continues to be a proud and resourceful servant of mankind. His selfless devotion to the preservation and enhancement of our natural heritage is deserving of our full praise.

LEGISLATION TO PERMIT VOLUNTARY PRAYER IN PUBLIC SCHOOLS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. ROUDEBUSH. Mr. Speaker, Bible reading and prayer in public schools have been banned by the Supreme Court.

This same Court which sees great danger to the Republic if schoolchildren recite a morning prayer, has turned loose a veritable flood of pornography on the American public through a series of incredible judicial decisions which have reversed numerous pornographic convictions by State courts.

It is not difficult to see why the Supreme Court has drawn heavy criticism when it renders decisions which permit unscrupulous publishers to poison our youth with pornography of every description, yet deem it unconstitutional for a morning prayer to be spoken in a public school classroom.

I have introduced legislation—House Joint Resolution 79—which would amend the Constitution to permit voluntary prayer in public schools.

Until such legislation is passed, however, children are denied the recitation of voluntary, nonsectarian prayer at the start of their school day.

One means of continuing this desirable practice has been originated in a New Jersey school district where the children use the daily prayer of the House and Senate Chaplains of the U.S. Congress as their daily prayer.

Even the Supreme Court has not had the temerity to question Congress right to open its sessions with a prayer, and the school administration at Netcong, N.J., believes that if Congress can start its work with a prayer, so can public schools, the Supreme Court notwithstanding.

I quite agree with the position of the New Jersey school jurisdiction and to aid these folks and others who have the same problem, I plan to insert into the CONGRESSIONAL RECORD a number of children's prayers suitable for recitation at the start of the school day.

These prayers can then be read from the daily CONGRESSIONAL RECORD as part of the official business of Congress without interference from the Supreme Court:

THIS WEEK'S PRAYERS

I

He prayeth best, who loveth best
All things both great and small;
For the dear God who loveth us,
He made and loveth all.
—*Samuel Taylor Coleridge.*

II

Be my guide, O Lord, I pray,
Lest I stumble on my way.
Be my strength, dear Lord, I ask,
That I may fulfill each task.
Be my light, that I may see
What Thou dost require of me.
Keep me, Lord, both day and night,
Pure and sinless in Thy sight.
—*Elfreyda Wightman.*

III

O Lord, open my eyes, to see
What is beautiful;
My mind, to know what is true,
My heart, to love what is good.

IV

Lord, our hearts to Thee we raise
In songs of thankfulness and praise.
Bless us, Lord, and grant that we
Good and true and brave may be.

V

Teach me, my God and King,
In all things Thee to see,
That what I do in anything,
To do it as for Thee.
—*George Herbert.*

GOD HELP US

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. HAGAN. Mr. Speaker, with all the dissatisfaction and dissent among many of our young people in the world today, resulting in terrifying clashes in our schools and elsewhere, I am truly pleased and gratified that a 15-year-old youngster from Savannah, Ga., presently residing in the Washington area, is more concerned with positive literary creation than with creating or participating in student unrest.

This young man is Peter Anestos, the son of my good friends and constituents, Mr. and Mrs. Harry Anestos.

There is little doubt in my mind that with further maturity and continued zest for expressing his own thoughts in prose, he will advance to the ranks of writing nobility and may indeed bring fame and, hopefully, fortune to himself during his lifetime.

I bring to the attention of my colleagues Peter's story, "God Help Us," and I am sure you will share my pride with his admirable writing skills.

[From the Savannah News-Press magazine, Aug. 17, 1969]

GOD HELP US

(By Peter Anestos)

(NOTE.—The author is the 15-year-old son of Harry Anestos, a Washington attorney who formerly practiced law in Savannah. His Napoleonic war vignette was written as a classroom assignment.)

I was freezing, weakening. And we were retreating, indeed fleeing. The Grande Armee of Napoleon Bonaparte, fleeing. We had invaded Russia, but at Moscow our strength had been spent. The snows were coming, and we all had hoped Napoleon would lead us southward against British India, where the climate is just right for fighting. After all, this is what he had promised us back in Konigsberg. And how could the Emperor not keep his promise?

Nevertheless, we turned around, exhausted and run down. Even my good friend Armarde veteran of Austerlitz and Jena, was unusually frail and weak when we left Moscow.

It was difficult for me to understand why the Emperor ordered retreat. What were we retreating before? The Russians? Preposterous! I pondered over the decision to pull back. Still it failed to explain itself.

Soon I began to understand. For no sooner had we departed the Moskva Valley than the snow and the temperature began to fall.

Before the end of a week, soldiers were dropping from the tanks, frozen stiff. There were no more shiny epaulets, or dashing officers barking commands, but simply the ubiquitous groan of the dying.

After a while the cold had penetrated my head as well as my overcoat.

"Armande, Armande!" I screamed, when driven by the cold into hysteria. The old soldier merely stared, pityingly.

Soon thoughts drifted into my mind. They generated into vocal exclamations.

"I am but eighteen! Why should the good Lord will that I should die before I have yet lived!" I sobbed in despair.

"Quiet, dear Andre," Armande commanded, with a firmness mingled with sympathy.

"But look what has happened, Armande! We triumphed and we conquered! Yet we flee! Why? No one drives us away, except perhaps God—Armande! If God is our enemy, death will surely be our fate! For no one, not even the Emperor's Old Guard can defeat Him! Oh, Armande!"

At this point Armande struck me back to my senses. "Control yourself, dear Andre! You know I love you as though you were my own son! I beg you, please do not torment we with sorrow—Please!" I recognized a tear collecting on his aged and bearded face.

We marched. We marched and kept on marching. And I knew we were marching into further oblivion. For the brunt of the cold had yet to come.

I consoled myself by thinking of home, back in Dijon. I dreamed of Annette, "ma petite princesse" as I used to call her.

Her beautiful face flanked by those graceful blonde locks of hair filled me with a warmth that not even the Russian cold could suppress. "Annette, my belle Annette!" I moaned. But every time the violent wind blew, it carried the image of Annette with it.

The subzero cold was breaking me.

That part of me that was not yet frostbitten resisted admirably but futilely.

After hours of marching my legs started to crumble beneath me. My arm simply hung beside me. I managed to support myself on Armande's weak, but firm frame.

A terrifying shriek shattered the long, sickening groan of the wounded—"Cossacks!"

"Prepare yourself, monami," urged Armande, with a complacency characterized by his many experiences of the past.

"Yes," I said, respectfully obedient.

All of a sudden a Cossack galloped toward me. I raised my sabre, prepared to defend myself, The horseman, spotting my sabre, avoided a clash by drawing his pistol.

I heard a clap of gun powder, followed by a sharp pang in my chest. With a last ounce of strength I screamed; and all went black.

I was awakened by the harsh jolt of an ambulance cart in which I had been placed. I felt the stabbing throb of my wound coupled with the never-ending cold. The tremulousness of the cart only increased my torment.

I had become so weak from frostbite and loss of blood that I anticipated death before the arrival of the morrow. But the next day still found me living—still found me suffering. I woud moan with both pain and despair, but God never seemed generous enough to lower his thumb.

Miles upon miles of suffering passed. But suddenly the days became warmer, the landscape greener. Then I realized that the cold of Russia had given way to the warmth of Prussia.

I had survived that terrible fiasco in Russia. But I shuddered as I recalled the sight of my dear comrades collapsing everywhere I turned. I later learned that Armande had died of frostbite, increasing my sorrow. But as I lamented these tragedies, I came to understand what war really is. And I began to realize that if we, as men of our own free will, cannot overcome this horrible proclivity, then only God can help us.

THE OFFSHORE WEATHER GAP

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. KEITH. Mr. Speaker, the lack of accurate hurricane tracking methods is a matter of serious concern to my district, and indeed to residents of seaside towns all along the Atlantic coast.

Within the last 2 weeks, we have all seen the problems that result from such a lack. Millions of dollars were lost to the New England economy, through closed factories, closed schools, and unneeded civil defense preparations—all due to a faulty projection of where hurricane Gerda would hit.

This is not a new problem. Some years ago, when a storm hit the coast when it was not expected—instead of not hitting where it was expected, as in this case—I had the opportunity to discuss the situation with many experts in the field.

It was agreed then, as now, that a weather ship in the North Atlantic would solve the forecasting problem.

WBZ–TV in Boston has been aware of this problem, and has been vigorously supporting efforts to have such a weather ship. They recently broadcast two editorials on the subject, which succinctly sum up the need for such a ship.

The editorials follow:

The Offshore Weather Gap

(Delivered by L. L. Thompson, area vice president, WBZ/WBZ–TV; Winthrop P. Baker, general manager, WBZ–TV)

The hurricane season has started. And people along the New England coast are taking the weather and its forecasting a lot more seriously than usual. We think this sea and sky watch should put some added steam into the campaign to close a major gap in our area forecasting facilities.

At the present time there are no weather ships or even buoys stationed in that huge stretch of ocean below New England which is so crucial to keeping tabs on coastal storms. This offshore weather blackout has been bothering our WBZ meteorologists for a long time. The present weakness showed up plainly last winter when those extended snow storms kept everyone guessing.

WBZ–TV newsman Peter Mehegan has just done a series on this offshore weather gap. The area has been promised better aerial reconnaissance of storms this season. But Commerce Department officials in Washington want to hold off another year on providing funds for a weather ship. And a ship is far and away the best vehicle for providing accurate weather information on a continuing basis.

Sen. Edward Brooke has taken the lead in trying to get the money for the weather ship appropriated this year. He will take his case before the Senate Appropriations Committee next month. If he doesn't win there, he'll move to have the funds included in the budget on the Senate floor. This will be an uphill fight, and his chances of success will be better if he has indications of real popular support. These should come not just from people in Massachusetts but all along the coast from New Jersey northward. The message to Congress should be plain. The weather ship is needed. And there's no excuse for any more delay in getting it on station.

That Weather Gap Again

(Delivered by Jim Lightfoot, general manager, WBZ Radio; Winthrop P. Baker, general manager, WBZ–TV)

Hurricane Gerda has huffed and puffed her way eastward into the Atlantic. She's no longer a threat to New England. And for that everyone along the coast can be grateful. Amid the sighs of relief, though, we'd like to utter another strong plea for the Weather Bureau to fill that offshore weather gap south of Cape Cod.

As we and our WBZ meteorologists have been pointing out, there are no weather ships or even buoys stationed in that huge stretch of ocean below New England. It was the void of information from that area which kept forecasters from having accurate information on this storm through the morning hours. As a result there was a lot of needless excitement and worry, unnecessary school, office and business closings.

The Weather Bureau has promised such a weather ship in the future, but they want to hold off another whole year in providing the funds for it. In the interim they've tried to pacify the area with expanded aerial reconnaissance. But the experience with Gerda shows plainly that's not enough. The plane sent out to chart the hurricane's path had to turn back due to air turbulence. The weather ship is the answer.

The government justifies the delay in providing the weather ship because of the shortage of government funds. But we wonder how much money has been wasted in this storm with those needless storm precautions, those school, office and plant closings.

The Senate battle for the weather ship funds is still coming up. Sen. Edward Brooke will be leading the fight. He needs all the help he can get from all over New England. Let's get that ship on station by the next hurricane season.

THE FISCAL KNIFE ON NIH RESEARCH

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. JACOBS. Mr. Speaker. May God forgive.

[From the Washington Post, Sept. 16, 1969]

The Fiscal Knife on NIH Research

The fiscal knife which the administration says it is forced to wield because of inflation and Vietnam cut into medical research last week. Taking its place among the agencies whose funds are either being cut or pared by President Nixon's call for a $3.5 billion reduction in 1970 budget requests is the National Institutes of Health. Total spending on medical research—in hospitals, universities and the NIH Bethesda labs—will be down from $1.93 billion to $1.64 billion, a cut of $290 million.

Although medical and scientific researchers are often inclined to be a wolf! wolf! crowd whose sheep are not only under no attack but are often overfat to begin with, the abruptness of the present NIH cut does suggest that a wolf is near. Most immediately affected by the cut will be 19 clinical research centers. In a style similar to its closing of 59 Job Corps centers earlier this year, the administration expects to save money. But savings aside, where will the doctors go who have been conducting the research at the 19 centers? What about the diseased patients who will be phased out because money has run out? Or the millions of future sick people who will not benefit tomorrow because research into their particular disease was cut off today? In one area alone, an estimated 30,000 infants die every year in the period immediately surrounding delivery because basic research is not fully advanced in this area.

Aside from the research that is to be stopped without waiting for results, medical schools—with a heavy leaning on the government for research grants—will also be hit, both students and faculty. The danger of turning off the medical research motor is that it is not so easily started again. It is true, the 19 centers to be closed have only a handful of patients, but this is where basic biomedical research begins. It then fans out to advance research and, often, eventual use in the medical community.

It has long been a question whether medical schools and research clinics should have let themselves become so dependent on federal funds in the first place; but few other resources exist, either among foundations, which generally do not support medical research, or the drug companies, which by the nature of things are in the business more for profit than public service.

Although the Senate can appropriate more money for NIH than the administration requests, this does not mean the administration must or will spend it. Aside from the medical research programs themselves, what suffers also in this abrupt fund cut is the administration's sincerity in facing the health crisis. "The nation is faced with a breakdown in the delivery of health care," it said only two months ago in a major White House report. Now, it seems, in order to save money that could be saved in, say, cutting back on aircraft carriers or bombers, the administration is helping, not relieving, the breakdown. In putting the fiscal knife to medical research, the recovery may take a lot longer than the original cutting.

STUDYING THE PROBLEMS OF LAKE ERIE

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. VIGORITO. Mr. Speaker, the number of Federal, State, and local agencies who are delving into the problems of environmental pollution are numerous. It is good to know that so many citizens are sufficiently worried about our environment that they are dedicating their lives to finding an answer to the problems we face.

It is especially rewarding to learn that our young people are becoming involved in this fight to combat air and water pollution. Erie, Pa., is vitally involved since it has an intimate stake in preserving Lake Erie. I was, therefore extremely glad to learn of the work being undertaken at Gannon College in Erie by students and faculty members on the ecology of Lake Erie.

So that my colleagues may become more aware of this project, I insert in the RECORD the following short article from the latest issue of the Gannon College Record.

AN ECOLOGICAL SURVEY OF LAKE ERIE

Gannon College, under the direction of Reverend Austin J. O'Toole and Mr. Stanley J. Zagorski of the Biology Department, has begun an Ecological Survey of Lake Erie. Supported by a grant received from the Pennsylvania Science and Engineering Foundation, the survey is directed at obtaining scientific knowledge of the Lake outlining the city of Erie.

During the fall of 1968 Mr. Zagorski and Reverend O'Toole met with Hammermill Paper Co. officials and from these meetings the following objectives would be sought:

1. To increase biological and chemical knowledge of the portion of Lake Erie surrounding the city of Erie.
2. To establish a co-operative program between Gannon College and the Hammermill Paper Co. for the purpose of conserving the natural resources of Lake Erie.
3. To contribute as best as possible to the development of Lake Erie as a source of enjoyment for the people of northwestern Pennsylvania.
4. To train students in the methods of water biology.
5. To enable industry to further advance the preservation of our resources.
6. To enable Gannon College to be of service to the community in scientific research.

In order to achieve these objectives, a proposal was written and submitted to the newly formed Lakes Research Institute of Erie, Pa. Mr. Frederick D. Buggie, President of the G.L.R.I., has stated that the purpose of this institute is to become involved in scientific research leading to the preservation and development of Lake Erie. A further purpose of this institute is to coordinate the efforts of industry and universities located on the Great Lakes in their attempts to solve the problems of the Lakes. The Gannon College-Hammermill proposal was submitted to the Great Lakes Research Institute which received the grant funds from the P.S.E.F. Through the efforts of the Great Lakes Research Institute, Gannon College was awarded a grant of $21,000.

Work was begun in March, 1969 and will continue until December, 1969. Scientific investigation of Lake Erie involves the following procedure:

1. Every 10-14 days water samples are obtained from five areas of Lake Erie. These areas are:
   (a) Walnut Creek
   (b) Presque Isle Peninsula
   (c) Bay Area
   (d) City effluent and Hammermill Area
   (e) Shade's Beach

   In each area four stations are visited. Samples are collected on the surface and vertically at each meter.
2. At each sampling station, Oxygen determinations are made. Light penetration readings are also obtained.
3. Chemical determinations of, Nitrogen Phosphate and Sulfate are made at Hammermill.
4. In the Gannon College Laboratory all water samples are carefully analyzed microscopically and all living organisms are identified. Approximately 150 samples are observed weekly.

Mr. Zagorski and Reverend O'Toole have the help of the Biology students of Gannon in the project. Approximately 10 biology students are directly involved in the Lake Erie Program. This is the first time a project of this dimension has been undertaken by the scientists of Gannon College. The knowledge and training of our students is of primary importance, Reverend O'Toole and Mr. Zagorski point out.

It is felt that projects such as this are of value because:

1. Gannon College will grow scientifically through co-operative projects with industry.
2. The G.L.R.I. (Great Lakes Research Institute) will expand because of the increased efforts to unify industries and universities.
3. Industries will be looked upon as supporters of conservation projects for Lake Erie.

Hopefully the project now underway is the first of many scientific endeavors in attempts to increase community co-operation in scientific investigation.

SARKES AND MARY TARZIAN: WHERE BUT IN AMERICA?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. BRAY. Mr. Speaker, 25 years ago an Armenian immigrant named Sarkes Tarzian began a small factory in Bloomington, Ind., with only 10 employes, doing consulting engineering and making air trimmer condensers. The ensuing 25 years have been exciting and productive ones for Sarkes Tarzian and his wife, Mary, who is of Armenian descent but was born in this country. And, also, for the six-county community in south-central Indiana, comprising the counties of Monroe, Brown, Owen, Morgan, Greene, and Lawrence, that has furnished co-workers, customers, suppliers, and just plain friends and neighbors.

Today the Tarzian enterprise has grown to employ 2,000 people, including a semiconductor division, a tuner division making more TV tuners than any other company in the Nation; a broadcast division with TV stations in Fort Wayne and Bloomington and Indianapolis; FM and AM radio stations in Bloomington, Indianapolis, and Fort Wayne; a broadcast equipment division that makes cameras and other components for the broadcast industry; a magnetic tape division; and daily newspapers in Bloomington and Greencastle, a weekly in Martinsville, plus Six-County Topics, a regional paper covering the six counties listed above.

To observe the silver anniversary, and also to say "Thank you" to the people in the area who have helped make it possible, a gala Sarkes Tarzian special, free to the public and serving as the kickoff to the yearlong 25th anniversary celebration, was held on Saturday, September 6, 1969, at the new Indiana University Fieldhouse in Bloomington. Featuring the popular country and western singing star, Jimmy Dean, the shows and the picnic lunches preceding them were free to all. A total of 15,000 attended.

Products of the Tarzian factories—which in turn to a great degree are products of the inventive, innovative, and inquiring mind of Sarkes Tarzian himself—are known all over the world, in the fields of radio, television, and general electronics, but primarily in television. Known all over the world, yes, but produced in south-central Indiana, in the region that became "home" to an Armenian immigrant boy and his wife, and it was to the people of this region, in the heartland of the American Republic, that Sarkes and Mary Tarzian turned. The mutual trust and confidence shown by all in the past 25 years has been fulfilled and rewarded many, many times over. Today the Tarzians are leaders in the industrial, economic, social, and local cultural life of Indiana.

The epic of Sarkes and Mary Tarzian and of all who worked with them to make all of this possible is in the highest and finest tradition of fulfillment of the American dream. The generous and openhearted "Thank you" is a gesture that is unfortunately all too seldom found today. Both these aspects to the story stand as a solid rebuttal to those forces, within and without our country, who attack and would destroy all the Republic stands for, and, more yet, as a glittering, worldwide example of what our people, working together in trust and harmony, can, and will, do.

GENERAL HERSHEY AND THE DRAFT

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, as we know Secretary Laird has indicated the administration's intention to move toward reform of certain aspects of the Selective Service System. While those of us who have advocated extensive draft reform applied this decision, we feel that much more can be done and should be done and I intend to speak out on this subject in due course. In the meantime, I share the dismay expressed recently by the Armed Forces Journal at the administration's decision to retain the present Director of the Selective Service System in office. We are all mindful of the long and honorable service which General Hershey has rendered the country. Nevertheless, it is my considered opinion that it is time the country recognizes that service in some suitable fashion and sends the general to a well-deserved retirement. I take the liberty of placing before the House the following editorial from the Armed Forces Journal:

GENERAL HERSHEY AND THE DRAFT

By some estimates, more than 5,000 American youngsters have now exiled themselves, presumably for life, to avoid the draft. Their view of military service is in startling contrast to that once expressed by General George S. Patton, Jr.:

"The highest obligation and privilege of citizenship is that of bearing arms for one's country."

Revision of the Selective Service System justifiably ranks among the new Administration's highest priorities. The present system is not just. In order to draft 300,000 men a year, the system keeps five million young men in a state of uncertainty and insecurity for the seven most critical years of their lives.

Little wonder that so many youngsters—and their families—bitterly question a system in which 4,000 local draft boards act by their own interpertations of today's draft laws. Selective Service guidelines vary as to when an individual may be called for service, as well as to whom shall be called. Simply to find out what his rights of appeal are, a registrant has to hire his own attorney.

Despite Congressional assurances two years ago that hearings would be held on draft reform, there have been no such hearings in either House. The Administration, we are told, had to "coax like crazy" simply to get its modest new draft bill introduced.

The Pentagon's current proposal for random selection of 19-year-olds is a salutary step forward. But something's wrong when a Congress sworn to represent the people has to defer to Pentagon initiatives to stave off a public rebellion over draft laws that are ambiguous and archaic. Something's wrong when the initiative has to come from the Pentagon, because it hasn't come from the guy in charge—Selective Service Director Gen. Lewis B. Hershey.

General Hershey, now 76, has given his country long and distinguished service. In years past, he has been an outstanding Administrator. But now, as never before, the Selective Service System needs the public's support. Clearly, General Hershey no longer has it.

We were, therefore, shocked by the White House announcement on Tuesday that "There are absolutely no plans whatsoever to replace General Hershey."

In the past, the Journal too has staunchly supported General Hershey. But it's time for a change.

The Selective Service System needs a Director in the front office, not a monument. It needs a leader who will take the initiatives General Hershey hasn't.

The youngsters of this country who face military service deserve better leadership. And the Services deserve better help in their search for just, innovative, meaningful draft reforms; in their fight to regain the public trust; in their work to instill the pride of Service that General Patton so aptly expressed.

It's time for General Hershey to step down, while he still can do so with dignity.

BENJAMIN F. SCHEMMER.

GENOCIDE—MORE WAYS THAN ONE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RARICK. Mr. Speaker, genocide is abhorred universally. Unfortunately, many feel genocide is limited to the killing of members of a race and do not fully understand the several methods by which genocide can be inflicted.

Varied methods of genocide have been used in the Soviet Union by that regime. Soviet Russia embarked on a subtle program of genocide in efforts to achieve a solution to their troublesome minorities problem. In Russsia the primary reason for failure to have achieved their proclaimed national goal of racial equality and minorities balance was attributed to group pride of the minorities and their stubborn resistance to Socialist programs of the Communist Party in power.

To overcome the problems encountered in reaching their egalitarian goal the Communists instituted such forceful programs as busing, resettlement, relocation, and population quotas—which genocidal techniques were justified by the Bolsheviks as necessary reforms for economic and social progress.

Lurking behind the seductive mask of the announced goal of the "fully integrated society" in the United States is the inescapable threat of similar genocidal activities ultimately being employed. Any governmental policies utilizing power or implied force to impose a percentage of racial and minorities balance must necessarily destroy, in whole or in part, national, racial, ethnical, and religious minorities as it moves to level all groups to a common denominator.

News accounts daily show an increase in school disturbances, union disorders, and outbreaks of violence in other areas of our society normally peaceful.

Yet, the American people, who would never tolerate or condone genocide, have not recognized that many of the current disorders are but the natural and spontaneous reactions by groups of innocent people to their instinctive perception of the impending danger from genocidal acts which inevitably accompany the establishment of any planned environment or community made a reality by force.

Apparently some of the more ancient and cohesive cultures of the world have a more profound comprehension that there are other ways to destroy a people than the mere physical destruction of individuals in one generation of the group. For this reason, and to protect themselves and their posterity, from devious or more subtle genocidal measures they have felt constrained to enact and ratify a convention which outlaws genocide in every form. See full text of the Genocide Treaty contained in my remarks September 16, 1969, at page 25703.

Mr. Speaker, several current news accounts follow:

WHY NOT ABANDON COMPULSORY CONGREGATION?

(By Russell Kirk)

At a time when the Nixon Administration must deal decisively with great issues in foreign policy, fiscal problems and urban confusion, infinite time is spent by federal people in trying to run school districts throughout the land.

North and South, officials of the Department of Health, Education and Welfare, and federal judges, issue bewildering decisions regarding racial integration in schools, busing, and all that. Meanwhile, tempers grow hotter in every school district affected, and standards of instruction and discipline decline ruinously.

Consider the second city of Michigan, Grand Rapids. A general boycott by students is demanded by opponents of "compulsory congregation"—that is, of total integration by school bus, regardless of the wishes of parents or the practical consequences to schools or neighborhood patterns. The more violent opponents to this integration plan are said to threaten to burn down the churches of ministers who do not favor the strike, and to menace physically anyone who speaks out against them.

Who are these "segregationists" ardent to retain the established neighborhood-school pattern? Ku Klux Klan? Oh, no: they're the black militants, who would have all Negro children withdraw from school, to show the school board their power.

But the protesters are not militants only. A great many more moderate colored people oppose integration by bus, believing that it would handicap their children. And also there is fierce opposition from white neighborhoods. Three school-board members were elected recently on a platform of "no busing."

Pity the Grand Rapids Board of Education. If that board's members persist in busing "inner city" children to schools on the fringe, they will invite total disorder in the schools; the mere beginning of this policy, during the past year, brought chaos into schools previously tranquil. But if they abandon the policy, they fear that a federal court will order them to resume it, regardless of consequences. (Actually, there is no court directive compelling busing in Grand Rapids, at present.)

Grand Rapids' conundrum is experienced by virtually every big city in the country, in some degree. And the chief sufferers are school children.

Much of the difficulty, reflected in decisions of federal courts and in policies of HEW, is this: a confounding of "desegregation" with "compulsory congregation." Desegregation means that no one should be denied educational opportunity because of race: Public schools restricted to one race are in violation of the Constitution.

But compulsory congregation means that there must be total racial integration in public schools, whether the people most intimately concerned like it or not; it is an attempt to use public schools as a leveling sociological laboratory.

No Supreme Court decision ever has decreed compulsory congregation through busing and similar methods, though some inferior federal judges act as if they had such authorization.

Now suppose—as in Grand Rapids—that a large part of the Negro population doesn't desire compulsory congregation; suppose they prefer neighborhood schools; suppose they resent the whole notion of total integration now, believing it reflects the belief of white liberals that the Negro is a constitutional inferior, who can be improved only by being submerged in a crowd of white people.

Well, then: for whose benefit is this total integration intended? Are the white urban neighborhoods and suburbs desperately eager for it? Why persist in a policy that makes the task of schooling infinitely more difficult for everybody?

Grand Rapids educationists are promoting a panacea already nominally adopted—and already tacitly abandoned—in Pittsburgh and Chicago: creation of a gigantic "educational park" to which all high school pupils would be transported by bus. It's an abstract and nonsensical scheme: if high schools are difficult to control on their present scale, one would encounter real anarchy and depersonalization in the "educational park." And why should merely jamming all young people on one campus produce racial amity?

Probably the remedies must come from more sensible policies in HEW and clarifying, moderate decisions by the reconstituted Supreme Court, under Chief Justice Burger. Education, like politics is the art of the possible. To rouse hatred in the name of equality is consummate folly, especially in schools.

The only tolerable settlement that this commentator can discern would be something as follows:

Insure that children of "ethnic minorities" can attend the schools in their own neighborhood, even if those schools are predominantly white; and may be transported to other schools if that clearly would be to their advantage, and if their parents desire it.

Abandon doctrinaire attempts at compulsory congregation; accept the natural neighborhood school pattern; and work hard to improve those neighborhood schools that, for whatever reason, seem inferior.

For the purpose of a public school is not to transform society, but to teach children.

[From the Evening Star, Sept. 24, 1969]

UNIONS THREATEN BOYCOTT OVER RACIAL QUOTA PLAN

ATLANTIC CITY, N.J.—Angry union leaders, today threatened a boycott of federal construction projects to protest a government plan they said would set racial hiring quotas.

"It's going to raise the room," said one AFL–CIO building trades leader after the Labor Department announced it would go ahead with the controversial Philadelphia plan.

Secretary of Labor George P. Shultz said in Washington yesterday the plan would be put into effect in Philadelphia and expanded nationwide as soon as possible to insure more high-paying construction jobs for Negroes and other minority groups.

The plan would require contractors on federal projects of $50,000 or more to hire a certain number from minoity groups for iron work, plumbing, pipefitting, sheet metal and electricians jobs.

NUMBER DISPUTED

Shultz has said Negro workers in those trades in the Philadelphia area amount to less than two per cent, but the unions claim about 12 percent.

Leaders of the AFL–CIO Construction and Building Trades Department, who earlier said they would throw open their doors to all qualified minority group journeymen, prepared resolutions denouncing the Philadelphia plan as "infamous" and a "union-busting" tactic.

AFL–CIO President George Meany, scheduled to speak today to the convention of the 17 construction unions, reportedly will join in the opposition to the government plan and warn against black militant attempts to frighten the unions into taking in untrained Negroes.

One resolution proposed that "the Building and Construction Trades Department use all the power and persuasiveness at its means to defeat this plan, to the point and including the withholding of all manpower from any federal project perpetuating this plan."

DELEGATE ACTION TODAY

The final form of the resolution to be acted on today by delegates representing 3.5 million construction workers was still in preparation.

But a union source said Schultz' announcement that he would go ahead with the Philadelphia plan is likely to make union opposition even stronger.

The construction union leaders argue the plan is illegal under the 1964 Civil Rights Act, which outlawed racial employment quotas.

The plan had been blocked a year ago by claims of the controller general and the General Accounting Office it was illegal. But Atty. Gen. John N. Mitchell, in an opinion requested by Shultz, rejected that idea.

"The revised Philadelphia Plan is legal," Mitchell stated yesterday.

The controller general and the GAO claimed it, violated the very civil rights law it was intended to further by establishing racial "quotas."

Mitchell, however, agreed with Shultz it does not have that effect.

[From the Washington (D.C.) Evening Star, Sept. 24, 1969]

SCATTERED VIOLENCE HITS SCHOOLS, CONSTRUCTION

Demonstrations centering around schools and construction projects flared into violence yesterday in Riverside, Calif.; Detroit, Chicago, Seattle, Wash.; New Brunswick, N.J., and in New York City's Harlem.

Two students were arrested and six others suffered minor injuries in a racial disturbance at Rubidoux High School in Riverside, Calif. Scattered fighting broke out in the cafeteria during the lunch period and one store window and six car windshields were broken after school.

Three consecutive days of disturbances at Detroit inner city high schools culminated in a brief confrontation between black students and police. Some 30 policemen used nightsticks to disperse rock and bottle-throwing youths at one high school and a junior high was forced to close when 50 youths bombarded it with missiles.

FIVE HURT IN CHICAGO

Five persons, including three policemen, were injured yesterday in the second day of racial violence at Austin High School on Chicago's West Side. None of the injuries were serious. Police arrested 24 youths, most of them reported to be members of the Vice Lords street gang.

At the Seattle campus of the University of Washington, 12 persons were arrested when demonstrators attempted to stop construction work until more black trainees were hired. Two trucks and a bulldozer were pushed into a 30-foot construction pit and three workers were roughed up, authorities said.

Two New Brunswick High School students were arrested and classes were canceled at noon after flareups of violence. Officials said liability insurance for the system's 11 schools has been canceled because of sporadic racial disorders. Four students were injured during a boycott last week.

SCUFFLE IN HARLEM

Fifty black demonstrators scuffled with police yesterday across the street from the site of a new state office building in Harlem. The demonstrators, who have camped on the site they want used for a school or housing, have delayed the start of construction for three months.

In Clarksdale, Miss., Negro high school students said they would continue demonstrations at Clarksdale high school despite the arrest of 142 students yesterday. The peaceful demonstration was to protest alleged segregation at the school.

Eleven Indians were arrested yesterday when they attempted to enroll their children in a Ridgeville, S.C., elementary school already containing white and Negro children. They were charged with "disturbing a school."

[From the Manchester Union Leader, Sept. 23, 1969]

PITY THE POOR SCHOOL BOARDS

(By Lewis Seale)

A vise of intolerable power now grips the Southern school boards. They are caught between the federal courts—HEW on the one side dictating "not education, but integration first," and the parents of the children involved. The directives grow sillier with every issue of paper and decree. Demands are made that certain schools be closed, that new ones be built in other localities, that some be enlarged and others not be enlarged. If there is a large percentage of pupils of one race in any one school, they must be bused across not only towns, but in some cases halfway across the county (or in Louisiana where we call them "parishes") to achieve a racial balance.

If the reader is confused, he should live here, or at least visit, because just as surely as we are forced to integrate under those conditions, so will he. Now is the time for the citizenry of this nation to band together against the common enemy—our own oppressive government.

A friend of mine suffered polio in her youth. For many years has been a teacher. She does not own an automobile and, indeed, could not drive one if she did own it. Her foot does not have that good a control. In order to be self-reliant, she bought a home near her school. Guess what? She has been assigned to a school several miles away and, of course, it is located in an almost inaccessible Negro section. Like most of our local people who returned home to teach, she did it with permanency in mind, and bought herself a home at a time when interest rates were half what they are today. If we are to experience what other areas have experienced where white teachers teach in black jungles, then she will be in for a bad time because physically she will be hard put to maintain discipline. Meek, mild little Sadie will have no real peace.

But it is the busing of the pupils themselves which will be the problem. A child six years of age has no real business having to get up early enough to travel thirty miles to school—that is, unless it is absolutely necessary, and making social experiments is no real necessity. Suppose, as the question has arisen, that a child gets sick and needs to be sent home? Who will send him? Who will take him? Can a school be held responsible for their transportation?

Is the entire civil rights area under the domination of over eager integrationists? Is there no restraint upon them? The 1964 Civil Rights—or is it the Civil Wrongs—Law forbade—and it forbade expressly—the busing of pupils. This is not being accepted by either HEW or the Fifth Circuit Court of Appeals. It must be remembered that these schools were built upon land purchased by bond sales and the schools were themselves built by funds also from these bond sales in areas selected because of the population. These bond sales amount to a second mortgage on the real estate owned in those areas. It should be remembered that those people who own land here face a bleak future if the federal government forbids the use of and in fact demands the closure of schools and in addition requires new school construction merely to achieve racial balance.

Where will it all end? The demand for equality requires mixing not only the races but the poor and not-so-poor. Will it eventually extend to the point of requiring a periodical reassessing of values—the actual theory behind Socialism—of seizing from the affluent and passing their gold to those either less capitalistic or less energetic? Will the Kennedys, Fords, Rockefellers and the other ultra-liberals consent to this scheme of things or are they merely talking from a mouth which has a forked tongue? Are they sincere about the problems of the poor about whom they become so eloquent or do they have a good tax dodge or perhaps are they placed in good position to merely increase their enormous wealth?

Racial mixing is both socialistic and communistic, for their propaganda equates social standing with capitalism. Forty-odd years ago there was evidence that the Communists had a plan for the negro which would eventually divide America whom all nations seem to fear.

The assignment of pupils and teachers as well as other employees to another school or faculty to achieve racial balance is discriminatory within itself. It is as discriminatory to assign for reason of race to achieve the balance as it is to refuse to assign because of race. Is it perhaps zeal on the part of HEW to do this? It is obvious that HEW cares not for education but, indeed, the actual purpose of the cabinet level arm of our government is pure integration. Who is to pay for these buses? Already there is complaint that the states are not getting enough tax money and must go to Washington for the deficit.

In addition, we should stop and review just what the Supreme Court did order back in 1954. It merely forbade discrimination—or segregation—because of race. The Court did not decree integration, it forbade segregation. Eager-beaver bureaucrats ever since have pushed the matter to the point of no return. If there is a return then it will be an explosive one. There is no real evidence that the matter as it stands is popular with the negroes themselves, for they have great fear of many things, of violence, of economic reprisals, of ostracism by the whites, of ridicule and the probability of their children not being able to keep up.

Parents of the white children resist busing their children into negro areas because the schools are often located in inaccessible areas and where, quite often, many barrooms are located. Public laws generally keep bars away from churches and schools, but it takes locally oriented citizens to resist the issuance of permits. For some reason, the negro residents often fail to see that these laws are enforced. The neighborhoods are often composed of very tough people, accustomed to what has been termed "jungle life." The whites fear violence both inside and outside the schools located here, although in the South, they have been generally non-violent. Of late, however, negroes have stoned autos from overpasses, have attacked whites on the streets without reason and in general have pulled nuisance raids. Yet, strangely enough, in the past there have been integrated housing areas where the populace was "salt and pepper," and where there has been a notable lack of trouble. The truth is that there are probably more integrated neighborhoods in New Orleans and Houston than in New York. There are two prospective lawsuits either already filed or about to be filed down here in Louisiana by black parents who object to the busing of their children. They relate that the distance their children will have to be transported is much further than that distance to their own schools; that irreparable damage will be done to them because the school in their neighborhood will be closed, completely closed. No one has yet come up with an answer to the truth that local monies are scarce for building more.

Ironically, when the Fifth Circuit Court of Appeals handed down its decision that "there shall be no negro schools, no white schools, just schools," HEW got into the argument and is insisting that schools named after persons, either living or dead, be changed to something more appropriate. In the past, there have been many negro educators who had schools named after them. But, integration is integration and that is that. HEW does not recognize that schools were built in neighborhoods already established and that schools were not built in open fields away from homes in order that neighborhoods be built around the schools. HEW orders appear to defy calm logic and the courts seem to uphold their lack of reason.

Even if the federal government paid for the schools ordered abandoned, it would defy logic, for these monies come from the public trough and government has no money except taxation.

Some unfunny situations appear from time to time on the fringes. One local Negro school has had excellent football teams in the past. Their coach is now crying because he is losing his best and biggest boys to the formerly white schools in the busing swap.

COOLING THE LONG HOT SUMMERS

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mrs. GREEN of Oregon. Mr. Speaker, the public image of the financial institutions of this country held by the mass of their clients tends to be a rather cold and forbidding one, of bank officers concerned only with statements of profit and loss and utterly detached from the social ferment that seethes outside paneled board rooms and corporate walls. It is an image, I might add, not improved much by interest rates which have now reached a record high of 8½ percent.

It is refreshing, therefore, when the curtain occasionally parts to reveal bankers as human beings after all, and in some instances more actively involved with human want and social injustice than in that image we often cherish of ourselves. Such an event has been occurring in my home district of Portland, and I think my colleagues will agree with me that when a staid and highly reputable banking institution, the U.S. National Bank of Oregon, makes an outright grant of $10,000—no strings attached—to a group of young black high school students banded together in something called the Malcolm X Corp., this is highly arresting news indeed. Yet I can assure you that it happened, that it happened not at the point of a gun, and that something more important than mere money was given.

Ten thousand dollars would have been little enough to pay for public relations and good will, and the gesture might have been suspect had it ended there. But the bank lent something more important in its imaginative support of a venture in what is popularly called "Black Capitalism," namely its business acumen and highly personalized human understanding. A bank vice president, no less, was put to work full time for 4½ months in furtherance of the larger goal of finding jobs for one-half million chronically unemployed people by mid-1971.

Young black students of Washington High School who formed the Malcolm X Corp. had access to a board of businessmen, headed by an assistant vice president of the bank, created to give advice and support.

The inspiring story of this bold experiment has been told, and I insert it in the RECORD. The lighting of this one little candle could have some profound implications for the future of enlightened democratic capitalism, and I unhesitatingly commend the full text to your attention:

COOLING THE LONG HOT SUMMERS

The bitter message, "Burn Baby Burn," scrawled across city walls has awakened most Americans to the depth of their nation's social crisis. One obvious cause of this crisis is chronic unemployment—especially among low-skilled minority groups. For business, social involvement is no longer a matter of choice.

For banks, social involvement is a responsibility. Anyone who has ever taken an introduction to banking course remembers that banks do not exist just to make money; they are here to serve the community as well. Never has the need for such service been more apparent.

Social involvement has come in the form of a businesswide Affirmative Action policy. U.S National Bank's own, once quiet work in Affirmative Action has suddenly come to public attention because the now-famous grant to the Malcolm X Corporation.

What is Affirmative Action, and how can it help the chronically unemployed? President LeRoy Staver answered these questions and explained that Affirmative Action is a logical extension of the Equal Opportunity policy. "Equal Opportunity for employment means that no job applicant will be turned away because of color, creed, nationality, or sex," he said. "This is a legal obligation of all business, but we want to do more than our legal obligation. We have to face the problem that not everyone has equal skills, and Equal Opportunity is not the answer for the person who is denied employment because he is unskilled or uneducated.

"Affirmative Action is a policy adopted by our nation's businessmen to help train and qualify these people for our jobs," Mr. Staver explained. "We are prepared to do this because we believe the poverty and social upheaval resulting from chronic unemployment is the most critical domestic problem facing our country.

"We at U.S. National Bank are very much aware of our responsibility to our community—whether it is to our cities, our state, or our nation. We have a written policy which states we will 'implement affirmatively equal opportunity to all qualified employees and applicants for employment without regard to race, creed, color, sex, or national origin, and positive action shall be taken to ensure fulfillment of this policy.' This policy is consistent with the objectives set forth by the Presidential Executive Order 11246. However," Mr. Staver added, "we wish to do more than observe the letter of the law; it is our intent to honor its spirit. This is what we hope our Affirmative Action program will accomplish."

There are several ways this Affirmative Action program has been implemented at the Bank. One way has been the Bank's participation in the National Alliance of Businessmen, a nationwide organization seeking to find jobs for the hard core unemployed in American metropolitan areas. The Portland-Vancouver area is one of the 50 metropolitan areas selected.

This year, the Bank lent John Mills, vice president in Urban Affairs, to work full time for four-and-a-half months as director of NAB's Job Procurement. Don Crouch, assistant trust officer, was also a loaned executive to NAB for three months.

The NAB's major goal is to find jobs for 500,000 chronically unemployed people by mid-1971. In addition, its aim was to provide 200,000 needy youths with jobs this summer. Each city has its own quota of the national goal. Portland, for example, has a goal of procuring 2,000 new job pledges for people to be on the job by next June. Mills reported, "Our NAB office secured 3,600 job pledges already, 1,600 over the quota given us by Washington, D.C."

The NAB program is an effort on the part of business leaders such as U.S. National to urge private industry to assume an aggressive role in employment of the hard core unemployed. The term hard core signifies people who, in addition to being poor, are chronically unemployed or underemployed due to one or more of several factors such as skin color, physical handicap, lack of education, age, or criminal record. While the program to aid the hard core is not exclusively aimed at Black people, it is often associated with them because the largest group to suffer chronic unemployment are Black, poor, and undereducated.

For the two years since NAB's inception, the Bank has participated in the program. In 1968, U.S. National filled its NAB commitment by providing summer work for ten hard core youths and hiring nine hard core people to full-time jobs. In each case, vocational training accompanied the job. The commitment for 1969 was 18 additional full-time jobs. By June, 1970, U.S. National will have 27 full-time, formerly hard core people, on the payroll. The Bank also participates on a fair-share basis to help with the costs of conducting the NAB program in Portland.

Probably the most spectacular demonstration of the Bank's Affirmative Action policy has been the $10,000 grant U.S. National gave to a group of Black Washington High School students. Other than the stipulation that the money should be used to set up a business, there were no strings attached. Nevertheless, the students weren't left entirely on their own. They had access to a board of businessmen headed by Duane Perron, assistant vice president in Manpower Development, for advice and support. The idea was to give Black students an experience in capitalism, to teach them the free enterprise system by having them set up their own business. At the same time, it would provide summer jobs for Black youths.

The business the students established is the Malcolm X Corporation, a non-profit, wholly-owned subsidiary of the Bank. The students examined various products, frequently conferred with their advisors, decided to build pallets for construction, and went into production early this summer.

Selection of the students was based largely on the leadership qualities and scholastic achievement they had demonstrated in high school. In short, most were outstanding. The aim has been to develop leadership and business knowledge in the Black community with the hope that a long-range outcome will be to help the Black hard core. But an immediate result was that the students hired up to 22 people during the height of production, thus providing summer jobs for unemployed Black youths, some of whom were members of the hard core.

Even before Affirmative Action became a phrase, U.S. National had begun to carry out its policy. In 1964 the Bank began participating with several other Oregon businesses in Work Motivation Clinics. The clinics, conducted in Portland high schools, are designed to keep potential drop-outs in school. Duane Perron has been a member of a four-man panel that goes into the schools to hold informal discussions with groups of low-achieving students. Panel members discuss the student career goals and stress the importance of staying in school in order to realize these goals. Panel members also talk about their own companies' hiring practices and job openings to let the students know that jobs are available for those who qualify themselves. The hope is that the clinics focus attention on an age-group still young enough to alter bad habits and attitudes. High school counselors have responded with enthusiasm, explaining that the clinics are one way of letting low-achieving students, many from minority groups, know business cares about them.

While these programs are the principal ways U.S. National demonstrates its Affirmative Action policy, they are by no means the only ways. Individual staff members have accepted social involvement in literally dozens of ways, serving on committees, acting as advisors, providing vocational training, and contributing funds. A number of people have been authorized to use Bank time and facilities for their Affirmative Action work.

No business, certainly not U.S. National, is kidding itself that social ills will be cured overnight. There may be years of urban crisis ahead. But a step has been taken.

The Bank also works with the Urban League as part of its Affirmative Action policy. Job openings are communicated to the League, which refers applicants to the Bank. In 1968, the Bank's Education Department also conducted a Clerical Upgrading Clinic for eight women referred to them by the Urban League.

Every Tuesday and Thursday night for eight weeks the girls received training in office skills such as typing, adding machine practice, filing systems, business English, and telephone procedures. Several staff members participated on their own time to give the girls instructions in these skills. Shelley Signett of the Education Department coordinated the classes, which were held at Head Office. At the end of the program, each of the girls received individual counseling from Al Stromquist, vice president in Personnel, to help them plan their future careers and further educational needs.

HOW DO YOU MEASURE A CONTRIBUTION TO SOCIETY?

The news was jolting. U.S. National Bank had given five Black students $10,000—apparently no strings attached. Duane Perron, assistant vice president in Manpower Development, talks about the Bank's unique experiment teaching Black youths about the free enterprise system.

How did the Malcolm X Corporation come about?

I asked management what do you want to do in Affirmative Action. They answered they wanted to be leaders. Okay, to be leaders you have to be innovative and imaginative. For something to be innovative it has to be new; it has to be untried; and it has to be risky. It isn't easy for any business to do something risky. Our management agreed to give a $10,000 grant to develop an Affirmative Action program. They were willing to stick their necks out.

Why didn't the Bank simply provide jobs for disadvantaged people?

Last summer we did. We had them pulling weeds and painting pipes. They considered it "picken cotton for the white man." But if you go the other direction and give them jobs they don't have skills for, it's not much different from putting them on the dole. Last summer we didn't teach anything significant or develop any new skills. We certainly didn't change any attitudes.

How did you come with this particular program?

We wanted to teach Black students about the capitalistic system. The only way to do that is to let them participate in it. I brought together a group of Portland businessmen, and we brainstormed. We had to fight the temptation to set up the whole business, select the product, and lay it all out for the kids. The only way for them to learn the decision-making process is to let them make their own decisions. All we did was develop three basic goals. But the kids had to take it from there. We were strictly hands off. We were there to advise them if they wanted it, but they had to make up their minds about what to produce, how to market it, and so on.

What were the three goals you set down?

First, to produce a needed product; second, to employ as many youths as possible during the summer; and third, to provide an experience in free enterprise.

How did you select the kids?

The counselors at the high school actually selected them. We chose Washington High because it has a 13 per cent Black enrollment and, being on the periphery of the Black district, is a potential trouble spot. Incidentally, four of the original five kids are still with the company.

What about the $10,000; weren't any strings attached to that?

We told the five kids to pay themselves $500 each for working during the summer. Believe me, they earned it. The rest, $7,500, was for investment or business development. The kids decided to give 25 per cent of any net profit to a Washington High School college scholarship fund and to retain 75 per cent as profit-share for their employees. If the company liquidates, remaining assets will go to the scholarship fund. The Bank won't be in on any of the profits. We don't expect any payoff—except in the long-range community benefits.

What about the scholarship; who selects the recipient?

The recipient is determined by the school. We have nothing to do with that.

How has the community reacted to the program?

We've had outstanding reaction from the community. Probably some of it is simply that you'd be a heavy if you didn't support this idea. The only real adverse reaction has been from some militant Blacks who think the Bank is out for the publicity.

Was there any adverse reaction from customers?

We received phone calls from a few. One man wanted to know why we turned him down for a loan because of tight money if we could afford to give $10,000 to these kids. This is a legitimate question and tough to answer.

How did you answer them?

My answer was that the Bank is not in business only to make money. We're here to help the community too. We have a responsibility to share in solving serious social problems. At the moment, the minority problem is one of the most serious. I'm glad they called, because they ended up supporting the idea.

What has been the Bank's policy on publicity?

At the beginning we didn't want publicity. The original source of the story was Washington High School, not us. The story was picked up from the *Oregonian* by the Associated Press. It made it as far as the *New York Times* and was broadcast all over radio and television. We had to ask the press to cool it. We were getting the confidence of these kids and didn't want to lose it because of a lot of publicity. Okay, we're talking about it right now, but that's because the story is out, and we want to make sure our own people have the facts. At the same time, we want other companies to hear about the program so they can try it themselves.

By supporting Black capitalism aren't you concerned that you may be going in the opposite direction of integration? After all, you are promoting an all-Black business.

We have a subculture in this country, and we haven't admitted it. We think we're talking about integrating when we're really talking about assimilating. We tell Blacks to wear our clothes, to talk the way we do, and we'll give them a job. But integration is meeting them half way. We judge them critically by the way they talk, but they communicate with each other beautifully. We have to bring them up as a subculture before we integrate. They must understand Black capitalism before they can understand White capitalism. We have to teach them Americanism. They've been in America, but we haven't let them see it.

What is your role in the Malcom X Corporation?

My role has been that of adviser, along with other members of the board. We—and that includes Joseph Ward and Johnny Bell from our Bank, Phil McAllister from Lewis & Clark College, and Bruce Samson from the telephone company—offer advice, but final decisions rest with the kids. To prove this point, look at the name of the corporation. When they said they were naming the company Malcolm X, I nearly flipped. This was a real test for our management. They knew that the Bank's name linked with Malcolm X would trigger an emotional reaction, and they could have put the skids on it right there. But they meant what they said when they said they'd keep their hands off.

Why was the name Malcolm X chosen?

The kids' reasons for naming it Malcolm X were simple. Our conversation went something like this. Kids: We've decided to name it Malcolm X. Pause. Me: Why in the world? Kids: Because he was a great man. What do you know about him? Me: Nothing. Kids: Then read his biography. Well, I read it, and they were right. I didn't always agree with him, but he was a great man. He advocated having the Black people play a greater role in our society, and that's all we're doing, isn't it?

Have you had any problems with the company?

We had problems! Organizing a small business in this day and age is one monumental problem. Add to that a situation that fits no previous pattern, and you really have a headache. I had a lot to learn, and we made mistakes. The kids themselves have made several innovations. They had to deal with other kids who showed up late, goofed off, things like that. One innovation was to tell their employees they could show up any time as long as they were the top producer. So the kids who showed up at 10 a.m. had to work like crazy to catch up with the kids who came in at 8. But then the kids who came at 8 would work like crazy to make sure the late ones didn't catch up. This really gave us some progress.

Why did the kids decide to make pallets?

The reason they selected pallets was the high labor input and low skill factor. But they're not limited, and they're looking around for other products.

How many jobs did the program provide this summer?

Our work force is actually determined by our contracts. At the height of production we had 22 kids working. That's a lot more than we put to work in the Bank last summer.

Besides the $10,000, what did the Bank put in?

They borrowed some furniture and some of our staff for advice and counsel. Several staff members helped, for example, showing the girls how to handle the books.

I won't ask you what the kids got out of this because I'll ask them, but what have you learned from this experience?

It's been an absolutely fantastic experience in communication. I feel very at home with these kids. We're able to attack each other's ideas without the usual Black-White hangups. We don't have to worry about what we say. You know, this is how it's got to be. We won't have a bias-free society until you can walk away and forget the color of a person's skin. We don't remember people's eye color. Why not? Because it's not important. The reason we remember someone is Black is because it's important to us.

Did you run into much bias?

I've learned a disgusting amount of bias still exists. Everyone seems to want to help, but many people give loud lip service then play hide-and-seek behind red tape and rationalizations. The main thing is they're afraid. I was afraid at the beginning, myself. The Whites are more afraid than the kids. We have our stereotypes. We think of the high crime rate in Albina. But the per capita juvenile delinquency there ranks fifth in the state.

Did any of the bias come from the Blacks?

I think Black kids have more bias than Whites, but it's strictly a defense mechanism. I found out how that works. Some friends took me into an all-Black bar. No one was rude or said anything, but I felt strange, defensive, ill at ease. For the first time I got an idea of what it must be like for a Black to come to work in a White corporation. Another thing I learned is that these kids are much more perceptive about your feelings because they've been sensitized to prejudice. If they're cool to you, they're just mirroring your reaction to them.

Where do things stand now with the Malcolm X Corporation?

We're in a lull right now. The red tape's catching up with us. School's starting again, and we're worrying about liquidating inventories, storing tools, getting our books in order, things like that. If we'd worried about the red tape in the beginning, we would never have gotten off the ground and had these kids working this summer. We should be in better shape next summer. We'll have had a year to plan. We only had two months to get the whole thing going this year. We hope to involve more kids too. The school may even give academic credit to students who work on this. They would have a class or seminar in which they discuss aspects of production and marketing problems.

Was there any profit for the corporation?

Profit? No, they've sustained a loss because we've had a lot of initial set-up costs, managerial error, buying tools, rent. We couldn't amortize because of the short term. But the point isn't dollars and cents. The point is that for a little money and a lot of advice, we've started some kids. Their contributions could be manifold. We've taken kids off the street and given them work. How do you measure a contribution to society? Not in money.

Will the Bank continue its involvement?

The Bank is going to have to continue to spearhead this because someone is going to have to care enough to provide resources. Malcolm X has a management turnover because the kids must get out when they graduate. We encourage our kids to go to college. We'll probably continue at Washington because we have all we can handle there. I am trying to convince other companies to go into other schools.

Have any other companies shown an interest?

Yes, we've had many inquiries, and the city of Eugene has inquired about setting up a subsidiary there to put Black people to work.

What hopes and plans do you have for this project?

First, I hope this will be perpetual, that it will continue next summer. Secondly, as I said, I hope to pass this concept to other companies. Putting unqualified Black people on make-work jobs is no answer to the problem. What we call lack of motivation on the part of many Blacks is simply lack of basic knowledge. We have quite an education job on our hands. I heard a fellow put it well once; he said we need to trade expertise for soul.

THAT'S WHAT WE ALL LACKED . . . RESPONSIBILITY

Malcolm X and U.S. National Bank are an unlikely combination of names. Lee McClinton, 18-year-old president of the Malcolm X Corporation, tells it like it is and makes it all sound likely.

How did you get involved in the Malcolm X Corporation?

It got started at the Bank. They came to Washington High School and asked Mr. Jones, our vice principal, to pick five students. So the counselors picked us.

Do you know why you five were chosen?

Well, all five of us were in school politics. Jack Dizer was president of the Black Student League. Louis Turner was sergeant-at-arms of the junior class and in the Boys League, too. Sandra Jackson was sophomore class rep to the Girls League. I was president of the Boys League. Those are the four who stayed out of the original five.

Was there any reaction to the proposed project?

Well, there was no bad reaction from anybody, except my brother—and he's just that way.

Didn't people think the Bank was doing it for publicity?

Oh yeah, a lot of people thought that. But the first guy I heard that from worked at another bank. I really don't know if they still feel that way. No one says that now.

Do you think that promoting Black capitalism is at odds with integration?

No, if you sit down and think what integration means. To some it means only integration into the White race. I mean like Black kids are sent to White schools or Black people go into White businesses. But integration really means a 50–50 deal. Not just Black into White, but White into Black, too. So you've got to have Black businesses, too.

How did you come up with the name Malcolm X?

Another girl came up with the idea. It wasn't my idea; we didn't really agree. But we both felt he was a great man. We felt it was a tribute to him. He's pretty hard to describe. I mean he was a Black Muslim, and like all Muslims he believed White men were evil. But then he went to Mecca, and there were all these Moslems—all colors—living together, like they should. So when he came back, he preached that's how it could be. That's one reason he was killed. I mean he was just saying that all colors of Moslems could live together, but that's a start. That's at least how I got it when I read about him.

Weren't you aware this name might cause an emotional reaction?

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The deal is, why go into something backwards? Be what you are. Don't be afraid to be what you are. If we lost customers because of that, then we didn't want to deal with them anyway.

What about the kids; is there a lot of militism among them?

Yes, most Black kids have militant feelings. I think we had five Panthers working for us.

Are you prejudiced?

No . . . two wrongs don't make a right.

Did you have any problems with your company?

Yeah, everything we did just about was a problem, because of our age, our lack of knowledge.

What kinds of problems?

Like getting our corporate structure set up, trying to set it up so U.S. could stay nonprofit. We had problems with our workers coming in late or goofing off. We're still not over that. We had the problem of getting a forklift to get our wood in and move the pallets out. Even getting our water turned on was a problem.

What recommendations would you make for next summer?

First of all, instead of just jumping into it, you should sit down with the kids and have them plan what's to be done. You'll have two of the kids coming back with experience next year. Say they pick a janitorial service to run, they're going to need insurance. Now I'm just saying these things from the top of my head, because I'm not sure. But they will probably need a special license for the ones who do the driving. They'll have to figure out their utensils and things. Man, I've sure found out it's hard to run a business. Maybe there should be someone from the Bank eight hours a day working with the kids to help them with their problems. Phil McAllister would come down a few times; Duane would drop in when he could. Another thing I would recommend is that nothing should go in or out without the approval of the kids. One of our advisors negotiated our price with one company, and he didn't know what the cost of labor was. We ended up losing a quarter on each pallet we made for them.

Most of these recommendations are aimed at your advisors. What recommendations do you have for the kids?

This is really important. As a way of getting more confidence, the kids should go out and talk to people, like businessmen, and get loose so that when it's time to work with money they won't be scared. I talked to Mr. Staver. He's a pretty nice guy. I'd love to go out and tell businessmen what's happening. I've been thinking I might like to come back as an advisor. You know, Duane and I could help them a lot. This thing helped me a lot—the other kids too—like with self-confidence and responsibility. That's what we all lacked . . . responsibility.

What else have you gained?

I really think our main goal was accomplished. We learned about business. For a lot of them the whole purpose was to make money this summer. But the five of us learned. Sandra learned about books; Jack learned about employees.

How did you learn?

We had to worry about getting a forklift. Then we had to worry about the thickness of the floor, to see if it would hold the lift. We had to plan our space needs, our equipment needs, decide on our work hours, and how many breaks. We worried about if someone took 15 minutes for break would he be too lazy to get to work when he came back. Some of the little things were the most problem.

Now that you've graduated, what are your plans?

I don't know. I'm a student at Portland State—technically, but school hasn't started. I'm interested in school. I'm planning to go to college.

Do you think you'd ever go into business as a career?

Well, since I was old enough to think and talk, I've always wanted to be a lawyer. My mother says I'm a pretty good talker. But Duane thinks I should take Business Administration courses as an undergraduate, then go into law. I think that might be a good idea.

And what about the Malcolm X Corporation; do you think it's worth continuing?

I think it's one of the greatest things anyone's gotten into. Next year will be a good year. The year after, too. We've got sophomores coming back. It's doing something. It's going somewhere. No matter how much you lose, you still gain something.

METROPOLITAN COUNCIL ON HOUSING URGES FEDERAL SUBSIDY TO PRESERVE RENTS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RYAN. Mr. Speaker, the Metropolitan Council on Housing of New York City is a grassroots organization representing some 100 tenant groups. It has argued effectively and persuasively for years for programs which will make decent integrated housing available to all New Yorkers at reasonable rents. On July 25, 1969, Miss Jane Benedict, chairman of the metropolitan council on housing and Mr. Leroy Adolph, chairman of the public housing committee, who is also the chairman of the Drew Hamilton public housing project, testified before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency. They stressed the desperate situation facing tenants in public housing who are confronted with ever increasing rents because of the operating deficit of the New York City Housing Authority and urged legislation to change the Federal subsidy formula to increase the allocation to public housing authorities so that rents can be maintained at a level which low-income families can afford to pay.

I have introduced H.R. 10194 which would accomplish this objective, and I urge my colleagues to heed the words of the metropolitan council on housing in order to understand the seriousness of the situation. The testimony of Miss Jane Benedict and Mr. Leroy Adolph follows:

STATEMENT OF MISS JANE BENEDICT, CHAIRMAN, METROPOLITAN COUNCIL ON HOUSING, NEW YORK CITY; AND LEROY ADOLPH, CHAIRMAN, PUBLIC HOUSING COMMITTEE, METROPOLITAN COUNCIL ON HOUSING, BEFORE THE SUBCOMMITTEE ON HOUSING, SENATE BANKING AND CURRENCY COMMITTEE, JULY 25, 1969

Miss BENEDICT. I am chairman of Metropolitan Council on Housing, a New York City federation of some 100 tenant groups and individual members, dedicated to a broad program for decent, integrated housing at rents people can afford. We have been working toward our goal for more than 10 years—nearly all of us are volunteers, and which is some indication of the staying power, I should like to remark, and all of us represent the grassroots of the communities represented.

The people you saw come in the room a short time ago are tenants of public housing projects in New York City who came down by bus at their own expense at $7 per person because they considered it of importance to them to be here to be able in some way to present their case to you through us, hopefully.

The CHAIRMAN. We are very glad to have them.

Miss BENEDICT. Thank you.

This program embraces the organizing of tenants in all kinds of housing, including public housing. We have, therefore, a public housing committee made up of these tenants, whose chairman is Mr. Leroy Adolph on my right. He will testify in just a few moments. I assure you Mr. Adolph knows whereof he speaks. He is the chairman of Drew-Hamilton which is a public housing project in Manhattan. He and his wife have three sons ranging from 8 to 15 years. And when he speaks of the problems of public housing tenants, he knows them intimately.

We have come here today to urge your adoption of an amendment to the U.S. Housing Act of 1937, which would allow an appropriation to help meet the operating deficit of the New York City Housing Authority. The reason we take this position is that if the deficit is not met by liberalization of the law, it is going to be met by the almost empty pockets of the public housing tenants. And we consider this intolerable, impossible.

We underscore the statements that have come from New York City's administration that were previously stated, but we state them from a very fundamental and grassroots and people's point of view.

To say that in New York City there is a housing shortage is not to paint the picture. There is a housing famine. There is an official figure of a vacancy ratio of 1.23 percent. Not even slum apartments are available. Six hundred thousand people live in New York City public housing in some 160 public housing projects.

Mr. Walsh told you officially that the waiting list for public housing is 135,000 applications of eligible people under the laws. And the present eligibility laws are stringent.

We in New York City could use 100,000 apartments of publicly owned housing per year for the next 5 years to even begin to catch up with the shortage of apartments and the deteriorating apartments. And this is a picture of the disastrous situation in New York City.

Those tenants in public housing who are on public welfare, who are the minority in public housing, have already received a 47-percent increase in order to try to meet the operating costs of the New York City Housing Authority. I think we must put on record that we feel this increase is totally unjust.

We want to remark in passing that welfare clients are said not to feel this increase because it does not come out of their own pockets. This, of course, is fallacious reasoning. In the long run, they *will* feel it. We have had cuts in welfare from the New York State Legislature. And what comes out of one budget is bound to be reflected in another budget. And in toto the welfare clients will indeed feel that they are helping to meet the deficit of the New York City Housing Authority.

It has already been indicated that the New York City Housing Authority will give a 25-percent increase to the rest of the tenants in federally financed public housing who are not on welfare. This is an absolutely intolerable situation.

We understand that there is an administration bill which like S. 527 would allow money to be allocated to matters other than debt financing. It would allow $6.5 million nationally—less than S. 527, if we understand it correctly. This would be totally inadequate. The present deficit, we understand, of the New York City Housing Authority is some $5 million at this point and constantly rising.

We urge that the most generous formula be adopted by you.

The operating deficit of the New York City Housing Authority must be met and not met out of the tenants' inadequate pockets.

It is impossible to find adequate words to describe New York City's housing problem. No housing is being built for the poor except public housing, and it is an eye-dropper full of that as has already been indicated. Ghetto housing is indescribable. No housing is being built for the middle-income tenant except that which is subsidized. Even that is going out of sight rentwise. The only housing being built by private housing developers is at a rental of $75 to $125 per room per month—hardly housing for the average citizens.

Added to that, commercial office buildings are on the tremendous increase as the real estate bonanza in New York City. And so far nobody has found it possible to live in the office buildings.

Public housing is a crying and fundamental necessity. It cannot be allowed to be wiped out by rent increases which will negate the low-income character of public housing. The Metropolitan Council on Housing feels deeply that the needs of low-income people must be dealt with as a primary concern. We organize and fight for middle-income and middle-class tenants as well, but if the housing needs of low-income black, white, and Puerto Rican tenants in a city as large and complex as New York are not cared for, then the explosiveness of our city is bound to increase.

In short, gentlemen, we urge a formula which will prevent unconscionable rent increases for people who simply do not have it to give. We urge section 5 of S. 527 or some adaptation of the type of bills that Congressman Ryan has, we understand, in the House of Representatives which would allow any subsidy which is necessary as described here. Anything less than this will mean that the basic need for shelter has been tossed aside.

I would like to add one word. Our concept of public housing which we certainly do not have time to go into, is indicated in what we call the Public Housing Tenants Bill of Rights in which tenants have control in public housing in a way that they do not have now because public housing is an institutionalized thing. I should like to hand up copies of this.

And one last thing, sir. We feel that the matter of shelter in this country is so basic a necessity that if, indeed, private industry cannot meet it; if, indeed, it cannot be met by the present situation; if, indeed, there are all kinds of problems of technicalities and legislation and so on, which pile up and seem imponderable, it is the responsibility of government beginning with the Federal Government and so on to the State and the local, to shoulder the responsibility of adequate shelter of people at rents that they can afford. And that is why we are here.

I thank you.

The CHAIRMAN. Thank you very much.

I may say that Congressman Ryan has sent a statement over with reference to the housing situation. And it will be printed in the record.

Miss BENEDICT. Thank you.

(The statement of Congressman Ryan follows:)

STATEMENT OF WILLIAM F. RYAN, REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I appreciate having this opportunity to present my views on urgent housing needs to the Subcommittee on Housing and Urban Affairs.

While I have introduced numerous bills in this session of Congress which relate to housing needs in our large metropolitan areas, I intent to limit my remarks today to legislation concerned with federally-aided public housing which is pending before this Subcommittee.

As the Members of this Subcommittee may know, operating expenses of the federally-aided public housing program in New York City have increased to such an extent that tenants are facing increased rentals beyond their means. Given the limited financial resources of most cities, this problem can only be alleviated by increasing the amount of Federal subsidies which the department of Housing and Urban Development is authorized to allocate to local public housing agencies. So that you will have a better understanding of the need for a new subsidy formula and not just clarifications of existing authority, let me discuss this situation in relation to New York City.

According to the New York City Housing Authority, routine operating expenses of the federally-aided public housing program in New York City have increased 125% since 1952. Rents paid by tenants, related to their incomes, have increased 72%. The deficits to the public housing program which have resulted have grown so acute during the past few years that it has been necessary for the Housing Authority to withdraw funds from its reserves. Under established procedures, the accumulated reserve funds for the New York City Housing Authority should currently amount to somewhat more than $30 million. But the present balance as of March 1969, is only about $12 million. Chairman Albert Walsh of the New York City Housing Authority has indicated that he expects complete exhaustion of reserve funds before the close of 1970, unless rents of tenants are substantially increased without regard to their ability to pay.

The alternative for New York, then is total exhaustion of reserve funds in 18 months or an increase in rents that most tenants simply will not be able to meet.

At the present time, the Department of Housing and Urban Development contracts to pay annually to the New York City Public Housing Authority only the sum actually required for debt service on bonds issued for the capital cost of each public housing project. Although it is my interpretation, and the interpretation of New York City Housing Authortiy Chairman Albert Walsh, that HUD presently has authority, under section 10(c) and (d) of the United States Housing Act of 1937, to pay the debt service plus two percent of the operational cost of a public housing project, HUD apparently takes the position that the basic statute needs to be clarified. Accordingly, HUD has recommended the clarifying language which is contained in Section 5 of S. 527 and Section 204 of S. 2620. HUD seems to believe that in order to pay the two percent specified in section 10(c) and (d) of the United States Housing Act of 1937, it is necessary to have language which specifies that the annual contribution under any contract is not limited to debt services requirements.

In other words, the amendment requested by the Administration would merely state that HUD has the authority to do what I believe it already has authority to do under the existing statute. This is clear from the testimony of Secretary Romney on July 15 before this subcommittee in which he said: "The amendment [Section 204 of S. 2620] would not, however, permit the annual contributions to exceed the statutory maximum now established by the United States Housing Act of 1937."

I have previously called upon Secretary Romney to increase the subsidy for public housing in New York City to the statutory maximum through administrative action. Instead of asking for an increase in the statutory maximum, which is essential, the Administration is proposing "clarifying" legislation in order to do what it has the power to do administratively.

In light of the increasing operating costs which many public housing agencies are experiencing, I believe that mere clarifying language is an insufficient remedy for the problem. What is required is an increase in the present statutory limit.

In order to achieve that end, I have introduced H.R. 10194, which changes the present subsidy formula so that the formula would specifically include debt service plus one percent and an additional amount "to the extent required to permit low-rent housing to continue to fulfill its goal of providing housing at rents which families of low income can afford to pay, taking into account such routine operating costs of the projects involved (including the cost of providing adequate security for tenants) as may be necessary or appropriate for the purpose."

In effect, H.R. 10194 would make it possible for the Secretary to determine the subsidy formula required to maintain rents at a level which low-income families can afford, taking into account normal operating expenses and particularly the cost of police protection for tenants, which, in most large cities is urgently needed. Rising crime rates in public housing projects in New York City are alarming—so much so that tenants feel compelled to organize volunteer groups to protect themselves.

Section 2 of H.R. 10194 would permit the secretary to increase the cost limitations to the extent necessary to reflect increases in construction cost for a particular geographic area. In New York City, where construction costs are skyrocketing, this flexibility is essential if the demand for public housing is to be met.

Section 3 of my bill makes it clear that the new subsidy formula set forth in the bill would apply to existing projects as well as projects completed after the enactment of this legislation.

In view of the escalating costs of public housing agencies, I believe it is imperative that this body adopt a formula such as the one embodied in H.R. 10194. To accept only a "clarification" in language which I believe already gives clear authority to the Department of Housing and Urban Development to pay debt service requirements plus two per cent of operating costs falls far short of what is required.

H.R. 10194

A bill to amend the United States Housing Act of 1937 to increase the amount of the annual contributions which may be paid thereunder with respect to low-rent housing projects by establishing a more realistic subsidy formula, and to permit increases in the statutory per-room cost limits applicable to such projects to the extent necessary to reflect rises in construction costs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso in section 10(c) of the United States Housing Act of 1937 is amended by striking out "by 1 per centum of development or acquisition cost" and inserting in lieu thereof "to the extent required to permit low-rent housing to continue to fulfill its goal of providing housing at rents which families of low income can afford to pay, taking into account such routine operating costs of the projects involved (including the cost of providing adequate security for tenants) as may be necessary or appropriate for the purpose".

SEC. 2. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by inserting before the period at the end thereof the following: ": *Provided further*, That in addition the Secretary may increase any of the cost limitations established by or under the preceding provisions of this sentence, with respect to projects in

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any geographical area, to the extent necessary to reflect any rises in the index of construction costs for such area which may have occurred since August 10, 1965".

SEC. 3. Any contract for annual contributions under the United States Housing Act of 1937 which was executed prior to the date of the enactment of this Act may be amended to incorporate the amendments made by the first two sections of this Act, effective with respect to periods after the date of the enactment of this Act.

The CHAIRMAN. Now, Mr. Adolph.

Mr. ADOLPH. Thank you, Senator.

My name is Leroy Adolph. And as previously told you by Miss Benedict, I am the chairman of the Public Housing Committee, Metropolitan Council on Housing. And I am also the chairman of our own local Tenant Association in Drew-Hamilton project.

Gentlemen, it may come as a surprise, or for lack of a better word, a little odd to you gentlemen, that a group of people—little people who have very little money, would go to the expense of coming here to Washington from New York for what might seem to you as an unnecessary reason. You may well wonder why we, the members of the Public Housing Committee of the Metropolitan Council on Housing, would go to the great effort of obtaining and investigating the law that you are considering; of writing to you for speaking time; or printing and distributing letters and leaflets to public housing tenants and interested people to make them more knowledgeable about what is happening at these committee hearings, so that they will be motivated and mobilized into coming to Washington to take part in the business of this committee. This we have done by mailing, phoning, making personal contacts, or any other method we could devise.

The people here are from Bronx River project, Manhattan Ville, Drew-Hamilton, Polo Grounds—I would like them to stand.

The CHAIRMAN. We saw them come in.

You may stand if you wish.

O.K. thank you very much.

Now, Mr. Adolph, move along. You have 5 more minutes.

Mr. ADOLPH. The answer to all of this is quite simple. One of the proposed amendments that is being considered by this committee concerns us. It concerns us so directly that we could not, in all good conscience, pass up the opportunity to have our say. For many, many months we have been looking for just such an opportunity to have our "day in court"; to be able to get across to a group such as yourselves, who can possibly make a change, the plight of the public housing tenant and the many day-to-day problems with which he must live.

At its inception, the concept of public housing was to help people, not hinder and frustrate them. It was, in fact, intended to aid those people who have meager funds at their disposal to at least live with some kind of dignity in safe, decent homes—at rents they could afford. But somewhere along the line this original concept has been either forgotten, ignored, or pushed aside by needless, senseless wars, the race to outer space or some other very "pressing and important matters" leaving people who provide the "lion's share" of the financial support for the "important matters" to fend for themselves with not much to fend with, after taxes.

The public housing tenant does not want charity, favors, or welfare. All they want is what is coming to them under the original concept of public housing—a decent home in which to house and raise their children. We cannot do this under the present conditions. Every year we are subjected to salary reports, which very often result in some sort of rent increase if there is any kind of an increase in salary.

It seems that under the present setup, that those in public housing who aspire to a better life for themselves and their families financially by working for job promotions or salary increases are penalized by getting a subsequent rent increase or by being evicted because of "over income for continued occupancy." Gentlemen, this has got to stop. My landlord, the New York City Housing Authority, claims it must have more money to run the authority. It normally receives subsidies from city, State, and Federal sources. If this is not enough to do the job, the final alternative is usually the public housing tenant himself. We in public housing are living from day to day with the threat of continuous rent increases hanging over our heads.

We cannot plan anything on a long-range basis such as higher education for our children, an occasional vacation, or any of the pleasantries of life, which is no life at all. The present situation in public housing is breeding a generation of liars because we must train our children to lie and scheme about what they earn and how they earn it, because this is the only way that we can survive. There will be no astronauts coming out of the public housing system, because all of one's life is taken up with making it on this planet. As a matter of fact, our kids will hardly be able to compete in a very competitive world for the very same reasons.

What we came to Washington today for is to ask you to seriously consider favorably any means by which the yearly subsidy to the New York City Housing Authority and all such other housing authorities that handle people like ourselves can be increased in order to take the pressure off the tenant. This may be our last opportunity to alleviate the frustration that can only lead to either a deep depressing apathy or vandalism or violence of some nature against what they feel is their oppressor, the housing authority.

I realize that this may be a naive approach to the problem and nothing is ever that simple. But as simple, uncomplicated people with the normal needs of people of our station in life, we have no other approach to the problem, which is just one of many that plague the tenants in public housing. We have been asked many times: If public housing is so difficult to live in and with, why not leave, move out? Our answer to this is another question: Move out and go where? Back to the slums, with the rats and roaches? Unfortunately, our families in public housing, which include widowed or husbandless women with small children, senior citizens on small pensions or social security, welfare families, have no other choice but to stay and live and fight the ongoing day-to-day problems. It is our firm belief that public housing is the answer to the Nation's housing problems, and can be made to work if the powers that be address themselves to the problems that exist and overcome them, one by one, like it was done in the attempt to reach the moon. We also feel that as elected representatives of the people, you must do whatever you can to better the lot of these many families. In New York City alone we have some 600,000 people living in public housing who are depending on the outcome of this committee's hearings. Please do not let these many people down. Do whatever you can, anyway you can. I am sure that they will know how to show their appreciation.

Thank you.

The CHAIRMAN. Thank you, Mr. Adolph. You still have 25 seconds. [Applause.]

You did a splendid job in making the presentation. And we are pleased to have the facts.

I may say this: Over the years, this is not new. It is new in degree. But over the years we have been confronted with the difficult problem of trying to get a public housing program or housing program of some kind that would provide decent homes for people of all income levels down the ladder. It has been most difficult to do it. We feel our inadequacy in it.

I think both you and Miss Benedict made a very fine presentation of the facts, the conditions, and I assure you our committee will give the fullest consideration to it. Thank you very much.

Miss BENEDICT. Senator, might I say one word just in closing in the 25 seconds that Mr. Adolph has?

The CHAIRMAN. You have 10 seconds.

I am being facetious, of course.

Miss BENEDICT. The fact, sir, that this has been a continuing problem for many years is, of course, true. I think the problem of shelter has never really been solved in this country throughout our history.

The CHAIRMAN. I want to say that we have made headway on it, but we have never been able to get down to the lowest level.

Miss BENEDICT. That is correct. And today, I think we have a greater crisis than we ever had, particularly in as complex a situation as New York and in all the urban centers. As we all know now, the city is the epitome of the problem. And it is so explosive a problem and so disastrous a problem that it is not enough to say that we have always lived with it.

But let me state that if we have managed to pour the many billions that we have into the Vietnamese war, then today when we are facing a problem this enormous at home that is so profound, certainly this economy must put the same amount of effort into this present crisis.

The CHAIRMAN. We will certainly keep working on it. Thank you very much.

(The complete statements of Miss Benedict and Mr. Adolph, including the Tenants Bill of Rights follow:)

STATEMENT OF JANE BENEDICT, CHAIRMAN OF METROPOLITAN COUNCIL ON HOUSING

Mr. Chairman, Gentlemen, my name is Jane Benedict. I am chairman of Metropolitan Council on Housing, a New York City federation of some 100 tenant groups and individual members, dedicated to a broad program for decent, integrated housing at rents people can afford. We have been working toward our goal for more than ten years—nearly all of us are volunteers, and all of us represent the grass roots of the communities represented.

This program embraces the organizing of tenants in all kinds of housing, including public housing. We have, therefore, a Public Housing Committee made up of these tenants, whose chairman is Mr. Leroy Adolph. He will testify in just a few moments. Mr. Adolph lives in Drew-Hamilton, a project in New York City's Harlem. He and his wife have three sons ranging in age from 8 to 15 years. When he speaks I assure you he is an accurate spokesman for those who live in public housing.

We have come here today to urge your adoption of an amendment to the United States Housing Act of 1937, which would allow an appropriation to help meet the operating deficit of the New York City Housing Authority. If this deficit is *not* met by liberalizing the law, it will be met by rent increases for public housing tenants. The result will be that thosuands of New York City public housing tenants will be forced out of their homes.

In New York there is a housing famine. With an official figure of 1.23% vacancy ratio, not even slum apartments are available. There are 600,000 New York City public housing tenants living in over 160 projects, scattered in the City's five boroughs. Tenants living in these projects who are receiving public assistance from the Social Welfare Department have already received a 47% rent increase in order to try to make up for the operating deficit of the New York City Housing Authority.

We feel this increase totally unjust; let me remark simply in passing that it is untrue that welfare clients will not feel the increase because they do not pay it out of their own pockets. There are already New York State cuts ordered as of July 1, and no matter from what budget, the welfare rent increase is paid, the welfare recipient will eventually be cut in some other direction to make up for the rent increases.

In addition, it has been announced that unless the money is forthcoming from other quarters, the non-welfare tenants in federally-aided low-income public housing will receive a 25% increase.

We understand there is an administration bill which, like S. 527, would allow money to be allocated to matters other than debt financing. It would allow $6,500,000 nationally—less than S. 527. We urge that the most generous formula be adopted by you. The operating deficit of the New York City Housing Authority now stands at $5 million. We understand still further that Congressman Ryan has submitted a bill allowing whatever subsidies are necesary. We do not know whether there is a companion bill in the Senate. If there is, we support it. I repeat, we urge the most generous formula—which is apparently *not* the Administration bill, which will allow money to help defray the deficit of the New York City Housing Authority, instead of taking it from the empty pockets of the Authority's tenants.

It is impossible to find adequate words to describe New York City's housing problem. *No* housing is being built for the poor except public housing (and an eyedropper-full of that). Ghetto housing is indescribable. No housing is being built for the middle-income tenant, except that which is subsidized. Even that is going out-of-sight rent-wise. The *only* housing being built by private housing developers is at a rental of $75 to $125 per room per month—hardly housing for the average citizen.

Public housing is a crying and fundamental necessity. It *cannot* be allowed to be wiped out by rent increases which will negate the low-income character of public housing. Metropolitan Council on Housing feels deeply that the needs of low-income people *must* be dealt with as a primary concern. We organize and fight for middle-income and middle-class tenants as well. But if the housing needs of low-income black, white and Puerto Rican tenants in a city as large and complex as New York are not cared for, then the explosiveness of our City will simply increase.

In short, gentlemen, we urge a formula which will prevent unconscionable rent increases for people who simply do not have it to give. We urge Section 5 of S. 527—or an improvement of it. Anything less will mean that the basic need for shelter has been tossed aside.

STATEMENT OF LEROY ADOLPH, CHAIRMAN, PUBLIC HOUSING COMMITTEE, METROPOLITAN COUNCIL ON HOUSING

Mr. Chairman, members of the Committee, it may come as a surprise, or for lack of a better word, a little odd to you gentlemen, that a group of people—little people who have very little money, would go to the expense of coming here to Washington from New York, for what might seem to you as an unnecessary reason. You may well wonder why we, the members of the Public Housing Committee of the Metropolitan Council on Housing, would go to the great effort of obtaining and investigating the law and the amendments to the law, that you are considering; of writing to you for speaking time; or printing and distributing letters and leaflets to public housing tenants and interested people to make them more knowledgeable about what is happening at these Committee hearings, so that they will be motivated and mobilized into coming to Washington to take part in the business of this Committee. This we have done by mailing, phoning, making personal contacts, or any other methods we could devise.

The answer to all of this is quite simple. One of the proposed amendments that is being considered by this committee concerns us. It concerns us so directly that we could not, in all good conscience, pass up the opportunity to have our say. For many, many months we have been looking for just such an opportunity to have our "day in court"; to be able to get across to a group such as yourselves, who can possibly make a change, the plight of the Public Housing tenant and the many day-to-day problems with which he must live.

At its inception, the concept of Public Housing was to help people, not hinder and frustrate them. It was, in fact, intended to aid those people who have meager funds at their disposal to at least live with some kind of dignity in safe, decent homes—at rents they could afford. But somewhere along the line this original concept has been either forgotten, ignored or pushed aside by needless, senseless wars, the race to outer space or some other very "pressing and important matters", leaving people who provide the "lion's share" of the financial support for the "important matters" to fend for themselves with not much to fend with, after taxes.

The Public Housing Tenant does not want charity, favors, or welfare. All they want is what is coming to them under the original concept of Public Housing—a decent home in which to house and raise their children. We cannot do this under the present conditions. Every year we are subjected to salary reports, which very often result in some sort of rent increase if there is any kind of an increase in salary. It seems that under the present set-up, that those in public housing who aspire to a better life for themselves and their families financially by working for job promotions or salary increases are penalized by getting a subsequent rent increase or by being evicted because of "over income for continued occupancy." Gentlemen, this has got to stop. My landlord, the New York City Housing Authority, claims it must have more money to run the Authority. It normally receives subsidies from City, State and Federal sources. If this is not enough to do the job, the final alternative is usually the Public Housing tenant himself. We are living from day to day with the threat of continuous rent increases hanging over our heads.

We cannot plan anything on a long range basis such as higher education for our children, an occasional vacation, or any of the pleasantries of life, which is no life at all. The present situation in Public Housing is breeding a generation of liars because we must train our children to lie and scheme about what they earn and how they earn it, because this is the only way that we can survive. There will be no astronauts coming out of the Public Housing system, because all of one's life is taken up with making it on this planet; as a matter of fact our kids will hardly be able to compete in a very competitive world, for the same reasons.

What we came to Washington today for is to ask you to seriously consider favorably any means by which the yearly subsidy to the New York City Housing Authority and all such other Housing Authorities that handle people like ourselves can be increased in order to take the pressure off the tenant. This may be our last opportunity to alleviate the frustration that can only lead to either a deep depressing apathy or vandalism or violence of some nature against what they feel is their oppressor, the Housing Authority.

I realize that this may be a naive approach to the problem and nothing is ever that simple; but as simple, uncomplicated people with the normal needs of people of our station in life, we have no other approach to the problem, which is just one of many that plague the tenants in public housing. We have been asked many times: if Public Housing is so difficult to live in and with, why not leave, move out? Our answer to this is another question: Move and go where? Back to the slums, with the rats and roaches? Unfortunately, our families in Public Housing, which include widowed or husband-less women with small children, senior citizens on small pensions or social security, welfare families have no other choice but to stay and live and fight the on-going day to day problems. It is our firm belief that Public Housing is the answer to the nation's housing problems, and can be made to work, if the powers that be address themselves to the problems that exist and overcome them, one by one, like it was done in the attempt to reach the moon. We also feel that as elected representatives of the people you must do whatever you can to better the lot of these many families. In New York alone we have some 600,000 people living in Public Housing who are depending on the outcome of this Committee's hearings. Please don't let these many people down. Do whatever you can, anyway you can. I'm sure that they will know how to show their appreciation. Thank you.

PUBLIC HOUSING TENANTS' BILL OF RIGHTS

(Adopted June 24, 1968)

PREAMBLE

We 600,000 public housing tenants constitute a citizenry larger than most American cities. To solve the myriad problems confronting us, and to guarantee a full, healthy and happy life for our families, we demand the right of self determination. This Bill of Rights is our platform to accomplish this end. To build productive communities, we must control our own destiny.

The first section of this Bill of Rights concerns those of us now living in public housing. The second section concerns those who want to live in public housing

1. All rules and regulations promulgated by the New York City Housing Authority which discriminate against tenants by reason of race, religion, national origin, sex, age, political beliefs or affiliations, or because the tenant's former residence was a slum, a ghetto, or both, or because of marital status, or the status of any children in the family unit, including any other forms of discrimination, are hereby declared to be absolutely void.

2. Before any rule or regulation may be adopted, there shall be a public hearing. At a reasonable time thereafter the rule or regulation shall be submitted for the consideration of all the tenants in a vote, by secret ballot, and a majority of those voting shall be recorded in favor of such rule or regulation, before it may be adopted.

3. Tenants shall have the right to be secure and safe in their homes. The Authority shall provide sufficient trained personnel and equipment as a guarantee.

4. No person may be evicted from public housing unless the following rules are adhered to:

(a) Notice of the commencement of eviction proceedings must be given to the tenant and simultaneously to the Chairman of the Tenants' policy committee.

(b) The tenant may be represented by counsel, or by any person designated by the tenant.

(c) The tenant shall be permitted to confront his accusers and submit evidence in contradiction thereof.

(d) The board or others in charge of making the decision to evict or not to evict shall be composed of tenants residing in public housing.

(e) The tenant shall have the right to appeal an adverse decision to the Division Committee.

5. The Housing Authority shall publish financial statements of the Authority, de-

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tailing administrative, capitalization, maintenance and operating costs, etc., and in addition shall detail income. The financial statement shall indicate loans made to the Housing Authority, the lender, and the interest rate. The financial statement shall be published twice each year, and a copy thereof shall be delivered to the door of each tenant living in public housing.

6. No rent increase shall be levied without a public hearing, and the request therefor shall be based upon the financial statement and justified by sound financial practice.

7. No fines or charges shall be levied against the tenant for any reason by the Housing Authority.

8. Immediate steps shall be taken by the Housing Authority to turn over to the tenants control of public housing. In doing so, the general procedure shall be as follows:

A. Elections in each project shall be held to create a Tenants' Policy Committee, which shall be a policy-making body, and which shall appoint the project manager, assistant project manager and superintendent from an appropriate certification list. The Committee shall have the power to discharge said persons.

B. The Tenant Policy Committee of each project within a division shall select one of their number to sit on a Division Committee. The Division Committee shall have the power to investigate and make binding decisions on all matters relating to the administration and operation of the public housing projects within the division.

C. Authority shall be headed by a Board which shall be elected by secret ballot by public housing tenants only. Each division shall have one representative on the Board. The Board shall be in general control of all matters pertaining to public housing, subject to the provisions of this Bill of Rights. Qualifications for the positions on the Board shall be set forth in an addendum to this Bill of Rights.

9. All persons elected to the Tenant's Policy Committee, the Division Committee and the Board, shall serve two year terms.

THE RIGHTS OF PEOPLE WHO WANT TO LIVE IN PUBLIC HOUSING

I. All levels of government must guarantee decent housing to all through the construction of as many public housing apartments as are needed.

II. Assignments of public housing apartments shall be on a first come, first served basis, except for emergencies.

III. The Housing Authority must establish a procedure which assigns each applicant a permanent place on a waiting list and shall make public the number and order of the list, which shall be permanent.

IV. Persons not placed on the list must be notified in writing and given the reason for failure to accept the application. No applicant for public housing may be denied the right to live in public housing, except on absolute proof that the applicant or a member of the family currently constitutes a danger to the other tenants of the projects.

V. All tenant selection bodies must consist of one-third tenants chosen by public housing tenant associations, one-third representatives of non-public housing tenant organizations; and one third New York City Housing Authority staff.

WANTED: A RHODESIAN POLICY

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. KASTENMEIER. Mr. Speaker, I would like to call attention to the administration's regrettable reluctance to deal forthrightly with a foreign policy problem whose solution is readily apparent, and which does not call for great wisdom nor effort in its implementation. I am referring to our Government's inexcusable failure to close our Consulate General in Salisbury following the British Government's decision to sever its diplomatic ties in July.

Apparently, our State Department, in a rare and laudable display of decisiveness, has taken the correct position that there is no point in encouraging the illegal, racist regime in Rhodesia by maintaining our mission there. However, the White House, to its discredit, has to date failed to act on this clear-cut recommendation. This failure to demonstrate this Nation's commitment to racial equality abroad is doubly disturbing in the light of increased criticism of the administration's ambivalent attitude towards desegregation domestically.

Our inaction is certainly widening the gap between our often expressed official opposition to the white supremacist Smith regime in Rhodesia and our actual deeds. By failing to withdraw our diplomatic personnel from Salisbury following the adoption by the white minority electorate of an explicitly racially biased constitution, we are also encouraging the continuation of the status quo in all of southern Africa and the perpetuation of racial injustice there.

I commend to all of my colleagues the following excellent editorial on this subject which appeared in today's New York Times, "Wanted: A Rhodesian Policy":

WANTED: A RHODESIAN POLICY

The United States claims that it adheres more strictly than any other country to the mandatory sanctions invoked against Rhodesia by the United Nations Security Council. At the same time, Washington continues to maintain a consulate general in Salisbury, seat of the white-minority regime it says is illegal and immoral.

For most black African govenments the explanation for such schizophrenia is simple—and cynical: they do not believe the United States is really opposed to the regimes seeking to perpetuate white domination at any cost in southern Africa.

The valid explanation, however, is even simpler—and equally inexcusable: in Rhodesia, as in other critical areas, the Nixon Administration, after eight months in office, has no policy. In this as in other areas, the much-maligned State Department is not to blame. The responsibility for a policy of no-policy rests with the White House.

Mr. Nixon himself reportedly ordered the sanctions maintained despite some business and Congressional pressure for relaxation. But the White House to date has failed to act on the recommendation of Consul General Paul O'Neill and the State Department that the consulate general in Salisbury be closed.

It is not only the black Africans who are offended by this situation. Britain recalled its Governor General and ended diplomatic and consular ties with Salisbury in July, after Rhodesia's white electorate had approved a racist, despotic Constitution under which Prime Minister Ian Smith will soon proclaim a republic.

The British are astonished that the United States, while agreeing that the Smith regime is illegal, maintains its consulate in what seems to be a fundamental break with London. France, West Germany, Italy and the Netherlands have also kept their consulates open, reportedly awaiting the American decision.

If the Administration has any interest in retaining some influence in black Africa, as well as in upholding the principles of non-racialism, majority rule and the rule of law on that continent, there is only one decision it can make. It ought to be made without further delay.

DDT TODAY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. LONG of Maryland. Mr. Speaker, there has been considerable debate recently about possible dangers of using hard insecticides on food crops. Recently, Mr. John D. Worthington, editor of the Aegis, wrote a fine editorial on this subject which I would like to share with my colleagues by including it in the CONGRESSIONAL RECORD:

DDT TODAY

Much has been written in national magazines, newspapers, and presented on television about the amount of DDT in our environment, the damage it has already done to fish, wildlife and maybe man, and how it continues to cause alarm among conservationists and the general public.

Within the last five years, scientific equipment has been developed which will detect as little as one tenth or even one hundredth of a part per million of a given chemical in a mass of other material. Through use of this equipment man has become much more aware of chemical contaminants in his environment. Also studies of the long term effects of chemical exposure and accumulation by animals have aroused interest about our changing environment.

DDT is a hard insecticide since it is one which doesn't readily break down into harmless by-products when used on agricultural crops. Within the last two decades many new insecticides have been developed. Most of these have much quicker knock-down power than DDT, but are rendered harmless to man and animals within just a few hours or days after being applied and exposed to weathering by sunshine, wind, and air circulation.

DDT can't be made safe. It wouldn't be DDT if we changed the chemical composition of the material. However, farmers can and do use other chemicals which quickly break-down shortly after use. This is the case with modern agriculture in Harford county today. Probably any good able-bodied man could pick-up and carry at one time all the DDT used on agricultural crops in one year in Harford county. In fact, few if any insecticides are used on crops grown for animal feeds today. New, quick break-down chemicals have replaced DDT for insect control on fruits and vegetables used for both fresh market and processing.

This is generally the picture over the entire nation today. DDT is used very little in agriculture. The various state universities which pass along recommendations to farmers through their Cooperative Extension Services have almost completely eliminated any recommendations for DDT. Maryland's Cooperative Extension Service recommends no DDT for use by farmers and has recommended none for several years.

DDT is one of our first synthesized or man-made insecticides. It has done much to prevent damage to food and relieve suffering of man the world over. However, because of its past good record there is no justification for continuing to use it if equally as effective chemicals are available.

PITTSBURGH'S AMERICAN WIND SYMPHONY ORCHESTRA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. MOORHEAD. Mr. Speaker, Pittsburgh's unique American Wind Symphony Orchestra, now in its 13th year of providing free summer concerts on a river barge in Pittsburgh, and in towns along the Ohio, was hailed recently by a seasoned New York music critic who admits he is jealous.

As a Pittsburgher, and a member of the advisory board of the American Wind Symphony Orchestra, I am very pleased that our city, which is known as the Gateway to the West, and the heartland of industry and research, also offers much along cultural lines. As the article points out, the city owes a great deal to the ingenuity and creativity of its director, Robert Boudreau for bringing us the imaginative and diverse program which the wind symphony boasts.

I include at this point in the RECORD for the attention of my colleagues the very appealing article from a recent issue of New York, "Windy Nights on the River" by Alan Rich:

WINDY NIGHTS ON THE RIVER

(By Alan Rich)

If life insurance underwriters knew the things music critics have to do to make a living, our profession would probably be put in the same bracket with coal miners and racing-car drivers. On a recent night in Pittsburgh, for example, I found myself standing on the edge of a barge anchored off one of the city's parks, an expanse of 30-foot-deep polluted river in front of me, an orchestra behind me, the composer whose work had just been performed sitting not 20 feet away . . . and under these circumstances I was expected to deliver into a microphone a criticism of what I had just heard. The fact that I am here to tell you about all this today attests to a new level of Christian charity among my fellow creatures.

The American Wind Symphony Orchestra, which is the group I went out to hear, is now in its 13th year. It is reconstituted each summer out of fine young professional musicians from around the country (plus, this year, Canada, Israel and Korea) who are personally auditioned during the winter by the orchestra's founder and conductor, a 42-year-old firebrand by the name of Robert Boudreau. The group plays a month or so in Pittsburgh, on a barge which Boudreau bought and had converted into a concert stage complete with overhead acoustical clouds and a pretty good sound system, and then the whole shebang gets tugged down the Ohio River, tying up at towns along the way for more concerts. The orchestra also owns another, more seaworthy barge that has gone down the Mississippi and up the Atlantic Coast.

And what do you think this group plays? Richard Rodgers medleys and Sousa marches? Well, it does, sometimes, as encores or program-ending toetappers, but let me tell you some of the things I heard. A new big piece by Penderecki. Pieces for orchestra and tape by Henk Badings and Bo Nilsson (who is not the same as Bo Polk, but is a very far-out Swedish composer). A concerto for percussion and orchestra by Mayuzumi, and other challenging new works from Japan. A new piece by—oh, well—Alan Hovhaness. And who do you suppose commissioned all this new music, got it published (by C. F. Peters), performed and now recorded? The American Wind Symphony of Pittsburgh, that's who.

I left Pittsburgh, therefore, jealous as could be, driving through torrential rains to get back to a city whose entire summer musical season consists of the Goldman Band, the Schaefer Beer Festival, a few isolated chamber concerts plus a lot of chestnutty programming by the Metropolitan and Philharmonic. (If you ask me who caused all the rain to fall this summer, I'd say it was the summer-music programmers, not the astronauts on the moon, and it serves them right.) Maybe the cities off the East Coast are culturally naïve, but I will put up with quite a lot of the sort of naïveté that brings new music by Penderecki to an urban park audience.

Boudreau, who looks, talks and operates a little like Joe Papp, is one of these people whom culture has to rely on heavily these days if it is to move ahead. He did the whole job himself, wangling a lot of money out of local industrialists without having to promise that they'd like his programming, bulldozing the city into helping out with every means this side of blackmail. His sense of p.r. is fantastic. One morning some ex-infantry types who were having a convention in town wandered down to the barge during rehearsal and got a little obstreperous because of the kind of music being played. Boudreau stopped the rehearsal, chatted with the crowd about his farm and his financial problems, played them a few marches and sent them away charmed and well-behaved.

He had invited me to come out (and Harold Schonberg a couple of weeks before), because he has been peeved at the way local critics have turned up their noses at his concerts. Pittsburgh is not exactly a hotbed of musical creativity, and is badly in need of critics who can deal with new music with some authority. In a sense, I suppose you could say Boudreau was invoking the New York magic to snow the locals, and I'm not sure how I feel about the ethics involved.

But what the hell. The job of getting culture off its collective fanny and moving ahead in *some* direction is not a local matter but a worldwide one, and if critics with at least a minimal sensitivity to the nature of new music happen now to be concentrated in New York, that's a temporary accident which, hopefully, will someday be corrected. Besides, my trip revealed ways in which New York can take the example of other cities to heart.

This had to do with the kind of music Boudreau has commissioned and performed (quite sympathetically, by the way), and also with the effect this music has been having on the musicians in the orchestra. The average age of the players, from appearances, is about 22; most of them will go into symphony orchestras, or perhaps into high school or conservatory teaching. Exposed to really challenging music in strange styles, and to such problems as improvisation and mixed tempos, they dig in with an enthusiasm that is not yet dimmed by overprofessionalism. I got a big hand when I told the crowd that the New York Philharmonic couldn't play some of this hard music as well as these kids did, and I meant it. Pittsburgh isn't exactly on the frontier, as New Yorkers sometimes like to think, but it can be a refreshing and sobering experience to watch such Dan'l Boone types as Boudreau holding off the Indians. We could use a few like him right here.

ECONOMIC IMPACT OF THE SST

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 1969

Mr. BROCK. Mr. Speaker, the controversy raging around the supersonic transport is many faceted. There are strong arguments on both sides of this important issue, and I hope that they will be duly aired before the Congress acts.

One important aspect of the question, because of the considerable initial cost of the proposal, is economic. It is important for us to realize that the SST will be of great benefit to the economy of this country. It will create about 50,000 jobs directly involved in SST development and production. These jobs will be spread among the two prime contractors, Boeing and General Electric, the major subcontractors, and the many thousands of suppliers and vendors located in almost every State of the Nation. Using the economist's multiplier factor of 4 to 5 for total employment impact, a total of 200,000 to 250,000 "new" jobs will be created, with an estimated payroll of about $2 billion.

The SST will also mean more business to the airlines. Today U.S. airlines employ more than 250,000 people and have an annual payroll exceeding $2 billion. While an exact figure cannot be forecast for the contribution of the SST, it is obvious that an estimated tenfold increase in passenger traffic is going to require a substantial increase in employees and payroll. If market potential estimates are accurate, the airlines will employ about 780,000 people in 1986, with an annual payroll of over $12 billion.

The SST means money in the bank for the people employed by airlines, airplane manufacturers, and the many large and small companies who depend on the airplane in their business. Of the more than 1.4 million people employed in the aerospace industry, the Nation's largest manufacturing employer, more than 600,000 people are employed in aircraft research, development, and production.

I think it is interesting to note that the production program for the SST is of such scope that the personal and corporate income taxes of those directly involved will produce a return to the Government more than double the prototype expenditure. With foreign sales estimated at approximately $13 billion, the effect on the U.S. balance of payments will be pronounced.

The SST seems to me to be "good business"—for the aviation industry, yes, but for the Nation as well. It affords the Government the opportunity to participate in a creative, high-technology undertaking which will provide jobs, enrich the economy, and provide the United States with an export product of significant dollar value.

SENATE—*Friday, September 26, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose kingdom is everlasting and whose power is infinite, in whose will is the destiny of nations, look upon this good land which Thou hast given us, and so rule the hearts of Thy servants, the President of the United States, all members of the executive, legislative, and judicial branches, and all in the diplomatic and military services, that they, knowing whose servants they are, may above all things seek Thy honor and glory; and grant that the people, mindful of the burdens of office and the problems to be resolved, may give them their confidence and sustaining prayers. Grant them grace fearlessly to contend against evil, to make no peace with oppression or injustice. Grant that they may reverently use our freedom for the strengthening of this Nation, the establishment of peace between the nations, and betterment of all mankind.

In Thy holy name. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 25, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4152) to authorize appropriations for certain maritime programs of the Department of Commerce.

The message also announced that the House had passed a bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of the morning business, the Senate proceed to the unfinished business.

The PRESIDENT pro tempore. The unanimous-consent request is that at the conclusion of the morning business, the business coming over from the previous day be laid down. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with the General Accounting Office.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, beginning with the General Accounting Office.

GENERAL ACCOUNTING OFFICE

The bill clerk read the nomination of Robert F. Keller, of Maryland, to be Assistant Comptroller General of the United States.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

RENEGOTIATION BOARD

The bill clerk read the nomination of Daniel Eldred Rinehart, of Maryland, to be a member of the Renegotiation Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill clerk read the nomination of Eugene A. Gulledge, of North Carolina, to be an Assistant Secretary of Housing and Urban Development.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The bill clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE, ARMY, NAVY, AND MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Air Force, the Army, the Navy, and the Marine Corps which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 210

Mr. McCLELLAN. Mr. President, I am today submitting an amendment, intended to be proposed by me, to the bill (H.R. 13270) to reform the income tax laws, which would remove from that bill all attempts, directly or indirectly, to impose a Federal tax on interest paid by State and local governments on their obligations.

The House bill provides—

First. Tax-exempt State and local government bond interest would be included in the limit on tax preferences, which means that such income would, under certain circumstances, be subjected to direct Federal tax.

Second. Personal Federal income tax deductions would be required to be allocated between taxable income and nontaxable income—including exempt State and local government bond interest. Deductions allocable to all nontaxable income would be disallowed.

Third. In an attempt to remedy the devastating economic impact of these provisions, the bill grants to States and localities the option of subjecting the interest on their obligations to Federal tax, in which case the higher interest cost would be offset by the Federal Government paying a percentage of the total interest cost of the issue as a subsidy.

In testimony before the Finance Committee, the Treasury Department—

First, opposed inclusion of the exempt bond interest in the limit on tax preferences;

Second, supported the allocation of personal deductions between taxable and tax exempt income—including exempt bond interest; and

Third, opposed the Federal subsidy.

I am unalterably opposed to any attempt by the Federal Government to tax, directly or indirectly, interest on State and local obligations, and I am confident that some of my Senate colleagues share this view. The dual sovereignty of State and local governments on the one hand and the Federal Government on the other has been one of the cornerstones of our system of government. The immunity of State and local governments and their agencies from Federal taxation is vital to the preservation of this dual sovereignty. This system would be severely challenged if the Federal Government destroyed the preferential character of State and local debts or exercised control of local policymaking by the selective taxation of certain categories of municipal bonds.

In opposing the House attempt to include tax-exempt interest in the limit on tax preferences, the Treasury Department quite properly gave recognition to the serious constitutional question involved. The only attempt by the Federal Government to tax interest paid by States and their subdivisions was declared unconstitutional nearly 74 years ago by the Supreme Court in *Pollock* v. *Farmers' Loan & Trust Co.*, 157 U.S. 429 (1895). If, despite prior judicial consideration of this question, Congress insists on imposing a direct tax on this interest, there is no question in my mind that the bond market will be thrown into a state of absolute chaos for the long period of time which would elapse while the constitutional question can again be litigated and finally decided.

The House bill attempts to remedy the devastating economic impact which taxation of interest would have on the States by proposing a Federal subsidy to offset the higher interest cost. I am opposed to the use of a subsidy in this area. I agree with the Treasury Department on this point. No Congress by its actions can bind future Congresses. New administrations and new Congresses could well conclude that any number of other programs deserve priority at the expense of the Federal subsidy now being proposed. State and local governments, which are currently struggling desperately to fund needed capital projects, should not be subjected to this risk.

Even if one could accept the principle of a Federal subsidy, it is reasonable to ask whether such a subsidy would actually offset all of the higher interest cost. I have grave doubts as to whether such higher interest costs can be accurately determined for each locality affected. For example, the requirement for allocating—and therefore disallowing—a part of a taxpayer's personal deductions to exempt bond interest will require an individual with mixed taxable and tax exempt income to pay more taxes. An investor in municipal bonds will therefore presumably require a higher bond yield to offset his increased taxes.

The House bill provides maximum percentage limits on the amounts payable as subsidy by the Federal Government. Thus, even if the added interest cost could be accurately calculated, these limitations may effectively deny full and adequate compensation to the States. In this case the States would be required to make up any deficit.

I should also remind my colleagues that under the laws and constitutions of a great many States a ceiling is placed on the amount of interest the State and its subdivisions can pay with respect to their obligations. We are all well aware of how difficult and time consuming it is for a State to amend its laws and constitution. The delays in capital projects which would arise are totally unacceptable, particularly at this time when our urban areas are struggling for survival.

Finally, any attempt by Congress to tax interest on State and municipal bonds, either directly through the limit on tax preferences or indirectly through the allocation of deductions, will have an adverse psychological impact on their marketability. The increased interest rates will require that they compete with Federal Government obligations and corporate securities, the interest on which generally is taxable. Even at the same rates of interest, State and municipal bonds will be hard pressed to compete because of the smaller sizes of the issues and, sometimes, credit ratings.

In Arkansas the uncertainty arising from H.R. 13270 has already practically paralyzed all financing of public improvements for cities, counties, school, and improvement districts. Many essential projects have been either postponed or canceled. At least 20 Arkansas school districts have bond issues aggregating some $12.7 million ready for the market. All of these issues have been approved by the Arkansas State Department of Education—most of them since March of 1969. Many of these issues have been offered for sale, but there have been no bidders. Other offerings have been delayed because of the present chaotic market condition. The school district of North Little Rock, Ark., has been forced to obtain bank loans to meet existing contractual obligations on school buildings under construction. Just last March, the citizens of the school district of Little Rock, Ark., approved a $2½ million bond issue. The bonds have not been marketed because the prevailing interest rates are above the statutory ceiling in Arkansas. Also financial institutions are hesitant to purchase bonds because of the uncertainty arising from this proposed Federal tax legislation.

The city of Little Rock Airport improvements, the city of Little Rock Parking Authority, St. Francis County, city of Bald Knob, Forrest City improvement district, and Booneville improvement district have deferred bond offerings. Drew County, Ark., has attempted to sell a $900,000 bond issue to construct a county hospital. To date, there have been no bidders on this offering. A Federal grant, which has already been approved, amounting to $937,000 in matching funds hangs in the balance contingent on the outcome of the bonds being marketed. I am sure comparable conditions prevail in other States.

Postponement of essential improvements, such as are here involved, often results in increased costs to local school and governmental authorities. I am advised that because of market conditions, one school district in Arkansas decided to wait a year to market a sizable bond issue. After postponement, the cost of improvements had increased 34 percent. A similar situation will most likely confront those local school and governmental authorities who have been prevented from marketing bond issues this year.

Of course, there are many other instances in my State that I could cite where bond issues have been approved and the issuers are awaiting favorable conditions to market the bonds. However, the ones I have referred to are illustrative of the catastrophic situation which local and State officials face in obtaining financing for public improvements.

If the present tax exempt interest on obligations of State and local governments is removed, this means that, hereafter, States, municipalities, and school districts will have to pay a much higher interest rate on their securities. This will

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compel a substantial increase in local taxation—especially a large increase in property and sales taxes—to meet this rising interest cost. It is obvious that this burden will be borne mostly by the low- and middle-income taxpayer.

In fact, I believe that the retroactive provisions of the House bill, as they relate to the tax exempt interest on State, school, and municipal bonds, are unconstitutional. Their enactment would constitute a breach of governmental integrity.

I therefore urge the Committee on Finance and all Members of the Senate to remove this most objectionable provision from the House bill and not to embark on a legislative course that is fraught with such harmful economic consequences.

The **PRESIDENT** pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 210) was referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. **YOUNG** of Ohio. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The **PRESIDENT** pro tempore. The senior Senator from Ohio is recognized for 10 minutes.

WILL "JOHNSON'S WAR" BECOME "NIXON'S WAR"?

Mr. **YOUNG** of Ohio. Mr. President, could it be that President Nixon is ignorant of the fact that for thousands of years there was never a North Vietnam or a South Vietnam. Vietnam over the centuries was never divided into a North Vietnam and a South Vietnam. Historically, the Vietnamese have always been one people. As such they repelled aggression from the Mongols or Chinese many, many times over hundreds of years.

Together they were united seeking national liberation when the French, aided by our then Secretary of State John Foster Dulles, sought to reestablish their lush Indonesian empire. The dream of the French colonial oppressor, aided and abetted by the Secretary of State John Foster Dulles, ended on May 7, 1954, when the Vietminh, as the forces fighting for national liberation of Vietnam were then called, overran Dienbienphu, capturing 12,000 survivors of the French Foreign Legion. Following that, later in 1954, the French Republic withdrew 240,000 soldiers from Vietnam, Laos, and Cambodia.

Following this the Geneva accords of 1954 were agreed to by John Foster Dulles but not signed by our representatives. This definitely stated:

> The military demarcation line at the 17th parallel is provisional and should not in any way be considered as constituting a political or territorial boundary.

Is it possible that President Nixon is also ignorant of the fact that we Americans had Diem, our puppet President of the Saigon regime, call off the pledged elections to be held throughout all of Vietnam in 1956? President Eisenhower in his memoirs stated the election, provided for in the Geneva accords, was called off for the reason that Ho Chi Minh, regarded as the George Washington of Vietnam, would have received 80 percent of the votes of the Vietnamese people both north and south of the 17th parallel.

While I was in Vietnam on a factfinding mission as a member of the Armed Services Committee of the Senate, General Westmoreland stated to me that the bulk of the Vietcong fighting us Americans in Vietnam were born and reared in South Vietnam. Furthermore, Lt. Gen. Richard Stilwell, who at one time was General Westmoreland's chief deputy commanding officer, informed me that 80 percent of the Vietcong fighting us in the Mekong Delta were born and reared in that area. The Mekong Delta is entirely in South Vietnam. In fact, it is south and west of Saigon. When I stated, "Then that means we are involved in a civil war in South Vietnam," he said, "It could be termed a civil insurrection." The Mekong Delta area has at all times from 1963 to the present time been a stronghold of the National Liberation Front, or Vietcong.

In his recent speech at the United Nations President Nixon said:

> What the United States wants for south Vietnam is not the important thing. What north Vietnam wants for south Vietnam is not the important thing. What is important is what the people of south Vietnam want for south Vietnam. To secure this right and to secure this principle is our one limited and fundamental objective.

However, at the same time this administration continues to support and strengthen the Thieu-Ky militarist regime in Saigon, the largest single obstacle to peace. Yet President Nixon knows, or should know, that General Thieu and Ky could not remain in power in Saigon for a week except for the support of our Armed Forces. President Thieu and Vice President Ky have at most the support of but 20 percent of the people of South Vietnam. President Nixon has kept in key positions Ambassador Bunker, Ambassador Lodge, and others who have been and are now subservient to Thieu and Ky.

It is obvious that there will never be peace in South Vietnam until and unless a coalition government is established in Saigon composed of all elements of South Vietnamese political life, including representatives of the National Liberation Front, instead of a regime which has barred neutralists, so-called, many Buddhists, and representatives of the National Liberation Front from voting or participating in government.

The administration has not faced up to the fact that the only way this war will be brought to an end is for both sides to compromise on a political solution—a compromise that must include a coalition government in Saigon and free elections. It is equally clear that Thieu and Ky are not going to preside over their own removal from power, so any negotiations in which they have a hand are doomed from the outset. There can be no escape from this hard truth. Furthermore, we Americans should demand that Thieu and Ky either place on trial or release the thousands of political prisoners now imprisoned in jails in Saigon and elsewhere.

How can anyone know what the South Vietnamese people want until free elections are held? President Nixon can never hope to achieve his objectives if he continues to support the militarists now ruling in Saigon.

Many civilian and military officials of the Saigon regime are well aware that once there is peace they will be ousted as provincial leaders and generals, within a few days and forced to flee and rendezvous with their unlisted bank accounts in Hong Kong and Switzerland.

Vice President Ky has even gone so far as to threaten to use military force if necessary to oppose political concessions to his fellow countrymen. He recently addressed a group of South Vietnamese Air Force officers as follows:

> The future of our country is in your hands—yours and mine. We cannot afford to leave our destiny in the hands of dirty politicians. I tell you we will replace them, we will replace them in leading this country to victory. . . . No country including the United States, can determine our future for us.

Of course, he hopes to lead his regime to victory on the blood of young Americans who have been sent to fight and die in a small country 10,000 miles distant from our shores and of no strategic or economic importance whatever to our national defense. More than 47,000 young Americans have already been killed in combat, more than 250,000 others wounded and additional thousands afflicted with malaria fever, bubonic plague and other jungle diseases to maintain Thieu and Ky and their ilk in power. Those are priceless lives of young Americans sent overseas to fight in a civil war in Vietnam.

The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement that "what is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

The fact is that while professing a desire for peace, the administration has failed to create the political conditions in Vietnam under which peace is possible. This raises the question as to whether this administration really seeks to end this war despite President Nixon's repeated statements to the contrary.

During the presidential campaign Richard Nixon said:

> I have a secret plan to end the Vietnam war.

He really assured the American people that if they elected him President he would bring the boys home. He has been in office more than 8 months and Americans are still waiting for him to unveil his plan. It seems still to be his secret. However, there is a limit to the patience of our fellow citizens and they will not be satisfied with words and gestures of peace as a substitute for the deeds they were promised.

Reducing the troop level in Vietnam from 535,000 men to 475,000 or to a permanent garrison of 350,000 or 400,000 men is not what Americans had in mind when they elected Richard Nixon to end the war. Is it the policy of this administration to seek an end to this immoral, unpopular, undeclared war or merely to reduce the casualties and the troop commitment to what it supposes to be politically tolerable levels?

Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected.

Invariably throughout the past 3 months, every Pentagon report of casualties shows more Americans killed and wounded than ARVN forces. It is saddening to report that during the 2 weeks from September 6 to September 20, 1969, inclusive, 2,735 Americans were killed and wounded in combat in Vietnam. During that same period 2,685 of the too-friendly-to-fight friendly forces of South Vietnam—ARVN—were killed and wounded. Also during this last 2-week period approximately 75 Americans were killed in what Pentagon terms "accidents and incidents." In World War II most of these casualties were termed combat deaths.

At that time, in World War II, there was no Pentagon credibility gap such as we have now. That is an unfortunate thing. It is also unfortunate that our intervention in the civil war in South Vietnam has really turned it into an American war.

IDAHO'S CHAMPION CRIME FIGHTER

Mr. CHURCH. Mr. President, my colleague from Idaho (Mr. JORDAN) last week attracted nationwide attention as a result of his decisive action in fending off a would-be robber in his apartment building near the Capitol.

All of us applaud Senator JORDAN for his swift action and, at the same time, are thankful that the only injuries suffered were minor—mainly bruised knuckles. [Laughter.]

Among the news coverage which followed the incident was an editorial which appeared in the September 19 edition of the Idaho Statesman, our State's largest daily newspaper.

As the Statesman summed up the event:

> We hope Senator Jordan won't be compelled to defend his title, even though there isn't much question about who would win.

Mr. President, I ask unanimous consent to have editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR WINS CRIME FIGHTER ACCOLADES

Sen. Len. B. Jordan of Idaho has earned recognition as one of the nation's outstanding crime fighters.

His decision over a would-be robber in an apartment building melee attracted national attention to the senator. Among those who congratulated him Thursday was President Nixon.

Not everyone would have had the courage or the presence of mind to act as decisively and swiftly as Jordan. His assailant may have thought he had easy pickings with an older man.

Thousands of Idaho people who know and admire the senator will be pleased that he won the fight, and that he wasn't seriously hurt.

The fact that a senator can be accosted inside his own apartment building adjacent to the Capitol is a sobering commentary on crime.

We hope Senator Jordan won't be compelled to defend his title, even though there isn't much question about who would win.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF THE FISH AND WILDLIFE ACT OF 1956

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act (with an accompanying paper); to the Committee on Commerce.

PROPOSED AMENDMENT OF THE INTERSTATE COMMERCE ACT

A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION AMENDING S. 2869

A letter from the Deputy Attorney General of the United States, transmitting a draft of proposed legislation amending S. 2869, to provide a new code of juvenile procedure for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a review of variations in cost and performance among community action program service activities, Office of Economic Opportunity, Department of Health, Education, and Welfare, dated September 26, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Detroit, Mich., Office of Economic Opportunity, dated September 25, 1969 (with an accompanying report); to the Committee on Government Operations.

RECOMMENDATION NO. 132, INTERNATIONAL LABOR ORGANIZATION

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, for the information of the Senate, the text of ILO Recommendation No. 132, concerning the improvement of conditions of life and work of tenants, sharecroppers and similar categories of agricultural workers (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the village of Arlington Heights, Ill., remonstrating against any proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A commentary, submitted by the city of Waterbury, Conn., remonstrating against proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A resolution adopted by the Northwest Municipal Conference, representing several Illinois municipalities, opposing any amendment to the Internal Revenue Code which would result in the abolition of the existing tax exemption for interest on municipal bonds and other securities and obligations of municipalities; to the Committee on Finance.

RESOLUTION ADOPTED BY MIDWEST ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE REGARDING RELATIONSHIP OF VOCATIONAL AGRICULTURE AND THE FUTURE FARMERS OF AMERICA

Mr. MILLER. Mr. President, I send to the desk a resolution passed at a recent convention of the Midwest Association of State Departments of Agriculture expressing the concern of that association over the relationship of vocational agriculture and the Future Farmers of America within the Office of Education of the Department of Health, Education, and Welfare. I ask that this resolution be appropriately referred.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The resolution will be received and appropriately referred.

The resolution was referred to the Committee on Labor and Public Welfare.

AUTHORIZATION FOR PRINTING REPORT OF UNITED STATES-CANADA INTERPARLIAMENTARY CONFERENCE AS A SENATE DOCUMENT (S. DOC. NO. 91-35)

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH), I submit the report of the Senate delegation to the 12th meeting of the United States-Canada Interparliamentary group, of which Senator CHURCH was chairman, held in Ottawa, Canada, in June of this year. The report is under 50 pages and, at the request of Mr. CHURCH, I ask unanimous consent that it be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD:

S. 2966. A bill for the relief of Hai Young Han; to the Committee on the Judiciary.

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By Mr. HARRIS:

S. 2967. A bill to authorize the Secretary of the Interior to lease certain deposits of minerals in the bed of the Red River in Oklahoma; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 1032

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 1032, to amend the Urban Mass Transportation Act of 1964, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1958

Mr. HARRIS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of S. 1958, to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2548

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. MCGOVERN) be added as a cosponsor of S. 2548 to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for childen under such acts.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2548

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966, to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2658

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of S. 2658, to provide pensions for veterans of World War I.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2890

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Kentucky (Mr. COOPER) and the Senator from Oregon (Mr. HATFIELD), be added as cosponsors of S. 2890, to amend title 38 of the United States Code to permit certain active duty for training to be counted on active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 266—RESOLUTION SUBMITTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE (for himself and Mr. JAVITS) submitted the following resolution (S. Res. 266); which was referred to the Committee on Rules and Administration:

S. RES. 266

Resolved, That the Selcct Committee on Small Business is hereby authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 57, Ninety-first Congress, agreed to February 17, 1969.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 210

Mr. McCLELLAN submitted amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. MCCLELLAN when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

IMPROVEMENT OF HEALTH AND SAFETY CONDITIONS OF PERSONS WORKING IN THE COAL MINING INDUSTRY—AMENDMENT

AMENDMENT NO. 211

Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 212

Mr. RANDOLPH (for himself, Mr. BYRD of West Virginia, Mr. WILLIAMS of New Jersey, Mr. JAVITS, and Mr. YARBOROUGH) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2917, supra, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON FEDERAL COURT JURISDICTION OVER AGENCIES COMPETING TO REGULATE PUBLIC UTILITIES

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings to amend the Federal Declaratory Judgment Act to grant district courts of the United States jurisdiction to resolve controversy with respect to jurisdiction to regulate a public utility and to provide for venue in such cases.

The hearings will be held at 10 a.m. on Wednesday, October 29, 1969, in the District of Columbia Committee hearing room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years, vice Victor L. Wogan, Jr., retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, October 3, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SENATOR SCOTT SUPPORTS SOCIAL SECURITY INCREASES

Mr. SCOTT. Mr. President, I agree wholeheartedly with President Nixon that this Nation must not "break faith" with those Americans who have every right to expect the social security system to protect them and their families from the brunt of continuing inflation. This has not been the case in the past. As the cost of living has increased substantially, social security benefits have remained relatively stable, and certainly inadequate to bear the brunt of inflation.

I am delighted that the President has requested immediate legislative action which would guarantee that this impact of inflation will not happen in the future. I supported the President's proposal for automatic cost of living benefit increases, and as the people of Pennsylvania know, I have made the same suggestion myself earlier this year.

I firmly believe this is one of the highest priority measures which Congress must face this session. For my part, I will press for Senate action this year in every way I can.

Whether the increase should be 10 or 15 percent or somewhere in between is a question, of course, which must be determined by Congress. I have stated before that to be adequate it may have to be 15 percent. However, there is danger when we move beyond what the cost of living increase has been.

I know that I could not suggest a percentage figure for an increase that would not immediately be doubled by a whole pack of irresponsible Democrats. I would like to keep the increase within the area of fiscal responsibility. However, I can assure my constituents and my colleagues in the Senate and President Nixon that I will press for Senate action this year.

RISE IN DISTRICT OF COLUMBIA CRIME MAKES VICTIM COMPENSATION AN URGENT MATTER

Mr. YARBOROUGH. Mr. President, I recently introduced S. 2936, a bill to create a Victim Compensation Commission in the District of Columbia. This body would be empowered to hear petitions from victims of crime for compensation for the harm done them. I have long felt that it is as necessary for the Government to compensate victims of crime as it is for the Government to capture and punish criminals.

Recently, the Federal Bureau of Investigation released some rather disturbing data which showed a 22 percent increase in crime for the first 6 months of 1969 in the District of Columbia over the same period of last year. I feel that this statistic makes the passage of my bill an urgent necessity.

Mr. President, I ask unanimous consent that an article entitled "Crime in Nation Up 9 Percent; 22 Percent District of Columbia Rise Indicated," published in the Washington Star of Tuesday, September 23, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Crime in Nation Up 9 Percent; 22 Percent District of Columbia Rise Indicated

Crime in the United States increased 9 percent in the first six months of 1969, according to an FBI Uniform Crime Report released today.

Although the FBI report does not list percentage changes for localities, figures listed for the District in seven crime categories indicate an overall increase of 22 percent for the first half of 1969, compared with the equivalent period of 1968. The increase in the listed crimes for the District was from 22,013 to 26,830.

The national crime figures for the first six months of 1969 also showed that violent crimes as a group—robbery, rape, aggravated assault and murder—increased 13 percent over the similar period last year.

Cities of more than 250,000 population and rural areas showed overall increases of 8 percent. Suburban areas reported an 11 percent jump.

STREET CRIMES INCREASE

FBI Director J. Edgar Hoover pointed to the upward spiral in robbery and other street crimes. Armed robberies represented 61 percent of all robbery offenses, and increased 20 percent.

Street thefts rose 11 percent during the first half of this year, and assaults with firearms were up 11 percent.

In Washington, according to the FBI figures, homicides in the first half of 1969 totaled 125 compared with 88 in the first six months of 1968; forcible rape was up to 150, from 100; robberies from 1,489 to 1,725, and burglaries increased from 8,829 to 10,107. Auto theft was the only listed offense that showed a decrease—4,878 in the first half of 1968, down to 4,673 in the first half of this year.

ARLINGTON REDUCES CRIME

Arlington and Alexandria are the only other area jurisdictions for which offenses are listed among communities of more than 100,000 population.

Arlington showed these comparisons: 4 cases of murder or non-negligent manslaughters in the first half of 1968, decreasing to 2; 24 rapes in 1968, with 10 in the first half of 1969; 872 burglaries in 1968, and 668 for 1969's comparable period, and 70 robberies in 1968 compared with 48 in the first six months of this year.

For Alexandria: 3 murders or non-negligent manslaughters in the first half of 1968 compared with 4 for the first half of 1969; 10 forcible rapes compared to 15 for the first half of this year; burglaries up from 561 to 563; robberies down from 134 to 99, and auto thefts up from 255 to 302.

"WRONG DECISION" ON THE SST

Mr. PROXMIRE. Mr. President, on Wednesday, September 24, the Washington Evening Star published an editorial on President Nixon's decision to go ahead with U.S. development of a supersonic transport plane. The editorial is entitled "Wrong Decision."

Mr. President, what is the justification for the SST? Certainly not the cost; the Federal Government's contribution will run at least as high as $1.2 billion, and there is virtually no hope that this investment will ever be recovered out of revenues. The SST's benefits? These are tenuous at best, since flights will have to be limited to transoceanic travel until the sonic boom problems are ironed out. And there is virtually no hope of eliminating this problem in the foreseeable future.

Improving the Nation's balance of payments is occasionally cited as a justification for the SST. But this argument cuts the other way. As long as the SST's flights are confined to intercontinental travel—and they almost certainly will be—the SST will have one primary function: carrying Americans abroad where they can spend their dollars on foreign-made goods. Just how this is expected to help our balance-of-payments situation is a mystery to me.

Nor is there any military justification for the SST. The Department of Defense has been completely candid in acknowledging that the military will have no use for the SST—particularly now that the Pentagon has the go-ahead to develop the advanced manned strategic aircraft, or AMSA. The SST must stand or fall on expected benefits from civilian use.

Mr. President, I submit that there is actually only one justification for the U.S. decision to develop an SST: national prestige and competition. I should think that the United States has already demonstrated its technological superiority by winning the race to land a man on the moon. It should be obvious to any reasonable man that the United States cannot hope to be first in everything; it should be enough that in achieving an escape from the earth's gravity, and in reaching another celestial body, it was the United States that had the capability, and developed the technological know-how, to succeed in this effort. This was an achievement that some have said was the greatest since the Creation. Mr. President, how many times must we prove ourselves?

The Evening Star also makes another telling point: that by entering the SST race at this late date, the United States cannot be first. Both the Russians and the Anglo-French alliance have already tested their supersonic models and expect to have them in service by 1973. This is a race that we cannot win. Moreover, I cannot see why this is a race that we should want to win.

I ask unanimous consent that the Star editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Wrong Decision

The reasoning behind the administration's decision to proceed with the development of the supersonic transport plane appears to run something like this: Other nations are building the machines, therefore the United States must do the same or lose face.

The logic of the compulsion to follow the other lemmings as they march over the cliff escapes us.

The SST will provide the dubious advantage of carrying passengers to Europe in approximately three hours, instead of the present seven hours. While a handful of particularly eager jet-setters may be intrigued by that prospect, many travelers would prefer to retain the option of a few hours sleep en route.

The argument of national prestige is also open to question. The United States cannot be first. The Russians and the British-French combine have already flown SSTs and expect to have them in service by 1973—some five years before the U.S. gets into the act. And there is considerable doubt how much prestige will accrue to the nations whose planes leave a trail of supersonic destruction and disruption wherever they go.

For the privilege of coming in third in the race for a bigger and better sonic boom, the American taxpayer will shell out—according to today's estimate—$994,000,000. By the time these estimates complete their inevitable upward revisions, a reasonable guess is that the federal government's part of the tab will be closer to $2 billion.

Just offhand, we can think of a dozen better ways to spend that kind of money than on a financially dubious investment in luxury travel.

The matter now goes to Congress for approval, as the saying goes. Better still, there is a good chance that the legislators will disapprove, electing to forgo the opportunity to join the thoughtless parade. Perhaps, just this once, Congress will be willing to let someone else make the costly mistakes and give the United States a chance to profit by them. Perhaps the Hill will decline to sign the blank check the White House has handed it.

CLASS ACTIONS—MUSCLE FOR CONSUMERS

Mr. TYDINGS. Mr. President, on April 25, 1969, I introduced S. 1980, the Class Action Jurisdiction Act. This act is designed to provide consumers with an effective means, the class action, for fighting the commercial fraud and overreaching practices that often victimize them.

On July 28 and 29, the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, held hearings to consider the merits of S. 1980. The subcommittee heard testimony from an impressive group of witnesses, each of whom endorsed the "class action" as the most effective remedy for consumer frauds, and each of whom called for increased access to the Federal courts and the broad modern class action rule provided by the Federal Rules of Civil Procedure.

The hearings held in July served to illuminate the problems that the legislation was designed to meet and also to produce important suggestions for its improvement. All of the suggestions are being carefully reviewed by the subcommittee in its efforts to perfect the provisions of S. 1980. I intend to work for the enactment by the 91st Congress of the Class Action Jurisdiction Act in order to provide the consumer with the meaningful remedy that has been denied him too long.

After the hearings of July 28 and 29, the National Consumer Law Center, under the guidance of its deputy director, Prof. Paul G. Garrity, prepared a summary of the testimony heard by the subcommittee. I believe that Members of Congress will find the testimony helpful and interesting. I ask unanimous consent that an extract from the summary be printed in the Record.

There being no objection, the extract was ordered to be printed in the Record, as follows:

Senate Hearings Held on S. 1980: The Class Action Jurisdiction Act

On July 28 and 29, 1969, testimony on S. 1980, the Class Action Jurisdiction Act, was heard before the Senate Subcommittee on Improvements in Judicial Machinery, chaired by Senator Joseph D. Tydings.

* * * * *

In his opening statement, Senator Tydings spoke in detail of the class action procedure which S. 1980 creates by providing a judicial forum in which consumer rights can be effectively protected. Recognizing that consumers increasingly suffer common abuses, Senator Tydings noted that this remedy will economically and effectively provide a long needed method of redress which may serve to deter as well as to recompense for fraudulent conduct.

The witnesses on July 28 included Congressman Bob Eckhardt, author of the House version of S. 1980 (H. 11656); Mrs. Virginia H. Knauer; Special Assistant to the President for Consumer Affairs, who proposed an alternative to S. 1980; Ralph Nader, who pointed out how merchants calculate with precision how much they may cheat their customers and still be certain of not being taken in court; Professor Richard F. Dole, Jr., who assisted in drafting S. 1980 and who testified as to its merit suggesting amendments to cure some of its ambiguities; and Mrs. Erma Angevine, Executive Director of the Consumer Federation of America, who attacked as a "red herring" the argument that S. 1980 would cause unworkable congestion in the Federal Courts.

On July 29, Mrs. Bess Myerson Grant, Commissioner of New York City's Department of Consumer Affairs testified that S. 1980 is one of the most powerful instruments of economic justice that the Senate has ever considered. Other witnesses on that day were Mr. Maynard J. Toll, President of the National Legal Aid and Defender Association, who testified as to specific abuses and the immediate need for a class action remedy; Professor Paul G. Garrity, Deputy Director of the National Consumer Law Center, who pointed out the inadequacies of present remedies and speculated as to the future upon enactment of S. 1980; Mr. Ted Pankowski, Conservation Associate for the Izaak Walton League, who represented conservationists' interests in the class action remedy; and Mr. James G. Greilsheimer, Member of the Committee on Legislation of the Federal Bar Council; who endorsed the bill's goals and assured the Sub-committee concerning S. 1980's constitutionality.

* * * * *

Congressman Bob Eckhardt of Texas, the first witness, noted that no vehicle for justice, equity, and fair play exists for the consumer. Referring to such current procedural methods employed to balance conflicting economic interests as collective bargaining, commission controls, and the technique of using yardsticks such as provided under the TVA and REA, Representative Eckhardt pointed out that the Congress possesses jurisdiction to create for the consumer a procedure such as S. 1980. He recommended that this procedure must be self-induced and self-propelling and not one that depends upon the "good motivations and energetic administration of a commission" for its impetus.

* * * * *

Referring to Congressional action, Eckhardt observed that legislation has too often been piecemeal and he stated: "We see a specific wrong and introduce a specific piece of legislation to remedy it. The underlying problem is not confronted. We object to the operation of a specific department or agency so we attempt to abolish it or transfer its functions to a new agency or department. But often we don't stop to think about why the function has not been performed." Good legislation, he summarized, must foresee the existence of competing interests and otherwise self-motivated forces, and it must supply the machinery, readily available, to accomplish the public purpose.

Representative Eckhardt then turned his attention to the mechanics of S. 1980 which he feels effectively provides a process which would utilize existing institutions to stop commercial fraud and overreaching practices. Lawyers have an interest in making the act work and consumers have an effective remedy. More importantly, the very existence of such sanctions would in all likelihood motivate business to deal fairly under full disclosure.

Congressman Eckhardt envisioned that this legislation will be a model in the consumer field establishing a self-sustaining process requiring no government subsidy to pay for reform and no bureaucracy to administer its provisions. Eckhardt concluded that this procedure must be instituted. Most consumer abuses are wrongs which involve small amounts of money, many under $200. Quoting from a Comment in 114 U. Pa. L. Rev. 395 at 409, Congressman Eckhardt related that "[i]n many instances fraudulent operations carefully avoid cheating individuals out of large sums of money because they realize that 'no one bilked out of fifty dollars is going to pay a lawyer to get his money back'."

* * * * *

Mrs. Virginia Knauer was next to testify and she initially stated: "The problem of the consumer having an effective remedy for deception and fraud practiced upon him is an acute one and one of nationwide significance. Far too often the average consumer who believes that he has been swindled finds that he has no adequate means of redress and that *caveat emptor* is still apparently the law of the land, not because the law affords him no protection, but because he cannot adequately or practically enforce that law. A right without an effective remedy is a very unsatisfactory right indeed."

Mrs. Knauer has determined that a majority of States have established an office whose main function is consumer affairs. However, she was quick to point out that with their limited resources and the ever increasing proliferation of goods and services, these state agencies are increasingly overburdened and therefore unable to act as effectively as one might desire. What is needed is a procedure allowing the consumer "a convenient, expeditious, and effective remedy for fraud and deception." This procedure must be sufficiently attractive to the private bar in order to enlist its support. The private bar was seen by Mrs. Knauer as a sleeping giant in the consumer protection field, which, when properly motivated, can do more than any governmental agency to aid consumers.

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Ralph Nader of Washington, D.C. followed Mrs. Knauer. * * * Nader urged that S. 1980 proposes to "fill part of a legal gap of immense proportions between the power of perpetrators to exploit successfully and the imotence of victims to defend themselves within the legal system." Noting that during the past five years Congressional and Agency hearings had produced many volumes of documented materials showing the increasing degree to which consumers are "harmed and relieved unjustly of their income," he concluded that despite the "very fundamental human values" involved, the law remains "largely symbolic or inadequately enforced." "Any rule of law, to be effective," Mr. Nader continued, "must provide opportunities for sanctions and remedies."

The most cursory view of recent consumer legislation reveals that both sanction and remedy are in a woeful state of statutory anemia. . . . A Post Office official once described in Federal Trade Commission as a toothless feline that gummed its defendants into submission. That is a charitable description. The FTC as an instrument of sanction is almost nil, shorn as it is of injunctive and criminal sanctions and deprived of the prodding of private citizen remedies. As is well known, state consumer protection agencies are in an even weaker state of inaction." Nader felt that across the board governmental regulatory procedures in consumer areas have failed because both of the absence of private citizen pressure and the presence of special interest groups "which control or block agency action." He, as usual, castigated the legal system by pointing out that courts have furthered this lack of remedy in their own archaic way and that the law schools rarely discuss the failure of the judiciary to resolve these problems. He stated that "the exquisite congruence of sanction and relief that is implicit in the consumer class action has few parallels anywhere in the legal system."

Mr. Nader concluded by observing that at least 90% of the illegal consumer abuses are never judged to be such by our legal system. "The arm of the law, either in reality or in anticipation of reality, never reaches these abuses . . ." S. 1980 facilitates appropriate consumer remedies and if this bill becames law, the consumer will be able not only to deter further abuse, but also to require vendors to return what they have unjustly received. He summarized that S. 1980 is not a culmination of efforts aimed at eliminating consumer abuses; it is rather a beginning and will remain a beginning unless the pathway toward consumer justice is developed further.

Professor Richard F. Dole Jr., of the University of Iowa Law School, was next to testify and he stated that, in his opinion, S. 1980 is one of the most important consumer bills pending in Congress. He then interpreted the proposed statute as one which does not create liability, but is a jurisdictional statute which clearly applies Federal Rule of Civil Procedure 23 to federal and state law which gives consumers legal rights. * * *

According to Professor Dole, S. 1980 will promote justice in the following ways: If a federal consumer protection law establishes individual consumer legal rights without specifically providing for class actions, S. 1980 would provide such a procedural right. Also, S. 1980 provides an effective process for redress of the violation of state law which creates consumer legal rights.

* * * * *

After presenting a list of complaints which consumers have, Mrs. Erma Angevine, who followed Professor Dole's presentation, stated that courts can offer consumers the most effective redress of their grievances. Unfor-

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tunately, she felt, courts have been slow to recognize the rights of consumers and have done little to accommodate their lengthy, cumbersome, expensive procedures to the ordinary consumer complaint.

Along with the procedural and economic shortcomings the traditional lawsuit is not an altogether effective remedy. One consumer may recover his damages while the defendant continues to abuse hundreds of others. The class action suit becomes a very sensible and effective remedy. She stated that a class action procedure "makes enforcement of small claims economically feasible, and—of much greater social and economic significance—it may enjoin continuation of illegal and fraudulent practices."

* * * * *

Confronting the argument that S. 1980 would increase litigation and "flood the Federal Courts and swamp their already overcrowded dockets" Mrs. Angevine felt that S. 1980 would actually decrease the number of cases brought each year. Instead of a dozen cases against a merchant, one case would adjudicate the rights of the parties and halt future violations of the law. She concluded that, "If, however, we are wrong and S. 1980 increases litigation, let's face the issue squarely. Are persons to be denied their day in court to redress their rights as consumers in the most effective manner because we cannot, with all our resources, find a way to unclog our court calendars? If we must choose, we prefer the delays, inconveniences, and irritation of an overworked court system to having laws on the books that go unenforced while businessmen, with impunity, defraud, cheat, and mislead the public in violation of those laws." * * * "This brand of hypocrisy will disappear from the law of . . . every state and city in the nation, when your Federal Class Action Act passes the Senate and the House of the United States. Let us hope and work to have that day come soon."

Maynard J. Toll, assisted by Washington counsel Benny Kass, followed Mrs. Grant's testimony by observing "It is strikingly apparent that changes in both substantive and procedural laws must be made in order that poor people may really become beneficiaries of that ideal of 'fair play' which lies at the heart of our constitutional guaranty of due process of law. One such procedural change most urgently needed is that which is now before you." S. 1980 he added, provides a process for class actions which is essential to an effective program of consumer protection. Mr. Toll documented examples of consumer abuses where class action litigation would be the most appropriate and effective procedural remedy such vs where elderly citizens being persuaded to contract for extensive dancing lessons only find the instructions not to be as represented; semiliterate individuals being pressured to purchase sets of books for self-education and such books being entirely inappropriate for their needs; and freezers "full of food" being "sold" or "rented" and the seller refusing to be bound by the salesman's representations as to the amounts and quality of the food.

Mr. Toll noted, as did Mrs. Angevine, that every new legislative proposal to broaden the scope of procedural remedies is attacked with the boilerplate argument that the court's dockets will be flooded. He also suggested that in all probability S. 1980 would reduce over a period of time, the number of cases filed and that very simply the "overcrowding" argument avoids the merits of this legislative measure.

Professor Paul G. Garrity began his testimony by pointing out that, during fiscal year 1968, Legal Services Attorneys handled approximately 475,000 legal matters. Eighteen per cent (almost 85,000) of this staggering caseload involved consumers' legal problems and these problems pervade all aspects of the merchant-consumer relationship. The Federal Trade Commission as well as the various state agencies for consumer protection, he noted have been patently ineffective in dealing with these abuses. Passage of S. 1980 will alleviate to a great degree the hard felt need for an effective consumer remedy. Judicial conservatism and inadequate statutes will give way to an effective private remedy. Anachronistic theories and outmoded forms will give way to the substantive problem, and an effective judicial forum will become available to meet the growing oppression and frustration endured by this country's consumers.

The class action mechanism, as a viable remedy for groups of exploited consumers, he concluded, is absolutely essential. The advantages of the class action procedure, i.e., economic, educational, and procedural are unparalleled by any existing remedy. After several months of research and evaluation of the existing legal remedies, Professor Garrity stated that the National Consumer Law Center has concluded that S. 1980 is the only effective answer to many consumer problems.

Mr. Ted Pankowski, the next to the last witness, stated that the Izaak Walton League of America had been concerned for the past 48 years with the preservation, restoration, and wise use of America's natural resources to serve the needs of man and pointed out that its interest in the Class Action Jurisdiction Act is predicated on two principles. First, citizens and citizens organizations are increasingly bringing class actions when environmental abuses are at issue. Second, it is becoming increasingly clear that environmental issues are directly related to individual and group consumer practices. He exemplified this by noting that oystermen, as consumers of a basis natural resource, may have no redress for claims relating to injury to their livelihood esulting fom pollution. Also what of the housewives whose laundry is continually ruined by industrial smoke. In Washington, D.C., the public must spend almost $250 million annually to offset the damage caused by air pollution (approximately $100 per person per year).

* * * * *

James G. Greilsheimer was the final witness and he observed that existing federal legislation together with proposed consumer protection legislation now pending in Congress clearly demonstrates an articulated and active federal policy regulating the field of consumer protection. The effectiveness of this policy has previously been severely hampered by the absence of effective judicial remedies for enforcement.

S. 1980 seeks to afford an effective remedy through recognition that aggregation of small individual losses is an extremely potent consumer weapon to deter fraud and other illegal conduct. Federal action is warranted due to the restrictive attitude of most states, and the immediate need for uniform remedies for consumers throughout the country.

In addition to providing the consumer with a much needed remedy, legitimate businesses will also benefit. The legitimate businessman also suffers from the consequences of consumer abuses. Abuses may cause legislation to be initiated aimed at correcting the problem but unduly hampering the honest mendicant. This proposed legislation would affect only those businesses employing abusive practices. As the opportunity for private relief is furnished, the need for additional governmental controls over the private sector in regard to consumer protection is reduced.

DODD URGES WHITE HOUSE SUPPORT TO SAVE AMMUNITION CONTROLS

Mr. DODD. Mr. President, I am deeply dismayed and gravely concerned over the fact that H.R. 12829, the Interest Equalization Tax Extension Act, which is on the Senate Calendar, has attached to it an amendment which would repeal the ammunition registration requirements of the Gun Control Act of 1968.

It is disturbing that legislation of this consequence could be reported to the Senate as a "Christmas tree" attachment to another bill. I am especially disturbed because not a single day of hearings was held on this amendment, a measure which would repeal what is potentially one of the most useful anticrime tools which Congress has given to law enforcement officials.

Because of the great importance of this matter, I have written a letter to the President asking for his support in the effort to prevent the dismantling of the Gun Control Act of 1968.

I ask unanimous consent that the text of my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 24, 1968.

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing this letter on a matter of great importance. As you know, I have long shared your view that this country can no longer tolerate the spiralling crime rate that has gone on unabated for many years. It was especially gratifying to me, therefore, that after extensive hearings which began in 1963, Congress finally enacted into law the Gun Control Act of 1968. This law, for the first time, provided meaningful Federal controls over the interstate traffic in firearms and ammunition.

During the consideration of this Act, there was a great deal of debate over the inclusion of controls over the commerce in ammunition. The Congress voted, and wisely so, to require that Federally licensed dealers keep records on the sale of all ammunition. This amounts to a simple recording of the name, age and address of ammunition purchasers. It is the only way we could guarantee that licensed dealers would not "knowingly" sell ammunition to teenagers, convicted felons and similar persons who, under the Act, would be prevented from purchasing weapons. There was ample testimony and Floor debate which proved that these provisions were absolutely necessary to reduce armed crimes, to aid in law enforcement efforts to apprehend criminals, and to prevent unfettered sales of ammunition which could easily be used in such weapons as homemade "zip-guns."

Much to my dismay, I now find that certain members of Congress are attempting to repeal this very important crime control measure by attaching a repeal amendment to the totally unrelated Interest Equalization Tax Act, H.R. 12829. By falsely representing the present law as "back door gun registration," and flatly stating that the ammunition they want freed from controls is not used in crimes, they have convinced many of their colleagues to support the measure.

The facts, of course, are exactly the opposite, as a review of the Senate hearings and the Floor debate on this measure will reveal. The types of ammunition which some seek to delete from the Gun Control Act were used in the monstrous assassinations of recent years, including President John Kennedy, Senator Robert Kennedy, the Reverend Martin Luther King, and Medgar Evers. The most criminally abused ammunition, the .22 caliber rimfire bullet, accounted for 37 percent of the homicides committed in this country last year. This means that in 1968, three thousand three hundred Americans were murdered by these bullets. According to the testimony before Congress of every police officer, the .22 caliber pistol is the weapon most often used in armed robberies.

The proponents of this anti-crime control measure claim that by requiring a person to identify himself when he purchases ammunition, we have "severely inconvenieced" millions of sportsmen who hunt with .22 caliber weapons. This, of course, is an unsupportable argument. I would point out that the recent report of the Violence Commission on "Firearms and Violence in American Life" states that .22 caliber handguns are rarely used for hunting, that .22 caliber rifles have limited utility as hunting weapons, and that the most common use of .22 caliber ammunition in America is "plinking at tin cans and bottles."

On the other hand, this same report points out that the firearms policies of extremists groups throughout the country consider the .22 caliber pistol and rifle and the shotgun to be the "most desirable" weapons for insurrection, anarchy and political murder.

In view of our critical crime problem and the disastrous role played by firearms in American violence, I know you are concerned over this matter. Any attempt to *reduce* the capability of law enforcement agencies to cope with criminals while *increasing* the capability of any lunatic, juvenile delinquent, felon or "zip-gun" owner to once again purchase these deadly items with no questions asked must be prevented.

I plan to do everything I can to prevent this dismantling of a major crime control bill, and I ask your support to help in this effort.

With kindest personal regards, I am

Sincererly yours,

THOMAS J. DODD,

Chairman, Subcommittee to Investigate Juvenile Delinquency.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony with respect to that portion of the House tax reform bill which modifies the present depreciation and recapture rules and substantially reduces the opportunity to avoid tax through the use of accelerated depreciation.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

REAL ESTATE DEPRECIATION AND RECAPTURE

WALLACE R. WOODBURY, CHAIRMAN, SUBCOMMITTEE ON TAXATION, REALTORS' WASHINGTON COMMITTEE, AND VICE PRESIDENT, NATIONAL ASSOCIATION OF REAL ESTATE BOARDS

Introduction

Believes that several provisions of the House bill will have an adverse effect on everyone connected with real estate, whether as property owner, investor, builder, broker, tenant, or just as resident or worker in an urban community.

Position on tax reform

Endorses concept of minimum tax provided that all sources (including without exception (1) the excluded half of long-term capital gains, (2) tax-exempt State and local bond interest, (3) percentage depletion in excess of cost depletion of property, (4) excess of fair-market value over basis of property contributed to charity, (5) intangible drilling expenses, and (6) excess of accelerated depreciation over straight-line depreciation with appropriate adjustments to basis) of so-called tax preferences be included in order not to impair real estate's already precarious competitive role in the private investment market. Maintains, however, that if any of these "preferences" are excluded, the provision applicable to real estate should not be included.

Douglas Commission on Urban Problems

States that the report of the National Commission on Urban Problems points out that—"(1) existing tax provisions have been 'institutionalized' into a complex set of economic relationships that involve a large volume of investment as well as the provision of rental housing for about one-third of all American families; and (2) * * * any 'loophole' closing efforts if applied only or more strenuously to this than to other competitive investment fields would probably curtail the flow of resources and managerial efforts into this area * * *".

Depreciation

Maintains that limiting existing buildings to the straight-line method has already had a serious restricting effect on the resale market and the 150 percent depreciation method now available for existing buildings should be restored. Argues that the present acceleration methods (200 percent double declining balance and sum of year's digits) should be available to nonresidential new construction because elimination of such methods will result in reduced yields to investors who will seek out other high yield and less risky sources than real estate investment.

Recapture

States that the proposal in the House bill to recapture as ordinary income all depreciation in excess of straight-line, without limitation as to time, is a measure which does not differentiate between a long-term investor and a short-term holder of real estate. Suggests that the committee might consider a provision that for the first 5 years all depreciation in excess of straightline be recaptured as ordinary income, then reduce the percentage of gain taxed as ordinary income 1 percent per month. Argues that an investor who has held property for more than 13 years is entitled to full capital gains.

Limit on tax preference

Urges that the LTP provision be abandoned altogether unless all sources of so-called preferential income are included. States that the House bill eliminated the oil industry and the Treasury has proposed the elimination of tax-exempt interest on local and State bonds and the appreciated value of assets donated to charity. Maintains that this treatment leaves real estate and certain farming operations as the only targets for LTP.

Limitation on deduction of investment interests (p. 19 of committee print)

Supports Treasury's recommendation that this provision be eliminated from the House bill.

Installment sales

Maintains that the provision in the House bill concerning installment sales reporting would discourage the development of unimproved property because builders must wait development and adequate outside financing before they can pay fully for the land and incur tax liability. States that the House bill greatly overreaches the problem at which it is aimed and the provision should be deleted until language can be formulated which would not interfere with legitimate and necessary methods of financing real estate transactions.

Hobby losses

States that the general language in this provision would deter the holding of property in deteriorating neighborhoods because lack of current profit and create a presumption that the venture is not profit motivated and all deductions would be disallowed. Argues that this provision would aggravate the abandoned buildings problem of urban areas because it would have the effect of further increasing the cost of holding property in blighted areas.

Allocation of deductions

Contends that interest, taxes, and casualty losses for real estate are business deductions and should not be subject to allocation and that interest and taxes on unimproved real estate held for development should be considered business deductions and not subject to this allocation provision.

LOUIS R. BARBA, FIRST VICE PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS

Real estate depreciation

Favors continuation of 200-percent accelerated depreciation for all real estate. Maintains that the retention of 200-percent for new rental housing will be almost completely negated by: (1) the increased recapture; (2) the elimination of accelerated depreciation for a second owner; and (3) by inclusion of accelerated depreciation in the limited tax preferences and the allocation of deductions.

Contends that the bill would practically destroy the resale market for depreciable real estate. States that owners of "locked in" rental housing could not afford to sell their property at any point prior to the end of its useful life because any sale prior would result in recapture as ordinary income of the entire amount of excess of accelerated depreciation over straight-line.

Supports the concept of a minimum tax but believes the LTP and allocation of deductions proposals would further significantly diminish accelerated depreciation for rental housing.

Argues that an investor in rental housing would be required to recognize ordinary income twice on the same dollar of accelerated depreciation: first under LTP in the year when excess depreciation is claimed and a second time upon disposition of the property under the recapture rule.

Urges rejection of the Treasury proposal to expand LTP to include as a "tax preference" the amount of excess interest, taxes, and rent over receipts from unimproved real property during construction.

Supports proposal to provide special depreciation benefits for rehabilitation of low-cost rental housing, but opposes inclusion in the depreciation recapture.

Installment sales

Suggests that the proposed limitation under section 412 of the bill on installment sales be amended to exempt a sale which involves unimproved real property where the taxpayer establishes that the property is bought and will be used for the construction of single family or multifamily housing.

Noneexempt organizations

Objects to section 121 of the bill to limit the deductions incurred by a membership organization in furnishing services to members or from transactions with members.

Incentives for housing

Considers the housing industry to need additional incentives to increase available mortgage funds. Proposes (1) allowance of an investment account for dealers in real estate; (2) exclusion from gross income of first $750 of interest income on deposits in thrift institutions; (3) preferred tax treatment for interest income from single family residential mortgages; and (4) condition continued tax exemption of income earned by pension funds on investment of a percentage of assets in residential mortgages.

CARL M. HALVORSON, PRESIDENT, THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

Real estate depreciation

States that existing depreciation and recapture rules should be retained for all real estate. Indicates that the provision in the House bill that would deny all accelerated depreciation to used property and restrict depreciatiion of new nonresidential property to the 150 percent declining balance method ignores the fact that the greatest economic wastage of real property occurs in the early years of ownership, and that existing accelerated depreciation is necessary to allow recovery of this capital shrinkage.

Believes that the House bill misses the abuses at which it is supposedly aimed. Points out that new residential construction is exempted from the proposed changes in accelerated depreciation (for sound reasons apart from tax policy), even though it is such real estate that is most open to the rapid turnover which is the key to any tax abuse. States that the restrictions on accelerated depreciation in the House bill would apply only to industrial and commercial structures where the opportunities for abuse are negligible, which will greatly decrease the ability of American business to meet foreign competition.

Believes that the existing recapture rules provide a rational and fair inhibition upon the tax abuse by measuring the recapture of depreciation into ordinary income by the length of the taxpayer's holding period. States that the provision in the House bill which would convert all depreciation above straight line to ordinary income upon the sale of real estate penalizes a bona fide long term investor who has not abused the tax laws, and seriously restricts the amount of capital that will be placed into construction of modern facilities.

Capital recovery

Believes that there is a need for reform of capital recovery rules, especially against the background of the proposed repeal of the investment credit. Points out that the cost of machinery is a major factor in the construction industry, and the 5-year life applied to most of the construction equipment ignores the extraordinary abusive working conditions and rate of technological change which makes the equipment substantially useless after a year or two of use.

States that reform should recognize three principles: first, average lives must be based upon the optimum practice for each industry; second, depreciation rules must recognize that some taxpayers have a particular need for rapid replacement; and, third changes in the depreciable lives must not be viewed as revenue gathering or contracyclical devices.

Makes four proposals for depreciation reform. States that two of the proposals, elimination of the reserve ratio test and the amendment of section 167 to eliminate the need to establish salvage value, would simplify tax accounting and eliminate the numerous controversies on audit. States that the third proposal is to codify the guideline depreciable lives, but believes that Congress should recognize that the guidelines are unnecessarily restrictive in their treatment of the construction industry and that 3 years rather than 5 years would be a more realistic average life for construction equipment. Points out that the fourth proposal, to eliminate a $10,000 ceiling upon the additional first year depreciable allowance with a possible reduction in rate, would help compensate for the loss of cash flow that will follow repeal from the investment credit.

Interest on State and local bonds

States that the interest on the obligations of State and local governments should remain tax exempt. Points out that a significant portion of the business of members of their association consists of public construction, and by disrupting the financial manner for State and local securities, the local government will be unable to supply necessary facilities and services.

Depletion rate for sand and gravel

Opposes the reduction of the existing 5-percent depletion rate for sand and gravel. Believes that the proposed reduction can only increase the cost of construction to contractors, who are the primary consumers of sand and gravel.

Foreign tax credit

Opposes the provision in the bill which would effect the country-by-country limitation on the foreign tax credit. Believes that this provision in the House bill would impair the U.S. position in foreign commerce and would frustrate a prime function of the foreign tax credit.

LEON H. KEYSERLING, FORMER CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, IN PART REPRESENTING REALTY COMMITTEE ON TAXATION AND IN PART AS INDEPENDENT ECONOMIST

General

Considers the House bill to contain many essential and desirable provisions but needs improvement. Cautions, however, against paying too little attention to ultimate general economic and financial effects of the proposal.

Feels that the tax cuts of 1962–65 surrendered too much Federal revenues needed for priority spending; misallocated resources between investment and consumption so as to impair economic equilibrium and work against economic growth, production, and employment; and aggravated inflation and the balance of payments.

Argues that the House bill makes a highly improper distribution of tax relief, and it does not go far enough in redressing the imbalance between investment and consumption. States that the bill discriminates against housing and supportive nonresidential construction investment.

Investment and consumption allocations in the bill

Indicates that, excluding the tax reform provisions, the House bill does not appreciably affect net investment allocations as affected by tax policy, but that the Treasury proposal increases it by $1.1 billion. Considers this to be too much toward investment while investment in many areas is too expansive, and not enough toward private and public consumption. Favors using additional revenues from tightening further on investment in housing and public spending on social needs.

Equity considerations in the bill

Contends that, even with the reforms, the distribution of the tax cuts is highly inequitable. Argues that taxpayers with incomes over $20,000 do not pay a sufficiently higher proportion of their income in taxes of all types (Federal, State, and local). Suggests not reducing the tax rates of those with incomes of over $50,000.

Provisions of bill relating to housing and construction

Maintains that urban renewal also needs adequate nonresidential construction as well as housing, and that the provisions adversely affecting nonresidential construction will also affect housing.

States that there is an alarming long-term decline in housing and nonresidential construction investment in relation to present and future needs.

Considers the tax incentives for real estate to be too little, not excessive. States that the real estate industry's profitability is much lower than others. Notes that the rising interest rates have had the greatest adverse impact on housing.

Asserts that the following provisions of the bill would be damaging to both housing and nonresidential construction: elimination of 150 percent accelerated depreciation for used buildings, the recapture provisions, the treatment of "excess" depreciation under LTP and allocation of deductions, the limitation on interest deductions, and the additional "preference" items proposed by the Treasury. States that the reduction of accelerated depreciation for new nonhousing real estate from 200 to 150 percent is also undesirable.

Contends that the problem with the provisions relating to housing and nonresidential real estate is that "the baby is being thrown out with the bath."

Suggests that an appropriate method to catch those who are "getting away with something" is to limit total allowable deductions so as to permit none to pay no tax, but not to reduce tax incentives in an industry that is vitally needed.

ROBERT H. PEASE, VICE PRESIDENT, MORTGAGE BANKERS ASSOCIATION OF AMERICA

Accelerated depreciation of real estate

States that the combined impact of the House proposals and Treasury's recommendations will strike a devestating blow at the construction industry by making less mortgage money available, and by making equity investment in real estate unattractive.

States that less equity money will be available for real estate projects because the House bill contains a number of provisions which would reduce the ability to obtain a competitive profit. Also, that less mortgage money will be available because the bill is inflationary, the incentives to thrift institutions to invest in mortgages will be reduced, and because no tax is levied on the Federal Land Banks.

In addition, believes the House bill provisions limiting interest deductions, and broadening the definition of investment income to include certain forms of rental income, represent a deterrent to investment in real estate and would be particularly harmful to those forms of real estate, such as shopping centers, customarily occupied on a net lease arrangement.

HARRY NEWMAN, JR., PRESIDENT, INTERNATIONAL COUNCIL OF SHOPPING CENTERS

House proposals affecting real estate

Expresses support for the basic aims of the House bill, but believes it contains provisions having grave implications for those engaged in the development of shopping centers.

States that the House provisions will accelerate the existing trend toward economic consideration of shopping center ownership in the hands of a relatively few large financial institutions and big corporations. Believes it will seriously curtail the construction of small shopping centers, which would eliminate a sizable number of the almost 14 million new low-skill jobs which the shopping center industry would otherwise create by 1980.

States that virtually every shopping owner who is actively operating a center will be subject to the House provision limiting interest deductions because practically every shopping center in the country and its leases qualify as "net leases."

Recommends that the present real estate tax inducements remain in effect, but that an equitable minimum tax law be enacted.

PHILIP N. BROWNSTEIN, ON BEHALF OF THE COUNCIL OF HOUSING PRODUCERS

Accelerated depreciation and recapture

States that the Council was gratified that the House bill recognized the need for continuing accelerated depreciation for new residential construction and the encouragement given to rehabilitation by permitting the amortization of these expenditures over a 60-month period.

Indicates particular concern with the proposed elimination of accelerated depreciation on existing residential property and the treatment of recaptured equity as ordinary income to the extent that accelerated depreciation has been taken on the new residential

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property during the period of initial ownership.

States also concern with the depreciation formula for commercial property since residential and commercial development often go hand-in-hand. Points out that adequate commercial facilities are essential if residential construction is to proceed in areas being newly developed.

Points out that the major supplier of mortgage credit for housing are the thrift institutions and that this should be considered when the committee reviews the tax structure of these institutions.

JOSEPH F. SEXTON, CHAIRMAN, FEDERAL LEGISLATIVE COMMITTEE, NATIONAL APARTMENT ASSOCIATION

Real estate depreciation deductions and recapture

Recommends retention of the 150 percent declining balance method of depreciation on used apartments. Contends that the straight-line method is unrealistic in the light of the long useful lives the Treasury has insisted upon. Argues that denial of the 150 percent method will seriously limit the resale market, thereby discouraging the development of new apartment buildings.

Objects to the recapture of all gain as ordinary income to the extent of the depreciation taken in excess of straight-line. Argues that no attempt is made to differentiate between the short-term holder and the long-term investor. Recommends that during the first five years the depreciation in excess of straight-line be taxed as ordinary income but thereafter the percentage so taxed be reduced 1 percent per month.

States that while our economy grew at a rate in excess of 5 percent in the last 8 years and capital investment grew at a rate of almost 10 percent, housing starts grew at a rate of only one-half of 1 percent. Contends that if we do not stimulate housing, the shortages will be further compounded, and rents will rise, causing extreme dislocation to our economy and increasing the need for subsidized housing. Argues that we should increase the supply of housing through tax incentives, if necessary, rather than reduce it by eliminating existing incentives.

Limit on tax preferences

States that although the limit on tax preferences was originally devised to prevent high income persons from escaping taxation, it has been watered down so that its prime target is real estate—the one area in our economy which can stand the least the cutback which would inevitably result from the provisions of the bill.

CARTER L. BURGESS, NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Tax treatment of real estate

States that private investment in the development of low- and moderate-income housing currently depends upon aid provided through both the existing Federal income tax treatment of real estate and the Federal housing subsidy programs. Indicates that the changes in present law contained in the House bill will eliminate much of the incentive for equity investment in low- and moderate-income housing and substantially reduce entrepreneurial interest in this housing.

Points out that although the House bill recognizes a distinction between new housing and other real estate development, it jeopardizes the efforts of Congress to promote the private development of publicly assisted housing and the sale of such housing to low- and moderate-income tenants and tenant oriented organizations. Indicates that this comes at a time when the Nation faces its greatest housing shortage since the immediate postwar years and when the demand for housing by lower income families is particularly acute.

Inclusion of accelerated depreciation in the limit on tax preference

States that the Corporation does not oppose inclusion of accelerated depreciation in the proposed limitation on tax preferences.

Recapture rules

Opposes the provision in the House bill requiring the recapture of depreciation over straight-line, unless a substitute measure is adopted permitting investors to sell low- and moderate-income housing to organizations of tenants on a basis that would allow them to recover their investments after taxes.

Recommendations of alternative recapture provision

Suggests that the House bill be amended to provide that upon the sale of a publicly assisted low- or moderate-income housing project to or for the benefit of persons of low- and moderate-income housing, the seller would recognize gain for Federal income tax purposes only to the extent that the amount realized on such sale exceeds the cost as determined under section 1012 of the Internal Revenue Code.

Hobby losses

Believes that the provision in the House bill might be interpreted to deny to individual investors the right to use tax losses from housing investments to shelter income from other sources. Suggests that clarifying language be added to make the section inapplicable to investment in low- and moderate-income housing.

Limitation on interest deduction

Believes that their projects will meet the criteria contained in the House bill on the limitation on interest deductions, but suggests that the language be clarified to indicate that such projects would not be considered investment property and that interest on mortgage indebtedness incurred would not be subject to the proposed limitation.

BREWSTER IVES, MEMBER, BOARD OF DIRECTORS, TENANT-OWNED APARTMENT ASSOCIATION INC.

Allocation of deductions

Opposes allocation of deductions provision of the bill. Points out that most of the allocable deductions are not related to the production of income, and contends that the source of payment has no bearing on whether they should be allowed. Argues that the proposal will cause serious financial reverses to cooperative apartment home ownership and will stimulate further departures to suburbia.

Limitation on interest deduction

States that it should be made clear in the committee report that the limitation on interest deduction does not apply to interest attributable to the ownership of a cooperative apartment, or to the deduction under section 216(a)(2) of the code. Argues that such interest is similar to interest on home mortgages, which is specifically described in the House committee report as interest to which the limitation does not apply.

WILLIAM H. DOUGHTY, PRESIDENT, NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT FUNDS

Effect of accelerated depreciation of real estate on earnings and profits

Explains that under the House bill a corporation which uses rapid depreciation methods may deduct only straight-line depreciation in computing earnings and profits—with the result that shareholders may be taxed on distributions in excess of those presently taxed. Explains further that the Revenue Code defines "corporation" to include a real estate investment trust, even though such a trust is not taxed on its real estate investment trust income if it distributes 90 percent or more of that income to its shareholders.

Believes the application of the earnings and profits proposal to real estate investment trusts would frustrate the legislative intent expressed when the special provisions for taxing shareholders of such trusts were enacted in 1960.

Suggests that if the purposes expressed for the enactment of the real estate investment trust provisions are to be preserved and continued, then the proposed rule for the determination of a corporation's earnings and profits available for dividend purposes should not apply to the shareholders of such trusts.

CHALLENGE TO MILITARY SPENDING

Mr. PROXMIRE. Mr. President, an editorial published in today's New York Times contains a balanced and truthful statement concerning the fight many of us made against excessive military spending.

The editorial points out that we have made an important beginning. It notes that the original requests for military authorizations have been reduced in the Senate to $20 billion. It notes that we have subjected the military and its civilian suppliers to unaccustomed scrutiny and have made them squirm. It states that we have laid the groundwork for more extensive reviews not only of the cost but of the rationale of arms systems.

But it also notes that during the recent debate many Senators reverted to their past position and were willing to approve almost anything with a defense label. It rightfully points out that we still have a long way to go before defense costs are brought into reasonable balance and correctly notes that:

> The planes and ships that are being retired (by Pentagon order) are mostly marginal and obsolete.

I commend the editorial to the Senate and the country and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHALLENGING THE PENTAGON

The Pentagon has announced plans to cut the Air Force and Marine Corps by 70,000 men by next June and to inactivate 22 naval vessels and 209 aircraft as part of Defense Secretary Melvin R. Laird's effort to reduce military spending by $3 billion in the current fiscal year. Last week the Senate passed a $20-billion military procurement authorization bill that was slightly more than $2 billion below the original request.

These are encouraging signs of a new reluctance in the White House and on Capitol Hill to give the Pentagon all it asks. But these modest checks on military spending do not add up to a really significant shift in national priorities.

Even when Mr. Laird's target of 3.25 million men under arms is reached, the United States will still have more men in its armed forces than China and only slightly less than the Soviet Union although the manpower requirements of both Communist countries should be greater because of their long, disputed border. The planes and ships that are being retired are mostly marginal and obsolete.

As for the procurement cuts, these were principally achieved in the Armed Services Committee under the solicitous eye of Chairman John Stennis of Mississippi and other long-time supporters of the Pentagon. In floor debate, Chairman Stennis and his friends successfully beat back attempts to curb such dubious and costly projects as the antiballistic missile, a new nuclear carrier (total cost $1.2 billion with escorts!), the C–5A transport plane and a new manned strategic bomber. In spite of shocking disclosures of Pentagon waste and serious doubts raised about the utility of some of the proposed new weapons systems, most Senators reverted to their old habit of pig-in-a-poke approval of anything with a security label.

Meanwhile, the House Armed Services Committee has reported a procurement bill of $21 billion, including almost $1 billion more for building new naval vessels than the Administration had requested. The bill is expected to pass the House with little debate next week.

Congressional challengers of unlimited defense spending have made an important beginning. They have subjected the military and its civilian suppliers to unaccustomed scrutiny and have made them squirm. They have laid the groundwork for more extensive reviews not only of the cost but of the rationale of arms systems. But they still have a long way to go before defense costs are brought into reasonable balance with other Federal activities, many of which are equally important to the nation's long-run security.

ARMS CONTROL AND DISARMAMENT

Mr. MILLER. Mr. President, the June–July issue of Word, a magazine published by the National Council of Catholic Women, contains a most thoughtful and lucid article on "Arms Control and Disarmament." The author is the Reverend R. C. Spillane, S.J., director of the Center for Peace Research at Creighton University in Omaha, Nebr.

Father Spillane points out that the need is greater than ever for "individual concern and support for intelligent efforts toward arms control and disarmament." He suggests that this has become an economic as well as a moral imperative.

Father Spillane does not propose unilateral disarmament, as some suggest. He concludes that:

> Disarmament with security is the only policy rational men—American or Russian—can follow.

He emphasizes the words "with security."

He insists—and I agree—that the individual citizen has a duty to educate himself on the subject of disarmament, so that armed with the facts he will be better able to aid in solving the problem and be better equipped to add to a meaningful discussion on the subject.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS CONTROL AND DISARMAMENT

(By R. C. Spillane)

The United States (and perhaps the Soviet Union) can achieve one goal through a concentrated national effort over the span of one decade while the far more important goal of international harmony remains beyond man's reach.

In 1961 President Kennedy pledged an American moon-landing by the end of the decade. The same year saw the establishment of a new government agency to explore diplomatic and technological means by which this nation, through its chief executive, could make substantial progress in the "new/old frontier" of a world without war. The Arms Control and Disarmament Agency (ACDA) since 1961 has negotiated international agreements which, while in no way as spectacular as a moon landing, may prove to have more lasting benefits to all men: the control and eventual elimination of nuclear weapons. If the international community can create machinery to avoid nuclear warfare, other threats to human survival in the form of chemical or biologican weapons can likewise be controlled or removed.

But the United States and, indeed, the Soviet Union as well, is committed to more than nuclear arms control and disarmament. It is the official policy of both superpowers to work toward general and complete disarmament. Unrealistic though this may sound in a cold-war atmosphere bristling with present inventories of nuclear weapons and delivery systems capable of destroying all mankind AND with both governments feverishly at work to augment this capability, disarmament with security is the only policy rational men—American or Russian—can follow.

It is equally apparent to the policy-maker and the "average" citizen alike that the reverse of disarmament, the arms race, has become unacceptably expensive both in terms of its cost and in what could be done with these resources to develop the potential of man in society, national or global. No one needs to be reminded of the expanding U.S. defense budget. This year the defense budget is over $80-billion. In 1961 and 1962 the defense budget was in the $40-billion range. Part of the increase can be blamed on inflation, more of it represents the agonizing burden of Vietnam; but too much is directly attributable to the head-to-head competition between the United States and the Soviet Union for superiority (not sufficiency) in strategic nuclear capability.

Who pays for these presently operational and proposed multi-billion-dollar programs which, if actually used, would destroy human society as we now know it? The federal income tax—individual and corporate—provides funds to pay for roughly half the entire national budget. It is a remarkable coincidence to discover that, in the past few years, the defense budget is almost matched by the income tax. This year the federal government expects to collect a little over $50-billion by taxes on individual incomes, another $30-billion from taxes on corporate income.

On the personal or individual level no one needs to be convinced of the high cost of government, federal, state or local; and he can see easily that higher defense spending will take greater bites out of his income dollar. That is why individual concern and support for intelligent efforts toward arms control and disarmament becomes an economic as well as a moral imperative.

International efforts for arms control and/or disarmament have become almost commonplace in this century, and the incidence of failure needs no elaboration. But with the new weaponry developed since World War II, humanity can now destroy itself in a matter of hours. It's another ball game. This is the reason for the almost continual conferences among nations of the world to prevent global catastrophe by nuclear weapons. If the world community can agree upon acceptable safeguards to prevent nuclear war, mankind through its governments may survive long enough to continue the age-old search for security against conventional warfare.

Nuclear arms control has been the overriding concern of the nations that constitute the Eighteen Nation Disarmament Committee (ENDC) which has met regularly in Geneva since its creation in 1961. Of the five nuclear powers, Red China has refused to join and France withdrew from official participation when General de Gaulle decided that such participation might compromise his nation's program to acquire an independent nuclear capability. Despite the lack of cooperation by France and China, ENDC has given the world significant hopes for the control of nuclear arms and ultimate cutbacks in present armaments. Starting with the Partial Test-Ban Treaty in 1963, ENDC has worked out international agreement to guard against the use and deployment of nuclear weapons in space and has more recently concluded the Non-Proliferation Treaty which was ratified by the U.S. Senate earlier this year. ENDC is currently discussing treaty drafts to bar the emplacement of weapons of mass destruction on the ocean-floor, and next on the agenda is an agreement to limit the size of underground nuclear tests.

The most important thing any citizen can do on the subject of disarmament is to educate himself. One must find out what the problems are, who—individuals and organizations, public and private—are working in the area, and what they have said or are doing. Only then can one, individually or collectively, hope to influence the makers of government policy.

Organizations such as the National Council of Catholic Women with other divisions of the U.S. Catholic Conference, particularly those of United Nations Affairs and World Justice and Peace, issue publications or other releases on the subject of disarmament. Membership in local chapters of the Foreign Policy Association and especially of the United Nations Association of the U.S.A. offers unequalled opportunities for information and action. Specialized reports in the field of disarmament can be obtained at minimal cost from the Disarmament Issues Committee of the United Nations Association of the U.S.A. (345 East 46th St., New York, N.Y. 10017). The best single document on government activity in this field is the annual "Report of the U.S. Arms Control and Disarmament Agency." The current 8th Annual Report of A.C.D.A., Publication 51, can be purchased from the U.S. Government Printing Office for 40 cents.

More important than knowledge, perhaps, is the spirit that motivates human thought and action. An understanding of human frailties, permeated with an habitual respect and affection based on the principle of the brotherhood of man, is essential to even the smallest steps toward a world of justice and peace.

WILL THE 1970 CENSUS INVADE OUR PRIVACY?

Mr. ERVIN. Mr. President, the Sunday, September 21, issue of Family Weekly magazine, contains an article written by me entitled "Will the 1970 Census Invade Our Privacy?"

In reply to the title question, the administration spokesman on this matter, Mr. A. Ross Eckler, says "No." It is a natural reply from one in his position. His Bureau of vast computers operates on a very narrow definition of personal privacy as involving only a problem of confidentiality.

My reply to the question as spelled out in this article is an emphatic "Yes." I say this because I believe that in this era of computers which make it so much easier to conduct surveys, to extract and coerce information of all kinds from citizens, the problem of privacy involved in this matter is essentially one of first amendment freedoms. It involves the right not to be coerced to speak against our will about our personal and family affairs, our thoughts and attitudes, or our community activities.

In addition to these first amendment

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problems, it has become clear that decennial census forms, the many other statutory census surveys, the thousands of statistical surveys run by other Federal agencies, all raise serious constitutional issues. There is, for instance, the principle that the law should apply equally to all persons in like circumstances. Why should some citizens be subject to criminal and civil penalties and not others? Why should some be selected for harassment and coercion to supply information about themselves and not others?

There is, furthermore, a constitutional question of the legality of the actions of administrative officials who, in their own unfettered discretion, create a new penalty every time they sanction a new survey questionnaire or add a new question to an old form.

Finally, there is the basic constitutional principle that the people have a right to know when reply to a form is voluntary and when it is not. They have a right to know why the information on a survey form is needed and precisely what will be done with it. They have a right to honest answers to their honest questions.

In return, I believe the American people will provide honest answers to the Government's honest questions..

I especially wanted to bring this article to the attention of the Senate because of the amount of mail it seems to be stimulating. Just this morning, for instance, I received favorable letters of support from Wilmington, N.C.; Orofino, Idaho; Hollywood, Calif.; Ridgewood, N.J.; Bonita Springs, Fla.; Sacramento, Calif; Champaign, Ill.; and Elizabethton, Tenn.

I ask unanimous consent that the article and letter which I received from a woman in Champaign, Ill., be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Will the 1970 Census Invade Our Privacy? Yes

(By Senator Sam J. Ervin, Jr.)

Do you feel strongly that your personal and financial affairs are nobody else's business? That the First Amendment protects not only your right to speak but also to keep silent about yourself? That a man's home is guaranteed him by the Constitution? That he should not be coerced into disclosing what goes on inside unless he *chooses* to?

Do Governmental threats of fines and jail sentences for declining to answer questions about such intimate matters strike you as being devious?

If so, you are squarely in the American tradition—and also out of step with the creeping erosion of these basic freedoms underlying our 1970 Census. It underlies, as well, hundreds of "mini-censuses" that our Census Bureau conducts for itself and scores of Government agencies between the big decennial head counts authorized by the Constitution.

These statistical surveys are usually unknown yet cover a very diversified range of social and economic categories. No or incorrect responses can carry fines up to $500 and a 60-day jail sentence. These threats are made openly or hinted at, but all are highly questionable constitutionally.

Lately, however, thousands of disturbed and angry citizens from all walks of life have been protesting to Senators and Congressmen. They want guidance and remedial action to bring this dangerous, indiscriminate trend under control.

A minister wrote me recently, saying, "I am deeply concerned, not because of the census or because there are more than 120 questions but over the requirement that one *must* answer *all* questions such as 'Do you have a flush toilet?' or be subject to fine or imprisonment. This is the tactic of a police state! I am tempted to make a test case of this invasion of privacy by refusing to answer some of the questions. I am not sure, though, if my congregation would want their pastor to be a convict!"

A doctor who sells his house is fine-combed for data about his financial affairs totally unrelated to the real-estate disposal. For instance, "How many passenger automobiles are owned or regularly used by members of your household?" A disabled veteran becomes anxious about the possible loss of his disability benefits if he does not complete a Government questionnaire which is accompanied by an authoritative-looking letter that is subtly threatening.

When people fail to knuckle under immediately, they receive stern follow-up letters, a reminder by certified mail, then phone calls.

True, our Government's search for information is frequently in a good cause because of the increasingly complex problems of government. And such a task does demand statistical information of considerable accuracy, if only for the original Census purposes of apportioning Congress and the state legislatures, and of distributing Federal funds.

With the 1970 Census, we will deploy 150,000 census takers and 62 million forms to insure as thorough a canvass as possible of America's households. A new mail-out/mail-back technique will carry the questionnaires to about 60 percent of our homes, and one in five of those homes will receive the "long form" with its 67 subjects and 120 questions.

The cost of this effort is not excessive, about $1 a head or, for our estimated 206 million people, more than $200 million. But as Congressman Jackson E. Betts of the House Subcommittee on Census and Statistics has pointed out, "should a significant number of people remain uncounted because they do not have the eighth-grade education to read the complex form, object to some of the overly personal questions, or resist the harassment of penalties, the cost of the 1970 Census will skyrocket."

Congressman Betts, who is supported by more than 100 of his colleagues in an effort to obtain census reforms that include repeal of the penalty provisions, points to the 5.6 million people who were *missed* in the 1960 Census. "If the mail returns from the most recent pretest city, Trenton, N.J., form a national trend," he warns, "the number of those not counted will be staggering. In Trenton, only 65 percent returned their forms. If projected nationwide, this would mean that more than 70 million might not be counted in the first tabulation."

We can afford perhaps even less the steady breakdown of privacy which the computerization of personal data by Government agencies entails. The Census Bureau claims that it has a flawless record for confidentiality, one outstanding example of which was its refusal to permit Government access to its records to facilitate the round-up of Japanese-Americans at the start of World War II. But the agencies to which it makes its data tapes available seldom maintain the same strict rules.

Moreover, regulations now require that the computer systems of all Government agencies interface. So while we have managed to delay the establishment of a National Data Bank, with built-in privacy safeguards, we already have one fully operating through this Federal-agency computer network.

There is a need to distinguish between confidentiality and privacy. The former is the protection afforded people 1) when it is desirable for them to be free to communicate between each other (as in a husband-wife relation); or 2) to accomplish some good, one should be able to make a statement without fear of it being divulged by the one to whom it is made (as physician and patient or attorney and client). Under this principle of confidentiality, the Census Bureau, when it acquires information for a demonstrated public need, is under a legal obligation not to reveal the information to others.

Within the realm of privacy, however, are those personal matters that one should not be compelled to disclose to anyone against his will.

Too often, the Government compels citizens to disclose personal data for statistical purposes without sufficient proof of need. And there usually is no assurance of confidentiality.

In this decade about to close, we have witnessed a mushroom growth of data-collecting programs, side by side with sophisticated surveillance techniques, and a rapidly spreading trend toward computerization of Government files about the individual. In the process, things have moved much too fast.

Now is the time for Congress to impose controls and standards. In the Senate, I have proposed a bill to delete the penalties for not answering personal questions in the decennial and other censuses unless the answers are needed for standard constitutional purposes. This bill also would protect a person's right to ignore an unwarranted, privacy-invading, Government statistical questionnaire unless it meets certain standards set by Congress. For example, the recipient of a voluntary form must be informed that his response is voluntary, the specific need for the information, and to what use it will be put.

I am convinced that Americans are a law-abiding people and that they will respond to a legitimate and reasonable Governmental request for statistical assistance. Free men in a free society need not be threatened.

September 22, 1969.

Dear Senator Ervin: In our Sunday paper of yesterday, an article titled "Will the 1970 Census Invade Our Privacy?", to which your picture and name was attached, I wish to compliment you on your stand, and also hope the wishes of the taxpayers will be considered to halt this invasion.

Did you know that it has begun in Wisconsin? I know of a small town under 700 population where one person living alone has been visited four times and been asked penetrating questions and was told by the lady census taker she would be back four more times in spring of 1970.

This is called harassment—is it not?

Sincerely yours,

——— ———.

CONGRATULATIONS TO MR. JAMES JACKSON

Mr. KENNEDY. Mr. President, I would like to congratulate Mr. James Jackson, president of the tribal council of the Quinault Indians in the State of Washington. Mr. Jackson has been selected to receive the Indian Achievement Award which is awarded annually to an outstanding Indian leader. The importance of the award is signified by the fact that both the past and present Commissioners of Indian Affairs have received the award in previous years.

Mr. Jackson has demonstrated by his dynamic leadership that Indian self-determination is far more than a hollow promise or a glib phrase of Government officials. Among his many accomplishments are a new tribal fish hatchery, a mutual self-help housing program, a public health clinic, and one of the most unique and promising public school programs for Indian children in the United States.

The Indian Education Subcommittee which I chair, visited the Tahola school on the Quinault Reservation in the spring of 1968, and listened to testimony from one of its Indian school board members in our hearings at Portland. This school has an all-Indian school board, substantial community involvement, and an innovative curriculum which respects cultural differences and strengthens Indian identity. I congratulate Mr. Jackson on his award and the development of one of the finest public school programs for Indian children in the United States.

SENATE JOINT RESOLUTION 111—A SENSIBLE PLAN FOR MEETING AN EMERGENCY

Mr. YARBOROUGH. Mr. President, we have been shocked and saddened by the many lives that were lost and the immense property damage done by Hurricane Camille and the recent Virginia floods. These two major natural disasters dramatically emphasize the importance of Federal emergency loans, such as those made by the Farmers Home Administration, to ranchers and farmers who are victims of these tragedies.

In disasters such as Hurricane Camille and the Virginia floods, local banks and credit institutions are not equipped to cope with the large demands for financial help. Without emergency loans from the Farmers Home Administration, many farmers and ranchers would be unable to replant their crops, replace their livestock, and rebuild their homes. They would be left in an impossible financial situation with no place to turn for help.

At present the emergency loan program of the Federal Home Administration is in serious difficulty. The emergency credit revolving fund from which the Federal Home Administration makes emergency loans to disaster-stricken farmers and ranchers is exhausted. As of March 20, 1969, there were approved loan applications totaling $17 million which could not be made because of a lack of funds. Since the emergency credit revolving fund does not receive an annual appropriation, it is imperative that Congress take immediate action so that this necessary loan program can continue.

The distinguished Senator from South Dakota (Mr. McGovern) has introduced Senate Joint Resolution 111 which would provide funds to continue the Farm Home Administration's emergency loan program. This joint resolution would authorize the Commodity Credit Corporation to make temporary advances to the emergency credit revolving fund up to $25 million. These advances would be repaid with interest out of subsequent appropriations. This is a sound and sensible method of meeting this emergency and I am proud to lend my support to this joint resolution.

I urge Senators to support Senate Joint Resolution 111.

VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Record an open letter to Congress from the bereaved father of a marine who died of a disease contracted in Vietnam.

The letter speaks for itself. I add only my strong personal belief that we, the Congress, can and should take all possible action to require the executive to end the unnecessary and immoral war in Vietnam without further delay. The author of this letter, Mr. Frank H. Mentz, of Sheridan, Ark., has appealed both to our conscience and to our sense of constitutional responsibility. What is our answer?

There being no objection, the open letter was ordered to be printed in the Record, as follows:

An Open Letter to the Congress of the United States

We wish to express our sincere thanks to the Congress of the United States for their continuing inactivity in regard to their Constitutional responsibilities regarding the Vietnam war.

Because of your inactivity towards stopping our participation in this useless and senseless war, we have lost our only son, and only child, to a Vietnam contracted disease.

In fact, because I am an only son of an only son, the senseless death of our son will eliminate our family name for all time.

Yes, we know we are not the only ones who have lost a loved one in this nonsensical war—and that makes it even more senseless.

How, Gentlemen, can you justify the loss of over 45,000 young American boys' lives in that hell-on-earth for what we have gotten in return, or ever hope to get in return? In fact, Gentlemen, how can you possibly sleep at night when you know that you have been able all along to stop this useless slaughter, if by no other means, than to stop the flow of money to the Armed Forces.

If I understand our Constitution correctly, *no* President of the United States has the right to commit anywhere near the number of troops being used in Vietnam combat, on foreign soil, without first obtaining the full sanction of the U.S. Congress. Yet you have stood by and let three successive Presidents do just exactly that.

And, Gentlemen, for every week you continue to sit on your hands, another 200–300 or more American boys die over there—and for what.

If this were a war where our National Security was at stake, I, and I'm sure most of the other parents, wives, and children, who have lost a loved one, would accept the inevitable possibility that such a thing could and must happen to some of us.

But to lose one to a war that has no more connection to our national security than this one has—only an imbecile would believe that it was necessary. In fact, it's nothing short of criminal on your part that you sit idly by and let this national disgrace continue.

I know that in all probability, if this letter is ever read to you, it will continue to fall on deaf ears—as all pleas to date have—because I am just another of those poor saps of a good American citizen who continue to believe in this country. But for the memory of my son, I had to try to save some other boy like him. It won't bring my son back, but I can now better live with myself because I tried.

I wonder just how many of *you* have lost a son to the Vietnam fiasco? Maybe, God forbid, if enough of you did, you would do what your oath of office expects of you.

In God's name, Gentlemen, bring our boys home—not in 1970 or 1971—but now.

Frank H. Mentz.

ARTICLE III(c) OF THE GENOCIDE CONVENTION DOES NOT ABRIDGE FREE SPEECH

Mr. PROXMIRE. Mr. President, article III of the Genocide Convention lists the following acts as punishable under the convention: the crime of genocide itself, conspiracy to commit genocide, attempt to commit genocide, complicity in genocide, and direct and public incitement to commit genocide.

Objections have been raised to article III(c)'s prohibition against "direct and public incitement to commit genocide." The objection is that by making such conduct criminal the Senate might run afoul of the first amendment of the Constitution. That amendment guarantees that the rights of free speech and freedom of the press must not be abridged.

Mr. President, the Supreme Court has consistently recognized that even rights as sacred as free speech and freedom of the press are not completely unlimited. Public safety and public order cannot be endangered in the name of free speech. Shouting "fire" in a public theater, for example, obviously cannot be condoned—Schenck against United States. Similarly, the Supreme Court has held that speech cannot be tolerated if it represents a direct and immediate danger that the U.S. Government will be overthrown—Dennis against United States.

These cases have come to be recognized as the "clear and present danger"; namely, that the right of free speech shall not be abridged unless or until the speech amounts to a clear and present danger to society. Quite clearly, a direct and public incitement to commit genocide would represent a "clear and present danger" to society, and therefore falls outside the ambit of the first amendment.

Mr. President, there is no valid objection to article III(c) of the Genocide Convention, or to any other article of the convention. I urge the Senate to act now to ratify the Genocide Convention.

IN MEMORIAM: NICOLA PETKOV, "THE BRAVEST DEMOCRAT OF ALL"

Mr. DODD. Mr. President, September 23 marked the 22d anniversary of the execution of Nicola Petkov, leader of the democratic forces in Bulgaria, by the Bulgarian Communist regime.

I think it is appropriate that we in the Senate should mark this anniversary by retelling the story of Petkov's heroic life and tragic death, and I therefore ask unanimous consent to insert into the Record at the conclusion of my remarks an article captioned "Bravest Democrat of All," which appeared in the Saturday Evening Post for December 1947. The article was written by Dr. Georgi M. Dimitrov, Petkov's chief colleague in the fight against the Communist takeover of Bulgaria, who today heads the Bulgarian National Committee, the Supreme liberation body in exile.

The number of martyrs to Communist tyranny must by now be numbered in the many millions. The great majority of these were little people who did not seek martyrdom, who barely understood what

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was happening to their country, but who paid with their lives because they resisted some aspect of the total tyranny of communism.

However, there have been many of tens of thousands of conscious martyrs who did understand the forces they were up against and who knew only too well the terrible personal danger of opposing them. Of all those who knowingly chose martyrdom in preference to surrender, there was no more heroic or tragic figure than Nicola Petkov.

I would recommend the story of Nicola Petkov's martyrdom in particular to those who tell us that the North Vietnamese Communists are basically nationalists and to those who urge that we impose a coalition government on our South Vietnamese allies.

As Dr. Dimitrov pointed out in his article:

> No man believed more sincerely in the possibility of collaborating with the Soviets than did Nicola Petkov. No man paid more dearly for this belief. No man conducted himself with greater courage when once he discovered his error, nor confronted his executors with greater dignity.

The article tells the story of the traitorous invasion of Bulgaria by the Red army in September of 1944. On September 1, the pro-Axis government of Bagrianov was overthrown. On September 6, the new government of Prime Minister Moraviev decided to declare war on Germany, in support of the Allies. But 2 days later, on September 8, the Soviet Union declared war on Bulgaria and the Red army poured over its frontiers.

The article also tells the story of the "salami" tactics which the Communists employed to weaken and finally destroy and illegalize all those parties and organizations that opposed them.

They began with blandishments, and with talk of coalition government. On January 21, 1945, for example, Communist Vice Premier Dobre Tarpeshev gushed:

> If I were a woman, I can think of no one I would rather marry than Nicola Petkov.

But soon the blandishments gave way to demands; the demands gave way to threats; and finally, the threats were superseded by the most inhuman kind of political terror.

The article contains the text of a letter written by Petar Koev, one of Nicola Petkov's chief lieutenants, before he finally confessed to the Communist police. This letter is a remarkable document to which I want, in particular, to call attention:

> They reduce you to a state of utter moral and physical prostration—

Said Koev's letter—

> in which you become indifferent to your fate and to life itself, so that you desire some solution—any solution—so long as it will put an end to the intolerable suffering.

Koev described how he was kept in solitary confinement for 21 days on a diet of bread and water before being interrogated; how he was then interrogated for 5 days without interruption, for 24 hours a day, standing handcuffed in the middle of the room; how he was trussed and beaten on the soles of his feet for hours on end; and how these crude physical tortures were supplemented with refined psychological tortures, such as allusions to the safety of his family and children.

I would call attention, too, to the account of the heroic election campaign conducted by the Bulgarian democratic opposition. With the Red army still in control of the country and with the Communist-controlled police breaking up their meetings, the opposition attacked the Communists and the Soviet interventionists as recklessly as though they enjoyed the protection of the American Constitution.

Elected to parliament despite the terror, Petkov and his following conducted themselves with a heroism that almost defies belief. Repeatedly they were assaulted and beaten up by the pro-Communist majority in parliament. But always they came back to their seats with their heads unbowed. Always they resumed the challenge. Always they remained defiant.

When Communist leader Georgi Dimitrov shouted that the future belonged to the Communists, Petkov intervened:

> The future belongs not to you, Mr. Dimitrov, but to the people. You are not a god, Mr. Dimitrov, though you may deceive yourself on this score by taking into your party only those who accept you as their god. . . . Your program is one word: Dictatorship! Our program is also one word: Liberty!

I recommend the article which I am inserting into the Record as a classic description of how the Communists move from coalition government to totalitarian dictatorship.

I salute the memory of Nicola Petkov, who has justly been described as "the bravest democrat of all." His memory will, I am certain, remain forever enshrined in the annals of freedom.

Mr. President, I ask unanimous consent to include the article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Saturday Evening Post, Dec. 6, 1947]

Bravest Democrat of All

(By Dr. Georgi Dimitrov, as told to David Martin)

Note.—A coincidence in names: Dr. Georgi Dimitrov, leader of the Bulgarian Agrarian Party until Soviet pressure compelled him to resign his post in favor of Nicola Petkov, is an almost legendary figure in Balkan politics. He has the unique distinction of having been arrested by both the fascists and the communists, and having been condemned to death *in abstentia* by both the fascists and the communist regimes. By a strange historical coincidence, Dr. Dimitrov, whom the Communist International regards as its archenemy, bears the same name as his polar opposite, Georgi Dimitrov, premier of Bulgaria and one-time Secretary of the Communist International.

—The Editors.

Nicola Petkov is dead. Bulgaria has lost a truly great patriot, the democratic world has lost a leader who was a moral giant. The three visiting American congressmen who, a week after his death, placed a wreath on his unmarked grave in a Sofia cemetery, did not exaggerate when they described him as "one of the greatest democrats of all time." I think he was the bravest democrat of all.

No man believed more sincerely in the possibility of collaborating with the Soviets than did Nicola Petkov. No man paid more dearly for this belief. No man conducted himself with greater courage when once he discovered his error, nor confronted his executors with greater dignity.

His is a tragedy pregnant with significance for a democratic world that is still contemplating, Hamlet-like, the prose and cons of the very problem on which Petkov met his doom.

Petkov was deprived of his parliamentary immunity on June fifth of this year and immediately arrested. Shortly afterward he was brought to trial on a fantastic list of charges—that he had acted as an agent of foreign powers, that he had participated in a military conspiracy to overthrow the Bulgarian government, that he had urged the peasants to sabotage the regime by destroying their crops. On August sixteenth he was convicted and sentenced to death.

On August eighteenth the State Department addressed a note to the Soviet deputy acting chairman of the Allied Control Commission, urging that the commission review the case of Petkov. The note spoke of "a gross miscarriage of justice" and indicated that the State Department considered the trial of Petkov a violation of the Yalta Agreement, which ostensibly guaranteed the rights of the opposition.

The Soviet replied that intervention on behalf of Petkov would be a violation of Bulgaria's national sovereignty. In the early morning of September twenty-third, Petkov was hanged in Sofia prison. To the last, he stubbornly refused to appeal for clemency, because he held that he had been unjustly convicted.

In striking at Petkov, the dark powers that rule Bulgaria were aiming not so much at Petkov the man as at the United States and western democracy. "If we execute Petkov," reasoned Premier Georgi Dimitrov and the communist hatchetmen, "this will demonstrate to the entire opposition how powerless the great democracies are to defend them, and how senselessly futile their opposition to communism has therefore become. And now that the democracies have made their empty protests on his behalf, our little demonstration will be doubled, reinforced."

Ever since January, 1945, when, under communist pressure, I handed over the secretaryship of our party to Petkov, I have been in direct or indirect touch with either Petkov or mutual colleagues. Before that, I had known him intimately since 1931. I think that I am in a better position than any other man to tell the story of Nicola Petkov and of his disastrous efforts to collaborate with the communists.

Petkov died in the tradition of his family—he came of a family which seems to have been uniquely destined for martyrdom. His father, Dimitar Petkov, lost an arm in the war against the Turks and was decorated by Czar Alexander II of Russia for his bravery. But when he realized that the Russians planned to convert Bulgaria into a province of their own, he turned against them and led an agitation that resulted in the expulsion of Alexander's generals from the country. Several years afterward a grateful people elected him Premier. A stanch upholder of the constitution, he soon came into conflict with the autocratic King Ferdinand I. In 1907, Dimitar Petkov was shot down on Boulevard Alexander II in Sofia by agents of the monarchy.

Petkov's brother, Petko D. Petkov, assumed the leadership of the Agrarian Party after the assassination of the great Alexander Stambulisky on June 14, 1923. Undeterred by threats, Petko Petkov from his seat in parliament mercilessly excoriated the increasingly fascist nature of the regime of Professor Tsankov and continued to fight for Alexander Stambulisky's ideal of Balkan and European federation. On June 14, 1924, one year to the day after the assassination of Stambulisky, he was shot down by assassins directly in front of the palace. When the day of his funeral arrived, Sofia was inundated by a sea of peasants who flowed to the capital from all over Bulgaria to pay homage to their leader. And now the communist reaction has taken the life of the last male member of the Petkov family.

I first met Nicola Petkov in Paris in 1930. The opposition in Bulgaria was preparing to make a bid for power, and we were anxious to have him join us. Petkov at that time was leading the life of a young aristocrat and had no profound interest in politics. But he was strongly influenced by the memory of his father and his brother, and shortly after the triumph of the opposition in the elections of June, 1931, he assumed the editorship of our party organ.

My first impression of Petkov was not altogether favorable. Though his shoulders were broad and his body seemed strong, he had suffered from various maladies in consequence of which he walked with an awkwardly limp slouch and his hands frequently trembled. His manner was so diffident that his circle of friends was restricted. When he spoke, he invariably looked down to avoid the eyes of his company. This young aristocrat obviously lacked the common touch that his brother Petko had possessed, and it also seemed to me that he lacked the will power and courage of his brother. In this estimate, as events have proved, I was completely mistaken. The limp posture, the trembling hands, the downcast eyes, concealed a spirit as courageous and uncompromising as Petko Petkov at his greatest.

The period of legality lasted for only three years after Petkov's return. In May, 1934, the reaction staged a coup d'etat and installed a dictatorship under the premiership of Kimion Georgiev, who today holds the post of Foreign Minister in the communist government of Bulgaria. In 1938, however, the government again agreed to hold elections, and Petkov was elected deputy. In parliament he conducted himself with boldness, with the result that he was soon expelled by the reactionary majority.

Then came the war. After the defeat of Poland and France, the German pressure on the Balkans grew immeasurably stronger. Aware that this might involve us in the conflict, I approached the leaders of all the democratic and anti-German parties to suggest joint action against such an eventuality. On February 21, 1941, we forwarded to King Boris a memorandum signed by the leaders of ten parties, in which we urged a termination of the government's pro-German policy and adherence to strict neutrality. At four o'clock next morning, I was arrested by the police. When the inspector in charge turned his back to argue with my wife, I escaped out of the kitchen door and over the garden wall.

Anticipating my arrest, I had taken Petkov with me to our final meeting and had introduced him to our leaders. The understanding was that if anything happened to me, he would take over in my stead. I myself, after a period in hiding, escaped from the country via Yugoslavia. When German forces entered Bulgaria on March 1, 1941, Petkov was sent to a concentration camp. He was released some three months later.

Although a tyro in underground activity, Petkov now took to it with the skill of a veteran. My one difference with him was that he collaborated somewhat too closely with the communists. He was sympathetic to Russia and he was impressed by the audacity of the Bulgarian communists. He helped them liberally not merely with his personal funds but even with the funds of the Agrarian Party.

The original united front against the government's pro-German policy had consisted of ten parties ranging from the Communist Party on the left to the conservative democratic parties on the right. Now Petkov was engineered into abandoning this coalition in favor of the Fatherland Front, which included only three major parties—the Agrarians, the Communists and the Socialists—and two minor groupings. Although the program adopted by the Fatherland Front was all that a democrat could have asked, it was obvious from the beginning that the communists would exert far more influence than they could have exerted in a broader coalition.

Petkov was interned again in January, 1944, but released in time to play a leading role in the coup d'état of September 8, 1944. During August, the government of Premier Bagrianov had entered into negotiations for an armistice with Britain and America. For some reason never explained, the British and Americans hedged and made conditions—as though the proximity of the Red Army to the Bulgarian frontier meant nothing at all. On September sixth the government of Moraviev, which had superseded that of Bagrianov on September first, decided to declare war on Germany. The proclamation was not published because certain crypto-communists close to the Minister of War urged postponement until September eighth. On September eighth the Soviet Union, in an act as Machiavellian as its pact with Hitler, declared war on Bulgaria. The Red Army poured over the frontier. That same day the Fatherland Front, with the support of the Military League, staged a coup and arrested the government—which had already declared war on Germany! But the Red Army continued its advance until it stood on Bulgaria's southern frontier, menacing Turkey.

I returned to Sofia on September twenty-third. The moment I crossed the frontier, I was met by a delegation of party members. They said the situation was rapidly building up to catastrophe. Communist-controlled police and the communist-organized militia had already instituted a reign of terror. Hundreds had been arrested, scores had been shot. They implored me to do something.

The narrowness of the Fatherland Front and the timing of its coup had worked in favor of the communists. After the coup, a provisional government had been set up in which the communists had reserved for themselves the Ministry of the Interior and the Ministry of Justice, as well as effective control of the Ministry of War. To their partners of the Fatherland Front they tossed posts of lesser importance; Petkov himself was given a ministry without portfolio.

Petkov was beginning to realize the importance of the concessions which, out of sheer political naïveté, he had made to the communists. His first words to me when we met were, "Thank God you've come back! I'm afraid we've made an awful mess of things!"

He explained that, at the time the government had been formed, the communists, with Russian backing, had posed the matter in such a way that the alternatives seemed to be either a coalition on the terms of the communists or else a government of the Communist Party. "Frankly," he said, "I didn't realize how much I was conceding, otherwise I should have refused."

On October 12, 1944, Petkov left for Moscow as a member of an armistice delegation representing all parties in the Fatherland Front. The armistice was signed on October twenty-eighth. When I met Petkov on his return from Moscow, there was the look of a hunted man in his eyes. "I must speak to you in private," he said in a furtive whisper.

A few hours later we met in his apartment. Petkov, his hands trembling more than usual, began speaking—for the first time in our long friendship he looked directly into my eyes as he spoke. "The Russians want to split our party. Central Europe belongs to the Soviet sphere, they said, and our party could only hope to survive if it purged itself of Doctor Dimitrov and the other anti-Soviet elements. They urged me to assume the leadership to carry out such a program. I tried to tell them that you were a friend of the Russian people, but it wasn't of any use. George Dimitrov especially is dead set against you."

"It isn't just a matter of splitting our party," I replied. "The communists want to destroy our party because they see in the peasant movement the chief obstacle to their dictatorship."

Toward nine o'clock the other ministers of the Agrarian Party came to the apartment. Petkov reported to us on certain personal observations he had made in Russia. The thing that appalled him more than anything else was the fantastic luxury in which the proletarian bureaucrats basked whilst their people were starving. The Bulgarian delegation had been invited to dinner by Georgi Dimitrov, one-time leader of the Bulgarian Communist Party, now a Russian citizen for more than twenty years. The dinner was Oriental in its extravagance. There was course after course after course—caviar, and roast duck and other viands, and rare delicacies that Petkov had seen nowhere since before the war, and vodka served in glasses of pure crystal.

In December, 1944—six weeks after his return from Moscow—the communists informed Petkov that I would have to resign as general secretary of the party, or else. Realizing there was no alternative at this stage, I handed over my office to Petkov, whom the communists made clear they favored. For his part, he still believed he could effect a reconciliation with them. So, Dr. Georgi Dimitrov, the anti-Soviet fanatic, had been removed, and Nicola Petkov, lifelong friend of the Soviets, had taken my place. In a speech on January 21, 1945—the day of my resignation—Communist Vice-Premier Dobre Tarpeshev gushed, "If I were a woman, I can think of no one I would rather marry than Nicola Petkov!"

But it was not long before the communists came forward with new demands. They asked Petkov to dismiss the entire central committee and replace them with men they designated. Petkov, whose resistance was still in the process of hardening, compromised to the extent of accepting a few communist stoogies in subordinate positions and in the youth organization. Further than this he refused to go. For more than three months the communists plied their pressures, waiting for Petkov to weaken. Instead, his attitude grew more stubborn. Finally, realizing that their plan to capture the party through Petkov had failed, they decided on a frontal attack.

Through our own agents in communist headquarters we learned that they were preparing to arrest me and several score of our party leaders. I was to make a "confession," and then disappear in the manner of Bela Kovacs. The others were to be brought to trial, and through my own "confession" and their "confessions" the Agrarian Party was to be so compromised that they would have a legal pretext for outlawing it.

On April twenty-third, while convalescing from a serious attack of pneumonia, I was formally placed under house arrest. Before the police disconnected my telephone, my wife put through a call to Petkov. Ignoring the danger to himself, he immediately came to see me. Trembling with anger, he called the Minister of the Interior, demanding the reason for my arrest. The minister answered coldly that I had been arrested "in the interest of national security."

"In the interest of the national security," replied Petkov, "you are arresting the man who has done more to promote the national security than any other living Bulgarian. Someday you will regret your action."

The Petkov I saw at this last meeting was a completely changed man from the Petkov

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of eight months previously. Gone were his illusions about co-operating with the communists. The man with the diffident manner and the downcast eyes had become a lion. He looked both friend and foe squarely in the eyes, and when he spoke to his foes, he literally roared.

On May eighth, the communists convoked a special convention of the "Agrarian Party" attended by several hundred picked stool pigeons. The convention voted in a "new executive." The Ministry of the Interior ruled that our party headquarters, our newspaper, our treasury and all our possessions were the rightful property of this newly elected executive of "the Bulgarian Agrarian Union."

Petkov alone of the old executive was invited to join the new executive. He refused point-blank. Instead, he set up party headquarters in his own home and began to plan a campaign of resistance in open defiance of the secret police.

On May twenty-fourth, I slid down a drain pipe, walked out of the alley dressed in overalls, walked past the communist military guards surrounding the house, and took refuge in the American Embassy. My escape threw a monkey wrench into the preparations the communists were making for their sham trial. Without my confession, the performance would have impressed no one. The trial was called off.

In July the government announced that elections would take place within one month and that there would be only one ticket, the list of the Fatherland Front. Petkov immediately sent a strong letter to the Allied Control Commission, demanding that it guarantee the right of the opposition to its own electoral ticket in accordance with the terms of the Yalta Agreement, and urging that the elections be supervised by an international commission. In early August, without any prior notification to Petkov, the government announced that Petkov had "resigned" his ministry. In protest, all the remaining ministers of the Agrarian Party, the Socialist Party and the Independent Intellectual Party, resigned from the government.

At this point the British and American governments intervened. Apparently yielding to their pressure, the Bulgarian Government agreed to postpone the elections, and to permit opposition candidates. Petkov was permitted officially to re-establish party headquarters and to publish his own newspaper.

But the improvement did not last very long. In violation of their August agreement, the government announced that the elections would be held on November eighteenth. Though the three opposition parties decided to boycott the elections, the campaign was so bitterly fought that the Peasant Party alone had more than a score of its followers killed. The opposition, in a statement signed by Petkov for the Agrarians, Lulchev for the Socialists, and Professor Stoyanov for the Independent Intellectuals, declared that the majority of the people had not voted and that the government had therefore lost the election. They demanded an investigation. The communists replied that the Fatherland Front had got more than 75 per cent of the eligible vote Their collaborators of the Zveno Group, however, put out the slightly more modest figure of 65 per cent. The discrepancy made the people laugh.

At the Moscow Conference of December, 1945, the Russians made one of their many meaningless compromises. They agreed to advise the Bulgarian Government of the desirability of including in the government, during the interim period, two representatives of the opposition. It was no less a person than Deputy Foreign Minister Vishinsky who went to Bulgaria to implement this arrangement. Vishinsky summoned Petkov and two other opposition leaders and said to them—as bluntly as this, "It is the order of Generalissimo Stalin that two members of your combined opposition enter the government immediately and unconditionally."

"I do not take orders from any foreign power," replied Petkov coldly. "I take orders only from my people and my party." Lulchev and Stoyanov backed him up. The conversations with Vishinsky ended.

The communists were worried by Petkov's recalcitrance because they knew that he accurately reflected the temper of the people. After Vishinsky's departure, the government again approached him. This time, to the amazement of all, they accepted almost all of Petkov's conditions, including separate electoral lists and an Agrarian Minister of Justice. The agreement was concluded in the afternoon on March 28, 1946. That same evening, the Soviet minister to Bulgaria, Kirsonov, delivered an ultimatum protesting the agreement. The following morning a government was constituted minus the opposition—and it was announced that there would be elections to a Constituent Assembly on October twenty-seventh.

Petkov now began a campaign which, for sheer heroism, is unsurpassed in the annals of any opposition. With the Red Army still in the country, and with the communist-controlled police breaking up their meetings, the opposition attacked the government and the communists and Soviet intervention as recklessly as though they enjoyed the protection of the American Constitution. Petkov's paper, during the pre-electoral period especially, was an inspiration to read. "What our people must show," said the Banner for October twelfth, "is *de l'audace, et encore de l'audaoe, et toujours de l'audace!*" The following day, under the caption WHERE ARE THE AGRARIAN DEPUTIES? it charged that the Agrarian Party had not been permitted to put up candidates in 25 per cent of the constituencies and that of the candidates for the other constituencies, almost fifty were under arrest. "Freedom does not come on a silver platter," wrote Petkov on October fifteenth. "Freedom is something for which you must fight."

To the communists' protestations that they had no intention of taking the peasants' property, Petkov replied with the most devastating slogan of the electoral campaign: "As the wolf cannot watch over your flocks, as the fox cannot befriend your hens, so the communists cannot protect private property. Electors! Vote without any fear against the communist constitution, against the communist dictatorship!"

On October twentieth, the opposition finally was granted permission to hold an open meeting in Sofia—without loud-speakers or lights. Despite all the restrictions, more than 200,000 angry peasants swarmed into Sofia and joined the city workers and middle class in the most impressive demonstration of the entire electoral campaign. "Down with the dictatorship!" they roared. "Down with red Fascism! We want Petkov!"

The success of the meeting resulted in an intensification of the terror. In the three days before the elections, twenty-four members of the Agrarian Party were killed. The communist leader, Georgi Dimitrov, who had been a resident of Russia for thirteen years and who had returned to Bulgaria only two days before the election—it is not clear whether he resigned his Soviet citizenship—thundered against Petkov in his first declaration, "We have to remind the leader of the opposition of the fate of Drazha Mihailovich!"

When the election results were announced, the opposition was credited with 101 deputies against 364 for the Fatherland Front. The Agrarian member sent a protest to the Election commission in which he gave details of the terror against the opposition. "What has taken place," he said, "was not an election, but a war between the police and the people. . . . The elections were without any question fraudulent."

When the Constituent Assembly convened on November eighth, the opposition opened the session by shouting, "Long live liberty! Down with the dictatorship!" In the sessions that followed, the figure of Nicola Petkov, hurling castigation and defiance at the communist majority, completely dominated the assembly. Georgi Dimitrov, who, as a proletarian revolutionary, had towered over his Nazi prosecutors at Leipzig, now, as a totalitarian bureaucrat, shrank to the stature of a pygmy. Without either moral or rational ground to stand on, he could do nothing but reply to Petkov with abuse—"anti-Soviet dog" was one choice term—or with crude threats.

When Georgi Dimitrov shouted that the future belonged to the communists, Petkov intervened, "The future belongs not to you, Mr. Dimitrov, but to the people. You are not a god, Mr. Dimitrov, though you may deceive yourself on this score by taking into your party only those who accept you as their god. . . . Your program is one word: Dictatorship! Our program is also one word: Liberty!"

On January 30, 1947, Dimitrov made his first direct threat to Petkov. After roaring that "Koev must be hanged!" (Petar Koev was one of Petkov's chief aides) he went on to say that the government possessed documents involving the leader of the opposition. The following is a condensation of the exchange that took place.

PETKOV: Are you a satrap, that you issue such summary condemnations? After all, you are not a god—you are not even a qualified judge. As for the documents of which you speak, I challenge you to produce them.

DIMITROV: Very soon you will receive your documents. When you do, not one of you will remain in this assembly. There is no place in this assembly for foreign agents.

PETKOV: You speak of foreign agents. . . . For twenty years, you, Mr. Dimitrov, were a citizen of a foreign country. You became a Bulgarian citizen only two days before the election. You have no right even to speak as a Bulgarian.

The battle grew in intensity. On April third, one of the opposition deputies got up and made the accusation that under Article 4 of the armistice, the Communist Party was a fascist organization and should accordingly be dissolved. The communists, outnumbering the opposition almost four to one, rushed across the floor and engaged them in a terribly unequal battle in which many of the opposition were injured. The opposition left the chamber *en masse*, by way of protest.

The next day they were back in their places to renew the struggle. An Agrarian woman deputy charged that the Communist Party was squandering public funds by making all of their members eligible for the special allotments voted to active partisans. Again the communist majority charged the opposition. Again the opposition left the chamber with their heads bloody. Again they came back the following day.

And so it went, until the final arrest of Petkov and the dissolution of his party.

The bulk of the evidence against Petkov consisted of confessions purportedly made by his "fellow conspirators." The most important of these was the "confession" of Petar Koev, the Petkov aide who had been arrested in mid-January, 1947. Koev had been arrested once before, in August, 1946. While he was in prison he had been elected to parliament and, in consequence of parliamentary immunity, he had been released. On his release he sent a letter to his leader, Petkov, which Petkov had the courage to read to the assembly.

"They reduce you to a state of utter moral and physical prostration," said Koev's letter, "in which you become indifferent to your fate and to life itself, so that you desire some solution—any solution—so long as it will put an end to the intolerable suffering. . . . Contrary to normal juridical procedure, you are condemned first, and it is only afterwards that they begin to search for accusations and proofs. These are obtained by means of three types of torture: physiological torture—hunger, lack of sleep, thirst; physical tortures—beatings and being compelled to stand upright for days and nights on end; psychological tortures—insinuations that your family has been incarcerated, etc.

". . . I remained for twenty-one days in solitary confinement without being interrogated. During this time they subjected me to the hunger treatment—a bit of bread and water each day. . . . The obvious purpose of this treatment is to produce physical attrition and a corresponding weakening of your will. At eight a.m. one Saturday they took me up to the fourth floor to be interrogated. The interrogation went on for five days without interruption, twenty-four hours a day. The interrogator was changed every three hours, while I was compelled to remain standing, handcuffed, without sleep, unable to support myself either against the table or against the wall, without food and—what was cruelest of all during those suffocatingly hot August days and nights—without water. Every three hours the same questions were repeated until I became unconscious. . . . My bare feet swelled to unimaginable proportions. The interrogators showed not the faintest pity. . . . On the fifth day they threw me into an empty cell, where I slept like a dead man for more than twelve hours."

On the four succeeding nights Koev was trussed and beaten on the soles of his feet for three or more hours on end, with interludes during which he was questioned by Inspector Zeyev.

"During the balance of my detention," concluded the letter, "I was asked no questions, but I remained the object of a campaign of moral pressure and psychological terror. They applied refined tortures of such a kind—allusions to the fate of my family, the safety of my children, etc.—that I would honestly have preferred physical tortures."

When Koev was deprived of his parliamentary immunity on the occasion of his second arrest, he made this final declaration before leaving the parliament, "I am innocent. I know, however, that through me you are attempting to strike at the general secretary of our party, Nicola Petkov. My final words are that only the declarations which I made before you now correspond to the truth, and that, if it should happen later that, after a period of 'instruction,' I should make some 'confessions,' they will have been extorted from me by means of violence."

Koev made his "confessions" and was sentenced to twelve years. He will never emerge alive. Petkov, though he defended himself heroically and admitted nothing, was sentenced to death.

I salute the memory of one of the great spirits of our time. To Nicola Petkov there can be no other monument than the liberation of his people from communist tyranny.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, on September 23 I had the opportunity to testify before the Senate Finance Committee on the tax exempt status of State and local securities. I ask unanimous consent that the text of my remarks be printed in full at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Howard H. Baker

Mr. Chairman, the Tax Reform Act of 1969 contains three sections which, if enacted, may adversely affect the ability of state and local governments to meet their capital requirements. The first would impose a limitation on certain tax preferences, including among such preferences interest on state and local securities. The second would require that individuals allocate their deductions between taxable and tax-exempt income, including interest on municipal bonds. The third would permit state and local governments to issue at their option taxable bonds, a portion of the interest on which would be paid by the federal government. In my judgment, these three provisions should be deleted from the House-passed bill.

As I have stated on numerous occasions, I believe that the immunity of state and local governments in the exercise of their legitimate functions from federal taxation is necessary for the preservation of our constitutionally delineated dual sovereignty form of government. I further believe that if the Congress undertakes to encroach upon the tax exemption of state and local securities, it inevitably has the power to control state and local financing and without self-control of its own financing, no government can continue as an independent and autonomous body.

The Tax Reform Act is designed to provide a more equitable distribution of our tax burden. I support this legitimate objective. However, in attempting to insure a more even-handed distribution of the cost of supporting our government, we must consider not only the fair distribution of the federal income tax burden but also the fair distribtuion of the *total* tax burden—federal, state and local.

It is apparent that the limit on tax preferences and the allocation of deductions provisions will, if adopted as passed by the House, result in an increase in municipal interest rates to levels close to those of corporate bonds of similar credit quality. In fact, since the House Ways and Means Committee opened hearings on this question, investment yields on new issues of local government AA-rated bonds have risen 70 base points or from about 5.50 percent to 6.20 percent. If the tax exemption is breached, investors would have little confidence that the advantages to them of holding tax-exempt securities would not be whittled away further, and they would, of course, demand higher interest rates to compensate them for the higher risk in purchasing these securities. As the cost of borrowing increases, state and local taxes, primarily property and sales taxes, will also increase, and the burden of these taxes falls disproportionately on those in the low and middle income groups. Therefore, if the objective is to provide a more equitable distribution of the total tax burden, as I believe it is and should be, then the Congress should not revoke or alter this tax exemption in such a way as to increase the cost of borrowing to state and local governments.

It would be particularly unfortunate to increase the cost of borrowing at this time when the current operating revenue needs of state and local governments are such that proposals for federal revenue sharing are being seriously advocated and widely supported. I believe that the provisions presently in the bill adversely affecting municipal financing are inconsistent with the concept of revenue sharing and the objectives it is designed to achieve. Underlying my strong support for both retention of this tax exemption and the enactment of revenue sharing is the basic conviction that strong and financially viable state and local governments are essential both to a healthy federalism and to the best possible performance of governmental services.

I would like to make one additional point. A considerable amount of the sentiment for tax reform stems from the testimony given by former Secretary of the Treasury Joseph Barr concerning 154 individuals who in the year 1967 had adjusted gross incomes in excess of $200,000 yet paid no federal income taxes. Unfortunately, the impression was allowed to form that this was accomplished to a large measure through municipal bond ownership, even though the data submitted by former Secretary Barr did not include interest on state and local securities among the tax reducing factors utilized by the 154 individuals. Interest on state and local securities is not included within gross income and consequently does not appear at all on the income tax return. For this reason it is most difficult to determine the degree of tax avoidance by individuals holding state and local bonds.

A possible solution to this lack of data might be to require individuals and corporations to disclose on their income tax returns the amount of interest received from tax-exempt securities. If this information were to indicate substantial abuse of this exemption, then I would support a reasonable legislative solution designed to alleviate the problem without adversely affecting the ability of state and local governments to meet their capital requirements.

DEATHS OF ALABAMA SERVICEMEN IN VIETNAM

Mr. ALLEN. Mr. President, the Department of Defense has informed me that through July 16, 1969, a total of 908 Alabama soldiers, sailors, airmen, and marines have died in Vietnam as a result of the conflict in that tragic corner of the world.

It is sad to reflect on this tragic loss of young manhood, Mr. President. Words of sympathy pale into insignificance beside the tears of those families throughout the Nation whose sons and husbands and fathers have paid their ultimate allegiance to our country. I humbly join my fellow Alabamians in saluting these brave and heroic men.

Mr. President, I feel duty bound to ask a small gesture of tribute to those who have put country above self in giving man's greatest sacrifice for his fellow man—his life.

I ask unanimous consent to have printed in the Record the names and hometowns of these 908 Alabamians.

There being no objection, the list was ordered to be printed in the Record, as follows:

List of Casualties by U.S. Military Personnel From the State of Alabama in Connection With the Conflict in Vietnam by Hometown of Record, February 24, 1969

ARMY

Abston, James Estus, Jr., Cottondale.
Acton, Marion Franklin, Huntsville.
Adams, Walter Lee, McIntosh.
Addison O Neal, West Ensley.
Andrews, Coley L., Mobile.
Ard, Henry, Robertsdale.
Arrington, Samuel W., Jr., Montgomery.
Ball, Jimmy Rex, Rogersville.
Bason, William Alfred II, Huntsville.
Battle, Harold James, Birmingham.
Bearden, Lee V., Stanton.
Bearden, Richard Dewayne, Gadsden.
Beaton, Robert Louis, Mobile.
Bell, David Tomie, Phoenix City.
Bennett, Melvin Leslie, Cordova.
Binion, Thomas, Reform.
Black, Larry Paul, Cordova.

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Bradley, Rubin Fletcher, Jackson.
Bright, Billie Wayne, Gaylesville.
Broadhead, Jack Phillip, McCalla.
Brown, Colburn, Birmingham.
Brown, Paul O Neal, Florence.
Bullard, Kenny Wayne, Fairfield.
Burch, Kenneth Edward Ray, Samson.
Butts, Lonnie R., Oneonta.
Byrd, Guy Albert, Enterprise.
Cameron, Bobby Waits, Hayden.
Canada, George Jr., Montgomery.
Carmichael, Alfred Jr., Prichard.
Carson, Charles N., Jr., Ensley.
Carter, Harry Gibson, Montgomery.
Carter, Nathaniel Earl III, Mobile.
Cauley, Aubrey, River Falls.
Chambers, Oscar Edward, Moundville.
Clark, Francis Everette, Mobile.
Clark, Robert Lee, Birmingham.
Clemmons, Jack Elliott, Atmore.
Cleveland, Albert Franklin, Alexander City.
Coats, Douglas, Red Bay.
Cochran, Aaron Washington, Birmingham.
Colston, Louis, Jr., Bessemer.
Cook, Marlin Curtis, Vernon.
Cooper, Herman Lee, Town Creek.
Cotney, Elmer Eugene, Lineville.
Cousette, Joseph, Aliceville.
Cox, Charles Edward, Lexington.
Crain, Robert Victor, Tuscaloosa.
Crenshaw, William Anderson, Mobile.
Crofford, Clinton E., Russellville.
Crowell, Samuel Gerald, Prattville.
Culver, Alfonzie, Elba.
Daniel, Elijah, Jr., Bessemer.
Daniels, Walter Eugene, Mobile.
Darby, Jimmy Earl, Opp.
Davenport, James Donald, Pell City.
Davenport, James Huey, Wedowee.
Davis, Charles William, Tallassee.
Davis, Willie Louis, Luverne.
Dedman, Leslie Paul, Birmingham.
Dickens, David Rudolph, Mobile.
Dillard, Thomas Manuel, Sheffield.
Dixon, Leo Chester, Phenix City.
Doran, Thomas E., Montgomery.
Dorfman, William David, Birmingham.
Duncan, Thomas David, Attilla.
Eidson, Samuel Arlen, North Birmingham.
Elenburg, James Walter, Sumiton.
Elmore, Claude Eugene, Anniston.
Elrod, Jimmy Charles, Pinson.
Estes, Donald Carthel, Auburn.
Evans, Andrew C., Sylacauga.
Evans, James Larry, Florence.
Evans, Johnnie Lee, Birmingham.
Finch, Lamond, Wilkerson, Birmingham.
Ford. Charles Walker, Dothan.
Fox, Carl James, Minter.
Freeman, Garry Don, Fort Payne.
Gamble, James Henry, Bessemer.
Gardner, Fred Michael, Mobile.
Gardner, Roy Edward, Brookside.
Gardner, William Hugh, Jr., Montgomery.
Garrison, Carl Franklin, Clanton.
Garth, Raymond, Tanner.
Gaston, Ross Allen, Fairfield.
Gautney, Earl, Coffee Springs.
Glover, Freddie Bee, Gadsten.
Gordon, Thomas Leslie, Sylacauga.
Gray, Delacey, Elba.
Grove, Richard Craig, Birmingham.
Gunn, Terry Sidney, Mobile.
Gunter, Melvin Wister, Vincent.
Gurley, Thomas, Somerville.
Hammac, Joseph Earl, Brewton.
Hamner, John Albert, Northpost.
Hargrove, James Mabron, Limestone.
Harper, Richard Earl, Birmingham.
Harris, Nathaniel, Besseme.
Harrison, Cleophis, Prichard.
Hatfield, Billy T., Eufaula.
Hayes, Johnny Vance, Birmingham.
Heath, Charles Edward, Talladega.
Hegler, Mose, Jr., Magazine Point.
Hervas, Aaron Kamala, Mobile.
Heyer, Edward E., Prichard.
Higgins, Jerry Wayne, Cordova.
Hill, Eddie Lee, Jr., Mobile.
Hood, Charles Earnest, Opelika.
Howard, James J., Birmingham.
Hudgens, John Wayne, Oxford.
Hudson, Johnny, Birmingham.
Hurd, Lawrence Adams, Margaret.
Ingram, Charles Bernard, Jr., Phenix City.
Johnson, Harry J., Tarrant City.
Johnson, Jerome, Birmingham.
Johnson, Joe Edward, Tuscumbia.
Johnson, Sanford Steven, Tuskegee Institute.
Johnson, Thomas Allen, Athens.
Jones, John Henry, Enterprise.
Kelly, James Mathew, Atmore.
Kendrick, James Calvin, Robertsdale.
King, Felix Deloach, Jr., Florence.
Kinney, Randle, Dothan.
Kistler, Russell Wilford, Dothan.
Knight, Mack Arthur, Lowndes.
Knight, Ralph Max, Attilla.
Lagrand, Robert Henry, Bessemer.
Leatherwood, James, Mobile.
Lee, George Blue, Bay Minette.
Leonard, Matthew, Birmingham.
Likely, James Thomas, Georgiana.
Little, John Edgar, Holt.
Lockett, Cleo, Birmingham.
Long, Charles Edward, Clanton.
Lott, Junior Edward, Athens.
Love, J. C., Black.
Lueallen, Edgar Bowie, Jacksonville.
Madden, James Floyd, Brewton.
Malec, Paul William, Summerdale.
Maness, James Emory, Talladega Springs.
Marsh, Bobby Joe, Oneonta.
Marvin, Joseph, Prattville.
Matthews, Robert L., Huntsville.
McBride, Herman Alvin, Jacksonville.
McCaig, Robert Lee, Florence.
McCary, Charles Wayman, Leighton.
McDuffie, Larry Ray, Phenix City.
McHaney, Carl Jamerson, Uniontown.
McLemore, Taylor Henry, Boligee.
McManus, Charles Verne, Woodland.
McMurray, Johnnie Ray, Dixiana.
Menefee, Gene Allen, Birmingham.
Michael, Don Leslie, Lexington.
Mickens, Eddie James, Parrish.
Milam, Lewis Edward, Gadsden.
Miller, Claude Paul, Saraland.
Mills, Robbie Ray, Phoenix City.
Minor, Randy Mickel, Clanton.
Mitchell, Eugene Emmett, Scottsboro.
Mooney, James, Selma.
Moore, Joseph M., Elba.
Moore, Robert Louis, Montgomery.
Morrison, Billy Joe, Heflin.
Mosier, Robert Keal, Grady.
Murphree, Ira Jerome, Birmingham.
Nailen, James Patrick, Talladega.
Nicholas, Tommy L., Decatur.
Nichols, Larry J., Blue Mountain.
Oakes, Christopher Columbus, Bessemer.
Odom, John Thomas, Alexander City.
Oneal, Victor Hubert, Birmingham.
Otis, Sherman Eldridge, Mobile.
Parker, Udon, Phenix City.
Patty, Dudley Randolph, Montgomery.
Penland, Marvin Kenny, Piedmont.
Perry, George Edward, Birmingham.
Perry, Robert Lewis, Union Springs.
Phillips, Howard Edward, Scottsboro.
Phillips, Orman Dorr, Bremen.
Phillips, William Russell, Enterprise.
Pierce, Edward Davis, Homewood.
Pool, Harold Laverol, Town Creek.
Rand, Earlie, Prichard.
Reed, Willie, Prichard.
Rhodes, Ray Anthony, Moulton.
Robinson, Willie James, Seale.
Rogers, Clayton George, Jr., Bridgeport.
Russell, Floyd H., Jr., Birmingham.
Scarbrough, Ennis Ralph, Birmingham.
Scott, Jimmie L., Montgomery.
Scott, Patterson, Jr., Prichard.
Seawright, William J., Jr., Montgomery.
Shedd, Alton, Joppa.
Sheffield, Anthony D., Huntsville.
Simmons, Obie Clyde, Brewton.
Smith, Charles Warren, Mobile.
Smith, Jack A., Bay Minette.
Smith, James Buford, Phil Campbell.
Smith, James David, Altoona.
Smith, Jeffrey W., Hillsboro.
Smith, Jim L., Birmingham.
Smith, Loughton, Talladega.
Smith, William Cary, Bessemer.
Spencer, Cordell, Bessemer.
Stamey, Jimmy Edward, Saraland.
Stephens, James Rowe, Enterprise.
Stone, Roger Allen, Parish.
Storey, Charles William, Birmingham.
Stoves, Merritt, III, North Birmingham.
Studdard, Finis Roney, Steele.
Suggs, James David, Eufaula.
Taylor, Elmer Jack, Atmore.
Taylor, Jimmie B., Northport.
Thackerson, Walter Anthony, Talladega.
Thomas, Roy Edward, Lafayette.
Townes, Morton Elmer, Jr., Mobile.
Traylor, Wayne McKennely, Heflin.
Troupe, Herman Lee, Tanner.
Turner, Anderson, Bessemer.
Turner, George Allen, Mulga.
Turner, Louis G., Mount Vernon.
Upner, Edward Charles, Anniston.
Uptain, Davis, Fayette.
Vinson, Henry Mitchell, Birmingham.
Walker, Charlie Lewis, Munford.
Wallace, Frankie Lee, Cherokee.
Wallace, Gary Frank, Killen.
Ware, Mack Arthur, Bessemer.
Ware, Matthew, Bessemer.
Watts, Roy Delano, Lanett.
Waxton, Wilbert Eugene, Grand Bay.
Wells, Benjamin G., Madison.
Williams, Gene William, Birmingham.
Williams, Jimmy Laverne, Wetumpka.
Williams, Johhny, Jr., Montgomery.
Williams, Larry Douglas, Birmingham.
Williams, Tommie Lee, Birmingham.
Wilson, Gerald W., Empire.
Winston, James Glennon, St. Elmo.
Woods, Abraham, Marion.
Wright, James Earl, Arab.
Zeigler, Eugene, Montgomery.

AIR FORCE

Brooks, James Foster, Kellyton.
Coughlin, Arthur Raymond, Mobile.
Cunningham, Carey Allen, Collinsville.
Fields, James Lewis, Mobile.
Holbrook, Horace Alvie, Jacksonville.
Middlebrooks, Robert Neal, Ariton.
Mitchell, Andrew C., III, Mobile.
Moon, Jery Rudolph, Lanett.
Rainwater, James Alvin, Jr., Billingsley.
Wilkinson, Joseph E., III, Selma.

MARINE CORPS

Alexander, Bobby Ray, Decatur.
Allen, Robert Warren, Birmingham.
Arnold, Harold, Prichard.
Barnard, Lewis Cecil, Gadsden.
Bexley, Robert Edward, Mobile.
Brock, James Walter, III, Cullman.
Brown, James Homer, Birmingham.
Brown, James Phillip, Harvest.
Bryant, Roger Jerrel, Florence.
Buckley, Robert Earl, Theodore.
Canidate, James Ellis, Montgomery.
Cantrell, Lewis Edward, Centre.
Carver, Jerry Leon, Bridgeport.
Chaffin, Allan Ray, Anniston.
Chambers, Paul Richard, Scottsboro.
Clanton, Charles Benjamin, Mobile.
Clark, J. C., Jr., Fairfield.
Colley, Michael Ira, Birmingham.
Collier, Willie Lester, Birmingham.
Cupp, Ernest Bryan, Hanceville.
Dailey, Francis Edwin, Birmingham.
Davies, Timothy Scott, Mobile.
Day, Charles Tyrone, Montgomery.
Denney, Jimmie Bryson, Gadsden.
Dennis, James Walter, Jr., Montgomery.
Dixon, Lee Artice, Saraland.
Dixon, Leland Francis, Whistler.
Duffy, Patrick Edward, Mobile.
Giles, Leonard Earl, Summerdale.
Gonzalez, Larry Eugene, Atmore.
Hadley, Verlon, Bay Minette.
Hall, Lavie Jimmy, Huntsville.
Hardy, Warren, Jr., Montgomery.
Hasty, William Donald, Birmingham.
Hendrix, Paul George, Hartselle.
Himes, Michael Bruce, Birmingham.

Hollaway, Philip Stephen, Birmingham.
Hose, John Wallace, Jr., Decatur.
Howard, Clarence William, Birmingham.
Hudson, Jimmy Dale, Tallassee.
Huff, James Edmond, Huntsville.
Hunt, William Dickson, Birmingham.
Jackson, Thomas Clayton, Autaugaville.
Jenkins, Frank Paul, Jr., Anniston.
Johnson, Jimmy Earl, Cullman.
Johnson, Richard S., Jr., Tuscumbia.
Kelley, William Robert, Citronelle.
Kiger, James Anthony, Huntsville.
Lafferty, David Nelson, Grand Bay.
Leslie, Roger Lamar, Birmingham.
Lilley, Joseph Emmett, Mobile.
Little, Henry Leon, Tuscaloosa.
Lockhart, Clarence, Seale.
Lowery, Dalton Buster, Brewton.
Lyle, Larry Vann, Birmingham.
Mangrum, George Thomas, Rogersville.
Mann, Carl William, Birmingham.
McCall, Clifford, Birmingham.
McCamble, Robert Lee, Mobile.
McGeever, Thomas Joseph, Mobile.
McGinty, Calvin A., Jr., Tallahassee.
McVay, John Earl, Decatur.
Mitchell, Joseph Robert, Jr., Alexander City.
Mosley, Rayford, Jr., Stapleton.
Murff, Eugene, Montgomery.
Murry, Eugene, Montgomery.
Newcomb, James Dwight, Mobile.
Payne, Lawrence Edward, Tuscaloosa.
Peoples, Eddie Donald, Phenix City.
Perry, James Earl, Huntsville.
Pope, Charles Dean, Anniston.
Presnall, Carl Hamby, Bay Minette.
Price, Marlin Ladon, Mulga.
Randall, James Arthur, Somerville.
Rich, Ronald Dudley, Decatur.
Robinson, Herman Ray, Birmingham.
Robinson, John Leo, Prichard.
Runnels, Glyn Linal, Jr., Birmingham.
Rushing, Michael Gean, Tuscaloosa.
Salter, Charles Lowell, Birmingham.
Sanders, Glenn Edward, Attalla.
Scarborough, Arthur Benjamin, Mobile.
Shaw, William Marshall, Jr., Talladega.
Smith, Clifton Bradley, Midland.
Smith, Malcolm Carlis, Montgomery.
Smith, Rickey Gene, Gadsen.
Smith, Roy, Birmingham.
Spivey, Harley Edwin, Samson.
Stephenson, Waymond Nelson, Anniston.
Tisdale, Henry Carlos, Tuscaloosa.
Toyer, Lee Arthur, Birmingham.
Vinson, Walter Wayne, Birmingham.
Wadsworth, Harry Marshall, Millbrook.
Waldrep, Jimmy Ray, Logan.
Watkins, Harold Eugene, Birmingham.
White, Robert Wayne, Grant.
Wood, David Mitchell, Gordon.
Youngblood, Jimmy Dean, Birmingham.

NAVY

Boston, Donald Earl, Sheffield.
King, Doyle Gaylon, Vinemont.
Sims, Michael Eugene, Mobile.
Weimorts, Robert Franklin, Eight Mile.

ARMY

Adams, Spencer, Mobile.
Alexander, David J., Jr., Anniston.
Allen, William Terry, Enterprise.
Allums, Frederick Larry, Empire.
Ausborn, Donald Eugene, Huntsville.
Avery, Ronnie G., Hamilton.
Baker, Jerry Scruggs, Altoona.
Baker, Melvin, Gadsden.
Baker, Raymond Delmar, Birmingham.
Bell, Jerome, Foster.
Bellomy, Willard Gordon, Woodville.
Benjamin, Richard, Atmore.
Bennett, Jacob, Phenix City.
Bird, Lonie, Semmes.
Blalock, James Terrell, Salem.
Blankenship, Larry J., Midfield.
Booker, Thomas Arthur, Bessemer.
Boyd, Ananias, Shorter.
Brewster, Ollis, Wellington.
Brock, Edward Lee, Florence.
Brown, Bobby James, Bessemer.
Brown, Hugh Bernard III, Talladega.
Burt, James Howard, Ft. Payne.
Busby, Monte Rex, Birmingham.
Cannion, William, Hayneville.
Cannon, Larry George, Oneonta.
Carpenter, Thomas, Jr., Tuscaloosa.
Carter, Hamp, Jr., Bessemer.
Cash, Benny Dale, Ashville.
Causey, Ben Elmore, Jr., Choctaw.
Chambers, Robert D., Camp Hill.
Childers, Virgil Eugene, Sumiton.
Christian, Lytell B., Enterprise.
Clark, Doris Wayne, Tuscumbia.
Coleman, George, Birmingham.
Compton, Johnnie Ray, Sylacauga.
Cook, Larry Davidson, Wetumpka.
Cooper, William Morris, Georgiana.
Cuttrell, Willie James, Wetumpka.
Crews, Thomas Franklin, Marion.
Davis, Cecil Leroy, Birmingham.
Davis, Michael Edward, Gadsden.
Dorough, Jerry Eugene, Springville.
DuBose, Fred Clinton III, Birmingham.
Eatman, Earnest, Jr., Birmingham.
Elliott, Ernest Lee, Dothan.
Erwin, Earl, Jr., Mobile.
Evans, Jerry Thomas, Birmingham.
Ferguson, William Edwin, Gadsden.
Fowler, Robert Allen, Geneva.
Frye, Bobby Sam, Hamilton.
Gardner, Robert Eugene, Sylacauga.
Garner, Jackie Wayne, Gadsden.
Garner, Willie Frank, Town Creek.
Giddens, Horace Gilbert, Jr., Andalusia.
Giles, Willie, Jr., Montgomery.
Glenn, Richard J., Florence.
Godwin, Johnnie Reese, Jr., Montgomery.
Goree, Carlton Travis, Mobile.
Guy, Benny Ross, Tuscaloosa.
Hamilton, Ulys Ford, Spruce Pine.
Hamm, Donald Curtis, Mobile.
Hamner, Charles, Birmingham.
Handley, Howard Brown, Sheffield.
Harrell, Ronnie, Bessemer.
Harris, Edward Leon, North Birmingham.
Harris, Gary Bluitt, Hartselle.
Harris, Jerry Lee, Mobile.
Head, Marvin, Jr., Columbiana.
Heard, Robert Louis, Jackson Gap.
Hill, Jerry Dwain, Lexington.
Hilley, Robert Lee, Attalla.
Hillman, Joseph, III, Piedmont.
Hilyer, Broadus Dale, Opelika.
Hodges, James Dale, Florence.
Hollis, James Augustus, Birmingham.
Holmes, Earnest Paul, Jr., Talladega.
Howell, Preston Lee, Sheffield.
Hughes, Macklin Otis, Pisgah.
Hughey, Edward Wendell, Sprott.
Huie, Robert Andrew, Oneonta.
Hurst, Roosevelt, Jr., Saraland.
Jackson, Crawford, Jr., Mobile.
James, Gerald, Mobile.
Jenkins, William Clarence, Gadsden.
Johnson, Armstead, Castleberry.
Johnson, Curtis, Montgomery.
Johnson, Obbie, Birmingham.
Jones, Jack Marion, Childersburg.
Jones, Joe Louis, Phenix City.
Kelley, Larry Dean, Fultondale.
Kennedy, James, Seale.
King, Robert Henry, Tuscumbia.
Lais, Robert Wallace, Birmingham.
Larry, John Davis, Jr., Birmingham.
Lawrence, Garry Frank, Woodstock.
Lay, Willie Ray, Fairhope.
Ledbetter, David Wayne, Piedmont.
Lee, Charlie Frank, Elba.
Leonard, Sidney Lamar, Gadsden.
Lewter, Stanley Reed, Huntsville.
Lisenby, Donald Eugene, Ozark.
Little, Wallace Sylvester, Riverview.
Lockridge, Jack Ray, Piedmont.
Lundy, Lonnie Eugene, Detroit.
Manning, William Terry, Mobile.
Martin, Hubert William, Oakman.
Martin, Rufus Michael, Birmingham.
Marzenell, Edward, Jr., Birmingham.
Mason, Earnest Lee, Jr., Emelle.
McCain, Michael Clinton, Birmingham.
McDonald, David Letcher, Jasper.
McGee, Robert Lewis, Jr., Russellville.
McKelvey, James Daniel, Florence.
McMurtrey, William Newton, Killen.
Miles, Elijah, Jr., Phenix City.
Minor, Matthew, Jr., Tuscaloosa.
Molton, Kenneth Wayne, Birmingham.
Moncrief, James Ray, Cordova.
Moncus, Bennie Ray, Ft. Payne.
Montgomery, Donald Lee, Cloverdale.
Moore, Leonard David, Bessemer.
Moser, Merrill Andrew, Baldwin.
Mundy, Robert Hal, Anniston.
Murray, Darnell Patrick, Anniston.
Naramore, David A., Jr., Jasper.
Neely, Dan Lee, Birmingham.
Norris, Van Allen, Union Springs.
Ogletree, Young David, Salem.
Oliver, Henry McCarthy, Montgomery.
Owens, David Ray, Athens.
Owens, Dewey Ray, Andalusia.
Page, Roy Donald, Eva.
Palmer, William Herschell, Abbeville.
Parr, Ronald Eugene, Birmingham.
Perkins, Wardell, Gordo.
Peters, Wilbert, Mobile.
Pierce, Jimmy Ray, Prichard.
Pike, Edward Morris, Hanceville.
Poole, Thomas Dewitt, West Blocton.
Presley, Melton Howard, Childersburg.
Pressley, Cornelius, Birmingham.
Prince, Garry Garnett, Birmingham.
Puckett, Jean Wayne, Piedmont.
Purcell, Larry Joe, Empire.
Rawlins, James Patrick, Montgomery.
Richard, Jerry Gordon, Anniston.
Richards, Robert, Birmingham.
Richardson, Donald William, Semmes.
Rodgers, Bobby Ray, Hollywood.
Ross, Luther Julian, Jr., Birmingham.
Salter, Robert Wayne, Parrish.
Samples, Larry, Jr., Henager.
Sawyer, Paul Lewis, Jr., New Brockton.
Schmale, William Otto, Cullman.
Sewell, Johnnie Bruce, Hartselle.
Sewell, Lorenzo, Sayreton.
Simpkins, Wilmer Franklin, Fairfax.
Sisk, Harry Duncan, Huntsville.
Smiley, George Robert, Montgomery.
Smith, Joe Wilkins, Prattville.
Speaks, Mac Wayne, Alexander City.
Stabler, John Leslie, Summerdale.
Standridge, Paul Richard, Anniston.
Stanley, Joe Harry, Altoona.
Stewart, Charlie Aces, Jr., Birmingham.
Stewart, Sam William, Huntsville.
Story, J.C., Bessemer.
Stovall, Charles Allen, Gadsden.
Sullivan, Arnold Hosea, Northport.
Swain, Lee Wesley, Jr., Alpine.
Taylor, Clifton Thomas, Mobile.
Terry, Arie, Decatur.
Thomas, Jimmy Ray, Brewton.
Thomas, Tennyson Aaron, Bessemer.
Townsend, Roosevelt, Mathews.
Turner, David Lee, Lacey Springs.
Underwood, Daniel Ledare, Pisgah.
Voyles, Floyd, Somerville.
Walker, Clifford C., Sheffield.
Ward, Carl Gene, Salem.
Washington, William F., Jr., Birmingham.
Wells, Billy, Northport.
Whan, Vorin Edwin, Jr., Irondale.
White, James David, Prichard.
White, John Oliver, Saraland.
White, Leamuel Artis, Silverhill.
Wiginton, Garry Ray, Sheffield.
Williams, Donald Winslow, Sipsey.
Williams, Melvin Joe, Birmingham.
Williams, Paul Edward, Huntsville.
Wilson, Fred, Birmingham.
Woods, James Arlie, Jasper.
Wooley, Donald, Siluria.
Woolsey, Hilton Edward, Mobile.
Worrell, Hurston Edward, Pittsview.
Young, William Frank, Oxford.

AIR FORCE

Lawrence, Gregory Paul, Phenix City.
Moore, Dallas Henry, Headland.
Yeend, Richard C., Jr., Mobile.

MARINE CORPS

Angerman, Donald Edward, Birmingham.
Avery, John Mark, Cottondale.
Ayers, Lesley Steven, Huntsville.
Ballew, Arthur Clay, Gadsden.
Beck, John Theron, Gordo.
Calhoun, Franchot Tone, Anniston.
Chastant, Rodney Rene, Mobile.
Clark, Larry Gene, Huntsville.
Craft, James David, Anniston.
Cruitt, Michael Douglas, Cullman.
Dalhouse, John Dudley, Montgomery.
Davis, Curry Barry, Roanoke.
Downs, Vernon Lerdy, Jr., Huntsville.
Edwards, Joseph William, Mobile.
Faulks, Willie James, Montgomery.
Ford, Clifford Eugene, Jr., Jacksonville.
Ford, Glenn Edward, Gadsden.
Gaines, Allan Joseph, Tuscaloosa.
Gaines, Wordell, Tuscaloosa.
Gentry, Oscar, Jr., Birmingham.
Hammonds, James Robert, Evergreen.
Harris, Frank Cay, Mobile.
Holland, James Larry, Boaz.
Hollimon, Billy Michael, Mount Hope.
Hubbard, Robert Walker, Auburn.
Jackson, Billy Lee, Saraland.
Johns, Carey Lee, Oneonta.
Johns, Michael Wayne, Andalusia.
Johnson, Lile Lamar, Jr., Mobile.
Jones, Jimmie Lee, Cordova.
Jones, John Henry, Jr., Phenix City.
Joshua, James Edward Jr., Gadsden.
King, Argestlar, Jr., Birmingham.
Kuhse, Michael Darrell, Huntsville.
Leland, Leroy, Jr., Theodore.
Littlefield, Robert Henry, Birmingham.
Lloyd, Rodney Dale, Birmingham.
Lloyd, Ronald Edward, Mobile.
Long, Michael David, Oneonta.
Lovelady, Ronald David, Cullman.
Lowe, Louis Cardell, Tuscaloosa.
Magnusson, Fred Wayne, Ardmore.
Marshall, James Conrad, Monroeville.
McCarty, Billy Joe, Wilmer.
McCorkel, James Edward, Whistler.
McGee, Danny Albert, Florence.
McLester, Sherman Douglas, Anniston.
Meads, Herbert Lynn, Huntsville.
Merritt, Allen Twiggs IV, Atmore.
Miller, Ormond Mitchell, Gadsden.
Mitchell, Homer, Jr., Montgomery.
Monroe, Wilber Dean, Langdale.
Moore, Roy Lee, Madison.
Mullins, Arthur Brent, Mobile.
Nelson, Roger Tilton, Gadsden.
Norsworthy, Jimmy Layne, Brantley.
Pate, William Lawrence, Robertsdale.
Pearson, Carl Oscar, Jr., Silverhill.
Pendergrass, Vernon Frankl, Birmingham.
Randall, Simon, Birmingham.
Raynor, James Daniel, Empire.
Reynolds, John Henry, Bessemer.
Rice, Robert Ivan, Huntsville.
Ritch, John Gwin, Parrish.
Rogers, William T. IV, Montgomery.
Salter, Dwayne Lamont, Evergreen.
Scott, James Frank, Mobile.
Scott, Johnny Major, Jr., Mobile.
Scroggins, Douglas Sidney, Wing.
Senn, Thomas Larry, Lanett.
Shaw, James Douglas, Birmingham.
Smith, Arthur C., Glen Allen.
Smith, Hurley Alvin, Dothan.
Smith, Ronnie Wayne, Huntsville.
Smith, Samuel Thomas, Jr., Huntsville.
Sterns, Randolph Joel, Tuscaloosa.
Taylor, Robert Hildreth, Birmingham.
Thrift, Fred Lewis, Mobile.
Tulbert, Reginald Gay, Wagarville.
Turner, William Oliver, Phenix City.
Walbridge, George Wilcox, Huntsville.
Waldrop, Raymond Clarence, Allbertville.
Ward, Wayne Levoyer, Mobile.
Wesley, Marvin, Jr., Guin.
Westbrook, Dennis Franklin, Prichard.
Wilder, Steve Clifton, Birmingham.
Winston, William Curtis, Roanoke.
Winter, John Wesley, Brewton.
Wyrosdic, William Everett, Mobile.
Yerion, Jeffery Allen, Dothan.

NAVY

Allen, Granville Joel, Jr., Birmingham.
Collier, Jerry Lamayne, Boaz.
Dennis, William Earl, Birmingham.
Morris, William I. III, Mobile.
Pettis, Thomas Edwin, Mobile.

ARMY

Barber, Chadwick McFall, Florence.
Barksdale, William Howard, Fyffe.
Barnett, Donald Eugene, Anniston.
Belt, Arthur Lavine, Prichard.
Bishop, James Arthur, Gallion.
Bishop, Woodrow Wilson, Jr., Northport.
Boles, Fletcher W., II, Tuscaloosa.
Boyer, Larry Eugene, Birmingham.
Bradberry, Arthur Milton, Gadsden.
Brooks, William Lee, Montgomery.
Brown, Walter Evans, Jr., Bessemer.
Bryan, Franklin Delano, Lynn.
Caldwell, Henry, Jr., Birmingham.
Cardwell, Henry Waters, Bessemer.
Chapman, Willie James, Jackson.
Clark, Bobby Dean, Bexar.
Clark, Richard, Tallassee.
Cline, Donald Leo, Huntsville.
Collins, Jerome Liston, Magnolia Springs.
Combs, John Beechly, Mobile.
Creaghead, Clarence, Bessemer.
Crody, Ronald Isaac, Enterprise.
Crowe, Ronald Gary, Prattville.
Crump, Jack Vann, Sulligent.
Daniel, Robert G., Bridgeport.
De Priest, John Thomas, Mobile.
Dilbeck, Lonnie Adken, Fairhope.
Dixon, Louis Krimmit, Mobile.
Dobynes, Joseph James, Marion.
Duke, Billy Wayne, Albertville.
Dunn, Ralph Gerald, Andalusia.
Enfinger, Kenneth Earl, Ozark.
Fields, James Ronald, Millport.
Fields, William Michael, Evergreen.
Ford, Edward, Birmingham.
Forrester, Joel Wayne, Florence.
Franklin, James Anthony, Prichard.
Freeman, Jimmy Grant, Talladega.
Frowner, Edward, Manila.
Gohagin, James Rayford, Atmore.
Golden, George Kenneth, Eva.
Goodwin, Paul Venon, Anniston.
Gordon, Ernest Lee, Birmingham.
Graham, Roger Lee, Aliceville.
Grayson, Ronnie Paul, Ensley.
Gregory, William Robert, Dothan.
Gulley, Percy Lee, Jr., Plateau.
Harris, Benjamin, Hillsboro.
Hocutt, Larry Keith, Mobile.
Hughes, Errol Arthur, Oxford.
Hullett, Nathan Earl, Birmingham.
Isaac, James Edward, Jr., Daleville.
Jackson, George Emmett, Sulligent.
Jones, Albert Junior, Rogersville.
Jones, Louis Henderson, Foley.
June, Jeremiah, Birmingham.
Kelly, Donald Lynn, Hartford.
Kenney, Joseph Hayden, Opelika.
Looney, Milford, Jr., Ragland.
Lyle, John Bruce, Athens.
McAdams, Edgar Gregory, Daphne.
Motley, John Larry, Jr., Birmingham.
Nathan, Ralph Eugene, Uniontown.
Oliver, Roger Lee, Sylacauga.
Overton, William Hilliard, Decatur.
Owens, Thomas Earl, Wetumpka.
Patterson, Samuel Lee, Hueytown.
Pence, James Thomas, Birmingham.
Penn, Roosevelt Franklin, Fulton.
Peoples, Paul Joseph, Mount Vernon.
Pettis, Billy Wayne, Castleberry.
Polk, Kenneth Erbie, Pleasant Grove.
Presley, Andrew Lee, Jr., Mobile.
Ratcliff, Jackie Lee, Birmingham.
Smith, William Hoyt, Heflin.
Steele, Townser, Jr., Selma.
Stephens, Gerald Wayne, Fort Payne.
Stoffregen, Roy Dixon, Munford.
Sturma, Charles Frank, Silver Hill.
Sutton, James Kenneth, Andalusia.
Taylor, Clarence, Greenville.
Taylor, De Wayne, Birmingham.
Thomas, Howard Ray, Jr., Oxford.
Thomas, Larry Benjamin, Atmore.
Truelove, James Melvin, Sulligent.
Waddle, Sammie Wayne, Bremen.
Walker, Charles Clarence, Eufaula.
Wallace, Willie Lewis, Madison.
Wiggins, David, Roger, Monroeville.
Willis, Larry Wayne, Russellville.
Woodall, Charles Minor, Town Creek.

AIR FORCE

Evans, Douglas McArthur, Ramer.

MARINE CORPS

Bice, Jimmie Ray, Birmingham.
Busby, Sam William, St. Stephens.
Calender, Marshall Lee, Rockford.
Copeland, Samuel Champion, Birmingham.
Davis, Emmett Lee, Vincent.
Drysdale, Charles Douglas, Birmingham.
Franklin, Ira Melton, Jr., Birmingham.
Gill, Robert Earl, Mobile.
Holmes, Leonard Hugh, Talladega.
Keefe, Floyd Milton, Montgomery.
Lane, Gerald Bruce, Hartselle.
Lovett, Terry Wayne, Clanton.
Mallory, David Allen, Huntsville.
Martin, Charles Edward, East Gadsden.
Northington, William Clyde, Prattville.
Palmieri, David Harold, Hudson.
Patrick, Danny Leon, Mobile.
Patterson, Booker T., Jr., Jacksonville.
Phillips, James Lester, Cropwell.
Sargent, George Thomas, Jr., Auburn.
Smith, Clinton Daniel, Yellow Pine.
Stamps, Johnny Green, Gadsden.
Tolsma, Raymond Earl, Prichard.
Traylor, Fred Edward, Heflin.
Watkins, Joel Keith, Troy.
Williams, Robert Cleven, Greensboro.

NAVY

Boone, William Edward IV, Tuskegee.
Dees, Edgar Allen, Jr., Mobile.
Greene, James Etheridge, Jr., Auburn.
Hamner, Theodore S., III, Tuscaloosa.
Hunt, Larry Frank, Gadsden.
Sellers, Melvin Louis, Phenix City.

ARMY

Evans, Rodney Joseph, Florala.
Hall, Bryon Royce, Henagar.
Parker, Johnny Kendrick, Bay Minette.
Peterson, Julius Lee, Birmingham.
Raspberry, Lawrence, Fairfield.
Terry, Bill Henry, Jr., Birmingham.

MARINE CORPS

Beasley, George Hutchinson, Montgomery.
Suttle, William Earl, Prattville.

NAVY

Keene, Glen Cameron, Jr., Fairhope.

ARMY

Abrams, Tmothy C., Jr., Tuscaloosa.
Allen, William Terry, Enterprise.
Blackmon, Dennis Glenn, Elberta.
Brown, Carl, Northport.
Cary, Willie B., Brighton.
Childers, Phillip Don, Florence.
Coker, Samuel Earl, Florence.
Cotton, Thomas Wayne, Brilliant.
Evans, Thomas C., Bessemer.
Freeman, David Harold, Gadsden.
Fulghum, Jackie, Junior, Hanceville.
Gentle, Clyde Glenn, Woodville.
Gilder, Lewis C., Mount Meigs.
Gilmore, Ronald, Dozier.
Glover, Robert Branch, Cullman.
Godwin, William Riley, Birmingham.
Hammer, Billy Gene, Enterprise.
Hicks, Woodie Lee, Cordova.
Hill, William B., Jr., Birmingham.
Hitt, Roy Marvin, Jr., Bessemer.
Hollowell, William Byard, Birmingham.
Howard, Theodore, Prichard.
Johnson, Freddie Lee, Selma.
Kirby, Rance A., Wedowee.
Kirksey, Robert L., Mobile.
Latta, Charles R., Gadsden.
Leatherwood, William Elber, Carrollton.
Legg, John Duane, Chickasaw.
McCutchen, George, Scottsboro.
McNabb, Jerry Wayne, Gadsden.

Meacham, Jack Bennie, Mobile.
Miller, Frank Leonard, III, Montgomery.
Moton, Eddie Lee, Jr., Talladega.
Nelson, Darrol Oren, Calhoun.
Pace, Danny Wayne, Tuscumbia.
Piper, Edward Roger, Thorsby.
Poole, Conrad Earl, Oneonta.
Robertson, Benjamin F., Jr., Tuscaloosa.
Skinner, James Allen, Montgomery.
Smith, Mose, Jr., Cuba.
Sutton, Travis Robert, Andalusia.
Thompson, Farley Dee, Sheffield.
Tiller, Robert, Birmingham.
Turner, Claude Tyler, Wilmer.
Williams, Sherman Elliot, Birmingham.
Williams, Thaddeus Edward, Mobile.
Woodard, Harry Donald, Saraland.
Young, Claude, Birmingham.

AIR FORCE

Bunch, Claude Marvin, Helena.
Hansen, Lowell C., Dothan.
Holden, Alfred Jefferson, Jacksonville.
Mosley, Edward, Fairhope.
Smith, Norris Ray, Birmingham.
Welborn, Melvin D. Neal, Phil Campbell.

MARINE CORPS

Andrews, Clifton Bishop, Fulton.
Bailey, John Howard, Docena.
Bentley, Cobbie James, Birmingham.
Dillworth, Earl, Jr., Sheffield.
Dunaway, Gordon Herbert, Alexander City.
Foreman, Auburn Wood, Jr., Attalla.
Greer, Larry Wayne, Altoona.
Guyer, Ronald Lynn, Tuscaloosa.
Hall, Jefferson Davis, Hartford.
Johnson, William Horace, Jr., Bessemer.
Langley, Francis Lee, Waverly.
Morgan, Jesse Frank, Camden.
Phillips, Leonard, Hueytown.
Shafer, Glenn Wesley, Odenville.

NAVY

Blakely, Josslyn F., Jr., Montevallo.
Jones, James Gradey, Birmingham.

ARMY

Beard, Alexander, Mobile.
Brown, Carl Lee, Selma.
Cahela, Gerald Alan, Bessemer.
Chandler, Leonard Oneal, Clanton.
Clanton, Louis Lamar, Collinsville.
Crockett, James Larry, Scottsboro.
Davis, Albert, Prattville.
Ervin, Clifford Leon, Heflin.
Floyd, John Douglas, Montgomery.
Heard, James Robert, Jr., St. Clair.
Hodges, Bennie E., Vernon.
Hurst, William Joseph, Cropwell.
Jacobs, Perry Owen, Sylacauga.
Kizziah, Jerry Wayne, North Birmingham.
McMillian, Solomon Leon, Alexandria.
Milligan, Johnson Marcus, East Brewton.
Nix, Edward Lewis, Alpine.
Pendley, William Grant, Carbon Hill.
Peoples, Howard Gregory, Fayette.
Purser, Charles Edward, Tuscaloosa.
Thompson, Benjamin A., Jr., Saraland.
Westbrook, Roy Thomas, Whistler.
Williams, Donald Lee, Huntsville.
Wilson, Dale Keith, Tallassee.
Wilson, Willie Gene, Talladega.
Winchester, Larry Alden, Mobile.

AIR FORCE

Fox, Amos Olover, Birmingham.
Phillips, Elbert Austin, Huntsville.

MARINE CORPS

Baker, Ernest Austin, Jr., Opelika.
Horsley, Larry Frank, Birmingham.
Maxwell, William Elbert, Tuscaloosa.
Smith, Henry Beall, Jr., Andalusia.
Smith, Samuel David, Cordova.
Thomas, Wilton Herman, Birmingham.
White, Raymond, Slocomb.
Woods, Jerry Otis, Huntsville.

NAVY

Burnett, Donald Frederick, Montgomery.

ARMY

Allums, Allen Wayne, Enterprise.
Barge, Frederick Douglas, Selma.
Bouyer, James Earl, Prattville.
Chandler, Larry Delynn, Huntsville.
Herring, David Bounds, Mobile.
Lovell, James Richard, Anniston.
Nelson, Charles, Birmingham.
Robinson, Charlie, Jr., Mountain Creek.
Sims, Thomas James, Montgomery.
Stephens, Larry Eugene, Walker.
White, Ted Arnold, Dickinson.

MARINE CORPS

Blackston, Donald Lamar, Whistler.
Corwin, John James, II, Crawfordsville.
Pyle, Timothy Howard, Mobile.
Rush, Theodore Marshall, Birmingham.
Shelton, Charles Howard, Huntsville.
Vix, Stephen August, Jr., Mobile.
Willis, Raymond Conluis, Gadsden.

ARMY

Nall, John Truman, Birmingham.

NAVY

Taylor, Charles Stockton, Huntsville.

SPACE VERSUS DOMESTIC PRIORITIES

Mr. GURNEY. Mr. President, I am pleased to insert into the CONGRESSIONAL RECORD a letter I received recently from Mr. G. A. McPhillips, 108 Ponderosa Lane, Titusville, Fla. Mr. McPhillips, I feel, did an outstanding job of presenting some of the pros and cons of expenditures in space versus domestic priorities.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> A quarter of a million dollar camera sits uselessly in the dust of the moon, left there by the Apollo 11 astronauts. More accurately, it should be described as a camera which represents a quarter million dollar investment in technical skill and labor. It was abandoned to its lunar resting place in order to achieve less weight and additional precious space aboard the returning spacecraft. The critical liftoff from the moon's surface demanded not an ounce of superfluous weight.
>
> What the critics of this seemingly extravagant waste of equipment fail to take into consideration is that the value of the camera's component parts is the smallest portion of that quarter million dollars. The largest percentage of its cost stayed right here on earth in the form of paychecks of those who were employed in its production. Not included in this price is the invaluable knowledge gained in how to build a better camera.
>
> So, too, the whole space program is viewed by these same critics through a narrowly focused lens. "Why spend billions on space," they ask, "when we have so many unsolved problems right here at home?" The American citizen is entitled to have a fair answer to these questions, especially when he has his own problems of increasing taxes and the rising cost of living with which to contend. True, he was captivated and awed by the lustre of the unmatched adventure of the Moon Landing, but now that the excitement has died he may ask himself, "Why do it at all? What will it gain?"
>
> Many articles have been written and opinions offered regarding this question of new directions and priorities for our space program. Yet, to my knowledge, none have offered a concise summary which would justify continued strong national motivation. Since I work for an aerospace company my statements may be regarded as biased, and perhaps they are, but biased or not, I believe they will at least partially answer those questions of "Why?" and "What?"
>
> First, why does man undertake such an adventure as the conquest of space? Curiosity about the unknown; quest for more knowledge; desire for achievement; expansion of his domain; desire for recognition; and enlargement of his creativity are some of the reasons. To varying degrees these motives exist in all of man's undertakings. But I should like to point out that it is significant that these same desires and motives have been used to justify wars. Man has now found a way to channel his great technological energy into a project that does not lead to human suffering. Indeed, it has already harvested benefits for mankind and will continue to do so in an ever increasing scale.
>
> Sixty years ago man flew for the first time. What was the general opinion of the worth of that achievement at that time? Man is embarking on another adventure now just as he did then. Only the scale of the undertaking is different. Instead of involving just a handful of people, all mankind is involved. Isn't this a nobler endeavor in support of the cause of peace than the questionable methods now being employed by some disoriented members of society?
>
> Second, I think that when we put our space expenditures in their proper relationship to all of our other economic efforts, we will see that continued participation and effort is fully justified. Here are a few statistics which may help to enlighten those who may doubt the need for continued space effort.
>
> The gross national product of the United States is some 900 billion dollars. Our space effort amounts to one-half of one percent of this figure. Our annual budget for Health, Education and Welfare amounts to fifty-eight billion dollars. Yet, there are those who would discontinue the space expenditures and transfer this money and effort to the relief of urban problems, or the creation of more jobs. This doesn't make sense. In the first place, the space program has created may thousands of jobs. Spinoffs consisting of new products, materials and processes have created many more jobs not related to space efforts. The addition of 4 billion dollars from the space program to the 58 billion already assigned to Health, Education and Welfare isn't going to significantly change or improve those efforts.
>
> The important thing to bear in mind is that the money spent on the space effort hasn't all been sent out into space with the rockets. The only loss sustained is in a few tons of metal and gases. The giant portion of the space industry's expenditures has been kept right here, providing thousands of jobs and producing tangible benefits.
>
> Some say that we should now apply our space technology concepts to solving the problems of the ghettos and general urban blight, and that these problems should be given priority over space endeavors. May I point out that the space program has never enjoyed what could be termed a national priority. A national goal, yes, but not a priority. Two percent of the nation's yearly budget doesn't constitute a very high priority. Not when we can compare it to the annual expenditures in consumption of cosmetics or tobacco.
>
> We have the resources and the ability to enrich the growth of mankind. To allow these efforts to be subordinated by the arguments discussed above would be like telling those who sought to follow in the footsteps of Columbus, that the unknown returns for the expense of the effort weren't worth the trip.

FEDERAL REVENUE SHARING

Mr. BAKER. Mr. President, on September 25, Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, and Mr. Richard P. Nathan, Assistant Director of the Bureau of the Budget, testified before the Subcommittee on Intergovernmental Rela-

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tions of the Government Operations Committee on the concept of Federal revenue sharing.

I ask unanimous consent that these two very excellent statements be printed in full at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement by the Honorable Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, on S. 2483, September 25, 1969

Mr. Chairman and Members of the Subcommittee: I welcome this opportunity to appear before your Subcommittee to present the Administration's views on S. 2483. We are particularly interested in the substance of this bill since it relates directly to a major item in the President's domestic program—the effort to establish a healthy balance in our federal system of government. It is clear from Section 2 (a) of the bill that its general purposes conform with ours: to provide both the encouragement and the resources for state and local governments to exercise leadership in solving their own problems.

As you know, Mr. Chairman, there are basically two kinds of arguments to be made in support of a program which transfers both financial resources and decision-making responsibility from the central government to the state and local governments. One set of arguments centers around considerations of administrative efficiency, institutional responsiveness, and local determination. These factors support the contention that too often the decision-making authority and institutional apparatus are removed from the source of many public problems. The other set of arguments centers around considerations of fiscal capacity, taxing systems, and public resource allocation. These factors support the contention that a basic imbalance exists between the normal budgetary positions of the Federal and local governments.

In his message to the Congress on revenue sharing, the President devoted considerable attention to these arguments—emphasizing that a definite need existed to redefine the roles of the various levels of government. A copy of the President's message and supporting documents are appended to this statement. I would like to concentrate today on some of the economic arguments for general intergovernmental assistance and revenue sharing.

As a student of public finance I am impressed by the broad agreement among analysts of all political persuasions that a strong financial case exists for general Federal aid to state and local governments. They all note that Federal tax collections are more responsive to economic growth than state and local revenue collections. At the same time, expenditure requirements of state and local governments tend to rise more rapidly than economic and population growth or the peacetime requirements of existing Federal programs. The end result of these divergent trends is the troublesome "fiscal mismatch" which so many students of the intergovernmental financial situation have discussed.

This basic economic argument for financial assistance is persuasive and widely held. The point that does engender discussion concerns the form that this Federal assistance should take.

More specifically, we see the question as being: "Given the near-term budgetary outlook, how can we most effectively provide general assistance to state and local governments with the limited federal funds available?" Among the alternative forms of possible additional assistance—revenue sharing, tax credits, additional categorical grants, federal assumption of local functions—we have come down strongly in favor of revenue sharing. It is the one form of assistance which meets the financial plight of state and local governments directly. Revenue sharing involves no increase in Federal requirements or administrative burdens. Unlike tax credits, revenue sharing avoids the pressures of interstate competition. And revenue sharing permits discretionary resource allocation by those elected officials in a position to evaluate local needs.

With this commitment to revenue sharing as the preferred method of general assistance to local governments, the remaining requirement is to design a revenue-sharing proposal which satisfies some basic criteria of acceptability. We have enunciated some broad principles which guided our thinking in preparing the Administration proposal:

Simplicity: no new Federal bureau or agency should be created; the funds should be distributed on the basis of available objective statistics.

Dependability: state and local governments should be able to count on the funds in their own fiscal planning.

Fairness: funds should go to every general purpose governmental unit, regardless of size or geographic location.

Discretion: state and local governments should be free to use the funds wherever they determine the need exists; no federal earmarking of functional expenditure requirements should be included.

Neutrality: distribution should be as equivalent within states as possible, with no attempt to punish or reward certain forms or sizes of general government, or certain systems of taxation.

Within this framework we have proposed a revenue-sharing program for consideration by the Congress. It is against the background of our proposal that I wish to comment on the various provisions in S. 2483. Let me say at the outset that many similarities exist between the two bills. This is primarily because S. 2483 was among the several intergovernmental assistance proposals which we carefully reviewed in forming our own position. (Other proposals which we drew upon include S. 1634, introduced by Senator Baker on March 24, 1969.) We drew on several innovative approaches in your bill, Mr. Chairman, during this process, including local government sharing and distribution on the basis of revenues raised. However, there are some aspects of S. 2483 which we find incompatible with both budgetary realities and our philosophy of the purposes behind general assistance to state and local governments.

One overall matter of concern to us runs not to the substance but to the cost of the provisions. The estimates of the Advisory Commission on Intergovernmental Relations staff show Federal budgetary outlays of $5.4 billion in the fiscal year 1970, $7.1 billion in the fiscal year 1971, and $10.1 billion in the fiscal year 1972. This is simply too large a budgetary undertaking in view of stabilization policy requirements and available revenues. For these same reasons, our revenue-sharing proposal provides for a transitional phasing-in of the program before the full $5 billion funding is achieved.

TITLE I

Turning to the specifics of S. 2483, Title I proposes a program for sharing federal revenues with states and their political subdivisions. There are several important differences between this proposal and the Administration proposal which warrant careful examination.

First, a fundamental difference between the two plans exists in the basis for determining the size of the annual revenue sharing appropriation. We have proposed that a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied—be allocated for revenue sharing. S. 2483 proposes that a stated percentage of personal taxable income *and* a much higher percentage of state personal income tax collections be allocated for revenue sharing.

There are two problems with the allocation approach proposed in S. 2483. First, the proportionately heavier weighting assigned to state personal income tax collections means that revenue sharing is not directly associated with Federal revenues. The projections prepared by ACIR show state personal income tax collections rising at a much faster rate than the Federal personal income tax base. We believe it is important to maintain a direct link between the Federal tax system and the determination of the revenue-sharing appropriation.

A related difficulty with this procedure for determining the amount of revenue sharing funds is that the proposal ceases to serve solely as a program for general assistance to states and localities. It assumes a significant role in shaping state decisions on taxing systems, since a strong incentive is established in favor of state personal income taxes. However persuasive the case may be for this form of state tax system, we do not believe that a proposal for transferring both funds and decision-making responsibility to local governments should include a Federally prescribed incentive which may strongly influence local decisions as to the precise form of taxation that they should rely upon.

The second major difference between the S. 2483 and the Administration revenue sharing proposals is in the formula recommended for the state-by-state distribution of the funds. Both proposals call for a distribution based on each state's share of national population, adjusted for the state's revenue effort. They differ in the way revenue effort is defined and expressed.

We propose that revenue effort be simply expressed as the ratio of total general revenues from their own sources collected by a state and all its local government units during a given fiscal year to the total personal income of that state. Both of these measures conform to standard Census Bureau definitions and are consistent among the states. A simple adjustment for revenue effort would provide a state whose effort is ten percent above the national average with a ten percent bonus above its basic per capita portion of revenue sharing.

S. 2483 proposes to adjust the basic per capita distribution by not only the latest revenue effort factor, but also the *trend* in revenue effort as represented by the ratio of the latest factor to that for the preceding year. Furthermore, the numerator in the revenue effort factor is defined as the sum of all state and local taxes plus net profits from the operation of state-owned liquor stores.

There are two obvious differences in the revenue effort adjustments. One is the inclusion in S. 2483 of the trend in revenue effort. We believe the latest revenue effort factor adequately expresses the effort concept. The additional adjustment for a two-year trend is both complicating and unnecessary, and would produce results whereby states with identical current efforts would receive different adjustments. The other is the definition of revenue to include liquor store profits and to exclude current charges and miscellaneous general revenues. This is not a definition which conforms to standard Census Bureau usage; it is not consistent among states; and it unnecessarily provides disincentives for local government usage of service charges. It is important that the revenue effort adjustment be *only* an incentive to improve overall effort, and not one to influence numerous revenue composition decisions. Therefore, the definition of revenue should be that broad one employed by the Census Bureau—general revenues from own sources.

The third and perhaps most basic difference between the two revenue sharing plans exists in the provisions for distributing funds within a state. Both proposals call for a mandatory "pass through" of funds by the state government to its local governments. And both proposals provide for allocation on the basis of revenues raised by the local government. But there are three important differences remaining between the two distribution proposals.

First, the Administration program provides that the local share be distributed to all cities, counties, and townships, regardless of size. S. 2483 provides for direct revenue sharing with only those cities and counties having a population of 50,000 or more. This would mean that 45.4 percent of all city residents, 27.5 percent of all county residents and 100 percent of all township residents would be residing in governmental units ineligible to directly receive revenue sharing funds under S. 2483. We believe that all local governments are faced with fiscal pressures and that all deserve specific inclusion in a general assistance program.

Second, the Administration proposal provides for distribution of funds to each local government in proportion to its share of total local general revenues raised. Title I of S. 2483 provides for dstribution of funds to each eligible local government in proportion to its share of total state and local *taxes* imposed, with a larger share going to all cities and counties of 100,000 population or more. I would again point out the important differences between the terms "general revenues" and "taxes," and suggest that "general revenues" is the preferable concept.

But a more important issue is whether the larger cities and counties should automatically receive proportionately more revenue sharing funds than the smaller governments. We have taken the position that for this program of general financial assistance there should be no such distinction made. It is true that some of our larger cities do have heavier concentrations of "high-cost" citizens, and disproportionate expenditure requirements due to concentration and congestion. It is very difficult, however, to incorporate these various differences into a simple revenue-sharing plan designed to assist in relieving the general fiscal imbalance between levels of government. The special problems of large-scale urbanization can best be treated on an individual basis by both state and Federal programs.

On balance, we believe the preferred approach for revenue sharing is to distribute funds in proportion to general revenues raised. As it turns out, large cities raise most of the local government revenues and, hence, they will receive most of the locally shared revenues under the Administration's proposal. In fact, for all cities of one million or more, the average per capita revenue raised in 1967–68 were $255.95, compared to $78.74 for cities with population of less than 50,000.

The third point of difference between the local distribution systems of the two proposals is that the Administration plan does not include a direct distribution to school or special districts, while S. 2483 includes revenue sharing with independent school districts. The total funds allocated to these districts would be related to the proportion of school taxes to the sum of school taxes plus state taxes.

We have not included any special purpose districts in our proposal because of the desire to avoid placing any program or project restrictions on revenue sharing funds. To distribute funds directly to fire districts, or school districts, or drainage districts amounts to widespread earmarking of substantial funds for specific programs. This does not mean that these functional areas will be left out in the ultimate distribution of revenue-sharing funds. The officials responsible for managing and administering these districts will look to the state government for additional assistance. Most importantly, however, the Federal revenue-sharing program would not influence the allocation of funds to particular governmental functions. Such allocation decisions will be made by state and local officials in response to the needs of their jurisdictions.

TITLE II

Title II of S. 2483 provides for a partial Federal income tax credit for state and local income tax payments. Given the limited availability of funds for general intergovernmental assistance, we believe that the most effective course is to pursue a program of revenue sharing rather than tax credits. Revenue sharing provides immediate and direct benefit to the states and localities, without influencing their choice of tax systems. Furthermore, with a basis distribution among states on a per capital basis, revenue sharing is more "equalizing" than tax credits, which spread their benefits geographically in proportion to federal tax collections. With the budgetary pressures we face, it is necessary to choose among alternative forms of state and local financial assistance. There is not room for both tax credits and revenue sharing, and we consider revenue sharing to be the best approach. Therefore, we would be opposed to enactment of Title II.

TITLE III

Under present law a considerable degree of cooperation exists between the Treasury (the Internal Revenue Service) and state tax officials in the administration of their income taxes under agreements which provide for exchange of information flowing from the audit of returns. The introduction of computers by both Federal and state tax administrations has increased the potentialities of this type of cooperation. The closer the conformity of the state law to the Federal law in the determination of taxable income the greater are the advantages of this exchange of information. Under these agreements both the state and the Federal Government have increased their collections and reduced their costs by substantial amounts.

The Treasury favors expansion of administrative cooperation in ways which would be mutually acceptable to the appropriate authorities of both jurisdictions, and therefore, has no objection to the enactment of Title III.

It should be pointed out, however, that any plan for collection of state income taxes by the Internal Revenue Service which is to achieve greater administrative efficiency will necessarily require close conformity of state income tax provisions with Federal income tax provisions. Although a substantial degree of conformity to the Federal tax is provided in many of the state income taxes, significant variations exist in some states as to exclusion and deduction adjustments to gross income in arriving at taxable income for state tax purposes. Some of the states may have problems when it comes to enacting the necessary conformity legislation. The varying concepts of state taxing jurisdiction would also present problems until more uniformity is achieved.

It should also be noted that on the basis of our experience during the past three years with the Internal Revenue Service not being provided the full amount of resources that it would like to have in order to enforce collection of taxes due the Federal Government, we simply cannot take on work for the states beyond the receipt of tax returns and remittances and their processing and deposit. The states would have to continue to assume the responsibilities of auditing and collecting any unpaid state taxes.

TITLE IV

Estate and gift taxes are one of the areas of Federal tax law which are not included in the Tax Reform Act of 1969. The Committee on Ways and Means in its report on this legislation, however, has indicated that it will undertake a study of this area as soon as possible. Insofar as the Title IV provision is directed at influencing states which now impose inheritance taxes to adopt an estate-tax type of death tax, we believe the provision might more appropriately be considered in connection with the broader study of the estate and gift tax area by the Committee on Ways and Means. To the extent that the provision is intended as a means of giving the states more Federal financial assistance we believe, as we have indicated with respect to the credit for state income taxes proposed in Title II, that given the limited availability of funds for general assistance a program of revenue sharing is to be preferred to a larger credit for state death tax payments.

TITLE V

Title V would permit states and their localities to tax the personal property of private individuals located in areas under exclusive Federal jurisdiction, provided that an agency designated by the President certifies that persons living and working in these areas are afforded substantially the same rights, privileges, and tax-supported services available to other residents of the state.

The Treasury favors the enactment of this provision.

STATEMENT OF RICHARD P. NATHAN, ASSISTANT DIRECTOR OF THE BUREAU OF THE BUDGET, SEPTEMBER 25, 1969

Mr. Chairman and Members of the Committee, I appreciate this opportunity to testify on S. 2483, the Intergovernmental Revenue Act of 1969.

This bill, in a number of respects, conforms to the revenue sharing proposal made by President Nixon in his address to the Nation August 8, 1969. He said:

"We can no longer have effective government at any level unless we have it at all levels. There is too much to be done for the cities to do it alone, or for Washington to do it alone, or for the States to do it alone."

The Administration's revenue sharing bill differs in several specific provisions from the bill before this Committee.

It is keyed to Administration budget plans and, hence, does not begin with as high an expenditure level as S. 2483.

It does not contain a tax credit proposal, which S. 2483 includes.

S. 2483 is based on the Advisory Commission on the Intergovernmental Relations formula which is a more complicated and in several respects different from the formula used in the Administration's bill, i.e., its treatment of school districts and small local governments, subjects dealt with in the testimony today of Assistant Secretary of the Treasury Murray L. Weidenbaum.

But, in a broad perspective, these two revenue sharing proposals contain more similarities than differences. With revenue sharing, we embark on an historic new direction for the domestic programs of the Federal Government. As the President said on August 8:

"This start on revenue sharing is a step toward what I call the *New Federalism*. It is a gesture of faith in America's State and local governments and in the principle of democratic self-government."

THE NEW FEDERALISM

I think it appropriate at this hearing to discuss the meaning and purposes of the New Federalism. Major themes of the New Federalism are:

First, responsible decentralization, our domestic programs must support and strengthen leadership at the State and community levels in the solution of public problems.

Second, a strong concern with basic systems, the Administration has embarked upon basic reforms of the Nation's failing welfare system, the Postal System, the draft, and its manpower programs to cite examples.

Third, greater emphasis on the effective

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implementation of government policies, that is on the process of converting "good" intentions into good results.

The first of these three themes—responsible decentralization—is best expressed in revenue sharing and in the President's proposed Comprehensive Manpower Act.

The new Administration came to office with a determination to strengthen leadership at *every* level of government. Of special importance is its commitment to increase opportunities for responsive decision-making by general purpose units of State and local governments and voluntary organizations.

Revenue sharing and the proposed Comprehensive Manpower Act are two important means of strengthening leadership and opportunities for innovation by State and local governments. In addition, the Administration has initiated important internal reforms of the existing grant-in-aid system. The problems created by grant-in-aid proliferation have been widely commented upon. The important hearings of this Subcommittee in 1966 on "Creative Federalism" highlighted many of the weaknesses of the existing grant-in-aid system.

President Nixon described these problems in the following terms in April of 1969.

"The number of separate Federal assistance programs has grown enormously over the years. When the Office of Economic Opportunity set out to catalogue Federal assistance programs, it required a book of more than 600 pages just to set forth brief descriptions. It is an almost universal complaint of local government officials that the web of programs has grown so tangled that it often becomes impermeable. However laudable each may be individually, the total effect can be one of Government paralysis."

The Advisory Commission on Intergovernmental Relations has repeatedly called attention to the need for reform of the grant system. In their 1969 Annual Report, they lamented the . . . "hardening of the categories in the immense and intricate Federal grant-in-aid system."

Examples of grant-in-aid system reform measures inaugurated by the new Administration are:

The President's legislative proposal of April 30 to permit him to consolidate existing grant-in-aid categories if Congress, within 60 days, does not overrule proposals transmitted to them.

A major effort under the direction of the Bureau of the Budget's Office of Executive Management to simplify and develop uniform grant-in-aid administrative procedures.

Efforts through the budget and legislative processes to combine related grant-in-aid categories.

The restructuring of the regional boundaries of the major domestic agencies in the field, so that their headquarters cities are the same and the regions which they cover also conform.

The issuance of a Presidential Order on joint funding April 18, 1969.

REVENUE SHARING AS AN ECONOMIC POLICY

Revenue sharing is an economic as well as political reform. At the same time that it strengthens federalism by broadening the grant-in-aid system, it modifies the Nation's total tax system, placing greater reliance on the growth-elastic Federal income tax.

Consider these facts:

The traditional mainstays of State and local finances have been property and sales taxes. These taxes bear down most heavily on the poor and lag 40–50% behind the rate of growth in the State-local expenditures.

The mainstays of the Federal Treasury are the personal and corporate income taxes. These taxes tend to be more equitable and grow rapidly, as much as 25–50% faster than the economy.

Income tax revenues account for only 9% of State-local revenues; almost half the revenue of the Nation's *total* tax system is derived from income taxation.

The cumulative impact of this pattern of taxation is illustrated by recent experience with State tax laws:

More than half of all State tax revenues during the 1950–67 period were the result of painful rate increases or the enactment of entirely new taxes.

Over 200 rate increases were required in major State taxes between 1959 and 1967.

More than four-fifths of the State legislatures which met early this year, faced requests for tax rate increases.

The State-local fiscal plight is made even more dramatic by the fact that the normal increase in Federal income taxes due to economic growth alone runs $10–13 billion, roughly equivalent to total State income tax receipts.

By enabling State and local governments to tie into the Federal income tax, revenue sharing will:

Improve the balance between service requirements and governmental resources.

Make the overall tax structure of the Nation more equitable.

Although it is more difficult, we also need to examine the expenditure side of the economics of revenue sharing, President Nixon said in his August 13 message to the Congress on revenue sharing.

"While it is not possible to specify for what functions these Federally shared funds will provide—the purpose of this program being to leave such allocation decisions up to the recipient units of government—an analysis of existing State and local budgets can provide substantial clues. Thus, one can reasonably expect that education, which consistently takes over two-fifths of all State and local general revenues, will be the major beneficiary of these new funds."

The following table summarizes total State and local government expenditures in recent years by various functional areas. It shows clearly that the largest single expenditure item in State and local budgets is education, and that education has been growing as a proportion of total expenditures. It seems reasonable to expect that this expenditure pattern will prevail over the next several years and that a major use of shared revenues will be for education.

TOTAL STATE-LOCAL GOVERNMENT DIRECT GENERAL EXPENDITURES BY FUNCTION

[Fiscal years. Dollar amounts in billions]

	1964		1968		Increase, 1964-68	
	Amount	Percent	Amount	Percent	Amount	Percent
Function:						
Education	$26.3	38	$41.2	40	$14.9	45
Highways	11.7	17	14.5	14	2.8	8
Public welfare	5.8	8	9.9	10	4.1	12
Health and hospitals	4.9	7	7.5	7	2.6	8
Police and fire protection	3.6	5	5.0	5	1.4	4
Parks and natural resources	2.9	4	3.9	4	1.0	3
All other	14.1	20	20.4	20	6.3	19
Total	69.3	100	102.4	100	33.1	100

Source: Bureau of the Census, "Governmental Finances in 1967-68," August 1969, table 3.

REVENUE SHARING AND BUDGETARY REQUIREMENTS

It is estimated that revenue sharing under S. 2483 would cost $3 billion in fiscal year 1970, and would build up to $5 billion. Other sections of the bill would add $2.6 billion in 1970 and reach $5.9 billion by 1972. The Administration's bill, on the other hand, reaches the same $5 billion level for revenue sharing as S. 2483 when fully implemented. However, it starts at $500 million for the first half year, reflecting our considered judgment of what is feasible in the near future.

ESTIMATED FUNDING FOR REVENUE SHARING UNDER ADMINISTRATION PROPOSAL, 1971–76

Fiscal year	Taxable[1] income base (in billions)	Percentage for revenue sharing	Funds for revenue sharing (in billions)
1971	$315	2/12 of 1 percent[2]	$0.5
1972	346	5/12 of 1 percent	1.5
1973	381	7/12 of 1 percent	2.2
1974	419	9/12 of 1 percent	3.2
1975	461	11/12 of 1 percent	4.2
1976	507	1 percent	5.1

[1] The 1971 base is taken as calendar year 1967 taxable individual income. The base is assumed to grow at the rate of 10 percent a year.

[2] The full-year amount will be paid out over the last 2 quarters for fiscal year 1971.

These levels of expenditure for revenue sharing were decided upon in conjunction with other budget priorities which the Administration has identified. In particular, the urgent need to reform the Nation's failing welfare program requires a major new initiative, estimated at an additional $4 billion in the first year of effect. Other program initiatives by the Administration include approximately $3 billion in FY 1971 for increased Social Security benefits, $1.5 billion for hunger and nutrition programs, and $300 million for mass transit.

These proposals are part of a balanced program which will permit us to go forward on needed policy initiatives at the same time that we are maintaining a budget posture necessary to curb inflationary pressures.

And I would stress, Mr. Chairman, that these new initiatives are dependent upon what the President has referred to as a "predictable firmness" in the budget process. In short, we are attempting to reduce narrow purpose, categorical programs that either may have served their purpose and are now of lower priority, or are not delivering services effectively. We are also endeavoring to combine smaller programs through grant consolidation and administratively through joint funding. Finally, it is the Administration's intention to avoid enactment of highly compartmentalized *new* grant-in-aid programs, which are regarded as unnecessary, in part, because of the opportunities for State and local innovation which will be generated by revenue sharing.

REVENUE SHARING AND WELFARE REFORM

In closing, Mr. Chairman, I would like to call attention to the interrelationship between two New Federalism proposals—revenue sharing and welfare reform.

The Administration believes the Federal Government should do what it can do best and that State and local governments should be strengthened to provide the services which they are able to administer on a basis which takes into account varying State-local conditions and needs. Providing basic cash assistance and Food Stamps to the poor is a job which the Federal Government can do

efficiently and equitably, as evidenced by the long, successful history of the Social Security program. On the other hand, providing social services to people is typically a task which requires State and local talent and administrative capability.

Both revenue sharing and welfare reform, as proposed by President Nixon, provide needed fiscal relief to State and local governments. All States would spend less in State and local funds for welfare in the first year of the Family Assistance Plan than they would if the existing program continued in effect. These resources, combined with revenue sharing, would provide a considerable and rising amount of resource support for State and local governments.

This strategy, along with other Administration domestic program initiatives, carries out the central purposes of the New Federalism—to strengthen federalism, to reform major program systems, and to improve the Nation's total governmental capability.

DRAFT ADJUSTMENTS FALL SHORT

Mr. McGOVERN. Mr. President, notwithstanding the fanfare of the past few days, the Nixon administration's adjustments in the military draft will allow the survival of one of this country's most obvious denials of individual liberty.

Last Friday, the President announced what appeared to be a reduction of 50,000 in draft calls for 1969. It is to be accomplished by canceling the Defense Department's previously programed calls of 32,000 for November and 18,000 for December, and by spreading the 29,000 October call evenly over the 3 remaining months of the year.

But the reduction is an illusion. In fact, without the cuts we would have had a massive increase in draft calls for the year as a whole.

From June through October of 1969, the total draft quota was 135,700, compared with only 79,000 for the same period a year earlier. The inflation of nearly 57,000 in those 5 months easily left room for a 50,000 reduction. Total draft calls for this year will be only about 2 percent lower than in 1968.

In effect, what appears as benevolence to the young men who might have been taken in November and December is no more than an announcement that they will not be called then because they have already gone. They were pressed into service as part of earlier quotas.

The President also announced on Friday his intention to move forward on draft proposals which will establish a random system of selection, to put chance in the place of decisions presently made by some 4,000 local draft boards with the inspiration and guidance of Selective Service Director Lewis Hershey. The period of prime exposure to induction would be reduced from as much as 7 years to 12 months.

It is impossible to respond negatively to such a proposal. Indeed, from the standpoint of the eligible pool of manpower, just about any change in the selective service system would be an improvement. The present system seems to rest on the assumption that exposure to compulsory military service, including a war which most Americans now regard as a blunder, is for some reason a healthy process for young Americans. General Hershey's efforts to use the draft as a punitive device—without the delays and complications of due process—place it even more sharply in conflict with the fundamental ideals of a free society. No one who believes in those ideals can find grounds for objection to the changes planned by the President.

But here again the illusion of meaningful action outweighs the substance.

The adjustments announced on Friday leave intact the most pernicious single aspect of the selective service system. With or without the change, thousands of young American men each year will be compelled, willing or not, to serve in the Armed Forces. Their right to liberty, their right to follow pursuits of their own choosing, will be denied. Their occupations will be determined not by the incentives required to attract manpower in the competitive market, but by the dictates of intrusive governmental authority.

Mr. President, it has been widely speculated that the two steps announced last Friday are part of an attempt to defuse youthful opposition to the war in Vietnam.

In combination with the partial troop withdrawals which are now underway, it has been suggested that the attempt to beautify the draft and to briefly limit its effect will muffle the voices which are calling for a prompt end to our involvement in Vietnamese affairs.

If that is the strategy, it is bound to fail. It amounts to a grave miscalculation on both the motives and the perception of those who seek a change in policy. They object not so much because of personal costs, but because they believe in the ideals for which they have been told this country stands. They can see no legitimate interest in Vietnam which could possibly justify the loss of 40,000 lives or even the risk of a single additional American. They can see no interest which demands that we neglect crushing problems at home while laying billions of dollars at the feet of a corrupt military government 10,000 miles away. And they can see no reason why a nation founded on liberty and professing human dignity as its goal should extract involuntary service from any of its citizens.

The draft will not be acceptable until it is gone. The war in Vietnam will not be acceptable until it is over.

We have waited too long on both.

ARMS SALES IN VIETNAM

Mr. PROXMIRE. Mr. President, the possibility that the Government of South Vietnam is selling arms obtained from the United States to private dealers is most disturbing. Yesterday, I raised questions about the allegations that such sales had occurred. These questions have not yet been answered satisfactorily.

Part of the basis for the questions I have asked is a two-page document. This document was obtained from the South Vietnamese Embassy in Washington and has been explained to me as a listing of the weapons being offered for sale by South Vietnam.

The first column on the document lists a variety of types of weapons. The second column indicates the number of each. The list is partly in the Vietnamese language. However, several of the items have been translated for me.

For example, item 1 is translated as pistol. Item 3 is translated as submachinegun. Item 27 is translated as Browning automatic rifle. Item 29 is translated as machinegun. Item 30 is translated as grenade launcher.

Most interesting are the symbols M–16 which appear on both pages of this document. There are two references to M–16 totaling 5,539.

In my letters to the Defense Department and State Department, I included copies of these materials and asked that they be authenticated for me. I have not yet had a formal response to my letters nor did I expect one this soon.

However, I understand that the Pentagon has made some public statements about this matter. I hope that the statement that I am making today will clarify the reasons for my raising questions.

I ask unanimous consent that the contents of the South Vietnamese document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

1. Sung Luc cac loai (Pistol)	8763k
2. Sung Tieu-Lien Mat 49	7288
3. Sung Tieu-Lien Sten (Submachinegun) (Go-Vap)	2231
4. Sung Tieu-Lien Mas 39	6279
5. Sung Tieu-Lien Madsan	535
6. Sung Tieu-Lien MP 40	286
7. Sung Tieu-Lien CMH 2	84
8. Sung Tieu-Lien Mat 48	63
9. Sung Tieu-Lien Whong hieu NH	66
10. Sung Carbine 5,5 Phap(Carb)	74
11. Sung Truong 36 Ord	35890
12. Sung Truong Mas 36 LG 48	2444
13. Sung Truong CR 39	317
14. Sung Truong MK 3 (Rifle)	2171
15. Sung Truong MK 1	1314
16. Sung Truong 1903/A1 x A3	775
17. Sung Truong US 17	1029
18. Sung Truong Mauser	2134
19. Sung Truong Nhat	121
20. Sung Truong 07 x 15	10065
21. Sung Truong 86 x 93	19429
22. Sung Truong M–16	3550
23. Sung Truong 1874	25
24. Sung Truong Linh-Tinh	436
25. Sung Truong Ban dan chai (auto Rifle)	243
26. Sung tu dong Mat 49	24
27. Sung Trung-Lien 24 x 29 (Browning Auto Rifle)	1899
28. Sung Trung-Lien Bren	1909
29. Sung Dai-Lion Rejbel (Machinegun)	337
30. Sung Phong Luu 50 M37 (Grenade Launcher)	182
31. Sung Phong Luu Mas 36	92
Tong Cong Lo 2 (714t500) (Khau)	110. 055
1. Sung Tieu-Lien Mc (Submachinegun) (Trai Dong Thap) (255t200)	3604k
2. Sung Tieu-Lien Ston (Go-Vap)	426
3. Sung Tieu-Lien Mas .38	2555
4. Sung Tieu-Lien	1119
5. Sung Tieu-Lien MP 40 (Rifle)	63
6. Sung Truong Mas 36 Ord	15641
7. Sung Truong Mas 36 LG–48	2346
8. Sung Truong MK 3	1928
9. Sung Truong MK I	2516
10. Sung Truong 1903/A1 x A3	10024
11. Sung Truong US 17	3993
12. Sung Truong Mauser	5721

13. Sung Truong 07 x 15	5087
14. Sung Truong 86–93	8008
15. Sung Truong M–16	1989
16. Sung Truong Ban dan Chai	1822
17. Sung Truong 1902	240
18. Sung Truong 1892	134
19. Sung-Trung-Lien 24 x 29 (Browning Auto Rifle)	2041
Ton Cong LO 3 (255t200) (Khau)	69.257

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of the unfinished business, which the clerk will state.

The BILL CLERK. Calendar No. 410, S. 2917, a bill to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 SO AS TO PERMIT DONATIONS OF SURPLUS PROPERTY TO PUBLIC MUSEUMS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 419, S. 2210.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2210) to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments, on page 2, line 6, after the word "free", strike out "all residents of a community, district, State, or region," and insert "the general public"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j) is amended—

(1) by striking out "and (C) public libraries." at the end of the first sentence of paragraph (3) and inserting in lieu thereof "(C) public libraries, and (D) public museums."; and

(2) by adding at the end thereof the following new paragraph:

"(8) The term 'public museum', as used in this subsection, means a museum that serves free *the general public,* and receives its financial support in whole or in part from public funds."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–423), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 2210 provides for making public museums, like public libraries, eligible to secure surplus property which is usable and necessary for purposes of education, public health, or for research for any such purpose.

Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, now authorizes the donation of surplus property to museums if they are a part of a school, college, university, or public library, but does not permit the donation of such property to a tax supported public museum. S. 2210 would extend this authority to such public museums in view of their contribution to education.

S. 2210 was approved by the Bureau of the Budget and the Department of Health, Education, and Welfare. The General Services Administration, which administers the surplus property program, opposes the bill on the grounds that the inclusion of public museums would increase the competition among those who are now permitted to utilize such property. From the information submitted to the committee during the consideration of this bill, however, it would appear that public museums would need only a limited number of stock items of a rather representative nature, such as a weapon, uniform, etc. Moreover, in the event competition should develop, the law and procedures presently administered by the Department of Health, Education, and Welfare and the State agencies are adequate to resolve any foreseeable conflicts.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO PERMIT THE ROTATION OF CERTAIN PROPERTY WHENEVER ITS REMAINING STORAGE OR SHELF LIFE IS TOO SHORT TO JUSTIFY ITS RETENTION, AND FOR OTHER PURPOSES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 420, S. 406.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported with an amendment, on page 3, line 12, after the word "out," insert "in"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) is amended by adding at the end thereof the following new subsection:

"(e) Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 202 of this Act to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use."

SEC. 2. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), is amended by—

(a) inserting, immediately after the section number "SEC. 402.", the subsection designation "(a)";

(b) inserting after the words "Foreign excess property" in the first sentence thereof the words "not disposed of under subsections (b) and (c) of this section";

(c) striking out *in* the first sentence thereof the clause designations "(a)" and "(b)", and inserting in lieu thereof the clause designations "(1)" and "(2)", respectively; and

(d) adding at the end thereof the following new subsections:

"(b) Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 203 of this Act, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174(b) and 2357).

"(c) Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 202, 203(j), and 203(l) of this Act whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so: *Provided,* That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–424), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

S. 406 would authorize the head of any Federal department or agency who is responsible for the storage of medical materials or medical supplies held for a national emergency to determine when their shelf life is of too short duration for continued retention. Under the provisions of this bill, the head of the agency could declare such medical supplies excess to his needs and have them transferred to, or exchanged with, another Federal agency before the shelf life period has expired, thus minimizing the destruction of such medical supplies. The proceeds derived from such transfers would be credited to the current appropriation or fund of the transferor agency and would be available for acquistion of new medical supplies or materials. Any materials or supplies not transferred to or exchanged with another Federal agency would become available for disposal as surplus property.

The bill further provides that the head of the agency holding such supplies make the determination to transfer or exchange the materials in sufficient time before expiration of the shelf life period as would permit other agencies to use the materials before deterioration or spoilage.

Section 2 of S. 406 would add new subsections (b) and (c) to section 402 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 512), which is the basic authority for the disposal of foreign excess property. The new subsections would authorize the donation of foreign excess medical materials and supplies for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, and also, under such regulations as the Administrator shall prescribe, the return of foreign excess property to the United States for handling as excess or surplus property under the provisions of sections 202 and 203(j) and (l) of the Property Act.

BACKGROUND

This bill emanated from hearings which were held by the Joint Economic Committee during the 89th Congress when it was reported to the committee that medical supplies held in storage for a national emergency had deteriorated to such extent that they had to be destroyed, because there was no legal authority for rotation or transfer to another Federal agency.

Senator Proxmire, sponsor of this legislation, stated on the floor of the Senate that—

> * * * Under existing law Federal property can be given away only if it is declared to be surplus to Federal needs. If this is the case, the property may be donated to public or nonprofit private, State, and local organizations.
>
> Some items have to be destroyed because they never become surplus to Federal needs. They simply lose their efficacy. This is the case with stockpiled medical supplies. Substantial amounts of these supplies, which are stored in more than 2,500 packaged disaster hospitals, have short shelf lives. They cannot be declared surplus because they are needed for use in case of emergency until this shelf life expires. Yet, when they lose all of their value to the Federal Government they also are worthless for donation purposes. * * *

When S. 406 was introduced in the Senate, the sponsor reported that some progress had been made by the agencies involved in the administration of the national medical stockpile program but that additional legislative authority was needed to attain more effective utilization of such supplies.

He reported further as follows:

"I am happy to say that since the time I first introduced this legislation back in the 89th Congress the situation has improved somewhat, however. In 1967, General Counsel at the Department of Health, Education, and Welfare, the Department responsible for the medical stockpile, found that items from the stockpile could be declared unsuitable for civil defense purposes because of limited remaining shelf life and disposed of as excess property. This means that the material could be transferred without reimbursement to other Federal agencies. The procedure is still under study by the Office of Emergency Planning. The mapor problem is simply that of funding the replacement of materials that have been declared excess.

"I am happy to say that the bill I am introducing today has the approval and support of the General Services Administration, which administers the surplus property disposal program, as well as the concurrence of the Department of Health, Education, and Welfare—the Department in charge of the emergency medical stockpile program—and the Bureau of the Budget. In fact, today's legislation represents a substitute suggested by the General Services Administration for S. 1717, the bill I introduced on this subject in the last Congress."

HEARINGS

On July 9–10, 1969, an Ad Hoc Subcommitee on Surplus Property held hearings on this bill, at which time it was suggested that it may be appropriate to amend S. 406 to include authority for rotation of similar short shelf life, common use items of supply which are stored by the Department of Defense, GSA, or other Federal agencies.

In this connection, Senator Lee Metcalf offered an amendment to authorize and direct Federal departments and agencies to rotate common use items of supply, such as ink, carbon paper, paint, and so forth, before they are retained in storage too long for issue.

On the assurance of the Deputy Assistant Secretary of Defense, Mr. Paul H. Riley and Mr. Lewis Tuttle, Assistant Commissioner, Office of Personal Property Disposal, General Services Administration, Senator Metcalf withdrew his proposed amendment because he was assured that there was adequate authority for rotating such items of supply and that the agencies are now rotating such stock pursuant to an order issued by the Bureau of the Budget and other implementing regulations issued by the individual Departments. It was also reported to the committee that an interagency committee was established and has been coordinating activities in this area among the various agencies so that nonmedical items are rarely allowed to spoil or deteriroate into a useless state.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION ON GOVERNMENT PROCUREMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 431, H.R. 474.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 474) to establish a Commission on Government Procurement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 1707, Calendar No. 423, the companion Senate bill, as reported with the committee amendments.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 474) was read a third time and was passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–427), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

S. 1707 would establish a temporary Commission on Government Procurement which would be directed to make a comprehensive study of Federal procurement statutes, policies, and practices, submit a final report of its findings and recommendations to the Congress within 2 years from the date of enactment of the bill, submit interim reports as it deems advisable, and cease to exist 120 days after the submission of its final report.

The bill states, as congressional policy, the promotion of economy, efficiency, and effectiveness in the procurement of goods, services, and facilities by and for the executive branch of the Government, and enumerates 12 policy goals to guide the Commission in the achievement of such policy. The Commission's specific areas of study would include (1) existing Federal procurement statutes; (2) executive branch procurement policies, regulations, rules, practices, and procedures; and (3) the organizations by which such procurement is accomplished to determine to what extent these facilitate the stated policy.

The bill, as amended, provides that the Commission would be composed of nine members and the Comptroller General, or his designee, ex officio. The President of the Senate and the Speaker of the House of Representatives would each appoint two members from their respective House on a bipartisan basis; and the President of the United States would appoint five members from outside of the Government.

The Commission would select a Chairman and a Vice Chairman from among its members; five members would constitute a quorum; and vacancies would not affect its powers and would be filled in the same manner as original appointments.

Commission members from the Congress, and the Comptroller General or his designee, would receive no compensation for their services, but would be allowed necessary travel expenses and other necessary expenses incurred by them in the performance of their duties. Commission members from the private sector would receive compensation at the rate of $100 for each day in which they are engaged in the actual performance of their duties, in addition to reimbursement for travel, subsistence, and other necessary expenses.

The Commission, or at its direction, any duly authorized subcommittee or member thereof, would have authority to hold hearings, take testimony, administer oaths and require, by subpena or otherwise, the testimony of witnesses and the production of books, records, correspondence, papers, documents, etc., as it deems advisable; and persons failing to comply with subpena requirements would be subject to judicial action by an appropriate U.S. district court.

The Commission would also have the authority to (1) acquire directly from the head of any Federal agency or department information deemed useful in the discharge of its duties, and all such agencies would be authorized and directed to cooperate with the Commission and to furnish it with all such information requested by its Chairman or Vice Chairman, to the extent permitted by law; (2) appoint and fix the compensation of necessary personnel without regard to laws governing the competitive service; and (3) procure the services of experts and consultants, and negotiate and contract with private organizations and educational institutions to make and prepare required studies and reports. In addition, all agencies and departments would be authorized to provide services to the Commission upon request, on a reimbursable basis or otherwise, pursuant to agreements between the agency concerned and the Chairman or Vice Chairman of the Commission.

EXPLANATION OF AMENDMENTS

The committee adopted several amendments which are designed to improve and strengthen the operations of the Commission and clarify language in the bill. The major amendments deal with the size and composition of the Commission and confer subpena powers upon it.

Section 3 of S. 1707, as introduced, provided for a Commission composed of 14 members and the Comptroller General of the United States, ex officio. The President of the Senate and the Speaker of the House of Representatives were each to appoint four members, two each from their respective Houses on a bipartisan basis, and two each from private life; the President of the United States was to appoint six members, three from the executive branch and three from the private sector.

With respect to the size of the Commission, the committee considered that a 15-member Commission would be too large to function effectively; and that the successful accomplishment of its mission would depend upon the quality of its members rather than their number. Accordingly, the committee reduced the size of the Commission to nine members and the Comptroller General, ex officio: two each to be appointed by the President of the Senate and the Speaker of the House, and five by the President of the United States.

With respect to composition, the committee determined that the congressionally appointed members should all be Members of Congress and the presidentially appointed members should all be from outside of the Government. In the case of the former, it is felt that since the Commission will probably recommend changes in existing law, congressional participation might assist materially in congressional understanding, acceptance, and implementation of such recommendations. In the case of the latter, the committee felt that the objectives of the bill would best be served if all of the President's appointees are from the private sector. When and if executive branch expertise is required, the Commission, under the terms of the bill, would be free to utilize the knowledge and experience of individual executive branch specialists for whatever services and assistance may be necessary.

With respect to the subpena power, the committee found that some temporary mixed commissions have been given this power and others have not. In view of the nature of the mission of the Commission on Government Procurement and the need for complete information to enable it to accomplish that mission successfully, the committee determined that it should have such authority.

NEED FOR COMMISSION TO STUDY FEDERAL PROCUREMENT LAW, REGULATIONS, PRACTICES, AND PROCEDURES

The Armed Services Procurement Act and the Federal Property and Administrative Services Act—the two basic statutes which govern military and nonmilitary procurement—were enacted more than 20 years ago. During this period, there has been a phenomenal growth and expansion of Government responsibilities, activities, and expenditures. Thus, the Federal budget rose from $40 billion in fiscal year 1949 to $186 billion in fiscal year 1969; new departments and agencies have been created and numerous new Federal programs have been undertaken in an effort to cope with social and economic needs; and the military arsenal now requires multibillion-dollar weapon systems. Reflecting this rapid expansion, the dollar value of procurement awards for supplies, equipment, and services has increased from $9 billion to $55 billion during this same period. Furthermore, it appears that Federal procurement now involves a veritable army of procurement officers engaged in a highly escalating battle of paperwork, resulting in a situation which is often as baffling to the suppliers of goods and services as it is expensive to the Federal Government.

Despite this phenomenal increase in Federal procurement, the magnitude of expenditures involved, and an awareness of the fact that practices and procedures by which goods and services are secured are varied, uncoordinated, and lacking in uniformity, no comprehensive review of Federal procurement policies and practices has been undertaken since the first Hoover Commission filed its report in 1949.

It is the view of the committee, concurred in by the executive branch agencies, that the time has come for a close, hard look at the statutes, regulations, procedures, and practices governing Federal procurement. Even a cursory examination reveals that there are loopholes in the laws, inconsistencies in the regulations, conflicts in the procedures, and variations in the practices. The mountains of procurement paperwork grow taller and the maze of procedures more complicated with each passing day.

The committee recognizes that the existing complicated process cannot be reduced to a simple, neat formula in view of the different requirements of Federal departments or agencies and the million of individual procurement actions each year. What is needed urgently is a unified approach to procurement problems, and procedures which will facilitate sound policy decisions at the top and provide the means to see that they are implemented in the field. The committee believes that substantial economies can be realized through improvements in the present procurement practices by the Federal Government. Equally important, of course, are the savings in time, effort, and money that can be realized for those furnishing goods and services to the Government. Every member of this body is keenly, and sometimes painfully, aware of the problems encountered by those doing business with the Government. Complaints, inquiries, and suggestions regarding Government procurement constantly flow through the office of every Senator. Although efforts have been made to correct inequities or deficiencies in Federal procurement practices, these efforts have been fragmented, piecemeal, and, at best, only stopgap remedies.

Finally, attention has been directed recently to substantial cost overruns in connection with Department of Defense procurement of the C–5A aircraft and other procurement. Recent figures on the C–5A indicate an overrun of $712 million between the original target price and the current price estimate. With respect to other Department of Defense procurement, between January 1 and December 31, 1968, cost overruns amounted to $611.8 million, of which $228.2 million is ascribed to cost escalation, $300.2 million to quantity increase, and $83.4 million to new equipment or new configuration.

The committee believes that a broad-scale, sweeping study of Government procurement policies and practices is needed if these pressing problems are to be resolved.

FISCAL YEAR 1968 PROCUREMENT EXPENDITURES

According to the latest information available, the Federal Government expended approximately $55 billion for the procurement of goods and services during fiscal year 1968. Of this amount, an estimated $44 billion was expended by the Department of Defense; civilian executive branch departments and agencies expended a total in excess of $10 billion. Complete data for fiscal year 1969 is not yet available. However, during the 9-month period which ended on March 31, 1969, the Department of Defense awarded procurement contracts totaling approximately $30.9 billion, an increase of about $1.1 billion over the same 9-month period in fiscal year 1968.

The nonmilitary agencies which expended the largest amounts for procurement in fiscal year 1968 were NASA, $3.5 billion; AEC, $2.5 billion; and GSA, $1.6 billion. Other agencies which devoted substantial amounts to procurement were Department of Transportation, $516.8 million; Department of the Interior, $408.6 million; TVA, $376.6 million; Post Office Department, $297 million; HEW, $224.2 million; VA, $220.4 million; Department of Commerce, $209.8 million; Department of Agriculture, $178.1 million; and the Office of Economic Opportunity, $170.2 million.

PRINCIPAL FEDERAL PROCUREMENT STATUTES

There are 25 key statutes which deal with the procurement of goods and services by Federal departments and agencies. Three of these cover the subject directly; the balance affect procurement collaterally and are considered ancillary. In addition, each agency concerned with procurement has adopted implementing regulations which have been characterized by the Comptroller General as "voluminous, exceedingly complex, and, at times, difficult to apply."

A summary of key legislation dealing with Federal Government procurement appears as appendix 1 to this report.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senate bill 1707 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMIRAL RICKOVER WRITES ON THE IMPORTANCE OF NUCLEAR CARRIERS

Mr. STENNIS. Mr. President, during the debate on the military authorization bill, I wrote Admiral Rickover, on August 29, a letter of inquiry with reference to nuclear-powered aircraft carriers, asking him to respond on certain points.

Admiral Rickover replied to my letter under date of September 5, 1969. During that debate, Mr. President, I quoted rather extensively from the admiral's letter, and intended to ask that the entire letter be printed in the RECORD at the conclusion of my remarks; but I overlooked making that request. I have had inquiries from Senators and others who are interested in the entire text of the letter.

Anything that Admiral Rickover says on this subject, or any other subject in this field, is entirely worthy of consideration, and I therefore think it undoubtedly has a proper place in the CONGRESSIONAL RECORD. Therefore, Mr. President, I ask unanimous consent, as in the morning hour, that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 5, 1969.

Hon. JOHN STENNIS,
Chairman, Armed Services Committee,
U.S. Senate.

DEAR SENATOR STENNIS: This letter is in response to your request of 29 August that I give you my views concerning the importance of proceeding with construction of the three Nimitz class nuclear-powered attack aircraft carriers planned by the Department of Defense. You also asked me to comment specifically concerning the impact that deferring the $377 million requested by the President in his FY 1970 budget to complete funding for the second of these carriers—the CVAN69—might have on the naval nuclear propulsion program.

I welcome this opportunity to make clear my reasons for believing strongly that these three carriers should be built without delay.

For many years as you know, I have testified that because of the vast improvements being made in weapons technology the Navy should wherever possible go underwater to carry out its missions. The most striking example of where this has been accomplished in the past decade is the transfer of the Navy nuclear war deterrent mission from bombers based on aircraft carriers to Polaris missiles launched from nuclear submarines. Increased emphasis has also been placed on nuclear-powered attack submarines for antisubmarine missions—a policy that should be continued.

I have never hesitated to call attention to what seems to me to be wrong with our military. I follow no "party line." In the past when Chiefs of Naval Operations favored aircraft carriers over nuclear submarines I spoke out against their stand. This is not the case with our present Chief of Naval Operations, Admiral Moorer, who fully supports nuclear submarines.

There are, however, some important Navy missions, which cannot, in any known practical way, be carried out by submarines. One of these is the provision of sea-based tactical air power to protect our sea lanes and our air lanes over the seas, as well as to support amphibious operations and overseas military land operations beyond the range of the land-based tactical air power available to us.

In a memorandum of 25 August 1969 to the Secretary of the Navy, the Chief of Naval Operations discusses at length the urgent need to continue building attack carriers. The memorandum, a copy of which is enclosed, responds to questions raised this year by those opposed to proceeding with the carrier building program. I contributed to the preparation of Admiral Moorer's memorandum and I agree with its contents.

It is easy, of course, to take a negative stand on any matter—particularly if one merely urges delay so that the matter may be further studied. That way nothing has to be proved or decided. One contents himself with asking many simple questions about a complex issue; states that the answers he has received do not completely examine all facets of the questions; then insists that the matter requires further study and the decision to go ahead should be delayed.

I do not believe further study of the attack carrier issue will change the basic facts summarized below. These, in my opinion, establish the need to proceed with construction of the Nimitz class carriers. These facts are discussed in more detail in the attached memorandum:

Three-fourths of the earth's surface is covered by water; 95 percent of the world's population live within range of carrier aircraft.

The United States is essentially an island between two oceans—an island dependent on free use of the seas for transport of materials and fuels necessary for our survival.

No valid plan exists for overseas military operations by the Army, by the Air Force, or by amphibious forces, which does not depend on our ability to guarantee free use of the seas. Virtually all supplies to Vietnam, for example, have been carried by ships.

Without a modern attack carrier force, the United States is not assured free use of the seas in those areas of the world that are important to us. It is simply not practicable to establish enough land air bases adequately prepared, provisioned, defended, and within range of potential areas of conflict.

To match the continually improving capabilities of our potential enemies, the Navy's carrier force must have a steady input of new ships. This is necessary to upgrade its capability through infusion of modern technology and to replace ships no longer capable of meeting the demands on them—whether because of their inherent design limitations or because of their age.

Seven of the sixteen carriers currently operating in the attack carrier role were launched during or shortly after World War II. Five of these cannot operate several of the modern aircraft types now in the fleet. They will not be able to operate air wings which can survive against Soviet weapons technology of the 1970's.

Each Nimitz class carrier will carry 50 percent more aircraft ammunition and twice as much aircraft fuel as the latest conventionally powered attack carrier. This, combined with the unlimited high speed endurance provided by nuclear power will greatly increase their capability for sustained combat operations.

The Nimitz class will also incorporate improved design features in the areas of command and control, intelligence processing, ammunition handling, aircraft catapulting, fire fighting and drainage control.

The Nimitz class will be the best protected and least vulnerable carriers ever designed. The added protection is provided by extensive use of armor against bombs and guided missiles, as well as by improved anti-torpedo hull design. The unlimited endurance at high speed and freedom from the need to slow down to refuel provided by nuclear propulsion further reduce the carrier's vulnerability.

The second ship of this class, the CVAN69, is scheduled for delivery in 1974. It will replace the Bon Homme Richard which will then be a 30 year old veteran of World War II, Korea, and Vietnam.

If future analysis or budget stringency should require reduction in the attack carrier force level, this should be accomplished by retiring old carriers, not by canceling construction of new ones. Were the Navy required to operate a smaller carrier force, the improved capabilities of the Nimitz class would become even more important. The smaller the force, the more important it is that each carrier have the greatest achievable capability.

The maximum life of an attack carrier is 25 to 30 years. A 15 carrier force level requires construction of one new carrier every 2 years if they are to be replaced when they are 30 years old. If the force level were to be reduced to 12, it would be necessary to build a new carrier every 2.5 years.

The three Nimitz class attack carriers are the only ones authorized or planned from FY 1964 through 1972, a period of 9 years; this will average out to but one new attack carrier every 3 years.

If we do not continuously modernize our attack carrier force, its ability to protect our naval and overseas military forces and the logistic lifeline for our military and industrial needs against the increasing capabilities of potential enemies will be degraded.

We no longer have friendly oceans to protect us. The Atlantic and the Pacific, once our shield and our protection, are now broad highways for launching attacks against us on, above, and beneath the surface of the seas. Further, the United States, being an island, has no contiguous land masses whence we can conduct military operations to protect our national interests or from which we can obtain the fuels and materials necessary to sustain a large-scale war effort. From our island position the only way by which we can project our national power beyond range of our land bases is through the Navy. For this, other than by all-out nuclear war, we must depend primarily on our attack carriers.

There are lessons to be learned from history that we should not ignore. Germany, the predominant land power during World Wars I and II, was able to use land transportation to extend her influence and support her military and industrial effort. The Germans knew full well that the Allied war effort was almost totally dependent on overseas transportation. Therefore, they built their naval forces to interdict sea lanes—just as Russia, today's predominant land power, is now doing. German submarine and air attack on Allied shipping almost succeeded in defeating her opponents in both wars.

In contrast, Japan, an island empire, depended in World War II on the seas for her survival, as does the United States today. Aircraft carriers in that war were, therefore, the heart of the Japanese Navy. The turning point in the Pacific was the sinking of half Japan's carrier fleet in the battle of Midway in 1942. The decisive factor in her defeat was the ability of American submarine and air forces to interdict the flow of oil from overseas to the Home Islands, thus strangling her industrial and military effort and leading to her eventual collapse.

The ability of the United States to fight for an extended period of time in defense of its territory and of its areas of interest depends on our ability to maintain the flow of material and oil on the over the seas. The sheer bulk of the daily requirement of oil and petroleum products for military and intime stockpiling.

Your committee has always been fully aware that the vulnerability of our overseas logistic supply lines is greater now than in the past and that this vulnerability is increasing. This is so for the following reasons:

The increased threat of submarine attack brought about by the advent of the nuclear-powered submarine and the improvement in conventional submarines.

The increased threat of air attack because of the increased range of aircraft and missiles and their improved ability to detect targets.

The quantity of fuel that must be transported over the oceans has increased vastly because of the significantly higher consumption rate of modern military units.

Each tanker lost today has a many-fold greater impact because of the substitution of a smaller fleet of larger tankers for the large fleet of smaller tankers used in World War II. Most tankers then displaced 10,000 to 15,000 tons, the largest being 25,000 tons. Today, many tankers displace over 100,000 tons and plans are underway to build tankers of 500,000 tons and larger.

As the number of nuclear submarines and the air strike capability of our potential enemies increase, so does the difficulty of providing logistic support when supply lines are under attack.

Once more we are taught by the war in Vietnam—as so often in the past—that we must have free access to the seas. In spite of the publicity given to airlifting troops and supplies to Southeast Asia, over 98 percent of them have been transported by ship. The war, from the naval standpoint, has been like a War College exercise. Except for naval pilots and naval personnel engaged in river warfare, our naval presence in Southeast Asia has been unchallenged. No plane has attacked our ships; no submarine has fired torpedoes at them.

If we were in a conflict involving the naval and air forces of the Soviet Union or of Communist China, our naval aircraft carrier forces would have to protect our overseas supply lines, in addition to carrying the war to the enemy. Land-based aircraft could be used only for actions within range of protected air bases. Attack carriers are mobile air bases which can be deployed or withdrawn quickly and at will to meet changing international situations, yet without altering international commitments.

The area of the world covered by our overseas land base system has been shrinking. Pressure continues at home and abroad for us to withdraw our deployed forces. As we approach the "Fortress America" concept there is a growing need for nuclear-powered attack carrier task forces capable of steaming at high speed to any point on the oceans of the world, and of conducting maximum sustained air operations for many days entirely without logistic support—a capability that can be obtained only by continuing to build nuclear-powered warships.

In modern war, particularly the kinds of war we envisage for the future, more military equipment and relatively fewer men will be used. We can no longer fight with rifles, cannon and mortars alone—all of which can be manufactured quickly and in numbers. Today's weapons—ours and those of our potential enemies—are complex and costly; it takes many years to develop and build them. Even in World War II we did not place into action a single airplane that had not been under design when we entered the war.

To build and equip a modern aircraft carrier takes 5 years. If we do not have enough of them when war erupts, it will be too late—no matter what effort and money we may then be willing to expend.

Our country is able to stay ahead in defense only because of our technology. If we do not take advantage of this technology to stay ahead we will have to fight wars with inadequate weapons and suffer higher casualties. Congress, for as long as I can remember, has done everything within its power to provide our military with the best weapons and such services that would reduce loss of life. I believe our people are willing to pay the taxes necessary to provide our men the best weapons our technology makes possible.

Nuclear aircraft carriers are expensive, as are all modern weapons. Opponents of military preparedness concentrate their criticism on the aircraft carrier because it is the largest single item of defense equipment—just as the Department of Defense, being the largest government department, has its activities and appropriations attacked more than any other department.

All weapons systems have increased in cost because of inflation and greater sophistication. Relatively speaking, however, the carrier cost has not increased as much as most major weapon systems since World War II.

On the other hand, the capabilities of today's weapon systems are much greater than those of their World War II counterparts. To give an example: The nuclear carrier Enterprise in one month off Vietnam delivered more than twice the tonnage of bombs her namesake, the conventionally powered carrier Enterprise, delivered throughout the Pacific Campaign in World War II.

When we look at the cost of a nuclear-powered carrier we should remember that toward the end of World War II the war cost us some $300 million a day; this would correspond to about $600 million a day now. The smaller cost of being adequately prepared should be set against the greater cost of risking war because of military weakness.

Delay in completing funding of the CVAN69 will increase its cost. Contracts authorized by Congress during the past two years totaling $133 million have already been placed for components. The nuclear propulsion plant for this ship is now being manufactured and the ship is scheduled for construction in series with the Nimitz, now about 20 percent complete. To hold up construction of the CVAN69, as has been proposed, will delay modernization of the attack carrier force as well as availability of nuclear propulsion in the fleet. It will disrupt continuity of the Nimitz class construction program, considerably increasing the cost of these ships.

Let me also point out that a legal interpretation of the proposed amendment, number 136 to S. 2546, to delay the CVAN69 might require termination of the contracts for the $133 million of nuclear propulsion plant components already on order from funds appropriated in FY 1968 and 1969. This would disrupt the industrial base for the Nimitz class nuclear propulsion plants. It would also have an adverse impact on the willingness of manufacturers to enter into future contracts for naval nuclear propulsion components for submarines and frigates. These manufacturers have a large market available to them due to the considerable backlog of components for civilian nuclear central stations. Lack of a firm naval nuclear program in recent years has already led some naval component suppliers to divert their facilities to civilian nuclear work.

It was the naval program which pioneered development of an industrial capability to design and manufacture nuclear reactor plant components and equipment for naval and civilian use—a development that was arduous, time consuming, expensive. Because of the potential radiation hazards relating to use of atomic energy, it was necessary to develop and implement standards for design, manufacture and quality control much higher than were being used by industry for fossil fueled power plants. Until four years ago, naval orders constituted the major part of the nuclear component business. Since then, steady reduction in the number of nuclear ships authorized each year, and expansion in civilian nuclear power have caused the demand for civilian electric utility reactors greatly to exceed the volume of naval reactor orders.

Industry currently has a backlog of over $3 billion in unfilled orders for civilian nuclear plants. Because of the growth in demand for civilian nuclear plants and the decline in and uncertainty of future requirements for naval reactors, a number of suppliers have turned to commercial work exclusively. Once a supplier leaves the naval reactor business the task of reconstituting the specialized skills, the quality control, and the engineering groups to meet naval requirements is similar in scope to starting over again. It takes years to develop a company's capability to perform to the standards required, but this capability will be lost in a short time if the experienced technical and production personnel are disbanded.

The nuclear propulsion plant components for the CVAN69 are presently in varying stages of manufacture. I estimate that about $40 million of the $133 million obligated has been expended to date. If a law requiring termination of these contracts were enacted by November 1969, I estimate that $85 million of the $133 million would not be recoverable, in view of the expenditures to date and the cost of terminating these orders in the midst of production. Further, the incomplete state of the work on these components is such that they would be of no use for any other purpose; these funds would, therefore, be wasted.

For these reasons, termination of a major portion of the outstanding naval nuclear component orders would be wasteful and would adversely affect our ability to build nuclear plants for future submarines and surface warships.

It is easy to ask for drastic reductions in our armaments; for ending the Vietnam War at once; for doing away with the draft today; spending the money saved to solve domestic problems. But those charged with responsibility for our safety cannot afford to heed these siren calls. Pacifism and unilateral disarmament are not synonymous with peace. We must separate dislike of inefficient military procurement and the desire for peace from the determination of what is needed to protect the United States. What if those who advocate reduction in our military strength prove to be in error? What ultimate gain will there be if we save money but lose our freedom?

Is the decision to build or not build a weapon to be based on cost, or is it to be based on need? The cost of weapons is one of the sacrifices we must pay in order to remain free. I, too, wish the world were different and that it were not necessary to lose lives and expend irreplaceable natural resources for defense. But we must survive in the world as it is, not as we dream it should be.

Freedom comes at a price. If we fail to pay for adequate defense now and our weakness invites attack, we will pay many times as much in dollars to wage war and infinitely more in young lives lost. And let us not forget that if we permit our military strength to erode and lose our freedom, we also lose our ability to improve the lot of our poor and relieve the plight of our cities.

It is as true today as in the past that the price of liberty is eternal vigilance. The early frontiersman had to carry his rifle while he plowed his field. So too must we today be armed while we go about our daily work.

Some may argue that we should not construct the Nimitz class carriers because the danger of war has been reduced; consequently our resources can be used for other desirable objectives. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A glance at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be disregarded in formulating national policy.

Although a precise comparison of U.S. and Soviet military expenditures is not available, it is clear that the U.S.S.R. is spending much more annually for new weapons than the United States. Is it then rational for us to fail to modernize our defenses, on the assumption that the danger of war no longer exists? The first priority of all life is survival; this is likewise true of nations and is the primary function of a legislature.

Preaching peace is the calling of the theologian, achieving it the calling of the statesman. Neither has been able to attain it. Universal peace has been the goal of mankind for thousands of years. The noblest of our race has striven for it—all have been unsuccessful. Then why do some believe that, despite all the lessons of history, we can today achieve peace by unilateral disarmament? The thrust of those opposed to war is presently directed at our military. Are we expected to refrain from asking for the weapons we need to protect our country? Is to ask for these weapons not our duty?

During the 1962 Cuban Crisis three attack carriers and five antisubmarine carriers were ordered to take station off Cuba. What would have happened had our Navy not been prepared to cope with the situation? There could have been a nuclear war; alternatively Cuba might today be a Russian military stronghold.

A statement by Anthony Eden, Foreign Secretary to Prime Minister Neville Chamberlain, on Britain's entry into World War II is worth pondering. He said:

"The Prime Minister would tolerate no interference in his policy toward the dictators. He believed he could negotiate agreements with Hitler and Mussolini which they would keep, and he was impatient of any events or views that appeared to him to delay this policy."

We know the results of that policy. Yet those who today oppose military preparedness take the identical position.

We have been unprepared at the outbreak of every war. We have solemnly determined at the end of each war that we will never be caught unprepared again. But the lesson is soon forgotten. Each generation must seemingly make its own mistakes.

Our adversaries are ruthless. Their leaders alone decide what is to be done. I believe that given the mentality of the present Kremlin leadership, the best way by far for us to avoid war is to be strong—strong enough to deter them from believing they can win if they make war on us. Let it be remembered that whenever there is repression in a country, its leaders are tempted to unite their people by shifting domestic discontent to foreign ventures.

In summary, I recommend that construction of the three Nimitz Class nuclear-powered attack aircraft carriers proceed in accordance with the plan which has been in effect for the last four years; and specifically that the $377 million needed to complete the CVAN69 be included in the FY 1970 shipbuilding authorization.

Respectfully,

H. G. RICKOVER.

Mr. **KENNEDY**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD** of West Virginia. I ask unanimous consent that the Senator from North Carolina be permitted to speak out of order.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

JUDGE CLEMENT F. HAYNSWORTH, JR., AND THE DARLINGTON CASE

Mr. **ERVIN**. Mr. President, during the hearings being conducted by the Senate Judiciary Committee upon the nomination of Chief Judge Clement F. Haynsworth, Jr., of the fourth circuit, to be an Associate Justice of the Supreme Court, the charge has been made that Judge Haynsworth's participation in the Darlington case disclosed an antiunion bias on his part. This nomination will ultimately come before the Senate for its consideration. In order that Senators may have an opportunity to learn what a hollow ring this charge has, I have prepared an analysis of the Darlington case, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE DARLINGTON CASE

Much has been said during these hearings about the *Darlington Manufacturing Company* case.

THE ISSUES IN THE DARLINGTON CASE

This case presented these questions: (1) Whether Darlington's complete and final withdrawal from business was a violation of the National Labor Relations Act. (2) If not, whether Darlington's withdrawal from business, even though final and complete, was a violation of the Act because of relations alleged to exist between Darlington and the Deering Milliken interests, which controlled some 16 or 17 other textile companies operating some 26 or 27 mills. Stating the second question more succinctly, were Darlington and Deering Milliken a single employer.

The test of whether two or more businesses constitute a single employer within the meaning of the National Labor Relations Act has been laid down by the National Labor Relations Board, which I shall hereafter call the Labor Board, as follows:

"It is now well established that for two or more legal entities to constitute a 'single employer' for purposes of assessing liability for unfair labor practices it must be shown that there was a sufficient degree of common ownership and common control of labor relations and operations so that it may be said that they engaged in a common enterprise . . ."

Under the law, a common enterprise is an enterprise in which two or more individuals or corporations share equally or alike.

EVENTS OUT OF WHICH THE CASE AROSE

To understand the issues involved in the *Darlington* case, a knowledge of the background of the case is necessary. Darlington was an old textile plant, which began operations in 1883. Originally, none of the family of Roger Milliken had any interest in Darlington. In 1937, however, Darlington went into bankruptcy and was reorganized and continued in business because Deering Milliken interests accepted stock in the reorganized company in lieu of debts owing them by Darlington. In 1956, Darlington had 150,000 shares of stock outstanding. Of this stock, 41.4% was held by a sales corporation, Deering Milliken and Company; 18.3% by the Cotwool Manufacturing Company, a textile manufacturing corporation controlled by Deering Milliken interests; 6.4% by Roger Milliken and the immediate members of his family; and 2.9% was held by directors and employees of Deering Milliken and Company. The remaining outstanding stock, which totaled 31%, was held by 200 other stockholders who had no connection whatever with Deering Milliken interests or any textile plant operated by them.

Darlington did not have a very prosperous career following its reorganization. It managed to survive, however, because of economic benefits accruing to the textile industry during the Second World War and the Korean Conflict. During 4 of the 5 years preceeding its dissolution, it managed to earn only a 3% return on its invested capital. During the year of its dissolution, it lost $40,000. and was confronted with the prospect of losing $240,000. additional during the following year.

As a consequence of these things, the board of directors, which consisted of Roger Milliken and three other directors affiliated with Deering Milliken interests and there independent directors, employed an efficiency engineering concern to devise a plan which would enable Darlington to continue in business as a viable economic entity. The engineering concern recommended to the directors of Darlington as the only plan which would continue Darlington in existence as a viable economic entity the expenditure of considerable sums of money to renovate its plant and to reequip it with new machinery. It also stated in its report to the directors that it was necessary for Darlington to obtain more efficient services from its employees if it were to survive economically. Pursuant to the recommendations of the engineering concern, Darlington began to renovate its plant and to purchase new machinery.

At this time, organizers of the Textile Workers Union of America appeared upon the scene and began an organizing campaign in which they pledged to the employees of Darlington that the union would not permit Darlington to carry out the recommendations of the engineering firm if a majority of the employees of Darlington chose the union as their bargaining agent in an election to be held under the direction of the Labor Board.

This election was held on September 6, 1956, and the union won the election by a 6-vote margin out of the 510 votes cast by Darlington employees. In view of the financial losses Darlington was currently sustaining, the board of directors concluded that the arrival of the union and its pre-election pledge that it would not permit Darlington to do the things which the engineering concern had detailed as necessary to its survival as a viable economic entity doomed any prospect for successful operation of Darlington's plant in the future. Accordingly, the 7 directors, including the 3 having no relationship whatever to the Deering Milliken interests, met on September 12, 1956, and voted to recommend to the stockholders that they dissolve the corporation and thus salvage for themselves their respective equities in the assets of the company.

On October 17, 1956, the stockholders met and voted by 134,911 shares to 3,774 shares to dissolve the company and divide the assets remaining after the payment of its debts among the stockholders according to their respective equities. It is noteworthy that virtually all of the 200 independent stockholders voted for Darlington to take this action.

During the next 6 weeks, Darlington completed the filling of its existing orders and discharged its employees. The plant was closed on November 24, 1956, and shortly thereafter, i.e. on December 12 and 13, 1956, Darlington sold all of its equipment and machinery, which had been dismantled, at public auction. Darlington has not operated any plant anywhere since that time, and shortly after its cessation of business, it was dissolved as a corporation pursuant to the law of South Carolina.

PROCEEDINGS BEFORE THE LABOR BOARD

Meanwhile, on October 16, 1956, the Textile Workers Union filed a charge against Darlington alleging that it had committed an unfair labor practice in going out of business.

The General Counsel of the Labor Board issued a complaint on this charge and the Labor Board assigned one of its most competent and diligent trial examiners, Lloyd Buchanan, to hear the evidence offered by the parties in relation to the charge.

The hearings were begun in January, 1956. During the course of the hearings, the Textile Workers Union offered evidence which it contended would show that Darlington was one of a chain of mills controlled by Deering Milliken Company, the sales corporation. The trial examiner rejected this evidence on the ground that it was not competent under the allegations made by the union in the original charge.

On April 30, 1957, the trial examiner filed his original intermediate report in which he found that the directors and the stockholders of Darlington had sufficient economic reasons to justify its going out of business and distributing its assets among its stockholders in accordance with their respective equities. He concluded, however, that Darlington had committed an unfair labor practice because it went out of business at the particular time it did because of the advent of the union. He found further, however, that Darlington would have had to have gone out of business within the immediate future because of the dire economic situation confronting it. He concluded that Darlington could not be required to reinstate its discharged employees

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because it no longer had a manufacturing plant, and he recommended that the Labor Board refrain from allowing any allegedly lost wages because of the uncertainty of the time at which Darlington would have been compelled by economic circumstances to close if it had elected to operate subsequent to the advent of the union. The Labor Board took no action upon this intermediate report until December 16, 1957. On that date, the Labor Board, by a 3 to 2 vote, entered an order postponing any decision on the merits of the proceeding and remanded the proceeding to the trial examiner with direction that he take evidence concerning any relationship between Darlington and Deering Milliken and Company, Inc., the sales corporation.

Pursuant to the order of remand, Deering Milliken and Company, the sales corporation, was made a party to the proceedings, and the trial examiner thereupon conducted hearings in which 2,500 pages of additional testimony were taken and 400 pages of exhibits were received. On December 31, 1959, the trial examiner filed a supplemental intermediate report in which he found that Deering Milliken and Company did not occupy a single employer status with Darlington and recommended the dismissal of the charges as to Deering Milliken and Company.

The Labor Board took no action upon the trial examiner's supplemental intermediate report between December 31, 1959 and January 9, 1961.

Meanwhile, it was revealed by the press that in June, 1960, Deering Milliken and Company, which had always been a sales corporation and not a manufacturing company, and Cotwool Manufacturing Company, a textile manufacturing corporation controlled by the Deering Milliken interests, had merged into a new corporation under the name of Deering Milliken, Incorporated.

At some time thereafter, the Textile Workers Union filed a motion with the Labor Board asking the Board to remand the proceeding to the trial examiner to take evidence concerning the merger of these two corporations.

On January 9, 1961, the Labor Board, by a 3 to 2 vote, remanded the case to the trial examiner for this purpose.

PRECEDING LITIGATION

Thereupon the merged corporation, i.e. Deering Milliken, Incorporated, brought a suit in the U.S. District Court for the Middle District of North Carolina against Reed Johnston, Regional Director of the Labor Board for the areas embracing North and South Carolina, praying that he be enjoined from carrying out the order of remand. The U.S. District Court for the Middle District of North Carolina issued an injunction forbidding the Regional Director of the Labor Board to carry out the order of remand and the Regional Director appealed from this judgment to the Court of Appeals for the 4th Circuit.

The decision of the Circuit Court, which was entitled *Deering Milliken, Incorporated* v. *Johnston, as Regional Director of the Labor Board*, and which is reported in 295 F 2d 856, was handed down on October 13, 1961 and was written by Judge Haynsworth. The opinion states, in substance, that the proceeding had been pending before the Labor Board since about October, 1956, and that the Labor Board had not performed its statutory duty to decide the proceeding within a reasonable time. Despite these statements, whose truth cannot be disputed, Judge Haynsworth modified the injunction issued by the U.S. District Court for the Middle District of North Carolina and authorized the Regional Director to carry out the remand order to the extent of requiring the trial examiner to take evidence concerning the merger of the two corporations and other circumstances relating thereto.

I digress to note that this decision was never appealed to the Supreme Court and has never been overruled by the Supreme Court in any other case. Manifestly, Judge Haynsworth's action in this instance did not show any antiunion bias on his part because the decision was favorable to the union.

FURTHER PROCEEDINGS REFORE LABOR BOARD

Subsequent to this decision, the trial examiner conducted further hearings and filed a third report in which he reached these conclusions: (1) That Darlington had violated the National Labor Relations Act by going out of business at the particular time it did because it was motivated in part by the union victory, but inasmuch as it had not been shown that Darlington would, in the existing economic circumstances, have continued to operate its mill for any definite additional period of time, any financial assessment against it would be punitive in nature and should not be made; and (2) That the General Counsel of the Labor Board and the union had "clearly failed" to demonstrate that Darlington and Deering Milliken constituted a single employer within the meaning of the Act. Subsequently, to wit, on October 18, 1962, the Labor Board handed down its decision with members Rodgers and Leedon dissenting. The majority of the Labor Board ruled, in substance, that even though it had genuine economic reasons for going out of business, Darlington violated Section 8(a)(3) of the Act because the closing of its plant was partly attributable to the employees' selection of the union.

It is to be noted that the 3 to 2 decision of the Labor Board required Darlington, in essence, to ignore the fact that in addition to its other economic woes, a union had appeared in its plant which had pledged itself to defeat the only program by which Darlington and the impartial engineering concern believed Darlington could survive economically.

The 3 to 2 majority of the Labor Board also reversed the trial examiner on the single employer issue and held that Darlington and Deering Milliken were a single employer and that in consequence Deering Milliken was legally responsible for Darlington's action.

THE FIRST DECISION OF THE CIRCUIT COURT IN THE DARLINGTON CASE

The decision of the Labor Board was appealed to the U.S. Court of Appeals for the 4th Circuit, sitting *en banc*, which by a 3 to 2 vote refused to enforce the Labor Board decision.

The decision of the Court of Appeals was written by Circuit Judge Bryan, one of the ablest jurists of our land, and is reported in 325 F.2d 682. The basis of the decision of the Court of Appeals is stated in these words in Judge Bryan's opinion: "To go out of business *in toto* or to discontinue it in part permanently at any time, we think, was Darlington's absolute prerogative." The Court of Appeals did not pass upon the single employer issue because of its conviction that the closing of Darlington did not constitute an unfair labor practice regardless of whether Darlington was a single legal entity or a part of the Deering Milliken chain.

The opinion and decision of the Circuit Court in the *Darlington* case was in accord with the overwhelming majority of decisions of U.S. Courts of Appeals in the various circuits. It seems appropriate at this time to call attention to three of these decisions.

The first is *Jay's Foods' Inc. v. NLRB*, 202 F.2d 317, 320, a 7th Circuit Court decision, which raised the issue as to whether the employer had committed an unfair labor practice in eliminating a part of its business, namely, an automobile repair shop which had been unionized. The Court declared that—

"An employer has a right to consider objectively and independently the economic impact of unionization of his shop and to manage his business accordingly. Fundamentally, if he makes a change in operations because of reasonably anticipated increased costs, regardless of whether they are caused by or contributed to by the advent of a union or by some other factor, his action does not constitute discrimination within the provisions of section 8(a)(1), (3) and (5) of the Act."

The second is *NLRB* v. *Rapid Bindery, Inc.*, 293 F. 2d 170, 172, 174, a 2nd Circuit decision, where the employer was charged with an unfair labor practice because he closed one of his plants and transferred all of his business to a second plant operated by him. The court declared that—

"Respondents admit that they were something less than happy to have the Union appear on the scene at a time when economic considerations were making some sort of a change in their business operations mandatory. . . .

"However, from the evidence that was admitted it is clear that the transfer of operations from Dunkirk was indeed economically necessary. Despite this, the examiner found that the move was not made solely for economic reasons but was made 'in an atmosphere redolent with hostility toward the Union, and for the purpose of discouraging membership in it', and consequently that the respondents violated section 8(a)(3).

"We are of the opinion that this last finding is an erroneous one in that it is not supported by substantial evidence and is not in accord with the law as the law has developed under section 8(a)(3) . . .

"In those situations where a change or discontinuance of business operations is dictated by sound financial or economic reasons the courts have refused to find that section 8(a)(3) has been violated even though the employer action may have been accelerated by union activity."

The third case is *NLRB* v. *R. C. Mahon Company*, 269 S. 2d 44, 47, a 6th Circuit decision, where the employer was charged with an unfair labor practice by eliminating one of his departments, namely, a plant guard department which had been unionized. In that case, the court declared that—

"We find nothing in the National Labor Relations Act which forbids a company, in line with its plans for operation, to eliminate some division of its work. As held in *National Labor Relations Board* v. *Adkins Transfer Company, Inc.*, supra, an employer faced with the practical choice, either of paying enhanced wage rates demanded by a union or of discontinuing a department of its business, is entitled to discontinue. The findings of fact and conclusions to the contrary made by a majority of the Board are not supported by substantial evidence on the record considered as a whole nor do they accord with the applicable law."

THE SUPREME COURT DECISION IN THE DARLINGTON CASE

The Labor Board and the Textile Workers Union appealed the Circuit Court decision to the Supreme Court of the United States. As appears by the decision of the U.S. Supreme Court, which is reported in 380 U.S. 263 and was handed down on March 9, 1965, these two legal issues were raised by the appeal: (1) Whether Darlington's closing constituted an unfair labor practice under the National Labor Relations Act if Darlington constituted a separate enterprise; and (2) Whether Darlington's closing constituted an unfair labor practice under the Act if Darlington and Deering Milliken were a single employer.

I argued the first of these issues before the Supreme Court and Mr. Stuart Updike argued the second. In my appearance before the Supreme Court, I advanced these alternative arguments to justify the position that Darlington had an absolute right to go out of

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business if it constituted a separate enterprise:

1. That any private employer in America has an absolute right under the National Labor Relations Act itself to go out of business for any reason satisfactory to him.

2. That if the National Labor Relations Act should be interpreted to deny any private employer in America this absolute right, the Supreme Court would have to adjudge the act unconstitutional upon these two grounds: (1) The act would exceed the legislative power vested in Congress by the Interstate Commerce Clause; and (2) The act would deprive the private employer of his property without due process of law in violation of the Fifth Amendment.

Manifestly, the power of Congress to regulate interstate commerce does not authorize it to regulate a private business after it completely and permanently ceases the operation of a business affecting interstate commerce.

Moreover, Congress would be depriving a private business concern of its property without due process of law if it enacted a statute compelling such concern to continue in operation against its will merely for the purpose of giving employment to individuals having no interest in its property.

The Supreme Court sustained my initial argument by saying that: . . . "We hold that so far as the Labor Relations Act is concerned, an employer has the absolute right to terminate his entire business for any reason he pleases, but disagree with the Court of Appeals that such right includes the ability to close part of a business no matter what the reason. We conclude that the cause must be remanded to the Board for further proceedings." . . .

The Supreme Court further declared:

"While we thus agree with the Court of Appeals that viewing Darlington as an independent employer the liquidation of its business was not an unfair labor practice, we cannot accept the lower court's view that the same conclusion necessarily follows if Darlington is regarded as an integral part of the Deering Milliken enterprise.

"The closing of an entire business, even though discriminatory, ends the employer-employee relationship; the force of such a closing is entirely spent as to that business when termination of the enterprise takes place . . . By analogy to those cases involving a continuing enterprise we are constrained to hold, in disagreement with the Court of Appeals, that a partial closing is an unfair labor practice under 8(a)(3) if motivated by a purpose to chill unionism in any of the remaining plants of the single employer and if the employer may reasonably have forseen that such closing would likely have that effect."

The Supreme Court adjudged that the Labor Board had failed to make findings and rulings with respect to whether the requisite "purpose" and "effect" had in fact existed in respect to the closing of Darlington and ordered the proceeding remanded to afford the Labor Board an opportunity to make findings and rulings on these matters. It noted that the Circuit Court had not passed on the question whether the evidence sustained the finding of the Labor Board that Darlington and Deering Milliken were a single employer within the meaning of the Act and observed that if it became necessary for it to do so, the Circuit Court could determine that question after the Labor Board had made findings and rulings with respect to the requisite "purpose" and "effect". The Supreme Court clearly stated that nothing in its opinion remanding the proceeding could be construed to express any opinions on any questions of fact.

I take issue with the assertion made in these hearings that the Supreme Court unanimously reversed the 1963 decision of the Circuit Court of Appeals. To be sure, it disagreed with the Circuit Court's view concerning the right of an employer to go out of business partly even if he had a discriminatory purpose for so doing.

In legal effect, the Supreme Court reached a conclusion similar to that of the Circuit Court. It was that the Labor Board had not passed upon certain issues essential to the determination of the proceeding, and for that reason no order enforcing its decision could be entered.

FURTHER PROCEEDINGS BEFORE LABOR BOARD

Pursuant to the decision of the Supreme Court, the proceeding was successively remanded to the Circuit Court, the Board, and the hearing examiner. The hearing examiner conducted further hearings and made a "Trial Examiner's Supplemental Decision", in which he made these findings and this recommendation:

"Having found and concluded on the evidence received at this hearing as well as on the record previously made and in the light of the opinion of the Supreme Court and the Board's remand order,

"1. That the persons exercising control over Darlington did not act to close it in order to discourage unionization at other Deering Milliken plants (I am now regarding them as an integral part of the Deering Milliken enterprise) or elsewhere; and

"2. That the evidence adduced does not indicate either

(a) That is was realistically foreseeable that employees at other Deering Milliken plants or elsewhere would fear that their place or employment would be closed down if they persisted in organization activities; or

(b) That such other employees were in fact led so to fear, I recommend:

"That any allegation or claim of violation of Section 8(a)(3) of the Act because of chilling purpose or effect as defined in the Supreme Court's opinion of March 29, 1965, with respect to employees in plants or businesses other than Darlington Manufacturing Company be dismissed."

On June 29, 1967, the Labor Board rejected the findings and the recommendation of the trial examiner by the vote of 4 of its members, the 5th member not participating.

It found that Darlington was closed for the purpose of chilling unionism in the Deering Milliken plants and that it had the effect of so doing, and that in consequence Darlington and Deering Milliken were required to make the discharged employees of Darlington whole for lost wages until they obtained other employment or were placed on a preferential hiring list at Deerin Milliken Mills.

THE SECOND DECISION OF THE CIRCUIT COURT IN THE DARLINGTON CASE

Darlington and Deering Milliken appealed the decision of the Labor Board to the Circuit Court of Appeals, and on May 31, 1968, the Circuit Court of Appeals affirmed the decision of the Labor Board in an opinion written by Judge Butzner and concurred in by Judges Sobeloff, Winter, and Craven. Judge Haynsworth wrote a concurring opinion in harmony with the majority opinion, which noted other questions that had not been passed on. Judge Bryan wrote a dissenting opinion in which Judge Boreman concurred.

I find it difficult to accept the assertion made by some in this hearing that Judge Haynsworth's vote in the 1963 decision to deny enforcement of the Labor Board's decision or his action in the 1968 decision indicate anti-labor bias on his part. His vote in the 1963 decision is in perfect harmony with the decision of the Supreme Court holding that the proceeding was not ripe for an enforcement of the Labor Board's decision at that time because the Board had failed to make findings and rulings concerning certain crucial issues, and his vote in the 1968 decision was in favor of the victory which the union achieved by that decision. Personally, I am unable to concede that any judge is biased against a party when he joins in rendering a decision in favor of that party.

The majority of the Circuit Court decreed enforcement of the Board's decision, and the proceeding is now in the hands of the Labor Board for this purpose—13 years after it originated.

It is appropriate to end this phase of my statement with some observations made by James J. Kilpatrick in a column entitled "Deering Milliken Dispute: A Landmark Case", which appeared in The Washington Star on September 11, 1969. Mr. Kilpatrick said:

"In the course of its hearings on the nomination of Clement Haynsworth to the Supreme Court, the Senate Judiciary Committee will find itself nibbling at the edges of one of the landmark cases of labor law—the great Deering Milliken case from Darlington, S.C.

"No other case quite like it has ever come along. You have to go back to Charles Dickens' fictional masterpiece, the chancery cause of Jarndyce v. Jarndyce, to find a legal proceeding so likely to interest the lawyers and to baffle the clients. The great Deering Milliken case has been pending now for thirteen years this month.

"The story actually dates from 1883, when the Darlington Manufacturing Company came into existence. Apparently the company never knew happy days. In 1937, heavily in debt, it went into bankruptcy. The Deering Milliken interests took over a two-thirds ownership at that time. The company limped through the war years, but by the early 1950's its profits were under 3 percent.

"Darlington may not have been the poorest of D-M's 27 mills, but it was among the most feeble. The company was operating in a building erected prior to 1900. It was working 40-inch looms when the market demanded wider cloth. Its print-cloth products were out of style. By early 1956, seven of its ten best customers were cutting back.

"At this juncture, the Textile Workers Union (AFL–CIO) appeared on the scene, with an intensive organizing campaign at the Darlington plant. The company strongly resisted, warning that higher production costs might kill the operation altogether, but on Sept. 6, 1956, the union won a recognition election by 258–252. It was the last straw. On Sept. 12, the Darlington directors and stockholders voted overwhelmingly to liquidate the business.

"The union at once challenged this decision. Months of hearings followed. At last, the National Labor Relations Board, in a 3–2 ruling, held that a plant closing prompted even in part by employees' union activities constitutes an unfair labor practice. The NLRB ordered Deering Milliken to make restitution.

"In November of 1963, the Fourth U.S. Circuit Court voted 3–2 to reverse the NLRB. The majority opinion was by Judge Albert Bryan; Judge Herbert Boreman and Judge Haynsworth joined him. They felt that it was Darlington's 'absolute prerogative' to go out of business whenever it wished.

"Five more years of litigation followed. The Supreme Court remanded the case to the NLRB, which again ruled against Deering Milliken. At long last, in May of 1968, a still-divided Fourth Circuit Court—this time Haynsworth reluctantly concurred—directed enforcement of the NLRB order: Back pay would have to be paid.

"For the past 16 months, the NLRB regional office at Winston-Salem has been engaged in a stupendous task. It has been tracking down the 523 workers who were on the Darlington payroll in September of 1956. Some have died. About 30 cannot be located at all. Most of the workers found other employment in a few months or a couple of years after Darlington was closed and its machinery sold at auction. Some workers who were in their late 50's and early 60's never found equivalent jobs.

"Using crystal balls, tea leaves, informed

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guesses, Social Security records, and individual interviews, the NLRB now must draw up a backpay specification. If Darlington had stayed in business—and the company's contention is that Darlington was doomed regardless of the union's victory—how much would each worker have earned before he obtained an 'equivalent' job?

"Reed Johnston, the NLRB's regional director, says his task will be done in 1970. Then his findings go to a trial examiner, thence to the NLRB, thence to the courts for review, and thence, and thence . . . New platoons of lawyers will appear, representing survivors, minor children, and relatives of claimants. After thirteen years, an end is not even distantly in sight."

UNSATISFACTORY PROCEDURAL RULES GOVERNING CASES ARISING UNDER NATIONAL LABOR RELATIONS ACT

The tribunal which has the duty to decide a litigated case must apply the relevant law to the facts of the case. Since the testimony of witnesses usually puts the facts in dispute, the tribunal must have a procedure for finding the facts. The experience of generations has shown that the most reliable procedure for finding the facts from conflicting evidence is for the finder of the facts to see the witnesses and observe their appearance and demeanor while testifying. By so doing, the finder of the facts can determine most effectively the value and trustworthiness of the testimony of the various witnesses.

This procedure for finding the facts prevails in courts of law where the trial judge or the trial jury finds the facts from the conflicting testimony of the witnesses and where there are methods for correcting erroneous findings of fact.

It is otherwise with respect to proceedings under the National Labor Relations Act. This Act makes the Labor Board the sole finder of the facts, but under the controlling regulations that Board does not see the witnesses. The testimony in a proceeding under the Act is heard by a trial examiner who has an opportunity to observe the appearance and demeanor of the witnesses and who reports the testimony and his recommendations upon it to the Board in writing. The Board makes its finding of fact solely upon the basis of the written testimony presented to it by the trial examiner and has absolute and unreviewable authority to reject any recommendations made to it by the trial examiner with respect to what facts should be found.

Since the Board has no opportunity to judge the value and trustworthiness of the testimony of the various witnesses by observing their appearance and demeanor while testifying, it is comparatively easy for the Board to reach erroneous conclusions from the conflicting testimony of the witnesses. Obviously the testimony of an Ananias and a George Washington look alike when reduced to cold print.

Another unsatisfactory rule of procedure applicable to proceedings under the National Labor Relations Act is the statutory rule which makes the findings of fact of the Board binding upon the Circuit Courts and the Supreme Court if they are "supported by substantial evidence on the record considered as a whole." As a practical matter, this means that a Circuit Court of Appeals and the Supreme Court must accept the findings of fact of the Labor Board if such findings are supported by any evidence, even though the evidence accepted by the Board is incredible in nature or is contradicted by overwhelming testimony to the contrary. This statutory rule is inconsistent with the rule governing courts of law where findings of fact must be supported by the greater weight or preponderance of the evidence.

As an inevitable consequence of the statutory rule governing proceedings under the National Labor Relations Act, a party to a proceeding under the Act has no remedy whatsoever against erroneous or biased findings of fact.

Circuit Judge Hutcheson of the Fifth Circuit made some comments upon this in his opinion in *N.L.R.B.* v. *Caroline Mills, Inc.*, 167 F. 2d 212, 213, when he stated that Circuit Courts are not permitted to review Labor Board proceedings to determine whether the findings of fact made by the Board "have been fairly, impartially, and justly arrived at", but whether they are supported by any evidence in the case. He indicated that the findings of fact in that particular case were biased findings by saying that the case presented "the usual picture of supporting findings arrived at by a process of quite uniformly 'crediting' testimony favorable to the charges and as uniformly 'discrediting' testimony opposed."

Despite my reluctance to do so, I am compelled by truth to observe that many persons experienced in proceedings before it assert that the Labor Board which sat on the *Darlington* case is not an impartial tribunal, but on the contrary has a bias which prompts it to prefer unions over management, strong unions over weak unions, unions over dissenting members, and unions over individual employees who do not wish to be unionized. Those who make this assertion cite chapter and verse which they allege proves its truth.

THE TESTIMONY IN THE DARLINGTON CASE

I wish to make some observations at this point as to what I believe the evidence in the *Darlington* case actually showed. I will neither affirm nor deny that my views on this matter are influenced by the fact that I was an advocate in the case. I will assert, however, that my views are firmly and honestly held.

None of the members of the Labor Board or of the courts which considered the *Darlington* case saw any of the witnesses or had any opportunity to observe their appearance and demeanor while testifying. Of all the public officers involved in the case, only Lloyd Buchanan, an impartial and competent trial examiner, had this opportunity. Notwithstanding this fact, his recommendation to the Board in respect to the testimony were rejected by the Board.

As the trial examiner appraised the testimony, it failed to establish that Darlington and Deering Milliken were a single employer. I am satisfied that a majority of the members of the Fourth Circuit Court of Appeals would have concurred in his appraisal of the testimony relating to this question if the statutory rule had permitted them to look behind the finding of the Labor Board, and make their own appraisal of the evidence relating to this issue.

Under the decision of the Supreme Court, there could be no liability in the *Darlington* case for the closing of Darlington unless Darlington constituted a single employer with the Deering Milliken mills, and unless Darlington was closed for the purpose of chilling unionism at the Deering Milliken mills and had the effect of doing so. In the very nature of things, motivation involves the state of mind of the persons taking the action under inquiry, and must be established by inferences drawn from facts. As the trial examiner appraised the testimony, Darlington was not closed for the purpose of chilling unionism at Deering Milliken plants elsewhere, and did not have any such effect. The Labor Board rejected the trial examiner's appraisal of the evidence on these points and found as a fact that the "purpose" and the "effect" essential to liability existed.

I honestly believe that a substantial majority of the seven judges of the Fourth Circuit Court who sat in the *Darlington* case would have reached the same conclusion that the trial examiner reached if they had been permitted by law to go behind the findings of the Labor Board and make their own appraisal of the facts in respect to "purpose" and "effect."

Judge Bryan and Judge Boreman who, were familiar with all the testimony, concluded that the findings of the Labor Board in respect to the requisite "purpose" and "effect" were not supported by any evidence. They concluded that this was the only inference which could be rightly drawn from the testimony, i.e., that the directors and stockholders of Darlington dissolved the company because they honestly and reasonably believed that existing conditions made it impossible for Darlington to remain in business as a viable economic enterprise, and that common prudence required its dissolution and the distribution of its assets among the stockholders according to their respective equities. I share in full measure their views as to what the final decision in the case should have been.

To enable others to pass on this matter for themselves, I insert at this point in my remarks a copy of the dissenting opinion which expresses the views of Judge Bryan and Judge Boreman.

Albert V. Bryan, Circuit Judge (dissenting):

The Supreme Court's prefatory recount of the facts, 380 U.S. 263, 85 S.Ct. 994, 13 L.Ed. 2d 827 (1964), necessarily taken from the Board's findings, discloses a complete knowledge of all of the conduct and tie-ins which is now the predicate of the majority opinion. These premises the Supreme Court declared fell "short of establishing the factors of 'purpose' and 'effect' which are vital requisites of the general principles that govern a case of this kind." The controversy was remanded to the Board to make further findings.

Nothing significantly new was introduced *after* the remand. This is the observation of the trial examiner who heard the evidence on the return of the case to the Board. Indeed, this is manifest too in the majority's reliance now on what was said in dissent here, of course *before* the appeal. 325 F.2d 682, 689 (1963). My difficulty is understanding how our Court sees the facts as supporting "purpose and effect" where the Supreme Court could not.

A single director's, Roger Milliken, statements, writings and attitude are now imputed to the entire board of directors, and a majority of the stockholders, of Darlington by the Court to sustain the NLRB's finding that both the purpose and foreseeable effect of the plant closure was to "chill unionism" in the other Milliken plants. All of the power of Roger Milliken, and the entire linkage of Darlington with the other Milliken corporations, upon which the Court now counts, were known to the Supreme Court when it decided this case, and yet it did not think this evidence sufficient to arrive at the judgment now delivered by our majority.

The answer is that for its support the majority draws inferences and makes assumptions which are not warranted by the proof. With nothing to sustain it, the majority terms some of the Milliken units as "paper corporations". Also, it adopts a sweeping implication that their directors would do just exactly what Roger Milliken wished, for fear they be at once removed and replaced by him to register his views. This undeserved derogation of the directors stands refuted both by the absence of evidence to establish it, and by obstinate facts and testimony exactly opposite.

Darlington was closed for economic reasons according to its directors. At least they said so and gave the basis of their determination. The NLRB recognized this fact. In its supplemental decision it admitted that,

"(a) ccording to the testimony in this case, the financial condition of Darlington was discussed at the board meeting. It was brought out that Darlington had averaged less than a 3 percent return on invested capital in the previous 5 years, including the current year in which a loss of $40,000 was expected, and that, if market prices did not rise or costs decrease, a loss of $240,000 could be anticipated in the following year."

There was no impeachment of the Darlington's board's word save NLRB's argument, now accepted by the majority, that the members' votes were nothing more than echoes of Roger Milliken's partisanship. Truth is the directors were persons of conviction and *unquestioned* character. There were 7 including Roger Milliken, and 3 of them had no interest in any other Deering-Milliken corporations. The remaining 3 were connections of the Milliken family. The relationship alone does not impugn their evidence on the economic advisability of the plant closing.

The stockholders must also be found unworthy of belief, for they voted to ratify the directors' action. Additionally, the directors of Cotwool and Deering Milliken must also be condemned in similar fashion. Each board voted, in favor of the closure, all of the Darlington shares held by its corporation, constituting a majority of Darlington's outstanding stock.

The NLRB's supplemental decision, upheld by the court, tells Darlington that it did not have a right to liquidate after the union election but instead should have made that decision prior to the election. With the financial losses that Darlington was currently sustaining, the corporation reasoned quite realistically that the foreseeable additional costs resulting from the arrival of the union, would be simply too much for the corporation to bear. Surely this consideration may be indulged, and acted upon, without offense to the National Labor Relations Act—indeed even if it be a mistaken conclusion.

The Trial Examiner emphasized that, "I find and conclude from all of the testimony * * * at this hearing, *confirmed* by that *previously* received, that a purpose at Darlington with respect to employees elsewhere has not been shown; and that testimony concerning related events at other mills is slight, considering quantity and credibility, and that such events can not be causally traced to a chilling purpose at Darlington." (Accent added.)

I think it appalling that the Board and the courts may step into a business and tell the directors that their judgment of the economics of their business was not correct, that it did not warrant the closing of their plant and that in reality they were evilly motivated in reference to union organization. More astounding, the Board presumes to know better than do the directors the basis for their decision—that they were simply paying servile obeisance to another.

I would not enforce the Board's order.

Boreman, Circuit Judge, authorizes me to state that he joins in this dissent.

CIRCUMSTANCES ATTENDING MY APPEARANCE BEFORE THE SUPREME COURT

It seems not altogether amiss to make some comments at this time on the circumstances attending my appearance before the Supreme Court in the *Darlington* case.

I had no connection with the *Darlington* case before it reached the Supreme Court, and have not participated in it since the Supreme Court decided it.

The Labor Board had made this decision in the *Darlington* case: Even though Darlington was a separate enterprise, and even though its bleak prospect of survival as a viable economic unit had been further dimmed by the advent of a union pledged to prevent it from carrying out a program it deemed necessary to insure its survival, the National Labor Relations Act denied Darlington the right to go out of business completely and permanently, and thus to enable its stockholders to salvage their equities in its remaining assets, because Darlington's decision to do so at the particular time it acted had been found by the Labor Board to have been influenced to some degree by its displeasure with the union's narrow victory in the representation election.

The Circuit Court had rejected this interpretation of the National Labor Relations Act and refused to enforce the Labor Board's decision on the ground that a private employer had an absolute right "to go out of business in toto or to discontinue it in part permanently at any time" for any reason—a decision which was supported by the overwhelming weight of authority among Circuit Courts up to that time. The Supreme Court had agreed to review the ruling of the Circuit Court.

At this time, I was asked to appear before the Supreme Court in behalf of Darlington and argue one proposition, and one proposition only, namely, that any private employer has an absolute right under the National Labor Relations Act and the Constitution to go out of business completely and permanently for any reason.

I do not know who decided I should be requested to argue this proposition before the Supreme Court. Candor compels the confession that I was highly honored by the request because Darlington and Deering Milliken were already represented by some of America's ablest lawyers. I was informed, in substance, that the request was made of me because I was known to entertain the abiding conviction that the chief objective of the Constitution is to protect Americans from tyranny, regardless of whether it comes from the legislative or the executive or the judicial branches of government.

I thereupon agreed to appear before the Supreme Court and argue that any private employer has an absolute right to go out of business completely and permanently for any reason satisfactory to himself. I did so because I know that this right must be recognized and respected if our country is to remain the land of the free.

To be sure, I received compensation for my services as an attorney, which was duly reported for income taxation to the appropriate officials of the United States and North Carolina. Inasmuch, however, as the principle I advocated before the Court is essential to the continued existence of my country as a free society, I would have embraced an opportunity to champion it before the Court without compensation—a course I followed in *Flast v. Cohen*, 392 U.S. 83, where I had the privilege of joining a great lawyer, Leo Pfeffer, in defending the right of Americans to be free from Federal taxation for the support of religious institutions.

It is absurd to suggest, as Mr. Meany did during his appearance before the Judiciary Committee, that in supporting the President's nomination of Judge Haynsworth for the post of Supreme Court Justice, I am merely "arguing for my clients."

The truth is I have no clients nowadays. My obligations as an attorney in the *Darlington* case have been fully performed. Moreover, I am under no obligation to any person on earth which impairs one iota my capacity and my purpose to perform my duties as a United States Senator in accordance with my own honest judgment. At the risk of appearing immodest, I will confess my belief that the people of North Carolina have returned me to the Senate by overwhelming majorities on four occasions because they know that I carry my own sovereignty under my own hat.

I do not know what persons connected with Darlington and Deering Milliken think of Judge Haynsworth. But if they adopt a test similar to that expressed, in essence, by witnesses for the AFL–CIO before this Committee, i.e., that no judge ought to be promoted to the Supreme Court if he has ever decided any case in a manner displeasing to them, the persons connected with Darlington and Deering Milliken must be opposed to Judge Haynsworth, who on two occasions joined the majority of the Fourth Circuit Judges in decisions in the *Darlington* case adverse to them.

WHY I SUPPORT THE NOMINATION

I did not know Judge Haynsworth personally until these hearings began. I base my purpose to support his nomination solely upon his decisions and opinions as a Judge of the United States Court of Appeals for the Circuit in which I reside. These decisions and opinions have engendered in my mind an abiding faith that Judge Haynsworth will perform the duties of a Supreme Court Justice with what Edmund Burke called "the cold neutrality of the impartial judge." America must have Supreme Court Justices who will do this if her people are to enjoy equal justice under law.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum cal be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

AMENDMENT NO. 177

Mr. METCALF. Mr. President, I call up amendment No. 177 and ask that the amendment, beginning on line 6 of page 1 and carrying over through line 2 on page 2 of the amendment, be read at this time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Montana (Mr. METCALF) offers an amendment:

> On page 86, between lines 18 and 19, insert the following:
>
> "(j) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.".

Mr. METCALF. Mr. President, the whole purpose of the amendment is to provide that when the representative of the Secretary, the mine inspector, goes into a mine and makes an inspection, some member of the union or, if there is not a union, some worker be authorized to accompany the inspector to see what he has inspected and to report back to the miners.

This is a very important amendment because many of the miners would say, "Well, that inspection was a whitewash. The inspector just walked through the mine and did not observe any violations." This might be said if a representative of the union or a representative of the employees in whom the employees have confidence does not accompany him.

The only purpose of the amendment is to require the mineowner to let one of the representatives of the employees accompany the inspector as he goes through the mine.

In 90 percent of the cases, the mineowner will welcome such a representative of the union and be glad to have him accompany the inspector. However, there might arise a case where the mineowner would say, "Look, I own this mine. The only reason I am letting you come in is because of the passage of this legislation. But I am not going to let one of my miners follow along with you and make a report on the safety requirements."

If that were to occur, my amendment would come into play. That is the only purpose of the amendment. It is so that there will be confidence in the inspection that the Secretary is going to institute.

Mr. WILLIAMS of New Jersey. Certainly I have gone over this matter with the distinguished Senator from Montana. I believe that the objective is clear and worthy.

I would suggest that no people know the mine that is under inspection as do the mine owner and the miners themselves. What the amendment would provide would be the opportunity for a representative of the miners, the men who work in that mine, to accompany the inspector as he goes through what, for him, could be a new mine or one that he has not seen in 3 or 4 months. The amendment would permit the miners to have a representative go with that inspector.

Mr. METCALF. Mr. President, it might well happen that that miner who has been working in that mine would help the inspector by calling attention to certain safety violations. He is familiar with the operation of the mine, and he would be able to represent his fellow union members or his fellow mine workers to reveal safety violations.

Mr. WILLIAMS of New Jersey. They would be conditions that existed. Whether they were violations or not would be the inspector's conclusions. However, conditions as the miners themselves know them to exist from day to day in the mines could be pointed out.

I know that the Senator from Montana and I and other members of our committee have spent some time in the mines. It is easy to just get lost in the tunnels that wind their way, 200, 300, 400, 500, or 600 feet underground.

The illumination is not what, in my judgment, it should be, although the pending bill, by the way, would provide for illumination. However, for a multitude of reasons the miners themselves should have someone, I believe, accompany the inspector, as the Senator's amendment would provide.

Mr. METCALF. I am glad that the Senator from New Jersey agrees with me.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. COOPER. Mr. President, I join in the comments made by the Senator from New Jersey. I think the amendment offered by the Senator from Montana is a very fine and helpful one. Certainly no one would be more interested in safety conditions in a mine than the miners who work in the mine.

It is a very fine amendment.

Mr. METCALF. I thank the Senator.

Mr. WILLIAMS of New Jersey. Mr. President, there is a provision in the bill that there be no advance notice given to the mine of an upcoming inspection under the law. And the pending amendment is in no way contrary to that provision.

Mr. METCALF. The Senator is correct. The inspector would call at the mine. He would report to the mine office and say, "I am going through the mine." There would automatically be a shop steward or some representative of the union present. Most of these mines are under the jurisdiction of the United Mine Workers. And if a mine were not under the jurisdiction of the United Mine Workers, the inspector would say, "Pick out someone to go through the mine to be confident that this inspection is not a whitewash or is not just a superficial sort of inspection. This is going to be a genuine survey and tour of the mine."

Mr. WILLIAMS of New Jersey. Mr. President, the amendment would not in any way delay a mandatory inspection under the law.

Mr. METCALF. I am not trying to delay any inspection at all.

Mr. WILLIAMS of New Jersey. Mr. President, as the chairman of the subcommittee, I am sure the amendment would meet with the approval of the other members of the committee. I have discussed this amendment with Senator RANDOLPH, the ranking majority member of the committee, and he completely agrees that this is a useful and important provision. I am charged with the responsibility of presenting the bill to the Senate, and I am prepared to accept this most worthy and, I think, very important amendment offered by the Senator from Montana.

I believe that the Senator from Kentucky (Mr. COOPER), who comes from a State with a high concentration of coal mining, is of a similar view.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana (Mr. METCALF).

The amendment on page 86 of the bill was agreed to.

Mr. SCHWEIKER. Mr. President, I rise in support of S. 2917, the Federal Coal Mine Health and Safety Act of 1969.

My home State, Pennsylvania, was for many decades the leading coal mining State of the Union. Today it is second only to West Virginia in tonnage produced. Therefore, I speak not only as a Member of this body but also as a Senator representing Pennsylvania, in expressing my support for what this bill aims to do and the way in which it would accomplish it.

Coal mining has been called the deadliest major occupation in our Nation. Over the last 100 years that records have been kept, more than 120,000 fatalities have been recorded in coal mines. There are less than 150,000 active coal miners today, but in 1968 they accounted for 309 mine fatalities—about one fatality for every 500 miners. Pennsylvania, with some 25,000 active coal miners, had 33 coal mine fatalities in 1968, and as of July 31 this year, it had another 24 reported coal mine deaths. In this day and age neither Pennsylvania nor the Nation can afford to see this tragic and wasteful spectacle go on.

Beyond the stark numbers of coal miners who annually lose their lives, there are the less serious lost-time accidents, averaging three or four per miner in his lifetime. And finally there is the peril of pneumoconiosis, or black lung, which afflicts one out of 10 active miners and one out of five inactive ones.

Many things will be needed in order to reverse these serious health and accident trends in coal mining. We will need changes in mining technology, effective safety programs carried on by the industry and, in some cases, more safety consciousness among miners themselves. We will need better mine safety laws and enforcement by States. But in addition, it is essential that Congress act to strengthen the existing weak Federal coal mine safety legislation which has stood basically unchanged since 1952.

This new legislation, S. 2917, is strong legislation. It is legislation fully responsive to the safety crisis in the coal industry. It will stand as a forthright effort by Congress to insure the health and safety of the coal industry's most valuable resource, the miner.

Mr. President, I was a cosponsor of S. 1300, a coal mine health and safety bill offered by the administration and the bill which has provided the basis for much of what is contained in the bill before this Chamber, S. 2917. I have also been privileged to serve on the Subcommittee of Labor, which began its work on this bill with the first hearings February 27, 1969. I would like to review briefly some of what I regard as the key provisions of S. 2917 and urge that they be passed by this body without any delay or any weakening amendments.

The bill will impose on coal mines for the first time a standard of purity for the air that miners must work in and will breathe underground.

The bill will set mandatory interim safety standards for such problems as roof control, ventilation, combustible materials, electrical equipment, and open flames inside coal mines.

The bill will for the first time require the same safety performance standards for so-called "nongassy" mines as have been required in "gassy" mines.

The bill will give the Secretary of the Interior the power to insure new health and safety standards and the power to enforce these standards.

The bill will require regular Federal inspections of all coal mines at least four times a year, not counting spot inspections.

And finally the bill embodies a strengthening amendment which I proposed when the bill was before the full Labor and Public Welfare Committee July 30, and which was adopted unanimously. My amendment, designed to protect miners in coal mines with excessive quantities of explosive gas, provided that the Secretary of the Interior could station a Federal mine inspector daily at mines he considers most susceptible to explosions.

The Department of the Interior classifies about 400 coal mines in the Nation as "gassy." About 100 of these are found in Pennsylvania. And the danger of explosions at these gassy mines can be most acute.

It was a mine explosion that took 78 lives last November in the Farmington, W. Va., mine disaster. More recently, in an anthracite mine in Schuylkill County, Pa., on July 22, 1969, one miner was killed in an explosion caused by methane gas and six others were hospitalized with burns and concussions.

Clearly the miners who daily go to work in mines that have been proven to be excessively gassy need the added margin of security of a full-time Federal mine inspector.

Moreover, this provision will increase the participation of Federal mine inspectors in the effort to prevent mine explosions. It will impose on these inspectors some duties they would not otherwise have had. However, I feel that just as Congress in this bill is imposing more stringent safety requirements on mine operators and on individual miners, Congress should likewise place some additional duties on the executive branch agency charged with implementing these laws. The effort to make mines safer and more healthful should be a united effort by the Federal Government, the mine operators and the miner himself.

Mr. President, Congress has a long overdue obligation to enact strong Federal laws to insure the safety and health of coal miners. I earnestly hope that this body can meet its obligation by promptly passing S. 2917, the Federal Coal Mine Health and Safety Act of 1969.

Mr. PROUTY. Mr. President, I voted to report S. 2917 from our Committee on Labor and Public Welfare. I did so because our hearings revealed a need for establishing Federal health standards to protect the health of our Nation's coal miners, and also showed that many of the existing safety standards applicable to mine operators and miners under Federal law are inadequate.

In all fairness, I think it should be noted that the coal industry itself realized that present standards applicable to the health and safety of working coal miners should be substantially improved, and that the vast majority of stricter standards contained in this bill were adopted with the cooperation and support of the coal operators.

My State of Vermont does not have any coal mines, so I do not view myself as any kind of an expert on coal mine safety problems. We did have a similar health problem in that dust from our marble, granite, and slate industries often resulted in silicosis, a disease long diagnosed as tuberculosis and just as fatal as black lung. This problem, however, was remedied by appropriate State legislation during the 1940's.

Accordingly, I am not opposed to this bill in what it attempts to do. I am aware, however, of the pressures that have been brought to bear in drafting some of its provisions. Outside crusaders have come forward who, I venture, know little more about the operations of the coal industry than I do. Internal union conflicts, including a union election campaign, have forced both sides to try to outpromise each other as to what they desire in the way of legislation for their members, instead of taking a responsible and objective view of what can be done given the present state of our technology.

My main concern is over whether in some areas of this bill, we may have engaged in "overkill." Not being from a coal-producing State, I shall not propose amendments on many provisions which I think my colleagues from States which mine coal should consider carefully.

With regard to my statement about overkill, I bring to my colleagues' attention the following paragraph which was included in the individual views to the committee report filed by the junior Senator from Colorado and myself:

> We all desire a strong bill. But a strong bill must be workable to be effective. To be workable means more than merely the inclusion of tough standards. It requires the inclusion of the best administrative procedures we can devise to permit the most effective operation and implementation of this legislation. It means the establishment of realistic timetables for the adoption of mandatory standards dependent upon new technology. Above all, it is of vital importance that the legislation which we enact to strengthen the present law, with regard to the health and safety of our coal miners, not also include requirements that may well endanger the productive capacity of the coal industry or otherwise threaten the well-being of other segments of our economy

I am informed that the bill in its present form may well bring on a shortage of coal which will have repercussions that our economy and people cannot afford. This possibility does concern me. It is no answer to say that if this does occur, Congress can enact emergency legislation to remedy this situation.

For example, electric utilities, especially, are heavily dependent on coal for their fuel supply. A decline in the production of coal can well lead to brownouts and blackouts in our major industries.

In this regard, the Director of the Bureau of Mines stated that natural gas could, to some extent, replace the coal needed to operate generators for the production of electricity.

He went on to say, however, that the capability of the natural gas industry to supply significant amounts of fuel to electric utilities for a prolonged period of time is severely limited, particularly along the eastern seaboard.

With this background, the following two factors warrant critical attention by the Congress in enacting this legislation. I note them for the record, leaving my colleagues from coal producing States the burden of forming judgments as to whether there is sufficient merit to either, to warrant amendments to this bill.

The first factor involves the establishment of mandatory dust standards. The bill reported by the committee establishes a standard of 3 milligrams of dust per cubic meter 6 months after enactment. Three years after enactment the standard is reduced to 2 milligrams of dust per cubic meter.

During the first 3 years permits of noncompliance may be granted which will enable mines to operate with dust levels of up to 4.5. During the next 3 years certificates of noncompliance may be granted to permit the dust levels not to exceed 3. Six years after enactment, the 2 standard becomes mandatory for all coal mines unless the Secretary of Interior has issued an order finding that technology does not permit a mandatory 2 standard which order has not been vetoed by either House of Congress.

The administration and Secretary Hickel favor a different approach. The Bureau of Mines states that all mines in the country can meet a 4.5 standard within a year and therefore take the position that the Secretary of Interior should be authorized to extend the time to meet the 4.5 standard on a mine-by-mine basis for an additional 6-month period, which would result in the 4.5 standard becoming mandatory 1 year after enactment.

Similarly, with respect to establishing the 3 and 2 mandatory standards the administration and the Department of Interior do not feel that present technology is far enough advanced to permit the establishment of dates certain for these standards in legislation. Their position has been that the Secretary of the Interior should be directed to lower the dust standards to these levels as soon as possible consistent with the development of new technology rather than writing specific dates into legislation as to when these standards must be met.

The second factor which Congress should consider is a requirement that small drift mine operators must use the type of heavy permissible electrical equipment which is required to be used in the large underground shaft mines. The desire to eliminate the distinction between gassy and nongassy mines is perhaps understandable. On the other hand, consideration should be given to finding certain types of less expensive equipment permissible for use in drift mines which admittedly would not be permissible in underground mines.

It is time we really started to consider what we are doing to small businessmen and to an economically depressed section of our country in the name of "health and safety," to determine whether health and safety considerations really necessitate applying the same standards for heavy permissible equipment to small drift mines which are to be applied to large underground mines.

These small drift mines produce around 150 million tons of coal a year, or about 25 percent of our annual coal production. Drift mines are very shallow. They are cut laterally into the sides of hills and most extend for only a few hundred yards.

By contrast, the remaining 75 percent of our annual coal production is done in large underground mines. These mines are shaft mines and extend for miles underground.

I am concerned about the people in Appalachia. I am concerned about their health and safety, but I do not believe that requiring them to use only the heavy expensive equipment required for underground mines will promote their health and safety.

This will promote the drift mine operators going out of business. It will promote more unemployment in Appalachia when the miners in these mines are jobless and when the railroads lay off additional workers because they are no longer needed on trains to haul the coal away.

It will create further economic hardship in a section of our country now trying to get back on its feet again.

I am concerned about putting these small drift mines which employ an average of about 10 men each out of business by requiring them to purchase machinery and equipment specially designed for use in deep shaft mines if health and safety factors do not, in fact, require such action.

In conclusion, I repeat that I am strongly in favor of increasing the protection to the health and safety of our coal miners. I support most of the provisions in this bill and will vote for it on final passage, regardless of whether amendments I deem desirable are or not adopted.

I caution my colleagues, however, that there may well come a day of reckoning when we will regret our action if we enact legislation containing provisions which are unworkable, unrealistic, or inequitable, and which, apart from any health or safety considerations, cause substantial disruptions of any segments of our economy.

ANNOUNCEMENT OF HEARINGS ON DISTRICT OF COLUMBIA PUBLIC WORKS FUNDS

Mr. PROXMIRE. Mr. President, as chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, I am announcing today that we are having a hearing at 2:30 p.m. on Tuesday, September 30, to question the economic justification for timing of the expenditure of the large sums proposed for the District of Columbia subway, highway, and public works during this highly inflationary period.

The District is now asking that both fiscal year 1969 and 1970 subway funds be appropriated in the 1970 fiscal year. District of Columbia funds would trigger additional amounts of Federal transportation money which would bring the total to at least $120 million for fiscal year 1970. This is more than double the funds originally requested for the year in which initial construction was to begin.

This in turn means the eventual expenditure of at least $2.5 billion for the subway system. In the peak years, almost $400 million will be spent.

This is not all. Expenditures for a vast network of questionable bridges and freeways have been tied to the subway program. They include expenditures for the Three Sisters Bridge, the Potomac Freeway, the East Leg, and the North Central Freeway. Some $370 million are involved.

Not only is this a bad time to build, but also, many of these projects are highly questionable in themselves.

This is a period of excessive price increases. Except for unneeded military and space programs, nothing fuels the fires of inflation more than expenditures for public works. They bid up the price of raw materials and skilled labor. They have what the economists call a "multiplier effect," on the economy.

Yet, at the same time the President and the Budget Bureau have called for cutbacks in Federal public works projects all over the country, they have supported a doubling of the subway funds in fiscal year 1970, total subway expenditures of at least $2.5 billion, and a go ahead on at least $370 billion of highly dubious bridge and road projects. While cutting back elsewhere, we are asked to start building the biggest public works project in the history of the District of Columbia, at a time of most serious inflation.

The subcommittee will want to question the economic justification for such vast expenditures in this period of very low unemployment and rapidly accelerating price increases. How can the Budget Bureau justify cutting back projects all over the country while at the same time they accelerate expenditures of subway funds here and approve highly questionable bridge and highway expenditures as a part of the program? The subcommittee will want to examine those questions very closely.

I do not mean to imply that I am opposed to the subway. It is an excellent long-term investment. It is obviously needed. But timing of expenditures is crucial in fighting inflation. It may be necessary to go ahead with the subway forthwith. But before we do so, the subcommittee and Congress should satisfy themselves that the expenditures will not add to the serious inflationary problem in the Nation.

The President has urged every State and locality to cut back on highway and other public works projects. We will want to ask if the District of Columbia is doing its part.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Kentucky.

Mr. COOPER. The Senator may recall that last year Congress considered the biennial authorization bill for the Federal-aid highway system. Something very unusual happened in the consideration of the Federal-Aid Highway Act of 1968. In the conference between the Senate Public Works Committee and the House Public Works Committee, a conference on which I served, we found that the House had written into its bill a section purporting to require the city of Washington to accept a road plan which, curiously enough, was developed in the House.

The senior Senator from Wisconsin knows that it is the general practice—under the Federal highway acts and by regulation of the Bureau of Roads, now located in the Department of Transportation—that local bodies, the States, and the District of Columbia in the situation of a State, have the responsibility to lay out the road systems which the local government considers suit its needs. Of course, the Bureau of Roads and the Department of Transportation pass upon the State plans to determine if they meet the requirements of title 23 of the United States Code, encompassing the Federal highway acts. But this was the first time I recall that anyone had ever heard of the Congress attempting to lay out a road system for a local governmental body.

The District of Columbia had not approved this road system. The House bill asserted an authority to direct the District of Columbia to construct the system laid out in their bill, which included, of course, the proposed Three Sisters Bridge and Potomac River Freeway.

My understanding is that the superhighway would be tunnelel under the Lincoln Memorial, the Mall and the Tidal Basin and then join the Southwest Expressway, which is already trafficbound. It was also proposed that there should be a leg running through the center of the city, through a section in which there is very poor housing, which would drive those people out of their houses, and cause them to seek homes, at a time very difficult to buy or build a home.

But the chief point is that the House of Representatives undertook to impose this system on the District of Columbia. We opposed section 23 in the conference and did our best to have it removed. The House was adamant. It would not remove one section, although it was somewhat modified in conference. Inasmuch as the bill embodied the highway funds for all the States, the conference report came to the Senate. I spoke in the Senate on July 29 about this matter. I spoke against it, and voted against the conference report. But under the rules, a conference report cannot be amended or changed in any particular and must be adopted or rejected as a whole. So the Senate had no opportunity to consider the section on its merits.

I hope the Senator's committee will study this question very carefully. The effort represented in section 23 of the Highway Act is wrong in principle; it is wrong practically.

I understand what the Senator has said today. What would the people of the Senator's State of Wisconsin think, what would the people of my State think, if Congress attempted or asserted the authority to lay out their road system for them? We are not engineers. We have no expertise in this field. I say it is wrong in principle and it is wrong in practice.

Mr. PROXMIRE. I thank the distinguished Senator from Kentucky.

I agree wholeheartedly about the gross unsoundness of Congress trying to legislate something that is as peculiarly local as a road system, and especially under the circumstances the Senator from Kentucky has just described.

I assure the Senator from Kentucky that our subcommittee will indeed inquire into that. The assumption has been made that once action was taken by the House, everyone could forget about the Senate, that we would just rubber stamp what they had. It seems to me that we do have a responsibility to consider this matter very carefully, and the subcommittee will certainly do so.

Mr. COOPER. I know it is a very difficult situation, because the District of Columbia needs a subway system very badly. But the House said, "We will not release funds for a subway system until you build this road system throughout the city of Washington."

The Senator's subcommittee should look into the questions raised by that bill.

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Mr. PROXMIRE. May I say to the Senator from Kentucky that I have been deeply concerned for a long, long time about some of the proposals involved in this matter, and this should be an opportunity for the subcommittee to go into it in detail.

I invite the Senator from Kentucky, if he has the time, to come to that meeting, which will be held on Tuesday afternoon at 2:30, in the Capitol.

Mr. COOPER. Mr. President, I opposed section 23 in conference, and I opposed it on the floor of the Senate when the conference report came out. The Senator from Montana, the distinguished majority leader, supported me. His colleague, the junior Senator from Montana supported me, as well as the Senator from Idaho (Mr. JORDAN) who was a member of the conference committee, and others. The Senator from Idaho made a great fight against it in conference.

The Federal-Aid Highway Act of 1968 had within its scope the entire Federal-Aid highway system for the United States for 2 years. As I said, we had support from citizen's groups, the mayor and the District of Columbia Council, and from the Secretary of Transportation, among others. The newspapers in Washington gave us no support.

The principle is wrong, absolutely wrong. The practice is wrong to attempt to impose on a city a vast highway system which it does not ask for and objects to. That is the awful situation in which we find ourselves. I do not believe the Senate should acquiesce in it.

JUDGE HAYNSWORTH: TRIAL BY ORDEAL

Mr. HRUSKA. Mr. President, the Committee on the Judiciary this morning concluded its ninth day of hearings considering the nomination of Judge Clement F. Haynsworth to be Associate Justice of the U.S. Supreme Court. Thirty-four people were scheduled to be heard. The hearings were finished today, except for calling Judge Haynsworth as a final witness. This is scheduled for early next week.

These hearings have been extremely useful. They have provided the committee and the public with the information concerning Judge Haynsworth as an individual and as a jurist. They have provided to the committee the knowledge necessary to make its decision.

Unfortunately, however, these hearings have been much more. They represent a frantic effort to discredit the integrity of an honorable man and a fine jurist.

The integrity of Judge Haynsworth is a question properly to be investigated by the committee. If all of the testimony were truly concerned with this, I would not object. But the true attack is not being made on the issue of whether or when Judge Haynsworth bought stock, and his supporters and his detractors know it. The issue being fought over is this: What will be the political and philosophical viewpoint of those appointed to the Supreme Court?

There is no foundation for the charge that Judge Haynsworth should have disqualified himself from the Darlington case. That allegation died in the second day of hearings from a lack of facts, a lack of improper conduct, and a lack of realism. Judge Walsh, former Deputy Attorney General of the United States, former Federal judge, and chairman of the American Bar Association Committee on the Federal Judiciary, testified that there was nothing improper or unethical about Judge Haynsworth's participating in the Darlington case.

There is no foundation for the charge that Judge Haynsworth violated the standards of ethics in the Brunswick case. The case was decided before the stock was purchased. Judge Winter, circuit judge and author of the Brunswick opinion, testified that Judge Haynsworth was not in violation of the canons or the statute because he did not disqualify himself.

There is no requirement of trial by ordeal to qualify a man for service on the U.S. Supreme Court.

The danger to the United States from such trial should be apparent. In commenting on a similar situation in the early 1930's, Mr. George H. Haynes, author of "The Senate of the United States," stated on page 760:

> But the chief significance of the recent contests in the filling of vacancies upon the Supreme Bench lies not in the struggle between conservatism and liberalism, but in the group pressure which under the Senate's new procedure is likely to determine the fate of nominations. The nominee's entire record gets little chance for fair appraisal. It may prove a more difficult task in the future for the President to find strong men and able jurists, of the caliber of those who have built up the Supreme Court's prestige, who will allow their names to be placed in nomination, if they must first be subjected to an inquisition in committee hearings as to their past records, pertinent or not pertinent to Supreme Court service, as to their personal investments, and as to the opinions which they hold upon complicated and controverted economic and social questions likely to be involved in litigation before the Court, and then must have their nominations made the subject of bitter debate on the floor of the Senate, where racial, sectional, and political considerations may bulk so big that questions of the nominee's character and fitness are half forgotten.

The Judiciary Committee is agreed and was agreed at the beginning of these hearings that a man's philosophy is not at issue here. That is determined by the President who nominates him. As it was put by a member of the Democratic Party who testified in support of the nominee:

> Obviously given my point of view and experience I would without doubt have preferred a different administration to be appointing a more liberal Justice. But my side lost an election, and the fact of the matter is that as a member of the bar we are called upon by Canon 8 to rise to the defense of judges unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification of Judge Haynsworth (in the *Darlington* case) is a truly unjust criticism which cannot be fairly made.

Mr. President, I will support the nomination of Judge Haynsworth to the Supreme Court. I am confident that I will be joined by a majority of members of the Committee on the Judiciary, and when it comes to the floor, by a majority of the Senate.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

(At this point, Mr. BELLMON assumed the chair.)

Mr. BYRD of West Virginia. Mr. President, yesterday I queried the distinguished Senator from New Jersey with respect to the possibility of having language included in the bill which would provide for a program under which disability benefits would be paid to miners suffering from black lung and other pulmonary diseases who do not qualify under State law. At that time, the able Senator indicated it might be possible to work out a short-term interim program to provide disability payments to men disabled by the disease.

The able Senator said he would try to find some way to devise a temporary program leading ultimately toward a long-range program, thus giving the committee time in which to study the problem in depth.

I think it is fair to say for the RECORD that the able Senator and I have been conferring this morning and that we both have had discussions with the Representative from Kentucky in the other body, Mr. PERKINS, and that there seems to be favorable sentiment on that side of the Capitol for such an approach.

I just want to urge the manager of the bill at this time to devote every effort possible over the weekend to work out some program whereby these old and disabled miners, who have contracted this disease, perhaps 5, 10, or 15 years ago, and who have been in forced retirement for all these years but who have not qualified under State statutes for disability payments, can be given assistance through some Federal-State program.

I personally would urge that the cost of such a program be borne initially by the Federal Government. I hesitate to think that we would have to load an additional expense on the management of the mines at this time when overhead costs are already very high and at a time when it is difficult for the product to remain competitive in the marketplace.

I want to express the hope that we might devise some way for the Federal Government, along with the States, over a period of years, to shoulder the burden of the cost so that the mine management would not have to carry this additional burden.

But I strongly believe that out of fairness to the miners, and to the wives and widows of miners who have lost their lives through the contracting of pulmonary diseases from the inhalation of silica and coal dust, we in Congress have a responsibility to work out some program whereby disabled miners would be given help when they are not eligible under State workmen's compensation programs. Many of them cannot qualify under State statutes which are not retro-

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active, and yet they do need assistance. I would like to see them get assistance so they would not have to be on welfare programs, so that they could have some steady income, and so that they might be able to provide for themselves and their families.

Mr. President, I wish to express appreciation to the manager of the bill for his sympathetic understanding of this problem and his strong assurance of cooperation in making the effort to work out some feasible program.

Mr. WILLIAMS of New Jersey. Mr. President, let me say that following the floor discussions, prompted by the Senator from West Virginia's (Mr. BYRD) expression of concern in this area, considerable progress has been made, even to this point, in working toward exactly the objective described by the Senator. It is an objective which I can certainly understand will be agreed to, and we are working toward that end in a program the Senator suggests, which could be interim in nature until perhaps the Department of Health, Education, and Welfare could, after study, suggest an ongoing compensation program for miners disabled as a result of their occupation, particularly respiratory diseases which they have contracted, for only one reason; namely, the inhalation of dust in the mines.

Thus, at this point, we are on our way to suggesting to the Senate exactly what the Senator from West Virginia hopes we will, and I hope it will be acceptable to all concerned.

Mr. BYRD of West Virginia. Mr. President, I recognize the fact that there must be fairly accurate cost estimates worked out, and I realize that the Senator's committee wants to go into this phase of the problem before it launches into any long-range program. I am greatly reassured by the Senator from New Jersey, and I know that I express the sentiments of my colleague (Mr. RANDOLPH) in what I have said today. My colleague and I have discussed the matter at length upon several occasions.

THE NIXON SOCIAL SECURITY PROGRAM; OFF TARGET, AND NOT ENOUGH

Mr. WILLIAMS of New Jersey. Mr. President, President Nixon sent his social security message to the Congress yesterday, and it is a heartbreaking disappointment.

For one thing, the 10-percent increase he proposes would be wiped out by rising living costs months before the first check would be mailed.

For another, the President has refused to grappel with the fundamental issue, which is simply that social security benefits are generally inadequate. Attaching a 10-percent increase will be of little help to most recipients, especially those who now receive the minimum of $55 a month.

President Nixon says he will seek an automatic cost-of-living increase to keep social security recipients' heads above water.

But what he really is proposing is this:

First. That the 10-percent increase take place in April. And yet, even by the most conservative projections, the cost-of-living index would rise to the 10-percent level—from the time of the last social security increase—by December or so.

Second. Since the President proposes no increase in minimum benefits, those now at $55 a month would receive only $60.50 a month. Their case would continue to remain so low that any automatic cost-of-living increase would be pathetically low and meaningless.

Third. In other words, the President is simply asking that we perpetuate today's inadequacies, but on a slightly higher plateau.

What are the facts about social security coverage today? As one who has long supported the old age, survivors, and insurance program, I have supported congressional efforts for broadened coverage. But I would be blind indeed if I did not recognize its limitations.

The Senate Special Committee on Aging recently asked a task force to evaluate social security coverage and other topics related to its subject: "The Economics of Aging: Toward a Full Share in Abundance."

About social security coverage, the task force had this to say:

> 1. At the end of 1968, Social Security benefits averaged $98.90 a month for the retired aged worker, $51.20 for the spouse, and $86.50 for the aged widow.
>
> 2. A 1963 survey of the Social Security Administration found that a large number of beneficiaries had little cash income besides their benefit. In 1962, about one-third of the non-married beneficiaries received less than $150 in money income other than benefits during the entire year. One-fifth of the couples had less than $300 in addition to their benefits.
>
> And there had been little improvement in this respect since 1957, when the income of beneficiaries had last been studied.

Clearly, a 10-percent increase will mean little for the average social security beneficiary.

Clearly, we need far more thoroughgoing reform than proposed by the President.

One such plan for reform has been fashioned by Representative JACOB H. GILBERT in consultation with the National Council of Senior Citizens and with the technical assistance of the economics staff of the AFL–CIO.

The Gilbert plan is worthy of careful study because of dedication of its supporters and also because it offers a plan for genuine reform.

Its major features include an increase of 10 percent, effective in January as the first step toward an overall 50-percent increase in benefits; with an increase in minimum benefits from $55 to $80.

In January 1972, a 12-percent across-the-board increase with a $90 minimum benefit.

In January 1974, a 14-percent across-the-board increase with a $103 minimum benefit.

Mr. President, I ask unanimous consent to have printed in the RECORD a news release by Representative GILBERT describing major features of his bill, together with a statement made at the same time by Nelson Cruikshank, president of the National Council of Senior Citizens.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Congressman Gilbert Proposes Increased Social Security Benefits to Elderly and Disabled

Rep. Jacob H. Gilbert (D.-N.Y.), today introduced a comprehensive Social Security and Medical Care proposal which would increase total social security benefits by at least 50%. Improvements include a 40% general increase in benefits and a $103 monthly minimum accomplished in three steps spread over the next four years and thereafter would provide automatic increases tied to the cost of living.

"The need to substantially raise the general level of social security payments becomes very clear to anyone who looks at the level of payments and considers the fact that most social security beneficiaries have very little in the way of continuing income other than what they get under social security," Gilbert said as he introduced the legislation.

Social Security experts and observers agreed that Gilbert's bill is one of the most comprehensive ever submitted to the Congress. It calls for some 15 major changes in the current law. In addition to increasing benefits and tying them to the cost of living, it would finance the medical insurance part of Medicare through contributions paid during the beneficiary's working years, in the same way hospital insurance and cash benefits are now financed.

"The bill I am introducing today would go a long way toward maximizing the potential benefits of Social Security for the benefit of more people and for the benefit of the nation as a whole," Gilbert said.

The bill contains these improvements:

Retirement benefit increases ranging from a minimum of $103 to a maximum of $378.50 for workers who draw benefits at age 65 or later.

Basing a worker's benefits on his highest ten years' earnings out of any 15 consecutive years after 1950.

At age 65, one hundred percent widow's benefit.

Higher benefits for early retirees (those who retire before age 65).

For beneficiaries who continue working, increases the amount of income a person can earn and still get full social security benefits.

Increasing the lump-sum death payment to $500.

Reduce the disability benefit waiting period from 6 months to 3 months and liberalize the definition of disability.

Eliminate the age-50 limitation for disabled widows and increase this payment to equal regular widow benefits.

Extend health insurance coverage to the disabled.

Extend medical care coverage to include prescription drugs.

Gilbert said the costs of his bill would be met out of a $15,000 contribution and benefit base; a one-tenth of one percent increase in the presently scheduled employee and employer contribution rates; and a gradually increasing government contribution eventually equal to approximately one-third the total cost of the program.

Remarks by Nelson H. Cruikshank, President, National Council of Senior Citizens

Congressman Gilbert: I'm here today as President of the National Council of Senior Citizens and for two specific purposes.

The first is to thank you on behalf of our more than two million members of affiliated clubs of elderly people from coast to coast for your concern with the plight of the older American, and for your having introduced this bill with its ten-point program designed to meet their needs.

> There has been an increasing awareness, in recent years especially, that the older citizen has not shared the expanding affluence of the American economy, and that his standard of living has not kept pace with that enjoyed by the great majority of his fellow citizens.
>
> The findings of the Senate Special Committee on Aging, chaired by Senator Williams of New Jersey, have documented what we know to be the case from letters and reports that come to us from our members and clubs in every section of the country:
>
> Three out of every 10 older people are living in poverty. Most of them were able to support themselves in decency and reasonable comfort—until they became old.
>
> About half the families whose head is over 65 have less than $4,000 annual income—a fifth of them have les than $2,000.
>
> Older people living alone are the worst off. More than half have incomes below $1500 a year and one fourth are below $1000!
>
> While improvements in Social Security and Railroad Retirement benefits have been substantial, they have not kept pace with the rising cost of living, and have failed even more seriously to provide a full share in America's rising living standards.
>
> Private pensions and other income sources have not filled in the gaps nearly to the extent that many expected. Social Security benefits are the major source of income for most older persons.
>
> It is obvious, therefore, that if the economic plight of the elderly is to be improved, it must be by strengthening the Social Security system. It can't be done with little bits of tinkering here and there. The changes must be bold, imaginative and even daring—worthy of an America that is accustomed to thinking big. That is why we like your bill, Congressman.
>
> We are confident, also, that along with the adoption of this measure, similar improvements will be made in the Railroad Retirement system.
>
> In the health field, too, your bill meets the basic deficiencies of our present health insurance program. Medicare was a big step forward four years ago, but it could hardly be expected that this country's first venture into a national health insurance program would meet all the needs. Here, too, your bill aims high, as it must, for the health needs of the aged are critical.
>
> My second purpose is to pledge you the full support of our organization and all its more than twenty-five hundred affiliated clubs across the country. I know I can do this as your bill is generally along the lines of the resolution on Social Security unanimously adopted by our national convention just last June. We're not only going to do all we can ourselves, Congressman, but we're going to muster support from every ally we can enlist, and we believe they are many. Our many friends in labor, in the religious groups of every faith, in the welfare field, and elsewhere, we know, will rally to the support of this measure.
>
> We are elderly citizens, Congressman Gilbert, so it goes without saying we've been around a long time. This isn't our first battle. We know the long, hard up-hill fight that lies ahead. We know the many hurdles that lie along the road between the introduction of a bill like yours and the day it reaches the President's desk. But you and we and our friends and allies are in this for the duration.

Mr. **WILLIAMS** of New Jersey. Mr. President, I am, of course, giving careful consideration to the Gilbert bill, and I will soon introduce legislation similar in many respects. I would like to point out, too, that on May 27 I introduced bills which have provisions similar to several that found their way into the President's message of yesterday. For example, I asked for liberalization of the so-called retirement test on earnings of social security beneficiaries; and I asked for an increase in the amount of social security benefits payable to widows, from 82½ percent of the primary benefit of the deceased spouse to 100 percent. Another of my bills would require the Secretary of Health, Education, and Welfare to analyze various means of adjusting social security benefits so as to provide a built-in escalator in times of need.

As I asked at that time:

> How is the escalator to be geared? Should it be based simply on fluctuations in the consumer price index? On increases in the costs of goods and services most needed, in particular, by Older Americans? On rises in the standard-of-living for the populace as a whole? On increases in wage levels? Or on a formula related to increased productivity of the work force?

There are no easy answers to such questions, and we should not plunge headlong into any cost-of-living escalator plan until we know its effects, exactly.

As chairman of the Senate Special Committee on Aging, I have been deeply disturbed by much of the testimony taken during our hearings on the "Economics of Aging." We have firsthand commentary from the elderly themselves, from students of social insurance systems, from economists, and others which says—very plainly, for all to hear— that a retirement income crisis exists in this Nation, and it is getting worse, not better.

In the weeks ahead—before final decisions are made on social security revision—I intend to present to the Congress examples of the problems encountered by Americans who are old and poor or on the fringes of poverty. I also intend to get additional statements directly from the people of my home State to present on these pages.

We need thoroughgoing reform of the social security system; yes. But we must be sure that it is reform, and not just another empty promise.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NO JUSTIFICATION FOR RELAXING MEAT IMPORT LIMITATIONS

Mr. **HRUSKA**. Mr. President, I should like to bring to the attention of the Senate a serious danger that threatens the beef cattle industry, and, in fact, the entire livestock industry.

At the outset, may I say that the junior Senator from Kansas (Mr. DOLE) had to be absent this afternoon on official business, but he did want me to say to the Senate that he has gone over the information which I shall speak about and that he wants to associate himself both with the substance and also with the conclusions which will be drawn by the Senator from Nebraska.

Today, livestock is the largest part of agriculture, and receipts from the sale of livestock and products last year amounted to more than $25 billion. Beef cattle production is the largest single segment of livestock operations today, and in many respects is the bellwether of the entire livestock industry.

The danger we face today is a new flood of imports of foreign meat, which may have a catastrophic impact on our domestic livestock markets. Mr. President, in my comments today, I expect to develop the following points:

First. The meat import quota law of 1964 was passed on the basis of the unhappy experience of the effect of permitting a deluge of foreign meat to inundate our markets. The law does not prohibit imports, far from it. Last year beef and veal imports—including live cattle—were equivalent to about 8 percent of total U.S. production.

Second. To avoid having the mandatory import quotas on meat provided by that law from being invoked, foreign supplying countries have accepted voluntary limitations on the amount of meat they will permit to be shipped to this country during 1969.

Third. Our Government is now experiencing heavy pressure to permit those foreign countries to exceed their commitments and ship greater quantities of meat to this market, without having the legal quotas provided by law imposed upon such shipments. That could be accomplished only if the Government would agree to suspend the quota provisions of the law. When I say "Government" in this connection, I mean the U.S. Government.

Fourth. In support of suspending the quotas, it is argued that cattle and meat prices have been too high this year.

Fifth. Mr. President, although cattle prices rose briefly earlier this year, the fact is that for the last few months, cattle prices have gone down as abruptly as they previously went up. Today, they are almost as low as they were during the early months of 1969. They are very little higher than they were 10 years ago, or 20 years ago. And this is in terms of absolute dollars. This is not in terms of adjusted or constant dollars; and all of us know that, by rule of thumb, we can estimate that the purchasing power of the dollar today, as opposed to 20 years ago, is about half.

Sixth. As to retail beef prices, they were slower to rise than wholesale prices, and may be slower to go down, but during August they started down. In any case, the level of retail prices cannot be blamed on the cattleman, nor can it be affected by imports.

Seventh. The law provides that import quotas can be suspended only under extraordinary emergency conditions—conditions which certainly and demonstrably do not exist today.

Mr. President, during July of this year, imports of fresh, chilled, and frozen beef, veal and mutton amounted to 107 million pounds, an increase of 24 percent compared with July of last year. For the first 7 months of 1969, imports were 592 million pounds, 9 percent above last year.

This growth in volume of imports gives an indication of the pressure being put on U.S. machinery for regulating our international trade in meat. For some of us, it awakens uneasy memories of the record volume of meat imports that led to enactment of the existing law for import control.

As recently as 1957, imports of beef and veal had amounted to only 395 million pounds calculated on a carcass equivalent basis. By 1963, that figure had grown to 1,678 million pounds.

This tremendous volume of foreign meat broke our livestock markets in this country and inflicted severe losses on thousands of domestic producers and feeders. It was this situation in 1963 that resulted in the enactment of the meat import quota law in 1964, designed to prevent foreign meat from taking over a steadily increasing share of the U.S. market, and to a degree that would be heavily and adversely disruptive to the cattle and livestock market here in America.

The act, which was signed into law that year in August, does not actually impose quotas, but does provide the machinery whereby quotas are to be imposed by the President if it is estimated by the Secretary of Agriculture that imports will exceed the quota figure for any given year by 10 percent. Since 1964, imports of the products covered by the law did not threaten to exceed the quota figure until the last quarter of 1968.

Sensing the possibility that exporting nations would overship the quota in the fourth quarter of last year, and obviously being reluctant to exercise the quota imposition provisions of the law, the Johnson administration entered into voluntary agreements with the major supplying nations that they would collectively hold their shipments to an annual volume of 1,035 million pounds, a figure approximately 5 percent over the 1968 quota of 988 million pounds, but under the level at which the quotas would have to be imposed.

The voluntary limitations on shipments to the United States at the level of 1,035 million pounds have remained in effect in 1969, since the quota for this year is about the same as that which had been determined for 1968. Throughout the first 7 months of 1969, supplying countries have held reasonably close to their agreements, even though imports in these 7 months amounted to 591.8 million pounds, 8.9 percent above shipments in the same period a year ago.

It has now been called to our attention vividly by various sources, including the American news media, that several of the foreign nations and some U.S. importers have imposed tremendous pressure on our Government to allow them to increase shipments to the United States for the remainder of 1969, increases which would probably exceed the trigger level for quotas which would be in excess of the amount of 1,087 million pounds. Not the least of this pressure is reportedly being put on by Australia, which country, expecting to fill its allowable volume before the end of the year, will have to cut back its shipments later in 1969, unless our Government could be prevailed upon to take steps whereby the quotas could be suspended.

The arguments being used by those calling for increased imports insist that beef prices in the United States have risen to such an extent that it would be in the national interest to suspend the quotas and allow additional imports, which would be beef, principally. In making these contentions, those proponents of suspended quotas point to the period in May and June of this year when prices of fed cattle and wholesale beef did rise temporarily from an unusually stable level throughout 1968 and early 1969. However, they fail to take into account, or purposely overlook, the fact that this period of higher returns to cattle feeders was of short duration. In fact, as of now, live animal prices and wholesale dressed beef prices have declined to figures almost as low as those which prevailed in the early months of 1969.

For the remainder of this year, they are not likely to change much from present prices and values.

Thus, I emphasize that any relaxation of the restrictions on imports which have been imposed under the quota law would amount to a gross injustice to the ranchers and feeders of the United States. Furthermore, I submit the quotas could not be justifiably suspended in the national interest on the argument that prices to growers and feeders were unreasonably high.

To substantiate these contentions, allow me to quote various price levels and figures on fed beef cattle, wholesale beef and net farm values. In 1958, the average price of choice beef steers sold for slaughter on the Chicago market averaged $27.42 per hundredweight. The highest month in the year was March, when the average was $29.90 per hundredweight. The lowest month was August, when the average was $26.11 per hundredweight.

In 1968, the average price of choice steers, Chicago, was $27.74 per hundredweight. Note that this figure is almost the same as the average in 1958. Have any other prices or cost followed this stable trend in this 10-year period? The highest month in 1968 was December, when the average price was $28.88 per hundredweight. The lowest month last year was January, when the average price was $26.87 per hundredweight.

A more detailed picture of prices in 1968 is important to this discussion. The January average was $29.23 per hundredweight. A price rise was showing up noticeably in April, when the average reached $30.98 per hundredweight. The upward trend continued until June when the average choice steer price in Chicago reached $34.22 per hundredweight.

Thereupon, a decline set in that was equally as dramatic as the price increase. By July, the average price was back to $31.49 per hundredweight. The August figure was again lower at $30.94 per hundredweight. In the week ending September 4, the price was reduced another dollar to $29.84; in the week ending September 11, it was $29.80, and in the third week of September, the price had declined still more to $29.66 per hundredweight.

Note that just last week, choice steer prices at Chicago were practically equal to the averages in January and February of this year. Wholesale carcass prices followed a similar trend. Since the highest point in June this year, choice steer prices have dropped nearly $5 per hundredweight. Early in June, the bulk of choice steer carcasses, carlot basis, Chicago, sold at $55 per hundredweight. At the end of last week, the same steer carcasses were selling at $45.50 per hundredweight, a drop of $9.50 from the June figures.

Proponents of relaxed quotas may point to retail prices of beef and argue that they became inflated and have not been reduced. This I submit as only partially correct. In the first quarter of 1969, the average retail price per pound of choice beef in the United States, according to the Department of Agriculture was 90 cents. In the second quarter—April to June—the average was 95.8 cents per pound. In the month of June alone, the average was 100 cents per pound and the figure did go up to 101.7 cents in July. The August average just recently computed reflected a decline to 100.1 cents per pound. With the trend in live and wholesale prices, it is reasonable to expect that the September figure will also be lower.

The explanation here is the usual circumstance where retail prices do not often react immediately to increases in wholesale values. At the same time, they usually do not immediately reflect downward trends in live and wholesale values. Be that as it may, the farm retail spread in choice beef prices was 34.7 cents in the first quarter of 1969. By June, this spread had declined to 32.3 cents per pound. The July figure was an increase to 34.3 cents and by August the spread was 38.4 cents per pound.

My point in making these observations is merely that the ranchers and feeders of the United States have seen their prices return to figures very closely comparable to those they received in the early part of 1969. They can in no way be held accountable for any argument that consumer costs of beef have not yet declined to levels of 8 or 9 months ago.

With this record of price information and statistics, let me now return to the provisions of the 1964 meat import law. It is almost unthinkable that foreign nations and importers would attempt to influence our Government to suspend quotes on imports under the price circumstances I have just reviewed.

The law clearly states that the President may suspend any proclamation to impose quotas, or increase the total quantity allowable, if he determines and proclaims:

> Such action is required by overriding economic or national security interests of the United States, *giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry*. (Italic added.)

The law also allows for suspension of the quotas or increases in the allowable volume if the President determines that "the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices."

Surely, it cannot be substantiated

that, with the numbers of cattle we have on feed in the United States and the magnitude of our beef factory, the supply of beef will be inadequate to meet domestic demand at reasonable prices. While retail prices have not declined from the June–July levels as much as live prices, the trend is downward.

Furthermore, there cannot be a valid argument that the suspension of quotas is required by overriding economic interests, particularly if special weight is given to the importance to the Nation of the economic well-being of the domestic livestock industry. The industry's economic well-being is not any better than it was the first of the year, and may even be less desirable having experienced a sudden rise and rapid decline in the price structure.

My remarks today are directed to serving notice of the severity of the problem that would face our domestic industry if our Government should succumb to the approaches of foreign suppliers and importers of beef products. Moreover, these remarks are for the purpose of focusing on the irrationality of contending that the United States can easily absorb an increased volume of beef imports without placing our domestic livestock industry in financial jeopardy. In giving foreign nations the privilege of shipping to us in 1969 a volume of products covered by approximately 47 million pounds in excess of our quota figure, I believe the United States has been most generous.

There can be no justification for relaxing the limitation arrangements.

Mr. President, in making this statement I am entirely cognizant of the interest of the American consumer—the housewife, who does the buying—in the price of meat in the retail store. However, it is also my belief that the housewife does not expect the farmer to sell what he produces at less than cost, or to accept a poverty scale of living so that she may buy cheap meat. Farm prices for a farmer—especially from the ranch and from the feedlot in the case of cattle sales—are like the scale of wages for a workingman. The farmer must live and support his family on what he is paid for his crops and livestock. During the past 20 years, wages have more than doubled. According to Government figures, the average of factory workers in 1949 was $1.38 an hour. In August of this year it was $3.18 an hour. Surely, the factory worker will not expect the farmer's price to go down, while his own wage rate goes up regularly every year.

As I said earlier, the prices that the farmer receives on the ranch and from the feedlot are substantially the same—in fact, in some cases lower—as they were in 1950, 1951, 1952, and a whole series of years from 1950 to 1969.

There can be no justification for relaxing the limitation arrangements which have been given to those supplying nations. They should be held within the fair shares that have been allotted to them, and which in most cases they have agreed to abide by. If then they should violate their commitments, the quotas should be imposed at the levels provided by the law, and the volume of imports held down to those levels for the remainder of this year.

Mr. President, in the course of my remarks several references were made on which documentation in the Record may be helpful and informative. I therefore request unanimous consent to have the following material printed in the Record at the conclusion of my remarks.

First, a memorandum from the Department of Agriculture regarding the commitments of various foreign countries in their shipments of meat under the quota program, with a list of the quantities of meat which might be shipped by each.

Second, a table showing the average price of choice steers at Chicago from 1949 to date, by months. From this table it is clear that during the last 2 month. the price of cattle has fallen as fast as it previously rose. It is also clear that the present price, which is less than $30 per hundred, is not as high as it has been on many other occasions during the past 20 years. This is in contrast to the prices of most other products, which seem to set new high records every year in many instances.

Third, a table taken from the Marketing and Transportation Situation published by the Department of Agriculture permitting a comparison between the course of cattle prices and wholesale and retail beef prices. From the table it is clear that live animal prices and wholesale meat prices advanced quite sharply during the first half of this year. In both cases the peak was reached in June and there has been a sharp decline since then. It also shows that retail prices advanced somewhat more slowly but reached a peak in July, and then receded slightly in August.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, last year there was an election of the Chief Executive Officer of this country, normally and popularly known as the presidential election. Those of us from the Middle West wanted to know what the standing of the respective candidates for the Presidency was upon this issue. So request was made for the position of both major candidates. I ask unanimous consent to have printed at this point in the Record a statement by President Nixon which was made during the month of October—I believe it was on October 8. It was printed in the Record for Monday, October 14, 1968.

There being no objection, the statement was ordered to be printed in the Record, as follows:

President Nixon's Statement of October, 1968

FAIR PLAY FOR THE CATTLE INDUSTRY

> The cattle industry, our largest farm industry in terms of dollar sales, has consistently met the rapidly growing demand of the American consumer for high qualify beef. It has done so independently, without any special government support program.
>
> In the past 20 years per capita consumption of beef in our country has risen from under 70 to more than 104 pounds per person. In the same period, the average portion of family income expended on food has actually declined by more than 7 percent.
>
> The cattle industry, however, has not kept pace with an increasing national prospertiy because of a severe cost-price squeeze, and adverse governmental policies. The result has been that many small family cattle operations, which represent the bedrock of the industry, have been forced out of business. Those that have survived have been saddled with crippling debts,.
>
> In 1948 choice-fed steers in Chicago sold for an average price of $30.96 per 100 pounds; during the first 8 months of this year the selling price averaged $27.40 and it has fluctuated below that figure during most of the past 20 years. During 1964 following record imports, prices fell to a low of $20.52.
>
> The official government index of prices paid by cattlemen, on the other hand, has increased 30 percent since 1948.
>
> One cause of this severe cost-price squeeze has been the impact of imported meat. Because of the meat export subsidy practices of competing meat nations and the tariff restrictions of other nations, the American market has at times been flooded with cheap foreign beef.
>
> In 1962 and 1963 meat imports precipitated a collapse in American cattle prices of as much as 30 percent in the course of a few months.
>
> During the following year Republicans in Congress proposed legislation to fairly equate the flow of imports with the growth of the American market. The Administration stubbornly opposed it and the Senate defeated the first bill 46–44, with then Senator Humphrey and Senator Muskie both voting against the legislation. The Congress later in 1964 enacted Public Law 88–482.
>
> Because of Administration pressure, the meat import legislation ultimately enacted was riddled with loopholes.
>
> As a result, and in spite of the law, the volume of imports this year threatens to be greater than in any past year, except the record year of 1963. Yet Secretary Freeman has consistently failed to invoke even those provisions of the law which could be effective.
>
> Loopholes in the present law must be closed so that domestic cattle producers can participate on a fair basis in the growth of the domestic market. Unfortunately, during the past Congess the Administration, of which Mr. Humphrey is a part, continued to oppose legislation in this field, notwithstanding the pious-pronouncements of the Vice President's colleague, Secretary Freeman, regarding the need for protection against subsidized foreign imports.
>
> The Nixon administration will not turn its back on the needs of the cattlemen. The Nixon administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and thtat Federal policies encourage the health and growth of this vital industry.

Mr. HRUSKA. Mr. President, I just want to call attention to the last paragraph of that statement:

> The Nixon administration will not turn its back on the needs of the cattlemen. The Nixon administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and that federal policies encourage the health and growth of this vital industry.

The industry and the public at large will have their justification for expecting that this statement of position will be most carefully abided by and complied with, and I have confidence that it will be; because, with all the other facets and with all the other features of the American economy going up in terms of dollars, we witness the very sorry spectacle of cattle prices being no more today, in terms of absolute dollars, than they were 20 years ago.

Needless to say, with the inflation that

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has crept into the dollar, with the reduced purchasing power of the dollar, it is worth about one-half as much as it was then.

EXHIBIT 1

1969 MEAT VOLUNTARY ARRANGEMENTS

There are 13 countries eligible to ship meat (fresh, chilled, or frozen beef, veal, mutton, and goat meat) that are subject to the Meat Import Law. The governments of each of these countries, with the exception of Canada (which lacks the administrative machinery to control exports) and the United Kingdom (from which shipments of beef from Northern Ireland are small), gave commitments to the State Department to limit their shipments to the United States so that the level of U.S. imports from them during 1969 would not exceed specified quantities. A summary of the commitments is set forth in the following table:

Calendar 1969 commitment level, million pounds

Country of origin:	
Australia	505.0
New Zealand	211.0
Mexico	65.8
Canada	[1] 62.7
Ireland	62.7
Nicaragua	37.6
Costa Rica	33.4
Guatemala	21.4
Honduras	14.1
Dominican Republic	10.5
Panama	5.2
United Kingdom	[1] 3.1
Haiti	2.1
Total	1,034.6

[1] Estimates, not firm country commitments.

NOTE.—Performance of each of the countries under this program of voluntary restraints is monitored based on weekly information supplied by the responsible agency administering controls of exports from each country involved, and checked with import data obtained from the United States Department of Agriculture Meat Inspection Service and, of course, the Bureau of Census.

BEEF STEERS, CHOICE, SOLD OUT OF FIRST HANDS FOR SLAUGHTER: WEIGHTED AVERAGE PRICE PER 100 POUNDS, AT CHICAGO, 1922

Year	January	February	March	April	May	June	July	August	September	October	November	December	Weighted average
1949	$24.72	$22.99	$24.19	$24.37	$24.92	$26.37	$25.96	$26.50	$28.22	$29.63	$29.35	$29.91	$26.07
1950	28.14	27.19	27.33	27.66	29.19	29.99	30.62	29.97	30.32	30.42	31.24	32.98	29.68
1951	34.77	35.98	36.67	36.93	36.52	35.68	35.47	35.85	36.68	36.31	36.09	34.78	35.96
1952	34.68	34.57	34.69	34.76	34.17	32.81	33.03	33.02	32.53	32.55	32.20	30.86	33.18
1953	27.84	24.49	22.68	21.99	22.36	22.04	24.41	25.28	25.87	25.63	25.03	24.37	24.41
1954	24.74	23.86	23.89	24.83	24.25	23.88	23.99	24.08	25.00	25.37	25.85	26.53	24.66
1955	26.98	26.17	25.80	24.62	23.09	22.63	22.72	22.43	22.69	22.01	20.83	20.35	23.16
1956	20.02	18.88	19.41	20.56	20.70	21.05	22.37	25.81	27.27	26.08	24.30	21.99	22.30
1957	21.23	20.57	21.86	22.99	23.31	23.48	25.12	25.63	24.98	24.67	25.20	25.98	23.83
1958	26.82	27.54	29.90	29.37	28.83	28.07	26.99	26.11	26.70	26.67	26.77	27.19	27.42
1959	28.13	27.85	29.11	30.33	29.34	28.48	27.89	27.56	27.62	27.19	26.53	25.57	27.83
1960	26.42	26.69	28.08	27.76	27.43	26.04	25.64	25.07	24.80	24.94	26.08	26.86	26.24
1961	27.42	26.17	25.70	25.05	23.43	22.45	22.38	24.13	24.34	24.55	25.58	26.13	24.65
1962	26.39	26.76	27.31	27.45	26.02	25.25	26.50	28.19	29.85	29.50	30.13	28.91	27.67
1963	27.27	24.93	23.63	23.77	22.61	22.69	24.72	24.60	23.94	24.03	23.51	22.30	23.96
1964	22.61	21.34	21.56	21.28	20.52	21.57	23.44	25.28	26.07	25.07	24.64	24.01	23.12
1965	24.28	24.02	24.31	25.63	26.88	27.68	26.88	27.22	27.08	26.74	26.46	26.60	26.19
1966	26.87	27.79	29.22	27.98	26.75	25.49	25.41	25.85	26.11	25.50	24.94	24.50	26.29
1967	25.25	24.92	24.67	24.66	25.46	25.88	26.40	27.22	27.62	26.77	26.51	26.45	26.04
1968	26.87	27.34	27.75	27.49	27.16	26.89	27.65	28.01	28.20	28.21	28.46	28.88	27.74
1969	29.23	29.11	30.19	30.98	33.85	34.22	31.49	30.94					

TABLE 3.—BEEF: RETAIL PRICE, WHOLESALE VALUE, FARM VALUE, FARM-RETAIL SPREAD, AND FARMER'S SHARE OF RETAIL PRICE, ANNUAL 1966-68, QUARTERLY 1968-69

[Beet, choice grade]

Date	Retail price per pound [1] (cents)	Wholesale value [2] (cents)	Gross farm value [3] (cents)	Byproduct allowance [4] (cents)	Net farm value [5] (cents)	Farm-retail spread			Farmer's share (percent)
						Total (cents)	Whole-sale-retail (cents)	Farm-wholesale (cents)	
1966	84.3	58.9	55.5	5.9	49.6	34.7	25.4	9.3	59
1967	84.1	59.7	54.3	5.0	49.3	34.8	24.4	10.4	59
1968 [6]	87.3	63.0	57.5	5.0	52.5	34.8	24.3	10.5	60
1968:									
January-March	86.4	62.0	56.3	4.8	51.5	34.9	24.4	10.5	60
April-June	86.6	62.9	57.8	5.3	52.5	34.1	23.7	10.4	61
July-September	87.9	64.1	58.6	5.1	53.5	34.4	23.8	10.6	61
October-December	88.3	63.0	57.4	5.1	52.3	36.0	25.3	10.7	59
1969:									
January-March	90.0	65.0	60.4	5.1	55.3	34.7	25.0	9.7	61
April-June	95.8	72.8	68.2	5.8	62.4	33.4	23.0	10.4	65
June	100.0	77.7	73.8	6.1	67.7	32.3	22.3	10.0	68
July	101.7	77.1	72.4	6.0	66.4	35.3	24.6	10.7	65
August	100.1	72.7	67.5	5.9	61.6	38.5	27.4	11.1	62

[1] Fstimated weighted average price of retail cuts.
[2] Wholesale value of quantity of carcass equivalent to 1 lb. of retail cuts: Beet, 1.35 lb.
[3] Payment to farmer for quantity of live animal equivalent to 1 lb. of retail cuts: Beef 2.25 lb.
[4] Portion of gross farm value attributed to edible and inedible byproduct.
[5] Gross farm value minus byproduct allowance.
[6] Revised.

(The following colloquy, which occurred during the delivery of Mr. HRUSKA's address, is printed at this point by unanimous consent.)

Mr. CURTIS. I commend my senior colleague, not only for the statement he is making today, but for the leadership he has given throughout the years in reference to our domestic meat situation.

This matter goes much farther than just the interests and welfare of the livestock producers. It affects every phase of agriculture. It has a profound effect on all feed grains—and among those we must now include wheat, which is being used more and more all the time. Cattle, hogs, and sheep fed in this country to supply our market here, contrasted with the livestock which is produced abroad, have a recurring and widespread beneficial effect on every phase of our economy, particularly our agriculture.

I commend my colleague for his leadership in general and for his very fine statement today.

Mr. HRUSKA. My colleague is very generous, and I am grateful to him for the information he has imparted.

The fact of the matter is, Mr. President, that the United States is about the only country in the world that does not have a very tight control upon the importation of meats.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CURTIS. Mr. President, it was my privilege to be a guest at a school agricultural affair in Dublin, Ireland, last month. I happened to arrive when the affair was going on. The Secretary of Agriculture was invited. There was a wonderful display there. The people were delighted.

I pointed out that Ireland will not permit the importation of our beef into Ireland.

Mr. HRUSKA. Yet, they are the third nation in volume of importation of beef into the United States.

Mr. CURTIS. I told them, instead of speaking harshly, "I respect you for your action."

Ireland's greatest asset is grass, and the development of their livestock is very important to them.

I think there should be some concern on the part of our Government toward our domestic producers of all kinds of meat.

Mr. HRUSKA. We are the greatest nation with respect to feed grain, and we have as much in volume of feed grain as Ireland has of the lovely green grass they raise.

Mr. CURTIS. The Senator is correct. I have a great deal of respect for them and a more friendly feeling because they are willing to help themselves and make an effort on their own behalf.

I think that is true in international trade. I do not believe that the United States can create friends and gain the respect of other nations by refusing to act intelligently with respect to its own people.

Mr. HRUSKA. Mr. President, I thank my colleague.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. ALLOTT. Mr. President, I compliment the Senator for presenting in his speech several issues which I think are very important to the whole beef association.

Before mentioning any of them, I point out that the senior Senator from Nebraska, more than any other Senator, has carried on this fight for the protection of our cattle industry. And he has done this not just today or yesterday, but also at the time we passed the meat import quota law of 1964. He was the one who carried the battle at that time.

I think the particular point the Senator made is very important inasmuch as we hear on the street the statement from consumers that the price of meat is so high and the cattlemen are getting rich, or something to that effect.

As the Senator well points out in his speech, that the price of beef did go up very dramatically for a short time and it then declined just as dramatically.

In the market, the price of beef went up, but it has not declined as dramatically. The important thing is that this should not be put upon the backs of the people producing beef this year.

The other point I believe is very important is that there was no self-triggering device in the 1964 law, although, as I recall the situation at that time, the distinguished Senator from Nebraska, as well as many other Senators, was trying to toughen the law in that respect.

Mr. HRUSKA. The Senator is correct.

Mr. ALLOTT. We were simply unable to do it on the floor of the Senate. Since we are the least diligent in protecting our meat imports of probably any country in the world, I think that the speech the Senator has made brings to the attention of the Senate and the American people the real facts.

Unfortunately, many of the things we read in the news media do not reflect the true facts. Rather, they try to make the stockmen or cattlemen the bogeyman in the particular situation we face in the market.

Mr. HRUSKA. The Senator comes from a beef State. The State of Colorado is famed for its production of livestock, and particularly beef. The Senator speaks the truth when he says that there is not much to the argument about the allegedly high prices of beef on the retail market.

The price to the farmer of beef cattle, choice, in 1950 was $29.68, as opposed to 1968 when it was $27.74. These prices are in absolute dollars and not in constant dollars.

I point out, if one thinks the prices in the retail markets are high, that during the last 20 years wages have more than doubled.

According to Government figures, the average factory worker in 1930 earned $1.38 an hour. In August of this year, he earned $3.18 an hour. However, the cattle raiser and cattle feeder is getting no more now for 100 pounds of beef than he was getting 20 years ago.

No housewife should expect to buy a product produced for the market by the farmer at a loss.

Mr. ALLOTT. The Senator is correct. And the price differential in those 20 years is almost $2 per hundred, as the Senator has pointed out.

I thank the Senator for permitting me to intervene in his remarks. I think that everything the Senator has said should be underscored and repeated 1,000 fold throughout the country so that the people might understand the facts with respect to this important industry.

In our State, we not only produce and raise cattle, but, as the Senator well knows, many of our cattle are not fed in our feed lots, but go into Nebraska and help build up that great industry in Nebraska of feeding cattle.

We furnish, of course, a lot of small grains and feed in my State.

This matter is of vital interest, in my opinion, to all of the Midwestern and Western States. The facts as stated here are not just of local interest and are not only applicable to the State of the Senator from Nebraska. It is something that, in my opinion, is applicable with great force to every State west of the Mississippi particularly.

I think the Senator has been of invaluable assistance in educating the Senate and the public on this matter today.

Mr. HRUSKA. Mr. President, I thank the Senator from Colorado.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MILLER. Mr. President, I join with the other Senators in commending the distinguished senior Senator from Nebraska for the splendid research he has done on this immediate problem, as is always done by him on any problem.

I desire to ask the Senator a question or two. It seems to me that what is happening here is not a lot unlike what happened a few years ago on the part of some very shortsighted individuals who, all of a sudden, became concerned over a rather short-range increase in meat prices.

The Senator will recall that, after going through a rather depressed pork market for many months, almost a year, for a period of a few months the pork producers received very good prices. In fact, as I recall, the prices were up in excess of parity. Of course, we had to have those prices to make up for the lean years when the prices were well below parity.

What happened? Thanks to some very good reporting by very hard-working members of the press, the attention of the public was focused on the fact that, by written correspondence from the then Secretary of Agriculture, Orville Freeman, the Secretary of Defense received a recommendation to cut back on pork purchases. And the Secretary of Defense thereupon cut back on pork purchases for members of the armed services in an effort to depress the prices.

There is no question but what that action did depress the prices temporarily. And I have a feeling—and I ask my friend, the Senator from Nebraska if he does not share—that some of the same individuals know better than to go to the present Secretary of Agriculture and make a suggestion that he do what a former Secretary of Agriculture did, but hope that they can bring enough pressure and influence to bear on the administration to result in an increase in these imports in an effort to pull down the prices.

Does not the Senator from Nebraska feel that this is an objective that is being sought by certain individuals?

Mr. HRUSKA. Yes, I think so, in addition to the relaxation of the voluntary agreements that were entered into last year, and which are effective for this year as well.

Mr. MILLER. Does not the Senator also agree that the same situation exists today that existed in those days in the case of pork prices?

Mr. HRUSKA. Yes.

Mr. MILLER. But we had a temporary increase in beef prices which has now been rolled back—if not below—to what it was a few months ago, and the farmer is not the one to blame for the prices that the housewife has been paying in the grocery stores. I think the Senator has pointed out that, compared with 1950 prices, in terms of real dollars, the farmer is not receiving as much.

So does not the Senator think that the same situation is present today, and the same subtle effort is being made today, as occurred in the case of the pork flasco involving Secretary Freeman a few years ago?

Mr. HRUSKA. The Senator has it analyzed very well and accurately.

Mr. MILLER. I thank my colleague.

Mr. HRUSKA. I thank the Senator from Iowa for his contribution. The State of Iowa is second in the production of beef in this country, Texas being first. That is what the books say. If the Senator from Iowa wants to dispute the records from which I cite, I will be happy to give him equal time.

Mr. MILLER. The Senator from Nebraska is most generous, and he is accurate except for one little detail. The State of Texas is indeed No. 1 in production of beef cattle, but that is not what counts, because the people are not enjoying that benefit. The people eat cattle that have been slaughtered; and Iowa, I am proud to say, is No. 1 in slaughter cattle production.

Mr. HRUSKA. I accept the modification.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address.)

(At this point the Acting President pro tempore assumed the chair.)

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from Wyoming, who is a cattleman himself in that great, spacious, and beautiful State of Wyoming. Having visited his headquarters in the Jackson Hole country, I know he is a genuine cattle raiser and rancher.

Mr. HANSEN. Mr. President, I wish to express my profound appreciation to the Senator from Nebraska and to compliment him for his leadership role in seeing that the interests of those of us in the West who are engaged in agriculture are protected. The Senator from Nebraska has distinguished himself as a very knowledgeable advocate of the livestock industry, along with others in the

Midwest. I am delighted that the Senator from Iowa (Mr. MILLER) is in the Chamber at this time, as is the distinguished senior Senator from Colorado (Mr. ALLOTT), along with our newest colleague from cow country, the distinguished junior Senator from Oklahoma (Mr. BELLMON).

The Senator referred to the speech made by the Republican candidate for President, the Honorable Richard Nixon. I think the speech to which the Senator alluded was given on October 11 rather than October 8.

Mr. HRUSKA. I accept the correction and I am grateful for it.

Mr. HANSEN. I also would like to point out that the remarks by the distinguished Senator from Nebraska do call attention to the fact that the livestock industry is one which has not been supported by the Government of the United States through its various direct subsidy programs, as have other segments of the agriculture economy. It has tried to stand on its own feet; but that has not been easy because, as the Senator pointed out, prices today are about in the same notch in actual dollars as they were 10 years ago, and the same notch they were 20 years ago. This, of course, is a record. The Senator pointed out that these are not adjusted dollars, not dollars intended to reflect what the purchasing power might have been 10 or 20 years ago, but actual dollars.

Therefore, what we are seeing is that the purchasing power of a cattleman today, if he gets the same amount of actual dollars he did 20 years ago, is far less than his purchasing power 20 years ago. Did I understand the Senator correctly?

Mr. HRUSKA. Most certainly, and at the same time his taxes, the cost of his clothes, farm implements, feed, and everything else, have all increased remarkably.

Mr. HANSEN. I wish to compliment the distinguished Senator from Nebraska. I have no further questions at this time. I know the junior Senator from Oklahoma is most eager to participate in this colloquy and that he has some remarks he would like to make.

Mr. HRUSKA. I thank the Senator for his contribution.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I want to compliment the distinguished Senator from Nebraska for calling attention to this vitally important matter. Our State of Oklahoma is as vitally concerned about what happens in the beef business as are the more heavy beef producing States which are represented here today.

Our State has a growing beef cattle feeding industry, and in addition we produce large quantities of feeder calves, as well as grain.

The American cattle industry knows from sad experience what can happen when surplus beef from foreign countries is permitted to flood into our markets. In 1962 and 1963 we saw a tidal wave of foreign meat imports come into this country. In 1962 the beef and veal imports amounted to 1,440 million pounds and in 1963 imports were 1,678 million pounds. As recently as 1957 meat imports had been only 395 million pounds. When these tremendous quantities of meat came in from abroad, our cattle markets simply collapsed under the impact. Many cattlemen were wiped out. Cattle prices fell by as much as $10 per hundred. The entire industry suffered a severe setback.

During this time I was serving as Governor and I saw firsthand the devastating effect this collapse had on beef producers, on stalker calves, and on the producers of grain, as well as on local communities whose economies were tied up with agriculture. In addition the standard of living of wage earners was affected. There were protest meetings in my State to call attention to the serious problem. It was on the basis of that experience that the existing quota law was passed in 1964.

I would like to call attention to the fact that these quota laws do not stop the importation of beef but produce a sharing of the market with other countries. What we are talking about is not an attempt to stop beef importation but rather regulation so it will not disrupt the local industry.

Now we may be faced again with a similar situation. It has been widely reported that various foreign countries have been pressing our Government for a relaxation of the restrictions on their shipments. Such an action could be taken only by waiving the provisions of the quota law.

There is no justification whatever for considering such a step. The existing quota law is not an embargo—far from it. It permits imports to continue on the basis of past experience, with permission also for each foreign country to share in the growth of our market. In other words, the law permits imports to increase year by year, at the same rate as our own domestic production increases. American producers are given no preference over foreign suppliers in that respect.

Furthermore, the law permits imports to exceed the amount of the quota by as much as 10 percent before quotas are actually imposed. Thus, the base quota for 1969, legally speaking, is set at 988 million pounds. However, imports could rise to as much as 1,086 million pounds before quotas would be imposed.

Foreign suppliers are given more than their fair share of our market by the present quota system. They should not expect to have the quotas lifted, which would mean giving away a further share of the market which rightfully belongs to our own producers.

There are a few comments I would like to make and perhaps ask the Senator a few questions. I am not sure anyone has considered the fact that the importation of meat has a very direct effect on the grain business. I am sure the Senator from Nebraska knows that it takes at least 8 pounds of grain to produce 1 pound of beef. When a live beef animal is slaughtered and dressed, one-half the weight is lost. So every time we bring in a shipload of beef from another country in effect we bring in 16 shiploads of grain.

This Government spends a large amount of money supporting agriculture and in providing price supports, and a great deal of this money goes to support feed grains and wheat. Therefore, it is obvious that when we bring in beef we increase the cost to the Federal Government of agricultural supports.

Mr. HRUSKA. The Senator is eminently correct in that analysis. In earlier debates and from time to time this point has been brought up, but I am glad he has reminded us of it. The effect of these imports will not start and stop with the market price on the price of cattle. It will have lateral effects and direct effects on many other areas, but principally on the feed grain production of this country, together with the beneficial use of large areas of grazing land which cannot be put to other use.

Mr. BELLMON. The Senator is eminently correct.

I wish to point out another problem. Along with the distinguished Senator from Wyoming, I traveled to Japan in 1965. At that time he was Governor of Wyoming. We frequently were subjected to the Japanese diet which is almost totally free from beef. As I remember, the average consumption of beef was about 4 pounds per person per year; in this country it is 105 to 110 pounds per person per year. Japan, as we are all aware, has become a prosperous industrial nation and has need for additional supplies of high quality low-cost beef.

I would like to ask the Senator if he knows of any efforts on the part of our Department of Agriculture or on the part of the Department of State to increase the exports of American beef to Japan and other industrial nations where there is a very definite need for high quality and low-priced beef; and whether or not any efforts are being made to develop exports to other countries where there is a high degree of protein starvation among the citizenry which do not have access to beef as in our country. Does the Senator know of any such efforts?

Mr. HRUSKA. There have been efforts and there are efforts. However, the prospects are mighty dismal. Our beef is of high grade and our beef is produced in an economy where the cost of production is at a rate too steep for the countries to which we could export it. There have been efforts and there could be efforts, but they have not advanced much and have not produced significantly and would have little impact on this large industry which, after all, totals about $25 billion a year, the biggest single industry in the country.

Mr. BELLMON. Would the Senator from Nebraska be interested in trying to work out a program whereby we could encourage exports of beef?

Mr. HRUSKA. To encourage other countries?

Mr. BELLMON. To encourage the sale of our beef to other countries.

Mr. HRUSKA. That has been made constantly. Hopefully, we turn to them, but we have not been very gratified with the results.

Mr. BELLMON. I want to conclude by emphasizing the fact that I feel that foreign suppliers have been getting a fair share of the American beef market under the present quota system. I certainly

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do not feel that the quota system needs to be changed or abolished. It would be a great detriment not only to the beef industry but also to agriculture and this country as a whole if that ever should happen.

Mr. **HRUSKA.** I thank the Senator from Oklahoma. He is a farmer in his own right, too, so that he knows from direct contact and experience what is involved. Having been Governor of the great State of Oklahoma during those dark days of 1963 and 1964, when there was a collapse of the livestock cattle market, he certainly knows whereof he speaks.

In connection with the consumption of feed grains, to which the Senator from Oklahoma referred, there is another statistic that should be renewed and that is that beef imports in terms of the 1,885,000,000 pounds, which was the figure back in 1963, was calculated out by the Ohio Cattlemen's Association along this line. Insofar as displacement of actual cattle are concerned, in head of cattle, if there is a conversion of those imports to head of cattle, it would take 3¼ million cattle just to be the equivalent of the imports of those days, at an annual rate.

Added to that, of course, is the foundation herd that runs along somewhere in the neighborhood of 4 million cattle in that second herd so that the impact is tremendous. It goes right down from there into all aspects of the agricultural picture in this country.

Mr. **HANSEN.** Mr. President, will the Senator from Nebraska yield?

Mr. **HRUSKA.** I yield.

Mr. **HANSEN.** Mr. President, I take note of the fact that the distinguished junior Senator from Montana (Mr. METCALF) now occupies the chair. I have had the high privilege of working with him for 2½ years now. While we are on opposite sides of the political fence, there are few other fences that divide us where the interests of the West are concerned.

I know so well that Montana has a real stake in the cattle situation. I am certain, as a consequence, that the distinguished occupant of the chair will appreciate my observations when I point out that insofar as parity is concerned, cattle prices in 1968 averaged out at about 79 percent of parity.

This year, when prices peaked in June, parity rose to 95 percent but reflected the downward plunge in prices after the peak. Parity fell in August to 87 percent. It is expected to average out to about 84 percent for September of this year, reflecting a continuing downward trend in prices.

I would further point out to my distinguished colleague from Montana that there is a very distinct relationship between imports, as he so well knows, between the volume of meat shipped to this country, and our domestic price in the United States.

The Economic Research Service of the U.S. Department of Agriculture points out to me that the estimates are that if foreign imports this year were increased above the adjusted base quota level by 50 million pounds, choice steer prices would drop from 40 to 50 cents per hundredweight lower than if the imports were disallowed.

It does not take a mathematical genius to carry this calculation further and apply it to what the situation might be without imports at all, or with limited imports.

The distinguished Senator from Nebraska has gone into some detail in calling attention to the ramifications of livestock prices in this country and the economic health of rural America.

I think that he would not object one bit to my underscoring his remarks by pointing out the relationship between farm costs and debt as I find it to be today.

In 1960, farmers and ranchers in America owed $23.6 billion in debts, $12.1 billion of it in real estate debts.

Today, their costs are more than double what they were in 1960.

The total farm debt at the beginning of this year was a whopping $49 billion.

The total debt in March 1969 was even higher, $53.1 billion, $27.8 billion of it being the debt for real estate.

The total non-real-estate debt for agriculture has increased from $11½ billion in 1960 to $25.3 billion in 1969.

In other words, the non-real-estate debt for agriculture has more than doubled between the years 1960 and 1969 but the price situation has been an entirely different story, as has been pointed out by the distinguished Senator from Nebraska. The price today is approximately the same as it was 10 years ago, and approximatley the same as it was 20 years ago.

I defy any Member of this Chamber to point out a comparable situation regarding an important commodity in the United States that has not reflected an upward price adjustment from 20 years ago or 10 years ago.

These facts, of course, merely underscore the extreme urgency of this situation and the need for clarification so that there can be no doubt at all, insofar as the position of this administration is concerned with regard to a matter so vital to American agriculture.

Mr. **HRUSKA.** Mr. President, the Sentor from Wyoming makes a most splendid statement and has added much information available to the Senate.

Mr. President, I yield the floor.

Mr. **HANSEN.** I thank the Senator from Nebraska.

Mr. President, I have spoken out many times on the floor of the Senate regarding the impact foreign imports have on our domestic livestock industry.

I have joined time and again with colleagues also concerned with the impact of beef imports, to try and obtain passage of legislation that would strengthen the existing import quota law, Public Law 88-482. We have been unsuccessful to date, but the need for strengthening the law is demonstrated time and again, year after year, including 1969.

In 1968, the cattle industry and Members of the Congress watched throughout the year as estimates of foreign meats subject to Public Law 88-482 were announced, and then revised upward—and then revised upward again. Total imports for the year amounted to 1,001,000,000 pounds—a scant 5 million pounds under the point where the Department of Agriculture would have been forced to impose a quota, thus invoking the provisions of the law. Imports in 1968 went 13 million pounds above the base quota level—the figure established at the beginning of the year, and which is intended to be recognized by foreign countries as the figure beyond which they should not go.

It is obvious from 1969 statistics and estimated figures that this year is going to be much like the last—and there is a rumor that the administration is planning to make matters worse by pulling the rug out from under the cattle industry.

Mr. President, the September 24, 1969, Wall Street Journal contained the usual commodity and market summaries and projections. But buried at the very bottom of the price trends published on that particular day were three paragraphs that, although short in length and scant in detail, were loaded with meaning for America's cattle industry.

The article said, and I quote:

> Cattle prices at Omaha, Neb., and Sioux City, Iowa, rose 25 cents a 100 pounds. At other centers, markets were about unchanged.
>
> The Day's business had ended when livestock and meat dealers received news that the Administration is studying a possible increase in beef imports. The intent is to help ease inflationary pressure, a member of the President's Council of Economic Advisers said. However, he expects opposition from the livestock industry.
>
> About the most that could be expected, the official said, would be an increase of 100 million to 200 million pounds annually, mostly from Australia and New Zealand. Both nations have been in touch with President Nixon on the matter.

I have not yet been able to determine whether or not such an increase is, indeed, to be granted. But there is one statement in the article that is grossly understated, if these imports are to be encouraged. The administration can, indeed, expect opposition from the cattle industry, and I feel strongly that the industry is 100-percent justified in its opposition.

Mr. President, later on in my remarks, I intend to document, with up-to-date figures, as accurately as I possibly can, the reasons why any planned increase in beef imports should be immediately shelved. But I want to point out first that in my opinion, this administration made some pledges to the cattlemen of this country long before election day rolled around. Cattlemen were deeply concerned during the last political campaign about the position of candidates for Congress and for the Presidency regarding imports from foreign countries which the industry believes, and which I believe, compete unfairly with the domestic industry and adversely influence the price received by the domestic producer.

During a speech to an agricultural group on October 11, 1968, at Dallas, Tex., Presidential Candidate Richard M. Nixon said, and I quote from a copy of a statement received from the Nixon campaign headquarters:

> In the past 20 years, per capita consumption of beef in our country has risen from under 70 to more than 104 pounds per person. In the same period, the average portion of family income expended on foods has actually declined by more than seven per cent.
>
> The cattle industry, however, has not kept pace with an increasing national prosperity because of a severe cost-price squeeze, and adverse governmental policies. The result has been that many small family cattle operations, which represent the bedrock of the industry have been forced out of business. These that have survived have been saddled with crippling debts.

Mr. Nixon went on with his comments to quote figures showing the drop in prices, and he compared the price in 1948 to the price in 1968, noting the situation for cattlemen has steadily worsened since 1948.

After thus explaining the economic plight of the industry, Mr. Nixon then outlined his plan for aiding the cowman. He said:

> One cause of this severe cost-price squeeze has been the impact of imported meat.
>
> Because of the meat export subsidy practices of competing meat nations and the tariff restrictions of other nations, the American market has at times been flooded with cheap foreign beef.

Mr. Nixon continued his comments, referring to the meat import quota law enacted in 1964. He said:

> Because of Administration pressure, the meat import legislation ultimately enacted was riddled with loopholes. As a result, and in spite of a law, the volume of imports this year threatens to be greater than in any past year, except the record year 1963. Yet Secretary Freeman has consistently failed to evolve even those provisions of the law which could be effective.
>
> Loopholes in the present law must be closed so that domestic cattle producers can participate on a fair basis in the growth of the domestic market.
>
> The Nixon Administration will not turn its back on the needs of the cattlemen. The Nixon Administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and that federal policies encourage the health and growth of this vital industry.

Mr. President, the pledges and promises of assistance contained in that statement by the man who has since become our distinguished President were reasonable. They were deserved and appreciated by the livestock industry, and they were attainable. They are still attainable, and I believe they should be honored.

These commitments cannot be honored if the administration makes good the alleged invitation to Australia and New Zealand to send more beef imports, and I fervently hope that there is absolutely no basis in fact for the statements contained in the Wall Street Journal.

I say this knowing full well that the President has been approached by Australia and New Zealand, and that these countries have asked him to let them continue shipping beef to America.

One such request has been presented by members of the Australian Meat Board in behalf of the Australian meat industry.

Mr. President, I ask that a statement apparently prepared by the Australian Meat Board, entitled, "Considerations Supporting Increased Imports of Australian Meat During 1969," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, the bulk of the meat board's statement is devoted to dramatically phrased pleas to the United States to bail Australia out of its economic problems.

The statement notes:

> Both the natural expansion of Australian meat production and certain special factors which have developed during the present year place the Australian meat industry in a position where it must find a market for about 80,000,000 pounds of meat during the balance of 1969.
>
> We believe that the present limitations under the voluntary restraints program affect our industry inequitably and we urge the United States government exercise its administrative discretion to afford us some measure of relief.

Mr. President, I am sorry the Australian beef industry is having problems. American cattlemen have had problems too, and there no doubt can be generated at least some sympathy from those in this country who have been or still are in the same boat.

But I submit that the No. 1 concern of the American Government should be the well-being of the American livestock industry—not the Australian livestock industry.

The Australians and all the other nations that export beef and veal to America have known about our import quota law since the day it first was proposed and debated in the Halls of Congress.

These countries have known every year since enactment of that law exactly how it worked, exactly what the political considerations were that could play a part in the application of the law, exactly how it would affect their shipments to America, and that it could affect the domestic market.

The Australians have known since the beginning of this year that the Government of the United States had established—on the basis of what was considered to be in the best interests of the domestic livestock industry, the overall economy, and I presume, our relationships with foreign nations—an adjusted base quota level for all nations of 1,035,000 pounds. They have participated this year, as in past years in negotiations from time to time with representatives of the United States and they are fully aware of all the conditions in this Nation which influence meat import decisions.

The Australians have already shipped to the United States their entire 1969 allocation of beef and veal for U.S. consumption. They have shipped in excess of 505 million pounds of beef to America already this year.

Now, Australian beef industry representatives come to the United States, and they tell us their industry is in trouble. They say they owe it to themselves to try and persuade the United States to come to their rescue. They say they understand that the U.S. beef industry has economic problems, too, but they do not think it is unreasonable to ask that we ignore our own problems and, instead, take steps to help solve theirs.

Let us look at the cold, hard statistics with respect to the foreign import situation.

President Nixon illustrated the situation for the livestock industry in this country when, as a presidential candidate, he pointed out that in 1948, Choice fed steers in Chicago sold for an average price of $30.96 per 100 pounds.

During 1964, following record meat imports, the selling price averaged $20.52—down more than $10.

In January of 1968 the price per pound for Choice, live slaughter steers at Chicago was $26.69. In June of 1968, it was $26.55. In September a year ago, it was $27.90. In December 1968, it was $29.44.

In January of 1969, it was $28.89; in June, the price peaked at $34.68. And now, in September of this year, it is about $29.55.

The figures show, I believe, that while the price has fluctuated, it has never increased to the point where the cattlemen of this country could say they were receiving an income after expenses that was anywhere close to what citizens in other endeavors have received.

Since I first read the article in the Wall Street Journal which alleged that imports would be increased by 200 to 400 million pounds annually, I have talked with officials at the White House, and I have talked with officials at the Department of Agriculture.

USDA economists are pointing to the drop in Choice cattle prices in September of this year as the first in a series of expected reductions. According to their projections, the $34.68 price paid in June of this year is a phenomenon of the past—a nice thing while it lasted, as far as the cattlemen are concerned.

In light of this situation, it seems tragic, indeed, that White House economists would decide at this time to entertain the idea of opening the gates to millions more pounds of beef to help speed a drop in the price.

And all of the discussion about price must be balanced with a cognizance of the fact that the cost of doing business for the livestock industry is at a record-breaking, alltime high. The cattlemen suffer from inflation, too, just as the consumer does.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the article entitled "Commodities—Price Trends of Tomorrow's Meals and Manufactures," published in the Wall Street Journal for September 24, 1969.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Cattle prices at Omaha, Neb., and Sioux City, Iowa, rose 25 cents a 100 pounds. At other centers, markets were about unchanged.
>
> The day's business had ended when livestock and meat dealers received news that the Administration is studying a possible increase in beef imports. The intent is to help ease inflationary pressure, a member of the President's Council of Economic Advisers

said. However, he expects opposition from the livestock industry.

About the most that could be expected, the official said, would be an increase of 100 million to 200 million pounds annually, mostly from Australia and New Zealand. Both nations have been in touch with President Nixon on the matter.

EXHIBIT 1

CONSIDERATIONS SUPPORTING INCREASED IMPORTS OF AUSTRALIAN MEAT DURING 1969

These facts are presented by the Australian Meat Board on behalf of the Australian meat industry. Our industry finds itself in a situation of serious emergency because of the restrictions on its sales to the United States under the voluntary restraints program. The Australian allocation for the entire year 1969 under that program is presently 505,000,000 pounds out of a total meat import quantity of 1,035,000,000 pounds. When the program for this year was established, Australia objected strongly to this allocation because it failed to recognize the historical percentage of U.S. meat imports that had been enjoyed by the Australian meat industry. Over a period of several years prior to the initiation of the voluntary restraints program, the Australian share had been in excess of 54%, whereas the allocation required of us to cut our share back to less than 49%.

We are now experiencing the heavy impact of this curtailment of our market share.

With almost one-third of the year to go, now in early September, our entire quota has been allocated, only 3,000 tons of meat remain to be shipped and no additional Australian meat will be available to U.S. users during the final quarter of this year. At the same time, both the natural expansion of Australian meat production and certain special factors which have developed during the present year place the Australian meat industry in a position where it must find a market for about 80,000,000 pounds of meat during the balance of 1969.

On the other hand, the United States market has for a number of years suffered from a chronic shortage of manufacturing meat, which accounts for the great preponderance of Australian meat imports. Americans consume greater quantities of this meat proportionately than do consumers in other countries, and their rate of consumption is rising. The American meat industry cannot economically produce substantial amounts of manufacturing meat. In contrast, Australia is uniquely well suited for the production of this class of meat and the Australian industry has consciously geared up over a period of time to meet the American demand. The present Australian production reflects decisions made by our industry several years ago in recognition of this American consumer demand and in reliance on being permitted at least to maintain our relative position in U.S. meat imports. Under the artificial limits of the voluntary restraints program the American consumer is thus deprived of an adequate supply of manufacturing meat and Australia finds itself with an unmarketable surplus.

We believe that the present limitations under the voluntary restraints program affect our industry inequitably and we urge that the United States Government exercise its administrative discretion to afford us some measure of relief.

Insofar as the operation of the program is concerned, the reasons for our belief that it is inequitable can be readily illustrated. In the years prior to the present limitation, as previously mentioned, Australia's share of total U.S. meat imports was in excess of 54%. As applied to the present total of 1,035,000,000, this would make available to the Australian meat industry a total of about 559,000,000 pounds. If we were accorded our traditional share, therefore, we would be able to market in this country an additional 54,000,000 pounds out of our existing surplus. Australia was the only country to suffer a substantial loss in market share under the present voluntary restraints arrangement. The Australian industry's acceptance of this reduction in 1968 was based on the assurance that our cooperation at that time would not prejudice our position in future years. We have, however, thus far been held at the same reduced share for 1969 and we now find that the inflexible continuation of the current restraint level would cause us severe injury. We are convinced that, under existing provisions of law, the United States Government is in a position to ease the present severe restrictions on imports of Australian meat to enable us to recover at least the greater part of the market share of which we have been deprived under the present voluntary restraints limit.

The Meat Import Quota law requires the Secretary of Agriculture to establish mandatory quotas only when he can foresee that a total figure set in accordance with the provisions of the statute will be exceeded by U.S. meat imports. For the present calendar year, this figure has been determined to be 1,087,000,000 pounds. The Secretary of Agriculture estimated at the end of June that total imports would only come to 1,035,000,000 pounds, which of course is the amount of the voluntary restraints total.

Accordingly, the Secretary of Agriculture could increase his estimate of the total volume of meat imports for this year by over 50,000,000 pounds without reaching the "trigger point" level which would bring mandatory quotas into play. The additional quantity legally permitted thus approximates the amount of which the Australian meat industry has been deprived under the voluntary restraints allocation presently applicable to us.

We believe further that the United States Government could permit Australia to ship in well over an additional 50,000,000 pounds without exceeding the statutory limits. Some of the countries exporting meat to the United States will undoubtedly fall short of the share allocated to them under the program of voluntary restraints. The understanding between the Australian Government and the Government of the United States is that Australia is to share in the allocation of any such shortfall.

We urgently request that the United States Government grant us an increase in our present allocation under the voluntary restraints program. The legal latitude is available for this exercise of administrative discretion. The margin between the legal limitation and the present voluntary restraints total, even disregarding shortfalls, approximates the amount necessary to restore to the Australian meat industry its traditional share of U.S. meat imports. Although this added amount will not accommodate the present Australian meat surplus, it will substantially alleviate the hardship that otherwise will be caused to Australian producers, packers and exporters.

As previously noted, the present Australian meat production results from past projections of growing demand for our product in the United States market. The present price situation shows that this planning was justified and that only artificial restrictions keep its consumption below proper levels. Our present problem is further aggravated by an emergency set of circumstances. Because of a continuing severe drought in Queensland, the cattlemen in that state are unable to continue to provide forage for their cattle herds. A drought in Queensland has vastly greater repercussions on beef exports than one in any other area because Queensland has over one-third of the cattle in Australia and has three times the beef production of any other state. Queensland cattle must be slaughtered and marketed or allowed to die on the range. Under the drought conditions, there is no possibility of keeping this large quantity of meat on the hoof and off the market. Moreover, available storage facilities will be over-taxed by the amount of meat that will be produced during the remaining months of 1969. Other world markets are inadequate to absorb the unavoidable surplus on an economic basis.

It is our conviction that we have cooperated in every respect with the United States Government in the development and implementation of the program of voluntary restraints. The degree of our cooperation threatens the Australian meat industry now with serious injury. The Australian Meat Board has the responsibility to do everything within its power to prevent the infliction of such heavy damage on the Australian meat industry. We recognize that U.S. Government officials have a similar responsibility to administer the laws enacted by the United States Congress. But the current voluntary restraint level, which cuts our meat industry down both below the percentage of the market which it has supplied historically and below the level which the United States Congress has allowed for imports before mandatory quotas are "triggered," need not be rigidly applied when the room to maneuver within the scope of the legal provisions is available to help both the Australian industry and the American consumer.

In our view, the preservation of a program of voluntary restraints requires its fair and flexible administration within legal limits. A rigid policy which compels us to chop off new sales to the U.S. market for delivery during the balance of 1969 would make our continued acceptance of a voluntary restraints program incompatible with the responsibilities of the Australian Meat Board to the members of its industry.

It is also apparent that allowing the Australian meat industry an additional volume of imports in the neigborhood of 50,000,000 pounds during the present calendar year could in no way injure American meat producers. Our chronic surplus of manufacturing meat, created by the existing artificial restraints, is matched by a chronic shortage in the United States of that particular class of meat. A shutoff of the Australian supply during the last quarter of 1969 would mean that boneless manufacturing beef would not be available in sufficient quantities to meet your domestic demand. The increase which we request, and which is within the authority of the United States Government to grant, is a small fraction of 1% of U.S. production. Its only impact in this country would be to benefit American meat processors and, even more importantly, American consumers. Moreover, it is clear that an artificial and unnecessary shortage would apply heavy pressure to prices of meat products utilizing manufacturing meat. The granting of the additional import share permissible under the present law will serve to prevent the development of greater inflationary pressures.

An exercise of the discretion available to the United States Government thus will serve to prevent serious hardships to the Australian meat industry and will directly benefit American meat users and consumers. It will serve these purposes without any possible harm to American meat producers.

Mr. MILLER. Mr. President, I wish to add my warning against any action which would open up our domestic market to larger imports of foreign beef than the amount permitted under the present quota laws.

Any such step would be extremely dangerous to our domestic producers.

The fact is that during the past few weeks, prices in the cattle industry have been experiencing a very serious decline.

Last spring, cattle prices rose quite sharply. In June, the price of choice steers in Chicago reached a level of about $35 per hundredweight. However, prices have fallen as fast as they went up. In the course of 8 weeks, they dropped over $5 per hundredweight. During the past few weeks, choice cattle have averaged less than $30 per hundredweight. This does not take into account the fact that these are inflated dollars and not real dollar prices.

The sharp declining cattle prices have inflicted serious injury on many segments of the livestock industry, not to mention agribusiness in general.

Likewise, wholesale prices of dressed beef have declined from about $55 per hundred pounds to $45.50 per hundred, a decline of $9.50 per hundredweight—almost 20 percent.

High prices being paid by the housewife at the grocery store should not be blamed on the farmer. To depress further the market by increasing imports would be most shortsighted.

VIETNAM TROOP WITHDRAWAL

Mr. MILLER. Mr. President, one of the most interesting aspects of the President's announcement that he was withdrawing 35,000 additional troops from Vietnam has been the Communist reaction to it. Both at Paris negotiations and in the Communist press, the withdrawal has been described as meaningless and insignificant. On the other hand, in South Vietnam itself, Vietcong propaganda banners and bulletins displayed the message:

> The Americans are running out on you.

In other words, the enemy talks out of both sides of his mouth.

Of course, the other side hopes that one of these two extremes will be believed by some people—that either we are doing nothing—which means that opposition to the war in America will mount; or else that we are going out too fast—which means that our allies in South Vietnam will surrender so that the enemy can take over the country. The truth of the matter, of course, is that neither of those extreme interpretations is accurate. The President is steering a middle course between too little and too much—between the Scylla of inaction and the Charybdis of panic—between perpetual stagnation and headlong retreat. He is reducing the American presence in Vietnam, to be sure. But he is doing so at a pace which does not impair the overall military position, and I am confident that this pace will not be affected by any resolutions introduced in the Congress with attendant fanfare, calling for a specified timetable for complete withdrawal.

The President has indicated that there are three factors which will determine the number and the size and the timing of troop withdrawals: First, the progress of the Paris peace talks; second, the level of activity on the battlefield, and third, the ability of the South Vietnamese Army to take over the military burden. It is in this third area where the picture reportedly has been most promising. The withdrawals made and planned are premised primarily on this development.

We can be sure that the President will continue to most carefully evaluate all three of these factors as he makes his difficult decisions. Clearly, however, the behavior of the other side will affect these decisions. If they mistake his intentions, then the end of the war will be further delayed.

At the same time, it is imperative that we not blind ourselves to Hanoi's ultimate designs of conquest in our haste to find a solution. Nor, in seeking breakthroughs, can we afford to dismiss its past deeds. It is for this reason that members of the press today have an even greater responsibility to examine closely and objectively the actions of Hanoi. They have a similar duty to not condemn out of hand everything which has a Saigon dateline, while ignoring the implications of datelines from Hanoi and Peiping.

Robert Spiegel, the able and astute editor of the Mason City, Iowa, Globe-Gazette, put his editorial finger on the basic point when he wrote on September 17:

> It is easy, and often proper, to attack the Saigon regime for its excesses, weaknesses and undemocratic methods. It is never proper to do so without considering the cruel alternatives offered by the land of Ho.

I commend this editorial to my colleagues and ask unanimous consent that it be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Pell in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. Mr. President, I am certain that the President has taken these alternatives into account as he has made his decisions. I am not so sure that those who would force a fixed timetable for complete withdrawal of U.S. forces have done so.

All of us both in the Congress and in the Nation—should join in commending the President for his honest and conscientious efforts to bring about a negotiated settlement. We should either support him as he puts his strategy into deeds or at least refrain from the kind of criticism which gives aid and comfort to the enemy. Only in this way can we make it more likely that the will and purpose of our country will be correctly interpreted.

Exhibit 1

The Cruelty of Ho

The death of Premier Ho Chi-minh brought reluctant recognition that, at one time, he had been the main unifying source in Vietnam.

Some have called the Marxist leader the "George Washington" of Vietnam for that very reason. The parallel should go no further.

P. J. Honey, a British authority on Oriental nations, has long been a student of Ho's life. He points to the killing of 50,000 to 200,000 Vietnamese who were executed by Ho following his defeat of the French.

Ho's excuse was to eliminate "exploiting landlords." In most instances these were village leaders. Honey writes: "By forcing villagers to participate in the deaths of people they knew to be guiltless, Ho involved them in collective guilt. By giving authority to villagers who never expected it, he secured their cooperation."

This same cruelty is known by American prisoners of war.

For the first time this month, the U.S. government has let two former American captives tell about the way it is.

Navy Lt. Robert Frishman was one of three Americans released last August. All three suffered from wounds or bad treatment.

Frishman estimated some 600 Americans are being held prisoner under harsh, often inhumane circumstances.

"Are rebreaking broken bones in solitary confinement humane? . . . I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost by not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to POW's are humane . . ."

The U.S. government had not allowed Americans released earlier to tell their stories, apparently to avoid provoking retaliation against remaining prisoners.

The facts are being told now because it has become obvious that silence is not winning fair treatment for those still in prison camps.

Relatives of prisoners and those missing in action were informed prior to Frishman's statement that an imminent announcement might be distressing to them.

Secretary of Defense Melvin Laird added: "There is clear evidence that North Vietnam has violated even the most fundamental standards of human decency . . ."

And Frishman said Americans still in prison camps in Hanoi knew he was going to speak out: "I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth.

"I feel it is time people are aware of the facts."

This is so.

It is easy, and often proper, to attack the Saigon regime for its excesses, weaknesses and undemocratic methods. It is never proper to do so without considering the cruel alternatives offered by the land of Ho.

LETTER FROM SGT. KENNETH L. PETERSON, PUBLISHED IN FORT DODGE, IOWA, MESSENGER

Mr. MILLER. Mr. President, one of the most moving letters I have read appeared as a guest editorial in the September 4 edition of the Fort Dodge, Iowa, Messenger. It was written by a young Fort Dodge marine who was twice wounded in Vietnam. While Sgt. Kenneth L. Peterson has seen the ugliness of war, his faith and pride in his community, State, and Nation remain undimmed. And his deep love and respect for his parents should serve as an inspiration to those who are so quick to condemn.

It is a most meaningful letter, and I ask unanimous consent that it be placed in the Record.

There being no objection, the lette

was ordered to be printed in the RECORD, as follows:

THANK YOU, IOWA

(By Sgt. Kenneth L. Peterson)

(NOTE.—From a 21-year-old Marine who was wounded twice in Vietnam and has since been in Hawaii comes the following moving guest editorial. Sgt. Kenneth L. Peterson, son of Mr. and Mrs. LeRoy Peterson, 1343 S. 26th St., suffered a chest wound and two hours later a serious neck wound while fighting with a Marine unit in Vietnam Feb. 6, 1968. He lay in pain for seven hours before he was evacuated by helicopter. Since that time he has been in Hawaii, first recuperating from his injuries and in recent months assigned to duty in the Marine liaison office of Tripler Army Hospital, Honolulu. The young Marine NCO writes feelingly of home and parents in this letter.)

While sitting at my desk here in Hawaii a thought came to me. How lucky I am! . . .

Lucky to have had been reared in Iowa. We now live in a mixed up society—people just can't seem to get along with one another. This is when I decided to write and thank my parents for bringing me up to be God fearing.

Then I thought "why thank my parents when it wasn't just them who were totally responsible, but every person in a young man's environment?" This mean I should thank each and every person in the community.

So I entitle my message "Thank you, Iowa." This is how my letter to an Iowa community reads!

Sitting here in Hawaii trying to get in the mood for writing a long overdue letter to my parents, I started thinking—what has come over me? Why is it so hard to sit down and write a few deserving lines to the ones who love me? It was once easy for me to write. Was it because I just left you? Was it because everything I did was new—people, places, friends and experiences? This was my first reaction, my easy way out.

Thinking it over a little more carefully, I come up with thoughts and reasons much deeper. Mother, I am a product of your and my father's upbringing. My thoughts and first judgments come from you. This means basically, my thoughts are your thoughts.

I think of all those times when I was young. You were always there for guidance. I ask myself, am I a "midwest man", different than any other man?

Sitting at a social party with friends one evening conversing in a broad manner, a question arose as to why we have a high rate of juvenile delinquency in our cities. Each person made his statement. After making my statement on the matter, a very good friend of mine said jokingly, "what do you know about city life, living in Iowa."

I returned his remark with, "how right you are, but let me tell you about my little city in Iowa. I come from a city of approximately 30,000 people located in the north central portion of Iowa, called Fort Dodge.

"My whole life has mainly consisted of that particular city and state. At the age of 4, I started in Iowa schools. My family is an ordinary Iowa family. I really didn't have the opportunity to see any fancy museums or theaters. My early childhood consisted of long hours with God present all around me. You see my friends, in many ways, I am luckier than any other person.

"In what large city can you really see wild flowers bloom, a deer graze in a nearby pasture, beavers building their dam, fresh alfalfa being cut, and the brisk fresh smell of a morning's richness?

"Thanks to that small city and the state of Iowa, I had all this and much much more. I guess for the most part I have to thank you, Dad, you along with every Little League coach or manager. Every time I had a little boy's problem you were there. Always ready to give advice, but never forcing it. I would go to the YMCA in my little city with all my nine-year-old problems. There the answer would always lie with a tall lanky college age student, or that short pudgy middle-aged janitor or that elderly retired desk manager.

"I often hunted raccoons along the Des Moines River and trapped muskrat in Lizard Creek.

"Why, oh why, America, can't you be a little more like my little city in Iowa? If our younger children could only have that opportunity. Not only to have good parents, but equally as important, to have people around where they live take an active interest in their behavior, instead of teaching them the ugliness of rioting and protesting."

You see my friend, I'm proud to say that I'm from a city small in size, but immense in thoughtfulness and love. Thank you God for letting me be fortunate enough to be raised in a state such as Iowa.

"Thank you, Iowa, for your knowledge and love."

RELAXING MEAT IMPORT LIMITATIONS

Mr. METCALF. Mr. President, I am very grateful to the Senator from Rhode Island for relieving me of the chair and giving me an opportunity to respond to some of the matters that my friend from Wyoming mentioned a few moments ago in his discussion of prices of beef.

I think the Senator from Nebraska has made a significant contribution to our understanding of beef prices and the problems of cattlemen in the West. Of course, he was joined by the Senator from Iowa, the Senator from Wyoming, the Senator from Oklahoma, the Senator from Colorado, and other Senators.

I want to especially underscore, however, the statement the Senator from Wyoming made on the increased indebtedness of the stockmen and cattlemen in their agricultural real estate as a result of meat imports from all over the world. Instead of the kind of indebtedness which is ordinarily incurred in carrying on their ordinary business, they have more than doubled the indebtedness on their real estate. One of the reasons why they have had to borrow more and more on their ranches in the West is the decline in the price of beef. We have to recognize that this facet of indebtedness has not only doubled so far as money is concerned, with respect to mortgages on ranches, but has also doubled as far as interest rates are concerned. This has been brought about by importation of beef and the fact we have not been sustaining this very important industry.

Ordinarily a current operation pays for itself when the calves are raised and then paid for at the end of the year when they are sold to the feedlots. The rancher goes to the bank and gets his money. But year after year the stockmen of Montana, Nebraska, Texas, Iowa, Wyoming, Oklahoma, and other States where livestock is produced have been finding that they do not have enough money at the end of the year to come out even. So they borrow a little more on their ranches. They increase the mortgage on the real estate involved.

This is a very serious situation that we should recognize today and that we should take care of today. We should be sure we understand that this is a manifestation of a price crisis that can bring about a great crisis in a most important economic activity of the West.

Mr. HANSEN. I thank the distinguished Senator from Montana.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Vermont (Mr. PROUTY) is recognized.

Mr. PROUTY. Mr. President, I yield to the Senator from West Virginia.

AMENDMENT INTENDED TO BE PROPOSED TO S. 2917—COAL MINE HEALTH AND SAFETY BILL BY SENATORS FROM WEST VIRGINIA; WOULD ADD NEW TITLE ON COAL MINER'S WORKMEN'S COMPENSATION IMPROVEMENT

Mr. RANDOLPH. Mr. President, I send to the desk an amendment which may be proposed by me for myself and my distinguished West Virginia colleague (Mr. BYRD) to S. 2917, to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The amendment would be on page 123 after line 23 and would add a new title VII, Coal Miners' Workmen's Compensation Improvement. Part A would be extension of the Longshoremen's and Harbor Workers' Compensation Act to employees not covered by State workmen's compensation laws. Part B would provide minimum compensation benefits for employees covered by State laws. Part C is administrative provisions. And part D is amendments to other acts.

There is Federal precedent in other Federal statute for this amendment which would extend to miners coverage for death or disability from respiratory disease. This objective would be accomplished through extension of the Federal Longshoremen's and Harbor Workers' Compensation Act to those engaged in mine work.

The States would be given 2 years to amend, revise, or otherwise modify State worker's compensation laws to provide such coverage. In the event that a State does not provide such coverage, the Secretary of Labor could provide benefits for miners under the Longshoremen's and Harbor Workers' Compensation Act.

Under this amendment, employers could provide compensation coverage through private insurance or as self insurers. The Longshoremen's and Harbor Workers' Act would be amended to provide that claims for compensation on account of death or disability resulting

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from respiratory disease shall be conclusively presumed to be under the provisions of the Federal Act if a miner involved worked for at least 5 years in the coal mining industry.

The Federal statute would be amended to permit the Secretary of Labor to determine if an individual would have been entitled to compensation under State workers' compensation or under the Federal statue if this title had been in effect at the time of death or disability. This would provide compensation in those cases during the interim period between enactment and the implementation of the provisions of this title for individuals who are not eligible for compensation now.

Mr. President, I submit a section-by-section analysis of our amendment which may be offered, and ask unanimous consent that it be printed in the RECORD at the conclusion of these remarks.

The **ACTING PRESIDENT** pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the section-by-section analysis will be printed in the RECORD.

The material referred to follows:

SECTION BY SECTION ANALYSIS

PART A

Section 701. This section would extend the coverage of the Longshoremen's and Harbor Workers' Compensation Act to any employee of any employer engaged in the coal mining industry if such employee is not covered by a state workmen's compensation law two years after the 31st day of December following the date of the enactment of the title.

Paragraph (b) of the section provides that if an employee engaged in the coal mining industry suffers death or disability as a result of a respiratory disease and the State workmen's compensation law does not contain provisions substantially the same as those contained in Section 20(b) of the Longshoremen's and Harbor Workers' Compensation Act, then the employee may elect to be covered by such Act. (Section 20 of the Longshoremen's and Harbor Workers' Compensation Act is amended by Section 341 of this title to provide compensation to coal miners suffering death or disability resulting from a respiratory disease after working five or more years in the coal mining industry.)

Section 711 provides that two years after the 31st day of December following the date of enactment of the title, every employer in the coal mining industry shall secure the payment of compensation for employees covered by a state workmen's compensation law at benefit levels not less than those prescribed by the appropriate provision of the Longshoremen's and Harbor Workers' Compensation Act either as a self-insurer or by insuring and keeping insured payment of compensation for miners with stock companies or mutual companies or State insuring funds.

Paragraph (b) of the section contains requirements for the contents of every policy or contract of insurance with respect to the payment of benefits at levels consistent with the title irrespective of the provisions of State workmen's compensation laws which may provide for lesser payments and appropriate provisions that insolvency or bankruptcy of the employer or his discharge shall not relieve the insurance carrier from payment of compensation.

Paragraph (c) of the section makes provision for notice of cancellation for the policy or contract of insurance issued by an insurance carrier under this section.

Section 712 provides for claims procedures.

Section 713 authorizes the Secretary of Labor to enter into agreements with appropriate State agencies charged with the administration of State workmen's compensation laws for utilizing the services of State and local agencies in handling and processing claims.

Section 714. This section establishes in the Treasury of the United States a separate fund to be known as the Employees' Benefit Fund for the purpose of making payments in accordance with the provision of section 722(e). Payments to the fund shall be made as follows:

"(1) The sum of $5,000 shall be paid for the death of an employee of an uninsured employer where the employee's death was due to his employment and there is no person entitled under this part to compensation for such death.

(2) All amounts collected as fines and penalties under the provisions of this part.

(3) The moneys recovered by the Secretary pursuant to Section 322.

(4) Such amounts as the Congress of the United States may appropriate from time to time."

Section 715 provides for penalties for failing to secure payment of compensation in accordance with the requirements of the Act.

Section 721 authorizes the Secretary to make necessary rules and regulations.

Section 722 provides subpoena powers for the Secretary.

Section 723 provides that nothing in the title shall be construed as repealing or modifying any other Federal law providing compensation coverage.

Section 724 specifies that unless the context otherwise requires, the Act shall take effect upon enactment and apply only to injuries which occur after its effective date.

Section 725 defines terms used in the Act.

Section 731 amends the Longshoremen's and Harbor Workers' Compensation Act to provide:

"(b)(1) In the case of a claim for compensation on account of death or disability resulting from respiratory disease if the injured employee worked for five years or more in the coal mining industry it shall be conclusively presumed that the claim comes within the provisions of this Act. This subsection shall not be deemed to affect the applicability of subsection (a) in the case of claims on account of death or disability resulting from respiratory disease when the injured employee has not worked in a mine for as much as five years.

"(2) For purposes of paragraph (1) years worked in the coal mining industry shall be determined on the basis that two hundred and forty days of work constitutes one year of work."

(b) The amendment made by this section shall apply with respect to injuries or deaths occurring after the effective date of this Act."

Section 732 adds a new section to Chapter 81, subchapter II, title 5 as follows:

"S. 8174. Respiratory disease claims.

"If the Secretary of Labor determines that (1) an individual would be entitled to compensation under a State workmen's compensation law, or under the Longshoremen's and Harbor Workers' Compensation Act, on account of death or disability resulting from respiratory disease if title VII of the Federal Coal Mine Health and Safety Act of 1969 had been in effect at the time of the death or injury, and (2) such individual is not entitled to such compensation, then the Secretary shall pay compensation to such person from the Employees' Compensation Fund at the rate and for the period he determines such individual would receive it if he was entitled to compensation under such laws. No payment shall be made under this section for any period prior to the effective date of the Federal Coal Mine Health and Safety Act of 1969. Original claims under this section shall be made within one year after such effective date, but the Secretary of Labor shall make exceptions to this requirement for reasonable cause shown. The provisions of sections 8121, 8122(b), 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, and 8135 shall apply with respect to claims under this section."

Mr. PROUTY. Mr. President, shortly I shall raise a point of order against a section of the pending legislation. Specifically, the point of order is to section 502 of the bill, which provides that each producer or importer of coal shall pay an assessment of 1 cent per ton to the United States on all coal production in or imported into this country from the operative date of this legislation until June 30, 1970. The assessment is then raised 1 cent per ton at the beginning of each succeeding fiscal year, until it reaches 4 cents per ton, commencing July 1, 1972.

The Constitution of the United States clearly and unambiguously prohibits the Senate from originating this type of legislation. The first paragraph of section 7 of article I of the Constitution of the United States of America reads as follows:

> All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

So, in accordance with my previously announced intention, Mr. President, I make a point of order against section 502 of the pending bill, for the reason that it is a revenue raising measure, which, under the Constitution, must originate in the House of Representatives.

The **ACTING PRESIDENT** pro tempore. The Chair had been informed of the point of order.

The Chair rules that the point of order raises a constitutional question on which the Chair is not authorized to rule. Under the uniform precedents of the Senate, the Chair submits all constitutional questions to the Senate for decision, which are debatable and decided by a majority vote.

The question now is, Is it the judgment of the Senate that this point of order is well taken?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. COOPER. Mr. President, I object.

The **ACTING PRESIDENT** pro tempore. Objection is heard. The clerk will resume the calling of the roll.

The bill clerk resumed and concluded the calling of the roll, and the following Senators answered to their names:

[No. 102 Leg.]

Allott
Bellmon
Byrd, W. Va.
Cook
Cooper
Fulbright
Griffin
Hansen
Hruska
Kennedy
Long
Metcalf
Pearson
Pell
Prouty
Randolph
Sparkman
Williams, N.J.

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from

Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON) and the Senator from Iowa (Mr. HUGHES) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Hawaii (Mr. FONG), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are detained on official business.

The **ACTING PRESIDENT** pro tempore. A quorum is not present.

Mr. KENNEDY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The **ACTING PRESIDENT** pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen
Anderson
Baker
Bayh
Bennett
Bible
Byrd, Va.
Cannon
Case
Church
Cotton
Curtis
Dodd
Eastland
Ellender
Ervin
Fannin
Goodell
Gravel
Gurney
Harris
Hart
Hatfield
Holland
Hollings
Jordan, N.C.
McCarthy
McClellan
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Nelson
Packwood
Pastore
Proxmire
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER** (Mr. SCHWEIKER in the chair). A quorum is present.

Mr. KENNEDY obtained the floor.

Mr. KENNEDY. Mr. President, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, what is the pending business?

The **PRESIDING OFFICER.** The pending question is: Is it the judgment of the Senate that this point of order is well taken?

This point of order raises a constitutional question on which the Chair is not authorized to rule. Under the uniform precedents of the Senate, the Chair submits all constitutional questions to the Senate for decision, which are debatable and decided by a majority vote.

Mr. PROUTY. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. KENNEDY and **Mr. HOLLAND** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Massachusetts.

Mr. PROUTY. I am ready to vote on this matter at any time. Let us vote.

AMERICAN INDIAN DAY—1969

Mr. KENNEDY. Mr. President, today has been set aside by many States and a number of organizations as American Indian Day. It provides us with an opportunity to reflect on the important contributions of the American Indian to our society and pay tribute to the many accomplishments and rich heritage of the "first Americans."

Contrary to popular folklore, the American Indian is no longer the "vanishing American." There are now approximately 700,000 American Indians in the United States, and they are the fastest-growing ethnic group in the Nation. If we were to count all of the people with known Indian forebears, we could take pride in an "Indian population" of over 10,000,000. Despite tremendous odds and many misguided attempts by the dominant society to assimilate all Indians into the "mainstream," viable Indian communities can still be found in every State of the Union, in some cases fighting for survival, in other cases intact and flourishing. Despite the pressure to assimilate, the American Indian has retained much of his social and cultural identity. Nearly 300 Indian languages and dialects are still spoken in this country, and at least 45 of these languages are spoken by more than 1,000 Indians. At least 50 percent of the Indian children of school age still speak their native language at home and in their communities.

The oldest continually inhabited community on the North American continent exists on the Hopi Reservation in Arizona. Old Oraibi's original inhabitants date back to 500 years before the first discovery of America by European explorers. It is a thriving Indian community today, and shows every sign of continuing on for centuries to come.

From every point of view, the American Indian is the most unique of all of our citizens. He entered the New World over 25,000 years ago. Based on our present knowledge, he had populated all of the Western Hemisphere, with an extraordinary diversity of cultural groups, reaching the southern extreme of South America, more than 10,000 years ago. From the very first day of his arrival, the American Indian was confronted with the problem of adapting himself to a new and frequently hostile environment and supporting himself under these conditions. How this was accomplished has considerable relevance to our present Government policies, for the American Indian has demonstrated an extraordinary capacity for survival, adaptation, and change. Yet we tend to see Indian communities as static museum pieces, archaic anachronisms in our technological society, something for tourists to stare at and take pictures of, and as "Indian problems" for the Federal Government to solve.

Why is it that we only see poverty but fail to understand the wealth of a people who are still atuned to the beauty of nature and feel a rapport and spiritual attachment to the land they inhabit?

Why is it we only see the uncleanliness of a dirt floor hogan but never the warmth or richness of the human relationships in an extended family?

Why is it we observe only the lack of material possessions which we prize so highly and fail to understand the sense of loyalty and generosity that permits an Indian community to survive on so very little?

Why is it we see only an overcrowded Indian home, when we could observe the presence of grandparents who are still revered and have an important role to play in the raising of children?

Why is it we see only idleness and despair while we fail to understand a fierce sense of individual pride and a strong expression of autonomy and freedom?

Indeed, we have much to learn from the American Indian and his cultural differences—an interest in people rather than things, a strong feeling of belonging, of a need to share with others, of dignity in harsh circumstances, of a love for nature which is not exploitative, and of measuring a man not by what he has or looks like or says, but by what he is. These values which we are so often blind to, make middle-class America look culturally deprived.

Perhaps we should begin by assessing how much the American Indian has contributed to our society. It is a sad commentary on our present state of affairs to find out that a thorough study of the impact of Indian cultures on American society is yet to be written. The material and institutional impact of Indian culture remains inadequately understood and largely underestimated.

Much of the impact of Indian cultures has blended into our natural environment and is simply taken for granted. More than half of our states have Indian names, as do thousands of cities, towns, rivers, lakes and mountains. Americans meet in a caucus, run the gauntlet, smoke the peace pipe, hold pow wows and bury the hatchet. Settlers trekking westward followed Indian trails, which have been developed into much of our present system of national highways. In many subtle ways, Indian cultures have strongly influenced our national character—our love of athletics, our national worship of sun, air, and water, and the flowering of the Boy Scout movement.

The changes that American Indians wrought in the life of our pioneers were far more impressive and less destructive than any changes white teachers have yet brought to Indian life. The early colonists learned from the Indian how to hunt, how to farm, and ultimately how to survive in the New World. In less than a century, more than 50 new foods had been carried back to the Old World, including maize, potatoes, pumpkins, turkey, squash, and various kinds of beans. These agricultural products had a tremendous impact on the European and eventually on the world economy. Potatoes and maize now rank second and third in total tonnage of the world's crops. Considerably more than half of our national farm produce today consists of plants domesticated by Indian botanists long before Columbus landed. And it was not only the agricultural products that the American Indian gave to the white settlers—but also the procedures for planting, irrigation, fertilization, cultivation, storage, and utilization. This in itself was an enormous contribution and one which meant survival for the white man in the New World. But this is only part of our indebtedness.

In medicine, as in the production of food and textiles, the conventional picture of the Indian as an ignorant savage is far removed from the truth. Cocaine, quinine, novocain, witch hazel, and many other drugs were developed and used by the Indian before Columbus landed. In the 400 years that physicians and botanists have been examining and analyzing the flora of America, they have not yet discovered a medicinal herb unknown to the Indians.

The social significance of such material contributions is impressive, but the Indian gave more in the realm of the intangible. The distinctive political ideals of young America owed much to a rich Indian democratic tradition—a debt often recognized by statements of our leading colonists. The pattern of States within a State that we call federalism, the habit of treating chiefs as servants of the people instead of masters, the insistence that the community must respect the diversity of men and their dreams—all these things were part of the American way of life before 1492.

Franklin carried his admiration for the Iroquois Confederacy to the Albany Congress, and Jefferson made numerous references to the freedom and democracy of Indian society which achieved the maximum degree of order with the minimum degree of coercion. The late Felix Cohen, noted legal scholar and Indian authority, remarked:

> Those accustomed to the histories of the conqueror will hardly be convinced, though example be piled on example, that American democracy, freedom, and tolerance are more American than European, and have deep aboriginal roots in our land.

One of the most remarkable examples of adaptation and accomplishment by any Indian tribe in the United States is that of the Cherokee. Anyone who doubts the capacity of Indian communities for constructive change and self-determination should take cognizance of this accomplishment.

In 1820, the Cherokee Nation established a government of laws. They adopted a constitution, patterned after that of the United States, which provided for courts, representation, and jury trials. Their constitution gave the national council authority to remove the principal chief for disability and gave the vote to all those over 18 years of age.

They divided their nation into eight districts, and each district was entitled to send four representatives to New Echota, the capital of the nation. The national committee and the national council served as an upper and lower house whose members were elected by their constituents. Each district had a judge, a marshal, and a council house where meetings were held twice a year. Laws were passed for the collection of taxes and debts, for repairs on roads, for licenses to white persons engaged in farming or other businesses in the nation, for the support of schools, and for the regulation of the liquor traffic. The system compared favorably with that of the Federal Government and any State government then existent. After the Cherokee institutions were destroyed and they were forcefully removed from Georgia and resettled west of the Missisippi, another national convention was called, and a new constitution adopted. The institutions were reestablished and flourished until Oklahoma became a State in 1906 when they were again abolished.

Equally as remarkable was the development of an extensive educational system of high quality and accomplishment. Funded largely by moneys received from the Federal Government as a result of ceding large tracts of land in 1819, 1828, 1835, and 1866, the school system flourished until 1903 when it was taken over by the Federal Government. It is estimated that the Cherokee Nation invested up to 50 percent of its annual budget in operating its school system.

Two things were provided for in the treaty of 1828 which had tremendous implications for the development of the Cherokee school system and are unique in the history of Indian education in this country. The treaty provided $500 for the use of George Guess, better known as Sequoyeh or the inventor of the Cherokee alphabet and syllabary. In addition, $1,000 was provided for the purchase of a printing press. The remarkable consequences of these two provisions was that the Cherokees were 90 percent literate in their native language in a period of several years and in the late 1880's, had a much higher English literacy level than the white population of either Texas or Arkansas. Until the late 1890's, both the Cherokee and Choctaw Nations operated very extensive and highly successful school systems—well over 200 schools and academies—sending numerous graduates to enter eastern colleges. These school systems, until they were abolished in 1906, were clearly the finest west of the Mississippi.

In addition the Cherokee published a bilingual newspaper beginning in 1828 and continuing until 1903. The paper was originally called the Cherokee Phoenix. The name had been carefully chosen to symbolize that day when according to the first editor.

> All Indian tribes of America should arise, Phoenix-like, from their ashes, and when the terms "Indian deprivation," "war whoop," "scalping knife," and the like, shall become obsolete and forever be buried deep under the ground.

Unfortunately, as one surveys the present status of the American Indian, we have not yet arrived at a Federal Government policy enlightened enough to foster the regeneration of Indian communities, the elimination of Indian poverty, or a citizenry well enough informed to set aside the stereotypes and prejudices of the past.

For example, the Subcommittee on Indian Education visited the Cherokee in east Oklahoma in February of 1968. We found family after family with annual incomes of less than $1,000. In Adair County, which has the largest Indian population, we found 90 percent of the Cherokee families living on welfare. In McCurtain County, which has the largest Choctaw Indian population, we found 99 percent of the families living below the poverty line.

In subcommittee hearings, we were told that the dropout rate of Cherokee Indian children in public schools was running as high as 75 percent. We were informed that the median number of school years completed by adult Cherokees was 5.5 and that 40 percent of the adult Cherokees were functionally illiterate in English. Contrasted with the magnificant self-generated accomplishments of the previous century, the Cherokee have suffered a severe decline.

This example does not stand by itself, it is in fact typical of the poverty and educational failure that can be found in Indian communities across the country. The national statistics are well known and need not be repeated, but their implications are clear—the "first American" is the "last American" today in terms of housing, health, income, education, and an equal opportunity to share in the material wealth of our Nation. My brother, the late Senator Robert F. Kennedy, has called this a national tragedy and a national disgrace. Clearly, it can no longer be tolerated by the wealthiest nation in the history of the world, and the one most deeply devoted to cultural pluralism and individual freedom. Where have we failed?

The essential failure, I believe, has been a failure of national policy. Through all of our history, states as well as the Federal Government have been frustrated with respect to solving the problems of the American Indians. We have vacillated between: First, the policy of starving the Indians into throwing in the sponge and "getting lost" in the general population; and second a "kinder" policy of helping them to get themselves ready to leave Indian ways and get lost in the general population.

In either case, they would then be off our consciences and finally out of our pocketbooks. Both policies have failed.

It is a challenge which has never been met in the United States to help the Indians to adjust economically and socially to American life, so that they actually become financially independent. We cannot begin to solve the problem unless we first recognize that Indians have a right to make this adjustment as Indians. What folly it has been to demand that Indians cooperate in plans for making them something other than they want to be. What an interesting experiment, on the other hand, once the block is removed, to develop with them ways toward that greatest freedom which comes with economic independence.

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The present policy, aimed at the disappearance of the Indians, is a double-edged sword. On the one side there is a nauseating paternalism. Indians get help from the Government because, since we destroyed their means of livelihood, they need it; and it is our moral obligation to continue this help until we and they are wise enough to make them once again independent. But meanwhile, the Indian Bureau, like any overprotective parent, demands that the Indians manage their own affairs; but, on the grounds that they do not know how, never lets them try, and becomes sure more than ever that they are incompetent to do so. They say, in effect, that as long as we pay the bills, we shall manage your communities. If you think you are competent to manage your own affairs, then cut yourselves off from the financial assistance as well. Money to live on, or freedom; you cannot have both, so take your choice.

We need an entirely new approach. We need to separate the two problems of the money which the Indians need for their community services from the way the money is used.

Nobody should ever again interpret our policy as one which is importantly influenced by a desire to save money to the detriment of Indians and in violation of our traditional and moral obligations. It has been and should be our policy to make it unnecessary to provide special services, hence to make Indians independent. But until this is accomplished, the money should be provided because it is needed and because it is right. But this money should be spent by the Indians, for themselves, rather than for the Indians by bureaucrats.

Throughout the 1960's we have been groping toward a more enlightened national policy, but the result can be measured largely in terms of words not action. Numerous studies, task force reports, and commissions have come forth with their "final solution" for the Indian problem, but the crucial ingredient that has always been missing is Indians speaking for themselves about what is wrong, what they want and need, and what our policy should be. On numerous occasions, the Federal Government has suffered the embarrassment of putting forward grand schemes to solve the Indians problems without really permitting the Indian to determine these policies and programs for himself. This is not only a hypocritical national charade which breeds cynicism and frustration on both sides but also, more important, a perpetuation of our accumulative failures.

The question that needs to be answered is whether or not this Nation has reached a sufficient stage of maturity and self-awareness to recognize its failure and to call upon a strength of intellect, conscience, and vision, to permit the prophecy of the Cherokee Phoenix to come true.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. HOLLAND. Mr. President, I would like to address a question to the acting majority leader. Is it the intention of the acting majority leader to allow a vote to take place this afternoon?

Mr. KENNEDY. Mr. President, the Senate will come to a vote, as at other times, in accordance with its procedures and according to its rules. This matter is now open for debate and discussion which, under the rules, may be unlimited. The position of the distinguished Senator from Vermont is understood. We are trying to work out an agreement. The solution is not yet clear. Senators on both sides of the aisle may wish to speak on the matter, and they will have an opportunity to do so.

Mr. HOLLAND. Mr. President, if I may express the opinion of one Senator, I think it would be very unfortunate to have a bare quorum of 51 Senators pass on a point of order addressed to a constitutional question which, as I understand from the Parliamentarian, differs in some degree from any such question that has been offered heretofore.

Without expressing any commitment one way or another, after reading section 502 of the pending measure, it seems to me the question of whether or not the point of order is well taken depends entirely on whether the assessment mentioned in that section is a tax and is a revenue measure as defined by the Constitution. Surely, that is a matter of sufficient importance that it should be addressed to the consciences of the full Senate, or as near a full Senate as could be here at a regular session, and not on a late Friday afternoon.

I would hope that there would be no intent to have a vote this afternoon, and if necessary and if there are other Senators who would like to debate this matter, the Senate would give permission to the Senator from Vermont to withdraw his point of order and renew it Monday, when the Senate will be in session with a substantially full membership here. I would very much dislike to see this point of order decided by a bare quorum of the Senate.

Mr. RANDOLPH. Mr. President, I send to the desk an amendment, which I intend to offer for myself, my colleague from West Virginia (Mr. Byrd), the Senator from New Jersey (Mr. Williams), the Senator from New York (Mr. Javits), and the Senator from Texas (Mr. Yarborough).

It would be an amendment—possibly it may be offered—to S. 2917, aimed at the problem of providing benefits to coal miners, together with their dependents, who are totally disabled from complicated pneumoconiosis—black lung—resulting from their employment in the coal mines, and who are no longer gainfully employed.

It does not apply to active coal miners. It provides temporary disability benefits for these inactive coal miners and their dependents. It is aimed at an emergency situation since present State laws do not provide these benefits. This temporary measure would utilize half of the funds which woud be received in the trust fund intended to be established under this bill, as well as direct appropriations for making grants to the States to pay benefits in accordance with standards to be established with the Secretary of Health, Education, and Welfare. At the same time, I stress, the proposed amendment recognizes that more information is needed on this problem of disability from complicated pneumoconiosis, and it would direct that a study to be completed in a year, thereby enabling the Congress to review the entire matter and to consider alternative methods or other approach options.

This interim proposal also would enable the States to act during the interim period to develop their own programs along conventional lines for providing compensation, both relating to active and inactive miners.

The amount of the benefits would be determined in accordance with a formula described in the amendment proposal. It would establish benefits for a totally disabled miner at 50 percent of the minimum amount payable to a Federal employee at a G–2 level under the Federal Employment Compensation Act. This benefit would be increased percentage-wise depending on the number of dependents. In addition, it would provide a similar benefit to the widow and children of such a miner.

Mr. President, the Record will disclose that yesterday, my able colleague from West Virginia (Mr. Byrd) discussed these problems of compensation. They are very real problems. We have a bill which we have jointly sponsored. S. 1716 was introduced in the Senate March 27, 1969.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia has the floor.

Mr. RANDOLPH. There has been a continuing dialog on this very important subject of crippling black lung disease which has afflicted many of the coal miners of the United States of America.

Can we do something on an interim basis? On a more permanent basis? These are matters of real concern.

The House Education and Labor Committee's bill, as we understand it, approaches this matter, and what we are doing and what the House of Representatives does will, of course, be a matter for conference on the mine health and safety legislation.

I wish to emphasize that the amendment which has been authored by those of us who have joined in its sponsorship is one that may or may not be considered formally in the Senate, but it is one that we think should be made part of the Record. It can thus be studied by our colleagues who, we believe, are intensely interested in this subject matter, including, as it does, not only health and safety but the compensation of needy miners not now active who have contracted black lung disease.

I am in full accord with the position taken by our distinguished colleague from Florida (Mr. Holland) that this pending business is, of course, a complicated measure. He has not used that exact language, but now a constitutional point is raised concerning the research trust fund financing feature of S. 2917. There are Senators who, I know, will wish to be present as we discuss that matter and as we discuss the matter of compensation in one form or another, and the approach that we shall take to it. I think that the Senate, in the final analysis, will commit itself to what I believe will be well-reasoned legislation on the overall subject of mine health and safety, and compensation possibilities for the sufferers of respiratory disease occupationally associated.

I am now associated with two potential approaches to the compensation area of consideration. I placed another proposal at the desk earlier. So we will have at least two, and possibly other, amendments on the issue to study and choose between. I believe it is good that we have alternatives to consider and choose between.

Mr. President, I feel that any legislation we pass must be realistic and workable, but legislation which will come to grips with the problems of the health and safety of our miners. Although I have never felt we should legislate under what one might call the heat of emotion, there are elements of compassion which surely will enter into the feelings of Senators who are attempting to cope with this very compelling problem.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed, and will lie on the table.

Mr. KENNEDY. Mr. President, I wish to respond to the inquiry earlier of the distinguished Senator from Florida (Mr. HOLLAND) about whether a vote will take place this afternoon.

It is not our intention to have any vote this afternoon. It is the present intention of the leadership, after such time as Senators desire, for any other additional speeches or entries into the RECORD, to move that the Senate stand in adjournment; and under the previous order, we will meet at noon on Monday next.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator.

Mr. KENNEDY. At that time, with the concurrence of the floor manager of the bill and the leadership, and those who have amendments, it may be that unanimous-consent request can be propounded.

Mr. GRIFFIN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. GRIFFIN. A Senator with a special interest in this matter finds it very difficult to be here on Monday, when the matter would be brought up. There has been some discussion that there might be a possibility of laying the point of order aside temporarily and having it be the pending business on Tuesday, and that we might proceed to consider some other amendment or amendments in the interim.

The Senator from Kentucky (Mr. COOPER), for example, has an amendment that he would like to offer. If that would be convenient to all Senators, that would be a way of cooperating with the Senator in question. Obviously, if there is any objection or inconvenience to anyone else, of course, we would not be able to do that.

Mr. KENNEDY. We have tried, at times in the past, to make such adjustments and accommodations in situations of this nature. Given the present circumstances, however, I think it would be difficult at this time to get an agreement for a specified time. I think this may be a close, difficult question that the Senator from Vermont has raised. We will have to move for adjournment when no other Senator desires to speak, and leave this unfinished business at the conclusion of the morning hour on Monday.

Mr. PELL. Mr. President, will the Senator from Massachusetts yield, for clarification?

Mr. KENNEDY. I yield.

Mr. PELL. Can any indication be given to us as to when the first vote might come on Monday?

Mr. KENNEDY. No, we could not give any assurance on that.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HOLLAND. As I understand it—and I should like to be confirmed on this point, or corrected—the point of order is debatable, is it not?

Mr. KENNEDY. That is correct.

Mr. HOLLAND. And we do not know how long that debate will require.

Mr. KENNEDY. The Senator is correct.

MINE SAFETY—LONG OVERDUE

Mr. YARBOROUGH. Mr. President, it is only recently that the phrase "black lung" has become a household word in America. But the killing and maiming of coal miners underground is as ancient as coal mining. We in the United States have lived with it for generations. Coal miners and their families live with the prospects of injury, disability, and death every day of their lives.

I am proud, as we all must be, to be able to rise in support of S. 2917, the coal mine health and safety bill, which offers the promise of healthy mines and safe mines to our Nation's coal miners.

The bill, S. 2917, not only provides for the health and safety needs of today, it establishes an administrative framework for assuring continued improvement of conditions and practices in order to assure that the miners can work their entire adult lives without the ever-present fears of mine hazards. For, today, the bill promulgates interim health and safety standards. As the Senator from New Jersey (Mr. WILLIAMS) has indicated, these standards do not provide complete protection against health and safety hazards, although they do provide new and significantly improved measures to combat death and injury. Because of the inexplicable failure of both the industry and Government over the years to take all necessary steps to apply existing technology to the health and safety of the industry, and to develop its technology to overcome the hazards, a comprehensive and costly research program must be undertaken. The legislation mandates that this be done, and that it be done without delay. Furthermore, those charged with the administration of the law are directed to promulgate as early as possible improved standards so that the health and safety of the miners can be insured.

I know that the members of the Committee on Labor and Public Welfare, whether from coal-producing States or otherwise, have labored tirelessly in order to present to the Senate the most effective possible legislation. I know that the members of the committee who are from coal-producing States, lent the guidance of their special knowledge to their colleagues, and thus enabled the committee to report out a workable piece of legislation.

I know that my colleague from New Jersey, Senator HARRISON A. WILLIAMS, has devoted endless hours, days, and weeks; first, to the preparation of this complicated legislation, and then to the painstaking chore of guiding it to the Senate floor.

Mr. President, we have here the results of his work. They consist of five volumes of hearings on this matter, five separate parts, to complete the hearings on this important bill. His leadership, as chairman of the Labor Subcommittee, as chief sponsor, and as floor manager of this legislation, has been most effective. Although Senator WILLIAMS is not from a coal-producing State, it has been his guiding hand which has brought the legislation through 9 days of hearings and a dozen subcommittee and committee executive sessions to this point of being reported to the Senate by a unanimous rollcall vote of the Committee on Labor and Public Welfare.

Mr. President, the pending bill is brought to the floor of the Senate through the great leadership of the Senator from New Jersey by a unanimous rollcall vote. And every member of both political parties voted for it. I know that his leadership on this bill will prove as effective as was his leadership on the construction health and safety bill signed into law by the President on August 9.

I would also like to note my great appreciation to the two men who are not only ranking majority and minority members of the Labor and Public Welfare Committee, they are also the ranking members of its Labor Subcommittee.

The Senator from West Virginia (Mr. RANDOLPH) as ably as in all legislation, but especially on coal mine health and safety, has brought to the subcommittee and committee his special knowledge of the coal mining industry and of the needs of the miners. Despite his other major responsibilities, he has devoted endless hours and days to the goal of enacting this legislation to benefit the miners and the industry.

The Senator from New York (Mr. JAVITS), like the subcommittee chairman, and like myself, is not from a major coal-producing State. Yet, he has tirelessly worked toward the drafting and passage of the legislation to improve the health and safety of working men. He has devoted himself to ensuring the speedy enactment of a comprehensive and effective Coal Mine Health and Safety Act.

As chairman of the Labor and Public Welfare Committee, I fully appreciate the assistance of such able and dedicated colleagues without whose efforts the Senate would not be considering this legislation today.

Mr. President, I express my appreciation and pay my compliments to the members of the committee. I pay tribute to the great dedication of the present Presiding Officer, the Senator from Pennsylvania (Mr. SCHWEIKER), who was present and helped to make a quorum every time. We were able to make quorums through the presence of the distinguished Senator from Pennsylvania.

Mr. President, our work throughout the course of this difficult legislation has been, I think, a tribute to the committee. Many people had said that due to the differences of opinion, we would not be able to report a bill. However, we brought out a comprehensive bill that will do a great deal of good in this field of safe mines and safety for the workers. It is the most comprehensive coal mine safety legislation in the history of our country.

After days of work in an effort to report the bill, when the chips were down the members of the committee on both sides of the aisle voted for the measure.

I pay tribute to the present chairman of the subcommittee, the distinguished Senator from New Jersey, who worked throughout four volumes of testimony and an appendix volume, in addition, and was there many days. We spent many days, as the Presiding Officer knows, in executive hearings.

I extend my thanks to our colleagues whose effort brought forth the legislation we are considering today.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, I express my deep gratitude to the Senator from Texas for his personal references to me.

I emphasize, however, that the subcommittee has received more than full cooperation from the Senator from Texas, our distinguished committee chairman.

I think the chairman of our committee, the Senator from Texas, would agree that the committee has a broad range of matters before it. And as a committee, working with its subcommittee, it has been working with full steam ahead.

We hear some comments from some quarters that not much is being done in Congress. With reference to the work of our Committee on Labor and Public Welfare, is it the feeling of the Senator from Texas that a great deal of work is being done in the full committee to meet the needs of our country through our responsibility as members of that committee?

Mr. YARBOROUGH. Mr. President, I do not know of any member of the Committee on Labor and Public Welfare who thinks that not much is being done. If there is someone, I wish he would give me his name, and I will give him a number of additional assignments.

We have executive hearings scheduled 2 and 3 weeks ahead for every day beginning next week. We are going to work day after day on the hearings in the mornings.

We have been in hearings in different subcommittees. I have not had the information compiled, but I do not think there has been a day for 1 month that the Committee on Labor and Public Welfare or some of its subcommittees have not been holding hearings or having executive sessions.

Mr. WILLIAMS of New Jersey. Mr. President, I do not like to make public complaint or lament, but I will state the fact—and it is a fact that should be known—that many times the subcommittee of which I have the honor to be chairman has extended an invitation to the responsible members of the executive department to come before the subcommittee and state their business. We have been postponed and delayed. We have been on again and off again.

If there is any complaint that I have, it is about the failure of so many of those in positions of responsibility in the executive department to come before us and give us the help we must have on the legislation pending before us.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. SCOTT. Mr. President, I repeat one more time that more than 100 bills of substance are pending in committee.

It is my sincere hope that the committees will stop their foot-dragging and report the bills.

Mr. WILLIAMS of New Jersey. Mr. President, that is all I am asking for. All I am asking for is their cooperation. I could name the measures on which we have not had cooperation, if the Senator desires. We do not know where we want to go.

Mr. SCOTT. Mr. President, with the greatest respect to the Senator, I must again point the arithmetic of the equation to the fact that the majority controls all committees in the Senate and in the House of Representatives. The chairmen have often been able to work their will. The majority control. And, of course, that is reflected in the fact that whenever a committee wants to report a bill, they can do so. I do want to assure all Senators that we Republicans will do our duty by the legislation, and we are most anxious to cooperate; and I particularly want to congratulate the majority for its recent and belated spurt of activity.

Mr. WILLIAMS of New Jersey. I think we should stop right there. I am not the leadership.

Mr. SCOTT. I do not want to take advantage of the Senator. I want the Senator to know it was not critical of him.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Pennsylvania is not a member of our committee. Still, I do not believe he complained to me of any inactivity. We have 61 education bills pending. We have had one report from the Department of Health, Education, and Welfare out of 60 pending bills. We have submitted these bills. The executive department has given us a report on one bill. We have 69 health bills. We have had reports from the Executive on 11.

Mr. SCOTT. I could never be critical of the distinguished Senator from Texas for his energy and his activity, for his effectiveness in bringing out the bills; and I would urge him to continue on his usual effective course; and I say again we will always be glad to cooperate—we in the minority.

Mr. YARBOROUGH. I will say to the distinguished Senator from Pennsylvania that we have had a bipartisan effort in the Committee on Labor and Public Welfare in bringing the safety construction bill to the floor and also the mine safety bill. There have not been obstructionist tactics in the minority, but we had great diligence. We had to call the committees; we had to get the quorums; we had to hold the hearings. While we did have the cooperation of the minority, we were under the leadership of the able chairman of the subcommittee, and we were driving forward all the time. We have not been dragging our feet.

Mr. SCOTT. I would indeed be in the depths of misery were the Senator from Texas and I to have any disagreement on any matter.

Mr. YARBOROUGH. I thank my distinguished colleague. He and I served together for 7 years on the Committee on Commerce, and I left that committee only because of appointment to the Committee on Appropriations. It was a great pleasure to serve with him.

Mr. SCOTT. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

LET US NOT AID THE ENEMY

Mr. HANSEN. Mr. President, statements have been made to the press, and on the floor of this Chamber recently, that most Americans feel have strengthened the resolve of the enemy—that enemy being the Vietcong, who are killing American men on the battlefields of South Vietnam, and the North Vietnamese Regular Army who are killing American men on the battlefields of South Vietnam.

There has been much criticism of America's role in seeking world stability through efforts to establish stability in Asia. We have heard the war in Vietnam called, variously, "Kennedy's war," then "Johnson's war," and now "Nixon's war," by some who feel President Nixon is not entitled to more than a few months to end a war which his predecessors could not bring to a halt in a number of long years. This sort of labeling has made a few people forget who the enemy is. Our soldiers, sailors, marines, and airmen are in a war that is very real to them. And they are in a war with the Army of North Vietnam, even though there has been no official declaration of war by the United States on North Vietnam, and no invasion of the hostile nation that is supplying most of the troops who kill our men.

The many men I have talked with who have been in Vietnam carrying the bur-

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den of the fighting—from generals to privates—know who the enemy is. They know who is committing the atrocities in the murder of innocent women and children, and they know who is the invader. They know this enemy is North Vietnam and that country's Communist agents in South Vietnam who are called the Vietcong. The American men in uniform are proud to fight for the right of self-determination and the right to peace for the South Vietnamese people against the murderers of the North. None has objected to me about the principle of American involvement in Vietnam—the principle to prove to the Communists that their Iron and Bamboo Curtains will not be allowed to expand through use of military might—that communism will not have the right to advance by means of a purge by murder of all who stand in its way.

I speak specifically today of the proposed Vietnam Disengagement Act of 1969. In effect it proposes a timetable for American disengagement in Vietnam. In effect it tells the Communist enemies that if they will stubbornly refuse to negotiate for an end to the bloodshed in Vietnam until December 1, 1970, American forces will no longer stand between them and conquest of South Vietnam and their final solution—annihilation of all those who have opposed the Communists.

If there was promise of progress at the negotiating table in Paris, if there was hope of settlement through words rather than bullets, this proposal has at the very least advised the Communist negotiators to reconsider any sort of compromise and to wait and watch and hope that such a deadline for total American withdrawal will be set.

The fighting men of America who have returned from Vietnam and with whom I have talked have one main and persistent objection to their personal involvement in this war.

They choose to relate it to the sport of football. That game cannot be won if you refuse to cross the 50-yard line. And that game also cannot be won if you tell the opposition at half-time that your team will leave the field before the final quarter.

The same is true of telling North Vietnam that America will quit the war by December 1, 1970. Such action would tell the enemy that they will win, and it will strengthen their will to continue.

The Vietnam Disengagement Act should be defeated resoundingly so that the enemy will not be deceived about American determination, so that they will know the United States is united, so that they will harbor no false hopes of total American withdrawal and desertion of the cause for which so many fine young men have already died.

Let us defeat this proposal and all those like it so that the enemy will know, without the shadow of a doubt, where we stand.

We must not aid the enemy.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 29, 1969

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, September 29, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, September 26, 1969:

ATOMIC ENERGY COMMISSION

Carl Walske, of Virginia, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

NATIONAL LIBRARY OF MEDICINE

Jack Malcolm Layton, of Arizona, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term expiring August 3, 1973, vice Dr. Stewart G. Wolf, Jr., term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 1969:

GENERAL ACCOUNTING OFFICE

Robert F. Keller, of Maryland, to be Assistant Comptroller General of the United States for a term of 15 years.

RENEGOTIATION BOARD

Daniel Eldred Rinehart, of Maryland, to be a member of the Renegotiation Board.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Eugene A. Gulledge, of North Carolina, to be an Assistant Secretary of Housing and Urban Development.

IN THE AIR FORCE

The following officers for appointment in the Air Force Reserve, to the grade indicated, under the provisions of chapter 35 and sections 8373 and 8376, title 10, of the United States Code:

To be major general

Brig. Gen. Joe M. Kilgore, FV437412, Air Force Reserve.

Brig. Gen. Rollin B. Moore, Jr., FV397579, Air Force Reserve.

Brig. Gen. Gwynn H. Robinson, FV791240, Air Force Reserve.

Brig. Gen. John H. Stembler, FV342806, Air Force Reserve.

To be brigadier general

Col. William H. Bauer, FV857929, Air Force Reserve.

Col. Gerald A. Hart, FV755937. Air Force Reserve.

Col. Ralph G. Hoxie, FV650233, Air Force Reserve.

Col. Michael J. Jackson, FV440840, Air Force Reserve.

Col. Duncan N. P. Pritchett, FV1863021, Air Force Reserve.

Col. Robert W. Valimont, FV560437, Air Force Reserve.

Col. Alfred Verhulst, FV697071, Air Force Reserve.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be major general

Brig. Gen. George W. Edmonds, FG755898, California Air National Guard.

To be brigadier general

Col. Ralph W. Adams, Sr., FG793233, Alabama Air National Guard.

Col. Rollin M. Batten, Jr., FG946592, Nebraska Air National Guard.

Col. Nowell O. Didear, FG682941, Texas Air National Guard.

Col. William C. Smith, FG796038, Tennessee Air National Guard.

Brig. Gen. James S. Cheney, SSAN 261-09-3779FR to be the Judge Advocate General, U.S. Air Force, and appointment to the temporary and permanent grade of major general, under the provisions of section 8072 and chapter 839, title 10 of the United States Code.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. Raymond E. Mason, Jr., SSAN 302-09-9056.

To be brigadier general

Col. Cullen U. Gulko, SSAN 549-09-3992, Transportation Corps.

Col. George F. Hamner, SSAN 423-40-2793, Corps of Engineers.

Col. Russell T. LeBlanc, SSAN 437-05-9768, Corps of Engineers.

Col. Sterling R. Ryser, SSAN 577-54-2570, Military Intelligence.

Col. Frederick W. Wunderlich, SSAN 556-20-7194, Corps of Engineers.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Daniel K. Edwards, SSAN 246-58-9297.

To be brigadier general

Col. William M. Buck, SSAN 243-24-4566, Infantry.

Col. Joseph R. Chappell, Jr., SSAN 423-14-7175, Field Artillery.

Col. Austin C. Chidester, Jr., SSAN 222-07-3486, Air Defense Artillery.

Col. George H. Dale, SSAN 264-05-9327, Signal Corps.

Col. James R. Duren, Jr., SSAN 421-14-3317, Infantry.

Col. Joseph B. Flatt, SSAN 479-18-9666, Infantry.

Brig. Gen. Robert R. Goetzman, SSAN 401-18-0821, Adjutant General's Corps.

Col. James W. Henderson, SSAN 250-14-8135, Air Defense Artillery.

Col. Vernon B. McMillen, SSAN 284-16-9123, Infantry.

Col. William R. Sharp, SSAN 154-12-4561, Armor.

Col. John F. S. Sims, SSAN 428-01-7848, Transportation Corps.

Col. Clarence A. Wilson, SSAN 464-16-4587, Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Robert L. McCrady, SSAN 248-42-2559, Infantry.

Col. Wilfred C. Menard, Jr., SSAN 153-07-2966, Field Artillery.

Col. Carl F. Schupp II, SSAN 461-05-7325, Field Artillery.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Gray O'Connor, O21088, U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Robert Clinton Taber, 245–60–5462, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carmin Noble, 081–32–6780, Army of the United States, colonel, U.S. Army).

Brig. Gen. James Francis Hollingsworth, 454–24–0234, Army of the United States (colonel, U.S. Army).

Brig. Gen. Burnside Elijah Huffman, Jr., 257–07–8732, Army of the United States (colonel, U.S. Army).

Brig. Gen. Warren Kennedy Bennett, 193–14–3594, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Reiley Guthrie, 125–07–6675, Army of the United States, (colonel, U.S. Army).

Brig. Gen. Edwin I. Donley, 104–14–7055, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Matthew Rienzi, 577–52–4237, Army of the United States (colonel, U.S. Army).

Brig. Gen. Felix John Gerace, 213–38–3649, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Harwell Barfield, 420–52–5599, Army of United States (colonel, U.S. Army).

Brig. Gen. Edward Michael Flanagan, Jr., 224–52–3184, Army of the United States (colonel, U.S. Army).

Brig. Gen. Bernard William Rogers, 514–40–3091, Army of the United States (colonel, U.S. Army).

Brig. Gen. Allen Mitchell Burdett, Jr., 245–60–8662, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Albert Broadus Dillard, Jr., 289–09–7456, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Logan Irby, 225–16–2940, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard McGowan Lee, 519–44–6126, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Daniel McLaughlin, 551–18–9718, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Mayo, Jr., 224–52–3170, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Hamman Smith, Jr., 214–10–0349, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Stephan Lekson, 283–01–0052, Army of the United States (colonel, U.S. Army).

Brig. Gen. Franklin Milton Davis, Jr., 006–10–7683, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Edward Benade, 326–05–4359, Army of the United States (colonel, U.S. Army).

Brig. Gen. Theodore Antonelli, 045–12–3195, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Bennison Fulton, 567–05–6670, Army of the United States (colonel, U.S. Army).

Brig. Gen. James George Kalergis, 029–10–0210, Army of the United States (colonel, U.S. Army).

Brig. Gen. Erwin Montgomery Graham, Jr., 212–28–5140, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry Lee Jones, Jr., 488–03–0071, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Paul Young, 503–10–5869, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Joseph Hennessey, 328–18–7044, Army of the United States (colonel, U.S. Army).

Brig. Gen. Darrie Hewitt Richards, 081–32–6503, Army of the United States (colonel, U.S. Army).

Brig. Gen. Howard Harrison Cooksey, 227–14–4706, Army of the United States (colonel, U.S. Army).

Brig. Gen. Verne Lyle Bowers, 506–14–1019, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Warren Cobb, 452–03–2798, Army of the United States (colonel, U.S. Army).

Brig. Gen. Fred Kornet, Jr., 203–09–5564, Army of the United States (major, U.S. Army).

Brig. Gen. Harold Gregory Moore, Jr., 401–16–2390, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George William Casey, 028–12–0812, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Alexander Russell Bolling, Jr., 260–60–5397, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Love Starnes, 073–32–6353, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Howard Elder, Jr., 229–05–3378, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Pieklik, 023–09–0195, Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Leo Edward Benade, 326–05–4959, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Logan Irby, 225–16–2940, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carmin Noble, 081–32–6780, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Mayo, Jr., 224–52–3170, Army of the United States (colonel, U.S. Army).

Brig. Gen. Felix John Gerace, 213–38–3649, Army of the United States (colonel, U.S. Army).

Brig. Gen. Franklin Milton Davis, Jr., 006–10–7683, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Beatty, Jr., 224–52–3850, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Clinton Taber, 245–60–5462, Army of the United States (colonel, U.S. Army).

Maj. Gen. Paul Alfred Feyereisen, 475–09–8673, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Hamman Smith, Jr., 214–10–0349, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard George Ciccolella, 124–12–0800, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Francis Hollingsworth, 454–24–0234, Army of the United States (colonel, U.S. Army).

Maj. Gen. Wesley Charles Franklin, 032–07–2940, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edwin I. Donley, 104–14–7055, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Warren Cobb, 452–03–2798, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edwin Montgomery Graham, Jr., 212–28–5140, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Harwell Barfield, 420–52–5599, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Daniel McLaughlin, 551–18–9718, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard McGowan Lee, 519–44–6126, Army of the United States (colonel, U.S. Army).

Maj. Gen. Jack Jennings Wagstaff, 543–05–1815, Army of the United States (colonel, U.S. Army).

Brig. Gen. Warren Kennedy Bennett, 493–14–3594, Army of the United States (colonel, U.S. Army).

Maj. Gen. Harris Whitton Hollis, 248–14–9689, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Stephan Lekson, 283–01–0052, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Albert Broadus Dillard, Jr., 289–09–7456 Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Paul Young, 503–10–5869, Army of the United States (colonel, U.S. Army).

Maj. Gen. Francis Paul Kolsch, 127–03–8527, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Matthew Rienzi, 577–52–4237, Army of the United States (colonel, U.S. Army).

Maj. Gen. Willis Dale Crittenberger, Jr., 224–52–3106, Army of the United States (colonel U.S. Army).

Maj. Gen. Kenneth Lawson Johnson, 468–12–5265, Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald Hugh McGovern, 103–03–4474, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Pieklik, 023–09–0195, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Love Starnes, 073–32–6353, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elvy Benton Roberts, 400–14–1170, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Bennison Fulton, 567–05–6670, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry Lee Jones, Jr., 488–03–0071, Army of the United States (colonel, U.S. Army).

Brig. Gen. James George Kalergis, 029–10–0210, Army of the United States (colonel, U.S. Army).

Maj. Gen. Leonard Burbank Taylor, 516–16–9910, Army of the United States (colonel, U.S. Army).

The following-named officers for temporary appointments in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Thomas McKee Tarpley, 320–34–6372, U.S. Army.

Col. John Willson Donaldson, 260–60–3553, U.S. Army.

Col. Ira Augustus Hunt, Jr., 371–40–5174, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frederick James Kroesen, Jr., 153–18–6515, U.S. Army.

Col. Ernest Graves, Jr., 081–32–8109, U.S. Army.

Col. Herbert Joseph McChrystal, Jr., 420–52–7314, Army of the United States (lieutenant colonel, U.S. Army).

Col. Alexander Meigs Haig, Jr., 195–12–3625, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Shipley Prugh, Jr., 559–22–8819, U.S. Army.

Col. Frank Ambler Camm, 224–52–4046, U.S. Army.

Col. William Roy Wolfe, Jr., 245–60–7696, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Morin Shoemaker, 364–28–5085, Army of the United States (lieutenant colonel, U.S. Army).

Col. Adrian St. John II, 514–40–3165, U.S. Army.

Col. Charles Robert Myer, 235–34–1338, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gordon James Duquemin, 390–12–0184, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry Everett Emerson, 457–38–2896, Army of the United States (lieutenant colonel, U.S. Army).

Col. Herbert Ardis Schulke, Jr., 502–03–6634, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles James Simmons, 460–64–3081, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Ira Hayward, 528–16–8310, U.S. Army.

Col. Thomas Joseph McGuire, Jr., 104–14–7787, U.S. Army.

Col. John Quint Henion, 224–52–342, U.S. Army.

Col. Charles Austin Jackson, 248–56–4085, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Echols Spragins, 576–18–6416, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Neale Mackinnon, 081–32–8046, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Magoun Wallace II, 252–30–5776, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry Richard Del Mar, 103–09–4069, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Randolph Bigler, 439–24–1901, Army of the United States (lieutenant colonel, U.S. Army).

Col. DeWitt Clinton Smith, Jr., 578–22–0205, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Bartley Kitchens, Jr., 428–03–0303, U.S. Army.

Col. Jonathan Rowell Burton, 562–54–0679, U.S. Army.

Col. Thomas Wilson Brown, 526–54–3138, U.S. Army.

Col. Archelaus Lewis Hablen, Jr., 224–52–3144, U.S. Army.

Col. Harold Robert Aaron, 307–16–4531, U.S. Army.

Col. James Bradshaw Adamson, 535–38–2145, U.S. Army.

Col. Robert Leahy Fair, 546–18–6387, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wilbur Henry Vinson, Jr., 579–20–7459, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Smith Patton, 031–30–0902, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Royster Thurman III, 238–26–1135, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Trevor Sawyer, 224–52–6665, U.S. Army.

Col. John Einar Murray, 102–03–1799, U.S. Army.

Col. Edwin Thomas O'Donnel, 281–01–3479, U.S. Army.

Col. Kenneth Banks Cooper, 579–52–8235, U.S. Army.

Col. Lawrence McCeney Jones, Jr., 579–52–8749, Army of the United States (lieutenant colonel, U.S. Army).

Col. Rolland Valentine Heiser, 336–14–6250, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Ellsworth Tabor, 381–16–2161, U.S. Army.

Col. William Holman Brandenburg, 249–05–9309, U.S. Army.

Col. Harold Burton Gibson, Jr., 408–14–6962, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Alfred Kjellstrom, 339–12–9525, U.S. Army.

Col. Peter George Olenchuk, 196–14–3593, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Maurice Hall, 551–28–7043, Army of the United States (lieutenant colonel, U.S. Army).

Col. Daniel Orrin Graham, 540–26–2591, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Thornton Peterson, 212–38–7925, U.S. Army.

Col. Frank Anton Hinrichs, 440–14–8339, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Charles Fimiani, 103–16–2219, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Walter Collins III, 439–34–5201, U.S. Army.

Col. Theme Troy Everton, 561–10–7592, U.S. Army.

Col. John Carpenter Raaen, Jr., 224–52–6314, U.S. Army.

Col. Alvin Curtely Isaacs, 400–54–1512, U.S. Army.

Col. Carl Vernon Cash, 350–12–8956, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carl Ray Duncan, 251–22–2544, U.S. Army.

Col. Bruce Campbell Babbitt, 516–30–6823, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Hixson, 288–18–5794, U.S. Army.

Col. John Murphy Dunn, 028–16–5383, Army of the United States (major, U.S. Army).

Col. James Alexander Grimsley, Jr., 250–14–6502, Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Priest Forrester, 410–64–1272, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Alexander Day Surles, Jr., 578–48–9955, U.S. Army.

IN THE NAVY

Vice Adm. Lot Ensey, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to title 10, United States Code, section 5233.

Rear Adm. Frederick H. Michaelis, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Isaac C. Kidd, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Bernard F. Roeder, U.S. Navy, for appointment to the grade of vice admiral on the retired list, in accordance with the provisions of title 10, United States Code, section 5233.

Vice Adm. Vernon L. Lowrance, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

The following-named officers of the Navy for permanent promotion to grade of rear admiral:

Medical Corps

John H. Cheffey
Ralph E. Faucett

Chaplain Corps

Francis L. Garrett

Rear Adm. Walter L. Curtis, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Jonas M. Platt
Clifford B. Drake
Wallace H. Robinson, Jr.
Robert G. Owens, Jr.
Earl E. Anderson
Michael P. Ryan

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John N. McLaughlin
Jacob E. Glick
John E. Williams
Robert R. Fairburn
Homer S. Hill
Edward J. Doyle
Leo J. Dulacki
Harry C. Olson
Carl W. Hoffman
William G. Johnson
Henry W. Hise
Edwin H. Simmons
Robert B. Carney, Jr.
Herman Poggemeyer, Jr.

IN THE AIR FORCE

The nominations beginning Huey P. Lowery, to be first lieutenant, and ending Richard R. Valenzi, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 1969; and

The nominations beginning John G. Abbott, Jr., to be captain, and ending John C. Walters, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on August 29, 1969.

IN THE ARMY

The nominations beginning Johnny L. Montgomery, to be major, and ending Michael A. Zolezzi, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on August 11, 1969.

IN THE NAVY

The nominations beginning Nathaniel R. Robertson, to be lieutenant commander, and ending George A. Ulch, to be a permanent lieutenant (jg.) and a temporary lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on August 8, 1969;

The nominations beginning Eugene B. Ackerman, to be captain, and ending Barbara Wirth, to be a permanent lieutenant (jg.) and a temporary lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 1969; and

The nominations beginning Alice V. Bradford, to be commander, and ending Mack H. Flanders, to be ensign, limited duty only, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 1969.

IN THE MARINE CORPS

The nominations beginning Robert L. Blake, to be second lieutenant, and ending Richard L. Yoerk, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 1969; and

The nominations beginning Hugh S. Aitken, to be colonel, and ending James R. Young, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 1969.

EXTENSIONS OF REMARKS

TWO CHICAGO ALDERMEN SUE AUTOMAKERS FOR $3 BILLION DAMAGE IN AIR POLLUTION CASE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

MR. PUCINSKI. Mr. Speaker, two of our most distinguished members of the City Council of Chicago yesterday filed a $3 billion damage suit against the three major automobile producers charging them with conspiracy to delay the research and development of air pollution control devices in their automobiles.

This unprecedented action was brought about by Alderman Thomas E. Keane, who is chairman of the finance committee and leader of the city council, and also Alderman Paul Wigoda, who is the majority whip in the city council.

I call this suit to the attention of my colleagues because it offers our beleaguered communities some hope for early relief from the mounting crisis of air pollution.

Alderman Keane and Alderman Wigoda have chartered a new course for communities all over this country to pursue. Both of these men have announced they want no personal financial remuneration and have stated that whatever damages are won by themselves in this lawsuit will be turned over to the city to step up its anti-air-pollution activities.

Both Alderman Keane and Alderman Wigoda are regarded as two of Chicago's outstanding attorneys and so this is not a suit based on either whim or caprice. It is a very carefully thought out legal action to bring the people of Chicago meaningful relief from the growing hazard of air pollution.

I am enclosing in my remarks today a story which appeared in this morning's Chicago Tribune outlining the basis for the suit.

I believe not only the people of Chicago but Americans throughout the Nation owe a debt of gratitude to Alderman Keane and Alderman Wigoda for their initiative and legal enterprise in helping chart an effective manner for dealing with air pollution. I expect many other communities to follow suit and I do hope that this action will impress upon Congress the need for even stronger air pollution legislation than we already have enacted.

I recall well the effort that I made on the floor of the House in support of an amendment to the Anti-Air-Pollution Act which would have prohibited the manufacture of automobile engines 8 years from now which emit air pollutants in excess of tolerable limits.

Aldermen Keane and Wigoda have alined themselves on the side of those who have fought stubbornly against the menace of mounting pollution.

It is my hope that in the wake of this action brought by these two distinguished members of the Chicago City Council, the city of Chicago on its own volition will seek an injunction against the airlines for emitting the long trails of gasoline fumes from jet aircraft arriving and departing O'Hare Field. I have urged such legal action by the city of Chicago.

I also hope that this legal suit filed by these two distinguished aldermen will inspire more legal action against those who pollute Lake Michigan and also inspire Congress to enact my proposal, which would bar all dumping by the Corps of Engineers and others into Lake Michigan.

The Chicago Tribune article follows:

AUTOMOTIVE'S "BIG 3" SUED FOR POLLUTION—TWO CITY ALDERMAN ASK $3 BILLION IN ACTION

(By Robert Enstad and Edward Schreiber)

Two Chicago aldermen filed a 3 billion dollar damage suit against three major automobile producers yesterday, charging that they have conspired to delay the research, development, and installation of air pollution control devices on their automobiles.

Ald. Thomas E. Keane [31st] and Ald. Paul Wigoda [49th] filed the suit, as private citizens, on behalf of all of the residents of Chicago, who, they say, have been damaged and harmed by the increase of air pollution in Chicago caused by the motor vehicles turned out by the three manufacturers.

"BIG THREE" NAMED

Named as defendants in the suit are the Ford Motor company, General Motors, and the Chrysler corporation.

The suit contends that the automobile manufacturers knew about harmful emissions from motor vehicles as early as 1952, but have delayed, up to the present time, equipping vehicles with adequate devices for controlling air pollution. The manufacturers are capable of doing so, the suit said.

AIR POISONS CITED

In the suit, filed in federal District court, the aldermen said most of Chicago's air pollution comes from automobile emissions. The suit contends that if the manufacturers had not agreed to the conspiracy, these pollutants would not be in Chicago air today.

Keane is Mayor Daley's floor leader in the city council.

A similar suit was filed in California by the justice department's anti-trust division in January, but President Nixon's anti-trust chief announced last week that a consent decree had been reached and the auto companies would not have to go to trial.

A group of liberal Democrats and Ralph Nader plan a protest because they say once the decree is signed, all government records against the auto manufacturers would be sealed from public view, putting a severe handicap on private suits such as that filed with the aldermen.

Automobile emissions, in 1965 alone, accounted for 2,250 tons of carbon monoxide, 359 tons of hydrocarbons, and 74.8 tons of oxides of nitrogen in the Chicago atmosphere, the suit said.

NUMBER OF VEHICLES

In 1968, the aldermen said, there were 942,959 automobiles, and 669,437 trucks and buses registered in Chicago. In addition, they said, 250,000 vehicles entered the city from other areas each day.

The conspiracy, according to the suit, consisted of the manufacturers agreeing among themselves to restrict publicity about air pollution control devices in order to eliminate competition in their research and development. The suit said the manufacturers conspired to eliminate competition for patents on these devices.

The suit said that in 1961, the automobile manufacturers had agreed to delay installation of positive crankcase ventilation on new vehicles until the 1963 model year, even tho they were capable of the installation in 1962.

COST OF POLLUTION

Keane said yesterday that the cost of air pollution to the average Chicago citizen each year is $84, and this doesn't include the damage to health, present or future.

Atty. Jerome Torshen, who filed the suit on behalf of the aldermen, said any damages received would be distributed to Chicago citizens who could prove damages caused by air pollution. This could take the form of laundry bills, health problems not caused by smoking, and property damage, such as paint on homes which has been dirtied by air pollution.

If the 3 billion dollars is awarded in the suit, he said, it would be turned over to the city to use in a program to combat air pollution. He said that neither he nor Wigoda want any financial gain.

Named as co-conspirators, but not defendants, in the suit are the Automobile Manufacturers Association, Inc.; American Motors corporation; Checker Motor corporation; Diamond T Motor Car company; International Harvester company; Studebaker corporation; Kaiser Jeep corporation; and Mack Trucks, Inc.

DALEY CHANGES MIND

Keane said it had been expected that Mayor Daley would announce the filing of the suit at his press conference Monday, but, at the last minute, he didn't. A press aide of Daley said yesterday the mayor had changed his mind about the announcement.

Keane said he hoped the suit would broaden the scope of a federal investigation of the automobile industry. He said he thinks the suit will make the manufacturers aware that "the public will no longer tolerate foot-dragging."

Court observers said the aldermen's suit was the largest they remembered ever to be filed in Chicago.

ADDRESS BY HON. MILLS E. GODWIN, JR., GOVERNOR OF VIRGINIA, AT MEMORIAL SERVICE AT LOVINGSTON, NELSON COUNTY, VA.

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 26, 1969

Mr. BYRD of Virginia. Mr. President, on Sunday, September 21, an unusual memorial service was held at Lovingston, in Nelson County, Va. The service gave expression to sorrow for those who lost their lives in Nelson County during the devastating floods which struck the area on August 19. The floods resulted from vicious storms on the fringe of Hurricane Camille.

More than 100 Virginians lost their lives in the flooding, many of them in Nelson County, one of the hardest hit sections of the State.

At the memorial service, the Honorable

Mills E. Godwin, Jr., Governor of Virginia, delivered a moving address. I ask unanimous consent that Governor Godwin's statement be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

REMARKS BY GOV. MILLS E. GODWIN, JR.

I have come to Nelson County many times to share joyous occasions with you, and now I come to join you in sorrow.

I come accompanied by a number of my official family from State agencies in the hope that if I cannot find appropriate phrases of comfort, our combined presence will speak for all of us.

We can usually find appropriate words to express our thoughts at a memorial for those who gave their lives for their country or for some equally noble purpose.

It is far more difficult for us to express ourselves when lives are snuffed out without warning, apparently without reason.

On such occasions, it is natural for us to wonder why, but there is no answer that we can understand. If there is a Divine purpose, it is one we cannot see with our limited vision.

If Nelson County were in the normal path of hurricanes, the disaster we have witnessed might have been something we could expect, but the most expert observers cannot tell us why this storm traveled hundreds of miles across several States to vent its fury on this particular section of Virginia.

For the living the storm aroused all that we admire in our fellowmen, a great compassion and an indomitable spirit. All of us have spoken of these.

Now we pay our silent respects to those who were the innocent victims of the storm. They cannot hear us for they are beyond pain and suffering.

But there is small comfort for those they left behind, the young people who became orphans overnight, the children swept from their mothers' arms, the families decimated by the on-rushing waters.

Only time and the understanding of friends will finally ease the ache in their hearts.

But if we seek something special by which to remember them, let it be the rebuilding of the stricken sections of this county, the transformation of chaos into better homes, better communities, better bridges and better highways, better fields and crops.

If we remember them this way, then perhaps they will not have died in vain.

And as we look with pride upon that handiwork in future years, perhaps we will have found that there was in this sudden onslaught from the sky, a Divine purpose after all.

SHOULD THE UNITED STATES PARTICIPATE IN AND ENCOURAGE THE DEVELOPMENT OF THE UNO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RARICK. Mr. Speaker, an interesting debate on the subject, "Should the United States Participate in and Encourage the Development of the United Nations?" is scheduled for this evening at Westchester County Center, West Plains, N.Y., under the auspices of the Westchester County Committee, New Yorkers for the Constitution.

Mr. Arch E. Roberts, lieutenant colonel, Army of the United States, retired, an author, renowned traveler and proven American patriot, who is a participant in the debate, has made available a copy of his succinct, pro-American argument in support of constitutional government as opposed to anarchy and our bankrupt international policy.

Because this distinguished scholar has prepared such an interesting and timely manuscript I feel that it is of profound interest to all of our colleagues and I include it in the Record at this point:

ROBERTS' ARGUMENT

Ladies and gentlemen of the jury, I hold for the prosecution.

During the next twenty minutes the prosecution will attempt to prove the following charges against the United Nations Organization:

1. That the United Nations is a subversive Organization.

2. That vital powers of government held in trust for the American people have been illegally transferred to the United Nations Organization in violation of the prohibitions of the Constitution.

3. That the United Nations Charter was foisted upon the American people to serve those who seek to overthrow the Constitution and coerce American citizens into a socialist animal farm.

Consonant with facts presented in official documents and public testimony, I shall utilize the war in Viet Nam to prove these accusations, and to expose the real objectives of the United Nations and those who promote its cause.

During the course of my indictment of the United Nations it will be well to keep in mind the following axiom:

Wars—under whatever name—which do not reduce the political power of an officially named "enemy" of the American people, and which do not increase the political power of the United States, must in the end reduce the political power of the United States and thus serve the secret objectives of a concealed enemy.

Let us begin our introduction for the prosecution by calling on the testimony of Lyndon B. Johnson, then president of the United States: Mr. Johnson told the American people on 13 July, 1965, that their soldier-sons are dying in Viet Nam because of United States commitment to the Southeast Asia Treaty Organization.

During a White House news conference on this date President Johnson stated: "I think that it is well for us to remember that three presidents have made the pledge for this nation, that the Senate has ratified the SEATO Treaty by a vote of 82 to 1, pledging the United States to come to the aid of any nation upon their request who are parties to that Treaty . . ."

President Johnson then went on to say, "We expect to keep that commitment. Our national honor is at stake."

Four years later, nearly to the day, President Richard M. Nixon was to use the same words in describing our commitment to the SEATO Treaty.

On Monday, 29 July, 1969, in Bangkok, Thailand, headquarters for the Southeast Asia Treaty Organization, Mr. Nixon reiterated his pledge to the SEATO Treaty in these words:

"We are determined," Nixon testified on world-wide television, "to honor our commitment to the Southeast Asia Treaty."

Neither Mr. Nixon nor his predecessors have, of course, admitted that the Southeast Asia Treaty, a treaty which our sons "honor" in blood and agony, was framed under the provisions of articles 52 and 53, United Nations Charter.

As we shall see, however, SEATO is a "regional arrangement" formed to deal with matters relating to the maintenance of international peace and security "consistent with the Purposes and Principles of the United Nations."

The prosecution will prove that the "no-win" war in Viet Nam is secretely a United Nations war and that it is being conducted to serve the "Purposes and Principles" of the United Nations Organization.

We will also reveal why this strange war has clearly failed to reduce the political power of the "communist enemy." Instead, the war has increased the political power of the United Nations and thus serves the objectives of a concealed enemy.

Our first exhibit for the prosecution is, "The Story of SEATO," a booklet published by the Southeast Asia Treaty Organization.

On page five of, "The Story of SEATO", we find the following declaration:

"The members of SEATO have chosen a collective defence system, under the authority of the Charter of the United Nations."

SEATO, in this statement of purpose, asserts that it is an agency—an extension—of the United Nations Organization.

Let us now join this information to exhibit number two for the prosecution; the SEATO Treaty.

"The Parties", says Article I of SEATO, "undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means . . . and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

American casualty figures in this interminable war are stark evidence that the military "force" used in Viet Nam is applied in a manner consistent with the "purposes of the United Nations."

United States Ambassador to Viet Nam, Ellsworth Bunker, made this point crystal clear in his personal testimony on "Meet the Press," 19 November, 1967.

"It seems to me that what we are doing (in Viet Nam) is to make credible our commitments under the United Nations and under SEATO Treaty to resist aggression. . . . We have made a commitment."

Unfortunately, Ambassador Bunker failed to identify the U.N. agency which is charged with conducting the Viet Nam war "under the United Nations." The information to fill this important omission can be found under Article IV, SEATO Treaty. I quote: "Measures"—the words "measures" means "military action"—"Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

Ladies and gentlemen of the jury, the chain of command could not be more specific than that: The Security Council is the war-waging arm of the United Nations.

However, let us pinpoint the U.N. articles which make "credible our commitment under the United Nations and under SEATO," as Mr. Bunker so lucidly explained on "Meet the Press."

For the purpose the prosecution now introduces exhibit three: the United Nations Charter.

As predicted in "The Story of SEATO," the authority for construction of the UN–SEATO "collective defence system" is revealed in Chapter VIII, "Regional Arrangements." A comparison of U.N. and SEATO articles also shows that the quotations made previously from the SEATO Treaty are, in fact, faithful duplication of the provisions of articles 52 and 54, United Nations Charter.

"Nothing in the present Charter," says Article 52, "precludes the existence of regional arrangements . . . provided that such arrangements or agencies are consistent with the Purposes and Principles of the United Nations."

It is immediately apparent that Article I of SEATO exactly reproduces the authority of Article 52, United Nations Charter.

Article IV of SEATO similarly reflects the provisions of Article 54, United Nations Charter.

"The Security Council," commands Article 54, "shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements . . ."

This means, of course, that U.S. military operations "undertaken or in contemplation" in Viet Nam are first submitted to the U.N. Security Council for approval.

The evidence permits but one conclusion. The strategy of "Perpetual War for Perpetual Peace" . . . a strategy which sends Americans into battle "with neither promise nor hope of Victory" . . . is United Nations strategy.

U.N. war-making powers, and the usurpation of congressional authority which permits it, was dramatically illustrated by James Reston in his column of 13 July, 1967, entitled "Isolation Echoes By U.S. Move In Congo."

"The administration's position," Reston testified, "is that it is committed under the Charter of the United Nations, under various treaties, and under the Truman Doctrine, to do whatever it can to maintain peace anywhere in the world."

You now realize, of course, that the real objective of "no-win" wars is NOT "international peace and security" as U.N. supporters are lead to believe. The true "Purpose and Principle" of U.N. military adventures is to manipulate the United States armed forces under Security Council control; To force all of the nations into line and to deliver them up to a one world government.

For proof, I invite your attention to Chapter V, U.N. Charter, headed, "The Security Council—Functions and Powers."

Article 24: "In order to ensure prompt and effective action by the United Nations, its Members confer on the security Council primary responsibility for the maintenance of international peace and security . . ." and, Article 25: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council . . ."

In simple language, ladies and gentlemen, these two U.N. articles transform the power of self-defense given to the Congress by the States, to a blanket authority to send Americans into battle anywhere in the world at the direction of the U.N. Security Council.

The Constitution is, of course, very specific about the powers of keeping peace and waging war. Nowhere does the Constitution authorize the transfer of these powers to an international agency.

The prosecution has therefore established the fact that Senate ratification of the United Nations Charter on 28 July, 1945, is in violation of the Constitution of the United States. Being illegal it must be put down.

Perhaps the members of this jury have wondered why the war in Korea and the war in Viet Nam saw the outpouring of vast resources of U.S. men and material into a land war in Asia without a formal declaration of war by the United States Congress. Well, Article 39 of the United Nations Charter explains why . . . and, more importantly, why the U.N. Security Council can, at any time, force the entire population of this nation into a military posture without the consent of an impotent Congress.

"The Security Council," Article 39 directs, "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall . . . decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Articles 41 and 42 spell out the full authority and extent of U.N. military action and authorize the use of "air, sea, and land forces as may be necessary" to maintain or restore "international peace and security."

Additionally, the military muscle needed to enforce Security Council edicts is provided by usurped sovereign powers as spelled out in articles 43 and 46. These U.N. laws order the transfer of "armed forces, assistance, and facilities" from Member nations to the U.N. Security Council for use as the Security Council may determine in its application of armed forces anywhere in the world.

To give legal coloration to this breach of public trust, the Congress of the United States, on 26 September, 1961—just eight years ago—ratified Public Law 87-297, "The Arms Control and Disarmament Act." This unbelievable legislation purports to "legalize" the transfer of the United States military establishment, and American citizens in uniform, to a United Nations one world army.

Members of the jury, fellow Americans, your sons now serving in Viet Nam are, by U.N. Charter definition, members of a United Nations world army and take their orders from the United Nations Security Council "consistent with the Purposes and Principles" of the United Nations Organization.

As final proof in the case for the prosecution I read from Joint House Resolution Number 1145, "Gulf of Tonkin Resolution," which is often quoted as Congress's approval to commit Americans to the Viet Nam war.

"This resolution," states Section 3, "shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by the action of the United Nations."

Ladies and gentlemen, I respectfully submit that the prosecution's case against the United Nations is now legally established.

a. The prosecution has demonstrated that the articles of the United Nations Charter amend, by deceit and subterfuge, the Constitution of the United States in a manner not sanctioned by Article V of the Constitution.

The United Nations is, therefore, a subversive organization and is a threat to the freedoms of person and property guaranteed to the people by the Constitution.

b. The prosecution has demonstrated that the authority to commit Americans to battle anywhere in the world has been surreptitiously transferred from the Congress of the United States to the Security Council of the United Nations.

Vital powers of government held in trust for the American people have, therefore, been illegally usurped by the United Nations Organization in violation of the prohibitions of the Constitution.

c. The prosecution has demonstrated that the real but concealed objective of the United Nations Organization is to place the military power of the United States at the disposal of the United Nations Security Council; To force all of the nations into line and to deliver them up to a one world government.

The United Nations was, therefore, foisted upon the American people to serve those who seek to overthrow the Constitution and coerce American citizens into a socialist animal farm.

In this brief indictment of the United Nations the prosecution has also revealed that, as the political power of the United States is dissipated in "no-win" military adventures, the political power of the United Nations, and those who promote its Purposes and Principles, is increased.

In summation, the prosecution declares that the United States should NOT participate in or encourage the development of the United Nations.

To the contrary, the prosecution claims that it is the clear and urgent duty of all federal officeholders to dismantle the United Nations Organization in consonance with their oath to "defend and preserve this Constitution."

During the question and answer period I will, if asked, identify the concealed enemy who seeks to overthrow the United States Constitution.

The prosecution rests.

SENATOR RANDOLPH LOOKS INTO THE FUTURE OF THE INTERSTATE HIGHWAY SYSTEM

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Friday, September 26, 1969

Mr. GRAVEL. Mr. President, questions are now being raised as to the future course to be followed on completion of the 42,500-mile System of Interstate and Defense Highways, expected to be finished in the early 1970's.

The distinguished Senator from West Virginia (Mr. Randolph) is particularly concerned in his capacity as chairman of the Committee on Public Works.

Last week, in a wide-ranging speech to the National Association of Motor Bus Owners at its 40th annual meeting in Atlantic City, N.J., Senator Randolph took a thoughtful look at the question.

I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Challenges and Changes in Transportation

(Address by Senator Randolph)

When the accelerated Interstate highway construction program was authorized by law in 1956, it was heralded as the largest single public works undertaking on which any nation has ever embarked. That legislation came into being after two years of active Congressional consideration and following the recommendations of a Presidential Study Commission.

In authorizing that accelerated construction program, the Congress moved with a giant step from the previous approach of authorizing a primary and a secondary road system and their urban extensions paid for from the General Fund, to a long-term authorization of construction funds guaranteed by a self-sustaining trust fund.

It was estimated that the massive construction program would cost $27 billion, with a Federal share of $24.825 billion. In the last of the allocations under the 1956 Act, the sum of $1.025 billion was to have been made for the fiscal year ending June 30, 1969. Construction, as then planned, would end by June 30, 1971. The Highway Trust Fund and the special taxes provided by the Congress to pay for this mammoth public works undertaking were to be terminated on June 30, 1972.

It is now September 17, 1969. We have not yet made the last apportionment of Interstate highway funds. In fact, with the enactment of the Federal Aid Highway of 1968, authorizations for the Federal share of the Interstate had reached the total of $50.325 billion. It had been estimated at only half that amount in 1956. The 1968 act, as you know, extended authorizations for the Interstate System through Fiscal Year 1974.

The orderly pursuit of our goal of a system of express highways connecting the major cities of the United States has been impeded by two slowdowns in the release of funds to the States in the past two years. President Nixon has asked the Governors to

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join with him in withholding action on construction programs. While the Federal Government has not cut back on highway funds, such action is a distinct and painful possibility. When I became apprised of the consideration of a general reduction in the Federal construction effort I sent the following telegram to the President:

"THE PRESIDENT,
"The White House.

"DEAR MR. PRESIDENT: As you and the Cabinet refine decisions relating to the economy of the United States, it is to be hoped that the impact of these decisions will not fall adversely on such facilities as hospitals, educational institutions, post offices, sanitation and pollution abatement works, highways and bridges, mass transportation, airports, flood control works and watersheds, and our harbors and navigable streams. These are programs of investment for our people, their safety, and their physical and economic well being. They are already too far behind the needs of the times to be set back further while we spend lavishly on probes of outer space and overcommit funds for the defense program. Experience with construction cutbacks has not demonstrated that they achieve beneficial effects as inflation retardants but has demonstrated that they create confusion and cause additional expense to both the public and private sectors, while dislocating resources in many communities. I have discussed these views with numerous senators who have told me that they concur.

"JENNINGS RANDOLPH,
U.S. Senator."

For the past two or three years, we have been estimating the cost of the Interstate System at something in excess of $60 billion. We now understand that the Secretary of Transportation feels that the final total cost of the system may be nearly $70 billion.

While the Committee on Public Works of the House and Senate have been reviewing the program pursuant to the periodic cost estimates required by the Act, and extending the time for construction in light of the information presented to us—and while we have witnessed construction changes and the development of a more sophisticated highway system than had originally been conceived—the taxes dedicated to the Highway Trust Fund are approximately those which were adopted in 1956. Except for certain additions made in 1961, and extension to September 30, 1972, of the period for collecting those taxes, the Ways and Means and Finance Committees have not examined in detail the Highway Trust Fund and its revenues since 1961.

Important changes in the highway program were made in 1968. We adopted a broad relocation assistance authorization and we gave our support to a policy of expanding the role of people and communities in highway location and construction. In addition, we directed the development of an equal employment opportunity program and added 1500 miles to the Interstate System. All of these modifications will add significantly to the cost.

The 1968 Act was landmark legislation for the highway program, but 1970 will be its year of challenge. Important determinations relating to the Highway Trust Fund must be made. If affirmative action is not taken to extend the life of the Trust Fund, and possibly to increase the revenues going into it, the Interstate System could not be completed, and we would have to halt further work on the vital network. Even if we were to indefinitely postpone some of the more controversial Interstate segments in major metropolitan centers, we would be talking of only 150 miles of the total system. These are expensive miles, but they do not represent the difference in the amount which will be available to pay for the Interstate System and its total cost of construction.

I have discussed highway history, though you, as highway users, are familiar with it. I have done this to emphasize the crucial nature of the situation we now face. My purpose is to emphasize a problem, a serious problem, but not an insurmountable one. And I underscored it for a particular reason and for a definite purpose.

The decisions to be made in 1970 are important beyond their critical effects on the the completion of the Interstate System. For, without clear evidence that highway user revenues will continue to be dedicated to highway construction purposes, there is no prospect that the Senate and House Public Works Committees can devise, develop and recommend a workable program for highway construction following the completion of the Interstate System.

Frankly, the "post-'75" program must rely on the continuation of Highway Trust Fund financing. Recently, I commended President Nixon for focusing the Nation's attention on the need for a meaningful mass transportation program. I questioned, however, the desirability and efficacy of such a program if it is to be financed from general revenues. I emphasized the need for a trust fund to provide our Nation with needed public transportation facilities. I reiterated my strong support for an airport trust fund, as well as continuation of the Highway Trust Fund.

The uncertainties of general fund financing through direct appropriations will not facilitate the long-term planning and development of such public works undertakings. This is especially true for highways. We know this, but knowledge alone is not sufficient. We must have clear and positive indication of what the future funding system will be for highways.

It is my intention to involve Secretary of Transportation John Volpe and Federal Highway Administrator F. C. Turner before our Subcommittee on Roads this fall to give us their counsel on the direction the highway program should take. We will discuss their recommendations and other possible options with them and we will publish the record of our hearing so that all interested parties and the public at large can study it and give us the benefit of their thinking on the "post-'75" program. There are many questions to be answered. The relationship between various transportation facilities, the relationship of the Federal, State, and local governments, the kinds of roads, the level of funding, the matching ratios—all of these facts—will be examined.

We should also look to the development of a special bridge construction program because many of our major river crossings are more than 40 years old and were designed and constructed to serve a population and an economy and vehicles much smaller and less mobile. As the oldest segment of the highway transportation industry you are aware of the changes which have taken place in the dimensions of vehicles being operated in inter-city travel.

As members of the National Association of Motor Bus Owners, you represent the oldest organized major transportation group in the United States. You provide opportunity for transportation over the very roads we are discussing to millions of our people and visitors to our Nation. It is my understanding that there were some 375 million inter-city bus trips made during 1968. You, therefore, are concerned with rendering service to a substantial portion of the American population and its economy since you also transport much of the Nation's small package freight. You are key persons who must make known the need for action in the coming year if this Nation is to have the highway system it must have to support business and commerce, to have its citizens live in comfort and to prosper.

I have alluded to the need for improved air transportation facilities. I would add that we must find a way of providing better coordination between our air facilities and our surface transportation facilities. It would seem that buses will provide a considerable amount of the connecting system between the airports and our population centers.

The Committee on Public Works is interested in the matter of highway safety as it is in highway construction programs. This past June, we held four days of review hearings on the highway safety program established by the Congress in the Highway Safety Act of 1966. As carriers of people, you must, of necessity, be extremely safety conscious. Since your vehicles are longer, wider, higher and heavier than passenger cars, you share the same relationship toward passenger cars that a big brother does toward a smaller one. It is incumbent on your organization and you, its members, to do everything you can to participate in the development of the community safety programs which the 1966 legislation envisioned.

The active participation of those who are commercially involved in highways and who benefit from their existence is a prerequisite to the success of the safety program and is an unshirkable obligation. Your participation in the development in State Legislatures of proper safety laws in keeping with the guidelines established by the Department of Transportation, is a responsibility and a duty to your fellow citizens.

I emphasize the importance which the members of the Public Works Committee attach to the success of the National Highway Safety Program. While the National Traffic Safety Act, which passed in 1966, and which concerns itself with the vehicle design and equipment was given much greater publicity, I have shared with Senator John Sherman Cooper, the Ranking Minority Member of the Public Works Committee, the belief that it is the highway safety program which in the long run will have the greatest payoff in lives saved and accidents avoided.

The challenges and changes in transportation which we have all seen in the past generation continue to occur. Each change is more remarkable and more consequential than those which preceded it. It is only through the vision of those who participate in the development and operation of our transportation network that we shall succeed in achieving our goal of providing our country and its people with a dynamic transportation system that will meet the needs of our growing America.

DEMOCRATIC STUDY GROUP FACT BOOK—FISCAL YEAR 1970 DEFENSE BUDGET

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. FRASER. Mr. Speaker, floor consideration of the military research and development and procurement bill is near and it is important for each Member of the House to inform himself on the new weapons systems requested by the Defense Department for fiscal year 1970. For a factual presentation of the issues involved in the controversial new weapons systems we will be asked to authorize, I commend to the attention of all Members the Democratic Study Group's

"Fact Book on the Fiscal Year 1970 Defense Budget." Beyond describing new weapons systems and providing a rationale and critique for each system, the DSG fact book relates these new weapons systems to the contingencies the systems are designed to meet. Also discussed in the fact book are some of the foreign policy assumptions on which our contingency planning is based.

Mr. Speaker, I insert the DSG "Fact Book on the Fiscal Year 1970 Defense Budget" in the RECORD at this point:

THE FISCAL YEAR 1970 DEFENSE BUDGET

(Prepared by the Democratic Study Group, U.S. House of Representatives)

INTRODUCTION

This DSG Fact Book contains:

An overview of the FY 1970 Defense Budget.

Brief analyses of the contingency planning upon which the defense budget is based.

Fact sheets on controversial new weapons and programs for which FY 1970 funding has been requested.

The conflict over defense spending is likely to occupy public, Congressional, and Executive attention for some time to come. In order to better understand this conflict, it is useful to visualize it as three separate battles being fought concurrently, although the three battle zones often overlap each other.

First is a skirmish between the Congress and Defense Department management and procurement technicians involving efforts to assure more efficient and economical allocation of funds for programs conceded by both sides to be essential to the national security. At issue is about $10 billion.

Second is a clash of massive public constituencies over the post-Vietnam division of the national economic pie. On one side the poor, the environment, and the oppressed taxpayer plead for attention. On the other defense industries press for new weapons to avoid problems of economic conversion such as unemployment and lower corporate earnings. At stake is two-thirds of the $30 billion being spent on the war.

Third—and perhaps most significant—is a battle being fought high above these two visible conflicts. This battle is taking place in the rarefied air at the top of the Administration and in government-supported and private think tanks. The whole range of possible defense postures—from fortress America to *Pax America*—is being reviewed within the Administration while the think tanks are hard at work designing post-Vietnam foreign policies and assigning defense dollar costs to each. This process is largely hidden from Congressional and public view, even though the stakes in this battle are the highest of all—Defense budgets ranging from $35 to $115 billion for the 1970's.

It is hoped that this fact book will provide a framework for discussion of the current defense budget and contribute to better understanding of defense issues generally. Every effort has been made to give a fair and factual presentation of arguments for and against the various military concepts, programs and weapons systems involved in this increasingly important debate. This fact book is not intended, however, to be a comprehensive or definitive analysis of current or future national security issues.

SECTION ONE—OVERVIEW OF THE FISCAL YEAR 1970 DEFENSE BUDGET

Background

The FY 1970 Defense budget first came into public and Congressional view in the middle of January, 1969, when then-Secretary Clifford presented it to the Congress along with his annual Posture Statement. The Defense budget at that time requested $80.6 billion in new budget authority. The budget reflected the best intelligence estimates of various threats to the immediate national security and to various foreign policy commitments undertaken by the U.S. to that time. The $80.6 billion emerged as the request after about $40 billion had been cut within the Defense Department from the total of the amounts submitted by the military services and defense agencies.

Congressional committee work could not begin until after the new administration had taken office and prepared its amendments to the budget. Prior to presenting its amendments, the new Administration undertook a comprehensive review of strategic nuclear policy and considered five force options ranging in cost from $6 billion to $16 billion. The study recommended a strategic nuclear posture outwardly similar to the previous Administration's costing $10 billion. The new Administration also initiated a comprehensive review of general purpose force levels, considering 10 options with price tags ranging from $14 billion to $85 billion. The recommendations of this review have not yet been made public.

At the end of March, Secretary Laird presented the new Administration's "mini" Posture Statement to the House Armed Services Committee. The amended request in new budget authority was $78.5 billion, a $2.1 billion reduction. Key changes in posture all appeared in the strategic nuclear area, and centered around shifting Sentinel to Safeguard, improving Poseidon MIRV capability against hard targets, and speeding manned bomber development. While these changes all involved small amounts of money, they reflected either new intelligence assessments of the Soviet threat or a U.S. decision to adopt a more forward strategic stance.

Spring saw widespread Congressional activity in the area of tightening management and procurement practices. The Joint Economic Committee took on questionable activities in the C-5A and F-111 programs and in June issued a report recommending thorough review of Defense Department procurement. Also during this period public concern focused on the issues involved in specific controversial programs, including the Safeguard anti-ballistic missile system and chemical biological warfare. Safeguard particularly served to open the door on the whole question of our strategic relationship with the Soviet Union and served as a catalyst for grass-roots pressure to shift resources from the defense to the domestic sector.

Against this background the House and Senate Armed Services and Appropriations Committees continued work on the key FY 1970 military procurement and R & D bill, containing $22 billion in requests. This bill in its House and Senate versions contains money for programs having a total five or ten year systems cost far in excess of the amount authorized in FY 1970; programs funded will lay heavy claim during the 1970's on savings resulting from liquidation of the Vietnam war. The Committees also considered requests for $1.9 billion for military construction. $46.3 billion requested for operations and maintenance and military pay, in addition to $7.8 billion in procurement funds, requires no new authorization. A final $400 million requested for military assistance is under the authorizing jurisdiction of the Foreign Affairs and Foreign Relations Committees.

Format

The basic breakdown of the amended FY 1970 Defense budget is by title, as follows:

[In millions]

Military personnel	$24,390
Operation and maintenance	21,960
Procurement	21,560
Research, development, test, and evaluation	8,300
Military construction	1,310
Family housing	$615
Civil Defense	75
Military assistance	410
Subtotal	78,620
Budget concepts adjustments	−140
Total new obligational authority, (78.5 billion)	78,480

The Defense Department also provides a breakdown by component, which for analytic purposes is useless, and a category breakdown, which is useful only in that it distinguishes strategic forces (FY 1970 unamended: $9.6 billion) from general purpose forces (FY 1970 unamended: $32 billion).

There is no way of determining accurately the total cost of a weapons system either from the basic Defense budget presentation or from the Secretary of Defense's accompanying Posture Statement. While procurement and R&D estimated costs for a given fiscal year are identified in the Posture Statement, such estimates do not include funds for paying troops, constructing facilities, providing housing, or operating and maintaining the system. These funds are all submerged in the basic categories for all systems and programs. Related costs are particularly important for modern weapons systems because such systems require expensively trained personnel and costly maintenance procedures. Such costs are available to Members of Congress only by request and then in very generalized form.

Another key defect in the present basic Defense budget presentation is the lack of an unclassified 5-year-or-longer systems cost. Members of Congress can, again by request, obtain a very rough estimate of such costs for individual systems. But a comprehensive and accurate estimate of the total 5-year costs of weapons systems authorized in a given fiscal year is not available, even for the procurement and R&D categories. The high cost of modern weapons systems again makes it important that such information be easily available to all Members of Congress, indeed to the public at large.

Perhaps the most useful document for analyzing the Defense budget is the annual Posture Statement which accompanies the initial budget presentation to the Congress. It is organized by program and provides a national security or a geopolitical rationale for each request. Thus the broad outlines of Secretary Clifford's FY 1970 posture statement have been adhered to in the following breakdown of Senate Armed Services Committee action on the Administration's FY 1970 procurement and R&D requests, and in Parts II (Strategic nuclear forces) and III (General purpose forces) of this Fact Book.

Senate action

After requesting guidance from the Defense Department in making its determination, the Senate Armed Services Committee, in early July, reported S. 2546 authorizing FY 1970 appropriations for military procurement, R & D, and Safeguard construction. The report also contained supplementary views critical of the Safeguard proposal signed by four Senators.

The Committee authorized $20 billion for the purposes of the bill, $1.96 billion below the Administration's request. Following is the breakdown of Senate Committee action, presented in the same format as the Secretary of Defense's Posture Statement.

Strategic Nuclear Forces (Procurement and R. & D.)

Added $153 million to the $352 million requested for nuclear attack submarine procurement and recommended full funding for three boats instead of two. The Committee cited an increased Soviet submarine threat to both carrier strike forces and the Polaris

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deterrent. It also cut $29 million from $119 million requested for advance funding for five additional submarines because of the decision to authorize procurement of a third submarine.

Approved a $400 million reduction recommended by Secretary Laird for MOL (manned orbiting laboratory) R & D. $125 million remaining of the $525 million total request was authorized for termination costs.

Cut $44 million from $60 million requested for AWACS (advanced airborne warning and control system) R & D. It also cut $16 million from $18.5 million requested for R & D on F-106X interceptor modifications. The Committee recommended extensive study of bomber defense, citing wide differences between the National Intelligence Estimate and the Air Force estimate of the Soviet bomber threat.

Cut all of $20 million requested for SRAM air-to-surface missile procurement, recommending further R & D. The Committee also cut $40 million from $550 million requested for aircraft modification, citing decreased need for B-52 modification in light of the SRAM procurement cut.

Cut $14 million from $121 million requested for ABRES (advanced ballistic reentry system) R & D.

Cut all of $20 million requested for ULMS (undersea long-range missile system), and recommended termination of the program.

General Purposes Forces (Procurement and R & D)

Land war forces

Cut $20 million from $67.5 million requested for M60A1 tank procurement. The Committee also cut all of $3.8 million requested for laser range finder procurement and all of $3.5 million requested for a training launch control system, both related to use of the Shillelagh anti-tank missile on the M60A1.

Cut $15 million from $45 million requested for MBT-70 tank R & D. The Committee recommended re-orientation of this joint West German-U.S. program.

Cut $5 million from $53 million requested for Sheridan reconnaissance/attack tank procurement.

Cut $14 million from $156 million requested for TOW anti-tank missile procurement. In hearings the Committee cited Army overestimation of the Warsaw Pact tank threat.

Cut $18 million from $110 million requested for CH-46E transport helicopter procurement. The Committee also cut all of $15 million requested for R & D for a new heavy-lift helicopter and $28 million from $33 million requested for Mohawk observation helicopter procurement.

Cut all of $16 million requested for offensive CBW R & D.

Cut all of $8.5 million requested for Interrogator air defense control system procurement.

Cut all of $1 million requested for LIT (light intra-theater transport) R & D.

Tactical Air Forces

Accepted a Defense Department recommendation that the total Cheyenne attack and armed escort helicopter procurement of $429 million be cut. The Committee also cut all of $16.5 million requested for Cheyenne R & D, thus leaving the program unfunded.

Cancelled A-7D attack aircraft procurement and recommended that the $375 million for A-7D be used for F-4E attack aircraft procurement. The Committee noted that the A-7D required complete air superiority whereas the F-4E has unescorted interdiction and air-to-air combat capabilities. The Committee also cut all of $100 million requested for A-7E attack aircraft procurement.

Cut $22.5 million from $38.5 million requested for A-37B attack fighter procurement.

Cut $21.5 million from $28 million requested for T-X navigational trainer procurement.

Cut all of $15 million requested for RF-111 reconnaissance aircraft R & D.

Cut all of $3 million requested for AGMX-3 air-to-ground missile R & D. The Committee cited extensive duplication in air-to-ground missile programs.

Naval War Forces

Cut all of $66 million requested for new ASW aircraft R & D, recommending termination of the program. The Committee also cut $25 million from $165 million for VSX ASW aircraft R & D, citing delay in finding a contractor.

Cut $43 million from $68 million requested for ASMS (air-to-surface missile system) R & D.

Airlift/Sealift Forces

Cut all of $187 million requested for procurement of three FDLSs (fast deployment logistic ship). The Committee called the proposed ships a low-priority item.

Deferred $50 million of $1 billion C-5A transport FY 1970 costs to FY 1971. The Committee noted that six month's slippage in C-5A production allowed deferral of these spare parts funds.

Strategic and General Purpose Forces

Cut all of $75 million requested for SAM-D anti-aircraft system R & D. While recognizing the need for a follow-on air defense system, the Committee doubted that SAM-D met this requirement. The Committee also cut $9 million from $99 million requested for Hawk surface-to-air missile procurement.

Other

Cut $130 million from $1.3 billion requested for a variety of R & D projects such as communications, intelligence, CBW, electronic surveillance, nuclear monitoring research, and certain classified programs. The Committee did not specify items but directed the Defense Department to distribute cuts among the military services and defense agencies.

Cut $51 million from $631 million requested for basic scientific R & D and project Themis, which seeks to divert military research from universities to other organizations.

Cut $1.5 million from $13.3 million requested for foreign affairs research.

Beyond these specific program cuts, the Committee directed that the Defense Department make additional cuts in R & D activities but left it to the Department to apply the cuts to programs of their choosing. The Committee remarked that it had deviated from the traditional across-the-board approach in specifying programs to be cut in the R & D area.

The Committee also expressed concern about management and procurement practices and the high cost of new weapons systems and directed the Defense Department to file quarterly progress reports with the Committee on such weapons systems.

SECTION TWO—STRATEGIC NUCLEAR FORCES

This section will first briefly describe nuclear war strategies. It also contains fact sheets on selected strategic items in the FY 1970 authorization requests, and discusses some pros and cons of the requests.

First strike

This strategy requires an offensive capability so great that most of one's opponent's deterrent forces are destroyed, and requires an ABM and bomber defense so effective that damage to one's own cities is very limited.

Destruction of an opponent's deterrent forces can only be accomplished with large numbers of very accurate or very large missiles. At the present time, it is more effective to launch accurate small missiles, or missiles with accurate multiple warheads, than it is to launch large warhead missiles.

Some parts of the deterrent are harder to destroy than others; the safest deterrent forces at present are Polaris-type missiles. It would be extremely difficult, if not impossible, to destroy Polaris forces before they were launched, decreasing still further the plausibility of first-strike.

A first-strike capability is much more expensive than are retaliatory forces, because it costs more to destroy an enemy missile before it is launched than it costs the enemy to deploy another missile. If one nation is seeking a first-strike, the opponent can keep even by spending the same amount of money, assuming technological parity. Deploying more missiles and building more Polaris-type submarines are steps which can be observed by one's opponent; in the time it takes to deploy these, the offsetting retaliatory weapons can be deployed.

Putting multiple warheads on missiles, instead of adding more missiles, is less expensive and cannot be detected by one's enemy. If the multiple warheads are accurate, however, new and complicating factors are introduced. (See the Fact Sheet on MIRV.)

The intelligence community is of the consensus that the Soviet Union is not planning a first-strike capability; but there is undoubtedly a small probability of such a development. At the same time, the Soviet Union must perceive our stepped-up strategic deployment as posing a small probability that the United States is adopting a first-strike strategy.

Damage limitation

Damage limitation is the ability to reduce the amount of damage by a nuclear attack, either by means of offensive or defensive weapons or passive defenses.

Offensive weapons are used for damage limitation when they are used to destroy enemy strategic missiles prior to their being launched, presumably in the later hours of a nuclear war.

Examples of defensive systems used for damage limitation are Sentinel (not Safeguard), bomber defenses, and the Soviet Galosh ABM. Passive defense generally refers to civil defense.

Deterrence

Deterrence is a policy of ensuring that if an enemy should launch a first-strike, one will have sufficient second-strike or retaliatory forces remaining to inflict unacceptable damage on the enemy. Secretary McNamara, in his FY 1969 Posture Statement, estimated that a sufficient deterrent against the Soviet Union would be the capability on our part to destroy one-fifth to one-fourth of her population and one-half of her industrial capacity.

Many of the weapons used for first-strike are also used for deterrence, including land-and-sea-based missiles, bombers, and aids to help these forces to penetrate enemy defenses. One's deterrent is secured by defensive forces, such as Safeguard, point-defense of bomber bases, hardening of missile silos, and ASW (Anti-Submarine Warfare) protection of the Polaris-type forces.

Deterrent capability is decreased by an enemy's defensive damage limitation capability. Increasing the capability of one's missile force by adding missiles, using multiple warheads, or deploying penetration aids are methods of neutralizing enemy damage-limitation and preserving one's deterrent.

Safeguard ABM

Description

The Safeguard ABM system is made up of Sentinel components that are themselves a configuration of the basic Nike-X components. The system is made up of missiles, radars, computers, and interlocking command and communications elements.

The missiles are the 400 mile Spartan and the 25 mile Sprint, both carrying nuclear warheads designed to destroy incoming ICBMs by detonating in the vicinity of the incoming warhead. The radars are the long range PAR for initial acquisition and the shorter range MSR for target tracking. The computer network will be the most complicated ever developed and will be tested only by tapes of Soviet missile launches.

The system is to be deployed in the first phase at two Minuteman bases in Montana and North Dakota and in the second phase, if this deployment option is exercised, at two more minuteman bases, seven bomber bases, and around Washington, D.C.

Costs

Since the early 1960s about $3 billion has been spent on ABM. Western Electric was in charge of packaging Sentinel and performs the same task for Safeguard; in 20 months between July 1967 and April 1969 the company was paid $1 billion for procurement and R & D. Major subcontractors were Raytheon ($109 million for MSR), McDonnell Douglas ($90 million for Spartan), Martin Marietta ($70 million for Sprint), and General Electric ($45 million for PAR). Five electronics companies were paid another $60 million for computer work.

The Defense Department puts the total cost at $6.6 to $7 billion for a fully deployed Safeguard system, but admits this excludes $1.2 billion in warhead costs in the AEC budget. The Defense Marketing Survey, a service for defense contractors, puts the total procurement and R & D package at $12.2 billion. Estimates of the cost of maintaining the system on short alert once it is deployed are not available. Such costs will be formidable because of the state of readiness required, the need for expensively trained personnel to operate the sophisticated computers and radars, and the maintenance and operating requirements of such sophisticated equipment.

$345.5 million has been requested in FY 1970 for procurement and $400.9 million for R & D, for a total of $746.4 million, in addition to $16 million in construction funds. Unexpended funds from previous ABM authorizations may also be used for all Safeguard purposes except procurement of operational missiles; such funds may push FY 1970 Safeguard costs to $1 billion.

For *Rationale* and *Critique* see DSG Fact Book entitled *ABM, Congressional Record,* June 20, 1969 (PS. 6871).

MIRV (Multiple independently targeted re-entry vehicle)

Description

MIRV is the loading of an ICBM with more than one warhead, each of which is separately aimed. The missiles designated for MIRV are the Air Force's Minuteman III and the Navy's Poseidon C3. The Department of Defense presently plans to replace about 500 of 800 Minuteman I's with Minuteman III, and 31 of 41 Polaris submarines with Poseidon.

The warheads on a MIRVed missile are carried in a "bus," which releases each warhead in its turn and then shifts course to release the next warhead at another target. Current plans call for 3 warheads in the bus designed for Minuteman III and up to 14 in the bus designed for Poseidon. Warheads can be replaced with penetration aids if circumstances require such a mix. The Poseidon warheads are expected to be in the low kiloton range if targeting accuracy improves sufficiently to make a warhead this small effective. Also, kiloton warheads can be easily tested underground.

There is question about the accuracy of MIRVed missiles. Use of MIRV as a deterrent weapon by targeting it against cities would not require a high degree of accuracy. If MIRV guidance systems are so improved as to be accurate within a fraction of a mile, a MIRVed missile becomes a first-strike weapon.

Costs

Estimates of the total cost for the MIRV program range from $3 to $12 billion. It is difficult to determine how much of the FY 1970 budget is allocated to MIRV, but the Defense Authorization bill before the Senate allocates $301.4 million (to go with $139.6 million previously authorized) for conversion of 6 Polaris submarines to Poseidon and $157.5 million in advance for conversion of 12 more submarines. The bill also allocates an unspecified amount for Minuteman conversion.

The Nixon Administration added $12.4 million to the original MIRV requests to improve the accuracy of the Poseidon in order to enhance its effectiveness against hard targets.

Rationale

MIRV is economical. Putting three warheads on one missile is less expensive than constructing three missiles. This is so even when one accounts for both the reduced warhead size and the reduction in total megatonnage per missile going from ICBM's to MIRV's.

MIRV increases our deterrent. One of MIRV's purposes is to penetrate ABM systems by firing a succession of warheads toward the same area. Thus the Soviet Union would know that if they launched a first strike, their ABM system would not protect their cities from our second strike. In increasing our second strike capability, MIRV would decrease the likelihood of the Soviets launching a first strike.

Proceeding with MIRV would hasten arms limitation talks, since MIRV's ability to penetrate Soviet ABM systems would give the USSR an incentive to trade an ABM halt for a MIRV halt.

Critique

MIRV accelerates the arms race, at a cost of increased world tension and billions of dollars.

The intelligence community has produced no evidence that the Soviet Union is flight-testing MIRV. Their recent multiple warheads tested have not been independently targeted; the U.S. has had such MRV capability for some time. Because we are far ahead of the Soviet Union, we can safely negotiate a MIRV test ban now and lessen the need for ABM on both sides, saving billions of dollars. If MIRV testing is completed, an agreement cannot be verified by unilateral means, such as satellites, which greatly reduces the chances of either side signing it.

With testing completed or near completion, the Soviet Union will assume deployment is imminent and will develop and deploy MIRV themselves. Particularly disturbing is the Administration's request for $12.4 million to improve MIRV guidance systems against hard targets. This threat to the Soviet deterrent taken with ABM deployment is evidence of intention to develop a first strike capability.

MIRV on both sides increases the possibility that the U.S. or the Soviet Union will consider a first strike strategy because:

MIRV is an extremely cheap way of suddenly and secretly multiplying the number of deliverable warheads.

A MIRVed deterrent force equivalent in deliverable warheads to a non-MIRVed deterrent force is far more vulnerable to a first strike because the number of actual missiles has been reduced. Since a MIRVed deterrent is more vulnerable to a first strike, the temptation to launch missiles as soon as incoming missiles are detected—or before—is much greater. Decision-times are shorter and the possibility of rash action is increased.

ABRES (Advanced Ballistic Reentry Systems)

Description

ABRES is a joint R & D program to improve the maneuverability of ICBM reentry vehicles and the effectiveness of penetration aids. Part of the program offers the possibility of advancing the MIRV weapons system by adapting individual guidance units to each of the several re-entry vehicles loaded in one ICBM. The MIRV weapon now being tested releases one warhead at a precise point during the missile's trajectory, then shifts course to release the next warhead at another target. MIRV technology developed under ABRES will enable each re-entry vehicle to alter course, maneuver around an antiballistic missile system, and guide the H-bomb to its target.

The ABRES program in addition involves continuing R & D on penetration aids such as heatshields, decoys, chaff, and electronic counter-measures. ABRES also comprises defensive technology such as hardening concepts and characteristics of re-entry vehicles to failitate destruction of incoming enemy warheads.

Costs

The ABRES program has been in operation since 1963. Over $1.3 billion has been spent since FY 1962 on technology development for ICBM reentry vehicles and penetration aids. DOD requested an additional $121 million in R & D funds for FY 1970, which was cut by $14 million by the Senate Armed Services Committee. Singer-General Precision, Inc., was recently awarded a $3.9 million contract to develop and build parts for a new guidance system, an indication that the Pentagon intends to go ahead, with an advanced MIRV weapon. Total R & D costs for the ABRES program for the next 5 years are estimated at over $600 million.

Rationale

ABRES is intended to increase the technological data available for new weapons development and does not involve effort on deployed systems. The effort is primarily in the area of improving capability to penetrate Soviet defensive systems, although hard target capability is improved in some ABRES activities. The central objective, however, of the ABRES program is the maintenance of our deterrent by enhancing the penetration capability of our re-entry vehicles.

Improvement of our hard target capability is not directed toward a U.S. first-strike, but supports our second-strike damage limiting ability, a secondary U.S. strategic requirement.

The portion of the ABRES program relating to an improved MIRV guidance system in fact *decreases* our ability to hit hard targets because installation of a guidance system capable of maneuvering around Soviet ABMs requires a trade-off in accuracy and warhead size. In any event research on maneuvering re-entry vehicles does not imply a plan to use them.

Critique

The necessity for maintaining a technological base for future weapons development is generally accepted, particularly as far as R & D is concerned. It is not clear, however, that the ABRES program is confined solely to R & D efforts. The Singer-General contract, for example, is for production of parts for a new guidance system—clearly a step beyond research and development as it is normally defined.

ABRES, like any other new weapons program, develops its own momentum for deployment. Once the technology becomes available for successful introduction of a new system or a system refinement, the pressure for production and deployment becomes irresistible. Unfortunately, the ABRES program has been so tightly classified that it is impossible to determine at what stage the components of the program have arrived.

With regard to the U.S. secondary strategic mission of limiting damage by destroying hardened enemy missile silos, such a capability clearly presents the President with a first-strike option. A potential enemy, of course, has only the President's word that the

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option will not be exercised. For an enemy strategic planner to meet contingencies on this basis would surely be too much to ask. Therefore, the damage limiting mission becomes an excuse for enemy planners to go ahead with weapons systems designed to dig out our missiles, which in turn raises first-strike fears in this country and sends the strategic arms race into another upward spiral.

SRAM (short range attack missile)

Description

SRAM is an Air Force missile which will arm the FB–111 and the G and H models of the B–52. It is supersonic, air-to-ground, and nuclear-armed, for use against cities.

Costs

The original contract between the Air Force and Boeing for the R & D phase of the total SRAM system, including mating the system to the aircraft, was for $142.3 million. The overrun has been set at $55–$60 million by the Air Force and higher than $80 million by the Senate Armed Services Committee. SRAM is the second Air Force hardware program (the other was the C5A) to be developed under terms of this total package concept.

The FY 1970 budget contains $20.4 million for SRAM procurement (all of which has been deleted by the Senate Armed Services Committee) and $84.7 million for R & D.

Rationale

With SRAM, the bomber does not have to fly on to the target, which is likely to be heavily defended. Therefore, SRAM extends the useful life of the B–52 and FB–111. This diminishes the need for an advanced manned bomber, and might save billions of dollars.

Critique

Critics within the Pentagon state that if adoption of SRAM could in fact delay advanced manned bomber development, it is an excellent idea. SRAM, however, has been hindered by poor R & D management. The program has been pushed too fast—for example, the FB–111 was not operational when SRAM design started.

Technical problems encountered during research and development have included:

Developing a restartable, solid-propellant motor.

Designing a missile capable of being carried on both the supersonic FB–111 and the subsonic B–52.

Modifications in the FB–111 have necessitated modifications in SRAM.

The test schedule has fallen behind.

A number of critics, of course, question the assumption that we need manned bombers at all (see AMSA); SRAM would not be needed if we phased out our manned bombers.

SCAD (subsonic cruise armed decoy)

Description

SCAD is an air-launched decoy to go with the B–52 and FB–111 as a complement to SRAM. SCAD's radar image is identical to the B–52, thereby confusing enemy detection. It also has a multiple warhead capability to destroy enemy bomber defenses.

Costs

Total funding to this point has been $15 million. SCAD is still in the R. & D. stage. The amount requested in the FY 1970 budget is classified.

Rationale

SCAD increases the ability of manned bombers (FB–111 and B–52) to survive and penetrate the expected improved Soviet air defense system of the mid-1970's.

Critique

SCAD and SRAM are related programs (e.g. they will use the same launching and control apparatus, and both extend the useful life of the present manned bombers). Critics fear that classification of the amounts spent on SCAD could be concealing cost overruns similar to SRAM's.

AMSA (advanced manned strategic aircraft)

Description

AMSA is a swing-wing manned bomber for the 1970s and 1980s. It is as large as the B–70, but can fly at 200 feet for 1,000 miles at the speed of sound, thus giving it the capability to avoid air defenses. It has a range with one refueling of 6,700 miles and a top speed of 1550 miles per hour. AMSA could be armed with nuclear bombs or nuclear-tipped air-to-ground missiles.

Costs

$140 million has been spent on R & D to date. The estimated total R & D costs are $1.76 billion. Unit cost estimates run from $20 million to $80 million. With a production run of 263 as currently estimated, total production cost estimates run from $5.26 billion to $21 billion.

The FY 1970 budget contained a request for $77.2 million for R & D. Secretary Laird added $23 million to this request and the Senate Armed Services Committee approved the FY 1970 total of $100.2 million for R & D.

Rationale

The U.S. arsenal must contain a mixed force consisting of both bombers and missiles in order to insure against missile unreliability or improvements in Soviet missile defense systems. Bombers are more flexible than missiles because they can be redirected to other targets while in flight or called back.

An investment in AMSA would require the Soviet Union to build a new bomber defense system, complicating their defense problem and requiring diversion of resources from ABM programs. AMSA could also be used for other military efforts such as non-nuclear bombing in limited wars.

Critique

The Pentagon itself has repeatedly informed the Congress that:

The Soviet long-range bombers number less than one-sixth of our B–52 force, and are inferior to that plane.

The Soviet SST cannot be redesigned to be a manned bomber.

There are no signs that the Russians are developing a new bomber.

The intelligence community is of the consensus that the Soviet medium-range bombers represent so small a threat that the National Intelligence Estimates omit mention of them altogether.

Critics assert that the deployment of large numbers of intercontinental land-and-sea based missiles has placed bombers in a secondary strategic role. Hidden or hardened missiles are far less vulnerable during a first strike thus providing a more credible deterrent. In 1966, Secretary McNamara pointed out that even if 50% of the missiles the U.S. deployed were faulty, or were shot down by a Soviet ABM system, the U.S. could still deliver more warheads per dollar by missile to the Soviet Union than by manned bomber.

Limited warfare roles of bombers do not require AMSA. B–52's have flown thousands of missions over Vietnam without one loss to hostile action; AMSA would cost more to do the same job.

Industry sources indicate that the present specifications may be impossible to achieve. Any unexpected development in R&D, such as a weight increase, a loss in engine efficiency, or an increase in the penetration aids AMSA must carry, will do to it what similar problems did to the Boeing swing-wing SST, which was abandoned.

Bomber defense

Description

NORAD (North American Air Defense Command) is the basic U.S. defense against the Soviet bomber threat. It consists of radars, communications, computers, control centers, missiles, and interceptors. The system was developed in the early 1950's when the Soviet strategic capability depended on a large bomber fleet.

Essential components of the system are:

The DEW line radars.

The SAGE (Semi Automatic Ground Environment) system, a computerized command and control system for the missiles and interceptors.

The BUIC (Back-Up Interceptor Control) system, designed to take over if SAGE is destroyed.

Nike Hercules, Hawk, and Bomarc surface-to-air missiles, deployed at 110 sites around the U.S.

Forty-one interceptor squadrons of about twenty planes each, deployed at bases around the U.S.

NORAD was constructed at a cost of tens of billions of dollars when a first-strike would have been against cities, but being carried out by bombers, would have allowed many hours warning time.

Costs

The Pentagon has this year proposed gradually phasing out SAGE and replacing it with a new, more efficient system. The new system is designed to counter a Soviet B–70, AMSA, or SRAM-type missile on their present aging bombers.

The new system is to consist of the following:

OTH (Over-the-Horizon) long range radar. Costs of OTH are not available.

AWACS (Airborne Warning and Control System) large aircraft with radars capable of "looking down" at a Soviet bomber attacking at very low altitudes (200 feet), and controlling the interception of such bombers. AWACS will be invulnerable to missile attack. $60 million is included in the FY 1970 budget for R & D on AWACS, of which the Senate Armed Services Committee cut $45 million, recommending that the program be deferred one year.

F–106X (an improved F–106 interceptor), which will have a "look-down/shoot-down" capability against low-flying Soviet bombers. The FY 1970 budget contains $18.5 million for R & D on modernizing the F–106, of which the Senate Armed Services Committee cut $16 million. The program will have an estimated investment cost of $750 million to $1.2 billion. Annual operating costs are expected to be $700 million.

Sam–D (a new anti-aircraft system to replace Nike Hercules and Hawk). The system includes radar, electronic guidance, and missiles. $75 million is in the FY 1970 budget for contract definition for advanced development. The Senate Armed Services Committee cut this item in its entirety, stating that its development was not urgent and that it might not be the most efficient system for the requirement.

The Air Force has recommended the Lockheed F–12 as a possible alternative to an improved F–106. F–12 would be a 1950 mile-per-hour interceptor with a unit cost of $40 to $50 million. Annual operating costs of a pure F–12 force are estimated at $750 million.

This interceptor, also with a look-down/shoot-down capability, could deter or defend against a Soviet AMSA or a SRAM-like missile, but only marginally better than F–106X. The F–12 has the disadvantage of possibly encouraging Soviet AMSA development, just as the Russian ABM brought on our MIRV.

Rationale

A strong bomber defense is necessary at the present time to deter development of a Soviet B–70, for which they now have a sufficient technological base. If the Soviet Union should develop and deploy such a bomber, the U.S. could not be caught without an adequate defense. At present, the Soviet Union has a fleet of about 150 long-range bombers.

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In addition, it is conceivable that countries other than the Soviet Union, such as Cuba, could attack the U.S. with manned bombers and inflict serious damage. If the costs of defense are lower than the probability of such an attack, defense is warranted.

It is also likely that bombers would be used in a European, Middle Eastern, or Asian conflict. If the U.S. gets involved, we must protect our forces and allied forces and cities with sufficient bomber defenses.

Critique

Bombers are useless in a strategic offensive force unless a nation does not have ICBMs or Polaris-type forces. Soviet bombers flying to American missile silos would find them empty upon arrival. U.S. bombers withheld from a Soviet first strike attack, if not destroyed in the first round, would find few targets left of any real strategic importance.

Bombers cost so much more than the more-efficient missiles that if a nation needed an improved deterrent, and built bombers instead of missiles, it would be diminishing its own national security. The Pentagon states that the Soviet heavy bomber force is expected to continue its gradual decline, and that medium bombers could not play an important part in an attack on the United States. The Russian SST would be extremely difficult to convert to a modern bomber. Both the United States and the Soviet Union decided in the mid-1960s not to go ahead with bomber development.

Given the low probability of a bomber attack, critics argue that defenses against bombers are unnecessary. If, however, one concedes a need to defend against a greater-than-expected threat, there are less costly alternatives to OTH, AWACS, SAM–D, F106X, and F–12.

The Senate Armed Services Committee decided that the present system has sufficient capability against the greater-than-expected threat. The present system has low research and investment costs. On the other hand, despite the fact that it is being made more efficient each year, it has an operating cost estimated at from $733 million to $1 billion annually.

Some critics suggest turning the tracking and identification responsibilities over to the Federal Aviation Administration, maintaining an F–106 force sufficient to defend against the existing threat, and finishing the R & D on OTH, AWACS, and F–106 so that these systems can be immediately deployed if the Soviet Union starts development of an AMSA.

SECTION THREE—GENERAL PURPOSE FORCES

This section contains a brief discussion of the military doctrine that underlies our general purpose forces. Following are four subsections covering land, tactical air, and sea war, and airlift/sealift war, introduced by a discussion of contingency planning and force levels for each type of warfare and fact sheets on controversial weapons systems or programs in the FY 1970 budget.

Flexible Response

Under the doctrine of flexible response, the United States reserves for itself a number of options in a crisis, ranging from threatening the selective use of conventional forces through tactical nuclear war. Because an opponent can threaten any level of violence, prudence requires a response at the same level but with greater force, thereby deterring the opponent without unilaterally escalating to a more drastic type of war. The doctrine was adopted during the Kennedy Administration in the belief that a major power which relies solely on strategic nuclear weapons, as the U.S. did during the 1950's, is faced, in a crisis, with the unsatisfactory choice of using the weapons or accepting diplomatic defeat.

Hundreds of billions of dollars were spent by the Defense Department in the pre-Kennedy years. The military services spent the money on long-range manned bombers, high Army and Marine force levels, and as large a surface Navy as possible. These expenditures resulted from the ceiling on the defense budget and interservice rivalry. The services spent money on programs which symbolized institutional power, rather than programs calculated to improve our overall defense posture. After the 1961 decision, Secretary McNamara, through improved management and some expenditure increases, built up our flexible response capability. The policy is very expensive, costing about 70% of the non-Vietnam defense expenditures during the last 10 years, or $350 billion.

Two Major/One Minor Wars

The factors which determine the level of defense spending are the contingencies we view as likely to come about, and our interpretation of their effect on our national security. For general purposes forces, it is the kind of wars we want to be able to fight, simultaneously and on short notice, that determine how large our forces must be in peacetime, and therefore the size of much of the defense budget.

U.S. planning for non-strategic war aims at a high degree of readiness to fight three conflicts arising simultaneously. The three conflicts are a Vietnam-size contingency in Asia; a Dominican-Republic size intervention in this hemisphere; and a tactical nuclear land war in Western and Central Europe. The duration of the conflicts for which preparations are made is classified.

Critics emphasize that such contingency planning must be re-thought if policies are to be changed. They argue that the contingencies of a tactical nuclear war or a protracted war at sea are highly unlikely, and that the probability of both conflicts arising simultaneously is next to zero. They recommend re-defining those areas of the world in which our national security is truly engaged, and reassessing the ability of military force to accomplish ends judged vital to our national security.

Land war forces

Current Mission

Current contingency planning for land war assumes that U.S. national security would be critically involved in a confrontation between the European NATO countries and the Warsaw Pact, in Communist military aggression or large-scale insurgency in Asia, in Soviet direct intervention in the Middle East, and in certain Caribbean contingencies. In their initial phases these wars would all be limited wars. Contingency planners prepare for three types of limited land war:

Slow build-up/long term, such as the war in Vietnam.

Fast build-up/long term, such as the Korean War.

Fast build-up/short term, such as a new Korea or a Chinese invasion of Taiwan.

Planners now believe that a fast build-up in defense can shorten a war. Planning for a fast build-up requires large peacetime forces-in-being and a great deal of mobility, which is the reason for the Strategic Reserve and airlift/sealift capability. Our overall posture is designed to cope with two major and one minor contingencies arising from situations as described above.

Critique

All of the contingencies for which we currently plan are of low probability. Current planning assumes that in order to deter intervention by the Soviet Union or other powers, we must think in terms of putting ground forces into a conflict. If one reviews contingencies, however, one is hard put to imagine a case outside of Europe where we would again be prepared to take such action. Our security interests in Asia now center around Korea and Thailand. Both have the ground troops to defend themselves and would be better supported in a crisis by U.S. firepower rather than manpower.

With regard to Europe, it is difficult to conceive of confrontations between the Warsaw Pact and NATO which would be long-term and non-nuclear, because:

Soviet and U.S. units are placed very far forward in Europe and would become engaged almost immediately.

The U.S. has 7,000 tactical nuclear warheads in Europe, including nuclear land mines along the eastern NATO line.

Casualties in combat units in a tactical nuclear war are estimated at 20% per day.

Force Levels

Combat division strength and basing are largely determined by the contingencies for which we prepare. Considerations such as the balance of payments and the usefulness and mobility of the reserves also influence current force levels and basing. In the future new factors will influence force level and basing decisions:

Greatly increased mobility, making it possible to station more combat troops outside theaters of operations for rapid deployment.

Reduced manpower requirements, due to a reluctance to involve U.S. ground forces in protracted conflict.

The expiration of base agreements, and political changes in countries which in the past have provided the U.S. with basing facilities.

In the past, the military services have asked for and been routinely authorized arbitrary troop strengths. Unit sizes and over-all force levels have been calculated on the basis of the last war. For the future, we must more accurately determine troop requirements, and design forces to attain the goals for which we are likely to be fighting. For instance, we should determine whether we are in Europe as a trip-wire or to fight a long-term land war on the continent, before we size our forces there.

Our force levels for land war should also be determined on a long range basis to allow for more efficient manpower management. The Five Year Defense Program could usefully serve this need.

Sheridan

Description

Sheridan is a lightweight armored reconnaissance attack vehicle intended to provide the Army with substantial improvement over existing armored vehicles. The tank is to provide amphibious and airborne capabilities, high mobility, increased rate of fire, and better hit probability. It employs the Shillelagh anti-tank missile system. It travels 43 miles per hour and has a 350 mile range.

Costs

$1.2 billion has been spent on the Sheridan-Shillelagh program to date, with no combat-operational tanks yet available. Sheridan was put into production even though testing showed it to have numerous shortcomings. Millions of dollars have been spent on modifications of the unusable weapons which were produced. Prime contractor is General Motors, using government-owned facilities in Cleveland, Ohio. The Senate Armed Services Committee has deleted $5 million from the $53 million requested for procurement in the FY 1970 budget.

Rationale

Sheridan is essential to counter the quantitative and possible qualitative superiority of the armored units expected to be deployed by the Warsaw Pact countries.

Critique

Although the Senate Armed Services Committee reported that the Sheridan was performing in an outstanding manner, the House Armed Services Investigating Subcommittee (*Report*, July 9, 1969) reviewed the Army tank program and concluded:

While the Army considered the M60A1 main battle tank equal or superior to Soviet-designed tanks, it failed to maintain an adequate production rate of M60A1's during the 1960's. Citing the thus limited armored capability, and fearing loss of program funds, the Army ordered mass production of Sheridan before there was any adequate assurance that the design was suitable.

Misleading reports and unwarranted overconfidence of Army developers influenced the decision to produce Sheridan. Despite continuing development failures, production decisions were made so that an appearance of satisfactory program progress would lessen the chance for searching and critical review by the Office of Secretary of Defense and the Bureau of the Budget. Hasty production decisions caused millions of dollars to be spent to reconfigure and modify the equipment in order to even partially achieve design goals.

Despite design defects in the Sheridan system, the Army hurriedly modified a small number of Sheridans and released the vehicles to Vietnam in early 1969 to demonstrate the Sheridan's value as a weapon as soon as possible. The release was conditional because known safety hazards and performance limitations had not been eliminated. Not one Sheridan as originally designed and produced was suitable for combat use without extensive and costly retrofits. A few so modified were sent to Vietnam for test purposes under combat conditions, but hundreds of defective Sheridans remain in storage. Although "caseless" 152mm ammunition is being supplied to Vietnam, it is still unsatisfactory and has impaired the Sheridan's effectiveness. Misfires, broken rounds, and other serious defects, have caused casualties lowering crew confidence in the weapon.

The Australian Government tested two Sheridans in 1967 and identified the same deficiencies found in the U.S. test report. The Australian Minister for the Army rejected Sheridan.

So much time and money had been spent developing the Sheridan/Shillelagh system that the developers became irrevocably committed to production. Under such circumstances the Project Manager became a captive rather than a manager of his project. Such attachment inevitably results in management of doubtful quality.

In light of these facts, the Committee concluded that there is no convincing evidence that Sheridan represents enough of an improvement in combat capability over existing weapons to justify any more expenditures of time and money.

MBT–70 (Main Battle Tank)

Description

The MBT–70 is a joint U.S.-West German heavy tank designed to operate in the environment of a tactical nuclear or chemical/biological war in Europe. It employs the Shillelagh tank missile system. It is intended to be more maneuverable and less vulnerable than existing tanks, and superior to future Soviet armor.

Cost

The prime contractor for the MBT–70 is General Motors Corporation. The United States and Germany agreed in 1963 to divide evenly the estimated R & D cost of $80 million. However, R & D cost estimates have been repeatedly revised upward; to $138 million in 1965, $303 million in 1968, and most recently to $554 million. The cost to the U.S. has risen 528% over the original estimate. The production engineering phase of development is estimated to add $188 million.

The final per unit cost of the MBT–70 will be between $520,000 and $750,000. Repeated delays have deferred the target date for production from 1969 to 1974.

The Senate Armed Services Committee has cut $15 million of the $45 million requested in the FY 1970 budget for R & D. The FY 1970 budget also contains $25 million for MBT–70 production base support.

Rationale

MBT–70 is needed to off-set the quantitative and potentially qualitative superiority of Soviet armored vehicles. As the U.S. must be prepared to fight a tactical nuclear land war in Europe, a tank capable of operating in this environment is required.

Critique

The MBT–70 utilizes highly sophisticated materials that are quite probably unsuited to cost-effective tank development. For instance, casting the armor with boron steel attempted to utilize a process that had not been fully developed. The Shillelagh missile system with which the tank is to be equipped has not lived up to expectations. Difficulties in the R & D phase have driven the estimated unit cost to over half a million dollars, or almost three times its Soviet equivalent.

Aside from technical and cost considerations, the assumptions cited by the Army in 1963 for developing such a tank no longer apply in 1969. By 1974, the time the tank will be ready, the nature of tactical warfare will have changed as to make MBT–70 obsolete. If, in spite of the drop-off in the Warsaw Pact tank threat, a new tank is still required, the Army should initiate MBT–80 now and abandon MBT–70.

There is great question whether tanks will ever be effective in warfare again. The 1967 Arab-Israeli war showed how vulnerable tanks are to tactical air. In any tactical nuclear war it is very doubtful whether a tank could survive. Troop-launched guided missiles also will by the mid-1970s make tank warfare a risk proposition.

Dragon, Shillelagh, and Tow (Antitank Missiles)

Description

Dragon is a light Army missile system designed to destroy all but the heaviest armor. It is guided by a reusable infrared sighting device linked to the missile by wire. It travels at about 400 miles per hour and has a maximum range of 1,200 yards. Dragon will be deployed at the platoon level, and will replace the 90mm recoilless rifle.

Shillelagh is a lightweight guided missile to be launched from a combination 152mm gun/launcher. It is guided on a boost-glide trajectory by electronic equipment in the launch vehicle. It is to be deployed on the Sheridan, modified M60A1, and the MBT–70.

Tow is a supersonic anti-tank missile system similar in guidance system to Dragon. It travels at about 650 miles per hour and has a maximum range of about two miles. In its surface-to-surface version, the system weighs 200 lbs. but can be truck mounted. Tow can also be mounted for air-to-ground use from the Cheyenne attack helicopter. It replaces the 106mm recoilless rifle.

Costs

In FY 1969, $18 million was requested for Dragon production engineering, bringing total outlay to $35 million. Procurement costs for the system are currently estimated at $133 million over a three year period.

$110 million was spent for Shillelagh procurement in FY 1968 and FY 1969. The FY 1970 budget contains $50 million for continued procurement.

Total R & D and procurement costs for Tow through FY 1969 were $192 million. The FY 1970 budget contains $156 million for procurement and $2.5 million for additional R & D. The Senate Armed Services Committee cut $14 million from the procurement request, citing overestimation of the Warsaw Pact tank threat by the Army.

Rationale

Anti-tank guided missiles are needed because such missiles have a superior kill capability over conventional artillery. Such increased kill capability is needed to counter the quantitative and possible qualitative superiority of tanks deployed by the Warsaw Pact countries.

Critique

Dragon has poor capability against heavy armor and a limited range. Tow is extremely cumbersome, requiring a three man launch team. Continued Tow R & D expenditures indicate difficulties and suggest procurement has been rushed. Shillelagh does not work well at night or in the rain, and no satisfactory launching mechanism has been developed for the missile. All three missiles will not work if anything interferes with the gunner's continuous observation of the target.

It is not likely that any of the missiles work much better than ENTAC, which was abandoned at a systems cost of $50 million. All three missiles are far more expensive than ENTAC. ENTAC was so expensive that personnel were not permitted to train with the missile itself, but instead had to rely on a simulator. Since there is a request of $4.6 million in the FY 1970 for a device to permit Shillelagh training without firing a missile, it is likely that this problem is besettng Shillelagh and will beset Tow and Dragon.

The 90mm and 106mm recoilless rifle are adequate to deal with a low-probability contingency such as full non-nuclear war in Europe. Dragon, Shillelagh and Tow can all be countered with electronic countermeasures; should this occur, we would find ourselves without effective anti-tank weapons, having phased out the recoilless rifles.

The Warsaw Pact tank threat has been over-estimated. It has been used to justify air-to-ground missiles, tank programs, anti-tank missiles, attack helicopters and even tactical aircraft. Because of such over-reaction, each $250,000 tank built by the Warsaw Pact requires the United States to spend millions in overlapping systems, and this, for the low-probability contingency of a full conventional war in Europe.

CBW (Chemical/Biological Warfare)

Description

CBW includes research on offensive and defensive chemical and bacteriological agents and delivery devices, the procurement, manufacturing, and stockpiling of these materials and devices, and the maintenance of facilities for greatly-increased production should the U.S. feel compelled to use these devices in time of war.

It also includes the present large-scale production and use of chemical anti-crop and personnel agents in Southeast Asia.

Costs

FY 1969 expenditures are estimated as follows:

[In millions]

Research and development	$90
Procurement	240
Operations and maintenance	20
Total	350

In addition, it is estimated that $100 million is spent on chemical warfare in Vietnam annually. Because CBW funds are not specifically identified in the Defense Budget, it has proved difficult to itemize CBW requests in the FY 1970 budget. The 1970 R & D request is for $88 million. The Senate Armed Services Committee cut $16 million of this amount alloted for offensive lethal weapons.

Rationale

The Soviet Union is estimated to have a considerable CBW capability, including offensive weapons, despite the fact that it is a signer of the 1925 Geneva Protocol banning first-use of these weapons. Our offensive weapons are designed to deter and to be used if our opponents have already done so. Peacetime activities are necessary to ensure preparedness in time of war.

Critique

Although the U.S. has stated that it would not initiate the use of CBW in wartime, it has not signed the Geneva protocol which contains such language. American CBW materials are stockpiled not only in the U.S., but also abroad. The U.S. has been the world's biggest user of non-lethal chemical agents.

Other deterrents are more deadly to the enemy and less so to ourselves, and evoke fewer emotional and moral reactions in world opinion. Especially pertinent are the dangers posed to one's allies and self by the use of such weapons. Scientists have testified that use of bacteriological agents could rebound with disastrous effect, not only on troops but also on friendly populations. Their use in wartime would be far more dangerous than their use in peacetime laboratories and test facilities, where numerous accidents have nevertheless taken place.

Serious ecological problems are created by the need for eventual disposal of stockpiles of CBW agents. According to some scientists, pumping materials into the ground in Colorado has increased the danger of earthquakes. Dumping agents into the ocean endangers fish, animal, and human life and is in violation of international agreements.

Manpower

Description

Military manpower includes questions of total force requirements, considerations of economy of force, and managerial problems of manpower and personnel. The Defense Department currently has 3.4 million men on active duty, 1 million in the Selected Reserve, 1.7 million in other reserve components, 200,000 in ROTC, 800,000 military retirees, and 1.2 million civilian employees.

Ceilings on troop strength, as well as authorizations for certain combat elements, such as ships, divisions, and wings, are provided by the Congress, but the ceilings on active forces have been suspended for some time. The Pentagon has only recently attempted to determine troop levels on the basis of the sizes and role of operating units around the world. Within such general guidelines on troop levels, the military departments manage their own manpower and personnel programs.

Costs

The Pentagon lists the average active duty military salary as $5,947, not including costs of food, housing, training facilities, procurement, transportation, benefits, or the government's obligation to ex-servicemen. A more accurate estimate of the money saved by dropping one man from the active forces would be $10,000. Figures are imprecise because there is no agreed method of calculating personnel costs.

The salaries of the 3.4 million active duty soldiers total $20.2 billion, plus an estimated $14 billion for support.

The Pentagon requests for obligational authority for personnel and housing this year are $21.9 billion and $.6 billion respectively.

Rationale

The size of our present forces is related to our commitments around the world and cannot be changed without changing our commitments. An arbitrary Congressional cut in the size of our forces would impair our national security.

For example, NATO agreements determine the number of combat units we have committed to the European theater. NATO troop strength is determined by analysis of the deployment of Warsaw Pact forces in Eastern Europe, and unilateral action on the part of the U.S. would not only undermine the confidence of our NATO allies but would require excessive risks in light of the size of opposing forces.

With regard to manpower management, there are fundamental operational differences among the services, which require individual programs. Each service requires different administrative and leadership qualities for its top management, and imposition of standardized manpower and personnel practices would undermine morale and efficiency.

Critique

Manpower levels depend on contingencies for which we unilaterally choose to prepare, rather than commitments. Any shifts in contingency planning would allow for reductions in manpower levels; contingency planning is a function of threat estimation and not our commitments. For the following reasons it should be possible to reduce force levels without reducing our commitments:

Warfare has become less manpower-intensive and more dependent on firepower and mobility.

While our strategic mobility has increased dramatically, our force levels have not declined but have in fact increased.

The probability of direct American intervention has declined as a result of our Vietnam experience.

Efficient manpower management methods currently exist which if adopted would radically increase efficiency and permit force level reduction.

Specialists in defense manpower management have recommended that the Defense Department provide Congress with an analysis of the relationship between contingency plans and force levels and between combat forces and support troops. They recommend that the Pentagon be directed to trade foreign basing for stategic mobility, and devise more efficient ratios of combat troops to supporting manpower. The Five-Year Defense Program should be the basis for manpower procurement, induction, training, assignment, retention, promotion, and retirement.

A standardized and automated manpower and personnel information system, including cost information, should be designed for the entire Defense Department, as was done for supplies a decade ago. Critics within the Pentagon have stated that because present information procedures are so undependable 125 men have to be given orders to Vietnam in order to get 100 men there. They charge that more men must be drafted than needed, because no detailed plans exist for manpower utilization. It is also reported that, at any given time, the Army cannot account for tens of thousands of men because reporting is so inaccurate.

Congressional critics have recommended that manpower costs be charged to a fixed operating budget of the military organization which uses the manpower, so that wasted manpower would cut into budget allocations and create an incentive for efficiency. To accomplish this, an improved accounting system for operations, such as project PRIME, should be immediately implemented.

The above problems, serious as they are, only scratch the surface. Until the Hubbell Report is enacted, servicemen with the same skills as civilians will still receive lower pay, causing hundreds of trained men to leave the service for similar but higher-paying jobs elsewhere. If they stay in the service, they change jobs so rapidly that they fail to achieve the technical or managerial expertise they would in civilian life. Until such problems are solved, the Pentagon will continue to waste billions of dollars annually on unsound personnel and manpower management.

Tactical air forces

Current mission

Tactical air forces have been designed for the following missions:

Establishing air superiority in combat zones.

Engaging in attacks far behind enemy lines.

Intercepting air attacks from opposing forces.

Providing close support for ground troops.

These missions must be carried out in three theaters simultaneously and on short notice. Naval and Marine Air Forces are carrier-based and are designed to be operable anywhere in the world.

Critique

Estimates of enemy capabilities upon which our tactical air contingency planning is based come from within the defense community and are not necessarily the consensus of the intelligence community. Over the last ten years, the defense community's estimates of enemy capabilities have proved excessive—more than prudence would require. The defense community appraises the threat in terms of total aircraft inventory, while rating our own preparedness after large discounts for aircraft used in training and under repair or modification.

The Soviet Union has in the past manufactured more different advanced prototypes than the U.S., but put the less-advanced aircraft into mass production. They have deployed these aircraft only in the Soviet Union during the first several years of their useful life, and not equipped allied air forces with them. When experimental prototypes are shown, military intelligence predicts deployment of the aircraft. Thus the need to develop a new aircraft to maintain U.S. air superiority becomes immediate.

Instead of a well-managed research and development effort, what results is a crash program, like the F–14. Modifications became necessary to correct faults which might have been caught earlier if a more deliberate pace had been set. The later modifications often turn out to be almost as costly as the aircraft themselves, and the readiness and performance of the aircraft are seriously degraded by the low quality of the developmental effort.

The lead-time required to add a new aircraft to the force exceeds the time span of plausible intelligence estimates. Hence the Soviet policy of designing many advanced aircraft, but deploying only those models which respond to the probable threat. In the United States, defense planners put themselves in a position of authorizing the development of new tactical aircraft which may turn out to be unnecessary or overelaborate.

Problems have also arisen in the military services' attempts to hybridize and overelectronicize our aircraft, and to try to develop aircraft which rely on unproven technologies. This practice is based on the assumption that as soon as new developments are available they can be included in modifications, making them easier to sell to the Congress because the basic aircraft are already in existence.

Critics also contend that the U.S. is getting very few aircraft for the price. The estimated cost of the Mig–21 is $2 million; that of its American equivalent, the F–4 Phantom, is $4 million. Estimates of the eventual cost of the Mig–23 are $3 million; Pentagon sources state that the F–14A will cost more than $12 million, and the F–15 only slightly less. Yet the F–14A and F–15 are responses to the Mig–23.

Force levels

The United States maintains 39 tactical air wings around the world, with a large supplementary force in the Reserves. Although these forces are supposedly justified by contingency planning, no specific number of aircraft is tied to a certain set of contingencies. In fact, the number 39 does not relate to contingency planning. The number of Marine air wings (4) was set by statute to ensure the survival of the Marine Corps. The 12 naval air wings depend on the number of carriers (15), which has never been justified, and on the Navy's role in providing support to the Marines. Hearings in 1968 indicated that the 23 Air Force wings were a compromise between what the Joint Chiefs requested and what Secretary McNamara thought necessary; no more rational explanation of the number has been made. The

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Army has built up a considerable gunship force without authorization of any wings from anyone.

Tactical air force levels should be determined by the number of sorties per day each aircraft is capable of flying, distance of targets from bases, possible multipurpose roles, attrition rates, characteristics of enemy aircraft and ground defenses, effectiveness of ammunition and ordnance, and aircraft range and loiter time. While modern aircraft can perform these functions much better than their predecessors, aircraft are still replaced on a one-for-one basis and no consideration is given to reducing the total number of tactical air wings.

While the U.S. normally has five wings deployed on its carriers, in addition to several wings at overseas bases, including the most advanced attack aircraft, the Soviet Union has adopted no policy that could be called similarly aggressive. Published statistics concerning aircraft in Europe indicate that NATO has a much greater ground attack/deep interdiction and close air support capability than the Warsaw Pact forces. The "threat" from the Warsaw Pact is from a much more *defensive* force.

Plans which depict American planes fighting Soviet planes are unrealistic. If the Soviet Union attacked NATO bases in Europe, the conflict would be extremely difficult to contain. Once the conflict escalated, tactical air forces would become unimportant. Dogfights between U.S. and non Soviet air forces are possible, but because the Soviet Union waits several years before selling or deploying new aircraft in allied or client nations, no crash development program for F–15 need take place.

AGMX–3, Condor, Maverick, and Tow (Air-to-Ground Missiles)

Description

AGMX–3 would be a long range Air Force tactical missile for use against targets such as bridges, buildings, troop concentrations, and anti-aircraft installations. It would have an all-weather guidance capability.

Condor is a long range Navy tactical missile for use against the same targets as the AGMX–3. It is T.V. guided and once it has been launched, the pilot of the launching aircraft can fly on to another target and direct Condor down at the same time. It has a range of 40 miles, weighs 2,500 pounds and has an electronic countermeasure capability which makes it effective against SAM anti-aircraft sites. It is to be launched from the A–6A.

Maverick is a short range Air Force tactical missile carrying a shaped charge for use against hard targets such as tanks and pillboxes. It is T.V. guided and can be launched at supersonic speed from a low altitude. It has a range of under 10 miles and weighs 500 pounds. It is to be launched from the F–4, the A–7, and the F–111.

Tow is a short range Army tactical missile for use against tanks. It is wire guided and of limited range and speed. It is to be launched in its air-to-ground role from the Cheyenne helicopter.

Costs

The Air Force requested $3 million for R&D for the AGMX–3, which was deleted by the Senate Armed Services Committee.

Condor per unit is one of the most expensive missiles ever considered for use against tactical targets. It has been under development for a number of years at a cost of $100 million; total R&D estimates are now $150 million. The Navy is requesting $12.9 million for R&D in the FY 1970 budget. Estimates for production and deployment run as high as $500 million.

The original R&D estimate for Maverick was $95 million; the present estimate is $143 million. The Air Force envisions a production run of 17,000 missiles at a cost of $306 million, or $18,000 per copy. $129 million has been spent for Maverick R&D to date. The FY 1970 budget contains $39.6 million for R&D.

The Army is requesting $156 million for Tow procurement. Only a portion of the missiles procured will be used in the air-to-ground configuration. The Senate Armed Services cut Tow procurement to $142 million.

Rationale

These missiles represent the greatest technical revolution of the decade relative to other air-to-ground ordinance. T.V. guided glide bombs such as Walleye and Fat Albert have significantly reduced time over target and number of sorties; powered air-to-ground tactical missiles will improve this capability and provide even greater accuracy.

Maverick and Tow are needed to counter the Warsaw Pact tank threat in Europe and to improve our worldwide tactical air capability. AGMX–3 and Condor are essential to provide standoff capability against soft targets and to counter anticipated improved Soviet SAM capability.

Critique

The T.V. guidance systems of Condor and Maverick limit them to use during the day and in good weather. Tow is useless in its air-to-ground configuration without Cheyenne, which is unlikely to ever be deployed. At $200 to $300 million before deployment the cost of each system is prohibitive; when deployed, each missile will cost far more than its intended targets. The Pentagon has repeatedly admitted overlap in the capabilities of these and other missiles.

There is also an overlap of threat. The same Warsaw Pact tank threat, which did not materialize at the expected level, has been used to justify Tow and Maverick as well as two new tank programs. Moreover, this threat was computed not on the basis of tanks facing NATO but on the basis of total Warsaw Pact inventory.

Condor and AGMX–3 are being justified primarily on the basis of a new generation of Soviet SAM. Soviet SAMs had a less than 2% kill ratio (94 of 5500 hits) over North Vietnam and it is unlikely that even if a new generation of SAM were under development it would function much better. The U.S. already has sufficient radar-homing air-to-ground missiles, such as Standard-ARM and Shrike, to deal with any foreseeable Soviet SAM.

Beyond these considerations, critics assert that the Executive branch and Congress should consciously determine that we should be prepared for the contingencies for which Condor and AGMX–3 are being developed. They are useful only in full conventional war with the Soviet Union or in a limited war in which the U.S. is directly engaged against an opponent supplied with a new generation SAM by the Soviet Union.

AX (Attack Bomber)

Description

AX is a small turboprop attack bomber able to operate effectively at a large range of subsonic speeds, and possessing short take-off and landing capability. It is uncomplicated and easy to operate but can be used only when the U.S. has clear air superiority and when enemy anti-aircraft weapons are not sophisticated. Prime function is the ground support mission now assigned to the more expensive F–100, F–105, and F–4. AX will be armed with a variety of conventional bombs and strafing guns.

Costs

Initial design work has just begun. $12 million requested for FY 1970 is for contract definition and engineering development. R&D costs are estimated at $137 million, although the Air Force FY 1971 budget contains $140 million for AX development alone. Unit cost is estimated at $1.2 million.

Rationale

Because the engine design and electronics already exist, the aircraft can be developed in a short time and will be highly reliable and inexpensive. Our expensive and complex aircraft currently performing the ground support mission should be replaced by the reliable and cost-effective AX.

Critique

Critics assert that AX is clearly intended for counterinsurgency warfare. Questions about its technical details are less relevant than discussion of the assumptions underlying the need for an aircraft with its capabilities. AX is intended for use in Vietnam-type conflicts and the request for such an aircraft is indicative of Defense Department plans. Critics maintain that the Executive branch and Congress should define the role of the U.S. in future insurgencies before authorizing additional hardware to deal with such insurgencies.

As far as current needs are concerned, the highly efficient OV–10 at $450,000 a copy is more than $137.

Cheyenne

Description

Cheyenne is an Army helicopter for use as a weapons platform and escort vehicle for troop and supply-carrying helicopters. It cruises at 210 knots, faster than any previous helicopter, and has attack as well as escort capability. It carries rockets and machine guns, has heavy firepower, and electronic aiming and firing mechanisms. It replaces the Huey and Cobra—lighter, smaller and slower gunships.

Costs

The prime contractor for Cheyenne is Lockheed Aircraft. Originally, fifteen aircraft were to be bought in FY 1969 as part of a total package contract calling for procurement of 375 Cheyenne helicopters over a three-year period at $875 million. However, the contract has been cancelled for default of the contractor. Technical difficulties encountered dealt primarily with the rotor which caused severe limitations in maneuverability. The original unit cost estimate of Cheyenne was $992,000, though the actual unit cost, exclusive of R. & D. costs, amounted to $2.2 million. The Senate Armed Services Committee has deleted all of $16.5 million for R. & D. and all of $429 million for procurement requested in the FY 1970 budget.

Rationale

The air-mobile divisions of the armed forces need faster helicopter escorts. Cheyenne will replace the less effective helicopters now operating in Vietnam. Such an aerial weapons system could supplement or replace tanks, artillery, and planes with heavy fire power in support of ground operations.

Critique

R. & D. problems encountered with respect to fire control and the avionics indicate that the helicopter cannot be produced within its original specifications. Also, the fixed-rotor concept has not lent itself to implementation as originally planned. The unit cost is already so high that it is unlikely that it can ever be made cost-effective.

In its attack role it largely duplicates existing tactical air capability and the proposed AX. With respect to its anti-tank role (when mated to the Tow air-to-ground missile), the Warsaw Pact threat it is designed to counter has not materialized. Its remaining use, in counter-insurgency, seems less likely after Vietnam.

CVAN–69 (Nuclear Attack Aircraft Carrier)

Description

The U.S. has maintained 15 Carriers and their escort fleets ever since World War II. They are used to provide bases for tactical aircraft operations on short notice in places where land bases cannot be used. Each carrier is a base for about 75 aircraft.

The Joint Chiefs of Staff calculate that 13 carriers would be needed to fight 2 major/1 minor wars simultaneously in Europe, Asia, and Latin America, and that two more are needed as a reserve. During peacetime, two are stationed in the Mediterranean, three in the Pacific, and ten are not deployed.

The carriers are not designed to be used as permanent airbases, but rather as temporary bases until land bases can be established or constructed. Carriers are useful for quick response in a crisis situation. The Soviet Union has no carriers.

Costs

The FY 1970 budget contains a request for $377 million to complete funding of a third nuclear carrier, CVAN–69. The estimated total cost of this carrier is $510 million. Pentagon sources indicate that estimates have already been revised upward and that a final cost of $700 million is not unlikely. Because a carrier never sails without its escort fleet, that cost must be added to that of the carrier—$405 million for escorts and $400 million for logistics ships. The total cost of a task force without aircraft is $1.3 billion. The Pentagon estimates the yearly operating costs of a carrier at $114 million, not including the costs of fueling and repair bases or operating the aircraft on the carrier.

Rationale

The carrier provides a mobility impossible to obtain otherwise. In addition, this form of airbase requires no basing rights or diplomatic negotiations to obtain, and does not contribute to the balance of payments problem.

Critique

Many military strategists argue that surface navies are themselves obsolete, because of the effectiveness of submarines and the limitations of anti-submarine warfare. The Soviet Union seems to have recognized this and invested heavily in attack submarine forces.

Carriers are only effective against enemies without submarines, and in situations in which the U.S. has air superiority. Thus they are only effective against weaker nations in limited wars. Because such wars are likely to develop slowly, quick-response forces may not be needed.

For the situations the U.S. is likely to face, land air bases can more effectively provide an air capability than carriers. The Air Force estimates the cost of a foreign base for a wing of aircraft at $6 million. Since U.S. engagement would be on behalf of an ally, one can assume that such a base would be available. Should an ally deny landing rights, we might seriously question our commitment to defend him.

Many suggestions from inside and outside of the Pentagon have been made to reduce the cost of carrier operation:

Secretary McNamara had planned to reduce the carrier force to 12 in the 1970s.

The Air Force has the capability to convert existing airfields to air bases on extremely short notice, thereby reducing the need for carriers.

Carriers could be deployed without aircraft, and aircraft flown to the carrier when needed, thus reducing the need for a reserve wing for each carrier.

Since carriers are not defensible, they could be deployed without escort ships.

F–15

Description

The F–15 is a twin engine, single seat aircraft capable of speeds of 1350 mph for extended periods, and higher speeds for brief intervals. It has high maneuverability and acceleration. The F–15 is designed for air-to-air combat. It is the Air Force's air superiority fighter, replacing the F–4 phantom by 1975.

The F–15 is to be armed with yet to be developed air-to-air missiles such as AIM–82 and RAM designed for close-in dogfighting. It will also be armed with a rapid-fire cannon using light, caseless ammunition. The F–15 is expected to be superior to the Soviet MIG–23.

Costs

$45 million was spent on F–15 in 1969 for contract definition. Competitors are Westinghouse and Hughes Aircraft (radar); Pratt and Whitney, Fairchild Miller, North American, and McDonnell-Douglas (airframe); and General Electric (engine). Exact data on procurement costs or number of F–15's to be purchased is not available, but the unit cost is currently expected to be under $12 million. One-for-one replacement of the F–15 for the F–4 could result in total procurement of 2,000 aircraft at cost of $20 billion.

Rationale

In view of Soviet progress in developing effective fighters, it is essential that the U.S. have an air superiority fighter to counter the expected Soviet fighter threat, as well as for protection of ground forces and for escort purposes. The F–4 has reached the limit of refinement of engine and airframe, and except for the Navy's proposed F–14 there exists no other aircraft suitable for the important air-to-air mission.

Critique

The MIG–23, unlike the F–15, is a defensive interceptor. The MIG–23 is also still in development and the Soviets have often not deployed weapons they have developed. If the Soviets do decide to produce the MIG–23, it will require several years to deploy and 5 more years before it is distributed to allies of the Soviet Union.

At present, the NATO forces have four times the fighter inventory of the Warsaw Pact—an aggressive stance. The Warsaw Pact nations, on the other hand, have four times the NATO interceptor inventory—a defensive stance. Buying the F–15 would only further disrupt the European balance.

A better response to MIG–23 deployment, should it occur, would be tactical missiles, or a shift of F–4Js from Vietnam to Europe. Further F–15 development could easily force the Soviet Union to produce the very threat F–15 is supposed to deter, just as the threat of the B–70 led to the TALLINN air defense system which in its turn became a justification for AMSA.

F–14

Description

The F–14 is a multi-mission carrier-based fighter under development for the Navy. The A model, to be operational in 1973, is a swing-wing supersonic aircraft, using the engine and avionics of the now abandoned F–111B, redesigned for tandem seating, for fire control of existing Sparrow and Sidewinder air-to-air missiles and for the yet-to-be developed Phoenix system. Titanium is to be used in the airframe for lightness and maneuverability in dogfights. It is designed to replace the Navy's F–4 Phantom in the mid-1970's and, with the Phoenix missile system, to perform the fleet air defense mission of the F–111B. It could have air-to-ground attack capability. F–14B and C have the same airframe as the A model, but will have advanced technology engines. The C model will incorporate advanced avionics. The B model is expected to be operational in 1975, and the C model in the late 1970's. The A model will be retrofitted with the advanced B engine.

Costs

The F–14 is the outgrowth of an unsolicited proposal by Grumman in late 1967. The current estimate of the unit cost is $8 million. This assumes a production run of 460 aircraft in the A and B versions, and the absence of technical problems and delays. Other estimates within the Defense Department run $2 to $3 million higher. Not included in the estimate are the costs of procuring the Phoenix missile ($219,000 each) as well as the costs of other missiles and ordnance and part of the $2 million unit cost for Phoenix avionics. Current plans call for replacement of most F–4's; eventual procurement of F–14 could go as high as 1000. Estimates for systems cost of F–14 (R&D, procurement, spare parts, training and maintenance) are classified, but unofficially reported estimates range from $15 to $30 billion over a ten-year period.

The FY 1970 budget contains $275 million for procurement of 6 F–14A test models and $175 million for F–14B&C R&D.

Rationale

The F–14 replaces the F–4 as an air-superiority fighter and escort, performs the fleet air defense mission of the F–111B, and has an air-to-ground attack capability.

While it meets a wide spectrum of possible threats, the key role of F–14 is air defense for carriers in a conventional war with the Soviet Union. It could also be used in a conflict with Communist China, in limited war, in show-of-force or deterrence situations and in nuclear engagements. By the mid-1970's present carrier-based airborne weapon-systems and aircraft will be outclassed in all roles by sophisticated Soviet capabilities.

Critique

A recently-resigned Defense Department official says the F–14 is the weakest and, at $15 to $30 billion in eventual cost, one of the most expensive programs in the FY 1970 budget.

Full scale conventional war with the Soviet Union seems unlikely now or in the foreseeable future. Nonetheless, if we prepare for the contingency, and if we assume Soviet use of the weaponry it currently has, then the U.S. carrier task forces appear to be exceedingly vulnerable with or without the F–14.

The Navy's existing aircraft, such as the brand new and proven F–4J, can do the job for show-of-force and deterrence missions, the roles for which carriers are best suited. There are also electronic counter-measures and point defense systems presently deployed or planned for the fleet for additional protection from the Soviet threat. Deterrence will be achieved as much by Soviet reluctance to directly engage American armed forces as by deployment of advanced fleet air defense capabilities.

The F–14 also is unnecessary in show-of-force roles which do not directly involve the Soviet Union. The F–4 has proved to be a match for the high performance MIG–21's in Vietnam. Even if the Soviet Union started to produce the more advanced MIG–23 its allies would be unlikely to get it for five years. The F–4J is equipped with 2 of the 3 air-to-air missiles planned for F–14.

Other contingencies in which it is contended that the F–14 is essential, such as conventional war with Red China, initial surge operations at the outbreak of limited war, or skirmishes off the coast of hostile countries can also be performed with existing aircraft. In limited war operations land-based aircraft could be relied upon in any event.

Additional technical considerations also call into question the desirability of a new multi-purpose fighter—particularly one designed to carry the cumbersome Phoenix missile. The heavy engines, complex avionics, and the Phoenix are the same problems that plagued the F–111B. Navy pilots themselves have expressed reservations about the complexity and weight of the F–14 for the air-to-air combat mission. Like SRAM and Sheridan, F–14, is being designed to operate with a

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system (Phoenix) which does not yet work. In the best of worlds the F–14 would be only marginally superior to the presently deployed F–4 and a great deal more expensive.

Phoenix

Description

Phoenix is a long-range air-to-air standoff missile designed to defend the fleet from air attack. It is extremely sophisticated with an electronic countermeasure capability. It weighs 1,000 pounds and requires a specially designed airframe currently under development for the F–14.

Costs

The cost is currently estimated at $219,000 per missile. F–14 avionics associated with Phoenix will add an estimated $2 million to the cost of the aircraft.

The FY 1970 budget contains $18 million for R&D.

Rationale

Phoenix is needed to protect the fleet from air attack. It gives the F–14 an important standoff capability.

Critique

Since the Phoenix is designed for use with the F–14, the F–14 critique applies to the Phoenix. In addition, effective countermeasures that will render Phoenix obsolete before it is deployed are forseeable. Because of its weight and the special airframe required to carry it, it seriously impairs the dogfight capability of any fighter to which it is attached. The complex avionics required in the mother aircraft add weight and unreliability.

Sea war forces

Current mission

The Navy is charged with several missions in addition to operating the Polaris deterrent:

Maintaining a long-term land war sealift capability to supply operations in Europe or in Asia.

Keeping quick-response tactical air forces ready for rapid deployment in crisis situations that could lead to limited war.

Providing amphibious forces for beach assault.

Protection of the fleet from air, surface, or submarine attack.

Insuring freedom of the seas and international waterways for world trade.

In order to perform these missions for the future, it will be necessary to completely modernize the fleet during the 1970s. Such modernization has been estimated to cost upwards of $30 billion, but for this cost we will have a fleet that will provide for the above contingencies for the rest of the century.

Critique

The probability that future wars in either Europe or Asia will be long or limited enough to allow transoceanic supply of men and equipment is decreasing. If a European war escalated to the tactical nuclear level, ship operations would be greatly complicated. Even at the non-nuclear level, the massive Soviet undersea fleet would find large surface ships easy targets. ASW and fleet air defense have only limited capability to protect surface ships in such a contingency. With carrier task forces costing over $1 billion each, an opponent would surely commit the cheaper forces to adequately destroy the carrier.

In Asia, the post-Vietnam probability of protracted non-nuclear engagement is also low unless we desire to continue to police the Third World, in which event a large surface fleet will be needed. We should decide upon our foreign policy goals prior to commiting ourselves to a $30 billion modernization of the fleet.

With regard to limited wars, the probability that national security would require us to fight such wars on short notice in regions where tactical aircraft could not be land-based quickly is also low. Certainly any ally we chose to defend would be willing to provide us with landing rights for combat aircraft. Finally, it is unlikely that a surface fleet alone could deny a determined opponent's attempt to restrict freedom of the seas. Such an attempt would bring about other confrontations; the outcome would be determined elsewhere and the naval conflict would be of secondary importance.

Force Levels

The Navy considers the current fleet inadequate to perform the missions assigned the Navy if these missions are to be continued for the future. Items requested in FY 1970 to modernize the existing fleet are as follows:

[In millions]

1 nuclear attack carrier (total cost $500–$700 million)	$377
2 nuclear guided missile frigates (total cost $370 million)	264
8 destroyers (total cost $600 million)	360
2 landing/helicopter assault ships (total cost $304 million)	288
3 fast deployment logistics ships (total cost $187 million)	187
4 guided missile frigates (total conversion cost $140 million)	44

These requests total $1.5 billion; the complete FY 1970 request for shipbuilding and conversion is $2.6 billion.

Critics suggest that what we are buying is another WW II navy and recommend that we concentrate on countering the real Soviet threat and acknowledge the technological obsolescence of a surface navy. The 15 attack carriers and 8 ASW carriers we currently maintain are extremely vulnerable to the 330 non-Polaris type submarines the Soviets have constructed since WW II, at a fraction of the cost of our surface navy. Anti-missile and anti-submarine defense is most unlikely to achieve the breakthrough required to guarantee even a small margin of safety for the fleet because of rapid advances in electronic warfare. The Soviet Union is entirely capable of frustrating any attempt we might make to resupply ground forces in Europe, intervene in limited conflicts, or guarantee freedom of the seas, if they so choose.

ASW (Antisubmarine Warfare)

Description

ASW is the detection, identification, surveillance, and, in time of conflict, destruction of enemy submarines. The United States has developed a complex system of airborne and seaborne detection systems and weapons designed to deal with the Soviet submarine threat.

ASW has both land- and sea-based elements. The land-based aircraft are used for surveillance of large areas all over the world. They drop buoys into the water to detect enemy submarines and are capable of dropping sub-killing torpedoes. Aircraft from 8 ASW carriers perform the same roles in areas inaccessible from land.

ASW carriers and escort ships carry sonar and other detection devices, and, like the aircraft they carry, can attack enemy submarines with torpedoes.

Our 56 "first line" attack submarines carry complex arrays of detection and kill devices. It is generally felt that our ASW technology is superior to Soviet technology, and that the U.S. would have the advantage in any undersea confrontation.

Costs

The costs of the ASW program are extremely difficult to pinpoint. The R. & D. costs for FY 1970 are $472 million, 21% of the Navy's research budget. Other costs can only be estimated, since ASW does not constitute a separate funding category in the Defense Budget. It is also difficult to isolate the costs that relate solely to ASW. For example, a destroyer with ASW capability usually has land bombardment and anti-aircraft capabilities as well. Approximately $1.2 billion is spent annually operating the ASW carrier forces. The best estimate of annual spending on ASW procurement is $2.3 billion, bringing the annual total for ASW to over $4 billion.

Rationale

The Soviet Union now has more than 375 submarines performing a variety of missions. Of this force, more than 50 are nuclear-powered. The force includes missile-firing submarines which pose a threat to the continental U.S., and submarines with a significant anti-shipping capability. Most indications are that Soviet submarine construction will continue at a steady rate for the foreseeable future.

Critique

ASW is extremely complex; the size of the ASW R & D budget suggests that much remains to be done before a high-confidence system can be achieved. The key characteristic of our ASW force is that so many diverse components are used to perform similar tasks. This diversity suggests that none of the individual components is very reliable. The history of complex electronics is studded with failures, and it has not been demonstrated that the ASW program is an exception.

Since our own Polaris forces have been said to be almost perfectly secure, one can assume that our ASW capabilities do not present much threat to the Soviet forces. Since it has been demonstrated that *we* cannot track our own Polaris submarines it seems doubtful that the Soviet Union can.

Critics assert that ASW is losing ground to new evasion and silencing techniques. Too often counterforce weapons systems are justified solely on the basis of threat. In the case of ASW, the threat from the Soviet submarine force is real; what must be questioned is whether we are getting $4 billion per year worth of protection from our ASW program. A more effective approach to the problem might be to cut back ASW procurement and operations and spend the money developing a better system.

According to an article published by a Pentagon analyst, continued operation of carrier-based ASW, particularly with the planned but controversial VSX aircraft, is implausible. The major Pentagon document on the question recommended that VSX not be bought. Both Secretaries McNamara and Clifford have indicated that carrier-based ASW was not very effective but quite expensive.

Difficulties have also beset the MK–48 ASW torpedo. The program has been underway since 1964, but is still encountering technical problems. The FY 1970 budget contains funds for further R & D work, and Secretary Clifford stated that he believed "the solutions are now within reach". With the solutions only "within reach", however, the Navy is also requesting $118 million for FY 1970 MK–48 Procurement.

Finally, although ASW constitutes approximately one-fifth of the Navy budget, thére has been very little public discussion of the program. Information on ASW is overclassified.

S–3A (Anti-Submarine Warfare Aircraft)

Description

The S–3A, formerly designated VSX, is a carrier-based aircraft to be used in the detection, surveillance and, in time of conflict, destruction of enemy submarines. It will replace the Grumman S–2 Tracker series, and will complement the land-based P–3C ORION anti-submarine aircraft. The S–3A will carry an integrated sensor system, called VS/A-New, operated by a crew of four rather than ten needed on ORION. The primary sensor is the sonobuoy, dropped from the aircraft at cruising altitudes and laid in carefully selected patterns for greatest coverage and data return. After detecting an enemy submarine, the S–3A is capable of dropping either depth charges or homing torpedoes.

The S–3A will be powered by two turbofan engines, giving it a speed over 450 miles per hour and a 2,000 mile range. It will have an all-weather capability and can carry rockets, missiles, and mines in addition to depth charges and homing torpedoes.

Costs

In early August the Navy awarded a $461 million contract to the Lockheed Aircraft Corporation for the production of six R & D models of the S–3A over the next three years. The Navy has option to buy 193 production models. The ceiling procurement and R & D cost of the ten-year program is projected at $3.2 billion, or $16.2 million per aircraft. 50% of the cost of S–3A will be for avionics.

The VSX will be procured according to periodic production and performance achievements by Lockheed, rather than by a total package contract such as that which contributed to sizable over-run costs on the C–5A and to cancellation of the Cheyenne helicopter. Lockheed was the contractor in both instances.

Funding of the $120 million first year's installment on the airframe contract depends on Congressional approval of the $165 million requested for FY 1970 for S–3A R & D. The Senate Armed Services Committee has recommended that $25 million be cut from the request because the 4-month delay in finding a contractor means this much initial funding can be deferred. First flight is expected in 1972 with fleet introduction the following year.

Rationale

The Soviet Union has over 375 attack and ASW submarines, of which about 50 are nuclear-powered. This force can contest our control of the seas by presenting a 3-dimensional threat consisting of strategic ballistic missile attack, stand-off attack against our naval forces with cruise missiles, and attacks on allied lines of communication with torpedoes and mines.

Recent significant developments presage the emergence of an even greater Soviet naval strength and operating capability. In any event Soviet submarine construction will continue at its current rate of about 12 per year for the forseeable future.

Countering this threat can best be performed by aircraft such as ORION and S–3A. Continuous surveillance of enemy submarines over thousands of square miles of ocean forces them into evasive tactics reducing their effective range and time-at-sea.

Critique

The S–3A carries extremely complex computers and electronic equipment. Since each individual sensor system has severe limitations, the integrated system is unreliable. The responsibilities of the crew for computing and interpreting data, performing navigation and communications chores, and managing sonobuoys and ASW weapons, will make their mission almost impossible.

In order for the sensor system to be effective, the aircraft's ability to navigate with respect to the sonobuoys must be improved. The most difficult part of the ASW mission is fixing the aircraft's position relative to the sonobuoys, which drift with the surface winds. Without this capability, the range and direction data between the submarine and the sonobuoys is useless. The degree of accuracy required is far greater than that for normal navigation, due to the limited kill radii of ASW weapons. The S–3A can also be countered at little cost with electronic countermeasures.

The S–3A will have difficulty operating at night or during foul weather. At night a searchlight or a low-light-level viewing system is required. At night a searchlight pod on the S–3A is limited by a low duty cycle, high glare which interferes with the crew's dark-adaptation, and the ability of the quarry to detect the light.

Aside from the technical difficulties of the S–3A, the assumption that we need to deploy carrier-based ASW aircraft at all must be challenged. Land-based ASW aircraft currently cover 80% of the ocean surface. We do not need to police areas such as the Indian Ocean where land-based ASW aircraft cannot be deployed. Strategic missiles launched from the Indian Ocean could not reach the U.S. All shipping channels used by our surface and merchant fleets can be protected by land-based ASW aircraft in time of hostilities. Secretaries McNamara and Clifford maintained carrier-based ASW to be cost-ineffective; the major Pentagon document on ASW recommended S–3A not be bought. It is a marginal system for a low probability contingency and does not justify an expenditure of over $3.2 billion.

LHA (Landing/Helicopter Assault Ship)

Description

LHA is a large, conventionally-powered ship which can land 2,000 troops with equipment by helicopter and landing craft in an amphibious operation. The ship will replace four types of ships in the present amphibious fleet, and, like FDL, will be able to unload smaller vessels within its own hull.

The concept emerged from a comprehensive review of the role of amphibious forces while Robert McNamara was Secretary of Defense. The mission of the amphibious forces is to be able to land one marine division in the Pacific area and two-thirds of a division in the Atlantic area simultaneously and on short notice. Older, slower ships would continue to be a part of the force.

Costs

In FY 1969 the cost of the first LHA was estimated at $153 million; the cost of an additional eight ships was to be $122 million each. For FY 1970 the estimate has risen to $185 million and $140 million, respectively. The increase in price is attributed to inflation, better estimating methods and higher shipbuilding costs. No estimates of operating costs for the LHA are available, but operating costs for amphibious forces are estimated at $950 million annually.

The first LHA was authorized last year at the $153 million price, with $63 million for advance procurement. The FY 1970 request is $270 million for two LHA's, and $17 million more for advance procurement. The Senate Armed Service Committee recommended approval of the request.

Rationale

The present fleet of amphibious ships is obsolete. Previous classes of ships have dwindled to a few survivors of each class, creating operating, training, and maintenance problems. LHA can solve all these problems. By letting industry design the ship, millions of dollars have been saved by application of modern mass-production techniques matched to the shipyard which will build LHA.

The amphibious forces provide the U.S. with the capability to seize advance bases for initial operations, to set up staging areas, and to gain beachheads to enable more substantial follow-on forces to mount an offensive, in the event of a major war. The United States must also be able to meet less drastic contingencies with varying degrees of force. Amphibious forces are essential for flexibility and for quick response capability.

In Vietnam, amphibious operations have proved that amphibious forces can carry out operations in an insurgency environment. There are amphibious squadrons prepared to intervene whenever necessary in the Mediterranean and in the Caribbean. This kind of readiness is necessary to deter conflicts or to defend threatened U.S. interests.

Critique

LHA is a perfect example of how hardware determines policy. The ships are being justified on the basis of replacing existing inefficient equipment, rather than on a need created by a new threat such as a hostile island power or an interventionist foreign policy projected for the 1970's and 1980's. An examination of likely future wars reveals few plausible contingencies requiring an assault by troops across a beach. LHA could be deferred until decisions are made on the role of amphibious forces in future foreign policies.

Many critics not only recommend delaying LHA, but mothballing the older ships in the amphibious fleet, with resultant savings of up to $190 million annually on ships alone.

In a major war, an amphibious landing would be impossible if either submarines or tactical nuclear weapons were used. If amphibious forces can only be used in limited wars, it must first be decided where we will be involved in these wars before investing $500 million plus in LHA. Amphibious landings in Vietnam might have been justified to keep the troops in practice, but the landings were unopposed and did not prove anything except that we were still using World War II tactics against the Viet Cong.

Airlift/Sealift forces

Current mission

Requirements for mobility are based on the assumption that we must prepare for large-scale contingencies in Asia and Europe and a lesser contingency in this hemisphere. We plan the capability to build up simultaneously and rapidly in these theaters for conventional or tactical nuclear land warfare.

We assume that threats to our national security can be mounted by enemy forces in three hemispheres simultaneously. This dictates that an enormous amount of air/sealift capacity be available on short notice. If we instead planned to be able to respond to 2½ Berlin-type crises within 18 months—not simultaneously—the amount and readiness of air/sealift needed would be less than current estimates.

The current mission calls for air/sealift which is so ready that we can escalate a conflict very rapidly. In the past we have relied on ships and planes in commercial service during peacetime. With the advent of FDL we are moving away from convention vessels toward permanent peacetime shipboard storage of war material near theaters of operation.

We must also provide men and equipment to fight different kinds of wars. As new tactics for the deployment of general-purpose forces have been devised, such as the Airmobile Division, heliborne amphibious assault, counterinsurgency, and tactical nuclear war, new mixes of men and equipment are required. These new demands have created new needs for air/sealift capability.

Critique

Critics of the air/sealift program contend that plans for response to three crises simultaneously should be reviewed. As long as we expect to be world policemen, we will need large numbers of aircraft and ships to transport our forces anywhere on short notice. These forces will have high investment and operating costs. The more we assume we must intervene on short notice, the less this cargo-carrying capacity will be available for peacetime commercial use.

The length of the conflicts for which we prepare also determine what supplies will be needed and how useful sealift, as opposed to airlift, will be. If wars are expected to be short, they will be decided by supplies already in the theater and by airlift. Critics assert that our logistics planning and the air/

sealift capacity it requires are based upon false expectations of long wars.

Ships carrying supplies for use against a European ally of the Soviet Union, to say nothing of the Soviet Union itself, would be attacked by Soviet submarines; defending these ships would be extremely difficult. In a war which assumed attacks on American harbors, loading supply ships would become impractical as would unloading in the zone of conflict because port facilities are extremely vulnerable to tactical nuclear weapons. In war where control of the air was not assured, subsonic transport aircraft would be vulnerable to enemy attack in flight or unloading.

In the early 1960's a comprehensive plan for airlift/sealift requirements and capability into the 1980's was devised. A mathematical model of global limited-war contingency requirements, taking into consideration threat, desired response, patterns of basing troops and supplies, and the capabilities of the air and maritime transportation industries, was used to provide approximations of the capacity which would be required during the years covered by the model. The calculations indicated that a mix of commercial and special purpose equipment would be the most efficient solution. The special-purpose systems which resulted from this review were the C5A and the FDL. Current requests for airlift/sealift are based on this model.

This model should be re-analysed to determine if the assumptions upon which it was based are still valid. If the assumptions are no longer valid because our national security requirements no longer require the capability to meet three widely separated serious contingencies arising simultaneously, it follows that our airlift/sealift requirements would diminish.

FDL

Description

FDL is a large Navy cargo and troop deployment ship with a capacity seven times that of World War II vintage ships. It carries helicopters and self defense missiles and can store pre-positioned material for long periods of time offshore near a possible combat theater. FDL can load and unload small vessels within its hull structure, permitting offshore unloading. Its purpose is the rapid resupply and equipping of airlifted forces, requirement of forward defense tactics. Because it is a special-purpose ship, and because of its pre-positioning capability, it will not be usable for commercial shipping during peacetime.

Costs

Originally the Defense Department planned for 30 FDLs at $47 million each, for a total cost of $1.41 billion. The request was included in the FY 1968 and 1969 budgets, but was entirely deleted by Congress each year. For FY 1970 the Pentagon asked for $187 million for the first three ships—a unit cost of $62 million. The average cost of 15 ships is expected to be $55 million, up $8 million each from the original estimate. The first ships are more expensive because of tooling-up costs.

A parallel expansion of the charter fleet is to be accomplished by constructing 30 conventional ships, each with half the capacity of FDL but without its loading features. These ships would be used by commercial interests during peacetime, and would be built privately with Defense Department contracts guaranteeing enough business to return investment. While the Senate Armed Services Committee deleted the request for three FDLs it did not comment on the charter-ship plan. Estimates of the annual operating cost of FDL are $1.65 million, compared to $1.35 million for the existing sea transport.

Rationale

Since future wars, except insurgencies, are likely to build up quickly, we need active and mobile forces. Such a capability requires forward basing of both men and equipment. Pre-positioned ships such as FDL can proceed to the conflict, unload, and continue to support combat units by transoceanic voyages. Other ships that might serve the same purpose lack the ability to handle the special cargoes FDL can, are not capable of offshore unloading and loading, and can deliver far fewer supplies at greater cost.

Requirements for FDL were determined after careful analysis and fully take into account the possibility of employing existing shipping. Accordingly, the minimum number of FDLs are being requested.

Beyond these considerations, the design and production techniques applicable to FDL will go far to modernize the American shipbuilding industry, and the advantages to the industry will more than compensate for relatively small losses in charter revenue.

Critique

Critics question the assumptions upon which overall force levels are based. If we adopt something less than the 2 major/1 minor doctrine, the number of FDLs required diminishes. As the production run is shortened, unit cost rises, making other designs more attractive.

FDL is also provocative. Storing munitions and equipment around the world signifies an intention to police the world. The decision to procure and deploy these ships should follow, not precede, a political decision to continue or modify post World War II U.S. foreign policy. FDL is designed to enhance our ability to intervene rapidly—precisely the kind of action which could escalate to more drastic conflict.

Most of the companies which bid on FDL were aerospace firms; the ships may not be built in a traditional shipyard at all. This could make even more precarious the survival of an industry which would be vital to us in a long war if we are to transport supplies in American ships.

C–5A

Description

C–5A is a huge Air Force jet cargo transport. It is subsonic, can use airfields which present cargo planes cannot, and has special loading features. It has 4½ times the capacity of the most recent Air Force transport, the C141, and can carry bulky items which other aircraft cannot, such as tanks, bridge parts, and helicopters. It also carries the operators of such equipment. The Defense Department plans to purchase a total of 115 aircraft.

Costs

When it was drawn up, the C–5A contract was a new idea in defense procurement, a "total package" contract covering R & D, testing, and procurement. The contract stated an estimated target price, which paid the contractor, Lockheed, a fair profit. It also stated a higher ceiling price, up to which the government would absorb 70% of an increase, but above which the costs would be completely absorbed by Lockheed. Thus, a low price would bring Lockheed a high profit while a high price would cut into profits.

The original target cost was $2.9 billion for R & D and 115 planes. By October, 1968, Air Force estimates indicated costs of $4.5 billion for the same 115 planes. Later, $486 million for construction and spare parts was added to the $4.5 billion.

These increases in quoted prices have become the greatest procurement scandal in several years. The Air Force was inexplicably late in discovering the increases and for a variety of reasons, attempted to minimize or hide the overruns.

The Air Force attributes the cost increases to inflation, technical difficulties, and an adjustment for a larger aircraft—all, of course, beyond Air Force control. Independent Pentagon analysts charge that the fundamental problem is one of management attitude, that the Air Force staff simply does not provide manufacturers with incentives to be efficient or to develop high quality systems. The C–5A contract also has loopholes which, combined with the Air Force's attitude toward the contractor, minimize incentives for contractor efficiency and instead make it more efficient for the contractor to be wasteful. The most costly loophole identified to date is the formula which re-prices the second production run according to increased costs in the first run. The repricing formula provides a "negative incentive" to Lockheed, in that the amount of money the company loses by overrunning the ceiling price on the first run is exceeded by the company's increased income from the second run. This is the so-called "golden handshake" clause. The Air Force has acknowledged this flaw in the contract.

In spite of the price increases, the Air Force has not sought alternative sources for airlift capability or reconsidered the size of its order.

The FY 1970 budget requests C–5A authorizations as follows:

[In millions]

Research and Development	$34.2
Procurement:	
Aircraft	533.0
Spare parts	209.8
70 percent of Lockheed's over-target costs	225.0
Total	1002.0

Of this, the Senate deleted $50 million because a 6-month delivery delay meant spare parts could be deferred.

Rationale

The C–5A is part of a strategic mobility plan including conventional air-sealift and FDL; without FDL, the need for the 120 planes is even greater. Even allowing for the increase in costs, the C–5A allows dramatic reductions in ton-mile cost and speed of shipping military supplies to forward areas of a combat zone, necessary to a forward defensive strategy.

C–5A is preferred over other large jet transports because of its short takeoff and landing ability and because it provides unmatched ease in loading. Its landing gear "kneel" to put the cargo floor at truck bed level, and the dimensions and strength of the floor simplify the loading process. Although there are shortcomings in the contract, it still exerts pressure on the contractor because should the government decide not to exercise its option to buy the second production run, Lockheed will suffer serious financial loss.

Critique

The C–5A was originally part of a mobility package that included FDL and was based on assumptions that must be re-examined. The mobility package is designed to provide the U.S. with the ability to intervene on short notice in any area of the world. Before proceeding with all or part of the mobility package, the question of whether we desire this capability for the 1970s at a cost of billions should be debated at greater length. The FDL has been repeatedly cut by the Senate precisely because the Senate Armed Services Committee believed that the U.S. did not require such capability.

There are in any event several less expensive alternatives that would provide sufficient air mobility for any contingency for which we need be prepared. The Civil Reserve Air Fleet currently has 465 707s and DC–8s available on short notice, and the Air Fleet is capable of considerable expansion.

If in fact a new jumbo transport is needed, the government should reconsider the Boeing 747, which was submitted in competition with C–5A in 1965, not chosen, but developed successfully on a commercial basis. The government has grounds to cancel the second run of the C–5A. While C–5A has some special characteristics, these special characteristics are not worth billions of dollars.

XUM

HIGHWAY BEAUTIFICATION—FACT OR FICTION

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. McCARTHY. Mr. Speaker, in 1965, the Congress passed the Highway Beautification Act. The purpose of that act was to preserve some of the natural beauty of our magnificent country. The act was an early hesitant step toward a goal of intelligent use of our natural resources. It was designed to prevent the thoughtless destruction of views of our countryside that each generation of Americans should have the opportunity to enjoy. It was designed to stop the use of our roadsides as junkyards or garbage heaps. It was designed to emphasize the forests of pine or redwood or oak, not the forests of advertisements or billboards.

In some parts of our country the Highway Beautification Act has been put to good use. The State of Vermont has adopted legislation that has removed the hoards of billboards that threatened to blot out the very beauty that attracted tourists. In other parts of the country, separate roadside areas have been constructed and attractive advertising combined with telephones that can be used to make reservations are made available to the motorist. In these areas the motorists have the best of both worlds, the trees, hills, the plains, and the fields. It is unfortunate that these areas are the exception rather than the rule.

The Census Bureau and other population forecasters now tell us that there will be 300 million Americans by the year 2000, one-half more than the 200 million alive today. This population growth will put pressure on our undeveloped lands, our rural areas near our big cities, and the highways that link these urban areas. Unless we act with sense—unless we take the trouble to prevent the ruin of these undeveloped areas with unattractive, unplanned, and uncontrolled roads and highways—we will foul the heritage that we turn over to the next generation.

I urge that every Member of Congress consider the problems of intelligent use of our land and the incorporation of esthetic factors in the planning of new towns, cities, and highways. There is no better place to start than on the Highway Beautification Act of 1965. Rather than watching this law decay and become a dead letter, I urge that we take steps to strengthen it.

In a perceptive article appearing in the Washington Post on September 15, 1969, Edward P. Morgan comments at length on the problems that highway construction and urban expansion has had on the beautiful and unique Shenandoah Valley. I am including his remarks in the RECORD for the information of my colleagues:

THE UGLIFIERS ZERO IN ON A LOVELY VIRGINIA TOWN

(By Edward P. Morgan)

LEXINGTON, VA.—What is the country coming to? The answer is simple—a dead end, buried under asphalt and marked by the standard and beautiful tombstones of the times: the flashing neon sign, the bill-board, the gas station, the motel and the hamburger stand.

It is a hard job to ruin the looks and the life of this lovely town, first laid out in 1777 in the verdant Shenandoah Valley, but the highway builders and the civic developers are in the process of doing it—and thus keeping faith with touching dedication to that new national ideal of polluting and uglifying the land and the communities on it as fast and as thoroughly as possible.

Lexington's historic charm is not quite lost yet. Ante bellum mansions still sleep in the shade of gracefully aging trees on narrow streets. Almost in the center of the town rise the red brick and the stately white columns of Washington and Lee University, whose green, rolling campus surely is one of the most delicately handsome left in the land. Here is where after the Civil War Robert E. Lee presided over Washington University before it became Washington and Lee and here, in a dignified tomb, is where he is buried.

Adjoining the campus is the austere but equally proud home of Virginia Military Institute, where Stonewall Jackson once taught (he too is buried in Lexington), and where Gen. George Catlett Marshall, one of the 20th Century's most distinguished and civilized leaders, went to school as a cadet.

But despite this heritage and the legacy of some of the (once) most beautiful countryside in Virginia, Lexington is almost certainly doomed. Until recently she had enjoyed a reprive in being off the beaten path. Now, however, Interstate 81, an arching concrete link in the nation's chain of super highways, is crunching through the outskirts, leaving poisonous exhaust fumes and the litter of roadside commerce in its wake, like floatsam and jetsam driven onto a pristine beach by a hurricane.

Just south of Lexington the road maps mark a scenic wonder called Natural Bridge, already so beset with the hysterical hideosities of commercial exploitation that it might as well be some cantilevered concession in a traveling carnival. Further down the western flank of the Blue Ridge, around Roanoke, before 81 thrusts into Tennessee, gigantic roadsigns, some of them 50 feet high and more, embellish the view. They are an inspiring tribute to the ingenuity of the American entrepreneur in spitting on the spirit if not the letter of the federal highway legislation diffidently designed to reveal something of the landscape besides billboards and auto junkyards.

Indeed this section of Route 81 is just one more exhibit to support the recent New York Times expose of what a mockery the four-year drive to tidy up the nation's highways has become. But the problem is not just beauty and it is more than skin-deep.

Here is a travel tip: on your next commute, take with you a new book by A. Q. Mowbray, a devastating study of the federal highway program, aptly titled "Road to Ruin." At the first major traffic jam en route, you can sit back, relax and enjoy such items Mowbray has expertly unearthed from the roadfills and extracted from the girders in the overpasses of our motorized obsession as the following:

There are 3,600,000 miles of roads and streets in the United States, one mile for every square mile of the nation's total land area, and the mileage is steadily lengthening. "The United States," Mowbray writes, "is swiftly destroying its cities and its wilderness with highways."

By 1980, according to estimates, Los Angeles will have given up 34 square miles to freeways—an area equal to the size of Miami.

Highways, calculates one University of California expert, are driving from their condemned homes approximately 90,000 persons a year—the majority presumably in poor areas. This hardly decreases the tensions of the slums.

The 41,000-mile interstate system, originally price-tagged at about $40 billion may actually cost $60 billion or more. The cost of a city freeway today is often at least $10 million *per mile*. "This nation," says Mowbray, "has apparently dedicated itself to the proposition that there is no higher good than the unimpeded movement of automobiles, and there is no higher use of their land than to provide for that movement."

He concludes that such drastic steps as limiting by fiat the manufacture of cars and trucks, the closing of state borders to motor traffic, the destruction rather than expansion of freeways, garages, bridges and tunnels must eventually be taken "if we hope to save ourselves. Population grows, asphalt spreads, and land diminishes, and there is a finite end to it all. Long before the limit is reached, the environment will have become utterly hostile to human life."

Some years ago a former government official told me there was no more powerful combine operating in Washington than the so-called "highway lobby" because it consisted of so many influential and interlocking parts: the car capital of Detroit, the steel industry, tire manufacturers, the cement business, labor, unions, politicians and proud and greedy local citizens who measure "progress" by the truckload of paving materials and the profits they will bring.

The fact that such a myopic outlook is ruining the republic doesn't seem to matter. That's the way it is. Who cares if he travels over the hill to destruction if he can ride on a six-lane highway?

RESOLUTION ON WAR IN VIETNAM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. KASTENMEIER. Mr. Speaker, following the Wisconsin Democratic Party Convention resolution that American troops be withdrawn from Vietnam, the Democratic Party of Dane County, the second most populous county in Wisconsin, earlier this month amplified its views with respect to the administration's failure to show real progress in bringing the war to an end.

While I fully realize that a divergence of opinion exists among my congressional colleagues, and even among my fellow Democrats as to how to bring about peace in Vietnam, I commend to all concerned citizens the resolution adopted by the Dane County Democratic membership which urges "a massive national effort to return our Government to the path of peace."

The resolution follows:

At the 1969 State Democratic Party Convention in Stevens Point the Dane County Democratic Party joined with others in calling for the immediate withdrawal of United States Armed forces from Vietnam.

Since then President Nixon has done little to bring a just and honorable end to this ghastly conflict. His current proposals to withdraw 35,000 more troops from Vietnam and to temporarily suspend the draft calls are admittedly designed to defuse the anti-war movement. They are Nixon tricks, for which he is well known, to fool the people and to promote their apathy.

The Democratic Party urges all citizens not to be misled, but to continue their firm, open, and active opposition to the war and to the militarization of our country. It demands the immediate cessation of the killing and devastation. It condemns the continuing sacrifice of American lives. It insists on the return of all American troops in Vietnam to their homeland and the return of Vietnam to the Vietnamese. And finally we urge all citizens to continue to voice their anti-war resolve through all organizations at their disposal and in all manners which their convictions and consciences dictate. What is required at this moment is a massive national effort to return our government to the path of peace. Only continued pressure from the people will accomplish this end.

A GOVERNMENT'S DUTY IS TO PROTECT ITS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1969

Mr. RARICK. Mr. Speaker, I note a rising crescendo of attacks on our friends and allies in southern Africa. It is interesting to observe which nations sustain the most strident and prolonged attacks from the far left. Invariably they are the nations which have succeeded in protecting themselves from the internal subversion planned by the international Communist conspiracy.

From time to time we should look at our own history in relation to the international problems of today. The rest of the world certainly does. This is particularly appropriate when we consider the nations of southern Africa. Their history parallels ours, and that parallel cannot be ignored.

The United States, the Republic of South Africa, and Rhodesia, at different times, became independent by the unilateral severance of their ties with the British crown. In each case, independence was not achieved by the revolt of indigenous natives against the rule of a colonial power. It was, rather, the act of the civilized colonials who acted to preserve their civilization by the replacement of a faraway sovereign who had become tyrannical and unresponsive to the needs of the people. Those who deplore the status of the native populations of Southern Africa would do well to reflect on the history of our treatment of the indigenous savages who occupied our land.

Again recalling our own history, we have had experience in our early days and recently in the necessary exclusion from the United States of foreigners whose presence within our borders was deemed inappropriate by our Government.

While George Washington was yet President, France and England were at war. Our established national policy was one of neutrality. Americans, however, found themselves divided into pro-English and pro-French political factions.

At this point the new French Ambassador, Citizen Genêt, undertook a deliberate policy of interfering in the internal affairs of the United States by fanning the pro-French sentiment and attacking the Government's policy of strict neutrality. He was phenomenally successful. President Washington, in his house in Philadelphia, was physically endangered by mobs aroused by Genêt in support of France. Ultimately it was necessary to ask for his recall by his government.

Mr. Speaker, those of us who have the honor to serve our constituents as Members of this House must realize that in foreign countries we are frequently regarded as spokesmen for the United States rather than as representatives of our constituents. It behooves us to govern our conduct accordingly. This means that we must voluntarily exercise such restraint in our foreign appearances—whether they be personal or official—as to minimize the possibility of needlessly strained diplomatic relations.

It could not conceivably serve the interests of the United States for Members of this body, at this time, to make controversial appearances in many foreign countries to address certain groups, visit certain individuals, or espouse certain principals. Suppose, for example, the furor which it would create for Members to visit Czechoslovakia for the purpose of publicly supporting deposed party leader Dubcek. Or to visit Israel for the purpose of publicly advocating, contrary to the policy of the Israel Government, that troops be withdrawn into their own boundaries.

No government worthy of the name can permit foreigners, whatever their rank, to enter their borders for the purpose of creating or magnifying domestic controversy, no matter how much good such a visit might do the foreigner in his own country. We learned that lesson from Citizen Genêt. Our Government applied it more recently to support the policy of the party in power when two African leaders, the late Moise Tshombe and Rhodesian Prime Minister Ian Smith, were denied unconditional entry into the United States.

Mr. Speaker, I include a concise summary of the Genêt affair in my remarks:

FRICTION WITH FRANCE, 1789–1800

THE ALLIANCE BECOMES AN ENTANGLEMENT

As long as the wars of the French Revolution were confined to the continent of Europe, the United States was able to avoid serious international friction. But the picture became dangerously clouded when, on February 1, 1793, France declared war on England. A cry rose from thousands of Jeffersonian Republicans that America should rush to the assistance of the nation that had helped her in the hour of need. The common foe—so it appeared—was Great Britain, that ancient enemy and oppressor of human liberty, that arrogant power which seemed to be making every effort to strangle the United States in the cradle, "Americans, be just!" proclaimed the *New York Journal*. "Remember . . . who stood between you and the clanking chains of British ministerial despotism."

President Washington now found himself in an agonizing predicament. His fixed policy was to avoid hostilities at all hazards while the nation was still unstable. Yet by the Alliance of 1778 the United States was bound "forever" to assist France in the defense of her West Indies. Unless America flagrantly disregarded her now distasteful obligations, she could scarcely avoid the very calamity that the Hamiltonians were seeking to avert—war with England.

At this critical hour Washington turned to his Cabinet for advice as to whether the pacts with France should now be considered binding. Hamilton, who had no love for the French or the French alliance, argued that the treaties were not in full force because they contemplated only a defensive war and because they had been negotiated with the French monarchy under Louis XVI—and both the monarchy and Louis XVI were dead. Jefferson, though by no means desiring war with England in behalf of France, insisted that simple honesty should prevail:

> The treaties between the United States and France, were not treaties between the United States and Louis Capet [Louis XVI], but between the two nations of America and France; and the nations remaining in existence, though both of them have since changed their forms of government, the treaties are not annulled by these changes.[1]

As it turned out, France did not call upon the United States to defend her West Indies. The Washington administration, therefore, was not compelled to take an official stand on the applicability of the Alliance of 1778. The course pursued by the Paris officials was not dictated by solicitude for the United States but by purely selfish motives. If the Americans had possessed a strong naval and military force, France would almost certainly have insisted that they live up to their treaty obligations. But since the United States had no considerable navy and since the Americans, as neutrals, were able to ship food to both France and her hungry West Indian colonies, the expected demand was never made. America could be far more useful as a friendly feeder than as an ineffective fighter.

Washington also asked his advisers if, in their opinion, he should receive a diplomatic envoy from the newly created French republic. This was an important decision, for the reception of such a person would mean official recognition of his government. Jefferson, applying the "consent-of-the-governed" philosophy of his own Declaration of Independence, had already outlined in classic form a recognition policy for the United States.

> We certainly cannot deny to other nations that principle whereon our government is founded, that every nation has a right to govern itself internally under what forms it pleases, and to change these forms at its own will; and externally to transact business with other nations through whatever organ it chooses, whether that be a King, Convention, Assembly, Committee, President, or whatever it be. The only thing essential is, the will of the nation.[2]

This policy—in effect a corollary of the Declaration of Independence—was adopted by President Washington and was consistently followed by all his successors, with minor departures, until the time of Woodrow Wilson.

NASCENT NEUTRALITY AND CITIZEN GENÊT

During these months of unbridled political passions, the danger was ever present that some irresponsible persons might plunge the country into war. Washington therefore discussed with his advisers the desirability of issuing a pronouncement that would cool the ardor of the more bellicose spirits. Every member of the Cabinet strongly favored a policy of nonbelligerency, but there was not unanimous agreement on the manner of announcing it.

After considerable argument the document now known as Washington's Neutrality Proclamation was given to the world on April 22, 1793. Though its purpose was unmistakable,

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[1] A. A. Lipscomb, ed., *Writings of Thomas Jefferson* (Monticello ed., Washington, 1904), III, 227–228 (April 28, 1793).

[2] *Ibid.*, IX, 7–8 (Jefferson to Pinckney, Dec. 30, 1792).

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the declaration did not, curiously enough, contain the word "neutrality." It merely stated that the conduct of the United States should be "friendly and impartial toward the belligerent powers," and that American citizens found guilty of illegally assisting the warring nations would be prosecuted. Congress provided the appropriate teeth when it passed the Neutrality Act of 1794. The Neutrality Proclamation itself was a notable document in the evolution of American policy, primarily because it helped set the ship of state on a course away from Old World embroilments.

But the proclamation came as a bitter pill to the great mass of ardent Jeffersonians who were expecting active intervention on behalf of France. They denounced government "by proclamation" and showered upon Washington's head a storm of abuse that sorely tried his spirit. But in the end saner counsels prevailed, and most Americans accepted the proclamation as a wise and necessary measure.

The neutrality policy of Washington was given its severest test by the conduct of the first minister from the new French republic, Citizen Edmond Genêt. Although only thirty years of age, Genêt had behind him a remarkable record of intellectual achievement and diplomatic experience. Unfortunately, he lacked balance and sound judgment. Aflame with enthusiasm for the ideals of the French Revolution, impulsive, passionate, and hotheaded, he was at times all sail and no anchor.

Genêt reached Charleston, South Carolina, early in 1793. There he was greeted with a wild enthusiasm that would have turned the head of a less excitable man. Although he could not act officially until he had presented his credentials in Philadelphia, he was so carried away by the huzzas of the masses as to engage immediately in questionable activities. In disregard of American neutrality, he sent out French privateers that returned with British prizes, some of them taken within the three-mile limit. He also opened negotiations with a number of American frontier leaders, notably the disgruntled George Rogers Clark, with a view to attacking Spanish territory in Florida and Louisiana. (It will be remembered that from 1793 to 1795 Spain was fighting against France on the side of England.)

Genêt might have proceeded to Philadelphia by any one of three routes: by sea, by land up the coast, or by land through the back country. Whether by accident or design, he chose the back-country route—the one that best lent itself to his purposes. The people in this region were small farmers who favored the democratic, pro-French, Jeffersonian Republican party and opposed the aristocratic, pro-British, Hamiltonian Federalist party. As a consequence, Genêt's leisurely journey through the back country quickly turned into one long ovation. The trip, which might have been made in less than a week, was dragged out over twenty-eight days, to the accompaniment of salvos of artillery, fraternal embraces, and frenzied cheering. One wag remarked that the Americans burned more powder in celebrating French liberty than was consumed in achieving it.

GENÊT'S INDISCRETION

The streets of the Quaker City throbbed with fanatical crowds as Genêt was welcomed to the nation's capital. At a banquet ($4 a plate) the impetuous diplomat thrilled the diners by singing a French fighting song. Throughout the city wild toasts were drunk to the guillotine, and showers of fiery poems descended upon the youthful minister. As one contemporary later exclaimed:

> Can it ever be forgotten, what a racket was made with the citizen Genêt? The most enthusiastic homage was too cold to welcome his arrival; and his being the first minister of the infant republic . . . was dwelt upon, as a most endearing circumstance. What hugging and tugging! What addressing and caressing! What mountebanking and chanting! with liberty-caps, and the other wretched trumpery of *sans culotte* foolery! [3]

The uproar over Genêt

Shortly before arriving in Philadelphia, Genêt learned of Washington's Neutrality Proclamation. He was profoundly shocked, though not completely disillusioned. His roaring reception had convinced him that the American public overwhelmingly favored intervention against England on the side of France, and he did not believe that the proclamation correctly represented the popular will. Many pro-French editors agreed with him.

The continued acclaim of the masses only strengthened Genêt in his conviction that President Washington was not faithfully interpreting the public will. Crowds of Francophiles damned the President for his coolness toward the French alliance, and accused him of seeking a crown and of trying to pass himself off as an honest man. Genêt admitted that one of these published attacks was the work of his own private secretary. Maddened Francophiles even went so far as to print woodcuts of George Washington being guillotined. In later years John Adams, Vice-President in 1793, reminisced to Thomas Jefferson:

> "You certainly never felt the terrorism excited by Genêt, in 1793, when ten thousand people in the streets of Philadelphia, day after day, threatened to drag Washington out of his house, and effect a revolution in the government, or compel it to declare war in favor of the French revolution and against England.[4]

Adams went on to report the belief held in some quarters that nothing but the terrible epidemic of yellow fever, which broke out in Philadelphia at this time, "could have saved the United States from a fatal revolution of government."

In the midst of all this uproar, Washington remained cool and unperturbed, determined not to be swayed from sound policy by the clamor of a rabble aroused by foreign agents. The British poet of later years, Rudyard Kipling, is believed to have been moved to write his inspirational poem, "If," by the General's levelheadedness in this crisis.

THE UNDOING OF GENÊT

The fiery Frenchman continued to be the storm center of American politics from the time of his arrival in Philadelphia until his departure. He fitted out fourteen privateers, which swarmed from American ports and brought back, under the very nose of the national government, over eighty prizes, some of them taken within American waters.

These ventures appear to have been flagrant violations of American neutrality, but offenders were promptly freed by pro-French juries. Public opinion was stronger than law. The British minister lodged strongly worded protests against this unneutral activity, and Secretary Jefferson made the appropriate representations to Genêt. The latter indignantly accused the American Secretary of State of hunting up legalistic excuses "in the dusty tomes of Vattel and Grotius." "I thank God," the French emissary exulted, "I have forgot what these hired jurisprudists have written."

The protests of Genêt became more shrill and his conduct more arrogant. Jefferson obtained from him what appeared to be a promise that a British vessel, *Little Sarah*, which the French had recently captured, would not be sent to sea as a privateer. Yet a few hours later she slipped down the Delaware River to begin a career of destruction. Washington and Jefferson were both furious. Such defiance of the government was even turning pro-French enthusiasts against the French minister. Jefferson, who perceived that Genêt was proving to be a Jonah, wrote to Madison in alarm, "he will sink the Republican interest if they do not abandon him."

Genêt finally overreached himself. In a moment of fuming anger he threatened to appeal over the head of the cold and unresponsive government to the sovereign masses. President Washington, oppressed by the heat of fetid, disease-ridden Philadelphia, exploded:

> Is the minister of the French Republic to set the acts of this government at defiance *with impunity?* And then threaten the executive with an appeal to the people? What must the world think of such conduct, and of the government of the United States in submitting to it? [5]

Excited throngs of Francophiles might vilify Washington, but when the issue was squarely drawn between him and a foreign diplomat, sanity returned with a rush. The Federalists gleefully spread broadcast the news of Genêt's indiscretion, and their most caustic spokesman, William Cobbett, branded the Jeffersonian Republicans as "bastard offspring of Genêt, spawned in hell, to which they will presently return." Everywhere French sympathizers were hushed and shamed, except for a few who attempted to condone Genêt's offenses.

Washington's Cabinet met and unanimously agreed to demand the recall of Genêt. A new faction had come into power in France, and they were eager to cut off the diplomatic career as well as the head of the ill-starred envoy. But Washington, wisely declining to make a martyr of a fallen idol, refused to send the Frenchman home to an almost certain death. The discredited Genêt—Hamilton called him "a burned-out comet"—ultimately retired to New York, where hand in hand with the daughter of Governor Clinton, he faced the altar instead of the guillotine.

WASHINGTON'S FAREWELL TO THE NATION

A weary Washington was now prepared to bow out. He had planned to retire at the end of his first term, in 1793, but friends persuaded him that the critical state of foreign affairs demanded a continuance of his strong hand at the helm. Now, with the Jay and Pinckney Treaties negotiated, he felt that he could conscientiously lay down his burdens. He therefore prepared his famed Farewell Address with extreme care, and instead of presenting it as a public speech, gave it to one of his favorite newspapers as a special "scoop," on September 17, 1796.

Washington wrote his Farewell Address in collaboration with several of his intimate advisers, notably Hamilton, who contributed the incisive style. His immediate object was to announce that he would not be a candidate for a third term. But to this declaration he saw fit to add some sage advice, particularly regarding involvement in the broils and intrigues of Europe.

The memory of recent and current French intrigues was painfully fresh. Both Vergennes and Genêt, it will be recalled, had attempted to use the United States as a pawn in French schemes. The successor of Genêt, Joseph Fauchet, had sought by every means at his command to block the ratification of Jay's Treaty. His successor, Pierre Adet, through subsidies to the press and through Jeffersonian Republican societies, had aroused the people against the pact and had

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[3] A. Graydon, *Memoirs of a Life Chiefly Passed in Pennsylvania* (Harrisburg, 1811), p. 335.

[4] C. F. Adams, ed., *Works of John Adams* (Boston, 1856), X, 47.

[5] W. C. Ford, ed., *Writings of George Washington* (New York, 1891), XII 302.

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labored with the House of Representatives to defeat the necessary appropriation. Failing in this, he had attempted to bring about the defeat of Washington for re-election in 1796, and the elevation of the pro-French Thomas Jefferson to the Presidency—a scheme that was blocked by Washington's withdrawal. Following Washington's Farewell Address, Adet continued to labor unsuccessfully, through a public appeal and otherwise, for the defeat of the presumably pro-British John Adams, the Federalist candidate, and the election of the presumably pro-French Thomas Jefferson, the Republican candidate.

With such outrageous foreign intermeddling specifically in mind, Washington issued an earnest warning in his Farewell Address to the American people. He especially deplored the growth of a violent partisan spirit that inflamed the people with fierce likes or dislikes for foreign countries.

Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. . . . Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake. . . .[6] [Italics inserted]

Washington then turned to formal entanglements. With the disputes caused by the "forever" French alliance clearly in mind, he solemnly asserted: "It is our true policy . . to steer clear of *permanent* alliances with any portion of the foreign world. . . . [But] we may safely trust to temporary alliances for extraordinary emergencies." [Italics inserted] [7] Washington, in other words, was giving specific advice to a youthful and disunited nation in the year 1796—advice that had been dictated by recent and bitter experience. He was thinking of the existing permanent alliance with France, and probably had no intention of charting a specific course which the United States would have to follow for all time. He did not say—as he was later made to say—"No alliances, with any nation, at any time, for any purpose." The policy of noninvolvement—not isolation—that he recommended was not so much aloofness from the affairs of Europe as the exclusion of European agents and intrigue from the affairs of the United States.

HOUSE OF REPRESENTATIVES—*Monday, September 29, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord bless thee and keep thee.—Numbers 6: 24.

We come to the altar of prayer, our Father, with grateful hearts as we remember the loving care with which Thou didst watch over our fathers as they founded and built our country. Time and again they found shelter under the shadow of Thy protecting love. Thou didst make of them bearers of Thy truth, champions of Thy law, and supporters of Thy kingdom. Give to us, their children, the courage and the strength to be true to our sacred trust.

In days of distress and in times of trouble fortify our spirits with a deep faith in Thee who never slumbers nor sleeps. Keep alive within us the great memories of the past, the good experiences of the present, and the grand visions of the future. May we always labor for that spiritual harvest when all Thy children shall be gathered under the banner of truth and love, and stand united in a common brotherhood.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 25, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 574. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 474. An act to establish a Commission on Government Procurement.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes;

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; and

S. 2210. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums.

EMERGING NATIONS MUST ALSO SHARE IN NEW IMF RESERVES

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, today starts a week in which this great Capital will play host to the representatives of the many nations of the world who are members of the International Monetary Fund. As one of the principal matters on the agenda, they will be formalizing what has already come to be a generally accepted proposition that the International Monetary Fund will include in the future the creation of the reserves of members in special drawing rights which will multiply the effectiveness of the gold supply of the world, and undergird the trade of the world.

Mr. Speaker, I think this is a very singular accomplishment, but there is something that is missing. In the arrangements that have been agreed upon the nations who will be benefited most are the 10 strongest and richest nations of the world.

Where I think we have an opportunity here is in the suggestion that was made by the gentleman from Wisconsin (Mr. REUSS) in saying that the rich nations should make available through some mechanism in the World Bank such as IDA or through the soft windows of the regional banks, some of the new reserves that they will be creating for the smaller nations; the emerging nations of the world.

It seems to me, Mr. Speaker, that just as we have found in America that the trickle-down theory did not operate to improve the economic strength of our Nation, it is equally true that a trickle-down theory between nations is not going to work. We should put together some of the solid benefits from the almost 70 percent of new reserves that we are going to get for practically nothing out of this new system, and make it operative for the underdeveloped nations where the great new market potential of the world really lies.

Mr. Speaker, I would hope to see that some of this kind of dialog is included in the IMF meetings which will be going on in this city this week.

Mr. Speaker, I yield back the balance of my time.

HONOR, RECORDS, AND LIVES OF SIX GREEN BERETS BEING SACRIFICED

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, in a cruel, compassionless demonstration of self-serving, the Army, the CIA, and unknown other agencies and individuals in the Government are preparing to sacrifice the honor, the exemplary records, and perhaps even the lives of six members of the Green Berets for the alleged slaying of a Vietnamese triple spy. If this trial proceeds, it will be the most outlandish miscarriage of justice perpetrated deliberately by Government agencies and individuals ever to come to public attention.

The victim in this travesty is not the Vietnamese triple agent, but six American servicemen who have proudly worn the uniform of the military and faithfully served the flag of the United States. The other principal victim will be the United States itself, if our Government is paraded before the world as a murderer of civilians.

There are those at home and abroad, in Government and out, who will go to any length to embarrass this country in any connection with the war in Vietnam.

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[6] J. D. Richardson, ed., *Messages and Papers of the Presidents* (Washington, 1896), I, 221, 222.

[7] *Ibid.*, I, 223.

They are baying like wolfhounds for the lives of these servicemen but they must be denied. We cannot make scapegoats of these men whose principal offense is having obeyed orders. Opposition to the war does not include the right to disgrace our servicemen in the conduct of their duties.

The total handling of this case has been disgraceful; filled with illegalities, cruel confinements, missing evidence, the absence of a corpus delicti, denial of the most common civil rights, all in an effort to shift the guilt and blame from one person to another, one agency to another.

If any trial is called for, it is to penetrate the cloud of confusion which surrounds all that has gone before in this case and no party to this disgraceful incident will escape free of guilt if the truth is not made available to the people. This star chamber, kangaroo court is beneath the dignity of this Nation.

I have talked with Secretary Laird about this case and told him there will be no support of the war in Vietnam left anywhere if these men are made scapegoats in this incident.

I call on the President to intervene in the interests of these servicemen and, to a larger degree, in the interests of the United States at home and abroad.

STUDENT MORATORIUM ON THE VIETNAM WAR

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, in his press conference last Friday, President Nixon, in response to a question asking his view of the student moratorium against the war in Vietnam planned for October 15, said, "under no circumstances will I be affected by it."

That was a rather appalling statement from the President of the United States, and I hope he will reconsider.

If the President really means he will not be affected by campus opposition to the war, then there is very little hope that he understands what is happening in America.

The October 15 moratorium is intended as a peaceful expression of student opposition to the war which will extend beyond the campuses, for it has the support of Americans all over the country who want an end to the war in Vietnam.

Both the primaries and the general election of 1968 should have convinced the President, who was the principal beneficiary of the tide running against the war, that he had a mandate for the American people to bring the war to a prompt conclusion.

In the winter of 1968 presidential candidate Richard Nixon said he had a plan to end the war. Now, 9 months after his inauguration, President Nixon not only has not done so, but is bogged down in the same quagmire as his predecessor; and his latest press conference revealed that the rhetoric has not changed either.

The President's seemingly inflexible attitude toward opposition to the war will only make it more difficult for him to extricate himself from the Vietnam policy which he inherited and which he is perpetuating.

It is time for the President and the Congress to realize that palliatives and ploys will not make the war any more acceptable to the American people. And it is time for both to be very much affected by public opinion—on and off the campus.

VIETNAM

(Mr. WIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIGGINS. Mr. Speaker, on Sunday, Hanoi radio commented upon President Nixon's refusal to withdraw all American troops from Vietnam in accordance with one of the several timetables urged upon him by some Members of this body and the Senate.

Hanoi asserted that our President was a warmonger and was refusing to follow the wishes of the American people or their representatives in Congress.

Since Hanoi pays close attention to the speeches of some of our Members, I hope they will listen carefully to this one.

No one urging the withdrawal of American troops from Vietnam upon any terms other than those best calculated to insure the continuity of a freely selected government in South Vietnam speaks for me or the people whom I represent.

The people whom I represent know that the withdrawal of American troops from Southeast Asia will not result in peace, Mr. Speaker. The war will continue and the killing will go on regardless of an American presence in Vietnam.

We are urged by a few to disregard the fighting, to withdraw our troops, and to pretend that a war halfway around the world is unworthy of our attention. Oddly, a different rule is usually applied by this same few to other areas of the world.

I urge our President to reject the foolish counsel of those who apparently believe that evil will disappear in the world if we just turn our backs and pay no attention to it. Too many Americans have died in this century teaching us the fallacy of such a policy.

The issue is not just Vietnam. It is all Southeast Asia. And the question is—and always has been—Will world peace be jeopardized if North Vietnam is permitted to pursue policies ranging from subversion and terror, to open warfare against neighboring republics?

The answer has been plain to every American President for the past 20 years, as it is now to most Americans.

Pay no attention to Hanoi or their domestic cheerleaders, Mr. President.

Do what you must—because it is right and in the long-range interest of world peace, and the American people will back you up.

SEE THE SOUTH

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, according to a travel study prepared for the Southern Travel Directors Council, people traveling through 11 Southern States spent $10.8 billion during 1968 to make the South the No. 1 tourist area in the Nation. Alabama took its fair share of the revenues with a $454 million total. Of this amount more than $288 million were spent by out-of-State visitors.

These expenditures provide 200,460 business concerns with their income to employ 1,006,690 people of the region. Personal income to people in the region generated by this travel business reached $3.9 billion. In addition, State and local tax revenue produced, totaled $890 million.

But, Mr. Speaker, this increased travel in the South means something much more than just a dollar income. For years, all many people ever knew of the South was Miami and a few other areas. Now people are beginning to see more of the South. A South that is very much like the rest of the Nation. A South alive with people with very real problems. A South that is proud of its particular place in American heritage.

There are many beautiful things to see and do in the South and many real people to meet.

So, Mr. Speaker, I urge our friends to come south. They will like what they find there. For a starter, how about visiting Mobile, Ala.? It is one of the most beautiful cities in the Nation.

PRESIDENT NIXON'S PRESS CONFERENCE

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, our admiration for President Nixon and confidence in him, as well as that of the vast majority of the American people, was enhanced by his televised press conference.

President Nixon's press conference is in the nature of the people's forum where members of the press ask pertinent and searching questions on a wide range of subjects of immediate concern to the people. By my count there were no less than 20 questions asked.

President Nixon answered each question with complete frankness, displaying as always a thorough knowledge of situations and developments. Obviously he has been doing his homework thoroughly.

Friday's press conference resolved whatever doubts anyone might have as to his forthrightness and capacity for bold leadership. Once again President Nixon has demonstrated that he is taking the American people completely into his confidence.

PARTISAN POLITICS MUST STOP AT THE WATER'S EDGE

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker,

last Friday the chairman of the Democratic National Committee joined a small group of Congressmen who would limit the President's options in Vietnam by demanding a specific timetable for a U.S. withdrawal—a withdrawal without terms and without honor, a withdrawal tantamount to surrender.

The national chairman, who also is a Democratic Senator from Oklahoma, presumably speaks for a segment of the Democratic Party when it is out of power.

Mr. Speaker, I cannot believe that Chairman HARRIS speaks or acts for all the members of his party, or even a majority of it.

I cannot believe he speaks for the Speaker of the House, or for the majority leader, or for hundreds of my colleagues on the other side of the aisle.

Mr. Speaker, there was a time when politics in the Congress stopped at the water's edge. There was a time when Republicans and Democrats alike supported our President in their conduct of foreign affairs and in the waging of war.

I hope that era has not ended. Today, with a Republican President in office, there are those who would intensify the effort to make war and foreign affairs matters for partisan politics.

But, Mr. Speaker, I still do not believe that any one man, regardless of his party position, does speak or can speak for the Democrats in this Congress and in this Nation, especially in an area where national commitments and national integrity are at stake.

Mr. Speaker, I am convinced that for most Americans, of both parties, politics still does end at the water's edge. And I am sure that the leadership in both parties agrees with that position.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read, and, together with the accompanying papers, referred to the Committee on Appropriations:

SEPTEMBER 26, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the work plans transmitted to you by Executive Communication and referred to this Committee. The work plans involved are:

Sebastian Martin-Black Mesa, New Mexico, Executive Communication 893.

Warner Draw, Utah, Executive Communication 893.

Buck and Doe Run Creeks, Missouri, Executive Communication 1049.

Candy Jack, Wyoming, Executive Communication 1049.

Ledgewood Creek, Iowa, Executive Communication 1049.

Salt Lick Creek, Kentucky, Executive Communication 1049.

Swift Creek, North Carolina, Executive Communication 1049.

Upper Blackwater, Virginia, Executive Communication 1049.

Yours sincerely,

W. R. POAGE,
Chairman.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 187]

Andrews, N. Dak.
Baring
Beall, Md.
Bell, Calif.
Biaggi
Boggs
Boland
Bolling
Brademas
Brock
Brown, Calif.
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Colmer
Conyers
Corbett
Cowger
Cunningham
Daddario
Daniels, N.J.
Dawson
Dent
Diggs
Dingell
Edwards, Calif.
Fascell
Feighan
Findley
Fish
Flynt
Ford, William D.
Foreman
Gallagher
Gibbons
Goldwater
Green, Oreg.
Halpern
Hansen, Wash.
Hawkins
Holifield
Howard
Kirwan
Kluczynski
Lipscomb
Lowenstein
Lujan
McKneally
Macdonald, Mass.
Madden
Mann
Meskill
Michel
Mikva
Mills
Monagan
Moorhead
Morton
Murphy, N.Y.
Obey
O'Konski
Pepper
Powell
Purcell
Quillen
St Germain
Sandman
Schadeberg
Scheuer
Sikes
Smith, Iowa
Staggers
Steed
Steiger, Wis.
Stokes
Teague, Calif.
Wampler
Whalley
Wilson, Bob
Wilson, Charles H.
Wold
Wright

The SPEAKER. On this rollcall 344 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENDING AUTHORITY TO SET INTEREST RATES ON MORTGAGES TO VETERANS

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 556

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13369) to extend for two additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans under title 38 of the United States Code and for other loans, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or amendment in the nature of a substitute recommended by the Committee on Veterans' Affairs now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 556 provides an open rule, waiving points of order, with 1 hour of general debate for consideration of H.R. 13369 to extend the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans. The Ramseyer rule was not complied with and that is the reason for waiving points of order.

Public Law 90–301 empowered the Secretary of Housing and Urban Development, together with the Administrator of Veterans' Affairs, to set the interest rate which would apply to FHA and VA housing loans. That authority expires on October 1, 1969.

The purpose of H.R. 13369 is to extend for 2 years—until October 1, 1971—the authority of the Administrator of Veterans' Affairs to set the interest rate on Veterans' Administration guaranteed loans at such rate as he may from time to time find the loan market requires. It does not affect FHA loans.

There would be no additional cost to the Government.

Mr. Speaker, I urge the adoption of House Resolution 556 in order that H.R. 13369 may be considered.

Mr. Speaker, I yield now to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I think it goes without saying that there is no one in this Chamber, no one in the Congress, who looks forward with great pleasure to the fact that this kind of legislation is necessary to meet the conditions in the money market that exist today. Without this authority that would extend the right of the Veterans' Administration until October 1, 1971, to set the interest rates on VA guaranteed loans at a rate that is consistent with the market level, we simply are not going to get any veterans' housing in this country.

I would assume if things go normally, we are going to hear a great deal of talk from some people about the regrettable fact that the interest rates are at an all-time high in our country.

I believe this might be an appropriate time to remind ourselves that interest rates are a function of the inflationary conditions in the economy generally. It is not interest rates alone that are the villain and that are responsible for the fact that housing construction in the country today is at an unsatisfactory level and may indeed drop to less than 1 million units before this year is over.

We have high land costs. We have inflated costs so far as land is concerned.

Recently there were called to my attention some of the labor contracts which have been negotiated in the construction industry. I shall not take the time this afternoon to list all of the facts and figures and statistics available which I shall include in the RECORD, but let me give a couple of examples.

Down at Kansas City, Mo., on April 1 of this year, the painters and ironworkers, after a 119-day strike, settled on a 3-year contract calling for a $3.18-an-hour increase.

In southern California the United Association District Council No. 16 went on strike the first of July of this year. They have a final settlement. I believe the strike there lasted more than 100 days. The final settlement called for a total wage and fringe benefit increase of $3.51 an hour.

Until we get a little statesmanship, I believe both in management and the labor councils, inflation and rising interest rates cannot be controlled. On the part of management, there must be a resistance to unrealistic demands. On the part of labor, there must be a restraint from some of the demands currently made. Otherwise we are simply going to find ourselves steadily increasing the possibility of reaching that point down the road where we are pricing the low-income families or even the moderate-income families out of the housing market altogether.

I would certainly applaud the appointment of the Cabinet Commission on Collective Bargaining in the construction industry. That Commission was established by the administration within the past couple of weeks and is going to look into some of the problems and try, I believe, to bring a balanced approach to the very obvious need to do something about bringing these inflationary threats, not only in respect to interest rates but also on land costs, wage rates and construction costs under control, so that we can begin to construct the housing we so desperately need in this country.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Does this bill provide for a federally paid subsidy of 3 percent to veterans?

Mr. ANDERSON of Illinois. No. This bill does not contain that provision, if my understanding of the legislation is correct. It would merely extend for 2 years the authority of the Administrator of Veterans' Affairs to agree on an interest rate or to fix an interest rate for veterans loans which would be compatible with the interest rates prevailing presently in the money market. But it does not provide for a subsidy.

Mr. GROSS. If I remember correctly, a majority of the House voted not too long ago to authorize a 10-percent interest rate, with 3 percent of it subsidized by the Federal Government, for students and student demonstrators. Is there some reason why there should be this difference as between veterans and student demonstrators?

Mr. ANDERSON of Illinois. Of course, in response to the gentleman from Iowa, I supported that legislation dealing with student loans because, again, what we are dealing with are the simple facts of life. If we want to get the loans for the students to continue their college education we simply had to get the interest rate up to that point. I do not like it any better than the gentleman from Iowa does. I wish they were down to a 4- or 5-percent level.

Until we get inflation under control in this country, I repeat, these rates, as a reflection of inflationary conditions, will not be brought under effective control.

Mr. GROSS. I would assume that someone who supported the bill the other day would probably offer an amendment. Does the gentleman intend to offer an amendment today to provide for a 10-percent interest rate for veterans, with 3 percent of it subsidized?

Mr. ANDERSON of Illinois. No. I do not intend to do that, for the simple reason I do not believe we have to go to 10 percent on the loans of this kind. If we give the authority provided in this bill, I believe we can get veterans housing constructed. I do not believe we have to provide for 10-percent interest rates or a 3-percent subsidy to get the job done.

Mr. GROSS. The student loans were guaranteed, were they not?

Mr. ANDERSON of Illinois. Yes.

Mr. GROSS. Why, then, did you have to go to 10 percent?

Mr. ANDERSON of Illinois. I think those loans are frankly in a different category. I do not know that I am familiar with all of the reasons why lending institutions in this country have not been as anxious as they should have been in many cases to make loans of that kind. Therefore there has to be some additional incentive to make sure that those funds continue to flow.

Mr. GROSS. Can it be that one is categorized as being students and the other servicemen? One being put above the other? Why should there be better treatment for students and student demonstrators than for the servicemen of this country? Why?

Mr. ANDERSON of Illinois. I am glad to yield at this point to the gentleman from Pennsylvania (Mr. SAYLOR), who can supply an answer to the gentleman's question as to why these loans are not made so readily by the banks.

Mr. SAYLOR. I thank the gentleman for yielding.

One of the reasons why we had to go to 10 percent on student loans is that the committee has not allowed this paper to be negotiable. Any bank that takes it has to hold it for its entire period of time; that is, 16 years. If a change were made and this paper were negotiable, I am sure the interest rate could then be below 10 percent.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Pennsylvania for that explanation.

Mr. Speaker, I have no further requests for time and I reserve the balance of my time. I also include here the figures on recent wage settlements reached in the construction industry throughout the country:

RECENT WAGE SETTLEMENTS

KANSAS CITY, MO.

On April 1, 1969, the Painters and Ironworkers went on strike. One hundred and nineteen days later, the painters settled for a three-year contract for $3.18 per hour. The ironworkers settled for $3.80 per hour.

The Sheet Metal journeymen $4.05 per hour for a three-year contract after a 45-day strike.

The Associated General Contractors (Heavy Contractors) settled with their union for $5.30 over a period of three years.

Within the next 22 months, the following wage scales will prevail:

	Per hour
Labor	$9.18
Teamster	9.39
Cement finisher	10.10
Operating engineer	10.05
Ironworker	8.87
Painter	7.62
Sheet metal	9.45
Plumbers and pipefitters	9.23

COLORADO SPRINGS, COLO.

After a 53-day strike in Colorado Springs, the following eleven changes were made in their agreement:

1. Coffee break not to exceed ten minutes between 10 a.m. and 10:30 a.m. and 2:30 p.m. and 3 p.m.

2. It shall be the obligation of the employer to provide free and adequate parking space for automobiles of the employees used in traveling to the job site. If no free parking is available within one-fifth mile of the work area, employer shall provide transportation to and from said parking facility—on employee's time, if less than one mile and on employer's time if more than one mile.

3. Double time for overtime, and overtime shall be paid at double time on new construction excluding jobbing work.

4. When any member has to work overtime, the employer must call the union hall and state the place and approximate time of overtime except service work.

5. Seven paid holidays. In the event one holiday falls on a Sunday, the following Monday will be observed as a holiday; monies to come out of vacation fund.

6. Heated facility—employer shall provide an adequate heated lunch area on all jobs. A pickup with heater will be considered a heated area provided not more than two men per pickup. If a heated facility is already available to plumbers and pipe fitters, the mechanical employer will not be required to provide another such facility.

7. Travel rate, 15 miles free zone, over 15 miles 15 cents per mile.

8. Subsistence, July 1, 1969—$12.50 per day; July 1, 1970—$14.00 per day.

9. General and non-working foreman shall not replace a journeyman on any job, except for emergency work—not to exceed two hours.

10. Committee to set up safety standards. Two from management—two from Local 58.

11. Additional wage package of $2.08—July 1, 1969—65 cents per hour and 3 cents apprenticeship training:

January 1, 1970, 40 cents per hour.

July 1, 1970, 45 cents per hour.

January 1, 1971, 55 cents per hour.

This new two-year contract effective July 1, 1969 through July 1, 1971, spread as follows:

July 1, 1969: $5.61 per hour basic wage rate "journeyman"; .25 per hour vacation fund; .17 per hour paid holidays; .25 per hour pipe industry insurance fund; .15 per hour pension fund; .10 per hour pipe industry development fund; and .05 per hour apprentice and journeymen training fund.

January 1, 1970: $5.71 per hour basic wage rate "journeymen"; .50 per hour vacation fund; .17 per hour paid holidays; .25 per hour pipe industry insurance fund; .20 per hour pension fund; .10 per hour pipe industry development fund; and .05 per hour apprentice and journeymen training fund.

July 1, 1970: $5.91 per hour basic wage rate "journeymen"; .75 per hour vacation fund; .17 per hour paid holidays; .25 per hour pipe industry insurance fund; .20 per hour pension fund; .10 per hour pipe industry development fund; and .05 per hour apprentice and journeymen training fund.

January 1, 1971: $6.06 per hour-basic wage rate "journeymen"; $1.00 per hour vacation fund; .17 per hour paid holidays; .30 per hour pipe industry insurance fund; .30 per hour pension fund; .10 per hour pipe industry development fund; and, .05 per hour apprentice and journeyman training fund

This totals an increase of $2.05 per hour plus 3 cents apprentice and journeymen training plus 5 cents development fund. Additionally in the new contract a dues check off of one percent of gross wages to be deducted from pay and remitted by the employer to the union. The Industrial Relations Council awarded a two-year increase of $1.75 in the Denver area which was accepted by the other five unions within the State of Colorado except the Colorado Springs area. There 33 cents per hour over all other plumbers and pipe fitters within the state came about at the end of a 60-day strike with both federal mediation and national UA officials in attendance.

SOUTHERN CALIFORNIA

United Association District Council No. 16 went on strike July 1, 1969, demanding wage and fringe benefit increases totaling $5.04 per hour and a 32-hour work week during a three-year contract. Final settlement called for total wage and fringe benefits increases of $3.51 per hour with 36-hour work week effective July 1, 1971. Wage rate before strike was $5.79 per hour plus $2.32 fringe benefits; effective July 1, 1969, wage rate will be $8.30 per hour plus $3.32 fringe benefits, an increase of 43.3 per cent. In addition, new contract will require contractors to pay into pension trust fund hourly wages plus fringe benefits for UA work not included in their contract with the general contractor or awarding authority. Union calls this a work preservation clause. Union demands have been firm since July 8th. Contractors were forced to agree on September 18th after refrigeration contractors, fire sprinkler contractors and industrial pipework contractors signed on union terms and national contractors would not cooperate.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, when the honorable chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE), appeared before the Rules Committee on this legislation, I also requested time to be heard. I contended before the Rules Committee that increasing the interest rates on veterans housing, the mortgages of which are guaranteed by the Federal Government, would not increase the amount of housing starts on mortgage loans for veterans. This is the same position I took on the floor of this House in March of 1968 when this similar legislation that we are now debating was on the floor.

You will recall that on May 7, 1968, the President signed into law an act which gave the Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration discretionary authority to raise mortgage interest rates on FHA and VA housing loans above the statutory rate of 6 percent.

In May of 1968, the FHA and VA interest rate was raised from 6 percent to 6.75 percent. In January of 1969, the 6.75 percent rate of FHA and VA mortgages was raised to 7.5 percent. Within a period of less than 1 year, these two insured loan programs experienced a rate increase of 1.5 percent—amounting to a percentage increase of 25 percent.

Since this legislation does not continue the discretionary authority for the FHA program, but merely the VA program, let me indicate to this body what the VA housing starts program looks like as a result of these two increases. From January to May of 1968, VA new housing starts were running at an annual rate of a low of 52,000 units a year to a high of 63,000 a year. In June of 1968, just after the 7.5-percent rise, VA housing starts were down to 54,000. We ended up the year of 1968 with 56,000 new VA-guaranteed housing units.

At the beginning of 1969, when the VA interest rate ceiling was raised from 6.75 percent to 7.5 percent, VA new housing starts at an annual rate were estimated at 57,000 units, the exact same amount at an annual rate basis as estimated in May of 1968 before the initial increase in the rate ceiling from 6 percent to 6.75 percent. As I have indicated, in January 1969, the VA statutory rate went up another three-quarters of 1 percent, to 7.5 percent. But what has happened?

Currently, according to the latest figures, VA housing starts for the month of July were down to a level of 46,000 units at an annual rate basis. These figures conclusively indicate, Mr. Speaker, that increasing interest rates has not, does not and will not elicit more VA-guaranteed housing units.

Mr. Speaker, the plain simple fact is that housing starts do not increase when mortgage interest rates are increased. The low- and moderate-income veteran—the veteran this program is supposed to help—is priced out of the housing market when interest rates go up. Few veterans can afford 8, 9, and 10 percent interest rates.

Mr. Speaker, last week the Senate passed Senate Joint Resolution 152, which extends for 90 days the authority both for the Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration to set interest rate ceiling on FHA and VA loans above the statutory 6 percent. Senate Joint Resolution 152 was agreed to by this body last Wednesday. Any pressures in this instance, therefore, have been removed and, as a result, I do not myself see any necessity for this legislation.

If for no other reason we should proceed with a great deal of caution on this legislation since it divorces the VA interest rate from the FHA interest rate and could create a chaotic and unfavorable situation in which the FHA program would be vying with the VA program to the benefit of neither the FHA or VA borrower.

As I say, Mr. Speaker, I do not see the need for this legislation, but, by the same token, I do not intend to take any action to move to have it recommitted or killed.

I want to assure both the chairman of the Veterans' Affairs Committee and this body that the Senate Banking and Currency Committee and your House Committee on Banking and Currency will explore this matter of the FHA–VA interest rate in great detail.

The Senate Banking and Currency Committee has already begun its investigation on this subject, and it is contemplated that in the immediate future the House Committee on Banking and Currency will also be in the middle of its inquiry into this matter.

My main purpose in asking for the floor, Mr. Speaker, is to indicate to the Members my intention to offer an amendment, at the appropriate time, to this legislation. This amendment in substance is contained in a bill, H.R. 9476, introduced by the esteemed chairman of the Committee on Veterans Affairs, the gentleman from Texas (Mr. TEAGUE), on March 25, 1969. My amendment would very simply provide for the investment of part of the assets of the national service life insurance fund in VA-guaranteed mortgages, up to an amount of $5 billion, between enactment of this bill and June 30, 1974.

To finance this proposed investment of national service life insurance funds in VA-guaranteed mortgages, this amendment would establish a national service life insurance investment fund, to which the Secretary of the Treasury would be required to transfer from the national service life insurance fund such amounts, up to $5 billion, as the Administrator of Veterans' Affairs may request. The investment fund would pay interest to the insurance fund at the average rate on loans purchased by the investment fund less 1 percent, but not less than the average return on the other invested portion of the insurance fund. The Administrator of VA would also be authorized to utilize the investment fund to purchase loans from the direct loan revolving fund; to sell participation certificates in mortgages held by the fund; and to utilize available funds in the loan guarantee and direct loan revolving funds to cover deficiencies in the investment fund.

Mr. Speaker, leaving aside these technical niceties, all this amendment says is that the funds which the veterans of World War II have paid into the national service life insurance fund should be made available to veterans to allow them to purchase VA-guaranteed housing. This specific program to which this amendment would apply ceased issuing policies in 1951 and, therefore, the insurance in force under the program would, of course, decline over time.

To indicate the substantial amount of assets in the fund, it should be pointed out that the assets of the fund, which are largely invested in special Treasury interest-bearing securities and policy loans, as of June 30, 1968, amounted to $7 billion, and it is estimated that by June 30, 1970, the fund will be up to a $7.2 billion mark.

The actuarial estimate of policy obligations, as of June 30, 1968, totaled $6.9 billion, leaving a balance of $91 million for contingency reserves.

Mr. Speaker, there is no question that this insurance program is actuarially sound. The estimate for 1970 indicates, for example, that revenues to the insurance fund will total $827.8 million, and expenses will total $823.5 million, leaving a net income for the year of $4.3 million.

Nor will my amendment in any way jeopardize either the safety, liquidity, or cash flow of the insurance fund. The fund will be making investments in VA mortgages guaranteed by the Federal Government. These mortgages can be sold. If the fund wants the mortgages, they will be receiving the principal and interest payback on the mortgages. Furthermore, the interest on the investment will be greater than that which is now received from the Treasury on those investments made by the fund in special Treasury securities. In other words, Mr. Speaker, not only will there be no drain on the fund whatsoever in monetary terms, but the value of the fund will, in fact, be increased by this approach.

Mr. Speaker, I trust that the honorable chairman of the Veterans' Affairs Committee and other esteemed members of this committee will support my amendment.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I was very interested in the gentleman's explanation of his proposal to make this $5 billion available for veterans housing. I would ask the gentleman from Texas is it not a fact, however, that this money is not actually in a segregated fund, and available in the Treasury now, but that it has been borrowed, and that what you have, therefore, are I O U's that are in the Treasury? Therefore what we would have to do is to go out and borrow in the money market the $5 billion to make it available for this purpose. Would we not thereby be creating even greater pressures in the money markets and thus cause interest rates to go up—which is of course, I know, something that the gentleman would not advocate?

Mr. PATMAN. Even if the interest rates were to go up, the veterans would get housing, and they are not getting housing now.

Why should we say we ought to let the Treasury use this money to pay for anything the Congress appropriates the money for, and keep it away from the veterans? It is the veterans' money.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Speaker, may I have some additional time?

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas (Mr. PATMAN).

Mr. Speaker, would the gentleman yield to me?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I would state to the gentleman from Texas that I have before me, in connection with the hearings that were held on H.R. 9476, the letter that was written under date of May 20, 1969, by the Associate Deputy Administrator of the Veterans' Administration in the absence of Mr. Driver, who was then Administrator:

> The purchase of mortgages as contemplated in this bill could increase federal outlays up to $5 billion during the five-year period, fiscal year 1970–1974, resulting in increased requirements for Treasury borrowing from the public.

He goes on to state that this would be inflationary. Would not the gentleman from Texas agree that his proposal, desirable as it may be on the surface—and I share with the gentleman his desire to see more veterans housing in this country—but given the conditions that exist now, would it not be creating undesirable pressures that would drive the interest rates still higher, thereby making housing even less available than it is now?

Mr. PATMAN. It would be no more inflationary than if you received the funds from other sources and put them into housing. There is no difference between the two.

May I remind the gentleman from Illinois also that shelter, housing, is just as important to many people as food and clothing. You cannot say that every expenditure is inflationary.

There are many ways to stop inflation—many ways. But there is no definite and proven way to stop the pressure so it is not any more inflationary than $5 billion to be spent by the veterans fund.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman know whether dividends are still being paid on Government life insurance?

Mr. PATMAN. I know that on some Government life insurance policies, dividends are paid. It all depends on the policy.

Mr. GROSS. I am talking about war risk insurance paid-up policies.

Mr. PATMAN. That is one that they are still paid on, on policies, according to the earning of the fund.

Why should the Treasury insist—or anybody else—that veterans money should be taken and used for other things, and not permit veterans themselves to use it for a purpose that will relieve a great need and give them the comforts and conveniences of life that they are entitled to receive, and use their own money to build their own houses. I cannot conceive of a fairer or better proposition.

The gentleman from Illinois is mistaken in saying that they are lying loosely around in the Treasury. You see, a reserve is very carefully preserved and protected and these securities now used are in that particular box of reserves, and not transferred over and as other money paid in—instead of going right into the Treasury to be spent—but right into this reserve fund.

Mr. GROSS. The gentleman from Texas and the gentleman from Iowa opposed the bill before the House the other day to, for all practical purposes, establish a 10-percent interest rate on student loans. Does the gentleman know of any reason why there should be this different standard—one for veterans and the other for students and student demonstrators?

Mr. PATMAN. The gentleman's point is a good one. If we adopted a policy of letting the students who even engage in riots get loans from the Government with a Government guarantee and then give to the commercial banks a 3-percent subsidy on top of the 7 percent, that is paid by the Government, why then it would be just as sensible to let the veterans borrow money to build homes at 10 percent and giving 3 percent of it to the lender, just as it is proposed on student loans. If you do not pass this, you are discriminating against the veterans.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I have no further requests for time.

The SPEAKER. Does the gentleman from Illinois (Mr. ANDERSON) have any further requests for time?

Mr. ANDERSON of Illinois. No, Mr. Speaker.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13369) to extend for 2 additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans under title 38 of the United States Code and for other loans.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13369, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. TEAGUE) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. AYRES) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Public Law 301 of the 90th Congress delegated authority to the Administrator of Veterans' Affairs and the Secretary of Housing and Urban Development to set the interest rates on loans made by the Federal Housing Administration and on guaranteed and direct loans of the Veterans' Administration. The authority to set such rates of interest expires on October 1, 1969. The current rate of interest as set by these two officials is 7½ percent.

The bill before us provides for a 2-year extension until October 1, 1971, of the authority insofar as it relates to the Administrator of Veterans' Affairs to set the interest rate at such a level as he determines necessary in order to permit the veterans housing program to work. If the authority should lapse, the rate would revert to 6 percent, an unrealistic rate in view of the general housing situation and interest rate conditions.

The Veterans' Administration favors this bill and there would be no addi-

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tional cost to the Government as a result of its enactment, the bill was reported unanimously by the committee.

Mr. Chairman, I take this opportunity to commend the gentleman from Nevada, the chairman of the Subcommittee on Housing of the Veterans' Affairs Committee, for his action in promptly reporting this measure to the full committee, and also that of his colleagues on the subcommittee who were unanimous in deciding that this measure was essential. All of the members of the subcommittee have been helpful—Hon. Walter S. Baring, chairman, Hon. Ray Roberts, Hon. David E. Satterfield III, Hon. Henry Helstoski, Hon. Don Edwards, Hon. Edward R. Roybal, Hon. William H. Ayres, Hon. Seymour Halpern, Hon. John J. Duncan, and Hon. Margaret M. Heckler.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, there is no question but what the legislation we have before us today is absolutely necessary if we are going to continue the GI home loan program. We are simply facing the facts of life. There will be no money available whatsoever unless we do extend the authority of the Veterans Administrator to continue the interest rate at somewhat around its present level.

My understanding is that, if the bill is not passed, the interest rate for GI loans will revert back to 6 percent, and there is no such thing as a 6-percent interest rate today for any type of mortgage, guaranteed, insured, or what not. The prime rate on premium-type loans is set at a rate of 8½ percent. The fact is there is really no net 7½-percent money available. In order for the GI to benefit from existing law, the seller, the mortgagor, or someone else is going to have to pay additional points somewhere between 8 and 15 percent.

In fact, the Federal National Mortgage Association is the only source of secondary financing for GI loans today. A notice sent out by that Association dated September 22 points out that the discount rate for GI loans for a 90-day commitment is 93.42, and for a 6 months' 93.43, plus the fact that the mortgagor in making the application must pay a three-quarters of 1 percent nonrefundable fee.

Any way you slice this, GI loans today are being sold to a Federal secondary mortgage source at a discount of 7.32 percent.

I am not criticizing the Federal National Mortgage Association because this is competitive. All of us are aware of the fact that this is what has to be paid for these loans if they are going to be made available to anyone. My point is not to criticize what the Federal National Mortgage Association is doing. The problem is this. On the same date, February 22, 1969, the Federal National Mortgage Association announced that, notwithstanding that they will buy these mortgages at 93.42 and 93.43, they will be unable to buy any single-family GI loans in the District of Columbia at the present time. The notice reads in part as follows:

> FNMA finds it necessary, effective immediately, to decline to accept submissions of FHA-insured and VA-guaranteed mortgages covering properties located in the District of Columbia. Unless it is established that such mortgages are not usurious.
>
> The problem is caused by the D.C. usury law, which proscribes rates in excess of 8% per annum. There is no exemption for FHA and VA mortgages under District of Columbia law. FNMA believes there is substantial risk that courts may hold, under the D.C. usury statutes, that discount points and perhaps certain other amounts received by lenders must be included in determining whether a loan is usurious.
>
> In the case of a 30-year 7½% mortgage, any amount received by the lender in excess of 4½ points, allocated over the 30-year term, produces an aggregate yield in excess of 8% per annum. We believe that the calculation of the total "points" as to any D.C. mortgage must include any loan closing or origination fee, and also any other fees or charges received by the lender which do not represent actual out-of-pocket expenses of the lender.

The letter concludes with this statement:

> With respect to the future, FNMA's position is that only authoritative action by either the Congress or the courts can solve the D.C. usury problem, unless, of course, there is a marked change in market conditions.

The net effect of that is that no veteran can purchase a single-family residence in the District of Columbia at the present time under the GI bill of rights.

If these loans cannot be sold to FNMA, there is no place else to sell them, unless the discount rate is a great deal higher, so at the proper time I intend to offer an amendment that will exempt this act from the District of Columbia usury law. It will not cause the GI to pay any more in interest rates. If the seller is paying these fees now, it would merely permit the loans made to the GI's in the District of Columbia to be sold to FNMA.

I hope at the time I offer my amendment it will be favorably considered.

Mr. AYRES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Chairman, I thank the gentleman for yielding.

I take this time to direct a question to our colleague, the gentleman from Virginia, and also to commend him for his presentation of the problems involved in this legislation.

However, with respect to the amendment which will be offered by the gentleman, I wonder why the gentleman limits his amendment to exempt these mortgages from usury laws just in the District of Columbia, because there are other States in the Union that have the same problem. I think the gentleman's amendment would be a great deal more acceptable if it were put in such form that the Federal Government would be permitted to guarantee these mortgages despite the usury laws of any State in the Union, including the District of Columbia.

Mr. BROYHILL of Virginia. Mr. Chairman, I thank the gentleman for that statement. I would prefer that the amendment include the other 23 States that have similar usury laws which affect GI loans. I was fearful, however, that it might be objectionable to some Members representing those States for us to attempt to superimpose our judgment as to what the usury laws in those States ought to be. Insofar as the District of Columbia is concerned, we legislate for the District of Columbia, and it is within our jurisdiction and our prerogatives to amend on existing law which affects the District of Columbia, but I would be happy to change it, if I thought I could get the support for it.

Mr. SAYLOR. I think the point the gentleman made is good and I say frankly the States that object will have the opportunity to come in and speak. I hope the gentleman offers his amendment so as to include the District of Columbia and the other States.

Mr. BROYHILL of Virginia. I thank the gentleman from Pennsylvania.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I will say to my friend on the committee, he knows we know the problem, but the gentleman also knows we have not explored it, and I certainly would not want to override our States without giving them a chance to testify. So I hope the gentleman will keep his amendment within the limits.

Mr. SAYLOR. With that assurance, Mr. Speaker, I will support the amendment offered by the gentleman from Virginia.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Chairman, the amendment to be offered shortly by my esteemed colleague, the gentleman from Texas (Mr. Patman), chairman of the Committee on Banking and Currency, is the most important piece of housing legislation to come before this body since the start of this session of Congress. This amendment is the first realistic approach offered to help solve what has become a housing recession in the Nation—and believe me that is no overstatement. Housing starts have fallen from an annual rate of 1.9 million in January to less than 1.3 million and it is widely expected they will drop below 1 million by late this year or early in January unless a course of action indicated by this amendment is taken.

The current rate of housing starts makes a mockery out of the goals that we so enthusiastically endorsed in the 1968 Housing Act. Instead of moving rapidly toward achieving 26 million new or rehabilitated housing units in 10 years we are moving rapidly in the wrong direction. So much so that in another 2 or 3 years we will likely find ourselves adopting new housing goals of 30 million or 35 million units during another 10-year period.

HOUSING BEARS FULL BRUNT OF ADMINISTRATION'S ANTI-INFLATION EFFORT

In effect, the country faces a housing crisis worse than that of 1966, the year that ironically produced the motivation to establish our current national housing goals. Housing once more has been made

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the victim of inflation and the methods being used to fight inflation. Inflation alone has priced millions of people out of the housing market because the homes they need are now beyond their means. When this condition is coupled with a high-interest, tight-money policy, which is now being employed to fight inflation, the situation becomes hopeless for all but the middle and higher income segment of our population. While the rest of the economy continues to boom, disaster has overtaken the housing industry. It is the only section of the economy that has reacted to monetary and fiscal measures now being employed to battle inflation. If the rest of the economy had reacted in the same way, we would all find ourselves not in a recession, but well into a depression.

Mr. Chairman, because of inflation and the tight-money, high-interest policy being used to fight inflation, funds that normally would flow into the mortgage market are being diverted into high yielding short-term investments. By the same token, the money that is left for mortgages is costing everyone, and particularly the low- and moderate-income families—the families that the FHA and VA programs are designed to serve—a minimum 25 to 30 percent more than was the case less than 2 years ago. FHA and VA mortgages which carried 6 percent interest then, now have an effective interest rate of about 8.25 percent. Last week Secretary of Housing and Urban Development George Romney reported that the price of borrowed money has gone up 3 percent since January and average monthly housing payments have increased by 30 percent since that time. The lack of mortgage money and the attendant increase in interest rates have brought the FHA and VA programs to a standstill in Maryland, the District of Columbia and in other areas as well. In essence, the low- and moderate-income families of this Nation are being told that only middle- and higher-income citizens have the right to purchase and own a home. The system has clearly broken down.

PROPOSED IN MINORITY REPORT OF MORTGAGE INTEREST RATE COMMISSION

Remedial action required the recognition that decent housing and a suitable living environment are just as important to the Nation and its people as having enough food and clothing and medical care. Decent housing is as fundamental to the needs of our people as anything anyone in this Chamber can name.

Mr. Chairman, adoption of the amendment to be offered by Congressman PATMAN would serve as a dramatic demonstration of that recognition. His proposal is a step that is absolutely required if our housing industry is to have the resources required to meet the needs of the people. Both he and I served on the Mortgage Interest Rate Commission, established to develop recommendations to get the housing industry back on its feet in terms of providing adequate home loan funds at reasonable rates. During its studies, the Commission concluded that an additional 1 percent of the gross national product must go into housing if the national housing goals are to be reached. Translated into dollars, this means that at least an additional $9 billion a year must be devoted to home building. Both Congressman PATMAN and I recommended in the minority report of the Commission on Mortgage Interest Rates the utilization of national service life insurance funds to help provide the required increase in mortgage money. In this one amendment alone, this Congress can make a decision that has the potential to furnish more than half of all the additional mortgage money needed to meet the national housing goals and can do so without expenditure of one additional tax dollar.

NEED FOR H.R. 13694, CREATING HOME OWNERS MORTGAGE LOAN CORPORATION

Important as it is, this amendment is not enough to assure that all veterans who should will actually benefit from the additional mortgage funds it provides. There are many veterans' families which are tragically blocked from home ownership because interest rates have raised those costs beyond their ability to pay. It is outrageous that moderate income families now face the prospect of having to make interest payments which amount to 133 percent of the principal on their homeownership loans. This is the case when interest rates reach 8 percent and higher on a $20,000, 30-year VA mortgage. At the end of the mortgage term the homeowner will have paid $32,000 in interest.

In my judgment, adoption of this amendment should be followed by creation of a Home Owners Mortgage Loan Corporation to make direct loans for low- and moderate-income families at interest rates that are no higher than 6 or 6½ percent. Such a vehicle, using FHA field offices to process applications and approve loans, and operating with a fund of at least $2 billion a year, will give assurance that no credit-worthy low- or moderate-income family in this Nation will be deprived of the opportunity for home ownership. In effect, the Home Owners Mortgage Loan Corporation would be a national bank of last resort for those credit-worthy families who cannot obtain mortgage funds from conventional lending institutions. Its establishment, more than anything else, I am certain, will exert a powerful influence that will bring all mortgage interest rates down to a reasonable, decent level. Creation of such a vehicle is proposed in H.R. 13694 which I introduced with the cosponsorship of the chairman of the Housing Subcommittee, the gentleman from Pennsylvania (Mr. BARRETT), I hope to have presented to the House as soon as possible.

But neither the Sullivan-Barrett bill, nor Congressman PATMAN's amendment to H.R. 13369, will solve all of the Nation's housing problems. That solution will only be achieved when all sections of the economy, both private and public, are brought into full play and are guided by a will to serve the public interest first. Congressman PATMAN's proposed amendment to H.R. 13369 today would be a giant step in this direction. Here is an opportunity for us to really begin meeting the national housing goals.

If the Patman amendment is adopted to this bill, it will really mean something. It will provide a very effective solution for veterans needing housing loans. So I urge my colleagues to support it.

This amendment allocates $5 billion of reserves held against veterans' service life insurance policies for direct loans to veterans unable to borrow money in the regular mortgage market to buy a home.

It is money which belongs to the veterans—as reserves against their life insurance—and should be used in a manner which directly benefits veterans. There is no better investment in which these funds can be placed—if put into VA-guaranteed mortgages, they are 100 percent safe, and will bring a better return than those same funds now bring from the Treasury.

This money does not belong to the Treasury to meet current bills; it belongs to veterans who have managed to enjoy good health and not die as quickly as the insurance actuaries perhaps had guessed they would. Let us use it to help veterans own homes. They can't buy them now because the mortgage market has dried up. This bill before us is not going to get any more money into veterans housing unless the Patman amendment is added to it.

I ask the House to consider his amendment seriously and agree to it, when it is offered.

Mr. AYRES. Mr. Chairman, I yield myself 1 minute.

I rise in support of H.R. 13369. This bill, extending as it does the Administrator's discretionary authority to establish the maximum interest rate on GI home loans for 2 additional years, is necessary if we are to have any kind of a GI home loan program for returning Vietnam veterans.

Section 3 of Public Law 90–301 authorized the Secretary of Housing and Urban Development in consultation with the Administrator of Veterans' Affairs to set the maximum interest rate on FHA and VA loans. This discretionary authority expires on October 1, although a measure recently passed by the House and Senate would extend it for 90 days. Should this authority be permitted to expire, the interest rate which has been established currently at 7½ percent would be immediately rolled back to the statutory 6 percent, the maximum rate established by law prior to the enactment of Public Law 90–301.

Admittedly, the inflationary spiral and the competition for money which has been evident in our Nation in recent years has caused the flow of mortgage capital into the GI housing market to diminish. It has not stopped completely, however, as evidence by the fact that there were more than 103,000 GI home loans closed during the first 6 months of this current year as compared with approximately 95,000 during the first 6 months of 1968 and approximately 74,000 during the first 6 months of 1967. If the interest rates are permitted to revert to 6 percent, it is obvious that lenders would be unwilling to invest in GI loans. As a result, the home loan program for returning veterans would come to a screeching hault.

Let me remind my colleagues that our

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failure to act on this legislation does not affect the returning Vietnam veteran alone. Many World War II and Korean conflict veterans still have entitlement to GI home loan benefits. The World War II program, however, is scheduled to expire July 25, 1970. Our failure to enact this legislation will deprive this group of veterans of the opportunity to purchase a home during this critical period when they have but a few months of entitlement remaining.

I urge that this bill be passed so that it can be transmitted to the other body for their prompt attention, thus assuring the continuation of this vital program.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I wish to thank the chairman of our committee for yielding me this time.

I certainly believe this is a most appropriate time to bring this bill to the floor of the House, and I feel the chairman of the Committee on Veterans' Affairs as well as the chairman of the full Committee on Banking and Currency (Mr. PATMAN) as well as all of the members on the minority side and all the members of the committees deserve commendation for bringing this bill to the floor at this time.

This will give us an opportunity to have the money flow into the areas where those people are who are in dire need of housing. This housing is badly needed today. We have 600,000 fewer starts today than we had at the beginning of this year. I believe every Member on both sides of the aisle should and will support this amendment which will be offered and this bill, because we have already asked for an extension and both houses have passed a 3-month extension so that we can take a hard look at the interest rate question. This matter is now before the President, and I hope it will be signed into law shortly. I think all of the Members know that a 1-percent increase in a veteran's mortgage costs brings about an addition of $4,820 to a 30-year mortgage. Since the present waiver was enacted the interest rate increase has added about $7,200 to the cost of a $25,000 home on the basis of a 30-year mortgage. If we are to compensate these men who made these great sacrifices to keep this country free, I think everybody in this body ought to vote unanimously to keep the interest rate down.

Mr. Chairman, I hope everybody votes for the Patman amendment and that we have a unanimous vote in favor of the bill.

Mr. TEAGUE of Texas. Mr. Chairman, the purpose of the bill, H.R. 9476—similar to the amendment of the gentleman from Texas (Mr. PATMAN)—is to increase the availability of Veterans' Administration guaranteed home loan financing for veterans desiring to purchase homes, and at the same time to increase the income of the national service life insurance fund. The measure would establish on a revolving fund basis in an amount not to exceed $5 billion, an investment fund from which home loan financing would be available through commercial sources with the proceeds being repaid into the fund as the loans are repaid each month.

The current interest rate on Veterans' Administration guaranteed home loans is 7½ percent. Due to higher interest rates in some areas and to the prevalence of "points," there is a dearth of money available for financing of home purchases generally, and for veterans in particular.

The national service life insurance trust fund is a trust fund created from the proceeds of premiums paid, largely by World War II veterans, on their insurance policies. There are now 5,427,000 such policies with a face value of $37,372,938,000. Generally these policies cover individuals who served on or after October 8, 1940, and before April 26, 1951, when this insurance program ceased receiving new applications. The fund is today invested in interest-bearing obligations of the U.S. Government which has a yield as indicated in the table which follows. It should be noted that the overall yield is 3.9 percent.

INVESTMENTS IN NATIONAL SERVICE LIFE INSURANCE TRUST FUND

Date (1)	Amount of U.S. (or U.S. guaranteed) securities held at end of period (billions) (2)	Average rate of interest on securities in col. (2) (percent) (3)	Amount of U.S. securities purchased or refinanced in the 6 months ending with date in col. (1) (millions) (4)	Average rate of interest on investment in col. (4) (percent) (5)
Dec. 31, 1959	$5.7	3.00	(1)	----------
June 30, 1960	5.8	3.06	$598	3.81
Dec. 31, 1960	5.8	3.07	None	----------
June 30, 1961	5.8	3.07	367	3.12
Dec. 31, 1961	5.7	3.07	28	3.38
June 30, 1962	5.8	3.09	445	3.25
Dec. 31, 1962	5.8	3.09	5	3.27
June 30, 1963	5.7	3.11	315	3.37
Dec. 31, 1963	5.8	3.11	41	3.46
June 30, 1964	5.8	3.16	483	3.63
Dec. 31, 1964	5.8	3.16	56	3.59
June 30, 1965	5.9	3.21	558	3.63
Dec. 31, 1965	6.0	3.21	64	3.80
June 30, 1966	6.1	3.33	599	4.38
Dec. 31, 1966	6.1	3.43	200	6.03
June 30, 1967	6.1	3.51	512	4.61
Dec. 31, 1967	6.1	3.53	167	5.46
June 30, 1968	6.2	3.65	444	5.65
Dec. 31, 1968	6.2	3.77	211	6.11
June 30, 1969	6.3	3.89	347	6.22

[1] Not required.

It is estimated that with the availability of $5 billion from the NSLI reserves, there would be 256,300 loans guaranteed and purchased. Based on recent VA experience, about 30 percent or 77,000, would be on newly constructed homes and the remaining 70 percent, or 179,300, would be on existing homes.

If this bill is enacted, the yield will be increased to 6½ percent—7½ percent interest less 1 percent administration fee. The national service life insurance fund would continue to be fully guaranteed by the the U.S. Government with no possible loss to a policyholder or his beneficiary.

Thus there would be two simple results flowing from enactment of this legislation; namely, the availability of $5 billion of mortgage money, and an increase in the interest yield to the national service life insurance trust fund.

Hearings were held on this measure before the Subcommittee on Housing on May 21 and 22, 1969. All the testimony received—homebuilders, bankers, real estate boards—with the exception of that of the Veterans' Administration and Treasury Department, was favorable. Veteran groups were favorable.

Pertinent statistics on the loan guarantee program follow:

GI LOAN APPLICATIONS

	1967	1968	1969
January-March	40,649	51,050	53,304
April-June	68,300	62,471	65,870
July-September	78,667	69,496	----------
October-December	61,600	65,649	----------
Total	249,216	248,666	----------

GI LOANS

	1967	1968	1969
January-March	34,495	50,628	53,216
April-June	40,943	44,527	50,170
July-September	58,461	55,625	----------
October-December	66,523	60,437	----------
Total	200,422	211,217	----------

COMPARISON OF USE OF LOAN ENTITLEMENT BY VETERANS OF DIFFERENT SERVICE PERIODS IN YEARS IMMEDIATELY FOLLOWING ELIGIBILITY

Fiscal year	Loans closed	Eligible veterans at beginning of year	Percent of eligible veterans using entitlement
World War II:			
1946	176,000	2,374,000	7.4
1947	635,000	12,110,000	5.2
1948	521,000	13,074,000	4.0
Korean conflict:			
1954	48,000	2,740,000	2.6
1955	120,000	3,731,000	4.4
1956	159,000	4,239,000	4.3
Post-Korean veterans:[1]			
1967	73,000	3,682,000	2.0
1968	113,000	4,052,000	2.8
1969[2]	131,000	4,585,000	2.9

[1] Veterans with all service after January 1955 (excludes active duty servicemen).

[2] 11 months actual, 1 month estimated.

SECONDARY MARKET PRICE NO DOWNPAYMENT GI LOANS (NEW AND EXISTING)

Date	Contract rate (percent)	Price	Yield	Date	Contract rate (percent)	Price	Yield
July 1965	5¼	$99.3	5.32	May 1968	6¾	$94.9	[1] 7.36
February 1966	5¼	95.7	5.73	September 1968	6¾	95.8	[1] 7.25
March 1966	5½	95.6	[1] 5.99	December 1968	6¾	94.3	7.44
April 1966	5¾	95.5	[1] 6.27	January 1969	7½	97.3	[1,2] 7.83
September 1966	5¾	92.8	[1] 6.59	February 1969	7½	96.9	7.88
October 1966	6	92.9	[1] 6.84	March 1969	7½	96.3	7.96
April 1967	6	97.0	[1] 6.35	April 1969	7½	96.1	7.99
April 1968	6	92.5	6.89	May 1969	7½	96.0	8.00

[1] Contract rate increased.

[2] Lowest discount for contract rate.

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The Veterans' Administration report indicates that, during the first year of operations, this bill would "increase Veterans' Administration general operating expenses by $2,650,000." This is not a cost; it is an advance, since the administrative costs of the program would be met by the 1-percent fee. Loans would be made at 7½ percent—1 percent would be given to the agency for administration, and 6½ percent would go into the national service life insurance trust fund. Thus no cost to the Government because of the enactment of this bill.

Mr. OLSEN. Mr. Chairman, I believe the House should reject the measure before us today because its passage will surely mean higher interest rates for our veterans. It is likely that the overall cost of loans to veterans could be higher than the cost of loans from the Federal Housing Administration.

Interest rates have gotten completely out of hand, and the exorbitant interest charges of commercial lending institutions have placed us on the brink of a severe housing shortage. Rates have been increased on the pretense of fighting inflation but, in fact, these higher rates contribute to inflation.

Why should we in the Congress cater to these exorbitant demands? Nobody can afford to build or buy a house any more, and I am convinced this legislation will only make matters worse.

What are we doing? We are voting to guarantee higher interest rates to the lending institutions. They would be the real winners, not the veteran who would be forced to pay more and more for the use of money he desperately needs for a home.

If our commercial lending institutions cannot or will not provide loans at reasonable interest rates to our veterans, I submit it is the moral responsibility of our Government to make funds available for low interest loans, not guarantee higher interest rates and, as a result, higher interest.

I vote against this legislation because I oppose higher interest.

I vote against this legislation because I believe the time has come to draw the line on the exorbitant interest demands of the commercial lending institutions.

I vote against this legislation because it is not the way a nation shows its gratitude to those who risked their lives in our defense.

Mr. HOGAN. Mr. Chairman, I wish to commend the gentleman from Virginia (Mr. BROYHILL) for his amendment relating to mortgages in the District of Columbia, which I heartily support. I do, however, wish to call to the attention of my colleagues and members of the Veterans' Affairs Committee a mortgage crisis which exists in many States, including my own State of Maryland.

Because of the inaction of the Maryland State Legislature, it has become virtually impossible for families of moderate means to buy a home in my district. Returning veterans from Vietnam are unable to take advantage of the benefits which Congress has given them under the VA mortgage provisions because lenders will not finance homes in Maryland because of the current legal limitations on interest and other payments.

It is extremely unfortunate that only the rich are able to buy homes because of the shortsightedness of Maryland legislators and our Governor.

With due respect to the members of the Veterans' Affairs Committee, I do strongly urge that prompt consideration be given to an amendment which would eliminate the inequities facing our returning veterans who choose to reside in those States where the current mortgage crisis exists. The situation is becoming so desperate for these potential homebuyers that it demands immediate action.

I also hope that members of the House Banking and Currency Committee, which has the responsibility to oversee the Federal Housing Administration mortgage program, will also be diligent in directing their attention to this problem so that applicants for FHA-guaranteed mortgage loans will not be denied the benefits of this program because they live in one of the States from which mortgage money has fled.

I have discussed this matter with my colleague from Maryland (Mr. GUDE) and he and I both urge that the Veterans' Affairs Committee and the Banking and Currency Committee consider the plight of the residents of Maryland and other States and take corrective steps as quickly as possible.

The CHAIRMAN. Are there any further requests for time?

If not, the Clerk will read.

The Clerk read as follows:

H.R. 13369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968 (Public Law 90–301), is amended by striking out ", until October 1, 1969," and inserting in lieu thereof ", until October 1, 1971,".

With the following committee amendment:

Strike out all that follows the enacting clause and insert in lieu thereof the following:

"That notwithstanding the provisions of section 1803 (c) (1) of title 38, United States Code, the Administrator of Veterans' Affairs is authorized, until October 1, 1971, to establish a maximum interest rate for guaranteed or insured loans to veterans under chapter 37 of title 38, United States Code, not in excess of such rate as he may from time to time find the loan market demands."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas to the committee amendment: On page 2, line 3 and line 9 strike out the quotation marks.

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia to the committee amendment: On page 2, line 9, immediately after the period insert the following: "In the case of any mortgage loan to which the authority of the Administrator under the foregoing sentence applies, the provisions of section 28–3301 of the District of Columbia Code shall not apply."

Mr. BROYHILL of Virginia. Mr. Chairman, I do not intend to take the 5 minutes because there is in attendance in the House at the present time the same Members as were present when I explained the purpose of my amendment a few moments ago during general debate.

The net effect of my amendment is to exempt GI home mortgage loans from the District of Columbia usury laws. It will not cause an increase in the cost of the mortgage to the veteran.

I pointed out a moment ago where the Federal National Mortgage Association had announced it would refuse to purchase GI mortgage loans in the District of Columbia in the future until it was determined that the discount points charged on the loan would not cause a violation of the District of Columbia usury laws. In fact the FNMA stated that they would wait until the courts or the Congress cleared the matter up.

Mr. Chairman, my amendment will clear the matter up in order for FNMA financing to make available for GI home loans in the District of Columbia by stating that the provisions of the District of Columbia Usury Act shall not apply to this bill.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, we accept the gentleman's amendment over here.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Virginia (Mr. BROYHILL).

The amendment to the committee amendment was agreed to.

Mrs. SULLIVAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair has already announced that the amendment offered by the gentleman from Virginia (Mr. BROYHILL) to the committee amendment was agreed to.

Mrs. SULLIVAN. I was trying to receive recognition, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Missouri is recognized for 5 minutes on her pro forma motion.

Mrs. SULLIVAN. Mr. Chairman, I shall not take the 5 minutes. I rise to say that I strongly oppose the amendment which was just declared adopted. I was seeking recognition to oppose it but it seems that I was not recognized in time. It is unfortunate that it was declared adopted without opposition.

I strongly oppose that amendment to waive the District of Columbia interest rate ceiling on VA-guaranteed loans. The lenders here are charging side payments—points—which raise their rate of return over the District's 8 percent usury ceiling. If 8 percent is not enough return, how much is a fair return? Is it 10 percent? Is it 12 percent? Or is it 25 percent? How high are we content to let it go? This amendment removes any District limitation on VA loans.

This is an interest-raising amendment, not a veterans' housing amendment.

Several months ago there was a proposal before us to raise the legal interest rate ceiling in the District of Columbia from 8 percent to 16 percent. We defeated that resoundingly. I certainly do not want to see the rate on VA mortgage loans go up to 16 percent now through the back door, through this amendment which was declared adopted before anyone could be heard in opposition to it.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. PATMAN to the committee amendment: On page 2, line 9, immediately after the period, insert the following: "For the purpose of preventing the maximum interest rate established under the foregoing sentence from rising to unreasonable levels, and to facilitate the making of housing loans to veterans under authority of the said chapter 37 of title 38, United States Code, as modified by the foregoing sentence, such chapter 37 is further amended by adding at the end of subchapter III thereof the following new section:

" '§ 1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter

" '(a) When issuing a commitment to guarantee a proposed home mortgage loan under section 1810 of this chapter, the Administrator is authorized and is hereby directed to issue, if such is requested by the lender-mortgagee, a non-assignable commitment to purchase the completed loan from such lender-mortgagee. For each such commitment the lender-mortgagee shall pay a nonrefundable fee of not in excess of one-half per centum of the amount of the commitment. Such commitment shall provide for the purchase of the loan from the lender-mortgagee for the price specified in the commitment (which price shall be specified in the commitment (which price shall be specified as a percentage of par) if the lender-mortgagee certifies to the Administrator, subsequent to the disbursement of the loan proceeds but not later than one hundred and eighty days from the date of the Administrator's issuance of the loan guaranty evidence, that—

" '(1) it has not been successful in effecting a sale of the loan to a private investigator at a price equal to or in excess of that specified in the Administrator's commitment;

" '(2) it has not charged or collected from and will not charge or collect from the seller or builder of the property, or from any third person or entity, directly or indirectly, any discount (points) in excess of the difference between the face amount of the loan and the price specified in the Administrator's purchase commitments plus the commitment fee specified in this subsection (a);

" '(3) the loan is not in default.

The purchase price specified in any purchase commitment issued under this subsection shall not be less than the average price for which one hundred and eighty day purchase commitments were auctioned by the Federal National Mortgage Association at the last Association auction preceding the issuance of the Administrator's purchase commitment, but in no instance shall the Administrator agree to pay more than par (unpaid principal balance plus accrued interest) nor less than 96 per centum of par for any loan purchased under this subsection. If an auction of purchase commitments by the Federal National Mortgage Association has not been conducted during the three months immediately preceding the issuance of a commitment under this subsection the price to be specified in such commitment shall be determined by the Administrator but any such price determination by the Administrators shall not exceed par nor be less than 96 per centum of par. Upon the purchase of a guaranteed loan pursuant to a commitment issued under this subsection the Administrator's guaranty of the loan shall continue in full force and effect and shall inure to the Investment Fund established in subsection (b) of this section. Insofar as practicable the Administrator shall utilize the purchase authorization in this subsection in those localities where the discount levels are determined by him to be substantially in excess of the discounts entailed in the Federal National Mortgage Association average auction prices for its one hundred and eighty day purchase commitments.

" '(b) There is hereby established in the Treasury of the United States a revolving fund to be known as the National Service Life Insurance Investment Fund (hereinafter called the Investment Fund). The Investment Fund shall be available to the Administrator for all operations under this section, including the payment of expenses and losses, except administrative expenses. To provide the Administrator with the funds necessary to purchase loans as the consequence of commitments issued or to be issued pursuant to subsection (a) of this section, the Secretary of the Treasury shall transfer such funds from the National Service Life Insurance Fund (hereinafter called the Insurance Fund) to the Investment Fund, except that the aggregate of transfers pursuant to this subsection shall not, in the period between the enactment of this section and June 30, 1974, exceed $5,000,000,000, nor exceed, in any fiscal year $1,000,000,000.

" '(c) The Administrator shall utilize the funds transferred to the Investment Fund as provided in subsection (b) of this section to purchase loans pursuant to commitments issued as provided by subsection (a) of this section. The Insurance Fund shall be paid interest on all funds transferred to the Investment Fund at the same rate as the average interest rate on loans purchased by the Administrator less 1 per centum but in no event less than the average return on the other invested portion of the National Service Life Insurance Fund. All moneys received by the Administrator from the repayment of such loans shall be deposited in the Investment Fund and shall also be available, until June 30, 1975, for the purchase of loans pursuant to commitments issued as provided in subsection (a) of this section, except that if the Administrator at any time determines that the balance in the Investment Fund is in excess of anticipated needs for the purchase of loans, he may so notify the Secretary of the Treasury, who shall then transfer such excess to the Insurance Fund. All collections of interest on loans purchased and all nonrefundable commitment fees received pursuant to the authority in subsection (a) of this section shall be deposited in the Investment Fund by the Administrator, who shall, after determining the amount to be retained in the Investment Fund as a reserve for expenses and losses, periodically notify the Secretary as to the amount of such interest collections available for transfer to the Insurance Fund and the Secretary thereupon shall effect such transfers. Such transfers shall constitute the payment of interest to the Insurance Fund. The Administrator is authorized to invest on an interim basis unexpended balances of the Investment Fund, including the reserve for expenses and losses, in obligations of the United States Government or agencies thereof. After June 30, 1975, all moneys received in the repayment of loans purchased pursuant to subsection (a) of this section and all interest collections on such loans, except for such sums which the Administrator determines to be necessary for retention in the Investment Fund as a reserve for losses, shall be deposited in the Insurance Fund. Such deposits shall be continued until the funds transferred to the Investment Fund by the Insurance Fund are repaid in full with interest.

" '(d) In the event of a deficiency in the Investment Fund reserves for expenses and losses, the Administrator is hereby authorized and directed to guarantee the Investment Fund against loss of interest or principal and shall discharge such guarantee by transferring to the Investment Fund from available funds of the Loan Guaranty Revolving Fund such sum or sums as may be necessary to defray such deficiency. Any deficiency in the Investment Fund defrayed by the Loan Guaranty Revolving Fund shall be paid to such Fund by the Investment Fund as soon as such payment becomes feasible.

" '(e) The Administrator may sell, and shall offer for sale, any loan purchased under the authority of this section at a price determined by the Administrator, but not less than the price paid by the Administrator to purchase the loan (i.e., the percentage of the unpaid balance of the loan), plus accrued interest. The Administrator may, in respect to loans thus sold, guarantee any such loans subject to the same conditions, terms and limitations as would be applicable in the case of loans guaranteed under section 1810 of this chapter. The proceeds of any such sales shall be deposited in the Investment Fund.

" '(f) Notwithstanding any of the foregoing provisions of this section, the Administrator, when authorized by appropriation Acts so to do, may set aside first mortgage loan assets of the Investment Fund as the basis for the sale of participation certificates pursuant to and in accordance with the provisions of the Participation Sales Act of 1966 (Public Law 89–429), and until June 30, 1974, the proceeds of any sale of such participation certificates shall be deposited in the Investment Fund and be available for the purposes of that fund. After June 30, 1974, the proceeds of any sales of such participation certificates shall be deposited in the Insurance Fund.

" '(g) In the administration and management of the Investment Fund the Administrator shall, to the extent feasible, invest the funds thereof in loans which will represent a broad spectrum of the veteran home-buying population in respect to age, income, and location of the properties which will constitute the loan securities. In order to facilitate a more adequate supply of mortgage financing for veterans in the lower and middle income brackets the Administrator shall purchase only loans not in excess of $30,000 which are secured by single family dwellings only. The Administrator is authorized to adopt such standards, policies, and procedures and to promulgate such regulations as he considers necessary or appropriate for carrying out his functions and responsibilities under this section. In carrying out such functions and responsibilities the Administrator may contract with private entities for the servicing of any loans purchased by him for the Investment Fund provided that the servicing fee payable pursuant to any such contract shall not exceed the

Administrator's estimate of the cost of the direct servicing of such loans by agency employees.'

"The analysis of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following:

"'1828. Investment of funds of the National Service Life Insurance Fund in first mortgage loans guaranteed under section 1810 of this chapter.'"

Mr. PATMAN (during the reading). Mr. Chairman, I think that this amendment is well understood. The Committee on Veterans' Affairs over a long period of time—I mean years—has discussed this amendment in the form of a bill. Therefore, Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, and I shall not object, what was the fate of the Broyhill amendment?

The **CHAIRMAN**. It was agreed to.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. AYRES. Mr. Chairman, I reserve a point of order against the amendment.

The **CHAIRMAN**. The gentleman will state his point of order.

Mr. AYRES. Mr. Chairman, I make the point of order that the amendment which has been offered by the gentleman from Texas is not germane to the bill under consideration, H.R. 13369.

The **CHAIRMAN**. The gentleman from Ohio will be heard in support of his point of order.

Mr. AYRES. Mr. Chairman, the bill which the House is debating today, and which was reported unanimously by the Committee on Veterans' Affairs, extends for 2 years, until October 1, 1971, the authority of the Administrator of Veterans' Affairs to set the interest rate on guaranteed loans of that agency and direct loans of that agency. It does not involve loans by FHA or any other Government agency.

The amendment offered by the gentleman is a whole new scheme to take funds from the national service life insurance trust fund and make them available for housing loans. I submit, Mr. Chairman, that this is a subject alien to the central purpose of H.R. 13369, and I insist upon my point of order that the amendment of the gentleman is not germane to the bill.

The **CHAIRMAN**. Would the gentleman from Texas like to be heard on the point of order raised by the gentleman from Ohio?

Mr. PATMAN. Mr. Chairman, I would like to be heard on the point of order.

In the first place, the gentleman from Ohio has indicated that there is included in my amendment FHA interest rates. It does not include them; it only includes Veterans' Affairs interest rates.

Mr. Chairman, the plainly expressed legal purpose and effect of the committee amendment is to extend and enlarge the authority of the Administrator of Veterans' Affairs to carry on programs of guaranteed and insured loans to veterans under chapter 37 of title 38 of the United States Code. The committee amendment expressly refers to chapter 37, and directly affects the powers of the Administrator under that chapter. It enlarges those powers by giving the Administrator authority over interest rates—authority he would not otherwise possess under chapter 37. My amendment relates directly to this interest rate authority by giving the Administrator further power to control or influence the rates on chapter 37 loans—not on all loans, of course, that would be beyond the scope of the bill—but just on these chapter 37 loans that the committee amendment relates to. The subject matter is highly technical and therefore my amendment must be lengthy in order to be technically correct. But the parliamentary principle is very simple. The committee amendment relates to the Administrator's authority with respect to chapter 37 loans, and my amendment relates to the Administrator's authority with respect to chapter 37 loans, and therefore my amendment is clearly germane to the committee amendment.

Mr. Chairman, I respectfully suggest that the point of order raised by the gentleman from Ohio should be overruled.

The **CHAIRMAN**. The Chair is prepared to rule on the point of order raised by the gentleman from Ohio (Mr. Ayres).

The proposition before the Committee has a narrow purpose: To grant the Administrator of Veterans' Affairs authority, for a 2-year period, to establish a maximum interest rate for guaranteed or insured veterans loans.

Under present law, the Secretary of Housing and Urban Development, together with the Administrator, has authority—until October 1 of this year—to set the interest rates on both FHA and VA loans.

The amendment offered by the gentleman from Texas (Mr. Patman), authorizes and directs the Administrator, in certain situations, to purchase loan commitments from the lender-mortgagee in a veterans loan transaction. Such purchases would be funded through a revolving fund in the Treasury, with assets transferred from the national service life insurance fund. Commitments purchased by the Administrator under this authority could then be sold through the Participation Sales Act of 1966.

It has been suggested that the purpose of the two propositions is similar in that both the committee amendment and the amendment offered by the gentleman from Texas are designed to help veterans obtain housing loans. In a very broad sense this may be true, but the precedents indicate that where a bill is drafted to achieve a purpose by one method, an amendment to accomplish a similar purpose by an unrelated method, not contemplated by the bill, is not germane. In the 90th Congress, for example, it was held that where the Committee of the Whole had under consideration a bill designed to aid in the control of crime through research and training, an amendment aimed at the control of crime through regulation of the sale of firearms was not germane. That was on August 8, 1967.

The committee amendment under consideration extends only the authority of the Administrator. It does not "extend existing law" in the sense that it reenacts it and could possibly open up the basic law to modification. The Chair therefore holds that the amendment offered by the gentleman from Texas (Mr. Patman) which materially alters the provisions of chapter 37 of title 38, United States Code, is not germane to the limited proposition under consideration. The Chair therefore sustains the point of order.

PARLIAMENTARY INQUIRY

Mr. PATMAN. Mr. Chairman, a parliamentary inquiry.

The **CHAIRMAN**. The gentleman will state his parliamentary inquiry.

Mr. PATMAN. Mr. Chairman, I hope that the Chairman has not overlooked the fact that the committee amendment, that is the amendment offered by the gentleman from Texas (Mr. Teague), in the form of a bill, upon which the rule was granted and which we are now considering, relates to the administrative authority with respect to chapter 37 loans. My amendment relates to the Administrator's authority with respect to chapter 37 loans.

Mr. Chairman, I do not see how anything could be more germane than that. I just cannot understand how it would be possible to bring any bill out and have any assurance of its germaneness if a rule like that were adopted.

I respectfully suggest that I am afraid the Chairman has overlooked that point.

The **CHAIRMAN**. The Chair has already ruled, but the Chair will be glad to state for the purpose of the record in reply to the gentleman from Texas that the provisions of this piece of legislation only relate to the interest rates and not to title 38, United States Code, chapter 37, as a whole.

Therefore, as the Chair stated, the amendment was not germane.

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am sorry the parliamentary situation is such that the House will not be able to act on the Patman amendment at this time. Except for technical changes the amendment, as I understand it, is identical to H.R. 9476 which was introduced by the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Texas (Mr. Teague). It provides that up to $5 billion contained in the national service life insurance fund out of a total of approximately $7 billion could be invested in VA-guaranteed mortgages. Purchases in any one fiscal year could not exceed $1 billion. I believe this is a most fair and equitable proposal. The moneys contained in the national service life insurance fund are the veterans' funds, the premiums collected by the Veterans' Administration on their life insurance. This money is now invested solely in Government bonds yield-

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ing the trust fund an overall average of less than 4 percent. Recent issues yield about 6 percent. If our veterans must pay 7½ percent or higher on their home loans, loans which incidentally are fully guaranteed against loss by the U.S. Government, it would appear to be only just that the higher rate inure to the benefit of the veterans own insurance fund.

The Patman amendment, if it were in order and were adopted, would, I believe, result in preventing a further rise in the current 7½ percent rate level on VA mortgages. Possibly it might result in a modest reduction. I think that all of us without regard to our views as to current overall monetary policy can agree on the desirability of this result. The veterans of this country certainly deserve special consideration. The proponents of H.R. 13369 contend that failure to enact it will totally dry up funds for the GI home loan program. In view of this fact, I shall cast a somewhat unenthusiastic "aye" in favor of the committee bill. Nevertheless, I think we should be cognizant of the fact that we may very well, by continually jacking up interest rates, be pricing our veterans in the low- and modest-income groups out of the housing market. A year ago, we took the 6-percent lid off the GI home loan program. The results are anything but reassuring. Starts on VA housing have declined from an adjusted annual rate of 65,000 in December 1968 to 46,000 in July 1969. It is obvious I believe that higher rates on VA mortgages are not the best answer to solving the current housing problems faced by our returning veterans.

I also believe the Patman amendment would have been helpful because it would have given some measure of protection to the housing industry against current restrictive monetary policy. I personally have grave reservations about the equity and efficacy of that policy in general. But I am particularly concerned over its effects on housing. Private nonfarm housing starts declined from an annual rate of 1.8 million units in January to about 1.3 million units in August. Applications for proposed home construction indicate a further drop in the future; 1957 saw a similar precipitous decline in housing. The 1957 housing debacle was a major factor in causing the 1957–58 economic recession. A sick housing industry because housing uses so many materials, so many appliances, and so much labor, can and does back up and affect the entire economy.

The amendment of the gentleman from Texas would have helped in some measure to prevent, I hope, a repetition of the unhappy events of 1957–58.

It is supported by the building industry, by the realtors, lenders, veterans' organizations, labor, and public interest groups. It is my understanding that no witness appeared before the Veterans' Affairs Committee in opposition to the legislation. It has been endorsed by the Veterans' Administration and this is what the Department of Housing and Urban Development had to say in regard to the matter:

> As far as housing investment is concerned, the effects of this approach would be beneficial. It would improve the competitive position of housing in the aggregate and the VA segment of the market in particular. Of course a direct increase of this magnitude in the capital investment in housing would contribute significantly to the achievement of the ten-year National Housing Goal set forth in the Housing and Urban Development Act of 1968. Moreover, most of the housing receiving VA assistance is low and moderate income housing.

I strongly urge its adoption.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like the Members of the House to know that this is not a dead issue. As the gentleman from Texas (Mr. PATMAN) said, we have been considering this in our committee for a number of years. This is the first time we have had hearings on a bill.

In our subcommittee it was voted to hold the consideration of the bill in abeyance until we had had further meetings with the administration.

We know, for example, that Mr. Romney took the following position:

> As far as housing investment is concerned, the effects of this approach would be beneficial. It would improve the competitive position of housing in the aggregate and the VA segment of the market in particular. Of course a direct increase of this magnitude in the capital investment in housing would contribute significantly to the achievement of the ten-year National Housing Goal set forth in the Housing and Urban Development Act of 1968. Moreover, most of the housing receiving VA assistance is low and moderate income housing.

Then he said that he would defer to the Treasury Department.

We know what the Veterans' Administration's concern was for this bill. We have had one meeting with people from the administration and we have been promised a reconsideration of the administration's position in the White House. Our committee will take up this bill again.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. BARRETT to the committee amendment: On page 2, line 5, strike out "October 1, 1971" and insert in lieu thereof the following: "January 1, 1970".

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. BARRETT. Mr. Chairman, my amendment is very simple. It would limit the extension of the interest rate waiver to 3 months in place of the 2 years provided in the pending bill. This would keep it in harmony with the Senate joint resolution just approved by both bodies of the Congress last week. That resolution extended for 3 months the interest rate ceiling waiver for both FHA and VA on the grounds that further study is needed. In particular, the report of the Commission on Mortgage Interest Rates has only recently been printed and there has not been time to study it or to hold hearings on it. Moreover, a provision in the housing bill just approved by the Committee on Banking and Currency by a vote of 35 to 0 provided for the same 90-day extension on the grounds that more study is needed.

Mr. Chairman, we all know the damage which high interest rates are doing to our economy and to homebuilding and the home buying public in particular. The Congress cannot forever simply go along with these rates and repeatedly waive its own ceilings on interest rates. There is an urgent need for careful study of other courses of positive action and my amendment would assure prompt attention to this matter.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment. For over a year we have had a commission composed of 10 Members of Congress trying to work out something on the question of interest rates and the availability of money. That commission has just submitted its report. All our committee was trying to do was to put a date into the bill which would not disrupt the program in the next year. The Congress may not have acted until January, and it was our feeling in our committee that to add another 2 years could do no harm in any way, and it would not make us come back facing the same thing we are facing today, in just 90 days from now.

I see nothing in the amendment which would in any way help. I do see it causing us further trouble.

Mr. Chairman, I hope the amendment is defeated.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. SAYLOR. Mr. Chairman, we have just heard an amendment offered by my distinguished colleague, the gentleman from Pennsylvania (Mr. BARRETT) which has the purpose of making a consideration of this bill an operation in frustration. What the amendment does is extend for 90 days the present law.

After a full hearing before the House Committee on Veterans' Affairs and in cooperation with the last administration and with this administration, it was determined a minimum extension of 2 years was necessary.

I did not know what was happening in the Banking and Currency Committee until we had a report just a few minutes ago about what they have done, but if this House wants to do something for veterans, it will support the House Committee on Veterans' Affairs and support it because the House Committee on Veterans' Affairs was unanimous in reporting out this bill, and asking for a 2-year extension.

Mr. Chairman, I hope the amendment is defeated.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I say that two laws expire relating to interest rates, one on September 21 of this year, in just this month, and the other one on October 1, the law we are talking about. A resolution has been passed for the first bill—passed by the Senate and sent over here and we accepted it.

On the last one, the one on the VA rates and FHA rates—that was passed by the Senate last Tuesday asking for a 90-day extension so the House and the Senate Banking and Currency Committees could make a report before the law expires. The resolution came here on

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Wednesday morning, and it was unanimously adopted.

So, now, talking about errors and operation of errors, it occurs to me it would certainly not be understood that Congress was acting very sensibly or certainly very wisely if within days it passed a bill here to absolutely contradict what has already been done.

Ninety days will give us time in the committees that have jurisdiction to have hearings and report out new bills to be passed by the Congress.

It occurs to me this amendment certainly should be in order to conform to what Congress has done just this week, on Tuesday and Wednesday of this week. The amendment which was offered by the gentleman from Pennsylvania (Mr. BARRETT) should be adopted.

If we do anything else, it is certainly disorganization at its worst. It is no compliment to Congress to agree to something on Wednesday unanimously and then here, just a few days later, on Monday, do just exactly the opposite.

I certainly hope that the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT) will be adopted.

Mrs. SULLIVAN. I rise in support of the amendment. There is no reason why the ceiling on VA loans should be suspended for 2 years and the ceiling on FHA loans suspended for only 3 months when, as the gentleman from Texas has said, they have been considered together.

Mr. Chairman, on September 23 the Senate passed Senate Joint Resolution 152 extending for 3 months the period during which Congress can decide what to do about the serious question of FHA-VA mortgage rate ceilings. The House passed the bill the next day. It is now awaiting the President's signature. It is a certainty he will sign it. Otherwise, tomorrow, the statutory ceiling of 6 percent would go back on FHA-VA mortgage loans. Obviously, in today's mortgage market, no lender—except an extremely philanthropic one—is going to lend mortgage money at 6 percent.

But what should the ceiling be? Should it continue to be 7½ percent, as now set by administrative determination? Should it be higher? Lower? We must make a decision on this matter shortly—it is a question which must be resolved, unless we are willing to let the veteran, and the moderate income family, continue to be the major victims of mortgage interest rate inflation.

The bill before us extends for 2 years the period in which we can avoid grappling with this problem insofar as the veterans are concerned—2 years in which the administration would have to make the tough decisions on this, and Congress would have no part in the determination. This would be an abdication of our responsibility. And it would certainly mean a continuation of very high interest rates, because the administration believes that is the only way to curb inflation. Every Member of this House knows what high interest rates have done to the housing market, and particularly to FHA and VA housing. Are we willing to see the solution to this problem put off for 2 years in the case of veterans' housing? I am not willing to do so.

The Committee on Banking and Currency is committed, through Senate Joint Resolution 152, to hold prompt hearings and made a determination on what the FHA interest rate ceiling should be—or if there should be none at all. We are required to recommend action on this within the 3-month deadline called for in Senate Joint Resolution 152. The FHA and VA rates have been tied together. They belong in tandem. They should not be separated.

I submit, Mr. Chairman, that if this amendment is adopted, Congress will come forward with a solution before next January 1. We must do so.

As I said, there is no reason why the ceiling on VA loans should be suspended for 2 years and the ceiling on FHA loans suspended only 3 months. Let us not abdicate our responsibility on this vital issue. With a 3-month deadline facing us, we will be more likely to act in the veterans' behalf than if we just shrug off the responsibility and left it up to the Administrator of the Veterans' Administration for the next 2 years to make decisions Congress should be required to make, and must make before January 1, 1970, in the case of FHA loans.

I urge adoption of this amendment.

Mr. AYRES. Mr. Chairman, I rise in opposition to the amendment and move to strike the last word.

Mr. Chairman, we all know how after the discussion in the committee this bill extends the authority of the Administrator for 2 years. We also know that under the present operation, which the Administrator is acting under, we have gotten considerable help.

This has not been as plentiful as we hoped to have. Not only are we considering new starts, but also we are considering existing housing and loans closed.

For January through March of this year, and for April through June, there were respectively 53,000 plus applications made in the first quarter and 65,000 plus in the second quarter. The loans closed were 53,000 plus and 50,000 plus in the first two quarters.

If we are going to have any stability to the program we are going to have to give the Administrator authority longer than just a short period, because housing is not planned overnight.

I support the chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE), wholeheartedly when he says we are trying to cooperate with this 2-year extension.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. TEAGUE of Texas. As chairman of the Committee on Veterans' Affairs, I know that my committee realizes it is very important for the FHA and the VA to work together. I can assure the House it is rather difficult to know what the Banking and Currency Committee is going to do.

As I understand it, I say to the gentleman from Pennsylvania (Mr. BARRETT) his subcommittee would not act on the interest rates, and deferred to the full committee. We waited as late as we could. The bill was on suspension, and the chairman asked me to take it off, and I took it off.

I hope the amendment will be defeated.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I want to answer the statement by the gentleman from Ohio, when he talked about applications. We are talking about starts. There are 600,000 fewer starts today than there were at the beginning of the year.

I want to say I am certain of the opinion that both the gentleman from Texas and the gentleman from Ohio want to do everything they can for the veterans, but we must also understand that when we raise interest rates we are not building homes for veterans, nor are we building them for the low- and moderate-income people. This builds them only for the high-income people.

The reason, as the gentleman said, we did not pass on the interest rates in the subcommittee, is we wanted everybody in the full Committee on Banking and Currency to have an opportunity to explore this subject.

If the Members want to help the veterans, this is the time to help them. All the veterans are screaming about high interest rates throughout the country. I was at a meeting last Saturday night, where it was said, "You Members of Congress had better do something, because you are reaching an explosion point."

This is what we are trying to do, to get the trend of interest rates down, not up.

Interest rates copy each other. We want to get the rates down.

Mr. TEAGUE of Texas. Mr. Chairman, I do not know what figures they use on housing, but the Veterans' Administration tells me in fiscal year 1969 there were 219,334 loans with a dollar value of $4 billion, and they project there will be 256,000 with a dollar value of $4.5 billion in the year 1970. Those are the figures I have.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. PATMAN. Mr. Chairman, there is one thing about this bill that was brought up in the Rules Committee which I think should be considered. Heretofore the FHA rates and the VA rates were tied together.

Now, this is an effort—and it will succeed if this bill becomes law—to have the VA divorce itself from the knowledge, the judgment, and the wise decisions of those who make the FHA rates and let the VA rate go off by itself with one person to fix the rate.

Now, I do not think that is very sound judgment. Heretofore the housing agencies of the administration, whichever administration was in power, would determine what the FHA rate would be, and then the VA rate could follow to the same level.

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Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes. I yield to the gentleman.

Mr. TEAGUE of Texas. Why did not the gentleman offer an amendment to include the FHA in this bill, then?

Mr. PATMAN. I did not want the FHA in this bill, and I do not think anybody wanted the VA to go off by itself. The FHA subject would not be germane to this, either. I had an amendment that I thought was germane which amended exactly the same section that the bill did, but it was held to be not germane. I am not questioning the Chairman's decision. However, I do not know who wants to divorce the VA from the FHA rate. Do you not think the President would feel a lot better if his housing agencies and administrators and the people who have special knowledge of these things were fixing the rates? Which is the best agency to fix it? Do you want to have the VA go off on their own and fix rates through the Administrator of Veterans' Affairs.

Mr. Chairman, for this reason I believe this bill is a dangerous bill.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BURKE of Massachusetts. I would like to ask the gentleman if it is not true that this bill provides that the Administrator will have carte blanche rights to raise interest rates on veterans as high as 9½ or 10 percent if they so see fit.

Mr. PATMAN. That is right. Of course, there are other fringe benefits that the lender gets such as points and things like that. This will provide an interest rate against conscience—against conscience.

Mr. BURKE of Massachusetts. This bill is unconscionable.

Mr. PATMAN. It is.

Mr. BURKE of Massachusetts. Just think we would deliver a message to the veterans of this country that we will place in the hands of an Administrator the right to raise interest rates higher than they are now. Place the VA loans, which are guaranteed by the Government, into the hands of those, who are inflicting high interest rates on the public. I do not think it is a just thing for us to do and, if anything, I believe the committee should come out at least with a ceiling restriction on the Administrator on how far he can go.

Mr. PATMAN. May I reply to that? I do not think it will compliment the Congress very much or the House, either, for the veterans to know that you were very careful to look after the welfare of even the rioters in college and give them not only a guaranteed 7-percent education loan but to increase the bonus to the bankers by 3 percent because they were making the loan to the students.

Here is a case where we desperately need housing. Do you not think you should at least let the Government pay this difference between 6 percent and what the veteran has to pay for housing? If you have done that for the students who riot and get loans from the Government to go to college, do you not think we should do it for these veterans? It occurs to me that we are inconsistent and completely wrong in one respect or the other here. I suggest that this amendment should be agreed to.

Otherwise, we are very much inconsistent.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time for the purpose of calling to the attention of my colleagues the fact that according to the CONGRESSIONAL RECORD of March 26, 1968, on rollcall No. 70, the original bill passed the House by a vote of 366 to 12.

All this pending bill proposes to do is to extend that right for a period of 2 years.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to the gentleman from Massachusetts (Mr. BURKE) a colleague of mine for many years, who has an illustrious record in the Congress. While I may disagree with him in this issue—I know that it is not personal, but a difference in our approach to a very complex problem. Both of us are desirous of making it possible for all veterans to get loans to acquire homes at rates that are reasonable.

Mr. BURKE of Massachusetts. I wish to point out to the gentleman from Pennsylvania that his statement is true. He is very knowledgeable on this subject—his deep interest in the plight of the veteran is well known to all of us. I respect him and I know of the perplexing problem we all face.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. Of course I yield to the chairman of the Committee on Veterans' Affairs.

Mr. TEAGUE of Texas. Mr. Chairman, I continue to be amazed at what Members will get up on this floor and say. The gentleman from Texas (Mr. PATMAN) would lead you to believe that this is something new and different. Until 2 years ago the FHA and the VA were separate. However, the Committee on Banking and Currency comes over and wants jurisdiction over something which came within the jurisdiction of the Committee on Veterans' Affairs. If they had acted and had done anything, we would not have reported this bill. We had been waiting on the Committee on Banking and Currency to do something. However, this is in the jurisdiction of the Committee on Veterans' Affairs and it was reported out unanimously and every veterans' group testified in support of it.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. The gentleman is always most gracious and I knew he would not turn me down. However, I wish to remind the gentleman from Texas, the chairman of the Committee on Veterans' Affairs, that neither the Committee on Banking and Currency nor the Housing Subcommittee has never done anything to transgress or violate the rules which exist between the two committees. I think the gentleman would tell you that on one of the occasions in 1967 when we were talking about the veterans' housing bill to be inserted in the housing bill by the Subcommittee on Housing, I called the gentleman from Texas on the phone and I told the gentleman what we anticipated doing and asked the gentleman if this would be an infringement upon the jurisdiction of his committee. The gentleman from Texas (Mr. TEAGUE) graciously responded by saying:

> No, sir; you go right ahead.

Mr. Chairman, we never infringe upon the jurisdiction of any other committee of the House.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 16, noes 58.

So the amendment to the committee amendment was rejected.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to compliment the gentleman from Texas (Mr. TEAGUE) for what he has done in trying to help the veterans get the money to build their homes, and especially in trying to get the use of their own money, the money that they themselves paid into their insurance reserve fund. It seems to be very reasonable, logical, and right that this privilege be provided to them. But since by a point of order, by a technicality, the veterans are being deprived of this opportunity and privilege, it occurs to me that the Committee on Veterans' Affairs, as I think the chairman of the committee indicated a while ago, will carry on the fight, and that the fight is not over.

Mr. Chairman, I hope that I am correct in assuming that the chairman of that committee is going back to the committee, and is going to fight vigorously for the bill that will make this possible. The chairman of the committee has all kinds of supporting evidence from the administration in power that this is a good bill, but it would be a little bit inconvenient for them at the present time—but what is more inconvenient to a group of people like the veterans of world wars who have offered to give their lives for the cause of their country, being deprived of decent housing, and decent shelter for themselves and their families.

Mr. Chairman, I cannot think of anything that is a worse thing to do to a group like that than to deny them the opportunity to build homes at reasonable rates of interest with their own money that they have paid into a reserve fund, and that reserve fund is going to be protected by the interest they pay on they own loans.

So, Mr. Chairman, I hope I am corrcet in assuming that the gentleman from Texas (Mr. TEAGUE) is going to continue to fight like he has always fought, for the principles he believes in.

Mr. TEAGUE of Texas. Mr. Chairman, if the gentleman will yield, I would say

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that I think I stated in a very profound way that this issue is not a dead issue, and that we will keep it in view.

Mrs. SULLIVAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, want to commend and compliment the chairman of the Committee on Veterans' Affairs for the sincere and genuine concern he has always demonstrated for the veterans. I know that he will work for adoption of the program of direct loans Mr. Patman tried to attach to this bill. I know that Mr. Teague has been for it, and that it was in effect, his bill which Mr. Patman had sought to attach to this measure today.

There is just one additional thing I want to bring before the House today, and that is about the matter of points.

Mr. Chairman, we are in a situation now where the mortgage companies want as high a return on 100 percent Government-guaranteed mortgages over 30 years as the banks are getting on a short-term temporary basis in lending money to big corporations.

The savings institutions are fully protected against loss on VA loans. Furthermore, they are restricted on how much they can pay out to their own depositors. But they do not want to be restricted on how much they can charge for housing loans to veterans. Without the Patman amendment, this bill gives the savings and loans and mortgage bankers the right to continue charging whatever the traffic will bear in order to make a loan to a veteran—a fully guaranteed loan—to buy a house.

The veteran is not allowed to pay more than 1 percent for getting the loan—one "point." But the seller of the house can be charged an unlimited number of points—the current rate is somewhere around 7 or 8 points—$80 on each $1,000 of the loan, or $1,600 on a $20,000 loan. The veteran is not supposed to be charged any of this, but the real estate industry tells us that these points are surreptitiously slipped into the cost of the house—and the veteran does pay in higher prices. This is a scandal. The Federal Reserve Board has smoked out this scandal in connection with regulation Z under the Truth in Lending Act. I did not think it would legally be happening; I cannot get any flat assurance that it is not happening.

What I am referring to is a very complex, highly technical issue raised by regulation Z of the Federal Reserve Board in implementation of the Truth in Lending Act. As interpreted by the Federal Reserve, the law requires that buyers of homes under FHA and VA insurance be informed of the points charged to the lenders, and that these points—which the buyers legally are not supposed to have passed on to them—must be counted into the annual percentage rate of the finance charge.

The question is whether the Board is right in its judgment that—in some way or other—these points are in fact passed on to the borrower, in violation of laws and regulations covering FHA-insured or VA-guaranteed loans. I went into this in depth with the Federal Reserve and other agencies affected or involved, as the following material from the recent hearings of the Subcommittee on Housing will document:

[Excerpts from hearings of Subcommittee on Housing, House Committee on Banking and Currency, housing and urban development legislation, 1967]

Statement by Congresswoman Leonor K. Sullivan on Treatment of Sellers' Points on FHA or VA Mortgages Under the Federal Truth in Lending Act

Because of the uncertainties and confusion over the treatment under the Federal Truth in Lending Act (Title I of the Consumer Credit Protection Act of 1968, Public Law 90–321) of discount "points" charged to the seller on an FHA-insured or VA-guaranteed mortgage, as indicated by the testimony in our hearing record, I requested reports on this matter from the Board of Governors of the Federal Reserve System, the Federal Housing Administration, the Veterans Administration, the Federal Home Loan Bank Board, and the Federal Trade Commission.

Section 106 of the law itself covers the matter in these words:

"§ 106. Determination of finance charge

"(a) Except as otherwise provided in this section, the amount of the finance charge in connection with any consumer credit transaction shall be determined as the sum of all charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit, including any of the following types of charges which are applicable:

"(1) Interest, time price differential, and any amount payable under a point, discount, or other system of additional charges.

"(2) Service or carrying charge.

"(3) Loan fee, finder's fee, or similar charge.

"(4) Fee for an investigation or credit report.

"(5) Premium or other charge for any guarantee or insurance protecting the creditor against the obligor's default or other credit loss."

This language represents a rewriting in Conference, without intent to change the meaning, of the provisions of Section 202(d) of the Truth in Lending bill, as originally passed by both the House and Senate, which defined "finance charge", in part, as:

"Section 202(d) 'finance charge' means the sum of all the mandatory[1] *charges imposed directly or indirectly by a creditor, and payable directly or indirectly by an obligor, as an incident to the extension of credit, including loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, costs of any guarantee or insurance protecting the creditor against the obligor's default or other credit loss, and any amount payable under a point, discount, or other system of additional charges.* * * * "

House Report 1040, 90th Congress, on the legislation which eventually became the Consumer Credit Protection Act of 1968, explained the above provision, in a section-by-section summary of the bill, in this fashion:

"Section 202(d)—Definition of 'finance charge.'—Defines a finance charge as all mandatory charges imposed by a creditor and payable by an obligor as an incident to the extension of credit.;"

As the principal author of the Consumer Credit Protection bill, it was my understanding that we were providing for inclusion in the finance charge of only those charges actually passed on to the buyer. However, in Regulation Z, implementing the Truth in Lending Act, the Federal Reserve covered this matter in the following manner:

SECTION 226.4—DETERMINATION OF FINANCE CHARGE

(a) General rule. Except as otherwise provided in this section, the amount of the finance charge in connection with any transaction shall be determined as the sum of all charges, payable directly or indirectly by the customer, and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit, whether paid or payable by the customer, the seller, or any other person on behalf of the customer to the creditor or to a third party including any of the following types of charges:

(1) Interest, time price differential, and any amount payable under a discount or other system of additional charges.

(3) Loan fee, points, finder's fee, or similar charge.

As a result of the uncertainties expressed in this hearing, I therefore addressed the following letter to Vice Chairman J. L. Robertson of the Federal Reserve, who has been in charge of the Fed's work on Regulation Z:

House of Representatives, Subcommittee on Consumer Affairs of the Committee on Banking and Currency,
Washington, D.C., August 1, 1969.

Hon. J. L. Robertson,
Vice Chairman, Board of Governors of the Federal Reserve System,
Washington, D.C.

Dear Mr. Robertson: In my work on the Commission on Mortgage Interest Rates and also in hearings of the Subcommittee on Housing of the House Committee on Banking and Currency, the question has come up repeatedly about the necessity for disclosure to the buyer of a home under FHA or VA mortgage insurance the points *charged to the seller* in such a transaction. It has been my understanding that since the person obtaining the FHA or VA insured mortgage may not legally be charged any points, other than the one percent fee otherwise provided for, there is therefore no way that the seller can legally pass the points on an insured mortgage onto the buyer. Thus the seller's points on such a mortgage would not have to be disclosed to the buyer as part of the buyer's finance charge on which the annual percentage rate is computed.

However, Mr. Oliver H. Jones, executive vice president of the Mortgage Bankers Association of America, a member with me of the Commission on Mortgage Interest Rates, has insisted that Regulation Z requires disclosure to the buyer of the seller's points, even on an FHA mortgage. And in testimony on July 21, before the Housing Subcommittee, he said his organization had devised forms for their members' guidance which called for calculation and disclosure of the seller's discounts. I asked: "Is it really a requirement or is it just that the mortgage bankers are doing this on their own?"

His answer was: "The lawyer at the Federal Reserve would not give us any satisfaction that we would be safe not doing it."

I was about to insert in the hearing record the relevant portions of Section 226.4(a) of Regulation Z, and emphasize that the seller's points would be a factor only if "payable directly or indirectly by the customer", and adding the fact that legally such points could not be passed on to the buyer under an FHA or VA-insured mortgage transaction.

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[1] The word "mandatory" was not included in S. 5 as it originally passed the Senate; otherwise this language was identical in both the House and Senate versions of the bill, before it was sent to Congress.

However, before doing that, I had the staff of my Subcommittee check with your experts and we discovered that the Federal Reserve has, in fact, been suggesting to callers, or advising, that seller's points probably should be included in the finance charge and be computed into the annual rate, on the theory that they are indeed passed on to the buyer in the purchase price. But I believe there has been no formal interpretation issued on this; apparently it has been only an informal suggestion to those who have inquired.

It seems to me that a very important policy consideration is involved here as it applies to FHA or VA-insured mortgages on which points cannot legally be passed on to the buyer of the home. Let me say at this point that I believe the buyer *should* be advised of what points the seller has had to pay in order to get an FHA or VA-insured mortgage, and I am making such a suggestion in the report of the Commission on Mortgage Interest Rates, but, as I said, I do not believe either the Housing law or the Truth-in-Lending Act cover that point. I believe also that the lender's *yield* when points are required should be revealed, but, again, I do not believe the present Housing laws or Truth-in-Lending cover that point either. I am much more concerned at the moment, however, in making sure that the legal requirements of Regulation Z are clear on this point, and have been fully considered. If the policy has been determined, then I think it should be clearly stated in a written interpretation, or in a supplement to the regulation. In any event, I would appreciate having it spelled out in a letter which I could have on this point.

I am forwarding a copy of this inquiry to the Commissioner of FHA and to the Veterans Administrator, as well as to the Chairman of the Federal Trade Commission and the Chairman of the Home Loan Bank Board. I hope, before a formal declaration is made on this matter, those agencies will be consulted, particularly from the standpoint of *how* a seller's points on an FHA or VA-insured loan could legally be passed on to the buyer. If this is done through hiding the points in the selling price, how do FHA and VA and the lenders judge this or justify it in making appraisals on which the mortgages are based?

I was always under the impression that an appraisal—particularly one by the FHA or VA—was supposed to reflect the value of the house, that is, the cash value. Instead, according to very surprising testimony received in my Ad Hoc Subcommittee on Home Financing Practices and Procedures (set up to investigate speculative real estate transactions in the inner city area of Washington, and elsewhere) appraisals are often based not on the cash value of the home but on the *financing* available. If this is acceptable to FHA and the VA, and it is my understanding that it is not, then seller's points *could* be incorporated into the sale price of the home under an FHA or VA-insured mortgage. I think that would be deplorable. That is why I have presented this matter to you at such length. To the extent that Regulation Z acknowledges the legitimacy of such a practice, even though FHA and VA do not, I strongly feel it should be cleared up as soon as possible.

I am going to ask that the record of the Housing Subcommittee hearings be held open until I can obtain a report from you on this issue.

Sincerely yours,
Leonor K. Sullivan,
Chairman.

Copies of this letter were sent to the four other agencies named. Following is the covering letter which was sent to the FHA Commissioner, with an identical letter going also to VA Administrator Donald E. Jornson:

House of Representatives, Subcommittee on Consumer Affairs of the Committee on Banking and Currency,
Washington, D.C., August 4, 1969.

Hon. William B. Ross,
Acting Assistant Secretary for Mortgage Credit-FHA Commissioner, Department of Housing and Urban Development, Washington, D.C.

Dear Mr. Ross: I am enclosing a copy of a letter I have sent to Vice Chairman J. L. Robertson of the Federal Reserve Board dealing with the disclosure of sellers' "points" to the buyers on FHA-insured or VA-guaranteed mortgage loans. The question arises primarily in connection with the application of Regulation Z implementing the Truth-in-Lending Act.

This issue has come up time and time again in the Commission to study Mortgage Interest Rates and also in the hearings of the Housing Subcommittee. We also discussed it in connection with the hearings of my Ad Hoc Subcommittee on Home Financing Practices and Procedures.

I have received completely different interpretations from different Government agencies on this issue, and must admit that I am confused. That is why I have asked Mr. Robertson to resolve the problem so that everyone in the mortgage lending industry as well as the home buyers will be aware of the requirements. Because of the importance of any Federal Reserve Board decision on this point, I have urged Mr. Robertson to make sure that your agency is consulted.

In addition, I hope you can advise me in writing just what your agency has been advising lenders to do on this point up to the present time. And I would appreciate it if you would set out for me clearly whether you permit your appraisers to include in the value of the house, the value on which the mortgage is based, the points being charged in the mortgage market for this kind of loan. As I stated to Mr. Robertson, it is my understanding that you instruct appraisers to evaluate the house on the basis of its cash market price rather than on the type of financing available.

Sincerely yours,
Leonor K. Sullivan,
Chairman.

The following somewhat different covering letter was sent to the Chairman of the Federal Home Loan Bank Board, with an identical letter going to FTC Chairman Paul Rand Dixon:

House of Representatives, Subcommittee on Consumer Affairs of the Committee on Banking and Currency,
Washington, D.C., August 4, 1969.

Hon. Preston Martin,
Chairman, Federal Home Loan Bank Board, Washington, D.C.

Dear Mr. Martin: I am enclosing a copy of a letter I have sent to Vice Chairman J. L. Robertson of the Federal Reserve Board dealing with the disclosure under the Truth-in-Lending Act of "points" paid by the *seller*. I am particularly interested in clearing up the question of the application of Regulation 2 to the points paid by sellers in those transactions, such as FHA-insured or VA-guaranteed mortgages, in which the buyer is not *permitted* to pay the points. Thus, I have sent copies of this letter to the FHA Commissioner and to the VA Administrator dealing specifically with that point.

But I imagine that in many transactions other than FHA–VA transactions this question would arise, including transactions which may be under the jurisdiction of your agency. Hence I have asked Mr. Robertson to consult with your agency as well as the others listed in my letter.

As I noted in that letter, I believe the buyer should have knowledge of the points paid by the seller because this is important information for him to have in a transaction of such magnitude. But I do not think this is covered in the law or in the regulation except to the extent that the parties assume or suspect that in some way or other those points paid by the seller have been passed on to the buyer. Where this involves co-operation of appraisers, I think it is a misuse of the appraising procedure. In any event I would like your views on this issue from the standpoint of the most effective enforcement of the Truth-in-Lending Act.

Sincerely yours,
Leonor K. Sullivan, *Chairman.*

Replies have been received as follows:

Veterans' Administration,
Washington, D.C., August 11, 1969.

Hon. Leonor K. Sullivan,
Chairman, Subcommittee on Consumer Affairs of the Committee on Banking and Currency, House of Representatives, Washington, D.C.

Dear Madam Chairman: Your letter August 4, 1969, to Mr. Johnson, concerning the disclosure of sellers' "points" to the buyers on FHA-insured or VA-guaranteed mortgage loans is receiving attention, and you may expect a timely response from the Administrator.

Sincerely yours,
John J. Corcoran,
General Counsel.

Federal Trade Commission,
Washington, D.C., August 12, 1969.

Hon. Leonor K. Sullivan,
House of Representatives,
Washington, D.C.

Dear Mrs. Sullivan: I have your letter of August 4, 1969, and the enclosed copy of your letter to Vice Chairman J. L. Robertson of the Federal Reserve Board, regarding the Truth-In-Lending Act.

I shall furnish you with a report on this matter as promptly as possible.

With best wishes, I am
Sincerely yours,
Paul Rand Dixon,
Chairman.

Board of Governors of the Federal Reserve System,
Washington, D.C., August 13, 1969.

Hon. Leonor K. Sullivan,
House of Representatives,
Washington, D.C.

Dear Mrs. Sullivan: This refers to your letter of August 1, 1969, regarding the treatment of so-called "seller's points" in mortgage transactions under Regulation Z.

The Regulation expressly requires the inclusion of "seller's points" as part of the finance charge, stating in § 226.4:

"* * * the amount of the finance charge in connection with any transaction shall be determined as the sum of all charges, payable directly or indirectly by the customer, and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit, whether paid or payable by the customer, *the seller*, or any other person on behalf of the customer to the creditor or to a third party, including any of the following types of charges:

* * * * *

"(3) Loan fee, *points*, finders fee, or similar charge."

[Italic supplied in both instances.]

* * * * *

While this matter was carefully considered in the preparation of the Regulation, we will, of course, review it as you suggest and consult with the agencies mentioned in your letter. In view of the complexity of the matter and the number of agencies concerned, such review will doubtless take some time and, therefore, I felt I should write you

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in the meantime as to the present meaning of the Regulation.

Sincerely,

J. L. ROBERTSON.

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
FEDERAL HOUSING ADMINISTRATION,
Washington, D.C., August 14, 1969.

HON. LEONOR K. SULLIVAN,
Chairman, Subcommittee on Consumer Affairs, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MRS. SULLIVAN: I am replying to your request of August 4, 1969, for comments on the treatment of discount "points", paid by the seller in FHA insured mortgage transactions, under the Truth in Lending regulations.

We agree with your position that any misunderstanding or difference in interpretation of the requirements should be resolved so that everyone in the mortgage industry will be aware of the disclosure requirements. We would be pleased, as suggested, to consult with the Board of Governors of the Federal Reserve System whenever requested.

In reply to your first question, because this Department is not one of the agencies responsible under the Truth in Lending Act for enforcement, we have made it a practice to suggest to inquirers that questions requiring interpretation should be put to the agency responsible for enforcement rather than to HUD. We have not advised lenders whether or not the "points" paid by sellers need be disclosed to borrowers in real estate mortgage transactions. On the related question, which seems to require no interpretation, we have informed lenders that, in the determination of the "finance charge," the inclusion of "points" paid by the sellers appears to be mandatory under Sec. 226.4 of Regulation Z.

In regard to your second question, the FHA has not authorized or instructed its appraisers to include an increment for "points" in appraising homes for mortgage insurance purposes. However, as the FHA appraisal of value reflects, among other considerations, actual sales prices of comparable properties, "points" paid in other transactions may affect an appraisal. Where the sellers in sales of comparable properties have had to pay "points" or the amount of the "points" are facts which do not appear in the records from which appraisers obtain their information. The FHA appraiser does know, of course, that FHA insured mortgage financing is contemplated but neither he, nor the insuring office, is informed of the "points" the seller may be required to pay to obtain financing for the purchaser.

Thank you for the opportunity to comments on this matter.

Sincerely yours,

WM. B. ROSS,
Acting Assistant Secretary—Commissioner.

Because the record of the Housing Subcommittee hearings have been held open for the correspondence, and because a final resolution of this issue remains to be made by the Federal Reserve and will "doubtless take some time," as Mr. Robertson stated, I am submitting this material for inclusion in the record even though it is still incomplete as of August 15, 1969.

The following letters were received too late for inclusion in the hearings of the Housing Subcommittee:

VETERANS' ADMINISTRATION,
Washington, D.C., September 2, 1969.

Hon. LEONOR K. SULLIVAN,
Chairman, Subcommittee on Consumer Affairs of the Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: I am pleased to respond to your inquiry of August 4, 1969, concerning the disclosure of sellers' "points" to the buyers of homes financed through VA-guaranteed mortgage loans. You stated that the question has been presented in connection with the application of Regulation Z implementing the Truth-in-Lending Act.

Since the Veterans' Administration, although subject to compliance with the Act, has been given no enforcement responsibility, we have not undertaken to advise lenders involved in our program concerning Truth in Lending. Therefore, we have given no advice to lenders concerning the disclosure of "points" paid by the sellers of property when the purchaser is obtaining GI financing. As you know, Section 108 of the Act allocates responsibility for its enforcement and for compliance with Regulation Z to nine separate Federal agencies according to the class of creditor involved. We have instructed our field office personnel to acquaint themselves with Section 108 so that they may provide inquiring loan guaranty participants with correct information when a question of jurisdiction to enforce compliance arises. We have also, of course, issued instructions to our field offices to implement VA's compliance with the Act and the Regulation in our direct loan and property disposal programs. The matter of disclosure of points does not arise in connection with our direct loan and property disposal programs as the VA does not charge points.

Since the inception of the VA home loan program we have not permitted lenders to charge or collect points from veterans buying or building homes with the proceeds of loans guaranteed by the VA. We have taken the position that if a veteran were to be charged points, or points were to be collected from him, the result would be a loan on which the effective rate of interest would exceed the maximum allowable rate under the governing law and our regulations which, currently, is 7½ percent, assuming that the loan is made at the maximum rate of interest permitted by our regulations.

Our field offices have been instructed to make certain in establishing the reasonable value of property that no allowance is given to the builder or other seller for loan discounts charged by the lender as they are not considered to be elements of real estate value. In this manner we endeavor to keep discounts out of the established reasonable value, which determines the maximum loan amount. However, the appraisal procedure necessarily involves taking into consideration comparable sales in the area. Although the sales prices can be easily determined, the details of the transactions are usually not known, such as the number of points paid and by whom, the amount of the broker's commission, and the net amount realized by the sellers. Consequently, we recognize that "points" may get built into established reasonable value to some extent.

Veterans may agree to purchase prices that exceed the VA reasonable values if they desire to do so and pay the excess in cash from their own resources. With respect to sales price, we recognize that a knowledgeable seller, knowing that the lender will require points, will undoubtedly take that fact into consideration in setting his asking price. We have no way of knowing, of course, all the factors that are considered by any particular seller in establishing his sales price. The VA does not condone or participate in the charging or collecting of points. The amount of points to be charged is determined by the lender and the fact that points are actually collected is governed by the seller's willingness to pay them.

Your interest is appreciated, and I hope the foregoing information will be helpful to you. We will be pleased to have a VA representative discuss the matter with Mr. Robertson of the Federal Reserve Board if he so desires.

Sincerely,

DONALD E. JOHNSON,
Administrator.

FEDERAL TRADE COMMISSION,
Washington, D.C., September 26, 1969.

HON. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: In further reference to your letter of August 4, 1969, a copy of which is enclosed, our staff has been in touch with the Truth in Lending Staff of the Board of Governors of the Federal Reserve System. It is our understanding that a meeting will be held in the near future to resolve the points which you raised.

Naturally I shall furnish you with a report on this matter at that time.

With best wishes, I am

Sincerely yours,

PAUL RAND DIXON,
Chairman.

In conclusion, Mr. Chairman, I would like to say that the amendment offered by the gentleman from Virginia (Mr. BROYHILL), which was gaveled through before I could be recognized to oppose it, takes away in the District any restraint against the points charged on VA loans. I think this is unconscionable.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out to the Members of the House that after this vote that was referred to that was taken 2 years ago when the great majority of the House followed the advice and counsel given on the floor at that time, the national interest rate on GI loans at that time, I believe, was 6 percent. What took place? On May 7, 1968, the interest charges were increased to 6¾ percent.

On January 24, 1969, under the authority of that public law, they were increased again up to 7½ percent.

Now we are being asked to extend this act for another 2 years and to continue this type of authority. I predict that if this authority is given, these rates will go higher than the prime rate is today, 8½ percent.

All that we are doing is encouraging the bankers of this country to reach into the pockets of these veterans. I might point out that money loaned at the rate of 9 percent doubles itself in 12 years. You can imagine a veteran being called upon to pay back the sum of $30,000 over a period of 12 years, on a $15,000 mortgage. We might be returning to the days of 1929 when the banks of this country went too far. They kept on hiking up the interest rates and, finally, got to the place where nobody could pay off their mortgages and these homes that were mortgaged fell back on the banks when the banks foreclosed. We had a real panic in this country.

The bankers are not using good judgment today. They are not acting in the best interest of this Nation. The Federal Reserve has not exercised the powers it had. This administration has not exercised the powers it has. I say that it will be wrong for this Congress to give this clearance or permission to act for another 2 years and allow these interest rates to pyramid the way they are going now.

You will lead this country down the road to a depression. This will result in the wholesale foreclosures of homes because veterans will be unable to pay the bank. You will cause a condition that you will regret.

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But, unfortunately, those who are speaking for this bill today do not look back at history and they do not look at the danger of increased interest rates.

When the interest rates in this country on homes go above 8 percent, we are in a really dangerous situation.

I say that we will be very foolish if we allow any Administrator to continue with this policy. We made a mistake 2 years ago. All right—but let us not make it again.

I hope that if there is any legislation passed here that the committee will at least come up with a ceiling on what that interest rate should be. Otherwise, we are putting the veterans into a fool's paradise—trying to buy a home and pay rates that will go as high as 9 percent and 9½ percent and possibly 10 percent, according to the whims of the Administrator.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I certainly will not take the 5 minutes, but I have listened intently to my good friend, the gentleman from Massachusetts, and the question that disturbs me in this debate is this—what in the world good does it do to provide the benefit of a veteran's loan if the interest is totally unrealistic with the result that the veteran cannot possibly get a loan anywhere at the present rate?

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am delighted to yield to the gentleman from Massachusetts. I would like him to comment on that.

Mr. BURKE of Massachusetts. What this Nation needs today is a strong usury law and a change in the excess profits tax laws. Profits are now higher than ever in the history of the country. That is what is needed—a limitation on the excess profits of these bankers who gouge the public the way they are doing.

Mr. COLLIER. In the meantime, while we are getting the Federal usury law, which the gentleman knows we are never likely to get—where do you suppose these veterans will get a loan to buy a home in the meantime. Or must he sit and wait hoping that a Federal usury law will be passed?

Mr. BURKE of Massachusetts. Why should a veteraan get tied up with a mortgage on his home at 9 percent or 9½ percent?

Mr. COLLIER. I am not talking about the particular interest rates that are subject to change from time to time.

Mr. BURKE of Massachusetts. What is that going to do to the veteran?

Mr. COLLIER. Mr. Chairman, I refuse to yield further to the gentleman.

When any veteran wants to buy a home after he returns from the service he should be able to take advantage of the loan program that is available to them. But goodness knows they are not going to be able to get a loan at submarket interest rates. So I ask again, what in the world good is a program if it cannot provide the means of getting a loan? You can talk interest rates all you want, but the fact is that you are not doing the veteran any favor by making it impossible for him to get the loan he needs. Frankly, if you are willing to accept this situation, you might just as well kill the Veterans' Administration loan program completely.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. We have learned through many years of hearings on housing that though interest rates are high, the building contractor builds for the higher income family, and what we are trying to do is to divert that money into the lower and moderate income-family type of housing. Now we can get the flow of money into that field. The builder does not care for whom he builds as long as he gets his profit, and as long as we keep giving high interest rates, we will only get housing for those who can pay the higher amounts.

Mr. COLLIER. I understand, and I want to see the veteran get the lowest possible interest rate available. But I do want him to be able to compete in the mortgage market for a home loan. If he is not permitted to do so, it would defeat the very purpose of the program. What is being suggested by the opponents of this bill is equivalent to supporting no VA loan program at all.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. RANDALL. I shall not take all of my time. I support H.R. 13369 because it is necessary if there is to be any veterans' housing program.

Mr. Chairman, as I read the title of the bill, it states:

> To extend for two additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured loans to veterans.

The key words are "authority" to be used only if "necessary."

If anytime it was necessary, it is right now. I was in my home area last week. We have been plagued by strikes all summer long. They are settled now. I talked to some builders and they said, "There is no difference now that the strike is settled. There is no building; even after the strike because there is no money available." Home construction is at a complete standstill. There is some multiple unit building but not very much of that. It is all because there is no loan funds available. Today I heard the argument against this bill that it would saddle veterans with high interest rates. The fact is that without this bill there will be no veterans building program. There is no building going on now. If the Veterans' Administrator in his wisdom thinks it is necessary to set interest rates high enough to meet the mortgage market for loans then he will act if in his discretion he believes no move is necessary then there will be no use of the authority granted. Someday, sometime in the future interest rates should level off the veteran. When that time arrives the veteran will not necessarily be saddled forever with the high rate of interest. He will have the opportunity or privilege to refinance his loan at a lower rate of interest.

I have discussed with the chairman of the Veterans' Affairs Committee whether or not there were any witnesses who appeared before his committee who favored the bill. He has just assured me that all major veterans organizations sent representatives to testify before his committee and that they were in favor of the extension of the authority given to the Veterans' Affairs Administrator to set interest rates necessary to meet the mortgage market for 2 additional years. At the present time the veterans' housing program, now authorized, means nothing. It is worse than useless. There is no building being done.

Many areas of our country have been crippled by strikes, but the strange fact is that there is no more building of homes proceeding in those areas which have not been plagued by strikes than there are in those areas which have suffered from labor difficulties. The common denominator is that there is no building loans available, particularly under the veterans' guaranteed and insured loan program under title 38 of the United States Code.

In the course of this debate one of the objections raised to this measure is that it gives to one man the authority to adjust interest rates. Well, of course, someone has to exercise the authority. This is a measure which calls for the exercise of discretion as to when the use of authority should become necessary. Why is it that our friends who oppose this measure seem to lack confidence in the Veterans' Affairs Administrator? Surely they should understand that he will not raise interest any higher than necessary to secure the needed loans to proceed with the veterans' home programs.

Earlier in the debate one of our Members deplored the fact that we are considering this measure before an effort can be made to pass a national usury law to prohibit high interest rates. Such an argument is without merit because, if we wait until a ceiling is put on interest rates, we might wait indefinitely. There is no assurance that such a bill could be passed this year or next, if ever.

The opponents suggest that, if we pass this bill today, veterans will be hurt by such high rates of interest as 8½ or 9 percent for the rest of their lives, or at least during the duration of the loan. Once again, this argument is without merit because, when the period of tight money comes to an end, which it surely will with the passage of time, veterans will avail themselves of new and lower interest rates and secure new financing, when these more favorable interest rates become a reality in the future.

This measure is urgently needed because, if under the present law, the Congress takes no action prior to October 1, 1969—the maximum interest rate reverts back to 6 percent or the previous statutory maximum under the National Housing Act. In view of the present tight money market conditions, it is obvious that lenders would be unwilling to invest in GI loans at this percentage of interest. Under these conditions the VA guaranteed program would come to a complete halt until such time as the law is amended to permit lenders to realize a

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satisfactory investment on GI loans. Veterans would thus be denied their loan benefits. No time is a good time for such a thing to happen. Moreover it should be remembered that the entitlement of all World War II veterans ends July 25, 1970.

There is no single valid reason why this bill should not be enacted. On the other hand there are multiple and quite sufficient reasons why veterans should not be denied their benefits under the veterans loan program, if we let the Administrator establish an interest rate which will not be in excess of such rate as he may from time to time find the loan market demanding. This extension should be approved today.

Mr. SYMINGTON. Mr. Chairman, last week the House voted to subsidize interest rates on student loans so students could complete their education. I am sure we are no less anxious to achieve interest rates veterans can afford in buying their homes—veterans who have fought to preserve the country, its educational opportunities, and the students who enjoy them.

Many men will be returning from the battle area to continue their lives. They return certainly to the welcome of a grateful Nation. How do we manifest this gratitude? With 9-percent mortgages, which cost $30,000 over a 12-year period on a $15,000 loan? Is that a welcome? No; it will be cold comfort to the American veteran to learn that the home of his foxhole dreams remains a dream. I realize this bill is a compromise arrived at in the interest of the veteran. It is just that the veteran cannot afford that much interest.

There must be a better way to help him in his search for housing. Among possible alternatives we could consider are the Home Owners Mortgage Loan Corporation suggestion offered by Representatives SULLIVAN and BARRETT, and the national service life insurance investment fund, supported by Representative PATMAN which, by providing direct loans to veterans, would prevent them from being priced out of the housing market.

We cannot be sure, Mr. Chairman, that we have done our best by the 40,000 who will not come back. Let us at least do it for those who will.

Mr. TEAGUE of Texas. Mr. Chairman, I move the previous question.

AMENDMENT OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PATMAN: On page 2, line 6, add "the rate fixed shall not be higher than the FHA rate".

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. PATMAN. Mr. Chairman——

POINT OF ORDER

Mr. SAYLOR. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman makes his point too late. The gentleman from Texas was recognized.

Mr. SAYLOR. Mr. Chairman, I was on my feet trying to get recognition.

The CHAIRMAN. The gentleman states he was on his feet at the time the amendment was read?

Mr. SAYLOR. I have been on my feet for the last 5 minutes.

PARLIAMENTARY INQUIRY

Mr. RANDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point or order.

Mr. RANDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANDALL. The pending motion, as I understood, was to move the previous question. That motion was made before the amendment was offered.

The CHAIRMAN. The Chair will state that in the Committee of the Whole the previous question is not in order.

Mr. SAYLOR. Mr. Chairman, my point of order is that the gentleman's amendment comes too late. The committee amendment has been adopted.

The CHAIRMAN. The committee amendment, as amended, is still pending and the Chair has not put the question thereon. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. TEAGUE of Texas. Mr. Chairman, a further point of order, and I was on my feet when the gentleman offered his amendment. His amendment is not germane to this bill.

Mr. GERALD R. FORD. Mr. Chairman, a further comment on the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Chairman, the gentleman from Pennsylvania made a point of order and the Chairman recognized the gentleman for that purpose. The Chair never ruled against the point of order of the gentleman from Pennsylvania, so the gentleman from Texas has the right to argue for the point of order made by the gentleman from Pennsylvania.

The CHAIRMAN. The Chair intended to rule against the point of order of the gentleman from Pennsylvania because the premise of his point of order was not factual. The gentleman from Pennsylvania made the point of order on the hypothesis that the committee amendment to the bill had been adopted; had been agreed to, but that question had never been put.

Mr. GERALD R. FORD. Mr. Chairman, with all due deference to the Chair, the Chair did not say the point of order was overruled.

The CHAIRMAN. The Chair intended to do so. Therefore, the Chair now so rules.

Does the gentleman from Texas (Mr. PATMAN) want to be heard on his point of order?

Mr. PATMAN. Mr. Chairman, this comes right after line 6 on page 2, and it says "The rate fixed shall not be higher than the FHA rate."

Here is the reason. Why would anybody argue to charge the veterans more interest than any other people? If we argue against this amendment, that is the argument we are making, that we want the lender to have the privilege of charging veterans more than they charge other people. That is exactly it. I cannot understand why anybody would be against this amendment.

The CHAIRMAN (Mr. BENNETT). The Chair is prepared to rule on the point of order.

The gentleman from Texas (Mr. PATMAN) offered an amendment to the amendment of the committee. The committee amendment gives the Administrator authority to set the interest and the amendment of the gentleman from Texas (Mr. PATMAN) establishes a maximum interest. The amendment is germane. Therefore, the Chair overrules the point of order.

The gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes in support of his amendment.

Mr. PATMAN. So, Mr. Chairman, in order to be consistent, we have already discriminated against the veterans in the interest rates because we are not willing to give them the same Federal subsidy help that we are giving to the rioters on the college campuses, although they are destroying school property. We are giving them to give to the banks a 3-percent bonus that the Government pays. So, in failing to give the veterans the same treatment, we are in effect discriminating against the veterans in favor of the rioters on the college campuses.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, as I understand the bill, the amendment offered by the gentleman from Texas would not permit the Veterans' Administration to have the authority to charge higher than the FHA rate of interest. Would the gentleman from Texas advise the House as to how the FHA rate of interest is set?

Mr. PATMAN. It is set by the Secretary of Housing and Urban Development. I think we have got a better judgment from the people who are experienced in this and who have been doing this over the years, and it is not only one person, but it involves a number of people in HUD who advise the Secretary who is a member of the Cabinet. This is preferable than to have just one political appointee who happens to be the head of the Veterans' Administration who will just go ahead and fix the rate he wants. Should we not have some restraint on one person under those circumstances?

This bill attempts to go off in a different direction, and go away, giving them an open end. It will let them do anything they want to. It will be just one person who can do that. I think surely we cannot argue against this amendment without arguing and clamoring for the moneylenders to have plenty of power to charge the veterans any rate they want to.

You do not want any rate for veterans. So whenever you fix it at the same rate as FHA, and no higher, what is fairer than that? Are you not willing for the veterans to be protected at least up to that point? That is all we are asking for in this amendment.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

As I understand procedure in this body, we operate under a committee system in which the various committees of the House are vested with certain responsibilities. The Committee on Veterans' Affairs, which reported this measure, is vested with the responsibility of acting upon veterans' legislation.

The proposed amendment would have another committee of the House exercise jurisdiction over the affairs of veterans. Mr. Chairman, it just seems to me to be an improper amendment. Frankly, it seems subject to a point of order on this ground but I realize that it cannot now be timely raised. Whether it is a valid ground for a point of order or not, it is a valid basis for the consideration of this House.

The bill, as I understand it, provides that the only thing the Administrator of Veterans' Affairs does is to make it possible to obtain loans for veterans by saying that the interest rate shall be within the market. If the interest rate proposed is below the market a veteran cannot obtain a loan. The Administrator under the bill could set the rate at 3 percent, if the general public could receive loans at such a low rate of interest.

We are not in effect raising the interest rate. We are just making it possible for veterans to receive loans.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Michigan.

Mr. CEDERBERG. In all the years I have been here in the House I have never known the gentleman from Texas (Mr. TEAGUE) to do anything that was not in the best interest of veterans. Everything which comes out of his committee is in the best interest of veterans. I believe that is true in this case. I oppose this amendment.

In all these years I have listened to the gentleman from Texas (Mr. PATMAN) expound on all these theories of interest rates, and so forth, and I have never been able to follow him. I do not believe many others have.

I suggest, in the interest of the veterans, we should follow the gentleman from Texas (Mr. TEAGUE), and vote this amendment down.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. ROGERS of Florida. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. GERALD R. FORD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment to the committee amendment offered by the gentleman from Texas (Mr. PATMAN).

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. BENNETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13369) to extend for 2 additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans under title 38 of the United States Code and for other loans, pursuant to House Resolution 556, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 340, nays 21, not voting 69, as follows:

[Roll No. 188]

YEAS—340

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Boland
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carey
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corman
Coughlin
Cramer
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Horton
Hosmer
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meeds
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watkins
Watson
Watts
Weicker
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—21

Alexander
Annunzio
Blatnik
Burke, Fla.
Burke, Mass.
Burton, Calif.
Conyers
Farbstein
Hicks
Leggett
Matsunaga
Melcher
Moss
Olsen
Patman
Reuss
Ryan
Sullivan
Symington
Thompson, Ga.
Ullman

NOT VOTING—69

Anderson, Tenn.
Andrews, N. Dak.
Arends
Beall, Md.
Bell, Calif.
Biaggi
Blanton
Boggs
Bolling
Brademas
Brown, Calif.
Brown, Mich.
Celler
Chappell
Clark
Clay
Colmer
Corbett
Cowger
Cunningham
Daddario
Daniels, N.J.
Dawson
Diggs
Dingell
Edwards, Calif.
Fascell
Feighan
Findley
Flood
Foreman
Gibbons
Goldwater
Green, Oreg.

Halpern
Hansen, Wash.
Hawkins
Holifield
Howard
Hunt
Kirwan
Kluczynski
Lipscomb
Lowenstein
Lujan
McKneally
Madden
Mann
Meskill
Michel
Mikva
Mills
Murphy, N.Y.
Obey
O'Konski
Pepper
Powell
Quillen
Schadeberg
Scheuer
Smith, Iowa
Stokes
Teague, Calif.
Wampler
Whalley
Whitehurst
Wilson,
  Charles H.
Wright
Wylie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Arends.
Mr. Daniels of New Jersey with Mr. Corbett.
Mr. Flood with Mr. Lipscomb.
Mr. Celler with Mr. Hunt.
Mr. Pepper with Mr. Meskill.
Mr. Holifield with Mr. McKneally.
Mr. Madden with Mr. Quillen.
Mr. Kirwan with Mr. Cunningham.
Mr. Biaggi with Mr. Brown of Michigan.
Mr. Daddario with Mr. Findley.
Mr. Murphy of New York with Mr. Michel.
Mr. Dingell with Mr. Beall of Maryland.
Mr. Brademas with Mr. Andrews of North Dakota.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Howard with Mr. Halpern.
Mr. Fascell with Mr. Goldwater.
Mrs. Green of Oregon with Mr. Bell of California.
Mr. Kluczynski with Mr. O'Konski.
Mr. Clark with Mr. Whalley.
Mr. Blanton with Mr. Schadeberg.
Mr. Mills with Mr. Wylie.
Mr. Anderson of Tennessee with Mr. Zion.
Mr. Colmer with Mr. Wampler.
Mr. Feighan with Mr. Cowger.
Mr. Mann with Mr. Whitehurst.
Mr. Gibbons with Mr. Foreman.
Mr. Smith of Iowa with Mr. Lujan.
Mr. Mikva with Mr. Hawkins.
Mr. Brown of California with Mr. Dawson.
Mr. Stokes with Mr. Obey.
Mr. Edwards of California with Mr. Clay.
Mr. Wright with Mr. Chappell.
Mrs. Hansen of Washington with Mr. Diggs.
Mr. Lowenstein with Mr. Scheuer.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "A bill to authorize the Administrator of Veterans' Affairs, until October 1, 1971, to set interest rates necessary to meet the mortgage market for guaranteed and insured loans under title 38 of the United States Code."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks and to include extraneous matter on H.R. 13369.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CHARGES AGAINST GREEN BERETS WITHDRAWN

(Mr. RIVERS asked and was given permission to address the House for 1 minute.)

Mr. RIVERS. Mr. Speaker, regardless of the reason given for withdrawing the charges against the Green Berets, they have been withdrawn.

This thing should not have gotten as far as it has gotten. Already one can see clouds gathering over Saigon that would have turned this thing into a sideshow that would have been unequaled since, I guess, the Billy Mitchell trial, or even one in religious history.

The American people did not want these young men tried. I believe that the hand of Providence has intervened, because too many tears have been shed and too many mistakes already have been made.

Now, I am not going to deprecate the efforts of anybody, but a lot of people have been involved in this case. All of us have tried to do what we could to see that the bowels of the U.S. Army would not be dumped in the atmosphere of Saigon, nor the intelligence-gathering agencies of this Government be brought to public trial in Saigon, nor the military of this country further degraded in the eyes of the world.

However, Mr. Speaker, the charges have been withdrawn. These men will be restored to duty. Their records will be clean. And, Mr. Speaker, take it from me, we will see, because of this House, for you and the American people, that their records will be clean. This sort of thing must never happen again.

CHARGES AGAINST GREEN BERETS WITHDRAWN

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, I am deeply gratified that Secretary of the Army Resor has finally addressed himself personally to all of the issues in this case, including all of the mishandling that has occurred to date, and has taken a just and fair position. I say, and other Members of Congress have stated to the Secretary in our letter of September 9, that our national interest has already suffered greatly, and any trial of these men by the commanders in the field would do even more irreparable damage. These dedicated servicemen have been finally released. However, nothing can undo the suffering experienced by them and their families. I pledge to these men and their families that I, for one, shall continue to do everything in my power as a Member of Congress to undo the damage that has been done in this case and to insure that never again will servicemen be exposed to the abuses and miscarriages of justice that have characterized this case until the Secretary's action today.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I was delighted to get the report that these officers are being released. Captain Brumley is from my district and his family and friends are elated that these young soldiers will not have to go through the ordeal of a trial. This was the right thing to do and it should have been done a long time ago. Under the leadership of the gentleman from New Jersey (Mr. Rodino), we tried to point this up to the appropriate authorities. We are glad that this action has been taken not only in the interest of our constituents but in the interest of the Army and in the cause of justice.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I am glad to yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Speaker, I appreciate the gentleman's bringing this matter to the attention of the House and of the country. I know a very happy father and mother in Athens, Ga. They are glad to hear this news, because their son, Capt. Budge Williams, was one of those who was placed under these charges. I am glad, too, that the Secretary has finally yielded to reason. He has done that which we urged him to do in our 2-hour conference on September 8 and that which we repeated in our letter to him of September 9. We asked him to take personal control of this matter for the very reasons he now gives for dismissing the proceedings. The Secretary's action is good news for America.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I am glad to yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Speaker, I want to say, also, that I, too, am pleased to hear this news. The Secretary responded finally to the pleas of a great number of Members of Congress. The gentleman in the well of the House, Mr. Rodino of New Jersey, has been the leader in this work. I think it should be a great satisfaction to his constituency that his leadership resulted in a victory for justice in this situation, and particularly I think it emphasizes again the importance of civilian control of the military and an alert Congress. I say that because if it had not been for alert Members of Congress, these men would have been tried.

Mr. Speaker, I commend the gentleman from New Jersey (Mr. Rodino) particularly for his leadership. It has been excellent.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I, too, want to praise the gentleman from New Jersey (Mr. Rodino) for his leadership in this effort in which we all were privileged to join. I feel that the Army made a wise decision in finally dropping these charges. It was the Army that was really on trial and it would have been the Army which would have been convicted had it gone ahead with the court-martial.

Mr. Speaker, one more thing, in reading the remarks of Secretary Resor, as reported in the press, I got the impression that he was still insinuating that the men were guilty of something. The Congress should call on the military authorities to make sure that these men's careers are not damaged. Warrant Officer Boyle, who lives in my district, received the soldier's medal for saving lives. He is the kind of man we need in our Regular Army. I want to make sure, and I hope that Congress makes sure, that these charges are dropped without prejudice.

Mr. RODINO. I thank the gentleman for his remarks.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Speaker, I was well pleased when I learned the news a few minutes ago that the Secretary of the Army had directed that the charges against the Special Forces officers—the Green Berets—had been dismissed. This is, I think, a satisfactory conclusion to a very sorry episode in the history of the U.S. Army.

At this time I would like to renew the tribute which I paid last week to the distinguished gentleman from New Jersey (Mr. Rodino) for his effective and forceful leadership in this matter in recent days and for the magnificent job which he did in leading the special order on the floor of the House last week, thoroughly documenting the case and developing it.

Mr. Speaker, I believe that I speak for the officers concerned and for their families when I say that we deeply thank the gentleman from New Jersey (Mr. Rodino) for his outstanding leadership in this matter.

Mr. RODINO. I thank the gentleman from Georgia for his remarks.

Mr. CULVER. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Speaker, I rise also to express my appreciation and admiration for the outstanding leadership afforded to this House and to this country in this matter involving the Green Berets by the gentleman from New Jersey (Mr. Rodino) and also the chairman of the Armed Services Committee (Mr. Rivers) and those others of my colleagues through whose initiative the impropriety of these proceedings has been dramatized.

I was very pleased to learn that the Secretary of the Army has dropped the charges against the eight Green Berets. Earlier this month I urged the Secretary to exercise his jurisdiction over this case. I am glad that he has now belatedly seen the wisdom in doing so.

I am happy for the eight men involved and their families that they will be spared the unjustified hardship of going through with the trial. I am also glad for the United States that the trial will not go forward, because in my judgment our national interests could only have suffered in the process.

Mr. RODINO. I thank the gentleman.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the distinguished gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I wish to commend my colleague for bringing this to the attention of the Members of the House and I join in expressing my pleasure at this decision by the Secretary of the Army and to congratulate the gentleman from New Jersey (Mr. Rodino) for his efforts in behalf of these men.

Mr. RODINO. I thank the distinguished gentlewoman.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, I wish to thank the distinguished gentleman in the well, the gentleman from New Jersey (Mr. Rodino), and the chairman of the Committee on Armed Services for their persistent efforts in behalf of these men about whom we speak and I am glad to learn that justice has prevailed.

I especially wish to commend again the gentleman from New Jersey for the special order that he conducted last week which in my opinion must have had a real influence upon the decision which has just been made and I wish to thank him personally for his efforts.

Mr. RODINO. I thank the gentleman from Montana for his remarks.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, I do not care to discuss the details of this case, but as a member of the House and Senate committee I do want to say that there have already been far too many errors made in this Vietnamese war.

Mr. Speaker, I think the Secretary of the Army took the proper course, one which I wish had been taken earlier.

Mr. RODINO. I thank the gentleman for his remarks.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I too want to join others in commending the gentleman from New Jersey (Mr. Rodino) for his efforts in behalf of these men. None of these gentlemen are from my area, but the people in my district as near as I could ascertain were outraged that this thing went as far as it did.

I wish to commend the gentleman and the chairman of the Committee on Armed Services (Mr. Rivers), because let us lay the facts on the table, they and others forced the Secretary of the Army to do the thing which he should have done a long time ago and which he was reluctant to do even as he did it today.

Mr. RODINO. I thank the gentleman from Ohio.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, I would like to join in expressing my gratitude and the gratitude of the New Jersey delegation to the gentleman in the well (Mr. Rodino), the dean of our delegation, for his efforts in this matter.

It is very heartening to hear the chairman of the great Committee on Armed Services express himself as he did.

Mr. Speaker, in my opinion we owe a great debt of gratitude to the gentleman from New Jersey (Mr. Rodino) for his diligent and successful efforts.

Mr. RODINO. I thank the gentleman.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I too want to commend the gentleman from New Jersey for his efforts and to also congratulate the Department of the Army upon expunging these charges from the record of the Green Berets.

Mr. Speaker, in my district resided a young officer whose name is Capt. John J. McCarthy. Capt. John J. McCarthy was tried and convicted back in 1967 in the Johnson administration on a set of facts almost identical to those under which the Green Berets were to be tried. I have refrained from bringing the matter to the House's attention at the request of Captain McCarthy, his parents, and at the request of his counsel. The matter is now under appeal under the regular procedure of the Department of Defense.

But because of the events of today I can no longer remain silent.

I have studied the record of Capt. John J. McCarthy's trial, and I thoroughly believe that there is on the face of the record grounds for reversal. Witnesses who could have testified for him, had they been available at the trial, were not compelled to attend. There are other recitals of error which indicate that Capt. John J. McCarthy should be relieved of serving any further time under this sentence. He is in the U.S. Disciplinary Barracks right now. The court-martial, although it found him guilty and sentenced him, did not sentence him to be dismissed. In fact, he is a prisoner while serving in the U.S. Disciplinary Barracks, although he is still a captain, U.S. Army.

I certainly hope Secretary Resor will do as I pled with him to do back in December of last year, and review this case again and release Capt. John J. McCarthy. This young man is a fine officer with a good record. He deserves the same type of treatment which has finally been accorded to the Green Berets.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding, and I would like to join in the comments made by so many of my colleagues. I commend the gentleman from New Jersey (Mr. Rodino) for his unceasing efforts on behalf of our American servicemen.

Mr. Speaker, I suggest that the Secretary of Defense thoroughly look into this whole matter to determine who has been handling the case, for I know of no single act within recent times that has had such an adverse effect on the morale of our Special Forces and on the confidence the public has for our Armed Forces in general. Although the charges have been dropped and their records are clear, this sordid mess surely will continue to haunt these eight elite servicemen.

I commend the action that has been taken—from the Secretary on down—

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but I can only say that it comes entirely too late.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I too want to join in congratulating the distinguished gentleman from New Jersey (Mr. Rodino) on his leadership in this matter, and for his insisting upon the full constitutional and legal rights for the men in our armed services. I think it reflects great credit to the House of Representatives and to the Committee on the Judiciary of which the gentleman from New Jersey (Mr. Rodino) is a most distinguished member.

Mr. GETTYS. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from South Carolina.

Mr. GETTYS. Mr. Speaker, I too would like to associate myself with the remarks of other Members in praising the gentleman from New Jersey (Mr. Rodino) for the very splendid job he has done in this Green Beret case, particularly with reference to the prodding and the pitchforking upon those people who have the authority to come to the right decision, and to have the courage to admit and announce a mistake.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Speaker, I would like to congratulate my colleague from the State of New Jersey (Mr. Rodino) for his courageous and determined spotlighting of the problem over in Vietnam. I am very, very pleased by the decision of the Secretary of the Army, Mr. Resor, and for what he has done today. I think that part of that decision came about as a result of the very, very determined efforts of the gentleman from New Jersey (Mr. Rodino) in the way that he gathered the Members of the Congress together and obtained the support of the people within the United States.

I just personally hope that we are not going to stop right here in connection with this effort, because I think that the conditions under which the prisoners have been incarcerated during the time that they were held were a disgrace, and the American people cannot stomach that sort of action any longer. I hope we will continue to do something along that line, too.

Again I congratulate my colleague from New Jersey on a great job.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I take this opportunity to tell the gentleman in the well that I am most pleased with the results of the Green Beret case. Having been associated with a unit of a similar nature in World War II, I can understand what they went through.

I want to compliment the gentleman, and add my congratulations to the gentleman from New Jersey for the very valiant fight that he put up for the constituent from his district, Captain Marasco. I think it is the proper decision to make.

People all too soon lose track of the fact that we are fighting a common enemy. If mistakes were made, then they should have been debated at the proper local jurisdiction instead of by the methods that were used.

I think that the gentleman from New Jersey has been instrumental in bringing this case and these facts to the surface, and that is the proper method and the proper legal way, and the proper legal system has had its effect.

I hope that we will now once more go back to defending our Nation, and that we will stop vilifying people who are only soldiers in the name.

I cannot say too much for the gentleman from New Jersey in regard to this case, and to say that he has made a very fine fight. I again congratulate the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, I would also like to congratulate the gentleman from New Jersey (Mr. Rodino) for the tremendous fight that he has made on behalf of the Green Beret personnel who were accused in Vietnam. Particularly, it will be a pleasure for me tomorrow night when I speak to the wives of some of the Green Beret who are stationed in Vietnam to tell them of the tremendous efforts of yourself and your dogged determination and refusal to quit until this matter was properly resolved. I certainly congratulate the gentleman.

The SPEAKER. The time of the gentleman from New Jersey (Mr. Rodino) has expired.

Mr. HELSTOSKI. Mr. Speaker, no better news could have come to the families of the eight men, six of whom were formally charged with the murder of a Vietnamese counterspy.

This news of the dropping of charges against these members of the Armed Forces has lifted a great burden from both the accused and their families. The anxiety they have gone through cannot be ascertained in words, but the sound of relief can probably be heard all over America.

I have always felt that there was an injustice in this case and the entire handling of it was miscalculated and in poor judgment.

In dropping the charges against the Green Berets, Secretary of the Army Stanley R. Resor moved in a fair and humanitarian manner. He should be commended for taking this action—one which removed the charges. Unfortunately, it did not remove the stigma of being accused of murder.

It is now the responsibility of the military to take appropriate action to correct this injustice done to these men. But the question is, "How can we erase the psychological effect that these last few months had upon these men and their families?"

There is no doubt that these men were following orders of their superiors, that they lived within the military code. Now, these same superiors should take action to remove any stigma of crime from the records and return to them their full rights and privileges accorded to others within the military structure.

Mr. Speaker, in dropping charges against the Green Berets, I feel that justice has been served in a case that should never have been, in the first instance, brought against these men.

GENERAL LEAVE TO EXTEND REMARKS

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on this subject.

There was no objection.

GRANTING ADDITIONAL TRAVEL AUTHORITY TO THE COMMITTEE ON PUBLIC WORKS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of my colleague the gentleman from Hawaii (Mr. Matsunaga), I call up House Resolution 538 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 538

Resolved, That, notwithstanding the provisions of H.R. 189, Ninety-first Congress, the Committee on Public Works is authorized to send not more than seven members of such committee, not more than two majority staff assistants, and not more than one minority staff assistant to Addis Ababa, Ethiopia, to attend the African Highway Conference of the International Road Federation from October 10, 1969, to November 9, 1969, inclusive, and for the purpose of conducting an investigation and study of public works which would include mutual problems involving rivers and harbors, flood control, highways, water pollution and related subjects for travel in Ethiopia, Kenya, Uganda, Tanzania, Zanzibar, Egypt, Greece, Spain, Italy, Israel, Congo, and England.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on Public Works of the House of Representatives and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount of transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

Each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country where local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished

for the same period of time in any other country, irrespective of differences in time zones. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 538 and ask for its immediate consideration.

Mr. Speaker, the resolution would authorize not more than seven members of the Committee on Public Works, two majority staff assistants, and one minority staff assistant to travel to Ethiopia, Kenya, Uganda, Tanzania, Zanzibar, Egypt, Greece, Spain, Italy, Israel, Congo, and England, between October 10 and November 10, 1969, and would authorize the use of counterpart funds where available.

They would attend the African Highway Conference of the International Road Federation in Addis Ababa and in the various countries would investigate and study public works, which would include mutual problems involving rivers and harbors, flood control, highways, water pollution, and related subjects.

The resolution provides that per diem shall not be furnished for a period of time in any country if it has been furnished for the same period in any other country, irrespective of differences in time zones.

Mr. Speaker, I urge the adoption of the resolution.

Mr. GROSS. Mr. Speaker, will the gentleman from California yield?

Mr. SISK. I am glad to yield to my good friend from Iowa.

Mr. GROSS. Is there, by any chance, a printing error in this resolution?

Mr. SISK. I am not at all certain that there is none, but if there is, let me say to my good friend, I am not aware of it.

Mr. GROSS. In addition to the African countries listed for junketing, there is Ghana, Mozambique, Zambia, as well as The Gambia, which produces a couple of hundred thousand dollars of peanuts a year, as I understand it. There is also the Ivory Coast, Nigeria, and Biafra.

Mr. SISK. If I correctly understand the suggestion of my friend, he believes there must be an error by not including all the countries of Africa. Is that the point of his question?

Mr. GROSS. Yes.

Mr. SISK. I assume there was some specific point in that omission. Of course, the Committee on Rules considered the resolution as it was introduced, and only those countries listed were specified.

Mr. GROSS. Are we going to do some roadbuilding in Egypt, Greece, Spain, Italy, Israel, the Congo, and England, which are also points of call for these junketeers. Are we going to do some roadbuilding in those countries? What, in the end, will this resolution cost us?

Mr. SISK. Seriously, let me say to my good friend from Iowa, as he very well knows, these travel resolutions come along, and in most cases—and I am certain in this case—the Public Works Committee seriously feels that benefits can be obtained for the knowledge of the committee, the knowledge of the Congress and for our country by visitation to those countries, by observing the methods which they are using today in the area of flood control, highways, water pollution, and a whole variety of things. It is my understanding that they propose, in addition to attending the African Highway Conference, to make some studies on progress in England and other areas and bring that knowledge back for the benefit of America.

Mr. GROSS. What do they use in Ethiopia and Zanzibar, oxcart roads? What kind of roads do they construct over there the knowledge of which would be beneficial to us in the matter of roadbuilding?

Mr. SISK. If I could suggest to my good friend, surprisingly enough, when we visit other parts of the world—and I do not claim to be much of a world traveler—we find that other countries are ahead of us in some areas. I am not saying that these particular countries are. On the other hand, I would assume that if we do not go and observe and find out what is going on, then certainly we could be missing a bet. How much ahead or how much behind some of these countries may be in the use of machinery, equipment, and roadbuilding facilities I do not know. I assume that, of course, is the purpose of the Public Works Committee in wanting to make this trip.

Mr. GROSS. Will it be a proper climax for the seven committee members and the two staffers to end their junket in England? Will they study roadbuilding or something else when they get there?

Mr. SISK. Of course, it might be that London might be the climax. I do not want to propose anything in this situation. I suppose there may be some meetings in London, I may say to my friend.

Mr. GROSS. So, the gentleman would say he does not believe there has been a printing error; that they did not indicate they wanted to take in a few more countries? They are apparently passing up Paris on this trip.

Mr. SISK. I note they are not going to Paris, Berlin, Moscow, Tokyo, and there are several other places in the world that are not named. It is not that big a resolution. This is a trip for the purpose of attending a meeting and for visiting certain countries in that area of the world, and I am sure it would benefit America primarily.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, let me say at the outset that I agree with the statements just made by my friend from California, particularly in answer to the questions raised by my good friend, the gentleman from Iowa (Mr. GROSS). I hasten to point out that there are 12 countries that will be visited in a period of 5 days.

Members of the committee are going to have to do a lot of investigating in 5 days and they are going to have to keep on their toes to cover these 12 countries and still do the things the resolution says they are going to do. They plan to study mutual problems involving rivers, harbors, flood control, highways, water pollution, and related subjects. Being from the Lake Erie region, I hope they bring back some very valuable information on water pollution, because we can use it in that area.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what does the gentleman mean by 5 days? The dates for this junket are October 10 to November 9, which is about 30 days.

Mr. LATTA. The period the gentleman has reference to is the travel period, and the actual meeting dates are from the 20th of October until the 25th of October, which is only about 5 days of meetings.

Mr. GROSS. Only 5 days of meetings?

Mr. LATTA. That is correct.

Mr. GROSS. And the rest will be spent how?

Mr. LATTA. I presume on various other "related subjects." Quite frankly, I am not too enthusiastic about the passage of this resolution.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and say to him that I, too, am not enthusiastic about this resolution. In fact, I am against it.

Mr. SISK. Mr. Speaker, I yield to the distinguished chairman of the Public Works Committee, the gentleman from Maryland.

Mr. FALLON. Mr. Speaker, the Committee on Public Works has received authorization over the years from this body to travel overseas for study and investigation of projects and problems within its jurisdiction. It has as well attended many international meetings at which representatives from all sections of the earth, both on a governmental and private level, have appeared for a beneficial exchange of ideas.

The resolution before this body today authorizes a similar type of trip for similar purposes.

I believe these meetings are important and necessary both from the viewpoint of exchanges of ideas which follow and the resulting information that can be helpful to our Nation and to the other nations' representatives with whom we meet.

I further feel that this type of trip for a very real reason is helpful to the individual Members who travel to these areas.

Throughout the years the committee has sent subcommittees to many portions of the United States to hold hearings on problems involving legislation affecting a particular area. Throughout the years the committee has always, whenever the situation presented itself, sent a subcommittee out in time of disaster in various parts of the country. I see no basic difference between these types of trips, which we all know are essential for the protection and well-being of all of our citizens, and the type of authorization before us today, which will provide the same type of information and hopefully better develop other sections of the world in the way we hopefully do in this country.

Mr. Speaker, at the African Highway

Conference of the International Road Federation to be held in Addis Ababa, Ethiopia, between October 20 and 25, 1969, that organization, one of the most distinguished of its type, will present its 1969 Man-of-the-Year Award to a great and good friend of mine and a distinguished public servant, the Federal Highway Administrator, Francis C. Turner.

I have personally known Frank Turner for over a quarter of a century. I have heard him testify before the Committee on Public Works on numerous occasions. I have availed myself of his expertise to help solve many road problems presented to the committee. Frank Turner has given over 40 years of his life to the service of his country as a career employee of the Bureau of Public Roads and today he properly stands at the apex of his career as the leader of the Federal highway program in this country as Federal Highway Administrator.

Frank Turner is a graduate of Texas A. & M. College and a native of Texas. He recently received an honorary degree from his alma mater. He joined the Bureau of Public Roads in 1929 and served in various capacities with this Bureau including Chief Engineer and Assistant Federal Highway Administrator. It is properly fitting that organizations such as the International Road Federation, which encompasses most of the Nations of the world as well as major industries in the development of good highways, should honor Frank Turner. When the International Road Federation honors a man such as Frank Turner it honors not only itself but all those who believe that good roads are the path to good living.

Mr. LATTA. Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JOINT LABOR-MANAGEMENT TRUST FUNDS FOR SCHOLARSHIPS AND CHILD CARE CENTERS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of the distinguished gentleman from Indiana (Mr. Madden), I call up House Resolution 555 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 555

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4314) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4314, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 2068, and it shall then be in order to consider the Senate bill in the House.

The **SPEAKER** pro tempore. The gentleman from California (Mr. Sisk) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 555 provides an open rule with 1 hour of debate for consideration of H.R. 4314 regarding joint labor-management funds for scholarships and child care centers. The resolution also provides that, after passage of the House bill, the Committee on Education and Labor shall be discharged from further consideration of S. 2068 and it shall be in order to consider the Senate bill in the House.

The purpose of H.R. 4314 is to permit voluntary labor-management cooperation on confronting two pressing national and family needs: Educational scholarships and child care centers. The bill would contribute to meeting these needs without the appropriation or use of Federal moneys.

Section 302 of the Labor-Management Relations Act prohibits payments by employers of money or other thing of value to employee representatives. However, section 302(c) sets forth six exceptions to the general prohibition and thus permits employer contributions to joint trust funds to finance medical care programs, retirement pension plans, and other specific programs.

This bill would add a seventh exception to section 302(c) and would thereby validate employer contributions to jointly administered trust funds established to provide educational scholarships for employees and their dependents, or to provide child care centers for dependents of employees. Enactment of the bill will not require such contributions and will not require the establishment of such trust funds. It would simply make clear that Federal law will not inhibit voluntary labor-management cooperation in establishing these programs. There is no apparent public policy served by inhibiting such cooperation.

The bill specifically sets forth that no labor organization or employer shall be required to bargain on the establishment of these trust funds, and that refusal to do so shall not constitute an unfair labor practice. Establishment of the jointly administered funds would be permissive and not a mandatory bargaining subject.

H.R. 4314 would further make applicable to these trust funds the requirements that the detailed basis on which payments are to be made is to be specified in a written agreement with the employer, and that provisions are made for an annual audit of the trust funds. It also sets forth the details of the joint administration.

Mr. Speaker, I urge the adoption of House Resolution 555 in order that H.R. 4314 may be considered.

Mr. MARTIN. Mr. Speaker, House Resolution 555 provides for an open rule with 1 hour of debate on the bill H.R. 4314. This is a bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees.

Mr. Speaker, this legislation, as I have just pointed out, provides not on a mandatory basis but on a voluntary basis that management and the unions in reaching an agreement on a labor contract may bargain voluntarily on the setting up of these joint funds.

The legislation, however, specifically provides that the funds are to be paid by management. None are from the unions, but the funds are paid by management, by business itself, then to be jointly administered by both the unions and by management. This seems to me to be a one-sided piece of legislation, another club in the hands of unions in negotiating with business.

To keep our labor-management relationships on an even keel legislation and the laws enacted in this field have to be kept on an equal plane. At the present time, in my estimation, the pendulum favors the unions.

This is another piece of legislation which contributes even further to the advantages the unions would have in bargaining with management.

Mr. Speaker, I do not believe anyone in this House is naive enough to feel that simply because this legislation does not make it mandatory to be a subject of bargaining it is only on a voluntary basis. Unions in trying to negotiate a new contract informally or unofficially can say, "We want some settlements, we want some funds to be jointly administered for scholarships and for child care centers," and put it unofficially on a mandatory basis. This is what has happened before in negotiations of this type, and what is going to happen again if this is enacted into law. I do not doubt for a minute that the House is going to pass this legislation this afternoon.

This simply gives the unions themselves another club in their insatiable desire to have things in their favor and laws passed that will benefit the unions in opposition to the welfare of management and business itself.

Mr. Speaker, I reserve the remainder of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration

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of the bill (H.R. 4314) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4314, with Mr. SLACK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS), will be recognized for 30 minutes, and the gentleman from Ohio (Mr. ASHBROOK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise to urge approval of H.R. 4314. This is a simple and a good bill. It amends section 302(c) of the Labor-Management Relations Act to authorize employer contributions to joint trust funds established to provide educational scholarships for employees and their dependents, or to provide day-care centers for dependents of employees. The establishment of such trust funds would be entirely voluntary, as the bill specifically provides that no employer or labor organization would be required to bargain about the creation of such funds.

This bill offers an imaginative approach to helping meet two urgent national needs—providing scholarships to help our young people get an advanced education, and providing adequate day-care facilities for the young children of working mothers.

We all know that more must be done in these two areas. The number of young men and women who are able and who wish to attend college increases, but the costs of going to college also increase. More and more mothers with young children wish to or must work, but there are not adequate numbers of child-care centers to which they can entrust their children.

This bill, H.R. 4314, would enable labor and management to agree at the bargaining table to establish joint trust funds to finance scholarship programs for employees and their dependents, or to finance child care centers for the young children of employees. It would thus engage the wealth and energy of our private enterprise system in helping meet the two needs of providing more educational scholarships and more day care centers. It would help meet these needs without the appropriation or use of Federal funds.

Mr. Chairman, I cannot see any objection to H.R. 4314. By permitting these joint funds, we will enable labor-management cooperation in confronting two needs of high priority. These funds would not only advance national goals; they would also directly serve the interests of employers and employees. These funds will help working parents send their children to college, and help industry by insuring that our colleges continue to provide the skilled manpower it needs. It will help working mothers by enabling them to leave their young children in day care centers, and will thereby help industry attract the labor force which it needs. It will do all of this through voluntary cooperation between labor and management.

I urge speedy approval of H.R. 4314.

Mr. ASHBROOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, like my colleagues in the committee, I have no objections to the enactment of this measure. It would permit what is now forbidden by law: the establishment through collective bargaining between an employer and a labor union of a trust fund to be used to finance educational scholarships and child-care centers for the benefit of the employer's employees, their dependents, and their children, such fund to be jointly administered by the employer and the union. I have always been reluctant to make exception to what I consider a wise provision of the law. Areas of negotiation and bargaining should not be unduly broadened. This is an area where I believe an exception can and should be authorized because the subject matter is not a responsibility of either management or union and does not impinge on either's prerogative.

There are three aspects of this proposal which commend it to the favorable attention of the Congress:

First. The collective bargaining must be entirely voluntary; in fact, neither the employer nor the labor union has any legal obligation to bargain about, or even discuss, a demand for the establishment of such a fund;

Second. It is highly desirable that nongovernmental institutions, in this case private employers and unions, should be encouraged to use private funds to aid education. Heretofore, such aid has come in ever-increasing volume from the Federal Government until it has reached proportions so high that many educational institutions are dependent on it for their very survival. It is to be hoped that measures such as the pending bill may initiate a trend away from what ultimately may result in the total federalization of education in the United States; and finally,

Third. I feel reasonably certain, based on what we know of public attitudes throughout the country, that the beneficiaries of the type of aid contemplated in this proposal will generally not be found among those students who have taken the lead in disrupting many campuses, and in some cases actually bringing the educational process to a complete halt.

For these reasons, Mr. Chairman, I support the pending bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Iowa.

Mr. GROSS. Am I correct in assuming that there are no Federal funds involved in this bill—that is, an obligation upon the taxpayers of this country, either directly or indirectly?

Mr. ASHBROOK. The gentleman is absolutely right and that is why I tried to point out in my inept manner the fact that this is one of the reasons that I favor this legislation, particularly because the trend seems to be in the other direction. As I pointed out, this legislation, if enacted, would encourage private funds from the employers and the unions. Therefore, there are no Federal funds involved. They are strictly private funds. It is strictly a voluntary situation insofar as this bill is concerned and that is the basic reason I rise in support of it and urge my colleagues to support this bill.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. THOMPSON), the author of the bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, as the chairman of the subcommittee which held hearings on H.R. 4314, I rise to urge my colleagues to approve this bill.

H.R. 4314 is identical to a bill which was passed by voice vote by the House in 1968. This year, once again, the bill enjoys broad bipartisan support. H.R. 4314 was supported during the hearings by the AFL–CIO; the Amalgamated Clothing Workers of America; and the International Ladies' Garment Workers Union. The U.S. Department of Labor, through a statement by Assistant Secretary W. J. Usery, expressed its support for this bill.

H.R. 4314 is a simple bill. It would amend section 302 of the Labor-Management Relations Act to permit employer contributions to joint trust funds voluntarily established to finance educational scholarships or day care centers for employees and their children.

Section 302 of the Labor-Management Relations Act sets forth a general prohibition on employer payments to employee representatives; this prohibition was intended to prohibit bribery, kickbacks, and other corrupt practices. But the Congress never intended 302's prohibition to forbid voluntary labor-management cooperation for laudable goals. Therefore, six specific exceptions to 302's prohibition were set forth in section 302(c), permitting employer contributions to joint trust funds to finance pension plans, medical care plans, and other programs. H.R. 4314 would add a seventh exception to 302's prohibition, and would thereby permit employer contributions to joint funds to finance educational scholarships and day care centers for workers and their families.

It is unnecessary to dwell at length on the worth of these two goals of educational scholarships and day care centers. Higher education is no longer a luxury in our society. Our society today needs ever increasing numbers of well-

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educated men and women, but as the necessity and importance of post-high school education has grown, the costs of higher education have risen sharply. A working family faces a harsh financial burden as it budgets to give its children the advantage of higher education. Even with the Government and other financial aid now available, many talented young people are financially unable to get the help they need to go to college. The relentless rise in college costs—now estimated to exceed 5 percent per year—will make it increasingly difficult for students from working families to finance a college education. H.R. 4314 would permit labor and management to create funds for scholarship programs, and could make a higher education possible for many children of working parents.

The present shortage of good day care centers presents an equally compelling need. Testimony received by the subcommittee indicates that 4.5 million preschool-age children have working mothers, but that there are only 531,000 spaces available in qualified day care centers.

This means that many mothers who must work to meet family obligations are forced to make unsatisfactory child care arrangements during the day, leaving their children with neighbors, relatives, or alone. The opportunity to entrust their young children to good day care centers would undoubtedly be a major attraction to employment in those industries which rely heavily upon women for their work force. Passage of H.R. 4314 would permit labor-management cooperation in financing such child care centers.

Mr. Chairman, H.R. 4314 could make an important beginning in meeting these two needs. It would permit labor and management to join together in solving problems which are directly related to their mutual and separate interests. The employer would invest in expanding the number of college-trained personnel he needs in his business, and would be able to attract the working mothers he may need.

The labor organization would help its members finance the education of their children, and would be able to offer working mothers the peace of mind which comes from knowing their children are well cared for while they work. H.R. 4314 would encourage the involvement of our private sector in meeting critical needs, and would benefit industry, labor, employees, their children, and the public. As I see it, the only question before the House is whether section 302, which was intended to prevent bribery, should continue to inhibit voluntary labor-management cooperation for these two goals, given the safeguards written into the bill.

Three final points should be mentioned. First, H.R. 4314 does not contemplate the use of one penny of Federal money. It rather frees the private sector of our economy, industry and labor, to cooperate through collective bargaining to finance scholarship programs or day care centers. Second, the safeguards of section 302(c)(5)(B) apply to the funds authorized by H.R. 4314. These include requiring a written agreement establishing the fund, annual audit of the fund, and others. Third, the bill specifically provides that no labor organization or employer shall be required to bargain about the establishment of these funds. It would not require either management or labor to agree to establish a fund, and would not require either party to contribute to a fund. Establishment of these funds would be absolutely voluntary.

Mr. Chairman, it is a rare bill which promises to benefit working families, employers, and the public in such a clear way. We will take an important step forward in meeting major national and individual needs if we enact H.R. 4314. I hope we will take that step today.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, as a cosponsor of this legislation, I should like to compliment the distinguished gentleman from New Jersey now in the well who is the author and principal sponsor of this legislation. I also would like to express my appreciation to the chairman of the subcommittee for the handling of this legislation and for the diligent manner in which he has relentlessly pursued the enactment of this much needed legislation. I should like to also join my colleagues who have complimented the distinguished chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), who has added his considerable efforts and prestige in bringing this bill to the floor and assisting in securing its passage.

Mr. Chairman, I support H.R. 4314. I agree with those who have preceded me that this bill is very straightforward. It simply makes clear that section 302's prohibition on employer contributions to employee representatives will not prevent labor and management from establishing joint trust funds to finance educational scholarships or child care centers. Its passage would enlist the wealth and energy of our private enterprise system in attacking two problems which affect the interests not only of the employer and the employee, but the national interest as well.

I am particularly interested in the portion of the bill authorizing child care centers financed by a joint fund. The testimony before the subcommittee indicated that 10.6 million mothers with school-age children are in the labor force. Two out of five of these mothers have children under age 6, which is a total of 4.5 million preschool children. Yet only 531,000 day care center spaces are available.

This shortage of day-care centers means, in the words of Assistant Secretary of Labor W. J. Usery, that—

> Child care arrangements made by too many mothers are inadequate if not poor.

This bill, H.R. 4314, would permit employers and labor unions to establish jointly administered trust funds to finance child-care centers for children of workers. Such centers could be particularly important in those industries which rely on women for their work force—the apparel and service industries, to name only two. Such industries might find child-care centers a great advantage in attracting and retaining the workers they need.

Of course, in addition to helping industry, good child-care centers financed through the collective-bargaining mechanism would benefit many women and their children. Mothers who must work to meet family obligations would feel more secure knowing their young children were well cared for. And millions of American children would be assisted by the environment and advantages of day-care centers operated by qualified personnel.

In short, I believe these centers would benefit the industry, the mother, and the child. In my judgment there is no public policy served by continuing to inhibit labor-management cooperation in creating funds to finance such centers. Indeed, the opposite is true; I see a clear public policy in permitting such cooperation on a voluntary basis. This is all that H.R. 4314 does. I hope we will pass this bill today.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the distinguished gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wish to commend the gentleman from Kentucky (Mr. PERKINS) and the gentleman from New Jersey (Mr. THOMPSON) for bringing this bill forward. I cannot think of a bill which so clearly advances private and public interests. The funds which this bill would authorize—for scholarships or for day care centers—are very directly related to the employment relationship. A union member who knew that the collective bargaining process was enabling his child to go to college, or financing the day care center to which her child was entrusted, would not only have a heavy personal burden eased; that worker would look with renewed respect at his union and employer for agreeing on such measures, and would have his faith in our private enterprise system strengthened.

Section 302 of the Labor-Management Relations Act prohibits payments by employers to employee representatives; this prohibition has been interpreted to extend to payments to joint funds not specifically excepted in section 302(c).

As I see it, the only question before the House is whether this section 302, which was enacted to prevent bribery and other corrupt practices, should continue to inhibit the voluntary cooperation for laudable ends which H.R. 4314 envisions.

As the gentleman from New Jersey so correctly stated, section 302(c) presently contains six exceptions to section 302's general prohibition on employer payments to employee representatives. Among these exceptions are jointly ad-

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ministered trust funds for medical or hospital care, for retirement pensions, and for other worthy purposes. These exceptions reflect the judgment of previous Congresses that 302's prohibition should be relaxed in situations where employer contributions to joint trust funds will meet important needs of workers and their families, provided there are safeguards to prevent abuses by any party. H.R. 4314 would add a seventh exception to 302's prohibition, and would thereby permit employer contributions to joint funds for scholarships or child care centers for the families of workers. The bill would free labor and management to proceed with these trust funds, if both parties agree to do so.

Mr. Chairman, I can think of no reason why section 302 should continue to inhibit the kind of voluntary cooperation which H.R. 4314 would authorize. I would stress again that this bill specifically provides that the establishment of these funds is voluntary, and that no employer or labor union can be required to bargain about their establishment. The bill contains numerous additional safeguards, including a requirement for a written trust agreement, and annual audit of the trust fund.

I urge my colleagues to approve H.R. 4314.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the distinguished gentleman, the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding.

I want to pay tribute to the distinguished gentleman from New Jersey (Mr. Thompson) for his leadership and perseverance in bringing this legislation to the floor after the Senate failed to act last year.

Mr. THOMPSON of New Jersey. Mr. Chairman, I would like to thank my friend, the gentleman from Kentucky (Mr. Perkins) very much, and to express my gratitude to the gentleman for his assistance.

I also wish to express my gratitude to the gentleman from Ohio (Mr. Ashbrook), the ranking minority member on the subcommittee, and to the other Members who have cosponsored this legislation and cooperated in bringing it to the floor today.

The CHAIRMAN. The gentleman from New Jersey has consumed 6 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

H.R. 4314, which I have been proud to cosponsor on two occasions, is highly desirable legislation in both its purposes and in its means provided to achieve these purposes.

I think that the bringing of the bill to this point of action is a tribute not only to the chairman of the subcommittee, the gentleman from New Jersey (Mr. Thompson), but I think it is also a tribute to the bipartisan nature of the bill. I certainly appreciate the support that the entire subcommittee, and indeed the entire Committee on Education and Labor, has given to what I think is a significant and important piece of legislation.

Mr. Chairman, the first goal of this bill is to make additional scholarship funds available for the Nation's students. In the past few years, Congress has consistently upheld the principle that education has become a necessity rather than a luxury in our country. One indication of Congress' attitude on this matter has been the substantial appropriations approved for scholarships and loans to students in institutions of higher education. Before the end of this academic year, the Office of Education will have distributed close to half a billion dollars through just the three major Federal student aid programs alone.

H.R. 4314 offers us the rare opportunity to renew and strengthen our commitment to student aid without spending any more Federal dollars. Scholarships created as a result of this legislation would be funded by private sectors without Federal contribution. The Federal Government's role would not go beyond the opening of options to labor and management which are presently closed to them. It should also be emphasized that the setting aside of funds under this bill would be entirely optional rather than a mandatory obligation.

Congress has also recognized the need for improved and expanded day care centers as more and more mothers join the labor market. Yet it is an acknowledged fact that the establishment of these centers has not kept pace with the rapidly growing demand for them. In its comprehensive study of Oregon working women, the Bureau of Labor in my State recommended that one of their major goals be—

> A comprehensive plan to establish a network of child care facilities and after-school youth shelters. . . . Such plan should also include a program to encourage and to stimulate the setting up of these facilities by employers of working mothers.

In my opinion, neither the Federal Government nor the State governments—separately or jointly—have the means at this time to meet the present great demand in this area. H.R. 4314 would make it possible for the private sector to contribute significantly toward meeting this need. By passing H.R. 4314, Congress would help to realize the potential of this significant contribution.

Last September the House demonstrated its strong support for this legislation by passing it with a voice vote. Now, a year later, I urge my colleagues to repeat this action by passing this measure, thereby communicating to our colleagues in the Senate our deep conviction that H.R. 4314 should be acted upon favorably as soon as possible.

Mr. EILBERG. Mr. Chairman, I rise in support of H.R. 4314 which is now under consideration. I sponsored a bill similar to this one in both the 90th and this Congress. I believe H.R. 4314 represents another indication of the maturity of the collective bargaining process. It would permit voluntary labor-management cooperation in confronting two pressing national and family needs: educational scholarship and child care centers. This bill would contribute to meeting these needs without the appropriation of any Federal moneys. H.R. 4314 enlists the wealth and creativity of our private enterprise system in providing scholarships and child care centers, by permitting employers and labor organizations to establish joint trust funds for these purposes through the collective bargaining process.

Joint trust funds to provide educational scholarships for employees and their dependents, created through the collective bargaining mechanism, would help make higher education financially possible for many children of working families. In addition to meeting these family needs, such scholarships would serve the national interest by permitting more young people to pursue a higher education, thereby expanding the Nation's reservoir of intellect and talent.

There is no question that the need for additional child care centers is urgent and is growing. As of March 1966, there were nearly 10 million working mothers, having about 17 million children who were under 18 years of age.

Two out of five working mothers had children under age 6. Of the 17 million children of working mothers, 4.5 million were under age 6; 2 million were under age 3; and 2.5 million were ages 3 to 5.

The number of facilities to serve these growing millions of children of working mothers is vastly inadequate. Although it is difficult to determine the exact number, it is estimated that only about a half million children are presently being cared for in licensed day or child care facilities.

Millions of children are forced to rely upon—or suffer from—haphazard arrangements. At the worst, it has been suggested that there are about 50,000 children under age 6 who are left alone to care for themselves.

Even those who have more stable babysitting arrangements, however, would be far better off if they had the advantage of proper day care, including attention to their medical, nutritional, educational, as well as emotional needs.

I believe if we do not face up to the needs of these children, and of their worried, hard-working mothers, we shall reap an ever-increasing harvest of social problems.

We profess to believe in the value and dignity of each individual. Yet we are allowing millions of young children to be neglected and reared in circumstances that can only undermine their human values. This is as unnecessary as it is inhumane.

Many countries of the world have demonstrated greater concern for their future adult citizens than we. Denmark, in particular, has been in the forefront in assuring proper day care for its children. Israel, too, has devoted itself to the problem of providing high quality and widespread day care.

Lest some say that by providing day

care for children we shall undermine traditional family values, I emphasize that nowhere in the world is the welfare of the family and the importance of its unity more important than in these countries.

Day care is not expected to replace family care and parental love. By fulfilling an important practical need, it does, in fact, strengthen the family.

Our own American industry is just awakening to the possibility that by cooperating in the establishment and operation of child care facilities, it can assure itself of a more reliable and productive work force. There are very few companies which have dared to venture into the field. This bill, however, should stimulate much new activity.

This bill, Mr. Chairman, will not require employers to establish trust funds for the purposes of child care centers and scholarships. It will, however, make it possible for them to do so.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 4314. This bill is an amendment to the Labor Management Act of 1947, which would add another exemption to the general prohibition against employers giving payment of anything of value to representatives of employees. The general prohibition has specified exemptions; for example retirement pensions, medical care plans, and so forth. The new exemption in this section would enable voluntary labor-management cooperation in establishing joint trust funds for education scholarships and day care centers.

This bill is a definite contribution, not only to the collective bargaining process, but also to the country as well. By adding these exemptions, this bill will enable unions and business to establish programs, subject to collective bargaining, that will provide additional educational opportunities for employees and their families, and will also assist working mothers by providing child care day centers. There is a need for expanding efforts in both areas. I do not need to point out that the costs of schooling have increased tremendously. It is difficult if not impossible for a wage earner to have one child in college, much less two or three. Hence this aspect of the bill could have a potential effect on the educational patterns in this country.

I am pleased to note that the committee also specified that the use of the term "educational institutions" in the bill applied to post secondary educational opportunities, as well as for four year colleges and universities. This clarification contributes to the potential utility of the exemption. The need for day care centers is obvious. With the increase in the number of working mothers, the care and well-being of their children is, for them, a personal need, and for the country, a societal need. By including day care centers in this bill, the House has made a contribution to alleviating this recognized need.

In conclusion, Mr. Chairman, I would like to reiterate that none of these exemptions are mandatory. The bill only permits these two worthwhile activities, if they are a part of the collective bargaining process. In so doing, this bill contributes not only to the expansion of collective bargaining, but also potentially contributes to worthwhile societal needs.

Mr. PERKINS. Mr. Chairman, I have no further requests for time.

Mr. ASHBROOK. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 4314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)" and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: *Provided further,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments?

There being no amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Albert) having resumed the chair, Mr. Slack, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4314) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees, pursuant to House Resolution 555, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 354, nays 1, not voting 75, as follows:

[Roll No. 189]

YEAS—354

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Caffery
Camp
Carey
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Coughlin
Cramer
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fish
Fisher
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff

XUM

Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watkins
Watson
Watts
Weicker
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—1

Martin

NOT VOTING—75

Anderson, Tenn.
Andrews, N. Dak.
Arends
Beall, Md.
Bell, Calif.
Biaggi
Bolling
Brademas
Broomfield
Brown, Calif.
Broyhill, N.C.
Byrnes, Wis.
Cahill
Celler
Chappell
Clark
Colmer
Corbett
Corman
Cowger
Cunningham
Daddario
Daniels, N.J.
Dawson
Diggs
Edwards, Calif.
Fascell
Feighan
Findley
Flood
Ford, Gerald R.
Foreman
Garmatz
Gettys
Gibbons
Goldwater
Green, Oreg.
Hansen, Wash.
Hawkins
Holifield
Howard
King
Kirwan
Kluczynski
Lipscomb
Lowenstein
Lujan
McKneally
McMillan
Madden
Mann
Michel
Mikva
Mills
Murphy, N.Y.
Myers
Obey
O'Konski
Pepper
Podell
Pollock
Powell
Quillen
Schadeberg
Scheuer
Smith, Iowa
Smith, N.Y.
Stokes
Stuckey
Teague, Calif.
Wampler
Whalley
Whitehurst
Wilson, Charles H.
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Gerald R. Ford.
Mr. Daniels of New Jersey with Mr. Corbett.
Mr. Flood with Mr. Lipscomb.
Mr. Celler with Mr. Arends.
Mr. Pepper with Mr. Byrnes of Wisconsin.
Mr. Holifield with Mr. McKneally.
Mr. Madden with Mr. Quillen.
Mr. Kirwan with Mr. Cunningham.
Mr. Biaggi with Mr. Hawkins.
Mr. Daddario with Mr. Findley.
Mr. Murphy of New York with Mr. Cahill.
Mr. Clark with Mr. Beall of Maryland.
Mr. Brademas with Mr. Andrews of North Dakota.
Mr. Charles H. Wilson with Mr. Diggs.
Mr. Howard with Mr. Broomfield.
Mr. Fascell with Mr. Goldwater.
Mrs. Green of Oregon with Mr. Bell of California.
Mr. Kluczynski with Mr. O'Konski.
Mr. Mills with Mr. King.
Mr. Colmer with Mr. Wampler.
Mr. Feighan with Mr. Cowger.
Mr. Mann with Mr. Whitehurst.
Mr. Gibbons with Mr. Foreman.
Mr. Smith of Iowa with Mr. Michel.
Mr. Edwards of California with Mr. Teague of California.
Mr. Stokes with Mr. Obey.
Mr. Wright with Mr. Chappell.
Mr. Lowenstein with Mr. Scheuer.
Mrs. Hansen of Washington with Mr. Smith of New York.
Mr. Brown of California with Mr. Lujan.
Mr. Anderson of Tennessee with Mr. Myers.
Mr. Corman with Mr. Whalley.
Mr. Gettys with Mr. Schadeberg.
Mr. Stuckey with Mr. Broyhill of North Carolina.
Mr. McMillan with Mr. Pollock.
Mr. Dawson with Mr. Podell.
Mr. Mikva with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 555, the Committee on Education and Labor is discharged from further consideration of the bill, S. 2068.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2068

An Act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)", and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer to an individual or pooled trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child-care centers for preschool and school-age dependents of employees: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: *Provided further,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS:

Strike out all after the enacting clause of the bill S. 2068, and insert in lieu thereof the provisions of H.R. 4314, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4314) was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PRESIDENTIAL TASK FORCE ON INTERNATIONAL DEVELOPMENT

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to review and extend his remarks.)

Mr. ADAIR. Mr. Speaker, I rise today to commend President Nixon upon his selection of the Presidential Task Force on International Development, which will be chaired by Rudolph A. Peterson, president and chief executive officer of the Bank of America. They are all able, eminent men—specificially including our former colleague Tom Curtis.

The President has directed the task force to focus on the underlying rationale of the U.S. aid effort and its relationship to overall U.S. foreign policy. The task force has been charged with developing a new U.S. approach to aid for the 1970's for presentation to him next February.

As a Hoosier I was particularly interested in the selection of Dr. Earl L. Butz to the task force. Dr. Butz is a vice president and former dean of agriculture at Purdue University, Lafayette, Ind. He also served as an Assistant Secretary of Agriculture in the administration of President Eisenhower. Dr. Butz is uniquely qualified to make a significant contribution in the important areas of agrcultural economic development, food production, and technical assistance as the task force considers new directions for the U.S. aid effort.

A list of the members of the task force follows:

Earl L. Butz—Vice President and former Dean of Agriculture, Purdue University, Lafayette, Indiana.

William J. Casey—Partner, Hall, Casey, Dickler, and Howley, Roslyn Harbor, New York.

Terrence Cardinal Cooke—Archbishop of New York.

John E. Countryman—Chairman of the Board, Del Monte Corporation, San Francisco, California.

Thomas B. Curtis—Vice President and General Counsel, Encyclopaedia Britannica, Inc., Chicago, Illinois.

Ralph Burton Gookin—President and Chief Executive Officer, H. J. Heinz Co., Pittsburgh, Pennsylvania.

William T. Gossett—Immediate Past President, American Bar Association, Bloomfield Hills, Michigan.

Walter A. Haas, Jr.—President Levi Strauss & Co., San Francisco, California.

Gottfried Haberler—Professor of International Trade, Harvard University, Cambridge, Massachusetts.

William A. Hewitt—Chairman of Board and Chief Executive Officer, Deere & Co., Moline, Illinois.

Samuel P. Huntington—Professor of Government, Harvard University, Cambridge, Massachusetts.

Edward Mason—Professor, Harvard University, Cambridge, Massachusetts.

Rudolph A. Peterson, Chairman—President, Bank of America, Piedmont, California.

David Rockefeller—Chairman of Board, The Chase Manhattan Bank, N.A., New York City.

Robert Roosa—Partner, Brown Brothers, Harriman, Harrison, New York.

General Robert Wood, Retired—Staff Member, Research Analysis Corporation, Stafford, Virginia.

TENNIS MATCH SHOWS PHYSICAL FITNESS OF MEMBERS OF CONGRESS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, the Nation has every reason to be proud of the physical fitness of the Members of the 91st Congress, as well as the athletic skill of those who assist our Federal lawmakers as administrative aides, legislative assistants, secretaries, and in other capacities.

In an historic match, sponsored by the Capitol Hill Tennis Club, played Saturday at the East Potomac Park courts between a team composed of Members of Congress and the congressional staff team, the final score stood at 11 to 5 in favor of the staff players. However, the outstanding performance of the day was turned in by our colleague, RICHARDSON PREYER of North Carolina, who was a three-time winner. In addition to his singles victory over the club's runnerup, Fred Arner, in straight sets, Mr. PREYER, teamed with Senator ERNEST F. HOLLINGS of South Carolina, downed a doubles combination of Dave Markey and Jerry Gallegos.

An even more dramatic match was the mixed doubles match with Representative and Mrs. Preyer over the staff captain, Mack Cameron, and the club's program chairman, Jan Farnsworth. Mrs. Preyer also won the only women's singles match of the day—winning over Virginia Leake.

Another surprising success for the congressional team was the mixed doubles victory of Representative and Mrs. John Jarman of Oklahoma over a staff mixed doubles team composed of Joe Bastien and Virginia Leake.

A total of 10 Members of the House of Representatives and Senate took part in this tennis match confirming the growing interest in tennis in our Nation's Capital as well as throughout the Nation.

The stronger tennis players among the staff who were successful in one or more of the matches included: Bob Wager, Senate Government Operations; Fred Arner, Library of Congress; Dave Markey, Congressman BEALL; Jerry Gallegos, Senate Press Gallery; David Doane, Senator JORDAN; Arthur Schiff, Representative McCLORY; Bob Tonsing, Representative BROTZMAN; Ed Knight,, Library of Congress; Dick Gentry, Representative SAYLOR; and Joe Bastien, Senator GURNEY.

Much credit for the organizing and successful execution of the match is due to Dick Gentry, president of the Capitol Hill Tennis Club, as well as the program chairman, Jan Farnsworth.

A complete list of our colleagues who participated follows:

Senator ERNEST F. HOLLINGS, of South Carolina.

Representative BROCK ADAMS, of Washington.

Representative RICHARDSON PREYER, of North Carolina and Mrs. Preyer.

Representative LOWELL P. WEICKER, Jr., of Connecticut.

Representative JOHN JARMAN, of Oklahoma and Mrs. Jarman.

Representative ROBERT McCLORY, of Illinois.

Representative PAUL FINDLEY, of Illinois.

Representative DAVID DENNIS, of Indiana.

Representative ROBERT KASTENMEIER, of Wisconsin.

Representative JOHN CONYERS, of Michigan.

FREEWAYS—RAPID RAIL TRANSIT

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NATCHER. Mr. Speaker, our committee is still of the opinion that there is a place for both a freeway system and a rapid rail transit system in our Capital City. We believe that in order to meet the tremendous day by day growth of traffic the freeway program must be carried out along with the rapid transit system.

We started appropriating funds for our freeway system following the 5-year study which was adopted by the District of Columbia in 1958. We now have available over $200 million which must be used for the freeway system.

In 1962 we started having trouble over the freeway system and this has been the situation up to July 9, 1969, when I recommended to the House that the conference report on the supplemental appropriations bill deleting the $18,737,000 for the start of construction on the rapid transit system be approved. Following our refusal to again approve construction funds for rapid transit construction until the freeway system was started and underway according to the provisions of the Highway Act of 1968, we have had certain actions starting with the District of Columbia City Council vote which approved a resolution requiring the District government to comply with the Highway Act of 1958. This was on August 9, 1969.

On August 11, 1969, the Department of Highways and Traffic received an order from the Commissioner and the Deputy Commissioner directing the Highway Department to proceed immediately to implement the provisions of section 23 of the Federal Aid Highway Act of 1968.

On August 11 the House of Representatives approved the District of Columbia Revenue Act which contained the following provision:

SEC. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a–47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

On August 12, 1969, I received the following letter from President Nixon:

THE WHITE HOUSE,
Washington, D.C., August 12, 1969.

DEAR BILL: Your diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.

The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

With cordial regards.

Sincerely,

RICHARD NIXON.

On August 13, 1969, F. C. Turner, Federal Highway Administrator, directed a letter to T. F. Airis, Director of the District of Columbia Department of Highways and Traffic, stating that certain adjustments had been made in the Interstate System for the District of Columbia and that such action had reinstated the system to its status as covered in the Interstate System cost estimate re-

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ferred to in the Federal Aid Highway Act of 1968.

On September 18, 1969, I received the following letter from Mr. Airis, the Director of the Department of Highways and Traffic of the District of Columbia:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, DEPARTMENT OF HIGHWAYS AND TRAFFIC,
Washington, D.C., September 18, 1969.

Hon. WILLIAM H. NATCHER,
Chairman, Subcommittee on Appropriations for the District of Columbia, U.S. House of Representatives, Room 2333, Rayburn Building, Washington, D.C.

DEAR MR. NATCHER: On September 17, 1969, the Department of Highways and Traffic, D.C. received bids for the construction of a new Potomac River crossing—Interstate Route 266—vicinity of the Three Sisters Islands—Contract No. 1—Substructure River Piers, Federal-Aid Project No. D.C.-Va. I-266-2 (103)1.

A total of six bids were received, ranging from a low of $1,152,830 to a high of $1,528,480. The low bid, submitted by the Head Construction Company, Washington, D.C. is approximately five percent above our office estimate. The low bidder is considered competent and qualified to carry out the provisions of this contract and, as a result, the contract was awarded to the Head Construction Company on this date, with the concurrence of the Bureau of Public Roads, Federal Highway Administration.

We anticipate that all necessary contract documents will be completely executed sometime tomorrow, and efforts will be made to have the contractor commence operations early during the week of September 22, 1969.

The above information is being furnished in order that you and your Committee may be kept abreast of the progress being made by the District Government in implementing the provisions of the Federal-Aid Highway Act of 1968.

With warmest regards.

Sincerely yours,

T. F. AIRIS,
Director, Department of Highways and Traffic, District of Columbia.

On September 18, 1969, I received the following letter from Robert P. Mayo, Director of the Bureau of the Budget:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 18, 1969.

Hon. WILLIAM H. NATCHER,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Room H302, Capitol, Washington, D.C.

DEAR MR. CHAIRMAN: This is to clarify the situation with respect to the District of Columbia appropriation requests for the proposed rapid rail transit system.

I would like to assure you that the appropriation for fiscal year 1970 of the $18,737,000, earlier deleted from the District of Columbia supplemental appropriation for fiscal year 1969, together with the appropriation of the $21,586,000 in the 1970 fiscal year appropriation request, would be in accord with the program of the President.

Sincerely,

ROBERT P. MAYO,
Director.

On September 22, 1969, I received an excellent statement from Mr. Airis, the Director of the Department of Highways and Traffic, covering all of the highway projects listed under the Highway Act of 1968 and the action the Department of Highways and Traffic is taking at this time to comply with the resolution of the City Council and the Highway Act of 1968. This statement clearly shows that the freeway program is underway.

Mr. Speaker, all of these acts indicate clearly that we are in complete agreement that freeway construction as provided under the Highway Act of 1968 must proceed with rapid rail transit construction.

I will now recommend that the $18,737,000 deleted from the supplemental appropriations bill together with the $21,586,000 in the regular appropriations bill for the District of Columbia for fiscal year 1970 be appropriated for rapid rail transit construction. I will further recommend that the Federal share for rapid transit construction appropriated for fiscal year 1969 totaling $43,772,000 be released. The provision concerning this amount is contained in the report accompanying the appropriations bill for fiscal year 1969 for the Department of Interior and related agencies and the following part of the report applies:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

Appropriation, 1968	------------
Estimate, 1969	$55,147,000
Recommended, 1969	43,772,000
Comparison:	
Appropriation, 1968	+43,772,000
Estimate, 1969	−11,375,000

Funds available under this appropriation item are to enable the Department of Housing and Urban Development to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1965, as amended. Funds included in this bill represent two-thirds of the Federal contribution to this project, the remaining one-third to be provided by the District of Columbia.

The committee directs that this appropriation shall be available only to the extent that an amount equal to one-half the funds provided by this appropriation has been provided by the District of Columbia as required by Public Law 89–173.

The committee's recommendation is based on a total program of $68,763,000 consisting of $8,860,000 for engineering and design; $5,200,000 for rights-of-way and land acquisition; and $54,883,000 for construction. Deducting $3,105,000 representing that portion of the program which will be financed from prior year funds leaves a total of new obligational authority of $65,658,000. Of this total amount $43,772,000 is included in this bill and $21,886,000 would be for provision by the District of Columbia.

REASON, COMMONSENSE, AND THE MODERN AIRCRAFT CARRIERS

(Mr. SATTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SATTERFIELD. Mr. Speaker, our distinguished colleague from California (Mr. HOSMER), has just written an outstanding article titled, "Reason, Commonsense, and the Modern Aircraft Carriers" which appears in the October issue of the magazine Navy. In his discussion of the lessons of history and the sheer logic of a strategy which recognizes the effectiveness of our naval attack carrier forces, the author brings into sharp focus the fallacy of those who seek a reduction in these forces. Mr. HOSMER, who is well qualified to discuss the subject, outlines in his article a course for U.S. strategy which will provide the greatest deterrent to global confrontations such as Vietnam. This article constitutes one of the best presentations, I have seen, of the logic in support of the effectiveness of naval attack carrier forces and the commonsense conclusion that we should maintain a sufficient number of carriers and air wings to assure that effectiveness. I ask unanimous consent to include this article at this point in the RECORD.

There was no objection and the article was ordered to be printed in the RECORD:

REASON, COMMONSENSE AND MODERN AIRCRAFT CARRIERS

(By Representative CRAIG HOSMER, Republican of California)

"Those who cannot remember the past are condemned to repeat it."

These words of George Santayana in "Reason and Common Sense" are worth remembering during the debates now raging and to follow on the President's defense budget and national security.

Reading statements of critics of the defense budget, I see little semblance of either reason or common sense. And the most ardent critics don't seem aware of their strategic shortcomings or that they are advocating repetition of costly defense mistakes made in past decades.

One of the major items under attack is a recommended investment of $377 million dollars for completion of the second in a series of three modern, nuclear powered aircraft carriers of the *Nimitz* class, previously authorized by Congress and the Secretary of Defense after lengthy review, and on which $133 million already has been contracted.

The assertions I have read which would "justify" the withholding of these funds are, to my mind, so lacking in substance, let alone validity, that they seem scarcely to require answering.

LESSONS OF HISTORY

The trouble is, however, that a good many American people, including some in Congress and the fourth estate, have only a superficial knowledge of the key strategic role of aircraft carriers in controlling the seas and their value to the country. This is strange, because the Congress is charged with the fundamental Constitutional responsibilities for national defense, and the press should be aware of the lessons of history.

The indispensable value of aircraft carriers to this country in the past 30 years and in the present, have not only been repeatedly demonstrated but also thoroughly documented. Their potential value for the foreseeable future *should not* be doubted by anyone.

I feel it is high time that the old canards, which assert aircraft carriers are "too costly" and "too vulnerable" be recognized as only sloganized oversimplifications, and excluded from serious defense debates in the future. These aberrations were born before we built our first fleet carriers. They have been resurrected too frequently in the past and are now, once again, being reasserted with a ring of original momentous discovery.

We have blundered before because we have allowed unsubstantiated nonsense, such as this, to obscure the real facts, the real issues and our real defense needs. The national strategy, if formulated with fiction, rather than facts, can imperil the Republic.

We blundered in the long twilight preceding World War II, and found ourselves with only seven carriers all told, when the Japanese struck Pearl Harbor. If we had had 20 modern carriers, which even Brigadier General "Billy" Mitchell had strongly advocated in the early 1920s, we might have deterred the attack, or won the war sooner with carriers, as we did when we built sufficient such task forces.

LOSS OF KOREAN BASES

When the Korean War started we were again down to seven active modern "attack carriers" of the ESSEX class although, just a few years earlier we had completed building 24 of them. If we had been able to station more than one in the Western Pacific, after the severe defense cuts by Secretary of Defense Louis Johnson and the Congress in 1949, we might have deterred the invasion of South Korea. At least we would have been better prepared for what followed—the loss of all land air bases in South Korea; later a costly crash program of recommissioning and training got sufficient carriers on the scene to help turn the tide.

Reason and common sense tell us, now, that North Viet Nam was also not deterred from invading the South by what they saw us doing to the readiness of our armed forces in the early sixties. Was it just a coincidence that the carrier was under severe fire by Defense Secretary McNamara as Ho Chi Minh made his preparations? How could he have conceived that we would have had the will and persistence to build ten major airfields and dozens of smaller ones after the fact of invasion? How could he anticipate we could commit many carriers to help South Viet Nam, if Mr. McNamara was going to cut the carrier force, as he had indicated he would like to do?

Congress and the press should recall that Mr. McNamara eventually was persuaded, on the basis of sound studies and empirical evidence, that carriers were *not* "too expensive" *not* "too vulnerable," as he had believed. In fact he was finally convinced that the effectiveness values of modern nuclear carriers to spearhead the offensive power of our fleets justified the construction of three NIMITZ class carriers. That was in 1966 after five years of study and after five years of deferring needed carrier replacements. That was only three years ago.

THE COST OF DELAY

The previous neglect of carrier forces undoubtedly cost us much more dearly in the pocketbook than if we had actually had more in service. These blunders also cost us dearly in lives and in wars that might have been deterred, if we had demonstrated a proper force posture and adequate will to use the forces to curb the conflicts. In order to deter, the forces in being and the will must be demonstrable *before* the conflict starts—while the situation is deteriorating into a potential conflict crisis. Warnings, without the proper posture of forces, are meaningless to a potential enemy. The warnings must be credible!

An essential part of any country's posture to deter aggression has been the capability to bring to bear sufficient tactical air strength on the potential area of conflict. Sufficiency must be in numbers and combat performance needed to achieve control of the aid and to maintain it, while providing close support to the ground forces or interdicting the enemy's logistic supply lines. Sufficiency also includes readiness.

CARRIER FORCES ROLE

We have recognized that an essential part of our force posture must include tactical air.

Because we are, in effect, an island nation, we have also recognized that some of our tactical air must be sea based in carrier task forces, in order to: (1) insure control of the seas and the air over the seas; (2) control of our sea lines of communications; (3) cover our own and friendly warships and our merchant fleets; (4) cover and support amphibious operations; and, as we discovered in World War II, (5) to cover and support ground forces in the land battles, when sufficient air bases are not available on land, in the vicinity of the land combat, to accommodate the required numbers of tactical aircraft. This is especially critical when there are no adequate land bases available within effective combat radius of the ground forces.

We have had too few aircraft carriers and sea-based air wings before the last three wars and in other crises.

Apparently, also, we have had too few in the eyes of our enemies before each of those wars. The Japanese thought we had not enough to be a great risk to their plans. It was apparently obvious to the North Koreans and Chinese that they had a favorable chance to take the entire Korean Peninsula before we could get enough land and sea-based tactical air in position to oppose them. They lost the gamble, because of our courageous ground forces and, because we were eventually able to get additional carriers there before the enemy achieved his objective. In the case of Viet Nam, it can be conjectured, I think credibly, that, if we had been *able* to concentrate 10 or 12 carriers, and a good portion of Marine expeditionary force in their sea-bases, close to the Viet Nam coast (plus a decisive declaration of our intentions to use them if invasion occurred) Ho Chi Minh might not have invaded South Viet Nam. If we *had* been able to do this, it would have been a visible and, therefore, credible deterrent that he would have had to consider—and we might not have had to deploy at all.

Why do we always have to have another war to prove the carrier's value? Even with all the land air bases we built in Thailand and South Viet Nam we haven't had enough land-based tactical air there and have had to continue using two or three carriers throughout the war.

MOBILE AIR BASES

The carrier is not an untried new development, like the ABM, which merely because it is new, is worthy of the debate it has stimulated. On the contrary, the carrier is one of our more combat-tested and valuable national defense assets. It is the one fleet element that gives our Navy superiority over the Soviet Fleet. For the carrier air wing is the fleet's best defense against Soviet cruise missiles. Carriers can be concentrated to mass their total air strength at one place and then disperse to cover wider areas. Carrier task forces are, therefore, one of the most flexible instruments of our national power. They are mobile air bases, moving as necessary to meet the current threat, operating without foreign political restrictions, on 70 per cent of the earth's surface. This gives us airfields anywhere, in any ocean, and along any coast, where we may need them. Carrier based aircraft can cover 85 percent of the land areas of the world (600 mile combat radius from the carrier), excluding the U.S. and Soviet Russia. Carriers do not stand alone. Without carriers we would still need all the carrier's multi-purpose, screening or supporting ships that contribute to fleet balance including sea control, antiaircraft defense, assault bombardment and fire support. The Soviet Navy would be superior without our carriers.

As a member of the Joint Committee on Atomic Energy, I have a particular appreciation of nuclear-powered carriers, such as the *Nimitz* which have tremendous advantages over fossil-fueled carriers. The *Enterprise* has already demonstrated this. The advantages of the nuclear carrier should be well known—she can steam at full speed for unlimited distances without refueling, and, since she does not carry propulsion fuel, there is more room in her hull for aviation fuel and other combat supplies. To my mind, the advent of nuclear power makes the future of the carrier even more promising and the case for continued construction even more compelling.

I have had it proven to my satisfaction that a carrier, because of its mobility and toughness, is at least as survivable in a general war as a foreign land base, which is at a fixed point—easily targeted by missiles as well as aircraft. Likewise, I am convinced that, in other limited kinds of wars, the carrier is less vulnerable, since it is not subject to ground attack (as in Viet Nam, where hundreds of land based planes were destroyed or damaged by mortars) or captured (as in Korea).

Vulnerability, as well as high costs, are generally cited in criticism of the carrier in absolute terms without comparison to alternatives. All forces are vulnerable in wartime. We must buy the most survivable forces we can.

Everything we buy for defense, including our manpower, is expensive but, if we want adequate defense, we are obligated to buy the best. These days, if we don't have the best, we haven't much of anything.

COMPARATIVE COSTS

Carriers are expensive, but it is a delusion to think that, because a carrier's construction costs are so visible in the President's budget and are ten times that of a one runway airfield, land-based tactical air costs to the taxpayer are less than sea-based tactical air. Even if it were more expensive to have sea-based tactical air (not true) we would still need lots of carriers and carrier-based air wings, because we don't have any choice. We simply cannot bring enough land-based tactical air to bear on the areas of potential conflict either to deter the threat now existing there, as in Europe and Korea, or to deter new threats of aggressive activity in other areas, due to new wars of national liberation or open conflicts between nations. But the fact is, that on a weapons system basis, carriers are not relatively more expensive.

Each land-based tactical air wing and its basing system costs about the same as a carrier air wing and its basing system. This year the cost is about $500 million per wing in average annual overall procurement, operation, maintenance, direct and indirect support costs. This is one of the hidden aspects of the defense budget not revealed by comparing large item and small item procurement costs. But it is revealed by examining records of the Department of Defense and applying a "board of directors" technique for examining the unit-cost of production, as in a manufacturing plant. By this method, one avoids the tunnel-vision errors of comparing only one piece of equipment with another.

The aircraft for both wings perform about the same and have about the same combat effectiveness. This means to me that the relative cost effectiveness of the two systems depends strictly on the relative effectiveness of the two basing systems in getting enough aircraft to the right place at the right time.

We say we buy armed forces to deter aggression. We have maintained them in a forward posture for the same reason.

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FORCES DETER WAR

What then is wrong?

It can't be the simplistic suggestion I have seen in scanning the news: that having our forces in a country or near it provokes war.

That is clearly specious. Our forces in Europe have successfully helped preserve peace in that area. This is also the way it has worked in Korea, since the end of the last war there. Whether it will continue to work there, if we lose our foreign air bases in Okinawa and Japan, is open to question. Personally, I doubt it, unless we make it obvious that more sea-bases are covering that area.

As I reason it, we may have thought that we had about enough total tactical air capability through the years. Obviously there were times when we did not, or we had the wrong kind. The answer must be (a) it was not flexible or distributable enough geographically (b) the lack of adequate numbers of land bases to affect the area of aggression was well known to the enemy and (c) the sea-based proportion of our total tactical air strength was inadequate. If the latter proportion had been higher, our total tactical air flexibility and distributability would have been greater. It might then have been enough to deter.

Where we did have enough tactical air, locally or credibly available, deterrence has worked in many instances, e.g., the Quemoy and Lebanon crises. Apparently, when there were sufficient carriers available, in the vicinity or directly at the scene and our stated intent to use the forces, if necessary to prevent further aggression, was unequivocal we won.

"NO MORE VIETNAMS"

There are lessons here: Where the quality of our posture forces has been high, and the credibility of our intentions unmistakable, we have prevented open conflict; where the number of carriers available made our tactical air posture adequate to the threat, deterrence worked; where either the force, or our will, has not been believed adequate by the enemy, war resulted.

President Nixon has said that this country wants "no more Viet Nams." This is a popular theme, but Mr. C. L. Sulzberger of the New York Times wrote recently "since it is already announced (by the Communists) that other 'Viet Nams' elsewhere are being planned, it is high time we studied the significance to ourselves of this approach."

There is no doubt that the future holds many uncertainties. Soviet Russia is expanding into the Middle East, South Asia and Africa—their progress paced by a rapidly growing Navy and Merchant Marine. Both are of high quality. The nuclear deterrent—or a detente—does not foreclose other wars; it hasn't and the probabilities are it won't. There are now several open conflicts in the world and several others apparently heating up.

We cannot expect to be clairvoyant about which crisis will demand our use of power in the future, or where it will occur or what kind of conflict it will be.

Our task, in protecting our political, economic and moral integrity (our security) in the face of these uncertainties is, I believe, to take coordinated political, economic and military steps to head off future "Viet Nams," *before they occur*. The military step is to develop strong armed forces of sufficient credible power and flexibility to deter preparatory or final military acts leading to this kind of war. Responding to it, after it has started, is like jumping into the fire to put it out. And that follows the enemy strategy.

President Nixon says—"no more Viet Nams." I believe we can do it, if we properly organize our forward posture deterrent forces. The only kind of war we want is the war we deter from happening.

TWO NECESSARY STEPS

I feel there are two important things we must do to refresh the forward posture of the U.S. for this kind of deterrence.

(1) We should establish, where we don't have it, a strong naval presence—at least on a rotational basis—in the strategic areas of the world's oceans. This means, in my opinion, that at a minimum, we have strong naval forces in the Indian Ocean, with a couple of aircraft carriers to insure air superiority over Soviet missile ships, able to control the strategic ocean areas there.

(2) As our foreign bases continue to decline, we should gradually increase the naval deterrent presence in those areas. The main problem today in maintaining a forward strategy posture is the rapid shrinkage in the availability of fixed land bases overseas. In 1953 the United States had rights to over 551 bases, 120 of which were air bases. Today, we have a total of 173, including about 35 air bases. The curve continues downward. We need them for control of the air to protect and support our foreign-based troops. If this country is to have adequate overseas air power, whenever it is needed, we need not only enough airplanes but *an assured base structure* on which to deploy them.

I believe it is safe to assume that we shall continue to lose our oversea bases, whether through our own decisions to reduce permanent in-country forward deployments or through political eviction.

We have recently suffered eviction from our extensive, carefully constructed, base network in France, which cost us billions. This resulted in further crowding of base and support facilities in Germany and England. Base rights are tenuous now in Spain, Libya, Japan, Okinawa, Philippines and Thailand. When we cease combat operations in South Viet Nam, we shall probably abandon most, if not all, of the air bases we constructed there. In the 1970's, we could be reduced to an *assured* foreign base structure in Europe with sufficient capacity to support about five tactical air wings at the most and in the Far East about three air wings at the most. My point is that, short of an actual combat situation, the maximum *assured* build-up capacity of the available land bases would total about seven to eight air wings. Severe over-crowding of base conditions would result.

OVERFLIGHT RESTRICTIONS

Nowhere else in the world (except at Panama and Guantanamo) do we *now* have a tactical air base in a foreign country overseas. Nor do we have an assurance of having bases, when needed. Nowhere else can we count on having bases *in advance* of the need to repel actual aggression. But, more important, we can no longer be *sure* of having them where they might help in *deterring* an actual aggression *anywhere else* in the world.

Further complicating our responses to crises, by shifting aircraft from land base to land base—even in areas where we may continue to have foreign bases—is the increasing problem of overflight rights and restricted operating rights. These were problems I tended to overlook until I saw all the difficulties our Air Force had in responding to the Lebanon crisis a few years ago. These serious problems are getting worse. Increasingly, nations are becoming unwilling to permit flights of military aircraft across their sovereign territories, or to permit U.S. aircraft operating from bases in their countries, to conduct flights to other countries. Only on the oceans, does freedom of overflight parallel the freedom of the seas.

All this compels careful reorienting to an out-of-country sea-basing of air wings, by increasing the proportion of tactical air wings that are sea-based to reinforce our forward strategy. This in turn will project a much more convincing image of a flexible deterrent forward posture than if most of our control-of-the-air forces were based on land.

Carrier task forces, on the other hand, have convincingly shown an adequate response to crises. Sufficient such forces thus give world-wide substance to our forward strategy. Their response time is no problem and, of even greater importance they can "respond" *before* the crises occur.

Our problem, today, facing an unstable future with the likely prospect of more "Viet Nam" type crises, is that we do not now have a sufficient proportion of our tactical air based at sea so as to deter them where they are likely to occur.

WE ARE MIXED UP

On this score, be it in terms of dollars or readiness we seem to be all mixed up in the order in which we plan to apply force to an unexpected situation or crisis. When we consider areas where we do not have forces in place, it appears to me, our planning is disorderly. Perhaps our recent predilection for land basing in foreign countries overseas needs a thorough review. In the past there has been too much of an overtone of land-bound strategic thinking, rather than strategic maritime thinking.

In any case, I get the distinct impression that what has occurred, and what we are planning for in the event of a crisis, is a race between the Army, Air Force and Navy-Marine Corps to get there first. Now possibly we might eventually, in a given situation, require all services to be there. But to plan for all to arrive at the outset is, in my humble opinion, disorderly.

I feel we should again get our signals straight. If we need a quick show of strength, and for a variety of other reasons, we have Marines. And we have carrier forces for that purpose to provide air cover and air support if needed. We already have such sea-based forces in the Mediterranean and in the South China Sea, for example. When we consider a forward strategy posture for deterrence, these are the sea-based forward posture forces. That is where they fit now, and that is where they should fit in the future. Properly postured they deter. Properly advised of a growing tension, they can draw closer to the scene. For purposes of diplomacy, they can be used in a variety of ways to prevent a new potential crisis from boiling over into actual conflict. But if it should and the Marines land to assist they don't necessarily have to be based in the country they are helping.

Therefore, especially in the critical initial stages, that kind of force can be controlled in an orderly and positive way, like tap-water—on or off—and there and ready for use. This gives great latitude and flexibility to our government in responding to the political, military, economic and psychological aspects of a crisis. Embarked Marines and carriers are our best crisis force. Properly deployed in strategic ocean forward areas they become convincing deterrent forces. If a crisis occurs of longer than temporary duration, the next logical step is to consider more Marines and possibly the Marine air wings. The last step should be a commitment on the ground of Army forces and Air Force tactical air wings when action clearly will be prolonged.

Quick reaction Army and Air Force units can be clearly ear-marked for the crisis reinforcement of any permanent forces already stationed in foreign countries, e.g., NATO, Korea, but not for initial crisis response in other places. Because foreign bases are not adequate to support all the crisis requirements for tactical air even in those areas, the mobility and flexibility of our fleets become mandatory in meeting fast developing threats. By getting the signals straightened out and orderly planning restored, considera-

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ble savings in research and development will accrue, even with an increase in maritime R and D.

The subject of savings brings up an interesting point. In the studies I have seen, the kind of quick response tactical air deployment capability the Air Force needs for just one air wing would cost about three to four times as much as buying and sending an aircraft carrier with its air wing to the same crisis area. And this is just the mobility costs, not the costs of ferrying the land based tactical aircraft to the scene, not the costs for base rights or any others. The higher costs are due to the fact that such a quick-response would require assigned airlift which must be charged to that response capability.

If these costs were looked at from the standpoint of mobility readiness for ten years to respond to just that one crisis, the cost of a Nimitz-class carrier and its ten year operating expenses would be over $900 million; the similar mobility costs just for new airlift aircraft necessary to deliver all of one Air Force tactical air wing's required operation and maintenance supplies to the same place (9,000 miles away within 15 days) would be over $3 billion.

I do not suggest that we cease and desist in the improvements now underway to decrease reaction time in deploying Army forces and tactical air units. But I believe that those assets should be dedicated primarily to increase our response time in reinforcing our permanently deployed forces at assured bases in Europe or in South Korea (or wherever).

PROPORTION OF AIR WINGS

We now have in our Navy and Air Force a total equivalent of 40 tactical air wings. Sixteen are allocated to the Navy and 24 to the Air Force. I think that, for the time being, we should consider that total number fairly firm, in view of the threats as I understand them, even post-Viet Nam.

But, on the basis of present world realities, shouldn't we change that proportion? Since 70 per cent of the world is ocean, carrier-based air wings can cover 85 per cent of the land area of the world (excluding the United States and the USSR) while the land-based wings can now cover only 20 per cent from the land-fixed bases. Soviet aircraft can intercept our vital air and sea lines of communications along many ocean-crossing routes, which are undefendable by our land-based aircraft. Also the Soviets are expanding into several strategic land areas, which are the likely scenes of future "Viet Nams." All of these factors, plus the increasing presence of the Soviet Fleet in all the strategic ocean areas of the world, could add up to a compelling argument for a requirement for 27 carriers. This could reduce the Air Force proportion of air wings to 13.

However, I think a more prudent approach would be to plan that, post-Viet Nam, the Air Force should be allocated no more than one tactical air wing for each standing Army division fixed at the pre-Viet Nam level of the Army, and, in general, should be located so as to provide mutual readiness and training of the division and the wing. Every soldier deserves the very best close air support he can be given. Constant division/wing team practice is necessary to assure that, as the Marine Division wing team experience has proven. The remainder of our tactical air should be planned for flexible sea-based deterrence of conflict situations, through regular deployments in all the strategic ocean areas, including, the Mediterranean, as now; the North and South Atlantic; the North and South Pacific and the Indian Ocean.

It is my conviction that the majority of American people understand the need for strong armed forces. I don't believe they want us to disengage from the real world. But, what they do not want is a repetition of any blunders that may have helped get us deeply into two agonizing wars in the last 20 years.

Reason and common sense tell us that what is needed now is a more rapid program for procuring new nuclear carriers—not further deferrals of modern ship construction.

If we take action soon toward this urgently needed reapportionment of our tactical air wings, we may well be of greater service to the people of this nation in two ways:

1. We will have taken positive constructive action toward preventing more "Viet Nams," while actually strengthening our security.

2. We will have made it evident that, in this action, Congress has remembered the past and doesn't intend to repeat it.

PELLY URGES REVOCATION OF UNITED NATIONS ECONOMIC SANCTIONS AGAINST SOUTHERN RHODESIA

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, the Department of State has informed me it would be inconsistent with our obligations under the United Nations Charter to begin trading with Southern Rhodesia because of the sanctions against that country into which we entered in the U.N. and which were promulgated by a Presidential Executive order on January 5, 1967.

However, Mr. Speaker, allow me to speak of inconsistencies of a related but separate nature; that is, those demonstrated by our Department of State with regard to Southern Rhodesia.

The United States today is purchasing chromite from the Soviet Union at a price of $48 a ton as compared to the prevailing price of a few years ago in Southern Rhodesia of $31.35 a ton. Inconsistency No. 1. Why should we buy from the Soviet Union at an inflated price when we can buy from Southern Rhodesia at a lower price? The answer given by the Department of State, in addition to that of our sanctions, is that the Soviets produce a higher grade chromite and the Rhodesian price probably is higher today.

Well, despite increased prices and a small differential in grade, Mr. Speaker, how inconsistent can it be when you use American dollars to purchase from a country that is supplying upward of 80 percent of the military equipment being used in Vietnam to kill American servicemen when, instead, the same product could be purchased from a country that has never been responsible for the death of one U.S. citizen?

The stated purpose of the sanctions is that they are designed to lead the Smith regime in Southern Rhodesia to agree to a peaceful negotiated settlement with the United Kingdom.

Inconsistency No. 2. We are taking the side of a nation whose flagships are carrying materials to North Vietnam during the time of a tragic and trying conflict in that part of the world.

The "unstated" argument is over Southern Rhodesia's internal racial policies. This is not intended to condemn or condone the policy of the Smith government, but only to reach inconsistency No. 3; namely, we refuse to trade with Rhodesia while we trade with Russia which has exercised violent anti-Jewish policies as has been so dramatically pointed out in this body in recent days during the Jewish high holiday season.

Mr. Speaker, if there is inconsistency it is in the State Department, not in what would happen if we revoked our participation in the United Nations sanctions against Rhodesia.

We should remind ourselves it is the constitutional obligation of the House of Representatives to regulate trade. I fully realize that by the Import-Export Control Act, Congress delegated to the President the authority to regulate trade in the interest of national security, but it was never intended to promote international civil rights such as was done by President Johnson against Rhodesia. This act was intended to halt trade in strategic materials and when there was a question of national security, and Mr. Speaker, I see absolutely no way in which Rhodesia can be considered acting against our national security.

It is for these reasons that this day I have done two things. First, I have written President Nixon urging that he issue a new Executive order revoking President Johnson's previous Executive order declaring that further study indicates that it is not essential to our national defense to remain on the U.N.'s list of nations with sanctions against Southern Rhodesia. Second, I have introduced a joint resolution of Congress calling for the end of sanctions against Southern Rhodesia.

Mr. Speaker, the inconsistencies of policy as exercised and stated by our State Department are inexcusable and sheer folly. It is no wonder our great Nation has slipped in world opinion in recent years.

TENNESSEE WALKING HORSES SHOULD BE PROTECTED AGAINST ABUSE

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, may we, for a moment, talk about horses? In recent weeks, thanks to the Nation's press, it has come to the attention of all of us that some of our citizens are still living in the days of bear-baiting and dog fighting.

Mr. Speaker, a beautiful breed of animal with a wonderful name, the Tennessee walking horse, is being tortured and ruined with the cooperation of many unscrupulous trainers and show ring judges.

The hundreds of Tennesseans who breed and own Tennessee walking horses, who love this magnificent animal, have either given up the show ring entirely or else suffer almost insurmountable disadvantages in competition, due to the unscrupulous actions of those members of the show ring circuit who mutilate the feet of their horses to produce an artificially high gait in the show ring.

I want to serve notice that I am declaring my own personal war on this

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evil practice, and its practitioners. Especially as a Tennessean, it makes me so mad I start boiling every time I think about it.

Certainly Federal law is not designed to curb minor practices of a local nature, but the horse that bears the name of our State is being shown in circuits throughout the country and I think it is a reflection on all of us in Tennessee if we do not support an effort to stop this brutal practice.

When I was a youngster at the rodeos in Texas, the mark of a shyster promoter was to place burrs or tacks under the saddle to make horses buck more fiercely. There was no law against it at that time, but this practice was frowned on by all legitimate operators even 30 years ago.

I see no difference in today's handlers who make the ankles of his prize animals look like raw hamburger and the fly-by-night rodeo promoters of my boyhood who put tacks under the saddles.

I am particularly concerned about the thousands of lovers of Tennessee walking horses throughout our State and Nation who refuse to participate in such practices and, therefore, either have abandoned the show ring or any automatically placed at a serious disadvantage. This practice allows an unskilled fly-by-night trainer to accomplish, with pain, what a skilled trainer might take many months of hard work to do with patience and care.

In introducing the legislation to prevent this practice in interstate commerce, I am hoping we can start a wave of public revulsion that will cause the practice to be abandoned immediately and make my legislation totally unnecessary. As a Tennessean who rode a horse before he could walk, I believe the beautiful animal that bears the name of our State is well worth saving.

GALLAGHER WELCOMES FEDERAL TRADE COMMISSION INVESTIGATION OF WELCOME NEWCOMER

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I am pleased to learn today that, according to the Washington Daily News, the Federal Trade Commission is looking into the practices and procedures of Welcome Newcomer. Since my Special Subcommittee on Invasion of Privacy initiated congressional consideration of credit bureaus and credit reporting firms, I have been closely following press reports and actively developing additional information. Jonathan Cottin's pioneering series of articles in the Washington Daily News disclosed disturbing aspects of the use of Welcome Newcomer to gain data for the credit bureaus with which they are affiliated.

As pleasant and as useful as such visits frequently are, it appears that a call by a hostess sets in motion a scurry of personal information which the individual may have little knowledge and no control. This is illustrated by a case in my files of a naval commander. Although his wife specifically told a Welcome Newcomer hostess that the family did not use credit, shortly after and as a direct result of her visit, unwanted and unsolicited credit cards appeared in the family's mailbox.

Mr. Speaker, a major point in my continuing privacy investigations is that the individual citizen must be able to limit the spread of personal data about himself. I contend that this is a legitimate expression of deep psychological needs which are essential to the development of both the private personality and a stable society.

I also agree with the opinion by Supreme Court Justice Douglas in Griswald against Connecticut that the Bill of Rights to our Constitution creates "zones of privacy." I term these areas of personal autonomy "the intellectual imperative" and I believe that they are a crucial ingredient in the continuation of American political democracy.

Mr. Speaker, at this point in the RECORD I insert the article mentioned earlier from the Washington Daily News of September 29, 1969. I also insert an article which goes into some depth about the activities of Welcome Newcomer which comes from the May 14, 1969, issue of the outstanding publication directed to the computer community, Computerworld:

[From the Washington Daily News, Sept. 29, 1969]

DAILY NEWS SERIES TRIGGER: FTC TO PROBE WELCOME GROUP

(By Jonathan Cottin)

The Federal Trade Commission, acting in response to articles in The Washington Daily News, has begun looking into operations of Welcome Newcomer, a neighborhood greeting service with branches thruout the nation.

Altho FTC policy requires that officials refuse comment on agency inquiries, the regulating body's Bureau of Deceptive Practices has questioned The News about the stories that began appearing March 19 and which set off a wave of reaction on Capitol Hill.

An FTC investigator requested detailed information from The News about the Welcome Newcomer affiliation with Associated Credit Bureaus, Inc., a connection which figured prominently in the original stories.

Welcome Newcomer, whose telephone number is the same as the Associated Credit Bureau office here, offers merchants, for a fee, information on the lives of new residents.

The data, collected by friendly hostesses who dispense gift coupons and friendly chatter, is funnelled to the Associated Credit Bureau, which has nationwide facilities to check out each new family's credit by contacting their previous town of residence.

If the credit check indicates the family is a good risk, credit is transferred to the new city, according to Edward F. Garretson, spokesman for the local Associated Credit Bureau.

The FTC's Bureau of Deceptive Practices expressed particular interest in whether the newly arrived housewife is told by the Welcome Newcomer hostess that the information she provides will be used as the basis for a credit check.

While Mr. Garretson has maintained all hostesses are instructed to explain the reasons for the questions, many housewives contacted said the Welcome Newcomer hostesses failed to detail the reasons for the personal questions.

All new arrivals are asked names of family members, address, ages of husband and wife, occupation, previous residence, whether the home is owned or rented, make and model of car, religion, phone number and what the family says it needs.

On March 20, chairmen of the House Privacy Invasion subcommittee and the Senate Anti-Trust and Monopoly subcommittees announced fact-finding investigations into Welcome Newcomer to determine if there are violations of individual privacy.

The Senate and House probes also covered the operations of Welcome Wagon, another greeting service which maintains it does not collect or make available credit information about new families.

No results of these staff investigations have been revealed.

Rep. Cornelius E. Gallagher, D-N.J., in a floor speech March 20, said the practice of "hiding under the skirts" of a greeting service "in order to gain personal information about the living habits of Americans is a dishonorable and disreputable business."

[From Computerworld, May 14, 1969]

CREDIT BUREAUS USING "PRIVATE EYES": GALLAGHER—HOW INFORMATION IS GATHERED AND USED

(By Joseph Hanlon)

WASHINGTON, D.C.—Private investigators are being used by a computerized credit bureau to gather information, charged Congressman Cornelius E. Gallagher (D–N.J.). Gallagher is chairman of the Special Subcommittee on the Invasion of Privacy, and has been particularly concerned about computers and privacy.

"Credit bureaus are hiding behind the skirts of Welcome Newcomer hostesses to gain personal information about the living habits of Americans," charged Gallagher. "By using the subterfuge of welcoming new people while disguising their true data-gathering purpose, the employers of these ladies are clearly invading the traditional privacy of the American home."

Washington Credit Bureau Manager Edward Garretson's contention that information given to his Welcome hostesses was "very much akin to what a guy tells the corner bartender," was commented on by Congressman Gallagher:

"When you fall off the wagon, you may tell a lot to the bartender in the wee small hours, but it stops there. But when you fall off Mr. Garretson's version of Welcome Wagon, you fall into a fishbowl where any subscriber of the 2,200 ACB member bureaus can learn your family's innermost secrets."

Congressman Gallagher has denounced the Welcome Newcomer service as being an invasion of privacy. Here is a description of the service concerned.

Like the better-known Welcome Wagon, Welcome Newcomer greets the new resident, gives him gifts from local merchants, and gives local merchants information on the new resident. But Welcome Newcomer provides another service: It gives the local credit bureau information which enables it to build a file on the newcomer.

Welcome Newcomer asks two sets of questions. Answers to the first set are printed and distributed to businesses and churches that subscribe to the service. These questions ask for: name and birth date of husband, name and birthday (not date) of wife, wedding anniversary, number of children, husband's employer, religion, make and year of automobile, list of oil company credit cards, and if home is owned or rented.

Answers to the second set of questons are turned over to the parent credit bureau, but are not sent to subscribers. These questions ask for: previous address, previous employer, and names of stores with which the family had credit.

According to Patrick Rheaume, vice-president of Chilton Corp. here (owner of Welcome Newcomer and 40 credit bureaus), this information is not entered directly into a person's file. Rather, it is sent to the credit bureau in the city where the person lived previously, and that credit bureau undates the file and forwards it. Rheaume admitted that some credit bureaus automatically obtain files on new residents, whether or not the person requests it.

INFORMATION USE NOT CLEAR

Rheaume declared that "it is made very plain to newcomers that the information is being asked for merchants." But it may be less clear that the information goes to the credit bureau, too. Rheaume conceded that not all of those interviewed realized that the information goes to the credit bureau, and he claimed only that "in a majority of cases, the newcomer knows why he is being asked these questions."

COMPUTERS ARE INVOLVED

The Dallas credit bureau, which operates a Welcome Newcomer service, is one of two that have computer installations intended as prototypes for the credit bureau industry [CW, Mar. 19]. Rheaume stressed that information gathered by Welcome Newcomer hostesses was not entered directly into the computer. But the report supplied by the credit bureau in the person's former city is entered into the computer, and the data supplied by the hostess plays an integral part in obtaining that report.

Rheaume explained to *Computerworld* that the newcomer's former address and the name of his former employer (obtained by the hostess) were used by the credit bureau in the person's former city to identify him. The list of stores where the person had credit may include listings not known to that credit bureau, and enables it to compile a more complete file.

The Dallas credit bureau Credit Bureau Services, is owned by Chilton Corp. Welcome Newcomer, Credit Bureau Services, and Chilton all operate from the same office with the same telephone number (821-7000). All of Chilton's 40 credit bureaus are members of the Associated Credit Bureaus, Inc., according to Rheaume.

He estimates that Welcome Newcomer is operated "in 15 to 20 market areas."

The first disclosure of the connection between Welcome Newcomer and credit bureaus was in the *Washington Daily News*, March 19, 1969. The author of the article interviewed a number of housewives, and in his article said that housewives visited by hostesses "generally indicated no knowledge that the information they provided was going to be sent anywhere."

VOLUNTARY PRAYERS IN PUBLIC SCHOOLS

The **SPEAKER** pro tempore (Mr. EDMONDSON). Under previous order of the House, the gentleman from Ohio (Mr. LUKENS) is recognized for 60 minutes.

Mr. **LUKENS**. Mr. Speaker, recently, a memorandum of the American Hungarian Federation, originating from one of its constituent organizations, the Hungarian Association of Cleveland, reached my desk. It expresses in an eloquent and emotional language the beliefs and anxieties which I feel the majority of our citizens of whatever ethnic descent feel both in my district and in other districts and States of these United States.

The memorandum deals in general with the causal relationship between the decline of public morality and the decline of religious observances. Specifically, the memorandum supports the various constitutional amendments to reinstate prayer in our public schools. These amendments have been introduced and reintroduced in both Houses of Congress since the 1963 decision of the U.S. Supreme Court—*School District* v. *Schempp* and *Murray* v. *Curlett*, (374 U.S. 203, 83 S. Ct. 1560 (1963)).

The American Hungarian Federation is distressed—as we are distressed—by the rise of violence in our national life, the shockingly high incidence of crime in the streets of our great cities, the ever-mounting evidence of lawlessness and intimidation across the land.

Certainly one crucial factor in this process of decay has been the decline of religious observance. Like everything of signficance in life, religion—to be real—must be practiced. The religious rites of prayer, publicly manifest, proclaim to all the nature of our faith and our deepest commitment. A society without religion is unknown in history. Even the most militantly atheistic states—the Soviet Union and Communist China—have been forced to create a kind of secular religion based upon Marxist ideology and the absolute authority of the state in every area of life, in effect to compete with traditional religious faith and practice. Men cannot live in a spiritual void. When God is read out of public life, the false gods of totalitarian ideologies will speedily fill the vacuum.

I speak for those many millions of our citizens who are profoundly disturbed by the decline of religion as a vital factor in our public life and who feel deeply that we of the Congress have a solemn responsibility to act so as to redress this situation.

It is especially appropriate that our special session today is held at what is still a time of mourning for the loss of a great American who never hesitated to identify himself with the cause of religious renewal in America—Everett McKinley Dirksen.

As I have introduced and reintroduced an amendment identical with Senator Dirksen's school prayer amendment both in the 90th Congress and in the present session of the House of Representatives, I would like to take this opportunity to reaffirm the need for such an amendment and commend the American Hungarian Federation for taking this appropriate stand at a time when the sonorous voice of the great orator is dead. I also want to expound the necessity and utility of amending the decisions of the Supreme Court which had produced so many ill aftereffects.

I share the feeling of the memorandum from the Hungarian American community that—

> The waywardness of a frightfully large percentage of American youth is the direct result of the lack of teaching of religion and/or ethics in our public schools.

The loss of faith in God, in ethical values, and in civilization itself inevitably corrodes the integrity of public and private life and leads from chaos to some form of imposed order by dictatorship.

I believe that it is not too late to arrest this process in our beloved land and to draw upon the immense resources of good will, humanity, and religious belief present in the great "silent mainstream" of America—men and women of every race and creed who share the concerns we are gathered here today to express. In the words of the memorandum:

> A well-balanced society cannot be uprooted by senseless rioting, so long as it remains morally strong and united.

Such moral strength and unity must find their expression in those public manifestations of faith which bear witness to our deepest beliefs and our abiding commitments. The pervasive influence of religion in our schools and in society generally has been symbolized by the practice of prayer and the reading of the Bible, with its insistent proclamation of divine law in human life. The fruit of such faith, we believe, will be a greater social conscience and moral awareness from which a truly law-abiding citizenry may derive inspiration.

Ultimately, religious and ethical teaching and instruction must rest with the family in the home as well as in church and synagogue. The recognition of this fact, however, does not preclude our acting in this body to implement the will of the people with regard to constitutional change as advocated by the late Senator Dirksen and many other distinguished Members of the Congress including myself. By so doing we may well give new direction, new energy, and new hope to all who seek to restore in this land that respect for the due processes of law and order without which no society can endure.

But this desirable goal can only be attained if the Government fulfills its first obligation: to insure the safety and security of all, and to create and maintain an atmosphere in which men may live and work without fear. This means that the execution of justice must be fair, and concise.

Yet decisions of the Supreme Court of this date provide no clarity of the basic interpretation of the first amendment. The Court seemed to have rejected the "neutrality" doctrine, that is, that the first amendment only requires that government be neutral among religious bodies and, therefore, laws of benefit to religion are constitutional when the benefit is extended on a nonsectarian basis. Yet the Court failed to define clearly the limits of permissible state activities along the line of the enforced separation of state and church. The Court only committed government to studied neutrality with respect to religion while government attempts to fulfill its numerous delegated, implied, and reserved secular responsibilities—*Everson* v. *Board of Education*, 330 U.S. 1, 52 (1947). It is reasonable to assume that the first amendment is not concerned with awarding nonbelievers with the right to constrain government from acts which lend its approval to religion on a nonsectarian basis.

The U.S. Congress, during the last 15 years, gave ample evidence of such a constitutional view. In 1954, the phrase "under God" was inserted in the Pledge of Allegiance—36 U.S.C. par. 152 (1958). In 1956, "In God We Trust," was adopted as the national motto by a joint resolution—70 Stat. 732. In 1955, "In God We Trust," first authorized for imprinting on coins in 1865—13 Stat. 517, 518—was prescribed for all money and coins—69

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Stat. 290. In 1952, Congress memorialized the President to proclaim a National Day of Prayer each year—36 U.S.C. par. 185. We certainly should continue in this fine tradition by allowing prayers in space vehicles and by approving the constitutional amendment providing for voluntary school prayer in order to return the Bible, the cornerstone of our Judeo-Christian tradition, to its proper place in the schools.

Would this amendment interfere with the establishment clause of the first amendment? In my opinion, it would certainly not. The substance of the amendment consists of the right of persons to engage in nondenominational prayer in a public building supported in whole or in part by public funds.

The crux of my amendment consists of leaving the decision to the community itself, that is, to the local school board. If there exists a sizable minority in the locality, it could work through the school board to prevent what the Supreme Court now calls discrimination against nonbelievers—*McGowan* v. *Maryland*, 366 U.S. 420, 465 (1961). There is no need to deprive the youth of this Nation from an opportunity to pray in the schools because of the objection of tiny and usually geographically localized minorities, and to convert local issues into nationwide decision with unforeseeable consequences.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman.

Mr. PATTEN. Mr. Speaker, I would like to note that the largest mail I have ever received in the Congress in the last 6½ years, well over 10,000 letters have come from my constituents who are disturbed with the feeling that their children are not getting some spiritual training in our public schools.

In the last few years I have sat down with members of our bar association and we have discussed the Supreme Court decision and possible amendments. I have met with leaders here in Washington of our three main religious groups—the National Council of Churches, the Catholic bishops, and the Rabbinical Congress—and many of use were hoping as a result of these conferences we could have an amendment to the Constitution that would not offend freedom of religion as we would like to have it and that would not cause an uproar throughout the country.

Now in my State we used to say the "our Father" and the 23d Psalm at the opening of school every morning. Even when I was teaching school, I found that many different groups objected. I well remember the State house in 1953, 1954, 1955, and 1956 when the Governor was always beset by this problem. When I mention objections, I am not including any atheists or nonbelievers in that category—but Seventh Day Adventists and different groups who found some objection to the particular prayer, even the "our Father" or the 23d Psalm.

It has always been a very difficult matter and I would like to say to the gentleman and to the sponsors of this resolution that the people of my district would like to feel that their children can receive some moral training. I know they would appreciate it if the Members of Congress could see their way clear to adopt an amendment so we could arrive at that end.

I think if we stay with it and think enough about it, we ought to be able to come up with something. I think there is no doubt that 90 and some odd percent of the people in my district would like to have prayer in the public schools.

I thank the gentleman for yielding.

Mr. LUKENS. I thank my colleague from New Jersey for his comments and joining in this movement to support religious observance. There is no doubt about the concern of the average American, and certainly the Members of this body, in the fact that we have lost a great deal of our integrity, our concepts and concern—if you will, public attention to morality and public attention to integrity. We find that with the concomitant decrease in attention to and concern for public religious observances, whether in high school, grade school, or any other public gathering, that we see ourselves drawn further and further apart from those things that used to be basic and intrinsic to the American way of life.

Surely we have seen a rise—and I endorse the rise—in the amount of individual freedom and expression allowable under recent Supreme Court decisions, but there is no doubt that every time an individual gains a right or increases the amount of a right against the system of morality, morality loses something. I am glad to have had a Member of your distinction join in support of this endeavor.

I call upon the Judiciary Committee to report on the constitutional amendments submitted to it in order to stem moral decay and to insure that the moral fiber and patriotic devotion of the next generations should equal those of the past. This legislation obviously is not perfect, but we here in Congress, I think, should honestly try to represent the wishes of the majority of our constituents who, I believe, wish to see some action taken toward a fair solution of the problem of the people who would like to see a voluntary religious observance reinstituted in our public schools.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman from Florida.

Mr. CRAMER. I congratulate the gentleman in the effort he is making on the resolution he and others have presented for a number of years after Supreme Court decisions came out relating to prayer and Bible reading in the schools. Many of us who were then on the Judiciary Committee tried for a number of years to get the committee interested in the matter, and to hold proper hearings on the matter. Certainly there is no issue facing this country today, or problem facing the country, that deserves the attention of the Committee on the Judiciary more than this one does, and yet it has been kicked under the rug year after year. The committee is not giving proper attention to it.

I had the privilege of visiting with the distinguished and recently deceased minority leader in the other body on a number of occasions on the subject of the prayer amendment. The gentleman is absolutely correct. In my opinion, the Congress has the duty to the American people to have this matter considered in full by the Congress, and it is my opinion that the Congress should vote out a constitutional amendment so it can properly be considered by the respective legislatures, or in the alternative by the people themselves.

Mr. LUKENS. I thank the gentleman from Florida.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I thank the gentleman from Ohio, who has brought to the attention of the Congress something that is on the minds of many people throughout the country. I think it is a very much misunderstood issue. But there is one thing that I do want to admonish the gentleman and all of the Members of the Congress: Under no circumstances do we want to advance something that will infringe on the basic religious liberties of the people of this country, because that is one of our cherished freedoms.

The gentleman is focusing attention on this particular situation. We want to see an influence on our children that will be associated with voluntary prayer. But we certainly must make certain that it is consistent with religious liberty at its best.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Speaker, I wish to commend the gentleman for expressing his concern, which obviously is the concern of many people in this country. The gentleman from Florida (Mr. CRAMER), to whom the gentleman from Ohio yielded a moment ago, pointed up the fact that the Judiciary Committee did wrestle with this question for a considerable period of time, and the problem was always what the format would be, or what the formula might be as to what prayer might be desirable and not offensive.

At that time I recall testifying before the Judiciary Committee as to a point I thought might be a happy compromise, since, obviously, we were all quite concerned with the issue.

That idea would be to adopt the Quakers' attitude on this moment, which would be for a moment or two of silent prayer or silent meditation at the beginning of the school session. Those who found that uncomfortable could silently cheer Mrs. Murray, who brought about in the first place the decision of the Supreme Court banning prayer.

This has been an issue that has troubled many people for a long period of years. Once again, I hope, if we do arrive at some way of expressing the concern of millions of Americans throughout the country, that we might adopt the silent prayer or silent meditation approach. In that way I feel it would not be unpleasant to anyone, and hopefully each could silently express his belief in God or some silent communication with God, or, as

I say, reject the whole idea and sleep for another moment or two.

Mr. Speaker, I compliment the gentleman for taking this time to speak on this subject. However, the essential issue remains that in public school we cannot force anyone to accept another's concept of God. Everyone must have the right to follow his beliefs or nonbeliefs according to his own individual conscience. This is the essential issue of the Supreme Court decision on prayer in school.

Mr. LUKENS. Mr. Speaker, as a Quaker, I am somewhat reluctant to press that particular point of view upon others. However, I do think it offers some potential. It offers an approach to some method of religious observance which ought to be investigated by the committee, and there is some concern that we have tended to eliminate some exposure for young people through daily prayer in the schools. The fact is that many people in this country still believe in God and express it through some daily observance. It is a source of dismay to many that we have lost our source of exposure daily for our young people.

There are many who respond by saying that the children should find that exposure at home or in church and that this prayer does not belong in the school. However, the public school system is really the last resort for many young people as far as religious exposure. But I think some kind of observance should be occurring there.

Mr. GALLAGHER. Mr. Speaker, I think the gentleman is performing an extremely useful service here today.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Speaker, I join with the distinguished gentleman from Ohio in the remarks he is making. I think he is performing a useful service to this body and to the country in effectively and forcefully bringing this matter to our attention today.

As one Member of this House who has, during the last three or four consecutive Congresses, introduced a concurrent resolution which would provide for a constitutional amendment to permit voluntary prayer in schools, I am delighted to see the gentleman from Ohio and others rekindle the fires that many of us started several years ago.

I am sure the gentleman is as interested as I was in reading a few days ago about a school in New Jersey, which, at the beginning of classes each day, would read from the most recent Congressional Record the prayer with which each session of the House of Representatives is opened. I think it might be quite interesting to let the Supreme Court decide whether a class in a school could legally read the prayer which is offered in the House of Representatives each day that we are in session.

I remember distinctly that, just a day or so after the unfortunate Supreme Court decision prohibiting prayer in the schools, a resolution was promptly introduced and adopted which called for the placing of the words "In God we trust" in this Chamber directly above the Speaker's chair. I think that the message carried not only through this building, but also throughout the country. That message was that, even if the Supreme Court saw fit to prohibit prayer, the House of Representatives of the United States of America renewed and reaffirmed our belief in Almighty God and that in Him we place our trust.

Mr. LUKENS. Mr. Speaker, I thank the outstanding gentleman from Georgia for his timely comments. Certainly I appreciate his support.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, I support the resolution offered by the gentleman. I am sure hundreds of people in the Eighth District of North Carolina will be happy to learn of the effort being made in this House to return prayer to the public schools.

Mr. LUKENS. Mr. Speaker, I thank the gentleman for his comments.

Mr. BROYHILL of Virginia. Mr. Speaker, I join my good friend and colleague, the Honorable Donald E. Lukens, in expressing support for the constitutional amendment which has been before the Congress for many years, which would restore to the children of this Nation the right to make reference to belief in, reliance upon, or to invoke the aid of God or a supreme being in the public schools of this Nation—a right which was arbitrarily and capriciously denied them by a misguided U.S. Supreme Court during the course of two decisions in 1962 and 1963.

For two centuries the children of this Nation were taught that our Founding Fathers called upon the Creator of us all for the divine guidance in establishing the United States of America, as they did.

Throughout the years since this Nation was born, our fathers and mothers, and their fathers and mothers before them, were privileged, in the working of our Government; making of public documents; during proceedings and activities; in ceremonies; in schools and institutions; as well as on our coinage, currency, and obligations, to make reference to belief in, reliance upon, or to invoke the aid of God or a supreme being.

But in June of 1962, and again in June of 1963, decisions of the highest court in the land put an end to prayer in our public schools and denied our children their heritage so valiantly protected throughout our history. The decisions also cast a cloud of suspicion over other truths we as a people had long held self-evident—a cloud that has not dissipated in the intervening years.

Mr. Speaker, millions of Americans complained bitterly about these decisions because of their belief that our children, as students, should be afforded the same opportunity to participate in prayer in our schools as was afforded their fathers before them, if they so desired. They demanded action.

The Congress quickly responded to demands for a constitutional amendment to permit voluntary prayers and reading from the Bible, under the able leadership of our former colleague, the Honorable Frank Becker of New York in the House, and of the late esteemed minority leader, the Honorable Everett McKinley Dirksen, in the Senate. Unfortunately, in spite of wide popular support of the people for the amendment, neither the House nor Senate Judiciary Committees chose to act.

After it became apparent that no action was contemplated in the House Judiciary Committee, Mr. Becker, on July 9, 1963, filed a discharge petition, to permit the House to work its will in considering the amendment. The response to the petition . . . more than 180 signatures in a few weeks, indicated the strong sentiment in the House to have the bill considered and reported, and the chairman of the Committee on the Judiciary then scheduled hearings on the Becker amendment and many similar ones.

Although volumes of testimony was taken from interested parties, the committee did not report the bill during the 88th Congress, nor has the necessary action been taken during the 89th, 90th, or 91st Congresses.

The Senate, on the other hand, was finally prodded by the late minority leader into holding hearings and reporting a bill to the Senate floor in 1966, where it failed by six votes of obtaining the required two-thirds vote. Armed with undeniable evidence that the breakdown in morality and alarming increase in criminal activity among our youth dates directly back to the Supreme Court's prayer decisions, Senator Dirksen began again rallying support this year, and prospects for obtaining the required two-thirds vote in the Senate looked most encouraging when he met his untimely end.

Mr. Speaker, I believe each of us, as representatives of the people, are honor bound to restore to our children the right that has been taken away by the rulings of the Supreme Court. These decisions have proved to be an attack on the very foundations of our Republic. And many of the problems we face today with our youth result directly from removal of voluntary prayer from our schools. The result of the decisions has been to remove moral guidance from our children while attending school, and to leave them in a vacuum, void of those teachings of morality and godly virtues we were privileged to receive in school.

Restoration of voluntary prayer in our schools will not be a panacea for all the problems now so evident among our young people, Mr. Speaker, but establishment of this right in our Constitution will be a step in the right direction and will aid greatly in bringing back a sense of morality to the school system which our children need so much.

Although I oppose in principle the use of a petition to discharge the chairman of a committee, I did sign the petition filed by Congressman Becker in the 88th Congress, and I filed a discharge petition for my own identical amendment during the 89th Congress, because I felt, and feel, so strongly that the work begun by Mr. Becker and Senator Dirksen must be carried forth. I hope all our colleagues will keep the possibility of a discharge petition in mind this year, should one become

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necessary to let the House work its will. The first session of the 91st Congress is well underway, the champion of the prayer amendment in the Senate has passed away, and the children of this Nation are daily denied the teachings of reverence and morality they need.

I join my colleagues today, Mr. Speaker, in restating the necessity, the urgency, for action by the House of Representatives in support of a constitutional amendment to help the parents and schools of our Nation to again bring to our children the greatest teachings ever to enlighten mankind.

Mr. MINSHALL. Mr. Speaker, I welcome this opportunity to reiterate my strong endorsement of the constitutional amendment offered by the late Senator Everett M. Dirksen to permit prayer in our public schools. Not only would its adoption be a lasting tribute to a great American, it could well lead to safe harbor a Nation which today is threatened by the high seas of amorality.

One of the finest statements I have read on the present troubled state of public morals has been written by the Hungarian Association of Cleveland with the American Hungarian Federation. These two splendid organizations have issued a concise but outstanding brief for adoption of the Dirksen amendment. I commend it to the attention of this Congress in the hope that action soon will be forthcoming on the proposed amendment:

Memorandum of the American Hungarian Federation

The American Hungarian Federation, in cooperation with the Hungarian Association of Cleveland, considers it its duty to contribute whatever it can to ease the critical domestic situation in the United States.

During the past Presidential election, campaign speakers emphasized the general demand for LAW and ORDER. President Nixon and Attorney General John Mitchell both promise to get relief in regard to the increasing crime rate that outstrips several times the population increase.

Today, the capital of the nation is also a capital of crime. Recent rise in rapes, murders and armed robberies there and in most of our major cities remains unprecedented.

Committees have been appointed even by the President and they ponder possible solutions. Do we need more politics and police, or less lenient judges? No doubt there is a need for all that, but equally important is the enactment of very strict anti-crime laws with mandatory sentences.

Unfortunately the voice of the judiciary in the recent past has been uncertain (hopefully the appointment of The Honorable Warren Burger as Chief Justice will improve the regrettable trend of the Supreme Court in the last fifteen years) and as a result, the courts in the final analysis protect the guilty more than the innocent. Yet the most important function of any government is to ensure and safeguard the peace and security of its citizens and to create an atmosphere in which all can live and work without fear. This cannot be maintained by letting the guilty to go unpunished on procedural grounds. There is an overwhelming need for strict laws and unhesitating law enforcement.

Juvenile delinquents cannot be corrected by suspended sentences and supporting them by welfare payments whereby they are freed from the obligation to work and are provided with the free time needed to smash store windows, vandalize churches and kill people for "kicks."

The stoppage of crime and the punishment of criminal elements cannot form proper topics of constitutionality debates. A rethinking of the rationale of past decisions of the Supreme Court since the Miranda decision is desperately needed in order to restore the balance between prosecution and defense.

In our opinion, the waywardness of a frightfully large percentage of American youth is the direct result of the lack of teaching of religion and/or ethics in our public schools. The Bible and specific prayers are banned from the halls of learning by an all too strained interpretation of the First Amendment, forbidding the establishment of a state religion, by the Supreme Court. And both the state legislatures and Congress have failed until now to overcome this deficiency by passing the proper constitutional amendment as proposed by the late Senator Everett McKinley Dirksen from the State of Illinois.

Colleges today increasingly witness the revolt of misled students against the "establishment." Where did we fail?—ask the bewildered educators and parents. The answer is simple, many of today's young people reject morality and virtue as old-fashioned, pretending to perceive all too clearly the hypocrisy of the present social order. They defy the laws of God and man, because they are not "related" to God, to the churches and religion. They rebel against ethical values, human culture and civilization itself.

The warning of history confronts us: the decay of every civilization begun with the collapse of public morality. Action to stop the trend is needed today, else our people will be swept into chaos or dictatorship.

A well-balanced society cannot be uprooted by senseless rioting, as long as it remains morally strong and united. Yet a society cannot be morally strong unless it is grounded in the belief in the Creator and unless prayer and religion are allowed to exercise their proper functions in the schools and public life. President Nixon, by having religious services conducted in the White House on Sundays gives us a certain direction, yet without extending religion's pervading influence to the schools, we cannot expect the strengthening of the eroded moral fiber of our youth. Therefore, we urge all legislators to take favorable action on the School Prayer Amendment of the late Senator Everett McKinley Dirksen which was co-sponsored by many Senators and Representatives in the United States Congress.

Belief in God and the teaching of religion do not curtail individual freedoms and in view of the pluralistic religious structure of the United States do not amount to the establishment of any state religion prohibited under the First Amendment. The citizen who believes in the binding force of divine law, will be law-abiding and display greater social and moral conscience and awareness.

Let us not allow a tiny minority force its destructive laws on the whole nation.

The Bible is reverently used at the inauguration of the President of the United States, let us return it to its proper place in our schools as well!

Washington, September 13, 1969.

Rt. Rev. Zoltan Beky, D.D.,
Bishop emeritus, Chairman of the Board, American Hungarian Federation.
Judge Albert A. Fiok,
National President, American Hungarian Federation.
Dr. John B. Nadas,
President, Hungarian Association of Cleveland, National Vice President. American Hungarian Federation.

Mr. HORTON. Mr. Speaker, for more than a quarter of a century this Nation has faced the turmoil of international and domestic crisis. It is obvious such unstable circumstances are taking a serious toll on the spirt and energies of our people, particularly those young people on whom the future of our Nation must depend.

Young people are finding life superficial, hopeless, and without meaning. They turn away from life and they turn away from themselves. And they have no resource from which to draw strength.

For this reason, it is appropriate and extremely important to make known the vitality of prayer. I gladly join in this special order with my colleagues recognizing the importance of prayer in our daily life.

I share the concern of parents throughout the country for their children. Every parent must want their children to receive the proper insights to understand their existence a little better.

Down through the years our leaders in Congress and in the White House have prayed in the manner of their choice for inspiration and guidance in carrying out their responsibilities.

Prayer was offered at the Convention in Philadelphia which produced our Constitution. Prayer is offered as each House of Congress opens its daily sessions.

In 1955 Congress provided its Members a special nonsectarian chapel. This room, with an accent on simplicity, gives the men and women who must make the gravest decisions for America and the world a place to worship.

The chapel is designed for private meditation and prayer, not for a general assembly.

With all the turmoil in our country today it would be well to look to the words of our first President:

> While just government protects all in their religious rights, true religion affords to government its surest support.

President Nixon's inauguration was one of the first times since George Washington that a full-scale worship service has been a part of the inaugural program.

Prior to the swearing-in ceremonies on the Capitol steps, about 750 persons attended a prayer service at the State Department auditorium.

The country is in need of spiritual therapy. The renewal of worship and prayer in the routine of Government is most encouraging, and most necessary to the spirit of America.

Mr. MICHEL. Mr. Speaker, I want to take just a few minutes to call attention to some inconsistencies.

The first amendment to the Constitution of the United States says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

These simple words, which almost any literate person should be able to understand, have been twisted, distorted, and stretched so as to deny children in kindergarten the right to use prayer to express their gratitude to the Creator for material blessings and to invoke His protection over their teachers and parents.

Associate Justice Stanley F. Reed pointed out in a dissenting opinion in *McCollum* v. *Board of Education*—333 U.S. 253–254 (1948)—that—

> The Congress of the United States has a chaplain for each House who daily invokes divine blessings and guidance for the proceedings. The armed forces have commissioned chaplains from early days. They conduct the public services in accordance with the liturgical requirements of their respective faiths, ashore and afloat, employing for the purpose property belonging to the United States and dedicated to the services of religion. Under the Servicemen's Readjustment Act of 1944, eligible veterans may receive training at government expense for the ministry in denominational schools. . . .

Both the House of Representatives and the Senate can employ chaplains or we can enlist guest clergymen to open our sessions with prayer. The Army, the Navy, and the Air Force can commission chaplains and build chapels for worship services. Veterans of our wars who desire to study theology can do so under the GI bill of rights. But, Mr. Speaker, innocent little children cannot send up a prayer of thanksgiving to the Almighty for milk and cookies.

Associate Justice William O. Douglas spoke for the majority in the case of *Zorach v. Clauson*—343 U.S. 313–314 (1952)—when he said:

> We are a religious people whose institutions presuppose a Supreme Being. . . . When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. . . . We find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government . . . can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. . . .

Practically the entire machinery of government, National, State, and local legislative, executive, and judicial, shuts down for 2 days each and every week, in observance of the Lord's Day of most Christians and the Sabbath of Jewish groups and some Christians. It also shuts down for certain religious holidays, such as Christmas and Good Friday and, to a lesser extent, on the Day of Atonement and the Jewish New Year. But Mr. Speaker, we forbid little children to come unto our Heavenly Father with expressions of gratefulness for the birds that sing, even though many schools are permitted to tell them all about the birds and the bees.

Mr. Speaker, as far as I am concerned, no amendment to the Constitution is needed to give schoolchildren the right to pray in the classrooms. The Supreme Court of the United Sates has no jurisdiction in the matter as long as Congress makes no law respecting an establishment of religion. By arrogating unto itself such jurisdiction, the Court is prohibiting the free exercise of religion.

Certainly I would not want schools turned into places of worship, but the classroom does not become a church because the pupils join in a brief prayer or read passages from the Word of God. Should the teachers or school officials attempt to proselyte or to promote the interests of a particular denomination, that would be a matter for the local authorities to settle.

Opening this great body with a short prayer has never, to my knowledge, offended anyone privileged to sit here as a Member. Ministers of all the leading religions, Roman Catholic, Jewish, Protestant, and other Christian denominations, have offered prayers in our behalf. It would be a sad day when we would be forbidden to have such devotional exercises. It is a sad day for our Nation when pupils in our schools must forgo the blessings and benefits that come from prayer.

Let us hope that the Supreme Court of the United States, which will be presided over by a new Chief Justice and which will soon have a new Associate Justice, will take another and a closer look at some of the unfortunate decisions it has handed down during the last few years. Just to be on the safe side, let us adopt a House joint resolution to submit a constitutional amendment to the sovereign States, thus making it clear to all that the people of the United States, acting through their chosen representatives in the National Congress and the various State legislatures, want prayer to be permitted in the classrooms.

Mrs. REID of Illinois. Mr. Speaker, as the sponsor of a prayer amendment—House Joint Resolution 427—I wish to join my colleagues in discussing the memorandum of the American Hungarian Federation regarding morality in our society and the need to restore appropriate prayers in our public schools.

Over the past few years I have presented several statements here in the House of Representatives expressing my deep concern over the crime, rioting, vandalism, burning, and looting that has occurred all too frequently throughout our beloved land. Everyone is asking "What are the causes for this decline in morality and respect for law and order?" There are some who still seem to think the answer lies solely in spending more and more money. Certainly efforts must be continued to be made to help the underprivileged help themselves—but we must remember that "Man doth not live by bread alone."

Today, I want to remind you once again that many of those involved in criminal activities and rioting, looting and destruction of property, are the very young and I ask you to ponder whether it is mere coincidence that the criminal activities of these young people—even though admittedly a minority—have risen so greatly since the Supreme Court decisions which to all effects and purposes have banned prayer and Bible reading from our schools or any reference to a diety. I just wonder how many of these young people who have resorted to such activities have even read the words from the Ten Commandments contained in the Holy Bible.

I realize that much has been written and spoken concerning the decision on prayers in public schools and I have noted the argument that those who differ with us believe their children should not have imposed on them a compulsory period of silence or separation during the recitation of a school prayer. By the same token it can also be reasoned that the great majority of schoolchildren who have participated or desire to participate in school prayers have been forced to accept the position of the nonbeliever.

Our is a Nation founded under God—and it has grown to greatness under God and our history shows that prayers are an integral part of our heritage, beginning as early as November of 1620, when the Mayflower Compact was started with a prayer. From then until the present time, our leaders have constantly called upon the help of God and every session of the Congress is opened with a prayer.

In the 88th, the 89th, the 90th, and again in this present Congress, I have introduced resolutions calling for a constitutional amendment which would restore the freedom of voluntary prayers to our students in our schools. To my regret, however, I—and others who have introduced identical or similar resolutions—have been unsuccessful in our efforts to secure final and favorable congressional action.

When I testified in support of a prayer amendment in 1964, I stated my feeling then that "to deny our youth, their teachers, and their counselors the privilege of a communal exercise of their allegiance to God as well as to country is a rejection of our most constant source of power and strength." I also pointed out that we live in a season of increasing immorality and warned that "any diminution of emphasis on individual, moral and spiritual responsibilities can only further reduce our level of integrity and increase our rate of crime."

Today, once again, I call for prompt committee action and earnest consideration by the Congress of the proposed constitutional amendment to permit voluntary prayers in our public schools.

Mr. BUCHANAN. Mr. Speaker, I would like to join my distinguished colleague, the gentleman from Ohio (Mr. LUKENS), and the American Hungarian Federation in their call for a return to voluntary prayer observances in public buildings. In doing so, I would like to commend both Mr. LUKENS and the federation for their efforts toward this end.

In a recent public memorandum, the American Hungarian Federation expressed the deep concern of its members over the increasing crime and disorder within the United States as well as their intention to contribute in any way possible toward the easing of this critical domestic situation. They pledged their support for efforts by our Government to enforce law and order in this country and for the enactment of stronger and more effective anticrime laws. Primarily, however, the memorandum expressed their strong conviction that a great deal of the disregard for law among our Nation's youth can be attributed to the lack of moral or religious training in our public schools.

While the causes of crime are often as complex as the solutions and while State-prescribed religious exercises in

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our schools would certainly be in violation of the separation of church and state principle embodied in the first amendment of the Constitution; there is, in my judgment, reason to give very serious consideration to the point which the American Hungarian Federation has raised in this regard.

In today's rising crime rate we see an almost total lack of respect for our Nation's laws and for those who enforce them. Respect for law and for the various modes of behavior necessary to the maintenance of a civilized society, however, is not a trait which is inborn in human beings or which occurs at some magic age. Such respect is something instilled in human beings from a variety of sources; including the home, the church, and the schools. Today, however, we have a situation where the great confusion and consternation emanating from the Supreme Court's various prayer decisions have almost completely eliminated the contributions of our Nation's public schools toward the creation of this atmosphere of respect.

Mr. Speaker, I have already indicated my strong belief in the principle of separation of church and state which is set forth in the first amendment of the Constitution. This is a wise principle which recognizes and assures the religious freedom so basic to our democracy. The framers of our Constitution intended this principle to be a prohibition to any establishment of a state religion and not, in my judgment and in the judgment of countless constitutional scholars, to prevent the voluntary practice of religious beliefs. I firmly believe that it is as wrong to prohibit the free exercise of religion as it is for the state to establish a religion. For this reason, I have been glad to join in the introduction of legislation calling for a constitutional amendment to make it absolutely clear that voluntary prayer observances in public buildings are not prohibited by the Constitution. In this effort, so courageously led by the late Senator Everett Dirksen, hundreds of Members of the House and Senate have expressed their deep concern over the unfortunate effects of the Supreme Court decisions set forth in the case of Engel against Vitale and subsequently in the cases of Murray and Schempp.

Mr. Speaker, our concern is a reflection of that equally felt by our constituents throughout this great Nation. It is, among other things, a concern for the preservation of those elements of religious orientation which have been such an important part of our Nation's heritage. Regardless of the great variety of religious beliefs which have always been held by our citizens, a recognition of God has indeed been a part of our national heritage. This has been reflected in the words of our Founding Fathers, in our national songs and anthems, and in the Pledge of Allegiance to our Nation's flag. The President, Vice President, and most of our country's high officials take their oaths of office on the Holy Bible. In further witness to our religious traditions, the Congress in 1955 passed Public Law 140, which placed the inscription "In God We Trust" on our coins and currency. The following year a resolution was passed making these same words our national motto.

Our concern is, however, above all, a concern for the preservation of those rights granted by our Nation's Constitution. In a day when our Nation is making greater strides than ever before toward assuring that constitutional rights and freedoms are enjoyed by all its citizens, it would indeed be cruelly ironic to allow a situation to be continued whereby one of the most basic of these rights—the right to free and voluntary religious expression—is denied.

Mr. CUNNINGHAM. Mr. Speaker, the people of our great country must continue to demonstrate a reliance upon a supreme being.

A great many months, and even several years, have gone by since the Supreme Court handed down its decision prohibiting prayers in this Nation's public schools. The late Senator Everett McKinley Dirksen was a strong advocate of prayer on a voluntary basis in our public schools. I feel it only fitting that we again bring this issue to the forefront.

Mr. Speaker, I call to my colleagues' attention the following memorandum from the American Hungarian Federation. It has much merit.

MEMORANDUM OF THE AMERICAN HUNGARIAN FEDERATION

The American Hungarian Federation, in cooperation with the Hungarian Association of Cleveland, considers it its duty to contribute whatever it can to ease the critical domestic situation in the United States.

During the past Presidential election, campaign speakers emphasized the general demand for law and order. President Nixon and Attorney General John Mitchell both promise to get relief in regard to the increasing crime rate that outstrips several times the population increase.

Today, the capital of the nation is also a capital of crime. Recent rise in rapes, murders and armed robberies there and in most of our major cities remains unprecedented.

Committees have been appointed even by the President and they ponder possible solutions. Do we need more politics and police, or less lenient judges? No doubt there is a need for all that, but equally important is the enactment of very strict anti-crime laws with mandatory sentences.

Unfortunately the voice of the judiciary in the recent past has been uncertain and as a result, the courts in the final analysis protect the guilty more than the innocent. Yet the most important function of any government is to ensure and safeguard the peace and security of its citizens and to create an atmosphere in which all can live and work without fear. This cannot be maintained by letting the guilty to go unpunished on procedural grounds. There is an overwhelming need for strict laws and unhesitating law enforcement.

Juvenile delinquents cannot be corrected by suspended sentences and supporting them by welfare payments whereby they are freed from the obligation to work and are provided with the free time needed to smash store windows, vandalize churches and kill people for "kicks."

The stoppage of crime and the punishment of criminal elements cannot form proper topics of constitutionality debates. A rethinking of the rationale of past decisions of the Supreme Court since the Miranda decision is desperately needed in order to restore the balance between prosecution and defense.

In our opinion, the waywardness of a frightfully large percentage of American youth is the direct result of the lack of teaching of religion and/or ethics in our public schools. The Bible and specific prayers are banned from the halls of learning by an all too strained interpretation of the First Amendment, forbidding the establishment of a state religion, by the Supreme Court. And both the state legislatures and Congress failed until now to overcome this deficiency by passing the proper constitutional amendment as proposed by the late Senator Everett McKinley Dirksen.

Colleges today increasingly witness the revolt of misled students against the "establishment." Where did we fail, ask the bewildered educators and parents. The answer is simple. Many of today's young people reject morality and virtue as old-fashioned, pretending to perceive all too clearly the hypocrisy of the present social order. They defy the laws of God and man, because they are not "related" to God, to the churches and religion. They rebel against ethical values, human culture and civilization itself.

The warning of history confronts us: the decay of every civilization begun with the collapse of public morality. Action to stop the trend is needed today, else our people will be swept into chaos or dictatorship.

A well-balanced society cannot be uprooted by senseless rioting, as long as it remains morally strong and united. Yet a society cannot be morally strong unless it is grounded in the belief in the Creator and unless prayer and religion are allowed to exercise their proper functions in the schools and public life. President Nixon, by having religious services conducted in the White House on Sundays, gives us a certain direction. Yet without extending religion's pervading influence to the schools, we cannot expect the strengthening of the eroded moral fiber of our youth. Therefore, we urge all legislators to take favorable action on the School Prayer Amendment of the late Senator Everett Dirksen which was co-sponored by many Senators and Representatives in the United States Congress.

Belief in God and the teaching of religion do not curtail individual freedoms and in view of the pluralistic religious structure of the United States do not amount to the establishment of any state religion prohibited under the First Amendment. The citizen who believes in the binding force of divine law, will be law-abiding and display greater social and moral conscience and awareness.

Let us not allow a tiny minority force its destructive laws on the whole nation.

The Bible is reverently used at the inauguration of the President of the United States, let us return it to its proper place in our school as well!

Rt. Rev. ZOLTAN BEKY, D.D.,
Bishop emeritus, Chairman of the Board, American Hungarian Federation.
Judge ALBERT A. FIOK,
National President, American Hungarian Federation.
Dr. JOHN B. NADAS,
President, Hungarian Association of Cleveland; National Vice President, American Hungarian Federation.

Mr. DULSKI. Mr. Speaker, I join in commending the gentleman from Ohio (Mr. LUKENS), a respected member of the committee of which I am chairman, for bringing this matter to the attention of the House today.

The problem of law and order is one which is of great concern to all of us. Clearly there is need for a strengthening of our laws so as to impose stricter sentences on violators, particularly on repeaters.

Our police have been hamstrung by court rulings which have placed great limitations on law enforcement. Unfortunately, many of these rulings have been retroactive, thus changing the rules in the middle of the game, so to speak, and letting guilty individuals go free.

Now that law enforcement officers are on notice about their rights in apprehending suspects, they are following the new rules of the game. But it is very evident that the laws still are too lenient in dealing with various offenses against society which have become prevalent in our modern-day atmosphere.

The need is not simply for more laws, but for stricter enforcement at the judicial level. The morale of our police officers has been seriously shaken by the lack of support which they have been receiving from various courts.

As a result, offenders have been literally laughing at the police when the offenders are released with ease to impose on the community again with little or no penalty for their previous offense.

THE PRAYER DECISION

One of the High Court decisions which has been widely misinterpreted is its so-called decision on prayer in public schools. The decision was based upon a narrow interpretation by the Court which was mushroomed in popular understanding to forbid prayer of any sort in the schoolrooms, regardless of the lack of objections by the students involved.

The accepted interpretation of the Court ruling as resulted in the near-general ban on prayer in the Nation's schoolrooms. This is most unfortunate. Each session of the House—also the Senate—is begun with a prayer by our respective Chaplains. Why should prayer be banned from the schoolrooms?

An attempt to amend the Constitution in 1966 to specifically permit prayer in the classrooms was defeated in the Senate when supporters were unable to muster the required two-thirds majority.

There are those who disagree for personal reasons, but I feel the large majority of our citizens favor the optional restoration of prayer to the opening procedure of our Nation's classrooms.

It seems regrettable that the only way to accomplish this simple right which has been practiced without challenge for nearly two centuries of our Nation's history is by a constitutional amendment. But if that is what is takes, let us do it.

GENERAL LEAVE TO EXTEND

Mr. **LUKENS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE VIETNAM MORATORIUM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 10 minutes.

Mr. **TUNNEY**. Mr. Speaker, I hope that all Americans will join, on October 15, in expressing their personal unhappiness with that Asian quagmire, the Vietnamese war, by remaining silent for a few moments, alone or in groups, in parks or along the streets, or in churches and other places of public gathering.

A massive vigil of silence will bring home to President Nixon, with more force than any other form of protest, the deep distress in all our hearts over the growing list of the dead in Vietnam. I hope that all who are troubled in their conscience about the war will express their disapproval on October 15.

I feel that silence is a form of protest in which all Americans can comfortably join to express their dissatisfaction with the failure of the administration to expedite the deescalation of this tragic conflict. Those who have never marched, or carried pickets, or spoken out aggressively about the war need an appropriate and recognizable means of expressing their dissent. A silent vigil on October 15 provides that means.

The President's statement, at his press conference last Friday, that he would not listen to the voices of protest was, I feel, inappropriate. Perhaps if surrounded by silent disapproval, the President will be forced to listen to the quiet promptings of his own conscience, the existence of which was demonstrated several months ago when he said that he hoped all American troops would be withdrawn from Vietnam by the end of 1970. As things now stand, that timetable is not going to be met, and it looks as through it is not going to be met for many years after 1970 if troop withdrawals continue along at the present levels.

Mr. **STEIGER** of Arizona. Mr. Speaker, will the gentleman yield?

Mr. **TUNNEY**. I yield to the gentleman from Arizona.

Mr. **STEIGER** of Arizona. I thank the gentleman for yielding.

I would ask, once the silence has been expressed on this date, what do those who remain silent suggest we do as an alternative to what is being done?

Mr. **TUNNEY**. I feel that it is very important to start on a regular incremental basis a deescalation of our troops from Vietnam. I feel that it ought to be accomplished over a period of from 18 to 24 months.

I believe it is quite clear that the Thieu-Ky government is incapable at the present time of identifying with the needs of their own people or winning their loyalty. As long as they feel confident that there is going to be a massive American expeditionary force protecting them they are not going to make the kinds of accommodations that are necessary to be able to bring this tragic conflict to an end.

I suppose that the gentleman noted recently in the paper that the National Vietnamese Assembly rejected even the modest land reform proposal that President Thieu had sent to it. I believe this is indicative of the attitude of the Vietnamese leadership, a leadership that, according to most reports, has the support of approximately 10 to 20 percent of the South Vietnamese people.

Mr. **STEIGER** of Arizona. Mr. Speaker, will the gentleman yield for one further question?

Mr. **TUNNEY**. I yield.

Mr. **STEIGER** of Arizona. The gentleman seriously and obviously sincerely is recommending that we establish a time certain for the final removal of all American troops, a time some 18 to 24 months removed?

Mr. **TUNNEY**. That is correct.

Mr. **STEIGER** of Arizona. To spend American lives in the next 18 or 24 months, when we know that all the North Vietnamese and the Vietcong have to do is wait and destroy not only Americans while they are waiting but then destroy the remaining South Vietnamese who have remained loyal to the Thieu government. Is that what the gentleman is seriously suggesting?

Mr. **TUNNEY**. I am suggesting to the the United States that it withdraw its troops from Vietnam over the next 18 to 24 months. I am saying that if the United States continues its present course into the indefinite future—and it is an indefinite future—we will be losing indefinitely into that future 15,000 dead Americans per year. There are some people who say, "Well, what about the thousands of Vietnamese who may or may not be killed if the United States should withdraw in the next few years?" I say, "What about the thousands of Americans who will certainly die with no promise at all of being able within a foreseeable time to get out of a war for a government that has not won the loyalty of its people?" You know as well as I do in Vietnam today the government is no more popular than it was when we went in 3 or 4 years ago.

Mr. **STEIGER** of Arizona. I thank the gentleman. I might point out that the gentleman is condemning 30,000 Americans to death by waiting 24 months to withdraw them.

Mr. **TUNNEY**. It would be impossible to withdraw them at a faster timetable. The logistics of the situation make it almost impossible to get them out in a month or two.

Mr. **PUCINSKI**. Mr. Speaker, will the gentleman yield?

Mr. **TUNNEY**. Yes, I will.

Mr. **PUCINSKI**. One of the things that always intrigues me about discussions like this is how much emphasis we place on how unpopular the Thieu government is, but we never talk about how unpopular the North Vietnamese Communist government is. At least the people of South Vietnam, whether you accept the elections there or not, and I might recall there were observers to observe the integrity of the elections, including a distinguished group of American Senators as observers at the elections—at least the Thieu government was elected by the free choice of the South Vietnamese under the most difficult wartime conditions. Why do not some of these exponents of how unpopular the South Vietnamese Government is tell us how did the Hanoi Communist government get to where it is and what rights and freedoms and opportunities do the people of North Vietnam enjoy to speak out against their Communist rulers who are holding these people in bondage?

Mr. **TUNNEY**. Nobody is trying to pretend that the North Vietnamese Gov-

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ernment is popular in South Vietnam. I would imagine it has the support of between 10, 15, or 20 percent.

Mr. PUCINSKI. In North Vietnam?

Mr. TUNNEY. In South Vietnam.

Mr. PUCINSKI. I am talking about the North Vietnamese Government.

Mr. TUNNEY. In North Vietnam?

Mr. PUCINSKI. In North Vietnam. Where is there any democratic process that put that Government in power?

Mr. TUNNEY. There was not. But the fact is that we are not losing lives in North Vietnam. We are not spending $30 billion a year in North Vietnam. We are fighting in South Vietnam. That is the point. There are many unpopular governments around the world. They are governments who do not give their people the opportunity to vote or freedom of the press. That does not mean, however, that the United States has to give the flower of its manhood and spend hundreds of billions of dollars in order to go into all of these countries and replace the present governments with governments that are more desirable to the United States.

What I am saying as far as Vietnam is concerned is that the price we have paid domestically, the price we have paid in the growing alienation between young people and adults, the price we have paid materially in the diversion of resources away from our urban areas, from areas of education, from job opportunities, from job training programs, and away from programs to clean up our environment, have made the Vietnam war totally unacceptable.

Mr. PUCINSKI. To whom?

Mr. TUNNEY. To me and to an increasing number of American people.

Mr. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. LUKENS. I thank the gentleman from California for yielding to me.

I would like to say that I realize this discussion between the two of us and among other Members in this Chamber will probably not lead to any definite decision on the part of the administration, but without emotion I would like to make a couple of points here.

First of all, I do not think we will agree very much, although I have great respect for my colleague from California.

Mr. TUNNEY. And that respect is shared mutually.

Mr. LUKENS. Thank you.

I have a great deal of concern about, first of all, the presence in Vietnam. It seems to me you ask yourself two questions as a nation or as a national body when you go to war. One is, is it in the interests of the national security and the well-being of this Nation?

I think that was answered by President Eisenhower, President Kennedy, President Johnson, and continued by this administration under President Nixon.

The second question is this: If you go to war, the next question that logically follows is why do we not win? I think it is interesting to note that the gentleman from Illinois (Mr. PUCINSKI) made this point very significantly and that is that the Ho Chi Minh government is really not very popular in North Vietnam, that they killed over 50,000 people to gain power. I think the entire focus on the part of some Americans seems to be misplaced in blaming only the South Vietnamese for mistakes which are totally South Vietnamese.

And, I would simply like to make a couple of points with reference to this matter.

The SPEAKER pro tempore (Mr. EDMONDSON). The time of the gentleman from California has expired.

AMERICAN PRISONERS OF WAR—THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. Mr. Speaker, I yield to the gentleman from California since he was so nice to yield to me; but first I want to point out to the House that I have taken this special order to call attention to a penetrating article on our American prisoners of war being held by the Communists in Vietnam, which will appear tomorrow in the highly respected publication, Air Force and Space Digest.

I will discuss this article at greater length at the conclusion of this discussion and I shall place the entire article in the RECORD at the conclusion of my remarks.

But I shall first be glad to yield to my colleague from California (Mr. TUNNEY) because the discussion we are having here is very much germane to the article on American prisoners being held in Vietnam.

I yield to the gentleman from California.

Mr. TUNNEY. If the gentleman will yield, I would like to yield to the gentleman from Ohio (Mr. LUKENS).

Mr. LUKENS. I thank both of my colleagues. However, I would like at this time to make these following two points:

No. 1, that there is on hand now over 30,000 captured military documents from the North Vietnamese Army which does not in turn control the NLF or the Vietcong, proving that they do not want just South Vietnam, but they want the whole Indo-China Peninsula which does include Cambodia, South Vietnam, North Vietnam, and eventually Thailand. I think this is borne out by the presence of over 30,000 invading Chinese troops into Thailand.

Mr. Speaker, I feel very strongly as a practicing and believing Quaker, that there is some cause which is worth dying for in this world and it is not just American freedom. It can be termed as freedom. It can also be Vietnamese freedom, it can be German freedom, it can be French freedom.

Earlier we did not quarrel about old and young Americans going over during World War II and to Korea because the war was very well defined. The people knew that a foreign body believing in totalitarian power invaded another country or another land, and it is significant to me that no one denies the fact that the North Vietnamese today are in the process of doing the same thing in South Vietnam and, therefore, South Vietnam is being invaded. It is being invaded by the only signatory to the 1954 treaty, North Vietnam. They are the ones who are violating a written pledge, not America and not South Vietnam.

Mr. TUNNEY. Mr. Speaker, if the gentleman will yield further, there is no question in my mind with respect to the United States. The American people have a very vital interest in certain areas to the effect that Americans should be prepared to die for these beliefs overseas.

In the case of Korea we had a clear case of aggression in which the South Korean people were united around their Government, in which there was practically no subversion whatsoever, in which the South Korean people felt sincerely that the Syngman Rhee government was a legitimate government and they were prepared to die for it.

In the case of Vietnam, on the other hand, we have a country which for 2,000 years was one country, culturally identifiable as one country. But in South Vietnam at the present time you have a large Vietcong force—although it is not as large as the North Vietnamese—but a Vietnamese local force fighting against its own government.

The North Vietnamese troops which are operating in South Vietnam could not possibly survive in a hostile, unfriendly countryside. The fact is that they are getting support from the South Vietnamese people.

We have heard of the much-vaunted pacification program in Vietnam in which the South Vietnamese Government over a period of 3 to 5 years—5 years—has attempted desperately to win the support of the people of the countryside. They did it because they thought that by control of the countryside they would win support. As a matter of fact, what they did was fail to identify with a very basic psychological motive force, which is the only way you can win people's loyalty, which is by giving them a share of power. And in South Vietnam your district chiefs, your province chiefs are appointed from Saigon. The only responsiveness is upward to the generals in Saigon, not down to the people at the local level.

We have deluded ourselves constantly over the past 3 years ever since in the belief that because we control an ever higher number of people, now getting up to 85 percent, that we had their loyalty, and yet the casualty figures of American and South Vietnamese troops that are listed every week proves beyond the shadow of a doubt that we do not have control over 85 percent of the South Vietnamese people.

The fact of the matter is that when our troops or the South Vietnamese troops leave the hamlets the Vietcong infrastructure, which has been submerged, surfaces again and we are no

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better off then we were 4 or 5 years ago when we went in with the first group of American troops.

I can remember speaking to General Westmoreland when we had 125,000 troops in Vietnam, back in the early part of September of 1965, and I remember him saying at that time that although there was no way of knowing how long the war would last, he felt that if we had another 50,000 troops that that would be enough to do the job. As you well know, we now have over 500,000 troops engaged, and we are no more able to win a military victory now then we were then.

So I feel, Mr. Speaker, that the time has come to rearrange our national priorities and to stop, if at all possible, the carnage. And I think it is probable that by regular and incremental deescalation from Vietnam that we can give to the South Vietnamese Government the opportunity to start making the essential accommodations that they are going to have to make if they are going to survive when the United States pulls out, whether it is this year, or next year, or 20 years from now, and that is to share power with their own people and give their own people a piece of the action.

Mr. PUCINSKI. Mr. Speaker, I think it is really lamentable that so many well-meaning people who obviously want to end the war, as I do, as does every other Member of this Congress, as does every American citizen—and I do not know of a single person in this country who desires to continue this war a day longer than it has to be continued to bring victory—make statements about the war that must be refused.

One is this whole question of whether or not the South Vietnamese people are interested in this war. I think perhaps we ought to remember that they have suffered the horrors of this war for some 20 years. No people anywhere in this world have suffered as much as have suffered the people of South Vietnam. If there is any miracle in this war it is this indomitable spirit of the South Vietnamese which has held them together against the most vicious attacks.

The gentleman says that foreign armies could not survive in South Vietnam without the help of the people. There is no evidence that the South Vietnamese are helping the North Vietnamese except for the Vietcong. On the contrary. It is our American forces that are being welcomed by the South Vietnamese. We have more than 500,000 American soldiers in South Vietnam. Have you seen one sign asking them to leave? Or one act of sabotage against our forces by the South Vietnamese people?

The fact of the matter is that the whole psychology of this war—and that is what this war is all about—is that the Communists are testing a new kind of guerrilla warfare in South Vietnam—terror, subversion, breakdown of law and order, breakdown of any kind of respect and support for a government. No war has ever produced greater atrocities than we have witnessed in South Vietnam at the hands of the Vietcong, and the North Vietnamese soldiers.

They have come and they have terrorized that country and they have massacred thousands of her people.

I call the attention of my colleagues to the Hue massacre where thousands of innocent citizens, women and children, were shot in the back of the head and dumped into mass graves as a lesson to all other South Vietnamese not to stand up against the Communists.

That is what we are fighting there. I should like to remind my colleague, and I do not challenge or question his motives or his integrity—because I have the highest respect for my colleague, the gentleman from California, and he knows that.

Mr. TUNNEY. It is reciprocated.

Mr. PUCINSKI. But I am afraid that there are people who really have not looked at the horror of this war and what this is all about.

The Communists have selected 73 countries in Asia, Africa and South America for the same kind of terrorism they are waging in South Vietnam. In the Tri-Continental Congress Declaration, which was signed by 600 leading Communist leaders of these 73 countries in Havana, Cuba, on January 19, 1967, they all pledged that if this new technique of horror—if this new technique of subversion—if this new technique of terrorism—the so-called "wars of liberation"—as they falsely call this aggression in South Vietnam—if this new technique works in South Vietnam, then they intend to repeat it in the 73 countries of Asia, Africa and South America.

My colleagues and all of those who want to participate in this day of silence on the 15th of October had better realize that they are inviting a major holocaust in this world if we should ever walk away from South Vietnam without at least letting the South Vietnamese protect their own freedom. World War II will look like kids' play when they start moving in on the 73 countries and the United States and those free powers which still respect and believe in human dignity will not know which way to turn to stop the collapse of freedom.

I do not object to a day of silent prayer for peace, but I want to talk about something today which should be of more than passing interest to my colleagues and perhaps on the 15th of October, we can offer a fervent prayer for these young men, these forgotten Americans in the Vietnam war—the American prisoners of war. We have made every single effort to get the North Vietnamese Communists to tell us the names of American prisoners of war. It was just a week or so ago that we had the galleries full here with relatives and wives of these men who were lost in action—women who were asking, "Are we wives or are we widows?" To this very day, the Communists have refused to tell us where these prisoners are—are they alive; how they are being treated? How many of them are there and what is the state of their health?

I want to talk today about an article which is appearing tomorrow for the first time in the highly distinguished magazine, Air Force & Space Digest. They describe here in this article, which will be available to everybody, the forgotten Americans of the Vietnam war. For the first time, this article documents what is being done to these American soldiers. How they have been tortured and brutalized.

How can we join in a moment of silence on the 15th of October when I see this kind of barbarity being performed on American soldiers in violation of every single concept of human dignity and decency? Silence? We Americans should be demanding world reaction to this outrage against our soldiers instead of engaging in silent protests against our own Government.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. TUNNEY. I can assure the gentleman that I support every attempt and every effort that he makes and that he is attempting to get the American Government to make, to free our prisoners of war from under Communist control and the North Vietnamese. I strongly support these efforts.

I do not think that nearly enough has been done in this regard—whether it be in the form of prisoner swaps or cash payments—I think everything should be done to free these prisoners of war.

Mr. PUCINSKI. But where is the voice of outrage against this inhumanity on our soldiers by those who are planning this great moment of silence on the 15th of October? Where have those people been? These are the same people who told us a year and one-half ago to stop the bombing. They said, "Stop the bombing—just stop the bombing of North Vietnam and the whole war will be over." They spoke with such authority that, if anybody dared to challenge them, he was dismissed as an imbecile—as unpatriotic. They said, "We would like to assure you—we would like to assure you, that, if you stop the bombing, the whole war will be over." So, finally, a great American President, against all the best judgment, decided he would take a risk for peace and he stopped the bombing.

Since then we have lost more American boys on the battlefield than we have since the first 6 years of our involvement in Vietnam. The bombing pause has not brought us one iota closer to peace. I ask you again, my dear colleague, where are the voices of outrage to say that the Communists have broken faith in Paris, that they have broken their word in the Geneva Convention against these American prisoners of war? All I ask my colleagues who want to pause in silence on the 15th of October is, Where are your voices of outrage against what is happening to these American boys?

Mr. TUNNEY. They have been very clear and outspoken for the last 5 years, since the war has been going on, with regard to the prisoners of war, and you cannot obfuscate the basic issue by bringing in the question of the prisoners of war. I have as much feeling for the prisoners of war, as much regard for them, and as much passion regarding the prisoners of war and the efforts that should be made to free them as you have. But let us not get away from the other issue. I know I have intruded upon your time.

XUM

Mr. PUCINSKI. You are welcome because this is an important discussion.

Mr. TUNNEY. I am sorry. I support you in what you are doing with relation to prisoners of war. But please do not bring the issue of prisoners of war over to the issue of Vietnam, to the issue of South Vietnam and our ability to get the Thieu-Ky government to be able to fight to support its own people, to be able to win the loyalty of its own people, and to prevent future thousands of American lives being lost in that costly and damaging conflict.

Mr. PUCINSKI. I thank my colleague, and I again assure him that these debates and these discussions are important. I hope that they do not mislead our adversaries. We as Americans may disagree on how to bring this war to an end. We may have differences of opinion. I have some ideas; you have some ideas. But I think on one point we are united, and this is what the President was trying to say the other day. He was trying to pull this country together into a unified cause for human dignity.

I would be much more impressed on the 15th of October if on one day we could pull all the forces of freedom together and say, "Look. We are not going to walk away from Vietnam. We are not going to surrender these people." Then see what happens in Paris.

I cannot help but feel that when we just raise doubts about the Thieu government and raise doubts about the South Vietnamese people, we give the Communists false hopes. For that reason it is my hope that on the 15th of October we would turn to something more. I ask after the prayers of silence, what? The slaughter will continue. American boys will continue to die. So it seems to me we need something a great deal more persuasive and meaningful than a moment of silence on the 15th of October.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I shall not take too much of the gentleman's time, but I wish to compliment him for clearly dealing with what I consider to be the situation in Vietnam. I would also like to state to my friend from California that, having discussed this matter with the President himself, I can say that he has advanced what I refer to as the "phase-in, phase-out" concept in a very positive program of withdrawal, and he is just as anxious as any Member of this Congress to bring about a disengagement of the current commitment in Vietnam as anyone here. So I think we have a very positive program. I think there has been more done in this regard in the last 7 months than I have seen in quite some time.

While many people had disagreements with the previous administration, there were a number of us who stood behind it when we felt they were doing what was right. I think if there is anything that is needed today, it is for the American people to stand squarely behind the President as he moves positively to disengage under this positive program of "phase-in and phase-out" of the troops in Vietnam.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. TUNNEY. I in no way want to give the implication here today that I do not think the President is completely sincere in what he is attempting to do, and that there is any issue that more deeply concerns him than the Vietnam war. I am positive that he is lending all his intelligence and talents in an effort to resolve this conflict in a way that will be satisfactory to the American people.

The point I am simply trying to make, and that I tried to make, is that I feel it is very important that we have the opportunity in this country to continue the dialog on this war.

I feel it is also important that with this moment of quiet or silence—not violent protest, not shouting, not attacking people, not pulling down buildings, but this moment of quiet meditation—that we may make it very clear on the part of the American people to anyone disinterested that they want the deescalation to continue on the same timetable the President announced 3 or 4 months ago.

Mr. PUCINSKI. Mr. Speaker, I have been urging, as everyone else has been urging, that we try to find some way to get our troops out of Vietnam, but it seems to me the problem we have with those who advocate the day of silence on the 15th of October is that they offer no alternatives.

I have offered one. I do not know if it is any good or not, but it comes from the sincerity of my heart. I have said, why do we not just resume the bombing of the North and pull all our kids out?

I have been told by responsible leaders in the Pentagon that when we ended the bombing, we released 400,000 Communist troops for military duty in South Vietnam, and they are now harassing and killing our soldiers. So I say, why not pull our kids out?

But, we cannot walk away from South Vietnam, so why not resume the bombing of the north and force the North Vietnamese to pull their forces back north, as they did when we were bombing North Vietnam, to use them for antiaircraft duty or for policing of cleanup details or for home guard duty?

President Thieu said that the South Vietnamese army of 1 million men can indeed handle this war within its own resources if all they have to do is contend with the Vietcong.

It has been the great influx of North Vietnamese troops in the last year and a half that has created the military problem for South Vietnam.

We have to find some way of pulling the North Vietnamese troops out of South Vietnam. I submit that one such way is to resume the bombing and get all our kids out of South Vietnam—not 50,000 not 75,000 and not 100,000, but the whole American force.

I think that is at least an alternative. I would like to hear my colleagues suggest some alternatives, rather than a policy of total and complete surrender to the Vietcong and the North Vietnamese.

Mr. TUNNEY. Not total and complete surrender. That is a pejorative word, one assuming all kinds of things which I do not think my plan presumes. When the President said he wanted all troops withdrawn and he was going to withdraw them by the end of 1970, he was not advocating a policy of surrender. I think it was and is a wise policy. He was weighing the resources and the manpower of this Nation and he determined—and I think it was a wise decision—that it was wise to get the United States disengaged before the next 2 years are over. I think it is a good plan.

According to official statistics, infiltration has dropped by more than 50 percent since we stopped the bombing. That is a fact. It is not as though stopping of the bombing had no effect.

Mr. PUCINSKI. What has slowed down?

Mr. TUNNEY. The infiltration from the north.

Mr. PUCINSKI. Yes, because we have been bombing these supply lines in South Vietnam—and the gentleman is absolutely correct. That is one of the things that advocates of the peace demonstrations on October 15 have totally ignored. There is no question about the fact that we have interdicted the enemy's supply lines very seriously, and they are unable to wage the same kind of mass offensive as they did previously. This is exactly as our military people predicted.

Some people say our military people do not know what they are doing. But oddly enough, the timetable that the responsible military people have set—and I am not talking about news reports, news columnists, reporters in Vietnam—I am talking about responsible military officials that have had a pretty good timetable. The bombing halt upset that timetable somewhat, but even despite that bombing halt, they have been able to successfully interrupt the supply lines. We know there have been occasions when the North Vietnamese troops had to wait days and weeks on end, wait for their supplies to get to them before they could launch an offensive.

It seems to me if we let the military wage this war and we stay out of the way a little bit, maybe we can see that glorious day when our kids will come home—but give them a chance. instead of having a prayer day on October 15, which only arouses false hopes.

It is no wonder our negotiators cannot budget a foot forward in Paris, when some of the most outstanding leaders in this country, in the other body and in various other places, are making great big speeches undermining every single effort of this country and its war effort. This is the first time in the history of this country, that we have seen supposedly responsible leaders of Government openly waging warfare with our own leaders as to how to conduct the war. It is no wonder the Communists think that somehow or other the spirit of America is going to collapse and they are going to be able to win this war in Washington in the same way they won it in Paris.

Ho Chi Minh used to say:

> Americans do not like long wars; I am going to make this a long war and win it.

That is the whole strategy of the Communists. I do not believe we help any when we undermine our President in his efforts to bring this conflict to an end. I would rather see October 15 turn into a day of fervent prayer that our President can convince the Communists they cannot win this war and get them to sit down to meaningful negotiations.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to my colleague from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

There is no doubt that this is the most unpopular war we have ever entered into. I believe it is unpopular because we entered into it in a slow fashion. We have not fought this war in a conventional manner. It is not a conventional war to be fought by conventional means.

It is difficult for me to bring myself to the thinking that we should fight a war on a prolonged basis, more or less as a police action. I, for one, would prefer, if we are to be at war, to go in and bomb the supply areas, regardless of whether that is the city of Hanoi or Haiphong, or wherever it may be.

There is one thing I recall from a visit up in Gettysburg talking with General Eisenhower. He made the statement that if we had fought the war in Germany and in Japan on the same basis we have fought in Vietnam we would still be fighting there.

We have been so concerned that we might cause a civilian casualty in North Vietnam that we have not bombed these supply areas. It is like taking an ant hill, stirring up the ant hill and as the ants scurry along trying to hit them one at a time, rather than hitting where they are concentrated.

If we are unwilling to do what is necessary then I, for one, am unwilling to continue to fight a war year after year after year on a police basis.

I believe we need to give the President time to turn this over to the South Vietnamese. This is precisely what he is doing. Unless the South Vietnamese have the will to resist we cannot imbue or inculcate in them that will. That is something they themselves will have to do.

Mr. PUCINSKI. I thank the gentleman.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to my colleague from New Jersey.

Mr. GALLAGHER. I have listened with great interest to the discussion going on this afternoon among my good colleagues and good friends. I find it difficult to resist the urge to say something, especially after having served on the Committee on Foreign Affairs of the House for some 11 years.

I do not wholly buy the Communist theory of Vietnam, nor do I buy the proposition that there are not a few dunderheads around. I believe there have been a few for many years.

Looking back, and reflecting upon the discussion, concerning the October 15 day of silence, I look back to a period of 6 or 7 years ago, when I thought we ought to have a period of silence for those who were demanding that the United States change the regime of Diem and Nhu in Saigon. Some of those are now the signers of the October 15 declaration, by the way, and now loudly proclaim their disenchantment with the product of their own inieial desire for intervention in Vietnam.

I recall a discussion at that point which involved the issue of whether we really did have a solemn obligation to get rid of an existing government and whether we had a right to interfere and tamper with the balance of that developing country. The issue was whether it was our duty or business to correct all the hardships and difficulties of those sad and tragic times.

The fact of the matter is that when we do tamper with the delicate balances of a developing country—no matter if it is developing to the right or left—we are actually preparing for an injection of American troops to correct the existing "imbalance" to meet our own intellectual and moral requirements. It seems to me that this is one lesson we should have learned from the war in Vietnam, that before we begin the speeches and rhetoric about uplifting the culture of a developing country, we pause to consider just where such advocacy might lead us, consider where it did lead us in Vietnam.

When Diem and Nhu went out and Big Minh and Little Minh, and their rapid successors took office, we felt intellectually and morally impelled to send various numbers of troops to prop up their governments and cope with their problems. I felt then and I feel now that it would have been better for us to leave than to remain and try to correct the burning Bonza situation with American troops, with American troops sent to make their government moral and righteous. There is no place for self-righteousness in foreign policy, for it blinds men and nations to the limits of their power and the finiteness of their existence. It must be kept clearly in mind that our preaching Jeffersonian democracy to the peasants in Vietnam is just as irrelevant as their preaching agrarian communism to us. Not all revolutions are American revolutions; perhaps we should understand that now. But it was not understood at the time when many of today's most ardent doves swooped down like hawks upon the Diem regime.

It seems to me that those who have signed the October 15 declaration sign something with which I do not necessarily disagree. However, if the sound of silence had been heard from many of these signers when this awful torment first began, perhaps we would not require national silence today.

I am sure that there are many who have signed this resolution who would today give an endorsement to bringing Diem and Nhu back if, by doing that, we could get our kids out of Vietnam. It is rather obvious that even should all the Bonzas in Vietnam immolate themselves tomorrow, the signers of the declaration would state that we are not the world's policeman of the problems of poor Bonzas. They would not have said this years ago; they would have suggested troops. Indeed, they did.

So, the point here is essentially that I agree with the gentleman from California (Mr. CLAUSEN) that if we do have one hope of ending the war, it is to support our President as long as he is making a real attempt to bring the conflict to a close.

The American public is troubled in a way that we have never experienced before in our history. If there is one way of getting out of this war, it seems to me we must support our President, President Nixon, and hope that somehow or other we can keep a unified country demonstrating support for the policies that he is now espousing in order to try to extricate ourselves from Vietnam. If we come apart faster than the Saigon governments used to come apart, it seems to me there will be no hope of extricating ourselves from that war. The only course left for the President then, regardless of who he is, is to determine whether or not America shall experience the choice of another Dienbienphu or another Dunkirk only this time with American soldiers. I think there ought to be another choice, and I don't think that choice is nuclear war. I, for one, as a member of the House Committee on Foreign Affairs, am supporting the President and hope he will find a way out other than a Dienbienphu or a Dunkirk for the United States. I think President Nixon is at this time pursuing the only honorable and rational course available to the United States in its search for peace.

AMERICAN PRISONERS OF WAR—THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

Mr. PUCINSKI. Mr. Speaker, the very highly distinguished magazine, Air Force and Space Digest, has performed one of the most impressive feats of journalism in its October 1969 edition by bringing to the American people and to the free world the first authoritative and documented article on the tragic and scandalous plight of American prisoners of war being held captive by the Communists.

So far as is known, 401 American soldiers are missing in action—most of them airmen—are believed to be prisoners of war being held by the Vietcong or North Vietnam. Nearly 1,000 others are missing in action and are believed to be captives.

Mr. James H. Straubel, publisher, and Mr. John F. Loosbrock, editor and assistant publisher, deserve this Nation's highest commendation for bringing to the free world the first meaningful information about the conditions under which American servicemen are being held prisoners by the Communists.

This article will become available for general circulation tomorrow. It should shake the conscience of the whole free world.

I call this article to the House because I consider it one of the most important documents of journalism in recent years.

Mr. Louis R. Stockstill, the author of this article, has performed a public service of the highest magnitude to the servicemen of America, as well as servicemen from all nations of the world, who shall be eternally grateful to him.

It is my hope that when this article becomes fully circulated throughout our State Department, throughout the United Nations, and throughout the capitals of the free world, it will arouse such indignation that the North Vietnamese will be compelled forthwith to open their prisoner-of-war camps to full inspection and give an accounting of their treatment of these prisoners.

The shocking mistreatment of our American prisoners—most of them airmen—can no longer be ignored by the free world and I submit, Mr. Speaker, that this timely article by Louis Stockstill may very well serve as the lever for world reaction.

It is my hope all free nations of the world would join in an economic boycott of North Vietnam at least until the Communists agree to list all the American prisoners of war and let impartial inspection teams examine these prisoners as to their health and well-being.

The article and introduction follows:

Prisoners of War—The Forgotten Americans of the Vietnam War

(By Louis R. Stockstill)

(Note.—On the following pages you will find one of the most important articles ever published in this magazine. Telling you this may seem redundant. If an article is unimportant, we should not be publishing it at all. At the same time, we have always acknowledged to ourselves that not all readers are interested in everything we print. Our job is to supply a balanced buffet table—not intravenous feeding.

(But the matter of our American servicemen who have sacrificed their freedom, their health, and the peace of mind of themselves and their families in behalf of freedom for others—this is a matter that concerns us all. By the hundreds, these men languish in North Vietnam prisons and in Viet Cong jungle camps—unprotected by the Geneva Conventions which are supposed to guard the rights and persons of all prisoners of war. That the bulk of these American prisoners are airmen brings their plight a little closer to us, perhaps. That others have lost life and limb in the same cause is even more saddening. But death and wounds are irretrievable, and all we can do is to make suitable provision for the wounded and the survivors of the dead. The prisoners, on the other hand, are alive and are retrievable. We can do something about them. We must.

(The author, who has done such a thorough and painstaking job, served for many years on the staff of The Journal of the Armed Forces, ultimately as it Editor. Lou Stockstill has devoted his professional life to the examination and explanation of the problems of the armed forces of the United States. He is now a freelance writer in Washington. This article represents, in our judgment, the finest effort of his distinguished career. It explains the POW problem better, and in more detail, than anything published to date. It includes some concrete suggestions as to what you can do to help.

(Read it, and let your conscience be your guide.—The Editors.)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherland walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say. Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "that there is just a fifty-fifty chance he is alive, but I feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior US pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "you learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

Ses says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualties" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect U.S. prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the U.S. government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POW'S

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—although perhaps rightly so far that time—have now been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the U.S. prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that U.S. prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the U.S. is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy, and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the U.S. Commander in Chief, Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and the rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the U.S., and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast, were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, consider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings, is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m. seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bare-board bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9:00 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history" of Vietnam and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning US involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc., they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which U.S. prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as overall policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist countrymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is, men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (jg.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners released in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson, captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger, Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveled frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other U.S. pacifists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any

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previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robrt Kramer, thirty-six, an SDS member during a stint at Columbia University; Norman Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and "massacred . . . women, children, and old folks."

She said US pilots "caught in the act of committing grave crimes" are not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

"James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turns in expressing, each in his own (way), their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vietiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesman for the prisoners, selected his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Q. How was the treatment you received . . .?

A. I received adequate food, clothing, and housing.

Q. Would you describe it as humane treatment?

A. Sir, I believe I have answered that question.

Q. Did they make any attempt to indoctrinate you or brainwash you in any way?

A. I have no comment.

Q. Was their treatment better at all when they decided you were going to be released?

A. As I say, my treatment has been adequate.

Q. Are you concerned that other prisoners might be harmed by something you might say here?

A. Yes. I in no way want to jeopardize any of the other people who have been . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying, "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been "seriously wounded." The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes clutched in his right hand, Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that U.S. bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers U.S. prisoners criminals, but releases them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blonde, wearing tightly fitting, flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

"Are our prisoners being mistreated?" he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of U.S. prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Conventions.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prison camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all of the men home. And the current release procedures, in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours" unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the US almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo*, his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a U.S. magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army Sgt. Donald Rander, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tell him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apoligized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from US prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral International Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using disident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carry a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if

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Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some US Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the US armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanly possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegram. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer such solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any; answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time, day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjutant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated the satisfaction to many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said, "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearning of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted, and others are being sought, to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the US gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of US savings bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the CONGRESSIONAL RECORD is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.M., wife of a captured Air Force lieutenant colonel, and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major, also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Cougress. "Usually," Mrs. Stockdale has said, "they put something in the *Congressional Record* and then forget about it."

A check of the *Record* discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D.-S.D.), and Eugene McCarthy (D-Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently

rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickinson (R–Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I asked each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters should be directed to:

Representatives of foreign nations;

Newspapers and magazines in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letters to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve on the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to AIR FORCE/SPACE DIGEST at 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 60 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I am asking to revise and extend my remarks at this point, Mr. Speaker, because I want to insert some comments which will, I believe, further clarify and enunciate my basic position on this matter.

Basically the key question, as I view it, is one which regards the building of a free security organization in Vietnam, which is commonly referred to as Vietnamization. The second thing is we have to consider Vietnam as a part of the total threat in the Pacific basin by Communist encroachment, be it in Laos or North or South Vietnam or North or South Korea. In attemping to take over South Korea on occasion if they thought they could, if South Korea did not have the kind of security organization to back them off, we would be engaged in a war there. So we have to take it in a larger context, which is a free Asian security organization in order to build up the security vacuum which was brought about by the failure of SEATO to handle the problem, which is permissible under the charter for the United Nations. Then, of course, the ultimate phase is for us to move in the direction of economic integration of these various organizations. This is the President's plan. I think he is on the right track and I think we should stand squarely behind him, because we now have a positive program to bring about success.

Mr. Speaker, I talked with President Marcos of the Philippines and he thinks that President Nixon is on the right track. I talked to the Prime Minister of Australia, Mr. Gorton, and he thinks the President is on the right track.

Therefore, Mr. Speaker, I think we ought to get behind the President and support him in this effort.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield for just 30 seconds?

Mr. BLACKBURN. I would be happy to yield to the gentleman for 30 seconds only.

Mr. TUNNEY. Mr. Speaker, by my silence—and I would not want to be silent after the remarks which have been made by the gentleman from New Jersey (Mr. GALLAGHER) and the gentleman from California (Mr. DON H. CLAUSEN) when they said they feel that the President should have support in his efforts to extricate the United States from the war in Vietnam.

I think that the program that was announced by the gentleman from California is a good program, but I am saying that it has to be followed through on. I agree with the President in his statements of several months ago. But the fact remains that we must be sure that the program continues and as a Member of Congress I do not feel it is being unfaithful to my country nor to my President by speaking out and by saying what I think the President ought to do and ought to continue to do in this area. I think it is a responsibility that I have as an elected official because he is my President just as much as he is the President of any other person in this country and he has my support in his efforts.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. Yes, I yield to my colleague, the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I cannot help but feel that a part of the concern we have, of course, is the spread of communism. There is a very definite international Communist threat. In China, Mao has stated publicly over and over again that he is in favor of violent revolution in order to spread communism throughout the entire world. There is a great competition between Russia and China as to who is going to be the dominant Communist power.

I think, however, we must recognize one thing, and that is that there will always be nationalism. There will never be one giant monolithic power controlled by one source except, perhaps, for a very short period of time. It may be a situation such as we see now in Eastern Europe at the present time. But I think you will find as the rivalry between China and Russia grows that that is going to be more and more important for some of the other countries. I hope that those other countries will eventually break away from the Communist power struggle and come back to free enterprise.

I was in Japan about a month ago and one of the people at this particular conference—he happened to be a member of the Japanese Diet—remarked to me after one of the meetings—he said, "You know, I am glad that China is a Communist nation." I was very shocked to hear this because this man is certainly not a Communist. In fact, he is one of the strongest advocates of free enterprise I have seen. I asked him, "Why?" He said, "Because for the first time China, despite the cultural revolution, despite its tense relations with Russia, despite its murderous approach toward solving its problems, is finally becoming a unified nation under Mao." And, that heretofore China had a number of dialects and people from one part of the country could not communicate with the people in the north and south and people in the east and west could not communicate with each other because of the variety of dialects.

They have tremendous natural resources. He pointed out the fact that the free enterprise nations are outproducing the Communist nations in every single instance. Japan has just become the third greatest industrial power under the free enterprise system. He said that if China ever unified, they would be shaking in their boots, but that they are not as concerned about that now because they are Communists.

The point I am making is that in Vietnam even after we do withdraw our forces—and I am convinced that President Nixon is going to get the American troops out of Vietnam because unless the South Vietnamese are willing to assume this burden themselves, we cannot indef-

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initely police the situation as much as we dislike communism. We simply cannot do it.

But after they are pulled out you are going to find that the nationalist experience in Laos, Cambodia, and Vietnam are still going to be very, very much alive.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a unanimous consent request?

Mr. BLACKBURN. I yield to the gentleman from Illinois for a unanimous consent request.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman for yielding. I ask unanimous consent that I be permitted to address the House for 1 hour following all legislative business on October 15, at which time I am hopeful we will be able to discuss the various alternatives for peace in Vietnam.

It would be my hope that some of my colleagues would take a similar hour right after my own so that on the 15th of October we can have a responsive discussion here on the floor of the House on the various alternatives for peace in Southeast Asia.

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. BLACKBURN. I yield to my colleague from Georgia for a unanimous-consent request.

Mr. THOMPSON of Georgia. Mr. Speaker, I ask unanimous consent that, following all legislative business on the 15th of October I may follow the special order of the gentleman from Illinois (Mr. PUCINSKI) and that I may be permitted to address the House for 1 hour to discuss this issue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. BLACKBURN. I yield to the gentleman from California (Mr. DON H. CLAUSEN) for a unanimous consent request.

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent that, following all legislative business on the 15th of October, I may, following the special orders of the gentleman from Illinois (Mr. PUCINSKI) and the gentleman from Georgia (Mr. THOMPSON) be permitted to address the House for 1 hour to discuss this issue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BLACKBURN. Mr. Speaker, of course we have heard a great deal of discussion today on the subject of Vietnam. In fact, the reason I requested this time was because I wish to address myself to the subject of Vietnam and our present posture there.

I might point out to the Members of this body that I also have reserved an additional hour for Wednesday at the close of business, because I have found that there are a number of our colleagues who wished to address themselves to the subject of Vietnam but who were not able to make arrangements to be present here this afternoon.

That being the case, Mr. Speaker, I would invite the Members of this body who desire to express themselves on this subject to be present again on Wednesday after the close of business.

Mr. Speaker, much uncertainty continues to exist in the minds of many of us, citizens and politicians alike, as to exactly what is taking place in Vietnam.

Some politicians are seeking to exploit the confusion and disillusion which many citizens feel regarding our purposes and accomplishments there.

Some of my colleagues would describe the calls for early withdrawal or definite date for withdrawal as a cheap method of seeking publicity. My own thought is quite to the contrary—the price of such publicity is beyond calculation. In my opinion those issuing such statements are unconsciously trading the sacrifices of a nation's blood, treasure, and integrity for the transient and questionable value of a few words in print and comments of news commentators whose words are often forgotten even as the last syllable has passed. My own measure of values does not permit such a trade to go unnoticed and unchallenged.

No one has been more outspoken in the past than have I in criticizing the previous administration for its failure to move decisively in using the military, economic, and diplomatic powers of our country to bring the struggle to a speedy conclusion. I remain strongly convinced that had we moved from the first with clariety of purpose and method to defeat the enemy, the fighting there would have long since been terminated and our losses in men and material would have been far less than what we have sustained to date.

In effect, we have been fighting a war of attrition against the forces of North Vietnam and the Vietcong. We have been fighting a defensive battle in which we have never sought to destroy the source of the enemy's strength; to the contrary, we have granted the enemy sanctuary within which he could mobilize his resources and plan a new assault after the frustration of his last.

The effects of our policy of attrition have been felt by the leaders of North Vietnam. A staggering 554,000 enemy troops paid with their lives for the ambitions of Communist leaders. Within the loss of such an overwhelming number of men is included her most capable military leaders of all grades, ranks, and experience. While Russia and Red China continue to supply the military hardware to continue the fight, it has become evident that the replacement of manpower is not so easily provided.

The military units of North Vietnam operating in South Vietnam no longer have the high degree of professionalism which marked her earlier forces. The youthful enthusiasm and patriotism is still present in her troops but, attacks in recent months have been clumsy and ineffective in comparison with the attacks of past years.

Because of the deterioration in the quality of North Vietnamese fighting units, our military leaders there and the Nixon administration has concluded that it is unnecessary to attempt at this point in history to move for the destruction or military conquest of North Vietnam. It is estimated that North Vietnam holds in reserve over 300,000 well-equipped and well-trained troops for the purpose of defending North Vietnam. Needless to say, the conquest of such a number of well-trained and dedicated troops would be a very expensive undertaking both in men and material.

Reports from South Vietnam likewise indicate that, to an increasing degree, the people of South Vietnam are beginning to have confidence that their country can resist North Vietnam. The Government of South Vietnam is moving toward an ever faster training program for its military forces which are now being supplied with the most modern military weapons. Some of the South Vietnamese forces are described as very good, while some are described as poor. At the present time it is generally felt that the South Vietnamese forces are incapable of withstanding the military might from the North. We all agree, however, that the ultimate responsibility for the defense of South Vietnam must rest upon the people of South Vietnam. Therefore, it is essential that the Government of South Vietnam continue to improve the military capabilities of her people.

Our Government has set itself upon a course of assisting the South Vietnamese in their moves to strengthen their own military capabilities, while continuing to maintain military pressure upon the enemy forces operating in South Vietnam. As units of the South Vietnamese army develop greater proficiency, these units can assume an ever greater share of the burden of fighting and American forces in corresponding measure relieved.

This plan can continue irrespective of progress or lack of progress in the Paris peace talks. Of course, I have believed from the beginning of the Paris verbal marathon talks that we would obtain concession from North Vietnamese in Paris only to the extent that our military forces in Vietnam compelled concession. Events have proven me to be correct.

The strategy which we now follow is entering an extremely difficult stage. The leaders of North Vietnam have believed from the beginning that American public opinion would ultimately force America's political leaders to withdraw and desert the people of South Vietnam to the military might from the North.

The calculated and ruthless murder of political leaders in South Vietnam for the past 15 years by the Vietcong has created a vacuum in leadership among the people of South Vietnam. They have thus been denied the stabilizing quality of mature political leaders. Some of the vacuum in leadership is being filled as a result of the South Vietnamese Government's extensive pacification program for the past several years which has been given the strongest American support.

One of the results of inexperienced leadership at the village and district level in South Vietnam has been a loss of confidence by the people of South Vietnam in their government and in their nation's future. But signs of self-confidence are today asserting themselves in South Vietnam which is evidence by an increased willingness to stand up against the brutality of the Vietcong. Thus, there is reason to believe that South Vietnam is emerging as a nation capable of self-government.

To those who would criticize the people of South Vietnam for their tardiness in assuming the responsibilities of self-government and self-defense as compared with the stability in North Vietnam, I hasten to point out that North Vietnam, since the overthrow of the French in 1954, has lived under the iron control of one of the most ruthless dictatorships in modern history. Modern means of transportation and communication combined with the rigid controls, censorship and propaganda of a police state do not permit signs of dissension. There will always be evidences of dissensions and discontent in a free society than in a police state.

The encouraging signs in South Vietnam combined with the wholesale destruction of the armies of North Vietnam and Vietcong are grounds for optimism. Such optimism, however, must be balanced off against the unyielding ambitions of the rulers of North Vietnam. The ambitions of the rulers of North Vietnam are encouraged by the again emerging expressions of discontent in America with our involvement in South Vietnam. The original premise of North Vietnam's rulers that the key to their success lay in the public opinion of America's citizens remains unchanged. The collapse of the French military effort in Vietnam was due to the lack of popular support in France for continuation of the effort. The lesson of France has not been forgotten by the leaders of North Vietnam.

I ask those who now are pleading for a collapse of America's military effort in Vietnam, "Do you consider France today as such an example of nobility in purpose and accomplishment that America should follow her lead?" Heaven forbid the thought.

America has not sought the mantle of leadership in the free world but who can doubt that today she wears that mantle. Let her fail in her purpose in Vietnam and the repercussions will be felt throughout the globe. No nation can, or will, stand to fill the vacuum should America retreat from leadership. Let not future generations wring their hands in helpless serfdom because the one nation with the power to prevent serfdom failed.

Every expression by a public official demanding an early American withdrawal or a commitment for total withdrawal by a specified date only serves to reinforce the premise upon which the leaders of North Vietnam have operated from the beginning. Why should the North Vietnamese delegation in Paris offer concessions if they believe that public opinion in this country will ultimately bring them what they have demanded from the beginning—total American withdrawal and surrender of her purposes there?

Let us consider for a moment the situation in which the leaders of North Vietnam find themselves. Her armies in the south have been defeated in every major battle. Her former powerful and loyal allies to the south, the Vietcong, have been reduced to little more than roving bands of hoodlums, their once broad public support vanishing. Her most powerful allies to the north, China and Russia, are now badly divided between themselves. Her leader, Ho Chi Minh, who successfully saw the Vietnam people through their battles with the Japanese in World War II and later the French, and whose popularity and veneration existed in both North and South Vietnam, is no more. Any hopes for a final overwhelming defeat of American forces as in the battle of Dienbienphu has disappeared with the last shot at Khesahn.

Why then do the leaders of North Vietnam continue to throw their youth into the awesome spectacle of American firepower? It is because they see the same forces of public opinion operating in the United States which brought about the defeat of the French of 1954. If public opinion should fail to support America's leaders in this moment, the North Vietnamese will be in the unique position of having lost everybody and yet won the war.

I would remind my colleagues on both sides of the aisle and perhaps at both ends of the Capitol that we do have a responsibility of leadership. Leadership carries a burden greater than seizing popular moods for purposes of political capital. To the contrary, leadership carries with it a burden of thoughtfulness, foresight, knowledge, and maturity of judgment which public opinion some times lack. The youth of today with their exuberance and idealism, who are crying out for precipitous American withdrawal, are lacking in that quality of maturity of judgment which you and I are expected to reflect. Unfortunately, there are adults among us who also seem to lack the required maturity of judgment. Their failures give aid and comfort to the enemy. Since we are technically not at war, things have been said and proposals made which, at best, must be described as "irresponsibility." Those among us who, by their words, are giving aid and comfort to the leaders of North Vietnam both in Hanoi and in Paris should look closely at the results of their talk. Those results could mean eventual disaster for our Nation.

The success of our purpose in South Vietnam becomes tenuous when we consider the effect upon the morale of the citizens of South Vietnam when signs of weakness appear here. Whether the typical citizen in South Vietnam prefers a democratic society or a Communist dictatorship is matched by his desire for survival; and to him, survival means choosing the victor in the final battle. Public statements in this country, which tend to support a belief that America will not remain until the South Vietnamese are capable of defending themselves, not only corrode the morale and determination of the South Vietnamese people, but could seriously undermine any chance for ultimate American success.

If ever a time existed when the citizens of a democracy should stand as one behind their duly elected leader, then that time is now. Over 38,700 of America's finest young men can never share in the bounties of our Nation because they have given the final commitment in support of their Nation's policy. Our President has reassured us that those who have died shall not have died in vain.

Let us reassure our President that while the mouths which cry out for American surrender are being heard, the hearts, hands and minds of the great majority of American people are pledged to the support of their country.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, there is a genuinely tragic misconception abroad in our land. It is spawned by the politically ambitious, nurtured by the posture of the media, consumed by a confused American public and used by our enemies as its most effective weapon.

The misconception I refer to is the establishment of a time certain to abandon South Vietnam to violent destruction. Those elected officials who espouse this position recognize that they doom the Paris peace talks to certain failure. Their every public utterance strengthens the Communist conviction that delay must bring victory.

What criminal nonsense to announce that we are willing to spend thousands of American lives for another 18 months and still accept certain defeat.

Indeed, these are desperate seekers of instant attention, those Members of both political parties, I am sorry to report, as well as those competing organizers of academic chaos, the ones who would stir our college young people up in the very kind of demonstrations that are best epitomized by the descriptions and eulogizing earlier this evening by the gentleman from California, the so-called day of silence on the 15th of October. That is exactly what I am referring to, that kind of observance and I am sorry the gentleman from California is not here and I regret he has been forced to leave the Chamber, but I am sure he recognizes, as all those who support this ridiculous moment of silence in this Nation, that their actions will be taken by the enemy and distorted and used to sustain the enemy's civilian morale and will be used to destroy the possibilities of a viable peace arrived at promptly in South Vietnam.

It is time the North Vietnamese recognize that our President is subject to just as much pressure to resume the attempt

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to reach a military solution, as he is to abandon Southeast Asia. It is true that those of us who believe that the only diplomacy the Communists understand must be delivered from a position of strength have not been as vocal as those doves who sing at the drop of a press conference. We are to be condemned for not being as vocal.

There are no political rewards to be reaped by urging the resumption of the bombing of North Vietnam. There is certain condemnation from the media for the elected official who insists that the only responsible way to end the conflict in Vietnam is to convince the North Vietnamese that indeed their attempt at conquest by aggression has failed and what they have lost on the battlefield they cannot win at any conference table—Paris or press.

We could bomb the dikes in the Red River Delta of North Vietnam. We could invade North Vietnam with South Vietnamese forces. We could close the Port of Haiphong in any one of a dozen ways described at great length and with which every Member of this body is familiar. We must do that which will demonstrate a strength and determination that will reveal the placard wavers and advertisement purchasers for the empty wordsmiths they are—and present their role in its true perspective; a minority view that does not reflect the true will of America.

There are many of us who have urged the President to take whatever new military action he and his advisers deem necessary to make it clear to the North Vietnamese that they cannot succeed. It is time for those of us who feel this way to speak out, that the Communists might know of the real determination of the American people, that the President might not feel that there is only one voice—that of surrender.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Virginia.

Mr. SCOTT. I appreciate the gentleman's yielding.

I should like to compliment the gentleman from Georgia for taking this special order, so that those who find themselves in disagreement with a small minority in both Houses of the Congress may express themselves. I say "a small minority." I believe there are a handful in each of the bodies of Congress who want peace at any price and they are calling for the withdrawal of American troops by the end of the calendar year 1970. Certainly I do not share this point of view and would like for the Communists to know that this group is not speaking, in my opinion, for the vast majority of the American people.

I would not like for the Communists to take comfort from any statement which is made by this small group.

It seems to me that the Congress does have the authority to declare war. The Congress does have the authority, through the Senate, to act upon treaties. The Congress does have the authority to make appropriations of money. But the day-to-day conduct of the war is up to the executive branch of the Government. The President is the Commander in Chief of our Armed Forces. The President must have the support of the Congress and the American people. At the same time he has the power, under our form of government, to conduct the war in which we find ourselves.

I fully realize that we have not had a declaration of war. We have supported our President through our Gulf of Tonkin resolution and through the appropriation of funds to continue the war that has been in existence for a period of years.

I am well aware that this is an unpopular war, that the vast majority of the American people would like for our boys not to be in Vietnam. I share this point of view. But at the same time, so long as we have our soldiers there I feel the American people should be and are behind them. It is wrong for the Communists to believe that we want to have our soldiers out of Vietnam on a date certain and that we will not support them beyond that date.

How can our Government negotiate peace if the Communists feel that on the 31st day of December, 1970, all American troops will be withdrawn? What incentive do they have to make an effort to negotiate with this Government?

I feel that negotiation is a two-way street. Perhaps we can give a little and they can give a little. So far they have not done any giving. It has been a one-sided affair. I believe it is time to stop and say, "We will work with you if you will show some inclination to want peace yourselves."

There are many who live within my congressional district, and I am sure within every congressional district in the country, who would like to resume the bombing of North Vietnam. There are many who share the thoughts that have been expressed by the gentleman from Arizona with regard to the bombing of the dikes and the starving of the people of North Vietnam into surrender. There are people who would blockade the ports and shell the North Vietnamese mainland from the sea, and who would invade it, in fact.

Frankly, I would like for us to work with other governments in the world in the containment of communism. I believe we have a responsibility that is shared by all the freedom-loving nations of the world. I believe the President believes this, because from time to time he has expressed himself in a similar vein.

It seems to me that we should support our President in his effort to bring about a cessation of hostilities in this conflict in which we presently find ourselves.

I, for one, do support the President and wish him well in his efforts. I will vote to take whatever action is necessary to maintain the prestige of this country abroad. I think that the North Vietnamese should be aware that this country has not lost a war and I do not think we should lose a war today at the peace table or that we should lose it through the action of some of our Members, a very small minority of our Members in this body and the other body, trying to force the President's hand. I believe the vast majority, if it came to a vote in this House, would support the President in his efforts by whatever means he feels are necessary to terminate this conflict in an honorable way.

I thank the gentleman for yielding.

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman from Virginia.

I now yield to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Speaker, I thank the gentleman from Georgia for yielding.

Mr. Speaker, I, too, have been greatly concerned about the events in the past several days which appear designed to lead to a direct confrontation and to give a public appearance that the President of the United States, as Commander in Chief of the military forces does not enjoy the confidence of either this Congress or the American people in attempting to work out a solution to the Vietnam war.

Legislation requiring the withdrawal of American troops on a fixed date, advertised long in advance, would make it impossible for the President either to fight or negotiate with the enemy.

What little prestige and power our President now possesses in our unseemly negotiations with the enemy would be completely destroyed if such a maneuver were successful.

This mess that we have in Vietnam—a war which apparently no one ever intended to win—is the responsibility of at least three Presidents representing both major political parties. Today, we witness the sorry spectacle of the same politicians whose views were soundly repudiated at the polls less than 1 year ago again sparring to see who can gain the most political benefits from the blood of young Americans shed on the battlefield.

Very definitely there are those who dislike the war and the way the war is being run but surely they can fight the battle in the Halls of Congress and by vote and in private conversation with the President—not on television or by splashy newspaper ads.

Mr. Speaker, as a former combat soldier, I say the American people know there is but one honorable course to follow while American soldiers are engaged in combat. It is a shame that politicians need to be reminded that Americans have a moral duty to support Americans to victory. The height of immorality is to draft a young man and send him to combat while denying him the right to achieve victory in that combat. The height of national immorality is to engage in a war without the intention of achieving victory.

A great American, Douglas MacArthur, told this body plainly not many years ago that when a great power engages in war and stops short of victory it ceases to be a great power and necessarily engages in other losing wars. Our failure to heed that lesson has brought us to Vietnam.

It is apparent to most Americans who have served their country that when our fighting men are engaged in a war he who does not help them aids the enemy. Anyone not a part of the solution is a part of the problem. The technique of winning a war by internal subversion is not new—it worked for Ho Chi Minh when he fought the French. It has been the long-time policy of the North Vietnamese Communists merely to hold off and exact casualties from our fighting men while their agents and dupes agitate in the United States to destroy the public support of our fighting men.

We daily witness the sorry spectacle of attack on our whole military system where deserters are treated as honorable dissenters. If this sedition has damaged our morale at home, think of its effect on the morale of a fighting man in Vietnam. These dupes of the Reds have supplied Hanoi with the best propaganda to use against our men.

If we lose the will to win, we also lose the morale to defend our country, our civilization. If we destroy the trust of American young men in their country, we will never again be able to restore any patriotism. We expect them to perform their duty to their country. It is our responsibility to see that their country performs its duty to them.

We must understand that the obligation inherent in military service is a reciprocal obligation. When a young man is asked to risk—to lay down his life for his country—it is unthinkable that his fellow Americans and his national leaders should do less than support him all the way. To aid the enemy, under any guise, prolongs the war and is paid for in the blood and lives, not of those who are encouraging the enemy, but of those who serve their country in uniform. The pious hypocrites who have misused their freedom of speech to prolong the war—to encourage Hanoi—have the blood of 40,000 dead Americans on their hands.

Mr. Speaker, it is the well-known opinion of every reasonable military authority from Kennedy through Johnson to Nixon, including the Joint Chiefs of Staff, that freed of political restrictions our military forces using only conventional weapons could achieve victory in Vietnam within a period of 6 weeks. Every death, after 6 weeks, every dollar spent after 6 weeks, every life affected by disabling injuries, by the loss of husbands, sons, and fathers, after the first 6 weeks of this war was therefore totally unnecessary, and was a criminal breach of our obligation to our fighting men. The American people will demand that those responsible be brought to account, if not now—then later.

If it is but the intent of the party in power or of the new onslaught from the left—the voice of the new Democratic coalition—to play more politics which will cost us additional loss of life in the war, then I say a plague on both your houses.

We now witness two particularly nauseating maneuvers. We find politicians trying to outbid themselves in introducing legislation calling for the withdrawal of our military forces from Vietnam by a fixed date without regard to the number of lives which this irresponsible and opportunistic maneuver will cause.

Why should the enemy concede anything when he knows that he has won his war on Capitol Hill?

The second spectacle involves the announcement of massive parades, protests, sit-ins, shut-downs, and the like—civil disobedience—part and parcel of psychological guerrilla warfare in the United States. No matter how sanctimonius the professions of the instigators of this impending demonstration it is plain that it can have no effect but to aid the enemy. If the President becomes convinced he does not have the support of the American people he will be forced to meet Hanoi's terms at Paris, thus losing the war by surrender. Un-American demonstrations at home but hold out hope to our enemy and prolong the fighting—year after bloody year.

Mr. Speaker, now of all times in our history is the time for Americans to stand up and be counted. So long as there appears to be a possibility of political benefit in this kind of sell-out of our fighting men, there will be politicians of both parties attempting to reap benefits. Loyal Americans and particularly those who have honorably borne the brunt of our conflicts in the past should let it be known in no uncertain terms that there will be no political rewards to be gained by treason. Veterans organizations and individual veterans must stand behind their younger brothers and sons who now are engaged in combat with the enemy by protecting their rear at home from the cowardly attack of these political opportunists.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, the gentleman addressing the House is touching on one of the most sensitive and yet critical issues before the Nation today. I believe almost without exception that everyone in America wants to end the conflict in Vietnam and bring our boys home. This is my desire and the desire of the people of my congressional district.

The most heart-rending letters coming to my office each day deal with the heartaches and hardships reaching now into hundreds of homes in the Eighth Congressional District of North Carolina. Mothers and fathers, wives and children, and friends are distraught over the loss of human life which is occurring each day.

However, I must take exception to a few individuals who in America today are placing an unusually heavy burden on our President in demanding that the conflict be ended and that we in essence capitulate without achieving our objectives. To do so, I feel, would be a betrayal, not only to the thousands whose lives which have been lost in this conflict to date, but even more important it would be contradictory to the very principles of this Nation. Our Nation was founded on freedom and the opportunity to have individual choices. Our interest in Vietnam is but an extension of this freedom we cherish so deeply at home.

For this reason I commend the gentleman addressing the House at this time and extend my support to the President, to give him sufficient time to work out agreements which can be not only acceptable at the moment but will extend in to the future to prevent any more Vietnams from occurring. This, I believe, is the desire of the American people.

Mr. BLACKBURN. I thank the gentleman for his remarks.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, my father, who was a Quaker and a wise man, used to have a saying that you cannot fire off a cannon moderately. We have violated that concept in our conduct of the war in Vietnam by intervening in the first instance and then not pursuing the war to an all-out conclusion in the second. I think the violation of that concept is the reason for the basic—the main reason—for the exceedingly difficult position in which we now find ourselves.

But, Mr. Speaker, there is little point in discussing the errors of the past in Vietnam except as a guide to the future.

The problem we have now is that we are there and we have this problem to resolve and there is a solution. We must find that solution. It is something that we must do.

Now, given the present circumstances in which we find ourselves, I submit, Mr. Speaker, there are only about three things that we can do. You could go back and try to secure a military victory by all-out military effort. I think we can do that, but it is late in the day. It is quite apparent that there is no intention on the part of our Government to attempt that course at the present time.

You could go to the other extreme and get out of there as quickly as it is physically possible to do so, and let the thing go down the drain. That would be to confess defeat; to confess we have lost some 35,000 Americans in vain, and it seems to me that if there is any viable alternative that such a policy is utterly impossible as an American policy.

That then leaves really but one other course, and that is the course which the President apparently is following, of gradual deescalation, gradual withdrawal and phaseout, and as the phrase goes, a gradual Vietnamization of the war.

I do not think anybody can say with all assurances that that will be successful, but I do think there is a reasonable fighting chance that it may prove to be successful.

I had the opportunity of being briefly in the countryside out there in Vietnam. I am not as pessimistic as the gentleman from California, although I think it would be a mistake to be too optimistic. But I was out in some of those hamlets viewing the situation there.

I remember particularly one down in the delta. There were no Americans there except two young lieutenants in their 20's, and a big Negro sergeant from Texas. They had armed these local people. They had trained the local defense forces. They had moved the people back in there who had been evicted. They were learning the language. They elected a mayor down there, and they were electing a city council. They were trying to build up a city government while the war goes on. And there are many other dedicated Americans over there, civilian and military alike, who at least believe they could do that successfully, and who are trying. The President thinks they should be given a chance, and I think so, too. I think we have to give the President a reasonable opportunity to work this thing out in a reasonable length of time, to try to get the situation where the Vietnamese can take over for themselves with a reasonable hope that the thing will not fall to the Communists, as I am absolutely certain it would do if we drew out abruptly tomorrow.

Therefore it seems to me that it is a disservice at this particular point in time for us here in the Congress to try to draw deadlines and tell the President of the United States when and by what date this process of withdrawal must be accomplished.

Such efforts may be well intentioned, and I assume that they are, but they amount to telling the enemy beforehand if you just keep going up to a certain date we are going to quit.

I am confident that the President will phase the thing out as rapidly as he thinks it can properly be done. It seems to me that under the circumstances, at this particular difficult point of time, you are tying his hands and by giving the enemy that kind of advance notice, however well intentioned it may be, can only be of aid, comfort, and assistance to the enemy, and we ought to oppose it.

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I want to express my gratitude for those who have participated on this occasion. I would note again that we will have a similar hour at the close of business on Wednesday of this week.

Mr. Speaker, I yield back the balance of my time.

Mr. KUYKENDALL. Mr. Speaker, I thank the gentleman from Georgia for this opportunity to join him in urging all Americans, including leaders of our political parties, to unite behind the President in bringing a speedy peace in Vietnam.

After all these long dreary years of suffering and sacrifice in the Vietnamese people and our own men fighting this heartbreaking war, there is, at last, a ray of hope. President Nixon has succeeded in putting the United States on the peace offensive and once more world opinion is swinging behind America's efforts. The President's far-reaching proposals for ending the war have been eminently fair and by their stubborn refusal to negotiate in a sincere effort for peace the Communists are being exposed as the warmakers and aggressors they are.

But the President cannot do it alone. He must have the support of his countrymen. Responsibility for prolonging the war must be borne by those who, for whatever reason, throw obstacles in the way of the President in his search for peace.

Who will deny that the enemy in Hanoi is encouraged when the chairman of one of the major parties publicly announces that his party is going to make failure to end the war the primary issue in winning congressional seats in next year's election? And how gleeful that same enemy must be when that same chairman, joined by a group of his fellow party members, openly supports and encourages planned student demonstrations with all the potentional for violence that has been associated with all such demonstrations in the past?

Mr. Speaker, let us stop kidding ourserves and the American people. There are just too many people in responsible positions who, because of their irresponsible statements and their desire to win an election at any cost, are putting politics above peace and the national interest.

I am proud to say, Mr. Speaker, that the members of my party did not engage in this kind of activity. The former President had the support of the party leaders who refused to make the war in Vietnam a political issue. Mr. Nixon, in his campaign for the Presidency, refused to make the war an issue.

So let us demand now that all Americans stand up and be counted on the side of peace, an honest peace, an honorable peace, a peace with justice for the people of Vietnam, a peace which will guarantee them the right to choose their own government whatever the complexion of that government. Let us not permit some, stirred by political ambition, to hide behind slogans that parrot the propaganda of the enemy.

A united America now will convince the enemy he cannot depend on victory through American repudiation of the high goals of the President and he will begin meaningful negotiations which will bring about the quickest possible end to the war.

Mr. DON H. CLAUSEN. Mr. Speaker, in order to complete the record of the question of Vietnam policy raised by the gentleman from California (Mr. TUNNEY) I would like to insert an editorial written by William Randolph Hearst, Jr.—noted publisher of the Hearst Newspapers.

In it he refers to my "phase-in, phase-out" concept for Vietnam that I referred to earlier. I know this is the policy of President Nixon and I believe that he is on the right track. It is the alternative that we have been seeking.

The comments made by Mr. TUNNEY sound like Senator FULBRIGHT and I am sure if he leaves them in the RECORD as expressed today, these remarks will help prolong the negotiations in Paris and offer encouragement to the Communist strategists in Hanoi.

I think the gentleman from California (Mr. TUNNEY) is very confused and, in my judgment, naive and immature on this question and yet, I respect his right to express it.

However, I believe the time has come for you to decide once and for all—are you on the side of our President of the United States and the South Vietnamese who are fighting communism there, or are you supporting the position of the Vietcong and the North Vietnamese terrorists?

I, for one, like the gentleman from Illinois (Mr. PUCINSKI), believe the President needs all the backing possible from the Congress and the people we represent.

The editorial referred to above, follows:

BLUEPRINT FOR PEACE

(By William Randolph Hearst, Jr.)

Some kind of sympathetic chord appears to have been struck in this column two weeks ago, in which I offered a solution for our dilemma in Vietnam.

In essence it was that the free countries of Southeast Asia be made to pitch in and start doing their proper share of the fighting we are now doing to save them from Communist agression.

Apparently a lot of other people think so, too, and I hereby renounce any claim to originality. In any event, ever since the column appeared I have been swamped with letters, telegrams and phone calls—nearly all expressing enthusiastic support and some offering specific plans of action.

Today I am devoting this column to one of those action plans. It strikes me as the best blueprint for ending the war and winning the peace I have yet to encounter. It was contained in a long communication from Rep. Don H. Clausen (R., Calif.)

Rep. Clausen has just returned from an official, 33,000-mile fact-finding swing through eight nations in the war area, made during the first month of the enemy New Year offensive. His main conclusion (and mine):

"For too long now, we have been doing the job for the South Vietnamese and the other Asian nations which are threatened by what is happening in South Vietnam."

"Helping them is one thing, but carrying the overwhelming burden of combat for them is not now, and never has been, the sole responsibility of the United States."

Having said this, Mr. Clausen proceeds to tell in detail exactly what he thinks we should do about it, and I am going to let him tell it as much as space permits in this own words.

What I want to emphasize in advance is that his thinking (and mine) involves no notion of deserting the South Vietnamese or failing to live up to our commitment. Mr. Clausen himself emphasizes this right off the bat.

"My basic proposal," the Congressman writes, "involves what I call the 'Phase-in—Phase-out Concept.' This is to avoid any connotation of unilateral withdrawal.

"Very briefly, it means redirecting the manpower emphasis in Vietnam whereby vastly more South Vietnamese and free Asian security forces would be injected into the ground war there and a like number of American fighting men withdrawn on a carefully conceived, methodical and realistic timetable basis.

"This could be done by creation of what I call a 'Free Asian Security Force' composed of regular military units of the countries of free Asia which are directly threatened by Communist expansion.

"I am sincerely advancing this concept to our nation's leaders, and I hope that every effort will be made to explore its feasibility. My own judgment is that such a program is feasible—that the manpower is available, that the idea is practical, logical and fair, that the free Asian nations can be convinced of this diplomatically, and that it can be put into effect logistically within a year.

"It suggests a broad but positive and orderly plan for reducing U.S. involvement in Vietnam without any sacrifice of our basic security requirements. Further, it would place the conduct of the war in the hands of Asians themselves."

The big stumbling block in all this, of course, is how to get the free countries of Southeast Asia to unite for such an effort so long as we continue plugging the dike for them.

Mr. Clausen, a realist, is well aware of the chilly reception these countries late last year gave to Gen. Maxwell Taylor and now Secretary of Defense Clark Clifford when the Presidential envoys came asking them for more help.

Yet both of us feel that our reluctant Allies can be persuaded to recognize that taking over their own responsibility will be the best thing for them in the long run.

In the last analysis, the security vacuum which exists in Southeast Asia, cannot be filled indefinitely by the U.S. It can be filled only when the free countries of the area set up their own common bulwark against the Communists.

To sell these countries on what obviously is essential for their future, Rep. Clausen declares, a dramatic diplomatic offensive by this country is required. Since this could originate only in the White House, he writes as follows:

"I therefore urge President Johnson to call a summit conference of the non-Communist Far Eastern nations for the purpose of forming a Free Asian Security Force.

"Purpose of this force would not only be for the immediate future needs of Vietnam but to provide the organizational structure to guarantee lasting security for all peoples living in the Pacific basin countries.

"Our best diplomatic efforts must be used to this end. We must switch from defense to offense."

Mr. Clausen points out that such a diplomatic offensive would not involve a starting from scratch. Thus we already have the basis for a permanent free Asian security force now in Vietnam, consisting of fighting forces from various countries in the area in addition to the South Vietnamese.

We also have the basis for coordinated action to implement the Phase-In—Phase-Out program. With SEATO in a state of virtual collapse, a natural coordinating vehicle is the association of Southeast Asian nations, or ASEAN.

Formed only last year to further mutual interests ASEAN at present is composed of Indonesia, Malaysia, the Philippines, Singapore and Thailand. All these would be among the nations which President Johnson would summon to the proposed summit conference.

Rep. Clausen concludes his proposal with these remarks:

"I believe we have done more than our share in Vietnam, and we've paid an extremely high price in the process. In my judgment, Phase-In—Phase-Out is the course we, as Americans, can and must now follow.

"We have much to gain through the formation of a free Asia security force for Vietnam to meet immediate needs—and the formation of a partnership of the Pacific in the future, after Vietnam.

"Thus, in considering the Phase-In—Phase-Out concept it is necessary to look beyond the war to find its true merits and potential value to the people of Asia and us here at home. Because whatever happens in Vietnam, we must be prepared to live not only with ourselves, but with the people of Asia and the free world in the future.

"What we're really seeking, I believe, is economic integration of the free Pacific Basin communities where we can maximize cooperation and coordination in economic, political and security matters.

"What do we have to gain? Everything—but most important of all we will gain an additional and more viable security buffer against possible Red Chinese or even Soviet encroachment in the Pacific region, and a proper sharing of our heavy financial and manpower burden in Southeast Asia.

"What I have outlined is an action program aimed at these goals. It is a program all Americans can take pride and purpose in supporting."

* * * *

So much for Congressman Clausen's most constructive improvements on what was already a pretty good idea.

We'd better get the big band wagon, because I think we're going to have lots of company on this one.

GENERAL LEAVE

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 days in which to insert their remarks at this point in the Record on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ADDED SUPPORT FOR LICENSING AUTO MECHANICS

The SPEAKER pro tempore (Mr. Edmondson). Under previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, today I am reintroducing my bill designed to require States to license and examine auto mechanics and set up training programs to assure the competence of new mechanics.

Joining me today in sponsoring this legislation is a bipartisan group of my colleagues: Mr. Tunney of California; Mr. Blackburn of Georgia; and the following members of the New York delegation, Mr. Brasco, Mr. Addabbo, Mr. Button, Mr. Reid, Mr. Murphy, and Mr. Farbstein.

I would also like to acknowledge that Mr. Matsunaga of Hawaii is in general agreement with most aspects of my bill, and with some revision is planning to introduce similar legislation.

The urgency of "the Motor Vehicle Mechanic Licensing Act" can not be underestimated. By the end of this year almost 105 million vehicles will be on America's highways, our urban expressways, and our neighborhood streets. This is a staggering 3.5-million increase in registered vehicles in only 1 year. This new high in vehicles includes 86.5 million automobiles, and over 18 million trucks and buses.

Just nine States account for over 50 percent of the number of vehicles, each having over 3 million vehicles jamming public arteries. California leads with an incredible 11.4 million registrations; New York has 6.5 million; Texas, 6.4 million; Pennsylvania, Ohio, and Illinois and Michigan each have over 5 million; and Florda and New Jersey have between 3 and 4 million vehicles.

Who is serving this staggering consumer investment in automobiles? How reliable is the repair work? Are the repairs safe or are they potential causes of deadly accidents? Are consumers being overcharged?

Unfortunately, only too often the answers to each of these questions are all too familiar to us. Overcharging, cheating, bills for work undone, sloppy, deficient repair work—the incidence of mechanic negligence and consumer abuse is phenomenal.

The latest evidence I have found—from a survey by the National Automobile Dealers Association—indicates that 36 percent of 10,000 car owners were dissatisfied with repair work on their autos. One out of every three, that is a poor performance record, to say nothing about the $25 billion annual repair bill Americans pay or the safety of their automobiles.

Indeed, over 4,000 complaints about faulty repair work, shoddy service, and rising repair costs have been received by Senator Hart of Michigan as a result of his Senate Antitrust Subcommittee investigation into car repairs.

The auto licensing bill would require a minimum of 3 years' training and mandatory testing of all mechanics to assure uniform qualifying standards. It would provide Federal financing up to 80 percent of a State's licensing program; and if a State failed to develop a licensing program, then 10 percent of its highway trust fund would be withheld.

The Secretary of Labor would also be required to approve the State licensing and training programs. Additionally, States would set up a grievance board, representing both public and mechanic, to hear consumer complaints.

Generally, the bill provides that States—

Assume responsibility for licensing examinations, including the following requirement:

First, a minimum of 3 years' training;

Second, a mandatory, specific examination, to assure uniform qualifying standards;

Third, provision that applicants who fail exam be trained for requalifying test within 1 year;

Fourth, practicing mechanics with at least 3 years' training experience may take qualifying exam without training;

Establish apprenticeship and training programs to qualify applicants for licensing examination;

Require advanced training for licensed mechanics as part of their on-going training to keep abreast of modern automotive design;

Provide a procedure for consumer complaints before a grievance board representing both mechanic and public;

Discipline licensed mechanics determined incompetent, and prosecute any mechanic operating without a license.

The legislation also provides that the Federal Government—

Finance up to 80 percent of a State's licensing program;

Withhold 10 percent of a State's highway trust funds if it failed to develop a licensing program;

Require the U.S. Secretary of Labor to approve State licensing and training programs;

Grant funds to States only if they operate federally approved automobile inspection programs.

The failure to license auto mechanics is one of the most blatant omissions in our laws to protect the consuming public. As I said when first introducing this bill—

> It isn't only a question of protecting the public from being gouged, but it's a matter of saving human lives.

The significance of this legislation is also underscored by the following article, Mr. Speaker, which I would like to include in the RECORD for the benefit of my colleagues. The article, from the September issue of the Reader's Digest, makes it abundantly clear that auto mechanics must be licensed.

BEHIND THE HIGH COST OF AUTO REPAIRS

(By Ralph Kinney Bennett)

Glenn Baldwin, of Bethesda, Md., had driven his new car only 194 miles last fall when the carburetor sprayed gasoline on the hot engine, causing a $165 fire that scorched the paint off the hood and destroyed the engine hoses and wiring. "We'll fix it like new," said the manufacturer's representative. "They did," Baldwin says wryly. Shortly thereafter, the "repaired" carburetor sprayed gasoline again, ruining the new paint job and again melting wiring and hoses.

In Hacienda Heights, Calif., William Doal paid $47.94 to have his car's oil leak repaired. The leak persisted. He spent $53.29 for additional repairs. The leak continued. Finally, a service-station mechanic found the problem to be a leaky oil pressure switch. He installed a new one for $2.95.

David L. Ramsey took his car to an Atlanta garage to have the noisy brakes checked. A mechanic okayed them. When the brakes became noisier, Ramsey took his car to another garage. "Buddy, you don't *have* any brakes," said the mechanic after taking the wheels off and finding crumbling brake shoes and damaged drums. Evidently, the first man, finding the right front wheel in marginal but acceptable condition, had passed the brakes without looking at the other three wheels.

These are typical signposts along the weary, frustrating and costly road that the average motorist must travel to have his car fixed. In a country with about 100 million vehicles, where a car in good running order has become more a necessity than a luxury (Americans travel nine of every ten miles by car), the scope of the auto-repair problem is obvious. American drivers spend an estimated $25 billion a year on automobile repair and maintenance. Most pay willingly *if* they feel they are getting full value for their money. However, a recent National Automobile Dealers Association survey showed that 36 percent of 10,000 customers queried were dissatisfied with auto-repair work done for them.

Since the Senate Anti-trust and Monopoly Subcommittee, headed by Sen. Philip A. Hart (D., Mich.), began its hearings on the auto-repair industry in December 1968, thousands of angry car owners, disgruntled mechanics and automotive specialists have told of shoddiness and ballooning costs in the auto-repair business. The auto-makers themselves acknowledge the seriousness of the problem, noting that it reflects ultimately on the success of their product.

Glenn F. Kriegel, a former aeronautical engineer who now runs a Denver auto diagnostic center, testified that of 5000 cars he rechecked following repairs, fewer than one percent had been *properly* repaired. Badly repaired items ranged from broken auto frames to improperly installed steering linkage to unconnected distributor wires. A new study done for the Hart subcommittee by the Automobile Club of Missouri at its sophisticated diagnostic center in St. Louis showed that, of 7804 late-model cars tested, 5842 had one or more potentially dangerous defects. Worse, rechecks of 2000 of the test cars, after owners had taken them to mechanics for repair of the defects, showed that 35 percent of the specified work was not done properly. Such sloppy repair work unquestionably accounts in part for the staggering accident rate on our highways.

Why is our auto-repair system in such trouble? These are the basic reasons:

1. The Mechanic Shortage. Today there are 800,000 auto mechanics in the country—one for every 125 vehicles on the road—and that ratio is expected to worsen. An estimated 105,000 men must be recruited and trained each year to provide enough qualified mechanics to service the country's soaring number of vehicles. But a study showed that of 98,000 students graduating from automotive training courses in vocational schools in 1966, only 17,000 have remained in the repair business. "These days not many want to get their hands dirty while earning their pay," says a Ford Motor Co. executive.

Many qualified young men decide against entering the repair business because pay is generally low for the work involved. Although $10,000 is not an uncommon salary for a very specialized mechanic, the average mechanic earns about $6500 a year. Most are paid on a piecework basis.

For instance, to replace the rear springs on a 1967 Chevy II, a General Motors manual lists two hours of work at $8 an hour. This hourly wage is usually split 50–50 between the mechanic and the garage owner. Some mechanics are therefore tempted to "beat the book"—to rush through repair jobs in less than the specified time so they can do more jobs and make more money in a given day. Often, the result is below-par work.

The effects of the mechanic shortage may be compounded by a lack of sound management in the garages. All the big auto companies are making a major effort to recruit and train service managers and to improve management tools and techniques. "We've got to arrange things," says John Baughman, manager of Ford's service research center, "so we don't have expert mechanics using up their time on simple jobs like, say, wheel alignment, which can be handled at a relatively low skill level. The top people should be used on the tough jobs."

But until better mechanic "image" and improved service management become the rule rather than the exception, the consumer will pay the toll for the mechanic shortage. "Shop operators are constantly faced with the temptation to hire mediocre repair people," says Neal Mann, executive secretary of the Independent Automotive Damage Appraisers Association. Understandably, repair bills go up when unskilled men diagnose automotive problems by trial and error. In addition, an unskilled or badly rushed mechanic is likely to install a new part rather than save the customer money by fixing an old one.

2. The Fast Buck. Uninitiated in the mysteries of submersible fuel pumps and dual ignition systems, the average car owner is at the mercy of an unscrupulous mechanic. In California last year, the attorney general's consumer-fraud office brought action against five auto-repair companies for such practices as selling used parts as new, charging for work not done, and luring customers into expensive repair jobs by showing them worn or damaged parts from another car.

Decisive legal action is rare. "If a mechanic is called up on something," reports Herschel Elkins, a deputy attorney general in California, "he can always say he made an honest mistake. But there's a good chance he won't get called up." Elkins points out that several gas stations near the California-Nevada border prey on eastbound women drivers in cars with out-of-state license plates. They spray oil on the alternator while the woman's attention is diverted, then tell her that the alternator is about to malfunction. Faced with the possibility of a breakdown in the desert, she often buys a new alternator (about $100), which the station "just happens to have on hand." "We know this is going on," says Elkins, "but since the victims are from out of state, it's almost impossible to get witnesses back to California."

Testimony before the Hart committee shows that some shops consider women "fair game" and "a good source of revenue" because it is easy to convince them that their cars are on the verge of breakdown. This can amount to big business, since women buy about 40 percent of the nation's auto repairs.

Sometimes actual criminal fraud takes a back seat to a hard-to-pinpoint kind of less-than-honesty that nets a dollar here, a dollar there. A Yonkers, N.Y., man who questioned a $128 charge for tune-up and lubrication of his car was told, "Oh, we did some extra work we don't normally do on all cars." Like many other motorists, he felt helpless to do anything about it.

Such shortcuts for a few extra dollars hurt the consumer, but they also hurt the many good, honest garages whose reputations suffer from the cheats and corner-cutters.

3. Rising Parts Prices. Americans spend $14 billion a year on auto parts—and prices on parts have increased about 60 percent in the last nine years (some as much as ten percent in 1968 alone). More complex and luxuriously equipped cars account partly for this increase. Automatic transmissions and high-performance engines are more and more in demand, and each year the sales curve sweeps upward on such accessories as air-conditioning, power steering and power brakes.

Particularly puzzling to the Hart subcommittee, and to auto mechanics, however, are seemingly arbitrary disparities in prices of similar parts. Strikingly similar chrome fender moldings for two comparably priced different makes cost $2.50 and $7.55. Door panels for one corporation's low-priced model cost more than for any of its other cars, including its expensive prestige model. A left front-door panel for the low-priced car, for instance, costs $39.70, while the same panel for a much more expensive car built by the same manufacturer is listed at $23.85.

Such costly parts—particularly exterior styling of concern to the car owner because today's sleek and sophisticated automobiles are more damage-prone than ever before. Dime-thin sculptured sheet metal on hoods, fenders, doors and rear decks is easily dented or punctured, and even bumpers, which once protected cars in low-speed collisions, are now fancy trim of thin-gauge steel.

Auto-industry spokesmen say that increased costs of materials, labor, design, retooling and distribution, along with the growing variety in accessories, account for the rise in parts prices. But consumer groups and Congressional probers feel that further explanation is needed, if only to convince motorists that high parts prices are not unreasonable.

The Road Ahead. What can this nation on wheels do to stem the tide of high-cost, frequent and often low-value repair work? Engineers, mechanics and automotive experts who have been studying the problem make these recommendations:

Certification of auto mechanics should be required. It is ironic that in our auto-oriented society there are no standards of training for the people who take care of our cars. Plumbers, electricians, cosmetologists must pass an examination and get a license in some states, but in no state is this required of an auto mechanic. Licensing is being considered in both California and New York, but many mechanics lobby against it, fearing that it would drive them out of business. Yet a uniform quality of service must be made possible, not only in auto-dealer garages but in the vast network of independent garages and service stations that handle about 70 percent of all repair work.

Licensing *can* work. In Canada's Ontario Province, auto mechanics have been licensed since 1937. A young man wanting to enter the business must complete a four-year program of on-job training and full-day classes at vocational school in order to qualify for a license examination. "When a motorist takes his car into an Ontario garage, he at least has the assurance that it will be worked on by a person who knows something about it," says W. F. Davy, director of the Industrial Training Branch of the Ontario Department of Labor.

But how, ask many in the automotive field, can a mechanic expect to earn a license certifying him proficient to work on the wide variety of American and foreign cars? Informed opinion suggests the possibility of specialized licensing in different areas (transmission, engine, body work, etc.). The person able to earn all the licenses would be rated a master mechanic.

New ways to attract and train mechanics must be found. Vocational schools are doing their part, but many do not have the modern equipment or up-to-date instruction methods needed. Auto manufacturers have training centers around the country, but most of the men attending them are experienced mechanics trying to keep abreast of new technical developments. The auto-makers train about 7000 new mechanics each year under such programs as high-school graduate apprentice training and the Defense Department's Operation Transition, which trains former GIs as mechanics. But although the companies donate equipment to vocational schools and cooperate with government programs for the disadvantaged, they do not believe the training of new mechanics is primarily their responsibility. Rather, they believe that emphasis should be placed on upgrading the nation's trade schools as a source of recruits. It seems clear that a major effort, with the government, the educational system and the automotive industry cooperating, is needed to provide a generally high standard of mechanic training.

Detroit can fight high repair costs. While the American car continues to be, mile for mile, the world's greatest automotive bargain, it can be made less vulnerable, easier to repair and maintain. "We are convinced," says Senator Hart, "that many consumers' complaints about high cost of repairs started back on the design boards." Detroit is accelerating its efforts to answer repair and maintenance problems, and programs in the works for some time are now beginning to appear.

Pontiac's use of resilient Endura front bumpers is one example. Ford's new economy Maverick, with bolt-on front fenders and improved accessibility to service points is another. Throughout the industry, engineers are sitting down with designers to minimize vulnerability and improve maintainability in future car designs.

Lee Iacocca, executive vice president in charge of the entire Ford line, deals bluntly with the challenge of repairability and serviceability. "Have we done enough? No," he admits. "But we're working like hell on it. This whole industry knows that if it costs too much to repair our cars, people won't buy them."

You, the car owner, can help. Know your car (read that manual in the glove compartment) and the mechanic who works on it. Understand that the more "loaded" your car is with luxury accessories, the more difficult and possibly expensive repairs will become. See that minimal maintenance is performed at proper times, and when you need repairs be as specific as possible about what you want done. Don't accept a bill unless it's completely itemized, and be wary of flashy advertisements on low-low-priced engine and transmission repair. If you feel you've been the victim of fraud or incompetence, complain—to the garage and to the Better Business Bureau.

Informed and realistic people in Detroit and in the automotive-repair industry do not promise any major breakthroughs in the auto-repair problem in the near future, but they cannot ignore the challenge. Declares Senator Hart: "Most of the nation—especially the industry itself—is acutely aware of the intensity of consumer dissatisfaction over the quality and cost of auto-repair work. We must do more to ensure the quality work to which the consumer is entitled."

FIRSTHAND OBSERVATIONS ON VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, during my August vacation I traveled to Asia with four other Congressmen: The gentleman from Alabama (WALTER FLOWERS), the gentleman from Florida (LOU FREY), the gentleman from New York (JAMES HASTINGS), and the gentleman from South Carolina (JAMES MANN). We had received $1,000 study grants from the Free Pacific Association, founded by Cardinal Yu Pin, exiled Catholic Bishop of Peking. This study fellowship intended to encourage Congressmen to visit Asia for a firsthand look, covered about one-third of our costs. The remainder we paid ourselves. It was a most enlightening experience. We visited Vietnam, Japan, Korea, and Nationalist China.

In Vietnam we covered virtually all of the military areas from the demilitarized zone in the north to the Mekong River Delta in the south where the Communists have stepped up their infiltration.

In addition to briefings and informal off-the-record discussions with our Ambassador, Ellsworth Bunker, and other civilian officials in Saigon, we met with Gen. Creighton Abrams and other military commanders. We also went by helicopter to remote military outposts to chat with our American fighting men. We chose our own itinerary and were shown everything we asked to see. I wish every American could experience what we have experienced.

We spent more than an hour in informal discussions with General Abrams, a leather-skinned veteran of several wars who appears resigned to do the best job he can in spite of the obstacles he faces. He puffed on his oversized cigar and assessed the new enemy offensive which coincided with our visit. He said the enemy's new stepped-up hostilities came as no surprise because our intelligence accurately predicted it. He explained that the enemy's strategy is to keep up a campaign of harassment to let us and the world know that North Vietnam is a viable military force. They keep jabbing at us periodically in different areas and there is a recurrent pattern to their operations.

Before my visit to Vietnam, I did not really have an appreciation of the extremely difficult situation facing our troops. Under our present policies and restraints, there is absolutely no way we can win this war.

One of our military obstacles is that we are engaged in a defensive war. The enemy has all the initiative and for the most part we are sitting back waiting to be hit. American soldiers have never been required to fight this kind of war.

Unlike most other military contests, there is no defined "front." The military action takes place in every sector of South Vietnam in a series of small wars. Our troops are prohibited from going into North Vietnam. The enemy has triple canopy jungle to conceal his movements and he has the element of surprise as a distinct advantage. He has all the initiative in this war. He is able to strike our units and then escape to his sanctuaries in Cambodia, Laos, and North Vietnam. We have to fight him where we find him.

We visited several remote mountaintop artillery bases and found that these installations are really important because they enable us to control whole valleys below. Understandably, the enemy is constantly trying to dislodge us from these positions through the use of suicide troops.

The long, exposed South Vietnam borders adjacent to Cambodia and Laos and the terrain of the country are ideally suited for the enemy's guerrilla-type warfare. The enemy's strategy is to keep up his hit-and-run activities until American public opinion at home demands a cessation of the war.

There was unanimity on the part of all the military commanders we met with that halting the bombing of key targets in North Vietnam seriously hampered our ability to prosecute the war, and substantially increased the number of casualties among our troops. U.S. casualties during the 17 months of the bombing pause have accounted for 50 percent of the total deaths since 1961. The bombing halt also weakened our negotiating position at the peace talks in Paris. The enemy has been able to better supply his troops in the field and rebuild his factories since the bombing stopped. Our air superiority is of little advantage in the Vietnam war because there are few significant targets for our bombs, rockets and missiles in the jungle.

One of our colleagues who accompanied me on the trip, the distinguished gentleman from Alabama (Mr. FLOWERS) has since called for a resumption of the bombing of North Vietnam. While this makes sense from a military point of view, President Nixon must weigh the international political ramifications of such a move as well as the military and make a judgment as to whether or not this would prolong or shorten the war. Resumption of the bombing is certainly one of the options open to us if the North Vietnamese continue to stymie progress at the peace table in Paris. There is no question that we can negotiate better from a position of strength than from a position of weakness.

One striking observation from our

trip was made concerning the young men who are fighting there. From General Abrams to captains commanding remote mountain outposts, every officer with whom we spoke had the highest praise for our American fighting men.

General Abrams told us—

> Our equipment—helicopters, artillery, etc.— is outstanding, but the biggest advantage we have in this war is our young men. I've been in the Army for over 30 years and I have never seen a better crop of soldiers than we have here in Viet Nam. They're dedicated. They're bright. I'm astounded at how quickly they learn.

The same accolades were heard everywhere, and I am pleased to say that they were borne out by our own firsthand observations and discussions with our young men.

As one of the Congressmen who toured college campuses last spring to study campus unrest for President Nixon, and as one who has been disgusted by the hippie-type protesters who dominate our TV screens and news pages, it was refreshing and reassuring to see the direct antithesis in the young men in Vietnam. As our distinguished colleague from Florida (Mr. Frey) so aptly said:

> I suggest that those who think this generation of Americans is getting soft and doesn't have any guts come over here and see how wrong they are.

I was particularly impressed with the high morale of our troops. This was quite surprising to me because I automatically assumed that the antiwar mood on the part of many Americans would have its adverse effect on our troops. Do not misunderstand me. I am sure that all of the young men I spoke with would prefer to be at home rather than in Vietnam—going home is the soldier's No. 1 topic of conversation—but they are dedicated to doing the best job they possibly can while they are there.

Because the high morale surprised me so much, I attempted to discover the reasons for it. After distilling conversations with numerous men in all levels of rank, the following appear to be the reasons: First, the men know that their tour of duty will last no more than 12 months; second, they know that if they are wounded, no matter where they are, helicopter rescue pilots will go in after them and, within minutes, have them at a hospital where they will get superb medical attention immediately; third, they get prompt, every day mail delivery; and fourth, the food—while nowhere near as good as their mother's or their wife's—is very good, including one hot meal a day even for the men in remote outposts.

We visited several areas which have recently been the scene of extremely heavy fighting.

One day we traveled to Lai Khe, headquarters of the Army's 1st Infantry Division—known as the Big Red One—and were briefed by military commanders at various levels. At the time of our visit, the unit was involved in a military encounter with the Communists who had opened an attack on the unit the night before. We went by helicopters armed with two machinegunners each, and were escorted by helicopter gunships to some remote fire support bases in the 1st Infantry's area of operations.

As we flew, we observed enemy sniper fire in the Michelin rubber plantation area. One base we visited, Gela, is jointly manned by our troops and the South Vietnamese. Uusually, the soldiers had no advanced knowledge of our visit, but here they "knew we were coming and baked a cake." We huddled in a tent, eating strawberry-iced cake with walnuts, baked in a field mess, and chatted about home with soldiers from our respective States. They seemed surprised, but genuinely pleased to see us.

At this base we saw an amazing project which was the joint effort of the American and South Vietnamese soldiers—a well to provide water for the base. The Vietnamese dug the well—perfectly cylindrical—and the Americans provided the installation of the technical equipment—pumps, filters, and so forth. The well now saves us $4,000 per day which was the cost of transporting water to the base by helicopter prior to construction of the well.

We spent some time in Ben Cat, a Vietnamese village, where we chatted with the vilage chief and the young U.S. AID official assigned there. We toured the "commercial" and residential areas of the village, a tiny cluster of buildings, carved out of the jungle. Paved roads make the village far more accessible to the people in outlying areas who come to Ben Cat to "shop." Motorbikes—so much in evidence in Saigon—are also beginning to appear in increasing numbers in remote areas such as this.

We were told that some months ago it would not have been safe for us to be in Ben Cat. Unlike a year ago, about 90 percent of the South Vietnam villages and hamlets are relatively secure from Viet Cong attack.

Security of the cities, villages and hamlets is the key in this war, not holding large hunks of geography. In one area we visited, seven of 14 villages were in Viet Cong hands a year ago. Now all 14 are relatively secure.

The structure of the government is changing in Vietnam. Historically the village chiefs have ruled the country with little loyalty to a central government. This is slowly changing. The Saigon government is trying to give more authority to the local governments and at the same time is building confidence in, and loyalty to, the central government. This confidence will be increased by the land reform program now underway which will place 800,000 acres of land into the hands of the villages at no cost.

As an indication of the self-confidence of South Vietnam's Government, the villagers are being armed by the Saigon regime to assume responsibility for the security of the villages. We saw some of these "popular self-defense forces"—including women—and they take these new responsibilities very seriously. It is significant that the Communists have now launched a campaign of terror against these local militia.

We flew into the ancient walled city of Hue—scene of mindless Communist atrocities during the Tet offensive—where we visited what is generally considered to be South Vietnam's best division, the 1st ARVN—Army of the Republic of Vietnam. We saw captured North Vietnamese weapons and training films. The consensus of our military commanders was that, if all South Vietnamese units were as competent as the 1st ARVN, we would have little difficulty in transferring responsibility for the war as American troops withdraw. Unfortunately, all South Vietnamese troops are not as good as the 1st ARVN Division.

While the ARVN is increasing its proficiency, it is still very dependent on Americans for the security of the nation. At the present time, their personnel is not sufficiently trained to take over the complex aspects of modern warfare, but training is under way to prepare them to assume primary responsibility for their own defense.

Among the other places we visited, in addition to Saigon, were Da Nang, Phu Bai, Camp Eagle—home of the 101st Airborne where my son-in-law, Lt. Bob Lazarus, is assigned—a tour of the A Shau Valley—where the so-called Ho Chi Minh trail is located—including Fire Support Bases Boyd, Birmingham, Bastogne — closed — Veghel —closed—Blaze, and Berchtesgaden. From Berchtesgaden we had an excellent view of Alp Bia—Hamburger Hill—and of Laos which is the launching area for so much enemy activity.

We then continued to Sally, Evans, Quan Tri, Vande Grift, and Dong Ha. At Dong Ha we visited the headquarters of the 3d Marine Division which has seen so much action in Vietnam.

These marines have built a privately financed hospital in Dong Ha for Vietnamese children. Called the 3d Marine Division Memorial Children's Hospital, it is now accommodating 2,100 patients a month even though it is not yet completed. Of the $115,000 in donations received to date, more than $100,000 has come from U.S. troops in Vietnam. The facility has handled 18,000 civilian patients since beginning its operation in September 1968. In addition to the Marines, the Army's 3d Engineer Battalion provided technical assistance and heavy equipment for filling and grading the site. The Navy's Seabees laid the underground plumbing and foundations and the Vietnamese, hired by the sponsors of the hospital, are making bricks and assisting in laying the foundation and providing part of the skilled construction labor.

After leaving Dong Ha we overflew the Khe Sanh area, which has recently been the scene of intense enemy action, and landed at Fire Support Base "Gates," a rugged mountaintop artillery base. While we were chatting with the troops, a CH-53 helicopter flew to the spot and gently placed a 105-millimeter howitzer into position on the mountaintop. The entire operation took a matter of seconds. Without the helicopter it would have been impossible to transport the huge gun to such an inaccessible spot which was in the midst of the roughest mountain, jungle terrain imaginable.

Next we flew along the DMZ to the Laotian border, then back to the coast where enemy fire forced us to alter our course. We then flew down the coast to the Phu Bai Airport at Hue.

In a T-39 jet, we flew to Da Nang, Qui Nhon, Nha Trang, Cam Ranh, Phan Rang, Vung Tau, and the Mekong Delta. We then returned to the Tan Son Nhut Airport. The pilot, Maj. Frank Bendrick—whose home is in Prince Georges County in my district—gave us a simulated fighter pilot strike as we landed.

All over Vietnam I was impressed with the legacy we will be leaving the country after we depart. When we think of the staggering military appropriations which finance our military efforts there, we tend to think only of the bombs, rockets, and guns. A visit to the country makes one aware of how much of this money has financed the dredging and construction of harbors, the building of airfields, hospitals, schools, orphanages, villages, roads, and so forth. Impressive new paved highways—they must be paved as a deterrent to the laying of enemy land mines—traverse remote mountain areas and will give South Vietnam ready access to rich virgin timberlands which had previously been totally inaccessible. One is also impressed with the beauty of the country. It has tremendous postwar potential as a tourist mecca. Its seashore, rolling rich lowlands, and breathtaking mountains would offer a pleasant treat to postwar vacationers.

Our AID officials in Vietnam made it clear that it will be necessary for our country to continue substantial assistance to South Vietnam after the war ends to help the nation to build an independent economy.

I was favorably impressed with many of the South Vietnamese officials with whom we met. They seemed to be struggling hard to make their fledgling democracy work in spite of the many great problems they have. There are between 50 and 60 political parties in South Vietnam and this contributes to the government's instability. They readily admit that they have corruption, but so does the United States after nearly 200 years of democracy. One of their biggest problems is inflation. It is also one of our biggest problems in the United States. I feel we should not expect them to operate as an advanced sophisticated nation such as we in the United States have today. We should measure them instead against what our country was in its infancy during the American Revolution. That is the point where they are in time.

Many of the officials we met are intelligent, capable people dedicated to making their government work.

It is obviously very difficult to carry on the orderly conduct of government when the capital city is under continual military harassment by the Communists. The Communists have systematically murdered 15,000 South Vietnamese leaders and this terrorism has been intensified in the past few days.

Every night, while we were in Saigon, we heard artillery fire. The day before we arrived, an Army school was bombed, killing eight and wounding about 80. We were awakened one night by a Communist mortar barrage. The rockets fell a half mile from where we had dinner. In spite of the bustle, traffic jams, and wild motorbike drivers in Saigon, one is very much aware that he is in a country at war. Armed soldiers, barricades, barbed wire, and sandbag emplacements are seen everywhere in the city. The tension and horror under which the people of Saigon live are amazing and yet they seem to accept it matter-of-factly. Under these conditions, however, it is obviously very difficult to carry on the normal functions of government.

All of the Vietnamese officials and U.S. military and civilian officials with whom we met anticipated the further troop withdrawal which President Nixon subsequently announced on September 16. By December 15, 1969, we will have withdrawn 60,000 troops.

The concern of all officials with whom we discussed this matter was that the troops should not be withdrawn so rapidly that the safety of the troops remaining there is jeopardized and before the South Vietnam troops are adequately prepared to assume the responsibilities being transferred to them by our departing units.

All those I talked to agreed the time has come for the Vietnamization of the war. The restraints placed on our military men and the difficulties of the terrain have made a military victory impossible. We must let the South Vietnamese assume the responsibilities we have been carrying. But the transfer cannot be made overnight. It takes at least 2 years, for example, to train Vietnamese to take over our helicopter operations.

Since President Nixon came into office, the United States has exerted major efforts toward peace in Vietnam. In this connection, President Nixon has reminded us that:

We have renounced an imposed military solution;

We have proposed free elections organized by Joint Commission under international supervision;

We have offered the withdrawal of U.S. and allied forces over a 12-month period;

We have declared that we would retain no military bases;

We have offered to negotiate supervised ceasefires under international supervision to facilitate the process of mutual withdrawal;

We have made clear that we would settle for the de facto removal of North Vietnamese forces so long as there are guarantees against their return;

We and the Government of South Vietnam have announced that we are prepared to accept any political outcome which is arrived at through free elections;

We are prepared to discuss the 10-point program of the other side together with plans put forward by the other parties.

In short, the only item which is not negotiable is the right of the people of South Vietnam to determine their own future free of outside interference.

Mr. Speaker, we hope and pray that the President will find some way to honorably end this war without sacrificing the freedom of the South Vietnamese for which so many of our young men have died.

VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 10 minutes.

Mr. WINN. Mr. Speaker, I want to affiliate myself with the gentleman from Georgia and commend him for taking time this afternoon to stimulate this discussion on the floor and for his remarks before this body.

President Nixon should be commended, and has been many times this afternoon, for his efforts to secure a peace and for his understanding of the problems that face this country in trying to secure an agreement in Vietnam.

Let me remind some of those who would set datelines on withdrawal that they are playing right into the hands of those in Hanoi. It would be like a football team telling their opponents their entire signal structure.

It is about time we support our own leaders with the enthusiasm and with the spirit that the small minority seems to think they have. It is time that we support our own leaders who are trying their best under almost impossible negotiating circumstances to bring our men in Vietnam home.

About 3 months ago I had the opportunity, together with five of my colleagues, to visit with Ambassador Lodge in Paris. The man was most frustrated and most upset because he had spent hundreds of hours trying to negotiate a peace or a settlement with the almost impossible team of negotiators from Hanoi.

The people of this Nation do want our boys home, but truthfully I doubt if many want the carpet pulled out from under them at this time and I doubt if many of the people of this Nation want the carpet pulled out from under our leaders and from our men in Vietnam.

It is discouraging to me, too, that some who are considered leaders in this Nation, and it has been referred to here today, are not really members of our team—that of the United States of America—but they seem to be cheerleaders for Hanoi.

I would like to point out to some in this Chamber that President Nixon is the first President to deescalate the war in Vietnam and to start withdrawing our fighting men. That is more than we can say about some of the other administrations of this Nation.

Earlier in the discussion this afternoon we were talking about the Thieu-Ky government and the loyalty to it by the South Vietnamese. How about the loyalty of some of our own leaders and possibly some of our Congressmen to our own country?

The President said the other day that he is trying to bring the people of this Nation together. But, it is a little tough to bring us together when we have publicity-seeking experts advocating opposition to our own leader.

In the last several weeks, Mr. Speaker, I have made appearances in Kansas, and believe me the people of Kansas are behind the President of the United States in his efforts to deescalate the war.

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Last Saturday night I spoke in Missouri, normally a Democratic State, and the people of Missouri are definitely behind the President of the United States in his efforts to deescalate the war.

I firmly believe that the people of this Nation, with very few exceptions, are 100 percent solidly behind the President in his efforts.

Now let us bow our heads in silence if we must on October 15, if we will, to show Hanoi a total support of our leader and his efforts. That should be what we should bow to on October 15, the much discussed date.

Can you imagine the New York Jets, for instance, if we took Joe Namath away from them as quarterback? Now there are those who want to take the negotiating power away from President Nixon by having him set deadlines and datelines. We must stand behind our President now. We must give him every opportunity to secure a lasting peace.

Mr. Speaker, we cannot hide the ball from this Nation's quarterback.

DO WE NEED A NEW, MULTIBILLION DOLLAR DEFENSE AGAINST SOVIET BOMBERS?

The SPEAKER pro tempore (Mr. EDMONDSON). Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, earlier this year the Senate Armed Services Committee made significant cuts in the R. & D. funds requested for new systems to defend the continental United States against bombers. These cuts reduced funding for development of an airborne warning and control system—AWACS—from $60 million to $15 million, and for an improved interceptor aircraft from $18.5 million to $2.5 million. In addition, the full $75 million requested for development of a new surface-to-air missile, Sam-D, was eliminated, terminating the program.

In its report, the Senate committee said:

> The Bomber Defense Subcommittee was of the view, and the full committee concurred, that the threat from potential hostile bombers is not sufficiently clear and imminent at this time to justify a full go-ahead on programs which in total could ultimately involve expenditures of billions of dollars. In addition, there was a conflict between the Air Force, on the one hand, and the Office of the Secretary of Defense and the Chairman of the Joint Chiefs, on the other, as to the selection of the aircraft for the improved interceptor.
>
> Thus, in consideration of national priorities, the committee reduced the AWACS authorization from $60 to $15 million. This latter amount, together with fiscal year 1969 funds, will permit the pursuit of the promising new radar concept and keep this technology alive. The committee has also reduced the improved interceptor request to $2.5 million to provide funds for necessary cost and design studies and analyses so that firm and specific recommendations can be made next year.
>
> Our study of the bomber defense issue revealed a wide and sharp difference between the national intelligence estimate and the Air Force with respect to the gravity of the Soviet manner bomber threat. The question also arose as to whether it is not possible to effect some economies by phasing down some portions of existing bomber defenses if the present and future threat is as limited as portrayed by the NIE.
>
> The Secretary of Defense, therefore, is directed to study, review, and analyze this matter in detail and submit, in connection with the fiscal year 1971 budget, findings and recommendations as to the nature and extent of the threat, the current and future bomber defense requirements, the possibility of phasing down portions of existing facilities, and other matters pertinent thereto and connected therewith. (S. Rep. No. 91-290, p. 8)

With regard to SAM-D, which is being developed for use in both the continental United States and with the field Army, the committee said:

> The Committee recognizes the need eventually for a follow-on air defense system for the field Army but is not convinced that the SAM-D system is the answer to this requirement or that the development program is urgent at this time. (S. Rep. No. 91-290, p. 50)

The House Armed Services Committee, in the military procurement authorization bill reported on September 26 (H.R. 14000), specifically restores the full $18.5 million for the CONUS air defense interceptor program, the full $75 million for SAM-D, and funds AWACS at a level of $40 million, $25 million over the Senate figure.

When H.R. 14000 comes to the floor this week, I shall offer an amendment to reduce the funding for these three programs to the level authorized by the Senate.

I shall today outline my reasons for offering such an amendment, in the hope that members will have an opportunity to become familiar with the issues involved prior to the limited debate that will be available to us when the bill comes to the floor. Before I begin, however, I would like to express my thanks to the many Air Force and Army officers who gave freely of their time and expertise in helping me and my staff gain an understanding of this area of the defense budget. We were impressed by their patience, candor, and dedication.

In order to come to a reasoned judgment about the kind of bomber defense we should have, we need to ask the following questions:

First. What is the threat?

Second. What are the possible responses to it?

How effective is each response against the postulated threat?

How much does each response cost?

THE SOVIET BOMBER THREAT

Members of the Senate Armed Services Committee have become increasingly skeptical of Air Force contentions that Soviet manned bombers present a serious threat to the continental United States. In hearings held last year by the Preparedness Investigating Subcommittee on the Status of U.S. Strategic Power, Senator STUART SYMINGTON said:

> I am increasingly suspicious about any real necessity of defending against a bomber offense danger. The Air Force could be building up a situation which could be artificial from the standpoint of any real danger from bombers. The last bomber the Soviets built is considerably less effective in operation and performance characteristics, than one we quit making years ago, the B-58.
>
> The Blinder is not nearly as good an airplane as the B-58. But it is the newest the Soviets ever built.
>
> The B-52 is all that we have left, and all we felt we should have left, in our offensive force. What is sauce for the goose is sauce for the gander. What the Soviets have left is even more obsolete, from the standpoint of bomber posture, than what the United States plans to have left. I believe the Soviet bomber threat, for whatever reason, has been grossly exaggerated. (May 10, 1968, p. 375)

In the same hearings, subcommittee Chairman JOHN STENNIS said:

> I have never looked upon those bombers as a serious threat to the United States, unless we just let our guard down completely. They are the same old bombers, the Bear and the Bison. (April 26, 1968, p. 151)

In hearings held this year on the military procurement authorization bill Senator STENNIS said:

> I did get back in touch with the bomber threat the other day. Frankly, it looks to me like it is getting thinner and thinner every year. (March 26, 1969, p. 429)

In terms of numbers of aircraft, the Soviets have about 200 heavy, long-range bombers—the Bear and the Bison. However, about 50 of these are used as tankers, so that only some 150 are available for a strike role. By way of contrast, the United States has 450 B-52's in service, with another 200 in storage, plus 78 supersonic B-58's. The national intelligence estimate is that the Soviet heavy bomber inventory will gradually decline over the next 10 years.

The Soviets also have about 750 Badger and Blinder twin-jet medium bombers, about two-thirds fewer than they had in 1963. There is a controversy between the Air Force and the rest of the intelligence community over the role of these medium bombers in an attack against the continental United States. The National Intelligence Estimate—NIE—is that these medium bombers do not constitute a threat to the continental United States except for portions of Alaska. The Air Force dissents, arguing that these bombers can be used against the United States in one-way Kamikaze-type attacks.

In terms of performance, Defense Secretary Clark Clifford testified in January of this year that:

> Their Bison and Bear long range bombers are distinctly inferior to our B-52s and we have long since eliminated from our forces the B-47s which were clearly superior to their Badger medium bombers. (1969 Posture Statement, p. 46)

For the future, the critical questions about the Soviet bomber threat are whether the Soviets will deploy a new, long-range supersonic bomber, and/or a new and longer range standoff air-to-surface missile. If these new threats do develop, the case for an improved U.S. air defense system would be considerably strengthened.

However, according to the NIE, there is no intelligence evidence of Soviet development of a new long-range standoff missile. The Soviets presently have a rather primitive standoff missile, the Kangaroo, on about half the Bears.

As for a new Soviet heavy bomber, Director of Defense Research and Engineering Dr. John Foster testified before the House Armed Services Committee

on April 30, 1969, that "there is no evidence of any follow-on heavy bomber development" by the Soviets and the Soviet SST "is very unlikely to be converted to a supersonic bomber."

POSSIBLE RESPONSES TO THE THREAT

First. Continue with the current continental air defense system. The current system has the following components:

The radar and tracking stations of the distant early warning—DEW—line around the Arctic Circle.

The semiautomatic ground environment—SAGE—command and control system, consisting of radars and computers at 13 primary locations in the United States. SAGE is being supplemented by the backup interceptor control—BUIC—system, a simpler version of SAGE, which is designed to manage the air defense battle if the SAGE centers are knocked out by Soviet missiles. BUIC is presently being improved by the activation of 15 BUIC III sites.

Nike-Hercules, Hawk, and Bomarc surface-to-air missiles. The first two are terminal defense missiles. There are approximately 100 Nike-Hercules sites, mostly around cities, and a few Hawk sites in southern Florida, installed at the time of the Cuban missile crisis. The Bomarc is a longer range area defense missile. There are 188 Bomarc-B's deployed in six squadrons, mostly in the Northeastern States.

There are 41 interceptor squadrons, consisting of 771 F–89, F–101, F–102, F–104, and F–106 aircraft. All of these aircraft are supersonic except for the 20 to 30 F–89's. The current plan calls for a reduction in this force to 669 aircraft by the end of fiscal year 1970.

The current system has some significant vulnerabilities. As Pentagon Research Director Dr. John Foster told the House Armed Services Committee on April 30, 1969:

> Our current air defense system permits an intercept only a few hundred miles from the North American Defense perimeter. More important, we have essentially no capability against low-altitude attackers. Finally, the ground control structure is vulnerable to destruction by ballistic missiles or submarine-launched cruise missiles.

Nevertheless, the system does limit the effectiveness of Soviet bombers by forcing them to come in at low altitude—which reduces their range—and to use standoff missiles—which decreases their bomb payload. The system also serves to protect the United States from attacks by so-called *n*th countries, such as Cuba, or from harassment tactics by any unfriendly country.

The cost of maintaining our present bomber defense system has declined gradually over the past few years as some of its elements have been phased down. The present annual cost is about $1.1 million, and the 10-year systems cost is approximately $11 billion. To this should be added about $200 million per year for Nike-Hercules and Hawk surface-to-air missiles.

Second. Develop and deploy an AWACS/F–106X force. The proposed Airborne Warning and Control System—AWACS—is an improved radar and control system which would be installed in large cargo planes—either a Douglas DC–8 or a Boeing 707—and would not be vulnerable to missile attack, as the current ground control system is. The airborne radars would also be able to detect and track bombers coming in at low altitude, which our current radars cannot do.

The F–106X is an improved version of the F–106 aircraft currently in the interceptor force. It would have a new "look-down" fire control system, enabling it to locate and fire at bombers flying beneath the interceptor. It would also have a new missile system. These improvements would significantly improve the interceptor's capability against low-altitude bombers.

The estimated 10-year systems cost of the AWACS/F–106X force is $12.1 billion, $1 billion more than the cost of the current system.

Third. Add a small number of F–12's to the AWACS/F–106X force. The F–12 is a high-performance mach 3 interceptor. The Air Force has proposed that a small number of these planes be added to the interceptor force. They have acknowledged, however, that adding F–12's to the force would only be cost effective against a qualitatively improved Soviet threat consisting of supersonic bombers or long-range air-to-surface missiles. As we have seen, there is no intelligence evidence that the Soviets are moving in this direction. The cost of the F–12 is very high—some estimates go as high as $40 million per plane. The Air Force estimates that adding a small F–12 force to an AWACS/F–106X force would add $1 billion to the 10-year systems cost, bringing it up to $13.1 billion.

Fourth. Other improved interceptor possibilities. There has been a great deal of controversy over which interceptor should go with AWACS, with the Air Force and some Members of Congress pushing for the F–12, while the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have favored the F–106X. As a result, the Senate Armed Services Committee has ordered further study of the interceptor question, with a firm recommendation to be made by DOD next year. The Air Force is looking at the F–4, the F–111, the F–14, the F–15, and an entirely new plane, the F–X, as interceptor candidates. All of these would be more expensive than an F–106X force, if only because there would be procurement costs for new airframes, while the F–106X is a modification of an aircraft currently in the force.

Fifth. Replace Nike-Hercules and Hawk surface-to-air missiles with the SAM–D. The SAM–D is designed for use both as part of the continental U.S. air defense system, and as an air defense system for the field Army. It would be a substantial improvement over current surface-to-air missiles. It would permit the engagement of short-range ballistic missiles as well as high performance aircraft, and would make possible the simultaneous intercept of a number of targets.

However, it is exceedingly expensive. The total estimated R. & D. cost is $682 million, and total deployment cost is estimated at another $2½ billion.

Air Force Secretary Harold Brown testified last year before the Senate Preparedness Investigating Subcommittee that SAM–D should be considered for deployment in the continental U.S. air defense system only if Soviet long-range air-to-surface missiles or supersonic bombers became part of the threat—April 30, 1968, Status of U.S. Strategic Power hearings, page 192. As we have seen, there is no intelligence evidence that the Soviets are developing long-range SAM's or a new supersonic heavy bomber.

JUSTIFICATION FOR THE AMENDMENT

The amendment which I shall offer to H.R. 14000 would reduce funding for AWACS and the CONUS air defense interceptor program to the level authorized by the Senate, and terminate the SAM–D program. Accepting the Senate cuts would delay commitment to a full-scale modernization of U.S. air defenses, while retaining the option to proceed with such a modernization if the Soviet bomber threat increases. It would leave us with a somewhat limited air defense system which corresponds to the limited character of the threat.

The considerations which I think justify this amendment, some of which are implicit in what I have already said, are as follows:

First. The Soviet bomber threat is limited and is expected to decline. I have already discussed this at length. What concerns me is that if we go forward with a large-scale air defense modernization program at this time, we may end up 10 years from now with a highly sophisticated, multibillion dollar system with little more to defend against than perhaps 100 20-year-old Soviet bombers.

Second. The limited strategic role of bombers in an age of missiles does not justify an elaborate and expensive air defense system. In a strategic nuclear war there are two main targets—the enemy's offensive and defensive forces, and his cities.

Because of the timing problem, the role of bombers as a counterforce weapon is extremely limited. It would take Soviet bombers some 8 hours to reach U.S. missile sites, and by that time most of the targets would be empty silos. It is true that some missiles might be withheld from an initial U.S. retaliatory salvo, but the Soviet bombers would not be a serious threat to them since it would be very difficult for the Soviets to distinguish expediently between empty and loaded silos.

Soviet bombers might also strike at U.S. bomber bases and Polaris submarine pens to prevent them from being used to prepare a second round of nuclear strikes. After an all-out nuclear exchange, however, this "second round" capability has only marginal strategic importance.

Bombers have a somewhat greater role as a counterpopulation weapon. In a first strike, for example, the Soviets might concentrate their missiles on U.S. missile silos and airfields, leaving to bombers the task of striking cities. The Air Force has estimated that if we had no air defense at all, bombers would kill 73 million people, or 33 percent of the U.S.

population. Fatalities would of course not be that high with our current air defense system.

The important point, however, is that if the Soviets wanted to kill 73 million Americans, or 100 million, or 120 million, they could surely do so simply by adding a few more missiles to their missile force and targeting them at U.S. cities. I do not think depriving the Soviets of the option of killing these people with bombers is a matter of overriding importance—nuclear war is not rendered less horrible when people are killed with missiles rather than bombers.

Defense Secretary Clark Clifford made much the same point earlier this year in the 1969 posture statement when he said:

> No air defense system can provide a significant "Damage Limiting" capability against the Soviet Union unless accompanied by a strong, effective ABM defense. (p. 58)

Unless we can protect our cities against ICBM's, in other words, there is little to be gained by expending large resources to protect them against bombers.

Third. The long-run savings projected for an AWACS-improved interceptor force are conjectural. As we have already seen, the 10-year systems costs for an improved air defense system would exceed the 10-year systems cost of the current system to $1 to $2 billion. The Air Force claims, however, that the annual operations and maintenance cost of the new system would be about $200 to $300 million less than the current system, so that over a period of longer than 10 years the improved system would be cheaper.

Putting aside for the moment Lord Keynes' dictum about the long run, I think we are entitled to be skeptical about cost savings projected that far into the future. In testimony earlier this year before the Economy in Government Subcommittee of the Joint Economic Committee, former Budget Director Charles Schultz pointed out that—

> Past experience indicates that final costs of complex military hardware systems almost always exceed original estimates.

Mr. Schultz cited a number of examples, but anyone who reads the papers can certainly supply his own.

Fourth. The SAM–D missile has only a very contingent role in U.S. air defense plans, and would be justified as a defense for the field Army only in the event of an extended, full-scale conventional war in Europe.

The SAM–D would be considered as a replacement for Nike-Hercules in the continental air defense system only if the Soviets developed a long-range air-to-surface missile or a new supersonic bomber. Even then it probably would not be deployed unless at the same time we deployed a thick, city-defense ABM system. Thus it is difficult to justify a go-ahead for the program on the basis of its possible role in the U.S. air defense system.

However, the Army contends that its primary role is for defense of Army troops in the field. It is needed, they say, to counter the Warsaw Pact threat to Europe in the late 1970's and early 1980's. The threat, the Army estimates, will be composed of many highly sophisticated fighter-bombers, along with tactical ballistic missiles, neither of which the current Hawk and Nike-Hercules missiles can counter effectively.

An extended, large-scale conventional war in Europe between NATO and the Warsaw Pact nations can fairly be characterized as a remote contingency. Even if such a war were to begin, there is a very high probability that it would escalate rapidly into an all-out nuclear war. In that event, I do not think the field Army would be too concerned about their ability to shoot down Soviet fighter-bombers.

It should also be kept in mind that we already have an extensive network of Nike-Hercules and Hawk surface-to-air missiles in Europe, along with a large interceptor aircraft force, all of which would continue to be available to counter attacking aircraft even if the SAM–D is not deployed.

EFFECTS OF THE AMENDMENT

First. AWACS. The $15 million which my amendment would leave in the AWACS authorization would enable the Air Force to complete the contract definition currently in process and to continue the radar technology begun in prior years. It would not, however, provide funds which the Air Force planned to use to initiate hardware development aimed at putting a radar prototype in a high performance jet. Operating the program at this reduced level would slip the initial capability of AWACS by about 1 year.

Senator Stennis, in explaining his committee's action to the Senate on September 18, said:

> We believe that this latter amount (the $15 million), together with FY 1969 funds, will permit the pursuit of the new radar concept and keep the technology alive.

Second. CONUS air defense interceptor. The reduction from $18.5 million to $2.5 million would limit the CONUS air defense interceptor program to the study level. The $2.5 million would be used to complete studies aimed at identifying the specific air frame to be used for the mission, as well as for some limited long lead efforts in the development of the fire control and air-to-air missile systems. If the full $18.5 million were authorized, the Air Force would do additional work on the fire control and missile system, on the theory that this work would have to be done no matter what interceptor is selected.

Third. SAM–D. My amendment would cut the full $75 million requested for SAM–D, terminating the program.

LABELING OF FOODS CONTAINING HIGH CHOLESTEROL CONTENT

(Mr. YATES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. YATES. Mr. Speaker, for some time I have engaged in correspondence with the Consumer Protection and Environmental Health Service of the Department of Health, Education, and Welfare respecting improper labeling of foods containing a high cholesterol content. Many authorities take the position that there is a direct relationship between high cholesterol levels and heart diseases and many heart specialists have placed their patients upon strict anticholesterol diets. Under such diets, patients may use foods that are made with vegetable oil because presumably vegetable oils do not contain saturated fats. The fact is, however, that many foods are labeled as containing vegetable oil products when in fact coconut oil is used, an oil which is as bad as the usual saturated fat as far as cholesterol is concerned.

I am attaching copies of the correspondence I have had in this matter, Mr. Speaker. I cannot understand why a description simply of coconut oil rather than vegetable oil is not required by the Food and Drug Administration. I cannot understand why it continues to dally without taking appropriate action. You will note, Mr. Speaker, that attached to Mr. Pumpian's letter of July 3, is a "Termination of Proposed Rulemaking" which was predicated upon a study to be completed by the American Medical Association's Council on Foods and Nutrition by February 18, 1967. I do not know whether that study was ever completed, but the fact remains that it was the urging of that council which stopped action by the Food and Drug Administration at that time.

This is a matter of some urgency to people who are on anticholesterol diets. I would hope that appropriate action is taken promptly by the Consumer Protection and Environmental Health Service to correct the situation.

The copies of the correspondence follows:

[From Rodale's Health Bulletin, June 7, 1969]

WHAT THEY DON'T SAY

It's what those ads touting low-calorie cream substitutes don't say that's significant. Many nondairy creams have higher percentages of possibly harmful saturated fats than the real thing, but that information is strangely absent from their promotional materials.

However, a Harvard School of Public Health investigator concerned about the use of those products among patients who want to avoid saturated fats "for health reasons" has questioned their desirability. Elaine R. Monsen, Ph. D., found ersatz creams have 20 percent more saturated fatty acids than natural cream. Saturated fatty acids raise the cholesterol level of the blood, and many authorities believe that high cholesterol levels are directly related to heart disease.

In addition, Dr. Monsen, who presented her findings in the *American Journal of Clinical Nutrition,* found that the products are "made primarily from coconut oil. They represent themselves as vegetable oil products, but coconut oil is a saturated vegetable oil—not typical of the vegetable oils." Other vegetable oils, such as corn, safflower and peanut oils, have polyunsaturated fats, which do not raise cholesterol levels, she said.

Another researcher, working independently of Dr. Monsen, confirmed that the products are mostly coconut oil. Dr. Ancel Keys, of the University of Minnesota, said, "Coconut oil is the worst oil that they could have chosen." The only advantage it has is commercial—it doesn't spoil rapidly. Keys said he would prefer "the real thing" to any of the 14 products studied by Dr. Monsen, although he objects "to overindulgence in butterfat."

Monsen's samples, which were picked up in retail outlets, ranged in fat content from about 10 percent for Coffee-Rich to about 55 percent for D'Zerta Low Calorie Whipped Topping. In all the products but Reddi Wip saturated fatty acids were at least 94 percent of the total fat content—26 percent of the product's bulk. Milk contains just over 3 percent milk fat, half and half creams have about 10 or 12 percent fat, and other creams contain from 10 to 38 percent milk fat. Keys said his research indicated coconut oil was "two times as bad as butter oil on the cholesterol level of the blood." Safflower oil, he said, had one-tenth of the effect of cream.

The two researchers were concerned because, in Dr. Monsen's words, "A wide interest in these products is seen among people who wish to restrict or control their dietary fats, e.g., to decrease saturated fat consumption."

The following chart of the 14 brands of susbtitute creams studied by Dr. Monson shows the percentage of the total fat content composed of saturated fatty acids.

	Total percentage saturated fats
Unsweetened:	
Dry Powders:	
Coffee-Mate	98.1
Cremora	98.6
N-Rich	95.7
Pream	98.0
Liquid: Coffee-Rich	98.2
Soured, semisolid:	
IMO	96.4
Zevo	96.7
Sweetened:	
Dry powders:	
Dream Whip	98.2
Lucky Whip	94.8
Semisolid: Cool Whip	98.9
Whipped: aerosol can:	
Ditto	99.3
Reddi Wip	74.5
Rich's Whip Topping	95.5
Artificially sweetened:	
Dry powder:	
D'Zerta Low Calorie Whipped Topping	98.6

JUNE 25, 1969.

Hon. HERBERT L. LEY, Jr.,
Commissioner, Food and Drug Administration, Department of Health, Education and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: I am enclosing a copy of Rodale's Health Bulletin for June 7, 1969. As one who has a high cholesterol count, I look for fat free foods and substitutes, and I must say that the statements contained in this health bulletin relative to cream substitutes are amazing and shocking.

Can you tell me why manufacturers of these products and of all products are not required to show the amount of saturated fat their product contains?

Sincerely yours,

SIDNEY R. YATES,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington D.C., June 25, 1969.

Hon. PAUL RAND DIXON,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing a copy of Rodale's Health Bulletin for June 7, 1969. As one who has a high cholesterol count, I look for fat free foods and substitutes, and I must say that the statements contained in this health bulletin relative to cream substitutes are amazing and shocking.

Can you tell me why manufacturers of these products and of all products are not required to show the amount of saturated fat their product contains?

Sincerely yours,

SIDNEY R. YATES,
Member of Congress.

FEDERAL TRADE COMMISSION,
Washington, D.C., June 27, 1969.

Hon. SIDNEY R. YATES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN YATES: I have your letter of June 25, 1969 and copy of Rodale's Health Bulletin concerning the high cholesterol count in cream substitutes.

I shall furnish you with a report on this matter as promptly as possible.

With best wishes, I am

Sincerely yours,

PAUL RAND DIXON,
Chairman.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 3, 1969.

Hon. SIDNEY R. YATES,
House of Representatives,
Washington, D.C.

DEAR MR. YATES: This is in reply to your letter of June 25, 1969, concerning an article which appeared in Rodale's *Health Bulletin* of June 7, 1969. The article was in regard to the labeling of food as to its saturated fat content.

Under the present terms of the Federal Food, Drug, and Cosmetic Act we have no authority to compel manufacturers to include quantitative information concerning saturated and unsaturated fat content in the labeling of all foods.

A proposal to require a label statement on oils, fats, and fatty foods intended for regulating the intake of fatty acids in dietary management was published in the *Federal Register* of May 25, 1965. This proposal was terminated on March 2, 1966. For your reference regarding the reasons for this termination, we enclose a reprint from the *Federal Register* of that date.

As stated in the termination order, the American Medical Association's Council on Foods and Nutrition, with the assistance of representatives of the affected industries, offered to conduct a comprehensive evaluation of the composition of modified fat diets, including a review of current methods for identifying products specifically designed for use in such diets. We have received the results of this study with recommendations about the labeling of fatty foods. We have also reviewed a policy statement issued by the American Heart Association concerning this matter.

In considering this subject since becoming Commissioner of Food and Drugs, it has become most apparent to Dr. Ley that there is a wide divergence of views among scientists as to the proper course to be followed in this important matter. He believes the best way to resolve this question is to call together a group of internationally recognized scientists who can consider all facets of the matter. Currently, we are discussing with the Department the desirability of such a committee.

Because of your desire to regulate the types of fat you eat, you may wish to obtain a copy of *Composition of Foods*, Agriculture Handbook No. 8, published by Agricultural Research Service, United States Department of Agriculture. In addition to information on other nutritional aspects of a great number of food items, this book contains tables, "Selected Fatty Acids in Foods," and "Cholesterol Content of Foods," which you may find helpful.

If we can be of further assistance, please let us know.

Sincerely yours,

PAUL A. PUMPIAN,
Director, Office of Legislative and Governmental Services.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION [21 CFR PART 125]

OILS, FATS, AND FATTY FOODS FOR REGULATING INTAKE OF FATTY ACIDS IN DIETARY MANAGEMENT TERMINATION OF PROPOSED RULEMAKING

In the making or establishing requirements for label statements relating to oils, fats, and fatty foods used as a means of regulating the intake of fatty acids in dietary management:

In response to recommendations from a number of clinicians and from the American Diabetes Association that labeling of edible fats, oils, and fatty foods be required to show precise percentages of polyunsaturated, monounsaturated, and saturated fatty acid content, the Food and Drug Administration had published in the Federal Register of May 25, 1965 (30 F.R. 6984), a notice of proposed rulemaking designed to implement these recommendations.

The proponents of the proposed regulation contended that such label statements would assist physicians in recommending special diets to their patients and would assist patients in complying with their physicians' recommendations. While it was and continues to be the position of the Food and Drug Administration that dietary manipulation of blood cholesterol levels has not been established as an effective means of preventing, mitigating, or curing diseases of the heart or arteries, the proposed regulation was published to provide proponents the opportunity to suport a regulation designed to implement their recommendations.

The time for filing comments on the proposal was extended to October 22, 1965, by a notice published in the Federal Register of July 27, 1965 (30 F.R. 9323).

Numerous comments from individual physicians, nutritionists, persons affiliated with academic institutions, professional associations, State and city officials, food and drug firms, and trade associations have been received and evaluated. A broad spectrum of opinion is represented in the comments ranging from pronounced views favoring the proposal, statements opposing it, and the view that the role of fats in the diet has not been sufficiently clarified and defined to permit a sound decision on the available scientific evidence.

While the American Heart Association and the American Diabetes Association filed comments in support of the proposal, the American Medical Association's Council on Foods and Nutrition has commented in opposition on the grounds that the proposed regulation would not assist physicians in prescribing diets and would not be particularly helpful to patients in selecting food for use in a modified-fat diet. The Council has indicated its readiness to conduct a comprehensive evaluation of the composition of modified-fat diets, including a review of current methods for identifying products specifically designed for use in such diets. The Council urged the Food and Drug Administration to reject the proposal as drafted or postpone action on the proposal for a year to permit completion of the study and submission of findings to the Food and Drug Administration. Representatives of the affected industries have offered to assist the Council in this study and have urged that no favorable action be taken on the proposal until the Council has completed its study.

The Food and Drug Administration endorses the objectives of this study as it has encouraged all legitimate research in this area. Due consideration will be given to the findings when submitted.

On the question of whether the proposed labeling requirements would assist physicians in recommending special diets to their patients, and patients in complying with their physicians' recommendations, it is apparent that the record compiled does not support the proponents' contention.

Accordingly, the Commissioner of Food and Drugs, having considered the comments received and other relevant information, concludes that the proposed subject regulation should not be adopted. The proposal may be resubmitted or another may be made at some future time when additional facts bearing on the issue of appropriate labeling requirements have been developed.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(j), 701(e), 52 Stat. 1048, 1055, as amended; 21 U.S.C. 343(j), 371(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90).

Dated: February 18, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

JULY 8, 1969.

Mr. PAUL A. PUMPIAN,
Director, Office of Legislative and Governmental Services,
Department of Health, Education and Welfare,
Food and Drug Administration,
Washington, D.C.

DEAR MR. PUMPIAN: I have your letter of July 3 replying to my inquiry of June 25 respecting the labeling of food as to saturated fat content.

I cannot understand why it should take so long to resolve this matter.

I have made inquiries of many heart specialists and other internists and all agree that there may be—I say *may* be—a relationship between a high cholesterol rating and the incidence of heart disease. Many such physicians prescribe diets for their patients who have high cholesterol rating of foods that are free of poly-saturated fats.

I don't know why a person should not be able to look at a label on a food product which contains fat and be told whether it contains a type of fat which might be harmful to him.

Certainly, if it contains coconut oil, which is high in poly-saturated fat, the label should say "coconut oil" rather than "vegetable oil." There is a sharp distinction between the type of fat content in coconut oil and other vegetable oils, and the very least you ought to require is an appropriate designation for coconut oil in order that people seeking foods with low cholesterol oils are not deceived.

Sending me a copy of the book *Composition of Food* will not help me or help those who have high cholesterol ratings when they go to a store to buy their food requirements. Ordinarily, if they see the words "vegetable oil" on a label, they will have the impression that it is an oil low in poly-saturated fats.

I would appreciate your reaction to my comments.

Sincerely yours,

SIDNEY R. YATES,
Member of Congress.

FEDERAL TRADE COMMISSION,
Washington, D.C., July 30, 1969.

Hon. SIDNEY R. YATES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN YATES: This is in further response to your letter of June 25, 1969 with which you enclosed a copy of Rodale's Health Bulletin concerning the high cholesterol count in cream substitutes.

The Food and Drug Administration assumes jurisdiction over the labeling of food products and since you have raised the question of why such products are not required to show the amount of saturated fat contained therein, I am taking the liberty of referring your communication to that Agency. This action is taken in accordance with our liaison agreement with the Food and Drug Administration.

If I can be of any further assistance in the matter, do not hesitate to contact me.

With best wishes, I am

Sincerely yours,

PAUL RAND DIXON,
Chairman.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 28, 1969.

Hon. SIDNEY R. YATES,
House of Representatives,
Washington, D.C.

DEAR MR. YATES: This replies to your letter of July 8, 1969, concerning the labeling of foods with information about their saturated and polyunsaturated fat content, and the declaration of the specific source of the fat or oil on food labels. The Federal Trade Commission has also referred to us your letter of June 25, 1969, on this matter.

We are very concerned that foods labeled for dietary use should be fully and informatively labeled so that the consumer can understand what benefit is claimed and how to gain that benefit. That has been the problem in the case of the unsaturated fats.

Very misleading promotional campaigns have been conducted in this area in which one firm pitted its product against another firm's product, based on insignificant differences in polyunsaturate concentrations. This was deceptive and must not be allowed to occur again.

In addition there is a real difference of opinion among informed scientists about whether an increase of polyunsaturated fat in the liet would result in a lowered incidence of arteriosclerotic heart and circulatory disease. The labeling of food for dietary use with the polyunsaturate content would presumably be intended to convey information to the consumer in the context of a lowered incidence of this type of circulatory disease. Before we permit such labeling, we believe it imperative to seek the advice of medical and scientific experts to closely study this matter. We have recommended to the Department the establishment of a Nutritional Advisory Committee to evaluate the available evidence, identify needs for additional information or research, and to recommend action that should be taken by the Food and Drug Administration or others in the Department.

If we can be of further assistance, please let us know.

Sincerely yours,

PAUL A. PUMPIAN,
Director, Office of Legislative and Governmental Services.

SEPTEMBER 5, 1969.

Dr. ROBERT I. LEVY,
National Heart Institute,
National Institutes of Health,
Bethesda, Md.

DEAR DR. LEVY: I am sending you a copy of my letter of July 8 to Mr. Paul A. Pumpian, Director of Office of Legislative and Governmental Services of the Food and Drug Administration, respecting proper labeling to show high cholesterol ratings. I have just received the enclosed letter from Mr. Pumpian commenting on my letter and I am sending it to you because of what he says in the final paragraph. Would you agree with his views?

With kindest regards,

Sincerely yours,

SIDNEY R. YATES,
Member of Congress.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Bethesda, Md., September 19, 1969.

Hon. SIDNEY R. YATES,
House of Representatives,
Washington, D.C.

DEAR MR. YATES: Thank you for your letter of September 5 and the enclosed copies of your correspondence with Paul A. Pumpian, Director of the Office of Legislative and Governmental Services of the Food and Drug Administration, regarding the proper labeling of food products.

Though there is no absolute prospective evidence in man at present that lowering the blood cholesterol and other lipids will help prevent or retard the development of atherosclerosis, certainly circumstancial evidence is quite suggestive of this. Furthermore, the evidence is clear and agreed upon by the vast majority in the field of atherosclerosis that the "average" American and several types of patients with hyperlipoproteinemia (high blood fats) will have their plasma cholesterol concentrations lowered dramatically by diets low in cholesterol and high in polyunsaturated fat.

I have discussed the problems alluded to in your letter with our dietitians and circulated your correspondence. I must say we have discussed this problem area several times before among ourselves, in that, both from what we have heard from our patients, and found by visiting supermarkets, reading labels is very difficult even for a physician or dietitian.

It would be much easier to instruct the patient and much easier for the patient to comply with our dietary recommendations if he or she could tell what kind of fat was in any specific container.

At present, I would think it would be very helpful if all the food products containing vegetable or animal fats were labeled with the specific fats that they contained, i.e., coconut oil, olive oil, corn oil, etc. The term vegetable oil should be eliminated, because it is a misleading term. (There are several vegetable oils, including coconut oil, which are high in saturated fats). For the patient, physician, and dietitian it would be most helpful if the *percent of each specific fat* in the product was included on the label. (The P/S ratio, the polyunsaturated to saturated fat ratio, would also be useful to the dietitian in planning diets).

It is certainly possible that a company might launch an advertising campaign based on the contents of its foods, but I think that that possibility would have to have a basis in fact and does not outweigh the need to provide the physician, dietitian and patient with the essential food information to prepare and select a proper prescribed diet!

I notice in the letter that there is difficulty with some terms. Cholesterol, saturated fat and polyunsaturated fat are not synonymous, nor are the terms vegetable or animal fat synonymous with the degree of saturation.

1. *Animal fat* is fat of animal origin, and is usually, but not always, saturated, and often contains a good deal of cholesterol.

2. *Vegetable fat* is often, but not always, polyunsaturated fat, and usually contains less cholesterol than animal fat.

3. *Saturated fat* implies that there are no chemically active double bonds in the fat.

4. *Polyunsaturated fat* implies that there is more than one double bond in the fat. (When vegetable fats are hydrogenated, they will still be vegetable fats, i.e., of vegeta-

ble origin, but they are no longer polyunsaturated—the double bonds having been removed).

5. *Cholesterol* is a specific type of fat which is usually found in highest amounts in animal fats.

I hope that my comments are of some help to you.

With warmest regards,

Sincerely,

ROBERT I. LEVY,
Head, Section on Lipoproteins, Molecular Disease Branch, National Heart Institute.

SEPTEMBER 26, 1969.

Mr. PAUL A. PUMPIAN,
Director, Office of Legislative and Governmental Services, Consumer Protection and Environmental Health Service, Food and Drug Administration, Washington, D.C.

DEAR MR. PUMPIAN: Reference is made to our earlier correspondence respecting the labeling of foods with information about the saturated and polyunsaturated fat content. You state in your letter of August 28 that you would seek the advice of medical and scientific experts to study this matter and recommend the establishment of a committee to evaluate evidence. Upon receipt of your letter, I wrote to the National Heart Institute of the National Institutes of Health. I am enclosing a copy of a letter I received from Dr. Robert I. Levy which indicates the manner in which proper labeling should be made. Certainly, there is no more expert center for information on the subject than the National Heart Institute.

I would hope that with this information you will be in a position to take steps necessary to protect members of the public on anti-cholesterol diets.

I would appreciate hearing from you as to any action you decide to take.

Sincerely,

SIDNEY R. YATES,
Member of Congress.

MEDICAL RESEARCH NEWEST BUDGET VICTIM

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, according to current press reports, five major Federal programs to attack chronic and crippling diseases are to be "phased out" in coming months by the latest Nixon administration plans.

The cuts, if applied, will practically wipe out the chronic disease control programs of the Department of Health, Education, and Welfare and by so doing will "save" $9.7 million a year beginning in 1971, and something less this year—perhaps $3 million—as the new cuts are applied.

The five programs to be eliminated are those in heart disease and stroke cancer; arthritis and diabetes; neurological and sensory diseases—like Parkinson's disease and multiple sclerosis; and respiratory diseases—like pulmonary emphysema.

The only chronic disease control programs to be kept alive, by the present plan, are those in smoking and health, kidney disease, and nutrition.

These planned cutbacks, reported in the Washington Post last week by Victor Cohn and subsequently confirmed by my office, come on top of news that the National Institutes of Health is cutting funds for new medical research grants by some 10 percent, and grant renewals this fall by 5 percent. All come in response to President Nixon's order to cut a total of $3.5 billion from his budget.

It is worth noting, Mr. Speaker, that these reductions were announced on the same day that President Nixon stated flatly that nearly $100 million would be spent this year for the SST, the unproven supersonic transport that will cost the American taxpayer at least $1.2 billion by 1972 when the first prototypes are scheduled for testing.

To compound the irony, the press reported last Wednesday that the President has reversed field and now supports continuation of the 27½-percent oil-depletion allowance—instead of 20 percent which would have returned some $300 million to the Treasury.

Unfortunately, Mr. Speaker, these reports are not the only evidence that the new administration has a firm grip on false values.

Drastic curtailment of NDP financing of urban renewal and low-cost housing; underfunding of pollution abatement—water, air, and land—education and poverty programs; failure to follow up with specifics on welfare and revenue-sharing proposals; insistence on continuing inflexible, outdated trade policies; token adjustment in social security benefits—all are part of the posture of a new Administration which at the same time has given full backing and financial support to ABM, MIRV, NASA, the C–5A transport, new aircraft carriers and high Vietnam expenditures.

Under these circumstances it is hardly strange that the honeymoon between the White House and Capitol Hill is now over. The wonder is that it has lasted this long. If national priorities are to be established which reflect the real needs of our changing society, then clearly the Congress must assume a dominant role.

This does not mean that we can disregard or downgrade the importance of fiscal responsibility and specifically the need to curb Federal expenditures until inflationary pressures are checked and price stability achieved. What it does mean is that we must be responsive to the most pressing requirements of the country and defer investment in those sectors of the economy where activity can be postponed or eliminated.

The cuts in the chronic and crippling disease programs proposed by the administration, like the cuts in new and continuing medical research, reflect a false sense of social and economic values and are certain to hurt both hospitals and medical schools.

Among the projects to be eliminated are a new arthritis treatment center at the University of Michigan in Ann Arbor; a cancer and heart disease program at Boston City Hospital; a heart disease and stroke program in San Francisco; and lung disease centers at the National Medical Center in Denver and Mount Sinai Hospital, Minneapolis.

These and other programs scheduled by the Administration for the budgetary ax are the key to better health for the generations to come. Our investment in these programs today will be repaid untold times in the years ahead and will contribute to the more perfect society for which all people aspire. Mr. Speaker, Congress must speak out clearly on this issue.

ACHIEVEMENTS OF F–111

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, we have heard a great deal of misinformation over the years with respect to the F–111. Fortunately, the tide is now turning and the true story is being told.

I ask unanimous consent to insert in the RECORD an article that appeared in the September issue of Air Force/Space Digest which tells of a number of high achievements of F–111 as reported by Brig. Gen. John Chandler, F–111 program director of USAF's Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

BRIGHT POINTS FOR F–111

Highlights of operational and support capabilities of another aircraft, the Air Force F–111, were outlined at the AIAA Design and Operations Meeting by Brig. Gen. John Chandler, F–111 Program Director of USAF's Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

The F–111A in squadron quantities is being flown by the Tactical Air Command at Nellis AFB, Nev. The A model will soon be followed by the F–111E and D. Later this year the Australians will be flying the F–111C and the Strategic Air Command will be flying the FB–111, the bomber version.

General Chandler underscored in retrospect that, prior to actual delivery of the first F–111A to TAC, a plan was established for a small force deployment to Southeast Asia. Along with this decision, careful provisions were made to assess the readiness of the force to deploy. The activities were code-named Harvest Reaper for the training and preparation phase, and Combat Lancer for the combat phase.

After being a political football during definition, design, and engineering development phases, the F–111 was to be snatched from a sheltered development environment and placed into combat, General Chandler observes. The spirit of cooperation that prevailed in the Task Force—Headquarters USAF, AFSC, AFLC, and TAC—was a far cry from reacting to external pressures and attempting to develop and procure an all-purpose biservice weapon system, he declares.

This clearly defined objective produced expedited refinement of all the F–111 subsystems. Many changes were made, both hardware and software, at an unprecedented rate, in response to the problems that arose. "I believe the best description of this effort is to say that it effectively compressed the operational development cycle. In my view the time compression was equivalent at least one year. We closed the loop and fed this technology back into our on-going acquisition program and are now producing vastly improved aircraft."

Crews were trained to perform blind, low-level delivery of conventional munitions. Aircraft utilization rates far surpassed the programmed rate with maintenance man-hours per flight-hour below the specification value of thirty-five, and lower than that of our less complex fighters of today, General Chandler says.

In more than fifty combat missions, bomb-damage assessment shows that F–111 aircraft hit radar-significant targets with precision, and even achieved acceptable results on targets yielding less than optimum radar returns, he says. And although political exigencies denied targeting F–111s in the most heavily defended areas, all missions were

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flown in North Vietnam and no known battle damage was incurred.

The operation demonstrated that the system was operationally ready and possessed significantly advanced operational effectiveness, General Chandler emphasizes. "As a result we are now procuring a system with demonstrated combat capability. By far the most comforting aspect to me was that we had met the challenge of total system delivery. Specifically, the support system was delivered with the airplane," General Chandler points out.

More than 100 aircraft have been delivered to TAC since mid-1967. These airplanes have accumulated more than 30,000 hours. "Although our safety record has been questioned by some, the record is good," General Chandler underscores. Since the F-111's first flight in December 1964, there have been thirteen accidents due to various causes ranging from pilot error to materiel deficiency. When compared with other Century-series fighters, the F-111 accident rate per hours flown compares favorably with the best record. "Even though our comparative record is good," General Chandler notes, "I hasten to add that we do not condone accidents and we are not complacent in this area."

SOME PERFORMANCE DATA

Ferry range is more than adequate for rapid global deployment with greatly reduced in-flight refueling or refueling stops. Combat ranges with greatly increased conventional-stores loads have doubled and tripled battlefield dimensions. All-weather precision bombing and significantly improved survivability by terrain following have been proved. And circular error probability (CEP) and delivery accuracies have been improved by a factor of four.

"Our performance is meeting or exceeding requirements, and has materially improved our capability to globally meet all levels of conflict," General Chandler emphasizes. Perhaps most impressive of all has been the rapid attainment of system maturity, he says. The flying-hour rate has been as high as sixty hours per month, at the same time exhibiting unusually good supportability factors.

"We have been meeting or bettering our requirements of thirty-five maintenance man-hours per flight-hour. NORS (Not Operationally Ready, Supply), NORM (Not Operationally Ready, Maintenance), and operational readiness rates already are equivalent to or better than fully aged systems such as the F-4 and F-105, even in the area of AGE (Aerospace Ground Equipment)," General Chandler observes.

For example, during the first three months of 1969, the 474th Tactical Fighter Wing at Nellis AFB had an operational-readiness rate of seventy-five percent and a NORS rate of less than five percent. This is indicative of support system reliability, maintainability, and supportability. The supply and AGE performance are already at mature levels, General Chandler declares.

"Our disappointments have been normal, but the attention has been abnormal. As we all say in system acquisition, if you are faint of heart, if you are new to the game, you could say it's dark in here. If you believe, if you are determined, if you won't quit, the future is bright," General Chandler believes.

WALL STREET OVER MAIN STREET, THOSE POVERTY-STRICKEN CORPORATIONS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I note with wonder and amazement the announcement that President Nixon is about to name a Presidential commission, headed by one of his old law partners, to study the extent to which the Federal tax structure may be too burdensome on big business. This commission will be charged with the task of recommending changes in our tax laws, which presumably would be aimed at offering tax relief to the corporate structure of the land.

Never have the mighty, strong, and rich had such an eager champion. It is heartening indeed to see that the President is so concerned over those poor barefoot gentlemen who run major American corporations.

We are informed that most of the gentlemen who will compose this commission are conservatives who favor excessive favors in the tax area for major corporations. It is supposed to have been given a November deadline for reporting conclusions to the President. The panel's actual mission is based on the assumption that the present Federal tax structure is hurting business and should be changed further in their favor.

It makes about as much sense to pity the tax status of American business as it would to accuse Governor Wallace of being a secret member of the Black Panthers. Yet with the average citizen being ruined by unfair taxation, outrageous interest rates, and constant price hikes by big business, the administration coos in sympathy for the corporate giants of America. What a ghastly reversal of the elementary rules of commonsense.

Better and lusher depreciation allowances and a value added tax which the consumer would pay for entirely are to be primary considerations of this presidential commission. Never has there been such a bold attempt by Government to further favor the already wealthy at the expense of those already desperate for tax relief. Which brings us to the position of this same administration on the tax reform measure which has passed the House and is awaiting Senate action.

Blatantly, arrogantly, and with a boldly professed contempt for the people of this country, the administration is trying to scale down these tax reforms which are aimed at benefiting middle and lower income taxpayers. It has already publicly requested a cut in proposed new taxes for corporations, greater tax breaks for the rich, and a scaling down of tax relief slated for the overburdened wage earners of the land.

It asks for a $1.6 billion tax break for corporations at expense of tax reform, while creating this additional Presidential commission, loaded with conservative financial figures who have about as much compassion for the average American as a fox has for a rabbit.

While Americans are being hit with new taxes on a State level, the administration is obviously preparing to load more on those requiring help the most. A record $2.8 billion in new or increased taxes has been approved already by 34 State legislatures this year, with every indication that more increases will be voted before the end of 1969. Still pending in several States is legislation which would add more than $850 million to amounts approved to date, bringing the total to $3.7 billion. These figures are official Tax Foundation findings, recently published. Ignoring such damning facts, the administration assails existing tax reforms instead of pushing for them, while preparing a move which would even further add to tax imbalance and injustice. The leaders of this country are consistent, to say the least, leaving facts unmolested and logic undisturbed.

I believe it was Adlai Stevenson who once noted that:

> Our public servants serve us right.

NOT A PENNY FOR MEDICAL RESEARCH?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, of all the disastrous and ill-conceived moves increasingly being initiated by the Nixon administration, none is more fraught with menace or indicative of our national failure than the cutting off of funds to 19 medical research centers. This was done last week. Four of these centers are in my home State of New York. Seven of them specialize in children's diseases. One of them, at the Albert Einstein College of Medicine, just advertised for support funds in the Wall Street Journal. One of the surgeons, Dr. Louis Del Guercio, financed the ad out of his own pocket because he did not want to see the center close down and its essential work go down the drain.

The facility in question is the federally-financed General Clinical Research Center for acute illnesses and injuries at Jacobi Hospital in the Bronx. Ninety-three such centers around the Nation are financed by the National Institutes of Health. They require $42 million this year. The 19 facilities faced with closing because of the administration's action would have required $6.5 million this year.

The Government's saving in the Jacobi case crippled their budget by 60 percent. $225,000 is the sum in question they now require. For this kind of money saving the Government is willing to allow this center to close.

People like the doctor, who could command much more money in private practice, have long given a total commitment to this type of research work in such areas with Government help. Irreparable damage has been done the state of mind of such devoted people by this utterly disastrous decision. By such an act, the shoes of future researchers have already been emptied. It is America's loss. It shall be America's sorrow.

These clinical research centers are usually a unit within a hospital, usually in a teaching center, where students study diseases and test new therapies and surgical procedures on nonpaying volunteer patients. The first such center began at NIH in 1953. The National Government-supported program emerged in 1960. Some centers investigate rare diseases, test drugs or test the body's nutritional requirements in chronic disorders.

The Jacobi center specializes in treatment for shock, blood clots, severe injuries and burns. Its closing will eliminate this special facility for treating burn victims in the Bronx, a borough of approximately 2 million people.

Six of the most gravely ill people in the hospital can be cared for in it at one time, under 24-hour care. Critically injured accident victims may be admitted at any time.

From its combination of close patient care, testing and computerized data analysis come its findings, communicated through medical literature as well as by lectures to students, hospital doctors and community practitioners. The center's work has already made significant discoveries in the field of treating shock and finding out which patients dare not undergo surgery. Such findings are among payoffs of 7 years of research experiments, which the Jacobi doctors are now preparing to discontinue.

President Nixon had $96 million for the SST last week. He is not upset by price hikes by steel, autos and utilities. His military budget is a whopper. He won't spend money on parks or medical research or the poor or on civil rights enforcement. But he sure has it for a western White House and round the world tours which accentuate the negative, belabor the obvious and accomplish nothing. He cut $1 billion off government aid to education. He has not got money for libraries or schools, but he has money for Franco and a dozen other tin pot dictators around the world. He has no money for the Job Corps, Peace Corps or VISTA, but he has oodles of cash for Thieu and Ky, whose jails and prisons bulge with non-Communist opponents of their regime.

So the 19 medical research centers will close. And the laboratory animals will be killed. And the staffs will disperse to better paying jobs. And faith in Government support of such work will disappear. And the children who might be saved by such research will die—horribly. Whose will they be? Yours? Mine? Our neighbors'? Because we wanted to save $6.5 million? Because we can not find $225,000 for Dr. Louis Del Guercio? Is this America, President Nixon? Is this saving money? Is this national priorities? It is enough to make a man weep for his country. If President Nixon will not help, will the Congress? Or the public? Or some institution? Please.

THE CIVIL AERONAUTICS BOARD

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, there was a time when Members of this body received very calm letters of concern from their constituents about many consumer complaints. But what was once a calm presentation of concern has in many consumer areas become an absolute public outrage. We are all familiar with well-publicized outcries about pollution, warranties, production safety, and the like. Another area, however, which has not been sufficiently publicized is the growing lack of faith by the air transportation users in the actions of the Civil Aeronautics Board. For 9 months now I have been involved in exchange of correspondence with that Board and have actively participated in formal filings before it with as many as 35 of my colleagues in order to attempt to bring about even the most basic compliance with the public interest requirements embodied in the Federal Aviation Act. I must confess in all candor, Mr. Speaker, that I am at an absolute loss to understand why the Board insists on pursuing a course which is not only unlawful and highly irregular, but will lead ultimately to the detriment of travelers, airlines themselves, and all interested parties as well. I have reached the point, therefore, that I feel it necessary to place in the RECORD those documents which are most germane to the history of this endeavor as well as a brief description of the circumstances as they developed.

The Wall Street Journal of January 9, 1969, carried an article titled "More Profitable Fare Setup for Airlines May Result from Coming CAB Meetings." The text of that article follows:

[From the Wall Street Journal, Jan. 9, 1969]

MORE PROFITABLE FARE SETUP FOR AIRLINES MAY RESULT FROM COMING CAB MEETINGS

(By Richard P. Cooke)

NEW YORK.—Top airline executives and members of the Civil Aeronautics Board will meet Monday in Washington in what could be the first step toward a more profitable fare structure, it was learned.

Although the CAB has made no formal announcement of the meeting or what will be on the agenda, it is understood that the conference may set the framework for a uniform position on recent airline fare proposals. Six trunk carriers—United Air Lines, Eastern Air Lines, Trans World Airlines, Northeast Airlines, American Airlines and Braniff Airways—already have said they intend to seek higher fares.

If general agreement is reached on a new fare structure, the airlines would then be required to file or refile applications covering specific routes. Carriers that so far have filed formal applications have deferred setting any specific date for their proposals to become effective.

The Monday meeting is the first of several covering the fare situation. On Tuesday, the CAB informally will meet with Joseph P. Adams, executive director of the Association of Local Transport Airlines, preceding the regular annual meeting between local-service airline presidents and the board slated for Feb. 4. On Friday, Jan. 17, the board will get together with the National Air Carrier Association, which represents the supplemental, or charter, airlines.

The latest application for higher fares was made by United on Jan. 1. United proposed a formula that would increase first class fares between $6 on short hauls and $20 on long hauls. Also, coach fares on short hauls would be increased $4 without any corresponding increase for longer flights.

The effect of the proposed United fares would be to "taper" fares to provide a higher return for short hauls. Historically, short hauls have produced only small profits, if any, for the airlines. CAB officials in the past have indicated they might look favorably on the taper principle, as well as on increasing the differential between coach and first class fares.

Although domestic trunk lines in 1968 flew about 81.45 billion revenue passenger miles, up 14.7% from 1967, industry estimates indicate that pretax profit declined to about $250 million in 1968 from about $350 million the year before. Return on investment is estimated to have slipped to about 6% from 12.2% as recently as 1965. The CAB has set as a guideline a rate of return on investment of about 10.5%.

Following that meeting, where incidently a transcript of the proceedings was not kept, Chairman John Crooker, as reported by Aviation Daily on January 15, stated, "a majority of the Board favors a modest increase in fares," and continued, "I would assume there is a reasonably good chance for action on fares." That was an understatement, Mr. Speaker, for on January 17, the Wall Street Journal reported that effective March 1, a domestic airline fare increase of 3.8 percent had been accepted and approved by the CAB. On January 22, I directed the following letter to Chairman Crooker:

JANUARY 22, 1969.

Hon. JOHN H. CROOKER,
Civil Aeronautics Board,
Washington, D.C.

DEAR CHAIRMAN CROOKER: The local press has carried a story to the effect that recently you have had a meeting with the domestic air carriers in which you have discussed the matter of an increase of passenger fares and have given to the air carriers an indication of the amount of the increase which the Board would accept as being reasonable.

While I well recognize that in certain situations there are benefits of flexibility, expedition and economy derived from the use of informal proceedings, I believe that the regulatory agencies involved must be in a position at all times to render an accounting not only to the effect that the discussions resulting in the determination of rates or fares are in the public interest, but also, that the integrity of such type of process is protected at all times.

In informal proceedings of this type, it is my considered judgment that parties in interest, the Congress and the public, prior to the initiation of proceedings such as the earnings review and ensuing discussions regarding fares, should be apprised of the ground rules which the Board expects to follow, including what opportunity, if any, will be given to parties in interest to participate in such informal proceedings and how the integrity of such proceedings and discussion will be protected.

Accordingly, I should appreciate your comment as to the manner in which your informal discussion of rate making with the air carriers has adhered to the position which I have here expressed—a position which incidentally was enunciated by the Chairman of this committee some 4 years ago after the lengthy study which the committee had conducted into the problems of the regulatory agencies—particularly with regard to the pronouncement of the ground rules in the public interest being followed by the Board, the opportunities of parties in interest to participate in these informal proceedings, and the manner in which the integrity of these proceedings, and discussions is protected.

JOHN E. MOSS,
Member of Congress.

A response to the inquiry, although dated February 6, was not received from the Chairman until February 10; the context of the letter as well as the enclosures is as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., February 6, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: This is in reply to your letter of January 22, 1969 regarding the procedures which the Board followed in its recent consideration of domestic passenger fares. We appreciate your concern with preserving the integrity of the regulatory process, and believe that the Board's proce-

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dures and actions have been completely in the public interest.

The question of whether or not an increase in domestic fares would be appropriate at this time was raised initially by the carriers with the filing of tariffs by a number of trunklines beginning in October 1968. These tariff filings proposed over-all revenue increase ranging from 4.8 percent to 7.9 percent, but followed differing approaches or formulas to achieve this result. The tariffs were in each case filed at least 45 days in advance of their intended effectiveness date, as compared to the 30 days notice provided for in the Federal Aviation Act, to afford the public full opportunity for comment. Despite the widespread coverage which the carriers' proposals received in the press, no formal complaints were received from the traveling public or members of the Congress.

Nevertheless, the Board undertook a comprehensive review of the industry's economic condition. This undertaking was consistent with the practice of maintaining continuing surveillance of fares which the Board has followed in connection with its past policy of holding the line against increases. Three exhaustive memoranda were submitted to the Board by the staff, dealing both with the general economic state of the industry and possible courses of action to improve it. On the basis of these memoranda, and detailed discussion with the staff, the Board concluded that some revenue increase was warranted.

In the absence of any procedural guidance, it appeared likely that a series of suspensions, further tariff filings, and counter-filings might develop as the carriers sought to meet competitive situations and to arrive at proposals which would be acceptable to the Board. It was the Board's opinion that this would create considerable confusion for several months not only within the industry, but particularly on the part of the traveling public.

In these circumstances, and in light of the Board's conclusion that a degree of revenue increase was justifiable, the Board felt it desirable in the public interest to undertake to limit the increase to an acceptable level and, in so doing, to guide the industry toward achieving some improvement in the fare structure. It was against this background, following full opportunity for public comments, that the Board considered that the views of the carriers would be helpful in its deliberations and acceded to the carriers' request for a meeting. At the conclusion of the meetings the Board announced its tentative decision to permit certain fare increases. These increases are expected to produce aggregate additional revenues of about 3.8 percent for the trunkline industry, well below the levels proposed by the carriers. The Board has prepared a full report of the meetings which will be made available to the public on February 6, 1969. We are enclosing a copy of this report for your information, along with a copy of the Press Release which was issued on January 16, 1969 at the conclusion of the meetings.

As indicated in both the report and the Press Release, the Board's views are necessarily tentative. The carriers have filed tariffs consistent with the Board's statement, to become effective February 20, 1969 or shortly thereafter. The tariffs have been filed on 30 days statutory notice, allowing the public a second opportunity to file complaints against the propsed increases. The Board's final decision will rest upon careful analysis of the new tariffs and full consideration of any complaints which may be received.

In sum, the informal procedures which the Board adopted in its consideration of the fare proposals were subsequent to the time provided the public for opportunity to be heard and, we believe, fully protected the public interest. In the Board's opinion, these procedures also avoided unnecessary confusion for all concerned, and were preferable in this instance to the institution of formal proceedings. The latter are very lengthy undertakings and, as such, would not have been responsive to the immediate need of the carriers for a moderate revenue increase which the Board had found to exist. We assure you, however, that the Board will continue to be diligent in its procedures to the end of maintaining fares at the lowest level consistent with an economically sound industry.

Sincerely,

John H. Crooker, Jr.,
Chairman.

Release by Civil Aeronautics Board

The Civil Aeronautics Board has made a tentative determination to approve increases in domestic passenger fares. The increases, the Board estimates, will produce additional passenger revenues of 3.8 percent above what would have been realized under fares which existed in 1968 for the domestic operations of the 11 trunklines.

The Board's determination stems from proposals from six carriers—American, Braniff, Eastern, Northeast, Trans World and United—for fare increases to cover increases in operating costs and profit declines. The carriers' proposals would have involved fare increases ranging between five percent and seven percent.

The CAB had considered the proposals and concluded that increases of that magnitude were not warranted at this time, but tentatively concluded that lesser amounts might be warranted.

In the light of the divergence of approach by the individual carriers in their fare proposals, the Board met at the request of the carriers on Monday, January 13, and on Thursday, January 16 to consider alternative fare adjustments.

In general, the Board expressed tentative concurrence in tariffs providing for the following fare increases:

First-class fares—Each first-class fare would be increased by $3 one way. In addition certain East-West first-class fares in specific markets of 800 miles or more in which fares have heretofore been depressed below industry norms, would be increased by an additional $1 to $7 depending on distance.

Coach fares—Each coach fare in markets up to 500 miles would be increased by $2 one way. In markets from 500 to 1,800 miles, coach fares would be increased by $1 one way. There would be no coach fare increases above 1,800 miles.

Discover America excursion fares—The carriers would be permitted to establish a seven-day minimum stay requirement, and a seven-day minimum advance ticket pickup requirement.

Under the Federal Aviation Act, any interested person may file a complaint against tariffs that are filed.

Accordingly, the Board's views, announced today, are only tentative pending receipt of the tariffs, careful analysis of the tariffs, and any complaints that may be received. The tariffs are required to be filed not less than 30 days in advance of the effective date. It is expected that the new fares would become effective March 1, 1969.

Report on Meetings Between the Civil Aeronautics Board and the Domestic Trunkline Carriers on Domestic Passenger Fares

At the request of the carriers, the Board met with representatives of the eleven domestic trunklines, Pan American and Trans Caribbean Airways on January 13 and 16, 1969 to discuss the matter of domestic passenger fares. Chairman Crocker and Members Minetti, Gillilland and Adams were present at both meetings; Vice Chairman Murphy was present at the second meeting. A list of those persons representing their respective companies is contained in Attachment A.

After brief opening remarks, Mr. Keck of United indicated that some expression of the Board's tentative thinking would be useful as a point of departure for the meeting. The Chairman pointed out that revised tariffs had been filed or proposed by several different airlines, all derived from the use of different methodologies. After analysis the Board has concluded that none of the proposals could be approved *in toto* and that all should be suspended. He stated that the tentative views to be expressed during the meeting were for the purpose of giving the carriers the benefit of the Board's preliminary thinking as to fare increases so as to eliminate unnecessary confusion and delay in the preparation of any revised tariffs which the carriers might wish to submit later. The Chairman stated further that any such tariff could be approved by the Board only after it had been filed under the Board's normal procedures, and after opportunity to comment by interested persons.

Chairman Crooker stated that the Board had been giving considerable attention to the subject, that it had received three exhaustive memoranda from the staff dealing with the general economic state of the industry and with various specific alternative courses of action. On the basis of these memoranda (which were not made available to the carriers), it was the general sense of the Board that a degree of revenue increase was warranted. However, it appeared that the present decline in profits was likely to be temporary and that an upturn in profits could be expected, reaching satisfactory levels by 1970 and 1971. This being the prospect, the Chairman suggested that a reexamination of the industry's economic picture would be in order in 24 months or so, with the thought that some reduction might be appropriate at that time. No thought was being given to requiring an expiration date on the tariffs shortly to be filed, however, since a future reduction in fares, if found to be warranted, might take a different form from the increases which the Board would probably be prepared to permit now.

The Chairman then proceeded to summarize in some detail the Board's tentative views with respect to the various facets of the fare structure. The Board was virtually unanimous that some of the revenue increase to be allowed should be achieved through tightening up on promotional fares, especially the Discover America fares. Here it was suggested that the Board would permit imposition of a 7 day minimum stay and a 7 day advance ticket pickup requirement, as a means of diminishing diversion of normal fare traffic to this fare. It was noted that youth fares are presently the subject of a formal proceeding and that, as a result, the Board would be reluctant to take a firm position with respect to these fares. However, pending the outcome of this case, the carriers might consider action on a voluntary basis which would modify these fares to a one-third discount with positive space rather than the 50 percent discount standby fare.

With respect to normal fares, Chairman Crooker stated that the Board was virtually unanimous in the opinion that first-class service was underpriced in relation to cost of service in all distance categories. It was further the view of the majority that coach service was underpriced in short haul markets, but overpriced in the long haul markets. There was some difference of opinion as to those markets in which increases in coach fares would be justified, some favoring increases in markets up to 200 miles, or 400 miles, while others would permit increases in markets up to 1,000 to 1,100 miles in distance. The Chairman stated that there was also considerable difference of opinion as to the advisability of establishing a surcharge at congested airports (specifically New York/Newark, Washington/Baltimore, and Chicago at which the FAA has proposed schedule limitations), although it was possible that a majority would support some charge.

The Chairman stated that development of a cost oriented formula for general application in determining fares raised a number of difficult questions, and that there was considerable difference of opinion on the Board with respect to its feasibility and desirability. Arguing against such an approach was the fact that value of service factors may be as important as cost of service in pricing air transportation, and that fares based on costs would be unrealistic in some markets. In addition, a formula approach tends to ignore the judgment of the marketplace, and historical incidences such as the fact that north-south fares per mile have traditionally been at a higher level, generally speaking, than east-west fares. On the other hand, there are a number of arguments weighing in favor of a formula approach, although whatever formula is devised should not be used with mathematical precision but only as a guideline in evaluating fare proposals. Some advantages in the use of a formula are that it would assist in moving the fare structure in the right direction in terms of taper and the relationship between first-class and coach fares, and would facilitate objective definition of the structure, determination of fares for new routes, and evaluation of new or changed fares. A formula would also produce internal consistency within the fare structure.

Chairman Crooker summarized the sense of the Board as favoring further staff effort toward development of a cost-oriented formula which would replace the present fare norms as a guideline in evaluating proposed fares. In this connection, he outlined one possible approach which will be subjected to detailed analysis in the immediate months ahead. This approach would assign differing fixed cost elements according to whether the service in question was between points categorized as a village, city, metropolis, major hub, or any combination of these. The assignable cost per mile to reflect distance flown would decline as distance increases, rather than remain a constant factor. A more detailed explanation of this approach was supplied the carriers attending the meeting and is included in this report as Attachment B. The Chairman added that any approach which took a formula as its base might be subject to a tolerance of, for example, plus or minus 4 percent. It might also be subject to additional parameters such as a requirement that jet first-class fares be at least 120 percent of corresponding jet coach fares, and that a floor equivalent to 60 percent of normal fares be established for all promotional fares.

It was recognized that development of such a program, if in fact it proves to be feasible, is a matter for the longer term. Accordingly, the Chairman proposed that the Board would suspend the current tariff filings (if not withdrawn), but would permit alternative filings embodying certain changes as an interim measure which could be implemented promptly. The Chairman enumerated the following fare adjustments which the Board, or majority of the Board, would be inclined to permit:

1. Imposition of a 7 day minimum stay and 7 day advance ticket pickup requirement on Discover America fares;

2. Decrease in the youth fare discount from 50 percent to 33⅓ percent, with provision for a firm reservation;

3. Increase of $1.00 in jet coach fares in markets up to 1,100 miles; and

4. Increase of $2.00 in all jet first-class fares, with additional increases ranging from $1.00 to $8.00 in east-west markets above 800 miles where first-class fares are presently at depressed levels.

The Chairman pointed out that the Board was not insisting on the above specific adjustments in promotional fares. However, the potential revenue benefit made available by these adjustments—estimated at approximately $37 million for the domestic trunkline industry, based on 1967 traffic—would be borne in mind in future assessment of the industry's financial condition. Fares for other classes of service, such as those provided with propeller equipment and night coach, could be adjusted to maintain existing relationships with jet fares. In addition, it was indicated that a majority of the Board was inclined at this point in time to permit a surcharge of $1.00 on fares to/from New York/Newark, Washington/Baltimore, and Chicago in markets up to 750 miles—estimated to amount to $23.4 million in additional revenue for the trunklines.

Taken together, the Chairman estimated that the various adjustments outlined above would (if there were no loss of revenue from passengers using other means of travel or less expensive accommodations) result in a gross increase in revenues of about $209 million per year. However, this would appear to be an actual increase of no more than $188 million—allowing for an assumed 10 percent or more erosion due to loss of traffic and such factors as passengers electing to downgrade from first-class to coach service. This would represent a net increase in 1969 revenues of between 3 and 4 percent. It was acknowledged that a revenue increase in this magnitude would not restore airline earnings to the full 10.5 percent return on investment previously found reasonable by the Board. On the other hand, the Chairman pointed to the unprecedented equipment deliveries in 1968 as apparently a major factor influencing the depressed earnings position now being sustained by most trunkline carriers, and suggested that the public should not be required to pay, at least fully, for the excessive capacity which has been the result. Finally, the Chairman made it clear that any tariffs which may be filed should contemplate the customary 30 days notice and that, in the interest of easing the situation for all concerned, it would be highly preferable that all bear a common effectiveness date.

The Chairman then asked the other members of the Board if they wished to make any comments. Member Minetti stated that he had been unable to attend the Board's deliberations up to this point. For this reason, he had no comments now except to say that his presence at the meeting did not necessarily imply concurrence in whole or in part with any of the proposals outlined by the Chairman.

Member Gillilland stated that these proposals did not represent the views of any one member, but rather were a compromise representing a majority view of the Board. Member Adams stated his personal feeling that there should be more taper in the fare structure and greater increases in first-class fares. He added that he did not associate himself with the Chairman's remarks with respect to equipment purchases and excessive capacity.

Discussion proceeded immediately to the question of the level, or amount, of the over-all revenue increase resulting from the proposal put forward by Chairman Crooker as acceptable to a majority of the Board. The Big Four carriers (American, Eastern, TWA, and United) variously stated that the aggregate dollar increase contemplated was insufficient to cover minimum cost increases known at this time. Several carriers pointed to upcoming contract wage negotiations which they face. Recent wage settlements in other industries were cited as evidence that the minimum increase in wages which they will be able to negotiate will be a substantial burden. It was alleged that this being the case, the revenue increase considered acceptable by the Board would do no more than absorb these increases, at best. Both American and United cited expected increases in labor costs.

Member Minetti raised the question as to what efforts were being made by management to reduce costs. TWA responded by stating that it had programmed cost improvement measures in the magnitude of $20 to $30 million in 1969, adding that this would just keep the company even with the inflationary pressures to which it would be subjected. Eastern stated that it anticipated programmed savings on the order of $18 million in 1969. This carrier went on to state that its tariff filing—estimated by it to produce an approximate 4.8 percent increase in revenues for the trunkline industry—was originally designed only to bring the company into a breakeven position. That is, it was intended to offset cost increases identifiable at the time of filing, increases which it now believes were underestimated.

The Chairman pointed to the possibility, raised by several independent studies, that an increase in fares exceeding a range of 3 to 4 percent might have the ultimate result of a net decrease, or at least no net increase, in total revenues. In other words, greater increases might merely result in the air carriers losing potential traffic to other means of transportation. It was generally acknowledged that reaction in the marketplace, or elasticity of demand, is a rather delicate judgment factor. However, TWA pointed out that most of the individual carrier filings proposed revenue increases in the range of 5 to 6 percent, and that this would seem to indicate a carrier consensus with respect to traffic response. On the other hand, it was noted that some carriers had not filed for any increase and that, as a result, a revenue increase in the magnitude suggested by the Board might more closely reflect an over-all industry consensus.

The discussion then turned to several specific matters—decommonrating of transcontinental fares to/from west coast points, and the raising of obviously substandard fares to a level more closely approximating the norm. On the former point, the Chairman indicated that the Board had not focused on the question and further discussion was deferred. With respect to the question of fares which are clearly out of line with prevailing levels (either above or below what might be regarded as a norm), the Chairman indicated that the Board would be receptive to correcting obvious inequities promptly on an individual basis. However, the over-all or broader problem of restructuring should more appropriately await development of a cost oriented formula, the application of which would automatically eliminate inequities of this type. United and TWA, in particular, urged that such a formula was most important and should be developed and settled upon at the earliest possible time.

At their request, the carriers were furnished a table summarizing, by carrier, the estimated revenue impact of the various fare adjustments previously outlined by Chairman Crooker. To provide the carriers with some time to evaluate these estimates, it was decided to recess until Thursday morning, January 16, whereupon the members of the Board withdrew from the meeting. However, discussions continued for some time further, during which the Board's staff clarified various technical aspects of the revenue estimates in response to questions from the carriers. The summary table which was distributed at the meeting is contained in Attachment C hereto.

Mr. Tillinghast opened the second meeting by stating that, while TWA was disappointed that the Board seemed unwilling to accept its fare filing, TWA had reviewed the Board's suggestions in the hope that they would provide a practical framework for the relief needed by the carriers. Exception was taken to the revenue increase which it had been estimated would flow from conversion of youth fares to a reservation basis at a discount of 33⅓ percent. It was TWA's conclusion that, at best, such a step would result in no revenue increase. TWA also proposed certain modifications in the suggested approach as follows: (1) application of the $1.00 surcharge at hub airports in all markets up to 1,100 miles; (2) an increase in all coach fares within 1,100 miles to a level 4 percent below the norm where they are presently below that level; and (3) decommonrate transcontinental fares to Los Angeles and San Francisco. The carrier estimated that, with these modifications and allowing for a 10 percent erosion of revenues, the package would produce an increase in revenue for TWA of about 4.1 percent, and a return on investment in the range of 3 to 5 percent in 1969. A copy of a letter to the Board which summarizes TWA's approach and which was circulated at the meeting is contained in Attachment D.

There followed some discussion of the youth fares, with several carriers indicating concurrence in TWA's assessment of the probable revenue impact. It was pointed out that on some carriers as much as 25 to 35 percent of youth travel is at full fares, and that diversion of this traffic to the discount reservation fare could mean a loss in revenue on the order of $2 million for a given carrier. The possibility of retaining the standby feature but at a discount somewhat less than the present 50 percent was raised. There appeared to be little support for this sort of approach. However, there was a general concensus among the carriers that the youth fares are a productive part of the fare structure, several of the larger carriers indicating that their abolition might result in revenue losses on the order of $3 to $4 million annually. In light of the discussion, Chairman Crooker suggested that it might be appropriate to put aside further consideration of this matter for the time being.

Aside from the question of youth fares, the respective carriers indicated that their independent review generally confirmed the validity of the revenue impact which the Boards' staff had estimated would result from the various fare adjustments suggested by Chairman Crooker. However, a number of carriers proposed alternative modifications in approach. With respect to jet coach fares, it was variously suggested that fares up to 1,100 miles be increased by $2.00 rather than the $1.00 initially proposed, or by $2.00 up to 500 miles and $1.00 thereafter, or that the $1.00 increase be permitted in markets of greater distance, *e.g.*, up to 1,300, 1,600, or 1,800 miles. In the case of first-class fares, it was suggested that the increase be $3.00 across-the-board, with a maximum increase of $10.00 in transcontinental markets where the fares are currently at depressed levels; that they be increased by $2.00 as initially proposed or to 120 percent of the coach fare whichever is higher; or that they be increased across-the-board to 125 percent of the corresponding jet coach fare. One carrier specifically endorsed TWA's proposal to extend applicability of the $1.00 hub surcharge, although indicating a preference for inclusion of markets up to 1,300 rather than 1,100 miles. Only one carrier raised again the question of imposing the proposed restrictions on the Discover America excursion fares, and this was to reiterate its firm if minority position that the proposed 7 day minimum stay restriction would cause it, at least, to lose a substantial volume of traffic which now is attracted by these fares for relatively short trips over the weekend.

There followed a general exchange of comments on the various alternatives suggested. This discussion revealed that most carriers were prepared to seek either a $2.00 increase in short/medium haul jet coach fares or an extension of the $1.00 increase to encompass markets of greater distance, with one or two explicitly favoring the former. No carrier indicated an inability to go along with either approach. The transcontinental carriers agreed that TWA's proposal to bring jet coach fares to within 4 percent below the norm had merit, and generally supported TWA's proposal to decommonrate Los Angeles and San Francisco.

With respect to first-class fares, American and TWA felt that a formula which would set transcontinental first-class fares at 125 percent of coach fares would cause substantial numbers of passengers to downgrade to coach service. The end result would be no real public acceptance of the service offered,—and hence no significant public benefit, but with a consequent loss in revenue for the carriers. It was generally felt that $10.00 was the maximum increase which should be attempted at this time, at least until market reaction could be tested. Chairman Crooker noted that in any event an approach along these lines, whatever the percentage finally selected, is premature since the Board intends to pursue development of cost oriented formulas for general application, a project which cannot be accomplished for some months.

The Vice Chairman indicated that he had some reservations about moving toward a formula approach. He expressed the personal view that fare increases should be borne equally by all users of air transportation, and was concerned with loading increases too heavily onto the short-haul passenger when an increase of a few dollars could more readily be absorbed by the long haul passenger. The Vice Chairman also indicated that he found the hub charge concept troublesome. While he recognized the cost basis for such a charge, Mr. Murphy pointed out that we are dealing here with changing circumstances where congestion can disappear at one airport and develop at another.

At the request of the carriers for some expression of the Board's views on the various possibilities which had been discussed, Chairman Crooker stated that he was not in a position to respond at that point in time. However, he indicated that the Board would be prepared to comment that afternoon if the carriers wished to reconvene again that day. Accordingly, the meeting recessed until 2 p.m.

Chairman Crooker opened the reconvened meeting by stating that the Board had met during the noon recess and that he was now in a position to indicate its general thinking on the subject of domestic passenger fares. He emphasized that the Board's position was necessarily tentative at this time, pending review of the actual filings which are made and consideration of any complaints which are received. A majority of the Board would probably approve a revenue increase of about the magnitude described at the Monday meeting and shown in the table distributed at that time, *e.g.*, approximately $162.8 million in the aggregate based on 1967 traffic. Bearing in mind the deletion of the proposed adjustment in youth fares and the associated $21.9 million estimated revenue increase, a majority would be disposed to permit the following specific adjustments:

1. *First-class fares*—an increase of $3.00 one-way across-the-board, and additional increases of from $1.00 to $7.00 depending on distance in east-west first-class fares in certain specific markets of 800 miles or more in which fares have been depressed below industry norms. This is estimated to produce an additional $15 million in first-class revenues for the trunkline industry over the formula suggested at the Monday meeting.

2. *Coach-fares*—an increase of $2.00 one-way in markets up to 500 miles, and an increase of $1.00 one-way in markets from 500 to 1,800 miles, with no increase above 1,800 miles. This is estimated to produce an additional $35 million in domestic trunkline coach revenues over that suggested at the Monday meeting.

3. *Discover America fares*—the carriers would be permitted to establish a 7 day minimum stay requirement, and a 7 day minimum advance ticket pickup requirement.

The Chairman estimated that the above-described adjustments would produce a net over-all revenue increase for the domestic trunkline industry of about $194 million at 1969 estimated volume and allowing for a 10 percent dilution factor. This net revenue gain is expected to approximate 3.8 percent. A summary of the estimated impact of each adjustment on individual carriers is set forth in Attachment E.

The Chairman made the following additional observations:

1. A majority of the Board is not disposed at this time to support a surcharge at congested hub airports in view of the size of the increases outlined above;

2. The Board is not thinking in terms of a 120/125 percent differential between first-class and coach fares at this time in view of the further work contemplated with respect to development of cost oriented formulas, although this is without prejudice to its ultimate consideration of such an approach;

3. The Board is not inclined to permit decommonrating in transcontinental fares at this time since this subject is quite controversial and relates to a specific situation. In the event carriers elect to file tariffs proposing such an adjustment, the Board would hope that the filings would be on more than the customary 30 or 45 days notice so as to provide ample time to solicit the views of the civic parties involved as well as other interested persons.

4. The Board is sympathetic with the objective of eliminating clear inequities (above or below the norm) which may exist in the present fare structure, and will do its best to permit corrections as appropriate. However, this is a complicated matter and it would seem advisable for the carriers to communicate with the staff as to specific situations rather than to attempt to solve the problem in the imminent tariff findings;

5. With respect to the Discover America excursion fares, the Board is availing the carriers of this opportunity to tighten the restrictions on these fares so as to minimize diversion from regular fare services. Should the carriers not elect to make this adjustment, it should be made clear that the Board will bear in mind the $15 million revenue improvement which it has made available to the industry; and

6. The Chairman indicated that the Board would issue a press release at 5 p.m. that afternoon, reflecting the announcement of Board views on a fare increase.

The meeting was then adjourned.

Carrier Representatives

American Airlines: Mr. George A. Spater, President.

Braniff International: Mr. Harding L. Lawrence, President and Chairman of the Board.

Continental Air Lines: Mr. Harvey J. Wexler, Vice President-Governmental Affairs.

Delta Air Lines: Mr. Charles H. Dolson, President; Mr. Thomas M. Miller,[1] Senior Vice President-Marketing.

Eastern Air Lines: Mr. Floyd D. Hall, Chairman and Chief Executive Officer.

National Airlines: Mr. Dan Brock, Vice President-Traffic and Sales.

Northeast Airlines: Mr. James O. Leet, President.

Northwest Airlines: Mr. Robert Wright, Vice President-Sales.

Pan American World Airways: Mr. Najeeb E. Halaby, President.

Trans Caribbean Airways: Mr. O. Roy Chalk, Chairman of the Board and President.

Trans World Airlines: Mr. Charles C. Tillinghast, Chairman of Executive Committee and President.

United Air Lines: Mr. George E. Keck, President and Chief Executive Officer; Mr. E. A. Bemish,[1] Assistant Vice President-Marketing Services.

Western Air Lines: Mr. Jack M. Slichter, Vice President-Government and Industry Affairs.

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[1] Meeting on January 16, 1969.

POSSIBLE COST ORIENTED FORMULA

1. Merely as a guideline for the Board's use (against which fares proposed in tariffs could be compared) a jet coach fare formula of y=a+bx would be adopted ("a" represents the flat add-on for the cost of processing one passenger, irrespective of the number of miles traveled; "b" represents the rate per mile; "x" represents the number of miles traveled; and "y" represents the computed fare). In line with the hub sur-charge concept proposed by some airlines, "a" would not be a constant, but would depend on whether the point of origin and/or the point of destination is a village (v), a city (c), a metropolis (m) or a major hub (h),—to be categorized by the CAB staff. The dollar amount of "a" would be computed thus:

Point of origin	Point of destination			
	v	c	m	h
v	6	7	8	9
c	7	8	9	10
m	8	9	10	11
h	9	10	11	12

Likewise, "b" would not be a constant, but would depend on the length of the journey (city center to city center distance). In a trip of any given distance, "b" would be computed:

[Cents per mile]

First 500 miles	5.8
Next 500 miles (i.e., 500 to 1,000 miles)	5.4
Next 500 miles (i.e., 1,000 to 1,500 miles)	5.0
Next 500 miles (i.e., 1,500 to 2,000 miles)	4.6
Miles above 2,000 miles	4.2

2. First class fares in each market would necessarily be at least 20% above coach fares.

3. As to coach-class fares and first-class fares, a tolerance of no more than 4%, up or down, from the computed amount, would be regarded as so near the new "norm" as to warrant almost automatic approval, in the absence of some unusual circumstance impelling the Board to suspend and set for investigation.

4. Rounding out to even dollar amounts is a well established concept and would be permitted.

5. There is some opinion that promotional fares (for example, a GIT fare) lower than about 60% of the regular coach class fare should not be approved.

ESTIMATED EFFECT ON TOTAL 1967 PASSENGER REVENUES

[Dollar amounts in millions]

	1st-class fares[1]		Coach fares[2]		Hub charges[3]		Subtotal for normal fares		Youth fares[4]		Discover America[5]		Combined totals	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
American	$9.8	1.38	$8.4	1.18	$5.2	0.73	$23.4	3.29	$6.0	0.84	$3.1	0.44	$32.5	4.57
Eastern	4.5	.85	11.8	2.23	5.2	.99	21.5	4.07			1.2	.23	22.7	4.30
TWA	7.0	1.27	5.2	.94	2.9	.52	15.1	2.73	4.6	.83	2.6	.47	22.3	4.03
United	13.0	1.49	11.5	1.32	5.1	.58	29.6	3.39	7.1	.82	3.8	.44	40.5	4.65
Big Four	34.3	1.29	36.9	1.39	18.4	.69	89.6	3.37	17.7	.66	10.7	.40	118.0	4.43
Braniff	1.5	1.00	3.2	2.13	.2	.13	4.9	3.26			.3	.20	5.2	3.46
Continental	.8	.75	1.4	1.31			2.2	2.06	1.0	.93	.4	.37	3.6	3.36
Delta	3.0	.83	5.5	1.53	1.3	.36	9.8	2.72			1.1	.30	10.9	3.02
National	1.4	.72	2.6	1.32	.8	.41	4.8	2.45			.8	.41	5.6	2.86
Northeast	.8	1.12	1.6	2.24	.9	1.26	3.3	4.62	.6	.84	.2	.27	4.1	5.73
Northwest	1.8	.87	3.3	1.58	1.8	.87	6.9	3.32	1.5	.72	.8	.39	9.2	4.43
Western	1.5	1.02	2.9	1.99			4.4	3.01	1.1	.75	.7	.48	6.2	4.24
Other seven	10.8	.87	20.5	1.65	5.0	.41	36.3	2.93	4.2	.34	4.3	.34	44.8	3.61
Total trunks	45.1	1.16	57.4	1.47	23.4	.60	125.9	3.23	21.9	.56	15.0	.38	162.8	4.17
Total locals	27.1	8.63	1.5	.48	4.3	1.37	32.9	10.48					32.9	10.48
Total	72.2	1.71	58.9	1.39	27.7	.66	158.8	3.76	21.9	.52	15.0	.36	195.7	4.64

[1] Increase of $2 in all 1st-class fares up to 800 miles, plus increases on certain East-West tickets of 800 miles or more of another $1 to $8, depending on distance.

[2] Increase of $1 in coach fares up to 1,100 miles; thereafter no increase.

[3] Add $1 to each 1st-class and coach fare involving New York/Newark, Baltimore, Washington, and Chicago in markets up to 750 miles.

[4] Cut discount from 50 to 33⅓ percent and provide reservation.

[5] Apply 7-day minimum stay and 7-day advance ticket pickup rules.

ATTACHMENT D

TRANS WORLD AIRLINES,
New York, N.Y., January 15, 1969.

CIVIL AERONAUTICS BOARD,
Connecticut Avenue NW.,
Washington, D.C.

GENTLEMEN: TWA was pleased to have the opportunity to discuss with the Board, in company with other trunk carriers, the Board's informal views as to potentially acceptable adjustments to present fares in order to provide needed revenue relief for the carriers. We are naturally disappointed that the Board seems unwilling to accept the TWA fare filing, which was presented to you on December 6. We are, nevertheless, addressing ourselves to the Board's suggestions in the hope that they will provide a practical framework for urgently needed relief.

Accordingly, TWA is preparing to withdraw its current filing now due to come into effect on February 1, 1969, and, in place, to file a new package for effect March 1, 1969, which in large measure follows the outline laid down by the Board last Monday.

The TWA filing will make the following changes, the revenue impact of which is shown in Attachment I.

NORMAL FARES

First-class fares

TWA, in accordance with the Board's proposals, will increase first class fares $2, with further increases, as suggested, in "depressed" east-west markets.

Coach fares

In accordance with the Board's suggestion, TWA will increase all coach fares by $1 up to 1100 miles.

In addition, as an initial partial step towards removing inequities in the present fare system, and to avoid the prejudice to it which would otherwise result, TWA will file to increase all fares which lie more than 4% below the present CAB fare line to within 4% of that line. This adjustment will only be made in markets below 1100 miles. TWA would be quite prepared to accept a similar downward adjustment in all fares more than 4% above the line, but it is not proposing to do so at the present time, because the impact on other carriers might be to offset the fare increases which the Board apparently feels that they deserve. Attachment II lists the markets affected and shows the revenue impact of these changes.

Hub charges

TWA will file for a $1 addition to each fare involving the FAA designated congested cities (New York/Newark, Baltimore, Washington and Chicago) but will apply an upper limit of 1100 miles, rather than 750 miles as proposed by the Board. We think this entirely logical since the higher costs associated with these airports are so great that they are in no sense offset at the point that hauls exceed 750 miles.

Commonrating

TWA will file to end the practice of commonrating Los Angeles and San Francisco from eastern points by filing new San Francisco fares based on the Los Angeles rate per mile. An upper limit of $5 will, however, be applied on any Los Angeles/San Francisco differential so developed. This anomaly has too long existed and should be corrected.

PROMOTIONAL FARES

Discover America

TWA will accept the Board's suggestion as presented, substituting a 7-day minimum stay for the present over-the-weekend restriction, and adding a 7-day advance ticketing requirement. Other conditions of the Discover America Fare, including the present blackout provisions, would remain.

Youth fares

After careful analysis, based on information obtained from our Continuous On-Board Surveys, we have determined that the change from a 50% standby fare to a two-thirds positive fare would result in a very substantial loss to TWA, rather than the significant gain estimated by the Staff. We would be pleased to discuss with the Staff our survey results which demonstrate the very serious downgrading that would occur after the recommended change was made.

In the circumstances, TWA will retain its current 50% Youth Standby Fare, maintaining our position taken in the Board's Youth Fare Investigation.

Attachment I shows TWA's evaluation of these proposed changes and compares such changes with the estimates prepared by the Board's Staff. You will note that with the exception of the Youth Fare, we are in close agreement with the Staff's estimates, contrary to the views which I initially expressed. In this exercise we have used the same basic methodology as the Staff, generating gross revenue gains and then subtracting out 10% to allow for traffic loss. But, since the Board's proposal for youth fare changes will not generate the revenue improvement calculated by the Staff, it is necessary for TWA to obtain compensating increases in order to obtain relief of the magnitude envisaged by the Board. Our adjustments are designed to provide such compensation.

From Attachment I you will note that we project a 1967 revenue value of $25.7 million or 4.56% compared with $22.3 million or 4.03% in the Board's proposal. We believe that our percentage increase should be acceptable to the Board since it lies below those which it has indicated a willingness to accept for our principal competitors, American and United. Also, it is based on the moderation of inequities which have been permitted too long to exist.

TWA's new fares will grant us some urgently needed relief in the face of the relentless pressure of cost increases. We are, however, very conscious that the level of relief which the Board now suggests is acceptable is well below that requested by TWA and other carriers, and far from that necessary to obtain a proper rate of return. We, therefore, welcome the Board's readiness to move towards a sound cost-based fare structure. TWA, as a long term advocate of such a structure, will present to you, at your earliest convenience, its extensive study of such fare structures.

Sincerely,

CHARLES C. TILLINGHAST, Jr.

TWA FARE ADJUSTMENTS, 1967 REVENUE IMPACT

[Dollar amounts in millions]

	CAB suggestion		TWA proposal
	CAB staff estimate	TWA estimate	TWA estimate
1st class	$7.0	$6.6	[1] $6.6
Coach	5.2	5.3	[1] 5.3
Hub charges:			
CAB suggestion (0 to 750 miles)	2.9	3.1	[1] 3.1
TWA Proposal (750 to 1,100 miles)			.4
De common rate LAX/SFO			3.0
Adjustment of inequities			4.8
Discover America	2.6	2.5	[1] 2.5
Youth fare	4.6	(4.9)	
Gross 1967 revenue impact	22.7	12.6	25.7
Less 10 percent traffic loss	($2.3)	($1.3)	($2.6)
Net 1967 revenue impact	20.4	11.3	23.1
Growth to 1969 [2]	5.8	2.7	5.5
Net 1969 revenue,mpact	26.2	14.0	28.6
Gross revenue increase as percent of 1967 revenue	4.03	2.23	4.56
Net revenue increase as percent of 1967 revenue	3.62	2.00	4.10

[1] CAB suggestion and TWA proposal.

[2] Staff estimated growth, 28.6 percent; TWA estimated growth, 23.8 percent.

TRANS WORLD AIRLINES, INC.

ESTIMATED REVENUE EFFECT OF ADJUSTING TO —4 PERCENT OF CAB COACH CURVE 0-1,100 MILES ON 1967 REVENUES

Segment	Mileage block	City center mileage	1967 coach passengers	Fare increase	Revenue increase
CMH-DAY	0-99	64	3,181	$1	$3,089
NYC-PHL		82	36,379	1	35,324
CVG-SDF		89	13,769	2	26,712
TUL-OKC		97	5,009	1	4,864
CVG-IND		99	6,719	1	6,524
Block total			66,385		76,513
DAY-IND	100-199	104	6,745	1	6,549
TUS-PHX		106	8,348	1	8,106
BDL-NYC		106	73,309	2	142,219
PHL-WAS		122	6,337	1	6,153
NYC-MDT		153	6,719	1	6,524
PIT-CMH		161	55,166	2	107,022
CMH-IND		168	4,508	1	4,377
MDT-PIT		172	24,613	2	47,479
MKC-ICT		177	38,836	1	37,910
CLE-DAY		177	923	2	1,791
BOS-NYC		188	81,409	1	79,048
Block total			306,913		447,248
MIA-TPA	200-299	205	5,070	1	4,593
NYC-WAS		205	39,785	1	36,045
IND-STL		230	79,088	1	71,654
STL-MKC		237	242,155	2	438,301
SDF-STL		241	36,690	2	66,409
BNA-STL		253	15,828	2	28,649
PHL-PIT		257	150,457	1	136,314
CLE-IND		262	53,769	1	48,715
AMA-ABQ		272	11,577	1	11,241
Block total			634,419		841,921
ICT-AMA	300-399	303	5,523	1	4,805
CVG-STL		308	49,502	1	43,067
BDL-WAS		309	2,811	2	4,891
PIT-IND		328	41,084	1	35,743
HAR-CMH		330	2,725	2	4,742
DAY-STL		331	20,896	1	18,180
STL-TUL		360	21,071	1	18,332
BOS-WAS		393	37,972	1	33,036
MDT-DAY		394	4,934	1	4,293
Block total			186,518		167,089
WAS-CVG	400-499	403	17,521	1	14,858
NYC-CLE		404	58,932	1	49,974
PIT-CHI		409	229,614	1	194,713
CHI-MKC		412	254,857	1	216,119
PHL-CMH		415	35,952	1	30,487
IND-MKC		452	21,125	2	35,828
DTT-STL		454	70,956	3	180,512
STL-OKC		458	19,106	1	16,202
MKC-AMA		480	8,833	2	14,981
CLE-STL		491	24,318	2	41,243
Block total			741,214		794,917
ICT-ABQ	500-599	548	4,303	$1	$3,562
BDL-CHM		555	5,214	1	4,343
MDT-CHI		580	12,902	1	10,747
PHL-IND		583	32,896	2	54,804
IND-TUL		590	2,758	1	2,297
CHI-ICT		590	30,934	3	77,304
WAS-CHI		595	83,191	1	69,298
Block total			172,198		222,377
BDL-DAY	600-699	619	10,162	1	8,353
BOS-CMH		642	5,748	2	9,449
DTT-MKC		644	21,670	1	17,812
BDL-CVG		650	3,033	1	2,493
CVG-TUL		660	1,491	1	1,225
PHL-CHI		664	200,384	2	329,431
CLE-MKC		699	9,642	1	7,925
Block total			252,130		376,688
BOS-DAY	700-750	707	19,949	2	32,437
WAS-STL		710	101,709	1	82,689
NYC-CHI		711	325,702	2	529,591
BOS-CVG		738	13,778	2	22,403
Block total			461,138		667,120
0-750 total			2,820,915		3,593,873
BDL-CHI	751-799	768	2,320	1	1,886
BOS-IND	800-899	806	8,716	2	14,050
BOS-CHI		849	67,062	2	108,104
CLE-TUL		852	1,570	1	1,265
NYC-STL		873	198,934	1	160,341
CHI-AMA		893	16,016	2	25,818
Block total			292,298		309,578
PIT-TUL	900-999	915	2,551	1	2,043
CHI-DEN		917	38,048	1	30,476
CLE-OKC		949	1,672	2	2,678
Block total			42,271		35,197
PHL-MKC	1000-1099	1,035	23,576	1	18,625
BOS-STL		1,036	26,255	2	41,483
Block total			49,831		60,108
751-1,099 total			386,720		406,769
0-1,099 grand total			3,207,635		4,000,642

Note: Methodology: Unrounded coach fares. —4 percent of CAB unrounded curve raised to—4 percent level and then rounded using 750-mile procedure. CAB coach curve: $6.44 plus 5.2713 cents per mile (based on September 1966 fares).

ESTIMATED REVENUE EFFECT OF ADJUSTING FIRST-CLASS FARES TO MAINTAIN PRESENT DIFFERENTIAL WHEN ADJUSTING COACH FARES TO −4 PERCENT OF CAB COACH CURVE 0-1,100 MILES ON 1967 REVENUES

Segment	Mileage block	City center mileage	1967 1st-class passengers	Fare increase	Revenue increase
CMH-DAY	0-99	64	199	$1	$199
NYC-PHL		82	2,281	1	2,281
CVG-SDF		89	863	2	1,726
TUL-OKC		97	314	1	314
CVG-IND		99	421	1	421
Block total			4,078		4,941
DAY-IND	100-199	104		1	859
TUS-PHX		106	1,085	1	1,063
BDL-NYC		106	9,526	2	18,671
PHL-WAS		122	824	1	808
NYC-MDT		153	873	1	856
PIT-CMH		161	7,169	2	14,051
CMH-IND		168	586	1	574
MDT-PIT		172	3,198	2	6,268
MKC-ICT		177	5,047	1	4,946
CLE-DAY		177	120	2	235
BOS-NYC		188	10,579	1	10,367
Block total			39,884		58,698
MIA-TPA	200-299	205	582	1	570
NYC-WAS		205	4,568	1	4,477
IND-STL		230	9,082	1	8,900
STL-MKC		237	27,806	2	54,500
SDF-STL		241	4,213	2	8,257
BNA-STL		253	1,817	2	3,561
PHL-PIT		257	17,277	1	16,931
CLE-IND		262	6,174	1	6,051
AMA-ABQ		272	1,329	1	1,302
Block total			72,848		104,549
ICT-AMA	300-399	303	892	1	865
CVG-STL		308	7,992	1	7,752
BDL-WAS		309	4,554	2	8,834
PIT-IND		328	6,633	1	6,434
MDT-CMH		330	440	2	853
DAY-STL		331	3,374	1	3,272
STL-TUL		360	3,402	1	3,299
BOS-WAS		393	6,130	1	5,946
MDT-DAY		394	797	1	773
Block total			34,214		38,028
WAS-CVG	400-499	403	4,822	1	4,629
NYC-CLE		404	16,220	1	15,571
PIT-CHI		409	63,197	1	60,669
CHI-MKC		412	70,144	1	467,338
PHL-CMH		415	9,895	1	9,499
IND-MKC		452	5,814	2	11,162
DTT-STL		454	19,529	3	56,243
STL-OKC		458	5,259	1	5,048
MKC-AMA		480	2,431	2	4,667
CLE-STL		491	6,693	2	12,850
Block total			204,004		247,676
ICT-ABQ	500-599	548	724	$1	$688
BDL-CMH		555	877	1	833
MDT-CHI		580	2,170	1	2,062
PHL-IND		583	5,534	2	10,515
IND-TUL		590	464	1	441
CHI-ICT		590	5,204	3	14,831
WAS-CHI		595	13,995	1	13,295
Block total			28,968		42,665
BDL-DAY	600-699	619	1,994	1	1,874
BOS-CMH		642	1,128	2	2,121
DTT-MKC		644	4,251	1	3,996
BDL-CVG		650	595	1	559
CVG-TUL		660	292	1	274
PHL-CHI		664	39,310	2	73,903
CLE-MKC		699	1,891	1	1,777
Block total			49,461		84,504
BOS-DAY	700-750	707	3,914	2	7,358
WAS-STL		710	19,952	1	18,754
NYC-CHI		711	63,894	2	120,121
BOS-CVG		738	2,073	2	5,081
Block total			90,463		151,314
0-750 total			523,920		732,375
BDL-CHI	751-799	768	455	1	427
BOS-IND	800-899	806	1,862	2	3,500
BOS-CHI		849	14,324	2	26,929
CLE-TUL		852	335	1	314
NYC-STL		873	42,491	1	39,941
CHI-AMA		893	3,421	2	6,431
Block total			62,433		77,115
PIT-TUL	900-999	915	378	1	355
CHI-DEN		917	5,635	1	5,296
CLE-OKC		949	248	2	466
Block total			6,261		6,117
PHL-MKC	1000-1099	1,035	4,358	1	4,096
BOS-STL		1,036	4,853	2	9,123
Block total			9,211		13,219
751-1099 total			78,360		96,878
0-1099 grand total			602,280		829,253

ESTIMATED EFFECT ON TOTAL 1967 PASSENGER REVENUES AND ON TOTAL 1969 ESTIMATED PASSENGER REVENUES

[Dollar amounts in millions]

	1st-class fares [1]		Coach fares [2]		Subtotal		Discover America [3]		Combined totals (on 1967)		Estimate for year 1969	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
American	$12.3	1.73	$13.6	1.91	$25.9	3.64	$3.1	0.44	$29.0	4.08	$33.6	
Eastern	6.8	1.29	17.9	3.39	24.7	4.68	1.2	.23	25.9	4.91	30.0	
TWA	8.6	1.55	8.8	1.59	17.4	3.14	2.6	.47	20.0	3.61	23.1	
United	16.2	1.86	18.3	2.10	34.5	3.96	3.8	.44	38.3	4.40	44.3	
Big 4	43.9	1.65	58.6	2.20	102.5	3.85	10.7	.40	113.2	4.25	131.0	
Braniff	2.3	1.52	5.2	3.46	7.5	4.99	.3	.20	7.8	5.19	9.0	
Continental	1.2	1.12	2.3	2.15	3.5	3.27	.4	.37	3.9	3.64	4.5	
Delta	4.6	1.28	8.8	2.44	13.4	3.72	1.1	.30	14.5	4.02	16.8	
National	2.1	1.07	3.9	1.99	6.0	3.06	.8	.41	6.8	3.47	7.9	
Northeast	1.1	1.54	2.8	3.92	3.9	5.46	.2	.27	4.1	5.73	4.7	
Northwest	2.7	1.30	5.9	2.84	8.6	4.14	.8	.39	9.4	4.53	10.9	
Western	2.2	1.50	5.0	3.42	7.2	4.92	.7	.48	7.9	5.40	9.1	
Other 7	16.2	1.31	33.9	2.74	50.1	4.05	4.3	.34	54.4	4.39	62.9	
Total trunks	60.1	1.54	92.5	2.37	152.6	3.91	15.0	.38	167.6	4.29	193.9	3.8
Total locals [5]	34.0	11.79	5.5	1.91	39.5	13.70			39.5	13.70		
Total	94.1	2.24	98.0	2.34	192.1	4.58	15.0	.36	207.1	4.94		

[1] Increase of $3 in all 1st-class fares, plus increases on certain east-west tickets of 800 miles or more of another $1 to $7, depending on distance.

[2] Increase of $2 on tickets up to 500 miles; $1 on tickets between 500 and 1,800 miles; no change over 1,800 miles.

[3] Apply 7-day minimum stay and 7-day advance pickup rules.

[4] Percent computed for total trunks only, since estimated revenues for 1969 had not been forecast by individual trunkline carrier. No forecast nad been made for the local service carriers.

[5] Excluding Trans-Texas, since we have been informed that this carrier may establish standard class fares, in lieu of existing 1st-class and coach services.

That reply from the chairman was responded to by me in the following letters which were sent on February 17 and 18:

FEBRUARY 17, 1969.

Hon JOHN H. CROOKER,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR CHAIRMAN CROOKER: This will acknowledge your letter of February 6 in reply to mine of January 22 inquiring in connection with your recent informal discussions of an increase of airline fares concerning what announcement to parties-in-interest, the Congress, and the public prior to the initiation of such proceedings had been given by the Board as to the ground rules which it would follow in such informal proceedings, including what opportunity, if any, would be given to parties-in-interest to participate in such informal proceedings and how the integrity of such proceedings and discussion would be protected.

Your reply includes comments on other matters such as the manner in which you reach a determination of the percentage amounts of increase which you propose to grant and the absence of informal complaints to the tariff filing despite the widespread coverage which the carriers proposals received in the press. I am reserving my comments of these matters until later.

Your letter however does not reply to the question which I raised, and I do wish that you would undertake to furnish me with your comments in this regard, namely what pronouncement of the ground rules to be followed in the public interest the Board has made regarding these informal proceedings, the opportunities of parties-in-interest to participate in them, and the manner in which the integrity of these proceedings and discussions is protected.

In your answer, I am sure that among other things you will take up the question of whether a transcript is made of the discussions, what agreements under section 412 prevail among the carriers or between the carriers and the Board covering the discussion of fares, what order by the Board was issued permitting the discussion of fares among the carriers and with the Board, what order was issued under section 414 permitting the discussion of such fares among the carriers and with the Board so as to relieve them from the operation of the antitrust laws, what order under section 414 was issued by the Board permitting the carriers relief from the antitrust laws in filing "tariffs consistent with the Board's statement to become effective February 20, 1969 or shortly thereafter", and similar matters.

Sincerely yours,

JOHN E. MOSS,
Member of Congress.

FEBRUARY 18, 1969.

Hon. JOHN H. CROOKER,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR CHAIRMAN CROOKER: This letter is reference to a matter contained in your reply of February 6 to certain questions I had raised in my letter to you of January 22 regarding the procedures followed by the Board in its recent discussions with the industry regarding the level of fare increases endorsed by the Board. As I indicated in my letter to you of yesterday commenting on your reply to my inquiry, I had several comments I wished to make with regard to some other discussion contained in your letter which was not addressed directly to that inquiry.

I am particularly disturbed by the several references in your letter to the informal proceedings having been entered into by the Board following the filing of certain tariffs with you by the air carriers, on which tariffs by the Board received no formal complaints from the traveling public or members of the Congress. I leave aside for this discussion the question of whether this is an adequate basis for the Board entering into informal proceedings.

These statements suggests the limiting of the Board to solely that of judges in which they are to act upon a record which is before them. It has always been my impression that the principal obligation of the Civil Aeronautics Board was that of representing the public interest. It seems to me that this understanding of the Board's role is no better expressed than in the words of Commissioner Aitchison which were quoted by Judge Frank in his *Isbrandtsen Co.* v. *United States,* 96 F. Supp. 883, 892 (S.D.N.Y. 1951), and quoted with approval by Judge Hays in *Scenic Hudson Preservation Conference* vs. *Federal Power Commission and Consolidated Edison Company of New York, Inc.,* 354, F. 2d, 608, 2 cir. (1965), as follows:

"This is a somewhat surprising contention, to be contrasted with the following views of Commissioner Aitchison of the Interstate Commerce Commission concerning the obligations of administrative agencies: '. . . The agency does not do its duty when it merely decides upon a poor or nonrepresentative record. *As the sole representative of the public, which is a third party in these proceedings,* the agency owes the duty to investigate all the pertinent facts, and to see that they are adduced when the parties have not put them in . . . The agency must always act upon the record made, and if that is not sufficient, it should see the record is supplemented before it acts. It must always preserve the elements of fair play, but it is not fair play for it to create an injustice, instead of remedying one, by omitting to inform itself and by acting ignorantly when intelligent actions is possible . . .' " (Italics mine.)

Judge Hays in his Consolidated Edison decision has remarked upon the role of the Commission as follows:

"In this case, as in many others, the Commission has claimed to be the representative of the public interest. This role does not permit it to act as an umpire blandly calling balls and strikes for adversaries appearing before it; the right of the public must receive active and affirmative protection at the hands of the Commission."

I trust that you did not intend to imply that the Board's duty in the public interest was in the slightest reduced by virtue of the absence of a formal complaint from the traveling public in this particular tariff filing. I, as a member of that public, certainly have looked to you to represent my interest in determining that rates will not be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial.

Sincerely yours,

JOHN E. MOSS,
Member of Congress.

By order No. 69-2-98 the CAB on February 19 permitted the then proposed airline fares to become effective. The order read:

[Order 69-2-98, dockets 20696, 20719]

FARE INCREASES PROPOSED BY THE DOMESTIC TRUNKLINE CARRIERS

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of February, 1969)

ORDER DISMISSING COMPLAINTS

By tariff revisions[1] marked to become effective between February 20 and March 6, 1969, the domestic trunkline carriers propose to increase most of their local and joint normal fares, Discover America fares, military and youth standby fares, military leave reservation fares, youth advance reservation fares, and most other promotional fares which are computed on a percentage relationship to the normal jet day coach fares. Effective February 20, 1969, one-way first-class fares are being increased by $3.00.[2] Coach fares (including night coach and economy) and major promotional fares, on the other hand, are being increased in varying amounts up to $2.00 per ticket depending on distance.[3]

The National Air Carrier Association (NACA) has filed a complaint against the fare increases proposed by American, Continental, Delta, TWA, and United. The complaint alleges that these carriers are proposing general fare increases while at the same time continuing in effect group inclusive tour basing fares to Hawaii which are at uneconomic levels. It is contended that these latter fares are aimed at capturing inclusive tour charter traffic developed by the supplemental carriers and are being subsidized by higher regular fares. NACA further makes the general contention that the promotional fares of these carriers have been a major contributing factor in the carriers' recent decline in earnings, and suggests that the industry's present earnings deficiency would be largely erased if the average yield had been maintained at the 1965 level.

The Department of Defense has filed an untimely complaint requesting suspension and investigation of the proposed fare increases which the Board will consider on the merits. In summary, the Department alleges that it is a substantial user of air transportation, and that the proposed increase would result in an estimated $6 million annual increase in its costs unless military travel is curtailed or diverted to other modes of transportation. The Department urges that no increases be allowed in the absence of an investigation of the carriers' revenue needs in which it could participate.

American, Braniff, Continental, Delta, TWA, and United have filed answers to NACA's complaint maintaining that the complaint addresses itself to the group inclusive tour basing fares to Hawaii, the lawfulness of which should not be considered here since these fares are the subject of a current formal investigation. These carriers further contend that the complaint does not adequately support the contention that promotional fares have been a major contributing factor in the carriers' declining rate of return, since no account has been taken of the generative effect which they have had upon traffic. The carriers submit that there is an urgent need for an immediate fare increase to reverse the downward trends in their earnings, and that any delay will only serve to worsen the situation. Finally, the carriers assert that no evidence has been offered to support the conclusion that promotional fares *per se* are unlawful since, with the exception of the Hawaiian group inclusive tour basing fares, NACA does not identify the specific fares which it considers objectionable or specify the particular characteristics which it believes would make them unlawful. In essence, these carriers allege that no evidence has been submitted to warrant a reversal of several Board determinations that particular promotion fares are economically sound.

Upon consideration of the tariff filings, complaints, answers, and other matters of record, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the proposed tariffs and the request therefor, and consequently the requests for suspension, will be denied. The proposals conform to the tentative guidelines contained in our announcement of

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[1] Revisions to Airline Tariff Publishers, Inc.'s Agent, Tariffs C.A.B. Nos. 90, 98, and 101.

[2] Effective February 26, 1969, certain first-class fares are being further increased by $1.00 to $7.00. Any necessary action by the Board with respect to these additional increases will be the subject of a later order.

[3] No coach fare increases are proposed for distances exceeding 1,800 miles, and the increases are $2.00 for distances of 500 or less, and $1.00 above 500 miles.

January 16, 1969. The Board has made a comprehensive review of the economic state of the industry, and has concluded that increased costs and expenses during 1969 will deny to the domestic trunkline industry a fair rate of return on investment, unless there be a moderate revenue increase. The trunklines' rate of return on investment in 1968 will be substantially below 1967. Whether the increased revenues will be adequate or more than adequate in 1970 and thereafter (in order to yield an adequate rate of return) will, of course, depend on many factors, such as the state of the general economy, the economic impact of new large aircraft, adequate solutions to congestion problems and so forth. The current tariff filings (to which this order relates) are estimated to provide a revenue increase of slightly less than 4 percent for the domestic trunkline industry, —substantially less than the increases proposed by tariff filings (in November and December, 1968) of several trunkline carriers. The Board concludes that this over-all increase of slightly less than 4 percent is warranted for the time being, and that the manner by which it is being implemented will result in some improvement in the fare structure.

The primary contention made by NACA is that the carriers should not be permitted to increase normal fares while, at the same time, continuing in effect promotional fares such as the group inclusive tour basing fares to Hawaii which are alleged to be at uneconomic levels. These fares, which are the only promotional fares specifically adverted to in the complaint, are presently the subject of a formal investigation, in which their lawfulness will be determined. Insofar as NACA makes the allegation that the declining yield from promotional fares is the primary factor causing the carriers to seek an increase in revenue, we recognize the necessity for an appropriate balance between normal and discounted fares and that is the reason a number of such discounted fares are presently under investigation. However, these considerations do not outweigh the present need for additional airline revenues.

Finally, we are sympathetic with the desire of the Department of Defense to maintain a tight control on the costs of its operations. However, the Board in evaluating the carriers' earlier tariff proposals and the instant filings has carefully considered the effect of the fare increases on all categories of users of air transportation. We are satisfied that the need for the proposed increase is both fully justified and immediate. Conversely, under present circumstances we can find no basis to defer these fare increases pending further consideration in a formal investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof,

It is ordered that:

1. The complaints of the member carriers of the National Air Carrier Association, in Docket 20696, and the United States Department of Defense in Docket 20719, be dismissed; and

2. Copies of this order be served upon the National Air Carrier Association, the Department of Defense, Capitol International Airways, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Purdue Airlines, Inc., Saturn Airways, Inc., Southern Air Transport, Inc., Standard Airways, Inc., Trans International Airlines, Inc., Universal Airlines, Inc., World Airways, Inc., and all the domestic trunkline and local service carriers.

By the Civil Aeronautics Board:

HAROLD R. SANDERSON,
Secretary.

STATEMENT OF VICE CHAIRMAN MURPHY AND MEMBER MINETTI

We would prefer a more modest trunkline fare increase; however, we must dissent from the application of a fare increase formula specifically devised to yield the less-than-4 percent revenue increase for trunklines to local service carriers with a resultant revenue increase of almost 10 percent. We permitted a lower price increase on the much more frequently used coach services of the trunklines than on first class services. The accident that local service carriers' single class of service is usually referred to as first class, certainly does not warrant, in our opinion, blind application of the higher level of first class increase permitted trunklines in very different circumstances.

The arguments that local service carrier services are provided at a loss and require Federal subsidy assistance do not justify the carriers charging whatever they choose and no not justify this Board abdicating its statutory responsibility to regulate fares in the public interest. A 10 percent increase is too much. We would permit the local service carriers to meet trunkline first class fares if first class service is indeed provided. Otherwise, the trunkline coach class price-rise formula should apply.

ROBERT T. MURPHY.
G. JOSEPH MINETTI.

Returning to my letters of February 17 and 18, a response was received on March 6, which stated:

CIVIL AERONAUTICS BOARD,
Washington, D.C., March 5, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: This is in reply to your letters of February 17 and February 18, 1969, regarding the discussions recently held by the Board and the trunkline carriers concerning passenger fare increases. Our delay in responding was occasioned by an earlier suggestion that members of our staff might first confer with you or your staff to furnish certain background data pertinent to the matters raised.

Your February 17 letter requests information concerning the ground rules which the Board has adopted regarding "informal proceedings" as to airline tariffs, the opportunities of parties-in-interest to express views or otherwise participate, and the manner in which the integrity of the proceedings and the discussions would be protected. You also ask whether a transcript is made of the discussions, and what agreements and Board actions pursuant to sections 412 and 414 have been entered into or issued. Your February 18 letter deals generally with the Board's role in protecting the public interest in these matters; and we believe that answers to the specific questions contained in your February 17 letter reflect what is done in furtherance of the public interest.

As a preliminary matter, it may be desirable to set forth the statutory procedural framework within which the Board operates in these matters. The rate-making provisions of the Federal Aviation Act, particularly sections 403 and 1002(g), are premised upon the concept that rates and fares for passengers and property shall be established on the initiative of the carriers. When a carrier feels that a particular rate or fare is unreasonably low or inequitable in some respect, or when one or more carriers believe that increasing costs deny to them a fair rate of return on investment, they file tariffs calling for fare increases; and this was done last November by several trunkline carriers. Sometimes carriers take the initiative in filing tariffs containing lower rates or fares. In the 1950's, when such tariff filings incorporating reductions of this sort were not forthcoming despite apparently excessive carrier earnings, the Board instituted a *General Passenger Fare Investigation*. The point is that (under the statute) the Board takes the initiative regarding these fares only where there is reason to believe that the rates proposed or previously established by the carriers are unlawful.

In short, when existing fares may be too low, the carriers (in protection of their own interests) usually file tariffs proposing increases; and when charges may be too high, sometimes the initiative is taken by the carriers and sometimes it is taken by the Board.

With respect to such filings, the statute does not contemplate a requirement of "formal action" by the Board, in the sense of an evidentiary proceeding before a trial examiner. The term "informal action" has thus grown up to mean proceedings less time-consuming than the full evidentiary proceeding before a trial examiner. Use of the word "informal" does not in any sense connote lax or hasty action; it merely distinguishes the statutory procedure followed when fare increases are proposed in carriers' tariffs from the procedure which occurs in a Board-instituted investigation such as the *General Passenger Fare Investigation*.

The statute provides that after a carrier files a tariff, the changes in rates and fares shall be made only upon 30 or more days' notice, and such changes will go into effect unless the Board takes action to suspend their effectiveness and investigate the tariffs. Provision is made in section 1002 (a) and (g) for the filing of complaints against newly filed air carrier tariffs. The Board's rules provide that within time periods specified in the regulation, any interested person may file a complaint setting forth its objections to the tariff. Provision is also made for responsive pleadings. On the basis of the pleadings filed, plus all other information available to the Board, the Board makes its determination as to whether to suspend and investigate a tariff.

Often, no complaints from the public are received. Such was the case with respect to the tariffs that were before the Board at the time of the recent discussions with the air carriers, although these tariffs proposed substantially higher increases than those ultimately approved by the Board. However, the Board carefully screens all tariff filings whether or not complaints are filed, and frequently suspends and investigates such tariffs on its own motion.

In the statutory time within which the Board determines whether to suspend and investigate a particular tariff, the Board frequently finds it necessary to obtain additional information from the carriers (in the interest of gathering essential facts needed in order to reach an informed judgment). These inquiries and conferences are generally held by the staff. However, where the circumstances warrant, the Board itself may hold such conferences. It did so in the instant case. In light of the heavy volume of tariffs filed, the time available to screen them, and the variety of factual questions which may arise, there are variations from case to case as to the extent to which consultations are had with the carriers, and as to what specific procedural steps are employed.

In the recent passenger fare matters, the Board rather quickly determined that it could not approve the tariffs initially filed. The Board believed that all such proposed fares represented increases of a magnitude or were based on philosophies which a majority of the Board Members could not support. The Eastern tariffs and the United tariffs appeared to the Board to present mutually exclusive approaches to a "formula" as a general basis for passenger fares. In light of the Board's determination that the tariffs filed could not be accepted, it seemed appropriate for the Board to tentatively advise the carriers what tariffs would not be summarily suspended.

In the January meeting, no word-for-word transcript was prepared. As you know, transcripts are frequently made of meetings with particular carriers or other persons. However, because of the large number of persons present at the meeting, the technical nature of the subject matter, the fact that the Board's position could be concisely stated and the desire to encourage a freer flow of discussion, it was the Board's judgment that a transcript of the January meeting was not necessary. Notes were taken of the discussions, a digest of which has previously been furnished you.

Turning to your questions with respect to section 412 and related matters, there were no agreements filed by the carriers, nor was any order issued by the Board covering the fare discussions. The Board has never construed the Act to require Board approval in order to permit the Board to hold a meeting with the carriers in furtherance of the performance of the Board's own functions under the Act. We do not believe that it is necessary under the statute for the carriers to file agreements with the Board covering conferences held by the Board. Accordingly, in the absence of any order under section 412, the carriers were granted no immunity from the operations of the antitrust laws.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

Things remained in a status quo for only 2 weeks. On Tuesday, March 18, Trans World Airlines filed "a fare adjustment plan—aimed at correcting inequities in fare structure." As a result of their filing other airlines followed suit. This filing lead to a decision on my part to formally intervene before the Board. The material surrounding the filing as well as the filing itself and its subsequent outcome is self-explanatory. I, therefore, insert it at this point:

MARCH 21, 1969.

Hon. JOHN H. CROOKER,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, Trans World Airlines Inc., on March 18 filed a request for certain fare increases and decreases to remove inequities in fares. Whether or not in fact the inequity exists is, of course, a disputable question at this point but, the purpose of this letter is to bring to your attention what I think is an unconscionable procedure.

On March 31, the deadline will have arrived for filing complaints with regard to this filing. That means that the public is given a mere thirteen days to gain knowledge of the filing, to gather pertinent facts about the filing, to prepare whatever documentation is required and, finally, to prepare appropriate objections to the tariffs. How the Board in good conscience can feel that thirteen days is sufficient time is, quite candidly, beyond my comprehension.

You are well aware of my sentiments and the sentiments of a number of my Colleagues who are users of airlines with regard to the increases that were allowed in February. I urgently request that you extend the deadline for filing of complaints and assume that you will respond to this request at your earliest convenience.

Sincerely,

JOHN E. MOSS.,
Member of Congress.

TARIFF REVISIONS OF TRANS WORLD AIRLINES, INC., FILED MARCH 18, 1969

Notice to Interested Persons:

By letter dated March 21, 1969, Congressman John E. Moss has requested that the deadline for filing complaints to Trans World Airlines' tariffs for certain fare increases and decreases filed March 18, 1969 (posting date March 18, 1969; effective date May 19, 1969) be extended beyond March 31, 1969.

Upon consideration of the reasons set forth in support of the request and the effective date of the tariffs, the date for filing complaints to these tariffs is hereby extended to April 14, 1969.

THOMAS L. WREN,
Chief Examiner.

APRIL 4, 1969.

Hon. JOHN H. CROOKER,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR CHAIRMAN CROOKER: In response to my letter to you of March 21, the Board extended the time for filing complaints under TWA's tariff filing time until April 14.

It is my intention, along with various Members of Congress who are users of the airlines, to file a formal complaint. Due to the death of President Eisenhower and the Congressional recess until April 14, it has become impossible to prepare all the necessary documents and obtain the required signatures by that date. This is to request that the date for filing complaints be extended to April 21, 1969.

Your consideration of this request in light of the circumstances which give rise to its initiation, will be appreciated.

Sincerely,

JOHN E. MOSS,
Member of Congress.

TARIFF REVISIONS OF TRANS WORLD AIRLINES, INC., FILED MARCH 18, 1969

Notice to Interested persons:

By letter dated April 4, 1969, Congressman John E. Moss requests additional time to file a complaint concerning Trans World Airlines' tariffs for certain fare increases and decreases filed March 18, 1969, the effective date of which is May 19, 1969.

In consideration of the matters set forth in the request, it is granted and Congressman Moss and his associates will be permitted to file complaint on or before April 21, 1969.

RALPH L. WISER,
Associate Chief Examiner.

APRIL 16, 1969.

Hon. JOHN H. CROOKER,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR CHAIRMAN CROOKER: Last week a member of my staff made inquiry with the Board concerning whether or not United Air Lines had filed a tariff similar to TWA with regard to adjustments of air fares. We were informed that none had been filed.

On Monday, it was discovered that United had in fact filed and a copy of the filing was requested. A copy was provided by Mr. John Dregge yesterday morning and I now discover that the filing was done jointly by United and Braniff on April 4 and today, the 16th, is the final day for filing complaint.

The purpose of this letter is to request that you extend the date for filing complaint through April 21 so that the complaint which is being prepared with reference to TWA can also be filed with reference to United and Braniff.

Sincerely,

JOHN E. MOSS,
Member of Congress.

TARIFF REVISIONS OF UNITED AIR LINES AND BRANIFF AIRWAYS, FILED APRIL 4, 1969

Notice to Interested Persons:

By letter dated April 16, 1969, Congressman John E. Moss requests that the time for filing complaints concerning tariff filings by United Air Lines and Braniff Airways for certain fare increases and decreases (filed April 4, 1969) be extended from April 16 to April 21, 1969—the date for filing complaints to Trans World Airlines' tariff revisions—so that the complaint being prepared regarding the TWA tariffs can also be filed with reference to the United and Braniff tariffs.

Upon consideration of the matters set forth in the request, it is granted.

THOMAS L. WRENN,
Chief Examiner.

CAB FARE INVESTIGATION REQUESTED

Representative John E. Moss (d-Calif.) and 19 of his colleagues today filed a complaint with the Civil Aeronautics Board opposing tariff filings made by Trans World Airlines, Braniff International Airways, and United Air Lines. The 90 page petition requests that the Board undertake a full scale fare investigation and determine a national policy with regard to ratemaking.

In making the request, the twenty Members of Congress, all users of air transportation, traced the piecemeal fashion in which the CAB has considered tariffs over the past 31 years and admonished the Board to fulfill its responsibility under the Aviation Act of 1958.

The complainants, in addition to Moss, are Representatives Richard T. Hanna, Harold T. Johnson, George E. Brown, Jr., Edward R. Roybal, John J. McFall, Phillip Burton, Charles H. Wilson, Lionel Van Deerlin, George P. Miller, Glenn M. Anderson, Robert L. Leggett, Chet Holifield, Jerry L. Pettis, Don Edwards, Augustus F. Hawkins, Walter S. Baring, Jeffrey Cohelan, B. F. Sisk, William S. Mailliard.

[From the CONGRESSIONAL RECORD, Apr. 13, 1969]

COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSFORMATION USERS WITH REQUEST FOR TARIFF SUSPENSION AND A GENERAL RATE INVESTIGATION

(Mr. BURTON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. BURTON of California. Mr. Speaker, yesterday 19 Congressmen, including myself, joined with Congressman JOHN MOSS in filing a complaint with the Civil Aeronautics Board regarding various fare changes which, if adopted, would have resulted in giving official status to a ratemaking formula without the benefit of a public hearing.

Congressman Moss is to be commended for his outstanding leadership in the effort to protect the public interest.

TEXT OF THE COMPLAINT BEFORE THE CIVIL AERONAUTICS BOARD, WASHINGTON, D.C., APRIL 21, 1969, IN THE MATTER OF THE TW TARIFF FILED MARCH 18, 1969, AND THE UA AND BN TARIFFS FILED ON APRIL 4, 1969: COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS WITH REQUEST FOR TARIFF SUSPENSION AND A GENERAL RATE INVESTIGATION

LEGAL PRINCIPLES

Ratemaking is but one species of pricefixing.[1] The Supreme Court has repeatedly stated that the Constitution does not bind rate-making bodies such as the Civil-Aeronautics Board to the service of any single formula or combination of formulae in determining the reasonableness of rates. The Board, to whom Congress has delegated this legislative power, is free, *within the ambit of its statutory authority,* to make the "pragmatic adjustments" which may be called for by particular circumstances.[2]

The Civil Aeronautics Board is empowered by the Federal Aviation Act of 1958 to institute an investigation, upon complaint, *or upon its own initiative,* in to any matter or thing within its jurisdiction, and whenever, after notice and hearing, the Board shall be of the opinion that any individual or joint rate, fare or charge demanded, charged, collected or received by any air carrier for interstate air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly prejudicial, the Board shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received, or the lawful classification, rule, regulation or practice thereafter to be made effective.

Footnotes at end of article.

In the exercise and performance of its powers and duties under this Act with respect to the determination of rates for the carriage of persons and property, the Board is specifically enjoined by Sec. 102 to consider, among other things, the *encouragement* and *development* of an air transportation system *properly adapted* to the *present* and *future needs* of the foreign and domestic commerce of the United States which *promotes adequate, economical* and *efficient* service without *undue* preference and advantage, and is regulated in such a manner as to *recognize* and *preserve* the *inherent* advantages of air transportation, *foster sound economic conditions* in such transportation, and *coordinate* transportation by air carriers, limiting *competition to the extent necessary*. The pertient parts of Sec. 102 require the Board to also take into consideration the *effect* of air carrier rates upon the *movement of traffic* and *need in the public interest* of adequate and efficient air carrier service at the *lowest cost* in the sense of the lowest fare, as well as the *need of each air carrier* for *revenues* sufficient to enable it to provide such adequate and efficient service.

Additionally, the Congress has authorized the Board, at its discretion, to take into consideration such other things as profit element, rate base, depreciation, taxes, operating expense and load factor standards, cost-oriented formulae, etc. *But these are not required to be considered by law, and therefore cannot take precedent over the statutory standards*. Under the statutory standards of "just and reasonable" it is the results reached not the method employed which is controlling. It is not the theory but the impact of the rate order which counts.[3]

It is the contention of the complainants that the proposed fares do not take into consideration any of the statutory standards of the Act and that the total effect of the rate proposal viewed in its entirety is unjust and unreasonable.

Trans World Airlines, Inc. (Trans World), United Air Lines (United), and Braniff Airways, Inc. (Braniff) make no reference at all to any of these statutory tests. Indeed, all three carriers do not even dignify the propriety of their proposal by claiming that these specific fare changes are needed for revenue sufficient to enable them, under honest, economical, and efficient management, to provide adequate and efficient air carrier service.

Instead, except for a passing reference to a relatively poor overall earnings position, TW's sole justification for the propriety of its proposed fare change rests on the elimination of certain alleged inequities in the fare structure which exist by reason of undue deviation of some fares from the "Industry Jet Coach Regression Line" in order to achieve a more equitable relationship between existing fares.

Thus, the lawfulness of the applicants' proposal rises or falls primarily upon the lawfulness of the Industry Jet Coach Regression Line (i.e., whether that Regression Line or formula complies with the statutory requirements of the Act), and then on its own merits.

Industry jet coach regression line

The Industry Jet Coach Regression Line, Attachment I to TW's letter of March 18, 1969, was constructed on the basis of March 1, 1968 fare levels and the Board staff's formula transmitted to TW by letter of the Director, Bureau of Economics, dated July 8, 1968, updated to reflect the recently approved (February 20, 1969) fare increases of two dollars ($2.00) in markets up to 500 miles and one dollar ($1.00) from 500–1800 miles.

A. Fares

Since the Regression Line is based on March 1, 1968 fares, adjusted for the change of February 20, 1969, as indicated above, it is necessary to first trace the development of it's numerical input to see if it meets the standards set forth above.

Like the rates and charges for property, air passenger fares in the United States were not subject to regulation by the Federal government prior to 1938. Unlike the rates and charges for property, the air passenger fare structure has never been subjected to a general investigation in the thirty-one (31) years of regulatory control under the CAB. The remarkable thing about the regulation of air passenger fares in the United States, therefore, is how little of it there has been. Historically, the Board has been concerned with only the control of air carrier profit levels and not the rates or overall fare structure. Both the public sense of fairness and the economic theory of competitive equilibrium led to the conclusion that appropriate prices could be achieved by insuring a normal rate of return.[4] As long as all the air carriers received some form of government subsidy, the Board could effectively control the profit level by varying the subsidy element. This left the fare levels by and large to the air carrier's discretion. Until World War II, the Board showed little concern with commercial air fares. In fact, there was only one formal proceeding which resulted in a written opinion, and it involved an investigation to determine whether the discounts given to air travel card holders and government employees, were unduly discriminatory.[5] The mail rate cases of this period do contain miscellaneous statements on the need for reasonable rates, but no air carrier air fares were specifically disapproved. Consequently, no standards of reasonableness were implied.

Basically, air passenger fares, like the charges for some other transportation services, have been the product of a base rate per mile multiplied by a selected mileage figure applicable to the points being served. Generally, air carrier tariffs have reflected three policies with regard to the base rate:

1. A variable or indefinite base rate;
2. A uniform flat base rate; and
3. A uniformly tapered base rate.

Three types of mileage-bases have also generally been applied:

1. Direct point-to-point;
2. Nonstop or skip-stop; and
3. Competitive.

These mileage bases have been computed either on the basis of "actual" course-flown or airport-to-airport great circle.

Prior to 1943, the variable base rates were almost uniformly used among the domestic air carriers. Construction of air fares upon this basis means that the rate per mile used in many city pairs, served by the same air carrier, differs from the base rate in use generally on its system. Such a base rate gave the tariffs a decided lack of uniformity, and obscured the air carrier's respective overall fare policy. This fact was cited in the Board's 1943, show-cause order.

During the period prior to 1943, little attention was paid to actual costs in the construction of air fares. The air carriers set fares which they thought would attract business, and go as far as possible to cover costs; i.e., the value-of-service basis. Since commercial revenues at that time did not come any where close to covering costs, the Federal government tacitly approved the prevailing levels as fair and reasonable, by providing a subsidy in the mail payments to make-up the difference between cost and commercial revenues. Some of the more important influences which caused the air carriers to use a variable rate base, may be summarized as:

1. The desire to build-up traffic over weak routes by expanding the markets through the medium of lower prices;

2. Competition from other air carriers or surface carriers, especially over short-haul segments; and

3. Conversely, where competition did not exist, a higher base rate per mile could be charged than was applied to the balance of the air carrier's system.

Thus, initially, air passenger fares were constructed upon a variable or *indefinite passenger-mile basis*.

The outbreak of World War II changed the situation dramatically. Much of the equipment on-hand DC–3s, and on-order, DC4s, had to necessarily be transferred to the military establishment. At the same time, the demand for commercial air transportation multiplied enormously. Because one of the inherent economic characteristics of air carriers is their high leverage, the resulting extremely high utilization of available capacity produced an almost immediate positive effect upon the industry's net earnings, causing the Board to become seriously concerned for the first time with the possibility of excessive air carrier profits. Aggravating the situation was the fact that the air carriers had necessarily removed all of the pre-war discounts on July 1, 1942. As early as March, 1942, Chairman Pouge is reported to have said that the Board might have to examine air carrier fares in the not too distant future.[6]

Initially, the Board attempted to control the rising profits by reducing the mail payments through a series of cases that finally placed the mail rates upon a weight-mileage basis.[7] At the same time the Board made several informal suggestions to the air carriers throughout 1942 that commercial air rates and fares should be decreased. Finally, on February 27, 1943, noting the very high air carrier profits of 1941 and 1942, the Board ordered 11 of the 16 domestic trunklines to show cause why air passenger fares should not be reduced ten percent (10%) and in the same order instituted an investigation into all air carrier rates and fares.[8] The Board based its order on the fact that the reported net earnings of the eleven air carriers during the five months ended November 30, 1942, had been 'excessive'.

Although some air carriers subsequently reduced various fares, there was no blanket reduction of fares such as evisioned by the Board in its show-cause order. The reductions which were put into effect were for the most part compromises which the individual air carriers worked out and which the Board accepted.[9] The major compromise was to iron out some of the disparities in the existing air fares through the adoption by five air carriers of a system-wide *uniform base rate* which did much to bring about greater uniformity in the tariff structure.

The adoption of a base rate to be applied by the air carriers to all city pairs, regardless of their distance apart, was a natural outgrowth of the use by railroads of this type of base rate, especially since th airlines were in competition primarily with the railroads.[10]

This, therefore, was the first-step toward a more rational fare structure replacing what had heretofore been largely a jumble of *ad hoc* prices, having only a casual, if any, relation to mileage, costs or other factors than historical change or surface fares. Henceforth, air passenger fares were to be primarily constructed upon a *uniform flat passenger-mileage basis*.

With the filing of these tariffs, further investigations were dropped,[11] but not without the dissent of Member Harllee Branch. Branch argued that passenger fares were so intertwined with the mail rates, which at that time still included a subsidy element, that the general investigation should be continued to establish standard procedures for handling both questions.[12]

Thus, the original impetus behind the Board's show-cause order, 'excessive' net earnings, was fulfilled (in part) by a change in the fare structure, rather than a reduction in the fare level. Simultaneously, the Board

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Footnotes at end of article.

backed away from its first real encounter with the possibility of fully examining air rates, fares and charges.

Again, almost two years later, having seen air carrier profits mount steadily through the war years of 1943 and 1944, the Board adopted investigator orders [13] on December 22, 1944, requiring the four largest domestic trunklines to show cause why their mail rate should not be reduced from 60 cents per ton-mile to 32 cents per ton-mile. Rates to be charged shippers for express and air freight were also to be investigated.[14]

Following a series of informal negotiations between the air carriers and the Board, one of the major trunklines proposed a compromise; to reduce both mail rates and air passenger fares to a common level; i.e., a *semi-cost-of-service basis*. The larger air carriers genuinely felt that a reduction in air passenger fares was necessary in order for them to be able to develop the mass air transportation market they envisioned in the immediate post-war period. On the other hand, the smaller air carriers objected vigorously to the proposed reductions. These air carriers felt that it was a serious mistake at that particular point in time to reduce air passenger fares, because they anticipated a drop in the demand for their services. Nevertheless, the larger air carriers prevailed, and between January 25, and May 1, 1945, there was a general reduction in the level of fares, and a partial restoration of some of the pre-war discounts. The Board accepted this compromise, and therefore less than eight months after the adoption of the initial show-cause orders, it issued (on August 7, 1945) revised show-cause orders to the Big Four trunklines increasing the proposed new mail rate from 32 cents a ton-mile to the agreed 45 cents a ton mile.[15] The August 1945 show-cause orders differed from those issued in December 1944, in that no mention was made of an investigation into the rates to be charged shippers for express and air freight.[16] On August 20, 1945, the air carriers made a second blanket reduction in the general level of air passenger fares within one year.[17] It is interesting to note that while the Board did not mention the level of air passenger fares in either the December 1944 or the August 1945 show-cause orders, it was during this eighth month period that domestic trunklines themselves reduced passenger rates drastically, and went from primarily a value-of-service basis to generally a cost-of-service concept. The resulting level of air passenger fares was the lowest ever attained in the United States.[18]

The significance of the Board action and the carrier counter-action should be clearly understood. As an answer to a threatened Board reduction of mail rates, the carriers agreed to some reduction in those rates, *but the carriers themselves suggested reducing passenger rates*. For the second time, then, the Board agreed to a compromise solution drastically affecting passenger fares, without the Board insisting on the development of a factual record in public hearing upon which to base a far-reaching decision. The upshot of this failure or refusal of the Board to perform its duty under the Act in promoting reasonable charges for airline passenger service was a fare level in 1946 and early 1947 which the carriers have pointed to consistently since then as the primary cause of the airline depression of 1947 and 1948.[19]

Another important change made by the Board in 1945, was the computation of the fare-making mileage. The Board changed from a 'course-flown' basis, to 'airport-to-airport great circle' mileage basis. On the basis of this conversion, the yield per passenger-mile tended to be slightly increased, since the airport-to-airport mileage was no more than, and usually lower than, the course-flown mileage.[20] When the air fares are constructed upon a mileage basis, the fare-making mileage is the other element in the formula that determines the air fare between two points. The fare-making *route* is the path over which a particular fare is constructed. Unlike railroad and highway mileage, there is a wide flexibility in the mileage which an air carrier can select. The majority of air fares have been constructed by using the airport-to-airport mileage, by way of all the intermediate points designated upon the air carrier's certificate; provided that there are no competitive or other factors to be taken into consideration.[21] On other occasions the use of nonstop, or skip-stop, mileage is found desirable. In such cases, the route by way of the intermediate points is either so substantially greater than the linear (or nonstop) mileage that the fare should be computed by skipping some or all of the intermediate stops, or certain intermediate points were added to the air carrier's certificate after the air fare structure had already been established.[22] A third classification of mileage, competitive mileage, comes into being when there are two or more routings available between the same two points operated by different air carriers. In these situations, the mileage of the shortest route certificated is usually the one that determines the air fare to be charged by the competing air carriers. This action is similar to the so-called short-line mileage principle of the railroads.[23]

The air carriers went into the immediate post-war period with optimism and enthusiasm. Initially the traffic carried by the Big Four air carriers continued to increase after that of the other air carriers started a downward trend in the latter part of 1946, as they had correctly forecasted. However, during the winter of 1946–47, it became apparent that the pre-war seasonal characteristic of air carrier traffic once again confronted all the air carriers. Further, it was now clearly apparent that the sharp upward projection of passenger business, forecasted by the larger air carriers, would not be realized in the immediate future.[24] Adding to these difficulties were a series of ghastly accidents. Certain of these accidents eventually forced some of the major air carriers to voluntarily ground and modify entire fleets of new aircraft types. As a result, total revenues failed to respond to the lower rates introduced by the air carriers in 1945. These facts, coupled with the sharp increase in the general price level then being experienced, induced the air carriers to (1) seek higher air passenger fares, and (2) inundate the Board with pleas for higher mail rates. Since the rising mail subsidy payments were bringing the Board under heavy political pressure, the Board was not only sympathetic with the air carriers' petitions for air passenger fare increases, but even took an active part in soliciting cooperation among the air carriers in agreeing on what changes should be made. The outcome was three, quick, successive, ten percent (10%), across-the-board increases in April and December 1947, and September 1948. The last increase followed a conference called by the Board of August 19, 1948, to be attended by the Board, its staff, and the heads of the trunkline air carriers, "for the purpose of discussing various problems relative to passenger fares and airline costs."[25] While these air passenger fare cases established no general standards for the handling of rate decisions, nor a precise rate-of-return criterion,[26] the Board did enunicate, on April 21, 1948, certain basic rate-making principles in the *Air Freight Rate Investigation*, which is subsequently applied to air passenger fare cases. The Board set forth its rate-making principles under the section titled "Relation of Rates to Costs" as follows:

> Importance of costs to sound rate-making policy:—It is a commonly accepted principle in all transportation rate making, and a requirement to insure the continued existence of any transportation service, that the rate levels have a reasonable relationship to attainable cost levels.
>
> We are of the opinion that economic considerations do not demand that at all times the rate for any class of traffic or type of service must cover the fully allocated cost of carrying that traffic or providing that service rather that *rates must at all times be reasonably related to costs*. The test of reasonableness must include recognition of variations in the ability of traffic to carry a full share of costs at different stages in the development of that traffic, the effect of low rates in generating new traffic, and the resultant effect of increased volume of reductions in unit costs.
>
> But belief in the justifiableness of promotional rates does not lead to endorsement of rates which are uneconomical in character and depart from all regard to cost. Promotional rates, to be sound, must be fixed not only with due regard to the traffic they are expected to generate, but with sufficient regard for attainable costs to assure that the rates will not have to be raised when the expected volume is realized.
>
> While the portion of present full cost which a reasonable rate may cover can properly vary with the stage of development of the service and be adjusted to promote a sound economic growth of such service, this sound economic growth will not be promoted unless such rates are at all times reasonable related to an expected future level of costs at a fuller stage of development. Any different rate pattern would be disruptive to the industry and commerce, produce wide variations in traffic volume and thus hamper the orderly development of the industry. Moreover, uneconomically low rates place undue burdens upon other types of traffic without any promise of compensating benefits in the form of sustained unit-cost reductions and ultimate profitable operations as increased volume develops.[27]

The gist of this 1948 opinion was that in the future the Board's primary test of "just and reasonableness" for air rates, fares, and charges, would be "that rates must at all times be reasonably related to costs;" i.e., *the cost test*. Nevertheless, it appears that the air passenger fare cases during this period were actually decided with very little knowledge of the relation of revenues to costs, or the probable effect of such increases on either the movement of traffic or the need of the air carriers for revenue.[28]

The impact of the third ten percent increase in the level of air passenger fares was off-set somewhat by changes made in the fare structure and the institution of various 'promotional' tariffs. First, at the insistence of American Airlines the surcharge on the DC–6 and Constellation aircraft was removed. Domestic air fares on these two aircraft types had historically been established on a value-of-service basis. Consequently, the removal of the surcharge meant in effect that the domestic air fares for these two aircraft would henceforth be fixed on a cost-of-service basis, and there would be no increase in the air fares applicable to these two aircraft.[29] Since these two equipment types were at that time primarily assigned to the long-haul routes, this action practically eliminated the ten percent increase as far as long-haul traffic was concerned. As a result, almost the entire burden of the third ten percent increase was thrown upon the short-hault market.

Second, over the open and active objection of some major air carriers, the Board permitted the air carriers, without elaborate consideration, to reinstitute the five percent (5%) discount on round-trip tickets. This discount had been abandoned at the start of World War II. Following this, the Board next proceeded to overrule its own staff, on three separate occasions, within one year.

1. It allowed the air carriers to initiate the family-fare plan; i.e., discounts for wives and children.

2. It permitted Western Airlines' "no-meal" tariff to go into effect without a hearing; this tariff provided a five percent (5%)

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reduction in air passenger fares as compensation for providing no-meal service.

3. The Board approved Capital Airlines' proposal to inaugurate the first domestic air coach service between New York-Pittsburgh-Chicago, on November 4, 1948.

The importance of the Board's regulating activities, in regard to air passenger fares during this period, however, should not be overemphasized.

Rather than being the primary moving force in either the 10% fare increase or the introduction of various types of promotional tariffs, the Board served simply as a review and catalytic agent. For the carriers themselves were the ones who took the principal initiative in the fare field.[30]

A substantial recovery developed in 1949 and 1950. Volume reached an all-time peak during the 12 months ended June, 1950. The outbreak of the Korean hostilities in June 1950 resulted in sudden sharp upsurge in all classes of traffic. Consequently, the calendar year 1950 proved to be one of the best years in the history of the domestic air transportation industry from the standpoint of traffic growth, as well as reported earnings.

Introduction of air coach service.—The air carriers' and Board's approach to the introduction of air coach service during this period provides an excellent example of how their policies have tended, historically, to vaciliate with the industry's economic conditions. When Capital initially filed its night-air coach tariff, the Board still had the third ten percent increase under consideration. Consequently, the Board was entirely preoccupied with the raising of the air carriers' overall net revenues. Nevertheless, contrary to its staff's opinion, the tariff was approved. The new service proved to be an immediate success. The Board's immediate concern, therefore, as they saw it, became the diversion of first-class traffic to coach; the coach passenger producing a lower yield per mile per passenger. Anticipating the expiration of many coach tariffs on September 30, 1949, the Board sought to clarify its position regarding air coach service and issued an important policy statement on September 7, 1949.[31] This statement defined coach-type fares as typically being at a level of four cents (4¢) per mile or about two-thirds of the prevailing regular fares.

Since the Board felt that the night-air coach services amounted to really implicit price cutting, and it wanted to raise the air carriers' revenues and profits, the Board continued to resist the expansion of air coach service throughout 1950. When the air coach tariffs came up again for renewal in the fall of that year, the Board and its staff were still concerned that such service would adversely affect the profits of the air carriers. Therefore, the Board renewed the tariffs upon the condition precedent that the air carriers raise the level of the coach fares from 4 to 4.5 cents per mile.

As noted, the Korean War caused another quick shift in the industry's financial position, by again dramatically increasing the percentage utilization of the available capacity provided. The growing prosperity of the air carriers, plus the growing pressure on the part of the noncertificated air carriers for certification, began to bring about a change in the Board's policy from one of attempting to conserve the revenue and net profits, to one of development of the air coach service. The first positive indication of this change was the approval of a daylight DC-6 aircraft, air coach service, between New York and Miami, in July 1951. Then on December 6, 1951, the Board issued another coach policy statement, which read in part:

It is the Board's considered opinion that coach operations to date have conclusively demonstrated their economic soundness and that the certificated domestic carriers should promptly and substantially expand their coach services using aircraft with high passenger-carrying capacity (high-density coach).[32]

The Board also indicated its belief that high-density coach operations could be just as profitable as the first-class services. The statement further suggested the air carriers offer "off-peak" coach services, as an alternative to high-density seating, with air fares no higher than four cents (4¢) per mile. On February 27, 1952, the Board confirmed its policy by summarily suspending the tariffs of certain air carriers for failing to comply with its suggestions.[33]

Thus, in a little more than four years, the Board had completely reversed itself—from almost total apprehension of low coach services, to forced expansion of such services. To a certain extent, the air carriers had changed their position, too. Of course, it should also be noted that during this same period, the air carriers' over-all financial condition, and net earnings position, had also completely changed—from a net deficit to a net profit. *Introduction of a "taper" into the fare structures*—In terms of operating profits, 1951 proved to be an unusually favorable year for the air carriers. The financial results of the fourth quarter of 1951, and the first quarter of 1952, however, were disappointing. The air carriers, consequently, began to feel that a combination of factors posed a threat to their profit margins; i.e., stabilized traffic demand, rising capacity due to new equipment, and rising costs. Some upward revision in air passenger fare appeared necessary to the carriers. A number favored another across-the-board increase. However, even though the air passenger fare structure still had never been fully investigated, it was a generally accepted proposition that the air carriers were making money on their long-haul services, and failing to meet expenses on the short-haul routes.[34]

To rectify this situation, the domestic trunklines filed tariff revisions in March 1952, proposing to increase each one way domestic passenger ticket by one dollar ($1.00), and to eliminate the five percent (5%) discount for round trips. The Board permitted the $1 increase, which represented a kind of terminal service charge, to go into effect by a not too certain three-to-two vote.

Member Joseph P. Adams concurring and dissenting said:

"I concur in the action of the majority suspending the carriers' tariffs which would eliminate round trip discounts and instituting an investigation of the overall fare level."[35]

* * * * *

". . . there *is* no relationship (and there should not be) between prices paid by air passenger, on the one hand, and prices paid by other consumers for such items as food, clothing, railroad transportation, etc. No carrier has seen fit to include in his presentation an explanation of why an air passenger *should* pay more in 1950 or 1951 for an airline seat than he did in 1940 or 1941. No such presentation was attempted, of course, since *the cost to the airlines of providing the passenger with that seat was actually less in 1950 or 1951* than it was ten years before.[36]

* * * * *

The Board's staff, against this factual background, has recommended that the Board suspend and investigate both the one dollar fare increase and the proposal to eliminate round trip discounts. The staff has clearly and forcefully demonstrated to this Board that the actual correlation which the airlines have sought to establish between rising costs in recent months and lower earnings has not been proved. It has shown that in recent months, the lower total earnings figures have been almost entirely accounted for by increases in total capacity operated and other facors, rather than increases in unit cost of material, labor, etc.[37]

* * * * *

A legitimate inquiry is, of course, what useful purpose could be served by conducting such an investigation? To that query, I would suggest several answers. Overall, a factual basis for a very important decision. As already indicated, the Board has now no such basis for its decision here.[38]

* * * * *

Furthermore, from such an investigation, the Board would be in a better position than it can possibly be now to know specifically how the one dollar fare will be shared by the carriers; whether it will be charged and collected by the originating carrier, whether it should be charged the passenger each time he changes airlines, whether it should be prorated, etc. To the best of my knowledge, even the carriers themselves are in no respect uniform on these very practical matters and until at least the carriers are, the Board should not decide the question. *By doing so, despite its lack of knowledge, the Board cannot possibly know whether in fact the one dollar fare increase will necessarily help to solve the short-haul carrier problem which, I take it, is one of the most reasonable arguments justifying the one dollar increase.*[39]

* * * * *

This particular fare increase was unique in that it caused the rate of the increase per mile to decrease as the length of the trip increased. More important, this increase *permanently* changed the United States domestic fare structure to a tapered fare structure.

A tapered fare structure is one wherein there is a regular gradual diminution in the rate per mile as the length of the haul increases. Hence, from 1952 to 1969 air passenger fares in the U.S. were constructed upon a *uniform tapered passenger-mileage basis.*

The first general passenger-fare investigation.—When the Board approved the $1 increase on April 9, 1952, it simultaneously instituted an investigation of these changes and of the general level and structure of fares, and suspended the changes which proposed to eliminate the round-trip discount.[40] Thereafter, the carriers canceled the portion of the proposal that would have eliminated the round-trip discount. As a result of several prehearing conferences, the issues of the investigations were considerably limited so that many of the issues dealing with the fare structure and the relation of fares were eliminated, leaving as the principal issue the general level of trunkline passenger fares.[41]

The air carriers' 1952 annual earnings were better than had been anticipated, which proved to be embarrassing to some of the air carriers in their handling of the investigation. It appeared that the conclusion of the investigation not only would rescind the dollar-per-ticket increase, but might also occasion further reductions. Consequently, in March and April of 1953, all of the air carriers that were party to the proceeding filed petitions requesting dismissal.

The pleas of the air carriers to dismiss the investigation fell on relatively indifferent ears so far as the Board's staff was concerned. The Board itself, however, was a different matter, and as a result, by a crucial 3 to 2 vote, the proceeding was dismissed.[42]

In dismissing the first *General Passenger-Fare Investigation,* the majority instructed the C.A.B.'s staff to conduct and prepare an informal study of the air passenger fare structure and fare level. At the same time the majority held that the reasonableness of fares depends upon the long-term economic-need of the air carriers, stating their belief . . . that it is neither possible nor desirable to regulate this industry by attemtping to relate fares to returns in the short run. To do so would require lowering fares in times of posperity and raising them when traffic conditions were poor. This would not make business sense and it is, therefore, our belief

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that both the industry and the public will be better served by a level of fares which reflects the cyclical needs rather than the needs of any particular year.

With this philosophy in mind, it is our intent to examine any future fare or mail-rate proposals, not only in the light of conditions prevailing at the time they are advanced but with full consideration of abnormal earnings of prior years and the excess earnings which may be expected in the future, as indicated by such experience. In short, should earnings fall markedly in the future the carriers will be expected to absorb such losses without resort to fare or mail-rate adjustments unless it can be demonstrated that such earnings are below the level necessary to provide a fair return over a reasonably extended period which includes the good years as well as the bad.[43]

In defense of its position in dismissing the investigation, the Board's majority stated:

We attach no special significance to the fact that in the 14 years of the Board's existence there has been no general fare investigation. Any inference that the Board is therefore uninformed with respect to the relationship of fares and other significant economic aspects of the industry is a gross *non sequitur*.

The Board is constantly faced with day-to-day decisions upon requested fare changes, and has considered hundreds of such proposals during its history. In passing upon them it must of necessity have in mind the overall aspects of airline economics, proper tariff principles, and the relationship of fares to other operating factors in the industry. The numerous mail-rate cases which have been processed have required detailed determinations of reasonable costs, efficiency, and proper rates of return for individual carriers and groups of carriers.[44]

Members Lee and Adams filed vigorous dissents to the dismissal order. Member Josh Lee was very careful to point out that he favored continuation of the investigation, not because he felt that rates and fares were necessarily too high, but rather, since the Board had never conducted an investigation into air passenger fares, he believed that it was time that it do so.[45]

Member Joseph P. Adams was scathing in his dissent. He objected particularly to an approach to the problem by staff studies. He felt that any facts developed by such studies would have to be tested in a formal hearing. He stressed particularly the shirking of the Board's statutory obligation to develop a sound rate air passenger fare policy. As already noted, he was critical of the 1948 fare conference called by the Board, and what he described as the confused state of the air carrier fares following that conference.[46]

The investigation was meant to adduce facts, upon which the Board would evolve a sound, well reasoned, passenger-fare policy; such a policy as this Board has never had, and won't have until a true investigation has been held. . . .

* * * * *

Only through an investigation of the kind which this Board unanimously ordered just a year ago into the airline-fare structure can the Civil Aeronautics Board properly develop and regulate airline industry prices in the public interest. *During the entire period since its creation by the Civil Aeronautics Act of 1938 this board has never yet carried through an investigation of the prices charged the traveling public of this country by the airlines.*

* * * * *

In other words, for 14 years, although many thousands of individual fare changes have been filed by our air carriers, and although at various times basic methods of constructing air fares by them have been drastically altered, this Board has never investigated the overall fare structure of the air transportation industry to determine whether the charges made for passenger services by the air carriers are in fact reasonable. The effect of the majority decision here is to perpetuate this obvious vacuum in the work of the Civil Aeronautics Board and I refuse to be a party to such continued neglect of our statutory duty.

Twice before, in 1943, and again in early 1945, the Board attempted an investigation into the rate structure of the domestic airline industry. Each time the Board's efforts were successfully thwarted. There was no investigation, no hearing, or other orderly method evolved for the development of a factual basis upon which to predicate sound principles and policy relative to our passenger fare-structure.[47]

The second general passenger-fare investigation.—With the new 'taper' firmly established in the fare structure, the Board issued its fourth 'Coach Policy Statement' on October 5, 1953, announcing that the Board had indefinitely extended the existing coach services.[48] At the same time, the Board eliminated the previous fixed cents per mile limit, which it had been using to evaluate the reasonableness of air coach fares. In its place, the Board substituted a policy that such fare should not exceed seventy-five percent (75%) of the corresponding first-class fare. The Board indicated that it believed the twenty-five percent differential would (1) adequately reflect the differences in costs, (2) maintain the distinction between the fares, and (3) still provide an incentive to generate additional traffic.

A situation, similar to that which had led up to the first General Passenger-Fare Investigation in 1952, occurred again in early 1954. A minor general economic recession diminished the air carriers earnings. This time, however, the Board indicated it would not be stampeded into action, as it had been in 1952. On May 18, 1954, Mr. Earl Johnson, the newly elected president of the Air Transport Association of America (A.T.A.), appeared before the Board and made an informal presentation of the problems confronting the industry.[49] The gist of the presentation was that due to the reduction in load factors following the cessation of the Korean War and a gradual increase in costs, airline earnings had deteriorated, and were going to deteriorate further unless fares were increased.

However in contrast to having the sharply deteriorated earnings forecast, the airlines began in the latter part of 1954 to demonstrate a great deal of strength in terms of revenue and traffic growth. This increasing demand continued until well into 1956 causing the Board and its staff to again become concerned that the airlines were beginning to enjoy excessive earnings. For this or other reasons, the Board decided to institute a new inquiry into the general level of fares so it would be in a legal position to make an overall "across-the-board" percentage adjustment if the level of earnings continued to grow.[50]

The initial order, however, revealed a wide difference of opinion between the carriers as to the proper scope of the proceedings. Some felt the general level approach or some modification thereof was sound. Others contended that only a full-scale investigation into all aspects of carrier earnings, as well as the fare structure, would do justice to the industry in the present circumstances.

At the oral argument, the basic question raised was whether an overall percentage adjustment in the level of fares would be economically feasible. Certain air carriers argued that the economics of the industry would preclude any such general remedy, because the percentage changes that might be sound for one carrier would induce (by way of competition) changes in the fares of the other air carriers, which might leave one of the latter with an unreasonably low general fare level. The smaller air carriers, with relatively short average traffic hauls, maintained that if any substantial percentage adjustment was made in the fares of the longhaul air carriers, they would be forced to meet such reductions regardless of the costs. The short-haul air carriers suggested that air passenger fares were not related to costs, one of the ratemaking principles enunciated by the Board in the *Air Freight Rate Investigation*,[51] and that any over-all percentage reduction would result in an even greater discrepancy than already existed between air fares and costs. The remedy these carriers suggested, in the event that an overall reduction in air fares should be found necessary, was the creation of a fare structure which properly reflected the difference in unit costs of short-haul operations, as opposed to long-haul trips. Conceivably, this might have resulted in some increases in short-haul fares, while the general level of fares was being reduced.

As real as the problems of fare structure are, and as material as the concern is that we conceivably might not be able to employ the general remedy our initiating order contemplates, we are not persuaded on the basis of information presently available that we must sacrifice the course of action originally contemplated to permit the time-consuming study of fare structure that has been suggested. In view of the fact that the basic structure of airline fares has long prevailed in spite of percentage changes, upward and downward, in the general fare level, it would not seem that such a change now would necessarily be economically unfeasible. Also, despite the undeniable differential in unit costs between long-haul and short-haul services, the simple fact is that airline fares are not, and have not been directly responsive to costs. It is entirely possible that "value of service" considerations would preclude the kind of "cost" fare structure that would protect the short-haul carriers in the way they have suggested. At any rate we are not prepared, at this juncture, to abandon the overall percentage remedy on the basis of the conjecture about this remedy when the suggested alternative is no less speculative and is certainly more complex.

As we view the case, moreover, the question is not *whether* we shall explore the structural problems raised, but *when*. Our present view is that we will first examine the general revenue situation, order appropriate percentage adjustments in fares, if necessary, and then turn to the structural problems that may remain. In limiting the scope of the proceedings at the outset, we do not surrender our discretion to investigate fare structures. If at the conclusion of the general revenue phase of the investigation, or even earlier, we should decide that further investigation is necessary, we can reopen the record to take necessary evidence.[52]

After 'extensive' consideration of the problems and information brought to the Board's attention, the Board concluded that it must reject the proposals for expanding the scope of the proceeding to embrace a study of all conceivable aspects of the fare situation. There was no dissent. Owing to various proceduarl delays, the second General Passenger-Fare Investigation was not set for hearings until May, 1957.

Before these hearings could get underway, the Board halted the proceedings temporarily, in order to hear the pleas of seven domestic trunkline air carriers seeking an 'emergency' increase of approximately six percent (6%) in air passenger fares, to be effective April 1, 1957.[53] At the time the nation was beginning to experience an economic recession. The reported earnings of a number of air carriers had turned markedly downward, and were considerably below the level of earnings then considered necessary; i.e., eight percent (8%) on investment. In other words, on a short-term basis, it was clear that the air carriers were suffering from depressed earnings. Further, if such earnings would be expected to continue for an ex-

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tended period of time, the air carriers would have a proper predicate, based upon the rule set-forth in the original *General Passenger-Fare Investigation*, for an adjustment in air passenger fares.

In the Suspended *Passenger-Fare Investigation*, the air carriers conceded that in the past higher costs had been off-set by greater traffic volume, technological improvements, increased productivity and operating economies. However, the air carriers claimed that they had reached the stage in their development where further technological improvements and operating efficiencies could no longer be expected to absorb rising costs, and, therefore, the depressed earning would become worse because the factors causing them were permanent.

The argument that costs are rising faster than revenues and cannot be absorbed by new efficiencies is not novel. It was advanced before us in 1952 when the carriers were advocating elimination of discounts on round-trip tickets. In spite of the carriers' fears, however, 1952 and the succeeding years were highly profitable. This argument was again advanced in 1954 when the Air Transport Association made an informal presentation to the Board forecasting sharply deteriorated 1954 operating results for the domestic trunkline industry, but the lowest level of earnings for any of the carriers party to this proceeding turned out to be the 8.88-percent return on investment reported by United in that year, with the 12 domestic trunkline carriers reporting an average return of 11.01 percent for the year.[54]

The main argument advanced by the air carriers in support of their position that cost increases could no longer be absorbed was that the new turbo-compound aircraft, DC–7 and advanced Constellations, instead of being more economical, were actually more costly than their predecessors. But, in spite of such contentions, no air carrier, other than United Air Lines, offered underlying evidence to support this proposition.[55] As a result, the Board found the air carriers' evidence in support of an emergency fare increase both sparce and vague.[56]

To the extent that the record shows rising cost of any kind, it also shows that the traditional factors that have enabled the industry to absorb higher costs are still operative and are likely to offset recent cost increases. The principal factors in this evaluation are volume and density of traffic and lengths of passenger haul and aircraft hop.[57]

The Board considered these four factors highly significant because they measured the relative cost of the product which the air carriers offer for sale, and reflected a substantial period of operating history and the experience gained therefrom. Consequently, on the basis of the record before it, the Board concluded, 4 to 1,[58] that the decline in earnings was properly attributable to unit cost increases stemming in large part from factors of a nonrecurring nature, and that the traditional factors which had enabled the industry to absorb rising costs in the past should continue to be operative in restoring earnings to a more favorable level.

Inherent in this analysis of the situation was the anticipation that volume of air traffic *would continue* to grow *as it had in the past*, and permit the economies necessary to offset cost increases. (Emphasis added.)[59]

In denying the proposed six percent increase, the Board took cognizance of the depressed earnings of the air carriers, and announced its intention to maintain a continued surveillance of the fare situation. As part of this program, the Board took steps to 'expedite' further proceedings in the second General Passenger-Fare Investigation, with particular emphasis on the rate-of-return issue. The Board again directed that trial of this issue be given first priority in the hearings. The importance of the rate-of-return issue had been highlighted, in the Board's opinion, by the fact that all of the air carriers had urged in the *Suspended Passenger Fare Investigation* that a higher level of earnings was required for the continued development of the industry. However, the air carriers had produced no evidence whatsoever to show that the then customary eight percent (8%) rate of return on investment would be inadequate. On the other hand, if the air carriers were entitled to a rate-of-return greater than 8%, this fact would accentuate the disparity between the earnings they were actually realizing, and the earnings they might be entitled to. The rate-of-return, and not the fare structure, therefore, continued to be the Board's main concern.

On January 15, 1958, Continental Air Lines filed a tariff change reflecting a fifteen percent (15%) increase in air passenger fares, to be effective February 15. Trans-World Airlines then filed a new tariff, to be effective March 15, directed primarily at modifying the existing fare structure but which also provided for an increase in the average fare level. The Board suspended the tariffs because, in addition to depressed traffic conditions, the Board also had new information available on the 'appropriate' rate-of-return for air carriers.[60]

Using the new rates-of-return as a yardstick in measuring the reasonableness of the air carriers reported earnings, and taking into account the recent adverse traffic developments and general business outlook at the time, a bare majority of the Board concluded that an interim fare increase of four percent (4%) plus one-dollar per ticket ($1) was warranted. The majority's determination that part of the increase should be implemented through a flat increase in price per ticket was made to give recognition "to the minimum cost inherent in providing each passenger transportation regardless of distance he will travel." [61] It was designed to assist the smaller, short-haul air carrier, who were considered to be at a disadvantage in this area as compared to the long-haul air carriers. This increase, of course, further strengthened the change in the United States fare structure; a change which still had not been fully examined by the Board.

The two dissenting members were Members Guerney and Minetti. Vice Chairman Chan Gurney wanted the Board to approve an increase of ten percent plus one dollar per one-way ticket (10% plus $1). Member G. Joseph Minetti, however, found no change in traffic and cost conditions of sufficient import to have been presented. In defense of his position, Member Minetti pointed out that rates must be related to costs.[62]

The air carriers promptly accepted the Board's offer by filing the appropriate air tariffs. In the latter part of the year, the air carriers were permitted further increases in their air passenger fares through the expedient process of removing certain discounts and promotional features. Both the round trip-discount and the free stopover and related privileges were eliminated.[63] The family-plan discount was reduced from one-half (50%) to one-third (33.3%).[64] In addition, a surcharge was imposed upon new jet services. This surcharge was apparently based upon the value-of-service concept, as opposed to costs, since it was primarily designed to make air travel on the slower propeller aircraft more financially attractive.[65]

Four years after it had instituted the second *General Passenger-Fare Investigation*, the Board arrived at its conclusions.[66] As noted previously, the original objective of the proceeding was "(1) to develop appropriate and well-defined standards as to the earnings which are required by the 12 domestic trunkline carriers for the proper development consistent with public interest; and (2) based on such standards to require or permit such overall decreases or increases in domestic fares as circumstances may warrant." [67]

While the Board found the record was inadequate to permit the fixing of the fare levels, it nevertheless concluded the same record was adequate enough to formulate standards for the regulation of air passenger fares in four basic areas. These standards are to be used (1) for assessing future rate proposals of the air carriers, and (2) to assist the Board in evaluating the reported results of the air carriers, so that the Board might determine when it should take action on its own initiative.[68]

Each of the four standards is meticulously detailed. The four areas involved (1) profit element, (2) rate base, (3) depreciation, and (4) taxes. With regard to the *profit element*, the Board decided the industry's profit element should be regulated by the conventional test of rate-of-return on investment; as opposed to the air carriers' proposed operating-ratio, or its complement, the return margin.[69] The fair and reasonable cost-of-capital, or rate-of-return, was found to be 10.25 percent for the Big Four air carriers (based on a cost of 4.5% for debt, 16% for equity, and a 50:50 debt: equity ratio), and 11.125 percent for the intermediate eight air carriers (5.5% cost for debt, 18% for equity, with a 55:45 debt:equity ratio.)[70] The *rate-base* recognized for air passenger fare regulation consists of (1) net working capital; (2) net operating property and equipment, after deductions for depreciation and overhead reserves; and (3) other used and useful assets, including equipment purchase deposits. Rules for *depreciation* charges are just as precise. Equipment life is specified as 10 years for jet and jet-prop aircraft airframes; 7 years for piston-powered aircraft airframes and engines; and 5 years for jet and jet-prop aircraft engines. In all cases, the residual value is 15 percent, subject to 5 percent of the airframes cost being included as a built-in overhaul allowance. Finally, the recognized income *tax* expense is to be based upon straight-line depreciation, rather than actual payments. The standards, therefore, are not only elaborate and particular, but very explicit; i.e., mathematically, the profit element is calculated down to one-hundred-thousands of one.

Considering the method of employing these standards, the Board found that major problems fell into two categories: (1) the degree or extent to which the air passenger fare level should be based upon the return to be anticipated over an extended period of time; and (2) the degree to which air passenger fares should be regulated on an industry-wide basis as opposed to the need of 'each' air carrier.

With regard to the length of the period to be taken into account in determining the reasonableness of fares, the Board reaffirmed its decision in the dismissal order of the original *General Passenger-Fare Investigation* that the reasonableness of the air passenger fare level depends upon the long term economic needs of the air carrier.[71] That is, the level of fares should reflect the cyclical need rather than the needs of a particular year. The degree by which short-term factors would be influential in affecting the extended-period fare level was found to be dependent upon (a) the length of time such factors are expected to remain operative, and (b) the magnitude of such short-term factors impact upon the bulk of the industry's operating results.[72]

With regard to the 'need' for each air carrier, the Board found, all other things being equal, that air passenger fare adjustments should normally be predicated upon the return for the industry as a whole. That is, in determining air passenger fare adjustments, the Board decided that consideration would be given to the degree by which the fair level meets costs, by classes of carriers; i.e., the weighted average of the relationship of yield per passenger-mile to cost per passenger-mile (including the cost of capital, or rate of return on investment).[73] The Board felt that the industry average, although not control-

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ling, is entitled to great weight because it should indicate the extent of any general fare adjustment needed to produce a reasonable return for the industry as a whole. The Board acknowledged that under such a system of industry-wide regulation some air carriers might fail to attain the standard rate-of-return, or cost-of-capital. However, the Board felt that as far as the problem of accommodating the requirements of the weak and strong air carriers was concerned, there were other more appropriate tools available to resolve these problems than adjustments in the general level of fares.

Clearly, general fare increases cannot be regarded as the panacea capable of solving the problem. There are other tools which are more appropriate for use in dealing with the less profitable carriers. First, *an over-all examination of the general passenger fare structure, an issue excluded from this proceeding, might well result in bringing the costs and revenues of individual carriers into closer alignment*. Second, as the Examiner pointed out, carriers whose needs are not met by general fare level adjustments can seek higher fares, although competitive aspects would preclude them from changing such fares except on some few noncompetitive segments (assuming, of course, that such fares are otherwise lawful). *A third tool is that of route realignments* designed to produce a more balanced competitive structure. Finally, we are authorized by Section 406 of the act to grant subsidy payments where we find that such compensation is required in the interests of commerce, the Postal service, and national defense.[74]

With regard to the other half of the fare level formula, costs and traffic, the Board found that in the absence of reliable forecasts of future operating expenses and revenues, it was impossible for the Board to determine the proper fare level.[75] However, the Board went on to state that:

> If fair standards could be ascertained for representative periods which can be reasonably defined, it is clear that the Board would be able to deal with the problems of determining appropriate fare levels much more effectively. But it appears that development of such standards must await a time when the industry has reached a more stable period. Then, more work in this area by Bureau Counsel and the carriers may be productive of standards of real utility in fare regulation.[76]

Finally, the Board spoke of the requirements of the *law itself*, noting that the general policy with regard to fares and rates for the transportation of persons and property by aircraft is established in the Act of 1958.

On the one hand, it is clearly not the function of the Board to assume the role of management and substitute its judgment for that of carrier management with respect to matters which are the prerogative of management. And clearly the *AOA* case, as well as other cases cited in the Initial Decision, forecloses the Board from regulating fares on the basis of policies divorced from factual findings which the statutory provisions require. On the other hand, the Board is under statutory injunction in determining rates to consider such factors as: (1) the need in the public interest of adequate and efficient transportation of persons and property by air carrier at the lowest cost consistent with the furnishing of such service; (2) the promotion of adequate, economical, and efficient service by air carriers at reasonable charges; and (3) the need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier service.[77]

While concurring with the majority of the Board on most determinations, Member Minetti dissented on three basic issues—the amount of the rate-of-return; the computation of the investment base; and the calculation of taxes. Member Minetti went on to state that informed regulation requires that the Board explore current cost levels, in light of actual experience, in order to learn the extent to which the then considered high level was due to expensing of aircraft integration and other non-recurring causes, and secondly, in order to ascertain representative cost levels for the foreseeable future.

Effect of fares on the movement of traffic.—We have deferred decision on this issue, along with our deferral of decision on cost and load factor standards, because of the interrelation of the topics. Obviously, the effect of fares on traffic cannot be ascertained until the cost and load factor decisions, on which fares are primarily based, have been made.[78]

Thus, twenty-two years, three months, and seven days, after the Civil Aeronautics Act of 1938, had become effective, the Board established precise and detailed standards for half of the formula normally utilized in measuring the just and reasonableness of air rates, fares, and charges.

The preliminary details of the decision in the second *General Passenger-Fare Investigation* were contained in a press release issued on April 29, 1960.[79] The rate-of-return contained therein indicated that the domestic air carriers' net earnings during the previous three year period had been significantly below the announced standards. Seven air carriers, therefore, promptly filed tariff increases ranging from four percent plus one-dollar per one-way ticket (4% plus $1) to ten percent (10%). In reviewing these tariff proposals, the Board employed its new regulatory standards, as announced. Upon consideration of these matters, the Board observed that each of the tariff proposals called for an increase greater than appeared warranted; but that upon the basis of these same considerations, it had determined that it would permit a general increase of two and a half percent (2.5%) plus one dollar per one-way ticket ($1) to become effective July 1, 1960.[80] This represented the seventh consecutive increase in the general air passenger-fare level in fifteen years, and the third consecutive change in the tapered fare structure in eight years. And as of then, there still had not been a full examination into the air carriers' air passenger-fare structure, as Member Minetti noted in his concurring opinion.

We have been unable to isolate, with any degree of certainty, the factors which are influencing the present cost increases, nor do we know whether the cost trend is temporary or permanent.[81]

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In view of the foregoing, I will now assume, for the purpose of this fare decision, that costs are more than temporarily inflated and that load factors are in no degree controllable and will not be further depressed by the fare increase granted herein. In doing so, I state my belief that resumed hearings in the GPFI, for the purpose of a full exploration and analysis of the economics of operation in the turbine era, are essential. Only with such information can we intelligently regulate rates and fares. We cannot, in the interest of the industry and the public, continue to proceed half-blind in this critical area.[82]

The resumed hearings which Member Minetti referred to as 'essential', which Member Branch had considered 'imperative' in 1942, and which Member Lee had called 'important' and Member Adams viewed as an 'expressed mandate' in 1953, never came to pass, for when the Board issued its opinion containing its findings, conclusions, and decisions, on November 25, 1960, it also terminated the second *General Passenger-Fare Investigation*.[83]

Miscellaneous changes considered in the fare structure subsequent to the general passenger fare investigation.—A second important development in 1961, was the introduction by Eastern Air Lines, on April 30, of its 'Air-Shuttle' service between Boston-New York-Washington. Every passenger is guaranteed a seat on this service, even though there is no reservation service. Meals and beverages are not served, and passengers carry their baggage to the boarding gate. Air fares were initially substantially lower than coach fares, or in other words in the category of economy fares. Subsequently, however Air-Shuttle fares were raised to a point where they exceed all propeller coach fares, as well as many propeller first-class and jet coach fares.

Despite the introduction of jet aircraft three years previously (in 1958), and the implementation of numerous promotional fares the air carriers continued to have their chronic financial problems. The air carriers themselves attributed much of their financial distress to a shift of passengers from first-class service to coach services. The air carriers contend this shift resulted in a loss of revenue without a commensurate cost savings.

To correct this situation, United Air Lines filed a new tariff on November 1, 1961, to become effective January 1, 1962. The changes proposed included the following increases: (1) jet first-class, and one dollar per one-way ticket; (2) jet and propeller coach; *day*—add five percent plus one dollar per one-way ticket, *night*—cancel; (3) propeller first-class, add approximately six percent plus one dollar per one-way ticket. In other words, United wanted to again change the fare structure by increasing the taper and varying the proportion of the increase by class of service.

Six other air carriers also notified the Board of their intention to file new air passenger tariffs. Their proposals varied considerably, at least in detail. Certain air carriers wanted to cancel various discounts and promotional fares. Nevertheless, all the air carriers appeared unanimous in their proposal to change the fare structure by decreasing the spread between first-class and coach fares. Generally, the air carriers favored increasing air coach fares approximately five percent; that is, to a level of 83 or 85 percent of first-class fares, as opposed to the prevailing 75 percentum.[84] American Airlines, a long-haul carrier, however, wanted an even greater change in the fare structure. First, it wanted to reduce first-class fares, over 1,200 miles, by five percent; second, American would have increased the corresponding coach fares by five percent.

Nevertheless, because of the deteriorating financial situation of the domestic trunkline air carriers, a bare 3-2 majority of the Board indicated their willingness to permit the industry to effect an interim blanket across-the-board increase of not more than three percent (3%) for a period of six months; subsequently, on August 1, 1962, this eighth increase in air passenger fares was extended indefinitely.

Vice Chairman Robert T. Murphy and Member Minetti were the dissenting members. They dissented on the grounds that a general increase in air passenger fares might discourage, rather than encourage, improvements in the decline in percentage utilization of available capacity then being experienced. They wanted to focus more attention on reducing what they considered to be needless over-head expenses. They felt such reduction could produce significantly lower operating costs.

By the middle of 1962, the greatly improved, and steadily increasing efficiency of the jet aircraft was beginning to be realized. Simultaneously, some of the air carriers were beginning to become aware of their need for a tremendously larger air-travel market. The net result was that the impact of competitive forces (never before believed to be effective in the regulated air carrier industry) started forcing the domestic air passenger fares *down*.

Most of the air carriers were not particularly happy with the turn of events. These

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carriers decried the price cuts; they felt they had lots of "lean" years to make up for, plus some staggering future obligations for which sound financial preparations had to be made. Most of the financial problems associated with the introduction of jets can be traced to just such lack of financial preparation by the air carriers.[85]

Continental Air Lines initiated the new competitive era by introducing a new three-class service on August 24, 1962. Subsequent to November 4, 1948, the domestic air carriers had generally provided only two classes of service: i.e., first-class and coach.[86] Continental retained the first-class service, but eliminated the coach service and introduced two new classes of service—'business-class' and 'economy coach'.

Business-class.—The new business-class was actually similar to an economy-first-class service. The passengers were seated five-abreast on jet aircraft, versus four-abreast for first-class, and such passengers received meals of a quality similar to those then being provided in the coach section. The business-class fares were 12 to 15 percent below the prevailing first-class fares and about five percent (5%) above the coach fares then in effect.

Economy-coach.—In the new economy-coach section meals were not served and the six-abreast seat spacing was tighter than on the existing coach classes. The economy-coach fares however were about twenty percent (20%) below the prevailing coach fares.

Continental was attempting to persuade the expense account traveler to up-grade his purchase of air transportation from coach to business-class. At the same time it was also trying to get the non-business traveler to go by air. The other domestic air carriers openly disagreed that this could be done terming the planned fare structure "a long step toward disaster for the industry."[87] Nevertheless these air carriers did ask the Board to approve their "defensive" air passenger fares.[88]

Introduction of middle-class service.—Unhappy with the rapidly expanding multiplicity of services United Air Lines decided to attempt to get the air carriers to return to a "one-class" system. The proposal, initially drew increasing support from those air carriers critical of the complex of coach and discount and promotional fares. These carriers felt these rates were diluting the industry's first-class revenues.[89]

Basically, United proposed a five percent (5%) more costly coach service with five-abreast seating, and service accommodations that essentially were comparable to Continental's business-class service and its own previous propeller custom coach service. Significantly, United did not offer the new service on the highly competitive Chicago-Los Angeles route, where its own business-class was substantially identical. In addition, the new one-class service would then have had to compete with the lower priced economy-coach of it and its combined competitors. The fares were permitted to become effective without a hearing.

Change in first-class fare structure.—American Airlines, on the other hand, felt that there was a strong public need for two classes of air service. Apparently American had the majorities' support, since no other domestic air carrier ever joined United in its one-class experiment. In a move to counter United's one-class service, American first tried increasing the first-class family-plan discount from 33.3 percent to 50 percent of a full fare. All the other air carriers, including United who still had first-class service, were forced by competitive necessity to match this liberalized discount.[90]

However, with this discount, first-class travel became cheaper than coach or one-class service, for a couple traveling under the family-plan. This naturally had a major impact on first-class traffic. Whereas first-class payloads had been declining for years, as coach payloads increased, first-class traffic now surged,[91] and it did so without appearing to drain traffic away from the coach section.[92] The first assumption from such evidence would normally be that the family-plan experiment demonstrated that lower air fares will attract new customers; but the air carriers apparently felt otherwise. In September 1963, most of the air carriers filed new tariffs designed to rectify the situation by reducing the family-plan discount from 50 percent to 40 percent.[93] Such a change would have eliminated the undesirable feature of granting first-class passage to a couple at a price lower than that for coach or one-class service.

United, however, filed a tariff that not only continued the 50 percent discount on first-class, but extended the family-plan to the one-class and coach services as well. While the Board was apparently tempted to adopt United's proposal, it finally voted 3–2 to suspend all the new air tariffs, and thereby retain the status quo. At the same time, the Board authorized its staff to meet once more with industry representative in an attempt to resolve the situation. The subsequent meeting on November 14, 1963, set the stage for another major revision of the U.S. domestic fare structure without an evidentiary hearing.

American Airlines continued to be deeply disturbed by the gap between its first-class fares and United's one-class fares, since apparently, like the coach services, this new service was diverting first-class traffic to a lower class of service. It wanted a "proper relationship" between the three fare levels—first-class, one-class, and coach.[94] American contended that one-class service was midway between coach and first-class service as to seating arrangements. American's eventual answer, to what had been a general air carrier complaint for the previous two years—dilution of earnings resulting from a shift of passenger traffic to a lower class of service, was a two pronged attack: (1) a radical change in the fare structure by cutting long-haul first-class fares, and (2) application of the family-plan discount (reduced to 25 percent) to all classes of service.

First-class fares were reduced on all trips over 700 miles in length on January 15, 1964, so that the gap between first-class and one-class would be identical to the differential between one-class fare and the coach fare.[95] This new formula evidently meant that for trips under 700 miles in length, the first-class fares would continue to be constructed by the usual mileage method; but for trips in excess of 700 miles, the first-class fares would be determined by a ratio of the one-class and coach fares.

The second part of American's "fare package", reduced the family-plan discount to twenty-five percent (25%) of the fare and extended the plan to both the one-class and coach services. Competing air carriers, compelled to file for similar reductions in the first-class fares in competitive markets, objected to the new fare structure.

Nevertheless, the new fare structure was permitted to go into effect on January 15, 1964, without an evidentiary hearing.

Introduction of thrift-class service.—Although the Board instituted a number of major passenger fare investigations during the period immediately following the completing of the *General Passenger-Fare Investigation*,[96] as a result of various changes in the fare structure, the Board more or less remained primarily on the sidelines letting the air carriers fight among themselves. The industry battle, after all, was driving the fare level in the direction the Board wanted it to go—*down*.[97] Stung by criticism during the hard years of the original jet transition, the Board was determined to let the air carriers chart their own course during the initial stages of the profit surge.

This situation represented a complete reversal again from that prevailing two years previously. At that time the air carriers were united in a struggle to raise air passenger fares, and the Board used its strong arm of regulation to prevent any increases. When the Board eventually, but reluctantly, approved the three percent (3%) increase, the air carriers complained that it was too little too late. Two years later, these same air carriers were moving in the opposite direction, but without that same unanimity. Three members of the Board even expressed concern that some of the air passenger fares might be dropping to an uneconomical level.[98]

Air passenger fares were now beginning to be used as competitive tools. Some air carriers were forced to adopt fares they bitterly opposed. As a result, a feeling began to develop that the new tariffs were without uniformity; that they were degenerating into a complex fare structure; and that this was turning what should be a simple task of preparing a ticket into a complicated mathematical problem. American Airlines' new tariff revision alone involved 35 pages, and included more than 300 separate provisions and restrictions affecting new rates.[99] But, underneath these differences concerning the fare structure, there still remained the basis issue.

The current fare squabble again raises an old question that has never been properly answered: will lower fares open up enough new markets to offset a drop in revenue yield per passenger. Some feel that this is a basic weakness in airline management—lack of a pricing technique, a major factor in the conduct of any business. The present tariff structure is so involved that it is virtually impossible to unravel the intertwining rates to determine exactly what yield any given seat-mile the basic airline product, is producing.[100]

The success of American's new fare structure eventually made it necessary for United Air Lines to substantially modify their 'noble' one-class service experiment. United began substituting a new three class service plan on August 9, 1964. The three classes were: first-class, standard-class, and coach. United's three class plan should not be confused with Continental's three class services, since United's lowest class (coach) is equivalent to Continental's reinstated in between class.

The new "standard-class" or middle-class service with five-abreast seating arrangement, was substantially similar to United's out-going one-class service, propeller custom coach service, and Continental's previous business-class service.[101] Consequently, standard-class fares were generally identical to the one-class fares; the exceptions, amounting to less than two percent (2%), were confined to those long-haul markets in which the first-class fares were reduced on January 15, 1964. These specific reductions were "designed to restore the standard services fare to a more realistic and equitable relationship with first-class and coach fares in the relevant markets.

The adjustments in fares that are now proposed by UAL he said "are designed to place them at 33⅓ percent level between coach and first class fares, i.e., 33⅓ percent of the difference between first class and coach fares to be added to the coach fares to produce the standard fare."

Subsequently, following their surprisingly successful low fare experiment to Hawaii, United launched on September 27, 1964, (without a C.A.B. hearing or investigation) a new high-frequency, high-density, low-priced, thrift-class, "no-frill", jet commuter service in the highly competitive California market. United had initially been forced into charging the fifth-class fares after a long and bitter battle with Pan American World Airways. United had strongly objected to the thrift plan advanced by Pan American because the sharply-reduced fares and high-

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density seating arrangements were contrary to United's traditional operating principles.[102]

Thus, by the end of 1964, the basic pattern of the present five classes of domestic air passenger service had been firmly established. These five classes of service consist generally of (1) first-class or regular service; (2) standard-class, a middle-class of service similar to business or one-class service; (3) coach service; (4) economy-class; and (5) thrift-class, which might be considered as including jet-commuter, air-bus, and similar services. All five of these services, with the exception of coach service have been established and maintained without any completed Board investigation as to the just and reasonableness of either their horizontal fare structure, or their relationship to each other (i.e., their vertical fare stucture).

Eastern fare structure.—The most recent attempt by a domestic trunkline air carrier to revise the fare structure to more equitably and reasonably relate rates at all times to costs or expenses, and thereby provide an equal opportunity for both long-haul and short-haul air carriers to earn a reasonable profit, was proffered by Eastern Air Lines. On November 10, 1964, Eastern filed a tariff revision marked to become effective on January 15, 1965. Eastern proposed a general revision of all domestic first-class and coach fares under a formula whereby each existing fare would be adjusted so as to reflect the combination of (1) a five percent (5%) *decrease*, and (2) a flat $2.50 *increase*.

Eastern's proposed change in the fare structure was "not a temporary 'general fare increase' nor a stop-gap effort to obtain more revenue." Eastern's proposal was purportedly part of a studied program to revise the basic passenger fare structure. In support of its proposal, Eastern indicated to the Board that the objective of its revised passenger fare structure was to more equitably relate fares to expenses. Eastern had concluded from its studies that its average fare yield was insufficient to cover average costs, primarily because of its extensive short-haul obligations.

Eastern asserts that the existing fare structure favors the long-haul carriers and the short-haul passengers; that both long-haul and short-haul carriers should have equal earning opportunities; and that Eastern's proposal is designed to do so.[103]

National Airlines filed a complaint with the Board requesting suspension and investigation. Mohawk Airlines filed a letter supporting the proposal. American Airlines and Trans World Airlines filed letters to point out (1) they did not endorse the proposal; (2) that such a proposal was not a mandate to the industry to make similar fare adjustments and (3) that if Eastern desired to increase its short-haul fares, *it could do so without upsetting the fare structure of the other air carriers;* i.e., reducing long-haul fares.[104] The Board decided, by a 3 to 2 vote, to dismiss the complaint filed by National because it did not state facts which warranted investigation. As a consequence, the Board again permitted a major change in the air passenger fare structure to become effective without investigation.

Vice Chairman T. Murphy and Member Minetti voted to suspend and investigate the entire proposal. Their dissent indicates they considered the economic growth situation of the air carriers in early 1965 to be favorable enough to warrant the Board adopting a new "hold-the-line" policy against any fare increases.[105]

C.A.B. Order No. E–21637 is a remarkable document because (1) the dissent of Members R. T. Murphy and Minetti clearly reveals the Board's developing concern with the possibility of excess air carrier profits as well as its future course of action six months hence (i.e., a "hold-the-line" fare policy); while (2) the order dismissing the complaint clearly indicates the Board was still not prepared to permit a time-consuming study of the passenger fare structure and would therefore probably continue to avoid any action that could lead to an investigation of the air passenger fare structure.

Although Eastern had originally depended upon industry-wide acceptance of its proposal to both increase short-haul fares and decrease long-haul fares, the other air carriers chose only to match the long-haul reduction. Eastern nevertheless finally chose to go it alone and stick to its increase in short-haul fares. At present, Eastern's short-haul fares are still higher than those of its competitors in many markets.

Fare structure changed by the board.—The abrupt surge in traffic that began in about May 1963 changed the air carriers' financial situation dramatically. The demand for commercial air transportation services multiplied enormously during the next two and a half years. Because one of the inherent economic characteristics of air carriers is their high leverage, the mushrooming traffic produced an almost immediate positive effect upon the industry's net earnings, causing the Board to become seriously concerned for the second time with the possibility of excessive air carrier profits. As the earnings position of the air carriers continued to improve throughout the latter half of 1963, 1964, and 1965, the Board began to take a series of actions in 1965 to tighten the reins on the air carriers' revenues. Domestic mail rates for example, were reduced for the first time since the inception of the present formula in 1955. The historical practice of the Post Office Department in making immediate payments to the air carriers for foreign government air mail charges was terminated.[106] A study of the air carriers' rates for Military Airlift Command traffic was scheduled by the Board looking toward a possible downward revision of such rates on July 1, 1966.[107]

In addition, the Board proposed a rule to change the rate-base recognized for air passenger fare regulation. It wanted to drop the equipment purchase deposit from the air carriers' rate-base. The equipment purchase deposit was initially recognized as an element in the rate-base by the Board's decision in the *General Passenger-Fare Investigation*, supra, 32. The proposed change came, however, at a time when the domestic air carriers were embarking on a second round of major jet aircraft orders. The effect of the change was considered to be more theoretical than actual because the order was supposed to have no direct effect on over-all fare levels until or unless there was a general ratemaking proceeding. Nevertheless, the air carriers generally still became increasingly sensitive to the Board's reaction to the abrupt surge in the profits.

In response, the Board expressed an opinion that the favorable earnings provided an opportunity to reduce fares; asserted that it would allow time for a clear pattern to form before it would consider any action that would affect fares; and maintained that the initiative for such changes should originate with the air carriers.

In view of the increasingly strong financial position of the air carriers, the Board believed it was difficult to find any justification for any kind of fare increase, and expressed its feelings in the *Increased first-class, and baggage allowance and charge case* that the present favorable earnings position of the air carriers offered an excellent opportunity for the air carriers themselves to consider various reductions in fares or alternatively, improvements in service without fare increases.[108] The Board then went on to recommend five specific areas, among others, to which it believed the air carriers should direct some consideration.

1. Development of low-cost transportation service on short-haul segments;

2. Improve the adequacy of existing coach service by:

a. Extending such service to more communities;

b. Increasing the proportion of coach seats to first-class seats in dual configuration aircraft;

3. Provide better service to smaller cities;

4. Experiment with additional economy service in high traffic density markets;

5. Re-establish the free stopover privilege abolished in 1958.[109]

Changes in the first-class and standard-fare structure.—In connection with the general package proposal to revise the baggage allowance, United Air Lines also filed a number of other traffic revisions marketed to become effective on August 1, 1965.

1. Increased first-class jet and propeller fares for distances over 700 miles by fifty cents ($0.50);

2. All first-class jet and propeller first-class fares for distances over 700 miles, which had not been reduced in January 1964, were to be *reduced* to reflect the combinations of (a) a decrease comparable to that in January 1964, plus (b) the fifty cent fare increase related to the change in baggage rules (This action by the way, also amounted to the last-step in United's complete reversal of its fare policy.);

3. All first-class fares for distances under 700 miles, were to be *increased* by fifty cents; and finally,

4. All standard-class fares for distances over 700 miles that had initially been established identical to one-class fares in August, 1964, were to be *reduced* to a level equal to the existing coach fare plus approximately one-third of the difference between the proposed jet first-class fare and the existing coach fare.[110]

No complaints were filed to any of the above proposals.

Having already rejected in the first part of its opinion that portion of the proposed change associated with the industry-wide revision of the baggage allowance (i.e., the adding of fifty cents to each first-class fare), the Board turned to United's additional proposal to expand the previously approved change in the fare structure for distances over 700 miles. Although the Board found that from the facts available there was no way to know for sure what the proposal would produce, it could see no basis for denying the reduction to other markets.[111]

Finally, in addition to the foregoing proposals, United had also routinely filed in the same tariff revision jet first-class fares in several markets for the *first time*. Approximately half of the new jet first-class fares were applicable to markets of less than 700 miles. These increases, averaging only about three percent (3%), reflected both the addition of the usual jet surcharge and the general fare increase of fifty cents per one-way ticket in connection with the baggage rule change.

The Board decided to reject these higher fares, not only with regard to the general fifty cent increase, but more importantly, as regards the addition of the jet surcharge to new jet fares at levels above existing propeller fares. The Board's decision in effect summarily established a new "hold-the-line" policy. Henceforth, higher air fares for jet aircraft would no longer be automatically approved when such aircraft were substituted for propeller aircraft on a new route segment. In other words, by suspending United's tariff, the Board itself was changing a portion of the national fare structure from a semi-value-of-service concept to a semi-cost-of-service basis. The Board justified its decision and enunciated its new fare policy in the following language:

> We note from data reported to the Board that United's earnings have been increasing steadily in recent periods, even though its return is somewhat lower than that for the industry. In the absence of an adequate economic justification regarding these fare increases, which United has failed to supply, and in light of our previous discussion we conclude that these fares, to the extent that

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they are higher than existing first-class propeller fares may be unjust and unreasonable. We are accordingly suspending and will investigate the increases proposed by United and other carriers on jet or propeller equipment above the current propeller fares as these proposals constitute fare increases above the existing level of fares in the applicable markets.

Thus:

(1) The Board referred with apparent approval to the 10.5% weighted average rate of return standard established in the earlier second *General Passenger Fare Investigation* 1960 opinion:

(2) The Board again expressly recognized that fare levels must be regulated to produce a reasonable rate of return "over an extended period of time" (first and second General Passenger Fare Investigation);

(3) The Board emphasized the desirability of tariff changes of a promotional nature that would build additional traffic;

(4) The Board indicated a preference for reductions in fares and service improvements initiated by the air carriers themselves; but

(5) The Board itself initiated a major change in a portion of the national fare structure by eliminating the surcharge for new jet services.

It is unfortunate that the Board decided to merge its five major decisions into one opinion, because the Board evidently failed to communicate its new "hold-the-line" fare policy to the air carriers.[112] As a result, United almost immediately refiled the tariff on August 13, 1965, without the fifty cent increase. About the same time (August 2 and 4, 1965), United filed another routine tariff revision marked to become effective September 1 and 3, 1965, proposing to add seven new one-way jet coach fares in the California and Nevada markets. In support of its tariff proposals, United stated, among other things, that basically the new jet fares were established in accordance with the generally accepted formula used by the trunkline carriers, that its proposed jet fares were no different than other jet fares permitted by the Board until April 25, 1965; [113] that a reversal of the Board's long-established policy permitting higher fares for jet service than propeller service was not desirable at that time; and that *the establishment of new principles pertaining to jet fares should be adopted pursuant to an industry-wide proceeding exploring all problems connected therewith.*[114]

The majority of the Board, however, reaffirmed their previous decision to change the national fare structure by eliminating the surcharge on new jet services; that is, to change from a value-of-service concept to a semi-cost-of-service basis. They vindicated their position by finding that the economic conditions no longer warranted such fares in excess of propeller fares. Member Gillilland dissented and subsequently set-forth his views in C.A.B. Order No. E-22816.

To the air carriers and the public, the Board's new position represented a surprising reversal of a fare structure practice dating back not only to the introduction of jet aircraft in the winter, but also the introduction of the Stratoliners, DC-6s, Constellations, and similar aircraft in the 1940's and early fifties. The jet surcharge had become by 1965 an accepted standard feature of the domestic fare structure. Air carriers included the jet differential in their revenue projections, so that it affected both the purchase and allocation of equipment. And although the Board did state there was no longer any valid economic justifications for imposing jet surcharge on *new* jet services, the Board made no mention as to the fare differentials already in effect in many other markets, nor the disruptive effect the new fare policy would have upon the existing fare structure.

Air passenger fares are not established independently; they have an interwoven relationship to each other that is not only more complex than a spider's web, but frequently much more fragile. As a result, it was to be reasonably anticipated that a major change in only one part of the national fare structure was bound to be more than slightly disruptive.

Third general passenger fare investigation discussed.—On August 13, 1965, United Air Lines filed a letter with the Board in support of its refiling of the jet fares which had been previously suspended by the Board on July 27, 1965. Four times previously in 1943, early 1945, the winter of 1952-53, and again in 1956, the Board or the air carriers had attempted to institute an investigation into the fare structure of the domestic air carrier industry. Each time their efforts were successfully thwarted. There was no investigation, no hearing or other orderly method evolved for the development of a factual basis upon which to predicate sound principles and policy relative to the national passenger fare structure. In other words, for twenty-seven years, although many thousands of individual fare changes had been filed by the air carriers, and although at various times basic methods of constructing air fares by them had been drastically altered, the Board had never investigated the overall fare structure of the air transportation industry to determine whether the charges made for passenger services by the air carriers were in fact just and reasonable.

The President of United Airlines, George E. Keck, proffered two reasons that implied the need for such a fare proceeding in 1965-66—the haphazard fare structure itself, and the realignment of routes being caused by higher performance aircraft.

Two weeks later, in an off-the-cuff speech to the Aviation/Space Writers Association, William A. Patterson, Chairman of the Board of United Air Lines, called on the Board to stop "guessing" and institute a general passenger fare investigation.

"The greatest thing that can happen in this industry is a General Passenger Fare Investigation . . . Let's actually get into the record for the benefit of both sides some of the fundamental and basic factors in economics and marketing so that everyone can learn from them.

"Of course, the CAB might have different views, but this should not be a hearing that was designed either offensively or defensively against someone else's ideas. You will get far better decisions when there is honest conflict of thought, and I don't doubt for a minute that you can have two theories, both of them completely honest. I don't question the honesty of anyone who may be making speeches today on some of these economic questions. I say, let's have an objective hearing, and I am sure we will come up with something that may be revised from my thinking, also from the other fellow's thinking, but I think we would both gain an education from a hearing of this kind." [116]

Mr. Patterson subsequently reiterated his view in an interview with the staff members of *U.S. News & World Report*.

"Today we have a rate structure full of discounts, layers of service and other lures to attract passengers. Unfortunately, only a few of the discounts the airlines are offering are doing anything to increase air travel.

"I think the time has come for the Civil Aeronautics Board and the industry to work together on a general investigation of fares, so that we can reach agreement on the fundamental factors that go into transportation policy and good management." [117]

In rejecting the proposal of the air carriers in 1956 to expand the scope of the second *General Passenger Fare Investigation* to embrace a study of all conceivable aspects of the fare situation, the Board stated:

"As we view the case, moreover, the question is not *whether* we shall explore the structure problems raised, but *when*. Our present view is that we will first examine the general revenue situation, order appropriate percentage adjustments in fares, if necessary, and then turn to the structure problems that may remain." [118]

Thus, theoretically, the Board had committed itself on the record to holding such an investigation. Nevertheless, the Board had concluded that investigation without ever taking up the problems associated with the fare structure. As a consequence, the Board had still never investigated the overall fare structure of the air carriers to determine whether the charges being made for the carriage of persons are in fact just and reasonable.

Although the Chairman of the Board was quoted in September as having stated,

"If we reject something they want, and they want it discussed more fully in an official hearing, we will try to give it every consideration." [119]

It nevertheless subsequently became apparent that neither the Chairman, nor apparently the Board, favored a General Passenger Fare Investigation.

Nor is there any indication the Board wants a general fare investigation as called for by William A. Patterson of United Air Lines.[120]

Murphy also stressed that he favors keeping whatever action the Board takes on an "informal basis." This indicates that Murphy wants to leave the issue open to airline comment and evaluation, an atmosphere that would be difficult should the Board come out with an official order or new policy.[121]

Murphy said he did not think the current fare situation called for a general passenger fare investigation similar to the one concluded in 1960. He added that "I haven't heard any suggestion around the Board for a general fare investigation." [122]

We would like to help the industry find sensible and constructive solutions to its problems. I will be pleased if we can do much of this by informal discussions—and by agreement or mutual consent.

Perhaps it would be too much to expect to achieve "regulation by consensus." But for my part, I will be glad for us to get as large a part of our job done by consensus as we can.

No one can properly be expected to yield on vital principles. But on the other hand, the air transport industry is too important, and full of too many needs and opportunities for progress, for us to waste our time and energies on useless arguments and long drawn-out regulatory battles that we do not need to have.

I'm sure we can accomplish more by working *with* each other than by working *against* each other. And I hope that is the path we follow.[123]

The Chairman has let it be known that he does not favor long, involved hearings on every issue that arises. Such a legalistic approach, he feels generally takes more time than is necessary or justified by the results.[124]

The situation now developing also will be the first real test of the new philosophy brought to the Board by its Chairman, Charles S. Murphy, regarding industry-CAB relations. Murphy's clear preference is to settle key issues around the conference table rather than through the time-consuming formality of public hearings.

"You've got to admire Murphy's guts in approaching a thing this big by means other than the traditional public hearings", one trunkline executive said. "Whether his technique is valid depends solely on whether we can come to agreement." [125]

Apparently the majority was still not impressed by the complexity or importance of the problems which were being dismissed without consideration, because the only reference made to these issues when the ban on surcharges for new jet services was lifted,

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Footnotes at end of article.

was contained in a press release which stated, among other things, "The CAB expects that the ensuing study will delve into all these matters and will provide the basis for long-range improvements in the fare structure."[126]

Re-establishment of surcharges for new jet services.—Just as it had done on similar occasions, the Civil Aeronautics Board again called on air carrier officials to meet with its staff; i.e., the Bureau of Economics. Two meetings were held, the first on October 5, 1965; the second on November 18 and 19, 1965. On the basis of the facts proffered at these two meetings and subsequent revision of the figures to include consideration of the "interlocking" effect, the survey of the domestic trunkline carriers showed the total loss in revenue attributable to the Board's new fare policy would be approximately $146,453,000.00 annually.[127] As a result, by the beginning of 1966 all the indications were that some of the air carriers were ready for a showdown with the Board. Eastern Airlines refiled a tariff which it had previously withdrawn. The tariff (scheduled to become effective on January 20, 1966) contained surcharges for its new jet services. Whereas Eastern and various other air carriers had previously withdrawn their tariffs once the Board had rejected their proposal, Eastern was prepared on this occasion to leave the tariff filed with the Board in suspension, thereby forcing the Board to either hold a hearing on the suspension within six months in accordance with subsection 1002(g) of the Act of 1958, or being forced by that subsection to let the tariff become effective.[128] However, by this time there was also a general feeling among the air carriers that the Board wanted to clear up the confusion in a manner that would enable it to maintain a fare ceiling, and possibly effect some formula for the gradual, orderly reduction of air fares which could be absorbed by the traffic.[129] The Board appeared, among other things, prepared to accept a tradeoff in an amount equivalent to the amount the air carriers would receive from application of the surcharge to new jet services, but the Board was leaving it to the air carriers how to arrange the fare adjustment.[130]

Just as the majority of the Board had advocated in 1948 and 1953, the Board again had directed its staff to prepare a study.[131] This two stage study, and the facts which it presented, was to provide (like the previous reports) a basis for formulating corrective action.[132]

The first stage of the study sought an immediate solution to the inequities arising from the surcharge ban. This report, which was presented to air carrier executives at a meeting between the Board and eleven domestic trunkline carriers on January 24, 1966, contained a recommended formula for reducing fares in an amount equal to potential surcharge revenues.[133] This report included a basic premise that while a ceiling on fare increases was justified, holding all future jet fares to the level of propeller fares was not a practical means of obtaining that objective.[134] The second stage of the study was to be a more detailed analysis of the over-all fare structure and the means by which it might be simplified along more definitive lines. Generally speaking, the staff anticipated that this study would involve (1) an analysis of the existing domestic fare structure, (2) an analysis of cost patterns bearing on key aspects of the basic fare structure, and (3) identification of possible fare structure improvements from the standpoint of a sound national air transportation system and the interest of the traveling public. The Bureau of Economics expected to examine: (1) the mileage taper question; (2) the relationships among the fares for the different basic classes of service; (3) geographical and other fare disparities; (4) fare construction policies and practices including fare-making mileages; (5) possible fare structure criteria; as well as (6) other related matters.[135]

After the January 24th conference, which lasted less than two hours and was attended by nine presidents and high-level representatives of two other trunklines, had been concluded with only one definitive proposal from the air carriers, the fare picture continued to be a highly confused state. The Board had only three alternative courses of action available:

1. The Board could approve the new reduced excursion fare proposal made by United Air Lines at the January 24th meeting, and permit the air carrier to reinstitute the policy of charging a moderate surcharge differential for new jet services: Provided, United and the other air carriers filed with the C.A.B. tariffs to implement such excursion fares;

2. The Board could enter upon a hearing concerning the lawfulness of the fares and provisions proposed by Eastern Airlines which had been subsequently suspended by the Board on January 19, 1966 (C.A.B. Order No. E–23131); but this would be somewhat tantamount to instituting another General Passenger Fare Investigation, and no one but United had much stomach for that course of action; or

3. The Board could do nothing by merely extending the period of suspension of the fares and provisions proposed by Eastern Airlines to July 19, 1966 (the one hundred and eighth day beyond the time when the tariff would have otherwise gone into effect) at which time the tariff would go into effect automatically by statute.

The Board chose the first alternative. As a conesquence, the Board announced that if United filed with the C.A.B. a tariff to implement its excursion fare proposal, as it was understood by the Board, the Board would be disposed to approve such a tariff (subject to consideration of complaints) and also to approve tariffs filed to institute new jet surcharges in line with the prior pattern for a period having the same expiration date as the excursion fare, but not later than April 23, 1967,[136] Similar tariffs filed by other air carriers also would be approved. The air carriers promptly accepted the Board's offer by filing the appropriate air tariffs.[137] As a result, on March 27, 1966, all jet services in the United States were again established on a semi-value-of-service concept, as opposed to some services being on a semi-cost-of-service basis, and some on a semi-value-of-service basis.

The significance of the Board's action and the air carriers' counteraction should be clearly understood. As an answer to a Board reduction of their passenger revenues, the air carriers agreed to some reductions in those revenues, but the air carriers themselves had to suggest and file the tariffs reducing passenger rates. For the eleventh time, the Board agreed to a compromise solution affecting passenger fares, without insisting on the development of a factual record in public hearings upon which to base a far-reaching decision.

In the absence of a formal proceeding, the Board could not direct approriate action to correct the inequities in the fare structure. The 1966 conference, as its predecessors, again without an evidentiary hearing or investigation in any sense, was completely ineffectual. For the eleventh time in twenty-seven years, air fare changes were made without adequate consideration and review by the Civil Aeronautics Board of the United States of America.

In January 1968, the Board's staff issued a "draft" of its long awaited second stage of the study for the stated purpose of obtaining comments and criticism from interested parties. The key element of the study turned out to be industry average regression lines indicating the relationship between existing fares and non-stop, great-circle mileages. Unit costs were also studied on a mileage basis, but as a basis for determining the direction in which the current fare structure should be adjusted, rather than as a test of reasonableness.[138]

In general, the staff found that improvements were warranted and it therefore suggested that various actions be taken to correct existing anomalies and disparities and make improvements in the existing fare structure without a general revision. Specifically, the staff recommended that (1) extreme variations (described at 8% or more) should be modified so as to achieve a greater degree of internal consistency; (2) new fares should be established within the patterns of the extisting structure; (3) carriers should publish single factor through fares in each of the own on-line markets and (4) single factor joint fares in all markets in which two or more carriers offer connecting service; (5) stopovers should be permitted at a reasonable charge; and (6) routing rules should be liberalized and restrictions generally removed. In addition, the staff felt the industry and Board should undertake further study of the fare taper and the relationship of first class and coach fares, as well as the establishment of fare structure criteria.

No attempt was made to establish whether present fares were or were not "just and reasonable", or whether these fares, jointly or severally, complied with the statutory standards of the Act of 1958. In point of fact, neither the Act nor any of its standards were even mentioned in the study. Nor was any consideration apparently given to any other ratemaking basis than mileage, although such a basis had been suggested initially by one of the carriers.

In addition, the title page contained the following notice:

"This is a staff draft which has not been approved by the Board and is not expected to be submitted by the staff to the Board for action until comments of industry and other interested persons have been submitted."

As requested, some of the airlines did forward to the staff their views, and during the interim (while awaiting further developments) continued to file their tariffs according to the customary formula. Then suddenly, without any warning or evidentiary hearing—public or private—the Board announced on July 30, 1968 that fares proposed above the industry average (rounded) should not be permitted to go into effect without an investigation. Member John G. Adams dissented.

A majority of the Board would suspend and investigate because the proposed fares are said to be above the "industry average", by which apparently is meant the so-called "norm" computed in the Fair Structure Study. Thus the majority appears to be enunciating a new policy that fares above the "norm" are unacceptable.

The "norm" is not a standard which the Board has made clear to the industry, let alone a ceiling above which no new fare is to be permitted. Any "norm" is no more than a line drawn through a series of dots representing fares above and below the line, in the preliminary Fare Structure Study.[139]

Fare structure changed.—In terms of operating earnings the financial results of 1968 were disappointing. The air carriers consequently again began to feel that the same old combination of factors again posed a threat to their profit margin; i.e., stabilized revenues, rising costs. Some upward revision in air passenger fares appeared necessary to the carriers. In light of the staff's fare structure, the generally accepted proposition that air carriers were making money on their long-haul service, and failing to meet expenses on short-haul routes had gained new credence. Therefore, to rectify this situation several air carriers filed revised tariffs during the latter part of 1968 and early 1969 using different methodologies. After analysis, the Chairman announced

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XUM

on January 13, 1969, at a meeting with the Chairman, President or other representative of 11 trunklines and 2 other carriers that the Board had concluded that none of the proposals could be approved *in toto* and that all should be suspended.

Following a general exchange of comments on various alternatives suggested by the Board and carriers at this meeting and another on January 16th, the Chairman informed the carriers that a majority of the Board would probably approve an across-the-board increase in first-class fares of $3.00 (with additional increases of $1.00 to $7.00 on certain east-west routes of 800 miles or more); plus an increase in coach fares by $2.00 under 500 miles and $1.00 in markets between 500 to 1,800 mils, etc.[140]

Once again the carriers accepted the Board's offer by filing the appropriate air tariffs, and on February 19, 1969, without the benefit of public hearings and an evidentiary record the Board dismissed the complaints of the National Air Carrier Association and Department of Defense.[141] Thus, for the twelfth time a major change in air fares had been made without the establishment of an evidentiary record. Since February 20, 1969, air passenger fares in the U.S. have been constructed upon a *variable tapered passenger-mileage basis*.

The preceding factual analysis of air carrier rate cases has clearly set forth sufficient facts to establish the complete absence of the development of any factual record as to the lawfulness of present rates, fares and charges for transportation of persons by air carriers. To paraphrase former Member Joseph P. Adams, although many thousands of individual fare changes have been filed by the air carriers during the past 31 years, and although at various times the basic method of constructing air fares by them has been drastically altered, the Board has never investigated the overall fare structure of the air transportation industry to determine whether the charges made for passenger service by the air carriers, including the applicant, are in fact "just and reasonable."

In view of the record, complainants are willing to stipulate that the rates in effect on March 1, 1968, and thereafter are related to mileage, do contain a flat amount of approximately $3.00, to $4.00 or $5.00 per published fare, and are legal, but not that said fares are lawful in the complete absence of any factual record developed through public hearings to warrant such a finding.

Therefore, it is complainants' contention that no foundation has been laid by applicants on the basis of existing fares themselves to substantiate any conclusion that the Industry Jet Coach Regression Line proffered complies with the statutory standards of the Act of 1958 and the *Air Freight Rate Investigation*, and that those present and proposed rates which do not meet these tests are unlawful.

B. Mileage

Second, the mileage used by applicants in their formula are great-circle intercity distances from *city center-to-city center*.

However, according to Part 247 of Title 14 of the Code of Federal Regulation, direct *airport-to-airport* mileage is the official mileage record of the Board which "shall be used in all instances where it shall be necessary to determine direct airport-to-airport mileage pursuant to provisions of Title IV and X of the Federal Aviation Act of 1958. . . ." Titles IV and X incorporate Sec. 404 "Rates for carriage of persons and property" and Sec. 1002.

It is complainants' contention, therefore, that the Industry Jet Coach Regression Line proffered by applicants does not comply with the Economic Regulations of the Civil Aeronautics Board, and that a rate constructed solely on this basis is unlawful.

C. Formula

Turning to the other part of the Industry Jet Coach Regression Line, the mathematical formula used to construct the regression line, it is often desirable from a statistical viewpoint to observe and measure the association which occurs between two or more statistical series.

When two associated series are plotted graphically with one variable on the X or horizontal axis (such as distance) and the other on the Y or vertical axis (say the fare); the result is known as the "scatter diagram." If there is a definite association resulting from the plotting of the variables on the chart, the points will follow a definite line of movement or path or "trend." This resulting line or curve is known as the "line of regression."

When the relationship is perfect, it is obvious that for every given value on the X axis there would always be indicated a certain value on the Y axis. If the series are imperfectly associated, a definite value of Y will still result when a given value of X is selected; however, in accordance with the more or less imperfect association, the variation will cause the points to depart from the indicated line or curve creating a scatter. If there is a high degree of association, the scatter will be confined to a narrow path.

Finally, if the trend of the data is linear, the resulting equation will be of the type: $Y=a+bX$, which is a correlation technique for a straight line trend, commonly known as the "least-squares method." (See: A Study of Domestic Passenger Air Fare Structure, p. 15).

The principle of least squares aids in determining the line that best describes the trend of the data. The princple states that a line of best fit to a series of values is a line the sum of the squares of the deviations (the differences between the line and the actual values) about which will be a minimum. There can be only one having this qualification.

The least-squares lines for a given series may be obtained by use of a set of two of the above type equations derived mathematically. The equations may be solved simultaneously by obtaining equal values for the coefficient of one unknown, either the estimated slope b or the estimated intercept a. Once one unknown is established, the other is easy to compute by substitution. Having obtained the values for the intercept a and slope b, the formula for the line of the trend can be written.

In interpreting the equation it is necessary to state the point of origin and the units used in the enumeration of the original values. For example, the equation as finally stated for airline fares might read:

Trend of Industry Jet Day Coach Fares in the United States, March 1, 1968: $Y=\$7.21+5.67¢X$; Origin: 0 miles; Unit: dollars per fare.

The least-squares method is used extensively in economic computations for estimating secular trends (any general tendency of values in a statistical series to increase or decrease over the X axis), and for calculating the association between two or more variables for comparative purposes. It was adapted in *A Study of Domestic Passenger Air Fare Structure* "as a means of describing the relationship, on the average, between such fares and the related nonstop distance", and "to describe in a general way the fare patterns inherent in the existing domestic fare structure". (P. 11)

As noted in the previous section, domestic airline fares in the United States have, broadly speaking, been computed on uniform tapered rate per mile since April, 1952. Consequently, it is not surprising that "Use of a straight line formula, to indicate the fare-distance relationship, conforms to the general usage in the industry"; and that the Board "tested the degree of fit of a straight line to jet day coach fares and found that the straight line with a coefficient of correlation of .997 is the best fit" (p. 22). In essence, the formula is merely a mirror reflecting itself.

It should be noted, however, that the values of the intercept a and slope b in the Board's staff's study and TWA application do not agree with each other or the values generally used to compute fares. There are three general reasons:

1. A change in mileage utilized for computing the X axis from between "airport-to-airport" by way of the certificated route, to between "city center-to-city center" via the non-stop great circle route;
2. Changes in fares to round dollar amounts; and
3. Miscellaneous factors such as subjective adjustments made in fares by ratemaking personnel, mathematical problems associated with differences in the size of the statistical population, etc.

The least-squares method used to construct the Industry Jet Coach Regression Line is therefore a widely used purely mathematical procedure for computing the average between two variables or determination of a trend. According to Dr. Herbert Arkins and Dr. Raymond R. Colton in their book *Statistical Methods*, the advantages and disadvantages of the least-squares method are as follows:

Advantages

1. The method expresses trend in the form of a mathematical formula which may be easily interpreted.
2. Results obtained under the method are definite and independent of any subjective estimate on the part of the statistician.
3. The resulting equation is in convenient form of extrapolation (extension into future or past).

Disadvantages

1. The technique used is mathematical.
2. The method is based on the assumption that the data follows a trend that can be expressed by a mathematical equation.

Given these advantages and disadvantages, it is again not surprising to find that the Board's staff cautioned in its report of January 1968:

"It should be stressed, however, that the computed fares are not necessarily the 'correct' or 'ideal' fares for any city pair but merely represent a kind of average fare derived from existing fare patterns. (p. 11)

"Although it is mathematically possible to compute a fare from such a formula for any particular distance, it does not follow that such a computed fare should, in fact, be the published fare. (p. 21–22)

"Similarly, differences between the computed and published fares should not be interpreted as conclusive evidence that published fares are either too high or too low." (p. 22)

As previously observed, under the statutory standards of "just and reasonable" it is the results reached not the method employed which is controlling. Consequently, application of this method to ratemaking has to be based in part upon an assumption that the statutory tests will at all times follow a straight line trend which can be expressed by a mathematical equation. Evidence to support such a contention has not been proffered by the applicant.

On the contrary, as just noted, the results obtained under the method used are independent of any other factors including any subjective estimates on the part of the ratemaking airline. The method employed, not the result reached, is in point of fact controlling. As a consequence, the impact of formula upon the determination of rates cannot at all times be said to be just and reasonable.[142]

The point simply is a formula of the type $Y=a+bx$ is merely a convenient method of expressing or indicating the average relationship between two variables or determination

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Footnotes at end of article.

of a trend—not a method for establishing those relationships and trends.

The 4-percent test

In their letter of March 18, 1969, TW proffers, as justification for their proposed fare changes, an alleged recommendation of the Board's staff.

"As already indicated to the Board's staff during a recent meeting with them, our proposal *is consistent* with the first recommendation of the staff study of January 1968 that inconsistencies in the present fare structure be removed prior to further study leading to the development of a new structure." (Emphasis added).

The summary of cited recommendation reads as follows:

"1. The extreme variations of existing fares should be modified so as to achieve a greater degree of internal consistency within the existing structure."

The detail of the Board's staff's recommendation is set forth in the study on pages 62 through 68 under the subheading "Modification of Extreme Variations in Existing Fares", and states in part on page 66–67:

"For a start, those jet coach fares would be identified which vary by more than 8 percent from the average in either direction. These fares, 22 percent of the total, involving 186 markets, represent the more extreme variations or anomalies in the structure. . . .

"Those markets with jet coach fares more than 8 percent above the average would be selected on a coordinated basis and fare reductions sufficient to reduce the fare to within 4 percent of the norm would be proposed. Offsetting fare increases would be permitted, but not required in markets with jet coach fares varying more than 8 percent below the average, giving consideration to the effect of the fare adjustments, both up and down, on the revenue and earnings position of the carriers serving the markets involved. Recognizing that there are more competitive markets and more passengers in markets which are 8 percent or more below the average than there are in markets with fares 8 percent or more above the average, when this phase has been concluded, a number of fares will remain more than 8 percent below the average."

In other words, the first recommendation of the staff study of January 1968 used a variance of 4 percent above or below the jet coach regression line to define the zone within which fares that vary *by more than 8 percent* from the average in either direction should be brought. The Board's staff's test of extreme variation is 8 percent, not 4 percent. To this extent, therefore, applicants' proposal is not consistent with the cited recommendation.

Recommendations

In accordance with Subpart E, paragraph 302.505 of the Board's Rules of Practice in Economic Proceedings, the complainants suggest that the foregoing facts warrant:

1. (a) The Board's suspending and investigating the Trans World tariff filed March 18, 1969, and the United and Braniff tariffs filed April 4, 1969, and in addition all other pending tariff revisions, to determine whether they are unjust or unreasonable, and

(b) If the Board shall be of the opinion that such fares are unjust or unreasonable, that the Board determine and prescribe, in accordance with subsection 1002(d) of the Act of 1958, the lawful rate, fare, or charge thereafter to be demanded, charged, collected or received by applicant;

2. (a) Institution of a general rate proceeding to investigate the structure and construction of air passenger fares to achieve a sound foundation for determining whether such fare, should, or should not, be related to revenue-miles or revenue-hours traveled, or revenue-miles or revenue hours traveled plus an arbitrary charge or charges, or some other factor, in order that such rates will at all times be reasonably related to the statutory standards of the Act of 1958, and rules of ratemaking established by the board, and

(b) As a part of that investigation, to determine and prescribe the national policy regarding the duty of air carriers to establish, observe, and enforce just and reasonable individual and joint through single factor rates, fares, and charges, and just and reasonable rules, regulations, and practices relating to such rates, fares, and charges, in all markets in which service by a single carrier is authorized, or in which connecting service is needed to avoid competition in excess of that necessary to assure the sound development of an air transportation system;[142] and

3. Undertake a rulemaking procedure to amend Part 241 of Title 14 of the Code of Federal Regulation and applicable Schedules and Definitions for Purpose of this System of Accounts and Reports to require submission of revenue-hour information (e.g., available seat-hours, available ton-hours, passenger-hours flown, ton-hours flown, etc.) in order that such data will be readily available for a comprehensive and objective investigation of the fare structure.

In the absence of a comprehensive, full-scale investigation of the general air passenger fare structure the air carriers have in effect been the actual creators of not only their own ratemaking policy, but more importantly, of the national policy. As a consequence, today we have a national air passenger fare structure adapted to the vested interests, expansion plans and ambitions of the individual air carriers, rather than the vital interests of the present and future needs of the foreign and domestic commerce of the United States for an adequate and efficient air carrier system. This price policy not only does not comply with the Act of 1958, but it has led to the establishment of many unjust or unreasonable, or unduly preferential, or unduly prejudicial rates, fares, and charges.

In support of the complainants' suggestion that the Board undertakes a comprehensive rate investigation which includes consideration of a revenue-hour basis, complainants note that it has historically been the Board's stated position that "rates must at all times be reasonably related to costs." *A fortiori*, it logically follows that the basis upon which fares are constructed should be related to the basis or bases upon which costs are *incurred*.

In this regard, complainants have on file a detailed break-out of air carrier operating costs which disclosed, first, that air carriers incur operating expenses in a normal business fashion; i.e., by contract wages, salaries, hourly pay, piecework (mileage pay), rents, interest, and the purchase or rental of equipment and materials.

Second, the study reveals that the industry's traditional break-out of expenses on the basis of (a) direct aircraft operating expenses, and (b) ground and indirect operating expenses, is not identical to the generally accepted economic and accounting definitions of "fixed" and "variable" costs.

Third, that by utilizing an allocation of expenses adopted by the Board in two mail-rate cases,[144] a logical approach can be nevertheless made to identify (1) the basis upon which individual costs are incurred, and (2) the cost unit to which such expenses are best oriented.

On an unadjusted basis, the study discloses (a) that the 10 classifications of operating expenses historically used by the C.A.B. have been allocated by the Board in the cited mail-rate cases on 11 different cost bases, and that (b) the similarities between a number of these expense categories permits them to be arbitrarily reduced to four major classes as follows:

1. *Aircraft-hours flown by type of equipment,* includes aircraft-hours, total hours, stewardesses'-hours, passenger-hours, and a ratio to the total of all other costs (i.e., general and administrative costs);

2. *Weighted aircraft departures,* including a ratio to the total of all other costs;

3. *Tons enplaned,* including numbers of passengers, and a ratio of the total of all other costs; and

4. *Revenue—nonmail,* including revenue passenger-miles, and a ratio to the total of all other costs.

Using the domestic operations of U.S. domestic trunklines carriers as the basis for distributing air carrier operating expenses, the following two distributions were derived.

First, on the basis of the Board's *allocation* of operating expenses, seventy-one percent (71%) of all air carrier costs were found to be related to the number of aircraft-hours flown by type of equipment. The remaining twenty-nine percent (29%) were distributed between weighted aircraft departures and tons enplaned (17%), and revenue-nonmail (12%).

Second, thirty-nine percent (39%) of the over-all expenses were found to be *incurred* by aircraft-hours flown by type of equipment, thirteen percent (13%) by one-time purcases, and forty-eight percent (48%) were primarily assumed on a periodic calendar basis.

On the basis of this evidence, it can be reasonably concluded that an air carrier's costs are primarily incurred upon either a periodic calendar or aircraft-hour flown basis (87%). More specifically, it can be reasonably asserted that the major portion of a U.S. domestic trunkline carrier's overall operating expenses—somewhere between 39% and 71%—probably are actually *incurred* by the number of aircraft-hours flown by type of equipment.

The validity of the preceding distribution has been verified by data of four other cost studies.[145] Further, *A Study of the Domestic Passenger Air Fare Structure* also indicates a major portion of the operating costs of the airlines studied are incurred on an hourly basis.

Upon the basis of such evidence it can be reasonably concluded that to make certain air carrier charges strictly comply with the Board's ratemaking principle enunciated in the *Air Freight Rate Investigation*, such rates, fares, or charges, should be related seventy-one percent to aircraft hours flown by type of equipment, and twenty-nine percent to aircraft departure, tons enplaned, and revenue or sales—nonmail.

Fortunately, however, further investigation has revealed there is a much simpler method for relating revenues to costs. A significant amount of statistical data indicates there has always been a very high degree of mathematical correlation between overall operating expenses and those costs incurred solely on an hourly basis. That aircraft-hours flown is the cost unit to which airline operating expenses are best oriented.

If these are the facts, as the evidence set forth hereinbefore suggest, then it would appear to be prudent and equitable to establish rates, fares, and charges for air transportation in such a manner that total revenue yield per aircraft hour flown exceeds the overall operating expenses per aircraft hour flown. Hence, complainants' suggestion by way of substitution that there are sufficient facts to warrant consideration of construction of air carrier rates on revenue-hour basis.

Air transportation revenues come primarily from income produced by the sale of various air carrier services. The charges for these various services can be constructed in a number of ways. Nevertheless, regardless of how such air fares are put together, once the rate for a given service is published, it becomes a fixed amount which is normally not affected by any subsequent changes in the actual operating situation.

As a result, it is the operational factor or factors which mathematically fixes the number of air services that can be produced and the yield per individual trip, and not the method employed in constructing the fare

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Footnotes at end of article.

which is the controlling factor in determining the amount of revenue an air carrier can earn. It is not the theory of ratemaking, but the operational factor or factors which regulates the yield and number of air services that counts.

Complainants have on file as part of the cost study outlined above, a revenue study which indicates, among other things, that once air carrier rates, fares, and charges are established, the operational factor which ultimately determines the yield and number of air transport services which can be produced is the elapsed block-time. Hence, regardless of the method employed to construct such fares, the basic revenue unit of air transportation is the revenue-hour.

This finding of the study has now been substantiated in part by the practical experience of the local transit lines of the United States. For approximately the last 20 years, the national association of these companies, the American Transit Association, has rendered a monthly periodic report to its members reporting therein the average "revenue per vehicle hour". Equally important, the Association has not been reporting the revenue per vehicle mile even though such statistical data is and was available.

Such evidence as this when tied together with that regarding air carrier costs seems to indicate that the fundamental cost, revenue and need units of air transportation are all related to an identical basis—and that therefore a pragmatic adjustment to the revenue-hour is required by the Act of 1958, as well as the rules of ratemaking previously adopted by the Board.

With regard to the formula set forth in Attachment I, it should be noted that an equation of this type is primarily designed for ratemaking in capacity cost industries, such as air transportation. Since the equation is a ratemaking formula, it does not ignore the judgment of the marketplace. In point of fact, as a cost-*value* oriented formula, it specifically requires the ratemaker to make such estimations.

In essence, this formula puts the air carrier's need for sufficient revenues to provide adequate and efficient air carrier service above the line, and all the other statutory factors below. In addition, because it is a ratemaking formula which incorporates subjective judgments on part of the ratemaker, it is not designed to be used with mathematical precision, but only as a guideline in evaluating fare proposals. The judgment of the air carrier's tariff department and the Board is an integral part of the formula.

Furthermore, it should be also noted that such an equation can be used on a revenue-hour or revenue-mile basis. The author of the formula merely used revenue-hours because he felt there were sufficient facts to warrant adoption of this revenue unit to insure compliance at all times with the Board's rule of ratemaking enunciated in the *Air Freight Rate Investigation*, and to achieve a greater degree of internal consistency within the fare structure itself.

One of the key factors which has historically been recognized in determining the future earning potential, unit cost-of-service, and "just and reasonableness" of a rate is load factor. The relationship between cost, price and load factor underlies the whole area of airline profitability.

The Board's staff recognized this relationship in its recent staff study:

"The foregoing data suggest that there is a critical relationship among fares, cost, volume of service, and load factor in that each factor, at once, affects and is affected by the others. It is obvious that volume of service affects load factor which in turn affects cost and fare level. It seems equally clear, however, *that the fare level affects the volume of service offered* by the several carriers in the market and that *a fare set well above cost, based on a reasonable load factor, may contribute to the operation of excessive capacity and resulting inefficient use of resources.* The data developed in this study suggest that long haul jet coach fares are quite high in relation to cost of service even at the relatively low load factors prevailing in the transcontinental markets. The latter suggest that excess capacity is being provided in these areas. *It is a reasonable inference that the high level of long haul jet coach fares at least tends to support such overscheduling which in turn creates a need for a higher fare level than would otherwise be* necessary."[146]

TW's passenger load factor between San Francisco and New York during the calendar year 1966 was 43%, and 46% in 1967. During this period, TW had approximately a third share of the market, carrying 180,395 passengers in 1966, and 234,141 passengers during 1967.[147]

As previously noted, air carrier fares are primarily based, or should be based, on cost and load factor decisions.[148] Consequently, complainants' request that in determining the just and reasonable rates requested hereinbefore, the Board take into consideration, among other things, load factor.

Finally, because (1) the Bureau of Economics has in connection with "A Study of the Domestic Passenger Air Fare Structure":

(a) noted "fares should be related to distance or time traveled . . .";

(b) demonstrated that direct cost per block hour is constant; and

(c) did receive a letter from M. Lamar Muse, President, Central Airlines, dated April 26, 1966, in connection with that study suggesting "the feasibility of substituting for the present mileage criteria of fare construction and measurement a standard time criteria based on jet aircraft speeds";

(d) but subsequently conducted all of its research other than the initial acquisition of operational data, on only a mileage basis; and

(2) in view of:

(a) Mr. Charles C. Tillinghast, Jr., President of Trans World Airlines, statement before the Board on March 17, 1969:

"It (the cost-oriented formula for fares) is moving ahead vigorously. As I said before, our people are available to your staff, and indeed they have had a number of discussions, and I even understand by fortunate coincidence that the formula that we have worked out and the formula that you have developed have a lot more similarities than they have differences. I suspect that if the only people involved here were the Board and the TWA we might come to a conclusion with considerable dispatch"; and,

(b) the intimation in TWA's letter of March 18, 1969, of many discussions between the air carrier and Board's staff relevant to applicant's filing of March 18, 1969.

There appears to be sufficient facts to warrant, for the purposes of this proceeding and subsequent hearing, the Board's staff being disqualified as an attorney for the public, or in the alternative, being classified as a hostile witness with a vested interest in support of applicant's petition.

REQUEST

In summation, it is complainants' contention that the proposed fare changes are unlawful because the formula used and the values used in the formula do not, jointly or severally, comply with the Act of 1958, the Economic Regulations of the C.A.B., and/or the rules of ratemaking previously enunciated by the Board. It is therefore complainants' request that the Board:

(1) suspend and investigate the Trans World tariff filed March 18, 1969, and the United and Braniff tariffs filed on April 4, 1969, and all other pending tariff revisions, and where it is of the opinion that the proposed or present rate is unjust or determine and prescribe the lawful rate or rates;

(2) institute a general rate proceeding to investigate the fare structure of the air carriers to determine, among other things, whether air carrier fares should be related to revenue-miles, revenue-hour, an arbitrary charge, or a combination thereof, or some other factor, and to prescribe a broad national policy with regard to the establishment of individual and joint air carrier fares; and

(3) undertake a rulemaking procedure to amend Part 241 of Title 14 of the Code of Federal Regulations and applicable Schedules, and Definitions to require submission of revenue-hour traffic data in addition to revenue-hour operations data.

FOOTNOTES

[1] Munn v. Illinois, 94 U.S. 113, 134 (1877); Federal Power Commission et al. v. Hope Natural Gas Co., 320 U.S. 593, 601 (1944).

[2] Federal Power Commission v. Natural Gas Pipeline Co. et al., 315 U.S. 575, 586 (1942).

[3] Federal Power Commission v. Hope Natural Gas Co., *Op. Cit.*, 602 and cited cases.

[4] Caves, Richard E., Air Transport and Its Regulators, Harvard University Press, Cambridge, Massachusetts (1962) p. 143.

[5] Air Passenger Tariff Discount Investigation, 3 C.A.B. 242 (1942).

[6] Cherington, Paul W., Airline Price Policy: A Study of Domestic Airline Passenger Fares, the Plimpton Press, Norwood, Mass. (1958), pp. 79–80.

[7] Moore, Armory O., Department Editor, "Allocation of Air Transportation Cost in Determining Domestic Mail, Passenger and Cargo Rates," Judicial and Regulatory Decisions, 15 J. Air L. & Com., 343 (summer 1948).

[8] Order No. 2164, dated February 27, 1943.

[9] General Passenger-Fare Investigation, 17 C.A.B. 230, 243 (1953).

[10] Gill, Frederick W. and Bates, Gilbert L., Airline Competition, Harvard University Press, Cambridge, Mass. (1949) p. 398. Dr. Bates is at present Chief, Planning, Programming & Research Division, Bureau of Economics, C.A.B.

[11] C.A.B. Orders Nos. 2302, dated June 10, 1943; 2344 dated July 7, 1943; and 5102 dated August 21, 1946.

[12] C.A.B. Order No. 2302, dated June 10, 1943.

[13] C.A.B. Orders Nos. 3350, 3351, 3352, and 3353.

[14] General Passenger-Fare Investigation, *Op. Cit.*, 243.

[15] C.A.B. Orders Nos. 3950, 3951, 3952, and 3953.

[16] General Passenger-Fare Investigation, *Op. Cit.*, 243.

[17] In addition to these fare reductions, a number of the middle and smaller sized air carriers that had not previously adopted the uniform base rate in 1943, took advantage of the widespread tariff changes in 1945 to also construct their fares upon a uniform flat passenger-mileage basis.

[18] General Passenger-Fare Investigation, *Op. Cit.*, 243.

[19] *Ibid.*, 243–244.

[20] Gill and Bates, *Op. Cit.*, p. 398.

[21] *Ibid.*, p. 400; Hawaiian Common Fares Case, 37 C.A.B. 269, 271–272 (1962).

[22] *Ibid.*, p. 401.

[23] *Ibid.*, pp. 401–402.

[24] American Air. et al., Mail Rates 14 C.A.B. 558, 561 (1951).

[25] C.A.B. Press Release 48–64, dated August 10, 1948. General Passenger-Fare Investigation, *Op. Cit.*, p. 244.

[26] Caves, Richard E., *Op. Cit.*, p. 144.

[27] Air Freight Rate Investigation, 9 C.A.B. 340, 344–345 (1948); emphasis added.

[28] Cherington, Paul W., *Op. Cit.*, p. 89.

[29] *Ibid.*

[30] *Ibid.*, p. 91.

[31] C.A.B. Press Release 49–77, September 7, 1949.

[32] C.A.B. Press Release 51–95, December 6, 1951.

[33] Cherington, aul W., *Op. Cit.*, 97.

[34] "It is almost axiomatic in air transportation that the earnings carriers derive from long-haul high density operations serve to support their marginal short-haul low density operations." Trans World Air Siesta

Sleeper-Seat Service, 27 C.A.B. 788, 792 (1958). See also Capital Air., et al. Mail Rates, 18 C.A.B. 457, 467 (1953); Capital Airlines, et al., Mail Rates, 20 C.A.B. 712 (1955).

[35] C.A.B. Order Serial No. E-6305, dated April 9, 1952, 3.

[36] *Ibid.*, 4–5.

[37] *Ibid.*, 6–7.

[38] *Ibid.*, 8–9.

[39] *Ibid.*, 10.

[40] *Ibid.*, 1–2.

[41] General Passenger-Fare Investigation, *Op Cit.*, 230.

[42] Cherington, Paul W., *Op. Cit.*, 104–105.

[43] General Passenger-Fare Investigation, *Op. Cit.*, 234–235. See also C.A.B. Economic Regulation 399.31 Rate Policy applicable to nonsubsidized carriers.

[44] *Ibid.*, 232 (*non sequitur*: Lat., It does not follow).

[45] *Ibid.*, 235–239.

[46] Cherington, Paul W., *Op. Cit.*, 106.

[47] General Passenger-Fare Investigation, *Op. Cit.*, 242–243.

[48] C.A.B. *Coach Policy for the Certified Domestic Carriers*, statement of October 5, 1953. See also, Frederick, John H., Commercial Air Transportation, Fourth Edition, Richard D. Irwin Inc., Homewood, Illinois (1955) 282.

[49] Cherington, Paul W., *Op. Cit.*, 107.

[50] C.A.B. Order Serial No. E-10279, dated May 10, 1956.

[51] Supra.

[52] General Passenger-Fare Investigation, 23 C.A.B. 803, 804–805 (1956).

[53] C.A.B. Order Serial No. E-11135, adopted March 15, 1957.

[54] Suspended Passenger-Fare Investigation, 25 C.A.B. 511 (1957), 522.

[55] *Ibid.*, 522.

[56] *Ibid.*, 538.

[57] *Ibid.*, 523.

[58] Member Gurney dissenting.

[59] Trans World Air., Interim Fare Increases, 26 C.A.B. 387, 288 (1958).

[60] *Ibid.*, 390.

[61] *Ibid.*, 392.

[62] *Ibid.*, 407.

[63] C.A.B. Order Serial No. 13066, October 27, 1958. See Rule 28—Stopover, Section III Fares and Routings—General, Local and Joint Passenger Rules Tariff No. PR-4, A.T.B. No. 19, C.A.B. No. 43, Airline Tariff Publishers, Inc., Agent, Washington, D.C.

[64] C.A.B. Order Serial No. 13066, October 27, 1958.

[65] The handling of the introduction of the surcharge for new jet services was initially subject to uncertainty.

In December 1958, National Airlines inaugurated the first domestic jet service (New York, New York to Miami, Florida) using Boeing 707 aircraft leased for the winter season from Pan American World Airways. National's original tariff provided for (1) *first-class:* a ten dollar ($10.00) surcharge on propeller first-class fares (i.e., jet $90.80, propeller $80.80); (2) *coach:* the propeller first-class fare was charged (i.e., jet $80.80, propeller $53.55). The Board subsequently suspended the jet coach fare, but not until the introductory season was past. (The proceeding was eventually dismissed without prejudice because National indicated that it did not intend to use this fare structure in the future.)

In January 1959, jet service was introduced into the transcontinental market. American Airlines apparently initially filed tariffs to implement an identical dollar amount surcharge differential on both jet coach and jet first-class. The Board approved the surcharge on new jet first-class service, but rejected the surcharge on new jet coach services. The Board's rejection was based upon a "seating-density standard"; i.e., the seating in the jet coach was substantially comparable in density to that in propeller aircraft. American, supported by several other air carriers, petitioned the Board for reconsideration. The air carriers threatened to not file tariffs containing a surcharge for new jet first-class services unless they were permitted to employ a similar surcharge for new jet coach services as well. The Board gave in, arguing that the jet coach services had a higher quality in speed and comfort that warranted a higher price; i.e., a semi-value-of-service concept.

Somewhere in the ensuing process the surcharge differential on new jet coach services was evidently increased, because according to the figures published by the C.A.B. Bureau of Economics in "Analysis of Domestic Current Fare Structure and Historical Fare Data" (1966), the surcharge on new jet coach services between New York-Chicago-Pacific Coast cities in January 1959 was equal to the surcharge differential on first-class fares *plus* $1.50.

	Chart	Prop	Jet	Differential
1st class:				
New York-Los Angeles	13	$166.25	$176.25	$10.00
Chicago-San Francisco	15	120.35	127.35	7.00
Chicago-New York	21	47.95	50.95	3.00
Coach:				
New York-Los Angeles	13	104.00	115.50	11.50
Chicago-San Francisco	15	80.05	88.55	8.50
Chicago-New York	21	35.35	39.85	4.50

The use of absolute dollar amount surcharge differential for both services naturally reduced the differential between the services percentagewise. The additional $1.50 aggravated the situation. Both methods changed the national fare structure.

See: C.A.B. Order No. E-13232, December 4, 1959; C.A.B. Order No. E-13395, January 16, 1959; C.A.B. Order No. E-13417, January 22, 1959; because none of these orders are published in C.A.B. Reports, see Caves, Richard E., *Op. Cit.*, 166–167.

[66] Our own experience in the previous investigation of fares, as well as the advice of the respondents and bureau counsel, make it abundantly clear that to satisfy our primary aim is, of itself, a major undertaking that will require at least a year to accomplish. General Passenger-Fare Investigation, 23 C.A.B. 803, 804.

[67] General Passenger-Fare Investigation, 32 C.A.B. 291, 294 (1960).

[68] *Ibid.*

[69] One reason given was that, "because a substantial portion of expenses is directly responsive to the volume of capacity offered and traffic carried, airlines are markedly able to blunt the effects of a slackening of revenue growth upon return margins by a substantial contraction of expenses. *Ibid.*, 296.

[70] For the local-service air carriers, the Board had previously found a cost of capital of 5.5% for debt, 21.35% for equity, applied to the actual debt; equity ratio, subject to a minimum floor of 9% and a maximum of 12.75%; where the investment is less than 25 cents per plane-mile, a floor of 3 cents per plane-mile is used. Rate of Return, Local-Service Investigation, 31 C.A.B. 685 (1960).

[71] C.A.B. 230, 234–235 (1953), *supra.*

[72] General Passenger-Fare Investigation, *Op. Cit.*, 328.

[73] As a second test of reasonableness, the resulting fare level should also be measured against the revenue needs of the individual air carrier and/or group of air carriers (Big Four, Middle Eight, etc.), thereby giving consideration to (1) the extent by which the fare level meets the costs of the group; (2) the relative number of passenger-miles accounted for by various groups; (3) the extent by which an air carrier deviates from the norm; (4) the effect of such deviation on the group and industry average; etc. *Ibid.*, 330.

[74] *Ibid.*, 331; emphasis added.

[75] *Ibid.*, 294, 320.

[76] *Ibid.*, 320–321.

[77] *Ibid.*, 321.

[78] *Ibid.*, 339–340.

[79] C.A.B. Press Release 60-10, dated April 29, 1960.

[80] C.A.B. Press Release 60-13, June 17, 1960, Note: in G.P.F.I., "The scope of possible orders to be issued was limited to flat percentage changes in the fares of particular carriers or groups of carriers, General Passenger Fare Investigation, *Op. Cit.* 293.

[81] Domestic Trunkline Passenger-Fare Increase, 31 C.A.B. 984, 985 (1960).

[82] *Ibid.*, 986.

[83] C.A.B. Order Serial No. E-16068, adopted November 25, 1960.

[84] On October 7, 1960, the Board had permitted the domestic trunkline air carriers to raise jet coach fares to 75 percent of the first-class jet level since the carriers had asserted a need for additional revenue and as a means to check the substantial diversion from first-class to developing on two-class jet flights. (Order No. E-15894, dated October 7, 1960.) This percentile differentiation corresponded exactly with the minimum vertical fare structure differentiation established in the Board's fourth 'Coach Policy Statement' on October 5, 1953; supra, —. See also C.A.B. Economic Regulation 399.33(d) Domestic coach policy, *fare differentials.*

[85] Henzey, William, "The Fare Muddle", *Airlift*, Vol. 27, No. 8 (January 1964) 53.

[86] In 1957 United Air Lines had offered a propeller custom coach service (its first "middle-class" service) at fares approximately three percent (3%) higher than ordinary propeller coach fares. United's proposed "DC-7 Custom Coach" is a new class of service, different from its regular coach service and materially different from its first-class service. The net effect of the proposal would be that United will offer the public three classes of service as against two at the present time. Initial Decision of the Examiner, United Custom Coach, Suspension and Investigation, 26 C.A.B. 23, 36 (1957).

[87] Ashlock, James R., "Three Competitors File Protests Over Continental Coach Fare Cuts", *Aviation Week and Space Technology*, Vol. 77, No. 7 (August 13, 1962), p. 37.

[88] The Board permitted the tariff to become effective for a limited period, initially to January 1, 1963; later extended to February 28, 1963. At the same time, the Board instituted an investigation of such fares; Order No. E-18706, dated August 15, 1962. Also see Order No. E-18759, dated August 31, 1962, denying reconsideration. Subsequently, by Order No. E-19313, dated February 21, 1963, pending final conclusion of the investigation already ordered, the Board concluded that "these fares appear reasonably related to the cost and value of the service and thus meet the principal test of just and reasonableness."

[89] "First-Class Revenue Drop Spur Support for Single Class Service", *Aviation Week and Space Technology*, Vol. 78, No. 7 (February 18, 1963), p. 44.

[90] Henzey, William V., *Op. Cit.*, p. 55.

[91] *Ibid.*

[92] Doty, L. L., "CAB Seeks To End Domestic Fare Chaos", *Aviation Week and Space Technology*, Vol. 80, No. 2 (January 13, 1964), p. 34.

[93] *Ibid.*

[94] Henzey, William V., *Op. Cit.*, 55.

[95] American Airlines had previously, in 1961, wanted to reduce first-class fares over 1,200 miles by five percent; *Supra*, 38. Later American noted that "almost two-thirds of total airline trips are less than 700 miles; *Infra*, footnote 104.

[96] Continental Air Lines' Economy-coach fares, Family-Plan Discount, Hawaii-mainland Thrift-fares, American Airlines' First-class tariff.

[97] Doty, L. L., "CAB Seeks to End Domestic Fare Chaos"; *Op. Cit.*, 34.

[98] *Ibid.*

[99] *Ibid.*

[100] *Ibid.*

[101] Continental Air Lines eliminated busi-

ness-class service on January 27, 1964, substituting coach service in its place.

[102] Doty, L. L., "CAB Seeks to End Domestic Fare Chaos", *Op. Cit.*, 35.

[103] Passenger fares proposed by Eastern Air Lines, Inc., et al., Docket 15713, C.A.B. Order No. E–21637 (January 4, 1965) 2.

[104] "Eastern's Proposal to Revise U.S. Fare Structure Stirs Variety of Reactions", *Air Travel, Official Airline Guide*, Chicago, Illinois (January 1965) 38.

[105] Passenger fares proposed by Eastern Air Lines, et al., *Op. Cit.*, dissent, pages 1–2.

[106] United States air carriers bill the Post Office Department, and the Department in turn bills the Postal Service of the foreign nation.

[107] Gregory, William H., "Government Tightens Reins on Revenues", *Aviation Week & Space Technology*, Vol. 83, No. 8 (August 23, 1965) 38. See "MAC Contract Rate Revision to Be Set", *Aviation Week & Space Technology*, Vol. 84, No. 5 (January 31, 1966) 34.

[108] Increased first-class fares, and baggage allowance and charges, proposed by the Domestic Trunkline Carriers, Docket 16363, Order No. E–22483, dated July 27, 1965, 7.

[109] *Ibid*, 7–8.

[110] *Ibid*, 3–4.

[111] *Ibid*, 8.

[112] Ashlock, James R., "United Jet Fare Rejection Shakes Industry", *Aviation Week & Space Technology*, Vol. 83, No. 10 (September 6, 1965).

[113] Note: The Board considered the practice had continued until July 27, 1965, when it suspended several jet first-class fares proposed by United.

[114] Surcharge for new jet service, proposed by United Airlines, Inc., Docket 16457, C.A.B. Order No. E–22587, dated August 27, 1965, 1–2.

[115] *Supra.*

[116] "Mr. Patterson Sounds Off—and How!", *Air Travel, Official Airline Guide*, Chicago, Illinois (February, 1964) 22, 23.

[117] "All in One Lifetime—From 'Crates' to Super Jetliners", *U.S. News & World Report*, Vol. 60, No. 6 (February 7, 1966) 62, 64.

[118] General Passenger Fare Investigation, 23 C.A.B. 803, 805, (1956); *Supra* 26.

[119] Ashlock, James R., "CAB Chairman Pledges Firm Fare Limits", *Aviation Week & Space Technology*, New York, Vol. 83, No. 11 (September 13, 1965) 37.

[120] Ashlock, James R., "CAB Seeks Surcharge Dilemma Solution", *Aviation Week & Space Technology*, New York, Vol. 84, No. 1 (January 3, 1966) 28.

[121] "Murphy Forecasts Revised Fare Policy", *Aviation Week & Space Technology*, New York, Vol. 84, No. 2 (January 10, 1966) 37.

[122] *Ibid.*, 38.

[123] Murphy, Charles S., "Trends in Transport Regulation", address at the National Transportation Institute of the Transportation Association of America, New York City (January 12, 1966) 9–10.

[124] Ashlock, James R., "Board To Offer Option to Surcharge Ban", *Aviation Week & Space Technology*, New York, Vol. 84, No. 4 (January 24, 1966) 39.

[125] Ashlock, James R., "Threat of 1967 Fare Investigation Looms", *Aviation Week & Space Technology*, New York, Vol. 84, No. 20 (May 16, 1966) 36.

[126] C.A.B. Press Release 66–19, dated February 9, 1966, 3; *Infra; Supra.*

[127] "Carriers' Estimate of Jet Surcharge Loss", *Aviation Week & Space Technology*, New York, Vol. 84, No. 1 (January 3, 1966) 28.

[128] Fares for first-class and coach jet service proposed by Eastern Airlines, Inc., Docket 16879, C.A.B. Order No. E–23131, January 19, 1966; C.A.B. Order No. E–23461, dated April 1, 1966.

[129] Ashlock, James R., "CAB Seeks Surcharge Dilemma Solution", *Op. Cit.*, 29.

[130] Ashlock, James R., "Board To Offer Option to Surcharge Ban", *Op. Cit.*, 39.

[131] The 1953 staff study was never pursued. In 1956, the Board's Chairman (a new member) did not even know that the dismissal order for the first *General Passenger Fare Investigation* called for a staff investigation. See Caves, Richard E., *Op. Cit.*, 148.

[132] C.A.B. Press Release 66–19, dated February 9, 1966, 3.

[133] Ashlock, James R., "Board To Offer Option to Surcharge Ban", *Op. Cit.*, 40.

[134] Ashlock, James R., "CAB Seeks Surcharge Dilemma Solution", *Op. Cit.*, 28. Note also: "A difference of opinion on the issue has existed between the Board and the Bureau of Economics ever since the surcharge ban was imposed last summer. The Bureau, for example, proposed then that if the Board chose this policy, it should exempt those routes on which jet service was already established. . . . The Board rejected this suggestion."

[135] Roth, Irving, form letter, dated April 21, 1966.

[136] C.A.B. Press Release 66–19, dated February 9, 1966, 3.

[137] On February 10, 1966, United Air Lines filed a new tariff under the Title of "Discover America Excursion Fare." Basically, the principal features of United's proposed package fare are (1) a round-trip fare at 25 percent discount of a jet coach fare; (2) regular reservation; (3) one free stopover on either the going or return portion of the trip; (4) no restrictions as to age, organization, family status, etc.; (5) return trip may not commence in the same calendar week, but must be commenced within 30 days; and (6) not available during certain peak travel periods; i.e., hours, days, weeks, and months. The chairman said he was particularly interested in the expansion of packaged tours in domestic markets and greater provision of stopover privileges. (Ashlock, James R., "CAB Chairman Pledges Firm Fare Limits", *Op. Cit.*)

[138] Rates Division, Bureau of Economics, A Study of the Domestic Passenger Air Fare Structure, Civil Aeronautics Board, Washington, D.C. (January 1968) 5.

[139] Fare Addition proposed by United Air Lines, Inc., Docket 20062, C.A.B. Order Serial No. 68–7–149 (July 30, 1968), Member Adams dissenting.

[140] Report on Meetings Between the Civil Aeronautics Board and the Domestic Trunkline Carriers on Domestic Passenger Fares, Civil Aeronautics Board, Washington, D.C. (no date).

[141] Fare increase proposed by the domestic trunkline carriers, Docket 20696, 20719, C.A.B. Order Serial No. 69–2–68 (February 19, 1969); Vice Chairman Murphy and Member Minetti filed a joint statement.

[142] Even conceding *arguendo* that the total effect of such a rate order could not be said to be unjust and unreasonable, it is doubtful the airlines' managements and the Board are prepared at this time to surrender the exercise of all their powers and duties with respect to the determination of rates to any mechanical formula.

[143] Sec. 102(d), Federal Aviation Act of 1958; Bureau of Economics, A Study of the Domestic Passenger Air Fare Structure, *Op. Cit.*, 72; *Supra.*

[144] American Airlines, Inc., et al., Mail Rates, Docket No. 2849 et al., 14 C.A.B. 558, 595–599 (1951); American Airlines, Inc., et al., Domestic Trunklines, Service Mail Rates, Docket No. 6599 et al., 21 C.A.B. 8, 54–58 (1955).

[145] Air Transport Association, Exhibit 100, General Passenger Fare Investigation, C.A.B. Docket No. 8008 (1961) 11. (See also, Miller, Ronald E., Distribution of Total Operating Expenses by CAB Functional Class; Domestic Trunklines, 1956; *"Domestic Airline Efficiency."* The M.I.T. Press, Cambridge, Massachusetts (1963) 11; Treatment of Revenues and Expenses, General, "Report of Ernst & Ernst on Survey of Separation of Compensatory Mail Pay from Total Mail Payments to Domestic Airlines"; 18 J. Air L. & Com. 206, 216; Wheatcroft, Stephen, "Economics of European Air Transport," Table 14, *The Economics of European Air Transport*, Manchester University Press, Manchester, England (1956) 82; Speas, R. Dixon, "Operating-Cost Summary, Major United States Airlines, Calendar Year in Early Fifties", Table 16–4, *Technical Aspects of Air Transport Management*, McGraw-Hill Book Company, New York, (1955) p. 300.

[146] Bureau of Economics, A Study of the Domestic Passenger Air Fare Structure, *Op. Cit.*, 70; emphasis added.

[147] TWA's share of the market was 32.4% in 1966, 33.7% in 1967.

[148] *Supra.*

APPENDIX 1

ONE TYPE OF RATEMAKING FORMULA [1]

[Direct operating cost+indirect operating cost+profit element (available capacity)×(load factor)×(value adjustment) =uniform base rate (per passenger, ton or cube by class of service or equipment]

Value of service as percent of uniform base rate (net yield) (1)	Market demand as percent of traffic flow (2)	Value adjustment to uniform base rate (Col. 1 multiplied by col. 2)
106	5	5.3
100	55	55.0
75	10	7.5
66⅔	15	10.0
50	15	7.5
Value adjustment needed in base rate		85.3

Example: $\frac{\$530+\$430+\$240}{110 \text{ seats}\times 60 \text{ percent}\times 0.85}=\$21.50$ per passenger-hour

[1] Suggested by way of substitution pursuant to subpt. E, par. 302.505 of the CAB's Rule of Practice in Economic Proceedings.

Source: Hon. John E. Moss, "The CAB Staff Study of Air Fares," Congressional Record (May 9, 1968) 12689, 12694.

[Before the Civil Aeronautics Board, Washington, D.C., May 1, 1969]

COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS WITH REQUEST FOR TARIFF SUSPENSION AND A GENERAL RATE INVESTIGATION

(In the matter of the AA tariff filed April 18, 1969, and the WAL tariff filed April 18, 1969).

Complainants request that the Board incorporate the contents of the complaint filed on April 21, 1969 into the subject filings and:

(1) suspend the tariffs;

(2) institute a general rate proceeding to investigate the fare structure of the air carriers to determine, among other things, whether air carrier fares should be related to revenue-miles, revenue-hour, an arbitrary charge, or a combination thereof, or some other factor, and to prescribe a broad national policy with regard to the establishment of individual and joint air carrier fares; and

(3) undertake a rulemaking procedure to amend Part 241 of Title 14 of the Code of Federal Regulations and applicable Schedules, and Definitions to require submission of revenue-hour traffic data in addition to revenue-hour operations data.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document and the filing of April 21 upon American Airlines, Inc. and Western Air Lines, Inc. by causing copies to be mailed to such carrier or its agent properly addressed with postage prepaid.

JOHN W. BILLETT.

[Order 69-5-28, docket 20928]

PASSENGER FARE REVISIONS PROPOSED BY AMERICAN AIRLINES, INC., BRANIFF AIRWAYS, INC., TRANS WORLD AIRLINES, INC., UNITED AIR LINES, INC., AND WESTERN AIR LINES, INC.

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1969)

ORDER OF INVESTIGATION AND SUSPENSION

By tariff filed March 18, 1969,[1] marked to become effective May 19, 1969, Trans World Airlines, Inc. (TWA) has proposed to revise its domestic fares by (1) adjusting its jet coach fares so that all fares would fall within 4.00 percent (plus or minus) of the present industry jet coach fare norm, and (2) adjusting its jet first-class fares to maintain the existing differential between coach and first-class fares.[2]

Subsequently, by tariff revisions marked to become effective May 19, 1969, Braniff Airways, Inc. (Braniff) and United Air Lines, Inc. (United) have filed to match TWA's proposal in part. Furthermore, American Airlines, Inc. (American) has filed to match TWA's proposal, as revised, and Western Air Lines, Inc. (Western) has filed to match the fares proposed by American, TWA, and United but only in competitive markets. American, Braniff, and United, similarly to TWA, propose to adjust their jet coach fares to a level within 4.00 percent of the industry jet coach norm, as determined in the staff's study of the domestic fare structure published in January 1968, rounded and adjusted for the fare changes permitted by the Board in February of this year. These carriers also propose to make similar changes in jet first-class fares.

A complaint has been filed by the Honorable John E. Moss, M.C., (California) and 19 other Members of Congress requesting suspension and investigation of the proposals the institution of a general rate proceeding to investigate the fare structure of air carriers, and the undertaking of a rulemaking procedure to amend Part 241 of Title 14 of the Code of Federal Regulations (and applicable schedules and definitions) to require submission of traffic and operations data on a revenue-hour basis. The complaint alleges that the proposed changes are unlawful because the Passenger Fare Study formula used as a standard, and the values upon which the formula is based, do not comply with the statutory standards of the Federal Aviation Act of 1958, the Economic Regulations of the Board, and/or the rules of rate-making previously enunciated by the Board. The complaint further alleges that, contrary to the applicants' contention, their proposal is not consistent with the staff's recommendations regarding the elimination of extreme variations.

In support of their proposals, and in answer to the complaint, the carriers assert that the changes are being made to reflect desirable improvements and eliminate inequities in the present fare structure, and to generate needed additional revenue. TWA and United assert that while the fare increases permitted to become effective on February 20 and 26, 1969, provided some measure of relief, improved the relationship between fares and costs, and improved the fare differential between classes of service, they did not provide for sufficient increases in revenue. They allege that their increased revenues would be significantly less than the 3.8 percent estimated by the Board, due to the nature of their operations. TWA alleges that its proposal is consistent with the first recommendation in the staff's fare study of 1968, and that inconsistencies in the present fare structure should be removed prior to further study leading to the development of a new fare structure.

Moreover, the carriers assert that the basis for the suspension request is not that the proposed fares are *prima facie* unjust or outside the zone of reasonableness, but that the formula used in their construction, and the values used in the formula, may not comply with the Federal Aviation Act or with the Board's Rules and Regulations; that to the extent the complaint attacks the method used to construct the proposed fares, it ignores its own earlier statement that under the statutory standards of just and reasonable fares it is the result reached, not the method employed, which is controlling; and that in this regard the complaint has failed to show that the end result of the proposals contravenes the standards of the Act.

Upon consideration of the tariff proposals, the complaint and answers thereto, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.

The Board is not opposed to elimination of extreme variations from the "norm", *per se*. However, we are not at this time prepared to conclude that the fare norm utilized by the carriers in developing their proposals is the most appropriate measure against which to make adjustments in the structure. In view of the advanced stage of the Board's informal investigation into cost oriented norms, and the expectation that an adequately tested formula may be arrived at during the time in which these proposed fares are being investigated, the Board is unwilling to permit the proposed fare changes to become effective at this time.

Aside from questions for fare structure, the tariff filings before us represent requests for an increase in revenue. Less than three months ago (February 20, 1969 and various dates thereafter), the Board permitted a general fare increase which, it was estimated, will result in additional revenues approaching 4 percent for the trunkline industry.[3] It is true that this percentage of increased revenues is an "industry average" figure; and individual carriers may find inequities in their fare structures which will warrant some increase. We note that the carriers have recently filed to place a 7-day minimum stay requirement on their Discover America excursion fares, to become effective June 1, 1969. This limitation should lessen the diversionary effect of these fares and, according to earlier estimates, would have contributed additional revenues for the trunkline carriers of some $15 million based on 1967 traffic. In all these circumstances, the Board is unable at this time to approve without investigation a further revenue increase for the trunkline industry.

In this connection, the Board is very much concerned about a problem which it considers basic to the economic state of the industry, and which cannot be solved by a series of fare increases. This problem is the presently depressed level of load factors. Load factors for the domestic trunkline carriers have been dropping steadily since 1966. The 53.0 percent passenger load factor reported for the calendar year 1968 is the lowest reported for any of the past 20 years. This trend gains added significance in light of the substantial amount of traffic that traveled at discount fares last year (in excess of 40 percent). Moreover, estimates indicate that the domestic trunk load factor will drop to even lower levels during 1969.

The carriers have not erred in their basic traffic forecasts. Both the carriers and the Board have been surprisingly accurate in traffic forecasting. But the carriers have bought equipment despite (not by reason of) traffic forecasts.

As long as the industry's load factor continues its present downward trend, and inflationary pressures persist, the carriers may find themselves in a cost-revenue squeeze despite the introduction of more efficient aircraft and the adjustment of their fares. Another significant aspect of an unnecessary increase in unused capacity is the corresponding growth in the investment base and fixed charges. On the other hand, it cannot be expected that fare increases will stimulate additional traffic. The basic solution to the industry's present financial situation would appear to lie in exercising restraint in ordering new flight equipment and in the use of its available capacity, rather than in increasing its price to the public.

Returning to the question of fare structure, the Board is of the opinion that inconsistencies arising from the lack of published joint fares are inseparable from the inconsistencies which may exist in presently published local fares. We believe that correction of both should proceed simultaneously. A significant number of passengers are today traveling in markets where one carrier service is not available, and where no joint fare is published for inter-carrier connecting service. Passengers traveling in such markets must pay a combination of local fares, each of which reflects the February increases. Fares for these passengers, therefore, reflect a compounding of increases which the formula permitted by the Board in February 1969 was not intended to reflect. The Board finds no reason for continuing such inequity.

On the basis of the foregoing, the Board is of the opinion that the proposals now before it are, if nothing else, premature. It is probable that a more appropriate measure of consistency, in the form of a cost-oriented norm, will soon be adequately tested out. And the Board believes that elimination of inconsistencies in presently published fares should be accompanied by elimination of the inconsistencies which exist by reason of the lack of a published joint single-factor fare for connecting service. We view these two facets of the fare structure as inseparable, and believe that joint fares should be published in all markets where the volume of traffic averages one or more passengers a day.

In view of the above, we deem it advisable to defer action on the complainants' request that the Board institute a general rate proceeding to investigate the fare structure of air carriers pending further informal investigation into a cost-oriented formula. Complainants also request that the Board undertake a rule making proceeding to to amend Part 241 of the Economic Regulations "to require submission of revenue-hour information (e.g., available seat-hours, available ton-hours, passenger-hours flown, ton-hours flown, etc.) in order that such data will be readily available for a comprehensive investigation of the fare structure."

At present, the carriers report over-all aircraft revenue hours for scheduled and nonscheduled services, separately, on a system basis. In addition, the Board has under consideration in a pending rulemaking proceeding proposed amendments to Part 241

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B.: Nos. 101, 98, and 90.

[2] TWA also proposed to discontinue the common rating of Los Angeles and San Francisco, TWA proposed to do this by basing the new Los Angeles fares on the jet coach norm or the present fare, whichever is lower and basing the new San Francisco fares on the Los Angeles fares per mile, subject to a maximum difference of $5.00. The City of San Francisco filed a telegraphic complaint, to be followed by a formal complaint, and on April 10, TWA notified the City and the Board of its decision to cancel this portion of its proposal.

[3] Order 69-2-98, adopted February 19, 1969.

which would, *inter alia*, require certificated carriers to report monthly on a flight stage basis revenue, aircraft hours (airborne) and aircraft hours (ramp-to-ramp).[4] Such data, together with other data which would be required under the proposed rule, would provide the revenue-hour information specified by complainants on a flight segment basis. In light of the foregoing, complainants' request will be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 240(a), 403 404, and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto, and rules, regulations or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including August 16, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 20928 to the extent that it requests initiation of a rulemaking proceeding under Part 241 of Title 14, C.F.R. is hereby denied; and such complaint to the extent that it requests a general rate proceeding to investigate the fare structure of air carriers is hereby deferred;

4. The complaints of the City of San Francisco and the San Francisco Chamber of Commerce, in Docket 20880, which are related to the Los Angeles-San Francisco common fares, are dismissed;

5. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

Mabel McCart,
Acting Secretary.

Members Gillilland and Adams would not have suspended or investigated these fares.

[Docket 20928]

Notice of Prehearing Conference

(Passenger fare revisions proposed by American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.)

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 11, 1969, at 10:00 a.m., (eastern daylight saving time) in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Examiner Thomas P. Sheehan.

Evidence requests, proposed procedural dates, statements of issues, and statements of position shall be filed with the Examiner and on all other parties on or before June 5, 1969.

Dated at Washington, D.C., May 27, 1969.

Thomas L. Wrenn,
Chief Examiner.

(SEAL)

American Airlines,
New York, N.Y., June 4, 1969.

Re passenger fare revisions—docket 20928.

Examiner Thomas P. Sheehan,
Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Sheehan: American has instructed its tariff agent to withdraw the fare revisions under investigation in this proceeding.

This action has been taken in order to permit consideration of the fare formulas recently develped by the Board's staff and circulated to the industry for review. American continues to believe that the revisions presently under investigation, or similar revisions, are desirable and should be promptly implemented.

In view of its withdrawal of the pending revisions, American does not plan to participate further in this proceeding.

Respectfully submitted.

George B. Berridge,
Jerome S. Sowalsky,
Attorneys for
American Airlines, Inc.

Trans World Airlines, Inc.,
Washington, D.C., June 5, 1969.

Re docket 20928.

Congressman John E. Moss,
Rayburn House Office Building,
Washington, D.C.:

Prehearing conference in the above-referenced docket has been set to be held on June 11. TWA is in the process of withdrawing the tariffs under investigation in the subject proceeding. Accordingly, it is respectfully requested that the date for a prehearing conference insofar as TWA is concerned be postponed indefinitely or until such time as the board acts in response to the tariff withdrawal.

U. V. Hoffman,
Assistant General Counsel.

[Docket 20928]

Notice of Postponement of Prehearing Conference

(Passenger fare revisions proposed by American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.)

American Airlines, Braniff Airways, Trans World Airlines, United Air Lines, and Western Air Lines are taking action to cancel all of the proposed fare revisions which were ordered investigated in this docket. Under these circumstances notice is hereby given that the prehearing conference now assigned to be held on June 11, 1969, is hereby postponed indefinitely.

Dated at Washington, D.C., June 6, 1969.

Thomas P. Sheehan,
Hearing Examiner.

I personally feel that the material shows that contrary to the view of the Board the airlines operate in very close concert. It is a real coincidence indeed, that five domestic carriers with pending tariffs which were to be investigated should suddenly decide that those tariffs be withdrawn. At the very time the CAB permitted this to take place they were sanctioning another "collusion" similar to that which took place in January. Of significance, however, was the fact that due to the exchange of correspondence which I had with the Board, a transcript was kept. That transcript from the June 16 meeting follows:

Civil Aeronautics Board,
Washington, D.C., June 17, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Congressman Moss: In accordance with your request, we are enclosing a copy of the transcript of the conference of the officials of Trans World Airlines with the Civil Aeronautics Board on Monday, June 16, 1969.

Sincerely,

John W. Dreggs,
Director, Community and Congressional Relations.

[Before the Civil Aeronautics Board]

CAB Conference: Trans World Airlines

Washington, D.C.,
June 16, 1969.

The conference convened, pursuant to notice, at 2:30 p.m., before:

John H. Crooker, Jr., Chairman.
G. Joseph Minetti, Member.
Whitney Gillilland, Member.
John G. Adams, Member.
And Staff.

Appearances:

F. C. Wiser, Jr., President, TWA.
Blaine Cooke, Senior Vice President-Marketing.
R. H. H. Wilson, Senior Director-Tariffs.
R. S. Villanueva, Director-Economic Analysis.

CONTENTS

Statement of Mr. F. C. Wiser, Jr., President of Trans World Airlines.

PROCEEDINGS

Mr. Wiser. Mr. Chairman, Members of the Board and Ladies and Gentlemen:

I certainly appreciate the opportunity to visit with you this afternoon. I am going to do my best to be brief in our direct presentation in the hope that we still have adequate time for you to ask some hard questions of my colleagues who are here, who have done all the work that I am going to discuss.

I think that I should make clear we haven't come here today to talk about any specific proposals with regard to fares, certainly not any that would be addressed to any immediate problems in our industry.

I do hope, however, that we can define some concepts which we think are essential for any sound fare structure in the future.

Anytime we talk in terms of a cost base fare structure, we must recognize that the roots of such a fare structure have to be founded in a close relationship between the fares the passenger pays and the actual total cost incurred in carrying him on his journey. We spent a great deal of time in TWA in the past two years trying to establish these relationships.

A cost-oriented structure demands that the cost analysis be rigorous and be applicable on an industry-wide basis. Insofar as possible, we have used industry information for our purpose to the point where we are convinced that our approach is both feasible and practical. Obviously, however, there are some gaps in the information we have available to us as a result of the fact that we don't have individual carrier information on some aspects of this proposal.

This is why we cannot claim to be able to develop ourselves a precise cost fare structure and why it is important that if there is interest in the Board and staff, we have some coordination and help from your group.

As some of you probably know, in 1968 TWA gave a presentation on this subject and at that time we suggested that certain presumptions inherent to the present system could not be supported in a cost justified structure, particularly that all parmets of the same distance should not necessarily have the same fares and that all cities should not be treated identically.

We were of course pleased that the recent staff proposals have reflected in part the difference of operating cost of some of the cities in this country. Even more significant, however, is that this is only part of our concept.

The important thing is the recognition that the traffic density in the market vitally affects the cost of carrying passengers in the market so it is important that both factors be recognized because to some extent they are offsetting.

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[4] EDR-146, September 25, 1968.

The high cost of congestion and the economies of density both tend to increase with size of the cities. To ask communities to pay for congestion without passing on the benefits of density is unfair.

As you will see, other than the recognition of market density, we are not proposing any radical departure from other approaches. On the contrary, our hub approach is closely related to several suggested structures with which you are familiar. Like most of these proposals—certainly the staff proposals—our basic building blocks are terminal costs, described by the so-called A factor, and a line haul or variable cost which increases with distance and are described by a B factor.

Typically, costs are computed in relation to how the aircraft flies. In other words, in terms of the nonstop segments operated by the flight schedule. It is how we have traditionally done it, and it is done by most airlines.

On the other hand, the trip itinerary of many passengers does not represent a simple single leg that would correspond to one nonstop segment of a flight schedule. We think that in the past there has been too little recognition in fare development of the necessity of relating unit revenues to the types of costs actually incurred on the basis of how passengers actually do, in fact, travel.

(Slide.)

In order to make this concept a little clearer, this slide shows the different definitions of passenger volume as they relate to the trunk industry for the year 1967.

Probably the most normally used measure of passenger volume would be the last entry on this table, shown as Trunk O&D, 87,978,000 passengers. This, as you know, counts a passenger only once from point of origin on the trunk line system to ultimate destination.

However, as shown by the other data on this chart, there are other ways of counting passengers which may have even more relevance from a costing standpoint.

The number described as on-line, which is 97,214,000, views the passenger from origin to destination within a given carrier's route structure and therefore would count him again if he connected to another airlines.

The number described as flight—105 million—used the passenger from point of enplaning to point of deplaning on a given flight and would count him again when he connects to another flight whether on the same airline or another airline.

The number described as nonstop counts the passenger every time he takes off on a nonstop segment and therefore could count him repetitively on a multi-stop or connecting flight.

(Slide.)

We made an effort to cost out the differences of these four types of travelers and, as you can see, the nonstop passenger, which is the solid line, shows a lower cost decreasing with length of haul.

The trunk O&D passengers on the other hand shows a higher cost factor, in fact the highest on the chart in between on-line and flight passengers.

These costs are based on pure jet aircraft costs for 1967, plus provision for 10½ percent ROI. Each of these curves, I am sure, is a familiar format to you of the A plus Bx approach. These however are average cost curves and do not give us the full answer since other differences in cost exist beyond those explained by differences in length of haul. A true cost-based fare structure, one which would provide a cost justification for changes in fare level of structure, must recognize these other factors.

The most significant of these appear to be differences in costs due to differing market density and differences in terminal service cost between cities.

We will now talk about these factors and their effect on the fare structure.

Our analysis of passenger flow, necessary to the development of passenger costs on a true O&D basis, permitted us to examine the effective density on line haul costs. We believe that recognition of density and its effect on line haul costs establishes the critical dimension for developing a cost-based fare structure.

(Slide.)

For example, in this chart, you can see that the New York-Los Angeles market for 1967 has a heavy demand and is also characteristic of this demand that the market obtains nonstop service with the latest and most economic equipment.

Albany-Los Angeles is approximately the same distance, but has a market density which is only four-tenths of a percent as great, and is predominantly served by connecting service through New York. Market density, of course, largely determines the level and quality of the service offered in such a market.

Clearly then, in spite of similar nonstop distance, it costs an airline more to carry a passenger from Albany-Los Angeles than from New York-Los Angeles. Cost per mile decline with distance only if similar markets are being compared—markets with the volume necessary to allow the same level of service.

So if we wish to have an orderly structure which comprehends all markets, including those served by connections, then we must include the additional dimension of volume or traffic density in our equation, as this essentially determines the feasible level of service.

The costing technique which we have developed permits the accumulation of costs against the passenger trip as the passenger actually travels. This includes the costs of nonstop segments of multi-stop flights and connections between flights, changing equipment and class of service and moving more or less circuitously from his originating to his destination points.

We have accumulated this cost data into categories based on market volume to establish difference in cost levels related to density.

Incidentally, we have used the same market categories established by the FAA in their annual survey of station activity and used in defining terminal fare factors in the latest CAB Staff Study on fares. The differences in trip costs attributed to density are used to establish different line haul fare factors by market category.

(Slide.)

Perhaps in another way, this slide shows you how increases in density affect line haul costs. As you can see in the chart, the average is exceeded in the short low density flight in the left of the chart, and gradually decreases as density increases and this affects the line haul or B factor in our equation.

(Slide.)

This chart talks about terminal cost and shows the variation of terminal cost and therefore reflects terminal fare factors with increasing size of the cities and again, as the city grows in size, going to the right on the scale, you can see the increase in what is traditionally called the A factor and it does differ by city, and this is recognized by many people.

Incidentally, included in our A factor here for the industry we have used landing fees, those costs that are related to taxi-time and airborne delay time. We have done this and recognized this in the basic fare equation or cost equation because these things are the same for all carriers.

However, those things that are different for carriers we have recognized in the base average, those things such as individual carrier selection of airport facilities, reservation-ticket offices, ground property, and so forth, because such costs are dependent on the individual carriers' marketing philosophy, construction program, and so forth.

(Slide.)

Here is a combination of what we have been talking about. The chart on the left combining the terminal A factors and line haul B factors shows five different curves. These are representative of a total potential of fifteen equations which would cover all the city pair combinations in our analysis.

We need to only make one adjustment to the curve as it was developed in analyzing the effect of our equation on specific markets, we found that the higher mileage coefficient or B factor stabilized beyond a certain distance and that is the break in those curves, and you will notice that the low density, high fare markets continue on the same fare taper as the high density, low fare markets but starting with a higher base.

The chart on the right compares our concept with some of the recent formulas sent to us for consideration about which we will have more specific things to comment later on.

Both of these approaches used a varying slope, but there is only one, there is no little similarity between the two except that our set of equations recognizes the relationship between line haul cost and density.

I think it is important to note that the hub fare in high density markets is the lowest available fare beyond the point where the high terminal factor is an important consideration. In other words, as the distance lengthens, the high density fare is the lowest fare. In contrast, in the CAB equations, if you look at the high density fare, because it sticks with the high terminal costs, does tend to develop a higher fare for the high density markets and a lower fare for the lower density markets.

I should point out, however, that in the aggregates when we sum them together, the hub fare curves display a declining mileage coefficient just as is found in the case of the CAB equations.

In any case where we use the fare system which does not reflect the cost of light density markets, we recreate a situation where revenues are inadequate to cover the cost in those markets.

This is true generally because it becomes particularly visible when joint fares are established and prorates arrangements made. Prorates establish a base whereby the loss involved is shared. As tapers increased using a single factor equation, this changes the basis for sharing the loss to the disadvantage of the longer haul carrier.

(Slide.)

Perhaps to illustrate this a little further, we might examine a representative trip in a less dense market involving an intercarrier connection.

We will see on this chart that both carriers subsidize such a trip since they receive less than the regular fare from such a passenger. I think you can see by this chart that on the right, once the fares are prorated, the present situation from St. Louis to Grand Junction shows that both the absorption is 2.7 percent and one of the things that concerns us in that proposal aggravates this situation even more with the absorption becoming 16.7 percent.

This is absorption by both the long haul carrier and by the local service carried involved. The absorption being the same percentage for both, and of course on the lower one, a similar situation exists and the proposal aggravates the situation even more.

In other words, we take in both cases a percentage which you see before you, less than the regular fare on that leg of it, if it were sold as an individual piece of transportation.

(Slide.)

Now, we had a recent example of this in some of the increases that went into effect in February. This shows that as a result of the February increases, which in the St. Louis-Sacramento market had a through fare of $100, went to $101 that the trunk carrier carrying St. Louis to San Francisco lost.

So that our take, or the carrier's take on that went down 1.6 percent. The basic reason for that why our percentage is different than the local service carriers is that in this case their increase in their fare over that period of time was considerably greater than ours, so the prorate came out 29.5 percent ahead.

(Slide.)

If I might now summarize a little bit what I have been trying to say. We think that the hub concept has the advantage of making possible provisions for fares which reflect the different cost of serving different markets. Other techniques do not provide such a market-oriented relationship and therefore will have established fares which have unpredictable effects on service patterns, certainly on profits.

It should not be forgotten that the underlying passenger costs curve for the industry establishes a level which can be directly related to the average passenger fare level.

The hub concept, therefore, offers a basis for adjusting fares to reflect new technology, trends in overall industry productivity and changes in our supply prices such as wages, fuel, equipment, commissions, etc.

The CAB would have the option available to reflect the effect of these factors in a clear fashion consistent with the cost experience of the industry.

Today relative profitability between carriers is, as you know, subject to wide variation. This is due in part to the failure of the fare structure to reflect actual cost, particularly those related to market density and terminal operations.

With the implementation of the concept we have talked about, relative profitability will depend upon other factors, the most important of which is cost efficiency, competitive character of markets and its own ability to compete successfully.

We think the hub concept will encourage the development of new patterns of service consistent with growth in individual markets and changes in basic technology.

With these advantages in mind, if we should implement cost justified fares, we in the industry and the Board would have to consider future changes within this structure or else face other basic structural correction at a subsequent time.

We believe with this approach the basic fare structure will have stability and changes can be made in a timely and orderly manner justified by trends in underlying costs.

You probably notice that I haven't presented previous proposals regarding fares or the effect of the implementation of this concept on the total industry. The reason for this is that with all the work that we have done on this, we really only have completely finished a study based on the 1967 industry data and that data contains certain assumptions that we have made as to the characteristics of other carriers' traffic flow which obviously is not completely accurate.

At this time we are involved in running 1968 data and have about three months to go before we complete that task. However, it only seems fair to recognize the only meaningful way to implement such an approach would be through cooperation of the staff.

We spent a great deal of time and money on this, and I think it is a serious question for us as to whether we should proceed any further unless we have some encouragement from you to do so.

I think it also is obvious that the concept we have proposed is not yet developed to a point where it would be any specific help in resolving present problems. I would hope, however, that any forthcoming fare consideration would not do further violence to the cost-based concept we have developed.

As I mentioned in the beginning, I have purposely avoided discussion of many of the details of this program in order to allow you time to ask questions of the experts that I have with me. I purposely also avoided talking about something I don't understand and I have a lot of friends here who are willing to enlighten you, if you so desire.

Chairman CROOKER. Could you turn on the slide showing the cost from St. Louis to Grand Junction a moment?

On the second horizontal line of figures, you show local fares of $56 from St. Louis to Denver and $22 from Denver to Grand Junction.

Now if a person goes from St. Louis to Denver, he pays $56 if that proposal were in effect and if person B goes from Denver to Grand Junction he pays $22. I say two different people.

Mr. WISER. Yes, sir, that is correct.

Chairman CROOKER. If person C wants to go from St. Louis to Grand Junction, is there any nonstop flight presently flown between St. Louis and Grand Junction?

Mr. WISER. No.

Chairman CROOKER. But a man could buy a ticket, and if he bought one ticket, you are saying that whenever a man has to touch down, because there is no nonstop provided, the carrier should charge a higher rate?

Mr. WISER. Based on the cost of that touchdown, yes, sir, and the rehandling of the passenger.

This is not necessarily one carrier, as you understand.

Chairman CROOKER. This is a change of carrier here?

Mr. WISER. In this case, yes.

Chairman CROOKER. But other situations in which one carrier could do it but not with nonstop authority?

Mr. WISER. Yes, that is right.

Chairman CROOKER. Suppose there is a pair of points; is there, for example, nonstop service between St. Louis and Augusta?

Mr. WISER. No.

Chairman CROOKER. Imagine a place where there is some carrier that operates one nonstop flight per day from X to Y. Are you suggesting that on the onestop flights that carrier holding nonstop authority would charge more to ride the one-stop plane than the non-stop plane?

Mr. WISER. I guess I am suggesting if that is the way the passenger actually goes, the answer to the question is yes, because the cost would be consistent with that.

Maybe what you are leading up to is why doesn't he go on the nonstop and that is the density problem again.

Why isn't there a nonstop, is the density problem. One of the things I didn't dwell on but one of the things that would encourage nonstops would be if the actual fare were $78 instead of $65, it would be more incentive for nonstop than today's situation.

Chairman CROOKER. I am taking it in reverse. I am assuming that the through fare might be a proper one and maybe the segments of it ought to come down.

But since you are not talking about what is a good and proper fare structure, we won't either. My trouble is, if there is a nonstop flight at five o'clock in the afternoon, but no other nonstop flight all day long because there is not enough traffic, are you really serious in saying that a passenger willing to travel at 11:30 in the morning or 1:15 in the afternoon before the rush hour ought to pay the carrier more to travel than the man who is in a hurry at five o'clock and has worked all day and wants to travel at the peak traveling hours?

Mr. WILSON. We would not differentiate the fare by the way the person travels. The fare would be determined by the classification of the departure point and arrival point. Therefore, St. Louis is by our classification system a large hub. Grand Junction is a small hub. The fare between them is determined by factors determined by the distance and classification. The fare does not vary depending on how the passenger actually flies.

Mr. WISER. The way he flies, however, correlates the size of the cities. Large cities more direct; small cities less direct.

Mr. ADAMS. I guess you are saying if you have a one-stop restriction between Point A and B—TWA has—and is competing with United which has a nonstop, this would put you out of the market.

Mr. WISER. Yes.

Mr. ADAMS. In the case of the local service carriers who operate with many restrictions, they would be just about killed.

Mr. WISER. If they didn't meet the nonstop fare, yes.

Mr. WILSON. This would tend to help the local service carrier. Take a typical itinerary for this particular journey. TWA, St. Louis to Denver, Denver to Grand Junction by Frontier. At the present time, the Frontier would get from that $20.42, because he has to take an absorption of 2.7 percent.

Under our hub proposal, that absorption would be reduced because the fare from St. Louis to Grand Junction would be close to others.

Equally, St. Louis-Augusta, and then connection with Southern. Southern would no longer be faced with 13.5 absorption.

Mr. ADAMS. You are saying under your proposal Frontier——

Mr. WISER. This is not a reflection of our proposal.

Mr. ADAMS. I understand that, but Frontier's share would go down to $18.33?

Mr. WILSON. That is Proposal A. That is the Staff's proposal, sir, which is the one we have difficulty with.

Mr. ADAMS. Your proposal is not on there?

Mr. WISER. No, that is right.

Mr. WILSON. We didn't want to put it on as it is misleading based on 1967.

Mr. WISER. It's not current enough.

Chairman CROOKER. You have alluded to Proposal A and I had understood those were matters for discussion in an on the record meeting in July, but since it is opened up here, did you find that the fares under any such formula were in excess of what is presently being charged in any of your markets?

Mr. WILSON. In the short haul markets, that particular proposal would introduce——

Mr. WISER. I think the only reason we chose this is proposal A was consistent with one talked about last January and just representative of what I would call another approach or different approach to the problem than we are suggesting. We weren't trying to comment on it. I wish we could. If we put our 1967 data on a chart like this we would be here two hours trying to explain how come the numbers are different.

Chairman CROOKER. The short haul fares would be increased?

Mr. WILSON. Right. But the other point is that the long haul fares would in some measure be decreased without any respect to the volume of the taffic traveling in those markets and the costs would not be decreased in those markets.

Chairman CROOKER. I take it you can have thin markets either short haul or long haul?

Mr. WILSON. But the thin markets in the short haul are relatively cheap to operate because you don't have congestion problems. Thin markets in the long haul are very expensive to operate because you normally have connecting passengers and therefore all the costs of the connection.

Chairman CROOKER. The thrust of your statement today is that density in the market is a factor that should be considered along with other factors in developing long-range any sort of cost-oriented or semi-cost-oriented formula?

Mr. WISER. That is correct. It does affect the line haul calculations and it is a factor in cost, the density of the market.

Mr. Adams. Maybe you can't answer this question, but I am a little lost on it.

If there were a proposal B there which would be what TWA would be proposing, if carried forward, what would the figures be? How do they differ? What do you end up with?

Mr. Wiser. I don't think I can tell you because I don't have the figures.

Mr. Adams. But you did say something about there would be less loss for local service carriers?

Mr. Wiser. Yes, because his fare would be based on the cost we would find in his operation. You see, today I think one of the things we are trying to illustrate here is that whatever his costs are, and let's assume it is $21, just for assumption purposes, we start out with a through fare that is $2 less than the legitimate.

If you assume there are two legitimate fares, they already have a problem to the tune of 2.7 percent. We would hope with the calculations we would make that in many markets, again depending on the density of the cities primarily involved, both would come out to 71 or 73, the same answer, because the cost would tell you what the answer is.

Mr. Adams. Would your package—if a package proposal were made this way, would it end up with a net loss or net gain in the cost of transportation nation-wide, carrier-wide, industry-wide?

Mr. Wilson. You can set it as a total to come out to any level you wish it. We are talking about structure, not level.

Mr. Wiser. For example, if we put in ten and a half percent return on investment and had instantaneous costs . . . the distribution would be the same, but you could put anything in that you wanted.

One of the things we talked about last week is that this proposal, this work that we have done is based largely on history. However, with a sound foundation of historical cost, it would be perfectly possible to project what you might be expecting over a longer period which is certainly one of your concerns. And grind that into the equation and see where would be the optimum point to set the fare for some time, and lend stability. Because once we had a solid foundation of the cost structure of it, which we don't have, and solid foundation of the traffic flow of the business, then you could project and it would also lend itself to small adjustment on a historical basis because the data you are getting today is better than before and could lend to fine tuning adjustment rather than waiting until the gap gets to be one of concern.

Chairman Crooker. In an early slide you showed 87 million O&D passengers and 138 million passengers by number of hops that they make.

The extra 51 million—is that largely in the local service carrier end of the business?

Mr. Wiser. No, all trunk, sir.

Mr. Sims. Would your proposal involve a reduction in the present taper of the fare structure?

Mr. Wiser. That is beyond my pay grade, I am sorry.

Mr. Wilson. No, it would not. How the taper came out would depend on how, at individual distances, the markets were weighted by density.

Our calculations based on 1967 data showed there would be increase in taper which is in accordance with your expectations.

Mr. Sims. If you are going to reduce the absorption, the way to eliminate the absorption is to have absolutely no taper at all.

Mr. Wilson. That is one way of doing it.

Mr. Sims. There is a way of reducing absorption without reducing taper?

Mr. Wilson. Yes, by differentiating between markets. Because when you go by connecting carrier from A to B to C, you use a different equation to get A to C fare than to get A to B and B to C fare.

Chairman Crooker. In connection with your study so far, do you have any tentative view on the factor, the minimum figure and the maximum figure to be applied to what otherwise would be a computed fare based on density of the market?

For example, do you believe it would go from .88 to 1.14 or from .86 to 1.17? What are your theories on this?

Mr. Villanueva. This is similar to the chart you saw which is highly stylized and generalized in the base presentation in which we are showing you here the variation in line haul cost which is attributed to the types of cities which are connecting.

Now understand that XX in our designation means from one very large hub to another very large hub and as a consequence the line haul cost is relatively low because of the fact that you have access to nonstop service which is relatively inexpensive, that you have access to the latest type of equipment for that market.

As you move toward the right, on your horizontal axis, you move into less and less dense markets. For instance, NN means what we call a non-hub being connected to another non-hub.

This causes variation in cost around the average cost. You can either talk about that in terms of TWA's system or the industry average—it is in the order of two cents per mile.

Now beyond a certain point, we don't have experience in our system to really describe what happens to the curve. That separated line to your right indicates that. But essentially in our own analysis, which was essentially based on the fact that we start off with segment costing, a segment costing approach, and then actually accumulate costs as the passengers move through the system, we found that there were significant differences in terms of line haul cost, depending on the density of the market, and that is essentially what we are describing here on the chart.

Chairman Crooker. Generally, on your costs, this is a variation from roughly four cents a mile, approximately, so that underneath the average you are talking about only an 8½-percent below the norm, or if you were applying a factor to it, it would be .915.

Mr. Villanueva. Yes, I understand.

Chairman Crooker. Now, if you get to the top, leaving out two extremely high figures, the other highest one is 1.1 cent, which would be 27½ add on or apply a factor, a low density factor of 1.275 to what would otherwise be your computed fare?

Mr. Villanueva. Yes.

Chairman Crooker. So back to the question I stated so poorly, the low and high figures would be a range of factors of anywhere from .915 to .1275, roughly?

Mr. Villanuva. About that.

Mr. Wiser. Any average based on this level.

Question. You mentioned that one of the advantages is that it encourages levels beneficial to the consumer. Could you explain that?

Mr. Wiser. I think I touched on it earlier. Take a market that is multi-stop. If the fare were adjusted according to the cost so that on a multi-stop trip it would be a fare that would be more attractive for nonstop service than if the fare were already set at a nonstop level. as some people talk about today.

In other words, every mile being the same, whether heavy or less dense, so the carrier would have an earlier incentive to move into the market because the break-even would be somewhat higher than today's atmosphere.

Did I answer your question? Maybe not satisfactorily but at least that is the rationale.

Chairman Crooker. Thank you, Mr. Wiser.

Mr. Wiser. Thank you, sir.

(Whereupon, at 3:15 p.m., the conference was closed.)

As a result of that meeting there was an additional exchange of correspondence and the receipt by me of the transcript of the next meeting which took place on July 22. The material follows:

July 7, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D..C

Dear Congressman Moss: This is in response to Mr. Billett's telephone request to Mr. Dregge for the citations and precedents that permit informal discussions with air carriers on fares.

As we understand it, the context of your request is a meeting which the Board has scheduled with the domestic trunklines and local service carriers with regard to a formula approach to the passenger fare structure. You have already been furnished a copy of the letter to the carriers regarding this conference, and an accompanying staff study. You will note from the letter that the purpose of the study is to test the effect of alternative formulas on fare structure and not on fare levels, and that the formulas themselves have been prepared by the Board's staff as possible guidelines against which proposed fares might be compared. In light of the preliminary status of these fare structure proposals, the Board has made no determination as to the future procedures it might employ with respect to the development and implementation of a fare structure formula. However, at the present juncture, the matter could properly be regarded as in the nature of a step preliminary to the consideration of possible rulemaking proceedings.

The holding of conferences is well within the Board's powers under section 204(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1324). Under that provision, the Board is empowered to perform such acts and to make such procedure pursuant to and consistent with the provisions of the Act as it shall deem necessary to perform its powers and duties thereunder. Informal consultation with affected persons has always been regarded as a mainstay of rulemaking. (See. in general, *Davis, Administrative Law Treatise* (1958), Chapter 6, particularly §§ 6.01–.02). Moreover, even in matters which are required by statute to be determined only after notice and hearing, the use of informal preliminary conferences with the agency have been upheld where the agency remains free to decide the case on the basis of the record subsequently made. (*Phillips* v. *Securities and Exchange Commission,* 153 W. 2d 27 (2d Cir., 1946), cert. denied 328 U.S. 860; and see *Davis, supra,* § 4.11).

Throughout its history, the Board has utilized conferences and consultation with carriers as well as affected members of the public covering virtually all subject matters which fall within the Board's jurisdiction. The Board could not function, nor could any administrative agency, without the use of such informal procedures as an expeditious and necessary means of keeping the Board informed and of maintaining its expertise. In addition, the Board has used conferences as a means of expediting its rulemaking and adjudicatory proceedings, and as a means of settling controversies before the Board. The Board is firmly of the view that its long administrative practice is fully consistent with the law.

Sincerely,
(Signed) John H. Crooker, Jr.,
Chairman.

Congress of the United States,
Washington, D.C., July 14, 1969.

Hon. John H. Crooker, Jr.,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Chairman Crooker: This is in response to your letter of July 7 concerning my request for citations and precedents that permit informal discussions with air carriers on fares.

Let me begin by dealing with the citations which you list and end with a series of questions, the answers to which I wish to receive by Noon on Friday, July 18.

First, with regard to Davis, Administrative Law Treatise, that is, of course, nothing more than a textbook prepared by Professor Davis of the University of Minnesota. That is not to say that the contents are not interesting but I think you must agree that the contents are in no way binding nor in any sense a precedent. They are merely the views of the very distinguished gentleman Kenneth Culp Davis, who once honored me by serving as an advisor to my Information Subcommittee.

You refer to section 204(a) of the Federal Aviation Act of 1958, as amended. It has long been a practice of regulatory bodies to "throw in" general housekeeping statutes when specific authority cannot be found. I would suggest rather strongly, Mr. Chairman, that that is the case in this instance. I would be most happy, however, to receive from you citations where either section 204(a) or, indeed, general housekeeping statutes of other agencies have been upheld as authority for ex parte communications such as your meetings.

Your final reference is *Phillips* v. *Securities and Exchange Commission*, 153 F. 2d 27. Its germaneness escapes me. Although the conversations between the holding company and the Securities and Exchange Commission were held not subject to objection, I am sure you do not intend to draw a parallel between that request in the *Phillips* case and the very clear negotiations on fares in your own instance. I must, therefore, unless you can provide further explanation, consider the *Phillips* decision to be not on point.

No one would argue with the general objectives outlined in your final paragraph. It is when the Board or its staff in an informal proceeding goes beyond the simple task of fact gathering that the public interest and indeed the law itself is perhaps being wraped.

Because of the foregoing, I submit the following questions:

1. On April 28, 1969, twenty Members of Congress filed before the Board a petition which included a request for a general fare investigation. Action on that request was deferred. When will the Board reach a decision on that request and, do you not agree that pending such a decision discussions on fare formulas are prejudicial to reaching that decision?

2. As was requested by Mr. Billett in his telephone conversation with Mr. Dregge, I wish to be supplied on behalf of myself and my nineteen Colleagues, with *specific* citations and precedents on the question of the propriety and legality of the informal fare discussions.

3. In the conduct of the informal discussions, who appears on behalf of the public interest?

This subject is one which has, as you know, occupied my interest for a number of years. It is one which continues to grow in importance to me as well as to far more than the original nineteen co-petitioners who joined me on April 28. Less there be any question or doubt in anyone's mind, it is my intention and the intention of my Colleagues, to pursue this matter until every question is answered.

Sincerely,

JOHN E. MOSS,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., July 18, 1969.
Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: This is in response to your letter of July 14 in which you raise a series of questions regarding informal discussions with air carriers, particularly the forthcoming meeting to discuss passenger fare formulas.

Initially, it should be emphasized that, as indicated in our letter of July 7, the purpose of the forthcoming meeting is to permit the Board and its staff informally to determine the various views of the different carriers with respect to several alternative formulas which have been developed by the staff and to explore other formulas which individual carriers have evolved. The Board does not contemplate that the meeting will involve "negotiations" of fare issues. Rather, we expect merely to have a development of facts and an exchange of views. Any questions or expressions which might indicate the Board's tentative views of matters discussed would necessarily be subject to full consideration of the rights of all interested persons. A transcript providing a full record of what is said at this meeting will be available to the public, and if statements are made as to which anyone may wish to disagree or otherwise to comment, full opportunity is available to communicate views to the Board. Under these circumstances, we are convinced that the discussions will not prejudice decision on the request for a general fare investigation included in the petition of the twenty Members of Congress, to which you advert.

In its informal discussions, as well as in its formal cases and its work generally, the Board considers, and believes that it represents, the public interest within the guidelines established by the Congress in the Federal Aviation Act. We are also of the view that the use of informal discussions to obtain any exchange information and ideas is not only a legitimate procedure for preliminary investigations, but a useful step toward protecting the public interest since it helps us to make an intelligent appraisal of the nature and scope of the technical problems presented in determining rate structure and other matters. We are unaware of any case law or other prohibition against our using this procedure and, with all respect for your differing opinion, remain of the view that the precedents and citations previously mentioned in our correspondence support the propriety and legality of this action.

Finally, you inquire as to the timing of a decision on your petition for a general passenger fare investigation. We are now actively engaged in analyses of passenger fares, both from the standpoint of fare level and of fare structure. The Board believes that action on your petition should await completion and consideration of these analyses. In view of the nature and complexity of the problems involved, we would hesitate at this time to attempt to predict when we will be in a position to take appropriate action on your petition. You may be assured that the matters set forth in your petition will be given careful and thorough consideration, and that the Board will act as expeditiously as circumstances will permit.

Sincerely,
(Signed) JOHN H. CROOKER, Jr.,
Chairman.

JULY 23, 1969.

Hon. JOHN H. CROOKER, Jr.,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR CHAIRMAN CROOKER: This is to request that you supply to me at your earliest convenience a copy of the transcript of the meeting between the members of the Board, the staff, and the airline carriers which was held on July 22, 1969.

Sincerely,

JOHN E. MOSS,
Member of Congress.

[Civil Aeronautics Board, Washington, D.C.]

CONFERENCE: DOMESTIC CARRIERS
WASHINGTON, D.C.,
July 22, 1969.

The conference in the above-entitled matter was convened, pursuant to notice, at 3:00 p.m. before: Hon. John H. Crooker, Jr., Chairman; Hon. Whitney Gillilland, member; and Hon. John G. Adams, member.

PROCEEDINGS

Chairman CROOKER. There may have been some confusion about how the room might best be set up. Whoever the primary spokesman is for each of the trunklines, we would be pleased if you wished to come and sit in the front row, certainly in the second row if you feel you can hear better and we can hear you. No list has been furnished to the reporter so as you comment if you would first identify yourself and your company, I know it would be most helpful.

As you know, about seven weeks ago a letter was sent to the trunkline carriers regarding a possible formula approach to passenger fares. A copy of the form letter, together with the replies of the carriers, will be placed in the docket and will be available for public inspection when the transcript of today's meeting is completed and is placed in the docket.

As is evident from the letter sent by Mr. Keefer, the point under discussion is fare structure rather than fare level,—although it is obvious that any particular fare formula which might be discussed would obviously have a financial impact on the fare level of each carrier. The point I want to stress at the outset, however, is that any such impact is incidental to the point under discussion, and that the Board is not today entertaining any discussion of what size changes, if any, in the aggregate fare level should or might be authorized.

Hence, in the comments which you may make, it would seem that the relevant points are whether there should or should not be any formula approach to fares; whether the cost-oriented charge for processing a passenger, in addition to a mileage charge, should be a constant one (irrespective of the size of the city of origin and the city of destination) or,—alternatively—whether there should be some "hub concept," in which a higher charge in this category is made if the point of origin or the point of destination is a hub or major hub city.

Lately, it would be appropriate to have further expressions of views as to whether in the line-haul charge, the factor (number of cents per mile) should be a constant one or—alternatively—whether there should be a "taper," with a higher mileage charge for the first 400 to 500 miles or so, a lesser mileage charge for a certain number of miles thereafter, and a still lower charge per mile thereafter in the longer haul markets.

After any discussion of these points, and any others which may arise during this meeting which may appear to be relevant to the question of fare structure, then you gentlemen and the Board should discuss briefly one last item of business—what statement will probably be made by the Board regarding this meeting, and whether there will be any further meeting (this week, next week, or at a later time) concerning possible fare formulae.

Without attempting to exhaust a list of topics which might receive some comment, in addition to the basic questions just mentioned, there may be some of you who would wish to express an opinion on such things as:

(a) Should first class fares be based on some fixed percentage (for example, 20% or 25% or so) above economy fares?

(b) Should there be a "tolerance" up or down (for example, in the range of 4% to 5%) from any "guideline figure," which might be established under a formula?

(c) Should the carriers be permitted further experimentation in regard to promotional fares—and in this connection, has the experimentation with these fares up to this date inclined the carriers toward a conclusion that such fares are serving their purpose?

After any comments by any of the other

Board Members present, the meeting will be open for any comments which the representatives of the various carriers may care to make. Without attempting to limit the time allotted for any one of you to make a statement, I know you will appreciate the fact that we have studied the written material which has been presented within the past several days; and, therefore, except to the degree you deem necessary to throw light on your verbal remarks, no need exists for you to restate the points included in such written material.

Any comments?

Mr. GILLILAND. No comments.

Mr. ADAMS. No.

Chairman CROOKER. I don't know whether you gentlemen have discussed or considered the order in which you care to make comments. As I recall, Mr. Keck may have been the party making an original comment here six months ago but any order you wish is all right, or the carriers can make statements alphabetically, whatever you prefer.

In the absence of a suggestion from you among the trunkline carriers, let's start alphabetically. Mr. Spater?

Mr. SPATER. I won't try to phrase these thoughts very carefully. Just thoughts that come from the top of my head.

It seems to be fairly clear and fairly widespread agreement that the inequities that result from different charges for the same distance should be removed. Start out with that as a basic concept. Of course we have been toying with this idea for 15 or 20 years. We knew these inequities existed. There has never been the proper occasion to remove them. That is number one, inequities should be removed. I am speaking now of similar distances between similar points, putting aside for the moment the question as to whether different distances taper to different hubs.

The number 2 point is that the structure should be cost "oriented". I use "oriented" in quotation marks.

We all agree there is no exact way of costing. At some point you come along and use judgment factors as to what the cost should be. The structure, however, should be related to cost. The costs are not exact and even if they could be, still there must be consideration of pricing the product out of the market, value of service considerations, so that although cost orientation is a desirable objective these other elements must be considered.

I should think that the concept of having first class a fixed percentage of coach is a good one, something in the neighborhood of 120 or 125 percent, both of which have been suggested and seem to be about in the area of reasonableness. I think whether we say it or not—*I might as well say it—the fare level is too low*. Those of us who see the daily figures of revenues and see our climbing expenses realize that.

I think the time we do adjust the fare structure we must also attempt to make a more equitable determination of the fare level. They ought to be done at the same time.

Responding to one of your questions about the experimentation of promotional fares, *We feel there should be continuation of experimental promotional fares*. We are not sure we know exactly the right combination. We keep learning more about the travel habits of people. But there are opportunities I think to maximize revenues through the promotional fares and to improve income through such fares and as long as that opportunity exists we for one would like very much to have the right to experiment further with such fares.

Chairman CROOKER. Who is the spokesman for Braniff?

Mr. ACKER. Ed Acker. Without going into great detail or any debate we would *like to stand by our comments as contained in our letter to Mr. Keefer of July 17*. Specifically we do believe terminal costs vary and that terminal charges should vary accordingly.

We strongly favor that longhaul rates should decrease because of the fact that longhaul costs decrease with distance, so rates should decrease with distance.

We would also subscribe to the fixed relationship, percentage relationship, first class fares to coach and with respect to promotional fares we feel that is a quite complicated and deep subject and would not want to get into that right here today on our part.

Chairman CROOKER. Who is the spokesman for Continental?

Mr. DAVIS. Marvin Davis. We believe that there certainly are some inequities that exist in the fare structure and we think they ought to be corrected. We don't feel, however, that it should be done by a formula for a great number of reasons which were outlined in our letter and which need not be repeated here.

We think the coach fare is certainly the basic fare in the industry and it is the fare from which all others ought to be determined. We believe that there should be a fixed relationship between coach and the other classes of service offered. *We are inclined to believe that the proper level for first class is 125 percent of coach.*

Our fares on average are very nearly at that level now though we have some above and some under and we believe, however, that they should be all at the 125 percent level.

With regard to economy service it is now priced at 85 percent of coach and we believe that is the proper level and that is where it should remain.

Promotional fares have helped in the traffic growth that we have had in recent years. We think that this is an appropriate time to review them to see whether some of them should have the discounts changed. *We feel that promotional fares should be designed to appeal to new markets and that the reduction generally has to be substantial in order to get the new traffic generation that is necessary to offset whatever revenue dilution may be inherent in them?*

We think that after a promotional fare has been in use for some period of time that it should be reviewed to see whether it is continuing to generate additional traffic or whether that fare perhaps should be adjusted upwards and then the carrier should direct its attention to still some other segment of travel which it has not been able to penetrate with the fares which it is offering.

Those, I believe, are the comments that we have that can be made at this time, Mr. Chairman.

Chairman CROOKER. Who is the spokesman for Delta?

Mr. MILLER. Tom Miller. Mr. Chairman, *we circulated our views in a letter dated July 16 addressed to Mr. Keefer, with copies to all the carriers.* I believe it would be redundant for me to expand on those comments at this time. We would be glad to answer any questions or participate in any further exchange of views, however.

Thank you.

Chairman CROOKER. There may be some questions, I think, after this first round of comments.

Mr. Hall?

Mr. HALL. I am Mr. Hall of Eastern Air Lines. *We sent to you and to most of the people here a rather large document that sets forth our views not only on the structure but also on the rationale for developing it, so I would like to make just a couple of points that I don't think have been made prior to this that we believe are fundamental to this theory.*

We believe you can determine the unit cost of a terminal. whether it be a large hub, medium or so on.

We believe you also can in fact determine the line haul cost with some accuracy.

On the other hand, the cost that is related to shorthaul flights, *if made to bear its total cost, would become so steep in the table I think that you would in fact price yourself out of both ends of the market.* Therefore, we recommend that we use a cost related formula taking into account terminal costs and taking into account some longhaul—some line haul factors but which don't necessarily load all of the costs either at the very longhaul segments or at the very shorthaul segments, but rather spread them across that part of the travel where most people are likely to be involved.

We do believe that there should be a relationship between coach fares, the basic fare, and first class fares. In our proposal, you recall, we recommended first class at 125 percent of coach. We also believe that the promotional fares should be left open for experimentation because there are markets which necessarily lend themselves to elasticity through promotional fares but that promotional fares should be considered as a deviation from the basic fare structure for specific uses in specific markets and not be made a part of the basic fare formula.

I believe that covers all of our comments.

Chairman CROOKER. Who is the spokesman for National?

Mr. BROCK. Dan Brock. We at National welcome the opportunity to exchange views. We hadn't submitted written comments because we didn't interpret Mr. Keefer's letter as indicating that it should be done. *However, we would be happy to submit written comments at a later date? Have they?*

We have been studying the various proposals and formulas that have been submitted and we think the time to study these has been short when we consider we are faced with a major revision of a historic fare structure. However, there are some glaring problems as far as we are concerned with most of the formulas presented.

The danger of overpricing the shorthaul while reducing the longhaul is one which we see. We feel that we must and should continue to serve the shorthaul markets and don't feel we should discourage shorthaul business by overpricing it.

In this instance, if we examine some of the proposals, several of them tended to present an increase which ranges in this type of bracket for shorthaul markets. For example, the Norfolk-Washington under one of the formulas submitted by the staffs consideration ranged the fare as high as $42 roundtrip. This would be plus tax. An increase of $12.00 on a $30.00 roundtrip fare. This is for a distance of approximately 150 miles. We submit that in today's situation, with high speed highways, that we are discouraging travel of that distance when we begin to overprice it. The customer will certainly consider resorting to his automobile.

On the other hand, if we consider the value received for the product of longhaul, if we compare a transcontinental New York-Los Angeles or Miami-Los Angeles trip with the substitute ground transportation which under the best conditions is five days one way or ten days roundtrip, *then we submit there is quite a difference in value in the price of the longhaul in today's jet transportation field.*

As to a point made by I believe TWA, their trends tend to be more interline transfer passengers in longhaul markets. Definitely in National's case, we have more discount passengers in the longhaul markets than in the shorthaul markets.

We further think that there are many historical differences such as the size, density and type of market that make the formula as presented so far very difficult for some of the carriers.

While we would not argue against the need for some general relationship between cost and selling price, selling prices can't be set by the cost accountants alone. Set terminal costs vary by carrier by airport and can't be arrived at at the same figure for all carriers.

For example, in our case some of our smallest volume airports result in the very high enplanement cost per passenger. Therefore, the formulas as presented could not be considered by National without a great deal of adjustment and further study.

We would like to suggest that a committee under the ATA sponsorship be established to study in detail the fare structure and the various problems which are submitted. This we feel would take the pressure off the present situation and allow the committee to study in detail a major revision for a further fare structure.

Thank you, sir.

Chairman Crooker. Mr. Leek, will you be making——

Mr. Leek. Mr. Caluzzi will be our spokesman.

Mr. Calluzzi. My name is Dan Caluzzi.

We have also submitted our views to the CAB in a letter of July 16. We endorse a formula approach as we indicated in our letter. We feel it should be cost-oriented.

We also feel strongly that there should be a provision made for differences in terminals via the technique of a varying terminal charge. *Contrary to what has been said here by most airlines we also believe there is considerable room for raising shorthaul fares.* We have had some experience in raising shorthaul fares and have some data which would indicate they are a lot more elastic than might be apparent and we would like to see some increase taper by the means of increasing shorthaul fares.

As far as first class fares are concerned we definitely support the idea they should be based on coach fares and we submit at *125 percent*.

In the discount fare area it has been our experience that there are some that exist now that we feel are not in the best interests of the airlines as well as the traveling public.

As Mr. Brock already indicated, in some of the markets we share with him we have a very high percentage of our total revenues coming via discount fares. In fact on an annual basis we get about 45 percent of our revenues from some type of discount fares and that excludes night coach fares, I might add. That compares with an industry average of 31 percent and during some of our peak summer months we get up as high as 66 percent of our total revenues from various types of discount fares, so we would like to address ourselves to some means perhaps of correcting some of the areas that will not appreciably affect the primary purpose of discount fares.

Everything else I believe is contained in our letter.

Thank you.

Chairman Crooker. Mr. Wright.

Mr. Wright. R. J. Wright. We have submitted a paper to the Board and to the other carriers which contains the proposal that we believe is called for. We are principally concerned with the number of fare inequities that exist and we need to adjust those upward and downward.

Formula C happens to be the approach which seems most appropriate to us. We believe in connection with that joint throughfares should be established.

In the area of promotional fares we believe there will be an increasing use of those fares and they do represent quite a dilution of revenue to the carriers.

We would adjust Discover America discount from 25 percent to 20 percent.

We would eliminate all holiday blackouts and we would eliminate the blackout from 12:01 Monday to 0600 Monday morning.

In connection with family plan we would reduce the first accompanying member discount from 25 to 20 percent and the other accompanying members from 33 percent to 50 percent.

That is fundamentally what is contained in our paper and I would be happy to answer questions, if you wish.

Chairman Crooker. Who is the spokesman for TWA?

Mr. Brenner. Melvin Brenner, TWA. We have submitted a letter dated July 8 setting forth our views. Basically the main thrust of our position is we do support the idea of cost orientation to the fare structure, but we believe it very important that this cost orientation consider all elements of the cost of truly handling the passenger.

We believe that much of the discussion thus far has tended to think largely in terms of the varying cost of flying a seat mile and has not given adequate weight to the many other factors which intervene between that cost and the ultimate cost of handling the passenger.

Among these elements, one which is most important, in our opinion, is the fact that as distance increases the density of traffic tends to decrease and hence the load factor that is feasibly obtainable goes down, so to that extent the obtainable *load factor being lower on the longhaul is one of the important offsets to the taper that exists on seat mile costs.*

There are other elements as well which affect the differences between the seat mile variation and the true cost of handling a passenger. Seasonality tends to be greater on longer haul, again increasing the cost of actually handling a passenger.

Interline prorating tends to be greater, thereby reducing the yield from whatever the published fare is.

As has been pointed out by others who have had this experience, discounts generally tend to be greater. The use of discounted fares tends to be greater on longhaul, thus again modifying what one would find by just looking at seat mile variation.

These then are some of the factors which we believe have not as yet been adequately considered.

There is already, we think it important to note, substantial taper in the fare structure, *particularly after the most recent adjustments of this last February, and as we pointed out in our letter as one example, the per mile fare on a route like New York-Boston right now is 61 percent higher than the per mile fare on New York-Los Angeles.*

Some of the proposals which have been presented would actually increase that relationship to more than double. Some of them to virtually two and a half times. We think this is moving too far in the direction of increased taper. Particularly unless and until all these other factors which I have described are taken into account in these considerations.

We therefore believe that it is important to work toward a cost-oriented formula, but we think that cost-oriented formula should be one that considers all of these factors and not just a few.

We think this will take a bit more time to be sure we have gotten them adequately considered. We do believe there is an urgent need for additional revenue at this time. We therefore did present in our letter one proposal which would get that while moving moderately in the direction of more taper but not as extremely as some of the proposals thus far presented. We believe we would support and favor a fixed relationship of first class to coach. *Our preference would be 120 percent or the current relationship if that is higher.*

We believe that promotional pricing has been beneficial.

We believe the nature of our market which does consist of many different kinds of passengers is best served by a flexible pricing policy which does permanent experimentation with promotional fares and we would support continued experimentation.

That is it, Mr. Chairman.

Chairman Crooker. Who is the spokesman for United?

Mr. Beamish. Ed Beamish of United. I will elaborate on just a few of the points that were made in our letter of July 10 *circulated to the Board and to the industry.*

I will first elaborate on the difficulties and problems we are having with the varying terminal charge approach or hub city approach. A complication is involved in this but typically also administration of this and the pricing structure gives us some difficulty. That is, we find it difficult to conceive of passengers moving between small cities. As an example, a notable portion of these passengers move through non-hub areas and a notable portion of them connection at hub terminals.

If we are moving toward cost-orientation these really are higher cost passengers in the sense of the number of times they are handled and in the sense of what they do in the hub area. So we really have some question that there is real cost-orientation in moving toward the variable hub type situation.

Like another carrier earlier mentioned, we also attempted to do some correlation between the formulations that were in the staff paper that was circulated as against our facility planning numbers across our system and while this was not as detailed as we would ultimately make it and didn't go into as many factors as we would ultimately hope to do, the correlation we got was 1.7 which is to say there was no correlation between the hub charges that appeared in the staff formulas and the cost we actually are running into.

One other comment in the promotional fare area and also relative to the formulation.

United does favor the formulation approach in the industry. We have seen some argument advanced that formulated approach to industry pricing would decrease the opportunity for creativity and innovation in the marketplace and we don't see that this would be the case because we should still be in the position where promotional fare departures from the basic formulation can be justified to the CAB just as they have been in the past and used for innovation and creativity in pricing as variations from base structure.

We do favor continued experimentation with promotional fares. We do look upon promotional fares as representing a product line in a sense of the word and I think we would conclude in some cases that we perhaps have not paid enough attention to the product life cycle of some of these promotional fares, that they have become an ingrained part of the structure and simply are kept on repetitive basis without adequate reevaluation of whether that life cycle may have come to an end.

Finally, in the area of taper we do share as our letter indicated, concern about the degree of pricing out of the marketplace in the taper area. But I don't think we have seen adequate evidence at all that we have reached that point in the taper structure yet and what the reaction of the customer will be in moving up toward a better cost orientation in this area. We do note that the development of the third level carriers where I guess we might in many cases say utilization of the fares or small equipment in some cases appear to be showing a relatively heavy demand for some very high tapering fares and the convenience must be worth something to the consumer in these markets.

But to some degree here also the question of elasticity becomes moot if we are literally operating below cost. It is true that many of the carriers in the industry, and we are in this fortunate area, are in a posture *where we can self-subsidize through higher profit built in longer route distances against this.*

I think we must face the fact that not all carriers are in this posture and a below cost operation in our judgment in those circumstances can't make sense.

Chairman **Crooker** I hate to interrupt with a question, but let me see if I understood what you said when you gave a 1.7 factor. That is the factor you came up with as to what the costs were at the terminals compared to what the staff of the Board had suggested?

Mr. **Beamish**. No. As against the hub charges that were indicated in the staff formulation paper that came out, and I won't quote these from memory, but varying from $6 to $12 as I recall. The correlation that we did related to facility planning cost exclusive of manpower across the system.

I think there was another gentleman earlier who mentioned in many of our small cities relative to what is going on in the way of construction the cost of boarding a passenger is significantly higher than it is elsewhere.

In attempting to run a correlation along those lines we came up with .17 as I said earlier, no correlation.

Chairman **Crooker**. Who is the spokesman for Western?

Mr. **Rogers**. Jim Rogers of Western.

Mr. Chairman, we endorse the formula approach and a cost-oriented formula. We express some of the same reservations that have been expressed by other carriers that we cannot have a complete cost-oriented formula.

We are also concerned that the taper not be greatly increased without serious concern about the effect on possibly pricing ourselves out of the shorthaul markets. Insofar as the terminal cost factor is concerned, Western Air Lines favors a fixed cost factor. *We don't believe the variable cost factor is a practical, desirable one for several reasons I won't elaborate on here unless there are questions.*

Insofar as the line haul charge is concerned, we favor a variable approach to this. On the first class-coach fare relationship we prefer the relationship of 125 percent of coach. Insofar as the adherence to a formula is concerned, the tolerance, we feel there should be some reasonable latitude.

We think that promotional fares have been a good thing. We think they have done a great deal for the industry. We do question however whether or not they have been properly controlled and we are concerned with the abuses that are occurring with respect to promotional fares as opposed to the intent of the application. We think that further expansion of promotional fares should be permitted but we think the limits to such expansion should be limited by more concern about the practical application of these fares for the purpose intended.

Chairman **Crooker**. Do you have any questions?

Mr. **Gilliland**. No.

Chairman **Crooker**. Do you have any questions?

Mr. **Adams**. The Chairman said this was open season. I have one question which has constantly puzzled me and puzzles me yet. *That is, why the domestic carriers arrived at 125 percent of coach as being the appropriate spread to arrive at for first class whereas internationally 150 percent or thereabouts seems to be the figure that the international carriers—or each of those carriers domestically who also have international routes—considered the correct fare.* How do you justify the difference between 150, which I understand from IATA cost studies is just about what they need in order to get fully compensated, how do you justify the lesser figure for domestic if it does not fully compensate for costs?

I won't ask every carrier to answer that question, or any carrier if no one wants to, but this puzzles me.

Mr. **Wright**. I might respond to that.

With regard to attempts we made in the Pacific to get the first class fare down, we don't think there is any justification for the first class fare level in the Pacific. It is much too high in relation to economy fare. But we run into difficulty with some of the foreign carriers particularly who choose to have a small first class compartment and don't want to lower the fare.

Mr. **Adams**. You said you think it is too high in relation to the economy fares. My question goes: Is it too high in relation to cost of supplying the service, Mr. Wright?

Mr. **Wright**. I think perhaps it may follow. I don't know that I am qualified to answer that, but I was addressing myself more to the relationship.

Mr. **Adams**. I think this is a crucial question.

I understand there have been IATA cost studies which would seem to justify the spread. *Mr. Roth knows more about this than I. We talked about this on more than one occasion. He might want to correct me. I think there have been studies that suggest that spread is more correct than the one we have domestically.*

Mr. **Roth**. My recollection is that the last IATA cost report showed a spread of something like 75 percent or in that general order of magnitude, first class costs being above economy class services, generally speaking.

Mr. **Adams**. So that the 150 would be on the low level of parity instead of high.

Mr. **Roth**. That is my recollection.

Mr. **Adams**. If that is correct, at least this is an assumption, why isn't the effort made to raise first class fares if one of the things the air carriers are interested in is increasing their revenues, maximizing their revenues and reducing costs?

Mr. **Spater**. I would like to take that question, if I may.

I think we accept as gospel these cost figures. They are not. We know these cost figures are the result of allocations and the carriers should be interested and the Board should be interested in the carrier maximizing revenue, getting greatest revenue it can on a flight in relation to its cost, having a maximum earning power on that flight. If you have a choice between carrying a passenger in a coach configuration and getting $100 and carrying him in first class and getting $125, it would be better to do that and say my cost is $50 and I won't carry him. The differential cost, the cost of an additional meal, is not any more than the 25 percent. The only reason the cost computations come out higher is the allocation of space. It isn't the precise art.

The other point is that one of the difficulties is we have not had sufficient opportunity to experiment with fares on the high side. I would like to adopt the comments made by several gentlemen who succeeded me in discussing the proposal, that I think there is an area for further attempt at say this is the problem of allocation exactly, shorthaul versus longhaul, and I think if we knew more about what would happen when we raised the fares we could tell you whether having it 130 percent would or would not price us out of the market.

If we knew more about what would happen on the New York-Washington fare when you raised it $5.00 instead of $2.00 we would be in a better position. But we don't know very much about what happens on the high side.

I think we should be granted more opportunities to experiment with high fares and if we then price ourselves out of the market we can cut back.

You may remember I made a talk of this subject where I urged the powers that be to give us more right to experiment here. *This pricing out of the market is largely a hypothetical thing.*

I can't remember a case in the shorthaul area that we ever did that. We worried about it but we will never find out until we try it as to what the point is where we price ourselves out of the market.

Mr. **Brenner**. I think Mr. Spater said much of what I was about to say. I think this does get down to the balancing of the value of service as measured by the consumer himself and what he is willing to pay. Of course I think what the industry has been going through is in fact a form of experimentation. The fare adjustments of this past February did increase the spread between first class and coach by $10 on the transcontinental length. If this now goes to 120 percent that would increase it further. One hundred twenty-five percent would increase it still further.

So this I think is evidence of the desire of the industry to experiment with this, trying to balance once again the cost of service and value of service as measured in the marketplace.

Chairman **Crooker**. Any other comments?

Do you care to comment on what other airline representatives have said after you spoke?

Mr. Roth, any questions or comments that you might have?

Mr. **Roth**. I think one carrier, I believe Northwest, mentioned something about paying attention to joint fares. I thought you might make reference to a paragraph in the Board tariff suspension order of May in which the Board urged that there were some unintended duplicate increases in the through-fares where through-fares or joint fares weren't published and the Board considered it desirable that when we improve the fare structure there be attention paid to joint fares as well as the individual fares.

Chairman **Crooker**. Yes, and I think Mohawk, for example may have worked on a revised joint fare and routing tariff modification that would address itself to some of these questions. This may be a matter which the staff will be in touch with the carriers on in the near future.

Mr. **Corber**. Robert J. Corber for Frontier Airlines.

I am here as an observer primarily. I don't know whether you wish to hear from a local service carrier.

Chairman **Crooker**. Please go ahead.

Mr. **Corber**. We had one problem which was related primarily to these small low density points and the shorthaul, particularly as the formula is applied with respect to the terminal elements.

The study presented here uses a terminal element formula with the cost item decreasing—rather the fare item decreasing from the large hub down to the no-hub classification *Frontier's experience of cost is just the reverse of that situation and has found that its greatest costs are incurred at the no-hub classification, at the other end of the order.* As a matter of fact, the costs are something of this magnitude, about, on a simple average per passenger basis, *$8.27*, and the no-hub classification *and the costs decreasing as it goes up* to the large hub to *$4.14*. So we have something of a problem with the terminal elements as presently set forth in the study and would urge some further review of that, particularly as it might apply to these low density shorthaul operations.

Chairman **Crooker**. Are any of the other local service carriers represented?

Mr. **Hill**. Mr. Hill of Air West. Many of our particular expressions have already been endorsed in comments of some of the trunk carriers, but to summarize those which we are vitally concerned with is the very high taper of any one of the formulas which we have reviewed could not be overapplied to any of our shorthaul segments without pricing ourselves out of the market.

Number two, insofar as the terminal charge is concerned, the varying terminal charges as has been expressed here, also would be somewhat impossible to apply over the years because of the changing conditions of a small to a medium or medium to a large hub.

One of the carriers also expressed another thought of ours, that in pricing a fare from a non-hub to a non-hub as an example, we may well have to carry this traffic for this market through a major hub.

Now this is not considered in these formulas and for this reason, why, if in fact any formula is adopted, our strong contention would be that such terminal charge should be a standard.

Now we must be, as a local service carrier, very vitally concerned with the shorthaul market and not allow ourselves to be strapped with a taper which is too high to provide a marketable fare as we are now being crowded by the third level carriers and we feel the February fare adjustments as they apply to our system have been adequate as has been indicated and expressed previously by others.

Mr. CALDWELL. Bill Caldwell, Mohawk Airlines.

We would like to associate ourselves generally with the comments made by Mr. Hall of Eastern. *Unlike Northeast we have seen what we believe to be some indication of pricing ourselves out of the markets after the last February fare* increase in certain of our markets which have associated with them very superb ground transportation. This is not a generalized statement of Mohawk, but it does apply to certain selected markets.

We believe the period since February is too short to make a definitive finding on this, but there are some indications. We believe there should be because of the variation in value of service we are offering, vis-a-vis service, there has to be some type of tolerance in any formula approach adopted.

We are quite concerned that we don't price ourselves out of the market since unlike the trunk carriers we don't have the ability to currently cross subsidize.

We have recommended to the Board, we have a petition on file with you for increased publication of joint fares which we feel very strongly about. We have advised you of our concern about making the tariff a living item, a living document and eliminate fixed routing and we have a special tariff provision on file with the Board.

We believe when we look at the structure that we can't merely look at point-to-point fares. That we should look at the whole tariff.

Chairman CROOKER. Thank you. Any other comments?

Mr. VESPER. Vesper of North Central.

We favor the formula approach, but we are concerned about pricing ourselves out of the shorthaul market in comparing the formulas that have been presented to date.

We also favor a fixed terminal charge and a variable line haul rate.

Chairman CROOKER. Yes, sir?

Mr. SHEER. Robert Sheer of Texas International. I regret we failed to file a statement, Mr. Chairman, with the Board, and we will file one, if permitted, after the meeting giving these following observations: We subscribe to a formula approach to fare structure.

We believe that the two-part terminal charge and line haul charge is a relatively good approach to this. We question some facets of a formula as devised, particularly the different terminal rates for different sizes of stations.

We believe that this is not necessarily uniform throughout even trunkline carriers and certainly not between trunkline and local service carriers.

We think that a standard fare or a standard terminal charge would prevent the creation of different fares for different distances in the same geographic area which presently causes us problems inasmuch as they show up on our timetables and people do know mileages and make comparisons, and they have large questions about why they end up paying more per mile between A and B than X and Y, while the distances are not materially different.

Another thing that we observe is that the '67 trunkline O&D as shown in Eastern's document indicates that the largest block of travelers were in the zero to 300 mile segment, 26 percent of the total passengers.

We think this is a logical breaking point for any line haul charge and that another one probably should occur between 300 to 500 miles.

We think lumping from zero to 499, or as Eastern recommended, from zero to 400 is too large a block and that a scale for the line haul charge ought to be applied in two segments in that area of cost.

We are concerned about bringing ourselves out of the shorthaul market only insofar as local traffic is concerned. The interstate freeways are taking traffic from us.

Part of it is induced by price consciousness. It will grow if we continue to increase shorthaul fares and we may well end up down the road carrying only connecting traffic in markets that are under 150 or perhaps 100 miles, so that we are faced with a weakening of the shorthaul base by driving the purely local traffic away with the high prices.

There were two statements filed, and if I may quote a sentence from each:

In Eastern's document they state if the general public is to continue to have effective voting choice in shorthaul markets and not be deprived of the time advantage of air travel and the benefits of single mode through service, some means must be found to make up revenue deficiencies which *result from pricing shorthaul air travel at less than the full economic cost.*

And at another point they state the high value of service of long distance jet travel and the decreasing cost per mile provided by jet efficiency allow a portion of the revenue deficiencies *incurred in short-haul markets to be underwritten by long-haul travel.*

Now, we hear the term here today of self-subsidization in terms of trunklines operating some short-haul markets, but we are without any answer in this industry yet today on how interline subsidization of short-haul can be worked out.

The present rate prorate between carriers is most inadequate, and if we are going into a fare structure we think that this has to be looked at because we can't effectively maintain short-haul service feeding to the long haul and raise the prices sufficiently to compensate ourselves.

We must get a better break of the inter line action. This is something I wanted to say because of the *eminent audience which you have here today.*

Chairman CROOKER. Thank you, sir.

Mr. COURTENAY. Ken Courtenay from Southern Airways. We, too, are concerned about the locals pricing themselves out of the shorter haul markets.

It is something we feel needs to have some further study. We are in favor of a formula approach. We don't feel it should be inflexibly applied, however.

Mr. WHITMORE. Bob Whitmore, Allegheny. We didn't supply any comment or letter. Allegheny pretty much agrees with what has just been said by the prior local carriers. We support a formula approach.

However, we are very much concerned about the flexibility that one loses in a formula approach. Like Mohawk, we think we have seen some effects of elasticity in the February fare increases. We are not sure. We are reluctant to support at this time any major change that *would just arbitrarily change fares in a market that is not considered a demand in that market but is strictly related to cost.*

We also would encourage the evaluation of the joint fare structure at the same time the formula approach is evaluated.

Thank you.

Mr. SHELLY. Al Shelly, Piedmont Airlines. We would favor a formula approach on the principle that Eastern proposes. In our particular instance we have 97 percent of our markets being non-hub markets where we are taking from one non-hub through the large hub to another non-hub. Although we are not concerned with the pricing out of the market it is getting the taper to a point that could in the future do this thing.

We would like to believe that with more flexibility in the promotional fares that even with a higher taper we could offset some of the loss of business in these real short areas, but we would support an approach similar to Eastern's.

Mr. DAVIS. Davis. With respect to the question raised by Mr. Adams having to do with the first class-coach relationship, it appears to us that the experience that the carriers have had since the advent of jet service is a reasonably good indication that first class fares are priced today just about as high as they will go.

You will all recall that at the time the jets were first put into operation we had a reasonably even split between first class and coach traffic, and since the quality of the two services is so nearly the same and the time certainly is always the same in all cases today where they travel on the same airplane, we now are in a position where we are carrying maybe 20 percent of our total traffic in first class.

We believe as I indicated earlier that first class should bear a uniform relationship, and in order to get that uniform relationship Continental proposes to file very shortly to increase those fares that are not at that level and reduce those that are, so that they all are at 25 percent.

And we think we can produce a modest amount of additional revenue by increasing the first class fares in that fashion. Again, with regard to the short haul increases, for markets of generally under 450 miles, the February increases produced raises in the fares of roughly 10 percent. Most of the formulas that we have looked at have produced another 10 percent increase in those short haul markets on an average.

In the case where you might have a particularly low fare, a fare that is considerably below the norm, and we have some, we find that our fares would be increased by as much as 25 percent adopting certain of the formulas which have been proposed today.

That is, 25 percent on top of the last 10 that was given in February, and we think that is too much. Now, perhaps those fares should come up and get closer to the norm. Maybe they are elastic enough that they can be raised to that level, but we don't believe it can be done in that short a period of time. And that is one of the reasons why we are opposed to the sharp increases in taper that most of these formulas would result in at this time.

Chairman CROOKER. Any other comments?

Gentlemen, it would be impossible really to summarize what has been said with respect to a formula approach at all. Continental is cool to a formula approach, as I understand it.

National expresses some grave doubts about a formula approach.

TWA in the writing that it submitted, expressed some doubts about it, if I interpret those comments correctly, though today TWA has suggested that a cost oriented or cost related formula approach might be desirable.

The locals generally support some formula approach.

Northwest comments related to a particular one of the six formulas included in the May 29 letter.

All of you stress, of course, the difficulty with a precise accounting approach to costing. And many of you have urged some tolerance from a norm, be it the norm we have heretofore dealt with, a historical norm, or a norm brought about by some formula approach.

Many of you commented on the matter of value of the service, where transportation of a passenger from New York to California gives him more value per mile than transportation of a passenger from New York to Philadelphia where he has some reasonable alternatives for fairly speedy travel.

I take it that on the hub charges, the majority probably favors a difference between the add-on to the line haul figure at large cities different from what it would be at non-hubs.

As far as taper is concerned, Western commented that taper about as is would seem indicated. And United expressed a question on the matter of taper.

As far as the percentage of coach fare or a first class fare, Continental, Eastern, Northeast, Western, all mentioned the 125 percent figure. TWA mentioned the 120 figure.

But there seemed to be general consensus that this should be the range. *I lean to the view that it is very difficult for Mr. Roth or any of us to come to a precise figure that first class fares should be even on a strictly cost oriented basis because how do you allocate the space used by one passenger?*

~~Is it the~~ portion of the cabin space, or do you allocate to him also the space in the wings and in the cockpit and the luggage compartment and so on? *So, a good argument could be made, I think, for 125 percent relationship or 175 relationship.*

If someone would care to comment on how you have understood the general expressions here in addition to this very brief and certainly not exhaustive summary, I would be pleased to have any further observations that the Board members or anyone else might offer. It seems to me that you have in your written material *and in these comments on each other's proposals and further comments on your own and the comments we received from the local service carriers, given the Board much food for thought.*

I assure you that our consideration of this matter is one of the things uppermost in our minds, and we will be giving very detailed consideration to all these things in the immediate future.

Unless someone has a suggestion to the contrary, I don't know that fixing at this moment a date for all of us to reconvene would be in our best interests, but I would be glad to have any comments any of you might care to make on that.

Mr. BROCK. *I think that some of us have not had the opportunity to examine in detail the suggestion of all the carriers and some of the carriers have not submitted it, so we certainly would like enough time to digest these.*

In our particular case we would like to submit our written comments. *So there might be some value in a meeting at a later date?* We might get an expression from other people.

Chairman CROOKER. If any of the trunkline carriers who didn't submit written comments and any of the local service carriers who probably hadn't been directly invited to do so care to submit written comments, *may we assume you will do so within two weeks from today, inasmuch as this matter should not be delayed unduly.*

And when those comments are in, again we will probably be in touch with the people representing the companies you are representing here today.

Mr. SPATER?

Mr. SPATER. I just wondered whether it wouldn't be valuable to have a fixed date, whether four or five weeks off. It is easier for us to arrange our calendars to do that.

Also, I think if there is some kind of date we are working against, it is more likely the matter will move along.

All of us feel, I am sure, this is a matter of great importance to us and a schedule of this type I think would be helpful in an ultimate resolution of what we regard as a very serious problem in the industry.

Mr. HALL. I would endorse that.

Mr. ACKER. We would too, Mr. Chairman.

Chairman CROOKER. Let me suggest one thing, then. Customarily the Board members who are in town eat lunch together on Wednesday. It might be a little easier for us to check our own schedules at our luncheon tomorrow and the two members who are out of town can be contacted. And we will do our best to fix some further time when exchange of views might be had.

With respect to any statement, I would assume that we would say merely that in response to the May 29 letter a number of the certified carriers, the scheduled carriers, submitted responses. Some didn't and are being accorded a further period of two weeks within which to submit their responses or comments on suggestions made by other carriers after which it is probable that the discussions will be continued.

Of course, any such statement will probably reflect that a full transcript has been made and will be filed in the docket in this matter.

Yes, sir.

Mr. HILL. In connection with comments, Mr. Chairman, will those comments also include the honoring of any other additional formula or embellishment of a formula?

Chairman CROOKER. If any one of you has a formula, let me suggest—Mr. Hall, for example, had a formula. I can't quote precisely, but the first breaking point was 400 miles instead of 500 miles. Second was 1,100 miles instead of a thousand miles. The line haul charge instead of starting somewhere in the range of 5.6 or 5.8 started at 6.7 as I recall and then dropped rather sharply.

In the second category to somewhere in the range of 5.9—I could be off a fraction of a cent there. I think essentially I am talking about your formula there.

Mr. HALL. Goes down to 5.0 after 1800 miles.

Chairman CROOKER. That is in the fourth block of mileages, I believe. There has been expressed from time to time, by the gentleman from Air West, Mr. Hill, that possibly, even though there be a taper, that the differentiation in the line haul charge in four or five blocks be on a declining basis and that maybe the spread between the line haul charge in mileage block one and mileage block two might be as much as a half cent per mile.

But the second differentiation might be 4/10ths of a cent per mile. And the third 3/10ths of a cent and so on, so that your deceleration of taper still provides a taper, but you get about the same amount for transporting a passenger in the 2700 mile range as you did in the 2300, if I make my point clear.

If anybody would care to comment on that sort of approach or any other approach, certainly we want all the light we can get.

Mr. ROTH. Anything further?

Mr. HALL. No.

Chairman CROOKER. Mr. Gillilland?

Mr. GILLILLAND. No.

Chairman CROOKER. Mr. Adams?

Mr. ADAMS. No.

Chairman CROOKER. Any comments on the general nature of the statement which we probably will release in the morning then as outlined very roughly here?

(No response.)

Thank you so much, gentlemen.

(Whereupon, at 4:10 p.m., the conference was concluded.)

Upon discovering that another meeting was to be held on August 14, I requested by phone, information as to whether or not permission could be obtained to attend the meeting. The response, although dated August 14, was read to me on August 13. It and my answer, along with the transcript of the meeting, I now insert into the RECORD.

AUGUST 13, 1969.

JOHN H. CROOKER, Jr.,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: My request to the Executive Director this afternoon was whether or not *any person*, other than the carriers and the Board, would be permitted to attend the meeting. I personally made the inquiry because I want to underscore the fact of the interest of my office in determining whether or not it would be permitted to observe or participate in the meeting.

Your concluding paragraph, "The meeting will not be open to the public, but the Board intends to make the transcript available publicly immediately upon its receipt, quite clearly classifies the request of a Member of the Congress as being in the same category as a request from the public.

While I appreciate the availability of the transcript, I point out that the privilege of the carriers in being able to comment upon each others observations gives them a distinct advantage over the public or the public's Representatives in preparing for any future action based on the discussions which were held. At the writing of this letter, Mr. Chairman, I have not had an opportunity of viewing the transcript, and as I leave for California tomorrow, I probably will not have an opportunity to view the transcript for several days, but I am confident it will be in keeping with the previous meetings of the Board and the industry—the one in January where a transcript was not kept, and the July 22 meeting where one was kept because of the insistence of this office. Also, the transcript itself was not delivered to this office until two weeks after the meeting had been held.

I continue to regard the Boards actions as bordering on contempt of the public interest, and I shall, within a few days, write you further on this issue.

Sincerely,

JOHN E. MOSS,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., August 14, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: In accordance with your request to the Executive Director on the afternoon of August 13, this is to advise that the meeting the Board has scheduled for 10:00 a.m. on August 14, 1969, is a meeting with the scheduled domestic passenger air carriers operating within the 48 states and is a continuation of a similiar meeting between the Board and such carriers on July 22. Your office has previously been furnished a copy of the transcript of the July 22nd meeting and we shall furnish you with a copy of the August 14th meeting immediately after the transcript is available. As in the case of the prior meeting, the August 14th meeting is intended to discuss matters of the domestic fare structure and fare formulas rather than the fare level.

The meeting will not be open to the public, but the Board intends to make the transcript available publicly immediately upon its receipt.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

[Civil Aeronautics Board, Washington, D.C.]

CONFERENCE: DOMESTIC CARRIERS

WASHINGTON, D.C.,
August 14, 1969.

The conference in the above-entitled matter was convened, pursuant to notice, at 10 a.m.

Before:

Honorable John H. Crooker, Jr., Chairman.

Honorable Robert T. Murphy, Vice Chairman.

Honorable G. Joseph Minetti, Member.

Honorable Whitney Gilliland, Member.

PROCEEDINGS

Chairman Crooker. The transcript will reflect that this is a continuation of a meeting first convened on Tuesday, July 22 and recessed that day to provide an additional opportunity for comments by carriers and for study by the Board on the matter of passenger fare structure.

I stress the matter of passenger fare structure, because that is what the July 22 meeting involved, and what this meeting involves rather than fare level.

Some comments were received from carriers since July 22 that had not theretofore been furnished to the Board and in the interim since July 22 a very major development in connection with passenger fares has occurred. This involves filings by United on or about August 1, by Eastern on or about August 7, Continental on or about August 11, and I think subsequently by two other trunk line carriers.

As you know, upon the filing of any tariff, the Board has its statutory responsibilities to perform. Under the law, a time is provided for the filing of complaints and thereafter the Board may, if it wishes, provide some opportunity for briefs, oral argument and so on.

Before getting into those matters, however, if there are any matters that were not covered by any of you gentlemen at the July 22nd meeting, we again invite any comments, not in repetition of what was said three weeks ago, but by way of new points if you care to do so in regard to fare structure.

Mr. Wright. Mr. Chairman, this may not be the appropriate time, but we have been concerned since the July 22nd meeting and prior to that with the fact that the carriers, we seem to be focusing too much attention on the normal fares, without giving adequate consideration to the promotional fares.

The reason for our concern is we have no doubt that in 1970, 50 percent of our traffic will move at the promotional fare levels. That means that if we adjust the normal fares, without adequate attention to promotional fares, we have only done half the job and we may have to come back here again on the same subject.

Therefore the reason for bringing it up at this time I would hope that the carriers in their comments today will focus some attention on the matter of promotional fares, so that we can perhaps correct that problem at the same time we adjust the normal fares.

For example, youth fare could be adjusted from 50 to 60 percent in our view. And the other promotional fares in like manner

I would just like at the outset to draw attention to our concern about that matter.

Chairman Crooker. Any other comments?

Mr. Rogers. Mr. Chairman, Jim Rogers, Western.

We believe the Board is generally aware of this problem, has been in the past, but we would like to reemphasize that the carriers operating within California that the various estimates of the effect of the filings to date does not take the intra-California problem into account. Of the three filings that have been made to date, the three major filings, the impact upon taking California out of the estimates, the effect of this is to decrease the impact by an amount ranging from 12 to 18 percent, depending on the particular formula.

We don't think it is realistic to expect that there is going to be any quick action by the California Commission on any fare structure changes which may be made in view of the fact that they have just recently done the same thing.

Mr. Calussy. Dan Calussy, Northeast.

Like Mr. Wright from Northwest we would like to have the opportunity to bring up matters other than structure if it is acceptable. Namely, discount fares and related matters.

Chairman Crooker. *Well, I don't know that we are in a position to have any discussion of what the discounts should be.*

Do I understand you are merely addressing yourself to the general principle that rather than merely looking to restructuring or revising the level of first class and economy fares you are suggesting that a careful look be taken at discounts and the general matters of discounts offered in connection with various promotional fares? Is your point the same as Mr. Wright's, that the Board and the industry ought to look at this point also?

Mr. Calussy. Yes, sir. We feel they are two different matters. But *it might be fruitful to open this area up for discussion, not for action, but simply to get an expression of views of how the carriers feel about this subject.*

Chairman Crooker. *Let me ask you this question, because we are not talking here about fare level: In any of the recent filings has there been any suggestions in these filings that some of the discount fares be tightened up?*

Mr. Calussy. *I think American Airlines covered one area. And Northeast have previously made filings on July 18* that deal with this subject in some detail that we have since withdrawn.

None of the current filings, except for American's I believe, address themselves to this.

Mr. Wright. Mr. Chairman, that is precisely the point I wanted to emphasize. *We are concerned that filings to date have not really focused on this problem. And to the extent they do not focus on it, we are only doing half the job.*

The increase in utilization of the promotional fares, whether it be reserved fare or standby, is really quite considerable. In our case they have just about tripled since 1966. If we adjust the normal fares without doing anything with the family plan and Discover America and the youth fare, that could only cause a greater conversion to these fares. We have no doubt that we would take care of only a part of the problem.

We do not address ourselves necessarily to fare level, but the relationship. We think the value of service involved in the youth standby fare today certainly calls for a 10 percent adjustment, for example. And Discover America and family plan would follow in a proper relationship.

American has, in their feeling, addressed themselves to this subject.

Chairman Crooker. Mr. Calussy, I am not *trying to cut off anything you might want to say,* but *I think that the very general approach Mr. Wright has taken points the Board's attention to this matter and we are not talking about the level,* we are not here engaged in a discussion about whether a particular thing ought to be 50 percent or 60 percent. And I believe maybe the point has been adequately covered, that this topic should be examined along with a study of the level of normal economy fares and first class fares.

If it hasn't been adequately covered in your judgment, then address yourself to anything you want other than what the level of the discount ought to be. If it has been adequately covered, we will assume the transcript will so reflect.

Mr. Calussy. I think the point has been made, Mr. Chairman.

Mr. Fitzgerald. Mr. Chairman, Dick Fitzgerald, Frontier.

We have been reading the various submissions with great interest in this matter and are in sympathy with the idea of establishing a more uniform fare system. We do find, however, we have some serious problems with the various proposals.

The idea that everybody should pay the same amount of money for a mile of transportation has a great deal of logic, but we find it creates certain problems.

First of all, this break problem. For example, it costs us approximately $12 a mile to run a jet to Grand Junction, Colorado from Denver, 200 miles, and it costs us $7.77 to run that same jet to St. Louis, which is 780 miles because of the speed-distance relationship. We don't believe that that has been given proper attention in most of these filings.

A second and more basic problem is that a factor which affects our ability to provide various service levels, when you get into lower density markets, is the density of the traffic on the route itself. We can afford to charge a lower fare in a large market where we have high density than we can in certain low density markets where there just isn't that much traffic. We have, for instance, high fares to Bismarck and Minot, North Dakota from Denver and we run jets on that route and we make money on it. But if we have to establish the same fare levels on those routes as American has on a comparable route east-west, which has 10 times as much density, it is doubtful we could continue the jet service. This is this north-south-east-west problem.

The reason in my view that the north-south fares are somewhat higher is that generally over the years the north-south density has been much lower. And this density factor has been pretty much ignored, as far as I can see. This is a problem that bothers us because in many cases we are going to have to reduce our fares in low density markets if these formulas were adopted.

I don't have any answer to that, I just raise the point.

Chairman Crooker. *Well, ignoring for a moment the matter of whether you would reduce or increase your fares because that I guess gets to the number of dollars involved, I take it your two points are, number one, for greater distances on any cost orientation it would represent a charge to the passenger of less per mile if he is going 600 or 700 miles than if he is going 200 miles.*

Mr. Fitzgerald. My point is, Mr. Chairman, that most of these proposed formulas do not recognize the extraordinary additional increased cost of running a very short segment.

Chairman Crooker. Well, they all recognize some increase.

Mr. Fitzgerald. Not nearly enough.

Chairman Crooker. They are not full cost allocation formulation.

I don't think any filings we have seen represents any attempt to fully allocate costs to each market and price the fares on the basis of a full allocation of cost.

Mr. Fitzgerald. Well, most of them, Mr. Chairman, break the mileage at 500 miles and the cost of operating 500 miles compared to 100 or 200 is a tremendous difference in just the direct operating expense, let alone the station expense. That is my point.

Chairman Crooker. Mr. Wiser.

Mr. Wiser. Mr. Chairman, the last time I was in this room you gentlemen will recall we discussed an approach which recognized the problem of density and cost among other things and I think we admitted at that point in time that although conceptually this was sound, that factually there was a lot of work to be done before it could become precise.

We still feel, and I think the conversation here illustrates that this is an approach that you and the other members recognize is necessary and we have not relented from that position. However—that also incidentally would relate to the establishment of discount percentages, levels, because until you know what your actual costs are, you really don't know whether the discount is in fact profitable or unprofitable.

It seems to me we are in a situation which unfortunately is becoming more critical by the moment, where it is necessary to do something and in our view, in our letters to the Board, we have relinquished our position which is a great theoretical and academic one at the moment, in recognition of the fact that we have to do something.

It seems to me that what we are talking about today is what can we do to keep ourselves alive until we can do the right thing, which I believe everybody recognizes is desirable.

I submit we are not going to resolve some of the issues Mr. Fitzgerald has discussed in time to do the proper precise thing, because this has been going on for some time.

I would also submit that the question of discount fares is academic until some level of fares is established, because there has to be a relationship to the absolute level on a percentage basis before one can establish that in fact this business is profitable or unprofitable.

Mr. MURPHY. I think that underscores the difficulty that I have had from the very beginning with the concept of accepting a mathematical formula as a standard by which to make a fair on fares. I haven't advocated necessarily the formulation of such a mathematical formula.

It would be nice if we could have one, it would be nice if we could have a formula for happiness, you know, I am not opposed to reaching for the stars. But I think what you have said pretty much bespeaks my own judgment at this point.

Of course, it is very difficult to discuss structure without getting into fare levels which we must avoid here. But it is true you can't perhaps have a meaningful concept of discounts until you know what basic fares we are talking about. But Mr. Fitzgerald's comments I think again underscore the question of costs and costs as you find them within your system, because systems differ, regions differ, densities and traffic flows and so forth differ.

I am willing to keep this dialogue going, in an effort to find perhaps a more scientific way of making fair judgments, but I find it difficult to abandon the concept of a transportation system and to think in terms of mileage blocks. Bearing in mind that your long-haul service must produce enough revenue to take care of the service that you are required to render in the short-haul markets. In other words, a true allocation of costs, assuming that cost allocation was a science, which it is not, assuming it were, you would price yourself out of the market. That is obvious right now I think in some of these markets.

The gentleman from Western referred to the problem they had with the intra-California markets. But there you have a carrier that has fixed a fare level that is operating at a profit, presumably, PSA, and yet its cost characteristics probably differ from most other scheduled airlines represented by the gentlemen sitting in this room.

But some might say, "Let us use that carrier's costs as the yardstick." Yet that would produce gross inequities on a system concept. But these are problems that I haven't resolved in my mind, I don't think we have reached the point in my judgment in our studies to find the magic formula when you say you are confronted, as many of you are, with certain practical problems at the moment.

But I wonder, has that moved you or others to more or less come to the conclusion that you must accept the formula concept in order to proceed on tariff filings?

Mr. WISER. I think that our position, speaking for TWA, is that we have to accept the thing that appears to satisfy the equity situation of the carriers and also satisfies the requirement that it would be equitable between carriers. And this is why we have supported the Eastern proposal as an example, although there are many things we could quarrel about in the concept from a practical standpoint, this is why the proposals we have seen we would accept. It is just a recognition of what you can do at this time practically.

I think the other thing I would say although you can't discuss levels specifically, one of the things I believe we all have been quite aware of is the problem that you mentioned and that is that there is some elasticity in this market. And if we go too far in certain areas, we will do more damage than good.

I think most of the proposals I have seen have paid considerable heed to that practical problem, which makes any formula—

Mr. MURPHY. How do you grind value of service into a formula? This is something I haven't been able to figure out. And you have, the longer the haul, the greater the value of the service, the lower the cost. But if you have a truly cost-oriented formula, aren't you accentuating just one element of rate making? And ignoring other elements of rate making, value of service being one. Competitive problems, marketing problems, another element.

Mr. WISER. Yes.

Mr. MURPHY. But how are we going to have a formula that ignores these other elements and it is going to do justice to the public as well as to the carriers?

Mr. CRILLY. Bill Crilly, Eastern.

Speaking to that point, in our proposal we have attempted to recognize value of service in spreading what might be the deficit of the short-haul operation. Some of proposals we have seen kind of take it all out on the extremely long-haul carrier, where you have a relatively thin market flow, compared to some of the intermediate markets where you have heavy competitive flows.

So our formula attempts to balance the equities, recognizing that is a very theoretical concept, but not take it all out on the long-haul carriers.

Mr. WISER. And a restriction really on the short haul.

Mr. ACKER. I think that is borne out by the fact that both the longest haul carriers, TWA, and the shorter haul carriers, Braniff and Eastern, supports the same formula approach. But the thing that brings us here primarily today is the fact that we are faced with a galloping inflation problem. I think it is well illustrated by the settlement over the weekends of Pan American's dispute with the Teamsters Union.

This is very significant to us, as we are involved in the same group of personnel and the same union with a contract that become open on August 1. So we have paid quite a bit of attention to that settlement.

For those who have not reviewed it completely, it calls for a 10 percent increase effective in April and a 9 percent increase effective next March. Seven percent on top of that August 7, it is compounded to a 27.2 increase.

Take that and apply it to the 4,400 people Braniff has under this contract, take into account extra holidays, pensions, dental insurance, and these things, add them in, we find that just the settlement with that one group of personnel amounts to more than the fare increase that is proposed by American. It would amount to more of a percentage increase in our cost than the cost related increase that American includes as its total operating cost. Couple this with things like fuel increases in the magnitude of 10 percent from one of our suppliers, which although they don't supply all of our fuel, amounts to a 7¼ percent increase. Other inflationary increases to employee groups, and we find we are talking about increases in cost from 12 to 15 percent on a current basis that we have no control over. This is our difficulty today.

Chairman CROOKER. Mr. Acker, without trying to have anyone on the side of government here, arbitrary or capricious, I would personally consider the last comments are irrelevant.

Mr. GILLILLAND. I think that is right.

Chairman CROOKER. I am not suggesting we strike them from the record, but let the record reflect there is a thought on the Board's part that the last comments are irrelevant and immaterial to any issue before us today.

Any other comments?

Mr. DOLANSKY. Ed Dolansky, National Airlines.

Addressing attention back again to the structure concept, obviously the industry has operated for a great many years and been motivated for a multitude of reasons to institute these wide variety of fares that are now in existence and to attempt to accelerate a program that would achieve a major restructuring of the entire fare policy, perhaps precipitated to some degree by other economic pressures might be rushing into a chaotic situation for the industry.

As the gentleman from Frontier, Mr. Fitzgerald, mentioned, we think the haul characteristics of his route system certainly is a value of service to the passenger, flying over the continental divide, going from Denver to Grand Junction, which is much greater, because he does not have surface transportation available to him, either by private automobile or public transportation anywhere near the type of facilities that are available in other sections of the country.

Consequently, this has, while on the one hand similar cost characteristics perhaps on a comparable stage length with others in Montana or Texas, it has a value factor from a passenger point of view that is not readily considered in a fare formula approach. And obviously with the general trend of the economy, inflation elements, this will not be the last opportunity that will be presented to the industry or the Board to effect meaningful restructuring without causing catastrophic consequences to any carrier subsequently.

While on the one hand in some other form, we may well have illustrated a critical need as evidenced by the material that was presented to the CAB through the ATA's material, there is an obvious need for reviewing levels in another form, nonetheless to attempt to bring this all into focus at this particular point in time may be somewhat premature because you cannot consider any particular carrier cannot consider all of the very elements that affect another carrier, be it Western in the continental market or Frontier in the Rocky Mountain region, or Northeast in the Northeast Corridor.

And as Northwest mentioned, our discount fares for the recent year ending represent some 45 percent of the total volume of business. Obviously this is a major element when you have digressed a considerable degree from the promotional concept when half of your business is now moving under promotional fares. These all have to be cranked into the restructuring.

Mr. MURPHY. Are these promotional fares more apt to occur in long-haul markets? In other words, is your yield more diluted in long haul than short haul?

Mr. DOLANSKY. Yes, sir.

Mr. MURPHY. So in effect you would be asking the short-haul passenger to assume part of the problem by paying more, let's say, the way some of these formulas work out, for the declining yields that are occurring in the markets. The value of service being higher there, you have a further value of service occurring in the dilution yields.

And yet some of these formulas would produce, because of taper—bear in mind I am not opposed to taper. I am not opposed to a genuine, sincere search for something that will be helpful to all of us. But this taper produces a decline in fares on some of the formulas, an actual fare decrease, at a time when the short-haul passenger is going to be asked to assume a tremendous fare increase.

I think from a public relations point of view, a public interest point of view, this is the bulk of your air travelers who travel in markets under 1,000 miles, and this raises a serious question I think. Apart from economic questions it raises serious public interest questions.

Mr. **Calussy**. Mr. Vice Chairman, that certainly is true. In our transcontinental markets, about two-thirds of our passengers will move in a discount fare, system-wide about 45 percent.

Consequently, the point you are making is very relevant. With the length of haul, after a certain stage length, air travel is the only practical method of transportation and consequently the value is increased to the consumer, appreciably greater than the cost factors alone. As you get into the shortest of the shorthauls, you do have real competition coming into play and you are going to be pricing yourself out of more of these markets.

Mr. **Wiser**. To comment on that point, I think following your line of thinking, Mr. Vice Chairman, there has been a real effort in some of these so-called formulas, I think the formulas maybe in your view are rigid, but I think there has been an effort, particularly in the Eastern formula, to address the problem you are talking about basically and recognize that you can't price yourself out of the market in the short haul, because that is not rendering the public a service, also you cannot therefore cut long-haul fares to the point where you are not able to handle the system.

My comments about equity is that I think the Eastern proposal from an industry standpoint provides the best balance of equity per carrier that we have seen. That is why we support it. It is not a rigid formula.

Mr. **Murphy**. Assuming a mathematical formula were adopted as a measurement or standard by which to judge reasonableness and fairness of tariffs, how would this affect the innovation, the imagination and creation of the market functions of carriers? I mean a big flag is up in my mind, are we creating a straitjacket here for all of us? How do you depart, how do you provide for variation, how do you provide for departures from the standards that would be created and frozen into a formula?

Chairman **Crooker**. Mr. Crilly is seeking to answer.

Mr. **Crilly**. I would like to address myself to both of your questions.

On the latter, I think any approach must recognize there will always be room for promotional fares, be they on short-haul services or long-houl services.

And as to Mr. Wiser's point, I think we all need a basic fare before we can address ourselves to just what the promotional ratios should be to meet specific situations and these might even meet the geographic situations that Frontier is faced with, recognizing the added value of service.

So having a basic formula does not preclude any carrier in the industry offering promotional fares. We think promotional fares can answer these specific situations.

Turning to an earlier question on the effect of short haul increases, whether Eastern likes it or not, it probably has had more experience, because for about three years we operated with higher short-haul fares than several of our major competitors, who actually advertised the fare differential and we were able to find no meaningful diversion, much less any reduction in travel and subsequently the carriers who offered lower fares raised their fares to Eastern's level.

So presumably they came to the same conclusion, that there was no appreciable penalty to Eastern, as long as you are talking in short-haul fares relatively small dollar differences, even though the percentages themselves may be significant.

Mr. **Caldwell**. We basically agree with Mr. Crilly. We do feel that with the February 3 increase that we have reached the point in several of our markets that if we apply the Eastern formula, we would hope that whatever authority comes out of the Board it would give the carriers latitude to determine values or at least look at it when it applies the formula.

If we are going to be tied in a straitjacket, we think it will wholly price us out of some of our short-haul markets.

We are also concerned about the inability of a short-haul carrier to subsidize from the long-haul markets the short haul. We would suggest some inter-carrier relationship on prorates as we did in our August 6 letter to be a condition of the fare structure.

Mr. **Marvin Davis**. I would like to speak to two of the points that Mr. Murphy has raised.

First, you question whether the dilution is greater at the longer distances. Our experience in 1958 under 400-mile traffic, 52 percent of the total passengers paid the full fare and over 1,800 miles, only one-third of our total traffic paid the full fare—

Mr. **Gilliland**. What was the last figure?

Mr. **Marvin Davis**. Over 1,800 miles, one-third paid the full fare. And as to what a mileage-oriented formula would do to innovation or changes of any type in the fare structure, we have been opposed to a mileage-oriented formula for that reason among others.

We believe that the market characteristics differ substantially, in different areas. There are some that are primarily vacation markets where the elasticity of the demand is much greater than in other markets of the same distance and perhaps even the same traffic density. And we think that those vacation-oriented markets deserve not only promotional fares, but a lower basic fare. We think that a vacation-oriented market can support a lower basic fare than a primarily business travel market. A mileage-oriented formula would not permit that type of deviation. You would be charging the same number of dollars in either of those markets, depending on the distance.

There has been some discussion also about the value of service. And we think that that is significant. We think it has to be taken into consideration. And we know of no way that it can be put into a formula.

I have I think, one very good example. We have a 320-mile market, Dallas to Midland, Texas where we have a very low fare, we are considerably under the industry average in that market, and it has gotten that way because of the type of surface competition that we have. There is a highway from Dallas to Midland that doesn't bend. People can get in their automobiles and drive that distance in something like six hours. I am charging $24 for Dallas to Midland, Texas.

I have another market, Albuquerque to Denver, that is only 14 miles farther, but I am charging $35 in that market, and that one has gotten that way for a reason too. You go over two mountain ranges to travel between Albuquerque and Denver. It is worth more to travel that distance between Albuquerque and Denver than it is to travel the same distance between Dallas and Midland.

Those are two factors, the value of service and market characteristics which we have not been able to find any way can be put into a mathematical formula.

Chairman **Crooker**. Have you seen today's Daily?

Mr. **Marvin Davis**. I have not.

Chairman **Crooker**. It says, "Continental Air Lines proposed to the CAB a mileage-oriented fare increase formula."

Is this incorrect?

Mr. **Marvin Davis**. Yes, sir, it is totally incorrect.

Mr. **Murphy**. Mr. Chairman, you should know better by now.

Chairman **Crooker**. Off the record. What occurred.

(Discussion off the record.)

Chairman **Crooker**. We will return to the record.

Any other comments?

(No response.)

Chairman **Crooker**. Gentlemen, your comments have been most informative and helpful.

You are aware of the fact that on tariffs which have been filed the effective dates, as I understand them on United's tariff and Western's tariff is proposed to be September 15, on American's tariff it is proposed to be September 27, on Continental's and Eastern's, it is proposed to be October 1.

All of the tariffs propose increased fare levels, irrespective of the approach taken in regard to structure.

In our opinion the proposed increases and alterations of the structure could have a profound effect on both the carriers and the traveling public. As you know, our rules of practice provide for the filing of complaints against tariffs. The Board of course will give full consideration to any complaints so filed respecting these tariffs. And we have afforded in connection I believe with United's filing, an additional seven days for the filing of complaints. Since their tariff subsequently filed, we might even extend that a few days.

In addition, because of the public interest in the possible effect of proposals for increases in domestic passenger fares, we have decided to hear oral argument from interested persons before determining our future course of action in this case. We won't restrict argument to specific issues, interested persons may express their views with respect to any aspects of the tariffs, certainly those that have been filed up to this time, that people may wish to bring to the Board's attention. But I think there is some interest on the part of at least some, if not all, of the Board members in possibly having arguments addressed to questions I will allude to briefly, though I think you obviously get detailed information in whatever order is issued on this.

Questions such as the following, this not being an all inclusive list:

To what extent, if any, are general passenger fare increases warranted? If so, how should these increases be structured?

To what extent, if any, should the present promotional or discount fare structure be modified?

To what extent should fares in individual markets be predicated on the cost of service?

How should costs be derived?

To what extent should value of service be considered in setting fares above or below the level at which they would be fixed on a cost-oriented basis?

And to what extent, if any, should domestic passenger fares be based on a generally uniform formula applicable to all markets, and if not based strictly thereon, to what extent should fares in tariffs filed be compared by the Board against a guideline so that the Board could readily ascertain how proposals varied up or down from a guideline formula?

In view of all these factors unless there be some change there will be held on Thursday, September 4 at 10:00 a.m. an oral argument on the question of passenger fare revisions proposed by the domestic trunk line air carriers. An order will be forthcoming in a few days. Meanwhile the Board will probably issue a press release so that the carriers and the public will know.

But the matter of phraseology on these points to which arguments might be addressed could conceivably take a few days, so this being Thursday, you won't necessarily expect to receive a copy of the order this week.

Do any Board members have any comments?

Mr. **Gilliland**. I would like to.

I was interested in the comment about the vacation fares or vacation markets and their difference in nature from other markets. The suggestion that the fares should be lower in such markets.

I am wondering to what extent the element of seasonality is involved in your comment on that? How does it relate to it?

Mr. Marvin Davis. Seasonality certainly plays a part in a lot of vacation markets. Some of them are primarily wintertime markets, others primarily summertime markets. And in those cases where you have substantial peaking of traffic in one season and valleys in the other, we think it is appropriate that the fare should be reduced in the off season in order to try to fill up that valley.

In still other vacation markets are pretty even throughout the year and the seasonality does not necessarily apply. The fare might very well be the same throughout the year in a market where your traffic variation is minor.

Mr. Gillilland. You spoke about these fares perhaps being lower. Were you thinking that they would be lower, let's say, in a seasonally, vacation market only in the off season, or would this be a promotional venture to have them lowered generally, that is during the vacation season?

Mr. Marvin Davis. No, I don't think it is necessary that they should be equal in the peak season and lower only in the off season. I think that in a market that is very heavily oriented toward vacation travel that it can support lower fares throughout the year.

Mr. Gillilland. Thank you.

Mr. Fitzgerald. Mr. Chairman, I would like to make one general point on our problem with these formulas.

I understand TWA's position is maybe if we don't have a formula, we will be stuck with the present fare levels, which we can't live with. I agree with that. But the problem with the formula is that the local service carriers generally, the subsidized carriers, have the duty, we think, of getting as much commercial revenue out of the market as we can get in their subsidized markets because the government is making up the differential.

There are so many varied circumstances in our system, you go from low density to high density, that it takes in our view a great deal of managerial judgment as to what that fare level should be in various markets. And this is the problem we have with an across-the-board, flat formula that says you have to charge seven cents on a route where you carry 50 people a day and you have to charge seven cents on a route where you carry 1,000 people a day. That is a basic problem that we have, that it will take away the managerial judgment in trying to decide what fare levels will produce a maximum amount of revenue that can be derived in markets which obviously are not making money.

Chairman Crooker. Any other comments?

Mr. Murphy. I would like to say, I think maybe I made the point, but from the very beginning I think it is fair for me to say this, that from the very beginning I haven't opposed this exercise, I have cooperated, I think that is my duty to do that. But I have had a great deal of skepticism which I have exxpressed privately within the counsels of the Board, the staff is familiar with it, my colleagues are familiar with my views, and I certainly want to cooperate in this search for a fair and just standard if we can reach it.

But I continue to harbor at this point a great deal of intellectual difficulty in trying to accept, at this point of our search, the concept that we have arrived at a mathematically, scientifically fair and equitable formula. I certainly wouldn't want to leave that impression with any of you gentlemen, that I am saying to you or anybody else that you must come and accept the concept of a mathematical formula, in order to project your tariff filings. I am only speaking for myself now.

I will certainly keep an open mind. I must keep an open mind and will on all of these matters and where I am wrong, I want to be shown where I am wrong. But certainly I am not an advocate at this point of a cost, a wholly cost-oriented formula, because that is accentuating just one element in our statute, of our rate-making elements, it seems to me.

Costs are important, I think that is the thing that makes the wheels grind, we know that, certainly it has a very, very important place in the appraisal of tariff levels.

Mr. Beamish. I think essentially we would agree with some of the points Vice Chairman Murphy is making. But it is our viewpoint that having some base from which to work and then be able to consider, as Mr. Crilly earlier suggested, justified exceptions to this base, which can be reviewed by the Board in proceedings, be they promotional fare approaches, and the Board knows there are other approaches that could be taken along these lines, seasonal, et cetera, to obtain these variable formulations we want, be they vacation markets where we do have specialized situations in the marketplace today, but we think there is some merit in having a base from which then to judge the promotional fare departures.

I don't think it would limit creativity nor innovation nor exceptions in proceedings before the Board.

Chairman Crooker. Mr. Caldwell?

Mr. Caldwell. Are we correct in assuming that at this oral argument we will be able to urge the creation of additional things we proposed in our petition?

Chairman Crooker. Can we take that in a moment. Maybe that deserves more than a minute of extra discussion.

Mr. Caldwell. The other thing is, will we be in a position to urge a different method of proration between long-haul and short-haul travel in oral argument?

Chairman Crooker. You are talking about proration between two carriers?

Mr. Caldwell. Yes.

Chairman Crooker. Well, again, let's consider that in a moment. Let's go on the first point first.

Mr. Crilly?

Mr. Crilly. Mr. Chairman, is it correct to assume that we can address ourselves in the oral argument to the question of what the appropriate level would be under the first point?

Chairman Crooker. Certainly. That is the purpose of it, since we have been unable to address ourselves to that here, that will be the purpose of the oral argument and anybody who wishes to complain will be heard and the proponents of the tariff will be heard.

Mr. Sherer. As of the present date I believe it is correct to state no local service carriers filed a tariff on any of the *conceptual methods,* either the staff's formula or any other?

Chairman Crooker. I think that is right.

Mr. Sherer. Is it correct the hearing therefore will deal solely with the tariffs on file and the complaints thereto and there will not be any significant intervention by what you might call parties that are pleasantly in agreement with a filed tariff of another carrier? In other words, is this wide open, or is it limited to complainants?

Chairman Crooker. It is not limited to complainants, because I think proponents of the tariffs should be permitted to make their arguments just like those who might oppose the tariffs. Obviously we cannot suggest that there be no tariffs filed between now and September 4. Any that are filed will be processed.

It seems to me that with Continental's filing on a *no formula basis,* United's filing on a *fixed terminal charge* with a *flat line haul charge,* the filings of Eastern and others on a *fixed terminal charge* with *a variable line haul charge,* you have essentially three major bases to consider and I would suppose if any other carrier filed, it might well resemble the Continental filing, United filing or the Eastern filing. Somewhere there will be a cutoff as to what could properly be treated in oral argument.

I would guess whenever we get within 21 days of the 4th, which may be today or tomorrow, there would not be the statutory time for the filing of complaints prior to the oral argument and it would be procedurally almost impossible to wrap any new filing into the argument, because complainants wouldn't have exhausted the time within which they could complain.

One other thing: If, as a result of those arguments and the study that the Board has made continuously since January and will continue to make in the next three months, if there be action by the Board after September 4, and I would hope it would come immediately if not sooner after September 4, whatever the Board's decision is, then I suppose all carriers would be permitted to file on short notice for competitive reasons with any carrier whose tariff was not suspended.

I don't know that we could necessarily add here to the September 15 date, but we might enact early enough so that if, to speculate for a moment, if a tariff proposed to be effective September 15 were not suspended, it is possible that the Board's action could come early enough so that that would be known and other carriers might file.

Certainly as far as the tariffs to be effective on the 27th or October 1st are concerned, it is anticipated the Board will act well in advance of those dates.

So if any one of those is not suspended, carriers could file competitive, make competitive filings.

Does this cover everything except Mr. Caldwell's points on joint fares?

(No response.)

Chairman Crooker. I would assume that this is a matter which a number of carriers are interested in.

As I recall it, you have sought antitrust immunity to discuss joint fares. If there be an order on that matter, I think—I think United has filed some request for antitrust immunity to discuss related questions.

Mr. Beamish. *Yes.*

Chairman Crooker. *I guess about all I can say, since this is not a matter on which the Board members have reached any firm conclusion, number one, see whether there is an order in the next several days on your filing and United's filing, asking for antitrust immunity.*

Second, utilize your time in oral argument as you see fit. The Board is keenly interested in this.

I will express an individual view as the Vice Chairman did on another matter. I think it is extremely important that the short-haul carrier not lose money on its portion of transporting a person from New York to Los Angeles thence to spleunk. That is a personal view, not a Board view, and the short-haul carriers who are interested in this I guess can judge for themselves matters of how they will argue their case in the time they have.

Mr. Chalk. Mr. Chairman, would the immunity you discussed extend to overseas carriers too?

Chairman Crooker. I didn't hear your question.

Mr. Chalk. Would the antitrust immunity extend to the overseas carriers?

Chairman Crooker. To discuss the joint fares?

Mr. Chalk. That is correct.

Chairman Crooker. What was your filing, Mr. Caldwell? What did you ask for?

Mr. Caldwell. I think our filing, as I recall, was limited to domestic.

Mr. Chalk. May I make application in that event to include the overseas carriers?

Chairman Crooker. Do you want to wait and see what order is entered on the two pending applications?

Mr. Chalk. No, I think that time is of the essence to all carriers.

Chairman CROOKER. Well, I just suppose whatever you want to file we accept it.

Anything else, gentlemen?

If not, the meeting is adjourned and we will see you on September 4.

(Whereupon, at 11:10 a.m., the Conference was adjourned.)

In the meantime, and specifically on August 1, in spite of the fact that tariffs had previously been withdrawn, United and subsequently other airlines filed for a new increase. The material beginning with my letter of August 6, and ending at this point with the filing by myself and 35 of my colleagues is self-explanatory and is inserted at this point in the RECORD:

AUGUST 6, 1969.

Hon. JOHN H. CROOKER, Jr.,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR CHAIRMAN CROOKER: On August 1, United Air Lines filed with you certain tariff revisions which are to become effective on September 15, 1969. The last date upon which comment can be filed is August 13, 1969.

In order to allow time for the twenty Members of Congress to adequately prepare a response and comment upon the proposed tariff revision, I respectfully request an extension for filing comment until 5:00 P.M. August 20, 1969.

Sincerely,

JOHN E. MOSS,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., August 8, 1969.

Re: Tariff Revisions of United Air Lines, Inc., filed August 1, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: This will acknowledge your letter of August 6, 1969, requesting on behalf of 20 Members of Congress that the time for filing complaints to United Air Lines' tariff filed August 1, 1969 (posting date August 1, 1969; effective date September 15, 1969) be extended from August 13 to August 20, 1969.

At the direction of the Board the request is granted, and complaints to the above-described tariff shall be filed on or before August 20, 1969.

Sincerely yours,

THOMAS L. WRENN,
Chief Examiner.

NEWS RELEASE OF CIVIL AERONAUTICS BOARD

The Civil Aeronautics Board will hear oral argument September 4, 1969, on the proposals by a number of domestic air carriers for increases in their domestic passenger fares. The oral argument will assist the Board in its disposition of any complaints which may be filed in connection with the proposed tariffs.

To date, tariff revisions have been filed by American Airlines, Inc.; Continental Air Lines, Inc.; Eastern Air Lines, Inc.; United Air Lines, Inc., and Western Air Lines, Inc. Although the carriers take various approaches to the appropriate level and structure of domestic passenger fares, all the proposed tariffs would increase fare levels to some extent.

Some of the other trunklines have indicated they will file similar tariff proposals. The local service carriers have not advised the Board as to planned tariff changes.

The CAB met today with the trunk and local service carriers to discuss questions relating to a proposed uniform method of structuring tariffs including the question of whether such a method is feasible or desirable in the public interest. The Board pointed out that the meeting did not involve the level of fares which the public should be charged and was related only to the technical subject of whether tariffs can be properly constructed on a uniform cost-oriented formula. At the conclusion of the meeting with the carriers the Board announced its desire to hear oral argument on the tariff filings.

The CAB will issue an order in the next few days indicating the procedures by which persons desiring to present positions on the fares may participate in the oral argument before the Board. Essentially, the procedures will be that any person who desires to participate in the oral argument should file with the Board and serve on the carriers whose tariffs are involved a complaint or other statement of position on or before August 28, 1969, together with a request to the Board for leave to participate in the oral argument. Such persons will subsequently be advised of the time allotted them in which to present their argument. The CAB will reserve the right to require that persons having the same interests be represented by one spokesman.

Sections 302.500–508 of the Board's Rules of Practice specify the requirements for complaints against tariffs.

[Order 69–8–108, docket 21322]

PASSENGER-FARE REVISIONS PROPOSED BY DOMESTIC TRUNKLINES

ORDER

By tariff filed August 1, 1969, and marked to become effective September 15, 1969, United Air Lines, Inc., proposed to revise its domestic passenger fares within the 48 contiguous States. Subsequently, on August 7 and 11, 1969, Eastern Air Lines, Inc., and Continental Air Lines, Inc., respectively, also filed proposed fare revisions marked to become effective October 1, 1969. On August 13, 1969, American Airlines, Inc., proposed to revise its domestic passenger fares, effective September 27, 1969.[1] Although each of the carriers takes a different approach to the appropriate level and structure of domestic passenger fares, all the tariffs increase general fare levels. The Board is informed that other domestic trunk carriers also intend to file general fare revisions.

Pursuant to section 1002 of the Federal Aviation Act (49 USC 1482), the Board may, upon its own initiative or in the light of complaints from interested persons, (a) suspend the effectiveness of the proposed tariffs pending investigation of the reasonableness of the proposed rates, (b) permit such tariffs to take effect while it is conducting such investigation, or (c) permit the tariffs to become effective without investigation. The Board's Rules of Practice provide for the filing of complaints against tariffs requesting their suspension and/or investigation,[2] and the Board will give full consideration to all complaints so filed respecting these tariffs. Also, because of the interest of the public in the proposed increases in passenger fares, we have decided to hear oral argument from interested persons *before determining what our action should be with respect to the tariff proposals.*

In the interest of orderly procedure, we will require that any person who desires to participate in such oral argument shall file with the Board and serve upon the air carriers a complaint against increases, *or other statement of his position, on or before August 28, 1969, together with a request to the Board for leave to participate in the oral argument.* The Board will subsequently advise the persons desiring to appear of the amount of time which will be granted for argument, and reserves the right to require that various persons having common interests be represented by one or more spokesmen.

We will not restrict argument to specific issues but will permit interested persons to express their views on any aspect of the tariffs that they wish to bring to the Board's attention. However, we are particularly interested in hearing argument addressed to the following questions:

1. To what extent, if any, are passenger fare increases warranted, and how should such increases be applied?

2. To what extent, if any, should the present promotional or discount fares be modified?

3. What effect, if any, will either the proposed tariff revisions or possible changes in promotional and discount fares have upon the movement of traffic?

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 1001 and 1002 thereof,

It is ordered that:

1. On September 4, 1969, at 10:00 a.m., the Board will hear oral argument on the question of the passenger-fare revisions proposed by the domestic trunkline air carriers.

2. Interested persons who desire to participate in such oral argument shall file with the Board a complaint or statement of their position on or before August 28, 1969, together with a request for leave to present an oral argument to the Board.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

HAROLD R. SANDERSON,
Secretary.

COMPLAINTS OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS WITH REQUEST TO TARIFF SUSPENSION AND A GENERAL RATE INVESTIGATION, AUGUST 20, 1969

(In the matter of the tariffs filed by AA, CO, EA, and UA during the month of August 1969, before the Civil Aeronautics Board, Washington, D.C.)

By tariff filings during the month of August 1969, four airlines, American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Eastern Air Lines, Inc (Eastern), and United Air Lines, Inc. (United), have proposed changes in the level and structure of airline passenger fares.

Three of the air carriers have proposed formulas which call for the adoption of a so-called fixed "terminal charge" per individual fare plus either a fixed or variable charge per mile. The variable rates are constructed by "cumulative mileage blocks" so that the actual rate per mile is constantly changing with distance, but not at a uniform rate. The fourth carrier puts forth no formula, requesting instead a flat increase in present fares by mileage blocks, the amount increasing $1.00 with each additional mileage block.

The three carriers advancing the formula approach do not indicate the mileage system used to compute fares. Nor do their formulas appear to take into consideration any variations other than mileage. Neither do the carriers proffer any detailed information in support of their fare proposals such as load factor, dilution, etc.

In essence, what the revisions filed by the carriers propose is:

1. A change in the level of fares;

2. A change in the structure of fares between ports and localities, and between persons and descriptions of traffic in air transportation between different ports and localities; and

3. A change in the structure of fares between persons and descriptions of traffic in air transportation between the same ports and localities.

The legal principles governing the carriers filings have been previously set forth by the Members in their complaint of April 21, 1969. To restate them here would be redundant. It is suffice to re-emphasize that the pertinent criteria established by the Congress are specified in subsections 404(a), 404(b) and 1102(e) of the Federal Aviation Act of 1958, other supplementary criteria established by the Board from time to time are outlined in various C.A.B. Economic Regulations and the General Passenger Fare Investigation, 32 C.A.B. 291 (1960).

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 101.

[2] 14 CFR 302.500–302.508.

In support of their applications the air carriers assert with regard to the issue of the level of fares, that the continued decline of earnings in relation to investment makes an increase in revenues absolutely essential. That the combined impact of declining yields, declining load factors, and spiraling inflationary increases in cost make it impossible for them to earn the allowable return established by the Board in 1960. That the money market may dry up if earnings do not improve and they may not be able to obtain new capital from the New York based insurance companies which are legally limited to earnings of 1½ times fixed charges.

As regards the fare structure, some (but not all) of the carriers declare that a rational scheme is long overdue. The greater recognition should be given the higher costs of short-haul operations.

The Members of Congress are sympathetic to the need of many air carriers, but not necessarily all, for higher earnings. After all, in the final analysis:

"It is the proven earning power and future earning potential, as opposed to the book value, which ultimately determines the feasibility of a company's capital structure, its commercial value, and its borrowing power." (Congressional Record, vol. 113, pt. 22, p. 30488.)

Likewise, complainants are aware that the downward trend in load factors is not a matter within the sole control of individual air carrier managements; that unilateral capacity controls will not in and of themselves stabilize industry load factors at a reasonable level. The Bureau of Economics has already observed at Page 70 of its staff report:

"That the fare level affects the volume of service offered by the several carriers in the market and that a fare set well above cost, based on a reasonable load factor, may contribute to the operation of excessive capacity, and resulting inefficient use of resources."

Nevertheless, even after allowing for these facts, the complainants still feel obliged to point out to the Board that the proposals made by the air carriers do not take into consideration any of the statutory standards set forth in the Act. More pragmatically, the Members believe that these fare proposals will further depress load factors and earnings; bring about even greater increases in cash costs, congestion and air pollution; and lead to more uneconomical and inefficient use of the nation's airport and airways, thereby further increasing the burden to the taxpayer and farepayer.

Thus it is complaint's contention that viewed in its entirety the results reached would be unjust and unreasonable.

Turning first to the issue of the overall reasonableness of general passenger fare level, it must be first noted that at present there are no standards for regulating passenger fares concerning load factors and cash costs. In making the 1960 General Passenger Fare Investigation decision, the Board deferred the development and application of useable load factor and cash cost Standards until "a time when the industry has reached a more stable period."

The relationship between cost, price and load factors underlies the whole area of airline profitability. Air carrier fares are primarily based, or should be based, on cost and load factor decisions, and the cash costs constitute the major portion of all operating costs, capital and non-capital.

With regard to this latter matter, the air carriers have jointly and severally produced on the record a substantial amount of sufficiently reliable evidentiary material as to the impact of recent inflationary increases on their cash costs to permit a change in the level of fares, all other things being equal. Had the Board previously established fair cash cost standards, it is clear that the Board would now be able to deal with the problem of determining an appropriate fare level more effectively.

Unfortunately, however, the Board has not yet established such standards, so at present there is no evidentiary content on the record against which to apply these measures. Plainly, therefore, the effect of the recent increases on cash costs cannot be ascertained until such costs, upon which passenger fares are primarily based, have been established on the record, for it is "the Board's policy not to permit substantive changes involving increased charges which affect significant volumes of traffic without careful review of the impact of the proposals on the public and the industry as a whole." (Order 69–6–124, June 24, 1969.)

Secondly, one of the key factors which has historically been recognized in determining revenue need, future earning potential, unit cost-of-service, and the "just and reasonableness" of rates is load factor.

As previously observed, the Board has deferred establishing load factor standards and none of the applicants have yet provided on the record any evidentary material as to the load factor (or load factors) used to construct their fare revisions. Obviously without such information the Board cannot intelligently regulate airline passenger fares.

The Members of Congress, like the Board, are very much concerned about the presently depressed level of load factors. We however disagree with United that—

"Only by assuming that the managements of *all eleven* of the trunkline carriers have acted in disregard of the profit motive can it be contended that the current load factors do not reflect reasonably attainable levels under all of the economic and operating conditions affecting the industry." (Page 6.)

Our airlines are engaged in "monopolistic competition." Under this form of competition a distinction must be drawn between the concepts of "competitive price" and "competitive profits." The monopoly element, resulting from the limited entry into the field, can produce higher rates but not greater earnings—because the competitive element tends to bring about greater costs. To quote Edward Chamberlin, "Competition, in so far as it consists of a movement of resources into the industry reduces profits to the competitive level, but leaves prices higher to a degree dependent upon the strength of the monopoly element."[1]

Complaints therefore agree with United that: "Obviously, the explanation for the lowering of load factor levels must lie in some area other than an unfounded assumption that capacity-traffic relationships lie within the absolute control of management." (Page 6.)

And that: "In considering the load factor problem is should be emphasized that a given load factor is the resultant of various elements." (Page 6.)

Complainants consequently submit that the *principal* explanation of the declining load factor problem lies in the level of the fares. That it is the level of fares which primarily determines load factor (other than those in exceptionally thin markets). And that control of the level of fares rests at this time primarily with the *Board*.

It is no industry secret that the airlines have traditionally considered business travel as their primary market. Nor that they consider this market to be price inelastic. Historically, their principal efforts to improve earnings have been in the direction of adjustments in service and selling costs, as opposed to price adjustments. "More and more is price competition evaded by turning the buyer's attention toward a trade-mark, or by competing on the basis of quality of service (or by advertising . . .).[2]

Along this line of thought, we would bring to the Board's attention the recent remarks of Mr. Donald J. Lloyd-Jones, vice president-corporate planning, American, which appeared recently in a leading nationwide financial publication, to wit:

"First of all, we cannot compete on fares. . . . Secondly, we cannot compete today on equipment types. . . . So we are forced to compete in three areas: service on the ground, service in the air and frequency of schedules to your destination. Now the last has proven to be one of the most important factors in profitability of a given carrier." (Barron's, July 28, 1969)

Thus the industry has been battling it out in the marketplace in terms of frequency, not efficiency and economy of operations—with the public picking up the bill for the difference. From management's viewpoint the choice has been logically seen as one between market share and load factors, with a large pro rata share being ultimately considered more important than high load factors or low fares as a revenue generating factor.

In other words, because the Board has vacated the establishment of load factor standards to the competitive forces of the monopolistic and semi-monopolistic markets (where price is not considered by the sellers to be a competitive factor), the fare level has become the controlling factor in regulating the load factor and resulting unit cost-of-service.

Complainants concur with the Board that:

1. As long as the industry's load factor continues its present downward trend, and inflationary pressures persist, the carriers may find themselves in a cost-revenue squeeze despite the introduction of more efficient aircraft and the adjustment of their fares. (Order 69–5–28, May 8, 1969, page 4.)

2. Another significant aspect of an unnecessary increase in unused capacity is the corresponding growth in the investment base and fixed charges. (*Ibid.*)

3. (I) t cannot be expected that fare increases will stimulate additional traffic (*Ibid.*)

4. (T) hat the traveling public should not be asked to pay for the operation of a volume of capacity which is significantly out of line with market demand. (Order 69–6–124, June 24, 1969, page 4.)

The basic solution to the industry's present financial situation would therefore appear to lie not only in the air carriers exercising restraint in ordering new flight equipment and in the use or scheduling of its available capacity, but more importantly in the regulation of the fare level by the Board in accordance with the statutory standards of the Act of 1958, supplemented by appropriate load factor, cash and capital cost guidelines.

One of the principal proposals contained in the various formula approaches is the imposition of an arbitrary flat fee or "terminal charge" in *each* fare. Passenger boarding costs have been considered to be a fast rising part of airline costs which have not always been fully reflected in fares, particularly short-haul fares.

Line-haul costs have traditionally been treated as capacity costs. Consequently, it has been generally recognized that load factors affect the level of unit line-haul costs. The higher the load factor, the lower the unit cost, and vice versa.

Terminal costs, on the other hand, have ordinarily been considered to be unit costs that varied with volume of traffic. Load factors have not been considered as a factor in determining terminal expenses. Nevertheless, it is not the theory, but the impact of a rate order which counts.

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[1] Edward Chamberlin, The Theory of Monopolistic Competition, Harvard University Press, Cambridge, Mass. (1933) p. 88. Note, the more difficult it is to obtain a Certificate of Convenience and Necessity in a given market, the stronger the monopoly element.

[2] *Ibid.*, 73.

One of the principal terminal expenses is Aircraft Servicing. Alone this item accounts for probably more than half of the terminal expenditures. Since this is a cost incurred in servicing aircraft, it naturally follows that it is a function of the number of aircraft handled. Consequently, when low load factors spread traffic over more flights, the number of departures per passenger handled increases, and the *unit aircraft servicing cost per passenger* increases.

Furthermore, when additional flights at hub stations require the acquisition of additional gate position and ground handling personnel, this cost is further increased.

Therefore, without addressing ourselves to the merit of carriers proposal, complainants merely observe that the presently depressed load factors may be temporarily inflating the level of the terminal charges *per se* to an unjust and unreasonable level.

We come now to the second major issue of the proposed fare revisions, a change in the structure of fares between ports and localities, and between persons and description of traffic in air transportation between different ports and localities.

Generally the carriers have proposed the erection of a fare structure upon the base of an average fixed terminal charge, which might be referred to as a getting-off-and-on-the-ground charge, plus a fixed or variable rate per mile. The justification for this method of ratemaking is that it will supposedly relate fares more closely to costs.

First, it should be noted that "It is generally accepted that line-haul costs are primarily determined by hours an aircraft or a passenger is in movement." (Eastern Airlines' Proposal for a Revised Fare Structure, at page 6.7.) It is also generally recognized that the aircraft hours between markets will vary in the same direction, at the same time of day, with the same type of aircraft at the same load factor. In other words, there is a varying cost between different city parts at similar mileage intervals. (Continental, at page 5.)

Second, it should be noted that longer flight-time at similar mileage intervals normally occur where there is congestion, and that such congestion usually occurs only in those markets where traffic demand (and therefore value-of-service) is higher.

As a consequence, all of the formulae approaches—even those based on an industry average jet speed curve—tend to shift a major cost burden in city pairs of similar length from those markets where the value-of-service is high to those where the value-of-service is frequently significantly lower. This is not only unfair and unlawful—because it gives an undue or unreasonable preference or advantage to the former, who generate the greater cost and are better able to reimburse the carrier for that cost, and subjects the latter who receive less service to undue and unreasonable prejudice and disadvantage—but it is also commercially unsound.

One of the leading arguments in favor of the "terminal charge" and other form of fare tapers, like the variable mileage rate, is "to give greater recognition to the higher costs of shorter haul operations."

In its staff study, the Bureau of Economics reported at page 44:

"The cost taper results from the fact that certain types of costs are the same regardless of the distance that an aircraft may travel .... In addition, the cost of moving an aircraft to or from cruise speed (taxiing, climb-out, and descent) does not vary significantly from one departure to another."

On the following page (45), the "Stop time block hours" element is given a value of 0.4 hours at all stage lengths.

Now it does not take an aeronautical engineer's background to reach the conclusion that aircraft on short-haul trips do not usually fly between city pairs at the same altitude as they do on long-haul trips, and that consequently the Stop-time-block-hours do vary with the length of hop. This is demonstrated in the "Tabulations Relating to Cost Finding Phase" of the C.A.B. staff study when the Block time-Stop time of long-haul, medium-haul and short-haul aircraft are compared.

Aircraft type	Block time-stop time (hours)	Percent
4-engine turbofan	0.3965	100
4-engine turbojet	.3947	100
3-engine turbofan	.3949	100
2-engine turbofan	.2709	68
F-27	.1732	44

While not conclusive, this evidence does indicate that the cost of moving an aircraft to and from cruise speed (taxiing, climb-out, descent) *does* vary significantly with distance and that consequently pending a full examination and analysis of the subject, the proposed terminal charges and variable rates per mile would subject persons and descriptions of traffic in short-haul markets to undue and unreasonable prejudice and disadvantage, while giving to longer medium and long-haul markets where the value-of-service is normally greater undue and unreasonable preference or advantage.

Finally complainants turn to the proposed changes in the structure of fares between persons and description of traffic in air transportation between the same ports and localities.

All of the carriers have proposed to revise the relationship between first class and coach fares by establishing a uniform differential with first class at a level equal to 120% or 125% of coach fares or the existing level, whichever is greater. Without passing on the merits of this proposal, complainants would merely draw to the Board's attention that these proposals do not appear to comply with C.A.B. Economic Regulation 399.33(d), Domestic coach policy, *fare differential*. Therefore, it would seem that to the extent the proposed fares do not take into consideration the standards of the Board's own Economic Regulations they would be unlawful.

With regard to the proposal to increase Youth Adult and Standby fares to 80% and 60% of the corresponding coach fare, the Members can take no position at this time without a fuller examination and analysis of the facts. However, we do feel that it should be noted in passing that charging one standby passenger or class of standby passengers with a lower boarding priority a higher rate than another, may subject that person or description of traffic in air transportation to unjust discrimination or undue or unreasonable prejudice or disadvantage.

In summation, therefore, the real point of the Member's complaint is that the airlines' proposals fail on questions of law and fact. It has long been established Board policy that the question of whether a fare is just and reasonable turns primarily on the relationship between revenues and costs. As a general rule, revenues should equal the reasonable cost of providing the service plus a fair return. The carriers, however, have not yet shown on the record that the level of their unit costs, cash costs, load factor and proposed new interrelationship of rates in the new structure would be just and reasonable, and without unjust discrimination or undue preference or prejudice.

Accordingly, in conformance with Subpart E, paragraph 302,505 of the Board's Rule of Practice in Economic Proceedings, the complainants suggest that the foregoing facts warrant:

1. (a) The Board's suspending and investigating the tariffs filed by American, Continental, Eastern, and United during the month of August 1969, and in addition all other pending tariff revisions to determine whether they are just and reasonable, and

(b) If the Board shall be of the opinion that such fares are unjust or unreasonable, that the Board determine and prescribe, in accordance with subsection 1002(d) of the Act of 1958, the lawful rate, fare or charge thereafter to be demanded, charged, collected or received by applicant;

2. (a) Institution of a general rate proceeding to investigate the structure and construction of air passenger fares to achieve a sound foundation for determining whether such fares should, or should not, be related to revenue-miles or revenue-hours traveled, or revenue-miles or revenue-hours traveled plus an arbitrary charge or charges, or some other factor, in order that such rates will at all times be reasonably related to the statutory standards of the Act of 1958, and the rules of ratemaking established by the Board.

(b) As a part of that investigation, to determine and prescribe the national policy regarding the duty of air carriers to establish, observe, and enforce just and reasonable individual and joint through single factor rates, fares, and charges, and just and reasonable rules, regulations and practices relating to such rates, fares and charges, in all markets in which service by a single carrier is authorized, or in which connecting service is needed to avoid competition in excess of that necessary to assure the sound development of an air transportation system.

The justification for these proposals have been previously set forth in the Members' complaint of April 21, 1969, which is hereby made a part of this complaint.

Respectfully submitted.

JOHN E. MOSS, RICHARD T. HANNA, HAROLD T. JOHNSON, GEORGE E. BROWN, JR., EDWARD R. ROYBAL, JOHN J. MCFALL, PHILLIP BURTON, CHARLES H. WILSON, LIONEL VAN DEERLIN, GEORGE P. MILLER, GLENN M. ANDERSON, ROBERT L. LEGGETT, CHET HOLIFIELD, JERRY L. PETTIS, DON EDWARDS, AUGUSTUS F. HAWKINS, WALTER S. BARING, JEFFREY COHELAN, B. F. SISK, WILLIAM S. MAILLIARD, Members of Congress.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon: American Airlines, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc. by causing copies to be mailed to such carrier or its agent properly addressed with postage prepaid.

JOHN W. BILLETT.

AUGUST 20, 1969.

[From the Washington (D.C.) Post, Aug. 22, 1969]

AIR TICKET HIKE POSSIBLE NEXT MONTH

The Civil Aeronautics Board has indicated to the airlines they may be permitted to raise fares next month to help meet rising costs and dwindling returns.

The increase will materialize as soon as one of three proposed basic fare formulas has been worked out. It could come as early as Sept. 15 or as late as Oct. 1, the airline industry has been informed.

The nature and amount of the increase will be determined after oral argument Sept. 4 on the fare adjustment proposals now before the board from five airlines—American, Continental, Eastern, Northwest, and United.

AUGUST 25, 1969.

Hon. JOHN H. CROOKER, Jr.
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR CHAIRMAN CROOKER: The Associated Press has reported that the C.A.B. has already assured the airlines that a basic fare increase will be granted sometime between September 15 and October 1. This in spite of the fact that oral argument has been set on fares for September 4.

Is it your impression and opinion that this report is true? If so, why is oral argument being held? If not, what do you think gave rise to this rumor?

I would appreciate receiving your individual views since I am transmitting this letter to each member of the Board.

Sincerely,

John E. Moss,
Member of Congress.

Civil Aeronautics Board,
Washington, September 2, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Mr. Moss: This letter is in answer to yours of August 25, 1969 which, because of an absence from Washington, has just come to my attention.

I have now been a Member of the Board for several years and during that time have never known of an instance of advance assurance as to how a case would be decided.

Sincerely,

Whitney Gillilland.

Civil Aeronautics Board,
Washington, August 29, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Congressman Moss: This is in reply to your letter of August 25, 1969 in which you refer to an Associated Press report that the CAB has already assured the airlines that a basic fare increase will be granted some time between September 15 and October 1.

Clearly, the Board has not and will not pass on the merits of the proposed fare increases until all interested persons have had a fair opportunity to present their views. Naturally, I have no way of knowing what may have given rise to the press report to which you refer, but I am aware of no facts to support it.

Sincerely yours,

G. Joseph Minetti,
Member.

Civil Aeronautics Board,
Washington, D.C., September 2, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Congressman Moss: I received only last Friday your letter of August 25 inquiring as to the basis for an Associated Press report that the Board has informed the airlines that a fare increase would be granted. Contrary to any such report I can assure you that neither I nor the Civil Aeronautics Board has made any decision on this matter.

As you know, a number of tariffs have been filed with the Board proposing fare increases and complaints have been filed against such tariffs. The Board has set the matter for Oral Argument on September 4 at which time it will hear both the proponents and opponents of the proposed tariffs. Until the Argument has taken place no decision has or will be made by the Board. When the decision is being made we will take full account of all relevant material submitted by the parties both orally and in writing. In this connection I will give careful attention to the helpful comments contained in the complaint filed by you and nineteen other Members of Congress in regard to the proposed tariffs.

I welcome the interest and attention you have expressed in this very important subject.

Sincerely,

Robert T. Murphy,
Vice Chairman.

Civil Aeronautics Board,
Washington, D.C., August 29, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Congressman Moss: This refers to your letter dated August 25 concerning air carrier fare increases. I have not seen the AP report to which you refer so cannot comment on it, nor can I speculate as to its source.

Under the law air carrier fares when filed with the Board become effective at a specified time unless the Board suspends them. Various filings are now before us seeking increases. The first of these filings has an effective date of September 15.

Oral argument is not a usual step in processing fare proposals, but because of the large number of differing filings and the widespread interest in them, in this instance the Board decided to hear arguments of interested parties before making a decision as to whether to suspend any or all of the filings or to permit some of them to go into effect.

Following the argument, the Board, in keeping with past practice, will no doubt seek to make its position known to the carriers well enough in advance of the September 15 effective date to permit those whose filings may not be approved to notify their ticket agents of any changed situation. I would expect the Board position to be made known early in the week of September 8.

I have read the applications and supporting papers as well as those items filed in opposition, but I have not yet decided what my final position will be, and will not so decide until after the argument.

Sincerely yours,

John G. Adams.

Civil Aeronautics Board,
Washington, D.C., August 28, 1969.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Congressman Moss: I have your letter dated August 25, stating that the Associated Press has reported that the CAB has already assured airlines that a basic (passenger) fare increase will be granted.

Copies of papers that are filed in matters such as these go to the offices of the individual Members. Hence, I suppose that most of the Members have read (with both care and keen interest) the documents heretofore filed, both favoring and opposing fare increases. However, there has certainly been no Board meeting held, much less a decision reached, in regard to whether the Board will permit *any* of the tariffs proposing increases to become effective.

Yours very truly,

John H. Crooker, Jr.,
Chairman.

August 26, 1969.

Hon. John H. Crooker, Jr.,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: Seated in my Sacramento office at this moment, I have before me a letter which would constitute a formal request for appearance before the Board on September 4, 1969, for the purpose of presenting oral arguments. The request, as drafted, would have included Mr. John W. Billett, my Legislative Assistant, and Mr. Richard W. Klabzuba, who would appear with me for the purposes of advice and consultation.

Mr. Chairman, I have determined not to sign that letter because of the disquieting tenor of press reports which indicate that the Board has made a decision. In other words, I would not appear before any agency denying me the right of impartial consideration of my views. Absent that assurance, the so-called oral arguments become farcical and meaningless. You may recall, Mr. Chairman, during your recent visit in my office you stated that the tight money frame to which I then objected could probably be regarded as being much looser and more flexible. Yes, I am informed that only on September 4 would oral argument be entertained and that the nature of the argument would be a mere presentation of views which, if they are to be sufficiently extensive and include all interested parties, could not possibly be concluded in one day.

I ask, Mr. Chairman, that this letter of protest at the apparent predisposition of this matter be made an official part of the record of "oral argument."

Because of the hurried nature of your proceedings, this is being dictated via long distance telephone with instructions to my Legislative Assistant, Mr. John W. Billett, to sign my name and to note that fact by his initials.

Sincerely,

John E. Moss,
Member of Congress.

Civil Aeronautics Board,
Washington, D.C., August 27, 1969.

Re: Docket No. 21326.

Hon. George P. Miller,
House of Representatives,
Washington, D.C.

Dear Congressman Miller: The Docket Section at the Board received on August 20, a complaint signed by you and nineteen other members of the Congress, requesting (among other things) suspension of tariffs filed by four trunkline air carriers (American, Continental, Eastern and United). The Board had announced that oral arguments would be heard in Room 1027 at the Civil Aeronautics Board, commencing at 10:00 A.M. on Thursday, September 4, from complainants and proponents—and that any complainant desiring to participate in the oral argument should so advise the Board by August 28.

Today, we have received a letter from Congressman Moss, indicating (among other things) that, in effect, he will not participate in the oral argument at that time. If you desire to present some statement, oral or written, will you please have someone in your office so notify us on either Thursday, August 28, or Friday, August 29. In this regard, it is requested that, if time for such a presentation is desired, a letter be sent or a phone call made to Mr. Thomas L. Wrenn, Chief Hearing Examiner, Civil Aeronautics Board (telephone 382–7758).

Yours very truly,

John H. Crooker, Jr.,
Chairman.

Hon. John H. Crooker, Jr.,
Chairman, Civil Aeronautics Board, Washington, D.C.

Dear Mr. Chairman: This is to acknowledge receipt of your letter of August 27th. The Board should be informed that we endorse without qualification the view expressed by our colleague, the Honorable John E. Moss in his letter to you of August 26, 1969. We ask that this telegram be made an official part of the record of the oral argument.

Sincerely,

Richard T. Hanna, Harold T. Johnson, George E. Brown, Jr., Edward R. Roybal, John J. McFall, Phillip Burton, Charles H. Wilson, Lionel Van Deerlin, George P. Miller, Glenn M. Anderson, Robert L. Leggett, Chet Holifield, Jerry L. Pettis, Don Edwards, Augustus F. Hawkins, Walter S. Baring, Jeffery Cohelan, B. F. Sisk,
Members of Congress.

News Release

Representative John E. Moss (D–California) has today transmitted the attached letter to the Honorable John H. Crooker, Jr., Chairman of the Civil Aeronautics Board, and has directed copies to the other four members of the Board.

The Board currently has under consideration certain proposed changes in air fares between domestic points which have been submitted by various airlines. Moss and 19 of his colleagues filed a formal action requesting that the tariffs be suspended and that a complete general fare investigation be undertaken.

The CAB meantime scheduled oral arguments for yesterday. Moss, because of various indications pointing to the predisposition of the matter by members of the Board, informed the CAB by letter of his intention not to appear yesterday. The contents of that letter have previously been made public.

It has become standard practice when differing fare proposals are presented, for the Board, in one way or another, to offer alternate fare proposals which it would accept. In this instance, the Board issued an order outlining three alternatives which it considered it had. The purpose of the attached letter is to guarantee that the Board does not take any action outside of those three alternatives since any such action would be considered by Moss to be unlawful.

For further information, contact John Billett at 225-7163.

SEPTEMBER 5, 1969.

Hon. JOHN H. CROOKER, Jr.,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: In your order 69-8-108, the Board stated that pursuant to Section 1002 of the Federal Aviation Act (49 USC 1842), it may, upon its own initiative or in the light of complaints from interested persons:

(a) Suspend the effectiveness of the proposed tariffs pending investigation of the reasonableness of the proposed rates,

(b) Permit such tariffs to take effect while it is conducting such investigations, or

(c) Permit the tariffs to become effective without investigation.

In addition, the Board went on to observe that because of the public interest displayed in the August fare revisions, it had decided to take the unusual step in processing fare proposals of hearing oral arguments before determining what its action should be with respect to these tariff proposals.

As both a complainant and a Member of Congress I must therefore conclude that even though the Board did not restrict the oral presentations to any specific issues, it nevertheless did, by its act in enumerating three possible courses of action in its order, preclude any other course of action such as its usual past practice of suspending the effectiveness of the proposed tariffs and then making its position known as to other kinds of tariff proposals it would approve.

This form of ratemaking by treaty must come to an end. According to your Economic Regulation 302.506, at *any* hearing involving a change in a fare, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed change is just and reasonable, and not otherwise unlawful; i.e., in compliance with the rules of ratemaking in the Act and the Board's Economic Regulations and Policy. If the tariff proposals do not meet this test on their face, then they should be suspended and investigated. It is not the duty of the Board to propose alternative fare proposals when the person proposing such changes cannot show that its proposed change is just and reasonable.

Sincerely,

JOHN E. MOSS,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., September 8, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: We are in receipt of your letter of September 5 regarding the Board's Order No. 69-8-108.

In the last paragraph of page 1 of that letter, you state that you conclude that (by enumerating three possible courses of action) the Board precluded any other course of action. Actually, our Order stated: "We will not restrict argument to specific issues but will permit interested persons to express their views on any aspect of the tariffs that they wish to bring to the Board's attention." The items "enumerated" were not "courses of action"; they were (as shown in the Order) questions with respect to which the Board Members were "particularly interested in hearing argument".

As you set forth at the bottom of page 1 of your September 5 letter, the Board's usual past practice has been to suspend "the effectiveness of the proposed tariffs" and then make "its position known as to other kinds of tariff proposals it would approve." No Board order has yet been issued subsequent to the September 4 oral argument; when an order is issued, the procedure employed may be substantially what you described at the bottom of page 1 of your letter. In other words, tariffs filed before our Order No. 69-8-108 may be approved, or the effectiveness of proposed tariffs may be suspended and the Board's position would be made known "as to other kinds of tariff proposals it would approve."

Yours very truly,

JOHN H. CROOKER, Jr.,
Chairman.

SEPTEMBER 10, 1969.

Hon. JOHN H. CROOKER, Jr.,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of September 8 regarding my letter of September 5 and the Board's Order 69-8-108.

A "reasonable man" would have no difficulty interpreting the content of the last paragraph on page 1 of my letter of September 5. Since, however, there is doubt in your mind as to the enumerated "courses of action" to which I had reference, I will again set forth, this time verbatim, paragraph 2 of your order 68-8-108, to wit:

"Pursuant to section 1002 of the Federal Aviation Act (49 USC 1482), the Board may, upon its own initiative or in the light of complaints from interested persons, (a) suspend the effectiveness of the proposed tariffs pending investigation of the reasonableness of the proposed rates, (b) permit such tariffs to take effect while it is conducting such investigation, or (c) permit the tariffs to become effective without investigation. The Board's Rules of Practice provide for the filing of complaints against tariffs requesting their suspension and/or investigation, and the Board will give full consideration to all complaints so filed respecting these tariffs. Also, because of the interest of the public in the proposed increases in passenger fares, we have decided to hear oral argument from interested persons before determining what our action should be with respect to the tariff proposals."

The three enumerated courses of action to which I made reference are clear. These are the three courses of action, and the only courses of action, the Board set forth in its order. By your own terminology, the items listed on page 2 of the order are "questions", not courses of action.

The Board did *not* hedge on the three alternatives when it set them forth in paragraph 2. It did not use the frequently utilized phrase--"among other". You were very definite and precise. You sought the public guidance before determining which of the three courses of action to take. You took the initiative by establishing the ground rules. Now abiding by them would be the only means of acting in good faith by the Board.

In the last paragraph of your letter of September 8, you state that when the Board's order is issued, "the procedure employed may be substantially what you describe at the bottom of page 1 of your letter;" that is, the Board's usual past practice of suspending the effectiveness of the proposed tariffs and then making its position known as to other kinds of tariff proposals it would approve.

You *need not* circumnavigate the Act. Why do so? The Congress has delegated to the Board the authority to prescribe the lawful rates in subsection 1002(d). In point of fact, not only do you have that authority, but the Congress has mandated that the Board shall determine and prescribe the lawful rate if it is of the opinion that any rate is or will be unjust or unreasonable, etc.

The Members of Congress do not take lightly your inclination to tread heavily upon the statutes of this land which they have so laboriously put together, albeit in the name of the "public interest". Our national sense of fairness and justice requires compliance with these Acts. If those who have taken an oath to uphold these laws do not abide by the rules, then who shall enforce them?

You have already reduced the stature of the "oral argument" to a mere meaningless and redundant presentation of known views and opinions. You have similarly diminished the value of your own Economic Regulations by not enforcing them. Do not now further dilute the Act by attempting to sanctify permanently the policy of ratemaking by treaty.

Sincerely,

JOHN E. MOSS,
Member of Congress.

[Order 69-9-68, docket 21322]

PASSENGER FARE REVISIONS PROPOSED BY THE DOMESTIC TRUNKLINE CARRIERS

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September, 1969)

ORDER OF INVESTIGATION AND SUSPENSION

By tariff revision [1] filed August 1, 1969, and marked to become effective September 15, 1969, United Air Lines, Inc. proposed to revise its domestic passenger fares within the 48 contiguous states. Subsequently, on August 7 and 11, 1969, Eastern Air Lines, Inc. and Continental Air Lines, Inc., respectively, also filed proposed fare revisions [1] marked to become effective October 1, 1969. On August 13, 1969, American Airlines, Inc. proposed to revise its domestic passenger fares [1] effective September 27, 1969. Northwest Airlines, Inc. filed proposed revisions [1] to its domestic passenger fares on August 20, 1969, with an effective date of October 4, 1969, and Braniff Airways, Inc., on August 22, 1969, filed revisions [1] to its domestic passenger fares with an effective date of October 1, 1969.

All of the tariff revisions propose increased fares, although each of the six carriers takes a different approach to the appropriate level and structure of domestic passenger fares. With the exception of Continental and United, all of the carriers propose to adjust fares in accordance with a formula based on a fixed charge per passenger plus a variable charge based on mileage. United likewise proposes a dual element formula but with a fixed mileage charge, whereas Continental proposes instead to adjust fares by a stated percentage

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Footnotes at end of article.

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and/or dollar increases which may vary according to distance. All of the carriers except United propose to establish first-class fares at 125 percent of coach. United proposes a ratio of 120 percent. With regard to night coach fares, American would raise all present night coach fares by $3.00, while the other carriers would set night coach fares at a level of 75 to 85 percent of the revised jet coach fares.

Several of the carriers have proposed revisions of their domestic discount fare structure concurrently with the proposed changes in coach and first-class fares. Six carriers have proposed to reduce the Discover America discount from 25 percent to 20 percent. A number of carriers would also reduce the youth standby and children's discount from 50 to 40 percent, the youth reservation discount from 33⅓ to 20 percent, and the family fare discounts for spouses to 20 percent and for children to 33⅓ percent. The proposed fare changes heretofore described are detailed in tabular form in Appendix A of this order.

A complaint has been filed by the Honorable John E. Moss, M.C. (California), and 19 other Members of Congress requesting suspension and investigation of the proposed tariff revisions. The complainants also seek a general fare investigation to determine whether the present fare structure produces a just and reasonable fare. The complainants filed a substantially similar complaint in response to tariff revisions proposed by several of the domestic carriers in March of 1969. The Board, in ordering those tariff revisions suspended and investigated (Order 69–5–28), either disposed of or rendered moot this earlier complaint except as to the request for a general fare investigation, which was deferred pending further informal investigation by the Board's staff into a cost oriented formula for structuring fares. The complainants have incorporated, by reference, the factual justification for the earlier complaint into the instant complaint. Inasmuch as the deferred issue in the earlier complaint is included in the instant complaint, we intend our action herein to be dispositive of the open issue in the earlier complaint.

The principal contentions made by the complainants are that the Board has never established cost and load factor standards against which fares could be judged for fairness and reasonableness, and that the proposed increases should not be permitted until such standards are established and the increases weighed against those standards. The complainants further assert that the fare proposals will further depress load factors and earnings; bring about even greater increases in costs, air traffic congestion, and air pollution; lead to more uneconomical and inefficient use of the nation's airports and airways; and thereby further increase the financial burden to the taxpayers and passengers.

An answer to the complaint has been filed by American. The carrier asserts that the complaint does not set forth facts or arguments warranting a continued postponement of fare adjustments that are urgently required in light of the industry's deteriorating financial position. American alleges that the complaint fails to recognize that over the years the airlines have been able to offset the effects of inflation only by means of improved operating efficiencies, and that such an offset is no longer possible under current economic conditions; that the complainants' sole reason for opposing the fare increases is that the Board has never established standards for cash costs and load factors; and that the alleged lack of fair cash cost and load factor standards is not a valid reason for denying the proposed fare adjustments.

In response to the Board's Order, 69–8–108, setting oral argument on the general question of a fare increase, the domestic trunklines and local service carriers have filed statements of position and presented their views at the oral argument. The carriers urge that there is a pressing need for an increase in regular and promotional fares in order to meet increasing costs which are being incurred in every expense category.

Most of the domestic carriers favor the adoption of a cost-oriented formula for establishing and defining domestic normal passenger fares, provided that it produces substantial additional revenue; that it more accurately reflects the varying costs of service, and that it be administered with enough flexibility to permit deviation in market situations where justification for a departure from the formula is shown.

Several carriers while not objecting to a formula *per se*, express reservations about the formula so far considered. They feel that further analyses should be made to refine the determination of carrier costs in different types of markets, while some are concerned that value of service may not have been adequately considered particularly in connection with short-haul fares. The criticisms of the formula approach are of varying degrees and range from advocacy of greater flexibility of application to requests for fare increases that do not change the present fare structure. The major criticisms of the formula approach are: (1) that such approach is premature at the present time; (2) that it may produce serious anomalies and inequities; (3) that its actual impact is unknown and will vary depending on the carrier and the carriers' operations; (4) that in short-haul markets, it may result in unreasonable fare increases and tend to divert traffic to other modes of transportation; and (5) that it gives no consideration to other rate-making factors such as type of traffic, competition, characteristics of the market, type of travel, and so forth.

A proposal has been made by Mohawk Airlines, Inc. for revising the present method of dividing interline fares. The division of fares proposed by Mohawk is based on the formula approach for establishing coach fares and would apportion an amount to each party to the through fare equal to the fixed, or terminal, charge in the formula, whether the through fare is a joint fare or a combination of locals, with the remainder of the fare being apportioned between the parties in accordance with the normal rate prorate.

Upon consideration of the tariff proposals, the complaint and answer thereto, the statements filed prior to the oral argument and comments made thereat, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation.[2]

The Board is, however, of the opinion that the carriers have adequately demonstrated a need for some additional revenue and would be disposed to grant an increase computed in accordance with the criteria set out below. Because of the many anomalies in the existing fare structure and the somewhat tenuous relationship that existing fares on occasion bear to costs of service, we have concluded that adoption of a cost-oriented fare formula would produce a substantial improvement in the domestic fare structure. We are aware that significant objections to such a formula structure have been voiced by certain carriers, particularly with regard to the inhibiting effect it would have on managerial discretion in special situations where factors other than cost should be considered. With this in mind, we propose to allow a degree of flexibility in the application of the formula. We are also especially cognizant that the value of service considerations are highly pertinent in many markets. The fare formula which we propose, while geared to costs, does in fact give substantial recognition to value of service in both long haul and short haul markets, through retention of the concept of internal subsidy, whereby long haul fares are priced above cost plus a fair return, so as to compensate for short haul fares which must be priced somewhat below fully allocated costs in order for traffic to move.

In determining the fare formula which we would accept as providing a reasonable increase in revenue for the carriers while at the same time substantially improving the domestic passenger fare structure, we have reviewed both the formulas developed by the Board's staff, and circulated to the industry for comments earlier this year, and those formulas proposed by the carriers in the recent tariff filings. We find that the formula proposed by American produces a reasonable increase in revenues and recognizes the economies inherent in long haul carriage, actually achieving a reduction from present rates on some long haul routes, as well as the value of service limitations in short haul markets. We therefore propose to accept the basic American formula subject to certain modifications as detailed in the discussion below.

Before considering the formula in detail, however, we deem it appropriate to consider the complaint heretofore described. The complaint is based in large part on the alleged failure of the Board to establish fair cash cost standards. The Board's staff has over the past three years conducted extensive studies of carrier costs as related to the fares being charged. In addition, many carriers have conducted similar studies of their own which have been available to the Board and the staff. One of the results of the staff's study was the submission of several possible fare formulas earlier this year to the industry for comments, one of the formulas being based solely on costs of service. The American formula bears a strong correlation to this latter cost formula, although it reflects what we consider a reasonable deviation for long haul and short haul routes as previously discussed and produces a higher overall level of revenues to compensate for inflationary cost increases occurring since the staff's study of costs was made.

As set forth in a subsequent portion of this order, the carriers have adequately demonstrated a significant increase in costs, which the complainants recognize. To require the carriers to continue operating at present fare levels with operating costs spiraling upward would be contrary to the statutory policy and rate-making criteria contained in the Federal Aviation Act of 1958.[3] We are of the opinion that the formula which we are proposing, while perhaps falling short of the ideal, does offer a substantial improvement over the existing structure and its adoption would be consistent with our statutory duty.

A general fare investigation as requested by complainants is by its very nature a long and complex proceeding. To leave the carriers in *status quo* while such an investigation was conducted could result in serious and permanent financial damage to some carriers, and there is no rational method available to make a fare increase, which might be granted at the conclusion of the investigation, retroactive as can be done, for example, in a mail rate investigation.[4] Nevertheless, we have decided not to dispose of the request for a general fare investigation at this time. The complainants have raised some questions for which no fully satisfactory answer presently exists, especially the question of load factor standards, and we believe there are other important questions underlying evaluation of fare structure and level, not raised by complainants, which should be given thorough review. However, notwithstanding the existence of these questions, the condition of the industry detailed herein is sufficiently serious as to require immediate fare relief. Moreover, pending our further study of these matters, the Board is unable to conclude at this time that the additional earnings which this order will provide could be achieved by the

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Footnotes at end of article.

industry through other courses of action within the carriers' control.

For these reasons, we have determined to undertake an exploration, within the Board, of a number of matters relating to questions such as: what the appropriate rate of return on a carrier's investment should be; how a carrier's rate of return should be computed; should load factor standards be set and if so at what level; should there be a taper in the line haul rate and if so to what degree; what method is most appropriate for determining terminal charges; and what is the proper differential between first-class and coach fares? At the conclusion of our consideration of these matters, we should be in a better position to determine whether a fare investigation is appropriate and, if so, to channel such investigation along the most productive patterns so as to expedite completion of the proceeding within a reasonable time span. We expect to complete our consideration of the foregoing matters and thus be in a position to rule upon complainants' request for a fare investigation in December 1969. Accordingly, we will defer action on the complaint until that time.

Complainants have also challenged the appropriateness of using a line haul rate based on aircraft mileage rather than aircraft hours. In essence, the complainants take the position that aircraft transit time between city pairs where the airport at one or both is relatively congested is greater than between similarly distant city pairs where a congestion problem does not exist. Thus, it is alleged, costs are higher between the former city pair than the latter. From this they reason that the passengers flying between the congested city pair are given an undue or unreasonable preference over passengers flying between a city pair where this problem does not exist, since the former are paying a lesser percentage of the carrier's cost for their transportation than are the latter.

We are of the view that an important goal of any fare structure is a relatively great degree of uniformity throughout the system, and we recognize that some anomalies will always result from any method of determining fares in a system as complex as the domestic air transport system. Carrying complainants' reasoning to its logical end would not only result in many different fares between different city pairs similarly distant relative to one another, but could also result in many different fares between the same city pair depending upon the period of the day, day of the week, and so on. Moreover, the formula we propose would avoid difficulties such as long haul-short haul inconsistencies which might arise under a revenue hour approach. A much simpler approach, and one which would accomplish substantially the same result, would be a variable terminal charge based primarily on congestion but including other terminal variables, such as landing fees. This concept was proposed in several of the formulas developed by the staff and included in the previously referenced study which was distributed to the industry earlier this year. We have, however, decided not to support this relatively simple concept at this time because, even here, there are many unknown or unmeasurable variables which have not so far been reflected in determining the appropriate variation between terminals. Thus, we believe that the advantage to be gained from a variable terminal charge is presently too tenuous to outweigh the advantage in moving now to greater system-wide uniformity. We note, however, that this is one of the questions to be pursued in the explorations previously described.

Turning now to the actual formula which we propose to accept, coach fares will form the core of the fare structure from which all other fares will be based. We believe that the revenue increase produced by the American formula is appropriate as discussed hereinafter, and therefore adopt that formula for our model, to wit:

Fixed charge for all markets: $9.00 plus a variable charge based on mileage and in accordance with the following rates per mile (in cents) for the applicable portions of the total mileage:

Mileage blocks:	
0 to 500	6.0
501 to 1,000	5.6
1,001 to 1,500	5.2
1,501 to 2,000	5.0
Over 2,000	4.8

Use of this formula will have the desirable result of reducing slightly some long haul fares (e.g., Los Angeles-New York from $145 to $141) which have for some time been considerably in excess of costs, while at the same time producing only moderate increases in short haul fares, thus minimizing the impact on the movement of traffic in these markets.

American has proposed that city center to city center mileage be used in computing fares. However, we are of the opinion that direct airport-to-airport mileage offers a more reasonable and rational basis for computing fares and will adopt that mileage basis for our model. We recognize that there will be instances where application of a mileage basis will be inequitable or impractical, as for example, where a carrier is required by its certificate to operate via a circuitous routing. We will permit exceptions to the rule over a particular routing where good cause is shown. Further, it is not our intent to discourage common faring of cities or of airports situated about a single city; we would expect to permit common faring under the proposed formula in much the same manner as we have heretofore, provided the mileage used bears a rational relationship to the points so common rated.[5]

The Board has concluded that it would be appropriate at this time for the industry to revert to the conventional technique of rounding computed fares up or down to the nearest dollar. The technique used in recent years was designed to add slightly more taper to the fare structure, a need which is obviated by adoption of the proposed formula.

The Board proposes that first class jet fares be set at 125 percent of the coach fare derived by the above formula, except where the first class fare is today greater than 125 percent of the proposed coach fare, in which case the present fare would be retained.[6] We have selected this level since our cost studies indicate that even with this increase, the first class fares will fall well short of fully meeting the costs of providing the service. On the other hand the Board finds merit in the contention of the carriers generally that we should move gradually toward closer cost orientation in light of value of service limitations and the impact of varying ratios on the over-all economics of dual configuration aircraft. It is the Board's intention that this fare level apply only to services which are truly first class in character and quality and not in name only. We would accept night coach fares computed at 75 percent of the new coach fares.[7] For classes of service not specifically enumerated herein, we believe that maintenance of the present dollar differential from jet coach fares provides an acceptable relationship.

With respect to the various promotional fares, the Board would permit the following reduced discounts based on the coach fares derived from the above described formula:

Type of fare:	*Percent discount*
Discover America	20
Youth standby	40
Youth reservation	20
Family plan:	
Children 2 to 11	50
Children 12 to 21	33½

As we have previously indicated, the Board concludes that an increase in the industry's revenues is warranted. The carriers point to inflationary cost increases which have exceeded the additional revenue which they received as a result of the fare increase permitted in February. Despite that fare increase, the carrier earnings in the second quarter of 1969 were down substantially from those realized in the corresponding 1968 period. It is clear from data before the Board that payroll expenses have increased significantly since the Board permitted a fare increase to become effective last February. Labor contracts signed by a number of trunkline carriers will involve as much dollar increase in expenses as the February fare increase would yield in dollar revenue. Landing fees have risen sharply; and in the oral argument on September 4, stress was placed by Airport Operators Council, International and others on the probability of further increases. Fuel costs have escalated. Despite some progress in 1969 in alleviatng airport congestion, the problem is not solved; and delays at airports impose additional payroll and fuel costs on the carriers. Increased commission rates to travel agents for various categories of domestic ticket sales were made effective as of September 1, 1969. Every trunk carrier is firmly committed to a major capital expansion program involving both new and expensive flight equipment, and major expenditures for ground property and equipment, in order to keep pace with the requirements of the public convenience and necessity and the anticipated growth in traffic. Even if projected capital expenditures of the next several years were adjusted to reflect only the bare minimum capital improvement programs to keep pace with traffic growth, assuming restoration of improved passenger load factors, the industry is confronted with: a multi-billion-dollar requirement for additional capital funds over and above the internally generated cash flow from depreciation and reinvested earnings pursuant to conservative dividend policies. Such additional funding requirements come at the very time when interest rates are at peak levels. Taking into consideration these cost pressures on the carriers, and the marked decline in earnings and profit margin since the February increase, the Board finds that a further increase in fares at this time is necessary from the standpoint of the ratemaking standards of Section 1002(e) of the Act and the need to maintain the financial vitality of the carriers as a group.

We estimate that the fare adjustments we are prepared to accept would produce increased revenues for the trunkline industry of 7.4 percent in first-class service and 3.6 percent in coach service. Currently, about 82.6 percent of trunkline passenger miles involve travel at coach or economy fares and only about 17.4 percent at first class fares, so that (considering the traffic "mix") such basic fares will be increased by about 4.25 percent.[9] Further, we estimate that an annual increase in revenues equivalent to 2.1 percent may stem from adjustments in promotional fares. Thus, there may be a total revenue increase of approximately 6.35 percent (assuming no diversion or loss of traffic). To the extent of any such dilution, of course, the revenue increase would be less than 6.35 percent. In light of the low level of earnings realized in the most recent periods and the inflationary cost increases being experienced by the carriers, there appears to be no prospect that the fare increases approved herein will enable the industry to reach the 10.5 percent return guideline for the immediate future.[10]

The Board has concluded to permit tariff filings implementing the fare adjustments described above within the 48 contiguous states effective no earlier than October 1, 1969, provided that tariffs shall be filed on not less than 14 days' notice.

In proposing that the industry now adopt a cost-oriented formula, it is not the Board's intent that its application be so rigid as to stifle fare innovation on the part of individual

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Footnotes at end of article.

carrier managements. We continue to regard healthy price competition as essential both to development of the industry and the needs of the public. Accordingly, the Board intends to consider fares produced by the formula as a "just and reasonable" ceiling, and any fare in excess of this ceiling would be viewed *prima facie* as outside the realm of justness and reasonableness and would ordinarily be suspended and ordered investigated. However, increases above the ceiling would be considered where strong, justification was shown, and upon a tariff filing providing at least 75 days' notice to permit the Board adequate time for review of the arguments in justification. This approach will also pertain in the case of filings proposing increases in any other fares which have not been specifically dealt with herein. On the other hand, fares proposed below the ceiling would continue to receive normal scrutiny by the Board, and the Board will not expect the above notice period for such filings.

On May 8, 1969, in an order suspending proposed passenger fare revisions the Board expressed the following view with respect to the situation stemming from the absence of published joint fares between numerous domestic points where passengers are now traveling in significant numbers:

"... the Board is of the opinion that inconsistencies arising from the lack of published joint fares are inseparable from the inconsistencies which may exist in presently published local fares. We believe that correction of both should proceed simultaneously. A significant number of passengers are today traveling in markets where one-carrier service is not available, and where no joint fare is published for inter-carrier connecting service. Passengers traveling in such markets must pay a combination of local fares, each of which reflects the February increases. Fares for these passengers, therefore, reflect a compounding of increases which the formula permitted by the Board in February 1969 was not intended to reflect. The Board finds no reason for continuing such inequity" (Order 69–5–28).

Subsequently by Order 69–8–85, dated August 15, 1969, the Board granted all domestic carriers authority to discuss single-sum joint fares and open routings for such fares for a period of 90 days from the date of the order. We consider the fare structure improvements to be derived from the formula proposed herein and increased publication of joint fares are interrelated parts of an integrated whole, and the Board is not prepared to accept one without the other.

For this reason, we will require that any tariff filed implementing the proposed formula, shall contain an expiration date of January 31, 1970. In order to insure an effective tariff after that date we will also require that such tariff filing shall be accompanied by a refiling of existing fares for a proposed effective date of February 1, 1970, so as to require the filing of a new tariff subject to review by the Board before the carriers can extend the effectiveness of the new fare filings beyond January 31, 1970. We will also extend the discussion authority granted in Order 69–8–85, which presently expires November 13, 1969, to January 15, 1970.

The Board is concerned that the present division of through fares as between long haul and short haul carriers may be resulting in an inequitable distribution of revenue to the short haul carrier. Accordingly, we will amend Order 69–8–85 to include in the discussions authorized the question of division of fares between long and short haul carriers. We favor a division which is more closely oriented toward actual costs of the respective carriers involved, and believe that there may be considerable merit in the approach proposed by Mohawk, particularly in view of the fact that the formula we are proposing will not produce fares in short haul markets which will cover the fully allocated costs of such services.

We expect that a more equitable method of division will provide the short haul carriers with a significantly greater percentage benefit than will be the case with the long haul carriers, and have considered this eventuality in reaching a decision as to the level of increased revenues which we will permit. We therefore wish to make clear that in reviewing the tariffs to be filed for effectiveness on and after February 1, 1970, the Board will give great weight to the industry's conformance with the Board's findings as to the need for publication of additional joint fares at a satisfactory level, as well as to the implementation of a more satisfactory division of interline revenues that would reflect the cost and value of service considerations inherent in long haul vs. short haul pricing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered that:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix D attached hereto, and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix D hereto are suspended and their use deferred to and including December 25, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The request for the institution of a general rate proceeding to investigate the structure and construction of domestic passenger fares, contained in the complaint in Docket 21326, is hereby deferred. Except to the extent deferred or granted herein the complaint in Docket 21326 is denied.

4. Order 69–8–85 be amended to the extent that the period during which discussions are authorized is extended to January 15, 1970.

5. Order 69–8–85 be further amended to add to the subject matter authorized for discussion the question of the divisions of through fares between participating carriers including specifically the actual formula for allocating such divisions;

6. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

7. A copy of this order wil be filed with the aforesaid tariffs and served upon American Airlines, Inc., Braniff Airways. Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc., which are made parties to this proceeding; and

8. A copy of this order will also be served upon Air West, Inc., Allegheny Airlines, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., and upon the complainants herein, which are made parties hereto.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

HAROLD R. SANDERSON,
Secretary.

Vice Chairman Murphy concurred and dissented as set forth in the attached statement.

Member Minetti concurred and dissented as set forth in his attached statement.

Member Adams also concurred and dissented as per his attached statement.

FOOTNOTES

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. Nos. 90, 98, and 101.

[2] For procedural reasons the proposed tariff revisions of United Air Lines, Inc., have been ordered suspended and investigated by separate order, 69–9–30, dated September 5, 1969.

[3] See sections 102, 404, and 1002(e) thereof.

[4] In any event section 1002(g) permits the Board to suspend tariffs for a maximum period of 180 days, and a proceeding of the scope proposed by the complainants would be impossible to complete in so short a time. In this connection, we would point out that five interim fare increases were permitted during the pendency of the *General Passenger Fare Investigation* which took some 4½ years to complete.

[5] The City of Seattle, in a statement of position at the oral argument, has requested more equitable treatment vis-a-vis Portland with respect to fares between the two cities and the midwest and southwest, contending that the present disparity in fares is not justified by the mileage differential between the two cities. We believe that application of the proposed formula will alleviate this alleged inequity.

[6] Consistent with recent Board policy, and since the carriers are well along in phasing out propeller services, we will continue to permit establishment of propeller first class fares at the jet level in those markets where the carrier offers jet first class fares. Almost all trunklines have completed phasing out propeller aircraft and the other trunklines have extremely minor propeller services in relation to over-all operations.

[7] In applying this relationship, the Board will not require reductions in existing night coach fares.

[8] With respect to the contention of Northwest Airlines that discounts on discounts should be eliminated, the Board would look with favor on tariff amendments that would eliminate these practices (such as children's 50 percent discount on Discover America excursion fares).

[9] As indicated in the footnote of Appendix B, the estimated fare increase is overstated to the extent that intrastate fares currently at depressed levels are not susceptible of immediate increase to the level of the basic formula.

[10] The diminished level of net income and rate of return experienced by the industry for the 12-month period ending March 31, 1969, as compared with the prior period, is set forth in Appendix C attached.

MURPHY, VICE CHAIRMAN, CONCURRING AND DISSENTING

While I agree that there is a need for increased revenues by some carriers to offset inflationary pressures I do not believe that the increase need be as large as the majority has approved or that the increases in the regular farces should be achieved by the application of a so-called formula.

As an interim measure I believe that an increase in regular fares of 3 percent across-the-board limited to markets over 400 miles, when combined with the reductions in the fare discounts and the 4.0 percent increase granted a few short months ago, is as much as this Board can request the traveling public to assume under the present circumstances. In my view, such an increase would provide sufficient revenue to sustain the financial health of the carriers.

I am particularly opposed to the adoption of an essentially cost-oriented fare formula. The formula produces anomalies and inequities. It ignores value of service and market elasticity. It produces drastic increases in the short haul and medium haul markets where the majority of the public travel. It decreases long haul fares where the value of service is greatest and ignores the factor of cross-subsidization inherent in a system concept of transportation. In my judgment a great deal of further study and analysis is necessary before such a sweeping and permanent regulatory standard is adopted.

I believe that an across-the-board increase limited to markets over 400 miles would meet the immediate needs of the industry for additional revenues, would be far simpler to administer than the proposed formula and would be far more equitable to the public and the carriers than the widely varying increases contained in such a formula.

ROBERT T. MURPHY.

MINETTI, MEMBER, CONCURRING AND DISSENTING

I concur in the majority action in suspending and investigating the tariffs before the Board. In addition, I concur in the desire of the majority to modify the basis of interline rate-prorates in recognition of the fact that the long-standing basis for division of revenue between the locals and the trunks for interline long-haul passenger trips may not reflect the conditions of today or the foreseeable future.

On the other hand, I am unable to concur in accepting, without an investigation, a fare adjustment package equivalent to an increase in fare levels of over six percent, especially bearing in mind that just a little over six months ago the Board permitted a fare increase approximating four percent of the then existing level. I agree that, on the basis of reported results, the industry's earnings are deficient if measured against a rate of return guideline of 10.5 percent on investment, and therefore I would permit reasonable increase in promotional fares if the carriers believe such adjustments to be beneficial. This would be consistent with the Board's historical policy of giving carriers considerable latitude to experiment with discount fares with a view toward maximizing their revenues while offering some reductions from normal fares. Again, I would also permit increases in first class fares to 125 percent of coach fares, since the present level of first class fares does not appear to compensate the carriers for first class service on a fully allocated cost basis. However, I would go no further at this time, in the absence of an investigation.

Only last May the Board refused to sanction another fare increase. At that time, it expressed its concern about the depressed level of load factors and pointed out that "the carriers have bought equipment despite (not by reason of) traffic forecasts."[1] As stated by the Board in its May order:[2]

"As long as the industry's load factor continues its present downward trend, and inflationary pressures persist, the carriers may find themselves in a cost-revenue squeeze despite the introduction of more efficient aircraft and the adjustment of their fares. Another significant aspect of an unnecessary increase in unused capacity is the corresponding growth in the investment base and fixed charges. On the other hand, it cannot be expected that fare increases will stimulate additional traffic. *The basic solution to the industry's present financial situation would appear to lie in exercising restraint in ordering new flight equipment and in the use of its available capacity, rather than in increasing its price to the public.*" (Emphasis added.)

Although I am persuaded that the load factor problem is complex, I have not been convinced that the foregoing statement is incorrect. We have very little more information today with respect to appropriate load factor standards than at the time of our earlier pronouncement, and unlike the majority, I am reluctant to entertain a general increase in coach fares until after the question of load factor standards has been squarely faced and resolved in an intensive investigation.

On the contrary, I fear that the increases sanctioned today may prove to be self-defeating by causing a further drag on traffic growth and by delaying the day when the Board and the industry will come to grips with the basic causes of the industry's present difficulties. Until those causes are squarely met, we face the prospect of still further load factor declines and requests for additional fare increases.

G. JOSEPH MINETTI.

ADAMS, MEMBER, CONCURRING AND DISSENTING

I do not associate myself with the concept that local service carriers may not increase first class fares to the full extent of the formula, i.e., to 125% of the computed coach fare in the market. Thus I dissociate myself from the statement: "It is the Board's intention that this fare level apply only to services which are truly first class in character and quality and not in name only."

Traditionally, local service carriers have been permitted to charge a first class fare, particularly in sparse, short haul, noncompetitive markets even if their piston equipment and limited cabin amenities do not equal service in the first class compartment of more modern transcontinental trunkline jets.

Section 399.32 of the Board's Policy Statement specifically provides:

"It is the policy of the Board to permit subsidized carriers maximum freedom to experiment, in interstate and overseas air transportation, with commercial rate changes for the purpose of maximizing revenues and thereby minimizing subsidy requirements, provided the resulting rates are not otherwise unreasonable."

It seems to me that the local service carriers must be permitted to increase their first class fares, subject to the exercise of their managerial discretion as to whether the full increase on certain short haul routes might price air transportation out of the market.

JOHN G. ADAMS.

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[1] Order 69-5-28, May 8, 1969, p. 4.

[2] *Ibid.*

SUMMARY OF PERTINENT ASPECTS OF DOMESTIC AIRLINE PASSENGER TARIFF FILINGS, AS OF SEPT. 2, 1969

	Jet coach								Family fares				
		Line-haul								Children			
	Terminal charge	Mileage	Rate (cents)	Jet 1st class	Discover America (R.T.)	Youth standby	Military standby	Youth and military reservation	Spouse	12 to 21	2 to 11	Children 2 to 11 yrs.	Night coach
Present discounts					25 percent	50 percent	50 percent	33⅓ percent	25 percent	50 percent	66⅔ percent	50 percent	
American	$9.00	0 to 500	[1] 6.0	125 percent of jet coach.[3]	(2)	40 percent discount.	(2)	(2)	(2)	(2)	(2)	(2)	+$3.00.
		501 to 1,000	5.6										
		1,001 to 1,500	5.2										
		1,501 to 2,000	5.0										
		Over 2,000	4.8										
Braniff	8.60	0 to 400	[1] 6.7	do	20 percent discount.	(2)	(2)	20 percent discount (youth only).	20 percent discount	33⅓ percent discount.	33⅓ percent discount.	33⅓ percent discount.	
		401 to 1,100	5.8										
		1,101 to 1,800	5.2										
		Over 1,800	5.0										
Continental (adjust existing fare to stated percent of industry norm [4]—then add $2 to $9 depending on distance in markets above 400 miles).				do	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	85 percent of jet coach.
Eastern	8.60	0 to 400	[1] 6.7	do	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	75 percent of jet coach.
		401 to 1,100	5.8										
		1,101 to 1,800	5.2										
		Over 1,800											
Northwest:													
Under 300 miles	9.00	All	6.0	125 percent of jet coach.	20 percent discount.[5]	40 percent discount.	(2)	(2)	20 percent discount.	33⅓ percent discount.	33⅓ percent discount.	33⅓ percent discount.	75 percent of jet coach.
301 miles and above	10.50	301 to 599	[1] 5.6										
		600 to 1,199	5.5										
		1,200 to 1,799	5.4										
		1,800 to 2,399	5.3										
		Over 2,400	5.2										
United	11.00	All	5.7	120 percent of jet coach.[3]	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	

[1] Mileage rates applied on a cumulative basis.

[2] No change.

[3] Existing ratio is used if it is higher.

[4] Between 85 and 100 percent in markets where Continental currently provides economy service and between 92.5 and 107.5 percent in other markets.

[5] Northwest proposes to provide that children's fares will be based on 66⅔ percent of the regular jet coach fare instead of the "Discover America" fare.

DOMESTIC TRUNKLINE CARRIERS

[Percent impact on passenger revenues]

	Normal fares			Discount fares	Total
	1st class	Coach	Total		
Domestic trunk carriers:					
American	9.16	4.43	5.40	2.12	7.52
Braniff	7.51	3.89	4.59	1.51	6.10
Continental	5.93	2.33	2.87	2.25	5.12
Delta	5.10	1.89	2.44	2.13	4.57
Eastern	4.52	3.46	3.64	1.85	5.49
National	2.38	.36	.65	2.37	3.02
Northeast	2.60	1.91	1.98	2.02	4.00
Domestic trunk carriers:—Cont.					
Northwest	9.28	5.09	5.68	2.10	7.78
Trans World	7.10	3.71	4.30	2.31	6.61
United	9.37	4.03	5.07	2.13	7.20
Western	4.28	[1] 4.99	4.93	2.05	6.98
Total trunks	7.43	3.58	4.25	2.10	6.35

[1] The various estimated increased percentages are overstated to the extent that intrastate fares at depressed levels may not be subject to immediate increase (in whole or in part) because of the requirements of intrastate regulatory approval. The 4.99-percent coach increase for Western is calculated on the basis of all fares being modified in accordance with the basic formula. Because of the depressed level of certain California intrastate fares in markets of heavy traffic volume and the requirement of State Commission approval of any increase, the 4.99-percent estimated coach increase for Western is clearly overstated.

DOMESTIC OPERATIONS OF TRUNKLINE AND LOCAL SERVICE CARRIERS, NET INCOME AFTER TAXES AND RETURN ON INVESTMENT, 12-MONTH PERIODS ENDED MAR. 31, 1969, AND 1968

[Dollar amounts in thousands]

	Net income [1]		Return on investment [2] (excluding investment tax credits)	
	Mar. 31, 1969	Mar. 31, 1968	Mar. 31, 1969	Mar. 31, 1968
Domestic trunk carriers:				
American	$15,227	$46,149	5.33	6.21
Braniff	3,019	−3,362	5.65	2.14
Continental	2,884	15,292	4.68	11.53
Delta	39,189	35,647	13.89	17.05
Eastern	−20,046	9,057	.70	4.95
National	18,149	21,937	11.03	15.03
Northeast	−3,226	−4,251	−.72	−5.81
Northwest	20,386	27,155	8.58	13.39
TWA	−7,037	7,846	.08	2.93
United	28,328	54,095	4.92	6.13
Western	1,720	10,053	3.97	10.19
Total trunks	98,593	219,618	4.78	6.93
Local Service carriers:				
Air West	−$15,252	−$4,341	−29.21	−31.50
Allegheny	−6,782	−420	−0.84	4.79
Frontier	−8,061	−1,966	−4.75	1.62
Mohawk	−4,351	−306	−1.22	3.70
North Central	−1,196	1,619	3.62	7.50
Ozark	−2,065	1,383	2.54	7.34
Piedmont	−540	1,343	4.49	8.23
Southern	−279	−594	3.84	−0.77
Texas International	−1,336	−669	2.25	4.14
Total locals	−41,052	−8,934	−2.00	2.14

[1] Net income after special items (including interest expense) and income taxes.

[2] Net income (excluding interest expense) as a percent of investment, which has been adjusted to exclude equipment purchase deposits and unamortized discount and expense on debt.

APPENDIX D

TARIFF—CAB ISSUED BY AIRLINE TARIFF PUBLISHER, INC., AGENT

NO. 90

On 66th Revised Page 10–C, in Rule 4, the provisions reading "Rule 43—Children's Fares (applicable to NW only)".

All fares, provisions, and fare cancellations on the following pages (except fares, provisions, and fare cancellations applicable to or from Hilo, Honolulu, or Canadian points, and except matter specifically excluded below):

31st and 32nd Revised Pages 13.

31st and 32nd Revised Pages 14.

30th and 31st Revised Pages 15.

30th and 31st Revised Pages 16.

18th Revised Page 19.

18th Revised Page 20.

14th Revised Page 21.

12th Revised Page 24–C.

12th Revised Page 24–D.

12th and 13th Revised Pages 42 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green).

14th and 15th Revised Pages 43 (excluding the cancellation of the fares from and to Reading).

14th and 15th Revised Pages 44 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green).

19th and 20th Revised Pages 45 (excluding the cancellation of the fares from and to Bowling Green and Reading).

19th and 20th Revised Pages 46 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 47 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 48 (excluding matter marked to become effective September 23, 1969).

14th and 15th Revised Pages 49 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

14th and 15th Revised Pages 50 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

15th and 16th Revised Page 51 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

15th and 16th Revised Pages 52 (excluding the cancellation of the fares from and to reading).

17th Revised Page 53.

17th Revised Page 54.

NO. 98

All fares, provisions, and fare cancellations on the following pages (except fares, provisions, and fare cancellations applicable to or from Hilo, Honolulu, or Canadian Points, and except matter specifically excluded below):

14th and 15th Revised Pages 25.

14th and 15th Revised Pages 26.

16th and 17th Revised Pages 27.

16th and 17th Revised Pages 28.

5th and 6th Revised Pages 28–A.

5th and 6th Revised Pages 28–B.

Original Page 28–C.

1st Revised Page 28–C.

Original Page 28–D.

1st Revised Page 28–D.

14th and 15th Revised Pages 29.

14th and 15th Revised Pages 30.

14th Revised Page 30–A.

14th Revised Page 30–B.

19th Revised Page 33.

19th Revised Page 34.

19th Revised Page 35.

18th and 19th Revised Pages 36.

14th Revised Page 36–A.

14th Revised Page 36–B.

1st Revised Page 36–C.

1st Revised Page 36–D.

17th and 18th Revised Pages 41.

17th and 18th Revised Pages 42.

15th Revised Page 42–A.

15th Revised Page 42–B.

10th, 11th and 12th Revised Pages 51 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green).

10th, 11th and 12th Revised Pages 52 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of fares from and to Bowling Green and Reading).

13th and 14th Revised Pages 53 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares and to Bowling Green and Reading).

13th and 14th Revised Pages 54 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

7th and 8th Revised Pages 55 (excluding matter marked to become effective September 23, 1969).

7th and 8th Revised Pages 56 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

9th and 10th Revised Pages 57 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

8th, 9th and 10th Revised Pages 58 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

8th and 9th Revised Pages 59 (excluding

matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

All fares, provisions, and fare cancellations on the following pages (except fares, provisions, and fare cancellations applicable to or from Hilo, Honolulu, or Canadian Points, and except matter specifically excluded below):

8th and 9th Revised Pages 60 (excluding the cancellation of the fares from and to Reading).

13th and 14th Revised Pages 61 (excluding the cancellation of the fares from and to Reading).

13th and 14th Revised Pages 62 (excluding the cancellation of the fares from and to Reading).

15th and 16th Revised Pages 63.

15th and 16th Revised Pages 64 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green).

12th and 13th Revised Pages 64–A (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green and Reading).

12th and 13th Revised Pages 64–B (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green and Reading).

14th and 15th Revised Pages 64–C (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

14th and 15th Revised Pages 64–D (excluding matter marked to become effective September 23, 1969).

12th and 13th Revised Pages 64–E (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 64–F (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

10th and 11th Revised Pages 64–G (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

10th and 11th Revised Pages 64–H (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

11th and 12th Revised Pages 64–I (excluding the cancellation of the fares from and to Reading).

10th, 11th and 12th Revised Pages 64–J (excluding the cancellation of fares from and to Reading).

14th and 15th Revised Pages 64–K (excluding the cancellation of fares from and to Reading).

14th and 15th Revised Pages 64–L.
24th Revised Page 97.
24th Revised Page 98.
11th Revised Page 98–A.
11th Revised Page 98–B.
Original Page 98–D.

NO. 101

All fares, provisions, and fare cancellations on the following pages (except fares, provisions, and fare cancellations applicable to or from Hilo, Honolulu, or Canadian points, and except matter specifically excluded below):

17th and 18th Revised Pages 59.
17th and 18th Revised Pages 60.
21st and 22nd Revised Pages 61.
21st and 22nd Revised Pages 62.
24th and 25th Revised Pages 63.
24th and 25th Revised Pages 64.
18th and 19th Revised Pages 65.
27th Revised Page 67.
27th Revised Page 68.
22nd and 23rd Revised Pages 69.
22nd and 23rd Revised Pages 70.
31st Revised Page 79.
31st Revised Page 80.
31st Revised Page 81.
31st Revised Page 82.
20th and 21st Revised Pages 102.
24th, 25th and 26th Revised Pages 103.
24th, 25th and 26th Revised Pages 104.
23rd, 24th and 25th Revised Pages 105.
23rd, 24th and 25th Revised Pages 106.
17th Revised Page 107.
17th Revised Page 108.
16th and 17th Revised Pages 136.

10th and 11th Revised Pages 137 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green and Reading).

10th and 11th Revised Pages 138 (excluding the cancellation of the fares from and to Bowling Green and Reading).

17th and 18th Revised Pages 139 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green and Reading).

17th and 18th Revised Pages 140.

16th, 17th and 18th Revised Pages 141 (excluding the cancellation of the fares from and to Bowling Green and Reading).

16th, 17th and 18th Revised Pages 142 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

16th and 17 Revised Pages 143 (excluding the cancellation of the fares from and to Bowling Green and Reading).

16th and 17th Revised Pages 144 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green and Reading).

13th and 14th Revised Pages 145 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Bowling Green).

13th and 14th Revised Pages 146 (excluding the cancellation of the fares from and to Bowling Green).

11th Revised Page 147.
11th Revised Page 148.

17th and 18th Revised Pages 149 (excluding the cancellation of the fares from and to Reading).

All fares, provisions, and fare cancellations on the following pages (except fares, provisions, and fare cancellations applicable to or from Hilo, Honolulu, or Canadian Points, and except matter specifically excluded below):

17th and 18th Revised Pages 150 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

19th and 20th Revised Pages 151 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

19th and 20th Revised Pages 152.
12th Revised Page 153.
12th Revised Page 154.

14th and 15th Revised Pages 155 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

14th and 15th Revised Pages 156 (excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 157 (excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 158 (excluding matter marked to become effective September 23, 1969).

13th Revised Page 159.
13th Revised Page 160.

13th and 14th Revised Pages 161 (excluding matter marked to become effective September 23, 1969).

13th and 14th Revised Pages 162 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 163 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

12th and 13th Revised Pages 164 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

14th and 15th Revised Pages 165 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares to and from Reading).

14th and 15th Revised Pages 166 (excluding the cancellation of the fares from and to Reading).

12th Revised Page 167.
12th Revised Page 168.

17th and 18th Revised Pages 169 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

All fares, provisions, and fare cancellations on the following pages (except fares, provisions, and fare cancellations applicable to or from Hilo, Honolulu, or Canadian Points, and except matter specifically excluded below):

17th and 18th Revised Pages 170 (excluding matter marked to become effective September 23, 1969, and excluding the cancellation of the fares from and to Reading).

18th and 19th Revised Pages 171.
19th Revised Page 172.
15th Revised Page 173.
15th Revised Page 174.
20th Revised Page 175.
20th Revised Page 176.
14th Revised Page 177.
14th Revised Page 178.
17th Revised Page 179.
17th Revised Page 180.
14th Revised Page 181.
14th Revised Page 182.
11th Revised Page 183.
11th Revised Page 184.
10th Revised Page 185.
21st Revised Page 246.
20th Revised Page 247.
20th Revised Page 248.
25th and 26th Revised Pages 251.

NO. 117

The fares and provisions on the following pages:

10th and 11th Revised Pages 25.
10th and 11th Revised Pages 26.
7th Revised Page 29.

12th, 13th and 14th Revised Pages 31 (excluding the increase in family fare for WA).

NO. 83 ISSUED BY EASTERN AIR LINES, INC.

All fares and provisions on 15th Revised Page 7 and 14th Revised Page 8.

NO. 284 ISSUED BY EASTERN AIR LINES, INC.

All fares and provisions in the tariff.

CIVIL AERONAUTICS BOARD,
Washington, D.C., September 16, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: I am in receipt of your letter of September 10. The Board has suspended the tariffs filed prior to the oral argument. A copy of the Board's Order was delivered to your office within an hour after the Order was entered.

Some of the carriers have now filed new tariffs. The general topic of passenger fares has occupied as much of the Board's time and attention during 1969 as any other subject. As you know from the "concurrences and dissents" appended to the September 12 Order, the Members have varying views about fare level and fare structure.

The incoming Chairman, Mr. Secor D. Browne (whom the President nominated last week), has as lively an interest in the subject as do the present Board Members. With his imminent participation in the Board's work, I would not attempt to express some personal viewpoint which might, in any way, tend to limit the avenues which the new Chairman and the Board may take in the future in these respects. The date of my departure from Washington, as previously indicated to the White House, is next week; and I will deliver to the incoming new Chairman, your September 10 letter, for any more detailed reply, which he may feel is indicated.

Yours very truly,

JOHN H. CROOKER, Jr.
Chairman.

Passenger Fare Revisions Proposed by the Domestic Trunkline Carriers

[Docket 21322, 21326, before the Civil Aeronautics Board, Washington, D.C.]

Petition for Reconsideration of C.A.B. Order 69–9–68 By Members of Congress and Air Transportation users with Request for Suspension and Investigation of all Tariffs Filed Pursuant thereto.

Dated: September 22, 1969.

Comes now the Members of Congress with a petition for reconsideration of, and suspension and investigation of tariffs filed pursuant to, C.A.B. Order No. 69–8–68, adopted September 12, 1969.

By this order the Board announced it would be disposed to grant the most sweeping revision of airline passenger fares in its 31 year history. Specifically, the Board's proposal contemplates: (1) changing the fare base from first-class to day coach; (2) increasing the level of fares (for day coach, the "terminal charge" element would be increased $4 or 80% over the February 20, 1969 increases, which would be equal to a $6 or 200% increase over the January 1969 level); (3) changing the horizontal fare structure between cities by adopting a new variable charge per mile utilizing 5 mileage blocks of 500 mile intervals in place of a flat rate per mile; (4) making four changes in the vertical fare structure between classes of traffic: *a.* establish a new 25% differential between first-class and day coach fares; *b.* fixes local service propeller aircraft fares at something less than first-class fares (the percent or amount of difference is not specified); *c.* sets a 25% differential between night and day coach fares; and *d.* increases six promotional fares by 6 to 50 percent; (5) changing the method for rounding computed rates into published fares; (6) adopting a new test of the zone of reasonableness using fares produced by a new formula as the maximum rate, stating that any fares filed in excess of the new ceiling would be viewed *prima facie* as outside the realm of justness and reasonableness, and further requiring such rate increases to be filed on at least 75 days notice; (7) broadens the scope of the joint air carrier talks previously approved regarding single-sum joint rates and open routings to also encompass discussions as to the method for division of such through rates; and (8) makes the continued application of the foregoing fare changes after February 1, 1970, conditional upon the air carriers reaching an agreement substantially conforming with the Board's finding as to the need for the publication of additional joint fares and a more satisfactory division of interline revenues.

Prior to issuing the Order, and before the Members of Congress had filed their complaint of August 20th, the Board undertook, upon its own initiative, the unusual step in processing of fare proposals of setting so-called "oral argument" on the general question of a fare increase. Subsequently, the air carriers and others filed statements of position and presented their views at the "oral argument." Members of Congress, jointly and severally, refused to participate in the "oral argument" because of various indications pointing to a predisposition of the matter by members of the Board.

In ordering the "oral argument," the Board indicated it was interested in hearing views addressed to three questions: (1) to what extent was a fare increase warranted and how should it be applied, (2) to what extent should promotional fares be modified, and (3) what effect would such changes have upon the movement of traffic. Thus some, but not all, of the items in Order 69–9–68 were discussed by the air carriers and others either in their written statements or oral presentation or both. Others, however, such as the new test of reasonableness and 75 day filing notice, were never publicly considered at all by either the parties or the Board.

Turning now to the rationale of the opinion, the Members of Congress would first observe that after reviewing all the testimony, the Board initially found that all the proposals put forth, including that of American Airlines, Inc. (American), might be unlawful and therefore should be suspended and investigated. At the same time, however, the Board was of the opinion that the air carriers had demonstrated a need for additional revenue and that the formula proposed by American (which it had just held may be unlawful) would produce a reasonable increase in revenue, and accordingly adopted that proposal as its own.

We agree with the major parties that the air carriers have adequately demonstrated a significant inflationary increase in the *level* of the cost of the goods and services they must purchase to produce their product. Consequently, this is not a disputed issue. However we, and other parties at the "oral argument," do not agree with the air carrier parties as to the *amount* of quantity of goods and services which must be utilized to produce the product in an adequate, efficient and economical manner, as measured by the load factor and unit cash cost standards.

The Board claims that its proposed ratemaking formula and test of reasonableness would produce a substantial improvement in the domestic fare structure. This claim is based on the allegation that the formula and test are cost-oriented. In defense of this position the Board first observes that for the past 3 years its staff has been conducting extensive studies of air carriers costs as related to fares, and that one of the results of these studies (as well as others made available to the staff by the air carriers) was the development of several possible fare formulas. These were submitted *ex parte* to the industry for comment earlier this year. One of these formulas, it is alleged, is based solely on cost of service. The American formula, which the Board proposes to adopt as its own, is said to bear a strong correlation to a companion formula which is an adaptation of this latter formula with respect to coach fares.[1] From this the Board reasons that its proposed ratemaking formula and test of reasonableness is cost-oriented.

The various staff formulas to which the Board refers, however, have never yet been placed into the record with or without a sponsoring witness, either here or in any other case. This is an important consideration since the Bureau of Economics noted in the report from which this formula was derived that "The type of costing methodology used to develop cost applicable to passenger service affects the results obtained."[2]

More pragmatically, when the staff distributed its formulas to the industry it did not indicate that the purpose was to relate fares to costs, but instead "The purpose of this study is to examine the impact of this fare formula on carrier revenue in general and on the level of individual fares in particular."[3]

Calling the American formula cost-oriented because it bears a strong correlation to Formula F which is an adaptation of Formula E which is supposedly cost-oriented, does not make it so, any more than calling the tail of a lamb a leg makes a lamb a five legged creature (with apologies to late Abraham Lincoln and Everett McKinley Dirksen.

However, even conceding *arguendo* that the staff's formula is cost-oriented, it should be pointed out that the staff has never claimed that such costs are "just and reasonable". Nor has the staff ever claimed the formulas represent fair cash cost standards.

Moreover, it should not be overlooked that the staff was very careful in its initial report referred to above to note that "Load factors affect unit costs since many categories of cost are determined by the number of aircraft miles flown and do not change materially in relation to traffic volume." (At page 36.) In other words, the load factor standard used to develop costs applicable to passenger service affects the results obtained, and hence some load factor standard had to be used to develop the staff's and American's formula. But what is that standard? We are not told. Nor are we provided any evidence in the record, or the conclusions of fact, or findings of law, from which it can be determined whether or not the unidentified standard used is "just and reasonable". Finally, again, the staff does not claim that standard (whatever it may be) is "just and reasonable".

For these reasons, petitioners do not contend that the American formula (the staff's formula plus 4%) lacks cost and load factor standards, but instead that such standards as are contained therein are not *prima facie* "just and reasonable". After all, if those responsible for the development of that formula have purposely avoided making such contentions, on or off the record, who can? The Board itself is estopped from making such an assertion, for it has already said, "The complainants have raised some questions for which no fully satisfactory answer presently exists, especially the question of load factor standards. . . ."

On page 6, the Board criticises the revenue-hour approach. Among other things, it speculates that such a ratemaking scheme would result in different fares for city pairs of similar distance, lead to possible different fares at different times of the day or week, and might produce long and short haul inconsistencies.

No presentation was ever made for or against the revenue-hour approach either at the "oral argument" or in any of the written documents filed by the parties, including complainants. Quite the contrary, due to the potential controversy that may surround this scheme, and recognizing the limited time available during a 180 day tariff suspension, Members of Congress have always been meticulous to only advance consideration of this ratemaking approach in conjunction with a general rate hearing, rather than the suspension and investigation of specific tariffs. The Board's statements, therefore, are blatantly prejudicial to consideration of the revenue-hour approach in connection with (1) a general rate investigation and (2) the issuance of a notice of proposed rulemaking to incorporate revenue-hour data in 14 C.F.R. 241, as requested by Members of Congress.

In effect, the Board has unnecessarily sought-out and attacked this approach to ratemaking in order to give additional credence to its justification for adopting the American formula.

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[1] *Formula F*. This formula is an adaptation of Formula E with respect to coach fares. It involves a lower terminal charge, a higher line-haul rate, and produces a higher level of coach fares on the average, though not at the shorter hauls. First class fares are computed at 120 percent, or the existing ratio if greater, of coach fares. "Domestic Fare Structure—Analysis of Various Fare Formula Hypotheses," Civil Aeronautics Board, Washington (May 1969) p. 4.

[2] A Study of the Domestic Passenger Air Fare Structure, Civil Aeronautics Board. Washington (January 1968) p. 6.

[3] "Domestic Fare Structure—Analysis of Various Fare Formula Hypotheses," *Op. cit.*, p. 1.

We note in passing, however, that the representative of the National Association of Regulatory Utility Commissioners observed at the "oral argument":

"An ideal situation would exist if standard uniform fares could be published from each airport to every other domestic airport. That this is an ideal becomes apparent when it is remembered that between origin and destination there is often a choice of routes which involve different mileages and sometimes a longer mileage results in a shorter total travel time." (At page 230.) Statements of this nature seem to indicate that any predisposition in this matter at this time may be premature.

Since the Board has raised the question of possible discrimination in rates between communities, we now turn our attention to the inconsistencies arising under the Board's proposed formula. As already noted by the Board as early as last May, a significant number of passengers are today traveling in markets where one-carrier service is not available and no through fare is published for inter-carrier connecting service. Passengers traveling in these markets must pay a combination of the local fares, each of which under the Board's formula would reflect a $9.00 "terminal charge" (up 200% over last January) plus a higher line haul charge if the trip is greater than 500 miles, since the mileage rate would become variable with distance.

Such an increased tapered fare structure would of course only intensify the emphasis placed on finding the so-called "hidden city" when constructing combination fares to off-line points. The financial stakes would become much greater. It might even lead to a lower yield to the air carriers if passengers begin taking more circuitous routings to take advantage of a lower combined fare through a "hidden city." What kind of a boondoggle could this thing become?

True, it may be just a temporary situation, assuming the air carriers do reach agreement by February 1, 1970, but why should the good people of the San Jacquin Valley, the Rocky Mountains, Great Plains and Midwest, Piedmonts or Alleghenies—or any American for that matter—have to suffer such discrimination for even one day? The Board has already found there is no reason for continuing such inequities (Order 69–5–28). The public interest therefore requires that these people should not be further penalized, that such inequities must be eradicated first. The Board can give one ratemaking factor greater weight than another, but it cannot eliminate one, even temporarily.

The Board says that it has concluded an increase in industry revenue is warranted. For what purpose it does not say, although it does imply on Page 5 that this Order will provide additional earnings. The Board says there *may be* a total revenue gain of approximately 6.35%, *assuming no diversion or loss of traffic*. The board, however, does not seem altogether certain that this goal can be achieved, for it goes on to hedge by adding, "To the extent of any such dilution, of course, the revenue increase would be less than 6.35 percent."

More important, while the major justification for the proposed fare revision is the marked decline in earnings and profit margins since the February increases, and the Board is most explicit as to the possible impact of the proposed fare changes on total revenues by carriers, class of service, and discount fares, to one ten-thousandths of a percent, it proffers no data as to what effect these fares will have on air carrier earnings.

In this regard, the Members again remind the Board that the Supreme Court has said that under the statutory standard of "just and reasonable" it is the results reached not the method employed which is controlling. It is not the theory but the impact of the rate order which counts.

The Board has not established in its rate order what the effect of fares filed in accordance with the criteria set forth therein would be, upward or downward, upon air carrier earnings or the movement of traffic. In other words, the Board has not shown that viewed in its entirety its rate order would be "just and reasonable." The Board has rather abused its broad, but not unlimited, discretionary powers by acting in a totally arbitrary and capricious manner.

Historically, the Board has sought to avoid the institution of formal ratemaking proceedings because they are very lengthy undertakings. Instead it has sought to achieve its goals, whatever they were at a particular time, through informal *ex parte* contracts with the air carriers. In February it continued this traditional policy by approving for the twelfth time in 31 years a fare increase without an investigation. Its action (or inaction) did not restore financial health to the industry. It failed . . . again! If the air carriers are in financial trouble, it is in part a fault of the Board and its regulating practices. The financial community may be losing confidence in the airlines, but the people of the United States and their elected representatives, the Members of Congress, are rapidly losing confidence in the Civil Aeronautics Board.

Accordingly, the foregoing facts warrant the Board reconsidering its Order 69–9–68 and, specifically, to:

1. a. Suspend and investigate all tariffs filed pursuant to C.A.B. Order No. 69–9–68, and in addition all other pending tariff revisions to determine whether they are unjust or unreasonable, and

b. If it shall be of the opinion that such fares are unjust or unreasonable, that the Board determine and prescribe, in accordance with subsection 1002(d) of the Act of 1958, the lawful rate, fare or charge thereafter to be demanded, charged, collected or received by the air carriers;

2. Withdraw the specification that fares produced by the mathematical formula set forth in C.A.B. Order 69–9–68 will be the maximum rates considered as "just and reasonable"; and

3. Immediately institute, as a separate investigation from that set forth in paragraph 1 above, a general rate proceeding to investigate the structure and construction of domestic passenger fares as previously requested in Docket 21326.

Respectfully submitted.

JOHN E. MOSS, AUGUSTUS F. HAWKINS, LIONEL VAN DEERLIN, GLENN M. ANDERSON, JEFFERY COHELAN, CHET HOLIFIELD, CHARLES H. WILSON, HAROLD T. JOHNSON, JOHN TUNNEY, DON EDWARDS, PHILLIP BURTON, WALTER S. BARING, JOSEPH G. MINISH, JOSEPH M. MCDADE, EDWARD R. ROYBAL, ROBERT L. LEGGETT, PETER W. RODINO, JR., BERNIE SISK, GEORGE P. MILLER, THOMAS M. REES, RICHARD T. HANNA, JOHN MCFALL, GEORGE E. BROWN, JR., JAMES C. CORMAN, SPARK M. MATSUNAGA, JOHN D. DINGELL, JERRY L. PETTIS, PATSY T. MINK, JEROME R. WALDIE, CHARLES M. TEAGUE, CHARLES H. GRIFFIN, DANIEL E. BUTTON, WILLIAM T. CAHILL, THOMAS L. ASHLEY, BURT L. TALCOTT, Members of Congress.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon:

American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Eastern Air Lines, Inc.
Northwest Airlines, Inc.
United Air Lines, Inc.
Air West, Inc.
Allegheny Airlines, Inc.
Delta Air Lines, Inc.
Frontier Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines.
Trans World Airlines, Inc.
Western Air Lines, Inc.

By causing copies to be mailed to such carrier or its agent properly addressed with postage prepaid.

JOHN W. BILLETT.

SEPTEMBER 22, 1969.

SEPTEMBER 24, 1969.

Hon. JOHN H. CROOKER, Jr.,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: On Monday, September 22, 1969, 35 Members of Congress petitioned the Board to reconsider its Order No. 69–9–68. This petition, in part, made reference to a complaint filed by twenty Members of Congress, including myself.

Mr. Chairman, I was absent from my Washington office on the day the petition was mailed to the Board, and therefore not available to sign it. Since my interest in the case persists, especially as regards certain discriminatory pricing practices, I would appreciate it if you would have the Executive Director add my name to the list of petitioners.

Sincerely,

WILLIAM S. MAILLIARD,
Member of Congress.

And so, Mr. Speaker, the issue is far from resolved. There is a growing concern in this body about the actions as is clearly demonstrated by the increasing involvement of my colleagues. It is my intention to pursue this matter by every means available to me. In closing let me submit for the RECORD one final document. On September 22, unbeknownst to the Members of Congress in this action, National Airlines also filed for reconsideration. It is a document which beyond any question clearly points out the illogic so prevalent at the Universal Building.

I look forward to the day, Mr. Speaker, when the CAB will once again be the regulatory agency it was intended to be.

The document follows:

[Docket 21322]

PASSENGER FARE REVISIONS PROPOSED BY THE DOMESTIC TRUNKLINE CARRIERS

(Before the Civil Aeronautics Board, Washington, D.C., Sept. 22, 1969)

PETITION OF NATIONAL AIRLINES, INC., FOR RECONSIDERATION OF ORDER 69–9–68

Pursuant to the provisions of Rule 37, National Airlines, Inc. (National) requests that the Board reconsider its Order 69–9–68, served September 12, 1969, and, on such reconsideration, take the following action:

1. Rescind so much of the order as establishes a specific formula for the construction of jet day coach fares.

2. Permit an across the board increase of 5% together with the adjustments in discount fares now provided for by Order 69–9–68.

3. Proceed with the investigation of the proposals now under suspension and investigation and include in such investigation the issues of joint fares and divisions of interline revenue.

As an alternative to the above, National requests the Board to conclude that the formula which it has adopted be regarded as an interim step only, and that the Board proceed with the investigation of the suspended tariffs—(regardless of cancellations)—so that the Board-adopted Ameri-

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can formula may be considered in a public and adversary hearing. In addition, National requests that the issues of joint fares and divisions of interline revenue be included in such investigation.

In support of its Petition, National respectfully states:

I. THEORETICAL FORMULAE WILL NOT CURE THE FINANCIAL PROBLEMS OF THE INDUSTRY, AN INTERIM OVERALL INCREASE WILL

A. The problem

It is easy to say that the trunkline industry, *as a whole*, requires additional revenues to offset the pressures of an inflationary economy. All members of the Board agree on that. The real question is this: How can an increase be *fairly* and *equitably* provided when the rates of return of the several trunk line carriers vary from a negative 0.72% (Northeast) to a positive 13.89% (Delta)? As we will show herein, the formula approach, as adopted and "justified" by the Board, is no answer. The only immediate solution is to permit an interim across the board increase pending a formal investigation of various formulae.

B. The Board's answer to the industry problem is unreasonable, illogical, unfair, and inequitable

1. Unreasonable and Illogical

National takes no position, at this time, on the question of whether Order 69-9-68 is a "final order" for the purposes of Section 1006. One thing, however, is reasonably probable: the order could not withstand judicial scrutiny. We respectfully request the Board to consider the following internal contradictions:

All proposals—*including that of American*—have been suspended and set down for investigation because ". . . the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudical or otherwise unlawful . . ." (Order, p. 3)

Despite the foregoing conclusion[1] the Board, at page 6 of the order, states as follows:

"We believe that the revenue increase produced by the *American* formula is appropriate as discussed hereafter, and therefore *adopt that formula* for our model . . ." [Emphasis supplied].

So far, the Board has merely adopted a formula which it has already found to be unjust, unreasonable, *etc*. Not content with that oddity, the Board, at page 9, produces another:

". . . the Board intends to consider fares produced by the [American] formula as a 'just and reasonable' ceiling . . ."

Thus the circle of illogic is completed with three steps: (1) American's formula is unjust and unreasonable; (2) but the Board adopts it as its own model; and (3), *mirabile dictu*, American's formula becomes a just and reasonable ceiling.

We respectfully submit that the Board's order is lacking in basic reason and logic and cannot stand.

2. Unfair and Inequitable

In view of its unreasoned foundation, it is not surprising that the Board's formula produces unfair and inequitable results. And those results are clearly visible in Appendices B and C to the Board's order.

Appendix C shows that certain carriers are in serious loss positions, and that others are in a reasonably sound financial position. Thus, Eastern, Northeast and TWA are in trouble, whereas Delta, National and Northwest are not. What does the formula do for these carriers?

Northeast, most in need of additional revenue, is slated to receive the *second lowest* percentage increase, −4.00%. But *Northwest*, which is not in such need, receives the highest, −7.78%.

Eastern, a "need" carrier financially, will obtain a 5.49% increase, whereas *American*, in less need of additional revenue, can look to a mark-up of 7.52%.

TWA, which is in bad shape domestically, will receive a 6.61% increase, whereas its less troubled competitors, *American* and *United* will get 7.52% and 7.20% respectively.

National, a carrier in good financial condition, can hope for 3.02%. But *Delta*, in better financial condition, will get 4.57%. And

Northwest, whose financial health is as good as or better than *National's* when international operations are considered, will get 7.78%.

In short, the formula produces results which bear no relation to the relative needs of the carriers, and thus it does not comport with the rule of ratemaking set forth in Section 1002(e) (5).

C. The Board's formula recognizes cost of service only and takes no account of other statutory criteria

No one would contest that cost of service is a valid and important criterion in establishing a fare or rate. Its importance is explicit in Section 1002(e) (2). But it is not the only criterion. Others are: value of service, *i.e.*, "the inherent advantages of transportation by aircraft" (Section 1002(e) (4)); price elasticity, *i.e.*, "the effect of such rates on the movement of traffic" (Section 1002(e) (1)); and, as noted above, the need of each air carrier for revenue (Section 1002(e) (5)).

The Board's formula, however, is oriented solely to cost of service and ignores all other criteria. Thus, the lowering of longhaul fares and the raising of shorthaul fares is in relation to *costs* and not to value of service. It must surely be obvious that the inherent advantages of transportation by aircraft are vastly greater on a 2400 mile journey than on a 100 mile hop. Yet the fare for the former is slated to go down while the fare for the latter goes up.

That the Board is conscious of the defects of its formula is apparent from its determination to explore, within the Board, such matters as terminal charges and line haul taper. But mere consciousness of defects is no justification for adopting a defective formula. National therefore submits that the Board should rescind its order insofar as it establishes a formula, proceed with the investigation of the suspended tariffs, thereby automatically investigating *this* formula as well, and permit an interim uniform across-the-board increase for all carriers.

D. An across-the-board interim increase is the only way to produce immediate and equitable results.

As noted earlier, some carriers are in greater need than others. Also noted earlier is the fact the Board's formula produces, in many instances, less for those in need than for those who are not. An across-the-board increase, on an interim basis, will not remove all inequities, but it will produce less than those derived from the formula. Thus, if *all* carriers were permitted to increase their fares by 5% and adjustments be made to discount fares as now contemplated, the result would be a minimum of 5% plus whatever may be provided by the adjustments to the discount fares. We do not believe, however, that the percentage increases listed in Appendix B as being derived from such fares can be merely tacked on to the 5%. We suspect that carriers, such as National, which produce a high percentage of discount fares, will not achieve the increases set forth in Appendix B, for the reason that it is in the area of such fares that the price competition to which the Board refers at page 9 of the Order will be found.

In sum, we submit that the "5% plus" interim approach will produce far more equitable and even handed results than the 3.02% to 7.78% variance indicated by the formula. The Board should permit such an increase pending investigation of all formulae, including the Board-adopted American formula.

II. IF THE BOARD ADHERES TO ITS PRESENT APPROACH, IT SHOULD DO SO ON AN INTERIM BASIS ONLY PENDING A FORMAL INVESTIGATION

As we have pointed out above, the Board's formula is, in all major respects, the American formula which stands suspended pending investigation along with other tariffs. If such an investigation proceeds, then the propriety of the formula,—and indeed of the formula approach itself,—will be subject to scrutiny in a formal proceeding. It is likely, however, that American, which stands to receive the second highest gain, will cancel its tariff. Under normal procedures, the investigation of American's tariff would be rendered moot and would be dismissed. We submit, however, that this is not the normal case. American's formula is the Board's adopted formula. If the Board is determined to investigate *American's* formula, it must surely provide for the investigation of its *own* formula.

The formal investigation of the Board's formula is essential. As matters now stand, the tariffs become effective on October 1, 1969, but carry an expiration date of January 31, 1970. The latter date may be extended depending on the view taken by the Board of the actions of the carriers concerning joint fares and division of revenues. If the tariffs *are* extended, then the industry will have been saddled for the indefinite future with a set of principles on fair structure which have never been tested in an adversary proceeding.

Fair structure is of obvious importance. In that respect, it ranks with rate of return. A full and formal proceeding is therefore as necessary for the one as it was for the other. Indeed, such a proceeding becomes imperative when the Board itself states that it intends to give further *internal* study to the very elements which make up its formula. (Order, p. 5).

III. THE CONCLUSION THAT EXTENSIONS OF NEW TARIFFS WILL BE CONDITIONED ON ADOPTION OF JOINT FARES AND SPECIAL PRORATES IS UNLAWFUL

In the final pages of its Order, the Board has made it abundantly clear that it will look with extreme disfavor on any filing designed to extend new tariffs beyond January 31, 1970 unless the trunkline industry has essentially yielded to the Mohawk formula on joint fares and prorates. We submit that action by the Board would be unlawful, unfair and unwise.

With all respect, we must submit that the view expressed by the Board amounts to a form of regulatory coercion. While there can be no question of the Board's power to establish joint fares and prorates,[2] the statute requires that such action be taken only after notice and hearing. Here, however, the Board is saying, in effect, that unless the carriers are prepared to waive their statutory rights to a hearing, the Board will not allow an extension of new tariffs beyond January 31, 1970. We respectfully submit that such action exceeds the Board's power and is unlawful and unfair.

The course the Board is following is also unwise. It may be agreed that cross-subsidization between longhauls and shorthauls is desirable over the system of a given carrier. But to use that device to shift income between carriers is unfair and unwise. That is particularly true when it is remembered that the ultra-longhaul fares received *no* increase earlier this year and are now slated to be *decreased*. If to that we add the Mohawk formula, it is obvious that the longhauls are being hit particularly hard.[3]

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[1] The conclusion is stated in statutory language without a single finding of fact made to support it. It is thus of questionable propriety. *Cf. Pan American World Airways* v. *C.A.B.*, 261 F.2d 754, 757 (D.C. Cir. 1958); *cert. denied* 359 U.S. 912.

[2] Section 1002(h) and (i).

For the above reasons, we request that, instead of providing for further industry discussions, the Board set down the question of joint fares and divisions of interline revenues for formal proceedings. Such proceedings could be consolidated with those requested above concerning the Board's formula and those of others.

Wherefore, National Airlines, Inc. respectfully requests that the Board reconsider its Order 69-9-68 as hereinabove requested and grant National such other and further relief as may be in the public interest.

Respectfully submitted,

William A. Nelson,
Vice President and General Counsel, National Airlines, Inc.
Andrew T. A. MacDonald,
Dennis M. Flannery,
Wilmer, Cutler and Pickering, Attorneys for National Airlines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of *September* 1969, served copies of the foregoing Petition upon all parties known to this proceeding, properly addressed and with appropriate postage prepaid.

Andrew T. A. MacDonald.

FULLER E. CALLAWAY, JR.

(Mr. FLYNT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FLYNT. Mr. Speaker, on yesterday, Sunday, September 28, the citizens of LaGrange, Ga., paid tribute to their fellow citizen, Fuller E. Callaway, Jr., at an impressive and meaningful ceremony on the city square. The program described it as—

> An Old-Fashioned Town Meeting, Planned and Staged By the People of LaGrange and Troup County, for the Purpose of Expressing Their Gratitude and Appreciation to Fuller E. Callaway, Jr.

The people of LaGrange took this opportunity to publicly express their appreciation to their friend and neighbor for his many acts of generosity and benevolence and unveiled a commemorative marker on the northeast corner of the square in his honor. The plaque reads as follows:

> In honor of Fuller E. Callaway, Jr. in grateful appreciation of his many benevolences. Presented by the Citizens of LaGrange and Troup County, 1969 A.D.

Four speakers were allotted approximately 5 minutes each to recount the different aspects of the philanthropy of Mr. Callaway, his family, and his associates. Mr. James A. Daniel served as master of ceremonies. Following a prelude of organ music by Mr. Charles Mizell, Mr. Callaway's pastor, the Reverend Malcolm Cole Davis, delivered the invocation. The speakers were Dr. Bela A. Lancaster, former superintendent of LaGrange public schools, Mr. Jesse G. Maddox, deacon, Southwest LaGrange Baptist Church, Mrs. Ethel W. Kight, curriculmn director, Troup County Schools, and Mr. J. Gardner Newman, mayor, city of LaGrange. The plaque was unveiled by four of Mr. Callaway's grandchildren following which the benediction was pronounced by Rev. Roy Chatham, pastor, Hillside Christian Church, LaGrange.

Each of the four short talks clearly demonstrates the respect and affection which his fellow citizens feel toward Mr. Callaway. I wish that I had a copy of each speech which was delivered yesterday so that it could be incorporated in and made a part of these remarks. They were heartfelt expressions of deep gratitude for the many contributions which Mr. Callaway has made to the well-being of his fellow men.

One speaker expressed a sentiment which was typical of the total atmosphere of the occasion when she said:

> Words are not accurate to fully express appreciation but in our heart there is a thankful song.

This ceremony was unusual because his LaGrange friends wanted to say things to him and about him while he is in life and robust health but which things are too often reserved to be said when the person of whom they are said can neither hear them nor respond.

In his response, Mr. Callaway noted the fact that his grandfather moved to LaGrange from Meriwether County in 1869, 100 years ago. His father, Fuller E. Callaway, Sr., was born 1 year later in 1870. His family has been a part of and an influence for good in the community of LaGrange, Troup County, Ga., for a full century. I include as a part of my remarks five articles which were written in connection with the spoken tribute:

AND FOR ALL OF THIS, WE SAY "THANK YOU"

(By Gardner Newman, mayor, city of LaGrange)

When one begins to consider the life of Mr. Fuller E. Callaway, Jr., and his contributions to the City of LaGrange, we cannot help but wonder what LaGrange would be without those benefits.

The physical plants, plant sites, and even services rendered by our schools would be far below the standards which we now enjoy. Most of our buildings, including physical education facilities, and our fine Administration Building on Main Street are results of Mr. Callaway's interest in our schools. Union Street and Coleman libraries are further evidence of this concern for education in our community.

The purchase of the land and now its development will make possible our beautiful new Granger Park area. This entire project, made possible by his Foundation, is an improvement in our recreational and athletic facilities which the City probably would not have been able to accomplish.

Mr. Callaway's concern has included the City's traffic and parking problems, as evidence by contributions of the Forrest Avenue Railroad Underpass, Industrial Drive extension, and downtown parking facilities.

Even the City's services in waste disposal have received his attention and benefits. The sites of the new Yellow Jacket Creek Water Pollution Control Plant, and all of the Blue John Creek plant site were donated to the City. We operate our solid waste land fill in areas made available by his interests.

Certainly one can think of no field of city responsibility in which Mr. Callaway's benefactions cannot readily be seen. We have all benefited greatly by his love for LaGrange and his many contributions which have made LaGrange a fine City.

(By Hoke Wammock, M.D., director, West Georgia Cancer Clinic)

Mr. Fuller E. Callaway, Jr., thru his interest and foresight has contributed immeasurably to the progress of medicine in our community, State and Nation. Because of his admiration, love and affection for the late Dr. Enoch Callaway he became vitally interested in the cancer problem.

Dr. Enoch Callaway was a pioneer in the field of cancer and had started a one room clinic in 1923. Under his guidance and direction space was provided in the City-County Hospital in 1937. During the war years the hospital became overcrowded, it was necessary to move the cancer clinic to a restricted area in the hospital. Thus, it became difficult to carry on the work.

Mrs. Fuller E. Callaway, Jr., had been observing this progress and struggle with interest, and realized the need for providing modern facilities. Thus, the West Georgia Cancer Clinic was chartered in 1948.

In LaGrange on July 14, 1949 a new Cancer Clinic Building was donated by the Fuller E. Callaway Foundation. This was given in recognition of the long years of work by Dr. Enoch Callaway who started the clinic in 1923 in the City-County Hospital with no more than 25 patients the entire year and, which now has grown to over 8,000 patients per year.

Mr. Callaway has been honored by the Georgia Division of the American Cancer Society for his interest and support in the detection of early cancer.

It is to Mr. Callaway that we owe a great debt of gratitude for his selfless devotion and imaginative ideas in medicine. We of the medical community salute you for your leadership and wish you good health and happiness.

(By Jesse Knight, pastor Southwest LaGrange Baptist Church)

The sincere concern of Mr. Fuller E. Callaway Jr. for the spiritual well-being of people in general—and of LaGrange in particular—is clearly seen in the assistance given to the churches through many years of close association.

Churches within the Callaway complex have been especially helped through monthly contributions to their annual budgets and one-half the cost of all major projects. These include new buildings, major repairs and maintenance, improvements, landscaping, furnishings and equipment for all church facilities and parsonages.

These beautiful buildings and grounds stand as silent but eloquent witnesses of the generous stewardship practiced by Mr. Callaway and the people themselves. More important are the intangible benefits which are even greater and cannot be enumerated in mere words or numbers. The influences set in motion by such Christian stewardship are incalculable.

Many thousands of lives have been touched and made better by the churches' educational programs and ministries, which have been enriched with the best and most modern equipment purchased by the churches with the Foundation's encouragement.

Once in awhile, some uniformed person will ask, "But doesn't this kind of thing cause the people to depend too much on the Foundation and consequently hinder their own growth in giving?" On the contrary, Mr. Callaway's benevolence has been an incentive for the church people to attempt more and accomplish more in all their local and world-wide ministries than they might have done otherwise.

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[3] It should be noted that Mohawk's proposal included a line haul charge of 5.1¢ per mile for 1800 miles or more, rather than the 5.0¢ and 4.8¢ produced by the Board. Mohawk's proposal of 5.1¢ was expressly to allow for the cost of its prorate proposal. (Letter of Mohawk, August 22, 1969, p. 2).

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(By William J. Griggs, principal)

Over the years, the Negro population of LaGrange has felt Mr. Fuller E. Callaway's devotion to human welfare. Because of his generosity the Negro community enjoys the use of such very needful facilities as the Union Street Branch Library, the Old Folk Care Facility, the Maidee Smith Nursery, and the Ogletree Street Educational Center—all of which provide educational, economic and social growth for our city as well as beautification for the community proper. We point to these institutions with pride. They stand stately for us and for posterity. Through the years, others will learn of this person's generosity and will tender their thanks, for such is the reason these lines are penned.

To say "thank you" seems so little for kindnesses so numerous and generous as have been ours to enjoy, that we feel our expression of gratitude may seem limited. Yet, linguists have not given us a more befitting phrase.

Another phase of Mr. Callaway's generosity enjoyed by our community has been the awarding of scholarships to worthy graduates of East Depot High School. A number of these recipients have entered schools of higher learning and become skilled craftsmen or entered a profession. Some have returned to LaGrange to contribute to its growth and progress. This indeed, is "thank you" Mr. Callaway. There are others who are making worthy citizens and noteworthy contributions to other towns and cities. Again, Mr. Callaway, this is "thank you." These people have used the scholarships provided by you as their launching pads.

(By Waights G. Henry Jr., president, LaGrange College)

For more than two decades the enthusiastic concern of Fuller E. Callaway Jr., has resulted in facilities and buildings at LaGrange College that have had a major influence upon curriculum, program, and personnel.

Through the Fuller E. Callaway Foundation and the Callaway Foundation, Inc., gifts and grants totaling more than $2,250,000 have had a vital part in student scholarships, building construction, campus improvements, and endowment.

In 1948, a grant in the amount of $25,000 resulted in the purchase of laboratory equipment for biology, chemistry, and physics.

From this point the aid took on heavy proportions.

The Callaway Foundation, Inc., provided the construction costs of the William and Evelyn Banks Library.

The Fuller E. Callaway Foundation provided volumes to help the collection grow.

The chapel, one of the loveliest in existence, was erected next to the Library and soon will be joined by a new one million dollar science building, all three of these gifts of the Callaway Foundation, Inc.

That Foundation also provided one-third of the construction costs of the William H. Turner Jr., dormitory, the Gymnasium, and the Louise Anderson Manget building. Other gifts have resulted in increased endowment and instructional facilities.

Progress at LaGrange College is directly related to the interest and stewardship of Fuller E. Callaway Jr.

Mr. Speaker, it was my pleasure to be present on this occasion and to join with Mr. Callaway's fellow citizens in paying a justly deserved tribute to this outstanding American.

NATIONAL COMMANDER OF THE AMERICAN LEGION—J. MILTON PATRICK

(Mr. EDMONDSON (at the request of Mr. ANDERSON of California) was given permission to extend his remarks at this point in the RECORD.)

Mr. EDMONDSON. Mr. Speaker, the Oklahoma delegation in Congress today presented to our colleagues, with great pride, a distinguished American who is national commander of the American Legion, J. Milton Patrick.

The reception in the Capitol honoring Commander Patrick was the first event for him in Washington since he completed a 15-day tour of the Far East. It was an opportunity to meet both the national commander and his lovely wife, Verona, who accompanied him.

Tomorrow Commander Patrick reports to the President on his trip, and next Saturday he will report to his fellow Oklahomans at an all-day homecoming in Skiatook, Okla. It will be a major event attracting thousands of people, who are very proud that an Oklahoman is the elected leader of one of the greatest patriotic organizations in the world—the American Legion.

All roads in Oklahoma will lead to Skiatook next Saturday, for the Patrick homecoming. It will be a great day, honoring a great American.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANGEN (at the request of Mr. GERALD FORD), for September 30, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. ALBERT), for today, on account of official business.

Mr. MCMILLAN, for September 30 and October 1, on account of business.

Mr. PEPPER (at the request of Mr. WOLFF), for Monday, September 29, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. TUNNEY, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DELLENBACK); to revise and extend their remarks and include extraneous material:)

Mr. BLACKBURN, for 60 minutes, September 29

Mr. BLACKBURN, for 60 minutes October 1.

Mr. HALPERN, for 5 minutes, today.

Mr. HOGAN, for 60 minutes today.

Mr. WINN, for 10 minutes, today.

Mr. HOGAN, for 60 minutes; October 1.

(The following Members (at the request of Mr. ANDERSON of California); to revise and extend their remarks and to include extraneous matter.)

Mr. REUSS, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. TUNNEY, for 60 minutes, on September 30.

Mr. PUCINSKI, for 1 hour, on October 15.

Mr. THOMPSON of Georgia for 1 hour, on October 15.

Mr. DON H. CLAUSEN, for 1 hour, on October 15.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL and to include extraneous material.

Mrs. SULLIVAN during general debate on H.R. 13369 and to include extraneous matter.

Mr. OLSEN prior to the vote on H.R. 13369.

Mr. HECHLER of West Virginia and to include extraneous material.

Mr. RANDALL in two instances and to include extraneous matter.

(The following Members (at the request of Mr. DELLENBACK) and to include extraneous matter:)

Mr. LIPSCOMB.

Mr. PELLY in three instances.

Mr. BERRY.

Mr. MCDONALD of Michigan.

Mr. ASHBROOK.

Mr. BROOMFIELD.

Mr. BOB WILSON.

Mr. MCEWEN.

Mr. NELSEN.

Mr. WYMAN in two instances.

Mr. HORTON in two instances.

Mr. DELLENBACK.

Mr. TAFT in two instances.

Mr. SPRINGER.

Mr. SCHWENGEL.

Mr. STEIGER of Wisconsin.

Mr. BROTZMAN in two instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. BROCK.

Mr. LUKENS.

Mr. ANDERSON of Illinois.

Mr. CRAMER.

Mr. WHITEHURST.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. GIAIMO in two instances.

Mr. SCHEUER in two instances.

Mr. FRASER in two instances.

Mr. GONZALEZ in two instances.

Mr. MURPHY of New York in two instances.

Mr. SLACK.

Mr. KASTENMEIER.

Mr. GALLAGHER.

Mr. WALDIE.

Mr. BOGGS in two instances.

Mr. PUCINSKI in 10 instances.

Mr. ANDERSON of California.

Mr. PICKLE in two instances.

Mr. RARICK in three instances.

Mr. KARTH in three instances.

Mr. DINGELL in two instances.

Mr. BOLAND in two instances.

Mr. EILBERG.

Mr. HAGAN in three instances.

Mr. PURCELL.

Mr. MINISH.

Mr. DULSKI in three instances.

Mr. TAYLOR in two instances.

Mr. PATTEN in two instances.

Mr. RYAN in two instances.

Mr. EDMONDSON.

Mr. CAREY.

Mr. SIKES in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 406. An act to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes; to the Committee on Government Operations.

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; to the Committee on Foreign Affairs.

S. 2210. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

SENATE ENROLLED BILL SIGNED

The **SPEAKER** announced his signature to an enrolled bill of the Senate of the following title:

S. 574. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

ENROLLED BILL SIGNED

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce.

BILL PRESENTED TO THE PRESIDENT

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval a bill of the House of the following title:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce.

ADJOURNMENT

Mr. **ANDERSON** of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 30, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1185. A letter from the Comptroller General of the United States, transmitting a report on supply management for Army and Marine Corps Hawk missiles in Vietnam; to the Committee on Government Operations.

1186. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting his 1968 annual report, pursuant to the provisions of section 333 of the Revised Statutes; to the Committee on Banking and Currency.

1187. The letter from the Deputy Attorney General, transmitting a draft of a proposed amendment to H.R. 12854 to provide a new code of juvenile procedure for the District of Columbia; to the Committee on the District of Columbia.

1188. A letter from the Comptroller General of the United States, transmitting a report on a review of variations in cost and performance among community action program service activities, Office of Economic Opportunity, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

1189. A letter from the Chairman, National Labor Relations Board, transmitting the annual report of the Board for the fiscal year ended June 30, 1968, pursuant to the provisions of section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

1190. A letter from the Comptroller General of the United States, transmitting a report on savings available through consolidation of Veterans' Administration insurance field offices; to the Committee on Government Operations.

1191. A letter from the Comptroller General of the United States, transmitting a report on the need for improvements in the administration of the Veterans' Administration nursing home care program; to the Committee on Government Operations.

1192. A letter from the Secretary of the Interior, transmittting a draft of proposed legislation to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the System, and for other purposes; to the Committee on Interior and Insular Affairs.

1193. A letter from the Attorney General, transmitting a draft of proposed legislation to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

1194. A letter from the national corporation agent, Legion of Valor of the U.S.A., Inc., transmitting the organization's annual audit for the year ended July 31, 1969, pursuant to the provisions of Public Law 224, 84th Congress; to the Committee on the Judiciary.

1195. A letter from the national secretary, Jewish War Veterans, U.S.A. National Memorial, Inc., transmitting the annual audit of the organization for the year ended March 31, 1969, pursuant to the provisions of its charter; to the Committee on the Judiciary.

1196. A letter from the Secretary of the Treasury, transmitting a report of operations by Federal departments and establishments in connection with the bonding of officers and employees under the provisions of section 14(c) of the act of August 9, 1955 (6 U.S.C. 14), for the fiscal year ended June 30, 1969; to the Committee on Post Office and Civil Service.

1197. A letter from the Special Assistant for Civil Functions, Department of the Army, transmitting a report of the Chief of Engineers on a study of streambank erosion in the United States, pursuant to the provisions of section 120 of the River and Harbor Act of 1968; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on September 25, 1969, the following report was filed on September 26, 1969.*]

Mr. RIVERS: Committee on Armed Services. H.R.14000. A bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; without amendment (Rept. No. 91–522). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on September 25, 1969, the following report was filed on September 27, 1969.*]

Mr. DAWSON: Committee on Government Operations: A report entitled "Office of Economic Opportunity and the Medical Foundation of Bellaire, Ohio (Eighth Report)" (Rept. No. 91–523). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted September 29, 1969.*]

Mr. PATMAN: Committee on Banking and Currency. H.R. 4293. A bill to provide for continuation of authority for regulation of exports; with amendments (Rept. No. 91–524). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission; without amendment (Rept. No. 91–525). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13696. A bill to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; with an amendment (Rept. No. 91–534). Referred to the Committee or the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SANDMAN: Committee on the Judiciary. H.R. 1703. A bill for the relief of the Clayton County Journal and Wilber Harris; without amendment (Rept. No. 91–526). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 3590. A bill for the relief of Timothy L. Ancrum (also known as Timmie Rogers); with an amendment (Rept. No. 91–527). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 9591. A bill for the relief of Elgie L. Tabor; with amendments (Rept. No. 91–528). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 9906. A bill for the relief of J. Burdette Shaft and John S. and Betty Gingas; without amendment (Rept. No. 91–529). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 13183. A bill for the relief of Jimmie Kazu Uyemura and others; with amendments (Rept. No. 91–530). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 13218. A bill for the relief of Mr. and Mrs. Joseph E. Begnoche; without amendment (Rept. No. 91–531). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. House Resolution 533. Resolution to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the chief commissioner of the court of claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; without amendment (Rept. No. 91–532). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 6402. A bill for the relief of the Sanborn Lumber Co., Inc.; without amendment (Rept. No. 91–533). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R.14041. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois:

H.R. 14042. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself, Mr. Conyers, Mr. Dulski, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Madden, Mr. Pucinski, Mr. Rogers of Colorado, Mr. Ryan, and Mr. Olsen):

H.R. 14043. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 14044. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 14045. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests, and for other purposes; to the Committee on Government Operations.

By Mr. CORMAN:

H.R. 14046. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interest of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests and for other purposes; to the Committee on Government Operations.

H.R. 14047. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

H.R. 14048. A bill to establish within the Executive Office of the President a Council of Health Advisers in order to improve the organization of agencies within the executive branch of the Government concerned with health programs and to strengthen the coordination of health programs; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 14049. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.R. 14050. A bill to amend the act entitled "an act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

By Mr. KING:

H.R. 14051. A bill to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes; to the Committee on Armed Services.

By Mr. KUYKENDALL:

H.R. 14052. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN:

H.R. 14053. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 14054. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORHEAD:

H.R. 14055. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAFFORD (for himself, Mr. Harvey, Mr. Horton, Mr. Robison, and Mr. Shriver):

H.R. 14056. A bill to amend the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. WATSON:

H.R. 14057. A bill to provide for the modernization of the Veterans' Administration hospital at Columbia, S.C.; to the Committee on Veterans' Affairs.

By Mr. BURTON of Utah:

H.R. 14058. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 14059. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. DANIELS of New Jersey:

H.R. 14060. A bill to amend the act of September 30, 1950, relating to Federal assistance for education in federally impacted areas, to provide such assistance to areas suffering a special burden on account of children of refugees; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. Beall of Maryland, Mr. Bevill, Mr. Boland, Mr. Broomfield, Mr. Burke of Florida, Mr. Burton of Utah, Mr. Casey, Mr. Don H. Clausen, Mr. Denney, Mr. Dent, Mr. Dorn, Mr. Duncan, Mr. Gerald R. Ford, Mr. Fountain, Mr. Friedel, Mr. Gibbons, Mr. Griffin, Mr. Harsha, Mr. Hull, Mr. Landrum, Mr. Latta, Mr. Mize, Mr. Mizell, and Mr. Moss):

H.R. 14061. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Nichols, Mr. Patten, Mr. Rooney of Pennsylvania, Mr. Ruppe, Mr. Saylor, Mr. Springer, Mr. Stanton, Mr. Wampler, Mr. Watkins, and Mr. Wold):

H.R. 14062. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 14063. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for certain amounts set aside by a taxpayer for the higher education of prospective college students in his family, and a tax credit for certain amounts otherwise paid as educational expenses to institutions of higher education; to the Committee on Ways and Means.

By Mr. HALPERN (for himself, Mr. Addabbo, Mr. Blackburn, Mr. Brasco, Mr. Button, Mr. Farbstein, Mr. Murphy of New York, Mr. Reid of New York, and Mr. Tunney):

H.R. 14064. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA:

H.R. 14065. A bill to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes; to the Committee on Banking and Currency.

By Mr. JARMAN:

H.R. 14066. A bill to amend the Public Health Service Act to extend the program of assistance for health services for migrant agricultural workers, to provide assistance for health services for other seasonal agricultural workers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14067. A bill to extend the fourth-class mail rate for books and educational materials to photographic prints mailed to and from amateur photographers and nonprofit photographic exhibitions, photographic societies, and photographic print study groups; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER:

H.R. 14068. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 14069. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PURCELL (for himself, Mr. Kastenmeier, Mr. Taylor, Mr. Hansen of Idaho, Mr. Preyer of North Carolina, Mr. Fraser, Mr. Johnson of Pennsylvania, Mr. Blanton, Mr. Pucinski, Mr. Dorn, and Mr. Fountain):

H.R. 14070. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. ROGERS of Colorado (for himself, Mr. Waldie, Mr. Edwards of Louisiana, Mr. Wiggins, and Mr. Coughlin):

H.R. 14071. A bill to provide for audit of and to require disclosure of certain information concerning federally chartered corporations, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 14072. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 14073. A bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act; to the Committee on Armed Services.

By Mr. THOMSON of Wisconsin:

H.R. 14074. A bill to amend Public Law 90–484, to extend the indemnity therein provided to manufacturers of dairy products; to the Committee on Agriculture.

By Mr. QUILLEN:

H.J. Res. 914. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.J. Res. 915. Joint resolution authorizing the President to proclaim annually the first full week in October as "Free Enterprise Week"; to the Committee on the Judiciary.

By Mr. DICKINSON (for himself, Mr. Boggs, Mr. Gubser, and Mr. Williams):

H. Con. Res. 385. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. HASTINGS:

H. Con. Res. 386. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H. Con. Res. 387. Concurrent resolution expressing the sense of the Congress that the Federal Power Commission should render a decision in the *Matter of the Application in Project Number 23–38, Consolidated Edison Company of New York, Incorporated,* to erect an electric generating station in Cornwall, N.Y., no later than 90 days after passage of this concurrent resolution; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H. Con. Res. 388. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. ROBERTS:

H. Con. Res. 389. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H. Res. 559. Resolution providing for a study and investigation by the Committee on Interstate and Foreign Commerce of the procedures of the Federal Power Commission; to the Committee on Rules.

By Mr. WAGGONNER:

H. Res. 560. Resolution relating to the basic compensation of personnel of the Official Reporters of Debates of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BERRY introduced a bill (H.R. 14075), to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto, which was referred to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

264. By the SPEAKER: Petition of the Board of Supervisors, Glenn County, Calif., relative to the appropriation of funds for the Sacramento River Bank protection project for fiscal year 1970–71; to the Committee on Appropriations.

265. Also, petition of Ervin W. Bolen, Hazel Park, Mich., relative to redress of grievances; to the Committee on Armed Services.

266. Also, petition of Karl Calvin, Davenport, Iowa, relative to students; to the Committee on Education and Labor.

267. Also, petition of Henry Stoner, York, Pa., relative to an electronic tally system for the House of Representatives; to the Committee on House Administration.

268. Also, petition of the Congress of Micronesia, Trust Territory of the Pacific Island, relative to alteration of the present political status of the Trust Territory; to the Committee on Interior and Insular Affairs.

269. Also, petition of Honest Abe Council No. 109, Junior Order, United American Mechanics, Louisville, Ky, relative to placing the American flag in public school classrooms; to the Committee on the Judiciary.

270. Also, petition of Mrs. Lucille P. Johnson, et al., Hendersonville, N.C., relative to appointments to the U.S. Supreme Court; to the Committee on the Judiciary.

271. Also, petition of the City Council, Mentor, Ohio; relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Monday, September 29, 1969*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whom to know aright is life and peace, quicken our minds this day that all who serve the people in the Government of this Nation may be sensitive to Thy presence. Grant to us here, O Lord, to know that which is worth knowing, to love that which is worth loving, to praise that which pleases Thee best, to prize that which is precious to Thee, and to hate all that is evil in thine eyes; and grant us true judgment that we may search out and do only that which is well pleasing unto Thee; through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 26, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DILEMMA IN TAX REFORM

Mr. TYDINGS. Mr. President, in recent years, the Los Angeles Times has become one of the great newspapers in the Nation. Their editorial page is read with interest by citizens from all areas of our Nation.

I commend to the attention of my colleagues an extremely fine editorial entitled "The Dilemma in Tax Reform," published in the Los Angeles Times of September 14, 1969. The editorial was written by one of the fine young men on the editorial board of the Los Angeles Times, Mr. Ernest Conine.

I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Dilemma in Tax Reform

(By Ernest Conine)

A massive counterattack against the tax reform bill is under way in the Senate, and out of this campaign of attrition a Great Truth emerges:

The loudest and most politically potent defenders of tax "loopholes" are not the so-called fat cats whose tax returns are directly involved, but the museums, foundations, universities and charities who are beneficiaries of the wealthy man's tax deductible generosity.

To put the matter more harshly, we are being reminded that some of the most worthwhile enterprises in this country depend for their survival—or think they do—on the perpetuation of stark inequities in the tax structure.

The Senate Finance Committee is told by spokesmen for private colleges that the tax reform bill, as passed by the House, would bring on their financial "strangulation" by discouraging contributions from wealthy donors.

A foundation representative objects that the measure, if enacted in its present form, would "probably constitute the death knell of the foundations as we know them."

The same warnings of impending doom are sounded by museum directors—and by local and state officials who are alarmed by a prospective change in the tax exemption of income from state and municipal bonds.

Undoubtedly the tax reform bill as passed by the House does have some rough edges which need smoothing. The measure may have gone too far in some respects.

If the reformers in Congress allow themselves to be talked or pressured out of the substance of their reforms, however, they—along with the Nixon Administration—may find that the "silent majority" of "forgotten Americans" will not in the future be silent, forgetful or forgiving.

There is no question but that the taxpayers' revolt which gave birth to the current drive for tax reform is basically a middle-class uprising.

Most of the taxes in this country are paid by people who work for a wage or salary ranging from $8,000 to $25,000 a year, and who have become convinced that they are getting the short end of the stick.

Unlike the poor, they get very little direct and visible help from the government and, unlike the rich, they do not qualify for fancy deductions that drastically reduce the actual rate of taxation on their incomes.

People in the middle brackets were particularly incensed a few months ago at the revelation that there are at least 150 individuals with incomes over $200,000 who do not pay one red cent in federal income taxes.

In outlining his own tax reform program last spring, President Nixon promised that, while "we shall never make taxation popular, we can make taxation fair."

The House took him at his word and then some. The reform package which was ultimately sent to the Senate went much further than the Administration had proposed—or desired—in demolishing tax shelters.

Take the example of a wealthy man who donates to a museum a painting for which he paid $10,000, but has since grown in value to $22,000.

Under present law, he is allowed to deduct the entire $22,000 fair market value—$12,000 more than its cost to him—although he has never paid a capital gains tax on the appreciation in value. If he is in a high tax bracket, his donation thus becomes not so much an act of charity as a profitable transaction.

Take next a man who inherits a fortune and invests it all in municipal bonds. Since the interest on the bonds is tax exempt, he can escape income taxes entirely.

The House bill would eliminate the first kind of tax avoidance, and severely curtail the second.

It may be true that, in the cases cited, the House approach would work an unacceptable hardship on museums which depend on the "generosity" of wealthy donors, and on cities which might find it difficult to sell their bonds.

But there is something fundamentally wrong when, in the name of culture, charity or municipal financing, an astute citizen with an enormous income is allowed to get by with paying a smaller share of it out in taxes than a school principal making $14,000 a year.

ORDER OF BUSINESS

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A NEW DOCTRINE OF DOUBLE STANDARDS

Mr. ALLEN. Mr. President, the Department of Health, Education, and Welfare has presented a novel new doctrine of double standards in the interpretation and administration of the laws of Congress. This doctrine holds that schoolchildren in the South are to be treated by one set of standards allegedly authorized by Congress, while schoolchildren in all other sections of the country are to be treated by different standards. In short, racial imbalance in schools is unconstitutional in the South but legal and proper in other sections of the Nation.

Mr. President, this strange doctrine has come to light as the official policy of the Department of Health, Education, and Welfare as a result of communications with and from the Secretary and his office. These communications are self-explanatory. I request unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

July 14, 1969.

Hon. Richard M. Nixon,
President of the United States,
The White House,
Washington, D.C.:

Public support of education in Alabama is seriously jeopardized by recently announced HEW mandates which require cross-town and cross-county busing of pupils plus prohibitive and irresponsible costs involved in closing perfectly good public school facilities in Mobile County. May I respectfully remind you of the opinion you expressed in a September 12, 1968 television broadcast that you did not believe, "it is the responsibility of the Federal Government and the Federal courts to, in effect, act as local school districts in determining how we carry out the (Supreme Court Brown decision) and then to use the power of the Federal Treasury to withhold funds or give funds in order to carry it out. . . ." Your judgment on this point was, "I think we are going too far."

I also respectfully remind you that the Department of Health, Education, and Welfare busing requirements and school closing requirements in Mobile County are contrary to the intention of Congress. As you will recall, the 1968 appropriation bill for the Department of Health, Education, and Welfare specifically provided:

"No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

In addition, may I respectfully call to your attention the provision of the Civil Rights Act of 1964 which states:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance. Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

As you know, the President must approve and is responsible for regulations issued by the Department of HEW pursuant to the Civil Rights Act of 1964.

Responsible education leadership in Mobile County indicates that quality education in Mobile County is seriously compromised by HEW plans and loss of public support of education will be the price of acceptance.

I respectfully urge you to exert your personal leadership in putting a halt to totalitarian trends so shockingly manifest by HEW actions in Mobile County, Alabama.

James B. Allen,
U.S. Senate.

Hon. Robert H. Finch,
Secretary, Department of Health, Education, and Welfare; Washington, D.C.:

Am deeply disturbed over and opposed to HEW plan which has been submitted to Federal court in Mobile, Alabama, to provide for busing of students to achieve racial balance in Mobile public schools. The HEW plan is arbitary, unreasonable and flies in the face of the announcement by your office earlier this week that no mandatory time deadline will be applied in guideline situations. The

HEW plan is also loaded with volatile ramifications and completely disregards the positive values of neighborhood schools and the rights and wishes of parents regarding the education of their children. Both the 1964 Civil Rights Act and the HEW appropriations bill passed by Congress last year forbid the issuance of any Federal order of expenditure of Federal funds to transport pupils from one school to another to achieve racial balance. The overwhelming majority of the people of Mobile County and the State of Alabama are strongly and vehemently opposed to this HEW plan and I strongly urge your personal and earnest consideration of the matter with a view toward canceling the busing request your office has submitted to the court.

JAMES B. ALLEN,
U.S. Senator.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 15, 1969.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: The Secretary has referred your July 14 telegram regarding the bussing of students in Mobile Public Schools to the appropriate office.

A reply will be forwarded to you as soon as possible.

Sincerely,

JERRY W. POOLE,
Deputy Assistant Secretary for Congressional Liaison.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 5, 1969.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: Thank you for your telegram of July 14 to the President concerning the submission of a plan of desegregation for the public schools of Mobile County, Alabama, to the U.S. District Court, Southern District of Alabama, on July 10, 1969, which has been referred to me for reply.

The plan to which you refer was developed in connection with a court order, by the Division of Equal Educational Opportunities, Bureau of Elementary and Secondary Education, Office of Education, Department of Health, Education, and Welfare.

In a decision dated June 3, 1969, the Court of Appeals for the Fifth Circuit remanded the Mobile case back to the District Court with the following instructions:

"The District Court shall forthwith request the Office of Education of the United States Department of Health, Education, and Welfare to collaborate with the Board of School Commissioners of Mobile County in the preparation of a plan to fully and affirmatively desegregate all public schools in Mobile County, urban and rural, together wtih comprehensive recommendations for locating and designing new schools, and expanding and consolidating existing schools to assist in eradicating past discrimination and effecting desegregation. The District Court shall further require the School Board to make available to the Office of Education or its designees all requested information relating to the operation of the school districts."

In accordance with that instruction, the District Court did make a request for assistance, and educators who are experienced in assisting school districts with desegregation were provided by the U.S. Office of Education pursuant to Section 403, of Title IV, of Public Law 88–352, the Civil Rights Act of 1964, which reads as follows:

"The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems."

These educators prepared a plan in conjunction with the local school officials. This plan, it should be clearly noted, only recommends. Title IV personnel are educational experts, not compliance officers, and they have no authority to impose requirements. The so-called HEW plan, therefore, is a proposal for the school district and the Court to consider.

The Title IV plan recommends reorganization which, in the professional judgment of these educators, is the most feasible way to complete the process of desegregation in Mobile.

The Courts, of course, will give all parties to the action an opportunity to be heard before it makes its decision and enters an order. In providing the technical assistance requested by the Court, the Office of Education does not, and should not, attempt to resolve questions of law which are in issue between the parties to the law suit. The disposition of the legal question of how much busing may be required is put before the Court.

Your telegram correctly notes that HEW is prohibited from requiring transportation in order to overcome racial imbalance. HEW operations financed under our regular Appropriation Act are governed by Sections 409 and 410 of Public Law 90–557, which are applicable to our current expenditures. As stated, these provisions prohibit the requirement of busing "in order to overcome racial imbalance."

The legislative history of these provisions as well as the decisions of the Federal courts, make it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence. Where, however, racial segregation of students in a school system has been caused, in whole or in part, by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws. For this reason I believe that the statutes to which you refer are inapplicable to the situation in Mobile.

Sincerely,

—— ——,

SEPTEMBER 26, 1969.

Hon. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: I appreciate the courtesies shown me in the conference arranged with you and Attorney General Mitchell in response to my telegram to President Nixon of July 14, 1969. At that time, I pointed out that plans formulated by the Department of HEW for the Mobile, Alabama school system, if implemented, would seriously jeopardize public education in Alabama by alienating public support. I appreciate, also, your sympathetic understanding and your promise to look further into the matter.

I am glad, therefore, to receive your letter of September 25, 1969 which outlines what I take to be the official position of the Department of HEW in this matter. Your letter concludes with the statement that the statues to which I had referred as being violated by the Department of HEW were inapplicable to the school situation in Mobile, Mr. Secretary, I take exception to this last statement for reasons which I shall point out.

Your letter cites Title IV of the 1964 Civil Rights Act as authority for using public funds to plan, recommend, and to close neighborhood schools, bus pupils, and deny parents the freedom of choice in the selection of schools which their children shall attend.

On this point, I need only to point out that subsequent laws of Congress supersede and repeal any conflicting provisions of the 1964 Act. The 90th Congress denied your Department the authority to spend funds for any of the above purposes to overcome racial imbalance in public schools. Therefore, if your Department has the authority to spend money to overcome racial imbalance in public schools, it must be found in some authority other than Title IV of the 1964 Civil Rights Act.

Your letter contends that the 1968 limitation on your power to use public tax funds to overcome racial imbalance does not apply in the Southern states but only to schools in other sections of the nation. This last contention is supported by what you refer to as history of the legislation and rulings of Federal Courts.

Of course the history of the legislation to which you refer consists primarily of the testimony by representatives of your Department under the administration of your predecessor in office. Such self-serving statements constitutes a questionable history of legislative intent and are utterly untenable as support for a conclusion in conflict with the clear language of the statute. The language imposed a limitation on the power of your Department and no amount of legislative history can transform that limitation into a grant of power.

I am somewhat surprised by the above contention since your legislative background and experience is such that you are knowledgeable of the subject of legislative delegation, and I am sure you know that neither Congress nor any responsible legislative body can delegate power to the Executive by use of undefined legal concepts or by use of any language of delegation which fails to prescribe discernible limits on the power delegated.

In essence your contention is that Congress delegated to the Department of Health, Education, and Welfare a power to run around in the South and do as it pleases. This contention can be supported only by the further contention that Congress delegated to your Department unlimited power of discretion. If that be so, you are contending that the delegation is unconstitutional. For Congress has no such power and it certainly can't delegate a power to the Executive which it does not have.

Neither do Federal Courts sustain your contention that Congress granted your Department power to close schools and bus children and cut off funds in one section of the nation and not in others. No court in the United States has ever ruled that racial imbalance in the North is Constitutional simply because it is the result of de facto segregation and is unconstitutional in the South simply because all racial imbalance in the South is due to segregation previously imposed by law.

Neither has any Federal Court declared unconstitutional "Freedom of Choice" as a method of assignment of children to public schools. To the contrary, this method of assignment has been held Constitutional but deficient only in some instances where the results of the method of assignment were not satisfactory to Federal Courts.

Furthermore, the United States Circuit Court of Appeals for the Fifth Judicial Circuit has rejected the contention that your Department is not bound by limitations imposed by Congress simply because you are withholding funds from Southern schools and not from schools in other regions.

In this connection, your Department willfully and callously disregarded the law of

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Congress in withholding funds used by Southern schools to buy hot breakfasts and lunches and to provide educational opportunities for children of the poor. The U.S. Court of Appeals for the Fifth Judicial Circuit ruled that the Congressional limitation on your power in this regard is not a grant of power to overcome racial imbalance in Southern schools or in any other schools by such calloused means.

Despite the fact that you are a named party to this suit and despite the fact that your Department was bound by it, the ruling was utterly disregarded by your Department in a subsequent announcement that all school funds would be withheld from the helpless and innocent children in the hurricane devastated communities of Mississippi in order to overcome racial imbalance in the affected areas.

Your Department has used the hideous weapon of deprivation of innocent children until the people who are aware of the extent of it are sickened and nauseated. In this connection, I wrote your Department some time ago to ask how many school children had been deprived of funds and benefits authorized by Congress as a result of specific orders issued from your Department. I was told that your Department did not know.

Mr. Secretary, have we reached the point where agencies of federal government have no concern for the number of innocent school children who are adversely affected by orders that go out from their Department? You are aware, of course, that there is not even a semblance of due process of law in procedures which deny innocent persons adversely affected by your orders an opportunity to be heard or even to plead for mercy.

I have no desire or intention to engage in controversy on these subjects by correspondence. The Congress is the proper forum for the resolution of these issues and I intend to present to Congress the moral, legal, and humanitarian issues involved. But the purpose of my telegrams to you and to the President was to enlist your assistance in the resolution of a very practical down to earth problem.

Actions by your Department in Mobile, Alabama, had alienated support of public education to the point that the institution of public education was seriously jeopardized. That remains the problem in Mobile and in Alabama and throughout the South. Commonsense dictates that Congress did not empower anybody to destroy public education either by the torch or by closing schools, or by unreasonable, impractical, and irresponsible federal interference in the administration of public schools.

When public support of education is at issue, legal obfuscation, double talk, and arguments for double standards contribute nothing constructive to a solution. I urge you to weigh the education policies hatched up in your Department by standards of commonsense reasoning. I urge you to speak to impractical visionaries in your Department in words as hard as cannonballs if necessary and tell them that they are expected to obey the spirit of the law as well as the letter and tell them that they shall be held accountable for their departures from statutory and moral law.

I am disappointed that your letter seeks to rationalize and justify past lawlessness because it is likely to encourage continued actions by your subordinates which can only result in chaos and eventual disaster to public schools throughout the South and the nation.

Very truly yours,

JAMES B. ALLEN.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2875—FIRST STEPS TOWARD NEEDED PRISON REFORMS

Mr. ERVIN. Mr. President, a few weeks ago I had printed in the RECORD a poignant letter from an inmate of a prison. This letter, from a man who is presently serving a long sentence for a variety of serious offenses, was an eloquent protest against the failure of our correction system. It pointed out that our Nation's jails and prisons do not serve the function of rehabilitating the offender and returning him to society as a peaceful, law-abiding, and productive citizen. Rather, our prisons serve as training grounds for crime—graduate schools for education in the finer points of lawlessness. The writer of this letter admitted that his early contact with the prison system, and his association with older, more experienced, and hardened criminals, was decisive in sending him down the road which now has resulted in his being imprisoned for 50 years. As he writes:

> The offenses for which I was sentenced include: bank robbery, kidnapping and escape.
>
> The ideas and schooling for such gross misconduct I attribute to the United States Prison, Atlanta, where I was sent at the age of 24 for auto theft. I spent 34 months at Atlanta before being paroled on November 18, 1966. While at the United States Prison, I shared living and working arrangements with men 30 years my senior (some cases 40 years). My last 10 months was spent sharing a 2-man room with a 5-time loser (2 of which were for bank robbery), he was 49-years old. The offenses for which I am currently serving time were committed one week after my release from Atlanta.
>
> Our population here is approximately 475. Approximately 250 of these men are *over* 35 and many in their 40's and 50's and several in their 60's. The sentences these men are serving range from 20 years to 199 and double life and life plus. The hardened, bitter attitudes of these men are being indoctrinated into these young men leaving here daily.

This person's experiences illustrate dramatically how the correctional system affects the individual. In his statement of September 9, introducing S. 2875, Senator HRUSKA cataloged the shocking national picture as it exists in State after State and at the Federal level. He said there are no words adequate to describe the conditions of jails and prisons in our country. But a few come to mind, like "abhorrent," "disgraceful," "shameful," "total neglect," "unfit for humans," "lacking even minimum standards of human decency." In short, our correctional system is a national disgrace, and is unacceptable for a civilized society.

The war on crime can be fought on two fronts. The first is to concentrate on dramatic panaceas, like preventive detention, mandatory sentencing, or harsher penalties. These approaches solve no problems. They merely paper over basic defects in the criminal law system. Such proposals quickly catch the public imagination—the solution to crime is made to appear easy and simple. But in reality, such steps may result in great injustice to the individual and no important increase in public safety. Their further danger is that they distract attention from the real weaknesses in the criminal law system which cry out for correction.

Other proposals, which do not have the political "sex appeal" of preventive detention or mandatory minimum sentencing, receive less public attention. That is because they are difficult to explain, difficult to enact, and the results are not immediately visible. In this class of proposals I place such things as work release and halfway houses, public defender projects, efforts to make the public and personal rights to a speedy trial a reality, more and better trained personnel for the police, the prosecution, and the courts, and efforts to convert our prison facilities into centers of rehabilitation, not crime. The last-named effort is reflected in S. 2875, a bill introduced by Senator HRUSKA, and to which I have asked to have my name added as a cosponsor.

This bill proposes to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance to States and localities in construction of correctional institutions. Senator HRUSKA is correct in recognizing that one of the first steps in improving the prison environment is to relieve the outrageous overcrowding and antiquated physical structures. Along with assisting the construction of new institutions, I hope that the Congress will also provide assistance and encouragement for the training and recruitment of correctional personnel, for creation and expansion of rehabilitation programs, job training and placement, health and psychiatric care of inmates, and for the other aspects of a modern and effective correctional system. S. 2875 reflects this concern already, but I believe that the intent of this legislation should be made even more explicit.

For far too long we have tended to consider that the problem of crime ends with the imprisonment of the convicted defendant. Once imprisoned, these people have passed from public view and from public concern. We must also turn our attention to the deplorable conditions which exist in our prisons, not only for the sake of the public interest in fighting crime, but also for the sake of the human beings who are there. I urge the Senate to give prompt and sympathetic consideration to improving our Nation's correctional system.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 425, 426, 428, and 432.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF THE OFFICE OF INTERGOVERNMENTAL RELATIONS

The Senate proceeded to consider the joint resolution (S.J. Res. 117) to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes.

EXTENSION OF INTEREST EQUALIZATION TAX

Mr. **WILLIAMS** of Delaware. Mr. President, could I have the attention of the acting majority leader? I wish to ask what the plan of the leadership is to deal with the interest equalization tax, which is scheduled to expire tomorrow night. We both know it is very important that that bill be acted upon.

Mr. **KENNEDY**. Mr. President, it is my understanding that several Senators have asked for some time to prepare to debate this legislation and that the Treasury Department has indicated they can handle this particular problem if congressional action does not come by tomorrow night.

Mr. **WILLIAMS** of Delaware. The Treasury Department cannot enact or enforce regulations that are not based on laws. The mere fact that there is a "hold" on this bill by some Senator does not necessarily block the entire Senate. I wonder if it cannot be made the pending business so that the Senate can act, and then if someone objects to the bill it can be discussed; but let the Senate work its will.

Mr. **KENNEDY**. The matter was reported late last week and is just now on the calendar. There has been a longstanding tradition on both sides of the aisle that if there are Members of this body who have an interest in legislation they ought to have a reasonable period of time to study and prepare. That tradition is wise, and is being observed. It is the intention of the leadership to avail itself of the opportunity to talk with concerned Members of the Senate to try to work out the problems and then bring it up as early as it can be scheduled.

We have other important matters before us which would require unanimous consent to be laid aside and the leadership will look into the situation, and will, in the process, take under advisement the recommendation of the Senator from Delaware before making a judgment.

Mr. **WILLIAMS** of Delaware. Mr. President, so that the Senator from Massachusetts will recognize the importance of this matter—and if his party wants to assume the responsibility for delay it should be made clear—I will now read a letter from the Secretary of the Treasury, similar letters having been sent to the Senator from Montana (Mr. MANSFIELD), the Senator from Pennsylvania (Mr. SCOTT), and the chairman of the committee, the Senator from Louisiana (Mr. LONG). This letter has just been received from the Treasury Department. It reads as follows:

THE SECRETARY OF THE TREASURY,
Washington, September 27, 1969.

DEAR SENATOR WILLIAMS: I feel compelled to write to you to emphasize that the Treasury feels very strongly that every effort should be made to have the legislation (H.R. 12829) extending the interest equalization tax to March 31, 1971, enacted before midnight September 30, 1969, so that there is no hiatus in the applicability of the tax.

With the current uncertainty in the world's exchange markets, with capital flows moving at a rate that only betokens apprehension and uncertainty, and with the International Monetary Fund and the International Bank for Reconstruction and Development beginning meetings in Washington on September 29, 1969, the United States will be placed in an extremely awkward, and seemingly dangerous position, if for the third time in ninety days, Congress has been unable to complete action on legislation extending the interest equalization tax for a significant period. The United States and the world monetary system need now the protection and the certainty that will be provided by the extension of this legislation until March, 1971.

Other important reasons for prompt action on H.R. 12829 can be grouped into a number of categories as follows:

1. The interest equalization tax includes an exemption for prior American ownership and compliance which is carried out through a pool of American-owned foreign securities which are traded freely among Americans. There are a series of rules designed to govern the operation of this pool and the entry of securities into the pool. If the tax were allowed to lapse, the rules governing the operation of the pool would expire. Upon the reenactment of the tax it would be very difficult to identify which securities should be in the pool. When we faced the problem of the possible expiration of the tax in July of this year, at the request of the Treasury, the National Association of Security Dealers (NASD), the New York Stock Exchange and the American Stock Exchange adopted interim rules which, in effect, required the brokerage industry to follow the rules (including the payment of a "tax" then not required by law) governing the pool of American securities even though the tax had expired. These interim rules were in effect for one day, August 1, 1969. If the tax is permitted to expire at the end of this month it would again be necessary for the Treasury to ask for the cooperation of the NASD and the Exchanges and request that they again adopt interim rules. While these organizations cooperated with the Treasury in July and were willing to expend the necessary man days to establish the interim procedures, I do not know if they would be willing to do so again. It would also be necessary, as in July, for the Treasury to issue notices as to the intended continuation of the tax so as to establish the legal foundation for retroactive application.

2. Even though the interim NASD and Exchange rules would be binding on brokers, there is no way for any private organization to bind the banks which participate in the pool of American securities. Therefore, it would be necessary to have the banks now participating reaffirm their willingness to abide by the rules during the hiatus period. There is no basis for assuming that banks that have bound themselves to participate in the pool when the interest equalization tax was in effect are willing to participate in the pool during a hiatus period when there is no legislative authority. This need to ask the banks to reaffirm their willingness to participate will, of course, place a burden on the banks themselves and also on the brokers that must keep track of the list of participating banks.

3. Any person now violating the rules with respect to the pool of American securities is subject to the civil and criminal penalties imposed by the Internal Revenue Code. During any period in which the tax has expired, the only possible sanctions would be those that the NASD and Exchanges were willing and able to impose. Such a weakening leads to a great risk of violation. In this connection, it should be noted that even one violater who improperly entered securities into the pool could cause a substantial loss to the balance of payments.

4. Every time the interest equalization tax is about to expire numerous inquiries are received at the Treasury and in Wall Street about the possibility of expiration both by foreign governments who are concerned about the U.S. determination to protect its balance of payments and by foreign brokers who are looking for an opportunity to sell in the U.S. market foreign securities that the interest equalization tax has effectively kept out of this country. A failure to complete action on H.R. 12829 for the third time in three successive months, would raise a serious question as to our credibility and our interest in maintaining the tax in force. The public posture that there is no serious opposition and that the delay results only from the additional time needed for legislative consideration becomes less convincing as time goes on.

Therefore, I must urge you to use every effort to assure that the interest equalization tax bill is passed by the Senate in time for the completion of legislative and Presidential action by midnight September 30, 1969.

I have written similar letters to Senators Mansfield, Scott and Long.

Sincerely yours,

DAVID M. KENNEDY.

Mr. President, I hope that the acting majority leader will recognize the responsibility of the Senate to act on this measure which expires tomorrow night. Certainly, if we are to act fiscally responsible, the least the leadership can do is to bring it up and let the Senate vote it up or down.

I cannot understand why no action is being taken.

Mr. **KENNEDY**. It is simple to understand why. There is an amendment which has been added to the Interest Equalization Tax Act, an amendment unrelated to interest equalization and on which there were no hearings, or even consideration of the question of jurisdiction of the Finance Committee, a point which is very much in question. If that amendment were not added to the bill it would not be controversial, and I am sure it would be passed this afternoon or tomorrow morning probably with no debate. But this amendment will be a matter of serious and, I suspect, lengthy discussion, the subject matter being very much in dispute. The amendment removes the noncontroversial nature of the bill. On similar matters it has been the practice and procedure of this body, when the bill contains a matter of some controversy to give interested Senators a reasonable period of time in which to express their views. This bill was not reported out until September 24. We have a bill now before the Senate which will not be concluded before tomorrow night at the earliest. It is my definite impression that we could not get unanimous consent to lay it aside to take up a controversial matter.

I can give assurances to the Senator from Delaware that if that item were not in the bill, I would certainly think it

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would move through on the consent calendar. But, once again, its presence on the bill, and being a matter which is irrelevant, on which there were no hearings, and which some Members of the Senate believe dramatically alters and changes some sections of the firearms legislation passed last year, guarantees that there will be extensive discussion and extensive debate.

Thus, I would urge on my good friend from Delaware, who is talking about the financial situation, that if he is able, with his persuasiveness, to succeed in having the subject amendment withdrawn, I would certainly move that the Interest Equalization Tax Act be considered on the consent calendar tomorrow.

Mr. WILLIAMS of Delaware. This particular amendment was not my amendment. I did not cosponsor it. Perhaps the Senator can talk to his own majority leader and make known his position. The Senator from Utah (Mr. BENNETT) was a sponsor of the amendment, along with the majority leader (Mr. MANSFIELD) and others. But the point is that whether we agree to the amendment or not, let us bring it up and vote it up or down.

Mr. KENNEDY. Certainly it would be up to the leadership, but we do have other matters which are before the Senate at the present time. It takes some orderly scheduling of legislative matters. The coal mine safety bill is of great importance. It cannot be laid aside, except by unanimous consent. Such consent is not forthcoming. There are other matters which are coming up. But since this amendment has been added to the interest equalization, and it is a controversial matter, it will be discussed and debated as soon as we can reach it. The Senate will, obviously, have a chance to exercise its judgment. Hopefully, that will be done in a reasonable period of time.

What the Senator is interested in is talking about the interest equalization tax, in and of itself. I do not think it will be questioned that the tax bill could be passed on the Consent Calendar in a matter of seconds. But with the other item on it, it does present difficulties.

Mr. WILLIAMS of Delaware. I have no objection to the Senators expressing themselves, but let us get some action.

Mr. KENNEDY. I think it is certainly unfortunate that the tax itself could not be considered expeditiously. I am sure, as I have said, that it would if we did not have the other amendment on it. But I have the assurances that the Treasury Department is prepared to take steps, as it has in the past, at times when this matter has passed one House and failed to pass the other. The Senator must realize that even if we pass this bill by tomorrow, the House would still have to reconsider it, and the Bennett amendment is no less controversial over in the other body.

Mr. WILLIAMS of Delaware. When the Senator says he has such assurances, where did he get them? I have not had any such assurance.

I realize that the Democratic policy committee, of which he is a leading member, is conducting its own tax policies. Perhaps they know more about tax law and have some more assurances from the Treasury Department than do members of the Committee on Finance, but I can assure the Senator that, as one member of the committee, we have no such assurances as the Senator from Massachusetts just mentioned.

Those who let this tax lapse will have to take the responsibility because there are criminal penalties for the nonpayment of this tax, and the Treasury Department cannot enforce criminal penalties for nonpayment of a tax which has expired. They cannot collect a tax which is not the law at the time the transaction is taken. I have read the position of the Treasury Department. Perhaps the Senator has different advice from what I have, but I most respectfully remind him that we are a government of laws and not a government of men, a government where the Treasury Department only administers the law. That Department cannot issue negotiations based on the Democratic policy committee plans. So far as I am concerned, we should act on this interest equalization tax before it expires, but if we do not I want it to be very clear that I, as one Member of the Senate, think that the Treasury Department has no legal status to enforce the provisions of a nonexistent law.

Mr. SCOTT. Mr. President, I should like to make the point that the Senators who have added the amendment, beginning with the distinguished Senator from Utah (Mr. BENNETT) and others—some 30 to 40, including myself—are just as much entitled to ask for consideration of their views as any Senator is entitled to ask for a holding of legislation.

Perhaps, as both Senators in this colloquy have suggested, some solution will offer itself, but I do want to make it clear that we are prepared on this side to vote at any time on the extension of the Interest Equalization Act.

Mr. WILLIAMS of Delaware. All I am trying to point out is that the amendment should rise or fall on its own merits. I just hope we can bring it up so we can vote it up or down, take action, and let the country and the Treasury Department know what the Senate is going to do on this particular bill. It is very important in the light of the present uncertainty in the international financial community as to the stability of many currencies.

The Senate has a responsibility to vote on this measure before it expires.

Mr. KENNEDY. Let me point out that there is absolutely no intention to deny the Senate its right to exercise its judgment on this matter, both on the interest equalization and the amendment attached thereto. I would point out too, that the letter from Treasury Secretary David Kennedy, which the distinguished Senator from Delaware read in full into the RECORD, outlines emergency procedures already taken twice this year, and gives assurances that the Treasury Department is prepared if this legislation is not considered and passed by both Houses, and signed by the President before midnight tomorrow. It is very little time that is given the Congress to get a great deal done.

I am just repeating myself, when again I reiterate, that as there is no controversy involving the extension of the interest equalization tax, it would move through the Consent Calendar—at least, I would so move—this afternoon if it did not have the other item which is a fundamental matter of significant controversy, and as to which Members of the Senate want to be able to prepare themselves to speak on it, and which has little relevancy to the interest equalization tax.

It would certainly be my hope that we would be able to schedule these matters so that Members of the Senate on both sides would be able to exercise their own good judgment; but it is not the intention of the leadership at this time to set aside the pending business, which is of significance and importance, nor do we have the power to consider that measure at this time.

Mr. WILLIAMS of Delaware. I appreciate that point of the Senator, but I would merely state that it would be a sad day in the U.S. Senate if we ever reached a decision that only noncontroversial measures coming out of the Committee on Finance could be considered or matters to which Democratic policy committees had no objection. I think the views of all Senators, collectively, should be the determining factor and not just the views any group of men who want to play dictator.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. The Senate would be highly irresponsible if it allowed a law of the order of this importance to expire. Some of us thought it important that we keep capital from flowing out of this country to other nations, and we passed the interest equalization bill several years ago to keep that from happening.

The Senator from Louisiana was not anxious to put the gun amendment on the bill at all, but other Senators wanted it and the administration was for it. If any Senator did not like it, he could vote against it. The bill has been sitting out here some time now.

There is no urgency to the bill presently before us. A point of order has been made. The last I saw, there was a minibuster being used to keep it from coming to a vote.

If the Senator thinks that a revenue bill can originate in the Senate, he will soon learn that the House will send it back to the Senate with a blue sheet, saying that revenue measures must originate in the House, and citing the section of the Constitution providing for it. One could perhaps make a good argument for that bill originating here, but it will do no good, because the House will send it back. So we are wasting time when an important matter has been on the calendar for some time, ready for action——

Mr. KENNEDY. Mr. President, if the Senator will yield, as I understand, it was reported on the 24th. That makes it 5 days. Reports were not available until the following day. Then the weekend brings us to today.

Mr. LONG. Yes; but what is presently before the Senate does not have the same urgency. It does not involve legislation that is about to expire. May I say the fight over the point of order is a totally futile, make-work proposition, if I ever saw one. The House is going to send this measure back with a blue slip saying it is a revenue measure, and as far as the House is concerned, such measures must originate in the House. We are not ever going to get the House to go to court to decide that question, because the House is just going to send it back to the Senate. I am so familiar with that type of thing and so sure that such a slip is going to come back, that I do not need to read it. As far as the House is concerned, the Senate will be sending to it a revenue bill that was initiated in the Senate. It is a waste of time to send the bill there, because the House is going to send it back as soon as it gets it.

I am not going to try to tell the House how to run its business. I have tried it previously with small success. I think other Senators will learn that when we send the House a bill that is a revenue measure, the House will send it back. There is nothing we can do about it. The House even says that an appropriation bill is a revenue bill. I do not like that construction, but we have not been able to get the House to go to court on that question, and as long as we do not get to court, the House is the final judge on whether a bill is a revenue measure.

Meanwhile here is an act that expires tomorrow night, and it should be acted on. As far as we are concerned, we are ready to vote it up or down. Let the Senate do what it wants, but it ought to be acted on because the act expires.

Mr. **WILLIAMS** of Delaware. Mr. President, I want to thank the Senator from Louisiana, the chairman of the Finance Committee, for his support in recognizing the necessity for action on this bill which otherwise will expire tomorrow. He is correct. When the Bennett-Mansfield amendment was offered in the committee as a part of the interest equalization bill both the Senator from Louisiana and I said that we questioned the wisdom of putting it on the bill. But it was approved as a part of that bill by a vote of the committee. The bill was then reported to the Senate. The point is that the bill and the amendment are entitled to be voted up or down.

The point was made that it was reported by the committee on the 23d or 24th of September. The Committee on Finance has been busy, as the Senator from Massachusetts can appreciate, trying to hold hearings every day since Labor Day, mornings, afternoons, and sometimes in the evenings. We have been holding hearings on a major tax reform bill. The chairman set aside 1 day for the consideration of interest equalization in order to get it out of committee.

There has been no delay on the part of the Finance Committee. The chairman of the committee has done everything he can to get this measure up for consideration as expeditiously as possible, just as he has been working day and night to get action on the tax reform bill so that it can be brought before the Senate at as early a date as possible.

The committee having worked its will on the bill, the very least we have a right to expect is that now, having reported the bill, the Senate will get a chance to vote. I want to join the chairman of the committee in urging that action on this bill be taken now; but if it is the decision of the Senator from Massachusetts, the acting majority leader, that there will be no action taken on this measure, thereby allowing the law to lapse, I want the RECORD to show clearly where the responsibility lies. In my opinion, however, such a decision would be fiscally irresponsible.

Mr. **KENNEDY**. Mr. President, I am not sure whether the chairman of the committee was present earlier when I stated that it would be the intention of the leadership to move the interest equalization measure through on the Consent Calendar if the sponsors of what is a controversial amendment were prepared to withdraw their amendment and submit it at another time to be considered on its merits. But since it is a matter which is in controversy and dispute and of little relevancy to the interest equalization bill, although we do understand the committee has added that amendment on the bill, there are Members of the Senate who have a deep interest in that subject and would want to prepare themselves on that particular question. Therefore, since it will have to be debated and discussed and since we do have another matter of importance and significance which is before the Senate which we cannot lay aside except by unanimous consent, which consent is quite clearly not forthcoming, we cannot bring this matter to the floor for a debate at this time.

Mr. **LONG**. Mr. President, if the Senator would yield, as far as the Senator from Louisiana is concerned, he is aware of the fact that the revenue bill to provide essential financing of the Government was not to be considered until we reported a so-called reform bill that we hope to report out of the committee by the end of October—a bill which does require a great deal of study if we are to be responsible about it at all.

Then we felt that this retroactive date—I believe April 18—on the investment tax credit repeal was creating an uncertainty that should certainly be the basis of some sort of answer, one way or the other, for business. Do they get it, or do they not?

So we thought about adding the repeal measure on the interest equalization tax, but because of the fact that the leadership felt that the matter should be held up and await the larger bill, it was not added to that bill, but was put on a less controversial measure that had no immediate urgency about it, and this amendment relating to firearms was added to the interest equalization tax on the basis that if it could not be readily agreed to by the House we would not insist on it.

I would think that when it gets down to the point that we cannot consider revenue bills except by unanimous consent, we are in pretty bad shape, because there are a great number of important revenue bills that will have to be considered between now and the end of this Congress; and to hope that we can pass them all by unanimous consent, I think, is asking too much.

Here is one that expires; and the responsible thing to do is call it up and vote on it, and then return to whatever subject—which is not pressing—one might care to bring before the Senate.

I think the position has been made clear with regard to what some of us feel is very important. This is a revenue bill, and it has an expiration date—tomorrow night—and could have some very serious consequences if it is not acted upon. It should be given priority over things that do not require the same urgency.

AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF THE OFFICES OF INTERGOVERNMENTAL RELATIONS

The Senate resumed the consideration of the joint resolution (S.J. Res. 117) to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–430), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The resolution would authorize the appropriation of such sum as may be necessary for the expenses of the Office of Intergovernmental Relations established by Executive Order 11455 dated February 14, 1969. The purpose of the Office is to advise and assist the Vice President with respect to his intergovernmental relations responsibilities as the President's liaison with executive and legislative officials of State and local governments.

The Executive order places the Office under the immediate supervision of the Vice President and provides for a Director and Deputy Director of the Office to be designated by the Vice President. The proposed resolution would provide that the Director would be compensated at a rate not in excess of that for level IV of the executive schedule and the Deputy Director at a rate not in excess of that for GS–18. In addition, the resolution would provide that compensation for two other positions may be at a rate up to the maximum pay for GS–17.

Upon signing the Executive order establishing the Office of Intergovernmental Relations, the President stated that—

> * * * the Office will assure State and local officials access to the highest offices of the Federal Government, especially those having a direct impact on intergovernmental relations, so that Federal programs, policies, and goals will be more responsive to their views and needs. It will seek to strengthen existing channels of communication and to create new channels among all levels of government.

HEARINGS

Director of the Office of Intergovernmental Relations, Nils Boe, testified before the Subcommittee on Intergovernmental Relations on September 9. In his statement he pointed out that the purpose of the Office is to provide liaison between the executive branch of the Federal Government, its departments and agencies, and the official representatives of State government and their political subdivisions. The basic purpose of the Office is to strengthen and coordinate Federal, State, and local relations.

Because intergovernmental relations have become increasingly complex in recent years and new patterns of Federal-State-local relationships have emerged as major national programs have been enacted in new fields of activity such as manpower training and area economic development and established fields such as mass transportation, water systems, and sewage treatment plants, the executive branch seeks to streamline the efforts at intergovernmental cooperation.

In the past two avenues were open for this liaison function through the Office of the Vice President and the Office of Emergency Preparedness designed for liaison with State Governors. The liaison functions of the Office of Emergency Preparedness are now housed in the Office of the Vice President.

The Office of Intergovernmental Relations has been placed under the immediate supervision of the Vice President. The Executive order creating this office assigns to the Vice President a number of important responsibilities in the field of intergovernmental relations. The Office of Intergovernmental Relations serves as the operating arm of the Vice President's office in meeting these responsibilities.

The Office would not duplicate or conflict with responsibilities presently being carried out by the Advisory Commission on Intergovernmental Relations or by the Bureau of the Budget. The Advisory Commission is an independent agency composed of members drawn from three levels of government; three from the Federal executive branch, three U.S. Senators, three members of the House of Representatives, four Governors, four mayors, three State legislators, three county officials, and three private citizens appointed by the President. The Commission is specifically directed to: (1) bring together representatives of the Federal, State, and local governments to consider common problems; (2) provide a forum for discussion of the administration of Federal grant programs; (3) give critical attention to the conditions and controls involved in the administration of grant programs; (4) make available technical assistance to the executive and legislative branches of the Government in the review of legislation to determine its overall effect on the federal system; (5) encourage discussion and study or emerging public problems that are likely to require intergovernmental cooperation; (6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and (7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and reduce the burden of compliance by taxpayers (Public Law 86-380, sec. 2).

The joint resolution (S.J. Res. 117) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 117

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for expenses of the Office of Intergovernmental Relations (referred to hereafter as the "Office"), established by Executive Order Numbered 11455 of February 14, 1969.

Sec. 2. (a) The Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal Executive Salary Schedule.

(b) The Deputy Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for GS-18.

Sec. 3. The Director of the Office is authorized—

(a) to appoint and fix the compensation of such personnel as he deems necessary without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and to general schedule pay rates: *Provided,* That, except as provided in section 2 of this Act and subsection (b) of this section, no person shall receive compensation in excess of the rate now or hereafter provided for GS-15;

(b) to fix the compensation of two employees at rates of basic compensation not to exceed the rate now or hereafter provided for GS-17; and

(c) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS-18.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

The bill (S. 2701) to establish a Commission on Population Growth and the American Future was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

MEMBERSHIP OF COMMISSION

Sec. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the "Commission") shall be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed twenty members appointed by the President.

(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $150 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DUTIES OF THE COMMISSION

Sec. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(a) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(b) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population; and

(c) the ways in which population growth may affect the activities of Federal, State, and local government.

STAFF OF THE COMMISSION

Sec. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided,* That no personnel so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS-18 by section 5332 of such title.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

GOVERNMENT AGENCY COOPERATION

Sec. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

Sec. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

Sec. 8. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-431), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

S. 2701 would establish a commission to be called the Commission on Population Growth and the American Future, which would conduct and sponsor studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United

States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future.

BACKGROUND INFORMATION

On July 18, 1969, President Richard Nixon sent a message to Congress outlining the need for a commission to study the problems surrounding the growth of population in the United States as it relates to America's future.

In his message the President said there would be 300 million Americans by the year 2000. Then he posed these questions: Where will the next 100 million people live; how will we house them; what of our natural resources and quality of our environment; how will we educate and employ these people; will our transportation system move them quickly and economically; how will we provide adequate health care for them; will we have to reorder our political structure; will our institutions be swamped by growing floods of people; how easily can they be replaced or altered; and how can we better assist American families so they will have no more children than they wish to have?

The President added:

> Perhaps the most dangerous element in the present situation is the fact that so few people are examining these questions from the viewpoint of the whole society.
>
> I believe, however, that the Federal Government makes only a minimal effort in this area. The efforts of State and local governments are also inadequate.

The President then outlined what he thought the makeup of the Commission should be.

> The membership of the Commission should include two Members from each House of the Congress, together with knowledgeable men and women who are broadly representative of our society. The majority should be citizens who have demonstrated a capacity to deal with important questions of public policy. The membership should also include specialists in the biological, social, and environmental sciences; in theology and law; in the arts; and in engineering. The Commission should be empowered to create advisary panels to consider subdivisions of its broad subject area and to invite experts and leaders from all parts of the world to join these panels in their deliberations.

In the 89th and 90th Congresses the Subcommittee on Foreign Aid Expenditures, under the chairmanship of Senator Ernest Gruening, held hearings on the population problem. Those hearings were directed at American and worldwide problems of the population crisis while S. 2701 focuses on America's problem in this area. The hearings were printed in 18 volumes.

In the 90th Congress the full committee held hearings on legislation introduced by Senator Karl Mundt to establish a Commission on Balanced Economic Development. This legislation, which was subsequently approved twice by the committee and passed by the Senate, is similar in nature to the proposed Commission on Population Growth and the American Future. It would study and investigate the following:

(1) an analysis and evaluation of the economic, social, and political factors which affect the geographical location of industry;

(2) an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

(3) a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

(4) an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

(5) an analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;

(6) an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

(7) an analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

(8) an analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

Because the purposes of the two Commissions are almost identical, the committee feel that the above factors should be considered by the Commission on Population Growth and The American Future.

MAKEUP OF THE COMMISSION

The Commission on Population Growth and the American Future would be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed 20 members appointed by the President.

The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission. The majority of members shall constitute a quorum, but a lesser number may conduct hearings.

Members of the Commission who are officers or full-time employees of the United States shall serve without compensation and members of the Commission who are not officers or full-time employees of the United States shall receive $150 per diem when engaged in the actual performance of their duties. All members shall be paid expenses. The Commission shall appoint an executive director and be authorized to enter into contracts with public agencies, private firms, institutions, individuals for research and surveys and the preparation of reports. The Commission shall be empowered to request information from government agencies and departments. The Commission shall submit an interim report after 1 year and a final report 2 years after enactment of this act.

DUTIES OF THE COMMISSION

The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(a) The probable course of population growth, internal migration, and related demographic developments between now and year 2000.

(b) The resources in the public sector of the economy that will be required to deal with the anticipated growth in population.

(c) The ways in which population growth may affect the activities of Federal, State, and local government.

HEARINGS

Hearings on S. 2701 were conducted by the full committee on September 15, 1969. Six witnesses from executive agencies and five private witnesses testified on the bill. All witnesses supported the idea of establishing a Commission on Population Growth and the American Future.

ABOLISHMENT OF THE COMMISSION AUTHORIZED TO CONSIDER A SITE AND PLANS FOR BUILDING A NATIONAL MEMORIAL STADIUM IN THE DISTRICT OF COLUMBIA

The bill (S. 1484) to abolish the commission authorized to consider a site and plans for building a national memorial stadium in the District of Columbia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution to consider a site and design for a National Memorial Stadium to be erected in the District of Columbia", approved December 20, 1944 (58 Stat. 844), is hereby repealed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–432), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to abolish the National Memorial Stadium Commission established in 1944 by Public Law 523 of the 78th Congress. That Commission is composed of three Members of the Senate appointed by the President of the Senate, three Members of the House of Representatives appointed by the Speaker of the House, and three persons appointed by the Commissioner of the District of Columbia. The members are appointed without limitation on their terms. They serve without compensation.

BACKGROUND

Although new members have been appointed to the Commission from time to time, the role of the Commission actually ended in 1957 with congressional authorization of the District of Columbia Stadium, which was completed in 1961.

S. 1484, to abolish the Commission, was introduced by Senators Mansfield and Dirksen on March 11, 1969. Hearings were held by the Subcommittee on Public Health, Education, Welfare, and Safety on July 31, 1969. The legislation was supported by the District of Columbia government and the Bureau of the Budget.

USE OF REAL PROPERTY IN THE STATE OF MARYLAND FOR HIGHWAY PURPOSES

The bill (H.R. 10420) to permit certain real property in the State of Maryland to be used for highway purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–434), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The act of March 4, 1923 (42 Stat. 1450), authorized the sale of certain property, including Fort Armistead, Md. Section 3 of the act provided that the conveyance of land shall be on the condition and limitation that the property shall be limited to use for pub-

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lic park purposes and upon cessation of such use shall revert to the United States.

Pursuant to the act, on February 23, 1927, a deed was executed by the Secretary of War, on behalf of the United States, conveying to the mayor and City Council of Baltimore 45.5 acres of land for a price equal to the then appraised fair market value of $27,306. In accordance with section 3 of the act the deed restricts the use of the property to public park purposes and provides that property shall revert to the United States on cessation of that use. Since the conveyance in 1927 the city of Baltimore has used the property for public park purposes.

The Maryland State Roads Commission desires to acquire approximately 8 acres of the property conveyed to the mayor and City Council of Baltimore in 1927, in connection with the construction and operation of the Baltimore Harbor outer tunnel project. As a result of the restriction on use of the property contained in the act of 1923 and the deed of 1927, the city is unable to convey the property to the State for the tunnel project. The bill would authorize a conveyance of the necessary land to the State, notwithstanding the restrictions limiting the use of the land to park purposes.

Special legislation is required to release the conditions imposed upon the 45.5 acres pursuant to the act of March 4, 1923, and the objectives of this bill could not be accomplished administratively under the laws of general application for the distribution of Federal property.

This bill is so drafted as to authorize the mayor and City Council of Baltimore, Md., to convey only the real property necessary for highway purposes. The remainder of the real property conveyed in 1927 to the mayor and City Council of Baltimore will remain subject to reversion to the United States when no longer used for public park purposes. The approximately 8 acres conveyed to the State of Maryland will be again subject to such reversion provisions when no longer used for highway purposes. Any consideration that might be received by the city of Baltimore as a result of this conveyance is required to be used for development of the remaining real property for park purposes.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Acting President pro tempore.

S. 574. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce.

VIETNAM IS NOT YET A REPUBLICAN WAR

Mr. CHURCH. Mr. President, on Saturday morning the Washington Post carried a news story by William Greider, quoting Senator FRED HARRIS, National Chairman of the Democratic Party, as saying:

> It is time to take the gloves off on the Vietnam war issue.

The article is headlined "Democrats Will Fight Viet Policy" and concerns a luncheon meeting called by Senator FRED HARRIS at the Capitol on Friday noon. The article conveys the impression that it was decided the time is ripe for the Democratic Party to make a partisan issue of the Vietnam war.

Furthermore, the article goes on to say:

> Senators Church and McGovern are supposed to draft a resolution on the troop withdrawals for the Senate and Representatives Brademas and Udall will work on a corresponding resolution for introduction in the House.

Now, Mr. President, it is true that I attended the luncheon and agreed to work on a resolution calling for an orderly withdrawal of American Forces from Vietnam. But I insisted that any congressional protest be bipartisan in character. I want no part in any stratagem to convert the Vietnam war into a political club for Democrats to use against Republicans.

In the first place, the strength of antiwar sentiment in Congress has grown out of its nonpartisan nature. As one of the first Senators to protest our deepening involvement in Vietnam, back in 1964, I spoke up against the policies of a Democrat in the White House, because my primary concern was the country's interest, which must be placed above considerations of party. In like manner, the dissent against the war was immensely strengthened when Republicans broke party ranks to join in the common cause. We must not forget this now, when an eager injection of partisanship could easily divide us and dissipate our efforts to end this horrid war.

I object also because it is plainly too soon for Democrats to use Vietnam as a legitimate issue against the Republican administration. After all, Democrats in the White House led this country into Vietnam. If President Nixon fails to lead us out, it may become his war. but it is not Nixon's war yet. For 8 years, we Democrats bore the responsibility. Now we must wear the hairshirt longer than 8 months. Quite apart from what our personal positions may have been, we are not yet entitled as a party to hold the Republicans to account.

That time may come. President Nixon seems to be slipping into the same trap that ensnared Lyndon Johnson. But he is more likely to resist, than to heed, a partisan outcry to bring the troops home faster. As of now, our best hope lies in keeping politics out of the war issue.

For these reasons, I shall continue to work with like-minded Republicans as well as Democrats, with protesting students and their concerned parents, with businessmen, members of the clergy and all other Americans who believe, as I do, that our country's mistaken participation in this Asian war should be brought to an end. Our goal is much too important to be impeded by partisan politics.

Mr. GRIFFIN. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. GRIFFIN. I commend the Senator for his statesmanlike statement. It helps to keep in perspective the Vietnam war and the importance of keeping it out of politics.

Of course, coming from Michigan, I am reminded of the great leadership of Arthur Vandenberg; how he insisted—and his leadership was followed—that politics should stop at the water's edge wherever the Nation's security is involved.

How unfortunate and how unwise it would be, I think, if the Democrats as a party were to make the Vietnam war a political issue. Of course, the Democrats have the right to do that; but I believe it would be unwise, both in terms of politics and in terms of the national interest.

I shall have more to say on this subject at a later point; however, I do wish at this time to commend the Senator from Idaho.

Mr. CHURCH. I thank the Senator very much.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CHURCH. I shall yield next to the distinguished assistant majority leader, but I want first to stress that those who attended the luncheon on Friday were all mindful of the importance of keeping the Vietnam issue out of partisan politics at this time. I stress this, because I think it is important to head off any interpretation in the press that the Democratic Party, as such, is now going to raise the war issue against the Republican administration.

From the beginning, those of us who have opposed the war have done so without regard to party affiliation. That has given added strength to the antiwar protest in Congress; and, as we approach October 15, a day when students on many campuses intend to stage an organized protest to our continued involvement in Vietnam; a day when they hope to dramatize their opposition to the war, I think it is especially important to avoid any impression that this effort has partisan motivation.

I am happy to yield now to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I also attended the luncheon, and afterward read the news accounts of that meeting. I simply wish to underscore two points on which the distinguished Senator from Idaho has commented this morning.

First of all, in the early part of the discussion had by like-minded Senators that met at the Vandenberg room, the Senator from Idaho was one who first stressed the importance of keeping the question of criticism of our policy in Vietnam completely nonpartisan and with the broadest possible spectrum of support and that in no way should those who met last week, or who are otherwise identified with reservations about that policy express it in a partisan manner.

In fact, the Senator from Idaho was the principal exponent of that posture which, I thought, after he expressed it, was clearly reflective of the thinking of all the Members attending the luncheon. I think it is appropriate that he did mention the matter this morning. His thinking has been eloquently expressed over a period of years and has helped so much in an understanding in the Senate of our problems in Southeast Asia. The Senator from Idaho, like everyone else at the meeting wanted to keep the matter on a nonpartisan basis.

Mr. CHURCH. I thank the Senator for his comments.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Idaho be granted 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GRIFFIN. Mr President, I commended the Senator for his earlier statement. But let me make it clear insofar as that meeting is concerned, which, as I understand it, was called and presided over by the Democratic National Committee chairman, that I find it difficult to read and interpret his remarks as anything other than a partisan attack on President Nixon.

I am delighted and pleased with the statement of the Senator from Idaho. I commend him for disassociating himself from any partisan intention and for indicating that there will be no such meeting or effort in the future in which he will participate.

Mr. President, I should like to direct this question to the Senator from Idaho: am I correct in assuming that there were no Republicans present at that meeting, that it was not a bipartisan meeting, but that it was a meeting called and presided over by the chairman of the Democratic National Committee?

Mr. CHURCH. The Senator is correct. It was a Democratic luncheon meeting. It included Members from both the House of Representatives and the Senate. However, again I must reiterate that everyone at the luncheon seemed agreed that any action here in Congress, connected with the observance of Vietnam Moratorium Day on October 15, should be taken on an entirely bipartisan basis and that any resolutions introduced should have bipartisan sponsorship.

That is why I was surprised when I read on Saturday morning an article in the Washington Post which seemed to suggest that this was the start of a party drive on the part of Democrats to tag the Nixon administration with the Vietnam war.

Mr. GRIFFIN. Mr. President, I wish very much that the Senator from Oklahoma, the chairman of the Democratic National Committee, who presided over the meeting were here on the floor of the Senate. He does not appear to be. However, I cannot avoid referring to his statement, quoted in the press, at least, to the effect that it is time "to take the gloves off" with President Nixon on the Vietnam war. Perhaps he was misquoted. If he was, I would hope that he would make it clear.

Mr. CHURCH. Mr. President, I can only say that the Senator from Oklahoma (Mr. Harris) fully agreed at the luncheon on the importance of organizing the congressional participation in the moratorium on the widest possible bipartisan basis.

My purpose today is simply to register my own position in view of the article that appear in the Washington Post. And I certainly do not charge the Senator from Oklahoma, the chairman of the Democratic National Committee, with any intention of making the war a partisan issue at this time.

Mr. GRIFFIN. Mr. President, I thank the Senator and commend him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, my purpose in speaking out today is to help make crystal clear that when my colleague, the senior Senator from Oklahoma (Mr. Harris), who is also the chairman of the Democratic National Committee, make statements against the President of this Nation as he has recently, in my opinion, he is acting in his partisan, not in his elected capacity as a representative of the people of Oklahoma.

When news reports attribute his partisan attacks to "the Senator from Oklahoma," as was done in last Saturday's Post, the junior Senator from Oklahoma feels compelled to disassociate himself and his State from such purely partisan utterances.

Mr. President, the people of Oklahoma have voted in favor of Mr. Nixon each time he has sought national office and they continue to be strongly in his support. They know that our country faces a difficult situation in South Vietnam and they are largely united behind President Nixon as he pursues a policy of peace not only for today but for the future as well.

Mr. President, the junior Senator from Oklahoma has also held partisan party positions—many of them. He realizes the difficulty his colleague faces in his present dual capacity. He means no criticism of his colleague as a Member of this body, but he feels compelled to speak out for the people of his State when partisanship seems in danger of becoming confused with the responsibilities of elected office.

Mr. President, it is an accepted fact that in some cases in our system of government one man can hold two jobs. I do not quarrel with such arrangements. However, such situations call for dual performances and as a result must be subjected to dual understanding.

Today I would like to discuss for a few moments recent statements of the chairman of the Democratic National Committee, whose partisanship is always beyond question and unfortunately sometimes without reason.

Unfortunately, some who listen to the political nonsense delivered by the chairman for partisan purposes think they are listening to a statesman who represents the people who voted for him. This, of course, is not the case.

Mr. President, in speaking here today I intend no criticisms of any Member of this body for what he has said as a Member. But I cannot let unwarranted, noisome attacks on the President of the United States continue to pass by, when they come from the official political spokesman for the other party—especially when we represent the same electorate in this august assembly.

Mr. President, the spokesman for the other party charges the President with "the wildest kind of improvisation" in dealing with the problems of Vietnam and inflation.

This, of course, is the wildest kind of charge, just as it was when it was first made 2 months ago. As a matter of fact, the similiarity of the attack made in July, as reported in the New York Times, July 11, 1969, the one made in mid-September on the "Today" show, as well as the "gloves off" policy announced last Saturday, September 27, indicates just one thing to me: the spokesman for the other party has launched a deliberate destructive campaign against the President of the United States, an attack which may prove damaging to our national interests and to the lives of American fighting men in South Vietnam—men sent into that battlefield by a leader of the chairman's own party.

One of the chairman's charges in July was that inflation is rising at a faster rate than it was under President Nixon's predecessor.

Mr. President, the chairman should be reminded that inflation is like a forest fire. I can start small, but unless it is controlled early it takes a longer time and more effort to put it out. The real fault lies with the person who lights the match. We all know that inflation started small about 8 years ago. But all we got from the White House until President Nixon came along was talk. But just like a forest fire, Mr. President, inflation can not be stopped merely by blowing hot air on it.

You do not get your teeth into the meat of the inflation problem by using jawbone economics. Our friends from the past administration found this out time after time, as the chairman of the other party should know. Certainly, President Nixon knows this. For that reason he is using a policy aimed at stopping inflation without creating a depression. It is a planned program, implemented a step at a time by a President who recognizes that the overreaction urged by the chairman is as undesirable as were the deliberately inflationary tactics of the Johnson administration. Mr. President, I am convinced the President's approach will soon bring under control the inflation begun and fostered by the leaders of the chairman's own party.

Now, Mr. President (Mr. Young of Ohio in the chair), let me turn to Vietnam. I do this most reluctantly, because I feel that a war in which Americans are dying is not a just subject for political jousting. I conducted my own campaign last fall on this premise.

But, Mr. President, when the chairman of the other party goes on national television to claim that President Nixon has no plans for dealing with Vietnam, he is telling Americans that the President has no concern for their sons; that he is, in fact, betraying his trust and theirs.

I am ashamed that such an accusation would come from a fellow Oklahoman. I am distressed that partisan politics has sunk to that level. President Nixon has withdrawn 25,000 troops from Vietnam and is withdrawing another 35,000. These actions show North Vietnam and the world that the United States seeks an honorable peace. They show the world that it is not this administration that mistook the escalation of war for the road to peace.

At the same time, President Nixon has made it clear that he will not betray for any price or in any way those who depend on us for security while they build their nation—the South Vietnamese people.

President Nixon has proved that he wants peace on this globe. From the moment of his inaugural he has devoted his best personal efforts and the best efforts of his administration to the pursuit of peace.

He has proved that he ardently desires to end the war in Vietnam. Probably more than any other man in America, President Nixon wants the killing stopped.

President Nixon's efforts to seek a common negotiating ground with the enemy, the President's words and deeds that show we are ready to negotiate, the President's concern that America has a practical foreign policy and a peace policy that is both honorable and realistic, deserve more accurate treatment from the chairman of the Democratic National Committee, even when my senior colleague is wearing his political hat.

Mr. President, the "gloves off" policy on Vietnam announced last weekend by the Democratic National Chairman amounts to a callous, partisan effort to confuse American voters and thereby make political gain from a tragic situation created by leaders of his own party. If the policy succeeds, it can only have the effect of postponing peace and increasing American casualties and costs. It is particularly unfortunate at this time, when the change in leadership in North Vietnam would seem to offer new opportunity and new hope for ending the war at an early date.

This is not the time for partisan divisiveness which can only have the effect of encouraging the North Vietnamese to hang on and keep killing Americans. This is a time for a hands-off policy so far as partisan politics is concerned. Such a policy will build unity which will help stop the killing and hasten the day of peace.

Mr. KENNEDY. Mr. President, I am aware that there has been an allegation raised that there was a partisan nature to the luncheon that was held Friday of last week, which I attended by the invitation of the Senator from Oklahoma (Mr. HARRIS). I want to say that the remarks of the distinguished Senator from Idaho (Mr. CHURCH) in that regard accurately reflect both the purposes for the meeting and the attitude of those who attended it. Now the statement of the Senator from Idaho to some degree, has been challenged by Members on the other side of the aisle. The question is who has taken the gloves off, whether it is members of the Democratic Party or those of the other party. In my opinion, the gloves were taken off last week by a member of the other party in this body, the junior Senator from New York. I think that should be stated just in completing the record on the discussion.

THE VIETNAM MORATORIUM

Mr. GRIFFIN. Mr. President, over the weekend there was a great deal in the newspapers about a demonstration which is being planned for October 15 to protest the war in Vietnam.

This demonstration has been given the name of "The Vietnam Moratorium."

Without questioning in any way the fundamental right of protest and dissent, I would suggest, most respectfully, that what we need most in this country at this particular point in time, is another kind of moratorium—a moratorium on political carping and other criticism which tends to undercut and undermine President Nixon's determined and earnest efforts to bring the war in Vietnam to an end.

All of us are aware of the terrible human cost of the war and its divisive effects at home—and no one is more aware of this than President Nixon.

I believe all Members of Congress wish to see the war ended as soon as possible—and no one desires this more earnestly than does President Nixon. No one has worked harder toward that goal.

But the road to peace is complex and difficult. It requires courage to travel it, and most of all, it requires patience and understanding.

Yet more and more we are being told that we must forego patience and commit ourselves to the delusion that, regardless of the consequences, we must withdraw unilaterally in accordance with some timetable.

I do not question the sincerity of those who demand withdrawal of all American forces in Vietnam by a given date, but I do question whether such proposals serve the cause of peace. It seems clear to me that in fact such spokesmen are actually contributing to a prolongation of the war.

Let me make it as clear as I can why I think that is so.

As we all know, there is a new government in Hanoi. We do not know what the leaders of this new government are going to do or what their approach will be.

But of one thing we can be sure: If these leaders get the impression that we are going to throw in the sponge; that we are going to withdraw unilaterally by a given date, I think it is obvious that there will be no cooperation at Paris and no response to our overtures for peace.

Mr. President, I believe that the next 30 to 60 days are of crucial importance with respect to the possibility of negotiating a peace settlement at Paris. That period of time could determine whether or not a negotiated peace is possible.

For that reason, I believe that all Senators and others in the country who are in positions of responsibility should exercise the utmost care and restraint in their comments and in their criticism.

Under the Constitution, the President is charged with the responsibility for conducting our foreign policy. As much as we might like to be there, we cannot all be sitting at the negotiating table in Paris. Nor can we all be fully informed on what our intelligence has learned or what may have been discussed at a background meeting on the war.

President Nixon and this administration have made dramatic and significant steps toward peace. The Nixon administration, at least at this point of time, deserves the backing and not the criticism of the Members of the Senate.

As we all know, when there is criticism of the President on his conduct of the war, it is immediately reported in Hanoi. Even though such criticism may be well-intentioned, it can only serve to prolong the war and the possibilities for peace.

As the President told his news conference last Friday—

> Such proposals inevitably undercut and destroy the negotiating position we have in Paris. We have not made significant progress. But any incentive for the enemy to negotiate is destroyed if he is told in advance that if he just waits for 18 months we will be out anyway . . .

Mr. President, it is something like a football game. While ahead in the score surely announcing that we are going to quit at the end of the third quarter would not be in the interest of winning the football game. All the other side would have to do in such a contest would be merely to hold out for a little while and then win the game by forfeiture.

Those who would criticize the President's peace efforts simply ignore the fact that President Nixon has already turned the war around; our boys are no longer going to Vietnam in increasing numbers, they are beginning to come home. And there is a possibility that they may all be home not at the end of 1970 or the middle of 1971 but sooner, if the President's efforts receive the support they deserve.

At his press conference last week the President said:

> I think we are on the right course in Vietnam. We are on a course that is going to end the war. It will end much sooner if we can have to an extent, to the extent possible in this free country, a united front behind very reasonable proposals. If we have that united front, the enemy will begin to talk.

In the light of that statement it was most disturbing as I have indicated and as has been alluded to by the Senator from Idaho, the Senator from Massachusetts, and the Senator from Oklahoma, that a Member of this body who also serves as chairman of the Democratic National Committee, would come out of a Friday luncheon meeting—which I understand was held in the Vandenberg room in the Capitol with other members of his party, and make the comment:

> It is time to take the gloves off on the Vietnam war issue.

It is particularly interesting to me that such a luncheon may have been held in the Vandenberg room, because that room is named for a distinguished predecessor of mine in this body. As I have noted many times, Senator Arthur Vandenberg was a symbol of nonpartisanship whenever our Nation's vital interests were concerned. He believed most deeply that politics should stop at the water's edge while our country was at war. I think it is significant that since his death, the Senate has honored this basic and fundamental understanding. I hope it is not now coming to an end.

In this regard, I am encouraged by the statement made by the Senator from Idaho and by the distinguished acting majority leader.

As a final word, I would like to think that when this war ends and peace finally settles over that distant and tortured land of Vietnam, we can ascribe to those who served there and those who fell there these words: "Not in vain."

THE PRESIDENT'S SOCIAL SECURITY PROPOSALS

Mr. LONG. Mr. President, President Nixon has just submitted his social security proposals to the Congress. Certainly, his recommendations will receive most careful consideration by both the House and Senate. In particular, I believe we will all want to act to see to it that our wonderful older Americans get the substantial increase in cash benefits which they deserve.

That is the good news. But, before we relax and commend ourselves, there are some very hard and sobering facts of life about medicare which the Congress, every taxpayer, and every social security beneficiary should know.

First. The President proposes a 55-percent increase in medicare payroll taxes.

Second. The medicare hospital plan's funds will be completely exhausted by 1973 under present financing—despite a 25-percent tax increase in 1967.

Third. Under present financing, the costs of the hospital plan—part A—will exceed income by $126 billion over the next 25 years.

Fourth. Effective January 1, 1970, older beneficiaries will be required to pay the first $52 of their hospital bill, instead of the present $44.

Fifth. Additional general revenues—above previous estimates—totaling $820 million will be required to pay part A costs for uninsured persons during the period 1971 through 1975.

Sixth. It is estimated that an increase in part B—medical insurance plan—monthly premium per beneficiary from the present $4 to at least $5.20 will be necessary to bring that plan into actuarial balance. The Government would match that $5.20 from general revenues. Total increased annual part B premium costs would be about $560 million—of which general revenues would have to come up with $280 million.

Seventh. Medicaid costs will also be substantially increased by the effects of increases in the medicare part A deductibles as well as the jump in the part B premium.

Mr. President, I want to assure the Senate and every taxpayer and every older American that the Finance Committee will very carefully review the entire medicare and medicaid programs. That review is well underway and we are developing and will consider constructive alternates within medicare to present provisions and procedures.

Very simply, this Senator is just not willing to vote to impose new medicare taxes of $126 billion over the next 25 years, without first trying to control the programs we now have. This Senator is not willing to saddle 20 million older people with another $280 million a year in premium charges, without first trying to cut the fat out of the part B program as we now know it. This Senator is not willing to up the general revenue expenditures for medicare by $400 to $500 million a year without first trying to correct the abuses we have found, and are finding, in the Finance Committee investigations of medicare and medicaid.

We are going to meet the health care needs of our older citizens, and we are going to improve it. But I do not believe Congress will just sit by and finance a $126 billion medicare mortgage, without first trying to get a responsible, hardheaded, businessman's attitude into the administration of these important health programs. I believe there are a number of ways we can solve some of the financial problems facing medicare and medicaid without just thowing in the towel and quietly acquiescing in a new $126 billion tax increase.

DRAFT REFORM LEGISLATION

Mr. KENNEDY. Mr. President, on September 19, President Nixon announced that if the Congress did not act this session on his draft reform legislation, then he would, by administrative action, institute a number of important reforms in the operation of the selective service system.

The legislation he spoke of was announced in a White House message on selective service on May 13 of this year, and was sent to the Congress on the same day in a letter from Lt. Gen. Lewis Hershey, the Director of the Selective Service System. This legislation would have repealed that section of the draft law which prohibited the President from instituting a true random selection system for determining the order of induction. It would also have made a number of other changes relating to drafting the youngest first. The President's bill was introduced in the Senate on August 13.

Revised legislation, reflecting the President's statement of September 19, was introduced in the House on September 25, but has not yet been introduced in the Senate. This revised bill is limited to repealing the restriction on instituting a random selection system. It is on this revised legislation that the House Committee on Armed Services will begin hearings this week.

Few issues are more important than reforming our draft. When about 35 percent of Army fatalities in Vietnam are draftees; when our young people view the draft with a cynical knowledge of its discriminatory policies; when parents and employers must confront its disruptive effects on the lives of our young men and women; and when our campuses find the draft a focus of turmoil—then we know we must seek an answer to the question: Why must our draft procedures be so unfair, so uncertain, and so outdated?

It is unlikely that the Congress can complete work this session on a full-dress revision of our draft laws. It could not justifiably do so without the comprehensive examination of the laws traditionally undertaken by the Committee on Armed Services, and the backlog of work confronting that committee probably precludes such a comprehensive review before the end of the session.

If we do not enact a full-dress revision, then we would expect that early next year the President will, as he said, take "unilateral action by Executive order" to institute reforms. Even if the Congress does complete work on the President's bill, however, the bulk of the reforms will still rely upon administrative action for their effect. This is because of the narrow scope of the revised bill, which would repeal only that sentence of the draft law restricting the President's authority to institute a true random selection system.

Thus, it seems plain that no matter whether the Congress does or does not act on the President's legislation—or any other legislation—the bulk of the reforms will come by administrative regulation instead of legislative action.

This is not inappropriate, at least in terms of the draft statute itself. The Congress in 1967 devoted considerable time and effort to the extension and revision of the draft law, complete with many days of hearings and debate on the Senate floor. The Senate-passed bill, while not incorporating a number of essential basic reforms, nevertheless continued in force and effect the wide flexibility traditionally accorded the President in the administration of the draft laws. But the House-passed bill, which prevailed in conference, was considerably more harsh and restrictive. It was for this reason that I and 22 other Senators voted and argued against adopting the conference bill.

The 1967 bill extended the draft law for 4 years, until June 30, 1971. Under normal procedure, the Congress would undertake a comprehensive review of that law in late 1970 and early 1971, in preparation for acting on its future before June 30, 1971. But let me emphasize that, even though the 1967 law imposed new restrictions on the President's authority, there are few statutes which permit as wide administrative flexibility as does the draft law. This is due in part to a recognition by the Congress of the wide variations in the world situation which can occur over a 4-year period, and to a desire to give the President the necessary authority to meet these variations.

As examples of the flexibility of the draft law, let me cite a few of the changes the President could make without any further action by the Congress:

Moving to drafting the youngest—the 19-year-olds—first;

Eliminating all occupational deferments;

Reducing geographic disparities;

Requiring that local boards must be truly representative of the areas they serve;

Adopting a modified selection procedure for determining the sequence of induction, which has some of the characteristics of a true randon selection system;

Streamlining the organization of the selective service system;

Insuring procedural fairness for draft registrants;

Securing some national uniformity in the interpretation of the draft laws and regulations;

Decreasing the need for inductees by placing civilians in nonmilitary jobs now filled by military personnel;

Decreasing the need for inductees by

increasing the number of women in the Armed Forces; and

Studying the feasibility of national service alternatives to military service.

The chairman of the House Committee on Armed Services, MENDEL RIVERS, in a statement to the House on September 18, compared the statutory authority given the President under the existing draft laws to the reforms advocated by the administration. In essence, this comparison demonstrates that most of the reforms sought by the President can be accomplished through administrative action. Because of its significance to the need for reforming the draft, I will append excerpts from the chairman's statement at the conclusion of my remarks.

The need for reform is made all the more acute by the reduction in draft calls announced by President Nixon for November and December. This reduction means that while fewer young men will actually be called for induction during the last quarter of this year, the problem of selecting which ones to call becomes even more difficult. For not all draft-eligible men are called; the selective service system must choose the few to be drafted from among the many eligible. With fewer called, the subjective elements involved in choosing the few from the many are made much more prominent. Thus, there is heightened need for scrutiny of these elements.

Because the draft is so badly in need of reform, President Nixon deserves the praise of us all for announcing his intention to make the changes by administrative action if Congress does not act. But serious policy questions confront us as we focus our attention on just what the contours of the changes should be. For example, one of the difficulties we faced in 1967, as we debated the extension and revision legislation, was the lack of specific information about how the draft system actually operated. One specific illustration is occupational deferments, which are not now available unless local boards determine that community need requires them. There are no guidelines for community need, which means that each of the more than 4,000 local boards makes its own policies.

Today, we face that same question, as well as a number of others arising since passage of the 1967 law. Let me just cite one example: Despite administration orders to the contrary, there are persistent reports that the Selective Service System continues to induct registrants as punishment for participation in peaceful, legitimate demonstrations. The courts have declared this practice unlawful; yet local boards continue to follow it. We must know whether the Selective Service System is abusing its authority in these inductions, and using the draft as punishment.

Later this week I will announce a witness list for hearings on the present and future administration of our draft laws. These hearings will be held by the Senate Subcommittee on Administrative Practice and Procedure, and they will examine the administration of the draft laws today, to measure how closely they hew to the congressional intent as embodied in the draft statutes; and examine the changes which could be made in the administration of the law to make the system more fair.

Let me state plainly that these hearings will consider no specific pending legislation affecting our draft laws. Instead, they are premised on the assumption that major changes in our draft procedures will be made by Executive action. They proceed on the further assumption that these changes will be strengthened by a public expression of what changes are both possible and most needed. It is my hope that the information we develop, and the expert advice we hear, will be of substantial and substantive help to the administration as it drafts its administrative regulations. I think the hearings can highlight the areas of highest concern, and serve as a yardstick against which to balance the twin concerns of equity to all our young men and strength for our national security.

Many individuals call for the abolition of the draft. This is a desirable goal, because the compulsion inherent in the draft is repugnant to a free, democratic society. But we simply do not have the base of information we need, now, to make a decision to end the draft. We do, on the other hand, have more than adequate information readily available to know that our draft must be made more fair and less disruptive. And while we are assembling the long-range information we need to know whether and how we can end the draft, we simply must not permit today's unfair, uncertain, discriminatory, and outdated draft procedures to remain in force.

Mr. President, I ask unanimous consent that the excerpts from the statement by MENDEL RIVERS be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY THE HONORABLE MENDEL RIVERS TO THE HOUSE OF REPRESENTATIVES, SEPTEMBER 18, 1969

On May 13 of this year, the President of the United States sent a message to the Congress relative to his proposals concerning reform of the Selective Service System.

President Nixon's message reflected his conviction that—

> The disruptive impact of the military draft on individual lives should be minimized as much as possible, consistent with the national security.

The President went on to say:

> For this reason I am today asking the Congress for authority to implement important draft reforms.

The President then outlined in some detail the six major changes he wished to make in the Selective Service System "if Congress grants this authority."

At the outset, let me say that I was favorably impressed by the President's message to the Congress on this subject.

Let me elaborate . . . by reviewing each of the six changes recommended by President Nixon, and identifying the authority in the law which now applies.

The first change recommended by President Nixon reads as follows:

> 1. Change from an oldest-first to a youngest first order of call, so that a young man would become less vulnerable to the draft as he grows older.

This change now recommended by the President is one which had been recommended by the House of Representatives in the 1967 changes to the Draft Act.

To illustrate this point, let me quote from the conference report on S. 1432, House Report No. 346, in which it was stated:

> It should be emphasized that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called "modified young age system" which would involve identifying the 19 to 20 year age group as the "prime age group" for induction.

The second recommendation of the President reads as follows:

> 2. Reduce the period of prime draft vulnerability—and the uncertainty that accompanies it—from seven years to one year, so that a young man would normally enter that status during the time he was nineteen years old and leave it during the time he was twenty.

This second change recommended by the President is simply an elaboration of the first recommendation, that is, a decision to concentrate future draft calls on a smaller and young group of draft registrants, thereby decreasing their period of actual vulnerability to the draft. This authority is provided the President in section 5(a) of the 1967 Draft Act which, among other things, states:

> Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from providing for the selection or induction of persons by age group or groups.

The third recommendation of the President reads as follows:

> 3. Select those who are actually drafted through a random system. A procedure of this sort would distribute the risk of call equally—by lot—among all who are vulnerable during a given year, rather than arbitrarily selecting those whose birthdays happen to fall at certain times of the year or the month.

The Draft Act now specifically prohibits this action by the President unless approved by the Congress in the form of a legislative change in the Draft Act.

The fourth recommendation of the President reads as follows:

> 4. Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

This fourth recommendation of the President is already covered in existing law. Section 6(h) of the existing Draft Act which provides for the granting of college student deferments includes the following language:

> Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of his birth, or who requests and is granted a student deferment under this paragraph, shall upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age. . .

The fifth recommendation of the President reads as follows:

> 5. Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

Existing law provides the President with broad discretionary authority in establishing graduate student deferment policy. Section 6(h)(2) authorizes the President—

> Under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteo-

pathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest.

Again, in respect to this fifth recommendation of the President, he can accomplish his desires by issuing the appropriate regulations and directives to the Director of Selective Service.

Finally, the President's sixth recommendation reads as follows:

> 6. In addition, as a step toward a more consistent policy of deferments and exemptions, I will ask the National Security Council and the Director of Selective Service to review all guidelines, standards and procedures in this area and to report to me their findings and recommendations.

The last and final recommendation of the President is obviously simply an administrative action which involves no further requirement for legislative sanction.

Mr. GOLDWATER. Mr. President, will the Senator from Massachusetts yield?

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to proceed for 3 minutes under my own time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I have listened to the Senator's statement. He may have mentioned it and I might not have heard it. Does the Senator mention anything in there about administrative ability to change the rules relative to students? For example, can the President defer those students who are seeking masters or doctors degrees?

Mr. KENNEDY. The President has wide flexibility under existing law with regard to graduate students. The 1967 law provides, however, that the President cannot take away deferments of college students except in times of national emergency. As to graduate students, their deferments have been eliminated. This has brought about certain disruptions to many of these students, and to campuses as well. A number of students have been able to get around this, though, in that universities have helped them to get teaching positions, which then gives them deferments. This would be one of the areas I should like to find out more about, where some students appear to have been able to circumvent the law, and others are unable to do so.

Mr. GOLDWATER. I am interested, because I have not only believed that the draft should be repealed, but if we cannot repeal it, that we should definitely allow a student to seek a higher degree without the danger of being called up by the draft. I would hope that if the Senator has further discussion concerning any legislation he might be contemplating, if he would provide for that.

There is a great shortage in this country of young people with masters' and doctors' degrees, as the Senator knows, particularly in engineering and electronics, and even more, and growing more, in medicine. I hope we can see the day when, if we have to be burdened with the draft, we have it understood completely and clearly that those seeking higher education will not be penalized.

Mr. KENNEDY. This is a terribly important question. I think it is very basic to the whole question of extending the draft law. This would be the kind of difficulty to which I know the Armed Services Committee would give a great deal of attention. Student deferments in many instances are unfair. We find, for example, that students attending community colleges and junior colleges are treated differently from those going to 4-year colleges. Many inequities still remain. I think the point the Senator from Arizona has raised is something that we should consider in its broadest scope.

I have a little different viewpoint. I think student deferments ought to continue when we are not involved in a war situation. In the legislation I introduced on other occasions, I tried to provide for a formula which would permit the continuation of such deferments when we were not at war, so the educational experience of young people would not be interfered with, but when we were involved in conflict, a triggering device would go into effect and deferments would be suspended. But these are all matters which should be discussed and debated.

I am sure the Armed Services Committee will talk to educators and members of the Office of Emergency Preparedness and the National Security Council about our national requirements and needs and deficiencies in the areas to which the distinguished Senator from Arizona just referred.

Hopefully, that study will be done by the Armed Services Committee. I would not think our committee would deal with that patricular question.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. If we find there are ways being devised, either through local draft boards, or universities, to skirt what was the real intention of the Congress, I would hope we could bring them to light and present them to both the administration and this body so that we could act accordingly.

Mr. STENNIS. Mr. President, there have been numerous statements and discussions on the subject of selective service in recent weeks and I believe that a current statement from me would be in order on this entire subject.

First. Mr. President, as the Senate may recall, the President on May 13 this year sent to the Congress a message containing six proposed changes in the Selective Service System. I shall not discuss these in detail, Mr. President, other than to say that five of these changes could be accomplished by Presidential regulation, with only one—that relating to the random selection system by lottery—requiring a change in the statute. I might add that the principal change which requires no statutory revision was a shift of the order of induction from the oldest first to the youngest first.

As a matter of legislative history, the draft extension enacted in 1967 as passed by the Senate would have permitted the President to institute the random selection system. The House however adopted language which precluded the lottery system and this provision prevailed in conference. At that time it was suggested that the system could be revised by going to the youngest first system and at the same time using the oldest first method within the vulnerable age group.

A pilot study is now underway within the executive branch to determine whether this method known as the conveyor belt system is feasible.

Second. Mr. President, the matter of method of induction whether it be random selection or date of birth within the youngest age group is only one of many issues surrounding the Selective Service System. I announced on August 14 that the committee early next year will begin hearings on all pending legislation with respect to the Selective Service System.

I might emphasize at this point, Mr. President, that there are now pending before the Committee on Armed Services 11 seperate bills on selective service, with S. 1145—which is 86 pages in length—sponsored by Senator KENNEDY and others proposing the greatest number of changes in the system. Except for the one change on random selection, the executive branch has not had sufficient time to even formulate a position on these other legislative items which cover a broad scope of proposed changes.

I will state to the Senate, however, that, even though there is insufficient time to initiate hearings during the remaining portion of this session, we will hold hearings on the broad subject of selective service as early as reasonably possible next year.

Third, with respect to the limited item which would permit the President in his discretion to establish the random selection system, Mr. President, I observe that the Subcommittee of the House Committee on Armed Services will hold hearings tomorrow, September 30. I do not know, Mr. President, what the House committee will recommend on this particular item. I would state, however, that, should the House pass this measure, it would be my position that at the time the bill is received in the Senate our committee would examine all the circumstances existing at that time to see if this bill, with its limited application, could be considered as a separate item during this session.

Fourth, Mr. President, another point relates to the general problem of committee jurisdiction over legislation relating to selective service. Senator KENNEDY and I have conferred informally and he has also sent me a letter regarding his plans for hearings by his Subcommittee on Administrative Practices and Procedures of the Judiciary Committee with respect to the administrative interpretation of the selective service laws as they appear in the regulations. Senator KENNEDY has further indicated that his subcommittee would not concern itself with the many bills relating to the Selective Service System which are now pending before the Committee on Armed Services.

As the Senate may recall, Senator KENNEDY conducted hearings on certain aspects of the Selective Service System before the Committee on Labor and Public Welfare several years ago prior to the extension of the present law, enacted in 1967.

Mr. President, I realize that even though a committee may not have legislative jurisdiction over a given subject, it may nevertheless examine this same subject in a limited way by virtue of some general oversight authority.

There are many subjects that may be indirectly related to a subject matter over which another committee has the primary legislative jurisdiction. I make two comments in this regard, Mr. President.

First, the record should be unmistakably clear that the committee which has jurisdiction over selective service legislation is the Committee on Armed Services. Among the matters which the Legislative Reorganization Act places within the jurisdiction of the Committee on Armed Services is all "proposed legislation and other matters relating to 'Selective Service'" which is listed as item number six among the subjects of jurisdiction. Mr. President, the Committee on Armed Services has always fully carried out its duties and we intend to continue as we have in the past.

Second, I would only observe that if caution is not exercised by the Senate, there could be an erosion of the committee system. I am certain that no one intends this result but I think that all committees and subcommittees must exercise the rule of reason in these matters lest there be complete duplication of effort within the committee system of the Senate. I in no way wish to imply this motive to Senator KENNEDY since his letter makes clear that his subcommittee will restrict itself to a review of the administrative interpretations of the various regulations.

Mr. President, I ask unanimous consent to have the letter from the Senator from Massachusetts printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY WHIP,
Washington, D.C., September 26, 1969.

Hon. JOHN STENNIS,
Chairman, Senate Committee on Armed Services, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I very much appreciated the opportunity to talk with you on Wednesday. As I indicated, the draft has been a subject much on my mind, and one about which many, many individuals—members of Congress, academicians, former Administration officials, parents, students—have spoken to me.

I have long been concerned, as you know, both with the draft laws themselves and the administration of them. The President has committed himself to changing the operation of the Selective Service System by administrative action, in the absence of Congressional action, and Congressional action appears unlikely this year. In this context, I think it important that we examine, in an open Congressional forum with a wide range of viewpoints presented, the impact on our draft system of the potential administrative opportunities available to the President.

After considerable reflection on our discussion, and after consultation with others, I believe that the Subcommittee on Administrative Practice and Procedure could proceed to hold a limited number of hearings on the present administration of the Selective Service laws without infringing on the responsibilities of the Armed Services Committee. The Subcommittee could, furthermore, examine what changes could be made by administrative action to make the system more equitable. A preliminary study by the staff, for example, indicates that the President has ample authority by administrative means to effectuate virtually all of the changes sought by the Senate bill passed in the spring of 1967.

We would, as we proceeded in our hearings and other work, of course restrict ourselves to the administrative interpretations of the Selective Service legislation, primarily as they appear in the regulations. This would, too, require us to look at the day-to-day operations of the system, insofar as they reflect these regulations. It is important, I think, to evaluate how closely the actual operation of the Selective Service System conforms to Congressional intent. Of particular significance are many of the procedural practices long held by the Selective Service System. We would not concern ourselves with any of the many bills relating to the legislative structure of the draft laws themselves.

I anticipate that the work of the Subcommittee will be helpful to the comprehensive review of the draft laws you indicated the Committee on Armed Services will undertake prior to the present law's expiration in June of 1971. It is my recollection that as we worked on the 1967 draft law extension and revision, there was a distinct lack of specific information about the actual operation of the system, and I would hope that the information we developed could remedy this and be of material assistance to the work of the Committee on Armed Services.

Again, let me say how much I appreciated the opportunity to talk with you on Wednesday, and I hope you understand the deep feeling I have for the importance of this examination of the administration of our draft laws.

With my warm regards.
Sincerely,
EDWARD M. KENNEDY.

MEDICARE CRISIS

Mr. AIKEN. Mr. President, I wish to commend the distinguished chairman of the Finance Committee (Mr. LONG) for his analysis of the medicare crisis and for bringing this intolerable situation out into the open. I will say, however, I do not feel that President Nixon should be held responsible for conditions which were created during the years before he assumed office and which he inherited.

I think Congress must bear a large share of the responsibility for this situation.

The law, as enacted, provides that medicare will pay 80 percent of the reasonable fees charged by doctors and the reasonable charges of the hospitals.

In 1965, doctors and hospitals, alarmed by the coming of medicare, immediately began raising their fees and rates.

This was a natural reaction, for they feared their fees and rates would be frozen at what were reasonable charges at the time of enactment.

As the law has operated since then, our doctors and hospitals have found that they enjoy very special privileges under the law.

They have the legal right to set the level of their own subsidy.

Medicare has, of course, proved to be one of the most inflationary devices ever enacted, for medical and hospital charges have risen at a greater rate than almost any other item of cost in the economy.

Most of this has been caused by medicare, which has proved to be the greatest boon to organized medicine in our entire history.

Of course, medicare is of substantial benefit to retired people living on low fixed incomes, but the doctors and hospitals have shared handsomely in this subsidy.

They, rather than the old people they serve, have been the greatest beneficiaries under medicare.

I have been concerned over this trend for several years, for I could see the handwriting on the wall.

Last January I introduced a bill, with the cosponsorship of the Senator from New Mexico (Mr. ANDERSON), a member of the Finance Committee.

This bill is designed to put a brake on physicians' fee increases by tying medicare payments to doctors to the average charge in each Blue Cross-Blue Shield area for the same medical service in the preceding year.

It would make the doctors' own average payments, under their own Blue Shield schedule of fees for low-income patients, the yardstick for reasonable allowances under medicare.

When I introduced this measure I proposed that the Finance Committee provide the necessary language to extend this provision to medicaid.

Then, a month later, the Senator from New Mexico introduced a similar bill with me as cosponsor to tie hospital and nursing home charges to Blue Cross schedules.

The recent news that the $4 monthly charges for medicare coverage, and the $44 deductible are going to be substantially increased is very disturbing.

It means that before any social security increase in enacted, the doctors and hospitals will receive a significant increase that will eat deeply into the payments made to people who are struggling to get by on their small social security checks.

As the Senator from Louisiana (Mr. LONG) has pointed out, we should not saddle 20 million older people with $280 million more in premium payments.

Nor, I must add, should we saddle our working people with another $280 million in medicare taxes.

Mr. President, Congress cannot stand by and allow this to happen.

We cannot allow highly paid doctors and elaborate hospitals to dig into the pittances paid those on social security.

It may be that the proposals advanced by Senator ANDERSON and me are not sufficiently stringent.

A more direct approach may be needed.

Instead of putting the doctors and hospitals first, maybe we should turn our attention to the old folks and have medicare set all the fees without reference to Blue Cross and Blue Shield schedules.

I hope we do not have to come to this, however, and that the method in the amendments proposed by Senator ANDERSON and me will be sufficient.

Not being on the Finance Committee, I frankly do not know which course of action is needed.

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I, therefore, commend the committee chairman for bringing this critical problem to the attention of the Senate today.

The need is immediate; the time for action is now.

I hope the committee will make a specific recommendation to the Senate before the new increases go into effect.

Mr. LONG. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. LONG. May I congratulate the Senator from Vermont for his diligence and for his effort to see that the money for medicare and medicaid is not wasted; that it is spent effectively and that we do not pay extravagantly for services under these programs, for which, as the Senator and I indicated today, we are already paying too much—far more than anticipated. The Senator is to be congratulated for directing attention to this matter with the objective of seeing to it that the public is not taxed unneeded billions of dollars and that we do not pay exorbitant fees under a program that should be held to reasonable cost levels.

Mr. AIKEN. I felt that medicare was a badly needed program. At the time it was enacted I realized that there were serious weaknesses in the program. Nevertheless, I supported it, feeling that those weaknesses would be removed and corrections made soon thereafter. I think the time has come now to have the medicare program put on a workable basis and be made to serve the people that the Congress intended it should serve best.

Mr. LONG. No doubt many of us, at the time the program went into effect, knew that we would be paying for medical services that doctors were rendering free at the time, but we did not like the idea that we would not only be paying for the service but paying two or three times what the cost of the service was for people who could afford to pay for the service at the time we enacted the program.

Those are the kinds of abuses we hope to bring to a halt.

Mr. AIKEN. May I also add that a very large percentage of the doctors recognize the weakness of the existing program and, I feel, would like to have it corrected. Nevertheless, as long as others who enjoy setting their own subsidies exist, there is not very much they can do about it. It is up to Congress to make the corrections in this program.

VISIT TO THE SENATE BY SENATOR TUBMAN AND REPRESENTATIVE PEAL OF LIBERIA

Mr. MUNDT. Mr. President, the Senate is honored today by the visit of two distinguished parliamentarians from the friendly country of Liberia. It is my privilege now, as a member of the Committee on Foreign Relations, to present them to the Senate.

I present first Senator Tubman, whose father is President of Liberia, and second, Representative Peal, the brother of the Ambassador from Liberia. [Applause, Senators rising.]

I ask unanimous consent that the Senate stand in recess for 5 minutes, so that Senators who are present will have the opportunity to greet our distinguished visitors.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 5 minutes.

Thereupon, at 1 o'clock and 40 minutes p.m., the Senate took a recess for 5 minutes. At the expiration of the recess, the Senate was called to order by the Presiding Officer (Mr. YOUNG of Ohio in the chair).

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Savings Available Through Consolidation of Veterans Administration Insurance Field Offices, September 29, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the supply management for Army and Marine Corps Hawk missiles in Vietnam (with an accompanying secret report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO PROMOTE AND REGULATE THE USE OF THE FEDERAL AREAS KNOWN AS NATIONAL PARKS, MONUMENTS, AND RESERVATIONS

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to promote and regulate the use of the Federal areas known as national parks, monuments, and reservations (with accompanying papers); to the Committee on Interior and Insular Affairs.

FINANCIAL REPORT OF THE LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INC.

A letter from the National Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting, pursuant to law, the financial report of the Legion of Valor of the United States of America, Incorporated for the period August 1, 1968, to July 31, 1969 (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the 33d annual report of the National Labor Relations Board for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF OPERATIONS IN CONNECTION WITH THE BONDING OF GOVERNMENT OFFICERS AND EMPLOYEES

A letter from the Secretary of the Treasury, transmiting, pursuant to law, a report of operations in connection with the bonding of Government officers and employees, fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the city of Grandville, Mich., remonstrating against any proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A resolution adopted by the Honest Abe Council No. 109, Junior Order United American Mechanics, Louisville, Ky., urging the Congress to adopt legislation providing for the display of the American Flag in every public school classroom and that appropriate exercises being held explaining the symbolism of the Flag; to the Committee on the Judiciary.

A resolution adopted at the annual meeting of the Travelers Protective Association of America, expressing its gratitude for the constructive work and accomplishments of the Department of Safety; ordered to lie on the table.

REPORT ENTITLED "AIR FORCE RESERVE GENERAL PROMOTIONS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–436)

Mrs. SMITH of Maine. Mr. President, on behalf of the Senate Committee on Armed Services I submit a report of the Subcommittee on Reserve General Officer Promotions, which report of the subcommittee has been approved by the full committee. I ask unanimous consent that the report be printed.

The PRESIDING OFFICER. The report will be received; and, without objection, the report will be printed, as requested by the Senator from Maine.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 2968. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; and

S. 2969. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Finance.

(The remarks of Mr. RIBICOFF when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr. MONDALE:

S. 2970. A bill to restore the postal service seniority of Elmer Erickson; to the Committee on Post Office and Civil Service.

S. 2971. A bill for the relief of Trevor Lloyd; to the Committee on the Judiciary.

S. 2968—INTRODUCTION OF A BILL INCREASING THE CREDIT AGAINST TAX FOR RETIREMENT INCOME

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference a bill to restore an element of tax equity to many of our older citizens.

Social security cash benefits are paid to millions of Americans each year. For many, these benefits are their only substantial, continuing income in the years of retirement. For this reason, social security benefits are not subject to the Federal income tax. This bill is necessary because, while social security benefits are tax free, retirement income from other pension plans is taxable.

However, millions of public employees in a number of States throughout the country are not covered by social security, belonging instead to their own local or State public employee retirement system. These retirement plans are perfectly adequate to meet the needs of these citizens in their later years. But, because benefit payments under these retirement systems are taxable, these public employees are placed in a weaker economic position than regular social security beneficiaries.

To alleviate this unfairness, the retirement income tax credit was introduced in the Internal Revenue Code in 1954. Its purpose was to extend approximately the same tax treatment to retired public employees as is due regular social security beneficiaries.

Under present law, the maximum tax credit is 15 percent of $1,524 and is correspondingly reduced by any amount of earned income above a certain level as well as the receipt of other tax-free income.

The base figure, now $1,524, is computed on the average maximum individual social security benefits paid per year. That figure was last updated in 1962.

Since 1962, social security benefits have been adjusted upward by 7 percent in 1965 and 13 percent in 1967. Unfortunately, the retirement income tax credit has not been correspondingly increased.

The legislation which I have introduced today would rectify this injustice by increasing the base amount on which the retirement credit is based to $1,872. Under this bill, the maximum allowable credit would be raised from $228.60 to $280.80.

Mr. President, over half a million older Americans depend on the retirement income tax credit. This is almost one of every eight people over 65 who pay an income tax. Included among these taxpayers are thousands of teachers, policemen, and firemen who for a combination of reasons draw little or no social security benefits but receive retirement income from various public and private pension plans. By updating the retirement income credit, we can restore equivalency of treatment for these people with the over 20,000,000 people who regularly draw social security benefits.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2968), to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income, introduced by Mr. Ribicoff, was received, read twice by its title, and referred to the Committee on Finance.

S. 2969—INTRODUCTION OF A BILL PERMITTING STATE AGREEMENTS FOR COVERAGE UNDER THE HOSPITAL INSURANCE PROGRAM FOR THE AGED

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference a bill permitting States to purchase hospital insurance protection for State and local employees who belong to retirement systems other than social security.

In the few short years since the medicare program was enacted, over 20 million Americans have been enrolled and are eligible for its benefits. The daily lives of these older Americans as well as the future security of all citizens have been materially enhanced by medicare.

Regrettably, not all Americans are permitted to share these benefits. Public employees in over a dozen States across the Nation—including Connecticut—are not, at this date, eligible for medicare. These public servants are not part of the national social security system because of the existence of their own perfectly adequate retirement plans. Yet, because medicare eligibility is based primarily on the right of a retired person to receive cash benefits under social security, these public employees are not covered by the hospital insurance provisions of medicare enacted in 1965. In Connecticut, for instance, State and local employees have excellent retirement programs—but they are not covered by medicare.

The bill I introduce today would provide an alternative means for these Americans to join the medicare program. It could remedy the defect which now keeps thousands from enjoying the security of adequate hospitalization insurance.

My legislation would allow the State of Connecticut—and other States in similar situations—to make an agreement with the Secretary of Health, Education, and Welfare to purchase medicare coverage for its employees who belong to a qualified retirement program.

Hospital insurance coverage under this agreement could also extend to the wives, husbands, widows, and widowers over 65 of these employees.

Mr. President, among those presently excluded from medicare are over three-quarters of a million public schoolteachers in 13 States and Puerto Rico. Thousands of policemen and firemen as well as various State and local employees will also be affected. I am particularly concerned that this gap in medicare program should affect these people who have dedicated their lives to teaching our young and serving the public.

It should be pointed out that adoption of this legislation will not cost the Federal Government 1 extra penny. A State which elects to participate in this program will make an agreement with the Secretary of Health, Education, and Welfare to reimburse the medicare trust fund for all benefits paid as well as for administrative costs incurred. In the meantime, however, public service employees would have the benefit of the hospital insurance coverage now denied them through a legal technicality.

Mr. President, this bill is similar to legislation which I introduced in the 90th Congress and which was passed by the Senate in the Social Security Amendments of 1967. Unfortunately, the House of Representatives failed to act on this subject and the provision was dropped in conference.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2969), to permit State agreements for coverage under the hospital insurance program for the aged, introduced by Mr. Ribicoff, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILL S. 1466

Mr. GOLDWATER. Mr. President, on March 11 I introduced S. 1466, a bill to permit the FCC to issue amateur radio licenses to resident aliens who have filed a declaration of intent to become U.S. citizens. This will correct the unreasonable and unfair situation that now exists under which our future citizens must wait out a residence period of 5 years before they are allowed to operate ham radio equipment.

Shortly after I introduced S. 1466, it received the endorsement of the American Radio Relay League which represents a great many of the 268,000 Americans who are members of the ham fraternity in this country. It also has the stamp of approval of the International Amateur Radio Union which is made up of the 80 national societies who represent the radio amateurs in most of the other countries of the world.

In addition, the bill has received the strong editorial support of CQ magazine and QST magazine, two of the leading national periodicals in this field.

Mr. President, I am pleased to announce today that 21 Senators have decided to join with me in sponsoring this measure. I would like to note that these Senators represent 18 different States, which indicates a widespread national interest in assisting this important group of future citizens.

Mr. President, at this point, I ask unanimous consent that, at the next printing, the names of the Senator from Arizona (Mr. Fannin), the Senator from California (Mr. Murphy), the Senator from Colorado (Mr. Dominick), the Senators from Hawaii (Mr. Inouye and Mr. Fong), the Senator from Indiana (Mr. Bayh), the Senator from Kansas (Mr. Dole), the Senator from Montana (Mr. Metcalf), the Senators from Nebraska (Mr. Curtis and Mr. Hruka), the Senator from Nevada (Mr. Bible), the Senator from New Hampshire (Mr. McIntyre), the Senator from New York (Mr. Javits), the Senator from Oregon (Mr. Packwood), the Senator from Rhode Island (Mr. Pell), the Senator from South Carolina (Mr. Thurmond), the Senator from Tennessee (Mr. Baker), the Senator from Texas (Mr. Tower), the Senator from Utah (Mr. Bennett), and the Senator from West Virginia (Mr. Randolph) be added as cosponsors of S. 1466, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENT NO. 213

Mr. KENNEDY submitted amendments, intended to be proposed by him, to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which was ordered to lie on the table and to be printed.

DISTRICT OF COLUMBIA REVENUE BILL—AMENDMENT

AMENDMENT NO. 214

Mr. COOPER. Mr. President, I submit an amendment to strike section 801 of the District of Columbia Revenue Act of 1969 as reported by the Committee on the District of Columbia. It is, I understand, a provision which was inserted by the House of Representatives, and came to the Senate in the bill passed earlier by the House. I think the section offensive to the ideal of home rule, that it tends to degrade responsible local government which the Senate and the Congress certainly wish to encourage, that it attempts to employ a heavy-handed device which would never be applied to any other State or city by the Congress, and that it is unnecessary.

Whatever the origins of the amendment may have been, the events of the last few days, which have been greeted with expressions of relief and approval by local officials and also by the President of the United States, certainly indicate that the provision is not necessary at this time. The section would prohibit the appropriation of the Federal payment to the District of Columbia until certain conditions are fulfilled. Before the Federal payment could be appropriated, the section requires the President of the United States to report to the Congress that the District of Columbia government has committed itself to complete the project listed in section 23(b) of the Federal Aid Highway Act of 1968—or has not begun work on each of those projects or made or carried out that commitment solely because of a court injunction.

It seems to me demeaning to the District of Columbia government that the President be required to certify to the Congress as to its intention and commitment. And it appears to attempt by legislation to enlist the President in support of the questionable and often overstated effect of section 23 of the Highway Act.

The section 801 is unworthy of the Senate.

I should think it much better to strike section 801, and to place some faith and confidence in local government, in the citizens and officials of the area, in the principles of home rule and local responsibility—and in the uniform application of title 23 of the United States Code, the body of law under which highways and bridges in this area and all areas must be constructed.

I have always thought it a bad thing to threaten or withhold action in one area in an attempt to force some unrelated action. It is a means sometimes used when a proposal is not adopted on the merits of the arguments made for it; it is a form of coercion, and it is offensive in proportion to the critical and essential nature of the thing withheld as a means of forcing resolution of a separate issue. I recognize that this provision did not originate in the Senate and may have been maintained by the Senate committee with great reluctance. But whatever the reasoning at that time, it appears evident that the subway will now be allowed to proceed, and that the District of Columbia is proceeding on the highway projects so long in controversy.

There is a further reason to strike section 801, to which I would like to address myself. I do so because, as the ranking minority member of the Senate Committee on Public Works, I was a member of the Senate-House conference which finally accepted, in modified form, the provision pressed so adamantly by the House conferees which became section 23 of the Federal Aid Highway Act of 1968.

It was because of this section among others, that I refused to sign the conference report, spoke against the provision in the Senate, and voted against the conference report. I said at that time that section 23 was dangerous because it could create a precedent—a precedent for provisions such as that in section 801 of the bill before the Senate today. Section 23—despite the representations that appear to have been made about it—is far from clear on its face, and I believe is of doubtful validity and efficacy. In fact, President Johnson stated, upon signing the Highway Act, that he could do so only because of the clause in section 23 stating that construction "shall be carried out in accordance with all applicable provisions of title 23 of the United States Code." I quote from the President's statement of August 23, 1968:

> By far the most objectionable feature of this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meaningfully in planning their transportation system.
>
> Under the Constitution, the Congress does possess special and unique responsibilities—different from its powers over the fifty states—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planing and engineering concepts and with minimum disruption of the lives of District citizens.
>
> Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.
>
> If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

I know that the District government adopted on August 9, 1969, a resolution to comply with section 23. Surely that must include compliance with the applicable provisions of title 23, and other applicable statutes and regulations which are not irreconcilable on their face with the section. I do not know whether these conditions have been fulfilled, for these are matters properly left to officials, local and Federal, responsible for the programs. But in view of the essential requirement that the roads be constructed in accordance with proper planning and engineering concepts, and in accord with the laws applicable to all Federal aid highways, in the District of Columbia and elsewhere, it would be unfortunate for the Senate to acquiesce in language which might be interpreted as an attempt by the District Committees or the Congress to construe section 23 of the Highway Act.

I point out that the Senate, at least, has made no expression as to the intent and effect of section 23 of the Highway Act of 1968. The Senate was confronted with a conference report which, under the rules, could not be amended or changed in any particular, but had to be accepted or rejected as a whole. The Highway Act contained authorizations of several billion dollars and authorized programs vitally affecting every State in the Union. I did not expect or recommend that Senators vote, as I did, against the conference report because of their objections to section 23 or other sections, or because of any doubts about its validity similar to those expressed by the President after consultation with the Secretary of Transportation, the Secretary of the Interior, and I understand the Department of Justice.

But the Senate now has before it a section which refers to section 23. I believe we should not give the impression of sanctioning that earlier provision, of approving the interpretation that has been given by some, or appearing to join in the effort to thrust down the throats of the District government or the citizens of the area the highway system laid out in the report of the managers on the part of the House almost as in some engineering proposal.

As I stated in the Senate last July 29:

> I oppose the idea of Congress arrogating to itself the wisdom or the authority to attempt to lay down a road system in the District of Columbia, in any other State, or in any other city in the United States. I think it is a local matter.

Mr. President, the principle involved here is not a narrow or local one. Our system of government is one of three branches, with different authority and responsibility. The Congress may authorize, and it may make funds available. By its nature it cannot execute programs, it cannot carry out projects, it cannot construct highways. To attempt to do so, or to direct the precise execution of projects as if we were an engineering body or executive agency, is not only folly but it is wrong.

I believe it would be a mistake to maintain in the Senate the House provision contained in section 801 of H.R. 12982, and I hope the provision will be struck down by the Senate.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENT NO. 215

Mr. BYRD of West Virginia (on behalf of himself and Mr. RANDOLPH) submitted amendments, intended to be proposed by them, to the bill (S. 2917), to improve the health and safety conditions of persons working in the coal mining industry of

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the United States, which was ordered to lie on the table and to be printed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENT NO. 216

Mr. RANDOLPH (on behalf of himself, Mr. Byrd of West Virginia, Mr. Scott, Mr. Schweiker, and Mr. Cook) submitted amendments, intended to be proposed by them to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Randolph when he submitted the amendments appear later in the Record under the appropriate heading.)

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Harlan R. Hosch, of Illinois, to be U.S. marshal for the eastern district of Illinois for the term of 4 years, vice Harry C. George.

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years, vice Harry D. Mansfield.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, October 6, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION OF HOWARD A. GLICKSTEIN TO BE STAFF DIRECTOR OF THE COMMISSION ON CIVIL RIGHTS

Mr. ERVIN. Mr. President, as chairman of an ad hoc subcommittee of the Committee on the Judiciary, I wish to announce that immediately following hearings on the nominations of Maurice B. Mitchell and Stephen Horn to be members of the Commission on Civil Rights, a hearing will be held on the nomination of Howard A. Glickstein to be Staff Director of the Commission on Civil Rights.

The hearings are scheduled for October 9, 1969, at 10:30 a.m., in room 2228 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to these nominations should send the request or prepared statement to the subcommittee, 102–B Old Senate Office Building.

NOTICE OF HEARINGS ON THE CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL IN THE DISTRICT OF COLUMBIA

Mr. ERVIN. Mr. President, this is to announce that hearings have been scheduled by the Constitutional Rights Subcommittee to consider the constitutional rights of the mentally ill. Beginning November 4, we plan to conduct a careful review of the state of the law governing those who are subject to loss of their liberty and to hospitalization because of mental illness.

Our review will include a study of the operation of the 1964 act for the hospitalization of the mentally ill in the District of Columbia. This act was a model of its kind in the mental health movement in this country, and I and the subcommittee members share considerable pride in the fact that it resulted from our investigations and hearings begun in 1961.

The subcommittee's comprehensive, national study was the first congressional review of one of the most neglected areas of American law. We heard from Federal, State, and local officials, judges, hospital administrators, doctors, psychiatrists, lawyers, and many other individuals and organizations with special knowledge and interest in this area of the law. The nationwide story that unfolded during those hearings was shocking and chilling. Witnesses presented reports of archaic, cumbersome laws and procedures, and of judicial machinery geared to problems of a century ago. Lack of funds, of personnel and facilities augmented the complex legal problems. But if these reports were depressing, there were encouraging ones also. There was apparent a new determination on the part of private citizens and mental health associations to do something about these appalling conditions. We heard from leaders in this movement which was beginning in the State legislatures and in Congress. At the time these early trends held great promise and hope.

While our investigation pointed up acute due process problems in many States, we found in the District of Columbia some of the least desirable procedures in the United States for protecting the legal and medical rights of the mentally ill patient. Here, as throughout the Nation, the moral right to treatment implicit in our affluent society and under our constitutional form of government, was lacking legal recognition.

There prevailed in Washington, as elsewhere, the popular attitude that mental illness connoted insanity, and hospitalization, past or present, carried a social stigma which often was almost impossible to erase in the community. Judicially ordered hospitalization also meant an automatic loss of one's ordinary rights of citizenship. It was difficult and often impossible to gain admission to a public hospital for treatment on a voluntary basis.

In the District of Columbia, as in many other jurisdictions, the law assured the patient but one right, the right to be forgotten.

Many other due process problems were described during the subcommittee hearings, all illustrating the gap between the promises of the Bill of Rights and the actual law and practice. The resulting impact of such laws on the prospect for mental health was alarming to all concerned with this subject in Congress and elsewhere.

On the basis of the subcommittee findings from those hearings, a new law was developed to govern the constitutional rights of those who might be hospitalized for mental illness in the District of Columbia.

This bill, S. 935 of the 88th Congress, was finally enacted into law on September 15, 1964, as Public Law 88–597. Its passage, I believe, represented a victory for modern medical, psychiatric, and legal principles, and for the civil liberties of the individual.

Primarily, it was designed to encourage voluntary hospitalization; to define and protect the rights of a patient once he was in the hospital; and to insure, as far as legally possible, that there is no stigma attached to the fact that a person has been hospitalized for a mental illness. The core of the law is the legal recognition of the right of civilly committed patients in public hospitals to medical and psychiatric care and treatment and to periodic review of their cases.

A "bill of rights" was provided to protect the individual before as well as after he enters the hospital. By separating the judicial finding of a need for hospitalization from a finding of legal incompetency, the law sought to safeguard the civil and personal rights of the patient. This meant that Congress for the first time recognized that mental illness does not necessarily mean that one lacks the ability to exercise his rights.

During hospitalization, the law carefully defined for civil patients such matters as communication privileges, visitation rights, the right to protest against unreasonable physical restraints, the capacity to seek release under certain conditions, and more important, the right to medical treatment, and not just custodial care or detention.

Many times, the subcommittee was told, the cumbersome legalistic procedures proved embarrassing and distressing to the voluntary patient and his family, thus preventing early treatment. One of the most significant features of the 1964 act, therefore, is the emphasis it places on voluntary admission procedures. By requiring admission of all voluntary applicants who are shown to need hospitalization, the law was supposed to encourage voluntary admittance and accord such patients the same treatment status as those hospitalized under court order.

Furthermore, other nonjudicial procedures established by the bill allow admission of a patient who for one reason or another lacks the capacity to apply for hospitalization but who does not object to being hospitalized if someone else applies on his behalf. At the same time, the voluntary patient's rights are protected by a requirement of a signed statement by him at the time of admission and a stipulation that he must be released upon written request. This is critical to the policy of encouraging voluntary and nonprotesting admissions.

Another important change was made in the law of the District of Columbia by the provision for emergency hospitalization. Many of the complaints received by the subcommitteee arose from a disregard of the procedural rights of individuals who were hospitalized on an emergency basis by officials who had little or no guidance from a statute and who often construed broad grants of power to suit their own convenience. The new act set a specific statutory standard for such hospitalization, by requiring a belief that the person is mentally ill and likely to injure himself or others if not detained immediately.

When it was enacted, I predicted that Public Law 88–597 would prove a model for the States as they revised their mental health statutes. I am thankful that time has fulfilled my hopes. In the year after its enactment, Dr. Dale Cameron, then superintendent of St. Elizabeths Hospital, reported that the law was having the effect its sponsors and supporters sought, and that patients were increasingly availing themselves of needed hospital services without the necessity of being forced to do so. In the first 12 months alone, the number of civilly committed patients had dropped by a large percentage while the number of voluntary and nonprotesting patients had risen.

This month marks the fifth anniversary of the passage of the Hospitalization of the Mentally Ill Act. Over the past 5 years, the Constitutional Rights Subcommittee has continuously monitored the implementation and administration of the act. This has included surveys, review of individual cases and communication with groups and individuals instrumental in developing the act. We have also provided information to private groups and State legislative committees working in this area of the law.

Along with reports of satisfaction with the new system, there have also been complaints. Some have come from those persons who were never reconciled to the 20th century idea that persons who are mentally ill have any rights. Other suggestions for changes have come from some administrators who had difficulty implementing the new act. Still other persons have reported that sometimes the new system, for one reason or another, does not work to the benefit of the patient. They too, have advocated amendments.

Since a comprehensive new system was inaugurated with this legislation, it was to be expected that some time would be necessary to implement it smoothly under new regulations. We did not attempt to close every loophole or deal with every detail by statutory provision, for one of the complaints about the old law was its rigidity and its complex, involved machinery. One of its major defects was the fact that it had been amended in piecemeal fashion over many years in an attempt to meet every problem, real or imagined, which might arise. These old statutes left no room for creative administration of the law.

Furthermore, other Federal and local health programs have been initiated and much has occurred in this field since 1964. There is now a need to review the relationship of these new developments of the 1964 act.

In the course of the subcommittee's forthcoming hearings, we shall hear testimony on how well the act has worked in policy and in practice; how it has been implemented and how it is being administered. We shall also seek statistics for each section of the law, and shall determine the need, if any, for amendments. We shall attempt, in short, to discover to what extent the constitutional rights of the mentally ill, of the prospective mentally ill, and their families are being respected in the District of Columbia and elsewhere.

It is an appropriate time for a national accounting.

Mr. President, for the convenience of the Senate, I ask unanimous consent that the text of the 1964 act, containing the brief 1965 amendment, be printed at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA CODE, PART III

CHAPTER 5—HOSPITALIZATION OF THE MENTALLY ILL

SUBCHAPTER I—DEFINITIONS; COMMISSION ON MENTAL HEALTH

Sec.
21–501. Definitions.
21–502. Commission on Mental Health; composition; appointment and terms of members; organization; chairman; salaries.
21–503. Examinations and hearings; subpenas; witnesses; place.

SUBCHAPTER II—VOLUNTARY AND NONPROTESTING HOSPITALIZATION

21–511. Voluntary hospitalization.
21–512. Release of voluntary patients.
21–513. Hospitalization of nonprotesting persons.
21–514. Release of patients hospitalized under section 21–513.

SUBCHAPTER III—EMERGING HOSPITALIZATION

21–521. Detention of persons believed to be mentally ill; transportation and application to hospital.
21–522. Examination and admission to hospital; notice.
21–523. Court order requirement for hospital detention beyond 48 hours; maximum period for observation.
21–524. Determination and order of court.
21–525. Hearing by court.
21–526. Extension of maximum periods of time.
21–527. Examination and release of person; notice.
21–528. Detention of person pending judicial proceedings.

SUBCHAPTER IV—HOSPITALIZATION UNDER COURT ORDER

21–541. Petition to Commission; copy to person affected.
21–542. Hearing by Commission; presence and rights of person affected; hearing regarding liability.
21–543. Representation by counsel; compensation; recess.
21–544. Determinations of Commission; report to court; copy to person affected; right to jury trial.
21–545. Hearing and determination by court or jury; order; witnesses; jurors.
21–546. Periodic requests for examination of hospitalized patient; procedure for examination and detention or rerelease; petition to court.
21–547. Judicial determination of petition filed under section 21–546; order; physicians as witnesses.
21–548. Periodic examinations by hospital authorities; release.
21–549. Preservation of other rights to release.
21–550. Surety.
21–551. Nonresidents.

SUBCHAPTER V—RIGHT TO COMMUNICATION; EXERCISE OF OTHER RIGHTS

21–561. Mail privileges; censored mail; return to sender; visiting hours.
21–562. Medical and psychiatric care and treatment; records.
21–563. Use of mechanical restraints; record of use.
21–564. Exercise of property and other rights; notice of inability; persons hospitalized prior to Septmeber 15, 1964.
21–565. Statement of release and adjudication procedures and of other rights.

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21–581. Proceedings instituted by Commissioners of the District of Columbia.
21–582. Petitions, applications, or certificates of physicians.
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21–585. Confinement in jail prohibited.
21–586. Financial responsibility for care of hospitalized person; judicial enforcement.
21–587. Veterans' Administration and military hospital facilities.
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21–589. Persons hospitalized prior to September 15, 1964.
21–590. Discharge as cured; restoration to legal status.
21–591. Offenses and penalties.

SUBCHAPTER I—DEFINITIONS; COMMISSION ON MENTAL HEALTH

§ 21–501. Definitions

As used in the chapter:

"administrator" means a person in charge of a public or private hospital or his delegate;

"chief of service" means the physician charged with overall responsibility for the professional program of care and treatment in the particular administrative unit of the hospital to which the patient has been admitted or such other member of the medical staff as the chief of service designates;

"Commission" means the Commission on Mental Health;

"court" means the United States District Court for the District of Columbia;

"mental illness" means a psychosis or other disease which substantially impairs the mental health of a person;

"mentally ill person" means a person who has a mental illness, but does not include a person committeed to a private or public hospital in the District of Columbia by order of the court in a criminal proceeding;

"physician" means a person licensed under the laws of the District of Columbia to practice medicine, or a person who practices medicine in the employment of the Government of the United States or of the District of Columbia;

"private hospital" means a nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped and qualified to provide inpatient care and treatment for a person suffering from a physical or mental illness; and

"public hospital" means a hospital or institution, or part thereof, in the District of Columbia, owned and operated by the Government of the United States or of the District of Columbia, equipped and qualified to provide inpatient care and treatment for persons suffering from physical or mental illness.

§ 21–502. Commission on Mental Health; composition; appointment and terms of members; organization; chairman; salaries

(a) The Commission on Mental Health is continued. The United States District Court for the District of Columbia shall appoint the members of the Commission, and the Commission shall be composed of nine members. One member shall be a member of the

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bar of the court, who has engaged in active practice of law in the District of Columbia for a period of at least five years prior to his appointment. He shall be the Chairman of the Commission and act as the administrative head of the Commission and its staff. He shall preside at all hearings and direct all of the proceedings before the Commission. He shall devote his entire time to the work of the Commission. Eight members of the Commission shall be physicians who have been practicing medicine in the District of Columbia and who have had not less than five years' experience in the diagnosis and treatment of mental illnesses.

(b) Appointment of members of the Commission shall be for terms of four years each, which shall be staggered as provided by section 2 of the Act approved June 8, 1938 (chapter 326, 52 Stat. 625), under which, except for the original four-year term of the lawyer-member, staggered terms of one year for two members, two years for two members, three years for two members, and four years for two members, were made.

(c) The physician-members of the Commission shall serve on a part-time basis and shall be rotated by assignment of the Chief Judge of the court, so that at any one time the Commission shall consist of the Chairman and two physician-members. Physician-members of the Commission may practice their profession during their tenure of office, but may not participate in the disposition of the case of a person in which they have rendered professional service or advice.

(d) The court shall also appoint an alternate lawyer-member of the Commission who shall have the same qualifications as the lawyer-member of the Commission and who shall serve on a part-time basis and act as Chairman in the absence of the permanent Chairman.

(e) The salaries of the members of the Commission and its employees shall be fixed in accordance with the provisions of the Classification Act of 1949, as amended. The alternate Chairman shall be paid on a per diem basis at the same rate of compensation as fixed for the permanent Chairman.

§ 21–503. Examinations and hearings; subpenas; witnesses; place

(a) The Commission shall examine alleged mentally ill persons, inquire into their affairs and the affairs of persons who may be legally liable for their support, and make reports and recommendations to the court.

(b) Except as otherwise provided by this chapter, the Commission may conduct its examinations and hearings either at the courthouse or elsewhere at its discretion. The court may issue subpenas at the request of the Commission returnable before the Commission, for the appearance of the alleged mentally ill person, witnesses, and persons who may be liable for his support. The Commission, or any of the members thereof, are competent and compellable witnesses at any trial, hearing, or other proceeding conducted pursuant to this chapter and the physician-patient privilege is not applicable.

SUBCHAPTER II—VOLUNTARY AND NONPROTESTING HOSPITALIZATION

§ 21–511. Voluntary hospitalization

A person may apply to a public or private hospital in the District of Columbia for admission to the hospital as a voluntary patient for the purposes of observation, diagnosis, and care and treatment of a mental illness. Upon the request of such a person 18 years of age or over, or, in the case of a person under 18 years of age, of his spouse, parent, or legal guardian, the administrator of the public hospital to which application is made shall, if an examination by an admitting psychiatrist reveals the need for hospitalization, or the administrator of the private hospital to which application is made may admit the person as a voluntary patient to the hospital for the purposes described by this section, in accordance with this chapter.

§ 21–512. Release of voluntary patients

(a) A voluntary patient admitted to a hospital pursuant to section 21–511 may, at any time, if he is 18 years of age or over, obtain his release from the hospital by filing a written request with the chief of service. Within a period of 48 hours after the receipt of the request, the chief of service shall release the patient making the request. A voluntary patient under 18 years of age, so admitted, may, at any time, obtain his release from the hospital in the same manner, upon the written request of his spouse, parent, or legal guardian.

(b) When the chief of service determines that a voluntary patient hospitalized pursuant to section 21–511 has recovered or that continued hospitalization of the patient is no longer beneficial to him, or advisable, the chief of service may release him from the hospital.

§ 21–513. Hospitalization of nonprotesting persons

A friend or relative of a person believed to be suffering from a mental illness may apply on behalf of that person to the admitting psychiatrist of a hospital by presenting the person, together with a referral from a practicing physician. For the purpose of examination and treatment, a private hospital may accept a person so presented and referred, and a public hospital shall accept a person so presented and referred, if, in the judgment of the admitting psychiatrist, the need for examination and treatment is indicated on the basis of the person's mental condition and the person signs a statement at the time of the admission stating that he does not object to hospitalization. The statement shall contain in simple, nontechnical language the fact that the person is to be hospitalized and a description of the right to release set out in section 21-514. The admitting psychiatrist may admit a person so presented, without referral from a practicing physician, if the need for an immediate admission is apparent to the admitting psychiatrist upon preliminary examination.

§ 21–514. Release of patients hospitalized under section 21–513

Unless proceedings for hospitalization under court order have been initiated under subchapter IV of this chapter, a hospital, upon the written request of a patient hospitalized pursuant to section 21–513, shall immediately release him.

SUBCHAPTER III—EMERGENCY HOSPITALIZATION

§ 21–521. Detention of persons believed to be mentally ill; transportation and application to hospital

An accredited officer or agent of the Department of Public Health of the District of Columbia, or an officer authorized to make arrests in the District of Columbia, or the family physician of the person in question, who has reason to believe that a person is mentally ill and, because of the illness, is likely to injure himself or others if he is not immediately detained may, without a warrant, take the person into custody, transport him to a public or private hospital, and make application for his admission thereto for purposes of emergency observation and diagnosis. The application shall reveal the circumstances under which the person was taken into custody and the reasons therefor.

§ 21–522. Examination and admission to hospital; notice

Subject to the provisions of section 21–523, the administrator of a private hospital, may, and the administrator of a public hospital shall, admit and detain for purposes of emergency observation and diagnosis a person with respect to whom application is made under section 21–521, if the application is accompanied by a certificate of a psychiatrist on duty at the hospital stating that he has examined the person and is of the opinion that he has symptoms of a mental illness and, as a result thereof, is likely to injure himself or others he is immediately hospitalized. Not later than 24 hours after the admission pursuant to this subchapter of a person to a hospital, the administrator of the hospital shall serve notice of the admission, by registered mail, to the spouse, parent, or legal guardian of the person and to the Commission on Mental Health.

§ 21–523. Court order requirement for hospital detention beyond 48 hours; maximum period for observation

A person admitted to a hospital under section 21–522 may not be detained in the hospital for a period in excess of 48 hours from the time of his admission, unless the administrator of the hospital has, within that period, filed a written petition with the court for an order authorizing the continued hospitalization of the person for emergency observation and diagnosis for a period not to exceed 7 days from the time the order is entered.

§ 21–524. Determination and order of court

(a) Within a period of 24 hours after the court receives a petition for hospitalization of a person for emergency observation and diagnosis, filed by the administrator of a hospital pursuant to section 21–523, the court shall:

(1) order the hospitalization; or

(2) order the person's immediate release.

(b) The court, in making its determination under this section, shall consider the written reports of the agent, officer, or physician who made the application under section 21–522, the certificate of the examining psychiatrist which accompanied it, and any other relevant information.

§ 21–525. Hearing by court

The court shall grant a hearing to a person whose continued hospitalization is ordered under section 21–524, if he requests the hearing. The hearing shall be held within 24 hours after receipt of the request.

§ 21–526. Extension of maximum periods of time

If the maximum period of time prescribed by section 21–512, 21–523, 21–524, or 21–525, during which an action or determination may or shall be taken, expires on a Saturday, Sunday, or legal holiday, the period may be extended to not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday.

§ 21–527. Examination and release of person; notice

That chief of service of a hospital in which a person is hospitalized under a court order entered pursuant to section 21–524 shall, within 48 hours after the order is entered, have the person examined by a physician. If the physician, after his examination, certifies that in his opinion the person is not mentally ill to the extent that he is likely to injure himself or others if not presently detained, the person shall be immediately released. The chief of service shall, within 48 hours after the examination has been completed, send a copy of the results thereof by certified or registered mail to the spouse, parents, attorney, legal guardian, or nearest known adult relative of the person examined.

§ 21–528. Detention of person pending judicial proceedings

Notwithstanding any other provision of this subchapter, the administrator of a hospital in which a person is hospitalized under this subchapter may, if judicial proceedings for his hospitalization have been commenced under subchapter IV of this chapter, detain the person in the hospital during the course of the judicial proceedings.

SUBCHAPTER IV—HOSPITALIZATION UNDER COURT ORDER

§ 21-541. Petition to Commission; copy to person affected

(a) Proceedings for the judicial hospitalization of a person in the District of Columbia may be commenced by the filing of a petition with the Commission on Mental Health by his spouse, parent, or legal guardian, by a physician, by a duly accredited officer or agent of the Department of Public Health, or by an officer authorized to make arrests in the District of Columbia. The petition shall be accompanied by:

(1) a certificate of a physician stating that he has examined the person and is of the opinion that the person is mentally ill, and because of the illness is likely to injure himself or other persons if allowed to remain at liberty; or

(2) a sworn written statement by the petitioner that:

(A) the petitioner has good reason to believe that the person is mentally ill, and, because of the illness, is likely to injure himself or other persons if allowed to remain at liberty; and

(B) the person has refused to submit to examination by a physician.

(b) Within three days after the Commission receives a petition filed under subsection (a) of this section, the Commission shall send a copy of the petition by registered mail to the person with respect to whom it was filed.

§ 21-542. Hearing by Commission; presence and rights of person affected; hearing regarding liability

(a) The Commission shall promptly examine a person alleged to be mentally ill after the filing of a petition under section 21-541 and shall thereafter promptly hold a hearing on the issue of his mental illness. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the person named in such petition. In conducting the hearing, the Commission shall hear testimony of any person whose testimony may be relevant and shall receive all relevant evidence which may be offered. A person with respect to whom a hearing is held under this section may, in his discretion, be present at the hearing, to testify, and to present and cross-examine witnesses.

(b) The Commission shall also hold a hearing in order to determine liability under the provisions of section 21-586 for the expenses of hospitalization of the alleged mentally ill person, if it is determined that he is mentally ill and should be hospitalized as provided under this chapter. The hearing may be conducted separately from the hearing on the issue of mental illness. If conducted separately, it may be conducted by the Chairman of the Commission alone.

§ 21-543. Representation by counsel; compensation; recess

The alleged mentally ill person shall be represented by counsel in any proceeding before the Commission or the court, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. The counsel so appointed shall be awarded compensation by the court for his services in an amount determined by it to be fair and reasonable. The compensation shall be charged against the estate of the individual for whom the counsel was appointed, or against any unobligated funds of the Commission, as the court in its discretion directs. The Commission or the court, as the case may be, shall, at the request of the counsel so appointed, grant a recess in the proceeding to give the counsel an opportunity to prepare his case. A recess may not be granted for more than five days.

§ 21-544. Determinations of Commission; report to court: copy to person affected; right to jury trial

If the Commission finds, after a hearing under section 21-542, that the person with respect to whom the hearing was held is not mentally ill or if mentally ill, is not mentally ill to the extent that he is likely to injure himself or other persons if allowed to remain at liberty, the Commission shall immediately order his release and notify the court of that fact in writing. If the Commission finds, after the hearing, that the person with respect to whom the hearing was held is mentally ill, and because of the illness is likely to injure himself or other persons if allowed to remain at liberty, the Commission shall promptly report that fact, in writing, to the United States District Court for the District of Columbia. The report shall contain the Commission's findings of fact, conclusions of law, and recommendations. A copy of the report to the Commission shall be served personally on the alleged mentally ill person and his attorney. An alleged mentally ill person with respect to whom the report is made has the right to demand a jury trial, and the Commission, orally and in writing, shall advise him of this right.

§ 21-545. Hearing and determinations by court or jury; order; witnesses; jurors

(a) Upon the receipt by the court of a report referred to in section 21-544, the court shall promptly set the matter for hearing and shall cause a written notice of the time and place of the final hearing to be served personally upon the person with respect to whom the report was made and his attorney, together with notice that he has five days following the date on which he is so served within which to demand a jury trial. The demand may be made by the person or by anyone in his behalf. If a jury trial is demanded within the five-day period, it shall be accorded by the court with all reasonable speed. If a timely demand for jury trial is not made, the court shall determine the person's mental condition on the basis of the report of the Commission, or on such further evidence in addition to the report as the court requires.

(b) If the court or jury, as the case may be, finds that the person is not mentally ill, the court shall dismiss the petition and order his release. If the court or jury finds that the person is mentally ill and, because of that illness, is likely to injure himself or other persons if allowed to remain at liberty, the court may order his hospitalization for an indeterminate period, or order any other alternative course of treatment which the court believes will be in the best interests of the person or of the public. The Commission, or a member thereof, shall be competent and compellable witnesses at a hearing or jury trial held pursuant to this chapter. The jury to be used in any case where a jury trial is demanded under this chapter shall be impaneled, upon order of the court, from the jurors in attendance upon other branches of the court, who shall perform the services in addition to and as part of their duties in the court.

§ 21-546. Periodic requests for examination of hospitalized patient; procedure for examination and detention or release; petition to court

(a) A patient hospitalized pursuant to a court order obtained under section 21-545, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, may, upon the expiration of 90 days following the order and not more frequently than every 6 months thereafter, request, in writing, the chief of service of the hospital in which the patient is hospitalized, to have a current examination of his mental condition made by one or more physicians. If the request is timely it shall be granted. The patient may, at his own expense, have a duly qualified physician participate in the examination. In the case of such a patient who is indigent, the Department of Public Health shall, upon the written request of the patient, assist him in obtaining a duly qualified physician to participate in the examination in the patient's behalf. A physician so obtained by an indigent patient shall be compensated for his services out of any unobligated funds of Department of Public Health in an amount determined by it to be fair and reasonable. If the chief of service, after considering the reports of the physicians conducting the examination, determines that the patient is no longer mentally ill to the extent that he is likely to injure himself or other persons if not hospitalized, the chief of service shall order the immediate release of the patient. However, if the chief of service, after considering the reports, determines that the patient, continues to be mentally ill to the extent that he is likely to injure self or other persons if not hospitalized, but one or more of the physicians participating in the examination reports that the patient is not mentally ill to that extent, the patient may petition the court for an order directing his release. The petition shall be accompanied by the reports of the physicians who conducted the examination of the patient.

§ 21-547. Judicial determination of petition filed under section 21-546; order; physicians as witnesses

In considering a petition filed under section 21-546, the court shall consider the testimony of the physicians who participated in the examination of the patient, and the reports of the physicians accompanying the petition. After considering the testimony and reports, the court shall either (1) reject the petition and order the continued hospitalization of the patient, or (2) order the chief of service to immediately release the patient. A physician participating in the examination shall be a competent and compellable witness at any trial or hearing held pursuant to this chapter.

§ 21-548. Periodic examinations by hospital authorities; release

The chief of service of a public or private hospital shall, as often as practicable, but not less often than every six months, examine or cause to be examined each patient admitted to a hospital pursuant to this subchapter and if he determines on the basis of the examination that the conditions which justified the involuntary hospitalization of the patient no longer exist, the chief of service shall immediately release the patient.

§ 21-549. Preservation of other rights to release

Sections 21-546 to 21-548 do not prohibit a person from exercising a right presently available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus.

§ 21-550. Surety

The court in its discretion may require a petitioner under this subchapter to file an undertaking with surety to be approved by the court in such amount as the court deems proper, conditioned to save harmless the respondent by reason of costs incurred, including attorney's fees, if any, and damages suffered by the respondent, as a result of any action under this subchapter.

§ 21-551. Nonresidents

(a) If a person ordered committed to a public hospital by the court pursuant to section 21-545 is found by the Commission, subject to a review by the court, not to be a resident of the District of Columbia, and to be a resident of another place, he shall be transferred to the State of his residence if an appropriate institution of that State is willing to accept him. If the person is an indigent, the expense of transferring him, including the traveling expenses of necessary attendants, shall be borne by the District of Columbia.

(b) For the purposes of this section, "resident of the District of Columbia" means a person who has maintained his principal place of abode in the District of Columbia for more than one year immediately prior to the filing of the petition referred to in subsection (a) of section 21-541.

SUBCHAPTER V—RIGHT TO COMMUNICATION; EXERCISE OF OTHER RIGHTS

§ 21-561. Mail privileges; censored mail; return to sender; visiting hours

(a) A person hospitalized in a public or private hospital pursuant to this chapter may:

(1) communicate by sealed mail or otherwise with an individual or official agency inside or outside the hospital; and

(2) receive uncensored mail from his attorney or personal physician.

(b) All incoming mail or communications other than mail or communications referred to in subsection (a) of this section may be read before being delivered to the patient, if the chief of service believes the action is necessary for the medical welfare of the patient who is the intended recipient. Mail or other communication which is not delivered to the patient for whom it is intended shall be immediately returned to the sender.

(c) This section does not prohibit the administrator from making reasonable rules regarding visitation hours and the use of telephone and telegraph facilities.

§ 21-562. Medical and psychiatric care and treatment; records

A person hospitalized in a public hospital for a mental illness shall, during his hospitalization, be entitled to medical and psychiatric care and treatment. The administrator of each public hospital shall keep records detailing all medical and psychiatric care and treatment received by a person hospitalized for a mental illness and the records shall be made available, upon that person's written authorization, to his attorney or personal physician. The records shall be preserved by the administrator until the person has been discharged from the hospital.

§ 21-563. Use of mechanical restraints; record of use

A mechanical restraint may not be applied to a patient hospitalized in a public or private hospital for a mental illness unless the use of restraint is prescribed by a physician. If so prescribed, the restraint shall be removed whenever the condition justifying its use no longer exists. A use of a mechanical restraint, together with the reasons therefor, shall be made a part of the medical record of the patient.

§ 21-564. Exercise of property and other rights; notice of inability; persons hospitalized prior to September 15, 1964

(a) A patient hospitalized pursuant to this chapter may not, by reason of the hospitalization, be denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license, unless the patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity. If the chief of service of the public or private hospital in which the patient is hospitalized is of the opinion that the patient is unable to exercise any of the rights referred to in this section, the chief of service shall immediately notify the patient and the patient's attorney, legal guardian, spouse, parents, or other nearest known adult relative, the United States District Court for the District of Columbia, the Commission on Mental Health, and the Board of Commissioners of the District of Columbia of that fact.

(b) A person in the District of Columbia who, by reason of a judicial decree ordering his hospitalization entered prior to September 15, 1964, is considered to be mentally incompetent and is denied the right to dispose of property, executive instruments, make purchases, enter into contractual relationships, vote, or hold a driver's license solely by reason of the decree, shall, upon the expiration of the one-year period immediately following September 15, 1964, be deemed to have been restored to legal capacity unless, within the one-year period, affirmative action is commenced to have the person adjudicated mentally incompetent by a court of competent jurisdiction: *Provided, however,* That in those cases in which a committee has heretofore been appointed and the committeeship has not been terminated by court action, such committee shall continue to act under the supervision of the United States District Court for the District of Columbia under its equity powers.

§ 21-565. Statement of release and adjudication procedures and of other rights

Upon the admission of a person to a hospital under a provision of this chapter, the administrator shall deliver to him, and to his spouse, parents, or other nearest known adult relative, a written statement outlining in simple, nontechnical language all release procedures provided by this chapter, setting out all rights accorded to patients by this chapter, and describing procedures provided by law for adjudication of incompetency and appointment of trustees or committees for the hospitalized person.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 21-581. Proceedings instituted by Commissioners of the District of Columbia

(a) Proceedings instituted by the Commissioners of the District of Columbia to determine the mental condition of an alleged indigent mentally ill person or a person alleged to be mentally ill, with homicidal or otherwise dangerous tendencies, shall be according to the provisions of subchapter IV of this chapter.

(b) The jury in proceedings instituted upon the petition of the Commissioners of the District of Columbia shall be impaneled by the United States marshal for the District, upon order of the court, from the jurors in attendance upon the District Court, who shall perform the services in addition to and as part of their duties in the District Court. When jurors are not in attendance upon the District Court the court may direct the marshal to impanel the jurors in attendance upon the Court of General Sessions, who shall perform the duties in addition to and as part of their duties in the Court of General Sessions, or the court may direct a special jury to be summoned for the inquisition.

§ 21-582. Petitions, applications, or certificates of physicians

(a) A petition, application, or certificate authorized under section 21-521 and subsection (a) of section 21-541 may not be considered if made by a physician who is related by blood or marriage to the alleged mentally ill person, or who is financially interested in the hospital in which the alleged mentally ill person is to be detained, or, except in the case of physicians employed by the United States or the District of Columbia, who are professionally or officially connected with the hospital.

(b) A petition, application, or certificate of a physician may not be considered unless it is based on personal observation and examination of the alleged mentally ill person made by the physician not more than 72 hours prior to the making of the petition, application, or certificate. The certificate shall set forth in detail the facts and reasons on which the physician based his opinions and conclusions.

§ 21-583. Physicians and psychiatrists as witnesses

A physician or psychiatrist making application or conducting an examination under this chapter is a competent and compellable witness at any trial, hearing or other proceeding conducted pursuant to this chapter and the physician-patient privilege is not applicable.

§ 21-584. Witness fees

Witnesses subpenaed under the provisions of this chapter shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States.

§ 21-585. Confinement in jail prohibited

A person apprehended, detained, or hospitalized under any provision of this chapter may not be confined in jail or in a penal or correctional institution.

§ 21-586. Financial responsibility for care of hospitalized persons; judicial enforcement

(a) The father, mother, husband, wife, and adult children of a mentally ill person, if of sufficient ability, and the estate of the mentally ill person, if the estate is sufficient for the purpose, shall pay the cost to the District of Columbia of the mentally ill person's maintenance, including treatment, in a hospital in which the person is hospitalized under this chapter. The Commission on Mental Health shall examine, under oath, the father, mother, husband, wife, and adult children of an alleged mentally ill person whenever those relatives live within the District of Columbia, and ascertain their ability or the ability of the estate to maintain or contribute toward the maintenance of the mentally ill person. The relatives or estate may not be required to pay more than the actual cost to the District of Columbia of maintenance of the alleged mentally ill person.

(b) If a person made liable by subsection (a) of this section for the maintenance of a mentally ill person fails so to provide or pay for the maintenance, the court shall issue to him a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of the patient. The citation shall be served at least 10 days before the hearing thereon. If, upon the hearing, it appears to the court that the mentally ill person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degree referred to in subsection (a) of this section who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by the relatives of such sums as it finds that they are reasonably able to pay and as may be necessary to provide for the maintenance and treatment of the mentally ill person. The order shall require the payment of the sums to the District of Columbia treasurer annually, semiannually, quarterly, or monthly as the court directs. The treasurer shall collect the sums due under this section, and turn them into the Treasurer of the United States to the credit of the District of Columbia. The order may be enforced against any property of the mentally ill person or of the person liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.

§ 21-587. Veterans' Administration and military hospital facilities

This chapter does not require the admission of a person to a Veterans' Administration or military hospital facility unless the person is otherwise eligible for care and treatment in the facility.

§ 21-588. Forms

All applications and certificates for the hospitalization of a person in the District of Columbia under this chapter shall be made on forms approved by the Commission on Mental Health and furnished by it.

§ 21-589. Persons hospitalized prior to September 15, 1964

(a) Subject to subsection (b) of this section, the provisions of sections 21-546 to 21-551, subchapter V of this chapter and sections 21–585 and 21–588 apply to a person, who, on or after January 1, 1966, is a patient in a hospital in the District of Columbia by reason of having been declared insane or of unsound mind pursuant to a court order entered in a noncriminal proceeding prior to September 15, 1964.

(b) A request made by a patient referred to in subsection (a) of this section for an examination authorized by section 21–546 may be made on April 15, 1966, by the patient, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, and not more frequently than every six months thereafter.

§ 21–590. Discharge as cured; restoration to legal status.

When a person adjudged to be of unsound mind in the District of Columbia who is committed to Saint Elizabeths Hospital, or any other institution, recovers his reason, and is discharged from the institution as cured, the Superintendent of Saint Elizabeths Hospital, or the official in charge of the institution where he has been under treatment and has been so discharged, shall immediately file with the clerk of the United States District Court for the District of Columbia his sworn statement that, in his opinion, the person was not of unsound mind at the time of his discharge. The statement is sufficient to authorize the court to order the person restored to his former legal status as a person of sound mind.

§ 21–591. Offenses and penalties

Whoever:

(1) without probable cause for believing a person to be mentally ill:

(A) causes or conspires with or assists another person to cause the hospitalization, under this chapter, of the person first referred to; or

(B) executes a petition, application, or certificate pursuant to this chapter, by which he secures or attempts to secure the apprehension, hospitalization, detention, or restraint of the person first referred to;

or

(2) causes or conspires with or assists another person to cause the denial to a person of a right accorded to him by this chapter;

or

(3) being a physician or psychiatrist, knowingly makes a false certificate or application pursuant to this chapter as to the mental condition of a person—

shall be fined not more than $5,000 or imprisoned not more than three years, or both.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 29, 1969, he presented to the President of the United States the enrolled bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony on that part of the House tax reform bill which proposes substantial changes in the areas of interest deductions and installment method of reporting gain on certain corporate securities transactions. We also received further testimony on the subject of advertising income of tax exempt organizations and multiple surtax exemptions. Additionally, the committee received testimony from several distinguished individuals with respect to the House bill in general.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HON. FRANK E. MOSS, U.S. SENATOR, STATE OF UTAH

Tax reform

States that if Congress expects to stem the so-called "taxpayers' revolt," more than token changes must be made. Feels that Congress must produce genuine tax reform as well as tax relief for the middle- and low-income taxpayer, and that it must be this session of Congress.

Regards the House bill as commendable, but with room for improvement and broader tax reform. Comments that Congress has patched up the Internal Revenue Code so many times that the tax structure seems to be held together in places with "a string and baling wire," and so complicated that the taxpayer cannot understand his taxes.

Tax loopholes

Maintains that the tax structure is filled with inequities so that some rich people can get by without paying any taxes at all. Believes the tax system must be fair in order to be accepted.

Recommends that Congress do something about the following tax loopholes: (1) untaxed appreciation of assets transferred by noncharitable gift or at death; (2) tax-exempt municipal bonds; (3) hobby farming; (4) accelerated depreciation of real estate; (5) the 25-percent maximum and 6-month holding period for capital gains; (6) oil depletion; and (7) unlimited charitable deduction. Recommends, further, that the investment tax credit be repealed and a minimum income tax be established.

Hopes that the Senate will not ignore, as did the House bill, the appreciation of assets transferred at death. Finds Senator Metcalf's farm loss provision more satisfactory.

Treasury proposals

Considers the administration's proposals to remove tax-exempt-interest income and appreciated property from the LTP as indefensible. Contends that this would continue to permit some millionaires to pay little or no taxes. Objects to the proposal to cut the average taxpayer's tax relief by $1.7 billion and turning $1.6 billion of it over to corporations in a 2-percent reduction in corporate tax rates.

HON. JOHN B. CONNOLLY, HOUSTON, TEX., ON BEHALF OF THE LIVESTOCK PRODUCERS COMMITTEE

Farm losses

Believes there are certain changes which should be made in the Revenue Code to eliminate what may be called the tax-profit operation. Is of the opinion, however, that there is no set of "farm loss" circumstances under which an economic loss produces a more favorable tax result than an economic profit.

States that the House proposals respecting the excess deduction account, farm losses in the limitation on tax preferences and the allocation of deductions, and the so-called hobby loss change, would cause at least two disastrous economic changes to substantial farmers and ranchers. First, the drying up of new capital which is badly needed in agriculture. And, second, chaos from an impossible accounting situation.

Indicates that some witnesses before the Ways and Means Committee suggested the House approach with respect to farm losses would lower farmland prices. States that if this is correct, the result would be disastrous—pointing out that many farmers and ranchers have borrowed funds and pledged their lands as collateral, and any reduction in farmland prices would almost certainly mean that many outstanding loans based on increased land value would be in jeopardy and could be called because of inadequate security. Contends this could have an adverse compounding effect of causing businesses in farming and ranching communities to close their doors.

GEN. EARL RUDDER, PRESIDENT, TEXAS A. & M. UNIVERSITY

Farm losses

Expresses concern about those individuals who have ranches of farms but apparently intend only to have some type of "tax profit." States that as a matter of equity no one should defend such individuals, but believes the problem should be put into its proper perspective—and while some congressional action is warranted, it should not be in the form of "overkill" provisions which could produce severe economic upheaval.

Points out that agriculture in a highly variable income source and has tremendous variations in profitably: the farmer and rancher are not only subject to the elements of nature, but are also tremendously affected by national situations, economic crises, Government programs, and the "whims of the American consumer and her demands." States that it is not uncommon for losses to be experienced for 1, 2, or 5 successive years, and then be followed by several profitable years.

States that agriculture in the United States today is dynamic and growing, but that if it is to remain strong it must be guided through new problems occurring every day—including the general indifference of the urban-oriented society which agriculture serves.

GENERAL

GEORGE S. DILLON, ON BEHALF OF MANUFACTURING CHEMISTS ASSOCIATION

Corporate rate reduction

Urges a compensatory corporate rate reduction to offset the repeal of the investment tax credit, and various other reform provisions increasing the tax burden of corporations.

Deferred compensation

Recommends deletion of the proposed new rule for taxation of deferred compensation.

Fifty-percent maximum rate on earned income

Endorses the concept of placing a maximum tax rate of 50 percent on earned income and recommends that deferred compensation, bonus awards, and all payments attributed to either qualified or nonqualified employer plans which are considered as ordinary income be treated as earned income for purposes of this section.

Restricted stock

Recommends that the controlling date for transfers under prexisting plans be changed from February 1 to April 1, 1970, to give corporations more time to accommodate to this provision.

Total distributions from pension, etc., plans

Believes the current rules provide a relatively simple and equitable basis for taxing lump-sum distributions accrued to an individual over a substantial portion of his employment career and recommends against the change proposed in the House bill.

Moving expenses

Argues that the $2,500 limitation on deduction of certain moving expenses is inadequate and recommends the removal of this limitation. Urges the retention of the 20-mile test as proposed by the administration.

Effect on earnings and profits

Maintains that the amendments proposed in the House bill would create substantial hardships in the corporation foreign income area. Recommends that this section be modified to make clear that its provisions do not apply to the computations of earnings and profits of foreign subsidiary corporations.

Real estate depreciation

Recommends that the new, more restrictive rules on depreciation provided in the House bill not apply to industrial real property, but that the full recapture of depreciation be provided for to the extent of gain on later sale of the property.

Foreign tax credit

Recommends: (a) extension of the foreign tax credit to all situations where the United States imposes Federal income tax on undistributed profits of foreign corporations under subpart F; (b) the reduction of the 50-percent stock ownership test in section 902 to 10 percent; and (c) the extension of the foreign tax credit to foreign corporations which are below the second tier and are connected by a 10-percent stock ownership.

Alternative capital gain rate for corporations

Opposes the increase from 25 to 30 percent as proposed in the House bill.

Natural resources

Recommends retention of the existing percentage depletion rates for natural resources.

THOMAS M. EVANS, CHAIRMAN, CRANE CO.,
NEW YORK, N.Y.

Real estate

Objects to the disallowance of the use of accelerated depreciation methods for real property. States that at a time of high cost of money, labor, and construction materials, all possible means of encouragement should be given to the building business.

Donative sales ("bargain sales") to charity

Objects to the provisions of the House bill dealing with donative sales—that is, selling securities at cost and donating the difference to charity—stating that this change in the law would not increase Government revenues but would decrease charitable giving.

Capital gains on horses

Regards the House proposal dealing with capital gains on horses to be completely unnecessary. Suggests that any present abuses in this area could be corrected by providing for recapture of depreciation on sales of breeding animals, in the same manner applied to sales of machines in a manufacturing business.

INTEREST DEDUCTIONS

STANLEY R. FIMBERG, BEVERLY HILLS, CALIF.

Investment interest deduction

States that the House bill would amend section 163 of the Code (relating to the deductions for interest) by placing a limitation on the amount of "investment interests" which certain specified taxpayers could deduct. Maintains that the proposed amendment is unsound both from a policy standpoint and in certain respects from a technical standpoint. Indicates that the effect of the amendment will result in unfairly penalizing taxpayers who have made certain business decisions and closed transactions before they had obtained any knowledge of the effect of this proposed legislation.

Argues that the basic policy of the statute would tend to discourage an individual who does not already have investment assets from acquiring such assets. Contends that the statute discriminates against individuals who do not have investment assets and who borrow funds in an attempt to create such investment assets, and in favor of individuals who have investment assets and borrow money to create additional assets.

Inconsistency between section 163(d) (3) (D) and section 163(d) (4) (C)

States that a technical problem with this statute arises because of an inconsistency between the definition of investment interest and a special definition governing rents. Believes that the deficiency could be corrected by amending the definition of investment interests by providing a sentence at the end: "Any property, the income from which is considered to be derived from the conduct of a trade or business, pursuant to section 163 (d) (4) (C), will npt be considered to be property held for investment."

Problem of construction interest

Argues that the House bill should be amended to provide that a taxpayer who is responsible for construction and improvement of property is entitled to deduct the interest paid in connection with any indebtedness thereon during the useful life of the property.

Partnership limitation

States that another provision, which is unfair is the proposed section which provides as follows: "In the case of a partnership, the provisions of this subsection shall apply with respect to the partnership and with respect to each partner." Maintains that this provision is discriminatory in that it discriminates in favor of a particular method of the ownership of property as opposed to another. States that there is no reason why a tax provision should cause people to be forced to restructure their legal relationship in some manner which would have most of the benefits of a partnership without being considered a partnership for tax purposes.

Effective date provisions

Contends that fundamental fairness would require that the proposed limitation should not apply to interest paid in connection with any indebtedness or obligation incurred or contracted to be incurred before the date the statute becomes law.

CONGLOMERATES: INSTALLMENT METHOD

SIDNEY KESS, C.P.A., PARTNER, MAIN, LAFRANTZ,
& CO., NEW YORK, N.Y.

Conglomerate mergers

States that the task of controlling conglomerate mergers is within the province of the antitrust and securities law, and is not one which should be engrafted into the Revenue Code. Believes the House proposal dealing with conglomerate mergers is an improper use of the taxing power.

States that the House proposal utilizes incorrect standards in differentiating "tainted" debt from "nontainted" debt. Expresses the opinion that the proposal would add another extremely complex and unnecessary provision to an already overcomplicated code, and suggests the addition of such provisions inevitably leads to breakdowns in compliance and administration.

T. F. DIXON WAINWRIGHT, ATTORNEY,
PHILADELPHIA, PA.

Installment method of reporting gains

Points out that the provisions of the House bill regarding installment method of reporting gains apply to sales or dispositions occurring after May 27, 1969, and suggests that in some instances this effective date will result in inequity and hardship to taxpayers who prior to May 28, 1969, in reliance upon present law, executed binding contracts of sale.

States that prior to May 28, 1969, a taxpayer could not know that tax reform would include amendments with respect to installment sales and that such amendments would be retroactive.

Urges that the House provision respecting installment sales should not apply in cases where the contracts are entered into before the effective date.

TAX-EXEMPT ORGANIZATIONS; ADVERTISING INCOME

S. RAYBURN WATKINS, PRESIDENT, AMERICAN
SOCIETY OF ASSOCIATION EXECUTIVES

Tax-exempt organizations

Indicates that the association represents the interest of business and professional associations. Points out a problem under the House bill in the case where a membership organization forms a foundation for eleemosynary purposes, which is funded by members contributions and is exempt from tax. States that the small contributions of the members are paid to the member organization which will make one large payment to the charitable organization it has formed. Points out that under the House bill the membership organization would be considered a "disqualified person" when the funds were contributed to the charitable foundation so that the charitable foundation would be a private foundation. Suggests that this result could be avoided by amending the support tests to provide that the test is to be applied on a direct or indirect basis. Believes that this change should be made to preclude the possibility that foundations which are supported by association members through contributions channeled through the association will not be classified as private foundations and thus become subject to the restrictions not consistent with the policing intent of the House bill.

Advertising income

Opposes the provisions in the House bill which would tax advertising revenues of business and professional association journals. Believes that the proper measure of the unrelated business tax as applied to the advertising revenues of association publications should be whether or not the magazine itself is related to the exempt functions of the organization involved, and if it is related in the main to the exempt functions, then no part of its net revenues should be taxed. Points out that their magazines and publications are operated primarily to serve the exempt purposes of the particular operation involved, and to say that these magazines compete in the marketplace for advertising is a misrepresentation. Indicates that many of the educational functions that are performed by associations are paid for in whole or in part in some instances by advertising revenues.

Opposes the heading in section 121(c) of the House bill which states "Advertising, etc., Activities". Believes that in the event Congress desires to tax advertising and trade journals that this mandate should be expressed in terms which will prevent future litigation to determine the taxing limits of the section.

Limitation on deductions of certain nonexempt membership organizations

Opposes the provision in the House bill which limits the allowable deductions for services to members to the amount if income derived from members. Points out that because of the annual tax accounting concept on which one system is based this would mean that a loss in one year from this kind of operation would not be deductible against the same kind of income in the next year. Believes that there is no policy to support such treatment, and that the provision should either be deleted or amended to allow a carryover or carryback of losses.

MULTIPLE SURTAX EXEMPTIONS

LEON O. STOCK, PEAT, MARWICK, MITCHELL & CO.

Multiple surtax exemptions

Opposes the specific provisions included in the House bill to phase out multiple surtax exemptions in the case of controlled corporate groups. Believes that the allowance of multiple surtax exemptions are justifiable in appropriate circumstances and should not be indiscriminately or prematurely terminated.

Points out that chainstore corporations, particularly in smaller communities, would be placed in a competitive disadvantage, vis-a-vis, one store corporations and franchised store corporations, if their tax burden is increased through the elimination of the multiple surtax exemptions. Indicates that chainstore corporations in smaller communities realized relatively small earnings after tax, leaving little margin for an increase in tax cost.

States that one problem to consider is that chainstore corporations may be "locked in" until the expiration of their leases. Suggests, for this reason, the following proposals to be considered by the committee: (1) provide a moratorium period of 3 years beginning with taxable years after 1969 during which no statutory changes would be made in the allowance of multiple surtax exemptions; (2) provide for a phaseout period of 8 years following the 3-year moratorium period, during which the exemptions would be scaled down not according to the House bill; (3) alternatively, provide a 5-year moratorium to be followed by a phasing out period of 5 years or simply a straight 10-year phaseout period; (4) increase in equal annual amounts the dividends received deduction from 85 percent to 100 percent over the phaseout period; (5) permit without the filing of a consolidated return, the operating loss of a member of the controlled group to, and deducted by, other members of the group, limited to the same percentage of such loss as the disallowed percentage of the multiple surtax exemption for the year in which the loss occurred.

SENATOR SCOTT SUPPORTS PRESIDENT NIXON ON VIETNAM PEACE AND AUTOMATIC INCREASE IN SOCIAL SECURITY BENEFITS

Mr. **SCOTT**. Mr. President, I warmly applaud President Nixon's straightforward statement of his policy on our search for Vietnam peace, outlined again at his press conference on Friday. Certainly it is increasingly apparent to the American public as well as to the nations of the world that there is a new emphasis. President Nixon has offered Hanoi peace with honor and justice for both sides. His quest for peace does not rest upon simple threats. He has articulated a formula to which we all sincerely hope Hanoi will respond. The facts cited by President Nixon, 60,000 troops returned, 50,000 that will not be drafted, an infiltration rate from North Vietnam into South Vietnam which is two-thirds of that for the corresponding period last year, casualities down one-third from last year, and his far-reaching peace offer, all will contribute to an increasing majority of the American people supporting this clear and concise policy of deescalation.

I have not engaged in any precise demands, as some have, which set a definite and arbitrary timetable for complete U.S. troop withdrawl from Vietnam. I have indicated previously that I would like to see approximately one-half of our troops out of South Vietnam by the end of 1970, but I do not participate in any numbers game. I am confident that we are moving toward peace. I certainly do not intend, in any way, to disrupt the direct negotiations for peace which are going on in Paris. I have stated before that the American people must look at our efforts toward peace in Vietnam as including both military aspects as well as the all-important diplomatic aspects. As President Nixon has so aptly stated, it does us no good to withdraw all our troops from Vietnam if this will not precipitate a lasting and just peace. We hope for that peace, we work for that peace; and we are committed to that peace as we wait most anxiously for responsible signals from Hanoi. We have deescalated and I am sure the President will continue to increase the urgency of our signals to Hanoi. I am hopeful, and I strongly desire, that this war will be ended, and I support the President's hope that the military deescalation and the diplomatic negotiations will go hand in hand toward a final end to this war. As President Nixon has repeatedly made clear, we are pursuing both aspects—military deescalation and diplomatic negotiation—toward a permanent peace in Vietnam. Certainly there is one objective which must remain quite clear. That objective is the objective that the South Vietnamese must decide for themselves who their leaders will be. I am solidly behind the President's policy of realism in the search for a just and lasting peace in Vietnam.

I think it is significant to note also the President's clear desire that Congress act this year to increase social security benefits to protect our Amercan citizens who depend upon the social security system from the continuing brunt of inflation. I have proposed myself the automatic cost-of-living increase and I agree with the President that rather than being inflationary, it will assist us in maintaining a continuing deinflationary pressure. Too often Congress overreacts and I feel strongly that by providing automatic cost-of-living increases, that the pressure to hold social security benefit increases within responsible fiscal policies will be increased. I assure my colleagues that I will do all I can to press for Senate action this year on social security benefits.

SOCIAL SECURITY BENEFITS INCREASE

Mr. **PERCY**. Mr. President, earlier this year, President Nixon recommended a 7-percent increase in social security benefits, effective February 1970, to take account of the rise in the cost of living since the last benefit increase in 1968.

At the time this proposal became public, the President stated that a message on social security would be sent to Congress in the near future.

Recently, the President announced he would ask Congress for a 10-percent increase in social security benefits, effective April 1, 1970. Explaining his reason for increasing the benefits beyond his earlier recommendation, President Nixon said:

> This is a matter of simple justice for those living on Social Security, because as we look at the record of rising costs over the past five years, those who have suffered most are our older citizens who are living on a fixed income.

The President is aware of the loss of purchasing power experienced by those people receiving fixed social security benefits due to the rapidly rising cost of living.

This has been a matter of concern to me, as well. Every day I receive scores of letters explaining the difficult situation facing our senior citizens. Because I believe that Congress has a definite responsibility to the millions of Americans who depend on social security, I have introduced proposed legislation which will help social security meet the needs of those for whom it was designed to assist. Included in my package of legislative proposals are bills to provide for automatic adjustment of social security benefits corresponding to changes in the cost of living, elimination of the income earnings limitation, and provision for full benefits for widows.

However, I recently became disturbed to learn that the House might not take up social security legislation this year. On August 8, in a speech on the Senate floor, I asked why no action had been taken on this important matter. Would party platforms again be designed for campaign oratory, to be forgotten after the elections were over?

Clearly the President intends to honor his pledge. His across-the-board 10-percent increase responds to many retired Americans who have no control over the inflationary process. The President's proposal that future benefits in social security be automatically adjusted to account for increases in the cost of living assures the social security recipient that he will be insulated from the ravages of spiraling inflation. His proposed increase from $1,680 to $1,800 in the earnings limitation and his proposal for only a $1 reduction in benefits for every $2 earned reassures our people that we do indeed reward productive labor. Finally, I am delighted to learn that the President will press for a series of additional reforms for widows, veterans, disabled citizens, people over 72, and others particularly in need.

Mr. Nixon stated, and I agree, that these reforms are needed immediately. Further, I am encouraged to know that the administration promises to continue work to assure fairness in the treatment of all individuals depending on social security. As the President explained:

> We will lay the groundwork for further study and improvement of a system that has served the country well and must serve future generations more fairly and more responsively.

Clearly, the President's initiative is to be commended. Now it is time for Congress to act. To fail to respond to President Nixon's message is to fail to respond to the needs of millions of American citizens who depend upon the social security system.

MEMORIAL SERVICE AT LOVINGSTON, NELSON COUNTY, VA.

Mr. **BYRD** of Virginia. Mr. President, on Sunday, September 21, a memorial service was held at Lovingston, in Nelson County, Va., to express sorrow for those who lost their lives during the devastating floods which struck the area on August 19. The floods resulted from storms on the fringe of Hurricane Camille.

More than 100 Virginians lost their lives in the flooding, many of them in

Nelson County, one of the hardest hit sections of the State.

At the service, a splendid tribute to the dead, and to the living who came to the aid of flood victims, was delivered by Mr. Sam G. Eggleston, Jr., an attorney in Lovingston.

I ask unanimous consent that Mr. Eggleston's address be printed in the Record.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Living Memorials

Friends, Neighbors, Fellow-Nelsonians and Fellow-Virginians: We are appropriately assembled here this day, on this Memorial Field, in memory and tribute to our neighbors and loved ones who no longer walk among us—they having been taken from our midst by an epochal storm; from which, by the Grace of God, we were spared.

I know we come humbly. I trust we come united. I pray we come with the knowledge and blessed with the wisdom emcompassed in the scriptures, as set forth in the 8th Chapter of Romans where it is written at the 28th verse as follows:

"We know that in everything God works for good for those who love him."

When I was asked by two of our most beloved and able ministers to make this address, I said to myself, "Who am I that I should presume myself able to appropriately express and deliver a fitting eulogy? What can I say to honor the dead? How can I comfort the living? What words can portray the grief, describe the sorrow, or placate the void in our very being, as a result of this tragedy?" And yet—even though these questions remain unanswered, I am here.

Two years ago, in August, my family and I came among you as strangers, determined to adopt Nelson County as our home, but we failed, for before we accomplished our purpose you adopted us. From the very first day since we arrived here, everyone, from the headwaters of the Tye and Rockfish in the West to the James in the East, and from Afton in the North to Gladstone in the South, both the living and those now dead, received us openly—with kindness, helpfulness and encouragement. Is not this personal experience of my family a living memorial to the people of Nelson County—both the living and the dead?

On the night of August 19, 1969, in the midst of our adversity, at Tyro, at Massies Mill, at Lovingston, at Woods Mill, on Hickory Creek, on Davis Creek, on Stoney Creek, on the Piney, on the Tye, on the Rockfish and elsewhere, throughout the county, those who were awake and aware of the calamity which could come upon us, went from place to place, from neighbor to neighbor, to warn and to rescue them from the jaws of disaster. Are these acts living memorials to the people of Nelson County—both the living and the dead?

In the early morning hours of August 20th and in the days and weeks that followed, in the midst of our horror, shock, disbelief, grief and tragedy, neighbor turned willingly to help neighbor, with courage, resourcefulness and dedication. Are not these acts living memorials to the people of Nelson County—both the living and the dead?

But who among us believes that we have stood alone, or for that matter, could have stood alone? Certainly not a one of us here assembled, for when the full scope of the calamity which had struck became known, help came from every hand. From neighbors and friends in adjoining communities; from friends and strangers in distant communities; from our state agencies and officials, from our federal agencies and officials; from sources far and wide, too numerous to enumerate, the helpful compassionate spirit within men, in all walks of life, was directed to us in our tragedy. Were not these acts living memorials to the people of Nelson County—both the living and the dead?

Now, today, we have come to this place, built in memory of men who died in the tragedy of wars created by men, to remember in a public way, those neighbors and loved one taken from us in one of natures great tragedies. There are no words to adequately memorialize them, but within us is the will and spirit through which we can adequately memorialize them. Let us this day pledge to go forward, in unity of mind and in harmony of purpose, resolved to the depths of our very being, to build a new and better Nelson County which shall be a vibrant living memorial to our dead—whose faces are forever etched on our minds, and, whose spirits, shall forever live in our hearts.

TREATY HEARINGS

Mr. GOLDWATER. Mr. President, on numerous occasions during our consideration of the military procurement authorization bill, I urged the appropriate committee of the Senate to conduct an exhaustive investigation of this Nation's treaty commitments around the world. It was my belief that this information was essential to our efforts to reach any kind of sound judgment and legislative conclusions regarding the projected level of our military expenditures.

It was my firm belief that this body and the American people were in need of a full understanding of our numerous treaties and agreements with other nations, especially those which commit us to armed intervention if other nations party to those treaties are attacked.

It is, therefore, gratifying for me to learn that a subcommittee of the Committee on Foreign Relations will tomorrow launch a reappraisal of our commitments under eight treaties which call upon us to defend 42 countries.

As I understand the program, the submittee, headed by the able Senator from Missouri (Mr. Symington), will begin its consideration of treaties that involve the countries of Southeast Asia with the exception of Vietnam. If the press reports of these hearings are correct, the subcommittee would start with agreements involving the Philippines and go on next month to agreements that involve Laos.

One thing that disturbs me profoundly about this highly worthwhile and long-needed reappraisal of our world commitments is the announced intention of Senator Symington to hold these hearings in closed session. I submit that there is no reason for secrecy in questions involving treaties which were openly ratified by the Senate. I believe there are no security matters that would be breached by cautious questioning of witnesses in open session.

But if there is very flimsy reason for having these deliberations conducted in secret, there is very great and overwhelming reason to have them aired publicly.

I say this because the American people have over the past couple of months been treated to a steady stream of arguments to the effect that we do not need to arm as heavily as our military leaders believe we should. Very little of this argument was conducted in secret. In fact, many special pleaders against the Pentagon and the Department of Defense estimates made free use of classified documents in their efforts to arouse Senate opposition to some weapons programs.

If anything, these forthcoming hearings represent the horse following the wagon. To make an educated judgment on our possible need for military expenditures in the future, it stands to reason that we should have first had in hand an up-to-date appraisal of this country's worldwide agreements which could commit us to armed intervention. It is one thing for the opponents of the ABM, the C–5A, AMSA, and other defense projects to argue that the time has come for the United States to pull back from its worldwide commitments such as the one which led us to our involvement in Vietnam. But it is something else for an honorable nation to forget its commitments to defend 42 countries should they be the victims of attack.

What I am saying is that one or even a collection of speeches on the Senate floor cannot erase the reality of signed treaties which place the honor, the integrity, the dependability and the credibility of the United States on the dotted line in the view of other nations of the world.

So I take this occasion to congratulate and encourage Senator Symington in his upcoming endeavor and to urge him as strongly as I possibly can to open these hearings for the inspection and consideration of the American people as well as for nonmembers of his subcommittee.

OPERATION OF WHOLESOME MEAT ACT OF 1967

Mr. HOLLAND. Mr. President, Congress passed the Wholesome Meat Act in December 1967, and it was signed into law (Public Law 90–209) on December 15, 1967.

As approved, the law provided for a 2-year period for the various States to comply with Federal standards for the inspection of red meats. It also provided that 1 additional year could be allowed for the various States to comply with the law if the Secretary of Agriculture found that satisfactory progress was being made by the States to comply with the act.

Mr. President, the 2-year period allowed in the act for State compliance will expire on December 15, 1969. I bring this to the attention of the Senate at this time because I understand that the regulations promulgating the act, which runs some 400 pages, were not published by the Department of Agriculture until about a month ago. During this interim period, from the time of passage of the act until the issuance of the regulations, the great majority of the States, including my State of Florida, have entered into Federal-State agreements under the Talmadge-Aiken Act.

Unfortunately, the delay in the publication of regulations by the Department, which I do not criticize in any way, as I understand completely the problems that confronted it upon passage of the act, will not allow the interstate packing plants in States which have entered into agreements with the Department of Agriculture to comply fully with the new regulations just issued. Therefore, I am hopeful—and I strongly urge this upon the Secretary of Agriculture—that States which have entered into agreements with the Department and which are earnestly endeavoring to comply fully with the law will be allowed the additional year's grace period to comply, as provided in the act as approved. I believe this is only fair and reasonable in view of the lateness of the issuance of promulgating regulations by the Department.

I ask unanimous consent that an editorial, entitled "Common Sense and Wholesome Meat," published in the Florida Times-Union of Friday, September 26, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Florida Times-Union, Sept. 26, 1969]

COMMON SENSE AND WHOLESOME MEAT

The intrastate meat packing industry and state enforcement officials are on solid ground in protesting as unreasonable the rapidly approaching December 15 deadline for setting up approved intrastate meat inspection programs complying with regulations issued under the authority of the Wholesome Meat Act of 1967.

Under the law, unless states agree to establish such an approved program before the deadline, providing inspection of meat sold entirely within the state under standards "at least equal to" federal standards in interstate meat marketing, the federal government is empowered to move in and take over the inspection of intrastate operations.

The difficulty arises from the fact that although the law was passed more than two years ago, it took the Agriculture Department two years simply to draft the regulations with which state inspection systems would be expected to comply.

The regulations, running to more than 400 pages, were published only about a month ago, leaving the states only four months to learn and prepare to do what they would be required to do in order to conform.

Florida is in at least as favorable a position as any other state in compliance with the law. It signed the required federal-state agreement on July 1, becoming the 40th state to do so. Since then, four others have signed, leaving only six—Connecticut, Indiana, Maine, Nebraska, New Hampshire and Wyoming—which have not signed.

Florida state inspection officials say the standards under which the state's intrastate packing plants operate comply fully with the new code, and more than 140 inspectors are on duty in the state's plants to enforce compliance.

Relief is available under the law for the squeeze some states now find themselves in. A provision of the act permits a one year extension of the deadline for states which are making "significant progress" toward compliance. J. Phil Campbell, former Georgia Commissioner of Agriculture and now assistant Secretary of Agriculture with jurisdiction over the Wholesome Meat Act, has indicated Washington under the present administration would be far more likely to grant extensions than to move in and take over intrastate inspection.

If such is the case, it would afford a welcome change from the former pattern of operation which led to the present squeeze and which strongly supported the suspicion that the federal agency was more interested in harassing the states than in encouraging and helping them to do an adequate job for themselves.

LAKE SUPERIOR

Mr. NELSON. Mr. President, tomorrow, the Federal-State conference on pollution of Lake Superior will reconvene in Duluth, Minn., to make recommendations for a cleanup program. The conference was called last January by former Secretary of the Interior Stewart Udall after I had for several years been urging the Governors or the Federal Government to take this essential step.

The danger flags are up on this last clean Great Lake and third largest body of fresh water on earth. Federal reports have shown that the fragile ecology of this lake is already being affected by pollutants that could set off that disastrous and destructive chain of events which we have seen time and again on other lakes in this country. We need only to look at Lake Erie to see the result.

The major uncontrolled pollution source on Superior is at the Reserve Mining Co. taconite processing plant on the Minnesota north shore. There, 60,000 tons of taconite tailings—waste from low-grade iron ore processing—are being dumped into the lake each day.

If, as scheduled, the plant operates at current levels for the next 40 years, it will put into the lake 1,881,600 million pounds of taconite tailings.

Incredibly, 1 year of Reserve's tailings discharge nearly equals 30 years of natural discharge of sediments by all U.S. tributaries to Lake Superior.

There should be absolutely no question that this artificial discharge of massive amounts of material into the lake is a pollutant, and is bound to have serious and possibly catastrophic long-range consequences. For instance, Federal reports have concluded that the tailings are already damaging the ecology of a portion of the lake, and are affecting unique Lake Superior values such as its low mineral content, extreme clarity, limited fish spawning grounds, and the deep blue color of the water.

Yet Reserve Mining Co., jointly owned by Armco and Republic Steel Corps., denies there is any problem at all. Most recently, the company has been running newspaper advertisements stating that "the tailings are having no harmful effects whatsoever on Lake Superior."

It is extremely unfortunate that Reserve continues to spend money to promote an already disproved case, rather than investing in ways to avoid any further damage to this priceless international resource.

It is a classic case of industry indifference to its responsibilities to make protection of our environment a part of doing business.

And it is a nationally significant test of the effectiveness of our present Federal water pollution control law. If appropriate Federal and State action is not taken to halt this pollution, I will introduce an amendment in Congress that will make it unmistakably clear in the law that pollutants such as the taconite tailings must be dealt with, whether they are defined as "interstate" or "intrastate"; or inorganic or not.

Unfortunately, the first meeting of the Lake Superior conference, last May, did not reveal that any public agency, State or Federal, was ready to act.

I would hope that at this critical stage, with the conference reconvening to make cleanup recommendations, the Governors of Wisconsin and Minnesota will remove any possible obstacles to appropriate action by initiating a request to the Secretary of the Interior that all Lake Superior pollution, interstate or intrastate, be declared a matter of conference jurisdiction. This would remove any question as to whether the taconite tailings pollution can be dealt with under present law.

It is also important that the Federal Government not hesitate tomorrow in removing any doubt that there is adequate authority to deal with this dangerous pollution source, and that the Federal conferees insist on action.

It is almost inevitable that the tailings have moved to the Wisconsin side of the lake and are affecting fish and other aquatic life.

There should be little difficulty now in making this clear from a scientific point of view. Last May, the Federal conferees revealed evidence that showed almost conclusively that the tailings had moved across State boundaries. They said the further necessary research would be done to resolve any questions that might have remained. The more than 4 months that have passed should have provided ample time to do any further work needed to make a final technical determination.

I might also point out that Senate bill 7, the water quality bill scheduled for Senate floor action shortly, provides that the States must certify that federally licensed projects meet their water quality standards.

Since the U.S. Army Corps of Engineers permit for the Reserve operation is now up for revalidation, the provisions of S. 7 clearly would apply.

Thus, if enacted, Senate bill 7 would require that if not reissued within a year, the corps permit to Reserve could be revalidated only if the State of Minnesota certified that the taconite operation was meeting its water quality standards for Lake Superior.

Even if the corps reissued the permit within a year, Minnesota certification would still be required within 2 years of S. 7 enactment, or the corps permit could not continue.

Without question, these new provisions in Federal law would make it impossible for the State of Minnesota to continue to ignore this serious pollution problem sitting right on its doorstep. They would require the State to make the reassessment of the Reserve operation that is so long past due. Review by the State of Wisconsin for the taconite effects on its Lake Superior standards would also be appropriate.

If the Federal and State conferees at the Lake Superior conference do not act, then Congress must. It is time we said, as a nation, that no one has a right to pollute the air, the water, the land. It belongs to us all, and must not be used for the special benefit of any community, or company, or individual.

There is no better place to start than on Lake Superior, which is uniquely well qualified for the very best protection we can give it.

NEWS PRESERVATION BILL

Mr. FONG. Mr. President, everyone knows that nothing is more vital to our democracy than the fullest possible reporting of news events and the widest possible dissemination of these reports, together with editorial comment and analysis; and no industry is more important in accomplishing these things than the newspaper industry.

Within our system of competitive enterprise, the newspaper's ability to perform these essential roles in our society depends not only on its journalistic excellence, but also on its ability to succeed as a commercial venture.

To assure the free flow of information and to assure public access to a variety of editorial voices, we must see to it that first amendment principles are rigorously adhered to; but, just as important we must foster editorial competition and diversity as much as possible in every community.

During a series of hearings on this issue called last year and this year by the very distinguished and able Senator from Michigan (Mr. HART), as chairman of the Subcommittee on Antitrust and Monopoly—hearings which were thoroughgoing in the investigation of a very complex problem—considerable evidence was presented showing that although the total number of newspapers in operation has not changed radically over the years, nevertheless economic conditions have created a situation in which a very large majority of American communities have already become one-newspaper communities.

As of early 1968, only 45 of 1,500 daily newspaper cities had two or more competing dailies. Editorial competition between different publishers has been maintained in 21 cities only by resort to joint operating arrangements. Thus, only by resort to these joint arrangements have separate editorial voices in the 21 communities, including the city of Honolulu, been preserved.

The Antitrust Subcommittee's hearings also revealed that this startling trend away from multiple-newspaper cities, and the trend toward a centralization of control of the printed newspaper media has been produced by economic conditions which have made it increasingly difficult for many newspapers to coexist in the same community under conditions of all-out economic competition.

In response to these economic pressures, the newspaper industry developed the joint newspaper operating arrangement in order to achieve two goals—one, to reduce costs and thus eliminate potential losses, and two, to maintain editorial independence. In this way, two newspapers, one of which was in a threatened economic condition, were able to maintain their editorial independence by combining their production and business operations. The joint arrangement permitted a substantial reduction in costs by eliminating duplicate equipment and manpower, and especially by more efficient use of expensive printing plant facilities.

In 1967, the Department of Justice interpreted the Nation's antitrust laws in such a way as to rule that these joint operating arrangements were illegal and subject to prosecution under the antitrust laws. The Department thus brought suit against one of these joint arrangements.

It was in response to this interpretation and action by the Department which prompted the drafting and introduction of the newspaper preservation bill, S. 1520.

This proposal, which I consider an extremely significant and vital piece of legislation, is now pending in the Senate Judiciary Committee which will no doubt soon act upon it.

On September 25, the Committee on the Judiciary of the House opened hearings on a companion measure, H.R. 279.

In connection with those hearings, Mr. Roy C. Kruse, administrative officer of the Hawaii Newspaper Guild, AFL–CIO, testified and strongly supported the bill on behalf of the approximately 400 members of his labor union—whose members work on the two major Honolulu dailies, the Advertiser and the Star-Bulletin, on the Hawaii Tribune Herald of Hilo—which publishes daily except Saturday—and the semiweekly Maui News.

Mr. President, I commend this outstanding testimony to each Member of the Senate. It is an especially lucid and clear exposition of the situation in the city of Honolulu and the implications the News Preservation Act holds for my community. I ask that the text of Mr. Kruse's statement be printed in the RECORD in full at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROY C. KRUSE ON THE NEWSPAPER PRESERVATION ACT

Mr. Chairman and members of the Subcommittee, my name is Roy C. Kruse and I am the Administrative Officer of the Hawaii Newspaper Guild, Local 117, affiliated with the American Newspaper Guild, AFL–CIO. I appear today on behalf of the approximately 400 members of the Hawaii Guild; they work on the two major Honolulu dailies, The Advertiser and The Star-Bulletin, on the Hawaii Tribune-Herald of Hilo, which publishes daily except Saturday, and the semiweekly Maui News.

I was born in Honolulu 39 years ago, attended the public schools, and in 1950 began work as a printing salesman in the Star-Bulletin's printing company. In 1956 I joined The Star-Bulletin's newspaper operation as a member of the advertising sales staff, served in that capacity until 1962 when the Star-Bulletin and Advertiser entered into a joint operating arrangement; I then became an advertising salesman for the Hawaii Newspaper Agency, which conducts the commercial functions for the two papers, and held this position until taking on full time Guild duties as Administrative Officer on July 1 of this year. For the preceding nine years I served as President of the Hawaii Newspaper Guild. So I appear today as one who has spent the past 13 years in daily newspaper advertising sales in Honolulu and who for the last nine of those years has been President, and now Administrative Officer, of the Hawaii Newspaper Guild.

During all of that time I was a leader of the Guild team which negotiated independently with The Star-Bulletin and The Advertiser. In The Advertiser contract discussions I was the only Guild representative who was not a member of The Advertiser staff; it was clear that The Advertiser was facing certain death or a complete takeover by The Star-Bulletin unless a merger of just its commercial functions could be worked out with The Star-Bulletin. I have never revealed until now that The Advertiser opened its books to us to show the desperate state of its finances.

It was losing money heavily, its efforts to obtain further loans failed, it had outmoded equipment which it estimated would require a minimum of $1.4 million to replace. Honolulu, with its roots in a plantation economy, had historically been an early-rising community which preferred to read newspapers *after* work. There was a great gap between the morning Advertiser's circulation and, therefore, advertising lineage and those of the afternoon Star-Bulletin. It was obvious that with rising costs and increasing competition from television and radio stations that the Honolulu market could not keep alive two daily newspapers without a consolidation of their commercial departments.

Even so, we of the Guild and the members of the other newspaper unions in Hawaii were extremely apprehensive about what might result from a joint operating agreement. At the time, even though the newspapers consulted with us about their plans, we feared we would lose job opportunities and thus lose members.

Today, a little over seven years later, we have full and sincere confidence in the newspaper industry in Honolulu. Viewing it first from the standpoint of a union, we have lost no work opportunities; in fact, we in the Guild have experienced an increase of more than 50 percent in our membership, from January 1962 through January 1969. And every other union represented in the newspapers in Honolulu has also shown substantial growth. Our contracts with The Star-Bulletin and The Advertiser and the Hawaii Newspaper Agency have produced salaries which are more than 50 percent higher, throughout the entire plant, than in the pre-joint production period. So in terms of the people who work at the two newspapers, the present arrangement is healthy and beneficial—and greatly needed.

From the standpoint of the buyer of advertising space, it is likewise a highly satisfactory and productive situation. Businessmen who advertise can purchase space in both newspapers today at a *lower* cost than they could prior to the joint arrangement more than seven years ago, and this in the face of higher circulations by both papers. This has been made possible by sharing with the advertisers the ecnomies effected by the joint facility. It is, of course, optional with the buyer of advertising as to whether he wants space in one paper or in both; in some cases they prefer to use one paper more heavily than the other, although more and more there is a fuller use of both papers.

As a longtime salesman of advertising, as one who for 13 years made personal calls on scores of accounts, I can speak first-hand about how pleased the business community in Honolulu is with the daily newspaper situation, as now constituted.

I think it says a great deal that the Retail Board of the Chamber of Commerce of Hawaii, representing more than 600 firms, large and small, has solidly voiced its support of the Newspaper Preservation Act. So have the merchants of the Ala Moana Shopping Center, one of the world's largest. So have the Japanese and Chinese Chambers of Commerce. And so have many operators of supermarkets and other enterprises.

I am convinced that while they speak as businessmen, they are also aware of the importance of the joint newspaper arrangement to the general readership. Certainly, the unions are. The Newspaper Preservation Act has been endorsed not only by the Guild but, also within the industry, by the Honolulu Printing Pressmen & Assistants Union, Local 413; the 1,400-member International Association of Machinists, Lodge 1245 (AFL–CIO); the Lithographers & Photoengravers International Union, Local 201 (AFL–CIO); the 26,000-member International Longshoremen's and Warehousemen's Union, Local 142, which represents the circulation employes.

Other labor unions who have endorsed the legislation include the 17,000-member Hawaiian Government Employees' Association; the 7,500-member United Public Workers; the 4,500-member Carpenters Union, Local 745 (AFL–CIO); the 4,000-member Teamsters & Allied Workers, Local 996 (AFL–CIO); the 4,500-member Hotel, Restaurant Employees and Bartenders Union, Local 5 (AFL–CIO); and the 7,500-member Hawaii Education Association, which consists of school teachers and administrators.

In the field of government, the State Legislature of Hawaii unanimously adopted a concurrent resolution backing the Newspaper Preservation Act. The Honolulu City Council and the governing body of every other county in the State—Maui, Kauai, Hawaii—has also endorsed the measure.

This amazingly widespread support demonstrates the high regard in which the two newspapers are held throughout the community and State. It is a high regard which I feel they have well earned through fairness in their news columns and vigorous commentary on the editorial pages.

Last month's issue of Honolulu Magazine, which in a limited way competes with the two dailies for advertising, said in answer to a letter to its editor about the Newspaper Preservation Act: Honolulu Magazine's editors believe that in the case of Hawaii's two largest dailies "the community has gained since they combined plant, ad and circulation facilities. Their editorial departments are fiercely competitive and the content of the two papers has never been better. Both papers have younger, brighter staffs—attracted by better pay made possible because of savings resulting from the mergings."

That, I believe, is an accurate capsule of the situation.

We have two separate, independent and healthy editorial voices that serve the people of Honolulu and the State with exceptional news coverage and distinctive points of view.

The Star-Bulletin, with a circulation now of 118,316, tends toward the conservative side on its editorial page. The Advertiser, with a daily circulation of 71,063, has a more liberal outlook. The Star-Bulletin takes the Associated Press, the United Press International and the New York Times news service. The Advertiser uses the United Press International and the Washington Post-Los Angeles Times news service.

On Monday morning, The Advertiser by special arrangement prints the two-page Review of the Week from the Sunday Los Angeles Times and that afternoon The Star-Bulletin carries the Sunday New York Times' review section. I know of no other two papers in the same market which provide this for their readers.

Because Hawaii has a special responsibility as a bridge between the U.S. and Asia and the Pacific, the two papers frequently send editors and reporters through the region for first-hand reports. These are often reprinted and made available to the public, private and parochial schools for classroom use.

The news and editorial staffs of the two papers are highly competitive. Both are highly public-service-minded, with full-time writers in such fields as planning and education.

The editorial pages of the two papers often differ in their outlook. I cite one example: The Advertiser has a policy of editorially endorsing candidates in all major races at election time; The Star-Bulletin usually endorses in fewer races and sometimes not at all.

When the Legislature is in session, the Honolulu dailies assign more staff and provide more space for coverage than any other paper in the U.S. with which I am familiar. Their reason, of course, is that they feel the citizen needs full information about the government process if he is to make intelligent judgments and act on them. The League of Women Voters has publicly praised the Honolulu papers for their outstanding service in this field. So has the Legislature.

Further evidence of the editorial quality and competition of The Star-Bulletin and The Advertiser is in the awards and honors won by the papers.

Each of the papers presently has a staffer traveling on study grants from the Alicia Patterson fellowship fund, a Star-Bulletin reporter in Eastern Europe and the editorial-page editor of The Advertiser in the South Pacific.

Reporters of both papers have won fellowships to seminars and study programs at such leading universities as Stanford and Northwestern.

Each of the papers has won a national Headliners' Club award. The Advertiser's editor, who was a Nieman Fellow at Harvard, is a winner of the Overseas Press Club award for outstanding interpretation of foreign affairs.

The papers have won local and national honors for medical reporting, for science reporting, for traffic safety campaigns, for excellence in the coverage of city and regional planning.

The editors of the Honolulu papers are both extremely active in community affairs, including directorships in the Friends of the East-West Center, the institution of technical and cultural interchange which you gentlemen of the Congress finance; in the Pacific and Asian Affairs Council, which conducts world affairs forums for thousands of Hawaii high school students; in the Honolulu Symphony Society and numerous other community organizations.

The Advertiser sponsors a Contemporary Arts Center in the News Building, primarily designed to encourage and recognize the paintings and sculpture of Island artists and to widen public appreciation of the arts. This arts center two years ago won a national "Business in the Arts" award from Esquire Magazine.

I have gone into some detail about the editorial excellence and community service of the Honolulu papers to demonstrate that participation in a joint operating arrangement need have no effect on the intense editorial competition or on the high sense of journalistic craftsmanship.

Hawaii is a young and vibrant State, the nation's youngest, having observed its 10th anniversary of Statehood only last month. It places tremendous emphasis on education, at all levels. It has a young population. It is a society which needs and must have the widest possible competition of news, ideas and opinion. Television and radio, as all know, are essentially media of entertainment. Both provide news programs but these represent but a fraction of the broadcast day. For a citizen to be truly informed he must read—he must read not only "spot" news but the kind of background and analytical articles which in Honolulu both papers provide on a regular basis.

Even though my years in the newspaper field have been devoted to the commercial side, to the sale of advertising, I recognize that newspapers fundamentally exist to present news and commentary, for without competition in ideas our free society cannot survive.

The late Joe Liebling of the New Yorker magazine, a very perceptive critic, once wrote that "A city with one newspaper or with a morning and evening paper under one ownership, is like a man with one eye—and often the eye is glass." In some cases that may be harsh, but certainly no one can argue that a community is better served by one voice than by two independent voices.

In Honolulu, I have at times been asked whether the arrangement between The Star-Bulletin and The Advertiser could not function just as well if it were limited to the mechanical operation, and possibly to a common business office, and did not include the advertising and circulation departments. My answer has been and is that it will not function as well; in fact, it won't function at all, since I believe the economies from the mechanical side are insufficient.

It is my understanding that in its best year since entering the joint arrangement, The Advertiser has never made as much as $300,000 net. If it had to establish a separate advertising department and a separate circulation department, it would very quickly be in the red and once again in danger of dying.

If it did vanish, I am enough of a realist and well enough versed with the economic situation in Honolulu to know that no new independent newspaper would take its place. The market would not sustain it. So the prospect would be for the Star-Bulletin to acquire The Advertiser and create a full monopoly.

I am no expert on newspapers nationally, but I can't recall a single city where one of two newspapers has died and a fresh, independent newspaper has moved in to take its place. On the other hand, suburban papers have flourished in Hawaii as elsewhere. I think it is pertinent that a chain of suburban papers in Honolulu and elsewhere in Hawaii was bought several years ago by a division of the Scripps League *after* the Honolulu papers had entered into their joint arrangement. To the best of my knowledge, those suburban papers are doing very well indeed. They, like other suburban papers, serve a most useful purpose in printing neighborhood news. But for wider local news and for national and international news, the reader is dependent upon city newspapers, especially at a time when world issues are more complex than ever.

The choice in Honolulu, and I say this with the deepest conviction, is between having a commercial merger with two separate, independent and hearty voices or having both a commercial and editorial monopoly with one viewpoint. The Newspaper Preservation Act would assure a continuation of the first, which operates to the benefit of the general community. A breakup of the present arrangement would result in the latter, bringing the tragic death of an important editorial voice.

On behalf of the Hawaii Newspaper Guild, I voice enthusiastic support of the Newspaper Preservation Act and express the hope this Subcommittee will act favorably on it. I should also like to submit for inclusion in the record the endorsements of the Guild, of other unions and of various government bodies in Hawaii. I am grateful to you for giving me this opportunity to appear.

THE FUTURE OF MAN

Mr. NELSON. Mr. President, there is great concern these days about national and world priorities, and how they are affecting the future of man. There is a questioning of the relevancy of many of our goals, and some of our values. There is an insistence by our youth that we take a new look at what "progress" really means, and that we pursue the objective of quality as well as quantity in our lives.

I believe it boils down to the fact that we are going through a historic period of reassessment, realizing that perhaps the greatest challenge we face as we enter the last third of the 20th century is finding new standards by which we must measure our achievements.

Will it be an achievement for America, for instance, to produce the supersonic transport plane, or will we simply be springing loose a technological innovation whose byproducts will be even more gigantic airport needs in already crowded metropolitan areas and an increase in the already noisy clamor of day-to-day living?

Will it be an achievement for America to produce an antiballistic missile and other exotic new devices, such as MIRV, the multiheaded nuclear missile, or will we simply be assuring a tragic new spiral in the world arms race?

Will it be an achievement to continue to produce an endless stream of automobiles that, as they are now made, spew masses of pollutants into our atmosphere each day?

An editorial entitled "Nigerian Debate on Man," written by Mr. Norman Cousins and published in the September 20 issue of Saturday Review, puts the question nicely. Mr. Cousins reports watching on television an interesting debate in Lagos, Nigeria, between a young man and a young woman on the future of the human race. The young man was pessimistic, the young woman was the optimist.

Mr. Cousins said:

> What was especially striking was the extent to which the evidence offered by both sides was drawn from life in the United States.

The debate judges awarded a verdict in favor of the young woman.

The real question, though, is which view will win the verdict of history?

At this stage, man is showing a tragic unwillingness to utilize his capability, which sets him apart from the other species, to manage his own destiny. Today, in fact, man can be said to be on the endangered species list. Some ecologists and biologists have already concluded that it will only be a matter of time before mankind breeds and pollutes itself to extinction.

The Nigerian debate on man raises grave questions which must move immediately to the top of our priority list. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Nigerian Debate on Man

(By Norman Cousins)

Watching our hotel television set in Lagos, Nigeria, we were fascinated by an hour-long program in which college students debated the proposition that the human race is decadent. The debate took the classical form, with prepared opening statements followed by rebuttals and counter-rebuttals, and with supporting statements by members of each team. What was especially striking to an American observer was the extent to which the evidence offered by both sides was drawn from life in the United States.

The Nigerian student who took the gloomy view of the human race was a tall, bespectacled, neatly dressed young man. He spoke about the personal tragedy in store for any leader who genuinely tried to upgrade the conditions of life, then referred to the assassinations of four men—John F. Kennedy, Robert F. Kennedy, Martin Luther King, and Kenya's Tom Mboya. Any civilization that is unable to tolerate men of stature, he said, could only be considered decadent.

The young man proceeded to develop the theme that violence was the dominant characteristic of our time. He cited the large number of Nigerian television programs glorifying brutality or cruelty. I couldn't help noting that most of the programs were imported from the United States. He then said that most of the energies of mankind today were turned to the manufacture of weapons that could smash civilization beyond recognition or repair. He found it difficult to accept the argument that these weapons would never be used in actual warfare. He reminded his viewers that the United States had not hesitated to use atomic explosives even on a living target, not once but twice, when it was in its interest to do so. He also spoke about the great disparity of wealth in the world, pointing to the fact that 80 per cent of the world's goods was produced or owned by only 6 per cent of the world's peoples—again a reference to the United States.

The young man referred to the increased poisoning of the human environment. He spoke of millions of dead fish in the Rhine River and the Great Lakes to prove his point that man was unable to use his scientific knowledge in his own interest. He quoted from sociologists who warned it may be only a few years before all the oceans will be vast dead bodies of water unable to contribute any longer to the sustaining of life on land. He spoke of the mammoth automobile industries and the networks of highways as creating a perilous combination resulting in vast quantities of poisons in the air.

The television camera panned to the applauding studio audience as the young speaker observed that man reveals himself in his entertainment. He declared that the dominant entertainment tastes today were depraved, judging by motion pictures, plays, books and magazines. In particular, he spoke of Broadway plays in which men and women cavorted in total nudity and exploited each other's bodies, not excluding sexual intercourse on stage. He referred to the high divorce rates in many parts of the world, then quoted from research studies showing the prevalence of extramarital relations in the United States and elsewhere. All in all, he said, the preponderance of evidence was that our age was not merely decadent but downright degenerate.

The young man acknowledged the further applause of the studio audience and stepped down. His opponent, a lovely and attractively dressed young lady, came forward. She began by saying that at any given time in history it would be possible to point to any number of serious faults in the human record. But the general movement of history was forward. Man was not perfect but he was at least perfectible. Whatever his propensity for error, she declared, he had an unerring instinct for justice that was at least equal to his instinct for survival. Man's ability to define the right and his insistence on achieving it, even at fearsome cost, were his main tools in fashioning an ever-better life. She spoke of the inexorable process by which peoples liberated themselves from outside rule, beginning with the American Revolution of 1776 and extending to the national freedom movements in Africa today.

The young lady did not despair of man's ability to use his science for his own good. She felt that human intelligence was on the verge of its greatest victories; disease, ignorance, poverty, and venality would eventually all fall before it. Meanwhile, all humanity could exult over man's voyage to the moon, representing as it did the combined triumph of man's knowledge, technology, and spirit. She emphasized the expedition to the moon as offering proof of man's ability to meet any problem worth meeting.

The sense of affirmation was vibrant in everything she said and was reflected in the enthusiastic and frequent applause of the studio audience. It didn't take the judges very long to reach a unanimous decision in favor of the young lady.

To repeat: What seemed most significant about the TV debate to an American viewer was the frequency with which the debaters referred to life in the United States for their main arguments, and the ease with which they could find evidence that was salutary or saddening. There is nothing new, of course, in the fact of the American mixture as a center of world attention. This side-by-side abundance of the good and the bad in the United States is a phenomenon that has attracted the analytical eyes of America-watchers all the way back to Tocqueville and Crèvecoeur. What is new today is that we have aroused fresh expectations and anticipations.

The message from the moon which we have flashed to the far corners of this planet is that no problem need any longer be considered insoluble. When we mobilize brains, energies, money, and resources on an unprecedented scale in putting a man on the moon, we also proclaimed the doom of disease and squalor in the human habitat. For no one is going to believe any longer that we can sustain human life on the moon but are unable to do it on earth.

The young Nigerian lady, in her television debate, spoke for millions of people everywhere when she declared she had new hopes about the human future as the result of America's demonstration of man's infinite capacities.

Now, when does our mobilization against famine, wretchedness, and unnecessary death begin?

ISOLATIONIST HYSTERIA

Mr. DOLE. Mr. President, there are some in America who have, apparently, succumbed to an isolationist hysteria, the like of which we have not seen in this century, not even in the days before World War I or World War II.

They would have us withdraw not only from Vietnam, but also from Laos and Thailand. And if they succeed there, would they have us abandon our commitments to the rest of Asia and eventually to Europe?

Finally, would they have us curl up in the fetal position and withdraw, literally and actually, from the world?

The demand from the Nation surely is not that great; and surely is not a demand that we abandon honor and principle and responsibility.

Some would have the Nation flee when no man follows. Others would destroy the right and duty of the President of the United States to conduct the foreign affairs of the Nation.

A sample is clearly evident in the effort by some to turn the U.S. presence in Laos into a cause célèbre.

Mr. President, the Washington Star yesterday, in a lengthy editorial, put our presence in that little country in the proper perspective. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Another Vietnam Unlikely in "Secret" War

Efforts on the part of Senators John Sherman Cooper, Mike Mansfield and Stuart Symington to force a full-blown debate on the U.S. role in Laos—with the inference, in Senator Mansfield's words, that we could get involved there "in the pattern of Vietnam"—are ill-advised, badly timed and dangerous.

They are ill-advised because the senators concerned—and any members of the press or public interested in the question—would have to be remarkably obtuse not to know what the small number of U.S. troops and intelligence agents are doing in Laos and why they are doing it.

They are badly timed because Senator Symington's subcommitteee on foreign commitments will begin hearings on the subject on October 14, which is the beginning in Laos of the dry season which traditionally heralds a major offensive by the Communist Pathet Lao and their North Vietnamese allies. Consequently, Communist negotiators at the Paris peace talks once again will be in the happy position of having at their disposal quotations from high U.S. officials to justify North Vietnam's far greater intervention in the Southeast Asian jungle kingdom.

They are dangerous because, as anyone capable of distinguishing between the Jersey Turnpike and the Laos-straddling Ho Chi Minh Trail should appreciate, American ability to inderdict the flow of North Vietnamese men and supplies into South Vietnam—and to deny landlocked Laos to the Communists—has a direct bearing not only on the conduct of the war in Vietnam but on the future political shape of Southeast Asia

Laos, as visitors to that improbable land know, is more a state of inertia than a nation. Conditions there have been desperate but not serious for years. A long, squiggly, Idaho-sized blob of apple-green mountain and jungle which touches upon Red China, the two Vietnams, Burma, Thailand and Cambodia, it lacks geographic, linguistic or ethnic unity, produces little and exports nothing but illegal opium and smuggled gold.

Political scientists who seek a rational solution to the problem of Laos, which has been catapulted abruptly into the Fifteenth Century by recent events, are trying to build on sand. Most Ho, Lu, Kha, Khalom, Black Thai, Meo and Yao tribesmen—some of whom have been advised by American intelligence agents in the war against the Communists since 1964—would not know King Savang Vatthana from Frank Howard, Equally, 99 percent of the third of the country's three million people nominally under Communist control would find it difficult to distinguish between Karl Marx and Groucho.

The rest of the population, Buddhist, valley-dwelling Lao closely related to the Thais, don't even call the kingdom Laos, To them it is LanXan, which means "Land of One Million Elephants and the White Parasol."

To Laotian hillbilly and flatlander alike, American "kings" with implausible names such as Kennedy, Johnson and Nixon—despite the herculean efforts of USIS—remain remote, almost mythical monarchs who, for reasons best known to themselves, delightfully drench the country in economic and military aid totaling nearly one billion dollars since 1955.

Laos, as it always has been, remains run in Byzantine fashion for the benefit of its top 100 families, be they pro-Communist, pro-Western or, more ingenuously, pro-themselves. Even those who have lost out have not done too badly: General Phoumi Nosavan, former right-wing deputy premier and sometime CIA protege, is alive, well and rich in Bangkok; Captain Kong Le, the Hamlet-like former neutralist not-so-strong man, now savors the delights of Hong Kong.

The French, who had ruled it since 1893, created the kingdom of Laos in 1946 by pasting together the principalities of Vientiane ("The Place of Sandalwood"), Luang Prabang and Champassak. They gave the throne to King Sisavang Vong of Luang Prabang, thought to be the most tractable of the three pretenders. The gentle king died in 1959 and in his place reigns his crew-cut French-educated son, Savang Vatthana, 62.

The Lao, who are Buddhists of the Little Vehicle (they believe Buddha was a great prophet, not God), loathe taking life and are among the world's most reluctant warriors. But the long-haired, tattooed hill-tribes, advised by American agents and supplied by the CIA-chartered aircraft of Air America and Continental Air Services, are animists and hence untroubled by this confessional impediment.

Although there have been exceptions, most encounters between opposing units—there are as many armies in Laos as there are political persuasions—bear a marked similiarity to the campaigns of old-time Chinese war lords: Much marching and countermarching, mutual heroic posturing, a tremendous expenditure of ammunition . . . and few casualties.

Some 97 U.S. airmen have been lost over Laos. Even allowing for a far deeper U.S. involvement in Laos than seems probable—President Nixon said Friday that our activities there are confined to "logistical support and some training" plus "some other activities"—it is doubtful if more than 200 American lives have been lost in Laos over the past decade.

If the Lao do not enjoy fighting, they are addicted to pagoda parties (a mixture of state fair, fireworks display, revival meeting and barbecue), cremations (jolly affairs designed to dispatch the departing spirit to its reincarnation in a good mood), badminton, charcoal-broiled toads, story-telling and, unaccountably, parachuting.

It is the tyranny of geography which has betrayed this fragant land and its shy, improvident people. Forming the Indochinese peninsula's central corridor, the rice-rich Mekong River valley flanks embattled South Vietnam, forms a long border with anti-Communist Thailand and touches upon neutralist Cambodia. For this reason alone, while absolute control of Laos is essential to neither side in the Vietnam war, each must seek to deny the other domination there.

The fourteen-nation 1961–62 Geneva Conference accords, signed by both Vietnams, the U.S., Russia and Red China, guaranteed the neutrality of Laos, called for the withdrawal of all foreign troops, and created a dangerous power-vacuum. According to Averell Harriman, Hanoi violated that accord "before the ink of the treaty was dry": The U.S. pulled out its 666 military advisers; North Vietnam, which had an estimated 7,000 troops there, withdrew only 40 through official control points.

Both China and North Vietnam now are flagrantly violating the Geneva accord. Peking has two battalions of troops in northern Laos guarding coolies building a road leading from the Chinese border to a hamlet called Dienbienphu near the North Vietnamese frontier. The North Vietnamese, according to Laotian Premier Prince Souvanna Phouma—whose half-brother, the decidedly unproletarian Prince Souphanouvong, is titular head of the Pathet Lao—have 60,000 troops in Laos (at his press conference on Friday, President Nixon set the number of Honoi's troops in Laos at 50,000 with "more perhaps coming").

Not too much should be expected from the recent recapture after five years of the Plain of Jars by the American-backed Meo irregulars of General Vang Pao. The government's objective apparently is to clear the plain of civilians anxious to escape conscription into the Pathet Lao, to deny the rice crop to the Communists, and to knock off balance the expected Pathet Lao dry-weather offensive.

That offensive will have two objectives: To solidify Communist control of the Ho Chi Minh Trail and to make the case that anti-government "neutralists" allied with the Communists are entitled to the eleven neutralist cabinet seats agreed to by the Geneva conferees, who gave four portfolios to the Communists (they left the government in 1963) and an equal number to the rightists.

Both sides, in short, are fighting the Laotian war for limited but important objectives. Even the most strident of the Nixon administration's critics has yet to claim that more than a couple of thousand U.S. government personnel—military, paramilitary or CIA—are involved in Laos. Small, covert and relatively bloodless wars fought by volunteers may not be desirable. But they are preferable to large, overt and bloody conflicts fought by draftees. And after the Vietnam experience, no American president in his right mind is going to allow a side show such as Laos to expand into a full-scale war involving commitment of large numbers of U.S. ground troops.

The most frequently heard Lao phrase is '"bo pen nyan," which can mean "never mind," "too bad" or "it doesn't matter." In that spirit, King Savang Vatthana has dealt with the pocket-war which has sputtered in his country since 1953 by ignoring it. Senators Cooper, Mansfield and Symington would be well-advised to do the same.

COURT ADMINISTRATORS

Mr. TYDINGS. Mr. President, despite hundreds of years of criticism, our courts are administered today in essentially the same way that they were two centuries ago. Congestion, waste, and delay, unfortunately, too often characterize many of our Federal and State courts. And too often in the past the only solution judges, executives, and legislators have offered to redress these evils are more judges or more supporting personnel.

This manpower, though often necessary, offers little hope for making our courts truly modern instruments of our justice. Courts will not have modern and efficient administration until they begin to tap the knowledge of management consultants and systems analysts. To date, such experts have largely been ignored in the development of ideas for improving the administration of our courts. In order to make our courts function effectively and to avoid administrative chaos, any court system of substantial size needs, as an integral part of its administrative machinery, a court administrator or executive subject to the general supervision of the judge responsible for administration.

The court executive should be skilled in modern management techniques and the social sciences and capable of utilizing such knowledge and modern business machines, including computers, to study and improve the administration of the court system. His job would be not only to plan more effective use of court space and supporting personnel, but also to streamline management of the court's calendars and dockets and supervise the flow of cases through the system. He would not make judicial decisions. He would be responsible for seeing that cases are moved to a point where the judges' art can be employed to hear and decide the matter.

A judge's time must be conserved for the exercise of the judicial function. He should not be, as too many judges are now forced to be, a personnel manager and a calendar controller. His expertise lies in applying the rules of law to the facts of a case and in preserving the integrity of our judicial process. His expertise does not lie, nor can it be expected to lie, in the more mundane but indispensable management function of assuring that cases are not lost or ignored on the dockets or that competent and professional supporting personnel are hired and employed effectively.

This year the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, was assigned the task of reviewing S. 952, a bill to create additional Federal district court judgeships. During the hearings on the bill, the subcommittee heard persuasive testimony disclosing not only a need for additional district judgeships, but also documenting the need to improve the administrative capacity of the Federal judicial system. The subcommittee recommended, and the Judiciary Committee approved amendments to S. 952 designed to improve the administrative efficiency of the Federal judicial system. I am proud to say that the Senate recognized that need, and on June 23, 1969, passed the amended version of S. 952, thus signaling its approval of not only additional judgeships for the Federal courts, but also several provisions designed to improve the administration of the courts. Among these provisions were amendments requiring the creation of a position of court executive for each judicial circuit and also permitting district courts with six or more permanent judges to appoint such an executive. The bill is now pending before the House of Representatives. Hopefully it will be enacted in the relatively near future.

As chairman of the Committee on the District of Columbia, I introduced, in April of this year, S. 1711, a bill to provide a court executive for the local trial court in the District of Columbia. The need for such an administrative officer was well documented in the District Committee's hearings on the operation of the local courts. Indeed, the so-called Ellison committee which has been studying in depth the operation of the District of Columbia courts for more than 2 years cited the need for a local court executive as the top priority in making the local courts operate effectively. The Ellison committee quite correctly declared in May that no method of court reorganization or transfer of jurisdiction could succeed without a professional court executive to supervise the nonjudicial functions of the local court.

When the administration put forth in July its long-awaited proposal to improve the courts of the District of Columbia, the proposal wisely included provision for a local court executive officer. The Committee on the District of Columbia endorsed this proposal in reporting to the Senate S. 2601, as amended.

During this year, then, we have witnessed two Senate committees report legislation to improve court operations and both committees have included court administrators in their proposals for improvement. Both committees have stressed that the court executive be a professional management expert who could bring his knowledge of systems analysis and social sciences to bear on court administrative problems. I genuinely believe, therefore, that the efficacy of better court operations through the use of professional management experts has been recognized. It is an idea that has come of age.

Support for the concept of court administrators has also come from a most important and influential source, the Chief Justice of the United States, the Honorable Warren E. Burger. Speaking in Dallas during the American Bar Association Convention, the Chief Justice gave clear indication of his intense interest in more effective court administration and clear support for court administrators. He argued eloquently and persuasively for the utilization of the services of skilled court administrators and endorsed the legislation passed by the Senate.

The Chief Justice's comments received much discussion in the press, and I ask that the several of these news reports and the Chief Justice's comments be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Louisville (Ky.) Courier-Journal, Aug. 14, 1969]

WHAT WE'VE BEEN DOING ISN'T WORKING

There is nothing new in what Warren E. Burger has been telling the American Bar Association about our correctional system and our courts. Others have made similar criticisms and called for changes.

The difference is that Warren E. Burger is the new Chief Justice of the United States, and his words have the prestige of the office behind them. We hope this is sufficient to stir the Bar Association to bring its influence to bear upon improving our penal system and modernizing our courts, in both civil and criminal procedures.

It is plain in his statements that the Chief Justice wants to shift the emphasis from the rights of criminal defendants to what happens to people after they are convicted. The implication is that we have been overly concerned with the rights of the accused. We do not agree, but the two points are not mutually exclusive. There is no doubt that we have not been concerned enough about whether our correctional system corrects. Our court system, as the Chief Justice says, is in many respects obsolete and inefficient. The administration of justice proceeds at a snail's pace. Except in details, Mr. Burger said, a criminal trial today is essentially the same as in Daniel Webster's day. "I do not know the answer," he added, "but I do know that the patience of the American people with the processes of litigation is wearing thin."

CRIMES ARE TOO FREQUENT

As a possible solution he suggested the training of skilled court administrators to take over the administration of much of court business, leaving the judges with more time to judge. He endorsed legislation before Congress to provide administrators for the federal court system. They are needed even more, however, in state and local courts.

As for the correctional system, Chief Justice Burger urged the Bar Association to take the leadership in a serious study of the way we handle people convicted of crimes and to underwrite the costs of a "comprehensive and profound examination into our penal system," including approaches to dealing with the abnormal psychology of the habitual offender.

God knows whatever we have been doing isn't working, as the daily run of crime news makes frighteningly clear. The recent outbreaks of bizarre and seemingly motiveless murders suggests that our society produces psychopathic personalities we are not prepared to cope with. We cannot spot them in advance; we do not know what to do with them when and if they are apprehended, except incarcerate them for varying periods of time.

Crimes of violence, whether motiveless or otherwise, we are entirely too frequent in a society which considers itself civilized. It is time for our best minds, in and out of the legal profession, thoughtfully, but with a sense of urgency, to grapple with the problem of crime in America.

[From the Valdosta (Ga.) Times, Aug. 16, 1969]

TOWARD JUDICIAL REFORM

For years the courts of our land have operated without basic change. The system is little different from what it was 100 years ago.

When there are demands for change, they usually come in the form of adding more courts and additional judges. The basic structure remains the same.

As a result court dockets are so crowded in some areas that it is three or four years before a case is called up. The progress of justice is so slow that in many cases justice is never served.

Lawyers and judges have recognized the problem for years. Yet little has been done.

It is one basically of court administration. Cases are handled on dockets and processed as though it were the 19th Century.

Chief Justice Warren E. Burger feels there are changes that must be made. In a speech to the American Bar Association he said it is not unusual for a criminal case to take three to four years as it goes through appeals. The Chief Justice pinned the blame on, among other things, the "lack of up-to-date effective procedures and standards for administration or management and the lack of trained managers."

The problem can not be solved by merely asking Congress or the state legislatures for more money, said Chief Burger. "We must demonstrate the need and make a solid case that court managers will be effective and possibly even save the country money in the long run," he said. There is a need for a review and revision of standards of judicial administration.

In short, the problem is one of bringing the courts of this land into this modern era. It is one of implementing sound practices of business administration.

Until our courts are put on a business-like basis, while retaining all safeguards demanded by our system of justice, they will continue to plod on almost totally in the dark with dockets stacked up and cases years behind.

[From The Dallas Morning News, Aug. 13, 1969]

BURGER PROPOSES CORPS OF MANAGERS

(By John Geddie)

Supreme Court Chief Justice Warren Burger revealed the third of three major proposals—the creation of a corps of court managers to expedite justice—during his final appearances here Tuesday before the American Bar Association.

Justice Burger said there is "urgent and immediate" need for a lay-member planning board and pilot programs to demonstrate the feasibility of a system of court administrators.

"The day is gone when a few judges resisted because they felt that court managers or administrators would in some way impinge on judicial independence," he said.

"With few exceptions—and I think they are very few—every large courthouse in this country regularly witnesses the spectacle of frustrated and angry citizens called for jury service and finding that perhaps 20 per cent of their time is spent in trials and 80 per cent just waiting.

"As I see it, the primary available option is to secure skilled managers to run the litigation machinery so that judges can get on with what they are presumed to be qualified to do—namely disposing of cases," he told the Institute of Judicial Administration at a Statler Hilton breakfast meeting.

He urged the ABA to contact the Federal Bar Association and the Institute of Judicial Administration in an effort to develop a plan palatable to state and federal legislators.

In his final apeparance before the ABA House of Delegates Tuesday afternoon, Justice Burger summarized his court administrator program and two other recommendations made in Dallas:

"I have urged and I now urge that the American Bar Association followup the great Criminal Law Project with a searching inquiry into the penal and correctional systems and the correctional problems at every level of government.

"Without it was continue the revolving door of crime-punishment-crime-punishment," he added. "Every one of the many organizations and institutions concerned with this problem should be drawn into this enterprise."

[From the Boston (Mass.) Christian Science Monitor, Aug. 23, 1969]

Justice Burger Speaks Out

(By Roscoe Drummond)

WASHINGTON.—Another voice of national leadership is being heard in the land—and to good effect.

It is the voice of the new Chief Justice of the United States, Warren Earl Burger, who is putting himself without delay or timidity at the head of a campaign to bring off a set of legal reforms touching nearly every aspect of the administration of justice.

VOLUNTEERS

His goal: to bring the nation's creaking judicial system—from outdated legal education to outmoded court procedures and prison methods—into the second half of the 20th century.

His strategy: to mobilize public-minded lawyers, law deans, social scientists, business administrators, and judges to volunteer their services to propose how best to do it.

His target: the leaders of the prestigious American Bar Association with whom Burger's relations are more cordial and cooperative than any recent chief justice, and public opinion from which the hot breath of popular pressure must come to help cut through the traditional resistance to change among lawyers and judges.

He is setting out to win support on both fronts simultaneously, and his beginning is impressive. He has just spent a week mingling with the members of the ABA with outstretched hand and a comfortable "Hello, I'm Warren Burger." They know him all right; they like him; they will be hearing from him often in the coming months.

Justice Burger is seeking to carry forward with something more than all deliberate speed the kind of legal reform which Chief Justice Earl Warren tried to get. He tried but didn't make much headway. The difficulty was that Warren's associations with both the state chief justices and the ABA soon became so controversial and strained—because of the direction of the Warren court decisions—that they were unable to work together effectively. Warren never attended ABA meetings after 1958.

SWEEPING CHANGES

Two things stand out from the public speeches and private conversations on which Justice Burger is embarked.

He is not talking about minor, peripheral reforms to tidy up the administration of justice. He is talking about improving *justice* not just improving its administrations. He is talking about radical, far-reaching, wide-ranging reforms modernizing legal education, shaking prison methods and correctional institutions to their foundations, and taking the management of the courts out of the hands of the judges and putting them in the hands of expert court administrators.

He is convinced that such sweeping changes in the ways things are done by the law and with the law must be forthcoming soon—with evidence at once that they are coming—if the administration of justice is to regain the confidence and respect of the American people as a whole.

He points out that jurors and witnesses "become frustrated and angry citizens when they find that 20 percent of their time is spent in trials and 80 percent just waiting around." Court procedures have become so slow that it takes years to bring cases to completion and the Chief Justice thinks it is not only unnecessary but intolerable and that public patience is wearing dangerously thin.

COURT ADMINISTRATORS

What to do? Burger contends that judges are not usually qualified to manage the courts any more than doctors are qualified to manage hopsitals. He proposes the training of skilled court administrators and giving them the authority to bring the courts out of the horse-and-buggy era.

He also urges that people with fresh minds take a look at the nation's penal institutions. After putting so much protective safeguard around the accused, he would like to see more attention given to rehabilitating more of those who are sent to prison and he favors creating a panel of social and behavioral scientists, correctional experts with a few lawyers (not too many) to produce new ideas on how to do better.

As to education, Burger holds that "the modern law school is not fulfilling its basic duty to provide society with people-oriented and problem-oriented" lawyers to meet the social needs of our changing world.

One thing is sure—the new Chief Justice is going to be heard, and he isn't going to stop until he is heeded.

Court Administrators: Where Would We Find Them?

(Remarks of Warren E. Burger, Chief Justice of the United States at Institute of Judicial Administration Breakfast, American Bar Association Convention, Dallas, Tex., Aug. 12, 1969)

The courts of this country need management which busy and overworked judges, with vastly increased caseloads, cannot give. We need a corps of trained administrators or managers, just as hospitals found they needed them many years ago, to manage and direct the machinery so that judges can concentrate on their primary professional duty of judging.

Such administrators do not now exist—except for a handful who are almost entirely confined to State court systems. We must literally create a corps of court administrators or court managers and we must do so at once. I propose a program to do this—at once—because the need is now, not at some distant future date.

For many years we have worked at improving the efficiency of handling or processing the trial of cases. Vanderbilt's Minimum Standards of Judicial Administration were a landmark but they must be brought up to date. The Institute for Judicial Administration, the Section of Judicial Administration, the Conference of State Trial Judges and many others have labored and their work has been very valuable. We dare not think how grave our problems would be if dedicated lawyers and judges and law teachers had not done so much.

The day is gone, I think, when a few judges resisted because they felt that court managers or adminstrators would in some way impinge on judicial independence. This always seemed to me an unfounded fear. Judges need trained help in administration or management in the same way they need skilled secretaries and court reporters who do for the judge what he cannot do for himself.

The pressing need for swift action was pointed up to me in a simple question put by a college student who read a news account of a criminal trial in which a guilty verdict had just been returned. The news account said that "informed legal experts" estimated it would be three or four years before the appeals and other processes were concluded, and longer if he secured a new trial.

The student then asked "Why should it take so long?"

This is not the question of just one baffled and troubled student. It is the question that millions of Americans—and countless friends of America in other lands—are asking.

Why does American justice take so long?

I could suggest several reasons why it takes so long but today will focus on just one of the reasons—which has two parts. That reason is the lack of up-to-date, effective procedures and standards for administration or management, and the lack of trained managers.

We know that, except for human anatomy, virtually all basic medical knowledge of 25 years ago is obsolete. Most industrial production and business management techniques have changed drastically in that period. Ponder for a moment if you will on the changes in air transport and the space program not in 25 but in 10 years.

Is it not a paradox that, except in details, a civil or a criminal trial today, for example, is essentially the same as in Daniel Webster's time? With slight brief on how to move to exclude evidence, Webster could step into any court room in America and be quite at home. Is it inevitable that all the mechanisms for resolving legal issues should be immune from change? Frankly, I do not know the answer but I do know that the patience of the American people with the processes of litigation is wearing thin.

With few exceptions—and I think they are very few—every large court house in this country regularly witnesses the spectacle of frustrated and angry citizens called for jury service who find that perhaps 20% of their time is spent in trials and 80% just waiting. Witnesses called for a precise day and hour, having left their private concerns, find themselves, like the jurors, spending most of their time waiting. Expert witnesses fume and fuss at the waste of their professional time. We should not be surprised that most of these people criticize the courts.

Many lawyers have come to accept this philosophically and many have simply surrendered to "The System." The public will not.

Whether the future will bring basic changes in the litigation mechanism no one knows; answers to these larger questions must wait. Now—immediately—we must take some emergency steps to meet what may be called problems of deferred maintenance and modernization of our court machinery. In the short run we must do the best we can with parts of the machinery and take whatever steps are available to us. As I see it, the primary available option is to secure skilled managers to run the administrative machinery so that judges can get on with what they are presumed to be qualified to do—namely trying and disposing of cases.

Courts with few judges can perhaps continue to function reasonably well with what they now have; but at some point—whether it is 4-6—or 8 judges I am not sure—highly skilled management is needed. We should not use "judge time" to accomplish tasks that others with less training can do at less expense to the public.

XUM

Lawmakers who control the appropriations are already harassed with overwhelming demands for more money and more personnel It will do no good simply to ask for more money. We must demonstrate the need and make out a solid case that court managers will be effective and economical in the long run.

How can we do this? As I see it, the solution will require several stages, some immediate and some long range.

First: We need a review and revision of the Vanderbilt Standards of Judicial Administration and I believe the Institute of Judicial Administration is already studying this at staff level. The Institute needs the sponsorship and leadership of the American Bar Association, the Federal Bar Association, and others, to accomplish this task.

Second: An immediate step is to find out how to supply the potential demand for court management specialists. It is surely a paradox that our Space Program which is barely a dozen years old, has produced more Astronauts than we have genuine specialists in court management. Most of them are now employed in state court systems.

The Committee on the Judiciary under Chairman Eastland has had a Subcommittee under Senator Tydings studying the problem and legislation has been drafted to provide Administrators for the Federal Courts If that legislation were passed at once we could not begin to fill the positions. We should indeed pass the legislation but we must also take immediate steps to ensure a supply of administrators. We cannot legislate court administrators any more than we can legislate Astronauts; they must be trained.

I therefore propose that we call together a dozen or more of the best informed people in this country and ask them to plan a program to train the large number of managers we need. I know this can be done and it must be done at once. It should begin in the next 60 or 90 days. We have not demonstrated great imagination or skill in this area and hence I would ask that the Planning Conference be composed of perhaps six court managers of established standing, four experts in public administration, and two in business administration, and perhaps a few progressive trial judges and experienced litigation lawyers.

I hope the American Bar Association will take the leadership and call on The Federal Bar Association, the Institute of Judicial Administration and others. They in turn can draw on the skills and experience of the best brains in public administration and in business administration. This planning should ultimately draw in Universities which have a demonstrated capacity to train public administrators.

Third: A third step must wait on the second I have just mentioned—but it cannot wait very long. The third step should consist of carefully planned pilot programs such as those which proved so valuable in The Ford Foundation Public Defender Program and bail projects. Once the private sector has demonstrated the feasibility and the techniques, I am confident the Congress and the State Legislatures will respond.

We must not assume Congress or the States will act on "pie in the sky promises." It is up to the profession to bring the "pie" down to earth and put it in the court houses. When we do this, I am confident the courts will get the support we need from the Congress and from the States.

THE SWANSON RIVER FIRE

Mr. STEVENS. Mr. President, recently more than 4,000 men battled for weeks against the disastrous Swanson River forest fire on the Kenai Peninsula of my State. This was a massive effort, and I invite the attention of Senators to the fine work that was done by the people of Alaska, working in concert with the Bureau of Land Management, the military, and the Forest Service in containing this huge fire.

The fire burned out an oblong strip about 18 miles long and 5 to 6 miles wide in the middle of the Kenai National Moose Range, destroying a total of almost 90,000 acres. This land is among the most beautiful and well-preserved wildlife areas in Alaska. It is a widely used recreation area, being within a 3-hour drive of more than half the population of the State.

I commend the many men who worked so hard to stop and contain this fire. We owe a vote of thanks to the Bureau of Land Management team of over 1,900 men; the U.S. Army's contribution of over 800 men, including trucks, cats, aircraft, and helicopters; and finally to the over 2,000 Alaska natives who left their villages and went to Kenai to fight that fire.

I ask unanimous consent that a list of the towns and villages and the number of men participating in suppressing this blaze be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Akiachak, 29; Alakanuk, 18; Akiak, 11; Allakaket, 25; Anchorage, 413; Aniak, 29; Anvik, 14; Holy Cross, 6; Beaver, 12; Bethel, 155; Chalkyitsik, 9; Chevak, 35; Crooked Creek, 7; Sleetmute, 15; Dillingham, 67; Emmonak, 46; Fairbanks, 121; Fort Yukon, 66; Galena, 20; Glennallen, 69; Grayling, 6;

Homer, 16; Hooper Bay, 78; Huslia, 29; Iliamna, 10; Kalsag, 13; Kaltag, 36; Kenai, 200; Kiana, 21; Kipnuk, 17; Kotlik, 24; Kotzebue, 111; Koyukuk, 15; Kwethluk, 25; Kuka, 10; Marshall, 18; McGrath, 25; Minto, 26; Medfra and Nicolai, 14;

Mentasta, 15; Mt. Village, 28; Mukluk, 21; Nanana, 27; Noatak, 21; Noorvik, 23; Napakiak, 17; Nome, 57; Nondalton and Iliamna, 29; Northway, 51; Nulato, 47; Nunapitchuk, 20; Pilot Station, 23; Quinhagak, 15; Ruby, 27; Russian Mission, 18.

Selawik, 16; St. Mary's 23; St. Michaels, 17; Scammon Bay, 40; Shageluk, 10; Stebbins, 19; Stony River, 12; Tanacross, 39; Tetlin, 17; Tooksook Bay, 31; Tanana, 30; Tununak, 25; Tuluksak, 23; Unalakleet, 36; Venetie, 16.

Mr. STEVENS. Mr. President, serious, perhaps fatal, damage has been done to a precious wilderness area in my State. The Bureau of Sport Fisheries and Wildlife informs me that they are extremely concerned about the possible effects of this fire on salmon spawning grounds. In the area of the fire are over 35 miles of streams and rivers, and over 700 lakes and ponds. The fire has destroyed the natural ground cover along these watersheds, and the problems of siltation into the lakes and streams is very great.

The Bureau is planning to request a supplemental appropriation of $1.2 million to clear the banks of the streams and lakes and then reseed, to prevent erosion and speed up the recovery of the burned area.

Senators from the Western States can appreciate the tremendous damage that occurs when fire strikes a great forest. The effects are often disastrous to the wildlife and ecology of the area, and the process of natural reforestation takes many, many years. It is my sincere hope that when the request for a supplemental appropriation comes before the Senate in regard to the Swanson River fire, Senators will give it their fullest consideration. I intend also to ask the Bureau of Public Roads and the State department of highways to work toward the establishment of roads in this area in order that firefighters and firefighting equipment will be provided with easier access to this area.

The people of Alaska, working in concert with many members of the Federal Government fought very hard to stop and contain that forest fire. It is up to us now, to see that enough funds are provided to repair the damage to the fullest extent possible.

A GRIM REMINDER: LIST OF NATIONS WHICH ARE PARTIES TO THE CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, as is common knowledge, the Committee on Foreign Relations voted to table any further consideration of the Convention on the Political Rights of Women.

This action by the committee continues both to puzzle and anger advocates of U.S. ratification of the human rights conventions. The United States, through the inaction of the Committee on Foreign Relations, remains in the company of Spain, Yemen, Saudi Arabia, Iran, Iraq, Algeria, the Union of South Africa, the United Arab Republic, and Burma as nations which have refused to ratify the Convention on Political Rights of Women.

Because I believe it would be of great interest to the Senate and to the American people, I ask unanimous consen that a list of the countries which are parties to the Convention on Political Rights of Women be printed in the RECORD:

There being no objection, the list was ordered to be printed in the RECORD, as follows:

A LIST OF 54 COUNTRIES WHICH ARE PARTIES TO THE POLITICAL RIGHTS OF WOMEN CONVENTION

Afghanistan, Albania, Argentina, Belgium, Brazil, Bulgaria, Byelorussia, Canada, Central African Republic, China, Congo (Brazzaville), Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador.

Finland, France, Gabon, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Israel, Jamaica, Japan, Lebanon, Madagascar, Malawi, Mongolia.

Nepal, Nicaragua, Niger, Norway, Pakistan, Philippines, Poland, Republic of Korea, Rumania, Senegal, Sierra Leone, Sweden, Thailand, Trinidad and Taboga, Turkey, Ukraine, USSR, United Kingdom, and Yugoslavia.

VIETNAM

Mr. HATFIELD. Mr. President, the continuation of the Vietnam war is causing the needless devastation of that land and is deepening alienation within our own. Those who in the past have questioned our policies have done so in the spirit of nonpartisanship, speaking to the principles that are involved rather than exploiting circumstances for expedient political gain.

The chairman of the national Democratic Party has recently given indications that members of his party intend to speak out against the course of our Vietnam policies.

I believe that a high-principled, thoughtful national discussion of this issue is mandatory. The expression of responsible congressional concern can contribute substantially to accelerating our military disengagement from Vietnam. However, I believe that a highly partisan discussion of this issue would be gravely detrimental to the cause of peace in Vietnam. One cannot help but question those who, while standing loyally in support of President Johnson's Vietnam policies, now rise in criticism of President Nixon.

It is my firm hope that members of both parties will join together in a reasoned, sincere debate of the future of our Vietnam involvement. It is urgent that we who have questioned the course of past policies now remain united in our intention to promote disengagement. Dedication to this cause must transcend partisan interests if we are to be credible in promoting this end.

President Nixon is facing strong pressures against his policy of withdrawing our forces from Vietnam. I have advised him that I intend to do all that is possible to mobilize public opinion and political support for his stated intention of our disengagement from this conflict.

Our military presence must be withdrawn from Vietnam. It is my hope to encourage credible congressional concern that supports this goal.

POLLUTION AND THE ENVIRONMENT

Mr. **RIBICOFF**. Mr. President, the Committee on Public Works is bringing to the Senate floor further proposed landmark legislation to deal with the serious water pollution and environmental problems facing the Nation. The bill is a significant and worthy addition to the previous environmental legislation reported to the Senate by the committee. The bill is a tribute to the Public Works Committee's continued concern with this problem.

I wish to pay a special tribute to the Senator from Maine (Mr. MUSKIE), who has undertaken the leadership in this most important field of eliminating water and air pollution. The Nation owes him a debt of gratitude.

I am pleased to be a cosponsor of the bill.

S. 7 has two important titles. The first deals with water pollution and sets out for the first time, effective controls over three major sources of water pollution—oil pollution, vessel pollution, and thermal pollution.

Since January of this year, more than 100 oil spills and discharges have been recorded. The spill from the *Torrey Canyon* in 1967 and the ongoing Santa Barbara discharge are spectacular and widely known examples of oil pollution. Others, less publicized and less widely known, have similarly seriously damaged beaches, fish, and wildlife.

These serious and continuing incidents of oil damage have clearly demonstrated the need for strong Federal legislation prohibiting the discharge of oil into our Nation's waters.

The prompt notification procedures required by title I will minimize the results of this ruinous pollution.

The large fines and clean up costs assessed against the polluter for the incidents which do occur, will severely punish the contaminator.

Sewage and wastes that pour out from commercial and pleasure vessels have polluted scores of bays, lakes, harbors, and marinas. S. 7, establishing standards for marine sanitation devices, will prevent the continued deposit of inadequately or untreated waste into these waters.

The third form of pollution dealt with by this legislation is thermal pollution. Recent estimates indicate that our Nation's need for electric power is doubling every decade. To meet this need, numerous, large power generating plants will have to be constructed. Many of these plants will be nuclear fueled.

These nuclear-fueled powerplants will need vast amounts of water for cooling purposes. The return of this water, which is usually 11 degrees to 23 degrees hotter than when it was taken into the powerplants, can have a disastrous effect on the water quality of the water into which it flows.

Under title I, no Federal agency will be allowed to issue a license or permit for the operation of a powerplant if its water discharge would seriously and adversely affect the water quality of the water into which it is ejected.

The second title of S. 7 establishes an Office of Environmental Quality to develop standards to protect and enhance the environmental life in all areas affected by Federal and federally assisted projects and programs.

The need for an office to integrate national environmental policies has become readily apparent as the effects of technology, population, and urbanization on environmental life are increasingly felt.

The Senate has already begun to recognize the need for greater coordination of Federal programs in the environmental area. Earlier this session, we passed the bill, S. 1075, introduced by the Senator from Washington (Mr. JACKSON), establishing a three-member Board of Environmental Quality Advisers to be appointed by and to report to the President. Either this group of advisers or the Office of Environmental Quality proposed by S. 7 would be a step in the direction of better Federal coordination. Ultimately, I think we will be successful only by establishing a Department of Human Environment and Natural Resources to control environmental programs presently scattered through 18 departments and agencies of our Government. Following preliminary hearings by my Subcommittee on Executive Reorganization on this subject, I wrote the President's Advisory Committee on Executive Organization—the Ash committee—asking them to give priority to this problem.

The President, if he is to successfully define a comprehensive Federal conservation policy, must have the advice and counsel of Americans from all walks of life.

The Office of Environmental Quality at the White House proposed by S. 7 would mobilize competent spokesmen from the private and public sector to participate in a national effort to preserve and protect our environment.

Through the Office of Environmental Quality, the capacity of the President and the Congress to give continuing, thoughtful attention to the varied and interrelated problems which compromise our environment would be greatly increased and could serve as a forerunner to the creation of a Cabinet-level Department of Human Environment and Natural Resources.

The legislation will provide for the establishment of environmental advisory committees and biannual environmental forums. These advisory committees and the forums will allow concerned citizens to express their ideas and recommendations on environmental problems.

Through the Office of Environmental Quality, their ideas and recommendations will filter up to the President, giving him the benefit of many approaches to environmental problems and giving this Nation the opportunity to formulate an overall conservation and environmental policy. Now regrettably, there is no comprehensive policy—only a hodgepodge of many Federal programs, operating with a kind of independence of their own and with little or no coordination.

Too often we have taken the rich natural resources of this continent and turned them into unusable and ugly stains on the landscape. Our rivers, lakes and coastlines have been subjected to such wanton disregard that today, filth and waste threaten their continued existence.

Fortunately, Congress has wakened to this peril and enacted legislation to combat this disgrace. However, existing laws have left some serious gaps, which threaten the success of these prior efforts.

The bill will fill these gaps, and take the needed forward steps to repair and prevent the continual damage to our environmental life.

THE GREEK GOVERNMENT'S NONINVITATION

Mr. **PELL**. Mr. President, when it comes to insuring that the Greek people have a government responsive to their wishes and one that does not acquiesce in the practice of torture on its citizens, we see little progress.

To my mind, the danger in Greece is that, in desperation, the people there may turn toward communism as being the only way of escaping the ugly embrace of their present regime. As of now, this is not the case, since the opposition to the regime seems still to be centered amongst citizens who have middle-of-the-road or conservative philosophies.

But in time I believe there is a real danger of the pendulum of opposition swinging to the left. This is one more reason why the sooner the regime is changed, the better off both Greece and the free world will be.

In connection with the Greek Government's practices of permitting torture and police station abuse to be used as a method of discouraging political opposition, I placed in the Congressional Record of May 12, 1969, an excellent article written by Christopher Wren that was published in Look magazine of May 27, 1969. Following the publication of this article, the Greek Government went through the motion of inviting Look to send a representative to Greece to see for himself.

At that time, I commended the Greek Government for this response. In my comments on the Senate floor on June 26, I said:

> I am very glad indeed that the Greek Embassy responded by issuing a press release in which Look Magazine was invited to send a representative over to Greece to investigate the truth of the article.

I said further:

> I trust, too, that since the Greek Government has invited him, every effort will be made by Greek officials to let Mr. Wren travel and visit where he wishes.

However, if ever there was an invitation that was false and not meant to be accepted, that was it! In this regard, I ask unanimous consent that the article published in the current—October 7—issue of Look describing the eventual outcome of this invitation—or, rather, noninvitation—be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Greece: The Torture Goes On

(By Christopher S. Wren)

Last June 7, George Papadopoulos, the Greek colonel who runs Western Europe's only new dictatorship since World War II, mused before an Athens news conference that he might agree with the view that the press was a "whore." The self-appointed Prime Minister was referring to Look magazine's disclosure of political torture in Greece (May 27, 1969).

His indignant response was delivered once the offending article, *Greece: Government by Torture,* was safely off the newsstands (in Athens, copies were bought up by the junta): "How could we consider ourselves part of a civilized society when we accept the most imaginary and malignant accusations produced by a mentally deranged person . . . and how could we reproduce those accusations for the use of tens of millions of readers throughout the world?" Under the subhead "Feeble Author," the censored Athens *News* picked up the cue: "Papadopoulos said this article was written by a mentally deranged person." It was later quietly explained the Prime Minister really meant not this writer, only his sources.

Papadopoulos thereupon invited Look to send to Greece "a duly authorized representative with the purpose of investigating the truth. He could be accompanied by the person who supplied the writer with the false accusations. . . ."

The Prime Minister promised that if he were shown torture did take place, he would hang the culprits in Constitution Square. The last such public executions in central Athens, Greeks recall, were carried out by the Nazis during the Occupation. The Prime Minister never bothered to send his invitation to Look. It appeared the next week among the routine Greek Embassy press releases handed out to the Washington press corps. Still, Look accepted.

Since the details had come from torture victims within and outside Greece, Look had no single "person who supplied the writer with the false accusations." It proposed sending James Becket, an American lawyer who has investigated torture charges within Greece for Amnesty International, the worldwide organization concerned with political prisoners. Becket had given some of his documentation to Look. Congressman Don Edwards of California was suggested as an observer. Rep. Edwards, chairman of the U.S. Committee for Democracy in Greece, offered skill as a former FBI agent and current member of the House of Representatives Judiciary Committee.

Following the Prime Minister's invitation, further evidence and offers of assistance came in to Look from Europe. Thirteen prisoners in Averoff prison, Athens, smuggled out a signed statement that they wanted to talk about their torture. A Scandinavian diplomat wrote: "I could furnish you with a number of names of people who have been tortured much worse than those you mention in your article."

A month later, the Greek Prime Minister finally authorized the consul general in New York to inform Look that Representative Edwards and Becket, as "participants of movements inspired by prejudice and anti-Greek hysteria" were not welcome in Greece. The article's author was "absolutely unacceptable." As for the Prime Minister's promise to summarily execute anyone guilty of brutality, this, the consul general explained, was merely a "Greek metaphor" used "by the Prime Minister to emphasize the depth of his convictions. . . ."

Yet as long ago as April, 1968, the Greek junta was given *prima facie* evidence that political prisoners had been abused. Anthony Marreco, a British lawyer for Amnesty International, was allowed into three Greek prisons. Afterward, he gave Minister of Interior Stylianos Pattakos the histories of ten prisoners whom he had interviewed and believed were tortured. Pattakos dismissed them as Communists and Marreco's findings as Communist propaganda. Pattakos closed the matter: "The Greek Government has to protect its people against its Communist enemies." Amnesty International is now banned from Greece as "Communist," just as it has been banned from the Soviet Union as "CIA-controlled."

The Greek dictatorship insists that torture claims have been refuted by the International Red Cross and the so-called British Parliamentarians Committee. It was in fact the subsidiary International Committee of the Red Cross that visited Greece. Its initial report dealt with prison-camp conditions, not torture. A second report concluded that the ICRC did not wish to declare whether or not prisoners were tortured. Because the ICRC cannot release its findings without the permission of the host government, no other reports have been published. The ICRC in July, 1968, and again in February, 1969, privately protested to the junta its misrepresentation of the reports.

The Red Cross has secured from the junta some improvement in prison conditions. But its business is mercy, not politics. Restricted to diplomatic channels, it can see only what the government decides to show. In World War II, for instance, a Danish Red Cross team finally allowed into the Theresienstadt concentration camp in June, 1944, found new flowerbeds and freshly painted barracks. To tidy up, the Nazis had shipped 2,780 Jews to Auschwitz.

The British Parliamentarians Committee turns out to be five British Members of Parliament who were junketed with wives to Greece for the 1968 Easter holidays by Maurice Fraser Associates. Fraser, a former gambling-casino promoter, had persuaded the junta to pay his new firm $253,000 a year to handle its public relations in Britain. Two of the MP's did visit the prison camp on the island of Leros, where torture did not occur. The spokesman, Gordon Bagier, MP, scoffed: "Quite frankly, I am getting a bit fed up with the sensationalist reporting to come out of Greece. We found that reported torture had always 'happened to someone else.' "

After a long court fight the following fall, the London *Sunday Times* won the right to publish a secret memorandum from Maurice Fraser to the junta that he had a British MP in his employ. Confronted with it, Gordon Bagier confessed that Fraser was paying him £500 ($1,200) a year.

The junta has grown desperate for good publicity. It reprints in government pamphlets—*The Foreign Press About Greece*—favorable letters to the editor under the masthead of the foreign newspaper that has carried them. The casual reader will take the unlabeled private letter for an official editorial endorsement. The government recently extended roundtrip New York-Athens air fare and 24 days of full hospitality to a California radio-TV team of four, in the hopes of some friendly spot reports.

But when Christopher Janus, Jr., a 25-year-old vacationing Peace Corps teacher, visited Greece on August 2, he was detained overnight and deported without explanation to Nairobi. His father, Christopher Janus, a Chicago stockbroker of Greek descent, had written two articles for the Chicago *Sun-Times* after visiting Greece in 1967 and 1968.

Janus, who was decorated by an earlier Greek Government for his work in Greece during the civil war, had simply repeated what a lieutenant colonel in Athens told him last year: "A little torture is necessary to preserve civilization."

The Look article has been translated, mimeographed and circulated inside Greece along with the novels and poetry banned by the regime. But a half-dozen new escapees from Greece separately insist that the beatings in the police stations have been stepped up in an attempt to stem the bombings and other stiffening resistance among the Greek people.

Six weeks after the article appeared, Athens radio felt free to boast: "The U.S. Government recently decided to include Greece among the four countries to which 90 percent of U.S. military aid for 1970 will be distributed."

When 50 American congressmen petitioned the Secretary of State in a July 30 letter for "a clearer sign of U.S. moral and political disapproval of the dictatorship," an Assistant Secretary of State, William B. Macomber, conceded that "we see an autocratic government denying basic civil liberties to the citizens of Greece," but insisted that the junta was meeting Greece's NATO treaty obligations. Calling the NATO argument an excuse for U.S. inaction, Rep. Don Edwards took issue: ". . . the present dictatorship violates the very principles of NATO, the very reason for NATO, the protection of free people through the preservation of governments chosen by the people."

American taxpayers' money still flows to a government that relies on torture to survive. Among the new allegations of brutality is a letter from a woman who wrote Look that her aunt, a middle-aged dressmaker, was arrested and, the niece heard, tortured the week after Papadopoulos issued his angry denial. "She was released after having been kept for 40 days under strict confinement [and] continuous interrogation. . . . Before her release, she signed a declaration saying that she was treated 'very politely and kept under very human conditions of imprisonment.' She has been warned, of course, that in case she is going to say anything to anyone related to her interrogation, she will be rearrested and 'properly' treated." Her name, like dozens of others, has been sent to the Human Rights Commission of the Council of Europe, which has been examining such cases and will announce its conclusions later this fall.

If, in the meantime the Prime Minister is anxious to examine the validity of the pyramiding charges of torture, he has only to honor his pledge of June 7 to let LOOK into Greece to "investigate the truth" he says he so desperately wants.

ABOLISHMENT OF RURAL COMMUNITY DEVELOPMENT SERVICE

Mr. **MONDALE**. Mr. President, disquieting rumors have reached me to the effect that last Thursday, September 25, without fanfare and without—to the best of my knowledge—any public notice, the Rural Community Development Service of the Department of Agriculture was abolished and its personnel ordered to return to their respective agencies.

The RCDS, as its name implies, was established to coordinate the efforts of the Department to further rural industry and nonfarm employment in an era of increasing farm mechanization and less demand for farm labor. It was the first Government-wide effort, to my knowledge, attempting to redress the problem of rural-urban imbalance, a disastrous population trend that has crowded some 70 percent of the American people into less than 2 percent of the U.S. land mass.

Now, without fanfare, without formal announcement, this program is dead—again, according to information reaching me.

Certainly the RCDS did not solve the problem of too little opportunity in the countryside. But hopeful beginnings were made; more than 3,000 interagency committees, one in each U.S. county, were formed; a formal apparatus to provide information to industry seeking rural locations was established; multicounty conservation-industrialization panels were formed and operated successfully in many areas.

The Secretary of Agriculture, if we are to believe the testimony he presented to the House Agriculture Committee last week, believes in more rural jobs. The Secretary all but admitted in this testimony that farm programs alone hold out little hope for providing the so-called marginal operator with a decent living.

Why, then, has he abolished the one USDA agency specifically set up to deal with this problem?

Mr. President, I believe that we who believe that something can be done to stem the flood of rural to urban migration deserve the answers to this question.

PHILADELPHIA AND PITTSBURGH URGE ENACTMENT OF URBAN AND RURAL EDUCATION ACT

Mr. **MURPHY**. Mr. President, on July 15, 1969, I introduced the Urban and Rural Education Act of 1969, S. 2625. Because of the importance of the bill in helping to deal with the education crisis that exists in rural and urban America, I have been placing in the CONGRESSIONAL RECORD some of the letters endorsing the measure.

Today, I ask unanimous consent that two letters from the State of Pennsylvania be printed in the RECORD; one letter from Superintendent Kishkunas of Pittsburgh, and the other from Superintendent Shedd from Philadelphia, both calling for the enactment of the bill. Superintendent Shedd said that he is "quite excited about its possibilities."

Superintendent Shedd continued:

> This Act, is indeed a significant start in providing this funding and affording us the opportunity to overcome the educational handicaps faced by so many of our children.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SCHOOL DISTRICT OF PHILADELPHIA,
Philadelphia, Pa., August 26, 1969.
Hon. GEORGE MURPHY,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR MURPHY: After having carefully reviewed the Urban and Rural Education Act of 1969, I am quite excited about its possibilities. This infusion of new money will provide the impetus for the development of new concepts to solve the problems now facing us in the inner city.

I am particularly heartened by the fact that you have placed major emphasis for the expenditure of funds in the elementary years. The School District of Philadelphia, in adopting its goals and priorities, has decided to concentrate its new thrusts in the early years thus paralleling the intent of this legislation.

In order to develop new strategies for solving the problems of the inner city school district such as ours we must have large infusion of new money from the Federal Government. This Act, is indeed a significant start in providing this funding and affording us the opportunity to overcome the educational handicaps faced by so many of our children.

Sincerely,

MARK R. SHEDD,
Superintendent.

PITTSBURGH PUBLIC SCHOOLS,
Pittsburgh, Pa., August 13, 1969.
Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I am pleased to give full support to the concept of your Urban and Rural Education Bill (S. 2625) which amends Title I of the Elementary and Secondary Education Act. The additional monies planned for this bill would provide some relief to the desperate financial straits confronting urban school districts as they seek to compensate for the educational deficiencies of disadvantaged children.

The ESEA program does not currently provide sufficient funds to meet the needs of disadvantaged children. Pittsburgh and other urban districts have had reductions in appropriations per pupil because of the increase in AFDC children reported nationwide. The additional $200 million requested will help to overcome this deficiency.

Sincerely,

LOUIS J. KISHKUNAS.

SENATOR MURPHY TESTIFIES ON THE GROWING PROBLEMS OF ALCOHOLISM

Mr. **MURPHY**. Mr. President, on September 26, the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare held hearings in Los Angeles. I testified on the growing national problem of alcoholism. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Mr. Chairman and my distinguished Colleagues, I would like to take this opportunity to welcome the Subcommittee to the great State of California and to tell you how much I appreciate the attention this Subcommittee has given to two of the most pressing and important problems which face the future of our nation today.

At yesterday's hearings, the focus quite properly was placed on the dangerous destruction resulting from the presently widespread—and still spreading, may I say—use of drugs and narcotics.

Today your agenda will focus attention on witnesses whom I am certain, will reiterate what most of us already know and understand: the evil, moral and physical erosion and general destruction caused by alcoholism.

Alcoholism is a major health problem, both in our state of California and the entire nation. It is so serious that it is now the nation's fourth leading health problem. Only heart disease, mental illness and cancer rank ahead of alcoholism.

Alcoholism is clearly a most tragic disease, and I am sure that many of us have seen at first hand the destruction and destitution it can cause. It is estimated that there are five to six million Americans afflicted with this disease and that a minimum of 250,000 are added to the ranks each year.

In California one million individuals are estimated to have an alcohol problem. The state already leads the country in this disease and alarmingly their numbers are increasing at a rate more rapidly than the state's population. By 1971 it is estimated that the number will increase to one million, three hundred thousand.

The cost of alcoholism in terms of dollars is astronomical and a luxury we can no longer afford, but the cost in terms of human suffering is even greater, and gives all the more urgency to the determination of this Subcommittee to find answers where we have only encountered problems in the past.

We have no way of knowing the number of lives lost, dreams shattered, talents destroyed, families broken, marriages ended, and successful careers crushed because of alcoholism. There is no way we can completely compute the total of destruction brought about each year by this dread disease.

We do have estimates of what alcoholism costs in America. American industry, for example, which until the late forties refused to recognize any "problem with alcohol" now realizes the tremendous dollars lost each year as a result of alcohol-associated absenteeism and reduced worker efficiency. At long last—they began to realize the real problem that must be faced and somehow resolved. For instance, it is estimated that the cost to industry is well over two billion dollars yearly and two hundred American companies have now instituted programs aimed at coping with the problem. A more updated figure in California places the cost to California industry within the state at $750 million.

Lately we have heard a great deal about crime in the streets and rampant lawbreakers. Mr. Chairman, I point out that there is a tremendous amount of evidence connecting excessive drinking and the resulting drunkenness with the crime rate. The National Crime Commission reported that in 1965 one out of the three arrests, or a total of two million persons, were arrested for misdemeanors on drunkenness. Certainly the cost to the American taxpayer for the arrest, trials, and for the detention periods in jail must run into millions of dollars more each year.

With the already too great burden on our courts and law enforcement officers, we must find some way to relieve this burden and, indeed, we would if we could discover the means to prevent alcoholism, or even reduce it, or begin to provide alternate methods of dealing with men afflicted and affected by this disease.

Accidents on our highways cost the country nine billion dollars annually.

Prior to this year, I was a member of the Senate Public Works Committee which helped to write some of the legislation dealing with highway safety problems. Appalled as everyone is with the astronomical costs in connection with these problems—I supported this safety legislation which was primarily addressed to improving the safety of roads and vehicles. At the same time I was, and remain, concerned about what we sometimes refer to as "the nut behind the wheel," for when a driver has been drinking he threatens the safety not only of himself and those riding with him but also the sober and unsuspecting motorist on the road.

The Public Health Service has estimated that alcohol contributed to—or is associated with—the cause of fifty per cent of fatal motor vehicle accidents.

In California alone, I understand that forty-six thousand people were injured and fifteen hundred killed as the result of driving under the influence of alcohol.

Such unnecessary carnage on our highways must be stopped. I personally urged the State Legislatures to get tough in this area—for it is clear that when a driver is drinking he is both dangerous to himself and to his fellow citizens.

In California, alcoholism is the tenth leading cause of death. For individuals in the most productive ages of 20 through 40, one-third of all deaths result from alcohol.

And this is another point, Mr. Chairman, that I would like to emphasize because I do not believe it is generally known or understood by the American public, and that is that the life expectancy of an alcoholic is usually ten to twelve years below the general average.

As a member of the Senate Subcommittee on Health, I have a deep interest in alcoholism and its ill effects—a subject which I think has been neglected too long in this country. And I was pleased to have co-sponsored with Senator Javits and others, S. 1508, a bill aimed at initiating programs for the care and control of alcoholism. Naturally, as a conferee on the regional medical program to which this alcoholism program was added, I was pleased that several parts of S. 1508 were included in the final measure. The nation thus started to do what we must do—deal with the growing, unbearable, and costly problem. Building on this beginning, I again this year joined Senator Javits in introducing S. 1997—the Alcoholism and Control Act of 1969. This bill I hope will do much to advance the nation's methods of treatment and cure of alcoholism.

It would establish a division of alcoholism and alcohol problems within the National Institutes of Mental Health. It would provide incentive grants for the construction, staffing and operation of treatment and preventive programs. And it would provide grants for public education which are so badly needed. It would authorize purpose grants for training and material development. It would provide scholarship grants to meet critical manpower shortages in the area—specialists who have a complete understanding of the problems and first-rate training in how to cope with them. It would establish regional centers for research in alcoholism.

Thus, I urge this Subcommittee to take early and favorable action on S. 1907. As we all know the stakes are very high in this nation's battle against alcoholism. The total cost to my State of California each year is a staggering one billion dollars, and I think there are better ways in which we could spend this money.

For Los Angeles County—where we are today holding these hearings, a 1964 study showed alcoholism costing $27 million. It is now believed that the cost to the county would approach $50 million.

So, Mr. Chairman, Los Angeles County, the State of California and the nation appreciates the efforts that you and the other members of this Subcommittee are putting forth in attempting to focus the national spotlight on these two pressing subjects—drug addiction and the horrible disease of alcoholism. And I must hope that as a result of your efforts and the efforts of this Committee we may soon be able to show positive advance and the prevention and treatment in both.

ATOMIC TESTS

Mr. MONDALE. Mr. President, questions of grave concern are being raised about the forthcoming Atomic Energy Commission nuclear tests on Amchitka Island, in Alaska. The first test, scheduled for Thursday, will be an underground blast of 1.2 megatons, as large as any underground test ever conducted in this country. Later tests on the island, in the heart of a national wildlife refuge, could range up to 5.5 megatons, which would be on a scale 300 times greater than the atomic bomb dropped on Hiroshima during World War II.

Not even the AEC is willing to say that these tests could not set off devastating earthquakes and tidal waves in the northern Pacific. Environmentalists and scientists are voicing grave doubts on whether, because of these and other dangers, the tests can be conducted without great risk. Additionally, both Canada and Japan have protested the tests.

At a hearing on the matter this morning before the Committee on Foreign Relations, the Senator from Wisconsin (Mr. NELSON) presented an excellent statement on a situation which is clearly of pressing concern to all Americans. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

Mr. Chairman, I appreciate this oportunity to testify as a cosponsor in support of the resolution of my colleagues, Senators Gravel and Fong, for a commission to study the effects of weapons testing on our international relations and foreign policy.

Speaking for myself, but also, I am sure, for many who are concerned about the Amchitka tests, you are to be commended for holding these hearings.

One of the impressive achievements of this Congress is its increasing insistence that our national defense ventures and expenditures be debated in public, within the bounds of legitimate security needs.

And I would hope that this becomes a pattern for all future Congresses and Congressional committees. Time and again, we have seen the dramatic evidence that the missions of National Defense and Foreign Affairs have grave implications for the other concerns of America and the world: for public health and safety, for the quality of our environment, for our national priorities of ending hunger and poverty, and of providing a quality education, to name just a few.

The proposed underground nuclear tests at Amchitka, which are scheduled to start just three days from now, are a classic example. The mission is apparently to test ABM warheads. Circling in the periphery are grave concerns which don't mean a thing to the bombs at the bottom of that hole, but do to the public.

And if the history of the Amchitka test preparations by the Atomic Energy Commission is any indication, we have far from adequate assurances that these other matters have fully been taken into account.

The situation has a disturbing similarity to others where Federal agencies have very effectively pursued what they felt was a primary mission, while at the same time, destroying priceless natural resources. Protecting wilderness, scenic rivers, or national parks has frequently been too big a price to pay to get the job done.

Unfortunately, it is beginning to appear that the Atomic Energy Commission is following in the same footsteps. One example has been the AEC's failure to accept responsibility for some of the environmental effects of the nuclear power generating plants which it has helped develop around the country.

Now, in its nuclear testing program, the AEC is again proving reluctant to take on the responsibilities for the fullest possible preparation for all contingencies.

Hard-pressed in Nevada because of rising public concern and the need to conduct larger tests, AEC has had to look elsewhere. The irony of Amchitka, the new site AEC found, is expressed eloquently in a document entitled "Welcome to Amchitka" that is presented to the island's visitors.

One section of the brochure says: "The fact that Amchitka is part of a National Wildlife Refuge makes it evident that hunting of wildlife of any kind is definitely prohibited and any firearms landed on Amchitka will be immediately confiscated and held until the owner's time of departure."

Through some incredible twist of logic, the regulations are bent to allow the biggest firearms of all, nuclear bombs. Nothing will ever convince me that a wildlife refuge and a nuclear blast go together.

The Amchitka test is just one more dramatic instance of a distressing trend in this country: If people won't tolerate it, move it out in the hinterland, with the birds and the fish. The international jetport that is being planned six miles from the edge of Everglades National Park is a prime example. The intensifying interest in using the oceans as a depository for the massive wastes of our society is another.

Until we accept the fact that there is no longer any "hinterland" left on earth, in the sense that it is apart from any contact or any value to man, we will continue to create disaster for ourselves.

To us in Washington, Amchitka seems a distant place. But because it is closer to Japan than to San Francisco and closer to the Russian mainland than to Anchorage, Alaska, what happens on the island means as much to millions of others as it does to us. This is confirmed by the fact that Japan and Canada have already issued protests to the U.S. government on the Amchitka tests.

The problems that have come up with the scheduled tests range from the certainty of new damage to the area's fragile ecology to questions as to wehther nuclear tests can be conducted there without setting off devastating earthquakes and tidal waves.

Although twice ravaged by man—first by Russian fur hunters in the 19th Century, then by American military encampments during World War II—Amchitka has been making an astonishing return to its unique natural state, with the help of biologists and wildlife experts who have been working since the 1940's to repair the ecological damage and restore the balance of wildlife.

Now, according to a report late last year, at least twenty pairs of bald eagles nest on the island, as well as several pairs of the almost extinct peregrine falcon.

The Aleutian Islands, including Amchitka, are also the home of the sea otter, the Steller's sea lion, the gray-crowned rosy finch, and the nearly extinct Aleutian Canada goose. During the nesting season, Amchitka also abounds with puffins, comorants, murres, and guilemots. Plant life on the island varies from brilliant wildflowers to sea grasses. As *Audubon* magazine described last year, Amchitka and its wildlife are "a national treasure as surely as the Everglades or the Canyonlands."

But with the onset of nuclear test preparations, the web of nature is being smashed again, making a mockery of the name "wildlife refuge." A *Washington Post* reporter visiting the island recently saw an Amchitka tundra "scarred by roads and drilling rigs, chewed and plundered in a hundred places. . . ."

Test preparations have included the sinking of eight exploratory holes, plus four "emplacement" holes for bombs, one of them, the reporter notes, abandoned when the drillers encountered a transverse fissure. Then there are "shallower 'satellite' holes for instruments, vast bins scraped in the earth to hold the drilling mud, and miles of instrument cables."

The AEC says there is room for nine more bomb holes on the 42-mile-long, three-mile-wide island.

Some indication of the after-effects that might be expected is revealed by the Department of Defense "Long Shot" nuclear blast on Amchitka in 1965. The heavy influx of people to prepare that shot cut bird nesting grounds, and the result has been a downward trend in the Amchitka bird population ever since.

Although the relatively small 1965 shot, 80 kilotons, apparently did little itself to disturb the environment, the oily drilling mud used to sink the test hole escaped from its lagoons and poisoned salmon in nearby streams.

Although the Defense Department promised to "police up" after the 1965 test, observers since have noted the leftovers of a still-standing frame for a steel building and a collection of remnant metal and wooden waste materials littering the surrounding countryside.

Clearly, the preparations and the aftermath of the nuclear tests are a major environmental concern. Regardless of what transpires further on Amchitka, both Congress and the Department of the Interior should insist on a complete AEC program to restore the island.

Another significant after-effect of the 1965 "Long Shot" test was radiation seepage from the test hole. And in the last several years, small amounts of radioactivity have been found in the water near the old site.

Department of Defense plans for the 1965 Amchitka test shot were at first so secret that, according to a later report by former Presidential press secretary Pierre Salinger, even the President was not let in on the decisions.

To mollify conservationists, Defense Department officials gave assurances that there would be no more tests on the island after the "Long Shot." Those concerned about the Amchitka tests thought they had a promise, but since then, the AEC has made it clear it feels the Defense assurance was not binding whatsoever on other federal agencies. There is little wonder that the credibility of the federal government continues to be called into question.

The most disturbing aspect of the Amchitka tests, however, has been the willingness of the AEC to proceed in the face of as yet unanswered questions about the possibility of the nuclear tests setting off earthquakes and tidal waves, and leaking radiation into the ocean and the atmosphere.

Until last spring, the AEC was denying that underground tests could set off earthquakes. Then, they were proven wrong. Scientists at the annual meeting of the American Geophysical Union reported that two nuclear tests in Nevada had set off earth tremors up to 1,200 miles away from the explosion site. One of the tests, called "Boxcar," caused a fracture in hard rock 4,900 feet from the explosion, creating a "fault" nearly three miles long.

Now, AEC has a new position: Underground nuclear tests *probably* won't set off *big* earthquakes.

Amchitka is a good place to find out the hard way whether this statement is valid.

For one think, the 1.2 megaton "calibration" shot with which the AEC will launch the Amchitka series is as large as any underground test ever conducted in this country, an indication of the dramatic turn of our nuclear weapons testing program toward larger and large shots. The "calibration" shot will have an explosive force equal to 1.2 million tons of TNT and will be 60 times the size of the atomic bomb dropped on Hiroshima to finish World War II.

Information in an underground nuclear testing report published by *Environment* magazine in St. Louis, Missouri, indicates that future Amchitka blasts could range as high as high as five and a half megatons, five times larger than any U.S. underground test to date, and 300 times larger than the Hiroshima bomb. The *Environment* magazine report was prepared by the Committee for Environmental Information, a respected scientific goup.

Secondly, unlike the Nevada testing grounds, Amchitka is in the heart of one of the most earthquake-prone regions in the world. The last sizable earthquake in the area was reported less than one month ago.

Last May, a severe earthquake of 6.7 on the Richter scale hit the area, and a tidal wave alert was issued for Adak, Amchitka, and Shemya islands. The shock's epicenter was only a few miles from Amchitka.

On February 4, 1965, the largest earthquake to occur anywhere in the world that year originated 20 miles from Amchitka, measuring 7.75 on the Richter scale.

Some distance away, the Great Alaskan Earthquake of March 28, 1964, hit, killing 113 people and reaching 8.3 on the Richter scale.

Significantly, a one megaton test in Nevada—nearly the same size as the shot scheduled this week on Amchitka—had an impact measuring 6.5 on the Richter scale. If later nuclear blasts at Amchitka reach five megatons, the impact will be about 7 on the scale, a shock comparable to that of a major earthquake.

Coupled with the earthquake danger is the possibility of a *tsunami,* a tidal wave. Again, Amchitka is in the center of an area notorious for its history of generating these waves, one of the most destructive and terrifying forces in nature. A 1946 Aleutian earthquake, for instance, caused a tidal wave that reached a height of 44 feet in Hawaii. A 1960 earthquake-induced tidal wave from the Aleutians also reached Hawaii, killing 60 people.

The Alaskan earthquake of 1964 produced a tidal wave that reached 30 feet in height along the Alaskan coast and caused damage as far south as Crescent City, California.

The tidal waves are not only a threat to people and property, but can devastate valuable natural resources and whole coastlines. A tragic example was the 1964 Alaskan tidal wave, in which, according to a report to the President, "walls of water surged into estuaries, scouring out beds of clams and other life in some areas, and elsewhere depositing layers of mud and debris that suffocated underlying life."

Independent scientists are refusing to rule out the danger that the Amchitka tests could kick off major earthquakes and tidal waves. And even the AEC talks in terms of probabilities, rather than uncertainties.

Far more complete assessments of earthquake and tidal wave dangers from underground nuclear testing have been made by the federal government, but, unfortunately, these reports have never been made public. One such study was presented to the President's Science Adviser last fall and remains confidential, even though the chairman of the study committee has said that it could easily be released after editing and removal of classified information. Also, I understand, another report—prepared for the AEC by a special advisory committee—was scheduled for completion last summer.

In view of the imponderables which continue to surround our entire underground testing program, Congress should insist that these reports be made public immediately. If the underground tests pose no dangers, it is in the best interest of AEC to let it be known. If they do threaten problems, however, it is in the interest of Congress and the American public to know and have the opportunity to weigh the risks.

Another "imponderable" facing the Amchitka test series is whether radiation could be vented to the Pacific and to the atmosphere. In the past, even deeply buried nuclear explosions have on occasion released radiation into the air. In view of Amchitka's relatively close proximity to Canada, Japan, and Russia, a large-scale release from a test could well cause a violation of the Nuclear Test Ban Treaty, which says treaty signers shall not cause radioactive material to be present beyond their own boundaries.

Another radiation concern is the possibility that tests in the watery Amchitka area could produce fracture zones in the rock extending to the Pacific floor, affording ocean waters easy access to the radioactive zone where they could become highly contaminated. Circulation would then spread the radiation to other areas of the Pacific.

Just recently, the manager of the Aleutians wildlife refuge pointed out that Amchitka's waters are a major feeding ground for the Pacific salmon. At some stage in their lives, each of the 19 million salmon in the Bristol Bay Run probably feeds near Amchitka, he added.

Could an Amchitka test lead to contamination of this vital international resource? Again, another unanswered question.

For these reasons, the Amchitka tests are a classic example of our insistence on plunging ahead with new technology at any cost and in the face of great potential dangers. Speak the words "national security," and any risk becomes worthwhile. Far too often, defending the public health and welfare and defending the environment have been overlooked in the rush.

In all fairness, the dangers we face with the Amchitka tests are not solely the blame of the AEC and the Department of Defense. The fault lies in our failure to provide the mechanisms to insure that, while the AEC pursues its mission of promoting and developing nuclear power, all the risks will be adequately taken into account.

However, Congress is now on the verge of taking a major and precedent-setting step in the right direction. Now close to final enactment is a bill which would establish in the White House an independent, Presidentially-appointed Board of Environmental Quality Advisers. This group of experts would review Federal activities to assure their compatibility with the natural environment and other important concerns. The bill also contains an important provision which would spell out in law a national policy on the environment to halt environmental abuse by Federal activities.

If the Board is created, as I believe it will be, I will urge that its first task be an immediate, thorough review of our underground nuclear testing program and its effects on the environment, on our safety, and on our international relations. The Board would make its report and recommendations to the President, Congress, and the American

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public, so that a determination could be made on whether underground testing can safely continue.

The same purpose could also be readily accomplished by the proposal before this committee by my colleagues, Senators Gravel and Fong, to set up an independent, Presidentially-appointed commission to study and report on the underground tests. Or, the review and report could be done by Presidential initiative.

In the interim, all nuclear testing, including the Amchitka tests, should be halted. The cost of continuing in the face of the grave questions that have been raised by distinguished scientists and environmentalists, and by other countries, could be great.

Especially since Congress has not finally enacted the authorization for the Safeguard ABM, I believe a delay in development of the ABM warhead can certainly be justified. The evidence is strong that the Amchitka tests are for the ABM development.

Furthermore, it is evident that as we turn to larger and larger tests, such as those scheduled in the Amchitka series, the dangers of some great disaster—from an earthquake, a tidal wave, environmental destruction, a massive venting of radiation that could violate our treaty obligations—will inevitably increase.

In view of this, as well as the painfully obvious need to put a halt to the dangerous and spiraling arms race, I believe we should immediately begin exploration of the idea of a treaty to ban underground nuclear weapons testing.

THE PESTICIDE PERIL—LVII

Mr. NELSON. Mr. President, considerable evidence has been presented which clearly attributes the growing extinction of some species of wildlife to the accumulation of persistent, toxic pesticides in the environment. This evidence is not only true of species whose natural habitat is in direct contact with man, but is also true of species who never come into direct contact with man or the mainland, such as the Bermuda petrel.

An article published in a recent issue of Science tells the results of a study where the patterns of reproductive failure in declining populations of several European and North American wildlife species were duplicated experimentally with captive American sparrow hawks that were given a diet containing two commonly used organochlorine insecticides, DDT and dieldrin. The article reports that major effects on reproduction were increased egg disappearance, increased egg destruction by parent birds, and reduced eggshell thickness.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Science magazine, July 11, 1969]

DIELDRIN AND DDT: EFFECTS ON SPARROW HAWK EGGSHELLS AND REPRODUCTION

Marked declines in populations and reproductive success of several species of North American and European raptors have occurred during the past two decades (1–3). These declines have been attributed to effects of organochlorine insecticides which these birds obtained from their food and accumulated in their tissues (1, 3–5). Reproductive failures of some species were associated with significant decreases in eggshell thickness (6–7) and, especially in British species, with marked increase in frequency of egg-eating and of egg breakage in the nests (5, 8). These changes were ascribed to alterations in calcium metabolism of adult birds (7).

We have investigated effects of two sublethal dietary levels of DDT and dieldrin (9), in combination, on reproductive success of captive American sparrow hawks, Falco sparverius and the influence of these chemicals on eggshell thickness.

The sparrow hawk was selected because it had been bred successfully in captivity on a limited scale (10), was relatively abundant, was easily handled and sexed, and was closely related to the peregrine falcon F. peregrinus, a declining species of raptor (1).

The principal experimental group consisted of 27 pairs of hawks, all obtained as fledgings in the summer of 1964 from the Northeast and maintained as pairs since early in 1965. Nine pairs of these birds were randomly assigned to each of three treatments—control, low dosage, and high dosage (11). An additional group of nine pairs of hawks that had a heterogeneous history and were housed at a different location were randomly assigned, three pairs each, to the same treatments as the principal group. Females of this latter group were birds caught from the wild in Florida in the winter of 1965–66; males were produced by the parent colony in 1965 before dosage began on 11 March 1966.

Low dosages represented amounts equal to residues often found in raptor food items in the field (12). High dosage was calculated to be just short of lethal to adults and it was equivalent to that obtainable in the field, at least in some areas containing prey items with unusually high pesticide residues (13).

Birds of both sexes were carried over from one year of the experiment to the next. Females that died during the experiment were not replaced. Males that died during the experiment were replaced at the onset of each reproductive season. Dosed males that died were replaced with males of the same treatment when available; otherwise, they were replaced with nondosed males.

In 1968, reproduction of first-generation (yearlings) hawks was investigated. These hawks were produced by the experimental colony in 1967 and were retained on the same diet as their parents. The 24 pairs of hawks used in this experiment were selected on the basis of body condition. In pairing them, the heaviest females were mated with the heaviest males to insure successful pairing. Siblings were not paired with each other. Dosages were randomly assigned to pens. In respect to age and history of pesticide exposure, yearling hawks were our most homogeneous group.

To determine whether a mixture of DDT and dieldrin could cause thinning of eggshells, we marked the first egg laid in each clutch, where possible, of both the parental and yearling groups in 1968, and removed it after the third egg was laid and before incubation was begun. All eggs collected were frozen, and their contents were removed later. The remaining albumen was then gently washed from the inner shell surface, so as not to disturb the shell membranes. Shells were then dried at room temperature for several weeks. Thickness of each shell plus its membranes was measured to the nearest 0.01 mm at four points around its equator with a micrometer, and these measurements were then averaged.

Reproductive success of untreated hawks in 1967 and 1968 was equal to that of a wild population, except for that of parental birds in 1968 (14). Reduced success of the parental group in 1968 was due mainly to embryonic mortality (Table 1) which may have been caused by bacterial infection of the eggs (14).

TABLE 1.—REPRODUCTIVE SUCCESS OF TREATED SPARROW HAWKS. DATA WERE ANALYZED BY CHI-SQUARE AND PRESENTED AS NUMBERS OF BIRDS OR EGGS

[Abbreviations: C, control; L, low dosage; H, high dosage (1.1)]

Category	Parental group												Yearling group 1958		
	Northeastern females						Florida females								
	1967			1968			1967			1968					
	C	L	H	C	L	H	C	L	H	C	L	H	C	L	H
Pairs (clutches)	8	8	7	8	8	7	2	3	3	2	2	3	8	8	8
Eggs laid	40	40	33	39	40	32	10	14	13	10	10	13	41	33	42
Eggs taken for study	0	0	0	8	8	7	0	0	0	2	2	3	8	6	8
Eggs incubated	40	40	33	31	32	25	10	14	13	8	8	10	33	27	34
Eggs disappeared [1]	1	[2]7	[2]9	2	[2]8	[2]10	0	2	2	0	0	0	0	[2]7	[2]4
Eggs remaining	39	33	24	29	24	15	10	12	11	8	8	10	33	20	30
Infertile eggs [3]	1	0	3	1	2	2	0	1	3	1	0	0	2	1	2
Dead embryos	6	9	2	13	6	3	0	2	0	2	5	6	3	0	[4]9
Eggs hatched, of eggs incubated	32	[5]24	[2]19	15	16	10	10	[2]9	[2]8	5	3	4	28	19	[2]19
Young fledged:															
Of eggs incubated	30	[6]22	[6]18	13	13	[4]4	7	8	7	4	3	4	28	19	[4]13
Of eggs hatched	30	22	18	13	13	[4]4	7	8	7	4	3	4	28	19	[4]13

[1] May include disappearance of some young early in the posthatching period.
[2] Significant difference between dosed group and controls at $P<.05$.
[3] Refers to eggs without obvious embryonic development.
[4] Significant difference between dosed group and controls and also from other dosed group at $P<.05$.
[5] Significant difference between dosed group and controls at $P=.06$.
[6] Significant difference between dosed group and controls at $P=.07$.

The influence of the pesticides on reproductive success was greatest in the yearling group (Table 1). Differences between yearling control and yearling dosed birds were significant ($P<.05$) at most major points of their reproductive cycle (Table 1). The same trend was apparent in the parental group in both 1967 and 1968 (Table 1), but differences between control and dosed groups were not always significant ($P<.05$).

The crucial factor responsible for reproductive failure of dosed birds was disappearance of eggs through time of hatching and may have included the disappearance of some newly hatched young. Differences in egg disappearance between dosed and control hawks were significant ($P<.05$) in most experimental groups (Table 1). Egg disappearance probably was due to breakage of thin-shelled eggs and to eating of eggs or newly hatched young by parent birds. Reproductive failures in declining populations of British raptors were similarly characterized by egg disappearance, egg breakage, and egg-eating by the parents (8).

Eggshells of dosed birds of the parental generation in 1968 were thinner by 8 to 10 percent on the average than those of controls of the parental group; eggshells of the first-generation dosed birds were thinner by 15 to 17 percent on the average than those of first-generation controls (Table 2). These differences were significant in both the first ($P<.01$) and parental ($P=.056$) generations of hawks. These reductions in shell thickness approached those that occurred after 1947 in declining populations of peregrine falcons both in the United States (18.8 to 26.0 percent) (6) and in Great Britain (19 percent) (7). Reductions in shell thickness also have occurred in declining populations of bald eagles *Haliaeetus leucocephalus* (18.0 to 19.8 percent) and ospreys *Pandion haliaetus* (25.1 percent) in the United States (6), and also in golden eagles *Aquila chrysaetos* (9 percent) and sparrow hawks *Accipiter nisus* (16 to 25 percent) in Great Britain (7).

The occurrence of the same pattern of reproductive failure among dosed birds for two consecutive years and in both parents and offspring strengthens the hypothesis that chlorinated-hydrocarbon pesticides have reduced the reproductive success of bird- and fish-eating raptors. The remarkable similarity in pattern of reproductive failure between our experimental hawks and wild raptor populations strongly supports the hypothesis that recent reproductive failures in several raptor populations in the United States and Western Europe were due to common physiological and behavioral responses to intake of sublethal amounts of persistent chlorinated hydrocarbons.

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TABLE 2.—CHANGES IN THICKNESS OF SPARROW HAWK EGGSHELLS. DATA WERE ANALYZED BY ANALYSIS OF VARIANCE DUNCAN'S NEW MULTIPLE RANGE TEST WAS USED TO TEST DIFFERENCES BETWEEN MEANS

	Treatments							
	Control		Low dosage			High dosage		
Experimental group	Number	Average shell thickness (millimeter)	Number	Average shell thickness (millimeter)	Deviation from control (percent)	Number	Average shell thickness (millimeter)	Deviation from control (percent)
Parental group [1]:								
1967	8	0.197	5	0.177	10	10	0.165	16
1968	10	.189	10	[2] .173	8	10	[3] .170	10
First-generation group (yearlings): 1968	8	.198	8	[4] .164	17	8	[4] .168	15

[1] Eggs of the parental group in 1967 were haphazard samples. Although they suggested the occurrence of thickness differences they were not suitable for a reliable statistical test. The parental group contained birds from both the Northeastern United States and Florida. A randomized block design permitted the inclusion of data from both these sources for 1968.

[2] Significant difference between dosage group and controls at P=.06.

[3] Significant difference between dosage group and controls at P<.05.

[4] Significant difference between dosage group and controls at P<.01.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is their further morning business? If not, morning business is concluded.

What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MATTER OF INTRODUCTION OF BILLS

Mr. WILLIAMS of Delaware. Mr. President, I am very much concerned over the implications arising from a series of recent articles by Seth Kantnor, published in the Washington Daily News, concerning the circumstances under which a number of bills have been introduced in the U.S. Senate.

According to these articles, which in some instances quote Members of the Senate and certain staff members, some of these bills have been introduced by administrative and legislative assistants without the knowledge of the Senators, and allegedly some of these bills have been introduced on the basis that gifts of value or gifts in the form of contributions were a contingency.

In discussing these allegations, I cannot overemphasize the importance of keeping one point in mind; and that is, the mere fact that Senator X may have introduced one of these bills or any other bill with which we may disagree is not the point at issue. The point raised in these articles goes beyond the merits of the bill.

The questions involved are: First, the alleged irregular procedure under which these bills were introduced, presumably in some cases without a Senator's knowledge; second, the charge that bills have been introduced upon the contingency that gifts of value or campaign contributions are involved.

When either of these points is involved, the merits of the bill itself are unimportant. Such a procedure could be a violation of the Senate rules or a violation of the law even though it involved the bill which had the unanimous approval of the Senate.

I emphasize these points because, as we explore the circumstances involved in these allegations, we want to make sure that it does not result in a blanket indictment of those Senators who may have introduced such bills in the proper manner.

I have no personal knowledge of such a procedure as outlined having been followed, and I want to make it clear that I am making no allegations as to the accuracy of these articles. It is clear from reading these articles, however, that, if left unchallenged, the inference will be drawn by the general public that bills have been introduced and supported not on the basis of their merits but rather on the basis of the considerations involved.

I cannot conceive of such a situation prevailing; but the allegations have been made, and the integrity of the Senate is being challenged. The questions raised cannot remain unanswered.

The rules of the Senate provide that Members of the Senate—and Members of the Senate only—can introduce bills. There is no provision in the rules for administrative or legislative assistants to perform the functions of a Senator. If

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bills have been introduced without the knowledge of the Members of the Senate, then there has been laxity not only in the Senatorial office but also on the part of Senate clerks accepting these bills without the direct orders of the Senator.

Furthermore, if any bill or any amendment to a bill, regardless of how meritorious, has been introduced or supported by any Member of the Senate on a contingency that gifts of value or campaign contributions were involved, then such action is a violation of the law.

In America we have one of the greatest forms of government, and the U.S. Senate is an important segment of that government. As one who has served for nearly 23 years in the Senate, I have developed a tremendous respect for the integrity of its Members and their dedication to public service; but if there are instances of abuse, they must be recognized and corrected if we are to maintain the respect of our constituency.

In fairness to the Senate and all parties concerned, the circumstances from which these allegations are drawn should be clarified, and I have, therefore, asked the Senate Ethics Committee to examine these charges.

At this point I ask unanimous consent that the series of articles referred to be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Miami Herald, Detroit Free Press, Aug. 3, 1969]

The Integrity of Congress in Question: Did Payoffs Keep Aliens in the United States?

(By James K. Batten)

Washington.—Since 1967, a number of U.S. Senators or their top aides have been offered payoffs to help protect Chinese seamen who jumped ship in U.S. ports from being kicked out of the country.

These brazen offers are part of a large and unpublicized operation that has quietly taken root on Capitol Hill, fattening the pocketbooks of New York lawyers and Washington lobbyists and raising fresh questions about the integrity of the Congress.

Most of the proposed payoffs—usually offered as campaign contributions—apparently have been sternly rebuffed. But reports persist that a few have been accepted.

Even where no explicit offers were made—and that includes most cases—the lawyers and lobbyists often reaped handsome profits and won special treatment for their Chinese clients simply because they had political pull with certain senators.

The background is this:

In 1967, during the first session of the 90th Congress, Federal court rulings plus a get-tough policy by the Immigration and Naturalization Service suddenly threatened the early deportation of hundreds of Chinese ship-jumpers, many of them living in New York.

To save their clients from this unpleasant fate, several New York immigration lawyers hit upon the device of private legislation in the Senate.

Bills introduced for the Chinese seamen, who entered the country illegally, had virtually no chance of passage. But while the bills were officially pending before the senate, the seamen would not be deported.

Soon, scores of ship jumpers were paying fees as high as $2,500 to "buy a bill," as the practice was matter-of-factly called in New York's Chinatown. Usually the cash was advanced by their employers or by Chinatown's family benevolent associations.

The money was split between New York lawyers and middlemen who persuaded the Senators to introduce the bills. Sometimes the intermediaries were politically influential lawyers in the senators' home states. But increasingly, as time went on, the contracts were made by an assortment of Washington lobbyists.

In a little over two years' time, several dozen senators have introduced private bills for 702 Chinese crewmen. During the preceding two years of the 89th Congress—in 1965 and 1966—there were bills for fewer than 25 such individuals.

For some lobbyists who place large numbers of bills with friendly senators, the ship-jumper business has proved quite lucrative.

One well-known Washington lobbyist, who confirms placing bills for at least 200 Chinese ship-jumpers, scoffed at reports that he had made $250,000 from his unusual specialty in the last two years. He modestly admitted that $50,000 might be more accurate.

As for the senators and their staffers, they stoutly deny any suggestion of impropriety.

Their cooperation, they say, was prompted by humanitarian considerations or simply by the old-fashioned necessity of "taking care of your political friends."

Most of the senators who have introduced large numbers of Chinese ship-jumper bills are moderate or liberal Democrats. And curiously, almost all of them have been favorites of organized labor. They include, among others:

Sen. Gaylord A. Nelson of Wisconsin, ex-Sen. Daniel B. Brewster of Maryland, Sen. Harrison A. Williams Jr. of New Jersey, Sen. Daniel K. Inouye and Hiram L. Fong of Hawaii, ex-Sen. Ernest Gruening of Alaska, Sen. Lee Metcalf of Montana, Sen. Frank Moss of Utah, Sen. Joseph Montoya of New Mexico and Sen. George McGovern of South Dakota.

Of this group, all are Democrats except Fong, who is a Republican. Brewster and Gruening were defeated last year.

For no obvious reason in most cases, these and other Senators have been remarkably willing to extend special legislative help to Chinese aliens who entered the country clandestinely and in violation of U.S. immigration laws.

Except for Williams of New Jersey, they come from states far removed geographically from the concentration of Chinese ship-jumpers in New York City—where most of the private bill requests originate.

When ex-Sen. Brewster was questioned by Knight Newspapers about his private bills—and about some odd campaign contributions reports he filed last year—he emphatically denied that he received any payoffs for introducing the bills.

But Brewster, in an interview, admitted deliberately falsifying one of the reports in question.

Receipts of $14,000, reported originally as donations from staff members, actually came from an AFL–CIO dinner in Baltimore in 1967, he said.

The ex-senator said he filed a corrected report last January with the Maryland Secretary of State. And he insisted that no payoffs from Chinese bills were camouflaged in any of his campaign-finance reports.

Among critics of the private bill operation—and they include high U.S. Immigration officials—there have been several areas of deep concern.

The offers of payoffs to senators or their staff members are merely the most dramatic and potentially explosive aspect of what these critics regard as a clearly unhealthy situation.

F.B.I. Director J. Edgar Hoover, for example, recently expressed concern that some of the hundreds of Chinese ship-jumpers arriving in the U.S. each year might be communist espionage agents sent by Peking. Hoover did not mention the private-bill question.

Also, some U.S. Immigration officials suspect that many of the Chinese ship-jumpers had jobs pre-arranged for them in the U.S. before they ever left their home ports in Asia.

If these suspicions are correct, that would make senators who introduce bills for those particular ship-jumpers unwitting accomplices in a sophisticated scheme to thwart U.S. Immigration Laws.

Under present laws and immigration quotas, these Chinese could come to America legally if they had a prospective employer in this country willing to help obtain the necessary papers.

There also have been reported abuses by lawyers who took fancy fees from ship-jumpers, got private bills introduced to postpone deportation, and then did nothing further for their clients.

Stuart Wadler, a New York immigration lawyer who handled many of the private bills in 1967 and 1968—and who staunchly defends their propriety in certain situations—explained it this way:

"Instead of using the time provided by a bill to accomplish something for the client, some people let these bills become an end-all in themselves. Some law offices began to sell private bills."

Wadler added: "Chinese crewmen knew they could pay $1,500 to $2,000 to any of a half-dozen law firms in New York and get a private bill introduced. These lawyers then would do nothing else but get private bills."

Private bills, as the name suggests, are designed for the relief of specific individuals. In the ship-jumpers' case, the bills would give them permanent residence in the U.S. But because the bills never pass, they are only useful as a delaying tactic.

If bribes have actually been paid to senators or their aides for introducing Chinese bills, they are extremely difficult to document.

The payoffs are allegedly made in cash and are never reported to state or federal elections officials.

The lobbyists' offers, however, are amazingly simple to pin down. They have been frequent and persistent over the past two years.

Robert J. Keefe, administrative assistant to Sen. Birch Bayh, D-Ind., told Knight Newspapers:

"They call in and say, 'Are you in the market for any Chinese bills?' It's like they're selling a bag of beans.

"They tell me it would be worth, say, $500 to Sen. Bayh. But the going rate is lower than that. The minimum is $100, and the average would be higher $200 to $250."

Keefe added: "Since this session of Congress started, they've been at least a half a dozen guys call."

And some of the offers, he recalled, came not from private lobbyists but from staffers on Senate committees.

In some instances, the pleas for immigration bills apparently are channeled through party fund-raising committees. A former top assistant to another Democratic senator recalled:

"I was contacted once by someone from the Democratic senatorial campaign committee. He said they had this particular fellow they were trying to get papers for. The people representing him were a very reputable legal firm in New York who appreciated senators and congressmen who were of assistance to them when they needed help.

"He said they'd make a nice political contribution of $1,000. I told him a flat 'no.' "

At times, the offers are more subtle.

Mrs. Beverly Rodman, appointments secretary to Sen. Charles E. Goodell, R-N.Y., reported that lobbyists pushing Chinese ship jumper bills frequently have hinted to her that they could "make it worth your while."

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"If I had ever said, 'how much worth my while?' I think we could just sit and talk about figures . . . all I'd have to do would be to ask for $500 a case, and I know I could get it"—she snapped her fingers—"just like that."

Another approach, Mrs. Rodman added, is an "invitation to take what would be a very interesting trip. They might say, 'I go to Hong Hong a couple of times every month and I'd love to have you go along with me.' "

While many senators have introduced at least a few Chinese ship-jumper bills in the last two years, a handful of senators have been conspicuously active in the field.

In the 90th and 91st Congress (1967 to present), four senators—all moderate to liberal democrats—have accounted for private bills for about 315 Chinese ship-jumpers, or 45 percent of the Senate's total for that period.

Three were up for re-election last fall, and the fourth will seek re-election in 1970.

While their explanations vary, all four senators, speaking either directly or through their aides—vigorously defend their activity on behalf of the ship-jumpers and strongly deny any trace of impropriety. They include:

Sen. Gaylord A. Nelson of Wisconsin, a former governor of his state, who has introduced bills for about 100 Chinese crewmen—more than any other senator. He was re-elected last November.

Ex-Sen. Daniel B. Brewster of Maryland, who introduced bills for about 75 crewmen in a seven-month period leading up to last year's election. He was defeated.

Sen. Harrison A. Williams, Jr. of New Jersey, who has introduced bills for about 70 Chinese crewmen. He will seek election to a third term in 1970.

Sen. Daniel K. Inouye of Hawaii, who has introduced bills for about 70 crewmen. He was re-elected last November.

Gaylord Nelson, speaking through Warren Sawall, his administrative assistant, declined to make any direct response to Knight Newspapers' inquiries.

"He doesn't handle each of the cases individually," Sawall explained. "We've handled all the stuff at the staff level."

Sawall said that Nelson was sympathetic to the personal plight of Chinese crewmen fighting to stay in the U.S. He added that "most" of Nelson's bills had been referred to him by "other senators."

Asked to name the other senators, Sawall cited only one: George McGovern, D-S. Dak., who battled briefly and unsuccessfully last summer for the Democratic presidential nomination.

Actually, Sawall continued, the bills were routed to Nelson's office by McGovern's legislative assistant, Benton J. Stong, a 64-year-old former newspaperman and farm lobbyist.

Most of the referrals, Sawall added, came when McGovern was away from Washington and unavailable to introduce the bills himself. Since 1967, McGovern has introduced more than 20 Chinese bills of his own.

Stong recently quit McGovern's staff to help organize the congressional office of the new Democratic representative from Montana, John Melcher.

In an interview, Stong said that some of the bills he passed to Nelson's office came to him from Charles A. Murray, a Washington lobbyist and son of the late Sen. James Edward Murray, D-Mont., who was chairman of the interior and insular Affairs Committee during the 1950.

Charles Murray was his father's righthand man and such an influential fellow that some wags called him "the senator from Montana."

His "whole relationship" with Charles Murray, Stong explained, stemmed from the fact that in 1955, Murray helped Stong get a staff job on his father's committee.

Occasionally in the last two years, Stong went on, Murray would drop by McGovern's office with Chinese shipjumper bills and asked Stong to help get them introduced.

"He was inclined," Stong recalled with a faint smile, "to get pretty urgent with me at times."

(Murray reportedly once told a colleague in the private-bill business that if he ever needed bills introduced when Murray was out of town, he should contact Stong directly.)

Of the Senate's general handling of the Chinese bills, Stong conceded: "This is a criticizable procedure that is subject to abuse. And there has been talk about it."

Have Senators accepted campaign donations in exchange for introducing the bills? "I wouldn't think it was a per-head operation," Stong replied. "I've heard this, but I don't know of any instance of it."

He added: "My assumption is that people (lawyers and lobbyists) who handle these bills have, at the time of the campaign, contributed to the senators' campaigns."

Stong insisted, however, that Murray had not contributed to Sen. McGovern's campaign for re-election in South Dakota last fall. Stong also insisted that he had never taken any money for his role in the bills' introduction by McGovern or Nelson.

Ex-Sen. Daniel Brewster, knocked out of his seat last fall by Republican Charles Mathias Jr., set some sort of record by introducing bills for about 75 Chinese ship-jumpers in the seven months before the election—a breathless rate of one every three days.

Confronted with this curious record in a recent interview at his northwest Washington Townhouse, Brewster professed surprise that he had introduced so many private bills.

Pressed for explanation, he quietly replied: "I have no explanation."

His immigration bills, explained the handsome and wealthy ex-Senator, were handled entirely by his staff. His policy, he said, was to introduce any bill he was asked to introduce—without examining its merits.

"It was entirely impossible to sort them out with the staff available. It was my policy to introduce the bills and leave the investigation up to the Judiciary Committee."

During the same period last summer and fall when Brewster was dumping Chinese ship-jumper bills into the Senate Hopper, he also was submitting campaign contributions reports that raised eyebrows in Washington and elsewhere.

Under oath, Brewster listed more than $14,000 in contributions from his Senate staff and relatives of his staff members. Several relatives of Brewster's administrative assistant, John F. Sullivan, were listed for donations as high as $2,500.

Even Sullivan's five-year-old son, Tim, was down for a $1,000 donation—a claim later questioned by FBI agents.

Knight Newspapers asked Brewster about reports that part or all of the money attributed to aides and their relatives was, in fact, payments from lobbyists for whom Brewster had introduced private bills.

"Now that is not true," he replied.

But the ex-Senator quickly went on to admit that he had knowingly falsified one of his campaign donation reports, filed with the Maryland Secretary of State on Aug. 30, 1968.

Brewster said that $14,000 listed on that report—submitted by the Citizens for Brewster Committee and signed by Brewster himself—came not from staff members but from a 1967 AFL–CIO dinner in Baltimore.

He permitted the false report, he said, because neither he nor his staff knew the names of those who purchased tickets to the dinner.

On Jan. 14 of this year, more than two months after his defeat at the polls, Brewster filed a correction of his earlier report. Although the correction has been in the public file in Annapolis ever since, it has not come to light until now.

Sen. Harrison A. Williams Jr. of New Jersey, another of the Senate's most prolific sponsors of Chinese ship jumper bills, is now preparing for a Republican challenge, possibly by Rep. Peter H. B. Frelinghuysen, next year.

Until a few months ago, Williams was beset by a drinking problem that some observers believed were hampering his effectiveness. But friends now say he has licked the problem and is vigorously back on his legislative feet.

Williams' long list of ship-jumper bills stands in sharp contrast to the other three senators from the New York-New Jersey area, where almost all of the private-bill requests have originated. These senators' offices approach the ship-jumper requests with extreme skepticism.

For example, since the 91st Congress convened in January, Williams has introduced bills for 41 Chinese ship-jumpers.

But Sen. Charles Goodell and Sen. Jacob K. Javits, Republicans from New York, and Sen. Clifford P. Case, Williams' Republican colleague from New Jersey, have together accounted for bills for only four ship-jumpers.

In general, immigration lawyers and private-bill lobbyists stay away from the offices of Goodell, Javits and Case, knowing that they will not be warmly received.

For example, Mary McFerran, the pert and knowledgeable immigration case worker on Javits' staff, is wryly called "The Irish Witch" by some New York lawyers who find her unsympathetic to their pleas for private bills.

But Miss McFerran explains that Javits' policy is that Chinese ship-jumpers should use the normal immigration machinery. "There's administrative relief available," she said, "and that's why we stay away from private bills."

But Williams sees it differently. He said he's not surprised that he has far more Chinese bills than his New York-New Jersey colleagues in the Senate.

"They come to me first because I have the softest heart—and that's known."

A number of his bills, Williams confirmed, have come from Charles Murray, the son of his one-time colleague from Montana.

"Charlie Murray," declared Williams, "comes with good credentials."

Murray approached Williams about two years ago through Frederick R. Blackwell, an ex-Marine who is associate counsel to the Senate Labor and Public Welfare Committee. The two men became friends while Murray worked on Capitol Hill.

Blackwell came to Washington originally on the staff of Sen. Strom Thurmond, R–S.C. He later shifted to Williams and now is regarded as one of the New Jerseyan's closest political advisers.

In a recent interview, Blackwell recalled that he agreed to relay Murray's request for private bills to William. And at Williams' suggestion, Blackwell added, he checked into the situation underlying the demand for Chinese private bills.

A friend at the Immigration and Naturalization Service persuaded him that many of the requests for bills were legitimate and deserved consideration, he continued.

The only caution given to him, Blackwell added, was that Williams should be wary of "hit-and-run" immigration lawyers who get a private bill introduced and do nothing more for their clients.

Armed with this advice, Williams then proceeded to introduce bills for Murray and others.

Recently Williams was asked if he was concerned that he might have introduced too many bills.

"Some concern, yeah," he replied. "I have a good relationship with the chairman (Sen. James O. Eastland, D-Miss., chairman of the Judiciary Committee, where the bills are referred) and I don't want to feel I'm overburdening the committee."

Williams said he had never received any

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offers to introduce bills in exchange for campaign contributions or other payoffs.

The other member of the Senate's "Big Four" in Chinese ship-jumper bills—Sen. Daniel Inouye of Hawaii—had no immediate response to Knight Newspapers' inquiries.

His administrative assistant, Henry K. Clogul, confirmed that Inouye introduced about 48 Chinese bills for ship-jumpers on the U.S. mainland during the 90th Congress and 35 more so far in the first six months of the 91st Congress.

Giugni said he had no firsthand information on the origin of the first 48 bills. Of this year's 25, he said a number of them came from Stephen L. Deburr, a Washington real estate man who has placed bills with several senators.

"I introduced them for him because I felt sorry for him," Giugni explained. Asked why he "felt sorry" for Deburr, the Inouye aide said Deburr was "a struggling lawyer."

Deburr, a former member of the Capitol Hill police force, attended law school some years ago but does not practice law. He manages family real estate properties in Washington and also has a farm.

Pressed about his remark that "I introduced them for him" Giugni quickly added that Inouye, of course, approved all legislation introduced in his name.

Other Senators, while not matching the wholesale volume of the Nelson-Brewster-Williams-Inouye quartet, have also introduced substantial numbers of Chinese ship-jumper bills.

Several of them are from land-locked states far from any coastal port and far from the Chinese ship-jumper colony in and around New York City.

Some of their totals for the 90th and 91st Congresses, include:

Lee Metcalf, D-Mont., who has Sen. Murray's old seat, bills for about 35 crewmen; Frank E. Moss, D-Utah, for about 35; Joseph M. Montoya, D-N.M., for about 25; Alan Bible, D-Nev., for about 18; and Gale McGee, D-Wyo., for about 18.

How To "Buy a Bill" in the U.S. Senate

WASHINGTON.—Would you like to "buy a bill" in the U.S. Senate to delay a friend's deportation?

David L., a veteran Chinese restaurateur in Washington, can tell you how it's often done—although he emphasized that he does not do it himself. He thinks it's a "stupid" thing to do.

One way to get a senator to introduce a private immigration bill, he said, is to go to the senator's assistant and tell him you'll contribute to his boss' campaign kitty in exchange for a bill.

"The senator himself will never accept anything," explained Mr. L., a smiling, middle-aged man who manages one of Washington's most popular Chinese restaurants, a few blocks from the White House.

"The assistant will tell you to write a check to so-and-so. You never deal with the senator. They want it clean."

How much does it cost? "Oh, $800, $900, $1,000, $1,500."

Which senators' offices should you approach?

"You've got to get way away from Washington," Mr. L. emphasized.

Senators far removed from Washington are less worried about repercussions. Their constituents would be less likely to find out, he said.

If any senator got caught, he explained gravely, it would be "a black mark against him."

It helps, Mr. L. added, if you know somebody on a senator's staff.

"If they don't know you at all, well, they're taking a chance to do a thing like this. It reflects pretty bad taste."

Lobbyists Smooth Way: Senators "Rescue" Aliens

(By James K. Batten)

WASHINGTON.—"Actually," murmured Stephen L. Deburr as he stirred a cup of coffee, "I felt good about it. Like any halfway decent citizen, I felt sympathy toward them."

Deburr, a stocky, fourth-generation Washingtonian who calls himself a "real estate man and farmer," was talking about his unusual, money-making sideline on Capitol Hill: Persuading U.S. senators to introduce private legislation for Chinese ship jumpers.

"These guys," he declared, referring to the seamen struggling to avoid deportation to Hong Kong, "act scared to death that when they get back over there they'll have their heads blown off."

Until recently, Deburr and others who shared his specialty had a thriving business.

But now, as rumors of attempted bribes and other possible improprieties seep through the Capitol, many senators' offices are suddenly leery of Chinese ship jumpers.

Deburr, once a policeman and elevator operator at the Capitol, is one of a dozen or so lobbyists who since 1967 have cashed in on the booming demand for special legislation for Chinese crewmen living in the New York area.

These lobbyists are the middle men between immigration lawyers in New York, who want private bills to delay their clients' deportation, and the senators in Washington, who introduce the bills.

Most of these intermediaries are men who, like Deburr, once worked on Capitol Hill and still retain wide contacts among the senators and their key aides.

In many cases, the lobbyists earned their fees—sometimes as much as $750 a bill or even higher—by relying strictly on old friendships and political IOUs to get their bills introduced.

But in some instances, at least some lobbyists have prodded senators or their assistants to introduce the bills by offering payoffs—usually campaign contributions.

These offers, a few of which allegedly were accepted, ranged as high as $1,000 a bill. But $250 to $500 seems to have been a more normal price range.

Whether or not illegal payoffs have stimulated some senators' interest in the plight of Chinese ship jumpers, the Senate's experience with these bills has had several curious aspects. Among them:

Earlier this year, some senators were warned in memos from the Senate Immigration subcommittee that they were being asked to submit ship-jumper bills introduced by other senators during the previous Congress. In most cases, the subcommittee warned the new sponsors were not being informed that the same bills had been introduced before.

Several dozens of this year's bills had somehow reversed the beneficiaries' Chinese names. For example, in 1965 a bill was introduced for Chan Yiu Ip. This year, a bill was introduced for Yiu Ip Chan, who proved, upon investigation, to be the same man.

Because delay is the sole function of the Chinese bills, some immigration subcommittee staffers suspect that reversal of the names was intentional and designed to create time-consuming confusion. "It could have been deliberate," conceded one subcommittee source.

High officials of the Immigration and Naturalization Service, on at least two occasions about 60 days ago, received telephone calls from a woman or women impersonating Mrs. Beverly Rodman, an aide to Sen. Charles Goodell, R-N.Y., and Mrs. Jean Arens, an aide to Sen. Harrison A. Williams Jr., D-N.J.

On both calls, a woman—claiming to be Mrs. Rodman and then Mrs. Arens—asked that deportation of certain Chinese crewmen be delayed. The senators were considering private legislation, the voice explained.

Later the immigration authorities discovered that neither Mrs. Rodman nor Mrs. Arens made such calls.

But lobbyists like Deburr, who agreed to discuss their operations with Knight Newspapers, steadfastly insisted that they knew nothing of such shenanigans.

And they also vehemently denied offering campaign funds in exchange for private bills.

Deburr said that bills for his 55 to 60 Chinese ship jumpers were simply introduced by friendly senators who agreed they were meritorious cases. He added that he never got more than $100 per bill from the lawyers in New York who sent the bills to him for placement.

But an old friend of Deburr, Jerome Gulan, whose regular job is lobbyist for the National Federation of Independent Businesses, tells a somewhat different story.

Gulan said he and Deburr became acquainted several years ago when both were working as Capitol policemen. Deburr was a patronage employe of the late Sen. E. L. (Bo) Bartlett of Alaska, while Gulan got his job from the Senate's other Alaskan, then-Sen. Ernest Gruening.

As Gulan tells it, when Deburr began scouting around the Senate for co-operative senators he enlisted Gulan's help.

Gulan began calling senators' offices. One Democratic administrative assistant recalls that Gulan was persistent, calling "every couple of weeks."

This aide's recollection is that Gulan was offering $100 to $200 a bill. "He was cheap" compared to other, more open-handed lobbyists, the aide says.

Asked about this, Gulan said:

"I don't recall Steve (Deburr) ever giving me any figures on what he was willing to put out—I mean any precise figure.

"Honestly can't recall if I said something specific about $100 or $200 a bill. I'd say, 'If you put it (the bill) in, the desire of this man (Deburr) would be to contribute to his (the senator's) campaign.'"

Deburr denied that he "ever authorized anybody to make any campaign contributions or to make any money offers . . . I never paid anybody a nickel."

But he added: "If someone came to me and asked for a campaign contribution for people who had helped me, it would be kind of stupid for me to turn around and say I wouldn't give 'em anything."

So far, however, Deburr insists that he has given no money to any senator who introduced his bills.

In addition to Deburr, lobbyists active in the Chinese ship jumper field have included:

Charles A. Murray, 52, son of the late Sen. James Edward Murray, D-Mont., and a man with numerous friends on Capitol Hill. His father was a Senator power and chairman of the Interior and Insular Affairs Committee when he retired in 1960.

Michael B. Deane, a veteran lobbyist, public relations man and past president of the National Capitol Democratic Club. He came under fire in the early 1960s for his activities as a sugar lobbyist.

Col. R. E. (Bud) Vandervort Jr., a retired Army officer, who served as a Defense Department liaison man in the Senate for several years in the early 1960s. He is now assistant to the vice-president of Koppers Co., Inc., in Washington.

Hayden and Jan Bennett, a husband-and-wife team who for a time allowed Charles Murray to use their Connecticut Ave. office as a base for his lobbying activities. The Bennetts, who have other business interests, apparently handled only a few bills over a short period of time.

Of all those who have tried their hand at the Chinese ship jumper game, the undis-

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puted champion is Charlie Murray. No one else has placed so many bills or made so much money.

A tall, florid, personable man who wears black, horn-rimmed glasses, Murray served as administrative assistant to his father for years and also held several other jobs on the Senate payroll.

Murray was "one of the great pros" in the Senate staff ranks in the 1950s, one acquaintance recalled. He was on a first-name basis with a long list of powerful senators. And since leaving Capitol Hill, he has not permitted his contacts to wither.

More than once, Murray has impressed clients by taking them to lunch in the Senate private dining room and basking in the warm hellos from his old and famous friends.

Over lunch the other day at Paul Young's, one of Washington's favorite expense-account watering holes, Murray cheerfully admitted that he had made a very good thing out of New York lawyers' voracious appetite for private bills for their Chinese clients.

But he staunchly defended the bills he has handled as legitimate and proper.

Because of the erratic workings of U.S. immigration laws, Murray contended private bills sometimes are the only solution for aliens who need time to win permanent-resident status.

Murray estimated that since 1967 he has placed about 200 Chinese ship jumper bills with senators and their aides—about two of every seven Chinese bills introduced during that period. He emphasized that his cases got a thorough follow-thorough and most of his clients eventually gain permanent residence.

He chuckled when asked about one educated guess that his income from ship jumper bills might have reached as high as $250,000 in two years' time.

"It was not a half of that, not a quarter of that," he protested amiably.

One source familiar with Murray's operations, however, when asked if he had ever offered senators or their aides campaign donations to introduce Chinese bills, replied without emotion:

"I'm clean as a hound's tooth. I can go before anyone and justify any bill I've ever asked a senator to put in. I know senators and staff people who've been my friends over the years and I go up and ask for a favor . . . I've nothing to hide."

To underscore this point, Murray cited as an example his relationship with former Sen. Gruening, D-Alaska, an old friend.

"For me to go in to Gruening and say, 'You put a bill in and I'll give you a contribution,' I believe he would have thrown me out on my tail, I really do."

Murray was asked if he had ever discussed possible campaign contributions with Sen. Harrison A. Williams, the New Jersey Democrat who has introduced dozens of Murray's bills.

"No, definitely not," he replied. "I never talked to him about a campaign contribution of any kind. I've had it in my mind that I would send $100 (to Williams' campaign fund in 1970). That would be all I could afford."

Michael Deane, another lobbyist active in the ship jumper field, refused to discuss the matter with Knight Newspapers.

"I'm not going to be able to be of any assistance to you," he said in a brief telephone conversation from his office in the National Press Building. "Because I know nothing about the subject."

He denied handling any ship jumper bills, then, abruptly, hung up.

Deane was in the news in 1965 when the Senate Foreign Relations Committee was investigating the shadowy world of sugar lobbyists who represented foreign nations jousting for a share of the U.S. sugar quota.

Deane, who received $57,459 in fees from Dominican sugar interests in one 12-month period in 1960–61, reportedly sent his clients overblown accounts of his influence with such men as then Sen. Hubert H. Humphrey and then-Secretary of Agriculture Orville Freeman.

Sen. J. William Fulbright, D-Ark., chairman of the Foreign Relations Committee, remarked that Deane "apparently filed exaggerated and sometimes inaccurate reports to his (foreign) principal."

Several senators' offices have been asked by Deane to introduce ship jumper bills. For a time he seems to have been fairly successful. But in recent months Deane's luck apparently has faltered.

Since February, according to one immigration lawyer, Deane has not been able to place any bills. "He says he's used up all his personal favors," the lawyer said.

Bud Vandervort, who retired from the Army in 1965, learned his way around Capitol Hill during six years as a Pentagon liaison man at the Senate.

"I'm not much of an operator in this area (of Chinese bills)," he said in an interview. "I've turned a lot of 'em down, because they wanted to pay for 'em and that was something I didn't want to get involved in."

The retired colonel, a hearty, barrel-chested man estimated that he had placed only about 10 bills with four or five senators. And he insisted that he had accepted no fees for any of them.

At least one Democratic senator now wishes he'd been less co-operative with the colonel.

"Vandervort asked if, as a favor to him, we would put in several of his bills," recalls the senator's administrative assistant. "But two of 'em were bad apples—One of 'em was suspected of supporting a marriage mill."

[From the Washington Daily News, Sept. 17, 1969]

Chinese Ship-Jumpers

(By Seth Kantor)

Sen. Joseph M. Montoya, D., N.M., reported that legislation has been introduced in Congress under his name which "I have known nothing about."

Specifically, he said that certain private immigration bills—known as special legislation to aid Chinese ship-jumpers—allegedly have been introduced by him, but without his knowledge.

In a recent series of articles by James K. Batten in the Knight Newspapers, it was reported that "some lobbyists have prodded senators or their assistants to introduce the bills by offering payoffs—usually campaign contributions."

Sen. Montoya, up for re-election next year, said yesterday he was "unware" of most of the bills introduced by him in the 90th and 91st Congresses, aimed at blocking the deportation of 26 Orientals.

Chinese seamen have been paying up to $1,500 apiece to New York lawyers to get special legislation introduced that would block or delay their deportation to Hong Kong, Mr. Batten reported.

During questioning by the Scripps-Howard Newspapers, Sen. Montoya summoned Antonio Anaya, his legislative aide, into his office.

"You didn't tell me about these bills, did you?" snapped the Senator.

"No, not entirely," said Mr. Anaya.

"I have a rule here," said Mr. Montoya, "that bills cannot be introduced from this office without my knowledge."

Mr. Anaya pointed out three instances where the subjects of Sen. Montoya's private bills, referred to the Senate Judiciary Committee for consideration, had nothing to do with Chinese sailors in New York.

"We have never introduced a bill in this office," said Mr. Anaya, "that we felt did not have full merit."

Left unexplained were descriptions of the following subjects of private bills submitted under Sen. Montoya's name—reliably identified as Chinese ship-jumpers—which appear in Judiciary Committee records over the past two years:

Wong Kam Cheung, Wong To Pan, Kong Wing Sik, Au Yeung Kwai Wing, Lam Kan Wo, Chung Chuen Fong, Lam Wan Tung, Koo Sho Feng, Lau Chum, Wou Chi May, Chen Mei Tung, Tsai Tse Ming, Cheung Cheun Chung, Wong Yeung Pui, Yuen Hing, Won Hing, Wu Fuk Ching, Cheung Kwai Leung, Siu King, Lau Kwun Ching, Pui Li Wu Ching Ting and Lam Chow.

Mr. Anaya denied that professional Chinese ship-jumper lobbyists urged him to submit the bills.

He said: "The people who came to me were personal friends of Paul (Sen. Montoya's administrative assistant Paul Demos) or myself. There were no strings attached. There were no funds or favors coming with it."

"It was a matter of wanting to help someone who had merit to his case."

Montoya Asks Senate To Kill Bills

(By Seth Kantor)

Sen. Joseph M. Montoya, D-N.M., has asked the Senate to kill four private bills that would help keep alien "Chinese ship-jumpers" in the United States, after the Washington Daily News revealed yesterday that Mr. Montoya was sponsor of the legislation.

He wrote a letter yesterday to Sen. James O. Eastland, D-Miss., Judiciary Committee chairman, saying that "I disavow any knowledge of having approved the introduction of these measures on my behalf and I am, therefore, asking that at your next regularly scheduled committee meeting you postpone action on these indefinitely."

He said it is possible for an aide to introduce a Senate bill without a senator's knowledge, because "it is customary for staff members to take bills to the bill clerk in the chamber and submit them."

NOT SIGNED

Bills do not have to be signed by the senators who author them, Sen. Montoya said.

As a result of the easy-going system in the Senate, Mr. Montoya said he instituted a policy early this year of personally initialing each piece of legislation he was to sponsor.

Chinese ship-jumpers are seamen who have gained improper entry into the United States. Mostly they are in New York. In many cases they pay fees of hundreds of dollars apiece to lawyers who promise to get Congress to block or delay their deportation.

The lawyers, thru some lobbyist manipulators, have been able to reach some members of the Senate. As a result several hundred private immigration bills have been introduced in the past two-and-a-half years.

During that time-span, Mr. Montoya was listed as sponsor of legislation aimed at snagging deportation of more than two dozen alien orientals who never came within hundreds of miles of New Mexico.

DIDN'T KNOW ABOUT "RACKET"

"Nobody on my staff to my knowledge knew they were ship-jumpers or paying anybody," Mr. Montoya told a press conference yesterday afternoon. "We didn't even know about this racket."

He said "a stranger" tracked him down in a Senate reception room more than a year ago and asked him to "introduce a private bill for a Chinese alien or aliens." Mr. Montoya said he quickly learned the aliens were in no way connected with New Mexico.

"I spent about one minute with him and walked away from him," Mr. Montoya said. "I was pretty damn mad. I walked back into the chamber and forgot about it."

Asked why the ship-jumper agent selected him as a potential patron, Mr. Montoya said "he must have come to me because I was from out in the sagebrush somewhere and not awakened to the modern world, to his way of thinking."

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Wisconsin Senator "Embarrassed" by 98 Total—Nelson: Ship-Jump Champ

(By Seth Kantor)

Sen. Gaylord Nelson (D-Wis.), the Senate's champion sponsor of "Chinese ship-jumper" bills, said the 98 such bills which carry his name were introduced without his knowledge.

Several senators have been involved in submitting hundreds of the bills aimed at postponing the deportation of Oriental aliens who entered in U.S. illegally. Sen. Joseph M. Montoya (D-N. M.) also reported this week that legislation carrying his name, to aid more than 20 of the aliens, was introduced without his knowledge.

Reports of payoffs to New York lawyers, and then to elements of Capitol Hill by ship jumpers, have reached the Senate Judiciary Committee, where the bills are sent and ultimately killed.

BAG OF BEANS

Robert J. Keefe, administrative assistant to Sen. Birch Bayh (D-Ind.), said certain lobbyists and even some Senate committee employees "call in and say, 'Are you in the market for any Chinese bills?' It's like selling a bag of beans."

Mr. Keefe said the callers promise to make it worth from $100 to as high as $250 per bill if the senator would sponsor them.

Sen. Nelson not only reports he knows of no money transactions with the bills submitted with his name—but confirms the bills were introduced without his knowledge by Warren J. Sawall, Sen. Nelson's executive assistant. Mr. Sawall is now on sick leave.

"I won't permit anything to go in now unless cleared by me," Sen. Nelson told the Washington Daily News and other Scripps-Howard newspapers.

"A batch" of the bills with Sen. Nelson's name on them was referred to Mr. Sawall by Benton J. Stong who, until this summer, was legislative aide to Sen. George S. McGovern (D-S.D.).

Mr. Stong told the Daily News and other Scripps-Howard newspapers "I did handle some of those bills for Charles A. Murray, a lobbyist here in town." Mr. Murray is the son of the late political strongman from Montana, Sen. James E. Murray, who served as chairman of the Senate Interior and Insular Affairs Committee.

Mr. Murray is described by Mr. Stong as "an effective guy, operating a legitimate service." Mr. Stong is with Rep. John Melcher (D-Mont.) now.

SAFEGUARDS

The House has safeguards against Chinese ship-jumper bills, so the Senate is where all the action is.

Senate Judiciary Committee rules are firmly established that none of these bills will pass. But the Committee seeks a report from the Justice Department's Immigration and Naturalization Service on each individual case—automatically delaying the killing of each bill for up to two years, the duration of a term of Congress. Until such a bill is killed, the individual ship jumper cannot be deported.

A Senate Immigration Subcommittee aide said today that an overwhelming majority of the ship-jumpers board vessels at Hong Kong. They usually are not seamen and "very frequently" are cooks, on their way here strictly to jump ship.

Sen. Nelson, who is described by an office aide as being "terribly embarrassed" by all the ship-jumping bills credited to him, sent a letter to each involved Oriental recently, which said:

"It has been brought to my attention that some lawyers and lobbyists have charged some aliens large fees for preparing such petitions on the specific pretext that it costs money to get a bill introduced. If any such representation has been made it is dishonest . . ."

Lobbyist Here Got $40,000 to $50,000: Ship Jumpers Paid Off Well

(By Seth Kantor)

Charles A. Murray makes a very good living getting U.S. senators to introduce bills that can't get passed.

Mr. Murray, 53, a Washington lobbyist, admits having been paid "between $40,000 and $50,000" in recent times for getting introduced legislation intended to delay the deportation of certain Oriental aliens. On Capitol Hill these are called "Chinese ship-jumper bills."

They have come in such floods that the House Judiciary Committee no longer will accept them. The Senate Judiciary Committee refuses to act favorably on them—but accepts them for "study." The bills ask that the alien be permanently admitted to the U.S.

And so long as such bills are under congressional study, the alien can't be deported, frequently to the frustration of the U.S. Immigration and Naturalization Service.

DID NOT KNOW

Mr. Murray's name has come to light as Sens. Joseph M. Montoya, D-N.M. and Gaylord Nelson, D-Wis. revealed they did not know bills introduced to aid 121 Chinese ship-jumpers had been submitted in their names. Sen. Nelson and Montoya said staff aides introduced the bills without their knowledge.

"Oh, I think some aides have gotten a couple of bucks, a case of whisky or something, in connection with the bills," said Mr. Murray. "I have given a couple hundred dollars to some senators, to buy tickets to testimonial dinners, or something like that."

But Mr. Murray said, "I feel so clean and decent about all this, altho there are some unscrupulous operators."

ANOTHER LOBBYIST

Another Washington lobbyist, identified by several Capitol Hill sources, as a dealer in Chinese ship-jumper bills, is Michael B. Deane, a fund-raiser for politicians. Six years ago the Senate investigated Mr. Deane's role as a sugar lobbyist who was paid more than $90,000 by the Dominican Republic in trade for his influence on Capitol Hill.

Mr. Deane refused to discuss his dealings in ship-jumper bills. When asked if he approached Sen. Montoya on the edge of the Senate chamber to make a deal, he hung up the phone.

Sen. Montoya has identified a man named "Dean or Deane" as a stranger who tried for three days in 1968 to "get me to introduce a private bill for a Chinese alien." Sen. Montoya said he refused.

"I and my associates would welcome—eagerly welcome—a congressional investigation on the use of private bills" said Mr. Murray, a garrulous veteran of the Washington scene, son of the late Sen. James E. Murray, a power in the Senate from Montana.

The identity of Mr. Murray's associates is not easy to pin down. He works out of his home in McLean, Va., and has an unlisted telephone.

TWO NEW YORK ATTORNEYS

Mr. Murray identifies two New York area attorneys as his associates on the Chinese ship-jumper bills, but said he had a permanent falling-out with one of them months ago. Mr. Murray estimates 85 per cent of the lawyers who handle these immigration cases are in New York.

Mr. Murray gets his pay from the lawyers who, in turn, are paid fees by ship-jumpers trying to buy time in the U.S. Employers of the ship-jumpers often put up the money.

Sen. George McGovern D-S.D. "put in several bills for me," said Murray. "I never gave him a dime." He said he never made payments to Sens. Nelson and Lee Metcalf, D-Mont, whose names are on other bills pushed by Mr. Murray.

Mr. Murray said he was unhappy over reports that he dealt with western, liberal Democrats only. He thought awhile and then said Sen. Milton R. Young, R-N.D. had introduced ship-jumper legislation for him.

Mr. Murray named Sen. Harrison A. Williams, D-N.J. as a major source for introducing the special bills for him. A check of the records shows Sen. Williams has introduced bills involving 70 ship-jumpers in the 90th and 91st Congresses.

Scandal in Congress

It is an incredible fact that a portion (who knows how much?) of the bills entered into the legislative mills of Congress are originated by employes of Congressmen and Senators without their knowledge.

And it is an infuriating fact that, altho steps were taken 15 years ago to block bills seeking to protect illegal aliens, there still are lobbyists taking money—and very likely paying out money—to get such measures introduced.

In a series of articles in 1954, Scripps-Howard writer Jack Steele exposed the traffic in bills seeking to prevent or stall deportation of aliens who had entered the United States illegally. As a result, the House Judiciary Committee banned such bills. The Senate Judiciary Committee adopted a policy of refusal to act favorably on them, but still accepts them "for study." And as long as a case is under "study" the Immigration Service cannot order deportation.

So the Senate is the target of a flood of what are now called "Chinese ship jumper" bills—bills intended to delay the deportation of certain Oriental aliens, many of whom "jumped ship" in this country.

Compounding all of this is the fact that some Senators whose names appear on the bills apparently know nothing about them. Scripps-Howard writer Seth Kantor, in a series of articles that began last week, reported denials of authorship by Sen. Joseph M. Montoya, D-N.M., and Sen. Gaylord Nelson, D-Wis., and in at least one case the introduction of the bills was traced to a couple of office assistants.

Mr. Kantor talked with a lobbyist who readily admitted having been paid "between $40,000 and $50,000" for getting "Chinese ship jumper bills" introduced. Another lobbyist who reputedly conducts such business refused to discuss it.

The matter is shocking from several angles:

That such bills continue to appear at all, after the practice was exposed and condemned 15 years ago.

That it should be possible for an employe of a Congressman or Senator to introduce bills without the knowledge of his employer.

That it should be possible for a lobbyist to conduct this business in spite of the blockades that both Judiciary Committees set up.

We strongly urge:

That Congress require that every piece of legislation submitted carry the actual signature of the sponsor and that heavy penalties be provided in the event of forgery.

That Congress and the Immigration Service have another look at the problem of "ship jumper" bills and take whatever additional steps may be necessary to eliminate them.

Senator Joins "Ship Jumper" Navy: Moss Did Favor for Old Friend

(By Seth Kantor)

Sen. John E. Moss, D-Utah, said today he has introduced bills at the request of Washington lobbyist Charles A Murray to thwart the deportation of 26 "Chinese ship-jumpers," as "a favor to an old friend."

Sen. Moss, member of the Senate Interior and Insular Affairs Committee, said he first

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got to know Mr. Murray years ago, when Mr. Murray's father, the late Montana Sen. James E. Murray, was chairman of the Interior Committee.

But Sen. Moss said he is convinced the legislation was for a good cause. He said Mr. Murray told him the bills were to aid "refugees from communist tyranny, whom he represented." Sen. Moss said he also checked with a New York attorney on the aliens involved.

Sen. Moss said he has learned "with great amazement" that Mr. Murray and other lobbyists had got other senators—and even some Senate aides—to introduce hundreds of the ship-jumper bills in the 90th and 91st Congresses.

"I thought Charley Murray was just coming to me alone, for old times sake," he said, and expressed shock at reports payments have been made to get the private bills introduced.

Sens. Joseph M. Montoya, D-N.M., and Gaylord Nelson, D-Wis., revealed last week that their own aides, unknown to them, had introduced "Chinese ship-jumper" bills.

Sen. Wallace F. Bennett, R-Utah, vice-chairman of the Senate Ethics Committee, said he "never before heard of" aides introducing bills without the knowledge of the senators they work for.

Dr. Floyd M. Riddick, Senate parliamentarian, said "technically, aides have no right to submit bills." It is against Senate rules.

But Mr. Riddick said "it has been the practice for some time, if the bill is not controversial and if the senator is in town—we check on this carefully—then we do accept a bill at the desk from an aide."

A bill can be submitted by an aide without a senator's signature on it, or without indication of a senator's approval, said David Lambert, the Senate's assistant bill clerk.

"Chinese ship-jumper bills" are aimed at delaying the deportation of Oriental aliens who have reached U.S. shores illegally.

The individuals or their employers pay fees to lawyers to delay deportation proceedings. The lawyers have made payoffs to lobbyists—Mr. Murray admits having made at least $40,000 in payoffs in recent times—to get bills introduced in the Senate.

The bills are automatically referred to the Senate Judiciary Committee, which has a rule that none of these bills will be passed. But they are placed "under study," a process which keeps the alien from being deported for a period of up to two years.

Mr. Murray said he thinks "some (Senate) aides have received a couple of bucks, a case of whiskey or something," in the placing of some of the bills. He admits having "given a couple hundred dollars to some senators" in getting the ship-jumper bills introduced.

He said he has given no money to Sen. Moss and the senator said there there was no contribution from Mr. Murray.

Sen. Bennett said he introduced one ship-jumper bill as a favor to a lobbyist—not Mr. Murray—in the 90th Congress.

"The man came to a member of my staff," said Sen. Bennett, "and said it was urgent that I put in a bill to block deportation of a cook in the District of Columbia.

"I was busy on the Senate floor. When advised of the request, I said, 'No, no, no. Give me time to look into the matter.' I was told the alien was to be deported right then."

Sen. Bennett said he introduced a bill to save the man, but then checked and found "he was not of the sterling character he was supposed to be. I asked that my bill be killed immediately and the Judiciary Committee obliged."

SEN. INOUYE ADMITS GETTING CAMPAIGN HELP: "SHIP-JUMPERS" CONTRIBUTE

(By Seth Kantor)

Sen. Daniel K. Inouye, D-Hawaii, said today, he has submitted many "Chinese ship-jumper" bills and has received campaign contributions in return.

"I have subsequently received contributions from some of these people," said Sen. Inouye. "I would not only be naive but I would be lying to say I haven't.

"Some have come to me and asked how much would it cost to get a bill submitted in their behalf in the Senate, which might indicate the policies of others on Capitol Hill. I should never take a dime to help someone.

"I am certain there have been some bums among them—the so-called ship-jumpers. But I will continue to submit these bills to help people other senators have turned down. Otherwise, what's this Democracy all about?"

Sen. Inouye has introduced bills to aid 75 Chinese ship-jumpers" in the 90th and 91st Congresses. The bills delay deportation proceedings for up to two years against Oriental aliens who have entered the U.S. illegally.

It has been reported that attorneys, primarily in New York, receive fees to get such bills introduced. The lawyers in turn make payments to certain Washington lobbyists who can get certain senators to introduce the bills.

The bills are referred to the Senate Judiciary Committee, which has a flat policy against approving the bills. But the legislation is put "under study," which buys time for the alien.

"I don't know who brings these bills to my staff people," said Sen. Inouye. "They show the legislation to me and I say, Throw it in (the hopper).

Henry K. Giugni, Sen. Inouye's administrative assistant, said he occasionally has submitted some of the bills in the senator's name and only later told him about it.

Mr. Giugni said Stephen I. Deburr, an ex-Capitol Hill policeman, is one of these who has placed bills in Sen. Inouye's office for introduction.

Mr. Giugni also said Mr. Deburr "never offered me a thing." He accepted the bills from Mr. Deburr because "I felt sorry for him, that's all."

The aide said "we check with the Senator nine times out of 10 on these bills. I mean, when he's out of town, he's out of town. Occasionally I have used my own judgment and put in a bill and then told the Senator about it.

"SHIP-JUMPER" BILLS IN SENATE: HILL BRIBE OFFERS ALLEGED

(By Seth Kantor)

Aides to two members of the Senate Judiciary Committee said today they have been offered bribes by other Senate employes to get "Chinese ship-jumper" bills introduced.

"Pushers of these bills have been operating very much in the open, offering me wide-ranging amounts of money to get Sen. (Hiram L.) Fong, R-Hawaii, to introduce the bills," said Donald M. Chang, minority counsel of Judiciary's Refugees and Escapees subcommittee.

Robert J. Keefe, administrative assistant to Sen. Birch Bayh, D-Ind., also said he has received offers ranging "from $100 to about $250" from other employes.

REJECT BRIBES

They rejected all bribe offers, but declined to identify those who made them.

Mr. Chang said he talked the matter over with Sen. Fong and immigration officials in New York were notified. No official report to the Judiciary Committee was made by either man. "Frankly," said Mr. Keefe, "I considered the offers preposterous and I ignored them."

"Chinese ship-jumper" bills are aimed at slowing the deportation of Oriental aliens who have reached the U.S. illegally.

Lawyers, most of them in New York, are paid fees of hundreds of dollars, frequently by a ship-jumper's employer, to get a delaying bill put into the Senate. Lawyers commonly work thru go-betweens who have influence in the Senate.

"These tactics are so bad; so obvious," said Mr. Chang. "Ship-jumpers immediately become victims of blackmail—faced with threats of deportation by the people they have become indebted to."

Mr. Chang and Mr. Keefe said they have been propositioned with money offers from lobbyists as well as from entrepreneurs working from within the Senate.

AT LAST MOMENT

Charles A. Murray, a lobbyist who admits having handled scores of bills which have been introduced, says he has succeeded more than once in getting an alien freed from a deportation plane at the last moment by getting a bill introduced.

A spokesman for the immigration subcommittee said "frequently they wait until the last moment, when the deportation flight is about ready to take off, after the government already has gone to a hell of a lot of expense, to play on a senator's sympathies.

"We always have informed the offices of bill-sponsoring senators that there is no chance of getting a jumped-ship crewman bill passed. Despite that, the bills often remain in."

The spokesman said "there appears to be an international network of communications involving the Chinese benevolent associations, which used to be known as tongs.

"How else would it be possible for a guy to jump ship at, say, Norfolk on Sept. 25 and be at work Sept 27 in a New York City restaurant, when he's unable to speak the English language? They know where they're heading before starting out from the Orient."

Mr. STENNIS. Mr. President, as the chairman of the Select Committee on Standards and Conduct, I have a brief statement to make on behalf of the committee on the subject of so-called Chinese ship-jumper bills.

Beginning early last month, articles began appearing in various out-of-town newspapers alleging that private relief bills had been improperly introduced in the Senate by a number of Senators or their assistants. Similar articles are now appearing in newspapers in other places including Washington.

Our committee, through its staff, has been looking into these allegations for several weeks, and after a recent meeting of the committee decided to continue its interest in the form of a preliminary inquiry.

There appear to be two aspects of this matter which warrant the attention of our committee. First, it is alleged that some of these private bills have been filed, without the full knowledge of the sponsoring Senator, by his legislative or other assistants. Second, it is alleged that payments have been made by persons seeking to place these bills with Senators for introduction.

In considering the first type of allegations, the committee took note of rule 7 of the Standing Rules of the Senate on morning business which states in paragraph 2, among other things, that—

> Senators having bills for the payment of private claims to present after the morning hour may deliver them to the Secretary of the Senate, endorsing upon them their names.

It is the committee's understanding that the practice for many years has been for some of these bills to be presented by a representative or a messenger

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of a Senator, with the Senator's name simply typewritten or otherwise shown on the bill. As an immediate recommendation, the committee has concluded that the better interpretation of the provision of rule 7 in the future is for a Senator actually to sign all bills that he is introducing. In our considered judgment, moreover, the rule contemplates the physical presence of the endorsing Senator. We recognize that the language of rule 7 may be open to other constructions, but we believe that the proper and the safest practice requires the signature and the presence of the Senator.

The other issue here, alleging the passage of money in return for the introduction of these bills, is a very serious one. In order to obtain the facts and the circumstances underlying this allegation, the Committee on Standards and Conduct has directed its chief counsel to conduct a preliminary inquiry of all private relief bills in the 90th Congress and thus far in the 91st Congress dealing with so-called Chinese ship-jumpers. The staff of our committee will examine the bases of these allegations and will report its findings to the committee.

By these actions, we believe that we are providing an immediate remedy to what may be abuse in the handling of private relief legislation, and we are collecting evidence to determine the validity of the other allegations that have been made.

The staff of our committee will examine the provisions of these allegations and report its findings to the committee. By these actions we believe we are providing an immediate remedy to what may be an abuse in the handling of private relief legislation; and we are collecting evidence to determine the validity of the other allegations that have been made.

I call the special attention of Senators to rule 7 which has a special provision for private bills and payment of private claims, which permits them merely to be turned in at the desk rather than introduced in the ordinary way. And it provides bills of that type shall have the signature of the Senator.

For many years the practice has grown up not to require anything more than the Senator's name on the bill, even if it was merely typewritten, and the bill did not have to be handed in by the Senator.

We think another interpretation of the rule, and a better one, is for the Senator to endorse his name on the bill and also hand it in himself. I think the rule contemplates that; we all did.

I wish to emphasize that these points should not be considered as a blanket indictment of any group of Senators or any individual Senator. This merely relates to a practice and it seems that in the 90th Congress and the 91st Congress it began picking up so much.

These people are merely here without any legal authority; and under the practice the Immigration Service had held up proceedings adverse to the party until the bill had been disposed of one way or another. The practice has proved to be greatly abused, it seems to me, but I do think it is unfair just because one introduced one or several of these bills for it to carry any kind of sinister meaning or purpose.

Mr. SYMINGTON. Mr. President, will the Senator Yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. Mr. President, I respectfully commend the chairman of the Select Committee on Standards and Conduct for what appears to me to be a very logical recommendation.

Those recommendations to handle this matter which has been given considerable publicity is typical of the Senator from Mississippi and I congratulate him on the job he has done.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks. Other Members of the Senate were at the meeting. The Senator from Utah was there, as were the Senator from Kentucky, and the Senator from Minnesota.

Mr. SYMINGTON. My remarks were intended to include the entire committee.

Mr. STENNIS. I am sure the Senator did include the entire committee in his remarks.

Mr. BENNETT. Mr. President, will the Senator from West Virginia yield to me briefly?

Mr. RANDOLPH. I am happy to accommodate the Senator. I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, as a member and vice chairman of the Select Committee on Standards and Conduct, I think this is the kind of situation we were organized to investigate. The fact that a responsible Member of this body asked for the investigation automatically calls us to our responsibility.

I am sure the attitude of the members of the committee is as has been stated by our chairman: To go into this matter for the purpose of ascertaining the truth. We are not starting out with any preconceived prejudices against any of our colleagues with respect to this pattern that has grown up regarding a rather casual and careless interpretation of the rule referring to the introduction of private bills.

I think it will be good for all of us to be required physically to endorse the bills that we introduce so we will be required to face them and their consequences.

While I am sure our staff people have been trying to save us from some annoyance, or to speed the progress of legislation, I think it is wise under the circumstances that we go back and do the job properly.

I am happy to associate myself with the chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, I wish to join the distinguished Senator from Missouri and others in expressing confidence in the chairman, vice chairman, and all members of the Ethics Committee. I think they deserve the commendation of the Senate for the manner in which they have approached many of these delicate problems. I agree fully with what the chairman and the vice chairman have said, that as we approach this study it is to be done without any preconceived conclusions or blanket indictments of anyone.

I know this committee will do its job with the efficiency it has demonstrated within the past. As one who has complete confidence and respect in the committee, I thank them for their cooperation.

Mr. President, I should add it is my understanding that the committee was already investigating these allegations before my letter of last Friday.

Mr. STENNIS. Mr. President, I wish to call attention to rule 7, section 2, which states:

> 2. Senators having petitions, memorials, pension bills, or bills for the payment of private claims to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their names * * *

That is a recommendation that this matter be interpreted as I have stated. "Indorsing" to me means writing one's name on a piece of paper, and it seems only a Senator can present them.

The question has been raised with regard to what the Parliamentarian is to do if a Senator sends over a bill which is not in compliance. I think the Senator would have to be the judge of his own conduct, and I have no instructions to give to the Parliamentarian. I am addressing my remarks to Senators.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2917.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The PRESIDING OFFICER. Without objection, the Senate will resume its consideration.

The question now is: Is it the judgment of the Senate that the point of order raised by the Senator from Vermont (Mr. PROUTY) is well taken?

The Senator from Vermont is recognized.

Mr. PROUTY. Mr. President, the pending business is the point of order which I raised last Friday against section 502 of S. 2917.

For the benefit of my colleagues who were not present on the floor Friday, I point out that section 502 of this bill requires that an assessment be paid to the United States for each ton of coal produced in or imported into the United States. This assessment starts at 1 cent per ton, and increases by 1 cent at the start of each new fiscal year until it becomes 4 cents per ton on and after July 1, 1972.

However, Mr. President, the Constitution of the United States specifically prohibits the Senate of the United States from originating this type of measure. Article I, section 7 of our Constitution states clearly and unambiguously:

> All Bills for raising Revenue shall originate in the House of Representatives . . .

I regard this assessment on every ton of coal produced in or imported into the

United States as a tax on coal production, even though the word "tax" is never used in this section.

I would point out to the Senate, however, and particularly to my good friend, the senior Senator from Florida, who raised this subject last Friday that the constitutional issue here is not whether this assessment on coal production is or is not a tax.

The question presented, rather, is whether the assessment on coal production is for the purpose of raising revenue. For the Constitution of the United States, like section 502 of the pending bill, does not contain the word "tax."

The clear constitutional prohibition is much broader than that, prohibiting the Senate from originating "all bills for raising revenue."

I submit, Mr. President, that the imposition of this assessment on all coal production with the proceeds to be deposited in the Treasury of the United States, is obviously a provision for the raising of revenue.

Let me note briefly the provisions of section 502 of S. 2917.

Subsection (a) establishes the assessments on coal I have just discussed, progressing from 1 cent a ton by stages to 4 cents a ton on July 1, 1972.

Subsection (b) provides that the Secretary of the Interior shall collect the assessments imposed on coal production and deposit them with the Treasurer of the United States, unless he enters into an agreement with the Treasurer of the United States for the collection of those assessments directly by the Treasury.

Subsection (c) authorizes the Secretary of the Interior to enter into such an agreement. It further provides that if such an agreement is entered into, the Secretary of the Treasury is authorized to collect the assessments on coal production, "In the same manner and with the same powers as if such assessments were excise taxes imposed by subtitle D of the Internal Revenue Code of 1954, as amended."

Subtitle D of the Internal Revenue Code of 1954 is entitled "Miscellaneous Excise Taxes."

The Secretary of the Treasury is further authorized to collect the assessments on each ton of coal imported into the United States. In the same manner and with the same powers as if such assessments were custom duties imposed by the Tariff Schedules of the United States."

I submit, Mr. President that this is a valid constitutional point of order. The constitutional issue is simple, not complex. The objectives of title V may be highly meritorious but that is not the question at issue. Let me emphasize that we are not now concerned with the merits of title V in its attempt to provide funds for necessary research and training.

What will be determined by the pending vote, Mr. President, is whether the Senate intends to abide by the provisions of our Constitution, or whether the Senate desires to go on record as holding that it is above and beyond the constitutional restraints which our Founding Fathers in their wisdom saw fit to place upon this body.

Mr. RANDOLPH. Mr. President, I rise in opposition to the point of order brought before the Senate by my friend, the able Senator from Vermont (Mr. Prouty), a member of the Committee on Labor and Public Welfare.

As we know, the pending business before the Senate is S. 2917, a bill reported from the Committee on Labor and Public Welfare to improve the health and safety conditions of persons working in the coal mining industry of the United States.

I am sure that the Senator from Vermont will recall, because he was very attentive to the subject matter of the pending legislation, that a stubstantial part of the discussion during the committee consideration was title V, to which reference has been made—section 501, which establishes a coal mine health and safety research trust fund, and section 502, which provides for an assessment on the coal operators and importers of coal.

I think that the Senator from Vermont will also remember that these provisions were retained in the bill by a one-vote margin. I know the Senator recalls this situation.

On that issue, I voted for an amendment offered by the Senator from Vermont to strike section 502. However, we now have pending before the Senate as the privileged business, the point of order which has been raised by the distinguished Senator from Vermont, that the inclusion of section 502 in S. 2917 contravenes article I, section 7, clause 1 of the U.S. Constitution.

Our colleague's point is that the inclusion of section 502 makes this a "bill for raising revenue," and that the Senate cannot do this under the constitutional provision which requires that a "bill for raising revenue" can originate only in the House of Representatives.

The Senator from Vermont did not raise this point of order in the committee. If I recall correctly, his action was that of proposing an amendment to strike the section for other reasons.

Mr. President, I am joined with other senior members of the Committee on Labor and Public Welfare, including the distinguished chairman (Mr. Yarborough), the chairman of the Subcommittee on Labor (Mr. Williams), and the ranking minority member (Mr. Javits) in a letter offered for the consideration of all Members of the Senate on this point-of-order issue.

Although I was on the same side as Senator Prouty in the vote against section 502 in the committee, it does not follow that I am or that I will be a supporter of his point of order against that section. This is an entirely different issue that involves principles entirely outside of the merits of the provisions in question. Involved here is the competence of the Senate to legislate in certain areas of finance.

This point of order could very well set highly significant precedents for the Senate of the United States for all time to come—not just on the single issue before us today.

As we have written in our joint letter urging that there be full debate and careful consideration on this vital point-of-order issue: We have found no record of a point of order of this nature ever having been sustained in the Senate, and we urge our colleagues not to uphold it when it comes to a vote whether it be today, tomorrow, or later in the week.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PROUTY. Mr. President, I wonder if there is any record indicating that a point of order of a similar character has ever been rejected by the Senate.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Vermont yield at that point?

Mr. PROUTY. I yield.

Mr. WILLIAMS of Delaware. I think that perhaps the reason a point of order has never been sustained or overridden is that heretofore the Senate has recognized when the question was raised that it was not the proper procedure. Without debating or passing upon the merits of the particular section in question, it may be an essential part of the bill, but I would strongly suggest to Senators interested in the bill that it does embrace an amendment to the Revenue Code. Senators who are in favor of it should introduce it as an amendment to a revenue bill so that there will be no question either as to its constitutionality or to the fact that it is being handled in the proper manner.

Revenue bills will be before the Senate shortly, and this proposal can be offered as an amendment to, say, the tax reform package or to any other revenue bill from the House. The precedent heretofore has been that amendments to revenue bills would only be considered when offered to House-passed bills.

We would have this problem if the Senate passes the amendment as a part of the pending bill; in conference a part of the bill should go to the Ways and Means Committee of the House whereas the other part should go to the Committee on Labor and Public Welfare.

I think that Senators who are interested in this section would be well advised not to defeat the bill itself by adding this revenue amendment but to offer it later to some other revenue bill where it could be considered and acted upon on its merits.

Mr. RANDOLPH. I will say again, especially to the Senator from Delaware (Mr. Williams), that this question was not raised by the Senator from Vermont in the Committee on Labor and Public Welfare. We voted on the deletion of a certain section, and I joined him in reference to that matter. But as to the constitutionality, as it will be developed in our discussion, certainly, as I understand it, the provisions of the Constitution do not refer to assessments of taxes which are not general revenue-raising measures, but are merely incidental to the special purposes of a statute, such as in Senate bill 2917, in which they are provided for merely to further those particular purposes. They are included, of course, in this bill.

This principle has been consistently expounded and applied by the Supreme Court, so I am advised, to sustain special-purpose assessments designed to further particular legislative programs, even

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though such provisions have originated in the Senate.

I think mention will be made of certain cases—at least three, which I shall not discuss—that go directly to this point. Under the principle, the provision to which the present point of order has been raised, is clearly, we believe, one which may originate in the Senate. Section 502 of Senate bill 2917 provides for an industry benefit assessment to be used only for research into means for improving the health and safety of the coal miners of the United States.

Thus the assessment applies only to the coal mining industry and its proceeds would be used only for the benefit of those engaged in that industry. If such a measure can be attacked on the ground that the inclusion of an assessment for a specific purpose can originate only in the House of Representatives, then I think it will serve as a precedent to jeopardize future action on many types of programs which in the past, as I shall indicate very strongly, have been initiated in the Senate.

As stated in our communication to the Members of the Senate—

Furthermore, a vote in rejection of the point of order would not constitute a vote in favor of the assessment provided in section 502.

It is true that a vote in favor of the point of order does strike the assessments, but not necessarily as an action on merit but, rather, as one based on an interpretation of the Constitution.

Again quoting from the joint letter now in circulation to Senators:

> A few examples of the numerous analogies to the provision now under challenge which can be found in existing provisions of law may be cited: registration fees levied under the Securities Act; the annual assessments for administrative costs imposed on hydroelectric power facilities under the Federal Power Act; fees authorized to be levied by the Land and Water Conservation Fund Act; the duck stamp charge under the Migratory Bird Hunting Stamp Act; fees for administrative expenses imposed under the Perishable Agricultural Commodities Act; the "debris tax" imposed on hydroelectric mining operations under the California Debris Commission Act; and the special fund payments required to be made under the Longshoremen's and Harbor Workers' Compensation Act.
>
> Some of the foregoing and other comparable types of provisions have been initiated in the Senate, and it is clear that in formulating such legislative programs, the Senate has not considered itself restricted from including such incidental funding provisions. The Senate should not want to preclude itself from initiating such legislation in the future.
>
> Aside from its extremely important broad implications for future legislation, the point of order on which we will be voting would strike down the assessment provision which would enable use of some of the proceeds of the assessment to provide, on a temporary and limited basis, interim and emergency benefits to miners who are totally disabled by black lung disease. If the assessment is eliminated by the point of order, the anticipated means for funding these benefits will be lost.
>
> We are therefore most hopeful that you will join in voting against the point of order, for the sake of its effect on the current vital legislation, as well as its effect as a precedent on a great variety of future legislation.

Mr. President, I ask unanimous consent that the complete text of my letter to Senators be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., September 29, 1969.

DEAR COLLEAGUES: Last Friday, a point of order was raised by Senator Prouty with respect to the Health and Safety Research Trust Fund assessment provision contained in Section 502 of S. 2917, the Coal Mine Health and safety bill now before the Senate. The point of order asserted that this provision is a "bill for raising revenue," which, under Article I, Section 7, clause 1, of the Constitution can originate only in the House of Representatives.

We have found no record of a point of order of this nature ever having been sustained in the Senate, and we urge our colleagues not to uphold it when it comes up for a vote on Monday or Tuesday of this week. Important principles of great significance to all Senators, now and in the future, are at stake in this vote.

As will be pointed out during the floor debate on this point of order, the foregoing provision of the Constitution does not have reference to assessments or taxes which are not general revenue-raising measures, but which are merely incidental to the special purposes of a statute, and which are provided for merely to further those particular purposes. This principle has been consistently expounded and applied by the Supreme Court to sustain special-purpose assessments designed to further particular legislative programs, even though such provisions have originated in the Senate. See United States vs. Norton, 91 U.S. 566 (1876); Twin City Bank vs. Nebeker, 167 U.S. 196 (1897); Milliard vs. Roberts, 202 U.S. 429 (1906).

Under this principle, the provision to which the present point of order has been raised is clearly one which may originate in the Senate. Section 502 of S. 2917 provides for an industry benefit assessment to be used only for research into means for improving health and safely in our Nation's coal mines. Thus, the assessment applies only to this industry, and its proceeds would be used only for the benefit of this particular industry. If such a measure can be attacked on the ground that it can originate only in the House of Representatives, it will serve as a precedent to jeopardize future action on innumerable other types of programs which, in the past, the Senate has freely initiated. Furthermore, a vote in rejection of the point of order would not constitute a vote in favor of the assessment.

A few examples of the numerous analogies to the provision now under challenge which can be found in existing provisions of law may be cited: registration fees levied under the Securities Act; the annual assessments for administrative costs imposed upon hydroelectric power facilities under the Federal Power Act; fees authorized to be levied by the Land and Water Conservation Fund Act; the duck stamp charge under the Migratory Bird Hunting Stamp Act; fees for administrative expenses imposed under the Perishable Agricultural Commodities Act; the "debris tax" imposed upon hydroelectric mining operations under the California Debris Commission Act; and the special fund payments required to be made under the Longshoremen's and Harbor Workers' Compensation Act.

Some of the foregoing and other comparable types of provisions have been initiated in the Senate, and it is clear that in formulating such legislative programs, the Senate has not considered itself restricted from including such incidental funding provisions. The Senate should not want to preclude itself from initiating such legislation in the future.

Aside from its extremely important broad implications for future legislation, the point of order upon which we will be voting, would strike down an industry benefit assessment provision which would provide the means for achieving desperately needed research toward improvement of the working conditions in our Nation's coal mines In addition, an amendment to S. 2917 has been offered, with wide support, which would use some of the proceeds of the assessment to provide, on a temporary and limited basis, interim and emergency benefits to miners who are totally disabled by pneumoconiosis. If the assessment is eliminated by the point of order, the anticipated means for funding these benefits will be lost.

We are therefore most hopeful that you will join in voting against the point of order, both for the sake of its effect upon the instant legislation, as well as its effect as a precedent upon a great variety of future legislation.

Sincerely yours,
JENNINGS RANDOLPH,
RALPH YARBOROUGH,
JACOB K. JAVITS,
HARRISON A. WILLIAMS, JR.

Mr. PROUTY. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. PROUTY. Were any of these measures initiated in the Senate, or were they added to tax bills or bills first approved by the House?

Mr. RANDOLPH. They were added to bills that came from the House.

Mr. PROUTY. From the House?

Mr. RANDOLPH. Will the chairman of the subcommittee clarify that point?

Mr. WILLIAMS of New Jersey. Yes.

Mr. RANDOLPH. We will do it on some of these. I think that one or two of them were initiated in the Senate, even from the standpoint of taxes. The Senate should not want to preclude itself from initiating such legislation in the future.

Mr. PROUTY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. RANDOLPH. Yes, certainly.

Mr. PROUTY. Mr. President, does the rule of germaneness prevail at this time on the point of order?

The PRESIDING OFFICER. The rule pertaining to germaneness of debate is in order now.

Mr. PROUTY. In other words, as I understand it, a Senator in discussing the point of order must restrict his debate to the question of the point of order which I have raised?

Mr. RANDOLPH. Mr. President, does my colleague maintain that I have not addressed myself to the point of order?

Mr. PROUTY. May I have the ruling of the Chair first?

The PRESIDING OFFICER. The Chair would like to read to the Senator from Vermont the last part of rule VIII:

> At the conclusion of the morning hour or after the unfinished business or pending business has first been laid before the Senate on any calendar day, and until after the duration of three hours, except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate.

And the time for germaneness of debate started at 1:45 p.m.

Mr. PROUTY. A point of order could be raised against a Senator who did not follow the rule of germaneness?

The PRESIDING OFFICER. That is correct.

Mr. RANDOLPH. Mr. President, I think the inquiry made was a proper one, and I was glad to yield the floor for the inquiry as to the kind of debate that shall be carried on.

Mr. COOK. Mr. President, I rise to speak in favor of the point of order raised by the Senator from Vermont. I am sure the precedent that would be set by the Senate would be a precedent for doing this that was set for the first time. The Constitution does not say "taxes." The Constitution says "All bills for raising revenue."

There is no question about the fact that this bill raises a substantial amount of revenue. Because we call it an "assessment," somehow or other we feel it must rise and fall on the word "assessment."

If that be true, I would suggest to the Senator from West Virginia and I would suggest to the chairman of the committee, if it is to stand on its own as an assessment, that they remove the words in subsection (1) "as if such assessments were excise taxes imposed by subtitle D of the Internal Revenue Code."

In other words, but for the Internal Revenue Code and but for title D of the Internal Revenue Code, there would be no machinery to collect these assessments.

As to importers, it provides, "as if such assessments were customs duties imposed by the Tariff Schedules of the United States." But because they are called "assessments" means nothing, for they cannot be collected unless they consider such assessments as "customs duties imposed by the Tariff Schedules of the United States."

If this section could be taken out, if there could be eliminated the fact that the only means by which they could be collected is by the Internal Revenue Code, or, on the part of importers, by the Tariff Schedules established by this Nation, then they might well have an argument, but then they would have to get over the definition of the word "assessment" as defined by Webster:

> A valuation of property for the purpose of taxation; such valuation and an adjudging of the sum to be levied on property as if by taxation.

I think the real question here is not whether the Senate is about to give something away, but whether the Senate is, for the first time, about to assume something that the Constitution says it cannot do. I think it is entirely clear.

I think we can talk about side issues. I think we can talk about the problems in the mines, about which we are all aware. Obviously, if something must be done along these lines, then we should do it properly. But I think it is rather strange that we would write a section into the bill on which no hearings were held, on which no one had an opportunity to appear before the committee, discussing an assessment on every ton of coal, starting at a penny and running up to 4 cents a ton, and yet find it, for the first time, in a page of this bill on the floor of the Senate.

I may add that there is no distinction here in the value of a ton of coal. A "ton of coal" would go all the way from sludge to the finest coal mined or brought into this country. But in the bill the coal is going to carry the same assessment. There is going to be no real attempt to assess its value, and the bill places a cost on it, but it is imposed on everybody.

The Senator from West Virginia, in his remarks, stated that this was a means by which we could cope with the situation of black lung. But we are imposing on every ton of coal, whether it comes out of a strip mine, a drift mine, slope mine, or a deep vein, an assessment of from 1 to 4 cents a ton, even though it might have nothing to do with the problem to be solved.

They mine coal in Arizona, and it is of such a poor quality that it is mixed with water and a sludge is made out of it. They get very little out of it, and yet the penalty by way of assessment that they must pay is the same as if it were on the finest ton of coal mined in this country or imported into this country.

So I can only say that, to me, on its merits, this is a tax. I do not see how we can, frankly, fool around into calling something an assessment and believing we can win an argument on the basis of its being an assessment, merely by changing a word from what it really is.

Again, I call attention to the fact that there is absolutely no means by which these funds can be properly collected except by the Secretary of the Treasury, as authorized by title I of the Revenue Code of 1954, or by the Secretary of the Treasury on importers of coal through duties imposed by the Tariff Schedules of the United States.

No Senator can say that, under these circumstances, this proposal does not fall within the category of being a flat-out taxation of from 1 to 4 cents a ton on coal in the United States, whether it is mined or not, regardless of its source and regardless of the value of the ton of coal once it has been mined.

Mr. EAGLETON. Mr. President, I speak in opposition to the point of order raised by the Senator from Vermont (Mr. Prouty) to section 502 of S. 2197, a bill designed to improve the health and safety conditions of persons working in the coal mining industry of the United States.

I am deeply concerned about the point of order and the possible consequences it could have on the prerogatives of the Senate if it were sustained. I hope that all Senators will consider the matter carefully and will weigh its importance before they vote. I feel certain that if they do, they will conclude, as do I, that the point of order should not be sustained.

Article I, section 7, clause 1 of the U.S. Constitution provides:

> All bills for raising revenue shall originate in the House of Representatives.

The clause has been construed as being confined to bills to levy taxes in the strict sense of the word and has not been understood to extend to bills for other purposes which incidentally create revenue. I cite as being relevant on this point the case of *United States* v. *Norton*, 91 U.S. 566, a decision handed down in 1876. Thus, Senate bills or Senate amendments which contain clauses incidentally raising revenue have been held not violative of this constitutional section. There is no exclusive definition of the doctrine of "incidentally creating revenue." Each situation must be examined on its own. Aspects of the doctrine have been considered by the Supreme Court as well as by Congress.

In the case of *Twin City National Bank* v. *Nebeker*, 167 U.S. 202, an 1897 decision, Congress provided for a national currency secured by a pledge of bonds of the United States, and, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of banking associations organized under earlier statutes, the act was held to be not a revenue bill within the meaning of article I, section 7, clause 1.

The Senate had inserted the amendment to the act which provided for the payment by each banking association organized under the act of a duty upon the average amount of its notes in circulation, upon the average amount of its deposits, and upon the average amount of its capital stock beyond the amount invested in U.S. bonds, the proceeds of which were to be used to meet expenses incurred in carrying out the purpose of the act.

The Supreme Court held that—

> It is sufficient . . . to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the Act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives . . . The main purpose that Congress had in view was to that end it was deemed wise to impose the tax in question. The tax was a means of effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States, and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the government, (167 U.S. 202–203).

In *Millard* v. *Roberts*, 202 U.S. 429 (1906), it was held that an act of Congress originating in the Senate, which appropriated money to be paid to railway companies to carry out a scheme of public improvement in the District of Columbia and which required the companies to eliminate grade crossings and erect a union station, the appropriations to be levied and assessed on property in the district other than that of the United States, was not in violation of article 1, section 7, clause I. The taxes imposed were deemed "but means to the purposes provided by the Act"—202 U.S. 437.

The payment of certain sums to the companies was deemed to be for a government, that is public benefit use, rather than a private use.

Finally, in a debate in the Senate resulting in a decision holding a Senate bill which proposed a gasoline tax in the District of Columbia to be a revenue producing measure to be originated in the House, Senator McKellar, in deeming the bill to be a revenue raising measure stated:

> This bill provides for a tax which would be paid into the Treasury of the United States. It would be for general purposes. It would go into the Treasury of the United States just exactly as do the moneys which arise from tariff taxes or internal revenue taxes or any other taxes. The taxes raised by this bill would be mingled with and become a part of all the revenues of this Government. This is as completely a revenue bill to be set aside: they are to be intermingeld with other funds of the government. They would be a part of the General Revenue of the Government and it is impossible, it seems to me, that any theory could be urged against a measure of this kind originating in the House of Representatives, as is required by the plain terms of the Constitution.

Mr. President, I now turn again to the constitutional provision which gives rise to the point of order. It states:

> All bills for raising revenues shall originate in the House of Representatives.

Mr. President, if the Senator from Vermont is correct in his view that a section of S. 2917 is a bill "for raising revenue" within the meaning of the Constitution then certainly the point of order should be sustained. If, however, the Senator is wrong, and I believe he is, then the Senate has no right to yield its jurisdiction through this point of order. No department of the Government has any right to surrender any portion of the power or responsibility conferred on it by the Constitution.

Certainly, from a constitutional standpoint, as I have stated, S. 2917 is not a "bill for raising revenue" for the support of the Government.

This then brings us to the issue: What is a revenue bill within the meaning of the Constitution?

The definition is, I believe, well settled:

> *Revenue laws:* Laws made for the direct and avowed purpose of creating and securing revenue or public funds for the service of the Government.

Mr. President, I read this definition from Mr. Justice Story. The Supreme Court, in the case of *United States* v. *Norton,* (91 U.S. 568) had the occasion to consider the word "revenue" in a Post Office money order case where the Court had to decide on this question in deciding the case. The Court said, and I quote:

> In no just view, we think, can the statute in question be deemed a revenue law.
>
> The lexical definition of the term "revenue" is very comprehensive. It is thus given by Webster: "The income of a nation, derived from its taxes, duties, or other sources, for the payment of the national expenses."
>
> The phrase "other sources" would include the proceeds of the public lands, those arising from the sale of public securities, the receipts of the patent office in excess of its expenditures, and those of the Post-Office Department, when there should be such excess, as there was for a time in the early history of the government. Indeed the phrase would apply in all cases of such excess. In some of them the result might fluctuate, there being excess at one time and deficiency at another.
>
> It is a matter of common knowledge that the appellative "revenue laws" is never applied to the statutes involved in these classes of cases.
>
> The Constitution of the United States, article I, section 7, provides that "all bills for raising revenue shall originate in the House of Representatives."
>
> The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction it "has been confined to bills to levy taxes in the strict sense of the words and has not been understood to extend to bills for other purposes which incidentally create revenue. (Story on the Constitution, Sec. 880)." "Bills for raising revenue" when enacted into laws become revenue laws. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase "bills for raising revenue" as used in that instrument and the construction which had been given it.
>
> "The precise question before us"—

That is, as to what was meant by a "revenue bill" under this clause of the Constitution—

> came under the consideration of Mr. Justice Story, in the United States v. Mayo (1 Gall., 396). He held that the phrase "revenue laws," as used in the act of 1804, meant such laws "as are made for the direct and avowed purpose of creating revenue or public funds for the service of the government." The same doctrine was reaffirmed by that eminent judge in United States v. Cushman.

Mr. President, there is also at least one other case directly on this point—*Oran C. Michels* v. *Thomas L. James* 13 Blatchford's Circuit Court reports 207—where the court said:

> Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people, either directly or indirectly, or lay duties, imposts, or excises for the use of the government, and give to the persons from whom the money is exacted no equivalent in return, unless in the enjoyment, in common with the rest of the citizens, of the benefit of good government.

That is a well thought out distinction and definition.

> It is this feature which characterizes bills for raising revenue. They draw money from the citizen: They give no direct equivalent in return. In respect to such bills it was reasonable that the immediate representatives of the taxpayers should alone have the power to originate them. Their immediate responsibility to their constituents and their jealous regard for the pecuniary interests of the people, it was supposed, would render them especially watchful in the protection of those whom they represented. But the reason fails in respect to bills of a different class. A bill regulating postal rates for postal service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate, or he lets it alone, as he pleases and as his own interests dictate. Revenue, beyond its cost, may or may not be derived from the service and the pay received for it, but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue, within the meaning of the constitution. This broad distinction existing in fact between the two kinds of bills, it is obviously a just construction to confine the terms of the constitution to the case which they plainly designate. To strain those terms beyond their primary and obvious meaning, and thus to introduce a precedent for that sort of construction, would work a great public mischief. Mr. Justice Story, in his commentaries on the Constistution (sec. 880), puts the same construction upon the language in question, and gives his reasons for the views he sustains, which are able and convincing. In Tucker's Blackstone only, so far as authorities have been referred to, is found the opinion that a bill for establishing the post-office operates as a revenue law. But this opinion, although put forth at an early day, has never obtained any general approval: But both legislative practice and general consent have concurred in the other view.

Now applying the principles I have just enunciated to title V of the bill, I confess that I fail to see how this section in any way is prohibited by article I, section 7, clause I of the Constitution of the United States. S. 2917 is not a revenue raising bill. Title V is merely an incidental part of that bill.

The primary and only purpose of S. 2917 is to protect the coal miners from terrible tragedies that befell the 78 miners at Farmington who are still entombed in a mine racked with explosions, and to protect the thousands of miners whose lungs are ravaged by the coal dust they must breath while working.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. PROUTY. I am not going to raise a point of order against the Senator, but he is going a bit far afield when he is discussing title V as a whole, or other sections of the bill. I wonder whether in any cases he has cited—I am not a lawyer, so it is difficult for me to follow them—he has been able to establish when a revenue bill originated in the Senate?

Mr. EAGLETON. In answer to the Senator from Vermont—the way he phrases his question, of course, will affect the answer that will be given thereto— if a bill is on its face a revenue bill as such, of course, under the previously cited constitutional provision, it must originate in the House.

The point that Justice Story tried to make in his cases, which are Supreme Court cases and are binding on this body—the point that he made in amplification of those cases in his commentaries on the law—is that one must examine the bill in its entirety in order to find out whether its main thrust is revenue producing or, contrariwise, whether it is a bill that treats of a general subject matter, with the matter of a relatively minor item of revenue being incidental thereto.

That is why, in my opinion, in order for the Senate to make a proper decision on the point of order as raised by the Senator from Vermont, the Senate cannot confine its attention merely to the small section of this bill which is involved in the Senator from Vermont's point of order. In order to determine whether this is a revenue bill and hence one that must originate in the House, the Senators have to examine the entire contents of the bill in order to determine its possible thrust, direction, and so forth. If a revenue matter be but a minor or incidental part of a bill which has as its overall basic concept the protection of the health and safety of coal miners, then, under the Story doctrine, it is perfectly proper that such a bill originate

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in the Senate and have included within it a matter such as title V.

Mr. PROUTY. I should like to point out that the Constitution does not refer to a revenue bill, but that all bills for raising revenue shall originate in the House.

Let me give the Senator the Black's Law Dictionary definition of "revenue":

> As applied to the income of a government, a broad and general term, including all public moneys which the state collects and receives, from whatever source and in whatever manner.

It defines "revenue law" as follows:

> Any law which provides for the assessment and collection of a tax to defray the expenses of the government. Such legislation is commonly referred to under the general term "revenue measures," and those measures include all the laws by which the government provides means for meeting its expenditures.

It seems to me that that is all-inclusive, Mr. President. It seems to me that this is a revenue-raising measure; and if the Senate fails to sustain the point of order, it seems to me that we do great violence to the constitutional provisions relating to revenue-raising methods.

Mr. EAGLETON. In response to the distinguished Senator from Vermont, I have no quarrel—although I cannot give it back to him verbatim—with the definition he has just cited from Black's Law Dictionary, which is a most valuable legal document, both for law students and practicing lawyers.

The essence of the definition from Black's is that revenue bills or revenue measures are those which are enacted by Congress to defray the cost of government. If a bill has as its purpose to defray the cost of government, it is per se a revenue bill and, under the constitutional provision, must originate in the House.

The pending bill, S. 2917, is not a bill to defray the cost of government. This is the Coal Mine Health and Safety Act of 1969. This is a bill that has as one provision, contained within a whole body of provisions, many of which are detailed and complex, an item which would assist in research and related matters thereto, which is an industry benefit assessment. Hence, I think this bill comes quite adequately within the definition that the Senator from Vermont has given from Black's Law Dictionary and is not a bill in which we are prohibited from proceeding on an original basis in the Senate.

Mr. PROUTY. May I point out that the point of order is directed only against section 502 of the bill. It is not directed against the entire substance of the bill.

Mr. EAGLETON. I take it, of course, that the Senator from Vermont is eminently correct. His point of order is not to strike the entire bill but the one provision thereof. I concur in that.

However, the precedent he attempts to have set would apply to any and all other bills originating in the Senate dealing with environment, dealing with pollution, dealing with the whole range of matters that comes before Congress. If they have one section that has something to do with an assessment or something to do with the creation of a fund for research or development, his precedent, if he has his way, would prohibit all such provisions in all bills coming before the Senate. It would broaden immensely the very definition which he quoted from Black's dictionary—that is, that revenue bills are those designed to defray the cost of government.

The provision that is being challenged by the Senator from Vermont's point of order is not a provision defraying the cost of government; and the Coal Mine Health and Safety Act of 1969, in and of itself, is not a revenue bill.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. EAGLETON. I am pleased to yield to the Senator from Kentucky.

Mr. COOPER. This is an interesting question and an important one. Because there are no precedents which are on all fours, I would agree that perhaps the Senator from Delaware (Mr. WILLIAMS) is correct, that in the past this type of approach has not been used.

The Senator said that it is not intended to defray the cost of government nor for general revenue. How would he describe this fund?

Mr. EAGLETON. This fund, in response to the Senator from Kentucky, is a fund, as I read it, that would be designed primarily to go forward with research and further delving into how the life of a coal miner could be made better in terms of protecting his health and safety while working in those mines. It is not a tax per se that is imposed upon income. It is not an income tax, nor is it a sales tax. It is a measure which would raise money from coal producers for research.

Mr. COOPER. It is for research.

The Senator knows that revenue is raised for general purposes and then it is appropriated for research. Is that correct?

Mr. EAGLETON. The Senator is correct. As the Senator from Kentucky well knows, we have spent many, many weeks on the floor of the Senate in the past few months debating some of these provisions in the military bill with respect to research and the like.

Mr. COOPER. I know, for example, we authorize funds for research for many diseases in bills which are reported by the Committee on Labor and Public Welfare. Large sums of money are authorized and later appropriated for research in specific causes. For example, to the National Institutes of Health. In that last decade appropriations have been authorized for the National Institutes of Health, drawing from the general revenues, for research in the prevention and causes of heart disease, cancer, and other dread killers. We have appropriated money to the Bureau of Mines for research.

A tax could be levied properly by the House and Congress could then appropriate from the revenues such sums as it thought fit and appropriate, for the purposes in this bill. Is that correct?

Mr. EAGLETON. The Senator from Kentucky is correct in that point, in that many bills emanating from almost every committee of Congress frequently have contained within them provisions which authorize research programs in this, that, or another area. As previously mentioned in response to the preceding question, the Armed Services have provisions for research in their bill. Various educational bills that come out of the same committee as the coal mine bill have research provisions. I dare say that research comes out of many bills in the Senate.

If I comprehend the words of the Senator from Kentucky, the point where we may be at variance with one another is that this bill, insofar as the point of order as raised by the Senator from Vermont, is not, when examined in its total consequences, a revenue raising bill; and second, the one provision being challenged is of and itself not a revenue bill designed to defray the costs of government, that being the definition cited by the Senator from Vermont.

Mr. COOPER. I think we are all agreed on the worthy purpose of this section. However, I would point out that section 8, article I, of the Constitution provides:

> The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the debts and provide for the common defense and general welfare of the United States.

And by section 7, the right to originate these taxes is retained to the House.

There was a time when "general welfare" was construed very narrowly. But for several decades, "general welfare" has come to include almost everything that Congress says contributes to the welfare of the people.

Congress has recognized this obligation particularly in the field of health by appropriating vast sums to determine the causes, prevention, and treatment of some of the dread killers in this country. Attention to black lung has been given by the subcommittee headed by the Senator from New Jersey. Black lung should receive funds for research. I hope that in this Congress measures will be passed providing proper compensation to victims of black lung. Black lung is a disease just as other killers for which we have provided research funds, and for which we have appropriated money out of general revenues. I believe an assessment can be properly levied under sections 7 and 8 of article I of the Constitution.

I have not made a determination on this issue, but it seems to me that it is not correct to avoid the constitutional requirements by giving the tax a name such as an assessment.

Take for example, the highway trust fund. The taxes for road construction are levied first by the Ways and Means Committee of the House, and then the Committee on Finance in the Senate. This money goes to a trust fund for specific purposes, and authorizations can be made in the Senate.

There are other cases where special funds are established from general revenues.

Mr. COOK. Mr. President, will the Senator yield?

Mr. EAGLETON. I am pleased to yield to the Senator from Kentucky.

Mr. COOK. Mr. President, in the Senator's remarks he talked about incidental revenues, and that this was a strong point in his argument.

I would like to know, for the purposes of the record, under section 502, how much incidental revenue is the Senator talking about at 1 cent a ton through 1970, 2 cents a ton through 1971, 3 cents a ton through 1973, and up to 4 cents? How much incidental revenue is the Senator talking about?

Mr. EAGLETON. First year $5 million, second year $10 million, and on up in annual increments to the maximum of $20 million at 4 cents a ton.

Mr. COOK. I might suggest to Members of the Senate that I do not think this is incidental revenue.

The Senator made reference to the case of *Millard* v. *Roberts*, 202 U.S. 429.

Mr. EAGLETON. Yes; a landmark case.

Mr. COOK. I wish to suggest to the Senator that the headnote states exactly what the Senator said. The headnote states:

> Revenue bills, within the meaning of the constitutional provision that they must originate in the House of Representatives and not in the Senate are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue.

That is the only thing the case says. This case states it is within the power of Congress to authorize the District of Columbia to pay to the railroads the sum of $750,000 to remove their rights-of-way to see to it they have markers at their crossings. It has nothing to do with what the Senator suggested. As a matter of fact, the only paragraph on page 434 is:

> The act of February 28, 1903, from the recitals in its enacting clause and the fact that it has received the approval of the President and has been regularly enrolled among the statutes of the United States, must be presumed to have been passed by Congress in strict accord with the letter and spirit of the Constitution, and resort cannot be had to the journals of the two houses to overthrow this presumption.

That is the only remark it makes with regard to the authority of the Senate to initiate. As a matter of fact the tax initiated here was initiated by the District of Columbia and the authority was given to the District to initiate a tax. The Senate had initiated no tax at all.

Mr. EAGLETON. I thank the Senator from Kentucky, and I wish to respond to his question. First, I wish to respond to his query about my use of the word "incidental."

I did say in my remarks that title V is an incidental part of that bill. In terms of sophisticated semantics "incidental" does not mean that it has a connotation of meager in terms of dollar amounts. "Incidental," as I used it here means it is a part of the bill but is not the central object of the bill.

I do not care if the fund were $10 million, $15 million, $20 million; if the fund were $500 million the first year, then a billion dollars, and then $2 billion after 4 years, it would still be incidental to the bill and incidental to the overall thrust of the bill which is a health and safety act as far as the coal miners are concerned.

I am very much pleased that the Senator from Kentucky took occasion to delve in a little further into the landmark case, one of the classics on this point; namely, Millard against Roberts, which as previously cited is 202, U.S. Reports, page 429, wherein I pointed out that one of the headnotes of this case supported my contention, as indeed it does, because I read it, and it precisely supports my contention. Then the Senator from Kentucky went off and discussed another part of the case that was not covered by the headnote. So now I should like, in clarification of the record, and to be on the very point that it covered by this headnote, to read from Millard against Roberts, from that portion of the case that is in point and is germane to the point of order as raised by the Senator from Vermont.

I read from page 436, the second full paragraph, and shall read thereafter:

> The first contention of appellant is that the acts of Congress are revenue measures, and therefore should have originated in the House of Representatives and not in the Senate.

This is right on the point.

> And to sustain the contention appellant submits an elaborate argument. In answer to the contention the case of Twin City Bank versus Nebeker, 167 U.S. 196, need only be cited.

Parenthetically, Mr. President, let me add that that was in my opening remarks, too. It is an even earlier landmark case. Perhaps we can get into that.

Mr. COOK. We will.

Mr. EAGLETON. Mr. President, I continue to read:

> It was observed there that it was a part of wisdom not to attempt to cover by a general statement what bills shall be said to be, "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story—

I deviate from the quotation to comment that it appears in this discussion because he, above all others, one of the most learned members of the U.S. Supreme Court, is the authority in terms of the interpretation of this particular constitutional provision. To return to the quotation, from Justice Story:

> The practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes, which may incidentally create revenue.

That is from Justice Story and again clarified one story on the Constitution, section 880, which is the section I have repeatedly cited.

Now going on with the Millard against Roberts case:

> And the Act of Congress which was there passed on illustrates the meaning of the language used. The Act involved was one providing a national currency, and imposed a tax upon the average amount of the notes of a national banking association in circulation. The provision was assailed for unconstitutionality because it originated in the Senate. The provision was sustained, this court saying:
>
> "The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States and be available in every part of the country. There was no purpose, by the act or by any of its provisions, to raise revenue to be applied in meeting the expenses or obligations of the government.

Mr. President, here is an important sentence. It is the last one I shall quote. This is back to the Millard against Roberts case opinion, on top of page 437:

> This language is applicable to the acts of Congress in the case involved. Whatever taxes are imposed are but a means to the purposes provided by the act.

Let me repeat that because it is, I think, dispositive of the question raised by the Senator from Vermont in his point of order:

> Whatever taxes are imposed are but a means to the purposes provided by the act.

Mr. COOK. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. COOK. Let us go back to the Twin City Bank against Nebeker case, which was quoted at length.

Mr. EAGLETON. I have it with me. It is one of the best cases on this.

Mr. COOK. Let me read a section from the Constitution again, article I, section 7:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

I repeat, "but the Senate may propose or concur."

Now let us read the language of the Twin City Bank against Nebeker case, because it is very important.

Mr. EAGLETON. May I ask the Senator from Kentucky, does he have the same volume I have, 167 U.S. Reports?

Mr. COOK. Yes. Page 198.

Mr. EAGLETON. Page 198. I thank the Senator.

Mr. COOK. Let me quote from the opinion:

> The Journals of the House of Representatives and the Senate of the United States for the 1st session of the 38th Congress were put in evidence by plaintiff. The bank claims that these Journals show that the National Bank Act originated as a bill in the House of Representatives, that when it passed the House, it contained no provision for a tax upon the National banks or upon any corporation or upon any individual or upon any property, nor any provision whatever for raising revenue, and that all provisions appear to authorize the Treasurer of the United States to collect a tax on the circulating notes of the national bank originated in the Senate by way of amendment to the House bill.

I repeat again, article I, section 7 of the Constitution:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

So that the amendment to the bill that provided for the tax came from the Senate but it was an amendment on a bill that came from the House in strict compliance with section 7 of the Constitution as is set out in the Twin City Bank case.

Mr. EAGLETON. Once again, in response to the Senator from Kentucky, who is learned in the law and for whom I have the highest respect both personally and professionally, he has cited from and made reference to just one

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part of the Twin City Bank case and one part of that opinion.

This case was not—and I emphasize the word "not"—decided on the very narrow ground which was enunciated by the Senator from Kentucky—to wit, as he put it, which is factually correct, that the bill in question in the Twin City Bank case originated in the House and an amendment was tacked on in the Senate. Factually he is correct. But the opinion of the Supreme Court in this case—the Supreme Court of the United States—in 1896, was not posited on the narrow ground which was enunciated by the Senator from Kentucky.

Mr. President, once again to clarify the record, I want to read from a portion of this case which explains and spells out the ground upon which the U.S. Supreme Court did make its decision.

I invite the attention of the Senator from Kentucky to page 202 of the opinion. I commence reading at the top of the full paragraph on that page.

> The contention in this case is that the section of the Act of June 3, 1864—

That is the act in question in that case.

> Providing for a national currency secured by a pledge of United States bonds and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that, "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other bills," Article 1, section 7; that it appeared from the official journals of the two Houses of Congress that while the Act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void; and that, consequently, the statute did not justify the action of the defendant.
>
> The case is not one that requires either an extended examination of precedents, or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives.

I emphasize that—

> Is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives.

And here is this name again:

> Mr. Justice Story has well said that the practical construction of the Constitution and the history and the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word—

This is a direct quotation from the Twin City Bank case; I will repeat it—

> **Mr. Justice Story has well said that the** practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strictest sense of the word, and are not bills for other purposes which may incidentally create revenue.

That is the guts of the case before us.

Let me just finish this paragraph, a very interesting paragraph:

> The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States, and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

And I could not have found language, if I had been on the Supreme Court back in 1896 myself, that could be more directly applicable to the instant matter as raised by the Senator from Vermont than that which I have just cited from the Twin City Bank case. It shows that even though a bill may deal with money, may treat of money, and, in fact, may even raise money from some source or another, if it is such that that provision is merely incidental to the overall thrust of the bill, then that provision can be part of an act which does originate in the U.S. Senate.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. ALLEN. I would like to ask the distinguished junior Senator from Missouri, who has been quoting approvingly from a Supreme Court decision of 1896, if he agrees with the logic and reasoning of all the cases decided by the Supreme Court of the United States in that year, 1896.

Mr. EAGLETON. In response to my distinguished colleague from Alabama, I would say the opinions of the Supreme Court handed down in any given year are sometimes separate but unequal, and I wish to certainly separate this learned opinion, on this relatively obscure section of the U.S. Constitution, from any other opinions that may have been handed down, including Plessy against Ferguson.

Mr. COOK. Mr. Presdent, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. COOK. One of the important quotations the Senator read from the Twin City Bank case was the fact that the Supreme Court of the United States actually called it a tax. As a matter of fact, in the last paragraph on that page the decision reads:

> The tax was a means for effectually accomplishing the object of giving to the people a currency.

The other important quotation from that case is:

> There was no purpose by the Act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

I think that is important because we here, as the Government, are establishing something. We are establishing the coal mine health and safety research trust fund. We are, in fact, establishing it as a government. The interest that was imposed upon the bonds would come within section 7 of article I, because section 7 states that the Senate may propose amendments.

But let us get to the very important case that goes to the guts of it, 202 U.S., *Millard* v. *Roberts:*

> There was no purpose by the Act or any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

If the Senator will refer to section 502, on page 121 of the bill, we are creating the coal mine health and safety research trust fund. No one else is creating it. The coal industry is not creating it. We are creating it. If we create by this act, and as we create it for the purpose of the creature that this Government will create, the coal mine health and safety research trust fund, we are imposing an assessment of 1 cent, 2 cents, 3 cents, 4 cents, would the Senator please, by the farthest stretch of his imagination, explain to me how we can get by the provision of the Twin City Bank case when it said:

> There was no purpose by the Act or any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

Will the Senator tell me, under the terms of this act, if the Government or a part of the Government is not the coal mine health and safety research trust fund, and if the only way this money can be collected is, first of all, through the Secretary of the Interior, who is authorized to enter into an agreement with the Secretary of the Treasury, and the Secretary of the Treasury shall collect these funds by reason of subtitle D of the Internal Revenue Code of 1954 and, on the importers, by the Tariff Schedules of the United States? Are we collecting these for someone other than a Government-created coal mine health and safety research trust fund?

Because, if we are collecting it for another purpose, then tell me, if the Government is not going into this business, who is going into the business? And if the money is not being collected for a governmental purpose, and to defray costs of government, then why are we creating this fund? If the Government is not assuming to collect, from some source, a sum of money to help sustain it and help pay the cost of a governmentally-created coal mine health and safety research trust fund, will the Senator from Missouri please explain to me what section 502 really means, and what it really does?

Mr. EAGLETON. In response to the question of the Senator from Kentucky——

Mr. COOK. Before the Senator answers, let me add one other thing. Under section 501, this money also goes to the Surgeon General of the United States, not to an individual, not to some group picked or selected to perform this function. This section establishes a coal mine health and safety research trust fund in the Treasury. It appropriates to the trust fund amounts equivalent to 100 percent of the assessment received in the Treasury under section 502. It also would make such amounts as are provided by appropriation acts—appropriation acts of this body—available to the Secretary and Surgeon General, to carry out the research required by sections 201(b), 401, and 402.

If that is the case, is not this money we are collecting for the purposes of government?

Mr. EAGLETON. In response to the Senator from Kentucky, who has quite eloquently and convincingly postulated a whole series of questions, it will be a bit difficult for me to address myself precisely to each question he has addressed to me, but I will try to make a general critique or commentary on what I think was the point he was trying to make.

I think his point is relevant to the decision that the Senate is being called upon to make. There is a vast difference and, indeed, a singular difference between a revenue bill and a measure such as that before us, in that a revenue bill is designed to raise money generally for the public interest, to be distributed by the Government. That is in accordance with the definition from Black's Law Dictionary cited by the Senator from Vermont.

Placing that on the one hand as being the hallmark of a revenue bill, and then getting to the immediate question, which concerns an assessment which is to be used for the benefit of a particular industry, the coal mine industry, we then get to the precise point that was ruled on in the case of Millard against Roberts.

In that case, it was labeled an assessment, and it was held by the U.S. Supreme Court to be a matter which could in fact originate in the U.S. Senate.

Let me read just one portion of the case of Millard against Roberts, because it is on this very point. I read at page 435, the first full paragraph on that page:

> The principal allegations of the bill—

This referred to the bill that was involved in the Millard against Roberts case. Refreshing the memory of the Senator from Kentucky, that was a bill relating to the railway and terminal facilities in the District of Columbia, back in 1905.

The U.S. Supreme Court, Mr. Justice McKenna writing the opinion, said:

> The principal allegations of the bill are that the railroad defendants are private corporations and all interested in the railway and terminal facilities of the District of Columbia; that the District of Columbia owns no stock in any of the companies nor is otherwise interested in any of them save as useful private enterprises, and yet it is required by said acts, "without any lawful consideration therefor," to pay the Baltimore and Potomac Railroad Company the sum of $750,000, and a like sum to the Baltimore and Ohio Railroad Company—

I emphasize this—

> "to be levied and assessed upon the taxable property and privileges in the said District other than the property of the United States and the District of Columbia," and for the exclusive use of said corporations respectively, "which is a private use, and not a governmental use;" that the public moneys of the District of Columbia are raised chiefly by taxation on the lands therein, and that the complainant is obliged to pay and does pay direct taxes on land owned by him therein. And the bill also alleges that the acts of Congress are "acts which provide for raising revenue and are repugnant to article I, section 7, clause 1, of the Constitution of the United States, and are, therefore, null and void *ab initio*, and to their entire extent, because they and each and every one of them originated in the Senate and not in the House of Representatives."

I have read from this decision at some length because the assessment that was being made back in 1905—64 years ago—is precisely of the same type; the same assessment that is being made in section 5 of the instant bill.

Mr. COOK. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. COOK. The assessment is nowhere nearly the same. I should like to get the Senator back to September 1969, and not way back at the turn of the century. I shall read to him from subsection (b) of section 205, so we can see how governmentally regulated this bill is, and how important it is to the governmental purpose:

> There is hereby appropriated to the trust fund, out of any money in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the assessments received in the Treasury under the provisions of section 502 of this Act. The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund—

Not from this fund, but from the general fund—

> Of the Treasury to the trust fund on the basis of estimates by the Secretary of the Treasury of the amounts received in the Treasury under the provisions of section 502 of this Act. Proper adjustments at the end of each fiscal year shall be made in the amounts subsequently transferred to the extent prior estimates in each year were in excess of or less than the amounts required to be transferred.

This means that monthly, a certain amount will be paid into the trust fund out of the general fund revenues of the United States—not out of the trust fund, but out of the general fund—and that an accounting will be made at the end of the year.

I also read to the Senator subsection (c):

> (c) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and (after consultation with the Secretary of the Interior) to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall be printed as a House document of the session of the Congress to which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at par, or (B) by purchase of oustanding obligations at the market price.

Now, is this not an integral part of the Government? Not only is this to be a trust fund, but, if the funds are slow coming in from the producers, it shall be averaged out, and the money shall be paid from the general fund of the Treasury to the department each month or two, three, or four, and an audit shall be made at the end of the year to find out whether they have paid too much or too little.

Is the Senator from Missouri still contending that this is not an absolute purpose of the Federal Government, and the raising of this money is not absolutely raising of funds for a governmental purpose?

Mr. EAGLETON. The Senator from Kentucky, I think, is putting a question that is unrelated—at least not directly related—to the precise question which the Senate will be called upon to decide on this point of order.

It has never been my position that there is no governmental nexus between section 501, and the trust fund thereby created. It goes without saying that if it is not put into the law, if it is not made a part of a bill, there will be no trust fund, because I hasten to add I know full well that industry by itself will not create it, and unless it is forced upon them by law, it will not be there. So the Senator is correct to this point.

Mr. COOK. Will the Senator yield?

Mr. EAGLETON. Let me finish my statement; then I shall be happy to yield.

There is a governmental nexus between the trust fund being created and the statute; yes. There is going to be a trust fund created by the benefit of and under the color of law.

That does not change one iota the basic question to be decided by the Senate and the basic question that was decided by Millard against Roberts and the Twin City Bank case, despite the fact that one is an 1896 case and one is a 1905 case.

We are now living in the era of strict construction. And all of us treasure these rather musty old cases as much as if they were written yesterday, because they have not been overruled. They have not been cast aside. They carry with them the imprimatur of longevity, one of the bulwarks of the judicial system. And the fact that this case was not handed down in the Warren era, when some of the greatest cases of our time were handed down, in no way detracts from the Millard against Roberts case.

I know that the Senator from Kentucky did not wish to cast aspersion on the principle of stare decisis. However, be that as it may, the point to be decided is the substance of a general revenue raising bill for a general public purpose.

Here we have a measure as a part of the overall bill which has as an incidental purpose, the creation of a trust fund.

I cite the Senator from Kentucky a more recent example, since he wishes to get away from the Millard against Roberts case. If, indeed, I were in his position, I would wish to have it ignored, also. However, it is there. It is in print.

I give the Senator a more recent example. It is a 1958 act of the 85th Congress. It was Senate bill 2617.

That bill provided for raising from $2 to $3 the duck-hunting tax stamp required to be purchased under the Migratory Bird Hunting Stamp Act.

The proceeds from the stamp tax were to go to the support of the wildlife refuges.

The bill originated in the Senate and

then went to the House, where it passed and became Public Law 85-585. Here is a bill that raised the stamp tax from $2 to $3. It was earmarked for a certain purpose—to support wildlife refuges.

There is an analogous situation to section 5 of the instant act, where a trust fund is being created to help individuals help themselves by advancing research for the benefit of those who labor in the coal mines.

Mr. COOK. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. COOK. Mr. President, I have no idea whether a point of order was raised on the Senate bill to which the Senator refers. However, if this is the course the Senator is suggesting, I point out that I have been wanting ever since I have been in the Senate to raise social security benefits for everyone in the country. I feel that we should introduce a bill in the Senate tomorrow to raise the social security tax. I feel that we would have no problem under the theory of the Senator with respect to section 502. There are two specific groups or classifications of people. We really ought to get on with it and not wait for the House to act.

I have no idea whether a point of order was raised in the duck hunting situation. However, I doubt seriously that raising the tax by $1 would raise $20 million a year.

I might suggest to the Senator that it was done for the purpose of executing an act that was already in existence.

The Senator here is proposing something new and as a Member of the U.S. Senate proposes to create a new function in the Coal Mine Health and Safety Act.

It is even provided that if the section is passed the general revenues can be used in lieu of the trust funds until such time as an audit is made.

It seems to me that we either have these funds coming in or we do not.

Suppose that under the act the Senator came to a conclusion in 1 month that we were going to receive so much money and that each month the Treasury of the United States paid out of the general funds a certain amount of money. And suppose at the end of the year there were not sufficient funds with which to pay that amount. Under the act, it would not just be a trust fund, but it would in effect be the general fund and a trust fund. If this is not raising revenue for a governmental purpose, then section 7 of the Constitution appears to be meaningless.

Mr. EAGLETON. Mr. President, I thank the Senator from Kentucky for his continued interest in the subject matter. I do not know whether his more recent comments have shed any new light on the question.

First, he raises the question of whether the Senate could originate legislation increasing benefits under the social security system.

I think it would be very interesting if the Senate were to try to do so. I am not sure with what favor such an attempt would be received by the House of Representatives. I am not here today to say that it would be fatally unconstitutional if the U.S. Senate were to attempt to do so. However, even if that were deemed to be beyond the pale of constitutionality, it is a very good thing to talk in terms of the social security tax which admittedly is levied on a specific segment of our society, employees and employers, for the benefit of employees, covering the whole of commerce of the United States, the 50 States, workers in every way, shape, and form, and at the same time to analogize it to an assessment made on the coal mine operators, the purpose of which assessment is to assist the operators themselves in improving their own research on the environment in which coal workers labor.

With respect to the bill I mentioned before, S. 2617, that raised this duck hunting tax from $2 to $3, the Senator is correct that a point of order was not raised at that time.

I gather in reading the Journal that it became quite obvious to the 100 Members of the Senate that a point of order would not lie.

Finally, with respect to the amount of money raised by that bill, since the Senator alluded to the possibility that it was a mere pittance and hence because of its innocuous nature might be overlooked, I point out that the amount of money raised by that increase in tax from $2 to $3 was $9 million, which is almost twice as much as the amount to be raised by this assessment for its first year of operation.

Mr. COOK. Mr. President, will the Senator from Vermont permit me to depart from the rule of germaneness for 2 minutes?

Mr. PROUTY. I ask unanimous consent that the Senator may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I reserve the right to object, but I will not object.

Mr. COOK. Mr. President, the Senator from Missouri will realize that there is on the calendar a bill from the Senate Committee on Agriculture and Forestry to provide that the potato growers of this Nation may meet together and impose on themselves an assessment for the operation of their industry.

I think that is the very thing that we are discussing. It is not a revenue-raising measure as far as the Senate is concerned. It is an objective measure that is within the purview of the Senate. It provides that they may have the option in association to impose on themselves a levy for their own industry, for their own business.

I think that this is altogether different, because they have a right in that act either to join that association or not to join it. They have a right to be a part of it and then have a right to ask to be removed from it.

They have a right to impose on themselves by their own election a sum of money up to a certain amount.

By the obligation and the option in the pending bill, we would be saying this to the entire industry—which of course is at a smaller level but is just as integral as the entire group included in the social security group, only much smaller. It is an integral group that comes within a classification, as do those under social security.

But there is no option here. The coal industry cannot get together and decide whether it will or will not, which I think easily would put it within the prerogative of the Senate. The coal industry does not have an option to decide what its rate will be. The coal operators do not have—in any way, shape, or form—any control over this fund. It is entirely a governmental fund. And to this extent I think we see the difference between revenue raising for a governmental purpose and revenue raising for the purpose of some function that is not governmental.

That is the distinction I should like to make to the Senator from Missouri. I believe it is a sound one. I am sure he will contest it, but I throw it out for what it is, because I think there is the distinction—the distinction that the Senate can allow a revenue-raising measure to be imposed when those who want to raise it can raise it or not, as they see fit, and who may have in some way control over it.

I might suggest to the Senator from Missouri that he stands here ready to impose assessment after assessment after assessment on another industry and another industry and another industry, and perhaps some day on the people of the United States, and not call it a tax. But I think that by any other name it is the same, and it cannot be otherwise.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. EAGLETON. I shall yield in due course, but I should like to present my response to the junior Senator from Kentucky, which I believe may be both surprising and refreshing in its brevity.

I am pleased that the junior Senator from Kentucky brought to my attention the bill pending on the calendar called the Potato Research and Promotion Act. I have been glancing through the committee report on that bill.

The junior Senator from Kentucky pointed out that this is a bill originating in the Senate. It is a bill which contains, I quote from the report, "an assessment of not more than 1 cent per hundred pounds of potatoes produced commercially in the 48 contiguous States."

So the Senator points out that we have on the calendar a Senate bill with an assessment on potato producers.

Mr. COOK. The Senator will read that that assessment is imposed only if the growers themselves vote to impose it.

Mr. EAGLETON. And then the Senator points out that there are variations between the potato bill and the instant coal mine safety bill by which this assessment is assessed, funded, and computed. But he raises the point that this is on the calendar, and then he says that the potato bill is within the legitimate purview of a bill that may originate in the Senate.

On page 5 of this report the Agriculture Committee defines the purpose of the bill. I want to read the purpose of the potato bill as spelled out by the Agriculture Committee, and then I am going to read from page 2 of the report of the Senate Labor Committee, in terms of the purpose of the coal mine safety bill. I am doing it because the Senator will find that the purposes, as spelled out by the two respective committees that set up these two assessment funds, are almost identical.

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I quote first from the potato bill:

> The purpose of the bill is to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

That is the purpose of the potato bill.

Mr. COOK. If they wish to do so.

Mr. EAGLETON. The purpose of the pending bill is to provide a more extensive and accelerated research program in the field of coal mine health and safety.

The purposes of the two bills are analogous and identical, and the funds are both assessment funds, both originating in the Senate.

Mr. COOK. Would the Senator agree to allow an amendment to go on the bill which would give the coal industry the same authority, to vote itself that assessment or not vote itself that assessment, as is provided in the potato bill?

Mr. EAGLETON. It seems to me that it would be sustainable on a point of order.

Mr. COOK. Would the Senator be agreeable to supporting such an amendment?

Mr. EAGLETON. If the Senator will let me finish my speech on the point of order, he will be surprised to learn that when we get to the merits of the case, I may well not support the present trust fund in the pending coal bill. I am waiting to get to that part of my speech.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. COOPER. I have had little opportunity to read all the cases on this point. I have looked at a list of cases provided as annotations to the Constitution, and I find very few in print. But they all have certain characteristics.

The Senator has quoted from the currency case.

Mr. EAGLETON. The Senator is correct.

Mr. COOPER. He has also spoken of the case in which a license was levied in the so-called duck act.

Mr. EAGLETON. Yes.

Mr. COOPER. That became a famous case a few years ago, when we were considering the Bricker amendment. We are very familiar with the case.

In the cases to which the Senator from Missouri referred, the Court made it clear that in those cases a license could be levied for the purpose of execution of the act itself, providing funds to execute the act.

The junior Senator from Kentucky is correct when he says that the potato case is different because it authorizes the potato growers to decide whether or not they will levy a license upon themselves.

I have two cases here which are quoted, and I found these quoted in the annotations to this section of the Constitution. One is *Flint* v. *Stone & Tracy, Co.*, 220 U.S. 107–143, 1911, later than the 1896 case quoted by the Senator. Another case is *Rainey* v. *United States*, 232 U.S. 310 (1914).

In both cases, the Court said specifically that the Senate had the authority to levy a tax because it had done so by an amendment to a general revenue bill which had originated in the House.

It has been a long time since I practiced law or was a judge—and I can see the Senator from New York rising behind me—but I believe that every case quoted and the ones I have quoted can be distinguished.

First, some cases held that the Senate can levy a license if it is for the execution of costs of operation. Second, in the potato case, a practice is followed as with other agricultural products, to let the farmers decide whether or not they will fix fees upon themselves. The other cases—there may be others I have not come across—make it clear that no constitutional question was involved because the Senate levied a tax by amendment to a general revenue bill.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. EAGLETON. First, I should like to respond briefly to the senior Senator from Kentucky; then I intend to yield to the Senator from West Virginia; and then I will yield to the Senator from Vermont.

The Senator points out a case which, quite frankly, I have not read, a 1911 case, the Stone case. But he points out in his comments that each of these cases is somewhat distinguishable from the other. Indeed, the Senator is correct. If there were a case in a printed volume on all fours, this colloquy would not be indulged in. But one argues from the benefit of earlier cases by way of analogy insofar as trying to employ them as current precedent.

I think the Senator raises an important point. He mentions that the case he cites—and I have not read it—is a 1911 case. It is 5 or 6 years, or even more recently.

Mr. COOPER. It is 1914.

Mr. EAGLETON. It is more recent in point of time than the 1905 case we cited or the 1896 case we cited. State constitutions, by the way, have similar provisions, analogous to this Federal provision. There are two reasons why more current cases are not in the bound volumes, either from the U.S. Supreme Court or from other jurisdictions. One, it is rather firmly established in constitutional law that the Story commentary is the law of the land, that an assessment provision, a revenue provision, which is merely incidental to a broader purpose of a bill, can be originated in the Senate; and, second, it is likewise firmly established constitutional law—one of the leading cases is a Missouri case which interprets the Missouri constitution which, if not identical, is very similar to the Federal Constitution—that State and Federal appellate courts will not intervene in the legislative function if a bill which is clearly constitutional under other constitutional provisions is adopted in identical form by both sides of the general assembly—here the House and the Senate—even though some question might be raised as to which should have been the preferable house of origin; that is, once a law goes on the books and is signed by the Governor—in this case the President—courts are not to upset such a statute on the grounds of which house should have been the house of origin.

I think it is important to point out why there are not more recent cases than cited in this decision, all of them more than a half century old. The answer is that the law is settled just as the Story commentary is the law of the land. No one challenges it. Should this coal mine bill become law I dare say the Supreme Court, no matter who is then a member of that Court, will readopt the Story principle and not challenge whether it should have been enacted in the Senate.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the able Senator from Missouri addresses himself in splendid argument on the point of order raised by the able Senator from Vermont. The Senator has mentioned S. 1181, the potato bill. The bill, by its very title, is to enable potato growers to finance nationally coordinated research and promotion. We have been talking about research in connection with mine health and safety legislation.

I wish to ask the Senator who has just been speaking if it is not true that the assessment, which will run 20 cents a ton, would not be a very large sum of money. Does he know that figure?

I do not know whether the able Senator from Florida (Mr. HOLLAND) who is now standing, knows the figure or not. The Senator's Committee on Agriculture and Forestry reported the potato bill on August 18. I am not sure whether he can speak with accuracy as to the amount of money but I do know that on page 14 of the reported bill there is a criminal penalty providing for criminal prosecution.

Mr. COOK. Mr. President, will the Senator yield?

Mr. EAGLETON. I shall yield first to the Senator from Florida to get the correct figure in the potato bill.

Mr. HOLLAND. Mr. President and my distinguished friend, I cannot give the exact amount because I do not know. But I can tell Senators how the marketing agreements are set up. This is the law, and it is strictly in accordance with the Marketing Agreement Act.

It provides for payment, either by producers direct, or in this case it says of a certain sum per unit to a commission for the purpose of carrying out the provisions of the act.

The money is never Federal money and never goes to the Federal Treasury. It does not require an appropriation of Congress either to get it into the Federal Treasury or to appropriate it out. It is not for the carrying out of a Federal program by Federal officials as is the case in this bill, but instead, it is for the carrying out of a procedure for the improvement and service of the industry affected—in this case, for the promotion of more information about health values of potatoes.

The two things are not similar at all. The procedure in the bill before the Senate requires the payment of the funds to the Secretary of Interior and by him into the general treasury of the United States. It requires an appropriation out of the general treasury by Congress for use of the Surgeon General and the Secretary for the carrying out of a very important public program, not managed by a committee or commission but, instead, managed by the Federal Gov-

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ernment. There is all the difference in the world in the program outlined in S. 1181, to which the Senator from Virginia and the Senator from Missouri addressed themselves.

As far as the Senator from Florida is concerned, he is concerned with this marketing agreement and the order. The order cannot be issued unless two-thirds or more growers subscribe to the agreement. The Senator from Florida knows something about that situation because he drafted some of the orders, and they have to do with an industry effort administered through a commission or board for the benefit of the industry. There is not available the excise tax laws as made available in this case or the tariff laws as made available in this case. There is available a criminal proceeding in the event there is a mishandling of the money, which is as if I owed the distinguished Senator from West Virginia some money that had come into my hands to go to him and instead I embezzled it. Then, of course, a criminal procedure would lie.

There is nothing in the potato promotion bill at all like the pending coal mine measure. I regret to say that because I had hoped to support the efforts of many in the coal industry to get a sounder and better law. In this instance I could not agree that the assessment is anything other than a tax because it is so clearly made such by the fact it is assessed by the Federal Government, paid to the Federal Government, it goes into the General Treasury, and has to be appropriated from the General Treasury, not back to the industry, but to the Surgeon General and the Secretary of Interior to carry on important programs in the field of health.

I would not be able to vote against this point of order because it seems so clear to me that in this case regardless of what it is called, this is a tax levy. It is levied to carry out an important, and I believe it would be important, public program. I regret that that is the situation but taking these provisions out of the bill no doubt the bill could be passed and then financed otherwise through legislation originating on the other side. But when there is incorporated a provision which is really a levy, and it is really Federal money, to carry out a program, I cannot see any other answer than that the point of order is well taken. I regret to so state.

Mr. EAGLETON. Mr. President, if I may respond to the Senator from Florida, and the Senator from Mississippi says he would like to have the floor, but I will be glad to yield to the Senator from Vermont thereafter.

Mr. PROUTY. I made the point of order.

Mr. EAGLETON. May I respond to the Senator from Florida? First of all, I want to thank him for his complete and thorough explanation of what is involved in the Potato Research and Promotion Act, especially insofar as the assessment is concerned. The Senator did not give a precise figure, but it is in the millions of dollars, I presume. It will involve more than $1 million.

Mr. HOLLAND. The Senator from North Dakota (Mr. YOUNG) is the author of the bill.

Mr. EAGLETON. If I may ask the Senator a question.

Mr. HOLLAND. I am sorry I do not know what the precise amount is, but that has nothing to do with the case. In the Florida citrus industry, we have rather large sums made available in connection with our marketing agreement and order and its enforcement, but it does not have anything to do with the question of the way we handle taxes or enforcement under the Florida Citrus Commission but in connection only with the control of the movement of fruit. The Marketing Agreement covers that. The amount is sizable.

I cannot give the figure here. But it is a large industry and has large interests in the matter of proper distribution of the crops. But I do not think the amount of the industry fund would have anything to do with the conclusion that a person would reach as to whether this is a tax or not.

Mr. EAGLETON. I fully concur with that last answer. I think the amount involved has absolutely no bearing on the legitimacy of the method by which we are attempting to raise the fund. I merely asked that question and, indeed, it was also asked by the Senator from West Virginia, because in the earlier exchange between myself and the junior Senator from Kentucky it was he who pointed out the sizable nature of the fund—$5 million in the first year, $10 million in the second year. If ever the amount, is funded, it would have some bearing on what we were attempting to do and whether it was constitutionally satisfactory or not. I fully concur with the Senator from Florida on that part of his answer.

Mr. HOLLAND. I might say that while I have agreed with some of the positions taken by my distinguished friends from Kentucky—I heard both their speeches—this was one of the points made by the junior Senator from Kentucky with which I could not concur because I do not think that the size of the fund is determinative on the question that is before the Senate.

Mr. COOK. If the Senator will yield, I brought this question up because we had been discussing the term "incidental funds." I really wanted to place in the RECORD the amount that this revenue would actually produce.

Along the lines discussed with the Senator from Florida, I should like to ask him in regard to the act that we have discussed, the Potato Act, that is voluntary is it not, Senator?

Mr. HOLLAND. Certainly. It is voluntary. It has to be entered into by, as I said a while ago, two-thirds, either by number or volume of producers.

Mr. COOK. They impose an assessment on that much.

Mr. HOLLAND. They do. In that agreement, in terms of the agreement, they have to be passed upon and approved by the Secretary of Agriculture. But the carrying out of this program is in the hands of the commission or the committee, I have forgotten which it is.

Mr. COOK. Committee.

Mr. HOLLAND. Sometimes one, sometimes the other. That is set up, and that committee or that commission is representative of persons from the industry affected who are named by the——

Mr. COOK. Producers.

Mr. HOLLAND. The Secretary of Agriculture, but their duties are duties which they perform in connection with the carrying out of the effort of the industry which is embraced in the marketing agreement.

Mr. COOK. They are named by the Secretary of Agriculture from the list submitted by the producers, are they not?

Mr. HOLLAND. That is true in Florida. It may be true in connection with the Potato Act which will require that provision. I think all we have in Florida is in connection with the citrus and tomato industries both of which I am reasonably familiar with. We have others I am not so familiar with. It requires that the Secretary make his appointments from a list submitted by the industry affected.

Mr. COOK. It also provides, does it not, Senator, that a producer who joins a group can withdraw by giving notice after 90 days, and that he can withdraw and receive a return on his funds?

Mr. HOLLAND. Under the potato measure, that is true. Also under the cotton measure, with which I am reasonably familiar—but that is a nationwide measure. Insofar as the citrus measure in Florida is concerned, that is not true. A grower cannot demand his funds back. As I say, there are many differences between agreements, but in essence what they require is the payment of funds out of the pockets of those who produce or handle the product in order to benefit the producers.

Mr. COOK. May I ask the Senator, is it not true that the main difference in this act calling for a fund for the potato growers and this one, is that the one for the potato growers is voluntary and the obligation to pay is whether he does or does not want to belong to the association and he can withdraw at any time. The present one before us is absolutely mandatory. If passed by this body, it will become an obligation to operate a fund which will be totally and exclusively an operation of the Federal Government.

Mr. HOLLAND. That is true. The program set up is the program set up by the Federal Government under the terms of this act. I am told by my assistant that the potato measure is estimated to produce $2¾ million a year. It is a sizable program. We do not know whether it will ever go into effect because before it does, it has to be approved in writing by two-thirds of the producers in volume or in number.

Mr. COOK. I thank the Senator from Florida.

Mr. EAGLETON. Mr. President, I thank both the Senator from Florida and the junior Senator from Kentucky. They have, and properly so, pointed out the distinct differences between the assessment provision found in the Potato Research and Promotion Act and the assessment provision in S. 2917.

I have never contended that these two assessment provisions were to all intents and purposes, and in language, identical, one to the other. I said that they were similar, one to the other. The similarity is purely and simply this: They are both assessment funds raised by Federal law. Neither one can exist without Congress' creating them, whether one be voluntary or the other involuntary. They both have the benefit of Federal law as their creator. These are both Federal assessment funds created by Federal law, each one of which is earmarked for a specific research function in a special industry—in the potato industry on the one hand, and in the coal mine industry on the other, to that extent, they are similar, albeit not identical. To that extent, I think, because they are similar, because they are both incidental to the respective acts in which they occur—in one there are the potato and tomato industries, and in the other there is the coal mine safety problem—they come under Justice Story's definition so often cited heretofore.

Mr. PROUTY. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I am happy to yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I thank the Senator from Missouri for yielding to me.

In the past, research for safety in the mines has been carried on by the Bureau of Mines and money has been appropriated for that purpose, is that not correct?

Mr. EAGLETON. That is correct.

Mr. PROUTY. Would not the Senator agree that past expenses for coal mine safety have been a function of Government?

Mr. EAGLETON. That is correct. Under present law.

Mr. PROUTY. Funds which have been appropriated.

Mr. EAGLETON. Monies collected out of Federal general revenue go to operate the entire Department of the Interior of which the Bureau of Mines is a subdivision.

Mr. PROUTY. Now, under subsection B 501, we are appropriating 100 percent of the assessments received in the Treasury. How do we commingle those funds and determine this half of the general revenue and the other half or not?

Mr. EAGLETON. In candid response to the Senator from Vermont, I am not sufficiently sophisticated in Federal bookkeeping and what the Treasurer of the United States or the Secretary of the Treasury does with respect to various bank accounts that are kept by the Federal Government.

All I can say is that the funds in question here, which are challenged by the Senator's point of order, are incidental to the entire thrust of the bill.

Mr. PROUTY. I cannot follow the Senator's reasoning, because it seems to me that if half the funds proposed by the section come from general Federal Treasury funds and the other half come from so-called assessments provided for in section 501, I do not know where the Senator would draw the line. Which half comes from the general Federal revenues and which half does not?

Mr. EAGLETON. I think now I understand the Senator's point. In the proposed bill some Federal money would be appropriated out of general revenue, that being used by Secretary Hickel and the Bureau of Mines, and then general money in the area of research to improve the standards of coal mine safety. That is identical to what has been the case here before—general Federal moneys to be used for research—as I understand it. On a new and novel procedure, we have a proposal in addition to what the Government has been doing in this area, the money to come out of its general Federal revenue money. This provision, in title V, would call upon industry, out of coal mine production, to pay for what research is to be done by and for the benefit of industry. So these are two separate handles on the research concept.

Mr. PROUTY. I cannot agree with the Senator. Both are used for the general function to be performed; one-half comes from the general revenues, which the Senator admits; the other half comes from assessments, which the Senator feels do not represent general revenues. I feel, in all logic, it cannot be conceived as anything other than general revenues.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. JAVITS. I would like to discuss this matter for the first time. I just wanted to get a little idea from the Senator as to the amount of time he expects to take.

Mr. EAGLETON. I have about 3 minutes more to complete my statement. Then I shall be glad to yield the floor to the Senator from New York or any other Senator.

Mr. JAVITS. I shall not interrupt the Senator.

Mr. EAGLETON. Mr. President, referring to where I was a few minutes ago, let me repeat a paragraph.

Now applying the principles I have just enunciated to title V of the bill, I confess that I fail to see how this section in any way is prohibited by article I, section 7, clause 1 of the Constitution of the United States. S. 2917 is not a revenue-raising bill. Title V is merely an incidental part of that bill.

The primary and only purpose of S. 2917 is to protect the coal miners from the terrible tragedies that befell the 78 miners at Farmington who are still entombed in a mine racked with explosions, and to protect the thousands of miners whose lungs are ravaged by the coal dust they must breathe while working.

The purpose of S. 2917 is also to insure that both the industry and the Government do, in fact, give first priority to the health and safety of the miner: to insure an end to the annual carnage in our Nation's coal mines; and to insure that new generations of coal miners are not ravaged by black lung.

Mr. President, in conclusion, may I say that what I have said here on the point of order in no way binds me as to how I may vote on the substance or merits of the so-called "industry benefit assessment." I concede that on the merits, this is an issue which should be debated and about which I have some personal misgivings. However, on the procedural point now before us, I am convinced that the point of order of the Senator from Vermont is not well taken.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, I ask the attention of the distinguished minority leader and also the attention of the distinguished Senator from Vermont and the distinguished Senator from New Jersey.

Mr. President, I ask unanimous consent that at 2 o'clock tomorrow, the unfinished business be laid before the Senate; that immediately after the Chair lays the unfinished business before the Senate, the Chair ascertain the presence of a quorum; that immediately upon the ascertainment of a quorum the time on the point of order be limited to 40 minutes, the time to be equally divided and controlled by the Senator from Vermont (Mr. PROUTY) and the Senator from New Jersey (Mr. WILLIAMS).

Mr. SCOTT. I have no objection, but I think the Senator from Vermont wishes to make a statement.

Mr. PROUTY. Mr. President, reserving the right to object, I would like to have a live quorum.

Mr. KENNEDY. Mr. President, I modify the unanimous-consent request to include the presence of a live quorum.

Mr. JAVITS. Mr. President, reserving the right to object, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Should a motion to table the point of order be made, will the unanimous-consent request accommodate the making of that motion, even after the 40 minutes have expired?

The PRESIDING OFFICER. The motion would be in order only after the expiration of the time specified.

Mr. JAVITS. That is what I asked; but could the motion, nonetheless, be made, though there would be no further time? Will the unanimous-consent request provide that a Senator desiring to do so may move to table, notwithstanding the expiration of the time for debate?

Mr. President, perhaps we can solve it this way: I understand the Parliamentarian has just arrived.

Could we ask the Senator from Massachusetts to make the unanimous-consent request read that at the time set for expiration of the debate, a vote shall occur on a motion, or if none be made on the point of order itself? I think that is all we need.

The PRESIDING OFFICER. Does the Senator from Massachusetts concur?

Mr. KENNEDY. I ask that the unanimous-consent request reflect the change requested by the Senator from New York.

The PRESIDING OFFICER. The unanimous-consent request made by the Senator from Massachusetts is modified in accordance with the language proposed by the Senator from New York.

Is there objection?

Mr. COOPER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COOPER. I might withdraw my objection, but I should like to speak for a moment on it.

This is an important question. We have been debating this matter for about 4 hours, or at least 3½ hours. Few Senators have been present on the floor, I assume, because this is one of those jurisdictional questions which does not attract the interest of many Senators. But it involves a constitutional question. I

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think there should be sufficient time, so that the question could be properly considered.

We are dealing in a very sensitive area when we consider questions of black lung and other respiratory diseases. Of course, I can say for myself, and I am sure all Senators would agree, that we are willing to anything we properly can to help provide funds for research into this awful malady. Beyond that, as far as I am concerned, I am willing to vote for a plan which would properly provide funds for their compensation.

We are dealing with a very emotional question, involving men who have been working in the mines all these years, and have been damaged by dust pouring out from the face of the coal. Of course we want to do something for them. But it is very doubtful that we can accomplish it this way, and we all know it.

Suppose this provision goes to conference. I have no doubt that the House of Representatives will strike it, because they wish to preserve their rights. What do we accomplish? Those who vote against the point of order will have the satisfaction of saying, "Well, we tried to get some money to fight this awful disease, but we were not successful."

Why not do it correctly? Why not take this section out, and put in a section authorizing $10 million for next year, $15 million for the following year, and $20 million for the year after. I have no doubt that Congress will appropriate it. Then we will have done something to help these people. But here we are arguing at length over this question, with very few judicial precedents, while we know that if the point of order is voted down, the provision will be stricken in conference.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. I must say I thoroughly disagree with the Senator about the point he is making. We might just as well argue the merits. The fact is, you are not going to get money continuously out of the Treasury; but when you have a profit in a business involved, you have to begin to be business people. The Treasury will not take it and will not stand it.

Instead of $10 million, you get $25 million this way, or $50 million, or $100 million, whatever you need.

I think what we are doing is shrinking from the only way. The assessment per ton is not large. They are paying 40 cents a ton for the welfare fund. But if we are going to strip ourselves of this power, we are going to remain in the past, and never get into the present or the future.

I hope the Senate will take this seriously. I agree with the Senator when he says this matter is important, if he wants to debate it all day tomorrow, I will be glad to do so, because I am with him. This action will set a precedent for airplane manufacturers and many other lines of business. If we are not going to be able to do this, this Government cannot stand the gaff and modernize itself. If this point of order is going to be decided adversely anyway, we had better be on notice and know what we are doing. The Senate can debate it all day tomorrow, as far as I am concerned, but I cannot sit here and listen to a Senator make this argument, which defeats the very thing he wants to accomplish. If he gets $10 million a year by the method he proposes, he will be lucky.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. No, I wish to respond first to the Senator from New York.

I disagree completely with the Senator, though we are usually in agreement on many matters.

We want to help these people whose lives have been ruined by this awful malady. But the Senator's argument is not responsive to my point. In the first place, I do not want to debate the matter all day long. I want a reasonable time to discuss it.

Second, the Senator gets away from the real question we are debating here, which is whether we have the authority to do it.

We have appropriated millions of dollars, and every year for a period of years additional millions, to the National Institutes of Health for research on cancer, heart diseases, and all kinds of diseases. We have overridden the Bureau of the Budget, and we have overridden the committees on the floor of the Senate. The Senator from New Hampshire is nodding his head; he knows what I am talking about. We have provided all the money we thought they would need. I say we should also provide for these people.

But why go through the motion of pretending we are the House of Representatives, and levy a tax upon one industry? I believe that the House should levy such a tax on this industry. Forty percent of the coal production in this country today is produced by about 10 or 12 of the biggest corporations in the United States. They are able to pay it, and I am for them paying it, if it is levied properly, and that is by a tax bill originating in the House of Representatives. But I am not going to be a party to standing here on the floor of the Senate, and voting for some measure which I believe is a pretense, and which will only enable me to satisfy myself by saying, "Well, I tried to do something to help our miners," when I know I did not help them.

Several Senators addressed the Chair.

Mr. COOPER. I yield to my colleague from Kentucky.

Mr. COOK. I thank the Senator. I wish to associate myself with the remarks of the senior Senator from my State, and add this: In the first place, the Senator from New York said it would produce $25 million, $30 million, or $100 million. We have been debating this for 4 hours, and the highest figure we got from anybody, after figuring it all out, was that even at 4 cents, it would produce only $10 million a year.

If it is going to cost more than that, where is the money going to come from?

Second, we face the situation of having to vote on it on an emotional basis. I will be for a measure that comes over from the House of Represenatives to cure black lung disease. I am for appropriating all the money necessary to cover those not now covered, who should be covered.

But what are we doing imposing a flat rate on all kinds of coal, it makes no difference whether it comes out of a strip mine, where there is no black lung; it makes no difference whether it comes out of Arizona, where the coal is almost water, and there is no incidence of black lung. We are saying coal has something to do with this disease, and therefore its victims are going to reap a benefit from every segment of the industry, purely because it involves coal. That means imposing it on every importer. It means imposing it on every ton of coal which comes into the United States.

I can only say, if we are going to do this, the way to do it is to liberalize the legislation; and if you say the only way to get something done is by means other than by the law, then I might very well agree with you.

But I cannot agree with the theory. I could not under any circumstances agree with the theory. I should like to associate myself with the remarks of my colleague from Kentucky (Mr. COOPER). We can sit here and talk about the emotion of this problem. The Senator admits being a member of the committee. No hearings were held on this section that were open to the public. No one had a chance to come in and show the delineation of the industry. No one had a chance to come in and tell what it would or would not produce.

We sit here now and say we have to do something because it is necessary to solve a problem. Yes, we have to solve a problem, but let us do it right, so that we will get it right, and not find ourselves doing anything beyond being on the RECORD strongly in favor of something that we have not been able to accomplish.

Mr. JAVITS. Mr. President, will the Senator yield, as the Senator referred directly to me and talked to me?

Mr. COOPER. Mr. President, I yield first to the distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I suggest to those who are deeply interested in the bill—and I think that most of the Senators are interested in the bill and want to have it passed, although perhaps not in this exact language, but I am not as familiar with the context as I would like to be—this could be easily done by simply striking the offensive portions of the bill and putting in an authorization and attaching the same provisions to the first small tax measure that comes from the House. We have a perfect right to add on amendments. It seems to me that that might be the simplest way in which to do it.

May I state to my friend, the Senator from New York, who is on his feet at the moment, that there has been little talk about that portion of the tax that is imposed on importers who import coal from offshore, and pay at the same rates as those producing elsewhere. We know that the bill provides that the same laws should be available as are available for the enforcement of tariff law.

How it is possible to view that kind of collection of revenue as anything other than a revenue measure which could be imposed only by the United States and not by industry, I do not see, and particularly when the bill, as prepared, makes the direct statement that the collection of those amounts should be protected by exactly the same machinery used in collecting all other tariff or import revenue.

Mr. JAVITS. Mr. President, the erection of straw men in argument is almost as ancient as is nepotism in politics. And that is all I have heard here so far this afternoon. I have not argued for the amendment at all. As a matter of fact, it will interest the Senator from Kentucky to know that I voted against the measure in committee. So, I am not using an emotional argument. I do not purport to. And I should not use it at all. It does not belong here.

The question concerns the power of the Senate. I was arguing the power of the Senate. I think it is particularly important that the power of the Senate should not in this particular point of order be designated so that it cannot be used again.

This is a matter of first impression. The Senate has never before sustained a point of order to one of those provisions. If it does it now and yields this very great constitutional power to the House of Representatives, we will paralyze ourselves from ever again levying an assessment.

The agricultural field is a sacred cow. However, if we analyze the potato proposition that has been debated here, we find that the Secretary has the power to collect, and so forth. The power of the United States is being used to aid in the collection of that assessment.

I agree that there is a much looser requirement on the payer of the assessment. Nonetheless the question of principle involved here is the use of the power of the United States to collect anything which is converted to particular industry purposes—in that case potatoes, in this case coal.

I will guarantee that if we sustain the point of order, we will have agricultural bills thrown back at us by the House of Representatives challenging exactly that point which we will have then conceded.

I do not say that the Senator is right or wrong at this particular point. I think that has to be proven.

I make my argument on the question of constitutional power. All I say is that we should not do this. That is the only thing I have tried to argue. If I said more, I apologize.

I felt that I was arguing only the importance of the particular point on which we will have to vote.

Mr. COOK. Mr. President, obviously I did not want in any way to criticize the remarks of the Senator from New York.

I doubt seriously that any of the agricultural acts would be contested by the House. I think that we made it clear in our discussion that, for instance, with respect to the Potato Act it was purely a voluntary association. They have the right to assess themselves up to a certain amount. They have the right to get out at any time they want to. They even have the right to get their money back that they have paid into it. They have the right to come to the Secretary of Agriculture, who would administer the fund. This is purely a voluntary organization.

As a matter of fact, to begin with, it takes the agreement of two-thirds of all the producers in the United States before this association even comes into existence. They impose on themselves by their own vote their own assessment.

In my opinion, the pending matter is absolutely mandatory. There is no way that anyone can get out of it once this is instituted. It would be administered by the U.S. Government.

There is even provision in the act that if insufficient funds are collected from month to month, the amounts may be paid out of the general funds in lieu of the trust fund.

None of this applies here. As a matter of fact, any funds going to the Surgeon General of the United States under the act must be appropriated by this very body. So, there is a tremendous distinction. I would like to make that distinction. I think it is real and extremely important in this argument.

Mr. JAVITS. Mr. President, I am grateful for the Senator's intercession. However, I do not agree with him.

The Secretary of Agriculture under the potato bill is given the authority to prepare a budget, to fix the assessment rate, and to exercise other powers contained in the law.

It seems to me that on the question of principle, it cannot be a private plan, privately administered, because if we analyze the power, the authority of Cabinet officers and the United States is implemented. There is a question of power involved.

The bill provides that a Cabinet officer of the Federal Government shall collect what we could argue is tantamount to revenue. Surely, they could get it back. Some could get a rebate on income taxes and other matters.

The fact that the machinery of the Federal Government is used for collection constitutes a matter of principle. It is part of the basic point.

It is a critically important point for the Senate. We find that with respect to many agricultural fields, a very important discussion is already going on with relation to the whole field. With respect to the use of an assessment of some kind, every time a broad plan is worked out involving this kind of mutualization of responsibility, we have to go back to the House of Representatives and treat it as a new matter.

The matter goes to the House Ways and Means Committee, and notwithstanding the fact that the whole House and Senate can work its will, we would be tying a millstone around our necks. We would have to continue to go through the appropriations and authorization route.

We have, therefore, a question of power. The power involved here is very important insofar as modernizing the Federal Government is concerned.

I voted against the particular assessment in this bill. I would have preferred a voluntary plan of some kind. I thought this was adding something rather heavy and weighty to the bill. However, I could not vote for the point of order.

It is very likely that I shall be the first to vote for some important modifications of this assessment plan.

I may, perhaps, vote to strike the matter. I do not think that is the point. The point is that the Senate would be for the first time giving up a power which it has refused to give up before. That is the power to use means which are incidental to the main purpose, even if they technically may provide for the raising of revenue.

The revenue has been clearly earmarked for a given purpose; and I should like to point out how tightly this revenue is earmarked for the given purpose.

Mr. KENNEDY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, on behalf of the distinguished Senator from Pennsylvania and myself, I ask unanimous consent that, at 2 o'clock p.m. tomorrow, the unfinished business be laid before the Senate; that immediately after the Chair lays the unfinished business before the Senate, the Chair ascertain the presence of a quorum; that immediately upon the ascertainment of a live quorum, the time on the pending point of order be limited to 90 minutes; that the time be equally divided and controlled by the Senator from Vermont (Mr. PROUTY) and the Senator from New Jersey (Mr. WILLIAMS).

Mr. JAVITS. And that at the conclusion thereof, a vote shall occur on any motion appropriately made or on the point of order itself.

The PRESIDING OFFICER. The understanding of the Chair is that, as the unanimous-consent request of the Senator from Massachusetts is worded, it merely provides a limitation of time, and that the usual parliamentry procedures which would be available, including motions to table, would then be available at the expiration of the time.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. HOLLAND. Mr. President, I object, unless there is something in the unanimous-consent request that requires a vote at that time on this measure. Under the unanimous-consent request as drawn, I could take the floor, if I were disposed to—and I shall not be—and talk 3 hours on something else, before we ever got to a vote. The proposed agreement does not provide for a vote at the end of that time, and that is what I think should be provided.

I am willing to have the matter worded as the Senator from New York suggested, but I think we should provide that Senators should be here expecting to vote, and that we will vote on this point of order or some motion addressed thereto. I object.

The PRESIDING OFFICER. The Chair advises the Senator from Florida that under the agreement as proposed by the Senator from Massachusetts, there would be no further debate. The usual motions would be available, but there would be no further debate.

Mr. HOLLAND. There is no provision for a vote, Mr. President, unless I heard inaccurately what the distinguished Senator from Massachusetts suggested. I ask that the clerk read the proposed unanimous-consent agreement.

Mr. KENNEDY. If there is any question about that inclusion in it, it would certainly be my intention to modify the unanimous-consent request to reflect that.

Mr. HOLLAND. I ask that the clerk read the proposed unanimous-consent agreement.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The assistant legislative clerk read as follows:

> That at 2 o'colck p.m. tomorrow, the unfinished business be laid before the Senate; that immediately after the Chair lays the unfinished business before the Senate, the Chair ascertain the presence of a quorum; that immediately upon the ascertainment of a live quorum, the time on the pending point of order be limited to 90 minutes; that the time be equally divided and controlled by the Senator from Vermont (Mr. PROUTY) and the Senator from New Jersey (Mr. WILLIAMS).

Mr. HOLLAND. Mr. President, I renew my objection, because that does not require a vote at the termination of that time. It simply provides that the argument on the pending point of order would be concluded.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Do I correctly understand that if there were not an objection to the unanimous-consent request, the time having expired under the unanimous-consent request, the Chair would then put the question before the Senate at that time, if there were no other motions in order?

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts that it is the understanding of the Chair that there could be no further debate, that the Senate would move immediately to the vote, either on the substantive question or on such motion which may intervene, but it would in any event be without further debate.

Mr. ALLOTT. Mr. President, reserving the right to object—I understand there is already an objection—I should like to propound a parliamentary inquiry or two.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. ALLOTT. One of the motions that can properly be made at that time, as the Presiding Officer has stated, is a motion to lay on the table. Am I correct?

The PRESIDING OFFICER. The Senator is correct. That would be in order under the proposed unanimous-consent agreement.

Mr. ALLOTT. And that would not be debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLOTT. Another motion which could properly be made at that time would be to rerefer it to the committee. Am I correct? And that motion is debatable.

The PRESIDING OFFICER. Will the Senator state again the nature of the request that would be referred to committee?

Mr. ALLOTT. To refer the entire bill to the committee.

The PRESIDING OFFICER. The point of order would take precedence over a motion to rerefer it to the committee.

Mr. ALLOTT. May I inquire what other motions could be made, other than a motion to lay on the table?

The PRESIDING OFFICER. The Chair advises the Senator that, of course, a motion to recess or adjourn would be in order.

Mr. ALLOTT. As I understand the replies to the inquiries, then, since a motion to recess, a motion to adjourn, and a motion to lay on the table are not debatable, no debatable motion could be made at the termination of the agreed discussion.

The PRESIDING OFFICER. Under the unanimous-consent request as proposed, nothing else could be debatable, because all time would have expired.

Mr. HOLLAND. I shall continue to object, unless something is put in the unanimous-consent request permitting the Senate to vote either on the point of order or on some motion directed thereto when this period of debate is up. It is very evident that many people have different ideas about what could be done at the end of that time.

I think the Senate is tired of this debate. I think the Senate is entitled to vote. I am ready to vote right now. I am sure most Senators are. I object.

Mr. JAVITS. I yield, Mr. President.

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at 2 o'clock p.m. tomorrow, the unfinished business be laid before the Senate; that immediately after the Chair lays the unfinished business before the Senate, the Chair ascertain the presence of a quorum; that immediately upon the ascertainment of a live quorum, the time on the pending point of order be limited to 90 minutes, the time to be equally divided and controlled by the Senator from Vermont and the Senator from New Jersey (Mr. WILLIAMS); and that upon the expiration of all time, a vote occur on the point of order or any appropriate motion.

Mr. HOLLAND. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent request, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That at 2 o'clock p.m. on Tuesday, September 30, 1969, the Chair shall lay before the Senate S. 2917, a bill to improve health and safety conditions of persons working in the coal mine industry of the United States, immediately after which the Chair shall ascertain the presence of a quorum.

Ordered further, That immediately thereafter further debate on the point of order against section 502 of the bill shall be limited to 90 minutes to be equally divided and controlled by the Senator from Vermont (Mr. PROUTY) and the Senator from New Jersey (Mr. WILLIAMS), immediately after which the Senate shall proceed to vote on the point of order or any appropriate motion.

Mr. JAVITS. Mr. President, to refer now to the major issue, the cases seem to be very clear that where the assessment or some payment is required which is to be administered within the governmental structure and it is incidental to the major purpose of the measure itself, as it is in this case, the Senate has the power to initiate it. That seems to be the whole purport of the cases.

So the real issue is, is this incidental or is it a revenue-raising measure? That is really what the cases have held. It is very clear that both in amount—the amount which is involved has been variously argued but, as a matter of fact, it is $20 million—and as to its being tied directly into an ancillary purpose to the bill itself, these are incidental revenues which result and therefore are fully within the power of the Senate, in accordance with these precedents.

I invite the attention of the Senate to section 501(d), which says that the amounts in the trust fund shall be available as provided by the appropriation acts, and that is dealt with in the preceding section, that every part of the trust fund—to wit, 100 percent—is to be appropriated only, I emphasize the word "only," to enable the Secretary and the Surgeon General to carry out sections 201(b), 401, and 402.

Section 201(b) is found at page 25:

> The purpose of this Title is to provide for the immediate application of mandatory safety standards developed on the basis of experience and advances in technology and to prevent newly created hazards resulting from new technology in coal mining. The Secretary shall immediately initiate studies, investigations, and research to further upgrade such standards and to develop and promulgate new and improved standards promptly that will provide increased protection to the miners, . . .

That is a very specific purpose, completely incident to the legislative framework of the bill.

Then we turn to sections 401 and 402, at page 104 of the bill. Those are general research sections under the head "administration—research." Those sections deal with the general responsibility of the Secretary and the Surgeon General to conduct studies, research, experiments, and demonstration, and so forth. Also, in section 402, training and education is specified as follows:

> The Secretary shall expand programs for the education and training of coal mine operators, agents thereof, and miners. . . .

I cannot conceive of a purpose more incidental to the general legislative purpose of this bill, which is coal mine safety. There is involved how to prevent accidents, occupational diseases, education and training of operators, agents, and miners in respect to safety practices and the effort, which is in section 201(c), to upgrade the standards and to develop and promulgate new and improved standards incident to coal mine safety.

Therefore, at every point lawfully and legally it seems that we are entirely correct in the argument that the Senate has the power. I am not arguing it should or should not exercise the power. We can argue that in due course. But the Senate has the power to deal with this kind of assessment and include it in the bill where the general framework is contributed to and the general purpose to raise the money is as an incidental purpose.

One thing worries me about this matter and the reason it has been stirred up, and I am grateful to my colleague from Kentucky for stirring it up. It would be a grave mistake and a disservice to the Senate if we allowed our judgment on the merits of this assessment to dictate our judgment on the point of order. That is the one point I would like to leave in the record tonight. This is critically important. There is a 50-50 chance I will be with Members who seek to strike it out. I think it would be a grave error to concede the constitutional point on this point of order, but that is what we would be doing if we sustained the point of order, and it would be the first time because the Senate has not heretofore sustained this kind of point of order. That is my understanding from the research I have done and everything I have gathered.

The power is critically important because it will extend to many other things and not just to coal mine safety. It may be in a general health and safety bill. It permeates various agricultural bills. It applies to transportation, for example, highway safety. We are talking about airports, we are talking about safety and the safety of the airways of the country which may very well involve some kind of assessment on the user and the Senate should not lend itself to the fractionalization of authority and power which this would represent and deprive it of this opportunity in the other fields.

We know what would happen in the other body. I served 8 years in the other body. One part of it would go to the Ways and Means Committee. It has totally different standards, and I am not being derogatory. This matter saves the United States a great deal of money. I predict we will be reducing the amounts which can be made available for highly desirable public projects.

We are handicapping our ability to control the budget in a serious way and to do effective things if we concede this point of order. I believe the cases do not require it. It would be a grave mistake, and I hope the Senate will not hobble itself the way this point of order would make the Senate hobble itself.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Mr. President, as always, the Senator is persuasive. He is a very fine lawyer. However, I must come back to the issue that the point of order is raised upon a constitutional question. Each of us has to make a decision. We have to make a decision based on our views, what is constitutional, and also our comity with the other body.

As I said before, I agree wholly with everything the Senator said about the purposes of the amendment. I stand with him 100 percent. I hope this money will be made available from general revenues.

As far as I am concerned it can be properly provided by a tax on the industry. I support that also. That is what it should be and that is not the issue on which we have to vote. What do we really believe is our constitutional power and what is the power of the House? We cannot avoid this issue. If we do attempt to avoid it we would be voting with our emotions.

The Senator said a while ago the cases have held that if the levy or tax is incidental to the purpose of the bill the tax is a proper one. I have not made a thorough study. I would be very happy if the Senator would discuss the cases tomorrow which uphold his point of view. I might say that if there are cases which he could show that support this authority I will consider changing my opinion and voting against the point of order.

Mr. JAVITS. Mr. President, I invite the attention of the Senator to the case of *Twin City Bank* v. *Nebeker*, 167 U.S. 196.

Mr. President, I ask unanimous consent that the entire text of the opinion of the court may be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

TWIN CITY BANK *v.* NEBEKER

ERROR TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

[No. 202. Argued and submitted April 21, 1897.—Decided May 10, 1897.]

Section 41 of the National Banking Act imposing certain taxes upon the average amount of the notes in circulation of a banking association, now found in the Revised Statutes, is not a revenue bill within the meaning of the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills."

Whether in determining such a question the courts may refer to the journals of the two Houses of Congress for the purpose of ascertaining whether the act originated in the one House or the other is not decided.

The case is stated in the opinion.

Mr. John J. Crawford for plaintiff in error.

Mr. Solicitor General filed a brief for defendant in error, but the court refused to hear further argument.

OPINION OF THE COURT

Mr. Justice Harlan delivered the opinion of the court.

This was an action by the plaintiff in error to recover from the defendant in error the sum of seventy-three dollars and eight cents alleged to have been paid by the former under protest to the latter, who was at the time Treasurer of the United States, in order to procure the release of certain bonds, the property of the bank, which bonds, the declaration alleged, were illegally and wrongfully withheld from the plaintiff by the defendant.

The plaintiff went into liquidation in the manner provided by law on the 23d of June, 1891, and on the 25th of August, 1891, deposited in the Treasury of the United States lawful money to redeem its outstanding notes, as required by section 5222 of the Revised Statutes of the United States. After making such deposit, the bank demanded the bonds which had been deposited by it to secure its circulating notes, and of which defendant had possession as Treasurer of the United States. The defendant refused to deliver them, unless the bank would make a return of the average amount of its notes in circulation for the period from January 1, 1891, to the date when the deposit of money was made, viz., the 25th of August, 1891, and pay a tax thereon. The bank then made a return of the average amount of its notes in circulation for the period from January 1 to June 30, 1891, and paid to the defendant $56.25, protesting that he had no authority to demand the tax, and delivered to him a protest in writing setting forth that in making the return and in paying the tax it did not admit the validity of the tax or defendant's authority to exact or collect it, but made the return and payment solely for the purpose of procuring the possession of the United States bonds belonging to it, which defendant had refused to release until such return and payment were made, and further protesting that it was not liable to the tax or any part of it. The bank's agent then made another demand upon defendant for the bonds; but he refused to deliver them until a return should be made of the average amount of its notes in circulation for the period from July 1 to August 25, 1891, and a tax paid thereon. Its agent then delivered such return to defendant and paid him $16.83, at the same time delivering a written protest in the same form as the one above mentioned. These transactions were with the defendant himself, and the money was paid to him in person.

The journals of the House of Representatives and Senate of the United States for the first session of the 38th Congress were put in evidence by plaintiff. The bank claims that these journals show that the National Bank Act originated as a bill in the House of Representatives; that when it passed the House it contained no provision for a tax upon the national banks, or upon any corporation, or upon any individual, or upon any property, nor any provisions whatever for raising revenue; and that all the provisions that appear to authorize the Treasurer of the United States to collect any tax on the circulating notes of national banks originated in the Senate by way of amendment to the House bill.

A witness on behalf of the defendant testified, against the objection of plaintiff, that the money paid by it to him was covered into the Treasury, and applied to the payment of the semi-annual duty or tax due from the bank. But it did not appear whether this was done before or after the present action was brought.

At the close of the evidence counsel for the bank moved the court to direct the jury to return a verdict in its favor, which motion the court overruled, and counsel for the bank excepted. On motion of the defendant the court instructed the jury to return a verdict for him. To that ruling of the court counsel for plaintiff excepted.

Such is the case which the bank insists is made by the record.

The taxing provisions contained in the National Bank Act are found in its forty-first section. That section is as follows:

"The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, and all other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act. And in lieu of all existing taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one half of one per centum each half year from and after the first day of January, eighteen hundred and sixty-four, upon the average amount of its notes in circulation, and a duty of one quarter of one per centum each half year upon the average amount of its deposits, and a duty of one quarter of one per centum each half year, as aforesaid, on the average amount of its capital stock beyond the amount invested in United States bonds; and in case of default in the payment thereof by any association, the duties aforesaid may be collected in the manner provided for the collection of United States duties of other corporations, or the Treasurer may reserve the amount of said duties out of the interest, as it may become due, on the bonds deposited with him by such defaulting association. And it shall be the duty of each association, within ten days from the first days of January and July of each year, to make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as he may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preceding said first days of January and July as aforesaid, and in default of such return, and for each default thereof, each defaulting association shall forfeit and pay to the United States the sum of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States; and in case of such default the amount of the duties to be paid to such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such other manner as the Treasurer may deem best: *Provided*, That nothing in this act shall be construed to prevent all the shares in any of the said associations, held by any person or body corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of taxes imposed by or under state authority at the place where such bank is located, and not elsewhere, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State: *Provided, further*, That the tax so imposed under the laws of any State upon the shares of any of the associations authorized by this act shall not exceed the rate imposed upon the shares in any of the banks organized under authority of the State where such association is located: *Provided, also*, That nothing in this act shall exempt the real estate of associations from either State, county or municipal taxes to the same extent, according to its value, as other real estate is taxed." 13 Stat. 99, 111, c. 106.

The provision relating to taxation which, it is alleged, was inserted by way of amendment in the Senate, appears as section 5214 of the Revised Statutes. Other provisions of the act of 1864 are reproduced in sections 5217 and 5218 of the Revised Statutes.

By section 5222 of the Revised Statutes it is provided: "Within six months from the date of the vote to go into liquidation, the association shall deposit with the Treasurer of the United States lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for money thus deposited, and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received; and the money shall be paid into the Treasury of the United States and placed to the credit of such association upon redemption account."

In *Field* v. *Clark*, 143 U.S. 649, 672,—in which the constitutionality of the act of Congress of October 1, 1890, 26 Stat. 567, c. 1244, was questioned upon the ground that a certain provision which was in it upon its final passage was omitted when the bill was signed by the Speaker of the House of Representatives and the President of the Senate,—this court said: "The signing by the Speaker of the House of Representatives and by the President of the Senate, in open session, of an enrolled bill, is an official attestation by the two houses of such bill as one that has passed Congress. It is a declaration by the two houses, through their presiding officers, to the President, that a bill thus attested, has received, in due form, the sanction of the legislative branch of the Government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, receives his approval and is deposited in the public archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. As the President has no authority to approve a bill not passed by Congress, an enrolled act in the custody of the Secretary of State and having the official attestations of the Speaker of the House of Representatives, of the President of the Senate and of the President of the United States, carries on its face a solemn assurance by the legislative and executive departments of the Government, charged, respectively, with the duty of enacting and executing the laws, that it was passed by Congress. The respect due to coequal and independent departments requires the judicial department to act upon that assurance and to accept, as having passed Congress, all bills authenticated in the manner stated, leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution."

Referring to the above case, it was said in *Harwood* v. *Wentworth*, 162 U.S. 547, 560, that if the principle announced in *Field* v. *Clark* involves any danger to the public, it was competent for Congress to meet it by declaring under what circumstances, or by what kind of evidence, an enrolled act of Congress or of a territorial Legislature, authenticated as required by law, and in the hands of the officer or department to whose custody it was committed by statute, may be shown not to be in the form in which it was when passed by Congress or by the territorial Legislature.

The contention in this case is that the section of the act of June 3, 1864, providing a national currency secured by a pledge of United States bonds, and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills," Art. I, § 7; that it appeared from the official journals of the two Houses of Congress that while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void; and that, consequently, the statute did not justify the action of the defendant.

The case is not one that requires either an extended examination of precedents, or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. 1 Story on Const. § 880. The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States, and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

This interpretation of the statute renders it unnecessary to consider whether, for the decision of the question before us, the journals of the two Houses of Congress can be referred to for the purpose of determining whether an act, duly attested by the official signatures of the President of the Senate, the Speaker of the House of Representatives and the President, and which is of record in the State Department as an act passed by Congress, originated is the one body or the other.

Judgment affirmed.

Mr. Justice White concurs in the result.

Mr. JAVITS. Mr. President, I might read one statement in the opinion which states:

> Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question.

That is exactly the situation here. We have a health and safety bill. We have imposed an assessment. To that end, it is completely incidental to the fundamental purpose of the bill which we have an undisputed constitutional right and authority to initiate.

I might say that just as the Senator from Kentucky, my beloved—and he knows I use that word in his case most advisedly—colleague, feels strongly about the constitutional point and he must obey his conscience, I might say that I do, too.

I am not arguing with the Senate for a minute that any Senator wants to do other than obey his conscience, but I point out that the Senate should not be diverted by favor or opposition to the assessment provisions themselves, because a point of order makes infinitely deeper precedent than that. This case, unlike general legislation, is a case in which pecedent will count decisively because this is a question of the authority of the Senate. It is not what we put in a bill. We can vote yea today and nay tomorrow. But this is an assessment by the Senate of its constitutional power and its specific interpretation of it.

I therefore appeal to all Senators to understand very clearly the deep implications of a vote to sustain the point of order, which has not been done before, as I understand it from the research.

Mr. WILLIAMS of New Jersey. Mr. President, in reply to the distinguished Senator from Kentucky, this is a constitutional question before the Senate on the point of order. Under the rules of debate, the first 3 hours have to be germane. In other words, they have to deal not with the merits of the assessments for health and safety studies, but with the constitutional question.

For 3 hours, intense discussion was centered on constitutional findings and not on a personal Senator's predilection for or against this particular part of the bill.

The Senator from New York has included in the RECORD one of the fundamental cases. I believe only one of them, because there is one other fundamental case central to the whole afternoon's argument, which I would ask unanimous consent to have printed in the RECORD. That is *Millard* v. *Roberts,* 202 U.S. 429. That is, again, a Supreme Court decision and is on the point to which the Senator from New York addressed himself, the finding that an assessment—I say of this nature—is not general revenue in the constitutional sense.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

MILLARD *v.* ROBERTS

APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

[No. 234. Argued April 18, 1906.—Decided May 21, 1906.]

Revenue bills, within the meaning of the constitutional provision that they must originate in the House of Representatives and not in the Senate are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue.

An act of Congress appropriating money to be paid to railway companies to carry out a scheme of public improvements in the District of Columbia, and which also requires those companies to eliminate grade crossings and erect a union station, and recognizes and provides for the surrender of existing rights, is an act appropriating money for governmental purposes and not for the private use exclusively of those companies.

The acts of Congress of February 12, 1901, 31 Stat. 767, 774, and of February 28, 1903, 32 Stat. 909, for eliminating grade crossings of railways and erection of a union station in the District of Columbia and providing for part of the cost thereof by appropriations to be levied and assessed on property in the District other than that of the United States are not unconstitutional either because as bills for raising revenue they should have originated in the House of Representatives and not in the Senate, or because they appropriate moneys to be paid to the railway companies for their exclusive use; and assuming but not deciding that he can raise the question by suit, a taxpayer of the District is not oppressed or deprived of his property without due process of law by reason of the taxes imposed under said statutes.

The facts are stated in the opinion.

Mr. Josiah Millard, pro se, appellant:

Taxes on land or the profits issuing from lands are taxes in the strict sense of the word: they are direct taxes within the meaning of the constitutional provision respecting the apportionment of representatives and direct taxes, and, therefore, also necessarily within the meaning of the provision that all bills for raising revenue shall originate in the House of Representatives. *Pollock* v. *Farmers' Loan and Trust Co.,* 157 U.S. 429; *S.C.,* 158 U.S. 601; Story on Constitution, § 880 and note; *Bank* v. *Nebeker,* 3 App. D.C. 190, 198–201; *S.C.,* 167 U.S. 196, 203; Cooley on Taxation, 3d ed., 95, 96 and notes; *License Tax Cases,* 5 Wall. 462; *Binns* v. *United States,* 182 U.S. 292; *Downs* v. *Bidwell,* 194 U.S. 489, 496.

The chief characteristic of an act which lays a tax for any purpose whatever, is, that it is intended to raise revenue by taxation; and no other purpose, pretended or real, can deprive it of the nature of a bill for raising revenue. Bills which lay taxes on lands or incomes for any purpose whatever are "bills for raising revenue within the purview of the Constitution." Story Const. § 880 and note; *Income Tax Cases,* 157 U.S. 429; Cong. Record, February 16, 1905 (Payne's citations).

It does not matter that this legislation relates to the District of Columbia, even if it related exclusively to it; for notwithstanding any rule of either House, the Power of Congress in this District is restricted and qualified by all the general limitations, express or implied, which are imposed on its authority by the Constitution. *Curry* v. *District of Columbia,* 14 D.C. App. 429, 438–445; *Callan* v. *Wilson,* 127 U.S. 127 *Thompson* v. *Utah,* 170 U.S. 343, 346; *United States* v. *More,* 3 Cranch, 160, note; *Loan Association* v. *Topeka,* 20 Wall. 655; *Loughborough* v. *Blake,* 5 Wheat. 317, 325; *Wilkes County* v. *Coler,* 180 U.S. 506, 513–525; *Cohens* v. *Virginia,* 6 Wheat. 264, 446.

If a tax is imposed upon one of the political subdivisions of a country, as in the present case, the purpose must not only be a public purpose as regards the people of that subdivision, but it must also be local. *People* v. *Town of Salem,* 20 Michigan, 452, 474; *Cohens* v. *Virginia,* 6 Wheat. 264, 446; *Loughborough* v. *Blake,* 5 Wheat. 317, 325.

The people of the District of Columbia cannot be taxed to pay "the debts of the United States," in whole or in part, whether equitable or legal, unless the taxes on them for that purpose be, if indirect, uniform throughout the United States, and be, if direct, apportioned among the States and Territories in proportion to population; and hence the case of *United States* v. *Realty Co.,* 163 U.S. 440, 444, the *Sugar Bounty* case, is no precedent here, even if these taxes were designed to pay a debt, and not provide *uno flatu* a bounty for a private corporation and a stately edifice for the adornment of the capital of the nation, as such. The cases above cited sustain this contention.

The right of taxation can only be used in aid of a public object, an object which is within the purpose for which governments are established, and cannot, therefore, be exercised in aid of enterprises strictly private, even though, in a remote or collateral way, the local public may be benefited thereby. *Loan Association* v. *Topeka,* 20 Wall. 655, 664; *Cole* v. *LaGrange,* 112 U.S. 1, 6; *Miles Planting Co.* v. *Carlisle,* 5 D.C. App. 138; *Hanson* v. *Vernon,* 27 Iowa, 28; *Whiting* v. *Sheboygan, Fond du Lac R. R. Co.,* 25 Wisconsin, 167; *Sweet* v. *Hulbert,* 51 Barb. N.Y.) 312; *Lowell* v. *Boston,* 111 Maaaschusetts, 454; *Central Branch U.P.R.R. Co.* v. *Smith,* 23 Kansas, 533.

It is admitted by the Court of Appeals that all three of the acts in question originated in the Senate; and the same fact also appears affirmatively by reference to the Congressional Record.

A literal compliance with the mandatory provisions of the Constitution, whether affirmative or negative, is a condition precedent to the validity of any law laying taxes on the property of the people, and attempts to evade those provisions constitute violations of them. *Wilkes County* v. *Coler,* 180 U.S. 506, 521, 522; *Baltimore* v. *Gill,* 31 Maryland, 375, 387, 388; *Rodman* v. *Munson,* 13 Barb. (N.Y.) 63; *People* v. *Nicoll,* 3 Selden, 9, 139.

All remedial laws, such as the constitutional provisions respecting taxation and due process of law, must be so construed as to repel the mischief and advance the remedy, by searching out and nullifying evasions as well as violations of them. *Atty. General* v. *Meyricke,* 2 Vesey, Sr. 44; *Atty. General* v. *Day,* 1 Vesey, Sr. 218; *Atty. General* v. *Davies,* 9 Vesey, Jr. 535, 541; *Marbury* v. *Madison,* 1 Cranch, 137, 175, 176; *Ex parte Garland,* 4 Wall. 333; *Cummings* v. *Missouri,* 4 Wall. 237; *Baltimore* v. *Gill,* 31 Maryland, 375; *Cooke County* v. *Industrial School for Girls,* 125 Illinois, 540, 564, 565; *Farmer* v. *St. Paul,* 67 N. W. Rep. 990; *Washingtonian Home* v. *Chicago,* 157 Illinois, 414, 428; *Central Transportation Co.* v. *Pullman's Palace Car Co.,* 139 U.S. 24, 40 *et seq.; Loan Association* v. *Topeka,* 20 Wall. 655; *Ward* v. *Joplin,* 186 U.S. 142, 152; *Brownsville* v. *League,* 129 U.S. 493; *Bank of San Francisco* v. *Dodge, Assessor,* 197 U.S. 70.

No conclusive presumption can arise to defeat the operation of the mandatory and remedial provisions of the Constitution respecting taxation and due process of law, which are self-executing. *Wilkes County* v. *Coler,* 180 U.S. 506, 521, 522; *Post* v. *Supervisors,* 105 U.S. 657, 667; *Town of South Ottawa* v. *Perkins,* 94 U.S. 260.

The Solicitor General for the Treasurer of the United States; *Mr. Wayne Mac Veagh, Mr. Frederick D. McKenney* and *Mr. John S. Flannery* for Philadelphia, Baltimore & Washington R.R. Co.; *Mr. George E. Hamilton* and *Mr. Michael J. Colbert* for Baltimore & Ohio R.R. Co. and Washington Terminal Co.; *Mr. Edward H. Thomas* for the Commissioners of the District of Columbia, appellees, submitted:

The act of February 28, 1903, and the two acts approved February 12, 1901, do not appropriate public moneys or levy taxes upon the taxpayers of the District of Columbia for private purposes. The project was in response to a general desire of the public, to abolish dangerous grade crossings and to remove the railroad tracks from the mall. The acts were based on an ample consideration, irrespective of the general power of Congress in the premises.

We submit that Congress, in the acts themselves, having declared that the appropriations were made upon a valuable consideration and for a public purpose, the matter is not open to review in the courts. Cooley's Principles of Constitutional Law, 57, 58; Cooley on Taxation, 2d ed., 111.

This court has repeatedly held that, although railroad corporations are private corporations as distinguished from those created for municipal and governmental purposes, their uses are public. *N.Y. & N.E.R.R. Co.* v. *Bristol,* 151 U.S. 556, 571.

The power of States, counties and municipalities to aid in the construction of railroads, upon the ground that railroads are *quasi* public institutions created and existing for the benefit of the public at large, is well established. *Olcott* v. *Supervisors,* 16 Wall. 698; *Curtis* v. *County of Butler,* 24 How. 447, 449; *Rogers* v. *Burlington,* 3 Wall. 665; *St. Joseph* v. *Rogers,* 16 Wall. 663; *Gillman* v. *Sheboygan,* 2 Black, 515; *Larned* v. *Burlington,* 4 Wall. 276; *Railroad Co.* v. *County of Otoe,* 16 Wall. 673; *Township of Pine Grove* v. *Talbott,* 19 Wall. 676; *United States* v. *Railroad Co.,* 17 Wall. 330; *Loan Assn.* v. *Topeka,* 20 Wall. 661; *Otoe Co.* v. *Baldwin,* 111 U.S. 15.

The United States possesses complete jurisdiction, both of a political and municipal nature, over the District of Columbia. When Congress, acting as the municipal legislature of said District, in the exercise of the police power, enacts legislation for the benefit of the health and safety of the community and makes an appropriation and levies an assessment to carry said legislation into effect, the propriety of its action is not open to review by the courts. *Wight* v. *Davidson,* 181 U.S. 371, 381; *Wilson* v. *Lambert,* 168 U.S. 611; *N.Y. & N. E. R. R. Co.* v. *Bristol,* 151 U.S. 556. See also *Wabash R. R. Co.* v. *Defiance,* 167 U.S. 88, 98; *Chicago &c. R. R.* v. *Nebraska,* 170 U.S. 57, 74.

But even if the appropriations made by the acts of 1901 and 1903 could be regarded as donations they would still be legal and the acts providing therefor constitutional and valid.

From the beginning of this Government, Congress has made donations for the benefit of public service corporations, in the nature of land grants, subsidies and bounties, and such donations have been invariably sustained. *Allen* v. *Smith*, 173 U.S. 402; *United States* v. *Realty Co.*, 163 U.S. 440.

Said acts of 1901 and 1903 are not revenue or tax measures in the sense contemplated by the Constitution.

The provisions of section 7, article I of the Constitution, which requires that "all bills for raising revenue shall originate in the House of Representatives," cannot apply to any of the acts involved in this case, even if we should admit for the purposes of the argument that said acts did originate in the Senate instead of in the House of Representatives.

By "bills" is meant "money bills." Story's Constitution, § 874. In practice it is applied to bills to levy taxes in the strict sense of the word. 2 Elliott's Debates, 283, 284; Story's Consttiution, § 880.

Twin City Bank v. *Nebeker*, 167 U.S. 196, is decisive on the question.

The act of February 28, 1903, from the recitals in its enacting clause and the fact that it has received the approval of the President and has been regularly enrolled among the statutes of the United States, must be presumed to have been passed by Congress in strict accord with the letter and spirit of the Constitution, and resort cannot be had to the journals of the two houses to overthrow this presumption. *Field* v. *Clark*, 143 U.S. 649, 680; *Harwood* v. *Wentworth*, 162 U.S. 547, 562; *Twin City Bank* v. *Nebeker*, *supra*.

Mr. Justice McKenna delivered the opinion of the court.

This is a bill in equity to enjoin Ellis H. Robers, as Treasurer of the United States, from paying to any person any moneys of the District of Columbia, under certain acts of Congress[1] (31 Stat. 767, 774; 32 Stat. 909), and to enjoin the other defendants from carrying into effect said acts of Congress, and that said acts "be declared null and void for want of constitutional authority." Defendants interposed demurrers to the bill, which were sustained by the Supreme Court, and a decree entered dismissing the bill. The Court of Appeals affirmed the decree.

The principal allegations of the bill are that the railroad defendants are private corporations and all interested in the railway and terminal facilities of the District of Columbia; that the District of Columbia owns no stock in any of the companies nor is otherwise interested in any of them save as useful private enterprises and yet it is required by said acts, "without any lawful consideration therefor," to pay the Baltimore and Potomac Railroad Company the sum of $750,000, and a like sum to the Baltimore and Ohio Railroad Company, "to be levied and assessed upon the taxable property and privileges in the said District other than the property of the United States and the District of Columbia," and for the exclusive use of said corporations respectively, "which is a private use, and not a governmental use;" that the public moneys of the District of Columbia are raised chiefly by taxation on the lands therein, and that the complainant is obliged to pay and does pay direct taxes on land owned by him therein. And the bill also alleges that the acts of Congress are "acts which provide for raising revenue and are repugnant to article I, section 7, clause 1, of the Constitution of the United States, and are, therefore, null and void *ab initio*, and to their entire extent, because they and each and every one of them originated in the Senate and not in the House of Representatives." Certain volumes of the Congressional Record are referred to and made part of the bill.

In other allegations of the bill are expressed the limitations upon the power of the United States and the District of Columbia as to taxation; that the acts of Congress complained of are repugnant to the Constitution of the United States; that public funds are appropriated for private use, and that exorbitant taxes will be required to meet the legitimate expenses of the District of Columbia, and appellant will thereby be oppressed and deprived of his property without due process of law.

The first contention of appellant is that the acts of Congress are revenue measures, and therefore should have originated in the House of Representatives and not in the Senate, and to sustain the contention appellant submits an elaborate argument. In answer to the contention the case of *Twin City Bank* v. *Nebeker*, 167 U.S. 196, need only be cited. It was observed there that it was a part of wisdom not to attempt to cover by a general statement what bills shall be said to be "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story, "that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes, which may incidentally create revenue." 1 Story on Constitution, § 880. And the act of Congress which was there passed on illustrates the meaning of the language used. The act involved was one providing a national currency, and imposed a tax upon the average amount of the notes of a national banking association in circulation. The provision was assailed for unconstitutionality because it originated in the Senate. The provision was sustained, this court saying:

"The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States and be available in every part of the country. There was no purpose, by the act or by any of its provisions, to raise revenue to be applied in meeting the expenses or obligations of the Government."

This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act.

The legality of those purposes is attacked in the other contentions of appellant. All of the contentions rest upon the correctness of the allegation that the moneys provided to be paid to the railroad companies are for the exclusive use of the companies, "which is a private use and not a governmental use."

The titles of the acts are the best brief summary of their purposes, and those purposes are obviously of public benefit. We do not think that it is necessary to enter into a discussion of the cases which establish this. The scheme of improvement provided by the acts required a removal of the railroads from their situations, large expenditures of money by the companies, and the surrender of substantial rights. These rights are recognized and their surrender expressed to be part of the consideration of the sums of money paid to the companies. Indeed there is an element of contract not only in the changes made but in the manner and upon the scale which they are required to be made. As remarked by Mr. Justice Morris, speaking for the Court of Appeals:

"The case is practically that of a contract between the United States and the District of Columbia on the one side and the railroad companies on the other, whereby the railroad companies agree to surrender certain rights, rights of property as well as other rights, and to construct a work of great magnitude, greater perhaps than their own needs require, but which Congress deems to be demanded for the best interest of the national capital and by the public at large; and for this surrender of right and this work of magnitude commensurate with the public demand, Congress agrees to pay a certain sum, partly out of the funds of the United States and partly out of the funds of the District of Columbia. It is a simple case of bargaining and sale, like any other purchase."

We have assumed that appellant, as a taxpayer of the District of Columbia, can raise the questions we have considered, but we do not wish to be understood as so deciding.

Decree affirmed.

Mr. Justice Harlan concurs in the result only.

Mr. WILLIAMS of New Jersey. Mr. President, one further point and I shall be through for now.

The Senator from Kentucky expressed himself on the situation that would present itself in the House of Representatives. Well, the situation is just this with regard to this assessment, or one like it, that the House of Representatives has reported from its Labor Committee a coal mine safety and health measure. It does have a provision for assessment for study of better standards for safety and health in the coal mines. Now they evidently have made their finding there that it is not required of the Ways and Means Committee measure.

If the House of Representatives is the only body that deals with an assessment for the study of health and safety, and we do not, then, if we strike it out in conference on the point of order, we are limited to the House version, or a lesser degree thereof.

As a practical matter, of course, I would think we would not want to do that. If we keep this in and vote down the point of order, the Senate can work its will on title V. Senators can move to improve it as they might think it should be improved and have it in the shape they would have it when we go over in conference to the House of Representatives.

This is just another way of tying our hands on the bill.

I certainly agree with the Senator from New York that this is the kind of precedent that would ring down through the years to haunt the Members of this body on other measures, be it agriculture, be it aviation, be it recreation—whatever it is. It would be a very, very sad and haunting memory.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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[1] An act entitled "An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," approved February 12, 1901; an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D.C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901; an act entitled "An act to provide for a union railroad station in the District of Columbia and for other purposes," approved February 28, 1903.

AMENDMENT NO. 216

Mr. RANDOLPH. Mr. President, Senators will recall that in keeping with other Senators, I have presented for their consideration, the two amendments that deal with the subject of compensation for disabled miners.

I submit an amendment which I intend to offer for myself and my colleagues Mr. Byrd, Mr. Scott, Mr. Schweiker, and Mr. Cook, and ask unanimous consent that the amendment be printed in the Record and lie on the desk.

The PRESIDING OFFICER. Without objection, the amendment will be printed and lie on the desk as requested.

The text of the amendment is as follows:

On page 25, between lines 7 and 8 insert the following:

"Part C—Interim Health Benefits for Disabled Miners

"PURPOSE

"Sec. 106. Based on a recent study conducted by the United States Public Health Service, Congress finds and declares that there are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease; that few States have laws providing any benefits for disability from this disease to active or inactive coal miners; and that, in order to give more States time to enact laws to provide such benefits, it is, therefore, the purpose of sections 107 through 109 of this part to provide, on a temporary and limited basis, interim emergency health disability benefits to any coal miner who is totally disabled and unable to be gainfully employed on the date of enactment of this Act due to complicated pneumoconiosis which arises out of, or in the course of, his employment in one or more of the Nation's coal mines; to provide such benefits to the widows and children of any miner who, at the time of his death, was totally disabled and unable to be gainfully employed due to complicated pneumoconiosis arising out of, or in the course of, such employment; and to develop further and detailed information and data on the extent to which past, present, and future coal miners are or will be totally disabled by complicated pneumoconiosis developed from working in coal mines and thereby prevented from earning wages, and on the extent to which assistance to such miners and their dependents, consistent with existing conventional methods of providing benefits to workers in other fields is needed, and the most effective method for assuring such assistance.

"INTERIM BENEFIT STANDARDS; STATE AGREEMENTS; GRANTS

"Sec. 107. (a) In furtherance of the purpose of this part, the Secretary of Health, Education, and Welfare (hereinafter referred to in this part as "the Secretary") shall develop and promulgate interim disability benefit standards governing the determination of persons eligible to receive health disability benefits under this part and the methods and procedures to be used in disbursing such benefits to such persons. Such standards shall take into consideration the length of employment in coal mines considered sufficient to establish a claim for such benefits; reasonable and equitable means, methods, and procedures for filing and establishing proof of disability consistent with the purpose of this part; and such other matters as the Secretary deems appropriate to effectuate this purpose as soon as possible after enactment of this Act. Such standards shall be effective upon publication in the Federal Register unless the Secretary prescribes a later date which date shall not be more than one hundred and eighty days after the enactment of this Act. The provisions of section 553 of title 5 of the United States Code shall apply to the promulgation of such standards.

"(b) After publication of such standards, the Secretary shall enter into agreements with any State pursuant to which the State shall receive and adjudicate, in accordance with the standards promulgated under this section, claims for emergency health disability benefits from any eligible person who is a resident of such State. Such agreements shall, in addition to such conditions as the Secretary deems appropriate, include adequate assurances that the State shall provide such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this part; and that the State will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

"(c) Beginning after the effective date of any agreement entered into with a State under this section and ending on June 30, 1972, the Secretary, subject to the provisions of this part, shall make grants to such State from moneys in the Treasury appropriated for this purpose. Such grants shall be available to the State to pay such benefits to eligible persons as provided in section 108 of this title. No benefit payments shall be made under this part to an eligible person if the State, after the enactment of this Act, reduces the benefits for disability caused by complicated pneumoconiosis payable to such person under such State's laws or regulations.

"(d) There are hereby authorized to be appropriated such sums as may be necessary to enable the Secretary to make grants referred to in this part.

"BENEFIT PAYMENTS

"Sec. 108. (a) Interim emergency health disability benefits shall be paid, in accordance with the provisions of this section, from grants to the States under section 107 of this title to persons determined by the State pursuant to the interim disability benefits standards established under section 107 of this title to be eligible to receive such benefits. Such benefits shall be paid to such eligible persons as soon as possible after a claim is filed therefor and eligibility determined. Such benefits shall terminate when such person is no longer eligible, or on June 30, 1972, whichever is first, unless the State extends such benefits under any State program for this purpose.

"(b) The amount of the benefits payable to an eligible person under this section by a State shall be determined as follows:

"(1) In the case of total disability, such eligible person shall be paid benefits during the period of such disability at a rate equal to 50 per centum of the minimum monthly payment to which an employee in grade GS–2 with one or more dependents, who is totally disabled, is entitled under the provisions of sections 8105 and 8110 of title 5, United States Code;

"(2) In the case of death of the disabled miner resulting from such disease, such eligible widow shall be paid benefits at the rate the deceased would receive such benefits if he were totally disabled until the widow dies or remarries;

"(3) In the case of an eligible person entitled to benefits under clause (1) or (2) of this subsection who has one or more dependents, such benefits shall be increased at the rate of 50 per centum of the benefits to which such person is entitled under clause (1) or (2) of this subsection, if such person has one dependent, 75 per centum if such person has two dependents, and 100 per centum if such person has three dependents; except that such increased benefits for a child, brother, sister, or grandchild, shall cease if such dependent dies or marries or becomes eighteen years of age, or if over age eighteen and incapable of self-support becomes capable of self-support.

"(c) Any benefit payment made to an eligible person under this section shall be reduced by an amount equal to any payment made to such person under any other provision of law for a disability directly caused by complicated pneumoconiosis arising out of, or in the course of, employment in coal mines.

"STUDY

"Sec. 109. The Secretary shall immediately undertake a study to determine the extent to which coal miners are or will be totally disabled due to complicated pneumoconiosis developed during the course of employment in the Nation's coal mines; the extent to which the States provide benefits to active and inactive coal miners and their dependents for such disability; the adequacy of such benefits, the need for, and the desirability of, providing any Federal assistance for such disability; the need for, and desirability of, extending the provisions of sections 106 through 108 of this part for persons eligible for benefits under this part; and such other facts which would be helpful to the Congress in reviewing this part following completion of this study, as the Secretary deems appropriate. In carrying out this study, the Secretary shall consult with, and, to the greatest extent possible, obtain information and comments from, the Secretary of the Interior, the Secretary of Labor, and other interested Federal agencies, the States' operators, representatives of the miners, insurance representatives, and other interested persons. The Secretary shall submit a report on such study, together with such recommendations, including appropriate legislative recommendations, as he deems appropriate, to the Congress not later than October 1, 1970. The Secretary shall also submit to the Congress an annual report, beginning January 30, 1971, of the actions taken under this part.

"Sec. 110. This part shall take effect upon the date of the enactment of this Act.".

On page 8, amend lines 1 and 2 to read as follows:

"TITLE I—MANDATORY HEALTH STANDARDS FOR COAL MINES AND EMERGENCY HEALTH DISABILITY BENEFITS FOR COAL MINERS"

On page 122, line 24, immediately after "title I", insert the following: "(other than Part C thereof)".

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 30, 1969, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 29, 1969:

Diplomatic and Foreign Service

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

John F. Root, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

XUM

EXTENSIONS OF REMARKS

NAVAL DEFENSE OF THE SOUTHERN OCEANS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, September 29, 1969

Mr. THURMOND. Mr. President, much has been said in the press and in Congress in recent months about the growing Soviet seapower. On a number of occasions, I have expressed my grave concern to my distinguished colleagues regarding the ever-increasing Soviet sea threat. New and alarming information on this peril we face continues to come to my attention.

Mr. President, this Soviet threat to the South Atlantic and the Indian Ocean has been given a new perspective by Mr. Anthony H. Harrigan, assistant editor of the News & Courier in Charleston, S.C. Mr. Harrigan, who has an eminent reputation as a seapower analyst, presents a clear and important analysis of the strategic role South Africa will forge in the deployment of seapower by the United States and the U.S.S.R. in the Southern Hemisphere. It is imperative that the United States maintain good relations with South Africa in this regard.

Mr. President, I commend this article, entitled "Naval Defense of the Southern Oceans," to my distinguished colleagues which was published August 18, 1969, in the American Security Council's Washington Report. I ask unanimous consent for this article to be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAVAL DEFENSE OF THE SOUTHERN OCEANS—THE SOVIET THREAT IN THE SOUTH ATLANTIC AND INDIAN OCEANS

(By Anthony Harrigan)

In the hills above the historic Simonstown naval base, near the Cape of Good Hope, will be built the underground naval command headquarters that one day may be of central importance to the Western countries in defense of the South Atlantic and Indian Oceans.

The South African Navy, which operates from the Simonstown base, currently is in the midst of an expansion program with significant implications for all the free world sea-trading nations. The base is being expanded in order to accommodate the 850-ton Daphne-class submarines South Africa is purchasing from France. The first crews are being trained at the French Navy's submarine school and the complicated details of forming a modern submarine force, albeit small in size, are being handled by the "Daphne Project," similar to the Special Projects Office that supervised development of America's Polaris submarines.

The importance of South Africa's naval build-up is underscored by the fact that the Republic possesses the only strong maritime force in Southern Africa. The expansion takes on special significance in view of the rising tempo of Soviet maritime and naval operations in the South Atlantic and the Indian Oceans.

Only a few years ago, a Soviet maritime or naval presence in the Southern hemisphere was hardly considered possible. The arrival of a single Soviet vessel in African waters attracted worldwide attention. All that is changed. Fifteen Soviet and East Bloc ships pass the Cape of Good Hope every day. In the last year, more than 130 communist vessels called at East African ports. Soviet warships regularly move into the Indian Ocean from the Atlantic side. For example, in late July two Soviet warships, the rocket ship *Uporny* and the naval tanker *Yegorlyk* arrived in Zanzibar. Earlier in the year, a Russian rocket cruiser and a guided missile destroyer paid the first official visit to Mauritius, the strategically located Indian Ocean island 550 miles east of Madagascar.

The Soviet maritime and naval activity make the Simonstown base tremendously important now and in the event of any type of oceanic conflict. In any 10-day period, there are almost 2,000 ships traveling the sea routes off South Africa's shores. These include the supertankers that carry oil from the Middle East to keep the lights burning in Europe. It is essential that the movements of these vessels be monitored.

The USSR's support of the war in Vietnam can be gauged from the number of East Bloc ships in transit around the Cape and the type of cargoes they carry. Military cargoes, including rocket-armed torpedo boats, have been sent to North Korea by the Cape Route. Soviet submarines destined for the Indian Navy also have taken the route around the Cape. If the United States and the NATO nations are to have an accurate, up-to-date picture of Soviet naval activity, it is imperative that comprehensive surveillance be maintained along the Cape Route and that the results of this intelligence activity be fully available.

The United States, with its worldwide naval responsibilities, cannot afford an intelligence blind-spot, especially when the Soviets are in the midst of a maritime build-up in the South Atlantic and Indian Oceans. The South African Navy unquestionably is in position to supply the United States with a great deal of valuable information on Soviet and East Bloc ship movements, not simply in waters immediately adjacent to the Republic but in the remote areas of the Indian Ocean.

In a typical day, the Soviet Union may have a warship at Aden at the mouth of the Red Sea, a trawler force off South West Africa, a large factory ship near the Maldive Islands, two space tracker ships in the mid-Indian Ocean, an oceanographic vessel far to the south of the Cape, and a destroyer off the Nigerian coast—plus a dozen or more merchant vessels that could be assigned naval or intelligence tasks.

If the United States were in a position to maintain large task forces and shore stations in the area, together with shore-based, long-range reconnaissance aircraft, it would not have to be especially interested in the capabilities of the South African ships and reconnaissance aircraft. At one time, it seemed likely that the U.S. would establish a major base in the British Indian Ocean territory, but the likelihood is small now because of the rapid rise in defense costs and the development of expensive new weapons systems. Therefore, cooperation with the South Africa defense forces in the area of maritime surveillance is of major importance, in view of the increasing Soviet naval role in the Southern hemisphere.

Cooperation, which existed under the Eisenhower administration (and which included joint U.S., British, South African and Portuguese naval exercises) all but ceased as a result of policy decisions by the Kennedy and Johnson administrations. Whereas the United States formerly sold torpedoes and other naval weapons to the Republic, sale of naval equipment to South Africa was banned in the 1960's, despite the fact that torpedoes and sonar, for example, have no conceivable application to any internal security measures. South African naval personnel no longer are invited to attend U.S. service schools, even though officers of navies with close links to the Soviets—the Indian Navy, for example—have been invited to attend the U.S. defense schools. This ban, ordered by previous administrations, is extremely unrealistic, not to say hypocritical in view of the importance of naval and air cooperation with the Republic.

The ban has not prevented South Africa from modernizing its armed forces. France has been quick to fill the gap in equipment, technology and theory. French, Italian, German and Swiss companies are eager to sell aircraft, rockets, guns, radar and other equipment necessary for modern armed forces. French and Italian equipment and know-how, plus airframe construction personnel from Britain and the Continent, made possible the opening of the Atlas Aircraft Company plant in South Africa that produces a small, jet aircraft. For its interceptor squadrons, South Africa has the Mirage fighters built in France, the aircraft that performed so splendidly for the Israelis in the Six Day War. South Africa's most critical aircraft need is for maritime reconnaissance planes. This need is likely to be met soon by acquisition of aircraft from Europe.

The United States would have much to gain, however, if South Africa were to purchase the long-range, multi-engine reconnaissance aircraft which the U.S. has pioneered. Aircraft of these type are needed to produce the type and volume of surveillance information required to keep track of Soviet naval units in the Indian Ocean. South Africa is the only country, except Australia on the other side of the Indian Ocean, likely to undertake long-range reconnaissance flights and share the information obtained with the United States.

The urgency of such a surveillance operation may not be understood by many people at the present moment. But if the Soviets acquire a naval presence in the South Atlantic and Indian Oceans similar to what they have in the Mediterranean, the need for comprehensive, accurate tracking will be imperative. Actually, the South African Navy's expansion program is of sufficient size to meet the needs of the Western nations for a major Cape communications and control center. In the event of a limited naval war in the South Atlantic or Indian Oceans, the Western powers would have immediate need of the communications facilities for handling the mass of shipping moving between the two oceans. Plotting of this shipping by manual means would be grossly inadequate, and thus the NATO countries have a real stake in helping South Africa install a computerized ship plotting system that could be linked to the Atlantic Fleet Operational Control Center.

The only visible barrier to such a development is the arms ban that is a dead letter for several of America's European allies. The British arms ban almost certainly will be discarded if the Conservative Party wins the next General Election. Sir Alec Douglas-Home, former British Prime Minister and shadow foreign minister, has made plain that military cooperation with South Africa would be resumed, saying that "the sea routes around Africa have become a vital lifeline for Western Europe."

The Nixon administration, for its part, is in a good position to drop the ban on naval

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armaments and naval aircraft and to resume the cooperation and exchange of information maintained by the Eisenhower administration.

Critics of U.S. bases overseas cannot logically complain if the U.S. makes increased use of the resources and geographical position of a friendly power with sea frontiers on the South Atlantic and Indian Oceans.

Ironically, Britain, while paying lip service to the arms ban in order to appease Afro-Asian Nations in the Commonwealth, has sent its warships into the Simonstown base more than 150 times since the closing of the Suez Canal. British warships on patrol in the Mozambique Channel also regularly call at the South African port of Durban.

While the facts are well understood in shipping circles, the public needs greater understanding of the tremendous increase in maritime activity involving Southern Africa. Under construction north of Durban is the new port of Richards Bay, which will be able to handle the 100,000-ton tankers now coming round Southern Africa regularly. The Japanese, which are expected to order 30 million tons of iron ore from South Africa in the next few years, want loading berths for 150,000-ton bulk carriers at Richards Bay.

As a result of its new "outward" foreign policy, South Africa is forging new ties that may markedly affect the global strategic picture. Foreign affairs specialists in Cape Town believe that before the year is out South Africa will establish close economic and political links with the Malagasy Republic on Madagascar, Africa's great offshore island. The French have a naval base and a Foreign Legion Battalion on Madagascar. One possibility is that an agreement with the Malagasy Republic will involve an arrangement whereby the South Africans will have base rights on Madagascar while the French will be free to use Simonstown.

In whatever arrangements are concluded, the facilities at Cape of Good Hope will be of basic importance, if for no other reason that they occupy a central position. Beyond that, however, there is solid evidence that the basic components of a key naval operations center for Western sea powers are being created at the Cape. In the event of a major naval crisis, the naval staffs of the NATO nations and other free world countries such as Japan will find at the southern tip of the African continent the framework necessary for conducting large operations, repairing and refueling warships and merchant ships, and for controlling shipping movements so as to make sure that adequate fuel and other vital cargoes reach Western Europe. From the U.S. standpoint, however, the immediate need is to reestablish vital lines of communication and cooperation and to assist modernization and coordination of naval forces in the Southern Hemisphere.

OUTLOOK APPEARS BRIGHTER FOR 1969 MARITIME REFORM

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BOGGS. Mr. Speaker, the maritime industry is one of America's greatest industries. It is one of the principal engines of our economy, one of our largest employers, and, in a real sense, the foundation of much of the international prestige and prominence this Nation now enjoys. In recent years, however, we have tended to take this great industry for granted. It may be said we have neglected its needs and failed to plan for its future. Now, it appears that a new day is dawning for the maritime industry. Growing attention is being focused on meeting the present and future needs of this industry, so vital to the economic health of our Nation.

This was the theme of a column by Capt. Thomas L. Lewis, U.S. Navy retired, in the Times Picayune of New Orleans. Captain Lewis is a very knowledgeable man in matters concerning the maritime industry. In this column, he outlines a report on the problems of the industry by the AFL–CIO's Maritime Trades Department. It is an informative and interesting article, and I am taking the opportunity to call it to the attention of my colleagues:

OUTLOOK APPEARS BRIGHTER FOR 1969 MARITIME REFORM: SPEECHES AND STATEMENTS INDICATE OPTIMISM

(By Capt. Thomas L. Lewis, U.S. Navy retired)

An aura of optimism definitely appears to be developing on the maritime front of the nation. More and more speeches and statements by prominent men, whose interests are linked with the maritime industry so vital to our country, seem to be brightening the future of the U.S. Merchant Marine instead of shrouding it with gloom.

An example along those lines is reported in a recent issue of the official publication of the AFL–CIO Maritime Trades Department's "Maritime". It reports on a meeting of the executive board of MTD, held in Bal Harbour, Fla., earlier this year to chart the course for the coming year.

The report captioned, "MTD Proposes for 1969 A Positive Program of Fleet Development," says that the meeting was held "amid an atmosphere of optimism over the prospects for maritime reform in 1969—."

It says that "'the improved outlook was the product of many things" and it listed:

A telegram from President Nixon to the Deparment's nearly 7 million members pledging the new Administration to the development of a "strong and viable Merchant Marine."

The action by more than 160 Congressmen to date are sponsoring legislation to reestablish the Maritime Administration as an independent agency—legislation passed overwhelmingly by the 90th Congress, only to be vetoed by President Johnson.

The re-introduction in Congress of bills to provide a new Maritime program—measures which in MTD's view, require only "perfecting in Committee to form the base for a long-overdue, forwarding looking Maritime posture.

The presence within the Nixon Administration of such officials as Transportation Secretary John A. Volpe and Undersecretary of Commerce Rocco Siciliano, both of whom, according to the MTD, have demonstrated their "awareness" of Maritime problems.

The fact that both the Republican and Democratic Party platforms contain promises to work for revitalization of the U.S. flag shipping and shipbuilding.

The report by MTD's "Maritime" goes on to say that the message from the White House was the first such message that the labor movement had received since President Nixon took office.

The message addressed to MTD President Hall and Representatives of 39 national and international Unions attending the session, spoke of the Administration's "deep interest in seeing our Merchant Marine play a more important role in world commerce." It said that Mr. Nixon looked forward "to working with your Department and all organized labor in achieving this goal."

The publication notes that even before President Nixon's telegram was received there was a new sense of optimism at the session. It says that Administrator O. William Moody Jr. in a report to the board spoke of "a marked change in attitude about maritime affairs in official Washington circles" and that it "suggests strongly that progress is in sight and that it's achievable."

The legislative report noted that the key to progress must be "a positive program of fleet development" keyed to a fair and equitable solution to our maritime ills. It specified that any new legislation must:

Provide new ships for the unsubsidized segment of the fleet as well as the subsidized segment.

Be in harmony with the national AFL–CIO policy that American-flag ships must be built exclusively in American shipyards.

Provide a mechanism to encourage unsubsidized operators to invest more private capital in new ship construction, including the same privilege of setting up tax-deferred construction reserve funds enjoyed by subsidized operators; giving unsubsidized operators "first call" on government-generated cargoes; and giving unsubsidized operators long-term charters to carry government cargo.

Put an end to the practice of "double subsidies" whereby operating and construction subsidies, granted to 14 liner companies to help them compete fairly with foreign-flag operators for the carriage of commercial cargo, are used to underbid unsubsidized American-flag operators for the carriage of government cargo.

There follows some of the highlights of a wide range of resolutions which MTD's Publication Maritime reports having been adopted at the session:

On "Maritime independence," spelled out full support for legislation to set up the Maritime Administration as an autonomous federal agency.

On "foreign shipbuilding," criticized those who would permit U.S. Flag ships to be built abroad on the basis of lost jobs, consumers and taxpayers at home and called for legislation to assure "build-abroad" does not become national policy.

On the maritime program, in companion resolutions urged that long-overdue action be taken to rebuild the U.S. flag fleet. One endorsed a program for construction of 50 ships a year while the other called for implementations of President Nixon's Campaign pledge to develop a fleet for the carriage of 30 per cent of overseas commerce by the mid-1970's.

On "offshore drilling", resolved that Congress should halt the practice of purchasing oil drilling rigs for offshore drilling from abroad.

On "fishing fleet," expressed concern over the number of incidents of seizure and harassment of U.S. fishing vessels by Latin American countries and proposed action for remedies that should be taken.

On "runway shipping," urged the Congress to investigate the oil industry's "policy of exporting American shipbuilding jobs" and the "inequitable tax favor" enjoyed by that industry.

On "foreign trade zone," criticized the Foreign Trade Zones Board "for granting permission to a shipyard to build marine equipment with duty-free imported materials in a foreign trade 'sub-zone' established in New Orleans. . . ."

LT. GEN. LEONARD D. HEATON, SURGEON GENERAL OF THE ARMY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, September 29, 1969

Mr. THURMOND. Mr. President, on Tuesday, September 30, 1969, Lt. Gen.

Leonard D. Heaton, U.S. Army, will be officially retired from the Army after more than 43 years of distinguished service to his country. For the past 10 years, General Heaton has been the Surgeon General of the Army. He was appointed to this top medical position in the Army by President Eisenhower on June 1, 1959.

Mr. President, I know my distinguished colleagues would like to join me in paying tribute to this great surgeon, outstanding Army officer, and dedicated American. I have known General Heaton for many years. It has been a privilege and a rewarding pleasure to be associated with this eminent surgeon whose advancement of medicine will continue forever to help administer to the sick.

Mr. President, General Heaton is a man of many sterling qualities who has devoted himself for almost half of a century to the health and welfare of our Armed Forces. His accomplishments in the medical field are nationally and internationally recognized. The Army and his many friends in Congress and throughout the country will miss General Heaton's leadership in the medical field; however, I am confident General Heaton will continue to be active in his chosen profession for the benefit of mankind. I would like to join his many friends in wishing him continued good health, happiness, and success in his well deserved retirement.

Mr. President, as a further tribute to General Heaton, in recognition of his outstanding and loyal service to our country, I ask unanimous consent that the following official records of his service and achievements be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD.

There being no objection, the materials are ordered to be printed in the RECORD, as follows:

OFFICIAL BIOGRAPHY

Leonard Dudley Heaton was born in Parkersburg, W. Va., on 18 November 1902. He attended Denison University at Granville, O., 1919–22, and went on to the University of Louisville (Ky.) for his Doctor of Medicine degree, awarded in 1926. In recognition of his outstanding accomplishments, he has since been awarded Honorary Doctor of Science degrees from Denison University in 1958, the University of Louisville in 1959, and the University of West Virginia in 1962. An honorary Doctor of Humane Letters degree was awarded by Brandeis University in 1964, and an honorary Doctor of Medical Science degree by the Seoul National University, Seoul, Korea, in 1966. In 1967, he was awarded an honorary Doctor of Science degree from Gettysburg College, Gettysburg, Pa.

He entered the military service as a First Lieutenant in the Medical Corps Reserve on 23 July 1926, and was appointed to the Regular Army on 8 August 1927.

While commanding Walter Reed Army Medical Center, he personally operated on such famous patients as President Dwight D. Eisenhower and the late Secretary of State, John Foster Dulles. Throughout his tenure as Army Surgeon General, he has continued the active practice of general surgery, and was awarded the first Oak Leaf Cluster to his Distinguished Service Medal for assuming high responsibility in the care and treatment of the late General of the Army, Douglas MacArthur, while he was a patient at Walter Reed General Hospital.

Among his many decorations are the Distinguished Service Medal with two Oak Leaf Clusters, and the Legion of Merit with two Oak Leaf Clusters. The first award of the Legion of Merit was for his able handling of mass casualties during the surprise Japanese attack on Pearl Harbor at the beginning of World War II.

A resume of his assignments, promotions, decorations, professional memberships, and publications of note are listed chronologically below.

PERSONAL DATA

Date and place of birth: November 18, 1902, at Parkersburg, W. Va.

Parents: George and Emma (Dudley) Heaton (Both deceased).

Marriage: June 30, 1926, to Sara Hill Richardson of Glasgow, Ky. One daughter—Sara Dudley Heaton, now wife of LTC Preston B. Mayson, Jr., USA, MC.

Local residence: Quarters 1, Walter Reed Army Medical Center, Washington, D.C.

ASSIGNMENTS

1926–27 (12 mo.), Intern, Letterman Gen. Hosp., San Francisco, Calif.

1927 (2 mo.), Surgical Service, Letterman Gen. Hosp.

1928 (8 mo.), Ward Officer, Medical Service, Walter Reed General Hosp., Washington, D.C.

1928–29 (5 mo.), Student, Army Medical School, Walter Reed Army Medical Center.

1929 (4 mo.), Student, Medical Field Service School, Carlisle Barracks, Pa.

1929 (3 mo.), Chief, Surgical Service, Camp Knox, Ky.

1929–30 (12 mo.), Ward Officer, Surgical Service, William Beaumont General Hosp., El Paso, Tex.

1930–31 (4 mo.), Ward Officer, Surgical Service, Schofield Barracks, Hawaii.

1931–32 (20 mo.), Ward Officer, Surgical Service, Tripler Gen. Hosp., Honolulu.

1932–37 (5 yrs.), Chief, General Surgical Section, Station Hosp., Fort Sam Houston, Tex.

1937–40 (42 mo.), Chief, Surgical Service, Fort Warren, Wyo.

1940–42 (22½ mo.), Chief, Surgical Service, North Sector Gen. Hosp., Hawaii.

1942–44 (16 mo.), Executive Officer, Woodrow Wilson Gen. Hosp., Staunton, Va.

1944 (7 mo.), Hospital Commander, 160th Gen. Hosp., 15th Hosp. Ctr., England.

1944–45 (8½ mo.), Medical Unit Commander, 802d Hosp. Ctr., Blanford, England.

1945 (2 mo.), Deputy Chief, Operations Div., OTSG, Washington, D.C.

1945 (2 mo.), Surgical Assistant, Walter Reed General Hospital.

1945–50 (55½ mo.), Chief, Surgical Service, Letterman Gen. Hosp.

1950–53 (33 mo.), Commanding General, Letterman General Hospital.

1953–59 (74 mo.), Commanding General, Walter Reed Army Medical Center.

June 1, 1959 to May 31, 1963, the Army Surgeon General, Washington, D.C. (Appointed by President Dwight D. Eisenhower).

June 1, 1963 to May 31, 1969, the Army Surgeon General, Washington, D.C. (Tenure extended to May 31, 1965 by Order of President Kennedy, and further extended to May 31, 1966 by Order of President Johnson. Retired as of Nov. 9, 1966, and recalled to active duty on Nov. 10, 1966 for additional two years by Order of President Johnson. Tenure again extended from Dec. 1, 1968 to May 31, 1969 by Order of President Johnson).

PROMOTIONS

First lieutenant, AUS 23 Jul. 26; RA 8 Aug. 27.

Captain, RA 1 Aug. 29.

Major, RA 1 Aug. 38.

Lieutenant colonel, AUS 1 Feb. 42; RA 27 Jun. 46.

Colonel, AUS 1 Jan. 43; RA 11 Mar. 48.

Brigadier general, AUS 10 May 46; RA 7 Oct. 51.

Major general, AUS 11 Apr. 50; RA 6 June 52.

Lieutenant general, 9 Sep. 59.

DECORATIONS

Distinguished Service Medal with three Oak Leaf Clusters.

Legion of Merit with two Oak Leaf Clusters.

American Defense Service Medal.

European-African-Middle Eastern Campaign Medal.

World War Two Victory Medal.

Pacific Campaign Medal.

American Campaign Medal.

National Defense Service Medal with cluster.

5 Overseas Bars.

Distinguished Service Order, First Class, Republic of Vietnam.

The Most Exalted Order of the White Elephant (First Class-Knight Grand Cross) Thailand.

The Most Noble Order of the Crown of Thailand (First Class-Knight Grand Cross).

The Guthrie Medal (Presented by the Council of the Royal Army Medical College, London).

PROFESSIONAL MEMBERSHIPS

Diplomate, American Board of Surgery, 1948.

Fellow, American Surgical Association, Southern Surgical Association, and American College of Surgeons.

Honorary Fellow, Royal College of Surgeons of Great Britain and Ireland.

Member, Pacific Coast Surgical Association; the Society for Surgery of the Alimentary Tract; International Society of Surgery; Alpha Omega Alpha Honorary Medical Society; Halsted Society; California Academy of Medicine; American Medical Association; Association of Military Surgeons of the United States; and Association of the United States Army.

Ex-Officio Member, Leonard Wood Memorial Advisory Board.

Member, Board of Commissioners, U.S. Soldiers Home, and Board of Directors, Gorgas Memorial Institute of Tropical and Preventive Medicine, Incoporated.

Member, Board of Associates, Gettysburg College, Gettysburg, Pa.

PUBLICATIONS

Appendicitis in army service: report of 2,100 cases. Bliss, R. W., and Heaton, L. D., Ann. Surg. 107:242–247 Feb. 38.

Abdominal War Wounds. Heaton, L. D., Hawaii Med. J., 2:26–28 Sep.–Oct. 42.

Gastrojejunocolic fistula: a new method of treatment. Mathewson, C., Jr., and Heaton, L. D., Stanford Med. Bull., 5:192–196 Nov. 47.

Extension of operability of lesions in the vicinity of the head of the pancreas by use of the Whipple operation: report of 4 cases. Cohn, R., Mathewson, C. Jr., and Heaton, L. D., Stanford M Bull., 6:298–302 May 48.

Treatment of recurring spontaneous pneumothorax: report of 2 cases. Cohn, R. B., Heaton, L. D., and Davis, J. K., Stanford M. Bull., 7:15–22 Feb. 49.

Surgical treatment of esophageal hiatus hernia and transthoracic herniotomy; preliminary report. Cohn R., and Heaton, L. D., California Med., 70:449–452 Jun. 49.

Mediastinal "tuberculoma" surgical removal in 4 cases. Samson, P.C., Heaton, L.D., and Dugan, D.J., J. Thoracic Surg., 19:333–348 Mar. 50.

Parathyroid adenoma: report of 2 cases. Reiner, D.E., and Heaton, L.D., U.S. Armed Forces M.J., 1:403–408 Apr. 50.

Lipoma of the colon: case report. Smith, M.L., and Heaton, L.D., U.S. Armed Forces M.J., 2:635–641 Apr. 51.

Recent Observations on Frostbite. Heaton, L.D., and Davis, R.M., J. Kentucky M.A., 50:206–211 May 52.

Hyperparathyroidism. Heaton, L.D., and Cohn, R., West, J. Surg., 61:559–565 Act, 53.

Hyperparathyroidism. Heaton, L.D., and Cohn, R., West. J. Surg., 61:651–657 Nov. 53.

Congenital megacolon in an 18-yr-old youth. Cox, P.A., and Heaton, L.D., U.S. Armed Forces M.J., 5:384–388 Mar. 54.

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Hypersplenism. Edwards, W.M., and Heaton, L.D., Am. Pract. & Digest. Treat., 6:387–391 Mar. 55.

Early correction of Inguinal herina. Brutton, O.C., and Heaton, L.D., J. Pediat. 46: 437–441 Apr. 55.

Thrombocytopenic purpura occurring with large hemangioma. Meeks, E.A., Jay, J.B., and Heaton, L.D., AMA Am. J. Dis. Child., 90:349–351 Sep. 55.

Splenectomy in the treatment of hypoplasia of the bone marrow: with a report of twelve cases. Heaton, L.D., Crosby, W.H., and Cohen, A., Ann. Surg. 637–60 Oct. 57.

General considerations in abdominal wounds. Heaton, L.D., and Glew, D.H., Jr., Surg. Clinics of No. Amer., 1569–76 Dec. 58.

Army medicine: past, present, future. Heaton, L.D., U.S. Armed Forces M.J., 11:4–14 Jan. 60.

The Army Medical Service: its achievements, objectives, and plans. Heaton, L.D., U.S. Armed Forces M.J., 10:1449–62 Dec. 59.

Army Medical Service course on management of mass casualties. Heaton, L.D., JAMA, 171:190–191, 12 Sep. 59.

The practice of military medicine: broadening concepts. Heaton, L.D., Military Medicine 125:7–11 Jan. 60.

The Army role in medical progress, Heaton, L.D., Military Medicine 126: 14–7, Jan. 61.

Hirschsprung's disease with skip area. Sprinz, H., Cohen, A., and Heaton, L.D., Ann. Surg., 153:143–148 Jan. 61.

The role of the Army Medical Service in "America's People-to-People Program." Heaton, L.D., and Tempel, C.W., Military Medicine, 126:256–258 Apr. 61.

The Army role in medical progress. Heaton, L.D., Med. Bull. U.S. Army Europe 18:96–99 May 61.

"President Eisenhower's Operation for Regional Enteritis: a Footnote to History." Heaton, L.D., Ravdin, I.S., Blades, Brian, and Whelan, T.J., Ann. Surg., 158: 661–666 May 64.

Military Surgical Practices of the United States Army in Viet Nam. Heaton, L.D., Hughes, C.W., Rosegay, H., Fisher, G.W., and Feighny, R.E., Current Problems in Surgery, November 1966.

ENGLAND HONORS ARMY SURGEON GENERAL

The Royal College of Surgeons, one of England's oldest and most prestigious surgical societies, last week bestowed an unusual honor on an American surgeon when it named Lieutenant General Leonard D. Heaton, the Army Surgeon General, an Honorary Fellow of the College. In a ceremony held in London to honor General Heaton, the Royal College's President, Sir Hedley Atkins, praised the Surgeon General for his contributions to the care and treatment of civilian and military casualties of the Vietnam War as well as for the care of the late General Eisenhower. Present at the ceremony, which was attended by some of Great Britain's most distinguished surgeons, was LTG Sir Norman Talbot, Director General of the Royal Army Medical Services.

General Heaton, a native of Parkersburg, West Virginia, has been Surgeon General of the Army for the past 10 years. First appointed by President Eisenhower, the general's tenure as Surgeon General was extended five times by President Kennedy, President Johnson, and President Nixon. He will retire on 1 October 1969.

DISTINGUISHED SERVICE MEDAL FOR GENERAL HEATON

The Distinguished Service Medal, third Oak Leaf Cluster, was presented to Lieutenant General Leonard D. Heaton, the Army Surgeon General, along with a retirement scroll when he was invited to the Office of the Army Chief of Staff where General William C. Westmoreland made the presentation last Wednesday.

The Distinguished Service Medal is the highest military award given for non-combat duty.

In attendance were Senator Henry M. Jackson (D-Wash); Representatives F. Edward Hebert (D-La) and Daniel J. Flood (D-Pa). Mrs. L. Mendel Rivers represented her husband, Representative Rivers (D-SC). Secretary of the Army Stanley P. Resor, and retired Generals James F. Collins and Harold K. Johnson were present along with Lieutenant General Kenneth E. Pletcher, Surgeon General of the U.S. Air Force.

GENERAL HEATON RETIRES

Lieutenant General Leonard D. Heaton, who has been The Surgeon General of the Army for the past 10 years and the first medical officer to hold that rank, retired from the Army today after more than 43 years of continuous military service.

Accepted for an Army internship at Letterman General Hospital in July 1926, he entered an Army that was only just recovering from the post-World War I upheavals of demobilization and reorganization. Medicine in the United States had begun its rapid growth and the Army Medical Department was called upon to provide the very best in medical care for the soldiers and their families. The Army medical officer of that day knew he could not grow rich from his pay, but this was more than compensated for by the opportunity for service and the professional challenges available.

As a captain he attended the Army Medical School, Walter Reed Army Medical Center, and the Medical Field Service School, then at Carlisle Barracks, Pa. He served early tours as a Ward officer on the Surgical Services of William Beaumont General Hospital, the U.S. Army Hospital at Schofield Barracks, Hawaii, and Tripler General Hospital in Honolulu.

During most of his five years as chief of the General Surgical Section, Station Hospital, Fort Sam Houston, Tex., Major (later Major General and The Surgeon General) Raymond W. Bliss was Chief of the Surgical Service. He gave the young captain an uncommon degree of encouragement, wise counsel and guidance, and a deep and lasting personal friendship.

In August 1938, while Chief of the Surgical Service at Fort Warren, Wyo., he was promoted to major. Two years later he went back to Hawaii as Chief of the Surgical Service at North Sector General Hospital and was on duty there during the surprise Japanese bombing of Pearl Harbor which touched off World War II. He was awarded the Legion of Merit for successfully handling this mass casualty situation. He came home with the temporary grade of lieutenant colonel and was promoted to temporary colonel during his tour as Executive Officer of Woodrow Wilson General Hospital, Staunton, Va.

In 1944 he went to England as Commander of the 160th General Hospital and was later Medical Unit Commander, 802d Hospital Center at Blanford.

After the war and two short assignments in the Washington area, Colonel Heaton went to San Francisco as Chief of the Surgical Services at Letterman General Hospital, where one of his famous patients was General Joseph W. (Vinegar Joe) Stilwell. He was promoted to Brigadier General in May 1948, and in April 1950, when a second star was added he took command of Letterman General Hosptial, remaining there until 1953. He came to Washington that year as Commanding General of the Walter Reed Army Medical Center.

During the five years at Walter Reed the long list of patients he cared for personally read like "Who's Who" of this decade; he gained national prominence and a reputation as a surgeon's surgeon.

In 1959, President Eisenhower appointed him The Army Surgeon General. He accepted the post with the understanding that he might continue to perform surgery at Walter Reed. That fall a third star was added, making him the highest ranking military physician in the Armed Forces.

When his standard 4-year tour was near its end in 1963, President Kennedy extended his tour for a 2-year period. It was extended again in 1965 by Order of President Johnson. On November 9, 1966, he was retired and recalled to active duty in a quiet Pentagon ceremony; his tenure was again extended to May 31, 1969, when President Nixon asked him to remain on duty until the end of September.

In recognition of his outstanding accomplishments, Honorary Doctor of Science degrees were awarded from Denison University in 1958, the University of Lousiville in 1959, the University of West Virginia in 1962, and Gettysburg College in 1967. An honorary Doctor of Humane Letters degree was awarded by Brandeis University in 1964, and an honorary Doctor of Medical Science degree was given by Seoul National University in Korea in 1966.

In an early farewell address to the European-based medical officers assembled for their annual meeting at Garmisch, Germany, this spring, General Heaton said, "Among the more pleasant memories I will carry with me into retirement are the dedication ceremonies of the many hospitals and other facilities completed in the last ten years. We have opened 16 new modern hospitals; 4 more are under construction; 2 more have been authorized, and another is in the programming stage.

"We have also dedicated a great number of dental clinics, medical and dental laboratories, two Research and Development facilities, a new U.S. Army Environmental Hygiene Agency building and even a heliport named after the legendary Major Charles L. Kelly. A new Medical Field Service School is programmed, but much is left to be done.

"I am particularly proud of the increased emphasis on clinical research where we derive the triple value of scientific investigation; the training of our young officers; and the improved standards of patient care."

General Heaton has always been a strong proponent of the necessity for passing on to the younger medical officers the knowledge garnered by those with extensive combat experience. He continued to place special emphasis on the training of the individual soldier for survival and has encouraged continued training of the Medical Department officers and enlisted personnel at special courses conducted by the Medical Field Service School.

In looking back at the first speech he made after becoming Surgeon General, he asked, "Have we achieved our plans, hopes and outlook for the future? The answer must of necessity be 'No'—not in 4 years or even ten. Our operation is one in which we shall never achieve our ultimate goal; for we cannot be satisfied with anything less than perfection."

ADDRESS BY HON. GERALD R. FORD

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BROTZMAN. Mr. Speaker, last Saturday our distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), spoke before the 15th biennial convention of the National Federation of Republic Women in Washington.

It was a speech intended for a specialized—and from my viewpoint special—audience. But it also contained one of the finest summaries of the challenges facing the administration and Congress which I have encountered.

Portions of this speech have been and will be carried by the various news media, but I believe that the speech, in its entirety, should be made available for all of the Members of Congress.

It is my pleasure to submit it for reprint in the RECORD:

SPEECH BY REPRESENTATIVE GERALD R. FORD, REPUBLICAN LEADER, U.S. HOUSE OF REPRESENTATIVES, BEFORE THE 15TH BIENNIAL CONVENTION OF THE NATIONAL FEDERATION OF REPUBLICAN WOMEN AT THE WASHINGTON HILTON HOTEL, WASHINGTON, D.C., SEPTEMBER 27, 1969

Mrs. Nixon, Mamie, Tricia, Julie, David, Madam President, Officers and members of the Board of Directors of the National Federation of Republican Women, honored guests, and leaders of the world:

I call you leaders of the world because I have long felt that it is really the women who are running the show. Maybe it's a behind-the-scenes sort of operation in many cases, but there's no question that the women of the world . . . and particularly women in America . . . wield tremendous power.

It could be you don't quite know just how powerful you are, and that's a lucky circumstance for us men.

You take intelligence, for instance. Women are smarter than men, and they have the figures to prove it.

You outlive the men, and that gives you greater staying power.

Official government figures show that you outnumber men, so you have the edge there, too.

American women are getting married younger now, which means they start running the men sooner than they used to.

Women have taken an increasingly prominent place in the world of work, too. Today nearly four out of 10 American women are employed outside the home. In 1920 it was only two out of 10. Today the average woman worker is married and 41 years old. In 1920 she was single and 28. No wonder that years ago somebody wrote a song called, "Heaven Help the Poor Working Girl."

American women have made tremendous strides in the last half century. And it seems altogether amazing that it is less than 50 years that women have had the vote in this country.

Of course the lack of nationwide woman suffrage didn't stop Jeanette Rankin of Montana from winning election to Congress. She was elected to the House in 1916; the first woman ever to win a seat in Congress. And she was a Republican.

That is how it has always been with Republican women. They have always been in the forefront of every forward-looking movement in America.

Republican women haven't come up with a presidential candidate of their own sex yet. But, then, neither has the other major party produced a woman candidate for the White House. There have been only three women candidates for President. The Equal Rights Party fielded women candidates in 1872 and 1884. And in 1952 Mrs. Linea Jensen was the candidate of the George Washington Peace Party, which claimed to be in communication with the Father of our Country.

We can laugh about some of the foibles in politics, but I seriously believe the day is not too distant—it won't be 1972—when we will see a bona fide woman candidate for the Presidency.

A revolution has been taken place among American women, now that they have finished stepping down from their pedestals—for better or for worse.

One of the developments in that revolution is that women tend to have their last child by the age of 30. This means that by the time the youngest child is in school, a mother may look forward to 30 or 35 more active years and much of that time can be spent in politics and government.

This is one aspect of the women's revolution I thoroughly agree with—giving women the place they deserve in American government and in the political sphere.

Our whole society today calls for women to play a significant role in nearly every way—not just as wives and mothers but intellectually and politically.

Who shapes the American point of view today? Women do, as much as men.

That's why I am pleased that President Nixon has named 118 women to positions in the Federal Government or related posts.

Those appointed to positions of prominence include such women as Mrs. Patricia Reilly Hitt, assistant secretary of Health, Education and Welfare, Mrs. Rita Hauser and Mrs. Shirley Temple Black, both U.S. representatives to the United Nations' Economic and Social Council, Mrs. Elizabeth Koontz, director of the Labor Department's Women's Division, Mrs. C. Wayland Brooks, director of the Mint, Mrs. Dorothy Elston, treasurer of the United States, Mrs. Virginia Knauer, special assistant to the President for Consumer Affairs, Mrs. Elizabeth Farrington, director of territories for the Department of Interior, Nancy Hanks, chairman of the National Endowment for the Arts, and Mrs. Helen Bentley, chairman of the National Maritime Commission.

These are examples of the New American Woman, this kind of women who have made the National Federation of Republican Women a force to be reckoned with in American politics. Women like you need never, never take a back seat to a man. In fact, I have never known you to make excuses of any kind—or to have to, for that matter.

That reminds me of the fellow who ran for Congress and got beat. He took his defeat like a man. He blamed it on his wife.

Yes, women have come a long way in this country since that day a century ago when the menfolk in Montana Territory had the good sense to give women there the right to vote.

And this country has come a long way since Jan. 20, 1969, when Richard Nixon was sworn in as the 37th President of the United States.

Why do I say this Nation has come a long way since last Jan. 20?

To see the strong proof for that statement we need only look at the Democratic legacy—the situation that Richard Nixon inherited when he entered the White House. Look and compare.

I'm going to give you an assessment of our country in January 1969 that no American can quarrel with, regardless of his political affiliation.

Dick Nixon assumed the leadership of a country deeply enmeshed in a jungle war halfway around the world, a country which had suffered escalating inflation for nearly four years, a country in which the crime rate had climbed nearly 10 times as fast as the population, a country where people were putting the torch to some of America's greatest cities, a country in which the Have-Nots continued to be the Have-Nots despite billions upon billions in Federal aid and the welfare system was like a festering sore, a country in which local, State and Federal taxes had driven taxpayers to the wall and the point of revolt although tax revenues were not solving the horrendous problems rushing in on our citizens from all sides.

Nixon has cooled it. In both foreign and domestic affairs, the fires have been dampened down.

Domestically, the President has succeeded in getting people to lower their voices . . . and their arms, too. We have entered into a period of healing and renewal, although nobody can say that all storms and upheaval are past.

Again in quest of domestic tranquillity, the Nixon Administration has launched a strong crackdown against organized crime. The President has sent Congress a detailed program for dealing with organized crime and the need for reorganization of the courts. The Nixon Administration has made the fight against crime one of its central concerns. While other departmental budgets have been cut in a hold-down on Federal spending, the Justice Department budget has been increased and the level of enforcement activity and narcotics control has been stepped up. At the same time, the Law Enforcement Assistance Administration has revised its procedures the better to assist the states and local governments in fighting street crimes as well as organized crime.

The Nixon Administration recognizes, as do all of you, that the first civil right of every American—black or white—is the right to protection from crime and violence.

It is said that there can be no progress without order. I subscribe to that. I would add that there cannot long be order without progress. And I believe the Nixon Administration is promoting the kind of order and the kind of progress which will operate together to move this country forward.

President Nixon has adopted a responsible common-sense approach to our urban problems. His answer is jobs and job training. The accent is on the solid American ethic of working for a living. The President's approach is based on the idea that a man never stands so tall as when he stands on his own two feet. Workfare instead of welfare. That is the American way. That is Dick Nixon's way. A hand up instead of a handout. That's the only way to bridge the gap between the Haves and the Have-Nots in America.

President Nixon has managed to promote order in this country because he has brought order to the Presidency. The days of government by crisis have been replaced by crisis prevention. The scatter-gun approach is yielding to an assembling of new priorities.

But the obstacle to the new priorities remains. Vietnam remains.

President Nixon has done much to move the Vietnam problem toward the peace table. Unfortunately his moves have not been matched even in small degree by the other side.

We are engaged in winding down the war, in Vietnamizing it. Already this has resulted in cancellation of the November and December draft calls and a stretchout of the October call over three months. Yet there are those in the Congress and elsewhere who by their actions are encouraging the enemy to believe that if they continue to refuse to negotiate at Paris and continue to drag out the war we will abandon all we have fought for in Vietnam and go home.

I personally believe—and I say this knowing there are mothers of young men in this audience—I personally believe a majority of the American people backs President Nixon in his resolve that the fate of South Vietnam be settled through free elections and not through capitulation to Communist aggression.

Mr. Nixon's critics are not charging him with making the mess—only with not cleaning it up overnight.

In Vietnam, on the crime front, in fighting escalating prices, President Nixon cannot correct overnight what piled up for years under a Democratic administration. The tragic conditions Mr. Nixon faces are due to mistakes of the past—and the present effects come.

The gradualism of Lyndon Johnson did not work in Vietnam, but I believe the constructive gradualism of Richard Nixon will work on inflation. If we fight inflation in the Nixon way we have an excellent chance of cooling down the economy without a recession—and the cooling-off process is already taking hold.

Mr. Nixon inherited a mess when he took over the White House. He has plowed into and analyzed that mess, and the result is a batch of reform proposals.

Now it is not the Nixon Administration that is on trial, it is the Democratic-controlled Congress.

President Nixon has laid an excellent program of reforms before the 91st Congress—welfare reform which will turn all able-bodied Americans from welfare to Workfare; draft reform which will make the selective service system as fair as possible until we can establish a truly volunteer army; postal reform which will create a government-owned self-supporting postal corporation in place of the present impossible system; poverty program reform which keeps the Office of Economic Opportunity as an innovative agency but spins off successful anti-poverty programs to old-line Government departments; manpower training reform which consolidates Federal manpower training programs for greater flexibility in funding and offers the administration of manpower training centers to the states as they are ready to handle it; tax reform which takes millions of poor citizens off the taxrolls, reduces taxes for millions of other low-income Americans and prevents the wealthy from escaping taxation; a New Federalism which provides a percentage slice of Federal income tax revenue for cities and states with no strings attached.

This promises to be the Age of Reform in America, but many of these programs may be blocked by the opposition party in Congress. These are People's Programs and the Nixon Administration is a People's Administration. The American people have good reason to expect the Democratic-controlled Congress to respond to reform proposals of this administration which are in the national interest.

The President cannot implement his legislative program. That is up to the Congress. That is why we are looking here tonight to 1970. We are looking to 1970 because the President needs more Republicans in the Congress and that is when the American people can pass judgment. President Nixon needs men and women in the Congress who will help him achieve the goals he has so properly advanced.

Now, the women! Ah, yes, the women! What a tremendous force you can be in 1970! Latest Census Bureau figures show that your potential voter turnout tops the men by 7½ million.

Let's help Richard Nixon and the Republican Party.

We can approach the voters with confidence in 1970. We will be laying the Nixon program alongside the Democratic Party's record—a long chaotic record of broken promises, spendthrift failures and bungled foreign adventures.

The Republican Party is not a party of promises, not a party of idle conversation, but a party of action. Ours is not only a party of action, but a party of ideas. It is good for America that the Republican Party is alive and well because the Democratic Party has failed America—and we are now approaching the Seventies, a decade of decision.

Here's what we must remember as we approach 1970. We are for; the Democrats are against. We are cooperating with each other, not condemning fellow Republicans. And it is in that spirit that we will campaign—and campaign to win.

We are looking to President Nixon for leadership—and we are getting it. As for us, we all have a responsibility to help him correct this Nation's past failures by individually and collectively seeking the greatest good for the greatest number.

The great English poet John Donne declared that "no man is an island unto himself."

George Bernard Shaw put it another way: "We are all dependent on one another, every soul of us on earth."

The responsibility for molding the future of America lies with all of us, with you as well as the President and the Congress. To the extent that we all live the good life, the unselfish life, the lives of all others will be enriched.

So in keeping with the theme of your convention, I say, we all believe in the American dream . . . now let us live so that all may share in it."

FACTUAL REPORT ON A TRAGEDY

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. SLACK. Mr. Speaker, on several occasions during the past 3 years the record of our proceedings has contained statements questioning the safety factors existing at Kanawha Airport in my home city of Charleston, W. Va. On August 10, 1968, there was a tragic accident at the approaches to the airport in which 35 persons lost their lives.

That accident was seized upon as justification for a campaign of slurs, half-truths and fabrications about the airport. It seemed almost as if some persons took satisfaction from the deaths of 35 human beings. The clamor was so great that it became necessary to correct the public record by a statement in the House on November 1, 1968.

However, a year has passed by since the tragedy and we now have a dispassionate finding by the National Transportation Safety Board which reports the probable cause and contributing factors. In substance, the report describes a set of conditions which could exist temporarily at any airport. The cause of the accident had no special relationship to the particular airport near which it occurred and certainly the length or condition of existing runways was not a factor. I would hope that the publication of this official report would serve as a stop signal to those who have attempted to gain special advantage from the heartbreak involved in the accidental death of 35 persons. Without further comment, and so that the record may be cleared on just what occurred, I bring to your attention the following summary of the National Transportation Safety Board report on the fatal crash of a Piedmont Airlines plane on August 10, 1968, near Charleston, W. Va. The summary, as released to the press, is as follows:

The National Transportation Safety Board today released its report on the cause of the fatal crash of a Piedmont Airlines Fairchild Hiller FH 227B on its final approach to Kanawha County Airport, Charleston, West Virginia, on August 10, 1968.

Thirty-five of the 37 persons aboard were fatally injured when the turboprop FH 227B struck a steep hillside 250 feet short and 33 feet below the airport after descending through a layer of fog.

The Safety Board determined that the probable cause of the accident was ". . . an unrecognized loss of altitude orientation during the final portion of an approach into shallow, dense fog. The disorientation was caused by a rapid reduction in the ground guidance segment (segment of approach lights visible) available to the pilot at a point beyond which a go-around could not be successfully effected."

The Board said its investigation showed that the accident flight—Piedmont Flight 230 from Louisville, Kentucky to Roanoke, Virginia, with stops at Cincinnati and Charleston—"was operationally routine until the final phase of the approach" to Charleston. The crew was making an Instrument Landing System (ILS) approach to Runway 23, and was aware that the glide slope of the ILS was inoperative because of technical problems with the automatic ILS monitoring system.

An early morning ground fog at the airport had "severely restricted" visibility in the approach zone for Runway 23, the Board said, but in the 15 minutes just before the accident, visibility from the tower had increased from one-half mile to one mile and visibility along the runway had increased from zero to one and one-half miles. The Board estimated that at the time of the crash, a 150-foot-thick layer of dense fog remained over the runway threshold and roughly the last half of the 2,800-foot approach light system.

Some six seconds before impact, the Board found, the flight began "a rapid descent" which brought the aircraft below field elevation, into the tops of trees and down to the initial point of impact. The plane, catching fire, bounced back into the air, over the hilltop at the edge of the airport, and onto the field beside the approach end of Runway 23.

Because the investigation developed "no indication of any in-flight failure, malfunction, or other abnormality that would have caused or contributed to an unwanted descent," the Safety Board said, "the only logical conclusion . . . is that some phenomenon associated with the reduced visibility upon entering the fog affected the pilot in such a manner that he steepened the descent to the point where recovery could not be effected." The Board said evidence showed an attempted pull-up 2.2 seconds before impact—too late to avoid the crash.

The Board's report of its study of the shallow fog condition noted that the flight probably was operated in visual conditions during most of its approach. But as the aircraft descended into the low-lying fog, the segment of approach lights visible to the pilot "decreased rapidly, reducing from 220 to 37 feet in 1.6 seconds," the Board estimated.

"Also, it has been shown that the sudden reduction in visual range on entering the fog may be misinterpreted" by a pilot as meaning the nose of his aircraft is rising, the Board added. "Pilots unfamiliar with this phenomenon will, therefore, tend to steepen their angle of descent when they encounter this situation."

The Safety Board on January 10, 1969, made six recommendations to the Federal Aviation Administration on the basis of the Board's Charleston investigation and other accidents involving similar final approach problems. The Board recommended that FAA . . .

1. Amend Sections 91.117 and 121.649 of the Federal Aviation Regulations "to prohibit any approach below 200 feet above field level unless the pilot has the runway threshold in sight and require that he continue to have same in sight during the remainder of the approach."

2. "Bring to the attention of all instrument pilots the hazards associated with shallow fog penetration."

3. Include as mandatory items in airline training programs and FAA-approved instrument flight school curriculums" information on shallow fog penetration, the effect upon the guidance segment, and the potential illusions that can be created."

4. "Pursue as expeditiously as possible" its

research into instrumentation which would provide slant visual range information.

5. Set standards and specifications and encourage the development of "realistic" low-visibility-approach flight simulators.

6. Program improved approach zone lighting covering "at least the last 1,000 feet of the approach" for "installation on a priority basis," when and if "financial conditions permit," at airports prone to frequent heavy fog.

Commenting on the first recommendation, the Safety Board said today in its report that as the Federal Aviatiaon Regulations now are written, a pilot may legally descend into shallow fog even though the Charleston accident shows that "continuation of the descent into 'shallow' fog with even marginal ground guidance can be deceptive and hazardous."

"Therefore, from a safety standpoint, the deficiencies in the regulations are apparent," the Board concluded, because in the shallow fog situation "the pilot can legally place his aircraft in a position where a recovery may not safely be accomplished."

THE HIJACKING OF A TWA JET AND DETENTION OF TWO ISRAEL CITIZENS BY SYRIA

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. SCHEUER. Mr. Speaker, I rise today to condemn two ancient crimes—piracy and kidnaping—in particular, the hijacking of a TWA jet and detention of two Israel citizens by Syria.

For centuries, impairment of free travel on the seas was a dreaded threat to nations and individuals. The case is no different today in terms of air piracy. Carriers of many nations transport citizens of every country. Yet, today, no air carrier and no citizen of any nation is immune to the terror which political fanatics impose when airways are used as a medium of political activity. Each nation, therefore, must deplore the abuse of their citizens or the potential abuse of air facilities which occurs when freedom of the airways is subordinated to violence and terror.

On September 26, 1969, with 58 of my colleagues in the House of Representatives, I sent a copy of the following letter, already signed by 43 Senators, to Secretary of State Rogers asking that the matter of the hijacking and detention be brought before the United Nations Security Council and/or other international meetings. The letter and signatories from the Senate may be found in the CONGRESSIONAL RECORD, September 17, 1969. The letter and a list of its signatories follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 26, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We join with the 43 members of the Senate in condemning the recent hijacking of a TWA jet aircraft in which passengers and crew were detained and the airplane was partially destroyed. This is the first time a hijacker has exploded a bomb on an American-owned airplane, causing serious property damage. We are also deeply concerned that two private Israeli citizens are still being detained in Syria.

We strongly urge to you to bring this criminal and wanton act before the United Nations Security Council immediately so that the full facts of the case can be heard publicly by this international tribunal. On August 30, 1969, you said that condoning this unlawful act by Syria, a United Nations member, could only have the cost serious implications for international air travel and world peace. This condition remains.

We believe that actions must be taken—the immediate release of the detainees and appropriate criminal prosecution of the individuals responsible for this illegal act—to right a dangerous situation.

We also believe that procedures must be established to ensure the lives and safety of airline passengers and crew members, and to prevent unlawful seizure of civil aircraft in the future.

In this regard, we are gratified that the United States has ratified the Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft. The United States should propose at the upcoming Montreal meeting of the International Civil Aviation Organization a new convention, or a protocol to the Tokyo Convention providing for the apprehension, extradition where applicable and punishment of air pirates. This would be, we believe, a vital step toward solution of the problem of air piracy.

Sincerely,

James H. Scheuer, Brock Adams, Joseph P. Addabbo, Frank Annunzio, Thomas L. Ashley, Jonathan B. Bingham, John Brademas, Frank J. Brasco, George E. Brown, Jr., John Buchanan, Phillip Burton, Daniel E. Button, Emanuel Celler, Bill Chappell, Jr., R. Lawrence Coughlin, John R. Dellenback, Charles C. Diggs, Jr., Thaddeus J. Dulski, Joshua Eilberg, Leonard Farbstein, Dante B. Fascell, O. C. Fisher, Thomas S. Foley, James G. Fulton, Sam Gibbons, Seymour Halpern, Henry Helstoski, Edward I. Koch, Allard K. Lowenstein, Donald E. Lukens.

Richard D. McCarthy, Robert McClory, Spark M. Matsunaga, Abner J. Mikva, William S. Moorhead, F. Bradford Morse, John E. Moss, John M. Murphy, Robert N. C. Nix, Thomas P. O'Neill, Jr., Richard L. Ottinger, Thomas M. Pelly, Claude Pepper, Bertram L. Podell, Howard W. Pollock, Thomas M. Rees, Ogden R. Reid, Henry S. Reuss, Fred B. Rooney, William F. Ryan, Fernand J. St Germain, Garner E. Shriver, James W. Symington, Frank Thompson, Jr., John V. Tunney, Jerome R. Waldie, Charles W. Whalen, Jr., Lester L. Wolff, Sidney R. Yates.

COALITION FARM BILL

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. PURCELL. Mr. Speaker, I would like to call to the attention of the House that several more of my colleagues have joined me in the introduction of the coalition farm bill, first introduced last week. My distinguished colleagues, the gentlemen from Wisconsin (Mr. KASTENMEIER), North Carolina (Mr. TAYLOR and Mr. PREYER), Idaho (Mr. HANSEN), Minnesota (Mr. FRASER), Pennsylvania (Mr. JOHNSON), Tennessee (Mr. BLANTON), Illinois (Mr. PUCINSKI), and South Carolina (Mr. DORN), have all realized the tremendous significance of this legislation not only to the agriculture industry, where it stands as the first truly meaningful united effort of the American farmer, but also to the Nation, where it will revitalize rural America.

Their sponsorship of this legislation provides strong evidence of its value to this country. I commend these distinguished gentlemen for their concerted efforts on behalf of the American farmer.

LUERY WRITES "30" TO LONG AND DISTINGUISHED CAREER

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. PATTEN. Mr. Speaker, last Friday, a man who was not only a fine writer, but a talented editor, retired from one of the Nation's best newspapers, the Home News, of New Brunswick, N.J.

"Rod" Luery, as the Home News staff writer, Alvin King, pointed out in his September 28 story, had a "long and distinguished career" in journalism. Besides having "a passion for words," "Rod" was a newspaperman of outstanding ability, dedication, and integrity.

The Home News will miss the valuable contributions of H. Rodney Luery—and so will its many thousands of readers. He may have written "30" to a remarkable and distinguished career, but the strong impact he made on the Home News and its readers, will continue.

H. Rodney Luery helped make the Home News a great newspaper. For this alone, he has earned the thanks and gratitude of both the newspaper and its readers. And a happy and peaceful retirement.

The article by Alvin King, entitled, "Luery Writes '30' to Long and Distinguished Career," follows:

LUERY WRITES "30" TO LONG AND DISTINGUISHED CAREER

(By Alvin King)

H. Rodney Luery has written "30"—the traditional number of reporters used to end their stories—to a long and distinguished newspaper career.

Luery, who resides at 195 Main St., Milltown, and who had been associate editor of the Home News since 1965, retired on Friday. He joined this newspaper in 1942, as a copy reader and later was named city editor. He became managing editor in 1955 after a number of staff changes were made following the death of Elmer Boyd, publisher.

He received his early education in England and attended Boston University.

Actually, he began and ended his newspaper work with the Home News, having started here as a reporter in the late 1920's. He left to serve on the Elizabeth Daily Journal's staff and then went to International News Service, now United Press International. His duties there including working on the cable desk and then serving as night editor.

JOINED NEW HAVEN PAPER

Luery was scheduled to be assigned abroad, but because regulations precluded his family from going with him, he resigned and joined the New Haven, Conn., Register as a rewrite man. He later was promoted to assistant city editor.

The tall, soft spoken Luery later worked for the Boston Globe, the Boston Daily Record and the Leader-Republican in Gloversville.

He left that paper to rejoin the Home News in 1942.

Luery was considered a"newspaper's newspaperman." He was a strict disciplinarian and demanded the best possible writing from his staff. Reporters who worked under him agreed that when he criticized, it was for a valid reason. While he often gave the impression of being taciturn, he had a warm and deep interest in his staff, and was concerned with their personal problems.

Under Luery's leadership as city and managing editor, the Home News' circulation grew. And as it increased, there was a need for more reporters and copy readers, all of whom Luery directed with quiet but strict efficiency.

He had a passion for words. As each edition rolled off the presses, he scanned the paper from the first to the last page and if he found a word that had been improperly used, both reporter and copy reader were promptly advised.

Luery clung to the theory that news stories should be terse, interesting and colorful, but never over-written.

BUILT UP STAFF

In 1966, Luery became critically ill and, on returning to duty, devoted much of his time to bulding up the staff to meet the Home News' growing needs. Because he loved to write, Luery issued periodical "critiques" in which he would chide writers—without naming them—for using a word inappropriate to the story but would explain why in hopes of preventing the writer from repeating the error.

The same applied to copy readers, whose duties include writing headlines.

Conversely, he was quick to praise stories and headlines he felt were in the best tradition of a good newspaper.

Born in Johannesburg, South Africa, Luery and his wife have two sons and a daughter, all of whom are married.

THE QUIET MAN

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. LUKENS. Mr. Speaker, I would like to take this opportunity to call attention to a recent article which appeared in the New York Post concerning the mayoralty race in New York City. This three-way campaign is rapidly becoming a two-way contest, with State Senator John Marchi gaining significantly and rapidly in a quiet and effective campaign. It appears he now has a 50–50 chance against Mario Procaccino, providing, for the first time in modern history, a good chance for the election of a real Republican mayor. I wish to include Pete Hamill's article entitled "The Quiet Man" in the RECORD at this point in our proceedings:

[From the New York Post, Sept. 18, 1969]

THE QUIET MAN

(By Pete Hamill)

It is rapidly becoming clear that the most intelligent and impressive campaign being run in this town is the quiet campaign of John Marchi.

While his two opponents claw and struggle with each other, Marchi goes his quiet way. He makes no demagogic speeches about saving the 20-cent fare. He does not accuse voters of bad faith if they disagree with his political ideas. He so far hasn't pandered; he has spoken intelligently about most issues except the non-issue of smut. He seems slightly embarrassed by the funny-hat-and-balloons routine of political campaigning but he endures it as a kind of penance. His temperament is cool, reasoned, even somewhat withdrawn. His style reminds me of a politician for last season named Eugene McCarthy.

In contrast, his opponents share a common trait: the ability to turn the political air rancorous. With every public appearance, Mario Procaccino seems less suited to be Mayor of a city whose only hope is reason. His disgusting public display of Negro supporters the other day was a case in point; if there is trouble in Harlem or Bed-Stuy, can we expect Mario to preempt all local TV for a Some-Of-My-Best-Friends-Are-Negroes soul show before turning loose the National Guard? If he's pressed will he think, or will he cry? His performance so far is not encouraging. There are many things about Mario which are likable; but hell, I like Ron Swoboda too. I don't want him to be Mayor.

The anti-Mario feelings among a large part of the public are matched only by the anti-Lindsay feelings. Lindsay could double the police force, triple the Sanitation Dept., and pay every municipal employe $40 an hour and there would be a segment of New York that would vote against him. Not for Mario. Not for Marchi. Against Lindsay.

Much of that anti-Lindsay feeling is focused on his patrician style; a good part of it, I suppose, is somehow rooted in the feeling that he has done too much for blacks and Puerto Ricans; and a lot of it comes from his uneven performance.

Even with his natural supporters, Lindsay has not helped himself much in recent days with his disgraceful attempt to run the two Socialist parties off the ballot. He is, after all, the candidate of the minority Liberal Party.

He told the Post's Paul Hoffman the other day that his continued membership in the Republican Party while running as a Liberal was "very irrelevant." Democrats have the right to ask why this contradiction is "very irrelevant." Lindsay is asking hundreds of thousands of Democrats to cross over the line to vote for him; but he shrugs off the request for him to become a Democrat himself, or at the very least a Liberal.

But party designation isn't that crucial. A major beef against Lindsay's campaign so far is that he hasn't really responded to the message of the primaries: that the tyranny of Manhattan over the four boroughs must end. Procaccino at least understands that the boroughs are as much in revolt against Manhattan as the countryside was once in revolt against Havana. But neither Lindsay nor Procaccino has come forward with a true response, beyond slogans.

Marchi has. Marchi understands that the time is past for the Mayor to impose all solutions, no matter how benevolent, from the top down. He plans to press for revision of the city charter to bring some measure of power back to the Borough Presidents, to make the City Council a true legislative body, and to involve community planning boards more directly in the affairs of the city. It sounds pedestrian and lacks flash; but the general ideas are sound.

I supported Lindsay last time out, and by election day I could support him again. For the moment, Marchi is the class in the room. I am not being perverse, nor trying to sully a good man's memory, when I say that John Marchi is talking sensibly to the people of New York. We might quarrel fiercely in the next seven weeks, but it won't be over manners.

RECKLESS TALK ON VIETNAM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. WYMAN. Mr. Speaker, some of the voices being raised in support of unilateral withdrawal in Vietnam are becoming reckless if not hysterical, both in and out of Congress. No better way to stall meaningful negotiations exists than to provide the enemy with the prospect of certain American withdrawal by a set future time. Why should they negotiate, or make concessions, if the Americans are going to get out anyway?

It is less than helpful to the national interest, to say nothing of the national security, to encourage the enemy to believe that political pressure is such on the home front that our military will be unable to either fight to win or protect our men in combat. Undeniably, Vietnam is an unpopular war in an untenable spot. Clearly the South Vietnamese should take over their own defense—but we simply cannot turn tail and run out in wholesale fashion whatever the voices raised or the violence of protesters.

It is well to consider the recent comment of the lead editorial in the Washington Star of Friday, September 26, 1969, where it was written:

> We have an obligation to the people of South Vietnam, because of our encouragement of their firm anti-Communist stand. We have an obligation to millions of free men in Asia to refrain from demonstrating, by a loss of courage now, that they stand completely alone and friendless against the overwhelming presence of China. We have an obligation to the servicemen we have sent to Vietnam not to expose those who remain to the end to enemy attack during a precipitous pullout.

Individual congressmen are doing the country no service by seeking to fan the smoldering public discontent into a fire, or by trying to enlist the Congress as a whole in an unconditional legislative surrender.

WE CAN HELP THE POST OFFICE

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. TAYLOR. Mr. Speaker, the attached editorial from the Asheville Citizen, of Asheville, N.C., contains some worthwhile suggestions as to how the public can help the post office, and I call it to the attention of my colleagues:

WE CAN HELP THE POST OFFICE

The well-publicized problems besetting the United States Post Office have led the Administration to propose that it be operated on the lines of a private industry. Such a reorganization of the Postal System, say the plan's backers, would induce more original thinking and give postmasters greater authority to correct inefficient practices.

Congress has shown no great enthusiasm for stirring up a political hornet's nest through the Post Office, and such drastic reforms may never come to pass.

There is one side of the P.O.'s troubles, however, which has received almost no attention.

Private business is careful to say that "the customer is always right."

The Post Office can point out, politely, that the customer is often wrong.

Since the United States Post Office handles twice as much mail as all the rest of the world's postal systems combined, the customer problem can be seen for what it is.

Mrs. Yetta Horn Jay, a former postal worker, wrote in This Week magazine last July that the public's manner of handling mail was often "inadequate, sloppy and downright incorrect."

A conservative estimate, she said, is that half the First Class letters are mailed incorrectly. The same mistakes are made repeatedly by large companies and by somebody sending a birthday card to Aunt B.

Asheville Postmaster A. J. Garner III listed the most frequent mistakes of mailers in this area: Incorrectly addressed mail, he said, accounts for a large part of the Post Office's headaches. The mailer continues to send letters to old addresses, uses the rural route number but no box number, forgets to put the name of the city. (Everybody knows where Uncle Joe lives.)

Insufficient postage causes endless delays when a simple check with a postal clerk would remove any doubt. Mailing late in the day, instead of in the morning, when the load is lighter, slows the handling of mail, as well as failure to include the zip code, although the code is now used by about 80 per cent of mailers.

If the sender's return address is not included and the receiver's address is faulty, the mail will end up among the 23 million pieces from all over the nation that go to the dead letter office each year.

Businesses with questions about their mailing problems can always call the Post Office for advice.

As for the rest of the customers, a little more attention to a few simple rules might make the Post Office into a new place.

FEDERAL SPENDING FOR EDUCATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, a lot of heat and little light has been generated over the question of support for education by the administration. Some have charged that, in opposing the House-passed billion-dollar increase in the education budget, the administration has shown a complete disregard for education, especially for the poor.

I was pleased to see that the record has finally been set straight in a letter to the New York Times from Mr. Creed Black who is with the Department of Health, Education, and Welfare. Mr. Black documents his argument that the administration has, in fact, given top priority to programs directed at the poor. The actual cutbacks in spending from the fiscal 1969 budget came in the less essential areas such as facility construction. While it may be hard for some to accept that our inflationary times require a tightening of the purse strings across the board, they should at least take greater cognizance of the fact that the administration is giving prudent consideration to priorities while exercising fiscal restraint. Mr. Black is to be commended for bringing this fact home to us:

> When forced by economic constraints to make hard choices among priorities, we believe in particular in Federal support of education for the poor.

Mr. Speaker, I commend the entire text of Mr. Black's letter to my colleagues, and insert it at this point in the RECORD:

[From the New York Times, Sept. 28, 1969]

FEDERAL SPENDING FOR EDUCATION

To the Editor:

Curtis G. Benjamin, former president and chairman of McGraw-Hill Book Company, in a letter published Aug. 31 stated that President Nixon's statement of Aug. 12 "scolding" the House of Representatives for adding $1 billion to his education budget should cause one to wonder whether this Administration truly believes in Federal support of education—of the poor in particular.

This is a harsh conclusion. The reasoning which leads to it should be carefully examined. Mr. Benjamin asserts that the expenditures on education are not an important contributor to inflation and that, moreover, the poor would prefer to have the inflationary fight waged on programs that do not affect educational opportunities for their young people.

Having thus implied that the Administration is more concerned about braking inflation than helping the poor, he observes that "the poor will not fail to note that a large part of the added $1 billion was earmarked by the House for the special benefit of needy students."

In fact, of course, the Department of Health, Education and Welfare expenditures do contribute to inflation, and we were asked to join other agencies in holding down spending.

In planning our fiscal 1970 education budget, we gave top priority to programs directed at the poor and held back on other programs such as construction of academic facilities which could more reasonably be deferred. Thus, despite the fact that the Administration's fiscal 1970 education budget fell below appropriations for fiscal 1969, programs for the poor and the handicapped were increased by $235 million in the Administration's budget over the level of fiscal 1969 appropriations.

Programs benefiting the poor and the handicapped constitute more than 65 per cent of this year's budget request for education.

Had the House preserved this emphasis while increasing the education budget, we would at least have had agreement on priorities if not amounts which should be devoted to education in fiscal 1970. But less than one-third of the $1 billion House increase was in programs directly benefiting the poor.

And the House decreased the Administration's request for scholarships for needy students, reduced our request for the Teacher Corps, and struck the entire increase (over fiscal 1969) we requested for dropout prevention projects targeted on the urban and rural poor.

We do believe in Federal support of education. When forced by economic constraints to make hard choices among priorities, we believe in particular in Federal support of education for the poor.

CREED C. BLACK,
Assistant Secretary for Legislation, Health, Education and Welfare.
WASHINGTON.

WASHINGTON REPORT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BROOMFIELD. Mr. Speaker, in an effort to keep my constituents informed I am today sending a newsletter to each of the homes in the 18th Congressional District. It summarizes some of the most important work of the 91st Congress and the new administration as well as some of the issues in which I have been especially interested. I am grateful for this opportunity to share it with my colleagues:

A TURNING POINT

In its first eight months, Nixon's team has begun the task of putting our national goals in a more realistic framework and devising more efficient means of attaining them. The emphasis has been on achieving hard results rather than on making elaborate but unattainable promises.

The President's new foreign policy has begun the removal of troops from Vietnam in keeping with the long-range goal of reducing U.S. involvement throughout the world. At home, the painful chore of restoring the value of the dollar and unravelling years of mismanaged Great Society programs is underway. Progress in some instances has been slowed by political maneuvering in a House and Senate controlled by Democratic majorities.

Despite this, the new Congress and the new Administration have come together to tackle some of our most difficult and oldest problems. Tax reform is probably the most significant single item. Presidents and lawmakers have been talking about it for years without result. Yet, it is likely this Congress will send to the President before year's end the most far-reaching and comprehensive tax reduction and tax reform package in history.

Equally significant is the Congressional challenge to military spending. For the first time in 35 years, Congress has raised serious questions and is insisting on major cuts in defense spending.

Responding to nationwide concern about our outdated Presidential election system, the House approved and sent to the Senate a Constitutional Amendment to make basic changes in the electoral process.

Proposals for the first major overhaul of the postal system in 180 years stand a good chance of approval before the 91st Congress ends. Ahead, are the President's revenue sharing plan to strengthen state and city governments and hopefully ease the local tax burden, an increase and an updating of Social Security, and his far-reaching proposal for transforming a ". . . welfare system frozen in failure and frustration into a system that would *work* and would encourage *people* to work." I want to do all I can in the coming months to provide constructive help in putting these basic programs into effect.

It will require a great deal of time and patience to end the war in Vietnam, redirect our global foreign policy, cure inflation, and to deal effectively with poverty, crime and urban decay. But foundations are being laid on which solutions to the problems of the 1960s will be built in the seventies.

THE PRESIDENT'S NEW FOREIGN POLICY

As the ranking minority member of the Asian Subcommittee of the House Foreign Affairs Committee, I have been encouraged by the President's efforts to forge a distinct and fundamental change in the course of U.S. foreign policy. He has gradually unfolded a blueprint which recognizes that, while we have world commitments which must be kept, there are many things we simply cannot do. The long-range goal is to reduce U.S. power and influence to rational limits throughout the world and to replace adventurism with stability.

In Asia, we will do what we can depending on the realities of each situation. We may assist one nation with its economic and political needs, help another with training and equipment. But we should not provide U.S. troops as a substitute for the will, the toughness and resolution required to fight internal subversion. In our dealings with the Soviets we are ready to "take realistic risks for peace, not foolish risks," the President said. No single step alone can bring an end to East-West tensions. That can come only through hard bargaining on such issues as access to Berlin, a settlement in the Middle East, Vietnam, or strategic arms limits talks.

Identifying, negotiating, and resolving disputed situations must be a continuing process, one that will take time, firmness, and ingenuity.

CONGRESSIONAL BOXSCORE

Tax reform

A 364-page bill containing historic changes in Federal tax law passed the House on August 7th. While I had serious reservations about some aspects of this bill, I voted for it since in my view the benefits outweighed the faults. Hopefully, the Senate will make further improvements.

Electoral reform

My bill to provide for the direct popular election of the President was approved by the House. If adopted by the Senate, it must be ratified by ¾ths of the state legislatures to take effect.

Farm subsidies

My bill would phase out the present program over a 5-year period offering job training for displaced farmers. I voted for a $20,000 limit on subsidy payments to any single grower.

Social security

I am urging early action on bills to raise benefits—favor linking them to the cost of living. Bill of mine would raise the limits on outside earnings without loss of benefits.

Obscene mail

My bill, drawn to Supreme Court guidelines, would ban mailing of obsence material to any homes with minor children. Sender would be liable for determining if children were present.

Defense spending

I support responsible cuts. Fought earlier this year to keep ABMs out of populated areas. Decisions on weapons deployment must be made by the President based on progress with Soviets. My resolution calls for mutual suspension in multiple warhead (MIRV) testing.

Flooding pollution

I continue to press the Army Corps of Engineers for improvemetns in Red Run in Oakland-Macomb Counties. I am pushing for full $1 billion funding of Federal water pollution control legislation.

Draft

I have urged immediate reform of the present system, especially to restrict the period in which young men are liable for call-up. Endorsed study of volunteer army for trial.

Crime

Emphasis is on upgrading the courts and providing more money for better local police. House voted $250 million with my support. Michigan now getting Federal help under 1968 Crime Act.

Education

I participated in successful effort to add $1 billion to Elementary and Secondary Education Act. A bill of mine would allow tax credits to offset the cost of higher education.

PAUL L. BURNS

As many of you know, Paul Burns, the district manager of my Congressional office in Royal Oak and my close friend for the past 13 years, died on July 30.

Paul was 53. He devoted his life to helping people. Many of you share my sense of personal loss and I want to thank you for your many, many kindnesses during the past weeks. The following editorial appeared in the Daily Tribune. I thought it was one of the finest among many wonderful tributes to Paul.

"We mourn the death of Paul Burns, as one who instinctively knew the essence of political life is helping others. We knew Paul Burns, administrative assistant to Congressman William S. Broomfield, as one to whom we could turn when we came across the problems of someone caught in the impersonality, indifference or categorical regulations of governmental agencies.

"Although for many years his was among the most populous Congressional districts in the nation, Burns' was never too busy for personal attention. This was, of course good politics, but for Burns responding to the appeals of constituents was neither image-building or vote-getting. Just the simple notion that those in public office are supposed to serve the people. It was his job, and he did it superbly. We have made fetishes out of words like 'service' and 'concern' and it was good to know someone who lived those words without talking about it."

REMEMBER THE PUEBLO

After seizure of the *Pueblo* in 1968 I urged the U.S. territorial limits be adjusted to match those of other nations. It makes no sense to allow unfriendly nations' shipping within three miles of our shores while our vessels are seized 12 to 200 miles at sea. My bill also calls for a worldwide conference of martime nations at the United Nations to work out uniform world sea boundaries.

MISSING PILOT'S FAMILY KEEPS GOING

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. McEWEN. Mr. Speaker, this Congress has shown concern for American servicemen who are either in enemy hands or are listed as missing in action. You and more than 100 of my colleagues joined the gentleman from Alabama (Mr. DICKINSON) during his special order on September 17 in expressing our concern.

I expressed my feelings after meeting with the wife of Maj. Bernard Conklin, an Air Force pilot who has been missing in action for more than 3 years. Mrs. Margaret Conklin, who lives on the Plattsburgh, N.Y., Air Force Base, and her four children were the subjects of a story in the Plattsburgh Press Republican on August 20, 1969, several weeks before we heard of the plight of the wives during the special order.

I was deeply moved by the story, and I want to share it with my colleagues. The story follows:

MISSING PILOT'S FAMILY "KEEPS GOING"

(By Louise Dunn)

PLATTSBURGH.—"When I grow up do I have to be in the war?"

Six-year-old Mark Conklin repeatedly asks this question of his mother, Mrs. Margaret Conklin of 833-B Nevada Oval.

His father, Maj. Bernard Conklin, has been missing in action in Vietnam since 1966.

The Conklins don't know whether he is dead or alive.

The Conklins have four children, Jan, 14, Scott, 13, Jeffrey, 10, and Mark.

"It's harder and harder to keep a normal existence. We can't make plans, it's always hanging over our heads," said Mrs. Margaret Conklin.

Maj. Conklin is one of 1,332 men from the nation who are missing in Southeast Asia.

In 346 of the cases, the United States has some clue that these men are prisoners of war. Mrs. Conklin is not one of these families.

"At least these families know they hit the ground alive," she said.

Mrs. Conklin, a native of Malone, agreed to an interview with a reporter because she feels that making the Hanoi government aware that Americans do care may prompt release of a list of Hanoi prisoners.

Maj. Conklin, a pilot in the Air Force for 16 years, was assigned to Vietnam in the middle of June, 1966, for a 60-day temporary duty.

Just before his assignment he had completed a 13-month tour of duty in South Korea. Upon his return he and his family were stationed in Hawaii.

It was here he received his orders to Vietnam and it was here Mrs. Conklin heard of her husband's plane disappearing.

"I received a letter from him that day (July 29). He was a fine letter writer, I always felt I was sharing his job," she said.

She said she was at her home when she saw from her window four military officials start toward it.

"Oh no! Don't come here," she recalled as having thought when she saw them.

After the initial shock, she said, of not believing it could happen to her husband, her reaction was "if they send me over I'll find him."

Then, she said, came the nightmares. "I thought of all the terrible possibilities. Is he dead! Is he suffering? Is he alone?"

But this feeling abated and after four months of "completely filled with hope one day and despair the next day," Mrs. Conklin said she realized she would have to "maintain a stance."

The stance was that the chance of her husband being alive "is as good as the next."

"I feel there is a very good chance—this is what keeps me going. Without that hope there is bottomless despair," she said.

Mrs. Conklin writes her husband every month and recently sent him a package.

The first Christmas she and other wives of husbands missing in action sent packages directed to Hanoi. The packages were all sent back.

The second Christmas the packages were accepted as has been the third.

"They are careful not to acknowledge he is there. If they send back one package they send them all back. If they accept one, they accept them all," she said.

She praises the U.S. government and the military for their help in making her feel "not abandoned."

She admits a feeling of excitement and hope when the Hanoi government releases some news film of prisoner-of-war camps.

"But I don't really expect it to be him. It's a little bit of news, and a good sign. Somebody at least is delighted," she said.

The Air Force shows the films over at the bases but Mrs. Conklin said many of the films show the same faces and same places.

"At least we know some are getting adequate attention, but this may be a model camp," she said.

Her feelings toward the Hanoi government are bitter. "They signed the Geneva Conventions, it's a very sore point," she said.

Mrs. Conklin said she thinks she would rather know whether her husband is living or dead, yet is fearful that he may be dead.

"Perhaps for the children it should be finalized," she said.

In the first few months after the Conklins were informed their father was missing, they frequently included in their conversations "when Daddy gets back."

Although Mrs. Conklin said she is still optimistic, she has "played down lately" the "when Daddy" questions.

If questioned as to whether Maj. Conklin is living, her response is "We certainly hope so, but we don't know."

Mrs. Conklin said she was glad to return to the North Country this past June, but where she and her children lived before the move, Montgomery, Ala., she has four friends who also had husbands missing in action.

This, she said, was very consoling and something she misses.

"No matter how kind people are, and we have been warmly received on this base, there is the year in and year out anguish and suspense with no way to fall.

"It is not like having a death which gradually eases," she said.

How does she feel living on a military base where everyday she sees men in uniform?

"Every time I see a flight suit I feel a pang, but belonging to this makes up for the possible tension.

"There is a security, the military has a bond, a way of facing this type of thing," she said.

How does she feel about her children entering the service?

"I'm very proud of my husband's work. I don't think if he came home today he would leave the service. If my children entered the service, they would probably have my blessing," she said.

MUNICIPAL BONDS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. PICKLE. Mr. Speaker, ironically, there is now developing a movement to reform the tax reform bill recently passed by the House of Representatives. While there are several items in the tax reform bill that cause me serious concern, let be address my remarks to the question of altering the tax exempt status of municipal bonds.

Obviously, this measure is stirring a revolt within a taxpayers' revolt. The cities of this Nation—with all other units of local government such as counties, schools, hospitals, water districts, and so forth—are vitally concerned with the sections of H.R. 13270 which affect the municipal bond interest. Local officials know any change would actually be a cost to the taxpayer. Tax exemption is important to cities because it safeguards the integrity, the independence and local authority in fiscal policymaking matters. Tax exempt bonds provide cities independence sources of capital and saves states and cities billions of dollars in interest costs and tax dollars.

The stark truth is—if interest rates are raised on municipal bonds, the local taxpayers will have to pay for it.

The municipal bond provisions should have been taken out of the tax reform bill in the House. Just before the previous question was ordered, I asked Representative VANIK if he would accept a motion later that might remove municipal bonds from the bill. Mr. VANIK said he would like to, but that he had made a promise to a Democratic group to make a straight motion. Later, I asked the Republican side to include in their motion to recommit a provision that would take the municipal issue out of the bill, but the Republicans had already agreed to make a straight motion to recommit. I forced a vote on that issue, but it failed. We tried to slow down the consideration of the bill when it was presented to the Rules Committee, and one member of that committee made the motion to postpone the vote until after the August recess. He got only four votes to postpone—incidentially, not a single Republican voted to postpone.

Congress does share some of the blame for the deteriorating municipal bond market, but certainly not all of it as has been claimed. Figures will show that the municipal bond market was in a serious decline before hearings were even held on this bill. Inflation, tight money, and high interest rates were taking a toll among all types of bonds. However, Congress has not helped the situation any.

No other issue before this Congress has concerned city officials as much as the proposal to change the status quo of municipal bonds and offer an interest subsidy. The reason is simple. This action strikes at the very fiscal stability of our cities. It could delay needed public works projects.

Until this session of Congress, the Federal Government has maintained a handsoff policy which was enabling local officials to be fully responsive to local conditions and needs—not to the policies of another level of government. This system has given cities a source of money that did not interfere with Federal programs; it did not require Federal financing. And, this system kept the cost of getting local money for local projects relatively low.

Tampering with a process that has proven workable is chipping away at one of the cornerstones of our system of government—the dual sovereignty of our States and cities on one hand and the Federal Government on the other.

The only attempt by the Federal Government to tax interest paid by States and their local subdivisions was declared unconstitutional nearly 74 years ago by the Supreme Court in *Pollock* v. *Farmer's Loan and Trust Co.*, 157 U.S. 429 (1895).

The tax reform act is structured to provide a more equitable distribution of our tax burden. Obviously, I support this theory in principle and in action. However, in attempting to guarantee a more even-handed distribution of the cost of supporting our Government, we must consider not only the fair distribution of the Federal income tax burden, but also the fair share of the total distribution of the total tax burden—Federal, State, and local.

Much of the alarm over individuals hiding behind the shelter of tax-free municipal bonds stems from testimony that there are 154 individuals who in 1967 had adjusted gross incomes in excess—yet they paid not one penny of Federal income taxes. Unfortunately, the impression was allowed to form that this was accomplished to a large degree through municipal bond ownership.

The stark truth here is: not a one of those individuals had a single dime invested in municipal bonds. They escaped taxes by other loopholes in the tax laws.

But, Mr. Speaker, while we must protect the integrity of local officials to handle their own financing, we might be forced to place restraints on those few who do, indeed, participate very heavily in municipal bond purchases. Perhaps there is an answer. Perhaps one answer could be to limit the amount of money any individual could invest in municipal bonds. Anything over that limit would be taxable.

However, the best way to handle the matter is to remove the municipal tax issue entirely from the bill.

Hopefully, the Senate will fashion a livable bill for all concerned. But until that time comes, I am concerned about the impact on municipal bonds. They were in trouble anyway. A workable solution must be found before our cities, schools, and hospitals have to abandon projects which would give adequate service to their citizenry.

SMALL BUSINESSMEN PRESSURED BY UNFAIR TAX BURDENS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. HORTON. Mr. Speaker, social security regulations are so inequitable to small businessmen and other self-employed people, that some farmers and shopowners pay more social security tax than Federal income tax.

In addition, although social security was designed as retirement security, many small businessmen do not receive benefits after age 65.

One such businessman wrote to the National Federation of Independent Business:

> I became 65 this past April, but I cannot accept social security because I am self-employed am told I cannot work over 45 hours any month and receive social security. After paying into the pot for years, why should I be penalized for accepting what I have paid for?

And he certainly paid. He has paid 50 percent more than an employee just because he does not have an employer to pay the second share of social security. The law considers him both employer and employee and he must pay 1½ shares or not receive benefits after retirement.

I call your attention to H.R. 7723 which I introduced earlier this year to correct this gross inequity on small businessmen. H.R. 7723 would reduce the self-employment social security tax to the same which any employee would pay on the same income. There would be no increased penalty for the privilege of being self-employed.

A recent poll of independent business owners by the National Federation of Independent Business shows that 76 percent support my bill.

The facts illustrate why H.R. 7723 is so popular among the men who are our economic backbone.

A farmer or small businessman of modest income pays one and one-half times the social security taxes that a salaried person with equal income, and more than a $100,000-a-year corporation executive pays.

A self-employed businessman earning $8,000 a year pays $553.80 of it for social security and medicare coverage while an employee, no matter how high his salary, pays a maximum of $374.40, an amount also paid by his employer.

XUM

The basic social security tax on the self-employed is half again more than on employees—6.3 percent of the first $7,800 compared to 4.2 percent—while medicare is the same—0.6 percent for both.

Higher social security taxes are a major part of the ballooning payroll taxes which have hurt many businessmen's ability to expand or maintain a consistent profit. One recent study showed that payroll taxes increased 15 percent in 1968, on the average.

However, it is likely that many self-employed persons will draw fewer benefits from the old-age retirement fund, since many will not fully retire at age 65. Old-age benefits are reduced if after-65 earnings exceed $1,680 a year—and eliminated altogether if $3,360 is earned—so many farmers and small businessmen, finding the social security inadequate, choose to continue working. This inequity—affecting all recipients—is corrected by another bill I sponsored to effectively eliminate this limit.

For many, the choice is to sell their businesses, or continue active and forgo the social security checks.

Mr. Speaker, how can we endorse this penalty on small businessmen at a time when we encourage the decentralization of economic power away from growing conglomerates and into the hands of healthy, independent businesses?

From our Nation's very beginning, the heart of our business world has been the small businessman. Even today, in a financial climate of conglomerates, the small businessman plays an essential role.

Small businesses provide the necessary diversity for community growth in the urban area. They promote stability and contribute to civic pride and responsible leadership, both public and private.

As an integral part of his community, the small businessman becomes a natural spokesman. His intimate knowledge of the local scene is probably one of our greatest assets.

As we review the President's proposals and pending bills to revise social security laws, we must think of the recipient of these benefits and his preretirement burdens.

We should cease this discriminatory practice of adding a 50-percent surcharge to the social security tax of the self-employed as a penalty for private, independent initiative. By swiftly adopting H.R. 7723, we may earn the faith and respect of the now inequitably burdened small businessman and encourage his ambition and success.

His success is the Nation's success. His additional profits add to the national tax revenue. His faith and respect are the main source of strength for the Federal Government and our economy.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. PELLY. Mr. Speaker, when the House passed the tax reform bill, I pointed out that certain of its provisions appeared to me to be ill-advised. One such so-called reform which I opposed was the proposed restriction on the present tax exemption of State and local securities. I think it would be wise if the Senate Finance Committee makes some changes in this regard to the House passed bill. I think any law that adversely affects the ability of State and local governmental bodies to meet their borrowing requirements would jeopardize the constitutionally delineated dual sovereignty of government in this country. Removal of the exemption and payment of a portion of the resulting higher interest costs by the Federal Government would mean Federal control of State and municipal financing and could well end independent and autonomous government on the local level. The power to tax is the power to control and is, indeed, the power to destroy.

In support of a healthy federalism and providing a form of government closest to the people, Mr. Speaker, I support retention of existing immunity of State and local government from Federal taxation.

DEDICATION OF HERMAN W. LAY SCIENCE CENTER AT DRURY COLLEGE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. HALL. Mr. Speaker, Drury College, located at Springfield, Mo., was founded in 1873 as a liberal arts college. This small college, believing in personalized education, states in its "Aims and Objectives," that its curriculum is designed to produce a student who—

Is knowledgeable of the major strands of his intellectual heritage as they have been expressed in history, philosophy, religion, and the arts of western civilization;

Is able to reason analytically, critically, and logically in making judgments;

Understands the nature and purpose of subjective thought and demonstrates its disciplined application;

Has an understanding of the purposes and methods of science and their practical application;

Understands the social, economic, and political conditions of the society of which he is part;

Develops an understanding of other cultures;

Is able to express his understandings and judgments orally and in writing; and

Achieves learning in depth which builds upon and relates to his other learning.

As a member of the board of trustees of Drury College, it has been my pleasure to watch the growth and progress of this fine institution of higher learning.

In March of this year, the school dedicated the Herman W. Lay Science Center.

Mr. Lay, for whom the building was named, is a member of the board of trustees of Drury College, and chairman of the board and finance committee of Pepsi-Cola Co., Inc. He is the founder and president of the H. W. Lay & Co., and president of Frito Lay, Inc.

I hereby include in the RECORD, the remarks of Mr. Lay, on the occasion of the dedication of the Herman W. Lay Science Center, named in his honor.

The address follows:

DEDICATION OF HERMAN W. LAY SCIENCE CENTER

(By Herman W. Lay)

A college such as Drury—an independent liberal arts college—must continue to carry on. More importantly, as with all things living, it must continue to grow and expand. Yet, its very existence as an institution is challenged by the times. I could speak for too long about why this is important and about the many problems involved. But I think there has been considerable expounding on this subject—from many people at many times and places, and even from me at Drury graduation exercises in June, 1966.

The question is not whether the liberal arts college must grow but how, in the face of rising costs, and, unfortunately, of competition with state tax-supported institutions.

The answer to continued growth of the independent private college is simple—subsidization—subsidization by private individuals, business or other organizations, or by government.

If we are to continue to grow and prosper under our present free enterprise system, those individuals who have been fortunate enough to create personal wealth will be nothing but wise to support not only our private educational institutions but other worthwhile social, civic, and charitable endeavors to the best of their abilities or they may well lose by government edict or in more violent ways a great deal of what they have accumulated. It may well be more prudent for the affluent to be less selfish in order to protect their own selfish interests.

Will and Ariel Durant, after spending forty years of preparing, then re-editing their *Story of Civilization*, have recently published a 100-page synopsis called *The Lessons of History*. On the one hand they say:

"The experience of the past leaves little doubt that every economic system must sooner or later rely upon some form of the profit motive to stir individuals and groups to productivity. Substitutes like slavery, police supervision, or ideological enthusiasm prove too unproductive, too expensive, or too transient."

On the other hand they warn:

"If our economy of freedom fails to distribute wealth as ably as it has created it, the road to dictatorship will be open to any man who can persuasively promise security to all; and a martial government, under whatever charming phrases, will engulf the democratic world."

I am thankful that in some way I can help protect this Free Enterprise System which has been so good to me and my family.

A former Governor of Florida, Farris Bryant, said recently:

"Man lives today on an escalator. He goes to sleep in one world; he wakes up in another. He graduates from college in one world, but he must deal with and live in and succeed in another, and always it is changing. Life's targets are no longer bull's-eyes, they are bird's eyes, and the birds are in flight, for today is yesterday's tomorrow, and tomorrow has already dawned."

And so, I would say that if our targets are birds in flight, we've got to aim ahead if we expect to hit our target.

There have been times, during this decade fast closing with the flaming fingers of discontent reaching across our land, when each of us has wondered whether we may well have been aiming behind our targets; and certainly a few times when we have wondered whether we had lost sight completely of our targets and scattered our shots all over the sky.

Again a warning from the Durants:

"If race or class war divides us into hostile camps, changing political arguments into blind hate, one side or the other may overturn the hustings with the rule of the sword."

Some call all of this effort we are talking about a part of our "civilizing process." And—in spite of our many current problems—this civilizing process which I feel requires us continually to aim ahead of our birds in flight has never really stopped. It has not even slowed very much. In fact, it has continued to accelerate with each new day. This new Science Hall stands as visible testimony to this fact.

Regardless of the pace we have set at Drury, however, we must continue to plan primarily for the future in the light of rapid change in current issues and trends.

We are in an era, as someone has said, where the "tidal wave of change threatens our cherished orthodoxy, sacred traditions, and many ancient assumptions. . . ."

I am reminded of a stirring passage, an anecdote, in a contemporary novel. It is from *The Epilogue of Captain Newman, M.D.* by Leo Rosten.

Destiny came down to an island many centuries ago and summoned three of its inhabitants before him. "What would you do," Destiny asked, "if I told you that tomorrow this island would be completely inundated by an immense tidal wave?"

The first man, who was a cynic, said, "Why I would eat, drink, carouse, and make love all night long."

The second man, who was a mystic, said, "I would go to the sacred groves with my loved ones, and make sacrifices to the gods, and pray without ceasing."

But the third man, who loved reason, thought for a while, confused and troubled, and said, "Why I would assemble our wisest men and begin at once to study how to live under water."

What was impossible yesterday is likely today and inevitable tomorrow!

With this dedication at Drury, you are looking to the future—looking to the future when technology will have given us the need for a broader, more liberal education, and the money and time to acquire it. You are looking to the future when our major education will be for living and only our training will be for work. You are looking to the future when our work will not run us down and exhaust us so that we do not, as now, have the time and strength beyond the immediate weariness, the immediate hunger, the immediate confusion.

You are looking to the future when we will have the time and the means and the inner resources to communicate with and understand our fellow man and become more intelligent and responsible citizens.

We still will have problems with us, but they will be different problems, perhaps dealing with a different set of values. The world will be our own expanded community, and all its citizens our fellow members.

The heart of the Drury Science Building is not in the beautiful building you have constructed here in Springfield—it is in the people you will place in it—both student and professional staff.

It has been said that a dedication is not a start or a finish. It is a benchmark—a benchmark for the future.

What is the most important benchmark that we are attempting to establish here now? It is the upgrading of our Human Resources.

I would consider this new science building an investment in human resources—rather than in brick and mortar and instrument. It should not only provide improved facilities for current students and faculty, but also enable Drury to hold our better teachers and scholars and later to improve the average quality of both—to set a higher benchmark.

I am more than pleased to be able to pay tribute today to all who have made this Science Hall and the other construction projects here possible—to the alumni and friends of Drury College, and especially to the late Dr. Brandenburg, the guiding and determined spirit behind so much of Drury College expansion.

Nor should we forget the contributions made to the planning by the students, faculty, other administrative officers, and librarians.

I am sure that all involved will wish to continue to aim ahead of our targets in flight. I am sure all will wish to establish a higher benchmark for Drury.

To American youth, education should today be a sacred privilege—even if later this privilege becomes a so-called "right." We are spending billions of dollars to enable our young people to search for the truth, to sift fact from rumor, to lift man from the demoralizing influence of ignorance, poverty and tyranny. The university is the workshop of man at his best—a man creating the new, the positive, the beneficial. We should resolve to keep it that way.

MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION ON GUN CONTROL LEGISLATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. NELSEN. Mr. Speaker, I have received the text of a resolution adopted by the Minnesota Police and Peace Officers Association in annual convention this past summer, and since the resolution treats with firearms control proposals which are pending in committee, I include it in the RECORD at this point in my remarks:

RESOLUTION PASSED BY THE MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION AT THEIR ANNUAL CONVENTION, WINONA, MINNESOTA, JUNE 24, 1969

Whereas: Governments at various levels continue to pass legislation dealing with firearms ownership, and

Whereas: There continues to be a demand for firearms control laws, and

Whereas: Both of Minnesota's senators have accepted directorships in the Americans for Democratic Action, an organization publicly committed to the total elimination of private ownership of firearms, and

Whereas: There are suggestions from some groups, such as the Fellowship of Reconciliation, that law enforcement officers be disarmed, and

Whereas: Many such efforts are misdirected.

Therefore be it resolved: That we, the Minnesota Police and Peace Officers Association, declare in the light of the aforesaid:

(a) Firearms ownership is a basic and traditional right of free citizens;

(b) Elimination of private firearms ownership would add to the problems of crime, not lessen them;

(c) Legislation should be directed against the criminal use of firearms with minimal inconvenience to the law-abiding citizen;

(d) Elimination of police possession of firearms is highly unrealistic and unworthy of serious consideration.

Be it further resolved: That we condemn the Americans for Democratic Action's position on firearms ownership and urge that both of Minnesota's senators resign from their directorships in the A.D.A.

Be it further resolved: That we condemn the Fellowship of Reconciliation's stand on elimination of private and police ownership and use of firearms.

Be it further resolved: That we recommend, for those municipalities which in the interim legislative period feel a need for additional firearms legislation, the following uniform conditions and principles:

(a) A licensing system should cover only the carrying of firearms upon one's person within the boundaries of an incorporated municipality;

(b) Exceptions should be included for all lawful activities;

(c) Such licenses should be granted as a matter of right to citizens who are not minors, recently-released felons, or persons who have been adjudicated mentally incompetent, drug addicts, or alcoholics;

(d) All disabilities should be set forth in the ordinance and without provision for discretionary powers to grant or deny the license;

(e) Licensing procedures should include definite time limits for investigation and issuance and charges should be minimal;

(f) A convenient and inexpensive appeals system must be included;

(g) A stop and frisk provision should enable an officer to search for a dangerous weapon;

(h) A provision should penalize the illegal brandishing or discharge of firearms;

(i) Licenses to own, or registration of sale or ownership, should not be required.

Be it further resolved: That we request the Congress to amend the Gun Control Act of 1968 in general to treat the honest citizen in a more equitable manner and in particular to:

(a) Eliminate rifle, shotgun, and pistol ammunition from registration of purchase through passage of S. 845 amended to include pistol ammunition;

(b) Restore the former practice of transfering dealer licenses to the locations of gun shows;

(c) Liberalize the definition of curios and antiques;

(d) Make penalties for use of a gun to commit a crime mandatory instead of optional;

(e) End the ban on retail mail order sales and instead regulate the trade in the manner suggested by Senator Roman Hruska; in recognition that most mail order firearms sales were legitimate and allowed the citizen competitive pricing on a national market, such trade should be regulated by requiring notice of impending sale, but not registration thereof, to be sent by the vendor to the prospective buyer's local chief of police to either be vetoed on existing legal disabilities or approved within a specified time period prior to completion of the transaction and delivery of the firearm;

Be it further resolved: That we urge the Congress to pass the Metcalf-Dingell-Karth bills, S. 670 and H.R. 1048, which would shift tax monies from the current ten per cent handgun tax from general revenue to wildlife restoration and firearms safety training programs.

Be it further resolved: That we urge federal officials to enforce those crime control laws currently on the books, and particularly to cooperate in prosecuting felons apprehended with firearms in their possession.

Be it further resolved: That the secretary be instructed to forward a copy of this resolution to each of Minnesota's senators and representatives, with a request that the resolution be read into the CONGRESSIONAL RECORD.

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ARTICLE BY CONGRESSMAN JOHN V. TUNNEY FROM THE LOS ANGELES COUNTY BAR BULLETIN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. WALDIE. Mr. Speaker, on August 13, J. Edgar Hoover of the FBI issued his annual report on crime in America. As was expected, his statistics told a grim story. In the 1968 Hoover report, there was a 17-percent rise in serious crimes over the rate of 1967. But this sobering statistic was hardly the worst aspect of the FBI report. In 1968, America's police forces solved 7 percent fewer crimes than in 1967.

The evidence is clear. As the rate of crime keeps spiraling upward, our police forces are under greater and greater pressure from criminal elements. Unfortunately, they do not have the resources they require to keep pace with the increasing challenge of crime. Hard-pressed property owners are already being taxed to the limit, yet police budgets are badly in need of additional funds. Obviously, the Federal Government must take a more vigorous role in assisting local law-enforcement agencies than is provided for in the Safe Streets Act.

Because of the need for greater action in combatting crime, I feel it is important to bring to the attention of the Congress an outstanding article written by the gentleman from California, Congressman JOHN V. TUNNEY, and printed in the Los Angeles County Bar Bulletin. While Congressman TUNNEY's article on "The Federal Role in Law Enforcement" discusses the problems of Los Angeles in detail, he is at the same time focusing on a financial crisis that is common to law enforcement agencies throughout America.

The article follows:

THE FEDERAL ROLE IN IMPROVING LOCAL LAW ENFORCEMENT

(By Hon. JOHN V. TUNNEY[1])

Spiraling increases in crime, instead of becoming one of America's most compelling targets for decisive action, have unfortunately been seized upon for spicing-up political rhetoric which often irresponsibly plays upon legitimate public fears about crime. Crime in America is, however, just too serious a problem to be left to rhetoric. The time for mere talk is long past; the time for action is long overdue. Torrents of talk have, anyway, proven powerless to deal with a challenge so complex and threatening that it is steadily gaining ground against the agencies of crime control.

One significant aspect of any crime control problem is the quality of training and the number of police officers available to communities. I shall attempt in this article to point out the challenge that faces our nation in establishing and maintaining effective and enlightened local constabularies.

As every lawyer realizes, our ignorance about the causes of crime is vastly greater than our knowledge. In a short article one cannot hope to discuss all of the aspects of the enormously complex problem of controlling crime in America. There is a critical role to be played by the courts and correctional institutions in reducing recidivism and increasing the swiftness of justice in criminal cases. I have, however, chosen to focus on the problem of law enforcement not because I am unaware of the importance of other elements of the crime justice system but because I feel that these problems are especially in need of a fresh discussion.

When one looks at the amount of money we are spending in the United States to operate police forces, the low national priority given to law enforcement becomes obvious. The President's Crime Commission reports that there are about 420,000 policemen in America operating on an annual budget of around $2½ billion, a figure which is only 1 percent of all taxes collected last year by federal, state and local governments. No other major area of American life receives a lower budgetary priority than do our police.

A quick glance at these statistics immediately tells the concerned citizen that America has sent more men to fight in Viet Nam than are fighting against crime here at home. More importantly, the annual expenditure for police is equivalent to the cost of only one month of the Viet Nam war. When America is spending twelve times more on the war in Viet Nam than on police operations, is it wrong to conclude that rhetoric is being used to hide an unwillingness to take decisive action against crime? And if this conclusion is wrong, then why is it that crime control receives such a low budgetary priority in America?

What those who hide behind their rhetoric have refused to confront is the fact that there is an acute shortage of police in America, that low salaries make recruitment of able policemen difficult, a difficulty that is steadily becoming worse, and that continuing increases in crime are going to require greater budgets for crime control agencies. In short, a more effective fight against crime is going to cost more money, much more than is now being spent, and unless the Federal government lives up to its responsibilities, this money is going to have to come from already hard-pressed local property taxes.

The shortage of policemen in America is no abstraction. According to the most recent survey, two-thirds of the police departments in medium-sized and big cities are below their authorized strength by an average of ten per cent. The President's Crime Commission, moreover, calculated that to bring all police departments in the country up to their 1967 authorized strength would require about 50,000 new policemen. At prevailing salary levels, around $300 million would be required to pay these additional policemen. But this is just the problem: existing pay scales are not attracting men who can meet present police standards.

Between 1956 and 1961, to cite the Crime Commission once again, the national average of those passing police entrance examinations declined from 30 to 22 per cent. In 1965, the Los Angeles Police Department, which has one of the highest and most rigorously enforced selection standards in the nation, accepted less than 3 percent of all applicants for police service. The declining rate of successful recruitment of policemen comes at a time when not only are crime rates rising alarmingly, but retirement rates of those now in police service are also threatening to rise sharply. This is because of a rapid increase in police forces after World War II and now that these officers are reaching the twenty years of service required for pension eligibility they are entering the retirement zone. Los Angeles has probably one of the most extreme instances of this nationwide problem. Beginning in 1967, about 41 per cent of the Los Angeles police force has been eligible for retirement.

Police salaries are simply unable any longer to attract enough men who meet existing standards of professionalism for police service. The nationwide average pay for a police officer is less than $6000, a figure which only hints at the wide variations in salary among different sections of the country. For example the President's Crime Commission reports that starting salaries vary from $2800 to $8700, an extreme which reflects the range of police problems from small rural communities to heavily-populated urban areas. Despite this wide variation in beginning pay, there is an extremely important nationwide characteristic of police salaries which tells a great deal about problems of police recruitment. The average maximum pay for a police officer in America is only about $1200 more than starting pay. In other words, no matter how hard a police officer may work and no matter how outstanding his performance, the financial rewards are not going to be much better at the end of his career than at the start.

Police salaries have obviously not kept pace with competitive pay scales in other professions where men with the qualifications for police service can now find more rewarding opportunities. The rising rate of crime also means that police work is becoming more dangerous at a time when pay scales are declining relative to other competitive careers. Yet, most proposals for greater effectiveness in fighting crime, including the recommendations of the President's Crime Commission, call for even higher standards for police service. Clearly, these standards have little prospect of being realized unless there is a drastic change in the salary structure for policemen.

Such a realignment of police salaries seems totally out of the question so long as police budgets must rely completely on the local tax base. In crime and law enforcement, as in most other aspects of the "Urban Crisis," there is once again the old story. The cities have the problems and the Federal government has the money. And without a decisive Federal response to the challenge of crime, the already harassed property owner may find himself caught between a rising threat of burglary on the one hand and a rising level of exactions from the property tax on the other.

While Los Angeles has one of the highest pay scales for police in America, San Francisco, New York, and Chicago are higher. But all four of these cities are no exception to the national pattern of meager incentives for police careers as reflected in the slight difference between maximum salaries and starting pay. In Los Angeles, there is only a $1600 difference between the minimum base pay of $8500 and the maximum of $10,100, although the top figure can be supplemented depending on length of service. Yet compare these incentives with those open to a man who becomes an FBI agent. He can earn a starting salary of around $8400 and eventually advance to a salary of $17,000 in the same FBI assignment. Such opportunities for advancement are one of the principal reasons for the high motivation and keen competition for entry which characterizes the FBI.

As these statistics reveal, however, a major effort has been made to maintain competitive starting salaries for police in Los Angeles. But pay increases have had to compete with rising inflation which in less than two years has boosted prices here by more than 10 per cent. The starting police pay of $8500 should, therefore, be compared with a Department of Commerce report which states that an in-

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[1] JOHN V. TUNNEY is a graduate of Yale University where he received a B.A. degree in Anthropology. He thereafter obtained an LL.B. degree from the University of Virginia Law School. Congressman Tunney holds the rank of Captain in the United States Air Force and has traveled extensively in over 50 countries. He was elected to the United States Congress from the 38th Congressional District in November, 1964 and reelected in 1966 and 1968. Congressman TUNNEY is a member of the Interior and Insular Affairs Committee and the Foreign Affairs Committee of the House of Representatives. In 1967 he was named a Chubb Fellow by Yale University.

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come of $9,326 is necessary to maintain a moderate standard of living in Los Angeles for a family of four. These and other statisticals indices suggest that the average Los Angeles policeman is faced with a real struggle to achieve a moderate standard of living for his family. As difficult as this struggle may be, there is more to it than simply the plight of the individual officer now on the force. If police strength is to be expanded to cope with increases in crime, can existing professional standards be maintained, much less improved upon? In addition, there is a question of even greater urgency. Can the 41 per cent of Los Angeles policemen now in the retirement zone be replaced by men of comparable quality?

Some experts in crime control, however, believe that it is wrong to raise public expectations that more and better police will in themselves be able to blunt the spiraling crime rate. Crime, they say, is the result of too many factors, few of them well-known to be sure what action will produce the greatest reduction in crime. The most certain of all factors is clearly the growing size of population in urban areas. The sharp differentials in crime rates between the largest cities in America and the smallest towns supports this conclusion. For example, the robbery rate in cities over one million in population is ten times greater than in towns ten to twenty-five thousand in population; the homicide rate is more than five times greater; aggravated assault rate three times more; and burglary rate twice as great.

These statistics as well as common sense suggest that increases in police personnel should at least keep pace with increases in population. Wisdom would also suggest that police personnel levels should not lag behind increases in the crime rate, even if it does not prove possible for the growth of police manpower to stay comfortably ahead of spiraling rises in crime. Unfortunately, crime in California since 1960 has risen more than *twice* as fast as increases in police personnel. Between 1960 and 1967, major crimes in California rose by 89 percent while police personnel increased by only 38 percent. Although these personnel increases were well ahead of the 23 percent rise in the state's population during the period, the situation in Los Angles county was not as favorable. There has been only a 26 percent increase in law enforcement personnel in the whole of Los Angeles county since 1960, a rate almost half that for the rest of the state and only slightly ahead of population increases.

There are many reasons why increases in police personnel in Los Angeles have not kept pace with other areas of the state, including belated efforts elsewhere in California to remedy their own personnel deficiencies. But surely one of the most critical reasons is the steadily increasing pressure on the property tax and the reluctance of local officials in Los Angeles to place additional burdens on already severely harrassed property owners. But as crime increases, the costs of law enforcement will certainly have to rise too—not just in absolute levels of expenditures but also in per capita expenditures. For instance, in the two decades between 1947 and 1967, the expenditure for law enforcement by the Los Angeles county government has risen from $45 million to $230 million. When allowances are made for the decreased purchasing power of the dollar and the doubling of the county's population during the period, the per capita cost of law enforcement has still jumped about fifty percent during the two decades or about two and one half percent a year.

Understandably, the local property owner in a highly populated urban area like Los Angeles has looked to the Federal government for relief from what is truly a national problem. When last year the Congress passed the Crime Control and Safe Streets Act, many Americans believed that the Federal government had at last become committed to action in the fight against crime. But the passage of the Safe Streets Act has unjustifiably raised public expectations which it cannot possibly fulfill. At most it has provided for some planning grants as well as funds for training and a limited amount of equipment. But the Safe Streets Act did not confront the main issue in controlling crime in America: 90 per cent of the costs of law enforcement are salaries for personnel. Yet the Safe Streets Act does not provide for general support of salaries or other essential budgetary needs of the localities in controlling crime.

I believe that the time is long overdue when Congressional spokesmen ought to stop talking and start acting on the critical needs for crime control in America. Because of my concern I am introducing a drastically new version of the Crime Control and Safe Streets Act which will provide for general budgetary support for local crime control organizations. This bill will establish priorities for assistance according to the size of cities and in response to plans which call for an integrated effort on the part of police, courts, and correctional institutions. As in the existing Safe Streets Act, my proposal reaffirms the principle that local control over law enforcement must remain the keystone of an effective criminal justice system. As criteria for salary support of police personnel, the bill will also call for implementation of some of the police standards proposed by the President's Crime Commission such as higher maximum salaries providing real incentives for career service and promotion incentives for achieving professional competence. Obviously, to achieve these goals a substantial budget will be needed and I intend to fight for it because I believe that the best and most effective way to support crime control agencies against criminals is by action and not by mere words.

QUESTIONNAIRE BRINGS IN THOUSANDS OF REPLIES, TABULATING TO BEGIN SOON

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. TAFT. Mr. Speaker, in early September, I mailed approximately 150,000 questionnaires to the residents of my congressional district.

The response has been tremendous.

We are daily receiving thousands of completed forms, and are beginning to tabulate the returns.

For the information of my colleagues, I am inserting the questionnaire in the RECORD and, once tabulation is completed, will insert the results:

QUESTIONNAIRE

FOREIGN AFFAIRS

1. Which statement most accurately describes your sentiments regarding a Viet Nam settlement?

(a) The U.S. should apply whatever military pressure is necessary to end the fighting and assure a stable and secure non-communist government.

(b) The U.S. should begin at once a complete withdrawal of American troops to be carried out regardless of the progress of the war.

(c) The U.S. should continue the policy of withdrawal of American troops, begun in June, 1969, relating it to the war's progress and peace negotiations.

(d) The U.S. should try to force a coalition government with the Communists and then withdraw.

(e) (other, please specify.)

2. Do you believe the U.S. has a global responsibility to prevent the spread of communism by "wars of liberation"?

3. Should the U.S. place a high priority on improving its relations with Latin American countries, even if it requires a significant increase in spending for economic assistance or granting favored trade status?

4. Should the United States negotiate an arms-control treaty with the Soviet Union?

DEFENSE

5. In fiscal year 1969, the U.S. spent approximately $80 billion on defense. When the Viet Nam War ends, do you believe annual defense spending should be limited to:

(a) $40 to $50 billion?
(b) $50 to $60 billion?
(c) $60 to $70 billion?
(d) no arbitrary limitation?
(e) (other, please specify.)

6. Do you believe the U.S. should go ahead with installation of the Safeguard Defensive Missile System as proposed by President Nixon?

THE COST OF LIVING

7. Should Congress set a ceiling on interest rates?

8. If inflation continues to increase, should wage and price controls be imposed?

TAXES

9. Should the oil and mineral depletion allowances:

(a) be eliminated?
(b) be substantially reduced?
(c) be retained at present levels?

10. Should private charitable and educational foundations lose their tax-exempt status?

11. Should religious institutions lose their tax-exempt status?

CAMPUS DISORDERS, STUDENTS AND THE DRAFT

12. Should the present Selective Service System be:

(a) retained as is?

(b) amended by a form of a lottery system as suggested by President Nixon?

(c) replaced by a volunteer armed service?

(d) (other, please specify).

13. Should Federal dollars be denied:

(a) colleges and universities which fail to punish or expel students who cause campus disorders?

(b) the students who participate in the campus disorders?

(c) the students punished by the colleges or universities for participation in campus disorders, at the discretion of the institution?

(d) (other, please specify).

ISSUES OF THE DAY

14. Should the Federal government do more to control pornography?

15. Should the Federal government attempt to impose standards of decency on the movie industry by Constitutional amendment if necessary?

16. Should the present Post Office Department be replaced by a self-sustaining public corporation?

17. Should advertising of cigarettes be controlled or prohibited by the Federal government?

18. Which statement most accurately describes your sentiment regarding the future of the space program:

(a) The U.S. should continue to spend at the present rate of $4 billion a year in order to continue its space program at the present rate or faster?

(b) Spending should be cut up to 50% for the next few years, permitting fewer manned moon flights and unmanned probes into deeper space?

19. Should the Federal government increase spending and impose user taxes to improve the nation's Air Traffic Control System and other air safety precautions?

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FIFTIETH ANNIVERSARY OF THE MASONIC SERVICE ASSOCIATION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. GIAIMO. Mr. Speaker, I am pleased to report that the Masonic Service Association of the United States will celebrate its golden anniversary on November 19, 1969.

I am sure all of us in this body are aware of the outstanding record of public service achieved by this fine organization in its first 50 years. I know also that the millions of American servicemen and veterans who have been exposed to the warm hospitality of countless Masonic service centers at military bases and hospitals throughout the United States hold a warm spot in their heart for this association. I join with them in wishing the Masonic Service Association many more successful years of service.

To make the occasion, I wish to insert at this point in the RECORD the text of an article written for the October issue of Connecticut Square and Compasses—a Masonic publication—by Past Grand Master Conrad Hahn, executive secretary of the Masonic Service Association:

THE MASONIC SERVICE ASSOCIATION IS CELEBRATING ITS 50TH ANNIVERSARY

November 25–28, 1918, found representatives from twenty-two United States Grand Lodges meeting in Cedar Rapids, Iowa, to create an agency through which American Freemasonry could help its sons and brothers in wartime. World War I had just ended.

The government had refused to permit Masonry to set up Service Centers near military bases at home and "behind the lines" in France, primarily because it could not deal with forty-nine separate Grand Lodges and other Masonic bodies. "Give us one agency to deal with," had been the official reason for the denial.

Wartime service had been planned by some Grand Lodges long before the conflict ended. Even the Cedar Rapids meeting had been arranged while the war was still in progress. Masonic leaders came to Iowa with the definite purpose of "doing something" to make possible Masonic Service for the military personnel in the "war to make the world safe for democracy." Masons were chagrined by their inability to serve.

The end of the war shortly before the meeting in Cedar Rapids only convinced the Masonic leaders who met there that they had to build for the future, that there were peacetime as well as wartime activities for which American Freemasonry needed an agency through which all Grand Lodges could act cooperatively. Relief at times of catastrophe, education for Masons, service to mankind—all these were obviously areas in which a national Masonic agency could work to assist all Grand Lodges, their constituent lodges and members. The time was ripe for a Masonic Service Association of the United States.

Out of the labors at Cedar Rapids, Iowa, in November of 1918, was born a "Constitution of the Masonic Service Association," to be submitted to the individual Grand Lodges for approval or ratification. When fifteen Jurisdictions approved it, the Association was to come into being, and its First Annual Meeting was scheduled for November 11, 1919.

Even while the organization was being discussed, word came that the Grand Lodge of Georgia had approved the new constitution at its Annual Communication on November 27, 1918, and by that act of faith enrolled itself on the records as the first charter member of the Association. The Grand Lodges of Texas and Alabama followed quickly, approving the Constitution of the Masonic Service Association on December 2 and December 3 respectively. Connecticut voiced its approval on February 5, 1919—to become one of the seven charter members which have maintained an unbroken record of membership in the Association for fifty years! By May 14, 1919, seventeen Grand Lodges had joined the Association, fulfilling the constitutional requirement that "whensoever so many as fifteen Grand Jurisdictions shall have adopted said Constitution—said Association shall then become established as a permanent organization."

Consequently, 1969 marks the fiftieth anniversary of the Masonic Service Association as "a going concern". At its Annual Meeting held at the Shoreham Hotel in Washington, D.C., on February 25 of this year, special observances marked this golden anniversary of the founding of "Freemasonry's Servant," the highlight being an inspirational address by M. W. Brother H. Dwight McAlister, P. G. M. and Grand Secretary of the Grand Lodge of South Carolina, another of the seven charter members of the Association with fifty years of continuous membership.

When, on November 11, 1919, the first Annual Meeting was called to order in Cedar Rapids, Iowa, thirty-four Grand Lodges were represented, twenty-six of them by their reigning Grand Masters. Only one Grand Lodge which had approved the Constitution was absent; five, Delaware, District of Columbia, New Hampshire, New Jersey, and North Dakota were "there to stay," being the other Grand Lodges which have been members of the Association throughout its first half century.

Harmony, the support of all institutions, was not so easily created. The first decade of the Masonic Service Association is a story of difficulties and doubts. While pursuing its goals of Masonic education and relief, the Servant of Freemasonry sometimes ran into the fear of a "General Grand Lodge" which some Jurisdictions wouldn't touch with a ten foot pole. While the Association's relief activities demonstrated its value and usefulness at the times of the earthquake in Japan in 1923, the Puerto Rican Hurricane in 1928, the Florida Hurricane of 1926, and most brilliantly at the time of the Mississippi Valley Flood in 1927, there were doubts about its educational activities and programs, which sometimes seemed to be running before they had learned to walk. Jealousy sometimes raised its ugly head. By 1928, the Association faced a crisis which only a strong leadership could surmount.

That came in the person of M. W. George R. Sturges, Grand Master of Masons in Connecticut. Attending the Association's Annual Meeting in 1929, he became convinced of its value and usefulness, and as chairman of a special committee, proposed a reorganization of the Association so that it could make progress in the light of existing conditions. He was immediately elected Chairman of the Executive Commission, a position he was to fill for thirteen active and productive years. Engaging the services of the late Carl H. Claudy as Executive Secretary, he helped that master workman to build a Masonic Service Association which carried out its purposes and won the respect of the Masonic world. George Sturges has justifiably been called "the savior of the Masonic Service Association."

For those who would learn the complete story of the Association there is available Brother Allan E. Robert's book: Freemasonry's Servant, The Masonic Service Association of the United States: The First Fifty Years. It was published last February as part of the celebration of the fiftieth anniversary of the founding of the organization.

It tells the story of Carl Claudy's work to make the publications of the Association a valuable source of Masonic educational material, including his popular plays and Digests of Masonic information. It makes clear the fulfillment of the founders' dream—an agency to serve our sons and brothers in wartime. When World War II broke out, American Freemasonry had the tool with which it could bring brotherly love and service to the men in our forces. In seventy-five Masonic Service Centers at military camps and bases, staffed by well-trained Masonic directors who were assisted by thousands of volunteers, millions of servicemen could find relaxation, entertainment, comfort, and the counselling that many a homesick soldier needed. It was truly one of Masonry's finest Hours!

That vast program of Masonic benevolence brought another master builder into the history of the Masonic Service Association, John D. Cunningham of Kansas, the Director of Welfare, whose genius for organization and friendship produced the remarkable corps of volunteers and workers who made the Masonic Service Centers so valuable. It was Brother Cunningham who saw Freemasonry's continuing opportunity for service in the Military and Veterans Hospitals which were filling up so rapidly as the war was coming to a close. He helped to organize the Veterans Administration Voluntary Service and saw to it that the Masons would be able to bring their fraternal love and ministrations to the sick and wounded veterans who spend so many lonely hours lying on beds of pain. That story is still being unfolded. The daily visits and services of the many Hospital Visitors of the Masonic Service Association at Veterans and Service Hospitals are one of the most respected accomplishments of American Freemasonry. The work of the Field Agents who give so much of their time and love to those patients should be one of the Fraternity's most boasted accomplishments. Unfortunately, their story is not known as widely as it should be, and support for this truly Masonic work leaves something to be desired.

When Carl H. Claudy died in 1957, Brother "Jack" Cunningham was elected Executive Secretary and continued to guide the work of the Hospital Visitation Program. He immediately looked for a Brother who could carry on the literary and editorial work which his predecessor had done so splendidly for almost thirty years. In the person of Conrad Hahn, then Grand Master of Masons in Connecticut, he and the Executive Commissioners believed they had found the right Editor. In 1958 they persuaded him to come to Washington to promote the educational services of the Masonic Service Association. When illness forced Brother Cunningham's retirement in 1963, M.W. Brother Hahn became the Executive Secretary, where he continues to work for the Craft as the guiding hand of Freemasonry's Servant, the Masonic Service Association of the United States.

FINANCING

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BOB WILSON. Mr. Speaker, I want to add my voice to those who support this country's effort to develop a supersonic transport for commercial use.

Much has been said about the tremendous cost involved in the project. Critics have complained about the Government's involvement, saying that this is the responsibility of private enterprise. I disagree.

I think it is indeed the Government's responsibility to insure the prestige of the country and the aviation industry in world commerce. This project is obviously too costly both in time and money to expect private industry to carry the burden alone.

Under the terms of a contract with Boeing and General Electric signed by the Government on May 1, 1967, commercial production of the plane once the prototype is complete, will be financed wholly by the companies.

The Government will get a royalty on each sale to help reimburse it for its outlays.

It will only take sales of about 300 planes for the United States to recoup its initial investment of over $1.3 billion. With the sale of 500 planes, which is projected to occur by 1990, the Government will actually be making a profit.

I fail to see how anyone can fault this kind of logic. I, for one, am glad to see a governmental investment which will show such tangible results.

UP TO THE PEOPLE

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. McDONALD of Michigan. Mr. Speaker, in recent days we have received encouraging reports that our runaway economy appears to be slowing down. This needed leveling off is no accident. The Nixon adminstration has taken positive action to bring about this result. I believe every public official and every citizen recognizes the serious economic ramifications if inflation is not curbed. Both the administration and Congress are actively involved in reduicng unnecessary expenditures. I am hopeful that a new set of priorities will be formulated so that the effectiveness of vital Federal programs will not be curtailed. However, if we are to succeed in our efforts, some cuts in the budget must be made.

Part of the responsibility for continued progress in achieving fiscal and monetary stability rests with the general public. These people must understand the magnitude of this problem and cooperate in this campaign to preserve the integrity of the dollar.

Mr. Marty Carlson of the Lake Orion Review, a newspaper serving part of my district in Michigan, has written a fine editorial which clearly emphasizes the significance of the public's role in curbing inflation. I would like to share his thoughts with you:

UP TO THE PEOPLE

A new fiscal breeze is blowing through the land and evidence of its impact is seen in the report that the federal budget, after eight years of red ink, ended fiscal 1969 with a surplus of more than $3 billion. This is a sharp reversal from fiscal year 1968, when the federal government recorded a budget deficit of $25.2 billion.

It remains to be seen whether any long-term control of federal spending levels will be politically possible. The brakes are on; they are being felt and not always with pleasure by those who are affected. Controlling inflation means such things as high interest rates and difficulty in financing home buying. It means greater resistance to costly settlements in labor negotiations. It means the slowing of business expansion and finally, even though 1970 is a congressional election year, it means restraint in expansion of federal programs and services in which millions of people, who are also voters, have a vested interest.

Only the people of the United States, by their patience, understanding and support of control and common sense in federal spending policies can assure that a few years from now the dollar will still be worth somewhat more than the paper it is printed on.

STILL NEEDED: A STANDING COMMITTEE ON ENVIRONMENT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BROTZMAN. Mr. Speaker, on April 28, 1969, I introduced House Resolution 375, which, if enacted, would establish a Committee on the Environment—a permanent standing committee which would concern itself with many, although not all, of the pressing environmental quality problems which face this Nation and the entire world.

I proposed that this committee be vested with jurisdiction over water quality, air quality, weather modification, waste disposal of all types, pesticides and herbicides, acoustic hazards, and other degrading influences on the integrity of our environment.

Today the front page of the Washington Post carried an article which indicated to me that such a committee of the House, and a comparable organization in the other body of Congress, are desperately needed.

The story, which I am submitting for reprint in the RECORD, described "feuding" over congressional committee authority in creating a national environmental policy.

I am of the opinion that such jurisdictional debates could delay for years one of this Nation's most critical needs—a cohesive crash program to restore the quality of our natural environment.

Nearly everyone agrees that both Congress and the executive branch should overhaul the management systems which have grown, like Topsy, as we have attacked our environmental problems piecemeal. But after several years of debate over procedures we seem unable to get even a consensus about committee authority in Congress, and I am very much afraid that precious years will be lost unless fresh approaches can be implemented.

I would like to repeat a portion of my speech of last April 28. I said:

It is incumbent upon Congress, in my view, to take a singleminded approach in providing the enabling legislation, the funding and—perhaps most important of all—eternal oversight as the environmental salvage efforts proceed.

We are not talking in terms of a few years or even a decade of environmental therapy. It may well take 100 years or more of research and applied science to restore clean air, with a proper balance of carbon dioxide and oxygen. Or to rescue bodies of water such as Lake Erie, San Francisco Bay and the Potomac River from their current status as open sewers. Or to learn how to dispose of our solid wastes and our chemical and radiological poisons without killing our wildlife and upsetting our ecological balances . . .

In introducing this legislation I want to state very clearly that I do not minimize the excellent work which has been done by a number of our present committees in these very areas.

But I do claim that some of these problems currently are under the scrutiny, irregularly, of two, three and four different committees, a situation which is neither efficient nor conducive to the coordinated leadership which the Nation and the world so desperately need for the environmental quality crusade.

Mr. Speaker, I have urged the House Committee on Rules to schedule hearings on House Resolution 375, as have many of the 29 Members who have joined in sponsoring identical resolutions.

I firmly believe that a Committee on the Environment in the House—matched, I would hope, by an equivalent standing committee in the other body of Congress—is sorely needed to forge some of the landmark legislation which will be needed in the decades ahead.

The Committee on the Environment potentially would represent some of the most prestigious assignments in the Congress. I could think of no greater responsibility to mankind than assuring a high quality of life for current and future generations.

The Washington Post article of September 29, 1969, which I mentioned earlier, follows:

SENATORS MUSKIE AND JACKSON FEUDING OVER CONTROL OF ENVIRONMENTAL BILLS

(By Spencer Rich)

Two of the Senate's most powerful senior Democrats are feuding over their respective authority in creating a national environmental policy.

The disputants are Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, and Edmund S. Muskie (D-Maine), chairman of the Senate Public Works Subcommittee on Air and Water Pollution and presently his party's front-runner for the 1972 Democratic presidential nomination.

The controversy centers less on substantive issues than on the question of which Senate units should have jurisdiction over general environmental questions. That is not a negligible issue in a legislative body where tradition, seniority, prerequisites and control of legislation are paramount.

Jackson last July pushed through the Senate without debate a bill establishing a national environmental policy and creating a Board of Environmental Advisers in the Executive Office of the President.

A similar measure was passed by the House last week, but Muskie is threatening to block a House-Senate conference to iron out differences because he fears the Jackson bill would give the Interior Committee permanent jurisdiction over general environmental policy questions.

Some sources close to Muskie even suggest that the Jackson bill might be the opening wedge of a campaign to gain for the Interior Committee at least partial power over legislation on air and water pollution and solid waste disposal, which are now under the jurisdiction of Muskie's subcommittee.

Muskie is also said to be dissatisfied with some of the specific language in the Jackson bill, fearing it may dilute environmental controls in some respects. Muskie's own committee, in approving the water pollution control amendments in August, included a section creating an Office of Environmental Quality in the executive office of the President. This appears to overlap directly on the Board of Environmental Advisers included in the Jackson bill. The Committee whose bill ends up as the one creating the White House unit will be the one that exercises future jurisdiction over the unit.

Muskie has also been pushing for creation of a Select Committee to generally study environmental matters, with no direct legislative jurisdiction, but aides claim Jackson has blocked the advance of this measure in the Government Operations Committee.

Jackson's aides deny that the Interior Committee is seeking to raid Muskie's jurisdiction on environmental programs like air and water pollution and point out that the Jackson bill on environmental policy and a White House unit was passed first, while Muskie's provision has not even reached the floor yet.

The dispute between the two Senators has held up not only Jackson's bill, but Senate floor action on the water pollution bill, though that is supposedly coming to the Senate floor early this week.

Over the past week, spokesmen for the two Senators have been negotiating. With Chairman Jennings Randolph (D.-W. Va.) of the full Public Works Committee, they got the Democratic leadership last Wednesday to postpone a vote on the pollution bill.

All sorts of proposals have been made, but so far none has been accepted by the parties to the dispute: for example, that the Jackson bill, though already passed by the Senate, now be referred to the Public Works Committee for hearings on the environmental policy statement included in the measure; or (on the other side of the issue) that Muskie simply drop from his bill its section on a White House unit, in return for which Muskie might be allowed to go to the House-Senate conference on Jackson's bill and help rewrite the section he doesn't like.

A compromise may be worked out before the water pollution measure reaches the floor; but if not, it is conceivable the two senators will clash openly on the issue during this week's debate.

TRIBUTE TO DON BELDING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. ANDERSON of California. Mr. Speaker, the people of Los Angeles and of the entire country lost a dedicated public servant when Don Belding passed away. The many humanitarian causes that were associated with him will miss his leadership and inspiration. His civic-mindedness created an example for others to follow. Don Belding will be sorely missed by those who knew him and by the community he so ably served.

With this in mind, I would like to enclose in the RECORD the following editorial from the September 19, 1969, Los Angeles Times:

THE EXAMPLE OF DON BELDING

Few men have "retired" to as full and rewarding a life in public service as did Don Belding, who died this week at the age of 74.

Mr. Belding had every reason to rest following a highly successful career as founder and top executive of a major advertising agency.

Instead his retirement from Foote, Cone & Belding in 1957 marked the beginning of an extraordinary series of volunteer projects on behalf of his community and his nation.

One of the most impressive civic monuments he leaves behind is Los Angeles International Airport. Now one of the world's busiest, International's growth was guided by Don Belding and other farsighted members of the City's Board of Airport Commissioners.

In addition, Belding also served in 1958 as national president of the Easter Seal campaign. He was highly motivated, for 35 years earlier he had recovered from a near-fatal attack of tuberculosis—the result of being gassed in World War I.

In addition, Mr. Belding was national fund chairman of the Arthritis and Rheumatism Foundation, president of the Crippled Children's Society of Los Angeles, co-chairman of the Los Angeles Committee for the Handicapped, and in 1965 he succeeded Gen. Eisenhower as president of the board of directors of the Freedoms Foundation.

The Army awarded Mr. Belding its Distinguished Civilian Service Medal in 1961 in recognition of his performance as civilian aide to the Secretary of the Army for Southern California.

Don Belding set an impressive example of public service. His death will be mourned throughout the nation, but nowhere as much as in the community to which he devoted so much time and talent.

VOTE REFORM BILL A BLOW TO STATES

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BERRY. Mr. Speaker, I insert a column by David Lawrence which appeared in last week's Evening Star. I think Mr. Lawrence makes some excellent points about the direct election of the President and Vice President.

The column follows:

VOTE REFORM BILL A BLOW TO STATES

The whole strategy of presidential politics and perhaps congressional campaigns, too, will be completely changed if the proposed amendment to the constitution providing for direct popular election of the president and vice president is adopted. It has just passed the House and soon will be considered by the Senate.

The power and influence of the states may well vanish, and the nation may be ruled by the regions with the largest populations. As persons of voting age who can neither read nor write are made eligible to vote, the opportunity for widespread frauds will be increased.

Presidential candidates would no longer pay much attention to the smaller states in the South and in the Pacific and Rocky Mountain areas, but would concentrate on getting big majorities in the East and Middle West.

Three fourths of the state legislatures must ratify such an amendment, and there are doubts whether this will happen, as it will take only 12 states to block the adoption of the proposed amendment.

The two plans which were rejected in the House were more in keeping with tradition in America. Under each, the Electoral College would have been continued, but all of a states electoral votes would not have gone to the candidate who received the majority of the popular vote within the state. It has been recognized that the latter, which is the present system, is faulty, and the alternatives being suggested would have allocated an electoral vote to the winner in each Congressional District or divided a states electoral votes in proportion to each candidates popular vote in the state.

If the proposed amendment becomes a part of the Constitution, presidential candidates who make a good appearance on TV or who can deliver clever speeches appealing to the masses will probably be victorious. Campaign expenses will move up by tens of millions of dollars because the emphasis would no longer be on how to win a majority in each state but how to get at least 50 percent of the total votes cast in the whole country. More organization workers would be utilized inside the big cities.

Only if no candidate polls 40 percent of the popular vote would there be a runoff election between the two leading candidates. Experienced politicians, however, know that, even in a three-way race, it is not difficult to get a little more than 40 percent of the popular vote. The 1968 election, with three candidates running, was close between Nixon and Humphrey, but the Nixon and Wallace votes together—which were obviously anti-Johnosn—were not enough to keep Humphrey from winning 42.7 percent.

The nature of political conventions is also likely to be modified considerably if the pending amendment is adopted. It will mean that the contest for delegates will be more vigorously fought in those states where there are primaries. In many cases, however, the state political organizations choose the delegates, so that it is possible for political bosses in just a few big cities to select the presidential nominee of a party.

There have been some instances in which a majority in only nine cities in the country were enough to secure the election of a Democratic candidate who already had the South in his pocket. But since the South has changed, this has been impossible. Richard Nixon, the Republican candidate in 1968, would not have won without some of the Southern states and the overwhelming support of the West. He failed to carry some of the more populous states, but was able to overcome this by the electoral votes of smaller states.

Under the proposed amendment, this may no longer be possible, because the candidate with the widest "popular" appeal could get big majorities in the states with the largest populations, and these would offset the vote in other areas.

There are, of course, defects in the present system whereby a popular majority in a state swings the state's entire electoral vote. The practical alternative which has been advocated is that a state would be given an electoral vote for each of its Congressional Districts, plus two statewide, and record them by the majority in each district, with only two electors chosen by the majority vote of the state.

Certainly the new amendment is not going to be in effect in time for the 1972 election. If the state legislatures, with their own interests in mind, examine the matter carefully, the proposal may never be adopted.

COMMUNIST TERROR TACTICS IN VIETNAM

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. SPRINGER. Mr. Speaker, many of us in the Congress who have been keeping track of the Communist terror tactics used by the North Vietnamese in South Vietnam have been dismayed that the press coverage on this matter has been almost minimal.

Yet reams have been written about the Green Berets. I am sure that whatever justice is found in that case will be meted out. However, for even one case like this we have had first page articles no end. The assassinations, kidnapings, and injuries done to civilians by the North Vietnamese in South Vietnam are almost unbelievable. Recently, there was placed on the desk of the U.S. negotiators in Paris a 10-page document entitled "Communist Terror Tactics in Vietnam." The columnist, Jack Anderson, has written a story which is quoted in the Champaign-Urbana News Gazette of Monday, September 22 on the editorial page. It is entitled "Communist Terror Record Hangs Over Paris Peace Talks." In this column, Mr. Anderson quoted directly from the document.

This relates a great deal to what took place in North Vietnam in the 1950's. Mr. Anderson uses the figure as varying widely between 10,000 and 500,000. The State Department uses the figures 50,000 to 150,000 people shot, starved, or assassinated, and those should be at least fair estimates of what took place.

The figures released last week should have been front-page news in every daily newspaper in the country. AP released a story on Saigon on September 24 including actual figures for the week ending Saturday, September 20, in which it is reported that North Vietnamese terror squads killed 99 civilians, wounded 238, and kidnaped 83. In August, 345 civilians were assassinated, 1,392 were wounded, and 141 kidnaped.

From January 1 to August 20, 1969, 5,030 civilians were assassinated, almost 13,000 wounded, and almost 5,500 South Vietnamese were kidnaped by the North Vietnamese and the Vietcong.

In order that my colleagues may have a clear understanding of what has taken place, I attach herewith the article of Jack Anderson as printed in the Champaign-Urbana News Gazette of last Monday and also another article from the Chicago Tribune of Thursday, September 25:

COMMUNIST TERROR RECORD HANGS OVER PARIS PEACE TALKS

WASHINGTON.—Among the briefing papers of the U.S. negotiators in Paris is a stark, 10-page document, entitled "Communist Terror Tactics in Vietnam," which casts a shadow over the truce talks and restrains the Americans from making careless concessions.

It presents a sober, documented account of Communist purges in the north and assassinations in the south—a dark reminder of what could be expected if the Communists should ever take over South Vietnam.

"Does it necessarily follow that a Communist victory in South Vietnam would lead to mass arrests and wholesale executions?" This grim question is raised by the document. "Such a prediction can only be based on the past performance and present policies of the Communist party. From the 1945 'August Revolution' purges through the 1968 Hue massacre and beyond, the record is not very reassuring."

Captured enemy documents bring in daily confirmation that it is still Communist policy to eliminate opposition by systematic assassination. Some captured instructions even assign assassination quotas and scold execution squads that fall behind in their murdering.

The victims, of course, are called "cruel tyrants" and "enemies of the people." However, they include women and children whose only crime is being related to government officials or sympathizers.

The document prepared for the U.S. truce team charges that the Communists since 1945 have made "a very considerable effort throughout Vietnam to eliminate any actual or potential opposition through arrests and political murder."

The Communist takeover in the north was followed by large scale executions, which reached massacre proportions during the 1951–56 period. Communist vengeance was first wreaked upon the landowners, but this was broadened in 1953 into a reign of terror known euphemistically as the "political struggle."

In many ways, it resembled the "cultural revolution" that has convulsed Communist China. Instead of using Red Guards, however, the North Vietnamese party "enlisted the lowest elements of society to torture and murder under the motto 'Give the masses a free hand to fight the reactionaries.' This wave of terror spared no class or group, and even party members fell victim to it.

"An immediate result of this action," the document notes wryly, "was a greatly increased willingness to 'volunteeer' for 'citizen-labor' and to pay taxes promptly. Also a substantial part of the population became implicated in these executions, thereby removing the sole onus from the party and government. The main effect, however, was to condition the rural population for the next step, the land reform."

The North Vietnamese have put out a lot of rosy propaganda about their land redistribution. They leave unmentioned the death that accompanied it.

Declares the document: "In the implementation of this program, a norm of at least one death sentence per village was set for the first stage and was raised to five per village in the following stage. Since statistics on the number of victims of the over-all land reform campaign were never made public, estimates vary widely from 10,000 to 500,000.

"The actual figure probably lies between 100,000 and 200,000, not including the considerable number who committed suicide to avoid mass trials or who starved to death as a result of the enforced isolation of those victims, with their families, who were not permitted to leave their homes for months at a time during the campaign. By the time the land reform campaign ended in 1956, virtually the entire population was in mourning. . . .

"There is no way of telling how many people subsequently fell victim to the ever-tightening police controls that were systematically fastened on North Vietnam."

The mass bloodletting in the north was accompanied by more refined slaughter in the south.

"Since the late 1950's" alleges the document, "the political terror tactics in the south have resulted in thousands of civilians being killed and tens of thousands wounded or abducted. . . . These actions have, however, usually not been indiscriminate. They have been designed to eliminate officials, teachers, revolutionary, development, cadre, and others who represent the government. Or they have been designed to discourage the population, both rural and urban, from cooperating with the government.

"The Tet offensive of 1968 might well, the party believed, have resulted in a Communist victory had the anticipated general uprising in the cities materialized. In anticipation of seizing power, the party reverted to some of the purge tactics it had used in 1945 and 1946 to eliminate or neutralize the opposition leadership. . . .

"The temporary occupation, in February 1968, of a large part of the old imperial capital, Hue, provided the world with a grim foretaste of what a total Communist occupation of South Vietnam might well produce. Despite the intense fighting in the city, cadres equipped with lists of names and addresses on clipboards went about arresting and executing Vietnamese and foreigners who were of significance in the community.

"Often their wives and children were executed with them. In all, approximately 3,000 civilian men, women and children were executed in the Hue area. Some were beheaded and a number were buried alive after hasty executions. The victims were mainly the police, political leaders, provincial and local civil servants, anybody who worked for the Americans, and anybody who was known for his opposition to the Viet Cong.

"The Hue massacre and other similar actions would indicate that the Communists still believe Truong Chinh's dictum: 'For a new-born revolutionary power to be lenient with counter-revolutionaries is tantamount to committing suicide'."

CONG TERROR CONTINUES AT BLOODY PACE: 99 KILLED IN A WEEK BY GUERRILLAS

SAIGON, VIETNAM, September 24.—A war waged by Viet Cong terrorists against civilians continued at a bloody pace, statistics showed today.

Reports released by government agencies gave these figures:

1. In the week ended Saturday, enemy terror squads killed 99 persons, wounded 238, and kidnaped 83.
2. In August, 345 civilians were killed by terrorists, 1,392 were wounded, and 141 were abducted.
3. From Jan. 1 to Aug. 20, 5,030 civilians were killed, 12,935 wounded, and 5,464 kidnaped.

BOMB IN TIN CANS

Most terror attacks occur in those shadow areas which the government controls by day and the Viet Cong runs by night. Such attacks also happen on the streets of Saigon, Da Nang, and Hue.

This morning, a few minutes after Saigon's midnight to 6 a.m. curfew had lifted, venders setting up stalls at the central market noticed what appeared to be a homemade bomb in a small tin can.

Police called a bomb disposal unit. A member of the team lifted the can. It exploded, killing him and wounding three bystanders.

Hamlet officials and members of the Peoples Self-Defense force [P.S.D.F.] are particular targets of the terrorists.

National police said that two hamlet chiefs had been assassinated in the last week, a hamlet chief and a village chief wounded, and two other hamlet chiefs abducted.

PAPERS PINNED TO BODIES

Bodies of kidnaped government officials often are found with Viet Cong execution papers pinned on them. The papers accuse them of crimes against the people.

In a raid Monday on a hamlet near Da Nang, Viet Cong guerrillas abducted 30 girls who were P.S.D.F. members, national police said. The self-defense force is a voluntary, paramilitary organization whose members are issued arms at night to increase security in villages.

In the only new battlefield contact reported by military sources, soldiers of the United States 1st air cavalry division and jet fighter-bombers teamed up to kill 24 North Vietnamese regulars in a fight 55 miles north of Saigon. There were no American casualties.

LOCAL JURISDICTION SHOULD PREVAIL IN OBSCENITY CASES

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. WATSON. Mr. Speaker, the decision by the House Judiciary Committee to hold hearings on a number of bills to curb pornography has met with the support of the people of my State of South Carolina. As a sponsor of one of these bills I welcomed the opportunity to testify in its behalf before the Judiciary Subcommittee which is conducting the hearings. I was unable to appear before the subcommitee in person on the opening day of the hearings, because the House Select Committee on Crime, on which I am privileged to serve as ranking minority member, was holding hearings of its own in Boston. Nevertheless, I did submit a statement to the subcommittee, and I would like to include it as a part of my remarks as follows:

Mr. Chairman and my distinguished colleagues serving on the Subcommittee of the Judiciary Committee, you are to be commended for holding these hearings, and I am grateful for the opportunity to submit a few thoughts that I have on this matter of critical national importance.

I can certainly appreciate the awesome task facing this Subcommittee. Views toward what might be considered obscene or pornographic will of course vary, and in formulating legislation in such an area there is the ever-present and vitally necessary consideration of First Amendment rights.

Nevertheless, I think most of us would agree that the average American citizen is being blasted from every side by the purveyors of smut. In the words of President Nixon, and I quote the President:

"American homes are being bombarded with the largest volume of sex-oriented mail in history." Unquote.

Mr. Chairman, if my constituency in the Second Congressional District of South Carolina can be used as an example, the President has certainly hit the mark. Daily, I receive complaints from justifiably irate parents whose mail contains advertisements for sex-oriented material, and in many instances children open mail which only seems to be an advertisement. Unfortunately, most of these advertisements are not limited to a written description of the product for sale, they are also accompanied with candidly illustrated brochures which leave nothing to the imagination.

In my judgment the mail order pornography business constitutes the most serious, but by no means only, example of the mass obscenity assault on the American people.

Most of the so-called award-winning motion pictures and highly publicized novels these days are also purposely designed to exploit sex in its most prurient form. Only ten years ago or less these same films and books would have been placed in the underground category, and now the films play in neighborhood theatres and the books are on the best-seller lists.

Admittedly, it is more difficult to place limitations on what motion picture films show or what books say under present federal law. This is a matter for each individual state to decide, and in this connection I would like to discuss my bill, H.R. 11555, later on.

But, there are federal statutes governing smut mail. Of course the Post Office Department has been hampered in its ability to enforce the law as a consequence of various Supreme Court decisions; however, enactment of the President's legislative proposals, which I might add include some good stiff penalties, should help clear the air.

During my service in the House I have written numerous letters to the Post Office Department expressing my concern about the mail system being used as a vehicle to distribute sexually-offensive propaganda. The response from the Department has always been courteous and generally sympathetic, but the replies are always the same—Post Office officials feel that their efforts to enforce the law would go for naught because of the Supreme Court.

As in so many areas in which the Supreme Court fails to exercise judicial restraint, a broad dictum is declared without anyone, including the justices themselves, being prepared for it. The obscenity dictum handed down by the Court has been one of the most confusing of all, especially to the lower courts. And, indeed it is confusing.

According to the language of the Supreme Court in recent years, to pass the very nebulous test that the Court attaches to the First Amendment, a matter is not considered legally obscene unless it is quote:

"Utterly without redeeming social value." Unquote.

Mr. Chairman, I am certain that the Supreme Court never realized the adverse effect this edict would have on curbing pornography. Generally speaking; however, the end result of this intrusion into a delicate area of the law has been a well-organized, calculated scheme on the part of the filth merchants to make obscenity in every form available to every man, woman and child in this country.

While I certainly would not attempt to define the Court's meaning of the term "utterly," it does carry the connotation of being all-embracing, and in this regard has been interpreted by many lower courts and law enforcement officials to simply mean that anything goes, no matter how lewd and licentious it might seem; hence it isn't worth the time trying to get a conviction because it will be overturned by the Supreme Court.

This is indeed unfortunate. It is tragic. By handing down such a totally inane and confusing rule of law, the Supreme Court in my judgment has opened the pandora's box of unrestricted obscenity.

But, there is a ray of hope. Just this past April the Supreme Court handed down a decision upholding a New York State law which prohibits the selling of various lewd magazines to persons under 17 years of age. As a result of this decision a number of state legislatures are cracking down on the pornography racket.

As I mentioned earlier in this statement, it is difficult to determine what is obscene. The concept of what constitutes pornography will differ from state to state, from jurisdiction to jurisdiction. Therefore, it seems to me that our unique system of federalism which takes into account local customs would allow each state or local jurisdiction to make its own determination as to just what is or is not obscene. In fact, the Constitution clearly shows its respect for local customs through the sanctioning of a state's police powers.

This brings me to my bill, H.R. 11555. The sole objective of this legislation is to bring order out of chaos concerning the trial and review of criminal actions involving obscenity. It imposes no restrictions on an individual state. It does not infringe upon anyone's freedom of speech. It does uphold the right of the states and local communities to determine for themselves if something is pornographic. What could be fairer than allowing local standards to prevail in this matter?

I am sure you are familiar with the provisions of H.R. 11555 and related bills. It is designed to deny appellate jurisdiction to any Federal court of a decision by a jury in regard to criminal actions involving obscenity. Additionally, no Federal court would have the authority to review, reverse or set aside a decision by a court of a state or its subdivision concerning local obscenity statutes.

Mr. Chairman, I am shocked and alarmed over the flood of indecent movies, books, magazines, and mail advertisements which have cropped up on the American scene in just the past few years. Some call it a sexual revolution. Some say we are just throwing off the yoke of a puritan past. Still others casually dismiss this phenomenon as a passing fancy. I say nonsense. I don't believe that the overwhelming majority of people in this country accept low moral standards as a way of life.

No one has a right to invade a person's privacy by filling his mail with filthy, pandering advertisements. No one has a right to corrupt the morals of youth by selling them vulgar magazines, pictures, etc. And, I believe it is past time for Congress to get tough and break up the activities of these brazen dealers in lasciviousness.

While I am certainly open to consideration of any bill to attain this objective, I do believe that that bill should eliminate the confusion brought about by the Supreme Court's entry into the obscenity business. Once the law is clarified, prosecutors should have little trouble in getting convictions in obscenity cases, especially when the accused has to face local juries.

That concludes my statement. Thank you, Mr. Chairman and members of the Subcommittee for your kind indulgence.

NO PLACE FOR POLITICS IN VIETNAM DEBATE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. UDALL. Mr. Speaker, there has been discussion in the House today, as there was comment in the news media over the weekend, about the possibility of partisan attacks on President Nixon on the issue of Vietnam. Since my name has come up in these discussions, I want to make clear just what my position is.

While I believe President Nixon should take additional steps toward disengagement in Vietnam, I am opposed to any partisan action by Democrats in the Congress to force his hand.

For several weeks I have been working quietly with some Members of both parties here in trying to devise ways in which like-minded Democrats and Republicans could counter the pressures on the President by the Thieu-Ky Government and by Americans who would still seek a military victory in Vietnam. This is the only approach that makes any sense to me.

A great majority of Americans of both parties supported our initial involvement and later escalation in Vietnam. I was one of that majority until 1967, and I assume my share of the responsibility. In my judgment, the war will end only when Democrats and Republicans, working together through our political processes, bring about the difficult and painful changes which are necessary to alter our course.

I regret that a private meeting which I attended last week has been publicized in a manner to suggest that I favor steps to exploit the President's present difficulties. I do not. Mr. Nixon did not start this war. His problems, are in large part, inherited. He is the only President we have got, and he is under tremendous, conflicting pressures. His is a difficult job which deserves all the help we can give him.

At the same time, I believe additional steps are needed to get us out of this horrible war, and to that end I introduced a resolution last week calling for the withdrawal of substantially all of our troops by the end of next year. In my judgment the government in Saigon will continue to press for unreasonable objectives, impossible to achieve by arms or negotiations, until we take this kind of definite and irrevocable step.

I commend President Nixon for his May 14 speech, for his start of troop withdrawals, and for his initiative in transferring responsibility to the South Vietnamese. I only hope he will go further and take the additional steps I believe are necessary to extricate us from a war nearly everyone agrees was one of the worst blunders in American history.

HOMEBUILDERS NEED IMMEDIATE HELP

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. **PELLY**. Mr. Speaker, during the congressional August recess, I met with representatives of the Home Builders Association of Washington State. They pointed out to me the crisis faced by the residential construction industry due to the existing high interest rates and the consequent drying up of mortgage funds.

It seems to me, Mr. Speaker, because of the critical shortage in housing that action by Government is urgent and in this connection I would hope the Federal Reserve Board would promptly take action to roll back the prime interest rate. Also, I would hope this House would take immediate steps, as recommended by the homebuilding industry, to implement some controls on consumer credit.

At this point, I submit for inclusion in the CONGRESSIONAL RECORD the position statement on the financial crisis in the residential construction industry:

A POSITION STATEMENT—FINANCIAL CRISIS, HOME BUILDERS ASSOCIATION OF WASHINGTON STATE

The residential construction industry in this state and throughout the nation is in a most critical period. The need for adequate housing for the American people is at an all time high and yet skyrocketing prices and interest rates are making it impossible for the industry to build the houses our nation so badly needs.

It has been stated, and with justification, that the Federal Reserve Board has permitted the nation's large banks to undermine the Board's tight money policy. These large banks have fed the inflationary corporate boom instead of turning down loans and rationing credit. Inflation has not been and is not being curbed—higher and higher interest rates have most certainly not slowed consumer credit which is practically unlimited on goods and services in every city in the country. In short, little or nothing has been done to alleviate the plight of the home builder. Many in our industry are either in serious financial difficulties or have shut down operations. It is, thus, apparent that state and national housing goals will not be met and that irreparable damage will be done to the home building industry unless positive, constructive and perhaps even drastic action is taken by the Federal Government.

Therefore—to afford some modicum of relief while a long term solution is sought, the Home Builders Association of Washington State accepts the necessity for the following action:

1. Immediate implementation of effective controls on consumer credit; and
2. An immediate rollback in the Prime Interest Rate to 7½%.

VISION, FAITH, AND COURAGE

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. SNYDER. Mr. Speaker, on Thursday, September 11, Brig. William Harvey, Salvation Army Division commander, addressed the 18th graduating class of the Booth Hospital School of Practical Nurse Education. His exhortation to idealistic and humanitarian pursuit was reported, along with the plans and thoughts of the dedicated graduates, in the following Kentucky Post article written by Nancye Moncrief and appearing on Friday, September 12:

VISION, FAITH, AND COURAGE

(By Nancye Moncrief)

Last night 15 modern day Florence Nightengales were given the prerequisites to success—"vision to see, faith to believe, and the courage to do."

And today all 15, graduates of Booth Hospital's School of Practical Nurse Education, began work in their new profession.

Speaker at the 18th graduation held at First Presbyterian Church, Ft. Wright, was Brig. William Harvey, Salvation Army Division Commander, who urged the graduates to "help patients to the recovery of their individual identifications and a renewed sense of personal worth in the computer age."

"You have the privilege of conveying to your patients," Brig. Harvey said, "a new sense of identification . . . amid the complexities of scientific achievement."

"The important ingredient to being a nurse," explained one of the graduates, Mrs. Geraldine Sterling, "is the love of people."

"That's why I decided to become a nurse. It's always been in the back of my mind that someday I would be a nurse."

Mrs. Sterling of 1102 Central Row, Elsmere, has two children, Joey, 14 and Karen, 10.

"Without my husband's (Gerald's) help and the children's I could never have done it."

Mrs. Dorothy Ciarlo became acquainted with work at a hospital 15 years ago when she served as a nurse's aid.

She stopped to rear her family, Carol, 21 and William, 17.

"Since they're grown I was able to take the time to attend school," Mrs. Ciarlo, 32 Wilson Road, Newport, said.

Like Mrs. Sterling, Mrs Ciarlo will continue work at Booth.

"I hope to work in the psychiatric ward soon, I enjoy helping the patients there," Mrs. Ciarlo said. Mrs. Sterling hopes to eventually work in the emergency room "where there is constant variation."

Barb Fessler, 19 daughter of Mr. and Mrs. Irvin Fessler, 35 Woodlawn, Newport, has taken just the first step in her nursing career.

In February, she begins surgical training at Christ Hospital, Cincinnati.

"I went into nursing because I feel it is the best way for me to help those who can't help themselves," the 1968 graduate of Our Lady of Providence said.

Miss Celeste Mueller, 20, of 449 Ward avenue, Bellevue, will begin work at Children's Hospital in the adolescent ward.

"I want to work in intensive care," the 1968 graduate of Notre Dame said.

A former Candy Striper at St. Luke Hospital, Miss Mueller went into practical nursing "because I want to work directly with the patients."

"It is a constant learning experience. Every day is different," the daughter of Mrs. Melvin Mueller said.

Work as a Red Cross volunteer grew into a nursing career for Collen Murphy, 18, of 123 Bonnie Leslie, Bellevue.

She will work at Good Samaritan Hospital, Cincinnati, "because I wanted to work at a larger hospital."

"I worked at the Brighton Street Center during high school and thought for a time I would like to be a social worker.

"When I came into this program I knew it was what I wanted," she added.

She is the daughter of Mrs. Rosemary Murphy.

Nineteen-year-old Rita Lonneman, daughter of Mr. and Mrs. Robert Lonneman, 1050 Altavia, Park Hills, will go back to St. Elizabeth Hospital where she did volunteer work during high school at Notre Dame Academy.

"I love people. That's really why I decided to go into nursing," she said.

Other graduates include:

Miss Beverly Burnside, 8639 Cheviot road, Cincinnati; Mrs. LaVerne Feist, Batavia, O.; Mrs. Chirley Hicks, Cincinnati; Miss Rita Kruetzkamp, 22 Virginia, Ft. Mitchell; Miss Donna LaFace, 421 Ward, Bellevue.

Also Mrs. Phyllis Manuel, R. 1, Butler; Miss Jackie Poindexter, 4 Pike, Bromley; Mrs. Janice Smith, 10 Valley, Florence, and Miss Diane Tebelman, 905 Kenridge, Villa Hills.

COAL MINE HEALTH AND SAFETY LEGISLATION

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, the drafting of an effective coal mine health and safety bill is an arduous undertaking. Any of those associated with the enactment of legislation on this issue know from past experience that this is a thankless task, and those engaged in it are shot at and subjected to pressures from all sides. As a Representative in Congress from the largest coal-producing State in the Nation, I feel very keenly and personally the need to obtain the strongest possible legislation. It is for this reason that I have attempted to speak out on behalf of stronger legislation at every opportunity.

I respect the honesty and integrity of all those who are associated with this difficult legislation. Where we have differences of opinion, I have directed my remarks at the substantive provisions of the pending legislation. On two different occasions I presented testimony to the House Committee on Education and Labor urging that the proposed Federal Coal Mine Health and Safety Board of Review be eliminated from the bill, and that the distinction between gassy and nongassy mines be eliminated.

On September 23, 1969, at pages 26619 to 26620 of the Record, I again presented arguments on these two sections of the bill. At no point in my remarks did I make any reference to any individual Members, and confined my remarks to what I felt were severe shortcomings in these provisions.

Accompanying my remarks, I inserted into the Record articles from the New York Times and the Charleston, W. Va., Gazette. One of these articles contains a quotation concerning the waiver beyond 6 years which the Secretary of the Interior may give for electric face equipment in certain mines if the equipment is not available. This article quotes me as stating:

> This is an open-end waiver, a sellout, a giveaway.

Although I certainly did characterize this provision as an "open-end waiver," I am confident I did not use words like "sellout" or "giveaway," and in any case did not use the name of any Member during a discussion which was confined to the issues. I have carefully checked all statements, press releases, and remarks issued by my office and find no words such as "sellout" or "giveaway."

It is unfortunate that tempers flare during the passage of legislation as important to the safety, health, and lives of thousands of coal miners. I am appreciative of the diligent work which the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Dent), has done on this bill, as well as the leadership exercised by the chairman of the full committee, my neighbor, the gentleman from Kentucky (Mr. Perkins). I hope that a strong and effective bill will emerge from the deliberations of the Congress. I trust that the loopholes will be closed and that the coal miners will have the protection which all human beings deserve.

FEDERAL WATER POLLUTION PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. DINGELL. Mr. Speaker, the Michigan Municipal League at its recent 71st annual convention in Grand Rapids adopted a resolution urging the Congress to appropriate the full $1 billion authorized for fiscal year 1970 under the construction grant program of the Clean Water Restoration Act. The resolution also urges the President to refrain from any cutbacks in this construction program.

The Michigan Municipal League is an association of Michigan cities and villages organized in 1899 for improvement of municipal government by united action. I am pleased that the league adopted this resolution and I include the text of the resolution at this point in the Congressional Record:

Federal Water Pollution Program

MICHIGAN MUNICIPAL LEAGUE

RESOLUTION NO. 14

Whereas, the approval by the electors of a $335 million water pollution control bond issue has placed Michigan in the vanguard in seeking to eliminate municipal pollution of our water resources, and

Whereas, the Federal government by the Clean Water Restoration Act of 1966 made a commitment to the States and local units of government to join with them in a major attack on water pollution and, as a result, the State of Michigan and its cities and villages have worked diligently on a comprehensive action plan within the framework of the Federal program, and

Whereas, the Federal government has not only failed to meet its commitments by failing to appropriate funds in accordance with the 1966 Act but now the administration seems ready to make major cutbacks in even the reduced program, and

Whereas, these changes in the Federal program threaten the success of Michigan's water pollution control program;

Now therefore be it resolved, That the Michigan Municipal League in Convention assembled this 11th Day of September, 1969 urges the Congress to reconsider its ill-advised withdrawal of full support for the water pollution control program by appropriating the full amounts authorized in the 1966 Act, and

Be it further resolved, That the members of the League urge the President of the United States to refrain from any cutbacks in the construction program that will have an adverse effect on the successful completion of the water pollution program.

ISRAEL'S CAUSE IS JUST

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. EILBERG. Mr. Speaker, it was my particular privilege to be on hand to greet the Prime Minister of Israel, Mrs. Golda Meir, when she arrived in the United States, Wednesday, September 24.

The first stop of this proud, inspiring lady's visit to America was its spiritual birthplace, Philadelphia. Her first public appearance on our shores was at Independence Hall, where she stirred the hearts and minds of 20,000 of my fellow Philadelphians.

At Independence Hall, Mrs. Meir told the cheering crowd that she was pleased to be "near the Liberty Bell, near this room where men sat and declared themselves free and did not fear the large forces who were against them. They were free in spirit and therefore they were strong. Nowhere else is Israel so well understood as on these grounds and near this bell."

Her message was clear. Israel and America share more than friendship; they share aspirations and the view that free men should govern themselves in strength and in safety.

Twenty-one years and three open conflicts have not changed the basic fact that Israel's cause is just and that Israel and America share the common purposes of justice and freedom.

I issued the following statement on the occasion of Mrs. Meir's arrival in the United States and her visit to Philadelphia and, with the unanimous consent of my colleagues, I offer it here for the Record:

Mrs. Meir's Visit Is a Proud Moment for Our City

Mrs. Meir's visit to Philadelphia is a proud moment for our city of friendship, a city where the friends of Israel always are welcome. Her example is inspiration, her career a mirror of the odysseys and aspirations of many Jews in the last century.

The iron of her life and character has been forged in Russia, the United States and Israel, just those nations where the bellows of history has produced the most intense flame in this century.

Her mission now is to guarantee the peaceful survival of the state of Israel.

Speaking in the Israeli Parliament on June 30 of this year, Mrs. Meir said:

"Anybody who fails to honor the cease fire agreement and shoots at us cannot claim impunity from the results of his aggression. Those who attack us should not be surprised if they are hit seven-fold in response, since our main purpose in retaliating is self defense and deterrence."

Mrs. Meir's mission to the United States includes seeking the wherewithal for self-defense. Grown accustomed to international criticism, Israel has again heard these rumblings as the pace of defensive conflict has stepped up along Suez. As one national journal recently put it, the world expects the Arabs to be fanatic and the Jews to be more reasonable.

I say to this, is it reasonable to lay down your arms in the face of calls for a holy war of vengeance from your avowed enemies? Is it reasonable to risk old solutions which have failed three times to guarantee you peace and security? Is it reasonable to risk annihilation to satisfy international expectations of your character?

I say it is not. Mrs. Meir and the Israelis know it is not.

Perhaps Israel has been too successful for her own good. Her success under arms has smudged her image as underdog. Nevertheless, the essential hazard is unchanged. A nation of 3 million persons surrounded by tens of millions of hostile belligerents must either stand or be pushed into the sea.

It has been reported that Mrs. Meir has come to the United States with a shopping list. On the top of this list are two items, Phantoms and A-4 Skyhawks. In the 90th Congress, I helped lead the fight to ensure that the United States sell Israel 50 Phantoms. The first of those jets was in Israel this month. I am prepared to again help lead the fight for more planes in the 91st Congress. As a friend of Israel—and an advocate of a better break for the consumer—I pledge to help Mrs. Meir fill her shopping list and get top value for her dollar.

I welcome Mrs. Meir to Philadelphia and the United States and wish her shalom and good shopping.

CANISIUS COLLEGE MARKS 100TH ANNIVERSARY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. DULSKI. Mr. Speaker, Canisius College in my home city of Buffalo, N.Y., marked its 100th anniversary this past weekend with appropriate ceremonies at which the Very Reverend Michael Walsh, S.J., president of Fordham University, gave the principal address.

In honor of the occasion, Mayor Sedita proclaimed Saturday as Canisius College Day, noting its "immeasurable impact upon the Buffalo community." He described it as the "largest private institution of higher learning on the Niagara Frontier."

Describing Canisius as one of the "enduring institutions on the frontier," Erie County Executive B. John Tutuska said:

> Canisius' continuing influence for the good of the community rests heavily on the shoulders of some 5500 alumni and alumnae who live and enrich the level of living in Erie County.

Mr. Speaker, Canisius has played a most important role in the development of the Niagara Frontier and richly deserves the many tributes which it is receiving as it marks its centennial.

Both Buffalo newspapers have spoken highly of the proud history of this Jesuit institution and I include their editorials with my remarks, also a story on the remarks by Father Walsh:

[From the Buffalo (N.Y.) Courier-Express Sept. 21, 1969]

CANISIUS COLLEGE CENTENNIAL YEAR

Canisius College, long recognized as one of the state's leading institutions of higher learning, today marks the opening of its Centennial Week, spearheading a program of academic and civic events which will continue throughout the current academic year. Unquestionably the steady progress made by Canisius has far out-stripped even the most grandiose dreams of its four Jesuit priests from the University of Innsbruck, Austria, when they first opened the doors of the college to 25 students 100 years ago.

From a modest four-room class building at 434 Ellicott St. Canisius College has marched steadily onward; first to a larger structure at 651 Washington St., adjacent to St. Michael's Church, and 41 years later to its present location at Main and Jefferson. The location of the college in what in 1913 was regarded as a remote section of Buffalo is a testimonial to the foresight of the Jesuit Fathers who planned and guided the growth of the institution because today it is almost centrally located in a rapidly growing section of Metropolitan Buffalo.

Magnificent testimony to this privately financed institution's ability to keep pace with the area's growth and educational demands is seen in the sparkling array of new buildings that have been erected on the expanded campus since the close of World War II; the latest addition being the new physical education center at Main and Delavan.

However, Canisius College's contributions to Greater Buffalo and Western New York are not confined to physical growth. On the contrary, the physical progress is far outstripped by the contributions the institution has made to society. Canisius College has had an imprint on virtually every phase of life in Western New York through its alumni.

More than 8,000 living members of the college, 5,500 of whom reside in Erie County, are actively engaged in the professions, in business, in government, in religious life and in various civic enterprises. In addition, the college is training hundreds more young men and women who will enter into the mainstream of Western New York life. Among them will be a number of underprivileged youth who are receiving a college education through the Martin Luther King Scholarship program, a program which provides opportunities that otherwise would have been denied them.

Four years ago in summing up the accomplishments of Canisius College and its prospects for the future, an evaluation team of the Middle States Association of Colleges and Secondary Schools commented: "Canisius College is favored by a tradition of quality, an unswerving dedication to a noble purpose and excellent leadership. There is ample room for optimism about the future."

We concur in the association's evaluation and join with the rest of the community in wishing Canisius College well in the observance of its 100th anniversary with the prediction that the accomplishments of the past will be overshadowed by the successes of the future.

[From the Buffalo (N.Y.) Evening News, Sept. 26, 1969]

CANISIUS CENTENNIAL

With tomorrow's academic convocation marking the formal opening of its splendid new physical education complex at Main St. and Delavan Ave., Canisius College displays impressive evidence of its youthful vision and spirit of urban outreach as it starts its year-long centennial celebration.

As Western New York's largest private institution of higher learning, Canisius is justly proud of its material record of growth. Its continuing expansion of facilities—with new classroom space, dining and residence halls, and an Academic Tower to be built on the quadrangle fronting Main St.—attests to the confident foresight accented from the very beginning of Canisius by its Jesuit founders in 1870.

But it is not such brick and mortar achievements in themselves as much as other qualities of spirit and outlook that give special imprint and character to any academic community. Among those that distinguish Canisius is its firm identity as an essentially urban college committed to its location in the inner city. By its physical presence in the city's hub, and by its curricular offerings, it has contributed significantly to the city's redevelopment and general betterment. Its participation in Buffalo's Model City program, its Martin Luther King scholarships, and its development of specialized graduate and undergraduate programs are expressions of enlightened concern for contributing to the needs of disadvantaged youths and to the city's economic and cultural life.

Canisius has enjoyed a leadership, as exemplified currently by that of the Very Rev. James M. Demske, SJ, alert to the need for blending a lively openness with fidelity to traditions of intellectual, moral and spiritual development of students.

In an era of explosive growth of higher education and the problems of multiversity anonymity this has fostered, Canisius has striven consciously to guard its own growth as a co-educational liberal arts campus against the loss of close relationships between students and teachers. It cherishes its identity as essentially a "teaching community," with a climate congenial to communication, creative discovery, and an individualized search for values in life beyond those related to abstract knowledge and learning to make a living.

Its maintenance of high standards in the cultivation of excellence has attracted to Canisius students from nine foreign countries and 22 states. Yet it has remained committed to its primary role as a college serving the needs of a metropolitan community. Its 7500 alumni—jurists, executives, legislators, teachers, clergymen, government and business administrators—have contributed immensely to the enrichment of Buffalo's civic and professional life.

With those alumni, and with the whole Canisius community, the city of which they are a part shares pride in a century of accomplishment, and in renewed dedication to the advancement of learning and service to men.

[From the Buffalo (N.Y.) Evening News, Sept. 27, 1969]

COLLEGE INVOLVEMENT IN CITY LIFE CITED AT CANISIUS CONVOCATION

(By Dick Burke)

"Today's urban college must be actively involved in the problems of the city it resides in.

"Its students must learn that poverty, ignorance, racial discrimination and tensions are not only concepts they read about but situations in which they as citizens are personally involved.

"Its classrooms and laboratories must be not only the ivy-colored halls under spreading shade trees but also the rat-infested tenements of the desperate poor."

This was the direction offered Canisius College today by Very Rev. Michael Walsh, SJ, president of Fordham University. He spoke at the institution's initial commemoration of its 100th anniversary—a centennial convocation in the new physical education complex at the Main-Delavan campus. The complex will open Monday.

The setting was paradoxical; many hundreds of scholars in academic robes of medieval heritage assembled in a multi-million dollar gymnasium.

RELEASE OF NEW FORCES

Father Walsh received his 12th honorary degree, doctor of humane letters, from the Jesuit institution. Charles W. Millard Jr., retired board chairman of Manufacturers & Traders Trust Co. and a member of the state board of regents, was similarly honored. Mr. Millard has honorary degrees from Alfred University and D'Youville College.

"The social, religious, political and scientific forces released during the past ten years are swirling in a blinding storm around us," Father Walsh told his listeners, providing the backdrop for his counsel.

"In every sphere of life the rate of change is accelerating so rapidly that uncertainty and fear tend to immobolize all but the courageous and the ignorant," he continued. "A new-found sense of individual dignity and freedom everywhere is wrestling with the restraints inherent in community or societal life.

EDUCATION CHALLENGED

"Not only are new social structures evolving and old ones dying out but more important, patterns of thought and values are shifting quite perceptibly, as new problems rise and old solutions are questioned.

"It is in this area of thought and values that the role of education is challenged and I would say nowhere will this role be more crucially challenged than in the urban liberal arts college."

Father Walsh noted that urban liberal arts colleges such as Canisius are challenged to prove their relevancy in today's changing society. He put it like this:

"The sprawl of the city has reached out and engulfed most of the countryside colleges. Both they and the original city colleges now face the same situation. Neither can any longer close itself up within its own walls lest it die of suffocation. Every school in a modern

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metropolis must be not merely open to the community but it must actively reach out into city life in genuinely helpful ways."

He went on to say: "A Catholic college has an additional challenge . . . it must prove that it can make its own specific contribution to the renewal of the human situation—the 'aggiornamento' called for in Vatican II."

The Jesuit priest explained that "this does not mean that the Catholic College should play its old, defensive role where its prime purpose was to provide for the threatened faith of immigrants in a non-Catholic Society."

"PARTICIPATING CELLS"

He then said: "Catholic Colleges today must transform themselves into organic, participating cells active in the struggle to improve the cities' health with all the educational resources at their command and second, to contribute the extra dimension of practical Christian love needed to assure success . . .

"Only the catalyst of Christian love spreading out from colleges such as this one can ultimately dissolve these stubborn blocks to a healthier national life and a more genuine Christian community."

Very Rev. James W. Demske, SJ, president of Canisius, welcomed convocation guests. Rev. Thomas A. McGovern, SJ, college chaplain, gave the invocation. The Canisius faculty greeting was from Dr. Joseph F. Bieron, assistant professor of chemistry.

Convocation guests included The Rev. James J. McGinley, SJ, immediate past president of Canisius College. He represented the Association of American Colleges.

The Rev. Edward F. Maloney, SJ, executive vice president of Canisius, presided at the convocation.

TRIBUTE TO SENATOR DIRKSEN

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. LIPSCOMB. Mr. Speaker, the fleeting September days have painfully reminded us that the passing of Senator Everett McKinley Dirksen silenced the voice and wisdom of one of America's great political leaders.

The loss I felt on learning of his death was not only for the Nation at the loss of a great statesman but also for myself at the loss of a friend and colleague. But to speak only of the death of Everett Dirksen would be an injustice to the life of a proud American—a life filled with great moments.

Everett Dirksen was a passionate human being. He loved his country and dedicated his life to its service. He had a deep moral sense for the right and the wrong. He was not one to waver in his convictions but yet he tempered them with justice. During his 3½ decades in the Congress of the United States, he was instrumental in affecting the passage of numerous pieces of vital legislation. His influence was felt and respected by both parties. In shaping legislation to meet America's changing needs, he truly understood the demands of leadership. However, Senator Dirksen was equally as persistent in his fight against those things which he did not feel were right for his country. The senior Senator from Illinois will be missed as an orator, remembered as a legislator, and revered as an American.

As he rests in peace, we the living are glad that Everett Dirksen shared his life with us. To Mrs. Dirksen and the family, Mrs. Lipcomb joins me in extending our deepest sympathy at their loss.

INDEPENDENT BUSINESSMEN ENDORSE BROCK LABOR SETTLEMENT BILL

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BROCK. Mr. Speaker, as you know, in the first session of this Congress, I introduced H.R. 9245, legislation to establish a voluntary tribunal for the settlement of major interstate labor disputes.

I am happy to say that the public response to this new approach, combining aspects of voluntary negotiation with workable arbitration machinery, has gained widespread support. Most recently, it has been endorsed, in a direct poll by the National Federation of Independent Business, a nationwide organization with over 269,000 members. I submit below the official statement of the federation, which was released today. Needless to say, I welcome the support of this outstanding organization, whose members play such a vital role in our economy and civic life:

THE BRIEF FACTS

Despite strike-settlement machinery in the Taft-Hartley Act, major strikes affecting the public health or safety have continued to be economically disastrous, as was the recent longshoremen's strike. Representative Bill Brock of Tennessee has authorized legislation, H.R. 9245, to establish a Management-Labor Commission and Court with power to settle interstate "national emergency" strikes through adjudication, rather than collective bargaining. Independent business owners polled by the National Federation of Independent Business react with 68 percent in favor, 21 percent opposed and 11 percent undecided.

Delay and economic strangulation are weapons used by both sides in a major strike. Sooner or later—usually later—this brings about labor-management peace.

But must it be this way? A Congressman from Tennessee and many of the nation's independent business owners believe there's a better way than prolonged collective bargaining with its pyramiding economic losses to labor, management and the public.

Representative William Brock believes the U.S. should borrow the Australian system of adjudication of labor disputes by a government panel. Urging use of this technique to settle interstate walkouts or lockouts such as transportation strikes, he has authored a bill which would authorize a Federal Management-Labor Commission and Court empowered to act as judge and jury in major strikes.

It would provide a 110-day suspension period during which work would continue while the Commission heard arguments and proposed a solution. If accord was not reached in 80 days, the Commission would specify terms of settlement during the next 30 days.

This proposal was put before independent business owners, nationwide, by the National Federation of Independent Business, which found 68 percent in favor. Only 21 percent voiced objections and 11 percent were undecided.

The proposed adjudication procedure would be required only in interstate, "national emergency" strikes as defined by the Taft-Hartley Act. This law, which gives the president power to seek a 90-day injunction when a work stoppage affects the public health or safety, has not proved effective because the President often chooses not to exercise this power. (Neither President Johnson or President Nixon acted in the recent East and Gulf Coast maritime strike which brought losses of approximately $2 billion.)

Congressman Brock hopes that, if adopted, the procedure might prove so beneficial that other labor-management disputes would voluntarily be brought before the seven-man Commission. The bill provides that the Commission membership will reflect the consumers' interest as well as that of labor and management.

The Attorney-General would decide when a dispute would go before the Commission, thus taking it out of the hands of the National Labor Relations Board. Two Commissioners would conduct an inquiry into all issues while mediation and arbitration continued.

If a Commission settlement order was required, the five-man Court would oversee its administration, answering any questions which arose.

Some businessmen polled by the Federation believe that, instead of creating new strike-settlement machinery, the NLRB should be strengthened by new legislation.

The independents, viewing the growing power of big business and big labor to immobilize vast segments of the economy, often with heavy losses to related and dependent industries and the public, believe Congress has dragged its feet in writing new legislation to deal with crippling interstate and industry-wide work stoppages. As Congressman Brock asserts, the public's interest in such labor-management battles should be recognized and protected.

STATE BREAKDOWN FIGURES—BILL TO ESTABLISH MANAGEMENT-LABOR COMMISSION AND COURT TO DEAL WITH INTERSTATE LABOR DISPUTES

State	Percent in favor	Percent against	Percent undecided
Alabama	68	24	8
Alaska	72	17	11
Arizona	63	28	9
Arkansas	68	19	13
California	68	22	10
Colorado	65	26	9
Connecticut	71	18	11
Delaware	71	21	8
Florida	74	19	7
Georgia	71	21	8
Hawaii	82	15	3
Idaho	66	23	11
Illinois	70	20	10
Indiana	65	23	12
Iowa	67	20	13
Kansas	68	21	11
Kentucky	71	22	7
Louisiana	76	16	8
Maine	70	18	12
Maryland	74	16	10
Massachusetts	71	20	9
Michigan	67	23	10
Minnesota	67	22	11
Mississippi	74	16	10
Missouri	69	20	11
Montana	65	26	9
Nebraska	67	19	14
Nevada	80	14	6
New Hampshire	67	25	8
New Jersey	74	18	8
New Mexico	73	20	7
New York	67	22	11
North Carolina	67	23	10
North Dakota	73	16	11
Ohio	67	22	11
Oklahoma	69	20	11
Oregon	66	24	10
Pennsylvania	70	20	10

STATE BREAKDOWN FIGURES—BILL TO ESTABLISH MANAGEMENT-LABOR COMMISSION AND COURT TO DEAL WITH INTERSTATE LABOR DISPUTES—Continued

State	Percent in favor	Percent against	Percent undecided
Rhode Island	80	8	12
South Carolina	75	17	8
South Dakota	64	26	10
Tennessee	80	13	7
Texas	70	23	7
Utah	65	29	6
Vermont	60	24	16
Virginia	74	18	8
Washington	64	24	12
Washington, D.C.	89	11	------
West Virginia	80	14	6
Wisconsin	66	23	11
Wyoming	61	30	9

SUPERSONIC—SUPERLUDICROUS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. CLAY. Mr. Speaker, the announcement by President Nixon that we must proceed to invest and develop the SST to advance our world air superiority—astounds me and, needless to say—disturbs me. Whether or not the SST can be "deboomed"—it remains a "boondoggle" for which the welfare of the American people must pay.

Opposition to this proposed massive appropriation is well stated in the following editorial from the St. Louis Post Dispatch of September 27, 1969. I commend to the attention of my colleagues this concise but complete comment on the SST—with credits to the editorial staff of the St. Louis Post Dispatch under the leadership of Robert Lasch:

FROM HARLEM TO WATTS IN 2 HOURS

Because the supersonic transport is good business for the aircraft manufacturing industry, its development will proceed. That, in essence, was the rational offered by President Nixon in his disappointing but hardly surprising announcement that he would ask Congress to appropriate $96,000,000 this fiscal year so that work on two SST prototypes can continue.

The Russians and, in a joint venture, the British and the French are building supersonic passenger planes. If the United States is to retain this leadership in the world air transportation market, the President said, "it is essential to build this plane."

The economic benefits of building the plane have always been clear. The question is whether they outweigh the hazards to the human environment that are involved; whether spending on the SST millions of dollars urgently needed to attack our social problems represents a proper sense of priorities.

As the supersonic transport carries the jet set from Harlem to Watts in two hours, as against the taxing five-hour flight required today, it will lay down a 50-mile-wide thunderclap exceeding in intensity any sonic boom to which Americans have up to now been subjected by military aircraft. This is an intolerable intrusion on the peace and quiet of millions of Americans, carrying the peril of physiological harm to infants, the elderly, and persons suffering from nervous disorders.

The Administration says flights will not be permitted over populated areas unless the noise problem can be solved. But it is significant that whereas the Federal Aviation Agency in the past has tried to reassure the nation by claiming that the SST would be used only in transoceanic flights, Mr. Nixon did not even make this placating gesture. He knows, of course, that the same technological and profit imperatives that motivate construction of the SST will require its maximum use. Flights over populated areas must be expected because transport planes must go where people are.

The enormous environmental consequences of the SST so far outweigh an argument that can be mounted in its favor that government sponsorship of this endeavor must be viewed as a sell-out to the aircraft industry. It is up to Congress to insist that until the SST can be deboomed it cannot be built.

THE U.S.-STATE JOB TRAINING PLAN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the President's Manpower Training Act of 1969 is a carefully wrought and comprehensive attempt to come to grips with a number of bureaucratic problems which have plagued the delivery of manpower services. There is a danger that the significant advances which this bill represents, both for improved planning and implementation of manpower services, might be lost in the unavoidably technical nature of manpower legislation.

Dr. Alice Rivlin, of the Brookings Institution, recently wrote an excellent article in the Washington Post on the administration's new manpower approach which I would like to introduce into the RECORD at this time:

THE U.S.-STATE JOB TRAINING PLAN

(By Alice M. Rivlin)

President Nixon's proposed "Manpower Training Act of 1969" contains what may be—as advertised—the beginning of a new concept of the role of the federal government in dealing with states and cities. The Manpower Training Bill would consolidate federal manpower programs and give states and cities far more authority and flexibility in administering such programs than they have ever had before. But it would also put the federal government in the position to judge their performance, to reward those who do well and to punish those who do badly.

Most people are agreed that manpower training is important and desirable. Even in our prosperous economy, millions of people have terrible jobs or no jobs at all and nothing better is open to them. Unless we have another extreme labor shortage like that during World War II, when industry was happy to train housewives as welders and bums as bookkeepers, they will not have a chance at better jobs without publicly provided training and related services. For this reason, we have set up over the years federal programs to teach high school students job skills, to retrain adults, to teach illiterates to read, to provide job experience for those without employment history and so forth.

Most of these programs operate through grants to states and local agencies. At the state level some grants go through the governor's office, others to a manpower administration, others to the school system; and there is no reason to believe the people involved speak to each other in Trenton or Sacramento any oftener than their counterparts do in Washington. Indeed, at the local level things are often worse. The result has been some excellent programs and also some considerable chaos. In one place a training program fails because the participants cannot read; in another a literacy program fails because no job training is available to graduates.

One remedy often proposed—"coordination" at the federal level—is actually impossible to achieve. A federal program administrator who tries to coordinate with all interested parties rarely turns out to be worth his green paycheck. For the fact is that he only gets things done if he barrels ahead on his own and never looks to see who's following. The Nixon administration appears to recognize this fact. The solution it has proposed in the Manpower Training Bill is to consolidate federal money and to decentralize its administration. Decentralization is appealing in this context. After all, local people know what their particular needs are and can presumably design programs to meet them. But decentralization also presents two enormous problems.

The first is the problem of which jurisdiction is to get the money. If it goes to the states, will the cities get their share? Which state agency should be in control? Or, if the money goes directly to localities, then what is to guarantee that suburbs and central cities will work together? And who is to be in charge? The Manpower Training Bill would apportion money to the states, but it guarantees metropolitan areas their share of the money through a formula based on their labor force and population in poverty. The "who's in charge" problem is to be solved by forcing states to set up a "comprehensive manpower agency" to operate manpower programs in accordance with federally approved plans. In each metropolitan area, a "prime sponsor" would be designated by the governor to handle the program. Whether these new agencies would really exercise authority over manpower program decisions at the state and local levels, or simply act as covers for existing fragmented agencies remains a question.

The second problem of decentralization is that of judging whether the states and localities are doing or will do a good job. State and local bureaucracies are not noted for boldness, imagination or excellent management. Thus, turning over federal funds to state and local authorities without accountability for their use strikes many people as irresponsible. The Manpower Training Bill is strewn with provisions which are supposed to ensure performance by rewarding the successful and penalizing the non-achievers.

For one thing, the shift of authority over manpower training funds to the states and localities is to be accomplished in stages. First the state has to show that it has a planning capability in order to gain control of a quarter of the money. Then it must have an approved plan, and a "comprehensive manpower agency" in being to administer the plan before it gets control of two-thirds of the money. Beyond the two-thirds, the idea is to move toward 100 per cent state and local control only on the basis of objective measures of "exemplary performance." There is also a provision for giving additional funds to states in areas which meet these standards. If the state does not have a plan, or does not comply with its approved plan, the Secretary of Labor has the power to take away control of the money and to operate the programs himself.

The formulation makes sense—the only question is whether it will work. The power to approve or disapprove state plans has never been worth much to federal officials. The Commissioner of Education has the power to disapprove state plans for vocational education, for instance. But no state plan has ever been disapproved, nor have

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states ever been asked to show that they were actually carrying out the provisions of their plans. Thus, if the Secretary of Labor is to exercise real power through his authority to approve or disapprove state manpower plans, he will need three things: criteria, information and courage.

The criteria must be objective and must be made known to the states. The states must know whether they are expected to train a lot of people a little bit, say, or a few people intensively, and whether they get extra points for reaching the hard core unemployed, and whether they should try to train people for jobs in the state or relocate them.

The secretary will require reliable sources of information so that he can check on what is actually being done at state and local levels and on how well it is working. He *cannot* rely on statistical reports alone. He will need a good staff of his own to take a look and to see how the statistics are put together.

Finally, he will need the courage to reject some state plans—perhaps a great many, until states begin to take the provisions seriously. Fortunately, in the beginning at least, he would be dealing from strength. The federal government does control these funds now, and does not have to turn over control until it is satisfied with state capacity. Once control of the two-thirds had been transferred, however, the threat to take it away would not be very credible. At that point, the secretary's power to enforce performance in the states would depend largely on wise use of the incentive funds for exemplary performance.

It will take some time before we know how these provisions may work, even if they are enacted. For the moment it is only possible to say that the Nixon Administration can hardly be accused of trying to avoid the difficult and complex bureaucratic problems that have undermined good intentions in the area of manpower training.

A PLAUDIT TO DR. HENRY H. KESSLER

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. MINISH. Mr. Speaker, we hear so much about discrimination and prejudice in this Chamber. In a recent article written by Dr. Henry H. Kessler, director of the Kessler Institute for Rehabilitation in West Orange, N.J., I learned about the type of discrimination and prejudice the crippled and disabled must contend with. After reading this message of hope and courage, I should like to share with my colleagues some of Dr. Kessler's wisdom.

The article is entitled, "Extraordinary People Seek an Ordinary Destiny," and it appeared in the September 1969 issue of the Social Service Outlook, a publication of the New Jersey Department of Social Services. I commend Dr. Kessler on having articulated some of the problems in the field of rehabilitation, and I can agree with his premise that "there is something worse than death and betrayal, and that's indifference." I doubt that my colleagues can remain indifferent to Dr. Kessler's moving article.

The article follows:

EXTRAORDINARY PEOPLE SEEK AN ORDINARY DESTINY

(By Henry H. Kessler, M.D.)

Over the centuries the crippled and the disabled have always been stigmatized. Early man thought crippled persons were the object of divine displeasure. In ancient Greece parents disposed of children born with a cleft palate, harelip, or clubfoot. They threw them over a precipice because their ideal of life was perfection, beauty. And anybody with a physical impairment or defect who didn't measure up to that criterion was disposed of.

This was the traditional attitude. Yet even today in parts of Africa when a child is born with a deformity certain tribes tie the child to a stake in the ground, tie a goat near the child, and let wild animals dispose of both of them.

It is a sad yet ironic fact that despite centuries of enlightenment the man in the street still has this attitude. A person with a physical impairment, in his point of view, is in league with the devil with sin, with malignity, with evil spirits. In the old days, of course, there was no organized body of knowledge, which we call science, to explain physical impairment. And so it was given a supernatural explanation.

With our enlightenment as a result of education one would expect that we had a little different attitude. Apparently, though, this fundamental prejudice is a deep-seated one. Let me use myself as an example. I have been in the field of rehabilitation of the physically handicapped for 50 years, yet I'm as guilty as the next person. Some years ago I sent my son to England to learn to make artificial limbs at the largest artificial limb factory in the world, Rowhampton. He was 27 years of age at the time and single. He hadn't been there long when he wrote: "I found the girl I want to marry, and she is an amputee."

My friends didn't help matters saying things like: "Now look here, Henry, aren't you carrying this rehabilitation gambit a bit too far? Haven't you done enough for the cripples of the world without bringing them into your own home?"

We were in a spot. My wife and I went to England and saw this girl. We fell in love with her. I said to my son: "Jerry, if you don't marry her, I will!"

They were married. Today we have two beautiful grandchildren—a granddaughter and a grandson.

Over the last 50 years I've seen the original attitude of prejudice change to the modern movement of rehabilitation which has dynamically altered the whole approach to things. As a matter of fact, all of this started way back in the beginning of the 18th Century. At the end of the Napoleonic Wars a wave of humanitarianism swept over Europe, and a new attitude was taken toward the crippled and disabled. Homes were established, particularly by religious organizations. These homes or *heims* in Switzerland and Germany provided custodial care for children. In some places they were given medical care; in some they were given education; and in other places some trade training. But nobody had the idea of putting this all together.

It was not until 1906 when a German orthopedic surgeon by the name of Biesalski made a statement which started changing the outlook of the public. He said a crippled child is a sick child. And as people reflected on that statement they began to realize you do something for a sick child. He opened a little clinic in West Berlin with six beds. It was in a slum district. There he served not only as doctor and orthopedic surgeon but also as splint-maker. He was also teacher, propagandist, and vocational counselor. He was the whole rehabilitation team rolled into one.

Two people were especially interested in what he was doing. Their name was Pintsch—Oscar and Helene Pintsch. They gave him some support in his work. Mrs. Pintsch had had three miscarriages, and finally gave birth to a perfectly normal boy. To celebrate that great event they opened the Oscar Helene Heim in Berlin. This institution encompassed all the components of a comprehensive rehabilitation program; every medical and surgical facility, providing braces and artificial limbs, and education from infancy through high school. Trade training in 30 different trades was provided so that the child was kept there through adolescence. When he was ready to leave, he was ready to go out and face the world perfectly capable of carrying out his responsibilities.

Dr. Fred H. Albee, the great orthopedic surgeon, saw this work of Professor Biesalski prior to World War I. When he came back to America he was determined to emulate this wonderful idea. He found later that the Canadians were not prepared to take care of their disabled casualties of World War I. He wrote to the Surgeon General and told him that the United States must be ready for such casualties. This was early in April 1917, when we declared war. The Surgeon General thought well of it and decided to open three rehabilitation hospitals. One was to be in Newport, one in Washington, D.C., and one in Indiana.

Dr. Albee was directed to select a site for the rehabilitation hospital in Indiana. On the train he met a fellow New Jerseyan who thought putting up a rehabilitation center in Indiana was senseless. "These boys," he said, "will disembark in New York Harbor. Why not build the hospital close to the harbor? I'll tell you what I'll do! I have some land in Colonia, New Jersey. I'll give it to the government for a dollar a year."

Dr. Albee spoke to the Surgeon General, and the offer was accepted. A 2,000-bed rehabilitation hospital, called U.S. General Hospital #3, was built. Hospitals #1 and #2 never got off the drawing boards. Six thousand men went through U.S. General Hospital #3. It had every medical and surgical facility, plus physical therapy, occupational therapy, speech therapy, and hydrotherapy. Social workers were employed along with psychologists and vocational counselors. Thirty trades were taught. It was a comprehensive program. This was in 1919.

The Governor of New Jersey at that time was very proud that the only rehabilitation hospital for war disabled was in his state. He came to Dr. Albee and said: "You ought to do this for our disabled workers!" Dr. Albee was introduced to the state commissioner of labor who at the time was Colonel Lewis T. Bryant. The Colonel had been in the Spanish-American War. He was a lawyer and an engineer. He was in the real estate business, having developed Atlantic City. He was a Sunday school superintendent.

Colonel Bryant was horribly crippled by severe arthritis, so that, although he was 6-foot-four in height, his neck was twisted over at a right angle. He had big black bushy eyebrows, and he was monstrous to look at. Yet, when you spoke to him that whole image disappeared. You knew you were in the presence of a great spirit. I'll never forget the time he said to me, "Henry, don't be an ordinary doctor! Go up to Columbia University! Let them show you the ugly past, and the dreams of the future!"

Imagine the impact of that man on the role of rehabilitation at that time. The first state-sponsored rehabilitation clinic in the country began with a $5,000 budget in a loft of the third floor of a factory building in Newark, New Jersey. It had four beds, an operating room, and a little physical therapy department. For one entire year I worked at the clinic part-time without pay. My job was the evaluation of disability for the Workmen's Compensation Bureau.

Albee's and Bryant's idea was to select those individuals with rather severe impair-ments to see what could be done to improve their physical condition and ultimately their vocational and social position. Notice I use the word impairment and not disability. We started out that way, but we were 50 years ahead of our time and the public, meaning the employers and their insurance carriers, weren't ready to accept this, so we had to turn to the civilian population. Colonel Bryant insisted I go out and tell the story of rehabilitation. I went out and told that story. One day I got a call from the president of the county medical society.

"Henry," he said, "do you want to stay in our medical society?"

"What did I do?"

His answer: "Stop this social nonsense!"

So you see we had prejudice all the way back. But worse than prejudice in the field of rehabilitation has been the apathy of people who don't want to get involved. Let George do it! That sort of thing.

Remember the words of that Polish poet who said: "Fear not your enemies, for they can only kill you. Trust not your friends, for they will only betray you. But there is something worse than death and betrayal, and that's indifference."

During the past 50 years I've had a chance to get around the world quite a bit on behalf of the United Nations, the International Society for the Rehabilitation of Disabled, and the World Veterans' Federation. Things are the same everywhere. This is what makes me such an optimist; gives me enthusiasm to go on. There's always a handful of people who give a damn, who care, who have a concern. Have a concern!—that's a beautiful expression that the Quakers use.

In Indonesia one doctor, who worked in a concentration camp, took the camp over. It was nothing; shacks and palm leaves. Yet he developed it into one of the finest rehabilitation centers in the world.

I'm an optimist because I see the tremendous potential in people. In the Navy I had to take off both arms and one leg of an aviator who had been knocked out of the sky by a Jap Zero. I also had to sew up 60 wounds. I thought he'd never live through it. As he came out of the anesthetic he looked up at me in a hazy fashion and said: "Gee, Doc, you guys sure show me a lot of attention!"

That was more than an expression of gratitude. It was an echo of man's deep-seated instinct for survival. *Homo sapiens* is a tough animal. He's strong. He's irrepressible. Because I see this potential when I look, that's all I look at.

There are people who run around the world and see nothing but evil.

I saw a midwife in Liberia who took in a little child whose mother had died. She made her part of her family of seven children—her private little orphan asylum.

At the Firestone Plantation Hospital, I knew an operating room supervisor. She's been there 28 years, and is one of the finest nurses in the world. She had 11 children, yet she took in a twelfth, who was an orphan.

You can see evil wherever you go. But if you look for good, you'll see good, too.

I've gone from continent to continent, and in the course of my journeys I've discovered a lost continent. This is a place where men and women live lives of quiet desperation. This continent has no borders and no government. It has a soul, but no voice. It has been distilled by the courage and the tragedy of its millions of inhabitants. This is the world of the physically handicapped.

Who are these people? Well, there's a woman who came to me with her armless and legless child.

"Doctor," she said to me, "I have three questions to put to you. Was this my fault? What sin did I commit to make me the victim of this horrible catastrophe?"

"Mrs. Thomas," I said, "this is not your fault. This is a biological accident—just as much an accident as walking across the street and being struck by a car."

"What can you do for my child?"

I threw up my hands and said: "I don't know! I've been in this work a great many years. There's nothing in the book that tells me what to do, but I'm learning from other parents here. Perhaps what we learn from our other patients can be applied to your child."

Then she said: "I have a third question to put to you. Should I have any more children?"

Well, I was stumped. Then another woman answered: "Doctor, I can answer that question better than you can."

"What do you mean?"

"Well," she said, "I was faced with that problem 10 years ago, when my Dorothy was born without a hand. I've had three children since. They've been perfectly all right. And I'll say to that mother: 'Go ahead and have children'."

She had a second child, a perfectly normal child.

I can't treat a mother like that by giving her a shot of penicillin, or a poultice on her heart. She needs understanding. Every handicapped person needs understanding.

When a man loses his leg he loses more than a leg; he loses his heart. And you've got to give him back not only an artificial leg; you've got to give him back his heart, his idea of himself as a useful, productive citizen. He doesn't want to stay in the backwaters of society; he wants to be out there in the mainstream of life.

This is what rehabilitation is. It's a philosophy as well as a group of techniques and services to restore the individual to his place in society.

This is the heritage of all of us. I think it was Balzac who said: "Most of us are just ordinary people seeking extraordinary destinies. The physically handicapped are extraordinary in that they seek an ordinary destiny."

It is a challenge to you and to me to see that they get it.

WTMJ-TV'S "WORLD VIEW"—IN THE PUBLIC INTEREST

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. REUSS. Mr. Speaker, WTMJ-TV in Milwaukee last Saturday initiated a new weekly series of programs entitled "World View." A weekly review of current affairs styled to appeal to the young people, the program will also be made available to the Milwaukee public schools and the Milwaukee Catholic school system for telecasting in connection with in-school social studies.

The program was developed with the advice and consultation of curriculum experts from both school systems and represents a unique example of cooperation between educational institutions and a commercial broadcasting station.

This new concept in programing is broadcasting in the public interest. A list of the underlying principles in the production of "World View," provided by WTMJ-TV station manager, Sprague Vonier, follows:

(1) Material in the nature of "current history"—which puts events here and around the world in perspective and *updates* the young viewer as to the state of the world around him.

(2) Material which is "just plain fun" for young people. This will be used as leavening for the heavier subject matter which surrounds it.

(3) Material which increases the young person's awareness of himself and his environment, which adds to his understanding of that environment.

(4) Material which is "mind expanding"—challenges his thinking abilities and stretches his imagination.

(5) Material about the constructive activities of young people themselves.

STANDARDS

(1) Special attention to the tempo and brightness of the program style—with a view to providing young people with a stimulating and rewarding experience.

(2) The highest order of accuracy, the soundness perspective, and most authentic treatment are essential.

(3) Standards of grammar, idiomatic usage, pronunciation, and style should be worthy of imitation and secure from justifiable criticism.

(4) "Slanted" treatment or the injection of personal prejudices (overt or covert) must be carefully avoided.

(5) The total character of the program must be one of a *balanced, even-handed* view of the contemporary scene.

AREAS OF PROGRAM CONTENT

World Affairs; National Affairs; State Affairs; Local Affairs; Just Plain Fun (such as the college mudhole fight); Books; Some Cultural Affairs (the opening of a new play, artistically important movie, an art show, an important musical group, etc.); Animals and/or Nature; Science.

The "Practical World" (i.e., the introduction of an important new automobile line, such as the Maverick; shipment of the largest steel mill furnace from a Milwaukee plant; plans for a wheel-less train or a vertical take-off plane, etc.)

The Activities of Young People (Scout Circus; opening of a drag strip or running a soap box derby; participating in the science fair; a 4-H project or a school safety conference).

The World Around Us (examination of an unusual aspect of the world, such as acquisition of a new exhibit at the museum or simply investigation of some common but generally obscure aspect of life: For instance, what's down a manhole?); Sports.

Most of the program will rely on the resources of WTMJ-TV's NEWS-4 operation, the most extensive broadcast news organization in Wisconsin.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS—OCTOBER 1969

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is again a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events for the month of October 1969 of the National Gallery of Art.

Once again, the National Gallery of Art has scheduled outstanding events for the coming month and I am glad to recommend them to my colleagues in the U.S. Congress, as well as the American people.

The calendar follows:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS, OCTOBER 1969

German expressionist watercolors: The current exhibition in the Central Gallery of

XUM

watercolors from the remarkable Haubrich Collection of the Wallraf-Richartz Museum in Cologne and from important American collections will close October 19th. Illustrated catalogue with introduction by Horst Keller, 8⅝'' x 7½'', 92 pages, 6 color plates, 66 black-and-white illustrations. $2.50 postpaid.

Exhibition poster: The official poster for the exhibition of German Expressionist Watercolors may be purchased in the Publications Rooms or by mail. Colorful rendering of *Riders on the Beach* by Kandinsky, poster paper, 20'' x 35'', $3.50 postpaid.

John Constable: October is the final month for an exhibition of 66 paintings by Britain's foremost landscape artist from the collection of Mr. and Mrs. Paul Mellon. Studies of sky and clouds, portraits, and a group of landscapes including *Hadleigh Castle.* Fully illustrated catalogue with introduction by John Walker and notes by Ross Watson, 10'' x 7½'', 64 pages, 66 black-and-white illustrations, $2.50 postpaid.

Christmas catalogue: The 1969 catalogue of National Gallery Christmas cards may be requested from the Publications Office by mail or by telephoning (202) 737-4215, ext. 265.

Recent publication: *National Gallery of Art. Report and Studies in the History of Art 1968.* Ten articles include a discussion by Charles Seymour, Jr., of *Mercury* in the Rotunda of the National Gallery, a study by Hermann Kühn of pigments and grounds used by Vermeer, and reports on gallery acquisitions, exhibitions, publications, etc. during 1968. Paper bound, 235 pages, 160 black-and-white illustrations, $2.75 postpaid.

Free film showings: Saturdays at 2:00 p.m. the NBC-Television film *American Profile; The National Gallery of Art* is shown in the auditorium. 52 minutes.

Gallery Hours: Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission is free to the building and to all scheduled programs.

Cafeteria hours: Weekdays, 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 2 p.m. to 7 p.m.

IN SEARCH OF REMBRANDT

The distinguished actor James Mason (shown in gallery 48) is narrator for a National Education Television study of Rembrandt which was made with a grant to the National Gallery by Mrs. Cordelia S. May. Entitled *In Search of Rembrandt,* the program will be broadcast this month—within days of the 300th anniversary of the artist's death—on educational TV channels throughout the United States. Times and dates will be announced by the individual stations. After the premiere showings film copies of *In Search of Rembrandt* will be made available to schools, libraries, and other educational institutions through the Extension Service.

Mr. R. F. Siemanowski, who wrote and produced the hour-long program, describes it as a "pursuit of the elusive truth about Rembrandt's personality, a portrait of the artist as seen through his own work and through contemporary Holland—scenes which are echoes of the paintings and drawings."

With Professor Seymour Slive of Harvard University serving as advisor for the project, NET cameras recorded more than 600 of Rembrandt's paintings and drawings from some 100 museums, including *The "Night Watch"* (Amsterdam), *Anatomy Lesson of Dr. Tulp* (The Hague), *Man with a Gilt Helmet* (Berlin), *The Descent from the Cross* (Washington, D.C.), *Aristotle Contemplating the Bust of Homer* (New York), and 40 of the self-portraits that Rembrandt painted throughout his productive life.

IN MEMORIAM

A memorial exhibition of paintings, sculpture, and drawings which have entered the collection of the National Gallery through the generosity of the late Ailsa Mellon Bruce continues through October 5 in rooms off the East Garden Court.

MONDAY, SEPTMBER 29, THROUGH SUNDAY, OCTOBER 5

*Painting of the week: Toulouse-Lautrec, *Quadrille at the Moulin Rouge* (Chester Dale Collection), gallery 85, Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Andrew Mellon Collection,* Rotunda, Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection.* Rotunda, Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *German Expressionism: Poets, Critics, and Painters. Guest Speaker:* Victor Lange, Chairman, Department of Germanic Languages; Princeton University, Princeton. Lecture hall, 4.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* east garden court 8.

MONDAY, OCTOBER 6, THROUGH SUNDAY, OCTOBER 12

*Painting of the week: Louis Le Nain. *Landscape with Peasants* (Samuel H. Kress Collection), gallery 53, Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Samuel H. Kress Collection,* Rotunda, Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection,* Rotunda, Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *Sculpture by German Expressionists. Guest Speaker:* Alfred Werner, Author and Critic, New York. Lecture hall 4.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* east garden court 8.

MONDAY, OCTOBER 13, THROUGH SUNDAY, OCTOBER 19

*Painting of the week: Memling, *Saint Veronica* (Samuel H. Kress Collection), gallery 35, Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Widener Collection,* Rotunda, Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection.* Rotunda, Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *Edward Lear as a Landscape Draughtsman. Guest speaker:* Philip Hofer, Curator Emeritus, Graphic Arts, Harvard College Library, Cambridge. Lecture hall 4.

Sunday concert: Bowling Green String Quartet (Concert in Honor of United Nations Day), east garden court 8.

MONDAY, OCTOBER 20, THROUGH SUNDAY, OCTOBER 26

*Painting of the week: William M. Harnett. *My Gems* (Gift of the Avalon Foundation), gallery 66, Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Chester Dale Collection.* Rotunda, Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection.* Rotunda, Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *Artists and Patrons under the Early Stuarts. Guest speaker:* Susan Booth, Assistant Keeper, The Ashmolean Museum, Oxford, England. Lecture hall 4.

Sunday concert: Oliver Colbentson, *Violinist;* Cary McMurran, *Pianist;* east garden court 8.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737-4215, ext. 272.

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* 11'' x 14'' reproductions with texts for sale this week—15c each. (If mailed, 25c each.)

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

DO WE WANT TO LOUSE UP ANOTHER RIVER?

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. KARTH. Mr. Speaker, I would like to commend to the attention of my colleagues a policy question too infrequently raised. Specifically, what right has the Army Corps of Engineers to decide upon Minnesota's, or any other State's, industrial development?

William Sumner, editor of the St. Paul Dispatch, hits that question foursquare.

If the corps had an equal concern for evaluating future ecological disturbances, it would indeed be commendable. I think Congress will eventually have to face up to the "free-wheeling" operation of the corps.

I commend to you the following article:

DO WE WANT TO LOUSE UP ANOTHER RIVER?

(By William Sumner)

I suppose that one day we will have to decide what a river is supposed to be. For that matter, we may one day have to define the Army Corps of Engineers. What is it? A band of busy beavers with compulsions—instinctive or learned—to build dams? And straighten rivers? But the river. Is a river a river? Or is it a convenience to be exploited continually? Is a river, for example, merely a highway for barges?

We may react one way or another to such a set of questions, but some of the specifics were to be outlined Thursday morning at Chaska. The Engineers were to explain their latest for the Minnesota River. They want to extend the 9-foot channel upstream from Savage to Chaska, widening the river, straightening it to eliminate five difficult bends inconvenient to barge traffic.

This, said Richard Leonard, chief of the engineering division in St. Paul, would produce an increase of 1.5 million tons annually, to a total of 4 million. The 15-mile improvement would cost $8 million, $1.2 million of this to be raised locally and the rest presumably to be appropriated by Congress. It is regarded as a lure for new industry.

Well, there are a few things to raise the hackles here even if you don't regard it as another proposed destructive assault on nature. The state is studying the prospects for a trail system between Ft. Snelling and Le Sueur for hiking and riding. The Metropolitan Park Foundation is acquiring even now land for an 800-acre park west of Savage. I suppose that the loss of additional flood plains can be absorbed by the beaver division of the Corps. But if you can't pick a gripe out of any of it, you still might ask what business it is of the Army Corps of Engineers to plan the industrial development of Minnesota. Things ought to work the other way: the state ought to plan a few things and go to the pork barrel rather than having the trough dropped in its lap before it is even hungry.

But that is not the way it works. The Corps, which has more pluses than minuses I am sure, is in the business of self-perpetuation. It needs projects to stay alive and well. It has had the utmost cooperation from Congress over the years, for it has been the nature of congressmen to want the great public works of the Corps located in their district. The Civil Rights Act of 1964 got out of the House Rules Committee—a milestone in itself—because the chairman was threatened where it hurt, in his split of the pork barrel, if he refused to pass the bill along to the House floor.

Lately, though there has been a change. Both Sens. Walter Mondale of Minnesota and Gaylord Nelson of Wisconsin along with Rep. Joseph Karth of St. Paul, opposed successfully some Corps' ambitions on the St. Croix. Right. Another dam. A marvelous natural valley in Tennessee has been rescued from destruction. It has become apparent that people who want to preserve, conserve and even restore are not necessarily regarded as nuts these days.

But that is our conservation lecture. What is really nutty is the idea of a federal agency stepping into the role of state planning. Sure, it has been done before. But that is no reason to keep the habit. This state, other states, are now stirring their official backsides and are viewing their diminishing resources and natural gifts with some alarm and some idea of planning. Even at this late date it isn't too late for Minnesota. The question of the day, then, is, whether we want to louse up another river to create another industrial bonanza. A bonanza only of sorts.

RED TRADE CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. **RARICK**. Mr. Speaker, the American people who believe that we are containing communism in Korea, Vietnam, the Middle East, and India cannot understand why our Government and private individuals openly trade with the Communist enemy.

The financial pages of the local paper carried a picture of a Russian scientist, Boris Medovar, with a story of his icebreaking business dealing with a Bethesda, Md., company.

While Russian steel in arms supplied to the Hanoi government kills American servicemen, our industrialists and our Government collaborate with representatives of the murderers of 40,000 American men.

An earlier paper carried the AP story of President Nixon's adviser on Science and Technology in Bucharest, Rumania, discussing cooperation in science and technology in that Communist country.

In short, it appears that we have no Communist containment policy as long as there is a dollar's worth of profit to be derived. The unfortunate aspect is that any profit will come from the American taxpayers in the way of foreign aid and investments to these Red countries.

The articles follow:

[From the Washington Sunday Star, Sept. 28, 1969]

United States-U.S.S.R. Deal on Patent Regarded as Vital First Step—Soviet Scientist Visits Bethesda To Close Bargain

(By Lyle E. Harris)

A Russian steel alloy process patent sold to a Bethesda company might be the icebreaking step for needed Soviet-American patent agreements, a Soviet scientist believes.

Dr. Boris Medovar, professor of science at the Paton Welding Institute in Kiev, said the recent trip of American steel experts to Kiev and other Ukrainian cities to view "all they wanted to see" of electroslag remelting (ESR) steel processes was a first step toward future Russian-American business agreements.

Dr. Medovar was in Washington to complete details on an agreement between Paton Institute and Patent Management, Inc., made in July. The agreement gives PMI exclusive U.S. patent and know-how rights for an advanced U.S.S.R. technique on super-strength alloys and other Russian systems and machines.

SURGICAL INSTRUMENTS

The Soviet scientist, speaking English with occasional help from a Russian translator from Amtorg Trading Corp., the Russian office in New York that handles business matters here, said the uses for high-alloy steels produced by ESR in Russia range from surgical tools to gigantic rotors in industrial machinery. He said these uses would have the same applications in any other country.

PMI, headed by Henry Shur and Robert LeBlanc, will build the first ESR furnace in the Pittsburgh area, by early next year, a move that has attracted considerable interest in the American steel industry.

The high-alloy steels, now made in the United States under a different process that limits the ingots to certain sizes, shapes and strengths, are also used in aircraft, space vehicles and underseas vessels.

ALL THE DETAILS

While Paton Institute has patent agreements with several other countries the PMI contract is the first patent and know-how arrangement with a U.S. company. (A know-how clause means that Paton will give PMI the particularly working details and aid in setting up machinery for use of a patent, rather than merely provide a stack of blueprints.)

Because of trade restriction between the United States and Russia there are very few agreements of this type, LeBlanc said. He added, however, that some American companies market products in the Soviet Union.

PMI previously handled the exchange arrangement for a vision substitution device for the blind that the Russians sought. At the same time, the Soviets have offered PMI and other companies medical devices for use in this country.

Unlike Shur and LeBlanc who will get a large part of the profits from sale of ESR furnaces in this country, Dr. Medovar explained that the patent sale to PMI would not result in additional money in his own pocket.

"I am not a businessman," he said. "When I get my rubles at the pay window I won't get any dividends from this exchange."

[From the Washington Evening Star, Sept. 27, 1969]

Dr. DuBridge Meets Romanian President

Bucharest, Romania.—Dr. Lee A. DuBridge, adviser on science and technology to President Nixon, was received this week by Romania's President-Communist party leader, Nicolae Ceausescu, who was host to Nixon in August.

The Romanian news agency Agerpress said DuBridge's mission discussed ways to cooperate in science and technology.

[From the Florida Times-Union, Sept. 27, 1969]

Trucks for Reds

Rijeka, Yugoslavia.—The first of several shipments of trucks built by Romania for Communist China was loaded aboard the English freighter East Sea Friday at this Adriatic port, the news agency Tanjug said.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Barstow, Calif., Desert Dispatch, and the Los Angeles Times in the State of California:

[From the Barstow (Calif.), Desert Dispatch, July 24, 1969]

A Breezy Argument for Larger Trucks

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster it case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car driver, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Los Angeles (Calif.) Times, July 21, 1969]

Increasing Truck Size Unwise Move

Issue: Could local streets and roads stand the impact of heavier truck loads which would be possible under pending legislation?

Once again the trucking industry is pressing for passage of legislation to permit operation of wider, heavier and longer trucks.

The truckers maintain that use of the larger equipment would be more efficient and permit it to keep down shipping costs.

Perhaps so. But we suggest that there are other costs which are of more concern to the average motorist and the taxpaying public.

We have in mind, particularly, the heavy outlay which would be required to repair inevitable roadway destruction. There is also, however, the question of the cost to the nervous systems of drivers of passenger cars if the huge truck-trailer rigs become even larger than they are now.

The industry stresses that pending legislation would apply only to the Interstate Highway System, which presumably could stand the heavier load factors involved. Although the bill would permit but not require states to increase truck sizes on their portion of the federal system, we have a strong feeling that state legislature would be hard-pressed to resist the pressures of the trucking lobby.

If the heavier equipment operated only on interstate system there might be no cause for alarm. Yet it is obvious that the gigantic rigs would have to leave the federal system to make deliveries. That would mean they would be traversing secondary highways and local thoroughfares which simply are not designed to stand the load.

XUM

During congressional hearings last year testimony indicated that increasing the width of trucks from eight to eight and a half feet might increase the gross weight of the trucks by 16 tons. And it was suggested that the way might be opened for an increase of 33 tons.

The expense of upgrading roads to cope with the heavier loads has been estimated at from $1.6 billion to $2.8 billion.

Costs such as those worry us far more than the costs of trucking freight.

Under the circumstances, The Times urges congressional rejection of the proposed legislation. Such action undoubtedly would sadden the truckers, but it would be a boon to the motorists and taxpayers.

TRIBUTE TO THE MEMORY OF MOHANDAS GANDHI

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. SIKES. Mr. Speaker, the centennial celebrations of the birth of Mohandas K. Gandhi—1869–1948—now being observed throughout the world, serve to recall the extraordinary life and teachings of one of the great men of modern history. As the political leader of the movement for Indian independence, he lived to see the birth of the two great nations of India and Pakistan which replaced the British raj in the vast subcontinent of India. As spiritual father of the modern Indian national and cultural revival, his ideas and ideals have exerted profound influence not only in India but in every area of the world. It is altogether fitting that centennial memorial rites were conducted here in our Nation's Capital at the Washington Cathedral on Sunday, September 28, a gathering marked by the presence of men and women from many lands and of many faiths.

Gandhi's biographer, Louis Fischer, once wrote that "the only nonofficial figure comparable to Gandhi in his effect on man's mind is Karl Marx." The path of modern history suggests that the way of Gandhi may offer a viable alternative to Marxism with its emphasis on determinism and its acceptance of violence. Though identifying himself as a "socialist," Gandhi's understanding of man was deeply rooted in the great religious and cultural tradition of India, Hindu, and Moslem, and in the precepts of the New Testament. Above all he turned to the Bhagavad Gita, a jewel of Hindu spirituality, for his detachment from the things of the world, from envy and uncharitableness, from hatred and resentment.

Gandhi presents the curious paradox, in his words, of a political leader striving for saintliness, a paradox which could only thrive in a land such as India where the life of the spirit has exerted so enormous an influence in every area of thought and action. Moreover, there is a sense in which his life, viewed from without in purely political terms, was a failure: The coming of freedom was attended by frightful massacres which grieved him deeply and by partition, which he bitterly opposed. He lived to see his principles utilized by those whose chief concern was to seize power. There is sadness in the ironic fact of continuing communal hatred and conflict in India today.

Yet, with the passing of years since his tragic assassination in 1948, the character of Gandhi has steadily grown, and it remains a shining light in a dark time of violence and hate. His remarkably complex personality exerts an ever-deepening influence by his example of fearlessness, truthfulness, and compassion. The high drama of his career—his dedication to the poor and dispossessed, the "harijans"—his own term for India's untouchables—or children of God everywhere; his unwavering commitment to nonviolence even in the fiercest conflicts; the extraordinary way in which his devotional life combined the most generous tolerance and catholicity with a loving respect for the Hindu tradition of his fathers—all these assure that he will be remembered as long as men respond to truth and goodness.

CITIZEN OPPOSITION TO PROJECT SANGUINE ANNOUNCED

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. KASTENMEIER. Mr. Speaker, Project Sanguine, the purpose of which is to provide the Navy with a one-way communications system of coaxial cables in northern Wisconsin to transmit messages particularly to the *Polaris* missile submarines, has aroused, justifiably, considerable concern among Wisconsin citizens.

Many residents are apprehensive that Sanguine, an underground system of 6,000 miles of electric cables which may cost around $2 billion, will endanger animal and plant life, damage the ecology of Northern Wisconsin, and, doubtlessly, will imperil human life by making northern Wisconsin a nuclear target in the event of war. This apprehension led to a meeting of concerned Wisconsin citizens at Stevens Point on September 21, at which time a State Committee To Stop Sanguine was organized.

Mr. Speaker, it is difficult to reach a judgment on the details of Project Sanguine because of the secrecy involved. However, the Stop Sanguine Committee, at this initial meeting, raised pertinent issues regarding Sanguine that are contained in the following release. These objections deserve our attention:

STATE COMMITTEE TO STOP SANGUINE

A State Committee to Stop Sanguine was formed at special meeting called in Stevens Point on September 21. The purpose of the meeting was to develop an action program to "prevent further damage to Northern Wisconsin's wildlife, fish, and outstanding recreational resources by the Navy's communications project", according to Kent Shifferd of Ashland, who was elected chairman.

The more than 40 people present represented landowners, conservation organizations, university faculty members, labor and farm, and the legal and medical professions, and others concerned with Northern Wisconsin environment. Presentation of available facts by several speakers on the secret Navy project brought out the following:

(1) 26 Northern Wisconsin counties will be criss-crossed by an enormous antennae (6,000 miles) carrying high electrical voltages.

(2) The danger to human beings is exceeded only by the probabilities of constant risk of severe and lethal shocks to fish and wildlife despite the Navy's claim of "mitigation".

(3) The Navy has admitted that "it is impossible to prove that a Sanguine system would not be a prime target" for atomic bombing.

(4) The Sanguine Project will have a major destructive impact on the recreational industry because large areas will be rendered dangerous to visitors and fish and wildlife driven from accustomed woods, lake and stream areas.

(5) Such great quantities of electricity will be required that atomic power plants on Lake Superior with their heavy radiation and thermal pollutants will be needed by the project.

(6) Preliminary tests in North Carolina caused so much trouble to local telephone, radio and TV reception plus electric shocks that local people rose up in opposition.

In his statement to the meeting, Senator Gaylord Nelson indicated he will not support the project until three major reservations are satisfied: Need for serious debate by Congress to establish necessity of project; assurance that all possible hazards and inconveniences to people in area are evaluated; and more effective and independent research on ecological implications than that now scheduled by the Navy.

The Stop Sanguine Committee took action on two resolutions: The first requested Governor Knowles to order his Department of National Resources to "proceed forthwith" to prepare a staff study of the environmental effects of Sanguine, to make results publicly available, and to direct the Attorney General to "take all necessary legal action to protect the interests of the State of Wisconsin."

A second resolution, directed to President Nixon, Secretary of Defense Laird, and Robert Mayo, Director of the Bureau of the Budget, urged suspension of the project in line with the President's moratorium on new construction as an anti-inflation measure "until such time as independent, unbiased research proves the project both necessary to defense and harmless to men and animals."

In its final action, the group authorized the appointment of Roy Tulane, a former Wisconsin Assistant Attorney General, now residing in Washington, to represent its legal and other interests in the Nation's capital. An active program of enlisting participation by farmer organizations, resort and cottage owners, timber concerns and conservation groups will be shortly launched.

The initial Steering Committee is made up of the following persons:

STATE EXECUTIVE COMMITTEE OF STOP SANGUINE

Kent Shifferd, Rt. 1, Ashland (Chairman); John F. Wilson, Green Bay; Frederik Baumgartner, Stevens Point; Lowell Klessig, Oregon; Mrs. Louis Erickson, Racine; Dr. George Sparks, Marshfield; Jack Bohnon, Winchester; and Charles H. Stoddard, Minong.

U.S. FAILURES IN VIETNAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. FRASER. Mr. Speaker, this past weekend I took one of my frequent trips to Minneapolis. One of the things which impressed me during this trip was a letter which appeared in the Sunday, September 28, 1969, edition of the Minneapolis Tribune. The letter was originally sent to the Saturday Review.

In his letter, Dr. Gordon S. Livingston—his background is outlined in his letter—describes our alienation from the Vietnamese and our consequent politico-military defeat in the war. The following extract from Dr. Livingston's letter is worthy, I believe, of the attention of my colleagues:

U.S. Failures in Vietnam

(Editor's Note.—The following letter is reprinted from the Sept. 20 issue of the Saturday Review. The writer, Dr. Gordon S. Livingston, has served as an army doctor in Vietnam. Livingston was sent back to the United States after he wrote and distributed "The Blackhorse Prayer" (reprinted on this page) at ceremonies for Col. George S. Patton, III. Livingston is the son-in-law of Dr. Elizabeth Lowry of Minneapolis and the late Dr. Thomas Lowry, professor of medicine at the University of Minnesota and former medical director of Hennepin County General Hospital.)

Public disaffection with the war in Vietnam is now general, and as a result the American agony there may be near an end. But several of the fundamental reasons for our failure there are not widely acknowledged. Thirty-thousand dead Americans and countless dead Vietnamese require some sort of an accounting.

A few autobiographical notes by way of background. I am a graduate of the U.S. Military Academy. I had decided while still a cadet that I wished to become a physician. At that time, the Army would allow qualified USMA graduates to attend medical school with the understanding that they would make military medicine their career.

First, however, it was necessary to spend two years as an officer with one of the "combat arms." Accordingly, after becoming qualified as a Ranger and a parachutist, I served as an infanty lieutenant with the 82nd Airborne Division at Fort Bragg, N.C. After two years, I applied for a five-year leave of absence and was accepted at Johns Hopkins School of Medicine from which I graduated in 1967. I interned at Walter Reed General Hospital, and in 1968 volunteered for Vietnam.

Before leaving, I managed to get permission to attend a course given by the Foreign Services Institute, a State Department subsidiary, which included six weeks of study on the politics, religions, culture, and history of Vietnam as well as on our own military and civil operations there.

An additional five weeks were devoted to intensive language training from which I emerged considerably short of fluency, but with some limited ability to communicate. This course is one normally presented to prospective CORDS (civil affairs) personnel being assigned to Vietnam. Following this, I spent five weeks at Fort Rucker, Ala., undergoing training as an Army flight surgeon.

PATTON SYMBOLIZES OUR FAILURES

I arrived in Vietnam in November 1968 with the rank of major and was assigned as regimental surgeon (the latter word is without surgical connotation; all Army doctors are called surgeons) to the 11th Armored Cavalry Regiment ("Blackhorse"). This is a 5,000-man unit operating generally north of Bien Hoa in the III Corps area.

When I joined it, the regiment was commanded by Col. George S. Patton, III, the son of the World War II general. In the months to follow I was to come to know Patton quite well. As a member of the regimental staff, I ate at his table and attended his nightly briefings.

To a significant degree he symbolized the actions and attitudes that are a source of our alienation from the Vietnamese and our consequent politico-military defeat in the war.

It is difficult to summarize the experiences that led to my expression of disaffection with our effort. In the end what I objected to was not so much individual atrocities, for these can be found in any war; war itself is the atrocity. What compelled my stand was the evident fact that at an operational level most Americans simply do not care about the Vietnamese.

In spite of our national protestations about self-determination, revolutionary development and the like, the attitude of our people on the ground, military and civilian, is one of nearly universal contempt.

This arrogant feeling is manifested in a variety of ways, from indiscriminate destruction of lives and property to the demeaning handouts that pass for civic action. The Vietnamese, a sensitive and intelligent people, are well aware of our general lack of regard and generally reward our efforts with the indifference or hostility that they deserve.

We in turn attempt to create the illusion of progress by generating meaningless statistics to support predictions of success which have proved invariably incorrect. And the dying goes on.

Specific examples of our disregard for the Vietnamese are legion. At one point the corps commander issued a document entitled "U.S.-Vietnamese Relations" detailing many of these instances. It represented offical acknowledgment of the problem, but its exhortation to "avoid creating embarrassing incidents" was an exercise in futility.

THE DEHUMANIZATION OF RELATIONSHIPS

Numerous examples are available from my own experience, including the running down and killing of two Vietnamese women on bicycles with a *helicopter* (the pilot was exonerated); driving tracked vehicles through rice paddies; throwing C-ration cans at children from moving vehicles; running truck convoys through villages at high speeds on dirt roads (if the people are eating rice at the time it had to be thrown way because of the dust).

In the area of medical civic action, it was the policy to give no more than a two-day supply of medicine to any patient lest the excess fall into Viet Cong hands. Since visits to any given village are generally infrequent, this meant that the illusion of medical care was just that.

Another example of the dehumanization of our relationships with the Vietnamese is evident when a civilian is admitted to one of our military hospitals. He is given a new name. In the place of a perfectly adequate, pronounceable Vietnamese name, he is given an apellation that is easier for Americans to remember.

The nature of some of the designations chosen reveals their impact and intent—"Bubbles," "Ohio," and "Cyclops" for a soldier who had lost an eye.

Finally, one need only listen to a conversation between Americans concerning Vietnamese to appreciate the general lack of regard. The universal designation for the people of Vietnam, friend or enemy, is "gook" (also "slope" and "dink"). On the whole, this has no conscious pejorative connotation as used casually, but it does say something about our underlying attitude toward those for whose sake we are ostensibly fighting.

How we can presume to influence a struggle for the political loyalties of a people for whom we manifest such uniform disdain is to me the great unanswered, indeed unanswerable, question of this war.

The analogy is depressingly clear between our failure to relate successfully to the Vietnamese and to the black people who comprise an "underdeveloped nation" within our own society. In both cases our behavior is racist in the true sense of opposing the overwhelming forces generated by a people's search for pride and identity. The price of our lack of perception is defeat abroad, and, if not corrected, may be the dissolution of society at home.

And then there is the military. Gen. David Shoup has spoken on this issue more convincingly than I ever could. Vietnam provides a case study of how inimical to the goals of the nation can be individual self-interest of its soldiers.

KILLING RATHER THAN PACIFICATION

Col. Patton may be a case in point. He received numerous decorations while pursuing unrelenting the one major criterion by which a commander's performance is judged: the body count. He was able to make the appropriate public noises about the importance of civic action, but he was never more honest than the night he told his staff that "the present ratio of 90 percent killing to 10 percent pacification is just about right."

In my experience, Patton was neither the best nor the worst of the military there. He is simply the product of the misbegotten and misguided idea that a single-minded dedication to destruction is to be highly rewarded. That he was unable to grasp the essentially political nature of the war is not surprising. What is surprising is that our society should expect its soldiers to function in a political role and believe them when they say they can.

My work with the 11th ACR was mainly in the area of medical civic action. Using the eight general medical officers and 200 enlisted medics assigned to the unit, we attempted to establish regular, frequent, medical visits to a limited number of rural villages.

We also tried to provide evacuation of those people requiring surgery or hospitalization. In addition, attempts were made to attack some of the public health problems (personal hygiene, waste disposal) that were at the root of much of the disease we saw.

Finally, efforts were made to involve Vietnamese health officials in immunization programs, dispensary-building and the like so that something would remain after we had gone. Success in all these areas was very modest. Some necessary surgery was done, many acute illnesses benefited from antibiotic therapy, and a start was made on long-term treatment of the numerous cases of tuberculosis we encountered.

When I left, one dispensary was being built, which the government of Vietnam had promised to staff. Important to me was the idea our efforts represented and to which the Vietnamese responded: namely, that people from different cultures can relate successfully on the basis of mutual regard; that by offering our technical expertise the Vietnamese could help themselves.

There is nothing original about this concept; ostensibly it underlies all U.S. "pacification" efforts. In reality, however, the idea is diluted in its application by the pervasive myth of American superiority, and the result is that civic action in the majority of instances I observed represented little more than patronizing handouts.

I believe that this nation and its institutions are capable of better direction given better information. Mine was a limited view as is that of any one person; I make no claim to the whole truth, but this is what I saw.

CORRECTIVE ACTION NEEDED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. ASHBROOK. Mr. Speaker, on July 11 of this year the Washington

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Post carried an article by Bernard Nossiter, Post staff writer, entitled "ABM Foes Flooded With Tips," which described how anti-ABM Senators were provided information from various sources, both inside and outside Government, to support their positions. The Pentagon was one of the sources of information, but whether any classified material was forwarded was not stated.

On September 16 the Chicago Tribune ran an Associated Press story, "Finch Disowns HEW Release On Drugs Aid," which related how Secretary Finch was quoted as strongly backing the inclusion of out-of-hospital drug costs under medicare. Said Finch later:

> "The first time I knew about it was when I read about it in the paper this morning."

The article stated that the unauthorized statement appeared to commit Secretary Finch to a step that would increase medicare outlays by between $600 million and $1.2 billion a year at a time when the President wants to cut the Federal budget. HEW later explained that the release was made public through inadvertence, which explanation, if true, might be indicative of varying degrees of maladministration. One high-ranking HEW official, according to the AP release, is quoted as saying that:

> This place is unbelievable. It appears to run by itself.

A more recent case which cannot possibly be explained away as one of inadvertence was reported in the Evans-Novak column appearing in the Washington Post on September 26. The heading reads, "Circulation of Unofficial OEO Book Adds to Rumsfeld's Reform Problem," and the column opens with this statement:

> Without the knowledge and against the wishes of their Nixon-appointed superiors, poverty program bureaucrats have drafted and distributed a manual listing demonstrations, economic boycotts and, ultimately, violence as legitimate weapons of the poor.

The column goes on to say that Director Rumsfeld is handicapped in his efforts to remove troublemakers from OEO policymaking posts by Civil Service regulations and "unbreakable written contracts with nongovernment consultants."

The foregoing examples illustrate how, through inadvertence or design, departmental policies can be frustrated. Faulty administration, as was possibly the case in the HEW incident, is, of course, remedied by corrective action. The OEO problem is much more serious, for if policymakers who disagree with departmental policies cannot be removed, the chances of improving an agency's operation are certainly reduced tremendously. This is a problem that greatly concerns me, and I fully intend to do whatever possible to effectively correct it.

I include the above-mentioned column by Rowland Evans and Robert Novak in the RECORD at this point:

CIRCULATION OF UNOFFICIAL OEO BOOK ADDS TO RUMSFELD'S REFORM PROBLEMS

(By Rowland Evans and Robert Novak)

Without the knowledge and against the wishes of their Nixon-appointed superiors, poverty program bureaucrats have drafted and distributed a manual listing demonstrations, economic boycotts and, ultimately, violence as legitimate weapons of the poor.

The manual, which despite lack of official sanction is now circulating through the network of local community action groups, merely puts in writing what is reality in the field. Regional officials of the Office of Economic Opportunity have been prodding local community action leaders—many of them public-spirited, middle-class professional men—to stir up the poor in revolt against the establishment. The fact that this violates the clear orders of Donald Rumsfeld, OEO's new director, has proved no inhibition.

Thus, the 37-year-old Rumsfeld, who surrendered a safe congressional seat from Illinois to run the government's most battle scarred program, has collided with a permanent political fact of life: The difficulty of a presidential appointee to enforce his wishes on an entrenched bureaucracy. What makes OEO different is that many of its bureaucrats feel their function is less to generate jobs for the poor than to promote social revolution.

This revolutionary bent, more than any other cause, is what has contributed to the poverty program's loss of public support since 1964. In his effort to clear the bomb-throwers out of OEO policymaking posts, Rumsfeld has been stymied by Civil Service regulations and unbreakable written contracts with nongovernment consultants.

The provocative manual is a direct result of Rumsfeld's inability to completely clean house. Completed this summer by a mixed group of OEO employees and contract consultants, a draft copy of "A Trainer's Manual for Community Action Agency Boards" last month was mailed around the country to several local community action groups for comment. Although this draft was widely reproduced and distributed in poverty program channels, Rumsfeld had not even heard about it until we informed him.

What he has now seen runs almost directly contrary to his stated policy of opposition to high-pressure tactics by the poor. Says the manual: "The power strategies that community organization (sic) may apply to make their presence known and felt are: (1) vote power; (2) numbers power; (3) dollar power; and (4) threat power."

In discussing "vote power," the manual suggests community programs review "the positions of elected officials" in guiding the vote of the poor—directly conflicting with OEO's congressional mandate.

The manual's analysis of "dollar power" carries a hint of even stronger pressure: "It (dollar power) can be significant in the very abilty to withdraw dollars; therefore, boycotts and strikes can both act as dollar leverages for the application of power by a community organization."

Where the manual has lifted most eyebrows, however, is its declaration that "the ultimate threat power is the riot"—a clear threat of blackmail. While asserting that rioting is illegal, the manual adds that community action board members should "recognize the threat power of rioting as a very real power and possibility."

The manual dovetails with repeated urgings by OEO regional officials that community action leaders mobilize the poor in direct action—an activity which has spawned complaints both to Rumsfeld and congressional offices.

One Midwestern congressman sympathetic to the poverty program last week received a complaint from a community action chairman in his district that a regional OEO official in Chicago "has been subtly prodding us into organizing the poor to conduct marches, picketings, boycotts and demonstrations." Simultaneously, a Negro community action leader from Arkansas got word to his congressman that two white OEO officials from Texas had recommended getting poor Negroes into the streets as demonstrators.

Such reports do not help the OEO renewal bill now languishing in the House Labor Committee. They add fuel to demands by Rep. Edith Green of Oregon that state governments be granted greater control over antipoverty efforts, a move that would eviscerate the poverty program in the opinion of both Rumsfeld and its congressional backers.

ANONYMITY ENFOLDS APOLLO BOSSES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Neal Stanford, staff correspondent for the Christian Science Monitor, in the Tuesday, August 26, 1969, edition of that paper, points to the outstanding but largely anonymous leadership of two men in the Apollo program. Both of these men have demonstrated throughout their careers great dedication to duty and a desire to serve their country well. Lt. Gen. Samuel C. Phillips, former director of the Apollo program and his associate, Col. Rocco Petrone, Apollo launch director at Cape Kennedy, have indeed served their country well as pointed out by Mr. Stanford. I commend this article as an excellent portrayal of the type of men that the success of Apollo has required for its fulfillment:

ANONYMITY ENFOLDS APOLLO BOSSES

(By Neal Stanford)

WASHINGTON.—A few men seek anonymity. Many achieve it. A lot deserve it. A few have it thrust upon them.

Two of those in the space program who have had it thrust upon them are the retiring, and the new, directors of the Apollo program—the program that put men on the moon July 20 and is going to keep on putting them there for some time.

Everyone can name the crew of the Apollo 11 flight: Neil A. Armstrong, Edwin E. Aldrin Jr., and Michael Collins. Everyone knows it is Dr. Wernher von Braun who designed the Saturn V rocket that makes the moon trip possible.

But how many know the man who for five years has been director, or boss, of the Apollo program and set a standard of excellence that is unbeatable: five manned Apollo flights and five successes? Or who knows his successor, the man at Cape Kennedy who has been czar of the Apollo launches, who launched Apollos 7, 8, 9, 10, and 11 with such precision that all together they were late in getting off the pads less than one-fiftieth of a second?

THEY KNOW ABOUT ORDERS

Everyone in the Apollo program knows who these men are. All the astronauts know them, for they are entrusting their lives to them. All the newsmen covering the Apollo shots know these two operations managers as "no-nonsense" human computed types, systems engineers or systems managers as they are sometimes called. Interestingly, and possibly not accidentally, they both have military backgrounds. They have learned to take orders and to give them.

The present program director, who leaves his job Sept. 1 to return to the Air Force, is going to boss its space and missiles' systems organization. Back in 1959 as an obscure colonel (he is now a lieutenant general) he took over the faltering Minuteman missile program, put the missiles in silos, and made them the country's principal nuclear retaliatory weapon. In 1964 the space agency borrowed him from the Air Force.

TECHNIQUES PAY OFF

His management techniques account for much of the success of both the military Minuteman program and the Apollo space program. Dr. von Braun, who is something of an organizer, administrator and systems man himself, credits him for Apollo's success.

The former program director can be tough when he wants to. He ruffled some industry and space officials some years back by coming out with a very unflattering report on space contractors' workmanship. It was prophetic, for not long after a disastrous pad fire occurred at Cape Kennedy in which three astronauts lost their lives.

Now that he is moving from space back to the Air Force, he presumably will be even more of an anonymity than he is now—that is, with the public. Among his colleagues in space and in the Air Force, he's a name and a man to be reckoned with.

WORKED WITH VON BRAUN

Now a word about his successor, also a military man. He is a West Point graduate who played tackle on the Army team that included Doc Blanchard and Glenn Davis. He earned a masters degree at Massachusetts Institute of Technology in mechanical engineering.

He started his career in rocketry at Dr. von Braun's Huntsville, Ala., shop that in that early year of 1952 was perfecting the Redstone—the rocket that put Alan B. Shepard Jr., into space as America's first astronaut.

The new director of the Apollo program has been at the Cape for nine years. His big chance to climb up the management ladder came when he was told to take the bugs out of the mammoth crawler-transporter, that 6 million-pound platform as big as a football field that has to pick up the Apollo Saturn and mobile launcher and carry them vertically to the launch pad three miles away. It took him a year to do the job, and if he hadn't, there would be no Apollo moon landing program today.

As he moves up from director of launch operations at the Cape to boss of the whole Apollo program, his present place is to be taken by the man who has been his deputy for the last two years, Dr. Walter J. Kapryan, who was project engineer for the Mercury spacecraft.

Although the Air Force's gain will not actually be the space agency's loss, it's going to be hard for the new Apollo program director to equal the record of his predecessor: five successful flights out of five. But he has the same five out of five successes in launching Saturn Apollos.

Oh, yes, about these men's names: It is Lt. Gen. Samuel C. Phillips who is going to the Air Force space and missile systems organization, and Rocco Petrone, whom they call "the Rock" at the Cape, who is replacing him.

LACK OF NARCOTICS TREATMENT CENTERS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. MURPHY of New York. Mr. Speaker, this final article by Richard Severo in the New York Times discusses what may be the most shocking aspect of the narcotics problem—the overwhelming lack of effective treatment centers and facilities. Public and private outrage is constant, yet even the genuinely motivated addict cannot often find the help he needs.

The article follows:

Narcotics Addicts Find Aid Is Scarce—Acute Shortage of Medical Facilities Plagues City

(Note.—This is the fourth and last in a series written by Richard Severo and prepared with the assistance of Barbara Campbell.)

An acute shortage of medical facilities confronts the addicts in New York City who wants to kick his habit and needs help.

There are two kinds of shortages, both of which contribute to the rising rate of narcotics-related crime that is being felt most in slum neighborhoods, which can least afford it.

The first is a shortage of emergency facilities. The city's private and public hospitals may give an addict immediate treatment if he contracts hepatitis from a dirty needle, but they are either unwilling or unable to help if he wants to escape his habit on the spur of the moment—the kind of sudden plea he is most likely to make if he is desperately looking for an alternative to heroin.

Second, and no less important, is the lack of detoxification facilities even if the addict is willing to wait for weeks or even months. The waiting lines are even longer—at least a year, some addicts have been told—to get into one of the few experimental programs dispensing methadone that serve about 2,000 addicts at present. Methadone is a synthetic addictive drug that blocks the need for heroin in many addicts.

While they wait for treatment, some addicts continue to beg, borrow and steal to support their habits.

One addict said he stole $55 from a waitress after a doctor at Bellevue advised him to "go to the Salvation Army and get a square meal." He has not been arrested for the crime.

Another addict who could not get help at Metropolitan Hospital threw a garbage can through a bar window at 3435 Broadway in Harlem and stole $300 in liquor and cash. He has not been arrested.

An addict who went to Bellevue and was told to come back the next day and see a doctor who "knows something about drugs," robbed a room in the New Yorker Hotel. He has not been caught, either.

"One of the greatest tragedies of New York," says Supreme Court Justice Samuel A. Spiegel, "is that we are reacting to the addict only after he has broken the law. We are dealing with the addiction problem in the courts and in the prisons, whereas we should be dealing with it in sociological and medical terms."

PHYSICIAN CALLS NEED GREAT

Dr. Milton Luger, president of the Queens County Medical Society, calls the need for emergency facilities "great . . . and epidemic." He adds: "We have no facilities to help these sick people who must resort to crime because there is no help. Action should be taken now on a crash-program basis."

Queens District Attorney Thomas J. Mackell agrees. He has asked Hospitals Commissioner Joseph V. Terenzio to start a detoxification unit at Queens General Hospital, along with back-up services of medical and paramedical personnel.

As for the facilities run by the State Narcotic Addiction Control Commission and the New York City Addiction Services Agency, only a few among the scores of addicts interviewed expressed serious interest in committing themselves to either program. These addicts included those who appeared to be highly motivated, as well as those who were content to live within the drug subculture.

Neither the state nor the city offers its services on an emergency basis. Both require days and sometimes weeks for admission.

STATE PLAN CRITICIZED

Moreover, the state program in particular has been criticized by judges and physicians as more punitive and custodial than rehabilitative. Its effectiveness is also challenged by addicts who have met other addicts recently released as "cured" but who are again seeking heroin.

Most authorities on addiction agree that simple detoxification—the process of getting the addict off heroin for a few days—is not enough; it should be followed by therapeutic and other medical services. The great need now, they said, is for services available as quickly as addicts need them to stay out of trouble.

Most of the addicts who were interviewed indicated they would occasionally use detoxification facilities, even if they felt they lacked the determination to kick the habit permanently.

The process of detoxification and abstinence from heroin for even a few weeks reduces, temporarily, the amount of the drug the addict requires. A $50-a-day habit might be cut to $20. Though the reduction would not last long, in the interim the addict would have less need to steal and to manipulate his relatives and friends to support his habit.

At present the New York State Narcotic Addiction Control Commission's facilities hold 3,500 to 4,000 addicts. About 1,300 more are on aftercare status—less than half the commission's original estimates, according to its initial timetable.

The city's Addiction Services Agency reports that it has 950 to 1,000 inpatients and another 415 outpatients.

If the agency is correct in estimating that New York City has 100,000 heroin users, then the city and state programs together account for less than 7 per cent of the local addict population. Prisons, hospitals and private drug addiction facilities may account for about 10 per cent.

EIGHTY PERCENT OF DRUG ADDICTS FREE

This means, then, that roughly 80 per cent of the city's drug users are free and will presumably try to stay that way. Meanwhile, many of them will go on stealing. The severe shortage of specialized facilities to treat or even confine addicts is aggravated by the fact that New York's hospitals—private voluntary and city-run—generally do not consider themselves as participants in the search for either a permanent or temporary solution to the drug problem.

A spokesman for Columbia-Presbyterian said that when addicts came seeking either beds or methadone they were told to go to a "city clinic." There are no city clinics for addicts.

At St. Vincent's Hospital, assistant administrator, Harold Light said that no facilities existed for either detoxification or methadone maintenance, nor were any planned. He explained that addicts were a security problem because, when hospitalized, they tried to steal drugs.

Both Lenox Hill and New York Hospitals reported they had neither detoxification facilities nor methadone programs and did not plan to start them. The spokesman for Lenox Hill added, however, "Perhaps we should reexamine what our responsibilities are to the community."

SIX IN BELLEVUE PROGRAM

Bellevue, a city hospital with a large psychiatric program, has no medical services for addicts who want to end their addiction. It has a methadone project that has only six patients at present and no new patients are being accepted.

Dr. Alexander Thomas, director of Bellevue's psychiatric division, said the hospital was studying the feasibility of a "substantial" methadone program, however, and

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hoped to reach some conclusons by the end of the year.

Other hospitals have equally modest facilities. Metropolitan, for example, offers 18 beds for detoxification, for which there is a waiting period of two and one-half months; Interfaith has 100 beds for detoxification, but reports it has to turn away 35 to 50 addicts every day (some addicts who have been at Interfaith report another problem: drugs, they say are almost as available inside the hospital as out of it).

Mount Sinai has no detoxification facilities but offers methadone for 50 persons and says the waiting list is "discouragingly long."

CARE FOR $503 A WEEK

Gracie Square, a private hospital, offers a methadone program to 80 patients, but charges $69 a day for room and board plus $20 a week for methadone. It serves an upper-middle-class clientele; most of the addicts who are now stealing to support their habits could not afford it.

Bronx State Hospital has begun a methadone program. But in so doing, it phased out 25 beds it maintained for addicts who wanted to detoxify themselves "cold turkey"—without the aid of drugs. A spokesman for Bronx State explained that the detoxification unit was dropped because it was costly and ineffective.

Ray Giella, an ex-heroin addict who is leader of Inward House, a therapeutic community for drug users, is critical of this phasing out. His group had depended on Bronx State to detoxify addicts before they entered Inward House.

The Bernstein Institute of Beth Israel Hospital has the largest number of beds available for detoxification among voluntary (private, nonprofit) hospitals—282. Moreover, it serves nearly 1,500 outpatients with a methadone maintenance program. This will soon be increased to more than 2,000.

ONLY A STOPGAP MEASURE

Dr. Harvey Gollance, who runs the program, reported a two-week to three-week wait for the detoxification applicants. But he views detoxification as only a stopgap measure, especially if it is not accompanied by some sort of therapeutic help.

He pointed out that although Beth Israel makes 9,000 admissions a year for detoxifications, this represents only 3,000 separate patients, because the same addicts kept coming back to cut down on their habits.

Dr. Gollace is a strong advocate of methadone. He said that methadone, administered daily in controlled doses, would allow 80 percent of all addicts now on the streets to begin "self-supporting, normal lives."

Other physicians disagree with him. Indeed, in New York, agencies dealing with drug addiction are a case study in disagreement. What one doctor may advocate as the most hopeful solution in sight may be condemned by another as reckless and unscientific.

Dr. Robert W. Baird, a Fifth Avenue physician who runs a free clinic on East 116th Street for Harlem junkies, attacks the idea of trying to eliminate the use of one addictive drug by getting the addict hooked on another addictive agent.

IDENTIFICATION CALLED KEY

Dr. Baird has no beds available for detoxification. He insists that the 35 patients in his care at any given time visit him faithfully, at least for a year, shave off their sideburns (if they have them), keep their jobs (or get jobs), stay in school and learn to become self-sufficient.

Dr. Baird thinks that the key to reaching addicts is allowing them to identify with "a strong male figure."

Other physicians believe psychiatry, or perhaps such therapy combined with methadone, is the answer. But as the argument goes on about which system holds most promise there remains at present, no overall, coordinated plan to augment the roles hospitals might play in helping addicts.

The city plans to start a five-year, $1.6-million methadone maintenance project in Brooklyn in October. The program will not utilize hospitals, but other buildings are being acquired for the purpose.

The goal is to reach 3,000 to 5,000 addicts in the five-year period. The project is described as an effort to learn more about what methadone will and will not do. The addicts are to be carefully selected, and no emergency facilities are contemplated.

As for the plight of the addict in prison, the City Council earlier this month voted to establish a methadone treatment program in city prisons. The program was enacted over the veto of Mayor Lindsay, who felt that the plan would violate Federal regulations for use of the drug.

POSITIONS AS CANDIDATES

A program that strives to reach the addict before he commits a crime—either in or out of hospitals—has not been outlined as yet by any of the three major candidates for Mayor of New York.

Mayor Lindsay, the Liberal-Independent candidate, has not outlined a specific campaign position on the narcotics problem "because he is the incumbent," according to Richard R. Aurelio, Mr. Lindsay's campaign manager. Mr. Aurelio said the Mayor would stand on the record he has made. However, Mr. Lindsay has criticized the narcotics program offered this week by his Democratic opponent, Mario A. Procaccino.

Mr. Procaccino said he wanted to get addicts off the streets, would deny bail to suspected addicts under arrest and would give methadone to any addict who wants it. Martin Steadman, a spokesman for Mr. Procaccino, said Mr. Procaccino "wants to take thousands off the streets and put them in the state's treatment centers."

"He's confident that such a drive will encourage thousands more to leave New York City," Mr. Steadman added.

State Senator John J. Marchi, the Republican-Conservative candidate, thinks that "government programs for detention and treatment of addicts should be pursued further," according to Richard Roth, a spokesman for Mr. Marchi. Mr. Roth added that Mr. Marchi "supports the state program, which has been the matter of some controversy."

ADDICTS DESCRIBE CRIMES

A number of addicts interviewed in the preparation of these articles discussed the crimes they recently committed after being unable to get any kind of help from hospitals at the time they needed a fix. Since drug addicts are not noted for their candor, their stories were checked with both the victims of the crimes and hospital sources.

None of the addicts has been arrested. Three estimate they have stolen almost $4,000 worth of cash and property just during July and August.

Charlie (the names of addicts are fictitious), a 34-year-old heroin user who has been arrested 22 times (but not recently), contended that he got so desperate after he was refused help at Metropolitan Hospital last June 24 that he threw a garbage can through the window of Jack's Bar & Grill at 3435 Broadway, in order to break in. Charlie has not been question by the police.

Frank Fava, owner of Jack's confirmed the loss. He said the police investigated and even found some housekeys on the floor of the bar, apparently dropped there by one of the robbers (two other addicts were with Charlie), but this has failed to produce a lead.

Bruce, 41, who has been taking heroin since he was 16, said that he stole $55 from a purse that he found in a back room at Hartley Chemists, 1219 Amsterdam Avenue, last winter. He said he committed the theft after a doctor at Bellevue said he could not give Bruce either a bed for detoxification or drugs to help go through a withdrawal period. (Although some doctors say that withdrawal symptoms have been overstated, Bruce insists it is very painful for him).

GET A SQUARE MEAL

According to Bruce, the doctor suggested he "go to the Salvation Army and get a square meal."

Bernard Cohen, manager of Hartley Chemists, confirmed that someone took the money from the purse of Mrs. Martha Francis, a waitress who works in the luncheonnette section of the store. Bruce, when told that he took the money from a waitress who could scarcely afford the loss, snapped:

"What do you want from me? I'm a dope fiend, no more, no less. I don't want to hurt anybody. But if I need a fix, I need it. That's all."

Benjamin, a heroin addict who estimates he has stolen at least $600 a month for the last 10 years, walked into Bellevue at 8 p.m. last June 27 and told a doctor: "I'm all messed up on junk and I'm gonna do something bad if I don't get help."

Benjamin readily admits he does not think he could kick his habit. He will not seek admission to one of the private therapeutic communities, such as Odyssey House or Synanon, and will not surrender his freedom unless he is caught.

But he is very tired of stealing and was hoping his visit to Bellevue would make another theft unnecessary. He spoke to a doctor who gave him three Librium pills (a tranquilizer) and told him to come back the next day when there would be a doctor on duty who "understands drugs."

Benjamin related what he did next:

"I went out into the street. My eyes were watering and I had cramps. I had about a dollar in change on me, I guess. I went into a liquor store and bought a pint of Gypsy Rose (a domestic wine) and washed down a Librium. Nothing happened. I started walking; I was getting panicky.

"I was near the New Yorker Hotel (Eighth Avenue and 34th Street). I got a couple of shopping bags out of a trash basket and put some newspapers in them so it would look like I was carrying something when I went into the hotel.

"I sat down in the lobby and stayed there for a while. I'm not kidding you—I went in there to steal. My stomach was all in a knot. Hell, what a mess—I didn't even have the carfare to go and sponge off another junkie. The roof of my mouth was dry, I remember.

NOBODY PAID ATTENTION

"I got into the elevator. Nobody seemed to pay much attention to me. I pushed the button for 20. Don't ask me why; I just did. I was up there. I couldn't help myself. I was trying doors on the 20th floor like a lunatic. How nobody saw me I can't say.

"Anyhow, I found a door open. I went inside. Nobody there. I guess it was some chick's room because the luggage looked like it belonged to a woman. There were two suitcases on the bed.

"I opened one and dumped it on the bed. I found $100 in travelers' checks and a small white travel alarm clock. I also found a whistle, a knife and a flashlight on a string. I guess that chick was carrying it for self-protection.

"There were a couple of cameras in the room, too. One of them was a brand-new Kodak Instamatic. I took all the stuff, put it in the shopping bags and walked out of there. Nobody stopped me. I got rid of all the stuff in a Harlem gambling joint. They gave me $30 for the travelers' checks and $10 for the cameras."

HEROIN BOUGHT IMMEDIATELY

By 10 P.M., Benjamin was pumping $40 worth of heroin into his arms. He would need $40 more within 12 hours.

The theft was verified by the hotel. Benjamin was never questioned by the police. He says he didn't open the second suitcase, although he realized it might have contained even more goods or money.

"I was going to open it," he said. "And you know, I started to cry. Now, maybe you think I'm spinnin' you, but it's the truth. I started to cry. Here I am, damned near 39 years old, stealing in a hotel room. I said to myself, 'What the hell are you doing here? Damn near 39 years old. What the hell are you doing?' "

RESTLESS CONGRESS TAKES THE INITIATIVE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. KARTH. Mr. Speaker, there has been so much nonsense written and spoken about the activities and the role of this 91st Congress in its first session that it is indeed refreshing when an astute journalist such as Richard L. Lyons of the Washington Post tells it like it is.

Mr. Lyons' analysis of the work of this Congress deserves a wider audience so I have requested permission to have the following article, which was published in the Washington Post on September 28, 1969, reprinted in the Extensions of Remarks of the CONGRESSIONAL RECORD:

RESTLESS CONGRESS TAKES THE INITIATIVE

(By Richard L. Lyons)

Talk of a "do-nothing" Congress has begun, but in fact a restless, impatient Congress has grabbed the initiative from the President all along the line.

It is true that as the year moves into the last quarter much of the legislative work remains to be done. The appropriation bills are caught in the worst logjam in memory and the government is operating under an unsatisfactory stopgap continuing resolution based on last year's spending levels.

But the delay has been due in good part to the Senate's exhaustive scrutiny of military policy and spending—the first searching challenge of the military since it became a massive institution in World War Two. The delay has been caused also by the unusual slowness with which the administration got its program to Congress.

Who would have thought that the House Ways and Means Committee, carefully shaped over the years by Sam Rayburn to protect the oil depletion allowance, would write the most comprehensive tax reform bill in history and cut the oil men's tax saving by 25 per cent?

If this Congress did nothing more than mark an end to accepting military budgets on faith and produce a more equitable tax structure it would earn a place in history and the slow pace on relatively routine appropriation bills would be soon forgotten.

Consider some other recent events:

While President Nixon vacillated on electoral reform, Republican and Democratic leaders combined to push a constitutional amendment for direct election of the President through the House. If it gets by the Senate and state legislatures, still questionable, this would be the most basic change ever made in the process of electing the President.

The Senate last week converted a routine housing bill extending programs into a $6 billion measure containing new ideas, including a plan offered by Sen. Edward W. Brooke (R-Mass.) to help more poor people get into public housing.

After pressuring the administration to come up with a major food stamp program last spring, a bipartisan group of senators expanded it even further on the Senate floor last week. The revolt was led by Sens. George McGovern (D-S.D.) and Jacob K. Javits (R-N.Y.) who made hunger a national issue with their special investigating committee.

The undefeated civil rights team of Reps. Emanuel Celler (D-N.Y.) and William M. McCulloch (R-Ohio) gave short shrift to the administration's voting rights bill and pushed through the House Judiciary Committee a simple extension of the existing law to help southern Negroes register. It is expected to pass the House next month.

The administration had little to offer in the way of tax reform proposals last spring so the House Ways and Means Committee wrote its own bill. It sailed through the House and is now in the Senate. The administration seems to have at least two positions on the oil depletion allowance. It was Reps. Wilbur D. Mills (D-Ark.) and Hale Boggs (D-La.), the top two Democrats on the Ways and Means Committee and both from oil and gas states, who insisted that a reduction in the allowance must be part of the reform bill.

After talking earlier of a 7 per cent increase in Social Security benefits, the President upped it last week to 10 per cent effective next April 1. House leaders of both parties fell over each other to up the ante. They also agreed it should be made effective by the first of January at the latest. Rep. William C. Cramer (R-Fla.), a junior member of the House GOP leadership and a candidate for the Senate from a state full of pensioners, wants a 15 per cent increase retroactive to last Jan. 1.

House Democrats, tired of seeing the big education programs they had authorized only half funded, added $1 billion to the education appropriation bill and were scolded by the President for inflationary budget-busting.

The House may give the President another billion-dollar headache when the public works appropriation bill hits the floor soon. A drive to appropriate the full $1 billion authorized to fight water pollution, instead of $214 million requested by the administration, claims to have 219 firm votes including about 45 Republicans. This is a clear majority of the House.

Not all of these bills will pass both houses this year and some may not make it next year. The food stamp program faces delay in the House and voting rights in the Senate. Congress is dragging its feet on the President's plan to reform the military draft and postal reform. Neither house is expected to act this year on his most innovative proposal, welfare reform.

But this Democratic Congress, which has lost the cohesive, prodding White House leadership exercised for the last eight years and operating under loose congressional leadership, is showing an unexpected amount of self-starting energy. And this initiative has come more through bipartisan efforts at the Capitol than by teamwork between Congress and the White House.

JOSEPH F. McCAFFREY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BOGGS. Mr. Speaker, it has been called to my attention that a very good friend, who is a very able journalist, Joseph F. McCaffrey, last summer celebrated his 25th anniversary as a Washington correspondent, and I would like to take this opportunity to pay him a belated but richly deserved tribute.

There are times, I think, when all of us in Congress have the feeling of being too close to the trees to see the forest. When I have that feeling, I very often listen or watch Joseph F. McCaffrey, who has a remarkable gift for putting things in perspective, for giving his audience a new insight into the significance of major events. Needless to say, his talent is a rare and valuable commodity in this age of instantaneous communication and capsulized news.

Joe McCaffrey is a man who is a master at communicating vital information objectively and without distortion. He is also a fine human being.

It is for these reasons that I am happy to join in paying him tribute in this, his 26th year of covering the Nation's Capital.

BATTLE OF THE BULGE—THE PRICE OF SOVIET TREACHERY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. RARICK. Mr. Speaker, last weekend ceremonies commemorating the Battle of the Bulge were held at Bastogne, Belgium. Among those present were the King of the Belgians, Ambassador John Eisenhower, and Gen. Anthony McAuliffe, who commanded at Bastogne during the heavy fighting there.

News accounts of this commemoration were very brief, nonfactual, and did nothing to remind the American people, including those who had participated, that this was one of the bloodiest battles of World War II, and was the turning point which broke the back of the German Army.

Many military historians wonder if the near suppression of this incident was not in the interests of protecting the image of so-called Soviet-Allied cooperation and participation during that war.

Few Americans to this day have been apprised of the fact that Hitler's desperate strategy at the Battle of the Bulge was completely known by Stalin long in advance of the assault against our forces.

Yet, Joe Stalin, who is identified in the history books read by our youth as our great ally, refused and purposefully withheld any and all warning of the impending attack from the Western Allies.

In fact, cooperating with the Nazi battle plan, he deliberately arranged to have Soviet troops fall back on the eastern front, releasing German troops and giving the German commanders additional divisions to attack Americans.

Thinking as a Soviet, any historian could imagine Stalin's satisfaction as he planned to let the Americans and Germans battle each other to annihilation while he would save his Soviet troops for their spring offensive to occupy and control central Europe.

All of which meant that the loss of an estimated 80,000 Allied lives in the Battle of the Bulge was in Stalin's scheme so as to give him more bargaining strength at the Yalta meeting with President Roosevelt and Prime Minister Churchill.

No commemoration of the Battle of the Bulge should ever be held without a reminder to the American people of the treachery of the Soviet.

No American can in good conscience recall the Battle of the Bulge without demanding that the history of World War II be honestly written to show the Soviet treachery and deliberate manipulation of both German and Allied forces by Stalin for the benefit of international communism.

Mr. Speaker, I include a UPI story and an interesting history by R. B. Pitkin, "Did Stalin Betray Us in the Battle of the Bulge?" taken from the American Legion magazine which follow my remarks:

[From the Washington Sunday Star, Sept. 28. 1969]

GENERAL MCAULIFFE IN BASTOGNE FOR BATTLE SITE CEREMONY

BASTOGNE, BELGIUM.—Anthony McAuliffe, the U.S. Army general who said "nuts" to a Nazi surrender demand, has arrived to take part in ceremonies commemorating the Battle of the Bulge.

McAuliffe, now 71, was met at Brussels airport by "O'Neill" Guerisse, a hero of the Belgian resistance during World War II.

McAuliffe's one-word reply to the Nazi surrender ultimatum inspired the victorious stand against German forces at Bastogne in 1944.

The general's 101st Airborne Division and the people of Bastogne held out a heroic nine days against eight Nazi divisions until air relief finally arrived.

King Baudouin of Belgium and U.S. Ambassador John Eisenhower, son of the late American president and war-time commander of the allied forces, will join McAuliffe and other allied veterans in the ceremonies today.

A memorial service will be held for the 77,000 allied troops and Belgians who died in the battle.

[From the CONGRESSIONAL RECORD, Jan. 22, 1968]

THE FINAL GUNS: DID STALIN BETRAY US IN THE BATTLE OF THE BULGE?

(By R. B. Pitkin)

(EDITOR'S NOTE.—This article is based on a manuscript, "The Final Guns," by Tony Lazzarino. As will be seen in the text "The Final Guns" encompasses far more than the material summarized here.)

Did our WW 2 ally, Soviet Marshall Joseph Stalin, know in advance that Hitler planned to launch the Battle of the Bulge against the weakest part of our First Army's lines in the Ardennes Forest of Belgium and Luxembourg in December 1944?

Knowing Hitler's plan in advance, did Stalin purposely avoid alerting us to the impending disaster? If he did, he was one of the authors of the battle itself. Hitler's attack on us depended so completely on surprise that his orders were to call it off if we should get wind of it.

Some historians have flirted with these questions, only to back off short of asking them, apparently because such a monstrous betrayal by an ally seemed "unthinkable."

The Bulge battle verged on military disaster for us. Catching our forces entirely off balance, the Nazi offensive permanently unhinged our original plan for the invasion of Germany, threw us on the defensive and cost us more than 80,000 casualties. For a period of weeks in 1944 the whole free world anxiously wondered if Hitler's rampaging tank armies, plunging up to 60 miles into our rear, might not destroy the foothold that the Western allies had gained on the continent in Normandy in June.

We were spared a disaster approximating that only by the generalship of the lone American soldier, the lone squad, platoon, company, and battalion. Only their isolated resistance, when cut off from friends, supplies or knowledge of what was happening, bought the time for higher commands to organize a counterattack.

Small wonder that it has long been "unthinkable" even to ask if one of our allies—a declared implacable foe of Hitler—might have known all about it ahead of time, and by his silence made sure it would come off.

The question is raised today, however, in a significant work by film producer and writer Tony Lazzarino. Lazzarino's "The Final Guns," unpublished as these words are written, is the fruit of five years' research into the Battle of the Bulge. It is the basic manuscript for a major film on that battle whose anticipated release by Columbia is still nearly two years off.

Mr. Lazzarino is a native of Rhode Island, an Air Force veteran with a passion for military history, and has a background in writing and producing military documentary films. It hardly occurred to Lazzarino at the start of his research into the Battle of the Bulge that Stalin should have had a role in it. The Bulge was in the West. The Soviets were in another sphere of the struggle.

Lazzarino's trial, and his growing manuscript, took him to earlier historians of the battle, then to the surviving generals on both sides. He arranged for talks with Eisenhower, Montgomery and various American and British field and staff officers. Then with the surviving German leaders. He brought Gen. Hasso von Manteuffel, Hitler's Fifth Army Commander and the most successful of the professional German generals in the Bulge, into meetings with his American opposites on the battle front, where the former foes compared battle notes. Lazzarino sought and received personal accounts of the man-to-man struggle in the Ardennes from more than 1,200 readers of this magazine who were there, from privates to colonels. New aspects and tales of the battle poured into his notes.

From the Germans he began to piece together untold details of how and why Hitler planned the attack, and of conflicts within the German military staff. The origins of the battle in Hitler's own mind emerge in Lazzarino's work as a portrait in microscopic exactness of a giant ego challenged by plots, counterplots, disloyalty, defeat and despair. The bomb plot of his generals on *der Feuhrer's* life, as well as the disloyalty, poisoning and cynical funeral of Rommel unfold in intimate detail in Lazzarino's manuscript—reinforced by taped recollections of Rommel's family in 1967. Even Joachim Peiper, the responsible German officer at the Malmedy massacre, talked for Lazzarino's note taking.

Nothing in all of this of the Soviets, far off on another front. Yet the origins and the conduct of the battle, and its results right down to today, raised questions involving Stalin that forced their way in, wanted or not.

Many were old and familiar. In the midst of the struggle, Eisenhower complained that the idleness of Soviet divisions in Poland freed two German armies from the East to attack him in the Bulge.

But some of the questions had never been asked before. Lazzarino's work traces Hitler's every move in hiding his elephant, so that our intelligence had not the slighest idea of the great force piling up in the snowy forests right under our noses. Our blindness to it, a classic of military intelligence failures, has been talked to death for 23 years. Yet in all this time nobody had even posed the companion mystery. Our Soviet ally had an intelligence system that knew Hitler's plans so well that it was the ruin of German armies and the despair of the Gestapo. Stalin was typically reading Hitler's latest orders over his morning coffee, and setting traps for those who would carry them out. Did the Kremlin's fantastic intelligence web also fail to detect the German buildup for the Ardennes before the battle?

Having no answer, Lazzarino filed this in his mind with other annoying Bulge mysteries, many of which had long been in the public record without being assembled into one picture. Among them, the $64 question: Why did Germany, with her mortal fear of Russia, squander her last mighty effort against *American* troops, to leave her back door open for the Red Army? It was a folly for which Germany is still paying, and it seemed beyond reason even for mad Hitler. Why?

One answer to that has always been a mysterious American folly that leads to Stalin again—the Morgenthau plan. Hatched, strangely in the U.S. Treasury Department, the plan sought to dismember Germany, make off with her industry, flood her mines and carve her up into several farming nations under predominantly Soviet occupation. It was read to Churchill and Roosevelt at Ottawa by Harry Dexter White and urged on them by Treasury Sec'y Henry Morgenthau. Churchill and Roosevelt both initialed it in September 1944. The result was predictable. New German fury flowed against us when it became known. Plotters against Hitler rallied to his side again. American soldiers felt the reaction in new enemy desperation at Arnhem, Aachen, in the Huertgen Forest.

The plan was bitterly attacked in the United States. Both the State and War Departments opposed it. Some said it would give the postwar victors 18 million starving Germans to feed, while its announcement would cost the lives of many British and American fighting men against an aroused foe.

Hitler and Goebbels cried that it reduced us to the level of the "Communist beast," that we were out to destroy 50 million German civilians. Without the Morgenthau plan, the German Ardennes effort might have been withheld.

Churchill and Roosevelt abandoned it, and F.D.R. later said that he didn't know what possessed him to initial it at Ottawa. Then, to their utter consternation, when they sat down at Yalta in February 1945 to talk peace conditions in Europe with Stalin, the Soviet Marshall trotted out virtually a carbon copy of the Morgenthau plan *as his own*.

The question cannot be set aside: Did Stalin's propaganda machine in the United States subtly plant the Morgenthau folly in high places in order to direct more German resistance toward us and away from him?

Stalin's complete victory over Roosevelt and Churchill at Yalta, in which he had his way in gobbling eastern Europe establishing puppet regimes and imprisoning East Germany, has been traced ever since in almost a routine way to the effects of the Battle of the Bulge. Until Lazzarino raised the question, historians did not go so far as to suggest that Stalin had a finger in the Ardennes fight, but only that he was his sole beneficiary.

Thus in "The Meaning of Yalta," edited by John Snell for the University of Louisiana Press in 1956: "Western bargaining power at Yalta was limited by the realities of the military situation . . . Two German armies . . . shifted from the eastern front, hit Gen. Eisenhower's First Army on Dec. 16, 1944. In the weeks that followed, Hitler's forces . . . created the 'Bulge,' forcing American troops back to the Meuse . . . The attack disrupted planning for an Allied spring campaign."

In short, as Stalin did not hesitate to remind the President and the Prime Minister at Yalta, *their* troops were still bogged down along the Rhine, while *his* were already in possession of the countries they were discussing, and within a hundred miles of Berlin.

When Roosevelt extricated himself and Churchill from Yalta, every earlier pledge to Poland and the other Eastern European nations lay broken beyond hope. While the three talked, the Red Army held all the cards for Stalin. To Churchill the blow was terrible. England had gone into the war in defense of a free Poland. Now Stalin invited him to support the Communist Polish puppet regime which he had just installed ("in the rear of the Red Army," he added, significantly). Wearily, Roosevelt suggested that question after question "be postponed for further study." Both men went to their graves with the postponements still in effect.

If their troops were in the wrong places and Stalin's were in the right places, was it all just bad luck or had Stalin been maneuvering them, even playing Hitler against them, long since?

Roosevelt and Churchill, whatever they put in the public record, knew they had been jockeyed. It was a cruel joke to hear their own cursed Morgenthau plan, whose onus and evil military consequences they had borne, come from the Russians—a reminder of Huertgen and Arnhem and the Bulge and the other reasons why they were still bogged down on the Rhine.

But they needed no such jest, if jest it was. They had asked Stalin for the Yalta meeting back in July. Then they were more like equals. But Stalin had stalled through the summer, and through the fall. As if he had known Hitler's plans, Stalin did not set a date for Yalta until the die was cast to assure him the political victory. Lazzarino's manuscript fixes November 3 as the earliest date Stalin might have known Hitler's plan to attack us in the Ardennes.

If Churchill and Roosevelt had been trapped into bargaining the peace agreements with Stalin after Hitler's Bulge attack had tied *them* down, they knew too that they'd been trapped into it only *after* Stalin's great January offensive was rolling. The Western leaders hadn't heard of any Russian winter offensive until after the Nazi armies poured into Belgium on December 16.

"On December 15, 1944," writes Lazzarino, "the sun was rising on Moscow and setting on Washington." About December 20, Ambassador Averell Harriman was told in Moscow that the Red Army would launch a winter offensive. On January 15, Western representatives were told that it had been rolling for three days. Stalin later claimed that he had attacked "to relieve pressure on the Bulge." But he had waited until the struggle in the Ardennes was over. Now the Yalta meeting occurred, at Stalin's pleasure, as we lay licking our wounds while the Soviet offensive roared west against a Nazi army already chewed up in the Bulge.

How else had Stalin jockeyed his two allies?

Lazzarino suggests that as far back as the Normandy landings in June, Stalin's interest lay in locking the Anglo-Saxon and German forces in a wasting combat in France. Once we were safely ashore Hitler was doomed. From that point on we, as well as *der Feuhrer,* were enemies, to be played off against each other and leave Europe to Russia.

Stalin's military intelligence most certainly knew the inner secrets of Hitler's Atlantic defenses in May of 1944, but he let Eisenhower go it blind on Omaha Beach in June. "Perhaps," says Lazzarino, "he foresaw the possibility of a rapid advance by Eisenhower, and felt that assisting his 'allies' in any way that would speed their advance into Germany was not now in keeping with his long-range designs."

While we were getting a foothold in Normandy in June 1944, Stalin waged a summer offensive toward the Vistula. But as soon as we broke out of Normandy he stopped it cold. The net effect was that he took the pressure off Hitler on the Polish front the moment Patton's spearheads began to break across France.

The pressure was completely off by mid-August. It was still off in December when Eisenhower had complained of German armies from the Russian front in the Ardennes.

During this period, Russian offensives were turned south, against Hungary and along the Danube. By this maneuver, Stalin cemented Soviet dominance all the way west to Yugoslavia on the Adriatic, while creating in Germany the impression that the *immediate* threat to the Nazi homeland was that of the Western Allies in France.

The Russian attack in Poland was "stalled," we thought, Hitler thought so too, though his eastern generals warned of a buildup of hundreds of Soviet divisions, and urged reinforcements against an enormous danger. Looking back in 1948, British historian Gen. J. C. Fuller noted that it was "strange" that from August to January nothing of importance happened on the Polish front. "The five months rest was spent in regrouping its size made Hitler violent again.

" 'Where in earth did you get such ridiculous estimates? It's the most colossal bluff since Genghis Khan. I question the sanity of those who suggest it!'

" 'Then put my chief staff officers in an asylum, and make room for me too,' Guderian responded. He was later relieved of command."

Thus did Stalin conceal a force of over 200 divisions, 60 of them fully armored, aimed straight at Berlin. From his allies he concealed them with secrecy, from the Russian armies. Odd, he thought, to rest when the "circumstances of the invasion of France" dicated a vise on Germany from both sides. Fuller only slightly overestimated the seven groups Stalin had amassed in Poland by January. He called them "at least 300 divisions and 25 tank armies, followed by numerous Cossack forces."

Lazzarino tells what happened to Hitler's Commander in the East, Gen. Heinz Guderian, when he "protested using the last German armored reserves for an offensive in the West, and was flabbergasted by Hitler's 'insane' order to *withdraw* armored units already in Poland to use in the Bulge.

"Hitler was enraged. Guderian was calmed by his fellow officers and withdrew. Later he warned Hitler again of . . . a great Russian force massing east of the Vistula. The estimates he gave of Hitler with the hypnosis of incredibility and five months of lulling inaction. After Hitler committed himself against us, this great force soon rolled over the rest of Poland, East Prussia, to Berlin and beyond to the Elbe. It gave Stalin the whole deck at Yalta, and it determined the division of Europe then, in 1945, now, in 1968, and indefinitely into the future. Meanwhile, the "impossibility" of its existence turned Hitler to his Bulge offensive and a sense of security. There, like a puppet on Stalin's string, he locked his Western enemies in a deadly embrace that left the field of political victory in the war in Europe solely to Stalin.

To any one *but* Hitler, it should have been incredible that Stalin should assemble such a force. How could he dare strip his other fronts of such great masses of men, armor and supplies to gather it all in Poland?

Stalin could dare such a concentration only if he knew *everything* his enemy was doing. If he *knew* there was no danger on the Danube, in the Balkans; if he *knew* Hitler was massing strength in front of the distant Ardennes; if he *knew* what Hitler told Guderian; if he had a daily nose-count of all Hitler's troops and copies of all Hitler's orders, then Stalin had nothing to fear from tactics that would be insanity for an ordinary general with ordinary military intelligence. With such information, a political peasant could become a greater Generalissimo than all the professional generals of history.

A few years ago, Allan Clark revealed in his book "Barbarossa," that from very early in the war, Stalin did, in fact, know everything Hitler was planning—down to the last trivia, and often within ten hours. A mysterious secret informant, known as "Lucy," had direct access to the full knowledge of the German High Command. With information from "Lucy," radioed to him from some foreign source each day, Stalin became in fact the Generalissimo greater than all the other generals. In Russia, he destroyed Hitler's forces at Voronezh, at Stalingrad and in the even more colossal German catastrophe at Orel-Kursk in 1943—simply by having in his hands the orders that the attacking Germans were carrying out. This mysterious "Lucy" (a man) died after the war in the certain and true knowledge that he, more than any other person, had controlled the course of the war in Europe and determined the shape of the peace.

Here is part of Lazzarino's account of what "Lucy's" information did to the last great German effort in Russia at Orel-Kursk, in July 1943. Direct quotes are General von Manteuffel's words in interviews with Lazzarino in 1967. Manteuffel commanded the 7th Panzer Division at Orel-Kursk.

"After Stalingrad [Manteuffel speaking] Hitler had demanded preparation for a secret concentration of armored forces, greater than any assembly of a German striking force in Russia. Seventeen Panzer divisions spearheaded two groups of armies. Hitler waited, at the expense of other Eastern forces, until he could allocate the bulk of new production to this assembly: new Mark VI Tiger tanks, self-propelled assault guns, artillery, a striking force more powerful than any we ever had for a single offensive. The point of attack was on the vast open plains between the Russian cities of Orel and Kursk in the upper Donetz Valley."

After many weeks of secret preparation, Hitler's great assembly was completed.

"We Germans of every rank experienced a strange fatalistic emotion at Orel-Kursk. We saw around us such overwhelming strength—German strength and power—that we soon realized how this would be the event—this would be the place and time—when we must defeat the Russian.

"There at Orel-Kursk, we definitely had the resources—excellent leadership in the field—Zeitzler, von Kluge, Guderian, von Rundstedt, Model, Hoth; a group of armies with more than sufficient power to strike a great crippling blow, one from which the Russians would never have recovered. On July 7, 1943, my Panzer division was one moving to the attack longside seventeen others—elite forces, the best in all Russia."

Weeks before, "Lucy" had put the full details of the plan as conceived by Hitler in Stalin's hands; the assignment of divisions, their transport, type of equipment, new Tiger tanks, allotment of petrol and supplies and everything including the planned order of battle and the top secret "point" of attack.

As Stalin read them his hopes soared to new heights. He could picture the future mosaic of Soviet satellites being placed piece by piece over the length and breadth of Eastern Europe.

Every effort was made. All Soviet resources available were husbanded. Every man and weapon that could be collected in time was sent to the point of the German strike *before* the German forces received the attack order.

On July 5, 1943, Hitler's personal message was issued to the soldiers at Orel-Kursk: "Soldiers of the Reich! Today you are to take part in an offensive of such importance that the entire outcome of the war may depend on its outcome. More than anything else, your victory will show the whole world that resistance to the power of the German Army is hopeless."

General Manteuffel recalled bitterly how the German command was staggered by the incredible width and depth of the Russian defense. The German armor was allowed to enter the Great "Bogen" or Bow of well-camoflaged defense. Storms of fire from great concentration of heavy guns, rockets, anti-tank weapons clustered together fired broadsides at the new Tigers . . . The Russians's fire was unimaginable. Their depth of defense went back fifteen or twenty miles. Mines were laid everywhere—mines designed to channel the Panzer spearheads into hundreds of clusters of waiting guns. Broadsides tore into the armor. Artillery rained down until the vast mantle of cornfields burned fiercely. The battle raged on until that plain at Orel-Kursk consumed a million men and thousands of panzers and guns.

"We made them pay dearly . . . stubbornly throwing our forces head on, hoping desperately to break the Bogen . . . pierce that great Bow of fire and steel."

Stalin knew the Germans could not keep up the pressure against the Bow indefinitely. Tremendous reserves, supplies, petrol, had been piled up by Stalin in his foreknowledge, while the German supply lines went back hundreds of miles. Soon the tonnage coming to the attacking force fell below the minimum required for maintaining the assault. The German pressure against the Bow eased. Then the attacking formations lost momentum.

In that interval, with Hitler's greatest force lying in ruin, Stalin launched his counteroffensive. He utilized forces husbanded earlier from other fronts—forces he knew beforehand could be safely transferred because "Lucy" had told him so. He had them at the exact spot between Orel and Kursk where he knew they would be needed, again because "Lucy" had told him so.

Over a year ago two French journalists, Pierre Accoce and Pierre Quet, revealed the identitfy and most of the secrets of "Lucy" in their fantastic bestselling book, "A Man Called Lucy." The American edition was published by Coward-McCann, New York, in 1966.

"Lucy" was the code name of a German named Rudolf Roessler. According to the "Lucy" book, Roessler was in league with ten top German generals, all pledged to bring about the downfall of Hitler by helping the Allies. Starting well before Hitler invaded Russia, these ten high-ranking members of the German High Command radioed the most minute details of the plans of the German armies to Roessler in Switzerland every day. "Lucy"—or Roessler—passed them on to a Communist spy web in Switzerland, whose members relayed them in Soviet radio code to the Kremlin intelligence center.

To this day, the ten generals have never been identified, but the Gestapo never doubted their existence. Its agents had seen too many copies of the latest German military plans in captured Soviet documents. They had seen too many German armies walk into traps in Russia that could only have been engineered by someone looking over Hitler's shoulder. When all efforts to track the traitors down failed, the Gestapo gave a top priority to discovering the source of the broadcasts to the Kremlin from Switzerland.

The Swiss allowed the spy ring to operate with their knowledge. The only condition was that the Swiss Government receive file copies of all of the information Roessler got from his friends in the German High Command. But when, late in 1943, Swiss intelligence knew that the Gestapo had narrowed down the source of the broadcasts, Switzerland jailed the members of the ring for safekeeping. She feared an attack on Switzerland by Hitler, should capture of Roessler and his associates by the Gestapo reveal Swiss complicity in the German disasters in Russia.

Roessler was the last to be jailed for safekeeping, in May 1944.

An oddity in Accoce's and Quet's book escaped thousands of readers and reviewers until Lazzarino began finding inconsistencies in it in his pursuit of matters bearing on the Battle of the Bulge. The French authors of "A Man Called Lucy" never touched on what it would and would not mean for the Western allies to share Stalin's knowledge of German plans. Their omission was at first amazing, then unbelievable. The end of "A Man Called Lucy" was finally so indigestible that Lazzarino set out on a trail of his own.

According to the two French authors, Roessler was released by the Swiss in September 1944, and by September 15 he was again in touch with his friends in the Nazi High Command. Throughout the fall of 1944, he again received every detail of German military plans. But his Swiss Communist radio contacts with the Kremlin had been broken up. So all Roessler could do was to receive his intelligence from Germany, dutifully file one copy of it with the Swiss, then simply keep his own copies. According to the book, Roessler operated alone all that fall, but sent nothing to Stalin after May 1944.

Still according to the book, this continued until December 15, when Roessler lunched in Switzerland with one Alexander Foote, an English Communist who had been the invisible boss of his earlier radio contacts with the Kremlin.

On December 15, Foote told him the war was just about all over, there was no need to reestablish contact with Stalin. "All over," echoed Roessler, vaguely. Before saying goodbye to Foote he gave him a bag. "It contains all the latest plans of the Wehrmacht," he said. "Take it to the Soviet embassy in Paris when you go there today, they may want it." And so the book ends.

It did not end for Lazzarino, nor should it for anyone else. This was December 15, 1944. The complete German plans for the Battle of the Bulge were in that bag, including the news that it would start the next morning. Furthermore, Roessler had been receiving Hitler's Bulge battle plans since November 3, when Hitler revealed them to his high command, and thus to Roessler's ten informants. On December 15, when Foote and Roessler lunched, the date of the Ardennes attack had just been irrevocably set by Hitler for the next morning.

Hardly any of the book's ending is believable. Roessler would not have told Foote to hand-carry such information to the Soviet embassy in Paris on December 15 unless he had already dispatched it by faster means. If Roessler had been giving the Swiss a copy of his German High Command intelligence every day all fall, then the Swiss had known about the impending Bulge battle since about November 3. Would the Swiss (who had risked invasion by Hitler to help Stalin destroy the Nazis) have neglected for six weeks to have an agent drop a word in the right place with Eisenhower about the big attack planned against him in the Ardennes?

In "The Final Guns" Lazzarino has written a new beginning and a new ending, based on a web of research of his own. It begins almost as far back as 1920, when, contrary to the book, Roessler's ten German generals (then German military cadets trained in Russia) became Communists, not merely the Hitler-haters that Accoce and Quet believe them to have been.

Lazzarino skips now to September 15, 1944, when Roessler, out of his Swiss jail cell, again contacts his ten German generals. From that day on Roessler *again* sends complete Nazi battle plans to Stalin. He no longer needs to use Red spy radios in Switzerland. France has fallen and the Soviet embassy with its sophisticated radio gear has reopened there.

Each day a Communist female agent, Rachel Deubendorfer, relays the German military plans from Roessler in Switzerland to one Rado, a top Soviet agent, who sees that they are sent coded to Stalin from the Paris embassy. Roessler gives the Swiss *no* copies of any information *that might be useful to Eisenhower*. It is all for Stalin.

Now, looking over Stalin's shoulder, the incredible becomes credible. Stalin, with all the German battle plans once more before him, knows that it is safe to build up his mighty force in Poland with which to beat his allies to Berlin. He is threatened nowhere else. Starting about November 3, Stalin knows of the coming Ardennes battle. All he lacks is the date of the attack, which Hitler constantly postpones. As soon as he can learn when it will come off, the war will be over. Stalin's enemies and his allies will be locked in final conflict in Belgium. Time then to schedule his own secretly planned winter drive to Berlin. Time then, at last, to oblige Mr. Churchill and Mr. Roosevelt by fixing the Yalta meeting at a date when they will be stymied west of the Rhine while he will be storming toward Berlin.

On December 15, Roessler tells his female Communist contact that the Bulge battle has been fixed beyond recall for tomorrow. Stalin is told immediately, and this is the last thing Stalin needs from "Lucy." Time to close him out, too. So Alexander Foote, one of the most trusted Red agents in the West, is sent from France to Switzerland to meet face to face with Roessler for the first time in his life. Roessler is told to give him *all* the documents he has put together since the start of the war. That is what's in the bag, and it is indeed "all over" for Roessler, though he hopes that his documents will induce them to hire him as a permanent agent.

On January 11, 1945, the Battle of the Bulge is over. Germans, Americans and British together have suffered close to 200,000 casualties. On this day Stalin orders his generals in Poland to smash toward Berlin. And on this day the first passenger airplane to fly from Paris to Moscow since the start of the war takes off. Space on it is at an absolute premium. But one man who has a seat on it is Alexander Foote. In his bag is the only evidence remaining outside of Russia of the full knowledge collected by "Lucy" and forwarded to Stalin throughout the war, including the full details of German defenses in Normandy in the spring of 1944, and German plans for the Battle of the Bulge for more than a month before it happened. Stalin knew it all, told nothing.

Lazzarino has one postscript. After "A Man Called Lucy" was published in 1966, the furor in Germany was enormous. Under German pressure, the Swiss delivered up to them all the documents filed with them by Roessler. They are under lock and key today. But a high German informant has advised Lazzarino that the Swiss papers have nothing in them that would have helped Eisenhower. Roessler entrusted all such only to Stalin, who made his own judgment of what his "allies" should and should not know.

This leaves history since 1944 to be rewritten.

NEW ENGLAND AGAIN FACES HARD WINTER WITH FUEL SHORTAGES AND OIL PRICE INCREASES—INEQUITABLE MANDATORY OIL IMPORT QUOTA SYSTEM MUST END

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. BOLAND. Mr. Speaker, autumn is now upon us and as we approach another bitter, cold, snowy winter, New England once again faces shortages in home-heating fuel oil and unnecessary price increases.

The anticipated fuel shortages and accompanying price hikes are in the economic forecast for New Englanders for the 10th successive winter because of the mandatory oil import control program established by the Eisenhower administration in 1959, giving American oil producers a virtual monopoly in the domestic market.

The cost of the inequitable oil import program to the Nation is measured in billions of dollars. Newspaper accounts last week of a study by the Interior Department's Bureau of Mines indicated that the cost of the oil quota system to consumers could reach $7 billion a year by 1975 and more than $8 billion a year by 1980. The study also predicted that crude oil prices could drop from $3.20 to $2 a barrel if quotas on oil imports are removed.

Mr. Speaker, while the cost of the oil import control program to the Nation as a whole is high, New England bears a disproportionate share of this burden. The 6 percent of the national population which lives in New England consumes 22 percent of the heating oil which this Nation uses.

The New England Council conservatively estimated that the 1967 cost burden shouldered by New England as a result of the oil import control program was close to $520 million. The price that homeowners in New England pay for heating oil is higher than for any comparable region in the country.

Mr. Speaker, the time has come to abolish the oil import control program. I am one of 54 cosponsors of legislation, H.R. 10799, which would eliminate the oil quota system. I hope that President Nixon's Cabinet task force on oil import control will come forth with a strong recommendation to end this inequitable mandatory oil import quotas program. I have written to President Nixon expressing my opposition to a continuation of the quota system and its adverse effects on New England.

I include with my remarks at this point in the RECORD the reply I received from the White House on August 27, a letter I received today from Mr. Dermot P. Shea, executive secretary of the Consumers' Council of Massachusetts, and the accompanying statement on the heating oil shortage facing Massachusetts this winter; and editorials concerning the oil quota system fuel cost savings from the Boston Globe of August 18 and the Springfield Union of September 25:

THE WHITE HOUSE,
Washington, August 27, 1969.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR MR. BOLAND: Thank you for your letter to the President expressing your opposition to the mandatory oil import quota system.

I know the President will appreciate having this careful analysis of your position and it will be called to his early attention. As you are fully aware, this matter is under review and your views will be given careful consideration.

With cordial regards.

Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

CONSUMERS' COUNCIL,
Boston, September 26, 1969.

Hon. EDWARD P. BOLAND,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: For your information, I am enclosing the latest statement of the Consumers' Council in connection with the possible shortage and price increase of No. 2 fuel oil (Home Heating Oil).

Sincerely yours,

DERMOT P. SHEA,
Executive Secretary.

POSSIBLE HOME HEATING OIL (NO. 2 FUEL OIL) SHORTAGE THIS WINTER

Dr. Edward R. Willett, Chairman of the Consumers' Council issued the following report today on the current situation on the Home Heating Oil (No. 2 Fuel Oil) supply and price situation. He stated that "as of now the East Coast supply of No. 2 Fuel Oil is more than 10% below a year ago according to reports made by the major oil companies to the American Petroleum Institute. Currently, the Federal Oil Import Appeals Board has only 7,000 barrels daily available to ease the short supply and hardships caused by the Federal Oil Import Quota System. Interior Assistant Secretary Hollis Dole who administers this program states that "no change will be made while the White House Task Force is studying this whole question." He is further quoted as admitting that conditions in the Home Heating Oil market are serious, both from a competitive and supply point of view. What this really means is—there is a potential shortage of this commodity with an accompanying price increase.

This is absolutely unnecessary and can be taken care of by restoring to the Northeast region of this country the right to import No. 2 Fuel Oil now barred by the Federal Government. What is needed is *emergency action* by the Secretary of the Interior to allot the unused 22,000 barrels allocated to the Defense Department to the Northeast Region in order to relieve both the price and supply situation of the Home Heating Oil (No. 2 Fuel Oil). Without *emergency action* by the Federal Government, we will have a serious Fuel Oil shortage as well as a sharp rise in the price of this product."

"The Consumers' Council asks that all consumers of the Commonwealth write the Secretary of the Interior, Washington, D.C., and *demand* that he take the necessary action to relieve this price and supply situation of Home Heating Oil. All that is needed is a 'stroke of the pen' of the Secretary of the Interior to take the Federal Government out of the business of being the 'broker' for the domestic oil refineries and interests."

[From the Boston Globe, Aug. 18, 1969]

THE OIL QUOTA TYRANNY

An encouraging contrast to the Nixon administration's failure to act on Maine's request for an oil refinery at Machiasport is Asst. Atty. Gen. Richard W. McLaren's advocacy of ending, or curtailing, the oil import quota system.

Predictions of economic doom by the American petroleum industry if the quota system were lifted are not unexpected. U.S. oil producers have enjoyed a virtual monopoly situation since the Eisenhower administration established the mandatory import control program in 1959.

Arguments that lifting the controls would result in swift increases in the price of crude oil because of collusion among petroleum-producing nations are not supported by the recent history of residual oil. Relaxation of controls on residual oil brought about price declines of as much as 25 percent.

New England pays more for home heating oil than any other region of the country, an unfair consequence of the import quota. And, as Maine's Gov. Kenneth M. Curtis has noted, "the tragedy is that this expenditure is unnecessary since the costs of the quota program far outweigh any contributions it makes to the security of our nation."

Mr. Nixon's Cabinet Task Force on Oil Import Controls, which has been studying the problem since January, was given an excellent appraisal by Asst. Atty. Gen. McLaren recently of the drawbacks of the quota system. The program, he said, imposes the obvious direct costs to consumers of oil which arise "from shielding the domestic industry from the impact of, and the consumer from the benefit of, much lower foreign crude prices."

The Nixon administration has been given more than adequate time to study the oil import program. As McLaren has suggested, outright elimination of the quota—or at the very least, extreme changes—should be recommended. And a quick decision should be made on the Machiasport project, the most sensible proposal adduced thus far to bring cheaper fuel oil to New England.

[From the Springfield (Mass.) Union, Sept. 25, 1969]

HOPE FOR FUEL SAVINGS

A confidential study done for the Department of Interior is said by sources in Congress to estimate that present U.S. restrictions on oil imports are costing Americans $7 to $8 billion yearly in gasoline and oil costs.

This should add fuel to the drive for a free trade zone that would allow Middle East oil to be imported duty-free into Maine and to be refined there as well. The study has been submitted to a presidential task force on oil imports, which is to make its recommendations by Thanksgiving.

The administration has already taken the position that oil import quotas should be abandoned because they are costly to the economy, anti-competitive, unnecessary for the national security and unfair to consumers. And when consumers come into the discussion none are more involved than the people of New England, who because of their remoteness from the oil refineries of the West and South have to pay dearly for their petroleum products. For them also there is a greater risk of shortage because of transportation difficulties.

If the 10-year-old oil import quotas are abandoned, a free trade zone in Maine will not be as important to New Englanders. But the oil-producing states can be counted on to resist either or both of these changes. Their contention that the abandoning of quotas—or setting up the free trade zone—would impair the national security by making the country more dependent on foreign oil does not stand up against the Interior Department's study. Its estimate is that the U.S. could store ample oil for emergency purposes at much less cost to the nation than would accrue from the import quotas.

There seems little justification for preserving a condition that makes petroleum products expensive for anyone a great distance from the refineries. There would have to be a better argument than protection of the domestic oil industry against foreign competition.

DEMOCRATIC STUDY GROUP FACT SHEET 91-9—H.R. 14000, FISCAL YEAR 1970 AUTHORIZATION, MILITARY PROCUREMENT, AND RESEARCH AND DEVELOPMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. FRASER. Mr. Speaker, on Wednesday of this week we are scheduled to begin consideration of H.R. 14000, the fiscal 1970 authorization for military procurement and research and development which was reported by the House Armed Services Committee last Friday. This bill, which authorizes over $23 billion for procurement and R. & D. on new military weapons, is one of the most important measures which will come before the House this year. It should, therefore, be given most careful consideration. Unfortunately, since the bill itself was reported from committee only last Friday and since the committee report did not become available until today—just 2 days prior to House consideration—Members will not have the opportunity to give this important bill that kind of careful consideration before being called upon to vote on it. I, therefore, commend to the attention of all Members the Democratic Study Group's analysis of H.R. 14000 and comparison of the House measure with Department of Defense requests and the Senate-passed authorization bill.

Mr. Speaker, I include in the RECORD at this point DSG fact sheet 91-9:

H.R. 14000, FISCAL YEAR 1970 AUTHORIZATION, MILITARY PROCUREMENT AND RESEARCH AND DEVELOPMENT

H.R. 14000, which would authorize $23,347.9 million (23.35 billion)* for procurement of weapons systems and research and development on new weapons systems by the military services and defense agencies, was reported with minority and supplemental views September 26 by the Armed Services Committee by a vote of 36-3. The bill is scheduled to reach the House floor Wednesday, October 1.

This DSG Fact Sheet will analyze the House bill and compare it with the DOD requests and the Senate authorization. The Fact Sheet contains the following sections:**

I. Background.

II. Senate Action.

III. The DOD Reclamma (DOD's request following Senate action).

IV. House Action.

V. Comparison of House and Senate Action and DOD Requests.

VI. Line-by-line Analysis of Both Bills and DOD Requests.

VII. Mini Fact Sheets on Anticipated Floor Amendments to H.R. 14000, on blue paper. (9 amendments offered by Committee members are on pages 27-35; 4 others on pages 36-39).

SECTION 1

Background and overview of the bill

On January 14, 1969, Secretary Clifford presented to Congress DOD's FY 1970 requests for military procurement and R. & D. They totaled $23,151.7 million, an increase of $1,526.0 million over the amount requested for FY 1969 and $3,660.7 million over the amount actually appropriated for that year.

On April 15, Secretary Laird presented an amended version of the FY 1970 DOD requests totalling $21,963.7 million, a cut of $1,188.0 million from the Clifford requests. The Laird revision included a cut of $1,236.3 million from $14,977.6 million requested for procurement and an increase of $48.3 million in the amount requested for R & D on new weapons systems.

The procurement cuts were mainly in the following areas:

$390.0 million for Army missiles (Sentinel-Safeguard shift).

$307.6 million for Air Force missiles (slacked Minuteman III needs).

$66.9 million for new shipbuilding and conversion.

$159.7 for Navy aircraft (EA-6B, F-4J, and P-3 reductions).

The R & D increase was the product of a $50.0 million increase in the Emergency Fund offset by net reductions of $1.7 million in the service requests.

The Senate Armed Services Committee proceeded to cut $1,904.2 million from the Laird request, authorizing $20,059.5 million of the $21,963.7 requested. The Committee reported the bill July 2, following which the Senate considered it for two and a half months. Several attempts to remove money from the bill on the floor failed, but amendments cutting an additional $45.6 million for social science research and $25 million from the Emergency Fund were successful.

Following Senate passage of the $20,059.5 million authorization on September 8, DOD submitted to the House Armed Services Committee requests for money restorations (reclammas) of $968.8 million, largely for R & D programs, for an amended total of $21,028.3 million.

SECTION 2

Senate action

Title I—Procurement

Aircraft

The Senate Armed Services Committee approved $484.4 million for Army aircraft, $457.1 million below the $941.5 million requested. The deletion of $362.3 million for the Cheyenne helicopter was accompanied by a recommendation that the program be abandoned.

The Committee approved $2,287.2 million for Navy aircraft, $122.0 million below the $2,409.2 million requested. Major cuts were:

All of $104.0 million for the A-7E attack fighter, with the recommendation that A-7s already contracted for by the Air Force be made available to the Navy.

$18.0 million of $109.5 million requested for CH-46E medium transport helicopter procurement with the recommendation that the program be stretched out.

For the Air Force the Committee approved $3,965.7 million, a cut of $135.4 million from the $4,100.2 million requested. Major changes were:

The transfer of $374.7 million in A-7D funds to F-4E procurement. The Committee noted that the A-7 series of aircraft was operable only in an environment of complete air superiority whereas the F-4 can do the job of the A-7 in addition to having deep penetration and dogfight capability.

$22.5 million was cut from $38.5 million requested for procurement of 96 A-37B tactical fighters and $21.5 million of $28.1 million requested for the T-X navigational trainer as a low priority item.

$50 million for C-5A spares was cut from $935.3 million for all parts and spares because of a six month slippage in the program.

$40 million for B-52 modifications to interface the SRAM airground missile was cut from $510.2 million requested for aircraft modifications.

All of $15.0 million for a heavy-lift helicopter.

All of $75.0 million for SAM-D anti-aircraft missiles, citing over-estimation of the Soviet bomber threat.

$8.0 million of $17.7 million requested for CBW research.

$14.9 million of $44.9 million requested for the MBT-70 tank, recommending re-orientation of the program.

Navy and Marine Corps

The Committee approved $1921.5 million of $2,211.5 million requested, for a cut of $290.0 million, or 13.1%. Major systems reduced or eliminated were:

All of $66.1 million requested for E2A/C ASW aircraft, recommending termination of the program.

$25.0 million of $165.4 million requested for S-3A ASW aircraft, citing delay in finding a contractor.

All of $20.0 million requested for the ULMS undersea missile system, terminating the program.

$25.0 million of $67.9 million requested for ASMS surface missile system, recommending re-orientation of the program.

Air Force

The Committee approved $3,051.2 million of $3,561.2 million requested for a cut of $510.0 million, or 14.3%. Major systems reduced or eliminated were:

All of $15.0 million for RF-111 aircraft, all of $1.0 million for LIT light intratheater aircraft, and $16.0 million of $18.5 million requested for the CONUS F-105X interceptor.

$17.0 million of $84.7 million requested for SRAM air-ground strategic nuclear missiles and all of $3.0 million requested for AGMX-3 air-ground tactical missiles.

$400.0 million of $525.3 million requested for MOL manned orbiting laboratory, the remainder to be used for termination costs of the program.

$14.0 million of $121.4 million requested for ABRES ICBM reentry systems and $45.0 million requested for AWACS air defense systems.

Missiles

The committee approved $922.5 million for Army missiles, $35.2 million below the request. $14 million was cut from $156 million for the Tow anti-tank missile and $9.2 million from $98.7 million for the Hawk anti-aircraft missile because both programs were building up too rapidly. All of $871.4 million requested was approved for Navy and Marine Corps missiles. $1,466 million of $1,486.4 million requested for Air Force missiles was approved. This reflected deletion of $20.4 million for SRAM air-ground missile procurement pending further R. & D.

Naval Vessels

The committee approved $2,562.2 million of $2,631.4 million requested for new ship construction and conversion, a net cut of $63.2 million. The committee added $152.7 million for a third nuclear submarine citing an increased Soviet threat. $186.7 million requested for three fast deployment logistics (FDL) ships was deleted as a low priority item.

Tracked Combat Vehicles

The committee approved $276.9 million of $305.8 million requested for Army tanks and personnel carriers. $5.1 million was directed cut from $67.7 million requested for the Sheridan tank to permit orderly modification of vehicles already in production. $47.5 million for 117 M60A1 tanks was approved, a cut of $20 million. The Marine Corps request of $37.7 million was approved.

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*To facilitate reference to the line-by-line comparative tables in Section VI, dollar amounts will be given in millions only.

**For detailed analysis of new weapons systems requested in the FY 1970 defense budget see DSG Fact Books title Safeguard ABM (*Congressional Record*, June 20, 1969, pp. 16738-16745) and The FY 1970 Defense Budget (*Congressional Record*, September 26, 1969, pp. 27316-27318.

Title II—Research and Development

For the first time the Senate Armed Services Committee departed from making across-the-board cuts in the R. & D. budget and instead aimed cuts at specific programs or new weapons systems. The committee approved $7,179.5 million of $8,222.4 million requested by the military services and defense agencies. The cuts total $1,042.9 million, or 12.7%. $794.4 million, or 9.6%, of the reduction was directed at specific new weapons systems with the remaining 3.1% distributed by the military services and defense agencies.

Army

The committee approved $1,638.6 million of $1,849.5 million requested for a cut of $210.9 million, or 11.2%. Major systems reduced or eliminated were:

All of $16.5 million for the Cheyenne helicopter, recommending that the program be discontinued.

The House Armed Services Committee began mark-up September 22 and on the 26th reported H.R. 14000, containing $21,347.9 million for procurement and R & D of new weapons systems. The House bill exceeds the DOD request by $185.2 million, the DOD reclamma by $319.6 million, and the Senate bill by $1,288.4 million. $1,023.3 million was added to the DOD requests for new ship construction and conversion at the insistence of Committee Chairman L. Mendel Rivers.

The $21,347.9 million authorized reflects cuts of $615.8 million, or 3%, from the $21,963.7 DOD request. Excluding the DOD self-denials in the MOL manned orbiting laboratory and Cheyenne helicopter programs, the bill is $47.1 million, or one fifth of one percent, below the request. Thus House action virtually wipes out the overall Senate cuts totalling $1,904.2 million, or 8.4%.

Excluding the massive new ship construction and conversion add-on, the House procurement authorizations are $23.2 million over the Senate amount. The R & D excess is $241.9 million, which reflects $352.0 million specifically earmarked in the bill for programs the Senate cut. The overall R & D cut is 9.8% compared to the Senate's 12.7%.

H.R. 14000 contains none of the provisions of the Senate bill relating to Congressional oversight of wasteful and inefficient military spending. The House bill does, however, contain controversial provisions tying research funds to university support for ROTC and on-campus military recruiting and a provision to restrict the flow of Committee information by classifying documents originating within the Committee.

The bill was reported favorably September 27 by a vote of 36–3. Additional and supplemental views dealing with specific controversial weapons systems by Reps. Leggett, Nedzi, Pike, Stafford, and Whalen are appended. A number of amendments deleting funds for new weapons systems and tightening DOD procurement and reporting practices are expected on the floor.

Defense agencies and emergency fund

The Committee approved $468.2 million of $500.2 million requested for defense agencies, a cut of $32.0 million. The Committee approved $100.0 million for the Emergency Fund but accepted an amendment from the floor to reduce this total by $25.0 million. $45.6 million for social science research was also cut from the bill on the floor.

Non-Money Provisions

Troop levels

The Committee approved ceilings of 395,291 men for the Army National Guard, 256,264 men for the Army Reserve, 129,000 men for the Naval Reserve, 49,489 men for the Marine Corps Reserve, 86,999 men for the Air National Guard, 50,775 men for the Air Force Reserve, and 17,500 men for the Coast Guard Reserve for a total of 985,318 men. The Committee did not adjust active duty troop ceilings but an amendment cutting the overall strength of the Armed Forces by the number of men withdrawn from Vietnam passed on the floor 71 to 10.

Oversight

The Committee directed the DOD to file quarterly reports with the Committee on the costs of new weapons systems. Approved by a vote of 85 to 0 was an amendment by Sen. Proxmire requiring that GAO provide the Committee by Dec. 31, 1970, with a study of profits made by defense contractors on contracts negotiated with DOD. Also approved, by a vote of 47 to 46, was an amendment by Sen. Schweiker requiring that DOD submit quarterly reports on new weapons systems in development or production to the GAO for auditing and then to Congress. Both amendments give the GAO power to subpoena necessary information.

Other

The Committee adopted a provision stipulating that no employee of a Federal Contract Research Center may be paid in excess of $45,000 per annum.

SECTION 3

The Defense Department reclama[1]

Following Senate passage (by a vote of 81 to 5) of authorizations totalling $20,059.5 million, DOD submitted a request to the House Armed Services Committee for restoration of $968.8 million in items cut by the Senate for a total reclama of $21,028.3.

Items not reclama'd

The $21,028.3 million total reclama was $935.4 million below the original request of $21,963.7 million. Major non-reclama'd programs were:

MOL manned orbiting laboratory, but $400.0 million in R. & D. funds. Secretary Laird abandoned the program before final Senate Armed Services Committee action in an attempt to take credit for the inevitable.

FDL Fast deployment logistic ship construction, at $186.7 million deleted in its entirety. The Senate Armed Services Committee re-endorsed Senator Russell's FY 1969 deletion of this program because it placed the U.S. in too interventionist a posture.

Cheyenne armed transport helicopter, at $362.3 million in procurement and $16.5 in R. & D. funds, deleted in its entirety. The tendency of the aircraft to fall apart in flight caused a DOD reassessment of the value of the program.

C–5A parts and spares, cut $50 million due to slippage in the aircraft production program.

Emergency Funds, reduced from $100.0 million to $75.0 million on the Senate floor.

Abres ICBM reentry systems, cut $14.0 million in R. & D. funds; AGMX–3 air-ground tactical missile, $3.0 million in R. & D. funds deleted in its entirety; and $14.9 million cut for MBT–70 tank R. & D.

Items reclama'd

The $968.8 million in reclama'd systems were largely in the R & D category. DOD felt that the Senate Armed Services Committee R & D cuts were excessive; DOD particularly resented the Committee's new procedure of singling out programs for cuts rather than the traditional practice of allowing DOD with the advice of the military services to reduction. The 12.7% cut that the Committee inflicted exceeded DOD expectations of a 10% cut, for which preparation had been made. Major reclama'd programs were:

$104.0 million for A–7E attack fighter procurement. The new Air Force Chief of Staff, unlike his predecessor, is fond of the A–7 series.

$22.5 million for A–37B attack fighter procurement and $.5 million for parts and spares cut because of the procurement cut.

$21.5 million cut from T–X navigational trainer procurement.

All of the SRAM air-ground strategic nuclear missile cuts, including $20.4 million for procurement, $40.0 million for B–52 interface modifications, and $17 million for R & D—a $77.4 million total.

All bomber defense R & D funds cut, including $75.0 million deleted for SAM–D anti-aircraft missiles, $16.0 million cut from the F–105X CONUS interceptor, and $25 million of $40 million cut from AWACS detection and control systems.

$10.0 million of $15.0 million requested for heavy-lift helicopter R & D, all of $15 million cut from RF–111 reconnaissance aircraft R & D, and all of $1.0 million cut from LIT light intratheater transport R & D.

All of $66.1 million deleted for E2A/C ASW aircraft R & D and all of $25.0 million cut from S–3A ASW aircraft R & D.

All of $20 million cut from ULMS undersea missile system R & D and all of $42.9 million cut from ASMS surface missile system R & D.

Other interim DOD action

DOD made a number of changes in its program requests between Senate passage and the end of the House Armed Services Committee mark-up. Most important were:

A request that the $374.7 million which DOD had originally agreed to shift from A–7D procurement to F–4E attack fighter procurement to be shifted back to the A–7D, because the new Air Force Chief of Staff had ideas different from his predecessor on the relative worth of the two aircraft. The fact that the F–4E was developed by and for the Navy contributed to the decision.

A request that $86.0 million of the $362.3 million in procurement funds freed by the abandoning of Cheyenne be used to purchase Cobra helicopters. This decision reflected anticipation of a high level of helicopter attrition in Vietnam or somewhere else during FY 1970.

Abandonment of $52.0 million originally requested for long lead time procurement of the fifth C–5A squadron.

SECTION 4

House committee action

Title I—Procurement

Aircraft

The House Armed Services Committee approved $570.4 million for Army aircraft, $371.1 million below the $941.5 million requested. The Committee concurred in the Senate's deletion of $362.3 for Cheyenne helicopters but recommended that $86.0 million of the money thus freed be used for Cobra helicopter procurement, requested in the DOD reclama.

The Committee approved $2,391.2 million for Navy aircraft, $18.0 million below the $2,409.2 million requested. The Committee accepted the DOD reclama of the Senate cut of all of $104.0 million for A–7E attack aircraft procurement and let the $18.0 million non-reclama'd Senate cut in CH46E transport helicopter procurement stand.

For the Air Force the Committee approved $4002.2 million, a cut of $98.0 million from the $4,100.2 million requested. Major changes were:

Acceptance of the DOD request following Senate passage that the Senate recommendation for transfer of $374.7 in A–7D procurement funds to F–4E procurement be reversed.

Restoration of $38.5 million originally requested for A–37B attack fighter procurement but cut $22.5 million by the Senate. The original amount buys 96 instead of 36 air-

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[1] Reclama is DOD's term for its revised budget requests following action by one House of Congress. The reclama generally asks that the House or Senate restore funds cut by the other body.

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craft. $.5 million for A–37B spares was also put back. The Committee approved the Air Force proposal to transfer A–37Bs to the Vietnamese Air Force.

Restoration of $28.1 million originally requested for T–X navigational trainer procurement, but cut $21.5 million by the Senate.

Restoration of $40.0 million for B–52 interface modifications for the SRAM air-ground strategic nuclear missile.

Acceptance of the DOD request that $52 million in procurement funds for the fifth C–5A squadron be deferred. Chairman Rivers allocated $4.0 million of these funds for F–5 Freedom Fighters, long lead time procurement. His action in allocating the $4.0 million in the procurement funds and an additional $48.0 million for R & D was justified on the basis of suddenly increased need to provide our allies, particularly South Vietnam, with such aircraft, according to a hastily released letter from Secretary Packard.

Concurrence in the Senate cut of $50.0 million for long lead time procurement of C–5A parts and spares.

Missiles

The Committee approved $780.5 million of $941.5 million requested for Army missiles, a cut of $177.2 million. Senate cuts of $9.2 million of $98.7 million for Hawk anti-aircraft missiles, all of $8.5 million for Interrogator tactical air defense systems, and all of $3.5 million for the Shillelagh anti-tank missile launcher were not reclamma'd by DOD and approved. The Committee bettered the Senate cut of $14.0 million for TOW missile procurement and deleted the entire $156.0 million request, noting that the launch vehicle cost almost one-half as much as a Sheridan tank and the missile itself duplicates the Shillelagh at twice the cost.

$851.3 million requested for Navy missiles and $20.1 million for Marine Corps missiles was not touched.

The Committee approved the entire $1,486.4 million request for Air Force missiles, restoring the Senate cut of $20.4 million for SRAM air-ground strategic nuclear missile procurement.

Naval vessels

The Committee accepted a recommendation by Chairman Rivers that $1,023.3 million be added to the Senate approved DOD request of $2,568.2 million for new ship construction and conversion. DOD did not reclamma the net reduction of $63.2 million resulting from the Senate's addition of a third nuclear submarine and the deletion of the three FDL fast deployment logistic ships. The Committee accepted these recommendations.

The Committee elaborated a massive Soviet naval effort requiring immediate speed-up of the $30 Billion program to buy a new fleet. A subcommittee on the status of naval ships studied the increased Soviet naval threat in some detail and produced a handsome report replete with photographs of crowded toilets and corroded Liberty Ships.

Highlights of Chairman Rivers' FY 1970 shipbuilding program are:

Additional construction funds totaling $157.3 million for eight instead of five DD963 class destroyers and an additional $112.3 million in initial funding for five instead of two LHA assault ships.

Initial long lead time funding for two additional nuclear ships, a cruiser at $32.1 million and a carrier at $100.0 million.

Support construction funds totalling $662.0 million for five research ships, five ocean minesweepers, four salvage tugs, three fleet supply ships, and a floating drydock.

Chairman Rivers' ship conversion program includes:

$23.0 million for a range instrumentation ship, $41.0 million for two additional missile frigates, and $25.0 million for a personnel carrying submarine. This latter item supplements two existing boats whose mission is to land troops and equipment covertly on foreign soil.

Long lead time conversions of $40 million for an additional nuclear missile cruiser and $7.0 million for an ocean minesweeper.

The add-on also includes $154.5 to fatten up requested shipbuilding and conversions and for some reason abolishes a $150.2 million negative balancing factor for financing included in the DOD submission and the Senate bill.

Tracked combat vehicles

The Committee approved $105.2 million of $305.8 million requested for Army tanks and personnel carriers, a cut of $110.6 million. Cuts included $57.6 million in new production money from $72.8 million for the Sheridan tank, $20.0 million of $67.5 million for the M60A1 tank, $25.4 million requested for the MBT–70 tank, and $7.6 million in related items.

The Committee accepted the recommendations of its subcommittee to investigate the army tank program headed by Rep. Stratton which found deficiencies in virtually every aspect of the program. The Senate Armed Services Committee, on the other hand, went out of its way to comment favorably on the performance of the Sheridan in Vietnam. The overall Committee cut in the army tank program is $81.7 million greater than the $28.9 million cut by the Senate.

The Committee approved all of $37.7 million requested for Marine Corps tanks.

Title II—Research and Development

Chairman Rivers declined to follow the example set by the Senate Armed Services Committee of directing R & D cuts into specific controversial new weapons programs. In fact, Chairman Rivers in the bill itself did the reverse: he directed that all but $54.6 million of $794.4 million in itemized Senate cuts be restored. DOD requested all of these restorations in its reclamma.

Chairman Rivers promised his Committee during consideration of the bill that he would cut the $8,222.4 million DOD request for R & D by at least 10% across the board. He fell $78.8 million short of this goal, largely because late on the last day of mark-up he added $48.0 million to the R & D budget for the F–5 Freedom Fighter. This $48.0 million was transferred from the procurement budget as a result of Deputy Secretary Packard's deferral of the fifth C–5A squadron.

The Committee authorized $7,421.4 million of the $8,222.4 million requested for R & D, a cut of $801.0 million, or 9.8%. The percentage cut was equally distributed among the services.

Army

The Committee approved $1,664.5 million of $1,849.5 requested, a $185.0 million cut. Major changes included:

Restoration of $10.0 million of $15.0 million deleted for a heavy lift helicopter.

Restoration of all of $75.0 million deleted from the Sam–D anti-aircraft missile. The Committee quoted testimony from Assistant Secretary Poor that to cut the $75.0 million would waste the $134.0 million already invested in the program.

Specification that no funds be used for Cheyenne helicopter R & D, thereby deleting all of the $16.5 million and terminating the program. The Committee agreed with the Army's suggestion that $21.5 million of the $86.0 million transferred from Cheyenne to Cobra in the procurement requests be shifted to the R & D budget for R & D on improvements to the Cobra.

Navy

The Committee approved $1990.5 million of $2,211.5 million requested, a cut of $221.0 million. Major changes included:

Restoration of all of $66.1 million deleted for the E2A/C ASW aircraft in addition to $25.0 million cut from $165.4 million requested for S–3A ASW aircraft. The Committee took note of the Senate Committee contention that the new ASW aircraft and the AWACS Air Defense system were redundant, but nonetheless restored all funds requested for both ASW aircraft and for AWACS.

Restored all of $20.0 million deleted entirely for the ULMS undersea missile system. The Committee cited a need to hit Soviet targets from 360 degrees around the Soviet Union.

Restored all of $42.9 million cut from $67.9 million requested for the ASMS surface missile system, citing the need to get the system ready for production next year in time for the ships constructed with funds authorized in Chairman Rivers' $1,023.3 ship construction and conversion add-on.

Air Force

The Committee approved $3,241.2 million of $3,561.2 million requested, a $320.0 million cut. Major changes include:

Restoration of $15.0 million deleted for RF–111 reconnaissance aircraft, $1.0 million deleted from LIT light intratheater transport, and all of $16.0 million cut from $18.5 million for the CONUS interceptor.

Restoration of $25.0 million of $45.0 million cut from a requested total of $60.0 million for the AWACS bomber defense system, noting that a "major portion" of the 150 1950s vintage Soviet bombers composing the threat were capable of low penetration.

Restoration of all of $17.0 million cut from $84.7 million requested for SRAM air-ground strategic nuclear missile R & D. The Committee cited Air Force assurance that cost overrun and management problems would be righted.

Specification that no funds may be used for AX attack fighter R & D. The Senate had approved $12.0 million for the AX. The reason behind the cut may be a decision to adapt the OV–10 for the AX mission; the OV–10 has a unit cost less than half of the $1.22 currently estimated for the AX.

Addition of $48.0 million for F–5 Freedom Fighter R & D to make the aircraft more attractive to our allies. The DOD made no request for F–5 funds.

Senate cuts of $400.0 million for the MOL manned orbiting laboratory, $14.0 million for ABRES ICBM reentry systems, and a $3.0 million deletion for the AGMX–3 air-ground tactical missile were left standing, although the Committee action does not exclude DOD restoration of funding for these programs.

Defense agencies and emergency fund

The Committee recommended $450.2 of $500.2 million requested for defense agencies, a $50.0 million cut. The Committee recommended $75.0 million of $100.0 for the Emergency Fund, concurring in the Senate cut.

Non-Money Provisions

Troop levels

The temporary active duty troop ceiling was set at 3,285,000 men as of July 1 ,1970, a reduction in manpower of 176,000 men. This troop cut reflects recent DOD recommendations for overall troop reductions.

The Committee approved ceilings of 393,298 men for the Army National Guard, 255,591 men for the Army Reserve, 129,000 men for the Naval Reserve, 49,489 men for the Marine Corps Reserve, 86,624 men for the Air National Guard, and 17,500 men for the Coast Guard Reserve for a total of 982,277 men.

Oversight

H.R. 14000 contains routine general language requiring the furnishing of information by government agencies at the request of the Armed Services Committees. The bill also contains an interesting provision designed apparently to oversee the flow of information from the Committee and its members. This provision authorizes the Committee to classify information originating within the Committee in the same way that the Federal Government classifies national security information. The provision has been criticized as a device to gag dissident members of the Committee.

Restrictions

H.R. 14000 contains a provision requiring full disclosure after January 1, 1970 of the purposes, cost, and duration of new grants or contracts to universities or university personnel before new contracts or grants can be negotiated. Disclosure must be made sixty days prior to negotiation of the contract or grant. In addition, where a university is involved the disclosure must be accompanied by a statement summarizing the record of the university regarding cooperation with campus ROTC programs and on-campus military recruitment drives. This provision has been criticized as a device to coerce universities to support ROTC and on-campus military recruitment.

The bill also stipulates that funds may only be used for projects or studies with a direct and apparent relationship to a specific military function or operation. The Committee recommended in its report the "narrowest possible" interpretation of the language.

A final restriction limits the salary that can be paid Federal Contract Research Center personnel to a maximum of $45,000 per annum.

Other

The bill creates an Assistant Secretary of Defense for Health Affairs and a Deputy Assistant Secretary for Dental Affairs.

SECTION 5

Comparison of major House-Senate differences

Procurement

The total House Armed Services Committee procurement authorization is $1,046.5 million above the Senate amount. $1,023.3 million of this House excess is for Chairman Rivers' new shipbuilding and conversion program. For aircraft the House is $226.5 million over the Senate but $121.6 million lower for missiles and $81.7 million lower for tracked combat vehicles. This represents a net plus over the Senate of $23.2 million (excluding the ship add-on).

Research and development

The total House authorization is $241.9 million over the Senate amount (a 12.7% cut by the Senate vs. a 9.8% cut by the House Committee), almost all due to House Committee acceptance of DOD reclamas for R & D on expensive and sophisticated new weapons systems. House Committee stipulation in the bill that $382.0 must be put back for various systems itemized in the Senate cut means that the percentage House cuts will fall heavily in those R & D programs which the Senate specifically did *not* cut. $154.0 (40%) of the successful reclamas were earmarked for new Navy weapons systems, with the other services dividing the rest.

Non-money provisions

The following key differences exist between the two bills:

The House bill cuts 176,000 men of as of July 1, 1970 from the temporary manpower ceiling, and provides for 2,541 fewer National Guardsmen and Reservists than the Senate bill. The Senate bill contains no reduction of the temporary ceiling but instead provides for a reduction in the overall total equivalent to the number of men withdrawn from Vietnam and a corresponding reduction in reserve strength.

The House bill contains neither the Proxmire contractor profits study amendment nor the Schweiker GAO auditing amendment successfully offered from the Senate floor. No requirement parallel to that in the Senate report requiring complete quarterly reports to the Committee on the progress or lack thereof in new weapons systems development is in the House report.

The oversight of information provision permitting classification of information developed by Committee members is absent from the Senate bill.

The Senate bill contains none of the restrictive provisions of the House bill tying university contracts and grants to university support of ROTC and on-campus military recruiting.

TITLE I. PROCUREMENT

[Amounts in millions]

Item [1]	Administration request (Apr. 15)	House committee action	Senate committee action	Difference between House and Senate
Aircraft	$7,450.9	$6,963.8 (−$487.1)	$6,737.3 (−$713.6)	[2]+$226.5
Army	941.5	570.4 (−371.4)	484.4 (−457.1)	[2]+86.0
Mohawk observation aircraft	33.4	5.3 (−28.0)	5.3 5.3 (−28.0)	
Cheyenne helicopter	362.3	0 (−362.3)	0 (−362.))	
Aircraft modification	69.5	68.5 (−1.0)	68.5 (−1.0)	
Aircraft spares and parts	227.4	161.7 (−65.7)	161.7 (−65.7)	
Cobra helicopter	[3]0	86.0 (+86.0)	0	[2]+86.0
Navy and Marine Corps	2,409.2	2,391.2 (−18.0)	2,287.2 (−122.0)	[2]+104.0
A-7E attack fighter	104.0	104.0	0 (−104.0)	[2]+104.0
CH46E helicopter	109.5	91.5 (−18.0)	91.5 (−18.0)	
Air Force	4,100.2	4,002.2 (−98.0)	3,965.7 (−134.5)	[2]+36.5
A-7D attack fighter	374.7	0 (−374.7)	0 (−374.7)	
F-4E attack fighter	25.7	400.4 (+374.7)	400.4 (+374.7)	
A-37B attack fighter	38.5	38.5	16.0 (−22.5)	[2]+22.5
T-X navigation trainer	28.1	21.5	6.6 (−21.5)	[2]+21.5
Aircraft modification	[4]550.2	550.2	510.2 (−40.0)	[2]+40.0
Aircraft spares and parts	[5]935.6	885.6 (−50.0)	885.1 (−50.5)	[3]+.5
F-5 freedom fighter	0	4.0 (+4.0)	0	[2]+4.0
C-5A long lead items	52.0	0 (−52.0)	52.0	[2]−52.0
Missiles	3,315.5	3,138.3 (−177.2)	3,259.9 (−55.6)	[2]−121.6
Army	957.7	780.5 (−177.2)	922.5 (−35.2)	[2]−142.0
TOW antitank missile	156.0	0 (−156.0)	142.0 (−14.0)	[2]−142.0
Hawk antiaircraft missile	98.7	89.5 (−9.2)	89.5 (−9.2)	
Interrogator air defense	8.5	8.5 (−8.5)	0 (−8.5)	
Shillelagh launcher	3.5	0 (−3.5)	0 (−3.5)	
Navy	851.3	851.3	851.3	
Marine Corps	20.1	20.1	20.1	
Air Force	1,486.4	1,486.4	1,466.0 (−20.4)	[2]+20.4
SRAM air-ground	20.4	20.4	0	[2]+20.4
Naval vessels	2,631.4	3,591.5 (+960.1)	2,568.2 (−63.2)	[2]1,023.3
Warship construction	1,516.3	1,941.5 (+425.2)	1,669.0 (+152.7)	+272.5
CVAN 69 carrier	(1) 377.1	(1) 383.0 (+5.9)	(1) 377.1	+5.9
SSN nuclear submarines	(2) 351.8	(3) 504.5 (+152.7)	(3) 504.5 (+152.7)	
DXGN nuclear frigate	(1) 196.0	(1) 196.0	(1) 196.0	
DD 963 destroyer	(5) 317.7	(8) 475.0 (+157.3)	(5) 317.7	(+3) +157.3
LHA assault ship	(2) 270.7	(5) 383.0 (+112.3)	(2) 270.7	(+3) +112.3
PGM gunboat	(2) 1.1	0 (−1.1)	(2) 1.1	(−2) −1.1
PC coast patrol boat	(2) 1.9	0 (−1.9)	(2) 1.9	(−2) [2]−1.9
Long-lead construction	221.7	357.0 (+135.3)	192.5 (−29.2)	[2]+164.5
CVAN 70 carrier	0	100.0 (+100.0)	0	(+1) +100.0
SSN nuclear submarines	(5) 119.2	(5) 110.0 (−9.2)	(5) 90.0 (−29.2)	+20.0
DLGN frigate	(2) 67.9	(3) 100.0 (+32.1)	(2) 67.9	(+1) +32.1
DD963 destroyer	(8) 17.6	(8) 30.0 (+12.4)	(8) 17.6	[2]+12.4

See footnotes at end of table.

TITLE I. PROCUREMENT—Continued

[Amounts in millions]

Item [1]	Administration request (Apr. 15)	House committee action	Senate committee action	Difference between House and Senate
Naval vessels—Continued				
Support construction	$207.5	$460.0 (+$252.5)	$20.8 (−$186.7)	[2] +$439.2
ATS salvage tug	0	(4) 60.0 (+60.0)	0	(+4) [2] +60.0
AOR fleet supply	0	(3) 200.0 (+200.0)	0	(+3) [2] +200.0
Research ships	0	(5) 40.0 (+40.0)	0	(+5) [2] +40.0
MSO ocean minesweeper	0	(5) 70.0 (+70.0)	0	(+5) [2] +70.0
AFDB floating drydock	0	(1) 50.0 (+50.0)	0	(+1) [2] +50.0
Landing and service craft	20.8	40.0 (+19.2)	20.8	[2] +19.2
Conversions	366.1	466.0 (+99.9)	366.1	[2] +99.9
SSBN missile submarine	(6)301.4	(6)310.0 (+8.6)	(6)301.4	[2] +8.6
RIS instrument ship	0	(1)23.0 (+23.0)	0	[2] (1) +23.0
DLG missile frigate	(1) 24.0	(3) 65.0 (+41.0)	(1) 24.0	[2] (2) +41.0
MSO ocean minesweeper	(10) 40.7	(10) 43.0 (+2.3)	(10) 40.7	[2] +2.3
LPSS covert troop submarine	0	(1) 25.0 (+25.0)	0	[2] (1) +25.0
Long lead conversions	176.5	257.0 (+80.5)	176.5	[2] 80.5
SSBN missile submarine	157.5	160.0 (+2.5)	157.5	[2] +2.5
CGN nuclear missile cruiser	0	40.0 (+40.0)	0	[2] +40.0
DLG missile frigate	19.0	50.0 (+31.0)	19.0	[2] +31.0
MSO ocean minesweeper	0	7.0 (+7.0)	0	[2] +7.0
Miscellaneous	293.5	110.0 (−183.5)	293.5	[2] 183.5
CVAN spare parts	48.0	50.0 (+2.0)	48.0	[2] +2.0
Outfitting spares	55.4	55.0 (−0.4)	55.4	[2] −0.4
Post delivery costs	23.1	0 (−23.1)	23.1	[2] −23.1
Cost growth	167.0	0 (−167.0)	167.0	[2] −167.0
Advance on contract design	0	5.0 (+5.0)	0	[2] +5.0
Financing	(−)150.2	0	(−)150.2	
TRACKED COMBAT VEHICLES				
Tracked combat fehicles	345.3	232.9 (−110.6)	314.6 −(28.9)	[2] 81.6
Army	305.8	232.9 (−110.6)	314.6 (−28.9)	[2] 81.7
SHERIDAN tank	72.8	15.2 (−57.6)	67.7 (−5.1)	[2] −52.5
M60A1 tank	67.5	47.5 (−20.0)	47.5 (−20.))	
Laser rangefinder	3.8	0 (−3.8)	0 (−3. *)	
M60A1E2 tank	3.8	0 (−3.8)	3.8	[2] −3.8
MBT-70 prod base support	33.4	8.0 (−25.4)	33.4	[2] −25.4
Marine Corps	37.7	37.7	37.7	
Grand total, procurement	13,9741.3	13,926.5 (+186.2)	12,880.0 (−861.3)	[2] +1,046.5

[1] Only weapons systems where House or Senate action differed from the April 15 DOD request are broken out below the lines.

[2] House.

[3] Following the Senate Cheyenne cut, DOD requested $86,000,000 for Cobra from the House ASC.

[4] The $40,000,000 cut by the Senate was for B-52 modifications to accommodate the SRAM air-to-ground missile.

[5] This $50,000,000 cut results from production delays in the C-5A program. The $500,000 is for A-37B spares.

TITLE II.—RESEARCH AND DEVELOPMENT

[Amounts in millions]

Item [1]	Administration request (Apr. 15)	House committee action	Senate committee action	Difference between House and Senate
Army	$1,849.5	$1,664.5 (−$185.0)	$1,638.6 (−$210.9)	[1] +$25.9
Cheyenne helicopter	16.5	0 (−16.5)	0 (−16.5)	
Heavy lift helicopter	15.0	10.0 (−5.0)	0 (−15.0)	[1] 10.0
Sam-D antiaircraft missile	75.0	75.0	0 (−75.0)	[1] 75.0
CBW	25.7	(2)	17.7 (−8.0)	
MBT-70	44.9	(2)	30.0 (−14.9)	
Navy and Marine Corps	2,211.5	1,990.5 (−221.0)	1,921.5 (−290.0)	[1] 69.0
E2A/C ASW aircraft	66.1	66.1	0 (−66.1)	[1] +66.1
S-3A ASW aircraft	165.4	165.4	140.4 (−25.0)	[1] +25.0
ULMS undersea missiles	20.0	20.0	0 (−20.0)	[1] 20.0
ASMS surface missiles	67.9	67.9	25.0 (−42.9)	[1] +42.9
Air Force	3,561.2	3,241.2 (−320.0)	3,051.2 (−510.0)	[1] +190.0
RF-111 aircraft	15.0	15.0	0 (−15.0)	[1] +15.0
Light transport aircraft	1.0	1.0	0 (−1.0)	[1] +1.0
F-106X Interceptor	18.5	18.5	2.5 (−16.0)	[1] +16.0
SRAM air-ground missile	84.7	84.7	67.7 (−17.0)	[1] +17.0
AWACS air defense	60.0	40.0 (−20.0)	15.0 (−45.0)	[1] +25.0
MOL	525.3	125.3 (−400.0)	125.3 (−400.0)	
ABRES ICBM reentry systems	121.4	(2)	107.4 (−14.0)	
AGMX-3 air-ground missile	3.0	(2)	0 (−3.0)	
AX attack fighter	12.0	0 (−12.0)	12.0	[1] −12.0
F-5 Freedom Fighter	0	48.0 (+48.0)	0	[1] +48.0
Defense agencies	500.2	450.2 (−50.0)	468.2 (−32.0)	[1] −18.0
Defense emergency fund	100.0	75.0 (−25.0)	[2] 100.0	[1] −25.0
Grand total, research and development	8,222.4	7,421.4 (−801.0)	[3] 7,179.5 (−1,042.9)	[1] +241.9
Overall total	21,963.7	21,347.9 (−615.8)	20,059.5 (−1,904.2)	[1] +1,288.4

[1] House.

[2] No cut specified.

[3] This amount was cut by an additional $70,600,000 on the Senate floor.

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TITLE I. PROCUREMENT

Item	DOD request (Apr. 15)		HASC action		SASC action		[1] House and Senate ASC comparison
Aircraft	$7,450.9		$6,963.8	(−$487.1)	$6,737.3	(−$713.6)	[1] $226.5
Army	941.5		570.4	(−371.1)	484.4	(−457.1)	[1]+86.0
Navy and Marine Corps	2,409.2		2,391.2	(−18.0)	2,287.2	(−122.0)	[1]+104.0
Air Force	4,100.2		4,002.2	(−98.0)	3,965.7	(−134.5)	[1]+36.5
Missiles	3,315.5		3,138.3	(−177.2)	3,259.9	(−55.6)	[1]−121.6
Army	957.7		780.5	(−177.2)	922.5	(−35.2)	[1]−142.0
Navy	851.3		851.3		851.3		
Marine Corps	20.1		20.1		20.1		
Air Force	1,486.4		1,486.4		1,466.0	(−20.4)	[1]+20.4
Naval vessels	2,631.4		3,591.5	(+960.1)	2,568.2	(−63.2)	[1]+1,023.3
Warship construction	1,516.3		1,941.5	(+425.2)	1,669.0	(+152.7)	[1] +272.5
Long lead construction	221.7		357.0	(+135.3)	192.5	(−29.2)	[1] +164.5
Support construction	207.5		460.0	(+252.5)	20.8	(−186.7)	[1] +439.2
Conversions	366.1		466.0	(+99.9)	366.1		[1] +99.9
Long lead conversions	176.5		257.0	(+80.5)	176.5		[1] +80.5
Miscellaneous	293.5	(−$150.2)	110.0	(−183.5)	293.5	(−150.2)	[1] −183.5
Tracked combat vehicles	343.5		232.9	(−110.6)	314.6	(−28.9)	[1] −81.7
Army	305.8		195.2	(−110.6)	276.9	(−28.9)	[1] −81.7
Marine Corps	37.7		37.7		37.7		
Grand total, procurement	13,741.3		13,926.5	(+185.2)	12,880.0	(−861.3)	[1] +1,046.

TITLE II. RESEARCH AND DEVELOPMENT

[Amounts in millions]

Army	$1,849.5	$1,664.5	(−$185.0)	$1,638.6	(−$210.9)	[1]+$25.9
Navy and Marine Corps	2,211.5	1,990.5	(−221.0)	1,921.5	(290.0.0)	[1] 69.0
Air Force	3,561.2	3,241.2	(−320.0)	3,051.2	(−510.0)	[1]+190.0
Defense agencies	500.2	450.2	(−50.0)	468.2	(−32.0)	[1]−18.0
Defense emergency fund	100.0	75.0	(−25.0)	100.0		[1]−25.0
Grand total, research and development	8,222.4	7,421.4	(−801.0)	7,179.5	(−1,042.9)	[1]+241.9
Overall total	21,963.7	21,347.9	(−615.8)	20,059.5	(−1,904.2)	[1]+1,288.4

[1] House.

C–5A amendment

Effect

This amendment would defer the $481.0 million requested for procurement of the fourth C–5A giant transport aircraft squadron.

Explanation

The Air Force has not justified the military necessity of the fourth squadron. Studies show that three squadrons are more than sufficient to meet emergency demands for equipment during the first week of a crisis, after which ships can take over from the C–5A. Even if the fourth squadron could be justified, this amendment would not upset production schedules, already six months behind with further delays expected. Fourth squadron delivery is not expected before FY 1972.

Proponents of the C–5A program argue that more squadrons will enable the U.S. to bring troops and supplies home which are now stationed abroad and still meet our commitments.

Senate action

A similar amendment was defeated in the Senate 64 to 23.

House committee action

Rep. Pike introduced the amendment in the House Armed Services Committee, where it was defeated.

During hearings, Chairman Rivers provided a forum for former Air Force Assistant Secretary Robert Charles to defend the program. Mr. Charles provided the Committee with his insights into the contract: "I have never known a greater distortion of the truth . . . the critics of this program are unwittingly performing a disservice to the taxpayer and to the nation's defense . . . the C–5A contract is the toughest contract . . . ever entered into by the Pentagon." The Committee placed the C–5A overrun at $1.3 billion in its report.

Sponsors

Reps. Pike (D-N.Y.), Moorhead (D-Pa.), and Coughlin (R-Pa.).

AMSA amendment

Effect

This amendment would maintain the R & D funding level for a new manned bomber proposed in the Clifford request, by deleting $23.0 million of $100.2 million for stepped up R & D requested by Secretary Laird in his budget amendments.

Explanation

For a number of years, the Defense Department has been carrying on a steady but carefully-paced R & D program on AMSA. Secretary Laird, by inflating that effort, has caused concern that the Pentagon may be committing the nation to a multi-billion-dollar program for an obsolete strategy.

It has not been resolved whether manned bombers have any role in our future nuclear deterrent or damage-limiting force. If they do, it has not been proven that our present bombers cannot perform the role. Opponents of the amendment argue that AMSA would provide insurance against a Soviet capability to destroy both our land and sea-based missiles, and increase flexibility in the event of a nuclear attack. They contend that the B–52, designed during the 1950's, will not be able to perform these roles during the 1970's.

Senate action

An amendment to cut AMSA R & D expenditures by $80.2 million was defeated, 56–32.

House committee action

Chairman Rivers heard testimony only from proponents of AMSA, and the increased DOD request was routinely approved. Rep. Leggett moved to maintain the R & D effort at $77.2 million, the level of the Clifford request, but this proposal was rejected.

Sponsors

Rep. Legett (D-Calif.).

Cobra amendment

Effect

The amendment would cut $86.0 million from the bill for COBRA helicopter procurement, thereby restoring the amount to the level originally requested by the Administration.

Explanation

After the abandonment of the Cheyenne helicopter program for technical reasons the Pentagon appealed to Chairman Rivers to add funds for 170 Cobra helicopter gunships. These aircraft are for use in limited-war situations in terrain inaccessible to ground vehicles, or in airmobile tactics. If the Administration is ending the war in Viet Nam and plans to avoid similar wars in the 1970's, there is no need for these aircraft.

Senate action

The Senate Armed Services Committee deleted all funds requested for the similar-purpose Cheyenne. The Cobra helicopter addition was not considered in the Senate.

House committee action

Chairman Rivers responded favorably to the Pentagon request Rep. Nedzi opposed the request, but was defeated.

Sponsor

Rep. Nedzi (D-Mich.)

Safeguard ABM amendment

Effect

This amendment will delete $345.5 million in procurement funds for President Nixon's proposed Safeguard ABM system, while allowing R. & D. to proceed in accordance with the Administration's request. The action can be reversed at any time if Soviet or Chinese strategic missile deployment policies change unexpectedly.

Explanation

While Safeguard is intended to protect the U.S. land-based missile force from the Soviet Union, there is no hard evidence that the Soviets intend or would even be able to challenge the U.S. deterrent in the next decade. Should a threat materialize, the evidence will be clear enough to allow adequate time to permit countermeasures. In any event, Safeguard is not the optimum response to a Soviet threat. There is doubt about the workability of the system. Even if it did work, it could be easily overwhelmed.

Senate action

The Safeguard ABM request was approved by the Senate in a series of votes following an intensive two month debate. The two key votes were the Smith amendment to proceed with any alternative but Safeguard, which failed in a 50 to 50 deadlock, and the Hart-Cooper amendment to proceed with R. & D. but defer deployment, which failed by a vote of 51 to 49.

The earlier vote in the Senate Armed Services Committee also carried by a narrow margin, 10 to 7 with 1 abstention.

House committee action

The Committee, in an unusual move, heard testimony both for and against the ABM from witnesses inside and outside the DOD. Rep. Leggett moved to delete $345.5 million from the procurement request and $200.0 million from the R & D request. The amendment was defeated by a vote of 30 to 8.

Sponsors

Reps. Leggett (D.-Calif.) and Whalen (R-Ohio).

F-5 Freedom Fighter amendment

Effect

This amendment would delete $36 million in R & D for the Northrup F-5 Freedom Fighter, leaving $12 million for R & D and all of the $4 million for procurement. The remaining funds are to be used to subsidize the private industry development of the aircraft.

Explanation

The amendment supports the Administration. DOD feels it should not underwrite the costs to private industry of developing another aircraft with which to equip our allies and sell to other nations. The DOD believes that developmental costs of the F-5 should be low, and that, if it is saleable, Northrup will easily make good its investment. Accordingly, the DOD requested no funds for this program.

Senate action

Because the DOD did not request these funds, the Senate did not deal with the F-5. The Senate-approved bill contains no money for the F-5 subsidy.

House committee action

Chairman Rivers has been concerned for some time about the expense of equipping allies with aircraft from our present forces, and about loss of sales to U.S. companies from foreign competition. He maintains that the Air Force should pay for the development of a cheaper aircraft. On the last day of markup, when $52 million of C-5A funds were released, he transferred the money to the Northrup F-5. Rep. Leggett moved to change this amount to $26 million; but this motion was defeated in the Committee.

Sponsor

Rep. Leggett (D-Calif.)

SRAM amendment

Effect

This amendment would duplicate the action of the Senate Armed Services Committee in cutting $17.0 million from R & D and $60.4 million from procurement, a $77.4 million total. The amendment would leave $67.7 million for R & D.

Explanation

The SRAM air-ground strategic nuclear missile program is two years behind schedule, has a cost overrun of 194% of the original estimate, and has yet to produce a successful series of flight tests. The R & D program is considered one of the worst-managed in years. The missile was designed for the B-52, which may not still be flying when SRAM becomes operational, and the FB-111, which was not finally designed when SRAM design started. Every time the FB-111 design changed, SRAM design had to be altered. The missile calls for a motor which did not exist when the proposal was approved, and still does not work. Nevertheless, a successful SRAM could lessen the need for AMSA, and for that reason further R & D might be warranted.

Senate action

The Senate Armed Services Committee moved to slow down development by cutting R & D by $17.0 million. Because no working models were yet available, the Committee voted to delete procurement request of $0.4 million for production and $40.0 million for B-52 interface modification.

House committee action

Rep. Leggett introduced this amendment in the Committee, but was defeated. Chairman Rivers exempted SRAM in H.R. 14000 from his 9.8% across-the-board R & D cut.

Sponsor

Rep. Leggett (D-Calif.)

GAO auditing amendment

Effect

This amendment would require DOD to submit quarterly reports on major weapons systems and projects in R & D or production. The reports would be audited by the General Accounting Office and transmitted to the Congress. The GAO would be empowered to conduct independent audits of the projects and to subpoena books which defense contractors have in the past refused to supply.

Explanation

Recent testimony has indicated that major defense contractors have kept two sets of accounts when cost overruns or delays were developing in projects. Similarly, the services have hidden information on mismanagement from the Secretary of Defense. DOD has also attempted to prevent Congress from receiving information on cost and schedule changes in major contracts. The amendment would establish a reporting system designed to improve the quality and quantity of information sent to the Congress on major defense programs.

Senate action

The Senate passed a similar amendment (the Schweiker amendment) by a vote of 47-46. The Senate Armed Services Committee has set up an informal reporting system partially accomplishing the purpose of the amendment. The Schweiker amendment focused on contracts, rather than programs (which include contracts). It is generally felt, therefore, that the House amendment is an improvement over the Senate-passed language.

House committee action

A similar amendment was defeated in the House Armed Services Committee. H.R. 14000 requires the DOD to provide all information requested specifically by the Armed Services Committees, and to keep the Committees informed about current DOD activities. In Committee testimony, Comptroller-General Staats generally endorsed some kind of cost-reporting system for the Congress.

Sponsors

Reps. Podell (D-N.Y.) and Whalen (R-Ohio).

CBW amendment

Effect

This amendment would establish a semi-annual reporting procedure on expenditures and programs for CBW and prohibit development of delivery vehicles for lethal agents. It would also prohibit secrecy in foreign and domestic shipping and storage of material, thereby improving U.S. compliance with international treaty commitments. It would also ensure notice of open-air testing, and put a ceiling on stockpiles as of June 30, 1970. It does not cut any funds from the bill.

Explanation

DOD research, testing, shipping, and storage programs for CBW have repeatedly proved unsafe in recent years, culminating in accidents and injuries both in the U.S. and abroad. The program has been conducted in such secrecy that neither the Congress nor the electorate can review or even be aware of the costs and dangers involved. Current CBW shipping and storage practices present a public danger of contamination by accidentally released toxic agents.

Secretary Laird has stated that this amendment is consistent with both public safety and national security.

Senate action

A slightly more restrictive amendment passed the Senate 91 to 0, with Senate Armed Services Committee Chairman Stennis voting for it.

In the Senate Armed Services Committee, all funds for R & D on offensive chemical and biological agents were deleted, a total of $16.0 million.

House committee action

A similar amendment was offered but rejected in the House Armed Services Committee. Part of the R & D funds for CBW may be affected by the Committee's 9.8% across-the-board R & D cut. The DOD apparently did not reaffirm its support for this amendment to the Committee, and the Committee did not alter the original DOD request.

Sponsors

Reps. Nedzi (D-Mich.) and McCarthy (D-N.Y.)

Naval shipbuilding amendment

Effect

The amendment would eliminate $1,023.3 million added to the bill by Chairman Rivers, thereby restoring the level of funding to the Administration's reclamma (revised request following Senate action).

Explanation

The Administration's request was only slightly modified by the Senate Armed Services Committee and the Administration concurred in this action. Chairman Rivers' billion-dollar increase primarily affects support vessels rather than firstline ships. National security is not impaired by deferring funding until required in the Navy's established shipbuilding and conversion program. The huge sum proposed to be added in H.R. 14000 could seriously upset the entire Naval modernization plan. Passage of the amendment would support the Administration's position as reflected in the original request and in the reclamma.

Senate action

The Senate Armed Services Committee added $152.7 million for an additional nuclear attack submarine but deleted $186.7 million for three FDL (Fast Deployment Logistics) ships. Extensive floor debate on the role of carriers culminated in passage of an amendment to re-study the entire role of carrier-centered fleets before approval of the next capital ship, CVAN-70. The Senate Authorization was concurred in by DOD.

House committee action

Chairman Rivers approved funds for shipbuilding and conversion exceeding the Senate and the Navy's program by $1,023.3 million. The House Armed Services Committee did not restore the FDL ships, deleted by the Senate, but added funds for construction of two additional nuclear ships (one carrier and one cruiser), six additional major vessels, and eighteen additional lesser ships. (See page 14 for complete add-on). Conversion funds

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were increased for two cruisers and two smaller vessels. Funds totaling $154.5 million were added for general ship construction and conversion. All these additions were in excess of the Administration's submission. Rivers added the money in a successful Committee amendment.

Sponsors

Reps. Nedzi (D–Mich.), and Whalen (R–Ohio).

Contractor Profits Study Amendment

Effect

This amendment would require the General Accounting Office to provide the Armed Services Committees by December 31, 1970, with a study of the profits made by contractors and subcontractors on negotiated contracts with the DOD. It provides the GAO with subpoena power to obtain needed information.

Explanation

There is no recent study of profits on negotiated defense-related contracts which is comprehensive or objective. Partial studies have developed widely differing figures. A DOD-supported study indicated that profits were generally low, however a study by a recently-appointed Assistant Secretary of the Treasury indicated the profits were 155% of the industry average. There is no dispute over the ability of GAO to carry out such a study. The amendment is supported by the Comptroller General.

Senate action

This amendment passed the Senate by an 85–0 vote. It was endorsed by Chairman Stennis of the Senate Armed Services Committee.

House committee action

None.

Sponsor

Rep. Jacobs (D–Ind.).

Bomber defense amendment

Effect

This amendment would incorporate the specified cuts made by the Senate Armed Services Committee into the House Armed Services Committee's bill. The Senate deleted $45.0 million for the new AWACS airborne radar system, $16.0 million for an improved CONUS interceptor, and $75.0 million for the new SAM–D missile.

Explanation

The House should support the careful analysis given these items by the Senate Armed Services Committee and delete them.

The Soviet manned bomber threat is small and primitive, and there are no signs that a new bomber force is being developed. Our present system was hastily constructed at a cost of tens of billions of dollars, is of low effectiveness, and, in view of the threat, has almost no use. Development of a multibillion dollar improved system should be deferred until the threat is carefully reexamined. There is also little point in developing protection from bombers when a workable ABM is not available.

Proponents of the new system argue that they will deter the Soviet Union from constructing another manned bomber; and if they do not, the Russians will have to spend billions extra on their bomber program to penetrate U.S. defenses.

Senate action

The Senate Armed Services Committee not only deferred funding of the program, but required the Defense Department to produce a detailed analysis of the Soviet bomber threat before submitting further requests for funds.

House committee action

No similar amendment was offered in the Committee. Chairman Rivers specifically exempted these systems from his across-the-board R & D fund cut in H.R. 14000.

Sponsor

Rep. Reuss (D-Wis.)

The Aircraft Carrier Amendment

Effect

This amendment would defer authorization of funds for the third and fourth nuclear carriers, CVAN–69 and CVAN–70, pending a study of the foreign-policy and strategic roles of carriers, their vulnerability, and their costs. The study would be made by the Senate and House Foreign Affairs and Armed Services Committees. Funds deferred by this amendment would total $483.0 million.

Explanation

The U.S. is the only nation in the world to maintain an extensive carrier fleet, and the purpose of that strategy has never been critically examined. Naval capital ship force levels have been set at 15 since 1921, except during wartime. Carriers are symbols of the U.S. "world-policeman" foreign policy. The annual operating costs of carriers exceed $5 billion, exclusive of investment in the new multi-billion-dollar nuclear task forces.

Opponents argue that carriers are substitutes for land bases, are necessary for quick involvement in overseas conflicts, and can deter brushfire wars by demonstrating the U.S. presence.

Senate action

A similar amendment was defeated in the Senate by a vote of 75 to 7 after its sponsors (Mondale & Case) unsuccessfully tried to withdraw it in favor of a substitute approving CVAN–69 but requiring a study of the role of carriers before funding any additional carriers. As a result, the two sponsors and and other supporters voted against their original amendment and in favor of their substitute amendment which was approved by a vote of 84 to 0.

House committee action

The House Armed Services Committee not only approved DOD's request for CVAN–69 by authorizing $383.0 million ($5.9 million more than requested), but it also approved an additional $100.0 million—which was not requested—for CVAN–70.

Chairman Rivers also formed a Sea Power Subcommittee this year to publicize the status of the U.S. and Soviet fleets and the difficulty the Navy has encountered in proceeding with its $30 billion shipbuilding program.

Sponsors

Reps. Moorehead (D-Pa.); and Gude (R-Md.).

Manpower amendment

Effect

This amendment would require that the overall strength of the Armed Forces be reduced by the number of men withdrawn from Vietnam.

Explanation

An estimated 800,000 men have been added to the Armed Forces as a result of the war, of which only 540,000 have been stationed in Vietnam at one time. In order to return to peacetime levels, men withdrawn from Vietnam will have to be either discharged from the Armed Forces or, if redeployed, be matched by cuts in other forces. This amendment would provide for such conservative reductions. The restriction would be eliminated in the event a President—or Congress—declared national emergency.

Senate action

The Senate approved a similar amendment by a vote of 71 to 10.

House committee action

The Committee rejected tying troop level reductions to Vietnam troop withdrawals. However, the Committee bill does require a troop reduction of 176,000 by June 30, 1970.

Sponsor

Rep. Mikva (D–Ill.)

GREECE—BASTION OF FREEDOM IN MEDITERRANEAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. RARICK. Mr. Speaker, in the entire Mediterranean area, the left consistently attacks only the Governments of Greece and Spain. This program follows the pattern which I last week pointed out in connection with the continued leftist assaults on the Governments of South Africa, Rhodesia, and Portugal.

Whenever free men have defeated communism they can immediately expect to be subjected to the repeated slurs and smears of the international left.

Americans are rightfully concerned about the threat of a Red Mediterranean—especially since an attack on one of our warships, flying the American flag, in daylight and in international waters has already cost American lives. And Americans should be aware that the Russian fleet is welcomed in all ports of the Mediterranean except those of Greece and Spain.

The present Government of Greece is pro-American and anti-Communist. The distorted press constantly maligns the Government of Greece as a military dictatorship, but fails to remind its readers that this coup by loyal Greek officers foiled a Communist takeover of their country.

To balance hysterical extremists attacks by the left on Greece largely by those who have never visited that country or by those who are fugitives from Greek justice, it is truly refreshing to read an objective report by a distinguished American writer of unquestioned patriotism who gives his personal one-the-scene account of the situation which actually exists in the cradle of democracy—Greece.

Mr. Speaker, I include two reports from Greece by Victor Riesel, as follows:

NOW HEAR THIS

(By Victor Riesel)

ATHENS, Greece.—It's all very relaxed in the gardens and foyers of the old Parliamentary palace. You pass the usual single guard with the usual single gun. Then into the usual vaulted gilded rooms of ancient royalty.

And soon you are with a very informal Prime Minister who doesn't mind if you spill hot Greek coffee on his new desk and doesn't look, act, talk nor dodge questions like a military dictator world intellectuals make him out to be.

After an hour of coffee and questions Prime Minister George Papadopoulos chuckled when I said on departing I had come expecting to find a tough soldier but had found him to be a social devolutional and intellectual.

He is both. Why then do American intellectuals and many world labor leaders attack him and his military junta each day? The answer is that he is not their kind of intellectual.

Prime Minister Papadopoulos is anti-Communist. He is pro-American. He runs the only Balkan nation outside the iron curtain.

His nation—parliament-less though it is—loathes the dictatorships to the north. In the words of one of the Prime Minister's cabinet members, Greece is an ally of the

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Americans and will continue as long as it is not "the slave of the Slavs."

Apparently many an American intellectual, and especially the bearded Victor Reuther (heavy spending director of the United Auto Workers Union International Dept.), take all this as a personal insult.

Walter Reuther, for example, has visited Yugoslavia and accepted Marshall Tito's hospitality. But the Detroit redhead would not visit Greece. Why? Doesn't the state-controlled radio of Yogoslavia daily blister the U.S. foreign policy? Of course it does.

Doesn't Greece cooperate with the U.S. and its armed forces and its foreign and commercial policies each day? Of course it does. Why then is there empathy for Marshal Tito's Yugoslavia and enmity for Prime Minister Papadopoulos's Greece?

For example, European labor leaders have forced the International Labor Organization (ILO) of Geneva, Switzerland to investigate Greece's handling of the labor movement here, called the General Confederation of Greek Labor (GSEE) which had and still has some 400,000 members. Western European labor leaders, many egged on by the Reuthers, want Greece expelled from the ILO because the movement here has been reorganized by the military junta.

But, now hear this! These very same labor leaders happily sit with Communist "union" chiefs on the ILO governing board. They rub shoulders with Communist Bloc labor men who often are members of the secret police or controlled by them, sent to Geneva by Bulgaria (represented on the governing board), Hungary, Poland, the Soviet Union, etc. The ILO approves aid to Poland and the dispatch of electronic and computer scientists to Communist lands. They sit with Ahmed Fahim, whom I have met personally in Cairo, head of the United Arab Federation of Labor. Mr. Fahim is rigidly controlled by Col. Nasser's secret police. He is violently anti-Israel and despises America.

Western labor leaders and intellectuals will fraternize with these men, yet they want Greece booted from the ILO—which under the direction of an American Director General, Dave Morse, is investigating Greek labor.

Well, the Greek labor law is tough. It says that the old crowd has had it real fine and now Greek labor leaders must work in the industry at least 100 days a year and must have worked that much time each year for the past six years to qualify for leadership.

And the law says that a union can strike for only three days if it doesn't get the approval of the rank and file at a membership meeting. Well, perhaps there will be no strikes under the military rule. But no one here gets shot, no one is imprisoned in slave labor camps as they are in the USSR. And what of the Czech labor movement. And what of the Soviet "Labor federation"? Is it not headed by Alexander Shelepin, former head of the Soviet secret police.

Of course, it is. Yet Victor Reuther approves of this Soviet movement—and incidentally of the Soviet educational system. Very much so. But he and his colleagues and friend Melina Mercouri, the actress, and her husband of old Hollywood and Zorba the Greek fame doesn't approve of Greek educational reform. Why?

Until the military revolution led by Col. George Papadopoulos in April, 1967 (he is now minister of education as well as prime minister) the universities here were corrupt. College students had to pay anywhere from $15 to $20 for each book. The books were written by the professors who received heavy royalties. And the books were bought in college bookstores which sent lists of purchasers to the professors so they would know who was the "good" student and the bad.

The professors lived handsomely. So well, indeed, that they would stay on forever. It got so that 73 was middle age. They bought land and built villas. The educational system was in the worst, most corrupt chaos. At one law school, some 750 students would crowd into a theatre, which was a movie house at night, to hear the professor's lecture.

Professors were paid to give final exams. And you know the rest.

Now all universities and colleges are free. All books are free. All professors retire at 65. The acquisitive ones, all quite wealthy, were discharged, purged, booted out; call it what you will. Student bus fares, mess hall costs and dormitory payments have been drastically slashed.

The Ministry of Education, where in the past not one employee could speak a foreign language fluently, has been reorganized. There is a law that all letters and applications must be answered in a week. In the past such mail was ignored for four years.

New universities are going up.

Some of the world's most modern colleges are being built here by the military junta the intellectuals needle so much. I'm asked especially to flag professor John Kenneth Galbraith to come and see. He'll notice, incidentally, no sandbags, no militia on the streets and in the universities as in Communist cities; just outdoor cafes where you can cuss the government and the service.

A $50 million college is being built on 400 acres here in Athens, another on 800 in Patras, still another 800 acres are being readied for a university at Ioannia. And the university of Salonika is being expanded. Yet this is a small nation of 8 million.

Today students need only qualify scholastically to enter universities. They qualify by taking exams, even as in the U.S.-academic exams. Not political.

Let's not mistake it. This nation is being ruled by a military junta. It replaced one of the most corrupt, dirtiest, landgrabbing regimes in history. The documents are here to prove it.

There is no democracy as we know it. There is no parliament. But I have read some of the old pork barrel laws. They make our House of Representatives look like a mock Congress.

But freedom for freedom, Greece will match and, as in the days of Marathon, outrace the Communist totalitarianism to the north. Why then is this vital ally of the U.S. being hacked by the same camarilla which woos the avowed enemies of America? Makes no sense.

Now Hear This

(By Victor Riesel)

ATHENS, GREECE.—Absorbing the Greek has been a tough assignment for the communist international apparatus and its underground here which plays political blackmail by threatening anticommunist Americans with unpleasant plastic bombs.

The point of the bomb is to have us rush to the nearest cable office and warn President Nixon not to be friendly to this little beach-lined nation because of its military government.

For those of us who know that "Never on Sunday" is not Greece's national anthem, this blackmail by explosion obscures a few facts of geopolitical life: Greece—and some do believe our own national interests—is in a Maoist-Moscow pincer.

Over in Albania, ruled by Premier Enver Hoxha's Communist Worker Party, is a concentration of Peking air, naval, submarine, military and nuclear missile "Advisers." That's on one Greek border. On another is the operational headquarters of the Soviet's "Slav Section." That's in Bulgaria. And over yonder is Tito's Yugoslavia. Not very pleasant company.

Meanwhile, welcome in Greece are some key U.S. bases, a most strategic mammoth NATO complex on Crete and a warm reception for the sleek U.S. Sixth Fleet which weighs anchor here regularly.

Now that this backdrop is painted along with the Acropolis, the Parthenon and Olympus, one can turn to the outcries against the military strong men now running the Greek government. We hear from Congressman Don Edwards (D-Calif.) and some 47 other Representatives that this is a very bad thing.

But we don't hear outcries from Mr. Edwards and his colleagues for the withdrawal of our ambassador from Peru, where the left-wing military government has ordered the shooting and capture of American fishing boats; or for the withdrawal of recognition from the Soviet Union whose troops machine-gunned university youngsters in Prague's martyred streets the other day; or for the end of diplomatic relations with brutally anti-Semitic Poland.

Fact is, the Greek government of 26 ministers and minister-alternates, of which three are former army men, is tough. But not as tough as any of the governments on its border—governments with which Congressman Edwards would exchange cultural missions.

There are at least 56 cruel slave-labor camps, including the unknown Potma, in the Soviet Union, camps in which AFL–CIO President George Meany says tens of thousands of workers, writers and intellectuals are dying slow, brutal deaths.

There are no slave labor camps in Greece. It is not true that "hundreds of thousands" of oppositionists have been picked up by a secret police. There are no dragnets.

There are about 1,700 prisoners who could be labelled "political." Most of them, about 1,100 are on the Aegean island of Leros. About 100 of them are women. Some 500 can leave for their city homes and villages immediately if they sign agreements not to agitate against the government.

The professorial Minister of Justice from the University of Salonika, Ilias Kyriakopoulos, who answered my questions for more than an hour and a half, says they can go free even if they give their word verbally.

He adds they don't want to get out of the island detention because they fear they'll be liquidated by the Communist underground if, when free, they refuse to take orders. There are informed sources who say those who refuse, do so on principle and fear nothing. But no one disputes they can go free.

This would leave about 600 on the island. At least 500 of these are hard-core communists with long "CP" records, many of whom have been picked up by previous administrations.

No doubt some noncommunist, antigovernment activists have been picked up and imprisoned elsewhere—but so have the remains of their bombs been picked up along with many wounded.

Many leaders of what were political parties before the April 21, 1967 military revolution come and go as they wish. They can leave the country. They can practice their professions. They can agitate. True, some can't leave Greece. They're a handful, however, but neither can one take a taxi from his home to Moscow's airport and live it up in the free world.

One of those who loves Greece is Panos G. Troumbounis, leader of the newspapermen's union which is the counterpart of the U.S. American Newspaper Guild, AFL–CIO. He is unhappy. He thinks the draft of the proposed press law is too tough, too restrictive, too tight to permit his followers to get the news, write it and comment freely on it.

We talked about this for a long time in his headquarters. He's a newsman's newsman. The get-it and print-it type.

But he's free. He argues with strong man, Prime Minister George Papadopoulos. He moves in and out of Greece. He goes to meetings of the International Federation of Journalist in Belgium and Switzerland and agitates for resolutions critical of Greece's press laws.

And Mr. Troumbounis says that he has not been threatened nor told to stay home. Only one newspaper has been shut down since the revolution—the official commu-

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nist daily. Two new ones are publishing. No editions of any paper have been suspended or banned.

One, in Salonika, was held up for printing a picture of the million-dollar-a-year King Constantine at the inauguration of President Nixon. When the Prime Minister was told of this by brother Troumbounis, word flashed immediately and the paper rolled in two hours. A second daily was held up for an afternoon.

There are now newsmen in prison here. If one is picked up for collaboration with the underground, the newspaper union chief alerts the Prime Minister and the reporter is freed.

And, while we're talking about Salonika, which for many hundreds of years until the Nazi storm troopers invaded this land, was the center of great Jewish learning, let's for a fleeting second look at freedom of religion. There is absolute freedom of worship. The Roman Catholic minority and the surviving 6,000 persons of Jewish faith go to their churches and temples in utter freedom.

They are freer here than in any communist land. All of which is not to say that the regime is not tough, nor that it believes that Spartan measures and Draconic laws are unnecessary, or that they featherbed the opposition.

But why is this a reason for alienating an ally in a part of the world where we have mighty few? Why is this a reason for depriving Greece of arms when it is unsparing of its soil, and its sons, in defense of the free world?

Why suddenly is it the fashion in some circles back home to skewer Greece because it has a tough government—yet fawn on the totalitarianism of the Soviet Union? Why are we asked to desert our Greek allies and yet woo the mocking military regime in Peru and tolerate those who once shouted Ho Ho Ho?

Why the double standard?

REVENUE SHARING WITH LOCAL GOVERNMENTS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. PELLY. Mr. Speaker, I strongly support President Nixon's proposed revenue sharing with State and local governments.

Ten years ago I incorporated this idea of revenue sharing in a bill to provide assistance to the States in meeting the needs of education. My idea was to return a percentage of the income tax collected by the Federal Government to the respective States in lieu of Federal aid to education. By this means I hoped to avoid Federal control of our schools which I think are properly the responsibility of the States. Likewise such decisions as compulsory busing of schoolchildren to provide racial balance, to me, are properly a matter for local school boards and the parents who elect them.

However, I think the basic argument in favor of revenue sharing is that it would protect our dual system of government and federalism under the Constitution against eventual control.

The States and local communities have been desperately attempting to meet their needs for adequate public service. More and more they have been forced to turn to the Federal Government for money and the result of this growing dependence on Federal largess has been more and more control on the national level. In many instances Federal programs bypass local authorities who certainly know best their own needs and priorities.

So, as I say, Mr. Speaker, I applaud the President in asking Congress to provide means of financing State and local needs without the Federal Government saying how and where the money must be spent.

SENATE—*Tuesday, September 30, 1969*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who didst bless and guide the pioneer founders of the Republic, imbue us with their fortitude and wisdom that we may be pioneers of the spirit and molders of a better world. Help us, O Lord, to make this good earth the city of God—a city of righteousness where none shall harm his neighbor; a city of brotherhood where success is measured by service, and honor is accorded to nobleness alone; a city of plenty where evil and poverty have vanished; a city of peace, where order shall not rest on force but on personal goodness and the love of all for the common life and weal. Inspire and strengthen all in the service of the Government and all citizens of the Nation that we may give time, thought, and sacrifice to speed the day when Thy kingdom comes on earth as it is in heaven; for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 29, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 26, 1969, the President had approved and signed the following acts:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 348. An act for the relief of Cheng-huai Li; and

S. 1686. An act relating to age limits in connection with appointments to the U.S. Park Police.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2068) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 13369) to authorize the Administrator of Veterans' Affairs, until October 1, 1971, to set interest rates necessary to meet the mortgage market for guaranteed and insured loans under title 38 of the United States Code, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10420) to permit certain real property in the State of Maryland to be used for highway purposes.

HOUSE BILL REFERRED

The bill (H.R. 13369) to authorize the Administrator of Veterans' Affairs, until October 1, 1971, to set interest rates necessary to meet the mortgage market for guaranteed and insured loans under title 38 of the United States Code, was read twice by its title and referred to the Committee on Banking and Currency.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE INTEREST EQUALIZATION TAX EXTENSION ACT

Mr. KENNEDY. Mr. President, yesterday in a colloquy with the distinguished Senator from Delaware (Mr. WILLIAMS), the ranking minority member of the Finance Committee, and with the chairman of the committee, the distinguished Senator from Louisiana (Mr. LONG), I indicated that Calendar No. 424, the Interest Equalization Tax Extension Act would be scheduled as soon as some reasonable time had been allowed for preparation by those Senators who desire to oppose the bill. This action does not reflect the personal bias of the majority leader and the assistant majority leader, inasmuch as we are divided on the issue, the Senator from Montana being a cosponsor, and the assistant majority leader being opposed. This had been the position of the leadership and the Democratic policy committee for the following reasons:

First. An amendment added by the Finance Committee to the bill would repeal, in part, the 1968 firearms control legislation which is unrelated to the principal legislation and was added, in effect, by surprise, leaving Senators who oppose the measure without adequate time to prepare if the legislation was to be considered prior to the September 30 expiration date.

Second. There is a genuine question of committee jurisdiction in that similar legislation was referred to the Judiciary Committee and then withdrawn from Judiciary and resubmitted in Finance Committee session.

Third. The Senate is presently considering the proposed Coal Mine Safety Act of 1969, a matter of very great significance and importance, in which there is considerable controversy. It is expected that this bill will not pass before tomorrow, October 1. In order that the Interest Equalization Tax Act might be considered, it would be necessary to have unanimous consent to lift the unfinished business. Such unanimous consent to consider such a controversial matter would not be possible to obtain. Furthermore, passing the act prior to tonight's deadline would not solve the problem which was so clearly outlined yesterday by the Senator from Delaware, inasmuch as it would be necessary, because of the Finance Committee amendment, that the legislation then be returned to the House for their consideration.

In the House, their alternatives, as I understand them, are four:

First. The chairman of the Ways and Means Committee can ask unanimous consent to concur with the Senate amendment. Such unanimous-consent agreements are sometimes difficult to obtain, and I am informed that someone would object.

Second. The chairman can ask unanimous consent to go to conference with the Senate.

Third. The chairman can ask unanimous consent to concur with an amendment deleting the Finance Committee ammunition amendment. Again, such unanimous consent might not be forthcoming.

Fourth. Last, the legislation can be submitted to the Rules Committee, which could give a rule permitting, eventually, the House to vote on adding the subject Finance Committee amendment. I am reliably assured this procedure would, in all probability, take 2 to 3 weeks.

I tried yesterday to point out that there is little question that the Interest Equalization Tax Act will pass the Senate in the near future. Likewise, I am confident that if the controversial amendment were deleted from the bill, it would pass the Senate today, could go back to the House for their concurrence in some technical amendments, then could be signed by the President before the midnight deadline tonight. The decision in this matter is where we left it yesterday, with the Senator from Utah (Mr. BENNETT) and not with the leadership.

I would point out, too, that the letter from Treasury Secretary David Kennedy, which the distinguished Senator from Delaware read in full into the RECORD yesterday, outlines emergency procedures already taken this year, and gives assurances that the Treasury Department is prepared to take such action if this legislation is not considered and passed by both Houses and signed by the President before midnight tonight.

IN THE MATTER OF A DEED WITH RESPECT TO A CERTAIN PORTION OF THE LAND HERETOFORE CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORP.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 421. S. 1366.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments, on page 1, line 8, after the word "hereby" strike out "released only with respect to the following described tract" and insert "waived, for the limited purpose of permitting the repair and lighting of a large concrete 'U' (an emblem of the University of Utah) situated on a tract of approximately 3.73 acres"; and on page 2, line 5, after the word "meridian," strike out "Utah," and insert "Utah." and on page 2, line 6, strike out "which contains a large concrete 'U' (an emblem of the University of Utah) and which comprises approximately 3.73 acres, more or less:

"Beginning at a point north 0 degrees 00 minutes 40 seconds east, 999.41 feet and south 89 degrees 59 minutes 57 seconds east, 3,265.57 feet from United States Military Reservation Monument Numbered 13, said monument marking the southwest property corner of the Shriners Hospital for Crippled Children;

"thence south 89 degrees 59 minutes 57 seconds east, 500 feet along the northerly boundary of Fort Douglas Military Reservation, said boundary being between United States Monuments 14 and 15 to the point of intersection of the northerly extension of the westerly boundary between United States Monuments 11 and 12;

"thence south 0 degrees 02 minutes 40 seconds east, 325 feet along the northerly extension of the westerly boundary of the Fort Douglas Military Reservation between United States Monuments 11 and 12;

"thence north 89 degrees 59 minutes 57 seconds west, 500 feet along a protracted line parallel with the north boundary of Fort Douglas Military Reservation, said boundary being between United States Monuments 14 and 15;

"thence north 0 degrees 2 minutes 40 seconds west, 325 feet along a protracted line parallel with the northerly extension of the westerly boundary of the Fort Douglas Military Reservation, between United States Monuments 11 and 12 to the point of beginning.".

So as to make the bill read:

S. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622(h)), the terms and conditions in the instrument of transfer issued by the United States on November 15, 1961, to the Salt Lake City Corporation, providing for a reversion of title to the United States under specified circumstances, are hereby waived, for the limited purpose of permitting the repair and lighting of a large concrete "U" (an emblem of the University of Utah) situated on a tract of approximately 3.73 acres in section 33, township 1 north, range 1 east, Salt Lake meridian, Utah.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–425), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 1366 would release a restriction placed on a tract of land conveyed to the Salt Lake City Corp. on November 15, 1961, pursuant to section 13(h) of the Surplus Property Act of 1944, which authorizes the disposal of surplus real property to States, political subdivisions thereof, and municipalities at 50 percent discount for park and recreational use. Under the terms of the conveyance, the property will revert to the United States in the event it is not used for park and recreational purposes. To avoid automatic reversion of the property this bill, as amended, would waive the reverter clause for the limited purpose of allowing the Salt Lake City Corp. to make the necessary repairs to the concrete block "U" situated on the property and install lights thereon without violating the restrictions as to use thereof.

BACKGROUND

An Ad Hoc Subcommittee on Surplus Property, of the Committee on Government Operations, held hearings on this and several other bills on July 9–10, 1969, at which time representatives from the various departments and agencies testified on the proposed legislation. There appeared to be a difference of opinion as to whether the proposed improvements to the property could be made without violating the restrictions of limitations placed thereon by the conveyance. By letter dated November 29, 1968, to Senator Moss, the Director of the Bureau of Outdoor Recreation held as follows:

> We note that the 1961 instrument of transfer conveying the property containing the block U to the Salt Lake City Corp. provides only for the use of such property for public park and recreational purposes. Under the terms of this instrument the corporation agreed to ultilize such property in accordance with the approved program as set forth in an isometric map which was part of the transfer agreement. We also note that no provision was made in this program for maintenance of the block U. We have carefully reviewed the corporation's proposal to renovate the block U and install permanent lighting facilities for it, and have determined it would not be in compliance with the terms of the instrument of transfer.

However, on May 26, 1969, the Solicitor of the Department of the Interior advised the Secretary of the Department that the block U was on the land when conveyed to the Salt Lake City Corp., in 1961, and that:

> It cannot now be said that its existence is incompatible with the terms of the grant. Mere illumination of the U would not change the use of the tract and therefore cannot be considered as incompatible to the grant.

The enactment of S. 1366 would remove any ambiguity concerning the right to repair and illuminate the block, without losing title to the property on which the block is located.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. **KENNEDY**. Mr. President, I sugfest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. ALLEN in the chair). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE SO-CALLED VIETNAM MORATORIUM ON OCTOBER 15

Mr. **SAXBE**. Mr. President, I have been invited, as have other Senators, to join in the Vietnam moratorium.

As one who has been especially critical of the failure to respond to what I think is justified national pressure in regard to the war in Vietnam, I want to state unequivocally that I want no part of such an effort as this.

No one has been more critical than I of the war in Vietnam. My criticism has been based primarily on the belief that any hope of military victory was abandoned when we failed to isolate the battlefield—one of the basic rules of combat—and destroy the enemy.

What we have been engaged in since that time is a losing operation, because we cannot do that effectively, and because we are fighting against a well-supplied enemy who has violated all the rules of combat which I learned in my years of service in the Army.

Mr. President, this so-called moratorium indicates an ingenious effort to create a snowballing effect; that is, 1 day in October, 2 days in November, 3 days in December—until such time as we would have a week of riots and hell-raising and national disruption.

I notice in the activities the sponsors call for, all referred to as "orderly," they are against some of our basic institutions and certainly not in keeping with what we believe to be the good order of our country. I hope that my colleagues will not be drawn into this, because to do so would be to give the color of sanction and respect which such an effort hardly deserves.

Mr. President, probably one of the most disturbing things to me would be that the men serving in Vietnam, and those who have already served there, and in our Armed Forces throughout our history, would be a subject of disdain.

We would be cutting the ground out from under these men, many of them in Vietnam not of their own choosing but because they are patriots, and because they have responded willingly to the call of their country.

I do not intend to stop making suggestions about what the President should do. I know there is the suggestion of a moratorium and I think that with the change in government in Hanoi, it makes some sense. It leaves the door open for reasonable complaint. To call a complete moratorium is perhaps too strong a word. I do believe that we must do nothing to undercut the morale of our troops or the morale of the people in this country toward their Government.

I believe that this is the underlying effort of such a movement this committee has put forward to us.

Mr. President, I wonder whether we would not strengthen the hand of our people if we were to wait until the 11th day of November and turn out in a patriotic display of support for our men in Vietnam, as I hope we will do, remembering that this Army was put together in peacetime, as we like to say, to fight a foreign war and is probably the most valiant group of men we have ever had in this country.

Thus, Mr. President, my words this morning are, first, that I want no part of this moratorium. I hope that my colleagues will not join it.

Second, I want to show my respect for our valiant troops for what they have done, and what they are doing.

Third, I want to call on the urgency of the moment, as I have done many times, to ask the President to be responsive to it. I know that he did in August what I thought he should have done in February. My voice is only one of many in this country in this area, but I hope it can be done in patriotic support of our Government.

Mr. **GRIFFIN**. Mr. President, will the Senator from Ohio yield?

Mr. **SAXBE**. I yield.

Mr. **GRIFFIN**. I commend the distinguished junior Senator from Ohio, who has proved himself in the time he has served in this body to be a very able, competent, and independent Senator; and one who possesses outstanding credentials to speak on the subject of the war in Vietnam.

In his remarks concerning the so-called Vietnam moratorium, he has said what I believe is in the minds and hearts of most Americans.

Like the Senator from Ohio, I view these preparations for demonstrations on October 15—the so-called Vietnam moratorium day—with dismay.

It is ironic and rather tragic that these demonstrations are to be directed at the U.S. Government and our institutions rather than at the Hanoi government and the Communists. For the record is clear that it is Hanoi and the Communists who have not budged, who have not given 1 inch, who have not negotiated realistically, and who have ignored the proposals for peace made by this administration and the previous administration over and over again.

In view of our country's efforts toward peace in Vietnam, it would be understandable if demonstrations were being planned in support of the administration. Unfortunately, however, some Americans are following the opposite path. I believe the upcoming moratorium is a misguided effort and can only have the effect of undercutting and undermining the President of the United States earnest efforts to bring the war to a close on an honorable basis.

And similarly, I believe the "bugout" resolutions which would require the pullout of all American troops from Vietnam by a given date in the future also foreclose our country's ability to end the war on an honorable and lasting basis.

The more I consider these resolutions, it is clear that one who advocates such a position is really advocating that we pull all our troops out right now for if that is his position, it is not realistic or fair to our men in Vietnam to leave our boys there sustaining casualties pending the eventual pullout on December 1970.

When viewed in this light, such resolutions would, indeed, destroy our President's ability to negotiate a lasting peace—not to mention the possibility of bringing our troops home even earlier than December of next year.

In closing, I again commend the Senator from Ohio. He is a courageous Senator who always speaks his mind. Although I may not always agree with him, I always respect him.

APPOINTMENTS TO 15TH CONFERENCE OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION

The **PRESIDING OFFICER**. The Chair, on behalf of the Vice President, in accordance with Senate resolution 65, 91st Congress, first session, appoints the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Kentucky (Mr. COOK) to attend the 15th conference of the Commonwealth Parliamentary Association, to be held at Port-of-Spain, Trinidad, on October 13 to 17, 1969.

ORDER OF BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that I may proceed for an extra 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARINGS ARE ESSENTIAL BEFORE SENATE CONSIDERS AMENDMENT TO REPEAL AMMUNITION CONTROLS

Mr. DODD. Mr. President, at the appropriate time, I shall ask the Senate to defer action on S. 2718, which is currently pending on the Senate Calendar as an amendment to H.R. 12829, the Interest Equalization Tax Extension Act. This amendment, which would dismantle the ammunition control provisions of the Gun Control Act of 1968, was reported to the Senate without a single day of public hearings on the legislation.

It concerns me gravely to think that legislation which is as controversial as this amendment could be merely tacked on as a "Christmas tree" attachment to a nonrelated House-passed bill.

This action is particularly appalling in view of the contents of a press release issued yesterday by the office of the senior Senator from Utah which stated that the Secretary of the Treasury supports the move to repeal the ammunition controls of the Gun Control Act of 1968.

It is appalling because the statements attributed to the Secretary of the Treasury in that release directly contradict testimony which the Juvenile Delinquency Subcommittee recently received in a series of hearings on the effectiveness of the Gun Control Act of 1968.

At that time, representatives of the Treasury Department and the Internal Revenue Service appeared on behalf of the administration and testified that the Gun Control Act has been effective.

They asked that no changes be made in the law at this time.

On July 23, 1969, Assistant Secretary of the Treasury, Eugene T. Rossides, told the subcommittee:

> It is the View of the Department that, . . . the Gun Control Act of 1968 is working reasonably well and it providing the needed support for State and local controls for which it was designed. We respectfully suggest that the controls under the Gun Control Act of 1968 be given a full opportunity to prove their worth.

That same day, July 23, 1969, the Commissioner of the Internal Revenue Service, Randolph W. Thrower, said:

> I strongly believe the new gun law is an effective law enforcement tool which will go a long way in assisting local law enforcement authorities in coping with the crime problem within their own borders.

Considering the apparent conflict between the testimony of Mr. Rossides and Commissioner Thrower and the position now taken by Secretary Kennedy, we must have hearings on this amendment.

If the Secretary has new information that was unavailable to the Subcommittee on Juvenile Delinquency 2 months ago, we would like to know what it is. The facts should be clearly recorded, and in order to do so, the Senate should insist on hearings.

The need to resolve the Treasury Department conflict, however, is only one reason why the Senate deserves hearings on this amendment. If the facts in the release issued by the Senator from Utah are any indication, hearings are needed to correct some serious misconceptions about ammunition controls, misconceptions which seem to have wide currency in some quarters.

Mr. President, we spent 6 weeks of floor debate less than a year ago on the question of firearms and ammunition controls.

Let me review three of the most compelling reasons why the Senate was persuaded to pass the controls on the sale of ammunition:

First. Since the Act requires a dealer to record the name, age, and place of residence of each person to whom he sells ammunition as well as firearms, records which are available for inspection by law enforcement officers, ammunition controls would deter criminals from attempting to purchase bullets. Persons who intend to commit unlawful acts will be deterred from purchasing ammunition because they will not want to identify themselves and leave a record of the transaction.

Second. Since the National Violence Commission estimated that there are now some 90 million firearms in private hands in the United States, ammunition control is the only way in which the Gun Control Act can affect firearms already privately owned. As these weapons are impotent without ammunition, it is only common sense to regulate the flow of that ammunition in order to prohibit its sale to juveniles, known felons, and other irresponsible persons, who may already own firearms.

Third. Since evidence of the purchase of ammunition used in a crime may be an important element of proof, ammunition controls would assist investigation of crime. Investigation of crime by law enforcement officials should be greatly benefited by records of ammunition sales, particularly where police suspect a particular individual of a specific firearms crime.

Despite Senate debate on these points last year, however, the press release issued by the Senator from Utah states that ammunition controls are of no help to law-enforcement officials and are of no significance in the fight against crime.

I do not know of any law-enforcement officer who says so. I do not know of anyone who has dealt with this problem who says so.

I had thought, when this matter was referred to the Finance Committee, that the Finance Committee would be prepared to hold hearings on it. Our Juvenile Delinquency Subcommittee was so prepared. We had scheduled hearings on this subject when the bill was suddenly withdrawn and a "new" one introduced and abruptly referred to the Finance Committee. I thought and all of us interested in this problem thought, there would be hearings. We never expected this quickie attempt to put this amendment on a wholly unrelated House bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. KENNEDY. One of the problems raised by the amendment was obvious in the morning paper. I saw reported in the Washington Post today that the exponent of the amendment does not feel that his amendment covers handgun ammunition, yet I see that in the committee report, on page 30, .22-caliber rimfire ammunition is, in fact, included in the amendment.

It is interesting to note, Mr. President, that 30 percent of all murders committed by handguns in this country every year are perpetrated by .22-caliber handguns. Some 60 percent of murders committed by rifle used guns of .22 caliber. Thirty-seven percent of all gun murders involve .22-caliber ammunition. I thought it relevant to mention those statistics.

There does appear to be a conflict in the statement of the Senator from Utah (Mr. BENNETT), that his amendment does not include handguns, and the committee report to which I just made reference.

Mr. DODD. The Senator is correct. I am very pleased that the Senator has brought this point up at this time, because it is a salient and important one. These .22-caliber rimfire bullets are known as killer bullets by the law-enforcement officials. This is the ammunition that, about a week ago, killed four persons in a bank robbery. This is the ammunition that is so cheap to buy.

If the Senator from Utah really believes that ammunition controls are no help to the police, I would think that he would be willing to have hearings so that he could hear the testimony of law-enforcement officials for himself.

We also need hearings to correct some misconceptions, for another statement in the Senator from Utah's press release, a statement which might be amusing in its misrepresentation if it were not so tragic, tells us that the pending amendment in no way whatsover affects existing controls over pistol and revolver ammunition.

As the acting majority leader just said, the Senator from Utah implies that pistols and revolvers do not use .22-caliber ammunition.

I wonder if the Senator knows that in 1967, of the 1,188,000 pistols and revolvers estimated to have been sold, a substantial percentage would fire .22-caliber ammunition, and, of all imported handguns, of which there were 747,000 in 1967, the great majority fire .22-caliber ammunition.

I wonder if the Senator knows that 70 percent of all the ammunition produced in the United States last year was .22-caliber ammunition, and that 30 percent of the persons murdered with pistols last year were murdered with .22-caliber ammunition.

I wonder if the Senator knows that his amendment would exempt these and approximately 90 percent of all firearms from ammunition controls.

This amendment would exempt 90 percent of all firearms from ammunition control, at a time when crime is rising every day, at a time when the number of murders committed is up every day, at a time when more people are being assaulted every day. Yet here we have an amendment presented to us for the first time, tagged on to a House bill, slipped into the Senate, making it impossible to fully explore the matter and, because of the urgency of the tax measure, getting Senators stampeded into dismantling the Gun Control Act.

I say there is nothing more important to the American people than that this not be done, and certainly that it not be done in this fashion, without any hearings at all of any kind, shape, or manner.

The Senator from Utah does not have to accept my statistics. I obtained them during hearings on firearms control legislation. However, if hearings are held, as they must be held, the Senator can learn for himself that there are a significant number of pistols and revolvers abroad in this land which fire .22-caliber ammunition, and the ammunition for these handguns would be exempt under the Senator's amendment.

In fact, if the pending amendment is passed, essentially all that is left subject to the ammunition controls of the Gun Control Act are large caliber handguns, which constitute a very small fraction of the firearms that would be subject to the bill.

And if such significant gaps in the coverage of ammunition are to be created, is it not clear that those bent on crime will convert to the weapon that is most available? Surely criminals will find it easy to use weapons other than the few large caliber handguns still subject to the ammunition controls.

And, I hasten to point out that a pistol loaded with .22's is just as intimidating to a bank teller, or a person walking down a dark street, or to a transit driver, as any other firearm.

The argument has been made that sportsmen are the only ones who use rifles and shotguns, and that "Boy Scouts" are the ones who use .22 caliber ammunition. I note that the active majority leader has left the floor, but I ask Senators to consider:

Senator Robert F. Kennedy was killed by a pistol firing .22-caliber bullets, which Senator BENNETT would exempt;

President John F. Kennedy and Dr. Martin Luther King, Jr., were killed by rifle bullets, which Senator BENNETT would exempt;

Medgar Evers was killed by a shotgun, the ammunition for which Senator BENNETT would exempt.

To describe this amendment as applicable only to sporting ammunition is a charade, it is deceptive, and it is misleading. The truth is that this amendment would, if adopted, provide assassins and felons of every description with free and easy access to their choice of the 4.4 billion rounds of ammunition produced in the United States each year.

I ask Senators to consider this fact and consider it well.

Finally, we have the most spurious argument of all. We are told that this amendment would do away with the "elaborate registration procedures required under the present law."

Mr. President, there are no registration procedures under the present law. A person shows his driver's license to prove he is who he says he is, when he was born, where he lives and nothing more.

All a person who wants to buy this kind of a bullet has to say is, "I am John Jones, I am over 21 years of age, and I live at No. 1 Smith Street." That is all he has got to say. Now, what a great burden that is, considering the crime situation in this country.

I have bought ammunition. Many of us here have. My judgment is that most people who buy ammunition buy it at a store where they are known. Of course there are some exceptions; but generally, I say, a person buys his ammunition from a man he knows. There will not be a great burden on anybody to obtain ammunition by giving the simple facts of name, age, and address.

Of course, I have never suggested ammunition controls would stop all the crime committed with guns. All I have said was that ammunition controls would help us a little bit. I believe a criminal will be a little bit reluctant, and perhaps think twice about buying bullets, when he knows he has to give his name, age, and address, and that if he gives false information, he subjects himself to penalties for violation of the law. It is said that the criminals would continue to violate the law anyway.

But, Mr. President, all we are trying to do is make it a little bit harder for criminals, mentally disturbed people, and children, just a little bit harder.

This back-door registration canard was put abroad by the gun and bullet lobby and they have fooled many well meaning people, and apparently many Senators.

Sportsmen have not been hurt. There have been more hunting licenses issued since the Gun Control Act was passed last year than ever before in the history of this country.

I think it is important that the Senate have these facts. I do not wish to dwell at any greater length upon them now. I simply call them to the attention of the Senate, and I ask Senators to look at the facts, and to reject the arguments for what they are, uninformed, unfounded and unconscionable.

And when the time comes, I ask them to reject the Bennett amendment and to refer it to an appropriate committee for hearings, so that misrepresentations can be corrected, so that misconceptions can be clarified, so that the legislation can be placed in proper perspective and the Senate can view it for what it really is.

I plead with those who are pushing this amendment at least to hold hearings.

Do not jam this measure through without hearings. I do not think the American people want that to happen. I do not think the Senate does.

I do not think this matter has been thought out carefully enough. If it can be proved in proper hearings that it is not needed, that it is too cumbersome, or too expensive, all right; then we will have the record before us.

But this is a terrible way to legislate on a subject of this importance, and I hope the amendment will be rejected.

VIETNAM INVOLVEMENT—NATIONAL INSANITY

Mr. YOUNG of Ohio. Mr. President, in March of 1964 I first spoke out in the Senate criticizing our involvement in a ground war in Vietnam. In the course of my remarks I quoted excerpts from a letter from the wife of a serviceman who formerly lived in Ohio but was then living in Saigon where her husband was stationed. She wrote:

> A big problem is that most of the Vietnamese do not really care about the war, most of them do not want to fight. There are Vietnamese guards at the American installations in Saigon and elsewhere in south Vietnam. When these bases are attacked by the VC some of the Vietnamese guards are bribed, some run away. . . . There has been a noticeable lack of any Vietnamese around these bases. It seems very likely that they have been warned beforehand . . . When the south Vietnamese armed forces do have a chance to fire on the Vietcong quite often they refuse . . . Even if they were receiving adequate training to fight the war by themselves (which they are not) they could not and would not win by themselves because they have no will to fight and win.

I stated then and I state now that it is "more than obvious that if this war is won it will have to be won by the Americans." This was confirmed when in 1965 I spent nearly a month in Southeast Asia on a factfinding mission and at that time I was in every area of South Vietnam.

It was clearly said yesterday by the distinguished senior Senator from Idaho (Mr. CHURCH) that the strength of antiwar sentiment in Congress has grown out of its nonpartisan nature. In 1964 when Senator CHURCH and I first protested our deepening involvement in Vietnam we were speaking against the policies of a Democrat in the White House. Our primary concern was our country's interest. That should always be placed above partisan considerations.

Throughout 1964 and 1965 and even more recently than that there was far less dissent against the war than there is now. No longer do I receive abusive and denunciatory letters from Ohio citizens suggesting I am a Communist sympathizer because I have spoken out in Ohio and in the Senate against our ever-deepening involvement in a civil war in South Vietnam.

Mr. President, the reason that I no longer receive abusive and insulting letters and telephone calls from Ohio citizens terming me "a traitor," "Peacenik," a "Hanoi sympathizer," "a stupid dove" is that every little community in my State has been afflicted with the tragedy of the loss of priceless lives of recent high school graduates who were drafted or who enlisted to serve in our Armed Forces. That tragedy has been inflicted upon nearly every village and small city throughout the country.

I wish to plainly state today, as I have repeatedly in the past, that all of our Armed Forces should be withdrawn from combat in Vietnam before the end of this year, December 31, 1969. They should be withdrawn in the same manner that they were sent in—by planes and by ships. Furthermore, if it is claimed all of the more than 500,000 Americans in our Armed Forces in Vietnam cannot be returned to this country in the few months remaining, then I urge today that those officers and men of our Army, Air Force, Navy, and Marine Corps should be returned before the end of this year to coastal bases such as Cam Ranh Bay and DaNang and placed in defensive posture in those coastal enclaves as advocated years ago by General Gavin, General Ridgway, and others where they would have the cover and protection of our 7th Fleet and of our airpower.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, I was one of those who attended the recent luncheon in the Vandenberg Room of Democratic Senators and Representatives who joined in planning an October 15 demonstration to protest against our involvement in Vietnam which has been termed the Vietnam moratorium. I know that we who participated in that luncheon are responding to the overwhelming sentiment of the country.

President Nixon stated at his recent press conference that under no circumstances would he be affected by the coming antiwar demonstrations. To me this demonstrates a shocking attitude. To me it seems that our waging a ground war in a little Asiatic country torn by internal insurrection could be termed madness. Vietnam is of no importance whatever to the defense of the United States. It is an act of international insanity that the Johnson administration involved us on a huge scale in this immoral, undeclared war which is the most unpopular foreign war waged in the history of this Republic. It has now become the bloodiest from our standpoint with the sole exception of World War II, and also the longest in the history of our Republic.

It was pleasing to me that recently in this chamber the distinguished junior Senator from New York (Mr. GOODELL) spoke out against our waging a war in Vietnam and urged that all of our soldiers be returned, not by the end of this year, but by the end of 1970. It seems to me he is a Johnny-come-lately, to opposing our involvement in that miserable civil war. However, I say, better late than never. I praise him for his conclusions and for his statement. I know that the junior Senator from New York expressed his concern in the other body in August 1967. I did not agree then and I do not agree now with the statement he then made as follows:

> If the United States should fail in South Vietnam—if its resolve should weaken to the point of retreat and departure under conditions as ignominious as those experienced by the French in 1954, then surely the "domino theory" will be rendered inevitable by the power vacuum in the area and the voracious and inexorable expansionist interests of the Communist Chinese state.

The domino theory was formulated by former Secretary of State John Foster Dulles. It was supposed to mean that if one Asiatic country were to fall, all others would fall like dominoes.

That theory has been thoroughly discredited since that time. He was using that theory then as an excuse to help the French who were trying to retain their lush Indochinese empire against the Vietnamese who were fighting for national liberation.

It is true, Mr. President, that I voted in favor of the Gulf of Tonkin resolution. I was misinformed at that time as were other Senators. Later I tried to rectify that mistake. On March 1, 1966, five Senators of the United States voted to repeal the Gulf of Tonkin resolution. It happens I was one of those five as were my colleagues Senator FULBRIGHT, chairman of the Foreign Relations Committee, and the senior Senator from Minnesota (Mr. MCCARTHY).

Mr. President, it was most discouraging that directly following January 20 of this year President Nixon dismissed our great negotiator at the Paris peace conference, W. Averell Harriman, and substituted in his place Henry Cabot Lodge. This was a disservice to our country and to the cause of peace. Ambassador W. Averell Harriman is a truly great American diplomat and statesman. It was he as Ambassador for the late President John F. Kennedy who achieved the agreement of the Soviet Union to the Limited nuclear Test Ban Treaty sought for in vain by three U.S. Presidents.

I know Henry Cabot Lodge personally. During my two visits in Vietnam I talked with him. I know his thoughts and his views. Henry Cabot Lodge is regarded as a close friend and an admirer of that flamboyant air marshal, Vice President Ky, who was born and reared in North Vietnam and was in the French Air Force in 1954 fighting his own people who were seeking national liberation. Furthermore Ambassador Lodge is a minor league warhawk. His achievements as an Ambassador have been extremely questionable. I am not able to cite any.

President Nixon made the further mistakes of dismissing Cyrus Vance, our other highly respected negotiator for peace at the Paris conference, and of retaining Ellsworth Bunker as our Ambassador to the Saigon militarist regime. Bunker has been proven wrong from the time he became Ambassador. He has demonstrated that he is a shortsighted diplomat and entirely subservient to the Thieu and Ky militarist regime in Saigon.

Why do President Nixon and his administration continue on a huge scale an unjustified war Americans no longer support? Why continue to bolster a Saigon militarist regime we cannot trust? President Nixon's order of withdrawal of 60,000 American troops, while we keep more than half a million men under arms in Vietnam, is but a token gesture. At that rate it will take at least 10 years to withdraw completely from the Vietnam quagmire.

When campaigning for the Presidency less than a year ago Richard Nixon stated he had a secret plan to end the war in Vietnam. That plan is evidently still his secret.

Also we now read the shocking news that Government troops in Laos backed by U.S. planes from bases in Thailand recaptured Muong Soui from a Pathet Lao battalion which had captured it last June. The news report published today said three Government battalions assaulted Muong Soui from three directions and met only light resistance from the remaining battalion of North Vietnamese and Pathet Lao. Pathet Lao, in Laotion, means the forces seeking national liberation. Of course, the Pentagon propagandists refer to them as Communists. Many are Buddhists. Many are ignorant tribesmen who have no political philosophy whatever but who remember and whose parents remember the tyranny of French colonial oppression. American citizens should know that they as taxpayers are paying out money every day, every hour, for our involvement with our Armed Forces including B-52 bombers in Laos.

Mr. President, while in Southeast Asia last year I was flown to every area of Laos by helicopter. I was a guest at our Embassy in Vientiane. During the period I was in the southern area of Laos, it was my considered judgment that this very undeveloped area was not worth the life of one American soldier. That became more evident as I was flown by helicopter to the hills and mountains and unbelievable primitive areas of north, east and western Laos. The situation in Laos is now at a critical point. The administration may soon have to decide whether to escalate the war there or scale our involvement down to smaller proportions. We must not permit Laos to become another Vietnam.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON USE OF FUNDS APPROPRIATED IN THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1969, AND THE MILITARY CONSTRUCTION APPROPRIATION ACT, 1969

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that no use was made of funds appropriated under section 536, Department of Defense Appropriations Act, 1969 (P.L. 90-580) and section 109 of the Military Construction Appropriation Act, 1969 (P.L. 90-513), during the period January 1 to June 30, 1969, to make payments under contracts for any program, project, or activity in a foreign country except where, after consultation with a designee of the Secretary of the Treasury, it was determined that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law was not feasible for the reason that the Treasury Department was not holding excess foreign currencies in the country involved; to the Committee on Appropriations.

Proposed Social Security Amendments of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes (with the accompanying papers); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improvements in the administration of the Veterans' Administration nursing home care program, September 29, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in the management of Government owned and leased real property overseas, Department of State, dated September 30, 1969 (with an accompanying report); to the Committee on Government Operations.

Report on the Minerals Exploration Assistance Program

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, the fourth annual report on the minerals exploration assistance program, authorized by the act of August 21, 1958, fiscal year ending June 30, 1969, Office of Minerals Exploration, Geological Survey, Department of the Interior (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Participation Agreement— Navajo Project

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, reporting on the Navajo Project Participation Agreement between the United States of America, Arizona Public Service Co., Department of Water & Power of the City of Los Angeles, Nevada Power Co., Salt River Project Agricultural Improvement & Power District, and the Tucson Gas & Electric Co. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Claims Paid Under the Military Personnel and Civilian Employees Claims Act of 1964

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report listing claims settled in fiscal year 1969, setting forth the name of each claimant, the amount claimed and the amount paid for each bureau, under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation Increasing Criminal Penalties Under the Sherman Antitrust Act

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to increase criminal penalties under the Sherman Antitrust Act (with accompanying papers); to the Committee on the Judiciary.

Report of the Jewish War Veterans, U.S.A., National Memorial, Inc.

A letter from the National Secretary, Jewish War Veterans, U.S.A., National Memorial, Inc., transmitting pursuant to law, an audit report of the Jewish War Veterans, U.S.A., National Memorial, Inc., April 1, 1968 to March 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

Report on a Study of Streambank Erosion in the United States

A letter from the Special Assistant (Civil Functions), Department of the Army, transmitting, pursuant to law, a report of the Chief of Engineers to the Secretary of the Army on a study of streambank erosion in the United States, August, 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **ACTING PRESIDENT** pro tempore:

A resolution adopted by the House of Representatives of the State of Missouri; which was ordered to lie on the table:

"Resolution, Missouri House of Representatives

"Whereas, the Missouri House of Representatives has learned with profound regret of the untimely death of the Honorable Everett McKinley Dirksen, United States Senator from Illinois; and

"Whereas, Senator Dirksen was widely recognized as one of the great American statesmen of modern times; and

"Whereas, the great voice of this beloved statesman has been forever stilled in the legislative halls of the Congress in Washington and in the homes of all Americans; and

"Whereas, Senator Dirksen who put his country first and his duty as he saw it first, was respected by members of both major political parties; and

"Whereas, this is a loss for the entire nation, including the people of the State of Missouri;

"Now, therefore, be it resolved that when the Missouri House of Representatives of the Seventy-fifth General Assembly now assembled in the First Extraordinary Session, adjourns today, it adjourn in respect to his memory; and

"Be it further resolved that the Missouri House of Representatives express its heartfelt sympathy to his widow and that a suitably inscribed copy of this resolution be sent to her at her home in Pekin, Illinois, and that copies be sent to the Clerk of the United States House of Representatives and to the Secretary of the United States Senate.

"Attest:

"Agnes Moore,
"Chief Clerk."

A joint resolution of the Legislature of Micronesia; to the Committee on Interior and Insular Affairs:

"H.J. Res. 53

"A house joint resolution respectfully urging the United States of America to refrain from enacting any legislation that would affect or alter the present political status of the Trust Territory of the Pacific Islands until the people of Micronesia through their duly elected representatives advise the United States of their wishes and desires with respect to their future political status

"Whereas, several legislative measures are now pending and others are likely to be introduced soon in the United States Congress, any one of which if enacted would alter the present political and constitutional status of the Trust Territory; and

"Whereas, the United States as an Administering Authority by virtue of Article 76 of the Charter of the United Nations has assumed *inter alia* the obligation to foster the development of such political institutions as are suited to the Trust Territory and to promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Territory and its peoples and the freely expressed wishes of the people concerned; and

"Whereas, the people of Micronesia are actively seeking to decide on their future political status, and are in the process of considering meaningful proposals of political and constitutional alternatives open to them for this purpose; and

"Whereas, it is the sense of this Congress that any change of political status of Micronesia must for reasons of justice and dignity reflect the desires, wishes, and aspirations of the people concerned as expressed through their duly elected representatives; now, therefore,

"Be it resolved by the House of Representatives of the Third Congress of Micronesia, Second Regular Session, 1969, the Senate concurring that this Congress by means of this Joint Resolution and on behalf of the people of Micronesia respectfully urges the United States of America to refrain from enacting any legislation that would affect the present political status of the Trust Territory of the Pacific Islands until the people of Micronesia through their duly elected representatives have advised the United States of their wishes, desires, and aspirations with respect to their future political status; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States, President of the Senate of the United States Congress, Speaker of the House of Representatives of the United States Congress, President of the Trusteeship Council of the United Nations, President of the Security Council of the United Nations, Secretary of the Department of the Interior, and High Commissioner of the Trust Territory of the Pacific Islands.

"Adopted August 24, 1969.

"Attest:

"Bethwel Henry,
"Speaker, House of Representatives.
"Carl Heine,
"Clerk, House of Representatives.
"Amata Kabua,
"President of the Senate.
"Victorio Uherbelau,
"Clerk of the Senate."

A resolution adopted by the city of Albion, Mich., remonstrating against any proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A resolution adopted by the city of Clawson, Mich., remonstrating against any proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A petition from the members of the First Baptist Church, Hendersonville, N.C., expressing concern over internal crises confronting the Nation; to the Committee on the Judiciary.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. RANDOLPH:

S. 2972. A bill authorizing a survey of harbors and rivers, territory of Guam, in the

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interest of navigation, flood control, and related water resource purposes; to the Committee on Public Works.

By Mr. WILLIAMS of Delaware (for himself and Mr. Scott, Mr. Griffin, Mr. Boggs, Mr. Hansen, Mr. Fong, and Mr. Murphy):

S. 2973. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Finance.

By Mr. BAKER:

S. 2974. A bill to amend certain provisions of the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Public Welfare.

By Mr. SPONG:

S. 2975. A bill to require certain persons to wear approved eye protective devices when participating in certain vocational, industrial arts, and chemical-physical laboratory courses of instruction in the District of Columbia; to the Committee on the District of Columbia.

(The remarks of Mr. Spong when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McCARTHY:

S. 2976. A bill for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga); to the Committee on the Judiciary.

S. 2975—INTRODUCTION OF A BILL REQUIRING THE USE OF EYE PROTECTIVE DEVICES IN HAZARDOUS SHOP AND LAB CLASSES IN ALL DISTRICT OF COLUMBIA SCHOOLS

Mr. SPONG. Mr. President, I introduce, for appropriate reference, a bill requiring all students, teachers, or visitors at any public or private District of Columbia school or college to wear approved eye protection devices when participating in certain vocational industrial arts, and chemical-physical laboratory classes in accord with regulations to be prescribed by the District of Columbia Council. Twenty-nine States including Maryland and Virginia have laws requiring eye protective equipment in school shop and laboratory classes. The District of Columbia does not.

In States without such legislation there has been an increasing number of eye injuries resulting from school workshop and lab mishaps. These injuries, many of them causing irreparable loss of vision, could have been prevented if the students had been wearing industrial quality eye protection at the time of the accident.

This legislation will not only protect students from such injuries, but good eye safety habits learned in school should reduce the number of accidents later in life.

It is a tragedy when a grown man suffers the needless loss of eyesight due to the failure to use proper safeguards. How much more poignant is the loss when it affects a youngster on the very threshold of life. This can be prevented by taking steps to require the use of eye protective devices in hazardous shop and lab classes in all District of Columbia schools.

The purpose of the legislation that I am introducing today is to require every student, teacher, or visitor attending shop or lab classes in any District of Columbia school to wear industrial quality eye protective devices in hazardous situations. The bill lists the courses of instruction where eye protective devices will be needed. It is left to the District of Columbia Council to determine through regulation the specific circumstances in which these will be worn.

The bill provides three alternative ways of furnishing the required eye protective devices to students and teachers. The safety glasses may be given outright, purchased and sold at cost to students and teachers, or made available for a moderate fee. All visitors to shop and lab classes will be provided with eye protective devices.

It is vital that all eye protective devices meet high-quality standards. Maximum impact resistance, good optical qualities and workmanship, nonflammable, nontoxic, and noncorrosive materials are all important features of eye protective devices. The accepted guide to quality is the American Standard Safety Code Z87.1–1968. This code was sponsored by the Department of the Navy, National Bureau of Standards, U.S. Bureau of Mines, and by the U.S. American Standards Institute, Inc. The code is used by both industry and all branches of Government in establishing specifications for eye protectors. Therefore, to safeguard against the use of poor quality eye protective devices, the bill provides that the safety devices meet the standards of the Z87 Code.

As chairman of the Subcommittee on Public Health, Education, Welfare, and Safety I hope to hold hearings on this legislation in the near future.

Mr. President, I ask unanimous consent to have the text of this bill printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2975), to require certain persons to wear approved eye protective devices when participating in certain vocational, industrial arts, and chemical-physical laboratory courses of instruction in the District of Columbia, introduced by Mr. Spong, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the Record, as follows:

S. 2975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every student, teacher, or other person participating in, teaching, or observing any of the following courses of instruction in any school in the District of Columbia shall be required to wear industrial quality eye protective devices during such time as shall be prescribed by regulations issued by the District of Columbia Council in accordance with section 3 of this Act:

(1) vocational, technical, industrial arts, chemical, or chemical-physical courses of instruction involving exposure to (A) hot molten metals, or other molten materials; (B) milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials; (C) heat treatment, tempering, or kiln firing of any metal or other material; (D) gas or electric arc welding, or other forms of welding processes; (E) repair or servicing of any vehicle; or (F) caustic or explosive materials; or

(2) chemical, physical, or combined chemical-physical laboratory courses of instruction involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.

Sec. 2. The eye protective devices required by the first section of this Act may be furnished to all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to shops and laboratories wherein such courses of instruction are held, for use by them in accordance with the provisions of this Act. The devices required to be worn by this Act shall meet the standards of the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z87.1–1968, and subsequent revisions thereof, approved by the United States of America Standards Institute, Incorporated.

Sec. 3. The District of Columbia Council is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

Sec. 4. As used in this Act, the term "school" means any school under the control of the District of Columbia Board of Education, any college, school, or other vocational or educational facility under the control of the Board of Higher Education, any private school, and and any college, university, or other vocational or educational institution or facility in the District of Columbia.

Sec. 5. This Act shall take effect upon the expiration of ninety days following the date of its enactment.

ADDITIONAL COSPONSORS OF BILL

S. 2548

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Georgia (Mr. Talmadge), I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. Bennett), the Senator from Virginia (Mr. Spong) be added as cosponsors of S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HUGH SCOTT SUPPORTS DIRECT POPULAR ELECTION

Mr. SCOTT. Mr. President, I commend the President for his political realism in endorsing the direct popular election approach to electoral reform contained in his message on this subject today. President Nixon has once again demonstrated that politics continues to be the art of the possible by pointing out that the time is right for electoral college reform and that we cannot afford the luxury of losing this unique opportunity to change our presidential election procedures.

I am confident that the legislature in my own Commonwealth of Pennsylvania will overwhelmingly ratify the direct popular election method should it be submitted to them. In a poll which I took this past winter, 69 percent of the Pennsylvania legislators responding favored direct popular elections. Subsequently, the U.S. House of Representatives has approved by a wide margin the direct method of election approach, indicating that the support for this plan is much more extensive than previously thought. My position has always been that I would support direct electoral reform in lieu of the district approach if it was reported to the full Senate from the Senate Judiciary Committee.

As a member of that committee, we will soon consider the problem of electoral reform. While I continue to favor the district approach to electoral reform at this time, I will support whatever legislation is reported from the Judiciary Committee to the Senate floor. I believe that we should not lose the opportunity for acting on electoral reform this year, and I will support the plan which has the best chance of passing Congress and being ratified by the States.

RADIO STATEMENT BY SENATOR ROBERT C. BYRD ON SOCIAL SECURITY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a recent radio statement by me on the subject of social security.

There being no objection the statement was ordered to be printed in the RECORD as follows:

The Social Security program now reaches almost 25 million citizens in the United States. More than $22 million in Social Security benefits go into West Virginia every month, and more than 290,000 of our state's residents are being reached by the Social Security program.

Because so many Americans are totally dependent on Social Security benefits for support, I think the reasons are compelling for keeping the program relevant to the age in which we live. I have, therefore, introduced a series of bills designed to bring about some necessary changes, one of which is an immediate—an immediate—increase in Social Security benefits. Congress needs to act now, because our inflated economy is bringing unbearable pressures on Social Security recipients and others with limited or fixed incomes.

The consumer price index shows that the cost of living has risen approximately eight per cent since the last increase in Social Security benefits took effect in February of 1968. So the need for an increase in benefits is obvious; and there are other improvements which Congress should enact as well. One of the bills which I have introduced would lower the age limit at which Americans may apply for benefits.

The Senate has accepted this amendment offered by me on about four occasions, I believe, during the eleven years which I have served in the Senate. But in every instance, the House conferees have been unwilling to accept this change in the laws.

At the present time, an individual must wait until he is age 65 to receive full Social Security payments. Or he can qualify at age 62 for actuarially-reduced benefits. I believe that these age limits are not realistic, and, as I have stated, I am pushing legislation to permit persons to voluntarily take reduced benefits at age 60. Moreover, I think that Congress should make full benefits available at age 62. At the present time, an individual must wait until the age 65 to receive full benefits. But as I say, I think Congress should make full benefits available at age 62. Automation is taking its toll on the jobs held by many of our citizens, and millions of Americans are finding that they are physically unable to work as they approach their sixties, and they are not able to find employment because of their age.

It should not be overlooked that providing benefits at an earlier age would also encourage some workers to retire who might, of necessity, be clinging to jobs that push them to the limits of physical endurance. It is estimated that 800,000 Americans—10,000 of them in West Virginia—would choose to retire at age 60 with reduced benefits if Congress were to enact my bill. A significant portion of these 800,000 persons would vacate jobs allowing younger people to advance to the positions previously held by the retirees. And this would additionally create job openings at lower levels for people just entering the labor market. In other words, lowering the age for benefits to age 60 would have a potentially significant impact on the nation's social and economic structure.

And there are other areas which merit the attention of Congress and I am advocating, particularly, improvements in benefits to widows and to the disabled. I think that a widow should be able to qualify for benefits at age 50. And I will discuss this and other proposals in more detail at a later date.

The areas which I have enumerated today are some of the more important ones requiring immediate attention. And I am hopeful that Congress will move speedily to enact the necessary changes. We owe much to our citizens who are approaching their retirement years, and the least we can assure them is that the Social Security program can be one of which they can count for meaningful help when the time comes.

PRISONERS OF NORTH VIETNAM

Mr. CRANSTON. Mr. President, as the war drags on and there is no end in sight, public attention is focused constantly on the weekly casualty rate. Largely forgotten are the hundreds of Americans being held by the North Vietnamese and by the Vietcong.

I know that all Senators have received many letters from the parents and wives of those held captive in the North and in the South. I recently received a letter from the mother of the only military doctor to have been captured in the war.

The letter is important not only for its poignant plea for congressional action to secure the release of the POW's, but because it is symbolic of the sentiment of thousands of Americans who have changed their views on the war and want it brought to an immediate end. The frustration felt by Mrs. Robert Kushner and countless others has dispelled the false belief that our commitment to fight in Vietnam was necessary to secure American security at home. Her desire that our prisoners in the North not be forgotten in any negotiated settlement is a valid request made of the Congress and of the administration.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DANVILLE, VA.,
August 31, 1969.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SIR: Your remarks in the August 13 issue of the "Congressional Record" were very gratifying to me.

My son, Major Floyd Harold Kushner, O2320775 has been a prisoner of the Viet Cong since November 1967. In almost two years, we have had no direct communication with him.

My son is a physician, and I understand from the Pentagon that he is the only military doctor to have been captured during the entire Vietnamese conflict. He volunteered for duty in South Vietnam because he is a dedicated doctor and a loyal, patriotic young American. He knew that risks and sacrifices would be involved, but his determination was to heal and save American lives . . . not to kill.

There is no need to elaborate on the anguish, frustration, and discouragement that has been our way of life for over twenty-one months. The heartache of his lovely young wife, his five-year-old daughter, and his sixteen-month old son who my son does not know exists.

My purpose in writing you is to frantically urge you to keep this problem uppermost in the minds of your colleagues. Press for immediate release of ALL American men who are held captive by either the North Vietnamese or the Viet Cong.

Even after many concessions, there has been no progress in Paris. It is apparent, after eight years, that we have only fought a defensive war and that now a military victory is no longer the goal. In the last year, my views on our involvement have drastically changed. In the beginning, I believed this war as necessary to our security at home. Now, it appears obvious that we will just phase out gradually with a "'no decision" for this undeclared war, but what of our prisoners. Are they to be forgotten and forsaken, they who have suffered so much for so long, they who were willing to back-up their country in time of stress. Is the United States more interested in reciprocity to the North Vietnamese and the South Vietnamese including the Viet Cong? Have we not fulfilled our commitment over 38,000 fold? Was not our promise to offer financial aid and troops only in an advisory capacity? Isn't our most important allegiance to our own men and especially those who are helpless in captivity?

As to saving face, or what the world will think of us as to reliability, etc., continuing this war is ridiculous . . . it will be tantamount to back yard gossip . . . we will be talked about by other nations until something jucier come along . . . or until they will need our aid again.

I realize that the ultimate decision of a cease-fire, etc. is in the hands of the Executive Branch of the government, but you in the Congress, represent the people and are our liaison to the President. I beg you to use your influence to make the necessary steps to free the 1365 POW's and return them to home and love. Please urge Mr. Nixon to consider this plea and demand an immediate release of these men. If it means complete troop withdrawal, promise it as soon as is logistically possible, but have our men released and homeward bound before proceeding with this plan.

I trust that you are in agreement with my arm-chair strategy, that our aspirations will be attained, and this whole great nation will applaud this Congress and Administration for bringing this nightmare to a conclusion.

Sincere and humble gratitude,
JEAN F. KUSHNER,
Mrs. Robert L. Kushner.

IN SEARCH FOR SCIENCE OF PEACE—NEED TO RATIFY GENEVA PROTOCOL OF 1925 ON CBW

Mr. PROXMIRE. Mr. President, revolutionary developments in chemistry and biology in this century have provided medicine with miraculous new weapons to combat disease and save human lives. However, these same de-

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velopments also possess the potential to destroy all life on this planet if not adequately controlled.

At least 13 nations—including the United States—currently are devoting hundreds of millions of dollars a year to the development and production of weapons to wage chemical and biological warfare.

By an amendment to the Military Procurement Authorization Bill, steps were recently taken to substantially reduce funds for chemical and biological warfare programs.

Mr. President, it is tremendously important that the resources of science be used for peaceful purposes, not for increasing our overkill capacity. In keeping with this, I invite the attention of Senators to an enlightening article written by Joshua Lederberg, the winner of the Nobel Prize for his work in molecular genetics. The point is made in the article that:

> The central moral issue of science is that we do not have a science of peace and hardly know where to begin in building one.

Mr. President, in 1926 the Senate, despite the favorable report of the Committee on Foreign Relations, referred the Geneva protocol of 1925, banning chemical and biological weapons, back to the committee after a brief debate. That debate took place some time ago. In view of the alarming proliferation of these weapons, it seems worth our while to reexamine the arguments used against them, to determine whether the arguments are as accurate now. I think not. As a step that the Senate can take in the search for the science of peace, the ratification of the 1925 Geneva protocol against chemical and biological weapons is eminently worth while. I ask unanimous consent that the article written by Dr. Lederberg entitled "The Moral Issue of Science Is Lack of Science of Peace," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 20, 1969]

The Moral Issue of Science Is Lack of Science of Peace

(By Joshua Lederberg)

Stockholm.—The advance of science, which is to say the increase in collective knowledge of the natural world, is perhaps the only measure of human progress during the last 3000 years about which no argument is possible. But even here we must be careful not to confuse the claim; although most readers of this newspaper live in unprecedented comfort and affluence, these byproducts of science are very unequally sprayed over the world's population.

Taking all into account, some people are even abused more than helped. It may also be part of human nature that the inner and outer strife generated by that inequality will generally outweigh the material contribution of technology to the satisfaction of life enjoyed by the individual.

Science today is at a point of crisis. Given the equation, "Knowledge equals power," it is a plausible scapegoat for failures of the social system.

Accusations that science is wrecking the environment, and the privacy and individuality of human life, may stem from a callow confusion of the pursuit of knowledge with its unthinking exploitation. Nevertheless, these concerns are being internalized to make a moral crisis for more and more young scientists, and at least one who must reluctantly admit to middle age.

Alfred Nobel endowed the famous prizes that bear his name as a kind of penance for the invention of dynamite. The Nobel Prize for Peace most directly fulfills moral aim—and has had very hard going in a turbulent century. The prizes for science have assimilated the scientific ethic that the objective pursuit of knowledge may show the nations how to quiet their petty conflicts in favor of rational methods of solving problems by analysis and negotiation.

These awards have, then, focused on the recognition of creativity in pure science rather than immediate human benefits (which would also be hard to measure with assurance as to the long-term impact. The award for DDT, an exception to pure science, dramatizes this problem.)

The science awards have, more than any other institution, publicized the fact that knowledge is universal, that it knows no national boundaries. On the other hand, the superpowers have concluded that force is the rule of reason in world politics. The mobilization of science behind that principle overreaches Nobel's worst fears. The central moral issue of science is that we do not have a science of peace and hardly know where to begin in building one.

In recent years, the Nobel foundation has looked for ways to revitialize Alfred Noble's testbent. This week, it is conducting a conference here on "the place of values in a world of facts" with a roster of world luminaries including poets like Auden and Asturias, economists like Gunnar Myrdal and social and natural scientists like Doxiadis, Konrad Lorenz, Margaret Mead, Linus Pauling and Glenn Seaborg.

No revolutionary discovery will emerge from this kind of discussion. It would be enough to find a tangible expression of the myth of Pandora's box: that Hope was there, too. The conference may also show some concrete ways in which the perspectives of the individual scientist may be broadened, that he might find some avenue to relieve his own intense frustration over the abuse of the knowledge he has labored to deepen.

From the perspective of my own participation in science, I certainly would not tax my colleagues with indifference to human problems. However, I believe that many of them are easily discouraged by larger problems and neglect to search for the ways in which their own expertise might be a unique key to solving a small problem, or perhaps more often to discovering an insidious new one.

This would also require a degree of self-education about issues of human importance which is not encouraged by the existing system of academic recognition (right up, one might add, to the Nobel Prize, too). There is no substitute for the scientist as vigilant critic; we can hardly expect the lay politican to have much insight into the metabolism of polychlorinated phenyl compounds.

REVITALIZATION OF THE AMERICAN FISHING INDUSTRY

Mr. BROOKE. Mr. President, for the September 29 issue of the Wall Street Journal, Elliot Carlson has written a penetrating and alarming account of the plight of the U.S. fishing industry. Mr. Carlson states that the decline of the industry has lead many knowledgeable people to fear for its future.

U.S. authorities seem either unwilling or unable to halt the continued harassment of New England fishermen by foreign fleets sweeping our fishing grounds. Present Federal programs aimed at helping the fisherman are unresponsive to his problems and are badly in need of overhaul.

In less than a month, the Subcommittee on Energy, Natural Resources, and the Environment of the Committee on Commerce will consider five bills which address themselves to major problems facing the Nations fishermen. I look forward to the hearings, for I am sure that they will be a major contribution to the construction of effective and far-reaching new programs that will aid in the revitalization of this great industry.

I ask unanimous consent that Mr. Carlson's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Voyage on a Trawler Points Up the Problems of American Fishermen

(By Elliot Carlson)

Hampton, Va.—Old and weather-beaten, the trawler Dragnet slips almost unnoticed into this fishing port. Despite five tough days at sea, the crew of this 35-ton boat shows no the argot of ocean-going fishermen, was leation at the sight of land. For the trip, in nearly a "broker." There was barely enough money made to cover expenses, leaving little for the crew.

The problems were many: Too much time spent chasing too few fish. Mechanical mishaps. Bad weather that cut short the voyage. And, most depressing of all, an unexpected sharp drop in the price of flounder—for which the men were fishing eight miles off the Virginia coast.

"Many more trips like this one and we'll be out of business," grumbles Capt. James Callis, the pipe-smoking, 47-year-old skipper and part-owner of the Dragnet.

"Captain Jimmy" and his two hands aboard the Dragnet aren't alone in their troubles. Indeed, unproductive trips like this one are becoming all to familiar for many American deep-sea fishermen. For one thing, once-prolific species are dwindling. North Atlantic waters no longer yield the rich catches of cod, haddock and ocean perch of just a few years ago. Farther south, catches of porgy, sea bass and flounder have slumped. In Pacific Northwest waters, halibut and king crab are in short supply. The result: America's total fish catch last year was the second smallest since 1942.

FOREIGN RIVALS

Fishermen blame their woes on Russian ships and other foreign fleets that increasingly work waters near the American 12-mile limit. The problem may worsen. Two weeks ago a foreign fleet of more than 300 boats, at least 200 of them flying the Soviet flag, was reported sweeping the New England coast.

Of course, by no means are all species on the decline. The 1968 shrimp catch set a record, and the tuna catch, while down, remained at a high level. Still, concern is heightening over the plight of the U.S. fishing industry, which pulled in $472 million worth of fish in 1968. "Large portions of the industry are in deep trouble," says Lee J. Weddig, executive director of the National Fisheries Institute Inc., a trade group. "The catch is declining, equipment is lagging and there are few, if any, profits."

Much of the American fishing fleet is old, inefficient and unable to compete with the large, modern craft in foreign fleets, which are capable of operating thousands of miles from home ports. There are, to be sure, exceptions; at least 350 new vessels joined the U.S. shrimp fleet last year. But noting that 60% of America's boats are over 16 years old, a Bureau of Commercial Fisheries report states flatly: "Most of the U.S. fleet is obsolete."

RUGGED INDIVIDUALISTS

What's more, foreign boats, often subsidized by their governments, are geared to cooperate in their expeditions. The large Russian fleets regularly send out scout boats that search for schools of fish. American captains, however, tend to be small businessmen who view each other as competitors. Crusty and independent, they aren't inclined to cooperate. And like many small businessmen, they're also plagued by rising costs, especially for labor and insurance.

Whatever the reasons, the U.S. is rapidly losing its place as a world fishing leader. The U.S. share of the total world catch of fish has dropped to 5% from 13% in 1956, thereby moving the nation to sixth from second place (Peru is first). And while America's annual production has varied little since 1945, the world catch of fish has increased more than threefold. The U.S. now imports nearly three-fourths of the fish it consumes.

A Congressional committee that studied the predicament of the fishing industry recently commented that "vessels generally become much less economical to operate by the time they are 15 years old." A case in point is the 31-year-old Dragnet, whose mechanical woes add considerably to expenses. "Something is always falling apart," sighs Capt. Callis, a slightly built, unflappable man who has skippered the boat for 15 years.

CATCHING AN ANCHOR

A few days aboard the 65-foot trawler illustrate what the captain means. The first day out the boat's nets were badly shredded when she snagged an old ship's anchor. It took the captain and his two-man crew three hours to disentangle the anchor and repair the net, a delay that cost the men at least one net-load of fish. On the second day, a vital link holding the net to a cable snapped loose, permitting the net to dangle freely in the water. It took an hour to fix and probably cost another haul. (Actually, the boat got off easy this trip; a few months ago she had to be towed home when a propeller was damaged.)

Finally, the weather—a constant worry to fishermen—forced the Dragnet to shorten her trip by two days. But it's unlikely that the extra days at sea would have greatly improved the Dragnet's fortunes. For while the fishing wasn't disastrous, it was mediocre. "I'm not so much disappointed as bored," muttered the captain as he bent over the wheel on the second day. "Ten years ago you could catch twice the fish in half the time."

Capt. Callis and his crew work 14 hours a day, from first light at 5 a.m. to 9 p.m. How do they spend the late evening hours? They fish—this time for themselves, dangling lines over the boat's side. Usually they have even worse luck than during the day: On this trip they caught nothing in two nights of trying. "We just like to fish," said deck hand Garland Smith, baiting a hook with a piece of raw fish.

During the day, the trawler usually has time for seven hauls—assuming nothing breaks down—as she cruises back and forth off the Virginia coast. The nets cut a 60-foot swath along the ocean floor; after covering about two miles, they're hauled in with winches. Each haul yields roughly 70 to 150 pounds of fish.

All told, the Dragnet must haul in about 4,500 pounds of flounder on each trip for the captain and crew to make a modest profit. This is based on prices to the fishermen ranging between 30 and 60 cents a pound, depending on the size of the fish. But on this trip, the catch was only 3,000 pounds, and prices—for reasons that still aren't clear to Capt. Callis—slumped to an average of 27 cents a pound. (The wholesaler who bought the Dragnet's load claims prices always drop after the summer.)

"That was a real blow," says the skipper, noting the boat grossed only about $800 for the five-day effort. The amount was so small it couldn't be divided up in the usual manner, which calls for 40% to be set aside for boat upkeep, 10% to go to the captain and his fellow owners, about $350 to defray expenses and the rest to go to the crew (which again includes the captain). Almost nothing would have been left for the crew had the captain followed this formula, so he juggled expenses so that each man got $100 for about 70 hours work.

Capt. Callis concedes this is low pay, but he has troubles of his own. For the owners to break even each year, he has to gross a minimum of $50,000. This isn't always easy. Last year, for example, the Dragnet's 13-year-old engine broke down, idling the boat for three months. As a result, the captain showed a slight loss for the year. Despite declining catches, it's still possible to make a profit most years because the prices of many dwindling species have doubled or better over the last five years, the skipper says.

Even so, the skipper finds himself caught in a profit squeeze. Higher prices may enable him to gross about what he could when fish were more abundant, but the increases in costs cut profits. For one thing, insurance for his boat and crew now costs him $6,200 annually, up from about $3,000 ten years ago. The costs of fuel, ice, nets, cable and other equipment are also rising.

While he can survive for the moment, the captain worries about the future. "Prices have gone about as high as they can go," he maintains. "So if the fish keep declining, I don't know what's going to happen."

PROPOSALS FOR CURES

Government and industry sources believe Capt. Callis' troubles are typical (the 35-ton Dragnet may seem small, but only 13,000 of the country's 84,200 commercial fishing boats weigh five tons or more). Lately, dozens of proposals have been advanced for revitalizing the fishing industry. Early this year the President's Commission on Marine Sciences, Engineering and Resources recommended, among other things, that the U.S. develop a "technically advanced fishing fleet" and also reduce "excess fishing effort" in order to replenish depleted species.

One cost problem affecting U.S. fishermen stems from a 1793 law requiring that vessels landing fish in U.S. ports be built in this country. Construction costs in the U.S. are about double those elsewhere. A bill to end the restriction has been introduced in the Senate, but it is given little chance of passage.

In 1964, Congress did pass a law granting subsidies covering up to 50% of the cost of new boats built in the U.S. The law expired in June, and a bill to renew it has been passed by the House and is pending in the Senate. But funds for the subsidies have been scarce, and so far only 32 new boats have been built under the program.

Department of Interior officials say they have been somewhat more successful in efforts to ease pressure on over-fished species. A spokesman notes that in 1967 the Russians agreed to refrain from fishing for flounder, porgy and a few other species found to be declining near U.S. shores. Officials say the program is working, but some fishermen claim the Russians frequently ignore the agreement.

Capt. Callis says that early this year his trawler passed within 100 yards of a Russian fishing boat hauling in large amounts of porgy. He says he complained to the Bureau of Commercial Fisheries but found the agency skeptical. "They asked if I could prove the fish were porgy," recalls the captain. "Hell, I've been chasing porgy all my life. I ought to know what they look like."

The captain claims that during the same trip a Russian boat veered towards the Dragnet and nearly rammed it. The incident was reported to the State Department, but nothing came of it, he says. "A lot of those Russian boats just want to hog the bottom—and since they're bigger than we are, there isn't much we can do about it," he grumbles.

The large Russian, Japanese and other foreign fleets that work off American coasts are equipped to haul in many more fish than U.S. boats. For instance, Russian trawlers, which range up to 423 feet in size, are large enough to pull two sets of nets—one dragging the bottom and one dragging at middle depths. This technique enables them to double their catch.

"The Dragnet simply doesn't have the power to pull more than one set of nets," says Capt. Callis. Fishermen also complain that the Russians use a much finer net, which permits them to fish for a number of species simultaneously. (American boats generally fish for just one species at a time.) The Russian trawlers periodically transfer their catches to large mother ships that process, can and refrigerate the fish while still at sea.

A LOW-PRESSURE LIFE

Despite the industry's troubles, most fishermen are reluctant to leave their jobs, although there have been some departures. Nationally, the number of commercial fishermen declined to 136,500 in 1967 from 161,463 in 1950. Only about 45 trawlers now operate out of Hampton, compared with about 100 ten years ago, according to one study.

Captains complain that young people are rejecting the fishing life for softer land-based jobs. But some fishermen say the low-pressure life at sea has its compensations.

"Out here you're your own boss—there aren't all kinds of people standing over you," says deck hand Smith of the Dragnet. Still, he concedes his income is unimpressive. The two Dragnet deck hands say they gross $4,000 to $5,000 a year. They get no overtime pay, no paid vacations and few other fringe benefits.

Nor does the Dragnet offer her crew much in the way of amenities. The only fresh water comes from a small, hand-operated pump in the bow. Hence, everyone foregoes bathing, tooth-brushing and other niceties during what is ordinarily a seven-day trip. The captain and crew sleep in cramped quarters in the bow or in the engine room, which is hot and reeks with diesel fumes. (Indeed, a passenger found his engine room bunk so intolerable he ended up sleeping on the floor of the pilothouse.)

Food on the Dragnet, however, is good and hearty. Mulligan stew, pork chops, hot dogs and beans—and occasionally fish—are standard fare concocted by deck hand Eugene White, 44, who doubles as cook.

THE TRAGIC PUBLIC SCHOOL SITUATION IN MONTGOMERY, ALA.

Mr. ALLEN. Mr. President, Mrs. Billie Ruth Chambless is the mother of school-age children and the wife of an eminent surgeon in Montgomery, Ala. She has written a memorable letter concerning the tragic public school situation in Montgomery, Ala.

While this letter was addressed to the President of the United States, Mrs. Chambless sent me a copy, and I believe that it contains an important message for all Americans.

It speaks of the dreams and aspirations of a young married couple.

It speaks of patriotism and duty fulfilled.

It recounts struggles, and hard work, and sacrifices, and eventual triumph and success.

It speaks with pride of family, and home, and neighborhood, and schools.

It reaffirms a faith in the concept of public education and questions actions which would strip education of its essential meaning.

It upholds our moral values and condemns the trends which undermine them.

It reveals an attitude of tolerance and forbearance, and expresses compassionate concern for the welfare of others.

It distinguishes between civil rights and civil wrongs and between rights and duties of citizenship.

It advocates rational solutions and commonsense approaches to our problems.

And it touches on these points with sincerity and with eloquence befitting an eternal truth springing from the depths of a mother's love for her children.

Mr. President, this letter is sterling Americana. It is refreshing and inspiring for it speaks the sentiments of countless millions of Americans.

Mr. President, the letter is silent on several points perhaps from a sense of proprieties in writing the President.

It does not mention the sickening hypocrisy and double standards of many who seek to impose conditions upon parents and children of the South which they themselves would not tolerate were their own children involved.

It does not mention the callous indifference of Federal authorities to education standards or the barbarism of using the weapon of deprivation of innocent schoolchildren as a means of enforcing Federal control of local public schools.

Neither does it not mention the sorry spectacle of Federal District Court judges, appointed for life, beyond reach and recall of the people, resorting to threats of confiscatory fines and imprisonment of local elected public officials without benefit of trial by jury as a means of compelling submission to Federal dictates over matters directly bearing on the safety and welfare of our children.

Mr. President, the Senate will soon vote on whether or not our children shall remain hostages of the Department of HEW and Federal judges; and whether or not schoolchildren shall continue to be victims of the weapon of deprivation; and whether or not local public officials shall continue to be subjected to threats of confiscatory fines and imprisonment as a means of imposing Federal control over our children and our public schools.

Mr. President, Mrs. Chambless' letter is relevant to these issues. I highly recommend it for careful reading by Senators and the public and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MONTGOMERY, ALA.,
September 22, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I believe that the people in this country should feel that their President is always accessible to them for any matter in which they are sincere and feel that an injustice is being committed. Therefore, I am writing to you regarding my feelings about our public schools.

I am 38, my husband is 40, and we have three daughters ages 14, 10 and 8. We married when we were 20 and 22 before he started to Emory Medical School. He had four years of medical school at Emery, one year internship at the Medical College of Virginia, two years in the U.S. Navy at Norfolk and five years of surgery residency. I worked four of those twelve years he prepared for his profession after college. During internship when his salary was $50.00 per month, our two families helped us as we had a small baby. During our time in the Navy we saved enough to help us through the residency with salaries from $200 to $500 per month. Then, finally, when he was 34 years old he went into the private practice of surgery here in Montgomery—which does not mean becoming rich overnight. But the point I am slowly working up to is that we *worked* hard for whatever we have now—we enjoyed the work and the hardships—and we enjoy the work and the rewards now. We are happy for the wonderful benefits we can give our children. It is the joy of life.

I could send my children to a private school if we economized in other areas. They are above average children in grades and intelligence. But I choose public schools because I happen to believe in them. I want my children to grow up in life knowing people who are smarter than they, who are less intelligent, who have much more materially and people who have less. This is the essence of maturating socially and emotionally sound and appreciating the needs, hurts, frustrations, joy, love, happiness and friendship of others. But our public schools will collapse if the present trend continues of busing and destroying school areas.

We bought our home here in Montgomery about six years ago in a neighborhood which we love with homes ranging from $30,000–$100,000. We worked for it. I want to stay here until, as I told my husband, I go out "feet first." My children attend Floyd Elementary and Junior High School. They love it. It is only approximately six blocks away. Their friends attend this school or two schools in near vicinities. In the freedom of choice plan, any of these schools are not over eight to ten blocks away.

I am the first to admit that many things which Civil Rights asked for were right. But these rights have been granted and with less trouble in Montgomery, Alabama, than any place of which I know. But I am also the first to say that now many *Civil Wrongs* are being committed, and Civil Rights are pushing into areas that cause injustice. I purchased my home in this neighborhood. I chose to do so. My children chose to go to the school, naturally, in their area. If a negro family choose to buy a home in this area, pay his/her taxes and attend this school, it is his/her right. But it is not right to bus children out of their area of living for 10 or 12 or 15 miles or even farther—whether they be black or white.

Mr. Nixon, the children at Carver High School (a large, good colored school here in the city) cried when their names were called to attend Lanier High School or other white schools. They did not want to leave their friends and their school, and they want to go back. It is not right to use children as pawns in a game of political and social chess. I resent it—they resent it—no one understands it.

I returned to school myself about six years ago and graduated from Huntingdon College in my old age "summa cum laude" in elementary education. I did my practice teaching in the first grade. I substitute occasionally. I know that children who are not emotionally and socially happy cannot learn. Children are happiest with their friends—their contemporaries. It gives them a feeling of security. After all, they are not adults in children's bodies—they are just what they are.

I want good education for all children—black and white. It is not compatible with rational thinking to say that the only way a colored child can learn is in a white school or with a white teacher. What the colored people need today is race achievement and pride. Two of my children this year have colored teachers for several classes. They are fairly good teachers and this is fine. The important thing about a teacher is—is she good? All of this forced mixing does not make for better education—it contributes to mass confusion on the part of teachers, principals, educators, and most important children. Of course, the most important point is that the Civil Rights Bill plainly stated that busing from one area to another was forbidden.

We may always have man's inhumanity to man, but it is very important for all of us to remember that our rights end where another person's rights begin. And in the past few years I have begun to feel that my rights are becoming less and less as a decent, hard-working, tax-paying citizen. When the day arrives the government tells my children where they have to go to school and on which bus, then my rights as a free person in a free society under a republican government have ended.

Man must have human dignity. The best way to achieve human dignity and pride of self is to work for it. Many liberals would say to me "you can say that—you are white, free and SAE". That's right—but if I were black, green, yellow, or red and poor, I would work to prove my worth the right way. The answer is job opportunity and willingness to take them—not demonstrations, destroying the morals of our young people through illicit publications and movies, drugs, atheistic professors, and give-away welfare programs which cost more in administration than in help for the people who honestly need it—the elderly and the ill.

I have written to you as I would speak to you if we could have a conversation together. It is written with the hope that it will be read with some appreciation.

I have always been proud of my State, of my County, of my Flag, of my Government. Today many of our young people think it is "corney". What will the children of tomorrow feel and think? It will not be possible for them to feel as I do if the actions, attitudes and lack of discipline shown on our college campuses is any indication. Confusion and chaos in the lower grades does not contribute to harmony in higher education.

With kindest regards, I remain
Respectfully yours,
BILLIE RUTH CHAMBLESS
(Mrs. William House Chambless).

NATIONAL BEEF PACKING CO.

Mr. DOLE. Mr. President, this past weekend I had the pleasure to attend ceremonies associated with the opening of the most modern, complete, and forward-looking meatpacking plant in the world. The $4 million operation is located in Liberal, Kans. It stands as a testimony to the great things which can be accomplished by the combined efforts of private enterprise, community spirit, and well-administered Federal assistance. In this case, the representatives of these forces are the National Beef Packing Co., the citizens of Liberal, and the Small Business Administration.

The plant will have a considerable impact on southwest Kansas and nearby regions of Colorado, Oklahoma, Texas, and New Mexico. The plant has the capacity to process completely 2,000 head of cattle per 10-hour day into supermarket-ready meat and byproducts such as dog food, fertilizers, hog feeds, and eventually tanned hides. The operation is also environment engineered, with concrete pens and flushing devices and apparatus to completely eliminate all slaughterhouse odors.

Another distinguishing feature of this plant is its employment of the total energy concept; that is, it creates all of its own energy and heat. This is the first facility of its type to use this system for which the Anadarko subsidiary of Panhandle Eastern Pipeline Co. will provide natural gas.

I am proud to see Kansas in the forefront of this development in agribusiness. I extend an invitation to all Senators to visit the National Beef Packing Co.'s Liberal plant.

Mr. President, I ask unanimous consent to have included in the Record an article published in the Southwest Daily Times, which welcomes National Beef Packing Co. to Liberal. The Jacobsons to which the editorial refers are John Jacobson, Sr., president of National Beef Packing; his brothers Eli, Irving, and Howard; and his son John, Jr. They, along with Edward Smith and Julian Grumbiner, are the directors of National Beef Packing. To these farsighted and public-spirited gentleman, Liberal and all of Kansas extend a warm welcome and best wishes for a long and happy association with our agribusiness community.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Welcome to Liberal

National Beef Packing Co. is for sure now that they are welcome to Liberal and this area.

Today's newspaper, one of the largest congratulatory editions ever put out by The Times, is further evidence that the Jacobsons are well respected, locally, area-wise and nationwise. Their faith in this area by constructing a multimillion dollar facility here, will, we feel sure, never be broken or wrong. Our area is slated to become the largest feed, livestock and packing plant facility area of any in this nation.

With irrigation to the fore in these parts, making production of feed feasible in undreamed of amounts, with the dozens of large commercial feedlots now springing up within a 100-mile radius of Liberal, it is no doubt that the packing plants are coming to the proximity of both feed and cattle raising.

National Beef Packing of Liberal, Swift of Guymon and now talk of large plants at both Elkhart, Kans. and Perryton, Tex., the area packing plant boom seems most evident.

Again we want to say, "Welcome to Liberal, National Beef Packing Co." We hope your stay will be long and profitable, as well as being profitable to all in this immediate area.

Plan to attend open house at National Beef Packing this Sunday.

THE PESTICIDE PERIL—LVIII

Mr. NELSON. Mr. President, as more and more evidence is presented documenting the threat to our environment from the continued use of persistent pesticides, scientists and conservationists have been working to discover effective and safe alternatives to these hard pesticides.

Many alternatives show promise, but the most successful methods of pest control appear to be some forms of biological control.

In the Washington Sunday Star, William Hines reviewed a presentation by Dr. Ray F. Smith, chairman of the department of entomology and parasitology at the University of California at Berkeley, which described integrated pest control as an insect population management system that depends primarily on the use of beneficial predator insects with limited reliance on the use of selective chemicals.

Dr. Smith says that—

> Integrated control is an ecological approach to the control of harmful pests. It derives its uniqueness from emphasis on the fullest practical utilization of existing mortality and suppressive factors in the environment. Its strategy is one of "management or containment" rather than "seek and destroy."

The article described a situation in Peru where the application of DDT to farm crops initially pefrormed miracles, significantly increasing production. However, soon the birds and wildlife disappeared from the area, and then the insects developed a resistance to the pesticide that left it ineffective. After a period of serious loss in farm production, an integrated pest control program was initiated and within a few seasons farm production was better than it had ever been before.

The significance of integrated control is that it "recognizes a fact which the DDT-oriented overkill philosophy implicitly denies—that man simply cannot manage the environment all by himself without in the end doing more harm than good."

I ask unanimous consent that Mr. Hines' article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Sunday Star, Sept. 28, 1969]

An Alternative to DDT Urged

(By William Hines)

The late Rachel Carson wasn't just imagining things; there once was a valley where there was a "Silent Spring." It was killed by man's ingenuity and inventiveness—just as Miss Carson predicted—and was then brought back to life by man helping Nature instead of fighting her.

The story is told in "Agricultural Science Review," a quarterly publication of the U.S. Department of Agriculture's Co-operative State Research Service, as an object lesson in what is called "integrated control of insects." Its author is Dr. Ray F. Smith, chairman of the department of entomology and parasitology at the University of California at Berkeley.

"Integrated control," Smith explains, "is an ecological approach to the control of harmful pests. It derives its uniqueness from emphasis on the fullest practical utilization of existing mortality and suppressive factors in the environment. Its strategy is one of 'management or containment' rather than 'seek and destroy'."

This system of agriculture is not only a sensible alternative to the overkill now being practiced through wholesale use of the "hard" insecticides such as DDT, but may also be the solution farmers are looking for in event that DDT bans become more general.

Smith's real life "Silent Spring" is all the more dramatic for the coldly unemotional tone in which it is written. It goes this way:

"A classic example of what can happen when a pest control program ignores ecology and relies on unilateral use of chemical pesticides is that of the Canete Valley (Peru) story. Here, during the pre-DDT regime, chemical control of pests of ratoon cotton (second and third year cotton) was passed mainly on arsenicals and nicotine sulphate. During 1943–48 the average annual yield was about 470 pounds per acre. Because of a heavy Heliothis and aphid outbreak in 1949, the average yield dropped to 326 pounds per acre.

"From 1949 to 1956, growers relied heavily on the new exciting organic insecticides such as DDT, BHC and toxaphene. Some cultural practices were modified to increase yields. New strains of Tanguis cotton were introduced and more efficient irrigation was practiced.

"At first these procedures were very successful. Cotton yields nearly doubled. Farmers were enthusiastic and got the idea that the more pesticide they used the better the crop would be. Insecticides were applied like a blanket over the entire valley. Trees were cut down to make it easier for airplanes to treat the fields.

"But then things began to happen. Birds that had nested in the trees disappeared, along with insect predators and parasites. One by one the new chemicals became ineffective as resistance developed. Finally, as insects became rampant in the cotton fields, the 1955–56 season was an economic disaster. In desperation, growers appealed to their local experiment station for help. With the help of the Ministry of Agriculture a new, integrated control program was set up, and within a season or two the situation vastly improved. Today, cotton yields in the Canete Valley are the highest in its history, averaging more than 700 pounds per acre."

Integrated control as an agricultural practice recognizes a fact which the DDT-oriented overkill philosophy implicitly denies—that man simply cannot manage the environment all by himself without in the end doing more harm than good.

In other places where a policy of devastation has been followed it has been found, as in the Canete Valley, that the pests in the long run are hardier than their predators. The importation of "beneficial" insects to restore some reasonable semblance of ecological balance has been a commonplace result of following the DDT route past the point of no return.

Smith points out that integrated control is an area-wide practice, not something that can be instituted by a few farmers while others go their usual way. Just as cities, states and even regions are becoming aware that they cannot cope with environmental pollution all by themselves, the traditionally individualistic farmer is being forced to consider collective-action policies.

Integrated control may or may not be the most effective way to maintain the balance of nature in the United States, and even if it is, powerful forces will fight to the end any effort to restrict the use of chemical pesticides. In recent months publicists for the agricultural poison makers have circulated an unsigned memo purporting to refute anti-pesticide agitation.

Will it take a Canete Valley here to change things? No one can say for sure, but these days all the bets seem to be won by those laying their money on the side of pessimism.

SIX BLOCKS APART

Mr. PERCY. Mr. President, the problems of just trying to live and get along in a big city are pointed out poignantly in an article written by Thomas J. Moore and published in the Chicago Sun-Times of September 22, 1969.

In one instance, Mr. Fred Pegues, his wife, and six children are being forced to leave their fire-gutted home at 835 West 51st Place after having been burned out, presumably by hostile neighbors. The Pegues were the first black family to move into the block.

Just six blocks away, Mr. William Burns and his wife feel they have to leave their home after having fire bombs thrown at their apartment at 5701 South Halsted. Burns is one of the last white residents in a predominantly Negro neighborhood.

A black family being forced out of a white neighborhood and six blocks away a white family being forced out of a black neighborhood: What a tragic commentary on intolerance in American life today.

Not much additional commentary is needed. The story the article tells dramatizes the problems and agony that intolerance brings with it. We cannot legislate intolerance out of existence, but we must be aware of it, otherwise all the legislation we pass to try to improve the quality of life in this country will be for nought.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Sept. 22, 1969]

TWO FAMILIES—ONE BLACK, ONE WHITE—LEARN ABOUT HATE

(By Thomas J. Moore)

Fred Pegues and William Burns are almost neighbors—only six blocks separates their homes near 55th and Halsted on the South Side.

They don't know each other, but they each know about hate. They learned about it recently.

Pegues, 37, is the first Negro to move onto an all-white block at 835 W. 51st Pl. Burns, 69, is among the last white residents in a predominantly Negro area at 5701 S. Halsted.

LIFE SAVINGS IS USED

Pegues is a truck driver with a wife and six children, ranging in age from six months to 13 years.

On Sept. 13, the family moved into the home Pegues had purchased with a down payment of $1,000—his life savings.

Nobody would have called the aging frame house beautiful. It was squashed between two others and the faded blue siding had seen better days. But it was the Pegues' first home of their own. It had room for the children, and most important, the Pegues could afford it.

As they carried in furniture and clothes, their white neighbors gathered in front of their homes—faces hostile, silent, unwelcoming.

SPEAK SINGLE WORD

"Savage," snarled a nice-looking young person, about 20, at Fred Pegues. It was the only word spoken by the neighbors that day.

By evening, when Fred had gone to work, a small group had gathered behind the house and someone hurled a bottle, breaking a dining room window.

"I didn't see who threw it. I was too scared to go back and look," Fred's wife, Jerrylene, said.

POUR LIQUID ON STEPS

The next day, with Fred once again at work, Jerrylene saw a man walk through the back gate carrying a large can. He poured liquid on the wooden steps of the back porch. Fifteen minutes later she saw a man return with a burning object and hurl it against the porch steps.

The house was gutted by the fire but Jerrylene and her six children escaped.

"We also lost all my best clothes and the furniture which was still in boxes at the back of the house," she said.

Six blocks south and 48 hours later William Burns and his wife, Agnes, sat in their small apartment at 5701 S. Halsted. It is tucked back on the second floor of an aging building with brown fake-brick siding and heavy wire screens over the first-floor windows.

MEDICAL PROBLEMS

Burns, a retired railroad freight house foreman, can't get around too well anymore because of two recent strokes. His wife just returned from the hospital after having a part of one lung removed.

They have lived in the neighborhood since 1941, and in that apartment five years. A long, steep staircase leads to the Burnses' apartment, and they would have difficulty getting out if a fire started.

Last Tuesday, a fused bottle of kerosene was hurled towards the second-floor window of Agnes' bedroom. It missed and burned on the sidewalk below. A second bottle broke the window and landed on the floor.

The kerosene did not catch fire, but it filled the apartment with choking fumes, forcing the Burnses to flee to a friend's apartment for the night.

Bud Schau, 57, owns the building. He was born in the neighborhood and his family have operated the Englewood Tavern on the first floor for 37 years.

He was already alarmed about what had happened to the Burnses, when he found out the next morning his tavern had been robbed—its fifth armed robbery since March.

Two men carrying pistols burst in at 9:30 a.m., shouted "holdup" and escaped with $270 in cash and $107 in liquor.

The bartender, Harold Hoffman, told police he thought it was the same pair who robbed the tavern Aug. 29.

Schau was mad.

"This neighborhood went through integration without any trouble at all. And now a certain element springs up which says you white people don't belong here any more. It's a certain criminal 10 percent.

"PICK ON CRIPPLES"

"They pick on crippled people. They take money away from kids going to school.

"I'm tired. I'm beat. I quit. As soon as I liquidate the stock I'm closing up," Schau said.

William Burns said: "I'll have to get out. I don't know where we can afford to live."

Fred Pegues said: "If it was me alone, I'd move back. But I have a wife and six children and I don't want them to get hurt."

CASTRO'S CONCENTRATION CAMP REGIME

Mr. DODD. Mr. President, whenever a non-Communist government imprisons identified members of the Communist conspiracy who are seeking its overthrow by violent means, there are protests and outcries throughout the free world against the alleged violation of human rights. But, for some strange reason, the protesters fall silent when it is not a matter of a handful of Communist conspirators who are imprisoned, but a matter of scores of thousands of political prisoners imprisoned by Communist regimes in both hemispheres.

Last week I received a statement signed by 14 members of the Hartford Committee of Relatives and Friends of Cuban Concentration Camps Prisoners, which I wish to call to the attention of the Senate.

Mrs. Mercy Oses, of Hartford, the cousin of Cuban student leader Pedro Luis Boitel, who has been condemned to 30 years in prison, asked the question:

> How is it possible that 85,000 political prisoners are dying in Castro jails abandoned by the United Nations, the free world press, many western countries like Canada, Mexico, Spain, France, etc., etc. and while this takes place only 90 miles away from the U.S. mainland.

Mrs. Oses also points out that whereas Che Guevara's imprisoned companion in Bolivia is permitted to receive special food and frequent visits, thousands of Cuban prisoners are held incommunicado and are dying for lack of food and medicine.

Last month, the political prisoners at Havana's "Cabana Fortress" went on a hunger strike in protest against their condition. The hunger strike lasted for more than 3 weeks, but there are conflicting reports about whether or not it resulted in any significant improvement.

As one American, I salute the efforts of those Cubans who, despite our indifference, seek to call the attention of the free world to the massive crimes against human rights which are being perpetrated in their country, and I bow my head in shame that this outrage against humanity which is taking place almost within sight of our shores should call forth so little protest and indignation in our own country.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire text of the statement I received from the Hartford Committee of Relatives and Friends of Cuban Concentration Camps Prisoners.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HARTFORD RELATIVES AND FRIENDS OF CUBAN CONCENTRATION CAMPS VICTIMS DEMAND SUPPORT IN THEIR 3-WEEK HUNGER STRIKE

"Deportation or death" because freedom in Cuba does not even exist for those not in jail, is the motto of Havana's "Cabana Fortress" political prisoners who have entered the third week of a hunger strike because of inhumane treatment. The nearest comparison in their plight is when one considers what the Nazi concentration camp victims of World War II experienced a few years ago.

Mrs. Mercedes Oses of 24 Dorothy Street, Hartford, cousin of Cuban student leader Pedro Luis Boitel condemned to 30 years in prison wonders "How it is possible that 85,000 political prisoners are dying in Castro jails abandoned by the United Nations, the free world press, many western countries like Canada, Mexico, Spain, France, etc., etc. and while this take places only 90 miles away from the U.S. mainland?"

It particularly strikes us the interest of some of the aforementioned parties in favor of a certain Marxist leader in Bolivia, companion of Che Guevara who because of them is allowed to receive special food, perfumes and twice a week visits from his recently married wife, while in Cuba, my cousin Pedro Luis Boitel is dying like thousands of others because of lack of minimum food and medicine, while being held incommunicado under terrible conditions as he relates in two letters just received from Cuba which we will show to the Hartford I.R.C. early this week demanding action on their behalf and in the

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very least exposure of what is happening in Cuba.

Three years ago we went to the I.R.C. and produced a letter from Pedro Luis Boitel as well as other evidence of other sources on prison conditions in Cuba also testified in Washington before the Senate Sub-Committee on Internal Security, all of this *to no avail*. After 10 years in Castro's jails although an invalid it is a miracle that Pedro Luis is still alive. When one sees in this country students who betray it trying to install a Marxist regime like in Cuba and are not even prosecuted, one despairs how in Cuba, Pedro Luis has been sentenced to 30 years because he choose to run for student office against Castro's wishes of a single communist ticket!

We accuse the Castro's Government of *genocide with its political prisoners* after intimately knowing what he has done to them in 10 years. "What is wrong with this society when over 1,000 students are dying in Castro's concentration camps and the students and faculties of the large universities ignore this and seem only to focus attention when accidentally a U.S. bomb falls astray and kills 4 or 5 civilians in Vietnam? Should it not deserve at least equal attention the fate of 85,000 political prisoners which are neighbors of this country?"

"Are we only able to bring attention to our plight when our abandoned relatives make a last ditch determination as of now to refuse the 800 a day calorie "trash" that is offered to them as food?"

We indict at this time the United Nations, all responsible news media, western countries having relations with Communist Cuba, student faculties and organizations that they will jointly share the blame of my counsin and other students leaders deaths, in the coming weeks similarly as the leaders of pre-war France, Britain and United States share the responsibility in the death of millions of Jews during the early period of Nazi persecution.

The prisoners strike seem to have been so effective in Cuba that Castro has been obliged to continue "the conspiracy of silence in Cuba" by closing the major wire agencies in the country. Only United States based news media can now inform the world.

We will not stop with other relatives and friends in our 400 families Hartford Cuban exile community until we obtain support of the I.R.C. the Archbishop of Hartford and other church figures and organization support in getting involved in our objective of saving our loved ones after 10 years of incredible suffering.

It is our belief that if one third of the world under communist rule is suffering religious persecution and with no less than 10% of its inhabitants in concentration camps at least one third of the churches' prayers should be directed on their behalf specially as like in this case all seems to fail!

May God have mercy on our people.

Hartford Committee of Relatives and Friends of Cuban Concentration Camps Prisoners: Mercedes Oses, President, Estrella Alcantara, Georgina Amador de los Rios, Margarita Valladares, Luisa Martinez, Adela Puentes, Teresa Rodriguez, Victoria Diez, Virginia Torres, Luisa Estevez, Mirtha Rodriguez, Bernarda Perez, Bertha Gonzalez.

HARTFORD, CONN., September 21, 1969.

BIPARTISAN SUPPORT OF THE FOOD STAMP BILL

Mr. **JAVITS**. Mr. President, the Senate's action last Wednesday in passing a comprehensive food stamp bill is historic. It was bipartisan all the way and can become law only if it continues to be bipartisan.

This action, which came after the adoption of a substitute bill, was an important and historic step toward the establishment of a meaningful and substantially reformed food stamp program.

I joined with eight Senators, both Republican and Democratic, in sponsoring the substitute bill because we believed—as did a majority of the Senate—that hunger and malnutrition in America must be eliminated and that the achievement of this goal requires the establishment of an expanded and improved food stamp program.

The measure which passed the Senate on Wednesday breaks new ground in a number of areas: It provides for free food stamps for any family of four whose monthly income is less than $60; it allows for concurrent distribution of surplus commodities and food stamps under certain conditions; it authorizes the establishment of national eligibility standards for participation in the food stamp program; and it establishes a clear Federal responsibility for feeding hungry and malnourished people where local officials either will not operate a stamp program or where an existing program is being operated inadequately. The Agricultural Committee took important steps in moving toward food stamp reform, but the bill it reported simply did not have the detailed provisions and the scope to really cope with the problem. The Senate, in passing the substitute bill, has now clearly declared that the Federal Government must, and will, mount a full-scale attack on hunger and malnutrition and will devote the necessary resources to the achievement of that objective—that the Nation's conscience just will not tolerate anything less.

Republicans have played an important role in directing the attention and the resources of this Nation to the dilemma of hunger amidst plenty—from the initial investigations in the Mississippi Delta some 2½ years ago to the administrative actions and legislative proposals of the Nixon administration.

It was this administration which broke the redtape barrier that had blocked its predecessor. President Nixon earlier this year called for substantial improvements in the Federal food assistance programs and for "an end to hunger in America—for all time." Evidence of this administration's commitment has been provided by significant administrative breakthroughs by Secretary of Agriculture Hardin and Secretary of Health, Education, and Welfare Finch, and by the proposals for food stamp reform which the administration submitted to the Congress earlier this year.

The Senate has now responded to the overwhelming sense of urgency which has characterized public concern with this issue—a response that would not have been possible without Republican votes. In expanding and reforming the food-stamp program, the Senate has taken a giant step toward providing the administration with the tools it needs to establish and implement a truly responsive food-assistance program.

I sincerely hope that the House of Representatives will now act favorably upon the food-stamp bill which the Senate has passed and which is now before that body. I urge the House to give it the same broad bipartisan support which characterized the Senate's action on this matter. I believe also that this bill offers significant improvements which the administration can and should support.

IMPACT OF THE TAX REFORM ACT ON PRIVATE FOUNDATIONS

Mr. **MATHIAS**. Mr. President, one of the most difficult aspects of the Tax Reform Act, H.R. 13270, is its proposed treatment of private foundations. Many provisions in the House bill are prudent and intended to eliminate abuses which should not be perpetuated. However, other provisions, especially the proposed 7½-percent tax on foundation income and the severe restrictions on foundation activities in public policy fields, would greatly curtail the amount of support foundations could give to valuable programs and institutions, and the range of constructive efforts in which private foundations could engage.

The Secretary of Health, Education, and Welfare, Hon. Robert H. Finch, recently discussed these problems in an important exchange of correspondence with the Secretary of the Treasury. Secretary Finch's letter itemized some of the many significant and lasting gains in education, health, and social welfare which foundations have supported and stimulated. As he noted, many of these contributions are innovations for which public support was inappropriate or unavailable at the time, but which have ultimately brought great benefits to the general public.

The Secretary summarized:

> I choose my words with care when I submit to you that the Act's present provisions with respect to taxation of foundation income and with respect to the permissible range of foundation activities would gravely damage the public welfare, defined in its broadest sense. These provisions would, in effect, diminish that sector of the Nation's life in which diversity, experimentation, and innovation flourish, and would constrict both the numbers and the influence of of independent centers of thought and social action. As a consequence, pressures for government involvement—and for the commitment of public resources—would be greatly intensified.

In his response, dated September 24, Secretary of the Treasury David Kennedy outlined the administration's recommendations for revision of the House bill, including a reduction in the proposed tax from 7½ percent to 2 percent. He also noted that the Commissioner of Internal Revenue will soon announce the appointment of a Commissioner's Committee on Exempt Organizations, to review the policies to be followed in administering the laws governing the activities of all tax-exempt groups.

Mr. President, as the Baltimore Sun noted in an editorial on September 29, the House bill's provisions would greatly contract the areas in which the IRS could exercise discretion in determining whether atcivities in public policy areas are permissible. I feel that the concerns expressed by Secretary Finch are justifiable and hope that the provisions of the House bill can be reexamined objectively.

I ask unanimous consent to have printed in the RECORD the correspondence between Secretary Finch and Secretary Kennedy, and the Baltimore Sun editorial of September 29, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 17, 1969.

DEAR DAVID: Within the context of the Tax Reform Act of 1969, your own judicious testimony before the Senate Finance Committee on September 4 and 5, and the efforts now under way by your staff to perfect the legislation as enacted in H.R. 13270, I am taking this opportunity to call to your attention certain implications of the Act as they bear on my own deep personal concerns and those of my Department.

In its present form, the Act threatens to undermine that uniquely American institution, the private beneficent foundation, and might even tend toward its ultimate destruction. I choose my words with care when I submit to you that the Act's present provisions with respect to taxation of foundation income and with respect to the permissible range of foundation activities would gravely damage the public welfare, defined in its broadest sense. These provisions would, in effect, diminish that sector of the Nation's life in which diversity, experimentation, and innovation flourish, and would constrict both the numbers and the influence of independent centers of thought and social action. As a consequence, pressures for government involvement—and for the commitment of public resources—would be greatly intensified.

I know, as of course you do also, that a relative handful of individuals and groups have abused existing law with respect to foundations—have, indeed, deliberately exploited loopholes in the Internal Revenue Code for self-serving gain and for tax avoidance. Such abuses must be rooted out and effectively curbed. Such loopholes must be closed. In many of its provisions, the Tax Reform Act accomplishes precisely those ends and thus has earned the enthusiastic support of responsible foundation officers. In other of its provisions, the Act would ensure full public disclosure of foundation activities and impose limits on the undue accumulation of foundation income. These also are necessary and proper legislative objects.

The tax on income, however, would miss the target altogether. Rather than touching the malefactors, it would penalize only the *recipients* of foundation grants and would fall with utter indiscrimination upon all who look to foundations for crucial support. It would predictably fall with literally killing effect upon the most innovative and creative. "High-risk" endeavors would simply never be funded—the "safe" projects, the ones with general approbation, would price the more adventurous out of the marketplace of ideas.

Your own recommendation to the Senate Finance Committee that the proposed 7½ per cent income tax should be reduced to a 2 per cent "monitoring fee" represents one substantial improvement—but still, I think, there is room for others.

Such a fee should, in the first place, be clearly and explicitly distinguished from a tax in any form—to avoid the dangerous precedent that this particular group of 501 (c) (3) organizations should somehow be "less exempt" than all others. Many such organizations, indeed, serve quite narrow ends—trade associations, for example, and pressure groups for special interests—and are incomparably less of a quasi-public character than are foundations. Second, I would argue, the fee should be assessed according to assets rather than income—to avoid the curious effect of penalizing foundation investment managers for their imagination and efficiency. And third, rather than fixing a precise fee-rate, I wonder if you would not find it feasible—on the basis of two or three years experience—to set a "moving" rate that would reimburse your Department for the actual costs of monitoring.

Even beyond the proposed tax, the provisions of the Act with respect to permissible foundation activities—in tandem with harsh penalties levied upon foundation officers and trustees—pose yet graver dangers to the public interest. Should the highly ambiguous language of Section 4945 be interpreted in such a way as to preclude any foundation impact on public opinion formation, or on legislation, or on those public officials in any way involved in the policy-making process—and the language of the Act admits of this possible interpretation—then the effects of the Act would be a disaster for our pluralistic society. Even the suspicion that the Act might be so construed, in combination with the penalty clauses, would surely have a chilling effect on foundation innovations, and on the willingness of foundation officers to engage in those speculative undertakings on the frontiers of the human imagination that have been the foundations' principal glory—and their unique contribution to the public interest.

It simply is not possible to exaggerate the breadth or depth of these contributions. In every area of thought and action—in all the arts and sciences, in basic research, in public health, in scholarship and creativity, in the building and preserving of independent social institutions—the catalogue of foundation-supported efforts provides many benchmarks in the progress of recent civilization.

I could make note of Dr. Robert Goddard's pioneering experiments in rocket propulsion (funded in the critical early years almost wholly by the Guggenheims), or of ongoing State legislative reform (funded through the Citizens Conference on State Legislatures by the Carnegie Corporation and the Ford Foundation), or the development of high-yield "miracle" grains (funded in major part by the Rockefeller Foundation).

But, rather, let me limit my catalogue to those foundation activities that relate directly to the concerns of the Department of Health, Education, and Welfare—and let me stress that this is the merest sampling and that many of the following items would have been called into substantial question (on grounds of influencing legislation, or public opinion, or both) under Section 4945 of the proposed Act:

Medical education in the U.S., along with seminal medical research, is almost literally the creation of private foundations. Modern teaching institutions and curricula derive from the ground-breaking Flexnor report of 1910, made possible by the Carnegie Corporation. In these early years, too, Rockefeller Foundation grants led to the virtual eradication of hookworm from this continent, and to major inroads against malaria and yellow fever in many parts of the hemisphere. In recent years, the Commonwealth Fund stimulated trend-setting curricular reform at Harvard and at Case Western Reserve; Commonwealth and the Surdna Foundation set up the first pilot-project of a university-sponsored community health program; the Kellogg Foundation launched seven wholly new medical schools; the Markel Foundation enabled Northwestern to demonstrate the feasibility of compressing medical education into a shorter time-span; the Rockefeller and Macy Foundations have opened new opportunities for members of minority groups to undertake medical careers; and in more instances than it is possible here to enumerate, foundation grants (with Mellon funds particularly aggressive in this area) have meant the difference between the maintenance of urgently needed medical schools and the closing of their doors.

In population studies and family planning, the Ford, Avalon, and Rockefeller Foundations, among many others, have created fundamental research facilities which, in turn, are supporting practical programs, both public and private. In other areas of medical research, the Sloan Foundation's work in cancer is but one prime instance, as is foundation support leading to the development of effective polio vaccines.

So-called "challenge grants" by the Ford Foundation, usually on a two-or-three-to-one matching basis, have stimulated a burst of capital-expansion fund-raising efforts at more than a score of major U.S. colleges and universities. The President of the University of Notre Dame, for example, has estimated that the foundation's stimulus enabled his institution to achieve in ten years what otherwise might have taken thirty. Also at Notre Dame, the Carnegie Corporation funded the first systematic study of Catholic education ever undertaken in this country.

In every category of higher education—teachers' salaries and pension plans, new and improved facilities, curricular innovation, and fellowship and scholarship grants—foundations have provided the stimulus and often the seed-money. The National Merit Scholarships, for example, are foundation-sponsored. Since 1956, foundations have poured in excess of two billion dollars into institutions of higher education, both public and private. The Danforth Foundation funds "refresher" programs to permit teachers and administrators to engage in sabbatical years of scholarly- and self-renewal. The Lilly Endowment, among many others, has spurred the establishment and expansion of foreign-area study programs at dozens of U.S. colleges and universities.

In the American South, in particular, foundation support has provided "the margin of excellence" for some 300 institutions of higher education. For example: the Emory University medical center was made possible by the Woodruff Foundation; the Kresge Foundation provided Meharry Medical College with a library of the first rank (and it should be noted that this single institution has graduated nearly half the Negro physicians now practicing in the U.S.); Carnegie and Danforth support the Southern Fellowships Fund; the Kellogg Foundation has created a center for continuing education at the University of Georgia; and Ford and Danforth have funded "Project Opportunity" which so far has motivated and assisted some 3,000 disadvantaged young people into productive higher learning.

Educational support and assistance, North and South, have by no means been limited to higher education. In hundreds of communities throughout the Nation, foundations have helped to upgrade teacher training and retraining; to experiment with new techniques for teaching, and with new teaching technology; and to improve and expand educational facilities. In this, as in many other areas of concern, the activities of hundreds of smaller local foundations have been the crucial ingredient.

Also in the area of education, the Carnegie Corporation and the Danforth Foundation have shared in the funding of the Education Commission of the States and its subsidiary, the National Assessment of Education. These are key vehicles, through close interstate co-operation and sharing of practical experience, to upgrade educational quality and teacher training in the public school systems of every participating State. The National Assessment will provide important inputs for my Department's evaluation and planning function.

Experiments funded by Ford, Carnegie, and the Taconic Foundation led to the development of preschool programs and, in turn, to

Head Start. This is a prime example of the stimulation and testing of new ideas—in education and child development in this particular instance—that might have been too speculative for government to undertake but that have evolved into government programs of substantial success and popularity.

Along the same line, experiments in various forms of income maintenance and family assistance have been and still are being mounted by the Ford and other foundations. These pilot projects are adding invaluable practical experience as my Department works to implement the President's welfare innovation, the Family Assistance System. The Pechman study of revenue-sharing, funded through the Brookings Institution by several foundations, is contributing to the same broad objective.

In the area of rehabilitation of the disabled and retarded, fundamental research and practical training programs have long been funded by the Milbank and other specially-oriented foundations. Indeed, the early work of the Milbank Foundation led directly to the enactment of the first State statute in the rehabilitation field, a model for all the rest and for the Federal Government.

The new, important, and growing field of educational television owes most of its impetus to the study undertaken by the Carnegie Corporation, and the development of a national network of educational TV outlets has been supported from the first by the Ford Foundation.

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Certain common themes run throughout this exemplary checklist of foundation initiatives and innovations—many of which, let me say again, might never have seen the light of day under the ambiguous, restrictive language presently incorporated in Section 4945 of the Tax Reform Act of 1969.

In the first place, these are predominantly innovations—new, sometimes even radical ideas, that required "risk capital" for thorough testing and perfecting. In instance upon instance, these are new departures that public authorities might have shied from—and in some cases properly so, in view of their responsibilities to the broadest public—and yet have ultimately appropriated and implemented for the general benefit. Second, the range of foundation activities has lifted from public authorities burdens of support and funding that otherwise might have become public responsibilities. Third, in many instances—the Hill-Burton hospital construction program is one case in point—foundations have assumed burdens of matching funds, and thus have enabled States and localities to take full advantage of a variety of Federal programs.

Finally, and most important, the private foundation has been through the history of this century—and is today—a principal catalyst motivating the private and voluntary sectors of our pluralistic society. As in any area of human discretion, some particular judgments may depart from yours, or mine, or any segment of the public. But as an entire class, and over the vast range of their good works, foundations have served the public interest with a high sense of dedication, and a deep sense of public responsibility. I venture to suggest that if they did not exist, we would have to invent them—and, as the historic Tax Reform Act of 1969 moves toward enactment, it is our responsibility as servants of the public to preserve their incomparable strengths.

Warmest personal regards.

Sincerely,

———— ————,
Secretary.

The Secretary of the Treasury,
Washington, September 24, 1969.

Dear Bob: I have your letter of September 17, 1969, with respect to the pending Tax Reform Bill insofar as it relates to private foundations.

I appreciate your review of the many fine accomplishments of private foundations in the charitable and educational fields. We have emphasized these accomplishments in our appearances before the Ways and Means Committee and the Senate Finance Committee, and in our recommendation to the Congress we have endeavored to confine the statutory changes to the elimination of certain abuses that have occurred without unduly hampering the ability of the foundations to assist the nation in attaining its charitable and educational goals.

Naturally there are numerous specific problems to work out in the text of the bill, and we have met on a number of occasions with representatives of the foundations to review those problems. As you know, we have recommended that the 7½ percent tax contained in the House bill be reduced to two percent, which we estimate would provide sufficient funds to defray the Internal Revenue Service costs of administering the program of audit and supervision.

As to whether the payment to be made by the foundations is to be called a fee or a tax, we stated in our public appearance before the Senate Finance Committee that we would have no objection to calling it a fee rather than a tax if we could be satisfied that this can be accomplished without any possible legal infirmities. We have been considering this matter and discussing the legal question with counsel for a number of the foundations.

Similarly, we stated at the public hearings before the Finance Committee that we have no objection to framing the levy in the form of an excise tax in lieu of an income tax, provided we can satisfactorily determine or describe the event or privilege upon which the excise will be imposed.

We have also considered the matter of basing the levy upon assets of the foundations rather than income. We stated to the Finance Committee at the public hearings that we are opposed to an attempt to base the tax upon net assets rather than upon income, because of numerous technical and administrative problems which we do not think can be satisfactorily overcome. The Internal Revenue Code and the regulations contain many detailed provisions regarding the calculation of taxable net income but have no similar structure regarding taxable net assets. We think it would be inadvisable to attempt to measure the payments by reference to assets.

You inquire whether we think a "moving rate" rather than a fixed rate for the payment would be feasible. We have concluded that with a rate of only two percent, calculated to raise some $15 million in the first year of operation, there is no need to engage in the complexity of gauging each year the projected administrative costs and the projected revenue yield. We do not believe that an attempt at this degree of precision is advisable.

With respect to activities of foundations that may have an impact on public opinion formation or legislation, existing law for many years has prohibited charitable and educational organizations from devoting any substantial part of their activities to attempts to influence legislation. The principal effect of the new bill will be to forbid such activities whether or not they are a substantial part of the total activities of the foundation. While the line between education and the influencing of legislation may not always be easy to draw, I am confident that the Internal Revenue Service would continue to exercise sound discretion in this respect as it has in the past. As we have advised the Congress, the Commissioner of Internal Revenue will soon announce the appointment of a Commissioner's Committee on Exempt Organizations, composed of distinguished citizens in various walks of life, to consult with him on the policies to be followed in the administration of the laws relating to these organizations.

I appreciate the benefit of your views, particularly because of your frequent work with the foundations as a part of the many activities of your Department. We are continuing to work on the specific details of the bill in preparation for the forthcoming executive sessions of the Finance Committee. We shall be happy to receive any further suggestions or thoughts that you might have, both with respect to the terms of the bill and to the administration of it after it is enacted.

Sincerely,

David M. Kennedy.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., September 26, 1969.

Hon. David M. Kennedy,
Secretary of the Treasury,
Washington, D.C.

Dear David: I am grateful to you for your informative letter of September 24 in reply to the comments and suggestions regarding the tax treatment of foundations that I sent to you on September 17.

I am delighted to know that you recognize the significant contributions that have been made by the foundations and that you informed the Finance Committee at its public hearings that you have under consideration some further changes that you might recommend.

If we can be of assistance to the Treasury in its work on the bill or the administration of it after its enactment, we shall be happy to do so.

Sincerely,

———— ————,
Secretary.

[From the Baltimore Sun, Sept. 29, 1969]

PRIVATE FOUNDATIONS

Secretary Finch is on the right side in criticizing provisions of the House tax bill with respect to private foundations. Referring to the measure as passed by the House, Mr. Finch said in a letter to Secretary Kennedy that the bill's present provisions "with respect to taxation of foundation income and with respect to the permissible range of foundation activities would gravely damage the public welfare."

The Secretary of Health, Education and Welfare in his letter to the Secretary of the Treasury was opposing in particular the provision of the House bill intended to restrict if not prohibit such political activities as attemptng to influence legislation or public opinion—lobbying, in some form, in other words. Secretary Kennedy said in reply to Secretary Finch that "while the line between education and the influencing of legislation may not always be easy to draw, I am confident that the Internal Revenue would continue to exercise sound discretion in this respect as it has in the past."

The House bill, however, would greatly reduce the discretion now practiced by the Internal Revenue Service. Mr. Finch's criticism on this point is sound. It would be good to see the Nixon administration support him and urge this viewpoint before the Senate Finance committee, which now is considering the House bill.

An even stronger case can be made against the House bill's provision for a federal tax of 7½ per cent on foundation income. This tax, it is believed, would affect not only the operations of private foundations, but would seriously curtail the contributions on which they depend. Its impact could be broad. Testimony has already been given the Senate Committee that it could deprive colleges, hospitals, community agencies, research centers and other voluntary organizations of millions of dollars in private funds.

This is too great a price to pay in order to curb the operations of some foundations which have stretched and abused present rules. There is a rather wide agreement that a tax of about 2 per cent, or a comparable fee schedule, would be practicable as a means of financing a better enforcement of present regulations. The House bill goes too far, and should be corrected.

CZECHOSLOVAKIA WILL NOT BE FORGOTTEN

Mr. DODD. Mr. President, although a quisling government imposed by the Soviet Red army is now moving rapidly to destroy the last vestiges of the limited freedoms achieved by the Czechslovak peoples before the Red army intervened, we in America have a duty not to forget and not to acquiesce. We must keep the issue of Czechoslovakia alive, and we must use all of our diplomatic and moral influence to help persuade the Soviets to give up their political occupation of that unfortunate country.

With this motivation, I ask unanimous consent to have printed in the Record the text of a statement adopted by the AFL–CIO executive council in connection with the first anniversary of the Soviet invasion of Czechoslovakia.

I also ask unanimous consent to have printed in the Record the text of a statement adopted on the anniversary of the Soviet invasion by the Czechoslovak National Council of America, Eastern Division.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement by the AFL–CIO Executive Council on Czechoslovakia Anniversary

As the first anniversary of the Soviet invasion of Czechoslovakia, August 21, 1969, approaches, the Executive Council of the AFL–CIO expresses its deep sympathy and solidarity with the long-suffering Czechoslovak people and in particular with its embattled workers. Once again, we indignantly protest against the occupation of the country by the Red Army.

In the past year, Moscow has tightened its grip on the unfortunate Czechoslovak nation through stepped-up political pressure and expanding interference in its internal affairs. With more than 70,000 Russian troops occupying the land, the Soviet authorities behave more and more like the worst colonialist rulers. Under their orders, dissent has been stifled, freedom of the press has been replaced by censorship, and freedom of expression has vanished. The rebellious student movement has been silenced and its organization dissolved. Economic reorganization has been halted, the right to strike suppressed, and the beginnings of a restoration of trade union independence and democracy have been crushed.

Since the Soviets considered Alexander Dubcek too slow in fulfilling their demand for a return to neo-Stalinism, euphemistically called "normalization of the situation", they ousted him and had him replaced by the more pliant Gustav Husak. In the first three months of his regime, purges of the Party and state apparatus, the press and other institutions have been carried out. Still more conservative forces are awaiting a signal from their Russian masters to take over power and re-establish even harsher totalitarian rule. The capitulation by the Czechoslovak Communist leadership to Soviet demands proves beyond any doubt that the Communist Party cannot be an instrument for baisc changes and reforms. Vested with all powers of the dictatorship, it is unwilling to abolish the one-party system; and without such an abolition no genuine and lasting restoration of democracy is possible.

For the Czechoslovak people, the last year has been a tragic one. Under the constant threat of assault by the overwhelming military occupation force, they have seen their aspirations to freedom cruelly destroyed. They now face mounting economic difficulties and aggravated oppression and exploitation by Soviet imperialism. In these dark hours, their courage and quiet determination deserve our highest admiration and respect. Above all, we salute the fearless and indomitable Czechoslovak workers who have been doggedly resisting all attempts to wrest from them the modest rights they had gained in the factories. Through work stoppages, slowdowns, demonstrations, and other forms of protest, they have shown their determination not to become again voiceless slaves condemned to a life of drudgery, deprivation, and misery. Significantly, the slogans they have scrawled on the walls of their public buildings and factories are not only angry protests against the Russian army of occupation and its henchmen, but also reminders to the forces of freedom everywhere that they should not trust the oppressors of Czechoslovakia and never forget its struggle for liberty.

In their occupation of Czechoslovakia, the Soviets are showing utter contempt for international law, the UN Charter, and world public opinion. Moreover, by proclaiming the Brezhnev doctrine—the concept of limited sovereignty of other Communist countries—the Kremlin has brazenly arrogated to itself the exclusive right to intervene, even by military force, in the internal affairs of any member state of the so-called socialist community. Moscow uses troop maneuvers, economic backmail and political threats to intimidate its satellites and suppress every attempt by them to gain greater autonomy and ease the totalitarian rule in response to their peoples' yearnings for freedom.

The Soviet aggression against Czechoslovakia demonstrates how illusory are the notions about international détente and liberalization behind the Iron Curtain. If the Soviet rulers are sincere in their recently indicated desire for rapprochement with the West, let them prove it by withdrawing their troops from Czechoslovakia and restoring the status quo ante. The Executive Council urges our government to place the Czechoslovak question on the agenda for all future negotiations with Moscow. We further urge the Administration to make every effort to have the forthcoming U.N. General Assembly call for the withdrawal of all Soviet armed forces from its member state, Czechoslovakia.

A year ago, the international free trade union movement unanimously denounced the invasion of Czechoslovakia by the Soviet Union and her Warsaw Pact allies. In protest, free trade unions which had engaged in exchange programs with Communist "trade unions," broke off all contacts with such organizations in the invading countries. We call upon all free trade unions to continue this ban. Any resumption of exchanges would be an unpardonable blow against the brave workers of Czechoslovakia now desperately resisting Communist tyranny.

Czechoslovaks are again crowding the refugee camps in Austria and at least 50,000 others who have fled are trying to build new lives abroad. The Executive Council proposes that the Administration take all necessary steps to have the U.N. High Commissioner for Refugees (UNHCR) assist the Czechoslovak refugees in utilizing their skills and talents for beginning life anew.

Statement by the Czechoslovak National Council of America, Eastern Division

We, American citizens of Czech, Slovak and Subcarpatho-Ruthenian descent within the Metropolitan Area of Greater New York have assembled today on the First Anniversary of Soviet aggression against our native country to demonstrate in front of the Soviet Mission to the United Nations to *protest* against the Soviet occupation of Czechoslovakia.

We should like to remind the entire world of the crime of the Soviet invasion upon Czechoslovakia, which was a flagrant violation of several principles of international law incorporated into the Charter of the United Nations.

In particular, the brutal Soviet aggression thus:

(1) violated the sovereignty of a member state of the United Nations (Article 2, Section 1);

(2) was carried out in violation of Article 2, Section 4, which prohibits the use of military force in the relations between individual members of the United Nations;

(3) violated the principle of self-determination of peoples (Article 1, Section 2);

(4) was in conflict with Article 2, Section 7, which prohibits outside intervention in matters essentially within the dometsic jurisdiction of any state;

(5) was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly, however, with Resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion, declaring not merely the inadmissibility of any intervention in the domestic affairs of any state, but also the necessity of the protection of their independence and sovereignty.

The above-mentioned Soviet aggression is a brutal crime against the right of a comparatively small country in the central heart of Europe that had been individualistic in determinating its own fate and aspirations. This aggression was an intervention by the forces of reactionary Communism to prevent the Czechs and Slovaks from establishing their own social order that did not endanger anyone. On the contrary, the people of Czechoslovakia tried, among other things, to contribute to the building of birdges across the discords of an ideologically divided world and to lend aid to a better understanding and cooperation among all nations on the basis of true progress and humanity.

Subsequently, the Soviet Union tried to justify its crime by the so-called Brezhnev doctrine, which is in direct conflict with the Charter of the United Nations. This doctrine merely places the act of Moscow into an even worse light, because it tries to sanction aggression and thereby deliver small countries to the "tender mercies" of the aggressive plans of Soviet imperialism.

It tries to convert the condemned act of the aggressor to some kind of Socialist right which should be recognized by the entire world. It is an indication of the fact that the world is presently going through one of the most dangerous periods in international relations since the end of World War II. Now, a year after the Soviet invasion of Czechoslovakia we read about the efforts of Soviet authorities to compel Czechoslovak governmental authorities to issue a declaration about the alleged necessity of the invasion and the ensuing occupation.

The people of Czechoslovakia have not resigned themselves to these aggressive plans of Moscow. They resisted and continue to resist, pressure, and reject Moscow's claims of its right to intervene in the leadership of the State and the Czechoslovakia Communist Party; they deny the existence of a right of the Soviet Union to determine who should govern the country in their name and represent it in its foreign relations. The day of August 21st is being commemorated in Czechoslovakia as a *Day of Soviet Shame* in a mighty though disciplined Demonstration against Soviet pressure.

We are joining our friends in Czechoslovakia in this great and dignified Demonstration. We ask the entire civilized world to understand its meaning, and to support the people of Czechoslovakia in their effort to achieve the following sole aim of this Demonstration: "The withdrawal of Soviet troops from Czechoslovakia."

We should like to remind particularly the representatives of the free nations not to miss the singular opportunity for them to support this just demand of the people of Czechoslovakia in international meetings. We are grateful to President Nixon for his statement of August 7, 1969, which rejected the Brezhnev doctrine and pointed out that he would not be guided by it in the development of cooperation with the countries of Eastern Europe. There will be many occasions during the forthcoming General Assembly of the United Nations for a denunciation of Soviet aggression and for raising the demand for the withdrawal of Soviet forces from Czechoslovakia. We hope that the representatives of the free nations will not let this opportunity go by unused and will, by a peaceful but diplomatically very effective action help to solve a problem which endangers the peace in Europe and the peace throughout the world.

Vratsilav Busek, *President.*
John Babinec, *Secretary.*
New York, N.Y., *August 21, 1969.*

SENATOR MURPHY SAYS DRUG ABUSE REPRESENTS CLEAR AND PRESENT DANGER TO COUNTRY

Mr. MURPHY. Mr. President, at my request the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare held hearings in California on the drug-abuse problem, which has reached epidemic proportions. The hearings were held on September 27 in Los Angeles.

I ask unanimous consent that testimony I gave be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Mr. Chairman, first I want to welcome the Subcommittee to California. Earlier this year—I wrote to Senator Yarborough—the Chairman of the Senate Labor and Public Welfare Committee—and after the new Special Subcommittee on Alcoholism and Narcotics was created—to Senator Hughes urging that hearings be held in California on the drug problem. I therefore appreciate very much the Subcommittee coming to California.

The hearing today focuses on a subject which has reached epidemic proportions and which is foremost on the minds of Californians—the growing use and abuse of drugs. Frankly, Californians are deeply alarmed and—rightfully angry—over this problem.

In California the magnitude of the drug problem can be seen by the growing number of drug arrests.

In 1968—6,400 adults were arrested—a figure representing a 65 per cent increase over 1967—and a two hundred per cent increase over 1960.

Juvenile arrests totaled 29,947 in 1968—a figure representing a 115 per cent increase over 1967 and a two thousand per cent increase over 1960.

In California in 1967—there were over two thousand more arrests for marihuana violations than in the previous six years combined.

These statistics dramatically demonstrate the drug problem has reached the crisis stage. Even more alarming than the numbers is the fact that the average median age for drug arrests keeps getting lower and lower.

At one time, marihuana, for example, was a phenomenon of citizens in the ghetto areas and certain jazz musicians. More recently, there has been a growing concern in California and in the country over drug abuse by our college students. As bad as this was—and is—we now know that drug use is spreading to our high schools and junior high schools. This Special Subcommittee has heard testimony that the drug problem has reached the elementary grade levels. Recently reported in the press was a story claiming that a third grader made $40,000 trafficking in drugs. That drugs have reached the elementary level is frightening—but correspondence that I have received confirms this invasion. For example, I received a letter from Mr. Arthur H. Suddjian—Coordinator—Drug Abuse Information Center of the Fresno Unified School District—and I quote: "I can assure you that drug abuse has not decreased in our high schools—it has increased tremendously at junior high levels—and has extended into the fifth and sixth grades."

On July 17—the *San Diego Union* in a lead editorial pointed out the need for action *now* in the drug battle. The cartoon on the editorial page for the same day depicted the drug and dope problem as "The Fifth Horseman" galloping destructively across our country with a hypodermic gun labeled "Dope". This is an apt description as evidenced by the frightening possibilities raised in the editorial's conclusion which states: "Time as well as vigor is of the essence. Unless something is done quickly parents may not be able to send their children to playgrounds without exposing them to narcotics".

On September 16, 1968—then Presidential candidate Richard Nixon made an important speech to the American people in Anaheim, California. In this speech—Mr. Nixon made a pledge to the American people that he—if elected—would act on the urgent national drug abuse problem. President Nixon did act—appointing in February—a Special Presidential Task Force on Narcotics—Marihuana—and Dangerous Drugs. The Task Force began its work in March and on June 6, the Task Force report was sent to the President. On September 1, 1969, the first implementation of President Nixon's Task Force took place under the name "Operation Intercept". The FAA regulations were amended to provide, among other things, that all flights from Mexico into the United States must henceforth be made on a flight-plan basis. The regulations further provided for revocation of the license of any pilot convicted of a drug abuse offense and—where a private aircraft is used to smuggle drugs into the United States—the certificate of airworthiness for the plane may be revoked so that the plane may no longer be legally flown by anyone.

So less than a year after he took office, President Nixon launched what I called D-day in the nation's war against illegal drugs and narcotics.

A study of this Task Force report reveals that it represents a virtual battle plan of sweeping proportions. The entire US-Mexico border is under surveillance in an effort to cut off and control illicit narcotic and drug traffic. Mexico is estimated to supply about 85 to 90 per cent of marihuana in the United States and is also a source of a substantial amount of other drugs. President Nixon thus has launched the crackdown on drugs and narcotics that he promised he would do in Ahaheim, California, in 1968. Certainly "Operation Intercept" will have the overwhelming support of the American people.

I was pleased that many of the recommendations in the Task Force report followed recommendations and suggestions that I have submitted to the President and to the Administration. I do wish to comment on some areas that seem to me most pressing.

I believe it is essential that we increase research in the whole drug and—particularly—the marihuana area for it's quite clear that although—for example—we have known of marihuana for some time—we have in the words of the President's Task Force "comparatively little sound research on the drug." Therefore, I believe that research is necessary to provide us with the soundest possible facts on the causes and effects of marihuana.

In addition, we must step up our education programs and give our citizens and our young people scientifically accurate information regarding the dangers of drugs. A crash anti-drug program comparable to the anti-smoking campaign should be undertaken. In addition—we must work within the schools and the communities to make drugs the "out thing" rather than the "in thing".

We must enact legislation as proposed by the Administration to protect the general public from the illicit diversion of drugs from legitimate channels and to make certain that there is a greater accountability of drugs from the nation's pharmaceutical companies. The President's Task Force report and testimony before committees of Congress have indicated that there are considerable quantities of drugs being legally manufactured in the United States—sold and exported to Mexico—and then smuggled back to this country. Action in this area is particularly critical for the 1968 report of the Justice Department of the State of California shows a decrease in the percentage of drug arrests for marihuana in both the adult and juvenile categories—but an increase in the percentage of dangerous drug use. Therefore, I strongly urge that the Administration's recommendations to curb and regulate dangerous drugs be acted upon immediately.

No one likes the situation resulting from the border checks. It is harmful to business on both sides of the border—inconveniences the tourist and our citizens—and it is potentially harmful to the good relationship enjoyed by our governments and our peoples.

I have introduced in the Senate S.J. Res. 142, which urges the creation of an International Drug Commission to get international coordination, cooperation and unified action with respect to the drug problem. In the past, the Mexican government has resisted such an international body, but I still believe that we should keep working and pushing the Mexican government on this.

We have often said that our young people represent the nation's greatest national resource. This expression may be trite—but it is nevertheless true. I strongly believe it. Therefore, we are not about to allow drugs to continue their insidious endangering of the mental and physical health of our young people and the undermining of the moral fibre of this great nation.

In short—the American people are angry over the drug problem and are demanding that action be taken to stop the drug traffic which only profits those who don't care how they make a buck.

This rightful anger and demand for action can be seen in the approximately one hundred cities in California who passed resolutions urging the closing of the Mexico-US border to minors unless accompanied by their parents.

This rightful anger and demand for action can be seen by the action of the California State Legislature in enacting legislation restricting the border-crossings of resident minors to occasions when they are accompanied by a parent, have parental written consent, or have a passport.

This rightful anger and demand for action can be seen in New York where in a study this week by the *New York Times* it was reported that addict victims were turning vigilante and that residents in areas with

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large numbers of addicts now "regard retribution preferable to promises of protection and plans for therapeutic programs never seem big enough, prompt enough or workable." This disturbing article went on to estimate that there are one hundred thousand heroin users in New York and that they figure the addicts might be stealing as much as $2.6 billion a year in property to support their habits. The article also told of the United States Post Office paying $360,000.00 in overtime pay just to provide additional postmen for safety reasons in some of the heavy drug areas. It seems these added postmen are needed twice a month when welfare checks are mailed since narcotics addicts have come to regard these checks as a potential source of money with which to buy heroin.

In conclusion, Mr. Chairman, I believe the drug problem represents a clear and present danger to our citizens and our country and I certainly am pleased that you have come to California. I am hopeful that as a result of these hearings and as a result of the vigorous action taken and recommendations made by the Administration, we might begin to put an end to this terrible problem.

PUBLIC HEARINGS TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Senate Finance Committee heard testimony with respect to that part of the House tax reform bill which reduces depletion allowances for hard minerals and cuts back on the tax advantages of production payments of natural resources. A number of distinguished citizens representing many areas of the mining industry described the potential difficulties that these new provisions would pose if enacted into law.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF TESTIMONY ON TAX REFORM BILL

WITNESSES

Hon. William Proxmire, U.S. Senator, State of Wisconsin

Oil and Gas Taxes

Proposes, on behalf of Senators Brooke, Kennedy, McIntyre, Muskie, Nelson, Pell, and Stephen Young, two modifications to the House bill with respect to taxation of oil and gas: (1) elimination of foreign tax credits for payments to foreign governments, although such payments would be deductible as ordinary business expenses; and (2) establishment of a three-tier domestic depletion allowance to permit the 27½-percent depletion on the first $5 million of gross income from oil and gas properties, 21 percent on the gross income from $5 million to $10 million, and 14 percent for gross income in excess of $10 million.

Contends that the present foreign tax credits for the oil industry are really disguised royalty payments. Argues that the three-tier depletion allowance would continue the incentives for the small independent producers while it would prevent the major companies from abusing the tax structure. Maintains that these two proposals would raise more than three times as much revenue as the Treasury's proposal.

Supports the House provisions to eliminate foreign depletion allowances and ABC and production payment transactions.

Indicates that the revenue loss from the oil percentage depletion allowance and intangible drilling expensing was $1.6 billion in 1968. Considers this to be Government spent money just as if Congress had appropriated the money—except that it did not receive the examination of the appropriations budget process to evaluate whether it was worth the cost. States that this $1.6 billion is three times the budgeted amount in fiscal 1969 for Federal law enforcement, 15 times the cost of the Federal judicial system, three times the amount for school lunch and food stamp programs, five times the amount for low-rent public housing, and 4 times the allotment for the Alliance for Progress.

Considers the oil and gas tax incentives to be most inefficient as a way of achieving the goal of stimulating exploration.

Suggests, as an alternative to expending of intangible drilling costs, a direct drilling subsidy of 25 percent of the tangible costs on exploratory wells.

Hon. Gordon Allott, U.S. Senator, State of Colorado

Oil Sale Depletion Allowance

Urges the committee to retain the provision in the House bill which permits the depletion allowance on oil shale to be taken after the retort process. Points out that to apply the depletion allowance to rock is meaningless and that oil shale must undergo complicated and expensive retort processes in order to derive the liquid kerogen necessary for the production of oil. States that the House bill recognizes the need of applying the depletion allowance to the post-retort state of processing.

Indicates that the failure to develop realistic and equitable Federal tax incentives has had a direct bearing on the unwillingness of business management to commit the large amounts of capital requisite for the development of an oil shale industry.

States that Treasury opposes the retention of this provision in the House bill arguing that the proposed additional incentive "should be granted in terms of the research and development objective." States that the administration believes this proposal would constitute "an important breach in the principle that percentage depletion is to be computed on gross income from mining, not manufacturing to any extent." Believes that Treasury's objectives simply are not in accord with the facts because (1) to suggest that further research and development efforts should be expended (Government and industry have invested nearly $100 million in oil shale research and development) simply overlooks the realities of the present situation; (2) under existing law, treatment processes are considered mining for purpose of applying the depletion allowance to ores or minerals which are not customarily sold in the form of the crude mineral product, that is, lead, zinc, copper, gold, silver, uranium, fluorspar ores, and potash.

Molybdenum Depletion Allowance

Points out that molybdenum is the only nonferrous metal to be excluded from the 23 percent depletion allowance. States that under present law, molybdenum receives 15 percent and equity would seem to require that it should be treated no differently than other ferro-alloy materials. Believes that molybdenum's unique properties should receive the same depletion treatment afforded other nonferrous industrial metals.

Divesture by All Foundations of Voting Stock of Business Enterprises

Points out that the House bill provides that if a foundation owns more than 20 percent of the voting stock of a business enterprise it must divest itself of sufficient stock to bring such holdings to no more than 20 percent. Discusses several unique foundations (including the Helen Bonfils Foundation and El Pomar Foundations) which would be severely imperiled if the proposed change actually becomes law. Believes that the 20-percent provision should be amended to assure that it is structured in such a way that foundations exist for charitable purposes and not for perpetuating donor control or for tax evasion.

NATURAL RESOURCES: DEPLETION ALLOWANCES, EXPLORATION EXPENSES, PRODUCTION PAYMENTS (HARD MINERALS)

Fred W. Peel, chairman, tax committee, American Mining Congress

Depletion Rates

States that the mining industry will require tremendous amounts of capital investment to meet future demand and if the industry is to generate the capital to meet increased demands, then the present depletion rates should not be reduced.

Effective Dates

Suggests that all tax imposing provisions of the House bill be applied prospectively only.

Mining Exploration

Urges that taxpayers who have elected to treat their exploration expenditures under section 615 of the Code be given another opportunity to elect section 617 treatment. Suggests that in explaining the mining exploration expenditure provisions of the bill in the committee report, it be stated that expenditures after the development stage is reached are to be treated as development (or production) expenditures.

Mineral Production Payments

Believes that if profits from sale of mineral production payments are treated as loans for purposes of depletion computations, the mining industry should not be prevented from accelerating income for other purposes on the same basis as other taxpayers.

Depreciation

Suggests that buildings constructed by mining companies to house their mining and beneficiation facilities and for related operations be permitted to continue to use double declining balance and sum of the years digits depreciation subject to full recapture and depreciation as ordinary income against profit on sale. Urges provision in the law for depreciation guideline lives so taxpayers may use useful lives at least as short as guideline lives without regard to a reserve ratio test.

"Hobby Loss" Provision

Recommends that if this section is retained in the House bill, it be revised to make it clear that it does not apply to unprofitable activities carried on as segment of an overall trade or business conducted with a reasonable expectation of realizing profit.

Foreign Mining

Suggests that the entire subject of foreign tax credits and changes from domestic depletion rates be put over for consideration when the Treasury makes its comprehensive proposals on taxation of a foreign income. States that any changes in our tax laws that would discourage American mining firms from securing and developing foreign mineral deposits would be contrary to the national interest.

Brice O'Brien, general counsel, National Coal Association

Percentage Depletion

Recommends that, instead of being cut to 7-percent depletion, coal should be given the 15-percent rate presently applicable to minerals in the "all other" category. Contends that coal is vital to the export trade and is essential to the electric power and steel industries. Argues that other Government policies have reduced the incentive to invest in coal productive capacity, and that the tax incentive should not be reduced to add to these problems. States that coal is more important to the economy than many of the minerals in the "all other" category.

Mineral Production Payments

Does not object to the repeal of the present tax treatment of mineral production payments. Proposes, however, that the effective date be made prospective.

Synthetic Fuels-Cut-Off Point

Notes that the House bill provides for computation of depletion for oil shale at the point where it is equivalent to crude oil. Suggests that *any* mineral used to make synthetic oil and gas be allowed the same tax incentive as any other mineral used for the same purpose.

Depreciation Guidelines and "Reserve Ratio" Test

Proposes that legislative sanction be made for the existing depreciation guidelines and that the "reserve ratio" test be eliminated. Suggests inclusion of "industrial buildings" in the guidelines, but provide for taxation as ordinary income all depreciation taken in the future and recaptured on the sale of such industrial buildings.

Multiple Corporations

Requests retention of the present tax treatment of multiple corporations where the taxpayer can demonstrate a sound business reason (independent of and apart from tax savings) for the use of multiple corporations.

Mineral Exploration Expenditures

Recommends that the limitation on small companies be removed so that section 615 taxpayers will be treated the same as section 617 taxpayers.

John R. Greenlee, chairman, tax committee, American Iron Ore Association

Percentage Depletion Rates

· States that in light of the foreign tax credit provisions the denial of full depletion on foreign iron ore deposits would result in a U.S. taxpayer paying additional tax to foreign countries and no additional tax to the United States. Contends that no reasonable distinction can be made between domestic and foreign depletion rates as applied to the production of iron ore and urges that the rates for both remain at 15 percent.

Foreign Tax Credit

Urges that the present rules for the computation of the foreign tax credit be retained. Believes that in attempting to eliminate a possible "double benefit", the House bill does violence to other sections of the Code and should be rejected.

States that the House proposals adversely affect their international competitive position. Suggests that American capital must develop foreign iron ore reserves, not only to complement our domestic supplies but in order that United States controlled operations can effectively compete in the foreign markets for iron ore.

Charles E. Brady, on behalf of the National Sand & Gravel Association

Sand and Gravel Industry

Notes that the sand and gravel industry is the largest nonfuel mineral industry in the United States. Indicates that sand and gravel is not an inexhaustible natural resource, but that currently held reserves had a life expectancy of 24 years as of 1963.

States that sand and gravel operations must be located close to metropolitan areas, and that the land price for operations has increased substantially. Argues that without a depletion allowance of at least 5 percent, the sand and gravel industry will not be able to locate and acquire the necessary land close to the market.

Earle T. Andrews, member, taxation committee, National Industrial Sand Association

Mineral Depletion Allowance

Opposes the proposed rate reduction in depletion for industrial sand from 15 to 11 percent. Argues that the proposal is contrary to national policy to encourage development of mineral resources. States that this change was not based upon any study of either the industrial sand industry or the mining industries generally.

Contends that the proposed rate reduction would be a serious dislocation to the economies of the industrial sand industry, yet not greatly increase tax revenues.

S. James Campbell, National Crushed Stone Association

Percentage Depletion for Crushed Stone

States that the reasons which caused the Congress in 1951 to grant the crushed stone industry a depletion allowance of 5 percent on construction aggregates and 15 percent on chemical and agricultural stone are even more compelling today and require the continuance of this treatment. Expresses the opinion that a change in a tax provision is not a "reform," if the reasons which prompted the provisions originally remain valid.

States that the depletion allowance incentive is needed if the production of stone is to meet projected demand. Notes that marketable stone is becoming more difficult to locate, and the capital investment required to open and develop a stone quarry is becoming greater.

Urges the retention of the present rates of depletion for the crushed stone industry in order that the needs of this Nation will be properly supplied in 1985 and in the year 2000.

Philip L. Corson, chairman, tax committee, National Lime Association

Percentage Depletion of Limestone

Points out that high-quality limestone is indispensable in the manufacture of iron and steel and in the beneficiation of copper ore and copper refining, and states that known reserves of high-quality ("metallurgical grade") limestone in this country are in relatively short supply.

States that limestone companies are being forced to invest heavily in elaborate dust control equipment and systems in order to comply with recent stringent air pollution standards.

Requests the restoration to the House bill of the current 15 percent depletion rate on limestone as well as the 5 percent rate on construction aggregates.

Paul W. Seitz, first vice president, board of directors, National Limestone Institute, Inc.

Percentage Depletion of Limestone

Opposes the proposed reduction under the House bill in the existing percentage depletion rates for limestone from 15 and 5 percent to 11 and 4 percent. States that the proposed reductions indicate a significant change from the policy which recognized that mineral resources are wasting assets.

Expresses the opinion that the proposals were not based upon any study of either the limestone industry or the mining industries generally, and that it is unlikely the Ways and Means Committee even considered them in terms of any mining industries other than oil and gas.

Suggests that investors in the limestone industry need the incentive of percentage depletion to develop limestone deposits and to efficiently produce marketable limestone products.

Depletion of Real Estate

States that the House proposals respecting depletion of real estate would result in a serious impact on the cash flow of the iron ore mining industry. States that the provisions are broad enough in scope to include appreciable industrial real estate constructed or acquired for use as an integral part of a mining operation.

Does not oppose the recapture provisions of the House bill—states the provisions provide ample protection against so-called abuses involving real estate depletion.

Rhyne Simpson, Jr., first vice president, Gypsum Association

Percentage Depletion Rates

Opposes any reduction in percentage depletion rates. Requests, in the alternative, relief for gypsum from the general 30-percent reduction in percentage depletion rates. Points out that the principal market for the gypsum mining industry is products used in residential construction, which has been artificially depressed by high interest rates. Indicates that the need for residential construction, particularly in urban centers, is a pressing national problem. States that the gypsum industry has in the past and hopes in the future to aid in solving this problem, but that this will take funds which are restricted because of depressed housing. Urges the retention of the percentage depletion rate for gypsum under the precedent established in the House bill continuing accelerated depletion for residential construction.

John W. Roberts, president, Solite Corp.

Percentage Depletion

Opposes the proposed reduction in the existing percentage depletion rate for sintered or burned lightweight aggregate. Urges (1) continuation of the 7½-percent rate for lightweight aggregate, or preferably, (2) amendment of code section 613(c)(4) to treat as a mining process the sintering or burning of clay, shale and slate used or sold for use as lightweight aggregate. Draws attention to discrimination between clay, shale, and slate used as lightweight aggregate and other competitive concrete aggregates. Points out that the rate for lightweight aggregates is reduced by the House bill from 7½ to 5 percent (a one-third cutback), while the rate for gravel, sand and crushed stone used as concrete aggregate is reduced from 5 to 4 percent (only a one-fifth cutback). Emphasizes that clay, shale and slate used as lightweight aggregate be allowed a 6-percent rate, which is a cutback of one-fifth from present rate. Also points out that competitive products compute percentage depletion on selling price whereas clay, shale and slate aggregates must compute percentage depletion on the value before burning and sintering.

Urges that discovery and development of a deposit of suitable raw material for lightweight aggregate is a difficult and expensive project consequently the lightweight aggregate industry needs percentage depletion. Emphasizes that the proposed cutback in the depletion allowance cannot have a significant impact on national revenues, however, the effect on individual producers of lightweight aggregate will be substantial.

Clark Sutherland, chairman, clay pipe industry depletion committee, National Clay Pipe Institute

Clay Pipe Depletion

Recommends no reduction of the current 7½ percent depletion allowance. States that expansion and modernization are sorely needed, but risk capital is hard to find and would doubtless be less than adequate with a further reduction in the percentage depletion allowance.

Points out that limestone and shale (clay), the principal ingredients used in the manufacture of cement, enjoy a 15-percent depletion allowance rate while sewer pipe clay has been reduced. States that refractory clay purchased for manufacture of sewer pipe, although 15 percent when mined, becomes 7.5 percent when used in clay pipe production. Urges an equitable adjustment in clay pipe depletion to eliminate arbitrary competitive disadvantages between the cement pipe and clay pipe industries.

States that clay used in the manufacture of sewer pipe, supported by Internal Revenue Service rulings, under earlier law was permitted a 15-percent allowance until it was summarily reduced in 1960 to 5 percent. Indicates that this amount was subsequently increased to 7½ percent in 1966 amounting to only 50 percent of its original allowance. Argues that it is unfair to reduce again an already reduced percentage on an across-the-board basis, compared to other minerals which have not heretofore suffered any reductions.

CHICAGO CALLS S. 2625 A PRACTICAL SOLUTION TO THE EDUCATION CRISIS

Mr. MURPHY. Mr. President, from the city of Chicago, I have received a letter from Superintendent Redmond endorsing the Urban and Rural Education Act, which I introduced on July 15. The superintendent says that S. 2625 "provides a logical and practical solution to a major crisis in education and undoubtedly will have widespread support."

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF EDUCATION,
CITY OF CHICAGO,
Chicago, Ill., August 14, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your letter of August 7, 1969 with the enclosed reprint from the CONGRESSIONAL RECORD.

Introduction of the Urban and Rural Education Act of 1969 in the Senate was a master stroke on your part which is worthy of the highest commendation from educators throughout the country. The amendment provides a logical and practical solution to a major crisis in education, and undoubtedly will have widespread support.

Unquestionably the disadvantaged youngsters in the Chicago public schools need much more help than they are presently receiving and S. 2625 would help to provide it. We could really utilize more than the 30% "add-on" for fiscal year 1970, but this is a great step in the right direction.

You were wise to specify that the funds were to be restricted to the elementary grades since this is the level at which it will do the most good. If the educational assistance is not provided to the disadvantaged at an early age, no later help can make up for the lost years. Concentration of the additional funds in the schools having the greatest need is also a very sound policy which has been proven over the past several years in the regular ESEA Title I programs in our city.

Your amendment appears to be extremely well thought out and its passage should do much for children in the urban and rural disadvantaged areas. You may be certain that it has the complete support of the Chicago public schools, and that we will extend every effort to assist in obtaining approval by Congress.

With every best wish for the early passage of S. 2625.

Sincerely,

JAMES F. REDMOND,
General Superintendent of Schools.

NOMINATION OF ROBERT E. WIECZOROWSKI

Mr. PERCY. Mr. President, today President Nixon is announcing the nomination of Robert E. Wieczorowski, of Chicago, to be Executive Director for the United States at the International Bank for Reconstruction and Development. This is a fine choice. I have known Mr. Wieczorowski for many years, and can vouch for his business and civic leadership in the Middle West where he has been an outstanding investment banker and a guiding force in the development of the Chicago Council on Foreign Relations. During his 4 years as president of the council he vastly expanded the council's activities in public information and education.

Mr. Wieczorowski's selection is the latest in a series of appointments of distinguished Illinoisans by the President. I am pleased to express the pride of the people of Illinois in our State's contribution to the service of the Nation.

CLOSED TREATY HEARINGS

Mr. PERCY. Mr. President, the Senator from Arizona (Mr. GOLDWATER) has urged that the closed hearings before the Subcommittee on Security Agreements and Commitments Abroad of the Committee on Foreign Relations be opened to the press and the public. He states that "there is no reason for secrecy in questions involving treaties which were openly ratified by the Senate," and he contends that "there are no security matters that would be breached by cautious questioning of witnesses in open session."

I agree with Senator GOLDWATER and I commend him for speaking out. The American people pay the bills in blood and treasure for our foreign treaty commitments, and they have a right to know the extent and details of our national commitments.

DESIGN CONCEPT TEAMS

Mr. TYDINGS. Mr. President, I invite attention to two articles in Innovation magazine about the highway program and the city of Baltimore. There has been a good deal of controversy over the advance of the superhighways in Baltimore, as in many other cities, and in one of the articles that I shall place in the RECORD today, this battle is described. In Baltimore, we have been exceptionally fortunate in having our urban highway planning done in a unique manner with design concept teams. This new approach to planning is a very significant breakthrough for our cities.

Therefore, I shall place in the RECORD an article describing the design concept teams and their use in Baltimore. The article was written by Archibald Rogers the originator of this design concept team and a partner in the outstanding architectural firm of Rogers, Taliaferro, Kostritsky, Lamb.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD. I also hope to address the Senate in the near future about design concept teams and our urban highway program.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOW TO COMBINE EXPERTS' IDEAS AND CITIZENS' IDEAS AND YOUR OWN PROFESSIONAL TALENTS IN BUILDING AN ENVIRONMENT THAT IS RIGHT FOR PEOPLE

Over the next thirty years, we of the United States will spend several trillion dollars to rebuild our physical environment. Billions for new homes. Billions for highways. Billions for the renewal of our cities.

Come what may, those trillions will be spent.

But how? What kind of environment are we creating? And the big question, the question that hangs heavy over us—threatening a resounding no:

Can a democracy build a beautiful environment—beautiful in both a humane and aesthetic sense?

The answer I keep hearing is not really an answer at all. "Why certainly it can," goes the ringing response, "provided we set aside democratic processes."

Many important people hold to this belief. And many who are concerned about aesthetics, including a good number of my colleagues in architecture, will tell you that "the people" are not to be trusted in this area called urban design.

I cannot agree. I say not only must the people be trusted, but that there is no alternative. We saw this in Baltimore—as recounted by David Allison in last month's *Innovation*—where the community organized itself against the expressways. The people will fight you unless you involve them, unless they feel they are participants in the design process.

Baltimore encouraged a degree of community participation, through the creation of its Design Concept Team. (It was my proposal that such a team be set up in Baltimore, but I did not serve as a member.) However, the creation of a design team of professional specialists—architects, social scientists, engineers, and so on—is only one step toward the kind of community involvement I am talking about.

The design team alone is not the answer.

You also need the people, the community, organized as a team themselves. And along with the community team and the design team, you must establish what I call a decision-making team.

These are the three essential components in the urban design process. Within these next pages, I will talk about their makeup, their working relationships, and how this triumvirate can achieve a new order of urban design.

I will speak from the viewpoint of the architect, since architecture is my professional base. But as I discuss the problem of rebuilding our physical environment, I will assume that you bring a different professional perspective to it. Perhaps you are as systems engineer, or a banker, or a politician, or a scientist. I will assume further that you have a professional skill to offer in solving this problem of environmental renewal—as a potential member of one of the three teams I will be describing, whether as a member of the design team, the decisionmaking team, or as a representative of the community.

I have always said that great design is not a produce of a great architect. Great design is a product of a great architect with a great client. To cite Baltimore again, I believe the community of Baltimore is at least latently a great client—and I know that its design team is potentially a great architect. I believe this architect working with this client can indeed produce a great work of civic architecture.

But to achieve what it has thus far, Baltimore had to go through some agonizing reappraisals. It had to learn that the true client is not that mythical character called the "highway uses"—the man who is presumed to spend his life in his automobile and who cheers for new expressways wherever they can be built. What Baltimore taught—and what is being taught in a score of cities—is that the true client is the community itself.

As of today, the Baltimore project is still no more than an experiment—an idea for solving the design and political problems of urban expressways. Many years will pass before we know whether the experiment was a success. But meanwhile the idea itself is

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catching on. A design team is at work in Chicago and others are being formed in Cambridge and Seattle.

What encourages me about these various experiments is the fact that the experience gained from them is bound to be valuable in many other areas—beyond the immediate problem of urban expressways.

The fact is, the design team idea is applicable to nearly every scale of project—from that scale we normally classify as architecture to a much larger scale, a national scale. Here I am referring to national planning—and this is the second subject I want to discuss, for I believe that our nation is now prepared—perhaps for the first time since the days of Thomas Jefferson—to think about something as comprehensive as a national plan.

But not by the old methods—the old procedures of design. Indeed, I believe the real significance of the design teams—in Baltimore and the other cities—is that they may herald the emergence of a new architecture that may prove as important for Western culture as did the earlier experiment of the twenties within the Bauhaus under Walter Gropius.

To understand this new architecture, we must appraise conventional architecture as practiced today. To my profession, its clientele, and the general public, architecture is generally understood to consist of independent buildings—as individual elements against the backdrop of landscape or streetscape. From this conventional view has sprung an obsessive concern with external appearance, and many gifted designers attempting what architect Ming Pei calls "head stands in concrete." This leads to a bastardization of design itself, where design is misinterpreted to mean simply style or decor. When he falls into that trap, the designer becomes a minor character—he becomes a stylist or a decorator, somebody who comes into the picture after all the practical decisions have been made. In my opinion, the architect has brought this on himself, by setting himself up as a taste-maker, an aesthetic dictator—and as a consequence, his work is judged as sculpture rather than as architecture.

What is lacking therefore, and what must come in the new architecture, is the characteristic of wholeness. Architecture (as a product) and design (as a process) must act as a unifying agent within our severed society.

Unity is an important mission for our nation in these times—obvious. All forces within our society should share in this mission—equally obvious. The architect is one of these unifying forces—by no means obvious! Indeed, I would even call it incredible.

Do we not look upon conventional architecture—with its emphasis on style or fashion—as irrelevant to the urgencies of the day? Do we not summon the conventional architect to the urban scene only after the important decisions have been made?

Of course we do—and hence the role of the architectural designer today is little more than that of decorator.

This is a quite untypical role for architecture as it has been understood throughout history. Architecture of the past has reflected the values, functions, and aspirations of the societies it has housed. And the architect of the past was therefore regarded as the generalist of his times, the generalist who understood the specialized segments of his society and who synthesized from this understanding.

That is what great architecture has been all about.

And that is what the new architecture must be all about—particularly at the scale of city architecture and urban design.

Yet the precise opposite obtains today.

Look at our cities.

We do not think of them as unities. On the contrary, we divide the wholeness of a city into separate functions—traffic control, street maintenance, under-street utilities—and each of these separate functions is assigned to a different administrator and designer. There is no generalist to unify the parts.

And hence the chaos of our public streetscape—and the wastage of the public funds so chaotically invested.

Henceforth, we must unite these separate functions and all the relevant disciplines. And here we come back to the design team. Today's architectural project—at any significant scale—is too complicated (and too important in its effect on the life of a city) to be left to the often egocentric whims of a design hero, regardless of which profession has produced such a hero. Thus the design team must include not only the traditional design disciplines of architecture, planning, engineering, and landscape architecture, but also the nondesign disciplines which are so fundamental to achieving a social relevance—at the very least, those of economics and sociology.

But as I said earlier, the team must be united with the community and with that third component in the design process, the decision-making team.

This is perhaps the most critical problem of all, for there is very little unit among today's participants in the design process—particularly when we look at an entire city and see how the design process works there. The designer is divorced from his client and both are divorced from the community itself. Inevitably, the result of this divorcement is a series of discontented and irrelevant additions to the cityscape.

What do we do about this?

Let us look first at the relationship between the designers and the community. Obviously, if the designers are to work with the community, the community has to be talked to—and listened to. The tradition in the past has been one of secrecy. You did not tell the community what you were doing until you absolutely had to—at a public hearing. This was particularly true of highway projects. Secrecy is defended on the grounds that premature knowledge will spur speculation in land—but the reason for secrecy has less to do with this than with the fact that public authorities do not trust the public.

The public is troublesome. It asks too many questions. It is ignorant of the real issues. And hence the tradition holds that there shall be no public involvement.

This tradition has got to go. Public involvement must begin at the very beginning, with the identification of values, aspirations, community goals. If you want the community to respond positively to design alternatives, then the community must have a voice. This does not mean that it is going to be possible to satisfy everybody, nor do I say that design decisions should be made on the basis of a majority vote.

Let me take the example of Cincinnati to illustrate what I am talking about. As most such stories do, the story of Cincinnati starts with failure.

Over a period of five years, Cincinnati made three attempts to evolve a downtown renewal plan. All three failed to win support. The first plan, by the city planning department, was not aired publicly until it had been completed. The City Council killed it over the issue of a controversial underground garage. The second plan, privately commissioned by a group of downtown merchants, ran into trouble over the issue of closing off some streets. It too was shot down. Then the city hired a private developer to take a third crack at the problem, but again, the various factions within the city could not agree. At this point, in mid-1963, my firm was asked to come in as the fourth candidate for crucifixion.

We were warned of two taboos when we started. First, do not propose an underground garage. Second, do not touch Fountain Square. Fountain Square is a kind of sacred symbol in Cincinnati.

Today, the new downtown is just about finished. The new plan includes an underground garage, and on top of the garage we are constructing a new Fountain Square. There was no public outcry against either scheme.

I believe our plan succeeded because of the working relationship that was established among client, community, and ourselves. For example, when we went into the situation, the planning commission proposed that all parties of interest be formed into a working review committee. These included members of the City Council, members of various city agencies, such as the planning commission, and various private interests, such as Procter & Gamble and some of the city's big banks. What we had to do was establish a process whereby these interest groups would be made to work together—and to work with us—in the step-by-step creation of a new plan. And we had to set up a decision ladder—a device whereby each decision by the working review committee would pass immediately to the planning commission and then to the city council for formal adoption.

A typical decision would have to do with the question of separation of pedestrians from automobiles—should there be such separation or not? We insisted that all such questions be discussed out in the open, at public meetings. These sessions usually ran for two days, during which time all of the various alternative proposals were presented and the public was free to participate. We would present all alternatives coequally—and thus the working review committee had the opportunity (indeed, the duty) to review all the possibilities. We would put forth our own recommendations as to which scheme appeared best to us, but even the wildest ideas were given public exposure, including publication in the local newspapers, and the committee could accept our recommendation—or that of another party.

Several points are important to note here. First, the community is involved in the process; the presentations are made formally, but the community is present—and it is able to participate in the deliberations. Second, the decisions—the choices from among the various alternatives—are made by those with power, but the decisions are made with full knowledge of community attitudes, and with the community's knowledge of what is going on.

I want to take a moment to talk about the question of power—and here we come to the role of the decision-making team. The power question is the crucial one in this whole approach to urban design, for what is involved is the willingness of existing institutions—public institutions—to surrender their powers to a new institution. Cincinnati did this with the creation of its working review committee, which had the power to make decisions—and the obligation to do so, for otherwise everything stops. You must have such a body—with wide representation. In Cincinnati, for example, the decision-making team had 23 members, each with one vote and majority rule.

Baltimore, on the other hand, has had no such decision-making mechanism—and this has been one of the sources of difficulty in Baltimore. Actually, the source of the problem is not in Baltimore at all, but rather in Washington, in the Bureau of Public Roads. When the Design Concept Team was being set up—with much support for the idea from the Bureau of Public Roads—I was urging the creation of a decision-making team as well. I said that the Bureau of Public Roads should be represented on the team—since federal money was involved—but I also said that the Bureau representative should

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have no more power than any other team member. One man—one vote, just as in Cincinnati, with the team majority having the power to accept or reject each proposal as it came through. However, the powers-that-be decided that the Bureau of Public Roads could not surrender its power of veto. What was said, in effect, was that the plenipotentiary power of the decision team would violate the legislative mandate of the Bureau of Public Roads.

Legally, of course, this was right—and I do not quarrel with the interpretation. On the other hand, this unwillingness to delegate power is the essence of the institutional problem—whether we are talking about expressways through Baltimore or school decentralization in the Ocean Hill-Brownsville section of New York. In all such cases, the institution is willing to give the community a voice, provided the institution retains the power to veto.

But when this is the new condition, you are worse off than before. In fact, I believe this is the source of our current urban unrest. I do not think the cause of riots is poor housing or rats or unemployment or police brutality. These things trigger riots, but the central cause, I believe, is institutional. The people are revolting against our obsolete municipal institutions.

What are the alternatives? Do we defend those institutions? If so, we must put down the forces of change. Or do we adapt them to fit the new circumstances? I fear there is no time to adapt, for the pace of change is so fast that the institutions will be blown to pieces first. Thus, I believe we must dismantle them, and replace them with new and embryonic institutions that have some hope of working.

I read our times as the end of the Renaissance—even though we perhaps think of the Renaissance as having ended with the death of Christopher Wren. But I believe the very chaos of our situation today supports my view—and if I am correct, then the United States has the kind of responsibility that faced Elizabethan England. But if we can meet this challenge—which is very much wrapped up in the unresolved issues of technology and social change—then I believe we can bring our nation its first Golden Age.

It is easy to look at our older cities, such as Boston or Charleston or Annapolis, and say "That was our Golden Age." But really these were only isolated transplants from a Golden Age in Europe. We have been too busy digesting our continent, our technology, our international responsibilities, to have had an American Golden Age. But if we will begin to express its form, I believe ours can be an age as great as the Renaissance, an age that will carry with it the traditional form of a beautiful environment, and on a scale as large as the nation itself.

I mentioned earlier the idea of a national plan. Not only do I believe a national plan is politically feasible, but I think it is essential if the nation is to get on with certain urgent programs—such as the building of new towns, to pick one example.

Indeed, I cannot conceive of new towns being positioned throughout this country without a coordinated national policy and plan.

If we look at design on this scale—on the scale of a national plan—the first thing we see is the transportation skeleton. We may look at the transportation skeleton on a small scale—your house and the road going past it. Or we may see it on a larger scale—of a complete neighborhood or even a complete nation. But however we look at it, this is the skeleton on which the urban form depends.

We really ought to call it the public skeleton, for it is here that more than 90% of the capital investment of the public is invested—federal, state, and local. In other words, 90% of the money we spend for public things—for schools, parks, hospitals, highways, libraries, all the public activities, adding up to several billions per year—is spent along this great national skeleton.

The point then, is that things can be done with this skeleton—and with those billions—to shape the urban form. Things that cannot be done in the operation of the free market place, on private land.

What is needed to evolve an urban form and move us toward that beautiful environment we seek? First is the need for a national plan. And this should come from the work of a team of many disciplines, including ecologists, agronomists, sociologists, architects, engineers, economists. I estimate that this would be a two-year project and that it would cost about $5 million to develop a schematic design for the entire country.

Second, there is need for a decision-makers' team. I believe this should be a cabinet-level task force, since virtually every federal agency will be involved, as well as state and local representatives and private groups. The decision-making team would have the power to acquire land—for the new towns and freeways—and the power to establish design criteria.

And finally, there must be a community team. On the national scale, the "community" would be represented by the U.S. Congress, for the key ingredient here is the nation, as a community, responding to national issues through its elected officials.

What I am saying is that the three-team idea—the design team, decision team, and community team—is just as applicable to a national development plan as it is to the development of a system of freeways within a city. Yet the significance of the idea is really far greater than the matter of scale, even scale at the level of the entire nation. For what we see in this new approach to environmental design is in fact the kind of embroyonic institution that is so essential to the creative reaction to challenge in our country today.

If we are, as I believe, in a period of radical change—a time of troubles—then the essential requirement is creativity in our response to the awesome challenges of our time. And creativity requires absolutely the "breaking of the mold" of the past.

I have termed our present crisis an institutional crisis. I mean that we have carried with us, from a more stable past, all of its institutional paraphernalia. These are totally inadequate to meet the circumstances of a new time. Yet the nature of an institution is precisely to defend itself, in fact to defend itself from change.

What we are really talking about is self-renewal of the United States in a time of troubles, a time when a great new age may be brought into being, a time when the true mission of the United States—as the Duke of the Western Marches—is to give form to his new age. This can only be done by a creative response to challenge. (The above, I confess, is pure Toynbee.)

Self-renewal implies more than adjustment to change. It implies metamorphosis. Thus the controversial aspect of the design team and, more particularly of the decision-making team and community involvement, is their threat.

They threaten the old institutions and the old ways of doing things. Indeed, the significance of the three-legged "team-of-teams" is precisely that it is new—new in a very radical sense.

Many old institutions are threatened by this new institution, this new way of doing things. The existing professions, for example. The engineering profession is definitely threatened. Also my own profession of architecture, for architecture has long held to the tradition of the architect as the individual master builder, the individual design hero.

Our public institutions are also threatened. Today we see them jealously guarding their authority and their mode of decision-making. They are conditioned against citizen participation and the delegation of power. I refer here to those agencies that are charged with the planning and construction of highways, but I also include many others—including those engaged in social services, for example. All see the threat, if this new institution and this new way of decision-making succeeds.

The general institutional reaction is rather like that of czarist Russia, which undertook to defend any monarchy against any rebellion, on the theory that a successful rebellion against a monarchy anywhere would inevitably threaten monarchy in Russia.

Yet for all the good service they have rendered in the past, and for all the tradition they carry with them. it is precisely these institutions that are frightened by and are resisting this new approach to the design and renewal of our environment. They must go through the agony of metamorphosis—the requirement that, as a condition precedent to change, the existing molds be broken.

It may be asking too much for the institutions to accomplish this on their own.

Yet the alternative in the United States, and indeed in other countries, is that unless such self-immolation can be quickly accomplished as a condition for institutional self-renewal, there is the real chance that the institutions will be destroyed from without.

Under these circumstances it becomes clear: If the United States is to meet its mission as a form-giver for Western civilization as it enters a new age to replace the Renaissance, it must accept radical changes in its institutional systems. And this kind of change probably cannot be imposed from the top. It must start at a sort of institutional grass roots level and it must involve a sort of self-destruct approach, if the new problems faced by these institutions are to be solved. For example, is the hallowed and tradition-bound institution of the civil service really capable of managing today's urban environment—both physical and social? Is it not in fact obsolete and a hindrance to its problem-solving mission? Should it not, then, be dismantled?

The problems of this period of transition, and perhaps the basic theme of our time, might be summarized by the frustrating phrase: "yes but."

For example, I seldom encounter disagreement as to the merit of citizen participation. But the qualifications that are added to this agreement effectively destroy its attainability. I believe this was precisely the case in the recent troubles in New York City's Ocean Hill-Brownsville school district. What was seen there was a "yes but" approach to the delegation of institutional power. Power was ostensibly given to the local schools boards. Yet the central authorities reserved to themselves the right to overturn or veto. And the result was worse than if no power had been delegated, because expectations were raised and a feeling of fraud has pervaded both sides of the issue.

I gave a talk not long ago on the subject of citizen participation. Afterward, during the question-and-answer period, the subject received what I judged to be an enthusiastic response. During this discussion, one gentleman suggested that while he was all for citizen participation, it was obvious to him that certain criteria needed to be established. He put it this way: "Mr. Rogers, when you designate citizens to participate in your design program, I think you should insist that they at least have a college degree."

I scarcely had the heart to discuss the matter further—but that is really what the problem is all about.

The Battle Lines of Baltimore

Of all American cities today, the most interesting and pivotal in many ways is the City of Baltimore.

Baltimore is where the snake stopped.

Baltimore is where the federal interstate highway snake—25,000 miles long, with a voracious, billion-dollar appetite—stopped and looked around and seemed to ask: Why are they stomping on my head?

Baltimore is interesting because it may be the last American city to suffer the intrusion of federal expressways—or the first to take a new approach. Whatever its destiny, Baltimore will one day be regarded as pivotal in the current urban struggle over how and where and whether to build expressways.

A kind of Gettysburg in concrete.

Expressways have an abiding sense of self-preservation. They know their enemies and instinctively they weave around them, cutting their way through territory that holds no peril.

But sometimes they are fooled. Sometimes an enemy jumps from the underbrush and kills an expressway in its tracks.

San Francisco's Embarcadero Freeway met such an ungracious end. Misjudging the people's love for their magnificent San Francisco Bay, that thoughtless concrete serpent tried to cut between them—and hence block the view of the harbor. The people chopped it off as it tried to cross Broadway.

That was nearly a decade ago—and the stunted Embarcadero lies there still, a warning to builders, an inspiration to their foes.

Baltimore and San Francisco are not alone. The same fight goes on in at least 25 major cities and countless towns and villages across the country. When the builders win—as in Boston and Los Angeles—a swath of technology cuts through the community, sometimes destroying it.

When the other side wins, construction stops. If the wounded expressway is built at all, it turns away from the most hostile neighborhoods and tries to find a new and safer path to the other side of town.

What distinguishes Baltimore is an attempt to include the talents of many professional specialists in the project, to be interdisciplinary in its approach to the building of the new expressways. But the enemies of the new roads say baloney, that this is just the newest fancy phrase for the same old bag the highway engineers have tried to foist on Baltimore for the past 20 years. In one real sense, these opponents are right—and their deep conviction may yet kill the project and send the builders to seek still other routes. But in another sense there is merit in the Baltimore idea—and it is this that makes the struggle there worth looking at.

Let us pick up some background. The struggle in Baltimore comes at a time when over half the nation's new 41,000-mile interstate highway system is built and running. Over most of those miles and during most of the dozen years since the $50 billion program got under way, there was little outcry. Quite the contrary, people generally approved the idea of the new high-speed roads.

But then the roads hit the cities.

Baltimore was to be hit from three sides. From east, west, and north, three interstate routes would transect the city and intersect one another at points near the center of town.

To some citizens of Baltimore, the new roads promised a bonanza. Downtown merchants envisioned a return of shoppers, driving into the city from their new homes in suburbia. Businessmen could take the fast new routes to their downtown offices. The cost to Baltimore itself would be relatively low, for the Federal government would cover 82% of it, and by kicking in just a few million of their own local dollars the people of Baltimore would become the beneficiaries of some 20 miles of excellent new roadway.

That in brief was the prospect in 1967, when angry citizens rose up once again to fight, and angry engineers—frustrated over their 20-year failure to get the roads built—fought back with charges of obstructionism and worse.

It was the classic battle between man and the motor car, with conservationists, poor people, and folks of various "do-gooder" stripes lined up on one side, and downtown businessmen, professional spokesmen for the "motoring public," and highway engineers lined up on the other.

Each side knew it was right. Enemies of the roadways were determined to save such places as Federal Hill, an historic park, and Fells Point, the city's oldest neighborhood and last remaining window on the waterfront. Both were threatened by the oncoming expressways.

The builders were just as determined that the roads would go through. "Federal Hill has been exaggerated out of all proportion to its real importance," said one key figure, and another declared that he had seen Fells Point and that there was nothing there of any architectural significance.

For their part, the engineers saw their responsibility as being to their clients—the local officials and their counterparts in Washington. These were the people who were signing the checks for the highways, not the sentimentalists who were always out there parading around and making general nuisances of themselves over the few bits and pieces that remained of Old Baltimore. Thus, to behave in a professional way and observe the ethics of their profession, the engineers would not allow themselves to be distracted from the job they were being paid to perform.

Whether people wanted them or not, Baltimore was going to get those new roads.

Over the years, in Maryland and elsewhere, many private engineering firms had done very well in the highway business by adhering to this simple code of ethical behavior.

But increasingly in recent years, the neatly prescribed code of the engineers has been regarded by many citizens as anything but ethical. "It is the 'not my department' syndrome," says one critic of the Baltimore engineers, "the same logic that went into the V–2 rockets that bombed London. Only this time the victims are black."

Indeed, that is still another strange phenomenon of expressway instinct. The snake, if not racist, most certainly seems to know that white is more threatening to it than black. In Baltimore, for example, which was about 40% Negro when the fight over the new roads was at its hottest a couple of years ago, it turned out that the people in the homes that would have to be destroyed by the new expressways—some 3,600 homes in all—were over 80% black, mostly poor, and what was doubly cutting, most of the people in some of the doomed neighborhoods did not even own automobiles.

The interdisciplinary idea came forth in Baltimore at just about this time—and many in the community, including men who favored the new expressways, saw the idea as the way out of the city's dilemma. Its proponent was a local architect named Archibald Rogers and its central point was that large public works projects, such as Baltimore's new expressway system, ought to improve the communities through which they pass, rather than maim them. To accomplish this, said Rogers, you need the skills of many specialists, not just highway engineers.

Rogers called it a Design Concept Team and said it should be made up of architects, social scientists, housing experts, acoustical experts—all the specialists who could make creative contributions to the total design process, including the highway engineers.

Understandably, the engineers were not totally receptive, especially since Rogers had said the team should be headed by an architect. But the idea found strong support among many whom the engineers did listen to, including politicians in Baltimore and powerful men in Washington, such as Alan Boyd, the Secretary of Transportation, and Lowell Bridwell, who was the administrator of the interstate highway program, and by late 1967 Baltimore had both a Design Concept Team and $4.8 million in Federal money to reexamine its problem once again.

But it was not quite the team that Rogers had proposed, nor was its mandate, as interpreted in Baltimore, quite the sweeping one that enemies of the expressways wanted.

And for these reasons, Baltimore is still in turmoil over its highway problem.

For example, the team has four members—fewer than Rogers had suggested—and three of these are engineering people. There are no social scientists, acoustical experts, housing experts, what have you, on the team. Rather, such people are retained as consultants—and the team is free to accept or reject their contributions, according to its wishes.

Moreover, the team is not headed by an architect, but rather is headed by two men—one is an architect and the other an engineer. The architect is a man of national reputation, but he is an out-of-towner. The engineer has spent his professional life right there in Baltimore.

And that set of circumstances has been an important element in the story.

Architect Nathaniel Owings, of the San Francisco office of Skidmore, Owings & Merrill, brought a strong design group to the Baltimore project. But what Owings could not bring, and could not quickly acquire, was entree to the inner world of Maryland public works. Owings' co-chairman on the Design Concept Team, on the other hand, Engineer Edward Donnelly, was an officer in a firm that over the years has established excellent relationships within Maryland's two important power structures, in Baltimore and Annapolis. This firm was the J. E. Greiner Company, which had done most of the highway designing in Maryland for three decades.

The other members of the team are of lesser importance to this account. One is the New York firm of Parsons, Brinckerhoff, Quade & Douglas—mass transport experts—and the other is Wilbur Smith & Associates, of New Haven—traffic consultants. Neither really figured in the turmoil which has surged in Baltimore since the team's creation, for the parties to the new unrest have been Owings and his Californians, in one camp, and members of the Baltimore community itself, these being split into a least two others: Some wanted nothing more than to be rid of Owings and his troupe, so that the engineers could get on with building the roads. Others were getting anybody—team or no team—who wanted to concrete their neighborhoods.

What troubles Baltimore now—and here we come closer to the moral of the story—is that the people whose lives are affected by the new highways feel they have no voice in their community, no opportunity to choose, for example, between highways and parks. As a point of reference, let us note that both parks and playgrounds are badly needed in Baltimore. A study for the City Planning Commission shows the city's parkland and playground "deficit" to be in excess of 1,000 acres—roughly the same acreage as the new roads would take away.

Bureaucratic logic tells us it is specious to argue parks vs. highways, for everybody knows you cannot use "highway money" to build new parks. To be sure, even the people whose houses are in the path of the new roads know it—and this is precisely their argument: What is the logic of such logic?

If Baltimore had accepted the idea of the Design Concept Team as Archibald Rogers had in fact presented it—rather than simply picking up pieces of the concept—such questions as parks vs. highways would have been raised, for it is the essence of the idea that all such questions be considered—and all voices heard—in the course of reaching a design solution. (In the next issue of *Innovation*, Rogers will talk about the design team idea and how it came about—and how it fares today in other cities.) But Baltimore was not about to scrap everything and start over still another time. So instead it tried to superimpose the concept team idea on what it already had. Essentially this amounted to taking its system of expressways, as planned by the engineers, and dressing them up. A large part of this work—under the more dignified name, urban design—fell to the people of Skidmore, Owings & Merrill.

There was trouble almost from the start. For one, there was Nathaniel Owings himself.

A restriction put on all team members was that nobody should talk publicly about the project. And certainly no member should utter criticisms of the routes the new highways were to take, for these routes were "givens" that would not be changed. And yet here was Nathaniel Owings getting into print with:

"Running a conventional freeway system through a city—using conventional methods of interposing it—is comparable to running a pair of shears through the warp and woof of a priceless tapestry."

And, at a dinner of Baltimore dignitaries, including the mayor and at least 500 others:

"The concept team has unanimously agreed that the original route fails as an efficient transportation system."

Proponents of the expressways were furious. "We are Nat Owings' clients," declared the chairman-director of the State Roads Commission. "If he won't accept that fact, he won't be our architect. I don't care if he knows Lady Bird, or the President himself."

But what angered them just as much—and prompted questions of professional ethics—had to do with the activities of Owings' people within the Baltimore neighborhoods. Worse than just speaking out in public, Owings' people were going into neighborhoods and showing the residents how to stop the bulldozers. "They opened up fantastic alternatives for us," said a delegate to the State Legislature to a reporter from Architectual Forum. "They let us know that we didn't have to have it that way. Without their help, no citizen group could have gained the expertise to understand the technical alternatives."

Unethical! declared the builders. Owings' men are working against the interests of their client. They have forgotten their assignments and allowed themselves to get emotionally involved. As one critic puts it, they are "soft on people." Highly unprofessional!

But who is the client? Whose roads are these? Whose community is this?

Owings' designers maintained that the community was the client, citing the fact that their contract made the architects and planners responsible for, among other things, the social, economic, and esthetic needs of the city's environment.

No Sir, said the real client—which is to say, the source of contract funding—and two of Owings' key men were yanked off the project.

In a strict legal sense, the builders were right. As every engineer knows, if you cannot subscribe to the wishes of your sponsor, you do not subvert him; you resign the commission. But just as this undergraduate echo was rattling through the Baltimore highway corridor, two interesting things happened. First was the action of the new mayor of Baltimore, Thomas D'Alesando III, son of a man who had been the city's mayor in years past, who decided last December that the routes were wrong after all, and selected a modified scheme that would be less destructive to the community. Second was simply the issuance of a memorandum, which came along in January from the Bureau of Public Roads, in Washington. What the memorandum did, in effect, was confirm that the architects and planners of Skidmore, Owings & Merrill had been right in involving themselves in the community:

"The rules, policies, and procedures established by this Policy and Procedure Memorandum are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals. . . ."

Some would say it is a new ball game in Baltimore. But that is not really true. Indeed, for many families the game ended years ago—for the people of the Franklin-Mulberry corridor, for example, whose houses have fallen. But what can be said of Baltimore is that its painful experience can stand as a lesson for other cities who will heed the advent of a new age of urban design, an age in which the phrase community participation is not simply desirable, but absolutely essential.

It was not long ago that community participation was anathema to the great builders of our society. It was a can of worms, a Pandora's box, a sure way to stop progress. Moreover, "we" knew better than "they" what was needed, what was good taste. Hence we would build for them, in secret of course, drawing upon our creative powers and basking thereafter in their gratitude.

Highways. Public housing. The works.

But that was a failure!

What happened? What went wrong? If we are honest with ourselves, we must concede that none of us is wise enough to know how to accomplish the total design of an urban environment. There are too many things to know for any man, or even one organization, to be master of all. And even if that genius did exist, who in this awakened society would be powerful enough, or foolhardy enough, to play surrogate for all the people? Anyone who has lived through Baltimore's troubles would shun that impossible role.

Baltimore is demonstrating that three areas of strength must exist—or be developed—in order to succeed at this difficult business of restoring and healing the urban fabric.

First there must be the professional specialists, with all the creative talents they can bring to the cities.

Second, the client. Traditionally, he brought nothing but money and the power of eminent domain. But now he must make a larger contribution, including a better understanding of the word community and a fuller knowledge of all available options.

And finally there is the community itself. In this case, the people of Baltimore. But in the larger sense, community means all the voices in each community that undergoes such change. To become an effective force in shaping change, people of all factions, all causes, must learn to work together—as indeed is happening in Baltimore. This learning process begins in protest, in being against the new roads. But if the people are to succeed at more than stopping things, they must learn to go to the next stage, to participation in the creation of a new community.

That is what a joint development of the highway corridor is all about: to involve the professional specialists, the client, and the community in the creation of something that is better than before. This is what the design concept team is striving to achieve in the Franklin-Mulberry area, for example, with its plan to build an educational facility on top of the tunneled roadway through Franklin-Mulberry. But as we saw in that story, the architects and planners recognized that joint development would be meaningless unless there was community involvement, unless the designers knew the needs and aspirations of the people of that particular community. And hence the idea of the "Design-In," where citizens could come into the design team's field office and express themselves—indeed, involve themselves—as their new neighborhood was being created.

It is worth taking the last moments of this story of Baltimore to explore the joint development idea further—to explore the potential of the idea, as well as the real problems that go with trying to make it work.

Through joint development, there is opportunity to design a roadway that will be a positive addition, rather than a negative force, in the disrupted neighborhood. Fair-minded men can agree that this is a desirable thing to do.

But what is the cost? And who will pay the bill?

These are questions that stand in the way of the idea's implementation—and, in fact, stand in the way of solving the total problem of urban expressways.

For example, if Franklin-Mulberry is to have its sunken roadway, if indeed the roadway is to be a positive addition, there must be a long platform built over the roadway—in effect, tunneling the automobile traffic through the community. On it, there can be schools, playgrounds, open spaces, all the positive additions. But platforms are costly: upwards of $20 per square foot. And in areas such as Franklin-Mulberry, land is cheap: around $3.50 per square foot. Thus, on the basis of "traditional" economics, the idea makes no sense. The traditional argument goes: Yes, there should be a new school, or new playgrounds, but why must we build such things on $20 platforms? Let us scrap the platform and save the money. Let us put the school over here, on this $3.50 vacant lot. The trouble with the traditional approach, however, is that it does not allow the new roadway to be anything but a battleline—a conduit for motor cars and a barrier that cuts the community into two parts.

But even the powers in Baltimore must tread cautiously through this dilemma: Even if they are determined that the traditional approach is wrong, even if they are determined to build the platform and allow the new community to be created on top of it, there is still another problem in their way—and that is the federal government. Despite its wishes to the contrary—as expressed earlier by the Bureau of Public Roads in its January memorandum on effective public participation—there is still uncertainty in Washington over how far the federal government can go in using "highway money" for such things as platforms. As the law now stands—the law being that which defines how money from the Federal Highway Trust Fund may be spent—the Bureau of Public Roads must be conservative in its approach to the expenditures of highway funds. For example, the Bureau of Public Roads feels that it is legally permitted to use money from the Highway Trust Fund to add a tile lining within the tunnel under Franklin-Mulberry, but it is far less certain that such money can be spent for the platform itself—and it can scarcely even consider expenditures for those positive additions that would go atop the platform, given the strict way in which the Highway Trust Fund law is written.

And thus we come back to the kind of problem that Alan Boyd and Robert Wood discussed, in their comments which set the stage for this story of Baltimore, the problem of coordinating the works of many powerful forces within the society so that those forces are directed at solving our urban problems rather than creating new ones. Or perhaps one should call it our urban problem—singular—for truly it is not a highway problem alone. Nor a housing problem alone. Nor a problem of parkland and playground deficits alone. Nor a problem of education alone. Rather, the total problem involves all of these and more—and all must be considered together before the urban problem can even be defined.

The outcome in Baltimore will turn on how well this complex problem can be defined—and on the strengths of the three key participants: professionals, client, and community. That grand old city may yet end the bitterness that has divided it for twenty years—if designers, client, and community are all involved in the learning process.

RADIO STATEMENT BY SENATOR ROBERT C. BYRD ON THE DRAFT

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent to insert in the RECORD a radio statement which I recently made on the subject of the draft.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROBERT C. BYRD

During the month of October, 29,000 young American men—nearly 400 of them West Virginians—will be drafted and ordered to serve for two years in the active service of our country's armed forces.

Many of these young men will enter the military grudgingly, at best, and painfully aware that they have no choice in the matter. For them, there are but two alternatives; one, relinquishing their personal freedom to the state through military service or relinquishing their personal freedom by going to prison.

For many of the men chosen, the draft will work varying degrees of personal and financial hardship. And, inevitably, some of the draftees will pay the supreme sacrifice. It is little wonder, then, that the equity of the draft is now being subjected to serious question.

In this time of world turmoil, the need for a strong, effective military is self-evident. The question becomes, therefore, not the *why* of military service, but the *how*.

It would be ideal if men about to embark on military duty could look forward to the prospect with enthusiasm. No employer in civilian life would hire an unenthusiastic or disgruntled fellow to work in the business. And for this reason, the idea of a well-paid, all-volunteer army seems attractive to some persons.

There are those, however, who do not believe that a sufficient number of men would volunteer under this approach. And this is no reflection upon the patriotism of our young men. Often they would not want to interrupt their educational careers; others would not want to disrupt their family lives. And so, I personally doubt that enough young men would volunteer to serve in order to meet our nation's military manpower and defense needs. I do not, however, wish to detract from the idea until further and careful consideration can be given to the idea.

The cost estimates, however, of an all-volunteer army range from $4 billion to $17 billion a year. And then there are those of us who believe that an army that loses its civilian orientation can become too mercenary, even posing a threat to the freedom of our civilian populace. And most of the countries in which the military has taken over, one will find that those countries have had mercenary armies.

So it will be a long time before the question of a volunteer army is resolved and we are faced, in the meantime, with what to do about the inequities of the selective service system as it exists today. Now any selective service system is going to work an inequity upon someone. Someone will feel that he is not being treated fairly.

One of the most oft heard criticisms of the draft is that it works hardest on the poor and on those not bright enough to go on to get a higher education, and thus get deferments because of college studies. The poor man, critics say, has just as much right to his freedom as the rich man. His instinct of self-preservation is just as strong.

On the other hand, there are those who believe that our brightest, most talented young men should be allowed to progress in their studies as far as they can and will, in order that they may then benefit their Nation through the utilization of their knowledge and their talents and their genius. In any event, the present system has evolved out of experience and through careful study by the Armed Services Committees of both houses of Congress. And as I said earlier, there will be no perfect system devised.

President Nixon, however, has proposed a plan for eliminating some of the inequities. On May 13th of this year, the President gave his support to the much-discussed idea of a draft by lottery. Basically, it would put all young men who are in 1–A on an equal footing with regard to the possibility of being drafted. An important point of the proposal is that the youngest selective service registrants would be most likely to be drafted. Between the ages of 19 and 20, the President said, young men would experience "maximum vulnerability" to the draft. Under such a system the young man would know much earlier in life just where he stands with the draft and could plan his life accordingly.

An impartial, non-subjective draft system would not eliminate the qeustion of involuntary servitude to the state. But I think it might go a long way toward removing some of the inequities in the draft over which we are now hearing some very legitimate complaints. At least, it ought to be carefully studied and considered in an effort to eliminate every inequity that we can possibly eliminate.

TOOLS OF COMMUNISM

Mr. FANNIN. Mr. President, I have followed some of the statements of recent days made by those who say that we must have peace in Vietnam, and that we must have it almost, apparently, at any price. The words have a ring about them that is reminiscent of Munich and the British Prime Minister's proclamation of "peace in our time." No one needs to be reminded that his call for peace came upon the eve of the most destructive war the world has ever known.

The day which has been called for as the focal point of these operations is October 15. As I understand, some Members of this body have lent their support to this October 15 movement. I wonder if they are aware of the kind of company they are keeping and of the possible misinterpretation of their intentions.

These questions come to me because just today my attention was drawn to a poster, brought to my office, which had been mailed from Cuba. The poster depicts a human skull inside the flying helmet of an American airman. The inscription on the poster says: "Days of support for Vietnam," and the dates designated are October 15 through 21.

Is it a coincidence that an organization of Latin American students, mailing their literature from Communist-controlled Cuba, happened to pick October 15, the same day that is being advocated as a day of protest in this country?

It has also been brought to my attention that the Vietnam Moratorium Committee, apparently well organized and financed with offices on Vermont Avenue in Washington, has quite an extensive publicity campaign in progress in the colleges to make the October 15 strike a success. This effort is getting quite a free ride in the news media. I think it is time that some additional information about it and its activities come to light.

Are Members of Congress aware that the program of this group, and others like it. includes a strike of 1 day this month, 2 days during the month of November, 3 days during December, and so forth? Are those who are aiding these groups prepared to accept the anarchy and chaos which these people are proposing to unleash among us? Far more important, are those who deliberately undercut the President on these matters willing to accept and be responsible for the cost in lives of additional American servicemen who are killed by an enemy finding strength in the irresponsible dissent being voiced here? Are they aware that this strategy was formed during an East Berlin World Peace Conference held on June 25, 1969?

Mr. President, I ask unanimous consent that material pertaining to the Vietnam Moratorium Committee, its activities, a calendar of events it has planned, and a series of newspaper articles published in the Washington Evening Star, the New York Post, the Boston Globe, the Washington Post, and the New York Times be printed in the RECORD.

Senators and Representatives and other public officials, if they want to become entangled in these matters, should be aware of the whole body of protest in which they are becoming involved, and I believe should ask themselves the question: Whose work am I doing?

At another point, in the Extensions of Remarks, I shall ask to have printed related material pertaining to the tactics, techniques and strategy being employed by antagonistic forces, opposed to the peace and tranquillity of America. This material bears upon the current question, and I hope that those who are involved in the questions affecting our youth and our Nation's future will find the opportunity to look it over.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

VIETNAM MORATORIUM COMMITTEE,
Washington, D.C., September 15, 1969.

EDITOR, CAMPUS NEWSPAPER: Enclosed you will find a press kit on the Vietnam Moratorium. The enclosures are self-explanatory—the rationale and plans behind what is planned as the largest anti-war drive ever organized.

To make it work, we need your help.

We have contacted student governments, anti-war groups and other on-campus organizations. If there is a Vietnam Moratorium Committee on your campus, we'd appreciate any publicity help you could give them. If not, and if you think "something" had better be done about the war—contact us. Also, since many students use you as their chief source of news about the outside world, we'd appreciate any play you could give to the enclosed release and related material.

A faculty support statement is being organized and will be sent to you to correspond with national release. Also, you might be interested in the upcoming front-page editorial endorsement in *The New Republic*.

The campus newspaper is our most important medium to reach students. We must, understandably, get adequate publicity before the week of October 15, to allow grass roots activity and planning to take place.

Again, if you're interested, contact us or the local Moratorium group.

Many thanks.
Peace.
VIETNAM MORATORIUM COMMITTEE.

THE VIETNAM MORATORIUM

The Vietnam Moratorium is an effort to maximize public pressure to end the war by

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encouraging a broad cross section of Americans to work against the war. The method is a recurring moratorium on "business as usual" to allow concerned citizens to spend that day participating in anti-war programs in their local community. The first day of moratorium is scheduled for October 15, and the work of that day will be directed towards building an enlarged and lengthened moratorium for November.

The Vietnam Moratorium:

Will expand by one day per month;

Is focused on ending the war with related issues (reordering priorities, the draft, taxes, inflation, etc.) being brought in by participants on the local level;

Encourages activities in which those unable to take the entire day off from work or classes can participate.

The Vietnam Moratorium is based on four models:

A labor withdrawal from normal business routines in order to organize locally for peace;

Vietnam Summer, i.e. local initiative and direction (a list of suggested activities is provided; a coalition of participating groups and individuals should determine what activity or activities would be most effective for your local community);

A "new politics" campaign, that is broad-based participation, door-to-door canvassing and small group contact in addition to mass rallies and a media campaign;

The March 4 work stoppage, when a number of universities closed for a day to allow people to direct their attention to the relationship between universities and society.

CALENDAR—SCHEDULED ANTIWAR DEMONSTRATIONS, FALL 1969

Date	Location and type	Sponsor
Oct. 8-11	Chicago (mass demonstrations and other actions—"Bring the War Home").	Students for a Democratic Society (RYM).
Oct. 15	Nationwide (1-day school shutdown)	Vietnam Moratorium Committee.
Oct. 25	Chicago (mass demonstration in support of "The Conspiracy").	New Mobilization Committee to end the war in Vietnam.
Nov. 8-15	Nationwide (variety of local actions)	Wide spectrum of radical antiwar groups, including New Mobilization Committee to end the war in Vietnam.
Nov. 13-14	Nationwide (tentative) (2-day school shutdown)	Vietnam Moratorium Committee.
Nov. 14	Nationwide (1-day school strike)	Student Mobilization Committee to end the war in Vietnam.
Do	District of Columbia ("March Against Death")	New Mobilization Committee to end the war in Vietnam.
Nov. 15	District of Columbia and San Francisco (mass march and rally).	Do.
	District of Columbia ("March Against Death" Con't.).	Do.

STUDENT CALL FOR A VIETNAM MORATORIUM*

Ending the war in Vietnam is the most important task facing the American nation. Over the last few years, millions of Americans have campaigned, protested, and demonstrated against the war. Few now defend the war, yet it continues. Death and destruction are unabated; bombs and fire continue to devastate South Vietnam. Billions of dollars are spent on war while the urgent domestic problems of this country remain unattended. Moreover, the war has had a corrupting influence on every aspect of American life, and much of the national discontent can be traced to its influence.

The discredited policies of the past which have brought about this American tragedy have not been changed. We follow the same military advice which has created a futile and bloody conflict while we cling to the same policies which have caused the Paris negotiations to falter. The token displacement of 25,000 troops over a three month period simply is not the substantial change in policy that is so desperately needed.

Thus it is necessary for all those who desire peace to become active again and help bring pressure to bear on the present Administration.

We call for a periodic moratorium on "business as usual" in order that students, faculty members and concerned citizens can devote time and energy to the important work of taking the issue of peace in Vietnam to the larger community.

If the war continues this fall and there is no firm commitment to American withdrawal or a negotiated settlement on October 15, participating members of the academic community will spend the entire day organizing against the war and working in the community to get others to join us in an enlarged and lengthened moratorium in November. This process will continue until there is American withdrawal or a negotiated settlement.

We call upon all members of the university community to support the moratorium, and we commit ourselves to organize this effort on our campus and in the larger community. We ask others to join us.

COLLEGES ALREADY ORGANIZING FOR THE VIETNAM MORATORIUM

Alabama.—Auburn U; Birmingham-So. Coll; Jacksonville St. U; Tuskegee Inst; U of Ala. at Mobile; U of Ala. at Tuscaloosa.

Arizona.—Arizona St. U; U. of Arizona.

Arkansas.—Arkansas A.M. & N. Coll.

California.—Calif. Inst. of Tech; Calif. St. Coll. at San Bernardino; Chapman Coll; Chico St. Coll; Fresno St. Coll; Humboldt St. Coll; L.A. Comm. Coll; Merrit Coll; Occidental Coll; Pomona Coll; Sacramento St. Coll; San Fernando Valley St. Coll; Santa Monica Coll; Stanford U; U of Calif. at Berkeley, Davis, Irvine, L.A., Riverside, San Diego and Santa Cruz; U of the Pacific; U of So. Calif; Calif. St. Polytech. Coll. at San Luis Obispo.

Colorado—Colorado School of Mines; Colorado St. Coll; Colorado St. U; Loretto Heights Coll; Regis Coll; Univ. of Colorado at Boulder and Denver; U of Denver.

Connecticut.—Fairfield U; Northwestern Conn. Comm. Coll; Sacred Heart U; So. Conn. St. Coll; U of Hartford; Wesleyan U; Yale U; Yale U Law School.

Delaware.—U of Delaware.

District of Columbia.—American U; Catholic U of America; George Washington U; George Wash. U. Law School; Georgetown U; Georgetown U Law Center; Howard U; School for Advanced International Studies; Trinity Coll.

Florida.—Bethune-Cookman Coll; Biscayne Coll; Fla. Presbyterian Coll; Stetson U; U of Miami.

Georgia.—Agnes Scott Coll; Emory U; Georgia St. Coll; Mercer U; Savannah St. Coll; West Georgia Coll.

Hawaii.—U of Hawaii.

Idaho.—Boise St. Coll; Idaho St. U; U of Idaho.

Illinois.—Augustana Coll; Barat Coll; Bradley U; Chicago City Coll, Fenger campus; Ill. St. U; Knox Coll; Lake Forest Coll; Loyola U of Chicago; Loyola U Law Sch; Maryknoll Coll; Northeastern Ill. St. Coll; Northern Ill. U; Northwestern U; Northwestern U Law School; Rosary Coll; St. Xavier Coll; So. Ill. U at Edwardsville; U of Chicago; U of Ill. at Urbana and Chicago Circle; Western Ill. U.

Indiana.—Earlham College; Goshen Coll; Hanover Coll; Ind. St. U; Ind. U; Marian Coll; Purdue U; St. Mary's Coll; U of Notre Dame.

Iowa.—Drake U; Iowa St. U of Science & Tech; Iowa Wesleyan Coll; Luther Coll; U of Iowa; U of No. Iowa.

Kansas.—Kansas St. Coll. of Pittsburgh; Kansas St. U; St. Benedict's Coll; Tabor Coll; U of Kansas.

Kentucky.—Ashland Comm. Coll; Bellarmine-Ursuline Coll; Berea Coll; Catherine-Spalding Coll; Nazareth Coll. of Ky; Spalding Coll.

Louisiana.—La. St. U at Baton Rouge and New Orleans; U of SW La.

Maine.—Bates Coll; Bowdoin Coll; Colby Coll; Farmington St. Coll; Graham St. Coll; Nasson Coll; Ricker Coll; St. Francis Coll; U of Ma. at Orono and Portland.

Maryland.—Columbia Union Coll; Comm. Coll. of Balto; Frostburg St. Coll; Hood Coll; John Hopkins U; Montgomery Jr. Coll; Morgan St. Coll; Prince George's Comm. Coll; Towson St. Coll; U of Md. at College Pk; Western Md. Coll.

Massachusetts.—American International Coll; Amherst Coll; Assumption Coll; Boston Coll; Boston Coll. Law Sch; Boston U; Boston U Law Sch; Clark U; Coll. of the Holy Cross; Emerson Coll; Harvard U; Harvard U Grad. Sch. of Arts & Science; Stonehill Coll.; Colleges of Amherst; Wesleyan Coll; Williams Coll.

Michigan.—Central Mich. U; East. Mich.; Kalamazoo Coll.; Kellogg Comm. Coll.; Mich. St. U.; Dakland U; Saginaw Valley Coll.; U of Detroit; U of Mich.

Minnesota—Coll. of St. Catherine; Macalester Coll; Mankato St. Coll.; St. Mary's Coll; St. Olaf Coll; U of Minn. at Minneapolis, Duluth, and Morris.

Mississippi.—Jackson St. Coll.

Missouri.—Immaculate Conception Seminary; Mo. West. Coll; Park Coll; St. Louis U; U of Missouri at Columbia, & Kansas City; Wash. U; Webster Coll.

Montana.—U of Montana.

Nebraska.—Hastings Coll; U of Nebraska at Lincoln.

Nevada.—Nevada South. U; U of Nev.

New Hampshire.—Colby Jr. Coll; Dartmouth Coll; St. Anselm's Coll; U of NH, Durham.

New Jersey.—Coll. of St. Eliz.; Drew U. Glassboro St.; Jersey City St. Coll; Princeton U; Rutgers U; Douglass Coll; Rutgers Law Sch; Seton Hall U; Trenton St. Coll; Upsala Coll.

New Mexico.—N. Mex. St. U; U of Albuquerque; U of N. Mex.

New York.—Adelphi U; Bard Col; Canisius Col; SUNY–Hunter; Herbert H. Lehman, Queens; Colgate U; Columbia; Cornell; Finch Col Fordham; Hobard & William Smith; Iona Col; Keuka Col; Kirkland Col; Monroe Comm. Col; NYU; Niagara U; Notre Dame of S.I.; Polytech. Inst. of Brooklyn; Pratt Inst.; Rochester Inst.; St. Bonaventure U; St. Joseph's Col for Women; Siena Col; Skidmore Col; SUNY–Buffalo & Stony Brook; SUC–Brockport, Genesco, Oneonta; SUNY at Delhi; Syracuse U; Union Col; U of Rochester; Vassar; Wagner Col.

North Carolina.—Appalachian St. U; Bennett Col; Davidson Col; Duke U; E. Carol. U; Elon Col; Guilford Col; Johnson C. Smith U; Pembroke St. Col; St. Augustine Col; Shaw U; U of NC at Chapel Hill & Greensboro; Wake Forest U.

North Dakota.—North Dakota State University.

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*The "Student Call" has been signed by nearly 500 college student body presidents and campus newspaper editors. A faculty call is being written. Similar calls will be issued by businessmen, labor, professional and community groups; each addressed to their own constituency.

Ohio.—Antioch; Bowling Green St. U; Capital U; Cleveland St. U; Col of Mt. St. Joseph on the Ohio; Col of Steubenville; Denison; Heidelberg Col; Hiram Col; Kenyon Col; Miami U at Oxford; Oberlin; Ohio U; U of Cinn; U of Dayton; Wilberforce U; Wilmington Col; Youngstown St. U.

Oklahoma.—Oklahoma St. U; Phillips U; U of Oklahoma.

Oregon.—Lewis & Clark Col; Portland St. Col; Reed Col; U of Oregon; U of Portland.

Pennsylvania.—Albright Col; Allegheny Col: Bryn Mawr; Calif. St. Col; Cedar Crest Col; Chatham Col; Comm. Col of Phila; Dickinson Col; Drexel Inst.; Duquesne U; Edinboro St. Col; Elizabethtown Col; Gannon Col; Harrisburg Comm Col; Haverford Col; Lehigh U; Lycoming Col; Muhlenberg Col; St. Joseph's Col; St. Vincent Col; Shippensburg St. Col; Susquehanna U; Swarthmore; Temple U; U of Pa; U of Pitts; Ursinus Col; Villanova U; Waynesboro Col; West Chester St. Col.

Rhode Island.—Brown U; U of R.I.

South Carolina.—Benedict Col; Clemson U; U of SC.

South Dakota—Augustine Col; Dakota Wesleyan U; Northern St. Col; Sioux Falls Col; U of SD.

Tennessee—Austin Peay St. Col; Christian Bros. Col; Fisk U; Memphis St. U; Siena Col; S'western—Memphis; U of Chattanooga; U of Tenn at Knoxville; Vanderbilt University.

Texas.—Rice U; Texas Lutheran Col; Tex. Wesleyan Col; U of St. Thomas; U of Tex. at Austin, Arlington, and El Paso.

Utah.—U of Utah.

Vermont.—Goddard Col; U of Vt.

Virginia.—Col of William & Mary; Hampton Inst; Norfolk St. Col; Randolph Macon Woman's Col; U of Richmond; U of Va; Va. Polytech. Inst.

Washington.—Central Wash St. Col; Gonzago U; Pacific Lutheran U; U of Puget Sound; U of Wash; West. Wash. St. Col.

West Virginia.—Bethany Col; Marshall U; Salem Col;. W. Va. U.

Wisconsin.—Northland Col; Norbert Col; U of Wis. Madison and Whitewater.

[From the New York Times, Sept. 25, 1969]

Domestic Affairs

(By David E. Rosenbaum)

The organizers of the nationwide antiwar protest scheduled for Oct. 15 criticized President Nixon's Vietnam policy today as being no different from President Johnson's.

Sam Brown, the chief spokesman for the Vietnam Moratorium Committee, said that Mr. Nixon's statement yesterday that he would not be affected by protests against the war was "the kind of rigid stance which contributed so much to the bitterness of debate during the last days of the Johnson Administration."

David Hawk, another spokesman for the committee, said that "the evident cynicism of President Nixon's policies" had generated "a new and growing constituency for the antiwar movement."

The Vietnam Moratorium Committee hopes that students will stay away from classes on Oct. 15 to work against the war.

The group has received support from a number of prominent professors, including John Kenneth Galbraith . . . and Hans Morgenthau. . . .

The organizers released statements of support from Senator McCarthy; Senator Charles E. Goodell, Republican of New York; Senator Mark O. Hatfield, Republican of Oregon, and Senator George McGovern, Democrat of South Dakota.

[From the New York Times, Sept. 27, 1969]

Peace Affairs

(By John W. Finney)

The Nixon Administration was confronted today with a Democratic uprising against its Vietnam policy that threatened to make the war a divisive partisan issue at home.

President Nixon pleaded today at a nationally televised news conference for patience and support of his Vietnam policy. But even as he spoke, a group of liberal and moderate Democrats was considering how to force a confrontation with the Administration that could lead to the withdrawal of all American troops from Vietnam.

The secret caucus on Capitol Hill was called by Senator Fred. R. Harris of Oklahoma, the Democratic National Chairman. About a dozen Senators and a dozen Representatives attended.

Out of the meeting came a decision by these Democrats to join cause with the nationwide student antiwar protest on Oct. 15 and to press in Congress for resolutions calling for an end to the war and a withdrawal of American troops.

As a symbol of support for the Student "Vietnam moratorium," consideration was being given to preventing the Senate from meeting on Oct. 15 for lack of a quorum.

Out of the meeting, therefore, could grow a partisan division on the Nixon Vietnam policy such as never confronted President Johnson. . . .

"It's time to take the gloves off on Vietnam," Senator Harris declared after the luncheon meeting in the Vandenberg Room of the Capitol.

[From the Evening Star, June 30, 1969]

War Foes Plan College Moratorium

(By Robert Walters)

A new organization opposed to U.S. involvement in the Vietnam war today announced plans for a day-long "moratorium" in the fall by students, faculty members and administrators at colleges and universities throughout the country.

The new form of protest against the war would be expanded each month—one day in October, two days in November, three days in December and so on—"until a firm commitment to a definite timetable for total withdrawals is made or until a negotiated settlement is signed," the group said.

Leaders of the group, the Vietnam Moratorium Committee, hope to "expand rapidly into other segments of the community," including individuals and organizations in the fields of politics, civil rights, business, labor and religion.

NOT A "STRIKE"

Although organizers of the group reject the use of the word "strike," they are, in effect, attempting to build a base for a national strike against a war which they say "has had a corrupting influence on every aspect of American life."

Coordinating the effort from a downtown Washington office are three young men who gained experience in political and anti-war organizing from last year's presidential campaign and prior activities of a similar nature. They are:

Sam Brown, 25, one of the principal organizers of college students and other young persons on behalf of Sen. Eugene J. McCarthy, D-Minn., in the 1966 presidential campaign. He currently is a fellow at Harvard University's Institute of Politics.

David Mixner, 24, another former member of the McCarthy campaign staff who currently is serving on the Democratic party reform commission headed by Sen. George McGovern, D-S.D.

David Hawk, 25, a former member of the U.S. National Student Association staff who earlier this year coordinated preparation of a statement in which more than 250 college student body presidents and college newspaper editors vowed not to serve in the Army until the Vietnam war ends.

CALLED TOP U.S. TASK

"Ending the war in Vietnam is the most important task facing the American nation. Over the last few years, millions of Americans have campaigned, protested and demonstrated against the war. Few now defend the war, yet it continues," they said in a statement issued at press briefing today.

"Death and destruction are unabated, bombs and fire continue to devastate South Vietnam. Billions of dollars are spent on war while the urgent domestic problems of this country remain unattended. Moreover, the war has had a corrupting influence on every aspect of American life, and much of the national discontent can be traced to its influence," they said.

Rejecting President Nixon's announced commitment to end the war and his announcement earlier this month of an initial troop withdrawal, they said:

"The discredited policies of the past which have brought about this American tragedy have not been changed. We follow the same military advice which has created a futile and bloody conflict while we cling to the same policies which have caused the Paris negotiations to falter.

"The token displacement of 25,000 troops over a three-month period simply is not the substantial change of policy that is so desperately needed. Thus, it is necessary for all of those who desire peace to again become active and help bring pressure to bear on the present administration."

They said they were announcing their plans today "to give the President some time to act," but they emphasized that "a token partial withdrawal at any time will not deter the moratorium." They said their plans would not be altered if Nixon announced "token" troop withdrawals of 25,000 or 50,000 in August and October, as the President has been reported planning to do.

Referring to reports that Nixon is planning to cut United States troop strength in Vietnam from the current level of more than 500,000 to about 200,000 within the next few years, but not go below that number, Brown said "a Korean-type settlement is not acceptable."

He noted that approximately 60,000 American troops still remain in Korea "long after Americans ostensibly withdrew from that war" and said: "We want a firm commitment to get all of our troops out of Vietnam in a short time."

He said the organization has received commitments in the past week from 100 college campuses to join in the first "moratorium," scheduled for Oct. 15.

The group hopes to get 500 college and university campuses involved in the first protest, with participants remaining away from their classes and offices for a day to collect anti-war petitions, to distribute leaflets at factories and shopping centers and to attend rallies.

[From the New York Post, June 30, 1969]

Big Youth War Protest in the Works

(By Warren Hoge)

WASHINGTON.—Three veteran youth organizers from the Presidential campaign of Sen. Eugene McCarthy (D., Minn.) are planning a nationally coordinated anti-war protest emanating from college campuses next fall.

Operating out of a newly opened five-room office here, they are reactivating the young McCarthy legions in a movement to persuade students and faculty at the U.S. colleges and universities to take appointed days off from classes and devote them instead to organizing community sentiment against continuation of the war in Vietnam.

The first target date is Oct. 15. On that day, participating members of academia will stage town meetings, demonstrations and rallies and, in the manner first practiced during last year's Presidential primaries, go from door to door seeking to enlist support throughout neighborhoods for efforts to bring the war to a swift end.

Under current plans, the student orga-

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nizers on more broader emerging from the Oct. 15 "moratorium" would declare a similar shutdown for two days in November, three days in December and so on.

The movement aims to produce from the Administration "a firm public commitment to get troops out now, a commitment to a total withdrawal in a short-time period," explained Sam Brown, 25, national student coordinator for the McCarthy campaign and one of the three principal leaders of the new "Vietnam Moratorium Committee."

Joining Brown in laying the groundwork for the antiwar effort are David Mixner, 24, a McCarthy organizer in the nonprimary states and presently a member of the Democratic National Committee's commission on reforming party procedures, and David Hawk, 25, a McCarthy worker in New Hampshire and Wisconsin and currently an officer in the National Student Assn. Hawk was arrested by the FBI last March at the Jewish Theological Center in New York for refusing to report for induction. He is awaiting trial.

These three and four other staff members have secured promises of cooperation from more than 100 campuses in the past week, their first in an effort which they said would occupy all their time from now until Oct. 15.

Brown said the group had chosen the word "moratorium" to preclude use of the word "strike." They explained that "strike" bore unwanted connotations of violence. They also said that a "strike" would be wrongly interpreted as an action against the institutions struck rather than against the war.

"We hope to pull together the kind of coalition which existed during the McCarthy campaign," Brown said. "Maybe it can bring students back into the community too," he added.

"Since the goal of the action is to get massive and diverse sectors of American society to cease to do 'business as usual', it is important to employ actions and rhetoric that will maintain the broadest possible opposition to the war," a statement of purpose drawn up by the committee declared.

Brown said that neither the troop withdrawal scheme suggested by former Defense Secretary Clifford last week nor President Nixon's expression of his hope to better the Clifford timetable had satisfied Brown's group.

[From the Boston Globe, July 1, 1969]

STUDENTS ASK OCTOBER WORK HALT—YOUTH AT 100 COLLEGES PLAN NEW VIET PROTEST

(By Crocker Snow, Jr.)

Students at about 100 colleges and universities around the country are planning a one-day halt to all research and classroom work next October to work instead at ending the war in Vietnam.

A call for the anti-war action is now being circulated to campuses by a new group called the Vietnam Moratorium Committee. The protest would take place on Oct. 15, if, by then, there is "no firm commitment to American withdrawal or a negotiated settlement."

The plans were discussed publicly for the first time yesterday with a small number of reporters in Washington, D.C. Disclosure came at this moment to dispel rumors that the group was planning militant action in the Fall and to put President Nixon on notice of possible student reactions if the fighting continued unabated.

The committee hopes to expand the Oct. 15th moratorium to two days in November, three days in December and so on until the war is brought to an end.

The planned protest would differ from past student anti-war demonstrations in its emphasis on the involvement of more than just the academic community. The committee hopes to engage community organizations churches, professional groups, labor union locals, civil rights groups, politicians and even high school students in the activity.

Participating student and faculty members are urged to branch out from campuses on Oct. 15, to circulate petitions and leaflets at shopping centers, factories and downtown areas.

The new committee is headed by Sam Brown, a staff aide to Sen. Eugene McCarthy last year, and now a fellow of the institute of Politics at Harvard; David Mixner, another McCarthy staffer from last year who is now on the McGovern Commission for Reform of the Democratic Party, and David Hawk, a draft resister who organized the 250 student presidents and editors "We Won't Go" letter on the draft this Spring.

The trio is carefully avoiding the word "strike" in describing its plans for the Fall term.

"The industrial analogy really is not appropriate," said Brown yesterday. "We don't want to cripple universities or shut them down, but simply to use them as a base for working against the war."

The group is also stressing the inadequacy of a Korea-type settlement in Vietnam with large numbers of American troops committed there indefinitely.

A list of faculty sponsors for the demonstrations is presently being prepared. Letters have also been sent out by the committee to many national politicians, such as Senators McCarthy, Edward Kennedy, William Fulbright, George McGovern and George Aiken soliciting their support for the plans.

The idea of the campus moratorium came from a Massachusetts group, Mass PAX (Political Action for Peace) earlier this Spring.

Student organizers now stress that plans are still in the early stage and details will be left largely to the decisions of individual campus groups.

College newspaper editors and class presidents from about 100 campuses have already pledged thmeselves to support and help organize the protest action on Oct. 15.

In the greater Boston area, the list includes student editors from Wellesley College, Boston College, Boston University and M.I.T. Harvard is not now listed as one of the campuses where the protest activities will take place. But the committee expects no difficulty in organizing there.

[From the Washington Post, July 1, 1969]

GROUP PLANS CAMPUS "MORATORIUMS" TO FREE STUDENTS FOR ANTIWAR DRIVE

(By Richard M. Cohen)

Three student leaders yesterday announced plans for a series of "moratoriums" in the fall which would free students to carry an antiwar message to the general community.

Using the door-to-door canvassing techniques of Sen. Eugene McCarthy's young volunteers in the 1968 primaries, the new organization hopes to draw labor, business, professional and civil rights groups into an escalating series of moratoriums.

Beginning Oct. 15, with a one-day stoppage on campuses, the moratoriums are scheduled to grow into affairs lasting two, three or four days in the following months. They will continue, said leaders of the Vietnam Moratorium Committee, "until a negotiated settlement is signed . . . or a definite timetable for bringing all American troops home from Vietnam is made."

"The strategy has received enthusiastic response," the Committee's organizers said in a statement signed by 100 student body presidents or campus editors. "It is anticipated that by the fall people will be working at nearly every major university and many colleges."

The Committee's organizers—Sam Brown, David Hawk and David Mixner—were active in both the campus "dump Johnson movement" and the Democratic presidential primaries.

Brown, 25, a former National Student Association activist now at Harvard's Kennedy Institute for Politics, was a key student organizer for McCarthy. Hawk, 25, a NSA staff member, coordinated a campaign this spring which resulted in 250 campus leaders sending President Nixon a letter declaring their refusal to serve in the armed forces until the Vietnam war is ended. Mixner, 24, a former member of McCarthy's campaign staff, is now a member of Sen. George McGovern's Commission for Reform of the Democratic Party.

[From The New York Times, July 1, 1969]

CAMPUSES FACING DAY'S SHUTDOWN—OPPONENTS OF THE WAR SEEK "MORATORIUM" ON OCTOBER 15

(By Christopher Lydon)

WASHINGTON, June 30.—A new student antiwar campaign, led by veterans of the McCarthy for President drive and supported by campus editors and student-body presidents around the country, will try to shut down all normal university activities for a day on Oct. 15.

Sam Brown, a former divinity student at Harvard who organized the student canvassers for Senator Eugene J. McCarthy in the New Hampshire primary last year, outlined the plans of the Vietnam Moratorium Committee today at the opening of its national office here at 1029 Vermont Avenue NW.

The choice of the word "moratorium" to describe the interruption of classes represented a careful decision, Mr. Brown explained, to avoid the more inflammatory word "strike."

FUNDAMENTAL DEMAND

Although the committee hopes to work with other forces organized against military training, the antiballistic missile system and racism, its primary focus, Mr. Brown said, will be on the war in Vietnam and any "Korean-type settlement" that could leave American forces in Vietnam indefinitely.

The committee's fundamental demand is for a quickly negotiated peace or a "firm public commitment" by President Nixon to "the total withdrawal of American troops in a short period of time."

Unlike the widespread student efforts during the last year to "radicalize" campuses on a full range of social issues, the Moratorium Commitee hopes to galvanize a more moderate majority position against the war.

It plans a doorbell-ringing, house-to-house campaign to the "larger community" of adults.

"People are angry at the kids," said David Hawk, a cochairman of the Moratorium Committee. "But, still, there really is a youth cult; people want desperately to talk with kids. A big part of our success in New Hampshire was that people were just so happy to have a kid knock on the door and talk to them."

"YOUR SONS AND DAUGHTERS"

Mr. Brown added, "We want to make it clear that the 2 per cent that people talk about on the campuses are really 70 per cent—that they're not just 'crazy radicals' but 'your sons and daughters.' "

He said that the plans for the moratorium had evolved through a series of private meetings after Jerome Grossman, a Boston businessman and president of the Political Action for Peace organization in Massachusetts, first proposed an October "general strike" against the war.

In Boston yesterday, Mr. Grossman said that he had acceeded to changing "strike" to "moratorium," but that he still hoped to rally large numbers of blue-collar and white-collar workers to the October movement.

"The American people clearly want an end of this war. If it is still going on in October, we must show that we are prepared to bring the business of the country to a standstill to stop it," Mr. Grossman said.

Mr. Brown released a list of 95 student council presidents and editors of college

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newspapers who he said had declared their support for the moratorium.

The committee's early funding, he said, has been provided by many of the individuals who contributed to Senator McCarthy's campaign last year. The committee has also made preliminary contacts with several other national antiwar groups, Mr. Brown said.

It hopes for support from individual members of Students for a Democratic Society, he said, but does not expect that radical organization's endorsement.

PRESIDENT NIXON'S WELFARE PLAN

Mr. BROOKE. Mr. President, a few weeks ago a most useful and constructive address on the President's welfare revisions was delivered in Los Angeles by Mr. James L. Flournoy, a respected Negro attorney in that community. Mr. Flournoy praised the President's proposals as "a sensible and human approach to the solving of a most sensitive social problem."

Because I believe that his point is well taken and exceptionally well developed, I ask unanimous consent that excerpts from Mr. Flournoy's address be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

President Nixon's Welfare Plan

(Excerpts from a speech by Mr. James L. Flournoy)

As the leading Nation in nearly every field of human endeavor, there is one area in which this country is sorely lacking—in fact we have failed—that is, our welfare system.

For some time now, we have struggled with an unworkable, antiquated method of doling out public relief funds; the results of which has been excessive cost and waste. And by doing so, we have contributed to the breakup of families and households. We have helped to emasculate the black male. And we've created a subculture of dependent stereotypes.

Now, at last, there is a proposal designed to revamp this obsolete welfare system. President Richard Nixon's welfare reform plan, as presented to Congress is imaginative, conceptive, and far-reaching, in my opinion. I support it wholeheartedly and I sincerely believe that—given an understanding of the scope of the Nixon plan—the majority of black people will take the same position. I am certain that black Republicans are solidly behind it.

Under President Nixon's plan, the present welfare system . . . known as the aid to dependent families with children (AFDC) program—the system that has done so little for so few at the expense of so many—will be totally abolished and there will be an entirely new family aid program to replace it. In other words, after all these years, we have finally admitted to ourselves that the present welfare system is "out-to-lunch", . . . and it took a Republican administration to come up with a practical plan that has a real chance for success; . . . and what's more, *the price is right!*

This is how it works. The Nixon welfare reform plan will provide direct Federal payments to all families with children whose incomes are below stipulated amounts.

There will be a concentrated effort to assist families headed by males who are employed full-time. This group is defined as "the working poor". The plan also includes families headed by a female or an unemployed father. This group is known as "dependent families".

Federal aid benefits for a family of 4 in the "dependent family" group would be $1,600 per year. That is: $500 per person for the first 2 family members and $300 per person thereafter. Using this scale, a 7-member family would receive $2,500 per year.

In the group classified as the "working poor", a family of four with earnings up to $3,920 per year would be eligible for payments. Families of 7, in thie case, with earnings up to $5,720 would be eligible. All families, in this group, would be allowed to disregard $720 per year as work-related expenses—transportation, meals, clothing, etc. Benefits would be reduced as earning increased per year. Let me give you an example of this operation.

For a family of 4 that took in earnings of $2,000 (per year), after deducting expenses, their income would be considered as $1,280. Now, fifty percent of this income amount is subtracted from the $1,600 figure that this family would receive if they were a "dependent family". The remainder is added to the family's earnings which, in this case, would increase the families total income to $2,960. Thus, the "working poor" are rewarded for their efforts and therein lies an incentive.

The Nixon plan would require the continuation of State benefits equal to the difference between the proposed Federal minimum and a State's present benefit level. This is to insure that present benefit levels will not be reduced for families receiving aid under the existing AFDC program. All States, however, would receive fiscal relief under the Nixon plan.

States will not be required to supplement "working poor" families.

I think that the greatest factor of the Nixon welfare reform plan is its emphasis on work.

All applicants for assistance, who are not working, are *required* to register with the employment service. All recipients, who are employable, *must* accept training or employment—or lose their portion of the families assistance. And here we see the closing of what has always been a wide gap in our welfare system. It is clearly stated, . . . if able-bodied recipients are not willing to work or to be trained, then they don't get money from the Government. (If you don't work, you don't eat!)

Because the plan is work-oriented, it will contribute to helping families get off the relief rolls, rather than perpetuating their dependency.

It is of great importance to me that we are not creating a new, separate government department to handle this new plan. It is proposed that the Department of Health, Education, and Welfare be designated to administer the welfare reform plan.

The estimated cost for the first full year of the proposed plan is $4 billion. This figure takes into account that *all* states will receive fiscal relief. Each state can spend as little as 50 percent of the amount spent in the base year for the present public assistance programs. *No state,* however will be required to spend more than 90 percent of expenditures in the base year for the categories mentioned. The states and local governments are also aided by the revenue-sharing program under the Nixon plan, which in the first year, will be $1 billion. So, the state and local governments will not only be relieved of some of the financial burdens of the present welfare system, they will also be able to participate in sharing profits under the new plan.

In essence, what we have—in the Nixon plan—is a sensible and human approach to the solving of a most sensitive social problem. We are also providing hope and purpose for the poor of our country that will finally give to all our citizens a feeling of belonging.

Very simply, we are abolishing the old welfare system and bringing in an entirely new approach in its place. We are promoting a work-oriented system that emphasizes and requires work and job-training. We are increasing work-incentive by providing help and supplements to the "working-poor". We are establishing a nationwide minimum for family-aid benefits. We are concentrating on helping families stay together. And we are reducing the financial burden of the states and enabling them to participate in a cost-sharing program.

With the welfare reform plan, we are not promising more than we can deliver . . . *for a change!* We both *can* and *must* afford to totally revamp our public aid system and make it one that encourages initiative, rather than perpetuates poverty.

We have the resources to do all these things. We have the facilities. And, now, we have the right kind of leadership in Washington. So it is the responsibility of all of us to use all our energies to muster the support necessary to carry out this plan. And it is particularly important that we, as Republicans, do all that we can to support the Nixon administration and the Republican leadership in this most enterprising endeavor. Let history say that it was the Republican Party that saved the poor in this country. And let *all* our citizens know that it is the Republican Party that cares about giving everyone a chance to participate in the "American Dream."

Thank you and God bless you all.

THE 7-PERCENT INVESTMENT TAX CREDIT

Mr. GOODELL. Mr. President, many of our tax laws have been abused, and there certainly is a great need to correct this abuse. In reforming our tax structure, however, we must be careful not to eliminate needed and beneficial tax provisions. One such provision in the 7-percent investment tax credit.

On August 20 of this year, Mr. Robert Tyson, chairman of the Finance Committee of U.S. Steel, addressed the Governor's 20th Annual State Economic Development Conference in Salt Lake City. At that time he presented industry's views in the investment tax credit and the possible effects of its repeal. Although I have reservations about some of the particulars in Mr. Tyson's article, I commend this timely address to the attention of Senators, and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

[From NAM Reports, Sept. 15, 1969]

Tax Bill Hampers Capital Formation

(By Robert C. Tyson)

American industry's advantage in productive efficiency would be jeopardized by the threatened repeal of the investment tax credit and by other features in the House-passed Tax Reform Act of 1969.

This bill involves direct tax relief for individual consumers, but also involves many so-called tax reform provisions which, in effect, partially pay for this tax relief. Many of these reforms, principally against corporations, would be detrimental to productive savings and investment—detrimental to capital formation and economic development. Moreover, to the extent that the tax cost of these reforms is passed on through higher prices, ironically consumers would indirectly pay for their own tax relief.

The repeal of the investment tax credit would especially tend to depress productive investment, because particularly corporations heavily invested in long-lived facilities would then be in effect doubly taxed in relation to

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individual or other taxpayers unaffected by the repeal.

Other things being equal, investment money—development money—flows into those nations, states and localities where it is least taxed. To try to speed up development, some fiscal experts talk up so-called "tax incentives." I find the phrase a contradiction in terms, for to reduce taxes is to release incentives. After all, a tax is a cost, a burden, a deterrent and hence a disincentive. No one is ever normally impelled to earn or produce anything by the knowledge that the fruits of his labor will be taxed away from him—and this, by the way, is the fundamental disincentive of communism. A man may of course produce in spite of, but never because of, taxes.

Tax burdens, in addition to impairing competitiveness, have given rise to talk of tax rebellions across the land, and such talk has in turn given rise to the Tax Reform Act of 1969, claimed to be the most sweeping reform measure since the Federal income tax was started in 1913.

The net impact of the House package of tax relief and tax reforms is detrimental to productive savings and investment. According to official estimates, the tax relief by 1972 would add up to some $9 billion, all for individuals. But the tax reform by 1972 would add up to some $5 billion, all but about $1.4 billion of which would come from corporations.

[Since House action, the Administration has recommended reducing the individual relief to $7.3 billion and cutting the corporate rate 2 percentage points amounting to ultimate corporate relief of $1.6 billion.]

Moreover, the tax relief for individuals appears weighted heavily in favor of the low and middle tax brackets while we know that significant productive savings and investment tend to flow from the higher brackets, which also would be heavily and adversely affected by the proposed tax reform. Furthermore, the excess tax relief over tax reform threatens more inflationary Federal deficits.

I am all for tax reform. But reform from what and to what? Oftentimes what one man calls a "loophole" another man calls a life preserver. In retrospect, a so-called tax loophole usually originates as a tax concession designed to alleviate the hardship of some earlier tax provision.

This is not to say that a periodic Congressional review of these relief measures is not a good thing. Indeed, tax reform should be a recurring process.

But I recall quite a few waves of alleged "tax reform" emanating from Washington. The rub with previous tax reform waves all too frequently has been that the tacked-on relief provisions are themselves complex amendments to an already rigid, over-complicated and overburdening Internal Revenue Code. And here, too, we more often than not get political solutions to economic problems. Thus tax reform, under the pressure of burdensome rates, has become a never-ending game.

I use the word game advisedly, for tax reform represents to many a citizen the opportunity to practice taxmanship—that is, that "a good tax is a tax that the other fellow pays and a bad tax is a tax that I pay."

Consider, for example, the proposal to plug the so-called loophole of tax exemption of municipal bond interest. To be sure, the purchaser of such a bond saves some taxes—but at the price of a smaller yield than he could have gotten on, say, a taxable corporate bond of comparable risk. If municipal bonds were no longer in the tax-exempt category, their yields would naturally have to rise, forcing municipalities to increase local tax rates unless otherwise relieved. As now proposed in the House Tax Reform Bill, a Federal subsidy would provide at least partial relief.

So I believe that far and away the most important long-range tax reform for economic development and for the general well-being of both the public and private sectors is tax reduction. Tax reduction presupposes expenditure control. At any rate a tax cut is the kindest cut of all.

Now, as we are all painfully aware, national tax policy with its powerful repercussions on economic development has many ramifications. Among them are allowable deductions for depreciation, or recovery of capital, which become increasingly inadequate as inflation advances.

To be sure, Washington attempted in 1962 to alleviate the problem of depreciation deficiency. The Internal Revenue Service permitted faster capital recovery through shorter guideline lives for plant and equipment. Moreover, Congress enacted the investment tax credit which became a permanent feature of a depreciation reform package; the credit has permitted companies to deduct from their income tax liability up to 7 percent of the cost of certain depreciable equipment acquired and placed in service.

However, both the credit and the shorter lives, while steps in the right direction, still fell short of dealing adequately with the fundamental facility replacement problem arising from past inflation—let along currently accelerating inflation—since total guildeline depreciation over the lives of facilities is still limited to original cost. Such depreciation does not recover dollars having purchasing power equivalent to those originally expended many years ago for plant and equipment. Now, one of these steps—investment tax credit on equipment—may be reversed by Congress and the Administration, ironically, in the name of tax reform at the very time when inflation is mounting.

If the investment tax credit is repealed, such action could well add up to an "overkill" of the boom—and an "underkill" of inflation in the cost of facilities. You will recall that a combination of the investment tax credit suspension and a general credit crunch helped overkill the boom in late 1966. In a near panic over a possible impending recession, the economic managers in Washington hurriedly turned on the turned-off credit in early 1967, and we only experienced the "mini-recession" of that year.

I see a parallel between conditions in August 1969 and August 1966. Then as now wage rates were shooting up far faster than productivity; the Consumer Price Index was surging ahead; imports were rising much faster than exports; the Federal Reserve was stepping on the monetary brakes; capital spending was being challenged as "excessive." However, in 1966 the credit was merely suspended. Today it is up for repeal—to be wiped off the books—and if this is done both Washington and the business community had better worry about what would replace the credit.

One way out of this dilemma is for the Senate to consider continuation of the present credit but to require amortization of the credit over the life of the investment instead of full allowance at the time of investment. This alternate tax treatment of the credit might, at least in the short run, actually save the Treasury more revenue than outright repeal—and possibly help offset the excess tax relief over tax reform which is threatened by the House version of the bill.

For outright repeal, apart from possible "overkill," would recreate the very inequity that the credit served to eliminate in the corporate tax system. This is so because in an inflationary period depreciation becomes more inadequate and hence those companies which are more heavily invested in longer-lived capital equipment will pay relatively more tax than those having lesser capital investment requirements. Or, as I indicated earlier, in relation to individual taxpayers unaffected by the proposed repeal of the credit, such heavily invested companies in effect would be doubly taxed.

Such inequities and possible "overkill" could then only be avoided by equivalent depreciation reform. It has been reported that the Treasury is working on a study of possible equivalent depreciation reforms in lieu of the credit if repealed. In general, I hope that the thrust of these reforms provides greater flexibility to business so that in each case adequate capital recovery is assured. For the sake of the Administration-claimed "social priorities" and of the American economy in general, I would urge that this study be directed to meaningful depreciation reform so that inadequate capital recovery will be less of a drag on capital investment.

For it should be kept in mind that growing investment is crucial to rising productivity, that productivity gains are crucial to America's achieving "competitive labor," maintaining employment, reinvigorating our international competitiveness, and preserving the purchasing power of the dollar. Thus, increasing the efficiency of today's—and tomorrow's—employes requires improvements in the quantity and quality of capital goods. Yet this capital contribution to productivity is all too frequently overlooked. Indeed, in place of labor productivity, "capital productivity" may be the more apt phrase.

In summary investment and its corollary of economic development require incentive—the hope of profit and the fear of loss. In this competitive world, it is the hope of profit that explains why some areas and countries find lenders and investors eager to supply capital funds; it is the fear of loss that explains why others can't raise a dime. Profit and loss explain why capital sometimes takes flight when tax or labor or other aspects of the investment climate deteriorate. So let us never lose sight of the fact that if we are to have continued development, this nation must stop discouraging the expansion of capital formation.

Rising private investment is, then, the key to economic development. More money at work means more people at work. Profit-seeking investment is not government-to-government; it's people-to-people.

With rising capital formation we can go forward for America's greater economic development.

FIRE PREVENTION WEEK

Mr. PEARSON. Mr. President, this coming Sunday marks the beginning of National Fire Prevention Week. Running from October 5 through October 11, the purpose of this solemn observance is "to remind people of the headaches and heartaches resulting from destructive fire, and to urge them to observe firesafe practices."

Next week will signal the 48th international observance of what is probably the only "week" which began by simultaneous proclamation of the President of the United States and the Governor-General of Canada. In 1911, at the suggestion of the Fire Marshals Association of North America, October 9, the anniversary of the great fire of Chicago of 1871, was named as National Fire Prevention Day. On the later recommendation of a National Fire Protection Association Committee, President Harding extended Fire Prevention Week to a full week in 1922—a practice which has been faithfully followed ever since.

As Thomas Carlyle once observed:

> Fire is the best of servants; but what a master.

Second only to the atom as a natural force with virtually unlimited potential for good and evil, fire has produced some of the worst disasters in the long history of man. The great fire of London in 1666 destroyed 13,000 buildings and the San

Francisco fire of 1906 did $350 million in damage. The great Chicago fire of 1871, the holocaust we pause to remember next week, killed 250 persons and left 2,100 acres in smoldering ruins, destroying 17,430 buildings at a cost of about $175 million.

And each day new evidence of fire's enormous destructive power is brought before us. Millions of acres of timber, thousands of lives, and billions of dollars worth of property have been needlessly lost because of man's carelessness with this primeval tool of civilization. Last year in my own State of Kansas, for example, 62 lives were snuffed out and $11 million worth of property destroyed by fire. This represented an improvement over 1967 when 89 lives were lost, but the scope of the ravages caused by fire in this one State alone is still staggering.

Mr. President, in Kansas more than 2,000 paid firemen and 8,000 volunteers in 600 departments are on constant alert to protect the lives and property of our citizens. It is only fitting and just that we stop at least this once each year to remember the sacrifices they have made and are still making for the good and welfare of us all. The firemen of Kansas, and I am sure of every State, stand as being among our most dedicated public servants. We too often take them for granted, yet we owe them a debt of gratitude much larger than well-deserved words of praise can ever truly indicate.

The purpose of National Fire Prevention Week is not only to illustrate the dangers of being careless with fire or to remember with thanks the legion of firemen who protect us, it is also and primarily to prevent any further loss of life by fire. Last year in Kansas 184 cities won the Fireless Fire Prevention Week Award for their ability to forestall any fires in their areas during Fire Prevention Week. I hope this year their number will be doubled and that their vigilance will not slacken in the months to come.

Mr. President, in Kansas 10,000 fire prevention posters are being sent to the fire departments throughout the State for distribution. As a result of publicity and educational efforts such as these, many lives have already been saved. With everyone's full support, they will no doubt save many more next week and in the weeks that lie ahead.

It has long been said that an ounce of prevention is worth a pound of cure. In the field of fire prevention an ounce of forethought and caution is worth much more. What cure is there for a lost life? What cure is there for a million destroyed trees or the elimination of all the wildlife in an entire region. Obviously there is no cure at all for these and other disasters regularly caused by the misuse of fire.

Let us therefore embark upon National Fire Prevention Week with a prayer of thanks for our dedicated firemen and a vow to redouble our efforts to avoid the need for their services in the year ahead.

Mr. President, I ask unanimous consent that the official proclamation establishing Fire Prevention Week for the week beginning October 5 to be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

FIRE PREVENTION WEEK, 1969

(A proclamation by the President of the United States)

In an era when technological advancement has brought to our Nation an almost unbelievable array of conveniences and comforts, we still are plagued by the hazard of man's oldest implement for self-preservation—fire. The potential dangers associated with fire still present a real threat to human life and property.

The present level of our annual fire losses —more than 12,000 lives and over $2 billion in property—is a measure of our failure to heed fire hazards and to correct them. It is essential that every citizen recognize that such losses can be avoided, but only by personal involvement, determination, and a realization that fires need not occur.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning October 5, 1969, as Fire Prevention Week.

I urge that we, as a Nation and as individual citizens, assume a positive approach to fire prevention through the support of community fire departments, State and local governments, the National Fire Protection Association, business and civic groups, and public organizations that are trying to combat the senseless waste of human life and national resources.

I also urge Federal agencies, through the Federal Fire Council, to initiate and carry on effective fire prevention programs not only for the protection of Government employees and property but also for the betterment of all segments of our society.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

LEO T. CROWLEY—ADVISER TO PRESIDENTS

Mr. NELSON. Mr. President, Leo T. Crowley, chairman of the Milwaukee Road railroad, and a resident of Madison, Wis., turned 80 years old last month.

It has been a few years since Leo Crowley spent much time in Washington. But back in the days surrounding World War II, he was a confidant and adviser to two of our great Presidents, Franklin D. Roosevelt and Harry S. Truman.

During those momentous days, Mr. Crowley served both his Presidents and his country in several important and sensitive capacities, earning the respect of his "bosses" and the gratitude of his country.

Even though he took on stupendous tasks, he performed well, even under the adverse circumstances of the days. His influence was great. Yet he was known as the "nearly anonymous" Crowley.

However, anonymous though he was then, he has been persuaded to tell his stories to the press. Lawrence C. Eklund, Washington bureau chief of the Milwaukee Journal, deserves commendation for his carefully drawn series of the man more people should know more about.

I found this 10-part series extremely interesting and revealing of a portion of history which has to be studied and restudied. I think my colleagues will find it worthy of their time.

I ask unanimous consent that this fine series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ADVISER TO PRESIDENTS: LEO CROWLEY TELLS OF HIS ERA OF INFLUENCE

(By Laurence C. Eklund)

Wisconsin's Leo Thomas Crowley turned 80 Friday, a fitting occasion finally to make known his own story of the powerful role he played in government and politics in World War II and the whole Roosevelt era.

Although he was one of the most influential men in Franklin D. Roosevelt's administration, Crowley, who lives in Madison, was known around Washington as the "nearly anonymous" Crowley.

This was not because of any innate shyness on the part of the tall, silver haired, mild mannered, soft spoken, somewhat austere Irishman who was born in Milton Junction, Wis., on Aug. 15, 1889.

It was due, rather, to a deliberate policy of remaining in the background on the part of an official who truly felt that a desire for publicity was a mistake for "fellows in government."

CULTIVATED OBSCURITY

While others basked in the radiance of headlines, Crowley cultivated obscurity.

That was one of the reasons why the still handsome bachelor remained a powerful behind the scenes presidential confidant, troubleshooter and adviser throughout the Roosevelt years, while some other New Deal functionaries created an enormous stir in the press, then faded back into oblivion.

Crowley held some of the biggest jobs in Washington, all at the same time: Head of the foreign economic administration, which included lend-lease; alien property custodian and chairman of the Federal Deposit Insurance Corp.

And for much of the time, too, he was board chairman of the Standard Gas & Electric Co., drawing a salary from the Chicago based holding company but not accepting government compensation.

The versatile Crowley served in the national government from 1933 to late in 1945, when he became board chairman of the Milwaukee road.

Now, a quarter of a century after the historic events he helped shape, Crowley, slimmed down from around 200 to 160 pounds, has broken his silence.

FOOTNOTES TO HISTORY

In several days of interviews in the board room of the Milwaukee road in Chicago, he gave hitherto unrevealed details of his break with President Harry S. Truman over Crowley's abrupt ending of lend-lease aid to America's allies after World War II ended in 1945.

In the course of these candid interviews Crowley provided some fascinating footnotes to history.

He told frankly why he preferred Roosevelt to Truman.

He revealed his differences with Truman over the latter's espousal of the peacetime draft.

He described how he arranged for the silencing of Father Charles E. Coughlin, the "radio priest" of Royal Oak, Mich.

He explained how it came to pass that a $65 million power plant was located in Wisconsin.

"My sisters will give me hell for this," he mused as he contemplated the possible result of his talking to a reporter. "They don't want me to get involved in publicity."

Crowley was referring to his devoted sisters, Florence, Esther and Frances, who live in the family home in Madison and "take care" of him when he journeys there from Chicago each weekend in his private railroad car.

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INTENDED FOR PRIESTHOOD

The strong sense of family that Leo Crowley has exhibited all his life was probably enhanced by the family responsibility thrust upon him at an early age. One of a brood of nine, he might have entered the priesthood as his immigrant parents wished had his father not died when he was 13. A major share of the burden of providing for the family fell upon him.

In Madison, to which the family had moved, he held a variety of jobs, first as a grocery delivery boy. Before he was 20 he was salesman for a paper and supply company, a profitable firm he soon headed. He bought stock in Madison's First National bank, made money in the stock market, became chairman of the Frst National and then president of the Bank of Wisconsin, also in Madison.

Crowley became an important lay figure in his church. For his part in building a new hospital, the pope made him a Knight of St. Gregory.

In Democratic politics, Crowley played a background role until the Roosevelt landslide of 1932 swept A. G. Schmedeman into the Wisconsin governor's chair. Crowley then became Schmedeman's chief adviser and looked upon by many as the "real governor."

Having headed a Wisconsin bank stabilization program, Crowley was able to counsel Roosevelt on the banking holiday that closed banks throughout the nation in 1933. Later that year, he was called upon to reorganize the farm credit administration in the midwest. In 1934 Roosevelt summoned him to Washington to take over chairmanship of the FDIC, the first of his many major assignments.

Why, many years later, did Crowley agree to tell his story as adviser to presidents?

One reason was his desire to set straight the record as he saw it, especially after being severely criticized by Truman in "Years of Decision," the first volume of the Truman memoirs. Crowley agreed that, without indulging in name calling, it was important to protect his own place in history.

SCANDAL FEARED

Persons in Washington who were close to the events firmly believe that Crowley's cutting off of lend-lease aid as foreign economic administrator averted what could have become one of the major scandals of American history.

The total of lend-lease spending under Crowley's direction, from September, 1943, to October, 1945, was about $45 billion, at that time the biggest expenditure in history. Until then no one had been in charge of as much spending as the former Madison banker and grocery delivery boy.

According to the Library of Congress, lend-lease was cut off Aug. 21, 1945, just a week after the Japanese surrender.

[The date seems to strengthen Crowley's version of his difference with Truman, detailed in the next article, because the Truman account would indicate that lend-lease was cut off shortly after Germany surrendered.]

Truman charged that the sudden stoppage of lend-lease was clearly a case of policy making on the part of Crowley and Joseph C. Grew, acting secretary of state.

Crowley and Grew, Truman wrote, came into his office after a cabinet meeting on May 8, 1945, only hours after Germany's surrender, and said they had an important order in connection with lend-lease which President Roosevelt, who had died the month before, had approved but not signed.

It was an order authorizing the foreign economic administration and the state department to cut back the volume of lend-lease supplies when Germany surrendered.

"What they told me made good sense to me," Truman related. "With Germany out of the war lend-lease should be reduced. They asked me to sign it. I reached for my pen and, without reading the document, I signed it."

The storm broke almost at once, reported Truman, who accused Crowley of executing the order in an "unfortunate manner."

Truman charged that Crowley interpreted the order "literally" and placed an embargo on all shipments to Russia and to other European nations, "even to the extent of having some of the ships turned around and brought back to American ports for unloading."

"The British were hardest hit but the Russians interpreted the move as especially aimed at them," said Truman in his memoirs.

"Because we were furnishing Russia with immense quantities of food, clothing, arms and ammunition, this sudden and abrupt interruption of lend-lease aid naturally stirred up a hornet's nest in that country.

"The Russians complained about our unfriendly attitude. We had unwittingly given Stalin a point of contention which he would undoubtedly bring up every chance he got. Other European governments complained about being cut off too abruptly."

Truman said Crowley and Grew taught him the lesson early in his administration that he should always know what was in the documents he signed.

Truman also said he had learned from the experience that to be able to delegate authority safely one must "have people around him who can be trusted not to arrogate authority to themselves."

In a final dig at Crowley he reported that eventually he succeeded in surrounding himself with associates "who would not overstep the bounds of that delegated authority, and they were people I could trust."

ADVISER TO PRESIDENTS: DID TRUMAN PASS BUCK TO CROWLEY?

(By Laurence C. Eklund)

When Harry Truman was president, he used to have a plaque on his White House desk reading, "The buck stops here."

But Leo T. Crowley, the Wisconsin man who fell out with Truman over lend-lease at the end of World War II, intimates that Truman tried to pass the buck to him when Russia protested the abrupt cessation of lend-lease.

In an interview in which he broke his long silence on his experiences in Washington, Crowley denied charges in Truman's memoirs that Crowley was guilty of "policy making" in cutting off lend-lease in 1945.

MEANING CLEAR

Crowley, who is chairman of the Milwaukee road but still lives in Madison, did not refer to buck passing, but his version of that segment of history shows that that is clearly what he meant.

In his memoirs, Truman said that Crowley and Joseph C. Grew, acting secretary of state, got him to sign on May 8, 1945, the day Germany surrendered, a document ordering a reduction in lend-lease that had been approved by President Franklin D. Roosevelt, but not signed by him before his death Apr. 12.

WARNING BY F. D. R.

Truman claimed that Crowley cut off all lend-lease and did not just reduce it, thereby upsetting Russia. Crowley was head of the foreign aid administration, which had far-flung responsibilities, including lend-lease.

Crowley recalled in the interview that one of the last things Roosevelt told him before going to Warm Springs, Ga., where he died, was to be sure to shut off lend-lease before he (Crowley) left Washington. That was on Mar. 30, Roosevelt's last day in Washington.

"We were getting down to the tail end of the war and he didn't want me to let a lot of contracts run four or five years and not have any way of paying for them except out of our own country's pocketbook," said Crowley.

HOUSE ACTION CITED

"I felt Roosevelt was correct in wanting to shut off lend-lease. When I shut it off it stayed shut off despite Truman's complaining to me about the suddenness, and it was shut off before I left Washington, according to Roosevelt's wishes. Jimmy Byrnes (Secretary of State James F. Byrnes) supported me all the way through."

Crowley said Truman was in error in stating that the meeting with Crowley and Grew in the White House on May 8, 1945, had to do with the discontinuance of lend-lease.

The meeting, he said, was actually to review the procedure to be followed in the continuance of lend-lease to our allies in the prosecution of the second phase of the war—in the Pacific—the first phase having been in the European sector.

The intent to discontinue lend-lease aid summarily with the cessation of hostilities in Europe, said Crowley, was demonstrated by action in the house when the question of extension of the lend-lease act for a year beyond July 1, 1945, was being considered.

An amendment was then enacted specifically prohibiting the use of any lend-lease aid for postwar relief, rehabilitation or reconstruction.

After the termination of hostilities with Japan, on Aug. 14, Crowley said, he, Byrnes, and Fred M. Vinson, then director of the office of war mobilization, conferred with the president.

TAFT MOVE RECALLED

"We told him of the necessity of carrying out our commitments to congress as to the discontinuance of lend-lease aid at the end of the war," said Crowley.

"He had been the presiding officer of the senate at the time and he remembered distinctly that Sen. Robert A. Taft (R-Ohio) had offered the amendment to the lend-lease appropriation making it mandatory that lend-lease be discontinued at the end of the war.

"Truman further remembered Sen. Arthur A. Vandenberg (R.Mich.) explaining to the senate that he had gone into our policies regarding lend-lease very thoroughly and that he was satisfied that it was not the intent to use lend-lease for any purpose other than for what it was intended (for the war effort).

Truman recalled all these matters at our conference and agreed with Byrnes, Vinson and myself that we should notify the various governments of the discontinuance of lend-lease and that I should contact our allies and so advise them before there was any publicity about it."

TRUMAN ACTED

But it was Truman who abruptly announced the shut-off of lend-lease, Crowley said, despite the fact that Crowley asked him to hold up the announcement until he could give the Russians advance notice.

"He called me up one afternoon and said he wanted to have a press conference the next morning and that he wanted to shut off lend-lease," Crowley recalled.

"He said he wanted me to have a statement prepared for him that night, and that I should get Joe Grew to help me and bring it up to his bedroom. I got hold of Joe Grew and we went over to the White House and worked all afternoon and all that evening getting the thing prepared.

"I tried to talk to Truman and told him he ought to hold it up until he first notified the Russian embassy what we were going to do, so they wouldn't be so shocked. And he said: 'No, I'm going to do it at a press conference tomorrow morning.' And he did. Then there was a little bit of a reaction."

BRITISH WANTED HOUSES

Commenting on the potential scandal of continuing lend-lease for nonmilitary purposes after the war, Crowley said the British wanted houses built to relieve a severe shortage.

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"They didn't want houses that cost $10,000," he said. "They wanted some that cost $15,000. I wanted Truman to make the British pay for these houses (in a separate deal) after the war was over, but they didn't want to do that. They wanted them under lend-lease."

As to the Russians' disappointment alluded to in Truman's memoirs, Crowley insisted they understood very well that after the end of hostilities with Germany the continuation of lend-lease would be governed entirely by their contribution to the war against Japan.

He said Russia had not taken decisive action in the war against Japan.

ANSWERS TRUMAN

"This principle also had the full approval of the chiefs of staff, as did the application of the same principle to Great Britain," said Crowley.

Concerning Truman's charge that he was guilty of "policy making," he replied.

"I think the record shows adequately and completely that any action on my part relating to the treatment of our allies with regard to reduction and discontinuance of lend-lease was that required by me in accordance with the laws of the United States which made it solely a war measure."

A private letter to Crowley from Vandenberg on Aug. 25, 1945, backed him up:

"You have literally fulfilled your promises to congress in respect to lend-lease. As usual, your promises proved to be dependable. It is one more reason why I like to do 'business' with you."

Crowley left the government Oct. 15, 1945, resigning as alien property custodian and head of the Reconstruction Finance Corp., as well as foreign economic administrator.

He quit, Crowley said in the interview, because of the way Truman reacted to the cut-off of lend-lease and because of an earlier incident involving Gen. Charles de Gaulle of France.

Crowley recalled that when de Gaulle came to the United States before lend-lease was cut off, he (Crowley) asked Truman how much he was going to give the French leader.

"He said $3 million," said Crowley. "I said: 'All right, just so we understand one another.' But de Gaulle was not satisfied with that and when he met with me he wanted more."

COMPLAINT FILED

Then, Crowley said, the French delegation went back to Truman, who agreed to "raise the ante and didn't tell me about it." He added that when he found out about this he complained to Truman:

"Let me tell you something. I'm staying here at a great sacrifice and the next time you do anything like that I'm going to quit you, and I'm going to quit you immediately."

Crowley said he felt Truman was not playing "quite square" with him by not backing him up, as Roosevelt had done.

"He was telling me one thing and doing another," said Crowley. "It was his fault. The truth of the matter was that he didn't understand lend-lease. He was going to be a great fellow, but he got a reaction from some of the liberals who wanted lend-lease used for foreign aid and industrial aid and things like that, like the Marshall plan."

In explaining his preference for Roosevelt over Truman, Crowley said:

"In the first place, Roosevelt, before becoming president, had done a lot of traveling and a lot of reading. He was quite a historian. . . . And he knew a lot of leaders (abroad), and their history and background.

"Truman didn't have the broad view of world affairs that Roosevelt had. Roosevelt was better equipped to deal with a broad range of world problems. He had confidence in me to do a job and let me go ahead without interference.

PRESIDENT A PROTECTOR

"I never saw Roosevelt but what I felt better about what I was doing. If he was short and snappy I knew he had worries on his mind. When I would say I was sorry to bring a new worry to him he would say: 'That's all right. I've got so many worries no one of them stays with me too long.'

"He had a great personal charm. He was a very intelligent man, and a very honest man. No matter how many people went to Roosevelt and disagreed with what I was doing he always told them that I was responsible to him and for them to leave me alone. You know, there was always a group in Washington that was always promoting something."

When he appointed Crowley foreign economic administrator Sept. 26, 1943, Roosevelt indicated what he felt about Crowley:

"Leo Crowley is one of the best administrators in or out of government."

[From the Milwaukee (Wis.) Journal, Aug. 19, 1969]

Adviser to Presidents: F. D. R. Warned of Long Term Aid to Russia

(By Laurence C. Eklund)

About two weeks before he died, Franklin D. Roosevelt warned Leo T. Crowley, his foreign aid administrator, about making lend-lease commitments to Russia that might not be delivered until after the end of World War II.

In his last conversation with Roosevelt, on Mar. 30, 1945, Crowley said, the president told Crowley:

"You'll have to be careful of the commitments you make, because I have yet to get my first concession from Stalin."

Crowley, who broke with President Harry S. Truman and left the federal government after 12 years of service, recounted the warning in his long interview with this reporter.

STALIN "BUTTERED UP"

On some earlier occasions when Stalin and Roosevelt disagreed, Crowley reported, Roosevelt would "butter him up" by giving him a little more lend-lease.

"And he would disagree with his very good friend Winston Churchill and then he would kind of butter him up a little bit by giving him some additional lend-lease," Crowley added.

But that was before the United States called a halt to lend-lease when the hostilities ended.

"From my experience with Russia I found that country could not understand at all our own great generosity or our immense contribution to the war effort," Crowley related. "I'm thoroughly convinced that the Russians never understood the United States, or our motives in being so kind and generous in giving our allies lend-lease.

"The Russians couldn't understand a country that would do that for another country or any ally, and that we would want to do it for nothing.

"The Russians were hard people to deal with. When they came in to negotiate something we'd argue with them and they would go away and and when they came back again in three months they'd be in the same position they were earlier. There would be no change in their attitude."

Crowley, who negotiated personally with Stalin, recalled how he tried vainly to get Russia to agree to pay for materials on order that would be delivered two or three years after the war was over. He added:

"When I told her representatives that with the termination of the war with Japan we would expect Russia to pay for any materials or supplies that were then in the production stockpile they informed us that if they were required to pay for such materials they would have to screen them very carefully. They said they felt there would be very little of those materials they would want."

Crowley said Belgium was the only country that didn't owe the United States a debt when lend-lease was over, although he praised Holland's "very good" record, that country having given the United States seed potatoes when America was short of potatoes.

A $11 BILLION DEBT

Crowley estimated that the Russians were indebted to us by about $11 billion for lend-lease deliveries. He told this to James F. Byrnes, who throughout his service as Secretary of State from 1945 to 1947, called upon the Russians for repayment of the $11 billion, but with no success.

Byrnes concluded that the Russians never intended to meet their obligations under lend-lease.

At his final meeting with Roosevelt, Crowley said, the president discussed with him a proposal made within the administration to lend Russia $10 billion to further its economy.

"I told him that some members of congress had asked me about the proposal and had stated very emphatically their objections to it," Crowley said. I also told him that it would be a great mistake to give any consideration to a loan of that size until we knew something about what the peace objectives of Russia were going to be.

"He concurred very definitely in my views, repeating he had yet to obtain any concessions from Stalin. He related to me many other conversations he had with the marshal which I do not want to repeat at this time."

Treasury Secretary Henry Morgenthau, Jr., was identified later by Byrnes as the author of the $10 billion loan proposal, made in a memorandum dated Jan. 10, 1945, addressed to Roosevelt but referred to the state department.

Morgenthau suggested the $10 billion loan to Russia at 2% amortized over 25 years, to be used for the purchase of "reconstruction" goods in the United States, the amount to be repaid chiefly in strategic raw materials in short supply in the United States.

Byrnes noted that Morgenthau's proposal was submitted shortly after the Russians had requested that the United States extend them a credit of $6 billion at a slightly higher interest rate of 2⅜%.

"This would indicate that our treasury officials were not always the coldhearted, glassy eyed individuals all bankers are supposed to be," Byrnes observed caustically later.

Byrnes reported that when the memorandum was brought to his attention he had it placed in the "forgotten file," as he felt sure that Fred Vinson, the new secretary of the treasury, would not press it. Vinson didn't.

Adviser to Presidents: Draft Brought on No. 2 Rift With Truman

(By Laurence C. Eklund)

Leo T. Crowley's second major difference with President Harry S. Truman, though not publicized at the time, was over the issue of the peacetime draft.

This occurred some months after Crowley, a holdover from the administration of Franklin D. Roosevelt, had been castigated by Truman for what Crowley considered his fully justified action in abruptly cutting off lend-lease aid to Russia and our other allies at the end of World War II.

At a cabinet meeting on Sept. 7, 1945, Crowley then the foreign economic administrator, reported that he had just returned from his native Wisconsin and that he was sure the country would be violently opposed to the continuation of any universal military training.

XUM

Truman just three weeks earlier had said he would ask congress to enact a peacetime military training program.

VIEW OF MIDWEST

Crowley represented the middle west as feeling that since the United States had just fought a war to end war, the adoption of universal training in peacetime would indicate a lack of faith in the United Nations as a peacekeeping organization.

To this Secretary of War Henry L. Stimson made what Navy Secretary James V. Forrestal called in his published dairy, an "eloquent" rejoinder.

The substance of the war secretary's retort was that the only way the United States could convince the world that the nation was serious about preventing another war was to show that America took its responsibilities in that direction with great seriousness.

Arguing against a peacetime draft, Crowley noted that the United States had the atomic bomb. To this Forrestal said history showed that countermeasures were developed against all new weapons.

Crowley insisted, however, that no matter how much the cabinet members felt they were right, the country would not support their position.

Stimson protested that he did not accept that statement of "cynicism" about the good sense and the willingness of the nation to accept its serious responsibilities.

What Forrestal did not record in his diary, however, Crowley recalled, was that Stimson then expressed the opinion that a lot of young men would be better off drafted into the army than if they remained in their own homes.

"I said that if that's a fact then God help our homes if the boys are better off in the military," said Crowley. "Then Truman brought up the question of giving the atomic bomb to Russia."

WHY GIVE BOMB?

Crowley said he expressed his indignation over proposing peacetime conscription at the same time that there was talk about giving the atomic bomb to Russia. He said Russia was the only country that could give us trouble in the next five years.

"If that is true, why give them the bomb?" he said he asked the cabinet.

Some time after the cabinet meeting, Crowley said Henry A. Wallace, then secretary of commerce, and Dean Acheson, at that time undersecretary of state, "indicated that they favored the idea" (of giving the bomb to Russia).

This statement by Crowley brought a denial from Wallace, who declared he had very complete notes of the meeting and that Crowley's memory "is utterly imperfect."

Crowley insisted in his interview with this reporter that he was satisfied Wallace did indicate he favored the idea. He described this as one of several "fallings out" he had with Wallace.

Crowley's report on the national attitude toward the draft was disturbing to the cabinet members representing the military services.

At the conclusion of the Sept. 7 cabinet meeting Truman asked Crowley to write him a memorandum on the peacetime draft, which Crowley provided on Sept. 26, as a strictly confidential paper for the president's own guidance.

In the unpublished document, which Crowley fished from his files in his Milwaukee road office in Chicago, he presented arguments which sound much like the arguments being made now in support of President Nixon's current attempt to end the draft.

"Peacetime conscription not only denies freedom by compulsory servitude, but weakens the moral and intellectual fiber of the nation when it can least afford it," Crowley warned Truman.

"It would take a precious year from the lives of our youth—a year away from home or from school, or both. It would interrupt or cause the abandonment of educational or vocational training in the so important formative, impressionable period of life."

Crowley was aiming at Secretary of War Stimson when he wrote:

"If a year of army life were as good for a boy of 18 as a year of home or school life, conscription would not be so bad. As a nation, we have thus far relied first of all on the home and the family for our moral strength and for building the moral strength of our youth.

"The family is the center of decent human living, the developer of character and higher aspirations, the source of better relationships between man and man which, we may hope, in the future will be reflected in the dealings of nation with nation.

"Whatever tends to weaken the family is a backward step in the development of our people.

"Can an equally good substitute for the family possibly be found in a military organization—an organization in which regimentation is an accepted necessity, which indoctrinates in the use of force, which provides training in the instruments of war and the destruction of life and property?"

The application of the results of research in pure science, said the Crowley memo, had made traditional armament and munitions of doubtful security indeed.

It pointed, he insisted, to the necessity of scientific leadership as the real basis of national security.

To this end Crowley recommended that a broad governmental program for scientific research and development be maintained. Such a program, he said, could also be fruitful for peaceful pursuits.

Crowley urged that in lieu of the draft, enlistment in the military and naval services be encouraged by all reasonable inducements and that the reserves and national guard receive all the help they needed to function as live, alert organizations.

While Crowley's views were privately stated, Sen. Robert M. La Follette, Jr. (Prog.-Wis.) publicly called Truman's draft proposal "a last ditch effort, against a backdrop of war, to force the undemocratic system of peacetime conscription on the people of this country."

Truman did not take Crowley's advice. A month after he received Crowley's memo he presented to a joint session of congress his plan for a peacetime draft which was eventually adopted. Truman told congress that the atomic bomb was of little value without an adequate army, air and naval force. Such a force, he argued, was necessary to "protect our shores, to overcome any attack and to enable us to move forward and direct the bomb against the enemy's own territory."

Crowley, who quit the Truman administration two months after that, said he still stood by every word of his 1945 draft memo.

"I don't think the peacetime draft has done our people any good the last 10 or 12 years," he said.

ADVISER TO PRESIDENTS: HANDLING ALIEN PROPERTY "NASTY" WARTIME JOB

(By Laurence C. Eklund)

On the night of the Japanese sneak attack on Pearl Harbor, Dec. 7, 1941, President Roosevelt called his favorite trouble shooter, Leo T. Crowley, to the White House and told him:

"Leo, I've got a job for you. The only scandal in Woodrow Wilson's administration was with the alien property custodian in World War I. I want you to take it on. Just as with your FDIC job, no one will interfere."

Recalling the incident more than 27 years later, Crowley said he reminded the president that he had seen a lot of good Germans persecuted after World War I and he didn't want to see a repetition of that.

"You'll deal only with Germans, not with German-Americans, and no one will interfere with you," Roosevelt replied, anticipating the war with Germany which both countries declared four days later.

With that assurance Crowley took on what he called a "nasty job."

RECOMMENDED BY BYRNES

Crowley had been recommended for the alien property job by James F. Byrnes, the former South Carolina senator who was then a supreme court justice and later director of war mobilization, before President Truman made him secretary of state in 1945. Byrnes reminded Roosevelt that Crowley had proved to be an efficient administrator, had the respect of leaders in the world of business and finance, and that his relations with congress were excellent.

Roosevelt told Byrnes he also had been thinking of Crowley for the difficult assignment, but was concerned about loading more work on him. (Crowley was head of the Federal Deposit Insurance Corp.)

Crowley followed this country's foreign policy in handling the alien property and never got into a serious scrap. This time there was no scandal.

As custodian of alien property worth $8.5 billion, Crowley was watchdog over enemy controlled businesses in the United States, foreign owned patents, copyrights and trademarks, and foreign ships.

He had control over such varied items as a mountainous pile of gold bars, a ranch, a Washington apartment house, a pile of scrap iron, a handful of diamonds, a bale of stocks and bonds.

Crowley made the patents available to United States firms, his fundamental idea being service. He advised Roosevelt in a letter that he "was letting small businessmen use patents to help convert plants to a sounder postwar world." The cost of using one of 40,000 enemy patents was only $50.

These patents, Crowley said, included "some of the finest research achievements of modern science, particularly in the production of dyestuffs, plastics, pharmaceuticals and electrical goods."

EVEN ADJUSTABLE SLACKS

Among the patents seized were those for synthetic shellac, magnesium, the manufacture of aluminum, improved magnetic alloys, synthetic hormones and slacks for women that adjusted to various hip sizes.

Crowley took over the alien property job at a time Atty. Gen. Francis Biddle was contending it should be handled by the justice department and Treasury Secretary Henry Morgenthau, jr., was insisting it should be done in his department.

MOST USEFUL MAN

By acting as the president's friction remover in this instance, Crowley was establishing what his close friend and White House adviser, Thomas G. (Tommy the cork) Corcoran, called a reputation as "the most useful man Roosevelt had around him."

"He was the best internal diplomatist of the entire Roosevelt administration," said Corcoran, the Washington lawyer who drafted much New Deal legislation.

"He was a catalyst, whose various titles meant nothing. He had a very personal relationship with Roosevelt, who trusted him for his adroitness in handling a delicate political situation."

Such a situation was involved in Crowley's peace making role in 1943 between Vice-president Henry A. Wallace and Commerce Secretary Jesse H. Jones, who were engaged in a name calling feud over control of wartime foreign buying.

They were quarreling mainly over responsibilities for delays in stockpiling strategic materials.

Intervening with a snappy admonition to both, Roosevelt abolished Wallace's board of economic warfare, named Crowley head of a new office of economic warfare in July, 1943, and created the foreign economic administration (FEA) in its stead, in September, with Crowley as administrator. All foreign economic operations were thereafter centralized in FEA.

PRESIDENT IRKED

Concerning the open brawling between Wallace and Jones, Crowley recalled:

"Roosevelt sent for me one day in 1943 and said he was going to let them both go that night and send letters to their homes. He was tired of their disagreeing publicly. Wallace was against everything Jones wanted. Milo Perkins (executive director of the board of economic welfare) was aggressive against Jones."

In his letter to Wallace and Jones the president wrote:

"I am sure the unfortunate controversy and acrimonious public debate which has been carried on between you in the public press concerning the administration of foreign economic matters make it necessary in the public interest to transfer these matters to other hands.

"I am sure the American people understand that both of you have attempted to do your duty as you have seen it, but we must go forward without any further public debate as to matters which are now academic so far as winning the war is presently concerned."

NATIVE OF MILWAUKEE

The Milo R. Perkins referred to by Crowley was a native of Milwaukee, a 1916 Riverside high school graduate who had been put to work by Wallace, his fellow boomerang thrower, running the board of economic warfare.

Because of personnel problems, said Crowley, his assignment as foreign economic administrator was "the toughest job I had."

"There were two personnel groups quarreling with each other," he said. "The Jones group was always on my side and the Wallace group always against me.

"Jesse Jones had more courage and more sound imagination than any man I ever knew in government. I could go to him with a problem and we could sit down and talk it over. He'd understand it.

"I never had any difficulty with Wallace, but his people were just unsound. Perkins was one of them and I let Milo go."

TIP VIA PRESS

It was alleged at the time Roosevelt shook up the wartime economic board that Wallace was spurred on by Perkins in his disputes with Jones about jurisdiction in foreign economic affairs.

Crowley himself doesn't remember the details of how he got rid of Perkins but others recall that he did it in a manner they said was typical of him.

They recall that Crowley didn't want to fire Perkins if there was any likelihood Roosevelt would be annoyed, so, according to their recollection, he had a reporter ask the president at a regular press conference if Perkins was to remain in office.

ARRAY OF AGENCIES

When Roosevelt reportedly replied that Crowley would decide that, Crowley did indeed decide, and a few hours later Perkins was out.

Perkins, a skilled raiser of azaleas, was best known for his success in making the food stamp plan to get rid of agricultural surpluses really work. That was when his good friend Wallace was secretary of agriculture.

Crowley's new omnibus bureau consolidated the activities of 14 agencies with $35 billion at his disposal. These included the export-import bank, United Nations relief and rehabilitation, lendlease and organizations set up to develop rubber and oil resources.

Crowley retained his chairmanship of the Federal Deposit Insurance Corp., through which he continued to hold sway over a large section of American banking. And he continued as alien property custodian.

The sole restriction placed on Crowley was that the functions of his office "shall be exercised in conformity with the foreign policy of the United States by the secretary of state."

Crowley was on the friendliest terms with Secretary of State Cordell Hull. Unlike Wallace and Perkins, he was willing to submit wholeheartedly to guidance in matters of foreign policy.

When Crowley quit government service in October, 1945, the FEA was abolished and its functions were divided among other government departments.

Before Roosevelt died he wrote Crowley that "in your hands it (FEA) became a powerful weapon against our enemies."

ADVISER TO PRESIDENTS: HOW RADIO PRIEST WAS MUZZLED

(By Laurence C. Eklund)

The silencing in 1942 of the Royal Oak (Mich.) radio priest, Father Charles E. Coughlin, a shrill critic of this country's involvement in World War II, was one of Leo T. Crowley's behind the scenes contributions to the war effort that was much appreciated by Franklin D. Roosevelt.

Coughlin, whose harrangues over the air and writings in his Social Justice magazine had stirred millions of devoted followers, was causing a lot of trouble for a harassed president trying to prosecute a war.

Going on the air in 1926, Coughlin had built the Shrine of the Little Flower with contributions from his listeners.

With the slogan "Roosevelt or ruin," Coughlin was an early supporter of Roosevelt, lavishing praise on the New Deal.

But when the president failed to move fast enough in pushing the priest's brand of populism, the slogan changed to "Roosevelt AND ruin" and soon he was calling the president a liar and an upstart.

In 1935 Coughlin founded the National Union for Social Justice, a new political party which ran a candidate for president in 1936, the year he founded his weekly paper, Social Justice.

OPPOSED WAR PREPARATIONS

In the late 1930s Coughlin opposed Roosevelt's stand on war preparations, but in 1940 he visited the president at Hyde Park. After the visit he broadcast on the radio in support of a Roosevelt third term.

But it wasn't long after Roosevelt's third term election that Coughlin resumed speeches and writings that were regarded as extremist. His talks became anti-British and, in the opinion of some administration leaders, a defense of Adolf Hitler's nazism. And he continued to be anti-Semitic.

"The United States and Great Britain are planning a postwar program," he told the nation the day after Pearl Harbor. "Vitally related to that program is the confiscation of all raw materials in the world."

Great Britain, the controversial priest charged, had a propensity for deserting her allies "because of her unwillingness or inability to fight her own battles."

He demanded to know if Americans would bow down to totalitarian decrees restricting automobile use and their way of life or whether they would listen to reason and terminate a war which no one could win and which "Americans can lose completely."

BIDDLE ACTS

This exhorting of the nation to failure was too much for Atty. Gen. Francis Biddle, who on Apr. 14, 1942, asked Postmaster General Frank C. Walker, himself a Catholic, to invoke the espionage act of 1917 to suspend the second class mail privileges of Social Justice.

Biddle relied on a section of the act barring false statements made with the intent to interfere with the operation of the military forces of the United States or to promote the success of its enemies. He denounced Social Justice as "traitorous" and as mirroring "the Axis propaganda line."

SPECIAL GRAND JURY

The attorney general asked a special District of Columbia grand jury to investigate whether Coughlin had falsely represented that his parents, Thomas J. and Amelia Coughlin of Royal Oak, were the owners of Social Justice.

The priest had disavowed any connection with the paper since 1940. Its editor was E. Perrin Schwartz, a former copy editor for The Milwaukee Journal.

Offering on Apr. 20 to waive immunity and testify before the grand jury, Coughlin insisted that he was not the publisher, editor or owner of Social Justice, but that he was willing to accept responsibility for its policies and content.

It was at this point that Crowley, who was noted for settling rows within the administration and cleaning up messes, stepped into the situation. A leading Catholic layman, he had impressive connections within the church hierarchy. He was on intimate terms with princes of the church.

ADVICE TO F. D. R.

In his recent extended interview with the writer, Crowley said he told Roosevelt: "You're making a martyr out of him (Coughlin). You brought him to Hyde Park, gave him publicity, and when he went against you you got mad at him."

Crowley said he told Biddle: "You don't prosecute men because you disagree with them."

He said he advised the attorney general he would accomplish more by not suing, and that it was sufficient for Coughlin to show his parents as owners of Social Justice.

Crowley recalled that he got hold of Archbishop Samuel Stritch of Chicago and Archbishop Edward Mooney of Detroit—both of whom later became cardinals—and told them that Coughlin should be silenced.

"I asked Archbishop Mooney to have him discontinue his paper and to keep him off the air," said Crowley. "After the archbishop talked to him he did go off the air and quit publishing his paper."

The priest's alternative was to be unfrocked.

Twenty years later Biddle who died last Oct. 8, praised Crowley for his skill and adroitness in handling the delicate matter.

When the question of Crowley calling on Archbishop Mooney in Detroit was discussed, Biddle said he wondered whether they should talk to the president about it first.

"On the contrary, Leo said, that would embarrass both of them," Biddle recalled later. He quoted Crowley as saying: "I'll bring it back tied up—then we can tell the president."

END OF FATHER COUGHLIN

"In three days he was again in my office, smiling and rubbing his hands at the success of his mission," Biddle continued. "The archbishop had agreed at once, without any stipulation or condition. He had sent for Father Coughlin and told him that he must stop all his propaganda on the air or by pen, for the duration (of the war).

"Social Justice should not be published again. The archbishop wanted his word now. The alternative was being unfrocked. The priest agreed, and the archbishop confirmed the understanding in a brief letter to the president. FDR was delighted with the outcome. That was the end of Father Coughlin."

Crowley, who said he stopped the legal

proceedings Biddle was considering, recalled that Roosevelt called Biddle over to the White House after the Coughlin incident "and for six months I sat down with Francis and advised him."

No information was revealed at the time as to how Coughlin had been silenced, and a number of reporters for liberal newspapers were critical of Biddle for not pressing for an indictment.

It was generally agreed later within the administration that an indictment and a noisy, protracted trial raising the issue of freedom of speech and press would not have helped achieve the national unity necessary to the success of the war effort.

GAVE 1962 INTERVIEW

Having been consigned to oblivion, Coughlin remained fairly silent within his parish until 1962, when he emerged for an interview in which he insisted he was correct in opposing Roosevelt's wartime alliance with Russia and his aid to the Soviet Union.

In June, 1966, Coughlin's request for retirement as pastor of the Shrine of the Little Flower was granted by a new archbishop, John F. Dearden, to whom the priest had been "an obedient, good soldier."

There were also kind words that year from Richard Cardinal Cushing of Boston, who said Coughlin "was a man decades ahead of his time."

"Before priests and pastors lobbied openly for remedial social legislation, he besieged congress with the voice of the people," said Cushing on the occasion of the golden jubilee of the priest's ordination.

"I submit that our jubilarian made his commitment to the poor of America long before 'antipoverty' became the popular word of the social planners."

BELATED BLAST

And then, last December, angry words issued once again from Royal Oak. It was the Coughlin of yore, breathing fire and brimstone in a 54 page pamphlet, "Helmet and Sword," his first since Crowley had him silenced.

In it he denounced liberal priests, bishops and "loudmouthed clerical advocates of arson, riot and draft card burning."

He accused his superior, now John Cardinal Dearden, who is president of the National Conference of Catholic Bishops, of "under the table approval" of dissident priests whose aim he said was to "upset Pope Paul."

The irrepressible priest, a not so mellow 78, made a biting attack on churchmen who have criticized the church ban on birth control.

In a book being published this month, Coughlin claims that Pope Pius XII was politically blackmailed by secular governments to abandon his neutrality stance in World War II.

Coughlin hints that Roosevelt heavily pressured the pontiff to side with the Allies and that the pope and the president were responsible for the cancellation of his radio broadcasts.

ADVISER TO PRESIDENTS: STATE BANK PLAN MODEL FOR NATION

(By Laurence C. Eklund)

His success as chairman of the Wisconsin banking review board thrust Leo T. Crowley onto the national political scene for the first time as an adviser to President Franklin D. Roosevelt in the 1933 banking holiday.

Having made some money in the stock market in the lush 1920s, Crowley invested his surplus cash in two banks in Madison, to which he had moved as a youth from his native Milton Junction.

He bought stock in the First National bank, becoming chairman of its board, and he and his associates bought the Bank of Wisconsin, of which he became president.

At that time chain banking, a hot political issue, was sweeping the country, and when the Wisconsin Bankshares Corp. took over the two Madison banks, Crowley became a buyer of other state banks for the holding company.

NAMED BY LA FOLLETTE

Republican Gov. Philip F. La Follette, later head of the Progressive party, appointed Crowley to the state banking review board, which Crowley, with characteristic zeal, proceeded to organize as chairman in 1931–'32.

La Follette did this on the advice of Frank W. Kuehl, who as an assistant state attorney general and acting banking commissioner was stabilizing the banks of the state. Kuehl, now living in retirement in Washington after many years of government service, explained he recommended Crowley to La Follette because of his belief that the "chains" should be represented on the new board.

When Albert G. Schmedeman, a Democrat, was elected governor with Crowley's help in 1932 he dumped the critical problem of failing banks in Crowley's lap.

Crowley's work on the Wisconsin board attracted the attention of President-Elect Roosevelt, who had become acquainted with him four years earlier.

BECOME U.S. FOMULA

Even before Roosevelt was inaugurated for his first term he called Crowley to Washington to discuss the Wisconsin bank stabilization plan that had been used first at Cottage Grove.

This plan became the formula for reopening the nation's banks after the bank holiday.

Crowley and Schmedeman journeyed from Madison to Washington, which they found in a state of tension on the eve of Roosevelt's inauguration on Mar. 4, 1933.

It was cold and rainy in Washington, and panic was spreading among the people as the banking situation grew worse by the hour. With news of new bank failures in Pennsylvania and Massachusetts the tally of financial disaster was almost complete.

Excitement rose among the pre-inaugural crowds as hundreds of visitors pouring into the capital to celebrate a change of government learned to their dismay that banks "back home" had closed.

They pondered a bleak future as they realized their inability to cash checks for hotel expenses and return transportation.

CALLS FROM HOME

Soon after arriving in Washington on a Friday morning Crowley and Schmedeman began getting frantic telephone calls from Wisconsin bankers who had gone to Chicago to confer there with the president of the First National bank.

"They told us they didn't think they could go through Saturday because of heavy withdrawals," Crowley recalled. "The bankers holiday was scheduled for Monday, but they wanted the holiday for Saturday instead of Monday."

That night Crowley and Schmedeman met with Roosevelt in the Mayflower hotel. It was the night before the inauguration, and Crowley outlined the situation to the president-elect and gave his advice on the basis of his Wisconsin experience.

"When Roosevelt decided he was going to have a banking holiday he said to me: 'You go ahead and declare yours (for Wisconsin) for Saturday and I'll declare mine effective Monday morning,' " said Crowley. "When we got through with Roosevelt it was well past midnight."

WHERE'S O'MALLEY?

A resolution calling for closing the state's banks was drawn up. The next problem was to get hold of Lt. Gov. Thomas J. O'Malley who would have to sign it as acting governor.

"We telephoned the Milwaukee Sentinel and asked them to withhold the publication of the banking holiday resolution until we had things worked out," Crowley related.

"The announcement in the Sentinel, which went to press about 12 o'clock, was that there was to be a banking holiday in Wisconsin. We hadn't had the resolution drawn yet and we hadn't got hold of Tom O'Malley.

"It was along about 3 or 4 o'clock in the morning that O'Malley signed it in Madison. The Sentinel, which had held up its first edition, then published it. It closed the banks of Wisconsin all up tight, the day Roosevelt was inaugurated. The banks were normally open on Saturday.

MIDNIGHT MEETING

"After we got them closed we had to have some provision to get them open again because there was nothing in the law that gave any one the power to open them again."

Crowley returned to Milwaukee that Saturday night for a midnight meeting with state bankers at the First Wisconsin National bank. The understanding was that all the banks would be opened at the same time.

Schmedeman called a special session of the legislature and under the guidance of Crowley, who became known as "the real governor of Wisconsin," the necessary legislation was passed. It permitted the federal government to help.

On the night of Mar. 8 Roosevelt called a group of congressional leaders to the White House to make known the principal features of a banking bill his advisers had drafted.

Among other things, the measure provided that banks would reopen only under license by the treasury. Those deemed to be sound would reopen immediately. Those about which there was any question would be operated by conservators until it was determined that they were completely solvent. Hopelessly insolvent banks would be kent closed and liquidated.

SIGNED SAME DAY

The bill was introduced in the senate the next morning and passed with only seven dissenting votes. In the house, after 30 minutes of debate, the bill was passed by acclamation and at 8 p.m. it was signed by the president.

Soon after that Roosevelt, impressed by Crowley's banking savvy, instructed Henry Morgenthau, jr., then governor of the farm credit administration (FCA), to have Crowley reorganize farm credit practices in the midwest, working out of the FCA St. Paul office. He became co-ordinator of the federal land bank at St. Paul.

"Soon we were loaning a million dollars a day to keep the heads of the farmers above water," said Crowley.

FOE OF RED TAPE

Some months later, at a dinner in Milton Junction honoring Crowley as a native son, James B. Borden, then Wisconsin budget director, was telling the home town folks the secret of Crowley's success.

"Red tape means nothing to him in his young life," said Borden, a native of neighboring Milton. "He does things, then tells you to find the way out of it."

Borden suspected on that occasion that it was Crowley's forthright manner that put him at the side of the president.

As an outgrowth of his participation in the banking holiday Crowley in March, 1934, was named by the president to be chairman of the Federal Deposit Insurance Corp. (FDIC). He succeeded Walter J. Cummings, the first chairman of FDIC, who went to Chicago after a brief tenure to be president of the Continental Illinois Bank & Trust Co.

Crowley saw FDIC develop to a point where it insured 60 million bank accounts in the United States up to $5,000. He sold the American people confidence in their banking system.

When he left FDIC at the end of his government service it was possible for the agency to liquidate and reimburse the government the money it invested, plus a dividend of 22%, "and return every penny of the assess-

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ments that the banks paid to the corporation."

On Oct. 15, 1945, a number of senators rose in the senate to pay tributes to Crowley on his retirement after nearly 12 years as FDIC chairman. The following were typical:

Robert M. La Follette, Jr. (Prog.-Wis.)—"Mr. Crowley has rendered most distinguished public service. His administration as chairman of the board has been an outstanding success. He took charge of that very important responsibility against a background of the bank failures which swept over the country in the depth of the great depression. He has administered the corporation without regard to political consideration and in the public interest."

Sen. Arthur H. Vandenberg (R–Mich.)—"He has rendered one of the great, outstanding services of our time to the American people. When FDIC was initiated it was looked upon as something of an experiment. In many quarters it was viewed with skepticism. This great adventure was launched not only in the midst of considerable doubt in the government itself but at a time when the fiscal pulse of the American people was beating very low.

"I hesitate to think what might have happened in this country in the late thirties if there had not been popular reliance upon this underlying warranty that the bank accounts in America were safe, and that can never be dissociated from the utterly impartial, always courageous management Mr. Crowley gave this great institution."

Adviser to Presidents: State Progressives Wooed by F. D. R.

(By Laurence C. Eklund)

As a Democratic workhorse Leo T. Crowley first became involved in local party affairs in Madison in 1924.

He strove vainly to help carry Wisconsin for Alfred E. Smith for president in 1928, when his analysis of the mid-west vote won the respect of Franklin D. Roosevelt.

Crowley told in an interview how at about that time he first met Roosevelt in his New York apartment after FDR had decided to run for governor of New York.

Crowley said Roosevelt told him to keep in touch with him and write him a letter, but to send the letter to his New York apartment, not to Albany. He quoted Roosevelt as telling him then that he was going to try to get the nomination for president in 1932 and that then "we'll be together."

A CLOSE FRIENDSHIP

It was the beginning of a close friendship. From that time on, Crowley served as Roosevelt's political eyes and ears for Wisconsin, Minnesota, North and South Dakota and Iowa.

The Roosevelt landslide of 1932 swept Crowley's friend Albert G. Schmedeman, into office as governor of Wisconsin, along with some inexperienced legislative candidates whom Crowley had induced to run to help fill out the Democratic ticket.

Crowley recalled that Schmedeman told him, somewhat plaintively: "You got me elected now you've got to help me."

"I told him I didn't want a job with a title . . . I would help all I could," Crowley said. "He was taking up pieces of legislation and asking what I thought. Al was taking it easy and I was working harder."

RICHELIEU OF WISCONSIN

Although he had no official title, Crowley became Schmedeman's chief adviser. His quietly effective organizing ability gave him virtual control of the state.

His office was wherever he could find a desk and a chair. Probably the busiest man in the state capitol, he had up to 200 callers a day.

During that period Crowley was known as the Richelieu of the Schmedeman administration.

The reference, inspired perhaps as much by envy as by admiration, was to the brilliant Cardinal Armand-Jean du Plessis de Richelieu, who for 18 years in the 17th century was the absolute ruler of France under Louis XIII.

CLOSE TO PROGRESSIVES

When he moved onto the national scene, Crowley became one of the busiest men in Washington, too. Roosevelt sought his political advice, as well as piling one job after another on him.

Crowley was the president's liaison with the La Follette Progressives, causing some disgruntlement among old line Wisconsin Democrats who woefully described themselves as "stepchildren" of the New Deal.

Both Roosevelt and Crowley liked Sen. Robert M. La Follettee, jr. Crowley regarded him and James F. Byrnes of South Carolina as the two most capable senators he knew.

In 1938, at Roosevelt's suggestion, Crowley tried to get the La Follettes not to run a candidate for senator on the Progressive ticket against Democratic Sen. F. Ryan Duffy, whom Roosevelt also liked.

The strategy didn't work, however. The Progressives insisted on running their own candidate, Herman L. Ekern. As a result the liberal vote was split, and Duffy was defeated by Republican Alexander Wiley.

When Roosevelt was running for a third term in 1940 Crowley, again on behalf of the president, arranged for support of Progressives in the state-wide elections if they would support the president.

BARGAIN MADE

The bargain was agreed upon and Roosevelt carried the state while Sen. La Follette, who was later to reject the president as a warmonger, won re-election by a wide margin.

A businessman, Crowley spoke the language of businessmen, many of whom were Republicans, and they often co-operated with him. He was on good terms with congressmen of both parties.

As one prominent Republican congressman commented at the time: "We can do business with Crowley because he's a man of his word."

One of the leading Republicans in congress with whom Crowley got along well was Sen. Arthur H. Vandenberg of Michigan.

LETTER TO VANDENBERG

"Vandenberg and I were very close," said Crowley. "In 1934, when he was up for re-election in Michigan, which was one of the worst states in the country for banking trouble, he wrote me a letter and asked me some questions about the Federal Deposit Insurance Corp.

"Answering his letter, I thanked him for his interest. He had helped me on banking legislation and he used my letter for publicity purposes in his campaign."

Asked whether he objected to that, Crowley replied: "Well, it made some of the Democrats mad."

Crowley related how he recommended Henry A. Wallace to Roosevelt as his vice-presidential running mate in 1940 even though personally he would have preferred Byrnes.

He said Roosevelt asked for his analysis of a list of possible running mates.

Included were Wallace, Supreme Court Justice William O. Douglas, Sen. Burton K. Wheeler of Montana, House Speaker William B. Bankhead of Alabama and Jesse H. Jones, who ran the Reconstruction Finance Corp.

Crowley said he was analyzing the names that afternoon when Roosevelt called again and said: "Come over and let's go over those names again."

He said he told the president that apparently what he was worried about was that he had had trouble with Vice-President John Nance Garner and was looking for a running mate who "would be satisfied with being vice-president, would not be runnning for president and would carry out your policies."

"I said: 'I think the one fellow that can help you would be Henry Wallace,'" said Crowley. "I said he could help as a running mate and would co-operate with Roosevelt."

Roosevelt then told Crowley he would give Robert E. Hannegan—the Missourian who was later to become Democratic national chairman and then postmaster general—a letter stating that either Wallace or Douglas would be satisfactory as his running mate.

SENT TO CHICAGO

This was a week before the national convention in Chicago, and Roosevelt asked Crowley to go to Chicago "to work with the fellows and nominate Henry Wallace if you can."

"I told him that I thought Jimmy Byrnes would make the best vice-president for him," said Crowley. "He said: 'No, the colored question would come up and we'd have a lot of trouble with it and I think it would be better to take Wallace.'"

[Byrnes later said Roosevelt told him he should be nominated for vice-president, but that Roosevelt did not believe that the Democratic party was yet ready to accept any man from the deep south, either for president or vice-president. Byrnes said Roosevelt told him he did not agree with those who doubted the wisdom of nominating Byrnes because of his religious history. Byrnes was baptized a Catholic but later became a Protestant.]

Later, in Chicago, Hannegan met with Roosevelt and afterward reported to Crowley that Byrnes would be satisfactory as a running mate.

SCOOP FOR JOURNAL

"When the president called me that Sunday night at the Blackstone hotel after dinner I said: 'I understand you approved Jimmy Byrnes.' He said: 'No, and you and I understand one another. You know who I approved. I haven't told anyone else about Wallace, but I told you. What I said still goes.'"

Crowley recalled telling J. Donald Ferguson of The Milwaukee Journal that Wallace would be nominated for vice-president, and that Ferguson had a "scoop" on the story well in advance of Wallace's nomination.

Ferguson, in a story dated July 16, 1940, that carried the headline "Wallace Likely Prospect for Place on Ticket," referred to the then secretary of agriculture as a "dark horse" candidate.

The Journal man, later to become president and editor of The Journal, reported that Roosevelt had brought Wallace to Washington from Iowa as a Progressive Republican and that New Deal insiders were saying frankly that without the Progessive Republican votes there weren't enough Democratic votes in the country to win in 1940.

Adviser to Presidents: Railroad Wanted Powder Plant Near Baraboo and Got It There

(By Laurence C. Eklund)

The political support of Leo T. Crowley, a man of great behind the scenes influence throughout the more than three terms Franklin D. Roosevelt served as president, was not a matter that was taken lightly by members of congress—from other states as well as Crowley's native Wisconsin.

Although Republican Rep. William H. Stevenson of Onalaska was permitted to make the announcement in 1941, it was well known within the Wisconsin congressional delegation that it was Crowley who saw to it that the $65 million Badger Ordnance Works was located in the Merrimac-Baraboo area in Sauk county.

There was some puzzlement over selection of a 7,400 acre site that included some of the state's richest farm lands.

In a somewhat querulous front page editorial The Milwaukee Journal demanded to

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know why such rich agricultural land was selected for the big powder plant rather than sandy wastes available in other parts of the state.

RAILROAD WANTED IT

Twenty-eight years later, Crowley has provided the answer. It was because the North Western road wanted it there.

Crowley recalled that Rowland L. (Bud) Williams, then president of North Western, told him he wanted to have the powder plant located in the Merrimac-Baraboo area because his railroad ran there and he wanted to get some business for the railroad.

"I said yes I'd help him," Crowley recalled. "I went with him to the office of Gen. George C. Marshall, then army chief of staff, introduced him, and told George what he wanted.

"It was Marshall as chief of staff who made the decision. Then they had to get all that farm land out there and I got two, three or four real estate men to get options for them on several farms. They finally worked it out."

MILWAUKEE ROAD AIDED, TOO

Crowley noted with satisfaction that the Milwaukee road, which went to Sauk City, also got some business through the selection of the site.

He hastened to make it clear that there was no conflict of interest involved on his part, since this decision was made in 1941 and he didn't become chairman of the Milwaukee road until December, 1945.

"It was to the advantage of the army to have transportation available," he said. "The two railroads got some business and the local people got employment."

Crowley explained that then, as now, it was customary to let the local congressman make the announcement. Thus Stevenson, the Republican whose district included Sauk county at the time, was generously allowed to announce a decision made by a Democratic administration.

In making public details provided him by the war department, Stevenson said on Oct. 29, 1941:

"This particular location was selected because it is ideal for powder works. The area is well drained and sandy and it is hidden away.

"It is considered desirable to have plants of this type established away from the sea coast and away from large centers of population."

SOIL FOR "CAMOUFLAGE"

And to blunt the criticism of conservationists and Sauk prairie farmers, Capt. W. G. Hoar of the army quartermaster's division explained that the good soil of the Sauk prairie was vital to the proposed plant because of "landscaping for camouflage."

Hoar contended that the sandy soil of Adams or Juneau counties, which had been proposed as alternative sites, would not be suitable because rich topsoil would have to be hauled in and that would be more expensive than buying good land in the first place.

Back in 1941 war department officials would admit only that the Sauk county site was selected because of "influence from the White House." That influence was exerted by Crowley through his good friend, the then occupant of the White House.

At the time the decision was made Merrimac, a quiet village on the Wisconsin river, claimed a population of 234 persons.

The North Western road ran through there, all right, but none of its trains stopped there. The nearest station was Lodi, seven miles away, to which two trains ran daily. Other rail connections were through Baraboo.

REVITALIZED IN 1966

Reflecting on his key role in the selection of the site, Crowley was pleased to point out that "they're still operating up there, and the plant has been revitalized."

The plant, operated for the army by Olin Mathieson Chemical Corp., was reactivated in 1966 as Vietnam war demands for ammunition stepped up. It employs about 4,800 persons.

Lester Muckerman, an Olin Mathieson, official at East Alton, Ill., recently estimated the plant's value at $350 million. There are about 1,500 buildings scattered around the property, many of them separated by walls of earth and stone to minimize the danger of an explosion.

A $300 million, five year improvement plan for the sprawling explosives works has been drafted. This includes a new acid plant estimated to cost upward of $5 million. After more than a quarter of a century of use, the army says that much of the plant needs improvement.

The facility is the only plant in the country producing ball powder for the M–16 rifle, the basic weapon being used by today's soldier.

The plant would be needed for a long time even if the Vietnam war were to end immediately, according to John M. Troyer, civilian executive assistant to Lt. Col. Russell O. Enoch, the plant commander.

ADVISER TO PRESIDENTS: BIG MAN IN GOVERNMENT IS IN BIG BUSINESS, TOO

(By Laurence C. Eklund)

Usually when the Milwaukee road passenger train pulls out of Chicago for Madison, Wis., at 6:30 p.m. Thursday, the private railroad car of Leo T. Crowley, the road's board chairman, is attached.

That would be Leo Crowley, the successful man of business as contrasted with Leo Crowley, the powerful government official of the Roosevelt era, going home for the weekend.

In the private railroad car, a symbol of past elegance that is still used by a number of railroad executives, Crowley is served dinner by O'Neil Barnes, a former Milwaukee road dining car steward.

He will spend the weekend in his 12 room Tudor style home overlooking Lake Wingra, often in the company of adoring nieces and nephews, children and grandchildren of his late brothers and a sister.

Then on Monday morning, after being served breakfast by one of his three sisters who keeps house for him, he returns to his private car for the journey back to Chicago, beginning at 7:15.

DIRECTLY TO OFFICE

When the train arrives in Chicago, he goes directly to his office—room 874 in the Union Station building.

Crowley also uses the private car for business trips. He used it in Milwaukee to entertain luncheon guests when he was pushing construction of the new Union station as an adornment to a revitalized downtown Milwaukee to be used by both the Milwaukee and North Western roads.

With the exception of the years 1963 to 1966 Crowley has been chairman of the Milwaukee road board since December, 1945.

He has spent much of his time in recent years working toward consummation of the $1.5 billion merger of the Milwaukee and North Western roads into a 22,000 mile rail network serving the midwest and northwest.

Final arguments were held before the interstate commerce commission a month ago on the recommendation of ICC examiner Henry C. Darmstadter that the merger be approved, to effect savings of about $31.7 million a year.

DECISION DUE SOON

A decision is expected late this year or early in 1970.

The North Western and the Milwaukee since early in 1965 have had a merger agreement under which the former would acquire the latter. But recently the North Western has suggested the "possible" purchase of its assets by the Milwaukee, which would reverse the roles of buyer and seller.

Crowley's aggregate income as chairman of the board, director and chairman of the Milwaukee road's finance committee is $81,400 a year. He is also chairman of the Wisconsin Public Service Corp., with offices in Milwaukee and public utility operations in various areas of the state.

Crowley, who neither smokes nor drinks because of his sinuses, has spent much of his life living in hotels—the Mayflower in Washington and the Blackstone in Chicago.

In Chicago he is chauffeured between the Blackstone and his office by a Milwaukee road employe in a rented Ford.

LONG A MILLIONAIRE

He gets to his office at about 7:45 a.m. and the chauffeur usually picks him up at about 3:30 or 3:45 p.m. to return him to his hotel, where he goes to bed at 11 p.m. and gets up at 5 a.m.

Yellowing newspaper clippings of 25 years ago described Crowley as a millionaire then. It seems safe to assume that he has not become impoverished since.

Crowley, who took over the support of a large family after the death of his father in 1913, had no comment on his current financial condition, except to say: "Well, hope I leave my sisters comfortable."

Because of his responsibilities as head of a large family Crowley was unable to continue his formal education beyond graduation from Madison Central high school. Later in life, however, he was made an honorary member of Phi Beta Kappa, denoting scholarship, and he managed to pick up half a dozen honorary doctorates from Catholic colleges and universities.

As a result of what he conceded later were "good breaks," Crowley made money in the stock markets, because a prominent Madison banker and by the time he became chairman of the Federal Deposit Insurance Corp. in 1934 was rated a prosperous businessman.

In 1939 Crowley accepted the lucrative job of chairman of the board of the "billion dollar" Standard Gas & Electric Co., a Chicago utility holding company from which he eventually drew a salary of $75,000 a year.

F. D. R. APPROVED

Time magazine noted at the time that Crowley took the utility job "with apparent White House approval," a fact that he confirmed in the interview with this reporter.

"President Roosevelt let me operate as chairman of Standard Gas all those years I was in government," said Crowley.

There was no conflict of interest problem at all, he said, in the fact that he was getting $75,000 a year from Standard Gas when he was not taking a government salary.

When it was suggested that it was remarkable that he was able to handle the Standard Gas job for seven years while holding down several big government jobs, Crowley explained that the company moved personnel from New York to Washington "who were capable of doing things."

PROPERTY TO LIQUIDATE

It was during that period, he said, that the utility holding company act was passed. Under the act big utility holding companies had to liquidate. Standard Gas had property all over the country which it had to liquidate.

"What we were doing was cleaning up the balance sheets to comply with the law," he said.

Crowley tried vainly to resign from the government three times. In 1939, he said, he told Roosevelt he had accepted appointment to the board of directors of the Pan American Airways and the board of Lehman Corp., the Wall Street investment firm. He quoted Roosevelt as telling him:

"No, you go back and you retire from both those boards and tell them I don't want you to quit. We may be involved in a war and I want you to stay with me until after the war. After the war I'll help you with anything you want."

So Crowley resigned from the boards of Pan American and the Lehman Corp.

Later, when he tried to resign from the

government during the war, Roosevelt told him: "I cannot accept your resignation. You are doing a fine job, and I want you to remain until Germany is eliminated from the war."

His top pay with the government, before he joined Standard Gas & Electric, was $15,000 a year, which was then the salary of a cabinet officer. He was a "nothing a year" man the rest of the time.

When Crowley joined the Milwaukee road as board chairman in 1945 it had just returned to private control after 10 years of receivership.

At other times in a busy business career Crowley served on the board of the Philadelphia Co., the National Guardian Life Insurance Co. and the Fox River Paper Co.

His family once owned the Goodall-Crowley Oil Co. at Beloit. He owned an interest in radio station WEMP in Milwaukee until he sold it in 1944 to the late Mrs. Robert M. La Follette, Jr.

LET'S NOT FENCE IN THE FOUNDATIONS

Mr. **GOODELL.** Mr. President, far-reaching changes in the tax treatment of private foundations have been proposed in the Tax Reform Act of 1969 (H.R. 13270). Some of these proposals have already generated a tremendous amount of public concern over their possible effect upon the vital contributions which foundations make to the scientific, intellectual, cultural, and social development of this country. In my opinion, this concern is quite rightly justified.

The subject of foundation tax reform is a complex and delicate one. It must be deliberated in depth and with great care. In order to continue to bring to the attention of Senators some of the fundamental issues involved, I ask unanimous consent to have printed in the RECORD an informative article entitled "Let's Not Fence in the Foundations," written by Irwin Ross, and published in Fortune for June 1969, prior to the passage of H.R. 13270 in the House.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

LET'S NOT FENCE IN THE FOUNDATIONS

(By Irwin Ross)

The men who run America's foundations are worried. As custodians of great wealth wielding unique influence in the nation's life, they have long been accustomed to criticism. But in recent months the critical chorus has grown louder, and foundations now face the likelihood of legislation that could conceivably limit their freedom and scope of operation.

Two unrelated developments have contributed to the change in atmosphere. On the one hand, foundations have become increasingly involved with the controversial problems of poverty and race relations, provoking charges that they have become "too arrogant, too biased, and too political," as one syndicated columnist put it. Even the usually friendly New York *Times* has urged foundations to adopt "informal rules" to avoid "the role of a shadow government . . . not responsive to the electorate." At the same time, the growing public clamor for tax reform has focused attention on the financial malpractices of some foundations, stirring demands for drastic curbs on the way they do business.

In February, the House Ways and Means Committee, which initiates all tax legislation, began a long-heralded investigation of foundations. During several days of public hearings, committee members heard every criticism, prejudice, and vagrant anxiety currently voiced about foundations: they were blatant tax dodges; they had surreptitiously invaded the political arena; they spent their money frivolously, often rewarding favored friends; they squandered vast sums abroad. Some witnesses proposed reforms or punitive measures. For example, Representative Wright Patman of Texas, who has been conducting a personal crusade against foundations since 1961, called for a 20 percent tax on gross income and capital gains.

Sensing the mood, top Treasury officials in the Nixon Administration presented an elaborate packet of proposals, largely dealing with the financial operations of foundations. With this in hand, Chairman Wilbur Mills took the Ways and Means Committee into closed session at the end of April to write the legislation it will ultimately report out to the House.

Some reform is undoubtedly needed; but the danger is that in its zeal to eliminate abuses of the tax-exemption privilege, Congress could end up crippling a valuable American institution. If the basic philanthropic operations of foundations should be curtailed or hampered, we would all be impoverished. At their best, foundations are a great source of initiative and experiment that enormously enrich the life of nations. In the U.S. they have developed into a powerful force for social change and human betterment—a third force, as it were, independent of business and government.

Even the most reputable foundations are guilty of lapses of judgment, but the broadest possible freedom of action is an essential ingredient of their successes. They have often provided the seed money, the risk capital for enterprises that neither government nor business has the interest or capacity to pusue. Sixty years ago a mere $18,000 grant from the Carnegie Foundation for the Advancement of Teaching launched Abraham Flexner's famous survey of the deplorable state of American medical education, a study that ultimately led to a revolutionary upgrading of standards. In its early years, the Rockefeller Foundation sponsored a public-health program that eliminated the debilitating disease of hookworm from the southern U.S. and from fifty-two foreign countries.

In recent years, sizable financial support from the Ford and Rockefeller foundations has led to the development of new strains of rice and wheat that will soon enormously increase the food supply in all of Asia. Birth-control programs in the populous countries of the underdeveloped world would never have got beyond the pilot stage without foundation support. Here in the U.S., grants from the Taconic, Ford, and Carnegie foundations financed preschool projects for impoverished youngsters that became the inspiration for Head Start, the most popular undertaking of the federal antipoverty program. In the early Sixties, Ford Foundation money backed a new concept in legal aid for the poor—neighborhood law offices in slum areas—which flowered into a large-scale program under government auspices a few years later. The examples can be multiplied endlessly.

DOLL LIBRARIES AND STATUS SYMBOLS

Much of the current criticism tends to overlook the fact that foundations come in various shapes and sizes. There are an enormous number of them. According to the Foundation Center, the chief information-gathering agency in the field, some 22,000 foundations were in existence at the end of 1968, and they are proliferating rapidly; in 1950 there were only 1,000, and last year alone 2,000 new ones were created. (The Internal Revenue Service counted more than 30,000 foundations in 1968, but some of the organizations it regards as foundations either lack endowments or do not make grants.)

The best known are the large general-purpose foundations, which support a wide range of causes. More numerous, and generally much smaller, are the special-purpose foundations (some of which are quite narrow in their interests, like the International Doll Library Foundation of Greenwich, Connecticut). There is a separate category of over 200 community foundations, whose endowments come from a variety of local donors and whose income is distributed almost exclusively to local charities. About 2,000 company foundations constitute still another group; these are sponsored by corporations and serve as conduits for corporate charity. Though they are nominally independent, their trustees are mostly officers of the sponsoring corporation.

Well over half of all the foundations are small family operations, most of which lack a professional staff or even an office; they are usually run by the donor, his children, and perhaps the family lawyer. Indeed, about two-thirds of all foundations are very small, with assets of less than $200,000 or annual grants totally under $10,000. In many instances they are little more than status symbols for their donors—or tax shelters.

All told, U.S. foundations control $20.5 billion in assets and give out about $1.5 billion a year. Nearly 18 percent of those assets are held by the Ford Foundation, which is by far the biggest, with well over $3 billion in its portfolio. The Rockefeller Foundation comes next with $890 million, then the Duke Endowment with $629 million. Twenty-six foundations have assets of over $100 million each, fifteen of over $200 million. Fewer than 7 percent of the foundations control 90 percent of all assets.

All of which amounts to a vast agglomeration of wealth, pledged to public charity but under the exclusive control of private individuals—a condition that inevitably inspires concern and sometimes controversy about the way foundations spend their money. The concern is natural, but some of the critcism is eccentric, not to say absurd. Thus Patman, testifying before the Ways and Means Committee, decried the vast sums the Rockefeller Foundation spent abroad in 1966: "The Foundation spent $1,693,762 in India, but not a penny in Arkansas. It spent half a million dollars in Uganda, but not a cent in Idaho. It spent more than $1 million in Nigeria, but it could bring itself to spend only $1,000 in Kentucky."

Patman was equally outraged about grants made by the Bollingen Foundation, a Mellon creation, which operates one of the most distinguished cultural programs in the country. He accused Bollingen of specializing in "the development of trivia into nonsense," because it financed such research projects as "the phenomenology of the Iranian religious consciousness" and "the origin and significance of the decorative types of medieval tombstones in Bosnia and Herzegovina." Said Patman: "If the Mellons are more interested in medieval tombstones than in Pittsburgh poverty . . . that is the Mellons' affair. However, there is no obligation upon either the Congress or the American citizenry to give the Mellons tax-free dollars to finance their exotic interests."

EDUCATION OR SEVERANCE PAY?

Congressmen had considerably more reason to be disturbed by some recent activities of the Ford Foundation. Notable were the voter-registration drive that Ford financed during the 1967 mayoralty election in Cleveland, and the "travel and study" awards totaling $131,069 that it gave to eight aides of Robert Kennedy after the assassination last year. McGeorge Bundy, president of the foundation, spent four and a half hours before the Ways and Means Committee, in the course of which he defended both actions.

The grants to the Kennedy staff stirred

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up more of a fuss in Washington than any other single foundation action. Bundy explained that he and his colleagues wanted "to help" the men after the tragedy. The most appropriate method seemed to be to invite several of them to participate in the foundation's long-established "travel and study" award program, a species of advanced adult education "designed to develop the abilities and educational backgrounds of persons . . . in fields in which the foundation works." The generous grants covered both compensation and travel expense. For example, Jerry Bruno, who had been in charge of planning Kennedy's campaign trips, was given $19,450 for a seven-month study of "methods and styles of national political campaigning in the United States." Bundy stressed that all eight individuals were eminently qualified for the awards, which had previously been given to more than 2,000 people.

He had trouble, however, in persuading the committee that with the Kennedy men the project was truly educational. "It looks to me like severance pay," remarked Representative John W. Byrnes of Wisconsin, the ranking Republican member. Other Washington observers suspected political favoritism—an unwarranted assumption, given the coolness of Bundy's relations with the late Senator—or what *Life* called "intra-Establishment clubbiness." Bundy was clearly vulnerable when he invoked compassionate reasons, rather than resting his case on the personal qualifications of the recipients. The Ford Foundation had not previously been in the business of personal charity.

In the Cleveland episode, the foundation had made a $175,000 grant to the local chapter of CORE. A portion of the money went for a voter-registration drive in three Negro slums—at a time when a Negro candidate, Carl Stokes, was running for mayor. In many quarters, the foundation grant was held to be partly responsible for Stoke's victory. Bundy's congressional inquisitors wanted to know whether this venture was educational or political, and if political was it not inappropriate for a tax-exempt foundation?

Bundy defended voter-registration drives as a proper field for foundation activity, since they extended democratic participation. He insisted that the foundation had never examined the connection between a particular registration campaign and the election of a specific individual; he thought that would be improper. The fact was, however, that in Cleveland the registration drive could only redound to the advantage of one candidate. Once again, Bundy was vulnerable. The foundation would have been beyond criticism had it also financed voter registration drives in three white areas of Cleveland.

The testimony before the committee left a number of Congressmen with the feeling that foundations had too much freedom. "The area of foundations' activities is almost wide open," Representative Byrnes later complained. "Anything that anybody can conceive of can be said to be educational. We must develop some guidelines."

The Internal Revenue Code already lays down some guidelines, but they are quite vague. Oddly, the code does not even define foundations, but lumps them with a variety of other tax-exempt organizations that also receive tax-deductible gifts. (According to the generally accepted definition, a foundation is a private, nonprofit organization with a principal fund and its own board, whose money comes from private sources—not from public appeals—and which makes grants to outside organizations; it may also operate certain programs of its own.) The code specifies that foundations and other philanthropic organizations can have the privilege of tax exemption if they engage in religious, charitable, scientific, literary, or educational activities, as well as "testing for public safety" and "the prevention of cruelty to children or animals." They are prohibited from participating in election campaigns and from devoting a "substantial part" of their activities to lobbying—defined in the code as "carrying on propaganda, or otherwise attempting, to influence legislation." There is no definition of "substantial," however. The Internal Revenue Service makes such a determination on an ad hoc basis, depending on the amount of lobbying and the volume of other activities.

THE 15 RICHEST

	1968 (in millions)					
	Assets	Income	Grants and projects	Date founded	Founder	Major fields of endeavor
Ford Foundation	$3,659	$155	$256.8	1936	Henry Ford and Edsel Ford (Ford Motor Co.).	Nearly all-inclusive.
Rockefeller Foundation	890	32.8	38.9	1913	John D. Rockefeller (oil)	Education, medicine, art, agriculture, urban problems.
Duke Endowment	629	21.5	18.1	1934	James B. Duke (tobacco)	Education, hospitals, religion, child care—in North and South Carolina.
Lilly Endowment	580	6.8	6.9	1937	Lilly family (drugs)	Community services and urban problems, education, religion, primarily in Indiana.
Pew Memorial Trust (1967 figures)	437	5.8	4.9	1957	Pew family (oil)	Education, hospitals, religion, various conservative causes.
W. K. Kellogg Foundation	435	14.2	13.6	1930	W. K. Kellogg (cereals)	Medicine, agriculture, and education.
Charles Stewart Mott Foundation	413	15.6	12.2	1926	Charles Stewart Mott (G.M.)	Education, health, and welfare programs, primarily in Flint, Mich.
Kresge Foundation	353	7.4	4.8	1924	Sebastian S. Kresge (variety stores)	Education, hospitals and medical programs, arts and humanities.
John A. Hartford Foundation	352	16.6	15.5	1929	John A. Hartford (A & P)	Medical research.
Carnegie Corporation of New York	335	13.4	12.6	1911	Andrew Carnegie (steel)	Education.
Alfred P. Sloan Foundation	329	13.7	15.9	1934	Alfred P. Sloan (G.M.)	Science, engineering, higher education, management.
Longwood Foundation	226	7.0	3.9	1937	Pierre S. du Pont (E. I. duPont de Nemours & Co.).	Operation of Longwood Gardens, a park in Pennsylvania; hospitals and education.
Rockefeller Brothers Fund	222	8.4	7.8	1940	Rockefeller family (oil)	Agencies in the New York area, and special worldwide projects.
Moody Foundation	200	6.6	4.7	1942	Mr. and Mrs. William L. Moody Jr. (cotton, banking, and insurance).	Education and medicine in Texas.
Houston Endowment (1967 figures)	193	14.3	3.1	1937	Mr. and Mrs. Jesse H. Jones (investments)	Education, primarily in Texas.

The regulations also define "scientific," "educational," and "charitable" pursuits in broad terms. Educational activity is not necessarily confined to the classroom, and an organization is regarded as educational even if it advocates a particular viewpoint, "so long as it presents a sufficiently full and fair exposition of the pertinent facts." If it merely presents unsupported opinion, its tax exemption can be revoked—as happened to H. L. Hunt's Life Line Foundation, whose principal activity was sponsoring conservative radio commentators. As for "charitable" activities, the Internal Revenue definition comprehends the normal meaning of the term as well as efforts "to lessen neighborhood tensions," to defend human and civil rights, and "to combat community deterioration and juvenile delinquency."

The difficulty about "tightening up" the language of the law, as Byrnes and some others have suggested, is that the exercise can easily become too restrictive; in an effort to eliminate one undesirable type of activity, the prohibition may be drawn too sweepingly. The problem is illustrated by one of the Treasury's recent proposals. Responding to the criticism of the Ford Foundation's voter-registration drive in Cleveland, the Treasury has included in its recent proposals a recommendation that foundations be forbidden to engage in any activity "directly connected" with an election campaign, no matter how educational in purpose. Such a blanket prohibition would encompass *all* voter-registration drives, as well as all educational programs about the issues and panel discussions involving the candidates. In other words, foundations would have to refrain from doing what even radio and television stations are free to do under the "equal time" law.

Once the government starts to regulate the program area of foundations, it is impossible to foresee where the process will end. Congressman Patman would presumably prohibit sending foundation money abroad; he would also, one gathers, like to eliminate "trivia" and "nonsense" from the cultural programs of foundations. How could that be done without setting up some national arbiter to judge the worthiness of a symphony orchestra or an art museum?

One of the great virtues of foundations is the broad charter now permitted them in law. Their freedom is essential to their leavening role in society. They must be free to pioneer, to aid projects that lack majority support, indeed to aid unpopular causes. Without such freedom there would be little point in maintaining private philanthropy.

A ROLE GOVERNMENT CANNOT PERFORM

It can be argued, of course, that there is something undemocratic in the institution of the private, tax-exempt foundation. Here is a vast reservoir of wealth in private hands, answerable to no one but self-perpetuating boards of trustees. It is wealth that was privately created, of course, but inasmuch as estate duties range up to 77 percent, most of it would have gone to the federal Treasury had it not been donated for philanthropy. Even the few foundations, like Carnegie and Rockefeller, that were created before the estate tax was passed in 1916, have benefited from tax exemption on their portfolio earnings. The retention of these enormous funds in private hands can be justified only on the grounds that there is a role for private philanthropy that government cannot perform. That role is to help provide a dispersion of initiative in society, a multiplicity of sources furnishing support for all the winds of doctrine.

In the end the best justification of foundations is their results. Sometimes the results are so evident as to be beyond argument, as with the Rockefeller Foundation's malaria-control program or with the Ford Foundation's generous grants ($180 million to date) that kept educational television alive through many lean years. Even the science of rocketry and space exploration, on which the government has since spent billions, was dependent in its early years on the slender but sturdy reed of foundation support. From 1934 to 1941, the Daniel and Florence Guggenheim Foundation was the sole backer of Dr. Robert H. Goddard, whose pioneering discoveries in rocketry laid the basis for the new technology. During most of Goddard's life, the U.S. Government lacked the vision to finance him.

THEY CAN'T STAY ABOVE THE BATTLE

It often takes years, of course, before the final outcome of foundation efforts becomes apparent. In the interim the test is whether foundations are undertaking worth while projects that otherwise might not get done. The relevance and utility of foundation programs are nowhere more apparent than in their currrent involvement with the problems of poverty, race relations, and urban conflict. In the early 1960's the large foundations spend timidly, if at all, in these areas; civil-rights groups, for example, received their only wholehearted support from such small foundations as Taconic, New World, Field, and the Stern Family Fund. In the last few years, however, the large foundations have devoted an increasing proportion of their resources to urgent domestic problems. As a group, in 1968 American foundations spent an estimated $270 million—more than 18 percent of their total outlays—on programs dealing with poverty and race relations.

The Rockefeller Foundation, for example, now commits about a quarter of its funds to its Equal Opportunity Program, which aids Mexican-Americans and Indians as well as Negroes in combating discrimination and developing more effective leadership. The Ford Foundation, which last year allocated over $62 million to its National Affairs division—about 30 percent of its total program—is all over the lot, helping to finance the rehabilitation of the Bedford-Stuyvesant slum area in Brooklyn, supporting income-maintenance experiments among the poor, trying to encourage reform in big-city police departments, educating the clergy in urban problems, aiding a church-sponsored effort to combat prejudicial radio and TV broadcasts. Ford also gave sizable assistance to a host of minority-group organizations, including $1,050,000 for the National Urban League's "New Thrust" an effort to develop stable new leadership in Negro slums.

The foundations' increasing involvement in the domestic arena underscores a simple fact that was less apparent in the past: to be effective a foundation must make choices, take sides, support causes. In such matters as population control, civil rights, and school decentralization, a foundation takes sides by merely funding a project. To be above the battle is to be irrelevant; to be relevant is to risk controversy.

Is there any danger or impropriety in such one-sided involvement on the part of organizations spending quasi-public funds? There might be if U.S. foundations were a monolithic force. But in fact, they vary greatly in their interests, preferences, political predilections. Right now, to be sure, some of the biggest and most visible foundations—Ford, Rockefeller, Carnegie, Danforth—are liberal in their orientation. But there are also some large conservative foundations, such as the Pew Memorial Trust in Philadelphia, the Lilly Endowment in Indianapolis, and the Moody Foundation in Galveston. Pew, for example, supports such conservative organizations as the Christian Anti-Communism Crusade, Americans for the Competitive Enterprise System, the Freedoms Foundation at Valley Forge, and Harding College of Searcy, Arkansas. None of the conservative foundations happen to be activist as the liberal ones, but this condition need not be immutable.

The great strength of American foundations is the availability of an organization for every taste and cause. The Charles Stewart Mott Foundation, whose $413 million assets make it seventh in the national ranking, is almost exclusively devoted to the interests of Flint, Michigan, where the ninety-three-year-old benefactor makes his home. Mott's youngest son, Stewart, runs an entirely different kind of foundation in New York called Spectemur Agendo ("Let us be known by our deeds"). It supports programs that Stewart Mott proudly proclaims to be "unconventional, controversial, and unacceptable to traditional sources of foundation support." Among them: abortion education, and research in extrasensory perception.

The great freedom and discretionary powers of foundations obviously lead to error at times. While further legal restraints on programs would be unwise, foundations might profitably rethink some of their own guidelines to prevent such blunders as those Ford made with the Kennedy staff awards and the Cleveland voter-registration drive. Significantly, help in this task may come from the recently established Commission on Foundations and Private Philanthropy, a panel of distinguished private citizens headed by Peter G. Peterson, chairman of the board of Bell & Howell Co. The commission is planning to study the matter of appropriate guidelines regarding "controversial public policy issues," as well as the whole range of foundation activities, in the hope of warding off ill-considered regulatory action.

WHERE ACTION IS NEEDED

This plea for freedom embraces only the program area of foundations. But when it comes to the financial operations of foundations, there is a compelling case for tighter government regulations. In this area many abuses have occurred, particularly on the part of small foundations. The more blatant abuses can be reached by present law, which requires that a foundation "be operated exclusively" for religious, educational, charitable, or the other permissible purposes. If a foundation is used for the palpable benefit of the people who control it, the Internal Revenue Service can crack down by revoking its tax exemption.

A celebrated example is the Public Health Foundation for Cancer and Blood Pressure Research, which was controlled by the late James H. Rand Jr. of Remington Rand. In 1965 Internal Revenue alleged that Rand sold his Connecticut home to the foundation for over $231,000—for use as a research center—and then continued to live in it. The foundation also paid the household expenses and the salaries of Rand's servants. Nearly $160,000 was spent to construct a research laboratory in Stuart, Florida, to grow vegetables free of toxic insecticides; the vegetables were consumed by Rand and his friends. Three grants totaling $650,000 went to close personal associates of Rand, for use in the "advancement of human welfare"—apparently their own. The I.R.S. claimed a tax deficiency of $11,700,000 plus a $5,900,000 fraud penalty. Rand is dead; the foundation, whose assets don't cover the tax bill, is litigating the matter and prefers not to talk about the entire unpleasantness.

In general, however, the Internal Revenue Code has been too permissive. It does not deal, for example, with the conflict between public and private interest that arises when a foundation is used to preserve control of a corporation. This is commonly done by giving the foundation a controlling bloc of stock, much of which would otherwise have to be sold off to pay estate taxes. Thus the W. K. Kellogg Foundation controls Kellogg Co., through a trust that owns about 51 percent of the cereal company's shares; the John A. Hartford Foundation exercised effective control of A & P; the Lilly Endowment, which owns 23 percent of Eli Lilly & Co., ensures that the Lilly family is not likely to be dislodged from control.[1]

When a foundation is used in this way, its public obligations do not necessarily get slighted. The Ford Foundation, which originally held 88 percent of the motor company's stock (in nonvoting shares), has over the years given away $3.4 billion, a sum nearly as great as its current assets. The foundation regularly distributes capital gains as well as income and in every one of the last ten years has cut into its principal to finance its programs. And its holding of Ford stock has dwindled to 25.5 percent.

Philanthropy does get shortchanged, however, when the corporate stock that a foundation holds for control purposes produces meager income. For instance, the Lilly Endowment keeps virtually all its assets in low-yielding Eli Lilly stock (whose market value, however, has advanced an average 23 percent in the last five years); last year the endowment's disbursements amounted to only 1.2 percent of its assets. The James Irvine Foundation owns over 53 percent of Irvine Co., which in turn owns a sixth of the land in Orange County, California; it gets only enough income to make charitable contributions of about $1 million a year—though it modestly values its assets at $123 million.

HOW TO MAKE THEM GIVE AWAY MORE

To get at this kind of problem, the Treasury has proposed certain changes in the law. One would make it mandatory for a foundation to distribute every year a sum equal to at least 5 percent of its investment assets. (A two-year transition period would be allowed.) Another would require foundations to divest themselves of controlling interests in businesses within five years of receiving such control. Ownership of 35 percent of the voting shares of a corporation would be regarded as conclusive evidence of control; if the equity was between 20 percent and 35 percent, Internal Revenue would examine the facts and determine whether effective control existed. The public interest would assuredly be served by both these measures. Many more millions would be available for philanthropy if foundations with low-yield assets were forced to spend principal or to diversify holdings.

REPORTING TO THE PUBLIC

The other main area of foundation abuse is in what is called "self-dealing"—sales and purchases, loans and borrowings between the foundation and the people who control it. Under present law, if a foundation rents property or makes a loan to its donor, it must charge a "reasonable" rent or interest rate, and demand "adequate" security. The regulation, however, is very difficult to police. In a case cited by the Treasury, the William Clay Jr. Foundation of Fort Worth lent money to a corporation controlled by its donor. The only security for the loan was an oral promise that the corporation would execute a mortgage on its real estate if the

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[1] The Henry Luce Foundation has owned 12.1 percent of the common stock of Time Inc., publishers of Fortune, since the death of Henry R. Luce in 1967. In 1968 the foundation had assets of $87 million and distributed almost $2 million to various projects in public affairs, education, religion, and the Far East.

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foundation so requested. The foundation never made such a request. The I.R.S. challenged the transaction on the grounds that there was no adequate security: if the corporation went bankrupt, its promise to produce a mortgage would be valueless. The court, however, held that the security was adequate. In another case, a donor contributed $65,000 to a foundation; the money was then lent back to the donor's firm. He was thus in the neat position of getting an income-tax deduction for money invested in his own business.

The Treasury advocates abolishing all self-dealing. It also recommends that mandatory civil penalties be imposed on foundation personnel who violate any of the proposed new rules, and that the federal courts be given the authority to ensure that foundation assets are used for charitable purposes. Among other things, the courts could fine or remove trustees, rescind transactions, and divest assets. Up to now, the states alone have had this power, and only a dozen states have enforcement programs.

One significant area is not covered by the Treasury proposals: the obligation of foundations to let the public know what they are doing. Most of the large foundations feel this obligation keenly; they publish detailed annual reports and answer almost any question about their activities. But many foundations are amazingly hostile to public scrutiny. The Pew Memorial Trust, the fifth-largest foundation in the country, publishes no report and will not even receive reporters. In rebuffing Fortune's inquiries, Allyn R. Bell Jr., who runs the trust, referred blandly to "our announced desire of remaining anonymous as far as possible."

Of the 22,000 U.S. foundations, only 140 publish annual reports; for the rest, the only publicly available information about their finances and program is to be found in the skimpy data that they file with Internal Revenue. Form 990A lists the recipient of each grant and the money involved, but provides no descriptive data about the purposes for which the funds were expended. The paucity of information from the great majority of the foundations is scandalous, but is unlikely to be rectified until they are legally required to produce annual reports.

The abuses of foundations can readily be eliminated, without prejudicing the integrity of the institution. The institution deserves to be preserved, whatever the loss of revenue to the Treasury from estate taxes. The full record shows that foundations are worth their price.

RECESS

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. That would leave morning business still open when the Senate convenes, if the Senate convenes prior to 2 p.m.

Mr. KENNEDY. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate stands in recess subject to the call of the Chair. The morning business will remain open if the Senate convenes prior to 2 p.m., at which time the unfinished business will be laid before the Senate by unanimous consent, under the previous order.

Thereupon (at 1 o'clock and 1 minute p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 p.m., when called to order by the Presiding Officer (Mr. Gravel in the chair).

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The PRESIDING OFFICER. Under the order of yesterday, the Chair lays before the Senate the unfinished business, which will be stated.

The Legislative Clerk. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The PRESIDING OFFICER. Under the unanimous consent agreement, the roll will be called to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JAVITS. Mr. President, will the Senator withhold that momentarily? We are doing a little talking.

The PRESIDING OFFICER (Mr. Hughes in the chair). It is nondebatable.

Is there objection to the request of the Senator from Massachusetts?

Mr. RANDOLPH. Mr. President, the coal mining industry is today a highly——

The PRESIDING OFFICER. The unanimous-consent agreement is in effect. The agreement will have to be called off, or the Senator will have to have a quorum call.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unanimous consent agreement be waived so that——

Mr. BYRD of West Virginia. Mr. President, we cannot hear the unanimous consent request.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unanimous consent agreement be waived so that we might permit discussion and debate on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I am willing to waive the unanimous consent agreement for the purpose of hearing Senator Randolph, but I am not willing to vacate the unanimous consent agreement at this time. If that is understood, I have no objection.

Mr. KENNEDY. Mr. President, I withdraw that request.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 103 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Mississippi (Mr. Eastland) and the Senator from Montana (Mr. Mansfield) are necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart) and the Senator from Washington (Mr. Magnuson) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Hatfield) and the Senator from Idaho (Mr. Jordan) are necessarily absent.

The PRESIDING OFFICER (Mr. Hughes in the chair). A quorum is present.

Under the unanimous consent agreement, the Senator from New Jersey has 45 minutes and the Senator from Vermont has 45 minutes.

Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield such time as he may desire to the Senator from West Virginia (Mr. Randolph).

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE COAL MINER IS A RESPONSIBLE CITIZEN

Mr. RANDOLPH. Mr. President, I am grateful for the cooperation of my able colleagues, the chairman of the Committee on Labor and Public Welfare (Mr. Yarborough) and the chairman of the Subcommittee on Labor, the Senator from New Jersey (Mr. Williams).

Mr. President, the coal mining industry is today a highly mechanical complex, depending to a large degree on the well-developed American ability to provide machines and technology. The men who mine coal no longer have picks and shovels as their basic tools. In the larger underground mines, as in all surface mining, they use huge machines, to tear the coal from the earth, and do their work in superventilated atmosphere.

Therefore, Mr. President, in our consideration of this important legislation to improve the working conditions of miners the Labor Subcommittee and the Committee on Labor and Public Welfare of necessity have been compelled to devote much attention to matters of a technical nature.

But, at the same time, we have had firmly fixed in our minds the realization that what we were doing was for the benefit of the men who work in one of our most hazardous industries. While we dealt with technology as the way to improve health and safety conditions in the mines, the men who will benefit were also discussed, both in Congress and by interested parties elsewhere.

The technical aspects of this legislation have been explored at length, and they will be given further close scrutiny, as we consider the measure in this forum.

Today, Mr. President, I would like to discuss the men of the mining industry without whom the industry could not operate despite its status as one of the most highly mechanized in the United States.

I have known miners all of my life. I grew up in a mining State, the one it is

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my privilege to represent in the Senate together with my distinguished colleague (Mr. BYRD). So, over the years, I have become acquainted with men who mine coal. Hence, I am familiar with their attitudes, their problems, their philosophy and their way of life.

I know the miners of West Virginia and other mining regions as stalwart citizens of their communities, subject to the same fears and joys, the same ambitions and desires as people elsewhere. In short, miners are not as different from nonmining citizens as they are sometimes depicted.

They are proud of their trade as miners, one that requires considerable skill and judgment, particularly in today's sophisticated mines.

I regret considerably that miners too frequently have been pictured as other than what they are. Too often they have been "discovered" in the hills and valleys where the coal lies and where miners live and work. Then, unfortunately, miners as a class—as a whole—are presented as ignorant, exploited semihumans lacking in intelligence or the simplest amenities of civilized life.

This, Mr. President, is not true. It is not fair. It is a cruel misrepresentation of a strong and independent segment of our society.

I am becoming disgusted at hearing and I am tired of seeing the coal miners of West Virginia depicted as men who live like animals. That is not true at all. More men work at coal mining in West Virginia than at any other job, and coal mining is one of the highest-paid industrial jobs in the Nation. In January of this year, the average American miner was earning $170.95 a week, more than $4 an hour. His average income was higher than are those of either steelworkers or workers in automobile manufacturing.

Could people earning the wages of today's miner be seriously labeled impoverished, downtrodden, and enslaved? That is not true, either. I do not believe that a man receiving $170 a week in wages has to live in a shack if he does not want to live in such an abode.

Of course, we should strive to improve the safety of working and occupational health conditions of the coal miner, just as we should do for every American worker. Yes, more must be done to protect the miner from accidents at work; certainly we must see that his health is protected more adequately. The legislation now before us is designed to help us reach these objectives.

I hope that we can approach this legislation in an objective manner, free from excessive emotionalism. I hope we shall see less of the overdrawn image of today's coal miner as ignorant, oppressed and exploited. Some of them are under some mining conditions; the vast majority are not.

Today's miner is a highly skilled workman. His days of sporadic employment are long gone. Coal mines today are working mostly at full capacity, many of them on long-term contracts that will provide steady jobs for years. There is, in fact, an actual shortage of miners in some coal-producing regions.

Some people would have us believe that the miner lives in squalor in a company town and owes his soul to the company store. The truth is that the stereotyped coal camp of the past is near extinction. Miners now own cars, freeing them to live where they want and to commute to their jobs. Many miners live in and enjoy the advantages of cities and towns while continuing to work in mines.

There are, of course, still slums in mining areas just as there are slums in every highly industrialized region of the world. This is undesirable, and great strides are being made to eliminate both the urban and rural slums. But there are few of the "company towns" of the 19th-century and early 20th-century type. Miners own their own homes, and in some cases where housing is inadequate, coal companies are helping to promote the development of new towns and new housing developments.

There are still a few company stores, but they exist only as a convenience for miners who work in isolated areas. And they must compete with the supermarkets and stores of the nearest town for the business of today's very mobile miner.

In West Virginia, for example, there are two new housing developments where miners have the first choice of buying their own homes. These developments were produced under the sponsorship of a coal company which brought together the bankers, builders, and others required to make the projects successful.

To obtain a profile of today's miner and his way of life, I asked earlier this year that a survey be made in West Virginia. I wanted to find out how many stories I had been hearing about miners might be true. I wanted hard, statistical facts to determine if my own observations were faulty or if I, and millions of others, were being misled.

A large mine in northern West Virginia, employing 367 men, was selected for the survey. The average employee is 42 years old and has been a miner for over 16 years. That the traditions of coal mining are strong is shown in the fact that 182 of this mine's workers came from coal mining families.

Only six of them live in company-owned housing, and this is by their own choice.

Here are some of the other findings of the survey taken at that 367-man mine: 63 percent of the miners own their own homes; 98.6 percent have indoor bathrooms; 95 percent own automobiles; 97 percent own television sets; 92 percent have a telephone at home; 99 percent have indoor plumbing; 78 percent go away from home on vacations.

The 367 employees at the Survey mine have 859 children, 137 of them in high school and 25 in college. Only 41 of the children of high school age, among the 859, dropped out before finishing high school. These figures certainly dispel any notion that the children of miners are denied an education.

The average wage at this mine should be more than $8,500 this year, not including overtime.

Mr. President, many of the old notions about miners are today generalizations contrary to the facts.

Whatever may have been the case in the past is not true in any substantial degree in 1969. It is easier for some people to promote better working conditions for miners—a totally worthwhile objective on its merits—if they are depicted as something other than ordinary people living ordinary lives.

Poverty and deprivation are deplorable, whether in West Virginia, Washington, D.C., New York City, or on an Indian reservation. But it cannot be successfully attacked until we know its true nature and extent.

Poverty is not the hallmark of the coal miner any more than it is of the average American.

As we consider the legislation now before us, I stress the need for an accurate picture of the men who will benefit from it, rather than a distorted apparition that is a combination of the past and of fancy.

Mr. RANDOLPH. Mr. President, I make a point of no quorum.

The PRESIDING OFFICER. From whose time is the time for a quorum call to be taken?

Mr. RANDOLPH. From my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

COMPENSATION

Mr. WILLIAMS of New Jersey. Mr. President, I am gravely concerned about a problem, not now covered by S. 2917, which I believe needs attention by the Congress, namely the problem of providing some means of protection to the miner and his dependents we have forgotten—the inactive coal miner who is totally disabled and unable to work because he contracted pneumoconiosis or black lung while working in the coal mines.

The active miner of today who toils manfully deep in the bowels of the earth to produce about 15 tons of coal per day was, until recently, the forgotten man, but the tragedies of the past year and one-half have raised him high in the eye of the public. The people of this Nation have been shocked by these unfortunate events and have demanded, on his behalf, that Government and industry do a great deal more—not just half way measures—to improve his lot. The active miner of today is feeling the wonderful benefits that an aroused public can bestow on him. The bill before the Senate today is a tribute to this public awareness.

The bill before you today affords him the protection he so desperately needs. It gives directions to the Secretary of the Interior, which prior to this year, were thought to be impossible in this industry.

But today, Mr. President, as I have said there is another "forgotten man" in this industry who also cries for help. He is the inactive miner who was unfortu-

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nate enough to have breathed the coal dust which he toiled in the mines and who now is totally disabled from a disease that he can hardly pronounce—pneumoconiosis—but what he can feel. This has been called by many names, but the most popular is—black lung. Not only is he forgotten, but also his wife and children, and when he dies from this disease, his widow and children are forgotten.

Volume 4 of the committee's hearings, which you all have on your desks, graphically depicts the effects of this disease in the lung. It is not pretty to look at. Imagine how it must be to those who have contracted this disease and know that there is no known cure.

It is estimated by the Public Health Service that about 9 percent of the number of nonworking miners in this country are suffering from complicated pneumoconiosis. Yet, in many cases, these former miners and their dependents are not eligible for compensation payments under State laws. At present, only seven States, West Virginia, Pennsylvania, Colorado, Alabama, Virginia, Tennessee, New Mexico, and Ohio provide any benefits for persons afflicted with this disease. In most cases, these State programs do not cover former miners or widows of miners or only provide minimal benefits for those people.

In my opinion, there is an urgent need to provide a program to help these forgotten people.

The amendment I offer today to S. 2917 would help these people.

The amendment would be a substitute for the present title V of the bill. It would establish on an interim basis a program of assistance to the States in providing emergency health disability benefits to inactive coal miners who are totally disabled and unable to be gainfully employed due to complicated pneumoconiosis contracted while working in the Nation's coal mines. Under the amendment, the Secretary of Health, Education, and Welfare is directed to develop expeditiously interim disability standards for use in this program. The standards would establish, among other things, what constitutes coal miner's complicated pneumoconiosis, the basis for determining who is eligible for benefits, and the means, methods, and procedures for filing claims and for the proof of eligibility. In this regard, it is intended that such standards recognize that the concern of this amendment is to help not only totally disabled miners, but also the widows and children of miners who have died in the past from a condition that was directly related to this occupationally caused disease. The standards would be effective as soon as possible after enactment, but not later than 90 days after the operative date of title V of the bill.

Once the standards are established, the Secretary is directed to undertake immediately to enter into agreements with the States under which they would administer this program pursuant to these standards. The States must give assurances as part of this agreement to pay one-half of the benefits payable during the fiscal years ending June 30, 1972, and June 30, 1973.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 5 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, once an agreement is entered into, the Secretary shall make grants to the States for the purpose of this title. During the remainder of this fiscal year, and during all of the next fiscal year, the program would be fully Federal funded. This will give the States time to obtain the funds necessary to finance their half in the next 2 fiscal years, when the Federal assistance will be limited to one-half of the estimated benefits needed for those two fiscal years. If, in the case of a State which now provides some benefits for this disability, that State reduces its benefits to eligible persons, the amendment prohibits the making of Federal payments under this program. In other words, this is not to be construed as a substitute for on-going State programs.

If, however, benefit payments are made to eligible persons under other provisions of law due to disability caused by coal miner's complicated pneumoconiosis, such benefit payments would be deducted from payments under this amendment. Payments under welfare laws, of course, would not count as a deduction for this purpose.

The benefits are payable under this amendment according to a formula which would provide: To the miner without dependents, $1,635 annually; to the miner, with dependents, $2,496 annually; to the miner, with two dependents, $2,904 annually; and to the miner, with three or more dependents, $3,264 annually.

Eligible widows and dependents thereof would be treated in the same manner as the miner.

The amendment would authorize appropriations of $10 million for grants for the remainder of this fiscal year, $30 million in the next fiscal year and $15 million annually in the 2 years thereafter. The program would terminate by the end of the last fiscal year. If appropriations are not adequate in any one year, the grants and benefits will be reduced proportionately.

The amendment would also direct HEW to conduct a comprehensive study on this whole problem of benefits for this disease and report back to the Congress in the fall of next year. On the basis of this study, the Congress can then consider again this problem and determine what, if any, further Federal assistance will be needed.

Last, the amendment would authorize annual appropriations to the Secretary of the Interior and the Surgeon General to carry out the research program set forth in this bill.

The bill directs the Secretary and the Surgeon General to conduct comprehensive studies, experiments, and demonstrations in their respective areas of expertise in the field of coal mine health and safety. Special efforts are to be made to find improved methods for the recovery of persons from a mine after an accident, to solve the problem of underground-to-surface communications, to find improved and safer sources of power to haul men and coal underground, and to illuminate active working places. In addition, section 201(b) requires research in connection with hazards from trolley wires and trolley feeder wires, signal wires, the splicing and use of trailing cables, and in connection with improvements in vulcanizing of electric conductors, improvement in roof control measures, methane draining in advance of mining, where such drainage relates to safety, improved methods of measuring methane and oxygen concentrations and the use of improved underground power equipment.

The Surgeon General and the Secretary will conduct an accelerated program to reduce dust concentrations underground. This section also would direct the Surgeon General to conduct research and studies on the health conditions of nonminers working with or around coal products in areas outside coal mines.

It is intended that the Secretary and the Surgeon General act promptly to carry out these directions and that funds are, in fact, provided to the levels set in the amendment. These levels are established at what appears to be the need for this program as testified to by the departments involved.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Who yields time?

Mr. RANDOLPH. Mr. President, the able chairman of our Subcommittee on Labor of the Committee on Labor and Public Welfare has explained the purpose and provisions of the amendment.

I now send to the desk an amendment on behalf of myself, the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Vermont (Mr. PROUTY), the Senator from New York (Mr. JAVITS), the Senator from Kentucky (Mr. COOPER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Kentucky (Mr. COOK), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Ohio (Mr. SAXBE). I ask that the amendment be read.

The PRESIDING OFFICER. An amendment cannot be offered while a point of order is pending.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendment be read for the information of the Senate.

The PRESIDING OFFICER. Without out objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

On page 118, line 13, through page 122, line 14, substitute the following:

"TITLE V—INTERIM EMERGENCY COAL MINE HEALTH DISABILITY BENEFITS

"Purpose

"SEC. 501. Based on a recent study conducted by the United States Public Health Service, Congress finds and declares that there are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease; that few States provide benefits for disability from this disease to inactive coal miners and their dependents; and that, in order to give the States time to enact laws to provide such benefits or to improve those laws where token or minimal benefits are provided, it is, therefore, the purpose of this title to provide, on a temporary and limited basis, interim emergency health disability benefits, in cooperation with the States, to any coal miner who is totally disabled and unable to be gainfully employed on the date of enactment of this Act due to complicated pneumoconiosis which arises out of, or in the course of, his employment in one or more of the Nation's coal mines; to the widows and children of any coal miner who, at the time of his death, was totally disabled and unable to be gainfully employed due to complicated pneumoconiosis arising out of, or in the course of, such employment; and to develop further any detailed information and data on the extent to which past, present, and future coal miners are or will be totally disabled by complicated pneumoconiosis and unable to be gainfully employed, on the extent to which assistance to such miners and their dependents is needed, and the most effective method for assuring such assistance.

"Interim disability benefit standards

"SEC. 502. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this title as "the Secretary") shall develop and promulgate interim disability benefits standards governing the determination of persons eligible to receive emergency coal mine health disability benefits under this title and the methods and procedures to be used in disbursing such benefits to such persons. Such standards shall take into consideration the length of employment in coal mines considered sufficient to establish a claim for such benefits; reasonable and equitable means, methods, and procedures for filing and establishing proof of disability, consistent with the purposes of this title, by the coal miner or, as appropriate, his survivor to enable such person to receive benefits as soon as possible after enactment of this Act; and such other matters as the Secretary deems appropriate. Such standards shall be effective upon publication in the *Federal Register,* unless the Secretary prescribes a later date which date shall not be more than ninety days after the operative date of this title. The provisions of Section 553 of title 5 of the United States Code shall apply to the promulgation of such standards.

"Assistance to states

"SEC. 503. (a) Upon publication of the interim disability standards by the Secretary under this title, the Secretary shall enter into agreements with any State pursuant to which he shall provide financial assistance, in accordance with the provisions of this title, to the States to carry out the purpose of this title, and the States shall receive and adjudicate, in accordance with such standards, claims for interim emergency coal mine health disability benefits from any eligible person who is a resident of such State. Such State shall also agree to pay one-half of such benefits during the fiscal years ending June 30, 1972, and June 30, 1973. Such agreements shall, in addition to such other conditions as the Secretary deems appropriate, include adequate assurances that the State shall provide such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section; and that the State will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

"(b) Beginning after the effective date of any agreement entered into with a State under this section and ending on June 30, 1973, the Secretary, subject to the provisions of this section, shall, from sums available therefor for any fiscal year, make grants to such States equal to the estimated sums needed by such State to pay all such benefits to eligible persons through June 30, 1971, and to pay one-half of such benefits to eligible persons during the fiscal years ending June 30, 1972, and June 30, 1973. No benefits shall be paid under this section to an eligible person if the State, after the enactment of this Act, reduces the benefits for disability caused by complicated pneumoconiosis to which such person is otherwise entitled under such State's laws or regulations. Benefits paid to an eligible person under this section shall be reduced by an amount equal to any payment made to such person under any other provision of law for a disability directly caused by complicated pneumoconiosis arising out of, or in the course of, employment in one or more of the Nation's coal mines.

"(c) Interim emergency coal mine health disability benefits shall be paid under this section to persons determined by the State pursuant to such standards to be eligible to receive such benefits. Such benefits shall be paid as soon as possible after a claim is filed therefor and eligibility determined, except that such benefits shall terminate when such person is no longer eligible, or on June 30, 1973, whichever date is first. The amount of benefits payable to an eligible person under this section shall be determined as follows:

"(1) In the case of total disability, such eligible person shall be paid benefits during the period of such disability up to a rate equal to 50 per centum of the minimum monthly payment to which an employee in grade GS-2 with one or more dependents, who is totally disabled, is entitled under the provisions of sections 8105 and 8110 of title 5, United States Code;

"(2) In the case of the death of a miner resulting from such disease, and eligible widow shall be paid benefits at the rate the deceased miner would be entitled to receive such benefits if such miner were totally disabled until such widow dies or remarries:

"(3) In the case of any eligible person entitled to benefits under clauses (1) or (2) of this subsection who has one or more dependents, such benefits shall be increased at a rate of 50 per centum of the benefits to which such persons is entitled under clauses (1) or (2) of this subsection, if such person has one dependent, 75 per centum, if such person has two dependents, and 100 per centum, if such person has three dependents; except that such increased benefits for a child, brother, sister, or grandchild, shall cease if such dependent dies or marries or becomes 18 years of age, or if over age 18 and incapable of self-support becomes capable of self-support.

"(d) There is hereby authorized to be appropriated from funds in the Treasury for the fiscal year ending June 30, 1970, not to exceed $10,000,000, and for the fiscal year ending June 30, 1971, not to exceed $30,000,000, and for the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed $15,000,000 annually for the purposes of this title. If the amounts appropriated for any fiscal year are less than the amounts necessary to enable the Secretary to make the full amount of grants to all States which have entered into agreements with him under this title, the grants to each State for such fiscal year, and the payments to eligible persons required to be made during such fiscal year under such agreements, shall be proportionately reduced.

"Study

"SEC. 504. The Secretary shall immediately undertake a study to determine the extent to which coal miners are or will be totally disabled due to complicated pneumoconiosis developed during the course of employment in the Nation's coal mines and unable to be gainfully employed; the extent to which the States provide benefits to active and inactive coal miners and their dependents for such disability; the adequacy of such benefits, the need for, and the desirability of, providing any Federal, State, or private assistance for such disability; the need for, and the desirability of, extending the provisions of this title for persons eligible for benefits under this title; and such other facts which would be helpful to the Congress following completion of this study, as the Secretary deems appropriate. In carrying out this study, the Secretary shall consult with, and, to the greatest extent possible, obtain information and comments from, the Secretary of the Interior, the Secretary of Labor, and other interested Federal agencies, the States, operators, representative of the miners, insurance representatives, and other interested persons. The Secretary shall submit a report on such study, together with such recommendations, including appropriate legislative recommendations, as he deems appropriate, to the Congress not later than October 1, 1970."

On page 106, between lines 13 and 14, add the following new subsection:

"(e) There is authorized to be appropriated to the Secretary of the Interior such sums as will be necessary to carry out his responsibilities under this section and section 201(b) of this Act at an annual rate of not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Surgeon General such sums as may be necessary to carry out his responsibilities under this section. Such sums shall remain available until expended."

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time is the quorum call to be charged?

Mr. KENNEDY. The time is to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order to vote on the point of order be rescinded along with the time limitation associated therewith; that the point of order be withdrawn; that the amendment offered by the Senator from West Virginia (Mr. RANDOLPH) and others be made the pending business; and that debate on the amendment be limited to 1 hour, to be equally divided and controlled by the majority leader and the minority leader, or whomever they may designate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I think this is an admirable resolution of a problem which the Senate faced, of committing itself one way or the other on the point of order. I think the Senator from Vermont (Mr. PROUTY) rendered the

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Senate a signal service in raising the question. The question will be studied carefully and we will not be caught in this position again.

I thank the Senator from New Jersey (Mr. WILLIAMS), the Senators from Kentucky (Mr. COOPER and Mr. COOK), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. KENNEDY), and all the other Senators who participated are entitled to great credit for this solution.

The Senate should understand the conclusion. We are offering an amendment relating to compensation for workers affected by black lung the pending business. It is not amendable. If the Senate does not like it it can vote the amendment down and bring up another amendment. We are not locking anything in except this amendment as it stands.

Mr. President, I hope Senators will show an interest and come to the Chamber to listen to the debate before voting.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. HOLLAND. Mr. President, reserving the right to object, and I do not object, it is my understanding that an addition to the subject matter mentioned by the Senator from New York is that this proposed amendment, which would be made the pending business without the privilege of amendment under the proposed unanimous-consent agreement, also contains an authorization which would finance the general operation of this bill, and that that authorization covers the same sum as was proposed to be expended each year for the first 30 years under the bill as originally drawn. Is that correct?

Mr. JAVITS. The Senator is correct.

Mr. HOLLAND. I have no objection. I appreciate the Senator's cooperation in working out the agreement.

Mr. COOPER. Mr. President, I join the Senator from New York in stating that a very fair agreement has been worked out. We have now gotten away from the question of the point of order. It is a unique question, and it can be studied should a similar question come before the Senate. The amendment is for authorization, but Congress and the Committee on Appropriations could work its will in the authorizations recommended both for research and a temporary system of compensation.

As I said, I would be glad to vote for such an amendment and I shall join as a cosponsor.

Mr. JAVITS. Mr. President, reserving the right to object I would not want the Senator to go away without understanding that at my request we have allowed a study to be made of the question of self-financing by the industry as a possible alternative. Other than that, the substantive part is as stated.

Mr. President, I wish to add to my previous comments the name of the deputy leader on the Democratic side, the Senator from West Virginia (Mr. BYRD), which I inadvertently omitted, who also helped work out the admirable compromise.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears no objection, and it is so ordered.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 118, line 13, through page 122, line 14, substitute the following:

"TITLE V—INTERIM EMERGENCY COAL MINE HEALTH DISABILITY BENEFITS

"PURPOSE

"SEC. 501. Based on a recent study conducted by the United States Public Health Service, Congress finds and declares that there are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease; that few States provide benefits for disability from this disease to inactive coal miners and their dependents; and that, in order to give the States time to enact laws to provide such benefits or to improve those laws where token or minimal benefits are provided, it is, therefore, the purpose of this title to provide, on a temporray and limited basis, interim emergency health disability benefits, in cooperation with the States, to any coal miner who is totally disabled and unable to be gainfully employed on the date of enactment of this Act due to complicated pneumoconiosis which arises out of, or in the course of, his employment in one or more of the Nation's coal mines; to the widows and children of any coal miner who, at the time of his death, was totally disabled and unable to be gainfully employed due to complicated pneumoconiosis arising out of, or in the course of, such employment; and to develop further any detailed information and data on the extent to which past, present, and future coal miners are or will be totally disabled by complicated pneumoconiosis and unable to be gainfully employed, on the extent to which assistance to such miners and their dependents is needed, and the most effective method for assuring such assistance.

"INTERIM DISABILITY BENEFIT STANDARDS

"SEC. 502. (a) The Secretary of Health, Education and Welfare (hereinafter referred to in this title as "the Secretary") shall develop and promulgate interim disability benefit standards governing the determination of persons eligible to receive emergency coal mine health disability benefits under this title and the methods and procedures to be used in disbursing such benefits to such persons. Such standards shall take into consideration the length of employment in coal mines considered sufficient to establish a claim for such benefits; reasonable and equitable means, methods, and procedures for filing and establishing proof of disability, consistent with the purpose of this title, by the coal miner or, as appropriate, his survivor to enable such person to receive benefits as soon as possible after enactment of this Act; and such other matters as the Secretary deems appropriate. Such standards shall be effective upon publication in the *Federal Register*, unless the Secretary prescribes a later date which date shall not be more than ninety days after the operative date of this title. The provisions of Section 553 of title 5 of the United States Code shall apply to the promulgation of such standards.

"ASSISTANCE TO STATES

"SEC. 503. (a) Upon publication of the interim disability standards by the Secretary under this title, the Secretary shall enter into agreements with any State pursuant to which he shall provide financial assistance, in accordance with the provisions of this title, to the States to carry out the purpose of this title, and the States shall receive and adjudicate, in accordance with such standards, claims for interim emergency coal mine health disability benefits from any eligible person who is a resident of such State. Such State shall also agree to pay one-half of such benefits during the fiscal years ending June 30, 1972, and June 30, 1973. Such agreements shall, in addition to such other conditions as the Secretary deems appropriate, include adequate assurances that the State shall provide such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section; and that the State will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

"(b) Beginning after the effective date of any agreement entered into with a State under this section and ending on June 30, 1973, the Secretary, subject to the provisions of this section, shall, from sums available therefor for any fiscal year, make grants to such States equal to the estimated sums needed by such State to pay all such benefits to eligible persons through June 30, 1971, and to pay one-half of such benefits to eligible persons during the fiscal years ending June 30, 1972, and June 30, 1973. No benefits shall be paid under this section to an eligible person if the State, after the enactment of this Act, reduces the benefits for disability caused by complicated pneumoconiosis to which such person is otherwise entitled under such State's laws or regulations. Benefits paid to an eligible person under this section shall be reduced by an amount equal to any payment made to such person under any other provision of law for a disability directly caused by complicated pneumoconiosis arising out of, or in the course of, employment in one or more of the Nation's coal mines.

"(c) Interim emergency coal mine health disability benefits shall be paid under this section to persons determined by the State pursuant to such standards to be eligible to receive such benefits. Such benefits shall be paid as soon as possible after a claim is filed therefor and eligibility determined, except that such benefits shall terminate when such person is no longer eligible, or on June 30, 1973, whichever date is first. The amount of benefits payable to an eligible person under this section shall be determined as follows:

"(1) In the case of total disability, such eligible person shall be paid benefits during the period of such disability up to a rate equal to 50 per centum of the minimum monthly payment to which an employee in grade GS-2 with one or more dependents, who is totally disabled, is entitled under the provisions of Sections 8105 and 8110 of Title 5, United States Code;

"(2) In the case of the death of a miner resulting from such disease, an eligibility widow shall be paid benefits at the rate the deceased miner would be entitled to receive such benefits if such miner were totally disabled until such widow dies or remarries:

"(3) In the case of any eligible person entitled to benefits under clauses (1) or (2) of this subsection who has one or more dependents, such benefits shall be increased at a rate of 50 per centum of the benefits to which such person is entitled under clauses (1) or (2) of this subsection, if such person has one dependent, 75 per centum, if such person has two dependents, and 100 per centum, if such person has three dependents; except that such increased benefits for a child, brother, sister, or grandchild, shall cease if such dependent dies or marries or becomes 18 years of age, or if over age 18 and incapable of self-support become capable of self-support.

"(d) There is hereby authorized to be appropriated from funds in the Treasury for the fiscal year ending June 30, 1970, not to exceed $10,000,000, and for the fiscal year ending June 30, 1971, not to exceed $30,000,000, and for the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed $15,000,000 annually for the purposes of this title. If the amounts appropriated for any fiscal year are less than the amounts necessary to enable the Secretary to make the full amount of grants to all States which have entered into agreements with him under this title, the grants to each State for such fiscal year, and the payments to eligible persons required to be made during such fiscal year under such agreements, shall be proportionately reduced.

"STUDY

"Sec. 504. The Secretary shall immediately undertake a study to determine the extent to which coal miners are or will be totally disabled due to complicated pneumoconiosis developed during the course of employment in the Nation's coal mines and unable to be gainfully employed; the extent to which the States provide benefits to active and inactive coal miners and their dependents for such disability; the adequacy of such benefits, the need for, and the desirability of, providing any Federal, State or private assistance for such disability; the need for, and the desirability of, extending the provisions of this title for persons eligible for benefits under this title; and such other facts which would be helpful to the Congress following completion of this study, as the Secretary deems appropriate. In carrying out this study, the Secretary shall consult with, and, to the greatest extent possible, obtain information and comments from, the Secretary of the Interior, the Secretary of Labor, and other interested Federal agencies, the States, operators, representative of the miners, insurance representatives, and other interested persons. The Secretary shall submit a report on such study, together with such recommendations, including appropriate legislative recommendations, as he deems appropriate, to the Congress not later than October 1, 1970."

On page 106, between lines 13 and 14, add the following new subsection:

"(e) There is authorized to be appropriated to the Secretary of the Interior such sums as will be necessary to carry out his responsibilities under this section and section 201(b) of this Act at an annual rate of not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Surgeon General such sums as may be necessary to carry out his responsibilities under this section. Such sums shall remain available until expended."

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, I rise to congratulate the distinguished Senator from New Jersey (Mr. Williams) and the Senators from West Virginia (Mr. Randolph and Mr. Byrd) for working out this matter with the Senator from Vermont (Mr. Prouty), the senior Senator from Kentucky (Mr. Cooper), and myself, for many, many reasons.

First, Mr. President, I felt the adversary proceedings yesterday were tremendously helpful. I felt we were well within the realm of proposing something, not only new for the Senate but, and I am not quite sure, in some respects rather disastrous for many collective industries throughout the country. I am pleased to say that during the course of the debate yesterday my senior colleague from Kentucky (Mr. Cooper) and I made it very clear that the real problem to be faced here was a problem that both of us and many other Senators were perfectly willing to see fully financed and to see this problem of black lung finally handled on a logical and compassionate basis by the Senate.

I felt, as did many of my colleagues, in my colloquy with the junior Senator from Missouri (Mr. Eagleton) that this was an important enough issue, important on its merits, that we try diligently, and as a result this compromise was worked out.

I cannot say enough about the distinguished Senator from New Jersey (Mr. Williams) for not only understanding the problem but also realizing that the ultimate answer to the problem is really to solve it and not to continue debate on the floor of the Senate.

I hope, as was expressed by the Senator from New York, that the question of Article VII of the Constitution of the United States in regard to this body, can be examined. I hope that the expressed precedent, as was suggested yesterday, that revenue measures, if they are not anything more than a significant part of a bill, can be passed by this body, and will be seriously reviewed because I think it goes to the heart of the authority that this body really has.

The Senator from New York expressed the feeling that he did not in any way want to give up any right that this body might have. I concur in those remarks wholly and completely. But for myself I would say that if, by the Constitution of the United States, there is some right that this body does not possess, that it is possessed by the other body, then I do not feel that I am giving anything up but that I am, in fact, following the dictates of the Constitution of the United States and upholding its principles.

I conclude by saying that my State of Kentucky will be very grateful to this body for this amendment. The coal miners of my State can look, for the first time in many years, to the culmination of a dream, to the culmination of a drive, to the culmination of a program that will see to it that elimination of the horrible disease to which they have been subjected will now totally and completely be recognized by this country and fully implemented by the Senate.

Again my thanks to the distinguished Senator from New Jersey.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me some time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield such time as he may desire to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I support the amendment of Senator Randolph to establish an interim program for payment of benefits to inactive miners who have been totally disabled by pneumoconiosis.

This is an unusual and dramatic proposal—but it is directed at an unusual and dramatic problem—our sublime insensitivity to what is probably the worst occupational disease in the country—black lung.

Mr. President, there exist today in the United States literally thousands of former coal miners who have reaped, as their sole reward for long and faithful service underground, ravaged lungs, enlarged hearts, and retirement years spent as semi or complete invalids, slowly choking to death. All because of coal dust. The tragic consequences of this disease were testified to by many witnesses who appeared before the committee. As Dr. Murray Hunter put it:

> But what you must understand is that if the coal miner has five times the respiratory disability of the nonminer, you also have to understand that respiratory disability is like no other. Respiratory disability is the most agonizing kind, because respiratory death is preceded by 20 odd years of respiratory disability in some cases. And it is one thing to die at 75 of a stroke or a coronary after the productive life of a physician or U.S. Senator, and another thing to die after 20 years of breathlessness where you couldn't mount the stairs without stopping two or three times.

Mr. President, we do not know the exact number of victims of black lung. But we know that responsible sources estimate that its victims number over 100,000 with 50,000 of them disabled to some degree. We know, according to the Public Health Service prevalence study that 20 percent of all inactive, and 10 percent of all active miners show X-ray evidence of the disease, and that, of these, 9 percent of the inactive and 3 percent of the active miners have progressive massive fibrosis, the complicated form of the disease that causes severe disability and ultimately death. We know, according to Dr. Lorin Kerr, of the United Mine Workers Welfare and Retirement Fund, that in Pennsylvania alone "nearly 1,000 miners die of coal workers' pneumoconiosis every year and the same disease is listed as a contributory cause of death for almost 1,000 more." Finally, we know that X-ray evidence may not even tell the whole story, that in some cases even severe disability may occur absent X-ray changes characteristic of complicated pneumoconiosis.

In S. 2917, the Committee on Labor and Public Welfare has reported out a measure which we on the committee believe will end this deathly scourge once and for all. But we have done nothing to help those who have already fallen prey to black lung—to those who might not have been disabled and forced to spend the rest of their lives as vegetables had we only seen our duty and done it sooner.

I say "our duty" advisedly. For the root of the problem is the utter failure of all of us, and that includes the industry, the medical profession, and the Government—particularly the Public Health Service—to recognize this disease before being embarrassed into doing so—at least 20 years late, by Great Britain and other European countries.

Our failure to recognize coal workers' pneumoconiosis as a separate disease has had two particularly insidious effects: First, it obviously precluded any attempts, through private efforts or legislation, to control coal dust, and second, it operated to prevent many miners disabled from black lung from obtaining even minimally decent workmen's compensation. As a result, the thousands of inactive miners disabled by black lung are not only condemned to life as virtual invalids, they must also live out that life in abject poverty.

The amendment which is now before us is an attempt, on an interim basis, to do something about this problem, pending a study and report on permanent measures by the Secretary of Health, Education, and Welfare. Ordinarily, we would wait for the Secretary's report before acting, but this problem is so serious, and of such magnitude, that I do not believe that, in conscience, we can ask these former miners or their widows and families to wait several more years for help.

I emphasize, Mr. President, that the entire Nation shares the responsibility for this tragic situation; witness after witness who testified on this bill stressed America's complete insensitivity to the problem of black lung until very recently—it was not until the mid-1950's that black lung was recognized by responsible medical authorities as a disease. Britain, on the other hand, began to recognize the disease in 1934, and it became compensable in 1943. In the United States, until last year, only three States recognized black lung as a compensable disease; in other States the only way miners could receive compensation is if they could convince examining boards they had silicosis, which usually was not possible. One former miner who appeared before the committee testified to the difficulty he had encountered obtaining compensation in West Virginia. To prove his case he was forced, at his own expense of over $1,300, to have a biopsy taken, and even then he only received a 40-percent disability award based on silicosis.

This case is the rule, not the exception. Through the years, American authorities have been almost exclusively concerned with silicosis, notwithstanding that black lung probably affects more workers, with worse results, than does silicosis.

This preoccupation with silicosis, and consequent insensitivity to black lung was developed most clearly in the testimony of Dr. Lorin Kerr of the United Mine Workers' Welfare and Retirement Fund. I ask that the relevant excerpts from Dr. Kerr's testimony be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT FROM TESTIMONY OF DR. KERR

The U.S. Public Health Service recently reported that in 1950, American coal miners died at nearly twice the rate of other workers; diseases of the respiratory system killed miners at a rate five times greater than the general working male population; and the mortality rate for American coal miners was roughly twice those reported for British coal miners.

Among the living, the Pennsylvania Department of Public Health reported in 1967 that 19,175 coal miners had X-ray evidence of coal workers' pneumoconiosis and 23,768 more were disabled by the disease. In 1965, the U.S. Public Health Service reported that throughout the entire Appalachian soft coal mining area one out of every 10 active, and one out of every five former miners had X-ray evidence of the same disease.

These and other American statistics are a grisly repetition of those reported by British investigators for the last 25 years. In Great Britain, coal workers' pneumoconiosis accounts for more deaths than all other forms of dust diseases combined. Since 1930, it has constituted the greatest medical and social problem in all industry.

It is safe to conclude from all available information that in the United States, as previously stated, that a least 125,00 active and former coal miners have some stage of coal workers' pneumoconiosis and of this number nearly 50,000 may be disabled by the disease. In the last 20 years, at least one million miners have been exposed to a daily dose of life-threatening coal dust.

Scientific studies have repeatedly shown that achievement is not confined to any one nation. New discoveries and inventions usually occur simultaneously in a number of different locations. Why has coal workers' pneumoconiosis been an exception? Why, with our outstanding contributions in medicine, should we stand today where the British did nearly 30 years ago?

A major reason for this situation is that coal workers' pneumoconiosis is not well known or widely organized in the United States. Until recently, little has appeared in American medical journals on this disease and most of the earlier articles were reports on British research and surveys. This lack of concern about coal workers' pneumoconiosis has been due in part to a belief that conditions reported in Britain did not exist in the United States. It is also due to the conviction that only silica and dust containing silica is injurious.

I would like to depart from the record a moment to elaborate on this item, if I may, Senator.

We began research here in the United States on silicosis about 1915 with studies that were done in the tri-state area where the lead and zinc mines are located near Joplin, Mo. This followed a 1902 study in South Africa concerning high tuberculosis mortality rates among gold miners. It was determined that silicosis provided the development of the tuberculosis among these miners.

This study was followed by others elsewhere. Mass X-rays were first used in a 1911 study of silicosis. Subsequent studies here in the United States revealed a lot of silicosis in various industries.

Slowly it was thought to be diminishing. Then about 1930 a tunnel was dug at Gauley Bridge, W. Va. It is difficult to say whether it was silicosis or whether it was an overwhelming dose of dust in the lungs of these men that caused so many deaths. However, it created such a scandal that there was a congressional investigation. This was followed by a National Silicosis Conference in 1936 called by the Secretary of Labor, Madam Perkins. The reports were made in 1937. The definition of silicosis was one that had been developed in 1933. It has since been incorporated into most workmen's compensation legislation in the country. In fact, there was no workmen's compensation for silicosis until about 1937.

There has thus been this focus of attention over the years on silica and coal dust has been classified as an inert dust because it did not produce any fibrosis in the tissues.

I think it is important to keep in mind that when silicosis did hit the headlines here in the United States it was followed by a congressional investigation, a National Conference on Silicosis, and the development of certain recommendations some of which are still not implemented. Even today we do not know the actual incidence or prevalence of silicosis in the United States. There is no accurate reporting on that disease either.

The impact of physician knowledge and attitudes is apparent in inaccurate or incomplete death certificates. These documents are essential for determining the existence of dangerous coal dust requiring governmental action for control or eradication. Too often no records mean no action.

A final comment on our 30-year lag behind the British is provided by Dr. Donald Hunter, the world-famous British authority on occupational health. Ten years ago in his book, "Health in Industry" he wrote extensively on coal workers' pneumoconiosis and said that not until 1934 did British physicians begin to accept the fact that coal dust in miners' lungs produces a slowly progressive fatal disease. He continued to say:

> It must be admitted that medical men by their ill-informed complacency have a heavy load of responsibility to bear for this failure to discover the true state of affairs, a failure which constitutes what is probably the greatest disgrace in the history of British medicine.

Today, 35 years later, American medicine has barely begun to overcome its "ill-informed complacency" and "discover the true state of affairs" regarding coal workers' pneumoconiosis.

I can vividly remember, 21 years ago when I came with the UMWA Welfare and Retirement Fund, the constant stream of wheezing, breathless coal miners coming to the area medical office in Morgantown, W. Va., seeking relief from the struggle to breathe. I can also remember how overwhelmed I felt. Never in my earlier professional experience had I observed or heard of a single industry with so many men who seemed to be disabled by their jobs. I say "seemed to be disabled by their jobs" because doctors said these men rarely had silicosis and it was unusual to find a physician who even suspected that coal dust might be dangerous. The disability was called miners' asthma and it was accepted by miners and doctors as part of the job.

We, in the fund, also became acutely aware of the unusual medical care these breathless miners required. They had more colds and other respiratory infections than other miners and these infections lasted longer. Some of these men would become so ill when they had an upper respiratory infection that they would need to be hospitalized, where they frequently would stay for 2 and 3 weeks, several times every year. Oxygen in the hospital or at home seemed to bring more relief than anything else. If all the tanks of oxygen these men have used were laid end-to-end I would venture that a long green line would run at least 6.000 miles—twice across the Nation, coast-to-coast.

I might say parenthetically that I computed that, myself, and I think it is quite accurate.

In searching for the cause of the shortness of breath afflicting the coal miners, the fund's medical administrators could not agree with those doctors who claimed that it was due to "compensationitis" or nervousness. I can assure you that were I as breathless as some of the miners I have seen I would be nervous. But to claim it was due to nervousness and had nothing to do with dust was nonsense. I know of one doctor who even maintained that breathlessness was due simply to a fear of coal mining.

Our search for answers also included a review of death certificates but they were of little help. Cor pulmonale or right-sided enlargement of the heart was often given as the cause of death but there would be no

> mention of what we now know was the primary cause of the heart failure—coal workers' pneumoconiosis.
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> No Government agency, including health departments, could answer our questions. They were all willing to listen but no one knew the cause of the breathlessness and no one was willing to even guess how many breathless miners were disabled by their jobs.

Mr. JAVITS. Mr. President, Dr. William Stewart, the Surgeon General of the United States, fully concurred with Dr. Kerr, as to the American preoccupation with silicosis. Furthermore, he could find no excuse for the failure of the Public Health Service to initiate a prevalence study until 1970. He testified:

> I don't know all the story behind this, Senator Randolph, but I know that in the thirties there was great concern and attention to silicosis and the attention was drawn to it because of the high incidence of tuberculosis among people who have silicosis. And it was felt that the problem was caused by the amount or the percent of silica in the dust. This was not only the prevalent feeling in the United States, it was pretty well a worldwide consensus that silica caused the problem. In the forties, we began to realize that there were similar pathologies appearing on the X-rays from other kinds of dust, asbestos dust, cotton dust, and so on. There were also some studies done by various researchers in the United States among some of the coal mines where the silica content in the dust was very, very low and yet they were reporting pneumoconiosis in the miners. I don't know why it took us until 1960 to get around to doing the prevalence work, but it was just a matter of the way the state of knowledge developed.

Last year several States, including West Virginia, amended their laws to provide compensation for victims of black lung. But in West Virginia, for example, the new law only applies prospectively; it does nothing for the thousands of miners or their widows and children, who have already been disabled from black lung and forced to retire.

Those are the miners whom this amendment has been directed at. It is also directed at those miners in States like Pennsylvania, whose benefits, under special programs, are so pitifully small that no former miner can be expected to live on them. In Pennsylvania, for example, many miners receive only $75 to live out their days.

This amendment will not allow any former miner to live in the lap of luxury—neither $136 for a single miner nor $272 for a family of four is anything more than the minimum level of decency requires. What we are trying to do, in substance, is give these people some temporary help for 2 years pending receipt of the Secretary's report on more permanent measures and deal with this tragic situation.

Mr. President, I do continue to express the hope that a way will be found to have this whole operation, at least in material part, financed by the industry itself. We have argued that at great length. It is a very important point, in this and many other measures.

Therefore, I approve very much of the fact that the authorization is $30 million for 1971, and then goes down to $15 million in 1972 and 1973 with the States required to match the amounts of Federal aid. I hope that the program eventually proves to be self-financing by the industry. It is one of the things which we have committed for study and recommendation by the Secretary of Health, Education, and Welfare. I think that is probably the only thing that is open to us to do.

I continue to express my fidelity to that concept and my hope that that is the way it will go. I pledge to work for it when the results of the study demonstrate it makes the kind of sense I think it does.

Again, I congratulate all those concerned and only hope that this may be consummated and that we all may soon stand behind the President's chair as he signs the bill. It probably will be one of the most exciting demonstrations of what we can do here for individuals who need our help.

Mr. PROUTY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. PROUTY. Mr. President, I think that when I raised the point of order against section 502 of Senate bill 2917 on last Friday, it was a valid point to make.

I am happy, indeed, that we have been able to work out a meaningful compromise which faces up to a truly serious situation among people who have worked in the coal mines of this country.

Mr. President, traditionally, the Bureau of Mines has not placed as great emphasis on health and safety research in coal as it has on the utilization to discover new uses for coal.

The Bureau's activities in health and safety have historically been centered about education, training, and persuasion in order to improve the health and safety record of the industry. As a result great emphasis had been placed on inspection activity rather than on developing new technology which might result in improved safety.

Because of the long neglect in research and development in the area of health and safety in coal mining, substantial amounts of money will be required in an attempt to catch up so that fatalities and accidents can be substantially reduced.

The very large sums which have been projected are necessary if the fatality and injury rate and accident rate of underground coal mining is to approach that of other industries. These rates must be reduced if the coal industry is to compete for its share of manpower in the future. There is little incentive for either professional, semiprofessional, or other employees to be attracted to an industry in which their chances of being injured or killed are so high.

The large increase in funds that is needed will be directed toward such activities as:

First, determining the dust levels presently found in U.S. coal mines, the occupations within the mines which have the highest dust levels, and the effects of various engineering parameters on dust concentrations.

Second, a study of methods of reducing dust concentrations, such as water infusion, use of additives and foams, redesign of cutting bits, use of water sprays, auxiliary ventilation, use of vacuum-type manifolds.

Third, the development of entirely new methods of protecting miners from respirable dust, such as providing an artificial atmosphere to protect the miner from a hostile environment.

Fourth, the development of vastly improved methods of measuring the dust levels both over extended periods and instantaneously.

Fifth, development of fundamental knowledge on the formation and behavior of respirable dust and on the dust-generation characteristics of various coal beds.

Sixth, on the development of improved and analytical techniques on the detection of free silica in coal and for other toxic and hazardous constituents.

Seventh, development of improved instrumentation for measuring oxygen content and other noxious and hazardous gases.

Eighth, the development of improved technology to reduce roof fall hazards, which account, year in and year out, for between 50 and 60 percent of all underground fatalities.

Ninth, the development of nonsparking bits to reduce the danger of ignition.

Tenth, a completely new and administratively more manageable system of developing requirements for explosion-proofing of electrical equipment and for the determination of its permissibility.

Eleventh, the development of post-disaster, survival, life support, and rescue technology.

Twelfth, to devise improved methods of rendering coal dust nonexplosive rather than using the cumbersome system of adding rock dust to the coal dust.

Other areas of health and safety research which these initial investigations are expected to uncover will be investigated in future years on a scale necessary to demonstrate their feasibility.

In conclusion, I express my deep appreciation to the distinguished Senator from New Jersey, floor manager of the bill, and Senator RANDOLPH, Senator BYRD of West Virginia, Senator COOK, and other Senators, for their cooperation in bringing out a meaningful compromise which is going to contribute so much to the health and safety of the coal mine workers of this country.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I am happy to yield to the Senator from West Virginia (Mr. RANDOLPH), who has been so active this year in this effort to help coal miners, but whose record of constant effort dates back decades.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. WILLIAMS of New Jersey. As much time as the Senator needs.

Mr. RANDOLPH. Mr. President, there is real substance in the comments made by several Senators since the offering of the amendment. And they are symbolic Senator COOK, Senator JAVITS, Senator PROUTY—and those additional Senators on the other side of the aisle who have spoken since the amendment was offered—give clear evidence that there is a lack of partisanship in this effort. A very real understanding has been worked out here. The groundwork of Senator WILLIAMS of New Jersey and Senator PROUTY of Vermont, and the able assistance of my esteemed colleague from West Virginia, Senator ROBERT BYRD, and other Senators, and through helpful assistance of our staffs and the Labor Committee staff, brought into reality the amendment which I have offered for myself and the cosponsors previously named. I think, as Senator PROUTY has so cogently stated, that we have acted in a meaningful manner. We have accomplished much.

We must consider that, in a degree, the Senate itself can be congratulated on this matter, in that the point of order against section 502 has been withdrawn. If the point of order had been brought to a vote, I am sure Senator PROUTY would be the first Senator to recognize that there would have been a divisiveness that perhaps would have slowed the progress of this vital bill toward passage.

I am in no wise critical. As the Senator from Vermont knows, I said yesterday that he had every right to raise the point of order. Senator PROUTY is a diligent and understanding man. He has been most constructive in working with those of us within the committee who are endeavoring to shape this measure into what I hope will truly be meaningful legislation for the benefit of a large group of Americans who need our concern and our assistance.

Very frankly, we have preserved a Senate here with a flexibility of action and relative independence. These are important. The Senate must not be a straitjacketed body, but one with certain options it can work within and under which it can function effectively.

Mr. President, I express commendation and appreciation to the Senators from New Jersey (Mr. WILLIAMS) and Vermont (Mr. PROUTY) for their statesmanship in helping to develop an appropriate and meaningful compromise which I hope will have prompt and overwhelming approval.

I repeat: The Senate as an institution will be the very real winner, in that withdrawal of the point of order against section 502 of the pending business (S. 2917) avoids an excess of divisiveness. Yes, the Senate's flexibility of action and relative independence are better preserved.

Mr. President, the coal mine health and safety legislation will be strengthened and broadened if we will accept and approve the plan under which special assessments on each ton of coal mined or imported would be deleted; health and safety research would be authorized for direct appropriations and expenditures; and an interim pilot program would be authorized to make appropriations and expenditures for the purpose of paying benefits to nonactive coal miners who have been totally disabled by coal miners' black lung disease. And these benefits likewise would go to widows or children with qualifications to be established.

Mr. President, the burdens of the costs of producing coal under the provisions of S. 2917 are to be so heavy that an assessment against each ton of coal produced to create a research trust fund, or for other purposes, would be unduly oppressive.

Senator COOPER, Senator COOK, Senator SCOTT, Senator SCHWEIKER, Senator BYRD of West Virginia, and the Senator who speaks now—from the leading coal producing States—these people, and we know their needs. And, of course, their dependents are involved. As the record indicates, many miners have been disabled totally by black lung disease.

I think I should stress again that the costs of producing coal under the provisions of S. 2917 are going to be very heavy. I said it in my opening speech. And I said it often during earlier consideration of the legislation.

If we had created a research trust fund based on assessments, I believe it would have been unduly oppressive. I am sure the Senator from Vermont shares this viewpoint.

I believe we would be on the wisest and most prudent course if we were to remove the assessment provisions and if we were to substitute authorizations for appropriations and expenditures. I voted against the assessment provisions of section 502 of the bill in committee.

It was a gratifying experience this morning for me to have had the opportunity and the privilege to counsel with Senators WILLIAMS and PROUTY and to urge them to join in the reaching of the excellent and thoroughly appropriate compromise that we have worked out.

I think it is not merely a compromise but an accommodation of viewpoints. In completing the job, we are going to benefit needy disabled former miners and their dependents who look to us, a Congress that must be realistic, and one that must be compassionate as well.

I urge the Senate to approve the amendment which I have offered with the cosponsorship of Senators WILLIAMS and PROUTY and several other Senators on both sides of the aisle.

Again, I congratulate—and it is not just a pleasantry—Senators and staff members, who worked so diligently over the weekend and yesterday and today to bring about this meeting of minds and, I say also, this meeting of hearts. It is bipartisan. In fact, I say that which we have done is nonpartisan. I think the substance of the amendment offered gives us a stronger, a broader-based, and much improved coal mine health and safety legislation.

I believe this amendment merits unanimous support and I believe it will have unanimous acceptance in this body.

Mr. COOPER. Mr. President, I think all of us would agree that today is a much happier day than yesterday. We debated for about 3 hours on a constitutional question—and it was an important constitutional question—but I know that I felt, as I left the Chamber yesterday, and in a conversation with the Senator from West Virginia I said so, that I was not too happy that we had devoted ourselves to what might be called the dry bones of a legal question—a very important constitutional question, and I believe we were right—but today we have come to an accommodation, through the efforts of the Senator from Vermont (Mr. PROUTY), the Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD), my colleague from Kentucky (Mr. COOK), and the chairman of the committee and manager of the bill, the Senator from New Jersey (Mr. WILLIAMS). We have brought something forth to help those who still live, though they are suffering with black lung disease.

I think we have also shown that debate in the Senate is worthwhile. The Senator from Vermont raised a point of order, which he had the right to raise and which would have been raised, I am sure, if he had not, by someone else. We had a debate for 2 or 3 hours, and out of that debate and our discussions with each other, this substitute amendment was produced. I had said throughout the debate that if we could agree upon a measure which would go the route of authorizations and appropriations, I would support it, not alone for research but for at least temporary benefits.

Those of us who come from coal States and have been candidates for office have traveled through coal-producing counties. There is something typical about each of those counties, whether they are in Kentucky, Tennessee, West Virginia, or Pennsylvania. I know that, speaking at courthouses and in front of courthouses, we always see a group sitting around, some of whom have been injured and some of whom are ill with pneumoconiosis. At last, due to the energy and initiative of the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from West Virginia (Mr. BYRD) and others, and because we have been stirred by Senator PROUTY's amendment, I think we have brought forth something good today.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield the Senator from West Virginia such time as he may require.

Mr. BYRD of West Virginia. Mr. President, I wish to express my appreciation, as a Senator from the leading coal-producing State, to all those Senators who have worked together in devising a bipartisan approach to the problem presented by the point of order. I congratulate the Senator from Vermont (Mr. PROUTY), the Senator from New Jersey (Mr. WILLIAMS), manager of the bill, the Senators from Kentucky (Mr. COOPER and Mr. COOK), the senior Senator from New York (Mr. JAVITS), and certainly my own colleague from West Virginia (Mr. RANDOLPH), for their efforts, which will soon culminate in the adoption of this very humanitarian and necessary amendment.

My colleague and I some time ago proposed that there be Federal compensation for miners disabled by pulmonary diseases contracted from mining employment and ineligible for compensation under State statutes. Both he and I have wanted to see such compensation provided without an additional cost burden being placed upon the coal industry. The

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amendment before us today obviates the necessity, certainly for the time being and hopefully for all time, of placing that burden upon an already overburdened industry.

Mr. President, I consider it a necessity that we pass legislation to provide disability benefits to miners suffering from pulmonary diseases, because in so many instances the State statutes, not being retroactive, do not reach the old disabled miner who long ago has been forced into retirement as a result of his having acquired black lung, pneumoconiosis, silicosis, or some other pulmonary disease through employment in the mines.

I feel that today we have proposed a measure which will bridge an important gap, and which will bring new hope to the mining population. I believe this to be a very humanitarian amendment, and I feel that it is necessary that we provide a way for these old, disabled miners and their families to live without being dependent upon welfare. In so many instances, they long ago exhausted their unemployment compensation benefits, and have been forced to go to the welfare offices, or go to their children and stand with their hats in their hands and hope for assistance from them. Here today we not only provide for some measure of assistance to the old, disabled, retired miner, but we are also lending some assistance to his children, who otherwise would have to provide help for their parents. I hope the Senate will vote unanimously for this amendment when we reach the time for a rollcall vote, and I hope that in conference the House of Representatives will accede to the position taken by this body.

Again I express my very deep appreciation to the manager of the bill, who at all times has shown extreme willingness to listen, and to cooperate, and a very sympathetic appreciation for the problems faced by those of us who represent coal mining States. I again express appreciation, too, to the Senator from Vermont (Mr. PROUTY), and certainly to my senior colleague (Mr. RANDOLPH), who has devoted so much of his time, energy, effort, and expertise to the bill before us and to the amendment on which we are about to vote. My appreciation goes out to all Senators who have worked together, and to their staffs, who have contributed so much to the devising of this amendment. I congratulate them, and I hope that the Senate, as I have stated, will soon vote, and vote unanimously, to approve the pending amendment.

Mr. PROUTY. Mr. President, I yield 1 minute to the distinguished Senator from Kentucky.

Mr. COOK. Mr. President, I merely wanted to add to the remarks that I made previously that I think this shows the tremendous capacity of individuals, as well as of many groups of people, in the United States. It shows the capacity of people who have trudged all over Capitol Hill, who have attended committee hearings, who have come out of the mountains and out of the mines; and I personally should like to say that from my point of view, probably the most interesting series of articles that I have read on black lung disease was a series of articles published in the Louisville Courier-Journal, written by Mr. Ward Sinclair.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. PROUTY. I yield the Senator an additional minute.

Mr. COOK. Mr. Sinclair traveled over the coal mining regions of my State and wrote a series of tremendous articles, bringing this problem to the attention of people in urban areas, who probably had never really given any thought to it, to the extent that it became a situation that was not only important to the miner himself and his family, but was important to people in all walks of life.

I think that probably many Senators would want to give credit to individuals who did the same thing in their respective States. But I would feel remiss if I did not put this on record because of his efforts and the efforts of many other people who felt the same way and who worked hard and long in the effort to develop the sense of national alarm and national concern that resulted in our actions today.

I thank the Senator for yielding.

Mr. PROUTY. Mr. President, if there are no other speakers, and if it is agreeable with the Senator from New Jersey, I am perfectly willing to yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 1 minute?

Mr. WILLIAMS of New Jersey. Mr. President, I yield 1 minute to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. BYRD of West Virginia. Mr. President, I would be remiss if I did not include among those who have worked so diligently and hard on this compensation provision the leadership of the United Mine Workers of America and also the leadership of the industry itself.

I have talked with the representatives of industry and I have also talked often with the leaders of the United Mine Workers of America about such compensation, and I say for the RECORD that they have played an important part in the steps we have taken and the progress we have made which, I think, will soon culminate in the adoption of this very worthwhile and humanitarian amendment benefiting and protecting miners and their families.

Mr. SCHWEIKER. Mr. President, I rise in support of the pending substitute amendment embodying a new title V of S. 2917, the Federal Coal Mine Health and Safety Act of 1969.

I am pleased to be a cosponsor of this amendment. It is based primarily on a pneumoconiosis compensation amendment introduced yesterday by the distinguished Senator from West Virginia (Mr. RANDOLPH), in which I also joined as a cosponsor.

Pneumoconiosis, or black lung, is one of the main targets of the bill S. 2917. Pneumoconiosis afflicts one-fifth of the retired mining population and one-tenth of the active coal miners. Thus it is not sufficient for Congress simply to legislate for the future against the high dust levels in coal mines that will cause black lung. Congress must answer also the needs of those miners who currently suffer from the ravages of this disease, and who are not receiving an adequate amount of assistance from their States or other sources.

The substitute amendment will provide interim disability compensation to retired miners suffering from complicated pneumoconiosis. If death has resulted from complicated pneumoconiosis, then the miner's widow is eligible for these benefits.

The amendment provides for a Federal study of the black lung problem, which would be completed and reported on to Congress by October 1, 1970.

Finally, the amendment authorizes long-overdue funds for coal mine health and safety research—up to $20 million for this fiscal year, $25 million for fiscal year 1971 and $30 million for each fiscal year after that. This compares with current Federal spending for coal mine health and safety research of less than $2 million in fiscal year 1969.

Mr. President, I urge adoption of this vital amendment to broaden and strengthen S. 2917.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired, the question is on agreeing to the amendment of the Senator from West Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Michigan (Mr. HART) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. MANSFIELD), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Idaho (Mr. JORDAN) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is detained on official business.

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If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Oklahoma (Mr. BELLMON) would each vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 104 Leg.]

YEAS—91

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Griffin
Gurney
Hansen
Harris
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—9

Bellmon
Eastland
Gravel
Hart
Hatfield
Jordan, Idaho
Magnuson
Mansfield
Russell

So Mr. RANDOLPH's amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I wish to ask the distinguished acting majority leader if he can advise us concerning the legislative schedule of business for the remainder of today and tomorrow.

Mr. KENNEDY. It is anticipated there will be no further yea-and-nay votes this evening.

We understand that in the latter part of the afternoon the Senator from Kentucky (Mr. COOPER) will call up an amendment and action on that amendment will be deferred until tomorrow.

We believe there is a reasonably good chance that action on the pending legislation might be completed tomorrow.

If action on the pending bill is completed tomorrow we will follow the calendar which has been established by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who indicated on September 24 that upon conclusion of the coal mine safety bill the bill to amend the Federal Water Pollution Control Act, Calendar No. 346, S. 7, will be taken up. He indicated that there was a jurisdictional dispute concerning that proposal and he hoped it would be settled by the time we were ready to take up the bill. It is the hope of the leadership that the dispute will be settled. That measure will be the next order of business.

Mr. GRIFFIN. I thank the acting majority leader.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be excused from attending the session of the Senate tomorrow in order to attend a funeral.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY VOLPE'S PROPOSED RULES TO PROVIDE ADDED SAFETY AND REDUCE CONGESTION AT HIGH DENSITY AIRPORTS

Mr. JAVITS. Mr. President, I commend Secretary Volpe for proposing rules that would provide added safety and reduce congestion at our high density airports.

I have often maintained that the major airports should be used primarily for the great volume of commercial aviation traffic.

In conversation with air controllers and FAA officials on my tour of the traffic control facilities at Kennedy International Airport in New York 3 weeks ago, and in subsequent communications with Administrator Schaffer, I indicated that I would introduce legislation, should the FAA fail to deal with the issue, to require all aircraft to equip themselves with devices that would allow the air traffic controllers to monitor all aircraft within a designated radius of the airport, and to limit access to the high density airports predominantly to commercial aviation.

I am most pleased that Secretary Volpe has proposed rules that would not only effectuate these goals but also would attempt to establish "terminal control areas" to further reduce the possibilities of mid-air collision. The problems of safety and congestion have long confronted our airports, and often create chaos for the traveler. I believe that regulations such as those suggested by Secretary Volpe can be an effective measure to reduce congestion and improve safety at our airports, and so that the rules may be as sound and equitable as possible, I would urge all interested parties to take an active role in the hearings that will precede their promulgation.

If these rules turn out to be ineffective, I will certainly introduce legislation to correct the situation. I am very hopeful that this present accomplishment may be the beginning of the necessary steps to do the job.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. STEVENS. Mr. President, I want to thank the Senator from Kentucky and particularly the Senator from Vermont for raising the issue of the point of order on S. 2917.

The research I have made suggests that the State of Alaska produces a substantial amount of coal but that in the entire history of Alaska there has never been one case of black lung disease.

The net result of the amendment offered by the Senator from West Virginia (Mr. RANDOLPH) is that the coal miners of my State will be left in the economic position where they can compete and will not face the assessments previously intended by the version of S. 2917 as reported by the committee.

Mr. COOPER. Mr. President, may I have the attention of the Senator from West Virginia and the Senator from New Jersey (Mr. WILLIAMS).

A few moments ago, in consultation, I said that I would lay down my amendment No. 207 this afternoon so that it could become the pending business tomorrow, with a view to voting on it tomorrow.

Because I do not wish to delay the Senate, let me say that in checking over the amendment I want to be sure, first, that it fully accomplishes the purposes I intend. There may be some changes that will have to be made to accomplish those purposes; namely, to maintain the classification between gassy and nongassy mines.

I hope, when I get the floor tomorrow, to be able to lay down this amendment as the first order of business at tomorrow's session.

Mr. President, I just want to put the Senate on notice as to the purposes of the amendment.

Mr. BYRD of West Virginia. May I ask the Senator from Kentucky a question?

Mr. COOPER. Yes.

Mr. BYRD of West Virginia. Do I correctly understand the Senator to say that he will not lay down his amendment tonight to make it the pending business, but will lay it down tomorrow?

Mr. COOPER. I will. That is correct.

Mr. BYRD of West Virginia. I thank the Senator.

IRREGULARITIES IN AID GRANTS

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss another instance wherein the Agency for International Development—AID—through grants is subsidizing a so-called nonprofit organization in Washington, the main purpose of which is to subsidize foreign travel or make available additional expense allowances for friends.

As of May 31, 1969, AID had awarded grants, totaling $886,000 to the National Association of the Partners of the Alliance, Inc.—NAPA.

This organization is a nonprofit organization established in 1966 allegedly for the purpose of helping to advance the

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goals of the Alliance for Progress. Its headquarters are located at 1518 K Street NW., Washington, D.C.

About 96 percent of NAPA's money comes from AID, the remainder from private sources. The main expenses of this program are the salaries and travel expenses of its officers and certain selected private citizens or friends. On at least one occasion an attempt was made by the president of the organization to charge his $60 Washington hotel room to the AID program.

The Inspector General, Mr. J. K. Mansfield, has just completed an audit of this agency and reports that its records are incomplete as to how the money has been spent and that what records are available show an utter disregard for the taxpayers' interests.

In addition to grants NAPA receives from the State Department, it has an operating fund to receive contributions from private donors, the proceeds of which are used to supplement travel expenses beyond those permitted under Government regulations, but in effect this fund is being operated in a manner to allow certain individuals who make contributions to receive the equivalent of their donations back in extra travel allowances for foreign junkets. Under the guise of making a charitable contribution to a nonprofit organization this means that they get a tax deduction for their travel expenses.

Simply stated, the mathematical result is that through this gimmick, they can deduct from their taxable income the cost of taking trips abroad.

For example, two individuals, Mr. George O'Gorman, 2401 Calvert Street NW., Washington, D.C., and Mr. Hickman Price, 5025 Lowell Street NW., Washington, D.C., each contributed $2,000 to NAPA.

Then NAPA purchased for each man a ticket for a trip to Brazil at a cost of $771.15 each. In addition each man was allocated $1,000 for expense money from the special account to which they had previously made their tax-deductible contributions.

Thus both Mr. O'Gorman and Mr. Price in return for their $2,000 tax-deductible contribution received the equivalent of $1,771 back in value of tickets and cash allowance.

At the time the Inspector General began auditing the accounts of this agency no vouchers had been received by the agency as to how these $1,000 advances had been spent; however, there was a memorandum in the file dated July 17, 1969, wherein NAPA had advised these men—apparently after the Inspector General's visit—that unless they could furnish vouchers the agency would be required to report the discrepancies to the Internal Revenue Service, with the possible result that their $2,000 donations would not be approved as charitable contributions.

At the conclusion of my remarks I shall ask to have printed a copy of the July 17, 1969, letter as addressed to Mr. George O'Gorman by Mr. E. R. Kingman, treasurer of NAPA, alerting him to the need for vouchers in order to satisfy the Treasury Department.

The above examples are not the only questionable transactions discovered in the audit. The President of NAPA from January 1967 through March 1969 was Mr. Edward S. Marcus, of Dallas, Tex., who drew an annual salary of $26,158. Later this was raised to $30,321, and subsequently Mr. Marcus' method of compensation was changed from a salary basis to that of a consultant fee at $100 per day.

The agency records show that while Mr. Marcus was drawing a salary as a full-time employee of NAPA his services to the agency were considerably less than full time. In fact, most of his activities were as an official of his Neiman-Marcus department store of Dallas.

During his employment Mr. Marcus received a total of $13,560 to cover travel and entertainment expenses, the rental of conference and hotel rooms, club dues, and the like. Of this amount $7,486 was received in travel expenses from the NAPA general AID-financed fund. An additional $2,665 for travel expenses was paid out of the NAPA private or unrestricted fund—financed by private donations including a donation of $17,500 from the Marcus Foundation and $179.01 solicited from high schools.

In addition, $3,409 from this private fund was paid to cover extra expenses of Mr. Marcus while associated with NAPA.

The Edward S. Marcus Foundation was the largest contributor to this unrestricted fund or separate account which was being operated by NAPA, and significantly, Mr. Marcus was the principal beneficiary in the expenditure of these funds. Contributions to the Marcus Foundation were deductible as charitable contributions.

Mr. Marcus was using these funds to cover the cost of his travel over and beyond the normal travel allowances that were permitted by NAPA, which was operating under Government regulations.

Government travel allowances would not cover the cost of the type of travel and accommodations to which Mr. Marcus was accustomed, and the unrestricted funds received from outside donations could make up the difference.

One such item which was charged to the AID program but for which payment was subsequently denied involved a $60 per day hotel room in the Washington Hilton Hotel which had been used by Mr. Marcus.

The examination of this agency showed that Mr. Marcus had been questioned as to the validity of his acceptance of a full-time salary while at the same time spending a substantial portion of his time at his own store.

A copy of the hotel bill along with a copy of the letter questioning Mr. Marcus' claim as a full-time employee will be placed in the RECORD at the end of my remarks.

Other instances were reported wherein officials of this agency were drawing their salaries while at the same time spending the bulk of their time elsewhere; in fact, one official was carried on the payroll while back in the State conducting a campaign.

One employee, Mr. Warren Huff, tried another tax-saving gimmick while serving as executive director of NAPA from March 1967 through March 1969. Mr. Huff worked out an arrangement whereby he would receive a part of his salary as regular income, thereby taxable, while another part of his salary would be classified as a supplementary payment of $250 for each pay period to cover anticipated expenses, and thereby not taxable.

After Mr. Huff had drawn approximately $3,500 in such supplemental payments NAPA's accountant concluded that if the payments were ever audited the Treasury Department would rule that this money would be considered a part of his salary and thereby represent taxable income. To correct the situation $1,027, as Federal withholding taxes, was paid by the agency representing Mr. Huff's tax liability on the amount which had previously been interpreted as an expense allowance. The money for this payment of taxes on Mr. Huff's supplemental salary came out of the so-called unrestricted fund, or the private donations account, which the agency was operating.

Actually, under the law Mr. Huff should be taxed not only for the $3,500 erroneously classified for an expense allowance but also for the $1,027 used to pay his income taxes.

The Inspector General in his investigation of this agency found the bookkeeping system in a deplorable state. Numerous unused portions of airline tickets had never been returned for a refund, and there were inadequate records as to who had used the numerous tickets, and so forth, that had been paid for by the agency. Nor was there a proper accounting by the recipients for the expenditures that were listed in their names.

Personally I question not only the propriety of the manner in which this money was spent but also the wisdom or the need of the administrators of the AID program to hire an independent outside group at a cost of over $1 million annually to act in a supervisory capacity on the Alliance for Progress program. If the administrators of the Government agency who are in charge of our AID program are not qualified, then I respectfully suggest that their resignations be accepted and they be replaced by competent personnel whereby the services of this or any other similar outside advisory group would be unnecessary.

In any event, should it be decided that there is a need for these outside groups then by all means their expenditures should be audited and supervised more carefully.

I now ask unanimous consent that there be printed in the RECORD a copy of the hotel bill with its $60 per day room charge referred to as having originally been charged to AID but upon which, payment later was rejected by it.

There being no objection, the hotel bill was ordered to be printed in the RECORD, as follows:

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HOTEL BILL, EDWARD MARCUS, DALLAS, TEX.

Date	Explanation	Charges	Credits	Balance due
Aug. 7, 1967	Restaurant	$2.10		
Do	Long distance	1.70		$3.86
Do	Restaurant	2.15		6.01
Do	do	11.43		17.44
Do	Long distance	0.39		17.83
Do	Room	60.00		
Do	Room tax	3.00		
Do	Tip	0.50		81.33
Aug. 8, 1967	Restaurant	2.92		
Do	Laundry	4.90		89.15
Do	Restaurant	3.50		92.65
Do	Room	60.00		
Do	Room tax	3.00		
Do	Tip	0.50		156.15
Aug. 9, 1967	Restaurant	2.16		
Do	Long distance	1.05		159.36
Do	Laundry	5.18		
Do	Restaurant	2.78		167.32
Do	Room	60.00		
Do	Room tax	3.00		
Do	Tip	0.50		230.82
Aug. 10, 1967	Restaurant	2.31		
Do	Racquet	4.00		
Do	Long distance	0.61		237.74
Do	Restaurant	18.20		255.94
Do	Room	60.00		
Do	Room tax	3.00		
Do	Tip	0.50		319.44
Aug. 11, 1967	Restaurant	2.77		322.21
Do	Room	60.00		
Do	Room tax	3.00		
Do	Tip	0.50		385.71

Mr. WILLIAMS of Delaware. Mr. President, I next ask unanimous consent that there be printed in the RECORD a copy of the July 11, 1969, letter signed by Mr. J. K. Mansfield, the Inspector General of Foreign Assistance, Department of State, commenting upon his audit of this agency, along with several of the enclosures therewith including a consolidated statement of expenditures of the AID funds allocated to NAPA from January 1, 1967 through March 31, 1969; a list of the receipts and disbursements of the unrestricted funds financed from private donations; and a copy of the letter from Mr. Edward R. Kingman, treasurer of NAPA, as addressed to Mr. Edward S. Marcus questioning the propriety of the payments to him as a full-time employee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, THE INSPECTOR GENERAL OF FOREIGN ASSISTANCE,

July 11, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: At your request we have examined certain matters concerning the National Association of the Partners of the Alliance, Inc. (NAPA). This is a nonprofit organization established in late 1966 to help achieve the goals of the Alliance for Progress.

NAPA helps set up and coordinate various activities involving private groups in the United States and Latin America. It publishes a newsletter, and it arranges periodic conferences of Partners of the Alliance. NAPA headquarters are here in Washington at 1518 K Street, N.W.

NAPA Funds—AID Sources: Somewhat more than 96 percent of NAPA's money has come from the Agency for International Development. As of May 31, 1969, NAPA had received $886,000 from AID. Of this amount, $613,500 came from AID Contract LA 460. Money under this contract is used to pay NAPA staff salaries, travel costs, office expenses, printing, and the like. AID Contract LA 540 gave NAPA an additional $272,500. Money under this contract is used for travel and expenses for volunteer technicians working on Partners' programs.

Money given to NAPA by AID is kept in a general fund in the Riggs National Bank in Washington. A summary of how NAPA has spent these AID funds is found in Appendix A.

NAPA Funds—Private Sources: Somewhat less than 4 percent of NAPA's money has come from private sources—contributions, membership fees, and similar items. To date, NAPA has received $32,890 in such private contributions. Of this amount, $17,500 came from the Edward S. Marcus Foundation—an organization established by Mr. Edward S. Marcus, the former President of NAPA.

Money derived from these private sources is kept in an unrestricted fund at the Fidelity National Bank in Arlington, Virginia. This unrestricted fund has been used mainly to pay for things not considered reimbursable by AID—travel expenses exceeding those which can be paid under the AID contract, representational expenses and related items.

A summary of payments into and out of the unrestricted fund is contained in Appendix B.

Compensation of Mr. Edward S. Marcus: Mr. Edward S. Marcus, of Dallas, Texas, was President of NAPA from January 1967 through March 1969. During this period, he was also an officer of the Neiman-Marcus Department Store of Dallas.

He recently told Mr. Haugerud, the Deputy Inspector General, that when he joined NAPA his store agreed that he could spend up to half his time on NAPA, rather than Neiman-Marcus, business.

While serving as President of NAPA, Mr. Marcus lived in Dallas, and NAPA travel records show him as having made 19 trips to Washington, where NAPA is headquartered.

When he joined NAPA he received an annual salary of $26,158. He was paid at this rate from January 1967 through February 16, 1968, receiving a total of $30,321.

In February 1968, Mr. Marcus' method of compensation changed from a salary basis to a consultant fee of $100 per day when actually employed. Mr. Marcus received a total of $1,867 in such consultant fees.

An AID internal audit of NAPA, dated June 17, 1968, and covering the period while Mr. Marcus was on a full-time salary, noted that "Salary charges for executive personnel are not adequately supported by activity/time reports to permit verification of direct effort performed for the Grantee on the project." (See Appendix C)

On June 7, 1968, Mr. Edward R. Kingman, the Treasurer of NAPA, wrote to Mr. Marcus and stated that "it now appears that your salary will be questioned for last year as you were not a full-time employee as required by the AID grant." (See Appendix D)

AID's contract with NAPA stipulates that no salary paid by the organization should exceed that paid a Foreign Service Reserve Officer-Class 1. At the time Mr. Marcus went on his annual salary, an FSR-1 earned $25,890. At the time he went off his annual salary, an FSR-1 earned $27,055.

Although the records do not show how much Mr. Marcus worked for NAPA while a salaried employee of the organization, it appears that his services were considerably less than full time. It appears also that if he had been paid at the salary rate of an FSR-1 for only the time he actually worked, he may well have been entitled to significantly less money than he received.

We have recommended to AID that it now try to determine as accurately as possible how much time Mr. Marcus actually spent on NAPA business while drawing a full-time salary from the organization. If, as seems to be the case, he received more money than he should have, we think AID should move to recover this money.

Expenses of Mr. Marcus: In addition to the $32,188 he received in salary and consultant fees from NAPA, Mr. Marcus received $7,486 in travel expenses from the NAPA general, or AID-financed, fund.

Mr. Marcus also directly received $2,665 for travel expenses out of the NAPA private, or unrestricted fund. An additional $3,409 from this fund was paid out to cover expenses associated with NAPA activities involving Mr. Marcus—rental of conference and hotel rooms, club dues, and the like.

The travel vouchers show that $1,585 of Mr. Marcus' expenses while on NAPA trips was paid by Neiman-Marcus for items related to store business.

Finally, the records show that Mr. Marcus submitted bills for an additional $1,172 for travel expenses from the unrestricted fund which have not been paid.

Compensation of Mr. Warren Huff: Mr. Warren Huff served as Executive Director of NAPA from March 1967 through March 1969.

When Mr. Huff joined NAPA he worked out an arrangement whereby he would receive part of his salary as regular income, and part as a supplementary payment of $250 each pay period to cover anticipated expenses which would not be reimbursable under the AID contract. After Mr. Huff had received $3,500 in such supplementary payments, the NAPA accountant concluded that this money in fact represented taxable income.

Subsequently, $1,027 of Federal withholding tax was paid on this sum of $3,500. However, the money for this payment came out of the unrestricted fund of NAPA, rather than from Mr. Huff's $3,500.

As we see it, this payment of $1,027 actually represents taxable income for Mr. Huff, and we recommended to AID that arrangements be made to have it declared as such.

Travel of Mr. Huff: While working with NAPA in Washington, Mr. Huff maintained a permanent residence in Plymouth, Michigan. He also served at the time as a member of the Michigan Partners, and did NAPA fund-raising in Michigan.

He made something in the neighborhood of 60 round trips between Washington and Michigan at his own expense while with NAPA.

These private trips would typically have him leaving Washington after work on Friday and returning to Washington early Monday morning.

Insofar as official travel is concerned, his travel orders permitted him to originate or terminate official trips either in Washington or Detroit. The travel records which we could find showed Mr. Huff making about 60 official trips while with NAPA—here in the United States, and to Latin America. It appears that he was in Michigan on roughly 30 occasions while starting, ending, or during the course of these official trips. The records do not permit this figure to be any more than an approximation. Neither are they adequate to show how much time Mr. Huff spent in Michigan on the occasions when he was there in connection with official trips.

Leave of Mr. Huff: Mr. Kingman, the NAPA Treasurer, told us it has been the policy of NAPA to follow Federal civil service practice in granting annual leave.

Last October and November, Mr. Huff took at least 26 working days of annual leave. During this period he was campaigning for a seat on the Board of Regents of Michigan State University. He continued to draw his regular salary of $28,000 from NAPA.

Mr. Huff advanced the following reasons for believing that he was entitled to the leave he took last fall. He said his previous Federal service plus his additional service with NAPA came to more than 15 years and put him in the category of civil servants who earn 26 working days of annual leave per year. He said also that he had put in a great amount of uncompensated overtime. He said finally that he had taken only 4 days of annual leave while with NAPA prior to October 1968.

We checked the records of the United States Civil Service Commission and learned that Mr. Huff's actual period of previous Federal service for computing longevity for leave purposes was 12 years, 9 months and 26 days. (See Appendix E). Even if his NAPA service is added to this, his combined Federal and NAPA service would still be less than 15 years. Civil service practice would therefore have given him only 20, rather than 26, working days of annual leave per year.

It is also our understanding that Federal practice does not provide compensatory leave for employees at the salary level of Mr. Huff.

NAPA did not maintain leave records for its senior staff members prior to late 1968, and the records kept thereafter are incomplete. However, Mr. James Nagle, the former accountant of NAPA, told us that Mr. Huff actually took 14, rather than 4, days of annual leave prior to his going to Michigan last fall. Mr. Kingman says he would accept Mr. Nagle's figure.

The foregoing considerations make us conclude that, as of the end of last November, Mr. Huff had taken at least 7 more days of annual leave than he had earned up to that time.

It appears that he took additional annual leave between November and the time of his resignation from NAPA this past March.

We have recommended to AID that it now make the most accurate reconstruction it can of how much leave Mr. Huff actually took, and that it disallow any payments made for leave exceeding that to which he would have been entitled on the basis of following Federal practice.

Other Matters: Our review identified certain administrative matters requiring correction. Record-keeping at NAPA was generally inadequate. Certain required Internal Revenue Service forms had never been filed, there was a case of a substantial hotel bill which was incorrectly charged to the AID fund, there were numerous unused portions of old airline tickets which had never been returned for a refund, and the like.

We have recommended to AID that it try to bring about an across-the-board tightening of the administration of NAPA.

Please let me know if there is any other information we can get for you.

Sincerely,

J. K. MANSFIELD.

National Association of Partners of the Alliance—Consolidated statement of expenditures of AID funds, Jan. 1, 1967 to Mar. 31, 1969

Executive salaries	$115,887.98
Staff salaries	134,934.25
Payroll taxes	9,001.22
Employee benefits	585.86
Insurance	1,503.91
Professional fees	23,839.84
Steno services	5,408.79
Films and reports	1,743.49
Supplies	6,991.48
Telephone and telegraph	21,641.26
Postage	8,522.93
Shipping	320.36
Utilities	28.15
Occupancy	21,420.00
Equipment rental	882.94
Printing	13,865.79
Publications and publicity	32,325.72
Local travel	273.02
Meetings	2,082.96
Executive travel	26,929.90
Other staff travel	100,781.84
Subscriptions	584.45
Memberships	6.00
Miscellaneous	3,425.12
Equipment	14,829.34
Volunteer travel	190,717.00
Total	738,533.60

NOTES

1. The above figures were taken from NAPA's financial statements without adjustment.

2. The total expenditures are less than the total amount advanced to NAPA by AID because at March 31, 1969 there was a substantial cash balance.

Unrestricted funds from private donations, April 14, 1967 to May 31, 1969

RECEIPTS

Donations:	
Marcus Foundation	$17,500.00
Harlan Foundation	2,250.00
Mary Wells	1,000.00
George O'Gorman	[1]2,000.00
Hickman Price	[1]2,000.00
General Foods	1,000.00
IBM World Trade Corp	250.00
Mrs. C. M. Downing	627.00
F. V Broune	200.00
Mario Mendibil	200.00
Freeborn Jeweet	200.00
Marshall Jamison	564.53
Miscellaneous high schools	179.01
Total	27,970.54
Conference registration and membership dues	4,929.25
Total receipts, Apr. 14, 1967 to May 31, 1969	32,899.97

DISBURSEMENTS

Unrestricted funds from private donations, April 14, 1967 to May 31, 1969—Continued

Conference expenses:	
Third Inter-American Conference, Lima, Peru	7,771.70
Edward Marcus Lima speech	500.00
Edward Marcus Lima hotel bills	2,616.35
Pan America Hotel	332.00
Mrs Mahaffee's Lima travel expenses	627.40
Miscellaneous conference expenses	36.67
Warren Huff conference expenses	402.36
Fulbright Fellows Conference expense	156.58
Edward R. Kingman conference expenses	$44.75
Marriott Motor Motel	1,965.31
Total	14,453.12
Travel expenses:	
Edward Marcus travel expenses	2,665.59
Brian Beun travel expense	1,327.97
Warren Huff travel expense	204.87
Miscellaneous air and other travel expenses	1,684.43
Total	5,882.86
Luncheons and receptions:	
Edward Marcus reception	63.72
Luncheons on Capitol Hill	290.25
Int. Club of Washington:	
Edward Marcus membership dues	180.00
Drinks and food	58.77
Total	592.74
Clark Newlon	45.34
Janice Dansberger	110.15
Brian Beun professional fees	5,530.00
Dr. Roberto Rendon	200.00
Payments to Latin America partners	299.01
Payment to the Main Partners	564.53
Payment of Warren Huff's Federal withholding tax	1,027.90
Warren Huff for miscellaneous expenses	15.45
Miscellaneous expenses—credit balance	75.29
Coffee pot	27.90
Folding cot	20.66
American Cancer Society	25.00
Christmas cards	46.35
Plaques given to Huff and Marcus	114.40
Commission on sale of Andrade's paintings	480.00
Total disbursements, Apr. 14, 1967–May 31, 1969	29,360.12
Cash balance, May 31, 1969	3,539.67

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[1] $1,000 subsequently returned to each as a travel advance for a trip to Brazil.

JUNE 7, 1968.

Mr. EDWARD S. MARCUS,
Neiman-Marcus,
Dallas, Tex.

DEAR ED: Thanks for your kind letter of May 30, 1968. I appreciate fact that you understand my problem and, of course, agree that the situation is unsatisfactory.

My problem is quite simple. I have more bills than money in the private account and, in addition, have auditors who will give me problems on our expenditures. I regret to add to the problems, but it now appears that your salary will be questioned for last year as you were not a full time employee as required by the A.I.D. grant. You, of course, realize, that as Treasurer, I am legally responsible to the State Department for the expenditures which must be in accordance with Government regulations and the specific requirements of the grant. We may not agree with the regulations but we have to abide by them the best we can. The type and extent of the invoices before me might possibly embarrass the Association as well as be claims against me personally as Treasurer.

I suggest we should all get together, and determine what and how much should be paid. It would be helpful to me to have some guidance from our Board of Directors on this subject at their next meeting. Meanwhile, I agree you cannot have your credit hurt and enclose the Bolivar Bill for possible immedi-

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ate payment by you until it is decided what should be done.

Sincerely,

Edward R. Kingman,
Treasurer.

Mr. WILLIAMS of Delaware. Mr. President, I next ask unanimous consent that a letter dated July 15, 1969, signed by Mr. J. K. Mansfield, the Inspector General, addressed to me be printed in the Record. This letter relates to the fact that Mr. Price and Mr. O'Gorman had not submitted vouchers for the trip but that the treasurer, Mr. Kingman, was in the process of attempting to get them.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of State, the Inspector General of Foreign Assistance,
July 15, 1969.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: This concerns the question you raised yesterday about the $1,000 for AID funds which Mr. Hickman Price and Mr. George O'Gorman each received from the National Association of the Partners of the Alliance, Inc. (NAPA) as advances for a trip they made to Brazil last February. In addition, Mr. Price and Mr. O'Gorman each received a round-trip plane ticket between the United States and Brazil, which was not charged against their advance but paid for by NAPA from AID funds also.

Mr. Edward Kingman, the NAPA Treasurer, phoned my associate, William E. Craumer, a short while ago and told him the following: He said that, although Mr. Price and Mr. O'Gorman had submitted no vouchers for the trip, he, Mr. Kingman, was in the process of preparing vouchers covering their travel expenses. He said these vouchers, which were prepared on the basis of expenses incurred by others on the same trip, would come to about $350 each.

He went on to say, however, that he was not sure that he wanted to submit the $350 vouchers to Mr. Price and Mr. O'Gorman for their approval and signature. He thought that, as an alternative, he might choose to charge the NAPA private fund for the complete $1,000 advances of both gentlemen, and to transfer these monies to the NAPA general—or AID-financed—fund.

We will keep on top of this and let you know what happens next.

Sincerely,

J. K. Mansfield.

Mr. WILLIAMS of Delaware. Mr. President, I next ask unanimous consent to have incorporated in the Record the June 10, 1969, letter as signed by Mr. Howard E. Haugerud, Deputy Inspector General, which summarizes the conditions which the Inspector General found when he first initiated his audit. I quote one phrase from that letter:

> While I think the concept is sound, the administrative side has been chaotic . . .

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of State, the Deputy Inspector General of Foreign Assistance,
June 10, 1969.

Hon. John Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: As Mr. Mansfield told you yesterday, we are fairly well into our examination of the records being kept by the National Association of the Partners of the Alliance. We will be prepared to give you a rather comprehensive report in the next day or two.

As Mr. Mansfield probably told you, we have been concerned with the administration of this operation for some time. While I think the concept is sound, the administrative side has been chaotic and has tended to reduce interest in many states and completely eliminate it in others. In November of 1968, I called on Mr. Marcus in Dallas and urged that he replace the Executive Director, Mr. Huff, at the earliest possible date, and to take other steps that would shore up the national headquarters. As the enclosed letter reveals, Mr. Marcus intended to do that; but as I understand it, other forces intervened. Mr. Huff remained on the payroll until March of this year.

Kindest regards,

Sincerely yours,

Howard E. Haugerud.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that there be printed in the Record a copy of the July 17, 1969, letter as addressed to Mr. George O'Gorman by Mr. E. R. Kingman, treasurer of NAPA, regarding the need for vouchers in order to support his claim that his donation be treated as a charitable contribution. A similar letter was sent to Mr. Hickman Price.

There being no objection, the letter was ordered to be printed in the Record, as follows:

July 17, 1969.

Mr. George O'Gorman,
Washington, D.C.

Dear Mr. O'Gorman: In February 1969 you very kindly donated $2,000 to the Partners Program. At that time we advanced you $1,000 travel money for your trip to Brazil on our behalf. Such an advance of travel of course requires clearance on our books with substantiation by a signed travel claim and supporting bills.

We are now closing our books for the fiscal year and must remove this advance from our records. To do this we must reduce the amount of your gift by $1,000.00. If we receive the required documentation for the travel we can adjust the donation again. If not, we will be required to report to the Internal Revenue Service that you donated $1,000 to NAPA for the year 1969 rather than $2,000.00.

We are deeply grateful for your support and hope you understand our requirements in this regard.

Sincerely,

E. R. Kingman.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. WILLIAMS of New Jersey. Mr. President, the Department of Interior has provided some salient statistical information and estimates which will be useful to the Senate in its deliberations on S. 2917, coal mine health and safety legislation.

I ask unanimous consent that this information be printed in the Record.

There being no objection, the information was ordered to be printed in the Record, as follows:

PART C.—SALIENT STATISTICAL INFORMATION AND ESTIMATED FROM RECORDS OF THE U.S. BUREAU OF MINES

INJURY, EMPLOYMENT, PRODUCTION, AND PRODUCTIVITY DATA ON BITUMINOUS-COAL MINES IN THE UNITED STATES, 1930-66

Year	Number of injuries		Frequency rates				Men at work	Man-days worked (thousands)	Man-hours worked (thousands)[1]	Production short tons (thousands)	Tons per man-hour	Number of mines
			Per million man-hours		Per million tons							
	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal						
1930	1,619	71,217	1.90	83.75	3.46	152.33	493,202	92,326	850,359	467,526	0.55	5,890
1931	1,080	53,975	1.60	79.98	2.83	141.26	450,274	73,349	674,871	382,105	.57	5,652
1932	958	39,352	1.77	72.58	3.09	127.06	406,380	59,260	542,181	309,710	.57	5,473
1933	833	43,946	1.31	68.87	2.50	131.72	418,752	69,882	638,124	333,631	.52	5,629
1934	958	46,982	1.41	69.39	2.67	130.74	458,044	81,648	677,115	359,368	.53	6,290
1935	968	47,529	1.46	71.47	2.60	127.64	462,354	82,292	665,047	372,369	.56	6,332
1936	1,098	50,514	1.43	65.62	2.52	115.73	482,500	95,262	769,819	436,468	.57	6,572
1937	1,198	52,847	1.54	68.05	2.68	118.21	490,771	96,130	776,581	447,047	.58	6,537
1938	880	36,794	1.52	63.47	2.52	105.26	445,246	71,747	579,747	349,548	.60	6,531
1939	867	38,544	1.36	60.52	2.19	97.18	445,044	78,966	636,828	396,631	.62	7,274
1940	1,204	43,994	1.68	61.28	2.61	95.37	440,847	88,771	717,969	461,319	.64	7,192
1941	1,072	46,637	1.35	58.93	2.08	90.42	457,744	98,000	791,429	515,769	.65	7,401
1942	1,245	53,193	1.41	60.21	2.14	91.44	448,797	109,491	883,518	581,705	.66	6,940
1943	1,225	51,067	1.39	57.79	2.06	86.05	407,135	106,912	883,709	593,471	.67	6,490
1944	1,124	51,253	1.23	56.02	1.81	82.49	376,203	104,695	914,925	621,358	.68	6,435
1945	925	46,194	1.13	56.52	1.60	80.12	364,997	93,854	817,316	576,525	.71	6,358
1946	795	42,817	1.09	58.81	1.49	80.25	385,142	82,850	727,995	533,520	.73	6,942
1947	985	46,025	1.23	57.32	1.57	73.28	411,845	97,105	803,016	628,034	.78	9,105
1948	862	42,078	1.15	56.28	1.45	70.97	429,378	94,575	747,686	592,923	.79	9,419
1949	494	27,548	.93	51.67	1.13	63.22	409,431	67,552	533,166	435,719	.82	8,739
1950	550	28,390	.92	47.73	1.06	54.82	408,623	75,510	594,836	517,879	.87	8,817
951	684	28,081	1.16	47.56	1.28	52.67	372,138	74,898	590,406	533,132	.90	9,679

[1] Footnotes at end of table.

PART C.—SALIENT STATISTICAL INFORMATION AND ESTIMATED FROM RECORDS OF THE U.S. BUREAU OF MINES—Continued

INJURY, EMPLOYMENT, PRODUCTION, AND PRODUCTIVITY DATA ON BITUMINOUS-COAL MINES IN THE UNITED STATES, 1930-66—Continued

Year	Number of injuries		Frequency rates				Men at work	Man-days worked (thousands)	Man-hours worked (thousands)[1]	Production short tons (thousands)	Tons per man-hour	Number of mines
			Per million man-hours		Per million tons							
	Fatal	Nonfatal	Fatal	No fatal	Fatal	Nonfatal						
1952	449	23,719	0.90	47.64	0.96	50.53	338,719	63,028	497,914	469,373	0.94	8,994
1953	397	20,112	.89	45.26	.87	44.12	295,425	56,294	444,319	455,885	1.03	8,610
1954	334	14,746	.99	43.66	.85	37.62	241,919	42,765	337,727	391,952	1.16	7,934
1955	360	15,966	.96	42.76	.78	34.52	225,539	47,306	373,384	462,519	1.24	8,676
1956	392	16,486	1.02	42.99	.79	33.22	227,778	48,392	383,442	496,231	1.29	9,246
1957	427	15,915	1.17	43.74	.87	32.53	223,900	46,020	363,896	489,175	1.34	9,117
1958	326	12,036	1.14	41.97	.79	29.29	198,350	36,260	286,758	410,936	1.43	9,459
1959	246	10,440	.92	39.15	.60	25.33	180,303	33,738	266,660	412,078	1.55	9,085
1960	290	10,501	1.13	40.85	.70	25.24	170,628	32,417	257,075	416,098	1.62	9,347
1961	275	9,902	1.18	42.52	.68	24.56	151,776	29,453	232,871	403,222	1.73	8,691
1962	263	9,783	1.15	42.86	.62	23.14	147,276	28,863	228,267	422,838	1.85	8,805
1963	252	9,838	1.09	42.38	.55	21.37	143,628	29,289	232,136	460,285	1.98	8,976
1964	218	9,728	.94	41.92	.45	19.93	137,617	29,200	232,037	488,086	2.10	8,341
1965	251	10,071	1.08	43.30	.49	19.63	137,602	29,242	232,613	513,083	2.21	8,208
1966 [2]	227	9,617	.99	41.80	.43	18.06	135,952	28,928	230,087	532 559	2.31	7,216

[1] Man-hours of exposure were reported by coal producers for the first time in 1930; from 1930 through 1944, these hours represented worktime or face-time only for underground employees. Since portal-to-portal hours were reported from 1945 on, the face-time hours reported from 1930 through 1944 were converted to portal-to-portal hours—See Bulletin 509, "Injury Experience in Coal Mining, 1948," page 5 for method used.

[2] In addition to the mines, there were 458 preparation plants in operation during 1966.

COAL-MINE-FATALITY RATES FOR THE UNITED STATES, 1870-1966 [1]

[Includes underground and surface injuries]

Year	Bituminous-coal mines			Anthracite mines			Total		
	Per thousand employed	Per thousand 300-day workers	Per million tons mined	Per thousand employed	Per thousand 300-day workers	Per million tons mined	Per thousand employed	Per thousand 300-day workers	Per million tons mined
1870				5.93		13.47	5.93		13.47
1871				5.60		10.86	5.60		10.86
1872				4.98		9.20	4.98		9.20
1873				5.46		10.06	5.46		10.06
1874	2.11		8.88	4.33		9.31	3.87		9.26
1875	1.60		4.93	3.37		10.50	3.06		9.51
Average				4.58		9.94	4.30		9.72
1876	1.00		4.29	3.22		9.96	2.83		9.20
1877	2.17		5.90	2.90		7.56	2.77		7.28
1878	1.86		3.17	2.92		8.62	2.62		6.38
1879	2.02		3.39	3.81		8.67	3.30		6.82
1880	1.43		2.95	2.75		7.05	2.21		5.16
Average	1.66		3.42	3.12		8.31	2.72		6.68
1881	1.67		2.75	3.59	4.87	8.55	2.93		6.04
1882	1.95		3.63	3.54	4.87	8.29	2.75		5.72
1883	3.09		4.99	3.53	4.56	8.40	3.34		6.58
1884	2.26		4.11	3.28	5.12	8.94	2.80		6.17
1885	1.68		3.48	3.58	5.26	9.36	2.58		5.91
Average	2.12		3.88	3.50	4.94	8.72	2.85		6.09
1886	1.85		3.89	2.70	4.13	7.12	2.25		5.23
1887	1.55		3.08	2.95	4.25	7.46	2.20		4.86
1888	2.23		4.38	2.98	4.10	7.81	2.55		5.61
1889	1.77		3.44	3.11	4.81	8.45	2.35		5.22
1890	2.15	2.85	3.56	3.00	4.50	8.13	2.52	3.50	5.01
Average	1.94		3.68	2.96	4.36	7.82	2.39		5.19
1891	2.86	3.85	4.94	3.39	5.01	8.45	3.08	4.30	6.06
1892	3.05	4.17	5.06	3.24	4.91	7.97	3.12	4.42	5.98
1893	2.26	3.32	4.07	3.42	5.21	8.43	2.70	4.03	5.39
1894	3.26	3.96	4.65	3.38	5.34	8.57	2.67	4.50	5.91
1895	3.09	4.78	5.46	2.95	4.51	7.26	3.04	4.68	6.00
Average	2.69	4.02	4.84	3.27	4.99	8.12	2.91	4.38	5.87
1896	2.51	3.92	4.45	3.36	5.79	9.22	2.85	4.62	5.85
1897	2.38	3.64	3.99	2.82	5.64	8.04	2.55	4.27	5.08
1898	2.64	3.75	4.06	2.82	5.57	7.70	2.71	4.28	4.97
1899	3.05	3.91	4.25	3.30	5.72	7.63	3.14	4.40	5.08
1900	3.74	4.79	5.32	2.85	5.15	7.16	3.44	4.87	5.72
Average	2.90	4.06	4.46	3.03	5.58	7.94	2.95	4.50	5.34
1901	3.16	4.21	4.74	3.53	5.40	7.60	3.27	4.54	5.40
1902	3.93	5.13	5.58	2.03	5.25	7.25	3.38	5.15	5.81
1903	3.47	4.63	5.07	3.44	5.01	6.94	3.46	4.72	5.47
1904	3.35	4.98	5.26	3.82	5.73	8.13	3.48	5.17	5.88
1905	3.53	5.02	5.14	3.89	5.43	8.29	3.63	5.14	5.78
Average	3.49	4.81	5.17	3.36	5.38	7.69	3.45	4.95	5.67
1906	3.38	4.76	4.72	3.43	5.28	7.81	3.39	4.87	5.27
1907	4.99	6.40	6.46	4.23	5.77	8.27	4.81	6.25	6.78
1908	3.50	5.44	5.42	3.89	5.84	8.14	3.60	5.54	5.97
1909	4.15	5.58	5.46	3.40	4.79	6.99	3.96	5.35	5.73
1910	4.00	5.53	5.32	3.55	4.65	7.11	3.89	5.30	5.62
Average	4.01	5.57	5.50	3.70	5.25	7.67	3.94	5.48	5.89
1911	3.53	5.02	4.82	4.02	4.90	7.73	3.65	4.97	5.35
1912	3.31	4.46	4.04	3.45	4.48	7.12	3.35	4.46	4.53
1913	3.79	4.90	4.53	3.52	4.10	6.75	3.73	4.70	4.89
1914	3.19	4.90	4.40	3.31	4.05	6.55	3.22	4.66	4.78
1915	3.02	4.47	3.80	3.32	4.33	6.58	3.09	4.44	4.27
Average	3.27	4.75	4.31	3.52	4.37	6.95	3.40	4.65	4.76
1916	2.98	3.88	3.33	3.47	4.11	6.34	3.09	3.93	3.77
1917	3.50	4.33	3.83	3.77	3.98	5.84	3.56	4.25	4.14
1918	3.30	3.97	3.50	3.75	3.83	5.58	3.38	3.94	3.80
1919	2.71	4.16	3.62	4.11	4.64	7.21	2.99	4.28	4.19
1920	2.78	3.79	3.13	3.38	3.74	5.48	2.90	3.78	3.45
Average	3.05	4.03	3.48	3.70	4.06	6.07	3.18	4.03	3.86
1921	2.18	4.38	3.48	3.43	3.80	6.05	2.42	4.20	3.94
1922	2.45	5.16	3.99	1.91	3.81	5.49	2.35	4.90	4.16
1923	2.77	4.65	3.46	3.23	3.62	5.45	2.85	4.39	3.74
1924	3.08	5.39	3.94	3.10	3.39	5.64	3.08	4.80	4.20
1925	3.12	4.79	3.53	2.50	4.12	6.47	2.98	4.65	3.84
Average	2.70	4.87	3.67	2.83	3.71	5.80	2.73	4.58	3.96
1926	3.48	4.86	3.60	2.74	3.37	5.36	3.32	4.50	3.83
1927	2.93	4.60	3.36	2.96	3.94	6.11	2.94	4.43	3.73
1928	3.31	4.90	3.45	2.78	3.85	5.93	3.19	4.64	3.78
1929	3.39	4.63	3.19	3.18	4.24	6.53	3.34	4.54	3.59
1930	3.28	5.26	3.46	2.94	4.22	6.40	3.20	5.00	3.84
Average	3.27	4.84	3.42	2.92	3.90	6.04	3.19	4.61	3.75
1931	2.40	4.42	2.83	2.75	4.43	6.42	2.48	4.42	3.31
1932	2.36	4.85	3.09	2.05	3.83	4.99	2.29	4.60	3.36
1933	1.99	3.58	2.50	2.21	3.58	4.66	2.03	3.58	2.78
1934	2.09	3.52	2.67	2.47	3.61	4.69	2.16	3.54	2.94
1935	2.09	3.53	2.60	2.66	4.26	5.24	2.20	3.67	2.92
Average	2.18	3.93	2.73	2.44	3.96	5.23	2.24	3.93	3.06
1936	2.28	3.46	2.52	2.39	3.73	4.46	2.30	3.50	2.73
1937	2.44	3.74	2.68	2.17	3.44	4.15	2.40	3.69	2.83
1938	1.98	3.68	2.52	2.34	4.08	4.88	2.04	3.76	2.79
1939	1.95	3.29	2.19	2.24	3.61	4.11	2.00	3.35	2.41
1940	2.73	4.07	2.61	1.99	3.16	3.57	2.60	3.92	2.71
Average	2.28	3.65	2.51	2.23	3.60	4.23	2.27	3.64	2.70
1941	2.34	3.28	2.08	2.18	3.16	3.58	2.32	3.26	2.22
1942	2.77	3.41	2.14	2.75	3.45	3.88	2.77	3.42	2.30
1943	3.01	3.44	2.06	2.85	3.17	3.80	2.98	3.39	2.22
1944	2.99	3.22	1.81	2.24	2.29	2.74	2.86	3.05	1.90
1945	2.53	2.96	1.60	1.96	2.19	2.60	2.44	2.82	1.69
Average	2.72	3.27	1.94	2.41	2.84	3.32	2.67	3.20	2.06

Footnotes at end of table.

COAL-MINE-FATALITY RATES FOR THE UNITED STATES, 1870-1966 [1]—Continued

[Includes underground and surface injuries]

Year	Bituminous-coal mines			Anthracite mines			Total		
	Per thousand employed	Per thousand 300-day workers	Per million tons mined	Per thousand employed	Per thousand 300-day workers	Per million tons mined	Per thousand employed	Per thousand 300-day workers	Per million tons mined
1946	2.06	2.88	1.49	2.22	2.47	2.86	2.09	2.80	1.63
1947	2.39	3.02	1.57	2.20	2.57	3.02	2.36	2.96	1.69
1948	2.01	2.73	1.45	1.76	2.00	2.40	1.97	2.60	1.54
1949	1.21	2.19	1.13	1.20	1.83	2.11	1.21	1.13	1.22
1950	1.35	2.19	1.06	1.25	1.77	2.09	1.33	2.11	1.14
Average	1.80	2.65	1.36	1.73	2.16	2.54	1.79	2.56	1.47
1951	1.84	2.74	1.28	1.45	2.09	2.41	1.78	2.64	1.37
1952	1.33	2.14	.96	1.58	2.29	2.44	1.37	2.16	1.07
1953	1.34	2.12	.87	1.15	2.04	2.10	1.31	2.11	.95
1954	1.38	2.34	.85	1.48	2.72	2.14	1.40	2.40	.94
1955	1.60	2.28	.78	1.74	2.86	2.07	1.61	2.35	.85
Average	1.51	2.35	.96	1.46	2.32	2.26	1.50	2.34	1.05
1956	1.72	2.43	.79	1.72	2.44	1.74	1.72	2.43	0.85
1957	1.91	2.78	.87	1.65	2.53	2.00	1.88	2.75	.93
1958	1.64	2.70	.79	1.21	1.97	1.51	1.59	2.61	.83
1959	1.36	2.19	.60	2.02	3.49	2.29	1.44	2.33	.68
1960	1.70	2.68	.70	1.84	3.12	1.85	1.71	2.73	.75
Average	1.68	2.56	.76	1.67	2.63	1.87	1.68	2.57	.81
1961	1.81	2.80	.68	1.20	1.84	1.09	1.75	2.71	.70
1962	1.79	2.73	.62	1.86	2.73	1.52	1.79	2.73	.66
1963	1.75	2.58	.55	2.37	3.30	1.74	1.81	2.65	.59
1964	1.58	2.24	.45	1.83	2.56	1.37	1.61	2.27	.48
1965	1.82	2.58	.49	.72	1.06	.54	1.74	2.47	.49
Average	1.75	2.59	.55	1.61	2.34	1.28	1.74	2.57	.58
1966	1.67	2.35	.43	.65	.96	.46	1.60	2.27	.43

[1] Before 1910 certain States did not maintain records of injuries. The above rates are based exclusively on tonnage and men employed in States for which injury records are available.

BITUMINOUS-COAL MINES: FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66 [1]

Year	Falls of roof and face [2]	Haulage	Gas or dust explosions	Explosives	Electricity	All other underground	Total underground	Shaft and slope	Underground and shaft and slope	Surface [2]	Grand total
1906	826	192	219	115	52	27	1,431	73	1,504	77	1,581
1907	911	260	911	134	49	99	2,364	59	2,423	111	2,534
1908	829	229	320	109	53	97	1,637	53	1,690	77	1,767
1909	975	240	264	122	52	312	1,965	37	2,002	73	2,075
1910	1,061	295	477	113	76	46	2,068	60	2,128	92	2,220
Average	921	243	438	119	56	116	1,893	56	1,949	86	2,035
1911	1,007	294	331	72	92	44	1,840	31	1,871	86	1,957
1912	43	296	255	70	75	44	1,683	39	1,722	96	1,818
1913	1,007	344	464	63	79	82	2,039	32	2,071	96	2,167
1914	903	309	305	56	86	55	1,714	41	1,755	104	1,859
1915	818	269	270	76	85	35	1,553	30	1,583	100	1,683
Average	936	303	325	67	83	52	1,766	35	1,801	96	1,897
1916	850	330	183	60	81	49	1,553	34	1,587	84	1,671
1917	965	433	319	55	76	60	1,908	44	1,952	162	2,114
1918	1,052	446	103	85	77	76	1,839	41	1,880	149	2,029
1919	878	310	149	57	64	79	1,537	39	1,576	112	1,688
1920	937	342	124	82	70	72	1,627	34	1,661	120	1,781
Average	936	372	176	68	74	67	1,693	38	1,731	126	1,857
1921	278	275	62	74	76	71	1,340	25	1,365	83	1,448
1922	780	286	298	55	71	56	1,546	36	1,582	102	1,684
1923	948	347	330	66	70	64	1,825	31	1,856	97	1,953
1924	846	299	486	46	72	56	1,805	17	1,822	84	1,906
1925	910	310	302	49	80	76	1,727	30	1,757	77	1,834
Average	853	303	296	58	74	65	1,649	27	1,676	89	1,765
1926	994	384	373	46	94	62	1,953	27	1,980	85	2,065
1927	924	309	187	48	94	70	1,632	22	1,654	88	1,742
1928	825	313	347	41	82	54	1,662	13	1,675	54	1,729
1929	922	349	168	45	75	56	1,615	17	1,632	73	1,705
1930	856	285	234	31	63	68	1,537	9	1,546	73	1,619
Average	904	328	262	42	82	62	1,680	17	1,697	75	1,772
1931	624	194	68	15	62	44	1,007	19	1,026	54	1,080
1932	466	146	162	21	42	45	882	13	895	63	958
1933	458	162	27	24	46	45	762	10	772	61	833
1934	539	168	40	21	53	64	885	9	894	64	958
1935	524	198	26	31	43	70	892	13	905	63	968
Average	522	174	65	22	49	54	886	12	898	61	959
1936	624	202	41	31	44	81	1,023	11	1,034	64	1,098
1937	606	244	116	31	52	64	1,113	15	1,128	70	1,198
1938	474	142	84	23	38	53	814	9	823	57	880
1939	500	155	43	15	49	56	818	5	823	44	867
1940	520	192	292	28	30	62	1,124	12	1,136	68	1,204
Average	545	187	115	26	42	63	978	11	989	60	1,049
1941	574	191	89	24	42	65	985	9	994	78	1,072
1942	592	241	148	16	51	89	1,137	6	1,143	102	1,245
1943	592	227	166	27	33	80	1,125	5	1,130	95	1,225
1944	563	211	32	19	26	136	987	28	1,015	109	1,124
1945	453	196	72	23	20	60	824	7	831	94	925
Average	555	213	102	22	34	86	1,012	11	1,023	95	1,118
1946	442	152	27	12	17	44	594	17	711	84	795
1947	456	190	154	23	20	36	879	15	894	91	985
1948	474	148	39	22	19	41	743	18	761	101	862

Footnotes at end of table.

BITUMINOUS-COAL MINES: FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66[1]—Continued

Year	Falls of roof and face[2]	Haulage	Gas or dust explosions	Explosives	Electricity	All other underground	Total underground	Shaft and slope	Underground and shaft and slope	Surface[3]	Grand total
1949	270	94	3	14	10	25	416	9	425	69	494
1950	313	98	3	10	11	24	459	10	469	81	550
Average	391	137	45	16	15	34	638	14	652	85	730
1951	309	101	153	7	18	24	612	6	618	66	684
1952	240	95	7	5	10	22	379	10	389	60	449
1953	233	74	9	4	12	13	345	4	349	48	397
1954	177	62	17	5	11	15	287	4	291	43	334
1955	199	61	2	10	14	15	301	2	303	57	360
Average	231	79	38	6	13	18	385	5	390	55	445
1956	215	71	5	8	14	28	341	1	342	50	392
1957	218	53	63	7	11	21	373	2	375	52	427
1958	165	43	41	7	14	18	288	1	289	[4] 37	326
1959	137	36	10	4	6	15	208	2	210	36	246
1960	151	32	3	3	18	37	244	2	246	[5] 44	290
Average	177	47	24	6	13	24	291	2	293	43	336
1961	139	38	26	4	12	23	242	----------	242	33	275
1962	112	36	52	4	6	16	226	----------	226	37	263
1963	123	37	31	2	5	20	218	----------	218	34	252
1964	113	42	3	1	5	23	187	1	188	30	218
1965	126	34	15	1	4	28	208	7	215	36	251
Average	123	38	25	2	6	22	216	2	218	34	252
1966	109	40	10	3	2	24	188	1	189	38	227

[1] Figures for 1906–09 cover only States that maintained complete records of fatal injuries. These represent 98 to 99 percent of the total production of coal in the United States. Figures for 1910 to date represent the entire bituminous coal industry.

[2] Beginning with 1963, roof falls from haulage equipment knocking out support are included in the haulage category and roof falls from machinery knocking out support and pressure bumps or bursts are included in the "all other underground" category.

[3] Includes strip mines and for 1955–66, includes auger mines.

Note: Includes 1 surface fatality resulting from fall of roof underground in Kentucky, 1958. Includes 2 surface fatalities resulting from the collapse of highwall, 1960.

TABLE V.—PENNSYLVANIA ANTHRACITE MINES: FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906–66

Year	Falls of roof and face[1]	Haulage	Gas or dust explosions	Explosives	Electricity	All other underground	Total underground	Shaft and slope	Underground and shaft and slope	Surface[3]	Grand total
1906	214	67	46	82	1	27	437	19	456	101	557
1907	294	88	45	87	3	57	574	27	601	107	708
1908	299	90	55	94	1	33	572	24	596	82	678
1909	254	71	31	69	6	49	480	10	490	77	567
1910	253	93	20	82	3	38	489	20	509	92	601
Average	262	82	39	83	3	41	510	20	530	92	622
1911	252	92	34	88	2	126	594	21	615	84	699
1912	243	79	35	77	5	37	476	22	498	103	601
1913	257	85	50	75	1	55	523	30	553	65	618
1914	228	76	44	90	3	45	486	47	533	62	595
1915	261	80	34	79	4	58	516	10	526	60	586
Average	248	83	39	82	3	64	519	26	545	75	620
1916	215	64	43	86	9	57	474	15	489	66	555
1917	265	64	41	55	3	39	467	16	483	99	582
1918	242	66	26	50	11	47	442	11	453	98	551
1919	229	73	42	149	4	49	546	13	559	76	635
1920	197	66	36	49	6	40	394	22	416	75	491
Average	229	67	38	78	7	46	465	15	480	83	563
1921	243	70	64	68	4	50	499	11	510	37	547
1922	128	58	13	38	3	19	259	5	264	36	300
1923	219	73	42	49	5	45	433	15	448	61	509
1924	216	58	50	53	8	45	430	12	442	54	496
1925	170	56	43	53	4	20	346	4	350	50	400
Average	195	63	42	52	5	36	393	10	403	47	450
1926	220	52	49	50	2	39	412	8	420	33	453
1927	225	52	60	62	6	43	448	7	455	34	489
1928	243	52	29	33	6	42	405	12	417	30	447
1929	260	65	27	43	6	31	432	12	444	38	482
1930	243	40	30	47	8	34	402	10	412	32	444
Average	238	52	39	47	6	38	420	10	430	33	463
1931	234	43	20	25	3	23	348	9	357	26	383
1932	161	33	7	15	5	12	233	6	239	10	249
1933	119	32	13	10	7	17	198	10	208	23	231
1934	150	29	12	15	2	25	234	8	242	26	268
1935	140	30	23	19	2	15	229	22	251	23	274
Average	161	33	15	17	4	18	248	11	259	22	281
1936	120	26	16	20	8	26	216	14	230	14	244
1937	120	31	----------	14	4	16	185	11	196	19	215
1938	128	23	20	11	2	17	201	12	213	12	225
1939	121	27	3	17	2	15	185	13	198	13	211
1940	105	36	5	8	7	8	169	8	177	7	184
Average	118	29	9	14	5	16	191	12	203	13	216

Footnotes at end of table.

TABLE V.—PENNSYLVANIA ANTHRACITE MINES: FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66—Continued

Year	Falls of roof and face [1]	Haulage	Gas or dust explosions	Explosives	Electricity	All other under-ground	Total under-ground	Shaft and slope	Under-ground and shaft and slope	Surface [2]	Grand total
1941	100	27	8	12	5	14	166	12	178	16	194
1942	132	37	9	13	6	12	209	5	214	12	226
1943	112	36	15	9	2	18	192	5	197	29	226
1944	82	16	4	16	3	18	139	12	151	23	174
1945	72	19	4	11	1	13	120	9	129	14	143
Average	100	27	8	12	3	15	165	9	174	19	193
1946	104	16	2	8	3	11	144	8	152	21	173
1947	84	14	35	7	4	3	147	6	153	20	173
1948	86	9	2	7	1	6	111	8	119	18	137
1949	54	10	3	3		1	71	12	83	8	91
1950	58	4	5	5	1	1	74	4	78	15	93
Average	77	11	9	6	2	4	109	8	117	16	133
1951	51	15	7	5	1	5	84	5	89	12	101
1952	51	11	4	4		6	76	9	85	14	99
1953	46	2	5	1	2	3	59	1	60	4	64
1954	39	6	1		1	2	49	2	51	11	62
1955	35	6	2	2		3	48	1	49	11	60
Average	44	8	4	2	1	4	63	4	67	10	77
1956	32	5	4	1	2		44	4	48	8	56
1957	31	5	3	4	1	4	48	1	49	2	51
1958	21		1	1		1	24	2	26	6	32
1959	30	5		2			37	4	41	6	47
1960	21	3		1			25	3	28	7	35
Average	27	4	2	2		1	36	2	38	6	44
1961	9	1		1		1	12	2	14	5	19
1962	8	1				8	17	1	18	8	26
1963	13	2	5	3		1	24	3	27	5	32
1964	9	3	3	3		2	20	2	22	2	24
1965	5	1				2	8		8		8
Average	9	1	2	1		3	16	2	18	4	22
1966	5						5		5	1	

[1] Beginning with 1963, roof falls from haulage equipment knocking out support are included in the haulage category and roof falls from machinery knocking out support and pressure bumps or bursts are included in the all other underground category.

[2] Includes strip mines, culm banks, dredges, and preparation plants.

ALL COAL MINES: FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66 [1]

Year	Falls of roof and face [2]	Haulage	Gas or dust explosions	Explosives	Electricity	All other under-ground	Total under-ground	Shaft and slope	Under-ground and shaft and slope	Surface [3]	Grand total
1906	1,040	259	265	197	53	54	1,868	92	1,960	178	2,138
1907	1,205	348	956	221	52	156	2,938	86	3,024	218	3,242
1908	1,128	319	375	203	54	130	2,209	77	2,286	159	2,445
1909	1,229	311	295	191	58	361	2,445	47	2,492	150	2,642
1910	1,314	388	497	195	79	84	2,557	80	2,637	184	2,821
Average	1,183	325	478	201	59	157	2,403	76	2,480	178	2,658
1911	1,259	386	365	160	94	170	2,434	52	2,486	170	2,656
1912	1,186	375	290	147	80	81	2,159	61	2,220	199	2,419
1913	1,264	429	514	138	80	137	2,562	62	2,624	161	2,785
1914	1,131	385	349	146	89	100	2,200	88	2,288	166	2,454
1915	1,079	349	304	155	89	93	2,069	40	2,109	160	2,269
Average	1,184	385	364	149	86	116	2,285	61	2,345	171	2 517
1916	1,065	394	226	146	90	106	2,027	49	2,076	150	2,226
1917	1,230	497	360	110	79	99	2,375	60	2,435	261	2,696
1918	1,294	512	129	135	88	123	2,281	52	2,333	247	2,580
1919	1,107	383	191	206	68	128	2,083	52	2,135	188	2,323
1920	1,134	408	160	131	76	112	2,021	56	2,077	195	2,272
Average	1,166	439	213	146	80	114	2,157	54	2,211	208	2,419
1921	1,025	345	126	142	80	121	1,839	36	1,875	120	1,995
1922	908	344	311	93	74	75	1,805	41	1,846	138	1,984
1923	1,167	420	372	115	75	109	2,258	46	2,304	158	2,462
1924	1,062	357	536	99	80	101	2,235	29	2,264	138	2,402
1925	1,080	366	345	102	84	96	2,073	34	2,107	127	2,234
Average	1,048	366	338	110	79	100	2,042	37	2,079	136	2,215
1926	1,214	436	422	96	96	101	2,365	35	2,400	118	2,518
1927	1,149	361	247	110	100	113	2,080	29	2,109	122	2,231
1928	1,068	365	376	74	88	96	2,067	25	2,092	84	2,176
1929	1,182	414	195	88	81	87	2,047	29	2,076	111	2,187
1930	1,099	325	264	78	71	102	1,939	19	1,958	105	2,063
Average	1,142	380	301	89	87	100	2,100	27	2,127	108	2,235
1931	858	237	88	40	65	67	1,355	28	1,383	80	1,463
1932	627	179	169	36	47	57	1,115	19	1,134	73	1,207
1933	577	194	40	34	53	62	960	20	980	84	1,064
1934	689	197	52	36	56	89	1,119	17	1,136	90	1,226
1935	664	228	49	50	45	85	1,121	35	1,156	86	1,242
Average	683	207	80	39	53	72	1,134	24	1,158	83	1,240

Footnotes at end of table.

ALL COAL MINES: FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66[1]—Continued

Year	Falls of roof and face[2]	Haulage	Gas or dust explosions	Explosives	Electricity	All other underground	Total underground	Shaft and slope	Underground and shaft and slope	Surface[3]	Grand total
1936	744	228	57	51	52	107	1,239	25	1,264	78	1,342
1937	726	275	116	45	56	80	1,298	26	1,324	89	1,413
1938	602	165	104	34	40	70	1,015	21	1,036	69	1,105
1939	621	182	46	32	51	71	1,003	18	1,021	57	1,078
1940	625	278	297	36	37	70	1,293	20	1,313	75	1,388
Average	664	216	124	40	47	80	1,170	22	1,192	74	1,265
1941	674	218	97	36	47	79	1,151	21	1,172	94	1,266
1942	724	278	157	29	57	101	1,346	11	1,357	114	1,471
1943	704	263	181	36	35	98	1,317	10	1,327	124	1,451
1944	645	227	36	35	29	154	1,126	40	1,166	132	1,298
1945	525	215	76	34	21	73	944	16	960	108	1,068
Average	654	240	109	34	38	101	1,177	20	1,196	114	1,311
1946	546	168	29	20	20	55	838	25	863	105	968
1947	540	204	189	30	24	39	1,026	21	1,047	111	1,158
1948	560	157	41	29	20	47	854	26	880	119	999
1949	324	104	6	17	10	26	487	21	508	77	585
1950	371	102	8	15	12	25	533	14	547	96	643
Average	468	147	55	22	17	38	748	21	769	102	871
1951	360	116	160	12	19	29	696	11	707	78	785
1952	291	106	11	9	10	28	455	19	474	74	548
1953	279	76	14	5	14	16	404	5	409	52	461
1954	216	68	18	5	12	17	336	6	342	54	396
1955	234	67	4	12	14	18	349	3	352	68	420
Average	276	87	41	9	14	22	448	9	457	65	522
1956	247	76	9	9	16	28	385	5	390	58	448
1957	249	58	66	11	12	25	421	3	424	54	478
1958	186	43	42	8	14	19	312	3	315	43	358
1959	167	41	10	6	6	15	245	6	251	42	293
1960	172	35	3	4	18	37	269	5	274	51	325
Average	204	51	26	8	13	25	326	4	330	50	380
1961	148	39	26	5	12	24	254	2	256	38	294
1962	120	37	52	4	6	24	243	1	244	45	289
1963	136	39	36	5	5	21	242	3	245	39	284
1964	122	45	6	4	5	25	207	3	210	32	242
1965	131	35	15	1	4	30	216	7	223	36	259
Average	131	39	27	4	6	25	232	3	236	38	274
1966	114	40	10	3	2	24	193	1	194	39	233

[1] Figures for 1906–09 cover only States that maintained complete records of fatal injuries. These represent 98 to 99 percent of the total production of coal in the United States. Figures for 1910 to date represent the entire coal industry.

[2] Beginning with 1963, roof falls from hauling equipment knocking out support are included in the hauling category and roof falls from machinery knocking out support and pressure bumps or bursts are included in the all other underground category.

[3] Includes strip mines, culm banks, dredges, preparation plants and beginning with 1955 includes auger mines.

BITUMINOUS-COAL MINES: PERCENTAGE DISTRIBUTION OF FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66[1]

Year	Falls of roof and face[2]	Haulage	Gas or dust explosions	Explosives	Electricity	All other underground	Total underground	Shaft and slope	Underground and shaft and slope	Surface[3]	Grand total
1906	52.2	12.1	13.9	7.3	3.3	1.7	90.5	4.6	95.1	4.9	100.0
1907	36.0	10.3	36.0	5.2	1.9	3.9	93.3	2.3	95.6	4.4	100.0
1908	46.9	13.0	18.1	6.1	3.0	5.5	92.6	3.0	95.6	4.4	100.0
1909	47.0	11.6	12.7	5.9	2.5	15.0	94.7	1.8	96.5	3.5	100.0
1910	47.8	13.3	21.5	5.1	3.4	2.1	93.2	2.7	95.9	4.1	100.0
Average	45.3	11.9	21.5	5.8	2.8	5.7	93.0	2.8	95.8	4.2	100.0
1911	51.5	15.0	16.9	3.7	4.7	2.2	94.0	1.6	95.6	4.4	100.0
1912	51.9	16.3	14.0	3.9	4.1	2.4	92.6	2.1	94.7	5.3	100.0
1913	46.5	15.9	21.4	2.9	3.6	3.8	94.1	1.5	95.6	4.4	100.0
1914	48.6	16.6	16.4	3.0	4.6	3.0	92.2	2.2	94.4	5.6	100.0
1915	48.6	16.0	16.0	4.5	5.1	2.1	92.3	1.8	94.1	5.9	100.0
Average	49.3	16.0	17.1	3.5	4.4	2.8	93.1	1.8	94.9	5.1	100.0
1916	50.9	19 7	11.0	3.6	4.8	2.9	92.9	2.1	95.0	5.0	100.0
1917	45.7	20.5	15.1	2.6	3.6	2.8	90.3	2.0	92.3	7.7	100.0
1918	51.8	22.0	5.1	4.2	3.8	3.7	90.6	2.1	92.7	7.3	100.0
1919	52.0	18.4	8.8	3.4	3.8	4.7	91.1	2.3	93.4	6.6	100.0
1920	52.6	19.2	7.0	4.6	3.9	4.1	91.4	1.9	93.3	6.7	100.0
Average	50.4	20.0	9.5	3.7	4.0	3.6	91.2	2.0	93.2	6.8	100.0
1921	54.0	19.0	4.3	5.1	5.2	4.9	92.5	1.8	94.3	5.7	100.0
1922	46.3	17.0	17.7	3.3	4.2	3.3	91.8	2.1	93.9	6.1	100.0
1923	48.5	17.8	16.9	3.3	3.6	3.3	93.4	1.6	95.0	5.0	100.0
1924	44.4	15.7	25.5	2.4	3.8	2.9	94.7	.9	95.6	4.4	100.0
1925	49.6	16.9	16.5	2.7	4.4	4.1	94.2	1.6	95.8	4.2	100.0
Average	48.3	17.1	16.8	3.3	4.2	3.7	93.4	1.6	95.0	5.0	100.0
1926	48.1	18.6	18.1	2.2	4.6	3.0	94.6	1.3	95.9	4.1	100.0
1927	53.1	17.7	10.7	2.8	5.4	4.0	93.7	1.2	94.9	5.1	100.0
1928	47.7	18.1	20.1	2.4	4.7	3.1	96.1	.8	96.9	3.1	100.0
1929	54.1	20.5	9.9	2.6	4.4	3.2	94.7	1.0	95.7	4.3	100.0
1930	52.9	17.6	14.4	1.9	3.9	4.2	94.9	.6	95.5	4.5	100.0
Average	51.0	18.5	14.8	2.4	4.6	3.5	94.8	1.0	95.8	4.2	100.0

Footnotes at end of table.

BITUMINOUS-COAL MINES: PERCENTAGE DISTRIBUTION OF FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906-66[1]—Continued

Year	Falls of roof and face [2]	Haulage	Gas or dust explosions	Explosives	Electricity	All other under-ground	Total under-ground	Shaft and slope	Under-ground and shaft and slope	Surface [3]	Grand total
1931	57.8	18.0	6.3	1.4	5.7	4.0	93.2	1.8	95.0	5.0	100.0
1932	48.7	15.2	16.9	2.2	4.4	4.7	92.1	1.3	93.4	6.6	100.0
1933	55.0	19.4	3.3	2.9	5.5	5.4	91.5	1.2	92.7	7.3	100.0
1934	56.3	17.5	4.2	2.2	5.5	6.7	92.4	.9	93.3	6.7	100.0
1935	54.1	20.5	2.7	3.2	4.4	7.2	92.1	1.4	93.5	6.5	100.0
Average	54.4	18.2	6.8	2.3	5.1	5.6	92.4	1.2	93.6	6.4	100.0
1936	56.8	18.4	3.8	2.8	4.0	7.4	93.2	1.0	94.2	5.8	100.0
1937	50.6	20.4	9.7	2.6	4.3	5.3	92.9	1.3	94.2	5.8	100.0
1938	53.9	16.1	9.6	2.6	4.3	6.0	92.5	1.0	93.5	6.5	100.0
1939	57.7	17.9	4.9	1.7	5.7	6.4	94.3	.6	94.9	5.1	100.0
1940	43.2	15.9	24.3	2.3	2.5	5.2	93.4	1.0	94.4	5.6	100.0
Average	51.9	17.8	11.0	2.5	4.0	6.0	93.2	1.1	94.3	5.7	100.0
1941	53.5	17.8	8.3	2.2	4.0	6.1	91.9	.8	92.7	7.3	100.0
1942	47.5	19.4	11.9	1.3	4.1	7.1	91.3	.5	91.8	8.2	100.0
1943	48.3	18.5	13.6	2.2	2.7	6.5	91.8	.4	92.2	7.8	100.0
1944	50.1	18.8	2.8	1.7	2.3	12.1	87.8	2.5	90.3	9.7	100.0
1945	48.9	21.2	7.8	2.5	2.2	6.5	89.1	.7	89.8	10.2	100.0
Average	49.6	19.1	9.1	2.0	3.0	7.7	90.5	1.0	91.5	8.5	100.0
1946	55.6	19.1	3.4	1.5	2.1	5.6	87.3	2.1	89.4	10.6	100.0
1947	46.3	19.3	15.6	2.3	2.0	3.7	89.2	1.6	90.8	9.2	100.0
1948	54.9	17.2	4.5	2.6	2.2	4.8	86.2	2.1	88.3	11.7	100.0
1949	54.7	19.0	.6	2.8	2.0	5.1	84.2	1.8	86.0	14.0	100.0
1950	56.9	17.8	.6	1.8	2.0	4.4	83.5	1.8	85.3	14.7	100.0
Average	53.1	18.6	6.1	2.2	2.0	4.6	86.6	1.9	88.5	11.5	100.0
1951	45.2	14.8	22.4	1.0	2.6	3.5	89.5	.9	90.4	9.6	100.0
1952	53.4	21.2	1.6	1.1	2.2	4.9	84.4	2.2	86.6	13.4	100.0
1953	58.7	18.6	2.3	1.0	3.0	3.3	86.9	1.0	87.9	12.1	100.0
1954	53.0	18.5	5.1	1.5	3.3	4.5	85.9	1.2	87.1	12.9	100.0
1955	55.2	16.9	.6	2.8	3.9	4.2	83.6	.6	84.2	15.8	100.0
Average	51.9	17.7	8.7	1.4	2.9	4.1	86.5	1.2	87.7	12.3	100.0
1956	54.8	18.1	1.3	2.0	3.6	7.1	86.9	.3	87.2	12.8	100.0
1957	51.0	12.4	14.8	1.6	2.6	4.9	87.3	.5	87.8	12.2	100.0
1958	50.6	13.2	12.6	2.1	4.3	5.5	88.3	.3	88.6	11.4	100.0
1959	55.7	14.6	4.1	1.6	2.5	6.1	84.6	.8	85.4	14.6	100.0
1960	52.1	11.0	1.0	1.0	6.2	12.8	84.1	.7	84.8	15.2	100.0
Average	52.7	14.0	7.1	1.8	3.9	7.1	86.6	.6	87.2	12.8	100.0
1961	50.7	13.8	9.5	1.4	4.4	8.4	88.0	------------	88.0	12.0	100.0
1962	42.6	13.7	19.8	1.5	2.3	6.0	85.9	------------	85.9	14.1	100.0
1963	48.8	14.7	12.3	.8	2.0	7.9	86.5	------------	86.5	13.5	100.0
1964	51.8	19.3	1.4	.5	2.3	10.5	85.8	.5	86.2	13.8	100.0
1965	50.2	13.5	6.0	.4	1.6	11.2	82.9	2.8	85.7	14.3	100.0
Average	48.8	15.1	9.9	.8	2.4	8.7	85.7	.8	86.5	13.5	100.0
1966	48.0	17.6	4.4	1.3	.9	10.6	82.8	.5	83.3	16.7	100.0

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[1] Figures for 1906–09 cover only States that maintained complete records of fatal accidents. These represent 98 to 99 percent of the total production of coal in the United States. Figures for 1910 to date represent the entire bituminous coal industry.

[2] Beginning with 1963, roof falls from haulage equipment knocking out support are included in the haulage category and roof falls from machinery knocking out support and pressure bumps or bursts are included in the all other underground category.

[3] Includes strip mines and for 1955–66 includes auger mines.

PENNSYLVANIA ANTHRACITE MINES: PERCENTAGE DISTRIBUTION OF FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906–66

Year	Falls of roof and face [1]	Haulage	Gas or dust explosions	Explosives	Electricity	All other under-ground	Total under-ground	Shaft and slope	Under-ground and shaft and slope	Surface [2]	Grand total
1906	38.4	12.0	8.3	14.7	0.2	4.9	78.5	3.4	81.9	18.1	100.0
1907	41.5	12.4	6.4	12.3	.4	8.1	81.1	3.8	84.9	15.1	100.0
1908	44.1	13.3	8.1	13.9	.1	4.9	84.4	3.5	87.9	12.1	100.0
1909	44.8	12.5	5.5	12.2	1.1	8.6	84.7	1.7	86.4	13.6	100.0
1910	42.1	15.5	3.3	13.7	.5	6.3	81.4	3.3	84.7	15.3	100.0
Average	42.1	13.2	6.3	13.3	.5	6.6	82.0	3.2	85.2	14.8	100.0
1911	36.1	13.2	4.9	12.6	.2	18.0	85.0	3.0	88.0	12.0	100.0
1912	40.4	13.2	5.8	12.8	.8	6.2	79.2	3.7	82.9	17.1	100.0
1913	41.6	13.8	8.1	12.1	.1	8.9	84.6	4.9	89.5	10.5	100.0
1914	38.3	12.8	7.4	15.1	.5	7.6	81.7	7.9	89.6	10.4	100.0
1915	44.5	13.7	5.8	13.5	.7	9.9	88.1	1.7	89.8	10.2	100.0
Average	40.0	13.4	6.3	13.2	.5	10.3	83.7	4.2	87.9	12.1	100.0
1916	38.7	11.5	7.8	15.5	1.6	10.3	85.4	2.7	88.1	11.9	100.0
1917	45.5	11.0	7.0	9.5	.5	6.7	80.2	2.8	83.0	17.0	100.0
1918	43.9	12.0	4.7	9.1	2.0	8.5	80.2	2.0	82.2	17.8	100.0
1919	36.1	11.5	6.6	23.5	.6	7.7	86.0	2.0	88.0	12.0	100.0
1920	40.1	13.5	7.3	10.0	1.2	8.1	80.2	4.5	84.7	15.3	100.0
Average	40.7	11.9	6.7	14.0	1.1	8.2	82.6	2.7	85.3	14.7	100.0
1921	44.4	12.8	11.7	12.4	.7	9.2	91.2	2.0	93.2	6.8	100.0
1922	42.7	19.3	4.3	12.7	1.0	6.3	86.3	1.7	88.0	12.0	100.0
1923	43.0	14.3	8.3	9.6	1.0	8.9	85.1	2.9	88.0	12.0	100.0
1924	43.5	11.7	10.1	10.7	1.6	9.1	86.7	2.4	89.1	10.9	100.0
1925	42.5	14.0	10.8	13.2	1.0	5.0	86.5	1.0	87.5	12.5	100.0
Average	43.3	14.0	9.3	11.6	1.1	8.0	87.3	2.3	89.6	10.4	100.0

Footnotes at end of table.

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PENNSYLVANIA ANTHRACITE MINES: PERCENTAGE DISTRIBUTION OF FATALITIES, BY PRINCIPAL CAUSES OF INJURY, 1906–66—Continued

Year	Falls of roof and face [1]	Haulage	Gas or dust explosions	Explosives	Electricity	All other underground	Total underground	Shaft and slope	Underground and shaft and slope	Surface [2]	Grand total
1926	48.6	11.5	10.8	11.0	0.4	8.6	90.9	1.8	92.7	7.3	100.0
1927	46.0	10.6	12.3	12.7	1.2	8.8	91.6	1.4	93.0	7.0	100.0
1928	54.4	11.6	6.5	7.4	1.3	9.4	90.6	2.7	93.3	6.7	100.0
1929	53.9	13.5	4.6	8.9	1.2	6.5	89.6	2.5	92.1	7.9	100.0
1930	54.7	9.0	6.8	10.6	1.8	7.6	90.5	2.3	92.8	7.2	100.0
Average	51.4	11.2	8.4	10.2	1.3	8.2	90.7	2.2	92.9	7.1	100.0
1931	61.1	11.2	5.2	6.6	.8	6.0	90.9	2.3	93.2	6.8	100.0
1932	64.7	13.3	2.8	6.0	2.0	4.8	93.6	2.4	96.0	4.0	100.0
1933	51.5	13.9	5.6	4.3	3.0	7.4	85.7	4.3	90.0	10.0	100.0
1934	56.0	10.8	4.5	5.6	1.1	9.3	87.3	3.0	90.3	9.7	100.0
1935	51.1	11.0	8.4	6.9	.7	5.5	83.6	8.0	91.6	8.4	100.0
Average	57.3	11.8	5.3	6.1	1.4	6.4	88.3	3.9	92.2	7.8	100.0
1936	49.2	10.7	6.6	8.2	3.2	10.6	88.5	5.8	94.3	5.7	100.0
1937	55.8	14.4		6.5	1.9	7.4	86.0	5.2	91.2	8.8	100.0
1938	56.9	10.2	8.9	4.9	.9	7.5	89.3	5.4	94.7	5.3	100.0
1939	57.3	12.8	1.4	8.1	1.0	7.1	87.7	6.1	93.8	6.2	100.0
1940	57.1	19.6	2.7	4.3	3.8	4.3	91.8	4.4	96.2	3.8	100.0
Average	54.6	13.4	4.2	6.5	2.3	7.4	88.4	5.6	94.0	6.0	100.0
1941	51.6	13.9	4.1	6.2	2.6	7.2	85.6	6.2	91.8	8.2	100.0
1942	58.4	16.4	4.0	5.8	2.6	5.3	92.5	2.2	94.7	5.3	100.0
1943	49.6	15.9	6.6	4.0	.9	8.0	85.0	2.2	87.2	12.8	100.0
1944	47.1	9.2	2.3	9.2	1.7	10.4	79.9	6.9	86.8	13.2	100.0
1945	50.3	13.3	2.8	7.7	.7	9.1	83.9	6.3	90.2	9.8	100.0
Average	51.8	14.0	4.1	6.2	1.6	7.8	85.5	4.7	90.2	9.8	100.0
1946	60.1	9.2	1.2	4.6	1.7	6.4	83.2	4.7	87.9	12.1	100.0
1947	48.6	8.1	20.2	4.1	2.3	1.7	85.0	3.4	88.4	11.6	100.0
1948	62.8	6.6	1.5	5.1	.7	4.3	81.0	5.9	86.9	13.1	100.0
1949	59.3	11.0	3.3	3.3		1.1	78.0	13.2	91.2	8.8	100.0
1950	62.3	4.3	5.4	5.4	1.1	1.1	79.6	4.3	83.9	16.1	100.0
Average	57.9	8.3	6.8	4.5	1.5	3.0	82.0	6.0	88.0	12.0	100.0
1951	50.4	14.8	6.9	5.0	1.0	5.0	83.1	5.0	88.1	11.9	100.0
1952	51.5	11.1	4.1	4.1		6.0	76.8	9.1	85.9	14.1	100.0
1953	71.9	3.1	7.8	1.6	3.1	4.7	92.2	1.6	93.8	6.2	100.0
1954	62 9	9.6	1.6		1.6	3.3	79.0	3.3	82.3	17.7	100.0
1955	58.4	10.0	3.3	3.3		5.0	80.0	1 7	81.7	18.3	100.0
Average	57.1	10.4	5.2	2.6	1.3	5.2	81.8	5.2	87.0	13.0	100.0
1956	57.2	8.9	7.1	1.8	3.6		78.6	7.1	85.7	14.3	100.0
1957	60.8	9.8	5.9	7.8	2.0	7.8	94.1	2.0	96.1	3.9	100.0
1958	65.6		3.1	3.1		3.1	74.9	6.3	81.2	18.8	100.0
1959	63.8	10.6		4.3			78.7	8.5	87.2	12.8	100.0
1960	60.0	8.6		2.8			71.4	8.6	80.0	20.0	100.0
Average	61.4	9.1	4.5	4.5		2.3	81.8	4.6	86.4	13.6	100.0
1961	47.3	5.3		5.3		5.3	63.2	10.5	73.7	26.3	100.0
1962	30.8	3.8				30.8	65.4	3.8	69.2	30.8	100.0
1963	40.6	6.3	15.6	9.4		3.1	75.0	9.4	84.4	15.6	100.0
1964	37.5	12.5	12.5	12.5		8.3	83.3	8.3	91.7	8.3	100.0
1965	62.5	12.5				25.0	100.0		100.0		100 0
Average	40.9	4.5	9.1	4.6		13.6	72.7	9.1	81.8	18.2	100.0
1966	83.3						83.3		83.3	16.7	100.0

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[1] Beginning with 1963, roof falls from haulage equipment knocking out support are included in the haulage category and roof falls from machinery knocking out support and pressure bump or bursts are included in the all other underground category.

[2] Includes strip mines, culm banks, dredges, and preparation plants.

NUMBER OF INJURIES, PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1952

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per thousand man-hours		Per thousand tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries												
	Fatal	Total	Partial					Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	12	1	19	248	268	280	1.4	699.4	54.2	374.0	5.42	2.46	7.17	3.26	0.90	20.16	1.19	26.68
Alaska			1	55	56	56	.3	75.0	15.0	16.1		2.16		2.46		133.83		152.44
Arizona																		
Arkansas	1		4	111	115	116	.6	168.8	37.7	93.6	4.90	3.97	9.09	7.36	.82	93.93	1.52	174.23
California																		
Colorado	4		8	217	225	229	1.1	592.3	45.9	169.0	6.38	3.91	7.46	4.57	1.06	59.82	1.24	69.96
Georgia				4	4	4	(3)		37.3	37.3		2.41		4.64		64.83		124.61
Illinois	26		27	1,365	1,392	1,418	6.9	780.6	30.9	154.6	8.40	3.41	5.21	2.11	1.40	74.93	.87	46.51
Indiana	9	1	3	468	472	481	2.4	4,000.0	37.1	185.8	10.84	7.10	8.11	5.31	1.81	94.73	1.35	70.89
Iowa				50	50	50	.2		27.0	27.0		1.67		3.19		62.03		118.38
Kansas				3	3	3	(3)		41.3	41.3		.93		2.57		22.50		62.09
Kentucky	65	3	91	2,611	2,705	2,770	13.6	800.0	41.0	212.2	7.04	3.57	7.13	3.62	1.17	48.85	1.19	49.47
Maryland	1		1	37	38	39	.2	300.0	30.1	190.1	8.44	1.99	16.34	3.85	1.41	53.48	2.72	103.47
Michigan																		
Missouri				15	15	15	.1		41.7	41.7		1.09		2.89		26.27		69.29
Montana		1	2	45	48	48	.2	225.0	33.2	165.5		12.96		11.17		78.33		67.49
New Mexico	1		2	32	34	35	.2	2,000.0	66.7	346.7	6.25	6.39	7.81	7.99	1.04	35.43	1.30	44.27
North Carolina	1					1	(3)			6,000.0	312.50		3,472.22		52.08		578.70	

NUMBER OF INJURIES, PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1952—Continued

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per thousand man-hours		Per thousand tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
North Dakota			1	10	11	11	0.1	3,000.0	39.5	308.6		24.24		18.21		78.52		59.00
Ohio	9	4	10	588	602	611	3.0	292.5	43.8	174.6	4.40	4.29	3.83	3.74	0.73	49.07	0.64	42.71
Oklahoma			2	127	129	129	.6	187.5	33.0	35.4		3.09		5.15		87.29		145.34
Oregon																		
Pennsylvania (bituminous)	62	6	83	3,063	3,152	3,214	15.7	685.5	42.9	185.5	4.36	2.63	5.42	3.27	.73	36.97	.90	45.93
South Dakota																		
Tennessee	7	1	9	288	298	305	1.5	295.9	45.0	208.6	6.21	3.20	8.49	4.37	1.04	44.09	1.41	60.20
Utah	4		5	297	302	306	1.5	1,440.0	36.0	136.9	5.02	3.74	3.86	2.88	.84	63.15	.64	48.61
Virginia	22	2	31	1,429	1,462	1,484	7.3	691.1	33.6	143.8	6.01	3.70	6.88	4.24	1.00	66.56	1.15	76.20
Washington				190	190	190	.9		19.3	19.3		3.40		4.94		175.75		255.22
West Virginia	161	10	228	8,173	8,411	8,572	42.0	594.7	37.3	171.1	7.33	3.80	7.33	3.80	1.22	63.85	1.22	63.86
Wyoming	4		10	37	47	51	.3	1,120.7	58.9	733.0	7.13	3.97	5.82	3.24	1.19	13.96	.97	11.39
Total bituminous	389	29	537	19,463	20,029	20,418		690.3	38.3	177.5	6.30	3.48	6.50	3.60	10.5	54.08	1.08	55.81
Pennsylvania (anthracite)	85	3	54	5,292	5,349	5,434		701.1	24.8	128.3	8.37	3.07	19.02	6.98	1.39	87.78	3.17	199.48
Total underground (including shaft and slope)	474	32	591	24,755	25,378	25,852		691.3	35.4	167.2	6.59	3.43	7.37	3.83	1.10	58.84	1.23	65.80
Surface:																		
Alabama	2		8	25	33	35	1.5	922.5	35.4	579.0	3.98	2.74			.66	10.94		
Alaska				19	19	19	.8		27.4	27.4		3.29				120.16		
Arizona																		
Arkansas				3	3	3	.1		23.3	23.3		.33				14.05		
California																		
Colorado	1		1	31	32	33	1.4	150.0	33.2	2.176	6.34	1.25			1.06	33.80		
Georgia																		
Illinois	2		7	191	198	200	8.5	1,253.6	26.4	129.1	1.94	2.24			.32	32.03		
Indiana	1		3	53	56	57	2.4	250.0	31.0	147.3	4.77	1.90			.79	44.50		
Iowa				3	3	3	.1		16.0	16.0		.42				26.13		
Kansas																		
Kentucky	10		15	275	290	300	12.7	225.0	29.7	238.5	5.23	1.01			.87	25.26		
Maryland				1	1	1	(5)		28.0	28.0		.20				6.99		
Michigan																		
Missouri				1	1	1	(5)		23.0	23.0		.18				7.80		
Montana				5	5	5	.2		16.8	16.8		.35				20.95		
New Mexico	1		1	7	8	9	.4	150.0	37.1	712.2	35.98	2.46			6.00	47.98		
North Carolina	1					1	(5)			6,000.0	1,390.18				231.70			
North Dakota				5	5	5	.2		16.4	16.4		.93				56.41		
Ohio	2		1	71	72	74	3.1	300.0	45.0	209.4	3.37	.98			.56	20.23		
Oklahoma	1			4	4	5	.2		49.0	1,239.2	23.43	.77			3.90	15.62		
Oregon																		
Pennsylvania (bituminous)	2	1	17	304	322	324	13.8	591.2	37.0	121.3	.76	1.72			.13	20.27		
South Dakota																		
Tennessee			1	38	39	39	1.7	300.0	27.3	34.3		.94				27.29		
Utah	1		1	54	55	56	2.4	300.0	20.3	132.0	3.57	.83			.59	32.71		
Virginia	1		9	108	117	118	5.0	516.8	28.9	116.7	1.69	2.19			.28	32.91		
Washington				33	33	33	1.4		23.9	23.9		2.30				96.15		
West Virginia	9	1	43	973	1,017	1,026	43.6	683.7	29.4	115.0	2.09	2.48			.35	39.34		
Wyoming			2	5	7	7	.3	375.0	29.8	128.4		1.07				8.35		
Total bituminous	34	2	109	2,209	2,320	2,354		608.5	30.5	148.6	2.63	1.88			.44	29.91		
Pennsylvania (anthracite) [6]	7	1	14	663	678	685		577.7	24.1	105.2	1.72	1.23			.29	27.78		
Total surface	41	3	123	2,872	2,998	3,039		605.0	29.0	138.8	2.41	1.72			.40	29.40		
Total underground mines:																		
Bituminous coal	423	31	646	21,672	22,349	22,772		676.5	37.5	174.5	5.67	3.21			.94	49.89		
Anthracite [6]	92	4	68	5,955	6,027	6,119		675.7	24.8	125.7	6.47	2.55			1.08	70.62		
Total deep mines	515	35	714	27,627	28,376	28,891		676.4	34.8	164.2	5.79	3.10			.97	53.21		

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1953

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per thousand man-hours		Per thousand tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	12		26	191	217	229	1.3	380.2	55.2	403.6	5.57	1.58	6.49	1.84	0.93	16.80	1.08	19.57
Alaska	2			115	115	117	.7		21.6	123.8	23.05	4.76	28.58	5.91	3.84	220.90	4.76	273.91
Arizona																		
Arkansas		1	1	68	70	70	.4	4,575.0	37.3	187.3		17.04		32.99		90.97		176.10
California																		
Colorado	3		1	200	201	204	1.2	1,800.0	43.0	139.2	5.14	2.97	5.57	3.22	.86	57.41	.93	62.25
Georgia				1	1	1			39.0	39.0		1.45		2.77		37.17		70.92
Illinois	23		20	1,088	1,108	1,131	6.6	1,436.3	34.7	180.8	8.71	4.20	4.64	2.23	1.45	69.93	.77	37.24
Indiana	7		5	388	393	400	2.3	315.0	40.3	148.1	10.16	4.17	6.77	2.77	1.69	95.05	1.13	63.32
Iowa	6		1	47	48	54	.3	3,600.0	24.4	754.6	51.27	6.76	86.02	11.34	8.54	68.35	14.34	114.69
Kansas				4	4	4			41.8	41.8		2.28		5.38		54.66		128.75
Kentucky	55	4	60	2,340	2,404	2,459	14.2	650.6	36.6	194.6	6.63	2.99	6.12	2.76	1.11	48.31	1.02	44.61
Maryland	2		1	27	28	30	.2	75.0	36.1	435.0	20.01	1.75	36.94	3.23	3.34	46.70	6.16	86.20
Missouri				7	7	7			39.1	39.1		.70		1.78		17.89		45.46
Montana	1			25	25	26	.2		28.9	258.6	15.15	1.83	12.66	1.53	2.52	63.12	2.11	52.75

Footnotes at end of table.

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1953—Con.

State	Number of injuries						Distribution of all injuries, percent[1]	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per thousand man-hours		Per thousand tons		Per million man-hours		Per million tons	
		Permanent																
	Fatal	Total	Partial	Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
New Mexico	2			26	26	28	0.2		39.4	465.2	18.29	1.56	23.44	2.00	3.05	39.63	3.91	50.78
North Dakota			1	9	10	10	.1	300.0	32.2	59.0		7.71		11.87		130.64		201.11
Ohio	10		14	505	519	529	3.1	535.7	41.7	167.4	5.72	2.72	4.67	2.22	.95	49.49	.78	40.38
Oklahoma	1		1	137	138	139	.8	150.0	35.6	79.4	4.55	3.82	6.89	5.78	.76	104.69	1.15	158.40
Oregon																		
Pennsylvania (bituminous)	63	1	70	2,778	2,849	2,912	16.9	760.2	40.2	188.5	4.52	2.04	5.17	2.34	.75	34.08	.86	38.97
South Dakota																		
Tennessee	7	1	11	299	311	318	1.8	668.2	33.0	205.1	6.84	3.78	8.51	4.71	1.14	50.63	1.42	63.00
Utah	9		5	329	334	343	2.0	588.8	36.9	201.4	10.47	2.92	8.25	2.30	1.74	64.74	1.38	51.04
Virginia	29	3	20	1,023	1,046	1,075	6.2	347.3	36.0	219.8	9.80	3.51	10.28	3.68	1.63	58.92	1.71	61.80
Washington	2			129	429	131	.8		33.0	124.1	14.71	5.22	20.08	7.13	2.45	158.15	3.35	215.83
West Virginia	113	7	197	6,685	6,889	7,002	40.6	713.0	36.0	157.3	6.21	3.87	5.51	3.44	1.03	63.07	.92	56.03
Wyoming	2		4	35	39	41	.2	1,893.8	83.5	548.7	4.16	3.64	3.39	2.96	.69	13.52	.56	11.00
Total bituminous	349	17	438	16,456	16,911	17,260		722.0	37.2	181.0	6.39	3.14	5.99	2.95	1.06	51.59	1.00	48.41
Pennsylvania (anthracite)	60	2	34	3,331	3,367	3,427		589.4	25.8	139.4	8.69	2.84	17.49	5.73	1.45	81.24	2.92	163.60
Total underground (including shaft and slope)	409	19	472	19,787	20,278	20,687		712.5	35.3	174.1	6.65	3.11	6.64	3.10	1.11	54.92	1.11	54.82
Surface:																		
Alabama			5	24	29	29	1.5	1,600.0	41.1	309.9		3.15				10.18		
Alaska				20	20	20	1.1		24.4	24.4		3.06				125.52		
Arizona																		
Arkansas				6	6	6	.3		38.2	38.2		1.70				44.61		
California																		
Colorado				25	25	25	1.3		17.9	17.9		.53				29.57		
Georgia																		
Illinois	5	1	6	160	167	172	9.0	287.5	26.8	244.3	5.81	2.33			.97	32.34		
Indiana	1			40	40	41	2.2		21.0	166.9	4.69	.66			.78	31.28		
Iowa				2	2	2	.1		9.0	9.0		.18				20.48		
Kansas																		
Kentucky	4		12	275	287	291	15.3	446.9	26.1	125.6	2.32	1.21			.39	27.69		
Maryland				2	2	2	.1		37.0	37.0		.66				17.88		
Missouri																		
Montana				5	5	5	.3		17.6	17.6		.50				28.61		
New Mexico				2	2	2	.1		32.0	32.0		.53				16.52		
North Dakota				2	2	2	.1		28.0	28.0		.95				33.92		
Ohio	3		2	72	74	77	4.0	187.5	30.0	266.7	5.87	.83			.98	24.14		
Oklahoma				4	4	4	.2		18.5	18.5		.29				15.82		
Oregon																		
Pennsylvania (bituminous)	6		17	216	233	239	12.6	639.7	33.2	226.2	2.33	1.17			.39	15.07		
South Dakota																		
Tennessee			1	25	26	26	1.4	600.0	35.0	56.7		1.12				19.69		
Utah	1		1	34	35	36	1.9	150.0	26.9	196.3	3.56	.63			.59	20.75		
Virginia	2		9	82	91	93	4.9	1,325.0	29.2	283.0	3.68	4.40			.61	27.93		
Washington				17	17	17	.9		17.1	17.1		1.00				58.60		
West Virginia	5		22	782	804	809	42.5	252.3	30.8	73.7	1.32	1.30			.22	35.34		
Wyoming				5	5	5	.3		24.2	24.2		.17				7.16		
Total bituminous	27	1	75	1,800	1,876	1,903		594.2	29.3	139.5	2.31	1.47			.38	26.70		
Pennsylvania (anthracite)	4		9	491	500	504		458.3	24.8	80.0	1.22	.83			.20	25.41		
Total surface	31	1	84	2,291	2,376	2,407		579.6	28.4	127.0	2.07	1.33			.34	26.42		
Total underground mines:																		
Bituminous coal	376	18	513	18,256	18,787	19,163		703.3	36.4	176.9	5.67	2.85	8.46	3.25	.94	47.20	1.08	53.79
Anthracite	64	2	43	3,822	3,867	3,931		561.9	25.6	131.8	6.28	2.20	18.66	6.52	1.05	63.27	3.11	187.89
Total deep mines	440	20	556	22,078	22,654	23,094		692.4	34.6	169.2	5.75	2.76	7.14	3.45	.96	49.33	1.19	61.25

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1954

State	Number of injuries						Distribution of all injuries, percent[1]	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per thousand man-hours		Per thousand tons		Per million man-hours		Per million tons	
		Permanent																
	Fatal	Total	Partial	Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	10	1	25	139	165	175	1.4	726.5	54.9	524.5	5.66	3.00	6.64	3.52	0.94	15.58	1.11	18.27
Alaska				35	35	35	.3		18.7	18.7		1.89		2.30		101.00		122.91
Arizona																		
Arkansas			1	49	50	50	.4	150.0	34.5	36.8		1.46		6.51		93.92		176.98
California																		
Colorado	3	1	5	116	122	125	1.0	675.0	44.8	260.6	6.58	5.33	6.58	5.58	1.10	44.63	1.15	46.66
Georgia				2	2	2			23.0	23.0		1.24		2.04		53.76		88.89
Illinois	18		17	869	886	904	7.3	947.1	36.1	172.0	8.45	3.71	4.06	1.78	1.41	69.29	.68	33.33
Indiana	7		1	252	253	260	2.1	300.0	31.5	193.3	14.23	2.79	8.62	1.69	2.37	85.70	1.44	51.92
Iowa				26	26	26	.2		20.2	20.2		1.05		1.58		52.13		78.35
Kansas				3	3	3			32.3	32.3		1.36		3.89		42.07		120.32
Kentucky	51	4	51	1,956	2,011	2,062	16.6	646.8	34.9	209.1	7.78	3.18	6.44	2.64	1.30	51.12	1.07	42.35
Maryland				18	18	18	.1		44.9	44.9		1.82		3.52		40.60		78.25
Missouri				6	6	6			57.5	57.5		.88		2.14		15.39		37.30
Montana	1		1	29	30	31	.2	300.0	19.1	221.1	17.42	2.48	13.87	1.98	2.90	87.12	2.31	69.35
New Mexico				6	6	6			39.2	39.2		.98		1.24		24.96		31.63

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NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1954—Continued

State	Number of injuries						Distribution of all injuries, percent[1]	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per thousand man-hours		Per thousand tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
North Dakota		1	1	1	3	3		150.0	13.0	2,054.3		208.92		264.06		101.69		128.54
Ohio	4	1	14	361	376	380	3.1	1,108.9	38.0	155.9	3.03	4.45	2.23	3.27	0.51	47.52	0.37	34.90
Oklahoma				123	123	123	1.0		28.9	28.9		2.96		4.51		102.39		156.05
Oregon																		
Pennsylvania (bituminous)	42	2	47	1,521	1,570	1,612	13.0	805.9	43.5	228.3	4.54	2.09	4.66	2.15	.76	28.28	.78	29.04
South Dakota																		
Tennessee	5		11	258	269	274	2.2	675.0	48.4	182.2	4.80	3.19	5.80	3.85	.80	43.06	.97	52.01
Utah	6		4	145	149	155	1.2	693.8	44.2	291.6	11.27	2.88	7.22	1.84	1.88	46.64	1.20	29.87
Virginia	22		20	752	772	794	6.4	410.3	40.0	214.4	9.58	2.78	8.84	2.56	1.60	56.03	1.47	51.72
Washington	1		1	79	80	81	.7	75.0	36.6	110.7	9.59	4.74	10.50	5.19	1.60	127.87	1.75	140.06
West Virginia	121	1	140	4,986	5,127	5,248	42.3	616.3	34.9	189.1	8.95	3.28	6.90	2.53	1.49	63.19	1.15	48.71
Wyoming			5	24	29	29	.2	1,050.0	30.3	206.1		6.01		4.27		29.14		20.74
Total bituminous	291	11	344	11,756	12,111	12,402		682.9	37.0	200.1	7.22	3.04	6.01	2.53	1.20	50.05	1.00	41.69
Pennsylvania (anthracite)	51		48	2,404	2,452	2,503		906.8	26.7	165.3	10.60	3.73	15.94	5.62	1.77	84.92	2.66	127.73
Total underground including shaft and slope)	342	11	392	14,160	14,563	14,905		710.3	35.3	194.3	7.58	3.12	6.63	2.73	1.26	53.77	1.10	47.02
Surface:																		
Alabama	1			19	19	20	1.4		35.8	334.1	2.44	.28			.41	7.73		
Alaska				17	17	17	1.1		14.3	14.3		1.64				114.64		
Arizona																		
Arkansas				4	4	4	.3		22.5	22.5		.84				37.28		
California																		
Colorado			1	22	23	23	1.6	3,000.0	26.0	155.3		5.50				35.42		
Georgia																		
Illinois	1		2	107	109	110	7.4	300.0	21.0	80.5	1.47	.70			.25	26.74		
Indiana				35	35	35	2.4		24.1	24.1		.83				34.38		
Iowa				5	5	5	.3		31.4	31.4		2.24				71.25		
Kansas																		
Kentucky	5		5	193	198	203	13.7	225.0	28.9	180.8	3.45	.77			.57	22.75		
Maryland				5	5	5	.3		90.8	90.8		4.28				47.18		
Missouri				2	2	2	.1		10.0	10.0		.26				26.27		
Montana				4	4	4	.3		26.5	26.5		.76				28.67		
New Mexico						2	.1		8.0	8.0		.25				31.65		
North Dakota																		
Ohio	1		2	44	46	47	3.2	1,650.0	34.5	230.2	2.44	1.96			.41	18.72		
Oklahoma				7	7	7	.5		16.7	16.7		.54				32.08		
Oregon																		
Pennsylvania (bituminous)	6	1	5	171	177	183	12.4	1,342.6	44.5	307.8	3.19	1.80			.53	15.70		
South Dakota																		
Tennessee	1		2	27	29	30	2.0	450.0	35.2	261.7	4.29	1.32			.71	20.72		
Utah	1		1	28	29	30	2.0	1,800.0	26.8	285.0	5.03	2.14			.84	24.34		
Virginia	2		2	64	66	68	4.6	300.0	37.6	220.6	4.37	1.09			.73	24.05		
Washington				6	6	6	.4		31.7	31.7		.76				23.89		
West Virginia	9		28	641	669	678	45.8	367.0	27.0	120.3	2.99	1.53			.50	37.07		
Wyoming				1	1	1	.1		9.0	9.0		.03				3.10		
Total bituminous	27	1	48	1,404	1,453	1,480		589.9	29.8	160.9	2.92	1.37			.49	26.16		
Pennsylvania (anthracite)	5		16	344	360	365		691.4	24.6	135.7	1.96	1.28			.33	23.55		
Total surface	32	1	64	1,748	1,813	1,845		615.3	28.8	155.9	2.71	1.35			.45	25.59		
Total underground mines:																		
Bituminous coal	318	12	392	13,160	13,564	13,882		671.5	36.3	196.0	6.41	2.73	6.57	2.80	1.07	45.59	1.09	46
Anthracite	56		64	2,748	2,812	2,868		852.9	26.5	161.6	7.61	2.88	17.50	6.63	1.27	63.38	2.92	146
Total deep mines	374	12	456	15,908	16,376	16,750		697.0	34.6	190.1	6.57	2.75	7.25	3.03	1.09	47.93	1.21	52

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1955

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	11	1	16	151	168	179	1.3	301.9	45.2	467.4	5,725.63	1,531.95	5,954.64	1,593.23	0.95	14.57	0.99	15.16
Alaska				39	39	39	.3		10.4	10.4		1,445.57		1,294.73		138.86		124.37
Arizona																		
Arkansas	1			27	27	28	.2		53.1	265.5	12,561.05	3,000.00	20,056.56	4,790.17	2.09	56.52	3.34	90.25
California																		
Colorado	5		2	110	112	117	.9	112.5	38.0	294.0	9,408.54	1,380.55	10,015.73	1,469.64	1.57	35.13	1.67	37.39
Georgia				1	1	1			92.0	92.0		3,052.02				33.17		
Illinois	16	2	12	772	786	802	5.9	287.5	34.0	171.7	8,134.67	3,533.41	3,449.53	1,498.35	1.36	66.60	.57	28.24
Indiana	2		7	198	205	207	1.5	996.4	23.9	114.5	4,271.47	4,116.82	2,420.38	2,261.08	.71	72.97	.40	41.35
Iowa				26	26	26	.2		34.8	34.8		1,868.89		3,005.58		53.75		86.44
Kansas																		
Kentucky	50	5	47	2,035	2,087	2,137	15.7	621.3	36.2	202.5	7,084.43	3,136.30	5,500.57	2,435.12	1.18	49.28	.92	38.27
Maryland			1	18	19	19	.1	150.0	21.9	28.6		1,098.97		1,806.26		38.38		63.09
Missouri				10	10	10	.1		32.8	32.8		1,375.27		2,932.94		41.93		89.42

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NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY AND INJURY RATES AT COAL MINES IN THE UNITED STATES BY STATES AND DEGREE OF INJURY, 1955—Continued

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
	Fatal	Nonfatal				All injuries		Permanent partial	Temporary total	All injuries	Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal													
		Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Montana				18	18	18	0.1		23.7	23.7		1,311.10		949.04		55.27		39.58
New Mexico			1	6	7	7	.1	300.0	50.5	86.1		2,267.52				26.32		
North Dakota				2	2	2			130.5	130.5		9,235.67		11,667.41		70.77		89.41
Ohio	10		15	391	406	416	3.1	960.0	29.5	206.6	6,791.92	2,935.47	4,752.17	2,053.89	1.13	45.96	0.79	32.16
Oklahoma			1	87	88	88	.6	150.0	30.2	31.5		2,715.02		4,003.99		86.13		127.02
Oregon																		
Pennsylvania (bituminous)	43		58	1,736	1,794	1,837	13.5	561.2	44.3	200.1	4,307.78	1,828.34	3,977.39	1,688.11	.72	29.95	.66	27.66
South Dakota																		
Tennessee	6	1	5	228	234	240	1.8	360.0	34.0	214.8	6,063.89	2,620.44	7,200.00	3,111.40	1.01	39.42	1.20	46.80
Utah	6		2	160	162	168	1.2	112.5	42.9	256.5	9,845.10	1,937.57	5,774.53	1,136.46	1.64	44.30	.96	25.99
Virginia	29		17	733	750	779	5.7	292.3	32.7	260.6	9,984.18	1,662.48	8,640.04	1,438.67	1.66	43.04	1.44	37.24
Washington	4			103	103	107	.8		32.2	255.3	37,880.94	5,237.04	41,700.40	5,765.08	6.31	162.57	6.95	178.95
West Virginia	116	5	159	6,044	6,208	6,324	46.5	616.9	31.7	160.6	7,371.16	3,383.87	5,402.23	2,480.00	1.23	65.75	.90	48.19
Wyoming	4	1	4	30	35	39	.3	1,575.0	53.1	971.6	27,504.26	15,921.53	17,366.53	10,053.05	4.58	40.11	2.89	25.33
Total bituminous	303	15	347	12,925	13,287	13,590		586.8	34.5	188.2	6,807.45	2,770.24	5,288.39	2,152.07	1.13	49.75	.88	38.65
Pennsylvania (anthracite)	49		33	2,298	2,331	2,380		814.8	22.3	156.4	10,907.92	2,899.50	14,968.99	3,979.00	1.82	86.48	2.49	118.68
Total underground (including shaft and slope)	352	15	380	15,223	15,618	15,970		606.6	32.7	183.5	7,183.35	2,782.09	5,811.58	2,250.81	1.20	53.12	.97	42.98
Surface:																		
Alabama			2	16	18	18	1.1	375.0	38.8	76.2		557.97				7.33		
Alaska				21	21	21	1.2		12.2	12.2		1,552.15				127.33		
Arizona																		
Arkansas				3	3	3	.2		22.3	22.3		837.89				37.52		
California																		
Colorado			3	21	24	24	1.4	3,600.0	16.3	464.3		14,452.86				31.13		
Georgia																		
Illinois	1		2	84	86	87	5.1	225.0	23.5	96.8	1,680.87	679.35			.28	24.09		
Indiana	1		1	26	27	28	1.6	600.0	26.8	260.6	6,125.78	1,324.19			1.02	27.57		
Iowa				1	1	1			25.0	25.0		301.56				12.06		
Kansas																		
Kentucky	7	1	14	229	244	251	14.7	942.9	32.9	273.8	4,615.07	2,936.61			.77	26.81		
Maryland				1	1	1			24.0	24.0		212.21				8.84		
Missouri																		
Montana				4	2	2	.1		34.0	34.0		547.61				16.11		
New Mexico				3	3	3	.2		59.3	59.3		2,305.79				38.86		
North Dakota																		
Ohio	1		4	53	57	58	3.4	150.0	28.8	140.1	2,285.96	810.37			.38	21.72		
Oklahoma				5	5	5	.3		37.6	37.6		1,030.88				27.42		
Oregon																		
Pennsylvania (bituminous)	3		9	174	183	186	10.9	741.7	31.6	162.2	1,493.07	1,009.98			.25	15.18		
South Dakota																		
Tennessee			1	24	25	25	1.5	300.0	29.0	39.8		752.86				18.90		
Utah	1		2	41	43	44	2.6	2,287.5	31.8	270.0	4,447.17	4,356.75			.74	31.87		
Virginia	6		2	134	136	142	8.3	225.0	30.7	285.6	7,404.79	937.94			1.23	27.97		
Washington				15	15	15	.9		4.6	4.6		267.86				58.23		
West Virginia	12		32	750	782	794	46.4	661.7	25.8	141.7	3,393.81	1,910.76			.57	36.86		
Wyoming				3	3	3	.2		21.7	21.7		228.08				10.53		
Total bituminous	32	1	72	1,606	1,679	1,711		827.4	27.8	176.6	3,109.45	1,784.28			.52	27.19		
Pennsylvania (anthracite)	8		7	409	416	424		932.1	20.1	148.0	3,734.37	1,147.77			.62	32.36		
Total surface	40	1	79	2,015	2,095	2,135		836.7	26.2	170.9	3,217.12	1,674.61			.54	28.08		
Total underground mines:																		
Bituminous coal	335	16	419	14,531	14,966	15,301		628.1	33.8	186.9	6,113.00	2,585.08	5,846.90	2,472.56	1.02	45.52	.97	43.53
Anthracite	57		40	2,707	2,747	2,804		835.3	22.0	155.1	8,591.56	2,333.87	17,412.90	4,730.15	1.43	69.01	2.90	139.86
Total deep mines	392	16	459	17,238	17,713	18,105		646.2	31.9	182.0	6,380.66	2,557.95	6,471.99	2,594.57	1.06	48.05	1.08	48.74

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1956

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
	Fatal	Nonfatal				All injuries		Permanent partial	Temporary total	All injuries	Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal													
		Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	12	2	11	142	155	167	1.2	576.8	45.8	579.9	6,954.75	2,399.58	6,880.30	2,373.90	1.16	14.97	1.15	14.81
Alaska				24	24	24	.2		22.9	22.9		2,371.70		2,072.44		103.68		90.60
Arizona																		
Arkansas				36	36	36	.3		25.5	25.5		1,643.85		2,989.83		64.39		117.12
California																		
Colorado	2		5	135	140	142	1.0	1,200.0	39.7	164.5	3,834.76	3,630.88	4,093.37	3,875.74	.64	44.74	.68	47.76
Georgia																		
Illinois	19		13	795	808	827	5.9	767.3	32.0	180.7	9,753.55	3,033.18	3,921.08	1,219.39	1.63	69.13	.65	27.79
Indiana			4	265	269	269	1.9	1,593.8	34.8	58.0		5,515.22		3,017.96		95.10		52.04
Iowa				21	21	21	.2		29.7	29.7		1,410.58		2,317.76		47.55		78.13
Kansas																		

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NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1956—Con.

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
	Fatal	Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
		Total	Partial															
Underground mines:																		
Underground (including shaft and slope):																		
Kentucky	72	3	56	2,139	2,198	2,270	16.2	613.6	31.2	242.8	9,983.76	2,751.45	7,619.05	2,099.75	1.66	50.80	1.27	38.77
Maryland			1	15	16	16	.1	150.0	32.9	40.3		1,234.00		1,895.18		30.66		47.09
Missouri				1	1	1			256.0	256.0		763.17		1,752.84		2.98		6.85
Montana				18	18	18	.1		25.8	25.8		1,554.28		1,180.78		60.17		45.71
New Mexico				8	8	8	.1		29.9	29.9		1,129.34				37.80		
North Dakota				1	1	1			35.0	35.0		1,666.67		3,203.07		47.62		91.52
Ohio	6	1	11	349	361	367	2.6	811.4	33.5	170.6	4,104.35	3,034.60	2,680.00	1,981.49	.68	41.16	.45	26.87
Oklahoma	1		3	112	115	116	.8	1,050.0	23.8	101.9	7,471.25	7,240.89	12,470.62	12,086.11	1.25	143.20	2.08	239.02
Oregon																		
Pennsylvania (bituminous)	50		62	1,772	1,834	1,884	13.5	695.4	39.4	219.2	5,073.07	1,908.93	4,512.22	1,697.89	.85	31.01	.75	27.58
South Dakota																		
Tennessee	10	1	3	262	266	276	2.0	250.0	29.1	269.5	9,214.96	2,207.29	9,520.13	2,280.39	1.54	40.85	1.59	42.21
Utah	3		6	151	157	160	1.1	1,475.0	37.4	203.1	4,677.49	3,768.49	2,745.46	2,211.92	.78	40.80	.46	23.95
Virginia	32	1	14	565	580	612	4.4	1,157.1	33.1	380.5	11,812.87	2,516.14	9,457.59	2,014.47	1.97	35.68	1.58	28.57
Washington			1	80	81	81	.6	1,800.0	31.4	53.2		8,476.82				159.20		
West Virginia	133	2	145	6,391	6,538	6,671	47.7	501.5	29.3	160.4	7,907.51	2,697.60	5,677.15	1,936.75	1.32	64.79	.95	46.51
Wyoming	2		5	13	18	20	.1	1,245.0	38.0	936.0	17,033.12	9,537.13	11,686.40	6,543.41	2.84	25.55	1.95	17.53
Total bituminous	342	10	340	13,295	13,645	13,987		661.6	31.9	197.4	7,560.46	2,610.04	5,671.01	1,957.76	1.26	50.27	.95	37.71
Pennsylvania (anthracite)	48	2	37	2,572	2,611	2,659		1,050.0	25.3	151.9	10,407.25	4,192.68	13,490.95	5,434.98	1.73	94.35	2.25	122.31
Total underground (including shaft and slope)	390	12	377	15,867	16,256	16,646		699.7	30.8	190.1	7,823.86	2,756.47	6,106.67	2,151.48	1.30	54.35	1.02	42.42
Surface:																		
Alabama	2		1	10	11	13	.8	75.0	33.5	954.6	5,183.04	177.09			.86	4.75		
Alaska				26	26	26	1.5		13.8	13.8		2,124.04				153.40		
Arizona																		
Arkansas				4	4	4	.2		19.3	19.3		1,012.61				52.60		
California																		
Colorado				16	16	16	1.0		19.7	19.7		439.86				22.34		
Georgia																		
Illinois			1	65	66	66	3.9	1,800.0	17.4	44.5		880.31				19.80		
Indiana				23	23	23	1.4		23.2	23.2		628.01				27.10		
Iowa				2	2	2	.1		9.0	9.0		263.73				29.30		
Kansas																		
Kentucky	4		6	261	267	271	16.1	712.50	28.9	132.1	2,543.79	1,251.86			.42	28.30		
Maryland				3	3	3	.2		19.7	19.7		473.43				24.07		
Missouri																		
Montana				4	4	4	.2		35.8	35.8		1,244.81				34.82		
New Mexico				1	1	1	.1		13.0	13.0		174.60				13.43		
North Dakota																		
Ohio				50	50	50	3.0		33.4	33.4		635.94				19.05		
Oklahoma				2	2	2	.1		33.0	33.0		447.62				13.56		
Oregon																		
Pennsylvania (bituminous)	1		10	194	204	205	12.2	217.5	33.0	71.1	495.07	707.86			.08	16.83		
South Dakota																		
Tennessee				22	22	22	1.3		29.6	29.6		425.72				14.36		
Utah		1	2	25	28	28	1.7	1,700.0	14.1	348.3		8,088.77				23.22		
Virginia	3		6	78	84	87	5.2	375.0	27.2	257.2	4,969.68	1,207.63			.83	23.19		
Washington			1	11	12	12	.7	150.0	31.7	41.6		2,518.99				60.58		
West Virginia	13		19	814	833	846	50.3	446.6	23.2	124.5	3,320.60	1,164.55			.55	35.46		
Wyoming				2	2	2	.1		2.5	2.5		19.76				7.91		
Total bituminous	23	1	46	1,613	1,660	1,683		491.5	25.4	123.4	2,206.46	1,113.21			.37	26.54		
Pennsylvania (anthracite)	5		5	479	484	489		900.0	25.5	95.5	1,983,33	1,104.78			.33	32.00		
Total surface	28	1	51	2,092	2,144	2,172		531.6	25.4	117.1	2,163.01	1,111.57			.36	27.60		
Total underground mines:																		
Bituminous coal	365	11	386	14,908	15,305	15,670		641.3	31.2	189.4	6,557.76	2,329.71	6,052.40	2,150.18	1.09	45.83	1.01	42.30
Anthracite	53	2	42	3,051	3,095	3,148		1,032.2	25.4	143.2	7,430.07	3,101.35	14,896.26	6,217.78	1.24	72.31	2.48	144.98
Total deep mines	418	13	428	17,959	18,400	18,818		679.7	30.2	181.7	6,656.85	2,417.37	6,545.09	2,376.79	1.11	48.84	1.09	48.02

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1957

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
	Fatal	Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfata
		Total	Partial															
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	5		22	155	177	182	1.4	549	37	263	2,847	1,691	2,678	1,591	0.47	16.80	0.45	15.80
Alaska	6			42	42	48	.4		31	778	189,962	6,970	120,909	4,437	31.66	221.62	20.15	141.06
Arizona																		
Arkansas	5		1	22	23	28	.2	2,400	48	1,195	64,441	7,426			10.74	49.40		
California																		
Colorado		1	4	124	129	129	1.0	838	28	99		4,124		4,315		41.66		43.59
Georgia																		

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1957—Con.

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
	Fatal	Nonfatal				All injuries		Permanent partial	Temporary total	All injuries	Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal						Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
		Total	Partial															
Underground mines:																		
Underground (including shaft and slope):																		
Illinois	18	1	11	595	607	625	4.6	517	33	223	10,138	2,943	4,016	1,166	1.69	56.98	0.67	22.57
Indiana	2		1	232	233	235	1.7	200	29	81	4,855	2,669	2,429	1,414	.76	89.02	.40	47.16
Iowa	4			11	11	15	.1		29	1,622	58,403	788	89,431	1,07	7.73	26.77	14.90	40.99
Kansas																		
Kentucky	55	6	56	1,979	2,041	2,096	15.6	638	33	223	8,734	3,630	6,245	2,596	1.46	54.02	1.04	38.63
Maryland				30	30	30	.2		37	37		2,034		3,394		55.52		92.66
Missouri				1	1	1			13	13		56		124		4.30		9.51
Montana	1			11	11	12	.1		53	548	30,974	3,010			5.16	56.78		
New Mexico				10	10	10	.1		63	63		2,493				39.76		
North Dakota																		
Ohio	4		10	272	282	286	2.1	581	42	144	3,255	2,331	1,982	1,419	.54	38.24	.33	23.29
Oklahoma	1			130	130	131	1.0		18	64	7,562	2,923	13,488	5,213	1.26	163.84	2.25	292.24
Oregon																		
Pennsylvania (bituminous)	47	2	50	1,541	1,593	1,640	12.2	425	42	231	5,227	1,802	4,415	1,523	.87	29.53	.74	24.94
South Dakota																		
Tennessee	7		5	179	184	191	1.4	715	37	274	9,877	2,417	9,682	2,370	1.65	43.27	1.61	42.42
Texas																		
Utah	17		5	183	188	205	1.5	1,022	40	558	25,373	3,072	14,816	1,794	4.23	46.76	2.47	27.31
Virginia	34		19	867	886	920	6.8	533	32	263	10,466	1,965	8,323	1,562	1.74	45.46	1.39	36.15
Washington			1	46	47	47	.3	52	49	49		5,942				121.43		
West Virginia	168	1	122	6,327	6,450	6,618	49.1	496	30	191	10,189	2,566	6,989	1,760	1.70	65.20	1.16	44.72
Wyoming	1		1	16	17	18	.1	700	42	409	13,831	3,158	9,206	2,102	2.31	39.19	1.53	26.08
Total bituminous	375	11	308	12,773	13,092	13,467		541	32	215	8,765	2,527	6,287	1,813	1.46	51.00	1.05	36.58
Pennsylvania (anthracite)	49	3	22	2,159	2,184	2,233		592	26	171	12,293	3,665	22,976	6,849	2.05	91.32	3.83	170.68
Total underground (including shaft and slope)	424	14	330	14,932	15,276	15,700		544	32	209	9,066	2,624	6,863	1,986	1.51	54.44	1.14	41.21
Surface:																		
Alabama				16	16	16	1.0		32	32		221				6.79		
Alaska				15	15	15	.9		6	6		527				80.67		
Arizona																		
Arkansas																		
California																		
Colorado				18	18	18	1.1		16	16		436				26.37		
Georgia																		
Illinois		1	2	57	60	60	3.6	125	22	125		2,421				19.42		
Indiana			1	24	25	25	1.5	3,600	46	188		5,636				29.94		
Iowa																		
Kansas																		
Kentucky	4		16	201	226	230	13.8	521	31	169	2,812	1,740			.47	26.48		
Maryland				4	4	4	.2		11	11		334				30.34		
Missouri																		
Montana				1	1	1	.1		34	34		419				12.32		
New Mexico				3	3	3	.2		44	44		1.866				42.40		
North Dakota																		
Ohio			1	41	42	42	2.5	240	41	46		854				18.72		
Oklahoma				1	1	1	.1		5	5		37				7.41		
Oregon																		
Pennsylvania (bituminous)	3		7	168	175	178	10.7	1,053	32	173	1,546	1,102			.26	15.03		
South Dakota																		
Tennessee				24	24	24	1.4		34	34		816				24.10		
Texas																		
Utah	1		3	28	31	32	1.9	617	52	290	4,841	2,661			.81	25.01		
Virginia	3		7	129	136	139	8.3	357	26	171	4,004	1,296			.67	30.25		
Washington				8	8	8	.5		15	15		789				52.63		
West Virginia	16		26	824	850	866	51.9	678	29	159	4,317	1,863			.72	38.22		
Wyoming			1	4	5	5	.3	200	67	94		2,730				29.10		
Total bituminous	27	1	64	1,575	1,640	1,667		656	30	154	2,723	1,595			.45	27.57		
Pennsylvania (anthracite)	2		11	450	461	436		207	24	54	876	940			.14	33.65		
Total surface	29	1	75	2,025	2,101	2,130		590	28	132	2,378	1,472			.40	28.71		
Total underground mines:																		
Bituminous coal	402	12	372	14,348	14,732	15,134		561	32	208	7,628	2,352	6,740	2,078	1.27	46.59	1.12	41.16
Anthracite	51	3	33	2,609	2,645	2,696		464	26	151	8,135	2,672	17,008	5,587	1.36	70.32	2.83	147.01
Total deep mines	453	15	405	16,957	17,377	17,830		553	31	200	7,682	2,386	7,231	2,246	1.28	49.12	1.20	46.23

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1958

State	Number of injuries						Distribution of all injuries, percent	Average severity			Time-loss rates				Frequency rates			
	Fatal	Nonfatal				All injuries		Permanent partial	Temporary total	All injuries	Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal						Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
		Total	Partial															
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	7	1	21	100	122	129	1.3	335	59	472	5,470	2,460	4,879	2,194	0.91	15.89	0.81	14.17
Alaska				29	29	29	.3		21	21		3,698		3,088		172.41		143.96
Arizona				1	1	1			10	10		543				54.35		
Arkansas				8	8	8	.1		46	46		2,024				44.12		
California																		
Colorado	2	1	4	135	140	142	1.4	925	37	188	4,984	6,131	4,702	5,784	.83	58.15	.78	54.85
Georgia																		
Illinois	7		12	507	519	526	5.2	917	44	143	4,550	3,604	1,776	1,407	.76	56.23	.30	21.95
Indiana	2		5	192	197	199	2.0	912	40	122	4,820	4,924	2,558	2,613	.80	79.13	.43	41.99
Iowa	1		1	20	21	22	.2	300	38	321	16,266	2,871	23,714	4,186	2.71	56.93	3.95	83.00
Kansas				1	1	1			202	202		8,137		20,922		40.28		103.57
Kentucky	43	6	37	1,650	1,693	1,736	17.2	440	39	216	8,136	3,703	5,542	2,523	1.36	53.39	.92	36.36
Maryland			1	30	31	31	.3	50	28	29		1,557		2,490		53.44		85.48
Missouri				2	2	2			57	57		488		938		8.56		16.45
Montana	4			8	8	12	.1		63	2,042	143,103	2,999			23.85	47.70		
New Mexico				11	11	11	.1		72	72		2,996				41.40		
North Dakota				2	2	2			65	65		18,609		26,279		286.29		404.29
Ohio	5		3	181	184	189	1.9	153	39	199	5,328	1,341	3,234	814	.89	32.68	.54	19.84
Oklahoma	2		4	93	97	99	1.0	2,013	31	232	16,606	15,120	31,476	28,659	2.77	134.24	5.25	254.43
Oregon																		
Pennsylvania (bituminous)	28	2	24	1,020	1,046	1,074	10.7	798	48	231	4,367	2,085	3,515	1,078	.73	27.19	.59	21.89
South Dakota																		
Tennessee	15	2	3	171	176	191	1.9	280	39	574	21,397	4,655	21,489	4,675	3.57	41.84	3.58	42.02
Texas																		
Utah	5		3	158	161	166	1.6	1,113	39	238	9,341	2,957	5,483	1,736	1.56	50.13	.91	29.43
Virginia	30	1	16	818	835	865	8.6	969	38	269	9,949	2,909	8,025	2,347	1.66	46.15	1.34	37.23
Washington				16	16	16	.2		88	88		5,141				58.46		
West Virginia	138	6	95	4,381	4,482	4,620	45.8	695	44	243	11,989	4,267	7,575	2,696	2.00	61.90	1.26	41.00
Wyoming			1	7	8	8	.1	225	37	60		2,170		1,299		36.10		21.61
Total bituminous	289	19	230	9,541	9,790	10,079		680	43	239	8,872	3,470	6,044	2,364	1.48	50.09	1.01	34.12
Pennsylvania (anthracite)	26		14	1,544	1,558	1,584		942	31	137	8,796	3,465	14,954	5,890	1.47	87.85	2.49	149.35
Total underground (including shaft and slope)	315	19	244	11,085	11,348	11,663		695	41	225	8,866	3,470	6,357	2,488	1.48	53.23	1.06	38.17
Surface:																		
Alabama	1		2	13	15	16	1.3	1,000	37	530	3,355	1,387			0.56	8.39		
Alaska				4	4	4	.3		14	14		856				61.16		
Arizona																		
Arkansas																		
California																		
Colorado			3	19	22	22	1.7	433	20	76		2,772				36.36		
Georgia																		
Illinois			1	36	37	37	2.9	300	37	44		589				13.45		
Indiana			1	23	24	24	1.9	1,800	32	106		3,266				30.85		
Iowa																		
Kansas																		
Kentucky	5		10	188	198	203	16.1	308	29	190	4,155	1,180			.69	27.42		
Maryland				2	2	2	.2		16	16		223				14.39		
Missouri																		
Montana				1	1	1	.1		12	12		165				13.75		
New Mexico				7	7	7	.6		17	17		1,637				97.10		
North Dakota																		
Ohio	1		1	23	24	25	2.0	200	25	271	3,302	424			.55	13.21		
Oklahoma	1			1	1	2	.2		54	3,027	57,232	515			9.54	9.54		
Oregon				1	1	1	.1		40	40		42,373				1,059.32		
Pennsylvania (bituminous)	2		4	114	118	120	9.5	61	38	138	1,354	516			.23	13.31		
South Dakota																		
Tennessee				20	20	20	1.6		39	39		885				22.84		
Texas																		
Utah				23	23	23	1.8		37	37		844				22.52		
Virginia	1		4	135	139	140	11.1	171	39	86	1,421	1,423			.24	32.92		
Washington	1			6	6	7	.6		58	906	58,783	3,380			9.80	58.78		
West Virginia	6		19	579	598	604	48.0	427	32	104	2,200	1,642			.37	36.54		
Wyoming			1		1	1	.1	3,000		3,000		20,658				6.89		
Total bituminous	18		46	1,195	1,241	1,259		450	33	134	2,291	1,280			.38	26.32		
Pennsylvania (anthracite)	3	1	5	357	363	366		372	20	90	1,544	1,278			.26	31.13		
Total surface	21	1	51	1,552	1,604	1,625		443	30	124	2,142	1,280			.36	27.27		
Total underground mines:																		
Bituminous coal	307	19	276	10,736	11,031	11,338		642	42	228	7,593	3,045	6,420	2,574	1.27	45.47	1.07	38.45
Anthracite	29	1	19	1,901	1,921	1,950		792	29	128	5,919	2,597	12,310	5,402	.99	65.35	2.05	135.90
Total deep mines	336	20	295	12,637	12,952	13,288		652	40	213	7,412	2,996	6,697	2,707	1.24	47.62	1.12	43.02

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1959

State	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal
Underground mines: Underground (including shaft and slope):																		
Alabama	7		14	98	112	119	1.4	630	49	468	5,253	1,708	4,564	1,484	0.88	14.01	0.76	12.17
Alaska				12	12	12	.1		19	19		2,334		1,947		121.79		101.59
Arizona				2	2	2	(1)		17	17		1,768		(2)		103.99		(2)
Arkansas				3	3	3	(1)		56	56		638		(2)		11.33		(2)
California																		
Colorado	2		2	94	96	98	1.1	500	40	171	5,246	2,081	4,346	1,724	.87	41.97	.72	34.77
Georgia																		
Illinois	6		6	490	496	502	5.8	1,813	38	130	4,031	3,303	1,530	1,254	.67	55.53	.25	21.08
Indiana	3		5	175	180	183	2.1	1,188	38	168	6,990	4,916	3,892	2,737	1.17	69.90	.65	38.92
Iowa	2			19	19	21	.2		49	616	37,148	2,879	51,960	4,027	6.19	58.82	8.66	82.27
Kansas																		
Kentucky	37	2	43	1,259	1,304	1,341	15.4	567	32	223	7,954	2,750	5,293	1,830	1.33	46.72	.88	31.09
Maryland	1			11	11	12	.1		51	547	11,963	1,119	19,524	1,825	1.99	21.93	3.25	35.79
Missouri				3	3	3	(1)		33	38		406		898		12.31		27.22
Montana			1	3	4	4	.1	150	18	51		1,481		(2)		29.18		(2)
New Mexico				13	13	13	.1		30	30		1,496		(2)		49.48		(2)
North Dakota																		
Ohio	2		6	213	219	221	2.5	1,465	27	120	2,199	2,664	1,258	1,524	.37	40.13	.21	22.96
Oklahoma				132	132	132	1.5		20	20		3,584		7,705		176.78		380.09
Oregon																		
Pennsylvania (bituminous)	27		35	860	895	922	10.6	960	48	257	4,850	2,247	3,611	1,673	.81	26.80	.60	19.95
South Dakota																		
Tennessee	18	1	5	104	110	128	1.5	205	37	928	27,413	2,751	26,994	2,709	4.57	27.92	4.50	27.49
Texas																		
Utah	3		3	120	123	126	1.5	383	58	207	6,760	3,057	3,944	1,784	1.13	46.19	.66	26.95
Virginia	22	1	21	852	874	896	10.3	754	36	206	7,450	2,958	5,183	2,058	1.24	49.33	.86	34.32
Washington				23	23	23	.3		16	16		1,115		(2)		71,22		(2)
West Virginia	80	5	87	3,750	3,842	3,922	45.2	539	42	182	7,662	3,714	4,311	2,090	1.28	61.33	.72	34.51
Wyoming			1	1	2	2	(1)	3,000	39	1,520		16,781		9,090		11.04		5.98
Total bituminous	210	9	229	8,237	8,475	8,685		705	35	207	7,052	3,021	4,437	1,900	1.18	47.43	.74	29.84
Pennsylvania (anthracite)	41		10	1,187	1,197	1,238		802	29	233	17,623	3,067	26,430	4,600	2.94	85.75	4.40	128.60
Total underground (including shaft and slope)	251	9	239	9,424	9,672	9,923		709	38	210	7,818	3,024	5,135	1,986	1.30	50.21	.86	32.98
Surface:																		
Alabama	1		1	6	7	8	.7	240	37	507	3,142	240			.52	3.67		
Alaska																		
Arizona																		
Arkansas																		
California																		
Colorado			3	12	15	15	1.4	323	15	76		1,966				25.26		
Georgia																		
Illinois	1		2	44	46	47	4.3	385	32	174	2,307	843			.38	17.69		
Indiana			1	24	25	25	2.3	100	37	39		1,260				32.24		
Iowa				1	1	1	.1		10	10		218				21.77		
Kansas																		
Kentucky	6		6	118	124	130	11.9	690	36	341	5,868	1,365			.98	20.21		
Maryland																		
Missouri																		
Montana				1	1	1	.1		4	4		68				16.94		
New Mexico				3	3	3	.3		2	2		103				61.80		
North Dakota				1	1	1	.1		16	16		16,667				1,041.67		
Ohio			1	27	28	28	2.6	300	31	41		661				16.11		
Oklahoma				4	4	4	.4		5	5		220				41.96		
Oregon				1	1	1	.1		11	11		16,129				1,466.28		
Pennsylvania (bituminous)	3		2	120	122	125	11.5	1,288	46	209	2,135	960			.36	14.47		
South Dakota																		
Tennessee				11	11	11	1.0		25	25		376				14.86		
Texas																		
Utah	1			12	12	13	1.2		30	489	6,845	406			1.14	13.69		
Virginia			3	130	133	133	12.2	278	31	37		1,252				34.15		
Washington				5	5	5	.5		22	22		943				42.10		
West Virginia	5	2	22	508	532	537	49.4	560	31	130	1,836	2,446			.31	32.56		
Wyoming																		
Total bituminous	17	2	41	1,028	1,071	1,088		543	33	156	2,275	1,518			.38	23.89		
Pennsylvania (anthracite)[3]	5		6	319	325	330		595	22	123	2,977	1,060			.50	32.25		
Total surface	22	2	47	1,347	1,396	1,418		550	30	149	2,404	1,434			.40	25.42		
Total underground mines:																		
Bituminous coal	227	11	270	9,265	9,546	9,773		680	39	202	6,094	2,719	4,796	2,140	1.02	42.71	.80	33.61
Anthracite	46		16	1,506	1,522	1,568		724	28	210	11,482	2,226	20,521	3,978	1.91	63.32	3.42	113.16
Total deep mines	273	11	286	10,771	11,068	11,341		683	37	203	6,617	2,671	5,507	2,223	1.10	44.71	.92	37.21

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1960

State	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	9	2	21	98	121	130	1.5	875	60	694	6,240	4,191	5,186	3,484	1.04	13.98	0.86	11.62
Alaska			1	13	14	14	.2	11	9	9		3,496		1,821		401.19		209.01
Arizona																		
Arkansas				5	5	5	.1		74	74		2,018				27.12		
California																		
Colorado	2		1	121	122	124	1.4	120	31	128	5,170	1,688	4,111	1,342	.86	52.56	.69	41.80
Georgia																		
Illinois	4		5	354	359	363	4.2	1,935	45	137	2,946	3,139	1,030	1,098	.49	44.07	.17	15.41
Indiana	3		2	194	196	199	2.3	1,550	31	137	6,919	3,535	3,812	1,947	1.15	75.35	.64	41.51
Iowa				13	13	13	.2		25	25		1,084		1,611		43.22		64.23
Kansas																		
Kentucky	52	3	17	1,447	1,467	1,519	17.7	699	35	258	11,040	2,853	7,017	1,813	1.84	51.91	1.17	32.99
Maryland	3			21	21	24	.3		39	784	45,706	2,098	66,635	3,054	7.63	53.39	11.11	77.74
Missouri				4	4	4			57	57		1,153		2,482		20.14		43.36
Montana				6	6	6	.1		26	26		1,430				55.71		
New Mexico				12	12	12	.1		23	23		1,122				49.49		
North Dakota																		
Ohio	2	2	8	187	197	199	2.3	388	32	167	2,377	4,188	1,292	2,277	.40	39.02	.22	21.21
Oklahoma	1			112	112	113	1.3		27	80	10,536	5,256	23,511	11,728	1.76	196.67	3.92	438.87
Oregon																		
Pennsylvania (bituminous)	25		34	825	859	884	10.3	889	45	246	4,866	2,192	3,377	1,521	.81	27.87	.56	19.34
South Dakota																		
Tennessee	9	1	1	164	166	175	2.0	75	33	374	14,090	3,009	13,674	2,920	2.35	43.31	2.28	42.03
Texas																		
Utah	3		1	100	101	104	1.2	600	43	220	6,618	1,805	3,621	987	1.10	37.14	.60	20.32
Virginia	22	1	11	737	749	771	9.0	643	36	222	7,897	2,353	5,384	1,604	1.32	44.81	.90	30.55
Washington	1		1	19	20	21	.2	50	38	322	30,868	3,946			5.14	102.89		
West Virginia	109	4	71	3,717	3,792	3,901	45.4	634	38	221	11,030	3,534	5,923	1,898	1.84	63.95	.99	34.34
Wyoming	1			8	8	9	.1		45	707	35,348	2,121	19,144	1,149	5.89	47.13	3.19	25.53
Total bituminous	246	13	174	8,157	8,344	8,590		743	38	232	8,639	3,020	5,174	1,809	1.44	48.84	.86	29.25
Pennsylvania (anthracite)	28		11	936	947	975		354	28	204	15,475	2,813	21,686	3,942	2.58	87.23	3.61	122.24
Total underground (including shaft and slope)	274	13	185	9,093	9,291	9,565		720	37	229	9,047	3,008	5,610	1,865	1.51	51.13	.94	31.71
Surface:																		
Alabama				8	8	8	.7		29	29		123				4.22		
Alaska				3	3	3	.3		3	3		167				55.59		
Arizona																		
Arkansas																		
California																		
Colorado			1	18	19	19	1.6	400	29	48		1,653				34.35		
Georgia																		
Illinois	1			49	49	50	4.3		29	149	2,522	605			.42	20.60		
Indiana				19	19	19	1.6		20	20		584				29.20		
Iowa																		
Kansas																		
Kentucky	7		5	166	171	178	15.3	855	33	290	6,840	1,581			1.14	27.85		
Maryland				1	1	1	.1		5	5		54				10.70		
Missouri																		
Montana																		
New Mexico				4	4	4	.3		12	12		804				67.02		
North Dakota																		
Ohio				18	18	18	1.5		51	51		559				11.01		
Oklahoma				5	5	5	.4		37	37		2,158				58.96		
Oregon																		
Pennsylvania (bituminous)				136	136	136	11.7		33	33		568				17.12		
South Daktoa																		
Tennessee	1		1	14	15	16	1.4	120	22	402	8,788	633			1.46	21.97		
Texas																		
Utah	2		1	21	22	24	2.1	50	21	521	12,908	532			2.15	23.66		
Virginia	2		6	117	123	125	10.7	948	27	167	3,145	2,323			.52	32.24		
Washington				2	2	2	.2		99	99		2,536				25.62		
West Virginia	8	1	17	529	547	555	47.6	550	30	142	3,103	2,005			.52	35.36		
Wyoming				2	2	2	.2		32	32		417				13.03		
Total bituminous	21	1	31	1,112	1,144	1,165		641	30	159	2,943	1,388			.49	26.72		
Pennsylvania (anthracite)	3		6	265	271	274		638	27	106	2,039	1,238			.34	30.70		
Total surface	24	1	37	1,377	1,415	1,439		641	30	149	2,789	1,362			.46	27.40		
Total underground mines:																		
Bituminous coal	267	14	205	9,269	9,488	9,755		728	37	223	7,498	2,693	5,615	2,017	1.25	44.41	.94	33.26
Anthracite	31		17	1,201	1,218	1,249		454	28	182	9,449	2,107	15,772	3,516	1.57	61.88	2.63	103.28
Total deep mines	298	14	222	10,470	10,706	11,004		707	36	219	7,662	2,644	6,019	2,077	1.28	45.88	1.00	36.04

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1961

State	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal													
	Fatal	Total	Partial			All injuries		Permanent partial	Temporary total	All injuries	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal
UNDERGROUND MINES																		
Underground (including shaft and slope):																		
Alabama	7	6	18	93	117	124	1.5	233	61	709	5,426	5,925	4,136	4,516	0.90	15.12	0.69	11.52
Alaska	1			9	9	10	.1		45	640	134,602	8,996	54,898	3,669	22.43	201.90	9.15	82.35
Arizona																		
Arkansas				1	1	1			13	13		57				4.37		
California																		
Colorado	5		2	110	112	117	1.4	80	27	283	15,125	1,572	9,483	986	2.52	56.47	1.58	35.40
Georgia																		
Illinois	5		5	318	323	328	4.0	743	55	156	4,244	3,005	1,339	948	.71	45.70	.22	14.42
Indiana	26		4	210	214	240	3.0	792	41	699	65,513	4,940	33,872	2,554	10.92	89.87	5.65	46.47
Iowa				12	12	12	.1		100	100		5,706		8,026		56.83		79.92
Kansas																		
Kentucky	58	4	26	1,286	1,316	1,374	16.9	519	37	315	13,042	3,201	8,534	2,095	2.17	49.32	1.42	32.27
Maryland	1			12	12	13	.2		34	493	15,066	1,017	19,342	1,306	2.51	30.13	3.22	38.68
Missouri				2	2	2			52	52		677		1,555		13.14		30.19
Montana	1		2	6	8	9	.1	300	72	781	66,800	11,478			11.13	89.07		
New Mexico	1			14	14	15	.2		88	482	21,262	4,364			3.54	49.59		
North Dakota																		
Ohio	6	2	9	174	185	191	2.4	234	39	298	8,258	4,811	4,242	2,471	1.38	42.44	.71	21.80
Oklahoma				44	44	44	.5		16	16		2,003		4,507		128.84		289.92
Oregon				1	1	1			11	11		5,820				529.10		
Pennsylvania (bituminous)	20	1	23	792	816	836	10.3	675	48	215	4,638	2,316	2,871	1,434	.77	31.54	.48	19.53
South Dakota																		
Tennessee	6		1	143	144	150	1.8	3,000	32	291	10,498	2,229	10,222	2,171	1.75	41.99	1.70	40 89
Texas																		
Utah	4		1	97	98	102	1.3	75	48	282	9,231	1,817	4,638	913	1.54	37.69	.77	18.94
Virginia	28	1	14	852	867	895	11.0	536	39	239	10,072	2,777	6,465	1,782	1.68	51.99	1.08	33.36
Washington				20	20	20	.2		40	40		4,188				105.90		
West Virginia	72	3	71	3,481	3,555	3,627	44.7	662	41	176	8,164	3,905	4,125	1,973	1.36	67.18	.69	33.95
Wyoming	1			5	5	6	.1		36	1,030	36,838	1,105	19,627	589	6.14	30.70	3.27	16.36
Total or average, bituminous	242	17	176	7,682	7,875	8,117		571	41	243	9,438	3,378	5,324	1,905	1.57	51.19	.89	28.87
Pennsylvania (anthracite)	14	2	8	821	831	845		784	26	146	9,064	4,287	12,259	5,798	1.51	89.67	2.04	121.27
Total or average, underground (including shaft and slope)	256	19	184	8,503	8,706	8,962		581	40	234	9,417	3,430	5,494	2,001	1.57	53.38	.92	31.14
Surface:																		
Alabama	2		2	5	7	9	.8	575	43	1,485	7,295	829			1.22	4.26		
Alaska				3	3	3	.3		4	4		1,542				385.41		
Arizona																		
Arkansas																		
California																		
Colorado				13	13	13	1.2		32	32		796				24.71		
Georgia																		
Illinois				37	37	37	3.3		25	25		461				18.12		
Indiana				23	23	23	2.0		44	44		1,540				34.80		
Iowa																		
Kansas																		
Kentucky	3		2	177	179	182	16.2	105	32	131	3,247	1,045			.54	32.29		
Maryland			1	3	4	4	.4	940	37	263		12,561				47.81		
Missouri																		
Montana				1	1	1	.1		10	10		223				22.33		
New Mexico			1	2	3	3	.3	900	34	323		13,370				41.44		
North Dakota																		
Ohio			1	19	20	20	1.8	4,500	61	283		3,258				11.52		
Oklahoma				1	1	1	.1		1	1		14				13.50		
Oregon																		
Pennsylvania (bituminous)			3	115	118	118	10.5	1,697	36	78		1,323				16.92		
South Dakota																		
Tennessee				18	18	18	1.6		56	56		1,906				33.79		
Texas																		
Utah			1	20	21	21	1.9	3,000	50	190		4,529				23.84		
Virginia	1		4	115	119	120	10.7	148	33	87	1,540	1,135			.26	30.55		
Washington				3	3	3	.3		9	9		428				45.88		
West Virginia	12		22	511	533	545	48.5	490	34	184	5,236	2,041			.87	38.76		
Wyoming				2	2	2	.2		34	34		454				13.37		
Total or average, bituminous	18		37	1,068	1,105	1,123		734	35	153	2,783	1,650			.46	28.47		
Pennsylvania (anthracite)	2		3	277	280	282		1,067	26	80	1,418	1,242			.24	33.08		
Total or average, surface	20		40	1,345	1,385	1,405		759	33	138	2,539	1,577			.42	29.30		
Total or average, underground mines:																		
Bituminous coal	260	17	213	8,750	8,980	9,240		600	40	232	8,098	3,030	5,720	2,140	1.35	46.61	.95	32.92
Anthracite	16	2	11	1,098	1,111	1,127		861	26	130	5,414	2,834	9,366	4,902	.90	62.66	1.56	108.39
Total or average, deep mines	276	19	224	9,848	10,091	10,367		612	39	221	7,872	3,013	5,852	2,240	1.31	47.97	.98	35.66

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATES AND DEGREE OF INJURY, 1962

State	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal													
	Fatal	Total	Partial			All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
UNDERGROUND MINES																		
Underground (including shaft and slope):																		
Alabama	6	3	14	76	93	99	1.2	508	59	662	5,123	4,209	3,602	2,960	0.85	13.23	0.60	9.31
Alaska				3	3	3			4	4		367		118		84.78		27.32
Arizona																		
Arkansas				4	4	4			57	57		1,854		(2)		32.53		
California																		
Colorado	3		1	100	101	104	1.3	195	42	216	9,900	2,440	6,374	1,571	1.65	55.55	1.06	35.76
Georgia																		
Illinois	17	2	5	319	326	343	4.3	152	41	373	14,115	3,594	4,265	1,086	2.35	45.11	.71	13.63
Indiana	6	1	4	192	197	203	2.5	360	41	253	15,713	6,697	8,221	3,504	2.62	85.99	1.37	44.99
Iowa				7	7	7	.1		36	36		1,226		1,507		34.20		42.04
Kansas																		
Kentucky	37	2	22	1,512	1,536	1,573	19.6	584	33	189	8,692	2,952	5,101	1,732	1.45	60.14	.85	35.30
Maryland			2	19	21	21	.3	250	28	49		2,834		2,833		57.61		57.59
Missouri				2	2	2			24	24		410		834		17.08		34.75
Montana				3	3	3			16	16		607				38.77		
New Mexico	2			6	6	8	.1		68	1,551	55,702	1,880	42,540	1,436	9.28	27.85	7.09	21.27
North Dakota																		
Ohio	6	3	7	158	168	174	2.2	785	38	376	7,924	6,491	3,867	3,167	1.32	36.98	.64	18.05
Oklahoma	1		1	46	47	48	.6	100	26	152	18,482	3,983	37,189	8,014	3.08	144.77	6.20	291.31
Oregon																		
Pennsylvania (bituminous)	53		19	616	635	683	8.6	552	45	518	12,800	1,534	7,436	891	2.13	25.56	1.24	14.95
South Dakota																		
Tennessee	5		2	118	120	125	1.6	320	35	279	10,006	1,607	8,821	1,417	1.67	40.02	1.47	35.29
Texas																		
Utah	1		1	72	73	74	.9	400	29	114	3,040	1,242	1,397	571	.51	36.98	.23	16.99
Virginia	22	1	9	757	767	789	9.8	1,094	36	222	7,959	2,578	4,969	1,610	1.33	46.25	.83	28.87
Washington			1	68	69	69	.9	110	20	21		5,554				258.57		
West Virginia	67	9	75	3,533	3,617	3,684	45.9	606	37	172	7,712	4,430	3,705	2,129	1.29	69.39	.62	33.34
Wyoming				13	13	13	.2		76	76		7,329		4,279		96.53		56.36
Total or average, bituminous	226	21	163	7,624	7,808	8,034		585	37	232	9,109	3,393	4,821	1,796	1.52	52.45	.80	27.76
Pennsylvania (anthracite)	18		6	753	759	777		900	27	172	12,763	3,036	16,025	3,811	2.13	89.70	2.67	112.62
Total or average, underground (including shaft and slope)	244	21	169	8,377	8,567	8,811		597	36	226	9,305	3,373	5,083	1,843	1.55	54.45	.85	29.75
Surface:																		
Alabama	1		1	6	7	8	.8	100	69	814	3,999	342			.67	4.67		
Alaska				1	1	1	.1		14	14		1,466				104.69		
Arizona																		
Arkansas																		
California																		
Colorado			2	12	14	14	1.3	2,355	32	364		11,417				31.39		
Georgia																		
Illinois				36	36	36	3.4		34	34		602				17.97		
Indiana			1	25	26	26	2.5	100	31	34		1,295				38.13		
Iowa																		
Kansas																		
Kentucky	6		3	155	158	164	15.5	1,667	32	280	6,751	1,868			1.13	29.63		
Maryland				2	2	2	.2		45	45		1,038				23.34		
Missouri																		
Montana				2	2	2	.2		31	31		1,798				58.00		
New Mexico																		
North Dakota																		
Ohio	3		3	15	18	21	2.0	838	48	1,011	10,450	1,879			1.74	10.45		
Oklahoma				2	2	2	.2		30	30		797				26.57		
Oregon																		
Pennsylvania (bituminous)	2		6	102	108	110	10.4	733	33	180	1,789	1,161			.30	16.10		
South Dakota																		
Tennessee				13	13	13	1.2		34	34		935				27.14		
Texas																		
Utah	1			11	11	12	1.1		12	511	8,169	184			1.36	14.98		
Virginia			3	111	114	114	10.7	400	27	37		1,085				29.71		
Washington				10	10	10	.9		33	33		4,245				127.09		
West Virginia	6	1	15	503	519	525	49.5	573	29	124	2,601	2,112			.43	37.50		
Wyoming				1	1	1	.1		26	26		275				10.59		
Total or average, bituminous	19	1	34	1,007	1,042	1,061		783	30	167	3,015	1,673			.50	27.56		
Pennsylvania (anthracite)	5		3	244	247	252		150	34	153	3,857	1,116			.64	31.76		
Total or average, surface	24	1	37	1,251	1,289	1,313		731	31	164	3,159	1,578			.53	28.27		
All underground mines:																		
Bituminous coal	245	22	197	8,631	8,850	9,695		619	36	224	7,874	3,044	5,227	2,021	1.31	47.41	.87	31.47
Anthracite coal	23		9	997	1,006	1,029		650	29	168	8,498	2,116	13,444	3,348	1.42	61.95	2.24	98.00
Total or average, deep mines	268	22	206	9,628	9,856	10,124		621	36	218	7,924	2,970	5,516	2,067	1.32	48.57	.92	33.81

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATE AND DEGREE OF INJURY, 1963

State	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries								
	Fatal	Total	Partial								Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	6		18	109	127	133	1.7	919	47	434	5,439	3,280	3,789	2,285	0.91	19.19	0.63	13.37
Alaska																		
Arizona																		
Arkansas				4	4	4	.1		25	25		1,109				43.93		
California																		
Colorado	1		2	92	94	95	1.2	88	30	94	3,547	1,746	2,108	1,037	.59	55.57	.35	33.02
Georgia																		
Illinois	12		4	394	398	410	5.1	1,185	40	226	9,839	2,814	2,937	840	1.64	54.39	.49	16.23
Indiana	2	1	1	151	153	155	1.9	300	39	156	6,162	6,255	2,894	2,938	1.03	78.57	.48	36.90
Iowa				10	10	10	.1		42	42		2,161		2,673		51.45		63.64
Kansas																		
Kentucky	33	4	15	1,575	1,594	1,627	20.4	502	31	171	7,516	3,027	4,183	1,685	1.25	60.51	.70	33.67
Maryland				19	19	19	.2		32	32		1,638		1,550		51.11		48.37
Missouri																		
Montana				1	1	1			34	34		661				19.45		
New Mexico				1	1	1			180	180		972		570		5.40		3.17
North Dakota																		
Ohio	3		4	134	138	141	1.8	350	36	172	3,759	1,313	1,720	601	.63	28.82	.29	13.19
Oklahoma				24	24	24	.3		19	19		3,965		8,362		208.22		439.14
Oregon																		
Pennsylvania (bituminous)	17	1	25	609	635	652	8.2	951	39	238	4,091	2,137	2,209	1,154	.68	25.47	.37	13.75
South Dakota																		
Tennessee	1		4	67	71	72	.9	74	31	117	2,262	904	1,829	731	.38	26.77	.30	21.64
Texas																		
Utah	9		1	86	87	96	1.2	206	30	591	31,067	1,585	12,359	631	5.18	50.05	2.06	19.91
Virginia	22		10	711	721	743	9.3	620	30	215	8,410	1,775	4,859	1,025	1.40	45.94	.81	26.54
Washington				50	50	50	.6		16	16		3,512				218.95		
West Virginia	112		76	3,542	3,618	3,730	46.8	815	35	230	12,071	3,340	5,566	1,540	2.0	64.99	.93	29.97
Wyoming				5	5	5	.1		39	39		2,322		1,637		59.24		41.76
Total or average, bituminous	218	6	160	7,584	7,750	7,968		769	34	217	8,673	2,775	4,332	1,386	1.45	51.39	.72	25.67
Pennsylvania (anthracite)	27	3	7	816	826	853		1,967	26	252	19,227	6,273	23,888	7,794	3.20	98.03	3.98	121.80
Total or average, underground (including shaft and slope)	245	9	167	8,400	8,576	8,821		819	33	220	9,231	2,960	4,762	1,527	1.54	53.86	.79	27.78
Surface:																		
Alabama			3	8	11	11	1.0	500	66	184		1,461				7.93		
Alaska																		
Arizona																		
Arkansas																		
California																		
Colorado				8	8	8	.7		31	31						19.25		
Georgia																		
Illinois	1		1	47	48	49	4.5	300	28	155	3,029	806			.50	24.23		
Indiana			1	18	19	19	1.7	500	24	49		1,533				31.18		
Iowa																		
Kansas																		
Kentucky	3	1	1	174	176	179	16.3	600	30	167	3,169	2,087			.53	30.98		
Maryland				1	1	1	.1		7	7		72				10.24		
Missouri																		
Montana																		
New Mexico				1	1	1	.1		7	7		126				17.96		
North Dakota																		
Ohio			1	23	24	24	2.2	1,800	45	118		1,604				13.60		
Oklahoma																		
Oregon				1	1	1	.1		13	13		114,035				8,771.93		
Pennsylvania (bituminous)			3	105	108	108	9.9	353	26	35		571				16.15		
South Dakota																		
Tennessee				7	7	7	.6		22	22		374				17.34		
Texas																		
Utah	1		2	12	14	15	1.4	393	22	470	9,036	1,583			1.51	21.08		
Virginia	2		4	90	94	96	8.8	335	25	162	3,567	1,060			.59	27.94		
Washington				4	4	4	.4		14	14		860				62.56		
West Virginia	5		22	541	563	568	51.8	1,051	30	122	2,044	2,680			.34	38.36		
Wyoming				5	5	5	.5		8	8		850				111.84		
Total or average, bituminous	12	1	38	1,045	1,084	1,096		816	29	127	1,893	1,776			.32	28.51		
Pennsylvania (anthracite)	2		5	286	291	293		382	28	75	1,538	1,266			.26	37.31		
Total or average, surface	14	1	43	1,331	1,375	1,389		765	29	116	1,833	1,689			.31	30.00		
All underground mines:																		
Bituminous coal	230	7	198	8,629	8,834	9,064		778	34	206	7,308	2,574	4,571	1,610	1.22	46.78	.76	29.22
Anthracite coal	29	3	12	1,102	1,117	1,146		1,307	26	207	10,724	3,866	16,001	5,769	1.79	68.84	2.67	102.76
Total or average, deep mines	259	10	210	9,731	9,951	10,210		808	33	206	7,578	2,676	4,968	1,754	1.26	48.53	.83	31.81

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, AVERAGE SEVERITY, AND INJURY RATES AT COAL MINES IN THE UNITED STATES, BY STATE AND DEGREE OF INJURY, 1964

State	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent																
	Fatal	Total	Partial	Temporary total	Total nonfatal	All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	6		7	94	101	107	1.4	961	78	468	5,293	2,062	3,461	1,349	0.88	14.85	0.58	9.71
Alaska																		
Arizona																		
Arkansas				2	2	2			5	5		107				21.34		
California																		
Colorado	3	1		86	87	90	1.1		40	305	9,788	5,119	5,326	2,785	1.63	47.31	.89	25.74
Georgia																		
Illinois	7		8	429	437	444	5.6	1,097	34	148	5,648	3,161	1,676	938	.94	58.77	.28	17.44
Indiana				84	84	84	1.1		37	37		2,108		906		56.63		24.34
Iowa	1		1	12	13	14	.2	2,400	30	626	38,324	17,623	36,193	16,643	6.39	83.04	6.03	78.42
Kansas																		
Kentucky	42	12	15	1,471	1,498	1,540	19.5	1,087	39	258	20,045	5,810	4,996	2,890	1.67	59.71	.83	29.70
Maryland	1			12	12	13	.2		30	489	17,066	1,027	15,217	916	2.84	34.13	2.54	30.43
Missouri																		
Montana	1			4	4	5	.1		11	1,209	5,942	720			15.99	63.96		
New Mexico			1	11	12	12	.2	50	14	17		1,044		518		60.20		29.28
North Dakota																		
Ohio	5		8	165	173	178	2.3	386	44	226	6,306	2,158	2,829	968	1.05	36.37	.47	16.32
Oklahoma				1	1	1			31	31		1,853		2,542		59.77		82.01
Oregon																		
Pennsylvania (bituminous)	15	1	26	604	631	646	8.2	1,111	48	238	3,343	2,367	1,716	1,215	.56	23.44	.25	12.03
South Dakota																		
Tennessee	3		4	82	86	.89	1.1	175	35	243	7,067	1,410	5,121	1,021	1.18	33.77	.89	24.47
Texas																		
Utah	3		3	65	68	71	.9	1,950	37	369	9,595	4,387	3,813	1,743	1.60	36.25	.64	14.41
Virginia	21	1	14	840	855	876	11.1	440	39	195	8,231	2,944	4,466	1,597	1.37	55.85	.74	30.30
Washington				4	4	4	.1		17	17		505				29.68		
West Virginia	80	2	69	3,573	3,644	3,724	47.1	694	39	183	8,346	3,475	3,729	1,553	1.39	63.36	.62	28.31
Wyoming				5	5	5	.1		15	15		856		609		55.59		39.55
Total or average, bituminous	188	17	156	7,544	7,717	7,905		813	40	210	7,385	3,470	3,500	1,645	1.23	50.52	.58	23.95
Pennsylvania (anthracite)	22	1	9	907	917	939		756	22	176	15,919	3,960	21,783	5,419	2.65	110.59	3.63	151.33
Total or average underground (including shaft and slope)	210	18	165	8,451	8,634	8,844		810	38	206	7,824	3,496	3,838	1,715	1.30	53.61	.64	26.30
Surface:																		
Alabama				4	4	4	0.4		63	63		175				2.80		
Alaska																		
Arizona																		
Arkansas																		
California																		
Colorado	1			15	15	16	1.6		35	407	11,281	974			1.88	28.20		
Georgia																		
Illinois	1			35	35	36	3.6		25	191	3,013	444			.50	17.57		
Indiana				5	5	5	.5		112	112		1,116				9.96		
Iowa																		
Kansas																		
Kentucky	2	1	1	136	138	140	13.9	240	34	163	2,303	2,075			.38	26.49		
Maryland																		
Missouri																		
Montana				1	1	1	.1		31	31		2,513				81.08		
New Mexico																		
North Dakota																		
Ohio			1	13	14	14	1.4	60	49	50		417				8.36		
Oklahoma																		
Oregon																		
Pennsylvania (bituminous)	1		1	85	86	87	8.6	185	50	120	895	656			.15	12.82		
South Dakota																		
Tennessee				8	8	8	.8		42	42		862				20.53		
Texas																		
Utah	3			10	10	13	1.3		26	1,405	25,562	368			4.26	14.20		
Virginia	2		3	134	137	139	13.8	233	33	123	3,905	1,647			.65	44.58		
Washington																		
West Virginia	4		15	527	542	546	54.1	490	28	85	1,715	1,584			.29	38.72		
Wyoming				1	1	1	.1		6	6		141				23.43		
Total or average, bituminous	14	1	21	974	996	1,010		406	32	129	2,301	1,260			.38	27.29		
Pennsylvania (anthracite)	2		6	252	258	260		1,193	31	104	1,644	1,044			.27	35.34		
Total or average, surface	16	1	27	1,226	1,254	1,270		581	32	124	2,436	1,545			.41	31.82		
All underground mines:																		
Bituminous coal	202	18	177	8,518	8,713	8,915		765	39	201	6,404	3,044	3,761	1,788	1.07	46.04	.63	27.04
Anthracite coal	24	1	15	1,159	1,175	1,199		930	24	160	9,236	3,063	14,017	4,649	1.54	75.36	2.34	114.38
Total or average, deep mines	226	19	192	9,677	9,888	10,114		778	37	196	6,764	3,112	4,130	1,900	1.13	49.33	.69	30.12

NUMBER OF INJURIES BY PERCENTAGE DISTRIBUTION AVERAGE SEVERITY AND INJURY RATES AT COAL MINES IN THE UNITED STATES BY STATE AND DEGREE OF INJURY, 1965

	Number of injuries						Distribution of all injuries, percent	Average severity			Severity rates				Frequency rates			
		Nonfatal									Per million man-hours		Per million tons		Per million man-hours		Per million tons	
		Permanent		Temporary total	Total nonfatal													
State	Fatal	Total	Partial			All injuries		Permanent partial	Temporary total	All injuries	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	6		7	84	91	97	1.2	126	70	441	5,385	1,007	3,630	679	0.90	13.61	0.61	9.18
Alaska																		
Arizona																		
Arkansas				7	7	7	.1		19	19		1,568				81.94		
California																		
Colorado	11		1	94	95	106	1.3	120	29	649	33,833	1,448	18,730	801	5.64	48.70	3.12	26.96
Georgia																		
Illinois	7		10	462	472	479	5.9	1,208	38	150	5,495	3,900	1,631	1,158	.92	61.75	.27	18.33
Indiana			1	44	45	45	.6	4,500	42	141		6,508		2,775		46.24		19.72
Iowa			1	8	9	9	.1	60	24	28		1,950		1,276		69.65		45.58
Kansas																		
Kentucky	35	2	26	1,239	1,267	1,302	15.9	701	33	216	8,448	2,878	4,141	1,411	1.41	50.97	.69	24.98
Maryland		1		8	9	9	.1		52	713		19,851		14,463		27.86		20.30
Missouri																		
Montana				7	7	7	.1		25	25		2,169				87.26		
New Mexico				11	11	11	.1		41	41		2,520		1,083		60.93		26.19
North Dakota																		
Ohio	4		3	201	204	208	2.5	1,578	39	175	5,101	2,654	2,158	1,123	.85	43.36	.36	18.34
Oklahoma																		
Oregon																		
Pennsylvania (bituminous)	30	1	28	680	709	739	9.0	406	55	318	6,517	1,985	3,225	982	1.09	25.67	.54	12.70
South Dakota																		
Tennessee	11		1	93	94	105	1.3	135	29	655	26,250	1,115	19,331	821	4.38	37.39	3.22	27.53
Texas																		
Utah	2	1	3	75	79	81	1.0	173	28	255	6,554	4,705	2,395	1,720	1.09	43.15	.40	15.77
Virginia	24	1	18	833	852	876	10.7	782	38	224	9,711	3,501	4,898	1,766	1.62	57.45	.82	28.98
Washington				10	10	10	.1		40	40		3,536				88.83		
West Virginia	85	8	100	3,870	3,978	4,063	49.8	763	38	192	8,742	4,621	3,798	2,007	1.46	68.19	.63	29.62
Wyoming				12	12	12	.1		48	48		6,711		4,589		140.80		96.27
Total or average, bituminous	215	14	199	7,738	7,951	8,166		719	39	222	8,430	3,437	3,878	1,581	1.41	51.96	.65	23.90
Pennsylvania (anthracite)	8		8	692	700	708		211	29	98	7,449	3,373	9,046	4,096	1.24	108.63	1.51	131.92
Total or average, underground (including shaft and slope)	223	14	207	8,430	8,651	8,874		699	38	212	8,391	3,434	3,959	1,620	1.40	54.25	.66	25.60
Surface:																		
Alabama				14	14	14	1.4		31	31		323				10.47		
Alaska																		
Arizona																		
Arkansas																		
California																		
Colorado				8	8	8	.8		13	13		232				17.48		
Georgia																		
Illinois	1			34	34	35	3.4		36	206	2,933	597			.49	16.62		
Indiana				13	13	13	1.3		54	54		1,457				27.09		
Iowa				1	1	1	.1		53	53		2,179				41.12		
Kansas																		
Kentucky	4		1	144	145	149	14.5	300	26	188	4,450	757			.74	26.88		
Maryland				3	3	3	.3		10	10		473				45.75		
Missouri																		
Montana				2	2	2	.2		12	12		1,163				96.89		
New Mexico				3	3	3	.3		4	4		164				44.77		
North Dakota																		
Ohio	1			29	29	30	2.9		29	228	3,514	491			.59	16.98		
Oklahoma																		
Oregon																		
Pennsylvania (bituminous)	1	1	6	86	93	94	9.2	323	51	195	895	1,832			.15	13.87		
South Dakota																		
Tennessee			1	5	6	6	.6	740	13	134		1,727				12.87		
Texas																		
Utah				13	13	13	1.3		42	42		782				18.76		
Virginia	1		3	79	82	83	8.1	800	28	128	2,647	2,045			.44	36.17		
Washington				2	2	2	.2		16	16		1,021				63.84		
West Virginia	9		14	545	559	568	55.4	1,261	32	157	3,885	2,523			.65	40.22		
Wyoming				2	2	2	.2		2	2		93				61.67		
Total or average, bituminous	17	1	25	983	1,009	1,026		922	32	159	2,855	1,704			.48	28.24		
Pennsylvania (anthracite)			3	218	221	221		207	32	34		1,200				35.04		
Total or average, surface	17	1	28	1,201	1,230	1,247		845	32	137	2,426	1,628			.40	29.26		
All underground mines:																		
Bituminous coal	232	15	224	8,721	8,960	9,192		741	38	215	7,375	3,109	4,184	1,764	1.23	47.47	.70	26.93
Anthracite coal	8		11	910	921	929		210	30	83	3,765	2,298	5,367	3,276	.63	72.23	.89	102.98
Total or average, deep mines	240	15	235	9,631	9,881	10,121		716	37	203	7,146	3,057	4,215	1,803	1.19	49.04	.70	28.92

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, INJURY RATES, AND AVERAGE SEVERITY AT COAL MINES IN THE UNITED STATES, BY STATE AND DEGREE OF INJURY, 1966

State	Number of injuries						Distribution of all injuries, percent	Frequency rates				Severity rates				Average severity		
	Fatal	Nonfatal				All injuries		Per million man-hours		Per million tons		Per million man-hours		Per million tons		Permanent partial	Temporary total	All injuries
		Permanent		Temporary total	Total nonfatal			Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal			
		Total	Partial															
Underground mines:																		
Underground (including shaft and slope):																		
Alabama	4		4	87	91	95	1.2	0.68	15.36	0.45	10.19	4,051	1,056	2,687	700	138	66	318
Alaska																		
Arizona																		
Arkansas			1	3	4	4	.1		53.05				7,056			400	44	133
California																		
Colorado	5		1	100	101	106	1.4	2.56	51.70	1.39	28.02	15,357	1,356	8,321	735	100	25	308
Illinois	5		10	445	455	460	6.0	.63	57.63	.18	16.59	3,800	2,925	1,094	842	485	41	115
Indiana	1			51	51	52	.7	1.41	71.73	.54	27.53	8,439	1,992	3,239	764		28	143
Iowa	1			7	7	8	.1	8.92	62.47	3.79	26.56	53,545	1,151	22,765	489		18	766
Kansas																		
Kentucky	36	1	24	1,218	1,243	1,279	16.7	1.44	49.74	.65	22.38	8,644	3,208	3,889	1,443	1,306	35	232
Maryland				6	6	6	.1		21.41		13.78		664		427		31	31
Missouri																		
Montana	1			6	6	7	.1	10.71	64.27			64,269	1,757				27	881
New Mexico				17	17	17	.2		108.63		45.32		1,975		824		18	18
North Dakota																		
Ohio	6		9	242	251	257	3.4	1.17	49.10	.46	19.30	7,042	2,367	2,769	931	498	31	187
Oklahoma																		
Oregon																		
Pennsylvania (bituminous)	25		23	678	701	726	9.5	.92	25.81	.45	12.56	5,523	1,447	2,687	704	512	41	261
South Dakota																		
Tennessee	6		1	87	88	94	1.2	2.96	43.43	1.65	24.14	17,765	1,496	9,874	832	200	33	415
Texas																		
Utah	5		3	74	77	82	1.1	3.03	46.69	1.07	16.55	18,190	1,660	6,447	588	200	29	399
Virginia	25		16	733	749	774	10.1	1.70	50.90	.84	25.29	10,194	1,993	5,065	990	171	36	232
Washington				4	4	4	.1		36.24				806				22	22
West Virginia	69	1	62	3,550	3,613	3,682	48.1	1.22	64.07	.52	27.22	7,341	2,555	3,119	1,086	356	33	152
Wyoming			2	4	6	6	.1		90.51		48.76		54,803		29,526	1,800	8	606
Total or average, bituminous	189	2	156	7,312	7,470	7,659		1.26	49.98	.56	22.08	7,588	2,337	3,353	1,032	530	35	194
Pennsylvania (anthracite)	5		5	490	495	500		1.10	108.78	1.23	121.34	6,593	3,783	7,354	4,220	1,015	25	94
Total or average, underground (including shaft and slope)	194	2	161	7,802	7,965	8,159		1.26	51.72	.57	23.27	7,558	2,379	3,400	1,070	545	34	188
Surface:																		
Alabama			1	7	8	8	1.1		8.54				381			175	26	45
Alaska																		
Arizona																		
Arkansas				1	1	1	.1		74.49				372				5	5
California																		
Colorado			1	9	10	10	1.3		24.31				1,089			200	28	45
Illinois				27	27	27	3.6		20.36				759				37	37
Indiana				23	23	23	3.0		59.23				819				14	14
Iowa																		
Kansas																		
Kentucky	2		6	124	130	132	17.5	0.49	31.64			2,921	1,605			527	28	141
Maryland																		
Missouri																		
Montana																		
New Mexico				3	3	3	.4		49.68				116				2	2
North Dakota																		
Ohio			1	16	17	17	2.3		15.70				349			60	20	22
Oklahoma																		
Oregon																		
Pennsylvania (bituminous)			1	58	59	59	7.8		14.38				441			50	30	31
South Dakota																		
Tennessee				18	18	18	2.4		69.24				1,812				26	26
Texas																		
Utah			2	13	15	15	2.0		32.71				2,314			335	30	71
Virginia	2	1	1	88	90	92	12.2	.92	41.46			5,528	6,036			4,500	30	273
Washington																		
West Virginia	4		8	337	345	349	46.2	.49	42.69			2,970	1,447			281	28	102
Wyoming				1	1	1	.1		67.69				203				3	3
Total or average, bituminous	8	1	21	725	747	755		.34	31.73			2,039	1,582			527	28	113
Pennsylvania (anthracite)			1	53	54	54			24.95				664			300	21	27
Total or average, surface	8	1	22	778	801	809		.31	31.16			1,867	1,505			517	27	107
All underground miners:																		
Bituminous coal	197	3	177	8,037	8,217	8,414		1.14	47.50	.58	24.29	6,833	2,234	3,494	1,413	530	34	186
Anthracite coal	5		6	543	549	554		.74	81.76	1.23	134.58	4,468	2,778	7,354	4,572	896	24	88
Total or average, deep mines	202	3	183	8,580	8,766	8,968		1.12	48.78	.59	25.61	6,744	2,254	3,540	1,183	542	34	180
Preparation plants:																		
Alabama				1	1	1	0.3		2.80				34				12	12
Alaska																		
Arizona																		
Arkansas																		
California																		
Colorado				1	1	1	.3		19.43				58				3	3
Illinois				35	35	35	8.8		17.07				336				20	20
Indiana				13	13	13	3.3		19.80				366				18	18
Iowa																		
Kansas				2	2	2	.5		37.27				801				22	22
Kentucky				51	51	51	12.8		26.71				901				34	34
Maryland																		
Missouri				1	1	1	.3		10.91				44				4	4
Montana																		
New Mexico	1			3	3	4	1.0	26.58	79.75			159,502	213				3	1,502
North Dakota																		
Ohio			2	10	12	12	3.0		16.02				1,068			188	43	67
Oklahoma																		
Oregon																		

NUMBER OF INJURIES, BY PERCENTAGE DISTRIBUTION, INJURY RATES, AND AVERAGE SEVERITY AT COAL MINES IN THE UNITED STATES, BY STATE AND DEGREE OF INJURY, 1966—Con.

State	Number of injuries						Distribution of all injuries, percent	Frequency rates				Severity rates				Average severity		
		Nonfatal						Per million man-hours		Per million tons		Per million man-hours		Per million tons				
		Permanent		Temporary total	Total nonfatal													
	Fatal	Total	Partial			All injuries		Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Permanent partial	Temporary total	All injuries
Preparation plants—Continued																		
Pennsylvania (bituminous)	1		2	48	50	51	12.8	0.35	17.37			2,084	2,202			2,370	33	242
South Dakota																		
Tennessee				2	2	2	.5		57.98				5,450				94	94
Texas																		
Utah			1	1	2	2	.5		10.32				640			100	24	62
Virginia	1			20	20	21	5.2	1.14	22.73			6,819	967				43	326
Washington																		
West Virginia	2		3	196	199	201	50.5	.34	34.24			2,065	1,001			175	27	89
Wyoming				1	1	1	.3		73.56				2,722				37	37
Total or average, bituminous	5		8	385	393	398		.32	24.83			1,895	1,066			718	29	118
Pennsylvania (anthracite)			1	143	144	144			48.72				1,353			200	27	28
Total or average, preparation plants	5		9	528	537	542		.27	28.59			1,597	1,111			660	28	94

Mr. NELSON. Mr. President, this bill is the product of one of the most intensive and comprehensive examinations of a subject in recent congressional history.

It is a solid bill—one that will lead, as the New York Times has predicted, to "the strongest coal mine health and safety bill ever enacted by Congress."

The bill deals directly and effectively with health and safety hazards that have threatened the lives and lungs of coal miners for generations. While nearly all other segments of American industry have, through innovation or negotiation, brought the working conditions for their employees into the 20th century, too many coal miners, with the year 2000 barely 30 years away, are still working under conditions virtually as unsafe and as unhealthful as did their counterparts a century ago.

The bill will remove equipment capable of producing explosive sparks from all mines, including unsafe hand-held electric drills, fans, cutting machines, shuttle cars, and loading machines. This will eliminate a major cause of disastrous ignitions of the past. Of primary importance with regard to the use of unsafe equipment is the elimination of the so-called nongassy category of mines, in which 77 ignitions and explosions, 55 caused by gas, have killed 43 miners and injured 86 since 1952.

The bill will establish specific interim standards for the amount of respirable coal dust allowed in coal mines, to be followed by a permanent standard to be established by the Secretary of the Interior based on the Surgeon General's determination of the maximum personal exposure of dust that can be permitted in any working shift without leading to a disability to any miner.

The interim standards of 3.0 milligrams of coal dust per cubic meter of air within 3 years and 2.0 milligrams within 6 years are only interim standards and should only be considered as such.

At the interim standard of 2.0 milligrams, thousands of miners would still be expected to contract pneumoconiosis, the black lung disease, before the end of their normal working career. This is unacceptable for any miner and for the Nation.

Black lung disease does not have to be an accepted fringe liability for American coal miners. It seems to me that the air any miner breathes should be as pure as is breathed by any other worker or any other citizen.

Within the Department of Health, Education, and Welfare, the National Air Pollution Control Administration has just completed a major study of airborne particulate matter, similar in effect to coal dust. The Air Pollution Administration has recommended that dust levels should not exceed an annual average of 0.08 milligram per cubic meter of air. Over the period of 24 hours, the average person breathes about 20 meters of air and at 0.08 milligram would inhale about 1.6 milligrams of dust or 584 milligrams over a year's time. If this level is exceeded, HEW says that it is probable that adverse health effects will occur.

An average coal mine worker breathes at least 10 to 12 meters of air during an 8-hour shift. If that air contains 2.0 milligrams of coal dust per meter, the coal miner inhales over from 20 milligrams of coal dust during that 8 hours. Assuming that he works only 240 days per year, the coal miner inhales from 4,800 to 5,760 milligrams per year just from his coal mining exposure.

This means that at the 2.0 milligram level a coal miner will inhale nearly 10 times more than the HEW recommended maximum of 584 milligrams, not counting the 700–1,000 other milligrams that he will inhale annually during his nonwork hours.

This legislation makes it clear that Congress is not going to be content with a 2.0 dust standard. Congressional intent for the industry to reach a truly safe dust level is absolutely clear.

The chairman of the Labor Subcommittee, the Senator from New Jersey (Mr. WILLIAMS), should be singled out for his fine role in bringing such a strong and impressive bill to the floor of the Senate. His patience and dedication were instrumental in guiding the bill through its many weeks of hearings and committee consideration.

The members of the Committee on Labor and Public Welfare can bear witness to the fact that he has spent countless hours in and out of coal mines over the past year learning of the hazards facing coal miners and the problems facing the coal operators.

The bill that he has managed so well on the floor of the Senate clearly reflects the fair-minded effectiveness of the junior Senator from New Jersey.

One must also acknowledge the contributions of the chairman of the Committee on Labor and Public Welfare (Mr. YARBOROUGH), who presided over 10 days of committee consideration, assuring that all points of view were fully deliberated; the ranking majority member, the Senator from West Virginia (Mr. RANDOLPH), whose detailed knowledge of the coal mine industry was of irreplaceable value; and the ranking minority member from New York (Mr. JAVITS), whose penetrating perceptiveness again aided the committee in developing a good bill with solid bipartisan support.

In addition, I believe that the senior members of the committee were greatly impressed by the involvement of our five newest members—the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Ohio (Mr. SAXBE)—in the consideration of the bill. They were extremely diligent in their efforts and brought a number of important viewpoints to the committee's attention.

With the enactment of this legislation, it should no longer be necessary for miners to die in order for conditions in coal mines to be improved.

Mr. McGEE. Mr. President, I shall speak briefly in support of the pending legislation, the Federal Coal Mine Health and Safety Act of 1969.

It is obvious to all of us that the safety and working conditions of the underground coal miner must be improved. Too frequently we are dramatically reminded of this fact when we suffer a major mine catastrophe. Less dramatically, but surely just as damaging and devastating, are the human and economic losses which occur to the miner by virtue of diseases he encounters as a direct result of working conditions within the underground mine. These conditions and the industrial diseases which flow from them have resulted in untold suffering and losses throughout the years. It is time that something be done in this regard, and I am confident that something constructive and effective will be done under the terms and requirements of S. 2917.

Fortunately the bill goes beyond simply improving conditions and environ-

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ment in underground mining operations, although these features are an important part of the bill. It also provides a program of research into the causes and, hopefully, treatment of the industrial diseases related to underground mining. This is an area that has been recognized to a small degree in the past, but it has not received sufficient priority, particularly with reference to its funding. The bill now before us, as amended by the Randolph amendment, authorizes a program of realistic proportions to be financed by a direct appropriation. I do hope that this authorization will be followed by adequate appropriations so that this badly needed program of research may go forward.

In this bill we are placing great emphasis on the human element involved in the coal mining industry. This will result in a healthier coal mining industry and will most certainly result in healthier coal miners. Not only will it prevent human suffering and loss but it will prevent, or at least substantially reduce, the resultant economic loss which inevitably results when an individual contracts industrial disease.

For these reasons, Mr. President, I support this legislation. I do hope that it will be approved by the Senate without delay and that soon it will be enacted.

NIXON ADMINISTRATION UNDERMINES MEDICAL RESEARCH

Mr. WILLIAMS of New Jersey. Mr. President, I find it incredible that the Nixon administration can terminate or sharply reduce the very programs that can constitute a major part of the solution to the nationwide crisis in health care, to which the White House promised to give priority attention only a few months ago. Medical research, a key factor in the provision of health manpower and improved health services, is being undermined by penny-wise but pound-foolish budgetary cutbacks that the Nixon administration has imposed on the U.S. National Institutes of Health.

Nineteen of 93 NIH-supported general clinical research centers may have to shut down completely within 1 year. Right now, they are being required to submit budgets—for the fiscal year beginning October 1—with a 60-percent cutback from their grants for fiscal 1969. Major hospitals and medical schools in 13 States will be hard hit by this phaseout.

Not only will President Nixon's order to cut $3.5 billion, overall, from his budget cause one-fifth of these research centers to become moribund, but it has also compelled NIH to announce a 10-percent reduction in funding levels for new medical research grants and a 5-percent cutback in grant levels for ongoing research. The negative, long-term results of this fiscal surgery greatly outweigh a small saving of $290 million in total spending on medical research, called for in the revised budget for fiscal 1970 submitted by the White House.

On top of these developments, five major Federal programs to attack chronic and crippling diseases are to be closed down by the Nixon administration over the next few months, according to recent newspaper reports. By terminating, for all intents and purposes, the chronic disease control program of the U.S. Department of Health, Education, and Welfare, the White House will save the paltry sum of $3 million in fiscal 1970. The five programs to be eliminated are those in heart disease and stroke; cancer; arthritis and diabetes; neurologic and sensory diseases; and respiratory disease. Some 350 jobs are at stake in this shutdown.

The Nixon administration fails to recognize the direct connection between biomedical research and the improvement of medical manpower and effectiveness in the delivery of health services to patients. To provide more doctors requires expanded medical school faculties, whose major "drawing cards" are the clinical research centers and research grants which help pay the minimal stipends for medical graduate students. To correct the crowded conditions in our Nation's hospitals requires more effective treatment that reduces the time patients occupy hospital beds, or prevents serious diseases in the first place. Major accomplishments in the prevention and treatment of disease and serious illness may be credited to the clinical research centers. For example, seven of the centers to be phased out of existence have specialized in research on the diseases of children—an area of research and health care in which the Nixon administration has indicated a special interest. Moreover, much of the modern experience in organ transplantation has been gained in such centers.

Research grant cuts penalize the all-important work on new ideas, drugs, and equipment to improve and shorten the delivery of health care. Thousands among the 1 million Americans bedridden or disabled with Parkinson's disease may be restored to a semblance of self-sufficiency as a result of research on a drug named L-dopa. Immunization techniques and antibiotics have almost eliminated the diseases that ranked as the top killers at the turn of the century. German measles, the contraction of which has always been a serious threat to expectant mothers, can become a thing of the past as a result of a vaccine recently developed by biomedical research and now being widely distributed.

Is the administration sincere in facing the health crisis? Or has its concern over inflation caused it to promote false and harmful economies? Recognizing that inflation in hospital salaries and equipment has been running between 8 and 15 percent, this will not be solved by reducing NIH spending levels that have remained unchanged for some 2 years. Whatever the wisdom of the American health care delivery system, the fact remains, as reported recently by NIH Director Dr. Robert Q. Marston, that the Institutes have become the major source of funds for biomedical research in the Nation and furnish more than 40 percent of all money for medical education.

If the administration is serious about improving health care as a national goal, then let it undertake a comprehensive, in-depth study of the total system. Instead of this, however, biomedical research goes unmentioned in the "White House Report on Health Care Needs." Not only is $3.9 million in additional funds for the clinical research centers (requested by President Johnson for fiscal year 1970) denied by the Nixon administration, but the NIH-related National Advisory Research Resources Council, perhaps on the basis of private information, has adopted a resolution that includes a warning against the billing of research patients as a possible solution to the problem.

Meanwhile, in this as in so many other areas of administration policy on which Congress awaits definite proposals, we hear that information is incomplete, that the problem is under study, and that no firm decision has been made. We can only contrast such indecision over medical research programs whose benefits have been proven, with the speed and self-conviction displayed by the Nixon administration in pressing for congressional approval of an antiballistic-missile system whose protection is highly uncertain. Moreover, while no one challenges reductions in Federal spending as a means of combating inflation, there remains the basic question of national priorities, reflected in the specific programs in which budgetary cuts are made. Why, for example, does a massive defense budget receive relatively light treatment by this administration, in comparison with its intensive scrutiny of minimal dollar amounts for health, education, welfare, and urban programs?

Adequate, prompt health care for all Americans ought to be a major national goal. Biomedical research is crucial to the improvement of medical services and the provision of medical manpower.

Mr. President, I ask unanimous consent that an editorial entitled "Downgrading Human Health," published in the New York Times of September 22, 1969, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOWNGRADING HUMAN HEALTH

The nation's health will in large measure be determined in decades to come by the generation of biomedical researchers now still in the graduate and medical schools. This—and not budgetary arithmetic—is the main issue in determining policies to guide the future of public health. It is the reason shock waves ran through the universities and medical schools when crippling cuts in health and medical research appeared imminent. Education and Welfare have subsequently stated that nothing as disastrously stringent as the threatened 20 per cent cuts was anticipated.

While a potentially devasting blow to already hardpressed universities may thus have been averted, there remains much cause for concern that the general pattern of belt-tightening will blunt the thrust of basic health and medical research. There still stands the projected closing of 19 of the existing 93 clinical research centers, even though no more than $5 million in added allocations would be needed to keep these facilities in operation. Similarly, it is for a projected annual saving of a mere $400,000 over a five-year period that the National Cancer Institute may have to kill 380

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monkeys which are already an active link in the research chain that may help to unlock secrets essential to the conquest of cancer.

From such fragments of the budget puzzle emerges a trend that could signal a loss of scientific momentum and a drain on the enthusiasm of a new generation of promising researchers. It is an invitation to cynicism about the relative value attached to science in the service of saving lives as against its potential for destruction.

Such doubts are fed by recent charges of laxity in the enforcement of nutritional standards. Dr. George Wald, the Nobel Prize biologist, claims that flour used today contains 60 per cent less vitamin fortification than that of 20 years ago. It is Dr. Wald's contention that such staples as bread, milk and salt today provide adequate nutrition only to those who can afford to pay a "premium" for "enrichment."

The obvious need for government is to review its own priorities in support of health, research and to take a hard look at the policies of those who sell health-essential nutrition for rich and poor alike.

SENIOR POWER IN THEORY AND PRACTICE

Mr. WILLIAMS of New Jersey. Mr. President, as chairman of the Senate Special Committee on Aging, I have often noted that one of the most important tasks facing the Nation is the opening of new doors, new avenues of participation in national affairs for the elderly.

Older Americans need, want, and deserve a voice in the public dialog. It would be a double tragedy to shut the elderly out of policy debates and procedures; we would be denying millions of Americans their rightful access to the mechanisms of democracy and we would be denying ourselves the benefits of their wisdom, experience, and thoughtful judgments.

What has emerged from this challenge is the concept of senior power—the full utilization of commentary and constructive criticisms, by the aged and aging, on matters of national policy. Senior power is not to be dismissed as another cliche, or a half-hearted bow to the older citizen. Instead, it must be recognized for what it is: a remarkable and rewarding fact of public life, which supplies the public debate with seasoned and timely doses of good sense, meaningful insight, and vigorous advocacy.

Recently, I became aware of two items which illustrate the importance and immediacy of senior power in action. The first is an article written by Rogers Franklin, retirement counselor for Parade Publications, called "What Is Senior Power?" published during the week of August 10, 1969. The article suggests that older Americans can exercise senior power by writing letters, speaking out on vital issues, counseling younger people on problems they will likely face, and letting the men in Washington know how seniors feel about important questions.

The second item is an outline for an ongoing program of senior power, operating in East Harlem, N.Y., under the aegis of the East Harlem Committee on Aging. Operation Senior Power in East Harlem outlines the specific steps which a group of older Americans have taken, and will take in the future, to enrich their participation in governmental affairs and policy discussions. The program is funded by a grant from the East Harlem Community Corporation. Dr. Frank Cordasco of Montclair State College, in New Jersey, has been closely associated with this program from its inception, and has been a motive force during its operation.

Because these two items bear so directly on the important question of participation by the elderly in public affairs, I ask unanimous consent that they be printed in the RECORD at this time.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TIME FOR LIVING

(By Rogers Franklin, retirement counselor)

WHAT IS SENIOR POWER?

I still have a few thoughts on the subject of last week's column, where I discussed the role we seniors ought to play in making our nation's policies, as well as some of our rights and responsibilities as citizens.

I mentioned our right, for instance, to due consideration of our just demands; our responsibility to use our weight of years and wisdom to support the just demands of others into the bargain.

Which is fine as far as it goes. But, practically speaking, what can we do to help solve the many problems confronting us and our lawmakers? We don't all want to become actively involved in politics, though that's an excellent idea. What can an ordinary citizen do?

In the first place, we seniors don't always realize our own voting power, and therefore our powers of persuasion!

Twenty million of us, or one in ten Americans, are over sixty-five. That means we're more than a tenth of the voting population, the over twenty-ones, and should have some say in matters concerning our welfare.

We have a good record for getting out to vote at elections. But we needn't, and shouldn't, stop there. Every time we feel strongly about an issue we should write to our state and federal representatives about it; tell them how we stand. We can also write, either in support or disagreement, to any other group that's involved with a particular issue. We can write to the press.

This doesn't mean we'll automatically "win them all." But that's democracy, as Churchill said, the worst form of government—except all the rest. Nevertheless, such tactics will help influence the course of events in Washington.

Of course, if only a few take the trouble to write, we may not get much action. But if 20 million of us make ourselves heard, or even 20 thousand, then the lawmakers may really sit up and take notice. And that's not counting all those approaching retirement who have similar interests at stake and can be equally vocal.

The burning question right now, as far as most of us are concerned—and in some ways even more for our children and grandchildren than for us—is what to do about social security.

Some experts feel there are only two ways to solve the problem of providing everyone with adequate retirement income: either people will have to save much more during their working years, or else the whole existing structure devised to supply income for retirement must be radically revamped.

The younger folks, as well as ourselves, should be thinking hard about this one and doing something about it before it's too late, or they'll be the ones to suffer when their time comes. We should help them to the limits of our experience.

The fact is that we seniors, like all segments of the population, are being affected by vast changes sweeping our society, and the adjustment can be painful.

Senator Harrison A. Williams (D.-N.J.), Chairman of the Senate Special Committee on Aging, put his finger on this recently when he emphasized the irony of the fact that the same old problems are still plaguing retired people, and even, it would seem, getting worse. Yet, at the same time, new and unparalleled opportunities are opening up to them everyday.

By the way, Senator Williams and his Committee are active on our behalf in Room G. 233, New Senate Office Building, Washington, D.C.

I repeat, writing to representatives and others does help, if enough people do it. And we can all talk to friends and encourage them to support what they think is important—never mind if we don't agree with them. The main thing is to let the men in Washington know how we all feel. That, in the best sense, is Senior Power.

OPERATION SENIOR POWER IN EAST HARLEM

(A program for advocacy planning and action, education and training, of and for the elderly poor residents of East Harlem)

I. HISTORY AND BACKGROUND: THE CALL FOR HELP

The East Harlem Committee on Aging was formed in September, 1960, as one of the committees of the East Harlem Council for Community Planning. It was organized to meet a long-neglected need of planned service in the area for the elderly residents. The Committee on Aging became incorporated in January, 1968.

Composed of representatives of nearly every public and private agency serving the East Harlem area, the Committee on Aging has been meeting regularly once a month and has on file minutes of all its actions and programs. These include the following:

1. Survey of Older People in East Harlem:

One of its early and major undertakings was a Study of Older People in East Harlem and the Agencies which serve them. In cooperation with graduate students from the Human Relations Center of New York University, the Committee on Aging completed its job in 1963. The population study revealed that approximately 20,000 in a population exceeding 181,000 were 60 or more years old. The Study covers four aspects:

A. Population Study.

B. Facilities serving older people.

C. Socio-Economic conditions of older residents.

D. Implications drawn from the study.

2. In its efforts to coordinate activities and services, exchange program ideas, develop joint programs, and promote the involvement of older people in their own behalf, the Committee has also sponsored the following:

A. Annual Senior Citizens' May Celebrations.

B. Town Hall Meetings—Opportunities for older people to present their views on matters of deep concern to them to prominent public officials.

C. Community Organization Programs—The older East Harlem residents participated actively in the passage of the Medicare Legislation as well as in the "Medicare Alert".

East Harlem was represented by a member of the Committee on Aging at the Hearings before the Special Committee on Aging of the United States Senate in June, 1965.

D. Educational Program.—The Committee created groups with special interests and concerns and directed discussions with these groups.

E. Stimulation of Agency Interest.—Committee members have helped existing programs to develop awareness of this neglected part of the East Harlem population. As a result new programs have emerged and agencies have assigned staff to work with senior citizens. As these new staff people have been added to the Committee on Aging, the need for so much more service has become apparent.

II. RATIONALE: FINDING AND SERVING THE ABANDONED

Despite its efforts and activities, the East Harlem Committee on Aging became acutely aware that it had a very tiny voice in the immediate community. Although studies had established that the Senior Citizens of East Harlem constituted a potential voting block of at least 20,000 people, their needs were still given short shrift in most of the private and public planning efforts.

Based upon its study of older people in East Harlem, the Committee prepared a proposal for anti-poverty funds. Upon the establishment of Massive Economic Neighborhood Development, the Committee submitted its proposal through M.E.N.D. in November 1965 and again in May 1966 but it was not funded. This proposal was again submitted to the Committee of Nineteen in 1967. The program provided for the involvement of older and younger adults in seeking out and serving the needy elderly of the area.

After being on the "low-priority" or rather "no-priority" list for all these years, the proposal finally received a small portion of its request for funds in April of 1969.

In a mere six weeks, the East Harlem Committee on Aging, with this small encouragement from the Community Corporation, has established an office and has begun to implement its action program. This program is already bringing hope and expectations to the hearts and minds of the elderly residents of East Harlem and their friends. Enthusiastic encouragement and support have already been expressed by Housing Managers, M.E.N.D. staff workers, the Health Department, Social Security Administration, Day Center Staff, and local residents both adult and elderly for the following program:

III. WORK PROGRAM: THE BEGINNINGS

In April, 1969, the East Harlem Committee on Aging began carrying out the following Action Program as outlined for 1969/1970:

1. Compiling and distributing a directory of services available to the elderly.
2. Obtaining detailed information on all group and individual programs serving the aging directly or indirectly and directions for joining.
3. Involving community people including the elderly themselves in interpreting this information.
4. Seeking, reaching and involving the separated and isolated elderly citizens.
5. Discovering and publicizing gaps and lacks in services to the elderly, whether in quantity or in quality.
6. Conducting lively discussions for the aging and their families concerning their own expressed concerns and interests.
7. Conducting seminars for staff members about working effectively with this age group.
8. Establishing and operating (by the elderly themselves) a current library and bulletin board which will be open and helpful to three groups: the aging, their families, and workers with the aging.
9. Serving as consultants on available and unavailable services.
10. Providing emergency escort and visiting service whenever staff is available.
11. Organizing and conducting a voter registration drive of all senior citizens and teaching these citizens the power of their vote.
12. Organizing Town Hall meetings on vital issues affecting the aging.
13. Conducting a new survey of the elderly in East Harlem with the purpose of gathering facts to support drives for improved or more coordinated services to the aging.
14. Providing field-work experience for graduate and undergraduate students for the purpose of interesting them in this field of vocation.
15. Investigating and publishing findings on old and new sources of funds for services to the elderly of East Harlem.

IV. STAFFING, RECRUITMENT AND TRAINING: THE INVOLVEMENT

It is the intent of the East Harlem Committee on Aging that the staff of this proposed program, consisting almost exclusively of East Harlem residents, shall be more than a work force. Receiving leadership and guidance from both the Committee and from local Senior Citizens, the staff shall itself be an action group, which will inspire and unite residents to action on their own behalf. To this end, the staff will receive special training and development so that these jobs may be stepping-stones for future employment and citizen action.

The staff shall consist of a Director, a Community Worker (Full-time) an Assistant Community Worker (Part-time), an Executive Secretary/Bookkeeper, Maintenance worker, and six Senior-Citizen Aides. In addition there will be needed a small number of special Contract workers and/or Consultants.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF DESOLATION WILDERNESS, ELDORADO NATIONAL FOREST, CALIF.

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Washington (Mr. JACKSON), I ask the Chair to lay before the Senate a message from the House of Representatives on S. 713.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California, which was to strike out all after the enacting clause and insert:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Desolation Valley Primitive Area, with the proposed additions thereto and deletions therefrom as generally depicted on a map entitled "Desolation Wilderness—Proposed," dated April 26, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Desolation Wilderness within and as part of the Eldorado National Forest, comprising an area of approximately sixty-three thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Desolation Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, as such description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Desolation Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and except that the owners and operators of existing federally licensed hydroelectric facilities shall have the right of reasonable access to the areas for purposes of operating and maintaining such facilities in a manner that is consistent with past practices without prior approval of the Secretary.

SEC. 4. The previous classification of the Desolation Valley Primitive Area is hereby abolished.

Mr. BYRD of West Virginia. Mr. President, the purpose of this measure is to designate the Desolation Wilderness in the Eldorado National Forest in the State of California.

An identical bill in the House to S. 713 was H.R. 850. The committee, in reporting out H.R. 850 amended it by deleting two areas. On the House floor prior to passage, however, the bill was amended to restore the two areas.

Subsequently, this passage was vacated, and S. 713, the Senate bill, was passed in lieu after being amended to contain the language of H.R. 850 as passed.

The net result of the House action was to pass S. 713 in the identical form in which it passed the Senate on March 24.

Mr. President, at the request of the Senator from Washington (Mr. JACKSON) I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 49 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 1, 1969, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, September 30, 1969:

INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years. (Reappointment)

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Nichols, William L., 264286997.

To be major

Jones, Roy M., 470320734.
Mayers, Frederick H., Jr., 039184324.
Strudeman, Richard C., 342242457.

To be major

CHAPLAIN CORPS

Marchbanks, Joseph, 549405133.

To be major

ARMY MEDICAL SPECIALIST CORPS

Graziano, Joan M., 205268530.
Latta, Patricia A., 243408599.
Schmechel, Marilyn R. 505361630.

To be captain

Barkley, Craig C., 224447177.
Barkman, Ralph A., Jr., 349309754.
Bertelkamp, John N., 106284507.
Cupples, Alan B., 139320113.
Dishong, Dion S., 379388983.
Entrekin, Philip B., 527382724.
Eskew, Michael P., 254642228.
Eveland, George B., 140266553.
Haynes, John R., 041324184.
Keaney, John P., 014302700
Kymer, Richard R., 299360005.
Matlick, Robert R., 220308123.
Ramage, Gary F., 561521083.
Ritterspach, Frederick, 570428738.
Sanchez, Lorenzo, 562468680.
Stephens, Robert L., 235629984.
White, William C. Jr., 521508752.

To be captain

MEDICAL CORPS

Ahmann, Thomas M., 495469604.
Bouzigard, Ray J., 437504866.
Chalus, Dennis M., 503380323.
Giordano, Frank L., 100327894.
Shulman, Ned I., 567581461.
Steele, Russell W., 438480973.
Steines, William J., 563548492.

To be captain

MEDICAL SERVICE CORPS

Billingsley, Herchel O., 423542355.

To be first lieutenants

Acevedo, Rafael A., 581843693.
Adams, Nolan J., 435661235.
Adams, William R., 462660103.
Albers, Peter H., 158347726.
Albright, Carl W., 405543842.
Allen, John E., 428762811.
Allen, Richard F., 422524633.
Anderson, Cecil T., 466701633.
Anderson, Leslie H., 527566027.
Anderson, William I., 518507354.
Aoki, Wayne C., 576421270.
Arensdorf, David W., 579564546.
Argabright, David L., 281384630.
Armijo, Gabriel C., 451668226.
Armstrong, Grant W., 230563588.
Arthur, Robert K., 144344875.
Ash, Garrett O., 266687485.
Baer, Barry S., 575444751.
Bailey, Charles R., 463583164.
Baird, Raymond P., 285367789.
Baker, Hugh M., Jr., 223503301.
Baker, Michael C., 554527432.
Barr, James R., 183329376.
Barrington, Donald, 008286932.
Bartosik, Harry J., 187343189.
Battles, Fred C., 527502174.
Bauer, Stephen M., 451703879.
Bazany, James L., 343302939.
Beall, Marshall D., 529543732.
Beckett, George T., 403544660.
Bedell, Larry L., 465621510.
Belt, Richard L., II, 578568951.
Bennett, Roger A., 118325251.
Benton, Norman W., 213401819.
Bernabe, Gilbert A., 554520723.
Bienkowski, John C., 126321170.
Bird, Edward J., 519461565.
Bisno, Chester J., 564569807.
Black, John R., 519445687.
Blaylock, Norman R., 416562151.
Blodgett, David S., 034300701.
Bodelson, Patrick J., 501468105.
Boley, Steven K., 532406624.
Bondurant, William, 488463846.
Boscia, Joseph F., 165349069.
Bouchard, Raymond E., 085322218.
Boucher, Jeffrey A., 526586630.
Bowers, Norman L., 489424930.
Bradley, John, 113342890.
Brannon, Thomas E., 184340139.
Braun, William W., 388429013.
Brede, Lawrence, Jr., 576422039.
Brennan, Francis X., 032301553.
Brickman, James F., 492448803.
Brinkley, Barry A., 234647704.
Brinkley, William A., 419547246.
Brock, Thomas S., 063341821.
Bronson, Marion M., 265567597.
Brown, Charles W., 420587871.
Brown, Elwyn L., 191322030.
Brown, Henry H., 247681115.
Brown, James M., 224583319.
Brown, Ronald A., 462606805.
Brown, Stephen M., 533382613.
Brown, Stephen W., 419566415.
Brown, Wayne K., Jr., 234689233.
Brown, William H., 428709425.
Brueckmann, Jan C., 214429719.
Brydon, Charles F., 141302379.
Bryson, Gene K., 225588654.
Buckley, Daniel J., 555607328.
Burbidge, John M., 528565760.
Burch, William C., 143328753.
Burdge, Lloyd H., 441485160.
Burke, Edward J., 203289115.
Burke, Richard K., 510428484.
Butler, Kenneth L., 530266536.
Byrd, Ernest L., 247645059.
Byrne, Terrence R., 394323416.
Cahill, Peter J., 284383807.
Cain, Joel M., 549527160.
Calloway, Charles T., 013342946.
Camp, Terrence J., 184347687.
Campbell, Robert W., 416547545.
Campi, William P., 151340434.
Canada, Grady S., 422583340.
Canepa, Anthony M., 413641486.
Carlsen, Dale A., 517503144.
Carlson, Norman A., 559605630.
Carr, Freeman A., 009387969.
Carr, Jerry T., 520405745.
Carrier, Joseph A., 165343052.
Carstensen, Harold, 477482722.
Carter, James C., 425823018.
Carter, William D., 579566809.
Cartwright, Lawrence, 371426063.
Cary, James L., 567608319.
Caskey, William A., 270409905.
Casterman, John M., 514429248.
Caswell, Edward S., 055340740.
Cauble, John M., 530247999.
Caudell, Jimmy J., 445420295.
Chalfant, Jerry E., 483601173.
Chandler, William, 570587216.
Chavez, George, 585011864.
Chavez, Juan I., 460644748.
Chester, Thomas M., 255624473.
Christo, Dennis V., 024322573.
Ciarlo, Fred H., 260625332.
Clark, Alfred T., 146323433.
Clark, Alton A., 219402862.
Clark, Robert D., 535406885.
Clayman, Murray L., 032301946.
Clegg, Peter W., 116344585.
Clegg, Ronald W., 283387762.
Clements, Theodore, 207340890.
Clemmer, Donald E., 255604843.
Clotfelter, Wayne R., 420521440.
Cochrane, Charles, 458726089.
Cole, Carlos E., 406567326.
Cole, Gary B., 429749495.
Cole, Michael W., 266602820.
Collier, Samuel M., 437623040.
Collingsworth, Robert, 573589462.
Collum, Charles E., 431683435.
Conklin, Gary P., 548624863.
Conner, James C., 432762190.
Conoboy, Richard J., 285380766.
Cook, Richard E., 476400704.
Coray, Chris S., 528585123.
Corbo, Robert A., 452666013.
Corcoran, Charles A., 247769988.
Corprew, Robert A., 226568270.
Cossey, Gerald R., 403585422.
Cotting, Peter L., 014329245.
Coughlin, George H., 570621686.
Counts, Clyde G., 184326423.
Coupe, Dennis F., 549627520.
Covalucci, Robert J., 011327130.
Covington, Bobbie J., 465640983.
Cox, William H., Jr., 228543960.
Cragg, Thomas M., 228529518.
Craig, Kervin A., 497460459.
Crane, Matthew J., 258661365.
Creel, Kenneth E., 450565721.
Crittenden, John B., 229588553.
Crosby, Robert W., 409609987.
Cross, William R., 526606593.
Cudd, Dennis E., 455681427.
Culbreth, Larry M., 257664505.
Cullen, Peter, 525465489.
Cummings, Joseph M., 554566418.
Cummins, Kent, C. R., 439609772.
Cunningham, James, 520460113.
Dacus, David M., 430802943.
Dahlin, Stanley C., 576422081.
Dalbey, Eugene B., 553540932.
Dalton, Bruce A., Jr., 246466602.
Dandridge, Harold T., 495464735.
Daverso, Frank S., 076325461.
Davidson, Henry A., 026323819.
Davis, Chester H., 521548423.
Davis, Geoffrey V., 265688932.
Davis, Grayson L., 461648484.
Davis, Julian A., 266501052.
Davis, Rosemary L., 287341563.
De Haven, Thomas R., 223441855.
De Jong, Robert V., 511421659.
De Serpa, Richard J., 546541634.
De Treville, John, 256682327.
De Witt, Clyde H., Jr., 323324894.
Deering, Raymond M., 064344348.
Dehncke, Rae W., Jr., 364444231.
Denny, Jerry D., 537383843.
Dent, Norman M., 287309415.
Deschenes, Joseph L., 002321615.
Dewey, Robert A., 068242820.
Dinetz, Louis E., 148387845.
Donaldson, Charles, 561561621.
Donaldson, Guy, II, 423504048.
Donsbach, William J., 144341727.
Dostert, James H., 532383621.
Dowling, John F., 414686642.
Drummond, Courtney, 214429176.
Duffie, Robert D., 373428146.
Duhon, Maurice D., 439567769.
Duncan, Franklin E., 233686665.
Dunlap, Ivan L., 290329817.
Dunn, Gerald J. Jr., 177326367.
Dunnem, Alvin E., 549526962.
Dunning, Jeffrey P., 454682641.
Duvall, Howard M., 242666965.
Early, Gerald H., 517384401.
Eastwood, Michael F., 001322850.
Eaton, Bruce R., 070346571.
Echols, William H., 426763581.
Elder, Edwin W., III, 167341400.
Ellis, Donald A., 456625877.
Ellis, John M., 233667532.
Elrod, William C., Jr., 252646245.
Elsbury, Billy R., 463666507.
Emmons, James B., 542389742.
Eng, Harry F., 326348048.
Engle, Clifford L., 411689592.
Epps, Thomas W., 460742096.
Essig, Frederick H., 265706550.
Ettrich, Berno D., 087320723.
Evans, Russell S., Jr., 226581718.
Ewing, Peter C., 039268644.
Fair, Lyle M., 006423189.
Fairchild, Robert S., 429020806.
Fairhead, Michael P., 429787724.
Farrow, Russel K., 484385958.
Fay, Curtis R., 511425819.
Ferguson, Walter N., 260661909.
Ferrera, Albert J., 114302792.
Field, Richard C., 216402797.
Field, Sidney E., 561603366.
Finley, Frederick, 402560321.
Finn, Brian C., 521543979.
Finn, Russell N., 236564320.
Fischer, Arthur K., 498461847.
Fischer, Thomas C., 045340730.

Fitzgerald, Kirk S., 248743080.
Fleming, John J., 165342653.
Floyd, John T., Jr., 023335318.
Forbes, William J., 528480134.
Ford, Robert L., 037265510.
Forepaugh, Vance B., 168329676.
Formby, Ronnie R., 429780563.
Forrest, Gerald B., 005444889.
Forster, Paul H., 366424284.
Fowler, James R., 537367268.
Fox, James B., 456641765.
Fox, Judith L., 250624826.
Foy, June M., 241648020.
Freitas, William F., 568488936.
French, John D., 409760769.
French, Lawrence E., 339349111.
Freund, Robert J., 220389193.
Frick, William J., 557584717.
Friend, Gary G., 220401467.
Froehle, Harold A., 477421781.
Fuller, John D., 228564009.
Fulmer, Lemos L., Jr., 435589543.
Gabel, Kolman A., 129300678.
Galebach, William D., 028320885.
Galloway, Joseph W., 404587252.
Gerard, William F., 465688766.
Gesick, Edward J., Jr., 457706598.
Getz, John E., 193341423.
Getz, Robert A., 356344640.
Gillaspie, Richard, 509467386.
Gilliam, James W., 429667641.
Gipson, Arthur J., 283365201.
Glendening, Michael, 526504092.
Goff, John E., 465586667.
Gomez, Miguel, 525685897.
Goode, David J., 132327190.
Goodhart, Raymond R., 226567534.
Goolsby, James D., 328345860.
Gordon, Maurice K., 403628754.
Goss, Barry W., 430785105.
Grace, Thomas H., 508525421.
Graham, Richard J., 188340622.
Graham, Roger D., 453584329.
Grandstaff, Terrence, 223483114.
Gray, Malcolm G., Jr., 427867867.
Green, Gary L., 277387458.
Greene, Allan R., Jr., 153347549.
Greenwald, Donald P., 391364105.
Greenwood, Dean M., 455666467.
Gregor, Leonard, 118323464.
Griffard, Bernard, 354345959.
Griffin, James G., 249720895.
Griggs, John E., III, 417567461.
Grimsley, Frank J., 155349245.
Gross, John E., 409689487.
Guerrieri, David F., 181346656.
Haase, Thomas A., 296387902.
Hagen, John F., 366425739.
Haight, Rubert Q., Jr., 338360197.
Hale, Clyde J., 498426677.
Hammar, Peter L., 039260654.
Harbison, Gary M., 565602575.
Harper, Joseph M., 535402839.
Hartman, Robert S., 336304544.
Hasselback, David G., 165349896.
Hatch, Willard A., 537344657.
Hatton, Edward T., 156326111.
Hawley, David B., 042342742.
Hawryluk, Eugene G., 148329118.
Hawthorne, James N., 235660180.
Hayes, Herbert W., 296382963.
Heathcock, John H., 417586353.
Hedrick, David R., 266647779.
Heeney, Joseph F., 139348836.
Heffley, Annabelle, 204320590.
Helfman, Howard L., 061369742.
Helms, Robert F., II, 429829020.
Heltsley, James R. ,402587159.
Henderson, John W. J., 439547887.
Henderson, Jon C., 383346215.
Hendry, Frank T., Jr., 264661479.
Hennessey, James T., 186341803.
Hennessy, James B., 204344920.
Heslin, John G., 036285652.
Heuple, Jerry H., 518388597.
Hicks, Norman A., 536407812.
Hill, Andrew L. R., 440449934.
Hill, Augustyne V., 434649927.
Hill, Ronald G., 414703998.
Hillquist, David K., 229566761.
Hilts, William J., 375425248.

Hines, Kerry L., 226566549.
Hintermaier, Robert, 061362610.
Hitchcock, Allen W., 251680520.
Hite, Ronald V., 411728071.
Hoffman, Thomas A., 161360775.
Hogler, James L., 223567796.
Hohmann, James G., 165343404.
Holder, James R., 429781277.
Hollis, James F., 538323232.
Hopgood, Daniel K., 213425805.
Hopkins, William C., 221300868.
Horrell, Ronald, L., 542508692.
Horsey, Wade H. II, 214403348.
Hostman, James W., 378428117.
Hoxie, Ferman C., 456664773.
Hubbard, Sonia S., 520482985.
Huber, Charles M., 266684389.
Hudson, John M. Jr., 252584234.
Hufford, George V., 565547234.
Hulslander, Donald, 287386588.
Hunt, Chapin P., Jr., 571542415.
Hupp, Dennis J., 212427776.
Hutchinson, John R., 128349365.
Ingeman, Peter L., 330328528.
Ingram, Oliver B., Jr., 420580227.
Inman, Stephen E., 222269227.
Isel, Richard T., 353349642.
Jaap, William C., 532348633.
Jackson, Alver L., Jr., 266462745.
Jackson, Bobby J., 495429351.
Jackson, Lawrence M., 428502098.
Jacobs, Gerald D., 465501872.
Jacobsen, Garald R., 544408827.
Jacobsen, James F., 517460041.
Jakes, Robert A., Jr., 253645301.
James, Richard D., 539389768.
Jaunitis, Juris, 506425444.
Jeffries, Lewis I., 229548183.
Jester, John N., Jr., 229547033.
Jewett, Gary E., 555606776.
Jiminez, Robert J., 569524477.
Jobert, William A., 026327416.
Johnson, Carleton T., 345345403.
Johnson, Neil A., 340344644.
Johnson, Robert A., 267667531.
Johnson, Russel L., 401569870.
Johnston, Ronald T., 440449608.
Johnston, William V., 326364367.
Jones, Charles D., 430872854.
Jones, Dale G., 520441398.
Jones, Donald L., 230466452.
Jones, Mary M., 500485067.
Jones, Robert M., 432764013.
Jones, Thomas C., 429780869.
Jordon, Charles F., 232666035.
Josey, Grover A., Jr., 227580277.
Kail, William E., 369383367.
Kanaga, Keith C., 557565605.
Kania, Leon W., 196349163.
Karp, Andrew T., 469507872.
Katin, Jon, 022348365.
Kearns, James R., 242464086.
Keeney, Robert M., 266605637.
Keller, Tommy M., 492780614.
Kelley, Stephen H., 121284747.
Kelly, Kenneth F., 040346550.
Kelly, Ronald F., 210321744.
Kelsey, James H. P., 039264572.
Kennedy, George M., 517402664.
Kennedy, George T., 135342259.
Kenney, Robert A., 035281390.
Kenyon, Richard J., 339360510.
Kiernan, Joseph F., 087308741.
Kiilehua, Cecil W., 546406928.
Kimak, Michael D., 154327248.
King, James P., 464541974.
Kirby, Jefferson D., 248743080.
Klaus, Edward J., Jr., 186345709.
Kline, Edward M., 076342772.
Kobayashi, Roger S., 576388492.
Kober, Stanley A., Jr., 145347157.
Koga, Marvin R., 576381594.
Kohoskie, Stephen E., 216422421.
Krajniak, Charles A., 273389855.
Kreek, Andrew E., Jr., 112347528.
Kresse, Alfred L., Jr., 328363596.
Kubasko, Wayne P., 280389460.
Kuntzman, John C., 271387100.
Kushnir, Ronald A., 039265375.
La Rochelle David, 373426658.
Lackland, Theodore, 355367851.

Laffey, James T., 341307652.
Lander, Joseph N., 172329145.
Lander, Robert J., 293348279.
Lane, Richard J., 548566468.
Larned, Daniel R., 584548733.
Larrabee, Willis F., 097349717.
Larsen, Richard H., 529562759.
Law, Michael G., 523549974.
Lawless, Bernard J., 554605335.
Lawrie, Thomas J., 390404841.
Lawson, Roger W., 483462396.
Lea, Mebane, 229586501.
Leach, William G., 084306824.
Lee, John W., 156301601.
Lehrter, John B., 295365091.
Lemaster, David J., 502489036.
Lemieux, Edward C., 024324271.
Lenderman, William, 222280486.
Lepore, Frank C., Jr., 146524105.
Lesh, Newton D., II, 567622596.
Leson, Joel L., 190343035.
Levasseur, Ernest A., 031282465.
Lewis, Alan H., 134349109.
Lewis, Joe A., 452647662.
Lewis, Oscar E., 436563069.
Liberty, Larry P., 534365659.
Liebl, Hans, 132384422.
Lightfoot, Michael, 538380251.
Lipscomb, Lewis M., 249747659.
Litynski, Daniel M., 089321408.
Lockett, Carl L., 466626515.
Loggins, Louie E., Jr., 354347511.
Long, Peter J., Jr., 246640307.
Long, William J., III, 410687192.
Lopez, Kenneth E., 566524662.
Loth, William J., III, 227286693.
Love, James A., Jr., 467643508.
Lovelace, James M., 248705843.
Loyd, Gerald E., 546547472.
Lum, David A., 575421641.
Lynch, Edward F., 079340842.
Lynch, James Q., 285383997.
Lyons, Thomas F., 001329261.
Lytle, David K., 526647836.
MacDonald, Glenn W., 262660740.
MacVicar, Thomas D., 295386072.
Macaluso, Mario A., 465684500.
Madkins, Lawrence H., 451708788.
Maiden, Douglas W., 411727663.
Maier, Michael E., 531423753.
Mainardi, Barry A., 136346561.
Malcolm, Jerry D., 511405307.
Malone, James E., 220400907.
Maloney, Alfred S., 265668055.
Manning, Randolph, 255569579.
Mans, William A., 517460808.
Marin, Nels V., 375400997.
Mariska, Mark D., 564562433.
Marksity, Ronald E., 278382311.
Marler, Bobby H., 518449118.
Marlow, Ronald J., 480486766.
Marm, Walter J., 189323682.
Marshall, John L., 145329990.
Martin, John E., 511405452.
Martin, Kenneth J., 436581639.
Marwitz, Walter J., 099327036.
Massaro, Glenn R., 297386527.
Massott, Ronald A., 186321345.
Mathis, Larry L., 512427499.
Matt, John E., 453705752.
Matthews, Stephen K., 510428058.
Mauch, Dee F., 520386094.
Mayton, Joseph H., Jr., 230581383.
McAllister, Howard, 354343059.
McCaa, Burwell B., 419589474.
McCarron, James P., 231503210.
McCaslin, James K., 452667290.
McClure, Glen E., 457262284.
McConnell, Brian C., 278349561.
McCormick, James M., 404568111.
McCorcick, John, 264663058.
McCormick, Thomas, 416585882.
McCrary, Wiley W., 467629214.
McGibony, James T., 579569484.
McGuire, Michael R., 225525522.
McKeen, Robert W., 015308769.
McKelvey, L. Patric, 461602548.
McMillan, Wesley J., 555560998.
McMinn, Morris T., 466480351.
McDonough, William, 161346868.
Meador, Joel H., 460625388.

Meisinger, Richard, 229524695.
Meligren, John J., Jr., 457706939.
Melson, Robert G., 546540918.
Menitt, Robert L., 565568132.
Meredith, Richard A., 432680152.
Merritt, Lyle W., 382408609.
Mesaros, Atnhony C., 252642274.
Mesikep, Mati, 573581520.
Meyer, Thomas P., 428823750.
Michael, Charles B., 251543300.
Millard, George A., 452569416.
Millard, James R., 108320437.
Millard, Ramon E., Jr., 494424636.
Miller, Larry E., 384426194.
Miller, Nathan N., 428667656.
Millett, John A., 118348190.
Mistler, J. Douglas, 068368700.
Mitchell, David A., 039245685.
Mitrione, Michael F., 063324043.
Mohn, John R., 267621677.
Moller, William R., 065342167.
Monforton, Thomas W., 516484537.
Moody, Hershell L., 417540940.
Mooneyham, John D., 460622590.
Moore, Bobby L., 408629830.
Moore, Robert C., 400565616.
Moore, Russell I., 563525022.
Moore, Thomas J., 453585430.
Morasco, Francis M., 047326028.
Moravec, John G., 214469419.
Morin, Dennis L., 511422767.
Morris, John W., 439681588.
Morris, Rodney W. K., 575389076.
Morrison, David G., 457649867.
Morrow, Garcia E., 009285887.
Morrow, Melvin L., 424568568.
Morton, Albert B., 504468802.
Mosakewicz, Felix J., 011320952.
Moya, Manuel E., 520409931.
Muhlenfeld, Edward, 215426823.
Mukoyama, James H., 339364470.
Muller, Frank M., Jr., 514402054.
Munera, Antonio, III, 580869964.
Munoz, Juan M., 494463446.
Murphy, Richard F., 025320646.
Murphy, William D., 406565308.
Murrin, Barbara J., 264722674.
Nelson, Richard C., 540402062.
Nettling, John T., 175348084.
Newman, Dexter C., 412664521.
Newport, Richard W., 411634975.
Neyer, John A., 278383129.
Nichols, Charlie V., 257685020.
Nicodemus, Clarence, 544561664.
Norman, Forrest A., 224545221.
Normand, Anthony H., 416560228.
Morris, Michael R., 242687342.
Oakley, Frank P., 238569283.
Obenchain, Ronald L., 230541987.
Obrien, William A., 288386679.
Oconnor, James M., 081323043.
Oday,Thomas F., 214380037.
Ogles, Albert C., Jr., 415704480.
Ogrady, Michael J., 411680002.
Olson, William C., 476449800.
Ordway, Richard C., 414664552.
Orenstein, Leo R., 453689166.
Orlowski, Thomas J., 386404926.
Orvis, Jonathan P., 069365040.
Ostlund, Donald T., 552524233.
Otto, Thomas W., Jr., 576423015.
Overbay, William B., 146346526.
Overstreet, Kenneth, 260649420.
Paluda, Michael L., 198324590.
Parham, James B., 081324723.
Paris, Howard S., 131288488.
Park, Theodore S., 557589696.
Parmer, Bert E., 261469494.
Parr, Arthur J., Jr., 228527884.
Parsons, Lonnie P., 45768662.
Paulson, James L., 527483249.
Pearson, David M., 036288305.
Pearson, Le Dell, 420549579.
Perkins, Ralph F., 186346379.
Peters, Frederick, 434580221.
Peters, James M., 458667739.
Pfeffer, Albert J. 227507234.
Phalen, Clinton A., 553605823.
Piker, Charles E., 432763178.
Plunkett, John R., 304440788.
Poff, Gary L., 231522198.
Pomager, Richard A., 178341971.
Pommett, Francis A., 113347087.
Poole, George G. 577548985.
Porter, Don C., 302347231.
Posluszny, Alexander, 161363427.
Potter, Leland W., Jr., 402586723.
Prehar, Bohdan, 470444145.
Price, Dale R., 521547248.
Pryor, Charles A., Jr., 212428577.
Quekemeyer, Henry B., 227565346.
Quinlan, Thomas J., 185328096.
Rabideau, Dennis G., 345320255.
Raiford, John A., III, 247701804.
Rameker, William J., 396402393.
Ramsey, Lawrence A., 413741890.
Randles, Dougles L., 540429846.
Rasmussen, Delbert, 528502332.
Ratchye, James C., 517460118.
Ratcliffe, Philander, 223526889.
Rathje, David F., 059340324.
Ray, James H., Jr., 427842541.
Read, Robert J., 358643243.
Reavis, John R., 533428074.
Rector, David W., 164347010.
Reed, Rodney P., 448400440.
Regan, Howard M., 067348288.
Register, Jerry B., 457669632.
Rehfeldt, Charles C., 339361185.
Reinkober, Thomas E., 395426032.
Rektorik, Horace J. 465664659.
Rennie, David A., 445406129.
Revello, Charles T., 200325031.
Reynolds, Richard P., 137349908.
Richardson, Edwin W., 062329530.
Richardson, George, 575441521.
Riddick, Robert L., 241628004.
Riddle, Ronald W., 166321366.
Rigby, Barry D., 520506697.
Ritcey, Lawrence A., 031308189.
Roberts, Daniel A., 341364228.
Roberts, Rodolfo, 581926539.
Robertson, James W., 526589317.
Robie, Richard D., 463680611.
Rodier, Michael W., 226583834.
Rohde, Paul A., Jr., 215400495.
Rojas, Donald C., 551563397.
Romano, Michael A., 574143037.
Roper, Robert W., Jr., 259644371.
Rosenberg, Howard M., 261646963.
Ross, Anthony F., 198324624.
Rosser, Henry E., 466609090.
Rosten, Clyde D., 502462614.
Rozga, Anthony A., 391462292.
Rubin, George F., 263642589.
Rutledge, John H., 163384533.
Ryan, William F., Jr., 525942313.
Sack, Lawrence A., 161347305.
Samuels, Charles, 413662039.
Sandin, Ramon A., Jr., 526603303.
Sandstrom, Kenneth, 544482605.
Schmidt, Stephen A., 167322584.
Schrantz, Kenneth P., 428868190.
Schrimsher, Geoffrey, 458662295.
Schrock, Dan A., 365441234.
Schwabe, Charles L., 448405511.
Schwartz, Eino A., 030308290.
Seawell, John P., 458680819.
Seibel, Erwin, 083320139.
Seldomridge, John A., 194308652.
Shaw, Clarence R., Jr., 242662566.
Sheer, Tracy B., 537409170.
Sheldon, Frederick, 265649455.
Sheridan, Philip H., 034320185.
Showman, Lonnie J., 414641453.
Shukis, Charles A., 196343926.
Sibert, Ronald S., 214406602.
Simpson, Larry D., 450685892.
Sinclair, Richard N., 364424581.
Sivigny, Michael J., 220404968.
Skidmore, David F., 553529233.
Smith, Alan D., 287406831.
Smith, Douglas N., 555580499.
Smith, Edgar L. III, 535384119.
Smith, James W., 458680735.
Smith, Jessie R., Jr., 414682705.
Smith, Lee H. H., 585059922.
Smith, Ronald J., 218424235.
Smith, Walter C., 262662356.
Smithee, Robert W., 466687106.
Sodnicar, Frank R., 275404822.
Sorensen, Wayne B., 469440821.
Southern, Richard D., 44689045.
Southworth, Robert, 225526774.
Souvenir, Stanley J., 540425590.
Sprague, John C., Jr., 260662632.
St. Germain, Henry J., 046345354.
Stack, Lawrence R., 342341001.
Stango, Marty R., 221280665.
Steinberg, Earle, 030329583.
Stephens, Robert B., 420486731.
Steuber, Thomas P., 398400345.
Stevens, Leroy G., 311443911.
Steverson, James R., 521548550.
Stewart, Robert L., 227900242.
Stiegeler, Augutus, 555605762.
Stoewe, Russell J., 271362243.
Stone, Keith C., 008305315.
Stokes, Marvin R., 455509343.
Stream, Joel, 053360990.
Strickland, David S., 404464648.
Strom, Larry J., 558584435.
Sullivan, Raymond C., 385409685.
Surles, Thomas B., 575388342.
Sweeney, John E., 089324306.
Sweeney, Thomas W., 353343397.
Swink, Terry E., 413626991.
Tabar, Roger G., 278384751.
Taksar, Ronald J., 045300033.
Tanijo, Wilfred M., 575406750.
Tassani, Jeffrey P., 212426011.
Tausch, Egon R., 456742121.
Tavernetti, Leonard, 559528271.
Taylor, Herbie R., 462640981.
Taylor, John C., 329369441.
Taylor, John W., Jr., 140349722.
Taylor, Kenneth A., 227568466.
Taylor, Louis N., 270407788.
Taylor, Michael G., 532400669.
Tepper, Elliott I., 095348436.
Terrel, Douglas, 511447915.
Theurer, Scott M., 528500982.
Thimblin, Michael D., 352345440.
Thimsen, Jeffrey J., 504466529.
Thomas, John P., Jr., 313402066.
Thomas, Maurice A., 541444166.
Thompson, Clark J., 527526165.
Thomson, Don D., 507526289.
Thornhill, Frank W., 428766720.
Thornton, Billy M., 459564274.
Timmons, Richard F., 231560272.
Tobias, James W., 391421247.
Tonniges, Gary L., 505484893.
Torch, Joachim G. K., 546565969.
Torrence, Harry L., 238502616.
Treadwell, David O., 257621498.
Troy, Thomas J., 485483495.
Tudor, James H., III, 157302245.
Turcotte, Paul J., 024304110.
Turi, Robert T., 079346244.
Tuttle, Seale W., 085349350.
Tutton, James R., 532401000.
Tysor, Kenneth E., 534402939.
Valdez, Gillbert A., 527597399.
Van Arsdale, Walton, 438587179.
Van Helsland, Marshall, 341368832.
Van Wormer, Thomas, 555625627.
Vandel, Robert H., 524502916.
Vanderland, Peter A., 051345016.
Vasil, James P., 211340815.
Vaughn, Charles G., 421569660.
Vlk, James F., 302369502.
Voelkel, Robert L., 261529323.
Vogel, Jeffrey T., 229524254.
Wagda, Jose, 061368928.
Wagner, Robert L., 307383630.
Waitt, Malcolm G., 416549962.
Walchek, Dennis E., 506380006.
Wallace, Norman W., 205322388.
Ward, Patrick M., 568440043.
Warren, James F., Jr., 424565949.
Watkins, Danny J., 452647838.
Watkins, Frank G., 568587918.
Webb, James R., III, 525945491.
Weber, Carl, 164349168.
Weiss, Joseph D., 182301620.
Welborn, Larry D., 426881311.
Welch, Douglas M., 442363706.
Wenlock, James I., 190364533.
Wesselmann, Albert, 494403249.
Wernert, Joseph G., 284383581.

Whaley, Robert E., 230545280.
Whirl, Robert G., 229584840.
White, Julius C., 535403912.
White, Robert A., 223565184.
Writeker, Jerry N., 467664236.
Whitfield, Steven K., 036269475.
Whitlock, Darrell D., 455687090.
Whittington, Robert, 451645593.
Willhoite, Howard, 551564558.
Williams, Edwin A., 460702868.
Williams, Robert P., 404569722.
Williams, Roy D., II, 260666831.
Williams, Wayne L., 262607332.
Williams Welborn, 405687876.
Williamson, Rex P., 576406579.
Wilmeth, James L., 163347964.
Wilson, Albertis C., 525841049.
Wilson, Clyde A., Jr., 520483837.
Wilson, Jack T., 203327561.
Wilson, John L., 482481373.
Wilson, Patrick T., 212429340.
Winch, Jack J., Jr., 278385868.
Wirtz, David W., 287428621.
Wisneski, Larry E., 187341433.
Witczak, Chester W., 340342149.
Wolfe, James B., 424580789.
Wolfe, Walter M., Jr., 414709342.
Wood, Mary L., 373407139.
Woulfe, Robert J., 349300672.
Wresche, Dee V., 430723030.
Wright, Donald A., 546568929.
Yenrick, Philip C., 270365093.
York, John M., 519402554.
Yox, John E., 210420377.
Zamm, Karen E., 064347767.
Zana, Donald D., 204325904.

HOUSE OF REPRESENTATIVES—*Tuesday, September 30, 1969*

The House met at 12 o'clock noon.

Rev. Joe Vickers, Goodlettsville Cumberland Presbyterian Church, Goodlettsville, Tenn., offered the following prayer:

O God, who by Thy providence didst lead our forefathers to this good land wherein we found liberty and freedom to worship Thee: We are not unmindful of the heritage which is ours, not deserving but by Thy providence, and bought with diligence and sacrifice. We beseech Thee to provide this House with dignity, inspiration, knowledge, wisdom, and foresight, to lead us for the good of all mankind. We beseech Thee to save us from misuse of freedom without restraint.

We also beseech Thee to ever guide our Nation in the way of Thy truth and peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1484. An act to abolish the commission authorized to consider a site and plans for building a national memorial stadium in the District of Columbia;

S. 2701. An act to establish a Commission on Population Growth and the American Future; and

S.J. Res. 117. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes.

THE REVEREND JOE VICKERS

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, it is with a great deal of pleasure and pride that, through the kind invitation of our Chaplain, Reverend Latch, I have had the opportunity to ask the Reverend Joe Vickers to open this meeting of the House of Representatives with a prayer.

Reverend Vickers is pastor of the Goodlettsville Cumberland Presbyterian Church of Goodlettsville, Tenn. He is a man of profound religious conviction and compassionate human understanding.

On this occasion I would like to welcome him, his charming wife, and lovely daughter to the U.S. House of Representatives.

A SIGN OF MOURNING

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am wearing a sign of mourning. The black ribbon in my lapel is a visible expression of my grief and outrage that every week more than 150 American men are being killed in Vietnam.

To many of us the Vietnam war has not brought personal suffering or sacrifice. To some the war must seem not only distant but unreal. I would hope, however, that the wearing of black, which is a traditional expression of grief of most religious faiths, will serve as a reminder that none of us can ignore the continuing loss of life and that we do share the personal tragedy that so many American families are required to bear.

The American people have been asked to be patient over Vietnam for too many years. Now our policy no longer seeks a futile military victory but the gradual withdrawal of American troops over several more years pending a negotiated settlement. Should we pursue this policy of gradual withdrawal we only accept more unnecessary deaths. In fact, any arbitrary timetable is intolerable. We are dealing with the lives of our best young men and there is no excuse for this unjustifiable delay.

Therefore I think this ribbon can also be worn as a sign of commitment to do all one can to change our Government's tragic policy and thus end the unnecessary killing.

I hope that all those Americans, who are distressed as I am, will choose to wear a black ribbon until the administration, by deed, not word, is committed to the immediate and total withdrawal of American troops from Vietnam.

VIOLENCE IN INDIA

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, only yesterday I commented on the heritage of Mahatma Gandhi and upon his contributions to India and to the world. Now my attention is directed to the violence and rioting which has flared across India; the worse since independence. It must be said that this makes a mockery of the plans to celebrate the centennial of the birth of Gandhi, father of the nation and leading advocate of nonviolence.

The whole world has been shocked by these disorders which were directed principally against Moslems. The Baltimore Sun has stated that the death toll is around 2,000 and several thousand others have been injured. The New York Times says that over 10,000 have been rendered homeless. The Washington Post, in a dispatch from New Delhi, said Hindus dragged Moslems from their homes and shops and poured gasoline over them and set them afire. This report goes on to say that the casualties were 80 percent Moslem because the Hindu police failed to act until the violence had run its course.

America is by necessity deeply disturbed by these reports of violence and cruelty. It will be difficult to understand if the Indian Government fails to take action against those responsible and to introduce more effective measures for the protection of life and property of the minorities living in their country. What has been done is inconceivable in a country which holds the teachings of Gandhi in reverence.

THE LATE PRESIDENT ADOLFO LOPEZ MATEOS OF MEXICO

(Mr. NIX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIX. Mr. Speaker, in the alternate years that the Mexico-United States Interparliamentary Group meets in Mexico our Mexican hosts have always arranged for the delegation to pay a visit with the President of Mexico. These are not the usual calls that protocol requires. They arise from a sincere desire on the part of the President to meet and chat with members of the U.S. delegation. As cochairman of the U.S. delegation for a number of years, I have looked forward to these meetings with the President of Mexico either in his residence or in his office.

News has come from Mexico that former President Adolfo Lopez Mateos has died. I well recall, as do many of my colleagues, this quiet, gracious gentleman who received us on several occasions during his Presidency from 1958 to 1964. He was a career public servant who had held numerous Government posts, including that of Minister of Labor, before he was chosen to be President of Mexico.

President Lopez Mateos was a sensitive man, erudite yet earthy, who understood the problems of his native land. He was dedicated to peace, not alone for his beloved Mexico, but for the world. In pursuit of that noble endeavor he traveled widely and explored contentious issues in the hope of contributing in some small measure to their resolution.

I know I express the sympathy of my colleagues who had the privilege of knowing President Lopez Mateos. To his family I extend my heartfelt sympathy. With the people of Mexico I join in sorrow at the passing of a national leader and an international figure.

OKLAHOMA SERVICES HELD FOR PIONEER FRED R. CLEMENT

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, services are being held today in Haskell, Okla., for one of the finest men I have ever known, Fred R. Clement.

A native of Texas, Fred Clement was a boy when he came to Oklahoma in 1905, before statehood.

He moved to Haskell, a town he loved and served well, in 1920, where he and his beloved wife Miriam made a home for a wonderful family.

Fred Clement served his country well. He wore his country's uniform in World War I, and throughout his life he honored the flag and helped lead his community's observances on Memorial Day, and other patriotic occasions.

He was postmaster of Haskell from 1936 to 1944 and a rural mail carrier for 20 years thereafter, and in both offices was a trusted public servant.

Fred Clement was a friend who could be counted on when needed. He gave thousands of hours of his life to the service and assistance of his friends and neighbors, and never looked back or counted the cost when his strong hand was needed.

He was an outdoorsman who loved the still waters and the green meadows and the cooling shade trees of Oklahoma. They were almost like a church for Fred Clement, who found great pleasure in sharing the joys of nature with his friends.

They will be gathering today in Haskell, hundreds of those friends, to honor the memory of this good man who has now joined his beloved wife, in a place where I am sure the waters are quiet and peaceful and the shade of the trees is cool. For his loving daughter Barbara, and sons Bill and Jack, and the grandchildren who loved him so much, may there be pride in the fine heritage they have received, and comfort in their sorrow.

THE FOOD STAMP PROGRAM

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, the Committee on Agriculture has received a food stamp bill—S. 2547—from the other body. Our committee has earlier this year held a week of hearings on the food stamp program as a part of the comprehensive farm bill.

I have personally introduced a bill which removes the limitations of both duration and funding authorization from the food stamp program. Whether my specific ideas or other plans are approved, it is our intention to give the food stamp program a complete review along with farm production programs.

In the meantime, there is no disposition on the part of our committee to ignore the immediate needs of the food stamp program. I have discussed the matter with both majority and minority members, and I can advise the House that the Committee on Agriculture expects to hold hearings on the Senate bill within the next couple of weeks.

We hope that it will be possible to consider and act on the emergency features of financing the food stamp program for the current fiscal year without any effort to take the pending comprehensive stamp program out of the general farm bill.

INTERNATIONAL TRADE PROBLEMS

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I just want to announce to our Members here present that this afternoon after the business is over I am taking an hour to talk about the international trade problems. At this time I have prepared and am introducing today an omnibus bill dealing with international trade. I welcome any Members of Congress who want to cosponsor it with me.

DISMISSAL OF CHARGES AGAINST GREEN BERETS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is with a great sense of pride and gratification that I learned of the decision of the Secretary of the Army, Mr. Stanley R. Resor, to dismiss the charges against the eight members of the Green Beret.

I am proud in being a Member of this august body that provided the forum that brought to light the details in this case. I am gratified in the knowledge that this body numbers amongst its Members great Americans such as my colleague, the distinguished Congressman from New Jersey, the Honorable PETER W. RODINO, JR., whose devotion and dedication to the cause of freedom and justice for all Americans has again prevailed in this matter.

I again congratulate Congressman RODINO for taking the initiative in airing the facts in the Green Beret case and for affording the opportunity to the Members of Congress to hear all of the facts relating to the case.

By his diligence and untiring efforts in behalf of the Green Berets, Congressman RODINO prevented what may have been a gross miscarriage of justice. The people of America will appreciate the knowledge that the Members of this Congress are constantly guarding their freedom and civil liberties.

PRESIDENT NIXON ENDORSES DIRECT ELECTION OF PRESIDENT

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, the endorsement by President Nixon of the proposed amendment providing for direct popular election of the President is a shot in the arm for the measure that passed the House so overwhelmingly. By so doing, the President also keeps faith with his pledge to support the type of amendment that the Congress proposed.

The will of the American people was expressed in the action taken by the House of Representatives and the President's endorsement should help greatly in achieving a two-thirds majority in the U.S. Senate.

The need for reform is vital. The President recognizes that this is the overriding issue. As a member of the House Committee on the Judiciary which heard all sides and recommended the direct method, I applaud the President's action.

CRISIS IN THE AMERICAN HOMEBUILDING INDUSTRY

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, the American homebuilding industry is in serious trouble. Home buyers cannot obtain money with which to buy homes, especially buyers of smaller homes in the $10,000 to $20,000 range. The difficulty is with the mortgage credit flow and legislative, as well as executive, action is needed to provide needed funds.

Credit is essential to housing. Housing is a first priority for the Nation as a domestic issue. Homeownership makes for good citizenship. Housing starts are sharply down and financial sources find other investments more lucrative. Both commercial banks and mutual savings banks have been investing a larger portion of their assets in investments other than mortgages. It is likewise for life insurance companies.

Something needs to be done and done now to pick up the decline in housing starts and to protect this sorely pressed essential industry. It is distressing news that at the present time the United States is building less housing units per population unit than most other industrialized nations.

The Federal Home Loan Bank Board is reported to be helping with substantial contributions to the Savings and Loan Associations amounting to billions this year. The Federal Reserve Board should act to encourage the long-term credit market, and Congress itself should authorize additional funds to supply the monetary market deficiencies.

There is no sense killing an industry in the struggle against inflation. If the homebuilding industry is undermined to the point of dispersal of its employees and liquidation of its capital it not only will cost more in the long run but it will fail to meet one of the great current domestic challenges which is continuing availability of homes and housing to our people.

PERMISSION FOR SUBCOMMITTEE NO. 4, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that Subcommittee No. 4 of the Committee on the Judiciary may sit tomorrow during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

REQEST FOR PERMISSION FOR SUBCOMMITTEE NO. 3, COMMITTEE ON THE JUDICIARY, TO SIT OCTOBER 2 DURING GENERAL DEBATE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that Subcommittee No. 3 of the Committee on the Judiciary may sit during general debate on October 2.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, do I understand that the gentleman is asking for permission for a subcommittee to sit during the consideration of business on the floor of the House in advance of the program being scheduled?

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. This deals with October 2.

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT TODAY DURING GENERAL DEBATE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts of the House Committee on Administration may sit this afternoon during general debate. This has been cleared with the other side.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ELECTORAL COLLEGE REFORM

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute.)

Mr. McCULLOCH. Mr. Speaker, on September 18, 1969, the House voted 339 to 70 to adopt House Joint Resolution 681. That resolution proposed a constitutional amendment to abolish the electoral college and to allow the people of this Nation to elect their President and Vice President directly.

This morning, President Nixon endorsed our action and called upon the other body to follow our lead. I agree with the President that today's choice is direct election or nothing. I agree that for those who want reform, "contrary views are a luxury."

I am pleased with and grateful for the President's support and look forward to his continuing aid, which he indicated earlier this year, in securing the ratification of the 26th amendment to our Constitution.

PERSONAL EXPLANATION

Mr. SCHADEBERG. Mr. Speaker, I was absent yesterday from the House when it was voting on H.R. 4314, and H.R. 13369. Had I been present I would have voted "yea" in both cases.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 190]

Bell, Calif.
Bolling
Brasco
Broomfield
Brown, Calif.
Cahill
Celler
Clark
Clay
Colmer
Coughlin
Cowger
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
Diggs
Dorn
Downing
Edwards, Calif.
Fascell
Feighan
Findley
Flood
Ford, William D.
Garmatz
Gettys
Gibbons
Gray
Hansen, Wash.
Hawkins
Hébert
Holifield
Howard
Kirwan
Kluczynski
Langen
Lipscomb
McClory
McClure
McMillan
MacGregor
Mann
Mills
Morton
O'Konski
Pike
Powell
Rees
Reid, N.Y.
Rooney, Pa.
Scheuer
Stokes
Teague, Tex.
Thompson, N.J.
Whalley

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FORMER SECRETARY OF STATE DEAN ACHESON'S REMARKS IN SUPPORT OF THE PRESIDENT OF THE UNITED STATES TO BRING THE WAR IN VIETNAM TO AN HONORABLE SETTLEMENT

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time to call special attention to the remarks of former Secretary of State Dean Acheson, a distinguished Democrat, who addressed the Women's Democratic Club yesterday. He said:

> I see in America a growing capacity for criticism and a declining capacity for unity.

He emphasized that all of us should recognize that the President of the United States is the President of all of us and that we should help him, not obstruct him, as he seeks to bring the war in Vietnam to an honorable settlement. An honorable settlement, not a surrender, is what the people want.

These are the words of Dean Acheson:

> I think that once people are convinced, as I am convinced, that the President wants to bring this thing to a close as much as anybody in the country does, and that he is doing his very best to that end, they will support him and not criticize every step as not being enough.

Those are the words of a true patriot. He places country above party. I would hope that others would recognize, as Dean Acheson does, that the surest and quickest way to achieve an honorable settlement of the war in Vietnam is to unite behind our President.

Those who seek to advance their own political fortunes, be he Democrat or be he Republican, at the expense of our country's prestige and security may well be doing a disservice not only to our country but to themselves and to the political party with which they are affiliated.

PRESIDENT NIXON SUPPORTS DIRECT ELECTION OF PRESIDENT

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I want to take this opportunity to commend President Nixon for coming out in a strong and forceful statement in support of the direct popular election proposal which passed the House only a short time ago. I think that his support increases the prospects of final enactment and passage by the other body, as well as ratification by the necessary three-fourths of the States.

Mr. Speaker, I think that the President by stating his support for this proposal will significantly enhance the support that will be given to this very necessary proposal by all of the people in the United States.

Mr. Speaker, I want to also commend our minority leader for the job that he did, as well as the Democratic leadership, for the strong support that they have given to the direct popular election proposal. It is my sincere hope that it will be enacted into law.

PERSONAL EXPLANATION

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, yesterday it was my privilege to attend a ceremony at the White House at which President Nixon presented to Mr. Frank Byers, Jr., of Columbus, Ohio, the President's Gold Cup, symbolic of winning the President's Regatta which was raced on the Potomac on June 7 and 8, 1969. This cup is 40 years old and is regarded by enthusiasts as the highest award of excellence which can be presented to boat racers.

Because I was at the White House attending this impressive ceremony, I was not present when my name was called for rollcall No. 188. My colleague, the gentleman from Ohio, Congressman SAMUEL L. DEVINE, in whose district Frank Byers, Jr., actually resides, was able to answer his name and arrive for the ceremony on time. In this case, being near the end of the alphabet was not an advantage. I would like the RECORD to show that, if I had been present, I would have voted in favor of H.R. 13369, a bill to extend for 2 additional years the authority to set interest rates on mortgages to veterans.

SECOND LISTING OF OPERATING FEDERAL ASSISTANCE PROGRAMS COMPILED DURING THE ROTH STUDY

Mr. DENT. Mr. Speaker, I ask unanimous consent tc take from the Speaker's desk the concurrent resolution (H. Con. Res. 309), second listing of operating Federal assistance programs compiled during the Roth study, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "ten" and insert "seven".

Page 1, line 8, after "Administration," insert "three thousand copies shall be for the use of the Senate Committee on Rules and Administration,".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF A REVISED EDITION OF "THE CAPITOL"

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 193) authorizing the printing as a House document of a revised edition of "The Capitol," and providing for additional copies, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "four hundred and sixty-nine" and insert "five hundred and seventy-two".

Page 1, line 8, strike out "Representatives" and insert "Representatives, one hundred and three thousand shall be for the use of the Senate,".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TOWARD A MORE STABILIZED INTERNATIONAL MONETARY SYSTEM

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the efforts of West Germany's leaders to extricate themselves from a very difficult monetary situation is well worth noting. For years now—not weeks, but years—we have been plagued with an international monetary system that is defended by no one. But despite the general disgust with the present means of setting international exchange rates, no one is willing to step forward and take the initiative toward change and hopeful reform for the better.

The West German action of allowing the international market to set the actual rate combines some of the ideas of several reform plans proposed in government and academic circles. It apparently provides for more flexibility in the "band" about the fixed rate—that is, it permits more flexible adjustment to keep monetary prices in line with market prices.

I expect that the Governors of the International Monetary Fund and the chief officers of the central banks around the world will keep a close watch on the effects of the West German experiment in monetary reform. Such action could possibly bring about a more stabilized international monetary system.

PRESIDENT NIXON ENDORSES DIRECT ELECTION

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New York. Mr. Speaker, I am delighted that President Nixon today endorsed the direct election of the President as passed overwhelmingly by the House of Representatives in House Joint Resolution 681 on September 18, 1969. Those of us who have tested the sentiment of the people in our districts know that the people of this country are demanding this reform—that the election of the President and Vice President be under a system which guarantees that the winner wins and the loser loses; which eliminates any possibility that the Congress might choose the President or Vice President; and which guarantees that in the election of the President and Vice President the vote of the citizens of Nevada or Delaware or Alaska will count exactly the same as the vote of the citizens of New York or California or Illinois.

Mr. Speaker, the President's action will be most helpful and most persuasive in bringing about the passage of this proposed constitutional amendment by the Senate of the United States and by the legislatures of at least three-fourths of the States of this Union.

ANTIRIOT TRIAL OF "CHICAGO 8" RABBLE-ROUSERS DEGRADED BY RIOTERS

(Mr. CRAMER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRAMER. Mr. Speaker, the "Chicago 8," as they are now called, were indicted for conspiracy to violate the Cramer-Thurmond Antiriot Act which makes it a crime to travel in or use any facility in interstate commerce for the purpose of causing a riot.

They went on trial on Wednesday, September 26, 1969, for violation of the Antiriot Act in connection with the violent disturbances that surrounded the Democratic National Convention.

Outside the Federal court, Abbie Hoffman, one of the defendants, made a mockery of the trial by turning summersaults to the glee of the television cameramen and the still photographers. The day before, roudy demonstrators, sympathetic to the defendants demanded entry to the courtroom with the announced intentions of disrupting the orderly court procedures.

For some 6 minutes on evening television, I and millions of Americans were subjected to the ranting and raving of the trial disrupters, condemning every institution and preaching "hate America." The time is long overdue for the national TV networks to exercise responsibility, to report the news, and to stop giving millions of dollars worth of free, prime TV time to any rabble-rousing kook, any self-proclaimed leader of any Hate America and its institutions group who is dedicated to destroying this country as we know it today. The more rabid and hate-mongering their utterances, the more likely the TV is to carry it, it appears. Frankly, I was thoroughly disgusted.

How ironic, that rioters against the fair trial of the "Hate 8"—"Hate America 8" should be publicized, glorified, and given 6 minutes of prime TV time to mouth even their hatred for our trial system and the trial underway in a court of justice. This performance is proof positive that no institution in America is safe from their physical attack, their verbal abuse and their organized hatred. As the author of the Antiriot Act, I believe this performance fully justifies the wisdom of enacting this law and of fully prosecuting under it.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1937 AND THE RAILROAD RETIREMENT TAX ACT

Mr. DELANEY. Mr. Speaker, I call up House Resolution 535 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 535

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, and all points of order against section 6 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York (Mr. Delaney) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 535 provides an open rule with 1 hour of debate for consideration of H.R. 13300 to amend the Railroad Retirement Act and the Railroad Retirement Tax Act. The resolution also provides that all points of order are waived against section 6 of the bill. The waiver of points of order was granted due to the fact that in section 6 the transfer of funds is authorized.

The purpose of H.R. 13300 is to provide the increased financing necessary to continue payments of supplemental annuities under the Railroad Retirement Act, through increasing the taxes paid by carriers for this program; and to provide that the program of supplemental annuities presently scheduled to terminate on October 31, 1971, will continue through June 30, 1975, and thereafter until changed.

In addition, the bill provides for mandatory retirement of all railroad employees, initially at age 70, and ultimately—by January 1, 1976—at age 65, except that any individual employee may be retained in service beyond the mandatory retirement age where the carrier determines that safety or efficiency would not be adversely affected by retention of the employee in service.

Mr. Speaker, I understand there is some objection to that and there will be amendments on that particular section.

Mr. Speaker, I urge the adoption of House Resolution 535 in order that H.R. 13300 may be considered.

The SPEAKER. The gentleman from Ohio (Mr. Latta) is recognized.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to provide the increased financing which is necessary if the payment of supplemental annuities, provided by Public Law 89–699, are to be continued.

The bill also provides for the continuation of the program beyond the present termination date, October 31, 1971, through June 30, 1975, and thereafter until the parties, by agreement, or the Congress, by law, amend or change it. Finally, the bill sets a mandatory retirement age for all railroad employees. Initially this is set at 70, and will fall to 65, at the rate of 1 year lower each year after January 1, 1976.

Beginning in the early 1960's, the railroad managements and the brotherhoods began negotiations on the subject of supplemental annuities. The results were Public Law 98–699 in which Congress enacted into law the program as recommended by the parties. Management agreed to pay 2 cents for each man-hour of employment. Benefits were available to retiring employees with at least 25 years of service. Minimum benefits provided are $45 per month at 25 years and reached a maximum of $70 per month in supplemental benefits after 30 years.

The history of the program has been that there have been more retirees than expected and therefore more men drawing supplemental benefits. Instead of operating at a slight surplus, the fund will run out of money in October of this year.

Because of this, the parties, the railroad brotherhoods and railroad management, have been negotiating to extend the program on a sound fiscal basis. Negotiations have broken down because all the brotherhoods refuse to agree to a mandatory retirement age. Management requires this agreement if they are to increase their contribution and continue the program into the future.

The committee believes that as Congress was involved in the original action, it must play a part now.

The bill will continue the supplemental pension program through June of 1965 without any changes in it and thereafter until changed or modified. The 2 cents per man-hour of employment tax paid by management will be replaced by a new funding system. Beginning October 1969, and until changed by agreement of the parties, the railroads will pay the full cost of the program, whatever they are. On a quarterly basis the Railroad Retirement Board will review the operation and the funds, estimate the costs on a man-hour basis and tell the railroads what their obligation is for the ensuing quarters.

Finally, the bill provides for a mandatory retirement age; beginning at age 70 on July 1, 1970, the retirement age will be lowered each year by one year of age until the age of 65 is reached on January 1, 1976. Any individual employee may work beyond his mandatory retirement age if the employer, in writing, agrees to retain him for the time being as long as safety and efficiency are not impaired.

The Railroad Retirement Board supports the legislation. There are no minority views.

Mr. Speaker, I have no requests for time. I reserve the balance of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13300, with Mr. Edmondson in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself as much time as I may consume.

The bill that we have under consideration today has some opposition, but the bill was voted out by our committee for the consideration of the House.

First, I might give you a little of the background. Sometimes we lose sight of what the basic objectives of a bill are. This bill has to do with supplemental annuities to retired railroad employees. That was the center of the committee discussion.

In 1966 all of the standard railway labor organizations working together and bargaining with management came to an agreement on a supplemental annuity. After they had come to agreement, they came to the Congress and asked that this agreement be put in the form of legislation so that the Railroad Retirement Board could administer the funds. Congress then passed the bill, but it became evident in 1967 that there was not enough money to carry the fund for the full 5 years which had been authorized to start with. Nothing was done about that until the latter part of 1968 when the unions and management got together and tried to bargain about the needed money to fulfill the promises that had been made originally.

The bargaining did not go too well because after several sessions, as I understand—and this is speaking only from second hand—several of the groups who were bargaining said they could not come to any agreement on certain proposals.

Three unions, representing about 75 to 80 percent of the railroad workers, continued to bargain, and they did come to an agreement with management. Meanwhile the House Committee on Interstate and Foreign Commerce had started hearings on H.R. 11607, which provided for additional funds to continue payment of annuities until the end of the authorized 5-year period.

When agreement was reached, the parties came to me personally and said they had reached an agreement and had worked up a supplemental annuities bill. I introduced this bill, at their request, on August 4 and on August 6 the bill was marked up in the committee, and voted out of the committee. That is the bill now before the House. I make this background explanation so the House will know what has taken place.

Briefly speaking, I do not think I have to apologize to labor for this bill. I have come through the ranks of labor myself. I worked as a caller for a railroad in my high school days. I called at nighttime and went to school in the daytime in order to continue in school. Later I was a brakeman on the mountain division of one of our Nation's railroads in West Virginia. This was all done to get an education. Later I worked in rubber factories in Akron and the wheatfields of Nebraska and Oklahoma in order to continue my education. I know something of the problems of the working man and certainly I have tried to forward the interests of labor at every opportunity when it was consistent with the interests of the Nation. I shall continue always to do so.

Neither do I think industry can complain of my record, because I have tried always to be fair, as long as I have been a Member of this House. I believe we must have the three elements labor, and management, and capital, all working together, for a great and powerful nation. Andrew Carnegie once was asked which of these three was the most important. He said:

> It is like a three-legged stool. Cut off one leg and the others are bound to fall.

So we need all three of these elements in this Nation.

We must remember that labor has helped to build this Nation to the great nation it is today, and transportation has been one of the main segments in the building of this into a great and powerful nation. We need both industry and labor. I give this only as a little background to show that we want to be fair in every way we can.

Congress is involved, as I said before, in this situation today, because the 1966 agreement was put into effect by an act of Congress at the request of the parties, so it could be administered by the Railroad Retirement Board. This agreement did not provide enough money to pay all annuities due under the program. So when the unions and management came back to me and said they had reached another agreement, I introduced the bill.

The bill provides for compulsory retirement. This is not new. There are approximately 500 or more agreements reached between labor and management providing for compulsory retirement at ages ranging from 65 to 70. The original Railroad Retirement Act of 1935, as passed, contained a compulsory retirement age of 65, with the consent and agreement of every railway labor organization then in existence. Later, due to other parts of the act, this act was declared unconstitutional and was thrown out.

The President's Commission set up in 1960 to make recommendations concerning labor problems in this industry, made recommendations in 1962 that a compulsory retirement age in the railroad industry be established at age 65, on a graduated scale, as this agreement provides today.

Some say, why should we pick out one industry? Those in other industries say this will affect them.

I say that it will not, because the railroad industry has had its own laws governing railway labor since the Erdman Act in 1898. I do not believe this bill will create a precedent that is going to affect other laboring groups of this country, and it certainly will not if they do not want it to. Further, many of these groups have their own agreements to retire at age 65.

There is one thing about the railroad industry. When two or three wrecks occur, with an elderly engineer or conductor on the job, people come to Congress and demand we do something about it to make the railroads more safe. For this reason, this bill could be considered as a safety measure.

I am not in favor of compulsion in anything, I want the House to know, but this was provided for in the agreement that was reached. The unions that represent 75 to 80 percent of the men who work the railroads and management came to me and said, "We would like for this bill to be passed." I believe it is up to the Congress to give consideration to the bill.

I know there are those who are opposed to the bill, but every time I go home—and I live in a railroad town—the railroad men say to me, "When are you going to reduce the age of retirement?" Not once have they said this, but many, many times. Almost every railroad man I talk with says it. I heard it in the days when I first worked on the railroads many years ago. If we talk to any man working on the railroad today he will say, "How about reducing the retirement requirements to 30 years of employment or 60 years of age?" This seems to be the standard many want. I believe Congress will have to face up to it and I hope it will prove possible to do just this. I say that in the near future I hope it can be done, because when a man has worked 30 years in this industry or has reached the age of 60 the time has come when he should be able to retire.

The reason it has not been possible to date is that the retirement fund will not stand the added costs. I believe the time may come, if the retirement fund will not stand it, for us to make it stand it. I hope we can make this the law of the land, so that men can retire if they want to.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Kentucky.

Mr. CARTER. I must say I agree with our distinguished chairman on this. We all have seen the effects of automation throughout our country. We know as we go along many of our jobs are going to disappear.

That is particularly true in the mining industry in Kentucky, where the employment has been reduced approximately one-third, yet more coal is produced now than ever. We can see that happening to the railroads, also. Many of the jobs are going to disappear. Of necessity we are going to have to shorten the time, the period of the week or even the days of the week and perhaps the hours per day.

I thank the distinguished gentleman for yielding.

Mr. STAGGERS. I thank the gentleman from Kentucky for his remarks.

I should like to say, in closing, there is another part of the bill under heavy attack, and that is the part which relates to men working after 65 if the railroads say they are fit and able. This has been called similar to the "yellow-dog" contracts of the coal mining areas in the coal mining days. I understand there is an amendment which will be offered later to rectify that part. I am willing to listen, to see what is said at the time it comes up.

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 191]

Addabbo
Anderson, Tenn.
Ashley
Bell, Calif.
Boggs
Bolling
Brown, Calif.
Buchanan
Byrnes, Wis.
Cabell
Cahill
Celler
Clay
Colmer
Coughlin
Cowger
Daddario
Daniels, N.J.
Dawson
Diggs
Dingell
Dorn
Edwards, Calif.
Edwards, La.
Fascell
Findley
Ford, Gerald R.
Ford, William D.
Garmatz
Gettys
Gibbons
Gilbert
Gray
Hanna
Hansen, Wash.
Harsha
Hawkins
Hébert
Holifield
Howard
Jacobs
Karth
Kirwan
Kluczynski
Landrum
Langen
Lipscomb
Long, La.
McMillan
MacGregor
Mann
Mills
Mize
Morton
Murphy, N.Y.
O'Konski
Pepper
Powell
Rarick
Rees
Rosenthal
Roudebush
Scheuer
Smith, Calif.
Stafford
Steiger, Ariz.
Stephens
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Waggonner
Whalley
Wiggins
Wilson, Charles H.
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. EDMONDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13300, and finding itself without a quorum, he had directed the roll to be called, when 355 Members re-

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sponded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

I know, from the conversations I have had with my friends and colleagues on both sides of the aisle, that there is considerable confusion about this bill and the extent of the legislation.

H.R. 13300 is an amendment to the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act in two parts.

Most of the difficulty arising out of this bill is the result of a miscalculation, not intentional on the part of anyone. In the early 1960's it became very apparent that those who were retiring under the Railroad Retirement Act simply were not receiving enough money to live on. There is no escalation provision for cost of living. So in the early 1960's the railroad brotherhoods sat down with railroad management to negotiate some way of alleviating the condition of these retired people. They were 6 years in the process.

In August of 1966 they finally reached an agreement in which the railroad management was to pay the entire cost, every penny. The provisions were roughly as follows: If a person had served 25 years on the railroad and was age 65 he would get $45 per month additional to what the Railroad Retirement Act itself provided. And for every year in addition to 25 years he would get another $5 up to a maximum of $70 per month.

Let me repeat this so Members will understand it. This money, up to $70 per month, which was the maximum, was to be received by the retired recipient in addition to his railroad retirement, to which he was entitled under the law.

Under the contract of agreement between management and labor, management paid all of the costs.

Now, what caused all the difficulty? Eveybody sat down, the Railroad Retirement Board, management and labor, and they all agreed that if they put 2 cents additional in the pot per hour for every employee on the railroads it would raise enough money to take care of the estimated 40,000 or 45,000 employees who would be covered by this act. Here is where the mistake arose. Instead of having 44,000 employees, it turned out that the retired were 57,000 employees. This is what the trouble and all the difficulty is about. The result was that there was only enough money in the treasury to pay the full 57,000 employees up to approximately October 1, 1969, which is already on top of us.

Now, the Railroad Retirement Board said with some economies they may be able to stretch the October payment over to November 1, but that is as far as it goes. Knowing that this was coming on—and they have known it since early in 1968—they started negotiations to see what could be done to get the additional money that would be necessary to take this through the term of the agreement, which was 1972. This agreement extended through 1972 and then it ended. However, what are you going to do between now and 1972? That is the issue now. Are you going to let these retired employees not receive this additional money because there is no agreement between management and labor, or are you going to do something about it?

This bill was in the committee. I will stand corrected by my chairman, but I believe I am giving it to the House about as fairly and squarely as I know how. There was an impasse. This legislation simply could not get out of the committee as it was originally written and introduced. It was locked in the committee and could not come out. I do not know how many votes the bill might have gotten for it. I have heard some say only two; some say six; some say eight. I do not know anybody who is saying it would have gotten more than 10 out of 34 members of the committee. Finally, though, the chairman was able to get labor and management to come to an agreement. Largely through his efforts we were able to break the deadlock and the quid pro quo was that management would agree to make up this amount of money, which between now and 1972 would be in the nature of three-quarters of a billion dollars, if you would get mandatory retirement in here beginning at age 70 and working its way down over a period of 5 years to 65 years of age. This was the quid pro quo.

May I also say that the chairman of the committee did a masterful job in getting this done.

Now, who agrees to this and who does not agree to it? Management agreed to pay the bill. There are about five of the 19 brotherhoods or maybe six who represent 75 to 80 percent of all of the railroad employees. All of them have agreed to this. They have agreed to H.R. 13300 as it is written and brought to the floor of the House today. I believe by being liberal I can say that there are about 12 unions, which carry a very small number proportionately, who have said no. I believe I am putting it fairly when I say that there are three or four that have not said anything one way or another. Still the chairman was able to get agreement of between 75 and 80 percent of the employees to agree to this arrangement.

Now, if I have misstated it, I will stand corrected, but I believe I have stated it about as fairly as I could to the committee.

This is where we are today, and this is why the chairman and I stand for this bill as it is. We think that an agreement was made. We believe it is as fair as we could get, and we got it out here so that these 57,000 employees, beginning on October 1, are going to be able to receive this additional money.

Now, there have been some objections raised by others, may I say, than the 12 unions who are members of the railway brotherhood organization—the railway executives labor group. But what is the story with reference to the number of all the railroad employee agreements that have been reached with reference to mandatory retirement? This is a summary as of November 1967 relating to collective bargaining agreements providing for compulsory retirement at specified agencies. Here is the list of them. Some of these are now objecting to this bill who have already entered into agreements. Practically everyone of the 19 brotherhoods requires all of its own officers to retire at age 65. I do not believe there is a brotherhood out of the 19 that does not compel its own officers to retire at 65. Here are the number—let me read them to you although I shall not read all of them because there are more than 19 brotherhoods involved as well as some others. But these include the Brotherhood of Locomotive Engineers, age 70, 66; the Brotherhood of Locomotive Firemen and Enginemen, age 70, 45; the Order of Railway Conductors and Brakemen, age 70, 35; the Brotherhood of Railroad Trainmen, age 70, 55.

I shall not read them all. However, there is a total of 506 separate agreements by railroad brotherhoods themselves that have compulsory retirement.

Mr. Chairman, here is a letter which some of you have seen, but I want to read it to you because this is the guts of who supports this bill. It is from the National Railway Labor Conference, 1225 Connecticut Avenue NW., Washington, D.C.:

Re H.R. 13300—Supplemental Annuities and Mandatory Retirement.

DEAR CONGRESSMAN: H.R. 13300 has been reported favorably by Chairman Harley O. Staggers for the House Interstate and Foreign Commerce Committee and is scheduled to come to the floor on Tuesday, September 30, 1969. The bill is of immense importance to the railroad industry and railroad employees. We hope you will give it your full support.

H.R. 13300 is the product of extended collective bargaining. It represents a balancing of the sometimes conflicting interests of management and labor and achieves four objectives:

Establishes supplemental annuities on a permanent basis for the first time.

Makes the carriers responsible for the full funding of the program which involves substantially increased taxes upon them to meet the current deficit.

Provides for mandatory retirement of railroad personnel over age 70 with a scale-down to age 65 over six years.

Extends the present moratorium on changes in the program from October 1971 to July 1975.

In collective bargaining, each side has to give a little and this is what has occurred here. H.R. 13300 has the full support of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; the Brotherhood of Maintenance of Way Employees and the United Transportation Union, representing 75 to 80% of all railroad employees. The carriers favor its passage even though it will involve their contributing over three quarters of a billion dollars within the first six years.

Despite the breadth of committee-union-management support, a few unions representing a minority of the railroad workers would have the Congress undo the collective agreement of the substantial majority of interested parties. The arguments of this minority have failed to convince their brothers and the House Committee members. Now they are attempting to appeal to emotion in seeking to label the bill as "yellow dog" legislation. There is no merit to the claim as demonstrated in the enclosed memorandum.

Please cast your vote for the sound product of collective bargaining, H.R. 13300 as reported by the House Interstate and Foreign Commerce Committee.

Yours very truly,

—— ——,
Chairman.

When we get into the House, Mr. Chairman, I intend to put that in the RECORD.

I would like to read to you just one more thing in winding up. Back in 1934—and that is a long ways back, before many of us were Members of this body—the committee noted that in 1934 the Railway Labor Executives Association—the Railway Labor Executives Association—which represents all of these 19 brotherhoods, petitioned the Congress to enact railway retirement legislation providing for pensions to all of their employees with specified service, and requiring mandatory retirement of all employees at the age of 65 years. This legislation was enacted as the Railroad Retirement Act of 1935, and its constitutionality was immediately attacked by certain railroads.

The Railway Labor Executives Association—the Railway Labor Executives Association—vigorously defended this legislation in court, citing numerous benefits to be derived from mandatory retirement, including safety of our railroad operations through insuring a younger work force, plus improvement in employees' morale.

Although the legislation was held unconstitutional on other grounds, and was therefore stricken down, the court's opinion did not contest the validity for this reason as a basis for requiring mandatory retirement of employees.

In recommending the compulsory retirement provisions of this legislation, the committee has also considered the recommendations of the Presidential Railroad Commission which from 1960 through 1962 investigated virtually every facet of the rules governing operating railroad employees. Based upon that investigation, the Commission recommended a new national retirement rule for mandatory separation of operating employees at 70 years of age with a scale-down provision over 5 years to 65 years of age. The Commission found that mandatory retirement would "facilitate orderly adjustment to the declining manpower requirements for operating employees." The proposed legislation would implement the recommendation of the Presidential Railroad Commission. There is included as appendix B of this report a copy of the pertinent provisions and recommendations of the report of the Presidential Railroad Commission of February 1962.

I have tried to present this to you as I understand it. There may be some differences, probably from amendments that arise, but may I say to you that the chairman worked hard on this bill. I am willing to give him full credit for working on a compromise which could get out to the floor of this House so that my colleagues could vote on this important legislation which is so necessary to the employees who are now retired, and there are upwards of 60,000 of them.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my colleague from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

As a member of the Committee on Interstate and Foreign Commerce, and as the second ranking member of the Subcommittee on Transportation, I can testify to the accuracy of the remarks the gentleman from Illinois (Mr. SPRINGER) has just made. He has spelled out in detail what is involved in this legislation.

I am in almost continual contact with the railroad brotherhoods, and they are extremely favorable to this legislation, and are very much opposed to any crippling amendments that might be offered. The legislation has my full support as it is presented here today, and I, too, hope that there will be no crippling amendments adopted, and I hope that the bill will pass.

Mr. SPRINGER. I thank the gentleman.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished colleague, the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I think the Members who are here today in the Committee will all agree, whether they are for or against the bill, that the distinguished gentleman has given us a very fair and objective explanation of the bill. At least now we know what we are going to vote on, and I thank the gentleman.

Mr. SPRINGER. I thank the gentleman for his kind words.

Mr. RUTH. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my colleague the gentleman from North Carolina.

Mr. RUTH. Mr. Chairman, I commend the gentleman from Illinois for his explanation of the bill.

Mr. Chairman, I rise in support of H.R. 13300, to amend the Railroad Retirement Act of 1937. The continuation of the Government's obligation to retired railroad workers in an absolute necessity for the well-being of many families in my district as well as those other railroad people across the Nation.

When the present act was last funded, miscalculations were made in estimating the cost of benefits and the total revenue that would be paid into the account. Back in 1966 it was estimated that the total number of beneficiaries as of April 1969, would number approximately 44,000. On that basis it was anticipated that the proposed tax on the carriers of 2 cents per man-hour would provide sufficient funds to finance the program through October 1971, leaving a balance slightly in excess of $1 million.

That has not been the actual result. Retirements are up about 30 percent with 57,000 beneficiaries instead of the expected 44,000. In addition, overall employment has been below estimates, thus feeding less revenue into the accounts. We are now faced with exhaustion of funds. The present bill will remedy these defects and provide funding for several more years.

In urging the adoption of this legislation it is gratifying to know we have the agreement of the carriers to extend the pension program from October 31, 1971, to June 30, 1975. This means new assurance to our railroad families and financial solvency for many retired workers.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. ADAMS), a member of the committee.

Mr. ADAMS. Mr. Chairman, I will during the course of the 5-minute rule offer an amendment to strike section 2 of this bill. When I finish my remarks, I will distribute copies to both sides and they will be available here for those who wish to see it.

Mr. Chairman, I want to say this first, that the problem we arrive at with this bill is that in the latter part of the discussion an agreement was attempted to be made between labor and management on how to handle the problem of supplemental annuities and it seemed impossible to make an agreement. Therefore, what is involved, in my mind, is to protect the collective bargaining system.

I happen to favor early retirement for people who are involved in industry. But this should be bargained for between the parties who are involved. I agree with the gentleman from Illinois that there are from 500 to 600 bargaining agreements, and I think probably there will be more on the subject of retirement.

But that is not what is involved, in my mind. My amendment is very simple. It strikes out the compulsory retirement and it strikes out the portions of the bill that provide for contracts on an individual basis between management and individual employees to determine whether they can continue to work.

Some people refer to this as a yellow dog contract. It is similar to that. It is an individually negotiated contract between a man and an employer as to whether he can continue to work beyond a certain age.

The problem with this, and I am not critical of the parties who have been involved in trying to settle this. I am not critical either of the unions who favor this for their membership—nor of those who oppose it. This is their right. This is their duty, to represent their membership.

But as is stated in the committee report on page 5, so you will be very clear as to what I am moving to strike, it says this:

> The committee has therefore adopted what it considers to be the best of a series of unpleasant alternatives, and recommends to the House the imposed settlement terms provided in the bill reported herewith.

Then it goes on to say:

> The committee anticipates that there will be a number of objections made to various provisions of this legislation.

So, contrary to what the gentleman from Illinois said, members of the committee knew at the time of writing the report that there was going to be trouble with regard to this bill—and that trouble would exist precisely in the area which I am moving to strike.

Now, if the amendment I am offering is agreed to by the Committee of the Whole, it will not affect the other portions of the bill. The supplemental annuities will be paid. The bill will move to the Senate. All of the other provisions will remain the same except the provision to compel retirement at age 70 and the provisions that provide for another

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violation of collective bargaining, which is individual contracts between employer and employee.

I rise to make this amendment on a matter of principle of protecting collective bargaining in this fashion. It is the same fight some of us made 2 or 3 years ago when we had the compulsory arbitration procedure required in order to bring the railroads back into operation in the country.

I think it is a very dangerous thing for this Congress to move in on collective bargaining, which is involved in most of the settlements.

Mr. Chairman, I will offer this amendment to strike out section 2 when the bill is being considered for amendment under the 5-minute rule.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, when this legislation was first presented to the committee, I believe almost half the committee very strongly told witnesses from both management and labor that we considered this a matter for collective bargaining. We rather admonished both sides for even being before the committee until they had arrived at some sort of settlement, and the deadlock that the gentleman from Illinois (Mr. SPRINGER) spoke of was actually the reason that both sides, management and labor, went back to their own businesses and arrived at a collective-bargaining decision.

Not having been a member of a labor union, but understanding that a labor union would operate with democratic processes, as most other organizations do, I am quite sure that they never dreamed of getting unanimity, and it does not require unanimity, for a bill to pass this House or for anybody to get elected.

I wish to congratulate both management and labor for having arrived at a decision of between 75 to 80 percent of all railroad employees, and 100 percent of management to accept a contribution of 100 percent in this free contribution—100 percent—not 1 cent is coming out of an employee's pocket.

I ask every one of my colleagues to consider: Do you know of any other place in American business that the industry contributes 100 percent of an annuity and does not have the right to require that the terms of the annuity be set to where they can anticipate what their obligation will be? This is all the quid pro quo that industry is asking, and that is that we be allowed, since they have made an open-end agreement, an agreement to perpetuity, that they accept this obligation, an obligation that between now and 1975 will amount to three-quarters of a billion dollars, without a cent being contributed by the employee. All they are asking is that they not be faced with another situation, like the one we are in right now, of grave miscalculation. Everyone is innocent in this mess; we are in it now because of gross miscalculation.

So all they are asking is that they be allowed to anticipate, to know for sure what their obligation is going to be, and ask for a retirement on a compulsory scale like every other business I know of does when they contribute the full amount. I think this is something that we owe to the collective-bargaining process because we as members of the Interstate and Foreign Commerce Committee asked that the parties involved go back to their businesses and come back to us with a settlement. They have done this. It is not unanimous, and I have never thought that in a democratic process unanimity was required. So this is a decision made jointly.

I think we owe it to the collective-bargaining process to accept their decision.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Chairman, the distinguished ranking minority leader recalled the time in 1934 when the railway labor executives wanted retirement at 65. 1934 was a different era. The economic pressures were vastly different than they are today, and there were many urging the Congress that throughout this Nation everyone be required to retire earlier in order to create job opportunities.

So I think that the reference is not germane to the question before us today. Really the question we have before us today is whether or not it is the business of Congress to determine by law the retirement policies of private industry. There is no other instance where we set the age of retirement by statute. There are instances where regulatory agencies in the name of safety have set a maximum age for retirement, but the Congress is being asked to set an age here which is ultimately at least 5 years sooner than we require of our own employees. It will average at least 5 years sooner than is required of the employees of most State and municipal governments.

I cannot for the life of me understand the rationale behind the idea that for some reason railroad workers are different from any other industrial employees. We have denied them the right to fully explore the power of collective bargaining by mandating settlements, and we are doing further violence to free collective-bargaining processes if we adopt today this legislation which would impose a mandatory retirement at 65.

If it is good for the railroad industry, maybe we should look at it for the courts, and maybe we should look at it for the Members of this body itself. After all, there are a great many of these employees who work in skills which are becoming increasingly scarce. Many of the shopcraft workers are able and vigorous at the age of 65—able to continue for another 5 years of employment—and I do not think they should be denied that right, and I do not think it should become a matter of the old "yellow-dog" agreement where the individual enters into his private, cosy arrangement with his employer regardless of the nature of agreements which might exist between his own organization and that employer.

I think it is perfectly proper if by voluntary action the workers and their repsentatives arrive at these many collective-bargaining agreements and set the age at 65, or a lesser age if that is desirable—but at least it would be done by free men and not under the compulsion of law, and it is to that I direct my strongest objections.

Mr. SPRINGER. Mr. Chairman, at this point I have no further requests for time, and I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. OTTINGER), a member of the committee.

Mr. OTTINGER. Mr. Chairman, what we are being asked to do here today is legislate a matter which ought to be the subject of collective bargaining between the employers and the workers.

The chief evil of the legislation which comes before us is that we are establishing by law a compulsory retirement system. I agree with my colleague, the gentleman from Washington, and my colleague, the gentleman from California, that what the unions representing many of the employees have agreed to here and what our worthy and distinguished chairman has worked out in this bill is done in the best of good faith and out of consideration for those employees who are receiving supplemental annuities and who very genuinely will be hurt if those annuities are not extended. All of us want to assure that these retired employees will not lose their supplemental benefits. But the price that is being asked to extend those annuities is, in our opinion, just simply too great.

I think it is not accurate, as the committee report states, and as the gentleman from Illinois, the distinguished ranking minority member of our committee has stated, that the unions representing 75 to 80 percent of the employees have agreed to this arrangement. The fact of the matter is that many of the employees of unions who entered into that agreement represent many nonrailroad employees who are counted as a part of establishing that percentage, and there are a great many railroad workers who are not represented and who violently disagree.

The dissenting unions tell me in point of fact, less than 50 percent of the railroad workers are actually represented among those unions that did agree to this arrangement.

A miscalculation in computing the supplemental pension fund was referred to by my colleague and good friend from Tennessee. That miscalculation came about in large part because the railroads, as we all know, have been at a very rapid rate discontinuing passenger railroad service all over the United States, so they have been in a position of retiring a great many more employees than were originally contemplated when the agreement was first put into effect. The excessive retirements are clearly the result of management actions.

The railroad industry happens to have a great number of long-term employees, employees who have worked for the railroads for a great number of years. It will be an unusual hardship for them to have the mandatory retirement age of 70, sinking down to age 65.

Furthermore, the employers—the railroads—are going to be able to use the so-called "yellow-dog" provision of this bill which allows the railroads to keep on those employees they want to favor, to

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whipsaw the employees and put undue and unreasonable pressure upon them to conform to policies with which they may very strongly disagree.

This is no supposition. This is a fact that at the present time exists. This is one of the reasons why the nonagreeing unions are violently opposed to our going ahead and imposing this on their employees.

The “yellow-dog” provision is a classic provision used to undermine unions. It permits the companies to deal directly with the individual employees it wants to keep on and make its own terms and conditions with respect to those employees, completely eliminating any dealing with the unions whatsoever.

Overall, I believe this does not represent the best interest of the employees. It is bad legislation. The Adams amendment should be agreed to or the entire bill defeated.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield me 1 minute?

Mr. SPRINGER. I yield 1 minute to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, am I to understand from the gentleman from New York that he would rather have no annuity at all for these many railroad people than to have retirement at age 70?

Mr. OTTINGER. I do not believe that is the alternative. I said these parties ought to be sent back to make an agreement with respect to the annuities for these 57,000 people.

Mr. KUYKENDALL. I believe the gentleman knows this legislation is the result of the parties being sent back to arrive at an agreement.

May I ask another question? Has there been any doubt in any negotiation of the willingness of the railroads to pay this annuity ?

Mr. OTTINGER. They are willing to pay it provided they can get the “yellow-dog” provision, and provided they can require employees to retire at age 65.

Mr. KUYKENDALL. I will ask another question. Does the gentleman know of any industry in America that pays a 100-percent voluntary annuity that does not have a mandatory retirement? Does he know any other industry?

Mr. OTTINGER. I do not know of any example except by collective bargaining agreements. I certainly know of no situation in which the Government has imposed retirement upon the employees.

Mr. KUYKENDALL. The gentleman has answered his own question. This is a collective-bargaining agreement.

Mr. SPRINGER. Mr. Chairman, I yield myself 2 minutes.

This is very interesting, because the words “yellow dog” contract are being thrown around here very freely. I believe this body ought to understand what is involved and exactly what a “yellow dog” contract is.

I am speaking from a memorandum from the National Labor Railway Conference. I am reading from page 1, September 1969:

The “Yellow Dog” Contract Argument Is a “Red Herring”

The use of the epithet “yellow dog” is an attempt to win by an appeal to emotions what these opponents know they will lose if the legislation is judged on its merits. One only has to look behind the label to recognize the total emptiness of this new claim.

First, there is no “yellow dog” issue presented by H.R. 13300. Webster's Dictionary defines a “yellow dog” contract as:

“A contract of employment in which the worker agrees not to join a labor union and which, traditionally, is terminated if he does join.”

Now, Mr. Chairman, that is not the context of the gentleman up here, because it has absolutely nothing to do with this definition. Reading further:

Subsection (k)(2) does not authorize the making of “yellow dog” contracts, nor does it change Section 2 (Fourth) of the Railway Labor Act which outlaws the conditioning of employment on the basis of union or non-union membership or Section 2 (Tenth) which provides heavy fines for violations of Section 2 (Fourth).

Mr. STAGGERS. I yield such time as he may consume to the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Chairman, I will say briefly in reply that I am not categorizing the contracts in one way or another, but I merely call the Members' attention to paragraph 2 on page 3, which provides for individual employees making written agreements with their employer in order to continue their employment. It is provided that this is at the discretion of the employer as to whether or not he wants to enter into this agreement. We can define it or call it whatever you wish but I think that provision is very dangerous to American labor relations.

Mr. STAGGERS. Mr. Chairman, I would like to make a few remarks in closing.

The gentleman from New York mentioned the part of the bill relating to an agreement permitting employees to remain after retirement age. I understand the gentleman has an amendment to modify this part. I think perhaps I would be amenable to such an amendment if it is the one that he spoke to me about before.

Mr. Chairman, I would also like to say this: I had no part in any of these negotiations. The very essence of what is brought here today was negotiated with 75 to 80 percent of the employees and their unions with management. It is a collective-bargaining agreement. The parties brought this to the Congress. The Congress is not instituting this or saying what shall be done, but is only bringing out what has been brought to us through collective bargaining between employees and employers.

Not one suggestion that I know of has been made by Congress in any way here. There is not the dotting of an “i” or the crossing of a “t” here that was done by the Congress. It is our right to do it if we choose, and of course we have the power—I will assure you of that—but this bill is the result of collective bargaining.

Another thing that has been said is that this bill will hurt the regular railroad retirement fund. The bill does not in any way apply to the regular railroad retirement fund so far as the funds that come out of it or funds allocated to it. The bill does affect the fund indirectly, through some costs arising out of increased retirements, but not by law in any way does the bill affect it directly.

It has been brought to my attention by one Member who said he was told recently that if a man were hired and he was 41 years of age and he worked until he was 65, he would not get any regular retirement money. He would not get this annuity in that case, but he would get his regular railroad retirement benefits. This bill does not affect the regular program in any way. In this bill that was brought to the Congress management said, “We will pay this additional pension into perpetuity.”

This program will continue from now into the unknown. The Congress can see who made this agreement, and can see that it was made voluntarily. No one forced them into doing this. This is a voluntary agreement.

It has been said that in the next 7 years the railroads will pay out $775 million. Of course, there are some who will say the railroads will benefit that much. I am not going into that side of it; there are two sides to all stories.

Also, it has been said that this change of compulsory retirement has nothing to do with our modern age.

Mr. Chairman, the President's Railroad Commission in the period between 1960 and 1962 came out with the recommendation that this should be compulsory all over the United States in all of these unions.

Further, the argument has been made, however, that this may apply to unions in other industries. This law is separate unto itself. Any other laws dealing with problems of this nature will be written in another committee, in the different committees that have to do with other unions. This is a different program, this railroad retirement bill and other railroad laws, in that they come under the jurisdiction of the Committee on Interstate and Foreign Commerce. We do not have anything to do with labor disputes except in the railroad and airline industry and we do not undertake to make laws in any other area.

Mr. Chairman, opponents of this measure say that it will set a precedent. I do not think it will. But if there is a precedent, it looks to me as though the precedent, if any, has been set in negotiations that have led to the existing agreements, over 500 of them, in addition to this one.

Mr. Chairman, I do not want the members of the Committee of the Whole House on the State of the Union to forget that this was a collective-bargaining result which was brought here to the floor. I certainly have not proposed anything. If this were compulsory legislation originating here in the House, I would vote “No.” However, it has been brought here by the representatives of labor and management and we are just bringing it to the Congress.

At this time I would be glad to answer any refutations or anything else that anyone has to say about this because these are the facts as I know them and as I have observed them.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

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Mr. STAGGERS. I am glad to yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, our able chairman of the Committee on Interstate and Foreign Commerce is precisely correct in this matter.

I think we should all remember this: This legislation is not the creation of our committee. The legislation is merely the codification of a collective bargaining agreement reached by 100 percent of management and 75 to 80 percent of the employees. This is their collective bargaining agreement.

Mr. Chairman, those who would try to amend or defeat this legislation unfortunately, and I am sure unwittingly, are attempting to change that which was agreed to through collective bargaining. That is tragic, is it not? They speak in one instance to the effect that they want to protect collective bargaining, but yet they are asking us right now to defeat collective bargaining. Why? To defeat the will of 75 to 80 percent of the employees and yield to the will of the minority? The chairman is eminently correct. He has placed it in its proper perspective.

Do we want to amend or overturn this agreement which was reached through collective bargaining and refuse to ratify that which they have agreed to? Do you believe that is the way to do it—strike down collective bargaining? Let us not forget about the will of the overwhelming majority in an effort to appease the minority.

If that is what you want, then you go along with the opponents who would defeat this bill. However, I urge you to support the bill and I applaud the chairman of the Committee on Interstate and Foreign Commerce. Frankly, our committee urged the parties involved to get together and engage in collective bargaining, which they did. It would be tragic if we undone what they have worked out through collective bargaining.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. SPRINGER. Mr. Chairman, I would like to say to the members of the Committee of the Whole House on the State of the Union that in the committee we simply were at an impasse. This bill could not be moved. Here were 57,000 retirees who simply were not going to get any money by October 1—perhaps in October—but at the latest November 1969, not a nickel of supplemental pensions.

The chairman, and I think all of us who worked on this matter in the committee, did our best to stay out of this thing and let management and labor settle this problem.

I would admit that the chairman encouraged both sides at every turn that there was in the road to come to an agreement. The situation simply became one that was desperate. I think both labor and management realized that it was a desperate situation. Labor certainly did not want to leave these halls without getting for their retirees what they thought they ought to have. I do not believe that railroad management wanted to accept the responsibility of seeing that these people did not get this money due to a miscalculation which we had 2 years ago.

So we at the leadership level did everything we could to bring these two parties together, but in the end these two parties made the agreement and came back to us and said: "This is our agreement."

Now, we had management on one side, and we had 75 to 80 percent of labor on the other side.

I do not know that you can get everybody together on every single facet of a piece of legislation that comes before this body, but this is just as near as we could get everybody together, and that is the way it comes to you. And that is collective bargaining as best I know how to make it, because it was brought to us by both parties, and it was brought out to this floor at the request of both parties. And for that reason it seems to me it is a fine piece of legislation.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Certainly I yield to the gentleman.

Mr. STAGGERS. Mr. Chairman, I appreciate the gentleman's contribution and his cooperation, not only on this legislation, but on other legislation which has to do with the welfare of our Nation.

I would like to say, Mr. Chairman, in regard to those who are opposing this legislation, that certainly they have a perfect right to do so. I know that in some areas Members have an overwhelming number of constitutents who oppose this bill, and so it is their duty to oppose it on this floor because they have to represent their own constituency. I am trying to look at it from the overall picture across this Nation, involving a bill that has been brought to us. What we have today is a bill supported by representatives of the majority of employees, and by management. I think the House should be guided by the wishes of the majority.

(Mr. LANGEN (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. LANGEN. Mr. Chairman, being unable to appear before you in person today because of a prior commitment to view the progress of the West Central Minnesota Resource Conservation and Development project in my district, I offer this written statement in support of H.R. 13300. As pointed out in the House Report No. 91–464 on this bill, the Congress has a moral duty to see that sufficient funds are provided to allow payments of the full supplemental retirement benefits envisioned under Public Law 89–699 which set up the supplemental retirement program. H.R. 13300 principally insures that the supplemental retirement benefits will be paid.

There are very few people who will deny that the railroad retirees, who worked so hard to build this great country from a frontier land to the wealthy and imposing Nation that it is today, deserve the benefits of the supplemental retirement program. The Congress said this when it enacted the program and ought to back its intention in this field by seeing that sufficient funds are made available to fulfill the intent of the program.

Inflation, which is a fact that every American has to face today, makes it imperative that these supplemental benefits be continued. These railroad workers are placed on fixed pensions while the general value of the dollar decreases and its buying power diminishes. How are these people, who worked so hard for our country, to survive under such circumstances? Even if we are able to stop inflation, we are still faced with the inflation which we have inherited from the previous administration. It is amazing that anyone should even consider allowing these retired railroad workers to live on the meager pensions which some of them now receive. Since the passage of the Railroad Retirement Act of 1937 the buying power of the dollar has been cut by more than 50 percent.

Perhaps the most convincing argument for the passage of this bill is the fact that the railroads and most railroad workers are in agreement on it. Seventy-five to eighty percent of the current active railroad employees do favor passage of this bill, a fact which would call for congressional action in view of the few adamant unions which refuse to enter into such an agreement. The railroads have agreed to pay increased taxes to support this supplemental retirement program, realizing the need for additional income to pensioners in this age of runaway inflation.

Not only do I offer this statement in support of the bill, I urge everyone of my colleagues present to vote for, and lend his support to, this bill.

Mr. RANDALL. Mr. Chairman, I support H.R. 13300 but without the enthusiasm I would have if the effort had succeeded to strike section II pertaining to mandatory retirement. The key word here is "mandatory."

Because of the possibility that there may be no rollcall vote on whatever motion to recommit may be offered, I take this means to state for the record that I was one of those who supported in Committee of the Whole the effort by the gentleman from Washington (Mr. ADAMS) to strike all of section II of H.R. 1300, and one of the 60 who stood at the time of the division vote in favor of his amendment to strike out the provision for mandatory retirement. It was and is my feeling that this provision may do detriment to the time-honored principle of collective bargaining, in that the issue of a worker's retirement age should be a matter of voluntary agreement between labor and management, and Congress should not intrude upon that relationship. I am opposed to the proposition of legislative retirement in private industry.

However, we are all hopeful that the passage of this bill containing the mandatory provision will not set a precedent that a man cannot work when he reaches a certain age. I hope the chairman of the Interstate and Foreign Commerce Committee was right when he said the provision in this bill applies only to a unique situation in the railroad industry which has been agreed upon between the railroads and the railroad employees.

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In passing I wish to state for the record that for years I have supported the effort by the Fraternal Order of Eagles and other organizations to try to change our national attitudes toward those who are forced into retirement simply because they have attained a certain age, even though his or her skills and alertness have not in any way been impaired. Forced retirement is wrong simply because a person has lived long enough to celebrate a particular number of birthdays.

Unfortunately, this bill is not supported by all railway employees. Perhaps it should be said that the principle of continuing supplemental annuities is favored by everyone, but the mandatory retirement is opposed by some of the brotherhoods and the shop craft unions.

Our office, along with all other congressional offices, has received a large number of telegrams in the past 2 or 3 days. They have been from friends, including members of the industrial unions. We have received telegrams from the building and construction trades and we have received telegrams from our friends who are members of the International Association of Machinists. All of these telegrams contain expressions of opposition because of the provision of legislated compulsory retirement.

The point that should be emphasized is that all of these telegrams have reached our office either today or yesterday or over this past weekend. This last-minute opposition came after a time when most of us had committed ourselves in writing to the several brotherhoods of railroad people whom we had reason to believe were most concerned with this legislation and who had voiced no complaint. Over the past several weeks, our office has written hundreds of letters to members of the United Transportation Union, maintenance of way employees, and railway, airline, and steamship clerks, as well as to dozens of individual retirees who did not state the name of their brotherhood. In these letters we committed ourselves to support this bill because we were told if it were defeated, some 60,000 retired employees now receiving this annuity would face a 25-percent monthly reduction in their monthly annuity.

Those whom we had reason to believe would be most concerned about this legislation pointed out that the legislation directly affected only railroad employees. These communications further pointed out that the legislation was of such great urgency that all current or new retirees might be cut off in October if the bill did not pass now.

H.R. 13300 will provide increased financing necessary to continue payments of the supplemental annuities which was commenced in 1966 to adjust pension benefits to cost of living increases. Present funding for the supplemental pensions has proved inadequate and the purpose of this bill is to provide full funding. Railroad management has agreed to supply the necessary funds with no additional payroll taxes to be imposed upon employees.

In facing a vote on final passage all of us have to make the difficult choice between following the advice of the leaders of the several railroad brotherhoods who on the one hand support passage of the bill as reported from the committee without any amendments, and upon the other hand we have to consider the entreaties of union leaders who are more concerned about intrusion by the Congress into the relationship of collective bargaining involved in what they describe as compulsory retirement by legislative edict.

The question comes down to a choice or a decision between support of a principle as advanced by the industrial unions and the building trades, or support of what amounts to bread and butter for thousands of railroad retirees. These same retirees who call for immediate action say that this particular retirement provision, mandatory though it may seem, was actually arrived at through collective bargaining.

Few of us could doubt the brotherhoods when they say that there is an urgency here in that their retired employees should not be denied the supplemental annuity which will be cut off if this bill does not pass.

The main point at issue then is the possible detriment to a principle which may or may not set a precedent, as against the very serious consequences of loss of supplemental annuities by thousands of railroad retirees.

Under an easier choice I would vote no and stand for principle involved, but as it is I will have to vote yes because to vote otherwise would mean that thousands of retirees might not receive their checks at the end of October and such a situation would be unconscionable.

Mr. SPRINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

H.R. 13300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(j) of the Railroad Retirement Act of 1937 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

Sec. 2. Section 3 of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new subsection:

"MANDATORY RETIREMENT

"(k)(1) Except as otherwise provided by this subsection, retirement shall be mandatory upon employees at the end of the month in which they attain the age of 65.

"(i) An employee who attains age 70 before July 1970 shall be retired at the end of June 1970. An employee who attains age 70 after June 1970 and before January 1972 shall be retired at the end of the month in which he attains such age.

"(ii) An employee who attains age 69 during 1972 shall be retired at the end of the month in which he attains such age. An employee who attains age 69 during 1971 shall be retired at the end of December 1971.

"(iii) An employee who attains age 68 during 1973 shall be retired at the end of the month in which he attains such age. An employee who attains age 68 during 1972 shall be retired at the end of December 1972.

"(iv) An employee who attains age 67 during 1974 shall be retired at the end of the month in which he attains such age. An employee who attains age 67 during 1973 shall be retired at the end of December 1973.

"(v) An employee who attains age 66 during 1975 shall be retired at the end of the month in which he attains such age. An employee who attains age 66 during 1974 shall be retired at the end of December 1974.

"(vi) An employee who attains age 65 after December 1975 shall be retired at the end of the month in which he attains such age. An employee who attains age 65 during 1975 shall be retired at the end of December 1975.

"(2) The provisions of paragraph (1) of this subsection shall not apply to any individual employee who makes a written agreement with his employer providing that such individual employee shall continue in service beyond the mandatory retirement age as specified in paragraph (1) of this subsection: *Provided, however,* That no employer shall make such an agreement or continue such an employee in service beyond the mandatory retirement age as specified in paragraph (1) of this subsection where in the judgment of the employer safety or efficiency would be adversely affected. The written agreement referred to in the preceding sentence shall be in such form as the Board may prescribe by regulations.

"(3) The provisions of paragraph (1) of this subsection shall not supersede the provisions of any agreement reached through collective bargaining between employer and its employees which provides for mandatory retirement at an age less than the age of mandatory retirement then in effect pursuant to the provisions of paragraph (1) of this subsection.

"(4) Where an individual employee performs service for an employer beyond the date prescribed for mandatory retirement, such individual shall receive credit for such service and for compensation received with respect thereto in the same manner and to the same extent as if the preceding provisions of this subsection had not been enacted.

Sec. 3. Section 15(b) of the Railroad Retirement Act of 1937 is amended by striking out the second paragraph thereof.

Sec. 4. Section 3211(b) of the Railroad Retirement Tax Act is amended to read as follows:

"(b) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax at a rate equal to the rate of excise tax imposed on every employer, provided for in section 3221(c), for each man-hour for which compensation is paid to him for services rendered as an employee representative."

Sec. 5. (a) Section 3221(c) of the Railroad Retirement Tax Act is amended by substituting for the first sentence thereof the following "In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, for each man-hour for which compensation is paid, equal to (1) 2 cents for the period beginning November 1, 1966, and ending September 30, 1969, and (2) commencing October 1, 1969, such rate as will make available for appropriation to the Railroad Retirement Supplemental Account provided for in section 15(b) of the Railroad Retirement Act of 1937 sufficient funds to meet the obligation to pay supplemental annuities under section 3(j) of such Act and administrative expenses in connection therewith. For the purpose of this subsection, the Railroad Retirement Board is directed to determine what rate is required for each calendar quarter commencing with the quarter beginning October 1, 1969. The Railroad Retirement Board shall make the determinations provided for not later than fifteen days before each calendar quarter. As soon as practicable after each determination of the rate, as provided in this subsection, the Railroad Retirement Board shall publish a notice in the Federal Register, and shall advise all employers, employee representatives,

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and the Secretary of the Treasury, of the rate so determined."

(b) Section 3221 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d) Notwithstanding the provisions of subsection (c) of this section, the tax imposed by such subsection (c) shall not apply to an employer with respect to employees who are covered by a supplemental pension plan which is established pursuant to an agreement reached through collective bargaining between the employer and employees. There is hereby imposed on every such employer an excise tax equal to the amount of the supplemental annuity paid to each such employee under section 3(j) of the Railroad Retirement Act of 1937, plus a percentage thereof determined by the Railroad Retirement Board to be sufficient to cover the administrative costs attributable to such payments under section 3(j) of such Act. Such tax shall be due and payable on the first day of the calendar month next following the calendar month in which such supplemental annuity is paid."

Sec. 6. The Railroad Retirement Board is authorized to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Railroad Retirement Supplemental Account such moneys as the Board estimates would be necessary for the payment of the supplemental annuities, provided for in section 3(j) of the Railroad Retirement Act of 1937, for the six months next following enactment of this Act, and for administrative expenses necessary in the administration of such section 3(j) (which expenses are hereby authorized) until such time as an appropriation for such expenses is made pursuant to section 15(b) of such Act, and the Secretary shall make such transfer. The Railroad Retirement Board shall request the Secretary of the Treasury at any time before the expiration of one year following the enactment of this Act, to retransfer from the Railroad Retirement Supplemental Account to the credit of the Railroad Retirement account the amount transferred to the Railroad Retirement Supplemental Account pursuant to the next preceding sentence, plus interest at a rate equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the fiscal year ending on June 30, 1969, rounded to the nearest multiple of one-eighth of 1 per centum, and the Secretary shall make such retransfer.

Sec. 7. No carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall seek, except by agreement, to make any change in the terms governing the supplemental annuities provided under section 3(j) of the Railroad Retirement Act of 1937 or any pensions or annuities provided under any collective bargaining agreement or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937, to become effective prior to July 1, 1975; nor shall any such carrier or representative of employees until July 1, 1974, utilize any of the procedures of the Railway Labor Act to seek to make any such changes or to establish any such new class of pensions or annuities; nor shall any such carrier or representative of employees until July 1, 1975, engage in any strike or lockout to seek to make any such changes or to establish any such new class of pensions or annuities: *Provided*, That nothing in this section shall inhibit any carrier or representative of employees from seeking any change with respect to benefits payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937.

Sec. 8. 301(f) of the Act of October 30, 1966 (Public Law 89–699) is amended by striking out "for sixty months".

Sec. 9. If any provision of this Act of the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. In any litigation over section 3(k) of the Railroad Retirement Act of 1937, no Court shall issue any order enjoining the Board from certifying supplemental annuities for employees entitled thereto under section 3(j) of said Act or enjoining anyone from collecting the excise taxes provided for in sections 3211(b) and 3221(c) of the Railroad Tax Act or relieving any employer from payment of the excise taxes under such section 3221(c).

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 7, beginning on line 12, strike out "or any pensions or annuities provided under any collective-bargaining agreement".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Adams: Page 1, strike out line 6 and all that follows down through and including line 5 on page 4.

And on page 8, strike out lines 12 through 19 and insert in lieu thereof "thereby.".

And redesignate sections 3, 4, 5, 6, 7, 8, and 9 of the bill as sections 2, 3, 4, 5, 6, 7, and 8, respectively.

The CHAIRMAN. The gentleman from Washington (Mr. Adams) is recognized.

Mr. OTTINGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 192]

Albert
Belcher
Bell, Calif.
Bolling
Brown, Calif.
Cahill
Clay
Colmer
Cowger
Daddario
Daniels, N.J.
Dawson
Dorn
Edwards, Calif.
Evins, Tenn.
Fascell
Findley
Fisher
Flynt
Ford, Gerald R.
Fraser
Gettys
Gibbons
Gray
Hansen, Wash.
Hastings
Hawkins
Holifield
Ichord
Kirwan
Landrum
Langen
Lipscomb
McMillan
MacGregor
Mann
Mills
Minshall
Mize
Morton
O'Konski
Powell
Purcell
Rosenthal
Scheuer
Scott
Stephens
Teague, Tex.
Whalley
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Edmondson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13300, and finding itself without a quorum, he had directed the roll to be called, when 380 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Washington (Mr. Adams) had been recognized, but had not begun to speak. The gentleman from Washington is now recognized for 5 minutes in support of his amendment.

Mr. ADAMS. Mr. Chairman, for those Members who were not on the floor during the general debate, this amendment would strike section 2 of the bill. Section 2 of the bill is the part of it that provides for compulsory retirement. It also provides for individual contracts between employers and employees.

This is a very difficult issue. It involves the individual conscience of every Member. I am not critical of the people who are in favor of it, nor am I of those who are opposed, but I believe the great principle that is involved is whether or not this Congress is going to legislate in the area of collective bargaining, and that is just what section 2 of this bill does.

If my amendment passes, which would strike section 2, then this bill can go to a vote, will pass, and will go to the Senate where, if there are any other differences that anyone wants to make, they can at that point argue them. But in this House you are faced with the alternative of voting for a bill that does contain within it a requirement that men retire at the age of 70, and then a scaling down to the age of 65. The only alternative to this is that, if he enters into a contract with his employer, and the employer says he can continue on.

The statement was made earlier that this bill would not pass the committee, nor would it pass the House if this section was not in it. I challenge that statement. In my opinion this bill would have passed the committee if they had continued with the original bill introduced by the chairman of the committee. I think this bill will pass the House with what I am striking.

I want to make it very clear what the problem is. The problem is this: In the hearings Mr. Hiltz, of the Railroad Employers' Association, suggested this alternative, and he said that his problem was the fact that unions representing between 20 and 25 percent of all our railroad employees were unwilling to agree to the mandatory retirement program as proposed.

Now, later on he did get an agreement but only from some unions. But some have wondered who was opposed to this bill. I will read you a list of the international unions who are opposed:

International Brotherhood of Firemen and Oilers.

Brotherhood Railway Carmen of United States and Canada.

International Association of Machinists and Aerospace Workers.

International Brotherhood of Electrical Workers.

Brotherhood Railroad Signalmen of America.

Sheet Metal Workers International Association.

American Railway Supervisors Association.

Brotherhood of Sleeping Car Porters.

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.

Railroad Yardmasters of America.

American Train Dispatchers Association.

Hotel and Restaurant Employees' and Bartenders' International Union.

Brotherhood of Locomotive Engineers.

Now the problem that is involved in this is that there are unions in support of this, and this is a good agreement for some of the unions that are involved. I am not critical of them for having bargained this out with their employers and having arrived at this conclusion.

But the problem is that we are imposing this solution on other unions, on independent unions that are not part of that bargaining unit.

So when the statement is made that this is the result of collective bargaining agreed at between management and the unions in a contract—the statement is just not correct. It is between only a part of the unions involved.

What I say is that if we pass this amendment and strike this section out, then collective bargaining will continue to apply and we will have the situation where we will have the type of agreements that are being entered into around the United States put into this bill, and if they want to agree on compulsory retirement at age 70, they can agree on it. But if they do not want to, then this Congress will not require it.

Believe me, both management and labor have been on different sides of this. I know that management would be in here opposing this bill if they felt it was not to their interest to have compulsory retirement. They do not like to have Congress require them to do certain things in the collective bargaining field.

So the principle is very clear. We have tried making the issue narrow—we have tried striking out the bad provisions. If this provision is stricken, the bill is valid. Everybody knows they will receive their annuities. Everybody will receive it after November 1 rather than losing them. They will not have to enter into individual contracts and they will only have to compulsorily retire if they have agreed to it through their union in a collective-bargaining agreement.

The final thing I say is that I hope this will be adopted and I hope the people will receive their pensions. Vote for the amendment and then for the bill.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, principally may I say I am going to speak to those of my colleagues who were not here when I spoke the first time.

This bill in the committee was in an impasse. It could not be brought from the committee. There might be some dispute as to how many votes there were for it. The gentleman from Washington is entiled to his opinion. I think on the poll, I would say it would get six or eight votes in its original form and certainly not over 10 of the 34 votes in committee in its original form.

The chairman and I encouraged management and labor to come to an agreement. We knew there was an impasse. We knew that these retirees were not getting any supplemental payments after October 1, 1969, unless you got a bill out. As always when management and labor get together, there was a quid pro quo. The quid pro quo was that management would continue to supply this fund, which in the next 5 or 6 years will cost them three-quarters of a billion dollars, providing they could get compulsory retirement beginning at age 70 and beginning each year by 1 year in 6 years to work down to 65.

We do not force anything on them. Management and labor worked that agreement out among themselves.

Between 75 percent and 80 percent of all the membership represented by the railway brotherhoods agreed to it. Between 20 percent and 25 percent did not agree to it. Somewhere, may I say my colleagues, there has to be the democratic process at work. These two parties sat down and agreed to this kind of arrangement for which one got those two things. Labor got something that it never had before. The present agreement for 2 cents per hour goes to 1972. Management agreed, in return for this compulsory retirement, to put this in perpetuity and to pay whatever the figure was, whether it was 2 cents, 4 cents, 6 cents, or 25 cents. They agreed to it.

And let me say to the gentleman on the other side of the aisle, and may I say to all of my colleagues who are in doubt about this question, do not let anyone tell you that the brotherhoods representing 75 to 80 percent have changed their minds about this, because I happen to know the type of men who entered into this agreement, and they are not about to go back on their word. These are the kinds of men in labor who, when they make an agreement, mean what they say and say what they mean. They are just as strong for H.R. 13300 as they were on the day they made the agreement. They are standing by that agreement because they made it.

I do not find anything wrong with 20 or the 25 percent who want to oppose it, but somewhere the majority has got to say, "This is what we want." They made that agreement and they are willing to stand by it.

We now come to the question of whether or not we have had other agreements. A minute ago I cited 506 agreements that have been made by labor brotherhoods in the last few years—compulsory retirement by their own action. They are at 70, 60 to 69, age 65—Brotherhood of Locomotive Engineers a total of 73 agreements, Brotherhood of Locomotive Firemen and Enginemen 93 agreements, Brotherhood of Railway Trainmen 135 agreements—and you are talking now about not wanting to have compulsory retirement because it is in this bill.

Can you name anybody—the gentleman from Tennessee (Mr. KUYKENDALL) challenged you a moment ago to name one agreement by anyone in America, any company that has made an agreement in the last 2 years to give extra dividends or extra pensions, that has not had compulsory retirement in the agreement? You cannot name one. We are in line with 99.99 percent of all the agreements that have been made between management and labor since the end of World War II.

You are down to making a simple question of your conscience, and I think that is all there is to it. We are trying to bring it to you, at least as I see it——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. I thank my colleagues and I shall finish shortly. This is not unusual. It is the usual. It is the thing that is being done today in all kinds of industrial agreements where we are having supplemental pensions. But this is one where the chairman and I encouraged them to bring a collective bargaining agreement in. We put it into law, and that is exactly what they did. All we are asking you colleagues today is to put that kind of agreement which management and the great majority of labor entered into in this case into effect.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, any member of this committee can speculate as to what might have occurred had the entire committee had a different alternative before it. No man can tell this committee how that committee would have acted. The quid pro quo is not the generous package the gentleman from Illinois has indicated it would be. The cost to 1972 is approximately $80 million, and I submit that the railroad industry pays perhaps the smallest supplemental package of any major industry in this Nation.

I am not at all persuaded by the comment that there have been 506 agreements setting a retirement age, because the gentleman from Illinois himself stated that those were collective bargaining agreements—agreements arrived at voluntarily, not imposed by a statutory enactment of this Congress. I think the difference here that we must examine is the difference between a voluntary right to negotiate a settlement and the process of compulsion by law to accept a settlement.

If this is such a wise idea, why has the Congress not seen fit to legislate in other industries? There is not a single other industry where we by statute set the retirement age. There is not even in the Federal Government a requirement of retirement at the age of 65. There is not in the majority of jurisdictions, be they State or municipal, a requirement of retirement at the age of 65.

I think it is repugnant to a great many people to have the Government reach into what are essentially private affairs and dictate the pattern. Is the next industry the great automobile industry? Are we going into aircraft and aerospace? Are we going into maritime fields and start setting compulsory ages for retirement? Are we going to come into this House and set some compulsory ages for retirement?

I think we ought to look at the precedent that is contained in this legislation, and it is not a good one. Then, of course, however we characterize it—and the gentleman from Illinois read his definition of the yellow-dog agreement—remember, this authorizes individual agreements under conditions which the company itself imposes, and they could be precisely the conditions contained in the definition which the gentleman read to the committee earlier. No one knows what they could be and no one knows the type of toadying that might go on on the part of an employee in order to gain favor with his employer and be able to negotiate that extended agreement.

I submit this is bad legislation. It will be made palatable by the adoption of the amendment offered by the gentleman from Washington (Mr. ADAMS).

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, but first I would like to reach an agreement, and I ask unanimous consent to end all debate on this amendment and amendments thereto within 10 minutes.

Mr. SPRINGER. Mr. Chairman, I suggest an alternative of 15 minutes, with the last 5 minutes reserved for the Chairman.

Mr. STAGGERS. Mr. Chairman, I accept that.

The CHAIRMAN. Then unanimous consent is requested that all debate on this amendment and amendments thereto close in 15 minutes with the last 5 minutes to be reserved for the chairman.

Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I want the House to remember that this was a bill which came to us because both management and labor had not been able to reach an agreement. They had been bargaining over this matter, apparently, for some 18 months or longer, and no agreement had been reached.

We can argue, if we want, perhaps it should not have ever been put on the books in the first place, but the fact is it had been done some 3 years previously. The provision was made to raise the money to pay these additional annuities.

The committee merely was trying to keep those annuities alive, so that those men could continue to receive this extra amount of money. We have come up with what we thought was the fair thing under the circumstances.

I would say to the gentleman from California and others, this was a matter presented to us by management and labor after a series of collective bargaining attempts. The parties tried to reach an agreement.

We might argue that the total employees or unions had not been agreed to, but the majority had agreed. In good conscience, we moved this bill forward so that these pensioners could get this extra money.

If we do not take action today, I submit the chances are we will get no legislation, and these people for the next 2 years will not get the extra funds they were promised when the bill passed 2 years ago. I do not believe that would be a fair or responsible thing for us to do.

There are a lot of reasons to disagree totally with what we have come up with, but this does represent the majority opinion. I respect the position of the people who differ with us on this, but we are going to have legislation to provide this money or we will have none if we do not move this bill forward.

There is a division in my own district on this, and I recognize it. The people are sincere.

Yet I believe it is a healthy thing, for both management and labor, at least today, at the present time, are meeting together and are making a valiant effort to reach some agreement on a lot of these matters before us. That is a healthy sign. I believe it is a healthy sign in this instance.

The amendment, under the circumstances, should be defeated at this time. Perhaps we can find other agreements in the other body.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Chairman, at the expense of being a little repetitious, I should like to develop a bit further the approach of the gentleman from Texas.

I have some rather mixed feelings at this moment. Perhaps it might be good for this legislation to be defeated, for the amendment to be adopted and then the motion to recommit overwhelmingly carry, to send the bill back to the committee. Then let us show our friends in labor exactly who are their friends on this floor.

What would happen? Some 57,000 people would be without a pension—57,000 families struggling on limited pensions would have them reduced at a time of real inflation.

As I pointed out earlier, this bill embodies that which was agreed to by the collective bargaining process. Initially they could not get together, but the committee urged them to prove that collective bargaining would work. It was said, "Thrash out your differences," and not require Congress to force a settlement.

To be sure, it was difficult to get together. The differences were substantial, but we urged them to do it. We believe that is the way it should be done.

Management and labor gave. There were concessions on both sides. They came in with this agreement.

This bill is the product of collective bargaining in its finest hour, with both sides giving.

What the author of the amendment is asking—and I am sure unwittingly he is doing so—is for this committee to change that which was agreed to through the collective bargaining process. He does not mean to do that, but actually that is what he is asking us to do.

Furthermore, he is asking us not only to change that which was arrived at through the collective bargaining process but also to change that in favor of what 25 percent of the employees want.

Bear in mind, these provisions were agreed to by 75 to 80 percent of the employees and by 100 percent of management.

What do we want to do? Do we cast it aside and say, "No. What you agreed to by collective bargaining is not right. We will change some of the provisions; we are going to have legislation to try to comply with the wishes of a minority."

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, if I may have the attention of the very able chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS), I am one of many in this House who is opposed to compulsory retirement on account of age and, therefore, is in very much of a dilemma about this amendment. We can understand how this bill providing for compulsory retirement at given ages might be appropriated under the particular circumstances of this case, but what we are more concerned about is whether or not, if we defeat this amendment to strike out the compulsory retirement section and pass this bill and it becomes law, this bill will be regarded as a precedent on the part of the Congress encouraging policies in private industry or by public authority to put arbitrary time limitations on the ages of people employed. Would the able gentleman tell me whether or not this bill will be or should be regarded, if it is enacted, as a precedent for denying people the right to work because they happen to come to a certain age even if they are otherwise qualified to work and want to.

Mr. STAGGERS. Will the gentleman yield?

Mr. PEPPER. I yield to the chairman.

Mr. STAGGERS. I would like to say to my distinguished colleague from Florida and a man who is definitely interested in the welfare of labor, and has been through all of the years he has served in the Senate and during the time he has served here, that this bill involves a unique and peculiar situation. I do not know whether it could ever arise again. The fact of the matter is that the Railway Labor Act is a separate thing from the rest of labor. It is handled through our committee and the rest of labor is handled through another committee.

In answer to the gentleman's question, this should not set any precedent whatsoever, because, as I say, it is a unique and a very peculiar situation in which there was bargaining done in order to get this separate annuity.

Mr. PEPPER. And it should not be taken or construed as expressing a policy of the Congress encouraging or requiring arbitrary retirement on account of age?

Mr. STAGGERS. I reply to the distinguished gentleman from Florida, I might say that this bill is not the doing of the Congress at all but is following out an agreement which was made between four unions of the brotherhood representing 75 percent of the employees and the employers. We are not changing that agreement whatsoever.

Mr. PEPPER. I thank the able gentleman for his response.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Washington.

Mr. ADAMS. I want to state in reply to the gentleman from South Carolina (Mr. WATSON) that, if this were the product of collective bargaining, we would not be here and would not have to put this in by statute. It has not been arrived at in that fashion. We are compelling 25 percent of the employees to do what they do not want to do.

Mr. OTTINGER. Mr. Chairman, this quite obviously is not a situation where there has been a resolution of a dispute by collective bargaining. As a point of fact, unions that say they represent better than 50 percent of the actual railroad employees disagree violently with this. We know that because we have been approached by them. No agreement was reached by management with these employees, and those unions that did reach agreement are running to Congress and asking us to impose a solution here. This is quite historic, because this is the first time that the U.S. Congress has been asked to impose a resolution such as this on a private industry. We should not be placed in that position. We should tell them, "No. You cannot come to the Congress, but you must do it by agreement yourselves." The agreement that was reached by a portion of the employees and management, it seems to me, is a very objectionable one. It provides, among other things, that an employer can deal individually with employees to have them stay on after age 65, completely undercutting the unions altogether. This is very similar to the classic yellow dog provision, and it seems to me to be very, very objectionable. If we pass the Adams amendment, this situation will be rectified.

If the bill should, in fact, then go down—and I do not think it will go down—we would leave the situation to collective bargaining where it belongs in the first place. I think we are intervening much too early. We are not down to the point where we can completely rule out further collective bargaining. I do not believe those 57,000 people who are now retirees will be abandoned. They will not, as the gentleman from South Carolina asserted, be deprived of the basis pensions at any rate—only their supplementary benefits are at issue. I think some agreement would be reached in their behalf through collective bargaining. I do think we can take proper action by supporting the amendment which has been offered by the gentleman from Washington (Mr. ADAMS).

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS) for 5 minutes to close debate.

Mr. STAGGERS. Mr. Chairman, I would like to clarify a few points and I hope that the members of the Committee will listen to me just briefly.

The reason for this bill being here is this: If you are going to have any kind of agreement, it has to come to this Congress for passage into law. The reason is that when they first made this agreement in 1966 the parties came to the Congress because they said there had to be some way to collect this money. The Treasury of the United States was selected and directed by the original legislation to collect this 2 cents, and then this Congress in 1966 said to the Board—the Railroad Retirement Board—"you administer this fund."

There is no way on earth to modify this program in view of past circumstances, without coming back and modifying this law. In other words you cannot put into effect a bargaining agreement on this subject without coming back here. It would not be legal, because we set up the law designating the Treasury of the United States to collect the money and then we provided that the Retirement Board would administer that money.

We on the committee are coming back and saying that this law has to be modified to put into effect the bargaining agreement they have reached.

I would like to say that the gentlemen who have disagreed with me on this bill do agree generally about the position of labor and the things that we want to do for labor in this country, but this is a disagreement upon the proper way to solve a problem we have.

When this law was set up in 1966, the reason they came to us for a law was to require that the Treasury Department collect the money and the Railroad Retirement Board administer it. By following this type of operation, this saved all the administrative costs. It saved money which would have been spent in the administration of the fund so that this money could go to the retirees. A different operation would have cost many thousands of dollars. That is the reason the bill is here and the reason this bill has to be here is because we have to pass it to carry into effect the agreement.

Now, Mr. Chairman, another reason for this bill is that the parties did engage in collective bargaining, and the people who engaged in that process should not be penalized. This is a bill upon which bargaining has been held between the parties involved in the agreement.

Further, Mr. Chairman, I would like to say that the United Transportation Union, made up of four of our other great unions, the Brotherhood of Railroad Trainmen, the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Railway Conductors and the Switchmen's Union all combined in one—plus the Brotherhood of Railway and Airline Clerks, and the Maintenance of Way Brotherhood—all joined in this effort representing about 75 to 80 percent of the employees. This is collective bargaining, and in my opinion it cannot be effective in any other way than it is proposed to be done. Now in reply to the question the distinguished gentleman from Florida (Mr. PEPPER) asked me—I do not believe it is going to set a precedent for any other labor union in this country. If that were so, I would be against it. If it did, I would say on the floor of this House that I would not support an agreement setting a precedent for any other union, unless they got together through collective bargaining. I do not want to see that question come to the House and put into law unless it is done through collective bargaining. I do not believe that is the way to do things.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I realize that in this argument we have not touched at too great a length on the people who are mostly involved, who are the retirees. I just had my clerk run a tally on the telegrams and letters from the retirees—I do not know what the other telegrams may have said about it, whether they are for it or not, but every one of the retirees in my district from whom I have received a communication has said please support H.R. 13300 as it is written.

Now, it seems to me that 57,000 people certainly are entitled to consideration in the light of an agreement which has been entered into, and the committee has considered the facts and brought to the floor of the House a bill for the purpose of giving these people those benefits.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. STAGGERS. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 1 additional minute.

The CHAIRMAN. The Chair will state to the gentleman from West Virginia that under the limitation of time that cannot be permitted, since all time has expired on the debate on the amendments offered by the gentleman from Washington (Mr. ADAMS).

The question is on the amendments offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 60, noes 104.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Strike out line 2 on page 2 and all that follows down through line 17 on page 3, and insert in lieu thereof the following:

"(k)(i) An employee who attains age 70 before January 1, 1971, shall be retired at the end of the year 1970. Except as otherwise provided, an employee who attains age 70 after December 31, 1970, shall be retired at the end of the year in which he attains such age.

"(ii) An employee who attains age 69 before the end of 1973 shall be retired at the end of that year.

"(iii) An employee who attains age 68 before the end of 1974 shall be retired at the end of that year.

"(iv) An employee who attains age 67 before the end of 1975 shall be retired at the end of that year.

"(v) An employee who attains age 66 before the end of 1976 shall be retired at the end of that year.

"(vi) After December 31, 1976, an employee shall be retired if he is 65 years or older at the end of the first year in which he attains this status."

Mr. STAGGERS. Mr. Chairman, I make a point of order against the amendment offered by the gentleman

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from Texas (Mr. ECKHARDT), but I will reserve the point of order so that the gentleman may explain his amendment.

The CHAIRMAN. The gentleman from West Virginia (Mr. STAGGERS) reserves a point of order.

The gentleman from Texas (Mr. ECKHARDT) is recognized in support of his amendment.

Mr. ECKHARDT. Mr. Chairman, this is an amendment which seeks to slightly ameliorate the provisions for retirement.

The only change which is made by the language that was read by the Clerk is to delay the period for the beginning of the lowering of age limits provided in the bill by 1 year so that ultimately you come back to the age of 65 1 year later than under the original bill.

In addition to this—and these are the only changes with respect to retirement—it provides that a person retires at the end of the year in which he achieves the age provided for retirement.

Now the reason for retarding the scheduled reduction of age for retirement is that this amendment also strikes out paragraph 2 of the first section of the bill.

It is this section on page 3 of the bill, beginning on line 5, which has sometimes been called a yellow dog agreement. I agree with the able ranking minority Member that technically speaking that is not a yellow dog agreement. As he points out, a yellow dog agreement means an agreement by which an individual will get out of a labor union under the agreement, or lose his job.

But I do believe that the provisions of paragraph 2, on page 3, have the same ultimate effect or at least have a chilling effect on collective bargaining.

Consider for a moment the person who is 62 years of age, and he is thinking about raising a grievance against the employer which, if ultimately decided in his favor might cost the employer say, $10,000 or $15,000. He knows that the employer can retire him at 65 unless he gets an agreement from the employer not to retire him. You can immediately see that a quiet remark from his foreman, "If you do not raise this grievance you might get to stay after 65," would have a great influence on his decision.

Frankly, it seems to me that this section is by far the most dangerous section in this bill from the standpoint of union principle. I do not see a question of the corrective bargaining principle so sharply involved with respect to compulsory retirement as I see it involved in paragraph 2. Because once you place the axhandle in the hands of the employer to chop a man's job off or to withhold its hand, you have destroyed free collective bargaining and free unionism.

If this section is retained in the bill, the bill then is directly opposed to the principle established in the labor management relations act. Since it is, and since this section is in the bill, I would have to oppose the bill if the section does not come out. So, I think, would many of my fellow Members here as a matter of principle—and not as a question of whether or not an extension of retirement provisions should be granted.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. OTTINGER. Do I understand correctly that if we adopt your amendment, then at the end of 1 year—longer than provided in the existing bill—people who reach age 65 would have to be retired and there would be no relief from that provision at all?

Mr. ECKHARDT. That is correct.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Washington.

Mr. ADAMS. As I understand it, your amendment also, however, would strike the provision that has been referred to as a "yellow dog" contract, or the provision that requires that retirement could be ameliorated by a contract with the employer. Would the gentleman's amendment strike that provision, too?

Mr. ECKHARDT. That is correct. It would strike it altogether.

Mr. ADAMS. I support the gentleman's amendment

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from West Virginia, the chairman of the committee.

Mr. STAGGERS. I am sort of sympathetic with what the gentleman is trying to do. There are situations in which the unions want to keep their men under certain circumstances beyond age 65, and perhaps some on the other side do, also. Could we not offer an amendment which would provide that bargaining between the union and the employers would be sufficient to do that?

Mr. ECKHARDT. Let me suggest to my chairman that I have considered that and rejected it for this reason. There is no way, when we provide for compulsory retirement by law, ever to permit a free decision between the union and management with respect to retirement, because only one party may veto the result of retirement, and it is nearly always true that the employer would do the vetoing. So you cannot, unless you leave the matter wholly to collective bargaining, do that. You always give the negative power to one party, and I do not think you extend that right effectively to the union under those circumstances.

Mr. STAGGERS. Under the gentleman's amendment would union leaders who reach the age of 65 be able to stay on?

Mr. ECKHARDT. No, sir. The limitation after 1967 would be retirement at age 65.

Mr. STAGGERS. That is the reason I mentioned that perhaps the objective could be accomplished by collective bargaining. I believe an amendment to that effect will be offered a little later if this section of your amendment is not adopted.

Mr. ECKHARDT. I would like to point out that if the bill is presented to us for a vote ultimately in such a way that we have to give the employer the right to cut a man off by simply refusing to agree, I should have to vote against the bill on the strongest principle.

The CHAIRMAN. Does the gentleman from West Virginia, the chairman of the committee, insist upon his point of order?

Mr. STAGGERS. No, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. For what purpose does the gentleman from New York, a member of the committee, rise?

Mr. OTTINGER. Mr. Chairman, I think the whole compulsory retirement principle, which would be sustained in the gentleman's amendment, is unfortunate and something we should not be called upon to impose. Taking out any kind of relief for people who want to stay on and are well able to stay on after 65—and there are an unusually large number of such people in the railroad industry—would be particularly harsh. I do not agree with the gentleman at all that you could not have a satisfactory agreement between the unions and the employers with respect to such further employment.

I will offer such an amendment if the gentleman's amendment is defeated, but I do think it is not a satisfactory resolution.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Texas.

Mr. ECKHARDT. I rather agree with the gentleman that it might have been better if we set a compulsory age of 70 and permitted full negotiation with respect to retirement below that. But since we have rejected the Adams amendment, there is now no way in which you may alleviate the situation by simply permitting mutual agreement to avoid retirement, because mutual agreement always requires the agreement of three parties, and when the agreement of all three parties is required, in that event the employer ultimately makes the decision.

Mr. OTTINGER. I disagree with the gentleman, because there are going to be many employees whom the employer will desperately want to keep on. Many of the older employees have rare skills. If they have to deal with the union in determining who is going to be kept and who is not, there will be bargaining, and the union will have bargaining power.

I think that will be a much better resolution. As I say, I will offer that if the gentleman's amendment is defeated. But the gentleman's amendment would continue the basically objectionable part of this bill, even though it is delayed by one year, by imposing compulsory retirement upon unwilling employees. I think it should be defeated.

Mr. KEITH. Mr. Chairman, I move to strike the last word and I wish to speak out on this amendment.

If I understand the gentleman from Texas correctly, he feels that the management would have leverage by reason of a right to continue employment under the amendment against which he is now speaking. Is that correct?

Mr. ECKHARDT. That is correct.

Mr. KEITH. Is it not true that management presently has leverage in this respect? Can management not, in an existing contract, continue the employment of an individual employee beyond the date of normal retirement?

Mr. ECKHARDT. That is correct. There are actually two kinds of provisions in industry today. One is a provision by which a company and union agree to a retirement procedure and under that agreement there is frequently a provision for an ameliorating clause that may be negotiated between the union and the employer. The other type of system is that which exists in the Bell System where there is a unilaterally established retirement plan, but action under the plan may be attacked through the contract as wrongfully limiting one's seniority. But in either event the ultimate decision is with the arbitrator or some neutral party.

In this case, if we leave the question to the employer alone, we place an undue pressure on the employee, in order to gain further employment past the retirement age, to comply with the employer's interests.

Mr. KEITH. But it would seem to me that the contract the gentleman mentioned in the case of Bell and the other, and by and large in industry in any negotiations with one's employees, with or without the union contract, it is still within the realm of possibility for an employer to ask an employee to stay on, and a union could not prohibit such an extralegal or outside-of-the-union-contract negotiation because of the right of the individual to enter into a contract on his own.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. KEITH. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I have some question as to whether that is true technically. I do not think an employer could ask an individual to stay on without including the union in the decision if the rules are fixed under a plan, because this would have to do with conditions of employment that would be subject to union negotiation or union grievance.

But the important thing is this: That under such plan the union may initiate a request for a person to stay on and oppose a person's being laid off and, against the employer's final judgment, may submit the argument to a neutral arbitrator. Under those circumstances there is no yellow-dog aspect, but under a statute which gives final right to the employer, there is such a yellow-dog aspect.

Mr. KEITH. Mr. Chairman, I thank the gentleman from Texas.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words. I would like to ask the distinguished gentleman from Texas a few questions. The gentleman from Texas leaves in the bill lines 5 through 17 on page 3. Is that intentional?

Mr. ECKHARDT. Lines 5 through 17 on page 3—a portion of that is stricken.

Mr. SPRINGER. But the gentleman does strike out lines 5 through 17. Am I correct?

Mr. ECKHARDT. That is correct.

Mr. SPRINGER. Would this make it more restrictive insofar as firing employees is concerned. In some ways I am in sympathy with the first part of the gentleman's amendment, but this part disturbs me.

Mr. ECKHARDT. This is exactly the part that in my opinion must be stricken if there is to continue to be freedom of the railroad employees in exercising their right of collective bargaining and their rights as individual employees. If the railroad employee approaching the age of retirement must act in accordance with the will of the employer to get an extension of his time, he ceases to be a free agent.

Assume, for instance, that a union steward is 63 years of age. His employment will end in two years. He is strongly urging a position the union desires in a grievance. His foreman says, "In 2 years, you must remember, we may extend your time; but we may not extend it." This is wholly within the power of the employer. That union steward is not then acting wholly for his principal. He is under the pressure of the party which he is opposing.

Mr. SPRINGER. I am willing to concede the point the gentleman talks about. However, I fail to agree with him on what I believe is the ultimate objective.

It seems to me in these areas there might be a highly specialized employee who might want to continue and who would be needed, we will say, in railroad work. If that is stricken, there is not anything which can be done. Mandatorily he would be off the records. He does not have a chance to negotiate or anything, if that section is taken out.

May I say to the gentleman, this is a two-edged sword. What the gentleman says could possibly be true, if the railroads want to manipulate the way he is talking about. On the other hand, if this is taken out there is no change for an employee who is valuable, who would want to continue, and who is physically able, to continue beyond that age. It would be more restrictive, it seems to me, than the bill.

Mr. ECKHARDT. If the distinguished gentleman from Illinois will yield further, in the previous argument I thought I understood him to say the employees really wanted to be retired at 65 and that this was actually a very charitable or desirable provision requiring retirement.

I am not making a case here either for compulsory retirement under law or against it. The only thing I say is, if compulsory retirement under law is provided, we inevitably run into the "yellow-dog" type of situation, unless we make it absolute. For that reason I merely ameliorated the time span and made it absolute.

Mr. SPRINGER. I am rather in sympathy, because the gentleman has softened the time span. To that I am sympathetic. I wonder about this other part, in saying there is no way an employee might negotiate to stay on. It absolutely cuts him off from any possibility, regardless of whether his skills are needed.

On the other hand, I am willing to concede what the gentleman says as to the possibility of negotiating pressure. It is a two-edged sword.

This does have the effect of absolutely wiping out any possibility of a skilled employee being able to continue. This is the part which disturbs me about the gentleman's amendment. The other part, as I told the gentleman this morning when he discussed it with me, I understood the thrust of to provide for 1 extra year. I did not get this other part until this afternoon. Somehow or other I did not understand it when I talked with the distinguished gentleman this morning.

AMENDMENT OFFERED BY MR. OTTINGER TO THE AMENDMENT OFFERED BY MR. ECKHARDT

Mr. OTTINGER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Ottinger to the amendment offered by Mr. Eckhardt:

Strike out the words "line 17" and insert in lieu thereof "line 4" and add at the end of the amendment the following:

"Page 3, line 14: delete the period and substitute the following: '; *And provided further,* That where there is a designated representative of such employee, any such agreement, and the employees subject to such agreement, shall be determined by the employer with said representative of such employee.' "

Mr. OTTINGER. Mr. Chairman, this amendment attempts to take care of the concern expressed by my colleague from Illinois. What it does is to eliminate the obnoxious feature of the current bill which would permit employers to deal directly with the employees, undercutting the unions. What it does is to contain Mr. Eckhardt's extension of the provisions for 1 extra year, and add the feature that will require the employer to deal with the unions in extending anybody beyond age 65.

Mr. SPRINGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRINGER. Mr. Chairman, I am afraid I did not understand whether or not the gentleman from New York's amendment is an amendment to the amendment offered by the gentleman from Texas or another amendment.

Mr. OTTINGER. Will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. OTTINGER. It is an amendment to Mr. Eckhardt's amendment. It is not exactly what you have there, because what you have there is what I was going to propose originally as a separate amendment. But this strikes from the Eckhardt amendment that portion which did away completely with the provisions allowing the employer to extend a person over the age of 65. My amendment puts that language back in subject to a proviso that the employer has to deal with the union in extending anybody over age 65.

Mr. SPRINGER. One further parliamentary inquiry, Mr. Chairman.

May I read the amendment and see if this is the gentleman's amendment?

Page 14, line 3, delete the period and substitute the following "*And provided further,* That where there is a designated representative of such employee, any such agreement, and the employees subject to such agreement, shall be determined by the employer with said representative of such employee."

Is that the amendment?

Mr. OTTINGER. That is the substance of the amendment, and that is put in after the restoration of the language between lines 4 and 17 on page 14.

Mr. ECKHARDT. Will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman.

Mr. ECKHARDT. I do not understand the language of this amendment to achieve the purpose that is indicated here. If the amendment wishes to do this, it seems to me it would have to say to amend the amendment by providing that there be added at the end of the provisions contained in that amendment the following language and then restate lines 5 through 14 with that change.

Mr. OTTINGER. That is what I do in the first part of that amendment. I restore that language first.

Mr. ECKHARDT. Mr. Chairman, may we have a rereading of the amendment?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will reread the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Texas.

The Clerk reread the amendment to the amendment.

Mr. OTTINGER. Mr. Chairman, that does restore the language. I believe the gentleman is satisfied that it would accomplish the purpose.

Mr. ECKHARDT. I am satisfied, if the gentleman will yield, that it does accomplish the purpose he says it would do.

I do not necessarily agree with it.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I say to the distinguished gentleman from New York that what he has done here is to put this totally in the hands of the union representative.

Now, I do not personally have any disagreement with the union representative being involved, but it does not seem to me that the union representative ought to be able to say to the employee that you can either continue to work or you cannot continue to work. It seems to me this ought to be up to the employee himself.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Yes, I yield to the gentleman.

Mr. OTTINGER. I do not believe that is the effect of the amendment. The effect of the amendment is to say that if the employer wants to extend a particular employee beyond the age of 65, he may do so, not by dealing directly with the individual employee, but only by dealing—as he does in all other matters—with the union representing the employee. That is what it says. There is no language in the amendment which permits a union to dictate these terms. It says that the employer will make this decision under an agreement with a representative of the employee.

Mr. SPRINGER. There is a designated representative of such an employee——

Mr. OTTINGER. Where there is a representative.

Mr. SPRINGER. Where there is a representative of such employee and such agreement——

Mr. OTTINGER. Any such agreement.

Mr. SPRINGER. Any such agreement, and the employee subject to such agreement shall be determined by the employer. Is the gentleman listening? Shall be determined by the employer with the said representative of such employee. So, this would be a union agent. This would not give the employee any say in this matter at all.

Mr. OTTINGER. This would be by agreement between the employer and the union and not between the employer and the individual employee.

Mr. SPRINGER. That does not seem to me to be right. It seems to me that the employee does not have anything to say about this at all. It would be left entirely between the company and the union agent to set down and say who you can hire and who you cannot hire. It seems to me that the employee should have a voice in this.

Mr. OTTINGER. The unions always represent the employees. That is their function. I cannot imagine that the gentleman would be arguing that the employer should be able to go completely around the union and deal directly with the employee when there is a union in the picture.

Mr. SPRINGER. I do not think it goes around him. I think the negotiation should be with the employee. If you want to have the union agent at some place as a consultant that is one thing, but for him to determine whether he does or does not work, that is another matter.

Mr. OTTINGER. The union agent is not going to say it. The union agent is going to represent the employee in that decision.

Mr. SPRINGER. Therefore, he is going to make the decision, because it says, "determined by the employer with such representative of such employee."

Mr. OTTINGER. That is what they do when the employee and the union reach an agreement on a salary. They make it for an individual employee.

Mr. SPRINGER. That is very true, but in these individual complaints such as those which were referred to in Chicago, the individual employer fired the employee only when he makes up his mind as to whether or not he is to continue to work.

Mr. OTTINGER. I assure you that the employee is not going to be undercut by his own union.

Mr. SPRINGER. For this one reason, that this employee does not have anything to say about it, I think I will have to oppose the amendment.

Mr. OTTINGER. The union is not going to last very long if it does not represent its employees.

Mr. SPRINGER. What I said was that under this proposed amendment the employee himself does not have anything to say about it. That is the point to which I am speaking. But if you can place language in here to state, "In consultation with," I will accept it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I understand this amendment I probably agree with it, but I want to be sure that I understand it.

As I understand, it is further provided that where there is a designated representative of such employee any such agreement, that is, an agreement to extend the time of one's employment beyond 65 or 70, shall be subject to be determined by the employer with said representative.

Now, if I understand that, that means that the union and the employer may then negotiate and determine in a bipartite manner, each with equal authority, the question of whether or not an exception will be granted.

Now, if I understand the amendment to mean that, I am for the amendment.

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield, the gentleman is correct.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this committee has worked a long time on this bill. Now we are having something thrown at us that nobody understands. In the debate that has just gone on, one Member says "If I understand it this way," and another Member says "If I understand it his way." And we are writing legislation on the floor here that has been gone over carefully by the committee.

Now, bear in mind that there are upwards of 60,000 retirees that this bill is going to benefit, and they are waiting for this bill to pass. I say we ought to get through with this nonsense of trying to re-write a complicated bill here on the floor. If you do not like the bill the way it is send it back to the committee, but I would hope that you pass this bill without any further amendments, and get this over with.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of the gentleman from New York, it seems to me the critical phrase in this amendment is the phrase—if this is the language of the amendment that the gentleman submitted—that says "which employees are subject to such agreement."

That certainly would give the union the right to designate which employees are subject to the agreement, would it not?

Mr. OTTINGER. No; if the gentleman will yield——

Mr. BROWN of Ohio. In other words, if the railroad management wanted employee A to be retained beyond the compulsory retirement date, then, under the language of your proposal, it would have to sit down with the union and the union would determine which employees are subject to the agreement, would they not? And maybe they would decide that employee B would be the one who ought to be designated to avoid the compulsory retirement requirement.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, in my opinion, and in the opinion of many others, the most obnoxious part of this legislation and the alleged agreement that was made was the provision similar to a yellow-dog agreement, that permitting employers to deal directly with individual employees in extending them beyond age 65. This could be used as a club over the head of any employee approaching age 65.

My amendment would eliminate entirely this obnoxious provision, and provide that the employer is going to have to deal with the union. That is the way all collective bargaining agreements are arrived at in the first place, not by the employer making a separate agreement with each employee, but by his dealing with the union that is duly designated by the employees. It would provide a reasonable and fair approach to what would otherwise be a perfectly horrendous piece of legislation for the Congress to pass.

Mr. BROWN of Ohio. I appreciate the gentleman's commentary, but the gentleman still has not spoken to the concern that I have, and that is that under the language of this legislation as suggested by the gentleman from New York, if the railroad wanted employee A to stay on beyond the compulsory retirement age limit, it would then have to deal with the union, and the union would be free, as I understand the language of his amendment, to say that you cannot have employee A stay on, but it is employee B whom we will exempt from this provision. Therefore the interest of employee A becomes totally frustrated by the language of this legislation.

Mr. OTTINGER. That would be subject to negotiation between the employer and the union. The union could not dictate that any more than the employer could. What you are saying in the provision provided in the bill is that the employer could dictate which employees it keeps on and it could keep on only employees who have not been in favor of the union and those in favor of the union would retire at age 65.

Mr. BROWN of Ohio. Would the gentleman be kind enough just to answer my question directly? This does provide that the union can say, "No, employee A cannot stay on; we will allow employee B to stay on."

Mr. OTTINGER. If the union could get the employer to agree with that, that would be the provision.

Mr. BROWN of Ohio. Without regard to the interest of the employee?

Mr. OTTINGER. No, not unless you assume that the unions do not represent the interest of the employees.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

Mr. Chairman, I think here again we are faced with a rather clear-cut question. There seems to be objection because the amendment would have a sharing of responsibility between the properly selected bargaining agent of the employee and the employer.

Now, that, to me, seems to be fairly reasonable and orthodox method of handling labor programs. It avoids these nice, cozy unilateral agreements where the veto power rests solely with the employer.

Now, if the disposition here to say to railroad management, "Gentlemen you are all wise and, therefore, you should be all powerful." Then, of course, the amendment should be voted down. But if the disposition is to have it fair and even and not let any employee sell down the river some of his associates, then the amendment of the gentleman from New York to the amendment of the gentleman from Texas should be adopted.

Mr. STAGGERS. Mr. Chairman, I move to strike out the last word just to make a very brief statement.

Mr. Chairman, if the gentleman's amendment is defeated, then we vote upon the amendment as offered by the gentleman from Texas (Mr. ECKHARDT). This is true; is it not, Mr. Chairman? And the amendment as offered by the gentleman from Texas strikes all of section 2 and it would strike out all of these provisions if it so carries.

So, Mr. Chairman, I am going to vote for the amendment offered by the gentleman from New York. We will have some provision in, and this does hit at the very fact of what has been called yellow dog contracts. It is a matter of contention, and there will be bargaining if any of these men stay on.

So I am going to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER) to the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. MCCLORY), there were—ayes 47, noes 81.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words. I shall be brief, and I shall not take the 5 minutes allotted to me.

It had been indicated here there might be some amelioration of these provisions which give exclusive power to the employer to determine whether or not an employee will continue to work. What was offered by the gentleman from New York was just about as soft as you could get to in saying that both parties will sit down to negotiate or agree on whether an employee will continue. That is collective bargaining. If the Eckhardt amendment is not adopted, then I think the debate has made it very clear, and I think the gentleman from Illinois should accept the fact that it is very clear, that the employer will determine himself whether or not an employee continues to work. This avoids the collective-bargaining process. It will place them in a position where collective-bargaining agreements can be overcome, and I would say to the gentleman, if this is not adopted we should change section 3. We certainly should change that provision to say that if there is going to be a collective-bargaining agreement that is less than or greater than the age that is provided in here, then that should be adopted as the standard because if you do not do these things, we have completely said that the unions and management will not bargain on this kind of retirement.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. PICKLE. The amendment offered by the gentleman from New York is well intended, and many of us who did not vote for it would agree in principle with the objective the gentleman is trying to reach. But I think this body is hesitant in approving an amendment that is rather loosely drawn at this late hour. None of this was discussed in committee. None of these reports were raised when the bill came up. It seems to me under the circumstances we have acted correctly.

I will say to the gentleman that as this bill moves along—and it should be moved along in the interest of the 57,000 retirees—perhaps we can find some language that we can live with, or we can bring the parties together in a way that would ameliorate it. But under the circumstances the amendment is rather loosely drawn, and I think the House is correct in not adopting it at this time. We can look either to the other body or to an attempt at a later time to provide final language that we can agree on.

Mr. ADAMS. I will say to the gentleman that one of the problems with this bill is that during the hearings we had the chairman's original bill before us and not this bill. We did not come up with this bill until the final executive sessions. That made it extremely difficult to go over all these provisions. I hope the gentleman will support changes when this comes back from the other body if something is added to correct these provisions in here which provide for avoiding union responsibility as well as putting in compulsory retirement. We have tried to correct this bill. I shall say no more on the subject because this body has spoken, but I think it should be clear to the House what they have done today.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

We spent a couple of hours here on arguments involving amendments that very few people understand, if anyone does. It has been confusing. This bill came out of the committee. There was a handful who opposed it in some respects. They are carrying the fight here to try to change what the majority of the committee brought out. I want to say to the Members here today that there is urgency on a very important bill that affects all railroad employees, the hours-of-service amendments, which is scheduled for today, and if we do not get on with this bill, I do not know when the hours-of-service amendments legislation will be programed. That is something that everyone is interested in—organized labor, the railroad unions in particular, who are my supporters and whom I support and that is the bill we ought to be getting on with today, and we should be getting on to it in very short order. If we wrangled longer on amendments to the railroad retirement bill we will probably not get the hours-of-service legislation this week and that would be tragic.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I intend to vote for the amendment of the gentleman from Texas. It is somewhat difficult, however, since there are good arguments on both sides. The bill, as agreed to in negotiations, permits employers to negotiate with individual employees to keep them on the job after the date for retirement set out in the law, and can bypass the unions in this way. This is why I voted for the Ottinger amendment to this amendment.

It is clear that this paragraph is not a yellow-dog provision as has been claimed, but I have to admit it could hurt some employees and some unions. On the other hand, it will force some unions to retire people they want to keep on, and will force management to retire people they want to keep on, from railroad presidents on down, without any escape clause at all.

Under the circumstances, I will vote for this amendment. Even though it is part of the agreement, I think we ought to delete it, and that way perhaps the parties will renegotiate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. ECKHARDT) there were—ayes 50, noes 78.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. EDMONDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, pursuant to House Resolution 535, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TEAGUE of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. TEAGUE of California moves to recommit the bill H.R. 13300 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 372, nays 17, not voting 41, as follows:

[Roll No. 193]

YEAS—372

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corman
Coughlin
Cramer
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—17

Bennett
Blatnik
Chisholm
Clay
Conyers
Corbett
Diggs
Eckhardt
Hicks
Karth
Leggett
Moss
Ottinger
Powell
Rees
Reid, N.Y.
Stokes

NOT VOTING—41

Addabbo
Bell, Calif.
Bolling
Brown, Calif.
Cahill
Clawson, Del
Colmer
Cowger
Daddario
Daniels, N.J.
Dawson
Dorn
Edwards, Calif.
Fascell
Findley
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Gaydos
Gettys
Gibbons
Hanna
Hansen, Wash.
Hastings
Hawkins
Holifield
Kirwan
Langen
Lipscomb
McMillan
MacGregor
Mann
Mills
Minshall
O'Konski
Rosenthal
Teague, Calif.
Teague, Tex.
Whalley
Wright
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Del Clawson.

Mr. Daniels of New Jersey with Mr. Cahill.

Mr. Daddario with Mr. Fulton of Pennsylvania.

Mr. Mills with Mr. Gerald R. Ford.

Mr. Fascell with Mr. Frelinghuysen.

Mr. Gaydos with Mr. Findley.

Mr. Rosenthal with Mr. Bell of California.

Mr. Holifield with Mr. Teague of California.

Mr. Teague of Texas with Mr. Lipscomb.

Mr. Kirwan with Mr. Minshall.

Mr. Young with Mr. MacGregor.

Mr. Gettys with Mr. Cowger.

Mr. Wright with Mr. Langen.

Mr. McMillan with Mr. Whalley.

Mr. Hawkins with Mrs. Hansen of Washington.

Mr. Gibbons with Mr. O'Konski.

Mr. Dorn with Mr. Hastings.
Mr. Colmer with Mr. Mann.
Mr. Brown of California with Mr. Dawson.
Mr. Edwards of California with Mr. Hanna.

Mr. HECHLER of West Virginia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE NIXON ADMINISTRATION AND THE BANKERS GET TOGETHER IN SUNNY HAWAII

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in the event that you have trouble reaching anyone in the Nixon administration this week, I suggest you place your call to one of the resort hotels in Honolulu, Hawaii, where the American Bankers Association is holding another of its parties.

Mr. Speaker, I have determined that at least 25 officials of this Government are in Hawaii as part of the 95th annual convention of the American Bankers Association. Some 12,000 of the Nation's bankers are there to discuss the wonders of one of their greatest profit years in history.

The convention is old home week for a lot of the Nixon administration officials. Leading the list is Mr. Charls E. Walker, who is listed as the Under Secretary of the Treasury. Mr. Walker, of course, has attended the previous conventions of the American Bankers Association in his capacity as its chief executive officer and as chief lobbyist for the big banks. This year he trotted off to the convention wearing the hat of a public official. The more things change, the more they remain the same.

The advance registration list also includes Mr. Robert P. Mayo and wife. Mr. Mayo is Director of the Bureau of the Budget and a former vice president of the Continental-Illinois National Bank of Chicago, one of the main participants in the Hawaii get-together.

I include herewith a list of public officials attending the functions in Honolulu. The names are drawn from a published list of advance registrations. This list was of registrations mailed by August 1 and undoubtedly there are other public officials who have registered since that time:

Robert Bloom and wife, Chief Counsel, Comptroller of the Currency, Washington; Hawaiian King.

Philip J. Budd and Wife, Chief Data Management Director, U.S. Veterans Administration, Washington; Reef Tower.

William B. Camp and wife, Comptroller of the Currency, Treasury Department, Washington; Royal Hawaiian.

Richard Chotard, Assistant to Undersecretary of the Treasury, United States Treasury Department, Washington; Hawaiian Village.

Dorothy A. Elston, Treasurer of the United States, Department of the Treasury, Washington; Ilikai.

Roy T. Englert, Deputy General Counsel, U.S. Treasury Department, Washington; Reef Tower.

Leslie H. Fisher and wife, General Counsel, Federal Deposit Insurance Corporation, Washington; Kaimana Beach.

Harry M. Gilbert and wife, Executive Vice President, Federal National Mortgage Association, Washington; Kaimana Beach.

Arthur C. Hemstreet, Vice President and Treasurer, Federal National Mortgage Association, Washington; Kaimana Beach.

Alice Herstine, The United States Mint, Washington; Royal Hawaiian.

Paul M. Horvitz and wife, Director of Research, Federal Deposit Insurance Corporation, Washington; Outrigger.

Raymond H. Lapin and wife, President, Federal National Mortgage Association. Washington; Kahala Hilton.

Harold B. Master and wife. Banking and Volunteer Activities, U.S. Savings Bonds Division. Treasury Department, Washington; Kaimana Beach.

Robert C. Maxwell and wife. Special Assistant to the Administrator. Small Business Administration, Washington.

Robert P. Mayo and wife. Director. Bureau of the Budget, Washington; Reef Tower.

K. A. Randall and wife, Chairman of the Board, Federal Deposit Insurance Corporation, Washington; Kahala Hilton.

Howard W. Rogerson and wife, Deputy Associate. Administrator for Financial Assistance, Small Business Administration, Washington; Waikiki Ambassador.

Elmer Rustad and wife, National Director of U.S. Savings Bonds Division, U.S. Treasury Department, Washington.

Hilary J. Sandoval Jr., and wife, Administrator, Small Business Administration, Washington; Waikiki Ambassador.

William W. Sherrill and wife, Member, Board of Governors, Federal Reserve System, Washington; Ilikai.

Irvine Sprague and wife, Director, Federal Deposit Insurance Corporation, Washington; Halekulani.

Merlyn N. Trued and wife, Financial Manager, Inter-American Development Bank, Washington; Moana.

Charls E. Walker and wife, Under Secretary of the Treasury, U.S. Treasury Department, Washington; Hawaiian Village.

J. T. Watson, Deputy Comptroller of the Currency, U.S. Treasury Department, Washington; Ilikai.

Arnold Weiss and wife, Assistant General Counsel, Inter-American Development Bank, Washington; Hawaiian Village.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman does not have to leave Washington to talk to well-heeled bankers. The international bankers are here in droves and are about to paper this town with paper gold, as I understand it. The gentleman has been very enthusiastic in providing money for these international and central bankers that are here now. He can contact bankers by the dozens, well heeled, right here in Washington today.

Mr. PATMAN. I know that the big bankers lobby is the one we should fear and we should watch carefully.

The bankers generally, of course, are not in accord with everything that the big bankers' lobby does. However, Mr. Speaker, I will insert in the RECORD the names of the ones I had reference to.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Texas, the distinguished chairman of the Committee on Banking and Currency, yield?

Mr. PATMAN. I will yield to the gentleman.

Mr. GERALD R. FORD. If my recollection is accurate. I think this week the Secretary of Labor is attending and addressing the AFL–CIO convention. Also the record is clear in the past that the Secretary of Agriculture in this administration and in other administrations has addressed the various farm organizations.

Mr. PATMAN. That is very right.

Mr. GERALD R. FORD. Will the gentleman from Texas say that an administration, Democratic or Republican, should not send responsible officials to talk to labor and banking and farm organizations? The Democratic organization did it. Why cannot we?

Mr. PATMAN. But is it not unusual that so many of the administration's top people go to one convention at one time, especially a convention put on by lobby which I think is the most dangerous lobby, the big bankers lobby, to our democratic form of government.

PRESIDENT NIXON SUPPORTS DIRECT ELECTION OF PRESIDENT

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I share the views expressed by the ranking minority member on the Committee on the Judiciary, the gentleman from Ohio (Mr. MCCULLOCH), in commending President Nixon for endorsing the direct or popular method of selecting the President of the United States.

I hope and trust that this action by the President will have a beneficial impact in getting the Senate to respond, and do as the House did.

Approximately 10 days ago we had the overwhelming vote in the House of Representatives for the direct or popular method of selecting the President of the United States. If my recollection is correct, over 80 percent of all Members supported the committee's recommendation and further, if my memory is accurate, 80 percent of the Members on the Democratic side supported it, and 85 percent of the Members on our side of the aisle supported the direct method of choosing a President.

Again, Mr. Speaker, I say that I hope the Senate will respond, and I trust that the necessary three-fourths of the States will do likewise.

Mr. McCULLOCH. Mr. Speaker, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I am pleased that the elected House leadership of both parties led the battle in this important issue of selecting our President that occurred only a week or 10 days ago.

XUM

Mr. GERALD R. FORD. I thank the gentleman. I include at this point the text of this morning's statement by President Nixon on the House-passed electoral reform amendment:

Statement by the President

In February of this year I committed this Administration to support any reform of the electoral system that removed its most negative features. I said I would support any amendment approved by Congress that would make three specific reforms in the current system—one, eliminate the problem of the "faithless elector," two, make a 40% margin adequate for victory, and three, reform the system so that the electoral outcome more closely reflects the popular outcome.

It was my judgment then that the approach most likely to prevail in the country would be the proportional distribution method. I thought it had the best chance of being approved by the Congress and by three-fourths of the States.

Now there is an entirely new factor to be considered if we are to have electoral reform with all necessary speed. The House of Representatives has overwhelmingly supported the direct election approach. It is clear that unless the Senate follows the lead of the House, all opportunity for reform will be lost this year and possibly for years to come.

Accordingly, because the ultimate goal of electoral reform must prevail over difference as to how best to achieve that goal, I endorse the direct election approach and urge the Senate also to adopt it. While many Senators may prefer a different method, I believe that contrary views are now a luxury—that the need for electoral reform is urgent and should be our controlling consideration. I hope, therefore, that two-thirds of the Senate will approve the House-passed amendment as promptly as possible so that all of us together can then urge the States also to give their approval.

FAIR TREATMENT FOR DAIRY MANUFACTURERS

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, along with eight other members of the Wisconsin congressional delegation, and two from Minnesota and Montana, I am today introducing a bill in the House of Representatives which would extend to dairy manufacturers the indemnity program now available to dairy farmers who are ordered to remove their milk from the market because it contains pesticide residues.

This bill, which has strong endorsement of the Wisconsin Cheesemakers Association, would make possible such payments to manufacturers of dairy products whose cheese or butter may also be removed from the market because of pesticide residues.

The milk indemnity payment program was first established in 1964. It authorized the Secretary of Agriculture to make such payments at fair market value to farmers who were directed to remove their milk from commercial markets because they contained residues of DDT or other chemicals. To be eligible for the indemnity payments, the chemicals must have been approved for use by the USDA and have been used properly. If the source of the contamination is found to be from outside the farm, the producer must show that he was not aware or responsible for the contamination.

Since this program began in 1964, payments have been made to about 400 dairy producers in 31 States.

Mr. Speaker, the problem of pesticide residues which can bring financial disaster for the dairyman can do the same for the manufacturer. Even though Wisconsin has one of the most comprehensive monitoring programs for pesticide residues in the Nation, we still are unable to analyze all of the milk produced in the State often enough to make certain that the pesticide residue does not carry over into the cheese and other dairy products.

If the worst happens, and contaminated milk were used in the making of cheese or butter, these products could be removed from the market and the manufacturer would suffer a tremendous economic loss.

According to one creamery in my district, they are faced with this dilemma:

> We have about 150 plants that we buy cream from. For our own protection, if we were to take a sample each week from each plant it would cost us $7,500.00. If we don't take a sample each week and have one million pounds of butter seized, it would cost us $750,000.00.
>
> In either of the above cases, we cannot afford it.

I firmly believe that if the farmer sells his milk to a creamery or cheese plant on the assumption that it is free of pesticide residues, and if the manufacturer accepts it on the same assumption, that dairy manufacturer should not be responsible for contamination that may be found in his product because it is there through no fault of his own.

According to the Wisconsin Department of Agriculture, in the past year there have been two instances in the State where large inventories of Parmesan cheese had to be taken off the market because of high levels of pesticide residues. In one case, the producer's milk was found to contain hexachlorobenzene, a fungicide used primarily for treating seed grain. In the other the pesticide Dieldrin was added by mistake to some mixed feed, causing milk to have a high level of pesticide residue which carried over into cheese manufactured from it.

Fortunately, Mr. Speaker, a number of States have taken action to reduce residues in milk. In Texas, where payments to farmers have been high, DDT is no longer recommended for controlling certain cotton pests. In Arizona DDT has been removed from that State's list of recommended insecticides for agricultural insect control and similar action has been taken by New Mexico. In other States, including Wisconsin, legislation is pending to prohibit entirely the use of DDT.

The detrimental effects to our environment caused by pesticide pollution are becoming more apparent every day, and I have indicated many times that this pollution is of tremendous concern to me. But there is no doubt that pest control is important to every farmer. The goal of both the farmer and the conservationist must be the use of the safest pesticides in the safest manner possible for man and animals.

The indemnity program which my colleagues and I are proposing to extend today is based on a responsible use of pesticides which have been approved by the Government. It has saved numerous dairy farmers from bankruptcy in the past few years, and can be just as useful a safety valve for the thousands of manufacturers throughout this country.

The text of the Indemnity Payments Program Act—Public Law 90–484—and the proposed amendment follows, together with a list of its cosponsors:

[82 Stat. 750, 90th Congress, S. 3638
Aug. 13, 1968]

Public Law 90–484

An act to provide indemnity payments to dairy farmers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

Sec. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Sec. 3. The authority granted under this Act shall expire on June 30, 1970.

Mr. OBEY (for himself), Mr. Kastenmeier, Mr. Thomson, Mr. Zablocki, Mr. Reuss, Mr. Steiger of Wisconsin, Mr. Byrnes, Mr. O'Konski, Mr. Zwach, Mr. Melcher, and Mr. Schadeberg, introduced the following bill; which was appropriately referred.

"H.R. 14092

"A bill to amend Public Law 90–484 (82 Stat. 750)

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 1 of Public Law 90–484 (82 Stat. 750) is amended by inserting 'and manufacturers of dairy products' after 'dairy farmers', and by inserting 'or dairy products' after 'their milk', and the second sentence is revised to read: 'Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.' "

MANAGEMENT AND LABOR IN RAILROAD INDUSTRY

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today the House is scheduled to consider two bills which affect the position of management and labor in the railroad industry. The subjects of both of these bills have been acted upon by previous Congresses, thus setting some sort of precedent for our consideration today. Although it could be argued that Congress should not be involved in settling this type of dispute by legislation, it is a fact that the bills are before us and that the request for this congressional intervention was initiated by labor, and at least in principle, the bills have been agreed to by the management.

But in another area, I believe that Congress should be more aware of the need for avoiding direct intervention of a type so often utilized. I am speaking of the problem presented by national transportation strikes, and the usual result we see in having Congress formulate an ad hoc solution, usually involving some form of arbitration.

It is my feeling that we should get involved in this area once and for all. We should enact permanent changes to the Railroad Labor Act which will allow the President to exercise the broadest possible range of alternatives, so that he may deal with minor problems with the proper remedies, and also deal with the most critical problems with equally strong remedies.

At this time, we do not have this, and yet we are again seeing indications that the need for such tools is at hand.

Again we are beginning to see on the horizon the makings of a national railroad strike, and again we find ourselves in this position without having any effective and final methods for dealing with such critical matters.

Last week, the National Mediation Board, pursuant to section 10 of the Railroad Labor Act, reported to the President that a dispute exists which threatens to deprive a section of the country of essential transportation services.

Four unions are involved in the threatened strike, now set for October 4, and the dispute is with the National Railroad Labor Conference, representing the major 76 class I railroads.

Despite the fact that the dispute has been certified to the President, there has been no indication that he will proceed to appoint an Emergency Board to mediate the dispute further, and I cannot help but feel that one of his reasons for this reluctance is the fact that under present law, appointment of this Board would be the last step a President could take in trying to effectuate a settlement.

I think if he had more choices, he might be inclined to try to work out a settlement without flirting with the disaster of a national strike. The current dispute is planned as involving only selective strikes against six railroads, but there is strong indication that if this happens, the other lines involved will move to implement their proposed changes, with the result that a national emergency clearly will be present.

I am aware of the current controversy between spokesmen for labor and management indicating that management wants to incite a national strike so that congressional intervention is promoted. I am also aware of the arguments that the unions have planned their selective strikes for the precise purposes of avoiding an emergency with the likely result of Congress becoming involved.

Perhaps this kind of give and take in jockeying to get to Congress is becoming a way of life in the area of collective bargaining, but I do not think it should be.

From time to time, there has been legislation introduced to modify or amend the Railroad Labor Act and give the President a choice of procedures, with the power at various steps to make a definite decision about how to proceed.

I have introduced such a bill during the prior Congress and again this year. The current bill, H.R. 8446, as well as the earlier one, has remained idle now for over 2 years. With so many of these transportation disputes coming our way, it would seem that we would at least consider one of these bills.

The American Bar Association, in a draft report made public several months ago, recognized the seriousness of the problem, and recommended changes in the law to deal with all types of transportation problems, including those in maritime and trucking, now subject to Taft-Hartley jurisdiction.

I was quite pleased to note that the procedures they recommended for amending the Railroad Labor Act were quite close to the ones I recommended. They, too, involved a choice of procedures, giving the President the alternative of selecting the ultimate remedy of seizure or of arbitration.

While there are several differences in the approach ABA recommended, and in my bill, I would say that I am not locked in cement on any of the details of these proposals, but I do feel we need to consider all of them.

A NATIONAL EDUCATIONAL POLICY

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRIEDEL. Mr. Speaker, I take great pride in submitting at this time a statement adopted by delegates to the recent convention of the Communications Workers of America, AFL–CIO, a union that has a well-earned reputation as "the community-minded union." This statement on the need for a national education policy represents the thinking of men and women of CWA throughout the country. CWA President Joseph A. Beirne has long been prominent as a strong advocate and tireless worker for the establishment of such a national policy. His devotion to this cause and that of his colleagues in CWA—shines through in their statement.

I, too, believe that because of the uncertainties of the future, America now desperately needs a rational education policy—a high quality education and easy accessibility to that education.

Therefore, I have today introduced an identical bill to H.R. 9866, sponsored by Representative PERKINS and cosponsored by 16 other Members, calling for an educational policy that would meet the demanding needs of today and face up to the challenges of the future.

This bill, H.R. 9866, sets forth the following national educational policy: First, that the Congress reaffirms as a matter of highest priority the Nation's goal of educational opportunity for all of its citizens; and, second, that the Congress hereby declares it to be the policy of the United States of America that every citizen is entitled to an education from appropriate preschool levels through graduate school without financial barriers and limited only by the desire to learn and ability to absorb such education. Our Nation's economic, political, and social security demands no less.

It provides that the Secretary of Health, Education, and Welfare submit to the Congress a plan, together with such alternative plans as he may deem appropriate, for providing broadened educational opportunity for all of its citizens from appropriate levels of preschool education through appropriate levels of graduate school education.

And it requires the President to establish a 15-member National Education Policy Commission of which the Secretary shall be Chairman and gives such Commission the duty to conduct a study of alternative plans for providing financial assistance to accomplish the educational goals and policy as set forth in this act.

Needless to say, I am hopeful that the Congress will give favorable consideration to this legislation in the near future. I am inserting the CWA's statement on "National Education Policy" for the benefit of my colleagues.

RESOLUTION 31A–69–10: NATIONAL EDUCATION POLICY

It is just as unbelievable as it is deplorable that Congress has not seen fit to establish a national education policy that clearly enunciates America's objectives and goals in the vital area of education, despite its laudable performance in enacting forward looking bills in this field.

During the past decade, some 50 new laws were passed, which opened a new era in the field of education. The investment of Federal funds during this period tripled to almost $13 billion annually. The fear of Federal "interference" and "control" that once stymied many a good education bill seemed to have vanished with the recognized necessity of catching up with the educational needs and demands of our 20th Century space age, technological society. The Russian feat of putting the first satellite into space some few years ago seemed to have shocked the nation and prodded Congress into action. Education began to assume added value and weight in terms of national security, and was given high priority as one of our first lines of defense, almost paralleling the building and storing of an arsenal of war weapons. But still no clearly defined policy was enacted establishing the concept of accessibility of every American citizen to a quality education.

The thrust of Congressional action has been aimed at authorizing more money at all levels of educational pursuit. In the elementary and secondary field, the new legislation has done much towards reaching the underprivileged in the poverty areas of the country. Emphasis has been placed on providing more scholarships, grants and student loan programs to assist the needy students to obtain a college education.

Vocation educational opportunities have been expanded and broadened to further help those whose talents and desires lie in this area. Also, new vistas have been opened in the field of adult education to encourage and assist those who have heretofore been deprived of academic opportunities.

But mere passage of good educational bills with authorized funds sufficient to implement them isn't quite enough. The funds have to be appropriated before the needs can be met. And it is in this area that Congress has been shortsighted and penny-pinching.

As the costs of defense continued to mount, education was one of the programs axed by the Appropriations Committee. In some instances, the cut in appropriations for 1968

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was as much as 46%; in 1969—47%. For fiscal 1970, more than $117 million was slashed from the higher educational budget, while elementary and secondary was reduced by over $233 million.

The nation can ill afford to do less than appropriate 100% of the authorized funds for its educational programs.

More than 50 years ago, Alfred North Whitehead uttered these prophetic words: "In the conditions of modern life the rule is absolute; the race which does not value trained intelligence is doomed. Not all your heroism, not all your social graces, not all your wit, nor all your victories on land and sea, can move back the finger of fate. Today, we maintain ourselves. Tomorrow science will have moved forward yet one more step, and there will be no appeal from the judgment which will be pronounced on the uneducated."

Today, his words hold a specific significance for us. Great advances are being made in science, and the uneducated are found incapable of holding many of the jobs created by the new technology.

Tomorrow's prospects are even more appalling; the knowledge explosion has increased man's store of information a hundredfold in this decade alone. And estimates indicate that by the end of the century there will be at least 2,000 times as many facts to know as there are at present. The implications of all this are staggering. The average man will change his job, or have to learn a new skill, at least three times during his working life.

Throughout the history of these United States, education has opened the door to greater opportunity for individuals and laid the foundation for the country's preeminence in international affairs. Because of her reliance on education, America has been able to respond to the challenges of growth and technology. But we have never faced a period of such unparalleled growth or one so fraught with the dangers of a knowledge explosion surpassing man's control. Our educational system today must be geared to meet the challenge of a vast underprivileged population, preparing them for work in tomorrow's technology. It must be flexible enough to provide education through the graduate level for all who are desirous and capable without financial barriers.

Because these needs are so critical, it is essential for us to conduct an objective and intensive study of our system of education in an effort to redesign and redirect it toward new goals.

The national interest demands that we provide high quality education at all levels of instruction and make it available to every citizen from nursery through graduate school without regard to financial barriers. The only limitation imposed would be the individual's lack of desire to pursue, or his inability to absorb such education.

We, therefore, welcome the reintroduction by Congressman Perkins, Chairman, House Education and Labor Committee, and cosponsored by 16 other committee members, of a bill (H.R. 9866) CWA sponsored in the last Congress calling for the establishment of a national educational policy geared to high quality education and easy accessibility to every American citizen.

In addition, the bill authorizes the President to appoint a National Education Commission charged with the responsibility of developing a plan to implement the policy and make the national goals and objectives attainable. Therefore, be it

Resolved: That the 31st Annual Convention of the Communications Workers of America calls on the 91st Congress to enact into public law (H.R. 9866), and be it finally

Resolved: That Congress deny the drastic cuts in educational programs proposed in the 1970 budget, and appropriate the full amounts authorized in the education bills.

RESTORING CONGRESSIONAL PREROGATIVES IN MATTERS OF WAR

(Mr. MESKILL asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. MESKILL. Mr. Speaker, today I am introducing a bill drawn to prohibit the use of draftees in undeclared wars without their consent.

For many years now, we have been hearing complaints from young men that the draft system is unfair. The criticism has come not only from the "hippies" and the "flower children," but from young people of all classes, from all backgrounds, and from all regions of the country. In my opinion, a look at many of their complaints indicates that they are legitimate in many cases.

President Nixon has asked Congress to eliminate many of the injustices of the present Selective Service System by proposing a comprehensive revision of the Selective Service Act of 1967 permitting him to modify callup procedures, and thereby enabling him to institute a lottery system of selection relying on the youngest-first order of call.

I have supported the President in this effort from the beginning.

But while revision of the system of selection of inductees is urgently needed to remove certain inequities, I do not believe that it will solve all discontent that our young people have over the draft.

Much of the dissension over the draft stems from a larger problem than complaints about unfairness in the system of selection. A good portion of the draft dissension is the out-product of the unique, and sometimes puzzling, high morality of many of our young people today. Instead of disputing this mark of character, we should praise it.

In the last 8 years, we have all seen many fine, conscientious, young Americans, men from all backgrounds and all parts of the country, sincerely and honestly question the morality and wisdom of America's commitment in South Vietnam. Now, while I believe that some of their criticism of our involvement there has weakened America's negotiating position at Paris and delayed our quest for peace, I am also forced to conclude that their motivations have been sincere. For many of these young men, the war in Vietnam has raised the larger question of a young man's responsibility to participate in an undeclared war.

Mr. Speaker, the U.S. Constitution provides that only Congress can make a declaration of war. And yet we find ourselves fighting a full-scale nonwar in Southeast Asia. Is it any wonder that some of our youths question the legitimacy of this operation? Is it any wonder that some refuse to fight in this conflict which Congress has never given its formal consent to?

I have agonized with this problem of how to prevent a President from usurping Congress' power to commit drafted American boys to wars similar to Vietnam without their consent. I have concluded that we should not expect a draftee, a man who is serving involuntarily, to serve without his consent in a struggle when Congress has not declared that a state of war exists.

The bill I have introduced today, however, should not be misconstrued. It would not hamstring the President from acting to defend the national security should hostilities break out suddenly somewhere in the world. Should such hostilities break out in an area where draftees are serving, they would be required to perform whatever combat duties their superiors ordered. However, no draftee could be assigned to combat area against his will after hostilities broke out.

I think this bill is consistent with the President's thoughts on the draft. The administration has discussed the possibility of relying on the use of volunteers to fight the war in Vietnam. The President has also indicated his preference for a volunteer army once a settlement is arrived at in Vietnam. Adoption of this legislation would offer a temporary solution to bridge the transition from a conscripted military establishment to a voluntary, professional military.

I certainly feel that this legislation will go a long way toward eliminating some of the grounds for complaints by conscientious objectors. No longer will a draftee be called to fight in an undeclared war against his will.

My bill is designed to restore congressional prerogatives in matters of war, but at the same time, it is carefully drafted so as to avoid hampering the Commander in Chief from taking action to protect the national security. In addition, this bill is intended to be a stimulus for the development of a volunteer Army endorsed by the President.

BILL TO INCREASE SOCIAL SECURITY BENEFITS

(Mr. BYRNES of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I have today introduced H.R. 14081, which is identical with the social security bill recommended by the administration except that my bill provides a 10-percent benefit increase would be effective on January 1. I will include a section-by-section analysis of H.R. 14081 at the end of my remarks to aid in understanding the bill.

The administration's proposal will compensate social security beneficiaries for the inflation that has seriously eroded their benefits in recent years, and make provision for automatically adjusting these benefits in the future in response to increased living costs. The administration's proposal also liberalizes the retirement test—the amount which can be earned without losing benefits—and provides for automatic future liberalization in this amount commensurate with increases in earnings levels. Additionally, the proposal contains a series of recommendations for structural improvements in the social security law which will improve equity and simplify administration.

The bill is a substantial step in the direction of providing needed improvements in the social security law. I am particularly pleased with the recommendations for automatically adjusting the level of benefits and the retirement test in the future. Simple justice to our social security beneficiaries requires that benefits be promptly increased to maintain their purchasing power in times of inflation. The President's proposal extends to social security beneficiaries the protection against inflation already enjoyed by our civil service and military retirees.

The President's proposal is deserving of favorable consideration by the Ways and Means Committee, in connection with the hearings on social security that will begin the latter part of October.

The section-by-section analysis follows:

SUMMARY OF THE SOCIAL SECURITY AMENDMENTS OF 1969

BENEFIT INCREASE

The bill provides for a 10-percent across-the-board increase in cash social security benefits, effective January 1, 1970, and payable in February 1970.

Under the proposal, an automatic increase in benefits is provided in the event of future increases in the cost of living. Whenever the Consumer Price Index prepared by the Department of Labor rises by at least 3 percent, benefits will be increased by that percent. These automatic increases would not be made more often than once a year.

Certain people age 72 and over would receive a 10-percent increase in the special amount that is paid them. These individuals are not now insured under the regular social security cash benefits program. The increase would be effective for January 1970.

The bill changes the present method of determining eligibility for benefits and benefit amounts based on a man's earnings record, making it similar to that now in use for women.

Average monthly earnings for a man—and it is on this average that the monthly benefits are based—are now determined over a period equal to the number of years up to age 65, while for women they are figured over a period equal to the number of years up to age 62. The result of this difference is generally that a man's retirement benefit amount is lower than that of a woman with exactly the same earnings record. Under the bill, this difference would be eliminated. As a result, the treatment of men and women workers under the benefit provisions would be the same, and the retirement benefits payable to men, the benefits payable to their wives, and the benefits payable to survivors of men who live beyond age 62 would be increased.

WIDOWS AND WIDOWERS

The bill provides benefits for a widow at age 65 equal to 100 percent of the amount her husband would have received at age 65, rather than 82½ percent as under present law. Benefits for widows aged 62–64 would be graded down according to the age of the widow at the time she first gets benefits; a widow coming on the rolls at age 62 would receive 82½ percent of the husband's benefit, as she does under present law. This provision would be effective with benefits for January 1971.

CONTRIBUTION AND BENEFIT BASE

The bill provides for an increase in the contribution and benefit base (that is, the amount of annual earnings that may be counted for social security purposes) from the present $7,800 per year to $9,000 per year. This provision becomes effective on January 1, 1972.

The bill provides also for automatic adjustment of the contribution and benefit base to future increases in wage levels, beginning with 1974. The adjustments of the base could not be made more frequently than every second year.

RETIREMENT TEST

Under this legislation, there would be four significant changes in the social security retirement test, liberalizing that test as follows: Under present law, full social security benefits are payable to a beneficiary whose earnings do not exceed $1680 for a year. If he has earnings of more than $1680, $1 in benefits is withheld for each $2 between $1680 and $2880, but there is a dollar-for-dollar reduction for earnings above $2880. (However, benefits are not withheld for a month if wages are not more than $140 and substantial services are not rendered in self-employment.)

The proposal is to:

(a) Increase the annual exempt amount from $1680 to $1800 (and the monthly earnings test from $140 to $150);

(b) Provide for reduction in benefits of $1 for each $2 of *all* earnings in excess of the exempt amount of $1800;

(c) Provide for automatic upward adjustment of the annual exempt amount (and the monthly test) in relation to future increases in earnings levels;

(d) Provide that in the year a beneficiary reaches age 72 earnings beginning with the month he attains age 72 would be disregarded in computing the amount of annual earnings for retirement test purposes. The annual exempt amount and the $1-for-$2 adjustment would apply to his earnings in the year up to the month in which he attains age 72. (Under present law, earnings after the month a beneficiary attains age 72, but in the same year, must be included in determining whether any benefits are to be withheld for months before attainment of age 72.)

The changes in the retirement test would become effective generally on January 1, 1971.

PARENT'S BENEFITS

The bill provides benefits for the dependent aged parents of retired or disabled workers. Under present law, benefits are provided only for the dependent parents of deceased workers. The benefit amounts for the parent of a living worker would be equal to 50 percent of the worker's primary insurance amount (like a husband's or wife's benefit under present law), actuarially reduced if taken at age 62–65. The benefit amount for parents of deceased workers would continue to be 82½ percent of the primary insurance amount, or 75 percent of that amount, depending on whether one or more parents were entitled to benefits.

CHILDHOOD DISABILITY BENEFITS

The bill provides childhood disability benefits for a disabled son or daughter of an insured deceased, disabled, or retired worker if the son or daughter became totally disabled after age 18 and before reaching age 22. Under present law, a person must have become totally disabled before age 18 to qualify for childhood disability benefits.

MILITARY SERVICE CREDITS

The bill provides noncontributory wage credits ($100 for each month of military service) for individuals who served on active duty in the military services from January 1957 through December 1967. These credits, reflecting wages-in-kind received by servicemen, would be in addition to credits for service basic pay, which has been subject to contributory coverage since January 1, 1957. Present law provides similar $110-a-month noncontributory credits for military service after 1967, and $160-a-month noncontributory credits for service from September 1940 through December 1956.

FINANCING

Under the most recent of the periodic actuarial reevaluations of cash benefits part of the social security program, income over the long-range future exceeds long-range outgo by 1.16 percent of taxable payroll. The excess of long-range income over outgo as shown in the last preceding evaluation was 0.53 percent of taxable payroll. The larger excess shown in the most recent estimates results from taking into account 1969 (as against 1968) earnings levels, the higher interest rates now being earned by the trust funds, and increased labor-force participation of both men and women. Preliminary results of the latest reevaluation of the hospital insurance program indicate the long-range income of the program will be less than the long-range outgo by 0.77 percent of taxable payroll.

A large part of the cost of the proposed improvements in the cash benefits program will be covered by the long-range excess of income over outgo in that part of the social security program. The proposed increase in the contribution and benefit base to $9000 will also help to meet part of the cost of the improvements, since income from the increase in the base will exceed the cost of the additional benefits that will be paid on earnings above the present $7800 ceiling.

Automatic increases in the contribution and benefit base in line with increases in wage levels will provide additional income sufficient to meet fully the cost of the additional benefit payments that will result from automatic adjustment of benefits in line with increases in the cost of living and from automatic adjustment of the retirement test. In summary, the cash benefits part of the social security program, with the recommended improvements, will be adequately financed; and, in fact, the rate increases scheduled in present law for the cash benefits part of the program can be put into effect considerably later than scheduled in present law.

The contribution rate for cash benefits, now scheduled to rise to 5 percent each for employees and employers in 1973 and thereafter, would not reach 5 percent under the bill until 1987. The delay in the scheduled increases in the contribution rates for cash benefits will prevent unnecessary, large-scale increases in the cash benefits trust funds.

The contribution rates for hospital insurance would rise under the bill from 0.6 percent each for employees and employers to 0.9 percent each in 1971 and thereafter, as against rising to the 0.9 level in 1987 and thereafter as under present law. The revision in the contribution rates scheduled for hospital insurance and the increases in the contribution and benefit base to $9000 in 1972, with automatic adjustment thereafter, will leave the hospital insurance trust fund with an actuarial balance of 0.006 percent of payroll under the bill, as against a minus balance of 0.77 percent under present law.

Under the proposed revisions in the contribution rate schedules, the combined rates for cash benefits and hospital insurance will be lower than in present law for 1971 through 1976 and will be the same as in present law for 1977 and thereafter.

The contribution rate schedules under present law and the bill are shown in the following table.

CONTRIBUTION RATES FOR EMPLOYEES AND EMPLOYERS, EACH, UNDER PRESENT LAW AND UNDER PROPOSAL

[In percent]

	Present law			Proposal		
Year	Cash benefits	Hospital insurance	Total	Cash benefits	Hospital insurance	Total
1970	4.20	0.60	4.80	4.2	0.6	4.8
1971-72	4.6	.60	5.20	4.2	.9	5.1
1973-74	5.0	.65	5.65	4.2	.9	5.1
1975	5.0	.65	5.65	4.6	.9	5.5
1976	5.0	.70	5.70	4.6	.9	5.5
1977-79	5.0	.70	5.70	4.8	.9	5.7
1980-86	5.0	.80	5.80	4.9	.9	5.8
1987 and after	5.0	.90	5.90	5.0	.9	5.9

CONTRIBUTION RATES FOR THE SELF-EMPLOYED UNDER PRESENT LAW AND UNDER PROPOSAL

1970	6.3	0.60	6.90	6.3	0.6	6.9
1971-72	6.9	.60	7.50	6.3	.9	7.2
1973-74	7.0	.65	7.65	6.3	.9	7.2
1975	7.0	.65	7.65	6.9	.9	7.8
1976	7.0	.70	7.70	6.9	.9	7.8
1977-79	7.0	.70	7.70	7.0	.9	7.9
1980-86	7.0	.80	7.80	7.0	.9	7.9
1987 and after	7.0	.90	7.90	7.0	.9	7.9

VIETNAM

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, there is no member of the U.S. Government who wishes to continue or prolong the conflict in Vietnam. We, all of us, as American citizens and as public officials, have earnestly sought and still seek today a way to end the fighting and the killing and to bring our soldiers home.

Perhaps no issue ever to confront this Nation has received as much debate and discussion as the conflict in Vietnam. Here within these halls, the exchange viewpoints has been sharp and often very passionate. And this is fitting; it is well within the prerogative of the legislature to question, discuss, and recommend on all policies pursued by the Executive. But, in our actions on issues vital to the national security, such as Vietnam, we must be careful to draw the line beyond which well-intentioned comment may lead to catastrophe.

Mr. Speaker, a resolution has been introduced in the other body which would set a firm and final date for the complete withdrawal of all American troops from Vietnam. The resolution depends on the congressional power over appropriations for its force. I must take issue with this resolution, and I must oppose it in principle as well as substance.

There are two glaring points which immediately present themselves in opposition to the resolution. It is time that these points received public attention.

First, a nation can neither prosecute war or pursue peace by informing its adversaries that, regardless of what happens between now and a specified future point in time, its troops will be withdrawn from the battle sector. Such rigidity of policy, such binding proclamation simply defies the imagination.

It has been said by some critics of the war that we have no bargaining position in Paris and, therefore, none to lose through the adoption of the resolution. I seriously question the veracity of this comment. The very fact that the other side has come to the negotiating table, and that it continues to talk at the table is in itself proof that we have some bargaining position—at least in the eyes of the enemy, and it is their vision with which we are here concerned. To be sure, the strength or weakness of our position is eminently arguable. But that is really not the point.

What I am concerned with is the question of what sort of position this Nation would have in Paris or in any other part of the world after announcing that regardless of any progress or lack thereof at the peace table, regardless of any escalation of ground activity by the other side, we are leaving Vietnam at the legislatively ordained moment. What sort of impetus will this give the negotiations? Neither our side nor the other side would have much to gain by talking. Indeed, if anything, the combatants would have everything to gain by pouring all their might and muscle into one final, gigantic clash on the field.

And it is this awesome consideration which leads us to the second major point. This point addresses itself to the shadow of unlimited escalation and the darkness of nuclear war.

If our late President John F. Kennedy made any single factor clear, it is that there is simply no room for rigidity and locked-in positions in this nuclear age. While strength is desirable, flexibility is mandatory; while prudence may dictate the need for unambiguous positions, diplomacy still requires room for movement. In sum, the foreign policy of a nuclear power must be realistic and, above all, credible. Our adversaries, and our would-be adversaries must be aware of what we will do and, in general, of how far we may be prepared to go in a given instance.

Thus, to set a firm date for withdrawal from Vietnam—an action which is as unrealistic to us as it would be incredible to the other side—may be seen more as an ultimatum by the other side than as a peaceful gesture. Such a resolution might, indeed, force the hand of our President—leaving him with the alternatives in the field of a Dunkirk or a Dienbienphu. He could choose neither of these alternatives.

For if the enemy in Vietnam were to step up its ground activity, acting on the knowledge that America is leaving "no matter what," the President would be faced with ordering an immediate surrender, or leaving troops with battered morale in the field to await death or departure from Vietnam—whichever happened to come first. With this deadline hanging over the Executive like the Damoclean sword, and with these two totally unacceptable alternatives tieing his hands on the field, would the President have any choice but to break out and open the ceiling on acceptable tactics and weapons in Vietnam? Might he not be forced to think the unthinkable in order to meet an unpardonable deadline?

While we in Congress can, if we choose, oppose the war in Vietnam with all of our energies and passions, we cannot guide the troops in the field, nor can we set military strategy. That we have no power in this area is no accident; it was the intentional design of our framers. And, the design was wisely fashioned.

But, if we pass the type of resolution suggested in the other body, we would be using constitutional gymnastics to subvert the Constitution; we would create a novel field chart with 536 commanders in chief.

Such a preposterous action by the Congress would not only be dangerous, but it would be a disgrace to the young men we have sent to fight and die in Vietnam. What would such an action do to their morale? If we care not for the memory of those who have been killed, let us not, nevertheless, profane those who still must fight in Vietnam. They must fight in a war not of their own making, and one to which many of them are in principle opposed. Do the gentlemen dare suggest, then, that we go before these troops, clutching our resolution, and tell them: fight for 1 more year, do the best you can, get wounded, die—but we are leaving on a weekday in December of 1970: No matter what.

This would be outrageous. Yet, Mr. Speaker, this would be the effect of the resolution.

I cannot help but believe that if the resolution is approved, we will move from a period of negotiation in Paris to one of direct, no-quarter confrontation on the field in Southeast Asia. For, we will have set ourselves a deadline; our Commander in Chief will be forced to meet that deadline. Can he do it by ordering the troops to flee homeward? The enemy might choose to preclude that option.

Let us carefully consider these factors, Mr. Speaker. If it is the sense of this Congress that the Executive ought to be restricted in his power to conduct war, this resolution is not the way to do it. It is too superficial and extremely ill-omened. Moreover, this resolution might in itself force unfathomable power upon the Executive as it insists that he find a way—any way—to get us out of Vietnam by deadline time—even nuclear war just as long as he ends it by December of 1970.

This is a sure courtship with disaster; we cannot afford the marriage.

CONGRESSMAN REID'S VISIT TO AFRICA

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, our distinguished colleague, the gentleman from New York, Mr. OGDEN L. REID, recently returned from a brief trip to Kenya, Zambia, Uganda, and Tanzania, where he met with heads of state and high-ranking government officials, as well as with student groups and other organizations.

Congressman REID had been invited to deliver an address on the Annual Day of Affirmation of Academic and Human Freedom, sponsored by the National Union of South African Students, in Johannesburg. Unfortunately, he was prevented from speaking because the government in Pretoria would give him

a visa only on condition that he make no speeches. A taped recording of Mr. Reid's remarks was played at the Affirmation Day ceremony instead.

These events have provoked a great deal of comment in over 200 newspaper articles and editorials, both in Africa and in the United States. I submit the following editorials for inclusion in the Record in the hope that they will be of interest to Members. I believe that they illustrate the deep concern in Africa over U.S. policy toward that continent.

Mr. Speaker, I would also like to take this opportunity to congratulate Mr. Reid on his selection as chairman of the Anglo-American Parliamentary Conference on Africa. His election to this post is a fitting recognition of his outstanding contributions in the area of African-American relations.

[From the Star, Johannesburg, Republic of South Africa, Aug. 19, 1969]

Well, Did He Meddle?

Mr. Vorster and his Cabinet must be wondering today whether it was worth imperilling relationships with the United States in order to stop the American Congressman, Mr. Ogden Reid, from making any speech if he came here.

Mr. Reid's speech, taped and played at a solemn ceremony at Wits, last night, can hardly be said to have constituted any meddling in our domestic affairs. What Mr. Reid did was to offer some encouragement to South African youth to resist racism and champion justice and the rule of law, not merely out of a sentimental concern for non-White people but chiefly out of enlightened self-interest of the White community. Mr. Vorster might have said all that himself without betraying any Nationalist Party principles, though it might have sounded a little odd in the light of Nationalist Government practice. Even the "Transvaler" reported it as "boring."

One cannot, of course, be sure that Mr. Reid's speech was precisely the same as he would have delivered it if he had been allowed to do so in person. If he had come here he might have made a slightly larger impact. On the other hand, it is perfectly reasonable to assume that because he could not come he may have put a little more mustard into his speech than otherwise.

Those are imponderables. What is not imponderable is the fact that the speech attracted attention which it would never have enjoyed otherwise. It was reported by the S.A.B.C., which does not normally take much notice of Nusas functions. It was reported, briefly, in the Nationalist Press. And it can be taken for granted that it will have excited attention in the Western world out of all proportions to the occasion or content.

All this was predictable. Why, then, did the Government behave as it did? Perhaps the explanation lies in Mr. Vorster's assertion—which he has made three times this year—that the Nationalist Party is fighting on two fronts. Putting the screws on Mr. Reid will have served them both. It will have gratified the orthodox Nationalists on the Right and, at least, looked like a swipe at the overseas inspiration of the "liberals" on the Left. Now that the Government has got itself into this position the country must expect a good deal more of that kind of behaviour.

[From the Sunday Express, Johannesburg, Republic of South Africa, Aug. 10, 1969]

Foolish Fear of Words

"How foolish can our Government get? Faced by an application by four American Congressmen to visit South Africa, it grants unconditional visas to two and visas with gagging clauses to the other two. The result: none of the four is coming. Relations between South Africa and the United States are unnecessarily strained and the anti-apartheid and anti-South Africa lobby in the United States Congress is immeasurably strengthened.

"Just think of it. Congressman Ogden Reid, an influential Republican and businessman, is told that he may come to South Africa but that he may not make any speeches.

"The Government is out to stop him making one speech in particular—the Day of Affirmation Address arranged by NUSAS. Mr. Reid was to talk about academic freedom. He was to talk about human freedom. He was to talk about democratic ideals that students cherish.

"He might, for all we know, have called on them to stand by the values that are not peculiar to students at English-speaking universities but are shared by students in democratic institutions everywhere. He might for all we know, have said a few critical things about apartheid. Or, for that matter, about the Government itself. So what? Does the Government think that because Mr. Reid is a liberal he is going to spark student revolt?

"Does it think that because he is a critic of apartheid he is going to sound the death-knell of apartheid by addressing a couple of thousand students? Does it think that a respected Member of the United States Congress would advocate violence, sit-ins and revolutionary action in a country in which he is a guest?

"It is too ridiculous for words. Mr. Reid would have been here as a distinguished visitor and speaker and nothing he would have said would have altered the position here. All that could have happened is that students would have been shown that this American liberal shared their viewpoint, their hopes and their aspirations for a better and non-racialist society.

"But they knew that anyway.

"And if they had been inspired, and they certainly would have been, it would not have been to go out and blow up the Houses of Parliament but to strive for the ideals they uphold and should always uphold. One might well wonder: Is the Government so afraid of words that it cannot let them be uttered?

"Is it so thin-skinned that it cannot stand an anti-apartheid viewpoint in the land of apartheid?

"Is it so insecure that it fears that one or two American Congressmen, by addressing one or two gatherings, might topple the whole edifice?

"It seems so. For with deliberation and total disregard for the adverse response its ill-advised action would engender, the Government tells Mr. Reid he can come here but that he cannot make any speeches. To compound its foolishness it tells a Negro Congressman that he can come here, but that he, too, can make no speeches. The fact that he is a member of a Congressional Sub-committee that is opposed to apartheid is beside the point. Negro Congressman Diggs could no more have caused trouble by speaking here than could Mr. Reid. Both, as Congressmen, know how to behave themselves when they are guests in a foreign country just as much as South African Parliamentarians know how to behave themselves when they are abroad.

"In Mr. Diggs's case, the fact that he is a Negro is an aggravating circumstance. He feels that he did not get a no-strings-attached visa because he is Negro; South African officials say that the reason is that he is a member of a Subcommittee which fights apartheid and there are no racial reasons for the decision to give him a restricted visa.

"In the inflamed atmosphere in which the subject is being debated in Washington, such assurances are of no value. Americans are affronted that two Congressmen cannot be allowed into South Africa without being gagged. They are affronted because this is a breach of their own cherished democratic right of freedom of speech. They are affronted because, by the usual standards of inter-governmental hospitality, it is customary for visiting legislators, South Africans included, to be treated with complete courtesy and without restriction in the United States itself. And they are doubly affronted because one of the restricted Congressmen happens to be a Negro.

"So there it is. Because the Government is too frightened to allow two American Congressmen into this country without gagging them, it takes such action as condemns it in the eyes of the Western world as being no respecter of the democratic way of life.

"What a shame that South Africa has to suffer because this frightened and foolish Government cannot see beyond its apartheid nose."

[From the Pretoria News, Pretoria, South Africa, Aug. 19, 1969]

Moon Landing Shows Man Can "Mobilise His Efforts and End Prejudice on Earth"

United States Congressman Ogden R. Reid, in a speech he was prevented from personally delivering in South Africa, last night told South African students that the recent landing on the Moon showed that man could mobilise to end racial injustice on earth.

The New York Republican criticised racial inequities in his speech which was tape-recorded for playing last night at ceremonies being held by the National Union of South African Students (Nusas).

He told the students not to despair that the "rigid defenders of status quo" will eventually give way to students and other "guarantors of the future".

He said that if there was a theme to the events of this century, "Let it be that barriers to freedom are going down in Africa, in the United States, and around the world, and that every man has the right to expect no ceiling on his attainment save that set by his own ability."

Congressman Reid said: "If men needed a sign in the heavens that the old order is passing, they received it last month when two human beings walked on the moon.

"When some men reach the moon—and young men in their thirties at that—how can others think of their fellows as mere creatures to be confined in ghettos or sequestered on reserves, restricted to menial labour or left uneducated, unworthy of comradeship, or even respect, the peons of a master race?"

Congressman Reid said the Apollo 11 moon flight with its "stupendous demonstration of Man's genius and vision, his capacity for planning and achievement, proved beyond a doubt that a global agenda for all of Man is a realistic and obtainable programme for our times."

He called for a "global agenda" in which all nations would attempt to implement the United Nations' universal declaration of human rights which says "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

The Congressman tape-recorded and released his speech here after the South African Government said he would be granted a visa only on the condition that he made no speeches while in the country.

He had been invited to speak at the "Day of Affirmation of Academic and Human Freedom" ceremonies held last night by the Nusas at the University of Witwatersrand in Johannesburg.

KENNEDY

The students' group decided to hold the ceremonies anyway, with an empty speaker's chair, and with the playing of a tape made in Washington of Mr. Reid's speech.

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The late Sen. Robert F. Kennedy delivered the Affirmation Day address three years ago.

Congressman Reid, in his preamble, said: "It is a cause for genuine regret and sadness that, at a time when our world grows smaller, any nation should act to restrict communications between peoples. Ideas and principles that reflect the truth cannot be stopped by any country on the globe."

[From the Uganda Argus, Kampala, Uganda, Aug. 26, 1969]

YOUTH SPEARHEADING U.S. WIND OF CHANGE

New York Congressman Ogden Reid, speaking to Makerere students last night, said he believed a wind of change, in which American society can re-evaluate itself, was taking place in the United States. Youth are spearheading the change, he believed.

Introducing himself to the students before engaging in an hour-long question and answer session with them, Congressman Reid, who was recently the centre of a controversy in South Africa when the Pretoria Government forbade him from speaking to the Student Union there, said that the young people of America were pointing out the ills of the society and were moving toward eradicating racialism and poverty.

He had opposed the new U.S. defence system as he considered it inconsistent with the move toward non-proliferation agreement with the Soviet Union, and that if America could turn its interests from the arms race, it could instead invest in more important activities such as education, health and opportunity for all. America, he said, seeks a climate where "all can maximise their potential."

Of the South African Government's refusal to allow him to speak there, the Congressman said "it was further evidence of South Africa's retreat into isolation."

The Lusaka manifesto was a historic and important document which he hoped would enjoy the support of all Governments including America's.

Rhodesia: He hoped that his Government would withdraw its consulate from Salisbury.

He hoped America's relations with Africa and Uganda would continue to grow and "build a brighter world in which all men will have equal opportunity."

And he hoped Makerere students would not rest until there was freedom throughout the world; that they would not cease until the Universal Declaration of Human Rights become a document that is meaningful to all.

There existed now a challenging opportunity, but one which also had a sense of urgency.

Replying to questions from students, he said the Vietnam was the one war the American people wanted ended. It is a war the morality of which all were questioning.

"It is not a proud chapter in our history."

Asked about American "hypocracy", such as the claim to support human rights while refusing to honor the UN resolution on South Africa, he agreed that America's stand was inconsistent.

Personally, he said the U.S. Government should instruct its businessmen not to continue with their activities.

He hoped the United States would develop new policies which were not aligned with the status quo.

Earlier, Congressman Reid had met President Obote in Parliament Building. They spoke together for an hour. According to a Government spokesman, they discussed African affairs, including Rhodesia, South Africa, Portuguese territories and the Nigerian civil war.

President Obote also expressed the hope that more American leaders would come to Africa to gain first-hand knowledge of what is happening on the continent.

The President also expressed the view that, when considering aid to developing countries, more emphasis should be placed on the rural areas.

Present at the meeting was Mr. Basil Bataringaya, Acting Minister of Foreign Affairs.

[From the Daily Nation, Nairobi, Kenya, Aug. 21, 1969]

MOI HAS TALKS WITH VIP VISITORS—KENYA SEEKS U.S. TRAINING HELP

Kenya's Vice-President, Mr. Daniel arap Moi, suggested yesterday, in a chat with visiting U.S. Congressman Ogden R. Reid, that America could assist Kenya in a crash programme to train business administrators at U.S. colleges and universities.

Mr. Moi noted, when the visiting House of Representatives Republican member paid a courtesy call on him, that such a programme would last between six months and a year.

Kenyans who received such training in the U.S., he said, could on their return help in Africanisation of commerce and industry.

Mr. Reid, who was accompanied on his call by the U.S. Charge d'Affaires, Mr. Wendell B. Coote, was greeted by Mr. Moi with these words: "Well, well, they barred you from entering South Africa! Glad to see you here. I personally think that South Africa is getting isolated."

Mr. Moi said Kenya hoped that the governments of the U.S. and Britain "will exert the necessary economic pressure on South Africa" and that all U.N. member nations will "relentlessly work for the implementation of the U.N. Charter and the Declaration of Human Rights."

Reciprocating Mr. Moi's displeasure at South Africa's policies, Mr. Reid said: "The majority of the people of the United States believe in majority rule. . . . Like the rest of the world, they admire the courage of South Africa's Blacks. We have supported the demands that the Human Rights Declaration should be implemented."

IMPLEMENT

Mr. Moi commented: "Yes, indeed. All the nations of the world should implement the Declaration and all the requirements of the U.N. Charter."

The Vice-President recalled that, during his recent tour of the U.S., he told his hosts that Kenyans, while welcoming aid from their well-wishers, were keenly "helping themselves to the best of their resources, ability and initiatives."

He went on to compliment the U.S. for the interest it was showing in Kenya's agrarian economic projects, such as water development in the rural areas.

Told by Rep. Reid that Israel, too, was faced with the same problem of water preservation and had been looking for water "even underground", Mr. Moi warming to the subject, observed:

"We have here a number of lakes—such as Lake Victoria—whose fresh waters could be redesignated to productive purposes for our human good."

In another friendly exchange of views, during which the visiting U.S. Congressman alluded to the necessity in developing countries for "birth control", Mr. Moi commented:

"That's all right as a long-term measure. Our aim here, really, is to rectify the misdeveloped countries."

The U.S. legislator, who is on a three-day visit here, said he wished his itinerary would allow him to make a courtesy call on President Kenyatta as well.

Earlier, speaking to reporters at Nairobi Airport shortly after his arrival on the first lap of his one-week tour of Kenya, Uganda, Tanzania and Zambia, Mr. Reid called for closer relationship between the U.S. and Africa.

A former editor of *The New York Herald-Tribune*, he said he feels strongly that the U.S. "should place higher her priority on working with Africa."

Explaining the refusal of the South African Government to grant him a visa to visit that country, Mr. Reid recalled that he had recently refused the South African regime's demand that he should undertake not to speak in public if he visited South Africa.

[From the Times of Zambia, Lusaka, Zambia, Aug. 26, 1969]

AMERICA FAVORABLE TO MINE TAKEOVER

The statement made by Congressman Ogden Reid about the American Government's favourable reaction to President Kaunda's recent announcement about the take-over of the mines by the state stands in sharp contrast to the hostile reaction the reforms received in the British Press.

Despite the fact that there is extensive American investment in Roan Selection Trust—through American Metal Climax—the American Government did not allow this factor to colour its thinking.

A statement of this nature can only come after very careful thought and study of the facts available. We welcome it because it is realistic.

But there is one area where we would ask the big powers to show similar realism. For we know they can do it, if only they want to. It is in connection with the vexing Southern African problem.

We know that people like Congressman Reid personally feel opposed to what is going on in South Africa. We know this because recently, although the South African Government refused to let him speak to a student's union there, he was still able to make a recording of his message and the students heard both his voice and his message all the same.

But the time has come for the big powers to do more than just acknowledge their commitment to principles. Young countries like Zambia have had to pay heavily in economic terms for the principles they hold on the issue of freedom of the majority.

But the big powers appear to do no more than just say they are opposed to the oppression of the millions of Black people in this area. We can only infer that to them economic interest still appears supreme to the principles they daily enunciate.

The ironical aspect of apartheid is that those who want to perpetuate it say that they practise this evil system in defence of western values and christianity.

Nothing could be more unchristian than the permanent oppression of any person or group of persons purely on the ground of colour.

We trust that when President Kaunda talked to the Congressman he drove home the point that the west will have to do something positive to help those fighting to gain their birthright only freedom otherwise they will only antagonise future rulers of a free and independent Southern Africa.

It is more than timely that the two Congressmen should have come at a time when American Policy on Southern Africa must still be undergoing a review with President Nixon's recent election victory. Africa wants a more positive and realistic American Policy in Southern Africa.

[From the New York Times, Aug. 26, 1969]

ZAMBIA VOWS COPPER "FAIRNESS"

LUSAKA, ZAMBIA, August 25.—President Kenneth Kaunda gave new assurances yesterday that state control of Zambia's giant copper industry would be carried out with "fairness and equity." He said he expected serious negotiations to begin Thursday.

Mr. Kaunda said that valuating the mines and setting the rate of payment for Government shares would be consistent with the system worked out in last year's Mulungushi reform program. This means that more than three years would be involved.

It was in President Kaunda's Mulungushi

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declaration in April, 1968, that he set forth the program of economic reform in which the Zambian Government would take over 51 per cent of certain major companies.

The President gave his assurances in discussions at the presidential guest house with a United States Congressman, Representative Ogden R. Reid, Republican, of New York.

Mr. Reid told Mr. Keuda that the American people were confident Zambia would be fair in her dealings with the industry. Mr. Reid said later in an interview he had sought assurances because the manner in which Zambia carried out the takeover program would affect the United States business community's judgment.

Mr. Reid said Mr. Kaunda had also left with him a clear impression of his wish to maintain an investment climate in Zambia and of the importance he attached to this, both for Zambia and for potential investors from abroad. The President had also said he intended to conduct both the negotiations and subsequent operations on the basis of sound business principles.

In his discussions with the President, Mr. Reid said, he learned that Mr. Kaunda planned to take personal charge and responsibility for the negotiations and that this was why he had canceled his attendance at the forthcoming meeting of heads of states of the Organization of African Unity.

The President also said, Mr. Reid related, that the term "book value" used in his speech would be taken to mean "true" value in American terminology. Mr. Kaunda apparently felt just this point needed clearing up because American accounting terms were often quite different and that this would be an important point of reassurance to American investors.

The President and Mr. Reid seem to have had far-ranging discussions during their meeting. Mr. Reid came to Zambia after refusing conditions imposed on the granting of a visa to visit South Africa where he had been scheduled to address the South African Student Union.

AMERICAN STAND

Mr. Reid said at the interview that he had told President Kaunda of his belief that the United States should clarify its stand on African affairs and come down clearly on the side of self determination and human rights.

He said he had told Mr. Kaunda that the Nixon Administration was reviewing American policy on Africa and that a growing number of Congressmen were interesting themselves in Africa—particularly in southern Africa.

Mr. Reid said he had told Mr. Kaunda of his belief that a United States policy of total rejection of apartheid was essential and that a clearer policy on Rhodesia was also needed from America. He added that he felt that too often United States had deferred to British opinion on African affairs and that the State Department should now be prepared to take a more independent line.

Representative Reid said President Kaunda had readily agreed with these views and had added a warning that a change in United States policy, if it was to come, must not be long delayed because he felt there was a strong danger that time would take charge of events in southern Africa.

[From the Zambia News, Luaka, Zambia, Aug. 24, 1969]

KK Is Right—U.S.

Ogden Reid, United States Republican Congressman, said in Lusaka yesterday the U.S. Government had fully approved President Kaunda's takeover of the copper mines.

Reid was one of two U.S. politicians who have arrived in Zambia for a familiarisation tour. The other is Charles C. Diggs, a Democrat Congressman from Michigan.

Reid said the mines take-over was the right move toward steady economic independence and discouragement of economic exploitation.

"The purpose of my journey," Raid said, is to visit Zambia and other states because of the friendly relationship existing between the United States Government and African states."

The visits are intended to strengthen friendships.

Reid said Americans were deeply concerned with the war between Biafra and Federal Nigeria. He hoped peace would come through the Organization for African Unity.

America was interested to see states unite to form a stronger Africa.

Asked about Senator Edward Kennedy's political future, Reid said most American peace-lovers wanted him to remain a Senator. "It's important he continues," he said.

The people of Massachusetts would provide judgment on the Senator's political future when they vote in the next elections.

Reid's visit was to have been extended to South Africa, where he wanted to address students on "academic freedom."

But the racists foiled his plan by granting only a conditional visa. This allowed him to visit the country, but not to speak to students.

"I greatly admire the fight the students in South Africa have put up against apartheid," said Reid.

He leaves for Kampala on Monday to meet Ugandan President Obote.

Diggs, who is chairman of the African subcommittee of the House of Representatives, had arrived in Livingstone two days ago from Botswana.

He is accompanied by the committee chief of staff, Melvin O. Benson.

Both parties were welcomed by the American embassy staff. They will all have talks with President Kaunda.

[From the Standard, Dar es Salaam, Tanzania, Aug. 28, 1969]

Pretoria's Attitude "Intolerable"

South Africa's flouting of United Nations decisions on Namibia was "intolerable", United States Congressman, Mr. Ogden R. Reid said in Dar es Salaam yesterday.

Mr. Reid, who arrived yesterday from Lusaka on the Tanzania leg of his tour of Africa, said that new initiatives should be taken to make Pretoria implement the world body's resolutions.

He said that he had already talked to Presidents Kaunda of Zambia and Obote of Uganda and also Kenya's Vice-President, Mr. Daniel Arap Moi, on the question of new initiatives.

He said that he hoped to meet President Nyerere for similar talks. Mr. Reid said that after his visit he would see President Nixon, and discuss with him what steps should be taken to get South Africa out of Namibia.

"I will see President Nixon and try to review the U.S. policy towards South Africa", he said.

While in Dar es Salaam, Mr. Reid said, he would also meet the liberation movements. He had talks with them in Zambia.

The movements had requested help in food and clothing and he had told them he would take their request to the U.S. Government.

[From the New York Times, Aug. 17, 1969]

South Africa Turns Its Back

The voice of Representative Ogden R. Reid of Westchester will be heard tomorrow in the Great Hall of the University of the Witwatersrand in Johannesburg, delivering a plea for human brotherhood and freedom. But it will be a tape the students listen to; Representative Reid will not be there because South Africa would give him a visa only if he agreed to make no public speeches.

Similar visa restrictions were made the price of entry for Representative Charles C. Diggs Jr. of Michigan, chairman of the Africa subcommittee of the House Foreign Affairs Committee. Both Congressmen rightly refused to go on such terms, but the National Union of South African Students courageously went ahead with plans to use a transcription of the Reid talk anyway at its Annual Day of Affirmation of Academic and Human Freedom.

The resolution of these young people and the vigor with which the South African press has denounced the idiocy of the Government's action keep alive hope that eventually the timed, isolated men of power in Johannesburg will be obliged to end their long retreat from reality and decency.

MERRIMACK RIVER POLLUTION

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, the rivers and streams of the Merrimack River Basin have sufferd from pollution since the time of the great American naturalist, Henry David Thoreau, some 100 years ago, but in increasing amount and severity as the years have gone by. In 1966 I first proposed a demonstration project to clean up the Merrimack River Basin, based on the application of modern management techniques in the development of a comprehensive, coordinated pollution control program. A successful experience here would serve as an example of pollution-control methods which could be applied to similar problems throughout the Nation, and I am glad to be able to report that after renewing my proposal earlier this year, progress is now being made.

Technology can now provide the means which are commensurate with the magnitude and complexity of the pollution problem. As a process which seeks efficiency as well as effectiveness, the new systems management techniques can also serve to ameliorate the financial difficulties that all levels of government are facing in their efforts to control pollution. As a multidisciplinary approach which can take into account political as well as technological features of a problem, it can provide some answers to the various political problems which often work against the coordination required for a concerted attack on pollution.

There is a vital factor in the battle against pollution, however, to which technology is not so readily applicable—that of public concern and commitment. In the case of the Merrimack there is a need to rally serious concern and a strong public demand for immediate action about a situation which has existed for over a century. Many people have grown accustomed to its polluted condition or do not realize its severity or its threat as a dangerous health hazard. They have never been able to enjoy the benefits of a clean river, and thus in many instances have been unaware of its potential in terms of either "recreation or economic development for the region." In addition, the problem has grown so vast and complex that the action necessary to remedy it has seemed beyond their influence as individuals.

There is, however, throughout this country, a growing concern with the

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quality of our environment, an increasing awareness that this deterioration has reached a critical point, and a widening demand for the opportunities that a clean river can provide.

This is due in large part to the efforts of concerned groups and dedicated individuals such as Franz Scholz, Washington correspondent for the Lowell Sun.

Deeply disturbed by the lack of real progress in the Merrimack, this young reporter undertook a lengthy study of its history in an attempt to understand the process and cause of its deterioration. He read Henry David Thoreau's "A Week on the Concord and Merrimack Rivers," as well as numerous State and Federal studies that have been completed over the years on the Merrimack pollution problem. Impressed by Thoreau's description of the former beauty of the area, and aware of the interest to be generated by comparing it with the present condition of the Merrimack, he proposed a canoe trip along these rivers and streams, following the same route as Thoreau took.

With the enthusiastic support of his employers, Franz Scholz and photographer-helmsman Richard Taffe, Jr., cast off on August 16 to spend a week recreating Thoreau's journey of 1839. His purpose was to observe with the aid of a panel of experts, the changes in the rivers and their environment since the days of Thoreau, and he was joined on various days of the journey by Dr. Bela Fabuss, director of the Lowell Technological Institute Research Foundation and author of a study on a pollution control program for the Merrimack which will serve as the basis for the proposed demonstration project, and Mr. Arthur Rowse, formerly executive director for the White House consumer bureau and now a national columnist and publisher of U.S. Consumer. I was also pleased to be able to accompany him on the second day out for a firsthand and close-up view of the pollution problem.

A special effort was made to assess the total dimension of the pollution problem as well as its causes and extent. With the aid of information provided by Interior Department figures, accompanying experts, and local citizens, the "ship's log" recorded the effects of pollution on water quality, on aquatic life, and on the river bank residents; the economic effects of pollution on land values along the river and on industrial development of the area; the cost to communities and private industries to clean up the rivers; the recreational opportunities lost by pollution and the present and potential economic impact; the effects of pollution on health of people in communities using the river for drinking water and near farms using direct river water for crop irrigation; and the political problems involved in pollution control.

Franz Scholz has written up his observations and conclusions in a series of four articles, entitled "A Week on the Concord and Merrimack Rivers, With Apologies to Henry David Thoreau." In doing so, he has provided a valuable public service, for he has brought to the public eye, in stark and at times shocking terms, the critical condition of these streams. He has brought to the attention of the residents of local communities their vested interest in cleaning up these waters. He has stated with force not only the problems immediately at hand, such as the obvious eyesore and health hazard, but also the less visible and long-range effects on the economy in terms of opportunities for industrial and recreational development which have been and will continue to be lost if corrective action is not taken.

His description is at times startling in its emotion, often shocking in terms of the physical reaction to many of the sights and smells encountered in the journey. Franz Scholz has conveyed the deep sense of loss and danger which will serve to open the eyes of the unaware. He has described the potential benefits that can motivate broader interest and rally wider support from those who will realize themselves beneficiaries of a clean river. He has provided a greater understanding of what is at stake in the battle to eliminate pollution.

These articles appeared over a 2-week period in the Lowell Sun. As they are lengthy in total, but merit close attention, the installments will be divided for insertion in the CONGRESSIONAL RECORD on several successive days.

The first article follows:

No. 1. A CLOSE LOOK, FOR SMELL, OF RIVERS

(EDITOR'S NOTE.—During the past weeks we journeyed up the Concord and Merrimack Rivers following the route traversed by Henry David Thoreau in 1839. The purpose of our journey was to observe the changes in the rivers and their environment since the days of Thoreau. In this, the first article about our journey, we describe the pollution in the rivers.)

(By Franz Scholz)

LOWELL.—In the past 130 years man has turned the Merrimack River from what Henry David Thoreau called a "silver cascade" into a dump for raw sewage and industrial waste.

Vacationing on the Merrimack and Concord Rivers in 1839, Thoreau, although even at that time weary of the pollution of the rivers, described the Merrimack as "a silver cascade which falls all the way from the White Mountains to the sea."

On a recent journey of the Merrimack River, we found a description of the river offered in 1966 by Sen. Edward Kennedy to be more apt of its present state: "Suitable only for the transportation of sewage and industrial waste."

Aided by several experts and concerned observers, this reporter and a photographer recently retraced the route Henry Thoreau traveled in 1839. With two boats lent us by the South Concord Boat House, we started out August 23 from behind the Concord Academy in Concord, Mass., and traveling on the Concord and Merrimack Rivers arrived in Concord, N.H., August 27. The next day we spent coming back down the Merrimack to Lowell and on August 29 spent an additional day traveling down the Nashua River.

Traveling with us for a day each were Cong. F. Bradford Morse, Dr. Bela Babuss, director of the Research Division at Lowell Tech, and Arthur Rowse, national columnist and publisher of the Washington based biweekly newsletter U.S. Consumer.

The purpose of our trip was to observe the nature of the river, its pollution, the causes of pollution, the effects of pollution, and to learn why it is not cleaned up.

During his trip, Thoreau described the Merrimack as a "living stream." "Unlike the Concord, the Merrimack is not a dead but a living stream," he said, "though it has less life within its waters and on its banks."

We found the same description applies today.

Much larger than the Concord, sections of the Merrimack flow at an almost uncontrollable pace. Between Nashua and Manchester, N.H. the river's rapids are so strong they would not let our boats powered with a four horse outboard motor, through.

At other points—just above the Pawtucket Falls in Lowell and above the falls in Manchester—the river is calm, allowing sludge and other particles floating on its water to sink to the bottom. Even at these points, however, a strong, often shifty current flows down the middle of the river.

The Concord, by comparison, is calm with a slow current until it reaches the old Talbot Mills, after which it rushes to join the Merrimack.

In this rather still mill biological and aquatic life is more evident than on the swift Merrimack. Small sun turtles, with their bright orange bellies, were seen by the hundreds sunning themselves on stones, logs and branches along the Concord. Water weeds on the bottom of the Concord often got tangled in our paddles and on the wheel of our motor as we travelled close to its banks.

At several points we were reminded of Thoreau's description of boys fishing along the banks of the Concord. On the Saturday we traveled down the river boys were seen as Thoreau observed 130 years earlier fishing in Concord and Billerica along the banks of the river and in boats.

The only anglers seen on the Merrimack during our five days there were two men in Tyngsboro, five boys fishing (for carp) over a sewer outfall in Nashua, two boys next to another sewer outfall in Nashua, three boys on the banks of the river in Manchester just below a point where a stream of blood from a slaughter house empties into the Merrimack.

Some small fish, believed to be sunfish or kivers were seen in a shallow portion of the river in Concord, N.H. and two fishermen were seen headed north of Concord in a motorized canoe.

Vegetation was also less in evidence on the Merrimack than the Concord River.

Water lilies and weeds abounded on the Concord, but were only seen in sections along the Merrimack.

Whereas in the Concord we could scrape the river's bottom with an oar and bring it up tangled with water weeds, scraping the bottom of the Merrimack produced only a grayish substance which looked like wet coal ashes.

This gray sludge comprises a large part of the river's population.

It abounds at bends and turns in the river where the current is usually slow and thus allows particles in the river to sink to its bed.

These particles originally start out as raw sewage and industrial waste deposited in the river mainly in the larger cities along its banks.

Where the sewage spills into the river, the large pieces of human waste and other heavy solids sink to the bottom quickly. The smaller particles, such as paper, less dense wastes and floatable material such as contraceptive devices, are carried downstream by the river's current.

The current continually breaks up these pieces as it carries them along and the further they travel down the river, the more the river's water helps dilute them. Along their journey downstream, however, the current drops some of this waste on the bottom of the river, perhaps at a bend or along the banks where the current is not strong. It also breaks up the larger solids which settled to the bottom after spilling out of a sewer pipe and slowly moves them downriver. The result is the sewage is continually being moved downstream and deposited all along the river's bed.

Despite the sewage evidenced at every portion of the river, its most impressive feature is the water it holds.

At some points the river is as wide as a football field is long and the strength of its currents caused us to admire the strength of earlier men who carried out commerce on the river.

Another impressive feature was the white sand (Thoreau said the river had a "yellow pebbly bottom") which lined the river's banks and often forms what could be pleasant beaches.

The amount of water in the river and its swift current and perhaps also sandy shores saves the river from being even more polluted than it is.

The amount of water in the river serves to dilute the pollution. Dr. Fabuss' tests shows it dilutes the raw sewage poured into the river so the pollution count is roughly one 17th to one 31st of that of settled sewage.

The swift, challenging current moves the pollution down the river and although it spreads the pollutant material the length of the river, it also helps wash away the bottom where sewage has settled for the past hundred years or more.

As long as new pollution is poured into the river, however, pollution can be expected to pile up on the river's bottom.

On the bottom, the pollution material produces the same effects as a farmer's compost pile. It decomposes, robs the water of oxygen essential to aquatic and vegetation life and lets off gases. The gases appear on the surface in the form of bubbles, which were evidenced on all parts of the river, except at the rapid moving falls between Nashua and Manchester. The gases are also responsible for much of the odors coming from the river.

Thus, the expanse of water in the river and its swift current dilutes the sewage and other waters, and carries it along the river. Although the largest sources of pollution were found mainly in the big cities—Lowell, Nashua, Manchester and Concord, N.H.—the current has carried it downstream polluting all parts of the river.

As more and more sewage is dumped hourly the sludge deposits on the bottom increase. After observing the river between Lowell and Nashua, Dr. Fabuss observed, "The river could take care of the pollution load on this stretch by self-purification, but added pollution upstream and downstream makes the conditions progressively worse and overloads the river." And, he added, "The quality of suspended solids in the river is so large that their disposition in river bends leads to accumulation of sludge deposits and to their decomposition. This decomposition goes on without sufficient oxygen, with formation of malodorous gases."

Rats, perhaps attracted by the pollution deposited on the bottom and banks of the river were observed daily—they were most numerous in Lowell behind the new post office building in the Northern Canal area.

Dumps all along the river also attract rats. On the Pawtucket Boulevard side of the river from Lowell to Tyngsboro we observed more than 15 areas people have used for dumping (we counted eight refrigerators thrown over the banks along that stretch). Old cars, bottles and cans, discarded cement pipes and other refuse is prevalent along nearly all sections of the river.

With Cong. Morse as our traveling companion on the second-day out, we observed three rats together on a small sand barge surrounding some stagnant water and others scurrying off into the bushes behind the Northern Canal area. More rats were seen feeding around sewage outfalls in Nashua and Manchester. In Concord, where the river is considerably clearer, rats were replaced by larger beaver and muskrats.

The polluters—sources of the waste which scars the river—number in the hundreds. They may be grouped in three categories—large public polluters, large industrial polluters and small public and private polluters.

The large public and industrial polluters are located in the large cities along our route—Lowell, Nashua, Manchester and Concord, N.H.

The small public and industrial polluters are located in the large communities as well as the small communities—Chelsmford, Dracut, and Bedford, and Merrimack, N.H.

All of the four large cities listed, with the exception of Nashua, dump all their raw sewage into either the Merrimack or a tributary, such as the Nashua River, untreated. A portion of Nashua's sewage is given primary treatment, which means it is screened of the largest solids.

Lowell dumps its sewage into the river at approximately 28 different places. On our trip, we found only two—one at the mouth of the Concord and the other on the Pawtucket Boulevard side of the river approximately 300 yards upstream from the Bridge Street Bridge.

Untreated, it enters the river in pipes of from four to 10 feet in diameter looking like dirty water, but carrying identifiable particles of human waste, toilet paper and almost any other substances flushed down toilets, sinks, bathtubs, and clothes washers.

In Nashua we observed six such sewage outflows, all but one containing raw sewage. Two were just below the Hudson Bridge, one just above the bridge and two near the mouth of the Nashua River. The city engineer, however, says there another 10 or 11 outfalls in Nashua.

The heavy solids in the sewage at one of the outfalls on the Nashua had built up a mound around the pipe carrying the waste into the river about three feet high for 20 feet from the pipe. So grotesque was the area, with new sewage flowing over it, I called it Nashua's Scab.

During peak hours (early afternoon and early evening) sewage from this pipe left the water white and formed an unbroken stream of solids for a mile as it flowed down the Nashua into the Merrimack.

A sample of the water about 50 yards from this pipe by Dr. Fabuss corresponded to settled sewage diluted six times.

Manchester owned the largest single sewage outfall observed on our trip. We spotted it just before we reached the long line of mills in the New Hampshire city. Its nucleus was a pipe 10 to 15 feet in diameter which spilled raw sewage over a manmade waterfall directly into the river.

Although the rapids prevented us from exploring further in Manchester, the city's engineer estimated that the city's sewage pours into the river from 20 points.

Concord, N.H. differed from Manchester only in the volume of sewage it deposited in the river. Like Manchester, it dumped its untreated sewage containing identifiable pieces of human waste, directly into the river. While taking pictures of this identifiable waste. Photographer Richard B. Taffe Jr. had to spit continually to keep from vomiting.

Of the three New Hampshire towns, Manchester undoubtedly was the largest polluter, followed by Nashua and Concord in that order. According to a 1966 report of the Federal Water Pollution Control Administration, Lowell is a larger polluter than both Manchester and Nashua combined.

According to the same report, some of the large industrial polluters we saw along our route challenged and even surpassed the amount of solids and other pollutants the city of Lowell poured into the river.

A rat infested river of blood and other animal wastes, demanding more of the Merrimack's oxygen than the city of Nashua, flowed from a Manchester slaughter house directly into the river. The smell of the fresh blood, rats and solid material carried by the blood, again caused our photographer to gag to keep from vomiting. The owner of the slaughter house saw nothing wrong with the dumping of his wastes.

A Nashua based tanning company, bearing the same name as the Manchester slaughter house, poured about one-third as much solids into the river as did the city of Nashua. Its wastes, when released colored the river white and red.

Another tanning company in the city of Merrimack poured about the same amount of waste in the Souhegan River, at about 20 yards from where it enters the Merrimack. Other wastes on the Souhegan colored the river red and blue.

But, the largest polluters of all, in relation to the amount of suspended solids they dump into the river, were paper companies in Fitchburg, Mass., which we observed during our last day on the Nashua River.

Some of these paper companies run the river directly through their plants. As it enters the plants, the river appears greenish brown. When it comes out the other sides of the mills it is absolutely white and carries acids and other chemicals.

The largest of the three Fitchburg paper mills pours more solids into the river daily than do the cities of Lowell and Manchester combined. The other two each drop more wastes than the city of Lowell.

The three mills are three of the major reasons why the Nashua River is the dirtiest of the tributaries flowing into the Merrimack.

Smaller private public polluters make up the largest number of polluters, but do not cause the destruction of the larger polluters.

They range from private households along the river (one count sets the number of such polluters in Tyngsboro alone at 27) to a chemical company in Nashua, a rendering company in Billerica, a silver company in Lowell, a Lowell textile company, a large defense contractor in Nashua, as well as the smaller townships of Dracut, Chelmsford and Hudson, Merrimack, Bedford, Derry, Salem and Milford, N.H.

Of the private households and small communities, raw sewage comprises the majority of the wastes they deposited in the river. The small industries dump dyes, acids, caustics, ammonia, animal wastes, wood and rag fragments, grease and practically every chemical imaginable into the river.

Some, such as warm blood, dyes, grease, ammonia, human waste, and animal parts are identifiable with the human senses. Chemicals are not. They must be examined in the laboratory.

(The next article will describe the effects of pollution in the rivers on the people living in the cities and towns along the rivers.)

FAIR INTERNATIONAL TRADE BILL

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Ohio (Mr. BETTS) is recognized for 60 minutes.

Mr. BETTS. Mr. Speaker, the time has come, if it is not past due, to revise our foreign trade policy. It has run on the same track now for 35 years. This length of time has been enough to allow us to extract most of the benefits that the program promised and also to accumulate alongside of the benefits certain serious defects and positive perils.

During this long period a number of international tariff-reducing negotiations were held, the last one being the so-called Kennedy round, the full extent of which is not yet in force. More reductions are still on the way.

Our tariffs are down a full 80 percent

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of their average level 35 years ago when the average duty on dutiable items was a little over 50 percent, and will go yet lower. The average level of dutiable items will be about 10 percent on the foreign value of imports when all the Kennedy round cuts will be completed. This represents the 80-percent reduction. About 38 percent of our imports are completely free of duty. If these are included in our calculation, our average tariff on all imports will be some 6 or 7 percent.

As we look back we can see that many of our tariff reductions were made during times when their full competitive effects on our domestic industries could not be tested. When it was not actual war, as from 1940–45, it was the dislocation of war and then the Korean outbreak, followed by the cold war and then Vietnam. These disturbances kept our industries from feeling the full impact of our drastic tariff reductions. To be sure, there were quite a number of industries that were hurt; but overall we were in a position, because of the dislocation occasioned by these developments and their aftermath in the form of domestic expenditures and international outlays, to maintain a balance of exports over imports.

Actually this favorable balance of trade did not last as long as our official trade statistics allowed us to believe. Several years ago the tide turned but the turnabout was hidden by the practice, still continuing, of counting our exports under foreign aid and related programs as real dollar exports. We know that these exports were not really a competitive test of our producers of goods and commodities; but the coverup kept our competitive weakness from being recognized until very recently. Now, even as we still include those parts of our exports that are paid for in whole or substantial part by our taxpayers as real exports, the favorable trade balance has shrunk to almost invisible proportions. In the past year and a half we have run deficits during a number of months.

We had become accustomed to look to our so-called favorable trade balance as an offset to our balance-of-payments deficit, which, of course, included such items as tourist expenditures, foreign investment, foreign war costs, and so forth, in addition to actual merchandise trade. Now our trade balance can no longer be looked to to help correct our balance-of-payments deficit; and that, Mr. Speaker, is one reason why the shoe pinches more than ever before. Our dollar is now more nearly naked as it faces the balance-of-payments deficit.

This fact is what is bringing a showdown; but, Mr. Speaker, that is only one reason for concern. The other is something different. It is the competitive weakness of our producers and manufacturers in foreign markets and right here at home in the face of imports. This fact cannot any longer be either hidden or ignored. It represents a circumstance, which is to say, a development some years in coming; but it is very stubborn and will not yield to incantations and wishful thinking.

Some of us here have seen this coming, not because we had better foresight, but because we had industries in our districts that were already exposed to a rising tide of imports. We could see what the combination of low foreign wages and rising productivity of industries in other countries could do to us. The low foreign wages, the levels of which continue far below our own well over two decades after the end of World War II, were bad enough; but when other industrial countries embraced our system of mass production and adopted modern technology it could be expected that competitively our fat would really be in the fire.

Mr. Speaker, it is one thing competitively speaking, when we pay two and a half to five or six times as much in hourly wages and fringe benefits as our competitors when our productivity outruns theirs by an equal or nearly equal ratio. It is something very different when we pay wages so much higher when foreign productivity per man-hour begins to come within range of our own. This is what has been happening; and, of course, we have helped it happen. We not only conducted many thousands of productivity teams visiting us from abroad through our plants, thus enabling our competitors to learn our hitherto unique system of production; we have in the past 10 or 15 years invested upward of $50 billion in foreign plants, either as subsidiaries or as joint ventures, with foreign participation. In any event, this country is no longer the one highly productive island in the world. It has begotten many strong competitors.

Meanwhile, we were willingly and eagerly engaged in cutting our tariffs so that other countries could overcome what was called the dollar gap. We strove for "trade not aid." This policy continued, as I have said, under the protective umbrella of abnormal trade conditions that favored our exports regardless of relative competitive standing. The deep tariff cuts that had been made could not be tested under those circumstances. In recent years the rising competitive prowess of other countries, especially Western Europe and Japan, began showing the results of the great foreign technological advancement, accompanied by trailing and lagging wage levels. Now clear streaks of daylight are breaking through the dawn. The reality of what went on during these many years of tariff-cutting is coming upon us. There is no hiding from it.

There are still those who, taking their cue from the past, boast that our superior know-how is all we need. It will pull us out of our difficulties. Mr. Speaker, those who have recourse to this adolescent pride, have not awakened to two facts: First, other countries also have know-how and imagination, and second, we ourselves are abroad spreading the know-how rapidly and extensively.

Others say that we have lost our vigor; that we have become lazy and inefficient. No doubt we have our share of laggards; but I do not believe that the indictment will stand. While it is true that our productivity lead has been narrowed, this result should have been expected. When other countries substituted modern machinery and equipment for the more pedestrian base to which they were accustomed their productivity leaped more precipitably than it did with us when we replaced obsolescent machinery and equipment with the modern variety. Proportionately our gain in productivity was not nearly as great.

There was indeed a time when foreign wages were rising much faster than our own, but in the past 3 years our wage levels broke loose and left the foreign levels far behind once more.

Call it inflation, call it what you will, our costs of production are distinctly higher than the foreign counterparts for reasons such as those I have mentioned, and for other reasons. We no longer have a free market. Our principal cost factors have become inflexible. The principal single item is employee compensation. This factor outweighs taxes and profits combined by far. In fact in our corporate expenditures employee compensation represents close to 80 percent of total costs.

Yet it does no good simply to cry that wages are too high. Possibly they are. We do, however, need high consumer purchasing power to absorb the vast output of our mass-production industries. In any case, I am not concerned here with the rightness or wrongness of our wage levels. I am concerned with the fact, the abiding fact, that we have high costs in relation to those of our leading foreign competitors. That is why they can outsell us and why we have gone overseas with such a big flow of investments to save our export markets for our manufacturers. Unfortunately we are not saving them in any sense of providing employment at home. We produce abroad much of what we would have produced here and shipped abroad had we been able to do so—that is, had we been able to compete. We went abroad with our capital, but we could not take our labor with us. We needed the lower wages prevailing abroad in order to compete in those markets.

To be sure our machinery exports boomed; but in the past few years our imports of machinery have risen more rapidly than our machinery exports; and there is every reason to believe that our manufacturers of machinery are on the way to the same experience as that suffered by an increasing number of other industries: heavier and heavier bombardment from imports.

With our tariff structure virtually dismantled we still have the problem of imports rising rapidly and disrupting our market and dampening down our new job openings, which we will need very badly if we move toward a peacetime economy.

Mr. Speaker, I think the kind of trade legislation we need now is what may be called a ceiling on imports backed up by a quota that would be invoked only if imports should break through the established ceiling. The ceiling itself would be expressed in a percentage of domestic consumption, such as 10, 15, and 20 percent, or as the case might be.

In recognition of one of the principal objections to import quotas, which is to say that it straitjackets imports, this legislation provides for flexibility in the form of participation by imports in the growth of domestic consumption of a given product. If domestic consumption should rise 5 percent in 1 year over the previous one imports would be given the same proportionate increase. The legislation does not provide for imposition of a quota in all instances. The industry or labor or agricultural group applying to the Tariff Commission must first satisfy the Commission that the imports of its product meet the requirement for a remedy laid down in the bill. Serious injury would require a minimum of a 10 percent penetration of the market by the imported product—that is, it must supply at least 10 percent of domestic consumption—and additionally it must show a substantial rise in imports during the most recent 10-year period. This would mean that imports must have gained substantially on the domestic producers.

An actual quota, however, would not be imposed unless imports actually exceeded the ceiling for a 6-month period. In order to measure this the percentage of imports of domestic consumption would be translated into quantity or value. If, for example, domestic consumption were 1 million units and the import ceiling were set at 12 percent of consumption, 120,000 units could be imported without a quota. Should imports rise above this 12 percent level for 6 months an import quota would be set at the 12-percent level, and imports would be controlled and held to that level. Should domestic consumption grow, as it usually does, imports could rise in proportion.

We have had a meat import ceiling since 1964, or 5 years, and to date imports have remained below the ceiling. It has not been necessary actually to impose a quota.

Another aspect of the bill that qualifies it as liberal in character is that it calls for little or no rollback in the attained level of imports, unless in the 3 most recent years they grew immoderately, or more than 15 percent over an immediately preceding year.

I know of no other country that offers the world a trade proposal as liberal as this. It is an offer that would continue present trade levels in most instances and it would only apply where imports had already achieved a damaging penetration of our market. No quota, should one be imposed, would last over 5 years. At least 1 year must then lapse before another ceiling could be established.

Mr. Speaker, I feel that this departure from our existing trade policy represents no more than a recognition of the fact that we have gone nearly all the way toward no tariff at all, and that our tariff reductions have overexposed a number of our industries, a fact that was not necessarily obvious when the tariff cuts were negotiated, but later came to light.

I am introducing this legislation with the hope that it will attract the strong support to which it is entitled and that the Ways and Means Committee will approve it.

I ask unanimous consent to print the bill at this point in the Record, together with an explanation of it:

H.R. 14102

A bill to encourage the growth of international trade on a fair and equitable basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair International Trade Act of 1969".

PURPOSE

Sec. 2. It is the purpose of this Act to prevent or remedy the injurious effects of an undue increase of imports on the domestic economy and to provide equitable safeguards against serious injury or a threat of serious injury caused by a substantial loss of the domestic market by an industry or agricultural operation to imports, while providing for the orderly expansion of imports in equal proportion to the growth of the domestic market for the products concerned.

TARIFF COMMISSION INVESTIGATION

Sec. 3(a) (1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon a filing of a petition by a trade association, a national labor union, or other interested party, alleging serious injury or a threat thereof caused by an undue increase of imports of any article, the Tariff Commission shall promptly make an investigation of the competitive position of the domestic industry producing a like or directly competitive article to ascertain the level of imports of the article in relation to the domestic consumption supplied by the imports during the most recent ten-year period since the proclamation of a trade agreement concession or concessions on the article under the provisions of Public Law 73–316, approved June 12, 1934, as amended, or under the provisions of Public Law 87–794, approved October 12, 1962, known as the Trade Expansion Act of 1962; or since 1969, whichever period is shorter.

(2) Should the share of domestic consumption supplied by imports of the article not be ascertainable to the satisfaction of a majority of the members of the Commission participating in the proceedings, as determined by a preliminary survey, the Commission shall make a finding with respect to the presence of serious injury or threat thereof to the domestic industry concerned on the basis of facts produced in the course of its public hearing and investigation. The Commission in reaching its conclusion under this paragraph shall take into account the probable adverse effects of increased imports of the article on the growth of the domestic industry or appropriate segment thereof as provided under subsection (b) of this section, on employment, on the trend of sales and profits, including evidence of the idling of production facilities, retardation of investment, underemployment and similar adverse economic effects. In examining such effects the Commission shall so far as available information permits take into account relative wage and productivity levels prevailing in the domestic industry and in the principal countries of origin of the imports.

DEFINITION OF "DOMESTIC INDUSTRY"

(b) The term "domestic industry" shall be interpreted as the productive operations in the United States devoted to the production of the article or articles that are the subject of the petition and may be confined to a single category of article or a group of closely related categories of articles if the competitive impact of the imports is concentrated on the single category or closely related categories of the article.

SHARE OF MARKET

(c) The share of domestic consumption supplied by imports for the purpose of subsection (a) paragraph (1) of this section shall be in terms of quantity unless quantitative measures are not available, in which event dollar value of imports shall be used, reflecting the foreign value as defined in the Tariff Act of 1930, plus the estimated charges incurred for freight and marine insurance in bringing the goods to the port of entry: *Provided,* That in the absence of definitive official statistics on either quantity or value of imports of any article the Commission shall use the best available evidence and estimates in establishing the share of domestic consumption supplied by imports. Should neither the quantitative nor the value measure alone provide a fair economic indication or index of the share of the market supplied by imports, the Commission shall use such a combination of both measures as in its judgment will most truly reflect such share: *Provided further,* That if a quantitative measure is used, increased unit values of the imports not attributable in major part to an increase in price, are to be treated as a quantitative increase in imports in proportion to the increase in unit value in determining the share of domestic consumption supplied by imports; while if a value measure is used, an increase in the total value of the imports attributable in major part to a price increase shall not be treated as an increase in imports in determining the share of domestic consumption supplied by imports.

The value of imports of articles as used in this Act shall be the dutiable value.

DEFINITION OF "DOMESTIC CONSUMPTION"

(d) The term "domestic consumption" as used in this Act shall be understood to mean domestic production of the article in question, plus imports thereof, less exports or re-exports of the same article during the same period, making proper allowance for carryovers at the beginning or end of any year.

PUBLIC HEARING

(e) In the course of the investigation a public hearing shall, after reasonable notice, be held by the Tariff Commission. Interested parties shall be given an opportunity to appear and to be heard.

FINDING OF SERIOUS INJURY OR THREAT THEREOF

Sec. 4. (a) If the Tariff Commission finds as a result of the facts found in the course of its investigation and hearings under section 3(a), paragraph (1), of this Act that an increase in the share of the domestic market supplied by imports has caused or threatens to cause serious injury to the domestic industry producing the like or directly competitive article or group of closely related articles that produce or, tend to produce a combined competitive impact, it shall report affirmatively to the President, setting forth the principal facts that support its findings. Should the Commission find that the facts do not sustain the allegation of serious injury or a threat thereof it shall issue a report to the public setting forth the essential facts leading to the negative finding.

(b) Serious injury shall be found under section 3(a), paragraph (1), by the Commission—

(1) if the share of domestic consumption supplied by imports has during the most recent calendar year reached a level not less than 10 per centum of domestic consumption of the article in question: *Provided,* That absolute annual imports have increased not less than 100 per centum since 1960, or since the beginning of the most recent ten-year period, whichever is shorter;

(2) if imports had already supplied at least 10 per centum but less than 15 per centum of domestic consumption in any one of the two years before the filing of the petition: *Provided,* That absolute imports increased not less than 50 per centum since 1960, or since the beginning of the most recent ten-year period, whichever is shorter; or

(3) if imports had already supplied 15 per centum or more of domestic consumption in any one of the three years before the filing of the petition: *Provided,* That absolute imports increased not less than 33⅓ per centum since 1960, or since the beginning of the most recent ten-year period, whichever is shorter.

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THREAT OF INJURY

(c) A threat of serious injury shall be found under section 3(a), paragraph (1), by the Commission to exist if imports during any year during the most recent five-year period supplied not less than 7½ per centum of domestc consumption and the upward trend of such share during the most recent three-year period would, if continued, reach not less than 10 per centum of domestic consumption within two years after the end of the most recent three-year period.

RECOMMENDATION OF THE TARIFF COMMISSION

SEC. 5. (a) If the Commission finds either serious injury or threat thereof under section 4 (b) or (c) of this Act it shall send its report to the President within one hundred and twenty days from the filing of the petition or institution of the proceedings, recommending a ceiling over the share of domestic market that may be supplied by imports during any calendar year or specified part thereof without invoking the imposition of a quantitative limitation.

RECOMMENDATION OF AN INCREASE IN DUTY

(b) If the Commission proceeds under section 3(a) paragraph (2) of this Act it shall find serious injury or a threat thereof if in its judgment the adverse effects resulting from increased imports are seriously impairing the expansion of production, the level of profits or of employment in the domestic industry, or threatening to produce such a result. It shall report to the President within one hundred and fifty days from the filing of the petition or institution of the proceedings, recommending an increase in the duty to a level that in its judgment will prevent or remedy the injury, but in no case to exceed by more than 25 per centum the rate in effect under the Tariff Act of 1930; or the establishment of a quantitative limitation which shall not reduce imports to a level less than the average annual imports during the two most recent years. Should the Commission find that the facts do not sustain a finding of serious injury or a threat thereof it shall issue a report to the public setting forth the essential facts leading to the negative finding.

ESTABLISHMENT OF IMPORT CEILING

SEC. 6. (a) If the finding under section 4(b) is one of serious injury the ceiling recommended under section 5(a) shall be the share of domestic consumption supplied by imports of the pertinent article during the most recent calendar year, but not more than 10 per centum above the average annual imports of the three most recent years: *Provided*, That if imports during any one calendar year during such three-year period exceeded the imports during the immediately preceding year by more than 15 per centum, the imports for such year shall be calculated for purposes of this paragraph at not more that 15 per centum above the imports of such preceding year.

(b) If the finding under section 4(c) is one of a threat of serious injury the ceiling recommended under section 5(a) shall be the share of domestic consumption supplied by imports during the most recent calendar year.

PROCLAMATION OF QUANTITATIVE LIMITATIONS

SEC. 7. (a) The President shall within thirty days after the Commission's report to him proclaim the ceiling at the level recommended by the Tariff Commission under section 6 (a) or (b), but shall proclaim a quantitative limitation of the imports only when imports exceed 50 per centum of the proclaimed ceiling during any subsequent consecutive six-month period. The quantitative limitation, which shall be set at the same level as the proclaimed ceiling, shall be imposed by the President immediately upon notification by the Commission to the effect that imports have exceeded the ceiling during a six-month period as specified in this subsection.

(b) The President shall proclaim a new ceiling annually, adjusted to maintain the same proportionate share of imports to domestic consumption as represented by the initial ceiling. If imports for any calendar year after the proclamation of a quantitative limitation should fall below the ceiling, the President shall rescind the quantitative limitation. If imports during any six-month period thereafter should again exceed 50 per centum of the ceiling the President shall restore the quantitative limitation at the adjusted ceiling level.

(c) No quantitative limitation proclaimed by the President under subsection (a) of this section after a finding of serious injury as defined in section 4(b) of this Act shall continue in effect for a period exceeding five consecutive years; or for a period exceeding three years if the quantitative limitation was proclaimed by the President under subsection (a) of this section after a finding of a threat of serious injury as defined in section 4(c) hereof; but after the interval of at least one year after the removal of any such quantitative limitation the industry may petition the Tariff Commission anew under provisions of this Act.

TARIFF INCREASE

SEC. 8. Should the Commission recommend an increase in duty or a quantitative limitation on imports under section 5(b) of this Act the President shall proclaim the recommended rate of duty or quantitative limitation unless upon recommendation and representation made by him to both Houses of the Congress promptly after receipt of the Commission's recommendation, that it be set aside, he is sustained by a majority vote of those present and voting in either House within ninety calendar days of the date of his recommendation.

MINERALS AND METALS

SEC. 9. (a) No import ceiling or quantitative limitation shall be recommended or proclaimed under this Act for any mineral or metal (including ores or concentrates) until the Secretary of the Interior certifies to the Tariff Commission the capacity of the domestic industry to produce and market such article at a reasonable price. To the extent that domestic productive capacity so certified falls below the normal demand the import ceiling or quantitative limitation shall be correspondingly increased. While any ceiling or limitation is in effect for any such mineral article, the Secretary of the Interior shall on each anniversary date of such ceiling or limitation certify anew domestic capacity and demand, and such ceiling or limitation shall be adjusted accordingly.

(b) Should domestic production of any mineral or metal with respect to which an import ceiling or quantitative limitation is in effect be substantially impaired, such ceiling or limitation shall be suspended by the President, and shall remain suspended until the Secretary of Commerce advises the President that domestic production has been substantially resumed and that the restoration of such ceiling or limitation would cause no adverse effect on the orderly marketing of such article.

SEASONAL OR PERISHABLE ARTICLES

SEC. 10. (a) If the article which is the subject of a petition to the Tariff Commission under this Act is characterized by distinct seasonality with respect to imports, the Commission shall take the seasonality into account and establish seasonal factors calculated over the preceding ten-year period, so far as practicable. If the imports during any half year or quarter year period although showing an increase, should not exceed the average seasonal increment, they shall not be regarded as representing an increase in the share of domestic consumption supplied during that period for the purposes of this Act.

AGRICULTURAL PRODUCTS

(b) If the article is a seasonal or perishable agricultural product, ceilings may be established by the quarter or half year and the period selected treated in the same manner under this Act as if it were a whole year. The share of domestic consumption supplied by imports shall be calculated separately for each quarter or half year and a finding made for each quarter- or half-year period to the effect that the domestic industry is or is not being seriously injured or threatened with serious injury in any one or more quarters or during a half-year period in the year. If the Commission finds either serious injury or a threat of serious injury to the domestic industry under section 4 of this Act with respect to any one or more quarter years or half-year period, it shall so report to the President and he shall proceed promptly to proclaim a quarterly or half-year ceiling for each quarter- or half-year period recommended to him by the Commission, as provided under section 5(a). He shall proclaim an import quota for each quarter or half year under the same conditions set forth in section 6; and shall withdraw limitation under the same conditions as govern its withdrawal with respect to nonperishable and nonseasonal products. Imports during any quarter years or half-year periods found by the Commission not to cause or threaten serious injury to the domestic industry shall not be subject to a ceiling or a quantitative limitation. A new petition may be filed by the industry or other interested party after the lapse of one year from the date of the Commission's previous report to the President.

REGIONAL DIVISIONS

(c) (1) If imports of the article are concentrated in one or more regional areas of the United States, the Commission shall calculate the share of domestic consumption supplied by such imports on a regional basis. The region or regions absorbing the preponderance of the imports shall be defined by State boundaries according to the market pattern, and the region or regions so defined shall be treated as consumers of the article in question in the same proportion of total national consumption as the population of the region bears to the total population of the United States. The share of domestic consumption supplied by imports shall then be calculated by each region by alloting imports among the regions according to the marketing pattern, as established by investigation of the Commission and the testimony of competent witnesses.

(2) If the share of domestic consumption within any such region supplied by imports meets one or more of the criteria set forth in section 4 of this Act, or if the Commission finds serious injury or a threat thereof under section 5(b) of this Act, the Commission shall report accordingly to the President in the regular order of procedure as established in this Act. The President shall treat regional ceilings as if they were national in scope and proclaim the ceilings and any quantitative import limitations or any increase in the duty in the same manner as set forth in section 7 or 8 of this Act, whichever is applicable.

STATISTICAL ASSISTANCE FROM SECRETARY OF COMMERCE

SEC. 11. The Secretary of Commerce shall upon the request of the Tariff Commission supply such import statistics as the Commission may need in order to carry out the provisions of this Act. He shall maintain current statistics on the importation of any article for which import ceilings or quantitative limitations may be established under this Act, and on the domestic production of such articles. The Tariff Commission shall be guided by such statistics on carrying out the provisions of sections 4 and 7 of this Act, supplemented as may be necessary by statistics from other governmental departments or agencies.

SEC. 12. The Tariff Commission shall inform the President of import trends of the articles for which import ceilings have been established under this Act. It shall notify the President of any such changes in the share of domestic consumption supplied by such imports as will enable the President to impose or remove quantitative limitations under section 7 of this Act.

CATEGORIES OF RELATED ARTICLES

SEC. 13. Any ceilings or quantitative limitations established under this Act may be divided into categories of closely related articles and allotted by country of origin on a representative historical basis during the most recent ten-year period: *Provided*, That the imports of the combined categories do not exceed the import quota limitation proclaimed by the President, and that they may be divided into quarter- or half-year periods. If separate categories are not pertinent to the safeguarding of the domestic industry concerned, total imports of the article may be allotted by country of origin on a representative historical basis during the most recent ten-year period: *Provided further*, That 5 per centum of the total quantity may be reserved for allocation to such countries as were not significant exporters of the article to this country during the historical period, if application for allocation of the reserve is made by one or more of such countries, and that such allocation shall be made in the calendar year after the application is received but in no case sooner than six months after its receipt. Only such part of the total quota, not to exceed 5 per centum thereof, shall be allotted to the applicant country or countries as they may reasonably be expected to fill. The remainder or unallocated portion of the 5 per centum reserve, if any, shall be prorated among the existing supplying countries.

ADMINISTRATION OF THE ACT

SEC. 14. This Act shall be administered by the Tariff Commission. In discharging its obligation the Commission is authorized to seek assistance from other departments and agencies of the Government and they shall furnish the Commission such relevant and pertinent statistical data as it may request, having regard for the time limitation placed on the Commission by this Act.

DESCRIPTION OF PROPOSED IMPORT-CEILING LEGISLATION

The proposed trade legislation is designed to provide domestic industry, agriculture and labor with a remedy against the adverse effects of an undue rise in imports on industrial growth, employment and profits. It is in effect an Escape Clause, revised to assure the actual availability of a remedy to industries that have suffered or stand to suffer serious injury from rising imports.

The legislation is therefore not open to any industry unless imports have made a serious market penetration.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when sufficient statistical evidence is available for the Tariff Commission to determine what share of the market (i.e., of domestic consumption) is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports.

In the first of these two instances, which is to say, where the share of the market supplied by imports can be determined, a 10% penetration of the market will be interpreted as representing serious injury, if absolute imports have doubled since 1960. A *threat* of serious injury, on the other hand, will be assumed if not less than a 7½% penetration has been made by imports.

The year from which to measure the trend of imports in terms of the share of the market (penetration) supplied by them is 1960, or the ten more recent years, whichever is less.

In either approach, any industry, labor union or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the Escape Clause or for Adjustment Assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports (market penetration). Should this result affirmatively the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

If the available statistics were inadequate to make possible such a finding, the Commission would nevertheless proceed to make a finding with respect to injury, but under different guidelines. The bill under these circumstances calls for an examination of the probable adverse effects of rising imports on growth of the industry, expansion of the industry, level of profits, and the trend of employment.

Upon a finding of serious injury or a threat thereof the Commission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25% of the 1930 rate; and no quantitative limitation (import quota) could reduce imports below the average of the two most recent years.

If the President were opposed to putting the Commission's recommendation into effect he would send his reasons to Congress, and if either house by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise it would be put into effect.

IMPORT CEILINGS AND QUANTITATIVE LIMITATIONS

The most distinctive part of the legislation lies in those cases in which the share of the market supplied by imports can be determined. In those cases the Tariff Commission would determine the level of imports that could be admitted into the country without going so far as to impose administrative limitations on them, and this level would be the ceiling. Only if imports subsequently should break through such a ceiling in their upward surge would an administrative limitation be imposed. This need not happen if the exporting countries took care to avoid it.

It is thought that in most instances in which injury from imports occurs or threatens, statistical evidence of the share of domestic consumption supplied by the imports is adequate. The Commission could then proceed on the basis of recommending ceilings to the President instead of recommending a tariff increase, if the facts developed in hearings and investigation demonstrated deep enough a market penetration by imports to justify an affirmative finding for a ceiling under the criteria laid down in the law.

The President would *proclaim* such ceilings upon a finding by the Tariff Commission of the share of domestic consumption supplied by imports of the product or article in question if this share were above the 10% penetration level, thus meeting the criteria of serious injury (7½% in the case of a threat of serious injury).

The Commission would thereafter keep the President informed of the trend of imports in terms of the share of domestic consumption supplied by them, in all instances in which a ceiling had been proclaimed. Should imports fail to rise above the ceiling level no actual administrative quantitative limitation would be established. Only if imports should rise above the ceiling *for a period of six consecutive months* (i.e., above 50% of the ceiling for a whole year) would the President impose the limitation.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation (import quota). If after such a limitation were imposed imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation (import quota).

The ceiling for each article for which one had been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the domestic consumption of the article. This proportion might be 10%, 12%, 20% or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

NEW CONCEPT

The concept of a ceiling on the share of the market that would be available to imports is relatively new. The further provision that imports would be allowed to expand as domestic consumption might expand introduces a flexibility into quantitative limitations on imports that is very rare and would go far to remove the usual objection to import quotas on the ground that they would place trade in a straitjacket. Indeed a further element of flexibility is introduced by allowing an interval of a year or more for reestablishment of a new ceiling, after 3 or 5 years.

The principal virtues of the proposal lie in the limited nature of the cutback in the level of imports if any; the avoidance of an actual administrative limitation on imports if the exporting countries do not trigger one; the exclusion of industries that have not experienced injury from increased imports arising subsequent to a tariff reduction or reductions under one or more trade agreements, and the flexibility already mentioned.

As an effective remedy for injury from trade agreements concessions with a minimum of objectionable features the proposed approach would be unique.

(Mr. BETTS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for bringing this subject to the floor of the House this evening. I join him in his concern and the concern of many other Americans over the very serious situation which confronts us with respect to imports into this country.

We in the agricultural Midwest are

now being told that action may be taken to provide for greater imports of beef. We all know that beef is high on the retail counters of this country, but there is no reason for encouraging and permitting greater importations of beef, because there is no shortage of beef. At least, we have no information that there is a shortage of beef in this country. The farmer is not profiting as he should in the production of meat animals even though the price to the consumer is high.

This situation needs attention. I say again I am pleased that the gentleman has brought this subject to the floor of the House this evening.

I include for the RECORD the following article:

TRADE STATISTICS—A CONTINUING DISTORTION

(By O. R. Strackbein)

The Department of Commerce continues to issue trade statistics that give the public a false impression of this country's standing in foreign trade. According to the official statistics issued by that Department recently, we continue to enjoy an export surplus, although it is a mere shadow of its former dimensions.

The Department of Commerce does the public no favor by clinging to its misleading form of trade-balance reporting.

The fact is that in point of competitive trade we are running a serious deficit. For years we have incurred *balance of payments* deficits but have looked to our *trade balance* to offset in great part our debits in the other transactions. Now the bleak facts must be faced. We lost our trade surplus position several years ago. This fact has yet to be officially recognized.

The stubbornness exhibited by the Department of Commerce can be attributed principally to a desperate desire to prevent the facts of our trade policy from becoming public knowledge.

Public officials, virtually all the media of public communication, and those charged with the conduct of our foreign relations, have become so accustomed to singing the praises of the so-called reciprocal trade program that anything to the contrary is not acceptable to them. Therefore the truth must at all costs be suppressed, as it has been these past several years.

The chickens, however, are coming to roost in such great flocks that the reality of our very weak competitive position in the world will break through one day soon; and we will pay heavily for our refusal to face the facts in time.

A brief review of how our self-deception has been practiced will not of itself open the door to a correction but it may make it more difficult henceforth for the Department of Commerce to continue the scandalous and indefensible policy of using statistical reports to conceal and obfuscate the facts rather than serving the public with the true trade balance, however unpalatable this may be.

It has been the official practice of the Department of Commerce to issue monthly, quarterly and annual reports on foreign trade sunny side up. By including in our exports the shipments made under Foreign Assistance, Food for Peace, and subsidized shipments of cotton and wheat, our total exports are made to look better than they should by $2½ to $3 billion per year. Yet such shipments did not reflect an ability to compete in foreign markets, nor did they represent trade in the true sense of the word. Private foreign trade flows only into markets in which we are competitive. Governmentally subsidized or financed sales are made regardless of our ability to compete. It is not a matter of trade at all, but of world politics.

Our *import* statistics, on their part, do not show what the imported goods actually cost us. Rather, they show what they cost on the other side of the water, leaving out ocean freight and insurance. Nearly all the leading trading nations of the world publish their import statistics on the basis of landed cost.

By clinging to our antiquated system of reporting imports our official statistics show our present annual level of imports at about $3 billion less than their landed cost.

Add the overvaluation of our exports to the undervaluation of our imports and we have a discrepancy in the magnitude of some $5 to $6 billion per year at our present trading level.

What has been and continues to be the purpose of such distorted trade statistics? One purpose has already been mentioned. It was to make our trade position look good, so that cheerful reports could be issued to the public.

What then was the genesis of that desire? It was to sustain the freer-trade philosophy that has so long beguiled our State Department and other blind followers of Adam Smith, and which serves the interests of importers and exporters. If our competitive position could be made to look good, the cry for further tariff reductions could be justified. Otherwise it would fall on deaf ears and would be questioned, as it should be.

Last but not least, our professional economists, nearly all of whom were spoon-fed the pap of free trade in our colleges and universities, could never admit that they had uncritically accepted ideas expounded by the British economists of the eighteenth and nineteenth centuries when free trade was good economic gospel for England. Nearly all our professional economists are old-style, free-trade oriented and emotionally-bound expounders of a theory that is nowhere actually practiced, least of all in our domestic economy. The free market, which is the basis of free trade, was discarded in this country after the 1930 Depression beyond resurrection. Very inconsistently the supporters of regulation and control of the domestic economy support freer trade internationally. It is in such an atmosphere that the false trade statistics are condoned and defended.

In 1966 S.J. Res. 115 was introduced in the Senate with the purpose of bringing about a corrective modification in the manner of reporting our exports and imports, to the end that the true competitive status of this country in world markets would be reflected in at least one version of our balance-of-trade reports.

Hearings on the Resolution were held on August 31 and September 1, 1966 by the Committee on Finance of the Senate. As a result of the hearings and the appearance of representatives of the Department of Commerce the Resolution was not pursued upon assurances received by the Committee from that Department to the effect that the intent of the Resolution would be carried out voluntarily.

Now, nearly three years later, the Department continues to issue its trade statistics as before the hearings on the Resolution. Its regular monthly, quarterly and annual press releases on the balance of trade continue exactly as before. The only concession made in fulfillment of its promise is contained in a quarterly publication of a special set of tables in a monthly report known as FT 990 published by the Department of Commerce.

One of these two tables shows separately the exports of goods shipped under the Foreign Assistance Act and Public Law 480. So grudging, however, is this publication of the bare bones of the statistics that the resulting total for "commercial exports," i.e., stripped of these governmentally-originated shipments, is not shown. The user of the report, if he wishes to determine the net exports, must make his own calculations.

The other table purports to show imports enhanced by a multiplier described as bringing the f.o.b. imports to a c.i.f. basis. In order to provide this additional information a sampling test of imports was made. This resulted in a multiplier of 108.3 applied to bring the imports to a c.i.f. level. A separate column in the table in FT 990 does show the enlarged 1968 import total, rising from $33.114 billion to $35.86 billion, i.e., up 8.3%. (FT 990, Dec. '68) However, this 8.3% is itself a low factor, as will be shown later. Nevertheless later this low percentage was reduced to 6.9%.

The response of the Department has thus been deficient in three respects:

(1) The Report (FT 990) is not distributed to the public with benefit of a press release, such as regularly accompanies the issuance of the monthly, quarterly and annual trade balances on the old basis. It is simply a report distributed to a small number of subscribers. So far as publicity on the trade balance calculable on the new basis is concerned, FT 990 might as well not exist.

(2) Another deficiency lies in the manner of the presentation in FT 990. To repeat, no new trade balance is shown to reflect the result of stripping exports down to private commercial transactions, and valuing imports on their landed value. Only the "makings" are shown. Users of the Report must make their own calculations if they wish to arrive at a trade balance that would really reflect the competitive performance of this country. By contrast, under the old method of reporting the purported surplus is regularly set forth in the press releases.

(3) The third objectionable feature of the report lies in the use of the low multipliers of 8.3% or 6.9%, as already related. The 8.3% enhancement factor, as already noted, was itself very low if it is compared with other measures. Now a 6.9% factor is substituted.

The Tariff Commission had already found a factor of 10% to bring the f.o.b. values to a c.i.f. basis. In its report of February 7, 1967 it made a comment indicating that the difference between c.i.f. and f.o.b. imports was indeed appreciably broader than the 10% found from its sampling of some 13,000 shipments for the year 1965. The report said (p. 1, third paragraph):

"The value used by most foreign countries for duty and statistical purposes includes not only freight and insurance charges, but additional costs (such as buying commissions), which are not ordinarily included in U.S. values. It is not feasible to collect reliable statistics on these additional costs on imports into the United States, *but they are known to range from an insignificant amount to as much as the charges for freight and insurance, or even more.*" (Emphasis added)

The low percentage used by the Department of Commerce (i.e., either 8.3% or, now, 6.9%) is therefore of questionable validity toward bringing the c.i.f. and f.o.b. to a comparable basis with the statistics of other countries. Quite surely even the 10% found by the Tariff Commission is low in view of the "other charges" that its survey did not take into account, as stated in its report.

The 1968 trade balance would be affected appreciably (1) if the Department of Commerce's own statistics were used in casting a balance, and (2) still more if the Tariff Commission's 70% were applied and (3) yet more if the other charges indicated by the Tariff Commission were included.

(1) Using the Department's statistics as shown in unfinished form in FT 990 for March 1969, pp. IV and VII, the following trade balance would be obtained for the year 1968:

[In billions]

Total exports, as officially reported	$34.661
Less: Military aid	.573
Less: AID shipments	*1.200
Less: Public Law 480	1.178

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*Not given in FT 990 on the grounds of its not yet being available. Assuming AID to be at a level of the average of the 3 preceding years, a fair enough assumption, it would have been slightly over $1.200 billion in 1968.

If we assume that AID was at the level of $1.200 billion in 1968, we arrive at competitive commercial exports in that year of $31.710 billion or $2.951 billion less than the $34.661 billion publicized by the Department of Commerce.

1968 imports were estimated on a c.i.f. basis by the Department at $35.546 billion (FT 990, Mar. '69). This level was achieved by multiplying the official imports ($32.251 billion) by 106.9%. The enhancement was $2.294 billion.

Even on the basis of the Commerce Department's own calculations the surplus that was publicized to the country and to the world, i.e., one of $1.410 billion, would have become a deficit of $3.83 billion if net exports were matched against c.i.f. imports (i.e., net exports of $31.710 billion compared with c.i.f. imports of $35.546 billion).

The discrepancy between the Department's publicized statistics and the present calculations based on FT 990 was therefore $5.246 billion (the $3.83 billion deficits plus the $1.410 billion surplus.)

(2) If the Tariff Commission's 10% factor were used, c.i.f. imports in 1968 would have been $36.576 billion. The deficit would then be found to be $4.866 billion in place of $3.83 billion as it was when the $6.9% factor was used. The difference between such a deficit and the surplus of $1.410 reported by the Department of Commerce would have been $6.276 billion.

Summarizing the foregoing for 1968:

Surplus as shown by Department of Commerce, $1.410 billion.

Deficit if c.i.f. imports enhanced by 6.9% are compared with "net exports," $3.836 billion.

Deficit if c.i.f. imports enhanced by 10% are compared with "net exports," $4.866 billion.

With a deficit in competitive commercial trade at a magnitude of some $4 billion, compared with an officially reported surplus of $1.410 billion, the Department of Commerce's stance brings into question the quality of the Department's honesty.

The importance of the difference in the two sets of balances to considerations of foreign trade policy can hardly be exaggerated. If the United States is in a weak competitive position in international trade our trade policy should be determined by that fact rather than basing it on the assumption, as it has been, that we are in a strong competitive position in the world.

(Mr. GROSS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. BETTS. I would like to say I appreciate the remarks of the gentleman. I know of his interest and concern. I can share his concern, also, because the people in Ohio are in the same position as the people in Iowa. I am very happy to know that he is for this legislation.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I certainly want to commend the gentleman, a distinguished member of the Committee on Ways and Means, for bringing this bit of research and the studious, prudent judgment he has distilled therefrom to the floor here today. I will read with great personal interest his bill. I want to commend others who are taking the well today to discuss the impact of imports on our presently laid bare high standard of living in this Nation. I have long felt that the precipitously passed reciprocal trade and tariff act of 1962 has been the root of evil as far as our loss of standards not only in agriculture is concerned but in the broiler market, which we saw flee away early in 1963 at the rate of some $56 million balance of trade in favor of the United States. One can go on down the list through foreign imports such as glass, sheet steel and, not least of all, the shoe industry in America, which is the most outstanding part of our Nation. I am privileged to represent multiple small shoe factories. There is good economic unity there. Like the watch industry, though, with Elgin and others, it has disappeared across the length and breadth of the country. Textiles are another important item which we subsidize in all directions in order to try to maintain our standard of living. The reason why I say the Reciprocal Trade and Tariff Act, which I was one of 60-odd who voted against it——

Mr. BETTS. I would like to interrupt the gentleman to remind him that I was among those 60.

Mr. HALL. I am glad that the gentleman was, but positions were not taken on it at the time. In the interests of free trade we have laid bare and unclothed, naked, the standards of living and higher and higher spiraling wage factor we have, and certainly the cost of production. The thing about a protective tariff is that it can be measured and calculated by all concerned whether they are importers or exporters. If the cost of an article depends on its production, including the cost of labor plus the delivery cost and plus some protective tariff, it is at least honest and overt and is not subject to the machinations of some hastily arranged common market and variable tariffs and control of currencies. Indeed we are in a dangerous situation as far as our currency controls or the international monetary exchange system is concerned at the present time. No single thing added to this, as the gentleman from Ohio has so succinctly pointed out, as much as the impact of imports. I would certainly be interested in his suggestion not only that the present administration take a leaf from the recommendations to the Tariff Commission—which none of the past three have, to my knowledge—but also those dealing with the percentage of imports which will be levied and protected. If this does not happen, our people in labor will have to do what the labor organization did in Norway in 1958, that is, take an across-the-board cut and stop the spiral of wages in order to increase their exports from that nation and also increase their employment. It worked in Norway. I happened to be there that summer. I watched it with a great deal of interest, and I think the time is rapidly coming, as I said before, when we must face up to this situation.

Again, Mr. Speaker, I thank the gentleman from Ohio for yielding and I commend him and wish to associate myself with his remarks as expressed here today.

Mr. BETTS. I thank the gentleman from Missouri for his support.

Mr. KEITH. Mr. Speaker, each of us represents a district which contains industries being pressed by imports. In my own district several important industries are yearly losing greater and greater portions of the domestic market to imported goods. These are specifically the footwear, textiles and fisheries industries. In recent years, the fisheries have been driven into a position of fighting almost hopelessly for survival. Today imports of edible fish supply some 58 percent of total fish consumption in this country. The shoe industry has already lost close to 30 percent of the domestic market to imports. By 1975, if the present trend continues, this figure will be well over 50 percent. The story of textile imports is already well known.

Obviously, in the case of these industries and others, a peril point has been reached. The time has come to decide whether we want to rescue these industries or whether we want to see them die. In my view, we cannot allow them to be driven out of business. We cannot deprive the public of their services and production and we cannot sit idly by while the jobs of thousands are periled.

If the cause of this penetration were simply inefficiency, there would be little jusification for our decrying the growth of imports. However, Mr. Speaker, there is a better, less obvious, explanation for this peril to vital domestic industries. Our economy is based on a high standard of consumer income, and this in turn calls for worker compensation high enough to buy the products of our expanding economy. Our minimum wages are higher than the maximum wage in most other countries. Yet our industries must compete with goods from these nations which are produced at wage rates which would be unlawful in the United States. In order to overcome this discrepancy in wages, our industries would have to be up to five times as productive per man-hour. Unfortunately, our technology is just not advanced enough to overcome this wage differential. This is especially true as competing nations have adopted our production methods and introduced similar machinery of a highly productive nature. Additionally, the inflation caused by the war and high Government spending has made our domestically manufactured products less competitive.

Our responsibility in the face of this deteriorating situation is clear: We must see to it that our industries are not unmercifully battered by imports from nations which are free of the burdens under which our industries are operating. A very reasonable measure of restraint such as that provided by the fair international trade bill is all that we need. It provides for ceilings on imports at reasonable levels and would have the effect of allowing the country to enjoy the benefits of a high level of world trade while avoiding the unnecessary destructive elements of such trade.

The fair international trade bill strikes a just compromise between the extremes of completely free trade and isolationist protectionism. Its automatic triggering

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provisions respect no special section or industry. The bill provides for imports to join in the growth of the American market in an equitable manner. For these reasons it is a moderate and just proposal which I commend for the consideration of my colleagues.

Mr. BOW. Mr. Speaker, I would like to emphasize in specific and concrete terms one very important advantage of the proposed bill. This bill would at last make it possible for certain defense-essential industries which are inundated by excessive imports to obtain the kind of relief they require to continue to exist as healthy and reliable source of supply for national defense production. To use as an example, Mr. Speaker, a defense-essential industry with whose plight I am very familiar—the ferroalloys industry—this bill could make the difference between this country's continuing to have a ferroalloys industry and its eventual disappearance from our national economy.

The ferroalloys industry is engaged primarily in the production of ferromanganese—an essential ingredient in making steel; ferrochome—which is used, among other things, for making stainless steel and superalloys for major space age applications; and silicon ferroalloys—which are used in aluminum alloy castings, high-temperature lubricants and other special-purpose products.

As is readily apparent, even from my brief and oversimplified description of the various ferroalloys products, this is clearly an industry which supports many of the most important facets of our national defense effort. Indeed, in 1964, the then Office of Emergency Planning made the determination "that the ferroalloy industry is an essential part of our mobilization base." Such a classification is hardly surprising, Mr. Speaker, since, as I have already pointed out, conventional and stainless steels, sophisticated alloys, and many forms of aluminum and other nonferrous products cannot be produced without one or more of the various ferroalloys.

Despite the obvious importance of ferroalloys to our national defense, this industry is today being destroyed by imports, and there appears to be no effective governmental mechanism available to save it. It is true that the industry has applied to the Office of Emergency Preparedness for relief under section 232 of the Trade Expansion Act of 1962—the so-called national security clause. The history of this provision offers scant encouragement, however, since relief has been granted in only one instance in 13 years. This poor record of administering section 232 is even worse than it seems when it is remembered that the Congress amended this provision in 1958—with the specific intention of strengthening it and making relief more readily available—and yet no relief has been granted in any case since that time. Thus, unfortunate as it may be, Mr. Speaker, I am not optimistic about the chances of the ferroalloys industry obtaining relief from imports from the executive branch under any existing legislation.

Unless we act now and provide some form of statutory protection, at least for important and essential industries, we may find that in addition to being confronted with economic distress, we will have a seriously impaired mobilization base.

A classic case history of the kind of impairment that can occur is provided by the ferroalloys industry.

Here is an industry which today, because imports have skyrocketed over the past few years, faces a domestic market for its more important segments in which between 35 and 45 percent of consumption is supplied by foreign products.

Here is an industry which, to stay competitive with low-cost imports, has been forced to reduce domestic prices to uneconomic levels, averaging 35 percent below 1960 price levels.

Here is an industry where profits have declined almost to the vanishing point, and where production capacity and employment have been static despite substantial increases in domestic demands.

Here is an industry where the estimated return on capital expenditure for new and more efficient furnaces is as low as 1.2 percent, thus making it practically impossible to carry out needed modernization of equipment.

Finally, Mr. Speaker, here is an industry where plant shutdowns, which began in the 1960's, still continue today, creating unemployment and economic loss in various areas scattered throughout this country.

This process of attrition must be stopped to avoid a serious threat to our national security. Essentially, what is needed is reasonable assurance to the ferroalloys producers that they can stay viable in the future—a future which is now too speculative to justify the producers making the capital expenditures needed to improve their deteriorating competitive position. The current unfavorable trends can be reversed only by affirmative governmental action to impose reasonable limitations or controls on ferroalloy imports.

A CASE HISTORY

While I have described in rather general terms the present state of the ferroalloys industry, let me be more specific and give the case history in greater detail.

Right at the beginning I want to set the record straight that the grave situation in which the ferroalloys producers now find themselves is not one of their own making. The bulk of ferroalloy imports come from foreign facilities which in great measure were built in the interest of supplying our U.S. national stockpile requirements during the 1950–61 period. However, by 1963 the Government had ceased its stockpile purchases—resulting, predictably, in substantially increased imports for the commercial market. In other words, with the foreign producers having expanded their ferroalloy capabilities far beyond their own domestic requirements—thanks largely to U.S. Government encouragement—they came inevitably to look upon the U.S. marketplace as a dumping ground for their excess capacities.

The resulting damage to the domestic ferroalloys industry is illustrated graphically by the following comparisons: In 1961, U.S. Government imports of ferromanganese products for the stockpile were 183 million pounds as against 186 million pounds imported commercially; by 1963, there were no Government imports and commercial imports had risen to 266 million pounds. Similarly, U.S. Government imports of chromium products in 1961 totaled 60 million pounds as against 17 million pounds imported commercially; by 1963, with no Government imports, commercial imports had jumped to 41.6 million pounds.

It thus appears that, because of a U.S. stockpiling program which helped build them up, foreign producers now are capable—in addition to supplying their own needs—of supplying our entire domestic market for high-carbon ferromanganese, and substantial portions of the domestic requirements of other ferroalloy products.

FOREIGN COST ADVANTAGE

Mr. Speaker, these overseas producers have a significant cost advantage over domestic ferroalloy makers in several areas—especially their cheaper labor rates, and lower unit costs resulting from capacity or near-capacity operations. And many of these imports are coming increasingly from countries such as South Africa and India, where costs are very low. Even in the more developed ferroalloy exporting countries such as Japan and West Germany, labor rates are considerably lower than in the United States. Since labor costs for ferroalloy products average approximately 24 percent of total plant cost, this is a significant advantage for foreign producers.

Moreover, the declared value of ferroalloy imports has declined steadily for most items from 1960 through 1968. As a result, domestic prices have been forced down to seriously depressed levels—dropping by an average of about 35 percent from 1960 through 1968.

To be able to stay even remotely competitive, the domestic producers have made substantial reductions in their own ferroalloy prices. Even so, however, there remain price differentials between many domestic and imported alloys of from $15 to $25 per ton. It is thus clear that domestic producers in most cases cannot sell at the current prices of the imported products and maintain anything approaching a reasonable margin of profit.

PROFITS DIP DANGEROUSLY

This invasion of low-cost foreign ferroalloys, together with the depressed domestic price levels, has had, Mr. Speaker, a predictably drastic effect upon the earnings and future prospects of the domestic producers. The average profitability, after taxes, of the domestic industry as a whole has declined from about 7.7 percent of sales in 1965 to approximately 4.7 percent in 1968—which is not an acceptable return in this industry. Several individual producers actually suffered losses on their ferroalloy production during one or more of the past 8 years. For the manganese alloy segment, the industry's average profitability figures are even more alarming—from 7.1 percent in 1965, to an estimated 3.1 percent in 1968, with an actual net loss in 1967.

This serious decline in earnings has been due in large part to increasing costs of wages, related services, and supplies—along with the uneconomic prices which, as I have already pointed out, the domestic industry has had to charge to compete with lower-priced imports.

These profit levels are dangerously low in view of the return needed to encourage further capital investments for innovation, research, modernization, new furnaces, and the like. They are also low in comparison with the profitability of comparable industries.

Actually, Mr. Speaker, the most disturbing factor in this whole picture is the unfavorable trend, the steady decline in profits since 1965 on an overall basis. This trend, projected into the future, is a major deterrent to the kind of capital expenditures the ferroalloys industry needs to schedule for normal health and growth.

The conditions in the industry which I have described, Mr. Speaker, have effectively prevented domestic shipments and capacity from keeping pace with the demands of the expanding U.S. market for ferroalloys. As an example, the U.S. available market for manganese ferroalloys has grown by about 30 percent—that is increasing by some 267 million pounds between 1960 and 1968. During the same period, imports increased by about 240 million pounds. Thus, despite a substantially expanding market since 1960, domestic ferromanganese producers enjoyed only a negligible share of this expansion.

An additional factor is the rising tide of steel imports, which naturally contain foreign-produced ferroalloys. This development obviously lessens selling opportunities for U.S. producers.

Concurrently, since 1960, employment in the various segments of the domestic industry has had little or no growth—in sharp contract to conditions in related industries such as steel, automobiles, and agricultural equipment. With imports taking larger and larger shares of the U.S. available market for various ferroalloy products, the result is a net loss of U.S. workers. In effect, jobs that normally would have been provided by domestic industry have been and are being exported.

To state the obvious, Mr. Speaker, the present picture of the ferroalloys industry is not a pretty one, and it is getting worse. For the past several years, as I have indicated, important segments of the domestic ferroalloys industry have not kept pace with the tremendous expansion of the U.S. market. Imports have been increasing and profits declining, despite substantial efforts and expenditures by the U.S. producers to modernize facilities and otherwise improve their competitive position.

NEW DEVELOPMENT HAMPERED

The result of all this is that the domestic ferroalloys industry faces the future with increasing uncertainty. In particular, the adverse trends inhibit commitments of the funds necessary to support research, new technology, and similar development programs needed in the years ahead to keep this industry dynamic and competitive.

For example, a pro forma operating and revenue statement for a new, modern, standard ferromanganese furnace, starting from scratch, would show an investment totaling about $18 million on which the expected return after taxes would be only about 1.2 percent. Few if any producers are able to justify such an investment under today's conditions.

Domestic producers are also confronted with increased capital expenditures for environmental control. Ferroalloy furnaces usually cannot be successfully enclosed; expensive measures must be taken to remove or control the emissions which they generate in order to comply with increasingly strict governmental standards of acceptable air quality. These costs, when added to the capital costs of the facilities themselves, further reduce returns on investment.

The U.S. ferroalloys producers are thus in a serious dilemma. On the one hand, if they do not add new capacity or continue their modernization programs, the snowballing effect of their declining participation in the U.S. ferroalloy market will be accentuated in favor of imports. On the other hand, they are finding it ever more difficult to justify the further capital investments needed to remain viable and competitive. In most cases, the producers will have no practical economic choice under present conditions but to operate present furnaces until they are obsolete—at which point the country will have become largely dependent upon foreign sources for its ferroalloy needs.

PLANT SHUTDOWNS

The dilemma faced by the domestic ferroalloys producers has already caused some of them simply to shut down their plants, and either go abroad with their production, or put their resources to better use in some other line of production. These plant shutdowns were particularly prevalent in the early 1960's when a number of domestic ferroalloy plants found themselves unable to remain competitive in the face of the increasing number of low-price imports.

Unfortunately, another round of plant shutdowns now seems to have begun. For example, E. J. Lavino—the Lavino Division of International Minerals & Chemical Co.—closed down its ferromanganese production in April. This decision was dictated by "continuing shrinkage of the available U.S. ferromanganese market caused by the high levels of imports." As a result, some 20 percent of the U.S. noncaptive capacity for high-carbon ferromanganese is no longer available.

This decision by Lavino is the predictable result of the increasing pressure of low-cost ferromanganese imports on domestic prices and profits. For example, the average value of high-carbon ferromanganese imports dropped some 13.2 percent in 1968 as compared with 1967. The only realistic alternative for domestic producers under such conditions is to keep lowering their own prices at the expense of adequate profitability—or, as Lavino has done, to close down their domestic production.

Mr. Speaker, I am seriously disturbed by this rapid deterioration of a critical domestic industry which has been allowed to take place over the last few years. In wartime emergency where access to foreign supplies is likely to be greatly reduced, or even cut off, the increased needs for ferroalloys for steel and other vital defense items can be met from only two sources—Government stockpiles, and from what remaining segments of domestic industry might still be in existence.

NATIONAL SECURITY AT STAKE

The present adverse import trends, however, if not checked, will make it more and more difficult for domestic producers to maintain viable operations for many ferroalloy products. The vital question then is whether, if we do not maintain a healthy domestic industry of some minimum proportions, the stockpiles and nondomestic sources of these products will be sufficient in times of emergency for national security purposes.

Any reliance on the stockpile would have to assume the continuing existence of a viable domestic industry that can expand its capacity within a relatively short period before the stockpiles are exhausted. For the reasons already indicated, Mr. Speaker, I feel that the adverse economic trends affecting major segments of the domestic industry today, and particularly for the future, do not justify such an assumption. The recent announcement of Lavino's closing down its ferromanganese production facilities bears this out.

To be sure, the present Government stocks of ferroalloys serve to reduce the mobilization base—domestic industry capacity—considered to be needed at the beginning of any emergency. But in most cases these ferroalloys represent less than a 1-year supply under conditions of increased wartime demand, assuming imports were cut off. Consequently, for a continuing emergency these stockpiles should not be considered as taking the place of a healthy domestic industry in being.

In this connection, it should be noted that the 3-year stockpile of ferroalloy ores obviously does not meet the problem, since these ores must first be processed into the various ferroalloy products before they can be used. In other words, the value of the ore stockpile in time of emergency is obviously dependent upon a viable domestic producing industry with the capacity to convert it into alloys before exhaustion of the ferroalloy stockpiles. Unfortunately, however, the existence of a large stockpile of ores has been used by some as a kind of smokescreen to disguise the real nature of the problem as it relates to the need for a minimum domestic industry in the interest of our national security.

Mr. Speaker, I am convinced that the only way to prevent further weakening and deterioration of the defense-essential ferroalloys industry is for the Government to take firm action in the form of import limitations to control imports. An increase in duty rates would have little effect, and would be inconsistent with our trade policy. But an import quota system, on a resonable percentage-of-consumption basis, would permit both domestic producers and importers to share equitably in the expanding U.S. market. Thus, Mr. Speaker, I favor legislation which will insure the continued existence of industries, such as ferroalloys, which are an integral and critical part of our defense production system.

Mr. BERRY. Mr. Speaker, I cannot remember how many times in the past I have warned about the increasing menace of imports if we insisted on successive tariff reductions. Nevertheless there was a counterinsistence that we should slash our tariffs and reduce other trade barriers; and this counterinsistence prevailed.

Today this country finds itself in a very uncomfortable trade position. The development of this position was hidden for years by the issuance of misleading trade statistics by the Department of Commerce, and even today, although the virtual disappearance of our export surplus is conceded, the gravity of our competitive weakness continues to be concealed. This is done, as is only beginning to be known, by padding our exports by the inclusion of our shipments of goods under Public Law 480, foreign aid, and so forth. These shipments, of course, do not reflect a competitive advantage on our part but rather the willingness of our taxpayers to pay for goods supplied to other countries for their benefit.

I am not concerned with the foreign aid policy at this point. I am merely pointing to the distortion of our trade statistics by the practice of including these shipments as exports. It gives us a highly optimistic view and is therefore misleading. The fact is that so far as competitive exports are concerned we are running a serious deficit compared with imports. If we should value our imports on what they cost us laid down at our ports, or c.i.f.—cost, insurance, and freight—instead on their value at the port of export overseas, which is our practice, the trade deficit would be still higher, or in the neighborhood of $5 or $6 billion.

In recent times, beginning in 1967, even this concealment has not prevented monthly trade deficits from appearing from time to time, especially in 1968. Also the annual so-called surplus fell below $1 billion in 1968, and bids fair to do so again this year. This shrinkage has occurred even though the statistics issued by the Department of Commerce still treat foreign aid and similar shipments as true exports and still tabulate our imports on the basis of their foreign value rather than their value laid down at our ports of entry.

Mr. Speaker, this unconcealable shrinkage in our trade surplus has taken away the cushion that our trade surplus previously provided us against the deficit caused by foreign aid and other outlays that came to the surface in the form of a heavy balance-of-payments deficit. Now we no longer have this cushion. We really did not have a cushion previously. We merely deceived ourselves by the form of accounting we used. This practice should be ended so that we can better assess our real trade position and then shape our trade policy in keeping with the reality of the situation.

Over a number of years the Department of Agriculture prided itself on the rising agricultural exports we enjoyed. This also was largely a self-deceptive form of self-congratulation. The record of our agricultural exports of the past 5 years does not suggest a bonanza. The record was as follows:

Agricultural exports

	Million
1964	$6,067
1965	6,096
1966	6,676
1967	6,761
1968	6,312

The bulges in 1966 and 1967 were the result of crop failures in wheat in Russia and other countries. In 1968 exports subsided to $6.3 billion or only 4 percent above 1964. Meantime total exports of all products increased from $26.3 billion in 1964 to $34.2 billion in 1968, an increase of 30 percent. In other words our agricultural exports did little better than hold their own in value from 1964 to 1968; and since prices increased appreciably per unit, the total quantity exported no doubt actually declined.

Imports of farm products have increased more since 1964 than exports, as the following table shows:

Imports of agricultural products

	Million
1964	$4,096
1965	3,986
1966	4,454
1967	4,453
1968	4,656

Agricultural imports increased 11½ percent.

Thus agriculture has been rather sluggish in its export achievement.

Compare the increase in agricultural exports and the increase in total exports from 1964–68, 4 percent and 30 percent, respectively, with the increase in total imports and we see the true contrast that reflects the weak competitive position of this country:

Increase in agricultural exports, 1964–68	4%
Increase in agricultural imports, 1964–68	11%
Increase in total exports, 1964–68	30%
Increase in total imports, 1964–68	77%

Here we see that total imports have grown 2½ times as rapidly in the past 5 years as total exports; and 19 times as fast as agricultural exports.

The most rapid rise of all in imports occurred in manufactured goods.

These trends say a great deal that should be taken into account in shaping our trade policy. Until now the whole emphasis has been on reducing the defenses against rising imports. We have reduced the average tariff incidence on imports by a full 80 percent in the past 35 years. Always the emphasis was on reducing barriers to trade, as if free trade would bring us into the land of milk and honey.

Mr. Speaker, it has not worked out in that fashion.

Competitively we are on the run. Today even if we count among our exports the products and commodities that we give away and tote up our imports, not on the basis of what they cost us, but on the foreign value before they pay ocean freight and insurance—even on that basis we are barely breaking even. If we made up our accounts to show our competitive trade, we would show a deficit of $5 to $6 billion.

We need a new approach, and I know of nothing better than the fair international trade bill, which would establish ceilings on those imports that would otherwise have nothing in their path to stop them from taking full advantage of the competitive advantage they derive from low wages—a level of wages that would not pass muster under our laws by a long margin.

I introduce this bill along with others who are convinced that our trade policy needs to take into account the results of the past policy, and to make the necessary modification.

Mr. CEDERBERG. Mr. Speaker, I am pleased to join with my colleague (Mr. Betts) in introducing legislation which is designed to protect our American manufacturers from the great influx of foreign imports. I have continuously been made aware of the injuries that have resulted from the competitive impact of these imports in my district.

A major chemical producer in my district reports that it has gone out of the methionine business. Methionine is an amino acid food supplement which is used as a dietary supplement in animal nutrition. This company was the only producer in the United States, but discontinued production because the imported product was being sold for less than the American production cost.

Costs are lower overseas, not because they have more advanced technology or better processes, but because their labor costs are less than our minimum wage scales. In fact, if these products were to be produced in this country at the foreign labor costs, they could not be shipped in interstate commerce because of the low wages paid.

Competition based on low foreign wages has already usurped a large portion of the American market in sewing machines, typewriters, cameras, and electronic devices such as small radios and television sets. It is making substantial inroads in automobiles and steel and in various of the more sophisticated chemical and medicinal products.

The time has come for this Congress to establish a new trade policy based on the current situation and not one that looks to the conditions that prevailed when the Trade Act of 1934 was passed.

Mr. WHALLEY. Mr. Speaker, last year I introduced legislation very similar to the fair international trade bill which has been introduced by a number of Members today.

There is not much that I could add to what has already been said. The principal elements of our present position in world trade may be summarized as follows:

First. The competitive position of this country has weakened to a dangerous degree in recent years, especially within the past 4 or 5 years. Our share of world exports has declined. The increase in imports has been two and a half times as great as the increase in our exports. A growing share of our imports is in the form of finished goods, while the share that is in the form of raw materials is shrinking. This to say, we are importing more and more of those goods with a full labor content as compared with those, such as raw materials, that have had the least amount of labor expended on them.

Second. Our production costs have risen to a level that makes us less and less competitive as we seek to sell abroad in competition with foreign goods that are produced with much cheaper labor.

Third. The productivity of industries in the industrial countries has risen dramatically, thus giving a sharper bite than ever to the lower wages they pay.

Fourth. We have successively reduced our tariffs over the years, thus removing what there was by way of an offset against the low foreign wage costs per unit of production.

Mr. Speaker, we need a new approach, one that will prevent imports from crowding our own producers out of our market, as they are doing increasingly in one industry after another. At the same time such legislation should recognize the benefits of a maximum level of fair trade.

That is the intent of the trade legislation introduced here today. I am happy to join in the introduction.

Mr. **HARVEY**. Mr. Speaker, like so many arrangements in human affairs, free trade cannot be a one-way street. You cannot have one trading partner steadily reducing its tariff barriers to the point of near-extinction, as the United States has done, while other partners contrive through various means to maintain protection of their home markets.

Our trading partners of the free world, particularly the nations of the European Economic Community and the United Kingdom, have paid considerable lip service to free trade, but in actual practice they have continued to shield their own industries and workers.

First of all, at the various conferences on tariff revision, they have never reciprocated our reductions with comparable reductions of their own. For example, in the Kennedy round, the United States agreed to a 50-percent reduction in chemical tariffs; the Common Market nations and the United Kingdom cut theirs by only 20 percent. Throughout the whole history of negotiations under GATT, the United States has regularly, at each conference, given more in the way of tariff reductions than our trading partners overseas.

Second, whenever the situation seems to require it, our foreign trading partners have not hesitated to raise nontariff barriers to protect their own industries. In the last 2 years, West Germany has raised her border taxes by an amount that more than offsets her total tariff reduction under the Kennedy round. The United Kingdom responded to a recent balance-of-payments difficulty by imposing a 10-percent excise tax on all imports. The Common Market nations have taken extraordinary steps to block imports of American agricultural products which they consider are disadvantageous to their own producers.

If these nations cannot bring themselves to make their trade with us more free, we at least can see to it that it is made more fair by providing reasonable ceilings on the share of the American market available to imports. I am happy to add my support to the fair international trade bill.

Mr. **BRAY**. Mr. Speaker, I may say that it has come as no surprise to me that this country has lost its competitive standing in the world of trade.

Three things are principally responsible. One has been the drastic reduction of our tariff during times when the effects could not be tested. The State Department went right ahead with its sharp knife, cutting tariffs in conference after conference with other countries, without waiting to determine the effects of its previous actions.

The second cause of our faltering competitive position is to be found in the higher costs of production saddled on our producers and manufacturers through a variety of legislative enactments. Other countries have also put some burdens on their industries but not at all to the same degree. Also they do not have as powerful labor organizations engaged in bargaining for wage increases as we have. The result is that we are committed to a high national income by our consumers, the vast majority of whom are workers, if the output of our farms, mines, and factories are to find a market.

Goods made with much lower wages abroad can and do undermine our industries and take an ever-increasing share of our own market away from our industries. At the same time we find it more difficult, for the same reason, to sell abroad.

In order to overcome this difficulty our industries have been investing tens of billions of dollars abroad, hoping thus to sell those markets from within rather than from here. For the future this means less exportation from here and more imports. Already we are in a deficit position in our trade. Our imports substantially exceed our competitive exports, that is, exports other than those generated by foreign aid and other governmental programs.

The third difficulty contributing to our weak competitive position is found in the great technological advancement of our competitors. Our boasted lead in productivity over other countries on which we relied to offset their lower wages, is shrinking because of the foreign technological progress.

Briefly, these combined factors have put us into a new ball game so far as trade policy is concerned.

I believe, Mr. Speaker, that the fair international trade bill which is being introduced today offers a fair and reasonable modification of existing trade policy. I not only am glad to join in introducing it, but urge its favorable consideration by the Ways and Means Committee and adoption by this body.

Mr. **SAYLOR**. Mr. Speaker, I am cosponsoring today the international trade bill because I firmly believe that something must be done to avoid further serious erosion of American industries.

I do not have to repeat what has already been said in some detail; namely, that this country is in a weak competitive position in world markets and in the face of imports here at home. This illogical position has been concealed in the form of statistical reporting by the Department of Commerce that makes our trade position look better than in actuality.

There is no question that many of our industries—among them steel, automobiles, textiles, glass, chemicals, and so forth—cannot compete with unrestricted imports. It is not true that this competitive weakness is the result of the inefficiency of our industries. Our industrial capacity is still the beacon of other countries, but we no longer keep pace as we once did because other countries have greatly improved their production methods by installation of modern machinery and equipment. Our technological lead has been narrowed, and may be expected to erode further. At the same time the wage gap remains wide.

Many of our industries have invested heavily overseas in order not to lose foreign markets, but in doing so they shrink markets for our exports. Initially these investments increase our exports of machinery and equipment, but this will also change. The trend is running against us. Total imports of all products have increased 77 percent since 1964, while total exports increased only 30 percent, far less than half as much. For instance, imports of machinery from 1964–68 increased 190 percent while that exported increased only 36 percent.

Mr. Speaker, we need new job openings in this country, and plenty of them, in the years ahead. When we move away from a war economy, our industries will be hard pressed to hire the many hundreds of thousands of new workers who will be looking for work. If our industries are sorely beset by imports they will be unable to respond as they will be expected to do and we will be engulfed by unemployment.

The legislation now being proposed is designed to meet this problem, and it would do so effectively with the least disruption of trade. In fact, in all instances it would permit an increase in imports—not a wild surge—but an orderly rise from year to year in proportion to the expansion of domestic consumption.

Only those imports that had already made a considerable penetration of our market and which had increased substantially since 1960 would be placed under a ceiling, and then only after application to, and a hearing by, the Tariff Commission. Thus the approach would be in retail rather than wholesale fashion.

A ceiling on imports would be established only in instances in which an industry could qualify. It would be a percentage of domestic consumption, such as 10, 20, 30 percent or higher, as the case might be, and depend on how deep a penetration the imports had already achieved. Unless there had been an undue spurt in the past year or two, the attained level of imports in the most recent year would become the ceiling without a rollback. Thereafter, imports could grow with the increase in consumption in this country.

A more moderate proposal can hardly

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be advanced—no other country offers a program so reasonable. Only those who refuse to come to the rescue of our industries or only when they were demoralized could object to the proposed approach.

Actual import quotas, as has already been explained, would be placed in effect only if imports should break through the ceiling for a period of 6 months. If imports then again dropped to the level of the ceiling or below it for a year, the quota would be removed. In any event, no ceiling or quota would remain in effect for a period exceeding 5 years. A year would then elapse before another ceiling or quota could be established.

Mr. Speaker, import quotas have been given a bad name. They are regarded in some quarters as perhaps worse than tariffs. No doubt this impression gained ground during those years when other countries applied import quotas that resembled embargoes. Yet, a quota might be liberal in its restraint on imports, depending on its provisions.

A quota would, of course, be severe and open to objection if it should cut back imports from, let us say, 5 million units to 1 million or 2½ million. It might even be regarded as too restrictive if it cut back to 3 or 4 million units; but a quota that either called for no cutback or only 5 or 10 percent, could not be regarded in the same light, especially if it provided for growth of imports in the oncoming years equal to the growth of consumption in this country.

To attack such a quota as unreasonable or as gross interference with economic development would simply represent the view that imports should enjoy the right of eminent domain in this country, as if they enjoyed a right superior to that of our own producers and that the latter should step aside for imports. I do not believe that such an attitude can be justified, nor do I believe that the American people agree with it.

I say that the approach contained in this legislation would provide a happy solution to the import problem. I hope that all who have an interest in our foreign trade policy, including those in the legislative and executive branches of this Government, take time to study this bill and what it means. If they have objections, I believe they will withdraw them upon careful study of the bill. In any event, Congress should take steps now to resolve the monumental problem we continue to face.

Following is an excerpt from the CONGRESSIONAL RECORD of August 5, 1969:

DESCRIPTION OF PROPOSED IMPORT-CEILING LEGISLATION

The proposed trade legislation is designed to provide domestic industry, agriculture and labor with a remedy against the adverse effects of an undue rise in imports on industrial growth, employment and profits. It is in effect an Escape Clause, revised to assure the actual availability of a remedy to industries that have suffered or stand to suffer serious injury from rising imports.

The legislation is therefore not open to any industry unless imports have made a serious market penetration.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when sufficient statistical evidence is available for the Tariff Commission to determine what share of the market (i.e., of domestic consumption) is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports.

In the first of these two instances, which is to say, where the share of the market supplied by imports can be determined, a 10% penetration of the market will be interpreted as representing serious injury, if absolute imports have doubled since 1960. A threat of serious injury, on the other hand, will be assumed if not less than a 7½% penetration has been made by imports.

The year from which to measure the trend of imports in terms of the share of the market (penetration) supplied by them is 1960, or the ten most recent years, whichever is less.

In either approach, any industry, labor union or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the Escape Clause or for Adjustment Assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports (market penetration). Should this result affirmatively the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

If the available statistics were inadequate to make possible such a finding, the Commission would nevertheless proceed to make a finding with respect to injury, but under different guidelines. The bill under these circumstances calls for an examination of the probable adverse effects of rising imports on growth of the industry, expansion of the industry, level of profits, and the trend of employment.

Upon a finding of serious injury or a threat thereof the Commission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25% of the 1930 rate; and no quantitative limitation (import quota) could reduce imports below the average of the two most recent years.

If the President were opposed to putting the Commission's recommendation into effect he would send his reasons to Congress, and if either house by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise it would be put into effect.

IMPORT CEILING AND QUANTITATIVE LIMITATIONS

The most distinctive part of the legislation lies in those cases in which the share of the market supplied by imports can be determined. In those cases the Tariff Commission would determine the level of imports that could be admitted into the country without going so far as to impose administrative limitations on them, and this level would be the ceiling. Only if imports subsequently should break through such a ceiling in their upward surge would an administrative limitation be imposed. This need not happen if the exporting countries took care to avoid it.

It is thought that in most instances in which injury from imports occurs or threatens, statistical evidence of the share of domestic consumption supplied by the imports is adequate. The Commission could then proceed on the basis of recommending ceilings to the President instead of recommending a tariff increase, if the facts developed in hearings and investigation demonstrated deep enough a market penetration by imports to justify an affirmative finding for a ceiling under the criteria laid down in the law.

The President would proclaim such ceilings upon a finding by the Tariff Commission of the share of domestic consumption supplied by imports of the product or article in question if this share were above the 10% penetration level, thus meeting the criteria of serious injury (7½% in the case of a threat of serious injury).

The Commission would thereafter keep the President informed of the trend of imports in terms of the share of domestic consumption supplied by them, in all instances in which a ceiling had been proclaimed. Should imports fail to rise above the ceiling level no actual administrative quantitative limitation would be established. Only if imports should rise above the ceiling *for a period of six consecutive months* (i.e., above 50% of the ceiling for a whole year) would the President impose the limitation.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation (import quota). If after such a limitation were imposed imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation (import quota).

The ceiling for each article for which one had been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the domestic consumption of the article. This proportion might be 10%, 12%, 20% or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

NEW CONCEPT

The concept of a ceiling on the share of the market that would be available to imports is relatively new. The further provision that imports would be allowed to expand as domestic consumption might expand introduces a flexibility into quantitative limitations on imports that is very rare and would go far to remove the usual objection to import quotas on the ground that they would place trade in a straitjacket. Indeed a further element of flexibility is introduced by allowing an interval of a year or more for reestablishment of a new ceiling, after 3 or 5 years.

The principal virtues of the proposal lie in the limited nature of the cutback in the level of imports if any; the avoidance of an actual administrative limitation on imports if the exporting countries do not trigger one; the exclusion of industries that have not experienced injury from increased imports arising subsequent to a tariff reduction or reductions under one or more trade agreements, and the flexibility already mentioned.

As an effective remedy for injury from trade agreements concessions with a minimum of objectionable features the proposed approach would be unique.

Mr. PELLY. Mr. Speaker, I thank the gentleman for yielding. I wish to reiterate what I said to this House September 24, 1969, when I introduced my bill, H.R. 13975, to encourage the growth of international trade on a fair and equitable basis. This legislation simply restores to the House of Representatives its consti-

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tutional responsibility to regulate foreign trade and at the same time provides ample protection so that there would be no adverse effect on imports unless it was determined a particular product was causing undue economic harm to an American industry.

My bill, H.R. 13975, as I noted in my remarks September 24, would be of special help to the fishing industry which now suffers greatly from foreign imports that now represent more than 70 percent of domestic consumption.

Another example of aid to an American industry is found in my bill as it relates to steel plants. One steel plant in my district was closed down because of the adverse effects of imports.

Mr. Speaker, I speak as one who strongly supports trade between nations, but at the same time I feel our high living standards must be protected against the effects of dumping of foreign products into the American economy.

Mr. REIFEL. Mr. Speaker, I rise in support of the so-called Betts-Dent omnibus bill because it will bring some relief, although not near enough, to our mink ranchers in South Dakota which is one of the 15 major mink-producing States in our country.

A once proud and independent mink ranching industry, proof of native American inventiveness and hard work, now lies almost paralyzed from an invasion of cheap foreign imports that has demoralized domestic markets and adulterated the prestige image of mink as a high sign of success and elegance.

Because his domestic markets lie totally exposed to duty-free entry, which, with inflation tend to suck in excessive production from abroad, the American rancher has pleaded with Congress for 3 years to erect some kind of barrier, a quota based on domestic consumption, which would at least stabilize trade conditions and allow for reasonable living conditions.

In the last decade imports have more than doubled. Import volume which in 1958 totaled 2.6 million rose like a cloud of locusts to peak at 5.7 million in 1966. In those years imports captured 11 more percentage points of domestic consumption until they had grabbed off 53 percent of a domestic market which the American rancher actually created and then built with his own promotional funds. Remember that mink is native to North America and the invention of mink ranching and all its mutations is likewise the proud accomplishment of American agriculture.

Mink was set over on the free list in the Tariff Act of 1930. The concession was granted when mink was a mere curiosity from fur trappers. Through the years this classification was carried from one treaty to another without ever giving the slightest consideration to the economics of mink ranching as a budding new agricultural industry. These deaf ears of government have resulted in disaster for the American rancher. His prices have broken more than 33 percent, forcing the sale of his crops the last 3 years largely below cost of production and, since 1962, 56 percent of our domestic producers have been annihilated. This decimation continues as assets and credit dry up in a last ditch stand to stem the unfair foreign competition, a competition, again, based on a far lower standard of living and far lower labor costs.

The American rancher has been reasonable in his request for protection. He has asked Congress, in effect, to stabilize the status quo, allowing imports to share in the growth of the market in the same percentage. In the 90th Congress 86 Senators and Congressmen from 30 States responded to his call for help with cosponsorships and companion bills.

Looked at simply as part of the vast army of proud and independent producing citizens of the United States, is the mink ranching industry to be yet another sector of our economy which is to be sacrificed to a stuffy and inflexible trade policy on overdeference to our trade partners in the free world? Are these agricultural producers and their families and their employees now to be liquidated and their investment in free America cancelled, to join the stream of undesirables flowing in ever greater numbers from the countryside into our already overcongested city turmoil? What price welfare.

GENERAL LEAVE

Mr. BETTS. Mr. Speaker, I ask unanimous consent that all Members may be entitled to revise and extend their remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

IMPORTS

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DENT. Mr. Speaker, first, let me say that I thank my colleague, the gentleman from Ohio (Mr. BETTS) for not only being a cosponsor of the legislation which we have both introduced today, but for his efforts in calling it to the attention of the House.

While we do not believe it is cure-all legislation, it is a step in the right direction. It is our hope that we can get the legislation before the House so we can work out a more equitable solution to this serious problem.

Mr. Speaker, I want to point out, while the gentleman from Iowa is still on the floor—he mentioned briefly the imports and the threat of the importation of beef as well as the fact he mentioned the prices of beef were higher in the marketplace—I might say they are higher in the marketplace and they are higher in comparison to the beef imported, beef we get in this country.

Mr. Speaker, there is no distinguishing label put on the beef, as to whether it is from the Argentine or from some other South American country or Central American country or any other country. So, when an American housewife goes in to buy beef, particularly good beef and chuck and the so-called lesser cuts in the shoulder below the steaks, the beef is never labeled. So, the housewife is buying beef and complaining about the American farmers' price on what she is paying for the beef. But, she is being fed a great deal of foreign beef at these high prices that the American market must demand for its beef.

Mr. Speaker, another little incident that might interest the gentleman from Iowa is the fact that while on one of my travels on one of the so-called congressional junkets, I learned that our own State Department advised the Argentine beef producers as to how to get around the hoof and mouth disease, a prohibition which we had against the importation of beef from the Argentine. They told them that they would not be stopped from shipping beef into the United States—that the embargo would not be effective if they boiled the beef. So, they boil the beef and send it up here. I understand that 90 percent of all TV dinners which are served in this country are made from the boiled beef coming up from the Argentine or cooked beef coming up from the Argentine.

Mr. Speaker, the gentleman from Missouri (Mr. HALL) mentioned the fact that the Common Market was hastily thrown together and also mentioned the fact as to how we have made compacts with it and how adverse they have been to the American economy.

Well, let me just tell you that the gentleman from Missouri was absolutely right.

In South America we created the LATCOM—Latin American Common Market, and the real and only thing that LATCOM has done is to make it possible by embargoing U.S. goods and by high tariffs to prevent U.S. products from going into Latin America and allowing the flow of low-cost goods over the border and lower duties on products of one Latin American country going to another. They have opened the door for American industry to leave the United States to go down into Latin America and to produce for the Latin American countries, under an umbrella that protects them against their own products made in the United States from being sold.

I was in Chile and I went into a Gillete Razor plant. They are producing razors for the whole of the Latin American countries and all of the Southern Hemisphere and not one blade is being shipped from this country any more into that country.

We went into Brazil and into the RCA plant, where 550 people are busily engaged in making tubes to send back to RCA in the United States for the introduction into their American-made RCA television sets.

I have here a little information on televisions that I was going to put into the RECORD at a later point, but it is very interesting to note that on a trip to Japan we went into the Sony plant, and they showed us a new type of color television, but they showed us the finished product. We were not allowed to go into the production rooms. We could not go into the inner chambers to see what they were doing. We had to stay in the office.

One of my colleagues, who is sitting on the floor now, was sitting with me while they lectured us and talked to us and kept us busy washing our hands with hot towels and wiping our brows with hot towels, and feeding us all kinds of hot lies.

Finally they passed out a cold drink. I remember my colleague said:

> Say this is good. What is it?

He said:

> We import that from the United States. It is 7-Up.

We were trading a glass of 7-Up for 700,000 TV tubes—that is a big deal.

This entire matter is one that has been neglected by Congress because either we are blind or we are stupid. I am praying that we are blind. I hope we are not stupid, because no nation can survive in a free trade world where the economies are not balanced.

When a high price nation such as ours, paying wages of anywhere from three to 10 times as much per hour—without fringe benefits even being considered in the matter—tries to compete in the open market of overproduction it has to lose, and we are losing.

Mr. Speaker, there are a few hard facts that we dare not ignore if we are to have a trade policy that will meet our needs in a world competitive situation that has undergone serious changes in the past 10 years.

First. Our competitive weakness has been growing in recent years.

This development should not only not come as a surprise but should have been expected. Once our foreign competitors saw that our system of production was adaptable to their economies even though they did not have the mammoth market that the United States represented, it was a foregone conclusion that we faced a different world of trade from the old.

The transition to modern technology in the industrial countries of Europe and Asia, more particularly West Germany and Japan, brought a growing advantage in the form of lower costs of production. If new and up-to-date machinery was installed, as it was in these bombed-out countries they had the advantage of greatly increasing the output per man-hour. Even though wages were up, there was still an advantage if they did not rise as rapidly as productivity.

Some economists have said that wages rose more rapidly abroad than here from 1950 on. What they meant was that wages had gone up more in proportion than in this country; and I would not deny that. However, that is not the question. If wages in Japan went from 20 cents per hour to 40 cents, it represented a 100-percent wage increase. Average hourly wages in our manufacturing industries between 1950 and 1960 rose 57 percent, according to tables appearing in the Statistical Abstract, published by the Department of Commerce. Nevertheless, in terms of cents per hour the increase was 81. In other words the increase in hourly wages in this country was greater than the whole hourly wage in a number of other countries.

Since 1960 wages in this country had risen another 38 percent by March 1969, going from an average of $2.26 per hour to $3.13 per hour, including overtime. Yet, even though the increase was only 38 percent, the actual rise was 82 cents per hour, so that once more the increase in hourly wages from 1960 to 1969 was higher than the total average hourly wage in most other countries.

While we have enjoyed an increase in the hourly output per employee, this growth has not matched that experienced in other industrial countries. The statistics are available in the Statistical Abstract through 1966. Table 1255 of the Abstract of 1969 shows that we have been outpaced very substantially by Japan, Italy, France, and West Germany. As I say, modern machinery was coming on stream in those countries since 1950. The comparison can be made from this table:

GROWTH RATES OF OUTPUT PER EMPLOYEE

Years	Japan	Italy	West Germany	France	Canada	United States
1950–60	7.7	5.3	5.9	4.6	2.1	2.1
1960–66	8.1	6.4	4.1	4.5	2.4	3.2
1950–66	7.8	5.7	5.2	4.6	2.2	2.5

From this table it is clear that productivity abroad rose more rapidly from 1950–66, in fact more than twice as rapidly in the other leading industrial countries, as in this country. The Japanese rise was three times as rapid as in this country.

Yet our average hourly wages increased from $1.44 in 1950 to $3.13 in 1969, or $1.69 an hour. A wage of $1.69 an hour is hardly known even in the higher reaches of wage in any of these other countries. Yet that was how much our wages increased from 1950 to 1966.

Does it not stand to reason that while productivity in our principal foreign competitors rose more than twice as much as in this country while our average hourly industrial wages increased more than the total hourly wages in those countries—I say does it not stand to reason that our competitive situation has changed greatly in recent years?

The foreign technology was well on its way to close the gap between them and us, but the wage gap remained broader in dollar and cents than it was.

This does not mean that we are not still the leader in productivity in our manufacturing establishments; it does mean that this lead has greatly narrowed. The reason is quite simple. We helped the other countries technologically through foreign aid, and followed this by many billions of dollars in foreign investment. This meant the wholesale introduction of our methods of production in other countries and the inevitable narrowing of our technological lead.

The combination spelled nothing more clearly than the loss of any competitive lead that we had in many lines of products. Today we are running a deficit in our exports over imports in a long line of goods. Were it not for machinery exports, chemical exports and a few other items, such as aircraft, we would have a really ghastly trade deficit. I will give you a few.

1968 EXPORTS AND IMPORTS

[In millions of dollars]

	Exports	Imports	Deficit
Meat and preparations	$162	$746	$584
Fruits and nuts	303	437	134
Vegetables	161	215	54
Woodpulp	255	432	177
Ores and metal scrap	586	1,008	422
Petroleum and products	460	2,345	1,885
Textile and leather machinery	208	308	100
Softwood lumber	128	491	363
Paper and manufactures	545	976	431
Iron and steel mill products	582	1,962	1,380
Textiles, other than clothing	522	963	441
Clothing	176	855	679
Nonferrous base metals	601	1,812	1,211
Automobiles, new	972	2,782	1,810
Total	5,661	15,332	9,671

We see a deficit of over $9 billion in our trade in a wide variety of products. Our lead in a few lines cannot hide this very poor showing in this broad spectrum. We will ignore this situation at our peril.

Here we see the bare bones of our lean trade condition. Except for a few products we are in a heavy deficit position. Even in our great specialty; namely, machinery, our lead is narrowing because of the sharp rise in machinery imports. Much of our machinery exports have, of course, gone into plants we have built abroad as subsidiaries of our own companies. Some of these exports will boomerang further as they are already doing. The more we manufacture abroad the goods we previously exported the more will our foreign markets shrink as we supply those markets from our foreign factories. We must expect this trend to grow and to come to a head with an even greater deficit.

I need hardly repeat that our official trade statistics have concealed our trade deficit since it made its appearance several years ago. The table presented above includes in our exports the goods that we shipped under foreign aid and other grants and form of assistance. The deficit would be yet worse if the exports were confined to private competitive trade.

Second. Another hard fact that must be kept in mind if we are to legislate wisely on trade is that our foreign investments do not offer a solution. For a while they stimulate our exports of machinery and equipment but, as already observed, we are breeding our own competition. Our labor will bear the brunt, not our capital, which can go abroad and find employment.

Third. Not least of the hard realities we must face if we try to overcome the cost-of-production gap that has gone so strongly against us, is the heavy displacement of workers that is an inevitable by-product of further mechanization and automation. Production cost simply cannot be reduced materially without displacing an alarming number of workers. The experience of the coal industry is an example that cannot be forgotten. It has been estimated that if steel is to become competitive with imports the employment of some 200,000 workers, through all the stages of production, including ore mining, must be sacrificed.

Those consumers who clamor for low-priced imports should not forget that they voted in the majority for the laws that have placed heavy cost burdens on industry. We simply cannot have social welfare, heavy defense outlays and much else unless we pay for them. These things do not come free. A consumer who looks for bargains from abroad should ask himself whether he, honestly, would like to work for a foreign level of wages, salary or other income. If not he would be constrained to look askance at bargains in the form of imported goods that can be offered as bargains only because they were produced at a level of wages this same consumer would scorn for himself and that at the same time would be illegal in this country.

It is my great pleasure to submit this statement on a subject which is of great importance to the Nation. Today you are concerned with imports of shoes; however, the general subject of imports has been my concern for many, many years.

In 1966 and 1967, the General Subcommittee on Labor, of which I am the chairman, held extensive hearings on the impact of imported goods on American industry and employment. During the course of those hearings, we determined that the effect these imports had on unemployment among American workers was considerably greater and the situation more serious than we had suspected. In some industries, including our large steel, glass, and textile industries, jobs were being lost in very large numbers.

Wages in America are considerably higher than wages paid in other countries. The trade union movement, the extremely high productivity of the American worker, and Federal policy in the form of the Fair Labor Standards Act, are all responsible for this. Indeed, we have the highest minimum wage required by any nation, and, I might add, it will almost certainly rise in the years to come.

Obviously, the United States cannot affect the wage and hour standards in other countries and there is no apparent way to subject the producers of imported goods to the same penalties imposed against domestic producers who violate our wage and hour requirements. Because of the much lower labor costs of foreign producers, their goods preempt American goods in the marketplace. The result of this to the U.S. economy is the loss of jobs. Labor-intensive industries, such as the shoe industry, are particularly vulnerable to such pressures.

When jobs are lost as a result of the disruption caused by imports, the workers may be able to adjust by a painful process of reeducation and relocation, but the communities they leave behind cannot recover so easily. The closing of plants and ensuing loss of employment seriously undermines the economic base of these communities and all services suffer as a result. As a community's tax base deteriorates, so does its educational facility, police protection, and health facility.

The evidence presented at our hearings in 1966 and 1967—and, Mr. Chairman, the situation has worsened since then—was so conclusive that our committee recommended, and the House passed, a bill which would have prevented the indiscriminate importation of goods into this country. The bill would have established a procedure where the Secretary of Labor would investigate to determine whether the importation of a product was undermining the public policy expressed in our minimum wage law. Any interested party, including a community itself, could have requested such an investigation. The Secretary would then report to the President who could take appropriate action.

Let us take a look at the problem in the shoe industry. This year shoe imports for the first two quarters is 12 percent ahead of the same period last year, totaling 108.3 million pairs. That is 37 percent of the shoe output of the United States. When you consider total supply of shoes for the United States, 27 percent of all shoes in this country are foreign made. Mr. Chairman, I venture to say that if the bill reported by my committee had become law, I am certain we would not have the problems in the shoe industry we are now experiencing.

During my entire career in Government I have been pointing out the perils of doctrinaire adherence to the principles of free trade. As I see it, restrictions on the importation of shoes and of many other goods is essential. Jobs are at stake here. The U.S. Government should not allow unfairly competitive goods of any sort to displace American workers. I only ask that the same rules which apply to American producers selling in the U.S. market, apply equally to foreign producers selling here.

I have before me here tonight a group of telegrams, and I only just took one, because my community knew I was going to speak here, and I want to read this one which says:

GREENSBURG, PA.,
September 29, 1969.

Congressman JOHN H. DENT,
Washington, D.C.

DEAR CONGRESSMAN JOHN DENT: We urgently request that you use all the influence at your disposal to urge Congress not to allow the reduction of tariff on sheet glass being imported into the United States. Needless to say thousands of workers and business men in Pennsylvania will be faced with economic chaos, if the sheet glass industry is allowed to be scratched off as expendable. Lower tariffs will result in the complete loss on an entire American industry and bring about the chaos.

Respectfully yours,
GLASS CUTTERS LEAGUE OF AMERICA,
LOCAL NO. 10, JEANNETTE, PA.

This happens to come from my own hometown. And there is another one from another town in my district from the mayor, in which the two last remaining glass plants in Pennsylvania are now working part time. One plant is not working at all. It seems to me all they are doing is cutting glass that I am suspicious might be coming from foreign countries.

I can talk about this problem, and I could go into the economics where they say that competition makes jobs, it creates an incentive to automation, automation creates jobs.

Let me take coal. Coal was the lifeblood of my community. At one time we had 500,000 coal miners—500,000—and we started to bring in cheap residual oils, waste oils from the oil producing countries. At that time they had not been able to refine oil down to get as many gallons of gasoline, and gasoline was the money product, so they had lots of waste oil. So they shipped that into this country in the ships, they brought it over here and sent it out, and sold it at any price whatsoever. And they reduced the price of B.t.u.'s of heat to such a point that the coal industry could not possibly compete.

Now, let us see what it takes to compete with cheap products. The coal industry now is producing the cheapest B.t.u.'s of heat in the world, but it is doing it at the loss of over 365,000 jobs.

In order to meet the competition from foreign countries, we had to create the greatest mechanized industry in the whole world in the coal industry.

So we lost 365,000 jobs and only 135,000 coal miners are left in the United States producing 50 percent more coal than 500,000 did.

That is exactly what is happening in steel. That is what is going to happen in every industry in this country. We have cheapened the quality of everything we sell to the American people because we cannot compete wagewise and we cannot put the labor into it to make it good—and it takes labor to make things good. We cannot do it and therefore we are cheapening the quality while these low-wage countries are increasing the quality of everything they sell.

I saw an advertisement last night. It was a Volkswagen advertisement. It showed where an automobile, a Volkswagen that was bought about 6 years ago at $1,800 was selling today in the second-hand market for $1,200, while an American car in the same situation was only bringing $600. Why? Because we have had to cheapen our labor that we put into our product and we have cut out our quality in the product.

We are doing it in shoes. Let me tell you about shoes.

Let me read this information for you:

FACT SHEET ON LEATHER AND VINYL FOOTWEAR

1. Footwear imports are increasing at an alarming rate, while exports are insignificant.

	Imports		Exports	
Year	Pairs	F.o.b. value	Pairs	F.o.b. value
1955	7,810,000	$13,571,000	4,639,532	$14,362,113
1960	26,617,000	53,257,000	3,244,316	9,399,731
1965	87,632,000	118,478,000	2,491,038	7,829,566
1968	175,438,000	328,543,000	[1] 2,417,290	[1] 8,076,142

[1] Estimate.

2. Growth of domestic footwear manufacturing has been almost halted by imports. U.S. footwear production for the first four

months of 1969 is off 9.5%. Output for 1969 is now estimated at 595 million pairs, or only 10 million pairs more than in 1955.

3. Footwear imports for 1975 have been projected to reach 468 million pairs.

A. This would be 48% of an estimated consumption of 987 million pairs of footwear in 1975.

B. This would amount to 90% of an estimated domestic production of 519 million pairs of footwear in 1975.

4. The imbalance in footwear trade is caused mainly by the wide wage differential existing between the U.S. footwear industry and those in foreign countries. Average hourly labor costs for 1968 including fringe benefits are estimated as follows: U.S., $2.62; Italy, $1.04; Japan, 58 cents; and Spain, 56 cents.

5. Footwear imports mean a growing loss of job opportunities in the U.S. footwear manufacturing industry. In 1968, 64,200 job opportunities were lost because of footwear imports. By 1970, imports are expected to eliminate 80,500 job opportunities; and by 1975, they could mean a loss of 168,600 job opportunities in footwear manufacturing.

6. The U.S. footwear manufacturing industry employs many unskilled workers from groups where unemployment is greatest. With a decline in domestic production and employment as imports grow, the industry will offer no opportunities for jobs as critical unemployment problems mount.

7. Steel and cotton already have voluntary bilateral quotas. Wool apparel and manmades have been promised voluntary quotas by President Nixon. We understand and support the appeals of the steel and textile industries for import relief. The need for import relief in the footwear industry is no less pressing.

Commodity	Growth 1958	Growth 1968	Growth Percent increase	Net profit after taxes to net sales (percent) 1958	Net profit after taxes to net sales (percent) 1968	Market penetration—Imports as a percentage of apparent domestic supply 1961	Market penetration—Imports as a percentage of apparent domestic supply 1966	Market penetration—Imports as a percentage of apparent domestic supply 1968
Gross national product [1]	[2] $447.3	[2] $860.7	+92.4					3.8
Total industrial products [1]	[3] 93.7	[3] 165.3	+76.4	4.2	5.0			
Steel [4]	[3] 87.8	[3] 134.6	+53.3	5.4	4.5	3.0	10.9	[5] 16.7
Textile mill products [6]	[3] 94.3	[3] 151.3	+60.4	1.6	3.1			
Wool products						13.3	21.6	25.5
Cotton products						4.7	10.0	10.4
Manmade-fiber products [7]						1.5	3.5	4.3
Apparel and related products [6]	[3] 95.3	[3] 149.9	+57.3	1.0	2.4			
Wool apparel						3.9	8.5	[5] 7.5
Cotton apparel						3.2	6.2	[5] 8.1
Manmade-fiber apparel						.8	2.7	[5] 4.4
Manmade fibers [4]	[3] 89.6	[3] 365.0	+307.4		[8] 4.8	5.9	9.0	[5] 11.0
All footwear [9]	[10] 587.1	[10] [11] 645.9	+10.0	[12] 2.1	[13] 3.2	7.6	13.1	21.4
Shoes except slippers [9]	[10] 516.5	[10] 539.0	+4.4	(14)	(14)	(11)	(14)	(11)

[1] Economic Report to the President, January 1969.

[2] In billions.

[3] Indexes.

[4] Survey of Current Business.

[5] NFMA estimates based on U.S. Department of Agriculture and U.S. Department of Commerce official statistics.

[6] Federal Reserve Board.

[7] Includes continuous twisted, but not untwisted, filaments. U.S. Department of Commerce excludes the latter to assure comparability with cotton and wool products which contain yarn, fabrics, and apparel. If the untwisted filaments were included in manmade products, import penetration figures would be somewhat higher.

[8] Average based on financial statements of Allied Chemical Corp., Celanese Corp., and Monsanto Co.

[9] Current Industrial Reports, "Shoes and Slippers," U.S. Department of Commerce.

[10] Millions of pairs.

[11] 15,000,000 more pairs were produced in 1968 than shipped to customers.

[12] NFMA survey of 125 representative footwear manufacturers.

[13] Preliminary

I do not know what is happening in the rest of the United States, but in my State of Pennsylvania, which is the largest shoe manufacturing State in the Union, we have lost 35 percent of all the employees who ever worked in a shoe factory and it is coming to a point where we have a population of 200 million people and we now have less people working in the shoe industry than when we had 50 million Americans.

If you think that with this kind of trade policy this country can possibly survive, let me read you this. This shows the difference between hourly wages in the American steel industry and other countries:

DISPARITY BETWEEN HOURLY EMPLOYMENT COSTS IN AMERICAN STEEL INDUSTRY AND STEEL INDUSTRIES OF SELECTED COUNTRIES ABROAD

[Wage employees only]

Year	United States	West Germany	Disparity, U.S./W.G.	Belgium	Disparity, U.S./Belgium	France	Disparity, U.S./France	Italy	Disparity, U.S./Italy	Luxembourg	Disparity, U.S./Lux.	Netherlands	Disparity, U.S./Neth.	Japan [1]	Disparity, U.S./Jap. [1]
1967 [2]	$4.76	$1.97	$2.79	$2.12	$2.64	$1.65	$3.11	$1.83	$2.93	$2.11	$2.65	$2.33	$2.43	$1.22	$3.54
1966 [3]	4.63	1.91	2.72	1.99	2.64	1.56	3.07	1.69	2.94	2.06	2.57	2.15	2.48	1.08	3.53
1965	4.48	1.81	2.67	1.83	2.65	1.48	3.00	1.61	2.87	1.95	2.53	1.96	2.52	.97	3.51
1964	4.36	1.68	2.68	1.62	2.74	1.40	3.08	1.58	2.90	1.72	2.76	1.76	2.72	.88	3.48
1963	4.25	1.59	2.66	1.45	2.80	1.30	2.95	1.43	2.82	1.62	2.63	1.58	2.67	.80	3.45
1962	4.16	1.51	2.65	1.33	2.83	1.21	2.95	1.21	2.95	1.49	2.67	1.47	2.69	.74	3.42
1961	3.99	1.37	2.62	1.26	2.73	1.11	2.88	1.04	2.95	1.47	2.52	1.40	2.59	.68	3.31
1960	3.82	1.21	2.61	1.22	2.60	.99	2.83	.98	2.84	1.41	2.41	1.08	2.74	.62	3.20
1959	3.80	1.12	2.68	1.13	2.67	.91	2.89	.90	2.90	1.31	2.49	.95	2.85	.57	3.23
1958	3.51	1.06	2.45	1.09	2.42	.85	2.66	.86	2.65	1.32	2.19	.94	2.57	.54	2.97
1957	3.22	1.01	2.21	1.08	2.14	.86	2.36	.80	2.42	1.28	1.94	.90	2.32	.54	2.68
1956	2.95	.90	2.05	.98	1.97	.96	1.99	.79	2.16	1.15	1.80	.82	2.13	.48	2.47
1955	2.72	.83	1.89	.89	1.83	.85	1.87	.70	2.02	1.02	1.70	.74	1.98	.43	2.29
1954	2.51	.75	1.76	.83	1.68	.75	1.76	.68	1.83	.95	1.56	.63	1.88	.41	2.10
1953	2.45	.72	1.73	.81	1.64	.73	1.72	.65	1.80	.95	1.50	.57	1.88	.38	2.07
1952	2.32	.69	1.63	.82	1.50	.72	1.60	.64	1.68	.98	1.34	.53	1.79	.35	1.97

[1] Estimated by American Iron and Steel Institute.

[2] 1967 data for European countries from Siderurgie (ECSC), 1968—No. 6.

[3] 1966 data now available from Siderurgie (ECSC), 1967—No. 6.

Note: Amounts in U.S. currency.

Source: European Coal and Steel Community, American Iron and Steel Institute and industry estimates. Iron Age, Apr. 6, 1967.

You can see from those figures that the wages in 1952 in the U.S. steel industry was $2.32 an hour, in West Germany $.69 an hour, and in Japan $.35.

Today the U.S. steelworker makes an average wage of $4.76 an hour, in West Germany they make $1.97 an hour, and in Japan $1.22 an hour.

In Japan they have the most modern type of steel mills that the world has ever seen. They were ahead of us in the BOF plants and we are just now trying to catch up with the BOF plants. The government there allows them to amortize their plants and they allow a full amortization of the plants before they pay a cent of taxes. When an American company builds a new steel plant, they have to amortize it over a 30-year period. By that time the plant is antiquated and so old that they cannot keep up with modern production methods. But they say, "You can modernize your equipment and you can compete."

But by the time they do modernize and are able to compete, you will have no steelworkers.

Let me point this out to you with reference to the exchange in steel.

Last year the difference between exports and imports of steel cost the United States 147,000 steelworkers' jobs.

Steel is landed in the United States from Europe for $25 less a ton and from Japan for $40 less a ton and from Italy at $35 less per ton.

What are we trying to get to? A whole Nation where no one works and where everybody lives on relief and we have to depend upon foreign countries for our clothes, shoes, sustenance, and foods. The day will come when we will even have to buy coffins from foreign countries because we will not have enough carpenters here to build them.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. DENT) for the presentation he is making with reference to this problem.

I agree with the gentleman completely in what he has said.

I am sure the gentleman has seen the publicity attending the purchase of—I do not know how many millions of dollars

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of pipe from Japan for this pipeline to be installed in Alaska to move the oil in Alaska. I have forgotten how many million dollars some American company is spending with the Japanese for that pipe.

Earlier the gentleman mentioned the Latin-American Common Market, what we are expected to do, and we have had the subject up in the Foreign Affairs Committee. What we are expected to do is to organize and, above all else, to finance the Common Market in Latin America. But, of course, we are not to be members of the Common Market. That may be an awfully good thing. I do not know as to that part of it.

But what we are being called upon to do is to finance the establishment of the Common Market in Latin America.

I thank the gentleman for yielding.

Mr. DENT. I thank the gentleman from Iowa very kindly.

At this time I am going to relinquish the floor to the rest of my colleagues. But, first, I should like to read these figures to you to establish in your minds the lies being told to the American people by the Department of Commerce, and the lies that have been told over the years, to the point at which it demands and should have an investigation by the Congress.

For example, U.S. imports from Japan in iron and steel in 1968 were $812,112,000. We exported at the same time $4 million worth to Japan.

In machinery and transport equipment we imported from Japan $1,220,000,000 worth of products, and we exported to Japan $636 million.

In miscellaneous manufactured articles we imported from Japan $885,892,000 worth, and we exported to Japan $143,152,000.

We exported $79,000 worth of shoes and imported $228 million worth.

I can say to you Members of Congress that, if that is the way we are going to do business, someone will go broke, and it will not be Japan.

Mr. GAYDOS. Mr. Speaker, I represent a district in the heart of the Pennsylvania steelmaking industry—the Mon Valley of the 20th Congressional District.

Steel is something we practically live and die by. The steel market is our economic weather barometer. When it is good, times are. But the slightest slump in the market causes tremors in nearly every home. Family belts are tightened just in anticipation of something worse to come.

The importation of steel products has touched off more than one such tremor. The latest incident occurred during the summer recess. Word was spread one of our major plants faced a fall shutdown and the effect of steel imports on the domestic market was cited as the reason.

Local labor leaders became alarmed and contacted me, demanding some action be taken to curb this threat to their livelihood. I was able to get in touch with the chairman of the General Subcommittee on Labor, JOHN H. DENT, and a meeting was held with the steelworkers shortly after the Congress reconvened.

I wish I could report it produced concrete results, Mr. Speaker, but it did not. We could offer the labor leaders little encouragement because we are bound by the wait-and-see attitude adopted by our State Department early this year when it entered into voluntary arrangements with several foreign steel producers.

This arrangement—and I emphasize the fact foreign producers are not bound by any agreement—was conceived after a number of bills were introduced in the House placing quotas on foreign products. Members of the House were demanding such action because steel imports had grown from 11.5 million tons in 1967 to 18 million tons in 1968.

Under the State Department's voluntary arrangements, steel imports are to be held to approximately 14 million tons this year. But we will have to wait until next year to see if the foreign producers honored their word.

Since this arrangement is temporary—a 3-year experiment—and because it is the first year it has been tried, I would expect the foreign manufacturers to stay within their limits in 1969. But 14 million tons of steel is still a lot of steel, no matter how it is stacked.

Two of the major suppliers—Japan and the European coal and steel community—manufacture about 80 percent of the total steel imported into the United States. They have expressed their intention to limit their exports to 5.75 million tons each this year. The remaining 20 percent of the import total is supplied by countries which have not entered into the voluntary limitation plan.

These voluntary arrangements, I again repeat, are not binding agreements. They are only statements of intent. The responsibility for adherence to the limits rests with Japan and the European coal and steel community.

I contend, Mr. Speaker, this puts the United States in the vulnerable position of having to rely upon the word of foreign producers at a great economic risk to our citizens. I question the value of these voluntary limitations and firmly believe they were developed as a means of forestalling quota legislation in the Congress.

Japan and the European coal and steel community have expressed their intention not to change the product mix too greatly. Nevertheless, the possibility arises higher priced products will be exported to this country, resulting in a higher dollar volume although the producers remain within their self-imposed tonnage quotas.

These voluntary quotas could be circumvented by diverting exported steel through countries which have not entered into the limitation plan. In fact, these "nonagreeable" nations could take advantage of all the voluntary participants and cut themselves a larger slice of the U.S. domestic market pie.

Mr. Speaker, my fears may be unfounded but certainly the facts which created them are not. Let us take a look at some of the factors which have converted this Nation from a great steel exporter to an even greater importer.

First, the availability of steelmaking facilities in foreign countries has increased in recent years. Second, the production costs in many of those countries are far below the United States. The labor cost in the United States is about $59 per ton. Compare this to $29 per ton in Western Europe and only $18 per ton in Japan.

Also, several foreign producers provide their steel manufacturers with incentives, such as governmental subsidies or tax breaks, and at the same time protect their own domestic market.

In 1957, this Nation exported 5.3 million tons of steel and imported only 1.2 million tons. Just 10 years later the picture had changed drastically. In 1967, America exported 1.7 million tons and imported 11.5 million tons. That figure went by the boards last year when a record 18 million tons of steel came into this country from foreign markets.

Here is another interesting and disturbing statistic. Since the end of World War II, the U.S. share of world steel production dropped from 61 to 26 percent. What about our competitors in this market? Japan increased its share tenfold, Italy tripled its, and Russia doubled its.

What does that mean in dollars and cents? Mr. Speaker, in 1967, this Nation lost $2 billion in foreign sales and $122 million in tax dollars. To Pennsylvanians, it meant a loss of $412 million in sales and $29 million in badly needed tax dollars.

I do not mean imports should be reduced to zero, which is what the above figures are based upon. They cannot be. But neither can they be permitted to increase uncontrollably, glutting our domestic market and creating adverse economical conditions on the Nation and its steelworkers.

Steel imports must be curbed. I am not content with voluntary arrangements which can be circumvented by various trade tricks and trade routes. I want more positive assurance the jobs of the Nation's steelworkers will receive the protection they deserve against the flood of foreign products.

Mr. FISHER. Mr. Speaker, I have stood on this floor many times to oppose the trade policy of the past 30 years. Many voices were raised against the eagerness of the State Department to dismantle our tariff and to expose our industries to import competition. The theory was that we could readily compete with the low wages prevailing abroad because we were so much more productive in our factories and on our farms than our foreign competitors. We could easily compete because we were technologically so far ahead of our rivals across the seas.

We could pay much higher wages and yet come out with lower unit costs because our workers, operating modern machinery, could produce much more per hour than the workers in Europe and the Far East. To a degree this was true; at least in a number of instances. We had no trouble competing in steel, in textiles, in automobiles, sewing machines, footwear, oil and many other items because we led the rest of world in mass production and the use of the assembly line.

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Today, Mr. Speaker, all that is changed. We no longer enjoy the comfortable lead in productivity that we did a generation ago. We can no longer pay wages from three to five or 10 times as high as our competitors and still depend on our productivity lead to assure our ability to compete.

No, Mr. Speaker, times have changed, as we hear so frequently. Other countries have seized on our technological wonders and they have installed the most modern machinery and equipment. No longer are the production line and mass production an American monopoly. These have been embraced by the other industrial nations, so that their productivity per man-hour no longer lags so far behind ours. This fact has put an increasing number of our industries on the offensive, and many of them have seen imports taking an ever deepening bite of our market. Only recently imports of lamb have leaped skyward; also imports of man-made fibers and textiles. Steel and automobile imports, and of footwear, to mention only a few, have broken through the now virtually nonexistent barriers and have captured a growing share of our market.

We now have little left in the way of a tariff that would halt this heavy encroachment on our market. Yet the problem to which the tariff addressed itself is still there; nor will it go away.

In 1962 the Congress passed a trade bill that should never have seen the light of day. It contained a provision for adjustment assistance so that was to come to the rescue of industries or even companies or individual labor unions if they should suffer from imports. In the first place the very philosophy that supported the idea of adjustment assistance was wrong.

Mr. Speaker, our industries were to move over to make room for more imports, as if imports had some kind of inherent virtue that should give them the right-of-way over American farmers, producers, and labor. Our industries were to find new lines of products if they could undersell them for no better reason that their payment of wages of a level that would be illegal in this country. Our labor was to be retrained and even sent to other localities or regions if they were pushed out by imports.

Mr. Speaker, this was, in all good sense, a madness, that now seems strangely ridiculous to say the least. Why did we, who helped the other countries to higher productivity by a number of forms of assistance, also owe them, not merely a market but the uncontested right to evict our industries and displace them? This was surely a form of extremism that looks very much out of place today.

It is to our industries and their output of commodities to which we must look to sustain our economy, and it is to them we must look for our tax base. What a naive philosophy then that said we could erode these industries by throwing their markets open willy-nilly to imports of products that, were they made in this country, would not be allowed to cross our State lines.

The Trade Expansion Act of 1962 has, let us be thankful, expired. In fact it expired 2 years ago; and I do not know anyone who laments its passing. Nevertheless it left behind a heritage that it behooves us to examine.

Our duties were cut heavily once more, up to 50 percent in numerous instances, and about three-fifths of the reductions are yet to be put into effect. So far as tariffs go we will have moved over 80 percent toward the borders of free trade since the trade program was first launched in 1934.

Other countries did not follow suit; but let us not fool ourselves: even if they had done so our competitive weakness would have prevented us from taking advantage of their generosity. We are priced high in too many lines of goods to find a market for them abroad if they are goods that are also produced abroad. We still have an advantage in a few products, such as machinery, some few electronic goods, aircraft and crude chemicals, plastics, and so forth. In nearly all else we are lagging badly.

This is not a healthy situation. Even in the case of machinery imports are coming up rapidly, so that haven may soon disappear.

Mr. Speaker, it is not alarmist to say that we owe it to our country, its industries and workers, to modify our trade policy, and to do it soon. The notion that our exports are not sprightly because of our home prosperity, fueled by a war economy, will not bear analysis. Several other countries; namely, Japan, West Germany, Canada, and Italy have also experienced an era of expansion and prosperity but their exports have not faltered like ours. Why should they when their wage levels together with their productivity assure them of a sufficient competitive advantage to penetrate, hold and expand their foreign markets?

Because of our having been wed to the supposed attractions of free trade our eyes have been welded shut against the developing competitive realities of recent years. It is time we pried these eyes open once more so that reality can be seen it its true form.

Mr. Speaker, I am convinced that the legislation proposed here today, the fair international trade bill, which I am happy to join in introducing, will, if enacted, meet the needs of our industries and agriculture without relinquishing such good as may have come from the trade program. I do not say that it was wholly bad. I say only that it was intemperate and did not sufficiently take into account the developing competitive realities by which we are now beset.

I hope that the concept and the practice of establishing flexible ceilings over imports that would otherwise cause untold damage will be adopted. I commend it to this House.

A FAIR INTERNATIONAL TRADE BILL

The SPEAKER pro tempore (Mr. GRAY). Under previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 15 minutes.

Mr. SIKES. Mr. Speaker, I have long felt that our foreign trade policy needs a thorough reexamination and redirection if it is to help America's industry and agriculture rather than to place them increasingly in jeopardy.

We have basked too long in the sunshine generated by cheerful official reports on our foreign trade. For years we have been led to believe that all was well on the trade front, that we were selling abroad much more than we were importing and that this fact should lay to rest the complaints about rising imports.

To those who said we had priced ourselves out of foreign markets the response was that such a fear was without foundation. That we were fully competitive abroad was amply demonstrated by our handsome export surplus.

Even today official reports from the Department of Commerce continue to tell us that we are still running an annual surplus, although a few monthly deficits have been reported in the past year and a half. Actually, Mr. Speaker, our deficit, so far as competitive commercial trade is concerned, is now measured in the billions of dollars, ranging from $3 to $6 billion, depending on the basis of calculation. This is quite different from the claim of a continuing surplus, even if greatly shrunk.

If we simply subtract the shipments that we make under foreign aid and similar programs, which are paid for in whole or in good part by our taxpayers, the deficit in 1968 and this year will be in the magnitude of about $3 billion. This simply means that we are importing about $3 billion more in the form of actual imports that compete in our marketplace than we export in goods that make their way abroad because they are competitive in foreign markets. We enjoy a surplus only if we include as exports the goods that move under Government programs in the form of grants in aid, subsidies and sales for foreign currencies. The latter are in the main goods that we would not sell abroad if we charged the regular going market price for them. Therefore the volume we ship under these programs does not reflect our competitive power, and should not be reported as regular exports by the Department of Commerce. Yet they are so reported by that Department. This represents a distortion of our competitive position in the world.

Further, Mr. Speaker, if we should value our imports on the basis of what they actually cost us, as nearly all others of the large trading nations do, rather than on their foreign value, as we do, the cost of imports would be at least 10 percent higher than they are shown in the Department of Commerce reports. On the basis of a little over $30 billion of imports in 1968, the total value would be some $3 billion higher than our official trade statistics show them. Thus would our deficit be swelled from the $3 billion already mentioned to about $6 billion.

This is the true measure of our competitive standing in the world; but these bare figures do not tell the whole story. It is worse yet. The sharp rise in imports of the past few years has come largely in the form of manufactured goods, especially consumer goods.

This rise has gravitated toward the goods that incorporate the full complement of labor as contrasted with raw materials, which have the least amount of labor applied to them. For example, our imports of crude materials, inedible, except fuels, increased only from $2.75 billion in 1960 to $3.35 billion in 1968. This was an increase of 21.8 percent.

There was not so much advantage in importing these goods because they contained only one or two steps of cheap labor in their production. Foreign goods offer a better bargain the greater the number of stages of production through which they pass. Semiprocessed goods contain more cheap labor than the raw materials. Finished manufacturers contain yet more cheap labor and would therefore be expected to offer the best bargain to us.

It is not surprising, for this reason, to find that imports of finished goods increased much more than imports of raw materials. The low foreign wages create a better bargain in the form of finished goods, which incorporate a maximum of such labor.

Compare the rise in imports of machinery and transport equipment—including automobiles—with the imports of raw materials to which we have just now paid our attention, and the contrast will be very striking.

In 1960 imports of machinery and transport equipment were $1.46 billion, which happened to be only a little less than half of our imports of all raw materials, just mentioned. The value rose to $7.99 billion in 1968. This was more than a fivefold increase, compared to a 21-percent increase in the imports of raw materials. Machinery imports, exclusive of transport equipment, rose from $724 million in 1960 to $3.77 billion in 1968. This was also a little more than a fivefold increase.

"Other manufactured goods" also made a spectacular rise. They went from imports of $4.75 billion in 1960 to $11.50 billion in 1968. Among these goods, textiles and clothing registered strong rises. Textile imports rose $400 million during this period, and clothing rose by $550 million. Footwear imports more than doubled. Iron and steel imports rose over fourfold.

I do not wish to dwell too long on statistics, but the trend of import and export statistics does tell a dramatic story. Anyone interested may turn to tables 1212 and 1213 in the 1969 Statistical Abstract of the United States, published by the Department of Commerce.

With the exception of machinery and transport equipment, chemicals, and a few sophisticated items such as computers, our exports of manufactured goods do not make very cheerful reading.

True, our exports of machinery and transport equipment doubled from 1960 to 1968, but let us recall that imports of these items increased over fivefold. Our machinery exports, leaving out automobiles and aircraft, also doubled; but imports, as I have noted, increased five times over. We still export more machinery than we import, but if the trend continues to run in the same direction as in the years since 1960 we will soon find machinery imports exceeding our exports. We have had a boom in the exports of electronic computers. We enjoyed a ninefold increase in exports, but the total was still below $500 million in 1968.

Mr. Speaker, aside from the handful of bright exceptions, we are in a deficit position with respect to most product classifications. These include iron and steel, automobiles, textiles other than clothing, clothing, paper and manufactures, rubber goods, nonferrous base metals such as copper and aluminum, typewriters, sewing machines, footwear, petroleum, meat, consumer electronic goods, clocks and watches, wood and lumber, and woodpulp. The following table will show the imports and exports of most of these goods in 1968:

1968 IMPORTS AND EXPORTS

[In millions of dollars]

	Exports	Imports	Deficit
Paper manufactures	545	976	431
Iron and steel mill products	582	1,962	1,380
Clothing	176	855	679
Textiles, other than clothing	522	963	441
Nonferrous base metals (copper, aluminum, etc.)	601	1,812	1,211
Rubber manufactures	188	276	88
Wood, shaped or simply worked	151	558	407
Woodpulp	255	432	177
Petroleum and products	460	2,345	1,885
Meat and preparations	162	746	584
Sewing machines (1966)	31	76	45
Total	3,673	11,001	7,328

Aside from the imports of manufactured goods there are some consumer goods that have experienced a severe impact from imports. In fisheries over half of our market is supplied by imports. In the case of fruit and vegetables, imports are rising rapidly, tomato imports in particular, and strawberry imports are creating a very serious problem for our growers.

We can readily see the gaunt ribs of our lean competitive standing in the world. The goods shown in the table above are nearly all manufactured goods. Imports in 1968 exceeded exports of these goods by 3 to 1, even though imports are tabulated on their foreign value rather than c.i.f.—cost, insurance and freight—which represents more nearly their real cost to us.

Our deficit in these goods was $7.3 billion or twice as high as our exports.

I ask you, Mr. Speaker, is this not a dismal picture? Mind you, these exports include foreign aid and similar governmentally assisted exports.

To say that this record is balanced by our high exports of machinery and chemical materials, and a very few other items, is to close our eyes to a very serious situation.

There have been those who have pointed to our agricultural exports as another redeeming feature. Let us take a glance at this claim.

Five years ago, that is, in 1964, our agricultural exports were $6.34 billion. In 1965 they fell to $6.22 billion, then jumped to $6.88 billion in 1966. They dropped to $6.38 billion in 1967 and to $6.22 billion in 1968. This was the same level as in 1965. During this same period, from 1964 to 1968, exports of all goods increased from $26 billion to $34 billion or by 30 percent. Agricultural exports declined slightly.

Moreover, agricultural exports benefit most of all from AID shipments, food for peace, and so forth. Quite clearly agricultural exports have been no help in recent years toward improving our balance of trade. While total exports gained 30 percent our agricultural exports fell off.

Meantime total imports rose from $18.7 billion in 1964 to $33.2 billion in 1968. This was not very far from a 50 percent increase.

Mr. Speaker, the effort of the Government to conceal the true state of our foreign trade and to keep from the public the fact that we are competitively weak in the world—indeed, dangerously so—seems incredible, and yet every month the Department of Commerce continues to disseminate these misleading trade statistics.

If we are to legislate wisely in this field we must face the facts that reflect the true state of affairs. We are competitively weak simply because we have high costs of production compared with many other countries. It would be surprising indeed if our exports should exceed our imports under these circumstances. It would also be surprising under these circumstances if our imports had not grown more rapidly than our exports in recent years.

It has become commonplace to see explanations of the more rapid rise of imports. They say that because of our economic expansion in recent years and brisk demand for goods we have sucked in voluminous imports while our industries have not had so much interest in exporting. Yet such was not the effect produced in Japan, West Germany, and Italy. They too have experienced great industrial expansion. Why should they not have followed the alleged American pattern? To the contrary, they sold more and more abroad even as their imports also expanded.

No; the answer is that the prices these countries were able to quote to their export markets were attractive to those markets. Our prices on the whole were less attractive because of our higher costs. Therefore these three countries outdid us in export expansion. Japan turned from a net importer from this country to a net exporter by over a billion dollars in 1968; and the trend continues.

If our prosperity had a dampening effect on our exports why did not prosperity in Japan have the same effect? In the case of West Germany the same thing happened but to a little lesser degree. The same goes for Italy.

All these explanations and apologia are diversions from the plain truth of the matter. This is that we are competitively weak. The clear facts would be overwhelming if they were permitted to come out; but the Government will not permit this so far as they can control it. The metropolitan press, often so zealous about suppressed public information, appear to be wholly content to see the facts of our trade balance suppressed.

What then can we do in the Congress?

Mr. Speaker, a bill I have introduced, and which many of my colleagues have also introduced, will go far toward meet-

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ing the situation with the least friction or backfire.

It would simply lay the groundwork to prevent an unreasonable increase in imports in the years ahead.

How would it do this?

It provides for ceilings to be established over imports if in the past 10 years particular industries have been injured seriously by imports or threatened with such injury. The bill itself lays down the conditions that would constitute serious injury and thus justify the imposition of import ceilings.

These ceilings would be established one by one and only after public hearings by the Tariff Commission, upon application made by individual affected industries or labor groups. The President would proclaim the ceilings upon certification by the Tariff Commission.

No import quotas would be imposed unless and until imports should exceed the established ceilings for a period of 6 months running. This means that if the countries exporting a particular product to us took care not to breach the ceiling no import quota would be imposed. Such a law has been in effect with respect to meat; and during the 5 years of its effectiveness it has not been necessary to invoke the import quota.

The ceiling itself would be established as a percentage share of domestic consumption supplied by imports. This might be 10, 15, 25, 40 percent, or whatever the penetration has been during the most recent year or the average penetration during the 3 most recent years plus 10 percent.

There would therefore be little or no cutback on the attained level of imports. Beyond that, in succeeding years imports would be allowed to expand in the same proportion as domestic consumption.

The overall effect of the legislation would be to recognize the high level of imports attained in recent years as something we can live with, unless, as in a very few instances, imports shot up rocket-like within the past year or two. Even then the ceiling could not cut back to the level of the 3-year average. Ten percent would be added to that average.

Mr. Speaker, all sorts of things will be said to the effect that this legislation would put imports into a straitjacket. That is precisely what it is designed not to do. Much study and thought has gone into the shaping of this legislation. I think it is fair to say that no other nation has as liberal a trade policy as this bill would provide.

I think it behooves all of us who recognize the value of trade but who also want to protect the economic stability of own own country to support needed legislation of this type. We have waited about as long as we dare for administrative action to insure a greater measure of protection for American industry and American workmen from ruinous foreign competition. It has not been forthcoming. Now it is time for Congress to act.

Mr. BETTS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am happy to yield to my distinguished friend, who has so ably discussed this matter earlier.

Mr. BETTS. I thank the gentleman. There is one item which I do not think is in the RECORD tonight. I would like to ask this question of the gentleman: Is it not true that in practically all our tariff negotiations, after tariffs are reduced, our competitors immediately find some trade barrier that no one ever thought of before and apply it so that it offsets every advantage we had received from trade negotiations, so far as reducing tariffs are concerned? Has that not been the case?

Mr. SIKES. Unfortunately, that has been happening in instance after instance. It is an extremely unfortunate picture. We have not seemed to be able to show the fortitude and the determination to overcome this type of thing. It certainly is one that the attention of the American people should be directed toward.

Mr. BETTS. I thank the gentleman.

Mr. BARING. Mr. Speaker, the trend of imports in recent years has borne out what a number of us have been saying during past consideration of trade legislation. We warned against intemperate tariff reduction but no one paid us any attention.

Today the facts can no longer be hidden. Even the padded statistics issued by the Department of Commerce can no longer conceal the brutal facts. The Department is reduced to preventing the facts from looking as bad as they really are.

Mr. Speaker, as others have noted, our imports have increased over 75 percent since 1964—going from $18 billion to $33 billion—while our exports moved up only 30 percent, going from $26 billion to $34 billion.

The other countries, the leading industrial ones, have been overrunning our market at will. Japan, Canada, and West Germany have turned their trade deficits with us into fat surpluses. Even our present method of presenting these trade figures cannot hide this fact.

Of course, what still appears to be a moderate surplus in our exports to the whole world is in reality a huge deficit, in the magnitude of $5 or $6 billion. That this is a serious matter is no longer questioned; but what is proposed to be done about it is, to use the vernacular, peanuts. The State Department would propose an easing of the adjustment assistance provisions of the present law. This easing would be designed to make dying less painful for our industries and their workers.

Mr. Speaker, I ask why we should raise imports such a level of priority over our domestic industries that our industries must bow out and find other fields of production, and labor must be prepared to be retrained and pull up stakes to go elsewhere to find employment. I ask, Mr. Speaker, who has endowed imports with such an untouchable status that our industries, farmers, and workers must bow before them and say "After you, your Majesty"? Whose idea was this in the first place? Can anyone believe that it came from any source other than the State Department? In order to make their work easier they want to be able to sell American industry down the river. This they have been doing quite successfully over the years.

I join in the introduction of legislation that would take the escape clause out of the clutches of the State Department. "Oh," it will be said, "the State Department is out of it now. The function belongs to the President alone." Let me say that the influence of the State Department, so far as can be observed from the outside, has undergone no shrinkage in trade matters. It is true we now have an office known as that of the President's Special Representative for Trade Negotiations; but the philosophy of the incumbent, Mr. Carl Gilbert, as expressed freely in the past on trade matters, is indistinguishable from that of the State Department. Before his appointment he was the president of the free-trade oriented Committee for a National Trade Policy.

The fair international trade bill, which I join in introducing, would put a brake on the competitive slide of many of our industries that have faced sharply rising import competition from abroad. We can hardly expect to have a $14 billion increase in imports in 4 years without inflicting great damage on our industries that produce these goods. If we move away from a war economy we will feel the effects directly and immediately. Today there is still some cushioning, but this should not fool us.

Mr. Speaker, I need not go into the mechanics and provisions of the bill. This has already been done. I do say that I give the bill full support as representing a much-needed change from what has gone before. I urge its consideration and adoption by our Committee on Ways and Means.

Mr. FREY. Mr. Speaker, as a Congressman representing Florida, a leading producer of fruits and vegetables, I am deeply concerned about the import trend of recent years. The tariff on fruit and vegetables is very low and does little to impede the rising import trend.

One of the principal items of concern is tomato imports from Mexico, which coincides with our own growing and harvesting season in Florida.

It is not difficult to understand the difficulty our growers face, particularly if we keep in mind that wages in Mexico are about one-fifth of those paid American farmers, and even less in some cases. Mexican farm workers average a little over $2 per 10-hour day.

No doubt we get more production per man-hour than is achieved in Mexico, but not at such a ratio as would be necessary to offset the wage differential. We would need to have an output roughly five times higher than the Mexican production in order to be able to compete. Such a ratio is out of the question. Even an output of 2 to 1 in favor of our industry would not overcome the difference in wages.

The outlook is therefore not encouraging. In addition, Mexico will no doubt bring additional acreage into production. Florida and other growing areas in the United States would be left with whatever market remained after Mexico had sold its supply.

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Fresh tomato imports have grown from 258 million pounds in the 1964–65 season to 456 million pounds in the 1968–69 season. This represents an increase of 76 percent.

This happened even though in the past season limitations on the size of tomatoes that could be imported were imposed under section 8(e) of the Agricultural Marketing Act of 1937. But imports still increased 27 percent in the 1968–69 season over the 1967–68 period.

Mr. Speaker, heavy imports are not at all confined to fresh tomatoes. Fresh strawberry imports have also skyrocketed, rising 732 percent since the 1964–65 season. Cucumber imports increased 210 percent, eggplant 273 percent, peppers 123 percent, and squash 233 percent.

The fair international trade bill, if passed, would open the way to the establishment of controls on imports while still permitting their growth in proportion to the growth of domestic consumption. This bill is being introduced in the House by Congressman BOB SIKES, dean of the Florida delegation. I hope my colleagues will carefully review this bill in light of the serious problems faced by growers throughout the country.

Mr. ABERNETHY. Mr. Speaker, the time has come to reassess our trade policy. Our trade agreements program was adopted in 1934, 35 years ago. Under it, we have made drastic reductions in our tariff, to the point where it is down some 80 percent from the level at which it stood when we started.

In the course of these tariff reductions, we have exposed a number of our industries, both small and large, to a type of low-wage competition they cannot withstand. In many instances the foreign advantage is so great that our higher productivity simply cannot overcome the competitive disadvantage derived from foreign wage levels that would be illegal in this country.

No doubt the trade program helped increase our total trade; but I can tell you that it has not been uniform in its benefits. On the whole, imports have grown more rapidly than our exports. Since 1964, 5 years ago, through 1968 our exports increased only 30 percent while imports grew 80 percent, or well over twice as fast.

In recent years the American cotton industry—highly important to the national economy—has witnessed a tremendous shrinkage in U.S. raw cotton exports. In the cotton year of 1959–60 our exports were 6.06 million bales, while exports in the cotton year 1967–68 were down to approximately 4.2 million bales. The downward trend continued through the 1968–69 year when exports plunged to a lowly 2.6 million bales.

Largely because of this decline, cotton acreage in this country has also dropped, declining from 14.5 million acres in 1960 to about 11 million acres in 1968.

During the past 10 years, imports of textiles and apparel have increased manifold, while exports have declined. Imports exceed exports by far. These imports have seriously affected the economy of our entire textile industry, the entire apparel industry, and the entire cotton belt, particularly in my State where both cotton farming and the manufacturing of wearing apparel is so important to the employment and economy of my people.

We see imports also surging in other goods, such as footwear and work gloves. Both are being hard hit. Work glove imports continue to rise and pose a very serious threat to our domestic industry. This is not a large industry but it is very important to the communities in which the manufacturing plants are located. Some are located in my district. Imports of work gloves are from areas of the world where wages are so far below ours that our manufacturers cannot begin to match the prices offered by the importers.

The imports of leather palm work gloves, made of leather and canvas, have grown so steadily during the past 5 years that in 1968 they represented 34.8 percent of the domestic shipments of the same gloves. And this trend has continued into 1969. Imports of these gloves during the first 7 months of 1969 are 88 percent higher than they were during the first 7 months of 1968. When will this abnormal growth be halted? Back in 1964, these gloves came into our country at the rate of 12,006 dozen pairs per month. During the 12 calendar months ending with July 1969, they were imported at the rate of 95,408 dozen pairs per month. This represents an increase in imports of almost 600 percent in less than 5 years while the domestic production of these same work gloves has remained practically unchanged.

I might add here, Mr. Speaker, that gloves have been imported and offered for sale to the American consumer that are not properly marked and identified as being foreign made. In one particular instance we found that the foreign-made identification was stamped far down the inside of a finger compartment of the gloves. This represented a deliberate attempt to hide the fact that the gloves were foreign made. Such violated the law both in fact and in spirit. It was an attempt to perpetrate a fraud on the American consumer and American glove manufacturer. Such instances as these require more policing on the part of our enforcement authorities.

Mr. Speaker, I have served under the last six Presidents. All of them came into office with a commitment to provide reasonable protection against these cheaply made goods coming into the country. We did not ask them to close the doors of our ports to all foreign made textiles, wearing apparel, gloves, shoes and other foreign made goods which have had such a disastrous effect on American jobs. We only asked that the gate not be allowed to stand wide open and that we have our share of our own market. Unfortunately, all of these Presidents have yielded to the pressures of the foreign-minded policymakers in the State Department who just do not concern themselves with the impoverishment of American workers and the bankrupting of American industry.

President Nixon is on record and committed to make some adjustments in these imports. Secretary of Commerce Stans has made some strong efforts in that direction. He has been in serious negotiation with foreign manufacturers. But we have yet to see effective results.

As yet, we have not given up on Mr. Nixon and Mr. Stans. But unless they place a heavy foot on the "free traders" in the State Department, we will find ourselves with no relief and the effort will produce that which it has produced in the past—a whole lot of nothing.

Mr. Speaker, for the reasons that I and Members from other areas have mentioned, it is imperative that we revise our trade policy. We should set reasonable limits on the acceptable market penetration by imports to prevent them from overrunning our industries.

In closing, I suggest in all sincerity that our trade program has not been very good for us. On the contrary, it has actually been a drag on our economy. It has bred poverty in numerous American towns and cities where the textile, apparel, shoe, glove, and other industries and cotton growing are so important.

The fair international trade bill, which is being introduced today, will accomplish our objective without doing harm to a reasonable growth of imports. I am glad to join in the cosponsorship of this bill.

Mr. FUQUA. Mr. Speaker, I wish to associate myself with this legislation and am introducing the fair international trade bill. I do this with the conviction that it will open the way to halt the overrunning of our market by imports with no end in sight other than the ruin of the afflicted industries.

I am particularly concerned at the present over the trend of fresh vegetable imports, and among these, especially over the imports of fresh tomatoes.

Mr. Speaker, I am sure that no one in this body objects to a reasonable volume of imports of products that compete with industries or agriculture in this country. There is, however, justified and proper concern when the imports continue to climb and reach the point of imperiling the very livelihood of those dependent on our own industries or farm crops.

Imports of fresh tomatoes have grown some 75 percent in a 4- or 5-year period and have reached a volume of over 450 million pounds. This import penetration represents high pressure on domestic producers, for one principal reason: these tomatoes are grown principally in Mexico where wages are far below those that prevail in this country. Our hourly wage is not far below the daily wage in that country. The discrepancy is at least 5 to 1, which is to say, our growers pay wages at least five times as high as the growers pay in Mexico.

Mr. Speaker, we are subject to minimum wages and other cost-increasing burdens that the Mexican growers do not bear. Therefore our growers are helpless so far as cost-reduction goes, unless they adopt drastic labor-saving devices. This, of course, means unemployment. Already tomato-picking machines have been adopted and more mechanization

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may be expected. Unfortunately this recourse to labor-saving machinery is also open to our foreign competitors; and should wages rise appreciably in Mexico the use of such machinery could be extended.

Mr. Speaker, as legislators we pass laws that increase the cost burdens of our industries and take away their competitive options. Then we wonder why our producers cannot compete with imports from countries that do not burden their producers to a similar degree. It is not a fair imposition on our producers to raise their costs, reduce their tariff and then expect them to compete. Not only is it unfair, it creates an impossible situation and works at cross purposes with the very domestic policies that we uphold.

We launch a war on poverty and then adopt a trade policy that leads to unemployment, because that policy exposes our industries to a type of competition that does not contribute to the support of our domestic policies.

Mr. Speaker, I believe that the fair international trade bill which is being introduced today will undo the unfairness that has been perpetrated against those of our industries that are confronted with sharp and rising competition from foreign sources.

I have given special mention to tomatoes; but tomatoes are not alone. Other vegetables and fruits are moving into a similar difficult position. Beyond that there are of course numerous products of industry that are also imperiled. We can no longer wink at this growing problem in the hope that it will go away. We must act.

Mr. SLACK. Mr. Speaker, I am happy to join with those who have introduced the fair international trade bill. Last year I introduced similar legislation, together with many other Members. The legislation did not move beyond the Ways and Means Committee.

Mr. Speaker, the situation with respect to import competition has not improved. It has worsened. The need for legislation is more pressing now than it was. It is clear now that many industries have no good defense against low-wage imports. Tariffs have been stripped to the point of ineffectiveness in many if not most instances.

Yet the fact is that the great increase in foreign productivity, not accompanied by an equal increase in wages, has produced unit prices much lower than those attainable in this country. Our productivity has, of course, also increased; and we lead the world in productivity per man hour. That, unfortunately, is not the point. We are no longer far enough ahead of our competitors in productivity. When our foreign competitors installed up-to-date machinery their productivity jumped astoundingly, because the machinery replaced more antiquated methods of production. When we renewed our plants, a process that goes on all the time, we mostly replaced obsolescent machinery with better machinery. We did not reap as great a boost in output per man-hour as did the other countries. At the same time our wages did not stand still either. Foreign wages rose, sometimes more than ours in terms of percentage; but what is a 5- or 10-percent wage increase based on a 50- or 75-cent wage, or lower, compared with an equal percentage increase based on $2 or $3 or more per hour?

We all know or should know that employee compensation is by far the heaviest cost element in the total cost of production. What then can we do to become competitive with imports other than going to the employees and saying to them that we must reduce labor costs as a means of meeting import competition?

Now, Mr. Speaker, we do not have to ask ourselves how far any suggestion to reduce wages would get. Even a wage standstill is not in the cards. Therefore the only recourse would be more mechanization or automation. This is a way, and today the only way, in which to reduce the company payroll.

In West Virginia we know something about cost reduction as a means of remaining or becoming competitive. In no other place have the repercussions of the herculean efforts of the coal industry to remain competitive hit so hard as in West Virginia. The distress caused by the relentless mechanization of the coal industry represents one of the darkest spots in American economic history.

Mr. Speaker, in 15 years, beginning around 1950, the output per coal miner was more than tripled. This meant that two out of every three coal miners lost their jobs—340,000 of them. The number of workers fell from 482,000 in 1950 to 142,000 in 1965.

The reduction in the cost of production thus brought about was sharp enough to make coal competitive throughout the world. It also made it possible to compete with oil and natural gas. Even so our exports have not held above the 10-percent level of total output. England does not permit its importation. West Germany has a strict quota limitation. Japan and Italy both offer moderate markets.

Here we have a forbidding example of what it takes to become competitive. If costs must be sharply reduced in order to compete with imports we know that our workers will take the consequences in the form of heavy job losses.

Not only that, Mr. Speaker, but sometimes, indeed in many instances, machinery of sufficiently higher output than the existing machinery, simply is not available. It has perhaps not been invented or perfected. We must then simply see our industry contemplating the loss of its home market while being unable to export.

Or, if our industries do have available more modern machinery and install it, other countries also have access to such machinery. If they install it we are right where we were before, except that we have displaced our workers without becoming competitive.

It is because a growing number of our industries face an outlook such as this that we need legislation that would establish import ceilings of the kind provided in the fair international trade bill.

We have in West Virginia several industries that are very vulnerable to imports—such as steel, glass and glassware, pottery, chemical products, and so forth. We wish to preserve these industries and to develop them. We want still other industries. We need them to overcome after so long a time the effects of coal's becoming competitive. If we do nothing to keep imports in bounds we will be fighting a losing and hopeless battle.

I feel very strongly that we cannot continue to let imports have the right of way over our own industries and their employees without courting further disaster. In Appalachia we have had enough of that.

It is with a great hope of finally achieving a remedy that will work without doing any significant damage to imports, that I join wholeheartedly in introducing the fair international trade bill.

GENERAL LEAVE TO EXTEND

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE INTERSTATE TAXATION ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 60 minutes.

Mr. TUNNEY. Mr. Speaker, the Senate Finance Committee is presently considering the Interstate Taxation Act. It is my belief that this legislation would seriously damage Federal-State relations by unduly curtailing the free exercise of a State's taxing power by imposing an unnecessary and inflexible Federal standard of taxation.

The impact of Federal standards would be particularly severe in California. In view of this I was surprised to read an article in the September 21 Washington Star by Senator GEORGE MURPHY, of California, endorsing the Federal Interstate Taxation Act as the only solution to the problem of multistate taxation of foreign corporations.

This proposed legislation would impose upon the States a uniform Federal taxation formula which would have the effect of substantially reducing California's taxing power over large interstate corporations. This would come at a time when the State and local governments are desperately searching for additional tax revenues. This loss of revenue would have to be made up somewhere. This can only mean additional State and local taxes for California residents. Thus, California consumers and businessmen are being asked to pick up the burden now borne by the large interstate corporations. The result is unconscionable.

I voted against the Federal Interstate Taxation Act when it was before the House of Representatives. I hope that the Senate carefully considers the detrimental aspects of this legislation to State and local governments when hearings are held.

There is no doubt that a problem exists with regard to multistate taxation.

However, the States themselves have recognized this and are in the process of ratifying the multistate tax compact which would establish uniformity in multistate taxation by the States themselves.

Presently 18 States have ratified the compact, 10 have become associate members, and two have applied for associate membership. I believe that the States should be given the opportunity to solve this problem without Federal interference. Senator MURPHY, in his article of September 21, says:

> The difficulty with this is that completion of the pact is a time-consuming process, and not much headway has been made to date on such efforts.

On the contrary, the States are working to ratify this compact. Yet why should they continue to labor in this area when Congress is, at the same time, moving to impose Federal uniformity.

Thomas Jefferson once said:

> It is not by the consolidation, or concentration of powers, but by their distribution, that good government is affected.

Of course, when uniform standards of equity are required the Federal Government has a duty to act. I see no compelling reason at this time for the Federal Government to step in and usurp State and local taxing power.

Senator MURPHY's position in support of the Federal Interstate Taxation Act is in direct opposition to the following:

. The California State Board of Equalization.

The State of California Franchise Tax Board.

The County Supervisors Association.

The California Retailers Association.

The California State Chamber of Commerce.

The California Manufacturers Association.

The League of California Cities.

The Western Governors' Conference.

The Los Angeles Chamber of Commerce.

I urge Senator MURPHY to reconsider his decision and to urge his colleagues to allow a State solution to this matter and avoid not only usurpation of revenue powers but a revenue loss to California of $16,500,000 annually. In addition, the legislation would cause massive shifts and changes in California's tax system which would create considerable apprehension concerning sources of revenue at a time of great economic growth. The importance of a stable tax structure is apparent when one considers that corporation tax on income and sales and use taxes which are affected by the proposed Federal act, produced $2.2 billion in revenue in 1968. This is 54.4 percent of California's general fund revenue which is the revenue used for meeting the needs of California's rapidly growing population.

In addition, almost $402 million per year is collected for counties and cities from State-administered local sales and use taxes. The Interstate Taxation Act would place California businesses at a competitive disadvantage with large interstate corporations. California sales and use tax laws presently provide that an out-of-State retailer shall collect the use tax if he has an office, warehouse, representative, agent, salesman, canvasser, or solicitor in the State. The Federal law would exempt interstate retailers unless they maintain a business location in California or regularly make household deliveries in the State. Many corporations make sales in California without maintaining a fixed place of business or inventory within the State.

This problem is illustrated by two examples: First, a firm engaged in the sale of books, magazines, and record albums, has agents located in California who operate from their homes. These agents solicit orders which are filled and shipped from a point outside the State direct to the purchaser. If this proposal becomes law, this firm would be discharged from further tax liability on $7,500,000 of annual sales, on which it now pays $375,000 in taxes. An affiliated corporation of this firm does maintain offices in California. It would be an easy matter to direct all publications of a nontaxable nature through the corporation maintaining an office in the State, and all taxable publications, and other items of a taxable nature, through the corporation with no office in the State. Thus, the enactment of this legislation would clearly provide the opportunity for tax avoidance in this case.

Second, a large publishing firm which presently maintains several small sales offices in California, but does not carry an inventory within the State, need only close these small offices and require their sales personnel to operate out of their homes in order to avoid State taxes.

This firm annually pays $400,000 to California in State and local sales and use taxes. Under the Interstate Taxation Act, an out-of-State seller could have an unlimited number of salesmen in California and could still avoid sales and use taxes by foregoing the rental or ownership of real property in the State.

California-based businesses are thus placed at a substantial disadvantage. Out-of-State businesses that could take advantage of the Interstate Taxation Act made taxable sales of almost $4 million in California in 1968. A great many of these firms would thus go untaxed if the Interstate Taxation Act becomes law. California residents are asked to incur these additional tax burdens so that the large interstate corporations may operate in California's marketplace tax free.

The Advisory Commission on Intergovernmental Relations has said in its 10th annual report this year:

> Federalism seeks to enhance national unity while sustaining social and political diversity. The partnership approach is the only viable formula for applying this constitutional doctrine to late twentieth century America. Yet, this approach can succeed only if all of the partners are powerful, resourceful, and responsive to the needs of the people. The alternative is a further pulverizing of State and local power, and consequent strengthening of the forces of centralization.

I feel this legislation presents to the Congress an opportunity to either "pulverize" State and local incentive or to encourage it. I would hope that the Senate will consider this aspect of the issue with great care.

PRIME MINISTER GOLDA MEIR, OF ISRAEL, ADDRESSES THE NATIONAL PRESS CLUB

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of New York. Mr. Speaker, the United States was honored this past week by a state visit of the Prime Minister of Israel, Her Excellency, the Honorable Golda Meir. It is no secret that Mrs. Meir was here on a mission of vital interest to her country—among other things the obtaining of arms to enable Israel to withstand the outrageous incursions of Arab terrorists and to once again, if need be, show her Arab neighbors the folly of full-scale war. It is a tragic fact of life in the Near East that this country, Israel, which seeks only peace and security, has three times in her short lifespan of 21 years had to go to war to insure not only these inalienable rights but also to insure even survival.

But Mrs. Meir came to this country last week seeking arms not for vengeance or territorial expansion; she sought what her country needs to live. Time and time again during her visit Mrs. Meir made it unmistakably clear that Israel wants peace. I hope her Arab neighbors carefully digested her statements, for peace is available. Let us hope it can be cemented at the bargaining table and not nurtured through the blood of the battlefield. While she was in Washington, Mrs. Meir addressed an unusually large gathering at a luncheon in her honor at the National Press Club and the club's president and chairman of its speakers committee, Messrs. John W. Heffernan and John P. Cosgrove, respectively, told me that it was one of the proudest moments in the club's 60-year history. I could not agree more for I make no bones about the fact that I am and always have been an unabashed apologist for Israel, if, indeed, one is needed for this great country and her valiant people.

Mr. Speaker, it was a great honor to be a guest at the National Press Club luncheon for Mrs. Meir and to renew a friendship of long standing. Mrs. Meir's remarks at the luncheon were extemporaneous and directly from the heart. I recommend their reading to my colleagues. The following is the guest list and the transcript of her remarks:

GUEST LIST AT LUNCHEON IN HONOR OF HER EXCELLENCY, THE HONORABLE GOLDA MEIR, PRIME MINISTER OF ISRAEL, NATIONAL PRESS CLUB, WASHINGTON, D.C., SEPTEMBER 26, 1969

GUESTS OF HONOR

Her Excellency, the Honorable Prime Minister, Mrs. Golda Meir.

Lt. Gen. Yitzhak Rabin, Ambassador of Israel.

Honorable John J. Rooney, United States House of Representatives.

Dr. Ya'akov Herzog, Director General, Prime Minister's Office.

Mr. Moshe Bitan, Assistant Director General, Ministry of Foreign Affairs.

Mr. Shlomo Argov, Minister, Embassy of Israel.

Mr. Simcha B. Dinitz, Political Advisor to the Prime Minister.

Mr. Murray M. Chotiner, General Counsel, Office of the Special Representative for Trade

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Negotiations, Executive Office of the President.

Mr. Rodger P. Davies, Deputy Assistant Secretary of State, Near Eastern Affairs.

Mr. Theodore Whall, Deputy Assistant Secretary of State for Israel.

Mr. Menachen Meir, son of the Prime Minister.

Brig. Gen. Israel Lior, Military Secretary to the Prime Minister.

Mr. Leopold V. Freudberg, Past President United Jewish Appeal, District of Columbia.

Mr. Avraham Avidar, Minister of Information, Embassy of Israel.

Miss Marjorie Hunter, President Women's National Press Club.

Mrs. Esther Tufty, President American Newspaper Women's Club.

Mr. Shaul Ben Haim, Press Counselor, Embassy of Israel.

Mr. Leo Bernstein, Past Chairman Ambassador's Ball for Bonds of Israel.

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INTRODUCTION OF SPEAKER AND ADDRESS OF PRIME MINISTER MEIR

Mr. HEFFERNAN. Today, ladies and gentlemen, we honor a lady who is already something of a legend in her own lifetime. She is the 71-year-old grandmother of five, leading a people, who, perforce, have been and are primarily concerned with the grim prospect of war.

On taking office as Prime Minister of Israel in March of this year, she was understandably a little overcome. She said then: "I have always carried out the missions the State placed on me, but they have always been accompanied by a feeling of terror. The terror exists now."

But there is no exterior evidence of it. President Nixon attested to that last night when he was asked by a reporter at the White House dinner what she was like to deal with.

And his response was, "She is very strong. Strength is the word."

In addition, he confirmed that she had made quite a case for Israel's request for more jet planes from the United States.

The popular theory last March was Mrs. Meir would run a caretaker government until Israel's next election. But there has been no indication that she regards the post as temporary.

On the contrary, when a foreign correspondent at her first press conference as Prime Minister asked whom she would support at the next election later this year, she lifted her head and replied, "I didn't know there was any limit on my appointment." [Laughter.]

A new biography of Mrs. Meir, called "Golda Meir, Israel's Leader," by Marie Serkin, describes her as "no stopgap Prime Minister," and adds that she is, and I quote, "the strongest leader of Israel since Ben-Gurion."

While no one occupying the position of Prime Minister can be anything other than a tough politician, even though she is a lady, one of Mrs. Meir's defeated political opponents commented a short while ago: "She comes clomping along the road with that sad, suffering, drawn face. You rush to help her to your seat. She thanks you kindly, and the next thing you know, you're dead." [Laughter.]

I read that she is known in Israel as "our Golda." And the people respect her as strong-willed, forceful, and disconcertingly direct.

An observer of the Jewish scene commented about the other two powerful figures in Israel politics: "Yigal Allon has supporters, Moshe Dyan has disciples, but Golda has the votes."

A recent poll seems to have confirmed this opinion, since it showed 73 per cent of the Israeli people approving of Mrs. Meir's conduct in office.

She has a reputation for being uncompromising in her principles which include, by the way, the belief that even a Prime Minister should share the table with her chauffeur and her maid in true kibbutz style; also that even as Israel's first Minister to Moscow, she should still help with the washing up.

Our guest of honor, as you know, is no stranger here. She was born in Kiev in Russia and was eight when her family immigrated to this country and settled in Milwaukee.

Incidentally, Mrs. Meir, our guest speaker yesterday was the Secretary of Defense, Mr. Melvin R. Laird, who pointed out his own Wisconsin background and remarked, referring to your appearance here today, that this must be Wisconsin Week at the National Press Club. [Laughter.]

When she was 14, she ran away to join her sister in Denver until her parents agreed to let her study to be a schoolteacher.

And although it is often written about her that she is a schoolteacher, in fact I have been told that she never did any teaching. Rather, she joined the Labor Zionist Movement and at 23 embarked for Palestine with a reluctant, non-Zionist husband, Morris Myerson.

She spent two years on a kibbutz, and four years on what has been described as grinding poverty in Jerusalem,

Mrs. Meir Hebrewized, to coin a phrase, her name in 1956 and became an important member of the Jewish Agency, the organization which worked unceasingly and on occasion militantly for a Jewish homeland.

In 1946, the British officials in Palestine arrested most of the Jewish agency leaders and put them in jail, but Mrs. Meir was let free because of gentlemanly deference to her sex.

This amused many of those in the underground of those days, and there was a gag which said, "As long as Golda is outside, the only man in the Jewish agency is still free." [Laughter.]

There are some who think she's too old to take on the leadership of Israel. Her answer to that in March was, "Seventy is not a sin."

I'm told that at yesterday's luncheon given by Secretary of State William P. Rogers in the Prime Minister's honor, Mr. Rogers remarked that one of the issues which sometimes arouses speculation in this country was when there would be a woman President. He added that in Israel it was rather when a man would again become Prime Minister [laughter] to which Mrs. Meir was said to have replied that when the men came forward wanting to assume the Prime Ministership again, no doubt the women would help them. [Laughter.]

Mrs. Meir has a sister, Mrs. Clara Stern, living in Bridgeport, Connecticut, and Vera Glasser, whom I am glad to see here, and Marvena Stevenson, of the Knight newspapers, interviewed her just a few days ago. And one of the things she said of her famous sister was: "The most wonderful thing about her is that she hasn't taken on any airs."

It is my honor, ladies and gentlemen, on behalf of National Press Club, to welcome that lady, Israel's Prime Minister, Mrs. Golda Meir. [Standing ovation.]

Mrs. MEIR. Mr. Chairman, ladies and gentlemen, I suppose one should be polite and say thank you for this introduction, but I congratulate all of you that you still remain in your seats after all the terrible things that one would expect of me. [Laughter.]

As a matter of fact, I think that being Prime Minister of Israel—I don't know what it means to be Prime Minister of any other country—but being Prime Minister of Israel is an awesome and very difficult task for anybody, old or young.

And until the 28th of October, at any rate, when we have elections—and I understand that you people here were very kind to me, but you don't have the right to vote in Israel, so it won't help the results—(Laughter)—but until that day, at any rate, I carry this office and the burdens that go with it.

Friends, I know that you people here are not in need of information about Israel. As a matter of fact, you give much information to the world about our country and its problems, and so on. And I thought that the proper thing to do would be to give you as much time as possible to ask your questions, if you have any, and I suppose there are a few questions in the room, and so that it would give me the opportunity also, to the best of my ability, to answer.

I will take only a few moments merely to emphasize the main aspects of our policy, since the six-day war of 1967.

If I were to ask what was the main conclusion after the war, it was this, and still is:

We have decided that, as far as it lies within our power, and to the extent that it depends on us, this is going to be the last war that will be fought between the Arab States and us. [Applause.]

In 21 short years we have had three wars. And it is a fallacy to believe that between the wars there was peace. Between the wars there were border incidents.

It doesn't make a particle of difference how you call those that came across the borders, whether they are Fedayeen as they were before 1957, or whether they are Fatah of today. It doesn't make a particle of difference. The objective is the same, the methods more or less, and the reason for their coming over is to destroy, to kill, to burn, to destroy individual Jews in Israel in order to gain the ultimate result of the destruction of the State of Israel and its inhabitants.

And twice before, after the war of 1948 and after the war of 1957, we agreed to what I now say without any hesitation were makeshifts.

After 1948, it was the signing of armistice agreements with the hope that this is merely a temporary measure leading towards peace.

After 1957 it was my sad duty at that time, sad becoming sadder as the years went on, to announce before the United Nations March 1, 1957 a statement that contained hopes and expectations and aspirations that the arrangements that will be agreed upon by the United Nations—and this time it was to be not UN observers but UN emergency force. They would be stationed at Sharm-El-Sheikh, so that the freedom of shipping for Israeli boats will be safeguarded, and many other good things included in that statement, which was checked word-for-word, comma-for-comma, with the maritime powers in the United Nations, primarily with the Government of the United States at that time.

And I went home hoping for the best. And between 1957 and 1967 there were border incidents. There were what was called retaliations on the part of Israel. Over and over again we were called to order by the Security Council: Why do we retaliate?

The word in itself means something happens before.

And this is how life went on—until 1967, when we found that the Sinai Desert was packed full with the Army of Egypt, tanks and planes and guns and what-not, and inflammatory speeches from Nasser and the heads of the other neighboring States that, "This time it's going to happen. This is going to be the last war, because Israel will be no more."

And I think you, I'm sure, as part of many millions of people around the world were worried and feared that maybe this is the end, and what chance has Israel to stand up against all this overwhelming force that it will have to face?

And we found ourselves in those days at the end of May and the beginning of June alone—not without friends. Many friends. Many that worried about us. Many that almost eulogized us. We were "wonderful people, look what we have accomplished." And they worried—sincerely, honestly worried about us.

But we were alone.

If I may, since so many personal things were told about me, if I may say that three or four days before the war I went down to visit my daughter in a kibbutz down at the Negev, south of Beersheba, just to see her and the grandchildren, not being sure what would happen after a few days.

And I met with a group, and I said to them three things:

"I'm afraid there will be a war. There doesn't seem to be a way out. Nobody is going to help us. We're on our own. I'm convinced that we will win."

That, you know, is our secret weapon. We know that we have no alternative when war is declared upon us. We must win. Because every country that fights for its freedom and independence and is overcome by a foreign power is in a tragic situation.

But the people remain alive. They are never dispersed. And usually they go on, and the day comes when they have enough power to throw off the foreign occupation or occupationary power and are free and independent again.

This was true of our people twice before in our life, whenever we were overcome by a foreign power, once we were dispersed to all ends of the earth. But this time we knew that it's not only dispersion. This time it meant physical extinction of everybody that is in Israel, as it was declared by the leaders of the Arab States.

And I say very few expected that this time we can make the—and we did—miracle. We live in the land of miracles, and yet we are told in the Bible not to depend on miracles. And our miracle was men and women, young and old, who in the hours as the clock went on—the voices from our neighboring countries were listened to in Israel. As our Intelligence Service told us of the greater and greater massing of manpower and equipment in the Sinai Desert, there they were, spirit high, not fickle-minded, knowing what is bound to happen to them, depending entirely 100 per cent with fullest confidence upon their sons and daughters in the Army that they will fight to the end to safeguard the life and independence and sovereignty of the country.

And if this is a miracle, this miracle happened.

And this mass of equipment, this mass of army was thrown out of the desert, was thrown back from the Golon Heights where for 20 years Syrian guns were pointed directly on our farm villages in the valley.

And Jerusalem was reunited, Jerusalem that was taken in war in 1948, part of Jerusalem, with barbed wire put about it, and for 20 years we were not allowed to go to our Holy places—was reunited again, one city, Arabs and Jews all together.

And we said we were the attacked, but we were the victors, and we said to our defeated enemies, "Now, come, let us sit around a negotiating table without any pre-conditions. Let us now sit down and meet not in the battlefield but around the table. Let us negotiate a peace which will give Israel secure borders, recognized borders, and agreed borders."

From then on we have been I won't say in conflict, but at any rate in friendly discussions with our friends, not so friendly with our enemies, unfriendly discussions even with our friends: "Why is Israel so instransigent and obstinate and is so particular about the technique how peace should come around? Why do you insist that the Arabs must face you? Why do you insist on direct negotiations?"

Friends, this to us is not technique. It's not obstinacy. It's not intransigence. We are obstinate and intransigent only on one point really: we just want to remain alive, remain alive and independent—not a special luxury that Israel has invented for itself which no other people have, but the same as all other people. No more, but no less.

Why do we insist on this so-called technique? Because we believe what is essential is that there is a revolution in the minds of the Arab leaders. Until now their minds were focused on war and destruction. They must face up to this problem that they have tried war for three times and have failed. Now they must decide whether they like us or not.

And we don't ask them for a love declaration, but that they must acquiesce to our existence in the area to live with them. They will be there forever. We will be there forever. To live with us in peace—from our part, in cooperation.

And if they are not prepared to face us over a conference table, this means that this revolution has not yet taken place.

But this is their responsibility. They have to face this responsibility vis-a-vis their people, whose children starve for lack of food, whose children do not live more than a year in large numbers for lack of medical care, whose people have one of the lowest standards of living in the world—because everything is focused on war.

They have to face the responsibility vis-a-vis their people and say to them, "We have tried. We wanted to destroy Israel. We did not succeed. You people suffered. Therefore, now we are going to try peace."

And since in the quest of peace twice before after wars we agreed with a makeshift, observers, emergency force—And you know the story how the men and the emergency force just evaporated—not the fault of their own, but by order. They were there to keep the peace, but since there was a danger of war, therefore they were recalled to go home. And the Straits of Teheran, which had been promised us would be safeguarded for us, were closed. And everything that happened. And I don't want to take your time.

This is our policy. In short, we want peace with our neighbors, real peace. We believe that peace is necessary not only to Israel. It's not a present that the Arabs must give us. Because many people ask us, "What price are you prepared to pay for peace?"

We have paid prices in thousands of our young men. Sons like yours have given their lives for peace, not for war. No ambition to go to war in Israel. We have won all the wars. If there will be war again, we will win again.

But that is not what we want. We want our boys to live. This time we decided it must be the real thing. Nothing synthetic. No make-believe. This must be the real thing. This must be peace. And negotiated with our neighbors directly and signed by our neighbors and ourselves.

We haven't drawn maps. We found no sense in drawing maps and announcing what borders do we want. We have our ideas as the Arabs have their ideas. They heard some statements of individual members of the Cabinet.

And we are a democratic country. Everybody can say what he likes. There have been no government decisions on maps.

But I want to be honest. Many of us individually, maybe all the Cabinet or most of the Cabinet, have ideas about certain points here and there, though no votes have been taken, some things are self-explanatory.

But the Arabs have announced—Nasser and Hussein—to Mr. Jarring that the borders should be those of 1947. We find our neighbors always fighting for the borders that they have destroyed in war.

And many things have been said, and we say, despite that, everything can be put on the table. No pre-condition, neither from our side nor the Arab side. Let us sit down with a real desire for peace.

It won't happen in an hour. But we are confident that we can get up from the table with a peace agreement for all, because we are convinced that that is something that is needed by all in the area. Thank you. [Applause.]

Mr. HEFFERNAN. The transcript of Mrs. Meir's remarks, which were off the cuff, will be here available and at the Embassy after 4.00 p.m.

The first question, Mrs. Meir: In your talks with President Nixon, it has been reported that you are seeking additional jets. Did you get them?

Mrs. MEIR. In my shopping bag. [Laughter.]

I am not going to make a secret of the fact that in meeting with President Nixon, which I want to say here was a very pleasant, very friendly meeting, with understanding for problems. And if there are points that we do not agree upon, at least it's disagreement among very friendly governments.

I place before the President our problems, security problems, economic problems, and all I am prepared to say now, and all I think I should say at this moment is that there has been a policy followed by the United States Government of sensitivity to the balance of power in the Middle East.

This is the policy that is being followed now, and I have reason to believe that it will be followed also in the future. [Applause.]

Mr. HEFFERNAN. This question is against the background of the remarks I think made by Mr. Mahmoud Riad in New York. Do you think the Rhodes method of negotiations now reported to be under way in New York offer a good prospect for peace between Israel and the Arabs?

Mrs. MEIR. I hope that the fate of these Riad remarks will have better luck than his remarks in Denmark a year ago. He said something which sounded peaceful a year ago in Denmark and was immediately denounced in Cairo.

I think something came from Cairo yesterday that said any report of Mr. Riad's remark which means negotiations for peace, and so on, is nothing but an imperialist lie.

I don't know who the imperialist is in this case—whether the papers that report what Mr. Riad said or Mr. Riad that said it or anybody else.

But, at any rate, as far as we are concerned, and shortly after Mr. Riad had made this remark, in answer to a question of journalists in Philadelphia I said Israel's policy is as I stated a few moments ago—no pre-conditions, direct negotiations. And if Egypt is prepared, negotiations can begin immediately.

As far as the Rhodes method is concerned, anybody that will look into the record will find what happened. There were meetings, direct meetings with the delegations at that time. They met to elect Dr. Bunche as the Chairman. There were informal meetings. There were signatures on the armistice agreements by both parties.

So that when Dr. Jarring asked us many months ago are we prepared to meet with representatives of the Arab countries under his auspices, we immediately, without any hesitation, said yes.

XUM

We don't care what you call it—Rhodes method, Dr. Jarring's method, any method. We're not particular about names. We are very particular about substance.

If that's the case, if the Egyptian Government or other Arab Governments will send representatives to meet directly with us, under the chairmanship of anybody, Dr. Jarring or anybody that both delegations consent to, we are prepared to enter into direct negotiations.

We have said that before. We say it now. And we are prepared to implement that.

Mr. Heffernan. If President Nasser should disappear from the scene, would the chances in your judgment for a settlement with Egypt be increased or decreased?

Mrs. Meir. We really believe that people should not interfere with the internal affairs of other countries and other peoples. [Laughter and applause.]

Therefore, we do not plead guilty to electing Nasser to be the head of Egypt, and we have not been preoccupied in plans how to replace him. This is something entirely for the Egyptian people.

I could, out of friendship to the people in Egypt, wish that whether Nasser remains or whether somebody else takes his place that they are worthy of a leader who should worry more about their welfare and life than the destruction and death of other people. That is all.

But we have no plans and no thoughts about how long Nasser will be the leader of the people, when he will go, if he will go, and who will take his place. [Applause.]

Mr. Heffernan. The question of occupied territories obviously occupies a very prominent place in people's minds here. They ask: "Are you willing to give any of the territory you now occupy if you can reach a settlement that you believe assures peace? And are you under U.S. pressure to withdraw from occupied territory?"

Mrs. Meir. I'm very, very happy to say—to give an answer to the second question. No pressure whatsoever. On the contrary, full understanding on the part of the United States Government. As was expressed by the former Administration, former President, immediately after the six-day war. And the policy followed exactly also by the present President and the Administration. No pressure whatsoever. Understanding that we don't budge one inch before there is a peace settlement.

As to our giving up parts of the occupied territories, I only want to repeat what I said before. When government decided immediately after the six-day war that we wanted peace agreement and we want boundaries that are secure, recognized and agreed, we feel we have said everything. That means that we will sit down with our neighbors and discuss boundaries and we hope and are confident we'll come to an agreement on them.

We do not draw maps. We don't say, "This we will give up, and this we won't give up."

When the conference meets, on the table we will present our plans, and they will present theirs.

We think it's just playing a game that has nothing constructive in it—the drawing of maps—because maybe the tragic part of the conflict between the Arab countries and Israel is not on something concrete. Many peoples have had wars and conflicts on territories, for instance, or let us say the rights of waterways. This was something concrete. On that you can meet and compromise. Our tragedy has been that the conflict between the Arab countries and Israel is on a serious matter which you cannot compromise on.

They want to see us dead, and we are alive. We can't be dead a little bit and alive a little bit. [Laughter and applause.]

Therefore, it doesn't make sense to draw maps and say, "This we will give up and this we won't give up."

Did they want peace? Are they prepared to live with us in peace? Have they acquiesced to our existence? If they have, then we can sit down and everything is open for discussion. [Applause.]

Mr. Heffernan. Why not put Jerusalem, Holy City to us all, under international control?

Mrs. Meir. You know, the interesting thing about all suggestions is—it's not the fault of those that make these suggestions—but it just happens that everything has already happened before.

In 1947, the 29th of November, the United Nations, dealing with the Palestinian problem, decided on the partition of the then Palestine into a Jewish State and an Arab State with boundaries, and a decision that Jerusalem should be internationalized.

One does not necessarily have to be a Jew, but one has to know the Bible a little bit and the history of the Jewish people a little bit to understand what it meant for us to live to see a Jewish sovereign state without Jerusalem.

But this decision was taken after the Second World War when six million people, Jews, went to gas chambers, among them a million children. We couldn't save one, because we had no key to the gates of our country.

We believed—and we believe now—had we had a Jewish State during the War, certainly not all the six million, but some of them, would be alive with us today.

And with the prospect of having a Jewish State and the keys to this State will be in our hands, and therefore the gates will always be open to any Jew anywhere, we closed our eyes, didn't look at the borders, didn't look at the resolution of internationalized Jerusalem. We said yes.

And then the Holy City of Jerusalem, holy to everybody before the decision of the United Nations, but formerly belonging to the entire world—After it was decided that this city is internationalized, it means belonging to all nations. When Jerusalem was shelled from Jordan, nobody lifted one finger to defend the Holy City of Jerusalem except the Jews.

And because the Jordanian Army, well-trained and at that time manned by British officers—we don't hold it against the British today—we're stronger than we were at that time in Jerusalem, and Jerusalem was cut off from the rest of the country, they took the old city and expelled every single Jew, families who have lived for generation, destroyed all our holy synagogues.

For 20 years a Jew was not allowed to go to the Wailing Wall. The cemetery, the Mount Olives. The gravestones were uprooted, roads paved with those stones, parts of houses.

In 1967, on the 5th of June, in the morning, my predecessor, the late Levi Eshkol, through General Bull, sent a message to King Hussein, telling him, "If you don't come in to the war nothing is going to happen to you."

That is, that even on that day we didn't say to ourselves, "Ah, this is the chance to reunite Jerusalem."

But King Hussein received that morning not only a message from the Prime Minister of Israel but also received a message from the President of Egypt, and after the Egyptian Air Force was practically non-existent, he sent a message to King Hussein: "I have destroyed 75 percent of the Israeli Air Force. Come in." And he came in.

Interestingly enough, it is said that the same morning he sent a message to his friends in Syria and said, "Seventy percent of my Air Force is destroyed. Stay out." [Laughter.]

And poor King Hussein came in. And now he weeps. The old City of Jerusalem is gone. And he wants it back.

And if I may take a moment, when I saw him on television in the United States, when he appeared I think at this very pleasant and important forum, I was reminded of a story of a man who was up for murder. He murdered his father.

And he pleads with the Judge, "Have pity on me. I'm an orphan. [Laughter and applause.]

Mr. Heffernan. This is a somewhat loaded question I think you will agree. If the very existence of Israel was in jeopardy, could and would Israel use a nuclear weapon?

Mrs. Meir. There are so many "ifs" in this question. According to that, one would assume that we have it and the only question is will we use it? This is such an "iffy" and hypothetical question that it is not at all relevant.

So far I think we have done pretty well with conventional weapons. [Laughter and applause.]

Mr. Heffernan. And what are the infringements of the cease-fire on the Suez Canal to which Israel is retaliating with the air strikes?

Mrs. Meir. As you people know, the Arab States not only agree to the cease-fire but actually ask for it, and we naturally immediately agreed.

But cease-fire, to our very primitive way of understanding, means that both sides remain where they are, and no shooting—remain where they are until there is a peace settlement, and whoever has to move, moves according to an agreement reached by the parties.

What happened to us was the same as under the armistice agreements. Under the armistice agreements also it was not permissible for military forces or para-military forces to cross the borders or shoot across the borders, to declare war, or to—what's the word?—threaten war. Well, you know what happened. [Laughter and applause.]

I'm sure this applause is a compliment to our Ambassador who has managed to learn English in such a short time. This only shows that 50 years' living in the country I think naturally in Hebrew—except in arithmetic. [Laughter.]

Well, what our friends across the borders do, they sign a cease-fire, which ends the war, and then they begin shooting. Now that the war is over, they can shoot—with the assumption, of course, that Israel signed a cease-fire agreement.

And, of course, we have no intention of being so accommodating.

We honestly and sincerely—and I don't know English well enough to say more words in order to express our deep concern and desire that there should be absolute quiet on the borders.

We want peace. But until peace is arrived at, we want a strict abidance by the cease-fire agreement.

I assure you the moment that Jordan, Syria, Lebanon and Egypt will abide by the cease-fire agreement, there will be not one single bullet fired from Israel.

But if they go on shooting and shelling and sending over terrorists and laying mines and destroying—The fact that they haven't been so successful is not something that one can hold to their credit. They intended to be successful. It's to the credit of our men and women on this side of the border that they are not.

But if there is going to be peace, there must be peace and quiet on both sides of the border.

If there is going to be shooting and shelling, it's going to be on both sides of the border.

But the Egyptians nor the Jordanians cannot dare and ask that there will be shooting and if the Israelis retaliate they must dictate to us what arms we should use, where we should retaliate, when we should retaliate.

XUM

These are rules of a game that we are not prepared to accept.

So that as long as our friends on the other side of the border shoot and shell day and night, Israel is free and obligated in fulfilling its duty to its people to see to it—to use all means at our disposal in order to bring to bear upon our neighbors that either there will be quiet on both sides—and that is what we want—and if not, it will not be quiet on both sides. [Applause.]

Mr. HEFFERNAN. Someone asks for information behind the scenes about the fate of the two Israeli citizens detained in Syria. Presumably that is referring to those who were hijacked there.

Mrs. MEIR. This is really a very grave and serious matter. This is piracy and gangsterism at its worst. Hijacking a plane of innocent citizens and taking them by force. And, of course, it is an act of great heroism to point a revolver or to hold a hand grenade in a plane full of people. And what do you expect the pilot to do but follow those instructions? And taking innocent Israelis to a port of an enemy country, and there they are under arrest, now for about a month. They have no case against them. And there they are.

And I know that from various quarters and very high quarters in the world efforts have been made—and I am glad that efforts are still being made—to try to impress upon the Syrian Government that if it had no hand in the hijacking of the plane, certainly the moment that the plane landed on Syrian soil and they didn't immediately send all the passengers back to where they wanted to go, at that moment they have become accomplices to this terrible crime.

And this country has a special interest not only from a humanitarian point of view but these men came on an American plane.

May I say that one of these women was finally sent back. And I was rather put out with the Secretary General of the United Nations when he congratulated Syria or expressed his satisfaction that Syria really sent those women back. One of them was visiting her sister in California, and she had an El Al ticket to return home. And her sister said, "Oh, well, you know, El Al planes are very dangerous to travel. Call TWA." [Laughter.]

I don't want to say that TWA are not safe, but in this case it was bad luck for this woman that didn't go on an El Al plane.

But I mean the TWA and the United States I think have special interests, and I am very happy to say that they have exercised this special interest because if an American plane is not safe, what's going to happen?

When the El Al plane was hijacked to Algeria, people took it rather calmly throughout the world. There were other incidents. And nobody knows now whose plane is next—until we are prone to come to a moment when flying will be a very serious thing to do, a very dangerous thing to do.

We are still hoping that they will come to their senses and will allow these two men to go home. I hope this is so. I hope that the pilots and others that are concerned will do everything that they can do, and I know they are very active and very concerned about it.

After all, every pilot is personally involved in this. This may be the next trip he makes on any plane in the world.

I hope that a positive solution will be found and that these men must be allowed to go home. [Applause.]

Mr. HEFFERNAN. If I may, one political question, Prime Minister. Israel, it is said, is loaded with splinter parties. Will the future politics make a two-party system in Israel similar to the United States and Great Britain?

Mrs. MEIR. Well, this is what we would like to happen, but so far I think 16 parties have handed in their lists. I don't know whether all of them will be ratified, not because the commission' under the chairmanship of a judge of the high court won't like the political parties but if it's not according to rule and so on.

Anyhow, this is what we would like to happen, but I don't know how soon this will happen.

But one thing I can say here is that instead of four labor parties having gone to the elections last time, there is one party of all the four groups that is going to elections. This means at least three parties less. And we hope that with this as an example, other closely affiliated political parties will find it possible and necessary even to merge and to reduce the number of parties.

With all the large number of parties in the country there is one very satisfactory element, and that is: We have no parties which are formed or lists that are formed according to the land of origin.

You know that among the over a million, 1,300,000, Jews that have come in to the country since the State of Israel was established, there were hundreds of thousands that came from Moslem countries, and for awhile we were afraid that this clash of this civilization that they brought with them, underdeveloped countries, some sixteenth, seventeenth century civilizations clashing with the civilization of the Jews that they found in Israel—that they would maybe find it necessary in self-protection to form lists according to their lands of origin.

This did not happen. This is one of the things that we think is one of our greatest achievements—not because there are no party lists but because there has been an absorption and a mixing of populations, so that I don't say there are no signs left, but at any rate we are a united people irrespective of where we came from. [Applause.]

Mr. HEFFERMAN. Before I ask the final question, Prime Minister, I would on behalf of the National Press Club and all correspondents here like to present to you this certificate of appreciation to Prime Minister Golda Meir.

(Presentation.)

Mrs. MEIR. Thank you very much. [Applause.]

Mr. HEFFERNAN. I would like also, Prime Minister, to express the hope that whether you win or lose in the next election you will come back to the National Press Club. [Applause.]

Mrs. MEIR. Very glad to.

Mr. HEFFERNAN. The final question. Your grandson, Gideon Meir, age 7, says you are the best gefilte fish maker in Israel. What is your recipe? [Laughter and applause.]

Mrs. MEIR. I was going to say that you people are so kind and gracious that this will be an extra reason for my being reelected so that I can come back again. But you say you'll have me back anyhow.

As for my grandson, I'm afraid he's not very objective maybe. I'm not very objective about him either. [Laughter.]

But this I can promise: If you'll have me back, in office or without office, I'll come here a day or two earlier and see to it that you have some.

Thank you very much. [Standing ovation.]

Mr. HEFFERNAN. Prime Minister, it is usually our custom to award to our speaker a necktie, the official necktie of the National Press Club. And I don't want this occasion to go by without making the presentation. But I would ask you if you would kindly present it to your son whom we have been delighted to see here today.

Mrs. MEIR. Thank you very much.

Mr. HEFFERNAN. But I have a second one for you, and I am going to take the liberty of asking you to present this to the next male Prime Minister of Israel.

Mrs. MEIR. It will be with me for many years. [Laughter and applause.] Thank you. [Standing ovation.]

IN THE FINAL ANALYSIS IT IS THEIR WAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. LOWENSTEIN) is recognized for 10 minutes.

Mr. LOWENSTEIN. Mr. Speaker, it is now 8 months and 9 days since President Nixon's inauguration. It was said quite reasonably at the time of his inauguration that the new administration would need time to get its bearings, to determine a policy, and then to implement it. But it was thought at that time—also, I think, reasonably, in view of statements during the campaign and of the mood of the country—that the goal of the new administration's policy, whatever its details, would be the early termination of American military involvement in Vietnam, whether by the negotiation of an overall political settlement or by the withdrawal of American forces.

There is no way to know how many Vietnamese have died since the inauguration, but almost 10,000 more Americans have, and more than 56,000 have been wounded. More than 16.8 billions of the dollars of American taxpayers' money have been spent directly on the prosecution of the war. The cost in inflation, in domestic bitterness, in deferred and desperately needed programs in this country and elsewhere in the world, is of course, incalculable.

I was among the many Americans who believed that the Midway declaration meant that the United States intended to withdraw its Armed Forces from Vietnam on a set timetable over a relatively short period. I was prepared to support that approach, reserving the right to differ on details of the timetable. I believed that "Vietnamization of the war" was the rhetorical canopy under which the new policy would be sheltered. It seemed not unreasonable that, after 8 years and 7 months, $75 billion and almost 300,000 American casualties, the Government of South Vietnam should have been almost prepared, if not long since overprepared, to stand on its own feet in its own country.

Then I went to Vietnam. What I was told and what I saw there persuaded me that "Vietnamization" is in fact a canopy being hoisted to shelter—perhaps, more accurately, to conceal—our staying in, not our getting out. In effect, last year's heresy, which was supposed to be this year's policy, turned out to be this year's vocabulary. But the policy remained essentially last year's policy. The lyrics had changed, but the melody, if a dirge is a melody, lingered on.

I found no prominent American or South Vietnamese, military or civilian, who thought the present Government of South Vietnam would be able to maintain itself even in 2 or 3 years if our armed support were withdrawn. And the new South Vietnamese Cabinet, far from offering hope either for a negotiated settlement or for broader support for the present government, represented a further diminution of prospects for either. In the face of these facts, the notion that we should protract our military presence for any additional period of time seems to me utterly untenable.

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What would we gain for the price we would pay for extending our presence? What would we have bought that would be worth the lives and resources spent?

We are told that if we pulled our armed forces out precipitately, the Saigon government would collapse. But it is going to collapse whenever we pull out our Armed Forces, should we not face the possibility of such a collapse now? I believe that when we face it, we will find we can live with it with a minimum of national discomfiture.

We have said for many years now—beginning with President Kennedy's comment in September 1953:

> In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisors, but they have to win it, the people of Vietnam.

That we cannot fight this war to keep governments in power that do not have popular support; governments that do not respond to the popular will. We have been in this particular orbit, this very bloody orbit, for many years now, and it is time to come home.

It is time to stop saying, "If the Saigon government does not gain public support, if the Saigon government does not free its non-Communist prisoners and institute land reform, if the Saigon government cannot field a fighting force willing to take over the brunt of combat—if, in short, the Saigon government cannot sustain itself in power after all these years—then we should leave." Surely it is clear by now that the Saigon government cannot, or will not, do these things, and therefore it is time that we left.

I would as soon expect the Statute of Liberty to lower her arm as I would expect the Thieu-Ky government to accept a political settlement that would not keep itself in power. There is in simple fact neither the intention to negotiate itself out of power, nor the capacity to maintain itself in power unless the United States is to keep a substantial number of troops there in perpetuity.

So I am convinced that the national interests of this country require that we cease all offensive military action and initiate the withdrawal of our Armed Forces immediately.

We do not seek to "impose a solution" on the South Vietnamese by doing this; we seek to stop imposing a solution on them. We do not "violate our commitments" by leaving Vietnam; we demonstrate belatedly that we intend to keep them. We do not "lose face" by leaving Vietnam; we might, in fact, begin to regain some of the face we have already lost by our behavior there. We do not risk turning other independent nations in Asia into "dominoes" by leaving Vietnam; we risk turning them into "dominoes" by insisting on military alliances where they are of no use to us and provoke fears in others.

I do not know if the President has no policy or two policies, or if he has a policy in Washington that is being undercut in Asia. But I do know that to make our withdrawal contingent on the behavior of the North Vietnamese makes us a prisoner to the wishes of the Communists, and to make our withdrawal contingent on the behavior of the Saigon government is to make us hostage to that very group which loses most if we leave. Neither of these are acceptable as a basis for determining American policy. We must be neither prisoner nor hostage to either Saigon or Hanoi.

It is, therefore, especially disappointing when honest, troubling, and widely shared questions about national policy in Vietnam are disregarded, and those who seek to discuss them are impugned. Neither does such an attitude on the part of the President or his supporters add to the confidence of the American people in the way their affairs are being handled. I hope President Nixon will reconsider his response to questions and suggestions about the course we are on in Vietnam. I hope he will reconsider his explanation of that course. I hope he will reconsider the policies that have put us on that course, so he can carry out the promise of his inaugural address and become blessed as a peacemaker.

This at last is the Christmas by which American boys must be on their way home. If the President is unable to implement policies that will bring this about, the American people will have to break with their President on his conduct of the war. It will not be the first time that this will have happened in recent American history.

LEGISLATION TO AMEND THE RIVERS AND HARBORS ACT OF 1958

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, I am offering legislation today to amend the River and Harbor Act of 1958 to authorize the appropriation of $5,728,000 for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois.

I introduced similar legislation in the 90th Congress providing for the authorization of $10 million for this same objective, however the State of Illinois refused to assume title to the canal until there was a guarantee that the funds in this amount would be assured.

Since the change of administration in the State of Illinois, negotiations have been going on between the director of the department of conservation for the State, Mr. William L. Rutherford, and the district engineer for the Rock Island Corps of Engineers in Rock Island, Ill. Their discussions resulted in an agreement that this necessary repair and modification work could be accomplished with an amount of $6,528,000, $800,000 of which was previously agreed upon in Public Law 87–874, thus arriving at the figure called for in my proposal today of $5,728,000.

Every Member of this body is aware of the great need for recreational areas and with our ever-expanding population this need can only become more critical in the years ahead. If these funds are made available, it would provide the basis for eventual development of this canal into a recreational park that will be of great benefit to the citizens of central and western Illinois, as well as the many visitors who will have access to the park, since it will be adjacent to the new Interstate 80 route, which traverses the northern part of the State of Illinois.

The department of conservation under the dynamic leadership of Mr. Rutherford, has some exciting plans for this area, the most notable of which consists of negotiation for the acquisition of an Amish village at the intersection of Interstate 80, Illinois 88, and the Illinois-Mississippi Canal. Land acquisition is being pressed as rapidly as possible, with the hope of having an operational facility for the summer of 1970, and the advisory board of the department of conservation has asked Governor Ogilive to release $1 million to speed up this necessary land acquisition.

A letter from Mr. Rutherford to Colonel Gelini of the Corps of Engineers in Rock Island discusses in some detail the plans which the department of conservation has in mind, and also a delegation from Illinois visited the Pennsylvania Dutch country of Lancaster, Pa., earlier this year and their report provides some additional information as to just what exciting plans the State has for this area. I include the letter and the report at the conclusion of my remarks:

AUGUST 27, 1969.

Col. WALTER C. GELINI,
District Engineer, Rock Island District Corps of Engineers, Rock Island, Ill.

DEAR COLONEL GELINI: You should have received under separate cover a copy of the information I submitted to the Governor's Office and I hope very much that you have received a communication from him as urgently requested by me.

I do not want to burden you with a great mass of papers, but I enclose photocopies of some of our correspondence and our efforts, including the negotiations for the purchase of land which are under way right now for the so-called Amish Village at the intersection of Interstate 80, Illinois 88 and the Canal. We are committed to acquire 500 acres at the southwest side of those intersections as the practical starting approach that we talked about to commence real public use and understanding of the Canal. Our design people are working on this and also a design at Annawan, plus a toilet, small camping area, parking area, etc. near the intersection of the feeder canal.

It is our belief that two worthwhile camps for camping, hiking, cannoeing, rowboat and hopefully swimming pools on parcels of at least 500 acres each can start the new concept immediately. With the Amish Village having the strong and enthusiastic support of the religious community, we can add their fine foods, their wrought iron and blacksmith work, the buggy rides, and the bit of that quaint old Americana the minute the land is acquired. Our forestry people are prepared to commence planting of trees as soon as ownership and weather permits.

As you recall, the Amish people are a depressed area. They have been taken advantage of by many people and because they will not go to Court, need help. They are very hard working, clean, industrious people. They are also good cooks! We think we can combine some community betterment with a very interesting tourist feature and a first class clean park that will be talked about favorably. They will build a small barge to be moved by mules for children to ride in and can make a very interesting experience. We feel the first park along this route should be really outstanding.

We also hope to get funds released to build a swimming pool at these two sites, using the European concept. A large pool 4½ feet deep permits many more people to enjoy it and eliminates some of the problems of diving. By having a large area included with the pool, large numbers can enjoy the area without overcrowding the water. Europeans find 85 percent of the people are not in the water. Accordingly, the expensive part does not get overused if there is plenty of room for sunbathing, reading, eating, girlwatching, etc. Good Amish food served in a clean surrounding can make this a real special event quite different than a quick dip where the fence is within splashing distance of the water.

We are moving ahead with this and hope to make it happen no matter what. This, plus the intensive use of the 12 miles between the two sites will give a real public understanding of the potential. This will give us support at the legislative level to make development a reality enormously more likely than with the vague "iffy" master plans we have seen. With this approach, I am confident we can get the long range support to justify the steps that are now requested.

I will keep in close touch and will appreciate any suggestions or guidance you can give. My one hour date with the Governor is 2:00 p.m. on the 4th of September, I simply could not get it done earlier within his schedule.

Thank you again for your hospitality and
Kindest regards,

WM. L. RUTHERFORD,
Director.

REPORT ON AMISH VILLAGE PROJECT

The following members of the "Amish Village" project left Rock Falls, Illinois at 6:30 a.m. on February 5, 1969: J. Garretson, D. Headings, D. Headings, D. Headings, M. Cummings, T. Smith.

A chartered plane was acquired for this trip and we arrived at Harrisburg, Pa., at 11:15 EDT. The plane trip was a new experience for the Amish people and they were extremely interested in the different farmland patterns visible from that height. We rented an automobile and proceed immediately to Lancaster County to collect information for the proposed Amish project.

Our first stop was lunch at the Plain & Fancy Restaurant in Bird-In-Hand, Pa. One of the more interesting aspects of this restaurant was the fact that no printed menus were used as the menu was changed daily. The menu for this particular day consisted of beef patties (not a hamburger, but a special recipe of the house), potato patties, country ham, green beans, and dried corn (this is an Amish staple). The table was set with corn and pickle relish, apple sauce, apple butter, large blocks of creamery butter, and home-made bread. For dessert we had a choice of two pies—apple or shoo-fly and ice cream. The tables were quite large and as such allowed for more than one group or party to be seated and served at one time. The host or hostess introduced the other people at the table which gives you the opportunity to meet and converse with an interesting variety of people.

One thing that would be of interest as an additional operation to the Illinois project would be to offer some type of snack bar that was not available at the Plain & Fancy operation. I believe that it will be essential if we expect to handle a vast amount of people at this tourist attraction. We spent several hours at this location reviewing their operation and collecting information, photographs, etc., that would assist us in the project for Illinois.

We then proceeded to visit C. O. Nolt & Son and spoke with Jim Nolt at a flour mill using water power and at least 150 years old. Mr. Nolt was not Amish, but directed us to those that would be of help as he did a considerable amount of business with Amish families. We were interested in Amish people that participated in the tourist trade rather than those who "cashed in" on the Amish population of Lancaster County.

Our first visit was made to Mr. David Glick of Smoketown, Pa. Mr. Glick operated a bakery, jam and jelly manufacturing facility, produced a corn and pickle relish, packaged dried apple slices and operated a tourist attraction which included a visit to his farm on which the bakery was located and where he sold all of the tourist knick knacks. Most of these items such as plates, ash trays, and wall plaques are in some manner manufactured by Mr. Glick and his family.

Mr. Glick then invited us to spend the evening with him for dinner and he would explain in depth his operation. The dinner with Mr. Glick was served in "Amish fashion" which means the entire meal was eaten from one dish (this was most unusual to me). This is a dish that is about the size of a large plate but has a depth of one inch. This dish contained cold sausage, cheese, and tomatoes, hot egg/ham combination and in the center of this you added corn soup which was really the staple of the meal. When the main course was finished, dessert was served consisting of home-canned peaches, ice cream and cake.

It was Mr. Glick's opinion that if the tourist trade wanted to visit Amish families there was nothing wrong with the Amish community making a living from this endeavor. The Glick operation furnished all of the bread, apple butter, apple sauce, corn and pickle relish to the Plain & Fancy Restaurant and many others in that community. Mr. Glick indicated that during the summer months it was not uncommon for them to be visited by as many as sixty busloads of tourists each day and that in fact it accounted for a large part of their income and they were going out of direct farming this winter.

On occasion Mr. Glick had been criticized by the non-Amish members of the Lancaster Tourist Council because he failed to participate in their operation, of course his religion forbid this involvement and he would not object to the non-Amish making a living off of the tourist attraction but felt that they should realize that it was his people that made this all possible. The Amish people in general did not frown on Mr. Glick's involvement on the commercial level and he was strongly opposed to the members of the Amish community that posted signs saying "No visitors allowed or pictures taken" or those that turned their backs on visitors and his question to our group was "Did this represent good Amish teaching?"

We learned from our visit with Mr. Glick that all of the operations he performed could easily be duplicated here at "Amish Village". We would like you to take note of a recent photograph we took of the bakery just built by Plain & Fancy that shows what can be done with a complete tourist attraction; even during the dead-of-winter this bakery was doing a good business. Although Mr. Glick no longer furnished bakery items for Plain & Fancy, he had more than enough business from other restaurants to off-set this loss of volume.

After leaving Mr. Glick's we stayed that evening at the Deitsch Shier Motor Inn at Intercourse, Pa. The accommodations were outstanding and the motif of this type of architecture could be utilized very readily into our proposed plans at "Amish Village".

The next morning we visited the Intercourse Coach Shop operated by Mr. John Lapp. Mr. Lapp has done an outstanding volume of business with the tourist trade and also with local Amish families requiring horse-drawn coaches. Mr. Lapp also operates a museum that offers items for sale that would fit very nicely into our project and could be built by the Manlius operation and sold to tourists for their mantels or dens in homes of offices. Photographs are included of this man's operation. One of his biggest sellers is an antique (simulated) of an old fashioned telephone. He also has several wooden spoke buggy wheels that would be quite fashionable in a den. These are made with such care and painted so perfect that one would not want to place them outdoors as an ornament. Mr. Lapp had several pieces of unusual furniture plus a spinning wheel all of which were built for tourist consumption.

After leaving Mr. Lapp, we had an opportunity to visit an old fashioned covered bridge that might be of some value if we prefer to use this type of construction over the canal, say on a return trip from the barge ride by horse and carriage or possibly horseback riding.

We then made a visit to a sight where they were utilizing water power and the amazing part was the length of rod from the water wheel to the pump house which must have been at least forty rods. If we could divert some of the water on a small scale from the canal, this might prove to be quite enchanting for the tourist trade.

Our next stop was an Amish furniture plant building items for sale not only at the tourist level, but also to commercial buyers that sold these items at what we were told a considerable profit. This business was entirely operated by Amish people and their workmanship is excellent. We have taken several photographs of these furniture items and we also brought back a sample of this type of work (a foot-stool) that we are including with this report. Here again—all of this type of work can be done at Manlius.

Our final stop was an Amish operated business building iron-wheeled wagons for the Amish farmer. They also performed numerous shop repair jobs, all of which really does not have much value in our scheme. The interesting facet of this operation was the fact that all of the equipment was operated without benefit of electricity.

At this point we proceeded back to the airport and returned to Manlius.

Our visit assured us that we can build and perform an operation like Plain & Fancy and we should be able to return a very handsome profit on any investment.

Mr. RAILSBACK. Mr. Speaker, our natural resources, once so wonderfully described in our musical heritage as "America the Beautiful," are under attack by a fast-moving society which eats up natural beauty with an insatiable appetite. Every day more and more land is covered with tons of concrete and structures serving factories, roads, and masses of humanity, all contributing to contaminate the waters and air with ever increasing pollution. It is regrettable that we do not stop more often in our mad rush toward extinction of much of our land's natural beauty.

Over 10 years ago the Congress decreed that within the great State of Illinois lay an historic 75-mile-long canal area which was deserving of a better fate than the disrepair into which it had fallen. The U.S. Army Corps of Engineers, after a lengthy and detailed study of the Illinois - Mississippi—Hennepin—Canal, recommended that Congress authorize the repair and restoration of that canal area, and after due deliberation the Congress agreed. Now, 10 years later, the work is unfinished but hope is not gone. The State of Illinois has urged the Federal Government to turn over a repaired and restored canal area to the State for

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operation and maintenance by the State government within whose boundaries it lies. We hear much about the failure of State governments to act and the resulting need for Federal takeovers. Here we have a case in which the Federal Government can turn over responsibility to a State which has sought such responsibility.

We have just received notification that the State of Illinois, in active consultation and cooperation with the District Corps of Engineers, has agreed upon a program involving final costs of $6,528,000 to the United States. Under this program, all highway and railroad bridges, hydraulic locks, fencing and other structures are to be renovated. The State of Illinois will then proceed with its project to create on this land a recreational area which will help preserve wildlife, and provide a place where families can picnic, fish, and boat in clear waters, free from the irritants of urban life and environment. It has been with a good deal of zeal and pleasure that I have fought for this project which will benefit the people greatly. On the first day of this Congress I introduced, with my colleague from Peoria (Mr. MICHEL), a bill to accomplish completion of this project. Now, with the advent of the agreement just reached, I am again happy to help introduce a bill to authorize the appropriation of funds to complete the transformation of this former eyesore into a useful, beneficial, and beautiful recreational area. I am hopeful that the Committee on Public Works can schedule early action on this bill.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members wishing to participate in the subject matter of my special order today be permitted to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMERICAN BAR ASSOCIATION SHOULD INVESTIGATE CONDUCT OF LAWYERS IN CONNECTION WITH TRIAL OF "CHICAGO EIGHT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I have today asked the American Bar Association to commence an investigation immediately into the reprehensible conduct of four lawyers who have withdrawn from the trial of the Chicago eight with the view of bringing disbarment proceedings against them.

I have also asked the American Bar Association to commence a similar investigation into the conduct of some 150 lawyers who have converged on Chicago from all over the Nation to picket the courtroom of Judge Julius Hoffman who is presiding over the trial of the Chicago eight. These 150 lawyers should also be censured or disbarred for violating the canons of ethics of the American Bar Association.

As one Member of this House, Mr. Speaker, I do not intend to sit idly by and watch these lawyers use every device conceivable to wreck the conspiracy trial in Chicago. If the Government has a case, it will be tried in the orderly atmosphere of the court and before a jury, not in the streets in the midst of turmoil.

Mr. Speaker, I shall place at the conclusion of my remarks an article from this morning's New York Times describing the scandalous and shameful conduct of these lawyers who are officers of the court.

It is inconceivable and indefensible that these representatives of the legal profession who have descended on Chicago in such large numbers should openly and flagrantly flout the canons of ethics by organizing an ad hoc committee of lawyers to stop the trial. They do not deserve the prerogatives and privileges of American jurisprudence when they engage in tactics to frustrate the orderly process of the law.

They make a mockery of democracy and should be stricken from the rolls of the American legal profession which day in and day out in courtrooms all over this country gives living meaning to the democratic process.

I believe there is recourse for every conceivable grievance within the majesty of the law. I have sponsored the Legal Professions Development Act to provide legal aid to every American citizen who needs such aid. I have proposed the creation of neighborhood legal clinics to assure every American legal recourse for his grievances, if he cannot otherwise afford counsel.

Mr. Speaker, I have sponsored this legislation because I have confidence in the law. If those who are on trial in Chicago are innocent, they will so be found by the jury.

Compare the orderly processes of law in which we believe with the shameful behavior of the lawyers whom I am describing here today. Take the four who had withdrawn from the case by sending a telegram to the court, and after the contempt citations were withdrawn by the court, they had made a series of derogatory remarks about the court proceedings in the courtroom and the judge himself. Then, as the New York Times said this morning:

> Over the weekend, lawyers from throughout the country began pouring into the city to demonstrate against the judge's actions. This morning, lawyers from New York, San Francisco, Washington, Boston and other cities, as well as a delegation representing 13 faculty members at the Harvard Law School, were in and around the building. About 125 of the lawyers filed a friend-of-the-court brief today, terming Judge Hoffman's actions a "travesty of justice [which] threatens to destroy the confidence of the American people in the entire judicial process."

Actually, Mr. Speaker, it is these lawyers who by their reckless and scandalous conduct are the ones who are destroying American confidence in our due process.

Mr. Speaker, it occurs to me these lawyers do not reflect the behavior of responsible lawyers who believe in the majesty of the court.

If, indeed, there are any problems involved in this trial, there are a whole series of legal and appellate steps available to lawyers who believe the ends of justice cannot be served in this trial. But there is no defense for the willful and wanton attacks against Judge Hoffman by these lawyers.

I think it is important to take a look at the canons of professional ethics adopted by the American Bar Association. In the preamble and title I, it is clearly stated:

> PREAMBLE
>
> In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.
>
> No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the American Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.
>
> 1. THE DUTY OF THE LAWYER TO THE COURTS
>
> It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

I stress, Mr. Speaker, if there is any criticism of the conduct of this case these lawyers have ample machinery within the framework of the law and the system of jurisprudence to seek redress for the grievances. They do not have to do it in street demonstrations, pickets around the courtroom, assaulting the court itself, maligning and belittling the judge presiding over the trial. This, in my judgment, is despicable conduct on the part of the attorneys, and, in my judgment, the American Bar Association ought to fully investigate those procedures. The Bar Association owes it to the decent and respectable lawyers of America to expose and condemn the antics of the few who are bringing disgrace to the entire profession.

I will cite another one of the canons of professional ethics, because I believe it is germane.

In chapter 3 of the canons it is stated:

> A lawyer should not communicate or argue privately with the judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special per-

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> sonal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's station, is the only proper foundation for cordial personal and official relations between Bench and Bar.

Mr. Speaker, we see further, in chapter 16, reference to "restraining clients from improprieties." We have seen the defendants in this case holding press conference after press conference and shouting all sorts of abuse and invectives at the presiding judge in this case, and indeed the whole judicial system under which they are being tried.

The canons of the American Bar Association prescribe, in chapter 16:

> A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

There is no question in my mind that the defendants in Chicago are going to do everything humanly possible to wreck this trial. It is my prayer and fervent hope that the judge and the jury will see this trial through to a successful conclusion.

I will take my chances on the verdict of the court and the jury. If indeed these defendants are guilty they will so be found. If they are innocent they will be acquitted.

I have said time and again in this well, the fibers of our whole democracy are being tested in the orderly process of the courts.

The Greek philosopher, Aristotle, 2,200 years ago, said:

> Democracy is the perversion of constitutional government.

I believe he was wrong.

This trial, if conducted in an orderly manner, can prove he was wrong, for there is great vigor and compelling justice in the orderly process of the courts.

We in this Congress labored very hard to pass an amendment to the Civil Rights Act which barred the crossing of State lines to incite a riot. I am proud of the fact that I was one of those instrumental in the passage of that amendment. I believe that amendment was passed in good faith by an overwhelming vote. If that amendment is unconstitutional, only through the orderly process of judicial review will we find out whether it was right or wrong, and that is the way democracy works.

I suggest, Mr. Speaker, that those who today assault the court in Chicago, those lawyers who have assembled there and are using gutter tactics to upset that trial, indeed have little faith and little confidence in the democratic process.

I insist the American Bar Association has a duty and a responsibility to look into the conduct of its lawyers and take appropriate action to discipline them for violating the code of ethics. If indeed investigation proves their conduct to be contemptible, the American Bar Association will take appropriate steps either severely to punish them or disbar them from practice in the courts. This Nation deserves no less. It is high time the legal profession began cleaning its own house of the reprehensible conduct of those who bring disgrace on the whole profession.

Mr. Speaker, I include at this point the article from the New York Times:

JUDGE VOIDS CHICAGO CONTEMPT WRITS

(By J. Anthony Lukas)

CHICAGO, September 29.—While about 150 lawyers picketed the court building or roamed the corridors, Judge Julius J. Hoffman vacated today contempt citations against four defense lawyers in the trial of the "Chicago eight." Judge Hoffman had held the four lawyers in contempt for failing to appear last week when the trial of eight leaders of demonstrations at last summer's Democratic National Convention began in Federal District Court in Chicago. On Friday, the 74-year-old judge ordered two of the lawyers jailed for the weekend and the others brought to Chicago from California. He said that he would pass sentence on all four today. But over the weekend, lawyers from throughout the country began pouring into the city to demonstrate against the judge's actions. This morning, lawyers from New York, San Francisco, Washington, Boston and other cities, as well as a delegation representing 13 faculty members at the Harvard Law School, were in and around the building. About 125 of the lawyers filed a friend-of-the-court brief today, terming Judge Hoffman's actions "a travesty of justice [which] threatens to destroy the confidence of the American people in the entire judicial process."

The 13 teachers from Harvard released a letter they sent to Senator James O. Eastland, who is chairman of the Senate Judiciary Committee, asking for an investigation of the judge's behavior. The letter said: "Judge Hoffman's conduct can only serve to weaken a basic American principle—the right of even the most unpopular defendant to adequate legal representation before an impartial judge."

When the court convened this morning, Thomas A. Foran, the United States attorney, suggested that Judge Hoffman consider vacating the charges since the defendants indicated last week that they were willing to release the four lawyers.

Judge Hoffman gazed down into the well of the courtroom where the four lawyers—Gerald B. Lefcourt, Michael P. Kennedy, Michael Tigar and Dennis Roberts—sat at the defense table watched by Federal marshals.

"I have no desire to damage the professional careers of young lawyers," Judge Hoffman said. "Since their clients have said in open court that they give them leave to withdraw, the contempt proceedings will be vacated."

BLACKMAIL CHARGED

This represented an abrupt reversal of the judge's position. Last week, he had insisted that the defendants not only give the four lawyers leave to withdraw but also agree that they were satisfied with their legal representation.

The defendants refused. They had repeatedly contended that their case was being prejudiced by the absence of Charles Garry, a West Coast lawyer, who just underwent a gall bladder operation. The defense had asked for a delay in the trial until Mr. Garry recovered, but Judge Hoffman refused to grant one.

The defendants charged last week that the judge was trying to "blackmail" them by demanding that they drop their objections to Mr. Garry's absence before he would drop the contempt citations against the four lawyers.

But when the issue was raised by the defense today, Judge Hoffman said, "I have said nothing about Garry. My observations do not apply to any objections which the defendants may have about Mr. Garry's absence."

"They all do so object," said William M. Kuntsler, a defense lawyer.

The four lawyers then asked that Judge Hoffman affirmatively find them not guilty of contempt. Mr. Lefcourt said, "I feel I have done nothing wrong, but my career has already been damaged."

Judge Hoffman denied any affirmative finding. He contended that the lawyers had been disrespectful to the court because they withdrew from the case by telegram instead of appearing and asking for a formal leave to withdraw.

Meanwhile, the lawyers protesting outside were running into a series of obstacles. Federal marshals standing by the revolving doors leading to the lobby turned many of them away.

When about 40 of them succeeded in entering the lobby, Chief Judge William J. Campbell, dressed in his robes and attended by a marshal, a court clerk and court reporter, confronted them.

MOTION CALLED MOOT

Standing by the glass walls, Judge Campbell ordered the lawyers to leave. He said their representatives would be allowed to file briefs.

Later, Irving Meyers, one of the lawyers did appear before Judge Hoffman, but the Judge denied his motion as "moot" and told him he had "no standing in this case."

This afternoon, some of the lawyers gathered at the Pick-Congress Hotel and agreed to form an organization to be called the Ad Hoc Committee of Lawyers to Stop the Trial. They formed a committee that will seek Judge Hoffman's impeachment and another that will press for a mistrial.

This morning, Judge Hoffman rejected a defense motion for a mistrial. The motion, presented by Mr. Kunstler and Leonard Weinglass, another defense lawyer, charged that Judge Hoffman had "so prejudiced said defendants that it is no longer possible for them to have a fair and impartial trial."

Arguing against the motion for a mistrial, Mr. Foran, the United States attorney, said the defense lawyers' conduct had been "so incredibly unprofessional that it is remarkable that the Court has kept as good a nature as it has."

After denying the motion, Judge Hoffman ordered it "impounded for such consideration as the Court may choose to give it later."

Mr. Kunstler jumped up and charged that this was "precisely the kind of intimidation we refer to—making defense attorneys try this case while fearing . . ."

"You'll always have to fear in this courtroom," Judge Hoffman interrupted, "when you make allegations like these over your signature."

AN UNUSUAL CASE

Lawyers questioned yesterday could recall no comparable incident, either to Judge Hoffman's original bench warrants or to the telegrams of withdrawal from the case by the defense lawyers.

In general, the lawyers said, a lawyer who wishes to withdraw from a case will appear in court and explain the circumstances to the presiding judge. But this would not necessarily apply where out-of-state lawyers were involved, for reasons of travel expense and ordinary expediency.

On the other hand, it was considered unusual for nonresident lawyers to drop out of a case, if for no other reason than that such cases generally attract out-of-state counsel because of their intriguing nature—either politically or financially.

REPORT ON RESULTS OF OPINION POLL

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

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man from Missouri (Mr. RANDALL) is recognized for 10 minutes.

Mr. RANDALL. Mr. Speaker, the final tabulation of my opinion poll for this year has produced some interesting results. The poll was distributed to more than 40,000 constituents. Nearly 15 percent responded which produced the highest percentage of responses of any previous endeavor. The results which are reported have not been reached by estimate or by sample but by actual hand count.

Forty percent of those who returned opinion ballots considered Vietnam the most important issue of eight listed confronting the Congress. But there was far greater unanimity among those who urged stringent measures for controlling crime, correcting conditions which have favored criminal activity and court decisions which have permitted criminals to go unpunished. Seventy-nine percent of the answers received urged prompt and vigorous use of force for reducing civil disorders on city streets. Seventy-two percent asked for greater power for college and civil authorities to act in quelling campus disturbances rather than for choices involving less firm action. By overwhelming percentages, constitutional amendments were supported to permit congressional override of decisions of the Supreme Court by two-thirds vote in both Houses; require retirement of Supreme Court Justices at age 70; and revise the first amendment to halt activities of violent demonstrators.

More than half expressed disapproval of the way the war on poverty is being waged and favored its reduction or abolishment.

Sixty-seven percent want some form of ABM deployment. Only 9 percent wanted no project at all, while 24 percent are undecided; 46 percent preferred a limited system for protecting the most vulnerable sensitive targets, while 21 percent asked for a full-scale project to encircle principal American cities.

Mr. Speaker, the tabulation of the complete opinion poll follows:

RESULTS OF THE OPINION POLL OF CONGRESSMAN WM. J. RANDALL

ELECTIONS

Voting age, should it be lowered to:

1. Eighteen years (29%).
2. Nineteen years (8%).
3. Twenty years (7%).
4. *No change* (56%).

Electoral college:

1. Use electoral votes as at present, but assign them one at a time to winning party in each Congressional district and two more to party that wins state (8%).
2. *Replace present system with simple popular vote* (77%).
3. No change (15%).

FIREARMS CONTROL

Are you pleased with the two laws passed last year to control guns?

1. Yes (21%).
2. *No*. (54%).
3. Uncertain (25%).

CONSTITUTION

Would you favor amendment to:

Permit Congress to override decisions of the Supreme Court by two-thirds vote in each House?

1. *Yes* (69%).
2. No (20%).
3. Uncertain (11%).

Require retirement of Supreme Court Justices at age 70?

1. *Yes* (79%).
2. No (11%).
3. Uncertain (10%).

Rewrite the First Amendment in such a way as to tighten control over criminals without threatening the rights of the innocent?

1. *Yes* (91%).
2. No (5%).
3. Uncertain (4%).

CRIME

Should a criminal found guilty of committing a crime in which he uses a gun automatically be given double sentence?

1. *Yes* (74%).
2. No (18%).
3. Uncertain (8%).

Civil disorders:

On city streets—To reduce these, should the police:

1. Patiently reason with participants? (2%).
2. Use just enough force to restore order? (19%).
3. *Use force promptly and vigorously* (79%).

On college campuses—Should the Federal government:

1. Keep hands off: (4%).
2. Act against participants receiving Federal aid (24%).
3. *Legislate to give college and civil authorities greater power to act* (72%).

FARM LEGISLATION

The present Farm Program (Food and Agriculture Act of 1965, as amended and extended) runs through calendar year 1970. Do you think this program:

1. Should be further extended unchanged (29%).
2. Reduced (30%).
3. *Uncertain* (41%).

Should the Federal government attempt to slow present migration from rural to urban areas through programs of economic incentives to attract industry and jobs to rural areas?

1. *Yes* (69%).
2. No. (16%).
3. Uncertain (15%).

ANTIBALLISTIC MISSILE (ABM)

Do you favor:

1. *A selective limited system for protecting the most vulnerable sensitive targets?* (46%).
2. A full scale project to ring principal American cities? (21%).
3. No project at all (9%).
4. Uncertain (24%).

WORLD AFFAIRS

Vietnam—If the Paris peace talks fail should the United States:

1. *Begin all-out non-nuclear warfare aimed at military victory* (58%).
2. Resume limited war (6%).
3. Withdraw as rapidly as safety of our men permits (36%).

Middle East—Should the United States:

1. Support Israel (14%).
2. Support the Arab nations (.004%).
3. *Work for mediation* (60%).
4. Ignore the whole thing (26%).

WAR ON POVERTY

Should those activities carried on by the Office of Economic Opportunity (Poverty Program) be:

1. Increased (21%).
2. Decreased (27%).
3. *Abolished* (33%).
4. Carried on without change (19%).

VITAL ISSUES

Following are several issues of vital concern to the Congress. Without regard to our order of listing, please indicate your order of importance. (The Opinion Poll listed eight major issues. The results are reported listing first and second choices in the rank of importance.)

Vietnam: First, 40 percent; second, 14 percent.

Crime: First, 23 percent; second 25 percent.

Taxation-federal spending: First, 14 percent; second, 13 percent.

Civil disorder in cities: First, 7 percent; second, 20 percent.

Campus disturbances: First, 7 percent; second, 17 percent.

Trend of Supreme Court decisions, First, 7 percent; second, 6 percent.

Anti-ballistic Missiles: First, 1 percent; second, 2 percent.

Middle East: First, .006 percent; second, 3 percent.

A DEPARTMENT OF PEACE: IS IT NECESSARY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, since proposals for a Department of Peace were introduced earlier this year, men everywhere have stirred to the idea that we might see in our time what William James prophetically called a "moral equivalent to war."

H.R. 6501, which I introduced, attracted over 65 sponsors immediately, and in the Senate, S. 953, introduced by the distinguished Senator from Indiana (Mr. HARTKE), drew 15 cosponsors. Civic groups, religious organizations, educators, and those seeking to promote tranquillity among nations flocked to our side. Editorials of praise were written; scholars evaluated our proposals and a National Peace Act Advisory Council was established.

But a nagging suspicion aroused those shaken by Vietnam and the militarization of American foreign policy. In a nation where "peace" has come to be equivocated with war, and where freedom now suggests military force, the idea of a Peace Department smacked of so much rhetoric. And others feared that an executive Department for Peace would cast a shadow over the State Department, suggesting that State's goal was something less than the attainment of peace. They hastened to add that a separate department would mean just another level of bureaucracy, and anyway, was "peace" not everyone's business? A viewpoint, that if adopted, would obviate the need for departments of health, justice, and education.

Of course, everyone is for peace, and no one is suggesting that a new agency preempt the State Department's prerogatives in matters of foreign policy. But even though President Nixon has eloquently stated our objective—"where peace is unknown to make it strong; where peace is temporary, to make it permanent"—the fact remains peace has eluded mankind, and the recent history of American foreign policy is inextricably tied to global use of force and military might.

No, the idea of peace is too important to be merely cited as a worthy goal. For as with health, justice, and education, peace must be shaped and structured until we understand how it can be obtained

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The purpose of my remarks then today, Mr. Speaker, is to clear up the misconceptions surrounding the proposal for a Peace Department, to explain the intent of the new agency and to argue that since American foreign policy has not abolished war, an alternate strategy is vital.

But there is an important proposition permeating the peace bill that must be recognized if the proposal is to have meaning. Ironically, it takes as its starting point the philosophy of John Foster Dulles, even though his own actions betrayed his thoughts.

Dulles wrote:

> Great as is our strength, we are not omnipotent. We cannot, by fiat, produce the kind of world we want.

And yet the mirror image of America has driven us to believing that our power and policies can make the world safe from tyranny and despotism, although the results are marred by an ugly vision of pax Americana that invites scorn, not emulation of our values.

Instead of relying on military force, ultimately our hopes for tranquillity lie in bridging the gap between how nations perceive the world and the conditions creating these differences. Each nation's mirror image of itself creates stereotypes limiting its ability to understand other people's viewpoints. For America, this has translated itself into a simplistic moral fervor in global affairs, suggesting that we are all good, and anyone opposing us is evil. This inability to transcend our self-image has hampered the Nation's perception of just what world reality really is and how others view it. And most importantly, it has warped our ability to understand how we can help establish the changes needed in the world to develop an environment which is indeed, free of tyranny, where "peace is permanent."

For some time now, leaders have recognized the nature of our global policies, but fearing the wrath of a public intoxicated by American success, they have resisted open criticism. A Senate Subcommittee on National Security traced it back to the idea of manifest destiny:

> Officials make sweeping declarations of our world mission . . . and as a result we find ourselves entangled in projects that are incompatible with the real needs of other peoples, or are, in some cases, actually repugnant to them. To some extent every postwar administration has indulged our national taste for the grand and even the grandiose.

These policies moreover, taint even the worthy programs that America has fostered in its limited attempt to reach out to the world. The result is that our resources are squandered, and abroad our efforts are reduced to the all-too-common image of an ugly American trying to buy friendship.

This leads to perhaps the most important misconception about the Peace Department. It will not be a foreign policymaking agency but an operational agency. The Peace Corps, the Agency for International Development, and the U.S. Arms Control and Disarmament Agency are operating programs. They have no place in the State Department, which is a diplomatic and policymaking body.

As Secretary Dulles told Arthur Larson:

> If I have to take on all these operating agencies, I will end up as nothing but a glorified office manager.

Indeed, the State Department's reputation for inefficient administration of programs is legendary.

But a more fundamental reason demands this separation, one which defines the distinction between a foreign policymaking agency and a Peace Department.

The State Department's function is, as Thomas Jefferson defined it almost two centuries ago, to represent the Nation's interests and advantages. Dulles said:

> We act as our national interest dictates.

Dean Rusk concurred, stating:

> I'm on our side.

This is a legitimate and necessary function, but our national interests in foreign policy matters are not quite the same as the long-range supranational goals of a Peace Department striving to create a world environment free of the causes of war.

The latter is a long-term investment in mankind, developing human resources; it is not intended to be a substitute for present-day diplomacy.

The new Peace Corps Director, Joseph Blatchford, understood this when he said:

> It must be made clear and reaffirmed that the Peace Corps is not an arm of U.S. foreign policy or subject to considerations of foreign policy.

The same can be said for other agencies transferred to the Peace Department: AID, ACDA, those State Department functions pertaining to the specialized agencies of the United Nations, and the International Agricultural Development Service, now in the Agriculture Department.

To say that misconceptions surround the Agency for International Development—the largest unit that would be transferred into the new Department, is an understatement. AID embodies the dirtiest word in our political lexicon today, foreign aid. AID's detractors would have us believe foreign aid is an unmitigated flop, a waste of American resources—squandered and unappreciated by its recipients.

Nothing could be further from the truth. What has happened, though, is that Congress' original intent in launching foreign aid two decades ago has been distorted. The Marshall plan, our bold effort to help reconstruct a war-torn world, was meant to combat hunger, poverty, desperation, and chaos. But it and similar U.S. assistance programs were soon subverted to the Nation's postwar policies of globalism and military might. As political considerations soon replaced human considerations as the basis for assistance, the aid was often counterproductive and frequently tied to U.S. efforts to buttress a foreign military regime against communism to the detriment of that country's development.

Foreign aid, wrapped as military aid, has served only to feed the ego of generals, Peter Drucker observes:

> Yet military aid not only uses up scarce funds. An airplane or a destroyer is not much use unless fuel for it, lubricants, and spare parts are supplied year-in and year-out. Thus, every dollar spent on military aid . . . has not only taken away a dollar that should have gone into development, it has created a demand for an additional five or ten dollars to be diverted out of slender foreign exchange resources to maintain the general's toys.

What AID in a Peace Department would do then, is first separate foreign aid from military aid. This should very clearly be understood—if Defense and State feel funds are needed abroad for security reasons, that is a separate matter, but development funds should not be covertly used as a cover to promote foreign policy objectives.

If the gap between the rich and poor nations seems to be widening, just how has foreign aid succeeded, it is often asked. Foreign aid suggests economic development. While two-thirds of mankind continues to toil in preindustrial societies, measured by the goals economists and planners set for this decade, the developing nations have made tremendous strides. If the gap does not visibly seem to be reduced, though, that is more reason for increasing our commitment to development abroad.

Industrial output has increased beyond expectations in many parts of the world; food production has similarly grown; and encouraging steps have been taken to curb the population explosion.

Indeed, wretched poverty still haunts many developing nations, but most no longer hobble along on charity from abroad. They are bearing up to 85 percent of the cost of developing their economies. And most of these nations—in Latin America, Asia, and Africa—have reached the growth goal of 5 percent annual increases in their gross national product.

We only suspect foreign aid is a failure then, because of our false expectations of what it is supposed to do. The analogy between the rich and poor nations have conjured up an image of trying to make the have-nots richer. This is false. What we are attempting is infinitely more subtle and affects the ability of nations to live with one another. It is to create self-sustaining economies in the developing nations, harnessing their innate resources.

But let this seemingly more lofty goal be understood: there is nothing idealistic about it. It is the most reasonable, pragmatic approach man could devise for bridging the gap separating nations. The alternative is possibly far more horrendous than the threat of nuclear catastrophe; it is the threat of war between the two-thirds of the world victimized by poverty, and the third liberated by prosperity.

Another major misconception about the Peace Department is that it is merely a regrouping of existing agencies. Again this is not true. Under a Secretary of Peace, the agencies would be infused with new vitality and freed of the inhibitions now thwarting their mission.

For instance as the Arms Control and Disarmament Agency has been caught up in the State Department's bureaucracy we have quickly forgotten the extent of its original—unused—legislative mandate to study "the scientific, psychological, military, and technological factors relating to the prevention of war."

A new Peace Department would also establish a Peace Institute, where a corps of professional young Americans could be trained in the science of communicating with other nations.

The Institute would also engage in "peace research." For all our supposed sophistication, we know little about what motivates nations to act as they do. Economic differences, of course, are basic, but different cultures, languages and nationalities create varying images of nations that must be transcended if people are to learn tolerance and respect for others.

The United States spent billions on research to produce the hydrogen bomb and put a man on the moon. Yet, we have little conception of how potential conflicts between nations could be peacefully resolved. In fiscal 1969, we spent 92 percent of the almost $6 billion in allocated research funds on nonhuman development—perfecting our war machine, exploring space, and developing atomic energy. Only 6 percent was allocated for studying human behavior, and less than 1 percent of these funds were related to preventing war.

War-prevention research, as defined here, is not the "war games" of the Pentagon's computer experts or simulated strategies of military deterrence. Since war is the result of human folly, human behavior should be studied—the behavioral sciences, intercultural relations, languages, and such phenomena as the nature of nationalism. When we start to understand these forces, we will be taking major strides toward the peaceful resolution of conflict.

Clearly then, there is an urgent need for a Department of Peace—for an executive agency ready to transcend the immediate in favor of the future. For it seems to me that a "moral alternative" is needed to offset our foreign policy—a design for American security intoxicated by our own global power.

Today, although peace is everyone's business, nobody is in charge of peace. There is no department working at the problem full time to the exclusion of momentary national interests or political considerations. As I said earlier this year when I introduced H.R. 6501:

> Peace is everyone's concern and nobody's job, which may explain why we have failed to convert a peace-keeping intent into a peace-keeping capability.

NORTHERN STATES POWER CO. HELPS SAVE THE WILD WATERS OF THE ST. CROIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, today a very historic meeting is taking place in Stillwater, Minn., for the purpose of signing an agreement between the States of Minnesota and Wisconsin and the Northern States Power Co. to create the St. Croix and Namekagon wild river system in order to comply with the provisions of the National Wild and Scenic Rivers Act of 1968, this agreement must be submitted to the Congress by October 2. This historic meeting today culminates the intensive activity over the past 14 months or so by a special task force established in June of 1968 by the Northern States Power Co. of Minneapolis, Minn.

The task force proposed a massive linear park and strip forest stretching from near Gordon, Wis., on the St. Croix flowage and Lake Namekagon to St. Croix Falls, Minn. This would involve approximately 100 river miles on the St. Croix and 98 river miles on the Namekagon. Governmental acquisition of property rights to 67,800 acres would be needed to preserve the area's near-wilderness character, the task force said. Northern States Power Co. owns 29,000 acres of Upper St. Croix waterfront land along a 70-mile stretch on both sides of the river north of Taylors Falls. The company, however, has agreed to donate to the U.S. Government 7,000 acres of this land. In addition, Minnesota will receive 13,000 acres of NSP land, and Wisconsin 5,000 acres. The actual transfer of titles to the Federal Government and States of mutually agreed upon blocks of land will be made in the future when resources become available for proper development and management of these lands.

Principal impetus for creating a plan to preserve the St. Croix and the Namekagon was provided by the National Wild and Scenic Rivers Act passed by Congress last fall. The Wild and Scenic Rivers Act designated the St. Croix and Namekagon as one of eight initial wild river systems to be preserved and developed in this country.

Passage of the bill authorized participation of the Department of the Interior in planning, development, and management of the waterfront lands. The act authorized the Department of the Interior to acquire appropriate property rights to approximately 100 acres per river-mile as well as scenic easements on interior protected zones up to an additional 220 acres per river-mile.

Through the efforts of Northern States Power Co. and the task force, the St. Croix will be the first of these rivers to be extensively studied and plan guidelines established.

It is appropriate that this river system is among the first set aside because any overview of the St. Croix River and the Namekagon River reveals two distinct personalities. Each has its own moods and its own character. Yet both live in perfect harmony resplendent with natural features to satisfy the tastes of all outdoor enthusiasts.

Along the two riverways are an estimated 250 islands, 134 of which are part of the public domain and have been acquired by the National Park Service as part of the national wild rivers system. These small island tracts, so important to the ecological and esthetic character of both river systems, offer valuable recreational and educational potentials.

River widths range from about 40 feet at the upstream end of the Namekagon to a maximum width of 1,200 feet on the lower St. Croix. These rivers and shores abound with a unique and endless variety of flora and fauna. It is one of the few areas in the country where our national bird, the bald eagle, still nests and where the rare sturgeon can be caught by the persistent angler.

The St. Croix can be a boisterous river at its ultimate source where the St. Croix River rises near Solon Springs, Wis., the elevation is 1,016 feet. Some 164 miles downstream at Prescott, Wis., where the St. Croix joins the Mississippi, the river has fallen 340 feet. The steepest gradient is 8.3 feet per mile over exposed boulders and bedrock of the Kettle Rapids at Minnesota's St. Croix State Park. This topography best explains the changing mood at every bend in the river—now a tranquil, eddying stream, now an exhilarating boisterous run through rippling rapids.

On the other hand, the overall impression of the Namekagon is of a relatively wild stream, yet considerably smaller and more intimate than the St. Croix. But its flow is energetic, its rapids exciting. Lying wholly within the State of Wisconsin, the river rises at Namekagon Lake and flows 98 miles, generally south and west, to its confluence with the St. Croix east of Riverside, Wis. The upper Namekagon, above Trego, varies from an intimate cold water trout stream closed in by forest to a slow moving, wild stream flowing through marsh and swampland. The scene from the river is pleasant—high banks, a few cabins here and there. Old farms are visible, but the land use trend along this portion is away from tilled crops toward pasture or reforestation.

In the lower Namekagon the valley becomes more prominent as the river meanders between banks as high as 80 feet. Occurrence of low marshland and bottomland timber increases as the Namekagon nears the St. Croix, then joins the St. Croix in an unexpectedly wide sweep of water.

As the principal landowner on the Upper St. Croix, Northern States Power Co. took the initiative toward providing perpetual preservation of this unique natural resource by establishing this task force to work out a plan for the management of this area. The task force members were David F. McElroy, chairman, Northern States Power Co., vice president, engineering; John W. Bright, chief planner for the National Park Service; Stanley G. Deboer, chief planner for Wisconsin Department of Natural Resources; U. W. Hella, director of the State Parks and Recreation Division of the Minnesota Department of Conservation; Robert L. Herbst, executive director of the Izaak Walton League of America and former Minnesota deputy conservation commissioner; and Richard Wittpenn, landscape architect for the National Park Service.

The task force recommended that "the Governors of Minnesota and Wisconsin move immediately to establish a commission with continuing existence to monitor, review, and recommend implementation of preservation efforts of the St. Croix and Namekagon rivers and their environs. It is urged this commission be

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fully representative of the wild interests required to bring the plan to fruition."

Other task force proposals include:

Limited auto access to the river preserve—"The auto will be an alien to the river." The task force suggests that cars be allowed only at special access points and at a limited number of major auto-oriented campsites. All parking at access points should be controlled and well screened from the river user. No parallel roadway system should be established within the limits of the river preserve.

Trail systems: Two trail systems should be developed on both sides of the river. There should be hiking trails and equestrian trails. The latter should double as snowmobile trails.

Canoe campsites: Canoe camps should be accessible from the water only, except for service vehicle access. Some of these camps would be primitive and others could be more structured. Campgrounds and shelters for hiking trail users should be established elsewhere, possibly on old farm sites set back at a considerable distance from the river.

Orientation centers should be established at visitor access points. Here visitors would receive information on camping, canoe camps, trails, historic points, et cetera. Personnel would be available at major access points to see that the visit will be one of convenience and safety.

Northern States Power Co. will retain about 4,000 acres for the development of leisure, recreation, and commercial support facilities consistent with the overall plan concept. These facilities will be carefully developed in a manner consistent with the guidelines set out in the report, the task force said.

Northern States Power Co. said it will observe appropriate covenants restricting use of the land kept by the company compatible with the wild river concept.

The task force predicted that such development "eventually should provide strong economic support for the region and replace, if not surpass, real estate tax loss incurred by local governments after Northern States Power Co.'s holdings are transferred to State and Federal Governments."

The task force recommended that the land on both sides of the river be divided into three zones to properly protect the river environment:

The maximum preservation zone would include all land paralleling the river up to a maximum of 100 acres per mile, or an average depth of about 400 feet on each bank. Within these boundaries the river and river related uses should prevail.

The limited development zone, protected by scenic easements, would include land up to 220 acres per river-mile, or an average depth of about 600 feet from the maximum preservation zone. The exact limits of this zone would vary to reflect physical and environmental characteristics of each specific area. Where development exists, zoning laws would have to be established to limit future development and adequately screen existing development. Zoning ordinances should be the responsibility of local government units.

The transition zone generally consists of those lands which are necessary to provide support development for the users of the first two zones. The primary land use control tool would be county zoning ordinances.

Mr. Speaker, there may be some cynics who are wondering why a company such as Northern States Power Co.—with its profitmaking responsibility—should donate 25,000 acres of riverfront land to the people. I think President Nixon answered this query partly when he said:

> Private industry must take an active role in protecting the environment, providing recreational facilities, and conserving natural resources. Clean air, clean water, and unspoiled countrysides are more easily attainable through preventative measures than restoration. With a coordinated program of prevention, private industry can help lead the way to a better America.

But, perhaps Earl Ewald, chairman of the board, Northern States Power Co., explained the company's position most eloquently in his dedication of the project. Mr. Ewald said:

> Our smiling land, beautiful and bountiful, stretches from sea to shining sea. And we who have inherited it today face a grave responsibility.
>
> The demands of swiftly moving civilization are increasing and intensifying. But ours is not a license to squander this inheritance. Rather, despite the pressures, it is a stewardship to preserve the resources, to use them wisely and to maintain a delicate balance between the land and the needs of our society.
>
> We are fortunate that in decades past there were far-seeing men who understood what the future would bring. They exercised their responsibility and preserved the wilderness for those yet to come. We are fortunate thus that the woods and waters of the St. Croix have been handed pristine and unspoiled to us. We at Northern States Power Company continued that stewardship for nearly 50 years.
>
> NSP's stewardship of its St. Croix land holdings has become increasingly difficult. Growing urban population with attendant need for recreational opportunities tends to increase the problems of wise land use and regulation. The holdings costs of annual taxes and retention of a nonproductive asset are undesirable from the corporate viewpoint. Economic and market analyses indicated that selling the land for private use in small parcels served neither NSP nor community needs.
>
> By all measures, the time to take bold action to preserve the St. Croix River and its tributary, the Namekagon, has now arrived. Principal impetus was given in the fall of 1968 when Congress passed the National Wild and Scenic Rivers Act. This legislation set the stage for a cooperative effort among the Federal Government, the States of Minnesota and Wisconsin and NSP. The story of this unique effort is contained in the report that follows.
>
> Today we are privileged to transfer this wilderness to the people of this nation. It will be theirs to guard as jealously and to use as wisely as those who preserved it for them.
>
> To those men of wisdom who saved the land—who were more concerned with the quality of goals than the quantity of goods—we proudly dedicate this worthy project.

SOCIAL SECURITY RECIPIENTS SAID TO BE CHIEF TARGETS OF INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, there is not a Member of this body who is unaware of the hardships millions of persons in this country are suffering as a result of inflation. In 1964, the cost of living in this country rose 1.2 percent which, according to the Treasury Department, is somewhat normal. But since that time our economy has gone mad and progressively larger increases have brought us to the sad position we now are at—a cost of living that is soaring at a 6 percent rate.

The evil of inflation plays few favorites, but the one group it hits hardest of all are those on a fixed income. This means that the nearly 25 million recipients of social security, being elderly retired citizens, are the chief targets. With no prospects for increasing their income, they are weaponless before the inflationary dragon. And before this year is out, that dragon will have gobbled up the increases in social security benefits granted in 1965 and 1967.

Our President has recognized this problem. In a most welcomed message last week he called for a 10-percent increase in the present social security payment schedule and, just as important, offered a provision for automatic payment hikes to keep pace with future cost-of-living increases.

Mr. Speaker, many in this body have submitted similar legislation this year to help our senior Americans, and others of us have put in bills calling for a 15-percent increase in these benefits.

I personally am convinced that the 15-percent increase is more equitable. However, the major point I want to stress today is that this body must take action immediately to provide this needed relief. The time for talking is over, the time for compiling statistics is over, the time for promising is over. Now is the time for action.

Mr. Speaker, a matter of a few weeks or a few months may not seem like much time to us, but for those dependent solely on a monthly check that, in effect, gets smaller every time the mailman calls, then even days are of the utmost importance.

Twenty-five million people—people who worked decades for this country and contributed to its unparalleled prosperity—are now looking to us for help. They do not want a handout. They want only a reasonable return on a program they supported. We must give it to them, and we must give it to them immediately.

WITHDRAWAL OF TROOPS FROM VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, in the weeks to come much discussion will take place regarding the withdrawing of American troops from Vietnam. Pertinent to the debate is a report of a special nine-member, bipartisan factfinding commission of the Citizens Committee for Peace with Freedom in Vietnam which returned from Vietnam, Laos, Thailand, and Paris in August. The Citizens for Peace with Freedom in Vietnam, it will be remembered, was founded in October 1967 by the late President Dwight D. Eisenhower, former President Harry S. Truman, former Senator Paul H. Douglas, and 127 other distinguished private citizens.

The syndicated columnist and author, Victor Lasky, reported on the commission's report in a recent column which appeared in the current issue of Human Events, the Washington-based weekly which keeps abreast of current news and opinion in the Nation's Capital.

Columnist Lasky points out that the findings and recommendations of the nine-member commission are especially significant in view of the liberal persuasions of most of its members. Concerning the withdrawal of troops, the commission stated:

> The policy of reciprocal de-escalaton is feasible, provided the withdrawal of U.S. forces is clearly geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion.

Agreeing with President Nixon's recent position against a timetable for withdrawal, the commission recommended an extraordinary commission to assess ARVN progress, more news coverage by American editors and correspondents and USIA to ARVN sacrifices and progress, appropriate assistance to the proposed new land reform program, and that we insist upon reciprocal withdrawal of Communist forces from Laos as well as Vietnam as dictated by the accords of 1962.

In contrast to some of the reckless recommendations concerning our military efforts in Vietnam which are now making the rounds, the commission's report sets forth reasoned, responsible proposals which will insure the return of American troops while at the same time protecting the many gains that have been effected in Vietnam.

I include at this point the abovementioned column by Victor Lasky and the summary report of the Citizens Committee for Peace and Freedom in Vietnam in the RECORD:

FACTFINDERS URGE WASHINGTON: DON'T RUSH VIETNAM WITHDRAWAL

(By Victor Lasky)

A nine-member, bi-partisan factfinding commission has just returned from Southeast Asia with a warning against premature withdrawals of American troops from South Vietnam.

The group is not opposed to the substitution of Vietnamese troops for Americans. "The policy of reciprocal deescalation is feasible," it said, "provided the withdrawal of United States forces is closely geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion."

Sponsored by the Citizens Committee for Peace with Freedom in Vietnam, the group consisted of Dr. Edmund A. Gullion, dean of the Fletcher School of Law and Diplomacy and former U.S. ambassador to the Congo; John W. Hanes Jr., former assistant secretary of state and now a partner in Wertheim & Co.; Mrs. Oswald B. Lord, former U.S. representative on the United Nations Human Rights Commission; Russell T. Lund, president of Lund's Inc., Minneapolis; Lester Malkerson, chairman of the board of regents, University of Minnesota; Rabbi Schulem Rubin of New York; Charles J. Stephens, graduate student at the University of California; Charles Tyroler II, president of Washburn, Stringer Associates, Inc., Washington.

For the most part, these distinguished citizens are middle-of-the-roaders not known for extremist sentiments. As a matter of fact, most of them can correctly be labeled as being of the liberal persuasion. Which makes their joint statement all the more significant.

They flatly assert that since the Tet offensive of early 1968, "the enemy in Vietnam has become much weaker, our side much stronger. This is chiefly because of the enemy's staggering losses, Gen. Abrams' small unit spoiling tactics, and the mobilization of the South Vietnamese people which is one of the greatest in modern times."

"Yet," they continue, "the enemy retains a kind of initiative through use of his sanctuaries in Laos and Cambodia and north of the DMZ. . . . If American and Vietnamese commanders are not able or are not allowed to deny him access to certain corridors, our casualty rolls could go still higher. . . ."

Much to their surprise, the group discovered the South Vietnamese were not unhappy about current American withdrawals. "The first withdrawals have actually stimulated them. However, they see the whole process as gradual, related to their own progress and involving at the end an important residual logistical presence." Such presence would include troop lift, air support, staff assistance and reserves.

"If we pull out prematurely," they warned, "the enemy can reverse the tide running against him, complete his subjugation not only of Vietnam but of adjoining territory and we will have lost more than 38,000 American lives in vain. . . . In Laos we noted that the North Vietnamese invaders' unprecedented success during the rainy season had coincided with the so-called 'lull' in Vietnam. In Thailand our visit coincided with the move by the Thai government to reduce U.S. forces, a decision which, however conditional, must give comfort to the enemy."

This is not an entirely happy report, but it is one that ought to be read by Washington policy-makers. It is a reply, however, to those Americans who believe that a precipitate withdrawal of our troops could bring peace to Southeast Asia.

FINDINGS AND RECOMMENDATIONS OF SPECIAL NINE-MEMBER FACTFINDING COMMISSION UPON RETURN FROM VIETNAM

(NOTE.—The members of the special factfinding commission were: Dr. Edmund A. Gullion, Dean of the Fletcher School of Law and Diplomacy, Tufts University, and Former U.S. Ambassador to the Congo; John W. Hanes, Jr., Former Assistant Secretary of State, and Partner, Wertheim & Co.; Mrs. Oswald B. Lord, Former U.S. Representative on Human Rights Commission, United Nations; Russell T. Lund, President, Lund's, Inc., Minneapolis, and Chairman, Board of Trustees, Gustavus Adolphus College; Lester Malkerson, Chairman, Board of Regents, University of Minnesota; Rabbi Schulem Rubin, New York; Charles J. Stephens, Graduate Student, University of California; Charles Tyroler, II, President, Quadri-Science, Inc., Washington; and Abbott Washburn, President, Washburn, Stringer Associates, Inc., Washington.)

FINDINGS

1. Since TET, the enemy in Vietnam has become much weaker, our side much stronger. This is chiefly because of the enemy's staggering losses, General Abrams' small unit spoiling tactics, and the mobilization of the South Vietnamese people which is one of the greatest in modern times.

2. Progress is striking but precarious. Since TET the enemy has won no victory, taken and held no ground, sustained no major long-term engagement and has fallen back chiefly on hit-and-run tactics. The South Vietnamese Army found its soul at TET and in the mass graves of Hue. Since TET it has won victories, expanded its ground, taken over the defense of provinces and an entire corps area, and inflicted far greater casualties on the enemy than he has upon them. Peasants are returning to the fields, rice production is up, increasing numbers of local elections are being held, the number of defections to our side is increasing and the enemy keeps the fight going in the South by infusion of troops from the North.

3. Yet the enemy retains a kind of initiative through use of his sanctuaries on Laos and Cambodia and north of the DMZ. If he is willing to bleed himself white he can still, for short periods, double American casualties. If American and Vietnamese commanders are not able or are not allowed to deny him access to certain corridors, our casualty rolls could go still higher. Our commanders know this and we were tremendously impressed with their concern to spare American lives.

4. The South Vietnamese must still rely for some time to come upon United States troop lift, air support, staff assistance and reserves. Progress on the political and pacification front is gratifying but still vulnerable.

5. In this situation timing is crucial, particularly with respect to the substitution of Vietnamese troops for Americans. *The policy of reciprocal de-escalation is feasible, provided the withdrawal of U.S. forces is closely geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion.*

6. To our surprise we found the Vietnamese eager—perhaps over eager for the transfer. The first withdrawals have actually stimulated them. However they see the whole process as gradual, related to their own progress and involving at the end an important American residual logistical presence.

7. President Nixon has made three stipulations for U.S. force reduction of which we consider South Vietnamese progress the cardinal one. As to the other two—reduction in the enemy's military activity and progress at Paris—the so-called "lull" in the fighting collapsed while we were in Vietnam. We do not believe such "lulls" mean that the enemy is trying to tell us anything, only that he has had to fall back and regroup.

8. As to the Paris peace talks, they have not failed but they have shown no progress of the kind the President stipulates. They have, however, served to demonstrate that the enemy is unwilling to face the challenge of free elections, wants the United States to throw the Thieu government out, then wants the United States itself to get out unconditionally after having installed a coalition government for the future convenience of Hanoi. There has seldom been a clearer case of a belligerent's trying to recoup at the conference table what he is losing on the battlefield.

9. As a result of all this, a kind of protracted "stand-off" seems to be looming in Vietnam. If the President, the American and South Vietnamese people stick by Mr. Nixon's three criteria and if the South Vietnamese succeed in cementing a political consensus, there is a better than even chance that the "stand-off" will be resolved in favor of peace with freedom. If we pull out prematurely the enemy can reverse the tide running against him, complete his subjugation not only of Vietnam but of adjoining territory and we will have lost more than 38,000 American lives in vain.

10. In Laos and Thailand we became more aware of the possible effect of a premature American withdrawal on other countries in Asia. In Laos we noted that the North Vietnamese invaders' unprecedented success dur-

ing the rainy season had coincided with the so-called "lull" in Vietnam. In Thailand our visit coincided with the move by the Thai government to reduce the United States forces, a decision which, however conditional and hedged toward gradualness, must give comfort to the enemy.

RECOMMENDATIONS

1. That the substitution of Vietnamese for United States troops take place on the basis of demonstrated improvement in South Vietnamese capabilities; the American policy should be: "cut and look" not "cut and run."

2. That no time table be proclaimed and that any schedule for planning purposes be flexible.

3. That President Nixon and General Abrams set up an extraordinary commission to assess ARVN progress; and that this commission inquire into whether "Vietnamization" can in fact involve a more rapid rate of modernization and activation than was laid down in schedules before "Vietnamization" became a by-word publicly linked with U.S. force reductions.

4. That American editors and correspondents and USIA give much more coverage to ARVN sacrifices and progress.

5. That the United States continue to urge the Vietnamese government to broaden its base and find new support in the countryside. The object should be a government which can not only prosecute the war but which can also face up to the enemy in the standoff which will follow United States reductions and can speak more authentically in peace negotiations. Such a broadening should not, however, prefigure the kind of peace-at-any-price coalition Hanoi would like to see imposed without elections.

6. The United States should recognize the political benefit which can accrue from the proposed new land reform program and give appropriate assistance.

7. The United States and South Vietnam should stand firm at Paris for free elections, against a coalition prior to elections, and against unilateral withdrawals (despite the fact that we already seem to have begun them).

8. That the United States, consistent with the accords of 1962, try to expedite the equipment of Laotian forces; and that our stand for reciprocal withdrawal of forces apply to Laos as well as to Vietnam.

9. That the United States give what explanations and assurances as it can to its Asian allies about the purposes and implications of U.S. force reductions.

SONS OF CONFEDERATE VETERANS CONVENTION SPEAKER EXTOLS LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, more and more the dissatisfaction of the American people at the unbelievable course taken by their government makes itself apparent. The decent, hard-working, taxpaying citizens demand relief from the burdens imposed on them by self-serving politicians seeking votes from parasitic pressure groups.

An address delivered by district attorney Sargent Pitcher, Jr., of Baton Rouge, La., to the 74th general convention of the Sons of Confederate Veterans at its August 14, 1969, session in New Orleans, reflects the opinions of the responsible citizens of my district. I also feel his speech is a fair interpretation of the concern which I have observed throughout the country. I call it to the attention of our colleagues and include it as part of my remarks:

Address Before the 74th General Convention of the Sons of Confederate Veterans and the 32d Annual Convention of the Order of the Stars & Bars at New Orleans, La., August 14, 1969

It is a real pleasure for Mrs. Pitcher and me to be with you today to participate in this wonderful 74th General Convention. I was deeply honored when I was invited by compatriot Eble to be your speaker on this occasion.

In the preamble to the constitution adopted by the sons of confederate veterans, one of the many salutory purposes of our organization reads as follows:

"To aid and encourage the recording and teaching with impartiality all southern history and achievement from Jamestown to the present era, seeing to its especially that the events of the war between the States are authentically and clearly written, and that all documents, relics and mementos produced and handed down by the active participants therein are properly treasured and preserved for posterity."

This is a good example of what southern tradition means, and a wonderful way to honor the memory of our ancestors, who, in that period, between 1861 and 1865, willingly gave up everything they had, including life itself, to preserve for us the liberty finally won at Yorktown by their ancestors in 1776. The pride that we have in our ancestors and the love of freedom and country that they gave us, is epitomized in the words of a little poem by Olivia Tully Thomas. It goes like this:

"Oh, land that boasts such gallant
Names as Jackson, Johnson, Lee,
And hosts of valiant sons whose
Fame extends beyond the sea
For rather let thy plains become
From Gulf to mountain cave
One honored sepulchre and tomb
Than we the tyrants slave."

With this pride in our ancestors and a desire to preserve the traditions they left us ever in our hearts, it may come as a shock and a surprise to some of you to learn that in some Southern cities weak-kneed city fathers have been pressured into removing from public buildings the stars and bars of the Confederacy, and in one Southern State a movement is on foot, and may even now be law, prohibiting the playing of "Dixie" at public gatherings because both are offensive to a militant minority group. Both of these actions have been taken to appease that same hard-core minority who are bent on the destruction of this country, and who demand that history be re-written to show the Afro-American in a better light, and who demand and get from the Federal courts the right to purvey pornography to our children under the guise of the free speech amendment to the United States Constitution. It is almost unbelieveable but sadly true.

As direct descendants of the men who fought in that bloody holocaust we call the War Between the States, which ended a little over 104 years ago, I am sure that we all remember that our ancestors were willing to give their very lives in defense of a cause they believed to be just. This cause, contrary to what some may believe, was not the defense of the institution of slavery but was in defense of the constitutional rights of the Southern States, which rights were being ignored and trampled on by the left-wing majority in Congress at that time. When it became apparent that they had no alternative, our forbearers took up arms to defend and enforce those rights. Though we lost that war, the defense they put up and the sacrifices they made should live gloriously forever in our hearts and in the history of this country. The least we can do is to try to keep those traditions alive for posterity.

Today the time has again come when not only the people of the South, but all of the law-abiding, God-fearing people of the entire country, are going to have to come to the defense of constitutional government or lose forever the liberty and freedom that our forefathers gave their lives to preserve for us.

Today there is a pestilential evil settling like a blight on our land. It is a spirit of lawlessness—either open defiance of the law or a lack of reverence for its majesty, and which strangely enough has been fostered and encouraged by most of our national leaders from Franklin Delano Roosevelt to, and including, Lyndon Baines Johnson. They have been ably aided and abetted in this endeavor by decisions of the Supreme Court of the United States and the United States Fifth Circuit Court of Appeals, who have chosen to ignore congressional mandates and issue orders having the effect of law under the guise of reinterpretation of the Constitution. I make these serious charges based on the following facts.

First, when the Constitution of the United States was submitted to the States for ratification in 1787, the people of the States refused to accept it as written and would not ratify it until the first ten amendments were adopted. The reason for their reluctance to adopt any binding agreement without adequate safeguards was due to the fact that the people of this country had just won a bloody and costly war to win their freedom and liberty from an oppressive government. They were, therefore, in no hurry to relinquish the newly won freedom and liberty to another all powerful sovereign without proper reservation of certain powers to remain free from oppression. They, therefore, insisted on the first ten amendments, known to us as the "Bills of Rights." These amendments were specifically spelled-out restrictions and limitations on Federal power. The most important of all of these amendments, and the one that clearly indicated the intent of all the other nine was the Tenth Amendment, which amendment the Warren Court, in its mad dash to the left, conveniently overlooked in all of its cases. This amendment provides and I quote:

"All powers not delegated to the Federal Government by this Constitution are hereby specifically reserved unto the States or to the people themselves."

Could there have been any clearer language than this? I don't think so.

Now when we realize that this amendment and the other nine were insisted upon by the people before they became parties to the contract we know as the Constitution of the United States as restrictions on Federal power and not on State power, any sixth grade history student knows that to apply these amendments to State action and against the States would be to violate the intent of the people and the very wording of the United States Constitution itself as finally adopted in 1789. The foregoing notwithstanding, starting with Earl Warren's ascension to the Supreme Court of the United States, this is just what that Court has done. They have usurped the power of the people to amend the Constitution as provided in the Constitution itself and have amended it by judicial fiat, in complete disregard of the specific wording of article 5 of the Constitution, which provides for the ways the Constitution can be amended.

Now with respect to the fifth circuit's blatant disregard of congressional mandate, I refer you to the Civil Rights Act of 1964 and the late cases involving the school boards of the State of Louisiana. As you all know, since 1954 in the *Brown* decision, segregation in the public schools of this country was abolished. The various school boards

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reluctantly began to change policies of assignment of pupils to certain schools in an effort to comply with the Supreme Court edict and finally hit on the freedom of choice plan, which permitted any student to attend any school he chose to. This system was approved by the fifth circuit until May of 1968. I would like to make it crystal clear that not even the Supreme Court has said there must be forced integration in the schools, but only that State-imposed segregation is not acceptable. Neither has Congress ever passed an act or even indicated that the races had to be integrated in the schools. In fact, they have held to the contrary. In the Civil Rights Act of 1964, section 401, paragraph (b) we find the following:

"(b) 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Section 407 reads as follows:

"(a) * * * *Provided,* That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

In spite of the clear language of this congressional mandate and lack of any Supreme Court ruling ordering forced integration, and in spite of the fact that the school boards under attack were operating under the freedom of choice plan previously approved, the Fifth Circuit Court, acting as a super school board and without authority of law, ordered the school boards of the State of Louisiana to force integration on faculty and student body in order to satisfy the bureaucrats of the Health, Education, and Welfare Department, in the following language:

"If under an existent plan there are no whites, or only a small percentage of whites, attending formerly all-Negro schools, or only a small percentage of negroes enrolled in formerly all-white schools, then the plan, as a matter of law, is not working."

Judge E. Gordon West, one of the outstanding Federal judges in the United States, asked the cogent question: "As a matter of what law?" Judge West, being a district judge, is compelled to follow the fifth circuit's ruling, but in a scathing denunciation of the holding of the Fifth Circuit Court went on to say:

"It is not a question of what I think the law ought to be, or what the court of appeals thinks it ought to be. It is rather what the Congress has declared it to be.

"It seems to me that it is time for the courts to recognize the separation of powers so carefully spelled out in the United States Constitution, and to relinquish, once and for all, the lawmaking powers to the Congress where, under the Constitution, they rightfully belong."

If the two highest Federal courts in the land choose to so flagrantly and wilfully break the law, how can you expect the average citizen, let alone the criminal element, to attempt to obey it.

Nikita Khrushchev, while head of the U.S.S.R., among other things, said:

"We will bury you so gently, you won't even know you're dead."

And Gus Hall, head of the Communist Party, U.S.A., said:

"We will take this country without even firing a shot. It will fall like a rotten apple into our hands."

These statements must be a crystal clear warning to the people of this country who still believe in freedom, the Constitution and honest law enforcement. They show the purpose and motivation of America's most deadly enemy—international communism. In 1928 before Khrushchev ever came into power, and only some ten years after the Communist Party had taken over after a bloody revolution in Russia, the Daily Worker, the organ of the Communist Party in the United States, printed a nine-point platform designed to carry out the objectives of the Communist manifesto. The objective, of course, is a takeover of the United States of America, preferably by stealth, but by force if necessary. The more salient parts of the program were: Total integration of the races, open housing, F.E.P.C., abolition of all State laws dealing with interracial marriage, the establishment of a black nation within the continental limits of the United States and a complete breakdown in law and order.

Those of us in law enforcement who have followed the events that have transpired since Franklin Delano Roosevelt became president, shortly after the program was announced by the Communist Party, are fully aware that today every plank in that platform advocated by the Communists in 1928, just 41 years ago, with the exception of the establishment of a black nation in the continental limits of the United States, has now been enacted into a Federal law or been given approval by decisions of the United States Supreme Court or the Firth Circuit Court of Appeals. Congress, by the enactment of the open housing amendment to the Civil Rights Bill of 1968, took another long step forward down the road to Government ownership and the destruction of private property rights. The Supreme Court has now ordered that demonstrators may even go on private property for nefarious purposes and has just lately given carte blanche to purveyors of pornography and obscenity in our communities.

While I do not accuse the Congress of this country of wilfully giving aid to our mortal enemy—international communism—they have given them aid because of misinformation, emotional press coverage and inept, incompetent and cowardly leadership in Washington.

It is said there are none so blind as those who will not see, and our national leaders must have suffered from acute myopia. Everywhere the signs of violent revolution have been rampant for years.

With regard to the establishment of a black nation in the continental limits of the United States, the well-known columnist, Paul Scott, in February of 1968, in a bylined article, told the people of this country of the battle plans being circulated by the black militants. He said that the documents now being openly circulated called for the creation of conditions of revolution and guerrilla warfare in the major cities of this country by the disruption of all types of public service. One of the plans being advanced by this element states that the so-called moderate and front groups will be used to protect black militants and to create chaos.

When they refer to the so-called moderate and front groups, they have reference to the misled do-gooders, eggheads and church groups that are sponsoring total forced integration and interracial marriage as a means of destroying this country. It further states that these groups will be used to demand that the huge sums of money necessary for reconstruction of the cities burned down by rioters be made available to neighborhood institutions, as they emerge, and that under no conditions should local police, state militia or federal forces be permitted to protect the average citizens of this country. That these front groups should respond to any looting, not by assisting and encouraging the police, but by calling for a "free merchandise day," throwing open the stores to the looters, then having the government reimburse the merchants for their losses. Their plans call for the establishment of a welfare corps within the guerrilla organizations, whose job would be to disrupt government functions, train agitators and provide care for their injured in riots and demonstrations, to raise money to provide legal assistance before the "legal system is completely paralyzed". It calls for the establishment of so-called fire teams whose mission would be sabotage within local communities. There would be hundreds of these groups organized throughout America, consisting of three to four persons, known only to the immediate members of their teams, and they would not be identified with any civil rights movement and would be instructed to appear apathetic and even as Uncle Toms.

Clear-cut examples of what the black militants have calling for has been clearly demonstrated in Washington last year. It has been demonstrated in Chicago, Baltimore, Los Angeles, where we all remember the Watts riots, in Detroit where 45 persons were killed, and on a lesser scale in my own city of Baton Rouge just last week when firebombs thrown by young Negro hoodlums did over $70,000.00 worth of damage to private property and caused the death of one storekeeper.

Last week the situation became so tense that the court house had to close early one afternoon to let the lady employees be escorted home. Several people were pulled from cars and beaten on the main street of Baton Rouge, and now many, many, many normal average citizens are carrying guns in their cars to protect themselves from such violence.

I suppose that as intelligent people, you are wondering how such a situation could ever come into being in this country. The answer, in my opinion, is quite simple—the liberal elements in the Federal Government, represented by our highest officials, backed up by irresponsible and emotional reporting by the news media, for the past 15 years have not only condoned but encouraged lawlessness under the guise of civil rights. Now, the active black militants feel certain they will be protected even when committing anarchy, and if you don't believe this statement, those of you who saw the looting and rioting in Washington and the construction at taxpayers expense of the so-called Resurrection City should be convinced of the truthfulness of it. You saw before your very eyes stores being looted by rioters walking out with fur coats, cases of whiskey, radios, lamps under their arms, right in front of the police who had been instructed not only not to arrest the rioters, but to protect them from the enraged citizenry of the city of Washington. I am sure that all of you have on many occasions read statements made by the highest officials of this country which have given outright support to those who have violated the criminal laws of the federal government and of the various states.

Lyndon Johnson, while addressing a joint session of Congress, attended by the Supreme Court of the United States on March 16, 1965, in demanding the passage of the voting rights bill, which, incidentally, only affected the States of the old South, embraced the much-used theme song of the racial demonstrators, "We Shall Overcome."

This statement made by the then President was applauded by the then Chief Justice, Earl Warren, with other members of the Court sitting in the audience, all of whom were clothed in their judicial robes, I suppose to give them dignity. What chance did the people of this country have of successfully attacking the constitutionality of this vicious act after this circus performance.

Again Lyndon Johnson on August 3 of 1967 told his listeners on the south lawn of the White House, and I quote:

"Go out into the hinterland. Rouse the masses. Blow the bugles. Tell them their hour has arrived and that their day is here." Well they did, and it has, but how long it will last depends entirely on the patience of the law-abiding citizens, both black and white. When that patience is exhausted, all hell's going to break loose.

Johnson's Secretary of State, Dean Rusk, in a 1965 speech said:

"If I were a Negro, I, too, would be demonstrating."

I don't suppose we ought to be too hard on Rusk, however, because even if he isn't a Negro, his grandchildren may very well be.

On June 18, 1966, on arriving in New Orleans, the then Vice President and later Democratic nominee for President, Hubert Horatio Humphrey, said that if he were a Negro, and I quote:

"You would have more trouble than you have had already, because I have enough spark left in me to lead a mighty good revolution under these conditions."

Mr. Babson, in his Washington newsletter entitled "America Blackmailed" says:

"The Watts riots in California served as lesson No. 1 in large-scale blackmail. This outbreak of mass crime was not punished. It was rewarded with countless millions of Federal dollars poured into the area in the hope that the rioters would cool it.

"After that demonstration of largess, can you blame the Negroes of Detroit, Newark, Milwaukee, Chicago, Washington, Baltimore, Maryland, Baton Rouge and scores of other American cities for wanting to get in on the Action?"

Mr. Babson states further:

"Whom are we to indict for sparking this chaos in America? Are the prime defendants, the Stokely Carmichaels, the H. Hap Browns, the hippies, the draft-card burners . . . certainly, most of these could be brought before the bar of justice to answer charges of law violations, and they should be.

"However, there is a stronger, truer bill of indictment which may be drawn against those who have invited the bloody blackmail of America by permitting and even encouraging mounting civil disobedience. We speak of such men as the late Adlai Stevenson . . . Nicholas Katzenbach, Earl Warren, Senators Ribicoff, Javits, Clark and Case, and yes, Hubert Humphrey and Lyndon Johnson. These men of power, prestige, and great influence in the political structure of America have permitted the concept of freedom of speech to be expanded to include subversion, intimidation, and incitement to riot; they have condoned the distortion of academic freedom to encompass the adulteration of young minds with communist doctrine and the disintegration of a well-disciplined educational system; They have allowed freedom of assembly to mushroom into disruption of peaceful activity, mob rule, riot and insurrection.

"Unless those in authority in the United States can be influenced to abandon the suicidal course on which they have embarked—or unless they can be replaced by men who will—we cannot hope to restore in our nation the kind of domestic peace and order which has made our many generations proud to be Americans living in a land of freedom, security, opportunity, and justice under the law.

"The crisis we now face is the most serious, the most dangerous, in the history of our country. Each of us must diligently employ our influence and our effort—in speech, letters and at the ballot box—to help set straight the way."

As if all of this were not enough, whenever there have been riots or racial violence in the urban centers, our highest government officials have publicly blamed society in excusing these criminal law violators. Thus, you can very easily see that anarchy in the name of civil rights has been sheltered and further stimulated. Not only has the approbation of these officials of these criminal law violators, which was widely circulated by the irresponsible and emotional reporting of the news media, given impetus to the movement, but it silenced the responsible voices of the law respecting Negro leadership in this country. Further, it gave status and respectability to anarchy; it contributed to the wildfire spread of the practices that have produced violent riots and bloodshed in over 120 of our major cities in the past 2½ years, and last year resulted in the assassination of the former attorney general of the United States and presidential hopeful, Robert F. Kennedy.

Even before the burning of Washington, anarchy had become so prevalent and widespread that on February 12, 1968, Lyndon Johnson told a group of college students, and I quote:

"We will have a bad summer. We can't avert it. We will have several bad summers before the deficiencies of centuries are erased. We can't do it in a day or a week or a month or between now and summer."

You will note that even in this statement the former President blames society and not the red radical demonstrators for the conditions of anarchy that prevail. Further, the commission hand-picked by Lyndon Johnson to investigate the cause of the riots came up with a report indicating that the only way that the riots can be overcome is by buying these people off. I don't suppose that Johnson ever heard, or if he heard, he certainly didn't heed the statement, "millions for defense, but not one cent for tribute." Johnson's hand-picked commission, following his lead of paying tribute, advised the expenditure of billions of dollars of your tax money to placate the agitators.

Going back to the Federal judiciary's part in the chaos we have today, Mr. Babson was quoted in the Congressional Record of April 9, 1968, as saying:

"The Supreme Court has seriously impaired the efficiency of law enforcement agencies by restrictions on investigative procedures and techniques and has so hog-tied the police in searches and interrogations that thousands of hardened criminals are yearly set free to prey again on the public.

"The problem was well summed up by Mr. J. Edgar Hoover, who wrote in the April 1967 issue of the FBI Law Enforcement Bulletin: 'Morality, integrity, law and order, and other cherished principles of our great heritage are battling for survival in many communities today. They are under constant attack from degrading and corrupting influences, which, if not halted, will sweep away every vestige of decency and order remaining in our society.' "

Just last week a three-judge panel here in New Orleans, headed by Fifth Circuit Judge John Minor Wisdom, rendered an opinion, which, if allowed to stand, will make it impossible for the prosecutors of the State of Louisiana to successfully prosecute the purveyors of pornography that are flourishing in every community today. This decision was rendered notwithstanding the fact that in the same decision itself the court found the article on obscenity as written by the legislature of Louisiana to meet all constitutional requirements. I might add, however, that the opinion of the three judges was not unanimous—Judge Rubin dissented.

There is, however, gentlemen, one ray of hope in all of this chaotic mess. Men of intelligence in Congress, in opposing some of the sickening legislation that has been introduced under blackmailing conditions in the recent past, have warned the representatives of the cities in the North that they would suffer the brunt of the riots, bloodshed and anarchy, and this has proven particularly true in the past few months. Further, the House has recently enacted legislation completely overturning some of the more idiotic decisions of the Supreme Court dealing with law enforcement and curtailed others. And last, but not least, we have a new President, who was elected because he said he stood for law and order. I think and I certainly hope that he means it. He has already replaced Earl Warren with a judge who comes to the bench with a true judicial background and unimpeachable character and a reputation for integrity. He will have the obligation and responsibility of naming at least three more justices to the United States Supreme Court while he serves this country as President. These appointments, if given to men of integrity, character and judicial experience, can make the change that will put this country back on the course every law-abiding citizen wants it to be on.

No sane person, whether he be in law enforcement or a private citizen, wants violence and bloodshed in the streets. Nor do they condone murder or assassination. But as an experienced prosecutor, I tell you that the only way to prevent riot and bloodshed in a situation like that prevailing in the country now is to nip it in the bud before it can become a riot and turn into civil war in the streets. This certainly cannot be done by placating trained agitators paid by the Communist Party.

Certainly, these riots will not be stopped as long as the people in authority permit and even encourage them. The Hon. J. Edgar Hoover, Chief of the FBI, who, in my opinion and in the opinion of most of the prosecutors I know, is the outstanding law enforcement officer of all time, put his finger on the answer when he said, and I quote:

"The answer to our Nation's crime problem will be found in direct, positive action—not by waiting and hoping the problem will go away. A good beginning would be to let the guilty criminal know that when he is arrested, he will be promptly prosecuted and substantially punished for his misdeeds. A good time to begin would be now."

Unless the Federal Government, be it courts or Congress, stops interfering with law enforcement on the local level, police morale already low will vanish, and when that happens, I am as certain as I am the sun will rise tomorrow that the people of this country will rise up to protect themselves. They are sick and tired of seeing looters and rioters getting away with murder, arson and property damage, and if the Government will not protect them, they will be forced to take the law into their own hands to protect themselves. When this happens, we'll have a full scale shooting race war in this country. I certainly pray that this will never happen, but the situation is getting awfully tense. I think it would indeed be well for men holding the important positions of Attorney General of the United States and all Federal and State judges to memorize an article that appeared in the Congressional Record entitled "The Soliloquy of a Great Institution." It goes like this:

"I was ordained in the beginning as God's protection for His children.

"It was the disregard of me that was man's original sin, and brought his first downfall. I was God's greatest gift to Moses for without me inscribed on the tablets of stone, he could not have led his people.

"When the cries of the crowd cast me aside, a Man was crucified; but under My divine decree He lived, and a world was saved. It was I that Jesus came not to destroy but to fulfill.

"In the debacle that was the fall of Rome, I was the sole survivor, and was that nation's one lasting contribution to succeeding civilizations.

"I tamed a despot at Runnymede, and was the armor and arsenal of the barons in winning the Great Charter.

XUM

"I accompanied the conquering Napoleon through the Alps of Italy, across the rivers of Austria, and the frozen tundras of the North, and when his empire crumbled, I alone, as the Code of Napoleon, was his only prideful prize of war.

"In Philadelphia, in 1787, I scaled the final heights and became the Defender of Freedom from tyranny for every human being subject to My precepts; and made living reality of the rights of man. I have made of every man's house his castle. I have lent purpose to his life and hope to his future.

"Where I am not, the land is as the original chaos; and blood is the price of all things. Where I am, there is peace and happiness, and little children grow toward the image of their Creator.

"I am the law."

INTERNATIONAL LIQUIDITY AND FOREIGN AID

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. **REUSS**. Mr. Speaker, I call attention to an article in the October issue of Foreign Affairs favoring an international monetary reform that is also backed by the Subcommittee on International Exchange and Payments of the Joint Economic Committee. The subcommittee issued a report in August entitled "A Proposal To Link Reserve Creation and Development Assistance." Both the subcommittee report and the Foreign Affairs article, by Edward R. Fried, of the Brookings Institution, suggest that creation of special drawing rights—SDR's—can be used to expand IDA lending to developing countries. The use of SDR's to increase development assistance would not impair the primary function of special drawing rights, which is to insure a supply of liquidity sufficient to permit the uninhibited growth of international commerce at full employment.

Although there are some differences between the subcommittee and the Fried proposals in the mechanics of utilizing special drawing rights as an aid-financing device, these disparities are more a matter of technique than philosophy.

First, the subcommittee suggested that 25 percent of industrial nations' SDR allocations be used to expand development aid, while Fried recommends that 70 percent of the wealthy acquisitions be used for the same purpose. If general agreement could be obtained on the higher figure, I would say that more of a good thing is just what we need.

Second, the subcommittee recommended that the agreed proportion of SDR's be withheld by the Fund before distribution to industrial members. These special drawings rights would then be exchanged by the IMF for hard currencies when IDA needed additional funds to lend. By contrast, Fried would—after prior approval by the Congress—have the Exchange Stabilization Fund monetize 70 percent of U.S. SDR allocations through the sale of certificates to the Federal Reserve. The dollars obtained in exchange for these certificates would then be used to purchase World Bank or IDA obligations. According to current plans for distributing SDR's, the United States would, under Fried's proposal, monetize about $500 million worth of SDR's annually. Since the U.S. money supply grows approximately $6 billion each year at a 3-percent rate of increase, the operation of his proposal need not upset domestic monetary policy. Fiscal policy, however, might have to be somewhat tighter than in the absence of such an aid-financing scheme. But if, under any mechanism, wealthy nations are to increase the flow of real resources to the poor, the monetary and fiscal policies followed by industrial countries must be designed to insure that the real resources to be transferred are indeed available.

Now that activation of the SDR facility is certain, we should begin to consider how to derive the full potential benefits from internationally agreed reserve creation. Mr. Fried's article, which follows, is a most useful contribution to this discussion:

INTERNATIONAL LIQUIDITY AND FOREIGN AID

(By Edward R. Fried)

Before the end of this year, the Special Drawing Rights machinery of the International Monetary Fund should come into operation, ushering in a new era of multilaterally created international reserves. This is no small matter. The international community has not heretofore created anything so deadly serious as money.

Nor will creation begin on a niggling scale. The principal financial countries agreed in July to support activation of $9.5 billion in this new international money over the next three years, and the other members of the Fund will surely go along with this decision. This quite respectable sum adds new interest to an old issue: Is it practical to link a man-made stream of liquidity to foreign aid? At a time of faltering foreign aid, the issue takes on added importance.

It is an intriguing question. Nevertheless, it should not obscure the fact that the primary interest of all countries—rich and poor alike—lies in the success of Special Drawing Rights as a basic reform of the international monetary system, and specifically, as a means of avoiding growing restrictions on trade, aid and investment. From this standpoint, the new reserves will come none too soon. Gold and dollars have dried up as sources of new international liquidity.

Gold fell victim to the persistently held speculative dogma that the monetary price would have to rise. This credo was so stubbornly believed that in recent years new gold production went largely into private hands—as a bet on a rise in price—rather than to monetary reserves. During the four months of speculative madness that followed devaluation of sterling in November 1967, the international monetary system actually lost over $3 billion in gold reserves to the private market. When the active gold-pool countries decided in March 1968 to insulate monetary gold from these private pressures, the drain stopped. Under the two-tier arrangement they set up, the world's stock of monetary gold is kept virtually stable, remaining by far the largest single element in total reserves, but new gold production is for all practical purposes demonetized. It moves haltingly, but inexorably, into the market to satisfy the variety of demands for gold as a commodity, at whatever price these demands will support. It is no longer, however, a serious potential source of new international liquidity.

Dollars as an international reserve followed a somewhat similar course, but more by circumstance than by explicit arrangement. Some years ago, a number of the principal European central bankers began to lose enthusiasm about adding to their official dollar holdings, preferring gold instead. While by no means universal among industrial countries, this attitude existed on a sufficiently wide scale to force the United States to finance a large share of its balance-of-payments deficits in gold. Official holdings of dollars, which had risen steadily through the postwar period, reached what appeared to be a ceiling about five years ago—even while private uses of the dollar continued to grow in international trade and payments. When the United States achieved a substantial balance-of-payments surplus on an official-settlements basis in 1968–69, these official dollar holdings abroad were sharply drawn down. Thus, the course of events for both gold and dollars as international money put pressure on the reserves of the principal industrial countries, with potentially serious consequences for world trade and income.

This is the kind of contingency the financial experts had in mind when they laboriously worked out the plan for creating a new international money. Special Drawing Rights, or SDRs, will do what gold and dollars are no longer doing—make it possible for world reserves to grow as production and trade grow, and thereby remove a source of pressure on the principal industrial countries to adopt unnecessarily restrictive policies. Moreover SDRs will do the job better. Gold and dollars, in recent years, were added to reserves as the haphazard consequence of uncertain factors; SDRs, by contrast, will be issued on a regular and carefully calculated basis. And, unlike gold, SDRs will be created without cost in real resources.

By any standard, therefore, issuance of SDRs will mark the auspicious launching of a most important international undertaking. Nevertheless, a gnawing question exists. If the international community can create money by fiat, why should the lion's share be distributed to rich countries? Or, putting aside this issue of alleged inequity, is it possible to use the new machinery to carry forward two internationally agreed and critically important objectives at the same time? Can SDRs, either directly or indirectly, be a significant source of development finance without impairing their primary function of ensuring adequate international liquidity?

For more than a decade a number of economists who foresaw the need for new sources of international liquidity—most notably Sir Maxwell Stamp and Robert Triffin—advanced proposals to link the creation of new reserve assets with the means to finance economic development. Indeed, the government financial experts who did the spadework which resulted in SDRs looked into the possibilities of establishing such a link. The Congressional Subcommittee on International Exchange and Payments consistently advocated careful exploration of these possibilities. In the end, the financial authorities of the industrial countries rejected this approach, deciding that the new instrument could not serve two masters. But neither in their deliberations nor in the specific provisions of the new facility did they rule out the possibility that, once SDR's were created for liqudity needs, and with the amounts determined solely on this criterion, they might subsequently serve as a means of mobilizing funds for economic development.

It is well worth looking into this possibility. Long-term untied, low-interest capital is a key determinant of development prospects. It is the most urgently needed, the most difficult, politically, for donor governments to provide, and an endless source of burden-sharing controversy in international negotiations. The experience of the World Bank's International Development Association succinctly demonstrates the case. IDA can effectively lend far more capital than the donor countries have been willing to subscribe. Could SDRs change this on a scale that would put new life into the world's development business?

II

A qualified yes is a reasonable answer to that question—even as the SDR system is now structured. But that answer presupposes growing domestic understanding of a slippery set of issues and the success of a complicated international negotiation.

Distribution of SDRs is now made in proportion to a country's quota in the International Monetary Fund. This provision gives the industrial countries almost three-fourths of all SDRs created and will give them, as a group, average receipts of $2.3 billion a year over the next three years. These SDRs will appear in official accounts as incoming assets for which no payment will have been made. The offsetting bookkeeping liability must be invented; in the United States it will take the form of a contingent liability in case the United States withdraws from the scheme or if the entire facility is liquidated.

For present purposes, however, another adjustment must be made. The rules provide in effect that 70 percent of any country's total SDR receipts represents a non-repayable claim on the resources of other countries. Allowing for this, the industrial countries over the next three years will be receiving an average of $1.5 billion a year in unconditional reserves—fully equivalent to the receipt of gold or any acceptable currency.

Instead of receiving these non-repayable reserves free, as is now the case, these countries could agree to invest an equal amount of their currencies in subscriptions or loans to IDA along the lines of a number of recent proposals, most notably a suggestion made by Italian Minister of Finance Colombo at the 1968 annual meeting of the Bank and Fund. Doing this would not affect the reserve position of these countries as a group, since the funds they loaned or subscribed to IDA would come back in payment for goods and services purchased from them by the developing countries. These purchases could not be expected to follow the same pattern as the IDA subscriptions of individual countries; consequently, some industrial countries would gain and some lose reserves as a result of this first round of transactions. Or, put differently, the effect of this procedure on the reserve positions of individual countries would be a different distribution of SDRs from that called for by their IMF quotas.

The impact on economic development could be substantial. It would make possible an almost four-fold increase in IDA's resources, which would then constitute roughly one-fourth of current official development finance. On a scale of $1.5 billion a year, IDA long-term, low-interest loans could be a strong foundation and stimulus for bilateral and other multilateral aid programs. The debt-servicing problem which now hangs over development finance would become much more manageable.

III

Perhaps the clearest argument for linking receipts of SDRs to the provision of foreign aid rests on this chain of reasoning:

As an international reserve, SDRs, or "paper gold," are the equal of commodity gold.

In the past, countries added commodity gold to world monetary reserves by paying goods and services to gold producers.

SDRs are a substitute for gold. Being cost-free they will make possible a substantial saving in real resources for the international community.

Rich countries could reasonably be asked to forgo their share of this saving and let it accrue to the benefit of poor countries. They could do this by earning paper gold in the same way they formerly earned commodity gold that was added to world reserves.

Thus, where the production of commodity gold gives rise to income for capital and labor in gold mines, the production or activation of paper gold would give rise to resources that would be channeled through IDA to support an internationally agreed objective—economic development.

Moving in this direction would have political attractions, both domestic and international. For one thing, it would be easier to obtain approval in the U.S. Congress and in parliaments abroad to finance IDA in this form, since there would not need to be a budgetary appropriation. If this seems like a painless form of foreign aid, the reason lies neither in subterfuge nor legerdemain, but in the mechanics of the system: governments will be receiving monetary assets without having to pay for them. They can sterilize their SDR allocations. Or they can pledge them to the Federal Reserve Bank for cash—as is usually done to finance incoming gold reserves—and thus obtain the funds to support IDA without a budgetary appropriation. Too much should not be made of this curiosity. A transfer of resources to the developing countries would indeed take place, and this, in a very real sense, would constitute a tax on the industrial countries. Nevertheless, it would be no different than the burden a society imposes on itself when it chooses to add to its gold reserves—a burden which also is not financed through the budgetary process. And in the final analysis, the burden of such a tax would depend on whether the industrial countries at the time would otherwise have used the resources and the industrial capacity going into these exports.

Internationally, an arrangement of this kind could ease some of the political frictions that lie beneath the surface of the new reserve facility—specifically those relating to the system of distributing SDRs among the participating countries. Differences over this issue should not be exaggerated and the debate, sensibly enough, has been carried on in low key. Once the system goes into operation and SDRs are established as a first-rank international reserve, however, the tone may become more strident.

One source of friction is the controversy over SDR distribution between industrial and developing countries. The poor countries argue that the principal financial powers, who after all were primarily responsible for drawing up the plan and who have the voting muscle in the Fund, stacked the deck in their favor. The industrial countries reply that this charge stems from a misunderstanding about the purpose of the system. SDRs are designed to finance flows that will reverse themselves over time, not a continuing one-way transfer of resources; basing distribution on IMF quotas, while not perfect, is at least a reasonable, and certainly the best available, approximation of each country's need for international liquidity. This is an essentially fruitless controversy, but linking SDRs to development finance would very effectively end it. The industrial countries would continue to receive the bulk of the liquidity and the developing countries would receive resources for development.

Second, the distribution system also gives rise to some jockeying for position among the industrial countries. Surplus countries now show a new-found interest in increasing their individual quotas in the Fund, which, of course, would entitle them to a larger share in future SDR allocations. This is all to the good as far as liquidity is concerned, but the bickering, if carried too far, could be destructive. This problem would also tend to diminish if industrial countries took on the obligation to provide capital to IDA as a counterpart to their SDR allocations.

Arguments aaginst link proposals, developed over a decade or so of discussion, traditionally followed three lines: these proposals would make it more difficult to negotiate a satisfactory system of creating reserves; they would interfere with the operation of such a system and eventually cause it to collapse; and they are wrongly conceived, since they seek to relate operationally two logically separate issues, each of which on political grounds should be faced and decided on its own merits.

All this was serious reason for caution. If consideration of the two issues together did indeed stand in the way of timely and effective monetary reform, everyone would lose. The developing countries, themselves, have far more to gain from reserve creation—and certainly from the SDR system that was ultimately negotiated—than from any additional development assistance they might receive from a link arrangement. On the other hand, now that the SDR system is in place and the decision has been made to put it into operation, the discussion takes on a different character. Past doubts can now be weighed in light of a specific reserve mechanism and a specific schedule for creating reserves.

One set of fears—that a foreign-aid link would endanger the possibility of negotiating any system at all—obviously is no longer relevant. The record suggests it had a good deal of validity which is useful background to keep in mind. Until the very last negotiating meeting, the draft agreement included a provision that would have permitted the World Bank or any other development institution to hold SDRs if an 85 percent majority approved. The Bank would not have shared in allocations, but countries, on their own volition, would have been able to transfer SDRs directly to the Bank, which might have encouraged them to vote a special allocation for this purpose. The surplus countries insisted on eliminating this provision at the Ministerial meeting of the Group of Ten in Stockholm precisely because they feared it might lead to an operational connection between SDRs and foreign aid which could get out of hand.

A second area of concern—that foreign-aid considerations would cause a chronic overissue of international reserves—turns out to be procedurally manageable under the SDR system. In theory, the danger seems real enough; foreign-aid requirements are certainly higher than those for liquidity. If the world's financial authorities—either under mandate from the system or under pressure from the developing countries—seriously considered both factors in determining how many SDRs to activate, there would be a strongly upward bias. Decisions made under these conditions could lead to a loss of confidence in the reserve mechanism and, if carried far enough, to some inflationary pressures on the world economy. Such theoretical concerns are now past history. The decision on quantity has been made for the next three years; it has been made solely on the basis of liquidity needs; and it is modest. Any tie-in to development finance at this point would be incidental to the operation of the SDR mechanism and could not be a force driving it in undesirable directions. Furthermore, the voting system eventually worked out for activating SDRs, which requires near unanimity among the major industrial nations, is ample insurance that liquidity needs alone will determine decisions.

Even if there is no danger of overissue, generating funds for loans or subscriptions to IDA through SDRs would, as noted earlier, amount to a de facto change in the distribution of new reserves among the industrial countries. Might this hamper the operation of the system? There is of course nothing technically sacred about the present method of distribution beyond the fact that it formed the basis of agreement. Neither the United States nor any other industrial nation intends to use SDRs as a means of financing a permanent deficit. What these nations seek from the new facility is relief from restrictive policy pressures inherent in a monetary system that lacks sufficient reserves. A modification in the present distribution system to reflect IDA subscriptions would achieve this end about as well as any other.

Nevertheless, possible effects on the distribution of SDRs resulting from an IDA link could have some disadvantages; but they do not appear to be significant and would be mitigated over time. To take the worst case: The most recent pattern of procurement with IDA loans suggests that, after the first round of transactions, the United States would lose at most about one-third of the initial benefit received from its share in the SDR distribution. Japan, Canada, Germany and, interestingly enough, the United Kingdom would be major gainers. The fact that so much of IDA's current lending is concentrated in India, whose procurement in the United States is low, is a major reason for this distribution. With a large increase in its capital, IDA would lend more in other areas—notably Latin America, where procurement in the United States is traditionally high. Over the longer term, using the SDR system in a way which made it possible to supply more untied funds for development, allowing the recipient nations to buy in the open market, would be to everyone's advantage.

The third area of concern is political: a link arrangement might be criticized and opposed as a "back door" way of getting additional funds for foreign aid. Here again, the argument seems manageable when applied to the specific proposal discussed here. Congress approved U.S. participation in the creation of SDRs; it would also have to approve use of SDR counterpart funds for loans or subscriptions to IDA, even though no budgetary appropriation was needed. Comparable action would be required in other industrial countries. Any appearance of subterfuge, therefore, would be out of the question.

A more important obstacle than any of these specific concerns is the fact that there is no compulsion to move. An aid link is not necessary to create SDRs; there is no pool of resources behind SDRs which must be divided; and, as matters stand, the industrial countries will receive the SDRs without charge. Why change this happy situation?

The best way to answer this question is to remind ourselves of the relationship of SDRs to gold. By substituting for gold, SDRs will make possible a continuing saving in resources—a saving which is, in a real sense, the technological product of international action. What is the justification for three-fourths of this saving going to the industrial countries and only one-fourth to the developing countries? Lending SDR counterpart funds to IDA could reverse this proportion, while keeping intact the ability of SDRs to meet world monetary needs. It would automatically fulfill one of the promises inherent in any effective system for creating new reserves: more development finance on untied terms.

The best reason to fulfill this promise is to be found in the sorry state of development finance. A deep malaise surrounds foreign aid; budgets in donor countries get tighter while in the developing countries needs and capabilities for absorbing aid rise. New capital for IDA, on a potential scale of $1.5 billion a year, made possible by the new era of international money, would not be a cure-all but it surely would be an exhilarating tonic. It is an opportunity rather than a requirement, but the economics and the politics, on all sides, look very good.

IV

If the basic proposal is sound, what procedures, domestic and international, should be used to carry it out?

In the United States, SDRs will be deposited in the Exchange Stabilization Fund. The legislation providing for U.S. participation in the SDR facility authorizes the Secretary of the Treasury to issue special certificates covered by SDRs which he can sell to the Federal Reserve Banks for cash. This is the same procedure used to finance an inflow of gold to monetary reserves. In the case of SDRs, however, the Secretary may issue certificates only "for financing the acquisition of Special Drawing Rights or for financing exchange stabilization operations." This provision permits him to get funds to pay for SDRs received from other countries, but not to get cash from the Federal Reserve for IDA as a counterpart to SDRs obtained from IMF allocations, which are acquired without payment.

If given this as a problem, Treasury's corps of imaginative lawyers might argue that authorization to monetize free SDRs in fact exists since the use of such funds for loans to IDA would have benefits for world exchange and therefore comes under the heading of "financing exchange stabilization operations." In the absence of a legislative record to support such an interpretation, however, no Secretary of the Treasury would take this tack.

More appropriately, the Administration could request of the Congress an amendment to the SDR legislation, specifically authorizing the Secretary of the Treasury to issue certificates for a fixed proportion of the SDRs allocated to the United States by the IMF, and to use the funds for loans or subscriptions to IDA. On the reasoning outlined earlier, this proportion could feasibly be set at 70 percent to cover the non-repayable share of this inflow of international reserves.

Congress would have to decide whether to make use of the funds conditional on all, or almost all, other industrial countries contributing equal proportions of SDR counterpart funds to this purpose—or to permit them to be used to finance the U.S. share of the next IDA replenishment, whether or not other countries follow suit. The former approach—a kind of all-or-nothing proposition—would put more pressure on all industrial countries to move. The second approach would make it possible, in the event no international agreement could be negotiated for the Administration to take a strong lead in pushing for a large increase in IDA's capital in the next replenishment.

There would be no need for Congress to give the Administration a blank check on the future, which would circumvent normal restraints of the budgetary appropriation process. Each amendment to the legislation could apply to a specific IMF allocation decision—in the first instance to the decision activating an average of roughly $3.2 billion a year in SDRs over the next three years. Congressional authorization could be given for the U.S. share, which amounts to $750 million a year in total SDRs, of which approximately $500 million would be nonrepayable. In this case, the Congress would automatically have review authority as will the IMF, in light of each past period of SDR operating experience.

How other industrial countries would handle this situation legislatively is not yet clear. Their statutes are likely to be similar to those in the United States, but in parliamentary governments the process might well be easier.

Internationally, a negotiation looks promising. Shares in SDR allocations are not drastically different from those in the most recent IDA replenishment negotiations; in some cases, where there are differences, trade will provide offsetting compensations. For example, the major difference is in the U.S. share: under an SDR counterpart proposal, the United States would supply about one-third of IDA capital, instead of the 40 percent it now supplies, but it would benefit less in trade than other countries. The U.K. share would go up from 13 percent to 16 percent, but it would gain in trade; while the EEC share would remain pretty much the same. These differences would, themselves, change over time. The main point, as far as balance-of-payments considerations are concerned, is that all the industrial countries would have been paid in advance, in the form of increased international reserves, for more than their capital subscription to IDA.

Timing is also auspicious. Present IDA financing, the product of a drawn out and difficult negotiation, runs out in the summer of 1971. Assurances for the future will be needed some time next year, to make possible continuing commitments. The World Bank will thus soon have to initiate negotiations for the next IDA replenishment. Basing these negotiations on SDR counterpart financing would greatly enhance prospects for the kind of quantum jump in IDA capital which is now required.

There are more ambitious proposals than the one here outlined for linking SDRs to aid, such as amending the IMF agreement to permit SDRs to be allocated directly to development institutions. There is much to explore in these proposals, but also many old and difficult arguments to answer, and a long process of negotiation and ratification to confront. A more promising and urgently needed step would be to pursue what is possible now. New forces are needed to put substance into the concept of a second development decade. SDRs, which already mark a breakthrough in international money, can be the basis for a similar—if smaller—breakthrough in developmental finance. The timing is right; the results would be significant.

REFLECTIONS ON THE NATURE OF MILITARY ADVICE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, my district was singularly honored on Monday by the presence of Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff. He delivered the keynote address at the opening session of the Pensacola National Security Seminar before a capacity audience at the Pensacola Junior College Auditorium.

The Pensacola seminar, one of eight to be held nationwide under the auspices of the Industrial College of the Armed Forces during the 1969–70 academic year, has received an enthusiastic reception in my home State and district and already has attracted more than 1,000 enrollees. E. P. Nickinson, Jr., Pensacola businessman, is general chairman.

General Wheeler, whose great contributions to a coordinated defense have insured him a prominent place in American history, gave an outstanding address entitled "Reflections on the Nature of Military Advise." On that occasion it was my privilege to introduce him to the audience.

It is with pleasure that I submit this outstanding message to be printed in the CONGRESSIONAL RECORD:

REFLECTIONS ON THE NATURE OF MILITARY ADVICE

During Abraham Lincoln's time at the White House, a well known literary figure objected to President Lincoln's calling a certain Greek history book "tedious."

The offended scholar is reported to have said to the offending President—

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"Mr. Lincoln, the author of that history is one of the profoundest scholars of the age. Indeed, it may be doubted whether any man of our generation has plunged more deeply into the sacred fount of learning."

"Yes," replied Lincoln, "or come up dryer."

I have assigned myself a subject which I consider to be of both durable historical importance and lively, if not always enlightening, current concern: "The Nature of Military Advice."

Before, however, I lay verbal siege to your eardrums on this topic, I should like to digress for a moment to extend my unqualified support for the hard thought and effort which have gone into the Industrial College of the Armed Forces' continuing program of national security seminars.

The 1969–70 program envisions some eight seminars extending in space from Pensacola to Alaska and California and, in some thirty-three course scopes, from "Space Exploration" to "Oceanography".

If ever all of us need a "better understanding of the many interrelated and complex national and international factors affecting our security"—a purpose of your seminar—*that time is now*.

I wish all of you well as you prepare to grapple with the very real factors, at home and abroad, which bear, directly or indirectly, on our security interests. I am encouraged by the sure knowledge that the approach taken to these selected problem areas will be balanced and that conflicting views, which will inevitably and healthfully emerge, will be rationally presented and rationally considered.

The merits of rationality, not too long ago, were considered to be too self-evident to require either support or explanation. Apparently to some, in our land and abroad, the rational process is considered to be a heartless tool of some "Club" called the "Establishment"—in which, I suppose, I am accorded full "membership", but of which—like the equally sinister "Military-Industrial Complex"—I have yet to meet a single, "established" fellow "conspirator".

An important function of my job in Washington, along with my colleagues on the Joint Chiefs of Staff, is to serve as one of the principal military advisors to the President, the National Security Council, and the Secretary of Defense. The Joint Chiefs' responsibility for providing military advice to the highest officials in our land is embodied in the National Security Act of 1947. It is a task charged logically to us and one which we take with the utmost seriousness. We also, as Congressman Bob Sikes knows well, appear, as needed, before Committees of the Congress—that body, charged under our Constitution, with raising and supporting armies and providing and maintaining navies.

I must say that in serving as the principal military advisors to the President, National Security Council, and Congressional leaders of our land that the JCS must totally reject some "advice" on advice-giving credited to Oscar Wilde to the effect that "it is always a silly thing to give advice, but to give good advice is absolutely fatal." The late Mr. Wilde to the contrary, we try to give good advice.

My first point is that while my colleagues and I keep ourselves fully informed on the wide spectrum of external and internal problems confronting our country, our role and our duty, *under the law*, is to focus upon those concerns which are wholly, or largely, military in nature. This point, like my earlier call for rationality, may seem to be self-evident. It isn't, unhappily, to some people. Solutions to non-military problems should, and I'm confident will, come from non-military agencies and resources of government.

In focussing upon our task of providing military advice to the President, the Joint Chiefs of Staff have, over the years, developed a rather stern self-administered test. This test has only one question: If I (the members of the JCS) were the President of the United States would I be willing to undertake this course of action that my principal military advisors have recommended to me? Applying this "test" before furnishing military advice is the most surefire inducer of responsibility I know of—and we have every personal and institutional inducement to identify and discard the irresponsible before applying this simple "test."

Dr. Henry Kissinger, before coming to his present post, touched upon responsibility in government to good effect. Reflecting on one important difference between scholars and responsible officials, Dr. Kissinger made the point that a scholar, when proven "wrong" by events could retreat to the library stacks, recast his views to be "right," and even assert a healthy intellectual flexibility in the process. No such happy choice is permitted responsible officials. This breed is most often permitted only one time at bat—often under unavoidably ambiguous circumstances—to be "right" or "wrong". This fact of official life is very much with all of us in the advice-giving business.

As the Joint Chiefs of Staff are the *responsible* officials on matters of military advice, we are also directly *accountable* for the advice we provide.

In short, if our advice is accepted, and some action is called for, it falls upon the uniformed heads of the Services—my JCS colleagues—to give effect to their earlier advice with resources at hand. The ancient jibe "to put up or shut up" is built into the system. We have learned long ago not to press for action where we cannot "put up".

On this dual matter of responsibility and accountability, I recall as pertinent a view attributed to Field Marshal Von Hindenburg, the victor at the great battle of Tannenberg in World War I.

Some years after the war, Marshal Von Hindenburg, then President of Germany, was approached at a social function by a wide-eyed young lady. Was it not true, the young lady asked, that the real "credit" for the great victory at Tannenberg lay not with the nominal victor, Marshal Von Hindenburg, but rather this "credit" should be shared by the old Marshal's brilliant Chief of Staff, General Ludendorff, and a certain Captain Hoffman in the Operations Section of the General Staff? Von Hindenburg paused for a few moments before replying "Young lady," the old Marshal finally said, "I have no idea who should be given the 'credit' for our great victory at Tannenberg. All performed their duty well. But I have no doubt as to who would have been blamed for a defeat."

All of you who have ever commanded a ship, a squadron, or a company can appreciate Marshal Von Hindenburg's point.

The JCS system itself then is designed to provide responsible military advice by accountable senior officers. Another inescapable ingredient of this system is that the advice will be balanced.

This balance comes in two ways.

Most obviously, when the uniformed Chiefs of four unique Services meet to consider broad questions of military policy or strategy, it is difficult for any single Service concept to prevail over time. Our forces are deployed to project tridimensional power. Certainly, at times, the Joint Chiefs of Staff will see a common problem differently and disagree. Some years back this was called "bickering." (I have never solved to my own satisfaction why Congress "debates," the Supreme Court "deliberates," while the JCS are said to "bicker." Perhaps Congressman Bob Sikes can clear that one up for me.)

The second way the JCS achieve balance is the make-up of the senior officers who comprise the body.

By the time an officer emerges at the head of his Service, his practical and theoretical education in joint Service matters has been extensive. I number no narrow Service "theologians" among my colleagues, I can assure you. First, the common defense and then, and only then, the needs of a particular Service are considered.

I have some figures to nail down this latter point on balance.

From 1 January 1965 through 31 August 1969, the Joint Chiefs of Staff have faced up to more than 13,000 decisions.

During this period of more than four and one-half years, there have been only 60 decisions which reflected disagreement among the membership of the JCS. Sixty so-called "splits" out of 13,000 decisions comes down to one "split", reflecting some degree of disagreement, cropping up about ever 200 JCS decisions.

Unless things have changed drastically since my day, I would suspect there are still many more "splits" among committees of local PTAs and Boy Scouts than is the case with the Joint Chiefs of Staff.

To the qualities of responsibility, accountability, and balance, I would now add the ingredients of objectivity, realism, and prudence.

Objectivity, while easy to define, needs conscious effort to sustain. Recall the old adage: He's *pig-headed;* you, my friend, are *stubborn;* but as for me, why I'm *steadfast*. Over the years, I have solid reason to be satisfied that the military advice provided by the JCS has become as objective as the minds of dedicated men can fashion it.

The qualities of realism and prudence need a bit more reflection.

By realism, I mean the unswerving conviction that the security interests of our country are best served by a steadfast refusal to confuse the way things are with the way one would prefer to see them. My colleagues and I have good cause to be from Missouri, with its famous tradition of "Show me". Speaking for myself, I put little equity in such sweeping insights as "the atmosphere has changed in Eastern Europe", or, "the Soviet Union has a vested interest in peace", or, perhaps the grandaddy of them all, "if we undertake a significant, unilateral measure of 'demonstrative' disarmament, the Soviets will be 'shamed' into a like measure." I wouldn't try any of these statements on the unfortunate Mr. Dubcek—that is, even if you could find him.

At the same time while I obviously disagree with the general statements I have just recited, in a pocketbook sense I can understand them.

Armed forces in this day and age cost a lot of money—as all we taxpayers know. So, understandably, there are some who choose to wish away these needed expenditures by announcing, on little or no real evidence, that our potential adversaries have mellowed or even vanished.

The truth is that while our military expenditures are large, they are brought about by very real forces and events beyond our borders. They are not, as some would have our people believe, a form of self-inflicted national wound which causes our real domestic needs to be ignored in favor of a manipulated view of a non-existent threat to our safety and security. Perhaps, I need not belabor this point to this audience. Unhappily, I must do so to some people who seem to confuse personal policy preferences, however agreeable to most of us, with real life policy alternatives. And, of course, blaming our Armed Forces for the continued need for military expenditures is about as sensible as blaming librarians for book burnings.

My list of JCS advice "ingredients" will end with the quality of prudence.

I should like to explain it this way.

As homeowners, many, if not all, in this audience have taken out significant insurance policies on your homes covering such items as fire, theft, vandalism, hurricane damage, and the like.

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In settling upon the dollar amount of insurance needed, perhaps you analyzed your total situation by asking yourself a number of questions, such as:

How important to my family and to me is my home?

How combustible are the construction and the contents?

What is the incidence of theft in my locality? of vandalism? of hurricanes?

And, finally, in light of answers to the above question: What is the amount of insurance needed which would cover my home realistically at today's high prices?

If you can "afford" it, you now buy the needed policy. Or, put another way, you may decide to buy it because you can't "afford" the dollar, not to mention the human, costs if substantial damage is done to your home.

Now there are other claimants to your limited dollars. Education for children. Necessities of life. Market investments in the expectation—not always realized—of capital gains. Entertainment, etc.

Now you, and only you, as the homeowner, can lay out your dollar expenditures in the face of competing claims.

To most, if not all, of the homeowners in this audience, their home represents the major portion of their share of worldly goods. The level of insurance must be adequate in light of a close assessment of the risks and the cost of replacement.

The analogy is, I suspect, obvious.

It is the responsibility of the Joint Chiefs of Staff to recommend that level of "insurance" our country should pay for in the face of "fires", "vandalism", "hurricanes", and "thefts" beyond our frontiers.

Some assert—never prove—that our insurance coverage is now excessive and, even, that we are in danger of becoming "insurance poor".

My colleagues and I, recalling the international "hurricane" preceding World War II—cost to us: 300,000 dead and $400 billion—as well as the "vandalism" preceding Korea and Vietnam, take the more prudent view.

Right now we are spending about 8 percent of our gross national product on defense, and that relative percentage could, conceivably, decline somewhat more. If, to some, this "insurance" still seems excessive, recall that no national "home" in the world has more to conserve than does the United States—and the "homes" of those who choose to stand at our side. And it is only upon the assurance of a secure America can we see growth, both at home and in the world beyond our borders, that needed level of political stability which encourages economic growth—which growth, in turn, is the requisite for human progress.

I have enjoyed my brief stay with you. If I have sounded as though the advice required of, and extended by, the JCS is error-free, I have mislead you. That happy condition is our destination, and while we have made progress in getting there, it may always elude our grasp. But, in this connection, I do take comfort, and see some relevance, in an old definition of the American Democracy, which we all serve, as being based upon "the persistent conviction that more than one-half the people are right more than one-half the time on more than one-half the issues that confront them."

Thank you.

"I AM THE MIGHTY OZ"

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, in the closing days of the last administration, Justice Fortas was nominated for the Chief Justiceship of the Supreme Court. He failed of confirmation, was brought into question ethically and finally withdrew his candidacy for the office. All well and good. I hold no brief for his actions.

Yet, I watched the behavior of his self-appointed critics and guardians of public morality with surprise, amazement, and horror. For in front of an unbelieving Nation, these men without sin pursued Mr. Fortas as if he had advocated incest, cannibalism, and revival of witchcraft, and was seeking to institutionalize them from the bench. With loud shouts of virtue, piety, smugness, and satisfaction, these assembled pillars of our society cast aspersion upon everything he had ever done, from opening a law practice to having committed the heinous crimes of being a Democrat and an intimate of a President they hated.

When he withdrew, they proceeded to act as if they had saved the Republic from disaster, intimating their monopoly on virtue would result in a different type of nomination to the Supreme Bench of the land. How right they were, for we now are treated to the enlightening spectacle of Judge Haynsworth, he who forgets and regrets.

To all outward purposes, Judge Haynsworth looks perfect for both this present administration and the men who drove Fortas from the bench. He is impeccably conservative and comfortably well off. He has never engaged in anything remotely smacking of liberalism, free thinking, humanism, social activity aimed at aiding the oppressed, or civil liberties. He is as bereft of public virtue as a salmon is bare of fur. His friends and shaping forces are comfortably conservative, moving toward progress grudgingly, like a patient forced to swallow a lemon. Yet, there is a maggot in the soup. Nay, even several.

As revealed recently, the good judge was apparently a founder, major shareholder, officer, and director of Carolina Vend-A-Matic Co. He was trustee of its pension fund, and his wife was company secretary. He retained these posts while on the bench, arranging bank loans for the company, remaining personally liable for its borrowings, attending directors' meetings for which he received fees, and sat on a case directly involving the company's major customer. How curious and odd that he cast the deciding vote in its favor.

He disposed of his stock much later after the merger assured him of a profit exceeding $400,000.

He acquired 1,000 shares of Brunswick Corp. while one of its cases was before his court. His excuse is "forgetfulness." How many millions of Americans remember the godly and virtuous ones who pursued Fortas up the walls and around the bush for evils he supposedly perpetrated years ago of much less amperage. Do we not recall their shouts of virtue, impugning of his patriotism and character, and outraged howls of the just? Where are they now? I hear no tubs being thumped. No flags catch the morning breeze. Will the Almighty not intervene on their behalf and vindicate their slightly wobbly champion?

It further appears that Judge Haynsworth sat on cases involving a good many former clients. One of them was Judson Mills, a client of his old law firm, remaining so when a litigant before his court. And his old law partners were also cofounders and codirectors of Carolina Vend-A-Matic. Curiouser and curiouser. Now it is further revealed that Bobby Baker, that favorite dark angel of the virtuous, actually is a partner of the good judge in a cemetery deal started after Haynsworth reached the bench. Will he disqualify himself from that case if he and it reach the Supreme Bench? Such virtue. Such honesty. Such integrity.

Ah, what an uplifting picture this all presents. A virtuous, praying administration which ran for office with words of piety burbling from its lips like froth in a beer vat, presenting the blameless judge for nomination to the Supreme Court. This law and order administration standing before the Nation and defending the unstained genteel judge. How absolutely funny. The emperor has no clothes. How grotesque. The reformer himself requires reforming. How absolutely—utterly—priceless. This, then, is all President Nixon emerges with after all the sound and furry. Remember when Dorothy and her friends drew aside the curtain in the Wizard of Oz?

CONSUMERISM THREATENS FREEDOM, SAYS COMMERCE SECRETARY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, a consumer today is like a lion in a den of Daniels. On all sides his shrinking buying power is being attacked by every pseudo-legal device advertising and business can think of. Helpless and ever more confused, he gropes for aid. Desperate for relief, an aroused consuming public seeks protection, pleading for enforcement of numerous consumer protection laws enacted under the last administration.

Such cries are in vain. Mr. Nader singles out evils and asks for enforcement. He is ignored. No ear is attuned to such wavelengths in the upper levels of this administration. By itself, such an attitude is bad enough. Last week, the Secretary of Commerce, Mr. Stans, pulled the plug out of the bottom of the consumer's hopes. His comments are most revealing, for he expressed fear that the consumer movement would get out of hand.

Addressing a gathering of association executives in Washington, he warned that we must decide whether—

> We are going to let the wave of consumerism move too far and destroy the freedom of choice of consumers.

Deathless prose, indeed. Memorable words, to be sure. Those fish had better stop assaulting that crocodile. Those sheep had better leave that wolf alone. For shame. Calvin Coolidge, who said that, "The business of America is business," would have been so proud of our progressive Secretary of Commerce. He has set us a brave, farsighted example.

Did all you American housewives hear that? Remember it next time you shop at the supermarket and buy so-called hot dogs stuffed with putrid chicken meat and 30 percent fat. Remember it when you open up half-filled boxes or try to decipher confusingly marked products.

Hear that, householders and car owners? Think of it when your next appliance breaks down and the warranty is no good. Call it to mind when the car dealer will not make good, the auto insurance company defaults or your newly installed furnace conks out.

Recall Mr. Stans' words when you inhale a lungful of filth from a bus or a car. This administration would not prosecute auto companies for conspiring to suppress development and installation of antipollution devices. Keep it in mind when the next case of poisoning from poorly inspected fish occurs in your town. The President is not interested in a clean fish act, but his Secretary of Commerce is worried about consumerism destroying freedom of choice. Remember it when you pay 50 cents for a pill which costs a fraction of a cent to make. And when drug companies shriek about research costs, remember they spend $2 on ads for each dollar on research, and that most research money comes from the Government. That is you. Yet, Mr. Stans is worried about your violent consumer instincts. Your indignation might threaten some of the profiteers who are making vast profits at your expense. Do they worry whether Government will enforce consumer protection laws such as Truth in Packaging, Truth in Lending, and Clean Meat Acts? They need not.

No one really expects the present Government to enforce them on behalf of the public. Our Government is now being run by people who look upon consumers the way Marie Antoinette thought of her subjects. Let them eat cake. How about that for good government?

No, corporations evading truth in packaging and usurers evading truth in lending have little to fear. States which were supposed to upgrade their clean meat inspection standards under the 1967 law can breathe easier. No one will hold their feet to the fire to insure that meat moving intrastate will meet Federal standards. The man charged with enforcing the law was its most vehement opponent. No, the next few years are free rides for all of these. In fact, I am sure that on December 15, almost every State will receive a 12-month extension, so filthy meat can still circulate intrastate.

After all, according to Secretary Stans, they pose no menace. He seems to think our real danger comes from consumers. They menace the Republic. Why, if we have too much consumerism, we will fall right into the laps of the Communists, because consumerism is all a Red plot, just like fluoridation, dissent, civil liberties, and medicare.

Mr. Speaker, these statements on consumerism put McKinley to shame. They make Warren Harding look like a howling Bolshevik with a sputtering bomb in each hand. Economists spin like tops and corporation heads cackle like profitable chickens over Mr. Stans' enlightened views. It is enough to make the average housewife and homeowner go into convulsions of fury.

Still, such words are worthy of preservation for the enlightenment and horror of posterity.

TRIBUTE TO SYRACUSE UNIVERSITY CHANCELLOR, DR. WILLIAM P. TOLLEY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. HANLEY. Mr. Speaker, tributes to public figures tend to be long on rhetoric and short on substance—more for lack of genuine achievement than a love of eloquence. It is a measure, then, of a man's accomplishments when his tribute can be sincere, brief, and specific.

In recognizing the work of Syracuse University Chancellor Dr. William P. Tolley, my remarks, therefore, will be sincere, brief, and specific.

As chancellor of Syracuse University since 1942, Dr. Tolley has guided its growth through the uncertain postwar years, through the 1950's and the space-age sixties.

And his guidance has resulted in a superb university. Both physically and academically, Syracuse University is an unprecedented example of what a private university can accomplish with a man like Bill Tolley at its helm.

During his term, the physical assets of Syracuse University increased from $16 million to more than $450 million, and more than $80 million worth of new buildings have sprung up on the campus.

This tangible evidence of growth has been matched by a strengthened academic position, brought about by his persistent pressure for excellence, his desire to attract the most competent men and women to the Syracuse faculty, and his determination to make the Syracuse educational programs meet the needs of more than 7,000 graduate and 10,000 undergraduate students.

The chancellor has been more than a builder. He has been a molder of opinion, an influence on his students and faculty, setting examples of work, determination, and respect for the opinions of others—principles which are hooted at today by radicals as naive and unproductive. The same radicals who would destroy the academic freedom they profess to seek by imposition of their opinions and no others.

William Pearson Tolley has received 34 honorary degrees from American colleges and universities; he is a member of eight scholastic honor societies, including Phi Beta Kappa.

Yet, he is hardly an ivory tower scholastic. Dr. Tolley is the author of two books and a director of six corporations, including the New York Telephone Co. and Colgate-Palmolive Co.

We have all seen the role of university chancellor change in recent years from a sort of bucolic eminence to a position of profound influence on fundamental questions of law, society, and individual responsibility.

Let me quote from one of his addresses to students:

> The aim of the university is your maximum development as an individual. Its concern is not the mass man, adjusted to the demands and standards of society. Its concern is not a narrowly trained specialist. Its business is the education of a complete man: the democratic man, the dedicated man, and man as an individual.
>
> We must beware of making students too much alike. It matters little if you dress alike. It matters tremendously if you think alike. Brainwashing operations have no place in a democracy of free men. Thought control in any form should be anathema. . . . This is the business of the university; protecting the invincibility of the human mind.

The chancellor said that in 1954.

And in the raging spring of 1969, before a group of lawyers gathered in Syracuse, he said:

> College youth has been much maligned. Taken as a group they have been seriously libeled. No one talks about the majority of students. Their behavior is unreported. Yet they can be described only in superlatives. They are the best equipped in science and mathematics, the most widely traveled, the most art conscious, the most literate, the best prepared students we have ever had. They are taller, heavier, stronger and better looking. They can run faster and jump higher and break all kinds of athletic and endurance records which not too long ago were cause for world-wide wonder. This, remember, is the description of the majority of college students. They are the most wonderful youngsters I have ever known.

And this is from a man who had the backbone to take a cane to demonstrators who deliberately defied authorities to break up a review of ROTC students at Syracuse 2 years ago.

William Tolley was a teacher who could accept dissent but drew the line when that dissent threatened the free exercise of opposing opinions.

Mr. Speaker, Chancellor William P. Tolley, of Syracuse University, retired on September 1, 1969. This Nation is stronger for his devoted service.

THE LATE LOUIS J. ALLEN

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, Tennessee has lost a quiet but able and loyal public servant in the recent death of Mr. Louis J. Allen.

He was recognized as one of Tennessee's most knowledgeable leaders in politics and government, and he carried with him those characteristics we most admire—honesty, dedication, and the respect of his friends, even of those friends who on occasion disagreed with him.

In the Tennessee General Assembly he was highly respected as an effective and able legislator. His understanding of, and his views on legislation were valuable, constantly solicited and graciously shared. He was particularly helpful to the new or young members of the legislature. In later years, he continued his work in the general assembly as a "lobbyist," in the finest sense of the word. He was known as "Mr. Public Relations" for the railroad industry, and for this industry he was a trusted and respected spokesman. He presented a position with honesty and clarity, emphasizing the positive aspects of his viewpoint without rancor or bitterness for an opposing point of view.

On many occasions I have called on Mr. Allen for advice and the advice I received was unfailingly sound.

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He was a friend to many and a gentleman to all.

He will be missed.

Political columnist for the Nashville Tennessean, Joe Hatcher, who had occasions to disagree with Mr. Allen's positions over the years, recalls him with affection in the following article:

Louis Allen's Death Leaves Political Void

(By Joe Hatcher)

The death of Louis J. Allen leaves a void in the political ranks in the state that will be hard to fill.

Primarily, Allen was a "master lobbyist" for the railroad interests, and for the support of the governor's administrations during which he was active. He was proud of being the only "registered" lobbyist in the state for several years before Tennessee had a lobby-registration law. Allen was registered in Washington under the federal law as a congressional lobbyist.

He served for years as chairman of the State Board of Elections. He was looked upon as an expert in elections and election returns.

He was an expert pollster, who made numerous trips over the state to feel the public pulse for candidates. And as chairman of the State Board of Elections he had named the election commissioner in each county.

He was instrumental in getting Governor Ellington the post as vice-president of the L&N Railroad when he left the governor's office, and he succeeded Ellington in that capacity when Ellington was again elected governor in 1966.

The late Walter M. Haynes humorously said of Allen: "No wonder he's the greatest lobbyist. He sets the best table of all those I've ever known."

And we recall that Allen once said of his successes in favor of the railroads against labor lobbyists: "They spend their money keeping too many men on the payroll. I spend ours on the legislators themselves".

I have known Louis Allen since he was manager of the old Phillips and Buttoroff retail store on Third Avenue. He was interested in politics, then, and that led him to run for the legislature where he served in both houses, if we recall. From there he became associated with the railroads and headed the state association for years.

It'll be a long time before another man like Louis Allen comes along.

And the Nashville Banner paid a particularly touching tribute to Mr. Allen in this editorial comment:

To Louis J. Allen—Grateful State Will Bid a Fond Farewell

They will take Louis J. Allen back to Petersburg tomorrow. Until recently, it could easily have been a stage set for a quiet town of the 1800's. The drugstore smelled like a drugstore. It still had a fountain made of real marble, and windmill fans turned lazily from their ceiling suspensions.

Mr. Allen left that peaceful place many years ago and found a job as a stock boy in Nashville. But even when he had a private railroad car at his disposal he never really seemed to be far away. Just the other day he was saying: "Well, they called me from down there this morning. They were having a little problem in the school board and wanted me to help them work it out." He did not say he solved it, but of course he did.

That's what this Lincoln-like, loveable man has been doing for many decades, in distant areas beyond the confines of Lincoln County. There was a gentle, smiling wisdom about him, a bright spirit. Happiness may be this or that, but loyalty is and was and always will be the Louis Allens of the world. And they are all too few.

Working out problems—looking ahead—that's what he did as floor leader in the legislature and in other top state and local governmental positions. That's why governors, congressmen, railroad presidents and myriad executives who are supposed to know how to solve intricate situations, wanted him at their side. The members of the Fourth Estate had moments when only he could cut through for them the semantics, technicalities of official actions and sweep the guile from human motives.

All will miss him now. The state and, in a sense, Washington claimed him. But Petersburg will be waiting—the friends of his youth, the magistrates and the school board members. They usually met him in town before he went to the family home. They conferred perhaps at the drugstore that smelled like a drugstore, where they sold only medicine and ice cream and candy and cigars. Thursday it will be different. The streets will be empty. The whirling lights of the State Highway Patrol will move on through—ahead of the governor, the legislators from Nashville and Washington, candidates for office high and low, who on that day would not stop to shake hands with the residents even if they were present.

The long silent procession will stop finally at Old Orchard Cemetery. It is there the people of Petersburg will be waiting. The state and nation that Louis Allen served so well will be bringing him back to them with honor and gratitude. Louis Allen, he of the bright spirit, the Lincolnesque wisdom, gentleness and understanding, will be home at last to stay.

SUPPORT PRESIDENT NIXON ON VIETNAM

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, if we are to get this unfortunate mess in Vietnam ended on an honorable basis—and full-scale retreat without commitments of protection for the loyal South Vietnamese as well as our own men is dishonorable—we ought to support our President as he seeks with admirable restraint to convince the enemy that we are deescalating if he will too. Whether he will or not, remains to be seen, and there are many including myself who are dubious on this point. But to convey the impression to the world that a substantial segment of the American public as well as the American Congress favor complete unilateral retreat, whatever the enemy does, is to undermine responsible efforts to end a war that President Nixon did not get us into and that he sincerely wants ended promptly.

Proposals to establish a deadline for removing all American forces from Vietnam are flatly contrary to our national self-interest no matter how deeply their sponsors long for us to be out of there once and for all. Negotiations for commitments to assure a protected withdrawal cannot succeed in an atmosphere of full-scale retreat. The enemy does not need to negotiate or to make any commitments if he knows the Americans are going to leave anyway, and the good Lord help those who remain under such conditions. Captured enemy documents indicate that Hanoi intends to keep up the pressure and the fighting and the killing of Americans, as well as South Vietnamese, whether or not we withdraw in whole or in part. Indications are that they want us to keep on spending our billions and losing our dead and wounded thus weakening ourselves and depleting our reserves. Indications also are that the Soviet and Red China also favor our continued involvement. And why not? They spend $2 billion a year and no manpower while we spend $25 billion annually and almost 600,000 men.

Perhaps the most disturbing of recent pronouncements on this subject is that of the national Democrat chairman indicating that it is to become Democrat policy to support added domestic protest, added unrest, added violence, and further division and discord in America. Support by the Democratic Party for October 15 protests nationwide makes a partisan issue out of a war that essentially is the responsibility of 8 years of Democrat maladministration. The Americans fighting and dying in Vietnam were ordered there by a Democrat President. President Nixon is seeking to get them out. Nothing would help more at this time than to have a convincing display of national support for the course of responsibility with honor that our President is taking. Nothing is more harmful and more divisive than the course that Chairman Harris and certain Members of Congress are taking. It is to be hoped that all Americans will see this problem in its proper perspective and unitedly give President Nixon the opportunity to speak from a united nation in achieving an honorable end to a disastrous and costly involvement on the part of his predecessor.

NUCLEAR POWER PLANT SAFETY

(Mr. HOSMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. HOSMER. Mr. Speaker, there follows my remarks made September 25 to those attending the electric companies public information program in New York City:

1969 Think Shop Conference

Not long ago I was accosted by a man distressed over a nuclear power plant under construction in his locality. He was concerned about being thermally radiated and atomically irradiated, but he wasn't quite sure which alleged hazard would do him in first. However, he was certain that both the flora and the fauna in of area would get it even before he did. This man went on to claim that he and his neighbors were willing to cut back on electricity so that the plant wouldn't be needed; specifically, they would stop using their air-conditioners, if they had them, and promised not to buy any, if they didn't.

He offered to lend me his well-thumbed copy of "The Carless Atom" and insisted that I listen to his stereo album of Dr. Sternglass' speeches.

Actually, my sarcasm is exceeded only by my absence of tolerance for those who forget what a magnificent contribution the electric power industry has made to our standard of living.

But let's face it, there is developing a new public attitude toward electricity and the environment which presents a serious challenge to the industry. This involves:

First, public concern over pollution in any form and a public demand to preserve and protect nature's ecological balance.

Second, the strange fact that the average citizen takes his electricity so much for granted that it is not very high on his list of priorities, and,

Third, and most importantly it is characterized by a basic misunderstanding of the issues involved.

THE ENVIRONMENTAL CRISIS

What we face is not an "either/or" choice between air-conditioners and ecology, or, in the overall sense, between technological progress and an unliveable environment. But rather, the challenge is how to brook two worthwhile but somewhat competing values, namely, the need for clean, healthy and aesthetic surroundings on the one hand and the desire for the benefits of technology on the other.

I am not saying that this Nation isn't on the brink of unprecedented environmental crisis—because it is. It was there for all to see as we came to this meeting—the steadily deteriorating quality of the air, our badly polluted rivers, our unsightly junkyards and crowded, dirty cities. Add to these chemically contaminated forests and farmlands, endangered wildlife and dying lakes and it is apparent that we are rapidly turning our world into a noxious garbage pit.

Certainly, technology one way or the other can be blamed for much of this. The technological innovations which enable man to get inside an automobile and travel 60 miles in 60 minutes are responsible for about 60% of the principal atmospheric pollutants in the United States. Along the same line, the technology which led to the construction of intercity highways and freeways has accelerated the use of the automobile, thus compounding the air pollution problem. And many people rightly or wrongly view these highways as offensive to the aesthetics of both urban and rural America.

On the other hand, we must recognize that the 200 million people in this country are inevitably going to leave their scar on the face of the land. Just the mere fact that man has to live on this planet means a certain amount of environmental effect. And this is going to accentuate when we have 300 million people in this country by the year 2000.

A QUESTION OF VALUES

These are urgent matters to me as well as to all Members of Congress. Far too little attention has been paid in the past to the environmental quality issues, and far too little money has been spent on the needed remedies. We do not lack the means to preserve and maintain some standard of cleanliness and order around us, but as a Nation we have lacked the will to do so. What I am saying is unless we seriously turn our attention and our resources to this area, we will soon go over the environmental brink.

Environmental protection does not necessarily mean sending the world back to whence it came to be refurbished in its original pristine condition, nor does it involve turning off air-conditioners, abolishing the automobile, and uninventing the wheel. Rather, the solution lies in achieving a satisfactory accommodation between the demands of the environment and the social benefits of technology. Some reasonable changes in our surroundings are little enough to pay for a better life in many modern ways. On the other hand, some portion of our resources are little enough to allocate to the preservation of a world which is clean and healthful for ourselves and future generations. We inhabit this earth; we do not own it. Our task is to decide what maximum level of environmental impact is tolerable, and to develop the will to pay the cost of avoiding that which is intolerable.

In short, the questions is: How much is society willing to pay for what level of environmental protection?

If the public demands absolutely zero thermal effects this can be achieved but the cost of reaching this objective would be prohibitive. However, if some well-reasoned standards relative to thermal change, radiation concentrations, atmospheric particulates, water quality, and other factors affecting the environment can be generally agreed upon and accepted by the public, we can, for instance, in the case of electric power, continue to meet load growth without excessive additional cost.

When I consider the largely haphazard, insufficient and ineffectual efforts we have made at air pollution control in recent years, I cannot help but compare it to our national program to contain and control radiation.

Pollution—like radiation—affects the air man breathes, his water and food, even the land he walks on. A certain amount of pollution is an unavoidable consequence of man's presence on earth. Likewise, he is exposed to a certain amount of natural, background radiation from the moment of his conception.

The potential hazards of radiation were taken into account some 30 years ago, when the Government got into the atomic energy program. This Nation turned its technological talent loose to create the most precise and effective public health program ever devised. We carefully and cautiously developed the monitoring, control and containment procedures necessary to reduce the hazards of radiation to what was conceived to be an acceptable level. We determined that the potential benefits from the application of radiation were worth the cost of this protective system. As a consequence of such foresight, this Nation now enjoys the substantial benefits of radiation in medicine, industry, and agriculture, plus the myriad peaceful uses of atomic energy, of which some radiation is a small by-product.

The same philosophy can be applied to other man-made pollutants and environmental effects. All we need is the incentive, and that seems to be developing rapidly from the forces of public opinion.

The thing I fear most at this point is the overkill strategy of some people who suddenly become zealous protectors of the ecology against man himself, the bulldozer, the axe, the plow and anything else—animal, vegetable or mineral—which, to their motion, disturbs the original natural order of things in any miniscule way, shape or form. What we see growing is an anti-technological revulsion which demands a septic level of environmental purity that is totally unrealistic and totally unachievable.

This kind of active mishandling of the problem serves no better toward its solution than passive disinterest. Actually, it is worse because it distorts rational analysis and thereby erects barriers to the formulation and implementation of rational solutions.

ELECTRICAL WITCH HUNT

Let me apply these generalizations to the electric power industry.

A few years ago, the utilities were scathed for polluting the air. Fossil fuel plants inescapably release to the atmosphere certain contaminants as well as heat effluent to rivers and lakes. So, looking for ways to reduce pollution from fossil plants, utilities turned to nuclear plants. Nuclear plants do not contribute to air pollution problems but they add a proportionately greater amount of thermal effluent to the water. They also release small quantities of radioactivity to the environment—radioactivity which is probably the best understood and most easily controlled of all man-made pollutants. Notwithstanding, the utilities are now under attack over nuclear safety, siting, thermal pollution, for not using pretty power poles and almost every other sin of omission or commission ever thought of.

The electric power industry is certainly not the worst offender to the environment. I would relinquish that distinction to the transportation industry, so it is curious to me why the nation's electric utilities are singled out for the vigorous and unrelenting harassment that they are under today.

This electrical witch hunt is taking us squarely into the possibility of a power crisis which could result in serious brownouts or perhaps even a repetition of the Northeast blackout of 1965 on a larger stage with an augmented cast of characters.

The problem is real, and believe me it is serious. The very company supplying us the power here today finds itself under fire for every single project it has under construction. The same kind of opposition is being felt all over the country; and, although most of the attention is focused on nuclear plants, difficulties also are escalating with conventional plants. As Chairman Holifield of the Joint Committee on Atomic Energy has pointed out, unless some reason is restored to this dialogue very soon, the anti-technologists and the single-minded environmentalists may find themselves doing their work by the light of a flickering candle.

THERMAL EFFLUENT AND RADIATION RELEASES

There are two ways to meet this kind of opposition—one head-on and the other by avoidance. We are going to have to utilize both of them.

We are charged with thermal pollution and with creating radiological hazards. Although straightforward answers and facts probably won't destroy the prejudices of the extremists in these regards, they will be understood by the sensible numbers of the public; so I am going to have a try at giving their typical charges and responses:

CHARGE: THERMAL POLLUTION FROM ELECTRIC POWERPLANTS DAMAGES THE ECOLOGY

Here the choice is an uncompromisable one between the availability of power and the maintenance of the ecological status quo in the vicinity of a generating station. You simply cannot produce power without discharging heat into the environment. But all this does not mean that ecological consequences must be disastrous. Power plants can be and are usually located at sites calculated to result in minimal ecological consequences, which in some cases could even be made beneficial rather than detrimental.

I recall that in the vicinity of the proposed Bolsa Island nuclear power and desalting plant off the southern California coast, the utilities had planned to introduce in the limited area of raised sea water temperature new sea growth from the warmer waters of Baja California, it would have turned the area into a fisherman's paradise. The introduction of new plant life and new species of water organisms can, where necessary, result in similar ecological enhancement.

On the difference in heat discharge between nuclear and conventional plants, let me say this: The newest and most modern fossil plants are about 42% efficient energy converters and the best nuclear plants about 34% efficient. This means, in the case of fossil plants, that 58% of the Btu's are rejected: and in the case of nuclear plants, 66%—a difference of 8%. Of the rejected Btu's, all go into the water in the case of nuclear plants, while for fossil plants, the 58% goes roughly three-quarters into the water and one-quarter up the stack and elsewhere. So, although nuclear plants may put a larger thermal burden on cooling water, their overall thermal contribution to the environment is larger only by a relative small amount, and this gap will narrow as nuclear technology improves.

To have power you must have heat. Instead of fretting about it, we should seek means to transform it from a detractor to an enhancer of the acceptability of thermal plants.

XUM

CHARGE: NUCLEAR POWERPLANT RADIOACTIVITY POSES A PUBLIC DANGER

There are three categories of radiological hazards from the operation of nuclear power stations which must be considered: (a) accident and radiation release; (b) increase of exposure; (c) concentration of specific isotopes in the food chain.

Insofar as plant accidents are concerned, figures developed by Dr. Chauncey Starr, dean of engineering at UCLA, are pertinent. He says the risks acceptable by man in our society can be measured from a point which represents the risk of death from disease. We all have a natural instinct—a little computer in our minds—which tells us where this point is. Depending on our personalities, we may voluntarily accept risks far above the line. The private flyer, for instance, takes a thousand or two times greater risk than that of dying from disease. But this is a voluntary risk.

However, as to involuntary risks—those from activities imposed by society—we are at least a thousand times more cautious, as regards to our use of electricity. And I'm talking about all risks from use of electricity, from digging coal to the light bulb in our home. Since, in the case of fossil plants generation itself accounts for only one-fifth of this slight risk. It means the risk from conventional power generation alone is about five thousand times below that of the individual's acceptable risk line.

Dr. Starr goes on to estimate that for economic reasons, that is, because nuclear power plants cost so much and because the kind of accident that would do damage to the public would wipe out a utility's multimillion dollar investment, the design and operating requirements for safety laid on nuclear power plants are one hundred times more severe than those laid on fossil plants.

If my mathematics are correct, this means that the risks to the public from nuclear plant accidents is one hundred times less than from fossil-fired plants, and one-half million times less than the risks that the least adventurous soul amongst us voluntarily accepts during his day-to-day activities.

Insofar as radiation releases are concerned, the important point is this: No member of the public nor any employee of a licensed nuclear power plant has ever been killed or injured because of the operation of a civilian reactor. Nor has any worker or member of the public ever been exposed to radiation levels on account of a nuclear reactor, above the permissable annual limits. Nor has any release of radiation above federally established levels ever occurred.

This is not to say that failures, malfunctions of equipment and personnel errors have not occurred. They have—just as the space program lost many rockets on the launching pad in the early days of the program. This is to be expected in any complex undertaking. But it is important to recognize that the program is so well thought out and organized that none of these mishaps resulted in consequences to the public.

What all the hullabaloo amounts to is the demand by some that we prove the negative, namely, that no such damage will ever occur. Put another way, it amounts to a demand that nuclear power plants supply all of the benefits of electricity with absolute zero-risk to the public, even though in the case of fossil plants, a degree of risk, even though small, has been readily accepted.

I contend that the limits of risk established by government for nuclear power plants do not exceed and are probably much more conservative than the limit applicable to conventional plants. The radiation release limits are based on the combined wisdom of the United Nation's International Commission on Radiological Protection, the Federal Radiation Council, as approved by the President, and the National Council on Radiation Protection & Measurement. In licensing reactors, the AEC carefully establishes standards based on these limits carefully tailored to the specific site and the specific reactor. It sets limits for release of liquid and gaseous radioactive effluent which are far below the level from which anyone anywhere outside the site itself living with them constantly could suffer any adverse effect.

As a practical matter, the pressurized water reactor at Indian Point—a typical example—last year released less than 1% of either the gaseous or liquid radioactivity permitted under its AEC license. This means that actual releases were below, by a factor of 100, even the AEC's conservative exposure limitation requirements.

At this point I think it well to define the unit of measurement of exposure to radiation. The rem is used as this measure. In discussing smaller exposure we commonly express it in millirems—a unit one thousand times smaller—to avoid cumbersome fractions. Now let's see what the AEC's limits amount to in these terms.

The radiation exposure to all human beings from cosmic rays and general external sources varies from 80 to 200 millirems per year, with an average of about 125 millirems per year. If a man lives in a stone house, radiation levels within it may add 50 to 100 millirems per year more over background than if he lives in a wooden house. If a man lives in Denver, he will be exposed to 70 millirems more background radiation per year than if he lives at sea level.

Operating experience to date shows that exposure to the people living in the immediate vicinity of typical operating nuclear power plants is increased only by 5 to 10 millirems per year. In other words, by only 4% to 8% over average natural background exposure, or by 1/7 or less than that involved in moving from a wood house to a stone house.

And if this weren't enough the radiation protection regulations also take into account and regulate exposure to the public from intake or radioactive materials in food, including reconcentration of radionuclides in fish that may be eaten by humans.

Never before in the history of man has any economic activity been carried on with such meticulous and constant attention to public protection. Never before has there ever been achieved such a favorable benefit to risk ratio than has been achieved by our nuclear power industry.

I have never been a great fan of the professional regulators, but in the case of the atom's regulators, I think they are due kudos rather than the brickbats they have been getting.

NEW APPROACHES TO POWER PLANT SITING

Earlier I made mention of the strategy of avoidance as applicable in the battle for power generating sites. The essence of this strategy is to keep out of a donneybrook each and every time a new power plant has to be built to meet load growth. Chairman Chet Holifield and I had this in mind when recently we wrote to Governor Reagan of California, suggesting establishment of a State Power Plant Siting Authority. Some utilities in California essentially have run out of sites, and others are about to.

We feel that if the public need for electric power is to be met and if to meet it requires the exercise of powers of government, then initiative should be taken to exercise them.

We recommended to Governor Reagan that a calculation of new power demands in California to the year 2000 be made; that an inventory of available sites be taken: and that the site deficit be ascertained. Next, we recommended that the proposed power plant siting authority be given both the responsibility and the legal and financial means to supply the deficit. We suggested that this might be done through the establishment of a limited number of power parks throughout the state which would be available to all its generating utilities, public and private at charges sufficient to recoup the State's costs.

We recognize that although a State may not have the technical resources required to determine radiation standards the state is best qualified in other areas to balance its need for power with the objective of protecting aesthetic, ecological, environmental, and other values.

In passing, I should note that 10, 20, or even 40 thousand megawatts, concentrated in one park, could surely support the kinds of investments which would be needed to make locations suitable for power generation which would be too expensive for any less intensive development.

Frankly, if for no other reasons than the fact that we are indeed going to have to start manufacturers power plant sites and pool our resources to do so, it is my belief that the power park and the power plant siting authority concepts will have to come into being in many regions.

Another tactic of avoidance that has occurred to all of us from time to time is to get these monster generating stations out of sight—underground—where they would, perhaps, also be out of mind. Even if that does not result, at least the additional reactor safety features that might be incorporated in underground siting—and the matter of moving generating facilities closer to metropolitan load centers—become more manageable. I hear that new AEC Commissioner Tommy Thompson has thoughts somewhat along these same lines.

There is another somewhat more resourceful approach to avoiding confrontation which might appeal to professional public relations men. Traditionally, very little imagination has gone into the naming of power plants, nuclear or otherwise. Names usually come from the geographic location or some little known board chairman. Names like Indian Point and San Onofre or Peach Bottom may be very pleasant sounding. And plants named after utility executives may gratify the management. But they don't grab you—right here. None of them really add to the sex appeal of the project.

I can't help feeling that a little more imagination in naming generating stations could help. Why not name your new power plant after some beloved public figure, a local or national hero? Why not have a Robert E. Lee nuclear power plant in Virginia or a George C. Wallace thousand megawatter in beautiful downtown Alabama? Seriously, I can think of few names more suitable for a nuclear power plant than that of Dwight D. Eisenhower, father of the atoms for peace program.

And, I suppose if all else fails, you might come up with the great M-O-M Nuclear Generating Stations—for who could be against Mom?

THE GREEN BERETS

(Mr. ADAIR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ADAIR. Mr. Speaker, it was with a great sense of relief yesterday that I learned that Secretary of the Army, Stanley R. Resor, had decided to drop the case against the Green Berets. In my view, this was a wise decision. The whole case was about to become a legal circus. Out of the turmoil that has arisen from the controversy over this matter, my feeling is that the Department of the Army will now take whatever steps are needed in order to prevent a recurrence of such an incident.

HAWAII OPPOSES NUCLEAR TESTS IN ALEUTIANS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, yesterday's hearing before the Senate Committee on Foreign Relations confirmed my doubts that we should proceed with the underground nuclear tests scheduled to begin Thursday at Amchitka Island in the Aleutians.

The Atomic Energy Commission's testimony at this hearing reflects a pattern of secrecy and concealment of fact similar in many respects to the Army's role in the testing of toxic nerve agents in Hawaii.

In the matter of nerve agent tests, only repeated digging brought forth the admission that tests of these chemical warfare substances were conducted in my State. In the case of the Aleutian nuclear tests, only continued prodding has brought about AEC release of Dr. Kenneth Pitzer's report of nearly a year ago concerning the possible catastrophic consequences of these blasts.

The AEC finally released this information only yesterday morning. Chairman FULBRIGHT was handed a copy just minutes before he opened his hearings. The Commission's reluctance is understandable, since this report contains extremely damaging information concerning the test series. It says, for example:

> The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. The testing in the Aleutians may excite a tsunami which could be destructive at great distances.

From the standpoint of preventing any public discussion of these dangers, I can see why the AEC withheld this report from Members of Congress as "an internal working paper." Its contents, however, make me more determined than ever to subject the Aleutian tests to full investigation by scientists not connected with the AEC or other agencies involved. Because of its value I am inserting Dr. Pitzer's report at the close of my remarks.

The AEC testimony at yesterday's hearing also made much of the fact that nuclear testing is reviewed quarterly by the Under Secretaries Committee of the National Security Council. This would make it appear that the Amchitka tests, which have been planned since 1966, were under constant high-level review to assure safety. Questioning brought out, however, that this group reviewed and recommended approval of the Aleutian tests only this month—obviously at a time when preparations were well underway. The Government has invested more than $100 million in setting up the tests, and I can well understand why the Under Secretaries would not want to cancel this investment just a few days before the first detonation on October 2.

The public interest, nationally and internationally, requires that the series be suspended despite our previous investment. The potential loss in life and property is much greater that what has been expended in preparation.

If the AEC has been overly reticent in disclosing the truth about the tests, the Interior Department has also shown lack of candor. In response to my protests earlier this year, the Department assured me that it was powerless to act against the Amchitka tests—despite the fact that they will be conducted in a national wildlife refuge—since the Presidential order establishing the refuge in 1913 reserved the military's right to its use for national defense purposes. Now we find that the AEC claims:

> It was necessary that this permission come from the Secretary of Interior . . . In August of 1966, the necessary permission was obtained.

It seems to me that Secretary Hickel, a former Governor of Alaska, has the power to withdraw that permission at least to allow further study of the tests, if the chooses to exercise that authority. Obviously he has not chosen to do so.

Another AEC disclosure at this late hour is the fact that Hawaii was considered as a potential site for huge nuclear blasts of the type scheduled for Amchitka Island. When it decided to move the tests from Nevada because they might shake down Harold Hughes' gambling saloons, the AEC says it "conducted an extensive search for a suitable site for the larger events, in which many locations within the United States, including Hawaii and Alaska, were considered." Had Hawaii been chosen, I wonder at what point our elected officials would have been contacted and whether our consent would have been sought.

I am also dismayed by the AEC's secrecy concerning these "events," as it calls the nuclear tests. Newspaper reports have told everyone that the Amchitka tests are to help develop the ABM system, but at the hearing the Commission spokesmen refused to acknowledge even this fact. They wanted to go into executive or secret session of the committee before discussing such matters.

The AEC also declined to offer illumination on why the Government was disregarding its promise to the people of Alaska that no atomic tests would be conducted at Amchitka after the small 1965 blast. The Commission spokesman said any such promise must have been made by the Department of Defense, not the AEC, and therefore the Commission was not responsible.

When the AEC spokesman cited the Commission's efforts to inform other Government agencies of the tests, it was pointed out that the Commission had not bothered to inform the Foreign Relations Committees of Congress concerning official protests to the Amchitka tests filed by the Governments of Canada and Japan week before last.

Someone in the Government has the ultimate responsibility for these tests. I have called on President Nixon to order a suspension of the Amchitka series pending an independent investigation of the type called for in legislation I have introduced. I sincerely hope he uses his authority since there is little time remaining before they commence on Thursday.

Since Amchitka is envisioned as a permanent test site it could only be a matter of time thereafter until our tampering with this delicate geological area touches off a disaster.

Mr. Speaker, many officials and groups in Hawaii have urged a suspension of these Amchitka tests. I include at this point in the RECORD, in addition to the Pitzer report, statements by the Governor of Hawaii, the State Federation of Labor, AFL–CIO, and the Honolulu local of the International Longshoremen's and Warehousemen's Union, a telegram from Mayor Shunichi Kimura of Hawaii County, an article from Environment magazine of July–August 1969, and my own testimony before the Senate Foreign Relations Committee.

REPORT OF THE AD HOC PANEL ON THE SAFETY OF UNDERGROUND TESTING, NOVEMBER 27, 1968

Dr. Kenneth S. Pitzer, Chairman; Dr. Ray W. Clough; Dr. Lawrence R. Hafstad; Dr. James R. Killian; Dr. Gordon J. F. MacDonald; Dr. Frank Press; Dr. William W. Rubey; Dr. Donald F. Scott; Dr. David K. Todd; Office of Science and Technology, Executive Office of the President, Washington, D.C.

CHAPTER V

The Panel received briefings on November 1, 1968, concerning the various potential hazards associated with underground nuclear explosions from the groups sponsored by the AEC to study these problems and from other experts. On November 8, 1968, the Panel met further with Dr. Glenn Seaborg and Dr. Gerald Tape of the AEC, after which discussions were held in executive session. The Panel's principal conclusions and recommendations are set forth in the following paragraphs. More complete assessments of the major areas of potential hazards are given in appended sections.

With regard to ground water contamination, direct seismic effects on structures, and radioactive venting, the Panel concludes that, while the possibility clearly exists that some damage will occur, there do not appear to be any major potential hazards with far-reaching consequences at the proposed level and locale of testing.

The Panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks. The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site. This possibility is more serious for tests of greater than a megaton since the larger initial explosion would lead to greater alteration of the regional stress pattern. Further, it has recently been suggested that the great earthquakes (magnitude 8.5) are actually composed of a rapid succession of earthquakes of magnitude 6.5 to 7.0. Therefore, the fact that there have been two shots of approximately one megaton at Nevada Test Site without serious consequences does not give assurance that a future large shot might not result in a large earthquake.

The proposed tests at the central Nevada site involve a greater risk of earthquake than those at the regular Nevada Test Site since the more northerly portions of Nevada are more active seismically. Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada site.

The recent evidence indicates that the risks of damaging side effects from megaton tests are larger than were estimated when the proposed test series was planned. However remote and uncertain these risks may be, in the Panel's judgment they still raise new and serious questions about such tests and about the selection of sites for such tests. The need for each test, including the test proposed for December 1968, should be given new consideration in the light of this new information. Consideration should also be given to the possibility of establishing a new high-yield test site in a non-seismic area.

The Panel expresses no judgment as to how important are the reasons for carrying out any one of the projected tests. However, the Panel does believe that the need for the tests as planned should be compelling if they are to be conducted in the face of the possible risks that have been identified.

In order to extend our judgment of nuclear event-related seismic hazards, the Panel recommends that future tests be accompanied by a more comprehensive seismic monitoring program, both pre- and post-shot, than has been carried out previously.

The Panel believes that the public should not be asked to accept risks resulting from purely internal governmental decisions if, without endangering national security, the information can be made public and the decisions can be reached after public discussion. In highly technical areas this discussion must take place primarily in professional circles. Moreover, there is great advantage in opening the consideration to professionally qualified persons who might make contributions to the understanding and solution of the problems. The Panel notes that most of the relevant information on all aspects of the problem is unclassified and that the essential parts of other reports could be released after editing to eliminate information about the particular nuclear explosive being tested. Consequently, the Panel recommends that as much information as possible concerning all of the potential hazards related to the continuing program of underground tests be released and that appropriate symposia be encouraged to facilitate discussion of these matters in the relevant professional communities in order that the general public may gain a better understanding of the problem.

Earthquake and slips related to underground explosions

The potential seismic hazards from large-yield underground nuclear explosions include both the effects of ground motion resulting directly from the explosion and the effects of grounds motion resulting from the triggering of earthquakes or slips as a result of the explosion. The hazard connected with the triggering of earthquakes is a more serious question because of the potentiality of releasing tectonic energy comparable to or very much larger than, the energy of the explosion itself and at locations other than the carefully selected test site. We have only recently been confronted with this hazard because of the large yields of the devices being tested in the current program. We are now dealing with underground explosions with equivalent earthquake magnitudes in the range 6–7.

Although we can only speculate about the mechanism by which an explosion can trigger an earthquake, there is good evidence that great earthquakes consist of a superposition of smaller (magnitude 6 to 7) events triggered in succession. For example, data was presented last year which showed that the great Alaskan earthquake of 1964 was actually composed of a rapid succession of earthquakes of average magnitude 6.8. There is also evidence of a delayed reaction where an earthquake is followed by a second major earthquake in a contiguous region after a period of days or months. For example, the great Chilean earthquake (magntiude about 8.5) which produced a rupture of about 1,000 kilometers in length was preceded by a smaller earthquake (magnitude about 7.5) which deformed the northern part of this immense rupture zone the day before. A series of earthquakes in Nevada showed a similar phenomenon. The Fallon-Stillwater sequence occurred in July and August, 1954, each event with a magnitude 6.8. The Dixie-Fairview Peak earthquake sequence occurred in an adjacent area of the same seismic zone in December 1954. The two shocks were 4 minutes apart and showed magnitudes of 7.1 and 6.8 respectively.

One hypothesis which may explain these phenomena proposes that a seismic belt is a region in which tectonic stresses produces regional deformation and a large amount of energy is stored in the form of elastic strain. An instability develops along a fault, slip occurs and a large amount of strain energy is released. Much recent work indicates that the stress drop of even the greatest earthquakes represents only a small fraction of the total stress in the rock around the fault. This stress is probably redistributed following an earthquake and concentrated at other points where the fault is located. These lock points break rapidly, as in the case of an earthquake sequence. While this hypothesis is of course speculation, the main point to be considered in reviewing the hazards of large underground explosions is the observation that many destructive earthquake sequences seem to be related to individually recognized events in the magnitude 7 range.

There is no question that the larger nuclear explosions in Nevada have actually triggered small earthquakes and have produced slips along faults to distances up to about 40 kilometers. An earthquake in Southern California which occurred in the spring of 1968 with magnitude about 6.5 produced displacements on faults at distances as great as 70 kilometers from the epicenter and well outside of the region of principal aftershock activity. Thus, explosions or earthquakes in the magnitude 6.5–7 range can reasonably be expected to produce aftershocks, slips and stress readjustments to distances of the order of 100 kilometers from the epicenter. It is not clear whether these effects are due to static readjustment or whether they are induced by the dynamic stresses accompanying the large amplitude seismic waves. In any case, if there is high train energy accumulation in a region within about 100 kilometer from a large explosion or earthquake, the possibility of triggering a major earthquake or starting a new seismic sequence has to be considered. Unfortunately, it is not yet possible to measure the absolute train energy accumulation. Also, an earthquake is basically a process of instability and the experience with smaller explosions cannot be extrapolated to larger explosions as in the case of predicting ground motion.

Man's ability to intervene with the tectonic process was recently demonstrated in the case of the Denver earthquakes. These shocks occurred in a region which heretofore had been considered aseismic. Actually, this was a region of elastic strain accumulation and apparently locked faults. The pumping of fluids into a deep disposal well resulted in the unlocking of a major fault and the initiation of an earthquake sequence. Some well-known seismologists are now suggesting the possibility that a major earthquake may hit Denver as part of this man-induced earthquake sequence. The Denver experience may not be pertinent to underground testing in the sense that there is no analog to fluid injection. On the other hand, the Denver events may be pertinent if the Denver aftershock sequence is due to a shifting concentration of stress and the successive failure of lock points following the initial effects of fluid injection.

Nevada is a region in which destructive earthquakes are known to have occurred in historical times. The large number of faults which have been mapped and which show recent movements imply that Nevada has been seismically active for a much longer period. Tectonic stress is producing regional deformation in Nevada today and elastic strain energy is being stored in the rocks of the region. Amchitka is more seismic than Nevada by at least an order of magnitude. The hazards of triggering an earthquake in the Aleutians are different from Nevada. The triggered event may be larger in the Aleutians and it may excite a tsunami which could be destructive at great distances. However, not all of the larger earthquakes in the Aleutians produce tsunamis. Nevertheless, if the triggered earthquake were a large one (magnitude greater than 8) and the rupture propagated to the east where the population density increases, there could be damage due to ground vibrations as well as tidal waves.

The present level of understanding of seismic phenomena makes it difficult, if not impossible, to evaluate quantitatively the risks of conducting large underground tests in seismic regions. However, we know that seismic events in the magnitude 6 to 7 range can produce slips and aftershocks in the distance to range 10–100 kilometers. We also know that seismic events in the magnitude range 6–7 have been associated in the past as foreshocks to large earthquakes or as components of large earthquakes. In view of these observations, a risk must be associated with conducting large-yield nuclear tests in seismic regions. The risk seems to be small but not insignificant since the consequences of accidentally releasing a large amount of tectonic strain energy could be extremely serious.

Slips occurring on faults or bedding planes have led to the destructive failure of several dams in recent years. All dams within about 100–200 kilometers from large underground explosions (magnitude about 6.5–7) should be examined for the existence of faults and potential landslides which might be triggered by the explosion. Our concern here stems from the recently discovered slips (as distinct from aftershocks) associated with earthquakes and explosions in this magnitude range.

Direct seismic effects of underground testing on building structures

The ground motions generated directly by a major underground nuclear test are comparable to a moderate earthquake and present a potential damage hazard to buildings located in the vicinity of the test. Seismic waves from an underground nuclear explosion propagate outward from the source and induce ground vibrations which can result in damage of structures depending on the response of these structures to the amplitude and frequency of the vibrations. The motion of the ground at any point depends on the yield of the nuclear device, the medium in which the explosion occurred, the velocity-depth structure and attenuation characteristics along the paths followed by the seismic waves, and finally the characteristics of the soil and bed rock beneath the structures. By gathering a large number of observations of ground motion associated with underground tests in different media and with variable yields it is possible to evaluate these factors separately and to end up with a fairly good capability for predicting ground motion. Empirical scaling laws can be devised so that extrapolation to larger tests would lead to no surprises of a significant nature not predicted by the probability distribution of ground vibration deduced for the particular test site and its adjacent regions.

The AEC has of course recognized the potential direct seismic hazard from nuclear tests and has taken what it considers to be appropriate measures to insure the safety of structures which might be affected. An assessment of this problem can be conveniently divided into two phases: (1) the ground motions which may be developed at the site of each significant building, and (2) the effects produced in the buildings by these ground motions.

Prediction of Ground Motions. The ground motion generated by an underground test is a very complex function of time. It is neither feasible nor desirable to predict its exact time history at each building site. It is necessary only to predict those features of the ground motion which have a significant influence on the structural response. The AEC contractor that has been assigned the task of predicting ground motion has selected as its basic measures of the ground motion peak amplitude, the amplitude-frequency content, and the elastic response spectrum. For the purposes of building damage control, these should provide an adequate characterization of the ground motion; in fact, the elastic response spectrum itself is probably sufficient. However, it is important to note that these qualities do not completely define the ground motion, and are not suitable to predict the amount of damage which may be developed in a structure to an excessive ground shock. The response in this case is inelastic, and is not proportional to the elastic spectral response.

The ground motion prediction techniques employed by the AEC contractor are essentially empirical extrapolation procedures based on measurements made in the critical structure areas (principally Las Vegas) during a large number of smaller events. These procedures seem to be quite suitable for the purpose of predicting ground motions which may have a significant effect on typical buildings in the vicinity of the main Nevada Test Site. The principal criticism which may be directed against the prediction effort is the fact that no basic hypothesis or analytical procedure has been developed which would make possible the calculation of motions to be expected from tests conducted at other sites and affecting other cities. Thus, it would appear that safety can be achieved in the proposed central Nevada and Alaskan test sites only by gradually increasing the yield and thus developing the necessary experience during the test program.

Specific questions that should be given greater consideration in the prediction effort concern the influence of local soil conditions and the effects of focusing by geologic structure on the motion characteristics developed at any given site. The influence of soil conditions could be studied quantitatively by establishing arrays of recording instruments located at fixed distances from the source and extending across widely differing soils (from solid rock to deep soft alluvium). On the basis of such measurements, it should be possible to devise analytical procedures which can account for the influence of ground conditions. The problem of focusing probably cannot be studied so easily, but efforts should be made to determine under what conditions and to what extent this factor may influence ground motion intensity.

The principal conclusion which may be drawn from the presentation on ground motion predictions is that the predictions are probably quite accurate for tests to be done in the Pahute Mesa area, and should provide for reliable estimates of damage to be expected in Las Vegas. Predictions made for tests to be carried out in central Nevada cannot be so reliable because of the limited experience with this area. Whether any damaging motions might be focused on Reno or some other city by these tests, and whether any special ground motion characteristics will result from the soil conditions present in these cities are questions which cannot be answered definitely at this time. However, results of the Faultless test indicate that there may be no special problems in this area.

Prediction of Building Response. The response of an elastic building to a specified ground motion is a standard problem of structural dynamics, and can be carried out with great accuracy for any building for which the dynamic properties are known. The response spectrum techniques being employed by the AEC contractor are quite suitable for this purpose. The principal problem in the response prediction is the evaluation of the essential building properties. Vibration-mode shapes and frequencies and viscous damping ratios are probably the most significant structural characteristics, and these can be obtained experimentally either from preliminary low-yield test excitations, or from other dynamic inputs.

The principal difficulty in the response prediction problem is the estimation of the strength capacity of the buildings subjected to ground motions. Reasonable estimates can generally be made of the strength of the basic structure, but the nonstructural components such as partitions, plastered walls, window systems, etc., have rather indeterminate force or deformation capacities. The extensive monitoring of buildings for damage, as is being done by the AEC contractor, is probably the most effective means of establishing these strength properties in practice.

In general, it may be concluded that the response prediction work of the AEC contractor is comprehensive and effective, and provides satisfactory estimates of the damage to be expected in Las Vegas. Presumably, similar work will be done in the cities which may be affected by ground motion generated from the central Nevada test site. The only major criticism which may be directed toward this phase of the work is that the technical results which are developed from these underground tests are not being released to the scientific community. These tests are equivalent to earthquakes in many respects, and the response analyses and measurements are of great significance to earthquake engineers. These measurements will be even more valuable if and when incipient damage is developed in any of the observed buildings, and it is important that all results be released to the profession as soon as is practicable.

Effect of underground testing on earth and concrete dams and embankments

Soil and concrete structures may be subjected to damage by the ground shaking accompanying a nuclear event, or by displacement, induced by the event, along a geological fault running through the structure. Several types of soil behavior can occur: the soil can be a vibration transmitter to a structure; the soil can fail, resulting in the sliding of soil masses; and the soil can slump or subside as a result of compaction or densification effects, which are intensified in saturated soils due to liquefaction. Soil slides and flows can also occur under water. Damage can occur in concrete dams such as cracking of the structure, motion of the dam with respect to its abutments or foundations, and disturbance of the generating equipment requiring realignment. Rock falls can occur as a result of ground shaking. If soil slides or rock falls occur in reservoir side slopes, the resulting water waves can cause damage to the dam and appurtenant structures, as well as along the reservoir margin.

Observed Effects at NTS. A substantial number of ground motion records have been obtained at Nevada Test Site over a wide area from a variety of tests. No highway or other embankment slope failures have been recorded. In the vicinity of some shot points ground cracking has been observed which was attributed to geological faulting propagated through the alluvium. It is not clear whether or not some proportion of this cracking is in fact attributable to local soil compaction or slumping effects. Soil slope failures and rockslides in areas adjacent to shot points have occurred. Since fault displacements at unexpected distances from ground zero have been detected essentially accidentally after events, it is not known to what distance rock falls or soil slides might have occurred.

At Hoover Dam, records of small (0.005g) accelerations have been made on the dam. These have not been accompanied by observed damage. There have been no records of rockfalls or soil slides into Lake Mead.

Earthquakes near Hoover Dam apparently not associated with nuclear tests have interrupted power transmission from the Hoover Dam power plant as a result of relay vibrations. Some of these earthquakes have been associated with the filling up of Lake Mead and are thus another example of human intervention in tectonic processes. The flow of the Colorado River into Lake Mead since construction of Hoover Dam has been accompanied by a gradual deposition of silt in the reservoir floor. Periodic changes in the elevation of the silt reservoir bed have been observed due to underwater slides, flows, or turbidity currents in the silt.

Possible Future Effects at NTS and Amchitka. Considering the present levels of ground motion recorded at or near Las Vegas for Project BOXCAR, tests at Pahute Mesa and the central Nevada test site, with yields up to two and four times respectively those of the largest events conducted to date, do not appear likely to cause soil disturbance of the types cited. The soil vibrational response in Las Vegas due to the BOXCAR event has apparently reached levels which, combined with the response characteristics of some buildings, are on the point of causing minor amounts of architectural damage.

In Amchitka, Alaska, underwater soil slides may be generated by a nuclear test although the offshore soil conditions are uncertain. Submarine soil slides may generate tsunami waves. In the past, several large tsunamis have been associated with soil slides.

In summary:

(1) There is no evidence at present to indicate that future tests at Pahute Mesa up to twice the yield or at central Nevada Test Site up to four times the yield of the largest events conducted to date will be hazardous from the point of view of soil behavior.

(2) There is a need to obtain more soils information in the immediate vicinity of ground zero and to examine more carefully the detailed nature of crack and displacement patterns observed on the surface after tests, to clarify their relation either to faulting in bedrock or to local soil slumping or other movements not directly related to bedrock faulting. The behavior of soil and rock slopes around Lake Mead could be more carefully examined pre- and postshot. The position of the silt surface at the bottom of Lake Mead could also be studied before and after future events. Some of these additional studies could be carried out in such a way that they would supply information of significant assistance to the solution of current earthquake engineering problems.

(3) Since some structural damage during earthquakes appears to result to structures as a consequence of their prestressing by poor soil or foundation conditions, such damage may not be predictable by the techniques employed by the safety organization at NTS and therefore it appears desirable that more emphasis be given to the examination of soil conditions and their relation to structural conditions at Las Vegas or other inhabited areas, as well as over the test site generally.

(4) There is at least a possibility that in Amchitka soil behavior might result in the

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development of underwater slides that could conceivably result in the generation of tsunamis. More attention should be given to this problem.

(5) Structures for which a damage potential exists (in particular, dams, reservoirs, water tanks) within a radius of 200 km should be monitored before and after each of the larger tests.

Ground water contamination hazards

Radionuclides released from large underground nuclear explosions are distributed initially by direct action in the immediate vicinity of the explosion. If the shot point is near or below the water table, the nuclides may be transported by ground water in possibly hazardous concentrations.

Because ground water generally moves at velocities measured in terms of feet per year, only long-lived radionuclides are important in water transport. The biologically significant radionuclides in this category include H^3 (tritium), Ca^{45}, Co^{60}, Sr^{90}, Cs^{137}, Ru^{106}, and Ce^{144}. Laboratory and field experiences have demonstrated that all of these nuclides except tritium are strongly absorbed by exchange with cations on the surfaces of clay materials; consequently, their movement is only an insignificant fraction of that of the ground water with the result that their concentrations fall below the maximum permissible concentration (MPC) within a short distance from ground zero. However, the disposition of radionuclides in limestone or dolomite is more complex and in these rocks the absorption may be substantially less than in volcanic rock. For tritium, a negligible exchange between tritiated water and the rock matrix must be assumed. Thus, in terms of curies of activity tritium represents the most abundant nuclide in ground water from a large fusion-fission explosion and becomes the primary contaminant in ground water.

Assuming tritium moves as an ideal tracer with ground water, it will travel in the direction of the local water table gradient and at a velocity governed by the magnitude of the gradient and the permeability of the aquifer. Although average values of gradients and permeabilities in a particular medium can be determined from well data, movements of tritium one to two orders of magnitude greater than the average ground water velocity can be expected as a result of (1) local heterogeneities in aquifers, particularly openings such as solution tubes, fractures, and faults, and (2) dispersion resulting from hydrodynamic mixing as water travels through an actual porous media. Transport can be most rapid through formations such as limestones, basalts, and coarse-grained alluvial deposits which contain large openings.

Experience gained from waste disposal operations at Hanford shows that maximum ground water velocities can be several-fold greater than the average velocity and that without extensive subsurface information the location and direction of these high-velocity tongues are impossible to predict. Similarly post-shot field tests at Project GNOME revealed velocities some 25 times greater than expected values.

At the Nevada Test Site subsurface hydrological investigations have defined the regional ground water flow pattern and average rates of flow. Water tables in the area are deep, exceeding 1,600 feet, because of drainage to the south through underlying carbonate formations. Although permeabilities are large, water table gradients are low and consequently velocities are small. Exploratory well data have thus far revealed no evidence of continuous underground conduits which could permit high ground water velocities; nevertheless, the possibility of such heterogeneities must be recognized and an active program of testing maintained. There is no reason based upon evidences collected to date, to believe that tritiated ground water will reach the discharge areas, some 50 miles south of NTS, at concentrations above the maximum permissible concentration (MPC).

At the Central Nevada site ground water occurs at depths of less than 600 feet and drains into Railroad Valley. This is a closed basin with ground water approaching land surface in the lowest portion of the valley where it is lost by evaporation to the atmosphere. As long as use of ground water in the valley is carefully restricted, no problem of tritium contamination is foreseen.

At Amchitka, the water table is everywhere near ground surface. Any shot point will be within roughly two miles of the shoreline and the water table gradient will be greatest in a seaward direction. With relatively little information available on aquifer conditions, the greatest movement of ground water would be anticipated along one of the numerous transverse faults on the island. On this basis tritiated water at levels above the maximum permissible concentration (MPC) would be discharged into the Pacific Ocean; however, the resulting immense dilution would rapidly dissipate excessive tritium concentrations.

On the basis of the above summary, it appears probable that future underground tests of large magnitude at the three test sites will not create hazardous ground water contamination. It should be emphasized, nevertheless, that because of the uncertainties of localized geology, continued surveillance monitoring of ground water is essential to insure that unexpected high concentrations of any radionuclides do not go undetected.

Radioactive venting

Underground nuclear tests are normally buried at depths designed to prevent the venting of any radioactive material. The problem of assessing the hazards from radioactive venting therefore consists of first establishing the probability that some radioactivity might be released despite the efforts to contain it and then determining the biological significance of that amount of radioactivity. The Panel did not consider the special problem of radioactive venting from underground nuclear excavation tests which are not designed to be completely contained and are expected to release a small fraction of the produced radioactivity to the atmosphere.

As a result of the extensive U.S. underground nuclear test program, there is a considerable amount of data available on the containment of nuclear explosions over a very broad range of yields (from a fraction of a kiloton to the order of one megaton). On the basis of this information, scaling laws have been developed that permit calculation with a high degree of confidence of the depth of burial required to contain an underground test of any anticipated yield. When these scaling laws are applied to tests with yields of more than a few tens of kilotons, experience indicates that there is very little chance that there will be any radioactive venting.

Out of over 150 underground nuclear tests, only 10 have resulted in a significant amount of radioactive venting. It should be emphasized that in each case the radioactivity involved constituted only an extremely small portion of the total radioactivity produced in the nuclear test. All of the tests that have vented involved relatively small-yield explosions. The largest of these tests had a yield of a few tens of kilotons, and the majority of the tests had yields of a few kilotons. Subsequent investigation of these unanticipated ventings of small amounts of radioactive debris indicate a variety of probable causes such as the existence of unknown faults in the vicinity of the test location and leakage through and around test cables and pipes. The largest test (a few tens of kilotons) that has produced a significant amount of radioactive venting was a special case in that it was conducted in dolomite, a medium not ordinarily for testing. The non-condensable carbon dioxide released in the explosion apparently diffused to the surface carrying fission products with it.

When one considers higher-yield tests, there is no evidence of any radioactive venting at all. Specifically, in none of the approximately 20 tests with yields of from roughly 100 kilotons to about a megaton has there been any radioactive venting.

The general explanation for the fact that the smaller the explosion, the greater the probability that there may be some venting is probably that accidental venting results primarily from the existence of unknown faults in the surrounding media. In the case of small shots near the surface, a single fault may extend far enough to permit venting. The deeper the shot is buried, the less likely it is that a single fault will extend far enough to provide a sufficient channel for venting to develop.

Whenever an accidental venting occurs, the AEC has standard procedures to determine the quantity of material vented and to monitor the cloud if it should extend beyond the test site. If levels are high enough, there are adequate standby procedures to warn local residents and to check that the milk from local dairy cows does not contain unacceptable levels of radioactive iodine.

The Panel made no effort to reassess the health hazard from the very small exposures that might result from such radioactive venting accidents as have occurred in the past. However, although some health hazard presumably results from any exposure, the amount of radioactivity resulting from these accidental radioactive ventings has been so small and so localized that the safety hazard appears to be minimal.

The case of Amchitka is somewhat more complicated than Nevada since there has been only one underground test at that location. There is also a possible additional problem in that there appears to be *extensive local faulting,* which is not easily identified from the surface. At the same time, any radioactive venting that does occur at Amchitka presents less of a safety hazard in view of its remote location. Therefore, since it is planned to build up to the highest-yield test planned at Amchitka with a series of *tests of increasing yields,* there does not appear to be reason to anticipate special safety hazards from venting if conservative scaling factors are followed.

In summary, the Panel concludes that there is relatively little safety hazard at the NTS from radioactive venting from large-yield shots. Based on rather extensive experience, it appears to be very unlikely that there will be any radioactive venting from these shots. Moreover, if venting should occur, it would almost certainly involve small amounts of radioactivity which would not constitute a significant health hazard. The Panel is somewhat less certain about the prospects for complete containment at Amchitka in view of our very limited experience at that location and the existence of local faults in the vicinity of the test site. Nevertheless, significant venting from large shots at Amchitka appears very unlikely; and, if it should occur, *the remote location would minimize the resulting health hazard.*

FROM THE OFFICE OF THE GOVERNOR, THE STATE CAPITOL, HONOLULU, HAWAII, SEPTEMBER 23, 1969

Governor John A. Burns said today he would oppose the Atomic Energy Commission's proposed underground nuclear test in the Aleutians unless it can be proved "beyound a shadow of a doubt" that the blast will not harm the Hawaiian Islands.

The Governor said he will send a representative to Anchorage, Alaska, for an AEC briefing Friday on the proposed test.

The representative, not yet named, will be instituted to find out as much as possible about the test explosion with particular concern for possible seismological effects. The AEC has said the test blast of one megaton or more will be set off at Amchitka about mid-October.

AEC scientists have said the possibility of the nuclear explosion triggering tsunamis or earthquakes is remote.

"The possible consequences of releasing that much energy near a known geologic fault are too great to accept the word of AEC scientists only," Burns said. "The most intensive, comprehensive kind of investigation is mandated.

"Independent scientists not associated with the AEC should be given a chance to review the program."

The Governor noted that Canada and Japan have filed protests against the test. "News items," he said, "report that a Victoria, B.C., seismologist, Dr. E. G. Milne, has said it would be 'extremely foolish' to disregard the possibility of an earthquake set off by the underground explosion.

"I am not opposed to essential testing of military weapons," Burns said. "But my first duty is to the people of Hawaii. I have to be certain beyond a shadow of a doubt that such testing will not harm these Islands.

"The memory of the devastating tsunamis in Hawaii remains too clear to take chances," he said.

HAWAII STATE FEDERATION OF LABOR,
AFL–CIO,
Honolulu, September 24, 1969.

ATOMIC ENERGY COMMISSION,
Legislature,
State of Alaska.

GENTLEMEN: In behalf of over 24,000 members and families of the Hawaii State Federation of Labor, AFL–CIO, we wish to register a strong protest against the Atomic Energy Commission scheduled underground nuclear detonations next month on Amchitka Island in the Aleutian chain off Alaska.

Amchitka Island, however remote and uninhabited, lies in one of the earth's most highly seismic areas. Earthquakes occur here frequently, even without the benefit of multimegaton nuclear blasts. The island lies at the crux of an earth fault and, as you are well aware, runs all the way down the Pacific Coast to California. Even the slimmest chance that a nuclear blast could trigger ground motion along the San Andreas Fault should be enough to preclude such tests. Such an earthquake could very well devastate areas of dense population!

Here in Hawaii, we are painfully aware of the frightening consequences of such earthquakes. In recent history, we recall two huge tidal waves (tsunamis) caused by earthquakes in the Aleutians. The one in 1946 killed 173 of our people and caused damages of over $25 million on the island of Hawaii alone. Tsunamis set off by earthquakes in the Aleutians could destroy areas of Alaska, California and other islands in the Pacific as well as Hawaii.

When Senator Daniel K. Inouye protested the planned nuclear detonations, he was told by members of the Atomic Energy Commission that there was only the remotest chance that the tests would set off an earthquake. They further admitted, however, that it would be "intellectually dishonest" to say that there is no possibility that this would happen.

Representative Patsy T. Mink states in the Congressional Record of September 11 that the tests are to be of such magnitude that they were transferred from the original site at the atomic testing grounds in Nevada to the far northwest. Senator Inouye further reports that he was informed by the Atomic Energy Commission that the tests were at one time discussed for safe sites in the interior of Alaska, but were moved to Amchitka Island because of cost factors and logistical problems.

It seems incredible that the safety of our people should be taken so lightly that a safe site would be discarded in favor of one where it would be "intellectually dishonest" to say there was absolutely no danger. We cannot believe that you would equate human lives and well-being with cost factors and logistical problems. It is for this reason that we are writing to you to ask for reconsideration of the scheduled tests.

Dr. Kenneth S. Pitzer, president of Stanford University, was Chairman of the President's Scientific Advisory Committee upon until January of 1969. Dr. Pitzer submitted a report to the President on the Amchitka Island tests. Although his report has never been made public, he did tell the American Chemical Society in April 1969 that the Amchitka tests and others scheduled in Nevada should not be conducted until evaluated by nongovernmental experts. He said that the safety of the blasts had "been examined primarily in closed circles with the effective judgment rendered by officials committed to the test program. This sort of a problem should be considered by an impartial judge and jury."

Dr. Pitzer says, "The risk that a damaging earthquake might be triggered deserves a much more substantial public hearing before large tests are held at the new sites in Central Nevada and the Aleutian Islands, which are seismically active areas. Then Congressmen, Governors and other responsible officials as well as the interested public can form their own judgment, balancing this and any other risks against the need for the tests or the extra costs of moving to a nonseismic location."

We strongly agree with Dr. Pitzer.

We beseech the members of the Atomic Energy Commission to suspend the Amchitka tests until Congress has had an opportunity to vote on this resolution, which would set up a National Commission on Nuclear and Seismic Safety

Respectfully,

W. H. KUPAU,
President.

INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, LOCAL 142,
Honolulu, Hawaii, September 25, 1969.

Congresswoman PATSY MINK,
Longworth Building,
Washington, D.C.

DEAR CONGRESSWOMAN MINK: The Local Officers of ILWU Local 142 urge you in the strongest possible terms to use your good offices to halt Atomic Energy Commission preparations to explode a nuclear bomb next month 4,000 feet below Amchitka Island in the Aleutian chain. This area is geologically unstable and movement there has sent catastrophic tidal waves to Hawaii in the past.

It would be criminally irresponsible to conduct any such tests along the Aleutian fault-line until it is 100% proven that there is no chance it will cause a tsunami. The AEC admits it doesn't know.

We don't want to take a chance on repeating the tragic 1946 Hilo tidal wave. The proposed test is connected with ABM development which ILWU opposes. We'd all be better off if the ban on atmospheric testing was extended to cover all nuclear testing.

Sincerely yours,

CARL DAMASO,
President.

HILO, HAWAII, *September 27, 1969.*

Representative PATSY MINK,
House of Representatives,
Washington, D.C.:

I would like to add my apprehension to those of Governor Burns regarding the proposed atomic device test in the Aleutians I urge that the test be delayed until we can be assured that it will not trigger other natural earthquakes.

Mayor SHUNICHI KIMURA,
County of Hawaii.

[From Environment, July–August 1969]

UNDERGROUND NUCLEAR TESTING

THE TEST PROGRAM

Since the Limited Test Ban Treaty of 1963, both the United States and the Soviet Union have engaged in extensive underground testing programs. Although the first deeply buried underground test in the United States was conducted in 1957, most underground tests in this country have been conducted at the Nevada Test Site after atmospheric tests were banned in 1963. Underground testing in the Soviet Union began in 1964 at the Semipalatinsk and Novaya Semlaya sites in Siberia.

The number of tests which have been conducted by both countries is not known, as not all tests are announced. The United States Atomic Energy Commission (AEC) announces some U.S. and Russian tests other organizations have reported some tests unannounced by either of the major powers. According to AEC announcements received by *Environment*, the United States has conducted nearly 200 underground tests to date, the large majority at the Nevada Test Site. The Soviet Union has conducted about 50 tests underground, and both the British and French have conducted a few underground tests, the French at a site in the Sahara, and the British at the U.S. Nevada Test Site and in Australia.

MILITARY TESTING

The question of whether further military testing is needed is not a scientific or technical one. At bottom, it is the political question of whether our national policy should be one in which we seek security through international agreements or whether we will rely on military superiority. The latter choice implies continuous development of new weapon systems, and hence continued weapons testing.

The case of the antiballistic missile system (ABM) is a clear one in this regard. We are presented with the choice of arriving at some kind of tacit or explicit arms-limitation understanding with the Soviet Union, under which neither nation would seek the ability to strike a crippling first blow, or of continuing to increase the level of our own armaments to keep ahead of what the Russians might be planning. If we take the latter course, the risks of continued nuclear testing will part of the price of our choice.

Because the largest underground tests now planned, which are of greatest concern with regard to safety, will be part of the ABM development effort, it may be worth considering this program in a little more detail.

The ABM system would consist of radar systems for the detection of attacking missiles and elaborate computer systems for analyzing data produced by the radars and for aiming defensive missiles. The defensive missiles would be of two kinds: Spartan, which is designed to intercept incoming warheads at high altitude and at a range of hundreds of miles, and Sprint, to intercept at low altitudes and a range of twenty miles. (*Environment,* April, 1969.)

Because of the greater possible error in long-distance interception, the warhead of the Spartan missile would be quite large: press reports indicate that a two-megaton warhead is now planned. Sprint, because of the greater accuracy possible in short-range interception, would have a much smaller warhead, of about ten kilotons. (*Ibid.*) President Nixon's announcement of plans to proceed with Safeguard (the new administration's ABM system), left open the possibility that further research may make it possible to increase the accuracy of the system, thus reducing the requirements for the warheads.

Most of the testing connected with the ABM would be of the operability of new warhead designs. Too, the larger warheads of the system would be expected to explode in outer space, where the important characteristics of a nuclear explosion are much different than

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atmospheric explosions. Although blast and fallout are the most significant explosion effects in the atmosphere, in the interception of missiles in space the electromagnetic radiation (particularly X-rays) of the explosion is of much greater importance.

In 1967, Dr. John S. Foster, Jr., Director of Defense Research and Engineering, testifying before the House Armed Services Committee on the antiballistic missile system, indicated that the need for testing would continue. "Following the deployment of the thin defense one can contemplate building up the defense to be more effective against sophisticated attacks. . . . There is no question in my mind but that a series of experiments involving nuclear explosions would be of great benefit."

Senator Henry Jackson was more explicit in a speech on the floor of the U.S. Senate, November 30, 1967. (Senator Jackson is Chairman of the Nuclear Safeguards Subcommittee of the Senate Committee on Armed Services and Chairman of the Military Applications Subcommittee of the Joint Committee on Atomic Energy):

"During the past year the Department of Defense, charged with the responsibility of determining the effects of nuclear weapons, has continued to develop methods of conducting underground tests in which results are being obtained that were previously thought impossible under the treaty restrictions. The acclerated underground test program of the DOD for the next eighteen to twenty-four months consists of a relatively large number of tests on new reentry vehicles, guidance systems, and our antiballistic systems now under development. As a result, the actual detailed test program has developed into a fast moving and changing program because of numerous scientific discoveries and proposals for new testing techniques that are being developed."

The debate over the ABM is well summarized in its political-technical context in a report prepared for Senator Edward Kennedy (D-Mass.) by a group of eminent scientists, academicians, and public figures including a Nobel Prize winner, two former presidential science advisors, and high officials in the last Democratic administration. Their report asserts that the ABM system is not technically capable of performing the missions assigned to it, not needed, and would probably accelerate the arms race rather than increase the national security as intended.

The Johnson administration's ABM, the Sentinel System, was aimed at defending the nation's cities against a possible light intercontinental ballistic missile (ICBM) attack from Communist China, with the possibility of using the system to defend our own ICBM's from a Soviet attack if the need ever arose. The Nixon administrations ABM, based upon new intelligence information according to the Administration, would protect our land-based retaliatory forces against an attack by the Soviet Union. According to the report submitted to Kennedy, "Safeguard is unlikely to perform according to specifications in the event of nuclear attack." The report indicates that each of the system's components is at the extreme of sophistication, and together require extraordinary coordination during the short twenty-minute time-period from when the incoming missile is spotted until it must be destroyed. This coordination involves the manipulation of missiles, radars, and computers to achieve interception and destruction of the enemy warhead. According to the report, the computer itself would be the largest and most complex ever built, and many computer engineers now involved with development of the system question that such a computer can be built.

Problems with the ABM's radars are also mentioned in the report to Kennedy. One of the problems here is the reliability of the radar system in a "nuclear environment." That is, what will be the effects of nuclear explosions on the radars involved in the system? The difficulty in answering this question is that only atmospheric testing would reveal the answer, and under the Limited Test Ban Treaty, this is prohibited.

The report also brings out the argument that past experience with both simple and complex military systems, even after extensive testing and correction, has been discouraging. Examples given in the report range from five demonstration firings of ICBM's for Congressmen that have failed to difficulties with the M-16 rifle. Among the more complex systems that were mentioned and have failed to perform up to standards are the SAGE air defense system, and the Ballistic Missile Early Warning System, which at one time identified the moon as a group of incoming warheads.

The report also mentions other factors which might further decrease the reliability of the ABM system, such as various decoys, electronic jamming, and other devices which might be employed by an enemy during an attack. The fact that the system itself is vulnerable to the effects of the warheads of its own defending missiles, as well as to enemy weapons, indicates considerable uncertainty about its actual operation during an enemy attack.

On the other side of the argument, the Pentagon, in disagreeing with the report, believes that the report to Kennedy greatly overstates the technical problems of the system. Secretary of Defense Melvin Laird has said that the MIRV capability (see below) of the Soviet Union makes the system necessary, and has indicated that present U.S. delivery systems such as the Polaris submarine may be vulnerable to Soviet attack in the near future. There is thus a possibility that the U.S.S.R. could develop the ability to launch a successful first strike against the U.S. No evidence, beyond the existence of the Russian SS-9 missile, which has been known for several years, was presented to support this contention, however. Other Defense Department spokesmen argue that the ABM system doesn't have to work perfectly to increase our nuclear defense since the mere threat of being able to destroy a portion of the incoming enemy warheads would prevent an enemy from feeling he could destroy our ability to retaliate.

The Department of Defense also maintains that the degree of sophistication involved in the ABM is not beyond our capabilities, and adds that the Soviet Union now has an antiballistic missile system deployed around Moscow. Congressman Chet Holifield, a strong advocate of the ABM and Chairman of the Joint Committee on Atomic Energy, stated at the 1969 Plowshare Symposium in Las Vegas that the system doesn't have to work since neither the Russians nor we will know whether it will work or not and by that alone it will be a deterrent.

We can only speculate on other types of weapons tests. New warheads for the submarine-based Polaris missiles and land-based Minuteman are under development, which would include the Multiple Independently-targeted Reentry Vehicles (MIRV). These would allow several weapons to be mounted on a single missile, which at some point in its flight would dispatch the separate warheads to different targets. MIRV would have the advantage of increasing the number of targets threatened by our missiles without requiring the expense of an enlarged missile force. It would also make the task of defense against our missiles more difficult. Recent Defense Department statements have revealed that the Russians are developing a similar system.

The warheads for MIRV, unlike present warheads, would consist of a cluster of relatively small explosives, each in the kiloton range. Presumably they would be fission bombs, rather than the fission-fusion explosives of larger warheads.

Although present plans apparently call for smaller, rather than larger, nuclear explosives for our intercontinental missiles, development of larger explosives may also be underway for incorporation into other weapons systems or to prepare for the eventuality of a change in our missile strategy. One advanced missile system, WS-120-A, intended to supercede the Minuteman, would be able to send a 7,000-lb. warhead a distance of 6500 miles. The Air Force has begun to enlarge some of its Minuteman silos to accommodate the new missile, which according to *Aviation Week* had been planned for operation in 1976. According to the same source, however, the Nixon Administration has decided to defer operational development of the new missile system for at least another year. Its cost will be "hundreds of millions of dollars." Warheads for subsonic cruise missiles and other systems are also being developed.

Finally, some underground tests (Project Vela-Uniform) are conducted to study test-detection techniques. These have been quite small.

In short, the military testing program may be expected to involve a large number of tests of a variety of sizes, from kilotons to several megatons, including both fission and fusion explosives. As far as is known, all these tests would be deeply buried.

PROJECT PLOWSHARE

Both nuclear and chemical explosions have been used in Project Plowshare, the AEC's program to develop peaceful uses of nuclear explosives. The applications the AEC hopes to develop include mining activities and nuclear excavation projects. Tests in the first category are generally deeply buried, whereas excavation tests are necessarily close to the surface and release substantial quantities of radiation.

Deeply Buried Tests. It has long been a practice to stimulate oil or natural gas wells of low productivity by detonating explosives in the oil- or gas-bearing strata. The technique has had varied degrees of success but is now being proposed on a much larger scale wtih the use of nuclear explosives. The intention is to fracture large volumes of rock, hopefully freeing the trapped gas or oil. Present proposals are limited to natural gas production.

The first test of this technique was Project Gasbuggy, a 26-kiloton explosion 4,240 feet below the surface in the San Juan Basin in northwestern New Mexico, December 10, 1967. This is an area of low-grade gas bearing formations, in which producing gas wells have operated for the past ten years or twelve years. About one month after the test, a hole was drilled to the underground cavity which had been created, and natural gas samples were taken. In the nearly one and one-half years since the test, about 200 million cubic feet of natural gas have been withdrawn. This is burned, or flared, in the atmosphere, as it was not intended for commercial production and contains too much radioactivity for commercial sale in any case. The amount of gas produced is not spectacular. According to Fred Holzer of Lawrence Laboratory, reporting at the Plowshare Symposium in Las Vegas April 8, 1969, three of the eight conventional wells closest to Gasbuggy had produced more gas than Gasbuggy has up to this time.

During the first six months after the test, Holzer reported, the concentration of carbon dioxide in the gas was very high, dropping only to about 35 percent of the total. The reason for the high carbon dioxide concentrations is not known, but it makes for low-quality gas.

Perhaps a more serious problem is radioactivity in the gas produced which varies somewhat according to the rate of flow, and which consists largely or tritium, the radioactive isotope of hydrogen, and the noble gas isotope krypton-85. Tritium is a particularly

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difficult problem because it is incorporated into the molecules of the natural gas (methane) itself and is thus impossible to extract by ordinary means. Holzer reports that the "total concentration of tritium gas [is] about 18 to 20 microcuries per cubic foot, [and] krypton-85 concentration is approximately 3 microcuries per cubic foot . . . the tritium concentration is less than expected by perhaps a factor of 20 . . ." About three-quarters of the tritium is produced directly by the explosion, and one-quarter by action of neutrons on lithium in the soil. This latter portion could conceivably be reduced by surrounding the explosive with boric acid, or by lining the canister itself with a neutron absorbing material.

Tritium is produced by the fusion reaction in H-bombs, but only in very small amounts in fission bombs. Another possible way of reducing the tritium problem would be to use pure fission explosives, but of course this would greatly increase the other radioactive contaminants, particularly krypton-85. It is, therefore, difficult to see how the overall level of radioactivity could be reduced by very much. Although there are no standards for radioactivity in natural gas at present, Holzer concludes that "it is pretty clear . . . that these concentrations, especially the tritium, need to be reduced." He proposes that "one way to accomplish this might be to rapidly flare one or more of the initial chimney volumes of gas." (The "chimney" referred to is the area of broken rock surrounding the point of explosion which is roughly a vertical cylinder.) Since more than ten chimney-volumes have been removed from the Gasbuggy well so far without reducing radiation to acceptable levels, it is difficult to see the promise in this technique.

The next test in this series will be Project Rulison, a 40-kiloton explosion, 8,400 feet below ground at a site near Rifle, Colorado. The test was planned for May 22, but has now been postponed until sometime this fall, probably in September. Although the official AEC statement regarding the postponement attributed it to inability to complete "necessary preparations" in time (press release May 7), a fuller account appeared in *Nuclear Industry*, publication of the nuclear industry's trade organization, the Atomic Industrial Forum. According to the magazine, the delay was instituted because: ". . . unusually heavy snows during the past winter had increased the possibility of land and rock slides if the shot took place in late May, that the Bureau of Reclamation's Harvey Gap Dam some 30 miles from the site might be seriously affected and that the approaching summer tourist season posed added safety problem."

Rulison is being conducted jointly by the AEC, the Bureau of Mines, the Austral Oil Company of Houston, and CER Geonuclear of Las Vegas, acting as program manager.

If Rulison is successful, the oil company hopes to follow it up with a series of 100-kiloton shots, perhaps two per year for ten years or more.

Dragon Trail, a 20-kiloton test for western Colorado, is also being planned, although no date for it has been set as yet.

Another use for the cavity produced by an underground nuclear explosion could be for the storage of natural gas. In many areas of the country, where the geology is suitable, gas companies store large volumes of gas in underground caverns or porous formations. This allows them to take advantage of cheaper rates from distributing companies during the times of low demand and reduces their need for imported gas at times of peak load, when it may be scarce and expensive. Nuclear explosions could create storage cavities where they do not naturally occur.

A feasibility study for such a project was done by the Columbia Gas System of New York with the AEC and the Department of Interior, and a formal proposal was submitted by the gas company to the AEC August 28, 1967. The proposal is for Project Ketch, which originally called for detonation of a 24-kiloton explosive 3,000 feet deep near Renovo, Pennsylvania. Like many Plowshare proposals, this was greeted with a storm of protest from local residents, and has now been postponed indefinitely. Reports in the trade press indicate that a site in another state is being sought.

Oil shale mining is another activity requiring deeply buried tests. Project Bronco is a proposal to test the usefulness of nuclear explosives in freeing oil from oil shale. On October 25, 1967, CER Geonuclear, on behalf of eighteen oil companies, proposed to conduct the experiment with the AEC and Department of Interior. The proposal is for a 50-kiloton nuclear explosion at a depth of 3,350 feet in the Piceance Creek Basin of Colorado.

In oil shale formations, the rock holds a hydrocarbon called kerogen, which when heated gives up liquids and gases resembling petroleum, and leaving a solid carbon residue behind. Billions of barrels of oil are trapped in oil-shale formations already identified, and there are several research efforts underway to develop ways of freeing the oil from the shale on a commercial scale. The proposal to use nuclear explosives is as follows: an underground explosion would create a large volume of crushed and fractured oil shale underground. Holes would be drilled to the fracture zone, and the shale at the top ignited. The fire would be fed by air pumped in from the surface. As it burned, it would heat the shale below it, freeing oil and gas which would be pumped to the surface. The burning front would advance slowly downward, feeding on the solid residue left behind in the heated shale.

A report in *Nucleonics Week*, May 15, 1969, indicates that the Colorado location for this test program, which would take at least five years according to the proposal, is now of less interest than a site in Utah. No new plans have been announced, however.

A similar technique could be used to mine low-grade copper ores. After a deep underground explosion, an acid solution would be pumped into the zone of fractured ore. The solvent would leach through the broken ore, picking up copper, and could be recollected at the bottom of the fracture zone and pumped to the surface, where the copper would be reclaimed. The first test of this concept will be Project Sloop, which will be conducted by the Kennecott Copper Company with the Bureau of Mines and the AEC. It will be a 26-kiloton explosion 1,200 feet underground near Safford, Arizona. No date has been set for the test.

NUCLEAR EXCAVATION PROJECTS

Since 1962, the U.S. Army Corps of Engineers and the U.S. Atomic Energy Commission have worked together on the Plowshare program to develop the basic technology necessary to use nuclear explosions in conjunction with the construction of large-scale civil engineering projects. The Corps of Engineers has conducted tests with conventional explosives (one now planned is the excavation of a small harbor in Hawaii). As a result of their efforts, as well as the independent efforts of the AEC, several applications have been proposed for nuclear explosives. This wide range of applications includes "the construction of such water resources projects as navigable waterways, dams, harbors, storage reservoirs, or spillways. In addition, nuclear-excavation cuts could be incorporated in highway and railroad construction to provide rights-of-way through mountainous or precipitous terrain. A rather basic application of nuclear construction techniques would involve the detonation of a nuclear explosive at a relatively deep depth of burst to produce aggregate for use in the construction of dams, breakwater and other rockfill structures." (Bernard C. Highs, *The Corps of Engineers Nuclear Explosives Studies for Civil Constructions*, Army Engineer Nuclear Cratering Group, Livermore, California, October, 1968.)

The major proposal in this program is the construction of sea-level Panama Canal. Most of the excavation tests now planned are in pursuit of this goal, which was described in detail in the April, 1969 issue of *Environment*. Tests ranging up to one megaton are now planned despite serious questions as to the economics, safety, and feasibility of such a project.

TEST SITES AND PLANNED TESTS

At the present time, the Nevada Test Site near Las Vegas, and the Amchitka Test Site in the Aleutian Islands, are the major sites for planned underground nuclear explosions. Another site is being prepared in Hot Creek Valley, which lies 175 miles nor of Las Vegas, Nevada, and 200 miles south of Reno, Nevada. One test has already been conducted at this site (Faultless, January 19, 1968), which resulted in extensive movement along fault lines in the area. At least one additional bomb emplacement hole is now being drilled at this site, according to Mr. Thomas MacCaulty, Public Information Officer for the Atomic Energy Commission.

The Nevada Test Site has been the most extensively used location for underground testing to date. This test site is located in Nye County, Nevada, about 65 miles from Las Vegas. The main entrance to the site is at Mercury, which contains the base camp with offices, laboratories, living quarters, warehouses, and recreational facilities for the workers who live on the test site.

To the north of Mercury are the Frenchman and Yucca Fat areas where most of our atmospheric testing was carried out before the signing of the Limited Nuclear Test Ban Treaty. These areas are now being used for underground testing. The main control point is located midway between the Yucca and Frenchman Flat areas.

According to the AEC, tests which are too complicated for testing in vertical holes are tested in tunnels mined into the side of Rainier Mesa. Pahute Mesa is used for tests of one megaton and above because such tests are not feasible in Yucca and Frenchman Flats. A Nuclear Rocket Development Station is set aside for testing nuclear engines on the southern end of Jackass Flats. The Nevada Test Site proper is used for testing both Plowshare and weapons devices of a low (less than 20-kt) to low-intermediate (20-kt to 200-kt) to low-intermediate (20-kt to 200-kt) yield. Surface cratering tests of up to one metagon have been proposed, but it is not clear whether these would be held at the Nevada Test Site.

Public announcements concerning the test holes contracted for on the Pahute Mesa portion of the Nevada Test Site by the AEC reveal that holes of 5,250 ft., 6,000 ft., and 6,250 ft. depth are intended at the Nevada Test Site, and a hole of 6,500 ft. has been contracted for at Hot Creek Valley. The shallowest of these could accommodate a test of more than three megatons, and the deepest, over six megatons. The actual tests will not necessarily be this large, as an extra margin of safety may be employed, and part of the hole may be used to accommodate instrumentation.

The Amchitka Island Test Site is located toward the outer end of the Aleutian Island chain which divides the Pacific Ocean and Bering Sea. The island itself is about forty miles long and four miles wide, with rolling terrain covering nearly its entire length. Amchitka Island has been a national wildlife refuge since 1913, and was an Air Force base during the Second World War. The Aleutian Islands are the home of the sea otter, Steller's sea lion, bald eagle, gray crowned rosey finches, and the little Aleu-

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tian Canadian goose which is nearly extinct, as well as many other wild creatures. Plant life on the islands varies from brilliant wildflowers to sea grasses.

Amchitka Island itself lies in the same latitude as London, and is a member of the group called the Rat Islands.

The tests at Amchitka, primarily weapons tests, are expected to be at least as large as those conducted at the Nevada Test Site. The hole presently being drilled will be 6,200 feet deep, which could accommodate a blast as large as five and one-half megatons. (George Laycock, "The Beautiful, Sad Face of Amchitka," *Audubon*, Nov.–Dec., 1968.)

The Aleutian Islands, including Amchitka, are in an active earthquake region. Among the many sizeable earthquakes that have occurred in the area near Amchitka were the 1965 Alaska Earthquake, and the May 15, 1969 earthquake which had an epicenter a few miles from Amchitka Island. The latter registered at about 6.7 on the Richter Scale and was felt as far east as the island of Adac. The epicenter for this quake is given by the U.S. Coast and Geodetic Survey as Rat Island, twelve miles from Amchitka Island. The area has also been known to produce seismic sea waves (tsunami).

Besides the Nevada Test Site near Las Vegas, Nevada, the Hot Creek Valley Test Site in central Nevada, and the Amchitka Test Site, there are other possible sites being studied for underground testing. One of these is in Butte County, South Dakota, and the other is in Carter County, Montana. These sites would be used primarily for the development of Plowshare technology, according to Frank Ingram, a public information officer for the Atomic Energy Commission. At this time, little sub-surface exploration has been done in these areas to determine their suitability as test sites.

SAFETY

Radiation hazards. Most of the nuclear-ground are made up of two components, a trigger of uranium or plutonium (an "A-bomb" or fission bomb), and a thermonuclear portion (an "H-bomb" or fusion bomb). The explosion of the trigger creates a very wide variety of radioactive materials, the unstable fragments of the split atoms of uranium or plutonium. The thermonuclear portion only produces one important radioactive material directly—tritium, the radioactive isotope of hydrogen.

Both portions of the explosive also produce large numbers of neutrons which, absorbed by surrounding materials, may make them radioactive. Ten times as many neutrons are produced by fusion as by fission. The materials of which the bomb casing and machinery are made become radioactive as a result of the explosion, and the intense neutron bombardment may also create radioactivity in the surrounding medium. In an above-ground explosion, the radioactive isotope of carbon, carbon 14, is produced in large quantities by neutrons striking nitrogen atoms in the air. In an underground explosion, a wider variety of radioactive materials may be produced, depending on the composition of the rock and water near the test. For most tests, tritium is produced by the action of neutrons on lithium in the surrounding minerals.

It is not possible to say very much about the quantities of radioactive material which are produced by underground tests, since the design of the explosives, and therefore the proportion of fission to fusion, is secret. The AEC has made it clear that the design of explosives (and hence their production of radioactive materials) will be kept secret even when these explosives are provided for private commercial use. (Written testimony of AEC submitted to Joint Committee on Atomic Energy, May 8, 1969.)

From a safety standpoint, there are four general areas of concern regarding radioactivity: One, radioactivity from deeply-buried tests may be released to the air accidentally. Two, nuclear excavation tests release substantial quantities of radioactivity to the air and to surface water. Three, radiation may find its way into underground water which is later used for drinking or irrigation. Four, commercial applications of nuclear explosives for natural gas stimulation, copper mining, and other uses, will result in some radioactivity in consumer products.

Accidental Releases of Radiation. Even deeply-buried nuclear explosions occasionally release radiation to the outside air. This sometimes happens when the explosion forces some of the radioactive gases up through the hole used to place the explosive. This leakage may be along channels left for cables used to detonate the explosive or to monitor its effects, or the materials used to fill the hole may simply be blown out. In order to prevent this happening, the emplacement hole is filled with earth, sand, gravel or cement, but despite these precautions, there have been instances of leakage of radiation from the emplacement hole.

Another way in which radiation may escape is more difficult to control. Radioactive gases may sometimes find their way to the surface through natural cracks and fissures in the rock, or through fractures created by the explosion, or through a combination of both. Such leakage immediately follows the explosion, while the gases are being forced outward, or may occur later, when the rock and earth above the cavity left by the explosion fall into the cavity, leaving an upward channel for gases.

EARTHQUAKES

Magnitude (M)	Approximate number in world annually	Area in which felt (square miles)	Greatest distance felt (miles)
3. 0–3. 9	49, 000	750	15
4. 0–4. 9	6, 200	3, 000	30
5. 0–5. 9	800	15, 000	70
6. 0–6. 9	120	50, 000	125
7. 0–7. 9	18	200, 000	250
8. 0–8. 9	1	800, 000	450

Note: The magnitude of an earthquake measures the energy of its seismic waves. For convenience, a logarithmic scale is used; that is, magnitude 4 is 10 times the energy of magnitude 3, magnitude 5 is 10 times the energy of magnitude 4, and so on. If an ordinary (linear) scale were used to measure magnitudes and 1 inch were used to represent magnitude 3 on a graph, magnitude 8 would need almost 2 miles of graph paper. Underground explosions can be assigned magnitudes just as earthquakes. The magnitude will again give the energy of the seismic waves produced by the explosion. An underground nuclear explosion of 1 kiloton—equal to the detonation of 1,000 tons of TNT—would have a magnitude of slightly less than 5. A 1-megaton explosion—equivalent to 1,000,000 tons of TNT, or 1,000 kilotons—would be slightly less than magnitude 7. (Adapted from Earthquakes, U.S. Department of Commerce, 1969.)

Lawrence S. Germain and J. S. Kahn of the Lawrence Radiation Laboratory presented a paper at the Plowshare Symposium conducted by the U.S. Public Health Service's Southwest Radiation Laboratory in Las Vegas in April, 1969, in which they summarized previous experience with underground testing. A table of underground tests, showing those which have vented or released radiation accidentally since 1961, was part of the paper. It showed that out of 190 tests since 1961, ten have leaked radiation. All of the tests which leaked were under 200 kilotons. Since the paper was presented, there has been one additional venting on April 30, 1969, when radiation from a low-intermediate yield test (20–200 kilotons) escaped along a cable "between the wire and the insulation," according to the account in the *Los Angeles Times*, May 1.

This brings the total number of announced ventings to eleven. Of these, according to Germain and Kahn, three "vented through ground fissures within the first minute after shot time. . . . In general, the others did not leak radioactivity until after collapse [of the explosion cavity]."

Early in 1968, the AEC informed CEI, in response to an inquiry (see *Environment*, April, 1968) that there had then been fourteen (not eleven) ventings since the Test Ban Treaty in 1963. The lower number given in this paper is probably due to the author's including only tests emplaced through vertical holes (excluding tests in tunnels in Rainier Mesa).

The amount of radiation which may be released by venting is, of course, quite variable. Germain and Kahn give the amounts of radioactivity released in past ventings as ranging from 200 to one million curies per explosion, estimated at twelve hours after the test. The lower number probably would not represent detectable radiation beyond the boundaries of the test site, but the upper number is comparable to the radioactivity released in an above-ground explosion of the size of the Hiroshima bomb (twenty kilotons). The test which released this larger amount of radiation is not identified, nor are details of the subsequent events given.

Radiation released by underground tests differs in a number of ways from that produced by atmospheric tests. To begin with, leakage from underground tests generally seeps out near ground level, whereas the radioactive gases produced by an atmospheric test quickly rise into the stratosphere. Although atmospheric tests produce worldwide fallout, leakage from underground tests may pose a more severe local hazard. Moving near ground level, the gases released by an underground test may reach people more quickly, allowing much less dilution of the radioactive gases in air, and allowing much less time for the radioactivity to decay. Unfortunately, many of the radioactive materials which are of most concern for their biological effects—strontium, cesium, iodine, and tritium—may be released as gases.

Because of the preferential release of gaseous radioactive materials, particularly iodine-131, and the relative speed with which they reach human populations, sizable venting from underground tests may be of as much concern as fallout from atmospheric tests, at least for some areas of the country. E. A. Martell was the first to suggest that this may be a problem which is not limited to immediate surroundings of the Nevada Test Site. In *Environment*, December, 1963, and in *Science* magazine, January 10, 1964, Martell suggested that "underground tests in Nevada were, in many recent instances, the principal source of iodine-131 fallout in the United States." Careful analysis of air-movement patterns seemed to show that high levels of radioactive iodine in milk in Kansas City, Minneapolis and Wichita in May, 1962, could be traced to vented underground tests in Nevada. Martell also cited reports of high iodine fallout in Seattle and Des Moines. Several meteorologists have disputed some of Martell's findings, particularly in an exchange of letters in the *Journal of Geophysical Research*, February 15, 1964. Machta and others found evidence that the high fallout levels attributed by Martell to underground tests were from Soviet atmospheric explosions of about the same time. In deference to the doubts Martell has raised, however, cratering tests are now largely restricted to the winter, when iodine deposited on grass is less likely to be consumed by dairy cattle.

There is no question, of course, that ventings sometimes produce higher fallout in states bordering Nevada, particularly in Utah, but the appearance of fallout in the Midwest and Southeast considerably adds to the seriousness of the problem.

Since the Test Ban Treaty, fallout from underground tests has not, in any part of the country, reached the levels attributed to atmospheric testing, but as the size of underground tests increases, this may not always remain the case. There have been eleven (or fifteen) cases of venting of buried tests that have been announced, out of roughly two hundred such tests. One should assume that there will be further ventings. Since the size of underground tests is increasing very rapidly into the range of megatons, future ventings may be a matter of considerable concern. Peaceful nuclear excavation tests can be expected to produce local and long-range fallout in any case.

As indicated elsewhere in this report, the AEC is apparently preparing for tests of several megatons, both at the Nevada Test Site and at Amchitka Island. The suitability of the Nevada Test Site for such experiments has been a matter of considerable controversy. A study of safety problems associated with underground tests in Nevada printed by the AEC in December, 1968, but never released to the public, recommends that tests of more than one megaton should not be conducted in the Nevada Test Site because of the difficulty of ruling out releases of radiation through fissures. The AEC released a revision of this report in April of this year, in which the passage containing this stricture is altered.

The report finally released by the AEC is NVO–40 (Revision No. 1), *Technical Discussions of Offsite Safety Programs for Underground Nuclear Detonations,* USAEC Nevada Operations Office, April, 1969. Chapter Five is "Geologic Considerations," by Frank W. Stead, Research Geologist with the U.S. Geological Survey, Denver, Colorado. According to Stead, "On behalf of the Atomic Energy Commission, it is the responsibility of the Geological Survey to provide and to recommend the types and kinds of geologic, geophysical, and hydrologic information needed to evaluate the safety aspects of nuclear explosions." He goes on to describe the information provided to the AEC regarding the Nevada Test Site. The portion of this report which is relevant here is that which describes the new northwest extension of the Test Site, an area which includes Pahute Mesa, in which the largest underground tests have been conducted, and where drill holes for still larger tests are being prepared. The largest test conducted in this area so far was about one megaton, at a depth of 4600 feet. Holes have been drilled to a depth of 6,500 feet in prepartion for future tests.

The portion of Stead's report which describes this area appears on page 52 of the revised NVO–40 released in April. The Nevada Operations Office has provided us with a copy of the corresponding page in the original report. This is a printed page, numbered 17, and a typed heading identifies it as from NVO–40, December, 1968. With an exception noted below, it is identical to page 52 of the revised report. The relevant portion:

Moving to the northwest extension of the Nevada Test Site, a new 200-square-mile area, *the geology dictates a maximum test depth of about 4,500 feet*. This vertical section as shown in Figure 4.4 illustrates the complexity of the volcanic rocks at depth and the numerous faults that cut through the rocks. This interpretation is based on one deep drill hole, in excess of 13,000 feet, and on a dozen or so 5,000-foot drill holes. . . . (Emphasis added.)

Also, the water table, as indicated in this general area, is at considerable depth, between 1,000 and 1,500 feet below the surface, with a slight gradient to the southwest.

The underscored portion effectively recommends against tests larger than one megaton, which would have to be buried at greater depths than 4,500 feet, if past practice is followed. As noted above, holes have already been drilled to a depth of 6,500 feet in this area.

In the revision of this report which was released in April, the first sentence has been altered to read: "The Nevada Test Site has been recently extended northwest to include a 200-square-mile area in which tests have been conducted to a depth of 4,600 feet." The rest of the passage is unchanged. The original reading could hardly have been unintentional, since the evidence in the rest of the paragraph clearly is adduced to support the conclusion in the first sentence. In the altered version, the phrase "This interpretation" no longer seems to refer to anything.

This change in the wording of the original document printed by the AEC indicates, at best, a certain indecision as to the safety of tests larger than one megaton at the Nevada Test Site.

The situation is clearly a difficult one, for the only other site prepared for multimegaton tests (with the exception of the single hole at Hot Creek Valley) is on Amchitka Island, which would appear to have equal or more serious drawbacks.

Releases from Nuclear Excavation Experiments. A number of tests designed to produce surface craters have been conducted at the Nevada Test Site, and some of these early tests were suggested by Martell, in the papers cited earlier, as the source of high fallout levels in various parts of the country. The release of radiation, except that it is more substantial and intended, is similar to that in accidental releases from deeply-buried tests, and the same problems of preferential releases of gaseous materials and low level drifting of the cloud, are present. For the United States, and perhaps Mexico and Canada, depending on weather conditions, such tests are essentially of the same kind of concern as were atmospheric tests, and the same arguments regarding the size of the safety problem can be made as were made regarding atmospheric tests. As excavation tests grow in size, however, local fallout levels may eventually surpass atmospheric tests in degree of hazard. Excavations involving one megaton and more of explosives which are planned may be in this class.

Radiation Contamination of Groundwater. As was pointed out by Dr. Stead in NVO–40, the larger underground tests will be conducted below the level of the water table at Pahute Mesa and other test locations. This will mean some contamination of groundwater with radioactivity. The questions one asks with regard to safety are: How much contamination will there be? and, Will it reach water supplies used by people?

As to the quantity of radioactive material produced, the problem remains that the designs of explosives used are secret. However, it is possible to assume extreme cases, such as a device which is completely a fission explosive or (what is not now possible) a completely fusion explosive. If the rate of groundwater movement near a test site are known, it is possible to make rough calculations of the contamination which would result from the explosion of such hypothetical devices. The actual test would presumably lie somewhere in between the two imaginary cases.

Such calculations have been performed and are reported in NVO–40, Revision 1, in Chapter 7, by Paul R. Fenske of Palo Alto Laboratories of Isotopes, Inc. He reports that, for a one-megaton explosion:

"I demonstrated that strontium-90 produced by 1 megaton of [pure] fission would not represent a contamination problem under the worst believable conditions. Tritium will migrate from an explosion zone. [For a pure fusion explosive] it will move 14.5 kilometers in 145 years before decaying to below MPC" [maximum permissible concentration].

These calculations are performed for the Pahute Mesa area of the Nevada Test Site.

Such calculations are done by considering the average rate of movement of groundwater through the area. Underground water generally percolates very slowly through rock and earth: the rate of Pahute Mesa is about two hundred feet per year. The earth through which the water passes is an extremely good filter for radioactive materials produced by an explosion. Fenske calculates that water leaving the explosion zone of a one-megaton fission test will contain only two-hundredths of the maximum permissible concentration of strontium, because of the strong adsorption of the chemical onto earth particles. Cesium and other fission products are expected to behave similarly.

Tritium, the radioactive form of hydrogen, behaves very differently. It is produced by the fusion porton of a nuclear explosion, and being chemically identical to hydrogen, quickly becomes incorporated into the surrounding groundwater. Having become part of the water molecules themselves, it moves where the water does and is not filtered out by passing through earth. Tritium has a half-life of about twelve years, however, and if the water moves slowly enough, the tritium will decay and disappear before reaching human water supplies.

So long as groundwater moves very slowly by percolating through earth and rock, there seems to be little concern about radioactive contamination. This is not always the case. The area of the Nevada Test Site is heavily marked by natural faults and fissures. The tests which have been conducted have, of course, made their own contributions to fracturing of the rock. Groundwater flows very much faster along cracks and fissures than through granular rock. The average velocity of flow of water in a fracture may range up to 20,000 times higher than in rock of a similar type, even though the crack width is a maximum of one millimeter.

Occasionally, very large tension fractures are found; in fact, fractures wide enough for a man to stand in have been reported in the Pahute Mesa area of the Nevada Test Site. A fracture of these dimensions, if continuous, can carry tremendous quantities of water even at the low head differentials found in nature. The water velocity in a crack six inches wide with a head of 0.001 foot/foot would be about one foot per second, or 16 miles per day. At this velocity, contaminants from the Yucca Flat test area, for example, could be transported from the site in a matter of a few days; however, this might not be hazardous because such contaminants would be highly diluted by the large quantity of water. A more serious condtion would exist where there were a large number of continuous open fractures about 0.05 inch wide. The velocity through fractures of this width would be about one-tenth of a mile per day. (From "Transport of Radionuclides by Water Flowing through Permeable Rocks," Carroll E. Bradberry and Associates, CBA–1229–F6, November 28, 1964, p. 33)

The above passage is quoted in a memorandum from John H. Meier, of Hughes-Nevada Operations, to Dr. Donald Hornig, then the President's Science Advisor, and dated November 7, 1968. The memorandum was released to the press early this year and reviews problems connected with nuclear testing in Nevada. In the section dealing with contamination of groundwater, it asserts that the wells which are used by the AEC to monitor contamination draw on water which is percolating normally, and no samples have been taken from water flowing along known faults. It also claims that no monitoring of drinking-water wells in Clark County is being conducted, and that radiation monitoring of the Colorado River and Lake Mead is inadequate. The reply to this memorandum, if any, has not been made public. An apparently similar series of questions from the Hughes organization was later directed to the AEC, which did respond, but the details of the exchange have not been released.

Biological Significance of Radiation. Every nuclear explosion produces a great variety of radioactive elements. Some of these elements are chemically similar to nonradioactive elements which are normal constituents of living things. Strontium 89 and strontium 90,

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which are radioactive fallout constituents, closely resemble normal calcium, which is an important component of all living cells and which in animas appears especially in milk and bone. Radioactive cesium 137 is chemically similar to potassium, a common constituent of all living cells. Radioactive iodine 131 has the same chemical behavior as ordinary nonradioactive iodine, and like the normal element becomes concentrated in the thyroid, where it is incorporated into the iodine-containing hormone, thyroxin, that is the special product of the thyroid gland.

Tritium, the radioactive form of hydrogen, is produced directly by fusion explosives and indirectly by the action of neutrons on surrounding materials. It behaves like hydrogen and can become a part of all living tissues.

Thus, the radioactive atoms—strontium 90, cesium 137, iodine 131 and tritium—which are produced by nuclear testing and are chemically similar to important life constituents can become integral parts of all forms of life and, once absorbed, subject them to internal radiation.

Calcium nutrition is a useful illustration of the relationship between the normal and fallout constituents. Calcium is absorbed from the soil by plants, and animals obtain the calcium that they need by feeding on the plants. Animals require calcium mainly for the growth of bones and teeth; in cows much of the calcium appears in the milk. Human beings obtain their required calcium by drinking milk and by eating vegetables and cereals.

Wherever calcium occurs we now find strontium 90 from atmospheric testing as well. Being chemically similar to calcium, strontium 90 follows calcium from the soil into plants, into animals and through milk and other foods into human beings. As the soil accumulates an increasing burden of strontium 90, the amount in plants goes up and with it the amount that we find in the milk of cows that feed on these plants. Each of the fallout radioisotopes that resembles a normal element of importance to animals and plants will, like strontium 90, follow the path taken by the normal constituents and find its way into our bodies.

Once radiation is released from an underground test, therefore, and enters the world of living things, there is some hazard to human health. It has always been assumed that the risk from radiation is proportional to the degree of exposure: that there is no lower limit below which radiation will do no damage. At very low levels of exposure, the risk of damage is small—but if a large number of people is exposed, the chances of one of them suffering damage grow. Because of this, it is customary to talk about radiation exposure in terms of both the level of exposure and the number of people exposed.

Underground testing will in all probability expose fewer people to radiation than did atmospheric testing which resulted in worldwide fallout. If Martell's analysis is correct, however, a large proportion of the United States's population may be exposed to fallout levels from nuclear excavation tests comparable to those experienced during atmospheric testing, at one time or another.

The health significance of fallout from atmospheric testing was extensively discussed during the period of debate over the Limited Test Ban Treaty, and will not be treated here. A summary of the discussion was presented in the September-October, 1964 issue of *Environment* (then *Scientist and Citizen*). As is well known, the two principal effects of radioactive fallout on health are the production of cancers and inherited defects, or mutations. In the issue of *Environment* just cited, it was estimated that atmospheric testing through 1962 had resulted in 4,800 defective births in the United States.

SEISMIC HAZARDS

Most of the controversy over underground testing in recent months has related to concern over seismic effects of the largest tests. Since January, 1968, three tests of about one-megaton yield have been conducted: the first, Faultless, at Hot Creek Valley in central Nevada, then Boxcar (April) and Benham (December, at the Nevada Test Site). An earlier test in December, 1966, at the Nevade Test Site, probably also had a yield of close to one megaton, although the size has never been given exactly. Although no unforeseen damage from any of these tests has been reported, still larger tests are apparently planned for Nevada, and some concern remains.

There are three categories of seismic effects which may be distinguished: the seismic waves generated by the explosion itself, earth movements triggered at the site of the test, and earthquakes triggered at some distance from the explosion.

Direct Effects. Although there is much that is not understood about earthquakes, seismologists agree that most or all are a result of slow movement in the earth's crust. Shifting of inches per year in part of the crust may set up strains which gradually build up over the years. When the strain is sufficiently great, the rock which makes up the crust may break. The result is a sudden snapping readjustment of the rock on both sides of the break, much as if one were to slowly twist a board until it snaps. Wood tends to break along the grain, and in rock, the break tends to occur on flaws or fault lines, preexisting cracks in the rock.

When an earthquake occurs, there is a sudden rapid movement of rock on opposite sides of a fault. Relative movement of the two sides may be as much as twenty feet in a large earthquake. Displacement may occur along several miles of a fault.

The sudden readjustment of rock along faults, releasing built-up strains, can create a considerable local disturbance, and the shock may be felt at great distances. The force of the shock is transmitted through the earth in a variety of waves, which seismologists divide into four categories, two which travel over the surface of the ground (Rayleigh waves and Love waves) and two which travel through the body of the earth (P- and S-waves). It is the body waves, which travel much greater distances, which are usually measured and used to assign a magnitude to an earthquake.

Underground explosions are similar to earthquakes in the sense that they are underground disturbances which cause displacement of rock and which generate waves of the same general type as those generated by earthquakes. Because the types of waves are the same, explosions can be assigned magnitudes as if they were earthquakes (despite the fact that relative strengths of the different kinds of waves in the two cases are very different).

P-waves are similar to sound waves—consisting of a compression followed by an expansion, set up directly by the outward pressure of the explosion. S-waves, which are very much weaker in explosions than in earthquakes, more resemble the waves created by a stone dropping into water.

Surface waves may be further subdivided by their different frequencies, with the different frequency components traveling at different speeds. Because of the irregular nature of the earth and rock through which they pass, the waves may be reflected and refracted; further, S-waves striking a boundary give rise to P-waves, and vice versa.

The way in which the shock of an explosion or earthquake is transmitted to a distant point is therefore extremely hard to predict in advance without a good deal of information about intervening structures, and the severity of the shock felt at different locations equally distant from the disturbance may vary greatly because of local variations in geology.

Despite the complexity of the problem, there have been enough tests conducted at the Nevada Test Site to provide experience on which reasonably accurate predictions can be made regarding the transmission of shocks from the tests over long distances. By the use of computer programs designed for the purpose, it is possible to do the complex calculations required, and according to the most recent statement from the AEC's Nevada Operations Office (NVO–40, Revision 1, April, 1969, p. 224): "ground motion predictions including techniques for predicting frequency distribution are becoming quite accurate."

Once the magnitude of ground motion at a given distance from the underground explosion can be estimated, it is possible to predict the degree of damage which would be done to buildings as a result. According to the source just cited, twenty-five of the larger buildings in Las Vegas have been studied extensively, and theoretical calculations together with experience from the long series of past tests make it possible to estimate the degree of movement and damage each would experience in a given test.

The complexity of these calculations, which depend a good deal on the local peculiarities of the earth's structure and on the characteristics of the buildings which may be affected, makes it difficult to predict the consequences of an explosion except where there has been extensive prior experience. Selecting a new site for tests (as in the Hot Creek Valley site in central Nevada) introduces new uncertainties which can only be resolved through further testing, and the risk remains that the worse-than-predicted effects will be felt.

Tall structures are much more severely affected by small ground motions because of their tendency to amplify the motion and to resonate to periodic motions. Resonance is the commonly-observed phenomenon which resembles the rhythmic pumping of a swing: pushes which coincide with the peaks of the swing's movement cause it to swing ever more widely. A tall building also has a characteristic way of vibrating, and "pushes" from a seismic wave which come at the resonant frequency of the building may make it sway violently.

Triggering of simultaneous earthquakes. In addition to the direct seismic effects of underground tests, two other possible problem areas have been identified—earth movement at the site of the test itself, and the triggering of earthquakes at some distance.

It has been known for many years, but only recently made public, that underground tests often create earth movement in the immediate vicinity of the test itself. The first public discussion of this phenomenon was at the April 1, 1969 meeting of the Seismological Society of America (SSA), at which photographs of ground displacement near recent large tests were shown. At about the same time, the AEC released a revision of its Nevada Operations Office report, NVO–40. More extensive discussion of these problems was held at the American Geophysical Union annual meeting, in April, 1969.

The force of an underground explosion produces extensive breakage in nearby rock, but for most underground shots, these effects are not visible from the surface. The exception is where there are faults in the rock near the test which extend to the surface, and in these cases there may be considerable movement of the rock along the fault. According to NVO–40, Revision 1, "First extensive observations of this effect were associated with Yucca Flat, the area where most of the underground testing has occurred. . . . Cracking and relative movement along [Yucca Fault] as a result of nuclear detonations have been observed for a period of years. Maximum displacements on Yucca Fault due to any event have been less than 3 feet with most faulting showing less than 1 foot displacement. (Wendell Weart, 'Earthquakes and Aftershocks Related to Nuclear Detonations,' pp. 227–237)."

Movement has been observed to occur over "several thousand feet" of the fault.

As the size of tests grew, these effects became more dramatic. All of the test sites in Nevada are heavily criss-crossed with faults at the surface. The two one-megaton tests which have been conducted at Pahute Mesa, in the northwest corner of the Nevada Test Site, each produced extensive movement along five miles of a fault. Maximum displacement for Boxcar (April, 1968) was about three feet, and for Benham about one foot. (*Ibid.*)

The Faultless test of January, 1968, created some of the most extensive movement yet observed. High-speed photography was used from a helicopter to record surface events following Faultless, and the films shown at the Seismological Society meeting on April 3, 1969, showed a long fault opening within seconds of the explosion, and running almost through ground zero. At the point of greatest movement, the vertical displacement on the fault was fifteen feet (NVO–40, p. 227).

F. A. McKeown of the U.S. Geological Survey (USGS) discussed the Faultless experience at the SSA meeting, and said that the reasons for this very considerable movement were not known and that, in fact, the whole history of events following the test was "complex" and not well understood.

Wendell Weart, of the Sandia Laboratory, wrote in NVO–40 that:

"The displacements observed postshot along preexisting fault zones are similar to surface breaks observed on many moderate earthquakes. It is logical to assume that these pronounced surface breaks are the result of (or result in) an earthquake which occurs shortly after the nuclear event."

Confirmation that nuclear tests set off earthquakes at the time and place of the test was given in a paper presented at the April 1969, meeting of the American Geophysical Union. K. Aki, a seismologist from MIT, monitored the Benham test and recorded Love and Rayleigh waves in Massachusetts which originated both from the actual explosion and from earth movement sources. Based on this evidence, he stated, "we conclude that the . . . seismic spectra . . . strongly suggest that an earthquake was triggered after the Benham event." (K. Aki, P. Reasenberg, T. De Fazio, and Y. B. Tsat, "Near-Field and Far-Field Evidences for Triggering of an Earthquake.")

There is then a question of how much the earthquake which is triggered adds to the force of the explosion itself. Until now, apparently, the earthquakes which have been triggered are small compared to the tests themselves. There is no way of knowing whether this will always be true, however, as the entire process is poorly understood. Weart reports in NVO–40 that the earthquakes which have been triggered at the point of explosion have been "at least one magnitude unit smaller than the nuclear event. This is so, despite the observed fault lengths which are consistent with lengths associated with magnitude 6 earthquakes." (A one-megaton explosion is roughly equivalent to a magnitude 6.5)

The significance of these findings for safety at the Nevada Test Site lie in the possibility that an earthquake will unpredictably multiply the force of an explosion, producing greater damage than had been expected. As the tests grow in size, approaching levels which might damage buildings or dams, this becomes a much more serious consideration. Weart concludes, "Further understanding of these phenomena is necessary to permit extension of the present observations to higher yields. . . ."

At other test sites, these problems may be of even more concern. The test site being prepared at Amchitka Island in the Aleutians is in one of the most active earthquake areas of the world. Although this is relatively uninhabited area, a large earthquake triggered by a nuclear explosion conceivably could create tidal waves (tsumanis) capable of doing serious damage in Hawaii or Japan. This question is considered at greater length on pages 37–41.

Triggering of Distant Earthquakes. The subject of greatest controversy and confusion in the debate over underground testing is the possibility that large tests will set off damaging earthquakes far from the site of the tests.

At the time of the Boxcar test, in April, 1968, there was some speculation that megaton-range tests might disturb the San Andreas fault system in California less than 200 miles from the test site. These speculations were revived and carried into newspaper headlines following the reports of a study by Alan Ryall and his associates at the University of Nevada Seismology Laboratory in August, 1968. Las Vegas newspapers reported that Dr. Ryall had given the AEC a memorandum stating that earthquakes had been triggered at a considerable distance from the Boxcar site. These later reports were apparently based on an unclassified report dated August 13, 1968, to the Advanced Research Projects Agency of the Department of Defense (ARPA Order No. 292). This report was apparently made available to the AEC. Shortly after its release, Dr. Ryall announced that he was reexamining the data on which it was based. The relevant portion of the report follows:

"*Earthquake activity following underground explosions.* Results of a preliminary study indicate a general increase of seismic activity in the Nevada region immediately following large underground tests. Although much of this activity is concentrated in a small region around the shotpoint, increased seismicity is observed out to distances greater than 200 km, and in one case a large underground test may have triggered earthquakes in the magnitude 5+ range in the northern and western parts of the state.

"Regional activity following nuclear tests has been analyzed by counting the number of shocks recorded at the Tonopah seismographic station for various periods of time before and after underground tests and for various ranges of distance from Tonopah. Thus, for example, over an 18-hour period following the Faultless test on January 19, 1968 in addition to intense seismic activity in the immediate epicentral area, the number of earthquakes occurring within a 240 km radius of the Tonopah station increased by more than an order of magnitude over normal activity."

Press reports of his research appeared in October, 1968, at which time Dr. Ryall announced that the data on which it was based were being reexamined. Interviewed by telephone in November, he explained that on restudy he felt that many of the more distant earthquakes were not connected with the Boxcar test, and that the only earthquakes which could definitely be connected with the test were within 50 miles of ground zero. He added that this was a generous estimate, since the furthest earthquake which could be definitely linked to the test was 25 miles away. According to Ryall, the tests triggered thousands of very small earthquakes, most of them within two miles of the test, and with magnitude less than 1. In more recent papers for the *Journal of Geophysical Research* (in press) Ryall has further contracted his estimate of the range of seismic activity to about 20 kilometers.

There is clearly some confusion, even among those closest to the subject, about the possibility of tests triggering earthquakes.

Much more information about seismic activity following nuclear tests was presented by Robert M. Hamilton and John H. Healy of USGS at the April, 1969 meeting in St. Louis of the Seismological Society of America. They reported on the detailed studies which followed the Benham test the previous December, but unfortunately gave no further data about Boxcar.

Hamilton and Healy confirmed that all large tests are followed by many small earthquakes (about 10,000 in the case of Benham, a one-megaton test). The Benham test was monitored at 27 USGS seismograph stations within 30 km of ground zero, and another network of six stations in central Nevada about 250 km from the test. The two authors made it clear that the shocks measured near the test "are not related to the collapsing cavity but appear instead to be caused by movement on previously recognized fractures within about 10 km. of the explosion."

Although Hamilton and Healy's prepared paper had said that "post-shot activity continued for at least three weeks," at the meeting they were able to report that, in fact, increased activity was still being observed nearly four months after the test. Hamilton, who read the paper, said that activity had increased again about three weeks after the test and was continuing in April at the rate of two or three shocks a day. The largest aftershock observed had a magnitude of 4.7, about 100 times smaller than the test itself.

One of the curiosities observed in the Benham aftershocks was that they tended to move away from the site of the test with time. Most of the early shocks were within a few kilometers of the test, but the increased activity that occurred three weeks after the explosion resulted in a "dramatic extension of the zone" of aftershocks to beyond 10 kilometers. The Faultless test, by comparison, had caused aftershocks out to a distance of 40 kilometers.

In the discussion which followed presentation of this paper, it was also made clear that the earthquakes triggered by the test were not simply earth movements caused by the force of the blast, but were actually earthquakes in the sense that they released built-up strain in the rock of the region. A member of the audience, who identified himself as being with the USGS, said that the energy released by all the aftershocks was probably greater than the energy of the original explosion.

These data showed that there was no simple way to determine whether a given earthquake was in fact triggered by a given test. When the possible effects are extended over thousands of square miles and periods of months, the connection to a cause becomes a statistical matter. Without adequate records of past seismic activity, it is difficult to judge whether an increase in the number of earthquakes is connected with a test, and nearly impossible to say with certainty whether a particular earthquake, far removed from a test in time and space, is natural or man-made. These are apparently the kind of uncertainties which made possible the two contradictory interpretations of Dr. Ryall's data.

All that seems to be clear is that underground tests do trigger large numbers of small earthquakes within a few tens of miles of the test. Most of these are very much smaller than the test itself, and all presently planned tests are considerably smaller than the largest earthquakes which occur naturally. Whether tests can trigger earthquakes at larger distances is still a matter of speculation. USGS monitoring stations in central Nevada and California reported that strains associated with Nevada tests at distances of 200 miles are small compared to the usual transient strains in the earth's crust, from earth-tides and earthquakes.

Whether natural earthquakes trigger other earthquakes is a related question and, unfortunately, no closer to agreement. Dr. Carl Kisslinger, geophysicist at St. Louis University, pointed out in a personal communication that seismologists are not agreed as to whether large earthquakes cause other large earthquakes at long distances, or indeed whether small earthquakes in active areas may set off large ones nearby. He points out that large devastating earthquakes, like the Alaskan quake of 1964, are in reality a series of small earthquakes culminating in a large shock. On the other hand, fairly large quakes, like the one near Amchitka in May, 1969, often occur without setting off any further quakes. A report from the California Institute of Technology (CIT) confirms that earthquakes, like tests, may trigger other smaller earthquakes at distances up to a few tens of miles. A portion of the CIT press release, dated November 10, 1968, follows:

The large earthquake that jostled most of Southern California last spring is now providing a surprising "aftershock" for scientists and engineers.

"We've found that this area's largest earthquake in more than 15 years—the temblor of 6.5 magnitude at Borrego Mountain last April 8—apparently caused movements on at least three other faults miles away," said Max Wyss, a graduate research assistant in geophysics at the Seismology Laboratory of the California Institute of Technology. This appears to be the first documented case of one fault causing movements on other faults.

"It implies," he added, "that damage to structures on or near earthquake faults may occur even though the earthquake is centered on some other distant fault."

According to Dr. Clarence R. Allen [then] acting chairman of Caltech's Division of Geology, the main shock last spring "apparently triggered small displacements on other faults as far as 50 miles from the epicenter. This triggering of one fault by another is a very surprising and in some ways disconcerting discovery, inasmuch as it vastly increases our estimate of the probability of displacements on the many small faults cutting the California landscape. . . .

"These observations of displacements or creep episodes on faults that were probably triggered by the Borrego Mountain earthquake are the most surprising, and perhaps the most significant, result of the investigation so far," Allen said. "This is the first documented case of an earthquake apparently causing displacements on faults outside the main epicentral region by seismic shaking."

The whole question of earthquake triggering received additional publicity early in 1969 when the Howard Hughes Navada Operations Office released to the press a memorandum it had delivered to the President's Science Advisor November 7, 1968. In this memorandum the suggestion was made that a test might set up a series of earthquakes, one triggering the next, which might reach to the San Andreas fault system. This was presented simply as a speculation.

In April, 1969, Dr. Kenneth Pitzer, President of Stanford University, and identified in the Hughes memorandum as Chairman of an ad hoc committee on the safety of underground testing established by the President's Science Advisory Committee, voiced his own concern about unresolved seismic hazards from nuclear tests, according to a *Washington Post* story April 15, and asked that possible test hazards "should be studied by an 'impartial judge and jury' of experts who have no AEC affiliation, rather than 'primarily in closed circles with the effective judgment rendered by officials committed to the test program.' "

In the absence of such an impartial study, the possibility that underground tests may trigger distant earthquakes remains an unresolved question in the public mind. Since both the Nevada test sites and the Amchitka site in the Aleutians are in or near areas of seismic activity in which damaging earthquakes have occurred in the past, these uncertainties should be publicly discussed and weighed before further tests in the megaton range are permitted.

TIDAL WAVES

Tsunamis. The preparations for large underground tests at Amchitka Island in the Aleutians raise the possibility that these explosions may create tsunamis (tidal waves or seismic sea waves) capable of doing damage in Hawaii, on the California coast, or in Japan.

It is well know that earthquakes on or near the sea floor can create tsunamis. Japan and the Hawaiian Islands have frequently been struck by tsunamis caused by earthquakes in the Pacific or around its borders. The record Chilean earthquake of 1960 created 35-foot waves in Hawaii, thousands of miles from the center of the earthquake, killing 61 people and creating extensive property damage. According to a review by Cox and Mink in the *Bulletin of the Seismological Society of America* (BSSA) December, 1963. Hawaii has been struck by fifteen damaging tsunamis since 1819, more than half of which "derived from faulting in the Kuriles-Kamchatka-Aleutians region," an area which includes Amchitka Island.

There is some disagreement among seismologists as to the cause of seismic sea waves, or tsunami. B. Gutenberg has become identified with the position that tsunamis are sometimes caused by massive underwater landslides precipitated by earthquakes:

"Tsunami . . . may be produced by submarine volcanoes, submarine slides started by earthquakes, submarine faulting, and atmospheric conditions. The hypothesis that some at least of the largest tsunami have been produced by submarine slides . . . has been advanced by a notable number of seismologists. (BSSA, October, 1939.)"

Gutenberg was led to this conclusion in part because of evidence that an earthquake well inland in Chile had resulted in a tsunami which reached Hawaii, suggesting to him that it was not the direct effects of earth movement, but landslides set off by the quake, which created the tsunami.

This is apparently now a minority opinion among seismologists, most of whom believe that tsunami waves are directly produced by movement of the sea floor, at least in most cases. One line of argument which seems to rule out landslides as a cause of some tsunamis leads from evidence that the source of the wave is much too large to be accounted for by a landslide. S. A. Fedorotov, writing in the Geophysics Series of the Bulletin of the Academy of Sciences, U.S.S.R., July, 1962 (translated and published here October, 1962, by the National Academy of Sciences), summarized this evidence. By determining the time of arrival of the tsunami wave at many different locations, it is possible to calculate the source of the wave. Citing such calculations for a number of tsunami generated in the Kamchatka region, Fedorotov concludes that "source regions for tsunami waves are extremely elongated ellipses whose major axes have lengths of tens or hundreds of kilometers." It is difficult to imagine landslides of this magnitude.

In a more recent review, Takeo Matuzawa (*Study of Earthquakes*, Uno Shoten, Tokyo, 1964) says that Japanese seismologists generally disagree with Gutenberg and believe that "tsunamis on a large scale are supposed to be caused by submarine upheaval or subsidence of extensive area. Tsunamis caused by submarine landslides, if any, should be on a relatively small scale."

Most of the references to tsunami studies are in the foreign literature, as surprisingly few papers have been published in the United States on the causes of these sea waves. In 1964, the BSSA published an index to the previous 53 years of that journal. Only thirteen references to tsunami are listed. and nearly all are simply descriptions of tsunami effects.

Whatever their exact cause, tsunamis are produced by earthquakes. They may travel over thousands of miles of ocean with little loss of energy. In the open ocean, the height of the wave may be only a few feet; the wave length is great, distances between wave crests being one hundred miles or more. The speed at which the wave travels is a function of the depth of ocean, typically about five hundred miles per hour. Tsunamis generated in the Aleutians or near Alaska will take from four to six hours to reach Hawaii, enough time to allow warnings to the local population to move to high ground.

Damaging tsunamis are frequent enough in the Pacific to require a Seismic Sea Wave Warning System (SSWWS). The four-to-six hour warning time for tsunamis originating in the Aleutians or the coasts of North and South America allows the SSWWS, operated by the Department of Interior, to issue warnings to Hawaii. There is cooperation with the Russian and Japanese governments, since earthquakes in the Kuriles or the Aleutians may result in tsunami damage in Russia and Japan.

Damaging tsunamis strike Hawaii with fair regularity. In recent times, the most severe waves have been in 1946, 1952, 1957, 1960, and 1964. All of these, except for the tsunami produced by the Chilean earthquake of 1960, were produced by earthquakes in the arc from Kamchatka to Alaska, which includes the Aleutians. The most damaging of these was the 1946 tsunami, which originated in the Aleutians following an earthquake of magnitude 7.4. The wave produced traveled at an average of 490 miles per hour, traversing the 2,400 miles to Hawaii in a little under five hours. The wave length was 122 miles, and the height of the wave in the open sea was probably only a few feet.

As the wave approached Hawaii, however, it encountered the gently-sloping shores of the islands. As it moved into shallower water, the height of the wave increased; this effect was greatest in V-shaped bays, which further amplified the height of the wave. On the island of Kauai, waves reached 45 feet in height; on Hawaii, the maximum was 55 feet.

Later earthquakes which were considerably larger and which had their focus in the same general area, did less damage at Hawaii, Fraser, Eaton and Wentworth (BSSA, January, 1959) compared the 1946 tsunami to one in 1957, which originated from an earthquake of magnitude greater than 8, but which was otherwise much like the earthquake of 1946. The tsunamis from both earthquakes had similar wave lengths (122 miles and 146 miles) and speeds (490 mph and 497 mph). Maximum wave heights in 1957 were 32 feet at Hawaii and 53 feet at Kauai (compared to 55 and 45 feet respectively in 1946). Thus, despite the greater magnitude of the 1957 earthquake, its effects were no worse than the 1946 earthquake.

Damage from the tsunamis ranges from the very minor to the catastrophic. Tsunamis in Japan have resulted in thousands of lives lost. In Hawaii, the worst damage in recent times was from the 1960 tsunami, which killed 61 and resulted in millions of dollars of property damage. Wave crests were actually lower (maximum about 35 feet) in the 1960 tsunami than for some others which have originated in the Aleutians, but warnings were inadequate and the waves struck heavily-populated areas.

Damage is also done to the West Coast of North America following earthquakes in the

Aleutians or in Alaska. The Alaskan earthquake of Good Friday (March 28) 1964, caused tsunami waves of up to 30 feet along the Alaskan coast, and did damage as far south as Crescent City, California. These tidal waves not only damaged property, but caused considerable ecological disturbance. According to the Report to President, published by the National Academy of Sciences:

"Walls of water surged into estuaries, scouring out beds of clams and other life in some areas, and elsewhere depositing layers of mud and debris that suffocated underlying life. Tsunami waves washed into low lying lakes, making the water brackish."

According to the AEC's Public Information office, the Island of Amchitka is being prepared for another series of underground tests in the fall of this year. The Anchorage *Daily Times* (May 15, 1969) and other newspapers have repeatedly reported that tests of several megatons are planned for this area. Since tsunamis from this region could do damage to areas in Russia, Japan, Hawaii, Canada or the West Coast of the United States, the question of whether the tests could trigger tsunamis may be the largest imponderable in the underground testing program.

According to Matuzawa, the damaging effects of a tsunami wave depend more on the extent of vertical movement of the sea floor, and the distance along which such movement occurs, than on the magnitude of the earthquake which sets off the movement. Earthquakes of less than magnitude 7 do not seem to result in damaging tsunami, but an explosion of several megatons would exceed magnitude 7. The extent of ground movement from such an explosion itself would not seem adequate of itself to create a tsunami, but the possibility remains that an earthquake triggered by the explosion would do so.

In Nevada, which is relatively free of earthquakes, the Faultless test caused sixteen feet of vertical ground movement along a fault. This and other tests have caused movement along several miles of fault. Whether tests would trigger much more extensive movement in the seismically-active Amchitka area would seem to be still an open question. On May 14, 1969, an earthquake of magnitude 6.7 rocked Delarof Island, just 75 miles from Amchitka, where the shock was clearly felt, dramatically demonstrating the proneness of the area to large earthquakes. (No tsunami was produced, however.) It has been demonstrated that megaton tests in Nevada trigger earthquakes at the site of the test. Since Amchitka Island is only four miles wide, any earthquake triggered on or near the island would be almost certain to result in movement of the sea floor, and therefore, possibly, in a tsunami. If, in this earthquake region, a test were to precipitate a quake no larger in magnitude than the test itself, but resulting in fault movement over many miles, the result might be a tsunami which did damage thousands of miles away.

Testimony by Representative Patsy T. Mink, on the Suspension of Nuclear Tests in the Aleutian Islands, Before the Committee on Foreign Relations of the U.S. Senate, September 29, 1969

Mr. Chairman and members of the distinguished Committee, I am happy to have this opportunity to appear before you in opposition to the nuclear tests at Amchitka Island in the Aleutians. I believe your Committee is performing a public service in the profoundest sense by conducting these hearings and for the first time giving our citizens a forum in which to express their concern.

As you know, these tests have great international implications. Both the governments of Canada and Japan have filed official protests with our State Department. They both noted the possibility, which has been conceded by many scientists, that these nuclear detonations could touch off earthquakes and resulting tidal waves in this area which is one of the earth's most geologically unstable areas.

Canada also fears that radioactivity may be vented into the air and sweep over its citizens. Japan strongly objects to the ban on all ocean traffic within a radius of 50 miles of Amchitka Island, which is a restriction of internationally recognized freedom of the seas. The area is a rich fishing ground for Japan and is a regular route for ships and aircraft. The Japanese, who are extremely sensitive about these matters, do not want to risk radioactivity contamination of the Pacific fisheries on which they are so dependent. They have said they will hold our government accountable for any damage or loss of life resulting from the tests.

Our own citizens, too, fear the consequences of these blasts, the size of which has been kept secret. In 1946 an earthquake in the Aleutian Islands launched a tsunami or tidal wave that killed 159 people and damaged $25 million of property in Hawaii alone. Another Aleutians earthquake, in 1957, sent tsunamis which did $3 million in damage to Oahu and Kauai Islands in Hawaii.

Tsunamis spawned by earthquakes can move incredibly long distances. The 1960 earthquake in Chile produced such a wave that reached Hilo, Hawaii, at midnight 14 hours and 47 minutes later. This disaster killed 61 people and did $25 million in damage in Hawaii before racing across the Pacific Ocean to further strike at Taiwan, the Philippines, New Zealand and Japan, leaving 138 dead in the latter country alone. It hit San Diego and other parts of our Pacific Coast as well.

I would like to point out that Amchitka Island is only about 750 miles from Russia's Kamchatka Peninsula which juts southward from the Siberian Coast. Clearly an event of the magnitude of the United States nuclear tests scheduled to begin in just three days cannot be confined in effects to our nation alone. We must consider the international repercussions involved, including the world reaction in the event of a disaster in our tests for the ABM.

The legislation before you today calls for a study of these foreign relations matter. I urge you to approve it. I strongly recommend that you also amend the legislation to include a suspension of the tests at Amchitka Island pending the results of this study by non-governmental experts. We need time to examine the full implications of these tests.

I have asked our President to use his authority to suspend the tests. I hope the people of Hawaii and the people of the rest of the United States will flood President Nixon with a deluge of letters urging him to suspend these dangerous explosions. In the meantime, emergency action by your Committee to suspend the tests is of vital importance.

Thank you for this opportunity to appear.

AN AMENDMENT TO THE TAX REFORM BILL WHICH MAY REDUCE BORROWING COSTS OF THE STATE AND LOCAL GOVERNMENTS, INCREASE TREASURY REVENUES, AND MAKE IT UNNECESSARY TO TAX MUNICIPAL BONDS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, considerable concern has been expressed by State and municipal governing bodies over provisions in the tax reform bill passed by the House that would affect the borrowing costs of State and local governments.

During hearings last Wednesday before the Senate Finance Committee on the tax reform bill, a statement on this matter was made by Mr. William Summers Johnson, director of finance of the city and county of Honolulu. Mr. Johnson is a former congressional employee and top staff member of the Joint Economic Committee, and in view of his expertise in this field I believe that his testimony merits the consideration of Congress as well as finance officers in State and local governments across the Nation.

Mr. Johnson proposed an amendment which he feels would reduce borrowing costs of the State and local governments, increase Treasury revenues, and at the same time make it unnecessary to tax municipal bonds as proposed by the House-passed bill.

While he supports the new taxable municipal bond as a good addition to presently available borrowing instruments, and urges its adoption regardless of whether other provisions of the bill are passed, Mr. Johnson feels that this would be a better revenue-raising instrument with the substitution of an interest-cost sharing formula which he proposes.

His amendment would remove the discretionary authority given to the Secretary of the Treasury under the House bill to set the percentage of interest cost which the Treasury would pay. The range is between 30 percent and 40 percent of the interest cost of a bond issued within the first 5 years after enactment of the bill, and between 25 percent and 40 percent of interest costs of bonds issued thereafter.

In Mr. Johnson's view this discretionary authority makes it impossible to predict whether the State and local governments would be better off or worse off under the House bill. If the Secretary set the payment at or near the top of the range the State and local governments would be better off than in past years, but if the level were set at the low range they would be worse off, he feels.

Under Mr. Johnson's proposed amendment, the tax reform bill would contain a definite formula for the Federal payment. It would start at 30 percent in the first year and rise 1 percent for each year thereafter until the 40 percent level is reached in 10 years. There it would remain.

Since 1963, he points out, the ratio of municipal to corporate yields, on a yearly average basis, ranged between 72 percent and about 68 percent. Thus, 30 percent seems to be about the right level to begin the direct payments on the new taxable municipals to make them attractive to investors.

Meanwhile, yields on nontaxable municipals would not be very far from the 70-percent level. Since present holders of municipals could expect a declining advantage in holding these bonds, they would tend to unload their holdings, and market yields on nontaxables would tend to rise.

Accordingly, the State and local governments would find it advantageous to issue taxable bonds, rather than more nontaxables, and the supply of nontaxables would disappear from the market about as fast as investors wished to unload them. Mr. Johnson feels that 10

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years hence, only investors in tax brackets above 40 percent will still find it advantageous to buy and hold nontaxables. The overall advantage in terms of tax preference income would greatly diminish, and Mr. Johnson feels that inclusion of interest income from State and local bonds within the tax preference limitation would not be necessary.

In view of the wide interest in this subject, I include Mr. Johnson's testimony at this point in the Record:

Excerpt From Tax Reform Hearings

(Statement of William Summers Johnson, Director of Finance, city and county of Honolulu, Hawaii, to the Committee on Finance, U.S. Senate, on the provisions of the tax reform bill (H.R. 13270) affecting State and local government bonds, September 24, 1969)

Mr. Chairman: My name is William Summers Johnson. I am Director of Finance of the City and County of Honolulu.

I appreciate the opportunity to testify on those features of the Tax Reform Bill which would affect the financing problems of the state and local governments. My statement is concerned with the problems of these governments generally, rather than the particular problems of Honolulu. Like other cities, Honolulu sells its bonds by competitive bidding in New York, and its interest costs are determined by the general level of interest rates on municipal bonds and the credit rating which the rating services assign to the city's bonds.

Much has been said about the growing financial problems of state and local governments, problems which are sometimes called a financial crisis. The demands upon these governments for public capital improvements have grown enormously over the post World War II years. In the 20 years prior to 1966, these governments had spent some $220 billion for capital outlays, about half of which had been financed by borrowing.[1] Between the end of 1950 and the end of last year, the net debts of the state and local governments increased more than five-fold, growing from about $22 billion to about $130 billion in 18 years.[2] In contrast, the net debt of the Federal Government has increased by only slightly more than one-third over this period.

Further, while the Federal budget has achieved a moderate surplus in the fiscal year just ended, the prospects are that the debt burden of state and local governments will grow at even larger increments in the years ahead. Enormous amounts of capital will be required to replace old and obsolete facilities and to expand facilities to provide for a growing population. And to meet these requirements, the public agencies will have to compete for funds against the rising demands for housing and other private needs.

Accordingly, it is hoped that the tax reform legislation as finally passed will not increase the borrowing costs of the state and local governments, or even leave the matter in doubt, but will help to reduce these borrowing costs.

It seems to me the House bill does leave this question in doubt. Thus, at a later point, I would like to suggest some modification of the bill which I believe will serve the three-fold purpose of (1) reducing borrowing costs of the state and local governments, (2) achieving the purpose of the legislation which is to make the tax system more equitable, and (3) avoiding some of the philosophical objections to the bill as it is now written.

ROLE OF TAX-EXEMPT BONDS

The fact that interest income from state and local government debt obligations is not subject to the Federal income taxation is of substantial benefit to these governments. It has meant that such obligations—or what are called "municipals"—could be issued at a lower interest cost than taxable bonds of the same maturity and credit rating—a relationship which carries through to bonds resold in secondary markets.

For example, last December, before market rates were disturbed by this legislation, market yields on triple-A rated municipals were quoted at 4.50%. In contrast, corporate bonds of the same rating and U.S. Government bonds—both taxable—were quoted at yield of 6.45% and 5.65%, respectively.

The differential between interest rates on taxable bonds and non-taxable bonds of like maturity and credit rating at any particular time is a measure of the benefit of the tax exemption to the state and local governments. The greater the differential, the greater the benefit.

It is not, however, the supply of tax-exempt bonds that determines the level of interest rates on these bonds. On the contrary, between 80 and 90 percent of all new credit instruments being issued are taxable, hence the taxable issues play the dominant role in determining bond rates. Rates on municipal bonds merely adjust to these rates, depending upon the marginal income tax rate of the bond investors.

To illustrate, an investor in the 50% tax bracket finds it advantageous to invest in tax-exempt bonds, rather than in taxable bonds, where the yield on tax-exempts exceeds 50 percent of the yield on taxable bonds. Similarly, an investor in the 25 percent tax bracket finds non-taxable bonds more advantageous than taxable bonds only when the yield on the municipals exceeds 75 percent of the yield on taxable bonds—a point at which the benefit to the state and local governments has greatly diminished and a bonanza has been created for investors in the higher tax brackets.

Changes in the ratio of the yields on the two types of bonds are influenced by several factors, including the supply of tax-exempt bonds outstanding relative to the supply of funds available in the hands of individuals, commercial banks and other institutions that invest in this type of bond.

Changes in effective tax rates are also quite influential in changing the benefits of the tax exemption, both to the investor and to the state and local governments. In the 1900's, there was little if any difference between the yields on taxable and non-taxable bonds because income tax rates were then so low that there was little advantage in investors' seeking tax-exempt income.

In contrast, passage of the surtax last year served to widen the spread between yields on non-taxable and taxable bonds. On the other hand, consideration of this legislation has had a dramatic opposite effect.

Taking a longer look at the trends over the post World War II years, however, it is evident that the benefit of the tax exemption to the state and local governments has substantially declined. A study prepared for the Joint Economic Committee in 1966 observed that "between 1946 and 1954 the municipal-corporate yield ratio jumped from 40 per cent to 80 per cent and then receded to around 75 per cent, where it has remained since."[3]

The question whether there has been a general tendency for the ratio to decline since 1965 is debatable. There is no precise statistical measure of this subject and the generalized measures have been clouded by several changes in effective tax rates and by two severe cycles in monetary policy which varied the investment capacity of the commercial banks.[4]

GROWING SHORTAGE OF FUNDS FOR MUNICIPAL FINANCING

There have been some dramatic shifts in the flows of institutional funds over the post-World War II years which have doubtless influenced the earlier decline in the benefits of the tax exemptions and seem to portend further difficulties for the state and local governments in the future.

While state and local government borrowing has rapidly increased, the great growth of investment funds has taken place in institutions which, because of their special tax status or the nature of their business, find it impractical to invest in tax-exempt bonds. These include the government pension funds—state and local as well as Federal—the private pension funds, the life insurance companies, savings and loan associations, mutual funds and the non-financial corporations.

As of the end of last year, only one of these groups had as much as three per cent of its total financial assets in municipal bonds. These were the state and local governments, presumably those who invested their employees' retirement funds in their own bonds only because they were unable to market the bonds elsewhere.[5]

Among institutional investors, only the commercial banks and the non-life insurance companies are significant investors in tax-exempt securities. The total financial assets of these two groups combined increased by slightly more than 200 per cent between 1947 and 1967, and amounted to $439 billion at the end of the latter year.[6]

More than this, individual investors have added little to their holdings of municipal bonds in recent years. Indeed, this market would appear to have become pretty much saturated. Individual investors held some $40.6 billion of municipals at the end of 1966, increased their holdings by only $0.2 billion during 1967, and, according to preliminary data, actually reduced their holdings by $0.7 billion last year.[7]

Commercial banks, on the other hand, have become the predominant investors in municipal bonds. Last year they increased their holdings in these instruments by $8.1 billion and at the end of the year, held nearly half of all such bonds outstanding. According to preliminary data, state and local government debt obligations outstanding at the end of last year were held as follows:

	Billions
Commercial banks	$58.1
Individuals	40.1
Nonlife insurance companies	16.4
All others	10.3
Total	124..9

No doubt many commercial banks have invested in municipal bonds when it was not particularly profitable for them to do so—in order to advance construction projects in their local communities. However, such heavy reliance on commercial banks as a market for municipal bonds poses some dangers, not the least of which is that this market may become saturated too. Commercial banks are subject to a variety of laws and regulations which limit their investments in particular types of securities, and their investment funds have not been growing as fast as those of other financial institutions.

PROVISIONS OF TAX REFORM BILL AFFECTING MUNICIPAL FINANCE

Against this background of the problems of the state and local governments, the provisions of the House bill affecting municipal finances will, I think, be better appraised.

In an effort to make the tax system more equitable, the drafters of the House bill have included several provisions which would make investment in state and local government bonds less attractive, particularly to high income individuals. The effect would be to raise interest costs on future issues of these bonds, relative to the cost of issuing fully taxable bonds.

As an offset, however, the bill provides for a new type of state and local government

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Footnotes at end of article.

debt instrument which seems intended to assure that the borrowing costs of these governments will not be higher, relative to other borrowing costs, than in past years.

Coming first to those provisions of the bill which would tend to raise municipal borrowing costs, these are in the main four.

1. *Limitations on deductions of interest* (*Sec. 221*)

This limits the amount of the deduction which an individual may take for interest paid on funds borrowed to invest in or carry investment assets. An individual would be allowed to deduct such interest payments, on a current basis, only to the extent that the deduction does not exceed his investment income and long-term capital gains by $25,000 ($12,500 in the case of a married individual filing a separate return).

This will limit the advantages that high-income individuals can now enjoy by borrowing funds at a low interest rate, net of the tax deduction, and investing the funds in municipal bonds to receive a tax-free income.

2. *Increase in standard deduction* (*Sec. 801*) *and maximum tax on earned income* (*Sec. 802*)

The effect of these two sections is to reduce the tax rate on top income individuals and to reduce effective tax rates on individuals in all income groups.

Other things being equal, the effect will also be to raise municipal borrowing costs relative to other borrowing costs. As effective tax rates are reduced, taxpayers find investment in bonds yielding a tax-free income less advantageous.

3. *Limit on tax preferences* (*Sec. 301*)

This section defines tax preference income as tax-free interest from state and local government bonds, plus several other types of income now taxed at preferential rates or against which preferential deduotions may be taken.

Under the bill, an individual will be allowed to claim the exclusions and deductions comprising tax preference income only to the extent that the aggregate of such income does not exceed 50 per cent of his total income (adjusted gross income plus tax preference items).

The excess over 50 per cent will be taxable at the individual's normal tax rates.

However, if the individual's aggregate tax preference income does not exceed $10,000, the rule does not apply. Further, the bill provides a formula for bringing interest income from municipal bonds under the formula only gradually. In the first year, one-tenth of such income is to come under the limit; in the second year, two-tenths; and so on until all such income comes under the limit ten years later.

4. *Capital gains and losses on bonds held by financial institutions* (*Sec. 443*)

Under present law, commercial banks and certain other types of financial institutions are taxed on their capital gains on bond transactions, like other taxpayers, at the capital gains rate. But unlike other taxpayers, however, these institutions are permitted to treat the excess of their capital losses over their capital gains on such transactions as ordinary losses, deductible from ordinary income.

Under the bill, the excess of gains over losses would be treated as ordinary income, taxable at ordinary income tax rates, and the excess of losses over gains would be deductible from ordinary income.

The principal investors in municipal bonds, the commercial banks, will find these bonds less attractive under the bill. In the past, it has been a general practice of commercial banks to increase their holdings of municipal bonds—and other securities—in periods of easy money, then sell these securities in periods of credit stringency, frequently at a capital loss, in order to raise funds to meet their loan demands.

However, this provision of the bill will not place municipal bonds at a disadvantage to other securities. All debt instruments are treated alike.

Furthermore, the commercial banks should find that the tax-exempt interest income available from these bonds will continue to make them quite attractive investments. Commercial banks on a whole have recently been in the 48% marginal tax bracket, and are now thought to be in an even higher bracket. To a firm in the 48 per cent tax bracket, an interest yield of 6.5% on a municipal bond is equivalent to a yield of nearly 12.4% on a taxable security.

THE COST-SHARING MUNICIPAL BOND (SECTIONS 601 AND 602)

The provisions of the House bill just discussed would, taken alone, have a substantial effect on the borrowing costs of the state and local governments. The effect would be to raise these costs, relative to other borrowing costs.

As an offset, however, the House bill authorizes a new type of debt instrument which the state and local governments may issue at their option. The interest income from this bond would be fully taxable, and would thus require higher interest rates, but the Federal Treasury would directly share the interest costs.

The proposed new bond thus takes advantage of the fact that the tax exempt feature of state and local government bonds is an inefficient means of aiding these governments. That is to say, the tax exemption involves a revenue loss to the Treasury, as compared to taxable bonds, which is much greater than the benefits derived by the state and local governments.

In its general form, the proposed new bonds contains some very attractive features. First, its use is optional on the part of the state or local government, and the governmental unit that issues it does so without giving up its right to issue also the traditional municipal bond.

Second, since the bond is taxable, it will sell at interest yields comparable to other bonds and will thus give the state and local governments access to the investment funds held by institutions that do not now invest in municipal bonds.

Finally, this bond would be marked in the usual way, utilizing the already-existing machinery of private financial services.

However, the formula for the Treasury's sharing in the state and local governments' interest cost is deficient—and needlessly so.

The report of the Ways and Means Committee accompanying its bill states that—

> Historically, the ratio of yields on tax-exempt issues and taxable issues has been as low as 60 per cent, but in recent years has been close to 75 per cent.[8]

Then, for reasons that are not clear, the bill provides a range of direct payments to the issuer, the range being 30% to 40% of the interest cost of bonds issued within the first five years, and from 25% to 40% thereafter. Furthermore, the bill gives the Secretary of the Treasury discretion to set the exact percentage within these ranges at the beginning of each quarter of the year.

Add up the uncertainties which the bill poses for municipal finance, and it is easy to see why there has been a certain lack of enthusiasm for these features of the bill.

Giving the Secretary of the Treasury discretion to set the sharing formula within a range is puzzling and suggests

1. That the Secretary is expected to try to equate cost to the issuers of the new taxable municipals with those of ordinary municipals, or

2. That the Secretary is expected to shift the cost advantage one way or the other for the convenience of the Treasury, or

3. That the Secretary might use his flexibility for general economic regulation, reducing the subsidy at times when the Administration wishes to dampen demands on credit markets and the construction industry and increasing the subsidy at other times.

None of these purposes seems desirable. Certainly the purpose should not be to maintain any particular relationship between the supply of the new taxable municipals and the ordinary municipals; the purpose should be to increase the supply of the new taxable bonds and thus diminish the tax revenue losses flowing from the ordinary municipals. Nor is it comforting to think that the financing ability of the state and local governments may be modified either for the convenience of the Treasury or for general economic regulations.

COSTS AND BENEFITS OF TAX EXEMPTIONS

A study made for the Brookings Institution in 1963 developed some advanced techniques for estimating the benefit of the tax exemption to the state and local governments and the revenue loss to the Treasury.

This study concluded that the benefit to the state and local governments amounted to an interest rate savings of between 133 and 186 basis points below the contemporary rate on comparable corporate bonds. A group of experts who reviewed the study reached a conclusion that the more exact differential is 150 basis points.[9]

Further, in 1966, the Treasury updated this study on the basis of the 1965 experience, with these calculations:

1. At the minimum differential of 133 basis points, the benefit of the tax exemption to the state and local governments would amount to $1.9 in savings in interest costs over the life of the bonds, and the Treasury's revenue loss would amount to $2.9 billion.

2. At the maximum differential of 186 basis points, the benefit to the state and local governments would amount to $2.6 billion, and the Treasury's revenue loss would amount to $3.2 billion.[10]

In other words, if the municipal bonds issued in 1965 had not been tax-exempt, each dollar of increased cost to the state and local governments would have resulted in increased revenues to the Treasury of between $1.23 and $1.52. At the concensus differential—150 basis points—each $1 of benefit to the state and local governments costs the Treasury $1.42 in lost revenues.

This suggsts that the state and local governments could be given the option of issuing fully taxable bonds on which the Treasury would pay 42 per cent of the interest cost, with no net cost to the Treasury omitting any additional administrative costs.

TAXING MUNICIPAL BONDS UNNECESSARILY

This leads me to suggest the interest-cost sharing formula be modified in two respects. First, that it be made definite and that it provide for gradually increasing cost sharing.

Thus, it would seem appropriate to set the first year rate at 30%, and provide for an increase of one percentage point each year, until the 40% level is reached 10 years hence.

This would accomplish the equity purposes of the limited tax preference provision (LTP), not by taxing the tax-exempt bonds, but causing them to largely disappear. And at the same time, this formula would be of more certain benefit to the state and local governments.

Footnotes at end of article.

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Additionally, it would bring about an orderly shift from nontaxable to taxable municipals outstanding without serious capital losses. In view of the certain rise in the Treasury payments, an investor would tend to shift out of the old municipals and their yields would tend to rise relative to taxable bonds. Accordingly, the state and local government would find it advantageous to refund by the new taxable bond, thus reducing the supply of the non-taxables as these become less desirable to investors.

Finally, this method of accomplishing the purposes would avoid the objections, hotly held, to the indirect tax on state and local government bonds or set out in the LTP provisions.

Mr. Chairman, as one of many municipal finance officers who are being sorely pressed by the recent rise in interest rates on state and local government bonds, may I say that it is most important that the issues involved in the municipal finance features of this legislation be resolved—one way or another—as soon as possible.

Thank you.

FOOTNOTES

[1] Joint Economic Committee, *State and Local Public Facility Needs,* Vol. 2, December 1966, p. 5.

[2] Appendix A.

[3] Op. Cit., *State and Local Public Facility Needs and Financing,* p. 12.

[4] Appendix C.

[5] Appendix B.

[6] Appendix D.

[7] Appendix E.

[8] House Report No. 91–413 (Part I) p. 72.

[9] Op. Cit., State and Local Public Facility Needs, Note 7.

[10] Ibid, p. 332.

APPENDIX A

NET PUBLIC AND PRIVATE DEBT IN THE UNITED STATES

End of year	Federal Government and agency	State and local governments	Private	Total
Amount (billions):				
1950	$217.4	$21.7	$246.3	$485.4
1955	229.6	40.2	391.6	661.4
1960	239.8	63.0	565.7	868.5
1965	266.4	99.9	868.6	1,234.9
1968 [1]	292.5	129.5	1,103.8	1,525.8
Percentage of 1950:				
1950	100.0	100.0	100.0	100.0
1955	105.6	185.3	159.0	136.2
1960	110.3	290.3	229.7	178.9
1865	122.5	460.4	352.7	254.4
1968 [1]	134.5	596.8	448.2	314.3

[1] Preliminary.

Source: Economic Report of the President January 1969 p. 296.

APPENDIX B

HIGH-GRADE MUNICIPAL AND CORPORATE BOND YIELDS, SELECTED DATES

	State and local Governments (Aaa)	Corporates (Aaa)	
Yearly average:			
1945	1.07	2.62	40.8
1955	2.18	3.06	71.2
1963	3.06	4.26	71.8
1964	3.09	4.40	70.2
1965	3.16	4.49	70.3
1966	3.67	5.13	71.5
1967	3.74	5.51	67.9
1968	4.20	6.18	68.0
Monthly average, 1969:			
January	4.58	6.59	69.5
April	5.00	6.89	72.6
July	5.60	7.08	79.1

Source: Moody's, as reported in Federal Reserve Bulletins to July 1969.

APPENDIX C.—ALL FINANCIAL ASSETS AND STATE AND LOCAL GOVERNMENT OBLIGATIONS HELD BY INSTITUTIONAL INVESTORS, DEC. 31, 1968

[Dollar amounts in billions]

	All financial assets (1)	State and local government obligations (2)	Col 2 as percent of col. 1 (3)
Buyers of tax exempts, total	$486.9	$74.5	15.3
Commercial banks	438.8	58.1	13.2
Nonlife insurance companies	48.1	16.4	34.1
Nonfinancial corporations	352.3	2.9	.8
Nonbuyers of tax exempts, total	1,388.1	6.9	.5
U.S. Government	189.6		
State and local governments	113.9	3.6	3.2
Life insurance companies	182.4	3.0	1.6
Savings and loan associations	152.8		

APPENDIX C.—ALL FINANCIAL ASSETS AND STATE AND LOCAL GOVERNMENT OBLIGATIONS HELD BY INSTITUTIONAL INVESTORS, DEC. 31, 1968—Continued

[Dollar amounts in billions]

	All financial assets (1)	State and local government obligations (2)	Col 2 as percent of col. 1 (3)
Nonbuyers of tax exempts—Continued			
Private pension funds	$94.7		
Mutual savings banks	71.2	$0.2	0.3
Finance companies	50.7		
Investment companies	47.3		
Credit unions	12.3		
Rest of world [1]	120.9	.1	.1
Memorandum: Households	1,713.5	40.1	2.3

[1] Foreign persons, international agencies, agencies of foreign banks and U.S. banks in possessions.

Source: Federal Reserve Board, Federal Reserve Bulletin, May 1968, p. A-67.10 et seq., and May 1969, p. A-68, et seq.

APPENDIX D—FINANCIAL ASSETS HELD BY INSTITUTIONS 1947, 1957, AND 1967

[In billions of dollars]

	1947	1957	1967	1967 as percent of 1947
Total, buyers of tax-exempts	145.6	219.1	438.9	301.4
Commercial banks	136.8	197.0	393.9	287.9
Nonlife insurance companies	8.8	22.1	45.0	511.4
Total, nonbuyers of tax-exempts	303.6	608.0	1,277.4	420.8
Nonfinancial corporations	83.5	169.3	322.7	386.5
U.S. Government [1]	80.9	110.3	171.3	211.7
State and local governments	17.6	40.1	100.7	572.2
Life insurance companies	50.9	98.3	173.0	339.9
Savings and loan associations	11.7	48.1	143.8	1,229.1
Mutual savings banks	19.7	35.2	66.4	337.1
Credit unions	.5	3.4	11.2	2,240.0
Private pension plans	3.1	22.4	86.9	2,803.2
Finance companies	5.1	19.6	46.6	913.7
Mutual funds [2]	1.4	8.7	44.7	3,192.9
Other [3]	27.4	52.6	110.1	401.8

[1] Includes "monetary authorities."

[2] Open-end investment companies only.

[3] Includes foreign and international agency holders of obligations of U.S. persons and governments, plus brokers and dealers in securities and agencies of foreign banks.

Source: Federal Reserve System, "Flow of Funds Accounts, 1945–67," February 1968.

APPENDIX E.—HOLDINGS OF STATE AND LOCAL GOVERNMENT CBLIGATIONS BY INDIVIDUALS AND INSTITUTIONS, END OF SELECTED YEARS, 1945–68

[In billions of dollars]

	1945	1950	1955	1960	1965	1966	1967	1968
Total	15.5	24.7	44.8	68.7	100.0	105.9	117.5	124.9
Individuals	7.2	9.6	18.6	28.7	37.2	40.6	40.8	40.1
Commercial banks	4.1	8.1	12.7	17.6	38.5	40.2	50.0	58.1
Nonlife insurance companies	.2	1.1	4.2	8.1	11.4	12.1	13.7	16.4
Nonfinancial corporations	.3	.5	1.2	2.4	3.6	4.4	5.1	2.9
State and local governments	2.6	3.6	5.1	7.2	5.0	4.6	4.1	3.6
Life insurance companies	.7	1.2	2.0	3.6	3.5	3.1	3.0	3.0
Mutual savings banks	.1	.1	.6	.7	.3	.3	.2	.2
Finance NEC	.3	.4	.3	.4	.5	.6	.6	.6

Source: Federal Reserve System, Flow of Funds Accounts 1945–67, and Bulletin, May 1969.

H.R. 14065—A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, the Federal National Mortgage Association has long been one of the most important stabilizing influences in the secondary mortgage market. Last year's reorganization of FNMA, making it a private, Government sponsored corporation was designed to bring additional dynamism and flexibility to its operation.

The corporation, in most cases, has demonstrated its capacity to increase and strengthen its operation. Last year's decisions hit their mark as FNMA is now managing commitments at a rate almost four times that of any previous year.

The deplorable conditions in the home finance market have made the increased purchasing by FNMA all the more important. However, the deteriorating state of the mortgage markets demand additional action. I have already introduced a number of pieces of legislation in this regard, including a comprehensive savings and loan bill designed to generate more liquidity.

Yesterday I introduced H.R. 14065, authorizing the Federal National Mortgage Association to purchase conventional mortgages. FNMA currently purchases only Goverment assisted mortgages. Considering some 80 percent of the mortgage paper is backed by conventional terms, FNMA could, by participating in this secondary market make a considerable impact.

My bill would essentially permit FNMA to deal in the conventional mortgage market in much the same way it now participates in purchasing mortgages assisted by the Federal Housing Administration, the Veterans' Administration, and the Farmers Home Administration.

FNMA would not be allowed to purchase or lend on the security of any conventional mortgage unless its outstanding principal balance did not exceed 80 percent of the value of the mortgaged property, or unless that portion in excess of 80 percent was guaranteed or insured by an institution, and under a contract, determined by FNMA to be generally acceptable to other institutional mortgage investors.

FNMA's ability to deal in conventional mortgages has never been seriously questioned. In the past, however, because of its dual private-Government ownership, its activities were limited to Government backed mortgages. Now this situation no longer exists. The reorganization of FNMA, authorized in the Housing and Urban Development Act of 1968, placed in a new, privately owned FNMA the responsibility of handling the nonsubsidized activities of the old FNMA.

Since the creation of the privately owned FNMA on September 1, 1968, it has demonstrated its unquestioned ability to function without Government support. The corporation, in addition to operating at a higher rate of activity than in the past also demonstrated that the funds it needs to carry on its activities are readily obtainable in the private market, and this, without reliance on the Federal Government as was often the case in past years.

I recognize that there will be technical problems and difficulties involved in implementing a secondary market for conventional mortgages. However, I do not believe these problems to be insurmountable. The most important problem to be overcome, the establishment of a uniform mortgage instrument, can only really be worked out when there is a firm basis for taking such a step. The availability of a secondary market for conventional mortgages will serve to spur the development of such an instrument.

Mr. Raymond H. Lapin, President and Chairman of the Board of FNMA, in recent testimony before the Subcommittee on Housing of the Committee on Banking and Currency indicated he believed a proper role for FNMA may be to aid the conventional mortgage market. Mr. Lapin also stated that FNMA has been conducting in-depth studies related to the technical problems associated with such a move.

Last week our esteemed colleague in the Senate, Mr. SPARKMAN, introduced a similar bill to the one I introduced yesterday. Hopefully it is his intention to open his bill to hearings at the earliest convenient date. I am also hopeful that H.R. 14065 will be given an expeditious hearing by the House Commitee on Banking and Currency.

It is absolutely essential that this Congress devote its energy to relieving the serious crisis confronting the housing industry. This sector of our economy is in the throes of an agonizing dislocation and if remedies are not forthcoming in the immediate future the damage may prove to be irreparable.

The result of further inaction will be to crush the dreams of millions of Americans who look forward to homeownership.

At this point, I insert H.R. 14065 and an analysis of the bill in the RECORD:

H.R. 14065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 302(b) of the Federal National Mortgage Association Charter Act is amended—

(1) by inserting "(1)" immediately following "(b)";

(2) by striking out "each of the bodies corporate named in subsection (a)(2)" and inserting in lieu thereof "the Association";

(3) by striking out "; and the corporation is authorized to lend on the security of any such mortgages and to purchase, sell, or otherwise deal in any securities guaranteed by the Association under section 306(g)"; and

(4) by adding thereto the following new paragraph:

"(2) For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages and in securities guaranteed by the Association under section 306(g). The corporation shall not in the regular course of its business purchase or lend on the security of any mortgage which is not insured or guaranteed by the Secretary of Housing and Urban Development, the Administrator of Veterans' Affairs, or some other officer or agency of the Federal Government, unless the outstanding principal balance thereof at the time of purchase does not exceed 80 per centum of the amount determined by the corporation to be the value of the mortgaged property, or unless that portion of the unpaid principal balance which is in excess of such 80 per centum is guaranteed or insured by an institution, and under a contract, determined by the corporation to be generally acceptable to other institutional mortgage investors."

(b) Section 305(h) of such Act is amended by striking out "clause (2) of section 302(b)" and inserting in lieu thereof "clause (2) of the proviso to the first sentence of section 302(b)(1)".

SECTIONS 302(b) AND 305(h) OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT AS THEY WOULD BE AMENDED BY CONVENTIONAL LOAN PROPOSAL

(Stricken matter enclosed in black brackets; new matter in italic.)

SEC. 302. * * *

(b)(*1*) For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, [each of the bodies corporate named in subsection (a)(2)] *the Association* is authorized, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in any mortgages which are insured under the National Housing Act or title V of the Housing Act of 1949, or which are insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code; [; and the corporation is authorized to lend on the security of any such mortgages and to purchase, sell, or otherwise deal in any securities guaranteed by the Association under section 306(g)]: *Provided*, That (1) the Association may not purchase any mortgage at a price exceeding 100 per centum of the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items; (2) the Association may not purchase any mortgage, except a mortgage insured under title V of the Housing Act of 1949, if it is offered by, or covers property held by, a State, territorial, or municipal instrumentality; and (3) the Association may not purchase any mortgage under section 305, except a mortgage insured under section 220 or title VIII, or under title X with respect to a new community approved under section 1004 thereof, or insured under section 213 and covering property located in an urban renewal area, or a mortgage covering property located in Alaska, Guam, or Hawaii, if the original principal obligation thereof exceeds or exceeded $17,500 for each family residence or dwelling unit covered by the mortgage (plus an additional $2,500 for each such family residence or dwelling unit which has four or more bedrooms). Notwithstanding the provisions of clause (3) in the preceding sentence, the Association may purchase a mortgage under section 305 with an original principal obligation that exceeds $17,500 per dwelling unit if the mortgage (1) is a below-market interest rate mortgage insured under section 221 (d)(3), and (2) covers property which has the benefit of local tax abatement in an amount determined by the Secretary of Housing and Urban Development to be sufficient to make possible rentals not in excess of those that would be approved by the Secretary if the mortgage amount did not exceed $17,500 per dwelling unit and if local tax abatement were not provided. For the purposes of this title, the terms "mortgages" and "home mortgages" shall be inclusive of any mortgages or other loans insured under any of the provisions of the National Housing Act or title V of the Housing Act of 1949.

(2) For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages and in securities guaranteed by the Association under section 306(g). The corporation shall not in the regular course of its business purchase or lend on the security of any mortgage which is not insured or guaranteed by the Secretary of Housing and Urban Development, the Administrator of Veterans' Affairs, or some other officer or agency of the Federal Government, unless the outstanding principal balance thereof at the time of purchase does not exceed 80 per centum of the

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amount determined by the corporation to be the value of the mortgaged property, or unless that portion of the unpaid principal balance which is in excess of such 80 per centum is guaranteed or insured by an institution, and under a contract, determined by the corporation to be generally acceptable to other institutional mortgage investors.

* * * * *

SEC. 305. * * *

(h) Notwithstanding clause (2) of *the proviso to the first sentence of* section [302(b)] *302(b)(1)* and any provision of this Act which is inconsistent with this subsection, the Association is authorized (subject to Presidential action as provided in subsection (a), as limited by subsection (c)) to purchase pursuant to commitments or otherwise, and to service, sell, or otherwise deal in, mortgages insured under the provisions of sections 221(d)(3) and 221(h) of this Act.

* * * * *

HAS THE FORGOTTEN MAJORITY BEEN FORGOTTEN?

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANNA. Mr. Speaker, our President coined a new phrase when during his campaign of last fall he appealed for the support of the "forgotten majority." His concern for those in the ranks of our citizenry who lend stability and continuity to our processes was, in my judgment, a proper one. For too long had the center stage of our political arena been dominated by those whose voice was most strident, whose message most extreme. President Nixon pledged to represent all the people and promised particular attention to the silent and forgotten majority. I did not question the sincerity of the commitment nor did I feel it was anything but proper that it be made.

The events of recent weeks have caused me to question the integrity of our President's commitment to the forgotten majority. I have begun to wonder whether he has, in fact, forgotten the forgotten majority. I say this because he and his administration—most notably Treasury Secretary Kennedy—have failed to deliver on the single most important issue to the forgotten majority, tax reform.

The Nixon administration was slow to submit recommendations on tax reform. Because of this the House went forward on the measure without having a firm indication of administration policy. This is unusual on an important matter of tax legislation. However, fairness to a new administration trying to get its feet on the ground caused me to refrain from criticism. When in the weeks that followed we heard little, if anything favorable said about tax reform, many here in Congress questioned the administration on its posture on vital issues like tax relief for middle-income Americans and closing the gaping oil depletion loophole. What was the administration's response? Evasion in some cases, vacillation in others and in many—silence. It soon became apparent that the administration would not push a reform package. So, without the strong support one might expect from a President pledged to represent the "silent majority," the House passed the most far-reaching tax measure in the history of Federal income taxation in our country. In doing so the Congress seemed to be saying it had not forgotten the forgotten, silent majority.

The announcements emanating from the White House in recent days have indicated that the President has turned his back on that group to whom he made his most effective appeal. First, his Treasury Secretary, former banker David Kennedy, recommended that the Senate eliminate the tax relief for middle-income taxpayers which the House had enacted. Next he suggested that his administration did not regard tax reform as an issue important enough to warrant full scale efforts to make it a reality by January 1, 1970. And, just the other day, the man who promised to be the President of "all the people," announced that his administration would maintain a position of opposition to any steps to close the oil depletion allowance loophole. Could it be any more clear that the Nixon administration has forgotten the forgotten majority?

UNITED STATES-INDIA ETV AGREEMENT

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include an address.)

Mr. MILLER of California. Mr. Speaker, on Thursday, September 18, I was privileged to be present in the headquarters of the National Aeronautics and Space Administration on the auspicious occasion when Dr. Vikram Sarabhai, Chairman of the Department of Atomic Energy, and the Space Research Organization, acting for India, and Dr. Thomas O. Paine, Administrator of NASA, acting for the United States, entered into a cooperative agreement that I am sure will mark a milestone in the use of satellites in the field of education.

I am pleased to include as a part of these remarks a news release promulgated under that date by NASA, together with a transcript of the speeches made by Dr. Paine and Dr. Sarabhai on this occasion:

UNITED STATES-INDIA ETV AGREEMENT

India and the United States will cooperate in an unprecedented experiment using a space satellite to bring instructional television programs to some 5,000 Indian villages, according to an agreement signed today at the National Aeronautics and Space Administration Headquarters in Washington.

The experiment will be the first to provide direct broadcasting of television programs from a satellite into small village receivers without the need for relay stations on the ground.

This is made possible by the increase in onboard power in the satellite and by the innovation of a deployable satellite antenna with high pointing accuracy. This in turn makes it possible to reduce costs at the receiver end and so to multiply the numbers of remote receivers at reasonable cost.

The agreement was signed by Dr. Vikram A. Sarabhai, Chairman of the Indian Space Research Organization (ISRO) and head of India's Department of Atomic Energy and by Dr. Thomas O. Paine, NASA Administrator.

The joint TV experiment will provide a first large-scale test of instructional television to:

Demonstrate the potential value of satellite technology in the rapid development of effective mass communications in developing countries.

Demonstrate the potential value of satellite broadcast TV in the practical instruction of village inhabitants.

Stimulate national development in India, with important managerial, economic, technological and social implications.

It is an important expression of U.S. policy to make the benefits of this nation's space technology directly available to other peoples. It represents also an important experimental step in India for the further development of a national communications system.

The projected experiment has been widely discussed in international forums including the United Nations and is regarded as an important pilot test of procedures and programs which could vastly accelerate the advent of national communications systems in the developing world.

The satellite to be used for the joint experiment will be the Applications Technology Satellite (ATS–F), the sixth in NASA's applications technology series. It is currently scheduled for launch about the middle of 1972. It will be positioned in synchronous orbit over the Equator and will be available to India while additional experiments are conducted by US and other experimenters.

Under today's agreement, India will utilize an existing experimental ground station at Ahmedabad in India's West coastal state of Gujarat, as well as others at different locations, to transmit TV programs to the satellite which will then relay them to village receivers, as well as to larger distribution stations. India will provide and maintain the village receivers.

India will be solely responsible for the television programming. This will be primarily directed to contribute to family planning, improve agricultural practices and contribute to national integration.

Other officials of the two nations present for the signing ceremony included Dr. John E. Naugle, NASA's Associate Administrator for Space Science and Applications; Arnold W. Frutkin, NASA's Assistant Administrator for International Affairs; Dr. Richard B. Marsten, NASA's Director of Communications Programs; David T. Schneider, State Department Country Director for India; and Sharad S. Marathe, Minister for Economic Affairs at the Embassy of India in Washington.

The new agreement follows several years of careful preparation, including an experiment conducted in the vicinity of New Delhi, India, in conventional broadcasting of television programs on agricultural techniques to village receivers. Experience in the villages receiving the TV programs was compared with experience in villages not receiving these programs. The results demonstrated the effectiveness of television instruction of a concrete character and encouraged India to proceed further with the space satellite project which was agreed today.

Under the new agreement, the ATS–F satellite may be utilized by India for a period of one year. The experiment then ends and any continuing service will be the sole responsibility of India. The agreement provides for no exchange of funds between the two cooperating agencies.

TRANSCRIPT OF REMARKS MADE AT THE SIGNING OF AGREEMENT BETWEEN INDIA AND THE UNITED STATES

Dr. PAINE. It is a great pleasure and privilege to be here with Dr. Sarabhai this morning for this signing of the historic agreement between the space agencies of the United States and India for the conduct of what we think will be an extremely important experiment. It is fitting that this should be done shortly after the Apollo 11 mission where man has gone forth for the first time to explore the moon. At the other part of the Space Agency's interest is our desire to bring the reality of space applications to benefit man into the earliest possible time frame. While we are setting forth on these adventures into the future, we also want to be doing everything we can to bring to people here on earth today the practical benefits of space.

What we see in our ATS F and G satellites is the extension of the earlier communications satellite capability. This capability is based on rather modest amounts of power that can be carried in a small antenna, and which really only make it possible to communicate between points on the earth. A very high powered station at one point could communicate through the satellite with a high powered station at another point.

Now we are moving to a new era in which for the first time we can get the antenna sizes, the pointing capability, and the power levels to make it possible to transmit from a point on the ground to a large number of low cost receivers on the ground. This is an advance beyond the old ability which really represented what you might call a cable in the sky. It replaced a cable but only with a service similar to that which a cable could produce. Now we are using space for a new purpose which is to cover a very large area on the ground. We feel that the interest that the Indian government has expressed in their program of education to 5,000 villages using modern television techniques has tied in very nicely with the capability which we have developed in our ATS F and G satellites to cover an area that lies close to the equator and is the size and shape and geographical disposition of India. It just happens that there is a very nice match between our capability and the interest that the Indian government has.

We are very proud that we can contribute part of the experimental package of our satellite to the ITV project, making it available to the Indian government for a length of time in the order of a year. The Indian government will in their turn do a very significant social and communications experiment emphasizing the ability to disseminate information in fields varying all the way from family planning to improved agriculture. We feel that this ability of the Indian government to handle all the programing end of it, combined with our ability to handle the space end of it is a beautiful example of how nations can cooperate in the space age to do something that individually would not be possible, but, collectively, can indeed hasten this application of the benefits of space to all mankind. I would like to ask Dr. Sarabhai now if he would like to make any remarks.

Dr. **Sarabhai**. Thank you, Dr. Paine. This moment comes after a great deal of study and effort which has been made by scientists and engineers of your organization and of ours. This is the type of project which has potentialities which are truly staggering. One has to view this in the context of the process of development itself, development of a nation which has more than a half a million villages, most of them in rather great isolation—in a scientific, technological or commercial sense—from the rest of the world. We have to view this in the context of wide scale illiteracy among adults. Even though primary and secondary education has received very high priority for many people—millions and millions of school children are going to schools and learning the modern ways of education—the country still has a very wide base of illiteracy. I think we recognize that while financial inputs, inputs of things like fertilizers, seeds, power and water, are all essential to the progress of the country, these nevertheless are not sufficient. You require the information input and the motivation of the individual farmer in the type of society in which we live. It is the individual motivation of the farmer that is ultimately going to count. We believe that through a program such as this, we shall be able to sharpen, effectively, the impact of this overall program which the government of India is undertaking to improve the standards of living and in which we have received very great assistance from your country as well as others.

One of the most important aspects about this particular technique is that, in my opinion, it is one of the few which does not place a penalty on going out to the isolated centers. Most things that we do in modern society tend to work best in concentrations of population, and tend to create forces which bring people to move to cities and bigger and bigger areas. But we know the grotesque problems that this type of situation is creating all over the world. There has to be some way in which we can make life in smaller habitations more meaningful, richer, and more livable. I believe that the direct broadcast of television from satellites is one of the most powerful means by which this could be achieved.

Television traditionally has grown as an adjunct to the entertainment industry and you are more aware than I am of the problems that this has created in your society. Some ten years ago, in discussing the spinoffs that we can expect from space with my predecessor Dr. Bhabha, we too were very concerned about what this might do to developing nations such as India when television really becomes available. And in my own mind, if I were to share my thinking, I have no doubt that if we continue in the old traditional patterns of the use of television, we shall be asking for trouble. To me it seems that the hardware part of this project is easier than the software part. And it is in the ability of a nation to meaningfully utilize such a program for its real needs of development for uplifting the minds and the hearts of man, taking them away from violence and from poverty, that the biggest challenge of this program lies.

This is one of those programs where the efforts of diverse elements in our government and in our society must be brought together as a common objective. It is particularly fortunate for us that we have in Prime Minister Indira Gandhi a very youthful and progressive leader who realizes the tremendous potentiality of a technique which will bring together all of India as one information and communication system. What we are doing today would not have been possible but for the very strong personal interest which our Prime Minister herself is taking in this project.

As Dr. Paine has explained, this represents one of the best forms of international collaboration, for it has in it mutuality. I think both sides are going to learn from this experiment, and both sides will seek to apply this in an imaginative way to the future, not only as an experimental system but as an input of their own experience to an operational system which must follow later on. Here India looks very much to the day when she will be able to have a national satellite communication system for meeting our diverse national needs. Such a system would cover many aspects, not only of point-to-point communication of television, but also things such as information retrieval and dissemination for meteorological purposes for briefing of farmers on agricultural techniques and many other applications. Included also, of course, is the whole aspect of national integration, of making the culture of India, the diversity of India, alive in the reality to every citizen of India.

So in this task we look forward with great anticipation. We realize that this is going to be a difficult one. Your country has set a wonderful example in your space program reaching to the moon, showing what is possible once you have a clear objective, clear dedication, and the willingness to work for it. And it is with this spirit that we shall go forward hand in hand with you to achieve this objective.

Before I conclude I must recall our very happy association with NASA ever since 1962 when we started our interest in space research. NASA provided the early facilities for our people—our scientists and engineers—to get familiar with techniques of space exploration using sounding rockets. The assistance that the U.S. provided, along with France and USSR, in the establishment of the equatorial range at Thumba and the many other tangible and intangible inputs that you have made to our program should be mentioned. I must conclude by thanking you sincerely on behalf of my government and my country for the very close and happy collaboration that exists between us and can only look forward to an even more intimate partnership in solving the real problems of this world. Thank you.

COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROGERS of Florida. Mr. Speaker, along with my colleagues, Mr. Jarman, Mr. Nelsen, Mr. Satterfield, Mr. Carter, Mr. Kyros, Mr. Skubitz, Mr. Preyer of North Carolina, and Mr. Hastings of New York, I am today introducing legislation to amend the Community Mental Health Centers Act to extend the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts. The present authorizing legislation expires June 30, 1970.

Title I of the bill that we are introducing would extend the authorization of grants from construction of community mental health centers and facilities for alcoholics and narcotic addicts for 3 fiscal years—1971, 1972, and 1973. The authorization for the community mental health centers would be $70 million for each year, the level of authorization for the present fiscal year. The alcoholic and narcotic addict facilities authorization would be $20 million for 1971, $25 million for 1972, and $30 million for 1973. In addition, the bill would change the 1970 authorization from the present $25 million to $15 million since this program up until now has not been funded and only $4 million was appropriated by the House in the departmental appropriation bill which passed the House in July.

This legislation would also enable the Secretary of Health, Education, and Welfare to make grants to public or nonprofit private agencies to enable more effective and innovative programs for the prevention and treatment of alcoholism to be developed and evaluated.

Title II of the bill would extend the existing authorization for the initial staffing of professional and technical personnel of community mental health centers and facilities for alcoholics and narcotic addicts for another 3 years. Under present law if a center or facility receives a grant award in a given fiscal year, that award may cover up to 75 percent of the initial staffing costs for the first 15 months of operation; 60 percent for the first year thereafter; 45 percent for the second year thereafter; and 30 percent for the third year thereafter. Thus, Federal aid in diminishing amounts is available for 4 years, 3 months, or a total of 51 months.

The bill that we are introducing would make Federal aid for such initial staffing costs of centers and facilities available for a total of 75 months by making the 30-percent Federal support available for 2 additional years. I am aware that many of the community mental health centers face financial problems in the operation of the centers, and while I hope that local interests will be able to ease the burden in the future, I do believe that an extension of Federal support in the first years of operation is essential at this time.

In addition, this bill would also provide for specific assistance for the initiation and development of community mental health programs. Up to 5 percent of the annual appropriation for staffing of mental health centers would be set aside to make initiation, development and staffing grants available to local, public or private, nonprofit agencies in urban or rural poverty areas. This would permit a more accurate assessment of local mental health needs in these areas and a better development of the local resources to support a program.

Title III of the bill would make one important change with respect to the Federal share of the cost of construction projects in the various States. Under present law, the Federal share with respect to any project in the State may be up to a maximum of 66⅔ percent of the Federal percentage for the State, but each project must receive at least one-third of the Federal share, regardless of need. The bill that we are introducing would no longer require the States to give every applicant a minimum of one-third in order to permit the States to use their available allotments in a manner more closely suited to their respective communities' needs. In addition, the maximum Federal share for any facility or center which will provide services for persons in an urban or rural poverty area would be changed from a maximum of 66⅔ percent to 90 percent.

Mr. Speaker, to date more than 376 community health centers have been established in the 50 States, Puerto Rico and the District of Columbia. This is a real beginning toward the goal of bringing home-based mental health care to all Americans, yet we are far from our mark. Based on an estimated ratio of one community mental health center for every 100,000 population, and given an estimated population in 1980 of 230 million, this would mean a need of roughly 2,300 such centers within the next 10 years. We have far to go, but we have begun and the beginning is impressive.

In my own hometown of West Palm Beach, Fla., a new community mental health center is presently being constructed and will open its doors to patients early next year.

When the currently funded centers are in full operation, they will serve 27 percent of the Nation's population in cities and towns of all sizes. They will serve 20 to 25 percent of the over 20 million people living in the 101 metropolitan areas designated as poverty target areas. These centers will serve 122 of the 486 poorest rural counties as well.

Each center's program is designed to provide an adequate range of services to meet the mental health needs of its total community. These services are readily available and accessible when and where they are needed. They are comprehensive in scope, in terms of serving all persons in the community, regardless of socioeconomic status, age, length of local residence or nature of diagnosis. Special emphasis is placed on preventive measures by offering indirect services of mental health consultation and community education for local agencies and nonmental health professionals who deal with people at times of stress and trouble.

It is the goal of community mental health centers to convey to each patient the conviction that his community is concerned with his return to a full, productive life. In the pursuit of that goal, we are replacing the "warehousing" of mental patients in large, outdated institutions with continuing personal contact, coordinated efforts and the utilization of all the resources available in the community in one place, the community mental health center.

While a similar record of accomplishment has not been the case in the alcoholic and drug addict facilities program because adequate funding has not been possible, I do believe that this program holds equal potential to solve these pressing problems when proper funding is available.

I am hopeful that the House Subcommittee on Public Health and Welfare will be able to hold hearings in the near future on this most important subject.

TAXES—A SUGGESTED FAIR WAY TO ADMINISTER

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, a recent article in the Wall Street Journal presented a cogent case against our present system of taxation, and aptly prescribed a simplified manner of handling deductions and exemptions. I subscribe to this theory and call these thought-provoking statements to the attention of my colleagues for review, and perhaps a new course of action.

The American taxpayer of today is unbelievably burdened in preparing his tax return, and is constantly frustrated by the complicated information he must absorb to prepare an accurate report and prove a myriad of deductions to which he feels entitled.

There is a much simpler and fairer way to achieve this desired goal. The system recommended here will eliminate special privileges and loopholes built into the tax structure over the years, which makes reporting incomprehensible to all but a few tax accountants, tax lawyers, and Government personnel.

The ordinary taxpayer is not in a position to consult such advisers and as a result pays a greater share of the tax burden out of proportion to his earnings. This creates a taxpayer's psychology which is unhealthy for the proper functioning of Government.

Every citizen has a duty to bear his fair share of the tax load and it should be proportionate only to his actual earnings. At the same time, I feel it is incumbent that Congress change the present complicated tax system to conform to an easy and uniform method of reporting.

The Wall Street Journal article follows:

TAXES: THE CASE AGAINST DEDUCTIONS

(By Harley L. Lutz)

The ebb and flow of zeal for tax reform is like the alternation of chills and fever in a malarial district, and 1969 is a fever year. The infection was started by two tax studies issued early in 1969. One was prepared by a Treasury staff group under former Secretary Henry M. Fowler, after some two years of work. The other was a "quickie" job written by Treasury staff personnel under newly appointed Secretary David Kennedy. The House-passed tax bill follows the pattern set by these studies with respect to the issues dealt with and the solutions proposed.

In general, it would appear that there would be less need for continuing tax reform when the tax system was performing its most important function of providing the necessary public revenue with minimal adverse effects on investment, production and unemployment. The long record of tax revision legislation under the income tax suggests that this goal has not always been the foremost consideration. On the contrary, there has been as much, or more, emphasis on the use of taxation to effect a redistribution of wealth and income as on the provision of public revenue.

This attitude is evident in the Fowler and Kennedy studies and in the House version of the tax bill.

REFORMING OLD REFORMS

The dual thrust of the current tax reform program is aimed at an elimination of tax preferences or tax advantages created by previous legislation, itself enacted to correct still earlier defects or to mitigate hardships, and by incorporation of the anti-poverty program into the tax law.

Both aspects of the reform relate mainly to the conditions created by the system of allowable deductions from adjusted gross income. Those at the top of the income scale are getting too much advantage from the deduction system and those at the bottom are not getting enough advantage from it. The remedy proposed is to tighten the screws at the top and loosen them at the bottom.

The Fowler tax study recognized that the

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basic problem of income tax is the deductions but it did not go to the root of the matter. The system of itemized deductions, it was said, leads to inequality of tax burden because only the sophisticated taxpayer can take full advantage of all allowable items and hence pays a light tax on the same income than his less knowledgeable neighbor. The solution proposed was to wean more taxpayers away from itemization by increasing the standard and the minimum standard deductions.

The House bill accepts also the proposal in the Kennedy report for a low income allowance to be adjusted at or below the official poverty level. This allowance would be built into the tax tables and employers would automatically adjust withholding to the new schedules.

But none of the tax revisions thus far have been concerned with fundamental defects in national tax policy.

The first defect is an abnormal obsession with income tax which has led to rejection of a broad based excise tax as a source of a substantial part of Federal revenue. The farce of extending for another year the remnants of the old selective excise—7% on automobiles and 10% on communications is repeated in the House bill.

A genuine concern for the kind of Federal tax system that would enable the people to support the Government while enjoying maximum prosperity for themselves would lead to a decision to provide at least one-third or even more of the necessary revenue from a broad-based excise tax on goods and services with exemptions limited to food for home consumption, low-priced clothing, and prescription medicines.

The second major defect of tax policy is the deduction system, which consists of whittling down adjusted gross income to an artificial tax base called "taxable net income." The idea appears to have been that by excluding more income receipts from the ultimate tax base, the levy of progressive tax rates would be more palatable. The guilt complex lingers, however; the evil effects of steep progression are admitted to the Committee report, where the high rates are termed harsh and unrealistic.

Consideration of the deductions allowed reveals no connection whatever between them and anything even remotely resembling personal net income. The term "net income" as a business concept refers to the amount remaining out of a given sales volume after paying, as the tax law puts it, "the ordinary and necessary expenses" of producing the goods or services sold. Thus understood, it has no meaning for the individual; because determination of such a remainder from his total wage or salary income would require, as in the case of a business, deduction of all costs of getting the income (including many personal, family or living expenses).

The tax law disallows deduction of most such costs. But as an agent for the production of income, a taxpayer should be entitled to deduction of all costs if he is to be taxed on some fictitious entity which is called his taxable net income. Here is the dilemma of income taxation, whether to allow all costs, or none, or compromise by allowing some though not others.

The ambiguous character of the deductions stands out. Property taxes, interest, the gasoline tax are analogous to business expense and are deductible, although the Fowler study recommended denial of state gasoline tax on the ground that it is a personal expense. But property taxes and interest on a home mortgage are exactly the same kind of personal or living expense. Their deduction has been criticized as a discrimination against renters who may not deduct their rent. Contributions to charitable and educational nonprofit organizations are a matter of personal choice, conscience, or good will.

What we have, therefore, is a chaotic system of allowables and disallowables, inconsistent among themselves because they purport to establish a tax base that is economically unrealistic. Yet, in the pursuit of this artificial objective they give rise to a large part of the confusion, the allegations of inequality, and the legislative efforts of circumvention by establishing broad standard deductions about which no questions are asked.

The remedy is simple. Since deductions are the principal source of the inequality which periodically stirs up taxpayer criticism and resentment, and since a resolution of the dilemma regarding them involves disallowing all or none, why not choose the method that would provide a broad, comprehensive income tax base instead of one that would narrow the income tax to a levy on saving? This new base would be adjusted gross income. And since the progressive tax rate structure involves an inequality too often neglected in reform efforts, the ultimate reform would be the levy of a flat, proportional rate on this comprehensive tax base.

A precedent for this course is the tax that is collected from workers in covered industries for old age benefits. This tax is imposed at a flat rate on wage and salary incomes up to a specified ceiling with no exemptions or deductions, and regardless of family status. A tax method that is accepted as sound and reasonable for a purpose as important as Social Security should be equally acceptable for other purposes of Government.

ELIMINATING DEDUCTION LOOPHOLES

A tax base of adjusted gross income would involve some matters of definition but it would terminate many more difficulties than it presents. It would assure maximum simplicity of reporting and tax calculation. It would eliminate all deduction loopholes. It would make unnecessary three separate tax rate scales, for single persons, joint returns, and heads of households, in themselves a source of complaint. At a flat rate it would fit perfectly with one test of tax equality, which is that every one should pay tax in proportion to income (Adam Smith called it revenue).

A tax base of adjusted gross income would subject all individual income to some tax. The furor and agitation about escape from taxation have been directed at the relatively few persons with large incomes. Few realize that several million persons file nontaxable returns, showing many billions of AGI, at the bottom of the income scale. At both the top and the bottom, having no tax to pay results from deductions in excess of adjusted gross income. Those at the top get all the headlines, it being assumed, apparently, that all deductions down at the bottom are legitimate and involve no tax evasion.

It is probably not generally realized how much income is untaxed in the taxable returns. The Fowler study presented data based on 1969 income levels which showed AGI in taxable returns of $568 billion and taxable income of $368 billion. The missing $200 billion is to be accounted for by deductions and exemptions claimed by all taxpayers. This gap does not include AGI in nontaxable returns.

Assuming that income means receipts, or what comes in, the current definition of adjusted gross income should be expanded to include some forms of receipt now excluded. Examples are workmen's compensation, sick pay, unemployment benefits, and that part of old age or retirement benefits not contributed by the beneficiaries. The distinction between long- and short-term capital gain would be unnecessary. This has always indicated uncertainty about the nature of these gains. The criterion for their inclusion as income should be the owner's disposition of them. Reinvestment would indicate an intention to regard them as capital and this should be controlling. The alternative would be to treat them as spendable income which would include them in the tax base.

Final treatment of state and municipal bond interest, to be neat and tidy, should await Supreme Court determination. The split-level approach in the House bill is neither neat or tidy.

TWIN TOWERS OF GROWTH

The tax rate on an expanded base of adjusted gross income would be less than 10% if the lopsided taxation of income as it is earned were brought into better balance with taxation of income as it is spent. Ours is not only a high income economy, it is a high spending economy. What is needed in such a situation is greater recognition that investment and consumption are twin towers that support economic growth and that minimal rates of tax everywhere will do the most to create a healthy balance between them.

The problem of public assistance would appear to be an insuperable barrier to across-the-board taxation without deductions or exemptions. This would depend on how the bill is to be settled. The tax exemption method, through higher deductions and a low income allowance, conceals the cost in the tax system. The alternative method is to collect tax from all income receipts and appropriate funds for public assistance as an expenditure. Even if aid is given to some who have paid tax on their small receipts, it would be consistent with the democratic way.

The Court rule—one man, one vote—should be amended by adding the words "every man, some tax." We need less hand-wringing about how to help the poor without damaging their self-respect and more emphasis on the contribution to both self-respect and community respect which comes from being, if only in a small way, a taxpayer instead of only a "tax eater."

CRAMER CRITICIZES CONGRESS FOR FAILURE TO ACT ON NIXON ANTICRIME LEGISLATION

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, with the crime rate continuing to increase in many areas of the country, although the percentage increase is less than last year, the American people are demanding, and rightly so, that government at all levels act to curb crime and to provide security and tranquillity on the streets and in the homes of America.

The Nixon administration and Attorney General Mitchell have taken a firm position of leadership in this war for morality, this war on crime as compared to the years of permissiveness that have been permitted to prevail far too long.

As the sponsor of numerous anticrime acts that are now law, having served 12 years on the House Judiciary Committee, it has been a long, hard fight to get meaningful anticrime legislation passed and an even more difficult job to get then enforced ones that were passed. Between the U.S. Supreme Court decisions and the timidity of former Attorney General Ramsey Clark there was a vacuum of moral leadership upon which the

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criminal, the dope peddler, the professional pornographer, and the organized big business crime lords thrived.

President Nixon announced early in his administration his determination to end the era of permissiveness and to start on the road to the moral rebuilding of America.

Six major proposals have been submitted to Congress in the anticrime field and to date, some many months later, not a single bill has become law This is becoming a do-nothing-about-crime Congress and I feel it my duty to speak out against this inaction.

The administration submitted a request for legislation covering the following subjects and as yet none of these bills have even cleared the House committees. Those proposals are as follows:

First. Witness immunity: April 23, 1969.

Second. Control of pornographic literature: May 2, 1969.

Third. Organized crime: April 23, 1969.

Fourth. Narcotics control: July 14, 1969.

Fifth. Corrupt organizations: April 23, 1969.

Sixth. Bail reform and District of Columbia anticrime: February 6, 1969.

I call upon Congress to accept its responsibility and moral leadership by passing needed legislation to control crime as urgently requested by the administration.

I have introduced bills on these subjects myself and intend to do all in my power to see they are enacted.

RICKOVER AND THE NUCLEAR NAVY

(Mr. RIVERS asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, yesterday in response to my request, I received a letter from Vice Adm. Hyman G. Rickover in connection with the nuclear Navy. This is one of the finest pieces of writing on the subject that I have seen.

As the one within the Navy responsible for the planning, development, and successful operation of our nuclear Navy, Admiral Rickover has performed a magnificent job for his country. He has worked long and hard to be sure that the Navy's needs are met in this new form of propulsion. If there is any comfort to the country to have our Polaris submarines and our nuclear attack submarines on station along with the *Enterprise, Long Beach, Bainbridge* and *Truxtun*, then our deepest thanks must go to Admiral Rickover.

Since I found his letter to be so instructive, I include it at this point in the Record, along with its enclosure:

U.S. Atomic Energy Commission,
Washington, D.C., September 29, 1969.

Hon. L. Mendel Rivers,
Chairman, House Armed Services Committee,
House of Representatives:

Dear Mr. Rivers: This letter is in response to your request of September 24th that I give you my views concerning the urgency of proceeding this year with the high speed nuclear attack submarine program, the *Nimitz* Class attack aircraft carrier program, and the nuclear-powered guided-missile frigate program, at the level provided in the fiscal year 1970 Defense Authorization Bill reported out by the House Armed Services Committee.

I am grateful for this opportunity to make clear my reasons for endorsing the initiative and leadership taken by your committee on these important programs. They are the foundation of the future nuclear-powered Navy for which you have worked so long and so hard—the modern Navy the United States needs to retain its position as a world power of the first rank.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. Yet there are those who deprecate the need to maintain military supremacy or even mere parity with the Communist empires on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power, yet secure within our borders. They forget that we then profited from the Pax Britannica, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so. What it means to be weak and without American protection should be evident to all as we observe the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

In modern war, particularly the kinds of war we envisage for the future, more military equipment and relatively fewer men will be used. We can no longer fight with rifles, cannon and mortars alone—all of which can be manufactured quickly and in numbers. Today's weapons—ours and those of our potential enemies—are complex and costly; it takes many years to develop and build them. Even in World War II we did not place into action a single airplane that had not been under design when we entered the war.

Although we lack the data for a precise comparison of U.S. and Soviet military expenditures, it is clear that the U.S.S.R. spends much more annually for new weapons than the United States. Is it then reasonable for us to fail to modernize our defenses on the assumption that the danger of war no longer exists? The first priority of all life is survival; this is likewise true of nations, and it is the primary function of a legislature. World War II probably would not have broken out and followed the course it did had the United States not been almost totally disarmed in the 1930's as a result of decisions made in the years before, the Kellogg Pact then serving as the chief argument that there was no longer any danger of war.

To illustrate the danger of underestimating the war capacity of a potential enemy, let me remind you that when Germany decided to invade Russia in 1941 their staff studies showed that the Soviet Union would be defeated in eight weeks, ten weeks at most. Our military attaché in Moscow advised the War Department that the war would be over in three months. I can also still remember that when World War I broke out, the Germans expected it would be over in three months.

These are facts that should put us on guard against the argument that long worldwide wars are no longer possible. Even the present "minor" Vietnamese War has endured for longer than our foremost civilian and military leaders predicted. Having been in the Navy in both World Wars, I may perhaps be forgiven for not being as optimistic about permanent peace, the benficence of unilateral disarmament, and the current belief held by many—especially our "intellectuals"—that the sheer horror of war will be an effective deterrent.

Preventing war is infinitely less costly than engaging in it. The money we save today in reducing our military capacity will surely be but a pittance compared to what it will cost us if our very weakness tempts others to plunge us into war.

Unfortunately, few people study history which accounts for the truism that history repeats itself. Not many of our people fully understand the devastation wrought by World War II. That war ended a quarter of a century ago. Half the people in the United States were not even alive then; many more were children or teenagers. It is not too far-fetched to say that 75 percent have no vivid personal memory of what a world war really means.

Our country is able to stay ahead in defense only because of our technology. If we do not take advantage of this technology we will have to fight with inadequate weapons and suffer higher casualties. Congress, for as long as I can remember, has done everything within its power to provide our military with the best weapons and with services that would reduce loss of life. I believe our people are willing to pay the taxes necessary to provide our men the best weapons our technology makes possible.

The United States is essentially an island between two oceans—an island dependent for its survival on free use of the seas. The Atlantic and Pacific, once our shield and protection, are now broad highways for launching attacks against us over, on, and beneath the seas.

The United States, being an island, has no contiguous land masses whence we can conduct military operations to protect our national interests or from which we can obtain the fuels and materials necessary to sustain a large scale war effort. The sheer bulk of the daily requirement of petroleum products for military and industrial needs precludes adequate peacetime stockpiling. We have once again been taught by the war in Vietnam, as so often in the past, that we must have free access to the seas. In spite of the publicity given to the airlifting of supplies to Southeast Asia, over 98 percent has been transported by ship, half the tonnage being petroleum products.

Given our island position, we can project our national power beyond our territory only through the Navy, depending—except for all-out nuclear war—primarily on our nuclear attack submarines and on our attack carrier striking forces.

Some argue that the danger of war has been reduced; consequently, we should no longer construct nuclear attack submarines, *Nimitz* Class carriers and nuclear frigates, devoting our resources instead to other, more desirable objectives. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forgo recourse to arms? A glance at history should put on on guard against facile claims that humanity has now reached a state where the possibility of armed aggression can safely be disregarded in formulating national policy.

President John F. Kennedy said, "if there is any lesson of the 20th century, and especially of the past few years, it is that in spite of the advances in space and air . . . this country must still move easily and safely across the seas of the world."

In order to maintain free use of the seas, we must be able to counter any foreseeable threat at sea. As is extensively documented in your committee's reports on the status of naval ships, the United States has an aging Navy whereas the Soviets are rapidly building a modern Navy. The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy. They are surging forward with a naval and maritime program that is a technological marvel.

The Soviet Navy has undergone a continuing modernization program including the building of missile-armed cruisers and destroyers, helicopter carriers and several new classes of nuclear and conventional submarines. As a result, their Navy has become a fleet capable of sustained open ocean operations. For the first time in her history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders. Their force in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, as well as attack and missile submarines.

The Soviet submarine force constitutes a threat against the continental United States, U.S. Naval forces, and our unrestricted use of the seas. Several classes of Soviet submarines, both conventional and nuclear powered, carry cruise missiles which have a maximum range of about 400 miles. It is believed that the primary mission of these submarines is to counter U.S. carrier strike forces. The Soviets have a new submarine force of about 375. By the end of this year the United States will have in commission 145 submarines, which includes 59 diesel submarines, most of which are of World War II vintage. By the end of next year, it is estimated that the Soviets will have a numerical lead in nuclear submarines.

To achieve this the Soviets have greatly expanded and modernized their submarine building facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards. They use modern assembly-line techniques under covered ways, permitting large-scale production regardless of weather conditions.

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. In looking to the future, it is estimated that by 1974 they will add about 70 nuclear-powered submarines to their fleet, whereas we will add but one-third as many—further increasing their numerical superiority. In the case of the ballistic missile submarine the Soviets have undertaken a vigorous building program to surpass our Polaris fleet of 41. They have completed at least 7 of their new Polaris-type submarines, and have the capability to turn out about one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1973–74 time period they will be up to us.

Numerical superiority, however, does not tell the whole story. Weapon systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and superiority in some.

Their progress over the past few years in nuclear submarine design, construction, and operation could only have been accomplished through the efforts of a large group of highly competent technical people. We must assume the talents and efforts of this group will continue to provide them with additional advances in nuclear submarines.

The steady build-up of the Soviet submarine Navy from an ineffective coastal defense force at the end of World War II to the world's largest underseas navy today deserves admiration; also it should deeply worry every American. By the end of this year we face the prospect of losing the superiority in nuclear submarines we have held for many years. The threat posed by their submarine force—with their new ballistic and cruise missile launchers and new attack types, is formidable. If more sophisticated types are added in the near future, as is probable considering their large number of designers and their extensive facilities, the threat will rapidly increase.

Soviet tactical air efforts have also resulted in significant gains in their capability. Between 1952 and 1967, the Soviets have built some 20 different fighter prototype aircraft. At least eight new designs have appeared since 1961. Since the F–4 Phantom II became operational in 1961, we have not introduced any new operational fighter aircraft.

To achieve the results so far attained in all areas of modern technology, the Soviets had to develop their most important resource—technical and scientific personnel. Their educational program enjoys highest national priority. The statistics on the total number of degree graduates are impressive. The U.S. National Science Foundation data indicates that in 1966 alone, 168,000 engineers were graduated; the United States, on the other hand, produced but 36,000. With specific application to their Navy, the Leningrad Shipbuilding Institute, just one of several naval institutes, had over 7,000 students in 1966 studying naval architecture and marine engineering. I doubt we had over 400 enrolled in these subjects in all U.S. colleges.

While we cannot specifically count the number of Soviet scientists and engineers devoted to naval work, it is apparent that they have created a broad technological base; they have committed extensive resources to support development of their naval forces.

The Soviets have frequently announced their intent to be the pre-eminent world power. Why do we not believe them? Hitler in Mein Kampf plainly announced his intent to dominate the world. We did not believe him either—until it was nearly too late. Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the United States will have to understand that it no longer has mastery of the seas." And just a few months ago the Russians announced a projected 50 percent increase in the size of their merchant fleet.

While the Russians have been taking giant strides, we are being held back by those who argue that we must do nothing to undermine their confidence in us, that we must not jeopardize the possibility of disarmament by escalating the armaments race, no matter how rapidly they are moving ahead in their own preparations.

These facts should be weighed when assessing the judgment of those who argue for a reduction of American naval power while Soviet naval power is rapidly expanding.

Let me now address each of the three nuclear-powered warship building programs you have asked me about and explain why I think each is vital to give us the capability to meet the rapidly expanding Soviet naval threat.

HIGH SPEED NUCLEAR ATTACK SUBMARINE PROGRAM

Earlier this year I testified at length to the Joint Committee on Atomic Energy concerning the urgency of proceeding as rapidly as possible with the High Speed Nuclear Attack Submarine Program. The Joint Committee, in their foreword to the hearing record on the "Naval Nuclear Propulsion Program—1969" stated:

"Last year Congress appropriated funds to start work on a new design high-speed submarine. . . . After a great deal of discussion, including several congressional hearings, Secretary Clifford announced on July 1, 1968 that the Department of Defense would proceed with the high-speed submarine class (SSN688 Class).

It is clear that the Soviets have made their nuclear submarine construction program a matter of high national priority. In contrast, the Department of Defense in the last several years has delayed new submarine programs and has approved fewer submarines than recommended by the Joint Chiefs of Staff.

The rapidly increasing Soviet naval threat . . . makes it essential that the United States get submarines of the new high-speed class into the fleet as soon as possible. The earliest practicable delivery of ships of this class requires authorization to award shipbuilding contracts for the first three submarines in fiscal year 1970 and procurement of long leadtime items for the next five be started in fiscal year 1970. Therefore, the Navy's request for the fiscal year 1970 shipbuilding program included three high-speed submarines fully funded and long-lead funds for five more.

Because of the urgency of delivering these new ships to the fleet, the Joint Committee strongly recommends that the fiscal year 1970 nuclear warship construction program include as a minimum the funds necessary to award contracts for the first three high-speed submarines and advance funding for five more.

Historically, the development of nuclear propulsion has been accomplished largely through the efforts and insistence of the Congress. As recently as last year, while the Department of Defense debated and vacillated over whether to initiate development of a high-speed submarine and to proceed with the quiet electric drive submarine program, the Congress acted—affirmatively. The Defense Department belatedly but finally recognized the vital importance of these programs and is now supporting them. However, had it not been for the initiative of the Congress in authorizing and appropriating funds for the high-speed submarine program the Defense Department would not be in a position to proceed with it now. Similar affirmative congressional action is called for now to insure against any slowdown in the development of advanced nuclear propulsion plants—a slowdown that could have a significant adverse impact on our future submarine program."

I hope the Congress will approve the recommendation of your committee to provide in fiscal year 1970 full funding for three new design high speed submarines and funds for procurement of long leadtime nuclear propulsion plant components for five more. This is the same high speed nuclear attack submarine building program initially recommended by the Navy, recommended by the Joint Committee on Atomic Energy, and included in the fiscal year 1970 Defense Authorization Bill passed by the Senate.

"NIMITZ" CLASS ATTACK CARRIER PROGRAM

For many years I have testified that because of the vast improvements being made in weapons technology the Navy should

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wherever possible go underwater to carry out its missions. The most striking example of where this has been accomplished in the past decade is the transfer of the Navy nuclear war deterrent mission from bombers based on aircraft carriers to Polaris missiles launched from nuclear submarines. Increased emphasis has also been placed on nuclear-powered attack submarines for anti-submarine missions—a policy that should be continued.

There are, however, some important Navy missions which cannot, in any known practical way, be carried out by submarines. One of these is the provision of sea-based tactical airpower to protect our sea lanes and our air lanes over the seas, as well as to support amphibious operations and overseas military land operations beyond the range of the land-based tactical air power available to us.

In a memorandum of 25 August 1969 to the Secretary of the Navy, the Chief of Naval Operations discusses the urgent need to continue building attack carriers. The memorandum, a copy of which is enclosed, responds to questions raised this year by those opposed to proceeding with the carrier building program. I contributed to the preparation of Admiral Moorer's memorandum and I agree with its contents.

Each year for the past 4 years the Secretaries of Defense have presented to the Congress the Department of Defense plan to build three new two-reactor nuclear-powered attack carriers of the *Nimitz* Class in alternate years starting in fiscal year 1967. These three carriers, the CVAN–68, CVAN–69, and CVAN–70, are scheduled to replace World War II *Essex* Class carriers, which by that time will be from 26 to 30 years of age and will then continue in service as anti-submarine warfare carriers, if needed.

The *Nimitz*, CVAN–68, was authorized and funded in fiscal year 1967. The ship is under construction at the Newport News Shipbuilding and Dry Dock Company, Newport News, Virginia; the keel was laid over a year ago.

Congress authorized and appropriated $50.5 million in fiscal year 1968 for procurement of long leadtime nuclear propulsion plant components for the second *Nimitz* Class carrier, the CVAN69. The remainder of the funding for this ship was originally scheduled for fiscal year 1969. However, in order to reduce the new obligational authority in fiscal year 1969 to a minimum, the Department of Defense and the Congress included only $82.4 million more in fiscal year 1969 which was enough to keep the CVAN69 on schedule. The remaining $377.1 million needed to complete the funding of the ship was slipped to the fiscal year 1970 budget request now before the Congress.

The propulsion plant machinery for the CVAN69 is well along in fabrication. The remaining funds for the CVAN69, which are included in the fiscal year 1970 budget request, must be made available in fiscal year 1970 if the ship is to stay on schedule and major increase in cost is to be avoided.

Both Secretary McNamara and Secretary Clifford approved including the third *Nimitz* Class carrier, the CVAN70, in the fiscal year 1971 program. In a letter to the Chairman of the Senate Armed Services Committee dated August 16, 1969, Secretary of Defense Laird reconfirmed that the third *Nimitz* Class carrier, the CVAN70, is still planned for fiscal year 1971.

The Navy recommended that advance procurement funds be provided in the fiscal year 1970 budget for procurement of long leadtime nuclear propulsion plant components to prevent delivery of the CVAN70 from being delayed. These components are the most limiting carrier components.

If the Navy is provided $100 million in fiscal year 1970 for procurement of long leadtime nuclear propulsion plant items for CVAN70, as recommended by your committee, it is expected that less than $10 million would not be recoverable should Congress decide next year not to go ahead with the CVAN70 based on the results of the Congressional study of attack carriers directed by the Senate amendment to the fiscal year 1970 Defense Authorization Bill. If the long lead funds for the CVAN70 are not provided in fiscal year 1970, the ship will be delayed about a year and its cost will be significantly increased due to the break in the planned production schedule for the three *Nimitz* Class carriers.

I do not believe further study of the attack carrier issue will change the basic facts I summarize below. These, in my opinion, establish the need to proceed with construction of the three *Nimitz* Class carriers. These facts are discussed in more detail in the attached memorandum:

Three-fourths of the earth's surface is covered by water; 95 percent of the world's population live within range of carrier aircraft.

No valid plan exists for overseas military operations by the Army, the Air Force, or by amphibious forces, which does not depend on our ability to guarantee free use of the seas.

Without a modern attack carrier force, the United States is not assured free use of the seas in those areas of the world that are important to us. It is simply not practicable to establish enough land air bases adequately prepared, provisioned, defended, and within range of potential areas of conflict.

To match the continually improving capabilities of our potential enemies, the Navy's carrier force must have a steady input of new ships. This is necessary to upgrade its capability through infusion of modern technology and to replace ships no longer capable of meeting the demands on them—whether because of their inherent design limitations or because of their age.

Seven of the sixteen carriers currently operating in the attack carrier role were launched during or shortly after World War II. Five of these cannot operate several of the modern aircraft types now in the fleet. They will not be able to operate air wings which can survive against Soviet weapons technology of the 1970's.

Each *Nimitz* Class carrier will carry 50 percent more aircraft ammunition and twice as much aircraft fuel as the latest conventionally powered attack carrier. This, combined with the unlimited high speed endurance provided by nuclear power will greatly increase their capability for sustained combat operations.

The *Nimitz* Class will incorporate improved design features in the areas of command and control, intelligence processing, ammunition handling, aircraft catapulting, fire fighting and damage control.

The *Nimitz* Class will be the best protected and least vulnerable carriers ever designed. The added protection is provided by extensive use of armor against bombs and guided missiles, as well as by improved anti-torpedo hull design. The unlimited endurance at high speed and freedom from the need to slow down to refuel provided by nuclear propulsion further reduces the carrier's vulnerability.

The second ship of this class, the CVAN69, is scheduled for delivery in 1976. It will replace the *Bon Homme Richard* which will then be a 30 year old veteran of World War II, Korea, and Vietnam.

The third ship of this class, the CVAN70, is scheduled for delivery in 1976. It will replace the *Oriskany*, launched in 1945.

If future analysis or budget stringency should require reduction in the attack carrier force level, this should be accomplished by retiring old carriers, not by cancelling construction of new ones.

Were the Navy required to operate a smaller carrier force, the improved capabilities of the *Nimitz* Class would become even more important. The smaller the force, the more important it is that each carrier have the greatest achievable capability.

The maximum life of an attack carrier is 25 to 30 years. A 15 carrier force level requires construction of one new carrier every 2 years if they are to be replaced when they are 30 years old. If the force level were to be reduced to 12, it would be necessary to building a new carrier every 2.5 years.

The three *Nimitz* Class attack carriers are the only ones authorized or planned from fiscal year 1964 through 1972, a period of 9 years; this will average out to but one new attack carrier every 3 years.

If the attack carrier force level were reduced, for example to as few as 12, the CVAN69 would then replace the then 27 year old *Coral Sea;* the CVAN70 would replace the then 31 year old *Midway*.

If we do not continuously modernize our attack carrier force, its ability to protect our naval and overseas military forces and the logistic lifeline for our military and industrial needs against the increasing capabilities of potential enemies will be degraded.

To build and equip a modern aircraft carrier takes 5 years. If we do not have enough of them when war erupts, it will be too late—no matter what effort and money we may then be willing to expend.

For these reasons I recommend that Congress this year approve construction of the second *Nimitz* Class carrier, the CVAN69, and make available advance procurement funds for long leadtime nuclear propulsion plant components for the CVAN70.

DXGN GUIDED-MISSILE FRIGATE PROGRAM

Additional frigates with guided-missile anti-air warfare systems and anti-submarine capability are required to provide air and submarine defense for the Fleet.

For both independent duty and task group operations, nuclear power in frigates gives the capability of steaming great distances at high sustained speeds. It permits the commander to position his ships with much more flexibility, since they are not dependent on oiler support. It also gives him more flexibility in his choice of actions because here again he does not have to concern himself with the problem of sooner or later having to join up with an oiler.

The overall capabilities of a nuclear carrier task force are improved each time a nuclear-powered guided missile frigate is substituted for a conventional guided-missile ship. The incremental gain in military effectiveness is larger as each nuclear frigate is substituted with the largest increment being added when the all-nuclear task group is achieved.

We now have three nuclear-powered, guided-missile ships in the Fleet—the cruiser *Long Beach* (CGN9) and the frigates *Bainbridge* (DLGN25) and *Truxtun* (DLGN35). Two more frigates, the DLGN36 and DLGN37, are now under construction.

Last year the President agreed with a Department of Defense proposal to build four more nuclear-powered, guided-missile ships of a new class called DXGNs—two in fiscal year 1970 and two more in fiscal year 1971. Funds were appropriated in fiscal year 1969 for procurement of long lead items for the first two of these ships; contracts for these components have been awarded.

This year the Department of Defense and the Navy concluded that the original schedules for the first four DXGNs would not be delayed if only one DXGN were fully funded in the fiscal year 1970 program, provided additional long lead components for the second DXGN and long lead components for the third and fourth DXGNs were also ordered this year.

The Navy has recommended expanding the building program for nuclear-powered, guided-missile frigates. Even if all the nuclear frigates recommended by the Navy are built, only 10 percent of the destroyer-type ships in the Fleet of 1980 will have nuclear propulsion. Thus, it is clear that the Navy is recommending a relatively modest rate of changing the destroyer forces to nuclear power.

By following the Department of Defense plan to build the nuclear frigates DLGN36 and DLGN37 now under contract, and following these with but four ships of the new DXGN Class, the *Enterprise* will have been in operation 11 years and the *Nimitz* 4 years before they will have a full complement of nuclear-powered missile ships to accompany them. By that time, the CVAN69 and the CVAN70 will also have been delivered to the Fleet with no nuclear frigates available for them.

The rate of authorization of nuclear frigates must soon be increased to three or four per year if the Navy is to come close to meeting the goal for nuclear-powered missile ships in the Fleet of the 1980's. At the rate of one per year, it will be almost the year 2000 before this goal is reached.

The provision in the fiscal year 1970 House Defense Authorization Bill for procurement of long leadtime components for three guided-missile frigates in lieu of the long leadtime funds for the two requested by the Department of Defense is a significant step forward. I hope that the Congress will approve these funds recommended by your committee.

The area of the world covered by our overseas land base system has been shrinking. Pressure continues at home and abroad to withdraw our deployed forces. As we approach the "Fortress America" situation there is a growing need for nuclear-powered attack carrier task forces capable of steaming at high speed to any point on the ocean of the world, and of conducting maximum sustained air operations for many days entirely without logistic support—a capability that can be obtained only by continuing to build nuclear-powered warships.

I would like to add a comment concerning the vulnerability of carrier task forces. Everything is vulnerable in war—including carrier task forces. But it must be thoroughly understood that the United States cannot conduct overseas military operations without naval support for the simple reason that 98 percent of our supplies must be transported by ship.

Those who cite the vulnerability of naval task forces appear to believe we would be able to transport men and supplies without the protection afforded by our aircraft carriers. They seem to have arrived at this conclusion on the basis of a naive belief that, if we did not have carriers, the enemy would permit our cargo shipping and transports to proceed unmolested. These are arguments based on wishful and illogical thinking. If there is a possibility that we may become engaged in an overseas war—and our foreign commitments imply this—then there is no viable way we can use our Army or our Air Force unless we are able to protect the ships which transport supplies to them.

Another point made by opponents of our aircraft carriers is that their very existence creates the desire to use them—thus making it easy for us to engage in military ventures.

The notion that a "weapons race" causes war was once a widely-held theory, but many historical studies of the causes of World Wars I and II disprove it. Certainly it cannot be claimed that World War II was caused by an armaments race. In fact that war might well have been prevented had Britain, France, and the United States been better prepared. It was for this very reason that at the end of World Wars I and II we vowed never again to be caught unprepared. Whether or not to use our military forces is decided by our civilian leaders, not by the military. The military is asked for advice; the decision is that of the civilian leadership.

The Navy's strength lies in its ability to be deployed rapidly at distances from the United States. Its very existence as a "fleet in being" serves to deter those who might otherwise think lightly about starting hostilities. It is no threat to any country that does not itself attack us.

Nuclear submarines, aircraft carriers, and frigates are expensive, as are all modern weapons. But delay in their procurement will only serve to further increase their cost.

In summary, Mr. Chairman, I agree with the position taken by your committee that the fiscal year 1970 Defense Authorization should include:

Three high speed nuclear attack submarines, with $110 million for procurement of long leadtime nuclear propulsion plant components for 5 more;

Completion of funding for the CVAN69, and $100 million for procurement of long leadtime nuclear propulsion plant components for the CVAN70;

Completion of the funding for one nuclear-powered, guided-missile frigate with $100 million for procurement of long leadtime components for 3 more.

I sincerely hope that the Congress will approve these recommendations of your committee.

Respectfully,

H. G. Rickover.

Memorandum for the Secretary of the Navy on Attack Aircraft Carriers

1. There has been a great interest expressed in the Congress and reflected in the press, concerning the nuclear powered attack carrier in this year's budget. To assist in answering queries of the Congress, the press, and the public related to this particular carrier and to the Defense Department carrier program in general, questions and answers keyed to the principal issues involved have been prepared and are attached herewith. In addition, I have set forth below a summary of some of the more important factors associated with carrier requirements.

For all levels of military action other than all-out nuclear war—from a show of force to general war—the attack carrier is the primary striking force of our Navy. It provides the offensive power necessary to assure free use of the seas and the air over the seas in support of our national objectives.

Despite the tremendous technological progress that has been made in transportation and weapons systems in this century, free use of the seas—which cover three-fourths of the earth's surface—continues to be essential to the security of the United States, whether we are forced to fight to defend ourselves or to help defend our allies.

Today our overseas allies depend upon our support, which must come by sea. There is no valid plan for overseas military operations of the Army, Air Force or amphibious forces with embarked Marines that does not depend on our free use of the seas. For example, 98 percent of all of the supplies which have gone to Vietnam have been carried by ships.

Our present national strategy relies heavily upon military forces deployed overseas—forces capable of responding to a spectrum of contingencies in overseas areas of primary national interest. These forward deployed forces, which must be supplied by sea, provide this country with flexible and rapid response to whatever pressures our potential enemies may apply.

A change in national strategy resulting in the withdrawal of our deployed military forces would increase the requirement to maintain a strong maritime posture. The capability of the United States to fight for an extended period in defense of its territory and areas of interest is dependent on our ability to maintain the flow of materials and oil over the seas. The sheer bulk of the daily use of oil for military and industrial needs precludes stockpiling quantities for more than short-term needs.

An effective tactical air capability is essential to sustain our general purpose and logistic support forces against a determined enemy using modern weapons. Sea-based and land-based tactical aircraft are required to provide support for our forces in the areas of the world where we must be prepared to fight.

Land-based tactical aircraft can be employed when their land bases have been adequately prepared, provisioned and defended, and when they are located within range of the area of conflict.

Sea-based tactical aircraft are required when land bases are not available or do not have the capacity to meet the required tactical aircraft needs. The attack carriers can quickly concentrate this sea-based tactical air power.

2. In order to continue modernization of the Navy's attack carrier force, including increased use of nuclear propulsion in the fleet of the mid-1970's, the President's budget for fiscal year 1970 includes a request for $377 million to complete funding for the second of three *Nimitz* class nuclear-powered attack carriers. Contracts amounting to $133 million have already been placed for components authorized during the past two years for this second ship, the CVAN 69. The nuclear propulsion plant for the CVAN 69 is currently being manufactured and the ship is scheduled for delivery in 1974.

3. The United States is currently reassessing all of its defense needs including the number of attack carriers that will be required in future years. We must make clear the need to continue with procurement of the CVAN 69 in fiscal year 1970, regardless of any change that may be made in the attack carrier force level. The CVAN 69 will replace an old World War II carrier; hence, it will not increase the force level.

T. H. Moorer,
Admiral, U.S. Navy.

The Attack Aircraft Carrier

The following questions and answers have been prepared to set forth in simple terms, facts and rationale relating to the United States Navy carrier program. In their brief form, these answers cannot cover in detail all aspects of carriers, but they do present an unclassified discussion of the principal issues involved.

REQUIREMENT

Q. *What is unique about the attack carrier?*

A. First, the carrier provides air power at sea. World War II conclusively demonstrated that surface forces cannot survive in the face of a strong air threat without air superiority. The carrier's fighters provide the protective cover under which her attack aircraft can strike, or other naval operations such as amphibious assaults and logistic support can be accomplished. It is an historical fact that in World War II the carrier strike forces, Japanese as well as American, always defeated land-based air forces. This was due primarily

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to the mobility of the carrier which permitted the sea-based force to select the time and place of the action.

Today, carrier-based air still enjoys a superiority over the tactical air forces of our potential enemies. The radius of action of U.S. Navy carrier-based aircraft is about 600 nautical miles. Only 20% of the current Soviet bloc tactical aircraft have a combat radius exceeding 600 nautical miles. The carrier can stand off and reach the enemy with the full weight of its strike effort, but only a small part of the enemy's air forces can be directed against the carrier.

Second, the tactical air capability provided by the carrier is mobile. It can be moved any place on the three-fourths of the earth's surface covered by the seas, without any international agreements, at a rate of more than 600 nautical miles per day, 85 percent of the area covered by our military contingency plans and 95 percent of the world's population lie within range of carrier aircraft operating in international waters. Carrier mobility permits the concentration of sea-based air power to the degree required by the task at hand. In the latter stage of World War II, 16 aircraft carriers were concentrated in Japanese home waters, and on a single day, more than 1100 fighter and attack missions were launched by this force against Japan. As recently as the air campaign against North Vietnam, five attack carriers were maintained in the western Pacific.

Third, the carrier itself is a floating air base, complete with aircraft; ordnance and jet fuel required to fly them; shops to support them; men to maintain and operate them; and facilities to house and feed those men.

Fourth, a particular feature of the carrier weapons system is its operational flexibility which permits it to be effectively employed across the full spectrum of warfare, from show of military force, through limited wars, to general conflict with conventional weapons, to nuclear war.

Q. *What other naval forces are there to contest the free use of the seas?*

A. The Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas, a strong modern merchant marine, and a powerful new Navy. They are surging forward with a naval and maritime program that is a technological marvel.

The Soviet Navy has undergone a continuing modernization program including the building of missile-armed cruisers, helicopter carriers and several new classes of nuclear and conventional submarines. As a result, the Soviet Navy has become a fleet capable of sustained open ocean operations. For the first time in its history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders. Their force in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, as well as torpedo and missile-armed submarines.

The Soviet submarine force constitutes a threat against the continental United States, U.S. naval forces, and our unrestricted use of the seas. Several classes of Soviet submarines, both conventional and nuclear powered, carry cruise missiles which have a maximum range of about 400 nautical miles.

Q. *Since the U.S. considers attack carriers to be so important, why do the Soviets not have carriers, and why is Britain no longer building them?*

A. We, of course, do not know all the reasons the Soviets are not building attack carriers. An obvious factor affecting their decision must be their central geographic location, within and physically contiguous to the European and Asian land masses. This makes them far less dependent on overseas logistic supply lines and on overseas alliances for their national objectives and for their defense than is the case for the United States. The United States is essentially an island lying between the Atlantic and Pacific oceans. We do not have contiguous land masses whence we can conduct military operations to protect our national interests or whence we can obtain the fuels and materials necessary to sustain a war effort. For these reasons, sea-based air power is not nearly as vital to the security of the Soviets as it is to the United States.

The Soviets control an extensive system of land air bases throughout areas of the world vital to them. We have no such comprehensive land-base system. Their predominant land position has required mutual defense treaties with but two nations which do not share a land border with her. Our island position, on the contrary, has led us to negotiate treaties with 43 overseas nations. From our island positions, the only way by which we can project our national power beyond range of our land bases is through our Navy. For this, other than all out nuclear war, we must depend primarily on our attack aircraft carriers.

The Soviets, because of their advantageous position as the predominant land power, and because they understand how vital it is for the United States to maintain free use of the seas, have to date structured their Navy with the objective of interdicting our sea lanes.

An analogous situation is that of Germany, in World War I and II. As the predominant land power she was able to use land transportaton to extend her influence and support her military and industrial effort. The Germans full well knew that the Allied war effort was almost totally dependent on overseas transportation. Therefore, they designed their naval forces around interdiction of sea lanes.

On the contrary, Japan, an island empire, must depend on the seas for her survival. Their attack carriers in World War II were, therefore, the heart of their Navy. The turning point in the Pacific war was the sinking of her carriers in the Battle of Midway in 1942. And the deciding factor in her defeat was the ability of United States air and submarine forces to interdict the flow of oil from overseas to the Home Island; this strangled her industrial and military effort and brought about her eventual collapse.

Britain, also an island empire, understood the need of a Navy to implement its national interests and to assure the in-flow of food, raw materials and fuel. She maintained a powerful carrier fleet throughout World War II. The British Navy and its carrier force declined along with Britain's reduced stature as a world power and because of her fiscal stringency. She was able to accommodate this decline because of her increased reliance on American power.

There is no doubt that attack carriers would enhance Soviet capability to operate their surface fleets beyond the range of their extensive network of land air bases. Lack of this capability was evident during the Cuban crisis. A Soviet Naval Chief has said that they expected to have four large carriers in operation by about 1948. World War II, however, intervened. By the early 1950's, when they began to build their modern Navy, the Soviets were far behind the United States in capability. Recently, they built two medium sized modern helicopter carriers. As they gain experience with these, and as they continue expanding their naval power, they may well build attack carriers to extend the areas in which they can project their national power.

Despite the tremendous technological progress made in transportation and weapons systems in this century, free use of the seas—which cover three fourth's of the earth's surface—continues to be essential to the security of the United States, whether to defend ourselves or to help defend our allies.

The United States—a maritime nation—cannot maintain its position as a first rank world power if it does not possess the capability to maintain free use of the seas. For this we must have a modern attack carrier force capable of establishing air superiority in those areas vital to our national defense but not within reach of our land-based tactical air power.

Whether one takes the optimistic view that a permanent East-West detente can be negotiated or the pessimistic view that ultimately we shall have to fight for our liberties, this Nation has no future if it allows itself to be outmatched militarily.

Q. *It has been suggested that the United States has been playing the role of world policeman and that we should withdraw from overseas bases. Would carriers continue to be useful under these conditions?*

A. Yes, in fact the flexibility of the mobile carrier would make it the most useful and least provocative of all our major weapons systems under this kind of strategy.

The carrier can deploy quickly, can remain over the horizon out of sight in order not to upset a delicate situation, and still be available to use its air power at a moment's notice; or, should the situation so indicate, the deployed carrier can appear on the scene, and by its very presence provide a stabilizing influence by serving as tangible evidence of U.S. interest. Without overseas bases, the attack carrier would be the only means by which the U.S. could provide tactical air support for overseas military operations in response to enemy actions and protection of logistic supply lines for material and oil essential to sustain our industrial and military capability.

Q. *Would carriers be of use in a major conflict?*

A. In World War II there were more than 100 carriers of all kinds in the U.S. Navy, employed in all theaters. The need for the carriers was so great that 85 percent of the carrier force was kept in a deployed status.

Because all of the tactical air fields in South Korea were quickly overrun and captured by North Korean ground forces in the first campaign of that conflict, virtually total reliance for tactical air support for our beleaguered ground forces was placed on the carriers during the initial part of the war.

In the Vietnam War, the first strikes delivered against the North Vietnamese were flown from carriers. During the air war in North Vietnam, five attack carriers were deployed to the Seventh Fleet.

Attack carrier forces feature prominently in all of our current major war plans. Although carrier employment has been primarily concerned with conventional wars, the carrier has a potent nuclear capability. All carrier attack aircraft are designed to deliver nuclear weapons and all attack pilots are trained in their delivery. Tactical nuclear weapons on board our carriers for delivery by carrier-based aircraft are at all times in the hands of U.S. nationals and cannot be seized by the enemy.

The carriers could play an essential role in a large scale conflict in Europe. Such a war could escalate rapidly. Forward bases, fuel supplies, and stockpiles might be overrun by advancing Soviet Bloc forces. Under such circumstances attack carrier forces could be our best and possibly our only means of providing tactical air support in a controlled response to include tactical nuclear weapons. In an all out nuclear exchange, the mobile carrier, which is more

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likely to survive than fixed land bases, could well provide the balance of power.

EFFECTIVENESS

Q. *It has been said that only one third of the carrier force is ready to fight at any one time—is this true?*

A. No. At any one time more than three-fourths of our carriers are ready. For example, on 1 August 1969 fourteen attack carriers were at sea or immediately ready for sea. One more could be ready in 5 days and the one carrier which is in overhaul, could be deployed in 60 days.

Q. *Why can't land air bases be used instead of carriers?*

A. Land bases can be used effectively only when they are within range of the trouble spot. An extensive network of overseas bases would be required to cover the potential crisis areas of the world covered by the contingency plans of our military strategy.

The area of the world covered by our overseas land base system is constantly shrinking. For example, at the end of the Korean War, this country had 551 overseas bases. Today we have fewer than 173. Operational U.S. overseas land air bases have declined in number from 105 in 1957 to 35.

Retaining existing U.S. land bases on foreign soil or adding new ones can involve additional U.S. political and military commitments in exchange for base rights. These commitments may be far more onerous than dollar costs. Additionally, the presence of bases on foreign soil has been a source of "Yankee go home" sentiment and charges of U.S. intervention and neo-colonialism.

Furthermore, land bases on foreign soil are vulnerable to political action. Regardless of pacts or base agreements, one nation can, as has been demonstrated repeatedly in recent years, unilaterally cancel a treaty, and our bases in that nation are lost to us. This has occurred in Morocco and France.

Even when our bases are not taken from us outright, their use can be temporarily denied to us for political reasons. This occurred during the Lebanon incident in 1958, when the Greek government denied landing and even overflight permission to our land based tactical air forces deploying to the near east.

Attack carriers, on the other hand, are mobile air bases which can be retained in home waters and deployed or withdrawn to meet changing international situations without altering our international commitments.

Q. *Why can't we build land bases after a war starts?*

A. We can, after agreement is reached with the host country, and provided suitable sites are available which can be defended and logistically supported.

An individual base has been constructed in nine months. However, in Southeast Asia, our experience was that two years from decision time were required to build up the needed base facilities. An eventual goal of moving into place in 90 days is planned.

Q. *Why can't commercial air fields be converted to military fields?*

A. They can. Kits are being developed to be used for converting available runways into military airfields. However, for one tactical aircraft wing (approxmiately 90 aircraft—the equivalent of one carrier air wing) a kit includes over 6000 people, 7000 tons of cargo, and 1500 vehicles in its initial lift. It must be maintained by a daily logistic resupply flow of 3200 tons of consumables. This daily resupply, if provided by airlift, would require more than 100 C–5A transport aircraft. Since this is obviously impractical, overseas land bases are dependent on keeping the sea lanes open for logistic support. 98 percent of supplies, material, and equipment in Vietnam are sent by sea lift. In many areas adequate air defense of our sea lanes, and air lanes over the sea, can only be provided by carrier aircraft.

SURVIVABILITY

Q. *Can carriers survive in today's kind of war?*

A. Yes. Modern attack aircraft carriers with their embarked aircraft are the most powerful and toughest warships ever built. They are essentially offensive weapon systems designed to conduct strike operations against an enemy in a combat environment. Although the inherent mobility of the carrier makes it a difficult target for an enemy to find and attack, carriers are nevertheless designed to absorb damage from enemy action with minimum disruption to their operational capability.

Within the range of warfare situations, the greatest probability of conflict lies below the general war threshold. There have been fifty wars or near wars since the end of World War II. Yet no carrier has suffered loss or damage from hostile action during this period, in spite of the fact that all but two of our currently designated attack carriers have been involved in actual combat operations since World War II.

In contrast, all of the tactical air bases in South Korea were overrun by enemy ground forces in the Korean War. Some, with their stocks of ammunition and aircraft fuel were captured a second time by Chinese Communists. In South Vietnam over 300 helicopters and fixed wing aircraft have been destroyed on airfields and over 3000 more damaged by enemy ground attacks.

Q. *Can a carrier survive in a nuclear war?*

A. If a carrier suffers a direct hit by a nuclear weapon it will be destroyed, as well as any other target, but the carrier is hard to hit.

The mobility of the ship target offers considerable protection, which increases with the range of the weapon considered. Against ICBM attack, the aircraft carrier, in contrast to cities, industrial complexes, land air bases, ports, missile sites and similar fixed targets, is virtually immune to pre-targeting. It can move twelve miles or more during the time of flight of an ICBM. If its position is precisely known at a given time, three hours later the carrier is somewhere in the area of a circle of more than 25,000 square miles.

The greatest threat to the carrier in a nuclear war would be posed by the Soviet air and naval forces, especially submarines. There would undoubtedly be heavy losses on both sides. However, because of the enemy's problems in locating and targeting the carriers and penetrating their defenses, the probability is very large that some of these ships would survive to deliver their own nuclear punch.

Q. *Isn't the carrier vulnerable to cruise missile attack?*

A. Anti-ship missiles, whether air, surface, or submarine launched constitute the major threat to U.S. surface forces. Missiles can outrange the guns of the U.S. Navy's surface combatant ships.

However, the carrier's aircraft greatly outrange even the most advanced Soviet cruise missile. Further, the launching platforms, the surveillance systems, and the cruise missile itself are all vulnerable to attack and destruction by carrier aircraft and other defense forces.

Carriers have faced the threat of guided missiles before, and have survived by a clear margin. In World War II, the Japanese launched 2314 aircraft in Kamikaze attacks against the U.S. fleet, with the carriers as the principal target. Despite the fact that the Kamikaze was a guided missile with the most sophisticated guidance system possible—the human brain—not a single attack carrier was sunk by them.

Today, the carrier is the fleet's best defense against cruise missiles because of the ability of its aircraft to attack the launching platforms before they are within missile firing range of our forces and to shoot down the anti-ship missiles that are launched while they are in flight.

The carriers themselves are able to evade missile capable forces both by their mobility and by the task force defense in depth. A recent analysis shows that carriers could continue to operate in the Gulf of Tonkin and still remain out of range of any possible Soviet Styx surface-to-surface guided missiles emplaced at launching sites in North Vietnam. It is an important related fact that no potential North Vietnamese missile launching platform, aircraft or PT boat, has penetrated the U.S. carrier task force defense to within attack range of the carriers.

Q. *Isn't the carrier vulnerable to torpedo attack from submarines?*

A. The Soviets now have by far the largest submarine force in the world—about 375 submarines, all built since World War II. We have 143, including 61 diesel submarines most of which are of World War II vintage. Thus, they have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead even in nuclear submarines. Nuclear powered submarines pose a greater threat to our surface ships than diesel powered submarines because of their submerged high speed endurance.

It is because of this threat that the Navy maintains a substantial force including carriers, long range aircraft, submarines, and surface combatants assigned to the anti-submarine mission. These forces work in conjunction with an extensive ocean surveillance system.

The attack carrier forces, with their integrated anti-submarine defenses and their high speed, are the least vulnerable of our surface forces to torpedo attack. A nuclear powered carrier force, with its sustained high speed endurance and freedom from the need to resupply propulsion fuel, can minimize the opportunities for enemy submarines to gain attack position.

Q. *If enemy bombs, missiles or torpedoes are able to reach the carrier—break through the defenses—then can't the carrier be sunk?*

A. If our carriers do sustain hits from conventional bombs, torpedoes or missiles, damage will occur, but that does not mean that the ship will be put out of action or sunk. Modern carriers are extremely tough ships.

No attack carrier built during World War II or subsequently has been lost to enemy action. The *Essex* class fought through the aircraft attacks, Kamikazes, and submarine attacks of World War II.

Subsequent carrier designs have incorporated even more extensive protective features, such as armored flight decks, improved torpedo protection systems, and internal damage-limiting features which make them very difficult to sink with non-nuclear weapons.

The hardness of the modern attack carrier is illustrated by the accident in the *Enterprise* early this year when nine major caliber bombs detonated on her flight deck. Yet the ship could have resumed her scheduled air operations within hours, as soon as the debris was cleared from the after end of the flight deck.

This accident, as well as other carrier accidents which have occurred in recent years, have been studied in detail to develop corrective action to reduce the possibility of future occurrence and to determine design features which can be incorporated in our new carriers to make them even less susceptible to damage.

The new carriers will give our attack carrier forces the best protective capability we can build into our ships. The new Nimitz class nuclear powered carriers are the best protected and least vulnerable carriers ever designed. The added protection is provided by the etxensive use of armor plating against bombs and guided missiles and improved anti-torpedo hull design. The high speed endurance and freedom from the need to slow down to refuel provided by nuclear propulsion, significantly reduces the nuclear carrier's vulnerability to attack.

If we were to reduce our future sea-based tactical air capability by failing to provide the needed improvements in carrier design, the overall vulnerability of the Navy and the logistics life line for all services would be increased.

COST

Q. *Isn't a carrier very expensive?*

A. Yes, carriers are expensive. But so are all modern weapons systems. In fact the carrier has increased in cost the least of any other major weapon system since World War II. The Nimitz will cost about 10 times as much as the *Essex* did in 1944. But many of the latest fighter, attack, and transport aircraft are more than 100 times as expensive as their World War II counterparts.

Of course, the capabilities of today's weapon systems are much greater than their World War II counterparts. For example, the World War II carrier *Enterprise* fought throughout the Pacific Campaign; yet, the nuclear carrier *Enterprise* delivered more than twice the tonnage of bombs in one month in Vietnam that her predecessor delivered throughout World War II.

Carriers are not more expensive than alternative systems, on either an investment or operating cost basis, particularly when their long life and active utilization are considered.

The investment in an attack carrier has an assured return for about 30 years. During this time the carrier can provide an air base anywhere in the international waters of the world without prior international agreements or U.S. commitments in exchange for base rights. Of the 44 carriers built by the Navy since the *Langley*, CV–1, in 1922, which would today be classed as attack carriers, 41 have launched air strikes in combat. One of these, *Bon Homme Richard*, has been in action in three wars.

The investment in a land base has an assured return only as long as the base is needed in the specific location, and international, political, and military conditions do not deny or restrict its use when needed. The large investment is lost as soon as the particular job is finished for which the base was created. The investment in an aircraft carrier remains valid for the 30-year life of the ship.

Q. *How do the cost of sea-based and land-based tactical air power compare?*

A. Relative investment and operating costs vary in different situations, but overall costs are about the same when basing, support, logistic and defense costs are considered for both. A land-based tactical air wing has about the same number of attack aircraft as a carrier air wing, and some types of tactical aircraft are common to both services; for example, the Navy-developed *Phantom* fighter-bomber.

Historically, in the recent bombing campaign into North Vietnam, it cost more to deliver one ton of ordnance to North Vietnamese targets from land bases than from attack carriers, even though the land-based tactical jet aircraft averaged more tons delivered per sortie. The higher cost of land-based air was due primarily to greater base-to-target distances, because the mobility of sea-based tactical air permitted stationing attack carriers closer to the targets. The longer base-to-target distances generated a heavy aerial refueling support requirement for land-based air operations.

Q. *What is the composition of a carrier task force, and how much of it is required for its own defense?*

A. There is no standard carrier task force composition. An attack carrier task force includes carriers and surface combatants with anti-aircraft and anti-submarine capability; sometimes a task force includes submarines or fast replenishment ships. As the name itself implies, a task force is constituted to perform a task, and the number and kinds of ships involved are related to that task. Under some conditions a carrier might be accompanied by six surface combatants, under other circumstances, such as prevail today in the Gulf of Tonkin, by only one or two.

We do not buy ships on a task force basis. New ships are procured to keep our Navy modern and capable in numbers based on the expected threat. Naval task forces are constituted from the overall inventory of ships in the fleet.

The number of surface combatants included in a carrier task force is directly related to the anticipated enemy opposition. The cruisers and destroyers attack and destroy the enemy's submarines, surface ships and aircraft. The carriers and other ships operate together in a task force for mutual support and increased effectiveness in the destruction of enemy forces, an essentially offensive action.

Although the carrier does carry fighters for defense of the force in depth against aircraft and missile attack, these fighters can be employed offensively to achieve air superiority, and then used as bombers in an attack role. Again, the percentage of the carrier's aircraft devoted to defense depends upon the threat. Today in Southeast Asia, only 5 percent of the aircraft being operated by the engaged attack carriers are assigned the role of defending the carriers.

FORCE LEVELS

Q. *Is it true that the force level number of 15 attack carriers is simply a tradition based on the fact that the Navy has maintained 15 carriers since World War II?*

A. No, this recently publicized assertion has absolutely no basis in fact. At the end of World War II, during which the Navy had more than 100 carriers of all types, there were 20 carriers in the active fleet which could be classed as attack carriers. By June 1950, at the beginning of the Korean War, the number of attack carriers had been reduced to seven. The loss of all of our tactical airfields in Korea during the first days of that conflict, created an urgent requirement for carriers to provide the desperately needed air support for our ground forces. Fortunately there were relatively new *Essex* class carriers, laid up in mothballs in the reserve fleet. By reactivating these ships, the number of attack carriers was increased to 16 by the war's end.

Since 1953, the number of attack carriers has fluctuated between 19 and 14 to meet changing defense requirements and budget constraints.

For the past five years a total of 16 attack carriers have been operated at a very high tempo to meet our defense needs.

Q. *What is the currently authorized carrier attack force level?*

A. Fifteen attack carriers plus an anti-submarine carrier acting in an attack carrier role for the duration of the war in Southeast Asia.

Q. *How is the attack carrier force level determined?*

A. The attack carrier force level is determined by the requirements of national strategy derived from our foreign policy. Attack carrier force levels reflect the portion of the total tactical air requirement that it is necessary to operate from sea bases. The desired force level is affected by the geographical areas and the contingencies considered.

A major element of our foreign policy is predicated on overseas alliances. Our overseas allies depend upon our support, which must come by sea and the air over the sea. There is no viable plan for overseas military operations of the Army, Navy, or Air Force that does not depend on our free use of the seas. For example, 98 percent of all the supplies which have gone to Vietnam has been carried by ships.

Our present national strategy relies heavily upon military forces deployed overseas—forces capable of responding to a spectrum of contingencies in overseas areas of primary national interest. These forward deployed forces provide this country with flexible and rapid response to whatever pressures our potential enemies may apply.

Even if our future national strategy were to be changed to withdraw our deployed military forces, our requirements for defense would still extend overseas. The capability of the United States to fight for an extended period in defense of its vital national interests is dependent on our ability to maintain the flow of materials and oil over the seas. The sheer bulk of the daily use of oil for military and industrial needs precludes stockpiling quantities for more than short-term needs.

An effective tactical air capability is essential to sustain our general purpose and logistic support forces against a determined enemy using modern weapons. Sea-based and land-based tactical aircraft are required to provide support for our forces in the areas of the world where we must be prepared to fight.

Land-based tactical aircraft can be employed when their land bases have been adequately prepared, provisioned and defended, and when they are located within range of the area of conflict.

Sea-based tactical aircraft are required when their land bases are not available or do not have the capacity to meet the required tactical needs. The attack carriers can provide this sea-based tactical air power.

In our current national strategy, there are two primary overseas areas critical to our national interest, where an adequtae base structure under U.S. control is not currently available. They are the Mediterranean and Western Pacific littorals. Attack carrier forces in the Sixth and Seventh Fleets provide the only assurance of a capability for quick reaction to threats to our national security and objectives in these areas.

Attack carriers are also required in the Atlantic and Pacific areas contiguous to the United States. For example, the U.S. response to the Cuban and Dominican Republic crises relied heavily on attack carriers in the Atlantic.

Attack carriers operating near the U.S in the First and Second Fleets also provide for fleet training and maintenance time in home ports. These carriers may be sent individually to reinforce deployed forces, or the entire fleets may deploy from home waters. In this latter connection, the home fleets conduct frequent maneuvers and fleet exercises, proving new equipments, and developing new doctrines for their employment. Not more than one or two carriers of the total are in overhaul at any one time.

The number of 15 attack carriers is based upon commitments as well as empirically established planning factors including maintenance and training requirements, which have been validated through experience.

In the past, when similar deployment cycles and operating conditions prevailed, the carrier commitments dictated by the strategy could not be fulfilled when the force level was reduced below 15.

Q. *Does a force level of 15 provide enough carriers to cover contingencies?*

A. Recent experience has demonstrated that a force level of fifteen carriers is inadequate to prosecute the war in Vietnam and simultaneously maintain the posture dictated by our present strategy. In recognition of this deficiency, the Department of Defense has approved a force level of sixteen attack carriers for the duration of the war in Southeast Asia. The Navy was able to meet this augmented force level only by employing one anti-submarine carrier in the attack carrier role.

Whether fifteen carriers is an adequate number under wartime conditions is open to question. It is not possible accurately to foresee the locales of future conflicts as they relate to the existence of adequate land bases, the political availability of such bases, and their survivability in action.

Our capability to augment our active carrier force in time of war or crisis is almost gone. There are no longer any attack carriers in the reserve fleet. Since 1952, nine modern attack carriers have been built. The remaining six attack carriers operating today were launched during or shortly after World War II. Four of these are of the *Essex* class. Even the most modern of the *Essex* class carriers cannot operate the latest generation of tactical aircraft, the F–4, A–6, RA–5C, and E–2. We will soon reach the point where the *Essex* class air wing cannot survive in the threat environment established by new Soviet tactical aircraft.

As this capability to augment the established attack carrier force from the reserve fleet or from *Essex* class carriers in the anti-submarine force disappears, so does our flexibility in attack carrier force levels. It is apparent that we will fight future wars with the attack carriers in the fleet at the war's inception.

In summary, a force level of fifteen attack carriers of modern design has been determined to be a minimum requirement for the type of conflict we have experienced since World War II and to permit us to meet peacetime deployment requirements giving due consideration to peacetime planning factors. This number may not be adequate to provide the required tactical air power for future contingencies, particularly in view of the steady deterioration of our overseas base structure. We will be unable to compensate for the loss of overseas bases to military force or political action in the future by quickly building up carrier force levels over and above peacetime levels. It takes about five years to build a new attack carrier. There are no longer any modern attack carriers in reserve.

Q. *Couldn't the attack carrier force level be reduced by using some form of dual crew arrangement on our carriers, as we do on Polaris submarines, to keep all of our carriers overseas?*

A. The Navy has conducted studies to determine the feasibility of additional crews for carriers to increase the number continually deployed. It has been determined that such measures are not economical, efficient or desirable in view of the inherent mobility of the carrier itself with its crew aboard.

In the Polaris system, dedicated as a nuclear deterrent, only the deployed ships have maximum effectiveness. The full Polaris fleet must be overseas ready to fire its missiles in the first few critical hours of a nuclear war.

By contrast, attack carriers must be ready over a longer span of time, for a wider spectrum of war situations, where sustained capability over weeks and months is important. Moreover, we need carriers in home waters to react to crises close to the United States. For example, our contingency operations for the Cuban crisis and for the Dominican Republic crisis relied heavily on sea based tactical air to be furnished by home fleet carriers.

It is most efficient, under peacetime conditions, not to keep all carriers at forward stations. In emergencies, however, 85 percent could be maintained in a deployed status. To keep a larger part of our carrier inventory overseas year in and year out during peacetime would require overseas bases for routine maintenance and repair, and homes and schools for dependents. This would certainly add significantly to our gold outflow problems.

Q. *Will the new carrier requested by the Navy, CVAN–69, this year increase the attack carrier force level?*

A. No. When the CVAN–69 joins the fleet it will not increase the number of carriers in the Navy's active inventory. It will replace one of the old World War II veterans which will then be thirty years old.

Q. *Since the nuclear powered Nimitz-class carriers are so much more capable than the older ships they will replace, why do we need a one for one replacement?*

A. Attack carriers must be able to conduct operations at sea against determined opposition, with aircraft capable of achieving air superiority against first line enemy equipment.

The new Nimitz class carriers are needed to meet the growing Soviet threat.

The World War II Essex class ships in our carrier force cannot operate several current modern aircraft necessary to cope with present Soviet planes and weapons. The Essex class will not be able to operate an air wing in the seventies which can survive in the environment of Soviet weapons technology.

As our weapons improve with time and technology, so do those of our potential enemies. In World War II, the Essex class carriers operated about 90 aircraft representing the most advanced technology of that era, and able to meet the Japanese threat on better than equal terms. Today, the replacement for the Essex will be the Nimitz, again capable of operating about 90 aircraft capable of coping with the most advanced Soviet weapons technology.

Q. *Why can't our old carriers be modernized instead of building new attack carriers?*

A. It is not practical or economical to attempt to further modernize the Essex class attack carriers. These ships have previously been converted from straight deck, hydraulic catapult configuration to angle deck, steam catapult configuration. No growth factor is left.

The Essex class attack carrier cannot operate a number of the newer aircraft already in the fleet, such as the F–4 Phantom II, RA–5C Vigilante, A–6 Intruder and the E–2 Hawkeye. A significant fact is that these older carriers experience about twice the landing accident rate with attendant higher cost in lives and aircraft, compared with the larger deck Forrestal class. The problem is simply that aircraft size and speed have become excessive for the smaller size World War II carrier decks.

The Essex design will be over 30 years old when the CVAN–69 joins the fleet. These old ships which have served the Navy well through three wars, will simply be worn out.

Q. *If the attack carrier force level is reduced, will the CVAN–69 still be required?*

A. Yes. The *Nimitz* class carriers would be required even if the attack carrier force level were reduced. The improved capabilities of the *Nimitz* class carriers would become even more vital if the Navy were required to operate a smaller carrier force, since the smaller the force, the more important it would become for each carrier to have the most capability achievable.

If a reduction in force level becomes necessary, it should be accomplished by retiring older carriers in the fleet, not by cancelling new construction ships; six of the Navy's fifteen attack carriers were launched during or shortly after World War II.

The Navy's carrier force must have a regular input of new ships, both to upgrade the capability of the force through the infusion of modern technology, and to replace older ships which can no longer meet the requirements demanded of an attack carrier because of design limitations and the fact that old ships simply wear out.

Within a fifteen carrier force level, for example, the construction of a new carrier every other year means that attack carriers will reach an age of thirty years before they are replaced—the nominal maximum useful life of a carrier. Even with a force level as low as 12, it would be necessary to build a new carrier every 2½ years to replace the carriers when they become thirty years old.

NUCLEAR PROPULSION

Q. *What are the advantages of nuclear propulsion for the attack carrier?*

A. The principal advantages afforded by nuclear propulsion in surface warships derive from the ability to steam at high speed for unlimited distances without refueling. In the carrier, there are important additional benefits. Because the nuclear carrier does not have to carry black oil for propulsion, there is more room in the ship's hull for aviation fuel and other combat consumables. This gives the nuclear carrier greatly increased combat staying power compared to its conventional counterpart.

These two qualities give the nuclear carrier a capability unmatched by any other tactical air system. This is the ability to:

Respond immediately to a contingency beyond the range of emplaced U.S. forces without waiting for supporting units or the prepositioning of logistic support.

Conduct combat operations while approaching the objective area.

Continue combat operations without support or replenishment for the period of time required to establish sea-based logistic support lines.

An all-nuclear carrier task force can steam at high speed to any point on the oceans of the world and conduct maximum sustained air operations for many days entirely without logistic support. An all-nuclear carrier task force also has the capability to transit at high speed to and from distant and less vulnerable sources of ammunition, aviation fuel, and other supplies needed to continue in action.

As the number of nuclear submarines and air striking capabilities of our potential enemies increase, the difficulty of providing logistic support when supply lines to our combat forces are under attack will increase. A principal reason for developing nuclear power for surface warships is to reduce the logistic support required for our fighting forces.

Q. *Can we convert our present attack carriers to nuclear power?*

A. It is technically possible, but not practical or economical. It would cost about as much to put nuclear power in an older carrier as it would to build a new one. The new one, of course, would be far more effective, and have a longer lifetime.

"NIMITZ" CLASS

Q. *What is the Department of Defense program for building Nimitz class attack carriers?*

A. In 1966, the Secretary of Defense approved the construction of three nuclear powered attack carriers for the U.S. Navy, called the *Nimitz* class. This Department of Defense carrier building program was decided on the basis of analytical studies which projected a continuing need for sea-based tactical air.

Since this initial Department of Defense approval in 1966, the continuing military requirements for carriers has been further demonstrated by the carrier operations in Southeast Asia, which have again shown the capability and inherent mobility of sea-based striking forces. Trends in international affairs have reinforced the soundness of the decision to maintain a modern carrier force and to retain the ability to operate in those areas of the world where bases are denied or not available.

The three ships of the *Nimitz* class are planned to replace the last of the aging World War II *Essex* class ships still serving as attack carriers. In order to acquire these programmed carriers at least cost, all three ships are to be of the same design, procured in series production from a single shipbuilder. The success of this plan depends upon the availability of funds in accordance with the program schedule. The continuity of component and ship production lines is essential to avoid major cost increases. Delay or deferment of scheduled funds would result in increased component costs and result in ship construction delays which are in themselves costly.

Q. *Does the design of the Nimitz class provide a substantial improvement in attack carrier capability?*

A. Yes. The design of the *Nimitz* improves upon the designs of preceding attack carriers as the result of analytical studies, technological advances and lessons learned from the combat experience of carrier operations in Southeast Asia.

An important difference between the *Nimitz* design and that of the *Enterprise* is that the *Nimitz* will have a two-reactor plant instead of the eight-reactor plant on our only previous nuclear carrier. Technology has permitted advances in nuclear reactor core construction which are most significant. The initial cores in the *Enterprise* provided propulsion for three years before replacement was necessary. In the *Nimitz*, the initial cores will furnish energy to propel the ship for thirteen years. Also, the two-reactor plan will require fewer operating personnel.

The Navy has incorporated into the *Nimitz* design many lessons learned in carrier operations in Southeast Asia. Carriers in the South China Sea have operated at a tempo never foreseen for these ships. Day, night, and all-weather operations have become routine, and sortie rates have risen. Carrier systems and crews have been operated near their limits, beyond what was considered maximum a few years ago. This combat experience has taught much about ways to improve these ships, and these are reflected in the *Nimitz* design, particularly in the areas of command and control, intelligence processing, ordnance handling, fire fighting and damage control.

The *Nimitz* is being designed to carry 50 percent more aircraft ordnance and more aircraft fuel than any previous attack carrier, which combined with nuclear power will greatly increase its capability for sustained combat operations.

Q. *What is the status of the Nimitz class construction program?*

A. The *Nimitz*, CVAN-68, first of three attack carriers of the class in the approved Department of Defense program, was authorized in fiscal year 1967. It is fully funded. The keel was laid June 22, 1968, and construction is about 20 percent complete. It is scheduled to be delivered to the fleet in 1972.

The second ship, CVAN-69, was originally planned for authorization in 1969. Congress appropriated $50.5 million in fiscal year 1968 for long lead time nuclear propulsion plant components. However, only $82.4 million in additonal long lead time funding was requested in fiscal year 1969 to minimize the new obligational authority in that year, and the balance of $377.1 million was slipped to fiscal year 1970. Therefore, contracts amounting to $132.9 million have been placed for the CVAN-69, and $377.1 million is needed in fiscal year 1970 to complete the ship. The nuclear propulsion plant for the CVAN-69 is currently being manufactured and the ship is scheduled for delivery in 1974.

The third ship is planned for full funding in fiscal year 1971. The original Navy request for long lead time funding for nuclear propulsion plant components in fiscal year 1970 was deleted in the budget review process. If this funding is not restored in the fiscal year 1970 appropriation, the ship will be delayed a minimum of one year past the 1976 date originally planned for delivery, and the cost of the ship will increase.

Q. *What would be the impact of deferral of funding for the CVAN-69?*

A. Deferral of the funding required this year to continue procurement of the CVAN-69 would have the following undesirable effects:

A delay in ship completion which would hinder necessary improvement in the combat capability of the carrier inventory and considerably delay the increased availability of nuclear propulsion in the fleet. As presently planned, CVAN-69 will join the fleet in 1974 to replace the *Bon Homme Richard*—a veteran of World War II, Korea, and Vietnam.

An increase in the cost of CVAN-69 due to inflationary effect; the inability to take advantage of multiple procurement with the CVAN-68; and a break in the learning curve achieved by series production, because of the gap which would occur between the CVAN-68 and the CVAN-69.

A disruption of the production continuity of the CVAN program which would cause additional delay and further cost escalation. Because of the large number of existing orders in the heavy equipment industries, they are not willing to make long range commitments without firm contracts. Consequently, price and delivery of components not covered by firm contracts are subject to considerable escalation and delay.

The $132.9 million appropriated for the CVAN-69 in the last two years is already obligated in contracts, and manufacture of components is proceeding. If the unexpended balance of these funds were deferred, cancellation of contracts and disruption of component production lines would result. Since most of these contracts are for nuclear propulsion plant components, their termination would have a severe impact on the industrial base for the overall naval nuclear propulsion program.

OPERATION INTERCEPT

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DE LA GARZA. Mr. Speaker, yesterday radio reports quoted Attorney General Mitchell saying the inconveniences of Operation Intercept would soon end. This report is most encouraging inasmuch as the challenge of narcotics control across the border has always been to concentrate effectively on law violators and to establish operations imposing the burdens and inconvenience on the criminal classes and not upon—repeat—not upon the law-abiding citizens engaged daily in legitimate and desirable traffic across the border.

In this regard there have already been discussions from my part of the country as to whether traditional border celebrations should be canceled such as those forthcoming in the next few months at Brownsville-Matamoros, Del Rio, Ciudad Acuna, and the International Good Neighbor Council meeting at Houston this month.

It is improbable that such celebrations can be carried on successfully when individuals and vehicles are exposed to search as at the present time.

In the light of the Attorney General's statement perhaps there are going to be special provisions to permit people to enter the United States for these enlightened demonstrations of border friendship.

The Mexican Government has mounted campaigns in the past to cooperate with our Government against the narcotic traffic and other mutual problems. Perhaps the greatest example has been the campaign against the hoof and mouth disease, and the present one against the screw-worm. So it would seem a precedent has been established. I am a product of this great border country, and I know its people and their feelings. If it would be helpful to the objects of narcotics control and harmonious border relations, I hereby offer my efforts to both our countries to help in every way possible.

Shortly after noon today, I was informally advised that the Mexican Government has advised officers manning ports of entry along the border to assist U.S. efforts on Operation Intercept. While I cannot account for the authenticity of these reports, I can present this as an example of the type of cooperation the Mexicans are always willing to afford on projects of such importance.

Assistant Treasury Secretary Eugene T. Rossides, head of Operation Intercept, told a Senate committee yesterday that the same airborne sensors used to find enemy troops in Vietnam were being adapted to detect fields of marihuana and poppies, the base for heroin. Eventually the sensors might be used at border crossings to detect travelers with the narcotics.

He said the United States was offering Mexico planes and the sensor devices to help it detect the fields as well as a chemical spray that makes marihuana very bitter when smoked. This equipment has already been carefully tested for agricultural purposes.

The question arises as to the extent we can lend assistance of this nature to the Mexican Government in acting to control the growth and movement of narcotics and at the same time permit normal traffic across our peaceful border.

Though I wish to assist in every way possible for the control of narcotics, I am compelled to stand for and to enlarge where possible the peaceful relationships along an unarmed border between free people with a whole generation now of uninterrupted harmonious and mutually profitable commerce. We cannot—we must not—destroy or impair that which we have achieved through mutual trust and understanding, and the joint effort of so many of our people on both sides of the border.

NAVY RESPONSE TO DEMOCRATIC STUDY GROUP

(Mr. RIVERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, on Friday, the Democratic Study Group published at length in the CONGRESSIONAL RECORD its findings. Under unanimous consent, I include in the RECORD the findings, together with the Navy's responses thereto:

NAVY RESPONSE TO DEMOCRATIC STUDY GROUP

CVAN–69 (NUCLEAR ATTACK AIRCRAFT CARRIER)

(Extracts of Navy portions of the Democratic Study Group Report)

[Annotated]

Description	*Comment*
The U.S. has maintained 15 carriers and their escort fleets ever since World War II.	This is wrong. The Navy's attack carrier force level consisting of World War II *Essex* class ships and subsequent classes has been as follows: 1945, 20; 1946, 14; 1947, 12; 1948, 11; 1949, 8; 1950, 7; 1951, 14; 1952, 16; 1953, 16; 1954, 15; 1955, 17. 1956–1969 attack carrier force levels have varied between 14 and 19. Today we have a total of 22 carriers. 16 (not 15) are serving as attack carriers and 6 in the anti-submarine warefare carrier role.
They are used to provide bases for tactical aircraft operations on short notice in places where land bases cannot be used.	
Each carrier is a base for about 75 aircraft.	The smaller World War II *Essex* class carriers carry about 75 aircraft. The larger carriers carry about 100.
The Joint Chiefs of Staff calculate that 13 carriers would be needed to fight 2 major/1 minor wars simultaneously in Europe, Asia, and Latin America, and that two more are needed as reserve.	This statement is not correct. Although specific positions of the Joint Chiefs of Staff on matters of this nature are classified, it can be correctly stated that in recent years they have consistently supported a total attack carrier force level greater than the Department of Defense approved force level of 15.
During peacetime, two are stationed in the Mediterranean, three in the Pacific, and ten are not deployed.	During peacetime five carriers are deployed in support of our national strategy to areas of primary national interest, where adequate land bases are not available. The other ten carriers are in home waters undergoing training and maintenance, or assigned to the First and Second Fleets where they are immediately available to reinforce overseas forces or to respond to contingencies in other areas, such as they did during the Congo, Cuban, and Dominican Republic crises. It should be clearly understood that this ratio is a routine peacetime operation. Because of the conflict in Southeast Asia, the DoD has augmented the attack carrier force by an anti-submarine warfare carrier, operating in an attack carrier role. Until ROLLING THUNDER campaign (in which about half of the combat sorties into North Vietnam were flown from carriers) was terminated, there were never less than seven attack carriers continually deployed, five of them in the Western Pacific. In an emergency all available carriers would be deployed. For example, in mid-1969, 14 of the Navy's 16 attack carriers are either at sea or immediately ready to go to sea. One more would be ready in five days. The 16th carrier (in overhaul) could be deployed in 60 days.
The carriers are not designed to be used as permanent airbases, but rather as temporary bases until land bases can be established or constructed.	The Commander of the USAF Tactical Air Command (General Momeyer) in a recent discussion of the build up of land bases (*Armed Forces Management*, Feb 1969) has said that two years from "decision time" were required to build up the needed base facilities in Southeast Asia. An eventual *goal* of moving into place in a matter of ninety days is planned. Thus the temporary use of carriers may involve a time period of between three months and two years. But this period required for base construction is at the initiation of hostilities, the most critical period of a war. In Lebanon, the crisis was over in three months. In Korea, the North Korean ground forces overran all of South Korea except for a small perimeter around PUSAN in the opening phase of that conflict. All of the tactical airfields in South Korea were captured in the first five days. Virtually all of the air support for our beleaguered ground forces came from the carriers. Although the force level of attack carriers had been permitted to drop to a total of seven, the experience of the initial campaign of the Korean War resulted in an immediate build up of carrier force levels to about 15. It is also true that the use of carriers is not necessarily a temporary expedient. When due to political, military, logistical, or economic considerations, an adequate number of shore bases cannot be provided, the carrier fills the gap on a virtually permanent basis. Today four attack carriers are committed to the war in Vietnam.
Carriers are useful for quick response in a crisis situation.	
The Soviet Union has no carriers.	The Soviets do not have carriers in the same sense as the U.S. Navy's attack carriers. But the historical record shows that as early as the thirties the Russians planned a carrier fleet and expected to have four carriers (equivalent to attack carriers) by 1948. World War II intervened, and by the early fifties which is considered to be the period marking the genesis of the modern Soviet Navy, the Russians were hopelessly behind the U.S. Navy in carrier numbers, experience, technology, and industrial capability. The Soviet awareness today of the essentiality of sea-based tactical air has been clearly shown in their cruise missile (basically an unmanned aircraft) capability and their two helicopter carriers.
Costs	
The FY 1970 budget contains a request for $377 million to complete funding of a third nuclear carrier, CVAN–69.	$377 million is required to complete the funding of CVAN–69, since $133 million has already been obligated for long lead time components. CVAN–69 will be the second ship of the *Nimitz* class of nuclear powered attack carriers. When CVAN–69 joins the fleet in FY 1974, it will join *Nimitz* and *Enterprise* in the Navy's nuclear carrier forces.
The estimated total cost of this ship is $510 million. Pentagon sources indicate that estimates have already been revised upward and that a final cost of $700 million is not unlikely.	These Pentagon sources are not the Navy, nor can they be considered credible since they are not known to the Navy. The true facts are that the official Navy estimate for CVAN–69 has not been revised in any direc-

CVAN-69 (NUCLEAR ATTACK AIRCRAFT CARRIER)—continued

Cost	*Comment*
	tion. It is $510 million. The Navy is using every means possible to keep the cost of this ship down. CVAN-69 will cost *less* than *Nimitz* (CVAN-68) because it will be built in the same shipyard, to the same plans. Economies can therefore be achieved by: learning curve, since ships of the same class will be built by the same shipyard; multiple procurements with CVAN-68; the shipbuilder's ability to make optimum use of facilities. Obviously the cost of the ship cannot be precisely known since the Navy has little control over the economy of the country. Escalation in the costs of labor and material are allowed for according to a standard DoD formula. If actual escalation turns out to be different, the end cost of the ship will vary up or down a corresponding amount. More importantly, the Navy's ability to keep the ship cost down depends in large measure on the Navy's being able to plan and manage the acquisition effort. Any disruptions in production will have a large impact on costs. The Navy has carefully laid out plans and is exerting intensive management effort to keep costs down. The optimum means of acquiring these needed ships at least cost and in the time frame when they are needed is the Navy's present plan.
Because a carrier never sails without its escort fleet, that cost must be added to that of the carrier—$405 million for escorts and $400 million for logistics ships.	The point at issue is the acquisition of the CVAN-69. This ship is needed to maintain the capability of the carrier force. It will replace one of the old World War II *Essex* class ships in our attack carrier inventory. These *Essex* class ships cannot operate the latest generation of tactical aircraft, the F-4, A-6, RA-5C, and E-2. We will soon reach the point where the *Essex* class air wing cannot survive in the threat environment established by new Soviet tactical aircraft. When the CVAN-69 joins the fleet it will not add to the number of attack carriers in the Navy. It will replace an obsolescent carrier. The Navy does not buy new escorts and logistic ships for each new carrier. They are already in the fleet, serving the carrier which is to be replaced.
The total cost of a task force without aircraft is $1.3 billion.	There is no such thing as a standard task force. A task force is made up to accomplish a specific task (hence its name) and thus may include more, or fewer, or even no destroyer type ships, depending upon the mission.
The Pentagon estimates the yearly operating costs of a carrier at $114 million, not including the costs of fueling and repair bases or operating the aircraft on the carrier.	Again, these figures are not correct. They are not Navy figures. Further, the source of these Pentagon estimates is not known. However, the total *direct* operating cost of CVAN-69 (including overhaul and prorated fuel costs) is estimated to be $28 million per year. Even if *indirect* costs are included (support personnel costs), the highest total cost per year which can be calculated is $36 million.

CVAN-69 (NUCLEAR ATTACK AIRCRAFT CARRIER)—continued

Rationale	*Comment*
The carrier provides a mobility impossible to obtain otherwise.	
In addition, this form of airbase requires no basing rights or diplomatic negotiations to obtain, and does not contribute to the balance of payments problem.	Very true. And when the crisis is settled, the carrier can depart without leaving behind any long range commitments which may be more of a problem in the future. And the carrier is not subject to any agreements which may restrict the use of land bases. The airplanes and weapons aboard carriers are under U.S. control. No restrictions can be imposed on the operation of the carrier.
Critique	
Many military strategists argue that surface navies are themselves obsolete, because of the effectiveness of submarines and the limitations of anti-submarine warfare.	No weapon is completely invulnerable. In deciding whether or not to procure a specific weapon system its vulnerability must be weighed against its predicted usefulness. For example, it cannot be argued that it is easy to shoot a human being and therefore we should not have any soldiers. Rather we say that we have to have soldiers despite their vulnerability. The same applies to carriers: we need the capability they provide—rapid response, mobility, complete U.S. control—whether or not they are vulnerable in a given set of conditions. Put in truth, attack carriers are relatively the least vulnerable of our major weapons systems. Since World War II there have been fifty wars or near wars in the world. In none of these was there a serious threat to surface ships. In the real world, then, surface ships have not proved to be vulnerable. In any consideration of conflict which could threaten the surface Navy, the entry of the Soviet Union must be postulated. In this case *all* weapon systems would exhibit vulnerability. The carrier's mobility and defense in depth against all kinds of attack make it a tough target and certainly less vulnerable than any alternative land-based means of providing tactical air power. In Southeast Asian air bases, despite precautions taken, over 300 aircraft have been lost and over 3000 damaged while on the ground.
Carriers are only effective against enemies without submarines, and in situations in which the U.S. has air superiority.	Not true. The carrier's planes are, in fact, one of the best weapons against submarines. And rather than operating where the U.S. has air superiority, the carrier provides its own. In many areas, in fact, it is the only way the U.S. can acquire initial air superiority. A principal function of the carrier is to provide the air superiority which land-based air needs initially until the development of land bases is complete.
Thus they are only effective against weaker nations in limited wars.	The type of aircraft operated by the Navy and the Air Force are similar. In some cases they are identical. Thus, both the Navy and Air Force share the ability to operate against all conceivable enemies.
Because such wars are likely to develop slowly, quick response forces may not be needed.	Recent history argues otherwise. In Korea the role of carriers in the first days of the conflict was vital. Virtually all tactical air support for our ground forces had to come from carriers, because the North Koreans overran all the land bases. The war did not

CVAN-69 (NUCLEAR ATTACK AIRCRAFT CARRIER)—continued

Critique	*Comment*
	develop slowly; the need for the carrier was dramatically demonstrated again.
For the situations the U.S. is likely to face, land air bases can more effectively provide air capability than carriers.	Our national military strategy depends upon general purpose forces, including tactical air, forward deployed in areas of primary national interest and ready to respond to a range of contingencies. Which contingency we will face next is never known. It is the communist strategy to initiate hostilities. We are not the aggressors; we respond to aggression. It is a military principle to strike when and where the opponent least expects it, and where he is least prepared. Our cold war foes are well aware of this principle as recent history has clearly demonstrated. Therefore, it is *not* likely that the U.S. will face hostile situations in areas where we clearly have the advantage—such as extensive base and logistic systems. As crisis areas are removed further from U.S. air bases, the effectiveness of land based air falls off. The nominal range of both carrier and land-based air is the same, about 600 miles because, in general, the same aircraft are used. At these maximum ranges and beyond, tactical air strikes become quite inefficient because bomb loads must be reduced to carry additional fuel, or extensive use of airborne tankers is required, greatly adding to the vulnerability of the strike aircraft and their tankers while penetrating to and retiring from the target. The carrier, on the other hand, can move into optimum range of the target. This distance may be out far enough to stay out of range of the enemy's weapons, or when air and surface superiority have been achieved to the point where there is no threat, into minimum range.
The Air Force estimates the cost of a foreign base for a wing of aircraft at $6 million.	*Space/Aeronautics* November 1968 (p. 31) states that the "Air Force says it can build an air base to house a tactical wing for $85 million (Navy thinks this cost is drastically understated . . .) and operate and maintain it for ten years for $60 million. That brings the total to only $145 million . . . (but) the Air Force needs more than one base per wing (the present base inventory is at about 2.3 per wing . . .) Multiple bases are needed for mobility so that a wing can be useful in various places rather than being locked in to the 600-mile radius of its aircraft operating from one set of bases. Assuming three bases per wing, the land base structure would cost about as much as the floating base but would still not afford the world wide coverage of a carrier."
Since U.S. engagement would be on behalf of an ally, one can assume that such a base would be available. Should an ally deny landing rights, we might seriously question our commitment to defend him.	Bases were not available in Korea because the enemy captured them. At Lebanon, a base was available in Turkey, but use of that base was delayed because Greece, another ally, refused to permit overflights of deploying tactical aircraft and the supporting air lift. The two carriers then in the Sixth Fleet were moved to the eastern Mediterranean and

CVAN-69 (NUCLEAR ATTACK AIRCRAFT CARRIER)—continued

Critique	*Comment*
	were in position to launch tactical aircraft to cover the initial Marine landings.
Many suggestions from inside and outside of the Pentagon have been made to reduce the costs of carrier operation: Secretary McNamara had planned to reduce the carrier force to 12 in the 1970s.	In his statement on The Fiscal Year 1969–73 Defense Program and The 1969 Defense Budget, Secretary McNamara testified before the Congress "we plan to replace all the old *Essex*-class CVAs, building to a force of four nuclear powered ships, eight *Forrestal* and three *Midway*-class carriers . . ."
The Air Force has the capability to convert existing airfields to air bases on extremely short notice, thereby reducing the need for carriers.	As has been pointed out previously, the Air Force has as an eventual goal the build-up of a base in ninety days. Air Force plans show a requirement for over 6000 people, 7000 tons of cargo, and 1500 vehicles in the initial lift, to support one tactical wing. A daily logistic resupply of over 3200 tons would be needed. This would require the dedicated services of more C–5A's than are presently planned for the entire force.
Carriers could be deployed without aircraft, and aircraft flown to the carrier when needed, thus reducing the need for a reserve wing for each carrier.	This appears to acknowledge the difficulties associated with establishing a land base, and proposes to substitute a deployed carrier for an overseas base. This would sacrifice the carrier's quick response and mobility in time of crisis, and would apparently gain nothing, since the carrier's air wing would evidently be based in the U.S. It is much more practical to keep the carrier's air wing with the carrier at all times. And there is no "reserve wing for each carrier." In order to be able to take advantage of the ability to concentrate as many carriers as can be made available in one crisis area, there should be one air wing per deployable carrier as a minimum.
Since carriers are not defensible, they could be deployed without escort ships.	Carriers are certainly defensible, even against the anti-ship missile, the Soviet's most severe threat to surface naval forces. The record shows this. In World War II, the Japanese launched over 2000 Kamikaze aircraft against the U.S. fleet, with the principal objective being the carriers. Despite the fact that the Kamikaze was a guided missile with the most sophisticated guidance system possible, the human brain, not a single attack carrier was sunk. A recent analysis shows that carriers could continue to operate in the Gulf of Tonkin and still remain out of range of any possible Soviet Styx surface-to-surface guided missiles emplaced at launching sites in North Vietnam. It is an important related fact that no potential North Vietnamese missile launching platform, aircraft or PT boat, has penetrated the TF–77 defense to within attack range of the carriers. A future enemy faces a formidable task in attacking an aircraft carrier, because of the following problems associated with such an effort: Carriers cannot be pretargeted, because of their mobility. Unlike fixed bases, the carrier cannot be pre-planned for ballistic missile attack.

CVAN-69 (NUCLEAR ATTACK AIRCRAFT CARRIER)—continued

Description	*Comment*
	The carrier must be found before it can be attacked with any weapons. The reconnaissance effort to find the carrier involves aircraft which are vulnerable to the carrier's fighters. To complicate the reconnaissance problem the carrier can operate in a fully alert, electronically silent environment, which forces the reconnaissance aircraft to open up with active sensors and increase his own vulnerability. Even when a reconnaissance effort locates likely surface targets on radar the carrier must be identified from among the radar targets. This is made more difficult by the fact that ships with the carrier mask their identity with special electronic warfare equipment. If the reconnaissance aircraft succeeds in avoiding being shot down and in finding and identifying the carrier, the enemy's missile launching vehicle, whether it be surface, air or submarine, is next subject to attack from the task force's aircraft, missiles, and guns. Attacking missiles themselves are not unlike jet aircraft and, if successfully launched, still have to run the gauntlet of the carrier's fighter aircraft, the surface-to-air missiles of the defensive screen, and finally the point defense missiles and gunfire of the carrier. Even if the carrier is hit by a guided missile, it will probably not be put out of action. Some damage will occur, but modern attack carriers are extremely tough ships. Not one has ever been sunk, even from the kamikaze attacks of World War II. The hardness of modern attack carriers is illustrated by the recent experience of the ENTERPRISE, when nine major caliber bombs detonated on her flight deck. Yet the ship could have resumed her scheduled air operations within hours, as soon as the debris was cleared from the flight deck.

F-14 PROGRAM

Description	*Comment*
The F-14 is a multi-mission carrier-based fighter under development for the Navy. The A model, to be operational in 1973, is a swing-wing supersonic aircraft, using the engine and avionics of the now abandoned F-111B, redesigned for tandem seating, for fire control of existing Sparrow and Sidewinder air-to-air missiles and for the yet-to-be developed Phoenix system. Titanium is to be used in the airframe for lightness and maneuverability in dogfights. It is designed to replace the Navy's F-4 Phantom in the mid-1970's and, with the Phoenix missile system, to perform the fleet air defense mission of the F-111B. It could have air-to-ground attack capability. F-14B and C have the same airframe as the A model, but will have advanced technology engines. The C model will incoprorate advanced avionics. The B model is expected to be operational in 1975, and the C model in the late 1970's. The A model will be retrofitted with the advanced B engine.	The F-14 is the result of a Navy competition among five contractors. From inception, the F-14 was designed as an air superiority fighter around four Sparrow missiles and a 20mm gun. The F-14 is an optimized combination of speed, acceleration, maneuverability and radius of action; it includes a weapons control system with multiple weapon options. The F-14 will provide air superiority for the fleet and for friendly land forces. Included in the basic design is the capability for fleet air defense carrying 6 Phoenix missiles and for air-to-surface attack carrying conventional ordnance, both without degradation of fighter performance. This is accomplished by palletizing Phoenix and other ordnance equipment which is carried only when desired. The F-14A and F-14B will have an air-to-surface capability with accuracies comparable to the A-7E. When the F-14 is performing in either the fleet air defense or the air-to-surface attack configuration, it can return to its primary air superiority role immediately upon release of ordnance not required. The F-14 will fill the fleet air defense need for which the F-111B was designed. It will replace the F-4 as an air superiority fighter and in escort roles. A low risk development program was conceived for the F-14 to provide improved air-to-air capabilities in the earliest time frame. Improved versions of the existing Phoenix/AWG-9 missile control system and TF-30-P412 engines will be installed in the F-14A, to be operational in April 1973. The F-14A will meet the fleet air defense need and provide fighter performance considerably superior to the F-4 Phantom. An advanced technology engine under development in a Joint Navy/Air Force program will have 40% more thrust and weight 25% less than the TF-30-P412. This advanced engine will be incorporated in the F-14 for operational use in December 1973. Designated F-14B, it will have maneuverability and weapon system performance superior to the threat expected through the 1970's. Not more than 67 F-14As will be produced.
The F-14 is the outgrowth of an unsolicited proposal by Grumman in late 1967. The current estimate of the unit cost is $8 million. This assumes a production run of 460 aircraft in the A and B versions, and the absence of technical problems and delays. Other estimates within the Defense Department run $2 to $3 million higher. Not included in the estimate are the costs of procuring the Phoenix missile ($219,000 each) as well as the costs of other missiles and ordnance and part of the $2 million unit cost for Phoenix avionics. Current plans call for replacement of most F-4's; eventual procurement of F-14 could go as high as 1000. Estimates for systems cost of F-14 (R&D procurement, spare parts, training and maintenance) are classified, but unofficially reported estimates range from $15 to $30 billion over a ten-year period. The FY 1970 budget contains $275 million for procurement of 6 F-14A test models and $175 million for F-14B&C R&D.	The F-14 is the result of a Navy competition among five contractors. The Grumman Aircraft Corporation was awarded the engineering development contract on the basis of submitting the best overall technical proposal combined with cost. Present F-14 unit flyaway cost based upon a recent piece-by-piece priceout is $8.06M. The $8.06M takes into account inflationary factors estimated at 4% per year compounded. This estimate is based upon production of 716 aircraft and includes production costs of both the F-14A and F-14B. Other cost estimates must have used pricing techniques based upon incorrect weights, erroneous titanium content for the F-14, as well as a "dollars per pound" approach to electronics costs. The results are seriously in error. The Phoenix Missile Control System (AN/AWG-9) *is* included in flyaway costs. Expendable weapons are not in flyaway costs. The current cost for each Phoenix avionics unit is about $1.5M vice the $2M stated. Also, it is important to note that 91% of planned Phoenix RDT&E funding has already been expended. It is not possible to comment on the estimate of ten year systems cost without knowing how and on what basis the computation was made. The FY 1970 budget contains $175 million for R&D and 3 F-14 RDT&E aircraft. Addi-

F-14 PROGRAM—continued

Description	*Comment*
	tionally, in the FY 1970 budget is $275 million for the procurement of 6 production F-14As, advanced procurement and investment shares.
The F-14 replaces the F-4 as an air-superiority fighter and escort, performs the fleet air defense mission of the F-111B, and has an air-to-ground attack capability. While it meets a wide spectrum of possible threats, the key role of F-14 is air defense for carriers in a conventional war with the Soviet Union. It could also be used in a conflict with Communist China, in limited war, in show-of-force or deterrence situations and in nuclear engagements. By the mid-1970's present carrier-based airborne weapon-systems and aircraft will be outclassed in all roles by sophisticated Soviet capabilities.	The F-14 will have three missions: air superiority, task force/area defense, and air-to-surface attack. It will replace the F-4 in the air superiority and escort role in the mid-1970s. Possessing a carefully designed overload capability to carry six long-range PHOENIX missiles, it will provide far better fleet and area defense than the F-111B would have provided. The versatile AWG-9 in the F-14 also will generate solutions to provide a very accurate air-to-surface attack capability. Aircraft carriers can and do perform essential functions for the United States. Defense Department planning includes aircraft carriers in roles ranging from a show-of-force through all levels of conventional warfare to nuclear war, if that is ever needed. The effectiveness of carriers in many diverse roles is a matter of record. For this effectiveness to continue, carriers must be equipped with aircraft adequate to the tasks. The projected threat that will confront the U.S. in the 1970-80s currently includes four new Soviet fighter aircraft each with performance greater than that of the F-4J. A new U.S. fighter to meet this threat is already very late. The F-14 is designed and will have growth potential to provide adequate carrier fighter capability through the 1970-80 time period. The F-14/Phoenix system in addition to its fighter capabilities, will provide a significant capability to counter the Soviet cruise missile threat.
A recently-resigned Defense Department official says the F-14 is the weakest and; at $15 to $30 billion in eventual cost, one of the most expensive programs in the FY 1970 budget.	As previously stated, the present F-14 unit flyaway cost is $8.06M. This estimate is based upon production of 716 aircraft and includes production cost of both the F-14A and F-14B. The $8.06M takes into account inflationary factors estimated at 4% per year compounded. The F-14 is the only fighter aircraft currently under contract that will meet and exceed existing and postulated threat aircraft and missiles in the 1970s. The performance of the F-14 has been subject to thorough analysis by the Naval Air Systems Command, NASA and DDR&E. All agencies agree that the performance characteristics of the F-14 are attainable.
Full scale conventional war with the Soviet Union seems unlikely now or in the foreseeable future. Nonetheless, if we prepare for the contingency, and if we assume Soviet use of the weaponry it currently has, then the U.S. carrier task forces appear to be exceedingly vulnerable with or without the F-14.	A full-scale conventional war with the Soviets may seem improbable to many people. But this belief, to be valid, rests on continuing U.S. strength. The attack carrier is and has been a tough target. No attack carrier built during or after World War II has been lost to enemy action or to any cause. Some of these carriers, still in service, fought through the air and kamikaze attacks of World War II. The newer attack carriers have extensive protection above and below the waterline. Armored flight decks, honey-comb internal structure, and many protective features have made our attack carriers the toughest ships on the seas. The result of a Soviet attack on a carrier task force is primarily a function of the combat capability of the task force. The inherent capabilities of the long-range, multi-shot F-14/Phoenix system is superior by an order of magnitude to the F-4J/Sparrow system. The F-14/Phoenix system augmented by the new technology surface-to-air missile systems will seriously attrite any Soviet attack.
The Navy's existing aircraft, such as the brand new and proven F-4J can do this job for show-of-force and deterrence missions, the roles for which carriers are best suited. There are also electronic counter-measures and point defense systems presently deployed or planned for the fleet for additional protection from the Soviet threat. Deterrence will be achieved as much by Soviet reluctance to directly engage American armed forces as by deployment of advanced fleet air defense capabilities.	The mobility of sea-based tactical air makes it a valuable instrument of U.S. policy. Navy mobile striking power can be effectively applied at all levels of warfare—from deterrence to nuclear attack. A strong Navy in control at sea will deter the enemy. The F-14 is essential to effective deterrence. The F-4 designed in 1954 became operational in 1961. Since that date the Soviets have built and flown 8 new fighters. The F-4 cannot be improved further without major redesign amounting to a new airplane and costing many millions of dollars. It still would be inferior to operational Soviet fighter aircraft. Credible deterrence requires balanced offensive and defensive capabilities.
The F-14 also is unnecessary in show-of-force roles which do not directly involve the Soviet Union. The F-4 has proved to be a match for the high performance MIG-21's in Vietnam. Even if the Soviet Union started to produce the more advanced MIG-23 its allies would be unlikely to get them for five years. The F-4J is equipped with 2 of the 3 air-to-air missiles planned for F-14.	The F-4 is our best U.S. fighter employed in Southeast Asia. Its performance in aerial combat has been marginal. Designed as an interceptor, and equipped with an avionics, weapons system to destroy high altitude bombers, the F-4 has been used as an air superiority fighter. It was not designed for this role. The ratio of MIG-21s downed by F-4s to F-4s downed by MIG-21s diminished from April 1966 to August 1967. Since August 1967 the F-4 has a 1:1 kill ratio against the older MIG-21s. In a confrontation with late model MIG-21s, and particularly with the newer USSR fighters, the F-4J would be totally inadequate.
Other contingencies in which it is contended that the F-14 is essential, such as conventional war with Red China, initial surge operations at the outbreak of limited war, or skirmishes off the coast of hostile countries can also be performed with existing aircraft. In limited war operations land-based aircraft could be relied upon in any event.	Regardless of the intensity of conflict or how alliances or military aid programs may work out, having the air combat superior F-14 will make U.S. posture more viable. That *any* full-scale war continues to remain improbable is due mainly to this nation's deterrent capabilities. If we unilaterally reduce our military effectiveness, the options and prospects of our adversaries increase while ours diminish. Our carrier task forces are not now vulnerable to Red China forces. The F-14 with a 500 mile escort radius of action would significantly add to our ability to deal with a Red China confrontation.

F-14 PROGRAM—continued

Description	*Comment*
	Assuming a limited war, (U.S. USSR not in direct conflict) 85% of the land area of the world and 95% of its population are within 600 miles of sea-based tactical air. This 85% portion contains 56.5 million square miles: A single carrier task force could respond to a contingency in any one of the 56.5 million square miles. In addition, the carrier covers 100% of the sea area. There is no way to estimate the number of fair bases required to equal the carrier's capability, even if local governments would allow air bases to be constructed and maintained during peacetime. Carrier task forces can be gathered and applied promptly. Land bases take time to construct and get into effective operation. Carrier task forces buy time for this process and frequently provide the umbrella which make it possible.
Additional technical considerations also call into operation the desirability of a new multi-purpose fighter—particularly one designed to carry the cumbersome Phoenix missile. The heavy engines, complex avionics, and the Phoenix are the same problems that plagued the F-111B. Navy pilots themselves have expressed reservations about the complexity and weight of the F-14 for the air-to-air combat mission. Like SRAM and Sheridan, F-14 is being designed to operate with a system (Phoenix) which does not yet work. In the best of worlds the F-14 would be only marginally superior to the presently deployed F-4 and a great deal more expensive.	The F-14 is designed as an air superiority fighter. The engines and airframe have been selected for optimum maneuvering performance. The versatile AWG-9 weapons control system will control Phoenix, Sparrow, Sidewinder or Agile air-to-air missiles, generate sighting data for the 20mm gun, and provide air-to-surface weapons delivery solutions. Such a wide variety of ordnance makes it possible to readily adapt the F-14 to air superiority, to fleet air defense or to air-to-surface missions.
	The F-14A at combat weight (gun and four Sparrows) will have a thrust-to-weight ratio of .84. The F-14 with the advanced technology engines will have a thrust-to-weight ratio of 1.16. Acceleration from .8M to 1.8M will take 1.27 minutes. Aircraft weight penalties are avoided by palletizing equipment for fleet air defense and air-to-surface missions. The added weight is carried only on these missions. Phoenix and air-to-surface ordnance are carried as an overload. An insignificant penalty in maneuvering performance (0.5g) is accepted while the ordnance is aboard the aircraft. However, the full F-14 maneuvering performance returns when the missiles or ordnance are fired. This design approach enables an F-14 loaded with 6 Phoenix to remain on combat air patrol longer than the F-111B; yet it does not carry airframe weight penalty that was in the F-111B design.
	Although Phoenix has not yet been used operationally, 21 of 26 planned R&D missiles have been fired with unprecedented success. These include hits by one missile fired at a range of 78 miles, two missiles fire simultaneously at two targets with 10 miles separation, one missile fired in the active mode for the close-in situation and a look-down missile at a low flying unaugmented drone. The Phoenix missile to date has demonstrated every design performance requirement.

F-14 PROGRAM—continued

Description	*Comment*
	The inherent capabilities of the long-range, multi-shot F-14/Phoenix system is superior by an order of magnitude to the F-4J/Sparrow system.

PHOENIX

	Comment
Phoenix is a long-range air-to-air standoff missile designed to defend the fleet from air attack. It is extremely sophisticated with an electronic countermeasure capability. It weighs 1,000 pounds and requires a specially designed airframe currently under development for the F-14.	The Phoenix is a long-range air-to-air missile designed to engage threat aircraft and various modes of missile attacks. Although Phoenix has not yet been used operatively, 21 of 26 planned R&D missiles have been fired with unprecedented success. These include hits by one missile fired at a range of 78 miles, two missiles fired simultaneously at two targets with 10 miles separation, one missile fired in the active mode for the close-in situation and a look-down missile at a low flying unaugmented drone. The Phoenix missile to date has demonstrated every design performance requirement.
Cost	
The unit cost is currently estimated at $219,000 per missile. F-14 avionics associated with Phoenix will add an estimated $2 million to the cost of the aircraft. The FY 1970 budget contains $18 million for R&D.	The unit cost of Phoenix, as with other weapons, is sensitive to the number procured. The Phoenix missile control system (AN/AWG-9) is included in F-14 flyaway costs. Expendable weapons are not in flyaway costs. The current cost for each Phoenix missile control system is about $1.5M vice the $2M stated. Also it is important to note that 91% of planned Phoenix RDT&E funding has already been expended.
Rationale	***Comment***
Phoenix is needed to protect the fleet from air attack. It gives the F-14 an important standoff capability.	**From time to time, missile carrying Soviet bombers fly over or near units of the U.S. fleet. Although detected early and intercepted, these overflights make clear this threat does exist. New Foxbat, Fiddler and Flagon fighters have long-range escort capabilities with advanced avionics and missiles, adding to the threat.** **The F-14, designed for air superiority, is the weapon system that can shoot down long-range multiple-raid targets, aircraft and missiles, and can engage enemy escort fighters in close-in combat. Computer technology and weight reducing microminiaturization of avionics, property balances with airframe and engine design, have removed performance degradation in this multimission fighter. In the F-14, one percent of the aircraft's weight makes it possible to use Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A significant amount of that weight is in removable pallets not carried in the "dogfight" configuration.**
Critique	
Since the Phoenix is designed for use with the F-14, the F-14 critique applies to the Phoenix. In addition, effective countermeas-	The F-14 is designed as an air superiority fighter. The engines and airframe have been selected for optimum maneuvering perform-

PHOENIX—continued

ures that will render Phoenix obsolete before it is deployed are foreseeable. Because of its weight and the special airframe required to carry it, it seriously impairs the dogfight capability of any fighter to which it is attached. The complex avionics required in the mother aircraft add weight and unreliability.	ance. The versatile AWG-9 weapons control system will control Phoenix, Sparrow, Sidewinder or Agile air-to-air missiles, generate sighting data for the 20mm gun, and provide air-to-surface weapons delivery solutions. Such a wide variety of ordnance makes it possible to readily adapt the F-14 to air superiority, to fleet air defense or to air-to-surface missions. Phoenix is but one of the missiles carried by this versatile fighter. The Phoenix missile is designed to operate in an electronic countermeasure (ECM) environment. Its multiple guidance phases and multiple control frequencies make it effective against all predicted ECM techniques. The maneuvering performance of the F-14 with six Phoenix is degraded by 0.5g. Full maneuvering performance, however, is regained as the missiles are fired at their targets. The F-14A at combat weight (gun and four Sparrows) will have a thrust-to-weight ratio of .84. The F-14 with the advanced technology engines will have a thrust-to-weight ratio of 1.16. Acceleration from .8M to 1.8M will take 1.27 minutes. Aircraft weight penalties are avoided by palletizing equipment for fleet air defense and air-to-surface missions. The added weight is carried only on these missions. Phoenix and air-to-surface ordnance are carried as an overload. An insignificant penalty in maneuvering performance (0.5g) is accepted while the ordnance is aboard the aircraft. However, the full F-14 maneuvering performance returns when the missiles or ordnance are fired.

LHA (AMPHIBIOUS ASSAULT SHIP)

Description	*Comment*
LHA is a large, conventionally-powered ship which can land 2,000 troops with landing craft equipment by helicopter in an amphibious operation.	True, LHA can land its troops and their equipment by landing craft, amphibious vehicles and helicopters. A brief description and significant features are: Description of LHA Length: 820 feet. Beam: 106 feet. Displacement: 38,900 tons. Speed: Over 20 knots. Propulsion: Geared steam turbines with 2 boilers and 2 shafts. Has a fully automated engineering plant. Accommodations: Over 2800 bunks (troops and crew). Landing Craft: 4 LCU and 4 LCM-6 and amphibian vehicles LVT. Helicopters: Mix of CH-53, CH-46 and UH-1, AH-1. Armament: Both 5" guns and Point Defense Missile System for self protection. Troops and Equipment: Marine BLT and a large portion of its combat equipment.

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Description	*Comment*
	Significant features of LHA Ship's wet well can be rapidly flooded and deballasted. Wet well has ability to handle 4 landing craft utility (LCU) and 4 landing craft mechanized (LCM-6); and has ability to handle growth versions of ground effect machines. Large flight deck can simultaneously conduct several different types of airborne helo off-load; ie., personnel, internally carried cargo and externally slung cargo. Cargo-handling systems, incorporate high speed elevators, conveyors, overhead cranes and related communication, command and control systems. Pallet transporter/loader system to rapidly load and off-load supplies. Complete selectivity of the different types of combat supplies. Flight deck has no deck penetrations to spill burning fuel to decks below. Ship designed for psychological as well as physical well being of troops. Acclimatization gym to condition troops to expected combat environment. Optimized for combat vehicle stowage and discharge. Design includes harbor pollution control system. Modern medical facility provided to care for wounded.
The ship will replace four types of ships in the present amphibious fleet. . . .	True, the LHA will be capable of performing the function of the: Amphibious Cargo Ship (LKA), Amphibious Assault Ship (LPH), Amphibious Transport Dock (LPD), and the Dock Landing Ship (LSD). The current Five Year Fiscal Defense Program (FYFDP) approves the purchase of 9 LHA, one in FY-69 and two each in FY-70 through FY-73. Six of these nine ships replace the previously approved SCN Program of: Amphibious Cargo Ships (LKA) -------- 2 Amphibious Assault Ships (LPH) ------- 2 Amphibious Transports Dock (LPD) ---- 4 Dock Landing Ships (LSD) ------------- 7 Tank Landing Ships (LST) ------------ 3 Total -------------------------- 18 which would have provided an equal lift capability. The remaining 3 LHA will replace the aging and costly to man and maintain, LPHs of the *Boxer* Class (ex WWII Attack Carriers). While the 9 new LHA can be said to replace other less effective amphibious ships, the requirement is not generated solely to replace either a less effective mix of 21 modern amphibious ships that otherwise might have been built, or to replace a mix of less effec-

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Description	*Comment*
	tive aging WWII ships. The requirement is in response to an OSD JCS and Service requirement for a modern amphibious lift capability. That these new LHA are so cost effective, is merely part of the continuing effort by the Navy to develop more cost effective ships when the need for replacement arises.
	Significant cost savings, as well as greatly improved operational efficiency and effectiveness, will be realized. For example, approximately 5,000 less naval personnel will be required to man the 9 LHA than would be required to man the 21 other amphibious types referred to above.
and like the FDL, will be able to unload smaller vessels within its own hull.	This statement is misleading; the LHA is an entirely different ship from the FDL. The LHA is a combatant ship, manned by Navy personnel, designed to carry both Marine assault troops and their combat equipment. When necessary, the troops and their equipment can be landed in assault against enemy opposition. Because it is capable of operating in a hostile environment, and because it carries troops as well as equipment, the LHA is a highly complex and quite costly ship. The FDL is a much simpler, non-combatant, MSTS ship, manned by civilian merchant marine personnel. It is designed only to transport and stow Army combat equipment. It does not carry troops; they are transported separately by airlift. When required, the equipment is landed administratively in a secure area for marry-up with the troops. The FDL is a much simpler and less costly ship. Each has its own separate role. The LHA is too costly and complex to substitute for the FDL, and the FDL does not possess the necessary combatant features to serve as an LHA.
The concept emerged from a comprehensive review of the role of the amphibious forces while Robert McNamara was Secretary of Defense.	The LHA concept emerged from a Navy directed study, "Amphibious Assault Shipping in the Mid Range Period" (NAVWAG Study 44) which was promulgated by the Chief of Naval Operations on 1 October 1966. It is true that the Office of Secretary of Defense, then under Secretary McNamara, did concur with the concept.
The mission of the amphibious forces is . . .	The objectives for Amphibious Assault Shipping exceed those stated here by a considerable amount. It is important that the distinction be made between a Marine Division and a Marine Expeditionary Force (MEF). It is the latter which is used to determine assault shipping requirements. The MEF includes a Marine Division, a Marine Air Wing and major reinforcing elements appropriate to support the Division Wing/Team in combat against determined opposition. This organization, together with adequate assault shipping and fire support elements, provides a fully coordinated force that is self-contained and highly mobile with quick reaction capability unrestricted

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Description	*Comment*
	by limitations or access to foreign bases or air space.
Older, slower ships would continue to be a part of the force.	The Navy groups its ships tactically so that the men and equipment needed first will be embarked in fastest ships. Also as ships complete their useful life span and become too inefficient, too costly to maintain and operationally obsolescent, the Navy attempts to replace them with more cost-effective ships provided a requirement still exists to justify their replacement.
Costs	
In FY 1969 the cost of the first LHA was estimated at $153 million; the cost of an additional eight ships was to be $122 million each. For FY 1970 the estimate has risen to $185 million and $140 million, respectively.	This is not the entire story, thus tends to be misleading. The original $153M estimate for construction of the first, or lead, LHA was developed in August 1967, six months prior to receipt of the Development and Production (D&P) proposals from the three contractors engaged in the LHA Contract Definition (CD) effort. The original estimate consisted of $125M for the average cost of an LHA, plus $28M lead ship engineering costs. The price proposals received in January 1968 from the three CD contractors made it evident that the FY–69 budget was underestimated for lead ship non-recurring (one-time) costs and average ship cost. In June of 1968, VADM Colwell, in testifying before the Senate Appropriations Committee, stated the average cost for 9 LHA was expected to be about $143.7M (plus outfitting and post delivery costs).
The increase in price is attributed to inflation, better estimating methods and higher shipbuilding costs.	Not entirely accurate. The increase in cost for the lead ship is attributable to: 25% escalation, 50% non-recurring costs which as a result of the new CD process were given improved visibility, 25% upgraded and improvements in ship design resulting from CD effort.
No estimate of operating costs for the LHA are available, but operating costs for amphibious forces are estimated at $950 million annually.	Annual operating costs for the LHA have been estimated to be about $11–12M including personnel costs as part of the CD process. This will be considerable less than equivalent older ships. For example, the annual operating cost for the old BOXER Class LPH is between $20–22M per year.
The first LHA was authorized last year at the $153 million price, with $63 million for advance procurement. The FY 1970 request is $270 million for two LEA's and $17 million more for advance procurement.	In December 1968, DOD Reprogramming Action No. 69–44 revised the lead ship costs in the FY 69 program to $184.9M with advance procurement of $17M. The originally budgeted FY–69 advance procurement amount was $63M. This estimate was developed (along with lead ship costs) in August 1967 and was based on a planned three ship FY–70 program. Also, it assumed an award of Development and Production contract early in FY–69 (July). In January 1969, when $46 million was reprogrammed from the LHA advance procurement to the lead ship cost, the planned FY–70 program had been reduced from three ships to two, and delays in funding, program authorization and negotiations had moved contract award into the latter half of FY–69 (May) with

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Costs

Comment

a consequent deferment of construction schedules and procurement requirements. Also, the contract equipment schedule requirements were far better defined than in 1967. The cumulative effect of these factors was to reduce the LHA FY–69 advance procurement funding requirements to $17M.

The FY–70 request is not for $270M.

The FY–70 request is for $287.7M, for 2 LHA, plus advance procurement of $17M.

LHA Cost Information

Budget program

[$ Millions]

RDT&E (CF/CD):	
Fiscal years 1967–68	22.3
Procurement:	
Fiscal year 1969	1/184.9
Fiscal year 1970	2/287.7

Total program 9/1290.6M (FYFDP) with average cost of $143.M per ship.

The Senate Armed Services Committee recommended approval of the request.

True. The SASC, after reviewing the LHA program, did recommend its approval.

Rationale

The present fleet of Amphibious Ships is obsolete. Previous classes of ships have dwindled to a few survivors of each class, creating operating, training and maintenance problems. LHA can solve all these problems.

Comment

Not entirely true. While the present fleet of amphibious ships does have large blocks of old, obsolete, WWII ships, recent attempts to obtain an upgraded 20 knot amphibious fleet have resulted in a number of very excellent ships. For example, the new LPD's (Amphibious Transport Dock), LPH (Amphibious Assault Ships) and the new 20 knot LST (Tank Landing Ships). However, it is true that large blocks of obsolete amphibious ships do remain.

The requirement for an all 20 knot amphibious ship force to support national policy has been consistently supported by the JCS and Navy. An amphibious ship force of less than 20 knot capability significantly increases the vulnerability of the force to enemy submarine action. If the force proceeds in ship groups of varying speeds, the escort requirements for ASW protection also significantly increase. Conversely, if 20 knot ships proceed in company with ships of lesser speed, the 20 knot speed potential is wasted. An all 20 knot force thus provides increased responsiveness, less vulnerability to enemy action, and a lesser requirement for escort forces. Further, a 20 knot capability offers a rapid-reaction force when forward deployed.

This need can be illustrated by the situation which now exists in the Atlantic Fleet Amphibious Forces. Only 23% of current Atlantic Fleet amphibious shipping is capable of a 20 knot speed. The majority of the shipping (71%) is slow, 13 knots, with the remaining 6% in the 8 knot class.

The new LHA will be instrumental in permitting us to achieve modern, effective and cost efficient Amphibious Forces with which

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Rationale

By letting industry design the ship, millions of dollars have been saved by application of modern mass-production techniques matched to the shipyard which will build the LHA.

Comment

to meet our JCS developed and OSD approved time phased lift requirements.

The LHA design was achieved by the combined efforts of industry and the Navy through the use of a new discipline, Concept Formulation/Contract Definition (CF/CD), in the ship procurement process. Not only are significant monetary savings achievable, but highly effective ships designs have resulted from CD.

Use of modern methods and techniques of ship fabrication at Litton's new shipyard are expected to result in substantial savings in ship construction costs. This would be true in any other such modern yard.

The procedure of contracting for a multiyear buy of LHA should result in additional savings.

The amphibious forces provide the U.S. with the capability to seize advance bases for initial operations, to set up staging areas, and to gain beachheads to enable more substantial follow-on forces to mount an offensive, in the event of a major war. The United States must also be able to meet less drastic contingencies with varying degrees of force. Amphibious forces are essential for flexibility and for quick response.

In Vietnam, amphibious operations have proved that amphibious forces can carry out operations in an insurgency environment. There are amphibious squadrons prepared to intervene whenever necessary in the Mediterranean and in the Caribbean. This kind of readiness is necessary to deter conflicts or to defend threatened U.S. interests.

The Navy Amphibious Forces are ideally suited for the full spectrum of cold to hot war. A more accurate and thorough explanation is given below:

Concept and Mission of U.S. Amphibious Forces

We maintain naval amphibious forces as a part of our General Purpose Forces in order to support the basic elements of our strategic concept, ie., collective security, credible deterrence and flexible response. These basic elements, when considered in light of worldwide U.S. interests and defense commitments, dictate the necessity for a military capability responsive to the full spectrum of potential situations, ranging from show of force to forcible projection of U.S. power onto foreign soil. To postulate that the environment into which combat forces will enter would invariably be friendly is inconsistent with the established need for combat forces—a crisis situation inherently involves a degree of unrest or hostility. Thus, there is a fundamental requirement to introduce U.S. forces into a conflict situation fully prepared to cope with varying degrees of hostility, even though the initial landing may be unopposed as was the case in Vietnam in 1965. Accordingly, amphibious forces are, of necessity, deployed combat loaded on amphibious assault ships.

The mobility, dispersion and vertical lift capability ideally suit amphibious forces for operations throughout the spectrum of modern warfare, including operations in a nuclear environment. They are uniquely qualified by mission, doctrine, organization, equipment and experience to project seaborne combat power ashore against resistance. That the Soviets recognize the importance of such a capability as an integral element of strategy is evidenced by the re-creation of their naval infantry, their vigorous amphibious ship-building program, and their naval deployment to areas heretofore of U.S. primacy.

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Critique	Comment
	Because of the capability of U.S. amphibious task forces to launch attacks from the sea at times and places of their choosing, the almost infinite number of possible helicopter landing areas, and the large number of beaches suitable for surface assault or for seaborne support of helicopter vertical envelopment, historically potential enemies have deployed a vastly disproportionate number of coastal defense and mobile forces to counter the threat of an amphibious assault. If the U.S. had no significant amphibious capability, these enemy forces could be diverted to more aggressive roles. The amphibious force, as a force-in-being, is a deterrent to aggression in itself. The fact that the U.S. has the means for forcibly establishing its forces ashore anywhere on the littorals of the world requires that any potential aggressor carefully evaluate whether his aspired gain is worth the risk of U.S. counteraction. This capability becomes more visible through forward deployments and the demonstrated responsiveness of amphibious forces. The deterrent then becomes highly credible to potential enemies. In the absence of a U.S. amphibious capability, aggression would become more attractive to expansionist inclined nations. The necessity to maintain a large scale Marine Expeditionary Force (MEF) amphibious assault capability is recognized, not only for the possible but unlikely nuclear environment, but because of the potential scope of major or limited wars. Amphibious task forces can provide a continued presence in unrestricted international waters close to a crisis area. Their use is not restricted to island areas. Amphibious task forces can be employed at innumerable locations on the world's littoral. They possess the unique characteristics of independence from developed ports and airheads and the self-contained capability to support and sustain combat power projected ashore through a wide range of environments. Such forces need no grant of passage, are immune to political objections, and can proceed without revealing final destination. They preclude the necessity for securing guarantees or agreements for staging, transit, overflight or basing, payment of rent, or prepositioning of supplies. Amphibious task forces, forward deployed to a crisis area, can be retained off-shore as a show of force and a demonstration of U.S. concern. Their presence without commitment may prevent or limit the introduction of third party forces and also insures that insurgent forces consider the consequence of their actions in terms of U.S. involvement. When required, they can land their landing forces over unprepared beaches or in helicopter landing zones within a few hours after notification. They are able to apply selectively the amount of force appropriate to the situation. An immediate responsiveness to national decisions is thus provided; further, these landing forces can be retracted just as rapidly, providing, national authorities with positive control over the level and duration of U.S. commitment. It is these characteristics that epitomize the amphibious task force in conflicts at all levels of intensity. *Role and Mission of LHA.* The Amphibious Assault Ship (LHA) performs a major role in an amphibious assault. Specifically, the LHA possesses the capability of: (1) Carrying a balanced load of troops, combat vehicles, and combat cargo for assault elements of a Marine Battalion Landing Team (BLT) needed for amphibious operations. (2) Landing these forces under assault conditions by helicopters and amphibian vehicles/landing craft. (3) Providing command and control facilities for a Naval Amphibious Task Unit (ATU) Commander and his counterpart, the Marine Landing Force Commander, with their respective staffs. The LHA is an alternative, in varying degrees, to construction of LKA, LPD, LPH, and LSD type ships.
The LHA is a perfect example of how hardware determines policy. The ships are being justified on the basis of replacing existing inefficient equipment, rather than on a need created by a new threat such as a hostile island power or an interventionist foreign policy projected for the 1970's and 1980's.	This statement is not correct. A definite requirement exist: for a modern amphibious lift capability. This lift requirement has been quantitatively determined by the Services and the JCS under the overall guidance and directive of the Secretary of Defense. The Navy has determined that this requirement can be most cost effectively met through the maintenance of a modern amphibious force, tailored to meet the overall time-phased lift requirement. As amphibious ships become old, less effective and more costly to maintain, the Navy recommends their replacement by new construction, as in the case of the 9 LHA. The fundamental requirement for amphibious ships is generated by the basic lift requirement, not the need, per se, to replace old ships with new; however, the Navy when replacing ships attempts to accomplish it in the most cost effective manner practicable. *Requirement for Nine LHA.* The LHA program has been established at nine ships. The first six LHA's will provide the amphibious lift to satisfy the troop, square, and cube requirements for an approved lift of one MEF and two MEB's, as determined by the JCS and SecDef. The last three LHA's are to replace three BOXER class helicopter assault ships (LPH's). By introducing the new LHA and phasing out other amphibious ships, it has been esti-

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Critique	*Comment*
	mated that in excess of $500M savings in life cycle costs will be attained. In addition to the fiscal savings, the operational effectiveness of the amphibious forces will be greatly enhanced by improved tactical integrity of embarked troops, more modern equipment and facilities, greater automation, more efficient command and control capability and more efficient troop and cargo support and handling facilities. The Current Five Year Fiscal Defense Program (FYFDP) approves the purchase of 9 LHA, one in FY-69 and two each in FY-70 through FY-73. Six of these nine ships replace the previously approved SCN Program of: Amphibious cargo ships (LKA) 2 Amphibious assault ships (LPH) 2 Amphibious transports dock (LPD) 4 Dock landing ships (LSD) 7 Tank landing ships (LST) 3 Total 18 which would have provided an equal lift capability. The remaining 3 LHA will permit the retirement of the aging, and costly to man and maintain, LPH of the BOXER Class (ex WWII Attack Carriers). While the 9 new LHA can be said to replace other less effective amphibious ships, the requirement is not generated solely to replace either a less effective mix of 21 modern amphibious ships that otherwise might have been built, or to replace a mix of less effective aging WWII ships. The requirement is in response to an OSD, JCS and Service requirement for a modern amphibious lift capability as indicated above. That these new LHA are so cost effective, is merely part of the continuing effort by the Navy to develop more cost effective ships when the need for replacement arises.
An examination of likely future wars reveals few plausible contingencies requiring an assault by troops across a beach.	This statement is not correct. An examination of likely future conflicts and wars by the JCS shows that the amphibious forces would be employed in the greater proportion of them. This has been the demonstrated experience since WWII and there is nothing to indicate this will not be the case in the foreseeable future. The ability to place the individual Marine, or soldier, with rifle in hand ashore to control ground is still a key element in our strategy. Any strategy predicated upon the assumption that the introduction of such troops can in many instances be accomplished by an administrative type of unopposed landing would be disastrous.
LHA could be deferred until decisions are made on the role of amphibious forces in future foreign policies.	This statement is not correct. The role and requirement for Naval Amphibious Forces has been validated by the JCS and Secretary of Defense in a number of studies and has been amply demonstrated from WWII through to the present.

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Critique	*Comment*
	Until the so-called "decisions . . . on . . . future foreign policies" referred to by the "Democratic Study Group" can assure world wide peaceful coexistence and the renunciation of hostile threats or actions to achieve national objectives, there will be a requirement for a modern and effective Naval Amphibious Force (as demonstrated in Vietnam, Korea, Cuban Crisis, Lebanon and other crises and conflicts since WWII). The need for and maintenance of an effective amphibious assault capability exists now, as does the need for the new LHA to more effectively support our combat Marines. The procurement of nine new LHA should not be deferred pending some future decisions as to the role of the amphibious forces in future foreign policies. As it is, the first LHA will not be delivered until 1973. Introduction of this modern new Naval ship, for which a clear requirement now exists, should not be delayed.
Many critics not only recommend delaying LHA, but mothballing the older ships in the amphibious fleet, with resultant savings of up to $100 million annually on ships alone.	Just who these "critics" are is not known; however, one can find "critics" who will recommend anything. This course of action is certainly not recommended by responsible decision makers in the Navy or JCS.
In a major war an amphibious landing would be impossible if either submarines or tactical nuclear weapons were used.	This statement is not correct. The mobility, dispersion and vertical lift capability ideally suit amphibious forces for operations throughout the spectrum of modern warfare, including operations in a nuclear environment. They are uniquely qualified by mission, doctrine, organization, equipment and experience to project seaborne combat power ashore against resistance. The ability of Amphibious Task Forces to conduct operations against hostile forces, including submarines and aircraft, was amply demonstrated during WWII. This was accomplished by amphibious forces possessing far less capability than the new ships, such as the LHA, now entering or scheduled to enter the fleet will possess. Obviously, enemy capabilities have also improved. This does not invalidate the above, but it does lend substance to the requirement to modernize our fleet with new ships, such as the LHA, so as to ensure the combat effectiveness of our forces.
If amphibious forces can only be used in limited wars, it must first be decided where we will be involved in these wars before investing $500 million plus in LHA.	This assumption is not correct. U.S. Navy Amphibious Forces are capable of conducting effective operations in all spectrums from peace, limited war, to all-out warfare. It would be fortunate, indeed, if we could be assured beforehand just where (and when) we would be involved in war. Unfortunately, this is not possible, although we have studied many likely possibilities. The study of these likely possibilities has been one of the means employed in determining our force requirements, including our requirements for LHA type ships.

LHA (AMPHIBIOUS ASSAULT SHIP)—continued

Critique	*Comment*
Amphibious landings in Vietnam might have been justified to keep the troops in practice, but the landings were unopposed and did not prove anything except that we were still using World War II tactics against the Viet Cong.	This is not a correct statement. Considering the casualties that have been incurred in Vietnam, including those incurred in amphibious operations, it would be highly irresponsible to subscribe to the theory that the "amphibious landings . . . might have been justified to keep the troops in practice." Amphibious landings may be initially opposed or unopposed depending upon the amount of surprise achieved, the capability of the enemy and his assessment as to the best counter tactics to employ. In the history of amphibious warfare both opposed and unopposed landings have been commonplace. This has been true both with respect to major enemy powers, such as the Germans and Japanese, as well as relatively minor powers such as the Cubans. Considering the VC's lack of capability for open confrontation on a beachhead, and the element of surprise often achieved, it is not surprising that the VC chose not to contest the initial landings. Engagement generally occurred after the initial landings. Far from using WWII tactics, wholly new tactics suitable for use in a counter insurgency environment had to be developed. It was often difficult to distinguish the enemy from local indigenous personnel and the objective areas of the amphibious operations usually contained large numbers of different friendly U.S. and South Vietnamese forces. That successful amphibious forces were conducted under such conditions, again proved the great versatility and flexibility of the U.S. Naval Amphibious Forces.

FDL (FAST DEPLOYMENT LOGISTIC SHIP)

Description	*Comment*
FDL is a large Navy Cargo and troop deployment ship with a capacity of seven times that of World War II vintage ships.	Not a correct statement. The FDL is a MSTS (Navy) ship designed to transport and stow for prolonged periods Army wheeled and tracked equipment and supplies. It does not carry troops (except a relatively small maintenance detachment). True the FDL has roughly 7 times the capacity of a WWII Victory Ship, which is not optimized to carry wheeled and tracked vehicles, cannot carry helos in a ready-to-fly condition and cannot off-load itself.
It carries helicopters and self-defense missiles and can store prepositioned material for long periods of time off shore near a possible combat theater.	Generally true; however, it is not intended that the FDL would loiter off a foreign shore. The ships would be based at US or US controlled ports, at times cruising in open seas well removed from shore. They would rely on their high speed capability to close an objective area when directed.
FDL can load and unload small vessels within its hull structure, permitting offshore unloading.	True as far as it goes. The FDL carries helicopters, landing craft and amphibious vehicles to unload its own cargo. The latter two load/offload through a stern ramp that permits access into the ship. The helos offload (70% of cargo) from the flight deck.

FDL (FAST DEPLOYMENT LOGISTIC SHIP)—continued

Description	*Comment*
	The FDL has organic means to load/off load itself.
Its purpose is a rapid re-supply and equipping of airlifted forces, requirement of forward defense tactics.	Its primary purpose is the rapid deployment of Army unit equipment for marry up with airlifted personnel. The FDL would engage in the resupply role only if sufficient MSTS or commercial shipping were not available.
Because it is a special purpose ship, and because of its prepositioning capability, it will not be usable for commercial shipping during peacetime.	This is correct.
Costs	
Originally the Defense Department planned for 30 FDLs at $47 million each, for a total cost of $1.41 billion. The request was included in the FY 1968 and 1969 budgets, but was entirely deleted by Congress each year. For FY 1970 the Pentagon asked for $187 million for the first three ships—a unit cost of $62 million. The average cost of 15 ships is expected to be $55 million, up $8 million each from the original estimate. The first ships are more expensive because of tooling-up costs.	*Reduction in Program for FY–70.* The JCS has a requirement for a 30 ship FDL or equivalent lift. However, Congress has twice refused to approve the FDL. Therefore, a more modest approach is being taken this year by asking for a reduced program of 15 FDL ships as a step toward achieving the 30 ship FDL lift requirement. The initial, or early ships, cost more because they are placed on a learning curve which carries the earlier ships at their actual (or higher than average) cost. This does not affect the average cost which would be about $60.5M for a 15 ship buy. *Difference between FY–69 and FY–70 FDL Program Costs.* All FDL estimates have been based on a Litton competitive proposal submitted back in January of 1967. The FY–69 Program prices were based on a 30 ship multi-year (4), total package contract to be executed presumably by Litton in their new Pascagoula yard. The average price for 30 ships was $46.8M which included a two-year escalation factor. It was estimated first four ships of the FY–69 procurement would have cost $183.6M; and the total 30 ship program would have cost $1.4B. The FY–70 Program prices are based on a lesser, 15 ship, multi-year (4), total package contract which again presumably would be undertaken by Litton. The average ship price for 15 ships is estimated to be about $60.5M, which includes a three year escalation factor. It is estimated the first three ships to be procured in FY–70 would cost $186.7M (less $2.4M initial outfitting and post delivery charges), and the total 15 ship program would cost $907.2M. [In millions of dollars] Fiscal year 1970 (3 ships) .... 186.7 Fiscal year 1971 (4 ships) .... 246.7 Fiscal year 1972 (4 ships) .... 240.0 Fiscal year 1973 (4 ships) .... 243.5 Total 907.2
A parallel expansion of the commercial fleet is to be accomplished by constructing 30 conventional ships, each with half the capacity of FDL but without its loading features.	This is not a correct statement. While it has been proposed that 30 large multi-purpose cargo ships be built, to roughly equate to 15 FDL's, the Navy has only a current re-

FDL (FAST DEPLOYMENT LOGISTIC SHIP)—continued

Costs	Comment
These ships would be used by commercial interests during peacetime, and would be built privately with Defense Department contracts guaranteeing enough business to return investment. While the Senate Armed Services Committee deleted the request for three FDLs, it did not comment on the charter-ship plan.	quirement for ten of these large multi-purpose MSTS cargo ships. There is a requirement for other additional MSTS ships but these have not become confused with the FDL as have the large multi-purpose cargo ships. *Relationship between FDL and Ten New MSTS Multi-Purpose Cargo Ships.* The 10 new MSTS Multi Purpose Cargo Ships are part of a replacement program for the aging MSTS Controlled Fleet. They will be large, fast, modern multi-purpose ships convertible for carriage of break bulk, container and roll on-roll off cargo. It has been the contention in some quarters that 30 of these ships, by being employed on selected routes, can substitute for 15 FDL ships (on basis 2 MSTS=1 FDL). It may be true that some of these new ships could substitute for some of the FDL requirement. However, since a contract for these ships has yet to be let and their concept of operation (thus their degree of responsiveness) is still open for determination, it is premature to make the decision at this time that they can substitute for FDL's. These 10 new MSTS ships are replacements for aging MSTS controlled fleet ships; they are not quasi FDL's nor FDL substitutes. These 10 ships would have been required if the FDL concept had never been developed. These 10 new ships would be operated by commercial companies on a charter basis for MSTS and would be part of the MSTS controlled fleet. It is not intended that they "be used by commercial interests during peacetime" for commercial use. While the Defense Department would sign a 10-year, renewable, contract with the operators, the only "guarantee" would be a provision for cancellation ceiling should the contract be terminated on the part of the government. Since the ships would be leased to MSTS on a 10-year per diem basis, it would not be a question of "guaranteeing enough business" to the civilian operators.
Estimates of the annual operating cost of FDL are $1.65 million, compared to $1.35 million for the existing sea transport.	This is quite misleading. The facts are that the annual operating costs for the FDL are estimated at $1.65M. The same costs for a Forward Floating Depot (FFD) ship (a WWII Victory type) are $1.35M if U.S. manned. Since it takes at least 7 FFDs to equal the capacity, but not the capability of an FDL (can't off load itself, can't carry helos in ready to fly condition, etc.) the somewhat equivalent annual operating cost comparison would be $1.65M vs $9.45M. Also misleading by use of the phase "existing sea transport." Should specify "Forward Floating Depot (FFD) Ships."

Rationale	Comment
Since future wars, except insurgencies, are likely to build up quickly, we need active and mobile forces. Such a capability requires forward basing of both men and equipment. Prepositioning ships such as FDL can proceed to the conflict, unload, and continue to support combat units by transoceanic voyages. Other ships that might serve the same purpose lack the ability to handle the special cargoes FDL can, are not capable of offshore unloading and loading and can deliver far fewer supplies at higher cost.	Not entirely correct. Both future wars and insurgencies can build up quickly. The FDL minimizes the requirement for forward basing of troops and equipment. *Alternatives to FDL.* An extensive effort went into designing the FDL. As a result, the FDL ship represents the most cost effective means we know of for providing an effective sealift capability for the rapid deployment requirement of our Strategic Mobility Concept. Alternatives to the FDL are: *More prepositioning of equipment and supplies* in areas of potential use. This is inflexible, costly, subject to political constraints, and the equipment may be mal-positioned, or more vulnerable to enemy action. *More use of Forward Floating Depot (FFD) ships.* These are old WWII Victory ships converted for a rapid deployment role. It takes seven FFD's to equal the capacity of a single FDL. Even so, FFD's don't possess the desired capabilities of the FDL, e.g., don't have helo capability and can't off-load using our ship's gear. FFD's are more costly to operate than the FDL. Annual O&M costs for an FDL are estimated to be $1.65M; those of a single FFD (with U.S. crews) are $1.35M. (Note: $1.35M x 7=$9.45M). *More use of Commercial Shipping.* Because of time required to assemble, off-load civilian cargoes and sail and out-load Army equipment, sufficient merchant ships cannot be generated in time to meet our Rapid Deployment requirements. Use of large numbers of commercial shipping (with attendant disruption to industry) would necessitate an early and public commitment that could deprive national decision-makers of flexibility. Furthermore, merchant ships do not realistically possess many of the specialized features of the FDL, such as, ability to off-load over-the-beach using own ship's equipment, ability to operate (off-load with) helicopter, dehumidified stowage and capability to maintain vehicles in place.
Requirements for FDL's were determined after careful analysis and fully taken into account the possibility of employing existing shipping. Accordingly, the minimum number of FDL's are being requested.	*Requirement for FDL.* The JCS and the Services have analyzed the military requirement for a Rapid Deployment Posture to include: force readiness, prepositioning of materiel and airlift/sealift force levels. Consequently, analyses of typical and representative military requirements during the 1970 1980 time frame have been tested for their sensitivity to the factors which influence rapid deployment requirements (location of the attack, the size and type of enemy forces, and the friendly forces already on the scene). Thee analyses conclude that an improvement in sealift comparable to that which the C–5A will provide for airlift is essential to support a rapid deployment strategy, and a minimum of 30 FDL ships is required to support this strategy. The Joint Strategic Objectives Plan (JSOP) and the JCS Strategic Movement Capabilities Study (MOVECAP) annually re-

FDL (FAST DEPLOYMENT LOGISTIC SHIP)—continued

Rationale	*Comment*
	validate the strategic mobility forces necessary to meet the rapid deployment requirement for the critical, early days of a contingency. The latest revalidation confirms the continued requirement to 30 FDL ships. *Reduction in Program for FY-70.* The JCS still states a requirement for a 30 ship FDL or equivalent lift. However, Congress has twice refused to approve the FDL. Therefore, a more modest approach is being taken this year by asking for a reduced program of 15 FDL ships as a step toward achieving the 30-ship FDL lift requirement.
Beyond these considerations, the design and production techniques applicable to FDL will go far to modernize the American shipbuilding industry, and the advantages to the industry will more than compensate for relatively small losses in charter revenue.	Misleading conclusion. Since the FDL does not compete with U.S. flag line shipping for commercial cargoes (including DOD cargoes), there is no loss in charter revenue by civilian shipping lines. It is true that the FDL concept has stimulated new methods and growth in American shipyards. However, the new Litton shipyard at Pascagoula is now building despite the fact the FDL has not been authorized.
Critique	
Critics question the assumptions upon which overall force levels are based. If we adopt something less than the 2 major/1 minor doctrine, the number of FDLs required diminishes.	It is not known who these "critics" are. However, one can be assured of finding critics of every program and course of action taken in government and out. We have not adopted a lesser doctrine at this time. When and if we do, the full implications will be studied by the JCS and new recommendations, including force level requirement, will be made. We must plan on fact, not what might or might not be in the future. The Joint Strategic Objectives Plan (JSOP) and the JCS Strategic Movement Capabilities Study (MOVECAP) annually revalidate the strategic mobility forces necessary to meet the rapid deployment requirement for the critical, early days of a contingency. The latest revalidation confirms the continued requirement to 30 FDL ships. *Not a correct statement.*
FDL is also provocative. Storing munitions and equipment around the world signifies an intention to police the world. The decision to procure and deploy these ships should follow, not precede, a political decision to continue or modify post World War II U.S. foreign policy. FDL is designed to enhance our ability to intervene rapidly—precisely the kind of action which could escalate to more conflict.	*Likelihood FDL Will Involve Us in "Global Policeman" Actions.* The decision to either commit or not commit military forces is based on political considerations and must be made by the appropriate civilian authority. The military issue is whether we will be able to take action, if directed, to support these commitments effectively or ineffectively. The FDLs, together with the C-5A and C-141, are designed to allow us to react promptly and, hopefully, to deter combat altogether because the other side recognizes we have a creditable capability to respond. However, failing that, it will enable us to successfully terminate the action sooner. If such a capability had been available to us at the outbreak of the Korean War, the whole shape of that conflict would have been different. The timely projection of military power can serve to halt enemy aggression or result in a shorter period of involvement, with fewer casualties, a smaller force commitment, and less destruction within the conflict area. The relatively high speed and rapid on-and-off load capability of the FDL will give responsible U.S. decision-makers more time for deliberation and consultation before initiating a deployment. They would thus have a longer period in which to assess a situation and to determine precisely the response, if any, that the United States should make. Put simply, as deployment time is compressed, decision time is lengthened. We know of no new commitments that would be assumed solely because of either the FDL or the C-5A programs, nor do we conceive that such would be the case. Congress retains full authority to ratify or veto any new commitments as they may be considered. The view that the FDL increases the likelihood that we will involve ourselves in questionable actions may be based in large part on a misconception as to how these ships will be used. It was intended that FDLs be based at U.S. ports or U.S. controlled overseas ports, not off foreign shores. However, in order to allay Congressional concern in this area, it has been agreed to defer forward basing of FDLs pending a thorough Congressional review of the concept and its relationship to U.S. Treaty Commitments. It should also be borne in mind that the FDL is a non-combatant ship, and, as such, would only be involved in non-assault type operations. Thus to serve their basic purpose in rapid deployment, they will be based and utilized in a manner which is no more likely to lead to unwise commitments or undesirable involvements than would Army Airborne Divisions, C-5A aircraft, Forward Floating Depot Ships (FFDs) or our land-based prepositioning programs. It is difficult to see how anyone can oppose the FDLs on this score and not likewise oppose the more costly C-5A program.
Most of the companies which bid on FDL were aerospace firms; the ships may not be built in a traditional shipyard at all. This could make even more precarious the survival of an industry which would be vital to is in a long war if we are to transport supplies in American ships.	This is not a correct statement. Many of the major shipbuilding companies in this country are owned and backed by other large interests or holding companies, such as, Tenneco, Kaiser, Litton, General Dynamics, and Lockheed. This is true with many similar U.S. businesses. Large funds and diverse expertise are required to enable companies to compete with foreign firms and the new technologies. Relationship with Aero-space Industries. Recent mergers/acquisitions in the shipbuilding industry have tended to strengthen rather than weaken the industry.

FDL (FAST DEPLOYMENT LOGISTIC SHIP)—continued

	The fact that some old time shipbuilding firms have been acquired by larger companies with greater resources has tended to strengthen not weaken the shipbuilding industry of the U.S. and the companies themselves. Recent examples are the acquisition of Newport News Shipbuilding Company by Tenneco, and the construction of an entirely new modern shipyard by Ingalls. At least one yard (Quincy) probably would have gone out of existence (as did Cramp of Philadelphia) had not General Dynamics acquired it and placed its greater resources at its disposal. In this fast moving age of technology, a certain amount of cross fertilization between the aerospace and shipbuilding industries would appear to be the benefit of all. Had any one of the three bidders for the FDL program won the competition, the actual ship construction would have been accomplished in an established shipyard: Puget Sound and Bridge Co. was acquired by Lockheed Shipbuilding and Construction Co. in 1959. Quincy Yard was acquired by General Dynamics in 1963, and, Ingalls was acquired by Litton Industries in 1961. To denote the above firms as "aerospace companies" is misleading and the following quotation from a speech by Edwin M. Hood, President of the Shipbuilders Council of America, on 20 September 1966 is appropriate: "That the present contenders for the FDL contract are aerospace oriented organizations is obvious from their names and reputations—General Dynamics Corporation, Litton Industries, and Lockheed Aircraft Corporation. Each has acquired a long-established shipyard in recent years, but it is improper to assume therefrom, as some journalists have, that the shipbuilding industry has been taken over by aviation companies. If anything, these several mergers between shipyards and aerospace organizations represent a marriage of technologies to meet developing horizons in the maritime and ocean science fields. In fact, other shipyards and aerospace companies have been and are allied with the same object in mind, but not contained in the same corporate structure."

CONDOR PROGRAM

AGMX–3, Condor, Maverick, and Tow (air-to-ground missiles)

Description	*Comment*
Condor is a long range Navy tactical missile for use against the same targets as the AGMX–3. It is T.V. guided and once it has been launched, the pilot of the launching aircraft can fly on to another target and direct Condor down at the same time. It has a range of 40 miles, weighing 2,500 pounds and has an electronic countermeasure capability which makes it effective against SAM anti-aircraft sites. It is to be launched from the A–6A.	Condor is a long range Navy tactical strike missile currently in engineering development. The 2,000 pound class weapon is for use against well defended targets by attack and/or fighter aircraft. It is an electro-optical guided missile that is launched before target lock-on; guidance is automatic with an operator manual override feature. Condor is currently planned for the A–6, and in addition is compatible with A–7, F–4 and F–111 aircraft. Presently, it is not scheduled for an Anti Radiation Missile role, however, an All-Weather follow-on version of Condor is provided for in the basic requirement. The range of Condor is in excess of 50NM, it is highly accurate and it is the only tactical stand off weapon in engineering development.
Costs Condor per unit is one of the most expensive missiles ever considered for use against tactical targets. It has been under development for a number of years at a cost of $100 million; total R&D estimates are now $150 million. The Navy is requesting $12.9 million for R&D in the FY 1970 budget. Estimates for production and deployment run as high as $500 million.	Pre-contract cost estimates for engineering development of Condor were estimated to be $96.182M. This fixed price contract signed 29 June 1966 called for a target price of $104.742M (ceiling price of $117.424M) and that price has remained unchanged to this date. The total RDT&E costs to completion (i.e. contract, cost, in-house effort, and additional contractor support not covered by the basic contract) are estimated to be $152.626M. That total includes $12.9M requested in the FY 1970 budget. No commitment to production has been made, however unit cost with a nominal buy over a four to five year basis is estimated to be between $100,000 and $110,000 each. One of the prime advantages of Condor is to permit the aircraft to remain out of highly defended areas, thereby reducing the loss of aircrews and aircraft. On strike missions in North Vietnam most of the aircraft were lost within a few miles of the target. Condor is expected to save lives, expensive aircraft and hopefully reduce the sortie costs by reducing the number of sorties required to hit a target.

ASW (ANTISUBMARINE WARFARE)

Description	*Comment*
ASW is the detection, identification, surveillance, and, in time of conflict, destruction of enemy submarines. The United States has developed a compex system of airborne and seaborn detection systems and weapons designed to deal with the Soviet submarine threat. ASW has both land and sea-based elements. The land-based aircraft are used for surveillance of large areas all over the world. They drop buoys into the water to detect enemy submarines and are capable of dropping sub-killing torpedoes. Aircraft from 8 ASW carriers perform the same roles in areas inaccessible from land. ASW carriers and escort ships carry sonar and other detection devices, and, like the aircraft they carry, can attack enemy submarines with torpedoes.	ASW is the detection, identification, surveillance, and, in time of conflict, destruction of enemy submarines. The United States has developed a complex system of airborne and seaborne detection systems and weapons designed to deal with the Soviet submarine threat. Submarines, land-based ASW aircraft, sea-based ASW aircraft and helicopters ASW carriers and destroyer types are welded together into an integrated whole which is effective beyond the capability of any single platform, however multiplied, and indeed beyond the sum total of all. Land-based aircraft (VP) are used for ASW and ocean surveillance of large areas. They employ radar, sonobuoys and other equipment in detecting and localizing submarines, and can destroy them with torpedoes or depth charges. The ASW carrier group consists of the ASW carrier (CVS) itself, a screen of de-

ASW (ANTISUBMARINE WARFARE)—continued

Description	*Comment*
	stroyers (or destroyer escorts), and the embarked air group of fixed wing aircraft (VS) and helicopters (HS). The ASW carrier group provides a coordinated, concentrated ASW force in areas of high submarine density, or where oceanographic conditions or countermeasures render one sensor system ineffective, or in ocean areas not effectively covered by land-based ASW aircraft, for vital protection of critical value naval forces or convoys. The VS aircraft, operating from one of the 6 ASW carriers (presently approved level) provide multiple aircraft airborne simultaneously over an area up to several hundred miles from the carrier. They also employ radar, sonobuoys and other equipment in detecting and localizing submarines, and can destroy them with torpedoes or depth charges. Additional aircraft can be rapidly provided in response to submarine contacts as the situation warrants. Helicopters, employing active sonars, are used to complement the destroyer screen in providing intermediate range detection, and assist both the VS and destroyer in final localization and destruction with torpeodes. The destroyer screen employing active sonar, provides the perimeter protection in detecting the submarine and is capable of destroying the submarine with torpedoes or depth charges. The synergistic effect of the components of the ASW carrier group in reacting quickly to a submarine contact or multiple contacts with the embarked sensors, weapons, acoustic analysts, excellent communications for on-scene decisions, and precise navigation, in open ocean areas beyond the range of VP aircraft or in areas where our use of land bases has been (or may be) denied because of military or political reasons, make it a vital part of the complete ASW system.
Our 56 "first line" attack submarines carry complex arrays of detection and kill devices. It is generally felt that our ASW technology is superior to Soviet technology, and that the U.S. would have the advantage in any undersea confrontation.	Attack submarines include both nuclear (SSN) and diesel (SS) powered units. At this time, 38 SSN are considered "first line" attack submarines. However, until more "first line" SSN are made available from new construction it will be necessary to continue to utilize older SSN and SS to perform required operations and to maintain an adequate level of training. Attack submarines carry a variety of sensors and weapons which are estimated to provide our current superiority over the existing Soviet threat. However, recent advances in Soviet submarine technology coupled with their modern, high capacity submarine building facilities, indicate that without an acceleration of our R&D effort our present margin of superiority will be lost in the future. The R&D acceleration required is applicable to platforms, weapons and sensors in all our air, surface and subsurface ASW systems.

ASW (ANTISUBMARINE WARFARE)—continued

Costs	*Comment*
The costs of the ASW program are extremely difficult to pinpoint. The R&D costs for FY 1970 are $472 million, 21% of the Navy's research budget. Other costs can only be estimated, since ASW does not constitute a separate funding category in the Defense Budget. It is also difficult to isolate the costs that relate solely to ASW. For example, a destroyer with ASW capability usually has bombardment and anti-aircraft capabilities as well. Approximately $1.2 billion is spent annually operating the ASW carrier forces. The best estimate of annual spending on ASW procurement is $2.3 billion, bringing the annual total for ASW to over $4 billion.	The study group report is correct insofar as it addresses the difficulty of isolating estimated ASW costs in the defense budget. We do not account separately for ASW costs in most categories. It is possible to isolate certain specific ASW costs. The R&D cost cited of $472 million for FY 70, or 21% of the Navy's research budget, is correct for the President's Budget submission. This may be affected by the apportionment, final Congressional action, and any other action that may be taken to reduce expenditures in fiscal year 1970. The study group report also correctly notes the multi-purpose employment of many of the ASW platforms, for example, destroyers. It is incorrect in ascribing a total of $1.2 billion to operation of ASW carrier forces. Estimates for operation of the ASW carriers and air groups range from approximately $200 million for more or less direct costs to about $400 million when one includes also the indirect costs, such as personnel supporting the carrier forces ashore. The study group report estimate of over $4 billion as an annual total for ASW is incorrect. Analysis of Navy budgets from FY 62–69, have indicated an average annual cost for ASW of $3.5 billion.
Rationale The Soviet Union now has more than 375 submarines performing a variety of missions. Of this force, more than 50 are nuclear-powered. The force includes missile firing submarines with a significant anti-shipping capability. Most indications are that Soviet submarine construction will continue at a steady rate for the foreseeable future.	Consisting of some 375 units, 65 of which are nuclear powered, The Soviet submarine force differs from ours in two important respects beyond that of sheer numbers. (1) 100 percent of their undersea force is less than 15 years old. (2) In addition to the torpedoes and ballistic missiles common to both navies, the Soviets possess a unique submarine weapon in their 400 nautical mile anti-ship guided missiles. The Soviet submarine force is the main threat to Allied control of the seas. About 12 percent of their boats can launch strategic ballistic missiles without warning. Over 16 percent carry 400 n.m. anti-ship missiles. All of their other submarines are armed with torpedoes or mines and can be deployed to contest Allied use of the seas in the anti-ship role. In recent years a tremendous capital investment has been made in expanding and modernizing building yards, resulting in what have been termed the most modern submarine yards in the world. Soviet nuclear construction capacity is estimated to be some 20 units per year, but a "crash" program, with no constraints on manpower or materials, could produce a considerably higher number. A new POLARIS type SSBN, armed with sixteen 1500 n.m. ballistic missiles, and several new classes of nuclear attack submarines emerged during 1968. These new attack boats

ASW (ANTISUBMARINE WARFARE)—continued

Comment

are estimated capable of speeds greater than their predecessors, and are expected to operate at greater depths than heretofore. Major improvements are also expected in their sonar equipments and possibly in weaponry.

Intelligence estimates are that the Soviets will construct between 100 and 150 new submarines by 1978. Eighty to 100 percent new construction will be nuclear. By 1978 the Soviet submarine force is expected to number between 300 and 350 units, as many as 50% of which could have nuclear power plants.

Critique

ASW is extremely complex; the size of the ASW R&D budget suggests that much remains to be done before a high-confidence system can be achieved. The key characteristic of our ASW forces is that so many diverse components are used to perform similar tasks. This diversity suggests that none of the individual components is very reliable. The history of complex electronics is studded with failures, and it has not been demonstrated that the ASW program is an exception.

Comment

In this and the following paragraphs of the Critique section the study group report is correct in noting the complexity of ASW. It fails, however, in two basic respects to understand anti-submarine warfare: The first failure is to confuse a mission-oriented type of warfare with a single system. The second failure is in not recognizing the relationship between the main orientation of this type of warfare—i.e., sinking submarines that operate under water—and the many similar systems that are used in such warfare. The report suggests that the use of many diverse components to perform seemingly similar tasks is indicative of overlap and lack of reliability. The similarity is a direct result of the single type target that is being pursued and the nature of the environment in which it operates. The diversity, on the other hand, is a direct result of the unfolding of the strategic and tactical measures that would be taken to oppose the threat. Two different types of sensor systems are employed by ASW forces in detecting and locating submarines. The sound made by a destroyer as it moves through the water makes it dependent essentially on active sonar systems, whereas submarines can rely on passive systems which do not reveal their presence. ASW fixed-wing aircraft use sonobuoys, and helicopters carry miniaturized active sonars. These forces are welded together to seek out, contain, or destroy enemy submarine forces. Our attack submarines would be employed in forward areas to reduce their submarines' opportunities to scatter in the open oceans. The high speed and consequent ability to cover large areas which are peculiar to aircraft make it desirable to employ these platforms in an offensive capacity against submarines operating against our forces or shipping in open ocean areas. Finally, we provide direct, close-in protection of naval forces and high value convoys with destroyer type escorts and helicopters. While it is true that complex electronics has a history of difficulties, it is also true that great progress has been made in the state-of-the-art. In the case of ASW, the AN/BQS-13 submarine sonar, the AN/SQS-26 surface ship sonar, and the DIFAR sonobuoy are examples of successful current generation electronics. The accumulative gains in capabilities over the opposing Soviet systems, resulting from these and other ASW systems in development or under procurement, constitute the margin between defeat and victory in any eventual conflict involving the Soviet submarine force—not one single, all encompassing system.

ASW (ANTISUBMARINE WARFARE)—continued

Critique

Since our own POLARIS forces have been said to be almost perfectly secure, one can assume that our ASW capabilities do not present much threat to the Soviet forces. Since it has been demonstrated that we cannot track our own Polaris submarines it seems doubtful that the Soviet Union can.

Comment

The detectability of a Polaris submarine on patrol is not at all comparable to the detectability of many, indeed most, of the submarines in the Soviet order-of-battle today. Neither our inability to track our own Polaris submarines nor the Soviet's inability to track them seems completely relevant to the ASW problem insofar as the larger part of the Soviet force is concerned. We have detected and tracked many Soviet submarines encountered during our training exercises, as well as many of our own non-Polaris submarines. The primary effort of the major part of the Soviet submarine force will be to attack naval forces and merchant shipping. As previously described, our ASW forces have been developed to oppose these attacks at every possible point, including close-in protection. Depending on the tactics they use, our ASW forces should be able to detect and destroy a large percentage of the Soviet submarine force. Continuing improvements in that force, however, both through backfit and through replacement with new submarines, require continuing improvement in our ASW capability.

Critique

Critics assert that ASW is losing ground to new evasion and silencing techniques. Too often counterforce weapons systems are justified solely on the basis of threat. In the case of ASW, the threat from the Soviet submarine force is real; what must be questioned is whether we are getting $4 billion per year worth of protection from our ASW program. A more effective approach to the problem might be to cut back ASW procurement and operations and spend the money developing a better system.

Comment

While noting the reality of the Soviet submarine threat, this portion of the study group report succumbs to the temptation to look for a single miracle system as the answer to all our problems, rather than to the hard work and gradual gain that must be made in many areas in order to keep our total ASW effort ahead of the total offensive capability—including silencing—of the Soviet submarine force. We must build upon and improve our present ASW base, not wipe it out in search of an illusion. Nevertheless, our R&D effort is designed to pursue those ideas of developing a better system. We continue to seek through symposiums, such as the National Academy of Sciences, Air ASW study, and industry a better approach to improve our ASW forces. In today's economy, the average of $3.5 billion from FY 62-69 is insufficient and at least $4 billion is needed to protect the future of our ASW capability in procurement and R&D, while operating a suitable current force.

Critique

According to an article published by a Pentagon analyst, continued operation of carrier-based ASW, particularly with the planned but controversial VSX aircraft, is implausible. The major Pentagon document on the question recommended that VSX not

Comment

The major Pentagon document on ASW was signed in Nov. 67 by Secretary of Defense McNamara authorizing the Navy to go into contract definition on the S-3A aircraft, and on 1 Aug. 69, SECDEF authorized the Navy to proceed with engineering de-

ASW (ANTISUBMARINE WARFARE)—continued

Critique	*Comment*
be bought. Both Secretaries McNamara and Clifford have indicated that carrier-based ASW was not very effective but quite expensive.	velopment of the S-3A wherein a contract was let. Land-based air, used for ASW and ocean surveillance of large areas, have been shown to be cost-effective out to ranges of 600 miles from available bases. It is appropriate to note that approximately 50% of the ocean areas of ASW interest are located beyond 800 nautical miles from current VP bases. It is also true that the number of aircraft bases available to the U.S. has been rapidly and continuously declining. ASW carrier-groups on the other hand, with embarked S-3A aircraft provides a coordinated, concentrated ASW force in areas beyond the range of the land-based ASW aircraft, or where bases are not available. In addition, the ASW carrier group can be concentrated in areas of high submarine density, or where oceanographic conditions or countermeasures render one sensor system ineffective. The S-3A is a valuable, vital part of this ASW force.
Difficulties have also beset the MK-48 ASW torpedo. The program has been underway since 1964, but is still encountering technical problems. The FY 1970 budget contains funds for further R&D work, and Secretary Clifford stated that he believed "the solutions are now within reach". With the solutions only "within reach", however, the Navy is also requesting $118 million for FY 1970 MK-48 Procurement.	Solutions to the problem of the MK-48 Mod O torpedo are expected to be not only "within reach" but on hand within the timeframe covered by FY 1970 procurement priority. President Nixon's revision to the budget reduced the MK-48 torpedo request to $110 million.
Finally, although ASW constitutes approximately one-fifth of the Navy budget, there has been very little public discussion of the program. Information on ASW is over classified.	Information on ASW is classified by its originators in accordance with established guidelines. Essentially, it may be said that the U.S. Navy does not desire to verify data which could be used by the Soviet Navy to improve its forces or operations, thus increasing the complexity and cost of the problem to the United States.

SEA WAR FORCES

Current mission	*Comment*
The Navy is charged with several missions in addition to operating the Polaris deterrent: Maintaining a long-term land war sealift capability to supply operations in Europe or in Asia. Keeping quick-response tactical air forces ready for rapid deployment in crisis situations that could lead to limited war. Providing amphibious forces for beach assault. Protection of the fleet from air, surface, or submarine attack. Insuring freedom of the seas and international waterways for world trade. In order to perform these missions for the future, it will be necessary to completely modernize the fleet during the 1970s. Such modernization has been estimated to cost upwards of $30 million, but for this cost we will have a fleet that will provide for the	Naval power is the military component of sea power and covers naval fighting ships, aircraft, weapons, forces (including Marine), and their specialized support facilities. The functions of naval power during peace are: (1) to assure, through proper positioning, allocations and preparedness of forces and equipment, the means to accomplish any initial wartime missions assigned; (2) protect the nation's rights, citizens, property, and interests; (3) maintain naval strength to deter any aggression against this nation or any nation this nation supports; and (4) maintain naval readiness to support and defend national plans or policies. The functions of naval power during war are: (1) to gain and maintain control of the sea; (2) to deny the use of the sea to the enemy;

SEA WAR FORCES—continued

Current mission	*Comment*
above contingencies for the rest of the century.	(3) to impose the will of this nation on the enemy; (4) to project naval forces or firepower ashore uniformly with naval, military, or national objectives. The purpose of the United States Navy is to fulfill its part in providing for the security of the United States and to support the national policy throughout the world. The primary means by which the Navy does this is to gain and maintain control of the seas, to use the seas for the nation's purposes and those of its allies, and, in time of war, to deny use of the seas to an enemy. For the United States, the naval missions of a war are derived from national policy and are influenced largely by geography and by certain economic factors. In time of war, the national interest and a forward strategy require that the war, insofar as possible, be fought overseas. It is desired that the areas of devastation and the ravages of war occur in enemy territory and not in the United States. The Navy is faced with the responsibility of supporting United States and Allied forces logistically on a continuing basis. That support can, primarily, only be provided via the sea lines of communication. In addition to such logistic supply, strategic materials must be brought into this country from all over the world for support of our industry. This factor is becoming increasingly important. It may be readily demonstrated that, while it is necessary to transport high-priority cargo and personnel by air, movement of the tremendous quantities so necessary in war, and the fuel for the return passage of air transport, must still be by sea. The United States has ample reason from experience to know that weakness in any area invites aggression in that area. Weakness at sea will invite conventional aggression capitalizing on that weakness. It can be concluded, therefore, that to support national policy we must continue our ability to deter limited aggression by less than all-out means, and to this end we must maintain the ability to control the sea in future wars of any type.

Critique	*Comment*
The probability that future wars in either Europe or Asia will be long or limited enough to allow transoceanic supply of men and equipment is decreasing.	Historical examples of estimates which have been undertaken to determine, in advance, the duration and intensity of conflicts have not proven to be credible endeavors. The present war in Southeast Asia provides only the most recent example of our limited ability to predict conflict termination. No evidence is available to support the argument that future wars in Europe or Asia will be either limited in duration or generalized in nature.
If a European war escalated to the tactical nuclear level, ship operations would be	Both World War I and World War II, during which large scale ASW actions took place,

SEA WAR FORCES—continued

Critique	*Comment*
greatly complicated. Even at the non-nuclear level, the massive Soviet undersea fleet would find large surface ships easy targets. ASW and fleet air defenses have only limited capability to protect surface ships in such a contingency.	highlight the fact that a determined enemy submarine force hampered our ability to keep the sea lines of communication open during the early days of the wars. United States unpreparedness in naval force levels resulted in large numbers of our merchant ships being sunk. This performance on the part of the German submarine forces (initially far smaller than the present Soviet submarine force) continued until the United States had utilized the time afforded by our late entry into the wars to engage in large-scale naval and merchant ship construction. Only after such sea and air forces were available to the United States Navy, were we able to reduce the attrition of our ships and to begin to defeat the submarine threat. At the present time, with greatly reduced force levels in the Royal Navy, and with the United States as the prime potential target for an enemy, it is not considered to be realistic to count upon a similar period in which to engage in shipbuilding during future conflicts. In considering any possible Soviet submarine threat against our lines of communication, it is obviously important to consider the losses suffered by the enemy together with any losses which he may cause us. Such consideration of loss trade-off, based upon forces in being, may be the real determinant in whether such attacks do, in actuality, ever take place.
With carrier task forces costing over $1 billion each, an opponent would surely commit the cheaper forces to adequately destroy the carrier.	This statement fails to consider the losses accepted by the "cheaper" forces while in transit and during the attack and retirement phases. The exchange ratio could well be such that the carrier is the "cheaper" weapon system. Following this logic, a weapon system would only be employed against one more expensive.
In Asia, the post-Vietnam probability of protracted nonnuclear engagement is also low unless we desire to continue to police the Third World, in which event a large surface fleet will be needed.	Recent historical events lead us to conclude that the prospects for the 1970's contain only the probability of repetitive changes throughout the world. Increases in nationalism are likely to continue and to cause situations of both internal and external turmoil in many areas. As the many so-called "Third World" nations and micronations strive for their existence, both economic and political, increasing problems may be reasonably expected to arrive on the world scene. The belief that the United States is policing the "Third World" is a matter of opinion. As the leading nation of the world, the United States may expect the likelihood of requests for assistance, both economic and military, to remain high when the security of a third nation is involved. Where vital interests of the United States are in jeopardy, United States forces will be committed if the United States is to remain a world power.

SEA WAR FORCES—continued

Critique	*Comment*
	No slackening of USSR nor PRC efforts to achieve a marked influence in such areas of the world is expected. This could result in the application, on their part, of varying degrees of political, economic, and military pressures through proxy neighboring nations. Many such economically underdeveloped countries, subject to pressures of this type, are capable of providing relatively unsophisticated ground forces to defend their own territory, even though not proving capable of maintaining a more sophisticated defense. Strong naval air and surface forces could provide the United States with the option of supporting local ground forces, if required by the vital interests of the United States, with a "conventional umbrella" of seabased forces to provide air and naval protection. This would obviate the necessity, in many cases, of commitment of US forces ashore. Such a conventional United States naval force, available when needed, would provide this country with the options of an adjustable level of commitment when national interests required, and equally important, the ability to rapidly disengage when our forces were no longer necessary.
We should decide upon our foreign policy goals prior to committing ourselves to a $30 billion modernization of the fleet. With regard to limited wars, the probability that national security would require us to fight such wars on short notice in regions where tactical aircraft could not be land-based quickly is also low. Certainly any ally we chose to defend would be willing to provide us with landing rights for combat aircraft.	This assumes United States participation prior to any relatively large scale attack against such installations when sufficient bases remain undamaged, not overcrowded, and adequate air defense is available to safely permit aircraft concentration. With respect to bases in foreign nations, the past experiences of the United States have served to emphasize the value of our sea-based forces. A long history of lost base rights and the present shaky status of other base rights, because of indigenous political problems, is well known. Even, as is suggested, were overseas bases for aircraft made available to us, they would then have to be maintained by a continuing resupply of thousands of tons of consumables (including refined petroleum products) daily. Such bases would be dependent for their existence upon the US ability to keep open the sea lines of communication for the provision of logistic support to the bases. In the case of the present conflict in Southeast Asia, 98% of all supplies, material, and equipment have had to be carried to that part of the world by sea lift. There are many areas of the world where adequate air defense of logistic lift at sea can only be provided through the use of Navy carrier-based air power.
Finally, it is unlikely that a surface fleet alone could deny a determined opponent's attempt to restrict freedom of the seas.	In such cases, the requirement to maintain the sea lines of communication open to our own forces would still be a real one.

SEA WAR FORCES—continued

Critique	*Comment*
Such an attempt would bring about other confrontations; the outcome would be determined elsewhere and the naval conflict would be of secondary importance.	It is unlikely that any war, with a major power, could be limited, in any case, to a war at sea. No land effort could be maintained by the United States without logistic support of that effort through sea-lift. Success in the naval conflict, far from being of "secondary importance," would be a decisive consideration in insuring victory for the United States in the "other confrontations."
Force levels The Navy considers the current fleet inadequate to perform the missions assigned the Navy if these missions are to be continued for the future.	*Comment:* The Navy considers that the fleet must continue to be modernized in order to carry out missions assigned to the Navy in this era of an ever more sophisticated threat. Until such threats are ameliorated, the necessity for fleet modernization can be expected to continue. The table below reflects these programs as requested in the President's FY 1970 budget:
Items requested in FY 1970 to modernize the existing fleet are as follows: [In millions] 1 nuclear attack carrier (total cost $500–$700 million) .... $377 2 nuclear guided missile frigates (total cost $370 million) .... 264 8 destroyers (total cost $600 million) .... 360 2 landing helicopter assault ships (total cost $604 million) .... 288 3 fast deployment logistics ships (total cost $187 million) .... 187 4 guided missile frigates (total conversion cost $140 million) 44	[In millions] *President's budget* 1 nuclear attack carrier: End cost .... $510.0 Net cost [1] .... 377.0 1 nuclear guided missile frigate: End cost .... 222.0 Net cost [1] .... 263.9 5 destroyers: End cost .... 342.7 Net cost [1] .... 335.3 2 landing/helicopter assault ships: End cost .... 287.7 Net cost [1] .... 287.7 3 fast deployment logistics ships: End cost .... 186.7 Net cost [1] .... 186.7 1 guided missile frigate (conversion): End cost .... 39.0 Net cost [1] 43.0
These requests total $1.5 billion; the complete FY 1970 request for shipbuilding and conversion is $2.6 billion.	[1] Figures in this column are FY 1970 figures *less* advanced funding from prior fiscal years and *plus* advanced funding for future year programs. These requests total $1.4936 billion; the complete FY 1970 request for shipbuilding and conversion is $2.6314 billion New Obligational Authority.
Critics suggest that what we are buying is another WW II Navy and recommend that we concentrate on countering the real Soviet threat and acknowledge the technological obsolescence of a surface navy. The 15 attack carriers and 8 ASW carriers we currently maintain are extremely vulnerable to the 330 non-Polaris type submarines the Soviets have constructed since WW II, at a fraction of the cost of our surface navy. Anti-missile and	Navy currently has 16 attack carriers and 5 ASW carriers. The enemy threat at sea must, of necessity, be countered at sea in addition to any other offensive attacks launched. Follow-on submarine construction efforts could be hampered by air attacks against submarine pens, building yards, etc., if required. In order that the sea lines of communication may be maintained open, and to counter an expected submarine threat of any level of intensity, submarines must be detected, their positions localized, and destruction must take place. To best accomplish these tasks, the use of ASW air power, in addition to surface

SEA WAR FORCES—continued

Force levels	*Comment*
anti-submarine defense is most unlikely to achieve the breakthrough required to guarantee even a small margin of safety for the fleet because of rapid advances in electronic warfare. The Soviet Union is entirely capable of frustrating any attempt we might make to resupply ground forces in Europe, intervene in limited conflicts, or guarantee freedom of the seas, if they so choose.	forces, is required. Carrier ASW forces employ many of the same types of surface naval forces required to carry out the other missions assigned to the United States Navy. The naval forces, both air and sea, required to counter the "real Soviet threat" include a blend of types of forces which are not "technologically obsolescent" in view of the total mission spectrum required. Since the United States Navy and the Soviet navy have different missions, we should not, and do not, build ours merely to counter theirs. We can not accept and do not believe the philosophy that the Soviet is capable of frustrating any attempt to resupply ground forces in Europe. Defense Department studies and war gaming do not support this defeatist assumption. Balanced naval forces provide that unique ingredient of mobility of power which enables them to assert a U.S. presence of carefully regulated and orchestrated size and visibility anywhere in the world. Their integrally-based air and land power allows the peacekeeping presence of such forces to be completely independent of foreign bases, a major consideration in light of the many domestic and international pressures against U.S. overseas bases. Their mobility permits rapid, combat-ready deployment to troubled areas, when such is deemed required in the U.S. national interest. They permit our national leadership to retain the option of undesired commitments, even at the last moment. They are capable of a quick withdrawal when ordered. Generally speaking, we can expect our enemies to continue to cause trouble for us in whatever part of the world the United States finds it difficult to respond. To afford us the alternative of responding when it is required, we must have balanced naval air and surface forces available. Such forces of a strong Navy are valuable instruments of United States foreign policy. If we wish to deter the enemy from causing trouble for us, we must present a credible deterrence. Such a credible deterrence requires the balanced offensive and defensive capabilities afforded to a nation only through the medium of a naval force which is modern and in being.

AIRLIFT/SEALIFT FORCES

Democratic Study Group Report	*Rebuttal information*
(Pages 61–62) This section contains a brief discussion of the military doctrine that underlies our requirements for airlift and sealift forces and questions the need for these forces in the amounts determined by DOD.	
Current mission Requirements for mobility are based on the assumption that we must prepare for large-scale contingencies in Asia and Europe	The size and mix of our mobility forces are derived from requirement to support the employment of general purpose forces under

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AIRLIFT/SEALIFT FORCES—continued

Current mission	*Rebuttal information*
and a lesser contingency in this hemisphere. We plan the capability to build up simultaneously and rapidly in these theaters for conventional or tactical nuclear land warfare. We assume that threats to our national security can be mounted by enemy forces in three hemispheres simultaneously. This dictates that an enormous amount of air/sealift capacity be available on short notice. If we instead planned to be able to respond to 2½ Berlin-type crises within 18 months—not simultaneously—the amount and readiness of air/sealift needed would be less than current estimates.	conditions less than strategic nuclear war. We plan to build up forces rapidly in order to counter hostile forces in the earliest stages of the contingency, thereby confining both the area of conflict and the level of warfare to the maximum extent possible. While tactical nuclear warfare is considered possible, it is at the upper end of the response scale as is strategic nuclear warfare and will hopefully be avoided by being able to contain lesser levels of conflict. The areas chosen for the locations of possible conflict (major contingencies in both Europe and Asia, and a minor contingency in another location) were not arbitrarily selected; existing national interests and international commitments require this kind of planning. The degree with which we must act to meet these contingencies simultaneously is debatable, but the simultaneous deployment requirement provides a minimum risk objective against which mobility shortfalls are measured.
The current mission calls for air/sealift which is so ready that we can escalate a conflict very rapidly.	The basic objective of having responsive airlift and sea lift forces is to be able to move tactical units rapidly to the area of conflict so that hostile forces may be stymied, if not defeated, in the early phase of a contingency. This objective, therefore, is to prevent, rather than cause, escalation of a conflict.
Critique	
Critics of the air/sealift program contend that plans for response to three crises simultaneously should be reviewed. As long as we expect to be world policemen, we will need large numbers of aircraft and ships to transport our forces anywhere on short notice. These forces will have high investment and operating costs. The more we assume we must intervene on short notice, the less this cargo-carrying capacity will be available for peacetime commercial use. The length of the conflicts for which we prepare also determine what supplies will be needed and how useful sealift as opposed to airlift, will be. If wars are expected to be short they will be decided by supplies already in the theater and by airlift. Critics assert that our logistics planning and the air/sealift capacity it requires are based upon false expectations of long wars.	Criticism of the size of airlift and sealift programs would naturally follow when the more basic question of the need for these resources is also criticized. The impetus behind the need for rapid response is to deter or contain hostile forces. We cannot assume that we will not have to deploy our general purpose forces, and therefore we must plan to deploy them rapidly enough so that fewer are needed and fewer resources, both men and material, are expended. The length of the contingency used for planning has very little effect on the determination of objectives for airlift and sealift needed for that contingency. Analyses which are used for force level determination show that airlift and sealift forces are sized very early in that conflict, since the most critical need for these forces is for the initial movement of combat units to the objective areas. Thereafter, lift resources are needed for the less-demanding resupply phase. In any event, it would be impractical to expect conventional wars to be so short that prepositioned supplies and airlift alone would suffice.
Ships carrying supplies for use against a European ally of the Soviet Union, to say nothing of the Soviet Union itself, would be attacked by Soviet submarines; defending these ships would be extremely difficult. In a war which assumed attacks on American harbors, loading supply ships would become impractical as would unloading in the zone of conflict because port facilities are extremely vulnerable to tactical nuclear weapons. In war where control of the air was not assured, subsonic transport aircraft would be vulnerable to enemy attack in flight or unloading.	Vulnerability of shipping to enemy submarines is a major reason behind US Navy efforts to upgrade both military and commercial sealift resources. In particular, older existing ships are more vulnerable because of their slow speed. This does not mean that higher speed ships are invulnerable, but they do enjoy significant advantage in countering an enemy threat, particularly that involving slower, diesel powered submarines. Contingencies used for determining airlift and sealift objectives do not include attacks on American harbors. This could be expected only in a strategic nuclear exchange, in which case airlift and sealift force requirements become academic. Similarly, the need for sealift and airlift is predicated upon the use of these forces to move combat forces quickly to counter hostile forces and thereby prevent escalation of the conflict beyond the use of conventional weapons. The vulnerability of strategic airlift aircraft to enemy action is recognized; however, no other means are available for rapid movement of combat units to inland locations. These aircraft could not be used in a hostile environment but would have to unload in protected areas nearest the conflict.
In the early 1960's a comprehensive plan for airlift/sealift requirements and capability into the 1980's was devised. A mathematical model of global limited-war contingency requirements, taking into consideration threat, desired response, patterns of basing troops and supplies, and the capabilities of the air and maritime transportation industries, was used to provide approximations of the capacity which would be required during the years covered by the model. The calculations indicated that a mix of commercial and special purpose equipment would be the most efficient solution. The special purpose systems which resulted from this review were the C5A and the FDL. Current requests for airlift/sealift are based on this model. This model should be re-analysed to determine if the assumptions upon which it was based are still valid. If the assumptions are no longer valid because our national security requirements no longer require the capability to meet three widely separated serious contingencies arising simultaneously, it follows that our airlift/sealift requirements would diminish.	It is apparent that the role of the C5A and the FDL in the strategic mobility concept must be re-analysed, especially that of the FDL in light of continued Congressional reluctance to authorize funds for construction. A Navy analysis of alternatives to the FDL is currently in process. One of the alternatives being examined is a fast, multi-purpose cargo ship of new design which would have many of the desirable features of the FDL. The models used previously for determining force level objectives, and any that will be used in the future, are governed by national interests and security requirements. Therefore, examination of assumptions used in such a model is a useless exercise unless the broader question of the overall role of the United States in the 1970s is resolved beforehand. The latter is under continuous review within the Defense Department based on guidance received from higher levels in the Executive Branch. This review produces the objectives for mobility forces which, in turn, form the basis for the budget requests. It is emphasized that current mobility force levels, and those likely to exist in the foreseeable future, do not completely fulfill the objectives produced by the review analyses, but rather satisfy only part of these objectives. The difference between force levels and force objectives is the deficit made up by assuming a large amount of support from commercial resources, with a resultant high degree of risk.

GENERAL PURPOSE FORCES

Democratic study group report (Pages 23–24)	*Rebuttal information*
This section contains a brief discussion of the military doctrine that underlies our general purpose forces. Following are four sub-sections covering land, tactical air, and sea war, and airlift/sealift war, introduced by a discussion of contingency planning and	

GENERAL PURPOSE FORCES—continued

Democratic	*Rebuttal information*
force levels for such type of warfare (also on white paper), and fact sheets (on blue paper) on controversial weapons systems or programs in the FY 1970 budget.	
Flexible response Under the doctrine of flexible response, the United States reserves for itself a number of options in a crisis, ranging from threatening the selective use of conventional forces through tactical nuclear war. Because an opponent can threaten any level of violence, prudence requires a response at the same level but with greater force, thereby deterring the opponent without unilaterally escalating to a more drastic type of war. The doctrine was adopted during the Kennedy Administration in the belief that a major power which relies solely on strategic nuclear weapons, as the U.S. did during the 1950's, is faced, in a crisis, with the unsatisfactory choice of using the weapons or accepting diplomatic defeat.	The existence of massive conventional military power in the hands of the USSR and the Chinese Communists—and their evident willingness to bring its weight to bear in Europe, the Middle East and Asia during the 1940's and 50's—left little other choice once the Soviets achieved a nuclear capability. It was the only reasonable response to very clear and real threats to our national security and vital interests. Forces designed to support the flexible response concept provide a deterrent capability throughout the spectrum of warfare. These forces, when decisively employed, permit the United States to control those disputes forced upon it at the lowest possible conflict intensity. The need and desire to deter conflicts in the future are likely to continue to focus attention on "crisis management," which to be effective, will require sound military and political policies and the capabilities inherent in the flexible response concept. General Purpose forces are the heart of the flexible response concept. These forces act as a deterrent throughout the full spectrum of warfare. Should deterrence fail, general purpose forces would play a controlling role at all levels of conflict. Moreover, they provide the capability: to meet threats at levels less than general nuclear war; to deal with escalation up to the tactical nuclear level; and, should the general nuclear war threshold be crossed, to conduct effective terminal operations to ensure that hostilities are ended under conditions favorable to the United States as well as preventing third power intervention.
Hundreds of billions of dollars were spent by the Defense Department in pre-Kennedy years. The military services spent the money on long-range manned bombers, high Army and Marine force levels, and as large a surface Navy as possible. These expenditures resulted in the ceiling on the defense budget and interservice rivalry. The services spent money on programs which symbolized institutional care rather than programs calculated to improve our overall defense posture.	Many of today's defense critics, and particularly those who did not experience the traumatic tensions of the 1940's and 50's, tend to forget or minimize the actualities of the Cold War: the seizure of the East European countries by communist minorities; the blockade of Berlin; the takeover of mainland China; the invasion of South Korea from the North; the threat to Taiwan; the expulsion of the French from Indo-China; the rape of Poland and Hungary; Castro's seizure of Cuba; and the miscellaneous communist adventures elsewhere throughout the world. Try as they now might, the facts of militant communism of that era cannot be revised. The billions spent on defense in those years was in response to those clear threats to vital U.S. national security interests. In the years immediately following World War II, we almost totally dismantled the military forces which had won that war. This was not done by the Communist forces. The brutal fact of Korea stopped the slide in U.S. military power. The funds spent in the pre-Kennedy years were, in part, the price we paid for a unilateral disarming action in the face of an avowed enemy. They were also, in part, the price we paid—whether we liked it or not—of having attained a preeminent position worldwide; a position which was and is envied and coveted; a position which was retained by virtue of the economic capability to develop a stature of unequivocal and immense strength. Rather than being spent on "programs which symbolized institutional power," these funds bought the best forces we could with the technology in hand responding to the trend toward flexible response which was already well under way. It should be remembered that the R&D and procurement initiated in those years provided almost all of the major weapons systems of the 60's which still comprise the bulk of our general purpose forces.
After the 1961 decision, Secretary McNamara, through improved management and some expenditure increases, built up our flexible defense capability. The policy is very expensive, costing about * * *. The non-Vietnam defense expenditures during the last 10 years * * * or $350 billion.	National security is, and will continue to be, expensive in today's world if we are to be responsibly prudent rather than dangerously wishful in our approach to international relations. It is true that the dollar amount of DOD appropriations has crept upward in recent years but we really ought to inspect the figures more closely. In FY 1952, the first full year of the Korean conflict, the DOD appropriations were $61.9B. In FY 1966, the first full year of the major U.S. involvement in Viet Nam, the DOD appropriations were $61.8B—almost the same as in that earlier conflict. But what is instructive to note is that the FY 1952 appropriations comprised 17.9% of the GNP of that year while the FY 1966 appropriations were only 8.3%. Moreover, if we look at the percentages of GNP devoted to defense appropriations over the last ten years, including very sizeable Viet Nam expenditures, we find that they range from a low of 7.9% in FY 1961 to a high of 9.1% in FY 1967 and average about 8.3%. Further, one of the harshest recent critics of defense spending readily admits that to buy the very same forces we did in FY 1965 for $50.9B would cost $67.9B in FY 1972, solely due to inflation. Percentage of GNP should not, of course, be the determining factor in the level of forces we buy—justification of the need as appraised in the light of the potential threats to U.S. objectives should remain the determining factor. Reasonable perspective requires that we keep these facts in mind when we hear cries against the rising spiral of defense costs and the arms race.

GENERAL PURPOSE FORCES—continued

The factors which determine the level of defense spending are the contingencies we view as likely to come about, and our interpretation of their effect on our national security. For general purpose forces, it is the kind of wars we want to be able to fight, simultaneously and on short notice, that determine how large our forces must be in peacetime, and therefore the size of much of the defense budget.	General purpose forces are not sized on the kinds of wars we "want" to be able to fight—but rather on the kind responsible authorities consider, in their best judgment, we must be prepared to fight to safeguard the national security interests of the U.S. It is an oversimplification to say that we can make firm decisions now *not* to engage U.S. military forces in certain areas of the world or in certain kinds of situations in the next ten years. Granted we may not *wish* to, but the ultimate decision can only be taken in full context of the then existing international situation. Optimistic forecasts or "decisions" made now which greatly restrict the range of future options entail risks which must be very carefully assessed.
U.S. planning for non-strategic war aims at a high degree of readiness to fight three conflicts arising simultaneously. The three conflicts are a Vietnam-size contingency in Asia; a Dominican-Republic size intervention in this hemisphere; and a tactical nuclear land war in Western and Central Europe. The duration of the conflicts for which preparations are made is classified.	This is an overstatement of the planning factors which have been used in recent years to size general purpose forces. Were we to design these forces to win conflicts of the extent alleged, they would be of a size greater than attained with complete mobilization during World War II. Current planning instead attempts to provide forces in being minimally adequate for initial defense in one theater while engaging forces in another—or engaging in major conflict in one theater while fighting only a holding action in the other until Reserve forces can be mobilized. The capacity to meet a third concurrent contingency would be limited to situations where force commitments were of minor nature but where the timeliness of U.S. response might be crucial. Reference to a "tactical nuclear land war in Western and Central Europe" is similarly misleading and reveals a misconception of the basic premises of flexible response. Tactical nuclear warfare is at the highest end of the response scale as is strategic nuclear warfare and is precisely one of the options we hope to avoid having to exercise by maintaining a sufficiently credible conventional deterrent to—and the capacity to meet and contain—lesser levels of conflict.
Critics emphasize that such contingency planning must be rethought if policies are to be changed. They argue that the contingencies of a tactical nuclear war or a protracted war at sea are highly unlikely, and that the probability of both contests arising simultaneously is next to zero. They recommend confining those areas of the world in which our national security is truly engaged, and reassessing the ability of military force to accomplish ends judged vital to our national security.	It is not really "contingency planning" that must be rethought, but rather the overall role of the United States in the world of the 1970s. All too many defense critics display what can only be called inverse reasoning in this regard; their primary concern with the size of the defense budget leads them to start with dollars and walk backwards towards national interests and security. This is particularly true of those who take the "line item" approach to defense matters; if one listens to all of the arguments and then aggregates the separate concepts espoused, the result is not only strategic inconsistency but a degree of total risk-taking that even few of the critics would be willing to accept. As an example, some critics of naval carrier and amphibious forces assert the feasibility of flying tactical aircraft and troops into trouble spots as cheaper alternatives; in concurrent but obviously unrelated arguments, they also propose cutbacks in the procurement of long-legged tactical aircraft and strategic mobility forces which are required if these alternatives are to be even minimally viable; and withal, they also undoubtedly sponsor massive reductions in the U.S. overseas base system which further invalidate their alternatives. In sum then, they would wish to see the whole concept of a forward defensive strategy abandoned and the U.S. left without credible means of influencing evolving situations inimical to our national interests. The really tough intellectual exercise, and the one from which so many critics abstain, is to work the problem from its proper beginning: to assess and articulate U.S. national interests throughout the world, both regionally and worldwide; to come to some agreement on what the threats are or may be to those interests; to propound a level of risk to those interests that will be acceptable to the country at large; and to determine at what point and under what conditions we would resort to the use of military force to safeguard our interests. Having gone this far, and assuming a desire to effect some retrenchment, it would then be necessary to assess the worldwide impact of any significant and abrupt change in our overall military posture. Once this hard work is done—and it cannot be approached piecemeal—a coherent military strategy can be devised and thereafter it is a relatively straightforward matter to structure the forces we need and the budgets necessary to support them. No one denies that cost is an important factor in the overall equation, but cost must be measured in terms of overall national objectives, the threat and the risk the U.S. is willing to take in international relations.

S-3A (ANTI-SUBMARINE WARFARE AIRCRAFT)

Description

Comment	Reclama
1. The S-3A, formerly designated VSX, is a carrier-based aircraft to be used in the detection, surveillance and, in time of conflict, destruction of enemy submarines. It will replace the Grumman S-2 Tracker series, and will complement the land-based P-3C Orion anti-submarine aircraft. The S-3A will carry an integrated sensor system called VS/ANEW operated by a crew of four rather than ten needed on Orion. The primary sensor is the sonobuoy, dropped from the aircraft at cruising altitudes and laid in carefully	1. The S-3A, formerly designated VSX, is a carrier-based aircraft to be used in the detection, surveillance and, in time of conflict, destruction of enemy submarines. It will replace the Grumman S-2 Tracker series, and will complement the land-based P-3C Orion anti-submarine aircraft. The S-3A will carry an integrated sensor system which will be operated by a crew of four rather than ten needed on Orion. The primary sensor is the sonobuoy, dropped from the aircraft at cruising altitudes and laid in carefully se-

S-3A (ANTI-SUBMARINE WARFARE AIRCRAFT)—continued

Description—continued

Comment	Reclama
selected patterns for greatest coverage and data return. After detecting an enemy submarine, the S-3A is capable of dropping either depth charges or homing torpedoes.	lected patterns for greatest coverage and data return. After detecting an enemy submarine, the S-3A is capable of dropping depth charges and/or homing torpedoes.
2. The S-3A will be powered by two turbofan engines, giving it a speed over 450 miles per hour and a 2,000 mile range. It will have an all-weather capability and can carry rockets, missiles, and mines in addition to depth charges and homing torpedoes.	2. The S-3A will be powered by two turbofan engines, giving it a speed over 400 miles per hour and a 2,000 mile range. It will have an all-weather capability and can carry rockets, missiles, and mines in addition to depth charges and homing torpedoes.

Costs

Comment	Reclama
1. In early August the Navy awarded a $461 million contract to the Lockheed Aircraft Corporation for the production of six R&D models of the S-3A over the next three years. The Navy has option to buy 193 production models. The ceiling procurement and R&D cost of the ten-year program is projected at $3.2 billion or $16.2 million per aircraft. 50% of the cost of S-3A will be for avionics.	1. In early August the Navy awarded a $461 million contract to the Lockheed Aircraft Corporation for the production of six R&D models of the S-3A over the next three years. The Navy has option to buy 193 production models. The ceiling procurement and R&D cost of 199 aircraft for the ten-year program is projected at $3.2 billion or $16.2 million per aircraft. Approximately 50% of the flyaway cost of S-3A will be for avionics.
2. The VSX will be procured according to periodic production and performance achievements by Lockheed, rather than a total package contract such as that which contributed to sizeable over-run costs on the C-5A and to cancellation of the Cheyenne helicopter. Lockheed was the contractor in both instances.	2. The S-3A will be procured according to periodic production and performance achievements by Lockheed, rather than by a total package contract such as that which contributed to sizeable over-run costs on the C-5A and to cancellation of the Cheyenne helicopter. Lockheed was the contractor in both intsances.
3. Funding of the $120 million first year's installment on the airframe contract depends on Congressional approval of the $165 million requested for FY 1970 for S-3A R&D. The Senate Armed Services Committee has recommended that $25 million be cut from the request because the 4-month delay in finding a contractor means this much initial funding can be deferred. First flight is expected in 1972 with fleet introduction the following year.	3. Funding of the $120 million first year's installment on the airframe contract depends on Congressional approval of the $165 million requested for FY 1970 for S-3A R&D. The Senate Armed Services Committee has recommended that $25 million be cut from the request because of the delay in finding a contractor means this much initial funding can be deferred. First flight is expected in 1972 with fleet introduction the following year. (The delay referred to above amounted to one month.)

Rationale

Comment	Reclama
1. The Soviet Union has over 375 attack and ASW submarines, of which about 50 are nuclear-powered. This force can contest our control of the seas by presenting a 3-dimensional threat consisting of strategic ballistic missile attack, stand-off attack against our naval forces with cruise missiles, and attacks on allied lines of communication with torpedoes and mines.	1. The Soviet Union has over 375 attack and ASW submarines, of which about 65 are nuclear-powered. This force can contest our control of the seas by presenting a 3-dimensional threat consisting of strategic ballistic missile attack, stand-off attack against our naval forces with cruise missiles and attacks on allied lines of communication with torpedoes and mines.
2. Recent significant developments presage the emergence of an even greater Soviet naval strength and operating capability. In any event Soviet submarine construction will continue at its current rate of about 12 per year for the foreseeable future.	2. Recent significant developments presage the emergence of an even greater Soviet naval strength and operating capability. Soviet nuclear submarine construction capacity is estimated to be some 20 units per year, but a "Crash" program, with no constraints on manpower or materials, could produce a considerably higher number.

S-3A (ANTI-SUBMARINE WARFARE AIRCRAFT)—continued

Rationale—continued

Comment	Reclama
3. Countering this threat can best be performed by aircraft such as Orion and S-3A. Continuous surveillance of enemy submarines over thousands of square miles of ocean forces them into evasive tactics reducing their effective range and time-at-sea.	3. Countering this threat can best be performed by aircraft such as Orion and S-3A. Continuous surveillance of enemy submarines over thousands of square miles of ocean forces them into evasive tactics reducing their effective range and time at sea.

Critique

Comment	Reclama
1. The S-3A carries extremely complex computers and electronic equipment.	1. The S-3A carries a sophisticated ASW system oriented around a general purpose digital computer which constitutes a logical next step forward from the system presently employed in the P-3C land based aircraft.
2. Since each individual sensor system has severe limitations, the integrated system is unreliable.	2. Nine years of technological development and optimization of the man, machine relationship in ASW aircraft weapon systems has provided an unusually firm base for the S-3A weapon system design. The multiple sensors included in the S-3A are selected and integrated so as to complement, and mutually support each other. Thus the total system remains effective and reliable over a wide range of target capabilities and environmental conditions.
3. The responsibilities of the crew for computing and interpreting data, performing navigation and communications chores, and managing sonobuoys and ASW weapons, will make their mission almost impossible.	3. A major contribution to the increased effectiveness of the S-3A is the automation of the routine computation, navigation, communications chores, sonobuoy and ASW weapons management. The automation of these and other appropriate functions free the crew to devote their efforts almost exclusively to the evaluation of sensor and tactical information and to decision making.
4. In order for the sensor system to be effective, the aircraft's ability to navigate with respect to the sonobuoy must be improved. The most difficult part of the ASW mission is fixing the aircraft's position relative to the sonobuoys, which drift with the surface winds. Without this capability, the range and direction data between the submarine and the sonobuoys is useless.	4. The navigational requirements for the S-3A have been resolved in systems now continuously employed in P-3 and S-2 aircraft when utilizing sonobuoys. Accurate geographic position fixing is currently possible from systems such as LORAN C/D and OMEGA and are used in conjunction with aircraft inertial navigation systems which are up-dated continuously by doppler radar. The computer capacity and the degree of system integration in the S-3A will significantly refine the correlation of the sonobuoys position relative to the aircraft with a constant update of wind drift and heterogeneous ocean currents, thereby providing accurate fixes on the submarine's location.
5. The degree of accuracy required is far greater than for normal navigation, due to the limited kill radii of ASW weapons.	5. Weapon release is generally predicated on a positive "on top" sensor indication such as MAD (Magnetic Anomaly Detection). However, the S-3A will have the capability of computing the drop point without positive indication and enjoy a high degree of accuracy.
6. The S-3A can also be countered at little cost with electronic countermeasures.	6. Electronic countermeasures immediately indicate the presence of the emitter and would thereby reveal the submarine position, greatly simplifying the problem for the ASW aircraft.

S–3A (ANTI-SUBMARINE WARFARE AIRCRAFT)—continued

Critique—continued

Comment	Reclama
7. The S–3A will have difficulty operating at night or during foul weather.	7. The S–3A has an all weather capability as have all ASW aircraft during the past two decades. There will be no difficulties operating this aircraft at night or during any but the most extreme of weather conditions.
8. At night a searchlight, or low-light-level viewing system is required. The wing-mounted searchlight pod on the S–3A is limited by a low duty cycle, high glare which interferes with the crew's dark-adaptation, and the ability of the quarry to detect the light.	8. The S–3A has no searchlight, but will have a Forward Looking Infra-Red (FLIR) system.
9. Aside from the technical difficulties of the S–3A, the assumption that we need to deploy carrier-based ASW aircraft at all must be challenged. Land-based ASW aircraft currently cover 80% of the ocean surface. We do not need to police areas such as the Indian Ocean where land-based ASW aircraft cannot be deployed. Strategic missiles launched from the Indian Ocean could not reach the U.S. All shipping channels used by our surface and merchant fleets can be protected by land-based ASW aircraft in time of hostilities. Secretaries McNamara and Clifford maintained carrier-based ASW to be cost-ineffective; the major Pentagon document on ASW recommended S–3A not be bought. It is a marginal system for a low probability contingency and does not justify an expenditure of over $3.2 billion.	9. ASW is a big and complex subject, involving sophisticated technology which is changing rapidly. There is a requirement for airborne and seaborne ASW systems to enable our naval forces and merchant shipping to proceed anywhere at anytime that our National interests may require them to do so. Land-based and sea-based air ASW systems with submarines and destroyers have been welded together into an integrated whole which is effective beyond the capability of any single platform, however multiplied, and indeed beyond the sum total of all. Land-based air, used for ASW and ocean surveillance of large areas, have been shown to be cost-effective out to ranges of 800 miles from available bases. It is appropriate to note that approximately 50% of the ocean areas of ASW interest are located beyond 800 nautical miles from current VP bases. It is also true that the number of aircraft bases available to the U.S. has been rapidly and continuously declining. ASW carrier-groups, on the other hand, with embarked S–3A aircraft provides a coordinated, concentrated ASW force in areas beyond the range of the land-based ASW aircraft, or where bases are not available. In addition, the ASW carrier group can be concentrated in areas of high submarine density, or where oceanographic conditions or countermeasures render one sensor system ineffective. The S–3A is a valuable, vital part of this ASW force. The major Pentagon document on ASW was signed in Nov. 67 by Secretary of Defense McNamara authorizing the Navy to go into contract definition on the S–3A aircraft, and on 1 Aug. 69, SECDEF authorized the Navy to proceed with engineering development of the S–3A wherein a contract was let.

MEEDS BILL EYES MICRONESIA HOME RULE

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MEEDS. Mr. Speaker, I am today introducing legislation that can brighten the hopes of the Micronesian people for self-government.

The word "Micronesia" has been heard altogether too infrequently in this Chamber. Regardless of political party, Members of Congress, the President, and the administration have consistently made the Micronesians the true "forgotten people."

Memories and history books record the Micronesian names: Peleliu, Tinian, Saipan—World War II embattled islands. These are only three of the more than 2,100 tiny islands of the Marshalls, Carolines, and Marianas scattered across 3,000 miles of ocean.

Most Americans mistakenly think of the Micronesian islands as an idyllic paradise. But disease and poverty are present. Poor living conditions seen alongside the fine housing of the American administrators is a source of frustration and resentment. Expectations are rising without ways to fulfill them.

Two years ago the Congress of Micronesia created the Future Political Status Commission. The commission's report was submitted to the Congress this past summer. While the commission recommended free association with the United States, the present Congress of Micronesia voted to raise the alternative of total independence to equal status with that of free association. Time is running out for the United States.

Presently, the Micronesians are ruled by the United States through a pact with the United Nations. Under the 1947 Trusteeship Agreement the United States is committed to preparing the Micronesians for self-government.

America has experienced accomplishment and failure in Micronesia. One of the accomplishments is the phenomenal political growth of the last 5 years.

Under my plan, the United States would be putting action behind its talk of self-determination for peoples around the world.

There are two parts to my bill. The first part allows the calling of a Micronesian constitutional convention to draft a constitution. The second part is an interim organic act, which would make Micronesia a territory of the United States, and make Micronesians citizens of the United States, as on the island of Guam.

An organic act is like a constitution, except that it is given by the U.S. Congress, instead of coming from the people of Micronesia. Most of the organic act will become null and void when the Micronesians' constitution takes effect.

If my proposal becomes law, the Micronesians will immediately vote "yes" or "no" on the idea of the constitutional convention and organic act. And, assuming a "yes" vote, the people will vote a year or two later on whether to accept or reject the constitution as drawn by their elected leaders.

As a member of the House Subcommittee on Territories and Insular Affairs, I have a keen interest in Micronesia. This bill represents a culmination of months of searching for solutions to the political, social, and economic problems of the area.

I commended Secretary of the Interior Hickel for his trip to Micronesia earlier this year, but must stress that the Micronesians do not want to be studied for another 25 years. They want and need action now.

While the fostering of political responsibility by the United States is a far cry from the Belgians' dumping of the Congolese into instant independence, this Congress dealing with the political status of Micronesia is the next and crucial step in Micronesian development.

ELECTORAL COLLEGE REFORM

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SANDMAN. Mr. Speaker, on September 18, 1969, the House voted 339 to 70 to adopt House Joint Resolution 681. That resolution proposed a constitutional amendment to abolish the electoral college and to allow the people of this Nation to elect their President and Vice President directly.

This morning, President Nixon endorsed our action and called upon the other body to follow our lead. I agree with the President that today's choice is direct election or nothing. I agree that for those who want reform, "contrary views are a luxury."

I am pleased with and grateful for the President's support and look forward to his continuing aid, which he indicated earlier this year, in securing the ratification of the 26th amendment to our Constitution.

THE GREATNESS OF HARRY TRUMAN

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RANDALL. Mr. Speaker, when my fellow townsman, Harry Truman completed his term as President of the United States to return to private life, there were many who predicted that the passage of time would prove him to be among the greatest of our Presidents.

One of Mr. Truman's Secretaries of State, Dean Acheson, has written a fascinating article for the September 1969, issue of Esquire magazine entitled "The Greatness of Harry Truman," in which he gives new and vivid insight into the kind of man President Truman was; how he arrived at decisions and how he put his decisions to work.

As a subheading for the article and preceding the byline by Mr. Acheson, the author made the observation in reference to Mr. Truman, "At night, knowing he was in the White House, even he slept better." The former Secretary of State in his article presents many interesting facets of Mr. Truman's life in the White House. He points out that Mr. Truman brought unusual qualities to the presidency, including his priceless gift of vitality and his inexhaustable supply of good disposition. He believed in the motto framed on his desk, "The Buck Stops Here."

Dean Acheson, in his article develops the procedures Mr. Truman followed as President, how he was possessed of the rarest gift, to take the time that was available to study the problem and then decide without second thoughts, self-doubts, and the enfeebling emotion of regret. He did not yield to the temptation to take over and run all operations. He maintained the broad direction of national affairs without trying to administer particular parts of the whole.

Although never a practicing lawyer, Mr. Truman utilized in his administration the law's most fundamental procedure, which is that all parties in interest should be present before the court with the right to be heard and to hear one another. To this he added another provision of law, that the decision be immediately reduced to writing.

The article by former Secretary of State Dean Acheson, as it appears in the September 1969 issue of Esquire magazine is, I repeat, a fascinating article. It is for this reason that I have asked unanimous consent that the entire content of this article should be preserved in the CONGRESSIONAL RECORD:

THE GREATNESS OF HARRY TRUMAN

(By Dean Acheson)

On Tuesday, January 20, 1953, we members of the President's Cabinet made our way to the Capitol, meeting him in the rotunda and following him down a ramp to a platform on the East Front while the Marine Corps band greeted him for the last time with Hail to the Chief. Chief Justice Vinson administered the oath of office to General Eisenhower and we were all private citizens once more.

My colleagues had asked my wife, Alice, and me to arrange on their behalf at our house a final luncheon for the President and Mrs. Truman and Margaret and the members of the President's staff and Cabinet with their ladies. We were delighted to do so. The group came to thirty-eight persons. On finally getting through the inauguration crowd and back to our house, I was amazed to see "P" Street for the length of our block jammed with friends while the police diverted traffic and had a time getting guests to our door. Each arrival was familiarly hailed and vociferously cheered. Even after we were all present and accounted for, the cheering and chants of "We want Harry!" continued until I produced Mr. Truman on the little terrace in front of the house to thank them. Georgetown had had its own farewell party for a special favorite.

While we were having cocktails, Alice presented to Mrs. Truman from the Cabinet ladies a fine Lowestoft platter that she had selected. After an informal and most pleasant buffet luncheon, which overflowed most of the first floor of our house, the Truman family went off incognito to an aide's house for a rest before their late afternoon train to Kansas City.

At dusk the Union Station was packed with a vast crowd. The seemingly impossible task of getting through it to the Presidential car at the end of the train was aided by friendly and good-natured folk, who recognized Alice and me and our need for a last greeting. At length we were admitted to the line passing through the car. Admonitory toots from the engine hastened departing guests as doors and gates were shut and red lanterns swung. The car moved away, three figures waving from the rear platform as the crowd roared its farewell. Soon it passed beyond the lighted platform and disappeared into the darkness of the winter night.

THE PRESIDENT'S CONTRIBUTION

It is usually a waste of time to discuss whether any of our contemporaries should be called great. The word means too many different things to different people. To some it carries implications of immense impact upon one's times or future development, as in the case of Alexander, Augustus, Charlemagne, Galileo, or Einstein; to others, a moral or spiritual leader, as was Confucius, Buddha, or Jesus; to some, a political leader with spiritual overtones like Lincoln; or an artistic genius like Raphael, Leonardo da Vinci, or Beethoven. Always the term involves some larger dimension than is possessed by even outstanding mortals. For my purposes it is enough to say of Mr. Truman, as was remarked at the beginning of the startled reappraisal of him that came soon after the political hubbub he loved to create had quieted down, that, if he was not a great man, he was the greatest little man the author of the statement knew anything about.

Among the thirty-five men who have held the Presidential office, Mr. Truman will stand with the few who in the midst of great difficulties managed their offices with eminent benefit to the public interest. On assuming responsibility in 1945, he followed the second most controversial President in a century, who was, when living, perhaps also the most popular in our history. The world outside of the United States had just gone through greater disruptive change than at any time during the life of our nation. The President's task was reminiscent of that in the first chapter of Genesis—to help the free world emerge from chaos, without blowing the whole world apart in the process. To this task, Mr. Truman brought unusual qualities.

The first of these was one for which he can claim no credit. Some remote ancestor, like the undistinguished squire-ancestor of the Villiers family in England, bequeathed him the priceless gift of vitality, the life-force itself that within certain strains bubbles up through the generations, endowing selected persons with tireless energy. Mr. Truman could work, reading and absorbing endless papers, and at times play, until well past midnight and be up at six o'clock walking deserted streets with hardy Secret Service men and reporters. He slept, so he told us, as soon as his head touched the pillow, never worrying, because he could not stay awake long enough to do so.

Energy brought bounce and cheerfulness. Not long after we left office, one of our colleagues revisited the White House offices. Seeing a well-known and more genial than informed character heading for the President's office, he cocked an enquiring eyebrow. "Oh," he was told, "he's going in to cheer up the President."

"That's funny," said my friend, "in our day the President used to cheer us up." A namesake gave the same cheer the night before Agincourt.

". . . every wretch, pining and pale before,
Beholding him, plucks comfort from his looks . . .
His liberal eye doth give to everyone, . . .
A little touch of Harry in the night."

The "little touch of Harry," which kept all of us going, came from an inexhaustible supply of vitality and good spirits. He could, and did, outwork us all, with no need for papers predigested into one-page pellets of pablum. When things went wrong, he took the blame. One "little touch of Harry" appeared in a motto framed on his desk: "The buck stops here." When things went wrong, he took the blame; when things went right, he followed his hero, "Marse Robert" General Robert E. Lee, by giving one of his lieutenants the credit. None of his aides had a trouble in his public or private life that the President was not quick to know and quick to ease.

These are qualities of a leader who builds esprit de corps. He expected, and received, the loyalty he gave. As only those close to him knew, Harry S. Truman was two men. One was the public figure—peppery, sometimes belligerent, often didactic, the "give-'em-hell" Harry. The other was the patient, modest, considerate, and appreciative boss, helpful and understanding in all official matters, affectionate and sympathetic in any private worry or sorrow. This was the "Mr. President" we knew and loved.

Today no one can come to the Presidency of the United States really qualified for it. But he can do his best to become so. Mr. Truman was always doing his level best. He aspired to the epitaph reputed to be on an Arizona tombstone: "Here lies Bill Jones. He done his damnedest." His judgment developed with the exercise of it. At first it was inclined to be hasty as though pushed out by the pressure of responsibility, and—perhaps also—by concern that deliberateness might seem indecisiveness. But he learned fast and soon would ask, "How long have we got to work this out?" He would take what time was available for study and then decide. General Marshall called this capacity the rarest gift given to man and often said that President Truman had it to a high degree.

No one can decide and act who is beset by second thoughts, self-doubt, and that most enfeebling of emotions, regret. With the President a decision made was done with and he went on to another. He learned from mistakes (though he seldom admitted them), and did not waste time bemoaning them. That is, he learned from all mistakes but one—the fast answer in that nightmare of Presidents, the press conference. We kept on hand, as a sort of first-aid kit, a boxful of "clarifications" for these events.

The capacity for decision, however, does not produce, of itself, wise decisions. For that a President needs a better eye and more intuition and coordination than the best batters in the major leagues. If his score is not far better than theirs, he will be rated a failure. But the metaphor is inadequate; it leaves out the necessary creativity. A President is not merely coping with the deliveries of others. He is called upon to influence and move to some degree his own country and the world around it to a purpose that he envisions. The metaphor I have often used and find most enlightening is that of the gardener who must use the forces of life, growth and nature, to his purpose; suppressing some, selecting, encouraging, developing others. The central role of directing so great an effort of imagination, planning, and action cannot come, as some seem to imagine, from such spontaneous intuition among the hired

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hands as guides a flock of shorebirds in flight. It must come from the head gardener. If he tries to do it all himself—to "be his own Secretary of State" or Defense, as the phrase goes—he will soon become too exhausted and immersed in manure and weed killer to direct anything wisely.

When the Truman government found its footing in foreign affairs, its policies showed a sweep, a breadth of conception and boldness of action both new in this country's history and obviously centrally planned and directed. We had seen it in the early domestic policies of the New Deal and in our vast military effort in the 1941–45 war, but not before in foreign policy The 1947 assumption of responsibility in the Eastern Mediterranean, the 1948 grandeur of the Marshall Plan, the response to the blockade of Berlin, and the N.A.T.O. defense of Europe in 1949, and the intervention in Korea in 1950—all those constituted expanding action in truly heroic mold. All of them were dangerous. All of them required rare capacity to decide and act. All of them were decided rightly, and vigorously followed through.

Furthermore, to have restored the health and strength of our allies and sought their help in this effort would have been novel enough in American history, if one remembers the aftermath of the First World War. But the new conception went beyond that, persevering, over considerable opposition from our allies, in restoring and enlisting the help of our former enemies as well. Earlier enticing mistakes were put aside in favor of a peace of reconciliation and a policy of transforming liabilities into assets, enemies into allies. As in the case of Castlereagh and Metternich, a distinction was made between a nation and its leaders. As France was restored to an honored and responsible place in the earlier period, the same was done with Germany and Japan in the later one.

What sort of mind and methods had the man who directed American leadership in this constructive period? To answer this question, we must go beyond the nature of the individual and of his relations with fellow workers to some idea of his postulates and his habits in decision and action. These are easier to describe than to explain. No one was more attached to the democratic bases of American life and institutions than Mr. Truman and no one was less bemused by the prophets of the Enlightenment about how these came about and what moved peoples. He did not overestimate, as they did, the influence of wisdom, virtue, and understanding of experience and even "enlightened self-interest." Deeply trained in the moral values of Graeco-Judaic-English thought, he was also aware of the power of suspicion and fear when aroused against domestic opponents or against foreigners by a Hitler, a Peron, a Sukarno, or a McCarthy.

Similarly, he did not share the indiscriminate condemnation of power in politics, domestic or foreign, that American liberals had learned from Lord Acton. Military power he had experienced in use. He knew its nature, its importance, and its limitations. He knew that its primary effectiveness was in overcoming opposing military power or deterring another's use of it, or in overawing an opponent and gaining acceptance of one's own will. Its limitations, he knew, in administering subject or conquered peoples, sprang from the cultures of both its potential users and victims. Only utterly ruthless possessors of power could use it to crush resistance in those not wholly under the restraint of caution or fear of physical suffering. The less ruthless were soon reduced to the process of persuasion in gaining consent, even to the extent of giving up dominion, whether in Ireland, India, North Africa, or occupied Germany and Japan.

He learned also, and learned quickly, the limits of international organization and agreement as a means of decision and security in a deeply divided world. Released from acceptance of a dogma that builders and wreckers of a new world order could and should work happily and successfully together, he was free to combine our power and coordinate our action with those who did have a common purpose.

These postulates were held by a truly hospitable and generous mind, that is, a mind warm and welcoming in its reception of other peoples' ideas. Not in any sense self-deprecating, his approach was sturdy and confident, but without any trace of pretentiousness. He held his own ideas in abeyance until he had heard and weighed the ideas of others, alert and eager to gain additional knowledge and new insights. He was not afraid of the competition of others' ideas; he welcomed it. Free of the greatest vice in a leader, his ego never came between him and his job. He saw his job and its needs without distortion from that astigmatism.

Mr. Truman brought another major asset to decision. He had a passion for orderly procedure and a deep, if simple, idea of how to attain it. Although many Presidents had been lawyers, none of them—notably his immediate predecessor—utilized in administration the law's most fundamental procedure. For centuries courts have required all parties in interest to be present before the court at the same time with the right to be heard and to hear one another. President Truman introduced this procedure into executive administration. To it he added an equally ancient and, in administration, equally novel practice of law: The decision was immediately reduced to writing.

The vehicle of these innovations was the National Security Council. This was created in the Truman years and reached its highest usefulness during them. It was kept small; aides and brief-carriers were excluded, a practice—unfortunately not continued—that made free and frank debate possible. Those present came prepared to present their views themselves, and had previously filed memoranda. Matters brought before the Council were of importance worthy of the personal attention of the highest officers and decision by the President. In succeeding administrations the practice deteriorated in two ways. The first was toward a desire by the President for "agreed recommendations." This was a deathblow. Agreement can always be reached by increasing the generality of the conclusion. When this is done, the form is preserved but only the illusion of policy is created. The President gives his hierarchical blessing to platitudes. To perform his real duty must involve the anguish of decision, and to decide one must know the real issues. These have to be found and flushed like birds from a field. The adversary process is the best bird dog.

Another way in which a President's role can become diluted and weakened is through yielding to the temptation to take over and run all operations. This not only wastes a vast amount of time and effort by a committee system for executing every important task and making all minor decisions, but limits, by narrowing, the President's attention to a few subjects that he allows to absorb him. The administrative tasks of the great departments of government are beyond the capacity of even the President's large personal staff to assume. To attempt to do so impairs both the broad direction of national affairs and the specific administration of particular parts of the whole. President Truman's strength lay not only in knowing that he was the President and that the buck stopped with him, but that neither he nor the White House staff was the Secretary of State, or Defense, or Treasury, or any other. To him the heads of departments were secretaries of state and members of his staff, as Lord Burghley was to the first Elizabeth. He made the ultimate decisions upon full and detailed knowledge, leaving to lieutenants the execution. This conception of the supreme role runs the risk that a lieutenant may fail as Longstreet did at Gettysburg or MacArthur in North Korea. The other conception runs the greater and more hazardous risk that the Chief will fail in his infinitely more important role. It was such a failure, I fear, that blighted the high promise of President Johnson's administration.

The decision made in writing was also an innovation of the Truman Administration in this country, though Mr. Truman was not the first head of government to employ it. On July 19, 1940, Prime Minister Churchill sent a note to the Secretary of the War Cabinet:

"Let it be very clearly understood that all directions emanating from me are made in writing, or should be immediately afterwards confirmed in writing, and that I do not accept any responsibility for matters relating to national defense on which I am alleged to have given decision, unless they are recorded in writing."

His Military Assistant Secretary, Sir Ian Jacob, adds his comment:

"Much of the conduct of the war was determined by the personal habits of the Prime Minister. Everything had to be done in writing, and he made it clear at the outset that nobody who said that the Prime Minister had ordered this or that was to be heeded unless the Prime Minister had written so in black and white."

In Washington, the Secretary of the National Security Council, first Admiral Souers and later James S. Lay, Jr. issued the President's orders to all members.

Justice Holmes has said that "legal progress is often secreted in the interstices of legal procedure." No small part of Mr. Truman's distinction in the Presidential role derives from the fact that the instituted procedures that contributed to the statesmanship of his decisions and the quality of their execution. They insured that a flow of ideas would be encouraged, that his colleagues in the Administration would be welded together in loyalty to one another and to him by considerate, fair, and orderly consultation, and that decisions should be precise and known to all on equal terms. President Roosevelt has been praised for a supposedly deliberate secrecy in consultation and vagueness in decision that left policy fluid, relationships uncertain, and great freedom of maneuver for the President. In the currently fashionable phrase, his constant purpose was "to keep his options open." Flexibility in maneuver may be highly desirable in certain circumstances; but when it leaves one's own and friendly forces and commanders uncertain of the nature and purpose of the operation or of who has responsibility for what, it can be a handicap. Machiavelli was writing advice for weak princes.

In the last analysis Mr. Truman's methods reflected the basic integrity of his own character. He could have said of them what Mr. Lincoln said of his:

"I desire to so conduct the affairs of this Administration that if, at the end. . . . I have lost every other friend on earth, I shall have at least one friend left, and that friend shall be down inside of me."

THE DEPARTMENT'S CONTRIBUTION

President Truman looked principally to the Department of State in determining foreign policy and—except where force was necessary—exclusively in executing it; he communicated with the Department and with the foreign nations through the Secretary. After one experience, when Chief Justice Vinson was almost dispatched on a diplomatic mission, experimentation with amateur virtuosity ceased. The Secretary saw his own role as Chief of Staff to the President in foreign affairs, directing and controlling the Department, keeping the

President abreast of incipient situations that might call for decisions or action, acting as principal assistant in making the decisions and assuming action upon them. To do so meant avoiding too intimate involvement either in the work of the White House, tempting and flattering as that might be, or in the work of the Department.

General Marshall was an ideal instructor on the line that should be drawn between directing lieutenants and interfering with them. He bequeathed to his successor the invaluable legacy of respect from above for jurisdictional privacy. An anecdote of his gave courage in a not dissimilar situation. During the war, when a news magazine of national circulation had made a bitter attack on President Roosevelt, a White House aide came to the Chief of Staff of the Army reporting a Presidential wish that the pocket edition of this issue printed for distribution to the troops be withheld. General Marshall replied that, immediately upon his receipt of such an order in writing, it would be obeyed and his own resignation as Chief of Staff would go to the White House. The matter was never mentioned again.

Like General Marshall, his successor never forgot who was President, and the President most punctiliously remembered who was Secretary of State. This mutual restraint is basis to a sound working relation between the two.

What has just been written raises risks of oversimplification. Foreign policy cannot be so neatly isolated and pigeonholed. For instance, one often reads that President Eisenhower left foreign affairs entirely to Secretary John Foster Dulles. However, at the beginning of his Administration, at least, it might have been more accurate to conclude that President Eisenhower left foreign affairs to the decisions of Secretary of the Treasury George Humphrey. It was the Humphrey policy of retrenchment for fiscal and economic reasons that led to drastic cuts in Army and Navy expenditures in the early Eisenhower years. These, in turn, rather than considerations of foreign policy or military strategy, led to the Dulles rationalization of necessity—the policy of massive nuclear retaliation to acts of Soviet aggression. As a policy it was unworkable, outmoded when uttered, and profoundly disturbing to our allies and to our relations with them.

Similarly Mr. Truman's period of retrenchment, in 1948 and 1949, so vigorously applied to the Army and Navy by Secretary of Defense Louis Johnson, put means out of relation with ends. However, the recrudescence of Soviet aggressive actions, our own major armament decisions of 1950, and the supercession of Secretary Johnson by General Marshall made harmonious policy possible. With ends and means in reasonable adjustment, the further requirements of an active and capable department were that lines of command should be kept clear, that lieutenants be given freedom and prestige commensurate with their responsibilities, that avenues be held open for the occasional brilliant suggestion caught in the bureaucracy to circumvent it and reach the top. The Secretary was aware that final decisions must be held open for the President.

With the President he met alone three times a week, and on two other occasions, once with the National Security Council, and once with the Cabinet. In critical times other meetings would be added. Memoranda were prepared in advance of private meetings on matters to be discussed and the President's wishes or instructions passed back to action officers in the department. The meetings of the National Security Council have already been described.

Each President conducts Cabinet meetings in his own way. They have come a long way from their function in the early days of the Republic as a closely knit consultative body—as has the Privy Council in England. Observation under four Presidents justifies waste of time. President Truman soon organized his cabinet meetings into useful weekly instruction of its members on the outstanding issues of the week, about which most of them had been informed, on matters outside their departments, only by the press. The meetings became an important means of keeping the leaders of the executive branch a united and knowledgeable group. In such a meeting, for instance, I got my first knowledge of the "Brannan (Farm) Plan," for a time discussed by everyone and understood by few. Since during the Truman years foreign affairs were much to the fore and Cabinet officers sorely tempted to discuss the subject in public speeches or respond to questions involving it, the Secretary of State, at the President's invitation, opened the meeting with a review of the current situation and a recommendation of the public line to be taken. He rarely disclosed classified—that is, secret—information. A hearer cannot long remember what is secret and what is not.

Each member in order of seniority of his department would then inform his colleagues of what they should know of what his department was doing. No wise man ever asked the President's instruction during Cabinet; he would surely find a number of articulate and uninformed colleagues intervening with confused and confusing suggestions. The Cabinet, despite its glamour, is not a major instrument of government; the National Security Council, properly run, can and should be.

A hasty study of my engagement books warrants a guess that consultation with my constitutional superior, the President, and my constitutional critic, the Congress, occupied about a third of my working time. If one adds the time spent away from Washington on conferences and speeches, the three duties would consume half of the Secretary's time. Since the days were not long enough for all other demands, they had to be sternly, even harshly, organized and disciplined.

To do this required devolving responsibility for energizing and directing work upon the Assistant Secretaries and the equivalent; to make these lieutenants acceptable to foreign governments required making plain how great was their influence on decisions. One vast benefit of achieving this result—to the Secretary but not to his indispensable aides—was to make them sought-after substitutes for diplomatic dinners and national-day receptions. Participation in these General Marshall and I cut probably below the acceptable limits.

Two indispensable organizations were created for assigning tasks in the department and following them through to completion—one by General Marshall, the other by me. The first, the Central Secretariat, installed and operated by Colonel Carlisle Humelsine, taken over from the Army General Staff, welded the Secretary's and Under Secretary's offices into one and kept the unified office informed of all that was going on. The other, the "nine-thirty meeting" was held daily in my office for no more than half an hour and was attended by the chief operating officers. At it the Director of the Central Secretariat recommended the assignment of new matters, reported progress (or lack of it) on others, reassignment of responsibility if necessary, or additional help where needed. My orders were noted and sent out in writing. Discussion was not permitted at this meeting. During the last six years of the Truman Administration the Secretary usually stayed his hand until work upon any matter reached the point where guidance and decisions were necessary. General Marshall's military experience led him as a rule to put this point rather later than I did, and not to intervene until the Under Secretary asked him to do so. I, more aware of the real differences of view originating in a lieutenant's field of responsibility—say, Far Eastern affairs as against European, or American Republic affairs as against economic affairs would meet with the group as soon as an issue appeared, to hear and decide it. Furthermore, the group would more happily accept as final a decision from the top.

Since it was not possible, due to the great volume of the work, to have every division with any interest in a matter be involved in it, arbitrary inclusions and exclusions had to be made to get the work done. This sometimes left people complaining of decisions that did not reflect their often not fully informed views. This was undesirable, avoided as much as possible, but even so led to wounded feelings and sometimes to enduring criticism. We escaped, however, from what can be, and often has been, the alternative, endless discussion and inability to decide. General Marshall's often quoted ejaculation—"Don't fight the problem. Decide it!"—put an end to this tendency in his day.

In short, the State Department of the Truman period became an effective organization for the imaginative and original formulation and proposal of foreign policy. It was tough and energetic. It took a lot of punishment and got through a prodigious amount of work. It may not have "gotten along well" with Congress, but Congress respected and, for the most part, went along with the Department.

In 1914 Kaiser Wilhelm II referred to "Britain's contemptible little army." He lived to revise that opinion. Veterans of President Truman's State Department during the McCarthy period, like the survivors of that British Army, often referred to themselves as "the old contemptibles." As they look back upon their service under his leadership they may be pardoned for believing that they helped in puzzling and perilous times to set the main lines of American foreign policy for the next quarter century and to feel in their hearts that it was not ignobly done.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Addabbo, for 4 p.m. on September 30 to Thursday, October 2, 1969, on account of official business.

Mr. Farbstein, for Wednesday, October 1, 1969, on account of official business.

Mr. Aspinall, from end of business on Wednesday, October 1, 1969, until October 6, 1969, on account of official business.

Mr. Pelly (at the request of Mr. Gerald R. Ford), from October 2 through October 8, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Rooney of New York, for 30 minutes, today; to revise and extend his remarks and include extraneous material.

Mr. Lowenstein, for 10 minutes, today; to revise and extend his remarks and include extraneous material.

Mr. Michel, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 30 minutes, today.

Mr. Randall, for 10 minutes today.

(The following Members (at the request of Mr. Foreman), to revise and extend their remarks and to include extraneous matter:)

Mr. Halpern, for 10 minutes, today.
Mr. Saylor, for 20 minutes, today.
Mr. Conte, for 5 minutes, today.

Mr. Ashbrook (at the request of Mr. Foreman), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Pucinski); to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.
Mr. Rarick, for 15 minutes, today.
Mr. Reuss, for 10 minutes, today.
Mr. Lowenstein, for 60 minutes, on October 8.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hall and to include pertinent material.

Mr. Hosmer in two instances and to include extraneous matter.

Mr. Madden in two instances and to include extraneous material.

Mr. Gaydos and Mr. Fisher (at the request of Mr. Dent) to extend their remarks after the special order of Mr. Dent.

(The following Members (at the request of Mr. Foreman) and to include extraneous matter:)

Mr. Pelly.
Mr. Wyman in two instances
Mr. Roudebush.
Mr. Bray in two instances.
Mr. Schwengel.
Mr. Sebelius.
Mr. Hammerschmidt.
Mr. McClory.
Mr. Cramer.
Mr. Ashbrook.
Mr. Smith of New York.
Mr. Steiger of Wisconsin.
Mr. Brock in three instances.
Mr. Broyhill of Virginia.
Mr. Scott in two instances.
Mr. Chamberlain.
Mr. Snyder in six instances.
Mr. Schadeberg.
Mr. Frey.

(The following Members (at the request of Mr. Pucinski) and to include extraneous matter:)

Mr. McFall.
Mr. Long of Maryland in two instances.
Mr. William D. Ford in two instances.
Mr. Hays in two instances.
Mr. Powell in four instances.
Mr. Natcher in two instances.
Mr. Gonzalez in two instances.
Mr. Charles H. Wilson in two instances.
Mr. Evins of Tennessee in three instances.
Mr. Rarick in two instances.
Mr. Lowenstein in five instances.
Mr. Karth in two instances.
Mrs. Sullivan in two instances.
Mr. Hathaway in two instances.
Mr. Brown of California in three instances.
Mr. Montgomery.
Mr. Hanna.
Mr. Monagan in two instances.
Mr. Feighan in four instances.
Mr. Green of Pennsylvania.
Mr. Hungate in two instances.
Mr. Matsunaga.
Mr. Stuckey.
Mr. Tiernan.
Mr. Fraser.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1484. An act to abolish the commission authorized to consider a site and plans for building a national memorial stadium in the District of Columbia; to the Committee on District of Columbia.

S. 2701. An act to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

S.J. Res. 117. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes; to the Committee on Government Operations.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 1, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1198. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on Department of Defense use of foreign excess currencies for the period January 1–June 30, 1969, pursuant to the provisions of section 536 of the Department of Defense Appropriation Act, 1969, and section 109 of the Military Construction Appropriation Act, 1969; to the Committee on Appropriations.

1199. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the management of Government owned and leased real property overseas, Department of State; to the Committee on Government Operations.

1200. A letter from the Under Secretary of the Interior, transmitting the fourth annual report on the minerals exploration assistance program, pursuant to the provisions of section 2(5) of the act of November 8, 1965; to the Committee on Interior and Insular Affairs.

1201. A letter from the Secretary of the Treasury, transmitting a report of claims settled by the Department of the Treasury during fiscal year 1969, pursuant to the provisions of Public Law 88–558, as amended by Public Law 89–185; to the Committee on the Judiciary.

1202. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee, on Veterans' Affairs. H.R. 10106. A bill to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; without amendment (Rept. No. 91–535). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10912. A bill to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans; without amendment (Rept. No. 91–536). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 372. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; with amendments (Rept. No. 91–537). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 13576. A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans; with amendments (Rept. No. 91–538). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 13827. A bill to amend and extend laws relating to housing and urban development, and for other purposes; with amendments (Rept. No. 91–359). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 5968. A bill to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962; with an amendment (Rept. No. 91–540). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG: Committee on Rules. H. Res. 561. Resolution for consideration of H.R. 14000, a bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles. research. development. test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes (Rept. No. 91–541). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 14030. A bill to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments; without amendment (Rept. No. 91–542). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended; without amendment (Rept. No. 91–543), Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 9857. A bill to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; without amendment (Rept. No. 91–544). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H.R. 14076. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 14077. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 14078. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. DENT:

H.R. 14079. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 14080. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 14081. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 14082. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 14083. A bill to set forth a congressional statement on a national educational policy and to direct the Secretary of Health, Education, and Welfare to initiate a comprehensive study on the formulation of a plan to implement such policy; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 14084. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself and Mr. Charles H. Wilson):

H.R. 14085. A bill to provide mail recipients with the option not to receive through the mail unsolicited and potentially offensive sexual materials, and for others purposes; to the Committee on Post Office and Civil Service.

By Mr. ROGERS of Florida (for himself, Mr. Jarman, Mr. Nelsen, Mr. Satterfield, Mr. Carter, Mr. Kyros, Mr. Skubitz, Mr. Preyer of North Carolina, and Mr. Hastings):

H.R. 14086. A bill to amend the Community Mental Health Centers Act to extend the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 14087. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

By Mr. MICHEL (for himself, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Derwinski, Mr. Erlenborn, Mr. Findley, Mr. Gray, Mr. Kluczynski, Mr. McClory, Mr. Mikva, Mr. Price of Illinois, Mr. Railsback, Mrs. Reid of Illinois, Mr. Rostenkowski, and Mr. Springer):

H.R. 14088. A bill to amend the River and Harbor Act of 1958 to authorize the appropriation of $5,728,000 for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 14089. A bill to amend the Marine Resources and Engineering Development Act of 1966 to establish a comprehensive and long-range national program of research, development, technical services, exploration and utilization with respect to our marine and atmospheric environment; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Adams, Mr. Corman, Mr. Derwinski, Mr. Hastings, Mr. Helstoski, Mr. Mikva, Mr. O'Neill, of Massachusetts, Mr. Ottinger, and Mr. Wolff):

H.R. 14090. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York (for himself, Mr. Boland, Mr. Giaimo, Mr. Podell, Mr. Pollock, and Mr. Nix):

H.R. 14091. A bill to amend the Military Selective Service Act of 1967 to provide for more equitable deferment procedures, to provide for a random system for selecting individuals for induction into the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. OBEY (for himself, Mr. Kastenmeier, Mr. Thomson of Wisconsin, Mr. Zablocki, Mr. Reuss, Mr. Steiger of Wisconsin, Mr. Byrnes of Wisconsin, Mr. O'Konski, Mr. Zwach, Mr. Melcher, and Mr. Schadeberg):

H.R. 14092. A bill to amend Public Law 90–484 (82 Stat. 750); to the Committee on Agriculture.

By Mr. O'NEILL of Massachusetts:

H.R. 14093. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 14094. A bill to amend the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 14095. A bill to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 14096. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 14097. A bill to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GALIFIANAKIS:

H.R. 14098. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Marine Medicine and Pharmacology; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 14099. A bill to establish an Office of Consumer Affairs in order to provide with the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests, and for other purposes; to the Committee on Government Operations.

By Mr. WYLIE (for himself, Mr. Hunt, Mr. Devine, Mr. Bray, Mr. Buchanan, Mr. Dent, Mr. Dickinson, Mr. Dowdy, Mr. Edwards of Louisiana, Mr. Feighan, Mr. Galifianakis, Mr. Goodling, Mr. Griffin, Mr. Jones of North Carolina, Mr. King, Mr. Kyl, Mr. Lujan, Mr. Lukens, Mr. McClure, Mr. Martin, Mr. Miller of Ohio, Mr. Pucinski, Mr. Roudebush, Mr. Scherle, and Mr. Watkins):

H.R. 14100. A bill to prohibit the use of channels of interstate of foreign commerce, including the mails, for distribution of certain material which is harmful to minors; to the Committee on the Judiciary.

By Mr. ABERNETHY:

H.R. 14101. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. Cederberg, Mr. Harvey, Mr. King, Mr. Saylor, and Mr. Whalley):

H.R. 14102. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 14103. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. DWYER:

H.R. 14104. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 14105. A bill to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes; to the Committee on Banking and Currency.

H.R. 14106. A bill to assist in meeting the housing goals of the American people by creating the Home Owners Mortgage Loan Corporation; to the Committee on Banking and Currency.

H.R. 14107. A bill to extend for 1 year the authority to limit the rates of interest or dividends payable on certain deposits and accounts, and for other purposes; to the Committee on Banking and Currency.

H.R. 14108. A bill to provide additional mortgage credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 14109. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. MEEDS:

H.R. 14110. A bill to permit the people of the Trust Territory of the Pacific Islands to provide for their own governance through the adoption of a constitution, to provide for the government of the trust territory before the approval and implementation of such constitution, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TIERNAN:

H.R. 14111. A bill to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes; to the Committee on Banking and Currency.

By Mr. ANDREWS of Alabama (for himself and Mr. BEVILL):

H.J. Res. 916. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. HALEY:

H. Con. Res. 390. Concurrent resolution expressing the sense of Congress with respect to monetary, credit, and import policies which should be implemented to protect certain domestic industries; to the Committee on Ways and Means.

By Mr. HARSHA:

H. Con. Res. 391. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. UTT:

H. Con. Res. 392. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. BINGHAM:

H. Con. Res. 393. Concurrent resolution to establish a Joint Investigating Committee on Military Justice in Vietnam; to the Committee on Rules.

By Mr. GALLAGHER:

H. Res. 562. Resolution expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 14112. A bill for the relief of Maria Gomez; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 14113. A bill for the relief of Purita C. Banzali; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HEARINGS SCHEDULED ON SMALL BUSINESS NEED FOR ROBINSON-PATMAN ENFORCEMENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the House Small Business Committee has scheduled important hearings on antitrust laws, including the Robinson-Patman Act which prohibits unfair price discrimination.

In this connection and as chairman of the committee, I have been pleased to appoint the following as members of the Special Subcommittee on Small Business to conduct these important hearings:

Representative JOHN D. DINGELL, Democrat, of Michigan.

Representative NEAL SMITH, Democrat, of Iowa.

Representative JAMES C. CORMAN, Democrat, of California.

Representative SILVIO O. CONTE, Republican, of Massachusetts.

Representative FRANK HORTON, Republican, of New York.

Because of the interest of my colleagues and the American people in this most important area, I insert in the RECORD a copy of a news release concerning these hearings:

The release follows:

HEARINGS SCHEDULED ON SMALL BUSINESS NEED FOR ROBINSON-PATMAN ENFORCEMENT

Rep. John D. Dingell (D-Mich.), Chairman of the Special Subcommittee on Small Business and the Robinson-Patman Act, (recently created by Chairman Joe L. Evin of the House Small Business Committee), today announced that hearings by that subcommittee will open on October 7, at 10:00 a.m., in the Committee's Hearing Room, 2359 Rayburn House Office Building. Additional hearings will be held at the same hour on October 8 and 9.

Witnesses will include:

The Chairman of the White House Task Force which reported on antitrust policy to President Johnson, Dean Phil C. Neal of the University of Chicago Law School;

The Chairman of the White House Task Force which reported to President Nixon on productivity and competition, Professor George J. Stigler of the Department of Economics of the University of Chicago; and

The Chairman of the American Bar Association Commission to Study the Federal Trade Commission and Chairman of the Antitrust Section of the American Bar Association, Miles W. Kirkpatrick.

Other witnesses will include a number of individual small businessmen, trade association spokesmen, and economists. The dates for further hearings will be announced later.

Rep. Dingell said: "The Subcommittee, while focusing its attention on the Robinson-Patman Act, is also interested in other antitrust activities, including the enforcement of Section 5 of the FTC Act, the role of the Bureau of the Budget in fashioning FTC policy and the agency's need for additional powers, funds and personnel. This, of course, will necessarily entail some consideration of the question of priorities and the allocation of resources."

The Subcommittee is also greatly interested in the interplay between the Department of Justice and the FTC in the context of their concurrent jurisdiction over the Clayton Act.

"It is encouraging," Rep. Dingell observed, "to note that the ABA Commission, studying the FTC at the request of the White House, did not join those extremist critics who have recently called for either repeal of the Robinson-Patman Act or sharp curtailment of its enforcement."

Rep. Dingell continued, "I, of course, have been acutely aware of the glibly strident attacks upon the Robinson-Patman Act. Incredibly, they have included comments by some of those who have accepted the high responsibility of enforcing the Act. It is unfortunate that self-styled purveyors of 'excellence' deem it necessary to advocate the abandonment of one of the traditional American values—fair treatment for all. These critics stress the need for a re-evaluation or re-appraisal of the Robinson-Patman Act and question the necessity for its continued existence and enforcement.

"The Subcommittee hearings will provide a complete, objective and factual analysis of the Robinson-Patman Act and its rationale, as well as a study of the current structural and behavioral background against which such judgments should be made. This reevaluation will examine the full scope of possibilities concerning the Act, including a determination of the question of whether perhaps greater impetus should be supplied either legislatively or administratively, as well as the questions raised by the critics of the Act."

Rep. Dingell emphasized that the hearings will provide full opportunity to hear opponents and proponents of the Robinson-Patman Act, and will also explore certain other related antitrust problems of importance to small businessmen of the Nation.

Members of the Subcommittee are: Representatives John D. Dingell (D-Mich.), Chairman; Neal Smith (D-Iowa); James C. Corman (D-Calif.); Silvio O. Conte (R-Mass.), Ranking Minority Member; Frank Horton (R-N.Y.); Joe L. Evins (D-Tenn.), Ex Officio Member.

BOTSWANA: A LEADER AMONG EMERGING NATIONS

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. POWELL. Mr. Speaker, the Republic of Botswana, one of the three countries of Lesotho, Botswana, and

Swaziland to have recently gained independence from Great Britain, prides itself as a leading example of the peaceful mixing of races among the independent black African states. Botswana's plans for economic development and political maturity are ambitious. But the confidence with which the leaders of the Bechuanaland protectorate approached independence and their impressive actions since September 30, 1966, indicate that they will succeed in making Botswana a model republic.

Part of the praise for Botswana's achievements goes to President Seretse Khama, former Chief Khama of the Bomangwoto. Educated in Africa and England, Khama is a leader with modern ideas for his country. In 1948 he made world headlines and broke tribal traditions by bringing home a new bride, Ruth Williams, an attractive English girl from London. Because Khama had married a white girl without consent of the tribe, his father and the tribe rejected him. A year later, however, both Ruth and Seretse were accepted by a large majority. But they were soon banished from the land by the British. After he was allowed to return in 1956, Khama became Deputy Chairman of Bechuanaland, Secretary of the Ngwato Tribal Council, and a member of the African Advisory Council, whose objective was to include the populace in the political process. On the select commitee on racial discrimination, Khama became a spokesman for ending the color bar. In 1962 Khama formed the BPD, or Democratic Party, to "care for Bechuanaland's problems." The draft constitution of 1964 provided for internal self-government. The BPD under Khama emerged the strongest party in the election of March 1, 1965. Two days later Khama was appointed Prime Minister.

Now that self-rule has been won, the people of Botswana worked for independence. Khama led a delegation of members of the Bechuanaland Government to Marlborough House in London in February 1966. There, subject to annual election, it was decided to appoint Khama first President of Botswana, the new name chosen for Bechuanaland. Just before independence, Khama was knighted by the Queen's representative. He and Lady Khama took their places at the National Stadium in Gaberones just before midnight September 29, 1966. At 12 o'clock the Union Jack was lowered. People cheered to "Tatshe la Rona," the Botswana national anthem, as the white and blue national emblem of Botswana climbed the flagpole for the first time. Independence at last. Bonfires were lit throughout the land as the people rejoiced in their new freedom.

The Republic of Botswana has undertaken a national development plan for the period 1968–73. With a target of 6 percent annual growth, the objective is to make this country where per capita income is $55 into a viable state. The biggest project is the Shashi Complex, which includes the development of copper and diamond mines, salt and soda-ash deposits, and associated industrial complexes. By working within the wealth and means of the country, it is hoped that Botswana will avoid the pitfalls of "conspicuous industrialization," that is, roads that lead nowhere, impressive steel plants in a country without iron deposits, airlines that operate at a chronic deficit. With the intelligent leadership, racial equality, and political maturity already demonstrated, we are certain that Botswana will overcome the difficulties which beset all emerging nations.

SENATOR RANDOLPH DISCUSSES SAFETY SITUATION AT NATION'S AIRPORTS—ANALYZES KANAWHA AIRPORT IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 30, 1969

Mr. RANDOLPH. Mr. President, I have spoken on numerous occasions, in the Senate and elsewhere, about the critical conditions faced by the airport-airways system of the United States.

We have for too long given only minimal attention to this vital segment of our national transportation complex. The demand for more air service and the resultant increase in the number of planes attempting to meet it has outstripped the facilities to accommodate them. We have poured a disproportionate amount of money into airplanes while forcing the airports and airways to live on limited funds. Many of our airports and airways facilities are still geared to the DC-3 or little more.

Consequently, there are situations throughout the Nation that are far from ideal. In fact, there may be only one airport serving a major city in the United States that can be said to approach the ideal. I refer to Dulles International Airport near Washington, a facility developed with the long-range needs of a jet-oriented air system in mind and which is yet several years away from being utilized to its full potential.

On September 15, the National Observer, a respected weekly newspaper, published a lengthy article on airport safety, specifically discussing conditions at a number of major airports deemed by spokesmen for the Air Line Pilots Association to be unsafe.

One of these was Kanawha Airport at Charleston, W. Va., listed as an airport which "worries ALPA pilots."

Kanawha Airport was often cited as a unique facility when it was developed more than 20 years ago, and the community was commended for its imaginative approach to a difficult problem when it sheared off the tops of mountains and filled the space between them to create the airport. From the day it was opened, Kanawha Airport has been the principal air facility in West Virginia and serves more commercial airline passengers than all other airports in the State combined.

Unfortunately, Kanawha Airport in recent years has been subjected to much unjustified abuse on the basis of misinformation by those whose personal desires conflict with the facts. The public officials responsible for operating Kanawha Airport have recognized that improvements are necessary to make the airport able to accommodate the jets that are using it with greater efficiency and reliability.

The airport authority, therefore, has undertaken a $4 million improvement program to improve facilities at Kanawha Airport, including the lengthening and rebuilding of the main runway and the removing of an approach obstruction. That the Federal Government recognized the importance of Kanawha Airport and the validity of the improvement program is seen in its decision to provide grants of more than $1 million for the new construction.

Past controversy makes it imperative that the National Observer story be properly interpreted as it relates to Kanawha Airport and the improvement program now under way there. To this end I have discussed the situation in a letter to Henry B. Wehrle, Jr., president of the Central West Virginia Airport Authority.

Because the subject of aviation safety is of paramount importance to the Nation, I ask unanimous consent that my letter to Mr. Wehrle be printed in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 29, 1969.

Mr. HENRY B. WEHRLE, Jr.,
President, Central West Virginia Airport Authority, Charleston, W. Va.

DEAR HENRY: I have read with considerable concern the article on airport safety in the September 15 edition of The National Observer. I have also read stories, based on that article, in The Charleston Gazette and Huntington Herald-Dispatch.

There was little, if anything, in the material that was new to those familiar with the airport situation in the United States.

It is no secret that *every airport is potentially dangerous under varying circumstances*. There can be no assurance that every operation at the best airport in the world will be 100 per cent safe. Even if the physical facilities were to be ideal—and just what constitutes this ideal is subject to debate by the experts—there are too many variables such as weather, pilot problems or aircraft conditions to make this assurance feasible.

I discussed this subject on July 29, 1969, before the Senate Commerce Committee which was holding hearings on legislation affecting airports and airways. I said: "Under varying conditions growing worse day by day while the national airport-airways crisis becomes more acute, every airport is potentially dangerous, especially in mountainous areas and those with air traffic density."

The National Observer article reviewed the whole area of airport safety, discussing deficiencies that might contribute to undesirable operating conditions. It related these dangers at a number of airports, including some of the largest and busiest in the country, such as John F. Kennedy International in the New York City area and Miami International, and reported that in nearly every instance improvements are either under way or planned.

You and I, and citizens generally in West Virginia, are primarily concerned with the remarks about Kanawha Airport as were the State newspapers which singled out these particular opinions for their stories. Kanawha Airport in the past has been the victim of prejudiced opinions and erroneous information, and I believe we must be alert that this doesn't continue.

The main sources of information for the article were two officials of the Air Line Pilots Association (ALPA), and their comments about Kanawha Airport were not substantially different from those made last year.

Pilots, individually and through their association, have every right to be concerned about all facets of air safety. I hope, however, that their zeal will not lead some of them into the trap of alliance with short-sighted individuals who would use them to promote ill-conceived and impractical schemes. This could only undermine public confidence in their own profession and in the conscientious efforts being made to improve the airport-airways system of the United States.

This is not to say that conditions exist at some airports that shouldn't be corrected. I doubt if any airport official would dispute the desirability of continued efforts to improve airport conditions. Such an effort is precisely what the Central West Virginia Airport Authority is now making in its $4 million construction program at Kanawha Airport. You are concentrating your improvements on the landing field itself instead of the terminal, the opposite of what The National Observer said is the usual situation.

I was anything but discouraged when I compared the general complaints of the pilots association spokesmen with the facilities Kanawha Airport will provide when the improvement program is completed. They fall into several categories:

Runway length.—The 700-foot extension will lengthen the main runway to 6,300 feet, only 200 short of the ALPA's recommended length for the jets that use Kanawha Airport. (The Observer article incorrectly stated the present runway is 5,000 feet rather than the actual 5,600 feet.) And you will recall that the authority's original plan called for a 900-foot extension. The plan was modified on the basis of engineering recommendations which held that the extra 200 feet would not substantially improve operating conditions and would be a costly extension.

The extension and rebuilt "spine" of the present runway will be paved with heavy duty concrete to adequately support the weight of jets, another ALPA recommendation. The surface also will be grooved to reduce skidding or "hydroplaning" on a wet runway. Kanawha Airport, incidentally, was one of the first in the country to groove a runway, and I have been told that this has improved operations considerably under both wet and dry conditions and has the effect of a longer runway. I was gratified that in the September 23 issue of the Charleston Daily Mail, you correctly emphasized that the "Kanawha Airport is one of five in the nation that has grooved runways."

Fire and rescue equipment.—Kanawha Airport is in excellent condition with respect to the availability of fire and rescue facilities. The Air National Guard maintains a well-equipped, fully-manned fire and rescue station on airport property. The airport also owns two pieces of equipment operated by airline personnel who have been trained as a volunteer emergency force. There also are two Charleston fire stations with equipment and trained personnel within three miles of the airport.

Electronic navigation aids.—Kanawha Airport for years has had a full Instrument Landing System (ILS), including a sophisticated type of glide slope indicator especially designed to lead pilots to the runway over hilly terrain. The Federal Aviation Administration also operates a control tower to help direct and control aircraft operations in the vicinity. Certainly these installations should preclude any complaints by the pilots on this score.

Approach obstructions.—Kanawha Airport's mountain-top location, far from being a disadvantage, removes it from the potential hazards of structures near the runways. This, as the National Observer reported, is a serious problem at some airports, such as Miami and Kansas City, where there are tall buildings in the approach paths. The only possible approach obstruction affecting Kanawha was a knoll in Coonskin Park which was removed early in your improvement program.

Airport location.—This is the one category in which Kanawha, or any other existing or proposed airport in West Virginia and a good many elsewhere, can never hope to meet the wishes of the ALPA. The pilot association complains of airports located on plateaus and mountain tops or in valleys. It fails to concede, though, that it is possible to build perfectly good airports on these sites. I wonder if the pilots would deny air service to communities which didn't have the foresight to locate themselves on broad, flat plains with no trees and plenty of room for endless runways?

I agree that an airport in irregular terrain might cause optical illusions to pilots unfamiliar with it and could be a psychological factor affecting attitudes toward the airport. This, however, should not be an insurmountable obstacle if other conditions are good.

I strongly suspect that a substantial part of whatever criticism Kanawha Airport has as unsafe, can be attributed to passengers who like to hint at their bravery in flying into an airport on top of a mountain. An objective appraisal should reveal that Kanawha is no more dangerous than many other airports even though the site may suggest a certain amount of peril to the uninformed.

Runway conditions.—Rebuilding and extending the main runway with concrete will take care of any complaints about a rough, potholed surface. Poor surface conditions at Kanawha were created by the use of heavy jets on a 20-year-old runway that was never designed to support them, but these will be eliminated.

On the basis of the criteria attributed to the ALPA, therefore, Kanawha Airport should provide little cause for criticism when the improvement program is completed. The airport's useffui life will be extended considerably so it can continue to accommodate more than half of West Virginia's commercial airline service with ease and safety.

There are those who will use these opinions by some members of the Air Line Pilots Association as an indictment of Kanawha Airport. They will attempt to undermine the work of the airport authority and destroy public confidence in a facility that actually has a very good safety record. This, in fact, has already started in an attempt to condemn the judgment of the people of Kanawha and promote personal interests on the basis of what some persons espouse.

I refer specifically to the Herald-Dispatch story of Sept. 16 and an editorial in The Huntington Advertiser of Sept. 18. In both publications two unrelated excerpts from The National Observer story were placed together, making it appear that there have been 138 airline accidents involving Kanawha Airport in the past 10 years. At the very least this is irresponsible or inaccurate reporting; at the worst, a deliberate manipulation to mislead the public and use the statements to support a preconceived contention.

You can be sure that if 138 airline accidents occurred at any airport, I would be leading the justified public outcry for corrective action.

There are, however, other opinions held by other pilots, and there are those who have no qualms about using Kanawha Airport. I have known many pilots, and I know that they are just as anxious to complete every flight safely as their passengers, perhaps even more so since they must fly almost daily. Consequently, pilots are safety conscious, and few will take risks under conditions they feel are dangerous. Every airline pilot is in total control of his airplane, and the decisions on whether or not to land at any airport are his—and his alone.

The decision of the airlines to operate jets at Kanawha Airport and the continued confidence of the pilots in its facilities, strongly attest to the competence and good judgment of the airport authority and management.

Truly,

JENNINGS RANDOLPH.

SST DECISION RELATED TO U.S. DESIRE TO STAY NO. 1

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. PELLY. Mr. Speaker, President Nixon's decision to proceed with America's supersonic transport program was indeed a wise one, and although it has been received with mixed emotions throughout the country, it must be realized that an American SST is vital to our economy by providing many thousands of jobs throughout the land in the 1970's.

Furthermore, it is essential to our balance of payments by halting all SST sales from going to the Russians, the British, and the French. Also, it is necessary if we are going to maintain our leadership in the field of aircraft production.

Mr. Robert L. Twiss, associate editor of the Seattle Times, on September 24, 1969, clearly outlined some of the economic factors in developing the U.S. SST, and I insert his article at this point in the RECORD:

SST DECISION RELATED TO U.S. DESIRE TO STAY NO. 1

(By Robert L. Twiss)

President Nixon's decision to order two prototypes of The Boeing Co.'s supersonic transport stemmed from a variety of considerations, ranging from retention of this nation's world role as the No. 1 commercial-airliner supplier to balance of trade.

The pioneering work of Boeing with its 707 series and other commercial models to fill needs on short- and medium-range routes led to American domination of the world jet-transport market.

Boeing alone has won orders for more than 2,000 jet transports of all types, with about one quarter of those 707s, 727s, 737s and 747s earmarked for the export market.

Other firms, such as the McDonnell Douglas Corp. and the Lockheed Aircraft Corp., have won major overseas orders for commercial jets to add to American supremacy in this field.

As John A. Volpe, secretary of transportation, pointed out after President Nixon's SST go-ahead announcement yesterday, from 80 to 85 per cent of the commercial jets sold in the world are made in the United States.

Volpe warned that if American SST development were postponed this nation would suffer a loss in overseas sales and in its balance of payments.

Boeing has exported more than $2.3 billion in commercial jets and supporting spare parts since embarking on the 707 program in 1955. About a third of the orders for the $20 million 747 superjet were placed by overseas lines, meaning more than $1.2 billion in 747s alone will be exported in the next three years.

The nation's aerospace industry last year produced a trade surplus of more than $1 billion. The United States' favorable trade balance has decreased from a high of $7.1 billion in 1964 to a low last year of $835 million.

Thus aerospace exports were the key to maintaining a favorable balance of trade, even though our overall favorable trade balance has slipped drastically in the past five years.

In the case of the SST, 26 airlines have reserved delivery positions for 122 of the fixed-delta-wing, 1,800-mile-an-hour airliners. Twelve of the carriers are domestic and 14 foreign, with the overseas lines speaking for 58 SSTs, nearly one half the total.

With a cost expected to exceed $40 million a copy, the SST orders already on the books will bring in more than $2.3 billion from overseas.

Market planning for the Boeing SST shows sales of at least 500 planes by 1990, based only on supersonic flights on long-range, over-water routes and over sparsely populated areas, such as the polar regions.

There are no plans to fly at speeds and altitudes which would create sonic booms over populated areas.

Forecasts indicate the total free-world passenger air traffic will increase sixfold between now and 1990, while the international traffic will increase eightfold during the same period.

Thus the reason for the greater percentage of foreign orders for the Boeing SST than for subsonic jets stems from plans to confine the Mach 2.7 airliner to over-ocean routes while the sonic-boom problem is solved and the rapid international-traffic growth rate expected.

President Nixon's go-ahead call for the SST came only a few days before the British-French Concorde SST was scheduled to attempt to exceed the speed of sound for the first time.

The Concorde has logged 40 subsonic flights and 64 hours in the air. The Russian TU-144 SST already has flown supersonically.

The next step in the American SST program is up to Congress. If it approves Mr. Nixon's request for $96 million for fiscal year 1970 funding, the program at long last will move from the drawing boards to the production floor.

DIRECT ELECTIONS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 30, 1969

Mr. THURMOND. Mr. President, the House has recently voted in favor of the direct election plan for electoral college reform. Mr. President, in my opinion, this is not reform at all, but is making the situation worse. It is a fundamental change in our republican theory of government, and is so radical in its concept that I think the Senate will want to think the subject through more fully when it comes before this body.

I was deeply disappointed by the President's statement today that he is endorsing the plan as it passed the House. In my opinion, the House plan is a step backward toward a less adequate solution to the problems of electoral reform. I have urged electoral reform for many years, but any true reform must grow naturally from the basic principles of our Government.

The smaller States in the Nation will handicap themselves very greatly if the direct election plan is adopted. In my judgment, this plan has less chance of being approved by the smaller States, even if approved by the Senate, since the plan is contrary to their best interests and to the interests of their people.

Last week, the Columbia Record of September 25, 1969, published an impressive column by David Lawrence entitled "Direct Voting Danger." This is an admirable summary of the dangers of the plan as it passed the House. Mr. Lawrence points out:

> The power and influence of the States may well vanish and the Nation may be ruled by the regions with the largest populations.

Mr. Lawrence also says:

> If the proposed amendment becomes a part of the Constitution, the Presidential candidates who make a good appearance on TV or who can deliver clever speeches appealing to the masses will probably be victorious.

He also goes on to point out the danger of increased campaign expenses which could move up by tens of millions of dollars. There would be major changes in the nature of the political conventions, and many other problems.

Mr. Lawrence says:

> The two plans which were rejected in the House were more in keeping with tradition in America.

Mr. President, I want to thank Mr. Lawrence for this perceptive and timely column, and I am pleased that it appeared in one of the major newspapers in my State of South Carolina, and I ask unanimous consent that the column "Direct Voting Danger" from the Columbia Record of September 25, 1969, be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIRECT VOTING DANGER

(By David Lawrence)

WASHINGTON.—The whole strategy of Presidential politics and perhaps Congressional campaigns, too, will be completely changed if the proposed amendment to the Constitution providing for direct popular election of the President and Vice President is adopted. It has just passed the House and soon will be considered by the Senate.

The power and influence of the states may well vanish, and the nation may be ruled by the regions with the largest populations. As persons of voting age who can neither read nor write are made eligible to vote, the opportunity for widespread frauds will be increased.

Presidential candidates would no longer pay much attention to the smaller states in the South and in the Pacific and Rocky Mountain areas, but would concentrate on getting big majorities in the East and Middle West.

Three-fourths of the state legislatures must ratify such an amendment, and there are doubts whether this will happen, as it will take only 12 states to block the adoption of the proposed amendment.

The two plans which were rejected in the House were more in keeping with tradition in America. Under each, the electoral college would have been continued, but all of a state's electoral votes would not have gone to the candidate who received the majority of the popular vote within the state.

It has been recognized that the latter, which is the present system, is faulty, and the alternatives being suggested would have allocated an electoral vote to the winner in each Congressional district or divided a state's electoral votes in proportion to each candidate's popular vote in the state.

If the proposed amendment becomes a part of the constitution, Presidential candidates who make a good appearance on TV or who can deliver clever speeches appealing to the masses will probably be victorious.

Campaign expenses will move up by tens of millions of dollars because the emphasis would no longer be on how to win a majority in each state but how to get at least 50 per cent of the total votes cast in the whole country. More organization workers would be utilized inside the big cities.

Only if no candidate polls 40 per cent of the popular vote would there be a run-off election between the two leading candidates. Experienced politicians, however, know that, even in a three-way race, it is not difficult to get a little more than 40 per cent of the popular vote.

The 1968 election, with three candidates running, was close between Nixon and Humphrey, but the Nixon and Wallace votes together—which were obviously anti-Johnson—were not enough to keep Humphrey from winning 42.7 per cent.

The nature of political conventions is also likely to be modified considerably if the pending amendment is adopted. It will mean that the contest for delegates will be more vigorously fought in those states where there are primaries.

In many cases, however, the state political organizations choose the delegates, so that it is possible for political bosses in just a few big cities to select the presidential nominee of a party.

There have been some instances in which a majority in only nine cities in the country were enough to secure the election of a Democratic candidate who already had the South in his pocket.

But since the South has changed, this has been impossible. Richard Nixon, the Republican candidate in 1968, would not have won without some of the Southern states and the overwhelming support of the West. He failed to carry some of the more populous states, but was able to overcome this by the electoral votes of smaller states.

Under the proposed amendment, this may no longer be possible, because the candidate with the widest "popular" appeal could get big majorities in the states with the largest populations, and these would offset the vote in other areas.

There are, of course, defects in the present system whereby a popular majority in a state swings the state's entire electoral vote. The practical alternative which has been advocated is that a state would be given an electoral vote for each of its Congressional districts, plus two statewide, and record them by the majority in each district, with only

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two electors chosen by the majority vote of the state.

Certainly the new amendment is not going to be in effect in time for the 1972 election. If the state legislatures, with their own interest in mind, examine the matter carefully, the proposal may never be adopted.

NATIONAL 4-H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. NATCHER. Mr. Speaker, it is again a privilege and a pleasure for me to salute the 4-H Clubs of America as they observe their national week beginning October 5 through October 11.

The theme of this year's national week, "Opportunity for All" is in itself a capsule definition of the purposes and principles which inspired the establishment of this outstanding organization as well as the tremendous benefits which are available to approximately 2½ million young people currently enrolled in 4-H pursuits. As we might surmise, the major aim during 4-H Week will be to expand the overall understanding of this splendid organization everywhere and project its image so well that the public cannot fail to realize that the "Head-Heart-Hands-Health" programs are no longer confined to our rural areas.

Nationally, about 35 percent of today's enrolled 4-H'ers come from farm homes, 33 percent from rural nonfarm homes, and 32 percent from towns, cities, and suburbs. I have always been impressed by the good balance that exists among these particular young people with reference to their cultural, racial, and economic backgrounds, and the diversified programs in which they become so successfully engaged. At this time when dissension is so much the vogue, I think it is especially gratifying to know that more and more 4-H projects are now adapted to the children of the inner cities.

In my opinion there is no limit to the effectiveness of the numerous projects and activities sponsored by the 4-H Clubs. We know of the tremendous accomplishments which have been attained in the past in our congressional district and the countless communities everywhere, and I have the good feeling that tomorrow's world will be all the better because of the high degree to which these young people have developed the qualities of leadership and good citizenship.

We all know that everything educates and some things educate more than others. Certainly through adapting themselves to group values and attitudes, these young men and women, at an early age, determine their place in life and go forward to become tomorrow's leaders in a great variety of professions and occupations.

Mr. Speaker, the 4-H Clubs have my admiration and full support and I want to wish all of them a future filled with continued success.

TESTIMONY OF RAYMOND GIESECKE, CHAIRMAN OF THE BOARD OF THE COUNCIL OF PROFIT SHARING INDUSTRIES, BEFORE COMMITTEE ON FINANCE

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 30, 1969

Mr. HARTKE. Mr. President, for the information of Members of Congress, I ask unanimous consent that there be printed in the Record the testimony presented to the Committee on Finance on September 16, 1969, by Mr. Raymond Giesecke, chairman of the board of the Council of Profit Sharing Industries and president of McGraw-Edison Co., Elgin, Ill., regarding those portions of H.R. 13270 which affect profit-sharing plans.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of the Council of Profit Sharing Industries to the Senate Committee on Finance in Opposition to Those Portions of H.R. 13270 Which Would Change the Rules for Taxation of Lump Sum Distributions Under Qualified Profit Sharing Plans

PURPOSE

This statement is submited in opposition to those portions of H.R. 13270 which would change the *method* of taxation of lump sum distributions which are made under qualified profit sharing plans. Other changes contained in H.R. 13270 also would have an effect on the amount of taxes payable by employees who receive lump sum distributions. In brief, the three principal changes which would affect the taxability of lump sum distributions are:

1. Change of Method of Taxation Specifically Applicable to Lump Sum Distributions: The portion of any lump sum distribution which consists of employer contributions would be taxed as ordinary income. In the year of distribution, the amount of tax payable with respect to such ordinary income would be five times the amount of the increase in tax which is attributable to the addition of 20% of such ordinary income to other income. Five years later, the employee would be entitled to recompute what the total taxes attributable to the ordinary income portion of his lump sum distribution would have been if 20% of the ordinary income portion of his lump sum distribution had been included in his taxable income in the year of distribution and each of the next four succeeding taxable years. If the ordinary income tax which he paid with respect to the lump sum distribution in the year of distribution was greater than he would have paid under the second test, he would be entitled to file a refund claim as though he had paid his "excessive" tax in the fourth taxable year following the year of distribution. This change would apply to that part of any lump sum distribution which consists of employer contributions made after the calendar year 1969. The balance of any lump sum distribution would continue to be taxed as a long term capital gain.

2. Change in General Income Averaging Provisions: Long term capital gains would be included in the definition of "averagable income" for purposes of general income tax averaging. Since portions of lump sum distributions will continue to be treated as long term capital gains, and the balance as ordinary income, this change also would be applicable to lump sum distributions in their entirety.

3. Elimination of the Alternative Tax on Capital Gains: The alternative tax computation now provided for all net long term capital gains would be eliminated. This change would apply to that portion of any lump sum distribution which would continue to be taxed as a long term capital gain as is provided under existing law.

The latter two changes would apply to those portions of lump sum distributions treated as long term capital gains even if the first change were not made.

The Council urges no special treatment of lump sum distributions, either favorable or unfavorable, insofar as any changes generally applicable to capital gains are concerned. However, the first change would single out lump sum distributions and provide a special method of taxing portions of such distributions. Therefore, the main thrust of the Council's statement is directed at the portions of H.R. 13270 which would apply solely to lump sum distributions.

Contrary to any impression that may have been created to the effect that lump sum distributions are a means used by relatively few, highly compensated employees to escape taxation, any proposal affecting lump sum distributions would have far reaching effects. It would not affect just a few highly compensated individuals. For instance, the Council conducted a survey in 1968 among its member companies regarding the use of lump sum distributions as a means of settlement of participants' interests in profit sharing plans. That survey showed that a majority of all distributions made under qualified profit sharing plans are made using this form of payment. Moreover, 90% of the lump sum distributions made involved distributions of less than $30,000.00. Nearly 70% of the distributions fell in the range of from $500.00 to $10,000.00. These results should be considered in light of the fact that there are now approximately 80,000 profit sharing plans in existence. Many of these plans have been established in recent years. For instance, the number of plans has approximately doubled every 4-5 years since 1946. In the year 1968 alone, according to Treasury Department statistics, there was a net addition of some 10,000 net profit sharing plans. In the period from 1964 through 1968 the net number of new profit sharing plans established was 36,119. Those plans covered a total of more than 1½ million employees. In light of the foregoing, it is safe to say that the proposed change in method of taxation would be of far reaching effect and could eventually involve taxpayers numbering in the millions.

The Council opposes those portions of H.R. 13270 which would tax, as ordinary income, a portion of any lump sum distribution made under a profit sharing plan for the following reasons:

I. The Council believes that this change of law is based upon a misconception as to the nature of profit sharing and the nature of an employee's interest under a qualified profit sharing plan.

II. The Council believes that the results which the change in method of taxation would produce are inconsistent with some of the underlying premises of the Tax Reform Bill of 1969.

III. The Council believes that the added costs of administering the revised method of taxation together with other collateral effects which the changed method would produce should be balanced against any estimated revenue gains which would be produced by the change and that when all factors are taken into account, the relatively modest revenue gain now anticipated would be practically eliminated, or might even result in a net revenue loss.

I. Misconceptions regarding profit sharing

The change in the method of taxation of lump sum distributions is based upon the proposition that an employer's contributions under a qualified profit sharing plan are nothing more or less than "deferred compensation". The Council disagrees with this proposition. Perhaps the best way to demonstrate why the Council disagrees with this proposition would be to describe what profit sharing is and what the nature of an employee's interest in a qualified profit sharing plan is.

A. What Is Profit Sharing?

Profit sharing is a means of enabling employees to share in the fruits of the companies for which they work. Without profit sharing, millions of employees who now have a stake in the company for which they work would not have such a stake. There are many reasons why they might not have such a stake. For example, inflation and taxes (both federal and local) makes the accumulation of a "nest egg" for investment purposes difficult for the vast majority of employees. Moreover, many companies are not publicly owned and traded. Therefore, even if an employee is able to accumulate sufficient funds of his own in order to acquire an ownership interest in the company for which he works, he often is unable to do so for the simple reason that such ownership or part ownership is not for sale.

Through profit sharing an employee has an opportunity to share in one of the benefits of ownership—a chance to share in the same thing in which the investors in a business share—the profits resulting from operations of the business.

The Council believes that its concept of profit sharing fairly describes what profit sharing is. Article II, Section 1 of the Constitution and By Laws of the Council states:

"The Council defines its concept of profit sharing as any procedure under which an employer pays or makes available to regular employees subject to reasonable eligibility rules, *in addition to prevailing rates of pay*, special current or deferred sums based on the profits of the business." [Italics added.]

Thus, profit sharing is something extra—something over and above normal compensation. Profit sharing is not a substitute for paying going wages for average performance. It is an "extra" for doing better than average. True, employment is a requirement for participation in a qualified profit sharing plan. To that extent it can be said that an employer's contribution is in consideration of the employee's services. However, since it is something in addition to regular compensation, the Council believes that it is an oversimplification to simply characterize it as "deferred compensation." The objective of profit sharing is not simply to compensate employees. The Declaration of Principles contained in Article III of the Council's Constitution and By Laws set forth the Council's views as to the objectives of profit sharing.[1]

Coupled with the Council's concept of profit sharing as being something in addition to regular compensation, the Council's Declaration of Principles clearly indicates that something other than simple compensation to employees is sought as an objective in establishing a profit sharing plan.

B. What is the Nature of an Employee's Interest in a Qualified Profit Sharing Plan?

If an employer's contribution under a qualified profit sharing plan is nothing more or less than a compensating event, that compensating event occurs at the time the employer makes its contribution under the plan. Thereafter, whatever happens to the contribution also happens to the employee. No guarantees are involved. The employer has no beneficial interest whatsoever in the contribution, once it has been made, and neither receives any benefit from, nor bears any burden of, the investment results which apply to the employer's contribution. On the contrary, the results of investment of the employer's contribution, whether good or bad, affect only the employee. Thus, once the contribution is made on behalf of an employee and is invested, it becomes risk capital. In this respect, it is no different than any other investment of risk capital and therefore should be treated no differently than any other risk capital.

Should the employer's contribution, therefore, be taxed to the employee at the time it is made on his behalf? There are at least two reasons why this should not be done. First, at the time the contribution is made it is not at all certain that the employee on whose behalf it is made will eventually receive it. Most plans provide for graduated vesting of employees' interests, including the employer's contributions, over a period of years. Whatever an employee does not receive because of premature separation (for example, on account of resignation) is reallocated among all other participants in the plan. Second, and perhaps of equal importance, because of future investment results an employee may never receive an amount equal to the employer's contribution which is made on his behalf even though, at the time it is made, his interest in that contribution is fully vested and cannot be defeated by his subsequent termination of employment for any reason.

Since, for the reasons stated, it would be inequitable to exact a tax from the employee with respect to the employer's contribution at the time it is made, should it not be taxed as ordinary income when it is distributed? There are at least two reasons why this should not be done. First, throughout the time that the employer's contribution is held for the employee's benefit it is subject to risk. Second, when the employer's contributions are distributed in the form of a lump sum distribution they represent "bunched income" which may have been accumulated over an employee's working lifetime—perhaps as much as 35 or 40 years. H.R. 13270's answer to this problem would be a form of averaging. However, that averaging would be based on the employee's total ordinary income (including a part of the lump sum distribution) and his highest tax rates in a single taxable year. Unless those factors had remained constant throughout his working lifetime (a most unlikely possibility) this would result in more tax being paid by an employee than he would have paid had the contribution been taxed to him in each year when and as it was made. Clearly demonstrative of the fact that income, and hence marginal tax rates, do not remain the same is the fact that in the period from 1958 to 1967 the number of taxpayers with gross incomes in the $10,000.00 to $15,000.00 range quadrupled. The number went from about 2½ million such taxpayers to more than 10 million such taxpayers. Those 10 million taxpayers alone comprised about 1/7th of all of the taxpayers reporting income on individual returns in 1967.[2]

It has been argued that deferral of taxes on contributions when they are made justifies the imposition of tax on an ordinary income basis when distributions are made. In essence, the tax deferral is a "tax subsidy" and therefore one should not complain if one's taxes, as eventually determined, are higher than they might have been if taxes had been payable on employer contributions when and as they were made. This argument also ignores the fact that it is the employee who has borne the risk all along. That the employee would continue to bear all risks is borne out by H.R. 13270 itself. As drafted, H.R. 13270 would tax, as ordinary income, an amount equal to the employer's post-1969 contributions even though, through market conditions which could prevail in the future, those contributions would be in a loss position. For example, assume that as of December 31, 1969 an employee's account consists of $20,000.00 broken down as follows:

Actual Employer Contributions up to December 31, 1969	$8,000.00
Reinvested Earnings and Appreciation	12,000.00
Total Value	20,000.00

Suppose that after 1969 the employer's contributions total an additional $10,000.00. However, because of temporary market conditions at the time, when the employee retires and receives a lump sum distribution in 1979, he receives only $15,000.00. Under H.R. 13270, $10,000.00 out of the employee's total distribution of $15,000.00 would be taxed as ordinary income. All the risk of future market performance would have been borne by the employee.

In view of what profit sharing seeks to achieve and the nature of an employee's interest under a profit sharing plan, it is respectfully suggested that it is inaccurate to characterize any part of it simply as "deferred compensation".

II. Inconsistencies of the proposed method of taxation with the premises of H.R. 13270

For the taxable year 1967 over 71 million individual income tax returns were filed. Those returns were prepared and filed under a self-assessment system and produced a total of nearly $63 billion of revenue. That record attests to the willingness of American citizens to be taxed and to their willingness to voluntarily calculate and report their income and to pay the tax liabilities which result therefrom.

The Council agrees completely with the Ways and Means Committee's statement to the effect that:

"Our individual and corporate income taxes, which are the mainstays of our tax system, depend upon self-assessment and the cooperation of taxpayers. The loss of confidence on their part in the fairness of the tax system could result in a breakdown of taxpayer morale and would make it far more difficult to collect the necessary revenues. For this reason alone, the tax system should be improved."[3]

A. Is the Proposed Method of Taxing Lump Sum Distributions Fair?

Conceding, for purposes of argument, that employer contributions are nothing more than deferred compensation, what is "fair" in determining the tax which shall be paid on that deferred compensation on the basis of the employee's income and marginal tax rates in the year of distribution? Is it to be assumed that an individual employee's taxable income and his marginal tax rates will remain the same throughout his entire working lifetime? Only if the latter proves true can it be said that there is no element of unfairness in using his income and marginal rates in a single year, perhaps the year in which he reaches his highest peak of earnings, to determine the tax on employer contributions which may have been made on his behalf over his entire working lifetime.

A further element of "unfairness" in the changed method of taxation of lump sum distributions is the fact that an employee will be compelled to pay a tax in the year in which he receives his distribution and then will be compelled to wait five years to find out whether or not he paid too much tax in the first instance. For employees whose income is drastically reduced following the payment, a refund probably will be payable following the fifth year. In the meantime, of course, the employee involved will have lost completely the use of the excessive tax which he paid in the first instance. In the interim, this money might be put to good use in meeting his retirement needs. The new method of taxation would not even allow him in-

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terest on the excessive tax which he paid in the first instance and which he must seek by a refund claim five years later.

Is the proposal fair to all employees? Looked at from the standpoint of an employee whose working life is behind him at this time, the proposal seems fair. It is to apply to future employer contributions only. However, looked at from the standpoint of the younger employee who is just joining a qualified plan, the proposal seems most unfair. The taxes which will be payable by him with respect to his employer's contributions may be substantially greater than those payable by his fellow employee who retires in the near future even though they have been treated exactly the same under the plan.

B. Will the Revised Method of Taxation Improve the Tax System?

Quite apart from any questions of fairness, the workability of our self-assessment system of tax collection clearly depends upon the capacity of the self-assessor to determine his tax. In this respect, the revised method of taxation will result in incredible complications in determining the amount of tax finally payable with respect to a lump sum distribution. For example, assuming that an employee is going to seek to pay the least amount of tax in the year in which he receives his distribution:

1. For the year of distribution he would have to compute his tax on two alternative bases.

(a) First, he would divide his lump sum distribution into the portion which will now be taxed as ordinary income (i.e., post-1969 employer contributions) and the portion which will continue to be taxed as a long term capital gain. With respect to the ordinary income portion, the new special averaging provision will apply. In essence, this new special averaging provision is the same averaging provision which was added to the Code with respect to self-employed individuals as a part of H.R. 10. This provision was added to the law in 1962. To date no form for calculating taxes payable under such special averaging has been published. In calculating the capital gains tax payable on the portion of his lump sum distribution, if his capital gain exceeds $20,000.00 and if he itemizes his deductions, he will have to allocate his deductions between his "preference income" and his other income, as required by Section 302 of the Tax Reform Bill of 1969.

(b) Next, after calculating his taxes as indicated above, he also will have to calculate his taxes on the entire amount of his distribution using the general income averaging provisions of Sections 1301–1305 of the Code, as amended by the Reform Bill. Even after simplifications of general income averaging which H.R. 13270 would provide, the form for calculating taxes under general income tax averaging alone will consist of 22 separate lines.[4]

2. If he paid his tax in the year of distribution on the basis of the special provisions which will now apply to lump sum distributions rather than on the basis of general income averaging, then after five years he will have to recompute what the tax would have been if he had received the ordinary income portion of his lump sum distribution ratably over the year of distribution and the next succeeding four taxable years. This alone will entail recomputation of the tax attributable to such ordinary income in each of four tax returns. Whatever complications already existed in preparing those four returns will be compounded by the addition of 20% of his special ordinary income to his other income in each of those years. If, after all of the foregoing, it develops that he paid too much income tax with respect to his special ordinary income at the time of distribution, he will then be entitled to file a claim for a refund.

Returning to the subject of "fairness", is it fair to require an average employee who receives a lump sum distribution to go through what has been described? Doubtless he will have to employ professional help to calculate his tax liabilities in the first instance, and then to recalculate them in the fifth year following his retirement in order to determine whether or not he is entitled to a refund. Moreover, if it develops that he is entitled to a refund, he no doubt will require assistance in preparing his refund claim. For a lower paid employee whose ultimate tax might actually be reduced below what his tax would be under existing law, the cost of calculating his tax and filing a refund claim, if applicable, probably would exceed the amount of any savings which the net method might produce for him. Suppose that events prove that the employee is entitled to a refund of under $100.00, but that the costs of both determining the amount of that refund and collecting it will exceed $100.00. Will he bother to collect it? If he does not, will not the tax collecting agency have been unjustly enriched since, in fact, he paid more taxes than he should have paid? Is this fair?

C. Where do the Burdens Imposed by the Changed Method Fall?

One of the alleged bases of the proposed change in method of taxation is that, since employer contributions under qualified profit sharing plans consist simply of deferred compensation, qualified profit sharing plans are a means whereby highly compensated individuals escape ordinary income taxation on substantial amounts of their income. At the same time, one of the clear objectives of H.R. 13270 is to ease the tax burdens on middle and lower income bracket taxpayers. The Ways and Means Committee Report indicates that the more significant benefits under the existing method of taxation accrue to taxpayers with adjusted gross incomes in excess of $50,000.00.[5] At the same time, of the estimated additional revenue of $70 million per year which would be produced by the proposed change in method of taxation, more than one-half will come from taxpayers whose adjusted gross incomes are less than $50,000.00.[6] in this connection, it is noteworthy that many lower and middle income bracket taxpayers may be in the "over $50,000.00 class" in the year in which they receive their lump sum distributions simply by virtue of the fact that the lump sum distribution is made to them.

On the basis of the latest available published information,[7] in 1962 54,484 individual returns were filed showing net long term capital gains arising from lump sum distributions under qualified plans of all types. Of that number, 53,364 returns, or 97.9% of the total, involved returns showing adjusted gross incomes of under $50,000.00. Moreover, 42,932 of those returns, or 81.3% of the total, involved returns showing adjusted gross incomes of less than $25,000.00. The returns showing adjusted gross incomes of less than $50,000.00 involved 81.3% of the total dollar amount of gains so reported. It seems clear that although the objective of H.R. 13270 is to eliminate alleged favorable tax treatment for persons whose adjusted gross incomes exceed $50,000.00, the major portion of the burden will fall upon persons whose adjusted gross incomes are lower than that figure.

Those who are fortunate enough to have adjusted gross incomes in excess of $50,000.00, exclusive of any long term capital gains resulting from lump sum distributions, no doubt will employ (and probably currently employ) professional assistance in preparing their income tax returns. However, those whose adjusted gross incomes are in the middle and lower brackets frequently do not employ professional assistance in preparing their income tax returns. To the extent that any complications introduced by the revised method of taxation require the employment of professional assistance, added burdens will be imposed upon persons against whom the revised method is not directed.

D. Is the Present Method of Taxation an Abuse?

One of the key objectives of H.R. 13270 is the elimination of tax preferences which enable a relatively few persons with high incomes to escape tax on a large proportion of their incomes. Thus:

> "From time to time, since the enactment of the present income tax, over 50 years ago, various tax incentives or preferences have been added to the internal revenue laws. Increasingly, in recent years taxpayers with substantial incomes have found ways of gaining tax advantages from provisions placed in the code primarily to aid some limited segment of the economy."[8]

It is respectfully submitted that distributions from qualified profit sharing plans are not one of the alleged preferences which benefit a relatively few high income individuals. Earlier it was pointed out that qualified profit sharing plans cover millions of employees. These plans have been approved under a provision of the Internal Revenue Code which forbids discrimination in favor of highly compensated individuals, both in the matter of eligibility and the sharing of employer contribution. These provisions were added to the Code 27 years ago to insure that any tax provisions which apply to such plans would not be limited to a handful of individuals.

Moreover, the Code currently limits employer deductions for contributions made under qualified profit sharing plans to an average of 15% of participating pay of employees who are covered on a nondiscriminatory basis. Even if it be assumed that an employer's contributions on behalf of a given employee amount to 15% of his pay in every single year of his employment (a most unlikely possibility) depending upon the employee's terminal pay the *total* of those contributions would amount to from 2½ to 4½ times the employee's annual terminal pay after 30 years of participation. Can the accumulation of such an amount as a "nest egg" to take care of an employee and his spouse for the balance of their lives after retirement, which may be as much as 15–25 years, be characterized as an abuse? In the vast majority of cases it is unlikely that the average employee will receive employer contributions of 15% of pay in each and every year that he participates in a profit sharing plan. For example, a survey by the Council indicates that in 1968 the average of the percentages of contributions related to participating compensation was 8.6% in the case of the companies responding to the survey. The results break down as follows:

Size of company by number of employees and employer contribution to deferred profit sharing plan as a percentage of participants' pay

	Percent
Under 100 employees	10.6
100 to 499 employees	8.8
500 to 999 employees	7.5
1,000 to 5,000 employees	8.8
Over 5,000 employees	7.3
Average of the percentages	8.6

That survey covered 445 plans embracing 1,423,640 employees. The Council has no reason to believe that the results produced are in any way atypical. Of course, if employer contributions on behalf of an employee over his entire working lifetime average less than 10% of his participating pay, the portion of his nest egg at retirement which is attributable to employer contributions will be even smaller. It might amount to less than twice his terminal pay. Whatever else

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he receives in addition to his employer's contribution will result from his having had his share of employer contributions and his own contributions (if he made any) at risk.

In view of the requirement that the benefits under a qualified profit sharing plan must be nondiscriminatory among employees and in view of the limits on the amounts which may be placed in a qualified plan for employees, can it be said that the method of taxation of lump sum distributions made under such plans gives rise to an abuse or a tax preference available to a limited segment of the economy?

III. The revenue effects of the proposed change of method

At the outset it is estimated that the revised method of taxation will produce less than $2½ million of additional revenue in the year 1970. In 1971, it is estimated that $5 million of additional revenue would be produced, and by 1979 it is estimated that $50 million of additional revenue would be produced. It should be noted that in 1971 the estimated increased revenue arising from this single change will comprise only about 1/10 of 1% of the total revenue recoupment contemplated by H.R. 13270 and by 1979 will comprise only 7/10 of 1% of the total revenue recoupment.

While H.R. 13270 is intended to be a reform bill, practical considerations which may outweigh the modest revenue recoupment envisioned by the change which the bill would make in the method of taxation of lump sum distributions cannot be ignored. The increased burdens which would be cast upon the tax collecting agency must be balanced against any estimated revenue gains which otherwise might result from the changed method of taxation. Further, other reasonably predictable revenue reducing effects of the proposed change must also be added to the increased administrative costs. The Council believes that the combination of increased administrative costs plus any collateral revenue reducing results might well eliminate practically all of the estimated revenue gain and, in fact, might lead ultimately to a net revenue loss. In view of the great care otherwise exercised to see that the revenue cutting portions of the bill would be matched by revenue increases produced by the bill, this possibility should not be ignored.

A. Increased Costs of Administration Must Be Balanced Against the Estimated Revenue Gain

The complications introduced by the revised method of taxation are almost certain to increase the costs of collection of taxes. The Council believes that the complications introduced by the revised method of taxation inevitably will require the employment of many additional, highly skilled personnel by the Treasury Department in order to administer the revised method of taxation. These additional personnel will be needed to review returns initially filed under the revised method, and thereafter to review all returns involved in determining whether a refund is due. The Council believes that experience would demonstrate that all of the direct costs which would be incurred by the federal government would significantly offset the estimated revenue gains envisioned by the bill.

B. The Indirect Revenue Losses, When Added to the Administrative Costs, Might Well Eliminate Any Net Revenue Gain and Could Even Produce a Net Revenue Loss

In addition to the direct costs which must be balanced against the estimated revenue gain, the Council believes that there are at least two reasons why the changed method might eliminate most of the estimated revenue gains and might even produce a net revenue loss.

First, whatever the reason for the change, it would tend to discourage the spread of the principle of profit sharing among employers. To the extent that it does so, it will constitute a reversal of long standing Congressional policy. The Council believes that the federal government has long been a silent partner in profit sharing. Why? Because it has been shown that where profit sharing works successfully, everybody, including the federal government, benefits.

A study covering 175 companies in a broad spectrum of industry is now complete and will be published next month. The study has been conducted under the auspices of Northwestern University. While the Council has supported the study, it was in no way in a position to control the results of the study. The purpose of the study has been to compare the performance of profit sharing companies with the performance of companies which do not have profit sharing plans. The industry groups covered were: chemicals, drugs, electronics, machinery & metal fabricators, oil-integrated domestic companies, publishing, retail department stores and mail order houses, retail food chains and tobacco (cigarettes). Ten measures of performance were used to compare the profit sharers and non-profit sharers in each industry. The indices were: operating income margin, net income margin, return on operating investments, return on investments, return on common stock equity, earnings per employee, sales, earnings per share, dividends per share and market price per share. The study covers the years 1948 to 1966.

Among the results shown by this study was that the absolute *level* of performance by profit sharing companies was superior in over one-half of the cases studied and inferior in less than one quarter of the cases. Moreover, the *trend* of performance of the profit sharing companies was even more significant in that the margin of superior performance was even greater than when measured on absolute levels. The following is a quotation from the summary and conclusion of that study:

"There are innumerable factors that bear on the operations of a particular business. They all, to a greater or lesser extent, affect its revenues, expenses, or asset investment and hence its financial performance. Obviously it would be improper to conclude that the adoption of a profit-sharing plan leads directly to superior financial results. Nevertheless, the strong showing made by profit-sharing companies in this study would indicate that it is an important factor in the final result."

This study confirmed the results of more limited studies confined solely to the retail department store industry and retail food industry conducted under the auspices of the Profit Sharing Research Foundation, Evanston, Illinois, which covered the years 1952 to 1959 and was published in 1960.

Profit sharing works! Beceause it works, employees, shareholders and the federal government all benefit. To the extent that profit sharing companies are more profitable, employee security is enhanced. To the extent that profit sharing companies are more profitable, investors in those companies benefit through increased values in their investments. To the extent that profit sharing companies are more profitable, the federal government benefits through the increased taxes which result from those increased profits.

Finally, as pointed out earlier in its statement, the Council believes that employees' interests in profit sharing plans are truly risk capital. That capital provides jobs. People who have jobs pay taxes.

While it would be difficult, if not impossible, to measure, the Council believes that whatever Congress does which has a dampening effect on profit sharing also will have an indirect dampening effect on revenues. If the incentives of profit sharing are removed, companies which share profits probably will perform less efficiently. Profits and dividends, and hence income taxes, would be reduced as a result of reduced performance. To the extent that the invested capital furnished by profit sharing is reduced, fewer jobs would be provided. Fewer jobs mean fewer taxpayers and lower revenue collections. Since there are some 80,000 profit sharing plans in existence today, it is not unreasonable to speculate that any dampening effects produced by the change in method of taxation could result, indirectly, in a reduction of revenues which, alone, exceeds the estimated revenue gains envisioned by H.R. 13270.

Second, estimated revenue gains of necessity must be based upon the assumption that employees will continue to receive lump sum distributions. However, if the taxes payable with respect to lump sum distributions become unduly burdensome, it is likely that this form of distribution will lose its appeal. For many employees, spreading of distributions over their lifetimes could result in either no income taxes being payable with respect to their benefits or lesser taxes being payable than would have been payable under the revised method of taxing lump sum distributions. Revenues derived from distribution of benefits to such individuals would be reduced below those which are derived under the existing method of taxation where lump sum distributions actually are made. Wealthy individuals having outside means will be in a better position to "let it ride" at retirement rather than to receive lump sum distributions than will average employees. Thus, the effect of the revised method of taxation may well be not to produce revenue, but simply to compel employees to change the method of receipt of their benefits. Yet there will be many whose major assets consist of their profit sharing interest. These employees, for other compelling reasons, will continue to want to receive their benefits in a lump sum distribution. It is on such employees that the burden will fall. Others who are more fortunate will seek distribution in a form which will reduce the taxes payable by them below what might have been paid by them under the revised method of taxation.

IV. Conclusion

The Council commends the drafters of H.R. 13270 for what is clearly an effort to change the method of taxation of lump sum distributions with a minimum of dislocating and unsettling effects upon millions of employees. The prospective feature of H.R. 13270 bears witness to this. Moreover, in continuing to treat part of any lump sum distribution as a long term capital gain, H.R. 13270 recognizes, in part, what the Council sincerely contends and has long contended—that at least a part of an employee's interest in a profit sharing plan is risk capital and should be treated as such. While H.R. 13270 would change part of a lump sum distribution from a capital gain to ordinary income, it also recognizes, through a special averaging method, that lump sum distributions which represent employer contributions also constitute "bunched income". The bunched income concept, of course, is what underlies the entire concept of treatment of certain types of income as capital gains rather than ordinary income. However, the special averaging provision contained in H.R. 13270 which is designed to recognize the bunched income problem introduces extreme complications of administration as contrasted with the present, relatively simple method of taxation of bunched income received in the form of a lump sum distribution. For these reasons, the Council believes that the present method of taxation of such distributions should be retained.

It remains the duty of Congress, however, to make a final decision. Should that decision be to change the present method of taxation of lump sum distributions to some other averaging method, then for the reasons which have been given above, the Council

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offers the following principles which it believes should be kept uppermost in mind in formulating any alternative method of taxation:

1. Any change should recognize, as does H.R. 13270, that part of an employee's interest in a profit sharing plan is clearly risk capital and should be taxed as such.

2. Any averaging method which is to apply to the balance of a lump sum distribution which is not treated as a long term capital gain should not be based upon the recipient's income and marginal rates in a single taxable year.

3. Any averaging method which applies to part of a lump sum distribution should contemplate payment of the taxes due on the distributions once and for all at retirement. The possibility of refunds following calculation and payment of taxes should be avoided.

4. Any averaging method should be simple. It should not entail complications such as those which H.R. 13270 would entail.

Since the present method of taxing lump sum distributions meets all of the foregoing tests, it should not be lightly discarded.

FOOTNOTES

[1] Declaration of principles:

"Section 1. The Council believes it to be highly important to develop an economy in which there is freedom of opportunity for each to achieve his maximum personal development. The Council holds that profit sharing offers a most significant means of bringing into being such an economy.

"Section 2. The Council considers well-planned profit sharing to be an effective means of developing group cooperation and efficiency.

"Section 3. The Council holds that widespread profit sharing will tend to stabilize the economy.

"Section 4. The Council holds that the true spirit of partnership which sound profit sharing engenders is of paramount importance.

"Section 5. The Council is dedicated to the purpose of extending soundly conceived and administered profit sharing in every practical way. At the same time it does not offer profit sharing as a panacea, nor does it minimize the importance of other means of fostering its broad objectives."

Article III, Constitution and By Laws of the Council of Profit Sharing Industries.

[2] Source: Preliminary Report, Statistics Income—1967, Individual Income Tax Returns, U.S. Government Printing Office, Publication No. 198, 1–69.

[3] Report of the Committee on Ways and Means, House of Representatives, to Accompany H.R. 13270, p. 9.

[4] Report of the Committee on Ways and Means, p. 85.

[5] Ways and Means Committee Report, p. 154.

[6] See Table 5, Ways and Means Committee Report, p. 15.

[7] Source: "Statistics of Income, 1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," table 8.

[8] Ways and Means Committee Report, p. 1.

RESOLVING WORLD PROBLEMS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HUNGATE. Mr. Speaker, at the recent World Peace Through Law Conference in Bangkok, Thailand, in which 1,200 lawyers from over 100 countries participated, the following resolutions were adopted at the final plenary session, and I would like to call them to the attention of my colleagues.

While all are addressed to resolving world problems, Resolution 13 concerning aircraft hijacking is particularly timely.

BANGKOK CONFERENCE ON WORLD PEACE THROUGH LAW, SEPTEMBER 7 TO 12, 1969

(Resolutions adopted at final plenary session Sept. 11, 1969)

RESOLUTION 1

Appreciation to Thailand

Whereas, the great contributions to peace provided by this World Conference on World Peace Through Law and World Assembly of Judges have been made possible by the generosity, hospitality, support, and cooperation of those who were its hosts,

Resolved, that the Conference and Assembly extend their profound gratitude to His Majesty the King of Thailand, Her Majesty the Queen of Thailand, His Royal Highness the Crown Prince, and His Majesty's Government, the Judiciary, the Bar, and the law students of Thailand, and the Thai people for their great contribution to World Peace;

Further resolved, that special thanks are hereby extended to Judge Sansern, who served as Chairman in coordinating all arrangements for this Conference.

RESOLUTION 2

Individual petitions by individuals to United Nations on human rights

Whereas, the World Peace Through Law Center, at its various conferences and in its work program, has repeatedly emphasized the interrelationship between effective protection of human rights and the peace of the world.

Resolved (1) that the Bangkok Conference reaffirm the recommendation of the Geneva Conference urging all States to ratify the optional protocol to the Covenant on Civil and Political Rights granting to individuals the right to petition the Human Rights Committee, established by the Covenant, and that in the meantime individuals be given access to a United Nations Commission or Commissioner for Human Rights; and

(2) that lawyers throughout the world are urged to see ratification by their governments of the aforementioned optional protocol, if they have not done so already, and, in any event, to seek more effective means for the United Nations to deal with the complaints of private individuals which evidence a consistent pattern of violations of human rights.

RESOLUTION 3

Strengthening United Nations Charter

Whereas, the stated purpose of the World Peace Through Law Center has been to work together to build law rules and legal institutions for World Peace Through Law;

Whereas, time is of the essence due to the spread of arms and tensions in the world; and

Whereas, the United Nations is the most realistic center for effective law rules and institutions,

Resolved, that the Center establish forthwith a special study committee on possible revision and strengthening of the United Nations Charter.

RESOLUTION 4

Vienna Convention on the Law of Treaties

Whereas, the interests of world peace demand a good-faith effort toward the development of universal rules and procedures for cooperation among nations and the establishment of the "conditions under which justice and respect for the obligations arising from treaties can be maintained",

Resolved, that the World Peace Through Law Center urges the governments of the world to sign and ratify the Vienna Convention on the Law of Treaties adopted and opened for signature on 23 May 1969 by the United Nations Conference on the Law of Treaties.

RESOLUTION 5

Hague Convention on Taking of Evidence Abroad

Whereas, in view of the immense increase in international litigation, it is increasingly important to facilitate the taking of evidence abroad and to accommodate the different methods of doing so that are now used by the courts in various countries under various systems of law,

Resolved, that each State:

(1) sign and ratify, as soon as possible, or accede to, the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters, which was adopted in 1968 by the Hague Conference on Private International Law;

(2) refrain, if possible, in doing so, from making use of the reservation permitted by Article 33 of the Convention; and

(3) permit, as far as it is not, or wishes not to become, a Party to the said Convention, the taking of evidence on its territory in civil or commercial matters by diplomatic officers, consular agents or commissioners under conditions similar to those existing under the Convention.

RESOLUTION 6

Independence of the judiciary and of the legal profession

Resolved, that this Conference call upon the States of the world to recognize that a free and independent judiciary and legal profession are essential to develop the rule of law and guarantee the rights of man.

RESOLUTION 7

To encourage the adoption of treaties and compacts

Whereas, the adoption of and adherence to multilateral treaties and compacts is the most effective method whereby the rule of law can be developed,

Resolved, that the President appoint a Center Committee of qualified experts to:

(1) review and publicize the commitments of nations to multilateral treaties and compacts which presently exist;

(2) encourage States to adopt such multilateral treaties and compacts as will further the peace and welfare of mankind; and

(3) report on an annual basis to the Center Secretariat on the progress of its work.

RESOLUTION 8

Genocide convention

Resolved, that all members of the legal profession, residing in States in which such action has not yet been taken, are urged to take all possible steps to achieve ratification of the Genocide Convention by their governments.

RESOLUTION 9

Law research

Whereas, the development of rules of law internationally is in a critical phase, in which the quality of scholarship and craftmanship can have decisive influence on the entire future development of the international legal system,

Resolved, that lawyers throughout the world are urged to recognize the importance of careful research in their own fields and the importance of closer cooperation with other disciplines so as to understand, and cope better with, the increasing complexities of society;

Further resolved, that a greater and more appropriate proportion of resources be allocated to legal training and research; and

Further resolved, that all members of the Center seek to persuade more law schools to include the study of international law as a required subject in the curriculum.

RESOLUTION 10

Accurate communications among nations

Whereas, interchange of accurate information is essential to peaceful development and improvement of the world community, and to mutual understanding among the nations,

Resolved, that the Bangkok Conference advocates as unrestricted communication of information as possible among States and, at the same time, condemns the use, by any State, of inciting and aggressive propaganda against another State or its people; and

Further resolved, that the Center Committee on International Communications consider the desirability of a Convention on Transnational Communications to implement the above.

RESOLUTION 11

Religions

Whereas, it is desirable that religion be harnessed to the cause of peace,

Resolved, that the Center's President seek the creation of a committee of prominent leaders of various religions to analyze and suggest ways in which religious thought and institutions may be marshaled to support World Peace Through Law.

RESOLUTION 12

Nuclear Nonproliferation Treaty

Whereas, the Nuclear Non-Proliferation Treaty offers a special hope for the control of nuclear weapons by legal means and imposes special responsibilities on those States equipped with nuclear weapons,

Resolved, that each member of the Center is urged to exercise influence to call upon his government to ratify and sign the Nuclear Non-Proliferation Treaty at the soonest possible date, if that government has not yet done so; and

Further resolved, that Center members do all in their power to encourage their respective countries to work toward effective armament control.

RESOLUTION 13

Aircraft hijacking

Whereas, hijacking of aircraft is causing grave and immediate concern to the world, both national and international law are necessarily involved in its control, and the legal measures taken so far have proven largely ineffective,

Resolved, that this Bangkok Conference:

(1) calls upon all governments and international authorities concerned with civil aviation forthwith to take the necessary measures and enact the necessary laws to insure that persons on aircraft and the aircraft itself are protected from the presence of firearms, weapons, explosives and other objects capable of injuring such persons or property, or threatening the lawful operation of civil aircraft; and

(2) urges all States to decline to give any aid or comfort to persons involved in such hijacking; to automatically and instantaneously release and return all equipment, personnel, and passengers; and to apprehend and punish the persons involved in the offense; provided that all persons accused of hijacking should have a prompt judicial hearing, with due process of law, regarding their return to a country which requests their extradition; and

Further resolved, that the Center immediately mobilize its legal resources to draft, for consideration by governments and appropriate international aviation authorities, those conventions and rules of law necessary to the solution of the problem, and that the President forthwith appoint a Center committee of legal aviation experts for this purpose.

RESOLUTION 14

International regulation of weather control

Whereas, weather control can be either a threat to international peace, or a means of bettering mankind's condition,

Resolved, that the Bangkok Conference instructs the President of the Center to appoint a committee of experts to draft a treaty on transnational weather control providing for the establishment of international machinery for the regulation of all weather control activities having possible international consequences in order to insure their use for peaceful purposes only, and for the betterment of mankind as a whole; and

Further resolved, that the United Nations is urged to take appropriate action to implement the foregoing objectives.

RESOLUTION 15

World Law Code

Whereas, the Center has long recognized the need for and utility of a World Law Code to identify treaties and conventions of general application together with other sources of international rules of law,

Resolved, that the World Charter of the Rule of Law be implemented by:

(1) appointment of an editor for the Code, and

(2) isolation and assignment of topics within the Code to eminent legal scholars, and the creation of an appropriate commission to review such Code for corrections, additions or deletions as may be deemed necessary, such commission to report to the Center as soon as practicable.

RESOLUTION 16

Computers

Whereas, presentations to the Bangkok Conference have demonstrated that the application of computers to law is developing internationally at an accelerated pace, and it is necessary to coordinate such world-wide activities,

Resolved, that the Center pursue vigorously the storing of statutes for retrieval on a paying basis, and that this Conference calls upon lawyers and legal scholars:

(1) insofar as is practicable, to create an international system based on existing organizations, the Center review entitled "Law and Computer Technology," and the Center Section on Computers and the Law, to improve the reciprocal exchange of information between lawyers and scholars;

(2) to develop and promote the activities of the International Institute for the Computerization of Law; and

(3) to make available courses in the law schools on cybernetics and on the use of computers.

RESOLUTION 17

Resources of the ocean bed

Whereas, Resolution No. 15 adopted at the Geneva Conference in 1967 was widely circulated and distributed to every delegation in the United Nations, was given world-wide publicity, and had an important influence on the introduction of the concept of international jurisdiction over the resources of the ocean bed beyond national jurisdiction before the United Nations;

Whereas, the United Nations Committee of the World Peace Through Law Center subsequently prepared a draft of a proposed Treaty Governing the Exploration and Use of the Ocean Bed which was circulated by the World Peace Through Law Center as No. 10 in its Pamphlet Series and received world-wide attention; and

Whereas, the complex problems involved in the negotiations of a multilateral treaty on this important subject are now under official consideration by various States,

Resolved, that the World Peace Through Law Center commends its United Nations Committee for its constructive contributions in this field and urges that any such treaty embody the following minimum principles:

(A) that there is an area beyond present national jurisdiction in the ocean bed which is not subject to national appropriations;

(B) that the limit of present national jurisdiction should be more precisely defined;

(C) that the resources of the ocean bed beyond national jurisdiction are the common heritage of all mankind, and that a suitable portion of any income derived therefrom should be used for the betterment of the poorer countries of the world;

(D) that the ocean bed beyond national jurisdiction not be utilized for military tests or the implantation of weapons of mass destruction; and

(E) that strict safeguards to prevent pollution, or destruction of the ecology of the sea, should be adopted.

RESOLUTION 18

Pollution

Whereas, increasing pollution of space, air, water and land is a threat to the health, welfare and commerce of mankind,

Resolved, that the President appoint a Center Committee of qualified members to acquaint itself:

(1) with the nature and causes of serious pollution affecting more than one country, and

(2) with proposals made, laws enacted, or treaties proposed for legal protection against such pollution;

and to recommend to the Center, if deemed appropriate, international steps that might be taken by the Center and others to control pollution.

RESOLUTION 19

International mediation and conciliation service and compulsory arbitration of international disputes

Whereas, the need for utilizing all promising procedures for peacefully settling disputes between nations is all too evident,

Resolved, that the Bangkok Conference urges the establishment within the framework of the United Nations of a permanent available service of competently trained mediators and conciliators to facilitate peaceful settlements between nations in conflict; and

Further resolved, that the United Nations Charter be amended to provide a method for the compulsory arbitration of international disputes.

RESOLUTION 20

International Criminal Court

Whereas, the International Criminal Law Committee of the World Peace Through Law Center, under the chairmanship of Professor Julius Stone of Australia, is engaged in preparation of a work entitled *Toward a Feasible International Criminal Court* which will include contributions by ten outstanding jurists and lawyers from six countries,

Resolved, that the Bangkok Conference commends Professor Stone and his associates in the project, including particularly Professor Robert Woetzel, for their diligence in pursuing this endeavor, and requests the Center to give them every aid in the completion of this project.

RESOLUTION 21

Desirability of worldwide participation in work of center

Whereas, the effectiveness of the World Peace Through Law Center is directly related to the interest, support and activity of individual men of the law from all nations, regardless of political creeds or systems,

Resolved, that this Bangkok Conference reiterates the Center's desire to secure the support and participation in its work of individual men of the law from all parts of the world.

RESOLUTION 22

Peoples' funds to support the United Nations

Whereas, there has been established in the United States of America a "United States Peoples' Fund for the United Nations" for the purpose of enabling private individuals, corporations, foundations and charitable and religious institutions to contribute to the humanitarian activities of the United Nations, and said Fund has been granted tax exemption; and

Whereas, during United Nations Week,

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1969, it is planned to establish a World Council with the objective of fostering other similar funds in other nations,

Resolved, that the Bangkok Conference endorses in principle, and urges those in attendance to press for, the establishment of such Peoples' Funds in as many nations as possible throughout the world.

RESOLUTION 23

Intellectual and industrial property

Resolved, (1) the World Peace Through Law Center recommends that the various States have the closest cooperation as concerns the procedure and law for the granting of patents, and it endorses the Patent Cooperation Treaty as drafted by the United International Bureau for the Protection of Industrial Property (BIRPI);

(2) the Center recognizes that inventiveness and industrial development can be best encouraged through adequate protection for inventions and that the grant of patents has been the most effective means of encouraging inventive activity and the necessary investment for research and for industrial development of inventions; and the Center therefore recommends that every country should adopt a well-balanced patent system with such modifications as are necessary to be in keeping with national requirements and the stage of development achieved and as are necessary to avoid abuses of patent rights;

(3) the Center recognizes that patents and licenses pursuant thereto are a form of property which should not be expropriated by any nation without fair and adequate compensation;

(4) the Center recommends that the developed countries, either individually or collectively, in giving financial aid to developing countries, provide funds:

(a) to facilitate the transfer of technology whether by advances to the governments or by investments in or advances to companies in such countries; and

(b) to meet the royalty expenses on patents; and

(5) the Center recommends that international institutions be set up capable of giving information on technology available for transfer to developing countries or desired by such countries and which can facilitate contacts between governments or enterprises for transfer of technology.

RESOLUTION 24

The development of nations

Whereas, development is the most important challenge to the contemporary world and developed nations are, alone, capable of assisting the developing nations.

Resolved, that the Bangkok Conference urges governments and international organizations to study the feasibility of the following measures where they are not already in effect:

(1) the creation of regional common markets to assure coordinated programs for agriculture and industry, such common markets to constitute supra-national organizations and international forums;

(2) the encouragement of institutions and industry by governments of developing countries so as to develop foreign investment in private and public national resources;

(3) so as to allow nonindustrial nations to produce what they now import, the encouragement of:

(a) education in administration and planning;

(b) technical information centers to facilitate the development of small and medium industrial enterprises;

(4) so as to relieve the administration of developing nations, the encouragement of centers for legal and administrative information retrieval by computer, in accordance with the Center proposals;

(5) the encouragement of education in economics for young law students and promotion of their participation in international organizations; and

(6) the development of international labor law; and

Further resolved, that the Bangkok Conference urges the President of the Center to create a permanent Committee to study, with representatives of all countries, the legal and economic problems concerning the development of developing countries, in order to facilitate a faster realization of the programs dedicated to World Peace.

RESOLUTION 25

Court of Human Rights

Whereas, the protection and enforcement of fundamental human rights requires a permanent forum where justice may be accomplished for human rights.

Resolved, that a Universal Court of Human Rights should be established where violations of fundamental human rights may receive resounding condemnation and individual rights which have been infringed may be enforced, and that in establishing such Court the Court of Human Rights established by the Council of Europe should be studied and, to the extent deemed desirable, used as a precedent.

RESOLUTION 26

Legal education

Whereas, the province of the law and the meaning and significance of the Rule of Law are little understood throughout the world;

Whereas, in many parts of the world there are not sufficient trained lawyers or judges;

Whereas, it is desirable for there to be closer international cooperation in legal education; and

Whereas, the Bangkok Conference recognizes and affirms that without an independent and efficient judiciary, a fearless, upright and well-trained legal profession, and adequately equipped law schools staffed with properly remunerated teachers, there can be no sound foundation for the peaceful and orderly development of the political, social, and economic life of a country,

Resolved, that the Bangkok Conference:

(1) draw the attention of Heads of State and Government to the necessity for including in the general educational curricula studies to acquaint students better with the province and function of law and lawyers in the community;

(2) assist by every means available to it the development and maintenance of legal education, particularly in those countries where, due to lack of financial resources or to an imperfect realization of the importance of fully trained lawyers, magistrates and judges, the needs of legal education are not being met;

(3) investigate the feasibility of creating an International Graduate School of Law where the best legal minds of each country can meet and study, and teachers can continue training; and

(4) investigate the feasibility of forming a global association of law schools and law teachers; and

Further Resolved,

(5) that the Center forward a copy of this resolution to appropriate interested parties for implementation including heads of all Bar Associations in the world, deans of all law schools in the world, presidents of all private philanthropic foundations, and heads of organizations interested in legal education such as LAWASIA, the Association of American Law Schools, the Association of Canadian Law Schools, the Association of Public Law Teachers of the United Kingdom and the All India Law Teachers Association.

RESOLUTION 27

Enlisting world-wide public opinion

Whereas, numerous delegates to this Bangkok Conference have emphasized the increasing responsiveness of governments to public opinion and the potential effectiveness of world-wide public opinion as an aid in achieving world peace through law; and

Whereas, lawyers have special competence to bring about such better understanding.

Resolved, that each participant in the Bankok Conference should dedicate himself, on his return, to speak seriously and enthusiastically both in private and public about the objectives and programs of the Center, and the extent to which public opinion can play a substantial role in achieving such objectives; and

Further resolved, that the Center rededicate itself to an increased program to educate world public opinion in support of its programs to achieve World Peace Through Law.

RESOLUTION 28

Civilian populations of occupied territories

Resolved, that the Bangkok Conference calls on States occupying territories of other States to treat the civilian populations of such territories in accordance with due process of law and in conformity with the Geneva Conventions of 1949.

COMMUNISTS FRONTS AND PARTY FRACTIONS USED AS TOOLS OF SUBVERSION

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 30, 1969

Mr. FANNIN. Mr. President, recently with all the talk about pressuring the President to do this or that—particularly in the field of foreign policy—I became more concerned with just where some of this pressure was coming from.

The American Research Foundation has put together some information that is very helpful in this field. A short history and explanation of front organizations and fraction organizations has assisted understanding of how the Marxist-Leninist ideological and political systems are operating. We can see the relationships between these, sometimes seemingly innocent, operations and their political and military efforts.

Mr. President, I ask unanimous consent that the articles to which I have referred, a listing of front organizations, and information about them and their activities be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FRONTS

It is not clear how the term *front organization* originated, but it is being used because mass organizations (non-party), though directed and controlled by the Communist Party apparatus, (fraction) pretend to be independent and endeavor to attract as many non-Communists as possible so as to appear respectable and legitimate. They thus become *fronts* or facades behind which Marxism-Leninism operates. They are characterized by their common origin: the rigid conformity with Communist principles based on "unity of will and action", "democratic centralism" and "proletarian internationalism", Communist organizational pattern, their interlocking personnel (fractions) and their methods (tactics) generally used to deceive the general public. Being a part of a subversive and conspiratorial movement, their essence is *semantic aggression, subversion, deception* and *subterfuge*.

The Marxist-Leninist Communist *system*

of front organizations had its inception in the Third Congress of the Comintern in 1921, when the concepts of the *United Front* were first defined. It was Lenin himself, who decreed that Communists while carefully preserving their own identity, should try to establish contact with the masses by either collaborating temporarily, with the leaders of Socalist and other non-Communist organizations (*United Front from above*), or by appealing to the rank and file members of such organizations *over the heads* of their leaders (*United Front from below*).

It has always been a basic principle of Marxist-Leninist doctrine that a Communist Party, by its nature, must be a small band of professional revolutionaries. But to accomplish its true aims, members of this elite group cannot and dare not remain in isolation from the society in which they operate. Their job is not only to conspire and, when necessary, to undermine, but also influence and direct the opinions and actions of all the people from workers to the national bourgeoisie.

Marxist-Leninist emphasis upon the role of mass organizations predates the Bolshevik Revolution (1917) as Lenin in his "What Is To Be Done" and elsewhere began to stress the difference between the functions of the Communist Party (CP) and non-party mass organizations such as trade unions, parliaments. cooperatives, political parties, and other groupings. He pointed out that under the indirect (hidden) control and guidance of the Party such organizations could attract far greater support than the disciplined and doctrinary Party itself could ever hope to get. He wrote about the importance of *transmission belts* from the CP to the masses without which no CP could hope to maintain itself. Stalin was even more explicit on the need for infiltration and penetration as an indispensable step along the road to the domination of the world by the "working class." He wrote, "The proletariat needs *these transmission belts*, these *levers*, and this *directing force* (the CP) because without them, in its struggle for victory, it would be a weaponless army in the face of organized and armed capital."

Comintern's instructions on this aspect of work among the masses (people) are clear and to the point: "The first part of our task is to build up, not only Communist parties, but other organizations as well, above all *mass organizations*, sympathizing with our aims and able to aid us for special purposes. We must create a whole *solar system of organizations* and smaller committees around the Communist Party, smaller organizations so to speak, actually working under the influence of the Party but not under its mechanical control." From the above we may conclude that mass organizations were designed to act as instruments of the Marxist-Leninist Communist general (strategic) and specific (tactical) party line while masking their real purpose behind an ostensibly non-political and non-partisan facade of social, political, economic and other goals which have wide acceptance and appeal to "progressive," "democratic", "liberal", and other "peace-loving" public opinion.

In accordance with Marxist-Leninist ideological and organizational concepts, therefore, the functions of mass organizations may be summarized as follows: *to spread*, select elements of basic tenets of the Marxist-Leninist doctrine among the masses; *to mobilize*, broad support for immediate domestic and foreign policy objectives of the Communist Party of the Soviet Union (CPSU) conveyed through the USSR government and other Soviet-Russian mass organizations (fronts) and the People's Republic of China (PRC), the "Socialist" Parties, their governments and other mass organizations; *to support* and strengthen the *Socialist World System* against the Capitalist World System in the *systemic*, violent or non-violent, conflict between the two antagonistic class systems; *to recruit*, and test potential party members; and *to serve* as training grounds for future Party functionaries and mass organization leaders in local, national, or world-wide leadership of the *World Communist* and *Workers' Movement*. In addition, their meetings, conventions and other gatherings furnish good opportunity for "national" and foreign Communist leaders to get together and "exchange mutual experience and information" without arousing unduc suspicion.

In the past decades, Communist parties were successful in penetrating and infiltrating many established organizations, institutions, political parties and even governments by inserting their *own members* (fractions), into strategically important positions which, in turn, could be used for the dissemination of agitation and propaganda (agitprop) designed to influence the policy and activities of organizations where they secured a foothold. Marxist-Leninist *transnational semantics are the main tools of aggression, subversion and deception manipulated by Party fractions* in all mass organizations (fronts) where they have adapted themselves to all possible situations. Based on the foregoing discussion of mass organizations, *we may define a Communist front* (*organization*) *as a party fraction guided and controlled auxiliary* (or reserve) of the *World Communist Movement*. It may be only a "national" one, in which case it assists the local CP on all levels of organization; or a world (international) front organization, such as the World Peace Committee, WFTU, WFDY, etc., which are fraction directed and controlled by CPSU and satellite parties' fractions augmented by additional fractions from "national" CP's.

In many states and countries fronts have added advantage that as they are legal and open organizations, the fear of Communist control did not arise and many persons who have nothing to do with Communism as such, take an active part in these organizations and their activities wrongly believing that their own beliefs and trusts whatever they may be, *can never be subverted by the Communists*. Soon, however, the disciplined *Party fraction* (not cell nor faction) within the front, controlled and guided by the corresponding party unit on all functional levels (national to local) begins to take direct or indirect (hidden) leadership and turns the penetrated organizations' functions and activities away from its specific aims into the realm of Marxist-Leninist policies and corresponding *subvrsive aggression*. Converts are also made, and the Party fraction uses its balance of power to see that "friendly" elements remain in control of the organizations. Eventually a member of the Party fraction, whose membership in CP is usually not widely known, is elevated (elected) to a leading position in the organization, (i.e., secretary general's post or other). If objection is raised that the infiltrated organization, not even excluding a government is following a Marxist-Leninist line, then fraction members retort that they are "only" following the policy "democratically" formulated by representatives of their compatriots at home and by "democratic" and "progressive" peoples, in other countries and states of the world. If not checked, the *numerically small Party fraction* and its *ideo-partisans* (*sympathizers*) are soon in the position where they pose as spokesmen for "all" the "democratic", and "progressive", "peace-loving", "freedom-loving" youth, women, students and others, and throw the support of their organization behind the program and its preordained activities of the "national" Marxist-Leninist Communist or Worker's Party, whether it is legal or illegal, of true as assumed name.

The culmination and apex of Communist front activities is the formation of a *United Front* (UF) also appearing under a multitude of attractive names, a roof or superfront organization built upon the fusion of all fronts and cooperation of other non-party organizations. The UF may be world-wide, regional, national, and local. It may be also of a general character (peace council) or specific (trade union), or any other special character. The formation of a UF facilitates various "appeals" to all social classes and all members of all parties and organizations, to join with the Communists in a "Common Front" (*not coalition!*) in which the Communists "will jointly" struggle for the "democratization", let us say of Vietnam. This, of course, does not mean installation of real democratic institutions there, but a complete political, social and economic, violent or nonviolent, transformation of the existing antagonistic "capitalist (exploiter) class society" into a "peaceful classless socialist" one, i.e., the establishment of "national democracy" and later a "people's democracy", the first phase of the "dictatorship of the proletariat." (Algeria, Mongolia).

To a considerable extent (the C.P. of) *the Soviet Union* (SU) with its affiliated front (and infiltrated) organizations also serves to strengthen the "alliance" between the Marxist-Leninist Communist and other "genuine revolutionary" and "national (actually people's) liberation parties and movements" by eventual cooperation in the genuine movements (Middle East) and use them as a facade through which to carry on their propaganda and actions, and to gain recruits to the Marxist-Leninist cause, particularly among nonworker classes, the national bourgeoisie, professionals and others.

Another very important purpose of the UF is the establishment of a *propaganda and action base* for the laying of foundations of *dual power* whose main object is the challenge of the existing "exploiter class establishment (system)" and its power, its eventual overthrow and establishment of a new "people's (classless) power" through People's Councils (Soviets), also appearing under a variety of appealing names, followed by the dictatorship of the proletariat—the ruling Communist Party.

Many front organizations also function as "non-governmental" channels for sponsoring cultural relations, libraries and reading rooms, bookstores, press and radio, tourism, free or low cost trips for groups and individuals in whom the local party, the CPSU or other CP's are interseted in. Occasionally they also act as cover for crypto-Communists (sleepers) or where the Party has been outlawed, for the Party itself. The whole Communist "solar system of front organizations" is considered by the Marxist-Leninists as a *single action and support force* (reserve) *of the Socialist World System headed by the CPSU* whose declared *systemic conflict* (*class war on a world-wide scale*) against the *Capitalist World System* aims at the complete *destruction of "capitalism-imperialism"* by either non violent (co-existence, semantic subversion, aggression, etc.), or violent military tactics, (partisan warfare-aggressive insurgencé), or a combination of both. *The ultimate goal of the systemic conflict* is the establishment of a "classless society" throughout the world, i.e., *total elimination of the Capitalist World System.*

From the Marxist-Leninist doctrinal point of view, the *systemic conflict* of the two mutually antagonistic world systems, (capitalist, socialist) has a *transnational character* which transcends and disregards established international and national nation-state and/or country boundaries and considers nation-states (USA, USSR, CB, etc.), as *fraction controlled mass* (*front*) *organizations* (*superstructures*) *of* this system, therefore, of primary importance in the *systemic* (class) *conflict* for socialist (Communist) world supremacy.

Accordingly, the present conflict (people's liberation war) in South Vietnam is not a war between two nation-states (S. Vietnam vs. N. Vietnam or USA vs. USSR) but an *"armed class conflict"* between the South Vietnamese capitalist society and its government (superstructure) part of the *World Capitalist System* headed by *US Imperialism* (Wall Street) and *the (class) liberated society of North Vietnam*, a *unit of the Socialist World System*, against which the *US imperialists* and their South Vietnamese "lackeys" are committing *criminal (systemic) aggression* by attacking one of its *superstructures*—the National Liberation Front—which is attempting to establish and widen by force a "socialist order" in South Vietnam areas where the NLF has already established "dual power"—village, struggle, and other committees and councils under various names—and lately, the "Provisional Revolutionary Government of S. Vietnam". (Russia Feb. 1917!)

The Communist Party of the Soviet Union as the head of the Socialist World System—the *material-technical* base of the (Commonwealth) of the *Socialist Countries* is also *the ideological leader* and *base* and *force* of the World Communist and Workers' Movement, rather than the USSR (Nation-state, superstructure), is in *reality instigating and fully supporting "anti-imperalist"*, "just", "people's", "class" wars in Vietnam or elsewhere throughout the world. The USSR (State) and its governmental counterparts within the Socialist World System are bound by international conventions and membership in the United Nations not to *interfere in the "internal affairs" of other states. These interdictions, however, because of their "capitalist" origin were and are totally rejected by the Soviet Union as the head of the "new" world Socialist Systemic Order* which refutes all non-socialist (capitalist) international capitalist interference affecting its own movements such as mass organizations people's liberation wars, "disarmament" and other Communist systemic activities.

FRACTIONS

The question of Communist party fractions in non-party mass organizations[1] is closely connected with the necessity of Communist Party's gaining of influence over large non-party masses. In order to achieve this, every Communist Party whether operating under its true name (CPUSA) or assumed name (SED), legal or illegal, in power or seeking power must have organs to conduct a Marxist-Leninist policy within non-party (mass) organizations. Among these organs are *Party fractions*. Their proper organization determines the correct application of the directives of the Communist party, and guarantee the implementation of "unity of will and action," "democratic centralism," and "proletarian internationalism" within those mass organizations where the Party fractions have established themselves. A *Party fraction* must not be confused with *Party faction* which is a dissident (deviationist) group within the Party itself.

"Wherever there are three or more Communist Party members[2] within a mass organization and its organs, they *must form a Party fraction* (also called nucleus, caucus, kernel, group, etc.), and carry on active Party work. Such a Party fraction must work with all energy to bring the majority of the mass organization (front) members under its influence and to link up the struggle for immediate tasks with the fight for the final aim of the World Communist movement—the establishment of a "classless socialist world system." This work, however, must be conducted within the framework of the programs and statutes (by-laws) of the respective mass organizations. Party members must keep always in mind that Party fractions *are not Primary Party Organizations* (cells) and that they therefore can deal only with the questions of their special field of activity. It is not the individual member of the fraction, often not even the fraction itself, but always the Communist Party as a whole that is held responsible for the activity of Party fractions and for every activity of a Party fraction, as well.

The Communist Party Executive (Committee) determines the *political and tactical* line of the Party fractions, directs and instructs them, and controls their organization, activities and behavior. The decisions of the Party Executive must be carried out unconditionally by Party fractions, non-fulfillment constitutes serious breach of party discipline.

Candidates for all congresses, conferences, and committees of mass organizations are to be nominated by the *Fraction Executive* (Committee) and approved by the proper Party Executive. If necessary, the Party Executive itself can nominate candidates. The respective Party Executive is authorized to correct or annul Party fraction decisions and to remove or appoint fraction functionaries or leaders. In such cases it is necessary to explain these measures to the members of the Party fraction. Within the limits of the General Party Directives, (Party Line) the Party fractions deal independently within the questions of the inner life of a mass organization and its current work. The Party Executive must not interfere unnecessarily in the daily work of the Party fraction and should let it have all possible freedom of action and initiative within a given mass organization (front). The *fraction functionaries* are obliged to give regular reports to the corresponding Party Executive or to the proper Department and higher Fraction Executive.

Local party fraction functionaries *must not*, as a rule, *maintain direct contact* with the Primary Party Organization (PPO). This contact must be made through the PPO Executive. In special cases, in order to deal with definite problems these Party fraction functionaries can, with the approval of the proper Party Executive, deal directly through the PPO Executive with the individual PPO's.

On a *national scale* and downward, Communist Party members of the respective Executive Committees of a mass organization must also form a Party fraction, which at the same time is the *Fraction Executive* (*leading fraction*) for the entire mass organization. In order to bring about systematic and *united action*, joint discussions of Party fractions of various mass organizations must be called by the proper Party Executive according to necessity.

Party fractions in the committees of various mass organizations receive instructions from the Party Executives are responsible for guiding the work of Party fractions by sending their instructions to the lower party fractions. On special occasions, or in cases where the direction of Party fractions of individual mass organizations is difficult, the Party fraction of an individual mass organization is guided directly by the Party functionaries in question.

Party functionaries are responsible for the selection and training of candidates for congresses, conferences, and meetings of mass organizations. They must call *fraction meetings* in advance, and guide and control the Communist Party interest during the sessions. For the period of a given congress meeting or conference, the Party fraction must elect a *Fraction Bureau* to deal with current work. The *Fraction Bureau* works under the leadership of the respective Party functionary who is fully responsible for its work to the Party Executive in question. Members of the Party fraction must maintain strict party discipline and unanimity in their action at all sessions.

Every Party fraction must maintain contact with the non-party oppositional but sympathetic elements. In order to make joint and unanimous action on important occasions possible, conferences and meetings must be held with these sympathizers (ideo-partisans). This applies not only to important questions of Marxist-Leninist principles, but also to organization and activities of the masses (people). Previous to these conferences, Party fractions must discuss all pertinent questions among themselves and decide on their actions and the carrying out of same on the basis of the strictest party disciplines (democratic centralism).

There are no special fraction dues. The regular revenues of the Communist Party provides the means of Party fraction work.

Agitation-propaganda activities of Party fractions are based on the application of *Marxist-Leninist transnational semantics. A mass organization in which the Party fraction secured a solid foothold may be called a front organization*, an auxiliary of the World Marxist-Leninist (Communist) and Workers' Movement headed by the Communist Party of the Soviet Union. (CPSU) and to certain degree by the Communist Party of China (CPCh.)

All activities of Party fractions are directed and controlled by programs, party line and statutes of individual "national" Communist and Workers' Parties. (Note: According to Marxist-Leninist principles of organization, mass organizations belong to the *super-structure* of given *production base or system*. There are two "mutually" antagonistic World Systems, the Capitalist (imperialist) and Socialist (Communist). Mass organizations (fronts) in the former are auxiliaries of the World Communist movement, whose ultimate goal is the complete liquidation of the Capitalistic World System, therefore, the *Communist support force* in the *SYSTEMIC CONFLICT* (*class-war*) during the non-violent and/or violent stage of transition to the World Socialist (Communist) System. Mass organizations in the latter, however, are parts of the Socialist World System which they must support unconditionally. The roles consequently are different and occasionally "opposite".

WORLD (INTERNATIONAL) COMMUNIST FRONT ORGANIZATIONS

International Association of Democratic Lawyers (IADL).

International Federation of Resistance Fighters (FIR).

International Medical Association (IMA).

International Organization of Journalists (IOJ).

International Radio and Television Organization (OIR).

International Union of Students (IUS).

Women's International Democratic Federation (WIDF).

World Federation of Scientific Workers (WFSW).

World Federation of Democratic Youth (WFDY).

World Federation of Teachers' Unions (FISE).

World Federation of Trade Unions (FWTU).

World Peace Council (WPC).

World Peace Movement (WPM), etc.

Other world-wide Communist sponsored activities (select).

Introduction

Before examining the background and activities of World (International) Communist Front Organizations, let us recapitulate briefly the Marxist-Leninist (Communist) theory on the nature and purpose of mass (front) organizations and their relationship to the local Communist Party and the World Marxist-Leninist and Workers' Movement, an integral part of the Socialist World System headed by the Communist Party of the Soviet Union (CPSU).

These world-wide mass organizations are designed to act as instruments of the CPSU (and CP China) *general* and *specific party*

Footnotes at end of article.

line while masking their real purpose behind an ostensibly non-political (and non-partisan) facade of social, economic, political and other goals which have wide acceptance and appeal to "progressive," "democratic," "peace-loving," "anti-facist," and "patriotic" public opinion.

The function of these fronts is to *spread* basic concepts of the Marxist-Leninist ideology; to *mobilize* support for immediate "foreign policy" objectives of the CPSU (Soviet Union) and CP China; and to *recruit* and test potential party members. In addition they serve as *training ground* for future party leadership cadres.

Their world-wide congresses, conventions, consultations, festivals and other similar gatherings furnish an opportunity for "fraternal" communist leaders to get together without arousing undue suspicion. In many countries, fronts have added advantages that, as they are not open parties, the fear of Communist control did not arise and many persons who have nothing to do with Communism as such take active part in these organizations and activities.

Communist emphasis upon the role of these mass organizations predates the Russian Revolution as Lenin in his "What is to be Done" distinguishes between the function of the *Party* itself and the role which could be played by mass organizations such as Trade Unions, which though under hidden control of the Party, could attract broader mass support for Communist causes.

Membership of these fronts is drawn from many countries and states. Guidance and control of these front organizations is effected by PARTY FRACTIONS within each organization which is in turn guided and managed by the corresponding C.P. organizational unit on all organizational levels irrespective of its legal or illegal status and true or assumed name.

Many of the World Communist Fronts have "a consultative membership" status in the United National Organization.

International Association of Democratic Lawyers (IADL)

Headquarters: The Secretariat is at 234 Rue du Trone, Brussels, having been expelled from Paris in 1950 by the French Government. A certain amount of organizational work has also been carried on from Moscow.

History: The Association was founded in 1946 at the International Congress of Jurists held in Paris under the auspices of a para-Communist organization, the Mouvement National Judiciaire. Many lawyers attended this congress and subsequently joined the organization without realizing its political nature. However, the Communists had control of the organization from the beginning and by 1949 most of the non-Communists had resigned.

Membership: Membership is open to organizations, groups, or individual lawyers. The IADL has never issued a total membership figure but claims to have members in over 100 states and countries.

Avowed Aims: The Main Aims of the IADL are, according to its statutes:

1. To develop mutual understanding among the lawyers of the world;

2. To support the aims of the *United Nations,* especially through common action for the defense of *democratic* liberties;

3. To cooperate with other groups to ensure respect for the rule of law in international relations and the establishment of a "durable peace."

Actual Policies: In practice the IADL has:

1. Supported every move in CPSU foreign policy and attacked Free World policies whenever this was in line with USSR propaganda;

2. Denounced as a "violation of human rights" any prosecution against Communists or Communist parties outside the Soviet orbit, while denying or ignoring the existence of any violations of human rights behind the Iron Curtain. For example, the Rosenberg trial in America was castigated as "judicial murder" but the Slansky trial in Czechoslovakia was never mentioned;

3. Assisted wherever possible the dissemination of USSR/CPSU propaganda, particularly the notorious "germ warfare" allegations. It has also supported the various campaigns of the WPC;

4. Organized, as a contribution to "mutual understanding," visits of groups of "progressive" (i.e., pro-Communist) lawyers to the USSR, its satellities and China, who, in return for lavish hospitality, extolled the perfections of "people's democracy," particularly its legal system (even in Hungary since the revolt);

5. Attacked the West for "imperialist aggression" in Korea, Indo-China, Malaya, Kenya, Cyprus, Algeria and Middle East and other countries. (But failed to make any protest against the brutal suppression of freedom by Soviet tanks in Posnan, Poland, Budapest, Hungary and Czechoslavakia.

Recent Activities: Attended the "Second International Conference in Support of the Arab Peoples", Cairo 25–28 January, 1969.

Also attended the "Consultation of the Attorneys General of European Socialist States, East Berlin, 28–29 January, 1969.

Session of the IADL Secretariat, Vienna, February 1969.

"Ninth Congress of IADL, Helsinki, July, 1969.

International Federation of Resistance Fighters (FIR)

Headquarters: The headquarters are at Castellezasse 35, Vienna 2, but a small secretariat is also maintained at 10 rue Lereux, Paris 16. The headquarters were in Warsaw until 1952.

History: The FIR was founded at a congress organized in Vienna in July 1951 by its predecessor the "International Federation of Former Political Prisoners of Fascism" (FIAPP). FIAPP itself had been founded in Paris in 1947 but did not include Resistance Fighters (R.F.).

Membership: Membership is open to organizations of former partisans, resistance fighters, political prisoners and "victims of Nazism or Fascism." It is also open to individuals and there is provision for associate membership. A total membership of 4,000,000 is claimed drawn from European and other countries.

Avowed Aims: These are to keep alive the memory of those who died fighting Fascism underground, to protect the rights of those who survived to prevent a re-emergence of "Nazism or Fascism" and to ensure "world peace."

Actual Policies: In practice it has not collaborated with Resistance associations organized on a national, non-party basis, but only with those under Communist control.

While genuinely fighting "Fascism" it has also supported every move of CPSU foreign policy. Opposition to "Nazism" has been used as a lever to attack the NATO, CENTO, SEATO, OAS, etc., and any other attempt by the Free World to defend itself.

Recent Activities: "Sixth Congress of FIR" projected for May 1969.

"Meeting of Resistance Fighters from the Portugese Colonies and South Africa". 23 Jan. 1969, Khartoum, Sudan, (in USSR Cultural Centre).

International Medical Association (IMA)

Headquarters: The headquarters were transferred from Rome in April 1953 to Wollzeile 29/3 Vienna, Austria. In September 1957 it moved to its present address, Helferstorferstrasse 4/12 Vienna I.

History: The organization began under the wing of the World Peace Movement, but in June 1954 it was established as an independent organization. It originated at the II World Peace Congress in Warsaw in 1950, when 61 doctors who attended decided to form an "International Union of Doctors for Peace" and a conference was proposed to deal with the "pernicious influence of war preparations" on the health of the people. In February 1951, the WPC instructed its executive bureau to support the project and an international Preparatory Committee was set up. National Committees were also established and in November 1951 a preparatory meeting was held in Rome. Plans to hold the first World Congress of Doctors in Montecatini, Italy in October 1951 fell through. It was not held until May 1953 in Vienna. Meanwhile, the International Preparatory Committee had become the "International Secretariat of the World Congress of Doctors," superseding the original "International Union of Doctors for Peace." The "World Congress of Doctors" was formally established in Vienna as a permanent organization in June 1954 and was registered under Austrian law in December 1955.

In October 1957 it was reconstituted and its title changed to "International Medical Association."

Membership: Membership is open to medical organizations or individual members of the medical profession. No claims as to total membership have been made.

Avowed aims: The avowed aims of IMA are the promotion of health throughout the world by the prevention rather than the treatment of disease. To this end it concentrates mainly on questions of living standards.

Actual policies: In practice the IMA has concentrated mainly on two problems: first, the danger to health through the lowering of living standards caused by wars and preparations for war (in the Free World only); second, the radiation hazards caused by the testing of atomic and hydrogen weapons (again by the Western Powers only; Soviet test explosions are discreetly ignored).

International Organization of Journalists (IOJ)

Headquarters: Originally in London, the headquarters were moved in June 1947 to Opletalova 5, Prague 3, Czechoslovakia, presently located at Parizska ulice (street) 9, Prague I.

History: The IOP was founded in June 1946 at a congress in Copenhagen. The prewar International Federation of Journalists and the wartime International Federation of Journalists of Allied and Free Countries were both formally disbanded.

At first, several Western journalists' unions joined the new organization and for a short time it was truly representative. But, from the beginning the Communists had succeeded in capturing the key posts and gradually turned it into yet another front organization. By 1950 all the non-Communist unions had withdrawn because of the IOJ had become, in the words of its first President, Mr. A. Kenyon, "a branch office of the Cominform." Confirmation of this assertion was provided in 1950 when the IOJ expelled the Yugoslavs because "Stalin had quarreled with Tito." In 1955 when Soviet hostility to Yugoslavia was relaxed, the IOJ apologized for their "error" and invited the Yugoslavs back (so far in vain). Those who had left the IOJ in 1950 restarted the IFJ.

Membership: Membership is open to journalists in the following categories:

1. National Unions of Journalists.

2. National Groups of the IOJ.

3. Individual members.

Avowed Aims: According to its constitution, as published by the IOJ itself in a booklet dated April 1956, the IOJ is "a union of progressive and anti-fascist journalists." Its aims are listed as:

1. "The maintenance of peace and the broadening of friendship among the peoples, as well as international understanding through free, accurate, and honest informing of public opinion. The struggle against the spreading of war psychosis and war propaganda, against the creation of international tension by means of falsehoods and calumnies."

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2. "The protection of freedom of the press and of journalists against the influence of monopolists and neo-colonialist financial groups. The defense of the right of every journalist to write according to his conscience and conviction. The protection of the rights of colonial peoples and of national minorities to publish in their native language. Support to journalists who have been persecuted for having taken up their pens in defense of peace, progress, justice, the liberty and independence of their countries.

3. "The protection of all journalists' rights. The struggle for bettering material conditions of their existence. The gathering and dissemination of all information concerning the living conditions of journalists in all countries. (Collective agreements, salaries, right to organize). Support of the trade union movement in the struggle for journalists' demands.

4. "The protection of the people's rights to receive free and honest information in the struggle against falsefood, calumnies and systematic misinformation by the press, as well as against every form of journalistic activity in the service of individuals or particular groups of society whose interests are contrary to those of the working masses."

Actual Policies: In practice, the IOJ's "struggle for peace" has been the defense of the "peaceful policies" (coexistence) of the CPSU and attacks on the "imperialists" and "warmongers" of the West. Its opposition to "war propaganda" and press "calumnies" has meant condemning any article critizing the USSR or Soviet Communism.

As for the "protection of press freedom" and "journalists' rights" this has been most blatantly selective. Alleged cases of persecution in the U.S.A., Latin America and remaining British and Portuguese colonies are constantly being publicized and journalists of the Free World criticized for being under the thumb of "capitalists." On the other hand, nothing was ever said about the censorship, official directives and stringent measures of press control which are common to all Communist countries (e.g. Czechoslovakia).

Publications: The Democratic Journalist.

Recent Activities: IOJ Executive Meeting, May 1969.

International Radio and Television Organization (OIRT)

Headquarters: The headquarters are now at Liebknechtova 15, Prague 16, Czechoslovakia (formerly Mozartova 15).

History: This organization was founded in 1946 at a conference in Brussels under the name of Organization Internationale de Radiodiffusion (OIR). This was later changed to the present one in July 1959. Many countries participated in it at first except the British Broadcasting Corporation (BBC) which in 1950 took the initiative setting up a rival body, the European Broadcasting Union (EBU). All the leading non-Communist countries have left the OIRT, mostly to join the EBU and the OIRT has since been under complete Communist control.

Membership: Membership is open to any broadcasting organization. At present, organizations from all countries of the Soviet orbit belong, plus Finland, Syria, Iraq, the Arab Republic and other non-orbit countries.

Avowed Aims: OIRT's official aims are non-political, such as mutual assistance of broadcasting stations, etc.

Actual Policies: In practice the OIRT and all its Soviet bloc and non-bloc affiliates have constituted an official mouthpiece of CPSU and propaganda. No attempt has been made to maintain any pretense at impartiality.

Recent Activities: "General Assembly of the OIRT, Helsinki, Autumn 1969 (projected).

International Union of Students (IUS)

Headquarters: The headquarters have always been in Prague, formerly at Vojtesska 12, Prague 11. The present address is Vocelova 3, Prague 2, Czechoslovakia.

History: The IUS was founded at a World Student Congress held in Prague in August 1946. It was attended by students of all political and religious persuasions who all, except for the Communists, thought that they were founding an impartial and universal student body—or, as the constitution put it, "the representative organization of the democratic students of the whole world who work for progress." But the Communists managed to gain control of the organizations from the beginning through fractions by securing the key posts and by providing both the headquarters and most of the funds. They proceeded to turn it into the "student section of the Cominform," as it was once described by a president of the British National Union of Students. In spite of great efforts by the Communists to keep the non-Communists within the fold, most of them had left by 1950 as a result of the IUS's pro-Communist activities. For many of them the decisive factor was the expulsion without a hearing of the Yugoslav Union of Student Youth in 1950 because of the Stalin-Tito quarrel. (After Stalin's death Moscow's orders changed and the Yugoslavs were urged to return. But they have so far refused.)

The non-Communist unions who left the IUS decided to form themselves into a new body called the Coordinating Secretariat of National Unions of Students (COSEC) with headquarters at Leiden, Holland, which organizes an annual International Student Conference (ISC).

Membership: Membership is open to national unions of students or to groups of students where no national union exists.

In an attempt to keep contact with non-Communist unions, the IUS created a form of limited affiliation called associate membership. Several unions, such as the British NUS, became associate members for a time but withdrew when they found that they were still drawn into IUS politics. At present only the unions of Algeria (UGEMA), Ceylon and Tunisia are associate members.

Avowed Aims: According to its Constitution as revised in 1956, the IUS "shall strive for" a list of aims which include the following:

1. "The right and possibility of all young people to enjoy primary, secondary, and higher education, regardless of sex, economic circumstances, social standing, political conviction, religion, color or race;

2. "The promotion of . . . the love of freedom and democracy;

3. "The realization of the aspirations of students in colonial, semi-colonial and dependent countries struggling against colonialism and for full national independence, which is a prerequisite for the full development of education and national culture;

4. "World peace, international friendship among all peoples . . ."

Actual Policies: The above aims may sound generally acceptable to students, but in practice the IUS has been much more partisan. Like all World Communist Front organizations, it has carefully followed every twist and turn of CPSU policy. Every opportunity is taken to criticize conditions in the Free World, while eulogizing those in the Soviet camp. For example, the IUS pamphlet *U.S. Education in Crisis* alleged that the "depressed state of education" in America was "clearly similar to the general economic crisis in the United States as a whole, for which the banks and monopolies seek war as their only solution." The pamphlet *Twenty-one Unforgettable Days in the Soviet Union,* on the other hand, praised the high standards and demrocratic nature of Soviet education thus: "The life and conditions of the Soviet youth and students, proud of the leading role of their country in the world struggle for peace, help to show the way to a brighter future for all student youth."

Anti-Colonialism Students who have allegedly been fighting against "imperialism" or "colonialism" as in Latin America, Greece, Burma, Indonesia, Cyprus, North Africa, or the Middle East have always been given full IUS support. This concern for freedom, however, did not extend to those students who dared to fight against Soviet imperialism—in Prage in 1948, in East Germany in 1953, and particularly in Hungary in late 1956 and again in Czechoslovakia in 1968 and 1969. Regarding the Hungarian rising, the IUS issued a statement expressing its "sincere condolences" to Hungarian students and offering aid, but not daring to support the freedom fighters in their struggle against the Soviet forces of repression, even though the students were in the forefront of the battle.

Peace Campaigns: Special support has been given to the various campaigns of the WPC, in particular those against the defense preparations of the Free World. The high cost of armaments is blamed for lack of education facilities, and conscription is attacked ceaselessly as a disruption of student life—in the Free World only. Nothing is said of the fact that conscription in Soviet orbit is more rigorous than in any non-communist country.

Publication: World Student News.

Recent Activities: "International Student Forum in Support of the Arab Peoples", Cairo March 1969.

Women's International Democratic Federation (WIDF)

Headquarters: Until January 1951 the headquarters were in Paris, but at that time WIDF was expelled by the French Government. Since then the headquarters have been at Unter den Linden 13, Berlin W8, German Democratic Republic, (East Germany).

History: The federation was founded in Paris in November 1945 at a Congress of Women organized by a Communist-dominated organization, Union des Femmes Francaises. The WIDF has been under Communist control from the beginning. No non-Communist women's organization of any importance has ever joined it.

Membership: Membership is open to women's organizations, groups of women, or (exceptionally) individuals. Associate Membership with limited cooperation is also provided for.

Avowed Aims: According to the Charter of the WIDF, its aims are broad, innocuous and acceptable to most women of the whole world, regardless of race, nationality, religion and political conviction in order to:

1. "oppose war, oppression and misery, and build a future of progress, freedom, justice and peace;

2. "defend women's rights as citizens, mothers and workers, and achieve full equality with men;

3. "protect children;

4. "ensure peace, democracy and national independence, including the reduction of armaments, prohibition of thermonuclear and other weapons of mass destruction, respect for the principle of equal rights and self-determination of peoples;

5. "promote economic, scientific and cultural cooperation among nations on a basis of equality."

Actual Policies: In practice, however, the WIDF has strayed far from such noble aims. Most of its statements and activities have been in support of current CPSU policies or of campaigns launched by other front organizations, notably the World Peace Council. Never has it deviated from the CPSU line. However, much of it contradicted itself. For example, it expelled the Yugoslavs in 1949 because Stalin quarreled with Tito but "annulled" this decision in April 1956 because Khrushchev had patched up the quarrel.

The WIDF's constant theme is that the living conditions of women and children in the Soviet camp are ideal whereas in "capitalist" and worse still, in "colonial" and developing countries there is still oppression and exploitation, with inadequate food, housing, medical attention or education.

Poor conditions in non-Communist countries are, it is alleged, largely due to "war preparations" which depress the standard of living. Nothing, however, is said about military expenditure in the Commonwealth of Socialist countries.

In supporting the various campaigns of the "Peace Movement," much stress has been laid on the danger to women and children of radiation from atomic weapon tests as well as the threat to their future constituted by the danger of atomic war, but always it is American and British tests which are condemned and never those conducted in the U.S.S.R.

Publications: Women of the Whole World.

Recent Activities: Meeting of the "Preparatory Committee for the Sixth World Congress of the WIDF," Jan. 1969.

Worldwide celebrations of the "International Women's Day", (8 March). Theme: "Day of the Worldwide struggle for the ending the US aggression in Vietnam"

Session of the "Bureau of WIDF", East Berlin, 25 March 1959. (Preparation for the VIth Congress of the WIDF to be held between 14–17 June 1969 in Helsinki, participation in the World Peace Conference, East Berlin, 21–24 June 1969.

Sixth World Congress of the WIDF, Helsinki, 14–17 June 1969.

World Federation of Scientific Workers (WFSW)

Headquarters: The headquarters are in London, although there are regional centers in Calcutta, Prague, and Paris. The address is Parizska ul.11, Prague I. Czechoslovakia.

History: The WFSW was founded in 1946 at an International Conference organized in London by the British Association of Scientific Workers. Eighteen organizations of scientists from 14 countries were represented. Although it purported to be a non-political organization, Communists succeeded in obtaining most of the official posts and soon had control. There has been no mass walkout, as with other world communist front organizations, but some affiliated bodies are known to be restive as a result of the pro-Communist policies pursued by the WFSW.

Avowed Aims: According to its constitution, the aims of the WFSW include:

1. "The fullest utilization of science in promoting the peace and welfare of mankind;

2. "International cooperation in science and technology . . . through close cooperation with UNESCO;

3. "Freedom and coordination of scientific work both nationally and internationally;

4. "Closer integration between the natural and social sciences."

Actual Policies: In practice the WFSW has faithfully carried out its role as a Communist front organization. It has invariably attacked the "imperialist" countries and praised the Communist ones (with the exception of Yugoslavia during the Stalin-Tito quarrel).

It has waxed indignant at the "victimization" of scientist in the United States, when from time to time a Communist scientist has been refused a passport or removed from his job on security grounds. It has said nothing about the purges, trials and continual restrictions on scientists in the Sino-Soviet orbit, from which most of its members come.

Some idea of the WFSW's real attitude to scientific truth may be gained from an illuminating speech made by General Hrushka at a scientific conference organized in Brno, Czechoslovakia, in February 1952 by the WFSW's Czechoslovakia affiliate. He said, inter alia: "It is essential that Marxism-Leninism should penetrate into every branch of science . . . a particularly strong attack must be delivered on cosmopolitanism. . . . An attack must also be launched on the deliberately misleading reactionary hypothesis of the 'non-political' nature of science and its position 'above party.' The fight against cosmopolitanism must be stepped up and an end put to scientific objectivism." (Prague Radio, February 26, 1952.)

Publications: Scientific World.

Recent Activities: "Third Scientific Peace Conference", Debreczen, Hungary. Theme: Problems of the Third World.

Ninth General Assembly of WFSW, April 1969.

World Federation of Democratic Youth (WFDY)

Headquarters: Until 1951 when they were expelled by the French Government, the headquarters were in Paris. Since 1951 they have been at Benczur-utca 34, Budapest VI, Hungary. During the Hungarian rebellion at the end of 1956, the staff fled to Prague, Czechoslovakia, for safety. But once the Soviet tanks had made it safe again for them, they returned to Budapest.

History: The WFDY was founded in November 1945 at a World Youth Conference convened in London by the World Youth Council, a Communist controlled body which has since been disbanded. Many bona-fide youth organizations joined in the belief that they were founding a non-political organization for bringing the youth of all races, countries and creeds together. They were soon disillusioned, for the Communists captured all the key posts and quickly proceeded to turn the WFDY into a pro-CPSU propaganda organization. By 1949 most of the non-Communists had left in disgust to found their own organization, the World Assembly of Youth (WAY).

Membership: Membership is open to any youth organization, national or international, two-thirds of whose members are under 27 years old.

In 1965 WFDY claimed to have over 200 member organizations uniting 87 million members but the bulk of these come from the Sino-Soviet orbit, largely from U.S.S.R. and People's Republic of China. Membership in the Free World is mostly confined to small pro-Communist or fellow-traveling organizations. There are a number of associate members in addition to the full members.

Avowed Aims: According to its constitution, the aims of the WFDY are such as to command wide support. They include:

1. "The promotion of international understanding among young people;

2. "International cooperation of youth in economic, political, educational, cultural and social activities;

3. "The maintenance of freedom of speech, press, religion and assembly;

4. "To support the demands of youth, particularly as regards standards of living, education and conditions of employment."

Actual Policies: In practice, however, the WFDY has been less concerned with the promotion of understanding among young people than with waging political and semantic warfare on behalf of the CPSU/KOMSOMOL (youth organization). It made its real aims clear in a Manifesto addressed *To the Young People of All Countries* in September 1949, which included:

1. "Condemnation of the warlike preparations of the capitalist countries led by the American imperialist;

2. "Attacks on the Marshall Plan and the North Atlantic Treaty Organization and other treaty organizations;

3. "Allegations of the violation of democratic freedom in imperialist countries (i.e., the Western Powers);

4. "An appeal to youth to support the invincible army of peace partisans headed by the mighty Soviet Union;

5. "A call to youth organizations to render utmost support to the young democrats of India, Vietnam, Burma, Malaya, Indonesia, and other colonial and dependent countries in the struggle for peace and the independence of their peoples."

6. Etc.

Publications: WFDY News.

Recent Activities: "Ordinary Session of the Council of the International Bureau of Tourism and Exchange of Youth of the WFDY, Budapest, first week of February 1969.

"Appeal" by WFDY calling for action to be taken—Against the Extension of the NATO Pact and for European Security", Budapest, March, 1969.

The 8th of May was declared a "Youth Action Day for the Recognition of the GDR and Against Neonazism in West Germany."

"Third International Conference of Editors of Childrens' and Pioneer Newspapers" organized by the International Committee of the Children's and Adolescents' Movements (CIMEA) of the WFDY, Poland, May 1969.

Projected Activities: "International Youth Congress" on the occasion of Lenin's 100th birthday. Theme; "Leninism and the Struggle of Youth for Peace, Democracy, National Independence and Social Progress". Uljanovsk, USSR.

"International Conference on Children's Rights," November 1969.

WORLD FEDERATION OF TEACHERS' UNION (FISE)

Headquarters: Until 1952 headquarters were in Paris, but the Federation was then expelled by the French Government for "fifth column activity." Following its parent body, the World Federation of Trade Unions (WFTU), it settled in the Soviet Sector of Vienna until February 1956, when it was again expelled as a danger to neutrality (this time by the newly independent Austrian Government). It was then run from the office of its Secretary-General at 10 rue de Solferino, Paris 7, until it moved to Prague in October 1959.

History: Though founded in 1946, FISE only became a trade department of the WFTU in 1949. It is noteworthy that this step was taken when the Free Unions had just left the WFTU leaving it completely in Communist hands. FISE has never enjoyed non-Communist support as have some front organizations in their early years.

It is more of a professional association than a Trade Union International, and, unlike the other Trade Departments of WFTU, leads a largely independent existence. Hence it merits a section to itself.

Membership: The leading teachers' organizations in the Free World are not affiliated with FISE but with the non-Communist World Confederation of Organizations of the Teaching Profession (WCOTP). The bulk of FISE's members come from the Sino-Soviet orbit. Membership is open to teachers' organizations catering to all grades.

Avowed Aims: The avowed purpose of FISE is to organize teachers of all grades in one worldwide organization. It claims to fight for teachers' "rights" and for higher educational standards. In particular, according to a resolution adopted at its Warsaw conference in August 1949, its aims include:

1. "The establishment of universal free education;

2. "The outlawing of textbooks propagating militarism, imperialism or racial domination;

3. "Opposition to military training and corporal punishment;

4. "The training of teachers in a democratic spirit and their inclusion in the active struggle against reaction and for peace, progress and democracy;

5. "The emancipation of schools from church influence."

Such aims are, of course, acceptable to many beside Communists.

Actual Policies: In practice, however, FISE's aims have been distorted to serve the

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political ends of the CPSU. First of all, a dual standard is applied. Education in the Soviet orbit is lavishly praised as a shining example to the rest of the world while education in the Free World, particularly in the U.S.A. and the British Commonwealth, is ceaselessly criticized. Secondly, educational problems are never studied as such, but always from the "class war" or Marxist-Leninist point of view. Thirdly, FISE, like other world Communist front organizations, never fails to follow every twist and turn in CPSU foreign policy and to give it all possible propaganda support.

One of the chief aims of FISE, constantly reiterated, is to integrate teachers into the working class and to cure them of their "bourgeois" outlook. Teachers, like scientists and other professional groups, are to form the vanguard of the working masses, the brains of the proletariat. They are also essential for the large-scale indoctrination of of youth with Marxist-Leninists ideas. According to Lenin: "He who has the Youth, has the future."

Recent Activities: "World Conference of Teachers," East Berlin, June 1969.

World Federation of Trade Unions (WFTU)

Headquarters: The headquarters were first established in Paris in 1945. But in January 1951 the WFTU was expelled by the French Government for subversive activities. It then moved to the Soviet sector of occupied Vienna where it remained under U.S.S.R. protection. In February 1956, however, the Australian Government, having regained its independence with the departure of the occupation forces, ordered the dissolution of the headquarters on the grounds that the WFTU had broken its own statutes and was endangering Austrian neutrality. The headquarters were there upon transferred to their present address, Janska 100, Prague I, Czechoslovakia.

History: Ironical as it now seems, it was the British Trade Unions' Congress which took the initiative in setting up the WFTU. In 1943 it issued inviations for a preparatory conference which finally took place in London in February 1945. An Administrative Committee was set up to draft a Constitution. When this was ready, a Foundation Congress was called in Paris in October 1945.

In recognition of Britian's leadership, Sir Walter Citrine was elected the first president of the new organization. But the Soviets insisted, as the price of their cooperation, on having their nominee, Louis Saillant (France), as Secretary-General. Saillant called himself a "Socialist," but actually proved to be a dedicated Communist. He followed CPSU's directives implicitly and proceeded to pack the Secretariat with other Communists. As a full-time official he became more powerful than the president of the WFTU.

He was still, however, answerable to the General Council, the Executive Committee and to the Executive Bureau but this did not trouble him long. These bodies were elected—the number of votes for each affiliated organization depending on the size of its membership—so Saillant and his Communist friends set to work to gain control by increasing the Communist vote. First of all, the Trade Union Centres of East and Western Europe were all brought under Communist fraction control. Then came the CP conquest of the Chinese Republic (nationalist) in 1949. Lastly, membership figures of these and other Communist-controlled National Union Centers (which could not be checked) were artificially inflated until the Communists had control. By January 1949 the position of the non-Communists had become intolerable and, led by the British TUC, the American C.I.O. and the Dutch NVV, withdrew from the WFTU. In November 1949 they set up their own organization, the International Confederation of Free Trade Union (ICFTU); inaugurated in London and established its headquarters in Brussels.

Membership: According to its Constitution, membership of the WFTU is only open to National Trade Union Federations. But in practice, many splinter groups from the Free World have been accepted because the National Centers mostly belong to the ICFTU (International Confederation of Free Trade Unions).

Avowed Aims: According to its Constitution, which was adopted in 1945, the WFTU exists "to improve the living and working conditions of the people of all lands." The Constitution further states that the prime purposes of the WFTU are:

1. "To organize and unite within its ranks the trade unions of the whole world irrespective of considerations of race, nationality, religion or political opinion;

2. "To assist, wherever necessary, the workers in countries socially or industrially less developed in setting up their trade unions;

3. "To carry on the struggle for the extermination of all fascist forms of government and every manifestation of fascism, under whatever form it operates and by whatever name it may be known;

4. "To combat war and the causes of war and work for a stable and enduring peace."

Such aims are acceptable to most trade unionists.

Actual Policies: Since the Communists gained full control in 1949, however, the WFTU's methods of fulfilling these aims have been unacceptable to any but Cummunists and their fellow-travelers. It has acted as a major propaganda agency for the CPSU bringing political and semantic war tactics into the trade union field. It has followed every twist in CPSU policy. Its vast apparatus and numberous publications have churned out propaganda and agitation in support of the current CPSU political line including the "peace movement." Owing to its world-wide well-organized machinery, its status in the U.N. and its pretense of defending the workers, it has probably had more influence than any other World Communist front organization. If it has been less successful than the World Peace Council in ensnaring non-Communists, this is because of the existence of the non-Communist International Confederation of Free Trade Unions. WFTU remains potentially the most dangerous of the world front organizations because of the number of "organized troops" (Red Army) at its command, i.e., workers in Communist controlled unions, such as the French CGT and the Italian CGIL. Though not all Communists, they are completely under Communist domination.

Publications: World Trade Union Movement.

Recent Activities: Participation of the WFTU in the "All-African Trade Union Federation" Meeting, Cairo, 26 Jan. 1969.

Attendance in the "Second International Conference in Support of the Arab Peoples", organized jointly by the World Peace Council (WPC) and the Afro-Asian People's Solidarity Organization (AAPSO), Cairo, Jan. 1969;

"Fourth Congress of the International Confederation of Arab Trade Unions (ICATU), Cairo, 29 Jan.–1 Feb. 1969.

Proclamation issued by the Secretariat of WFTU to "all international trade union centers to support the working class and the people of Spain jointly with the WFTU or similar actions within international organizations, within the *United Nations* (emph. added), within the International Labour Organization (ILO) or in another appropriate form." (Pravda, Moscow, USSR, 6 Feb. 1969).

Support of "Declaration" by the Coordinating Chairman of WPC (Isabelle Blume, Belgium) to the press: "All those who want peace and security in Europe protest against the election of the President of the West German Federal Republic in West-Berlin" (Komsomol Pravda, Moscow, USSR, 15 Feb. 1969.)

Participation in: the "Solidarity Conference of the Trade Unions of Africa and Europe" sponsored by the All-African Trade Union Federation (AATUF), Conacry, Guinea, 21 March 1969.

Meeting of the Administrative Committee of the Food, Tobacco, and Beverage Industries and Hotel, Cafe and Restaurant Workers' TUI (Trade Unions International) of the WFTU, Moscow, USSR 25 Feb. 1969. Theme: "Socialist Countries—the Basis (base) of the *Anti-Imperialist Front in the Struggle for Peace and Social Progress" (emph. added)*.

Participation in: the "International Seminar on the Palestine Problem" initiated by the International Confederation of Arab Trade Unions (ICATU), Conacry, Guinea 1969.

"World Conference on Functional Literacy" Cyprus, 1969.

"International Conference of the Transport, Port and Fishery Workers' TUI" of the WFTU, East Berlin.

"World Assembly of Peace Forces", East Berlin, 21–24 June 1969.

Projected: "Seventh World Congress of Trade Unions, WFTU", Budapest Hungary, 17–31 October, 1969.

"Conference on European Security and Cooperation" to be organized on the initiative of the World Peace Council, (WPC).

World Peace Council (WPC)

History: The World Peace Movement really dates from August 1948 when a "World Congress of Intellectuals for Peace" was held at Wroclaw, Poland. A continuing organization called the "International Liaison Committee of Intellectuals" was set up which called the First World Peace Congress in Paris in April 1949. (Part of the meeting had to be held in Prague because of visa difficulties.) This launched the World Committee of Parisians of Peace which was renamed the World Peace Council in November 1950.

Headquarters: Originally the headquarters were in Paris but in 1951 the WPC was expelled by the French Government for "Fifth-column activities," and moved to Prague. In 1954 the organization moved again. This time to Vienna, Austria, where it established itself under U.S.S.R. protection at Estate-Haus, Mollwaldplatz, 5 Vienna IV. The Austrian Minister of the Interior protested strongly because permission by his government had neither been sought or given. He added: "A sharp watch will be kept on the World Peace Council for it has nothing to do with peace. Vienna is becoming more and more established as the headquarters for Cominform organizations plotting to undermine the Free West."

When the U.S.S.R. and U.S.A. occupation forces withdrew and Austria regained her independence, the WPC was for a time permitted to remain on the condition that it observed Austrian laws, but on February 2, 1957, the Ministry of the Interior announced that the WPC had been banned and its offices closed because it "interfered in the internal affairs of countries with which Austria has good and friendly relations." Its activities were "directed against the interest of the Austrian State." (Observer, London, February 3, 1957.) Though invited to Prague, it never in fact went there. It has no official headquarters at present. Its business is conducted under cover of a new organization established in Vienna in 1957 called the International Institute for Peace (IIP).

The World Peace Council has been more successful than other Communist front organizations in winning non-Communist support. From the beginning it has attracted a certain number of neutralists, internationalists, pacifists and left-wing Socialists. Though many have become disillusioned and resigned, the WPC has succeeded in keeping up a flow of replacements, particularly from Asia. The diversity of its membership has, however, led to special difficulties and its officers have had more trouble than those in other front organizations in keeping the membership in line with CPSU policy.

Membership: Membership of the World Peace Council is organized on a national basis. No exact figure of the total members has ever been given but it must be very large. National Peace Committees are affiliated with more than 120 states and countries. These, in turn, run local branches open to anyone who cares to join. It is, in fact, the only world Communist front organization designed to appeal to everyone. Many join under the illusion they are supporting a genuine pacifist organization that is above politics.

Publications: Perspectives-WPC, Information Bulletin of the WPC.

Avowed Aims: The avowed aims of the WPC are simple. They are to mobilize the peoples of the world, if necessary in opposition to their government, in defense of "peace" to expose the "warmongers" and to bring about a "peaceful" settlement of international differences.

Actual Policies: As Marxist-Leninist doctrine has divided the world into two mutually antagonistic systems, the Socialist World Systems (the "Peace Camp") and the Capitalist World System (the "War Camp"), the defense of peace becomes, for the WPC, the defense of the interests of the CPSU and of World Communism.

From the beginning, the WPC has devoted its energies to defending the policies of the "Soviet Union" (CPSU) and attacking those of the Free World. In particular, it has attacked the Marshall Plan, the European Defense Community and the NATO, CENTO, SEATO, Common Market, etc., in short, every attempt by the Free World to defend itself against Communism.

Recent Activities: "The Second International Conference in Support of the Arab Peoples," Cairo, 25–28 January, 1969.

"Preparatory Meeting for the World Assembly of Peace Forces (East Berlin, 21–24 June, 1969).—Themes: Vietnam, European Security, Middle East conflict, (neo) colonialism, national independence, disarmament, etc.

"Forum, convened by the Permanent Working Committee for Peace, National and International Understanding, West Berlin, 17 Feb. 1969.

"World Assembly of Peace Forces, East Berlin, 21–24 June, 1969. (See Congressional Record—Speech of Hon. Paul J. Fannin, 31 July 1969).

Participants in the World Assembly for Peace, East Berlin, 21–24 June 1969 (select)

Dr. Herbert Aptheker, director of the American Institute for Marxist-Studies.

American Friends (Quakers).

Association For a World Constitution and World Parliament.

Christian Peace Conference.

World Association for Education for Peace.

International Committee of the Red Cross (observer).

International Confederation for Disarmament and Peace (observer).

Conference of Youth and Students for Supporting the Vietnamese People, (italic added).

Women's International League for Peace and Freedom.

International Students Movement for the United Nations.

Hemispheric Conference of Montreal.

Latin American Trade Unions.

World Federalist Youth.

World Federation of United Nations Associations (observer).

Youth Section of the World Council of Churches.

Esperantist World Peace Movement.

All World Communist Front Organizations.

International Fellowship of Reconciliation.

International Committee for Support for Arab Peoples.

Stockholm Vietnam Conference, et alia.

Other world-wide Communist sponsored activities

Afro-Asian Latin American People's Solidarity Organization (AALAPSO), Havana, Cuba.

Vietnam Solidarity Movements (worldwide) Theme: Struggle Against U.S. Aggression.

Liberation Committee of the Organization for African Unity (OAU).

Baltic Week.

Palestine Liberation Committee (s).

Friendship Societies.

International School for Cooperatives; Youth and Student Festivals.

Exhibitions, Film Festivals; "Months of Culture".

Writer Societies; Meetings of Parliamentarians; Rostock, East Germany, July 1969.

Conference of Red Cross Organizations in Socialist Countries (emphasis added). Theme: "The part played by the International Red Cross as a contribution to peace and international friendship. Closer cooperation between the Red Cross and the various national and world organizations involved in the struggle for peace." Sofiia, Bulgaria 13 March 1969.

United Nations Commission on Human Rights in Geneva, Switzerland, adopted a "Resolution in Praise of V. I. Lenin and His Humanistic Ideas and Activities".

FOOTNOTES

[1] The term mass organization is all inclusive. It covers human endeavor in all fields of activities (governments, trade unions, leagues, PTA's, etc.,)

[2] Statutes of the CPSU contain a model definition of a Party fraction (Paras. 67 and 68).

POLL SAYS POPULAR VOTE FAVORED FOR PRESIDENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HUNGATE. Mr. Speaker, a poll was recently taken by Nation's Business magazine which indicates State legislative leaders favor electoral reform and ratification of a constitutional amendment for direct popular vote might be expected from three-fourths of the States. I call the attention of my colleagues to this article:

POLL SAYS POPULAR VOTE FAVORED FOR PRESIDENT

WASHINGTON.—By 6 to 1, state legislative leaders polled by Nation's Business magazine favored a new system of electing the president.

Two-thirds of those backing a change say the president should be elected by direct popular vote.

While a heavy majority favor the popular vote, slightly more than 20 percent support a district plan in which one elector would be chosen from each congressional district and two at large from each state. Their electoral votes would go to the candidate who won the popular vote in the respective district or state.

Opposition to the popular-vote method was based mainly on concern that smaller states would lose their present advantage of getting two electoral votes regardless of population, the magazine said.

Seventy-five percent of the leaders favoring the direct vote indicated their legislative houses would back a constitutional amendment to that effect, although some said it would take all-out campaigning.

SUPERSONIC TRANSPORT APPROVAL QUESTIONED BY PRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. EVINS of Tennessee. Mr. Speaker, President Nixon recently announced plans to proceed with the $662,000,000 supersonic transport project.

Two of the Nation's leading newspapers—the New York Times and the Nashville Tennessean—have raised the question of priorities with reference to the President's decision to allocate funds to the supersonic jet, primarily designed to compete in international air traffic competition.

Because of the interest of my colleagues and the American people in this important project, I place in the RECORD herewith articles from the New York Times and the Nashville Tennessean.

The articles follow:

[From the Nashville Tennessean, Sept. 27, 1969]

MR. NIXON'S SST DECISION SAYS MUCH ON PRIORITIES

It is quite revealing of President Nixon's priorities for America that he has given the go-ahead for development of the Supersonic Transport (SST) and is determined to pour another $662 million into the program.

The SST will have absorbed about $1.3 billion—or perhaps more—before the test vehicles ever fly. That is to be the U.S. contribution. The manufacturers will provide about 10% and federal funds will be about 90%.

As the British and French have found out in their development of the Concorde airliner, final costs were far and away above projections and the Boeing SST project may follow that pattern.

In approving more government funding for the SST, Mr. Nixon said, "I want the U.S. to continue to lead the world in air transport." That is a view most share since the SST's will come, whether the U.S. builds them for the world's airlines or not.

The most pressing issue is not whether the SSTs should be built, but who should pay for the building of them. And this is a philosophical point in which the Nixon administration has now come down on the side of federal subsidy.

During the campaign, Mr. Nixon said the "greatest failure" of the Johnson administration was "its disinclination, or inability to take on the hardest job in government"—the setting of priorities. He went on to assert that the budget needed exhaustive review and that some programs such as public works and the SST would have to be content with much less than maximum funding.

At that point, the SST seemed to be low on his list of priorities. Once in office, Mr. Nixon ordered cuts in school aid, in library money, in housing and other areas. He scuttled the urban mass transport trust fund and has ordered cutbacks in federal construction in the states. But he is now prepared to supply the funding so that private enterprise can continue with the project.

When the SST plan was first brought up, the government agreed to help underwrite the planning. But at that time the Vietnam war was not in full swing and making such a heavy drain on federal funds.

So there is a difference in demands on the budget, and the supposition had been that Mr. Nixon was planning to reduce the SST on his scale of priorities.

The administration had under discussion

for a while a plan by which alternative financing might be had, and the SST be continued on funds derived from shareholdings or pool financing.

The aircraft, airline industries and Wall Street could easily provide the necessary funds for the SST development. And the question is: Why do they not do so if prospects for the super-sonic plane are so good?

It has long been a tenet of Republicanism that for government to do what private enterprise can do is a near socialistic heresy; that government should act only when private enterprise cannot do the job. Even so, President Eisenhower once referred to TVA as "creeping socialism." One might wonder what the general would have called subsidizing the SST—supersonic socialism?

[From the New York Times, Sept. 28, 1969]

A Controversial Project Moves Inexorably Ahead

(By Christopher Lydon)

Washington.—For most of a decade now, the supersonic transport has been stalking policy makers here. With no encouragement from either the airlines that will fly it, the commercial passengers who will use it, much less the general public that must pay $1.2-billion in taxes to develop it, the SST continues its steady advance.

This advance is impelled by international competition, pressures from the domestic aircraft manufacturers and, above all, a technological spirit that makes the current subsonic seven-hour flight to Paris seem like an outrageously long passage at a time when men fly to the moon in just a few days.

Last week, the SST took another of its seemingly inexorable steps forward. President Nixon announced, after more than six months of study, debate and hesitation within the Administration, that "the SST is going to be built," and asked Congress for the remaining $660-million required to build two working models of the plane before 1974. For the current fiscal year, the Administration is asking only $96-million—a temptingly small down-payment that will get the SST off the drawing board and into the construction stage for the first time.

NIXON'S VIEW

President Nixon noted enthusiastically that the SST carrying up to 300 passengers, 1,800 miles an hour (more than three times as fast as present planes) will "bring the world closer together in a true physical and time sense." But the essence of his announcement was still the somewhat reluctant concession that Presidents Kennedy and Johnson made before him: That for reasons of prestige and manufacturing supremacy, the United States can't afford not to proceed.

The Russians' TU-144 and the British-French Concorde have already had their first test flights, and though both of these rival supersonics are slower and smaller than the American SST, they may be ready for marketing in three or four years.

And so, President Nixon concluded, the only meaningful question is "whether in the years ahead the people of the world will be flying in American supersonic transports or in the transports of other nations."

As the debate moves now to Congress, the SST appears likely to become a favorable villain in the discussion of "priorities." Just within the context of the transportation budget, it is noted that the Federal Government has already spent about twice as much on this one plane as on mass transit in all the nation's cities.

The Administration's pledge that the SST will never be flown over land tends to undermine the protests against the thunderous "sonic boom" which will follow the plane's supersonic course like a 50 to 90-mile-wide carpet. But the SST's forced exclusion from the heavily traveled domestic routes leads to fundamental questions about the plane's economic viability.

The American SST is expected to retail at $40-million—about eight times the price of the first big passenger jets that burst on the market in the late 1950's and nearly crippled the airlines with debt. Almost inevitably, the supersonics will raise the cost of flying after the new "jumbo jets" (scheduled for service early next year) have further popularized jet flight at lower-than-ever fares.

Congressional critics will doubtless ask again why—if supersonic flight is commercially promising—the airlines and the aircraft industry together have refused to put up any more than 10 per cent of the SST's development costs. The SST is the only aircraft ever to have been commissioned and directly subsidized by the Government for strictly commercial use.

MELTING OPPOSITION

The hallmark of the SST program, however, has long been its ability to transcend and survive hard analysis of the plane's merits.

When Alan S. Boyd was chairman of the Civil Aeronautics Board in 1963, he stated vehemently that the SST would frustrate, rather than satisfy, aviation's goals of "expanded markets, reasonable fares . . . and reasonable profits." Yet when Mr. Boyd took over executive responsibility for SST development as the first Secretary of Transportation, he somehow became a believer.

Early in 1967, an eight-member advisory committee, headed by former Defense Secretary Robert S. McNamara, advised President Johnson that the Federal Aviation Administration's optimism about the SST was based on faulty economic assumptions and concluded that there was no justification for building the plane. Yet President Johnson proceeded to request, and easily win from Congress, another $143-million for further design work in his 1968 budget.

Soon after President Nixon took office, he appointed an 11-member interdepartmental task force to review the SST. Four specialized reports—on the plane's economics, on its environmental effects, its technological value and its impact on the balance of payments—were all reliably reported to have made negative findings. Yet John A. Volpe, the Secretary of Transportation, integrated these reports into a powerfully favorable recommendation, and after a long summer of haggling, won the President's support for further development.

Clearly there are many obscure pressures, psychological as well as political, that make the SST a fascinating, perhaps irresistible, endeavor. The guessing on Capitol Hill this week, even among the plane's opponents, was that these same forces would triumph again in Congress this year.

[From the New York Times, Sept. 28, 1969]

Speaking of Economy

After what he describes as a "spirited debate within the Administration," President Nixon has finally decided to ask Congress for $662 million to develop a supersonic transport plane. However spirited the discussion, it was evidently not spirited enough.

No impressive evidence has been brought out to warrant the use of public money to subsidize a venture of this sort at this time. Approximately $600 million has already been spent by the Federal Government on preliminary designs, and now the President requests more than that much again—at the very moment that consumers are being asked to pull in their belts, when the social needs of the cities are reaching an explosive level, when the price of exploring outer space is a heavy charge on the public purse and the costs of war are staggering. Most ironically, these funds for supersonic travel are to be laid out by a Government that spends only grudgingly to improve a surface transportation system grown shockingly inadequate—even for carrying people to and from airports.

Balancing off the benefits of extreme speed, such as they may be, are the dangers of explosive noise and sonic boom, problems thus far completely unsolved by the project's engineers. Even if the SST is forbidden to fly over land at supersonic speeds, as Secretary of Transportation Volpe promises, it threatens communities near airports with a deafening racket at every take-off. But is the overland prohibition tenable? There is authoritative opinion that the planes will not pay off unless they can share in the hugely profitable cross-country traffic—and if they have to fly those routes at normal airplane speeds, what justification will be left for the enormous costs, especially with the taxpayer footing the bill?

If and when the SST becomes a necessary, practical and environmentally tolerable vehicle, as some day it probably will, it is hardly to be doubted that private capital will be attracted in sufficient volume to limit the Government's role to backing up the bonds of the enterprise. America's competitive position in the aviation industry, not even remotely challenged now, will not be hurt, as Senator Proxmire of Wisconsin says, by allowing the case for the SST "to be made in the market place instead of in the councils of Government."

As for national pride, the other major argument of supersonic enthusiasts, surely a people that can put a man on the moon will not be thrown off its stride because others are first to try out an airplane that may well prove more of a nuisance than a blessing.

JUSTICE WALTER V. SCHAEFER IS AWARDED AMERICAN BAR ASSOCIATION MEDAL

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. McCLORY. Mr. Speaker, the highest honor which the organized bar can bestow—the American Bar Association Medal—was awarded a few weeks ago to my constituent and longtime friend, Justice Walter V. Schaefer of the Supreme Court of Illinois.

It has been my privilege to know Justice Schaefer, his wife, and members of his family intimately over the entire period of his legal and judicial career.

Mr. Speaker, knowing Justice Schaefer as I do and being aware of his high ideals and distinguished judicial service, as well as his exemplary personal life, it seems most appropriate that he should be singled out for this highest award of the American Bar. Placing the name of Justice Walter V. Schaefer with those of such earlier recipients of the American Bar Association Medal as the late Justices, Oliver Wendell Holmes and Charles Evans Hughes—as well as the other leaders of the bench and bar who have been honored since this award was first made in 1929—marks him as the outstanding jurist in the Nation today.

In order to bring the citation and other pertinent facts regarding Justice Schaefer's career to the attention of the Members of the House and to citizens across the Nation, I submit for inclusion the article which appears in the September 1969, issue of the American Bar Association Journal in the RECORD:

JUSTICE WALTER V. SCHAEFER IS AWARDED THE AMERICAN BAR ASSOCIATION MEDAL

Walter V. Schaefer, a Justice of the Supreme Court of Illinois, became the thirty-fourth recipient of the American Bar Association Medal at the Association's 92d Annual Meeting in Dallas last month. The presentation was made to Justice Schaefer at the Annual Dinner in the Regency Ballroom of the Fairmont Hotel on August 13.

The medal is the highest honor the Association can bestow. It is awarded at the discretion of the Board of Governors to a person chosen for "conspicuous service to the cause of American jurisprudence." Established in 1929, the medal was first awarded to the late Samuel Williston.

The medal is fourteen-carat gold, three inches in diameter. On the obverse is the St. Memin profile of John Marshall with an inscription from the Massachusetts Constitution: "To the end it may be a government of laws and not of men." The reverse side shows a seated figure representing Justice, with the single Latin word, *Justitia*.

The Schaefer citation reads:

The caliber of the judiciary bears directly upon the quality of life in our society. In no other country, as Mr. Justice Frankfurter observed, is the incidence of law as pervasive as it is with us. And in no other country do the judges, especially those of the appellate courts, wield comparable authority to shape the character of the law and influence the standards of the community.

We have been fortunate over the years to have had many outstanding judges on the state supreme courts. One of the most distinguished, a Justice of the Supreme Court of Illinois, is Walter V. Schaefer. His influence as a leader of legal thought and the recognition of his judicial eminence have extended far beyond the borders of the state on whose highest tribunal he has served for eighteen years.

Justice Schaefer received his law degree at the University of Chicago in 1928. He chose to pursue his legal career in Illinois, gaining wide experience in private practice, in state and federal government service, and as a professor of law at Northwestern University. His many enduring contributions have included his coauthorship of the Illinois Civil Practice Act, adopted in 1933, and his chairmanship of the "Schaefer Commission," created by the Illinois legislature to study and modernize the structure of state government in 1949–1951.

With this broad background he became a Justice of the Illinois Supreme Court by interim appointment of Governor Adlai E. Stevenson in 1951. He has twice been elected to the Court and in the most recent instance he had the unusual distinction of being unopposed.

Justice Schaefer has brought to his judicial office a comprehensive knowledge of the law, deep insight, broad vision and a wise, humanitarian approach. He is neither a liberal nor a conservative, neither a strict constructionist nor an activist. He is aware both of the obligations and limitations of his judicial position. He has helped keep the law of Illinois abreast of the times without undue assertion of judicial prerogative.

The reputation of Justice Schaefer for judicial scholarship is national. He is invited frequently to lecture, and his papers have been published in many law reviews. Two of these merit particular mention. In 1956, he gave the Oliver Wendell Holmes Lecture at the Harvard Law School on the topic "Federalism and State Criminal Procedure," presenting one of the first comprehensive considerations of the problems of criminal law in the state courts under the Federal Constitution. More recently, in 1967, he delivered the Benjamin N. Cardozo Lecture before The Association of the Bar of the City of New York. His address was entitled "The Control of Sunbursts: Techniques of Prospective Over-ruling," constituting an important contribution to the literature on the subject.

Justice Schaefer is a rare craftsman, a lawyer's judge whose opinions are models, of clarity and judicial learning. He believes that any judge's greatest outward recognition lies in the respect, admiration and affection of his fellow lawyers, and that his greatest inner satisfaction comes from the devotion of his mind and heart to the achievement of the ideal—perhaps unattainable but still inspiring of—universal justice for all men.

Such is the measure of Justice Schaefer's own judicial stature. The Association takes pride and pleasure in conferring upon him the highest honor within its power to bestow, the American Bar Association Medal, in recognition of his dedicated service to the cause of American jurisprudence.

Justice Schaefer was born in Grand Rapids, Michigan, on December 10, 1904, and obtained his undergraduate and legal education at the University of Chicago (Ph.B. 1926, J.D. 1928). After his admission to the Illinois Bar in 1928, he served with the Illinois Legislative Reference Bureau as a statutory draftsman and then returned to Chicago in 1929 to enter the private practice of law with the firm of Tolman, Sexton and Chandler.

He went to Washington in 1934 as a litigation attorney for the Agricultural Adjustment Administration. He returned to Chicago the following year and served with the legal department of the Reconstruction Finance Corporation and as an assistant corporation counsel of the City of Chicago. He became a professor of law at Northwestern University School of Law in 1940.

In 1949 he was appointed chairman of the Illinois Commission To Study State Government and guided the commission's work until 1951 when he was appointed to fill a vacancy on the Supreme Court of Illinois. In June of that year he was elected to a full term on the court and was re-elected in 1960.

On the bench Justice Schaefer has enhanced his reputation as a legal scholar and has developed a reputation as one of the nation's outstanding state appellate court judges. He has been a noteworthy and popular lecturer. In 1955, he was Ernst Freund lecturer at the University of Chicago, and in 1966, he delivered the Rosenthal lectures at Northwestern University.

RECIPIENTS OF THE AMERICAN BAR ASSOCIATION MEDAL

Samuel Williston, 1929.
Elihu Root, 1930.
Oliver Wendell Holmes, 1931.
John Henry Wigmore, 1932.
George W. Wickersham, 1934.
Herbert Harley, 1938.
Edgar Bronson Tolman, 1939.
Roscoe Pound, 1940.
George Wharton Pepper, 1941.
Charles Evans Hughes, 1942.
John J. Parker, 1943.
Hatton W. Sumners, 1944.
Carl McFarland, 1946.
William L. Ransom, 1947.
Arthur T. Vanderbilt, 1948.
Orie L. Phillips, 1950.
Reginald Heber Smith, 1951.
Harrison Tweed, 1952.
Frank E. Holman, 1953.
George Maurice Morris, 1954.
Robert G. Storey, 1956.
William Clarke Mason, 1957.
E. Smythe Gambrell, 1958.
Grenville Clark, 1959.
William A. Schnader, 1960.
Jacob Mark Lashly, 1961.
Tom C. Clark, 1962.
Felix Frankfurter, 1963.
Henry S. Drinker, 1964.
Edmund M. Morgan, 1965.
Charles S. Rhyne, 1966.
Roger J. Traynor, 1967.
J. Edward Lumbard, 1968.
Walter V. Schaefer, 1969.

CONGRESSMAN JACK McDONALD ADDRESS ON THE FUTURE HIGHWAY PROGRAM AND HIGHWAY SAFETY

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. CRAMER. Mr. Speaker, on Thursday, September 25, my distinguished colleague, Congressman JACK McDONALD, delivered an address in Washington to the "Road Gang," a group composed of prominent representatives of the highway industry.

Congressman McDONALD's excellent remarks related to the plans for a post-1975 highway program and highway safety. I believe the Congressman presents a meaningful approach to the problems of insuring the future of our highway program and a novel approach for promoting highway safety, and I submit the full text of his remarks for inclusion in the CONGRESSIONAL RECORD:

"HIGHWAY SAFETY—EMPHASIS ON YOUTH AND THE PRIVATE SECTOR" AN ADDRESS BY CONGRESSMAN JACK McDONALD BEFORE THE ROAD GANG, SEPTEMBER 25, 1969

INTRODUCTORY REMARKS

What makes the occasion all the more significant for me is that this particular meeting falls right in the middle of National Highway Week. And for you members of the highway fraternity, National Highway Week has a special meaning—one that the average citizen does not fully appreciate primarily because he is now accustomed to taking this great highway system of ours for granted.

Because you Road Gang members are quite knowledgeable about the many direct and indirect benefits this nation derives from its system of highways, it is unnecessary for me to dwell on any related data or information to prove the point. The fact is, however, the nation's highway system has reached a critical point in the course of its development. Great progress has been made but a great deal more needs to be done. And the question that is being asked with increasing frequency is "where do we go from here?"

I am sure you have heard it said many times before that the high level of civilization achieved by well developed societies of the past invariably was related to the development of their roadway systems. The obvious analogy is that a dynamic society needs an adequate road system in much the same way that the human body needs a good circulatory system to maintain good health. The development of the motor vehicle in the early 1900's was actually nothing more than man's successful quest for the ultimate in personal highway locomotion. In fact, we were so successful in building and marketing motor vehicles that their usage almost outstripped our ability to provide adequate roadway to accommodate them. This is why the Eisenhower Administration launched the great 1956 federal-aid highway program.

But, as you know, the current program is primarily concerned with the development of the Interstate System which is now scheduled to be completed sometime around 1975. The challenge that will confront the federal-

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state partnership after completion of the Interstate System is the modernization of the primary, secondary and urban extension systems. Given today's anti-highway climate, the question before us is, can sufficient public support be mustered to achieve enactment of such a vitally needed post-'75 program?

All of you no doubt are aware of the many magazine articles and editorials that appeared this past year attacking the highway program. You are also familiar with the utterings of certain members of Congress and other prominent voices who are calling for a curtailment of the program so that highway funds can be used for all modes of transport or for the "critical" social needs and the like. Then, too, you know that there is an important lead-time factor built into the complex task of planning, engineering and constructing highways. Critical also to the success of the highway program is its funding mechanism which, under the current program, is supported by a series of taxes paid by the user and held in trust for the specific purpose of supporting the program. There is no reason to doubt that the present concept of paying for our highways cannot be extended to a post-'75 highway program.

However, as I view the current overall highway situation today, and the prospects for a post Interstate program, I would say that highway interests will have a rough row to hoe during the coming year or so. The question of what to do about a post-'75 highway program must initially be put before the Congress next year if a smooth transition from current to future programming is to be achieved. But because of the significant changes taking place in our society—and their impact on the seemingly routine job of constructing a system of highways—it is obvious that congressional consideration of a new program will hardly be the bed of roses it was before and during the enactment of the 1956 act

It should be obvious to all highway interests that the rules of the game have changed considerably during the past thirteen years and that new and fresh approaches are needed to cope with the many socio-economic and other related issues that have been woven into the business of highway development during this period. All of these heretofore secondary issues can now be expected to be made an integral part of the legislative picture, whether we like it or not, when the new program is being considered by the Congress.

Urban transportation and relocation, beautification, safety and other related issues—most of which were dealt with on a piecemeal basis since the 1956 highway act became effective—will be injected into the legislative debate to a degree never before experienced when the next program is submitted. Anti-highway representatives will be making their presence known with greater force than before at the appropriate time—some with the sole intent of stopping any future program altogether. In a word, you can rightly assume that congressional consideration of a post-'75 highway program will open a pandora's box of related issues which your industries will find difficulty in coping with unless adequate groundwork is laid in advance. As I see it, the post-'75 highway program will not be a highway program as such but will have to be devised within the framework of a total transportation network. No doubt this will be a difficult concept for some old-line thinkers to accept. But the writing is clearly on the wall for all to see and I sincerely hope that we do not end up with a nationwide stalemate similar to the one that has delayed overall transportation development in the nation's capitol.

I would like to comment on a segment of the highway program which all interests should view as common ground for agreement—and that is safety. As most of you know, the House Roads Subcommittee held hearings earlier this summer on the status of the highway safety program as it applies to state standards. Some of the information developed during these hearings revealed a situation that should be given page one treatment by all elements of the news media. The truth of the matter is, however, that highway safety is not newsworthy enough to warrant headline treatment. A thousand deaths a week on the nation's highways are usually written off as the price we have to pay for enjoying the use of the automobile. Nothing could be further from the truth. The great majority of these deaths do not have to happen. They can be prevented if a good deal more emphasis is given to the most important elements of highway transportation and those are the driver and the roadway. While there is no doubt that the post-'75 highway program must give greater emphasis to the construction of safer highways through the elimination of roadside hazards, dangerous bridge abutments, signs and the like, there is no question that a great deal more has to be done to improve driver capabilities and responsibilities—and particularly with those drivers in the 15–24 age bracket who are killing themselves at a shocking rate.

The fact is that our young people in this age bracket are dying on the nation's highways in numbers far exceeding the death rate in Vietnam.

Consider, for instance, the findings of a study on teen-age male drivers recently completed by Dr. Donald C. Pelz of the University of Michigan Survey Research Center. The study showed that suburban male drivers aged 18 to 20 had more automobile crashes and got more violation tickets than one would expect on the basis of exposure alone. As Dr. Pelz said, drivers in this age bracket "drove more but also became bolder and began incurring crashes and traffic tickets in excess of what could be expected." He concluded that:

"The onset of adulthood just before 21 was an intersection point of several motivational trends: hostility and thrill seeking were still high, driving confidence was rising, and life changes and new responsibilities were maximum. This turbulent combination may help to explain the excessive hazard of the 18- to 20-year male."

Let me cite a set of figures that dramatically and shockingly underscores the highway safety problem that exists among our youth today.

Since January 1, 1961, to August of this year, a period of almost nine years, a total of 30,859 U.S. military men in the age bracket 17 to 24 have been killed in Vietnam combat. However, during this same period, a total of 103,707 young Americans in the age bracket 15 to 24 years have been killed as a result of automobile crashes. About 70% of these were male. In my own state of Michigan, for the month of August, of the 220 persons killed in auto crashes, 68 were in the 15–25 age bracket with the 15 to 19 year olds accounting for almost twice as many as any other comparable age group.

The newspapers reported on a recent demonstration held by young Michigan motorcyclists in opposition to the mandatory rule that motorcyclists wear safety helmets. Somehow these young demonstrators cannot understand why they must wear these helmets or face a safety violation even though they know there is conclusive proof that fewer deaths will result when helmets are worn.

Youthful dissention is not a new phenomenon. Although the motives of some people may be questioned, there are many deeper causes than the use of motorcycle helmets which are disturbing the young. The war in Vietnam was the initial catalyst. Now, the student battlefield has been expanded to include such social issues as poverty, hunger, housing, education, and unemployment. Our young are frustrated because they fear they have no say over the events that immediately affect their day-to-day lives. School administrations, and officials at all levels of government are all too often remote and unsympathetic listening posts. Generally speaking, people under twenty-one are virtually hammerless in the political arena because they are legally precluded from voting. Furthermore, due to their youthful zeal to correct injustice, they are impatient because our government and institutions do not respond more rapidly to correct these situations. But I would like to call upon young Americans to involve themselves in a cause wherein they can make a direct and positive contribution towards saving the lives of their fellow countrymen. I would like to challenge the youth of this nation to take an affirmative position and demonstrate for the cause of highway safety.

I have today suggested to President Nixon that he sponsor a Rock Festival as a national demonstration for highway safety on the Washington monument grounds to which students from all over the country should be invited. President Nixon could address the group and help launch a program designed to involve these students in the implementation of the sixteen highway standards now being promulgated by the National Highway Safety Bureau.

Students who attended this constructive demonstration would then be instructed in how to hold similar demonstrations on their respective campuses. It seems to me that the many privately supported highway safety organizations located around the country could counsel and assist in conducting these campuses demonstrations. And this leads me to another important element that has been overlooked in our quest for safer highways. I am referring to the many national, regional, state and local organizations devoted exclusively to the cause of highway safety and which are largely supported by the business community.

A number of organizations represented here in the Road Gang membership are already involved in the Safety Through Action To Enlist Support program—better known as the STATES program, which operates through the Governor's traffic safety representative in each State. It is industry's way of helping to rouse support at the grass roots level for the federal safety program. In addition, there are many privately supported state and local traffic safety organizations such as the Traffic Safety for Michigan organization, the Traffic Improvement Association of Oakland County and the Detroit Traffic Safety Association, all of which are from my area and engaged in this activity on a day-to-day basis in one way or another. I am sure all of you could name many other similar organizations.

Unfortunately, in its haste to point the accusing finger at the motor vehicle manufacturers, Congress has virtually turned a deaf ear to organizations such as these, many of which have been fighting the battle against highway deaths and injuries for some time. Yet the evidence is conclusive that vehicles design and construction are the cause of a very small percentage of crashes, and that the driver and certain roadway conditions are to blame for the overwhelming majority of vehicle crashes. The state highway safety standards, are aimed primarily at the driver and the roadway and these are the areas of major concern to the many privately supported traffic safety organizations operating around the country.

The highway safety legislation presently on the books does not give adequate recognition to these privately supported traffic safety organizations nor does it provide them with a direct role in the program. Yet it is a well known fact that many of these organizations have been doing a magnificent job notwithstanding the low priority given to highway safety by just about every strata of our society. Their front line efforts in the nitty gritty of traffic safety at the grass roots level have largely gone unnoticed by the federal establishment and certainly by the Congress. I am hopeful that the recent Administrative changes made by DOT Secretary John A. Volpe, putting the Federal highway safety program on the same Federal-State partnership as the highway program, will help to improve this situation.

And in order to assure congressional recognition, I have asked the Chairman of the Roads Subcommittee of the House Public Works Committee to hold hearings on this matter. It is my hope that spokesmen from these organizations will come before the Subcommittee and let us know what can be done to help make the federal program more effective and what could be done to give their organizations a more active role. The fact that the basic safety legislation of 1966 all but disregarded the important role of the private sector in the attack against highway deaths is a clear indication that Congress was remiss in not looking at the total highway safety picture.

President Nixon has called for voluntary help in dealing with our social problems; surely traffic safety is such a problem. This is an area where the grass roots machinery is already in existence and where competent manpower stands ready to act in concert with the federal program. But if we are really going to make progress in highway safety there must be greater recognition of the role of the private sector by the Congress and the Federal establishment.

I am certain that you gentlemen know that whatever is done to improve the safety characteristics of the driver and the roadway will accrue benefits to you personally and your business affiliations as well as to the nation as a whole.

Next year promises to be a most active legislative year in the field of highways—one that will generate a number of controversial issues. Storm warnings are now flying and I believe that it would be wise for all of us to do our homework within the next few months so as to be prepared to look at the highway picture from the total transportation viewpoint. It will do us no good to mouth the old cliches in the legislative campaign for a new highway program.

It has certainly been a pleasure for me to meet with you and I thank you for having provided me this opportunity.

NIGERIAN INDEPENDENCE DAY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. POWELL. Mr. Speaker, today, we celebrate the ninth anniversary of the birth of a nation, the Federal Republic of Nigeria. Past independence days have undoubtedly been more happy for Nigeria. Today, the very nationhood of Nigeria is being challenged by the secession of Biafra. Whether Nigeria should exist as one, two, or many nations was a question thought to be settled in 1960. Instead regional wrangling over political issues and tribal animosities has split the union asunder. Unfortunately, no settlement of the tragic civil war appears to be in sight.

Though the glory of Nigeria's independence celebration has been tarnished by the civil conflict between Biafra and Nigeria, there is still much hope for the future. If an equitable and lasting solution to the Biafran question can be found, Nigeria will once more hold the potential for political and economic leadership in Africa.

The war has done little damage to seven-eighths of the country. With the increased economic growth resulting from Nigeria's booming oil industry, Nigeria should have the economic resources for an adequate economic rehabilitation program. Many plans for economic cooperation in West Africa await the full participation of Nigeria in order to assure their success. Nigeria itself possesses the largest market in all of Africa.

If Nigeria can find a basis for settlement with Biafra that is also acceptable to its other ethnic groups, the Nigerian plan may serve as a pattern for the solution to tribal rivalries throughout Africa. One of the biggest problems affecting African political development could be on the way to being solved.

Yet all this speculation centers around an all-important contingency: The discovery of an equitable and lasting solution to the Nigerian/Biafran problem. Therefore, on the occasion of the ninth anniversary of Nigerian independence, the Federal Military Government of Nigeria, the administration of Biafra, the Organization of African Unity, and all nations should rededicate themselves to a renewed and revitalized search for settlement of the tragic Nigerian/Biafran civil war.

HANOVER'S LOSS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. SCOTT. Mr. Speaker, recently the State of Virginia, Hanover County, and the Republican Party lost a dedicated servant in the death of Jim Kent. James C. Kent, of Ashland, Va., was known not only as a lawyer but for his efforts to promote the Republican Party in Virginia.

One of the two gubernatorial contests in our country is taking place in Virginia this year. The Republican Party may well be successful in electing one of its own to be chief executive of the Commonwealth. Jim Kent would have liked nothing better than to have been present at the inaugural ceremony.

I extend my sympathy to his wife, Gene, and insert at this point in the RECORD an editorial of September 26, 1969, from his hometown newspaper the Herald Progress:

HANOVER'S LOSS

The two party system in Hanover county has lost one of its chief founders and leaders in the death of James C. Kent.

The Republican party here had struggled along with a valiant few until the early 1950s when young attorney "Jug" Kent convinced us all that there is indeed room here for two legitimate and opposing political points of view, that not all Republicans are "Reconstructionists," and that men from the Grand Old Party might indeed find a proper place in local political offices.

Mr. Kent's contributions to this county's political standards have been significant. Nothing he loved better than to wake a "sleeping dog," to call some self-satisfied office-holder to account for himself, to take a jab at the status-quo. He crusaded in favor of a general registration system, for the realigning of the county's unequal magisterial districts, and the splitting of Ashland's overcrowded voting precinct. His criticisms were usually justified; they were never cruel; and they were always softened by his gentle humor. By pointing out her weaknesses, he helped to make Hanover strong; by strengthening the loyal opposition, he helped to keep her politically alive and young. Mr. Kent will indeed be missed.

STATEMENT OF HONORABLE JOHN V. TUNNEY BEFORE THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. GREEN of Pennsylvania. Mr. Speaker, my colleague, Congressman JOHN V. TUNNEY, submitted today the following statement before the Senate Subcommittee on Migratory Labor. Because I believe it makes a meaningful contribution to the current dialog on the proper utilization of pesticides by farmers in our country, I am inserting Mr. TUNNEY's remarks in the RECORD so that they may be brought to the attention of all my colleagues:

STATEMENT BY MR. TUNNEY

At least 1,000 farmworkers in California were injured by pesticides last year. This has been going on for years. In 1964 for example, there were over 1,300 reports of injury blamed on pesticides. The true figures may be even higher, taking into account an assumption of unreported injuries and illnesses.

When a farmworker tried to find out from the county agricultural commissioner in Riverside, a part of my district, just what pesticides were being used, he was given the cold shoulder. These facts according to long tradition were trade secrets, he was told, and could not be released. He had to go to court to try and obtain disclosure of the information. The state attorney general's office joined in the suit, and the action is still pending. Trial was held last month, and the result is expected soon.

It seems incredible to me that a member of the public, whose health is possibly endangered by the use of various chemical poisons, has no right to know what kinds of pesticides are being used and in what quantities. The California Attorney General's Office put the problem very well in pointing out that the Fish and Game Department can inspect this information when there is a fish kill; human beings are simply asking for the same advantages as striped bass, but before they are injured.

Fortunately the California Legislature recently responded to the unfairness of this situation, and passed a bill which requires that companies report all sales of pesticides classified as injurious materials. There are some 30 of these, including 10 very toxic phosphates and 6 chlorinated organic chemicals, among them DDT.

In addition, the County Agricultural Commissioners must report the quantities of these pesticides which they permit to be used. Pesticide users must give statements of amounts which they use in their fields. All

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this data will be public. This is certainly a necessary first step in creating an open atmosphere where experts can begin to study whether pesticides are being applied appropriately.

The strong implication is that they are not.

I am appalled by the situation which is developing in California, where in most cases pest advisers are nothing but salesmen for the chemical companies, without extensive ecological training or understanding of environmental problems. Application of chemical poisons has been likened, by one scientist, to drug usage: the more you use, the more you find you need. Insecticides can kill off necessary predators which would otherwise help to control the harmful insect population. In this way the chemical companies rub out a competitor who might otherwise horn in on their business of killing insects. If there is a resurgence of the harmful pest, or a secondary outbreak, or if the pest develops resistance to the insecticide initially used, the answer is to apply more of the same poison or more of a combination of poisons. Clearly what is harmful to the farmer is helpful to the chemical manufacturer. The more outbreaks of pests there are, the more poison has to be used. Heavy repeated doses of expensive chemicals are not in the interest of the farmer and are destructive to the environment—to the detriment of man—most directly the farmworker—and to nature.

It is so much easier to develop a broad spectrum poison that will kill everything in sight, including useful predators and wildlife, than it is to develop specific pesticides which are safe for man and wildlife, and which do not kill useful as well as harmful insects.

Such selective pesticides would be expensive to develop, and when developed, would have less of a wide market. It does not seem to matter that such pesticides would be more economical for the farmer in the long run. The farmers remain lulled into accepting the nostrums of the pest advisers—more and more chemical poison.

I am informed by a California entomologist, with over 20 years experience with insecticides, that because the phosphate poison, azodrin, was so lethal to insects, it won overnight acceptance even though the Agricultural Extension Service had recommended against its use. This material was applied in great quantities to over 1 million acres, not all of which were infested. Although this chemical is not long-lived as DDT is, it caused widespread destruction of wildlife, because of its undifferentiated toxicity.

The very preventive use of this hard insecticide, many scientists feel had an opposite effect from that intended, by killing off predators of later appearing pests, requiring the application of even greater quantities later on, compounding the environmental contamination.

A new requirement passed by the California Legislature produces a glimmer of hope. County Agricultural Commissioners, under this law, must consider environmental effects in granting permits for pesticide use. The same holds true for the registration of new pesticides by the State Department of Agriculture. The meaning of this is clear to me, and my impression echoes that of a person holding an important position in the California Department of Agriculture—it means that if the pesticide has harmful effects on fish and wildlife, it better not be used.

In the San Joaquin Valley alone, 1⅓ million pounds of DDT are still used on about 725,000 acres of crops. This is so although total domestic use dropped by about 50% between 1958–59 and 1966–67, representing a decrease of 39 million pounds. It is most heartening to see that it will decrease even further when the expected California ban on its use for 35 farm crops and 12 farm seed crops goes into effect. We must go further than this. Justifications for continued use on remaining crops should be clearly stated. Alternative controls should be carefully explored.

Environmental consideration calls for a complete ban on DDT. The California law—requiring consideration of environmental effects of insecticide use—should be given strict construction.

DDT does not dissolve in water and it breaks down very slowly in the environment. Each year more is added than disintegrates, and we are therefore accumulating a stockpile of this poison. The poison passes up the food chain, where it again accumulates in the tissue of fish, wildlife and in man.

Bit by bit evidence is coming in which underlines the disastrous effects which DDT could have on our whole environment. Most disturbing is an experiment which indicates that small quantities of the poison interfere with the oxygen producing ability of marine plankton, a small single-celled algae which helps to replenish the earth's supply of air. Equally disturbing is the confiscation by Government authorities of coho salmon from Lake Michigan, and the confiscation of jack mackerel caught in the Pacific off southern California, because of excessive DDT content. Recently a million young salmon were killed in Lake Michigan because, it is believed, of the presence of DDT in the water. DDT is everywere. It has penetrated all our oceans, and to the polar icecaps.

The effects of this pollutant on our water resources is critical, because of the hope that we can harvest food from this source to meet the nutrition needs of an exploding population. It is one thing for pesticide supporters to scoff at those who assert the threat to wildlife. I react to their insensitivity with disbelief and alarm. The approaching extinction of the bald eagle, the falcon, the brown pelican, and other wildlife, due to their inability to lay viable eggs, is a terrible thing, and it strongly implies that the effects on man's own physiology may not be so benign either. Still the insensitivity of these scoffers nowhere nearly matches their opaqueness when they argue for the use of chemical poisons to boost world food production, when the use of those same poisons threatens to destroy and contaminate tons of equally important nutriment from the seas. The demise of the Dungeness crab, formerly a bay area delicacy, is a case in point.

Laboratory tests have shown that large doses of 11 pesticides including DDT and three other persistent insecticides produce a high incidence of tumors in mice. We can all remember the part mice have played in our experiments with the effects of cigarette smoking. The difference is that we can give up cigarettes, although many of us cannot give up breathing the polluted air of our cities, which amounts to smoking two packs of cigarettes a day. Where DDT and other persistent pesticides are concerned, we absorb these poisons into our system now whether we like it or not, and whether we choose to do so or not. I believe that all of us have a right to an environment which does not endanger our well being. Intensified studies of the effects of DDT and other insecticides are urgently needed. In the meantime, the indiscriminate use of these poisons must be halted. The development of more selective chemical poisons, and the use of alternative methods of control actually promise surer, cheaper control of certain pests. For example, biological controls are being developed which raise the hope of controlling insect populations through the release of hundreds of thousands of sterilized males. The males are released over an infested field, where they mate with females. Since the eggs are never fertilized, the insect population does not perpetuate itself. Since the sterilized males flood the site of the infestation, the odds are that few new insects will be produced by the limited number of virile male insects already in the area.

Experiments of this kind, sponsored by the United States Department of Agriculture are now going on in parts of Kern County, and in the Coachella Valley, which is part of my district. These experiments involve a cotton pest, the pink bollworm. There are problems of breeding a sufficient number of sterilized insects, but there is every expectation that this control method will prove effective. The result will be greatly reduced dependence on chemical poisons to kill insect pests.

Even more exciting to me are various forms of nontoxic sprays consisting of hormones which are specific for a single variety of insect. These so-called third-generation pesticides arrest the developed of a whole species of harmful pest so that they do not reproduce. At least one company has begun commercial development of such a pesticide.

I am planning to introduce legislation which will significantly increase the amounts of Federal money available for research and curriculum planning in the field of pest control. I believe that this kind of support will develop nontoxic methods of pest control, using highly specialized chemical poisons as a last resort.

We must undoubtedly face the fact that the chemical companies are not going to enthusiastically develop cleaner pesticides, or alternative controls any more than the automobile industry is going to energetically develop a pollution free vehicle. Both may talk about the need for improvement of their product. But when it comes to protection of the environment, Government incentives are going to be necessary. We are going to need Federal funding as well as legislation and strict regulation, if we expect our environment to remain a suitable place for us to live and work, without great danger to our health.

The time has come for the quality of our environment and the health needs of our people to be given the same importance and recognition as the annual growth in our gross national product. In fact, it might be more accurate to begin speaking of a new kind of national product. Measured against the gross national product would be the costs on the other side fo the balance sheet—the foremost of which is reflected in the pollution and destruction loosed upon our environment in creating what is hailed as unparallelled material success. That pollution has now become a burden and a concern to the vast majority of us, while the illusory gains of an ever-expanding, but misdirected, gross national product contribute less and less to improving our quality of life.

HANOI DEVELOPS POW GAME TO A FINE ART

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. CHAMBERLAIN. Mr. Speaker, on September 17, I joined in introducing House Concurrent Resolution 362, calling world attention to the arrogant violation by North Vietnam of the Geneva Convention concerning the treatment of prisoners of war. At that time I also inserted in the Record a recent speech of the Honorable James D. Hittle, Assistant Secretary of the Navy, describing in detail the nature and extent of these violations. It was particularly encouraging, therefore, when I noted that the State Journal of Lansing, Mich., devoted its editorial column on Monday, September 22, to this very issue and I commend it to the attention of my colleagues and everyone else concerned with obtaining humane treatment of these brave men and their families. The editorial follows:

HANOI DEVELOPS POW GAME TO A FINE ART

Behind every North Vietnamese maneuver on the battlefields or at the negotiating table there is a motive not always apparent at first but which usually emerges in time.

Probably the most agonizing practice for hundreds of American wives and parents, however, is the persistent refusal of Hanoi to release prisoner of war lists, or permit international inspection of POW camps.

James D. Hittle, Assistant Secretary of the Navy, commented recently that the Communists have refused in general to provide "the most rudimentary humanitarian information concerning U.S. prisoners of war held captive by the Hanoi government."

The most clever of the Hanoi games, however, deals with the whereabouts of an estimated 1,000 American servicemen listed as missing in action over a period of years. Hanoi has refused to acknowledge if any of these men are prisoners or if they have knowledge that they are dead or alive.

North Vietnamese officials frequently have released propaganda photos of U.S. prisoners but they are always of such poor quality that it is impossible to clearly identify any of the men.

The motive unquestionably is to encourage anti-Vietnam war sentiment in the United States, using parents, wives and other relatives as the tool.

The wives of four missing American airmen found out how the game is played when they went to Paris last week to plead with North Vietnamese officials for information about their husbands.

They finally secured a promise that efforts would be made to find out if the men are prisoners or if they are known to be dead, but not before the Communist officials subjected the wives to a lengthy tirade about American participation in the war along with requests that the women carry the message back home.

The Hanoi government incidentally, is a signatory of the Geneva Convention (June 28, 1957) which among other things, requires the release of names of prisoners held.

THE AMERICAN DREAMS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HALL. Mr. Speaker, this past weekend, the Nation's Captial played host to the 15th biennial convention of the National Federation of Republican Women.

It has long been known that much of the success of the Republican Party can be attributed to the perseverance and hard work of the ladies of the organization, who are vital to, and interested in, the mechanics of good government, and take their time and resources in order to participate.

In Missouri, we are fortunate to have a national committeewoman who exemplifies all that is right with Republican women. I speak of Mrs. M. Stanley (Rosemary) Ginn. She is hard working, skilled in the art of politics, a natural leader, respected by all who know her, and a tremendous asset to Republicanism.

On September 27, Rosemary had the honor of addressing the morning session of the NFRW's 15th biennial convention here in Washington. Her speech was very well received and should be an inspiration to all who will read it.

The address follows:

THE AMERICAN DREAMS

(By Mrs. M. Stanley Ginn)

Psychologists tell us that most sleeping dreams last for only a very few minutes. They tell us that most of them occur when we are in a level of light sleep and most of them change and ramble and are without much sustained sequence.

We seldom visit with anyone who has had a similar dream to one we have had. In fact, I don't know any two people who have discussed the matter and found that they had each dreamed exactly the same. And yet most of us have dreamed. Have you? Have you had a nightmare? A plain old nightmare . . . heart palpitating, sweat producing, cramp grabbing, cover threshing, screaming nightmare . . . Did you ever have one of these?

This morning, however, our concern for the American Dreams is a broader one than these. Webster says, "To have ideas or images in the mind while asleep; to experience sleeping visions; to let the mind run on in idle reverie; to give oneself over to effortless thought, especially of a fanciful nature . . . To fancy, imagine, or contemplate as if in a dream; to consider the possibility of; to suppose vaguely." Kingsley said: "Do noble things, not dream them all day long."

Are these interpertations those we mean by a dream? Or do we mean, ideal, or to do wishful thinking? This must be the shade of meaning useful to us here.

Think with me a little about the first American Dreams. Our early settlers sought homes for their families. One where their children might grow—free of oppression and interference. They wanted enough to eat. They wanted warm clothes and enough feather covers to keep out the wintry blasts. For some it was oxen to pull the plow; for some it was an axe to cut the trees; for some it was a kettle for the fire, and for others it was a chance to come here . . . Those pilgrims, those blessed pilgrims, hardy, fearless people that they were, they wanted a chance to come here. But greater than all else, they wanted to express their faith in God in the manner that they chose . . . They wanted to live in a free society among free men.

Richard C. Cornuelle in his book, *Reclaiming the American Dream,* said: "We wanted from the beginning a free society, free in the sense that every man was his own supervisor and the architect of his own ambitions. So our founders took pains to design a government with limited power, and they carefully scattered the forces which could control it.

"We wanted as well, with equal fervor, a good society in which helping hands reached out to people in honest distress, in which common needs were met freely and fully."

"As a frontier people accustomed to interdependence, we developed a genius for solving common problems; people joined together in bewildering combinations to found schools, churches, opera houses, co-ops, hospitals, to build bridges, canals, and to help the poor.

"The part of the system least understood, then as now, was the network of non-governmental institutions which served public needs. . . . They took on almost any public job and so became the principal way Americans get things done.

"We limited government, not only because people knew its limitations and wanted it limited, but because we left little for it to do."

One day last summer Uncle Stanley and I were in the bush country hunting Indian Artifacts. It had been a fruitless search, and in despair Stan sat down on an old stump and said, "I would settle for the day to find one good little point." And his eyes dropped to the earth, and there was a perfect little late woodland point. Naturally great exuberance followed, and I figured that the hunt was over for the day. But he was hunting again, hard, here and there with great energy and gusto.

Said I to him, "Didn't you say that if you found one good point you would be satisfied for the day?"

"Yes," he said, "but that was before I found one."

This only illustrates the change of dreams, the change of goals. Quickly as one becomes achieved, another one moves into view and calls for fulfillment. The wants and needs of the human are insatiable.

It was so with our American patriots. With freedom to do, to produce, to expand, to achieve, came also the time to think. Citizens in the western part of our country crystalized their attitudes first, and it is of specific importance to this group today, that a part of their thinking and hopes included the proposition that women should be allowed to vote. In 1869 Wyoming believed that women should be equal in acts of citizenship with other citizens, and granted voting rights to them. But it took a long time for the country as a whole to thus accept the ladies, and so this year we celebrated only a fifty-year span that you and I may vote as other American citizens.

Thus we might comment that the dreams of our founding fathers changed, political ideals change and even our husbands change. I expect that your own dreams have changed.

When you were seven, your greatest goal may have been to be allowed to stay up until eight o'clock.

When you were eleven, you wanted to wear your big sister's lipstick.

When you were sixteen, your life's ambition was to drive your Father's car.

And when you were twenty-one, it was probably to be on your own.

Then when you were twenty-nine, and had three small ones, it was to have a whole night's uninterrupted sleep.

Probably at thirty-nine, your dream was a twenty-two inch waistline . . .

At fifty-nine, of course, a new grandson or granddaughter.

And sixty-nine, and a lady politician, well, maybe some nights the chance to be in bed before eight o'clock.

You have dreamed, you have achieved, and you have dreamed anew. Your goals have changed. Your needs are different. This is universal.

Let me now ask a question. What is your attitude toward the goals of others? Do you respect the goals and needs of your fellow man? Do you understand that his dreams are not the same as yours, and yet are equally as valid?

Our greatest challenge is that we should think big enough for America so that the dreams of all can have a chance to be fulfilled . . . to become realities.

It is no wonder that when so many American Dreams are dreamed that we have a few national and individual nightmares. We have one now—the Vietnamese nightmare. Pray God to give President Nixon strength and wisdom to bring it to an early end.

Wednesday a week ago I boarded a plane at the same time a young American Japanese soldier was leaving his wife, his Mother, and his two little babies, to go to active duty. You know there are no words for that hour. You can look and hold your breath, but there are no words. And as he turned and walked away from them, and went through the boarding door his wife and mother hugged the babies and cried the unflowing tears. The two little people leaned toward him and each stretched an arm to him with an urgent plea, "Back to me . . . Daddy." But there was no sound. And 85 others of us marched over their good-bye.

Nightmare? Yes. Nightmare.

Pray God again that we have strength to endure; that we sustain the families left behind; that we back our President in his efforts to end the war.

Yet though we recoil from the bitter such as this, should we give up, despair, say all of life, all of the dreams, all hopes and ideals are a nightmare?

Give up only if you are lesser stock than your great grandparents. Give up only if you are lesser stock than your great grandmother. In each of our families there has been one of greatest strength among its women. Each of you remember your own. It might have been your Mother, your Aunt Sallie, your grandmother . . . black, white, brown, yellow, freckled . . . someone didn't give up whatever the problem. Someone didn't give up, even with you at three, thirteen, nineteen . . . whenever that year was that you knew more than anyone else. But she had faith in her dreams. She knew that it wasn't all good and it wasn't all a nightmare. She knew that you worked and kept on working and somehow you achieved food, clothing, shelter, education, and a chance to go to church for your family. And with each generation, each need was fulfilled more than it had ever been before until today more American dreams are realized than have ever been achieved by any peoples on this earth.

I suspect that it is difficult for us to empathize with our neighbor, to understand his dreams or ideals or goals. Those we have achieved, which he still seeks, are difficult for us to place in priority . . .

Keep always in your mind that no two people dream the same dreams, share exactly the same wants, and pursue the same goals at the same time. Consequently, in serving our country and our party, we must avoid a cliche of pseudo understanding which would attempt to appraise the American people by one dream. To say there is one dream is not much of a dream at all. We must forever dream big dreams—enough room for the hopes and aspirations of all our American people.

Much has been written and said about the great technological advances in our country, the fearful and wonderful development of things. Surely a nation that can move from the Mayflower to the moon should express great satisfaction with itself and gratitude for the millions of minds that have made this possible, and still be respectful of the new dreams and hopes that such an accomplishment brings.

With one small step for a man, and one giant step for mankind, how many billion new dreams came into the minds of how many billion little boys and girls. . . .

And here lies an essential difference. Where we achieve a technical dream or goal, it is achieved in things relatively predictable. But where we achieve a dream in a human relationship or in a human mind, the infinite combination of hopes and desires and ideals is so vast it staggers the comprehension.

We achieve our technical American Dreams with imagination and brilliant success. We will achieve the hopes and dreams for the human and his relationships to society. These we must do in terms of the individual, and this takes us a little longer.

President Nixon points the direction for us by his encouragement of the small splendid efforts of the individual . . . not the achievement of dreams in a mass. He understands the individuality of personal dreams and goals. He has encouraged our Pat Hitt, our illustrious Assistant Secretary of Health, Education and Welfare, to seek individual solutions for individual needs, and problems.

Elly Peterson achieves this understanding in her community involvement programs, which bring encouragement to each neighborhood to provide the realities of the specific dreams and goals uppermost there, for these specific people, at that specific time.

Each time that Gladys O'Donnell and the Federation opens doors for the satisfaction of needs and dreams and goals of your people, you show understanding of individual needs and dreams and contribute to their fulfillment.

But to meet the challenge that is with us now, whenever you make a plan, just think it twice as big as you started. Big enough for all of our people.

Would you now like to make a note?

The American dreams are real; they are both good and nightmares. American dreams are constantly changing and growing. They are never satisfied at an identical level. American dreams are both technological and human in demands for fulfillment. They can all be realized . . . some sooner . . . some later.

President Nixon understands the American Dreams and inspires us to our highest effort to fulfill them.

You fulfill the American Dreams every time you do any small deed for someone besides your own sweet self.

Why is it important for you and me to visit about our American Dreams? Because you and I can do something about them. It is our good fortune to have grown up in families who felt that we had a responsibility to repay our debt to society, to leave our earth a little better because we were here. To help people to look after folks, to solve problems. Not everyone shares our commitment to this. Not everyone has been taught this philosophy. Not everyone feels he should do something to solve human problems.

You and I do. And because we do, because we have the commitment, the energy, the vehicle in the Republican Party, the leadership of Richard Nixon to encourage us, let us do all we can to make American Dreams a reality.

ARKANSAS LEGISLATIVE COUNCIL URGES NO HIGHWAY CUTBACK

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HAMMERSCHMIDT. Mr. Speaker, development of our national highway system is a matter of great concern for all of us. In Arkansas there is overwhelming sentiment for dependable and reliable planning and contracting, based upon a steady flow of money from the highway trust fund.

Fear that limitations may be imposed on this program is reflected in an official resolution of the Arkansas Legislative Council. It urges the Congress and the executive branch to continue the present orderly processes in construction, expansion, and improvement of the Federal-Aid Highway System.

The council, comprised of 24 distinguished senators and representatives who are members of the Arkansas Legislative Assembly, states a position which I share wholeheartedly in the following resolution:

RESOLUTION NO. 8

Whereas, the President of the United States has ordered cut-backs in construction expenditures of Federal funds in a number of existing Federal programs, in an effort to check the increasing inflationary pressures of the Nation's economy; and

Whereas, such cut-back in the Federal expenditures has not, at the present time, included the Federal Aid Highway construction program; and

Whereas, the Federal Aid Highway construction program is supported from Highway Trust Funds consisting of taxes paid by highway users of this country; and

Whereas, the various State Highway Departments, in cooperation with the Bureau of Public Roads, have developed long-range plans for the construction, reconstruction and improvement of the Nation's interstate, primary and secondary road systems, and thousands of contractors and suppliers of highway construction equipment and materials throughout the Nation have invested significant sums of money in gearing up to provide the necessary construction services, equipment and materials required in the orderly construction and improvement of the Nation's highway system; and

Whereas, much of the investment of highway contractors and suppliers in equipment and supplies has been on a credit basis, and the orderly purchasing and payment for such equipment and supplies is dependent upon the planned continuation of the orderly expenditures of monies in the Highway Trust Fund for continued expansion and improvement of the Nation's highway system; and

Whereas, highway construction contractors and suppliers cannot operate on a stop-and-go type economy, and it would be disastrous to thousands of such contractors and suppliers if the Nation's highway construction and improvement program were severely curtailed at this time; and

Whereas, statistics reflect that construction costs in the highway construction industry have increased at only about one-half the rate of increased construction costs reflected in the building and similar trades, thereby indicating that highway construction is not a major cause of the inflationary conditions in the Nation; and

Whereas, it would be unfair to the highway construction and supply industry to require such industries to bear the major burden of reducing the inflationary conditions of this country, and it would be unfair to the motoring public who is paying the bill for the construction, maintenance and expansion of the Nation's system of highways and streets to be deprived of the use and benefit of the taxes paid into the Trust Fund for highway construction, maintenance and improvement; and

Whereas, the Nation is faced with the ever increasing highway safety problem and much of this problem was created by the Nation's neglect of its highway system in previous years; and

Whereas, the creation of the Highway Trust Fund and the development of a cooperative Federal-State program for the orderly and planned expansion and improvement of the Nation's highway system is essential to an improved highway safety program which is vitally necessary to reduce the appalling loss of life, injuries to persons, and property damage resulting from motor vehicle accidents; and

Whereas, any significant cut-back in highway construction and improvement programs now under contract, and cutbacks in the orderly and planned improvement and expansion of the Nation's highway system would be a serious detriment to the Nation's highway safety program and would be disastrous to the progress being made throughout the Nation in attempting to catch up with the years of neglect in the planning and expansion of the Nation's highway transportation system,

Now, therefore be it resolved by the legislative council of the State of Arkansas:

That the President of the United States and the United States Congress are respectfully requested to continue the present cooperative program through the use of Federal Highway Trust Funds for the orderly construction, expansion and improvement of the Federal Aid Highway systems in this country, and are urged to oppose any cut-back in the expenditure of Federal highway construction funds now committed in the Highway Trust Fund.

Be it further resolved that a copy of this Resolution shall be furnished the President of the United States, the Secretary of the Department of Transportation, and to each member of the Arkansas Congressional Delegation.

Respectfully submitted,
G. W. TURNER, Jr.,
Representative, District 33.

Filed: September 18, 1969.

SUPPORT FOR HOUSE-PASSED DIRECT POPULAR ELECTION BILL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, President Nixon is to be congratulated on his message today supporting the House-adopted bill to replace the antiquated electoral college system with the direct popular election of the President and Vice President.

The most compelling weakness in the electoral college is the possibility of electing a President who is not the popular vote winner. The House bill squarely meets and solves this problem by providing that the winner of the popular vote will become President.

A recent broadcast editorial by the WTMJ stations in Milwaukee makes this point very neatly. I am placing it in the RECORD for the information of my colleagues with the hope that the other body will follow our lead:

> The House of Representatives wisely has chosen to abolish the electoral colleges in favor of the direct, popular election of the President and Vice President. The electoral college was designed by our nation's founders to cope with the problems of their times. We have new and different ones that should be met.
>
> Last year there were fears that third party candidate Wallace might throw a monkey wrench in the election machinery and that neither major candidate, Nixon or Humphrey, would be elected. Last year also witnessed a North Carolina elector cast his vote for Wallace although Nixon had carried the state . . .
>
> In brief, the House action means that the votes across the nation would be totaled without regard to state boundaries. The candidate with the most votes, providing they were at least 40% of the total cast, would be elected. If no candidates received 40% of the vote, the two top vote-getters would go into a run-off election.
>
> The Constitutional change still needs a two-thirds vote in the senate and approval by three-fourths, or 38, of the 50 states. It would be a momentous accomplishment if these tough requirements were met in time for the 1972 elections. The better election system it would bring is certainly worth a try.

CLEMENCY FOR L. CPL. DENZIL ALLEN

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. ROUDEBUSH. Mr. Speaker, dismissal of charges against eight Green Berets has won the applause of the American people and the U.S. Congress.

About all the American people and the Congress have been told about this case is that the Green Berets eliminated a Communist double agent.

Why charges would be brought in the first place is difficult to fathom, but it is not the first time that cases against American servicemen have been pushed when the circumstances do not stand scrutiny.

Perhaps the most flagrant case involves a young marine hero from the Fifth Indiana Congressional District of Indiana, which it is my privilege to represent here in the House.

L. Cpl. Denzil Allen, of Lebanon, Ind., is now serving a 20-year sentence for his alleged participation in the deaths of five Vietnamese civilians.

Corporal Allen's civilian attorney now believes he has the proof that at least four of the five were hard-core Vietcong.

It is incomprehensible to me how our military can train these young men to do a job, send them to combat in a situation where the enemy is not easily identifiable, and then prosecute them without mercy.

Denzil Allen is no long-haired hippie who burned his draft card and marched in a demonstration carrying a Communist flag.

Denzil Allen volunteered for the Marine Corps; served two hitches in Vietnam; suffered wounds on two occasions; rallied his men to save a strategic bridge while under heavy enemy attack; called his own artillery fire on his position to thwart the Communists; led his squad to safety without a casualty; was cited for the Navy Cross by his commanding officer and court-martialed by the Navy Department.

Corporal Allen should be enjoying the pleasures of civilian life with the respect, admiration, and honor of his Nation.

Instead, he languishes in a Navy brig as the result of a trial in Vietnam during which his defense counsel appears to have been less than adequate.

I have presented President Nixon with the names of more than 30,000 petitioners from Indiana and throughout the United States who urge clemency for Denzil Allen.

It is tragic that the spotlight of publicity that shown on eight Green Berets cannot be turned on the Denzil Allen case where a great injustice has been rendered to this young man.

Some of the incredible facts of this case are contained in the following article from the Lebanon, Ind., Reporter of September 26, 1969.

The article follows:

DENZIL ALLEN'S DEFENSE CHARGES COURT FRAUD

A hearing for Lebanon Marine Cpl. Denzil Allen by the U.S. Department of Navy has been scheduled for October 7 at 9 a.m. it was learned today.

The scheduled time comes on the heels of a petition handed the Navy Department by U.S. Congressman Richard L. Roudebush.

Allen's attorney George Martz, of Indianapolis is basing his appeal for a new trial on the grounds that the court has been frauded—a seldom used approach in which the acts of the defendant's first attorney are questioned.

Martz in his petition for Allen attacks the defense presented by Capt. Sandy McMath, son of a former Arkansas governor, who had been legal counsel at the time of Allen's trial. It was McMath who reportedly persuaded Allen to plead guilty to the charges of slaying five Vietnamese. Martz also brings out in his petition that it is now proven that at least four of the five who were slain were "hard core Viet Cong."

In a 175-page petition to the Navy Department, the Indianapolis attorney says he has never gone on record prior to this instance in directly "attacking another counsel in the handling of a case. However, counsel for the petitioner (Allen) has never seen a case where a defense counsel has done less for his client," he said.

Martz questions whether Allen had been entitled to competent counsel in his defense and hits hard at the fact that McMath failed to present evidence of Allen's mental condition at the time of the slayings. He tells the court that "his many failures to act when justice demanded it . . . constitutes the rankest kind of fraud."

Martz strikes out by saying that "Captain McMath will probably never again have a factual situation with as much going for him as he had in this case. With all this information, he negotiated a guilty plea to five specifications of premeditated murder. In so doing, he alone resolved all of the reasonable doubts against the defendant and in favor of the government. He alone decided against his own client, that which justice places in the hands of the court."

Also revealed in the petition by Martz is the fact that McMath had entered into a contract with P&P Productions of Hollywood, Calif. allowing it to use the Allen story in television syndication. A prospectus prepared for P&P said that Peter Fonda had agreed to portray the part of Allen in the television show which had been planned. And "Tony Perkins has agreed to play the brilliant young defense attorney in real life Capt. Sandy McMath, who has been described as 'the Clarence Darrow of Vietnam,'" the prospectus read.

Martz also has statements taken from officers serving in the company at the time of the alleged slayings and also from attorneys who were able to free their clients also charged in the same case.

William J. Cosgriff, attorney for Martin Alverez, gave a statement in which he said he relied heavily on psychiatric testimony obtained in defense of his client.

Martz raises his own test of mental competency by questioning Allen's executive officer who was at the Hue combat area at the time the offense allegedly occurred. John F. Bouldin, who admitted he did not personally like Allen, said he had warned the commander of the company just days before the slayings that Allen had been acting in a strange manner. He said three incidents brought him to that conclusion. These were an event in which Allen struck two small Vietnamese children in the head with his gun butt, his request for a transfer to Khe Sahn where he could "get where the action

XUM

was," and his laughing while watching a Vietnamese die after he had been severely wounded.

Bouldin in his statement said he had never been approached by Capt. McMath to learn of this.

In a statement from Capt. McMath which also accompanies the thick file, he says that he did not raise the mental condition issue at the time of the trial for fear that Allen would receive a more severe sentence than the agreed upon life term which was cut to 20 years. He said he felt that psychiatrists available in the Vietnam area would not be sympathetic to such a plea and that he intended to wait until he returned to the U.S. before then appealing for a review of the sentence on the grounds of temporary insanity.

McMath was relieved of the case when Martz took over.

Included also in the petition are a plea by Capt. James Panther requesting the Navy Cross, one of the highest awards made, for Allen as the result of heroic duty when Panther's unit was attacked near Hue just days before the slayings, and a psychiatrist's report by Dr. William C. Driscoll in which Allen was described as being a paranoid schizophrenic.

BIG TRUCK

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Denver Post in the State of Colorado. The editorial follows:

[From the Denver Post, July 29, 1969]

GIANT TRUCK BILL THREATENS AGAIN

The motoring public is to be treated to the edification of another full-blown legislative campaign by courtesy of the American Trucking Assn.

With the remains of last year's super truck bill just barely laid to rest, the truckers again are harnessing all their faithful congressional horses for another go at redoing truck standards for the Interstate Highway System, and, indirectly, state roads, too.

One of the most surprising things about the current bill, sponsored in the House by Rep. John C. Kluczynski, D-Ill., a former truck driver, is the fact that in addition to putting a few more dollars into the pockets of the truckers, the bill would have the curious effect of improving highway safety. By what means would this be achieved?

You'd never guess it! By the simple device of increasing the permissible truck width from 8 to 8½ feet, the top weight from 73,280 to 108,500 pounds and possibility clearing the way for triple-trailer machines 105 feet long in states not now prohibiting three-unit "trains."

Solemn industry spokesmen say, as they dream of correcting the "gross injustice" built into the "1965 truck technology" regulations, that the safety advantage in the new bill would obtain from the greater size of the tires. They would grip the road better than tires on today's trucks.

Without this bit of technical information the average motorist about to be run down by a super truck from behind or crowded off some narrow, winding road in a mountain state probably wouldn't be in a position to realize he was going to be dispatched to eternity, or at least to the nearest hospital, by a tractor-truck with an "optimum" as opposed to a "minimal" road-grip factor.

Kluczynski is of course not averse to hearing from any of the home folks who'd like to do their bit to pave the way for the super truck and get started paying the $8.5 billion extra in costs the Bureau of Public Roads estimates these freighters would occasion on the interstate system alone during the next 10 years.

WINT SMITH: KANSAS' CONSERVATIVE IN RESIDENCE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. SEBELIUS. Mr. Speaker, Mr. Leroy Towns of the Topeka Daily Capital and Journal magazine Midway is known for his colorful features that describe the Midwest with rare talent and poignancy.

Such was the case in the September 21 issue of Midway magazine when Mr. Towns wrote about former Congressman Wint Smith, "Kansas' conservative in residence."

We in western Kansas have been blessed with elected officials that not only have made unique contributions within the normal process of government, but who also seemingly stand out in the political crowd. Our people will never forget the Christian character of our statesman Senator Frank Carlson. The farmers will never again be represented as well as as they were when the "farmer's true friend," Congressman Clifford Hope, Sr., served in the House of Representatives. And, to use an old expression, they threw away the political mold when they made Wint Smith, described by Mr. Towns in his article as "an unflappable bundle of conservative independence."

Mr. Speaker, I know my colleagues will greatly enjoy this article as will the constituents of the "Big First" District of Kansas. The story has special meaning to me, as it mentions Congressman Smith won his last primary election by only 51 votes. His opponent that election was KEITH G. SEBELIUS and I can honestly say Wint Smith won a hard-fought and well-deserved victory.

The article follows:

MANKATO.—The gray ribbon that is US-36 runs straight west through this quiet community, then on into the vastness of the First Congressional District of Western Kansas.

Once, not so long ago, you could tell exactly where the big, sprawling district began by the multicolored campaign posters tacked haphazardly to every other utility poll. "Wint Smith," the posters read, and you were greeted for mile after mile by the image of a heavy-faced man, his dark brows half-hidden under the wide brim of a white Stetson. "Wint Smith for Congress," the posters screamed, and you knew exactly where you were.

They are gone now and have been for nine years—almost forgotten, unknown to a whole generation of Kansas young people who never knew the unflappable, the crusty bundle of independence that was—and is—Wint Smith.

Not that today's generation would want very much to know Wint Smith: they would have considerable trouble understanding each other.

Leaning forward in an overstuffed chair at his Mankato home one day recently, Wint Smith curled his face into a pout. "The person who is most contemptible in our society today is the guy who gets up on the stand and says college kids today are the best we've ever had in America.

"I say kids today are economically, historically and morally illiterate." And the big man doesn't smile when he says it.

Then Wint Smith's eyes twinkle, just slightly, and he adds: "I had an evil reputation when I was in Congress. There wasn't a day that I didn't have a copy of the Constitution in my pocket. They wouldn't understand that, kids today. If you don't have the Constitution, you don't have anything.

Wint Smith. Fifteen years ago the name belonged to a six-foot, four-inch tall hulk of a man, and it was hated by men like James Hoffa, labor leader.

Wint Smith. Today, the name belongs to Kansas' 75-year-old conservative in residence, a man who seems as ageless as the pioneer country which spawned him, a man now living in quiet retirement at Mankota, a place he always has loved.

It will be nine years ago this fall that Wint Smith—after serving 14 years as a representative from Kansas—told his constituents he would step down. His words were blunt. He told a reporter, "I've found that I'm getting a little out of step. I think it's time that someone with a little more elasticity took my place."

There were people who thought that was an understatement; Wint Smith made a career out of saying exactly what he believed.

It was a career that spanned much of Kansas' history.

Smith was born on a farm his grandfather homesteaded near Mankato in north-central Kansas. But much of his early childhood was spent on horseback in the hills of Oklahoma. There were plenty of men to teach young Wint the rough-and-ready life of the plains—and only one to encourage the instinct for books and education.

Grandfather Ethan A. Chilcott, a brother of Sen. Miles Chilcott, was the student of the family. Wint still remembers him, a powerful man, seated under a tree reading his Bible and brushing away flies.

Wint Smith finished rural school at Mankato, then high school. He told friends that some day he would be graduated from Harvard—quite an ambition for a Kansas farm boy with no money. His father was the courthouse janitor.

Smith finished high school in 1915 and entered the University of Kansas. Cooking in local restaurants paid for the education. He lettered three years on the KU football team, playing tackle and guard.

Wint Smith's future was beginning to take shape. He joined the National Guard as a private and in 1916 was assigned to the Mexican border.

That was when Wint Smith started complaining about things. He hated the Army food, didn't hesitate to tell an officer—and quickly was assigned to do the cooking himself.

The day after war was declared against Germany in 1917, Wint Smith left school and applied for officer's school. He was commissioned and left for France three months later.

Wounded twice—once during fighting in the Argonne—Smith returned to KU and was graduated in 1920.

Some of Smith's dislike for the new deals and the fair deals he encountered later in politics may stem from the fact many of the political brain trusters were Harvard men. He had finished the war with an intense dislike for Harvard men.

In 1922, Smith was graduated from Yale University with a law degree—he cooked to earn the money. One of his teachers was William Taft.

After graduation, he returned to Kansas and established a law practice in Kansas City.

Politics began calling in 1931. Wint Smith went to Topeka as attorney for the State Highway Commission.

Early in 1934, Kansas Gov. Alf M. Landon asked Smith to do something about the bank robbers who were terrorizing the state. Smith's answer was to form the Kansas Highway Patrol. He armed troopers, gave them fast cars, then began waging a small war across the Kansas hills. Criticized by the Legislature for using the Highway Patrol as a police force, Smith didn't bother to argue the point: robbers were tactlessly shot on sight.

The memory was still vivid as Wint Smith sat in his Mankato home one day recently and reminisced.

"We had the robbers pretty well cleaned out of Kansas," he said. "But some were holed up in the Cookson hills of Oklahoma."

Smith recalled that the situation angered him. Discarding the notion his authority stopped with the state line, Smith stomped into the Oklahoma governor's office one afternoon and demanded written permission to chase bandits in the Oklahoma hills. He received permission; the Kansas Highway Patrol began making guerrilla raids across the border.

Then came World War II mobilization in 1940. Smith, a lieutenant colonel in the Reserve, returned to the service in the fall of 1940. He organized and commanded a tank destroyer battalion. In 1943, the unit was sent to Europe. It landed on D-Day, fought through the Battle of the Bulge and ended near Vienna.

"I like to collect things," Wint Smith conceded as he showed a visitor two rooms full of relics of two wars. One basement wall is covered by a collection of firearms "liberated" from Nazi Germany. The home also is full of other treasures collected during Smith's lifetime.

"You take a jar of buttons someone has collected," the smiling Smith said, "and chances are you'll find one button that is different or valuable."

Included among the varied collections is a shelf of Kansas history books, several pictures of Abraham Lincoln and a signed picture of Gen. Douglas MacArthur.

Smith rose to the rank of General in the Army. And in 1946 his mind turned to thoughts of politics.

"I listened to the BBC during the war," Smith recalled. "I got damned tired of the labor leaders—Reuther and the rest of them—telling what labor was doing to win the war.

"Well, I decided to find out if labor leaders were really running the country. I went to Congress and by God, I found out they really were."

Smith's 14 years in Congress were turbulent. Immediately after his first election he volunteered for a post on the House Labor Committee. Then in the 1950s came controversial hearings on unfair labor practices. Smith chaired a subcommittee charged with investigation of unfair labor practices. Eighteen union officials were indicted. He took on James Hoffa. Political enemies soon outnumbered political friends. Vocally and with relish, Smith took on the United Nations, labor unions, foreign aid. Although a Republican himself, the congressman from Kansas fought President Eisenhower and several of his programs. He lambasted presidential appointments and tangled with Agriculture Secretary Ezra T. Benson. He won his last election by only 51 votes and his popularity, even in the conservative Western Kansas district, was sliding downhill steadily.

"I will not demagogue," he declared at the time. "I've always spoken what I believe and I've always been death on smart-alecks. I don't think I've been a very good congressman. I didn't have enough finesse.

"They gave me a lot of trouble once because I made a statement that I don't trust the government—I don't trust what it'll do with your money. I guess I'm the world's worst politician."

Then in 1960 came the announcement from Wint Smith that he was retiring from Congress.

"I had a rough time out here toward the end. I wouldn't go along with Eisenhower, the federal aid to education or with foreign spending.

"My trouble was with young people just getting established. Those liberal programs appealed to them because the government was promising to take care of Mom and Dad."

Wint Smith stretched his big frame one day recently, glowered at the ceiling and explained Wint Smith's view of the world in the nine years since retirement. It hasn't mellowed.

In short, Wint Smith claims he is watching—and has watched for some time—the decline of America.

"The seeds of decay are everywhere—in urban renewal, in giving money to people who won't work for it, in foreign spending. I'm pessimistic as hell about the future of America . . .

"There's the war. The biggest mistake we ever made was getting involved in Asia. Take the agitation from left-wing college professors. When I sit here and think about what's going on at Yale and what they did to the statue of Nathan Hale . . . Why, what must he be thinking? They are abolishing ROTC there!"

Wint Smith's eyes squinted under the wide brim of an ancient straw hat. He hunched forward in the seat of the dirty green pickup, his big, rough hands caressed the steering wheel as though holding the reins of an excited cow pony. And his boots played on the foot pedals as though they were stirrups.

"Buffalo are strange creatures. Unpredictable," said Wint Smith from the corner of his mouth. The pickup bounced over a hill, suddenly in the center of Smith's private herd of 14 shaggy buffalo.

"I like to preserve things," he explained. "When my grandparents homesteaded near here, they killed a buffalo. I thought it would be appropriate to have these here."

Then he pointed. "See those longhorns? You don't see too many of those anymore. They're registered, too. See that one over there? That's Dick. And there's Hubert. And Ike. Oh, yes, see that critter over there? That has to be the ugliest steer I have ever seen. He was so ugly I couldn't resist buying him. That's Spiro . . ."

Wint Smith hopped gracefully out the door of a pickup and approached the herd's huge bull, which stood silently, head lowered. "Look at the size of him," Wint Smith said slowly. Then he stood there nearly silhouetted on a hill in a pasture near Mankato. He looked for a long time at the shaggy bull, which stood, like something out of a Remington painting, and looked steadily back at Wint Smith.

When Wint Smith was president of his senior class in 1920 at KU, there was a simple way of dealing with impertinent students.

Smith still remembers the freshman "who felt he was too good" to wear the prescribed cap.

"Somebody called me over," Smith recalled, "because they had him backed up against the wall and wondered what to do with him. Well, I just stood there and said he didn't have to wear a cap if he didn't feel like it." The corner of Wint Smith's mouth twisted into a smile. "Somebody said, 'Throw him in the lake.' That's exactly what we did with him—threw him in Potter's lake."

The incident probably expresses best how Wint Smith feels about agitation on college campuses today.

"Hell, there's no generation gap. Nobody really cares if kids want to wear sideburns and different clothes. It's just that kids are economically illiterate; they have no concept of history. And they can't distinguish between anarchy and capitalism.

"They are led by some liberal professors who are bitter because some high school dropouts are driving a truck and making more money than they are. These professors can't distinguish between academic freedom and liberty."

If Wint Smith sees any hope at all in bringing order to a chaotic world, it is in middle class America. "I don't care about the indigent—or the rich," he once said. And during his 14 years of representing Western Kansas in Washington, it was the middle class that Smith always felt himself closest to.

"There's a movement on in America that most people don't realize," he said. "You give a man a home, a garden and two cars in the garage and he's going to think twice before he goes out to raise hell. The labor unions are finding that out.

"That middle class—which believes in going to church on Sunday and in saluting the flag when it goes by—is getting damn sick and tired of supporting somebody who won't work; they're getting damn sick and tired of trouble on the colleges.

"I'll tell you, it's the middle class who'll end up getting some sense into the political structure."

Smith said he believes George Wallace of Alabama pulled much of his support from the middle class. "It's the middle class who will someday throw the rascals out," Smith said.

Ask Wint Smith for his thoughts on something and they're not long in coming. Views on almost everything. They aren't especially new; he's presented them before:

"The greatest word in the English language is My. To be able to say My home, My family, My wife, and My church.

"The most disgraceful picture I've ever seen was the one in Life Magazine that showed those hippies at the music festival. That's the kind of civilization those people want."

"I don't blame kids today for not wanting to go to war. There's no patriotic feeling today in America. Nobody cares."

"I used to be against the draft. I'm not now. If you had an all-volunteer army, it would be mostly colored and that wouldn't be good."

"The tax situation has elected a Democrat twice in this state. What are they going to do about it?"

But the talking is mostly in Wint Smith's past. Living quietly in Mankato with his wife Blanch, "I don't talk much; I just listen a lot."

He does intend to stay active, working for conservative candidates. He intends to remain a Republican.

Smith pulled his wide-brimmed straw hat lower against a noon sun and strode purposefully down the center of Mankato's main street.

"You know, there was a time when a man could put on a Stetson hat and walk into about any bank in the country and cash a check. That's when it was a badge of honor," he said.

Much of Wint Smith—or at least the material side of him—is housed in a weather-beaten downtown building. It is full of antiques—antiques of every kind: oak dressers, ancient china, chairs, butter churns, a kitchen he re-created from the memory of a kitchen he saw in London in World War II, a re-creation of his mother's kitchen. It is a private museum overflowing with early Kansas. Most of the objects have been restored.

Wint Smith passes it off simply: "I like to collect things. This is just something for an old man to do with his money."

But Wint Smith is at home and relaxed as he wanders slowly through the building that reflects a major portion of his life.

"If you had it to do over again—those 14 years in Congress—would you do anything differently?"

He contemplates the question.

"I tried to tell people what was happening to America. Yes, I think there is something I would do differently. I would be more outspoken."

THE DIPLOMA: A MEANINGLESS, IF POWERFUL, PIECE OF PAPER

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROCK. Mr. Speaker, I recently read an excellent editorial in the Sunday, August 3, Los Angeles Times which I would like to share with my colleagues. It is entitled "The Diploma: A Meaningless, If Powerful, Piece of Paper," and shows exactly how sacred the sacred cow called a diploma is becoming. The writer is David Hapgood, a senior research fellow at New York University.

Twenty-two Members of this body recently completed a tour of about 50 college and university campuses. Over and over we heard the word, "relevancy." It meant a number of things, but mostly that the world of college education as the system is now set up is not answering the needs created by the rest of our society. Students are not learning what they are going to need to know in the jobs and professions out in the real world; they are not getting the practice they need to know how to live and work and react in the adult society into which they are soon to be thrust; and they are not getting the historical perspective they need to judge their own and other talents and actions in this outside world.

This editorial defines the problem as "diplomaism." I recommend it for serious reading:

THE DIPLOMA: A MEANINGLESS, IF POWERFUL, PIECE OF PAPER

(By David Hapgood)

"Education is the greatest growth industry in America," proclaimed Dr. Grayson Kirk of Columbia University not long before the children of that growth rate drove him into exile.

Neither the rebels nor Kirk connected the cause of the growth rate with the students' dissatisfaction. Both are the result of diplomaism.

In the genuinely democratic society, jobs and promotions would be awarded strictly on the basis of performance. But in the United States the disease of judging people by paper credentials has been spreading rapidly and few occupations are still exempt. Sports and the arts are virtually the only pursuits in which performance is the exclusive test of merit.

Of all the paper credentials now on the market, the bachelor's degree is the one with the least meaning and the most power. It has become the almost indispensable passport to good jobs and to the advanced degrees that offer better ones.

In no field of endeavor, with the possible exception of the health industry. does reward have as little connection with performance as in education. The industry has acquired immense power as the agency that sorts out those who will be discarded.

Education now spends $58 billion a year, second only to the military and coming up fast. (Some defense contractors such as Raytheon and Litton have been buying into the school business as a hedge against the danger of peace.)

Measured in time, the power of education is still more impressive. More than 60 million Americans are engaged full time in the industry—57 million as students, 3 million as teachers and administrators. It may well be that the time devoted to school is growing faster than our life expectancy.

The years in school are bound to increase, for the diploma system contains built-in forces for escalation that have nothing to do with learning. Sorting people out by diploma for their eventual employers works only as long as graduates are scarce. Once there is an ample supply of graduates, the diploma loses its value, and the system must escalate by requiring a "higher" diploma.

This escalation has already deprived the high school diploma of most of its monetary value as a job credential. Now the cry is college-for-everyone (a goal quite different from assuring equal access regardless of race or income in a nondiploma system, where one would be free to compete for jobs without college credential).

State and community colleges are sprouting like pizza stands. Graduate schools are booming and the end is not in sight. When the cornerstone of New York University's new library was laid not long ago, President James Hester entombed in its concrete a prophecy that "advanced degrees beyond the Ph.D." are on the way.

Diplomaism is supreme within the industry itself. Teaching ability is not a criterion for being hired to teach in a university of a school. At the university, the diploma you need is the Ph.D., a degree that proves little beyond your tolerance for boredom. Some universities are even imposing the Ph.D. on those who teach art.

In the primary and secondary schools, you need a diploma from a school of education and you must have taken a list of prescribed courses. Again, whether you can teach remains an unanswered question. Similarly, promotion in the industry is by credential, not ability.

The professor is promoted according to the number (not the quality) of his publications; if he devotes his time and energy to being a good teacher, his career chances are hurt. In most school systems, the only way a teacher can be promoted is by going back to the industry for graduate credits.

On the rare occasions when diplomaism in education is challenged, forces in the industry mobilize like white blood cells to meet the threat. Recently, the board of education of a suburban community—Princeton, N.J.—was taught a lesson in diplomaism. The story is educational.

The high school principal had resigned, unable to cope with a school beset by racial conflict and troubled, in a less measurable sense, by the nameless malaise of white suburban youth, children of the bourgeois intelligentsia. In a rare reach of the imagination, the board decided to go outside the industry for a new principal.

They chose a local notable, Raymond F. Male. Male was a remarkable choice. He is a former mayor of Princeton who had sided with the young in generational conflicts. He is also the state commissioner of labor and industry and an expert in public administration. In the selection of Male, the school board seemed to be saying that the troubles of high school students had mostly to do with the students' relations with the world outside the walls.

But Male is not certified to be a high school principal. When his case went to the Board of Examiners, a sort of supreme court within the state's public education bureaucracy, the examiners voted, 7 to 2, that Male was not qualified to be principal of Princeton High School.

Their grounds were that he lacked a teaching certificate and 24 credit hours in school administration. The last although Male has taught public administration and holds a master's degree in the subject from Princeton University.

Far from fearing that Male would fail, the examiners had more reason to be afraid he would succeed as a principal—for his success would tend to undermine the barriers so carefully erected against outsiders.

The examiner's power, like that of the guilds whose interest they represent, is essentially negative. By their control of the gates, they see to it that the only people in the industry are those who have paid their respects—and their cash—to the schools of education by getting the proper diploma.

In the suburbs, guild control has the effect of keeping out creative outsiders like Male. In the cities, the effect is to keep out creative, but degreeless, ghetto people.

If the diploma system stands in the way of giving credit to human achievement, and if it sentences us to ever more years of passive boredom and frustration, then why not abolish the diploma?

The question is hardly ever raised, even among those most critical of the education industry. They believe in reforming the industry but not in breaking its monopoly of access to the job market. The popular attitude is that school means learning and that learning is measured by the diploma. Let us then briefly examine the arguments commonly offered for the diploma system.

Our technological economy needs a growing number of people with advanced education, or, you have to get a degree to get a good job. The second half of the statement is unanswerable but it does not prove the accuracy of the first part.

Of course, many jobs do involve highly specialized skills. But that does not mean that the rigid diploma system—four years of college, followed by three or four years of professional school before you go to work—is the only or even the best way to produce people with those skills.

The common assumption is that employers have sound economic motives when they require a college diploma. That assumption needs to be revised as a result, mainly, of the landmark work of Ivar Berg of Columbia University.

Berg found that graduates and nongraduates doing the same jobs performed about equally well. In no case could any significant difference in productivity be attributed to education.

But Berg also discovered that employers did not care about such comparisons. Most employers, even those who devoted considerable attention and money to personnel programs, made no effort to find out whether their diploma requirements made any sense.

The belief that changes in employers' tastes, not changes in the nature of the work itself, are responsible for the diploma race is supported by a study of the 1960 census by John K. Folger and Charles B. Nam, "Education of the American Population."

In surveying the decade from 1950 to 1960, a time of escalating diploma requirements, Folger and Nam concluded that only 15% of the increased demand for diplomas could be accounted for by changes in the nature of work. The other 85%, they found, was the result of added diploma requirements for the same jobs.

This new insight into how people are hired raised a question of exceptional theoretical importance, for it challenges a basic assumption about our system.

Students of the capitalist order assume that business firms' actions are motivated by the desire to maximize profits. Individual exceptions exist and employers can make mistakes, but when a phenomenon is as general as the employers' preference for diploma-holders, the classical theory tells us that their preference must make economic sense.

At this point, believers in diplomas-for-jobs reply: "All right, most education has no direct vocational value, but our economy needs people who have something called "general educational development."

That term coined in the U.S. Employment Service, means basic reading and arithmetic and a capacity for abstract reasoning. The more time you have served in the institutions, the higher you rate on the GED scale. Then we are told the economy benefits if we put in more years in school.

More hole than cheese is visible in that argument when it goes beyond the commonplace that the nation has fewer jobs for people who cannot read and count. At most, a diploma from an elite university such as Harvard suggests an intellectual ability needed for some pursuits—but the diploma requirement tends to rule out other ways of developing and measuring that ability. School is, in any event, an extraordinarily inefficient way to acquire what the job market supposedly wants.

James Coleman, or "The Coleman Report," estimates the high school students are mentally alert for an average of 10 minutes of the school day, and James B. Conant holds that high school—the point applies to college as well—is geared only to the 15% of students who are academically inclined.

Now the believer, if he hasn't already abandoned us, will retreat to higher and foggier ground: School isn't for jobs—it's for culture. You go to school to learn civic virtue—good marks in citizenship. You soak up the values of our civilization—especially good old deferred gratification, that marvelous excuse for incompetence. If the first grader will only sit still for another 20 years, he'll discover why he's there. You also go to acquire an appetite for Western culture.

Reason can scarcely be brought to bear on such misty sentiments.

What remains is what the believer is reluctant to say: School is the place where the young are taught to behave the way adults want them to behave. The diploma proves you have conformed enough to be turned loose in adult society.

The escalating demand for diplomas in the marketplace has made of education a huge, sluggish beast, as alert and competitive as a grass-eating dinosaur.

Blessed with a monopoly on the diploma and the fastest growth rate in the nation, the industry is under no pressure to change. It does not have to hustle its clients. The product sells itself.

The next outsider who wants to be principal of Princeton High School will have to buy those 24 credits in administration, so why bother to invest the courses with any content? The dinosaur, its waistline bulging as it digests the latest crop of diploma-seekers, smiles blandly at its critics.

Indigestion is the dinosaur's only complaint, and it is a real one. The growing number of years of dependence imposed on youth as the price of the diploma is producing today's backlash. Independence and adulthood are reached later in life.

Extending the years it takes to get the diploma may seem like "educational opportunity" to adults—how can they be so ungrateful when we're paying for their tuition?—but from the inside it looks like a longer sentence.

Hardly anyone is proposing a revolution against the tyranny of the diploma. Paul Goodman, a lonely prophet, stalks the land, calling down anathema on the schoolmen, preaching less institutionalization and more freedom to learn. But about all the response Goodman gets is "puzzled looks."

The world that Goodman and a few others see in their dreams could be made reality by the abolition of most diplomas, beginning with the bachelor's degree.

If degrees were deprived of their market value, then the schools that issue them would have to produce something in return for the time and money their clients now spend just for the diploma. A free market would prevail, and schools would have to compete with other ways of learning.

Some people would choose to learn on their own, or by apprenticeship. Some would work for a while, then, having decided there was a branch of knowledge they need or want, would shop around for courses that could provide it.

It is this freedom to shop around that is the key. The life preserver of the incompetent teacher and the irrelevant course is the degree requirement—you have to take 120 points even if after 30 or 60 or 90 you've run out of good, well-taught courses.

Denuded of the academic figleaf, we would all have to examine ourselves—and be examined by others. Personnel departments would have to learn how to examine their applicants' abilities instead of counting their diplomas. Hundreds of educational institutions, especially colleges, would go out of business, and doubtless it would be necessary to provide insurance for unemployed professors and deans.

But the result would be a freer society, one much closer to the set of ideals we call the American Dream.

Such a revolution is not even on the horizon today. Only a few people are combating diplomaism. The trend is still in the opposite direction. So the diploma mills grind on, and they grind exceeding bland.

CAMPUS UNREST

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. SCOTT. Mr. Speaker, all of us are concerned about unrest expressed on college campuses last year. I am happy to see the news media, and especially television, take the initiative in pointing out what can be done about the problem. In that regard, I insert in the RECORD the following editorial broadcast over WTOP in Washington, September 22 and 23, 1969:

CAMPUS UNREST

This may be the year when our universities become crippled as universities.

It will happen if academic freedom is throttled by the reaction of an angry community.

Washington has special cause to appreciate these dangers. At Howard, American, Georgetown, and George Washington universities, disruption or violence was an ugly presence on the campus last year.

The reaction to that unrest from government in his granddaddy of government towns was sharp. Congress was deterred only by a whisker from enacting some harsh and punishing laws to deal with disturbances. The same Congress sits on the Hill this fall.

The administrators of the universities continue to be the key people. This may be their last chance to exercise control in their schools before outside control is forced upon them. Most administrators in the Washington area have promised firmer resolve in dealing with such situations.

The administrators also have the key responsibility for de-fusing unrest before it can explode. All Washington campuses have undertaken reforms of various kinds since last spring. Whether they're enough remains to be seen.

A very special obligation falls on otherwise-reasonable students and faculty who in the past have supported the anything-goes tactics of the genuine radicals. By condoning violence and abandoning reason and persuasion, they are helping to pull down the pillars of the academic world around us all.

The tear-it-down revolutionaries must not prevail. The alternative to a free university guided by reason is a university guided by tyrants. And that would be no university at all.

NEGOTIATING WITH COMMUNISTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. WYMAN. Mr. Speaker, one would think that after the years of Korea and Vietnam, it would dawn on those to whom we entrust our negotiating powers, that Communists hate anything free and the United States in particular. Freedom and justice including freedom of speech and press is utterly and completely antithetical to the Communist creed. Likewise with mercy, compassion, and charity.

If the balance of power ever changes to a point at which we and our remaining allies become vulnerable to attack and destruction we will be wiped out. It is up to those who represent us to make sure that as long as they live this does not happen.

Sympathy for the underdog, a sense of fair play, restraint on brutality and slaughter—such things are to Communists merely examples of American weakness. No amount of pleading, rational thought, logical argument, or simple persuasion, can alter the basic truth that world communism is completely and fanatically dedicated to the destruction of the United States of America and all that it stands for.

It is against this background that concerned Americans should judge the attempts to reason with Communist governments whether Red China or the Soviet. In this connection the following column by Richard Wilson appearing in this week's Washington Star is significant:

TALKS WITH CHINESE COMMUNISTS VIEWED DIMLY

(By Richard Wilson)

An instructive little document on how to go mad negotiating with the Chinese Communists has been issued by Sen. Henry M. Jackson's subcommittee of the government operations committee.

If Secretary of State William P. Rogers, who is eager to negotiate with Peking, can find any comfort in it he is welcome to it. The document outlines the experiences and trials of various negotiations over the past 15 or 20 years as related by the participants.

These experiences and frustrations give little encouragement to the fondly held belief that if we are nice to the Chinese they will reciprocate. The recounted experiences do not encourage the idea either that there is anything to be gained by the United States from China's hostility to the Soviet Union. To the contrary, as Rogers has pointed out, a war between China and Russia could be a world disaster.

Chinese hostility to the United States has increased during the Nixon administration. Peking passed judgment on President Nixon last Feb. 18 when it notified the U.S. ambas-

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sador to Poland that it would not participate in the 135th meeting of the Sino-U.S. ambassadorial talks on Feb. 20 as scheduled. The reason given was that the U.S. government incited a former member of the Chinese diplomatic mission in The Netherlands to betray his country and defect. "All this once again enables the people of China, and the rest of the world, to see clearly the vicious features of the Nixon administration of the United States, which has inherited the mantle of the preceding U.S. government in flagrantly making itself the enemy of the 700 million Chinese people," proclaimed the Peking foreign ministry.

The Nixon administration then turned the other cheek and announced the relaxation of travel and trade restrictions that had been applied to Communist China since 1950. U.S. citizens traveling abroad would be allowed to bring back $100 worth of goods produced in Communist China and six categories of citizens, including congressmen, journalists, doctors and post-graduate scholars, were automatically cleared for travel to China.

These relaxations have so far proved meaningless, as the secretary of state expected they would. He says that he is trying to show that the stubbornness on improving relations lies all on the Chinese Communist side.

It may be concluded that what he is trying to do also is to disarm the congressmen, journalists and scholars who seem to think there is some easy or trick formula for improving relations with Peking. On the basis of past performance it can be questioned if such relaxations have anything but a negative effect on the government of Mao Tsetung.

The studies of the Chinese negotiating position indicate clearly one pre-condition for anything more than tactical discussions such as have been held in Warsaw. The United States must renounce its support of the government of Chiang Kai-shek on Formosa, get out of the Western Pacific and bring to an end 70 years of involvement in Asia.

Says Kenneth T. Young, president of the Asia Society, with experience as a negotiator at Panmunjom and Geneva behind him: "The line and movement have a single objective: total and final victory.

"The Chinese negotiators and policymakers do not seem to consider cooperative negotiations and concessions as valid bargaining devices to find a common ground for genuine and lasting agreement, or for seeking a compromise of principles in order to conclude a basic agreement.

"Dogmatically and fanatically, the Chinese Maoist negotiator appears to assume that the American negotiator is similarly motivated in viewing China as the adversary to be beaten, destroyed and never appeased. Only hostile motives and irrevocable goals determine the strategy and techniques of both sides according to Peking's views."

In these circumstances negotiation is merely war in another form.

It is easily understandable that some commercial interests in the United States should wish the Nixon administration to push for improved relations with China. Shipping wheat to China as the Canadians are doing has attractive possibilities. It should be taken into consideration, however, that China does not regard Canada, as it does the United States, as an implacable enemy over whom it must win "total and final victory."

RESTORING THE RIGHT TO PRAY IN OUR SCHOOLS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROCK. Mr. Speaker, yesterday a number of my esteemed colleagues joined together in a special order on school prayer. Today, I would like to add my voice to theirs in calling for restoration of the right to voluntary expressions of faith in our public schools.

Ever since the Supreme Court reached its unfortunate decision, I have actively supported efforts to pass a constitutional amendment restoring the right to pray, introducing legislation to that effect with each succeeding Congress.

The Memorandum of the American Hungarian Federation, quoted by my colleagues yesterday, sums up the need for a return to spiritual values in a time of mounting turmoil and moral stress. It is powerful testimony to the need for deep faith and firm moral precepts, and I can think of no better place to reaffirm them, on a voluntary basis, than in our schools.

I hope that Members of the Congress who have previously reserved their judgment on this crucial issue will give this new discussion the attention it deserves in forming their opinions.

A nation built on faith cannot long stand without it.

COMBAT MEDIC KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. John P. Lambooy, a fine young man from Maryland, was recently killed in Vietnam. I wish to commend his courage and to honor his memory by including the following article in the RECORD:

COMBAT MEDIC KILLED IN ACTION—PFC. JOHN P. LAMBOOY HAD PLANNED MEDICAL CAREER

A 22-year-old Army private who was drafted while attending graduate school at Yale University was killed in action in Vietnam, the Defense Department announced yesterday.

Pfc. John P. Lambooy, serving as a combat medic with an infantry unit, was reported killed Friday when rocket attacks were launched against his unit as it was moving into a defensive position.

PLANNED MEDICAL CAREER

Private Lambooy, who had been in Vietnam less than two months, was the son of Mr. and Mrs. John P. Lambooy, of 904 Huntsman road, in Towson.

According to Mr. Lambooy, who is associate dean of the graduate school of the University of Maryland's Baltimore campuses, his son had planned to continue with his graduate studies at Yale, where he had studied under a scholarship, and to go to medical school.

The family had moved to Towson from Omaha, Neb., in August.

Private Lambooy, according to his father, felt there was a great need "for medicine to be delivered to the people," and in order to do that, he needed "an understanding of people."

The young Lambooy was graduated from Central High School in Omaha, and from Carlton College, in Minnesota, cum laude in 1968.

At the time of his induction into the Army in February, he was in the middle of his first year at Yale, his father said.

Planning to write a book about his experiences in Vietnam, Private Lambooy wrote long letters to his family. "He wondered whether we were serving any purpose over there, and whether, if somebody needed him, he would be able to help," his father said.

Private Lambooy was stationed about 50 miles southeast of Da Nang.

Besides his parents, he is survived by twin brothers, Peter and Philip; a sister, Kathleen, a student at the University of Maryland; and two grandmothers, Mrs. Karl W. Lambooy, of Kalamazoo, Mich., and Mrs. Patrick Slattery, of Fort Lauderdale, Fla.

A SPACEMAN'S SENSE OF BALANCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the Friday, September 19, issue of the Washington Post carried an editorial reflecting on the remarks of Astronaut Neil Armstrong before the Congress. This editorial discusses Astronaut Armstrong's comments and reviews the President's space group recommendations, and does much to place in perspective the need for a vigorous and balanced national space program for the future.

The editorial follows:

A SPACEMAN'S SENSE OF BALANCE

The report of President Nixon's Task Group on Space and, indeed, even the speeches to Congress of the three men who rode in Apollo 11 have brought some rationality back to the discussion of whither the space program. That report recommends that the President commit the nation to a "long-range goal of manned planetary exploration" aimed at a landing on Mars in the early 1980s, the mid-1980s, or the 1990s. Acceptance by the President of the basic recommendation would eliminate talk of abandoning manned space flight, which would be a foolish course of action, or of proceeding toward Mars in a crash effort to get there as quickly as possible.

It is difficult for anyone to reach any other conclusion except those who blindly opposed manned space travel or those who, equally blindly, favor giving it the nation's top priority. Space exploration ought to proceed in an orderly way, maximizing at every step the advance of knowledge and the utilization of it here on earth. In fact, it is not at all clear that the President should set a "goal" of a Mars landing in any particular year.

What is important is for the nation to push ahead on the immediate recommendations of the Task Group—exploring the moon, developing the tools that are needed for systematic exploitation of our space travel capability, and extracting from the space program more benefits for those of us who are earthbound. This means that NASA would continue its moon flights, perhaps reaching the day in the 1970's when semi-permanent colonies would be established on the moon's surface. At the same time, it would push development of a nuclear rocket engine, which would make long-range space travel more feasible, a space vehicle that could be landed on earth and used over and over again, which would reduce the costs of each mission sharply, and a space station to hold a dozen or so men that could be flown in orbit around the earth or the moon or, when the time comes, Mars.

This kind of program would keep NASA operating for a while on about the budget it now has. It would have the advantage of allowing the agency to keep together the remarkable team of scientists and engineers it has created by giving them new and interesting problems to solve. At the same time, it would encourage those in NASA who want to tailor the space program to produce more information directly useful in the solution of earthly problems—surveys of natural resources, weather prediction and control, and so on.

Although parts of the speeches the three astronauts of Apollo 11 delivered to Congress Tuesday were open pleas for money for future space flights, they were carefully balanced by the recognition each man gave to the needs of domestic programs for the funds that might otherwise be spent in space. The words of Neil Armstrong, the first man to walk on the moon, are worth repeating because they catch the spirit of the delicate balance that must be made between the dreams for adventure and the practical realities of life:

"Several weeks ago, I enjoyed the warmth of reflection on the true meaning of the spirit of Apollo. I stood in the highlands of this nation, near the continental divide, introducing to my sons the wonders of nature and pleasures of looking for deer and elk. In their enthusiasm for the view, they frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk.

To those of you who have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator. To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail."

RESTORATION OF CLEAN WATER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. DINGELL. Mr. Speaker, the American Fisheries Society at its 99th annual meeting in New Orleans on September 12, 1969, adopted a resolution urging that Congress provide full funding of the construction grant program of the Clean Water Restoration Act of 1966.

So that my colleagues may be aware of the American Fisheries Society's views on this vital issue, I insert the text of its resolution at this point in the RECORD:

APPROPRIATIONS FOR RESTORATION OF CLEAN WATER

Whereas, fish and other organisms dependent upon aquatic habitat comprise a natural resource that is important to all Americans for many reasons; and

Whereas, this resource has suffered significant damage as the result of water pollution; and

Whereas, the restoration of clean waters is necessary as the first step in the restoration of lost fisheries; and

Whereas, the Congress of the United States did pass the Clean Water Restoration Act of 1966 (P.L. 89–753) authorizing waste treatment plant construction Grants-in-Aid to the states totaling $3.6 billion over a five-year period, with the first year's authorization (Fiscal 1968) amounting to $450 million, second year's authorization (Fiscal 1969) amounting to $700 million, third year's authorization (Fiscal 1970) amounting to $1.0 billion, and fourth year's authorization (Fiscal 1971) amounting to $1.25 billion; and

Whereas, the last Administration requested only $203 million in its Fiscal 1968 budget for this purpose, and only $214 million in its Fiscal 1969 budget, and the program, widely recognized as being barely minimal at its full level of authorization is falling badly behind in this area of most importance to all Americans; therefore be it

Resolved, That the American Fisheries Society press for full funding of the authorized appropriation so that this essential program can be adequately revitalized; and be it further

Resolved, That to this end arrangements be made to distribute copies of this resolution to the President of the United States, the Bureau of the Budget, the Secretary of the Interior, and to the appropriate congressional committees.

HAWAII STANDS UP FOR ADEQUATE HOUSING

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. MATSUNAGA. Mr. Speaker, if our national goal to provide a decent home and suitable living environment for every American family is to be fulfilled, it is apparent that immediate remedies, as well as long-term solutions, must be found to the deepening housing crisis confronting this Nation.

In this respect, I call to the attention of my colleagues in Congress, and others concerned with the need for adequate housing, the recommendations adopted by the board of directors of the Home Builders Association of Hawaii on September 25, 1969. These recommendations deserve weighty consideration by the Congress.

Mr. Fred Hirano, president of the Home Builders Association of Hawaii, brought these timely and pertinent proposals to my attention in connection with the national housing industry's "a call to action" program which began today. A brief outline of the Hawaii homebuilders' position follows for the CONGRESSIONAL RECORD:

"A CALL TO ACTION—THE TIME HAS COME TO ARREST THE DECLINE IN HOUSING PRODUCTION ACROSS THE NATION"

House production, in our Nation, under the impact of tight money has been falling for eight straight months—if a correction in this trend is not made at once—the Nation's housing goals will not be met. The impact of tight money must be relieved—a correction of the economy's imbalance must be made immediately to bring funds to housing. We must have a tax policy that will provide a healthy climate of housing

The National Association of Home Builders has recognized the following program. The Home Builders Association of Hawaii supports their recommendation—this support was unanimously carried in today's Board of Directors meeting. We urge your serious consideration and support:

That the Federal Reserve Board be directed by Congress to purchase obligations of the Federal National Mortgage Association and the Federal Home Loan Bank Board in order to support housing financing.

That the President and Congress authorize full use of all Government National Mortgage Association special assistance funds to assist the mortgage market in building low and moderate income housing. It is estimated that some $2 billion is available by Congressional authorization for this purpose, but has not been released.

That pension and retirement trust funds be directed by Congress to invest a substantial portion of their funds into the mortgage market.

Exemption from taxes of the first $750 of the interest earned on savings in institutions which invest a great bulk of their funds in residential mortgages.

Congressional enactment of the Teague bill to use a portion of GI insurance trust funds to support the VA mortgage market, thus creating a greater credit flow and obtaining a higher return on investment for the fund.

A rollback in the prime rate charged by commercial banks.

The FED to call on its member banks at once to slow their loans to business.

Enactment of credit controls to give housing a more equitable share of credit.

WATER POLLUTION CONTROL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, the increasing rate of pollution of our Nation's waterways is a matter of primary concern to us all. Our natural water resources play a fundamental role in almost all aspects of our society, and it is for this reason we must improve the present condition of our lakes and rivers before the damage is irreparable.

I feel a deep concern over the manner in which the present administration has faced the problem of water pollution control. In what has become known as the growing money gap, actual appropriations for assisting States in water pollution control measures have fallen drastically short of the amounts authorized by Congress.

In 1966, Congress recognized the need for decisive response to the problem of water pollution. The Clean Water Restoration Act of 1966 provided for increasing Federal assistance for such antipollution measures as sewage treatment facility construction. This act called for increasing appropriations amounting to $2.3 billion over the years 1967 to 1971. The authorization for fiscal year 1970 was set at $1 billion, but of this amount, only $214 million has been requested by President Nixon, despite the fact that water pollution has grown more predominate than it was in 1966 when an authorization level of $1 billion was first established.

The administration's request for such a limited amount of funds has hit our States and communities extremely hard. Many localities have already begun construction of water pollution control facilities expecting matching funds from the Federal Government. In my own State of Michigan, the administration's present appropriation request would provide funds estimated to meet only 5 percent of my own State's total needs instead of the 50 percent which had been expected. Are we going to force our State governments to further deplete their own revenues and shoulder the burden of unpaid Federal commitments?

Even now, a total of 4,648 applications for construction grants are piling up in regional offices of the Federal Water Pollution Control Administration and in State water pollution bureaus. Naturally, these applications cannot be granted if funds are nonexistent, and while they lie dormant, construction costs are rising at a rate of over 20 percent a year.

The problem of water pollution control is not going to diminish by ignoring it. It must be faced now, but it can only be dealt with effectively with the full appropriations for fiscal year 1970 as authorized by Congress. Many States are expecting and depending upon the support we pledged to them. If we fail to fulfill our commitments, State-Federal relations will be set back immeasurably. This is a breach of faith we surely must avoid.

In one of his many campaign promises, President Nixon, referring to the Water Pollution Control Act, promised that—

> A Nixon Administration will continue and build on this commitment.

A budget request for $214 million for water pollution control in 1970—only slightly over one-fifth of the congressional authorization, hardly fulfills this promise. Secretary of the Interior, Walter Hickel, made a special plea for $600 million. I would strongly urge upon the President and upon my colleagues that we heed the advice of the President's own advisers. It would be false economy indeed to waste a chance to stop the ugly process of pollution. In the long run we would pay and pay dearly for such pennywiseness and pound foolishness.

The American people do not want this. They want their streams, lakes, and rivers saved. The many pollution control bond issues passed in municipalities all over the country demonstrate the people's willingness to pay to save the beauty of their country. It is time for the Federal Government to do its share, too.

CRISIS IN HOUSING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. TIERNAN. Mr. Speaker, the present monetary problems in America have caused a crisis in the field of housing. We must endeavor to ease this crisis by whatever means foreseeable.

As one means of relieving some of this pressure, I am today introducing legislation which would authorize the Federal National Mortgage Association to purchase conventional mortgages in addition to its present powers. By giving the FNMA the power to provide a secondary market for this type of mortgage, we are taking a step in the right direction to solve the diminishing supply of mortgage money.

This bill gives the FNMA authority to purchase, service, sell, lend on the security of, or otherwise deal in these conventional mortgages, much as it does in the Federal Housing Authority—veterans authority market.

We need a national secondary market, especially now, when the dollar is so inflated and its buying power stretched so thin. I hope that my colleagues in the House will give this bill the major consideration that it deserves.

THREE MARYLANDERS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Capt. John H. Camp, Jr., Pfc. John L. Burton, and Pfc. Carl A. Dean, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

THREE MARYLANDERS KILLED IN ACTION IN VIETNAM WAR

Three Maryland soldiers have been killed in action in Vietnam, the Defense Department announced yesterday.

The men were identified as:

Captain John H. Camp, Jr., 24, an Army officer of Camp Springs, Md., in Prince Georges county, who was killed by enemy fire September 11.

Pfc. John L. Burton, 20, a Marine who lived in the 5900 block Glenfalls avenue. He was killed in action September 24.

Pfc. Carl A. Dean, an Army enlisted man of the 400 block Cherry drive, Edgewater, in Anne Arundel county. He was killed in a battle September 21.

Captain Camp, who had planned an October marriage to Miss Vanna Smith, 23, of Fayetteville, N.C., during a planned leave in Hawaii, was the son of Lt. Col. and Mrs. John H. Camp, Sr., USA (Ret.) of Camp Springs.

FAITH IN HIS MISSION

He was born in Coral Gables, Fla., was graduated from the University of Georgia in 1967 with a bachelor's degree in English, and received a commission as a second lieutenant in the Army.

After serving at Fort Bragg, N.C., he was sent to Vietnam six months ago and promoted to Captain in June.

A skiing, swimming and wrestling enthusiast, Captain Camp had deep faith in his mission in Vietnam, according to his mother.

Besides his parents, the artillery battery commander is survived by a brother, Charles H. Camp, and a sister, Marion L. Camp.

Private Burton had been in Vietnam for four weeks before his death. He was a 1967 graduate of Poly, and had married the former Joann Woodruff in July, before leaving for Vietnam.

Private Burton's interests ranged from old cars to bowling. His survivors include his wife, Joann Burton, his parents, Mr. and Mrs. John C. Burton, 6300 block of Eastern Parkway, and two sisters, Susan and Janice Burton.

He will be buried in Baltimore.

Private Dean, who graduated from Annapolis Senior High School in June, 1968, and enlisted in the Army three months later as a medical corpsman, had been in Vietnam since last April.

HOPED FOR REPLACEMENT

In his last letter home, received by his parents, Mr. and Mrs. Harry J. Dean, Sr., on September 11, Private Dean wrote that he hoped "to get a replacement for me next month—but (it seems) almost hopeless."

According to his father, Private Dean had volunteered for duty in Vietnam although "he could have gotten out of it because he had a brother over there already."

His brother, Seaman Harry J. Dean, Jr., a radioman third class who has been stationed off the Vietnam coast in a Coast Guard cutter, will escort the body home.

KUZNETSOV DEFECTION DESERVES WIDER PUBLICITY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Edward J. Sloane, a friend and constituent of mine in Springfield, Va., recently called my attention to an excellent article by columnist Paul Scott concerning Anatoly V. Kuznetsov, the Soviet writer who defected to the West while visiting Great Britain recently.

Mr. Sloane feels, and I agree, that the revelations made by Kuznetsov deserve wider publicity than they have received. I submit the text of the Paul Scott article for inclusion in the RECORD as follows:

THE KUZNETSOV DEFECTION

(By Paul Scott)

WASHINGTON, September 19.—Anatoly V. Kuznetsov, the popular Soviet writer who defected while visiting Great Britain recently, has caused a major sensation in Western intelligence circles with his details of Kremlin intrigue and foreign operations.

The 39-year-old author, who had close contact with Soviet leaders for several years, has revelead that the KGB, the Soviet Secret police, has agents in the highest levels of most Western governments—including Great Britain and the U.S.

His startling revelations of Communist penetration of the West, Kuznetsov reported, came from conversations with high-rankling Russian officials privy to the KGB espionage and spy operations throughout the world.

As a member of the editorial board of the magazine Yunost, which has a circulation of more than two million, Kuznetsov attended meetings at which top Kremlin planners frankly discussed Soviet plans to dominate the world.

"The long objective of the foreign policy of the present Soviet leaders is to dominate the world," Kuznetsov told British intelligence officials during one debriefing session. "And they all agree that the U.S. is the only nation that can keep them from achieving this goal in their life time."

In high-level discussions of the war in Vietnam, Kuznetsov said Soviet officials stressed that it was in the interest of the Soviet Union to keep the U.S. bogged down in North Vietnam to try to break the will of the American people to oppose communism in the future.

Kuznetsov confirmed what many U.S. military officers have long contended: that Russia as the major military supplier of North Vietnam could end the war tomorrow, if it wanted to, by cutting off supplies to Hanoi.

FOREIGN OPERATIONS

The most important thing to remember about Moscow's foreign policy, according to Kuznetsov, is that it is conceived by the communist party not the Soviet government and it is largely applied by the KGB, and GRU, military intelligence service.

Kuznetsov pointed out that these are really the organizations that carry out most of the activities abroad which are known in the West as "diplomacy". The combined membership of KGB and GRU, he said, is far larger than the roster of the Soviet Foreign Ministry.

The GRU is subordinate to the Defense Ministry. The more significant KGB, which really applies major diplomatic policy, is administered by the Communist Party's Central Committee.

Kuznetsov reported that sixty percent of the approximately 6,000 Soviet officials stationed outside the USSR today are actually career officers of either KGB or GRU. The proportion is even higher among accredited Russian diplomats. The entire Ministry of Foreign Affairs in Moscow includes only some 1,300 people, and even among them at least a third are intelligence professionals. The Moscow staff of the KGB approximates 6,000.

More than half of Russia's 75 envoys to non-communist countries today are affiliated with KGB or GRU. The present Soviet ambassadors to U.S., Great Britain, France, Italy, West Germany, India, and Cambodia are KGB officials.

The work of KGB and GRU is enhanced, Kuznetsov stressed, by agents in key Western positions. Known as "agents of influence"—persons working secretly for Moscow to influence decisions of their own government—these persons reputedly include parliamentarians, politicians and ambassadors in several Western countries.

THE UNUSED WEAPON

These and other Kuznetsov revelations passed along by the British have had a tremendous impact on American intelligence officials but not the advisers of President Nixon who shape U.S. policy toward the Soviet Union.

The latter headed by Henry Kissinger, presidential adviser on national security affairs, have vetoed all suggestions that Kuznetsov be helped to use his talents and popularity with Soviet youth to discredit the present communist system in Russia.

American intelligence officials, who say Kuznetsov will gladly cooperate with the U.S., believe he could become a major cold war weapon in winning Russian youth away from communism.

Kuznetsov's articles in Yunost and his books, they claim, had an appeal to the educated young people in Russia unmatched by any other modern day Soviet writer.

ELECTORAL COLLEGE OUT

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. MADDEN. Mr. Speaker, the American people have accepted the action of the National House of Representatives electoral college veto with approval.

Newspaper editorials and endorsements from nonpartisan organizations and civic groups throughout the Nation endorsed the popular presidential vote legislation by a large margin.

The following editorial from the Gary, Ind., Post Tribune is only one of many favorable comments:

FOR POPULAR GOVERNMENT

The House has loudly stated what we believe is the public feeling on the proposal to elect Presidents by popular vote. It approved the proposed constitutional amendment by a decisive 339–70.

Democratic Senate Majority Leader Mike Mansfield, an experienced taker of the senatorial pulse, says he believes the necessary two-thirds of the Senate feels the same way.

Does that then mean Congress is ready to take the vital step of approving the amendment which, if then ratified by two-thirds of the states, would do away with the archaic Electoral College system?

Not necessarily.

For Mansfield also predicted his estimate of Senate approval on the ability to get the proposal out of the Judiciary Committee.

The trouble—if trouble persists—then lies in a congressional committee system even more archaic at times than the Electoral College itself. A few powerful men—or men powerfully located—in either house are at times able to bottle up legislation wanted by both the people and a congressional majority. That could be the case here.

It shouldn't be. Not only does the Electoral College system open the way to election of a man who gets a lesser total of the popular vote. It also leaves the possibility of throwing a stalemated presidential election into the House where politicians could upset the public choice.

There seems no immediate way of upsetting the congressional committee system. It might even be dangerous to tamper with it, for sometimes it works in the public interest. However, this definitely seems a place where hard shell opponents better understand the public desire or they may find themselves in trouble on other points.

Indiana Sen. Birch Bayh has been the leading advocate in the Senate for the choice. He understands the problem and is doubtless working on it. We wish him every success.

But we wish him success not for Bayh's sake primarily, but for the sake of the democratic system in the United States. That actually is what is at stake.

NEW AND NOVEL FACTORY FOR ST. PAUL, MINN.

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. KARTH. Mr. Speaker, recently I was informed that Control Data Corp. will soon establish on an experimental basis an electronic subassembly plant in my congressional district.

This new facility, to be located in the Summit-University—model cities—area of St. Paul, is unique on at least two counts. All personnel, with the exception of staff, will be hired as part-time employees. In addition, the plant will operate on a pilot project basis.

Control Data thus expects to hire:

Mothers who are heads of households, or who must supplement their family income and have school age children.

High school students who need to assist in bringing income to the family unit.

Technical school and college students who must pay for their own education.

The range of positions to be filled include: electronic assemblers, mechanical assemblers, inspectors, production control personnel, and clerical personnel. Individuals would start at $2.36 per hour and there will be about 100 employees..

This will be the fourth facility established by this fine company in so-called ghetto or disadvantaged communities. There is one plant in Minneapolis, one in Washington, D.C., and one in the Appalachia area of eastern Kentucky. The basic concept of these plants is to bring together Control Data's need for people and the communities' need for jobs. Total employment for these three facilities is approximately 600 at this time.

I want on this occasion to thank and commend this public spirited corporation for their vision and foresight in adding a new dimension to such operations. They have provided an important additional opportunity to St. Paul—Summit-University—residents to obtain gainful, part-time employment, and thus supplement family incomes.

I want, therefore, to wish both the community and Control Data Corp. well as they embark on this novel and worthwhile effort.

THE PRIMARY RESPONSIBILITY RESTS WITH GOVERNMENT—TESTIMONY BY CONGRESSWOMAN SULLIVAN BEFORE THE NATIONAL COMMISSION ON PRODUCT SAFETY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mrs. SULLIVAN. Mr. Speaker, the National Commission on Product Safety, created by Public Law 90–146 to investigate the safety of household products and recommend legislation needed to protect the American family against hazardous appliances, tools, materials, equipment, devices, et cetera, today opened a new series of hearings, this one directed to the subject "Who Tells Us About Safety—Education, Advertising, Public Information?" The hearings are taking place in the House caucus room, in the Cannon Building.

It was a privilege and honor for me to appear as the first witness in this series. Other witnesses today were Congressman BENJAMIN S. ROSENTHAL of New York; Senate Antitrust and Monopoly Subcommittee Staff Director S. Jerry Cohen appearing in behalf of Senator PHILIP A. HART; the lovely and talented Bess Myerson Grant, commissioner of consumer affairs in the office of the mayor of New York City; and spokesmen for Parents' magazine; Good Housekeeping magazine; the Code Authority of the National Association of Broadcasters; and for the Soft Drink Workers Union, Local 812 of New York. I believe Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, and Congresswoman FLORENCE P. DWYER of New Jersey, are among witnesses scheduled for tomorrow.

MEMBERSHIP OF COMMISSION

Six of the seven Commissioners, including Chairman Arnold B. Elkind, New York City attorney who has served as chairman of the Consumer Protection Committee of the American Trial Lawyers Association, were present when I testified. They included Mr. Emory J. Crofoot, of Portland, Oreg., general counsel of the Columbia-Willamette Air Pollution Authority; Mr. Henry A. Hill of Haverhill, Mass., president of Riverside Research Laboratory; Mr. Sidney Margolius, Port Washington, N.Y., columnist and author on consumer issues and truly a pioneer in this field; Mr. Michael Pertschuk, general counsel of the Senate Commerce Committee who has handled on the staff level much of the landmark legislation from that committee on consumer issues; and Mr. Hugh L. Ray of Chicago. Ill.. director of the

XUM

Merchandise Development and Testing Laboratory for Sears, Roebuck, and Co. The seventh commissioner is Mr. Dana Young, of San Antonio, Tex., senior vice president of the Southwest Research Institute and former dean of the School of Engineering of Yale University.

TESTIMONY BY CONGRESSWOMAN SULLIVAN

Mr. Speaker, the Congress is vitally interested in the work of this Commission and I hope we will find its recommendations for legislation so convincingly documented by its research and investigations that we will write them into law. One piece of legislation already recommended by the Commission, dealing with unsafe toys, passed the Senate on June 30 and the House on September 4 and has been sent to conference.

The final report of the Commission, with its recommendations for legislation, is due June 30, 1970.

Mr. Speaker, my testimony before the Commission this morning was as follows:

Statement by Congresswoman Leonor K. Sullivan of Missouri at Hearing of the National Commission on Product Safety, Caucus Room, Cannon House Office Building, September 30, 1969

Chairman Elkind and Members of the Commission: I am delighted to have this opportunity to participate in the excellent series of hearings conducted by this Commission into unregulated hazards to the American consumer, particularly in products used in the home environment where so many accidents occur each year. I believe that a letter to me more than five years ago from Mrs. Floris R. Mills of Webster Groves, Missouri, in St. Louis County, may very well have been the precipitating factor in the development of the legislation which led to the establishment of this Commission. Hence, I am extremely interested in the work you are doing, and I look forward to your final report as a guide to the kind of legislation we should pass and Government should enforce, to further protect consumers from harm.

Mrs. Mills' letter to me of April 29, 1964, said, in part:

"Dear Mrs. Sullivan: It should be mandatory for all persons responsible for the health of the public to report to a central agency all accidents or diseases clearly related to some product which has been shipped in interstate commerce.

"The average person, including many public health officials and doctors, does not know what to do when such a product causes an accident. Usually, each incident 'dies' with the patient, or is forgotten if recovery is made. Many such accidents may happen before someone who cares takes action and brings a report to the proper authority. Therefore, the U.S. Public Health Service, or other designated agency, should place in the hands of all doctors, etc. mandatory reporting forms with adequate provision for the gathering of sample material, and information necessary for the tracing of the source of the material. Such reports should cover accidents to non-human life as well as human. Such reporting could be provided for under laws now being administered without further Congressional action."

Several days later, in 1964, I sent copies of her letter to the Commissioner of Food and Drugs, to the Surgeon General of the U.S. Public Health Service, and to the Chief of the Children's Bureau—all in the Department of Health, Education and Welfare—and to the Administrator of the Agricultural Research Service in the Department of Agriculture, asking for their comments and suggestions and advice in connection with Mrs. Mills' recommendation.

The responses I received from the Federal agencies I contacted, and particularly the research material on the work of the Poison Control Centers, led me, at the start of the 89th Congress in January, 1965, to revise H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938, to incorporate a new provision banning the sale in interstate commerce of flavored aspirin for children. For I had discovered, as a result of the inquiries I made in response to Mrs. Mills' letter, that the so-called baby aspirins took the life of a child in this country every third day, and was the leading poisoner of children under 5.

Candy-flavored aspirin may sound a little remote from the work of this Commission. But here is what happened: The proposal in my omnibus bill to ban the baby aspirins as a lethal menace to pre-school youngsters received so much publicity and inspired so much interest that the Johnson Administration, which would not go along with the idea of banning candy aspirin entirely, proposed legislation instead to provide authority to the Government to limit the number of flavored aspirin tablets in a single bottle. This was included along with several other provisions in an Administration bill called the Child Safety bill. When I testified on that legislation before the Subcommittee on Public Health and Safety of the House Committee on Interstate and Foreign Commerce, protesting this very limited approach to the baby aspirin hazard (and even this timid reform was dropped from the bill before it became law in 1966) I submitted for the hearing record the correspondence from Mrs. Mills and the extensive replies I received from the Government agencies I contacted on the idea for a central registry of all data on product dangers. The Public Health Service in 1965 felt that the task of amassing all information on unsafe produtcs would be "impractical," but outlined in some detail what was then being done to keep track of product injuries. All of this information was included in the printed hearing on the Child Safety Act and I think had much to do with generating the thinking which later led to the establishment of your Commission.

You may find this background material useful for your hearing record, so I will submit the correspondence and research data used in the 1966 hearings. It points up the special role of a Congressional office in pursuing citizen complaints and suggestions, as kind of an ombudsman, and I never know when I get into one of these matters where it is going to lead in terms of legislation or administrative action. It is one of the most interesting, and most rewarding, aspects of my work. Letters from constituents, and from consumers all over the country, during the past 17 years have provided me with numerous instances of painful personal experiences with hair dyes, hair sprays, other cosmetics, therapeutic devices, defective automobile tires, appliances, pressurized food containers, and so on—information which I have then passed on to the appropriate regulatory agency or used as the basis for proposing legislation.

But no Member of Congress can be a central clearing house for all information of this kind. Until your Commission was established, no government agency was able to devote the necessary time and funds to concentrate on this vital function. You have demonstrated that the work not only had to be done but should be a *permanent* responsibility of government.

I have never felt that American industry deliberately wants to harm its customers. But I also know, from long association with consumer issues, that competitive factors encourage, and may even sometimes force, businesses to market new products before they are adequately tested for safety. This has always been true in the cosmetic field, and in the medical device area—two of the most serious loopholes in the loophole-ridden Food, Drug, and Cosmetic Act. It has also been true in the whole range of home appliances, toys, building materials, do-it-yourself tools and gadgets of all kinds, as your work has disclosed and dramatized.

The bill which I have co-sponsored with Congresswoman Florence P. Dwyer of New Jersey, ranking minority Member of my Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, and ranking minority Member of the House Committee on Government Operations, to establish a statutory Office of Consumer Affairs in the White House, would assign to that agency the responsibility for continuing your work after this Commission goes out of existence. This may or may not be the right place for this function, but I deeply believe there must be a continuing oversight responsibility *somewhere* in Government to handle the work you are now doing.

Consumers have a right to the assurance that products offered for sale in the marketplace are safe to use in the manner intended, and that any unnecessary and preventable hazards growing out of the product's misuse or abuse—deliberate or accidental misuse—should be *designed out of the products* insofar as this is feasible. So you have my full support for your efforts in that direction. Even though you are concentrating on products in areas not now covered by protective legislation, I hope you will also exercise your statutory authority to look into the adequacy of all of our existing consumer protection laws, such as the Food, Drug, and Cosmetic Act, with particular reference to the changes proposed in H.R. 1235, which covers a whole multitude of loophole situations in the present law.

Most of its loopholes were deliberately written into that law 31 years ago, in order to appease one or another powerful industry. Senator Royal S. Copeland of New York, a physician who handled the bill on the Senate floor, frankly acknowledged in the debate that soap was exempted from the law because the soap manufacturers, who were the biggest advertisers in the country, would otherwise join other big industries to fight the whole bill. So soap was officially declared in the law not to be a cosmetic. Few soaps are sold with therapeutic claims making them drugs under the Act, and no soaps are food products. So, generally, soap is a "nothing" under our basic consumer protection statute—presumably it doesn't exist. The railroads and truckers got a special loophole, too; so did the dairy industry; so did many others. These loopholes are still in the law 31 years later.

The hair dye manufacturers were given a license to market *known dangerous products*, just so long as they placed a specified warning on the label—but what woman in a beauty parlor ever sees the label on the bulk container in which the hair dye was shipped? Occasionally a customer loses her hair. Too bad; the law can't help her, or prevent recurrences. Other cosmetics items can be *taken off* the market if dangerous, but there is no power to prevent their marketing *before* they do harm. I hope you will study the provisions of H.R. 1235, and at least note the wide range of problems it seeks to correct in an area in which consumers *think* they are now well protected.

I realize that my remarks so far this morning have not been directed to the specific subject of this present series of hearings—how consumers can best be informed on which products are safe, which hazardous. Who has the responsibility to inform the public on these hazards—government, industry, advertising, the press? It is my conviction that every avenue of communication should be utilized, but that government has the *primary* responsibility for discovering the dangers and bringing them to the attention of everyone else, including industry, advertising and the press, and also the general public.

First of all, *only* the government has the manpower and the resources to make thorough investigations of products that may be dangerous. Furthermore, there is—or should be—no conflict of interest when the government makes such a study. It is not selling a product; it is not dependent on revenues from advertising what may be an unsafe product; nor is it dependent on the contributions to private researchers from industries profiting from the marketing of such a product. Consumers Union has done an outstanding job over the years not only in investigating unsafe products, but in causing reforms in government testing. But CU cannot begin to match the Bureau of Standards, the Public Health Service, the Food and Drug Administration, Department of Transportation, the VA and all of the other agencies which have vast resources and the scientists needed in product safety research. So Consumers Union, in addition to its own important research, can, and does, publicize widely the facts on safety developed by government agencies. A member of this Commission, Mr. Margolius, has done a marvelous job as a columnist on consumer issues and was virtually alone in this field for years: Commercial newspapers, magazines and television are now demonstrating far more courage in this respect than they used to, but the cigaret advertising issue is proof of the fact that the commercial media are reluctant to cut off advertising revenues without a monumental struggle of conscience.

You cannot expect the advertising industry to do this job on its own. The anti-smoking commercials used on television were *forced* on that industry by the FCC. That was a proper role for government—one I defend. But to expect each station and each network to originate this material on its own would be asking far too much. Except for educational TV, these are *businesses*, and no business likes to go out of its way looking for ways to reduce its profits.

The press, generally, and radio and TV, in their *news* columns or news programs have been increasingly consumer-minded and *will report facts* about consumer dangers. But they were not always willing to do so. They do so now—to a remarkable extent. But the media need protection against libel; hence, they need *official* information, not hearsay or rumors, particularly where brand names are involved. And I think they are entitled to such protection.

Your experience in Boston, when you made public as official U.S. Government information, in an official hearing, data you had acquired on dangers to infants from certain brands of children's cribs, only to find that no newspaper except the Washington Post would carry the specific information, was discouraging. But I feel this situation is improving, and will continue to improve. The automobile safety drive has helped to strengthen the courage of the print and broadcasting media in reporting facts on unsafe cars by brand name. I feel that if government is vigorous in digging out the facts, by brand name and product item, the press will increasingly be willing to report those facts.

The consumer movement has now reached the point where the public refuses to tolerate the aggressions committed against consumers in the marketplace every day. But the Congress, despite all of the talk in our committees and on the House and Senate floor about consumer rights, has always been agonizingly slow in passing urgently needed consumer protection laws.

My omnibus Food, Drug, and Cosmetic bill, H.R. 1235, has been pending since January 3, 1961, virtually in its present form, although I have made many changes and improvements in its coverage since then. In all of these nearly nine years, we have had *one week* of hearings in the House Committee on Interstate and Foreign Commerce on the range of issues covered in that bill—one week's worth—back in 1962. There has never been a comparable Senate bill, so no hearings have been held in that body since 1938 on most of the issues in legislation of this broad scope. Yet until this year, every President and every Secretary of HEW since 1961 has spoken on the need for nearly *every major provision* of that bill.

We tend to legislate in bits and pieces, a little here and a little there—never enough at any one time, particularly if a lot of powerful interests are involved on the other side. We have to be pushed and prodded and forced into tightening consumer laws—and we usually succeed only after some tragedy has pointed up the disastrous limitations of existing laws.

Each of us in the Congress is so busy on so many issues before our own committees, and on legislation coming before us from other committees, and committee jurisdiction on consumer issues is so divided that there is no one focus on the Hill for a mass attack on the whole problem. You seven commissioners now hold the center stage—the focus I mentioned as being needed in government—to get the facts and to make very sure the facts are accurate. Then all of us who endorse your efforts must use every means available to us to publicize these facts—and the Congress, the press, radio and television, the increasingly effective consumer movement, and the general public must use that information to bring about the reforms and corrections needed.

President Kennedy, in 1962, first described the need for inspection of all meat sold in intrastate commerce, and I introduced a bill on it that same day; but it was not until the Department of Agriculture in 1967 provided the horrifying facts about the extent of bad meat sold within the states that legislative action resulted. The Government must take the lead.

But until the government has the power to crack down on unsafe hair dyes and hair sprays, we will undoubtedly continue to see television commercials showing glamorous girls using dyes which could blind them or make them bald, or squirting dangerous hair sprays at their eyes, and breathing possibly lethal fumes. Don't expect commercial television to police this in the absence of government action to *regulate* these products. Don't expect the automobile industry to sell safety in its advertising unless and until it knows unsafe features can no longer be built into their cars. Don't expect Good Housekeeping to be a Bureau of Standards and test every product so extensively that it would have little left to advertise—let us make sure that unsafe products *won't* be advertised because they *can not be marketed*. The primary responsibility rests with government—and that means that, until your work is completed, the responsibility rests with you. How well you do your job will largely determine whether we can write your recommendations into law.

Education of the public to the hazards of today's technology is essential, of course, because even a safe product can be dangerously used. But, in the final analysis, only strong laws—vigorously enforced by agencies adequately funded and with officials dedicated to their tasks—can achieve a truly safe environment for our consumers—at home, in the car, at the office, in the plant, at the swimming pool or recreation center, or just walking down the streets of our sometimes dangerous cities in our dangerously polluted atmosphere.

When you write your report, don't be afraid of scolding Congress and the Administration. Both are just as guilty as any careless manufacturer for the unnecessary hazards which take lives and cause injuries in day-to-day living. We are guilty because the consumer drive to force us to act is still in low gear. If you can educate the public into pushing Congress and the Administration to pass the laws you deem necessary, and to fund them and enforce them, you will have accomplished what few Commissions in the past have ever achieved.

Hard as it will be for you to reach that objective, you owe us the effort it will require. You have a mandate from Congress to tell us what has to be done—to tell it to us so forcefully that the public insists we act, regardless of the strength of the opposition.

We expect you to be thorough in your research and fair in your assessments, even if they cause some political embarrassment, so don't ask for too little, and don't pull your punches.

RED WHITEWASH FOR BLACK TRAITOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. RARICK. Mr. Speaker, as one of the many Americans sickened by the lavish attention which the communications media gave to the return of accused kidnaper, race agitator, and avowed seditionist and traitor, Robert Williams, I noted with some satisfaction the attempt of noted columnist James J. Kilpatrick to put the record into some sort of perspective in tonight's local paper.

Lest we forget, while a criminal is whitewashed into a misunderstood hero, I include Mr. Kilpatrick's remarks, quoting news accounts of the kidnaping and badly bungled 1961 revolution, following these remarks:

LIBERAL WHITEWASH PREPARED FOR BLACK MILITANT

(By James J. Kilpatrick)

If you listen carefully these days, with an ear cocked to the liberal press, you will hear the unmistakable slosh-slosh sound of whitewash being mixed. Robert F. Williams, the black revolutionary, is about to get two coats of respectability and a top coat of hokum. By the time the job is done, he will emerge as a born-again statesman, pure as the driven snow.

The tipoff came a couple of weeks ago in a lyrical interview carried on page one of the Washington Post. The story began by identifying Williams as the North Carolina Negro who fled from the United States eight years ago in the face of a kidnaping charge. Why had he returned? "I felt it my duty to come back."

The interview took place in a neat ranch house in an integrated suburb of Detroit. Williams' family and close friends sat around the room, hanging on each word of the returned exile. They were filled with laughter and delight, but they responded with a hush of awe, anger and respect as Williams described the oppression he suffered from a mob of local whites in Monroe, N.C.

"Now, looking much as he had before he left, having aged little in the Cuba and China years, he sat in his Mao-styled suit and spoke of himself as a changed man, a man who has seen a different light through the window. . . ." He longs for a selfless society, composed of selfless men. If his people want him, he will be at their service. He is looking for progress. He wants to change men as well as systems. Taking gentle exception to the emotional appeals of some black nationalists, Williams said: "I've learned that we have to be less emotional about this thing. . . ."

The Post's 1,500-word account, to put the matter mildly, was what is known in tougher city rooms as a bucket of mush. It was the old snow job. A backward look may be useful.

On the evening of Sunday, Aug. 27, 1961, the town of Monroe was gripped in racial disorders. By happenstance, a rural couple, Mr. and Mrs. Bruce Stegall, drove into the riot area. On the following day, The New York Times reported:

"Mrs. Stegall told newsmen she and her husband had been forced from their car at gunpoint, taken to the Williams home, and bound back to back with tape from a Venetian blind. Williams, she said, had called Chief A. A. Mauney of the Monroe police and told him that if those in jail were not released the Stegalls 'will be killed or sacrificed or done away with' within 30 minutes."

Williams fled the country that night. Two days later, in a search of the Williams home, police found 56 sticks of dynamite, a large-caliber Japanese rifle, and nine steel helmets. Williams wound up in Cuba, traveled on to Red China, later appeared in Tanzania. By his own description of the Monroe incident, "we had enough force and arms to reduce the entire city to ashes," but his guerrillas lacked "extensive outside forces to pin down, ambush and destroy the State reinforcements moving in to overpower us."

From Cuba, Williams published a newsletter, "The Crusader." In his issue for May–June, 1964, he wrote of the weapons to be used by Afro-Americans in revolt: "Gasoline fire bombs, lye or acid bombs (made by injecting lye in the metal end of light bulbs) can be used extensively. . . . Hand grenades, bazookas, light mortars, rocket launchers, machine guns and ammunition can be bought clandestinely from servicemen, anxious to make a fast dollar. . . .

"Extensive sabotage is possible. Gas tanks on public vehicles can be choked up with sand. Sugar is also highly effective in gasoline lines. . . . Derailing of trains causes panic. Explosive booby traps on police telephone boxes can be employed. High powered sniper rifles are readily available. . . ."

Once in China, Williams flooded the U.S. with pamphlets urging Negroes not to fight in Vietnam. If they were sent there, "they should eliminate as many of their real enemies (white Americans) as they can at the front, so that these racists will not be able to return home."

This is the gentle fellow of the Post's adulation. Will the real Robert Williams stand up?

JUDGE INVITES VIEWS IN SMOG ANTITRUST CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROWN of California. Mr. Speaker, 3 weeks ago the Justice Department requested that a consent decree be accepted as settlement of the antitrust suit brought against automobile manufacturers accused of conspiring over a 15-year period to limit development of effective air pollution controls.

Response to the Department's request has been significant, and many persons, organizations, and Government units have severely criticized the use of a consent decree in so major a case. I have joined with many of my colleagues here in Congress in asking that the decree not be granted, and, that instead, a full open public trial be held.

Last week, along with 28 of my colleagues, I requested that the Attorney General make the evidence accumulated in the 2-year investigation leading up to the suit available to any municipality or private groups or citizens who might file in this case. The material should provide additional information to my colleagues who are interested in following the continued development of this case. I now submit that letter to Mr. Mitchell for inclusion in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 25, 1969.

Re: United States of America v. Automobile Manufacturers Association, Inc., et al. Civil Action No. 69–75–JWC

HON. JOHN MITCHELL,
U.S. Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. MITCHELL. The consent decree which has been entered into between the Department of Justice and the Defendants in the above-styled and numbered cause raises serious and important questions about the administration of justice in questions of such public magnitude.

The justifications which your department advances for this consent settlement are justifications that were made and considered by the Antitrust Subcommittee of the Committee on the Judiciary when they investigated fully the matter of consent decrees. Their report on "Consent Decree Program of the Department of Justice," January 30, 1959, pursuant to H. Res. 27, stated "notwithstanding these benefits, use of the consent decree device presents serious problems." In the following language of the Report the philosophy behind our serious reservations is supported:

"(C)onsent settlements by the Antitrust Division result in a substantial lessening, if not the virtual elimination, of the deterrent effect the antitrust laws have on business operations."

The unfavorable publicity aspects attendant in antitrust proceedings are avoided by consent decrees and the only penalty imposed on the defendants is an agreement. This agreement depends largely on self-enforcement by the wrongdoers if it is enforced at all. Since it appears from Justice's investigation of this case that General Motors, Ford, Chrysler, and American Motors have not applied self-restraint in the past, there seems to us to be no indication that they will engage in self-enforcement in the future.

A consent decree raises yet another barrier to remedial and deterrent process. Now private individuals and groups and municipalities are de facto foreclosed from private treble damage suits. Again, we are supported in this proposition by the language of the report:

"A consent decree all but removes the possibility that a company, if it undertakes a program of doubtful legality, will be held liable in private treble damage suits for resulting injuries to competitors. In antitrust litigation in recent years, the threat of such damages has become an important factor to be considered by corporate officials in the conduct of their affairs."

The complexity, the expense, and the time demanded in antitrust suits require that private litigation follow government action. Without the benefit of the investigative process which the government conducts, the ability of private citizens or public groups to redress their rights are severely diminished, if not altogether extinguished.

The secret negotiations that took place on this consent decree made it difficult for interested, public-minded citizens and groups to take positive steps to protect the public interest. As the Judiciary subcommittee concluded, "the element of secrecy that surrounds the entire consent decree program is contrary to the general policy established by Congress in 1913 that antitrust enforcement proceedings shall be public." In spite of this secrecy, three groups have still intervened on behalf of the public interest. These observations were made in our original letter to you.

The whole policy of consent decrees needs examination. We conclude, as did the subcommittee which studied this problem thoroughly, that "there are too many consent decrees in relation to litigated judgments." The consent decree in the instant case is a particularly good example.

One way in which the Department of Justice might partially offset some of the disadvantages of this consent decree would be to make the results of their two-year investigation available to private individuals and groups who contemplate legal action for treble damages.

Suit has already been filed in Chicago against several of the automobile companies charged in the above cause and the claim is made that these manufacturers conspired to prevent research, development and installation of anti-pollution devices for cars, trucks, and buses.

The undersigned would like to know the specific policy you intend to follow in releasing information and evidence in regard to the above-styled cause. If your department is willing to make its investigation available to the public, justice might well be served yet.

We invite your views and request your position on these points.

Sincerely,

George E. Brown, Jr., Bob Eckhardt, Phillip Burton, Shirley Chisholm, James Corman, Emilio Daddario, Don Edwards, Joshua Eilberg, Leonard Farbstein, Don Fraser, Richard Hanna, William Hungate, Andrew Jacobs, Joseph Karth, Robert Kastenmeier, Edward Koch, Abner Mikva, George Miller, John Moss, Richard Ottinger, Bertram Podell, Thomas Rees, Benjamin Rosenthal, Edward Roybal, William Ryan, William St. Onge, Robert Tiernan, John Tunney, Jerome Waldie.

In vital situations such as those present with this suit, it is imperative that all opinions be heard—both by the Attorney General and the Justice Department, and by the court considering the judgment. One feature of the consent-decree apparatus is that there is a 30-day waiting period between the initial request for the decree and in the final judgment.

Since September 11 when Antitrust Division Chief Richard McLaren announced the move for the decree, a number of public bodies and individuals have filed intervening petitions in the case; still more interventions are expected. However, some potential critics, and intervenors, have hesitated because they felt that such actions would be unduly construed by the district court judge as being high-pressure tactics. But, this is not the case.

On September 17, Judge Jesse W. Curtis issued the following order which clarifies the matter of outside opinions and interventions. Judge Curtis invites the views of "all interested persons and public bodies, including, but not limited to, State of California, county of Los Angeles, city of Los Angeles, and the Air Pollution Control District."

All such views must be presented to the court by this Friday, and on October 28 Judge Curtis will hold a hearing on final judgment dealing with the award of the decree.

Even though time is short, I urge all my colleagues who are concerned over the quality of our environment and the crucial efforts being made to maintain and improve that quality to let their opinions be heard in this key case.

Earlier analyses and legal documents pertaining to the suit can be found on pages 24035, 25667, and 26442 of the RECORD. I now submit Judge Curtis' order for inclusion in the RECORD at this point:

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF, v. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.; GENERAL MOTORS CORPORATION; FORD MOTOR COMPANY; CHRYSLER CORPORATION; AND AMERICAN MOTORS CORPORATION, DEFENDANTS

(No. 69-75-JWC)

On September 11, 1969, the parties hereto lodged with this Court a proposed final decree, which purports to dispose of all issues raised by the pleadings. Accompanying this proposed decree is a stipulation, signed by all parties, providing that such decree, if approved by the court, may be signed at any time after the expiration of 30 days from its lodgment, provided the plaintiff has not previously withdrawn its consent.

In considering whether or not this Court should approve the proposed final decree, the Court invites the views of all interested persons and public bodies, including but not limited to, State of California, County of Los Angeles, City of Los Angeles, and the Air Pollution Control District.

It is ordered that all those wishing to appear shall file their presentations in writing, through their attorneys, with the clerk of this Court, not later than October 3, 1969, and that the plaintiff and defendants shall file any response thereto which they may wish to make on or before October 17, 1969.

It is further ordered that a hearing upon the matter of the approval of the proposed final judgment shall be held in Courtroom No. 10 of the above entitled Court on October 28, 1969, at 10:00 a.m., or as soon thereafter as counsel may be heard.

It is further hereby ordered that the clerk of the Court shall mail a copy of this order to the Attorney General of the State of California, the County Counsel of the County of Los Angeles, the City Attorney of the City of Los Angeles and the Air Pollution Control District.

Dated: September 17, 1969.

JESSE W. CURTIS,
U.S. District Judge.

DE GAULLE'S RETIREMENT HELPS FREE WORLD UNITY

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. MADDEN. Mr. Speaker, the new French Government leadership indicates that France will participate with the United States and other democratic nations for world unity and future peace.

The following editorial from the Gary, Ind., Post-Tribune reveals that the new French President, Pompidou, will shed French isolation formerly sponsored by De Gaulle:

OPEN MIND IN PARIS

It is strange in Paris where every politician used to speak his personal piece regardless of resultant chaos that a professed "open mind" should seem so refreshing, yet it does.

An "open mind" is what French President Georges Pompidou has pledged for the French consideration of British entry into the European Common Market when the issue comes up at a summit session in November.

An "open mind" is precisely what former President Charles de Gaulle repeatedly refused to exercise in previous confrontations with this same issue. In fact the twin goals of De Gaulle policy appeared to be embarrassment of the British and defiance of the United States. More sympathetic observers of Gaullism held that the only real De Gaulle purpose was rebuilding French pride. Deep down, that probably was the case, but it was difficult to escape the feeling that De Gaulle too often was prompted by memory of what he considered slights by his British and American allies back when they were carrying the western load in World War II.

But Pompidou, in his first formal presidential press conference, did more than pledge the "open mind" on Britain. He also lauded the United States for developing what he called the "most dynamic" economy in the world.

Whatever results from the November Common Market meeting, there is new hope on the French horizon for the simple reason that the nation's present leadership appears to recognize two basics too long ignored:

1. West Europe's chief hope in an era of ideological and economic conflict between U.S. and U.S.S.R. is to operate with some sort of unity, and 2. That the best hope for Western Civilization as most want it to develop is for cooperation between that unified West Europe and the United States.

SMOG CONSPIRACY CONSENT DECREE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the issuance of a consent decree by the Justice Department in its case charging auto manufacturers with conspiracy to delay the development and use of antismog devices has sparked criticism from many concerned parties representing diverse interests throughout the United States. I have been particularly concerned with this suit and urged Attorney General Mitchell and his Anti-Trust Division Chief McClaren to proceed with a public trial on the merits of this case. Unfortunately, the Justice Department saw fit to grant the consent decree, ignoring my plea which was sent to the Department along with those of 17 other concerned Congressmen.

Since that time, Los Angeles County has instituted action to quash the out-of-court settlement of the suit. Ralph Nader, the now well-known and highly respected consumer advocate, has also raised important questions regarding the issuance of a consent decree in a case such as this. The effectiveness of antitrust laws has been challenged and the rights of the ordinary citizen as opposed to the large corporation have been placed in danger. I include for my colleague's information an article brought to my attention by Los Angeles County Supervisor Kenneth Hahn, that appeared in the Los Angeles Times of Thursday, September 25, bearing on this subject.

The article follows:

RELEASE OF SECRET SMOG TESTIMONY TO BE SOUGHT—COUNTY DEMANDS FULL DISCLOSURE OF DATA GIVEN AT JURY QUIZ

(By Ray Zeman)

Opening of "a roomful of federal grand jury evidence in cardboard files and transcripts" will be sought by Los Angeles County in its effort to quash an out-of-court settlement of the federal smog suit against major automobile makers.

Supervisor Kenneth Hahn announced Wednesday in a press conference that the county will demand unsealing of testimony gathered here during 18 months in 1966-67 by a special grand jury headed by Martin Waisbren.

"Mr. Waisbren told me he is boiling mad to think that the Department of Justice is going to settle out of court," Hahn said.

"The county will file a petition asking the federal judge to ungag the foreman and he would be able to tell the truth," Hahn said.

"Federal law now seals his lips. He cannot divulge any of the testimony."

RELEASE TRANSCRIPTS, EXHIBITS

County Counsel John D. Maharg said Asst. County Counsel David D. Mix will petition U.S. Dist. Judge Jesse W. Curtis before Oct. 3 for an order to release the transcripts and exhibits.

The Department of Justice on Sept. 11 announced settlement of the Sherman Act suit accusing Ford, Chrysler, General Motors, American Motors and the Automobile Manufacturers Assn. of conspiring to delay development of smog control devices.

The consent decree, which prohibits auto makers from conspiring to delay or obstruct development and installation of the devices on cars, will be submitted to Judge Curtis for final approval.

Judge Curtis has invited "any interested person or public body" to file written opposition to the decree with the clerk of his court not later than Oct. 3. It will be considered at a hearing which has been continued to Oct. 28.

In a separate move, the county seeks $100 million smog damages from the manufacturers.

"NOT ENCOURAGED BY U.S."

"Something could have been done other than the handslapping which the federal government has done to date," Waisbren said at the press conference.

"Certainly the grand jury should have returned, and could have returned, probably, some kind of indictment but it wasn't encouraged to do so by the federal government."

Asked if there is something more to the antitrust case than the consent decree suggests, Waisbren said: "Yes."

"How much more?"

"A great deal more," he replied.

"If the federal judge refuses (to release the grand jury testimony), what are you going to do?" Waisbren was asked.

"There isn't much I can do unless I wish to risk going to jail," he answered.

"The presidents of General Motors, Ford and Chrysler should be brought to trial right here in Los Angeles," Hahn interjected.

"The big manufacturers all conspired. If one wouldn't put the devices on, the others wouldn't either.

"This case is the most important legal battle in the history of the air pollution fight. If we lose it, we will go back 20 years."

Two Chicago city aldermen have filed a taxpayers' suit against the auto makers and Hahn believes Riverside County and Multnomah County (Portland), Ore., will join Los Angeles County in the legal fight.

LEON M. HERMAN

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. MONAGAN. Mr. Speaker, several short months ago Leon M. Herman, senior specialist, Soviet economics, Legislative Reference Service of the Library of Congress, passed away. With his death we—the people and the Government of the United States—lost one of the most perceptive and important students of the Soviet Union and Eastern Europe in the United States.

Mr. Herman was a rare individual who devoted his entire working life to Government service yet was continually sought after by nongovernmental institutions and groups for his expertise. He was also a member of the faculty of the School of International Service at American University. His many achievements brought prestige and recognition to the Legislative Reference Service. His writings are recorded in an impressive bibliography.

The Columbia Journal of World Business, volume IV, No. 4, July–August 1969, contained the last article written by this worthy scholar and governmental servant. I am pleased to include this piece entitled "COMECON Reform Depends on Trade With World Markets" with my remarks. The article discloses the perception and insight of the individual in his analysis of the Russian armed intervention in Czechoslovakia from a world tracking viewpoint.

The availability of his services together with his contribution have provided Members of Congress with an extremely valuable capability which I know we shall miss. His loss has also been felt by his many friends and associates and in this connection I am happy to include with these remarks the eloquent and moving remembrance of Leon Herman by his associate, Joseph G. Whelan, specialist—Soviet and East European Affairs—Legislative Reference Service of the Library of Congress, in my remarks:

COMEON REFORM DEPENDS ON TRADE WITH WORLD MARKETS

(By Leon M. Herman)

The Soviet military invasion of Czechoslovakia in August 1968 signaled an important turning point in relations among the countries of Eastern Europe. By its very nature, this abrupt departure in policy—from a reliance on political instruments to the open use of armed force—released a powerful beam of light over the political landscape of the region, illuminating not only the character of preceding events but also the shape of things to come. All formal explanations apart, this outburst of Russian fury against a small and intensely loyal ally revealed the existence of a powerful urge on the part of the upper echelon of the Soviet leadership to halt and reverse, if possible, the process of economic detente toward the West that had begun to unfold gradually within its own alliance.

Although the blow descended directly on Prague, it was designed, at the same time, to carry a message of warning to all capitals within the Soviet political orbit. The meaning of this multiple-target message was clear enough. The uneasy rulers in Moscow, who alone feel responsible for the integrity of the socialist "commonwealth," had been watching the spread of unorthodox economic ideas among their allies with a growing sense of anxiety. Their patience had at long last been exhausted, and they could perceive no alternative but to use the most awesome instrument of power at their disposal "to secure the economic and political unit of the socialist system of states." Presumably, the evidence filtering back to Moscow from the other capitals of the region was sufficient to constitute a grave threat to the psychic security of the Soviet leadership. Everything they heard and observed bore witness to a declining sense of loyalty among some of the nations of Eastern Europe to their own socialist economic community, the Moscow-based Council of Economic Mutual Assistance (COMECON).

Glancing backward over the recent past, one is impressed by the strong pull which Western Europe had come to exercise upon that region, primarily by virtue of its technically developed and diversified industry. While the effect of this economic attraction could be felt throughout Eastern Europe, it worked its particular magic upon the smaller, more trade-conscious, less politically ambitious countries. These countries were visibly deriving a strong sense of elation from the very experience of "going back to Europe." On the more practical plane, they felt drawn in that direction by the improved opportunities for diversifying their exports, for earning hard currency, for meeting the multiple needs of economic modernization, which could not be adequately satisfied within their own, more narrowly developed, regional system.

The opportunities at hand were real enough. Within the past four years alone, the smaller countries of Eastern Europe doubled their commodity exports to the Western half of the continent. By comparison, Soviet sales to the same markets increased by about 50%. In monetary terms, the six smaller nations earned $3.0 billion worth of purchasing power in non-Soviet Europe during 1964–1967, as against Russia's $1.8 billion.

Nor was this heightened interest in Western economic resources limited to the exchange of commodities. More importantly, the drive to increase their earnings in hard currency was prompted by a palpable concern for their own economic future. There has been for some time a growing awareness among the countries of Eastern Europe that industry within the COMECON region was not, for a variety of reasons, capable of developing a broad enough research base to sustain a competitive pace of technical innovation in production. Once perceived, the existence of such deficiency made it imperative for members of COMECON, the USSR included, to set aside some of their export revenue, as a regular practice, for the purpose of importing the ripe fruit of innovation from abroad. They needed this hard cash for the purchase of patents, for entering into license agreements to manufacture industrial products, for acquiring production processes newly developed in the West.

Within the past few years, as the record shows, the countries of Eastern Europe were able to use imported "turn-key" plants fairly systematically to help modernize complete segments of their industrial plant. As a matter of experience, this turned out to be a wholly rational way to proceed. It was thoroughly consistent with one major economic goal of the political leaders of the region, namely to save the time and heavy costs involved in new product development. At the same time, given the nature of their own future foreign trade needs, the practice of buying production licenses in the West was the best method at hand by which the industrial enterprises of Eastern Europe could raise the quality of their own export product and, thereby, broaden the range of commodities that could be profitably sold to competitive markets in any part of the world.

JOINT VENTURES

To that end, several East European countries began to follow a still more enterprising route leading to the modernization of their industrial plant with the aid of Western know-how. They encouraged their state-owned factories to enter into formal "joint venture," or coproduction, contracts with Western firms, providing for the cooperative manufacture of finished industrial products, chiefly machinery. Under such an arrangement, as a rule, the capitalist firm in the West contributes certain technically advanced components which the Eastern partner uses to turn out a finished product suitable for sale in highly competitive markets. To cite a typical example: A state-owned factory in Hungary enters into a contract with a British firm under which the latter provides 40% of the component parts, including an advanced type of diesel engine, which are then used by the Eastern partner to assemble a modern mining combine. The joint product is sold in the countries of the two partners as well as in third markets.

The benefits that flow from joint ventures of this variety are self-evident. To the Western firm, they represent an opportunity to expand its market, while reducing to a minimum the drain on the limited hard currency funds of the East European partner. To the state enterprise in the East, a joint venture provides a practical opportunity to broaden its technological horizon, to study advanced management practices and to learn the contemporary marketing techniques of the commercial world.

On the evidence, no individual country in Eastern Europe could be singled out by Moscow as the principal offender in the recent drive to expand economic cooperation with the West. The fact is that most countries in the region, including loyalist Poland, have been actively urging their factory managers to find ways and means to enter into cooperative industrial exchanges with Western firms. Even the Soviet contract with Fiat of Italy, signed in May 1966, has come to assume the features of a joint venture rather than of an industrial sale pure and simple. The Fiat contract, for example, provides for such "extras" as (a) the transfer of know-how during the several stages of construction and installation of equipment; and (b) the stationing of Italian technicians in the Volga town, recently named Togliatti, until such time as planned production capacity is achieved. Here, after all, is an eminently practical method by which countries undergoing a process of forced industrialization can manage to adjust from time to time to such economic realities as ongoing technological change and increasingly sophisticated patterns of consumer demand. This, moreover, is precisely the method by which the Soviet Union succeeded, some four decades ago, in modernizing its own basic industries, i.e., with the aid of foreign designers, engineers, managers, along with the latest production equipment and processes imported from the West.

For their part, the smaller countries of Eastern Europe soon discovered that the process of active international economic relations can also develop its own momentum. Having accepted more trade and closer industrial cooperation with the West as a prime economic necessity, Russia's trade partners found themselves impelled to take the next logical step: to look after their rights as regular exporters to these markets, free of discrimination, on a par with other suppliers. To secure these rights, some of the countries moved to join existing international agencies which deal with such matters as nondiscrimination in tariffs and trade. In October 1967, following the example of Yugoslavia, Poland became a regular member of GATT, the

Geneva-based agency which sets the rules by which the bulk of the world's trade is conducted. Since then, Bulgaria, Hungary and Rumania have been admitted to the 76-nation GATT as observers, with an option to apply for membership. Rumania applied for a full membership in November 1968. Incidentally, Czechoslovakia has been a charter member of the organization since its establishment in Havana in 1947.

WORLD MARKET NICHE

There is, of course, a perfectly simple reason why the smaller countries of Eastern Europe, unlike their giant neighbor, feel strongly impelled to respond to the economic opportunities provided by the world market. It is, in fact, precisely because they are small economies, possessing a limited endowment of natural resources, working with a low-capacity domestic market. If they want to "escape the curse of smallness," i.e., if they wish to attain the efficiencies made possible by large-scale production, they must become actively involved in foreign trade. They have little or no choice in the matter. Whether Socialist or not, these small economies must establish their own role in the international division of production. Once they have found their niche in the world market, they can concentrate their labor resources and skills on producing a manageable list of goods, under optimal conditions of efficiency, setting aside a part of their output for export as a means of payment for the products they must import from abroad. By comparison, a country of continental size like Russia, or the United States for that matter, is largely immune from the "export or die" syndrome by virtue of its capacious internal market.

This essential difference may be observed by looking at the comparative cost of imports to the individual national economies. To a country like the USSR, the annual cost of imports from abroad (7.9 billion rubles) represents only 4% of the aggregate output of the domestic economy. A modest outlay of this size can be easily covered by an equally slight export effort. By contrast, the value of annual imports for a country like Hungary comes to 12%, for Czechoslovakia 15%, and for Bulgaria to as much as 24% of their respective national products.

It is not surprising, therefore, that the smaller COMECON members have tended to diverge from Soviet practice in recent years by applying themselves seriously to the job of placing their foreign trade on a rational foundation. One way to achieve such rationality, in the opinion of most East European economists, is to make their currencies convertible. By trading on the basis of a firm currency, having a standard value at home and abroad, the individual enterprises as well as the foreign trade ministry would be in a better position to determine the rationality of any proposed import (or export) transaction and, as a consequence, to enhance the profitability of the country's external commerce as a whole.

CONVERTIBILITY

The need for freely convertible currencies, along with mutually acceptable exchange rates, has thus emerged as a prime issue in intra-COMECON discussions. Active proponents of convertibility, such as Czechoslovakia and Hungary, have made it known that they would naturally prefer to see the COMECON community move jointly toward the achievement of "real money." However, should this prove impossible, they are prepared to pursue the goal of convertibility on their own. While in this mood, moreover, having opted in favor of more active participation in economic exchanges with the world commercial community at large, some COMECON members began to look seriously into the possibility of joining the two prestigious financial agencies of the United Nations, i.e., the International Monetary Fund and the World Bank.

It is not difficult to imagine how unsettling such behavior on the part of the fraternal countries appeared in the view from Moscow. The ideologically sensitive leaders of the Soviet Union could only perceive these practical, trade-oriented steps as signs of warning that a wave of political disloyalty was sweeping over their alliance. To the men in the Kremlin it looked as if their entire, carefully contrived system of trading in two separate world markets—one primary and the other residual—was in danger of being undermined from within. The whole elaborate structure for the conduct of business with the capitalist world from behind a protective wall of national trading monopolies, reinforced by a tight system of regional preferences, was in danger of being eroded away by an "unseemly rush" on the part of its allies to expand and diversify their economic cooperation with all countries of Europe, regardless of the political labels they wore.

Nor was this all. There was still more bitter fruit to taste for the hegemonic leaders of the USSR. The most galling element in this campaign to "return to Europe" was the all too negative tone in which intra-COMECON trading policies and practices began to be discussed in their economic press. Some prominent officials among the associated countries, for example, went on record complaining that commercial decisions on goods to be exchanged each year among COMECON partners tended to be made in purely physical terms, on grounds of administrative prestige, and without due regard for comparative costs and prices.

Furthermore, according to these critics, such decisions tended to be made at altogether too high a level of the political hierarchy. Once made, however, they became binding on the lower echelon of officialdom, the managerial staffs. The opinion of the latter carried little weight, despite the fact that they possess the detailed knowledge and the experience needed to make the economic calculations bearing upon the cost and profitability of individual trade transactions. Other points of criticism, regularly made in the press of the region, revealed that the trade ministries of the member countries had fallen into the habit of dividing their export products into "soft" and "hard" goods, reserving to themselves the right to dispose of the better quality products in hard currency markets where they will do them most good.

THE CZECH RATIONALE

In this respect the now historic "Action Program," issued in Prague by the Dubcek leadership in April 1968, stated rather bluntly that the whole COMECON orientation of pursuing "trade for trade's sake," largely with politically approved partners and without the benefit of economic calculation, as far as Czechoslovakia was concerned, "had resulted in a relative lag in the tempo of technical progress, in structural shifts in the economy, in an inability of our products to compete on the world market, and in the creation of a disproportionate amount of tension in our international trade and payment relations."

On the surface, the massive amount of goods exchanged in the course of a year between Russia and a country like Czechoslovakia (nearly $1 billion each way) looks impressive. As a matter of experience, however, a giant trade partner like the Soviet Union tends, in due course, to turn into a harsh taskmaster. Under the weight of Soviet demand, for example, Czechoslovakia was induced to establish new lines of production, for which it lacked the key ingredients: the research base, the skilled technicians and the managerial experience. Given the unique character of Russia's demand, Czechoslovakia had to discontinue over time the manufacture of a number of consumer-oriented lines of production, despite the fact that these were precisely the exports for which it had a comparative advantage in world markets and, therefore, a well established competitive position. Then, too, Soviet orders for equipment frequently shift from one type of deficit piece of equipment to another. This means that Czech industrial managers could fill such orders only on the basis of small-scale, high-cost production. At the end of this process, when it comes to agreeing on payment terms, the price paid by the USSR for these machines is based on the "world price," i.e., the price quoted by the most efficient, large-scale producers and exporters of this type of equipment.

In the recent rather candid exchange of views within COMECON, the Soviet leaders apparently could not muster the kind of arguments that would help to dispel the discontents of its trading partners. Neither were they willing to experiment with alternative trading and pricing policies. For a time, in fact, Russian economists tried, by way of rebuttal, to spell out the extent of their own losses incurred in intra-COMECON trade. They cited spot figures to show that prices received by the USSR from its partners per ton of crude oil and iron ore, for example, covered only between one-half and one-third of the cost of production. This kind of evidence, whatever its intent, missed the heart of the matter: it was not helpful in building a case for COMECON as a normal, mutually profitable market. More specifically, in regard to the issues of efficiency of production and the rationality of prices, their evidence raised more questions than it answered.

THE SOVIET RESPONSE

The Russians, plainly enough, had run out of persuasive arguments. By their ultimate resort to violence, they in effect acknowledged that they could not cope with the situation. They wanted, above anything else, to call a halt to the whole fruitless exchange of arguments. If discipline had to be enforced within the community in one fell swoop, there was nothing as persuasive, or as readily at hand for that purpose, as armed force.

On this score, Soviet calculations were not too wide of the mark. Overnight, as it were, the faults of the Socialist market ceased to be a topic of discussion in Eastern Europe. Anyone reading the press of the COMECON countries since the Soviet invasion would never surmise that their regional market continues to be plagued by the same functional disorders as in the past. Nor would he deduce that its members are hopelessly divided on the remedies to be used. All trade partners are thinking in unison again, each more anxious than the other to accentuate the positive.

The leaders of Poland, who on more than one occasion in the past have ventilated some serious economic complaints against the COMECON trading mechanism are now in the forefront of promoting the community as "an intsrument for cementing the political unity" of the Soviet-led alliance. In his ponderous policy address to the Fifth Congress of the Polish Communist Party, delivered on November 11, 1968, party chief Gomulka fervently called for more intra-COMECON trade as a way to achieve "a higher degree of economic coordination." Specifically, he made the following loyalty pledge, while the visiting members of the Soviet political high command were seated beside him on the platform: "Poland will increasingly take part in the international division of labor through the integration to be effected within the framework of COMECON." He then proceeded to explain that the kind of "intensified economic cooperation" he had in mind must be accepted as "the basic element of the political unit of the Socialist countries."

One day later, his public expression of loyalty to COMECON was heartily endorsed

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by Russia's party leader Brezhnev, who in his own speech urged that "we thoroughly engage in expanding and improving economic cooperation among our countries." Only by means of such expanded cooperation, Brezhnev warned, will the COMECON countries be able "to use the advantages of socialism, to develop the economy of each of our countries, and still more rapidly achieve new successes in the economic competition with capitalism." Brezhnev also used the occasion of this fraternal Congress to announce that "it will soon be necessary" to examine these urgent problems at a summit meeting of the top party leaders of the COMECON countries.

It is plain to see that the Russians are searching in earnest for new ideas on how to forge more durable economic bonds among their allies. They are looking for new ways to commit the smaller countries to some formal arrangement for the joint planning of their economic development. Such a formal undertaking, they hope, would serve to accomplish two objectives: (1) help to contain the spread of unorthodox economic ideas in the region, especially in regard to enterprise autonomy and the restoration of the market mechanism; (2) counteract the strong economic pull of the financial resources and industrial know-how of the West upon the smaller East European countries. This, of course, is easier said than done. New, workable ideas on how to achieve more economic integration are hard to come by, especially in a region in which most members are interested in retaining their freedom of action to do what is necessary to diversify their economy and to improve their pattern of exchange with the markets of Western Europe.

ONE COMMUNIST WORLD

One recent Soviet proposal for a more active form of integration, which is neither new nor promising, comes from a high-ranking official economist. The latter, an Academician by the name of G. Sorokin, would like to see the countries of the region working toward the formation, stage by stage, of a single world communist economy, governed by a single economic plan. If this were done, he believes, the final stage of the process would bring in its wake "the international redistribution of the national income of all socialist countries."

It is a fair guess that the fraternal countries of the region will recognize the close kinship between Sorokin's proposal and the ill-fated political balloon lofted a few years ago by former Premier Khrushchev. In June 1962, the former Soviet leader proposed a radical shortcut to integration by way of a supranational agency empowered to carry on economic planning for the COMECON region as a whole. The proposal ran into strong resistance within the organization on grounds of national sovereignty, chiefly from Rumania, and was quietly dropped.

At this stage, therefore, the Russians cannot be very hopeful about the outcome of their present effort to turn back the clock. While they can, quite obviously, whip up a storm of rhetoric on behalf of socialist political unity, accompanied by pledges of continued large-scale annual commodity exchanges, they must be well aware that COMECON, in its present state of discredit, is not the proper instrument for bringing about an acceptable form of economic integration within the region. It suffers from too many operational defects, which are only too well known to all concerned. There is little to be gained from the familiar practice of devising new slogans to celebrate its political usefulness.

As shown by the record, even the Soviet Union will stray off the reservation on occasion in order to get a better economic deal in the world market. To cite one recent instance: after buying 25 sugar refineries from Czechoslovakia and encouraging the latter to expect further orders, the trade ministry in Moscow was visited by an enterprising West German salesman, who succeeded in persuading the proper officials to shift their interest in the direction of a more technically advanced model.

REFORM FOR PROFITABILITY

The plain fact is that COMECON has found it difficult to pass the economic test. Thus far, it has been unable to create a true regional market, i.e., a trading area in which production is oriented to transcend the limits of national boundaries. To do this, it must be organized on a large scale, at low cost, and according to competitive world standards of quality. Neither have its members been able to agree, as they had hoped, upon a single price system, acceptable to all members as profitable, or at least within the broad range of their domestic production costs. Instead, the region has been compelled to rely on some modified form of "world prices," which has often entailed severe losses for the seller without bringing any not-able price gains for the buyer. Moreover, it remains a region without "real money," in the sense that even the much-touted "transferable ruble" is only a unit of account: members with credit balance cannot use it in payment for goods either inside or outside the region.

One theme that runs prominently through the current discussion within the Socialist economic community is the urgency of introducing some basic changes in the method of doing business within the region. In short, they must begin by making this trade profitable before pressing for a larger volume of annual exchanges. Writing in December 1968, Deputy Prime Minister Apro of Hungary argued that if closer economic cooperation within the region is the objective, it "will have to be pursued on the basis of new methods." In essence, his plea suggests that intra-COMECON trade must be made "economically effective," in a word—profitable, before member countries will have the needed incentive to maximize their commodity exchanges within the region.

There is the rub. As a practical matter, how do you proceed to screen the present enormous flow of commodities within Eastern Europe for profitability? Perhaps the remedy lies closer at hand than would appear to the leaders of the COMECON community. If there is a "new method" for ordering trade relations in a way to help create a better economic climate within COMECON, it may be found outside the region. The answer may lie in a less restrictive, more economically motivated trade policy toward the world market. At present, the world market functions as a residual factor in the trade planning of the member countries. Between 60% and 70% of the region's trade resources are committed in advance, through bilateral pacts, to Socialist trade partners. If, however, each of these countries were to develop its trade with the outside world on the basis of normal commercial principles, it would in the process acquire a useful economic frame of reference. The regular markets of the world would assuredly help them to identify with some precision the commodities in which intra-COMECON costs and quality standards are fully competitive and, therefore, suitable for extensive exchanges.

An identification of this kind could be of enormous practical value to the East European economic community. Specifically, it would help to indicate the direction along which intra-regional exchanges could be expanded profitably. If pursued with vigor, such an expansion could easily compensate for the volume of trade lost by the region to the world market in other commodity areas. Once established on a basis of profitability, trade within the region would in all likelihood increase. Moreover, a more diversified exchange of resources with a broader range of markets, based on the criterion of comparative advantage, would make a more conspicuous contribution to production efficiency and to further growth in Eastern Europe.

The Summit meeting to deal with the future of the COMECON Community, which Brezhnev had announced as far back as last November, finally assembled in Moscow on April 23, 1969. As expected, this special session, attended by the top national party leaders of the region, came down hard on the side of political orthodoxy as a guide for the future activities of the regional organization.

In the largely rhetorical communiqué that marked the end of the four-day session behind closed doors, the assembled leaders "unanimously hailed the enormous political significance of the all-round development of economic cooperation" within COMECON. While it also admitted, in passing, that "the need had arisen to improve existing forms and methods of economic cooperation and to discover new and more effective ones," the official statement offered no new ideas and laid down no specific proposals. Instead, the communiqué placed on record a cluster of vague promises "to raise the efficiency" of such existing COMECON institutions as the regional bank, The International Bank for Economic Cooperation (IBEC), the mutual payments system, and the procedure for the coordination of national economic plans. It also promised to add something new, namely a regional investment bank.

What is more important in this context, however, is the communiqué's repeated assurances that Moscow will, in the future, eschew the use of its political weight to convert COMECON into a supranational authority. Whatever new forms of cooperation may be deemed necessary for the purpose of "deepening the mutual ties among the national economies," the document declares, will be undertaken only after "joint study to reach mutually acceptable solutions."

All this seems to leave the basic process of decisionmaking in COMECON essentially where it was before the Soviet resort to military force. For one thing, we now know, from the press of the smaller COMECON partners since the summit meeting, that the opponents of a supranational executive agency have won the day. For another, the champions of continued broad contacts with the West also made their weight felt. They succeeded in writing into the communiqué a clause to the effect that the session "advocated the development of the COMECON members' mutually advantageous ties . . . with the other countries of the world, regardless of (their) social system."

Leon Herman, A Remembrance

It is very difficult for me, as it is for you, to say all that is in one's heart this afternoon—the sadness, the warmth, the love, the deep sense of loss that binds us all together in sharing this burden of sorrow.

We, the family and friends of Leon, must measure for ourselves what this man has meant for each one of us; and in taking that measure, we alone can know the full weight of our grief.

For Augusta, Leon was a man of unbounded affection, of tenderness, of love; a thoroughly good man, he was, who shared with her a lifetime of joy and happiness.

For Gene and Paul, Leon was a model father who imparted, among other things, perhaps the greatest of all human values, a love for the intellectual life, a love for the pursuit of learning.

And for us his friends, Leon was whatever was lacking in ourselves; for, through his infinite generosity, his total giving of self to others, he gave strength to those in emotional distress, wisdom to those exhausted in their own intellectual resources, and confidence to those suffering from a loss of will or of purpose.

He was this, and much more—this, we all know.

For, in all he did, Leon excelled; he accomplished many things, although in his quiet self-effacing way he sought to minimize these achievements. But we all know that by these achievements he had won the respect and admiration of professional men in Government, of leaders in our national Legislature, of the scholarly community, and of men in the business world. Yet, despite this eminent and deserved recognition of worth, he remained as he had always been a genuinely humble man who deplored false pride and false prestige and commanded the esteem of his peers by the weight of his knowledge and the excellence of his professional performance.

For Leon was the complete professional man, thoroughly grounded in the disciplines of economics, Soviet affairs, and international relations; and he was gifted with a power of insight, analysis and articulation that enabled him to make a profound impact not only within the narrower sphere of Government service but far beyond in the many worlds of scholarship, education, and business.

Leon's professional activities as a specialist in Soviet economics and a long-time student of international trade and world affairs are recorded in a vast bibliography of published and unpublished writings, compiled during years of public service in the Department of Commerce and the Library of Congress. They are recorded, too, in an impressive record of active participation, often as one of the principal generating forces, in professional organizations whose purposes were to advance the study of Soviet affairs and the study of economics. And, they are recorded in his commitment to teaching in the School of International Service at American University and in the ever-lengthening list of lectures and panel participation in meetings of specialized groups too numerous to mention.

As a truly professional man, Leon moved with an uncommon grace and ease within the Government service and between it and the worlds of scholarship and business; and wherever he went, those with whom he was closely associated could not fail to feel the impress of the power of his intellect, the depth and breadth of his wisdom, and the vast dimension of his human understanding.

In this way Leon epitomized the finest of what the intellectual should be in the Government service. He should be, as Arthur M. Schlesinger, Jr., once said during the Kennedy years, a conduit between the intellectual world outside and the Government, a sort of vital connection for tapping an essential, life-sustaining natural resource.

This Leon was; but he was more: by his own unique professional abilities and personal qualities, his presence not only enriched the Government service, but, in a reverse way, enriched also the scholarly world; for, more than just acting as a conduit of ideas flowing into the Government, Leon himself was a seminal source of influence, generating ideas throughout the nation's scholarly community itself.

Of all the publications in both private journals and public documents for which Leon bore either direct or indirect responsibility, perhaps none illustrates this point better than the studies prepared for the Joint Economic Committee of Congress under Leon's direction. First published in 1962 and followed by numerous succeeding volumes, these studies have drawn widely upon the expertise of specialists in the Soviet economy within the Government and within the nation's scholarly community.

Besides assuming the directorial and editorial responsibilities, Leon also contributed chapters on Soviet trade.

Recognized immediately as work of extraordinary merit, these studies have become a standard source for the study of the Soviet economy in our nation's colleges and universities and in other centers of Soviet studies throughout the West.

Thus, in this case alone (for there are many more) Leon was able to exert his energies and apply his extraordinary gifts not only for the benefit of Congress but for the good of scholars everywhere and for the advancement of knowledge.

But this is what Leon was: A person imbued with the finest spirit of intellectualism, and dedicated to the service of others. For Leon's was a life devoted to the achievement of these greatest of all human values.

Intellectually, he was a totally committed person. His interests ranged far beyond his professional concerns, to the theater, to literature, to history; indeed, he was the universal man who found infinite pleasure in contemplating and discussing the whole of the human experience. A chance telephone conversation, a casual "walk around the bloc" after a noon-day lunch, table-talk at dinner before a meeting of the local AAASS chapter—these could be, and more often were, occasions for a stirring intellectual engagement on the politics of the day, the social unrest in the country, the state of the theater and the arts, or an analysis of the latest developments in East-West relations.

But Leon's intellectualism was not something self-centered and self-contained: it was always placed in the service of others. This was probably his most distinguishing personal characteristic; for, as a totally involved human being, he willingly and unsparingly shared with others himself, his energy, his many gifts and talents.

In this sense Leon was a genuine humanist. As a compassionate man, he loved humanity for its better qualities; and despite the cruelties that he had seen in his own lifetime, he could not take a tragic view of life or of history. For him, the history of modern man represented the accumulated values of all civilization, and civilization for all its faults and frailties was moving to a higher plane of social betterment for all mankind.

An optimist, he was, ever hopeful, ever-expecting better things, although by no means was he unmindful of the odds that mankind faced. An essentially untragic man living in a potentially tragic world, he could look beyond the overt weaknesses and shortcomings of our country, and see its many strengths, and assessing its possibilities for achieving a greater good in this world, could cast his vision to more distant horizons and give hope and confidence, indeed faith, to those more pessimistic.

This was Leon; and one should not have expected less of so fine and sensitive a man; for, as we all know, he was the kindest of men who had a nobility of spirit that touched us all.

ROSEMEAD, CALIF., HITS JUSTICE DEPARTMENT MOVE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROWN of California. Mr. Speaker, objections continue to be heard to the Justice Department's maneuver to sell out the rights of all Americans to have clean air.

Throughout the southern California area, government bodies, civic organizations, and individual citizens have raised major criticisms of the Nixon administration's handling of this key matter.

Last week, the city council of Rosemead, Calif., which is located in the 29th Congressional District, passed the following resolution which shows how the leaders of the Rosemead community feel about this issue.

I commend the people of Rosemead for their efforts. The smog case still can be one of the most important antitrust suits ever instituted, and rights of all citizens must prevail over the pressures by the automobile industry for fatter and fatter profits.

I now place the Rosemead resolution in the RECORD:

City of Rosemead—Resolution 69–66

Resolution of the City Council of the City of Rosemead concerning the Justice Department's litigation against U.S. automakers

Be it resolved by the City Council of the City of Rosemead that the City Council wishes to go on record in support of the policy statement of Congressman George Brown of September 11, 1969, strenuously objecting to the disposition of the Justice Department's out of court settlement with major United States automakers and supporting the reversal of such decision and urging that the entire law suit be fully tried publically, in the interest of all members of the public.

Be it further resolved, that certified copies of the resolution be forwarded to Congressman George Brown, Congressman Wiggins, United States Senator George Murphy, United States Senator Alan Cranston, and each member of the Los Angeles County Board of Supervisors.

Passed, approved, and adopted this 23rd day of September, 1969.

Arnold C. Andersen,
Mayor of the City of Rosemead.

Attest:

Wanda E. Andersen,
City Clerk.

CANISIUS COLLEGE, AGE 100

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. DULSKI. Mr. Speaker, this is the centennial year for Canisius College, located in my district in the city of Buffalo, N.Y.

Canisius, a Jesuit institution, has a long and distinguished history. Its contributions to the welfare of the Buffalo area and its citizens are inestimable. Canisius alumni walk proudly, and rightly so.

Many kind words, all worthy, will be spoken on behalf of Canisius on this occasion. Following are two which went over the local airwaves:

Editorial Broadcast on Buffalo's WYSL–AM–FM on September 18

The well-being and security of America depend upon our capacity to cultivate excellence in our educational institutions.

One of America's better educational institutions is celebrating its one hundredth anniversary this year . . . Buffalo's Canisius College.

Canisius College was founded in 1870 by a group of Jesuit priests from Innsbruck, Austria and has grown from a four room building on Ellicott Street to a modern, two campus 4000 student, 17 acre educational complex. Canisius College has been a vital force in the development and growth of Buffalo and Western New York from its very beginning.

We are fortunate indeed that Canisius alumni, for the most part, remain and work

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here in the Greater Buffalo area. Canisius College has been turning out well-educated, young men and women for a long, long time . . . one hundred years in fact . . . and this year the school is having an extensive anniversary celebration. We urge the entire community to join in wishing Canisius College continued well-being and success.

This city is a far better place in which to work, live and to learn because a group of priests one hundred years ago had the courage and the foresight to begin the process that is now Canisius College. The men and women who will be graduated from Canisius College next year might well be called the "Class of the Century".

EDITORIAL BROADCAST ON BUFFALO'S WGR–AM–TV ON SEPTEMBER 22

The next year at Canisius College is going to be far busier than any in its history.

Starting this week, Canisius celebrates its one hundredth anniversary. A number of exciting events have been planned on campus and many others will take place off campus so everyone can participate.

The main thrust of Canisius College has been the contribution made by its men and women to the vitality of the Niagara Frontier. The college prides itself on being a teaching institution; a high percentage of the professional and business people in Buffalo are Canisius alumni.

A hundred years ago a handful of Jesuits planted the Canisius seed here. The college enters its second century with the strength and wisdom of its founders multiplied a hundredfold and every reason for continued success.

We're glad those brave priests chose Buffalo for their school.

AUSTRALIA'S VIEWS ON ASIAN AFFAIRS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. SMITH of New York. Mr. Speaker, on August 14, 1969, Mr. Gordon Fieeth, Australian Minister for External Affairs, addressed the Federal House of Representatives of Australia. I know that the official views of our staunch and constant ally, of the country we sometimes feel comes the closest to being our exciting younger brother, as enunciated by Mr. Fieeth, will be of tremendous interest to this House of Representatives and to the people of the United States. I am pleased to be able to set forth here a portion of Mr. Fieeth's remarks, on Australia's views on Asian Affairs as they concerned U.S. policies and the Soviet Union in Asia. Following is the partial text of the parliamentary statement by Mr. Fieeth:

AUSTRALIA'S VIEWS ON ASIAN AFFAIRS

PARLIAMENTARY STATEMENT BY EXTERNAL AFFAIRS MINISTER

In my statement today on the international situation I shall speak mainly of the Asian region, and in doing so I shall draw not only on the reports and assessments of our Australian representatives there but also on some of my own first-hand contacts. Since April, I have visited Indonesia, Singapore, Malaysia, Thailand, the Philippines and Japan, and I have attended meetings of ECAFE, SEATO, the Vietnam Force contributors, ASPAC, the Five-Power Defence meeting, and—on August 8—of ANZUS. What I am going to say now draws on impressions I have formed from all those contacts.

I shall discuss first the policies of the United States of America, and then the Soviet Union. I shall pass to some specific problems in our region, and end with a few words on something which is not regional but is current interest, the non-proliferation treaty.

UNITED STATES POLICIES

President Nixon has now been in office just over six months, and it is gratifying that in that time he has taken occasion to visit a number of countries in Asia. This bears out his remarks to our Prime Minister, which were reported to this House on May 15, about the importance he attached to Asia and that it was the purpose and the determination of the United States to continue to participate in the Pacific and to strengthen the forces of freedom and progress in Asia.

The first-hand contact between Australia and the United States, marked by talks in Washington in April and again in May between our Prime Minister and President Nixon, were continued last week by a visit to Canberra by Mr. William P. Rogers, the Secretary of State.

The Australian Government has followed with close interest President Nixon's recent visits to countries in Asia, and has noted that they have been not only a great personal success for the President but have made a very valuable contribution to increased understanding between the United States and the countries he visited. Australians particularly welcome President Nixon's firm statements that the United States will continue to fulfill its treaty commitments.

We had no doubt on this score ourselves—but in view of interpretations given in some quarters of the President's policies—it was useful to have the President's own clear reaffirmation of his determination to maintain those commitments.

As a Pacific nation, Australians greatly welcome President Nixon's recognition that both geographically and historically the United States was a Pacific nation and must continue to play a significant role in the region.

The Australian Government has noted that President Nixon has emphasized that the security of countries in the region must primarily be a matter for themselves. Australians have no quarrel with this. We have always believed that successful resistance to aggression, either direct or indirect, depends in the last resort on the will and ability of the peoples of the countries subjected to this aggression. Outside countries can give help and support and even, as in the case of Vietnam, assume for a while the main burden of fighting to give the people time to prepare themselves. But the enemy cannot finally be defeated unless the job is done by the peoples under attack.

We were glad to see President Nixon's strong reaffirmation that the United States will continue to give material and economic support to those countries who need it in resisting subversion and indirect aggression.

President Nixon has said that there should be no more Vietnams and this is a statement that Australians heartily endorse. The way to prevent any more Vietnams is to ensure that other countries threatened by subversion are able to develop sufficient strength themselves to prevent aggression reaching the proportions which it reached in Vietnam.

When I say "sufficient strength" I do not mean only military strength. I mean decent standards of living, efficient and honest administration, harmonious relations with neighbors, and the easing of communal tensions within a country.

While the main task of this has to fall on the country concerned, and cannot be done for it by anyone else, other countries can and should help. They can give direct assistance, economic and otherwise. They can help in building an appropriate international framework of co-operation for security and development.

This is a problem of which the Australian Government has been conscious for many years. For example, we believe that our contribution to the defeat of armed insurrection and subversion in Malaya in the 1950's was by no means unimportant—and by establishing a radio network, building feeder roads and providing police training we have contributed something to Thailand's ability to resist subversion.

But the problem of subversion is a constantly recurring one. In trying to assist the countries threatened there are, of course, very difficult political problems, as well as practical ones, to be overcome. Substantial and active support by the United States is needed and we are glad to see from what President Nixon has said that this need is fully recognised by the United States Government.

The President has spoken during his recent tour and on a number of previous occasions about his hope that additional efforts will be made within the region to strengthen its security. Australia's own participation in the five power arrangements with Britain, New Zealand, Malaysia, and Singapore helps to build regional security and demonstrates our willingness to accept responsibilities. I will say more about our commitments to Malaysia and Singapore later in this statement.

THE SOVIET UNION IN ASIA

I turn now to the subject of the Soviet Union in Asia. During the past year or so, there has been increasing interest and activity by the Soviet Union in the Asian region. Examples are the movements of ships of the U.S.S.R. Navy in the Indian Ocean, the development of diplomatic and trade contacts with Malaysia and Singapore, and Mr. Breshnev's speech in Moscow on June 7 when he told the world conference of communist parties that the Soviet Union was "of the opinion that events are putting on the agenda the task of creating a system of collective security in Asia".

The Australian and U.S.S.R. Governments have also been in contact, both in Canberra and in Moscow, on matters of bilateral interest and also in discussing wider issues. Mr. Gromyko, the Foreign Minister of the Soviet Union, said in a speech in Moscow to the Supreme Soviet on July 10 that "the prerequisite and potential for an improvement of our relations with Australia exist".

The Australian Government has naturally kept these and related developments under observation. Australia has to be watchful, but need not panic whenever a Russian appears. It has to avoid both facile gullibility and automatic rejection of opportunities for cooperation. The Australian Government at all times welcomes the opportunity of practical and constructive dealings with the Soviet Union, as with any other country, and this has been the basis of our approach to each issue. In principle, it is natural that a world power such as the Soviet Union should seek to promote a presence and a national influence in important regions of the world such as the Indian Ocean area. The limited degree of naval penetration of this area up to date was described by me in answer to a question earlier this week. Reason for concern arises when the scale or methods or objective of the promotion are calculated to jeopardize our direct national interests or to endanger the general security and stability in the region. In judging this, we cannot cast out of our minds the Russian intervention in Czechoslovakia and the pernicious doctrine of "limited sovereignty" which the U.S.S.R. attaches to other Communist States. Undoubtedly, these U.S.S.R. acts and doctrines have constituted an impediment to international co-operation, and I hope that the Soviet Union will take these repercussions into account when weighing its future actions.

The proposals of Mr. Breshnev for collective security in Asia have not been set out in any detail. It appears that at this stage the Soviet Union itself is exploring reactions of other countries before trying to convert the idea into any firm or detailed proposal.

The objective which Australia has been working for over a period of time has been, as I said earlier, the development of regional co-operation to promote and sustain the security and economic advancement of all the countries of the region. This requires many kinds of measures, including programmes of economic assistance and more international effort to provide markets for under-developed countries and to stabilize prices of commodities entering into international trade. It requires the countries of the region, through peaceful processes, to settle disputes between themselves that stand in the way of regional co-operation or which might produce suspicions and tensions within the region.

The Prime Minister suggested in his statement to this House on February 25 that a series of non-aggression pacts between countries of the region could play a part in this process of removing suspicions or fears of any resort to force from inside the region. If co-operation can be maintained and strengthened among countries of the region—including, of course, Australia—we will have made important advances towards ensuring that South-East Asia will not be a source of weakness in the total pattern of world security. If the Russian proposals prove to be in line with these general objectives, and would assist to facilitate their achievement, we would naturally consider them with close interest.

Any realistic plan for regional security, however, must take into account the possibility of large-scale invasion, or aggression from outside—and the most likely would be from China, possibly using its nuclear capacity as blackmail to support its large conventional forces and subversion.

Here I am talking about the possibility, not proclaiming the certainty of large-scale aggression from this source. I am not prejudging China's short and long range intentions. But elementary prudence does, in the light of what China itself has been saying, require us to look to the region's protection against such a threat. If such a threat eventuated, the countries of the region would naturally look for outside support and they would deserve it because of their own efforts for self-defense.

In this evolution to which I have just referred, two points seem important to the Australian Government. It is not constructive to work towards a situation where one great power simply replaces another great power as a predominant factor in the region—and we do not want to see Asia, any more than any other region of the world, divided into spheres of influence between the great powers. It follows from what I have said that a substantial withdrawal at present of American strength would leave in the region a weakness which might very well tempt Peking to press southward or let it feel free to make moves against its northern neighbour. Such a situation would not be in the interests of anyone in the region nor, indeed, of the Soviet Union, nor of the world.

RESOLUTION OF CHRISTIAN CONCERN BY LUTHERAN YOUTH

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. McCARTHY. Mr. Speaker, on August 25, 1969, I addressed the 25th Annual Lutheran Youth Camp Week at Camp Pioneer in Angola, N.Y. The topic of my remarks was the tragedy of poverty-related hunger in the United States. On that same day I was presented with the following resolution, signed by 150 campers, which states in graphic language the "need" as perceived by the concerned young Americans.

I am including it in the RECORD because it underscores the disgrace that hunger has brought this country and it speaks for a group of young Americans who joined together to constructively address a problem that they know deserves no quarter in this, the wealthiest Nation on earth. I urge all my colleagues to read it carefully, as follows:

RESOLUTION OF CHRISTIAN CONCERN BY LUTHERAN YOUTH PRESENTED TO CONGRESSMAN McCARTHY

Whereas, all human beings are God's children, worthy of food, decent housing, and clothing, and

Whereas, increasing automation and overpopulation cause a great scarcity of jobs, especially unskilled jobs, and

Whereas, the present welfare system has the following faults:

(a) It is financially inadequate, since many mothers and children are expected to live on less than 25¢ per meal per person, and

(b) it is degrading and inhuman because it invades people's privacy and discourages family unity, and

(c) It punishes, rather than rewards people for working, and

Whereas, presently surplus commodities are designated by the United States Department of Agriculture, and

Whereas, in past years monies earmarked for the Welfare program have been returned to the government,

Therefore, let it be declared that Lutheran Youth will study this issue and take action according to their Christian love for people, and

We therefore encourage all members of Senate and Congress to pass legislation which will guarantee human subsidy and dignity within the bounds of a national Welfare Program,

And we encourage the Senate and Congress of the United States to remove the power of declaring surplus commodities from U.S.D.A. because of a blatant self-interest for price control and place this authority in other favorable governmental departments.

We shall therefore, on our part, continue our petitions to our God to grant us mercy to carry out the tasks for which he has placed us in His world.

JUSTICE DEPARTMENT POWERLESS TO DESTROY FREEDOM OF CHOICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. RARICK. Mr. Speaker, I commend Assistant Attorney General Jerris Leonard for recognizing the facts of life and telling the truth at a news conference. The people are awake and are resisting tyranny—and the Federal Government does not have the manpower to enforce court-ordered integration.

Mr. Leonard was quoted as saying:

> If the court were to order instant integration, nothing would change. The court cannot enforce its own order. Bodies and people have to do it, and we just don't have enough.

This is an honest admission that the great majority of the American people are too decent to sacrifice their children for the political benefit of far-away politicians.

So-called school integration has amounted to endangering children and denying them opportunity to learn. It means, as I have previously pointed out, the commission of genocide, denounced as an international crime—see my remarks of September 16, 1969, at page 25703. Decent Americans will not fail to do their utmost to see that their children are not the victims of such a crime.

I include in the RECORD the current local news story of Mr. Leonard's remarks, before they are denied, explained as a misquote or misunderstanding, or otherwise relegated to the limbo reserved for truth in Washington. I also include the revealing report of Nick Thimmesch, published in the Chicago Tribune only 2 weeks ago, in order that our colleagues may conveniently observe the manner in which, by exercising freedom of choice, the proponents of genocide protect their own children from the very dangers they insist on inflicting on the children of other Americans. All Americans insist on the same freedom for their children.

The articles follow:

[From the Washington Evening Star, Sept. 30, 1969]

COURT RULING COULDN'T SPEED INTEGRATION, U.S. AIDE SAYS

(By Lyle Denniston)

"Nothing would change" if the Supreme Court now rules that the South must integrate its schools without further delay, the Justice Department's civil rights chief now contends.

Asst. Atty. Gen. Jerris Leonard told a press conference here yesterday that "the court cannot enforce its own order," and the government does not have the manpower to enforce immediate integration.

In fact, Leonard said, "I don't believe you could do it" by the opening of the school year in 1970.

Even if Congress voted funds to hire many more lawyers and educational experts to work on integration, he said, "we have a problem of orderly absorption of people into our staff."

Leonard's comments came at his first meeting with reporters since 65 of the 74 "line" attorneys who work under him began a behind-the-scenes protest against administration requests for delay in desegregating some Southern school districts.

The attorneys yesterday made public—anonymously—two statements objecting to the current policy. The latest statement, dated yesterday, said this policy "is inconsistent with clearly defined legal mandates."

Asked about that challenge, Leonard replied: "Sixty-five lawyers are wrong."

However, he said he did not expect the lawyers to continue their protest. "I don't think they will. The executive (branch) has to have a policy, and the administration has a right to make that policy. Any lawyer worth his salt—once a decision has been made—has an obligation to carry it out."

At another point, the assistant attorney general said: "I do not expect professional people with a license to practice law to do anything that is detrimental to the effort or the interests they serve. In this case, the interests are of the government, the public interest."

The administration's policy on the pace of desegregation has been surrounded by controversy since July 3, when the Justice and Health, Education and Welfare Departments first announced they would permit "some limited delay" in integration where "sound reasons" justified it.

That policy drew the most intense protest

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after it was used to get a delay of desegregation in 33 Mississippi school districts. That delay provoked the 65 attorneys under Leonard to write a letter to him, President Nixon and Atty. Gen. John N. Mitchell.

This protest, dated Aug. 29 and made public yesterday, challenged "a disposition on the part of responsible officials of the federal government to subordinate clearly defined legal requirements to non-legal considerations."

"Non-legal considerations" is a phrase the attorneys used primarily to cover political pressure, which they say was in getting the Mississippi delay.

At his press conference, Leonard said that he had "never been asked by any member of Congress to make any specific decision with regard to a school case, or any case."

Asked about reports that the delay had been sought in return for some Southern senators' support for funds for the anti-ballistic missile (ABM) program, he replied: "If there was any connection between the ABM and the Mississippi cases, it is too remote for me to see."

The delay in Mississippi has led to a major Supreme Court test case, turning on the question of whether the South is to be permitted any more delays for any reason.

Leonard said that the government has not yet made up its mind what it will recommend to the high court on that question. But then he added:

"If the court were to order instant integration, nothing would change. The court cannot enforce its own order. Bodies and people have to do it, and we just don't have enough."

[From the Chicago Tribune, Sept. 15, 1969]

Integrated Schools Are for Others

Nick Thimmesch of Newsday reports in his syndicated Washington column that "liberal" officials and politicians in the capital who demand severe punishment of the southern states for refusing to integrate public schools send their own children to private schools or all-white suburban schools in Maryland and Virginia.

Sen. George McGovern [D., S.D.], who yields only to Sen. Edward M. Kennedy [D., Mass.] as a liberal and offers himself as a better Democratic candidate for President, has two children in the Maryland public schools, for whom he pays annual tuition of $1,014 each. Sen. Kennedy himself, Sen. Charles Percy [R., Ill.], Sen. Birch Bayh [D., Ind.], Sen. Eugene McCarthy [D., Minn.], Sen. William Proxmire [D., Wis.], Sen. Clifford Case [R., N.J.], Sen. Abraham Ribicoff [D., Conn.], and Sen. Charles Goodell [R., N.Y.], all liberals of purest ray serene, have either sent or are sending their children to high-priced private schools.

Atty. Gen. John N. Mitchell says Negro and white children should attend school together, but his 9-year-old daughter goes to Stony Ridge Country Day school in Virginia. Vice President Spiro Agnew's daughter attends the private National Cathedral school in Washington. Robert Finch, secretary of health, education, and welfare, whose heart bleeds for children in segregated schools, sends his own to a public school in white suburban Virginia. The justice department lawyers who have threatened to resign because the Nixon administration was not forcing schools in the south to integrate rapidly enough, also live in the suburbs, where their children are denied the privilege of attending racially mixed public schools.

Even Justice Thurgood Marshall, the only Negro on the Supreme court, and James Farmer, the Negro assistant secretary of health, education, and welfare, have sent their children to private schools.

The liberal proponents of racially mixed schools for other people's children all say they send their own to private or white suburban schools because they want them to get the best possible education. This is a natural and laudable desire, but, while sending their own children to schools of their choice, they loudly condemn the "freedom of choice" principle in the south as a subterfuge to perpetuate segregation. The United States Commission on Civil Rights, headed by the Rev. Theodore M. Hesburgh, president of Notre Dame university, condemned the Nixon administration for what it called "a major retreat" on integration, including Secretary Finch's failure to come out against a "freedom of choice" amendment until the House had passed it.

When the Supreme court ruled in 1954 that racial segregation in the public schools is unconstitutional, the school population of Washington was equally divided between Negro and white children. Now it is 94 per cent Negro, because the whites, including the liberals who lauded the Supreme court's decision, have moved to the suburbs of Maryland and Virginia. If the same trend in other big cities continues, only a few integrated schools on the fringes of the black slums will be left and the only whites attending them will be children of working class families too poor to move to the suburbs.

The liberal integrationists cannot be unaware of the obvious effects of their policy. Apparently they feel that integration is good for the yahoos of the south and the ethnic groups of the north but not for themselves.

School Integration Bares Hypocrites in Government

(By Nick Thimmesch)

WASHINGTON.—School integration makes some people mad and others hopeful, but it also reveals human frailties, including hypocrisy. Some of the worst hypocrites on this controversial, yet inevitable, development in our democracy are right here in the capital city.

In its 1954 decision, the United States Supreme Court said that segregated Negro children were not only short-changed in facilities and teaching, but also lost out by not being around white kids when they grew up.

Politicians and government officials of liberal bent in both parties have been hollering ever since at the South to integrate and give those Negro kids a break. But most of these finger shakers don't practice what they preach when it comes to their own children.

The Washington public school population was evenly divided between white and Negro children in 1954. Now it is 94 per cent Negro, because whites, including those who yipe at the South, have either moved to the white suburbs or send their children to private schools, predominantly white or with token integration.

Atty. Gen. John Mitchell say he's for Negro and white children attending school together, but his nine-year-old daughter is carted miles away from his D.C. neighborhood to the stuffy Stone-Ridge Country Day School in nearby Maryland.

Vice President Spiro T. Agnew's daughter attends the private National Cathedral School.

James Farmer, the Negro assistant secretary of HEW, has his two children in private schools to "avoid boredom."

The only Negro on the Supreme Court, Thurgood Marshall, placed his children in a private school. Julius Hobson, a black militant on the D.C. school board, had a child in private school.

"Liberal" senators who live in Washington are the same way. George McGovern has two children he sends across the Ditsrict line into Maryland public schools, and pays $1,014 annual tuition for each.

Senators Charles Percy, Birch Bayh, Edward Kennedy, Abraham Ribicoff, Clifford Case, Charles Goodell, Eugene McCarthy and William Proxmire have either sent or are sending their children to high-priced (up to $1,900 a year tuition) private shools afflicted with the racial double-standard and status-conscious bickering that privileged folk indulge themselves with.

These folk apparently think integration is for lowbrow Southern whites, the poor and those beer-drinking ethnics in the North whose cars bear bumper stickers reading "support your police."

Integration is a moral as well as a legal matter, and the hypocrites want to unload the moral burden on lower income groups. This thinking, pervasive among affluent, better educated whites and Negroes, betrays a moral failure.

THE HOUSING SHORTAGE: OPERATION BREAKTHROUGH

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Harold B. Finger, Assistant Secretary for Research and Technology, U.S. Department of Housing and Urban Development, recently discussed the implications and potential for Operation Breakthrough, Secretary Romney's effort to achieve larger volume in housing construction.

Because of the interest of my colleagues and the American people in this vital subject, I place the speech by Secretary Finger in the RECORD.

The address, from Vital Speeches of the Day, follows:

The Housing Shortage: Operation Breakthrough

(By Harold B. Finger, Assistant Secretary for Research and Technology, U.S. Department of Housing and Urban Development, delivered before the Portland Cement Association, Chicago, Ill., Aug. 6, 1969)

Ladies and gentlemen: Let me start by reading from the Housing Act of 1968—"Declaration of Policy." "Section 2. The Congress affirms the national goal, as set forth in section 2 of the Housing Act of 1949, of 'a decent home and a suitable living environment for every American family.'

"The Congress finds that this goal has not been fully realized for many of the Nation's lower income families; that this is a matter of grave national concern; and that there exist in the public and private sectors of the economy the resources and capabilities necessary to the full realization of this goal.

"The Congress declares that in the administration of those housing programs authorized by this Act which are designed to assist families with incomes so low that they could not otherwise decently house themselves, and of other Government programs designed to assist in the provision of housing for such families, the highest priority and emphasis should be given to meeting the housing needs of those families for which the national goal has not become a reality; and in the carrying out of such programs there should be the fullest practical utilization of the resources and capabilities of private enterprise and of individual self-help techniques.

"Reaffirmation of Goal. Sec. 1601. The Congress finds that the supply of the Nation's housing is not increasing rapidly enough to meet the national housing goal, established in the Housing Act of 1949, of the 'realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family.' The Congress reaffirms this national housing goal and determines that it can be substantially achieved within the next decade by the construction or rehabilitation of twenty-six million housing units, six million of these for low and moderate income families."

These are statements of policy and goals of the Housing Act of 1968. Can we accomplish these goals? If history is any indicator, then the answer must be, "No." We have never even produced 2 million housing units in any one year; we produced just under 2 million units in 1950. Over the past ten years we have produced fewer than 15 million housing units. Starting where we are now, we would have to produce about 3½ million housing units in 1978 to achieve the goal of 26 million housing units in ten years.

Of the 26 million housing units indicated as our goal in the Housing Act of 1968, it has been estimated that about 6 million would be required for low and moderate income families. That housing would have to be subsidized under the provisions of our various Housing Acts. We certainly are working toward that goal, but again history is not encouraging. Over the past ten years we have produced only 634,000 assisted housing units and since 1949, when the Housing Act of that year identified the goal of providing a decent home for every American family, we produced only 938,000 assisted housing units.

We should also look beyond this next decade. Extrapolation of our population trends, recognizing that the number of births will depend largely on the existing population in any year, gives us an exponential function that predicts that our population will double every 30 to 50 years, depending upon how we draw that extrapolation. But, even with a very conservative extrapolation, we can expect a population of 300 million people by the year 2000—only 30 years away. Will this nation be able to substantially increase its housing stock by that year to provide for this population? I dare say that this nation will not meet the housing goals set in the Housing Act of 1968 for the next decade, nor will we meet our needs for the decades beyond that unless we change our way of producing and providing housing.

It is interesting that though we fancy that we are ahead of everyone else in the world in almost everything we try, we are *not* ahead in the production of housing for our people. It is, of course, true that only the USSR builds more actual housing units per year than the United States. West Germany, the most productive country in Europe, is building 40 per cent as many houses as we are and Sweden is building 7 per cent as many. However, in terms of the number of dwellings completed per thousand inhabitants, which is a more significant figure, the countries of Western Europe, as well as the USSR, are outbuilding the United States.

For example, West Germany over the last five years has built at the rate of 10.1 dwellings per thousand inhabitants, while the rate in the United States has been 7.4. The United Kingdom is the only country in Western Europe where this rate (7.1) is less than in the United States. Sweden has produced at a rate of 11.8; The Netherlands, 8.9; Denmark, 8.3; and France, 8.0. In the Soviet Satellite countries, this rate ranges from 6.3 in Czechoslovakia to 4.3 in East Germany. However, the USSR builds at the rate of 9.8 housing units per thousand inhabitants and produces more housing units at a higher rate (though generally of a lower level of quality) than does the United States.

There is no question that a real national commitment is required if we are to solve the serious housing problem we face; a problem which is becoming ever increasingly difficult to solve as our population increases and as the present stock of housing deteriorates. It requires the commitment on the part of all elements of our Federal government. It requires that the authorities provided in the Housing Acts and the Congressional funding authorizations be fully enacted through the normal process of appropriation of funds. It requires that the Administration propose such full funding—as it has in the FY 1969 Supplemental Request for the Department of Housing and Urban Development and in the FY 1970 request now being considered by the Congress. It requires that the Congress pass appropriations equal to its own authorizations. That has not happened in the FY 1969 Supplemental Request and the House actions on major assistance elements of the housing program in the FY 1970 Budget Request resulted in substantial reductions from the requested amounts.

Solving the housing problem requires a commitment on the part of State and local government. It requires that State and local authorities work effectively to eliminate the restrictive practices under the various zoning and housing and building codes that prevent the construction of housing for low and moderate income families where they are needed—near jobs, near schools, near adequate community facilities and in a good living environment. It requires that building codes be modified to encourage improved technology and volume building methods and to eliminate the numerous code variations that make regional marketing difficult if not impossible. It requires that metropolitan areas work together to solve their housing problems and that regional aggregation or pooling of the market be provided.

It requires a commitment on the part of industry to bring together the talents that are needed to make the necessary investment to apply advances in technology and modern management approaches to production of housing. The housing industry cannot be content with past approaches as the means by which future needs can be met. It requires that industry also recognize that land is a critical element of providing housing and that their land holdings can play an important part in our ability to satisfy our housing needs. It also requires that the industry recognize that the various pension and retirement funds available can be used to assist in the financing of mortgages and that such investment should be encouraged for the overall national welfare even if the direct return may not appear to be as great as the return from other investment.

And it requires a commitment on the part of labor to encourage the training of the labor supply that will be needed for the construction of all of the housing necessary and encourage arrangements for volume production of housing that will also provide greater job opportunities for our people. With our present methods of construction there will not be enough of the skilled craftsmen and the semi-skilled labor force to build the housing we need. Therefore, labor must recognize that changes in the building system are inevitable if we are to provide the housing we need. Labor must be prepared to make and encourage such changes and to adjust its operating procedures to the new systems that are established. If we cannot provide the housing we need, there will not be housing for the laboring people whose income even now frequently does not permit them to obtain the housing they desire.

And it requires a commitment on the part of the various financial institutions that play an important role in the financing of housing construction, development and ownership. Funds must be provided for mortgages. Investment institutions must encourage investment in mortgages. The return to the nation and the indirect benefits should be ample encouragement for investment in housing. The various investment institutions should encourage their investors along these lines.

And perhaps more important, it requires a commitment on the part of all of us, upon our communities in which we live, to encourage arrangements in our communities and school districts that will provide the opportunity for low and moderate income families to live where they must even if that means living in our communities and joining our children in our school districts.

It needs the kind of commitment from us that can only come when there is a full recognition of the fact that we will never live as an internally peaceful nation in which all of us can take full advantage of all of the opportunities available within and outside of our cities until such tranquility can be restored; housing is one of the important factors in reestablishing this tranquility. Housing for the poor as well as the more well to do in all areas of the nation and the resulting mingling of children and families of various economic levels can encourage a motivation for upward growth and advancement and training among our less fortunate people and can provide the social understanding of the needs of our nation for our more affluent people.

This is a national commitment. This is what we mean by a national commitment in housing and in other domestic areas. It is a commitment on the part of each group involved, to work collaboratively toward the achievement of the goals that have been set and to be willing to give of its prerogatives for the achievement of those goals. Until this nation is committed, in this total way, we cannot assure that we can satisfy the needs of our people for housing or for any other necessity for existence. Until such a commitment is made on the part of all of these groups, we will not establish the improved systems for providing housing to all of our people that are needed if we are to meet our goals.

Secretary George Romney has recently announced a new program in the Department of Housing and Urban Development called Operation Breakthrough which is aimed at encouraging and establishing this new process for providing housing—for producing it in volume and for delivering it to an aggregated volume market to all of our people that need it. As its name implies, this housing program aims at breaking through the various constraints which inhibit the volume production of housing in this country. Operation Breakthrough alone will not accomplish all of the goals that I have described. However, this program should help to organize the process by which housing gets built and to organize the process by a clearly defined volume housing market is identified.

In Operation Breakthrough, HUD has invited proposals from the industry suggesting methods of producing housing in volume, considering the need for safety, durability, and attractive design as well as for the effective use of land. HUD has made the commitment that it will fund for the work needed to develop these concepts and to arrange for funding for construction of prototypes of the concepts that are selected on eight regional prototype sites. During the process of design and construction on the eight prototype sites, tests will be run of all of the innovative features of the concepts selected that may not now be consistent with existing building codes. Those performance test results and the test methods will be validated by a group established by the National Academies of Science and Engineering. If the performance tests indicate that the concept is acceptable and if the Academies validate the results and the test methods, then HUD will approve those concepts for use in any application for HUD program funds or mortgage insurance that

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may be made by sponsors, developers, housing authorities or other groups. In addition, HUD will request local communities to accept the testing, evaluation, validation and approval in lieu of existing building code requirements in the community. HUD is also suggesting that state legislation be considered to provide for acceptance of these concepts within state code requirements.

In addition, the evaluation by consumer groups of the prototypes built on prototype sites should serve as a marketability test of the various concepts provided. For that reason it is important that the prototype sites be so designed that the housing systems are built in sufficient quantity to assure that the land use pattern is fully evaluated and demonstrated. It is our intent that the prototype site should be an example of effective design of a community in which various housing types, including single and multi-family units, and various economic level or price of housing can be appropriately arranged in close proximity to each other. On the basis of this demonstration and the evaluation made by the consumer groups that examine the concepts displayed, it is hoped that local communities will be encouraged to forego the restrictive zoning and land use requirements that have been built up over the years as a method of assuring desirable development in the community, but that has been used as an intentionally restrictive device for prohibiting multi-family construction and housing for low and moderate income families. We will never be able to provide the housing for all of the people that we expect by the end of this century if we do not break down the large lot size zoning contained in many of our zoning ordinances and if we do not provide for more land on which multi-family dwellings can be placed. HUD will provide incentives for the volume application of these Breakthrough housing concepts in the form of priorities for the various HUD grant programs. These include sewer and water grants, community facility grants, planning grants, etc. In addition, HUD will provide to the consumer groups that decide to order this volume housing for installation in their communities, priority consideration and earmarked housing program subsidy funds. These subsidies are intended to bring housing within the reach of many families that could otherwise not afford adequate housing. We hope that these incentives and the assistance we are prepared to provide to package housing developments using these advanced concepts will encourage the industry, the consumers, and the state and local governments to make the changes needed in the system of housing so that we may take significant steps toward achieving the improvements that are necessary if we are to satisfy all of our housing requirements. If they are not sufficient, then I believe that stronger approaches will have to be taken. Change is necessary and we must not wait for further crises before we recognize the need and implement improvements.

Concurrently with the preparation of proposals by industry for their concepts for volume production of housing, we have invited proposals from State and local governments and communities for regional prototype sites. The regions in which these sites will be located will be determined by an analysis of the climatic variations over the nation and the housing market variations, including variations in accepted housing design, across the nation. Important elements in the selection of the particular sites will be the assurance that the housing concepts selected by HUD can be constructed on those sites without concern for local code requirements. In essence, the development of the prototype sites must be within HUD's control. In addition, it is quite obvious that the land proposed for the prototype sites must be available for site development when the housing concepts and the sites are selected. It is now anticipated that site development will start early next year and that first prototype construction would start in March of next year.

The involvement of community and user groups in the evaluation of the various prototypes and the resulting selection by those groups of the particular concepts that they propose to order in volume from the producers is essential to the success of any housing program. Neither HUD nor the state nor local government nor any individual group can determine for a community the kind of housing that it requires. It is proposed that enough concepts will be developed as part of this program on prototype sites so that the variety offered will permit a flexible choice by the community groups. In addition, we will make modifications to the prototypes as determined by the evaluation by the user and community groups.

In summary, therefore, Operation Breakthrough is a multi-faceted program aimed at:

1. Encouraging industry to propose the ideas available for volume production methods that they have had difficulty applying in the past;

2. Encouraging continual housing system advancement through support of applied research and development;

3. Pooling or aggregating the market for housing, including both the demand for housing and the available land for such housing;

4. Encouraging state and local adjustments in building codes and zoning codes that now contribute to fragmentation, high cost, and the difficulty of producing for a broad market;

5. Improving methods of financing, including improved processing of FHA insurance applications;

6. Making more effective use of our total work force;

7. Conducting tests and evaluations with authoritative test validation that will serve as a basis for approval of advanced housing concepts and for development of performance standards for housing systems.

In suggesting the role of your association and your industry, we might again look at the European experience. Much of the European housing is industrialized housing, with a heavy concentration on concrete systems. A majority of the 500 industrialized building systems now in use in Europe for housing construction are concrete based systems. The prerequisites for industrialized housing of a massed or concentrated market of continuing duration were available in Europe after World War II. That war determined the housing needs of many European areas and provided a large, aggregated market. This factor, combined with the labor shortage created by loss of men and by those remaining men working to rebuild industry, encouraged Europe to develop industrialized building. Some of these companies are now seeking acceptance of their concepts in the United States under the FHA Special Construction Methods Bulletin. To date, two systems have qualified and four more are under consideration. All of these are concrete systems.

It is interesting to note that the per capita consumption of concrete is lower in the United States than almost any European country—lower than the United Kingdom, Finland, Ireland, Norway, Greece, Spain, Denmark, France, Belgium, Sweden, Italy, Germany, Luxemburg, Austria, Iceland, Switzerland. And this includes not only dwelling construction but all of the highway and other public works construction.

This bit of information certainly surprised me when I heard it. Because, in the construction industry, concrete has long been recognized as a vital and indispensable building material. This is particularly true where concrete is used as a sub-grade material which offers economy, strength and durability. In more recent and sophisticated applications, concrete is a material that has adequately and economically solved the complex problem of secondary containment vessel design for nuclear reactors for power generation plants. Through new technologies in this application alone, the containment vessel wall, through post-tensioned construction processes has been reduced in wall thickness from six feet in cross sections down to three feet in cross sections, or a 50 per cent reduction in cross sectional area of the containment vessels concrete shielding structure.

But, concrete is finding new building applications due to the progressive technological thinking of your industry. These new technologies reflected in the American Concrete Institute Code adopted in 1963 (an unquestioned design standard in the construction industry in general) have in the recent past contributed to new high-rise construction concepts in apartment building and office structures such as the new 70 story (645 feet high) Lake Towers apartment building in Chicago or the more recent new 50 story (714 feet high) Shell Oil office building in Houston, Texas.

This is a real mark of technological achievement in material application considering that as recently as 1960 concrete was seldom considered as a structural material in buildings higher than 15–20 stories in height.

Recalling other technological developments that have been provided in the past ten years in pre-cast and pre-stressed concrete processes, new tools have been given to the architects and designers that offer boundless possibilities to their creative imaginations. It is apparent even to the layman that concrete is not only a utility material for building construction, but is a material that offers expressive art forms and provides a viable link in improving man's physical environment.

With all of these new technologies your industry is providing to the construction industry, I would like all of you to consider the challenge offered by Operation Breakthrough.

I am aware of what has been done to date in the housing area, particularly in the area of the modular construction process, such as the Habitat complex in Montreal and the Place de Rio in Houston. But I think you all will agree that these are first steps in a process of seeking new solutions in the field of housing. Your continued efforts in developing new construction processes with concrete in the housing field will most certainly contribute to the elimination of this nation's rapidly rising housing deficit.

If I may digress momentarily, I would like to call your attention to the fact that of the 28 major European concrete building systems, 50 per cent of the total production is done by prestressed-precast panel manufacturers located in fixed plant locations. In this regard, I was pleased to hear that 41 of the precast-prestressed firms formed together into a consortium in order to attack the nation's housing problems through systems construction and the fabrication of standardized parts in their 67 plants for multi-family housing. This indicates that the industry is rising to the housing challenge and will work to supply economical and quality housing units to help overcome this country's housing problems while providing a greater economic stability to its operation.

I have recently been told that there are as many as 360 precast-prestressed concrete producers in the country which concentrates mostly in architecturally oriented product lines, or more specifically, in the manufacture of precast-stressed concrete elements for building systems. I believe that with these resources coupled with the some 2500 construction firms across the country specifically identified as concrete contractors that your industry must play a vital role in helping to alleviate the housing shortage problems that exists in this country today.

That role must be based on the unique capabilities of your industry. Your role in construction and housing must consider all of the elements of the housing business that I have described. But that role must also be based on the commitment required of each of us if our domestic problems are to be solved. Perhaps the greatest commitment that we must make is the personal one that requires that we judge every action in terms of its effect on the solution of the problems we face and the overall benefits that can be derived if those problems are solved and balanced, stable communities with equal opportunities for all are the result. Not until such a commitment is made can we expect to solve our domestic problems.

A GENERATION OF DRUG MUTANTS?

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HANNA. Mr. Speaker, this year our Nation will spend $1.5 million on new research programs to learn the effects the chemical drugs such as amphetamines and the hallucinogens have on human beings. At the same time we will spend $90 million on new research for chemical and biological warfare.

If ever national priorities were considered confused, the above illustration should serve as the ultimate example. The real chemical and biological warfare threat to this Nation is in the form of speed, bennies, goofballs, big D, acid, cocaine, peyote, and the dozens of other chemical drugs being abused at an alarming rate.

The battleground in this chemical drug war is the local schoolyard, the ghetto, and the suburban neighborhood. The casualties are primarily among our young.

Yet precious little of our resources are being devoted to learning what effects these new chemical drugs, when abused, have on the human being. Dr. Sidney Cohen, Director of the National Institute of Mental Health's Division of Narcotics Addiction and Drug Abuse has described the state of our knowledge on the chemical drugs as comparable to the state of our knowledge on tobacco 50 years ago.

The chemical drugs are causing problems with which our society has found itself unable to cope. We are sadly learning that we do not have either the facilities or expertise to deal with the many thousands who have become psychologically dependent, or physically damaged from abusing one, or more probably, a combination of the chemical drugs.

If there is any doubt about the extent of the problem, or the magnitude of its effect it may help to take a brief look at the latest information available on the amphetamine family of stimulants, just one of the many chemical drugs. Amphetamines are legally used and often prescribed by doctors to give their patients extra energy. About 20 percent of all drug prescriptions are these type of stimulants.

Yet, when abused, amphetamines, or "speed," the underground term, have caused such horrifying consequences that even devotees of the drug cult have warned that "speed kills," and "crank—another popular term for methamphetamines—cripples."

The availability of these pills is astounding. There is enough amphetamine produced each year in the United States to provide each person in this country with 25 doses.

Speed is becoming the most serious drug problem in southern California. The use of speed is increasing more rapidly in Los Angeles than the use of hard narcotics. Yet, the Federal Government is doing little to learn about the effects speed has on the human body, and present laws are woefully inadequate to stem the flow.

I learned these startling facts from interviews held last Tuesday with Dr. Sidney Cohen, Director of the National Institute of Mental Health's Division of Narcotics Addiction and Drug Abuse, and John Enright, Chief of the Criminal Investigations Office of the Federal Bureau of Narcotics and Dangerous Drugs.

More frightening was the information Dr. Cohen provided me on the latest medical findings detailing the effects amphetamines can have if abused. Recent studies, although still deficient when compared to what needs to be learned, demonstrate that amphetamines can be physically addicting. The body builds up a tolerance to this stimulant and larger doses are required to produce the same "trips." If the drug is suddenly withdrawn, recent studies indicate withdrawal symptoms, similar to a narcotic withdrawal, are evident.

I believe until recently it was commonly believed that stimulants such as amphetamine were not physically addicting. They are, according to Dr. Cohen. There is also increasing evidence to suggest that speed, when taken in large doses, causes brain damage.

This new information about brain damage and the addicting characteristics of speed contradicts widely held opinions to the opposite. However, it points up how frightening the consequences of abusing this drug are, and how little information we have had on its effects. And the state of our knowledge on amphetamines, when taken in large doses, is still deficient.

How much speed finds its way into the underground market in southern California is virtually impossible to determine. However, two recent cases brought to my attention may provide us with some clues.

Enright informed me that on June 18, of this year the Federal Bureau of Narcotics and Dangerous Drugs made the largest haul in its history. Los Angeles was the site of this "historic event." On that Wednesday in June agents arrested David Rodriguez and confiscated from his home seven huge burlap bags each weighing 75 pounds. The pills in the bags were amphetamines.

When you consider that the average speed pill is rarely larger than an aspirin tablet, 375 pounds of these pills add up to a substantial sum—all destined for the underground market.

Another case brought to my attention by the California State Bureau of Narcotics concerned a fellow by the name of Alfonso Villasenor. This fellow, posing as a pharmacist in Tijuana, managed to order "tremendous amounts of amphetamines and barbiturates." By the time this fellow was arrested, the State bureau had managed to purchase or confiscate from him more than 1½ million amphetamine tablets—all destined for the underground market.

These of course are only two examples, and examples of the pushers who are caught. Multiply these figures by many hundreds and some idea of the extent of the speed traffic will take form.

My research and interviews led to a number of other findings which I will list. I have restricted these remarks and the report of my findings to the chemical drugs; namely, the stimulants such as speed, the barbiturates such as secobarbitol sodium-seconal—and the hallucinogens like LSD. I have excluded the narcotics, not because they do not present a major problem—they do—but rather because we are well along the road in both the state of our knowledge about their effects, the rehabilitation of their abusers, and enforcement. The chemical drugs really present a different problem, and require special consideration.

My additional findings include:

First. LSD use in California, despite many reports to the contrary, has hardly decreased, and in some areas of the State it has increased; this despite its marked decrease throughout the rest of the country—from testimony of John Kramer, department of psychiatry, University of California at Irvine, August 7, before a Senate subcommittee, and Dr. Sidney Cohen.

Second. A nationwide conference of medical experts will be held in October to consider the most recent findings on the effects LSD has on chromosomes, birth defects, and other physical damage to the body. This is the first time such a meeting has been held—Dr. Sidney Cohen.

Third. Chemical drugs, including LSD, have been just recently found to produce the dangerous "flashback phenomena"—repeating the "trip" without taking the drug. It has been learned that certain antihistamines—commonly prescribed for the treatment of allergies—when abused, will produce the flashback phenomena—Dr. Sidney Cohen.

Fourth. A study released through the Neuropsychiatric Institute of the University of California reports that there could have been as many as 8,000 "bad trips" from LSD within a period of 18 months in Los Angeles County alone. And this figure only represents instances that have been reported to a physician. A "bad trip" was defined as a "trip" that included a negative or harmful experience.

Fifth. The use of combinations of chemical drugs is increasingly becoming the rule rather than the exception. It is now common for a person to be taking overdoses of three or four different drugs at the same time. Yet there has not been any research, nor is any research taking place at this moment in order to determine the effects combinations of drugs are having on human beings—Dr. Sidney Cohen.

Sixth. The Federal Government has made only one small ward of its Lexington, Ky., drug treatment facility available for treatment of the victims of chemical drug abuse. The Government has two major narcotics rehabilitation facilities at Lexington and Fort Worth, Tex. California's State hospital at Mendocino has some facilities to deal with the problem. State and county facilities for the treament of these people are almost nonexistent—Dr. Sidney Cohen.

Seventh. By far the largest group of abusers of the chemical drugs are white, middle- and upper-class young people. Narcotics are still largely confined to the ghetto—Dr. Sidney Cohen.

I believe these facts, as well as other current data that has already been published, clearly suggest:

First. There is little accurate or sufficient knowledge about the effects the chemical drugs are having upon the thousands of abusers here in our area, or the hundreds of thousands across the Nation. What little knowledge we do possess indicates the effects on the human being from abusing these drugs is frightening.

Second. Little emphasis is being placed on finding out this information. The Federal Government, especially, is doing as little as possible in this field.

Third. Chemical drug abuse is rising at a much faster rate, especially in the Los Angeles area, than in narcotics abuse. We have been unable to significantly check the easy availability of these chemical drugs. Dr. James L. Goddard, the former Director of the Food and Drug Administration, put his finger upon the pulse of the problem when he said:

> Much of the drug abuse problem is associated with our traditional notions and experiences in such areas as alcoholism and hard narcotics.

Dr. Goddard went on to say:

> Abuse of . . . (this) entirely new class of dangerous drugs . . . amphetamines, barbiturates, and hallucinogens has a most serious effect on the personality of those who toy with these chemical playthings . . . Abuse results in serious personality disintegration, destruction of the ability to make judgments, and physical or psychological dependence with ever increasing doses.

Dealing with the problem of chemical drug abuse requires new thinking, and new solutions, separate and apart from our traditional approaches toward the problem of narcotics. The effects of these chemical drugs, at least the effects we are aware of at this time, and their easy availability make this problem one of the most dangerous, yet complex, issues facing us.

The suggestive title of this statement inferred that we may be witnessing the terrifying Huxleyan prophecy of the beginning of a generation whose personality and physical appearance have been mutated by these drugs. Some of the recent facts I uncovered and mentioned earlier certainly suggest this weird possibility in an interview with Dr. Sidney Cohen, the possibility of drug mutations was raised. It was by raising this question that I learned that the state of our research in chemical drug abuse is so sadly deficient it would be impossible to confirm or deny mutation as an ultimate possibility. Yet, the evidence already in has led to this question being asked. The tragedy of our present situation is that it cannot be denied.

The American Medical Association has described the abuse of the chemical drugs as the "crutch that cripples." This is certainly an appropriate term. Speed, bennies, drivers, goofballs, blue heavens, acid, big D, and the dozens of other chemical drugs, when abused, will produce some of the most dangerous consequences to the abuser.

Dr. Cohen, who provided me with much of my material on the physical dangers, including brain damage from amphetamines, physical addiction to some stimulants and depressants, and "flashbacks" from antihistamine abuse, also discussed the psychological debilitating effects of these drugs.

The media has described to a great extent the "mind bending" that occurs from abuse of the chemical drugs. I would, however, just like to briefly review some of the information I learned from Dr. Cohen and many other sources about the known effects the drugs are having.

Heavy doses of amphetamines can produce a temporary mental derangement requiring hospitalization. The syndrome is characterized by a paranoid state accompanied by auditory and/or visual hallucinations. Long-term heavy users of amphetamines are usually irritable and unstable while abrupt withdrawal can result in deep and suicidal depressions, as well as the physical addiction symptoms already described. The possibility of serious psychosis and long-term personality disorders is enhanced in the case of methadrine injected directly into a vein.

Large doses of barbiturates produce an effect that resembles alcoholic drunkenness. Perceptions are distorted and reactions and responses are slowed down. The ability to think, concentrate, or work is lessened. Often there is confusion, slurred speech, and staggering. Emotional control is weakened and users may become irritable, angry, and aggressive until they finally fall into a deep sleep.

The effects of the more potent hallucinogens, particularly LSD, vary from instance to instance. Perceptions are distorted and often the senses appear to become more acute. Colors become more brilliant; flat objects seem to stand out in three dimensions. One sensory impression may be translated into another. Users are likely to perceive unusual patterns unfolding before them. Often users will report feeling two strong, but opposite emotions at the same time or a sensation of losing the normal feeling of boundaries between body and space.

The reactions of users to the effects of LSD vary widely but among the dangerous reactions that have been reported are panic and paranoia, in some cases leading to acute and long lasting mental illness. In addition, the effects of the drug may recur days or even months after the original dose was taken.

It is a sad commentary on our Nation's priorities when more money is available to protect men from moon germs than from the known and unknown dangers of easily accessible chemical drugs. One wonders what type of society would spend many millions on the quarantine of three moon astronauts, while at the same time devote only one small ward of an already too crowded hospital for the treatment of the thousands of young victims of a different kind of unworldly "trip."

The irony of these circumstances is devastating. Is it any wonder that so many of our young find themselves early cynics of a system that at times seems to lack humanity and logic.

I will be introducing legislation which will deal with the easy availability of these chemical drugs, and provide substantially more funds for research into the effects these drugs are having.

I have already introduced two bills and in the very near future I will be introducing two more pieces of legislation. The effects of these four bills will be to: Provide funds to train teachers and law-enforcement officers so they can educate young people about the dangers of drug abuse; add 30 new customs officers to border patrols; crack down on pharmaceutical wholesale houses who serve as unwitting sources of dangerous drugs; initiate a far-ranging research program to obtain accurate information on drug dependence and characteristics; prevent juveniles from crossing the border; establish a computer information system at the border; require separate inventories for dangerous drugs; establish uniformity in State narcotics and dangerous drug laws; establish a joint Mexican-American Commission to stop the drug flow at the border; and provide funds for local communities for educational and rehabilitation programs.

There must be continuing public pressure in order to insure that this problem will receive more than just the appearance of action. We need an immense and immediate research effort. We need to learn the exact effect these drugs are causing. We need effective new laws to stem the flow of these chemical drugs into an increasing underground market. We need an effort that is in resources and energy comparable to the size of the problem, and the problem is immense. We need this effort now.

POLICEMAN OF THE YEAR

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. McFALL. Mr. Speaker, I am proud that the Policeman of the Year who will receive the fourth annual Police Service Award Wednesday in Miami is Sgt. Weston S. Robinson from Manteca, Calif., which I have the privilege of representing in the House.

Every day of the year police officers throughout the country risk their lives to protect citizens and their property. Sergeant Robinson and 10 other officers are being honored at the convention of the International Association of Chiefs of Police for individual feats of bravery, compassion, and devotion to duty.

Sergeant Robinson and his fellow honorees are outstanding examples of the type of officers every police department seeks today—courageous, intelligent, and motivated by concern for the public welfare.

Through passage of the Safe Streets and Crime Control Act of 1968, Congress has taken a large step forward toward helping local police and other law enforcement agencies to strengthen and improve their programs.

The Congress can and should do more, and I fully expect that additional legislation will be passed to provide further assistance to hard-pressed local departments. Without officers like Sergeant Robinson and the 10 officers who received honorable mention for deeds of great valor, however, financial assistance from the Federal Government would be of minor consequence.

I know the House joins me in paying tribute to Sergeant Robinson and the other brave men who are being honored by their fellow officers at Miami.

The following is an article from Parade magazine, describing the heroic actions of Sergeant Robinson on a Sunday afternoon not long ago in my hometown, Manteca, Calif.:

POLICEMAN OF THE YEAR

(By John G. Rogers)

Every man who becomes a policeman contracts to put his life on the line without warning any time that duty calls—and, no matter what the odds against him. For Sgt. Weston S. Robinson, of Manteca, Calif., the moment of truth came not so long ago on a pleasant Sunday afternoon. He was the only policeman present when a gang of cursing, raging motorcycle bums set upon a motorist with screams of "Kill him! Kill him!"

Robinson—37-year-old college man, father of three and a policeman because he likes to work with people—didn't hesitate a second. He piled into the fray to try to protect the motorist. "I knew help was on the way," he recalls quietly. "I hoped that if I could keep them busy for a little bit, we'd have a chance of saving the man's life."

The motorist was saved, all right, but Robinson was knocked unconscious, whipped by a cycle chain, his nose broken. And as he was coming to a few minutes later, one of the bike gang gouged him in an eye.

HE'S A SYMBOL

Robinson received a commendation from his department and for his act of valor he also has been named to receive the fourth annual Police Service Award conferred by Parade and the International Association of Chiefs of Police. As Policeman of the Year, he's a symbol of all the nation's peace officers, more than 400,000 strong. Specific praise goes to Robinson, the individual, who instantly risked his life to fulfill his sworn duty. And, by extension, praise goes to all police in 50 states who've performed valiantly in time of crisis.

On Wednesday at the Chief's annual convention, which opened yesterday in Miami Beach, Robinson will be presented with a bronze plaque. Honorable mention plaques will go to ten other officers whose achievements demonstrate the broad spectrum of police duty and risk. Selecting these men was not an easy task for the judges who sifted nominations from police departments all over the country. Hence, it's quite appropriate that the modest Sergeant Robinson insists his award represents all good police, not just himself.

Robinson doesn't impress you as a tough guy who would take on a motorcycle gang single-handed. He's stocky, 195 pounds and 5 feet 10 inches tall. He laughs easily, is soft-spoken and has a philosophical turn of mind. He's still taking college courses for a master's degree because when his police days are over, he wants to be a teacher.

"Working close to people and their problems is my big kick in life," says the sergeant, "and the police force brings you about as close to people as you can get. All around you every day is life, from comedy to tragedy, and you get so many chances to help people. As a matter of fact, I wish it would dawn on the public that a cop spends a lot more time helping people than he does arresting them."

Robinson's supreme chance to help someone came at 5 p.m. on a quiet Sunday as he sat off-duty in his brown stucco, six-room house in Manteca which is 78 miles east of San Francisco in the lush San Joaquin Valley. He was wearing brown slacks, flowered sports shirt and reading *Right and Reason*, one of his college textbooks. The phone rang. It was headquarters telling him a motorcycle gang, the Gypsy Jokers, 40 strong, was bearing down from the east. Manteca, a clean little city of 13,000 population, has had trouble all the way up to murder with motorcycle gangs, so they're closely watched.

HOW IT STARTED

"I got into my car and drove to the city line and waited," Robinson remembers. "When the Gypsy Jokers came through, I followed them, keeping in touch with headquarters by walkie talkie. The last half of the Jokers ran a red traffic light just before the Southern Pacific Railroad tracks and then one of them suddenly swerved over into the oncoming traffic lane, bounced off a white station wagon and went down in a pretty bad crash.

"The station wagon turned into a side street and stopped. The driver, a young man, got out and started back toward the injured cyclist. He never got there. At least a half dozen Jokers piled on him and they weren't joking. They beat him and kicked him—they have a slogan, 'One stomp, all stomp.' They were screaming obscenities and I can remember saying to myself: 'Those animals could kill that kid.' "

The next few minutes are a blur to Robinson. What happened was that he dived into the melee of fists and boots, substituting himself for the young motorist as the object of the Jokers' vicious assault. Over and over he shouted his identity as a policeman and that made the Jokers revile him as a "dirty pig" while they slugged away at him. Robinson feared to draw his revolver from under his sports shirt lest a Joker wrest it away and start shooting. Witnesses—some refused to talk because they were afraid of Jokers' retaliation—said that many of the cyclists seemed to be out of their minds, so violently were they acting. A woman said they were "mad dogs." Fights between spectators and Jokers broke out. When one of Robinson's police colleagues reached the scene, he described it as "havoc." But the swift arrival of most of Manteca's 19-man police force and some sheriff's deputies soon brought the snarling Jokers into line.

Manteca Police Chief David E. Walsh is not only proud of Robinson for his feat that Sunday afternoon—"there's no doubt he saved the driver's life"—but also proud of him as a "new breed of cop."

"By this I mean education," Walsh explains, "and because of education a far more rounded man able to do a far better job. Robinson studied political science at Swarthmore, got a B.A. in criminology from the University of California and is still going to college. He was on the Fremont force for six years and came to us by ranking number one in a statewide examination."

IMPRESS THOSE KIDS

On a force as small as Manteca's there is only one specialist—the narcotics officer. Each of the others is a jack-of-all-trades. Hence, Robinson functions as desk man, detective, patrolman, school lecturer, traffic officer and, especially, friend of kids.

"We do a lot of talking to young people," he explains. "It's good public relations for us and that's important because too many of our 'customers' are young people. We try pretty hard to get them on our side, so to speak. There's a lot more satisfaction in steering a kid straight than there is in arresting him."

Robinson's concern for people is reflected in the closeness of his family. He and his wife Joanne are constantly devising projects to be done with their three children—Elizabeth, 6; Bruce, 4, and John, 3. The current one is painting some furniture out in the backyard. It's going well except when Bruce and John start painting each other.

LATE FOR DINNER

Joanne Robinson, who, like any policeman's wife sometimes feels a nagging worry over the danger in her husband's career, has her own memory of the sergeant's "bloody Sunday": "I was just beginning to start dinner when the phone rang telling Wes to go check on the motorcycle gang. I asked him to try to be back on time to eat but the next thing I hear is that he's in the hospital. Sure, I worry a little but I'm glad to be married to a man who cares about what's going on in this world. There are too many people who don't."

Sgt. Wes Robinson, the gentle man who became 1969's Policeman of the Year out of an incident of ugly violence, is certain to go on caring. In recent days, on his own time, he's been trying to find the parents of a distraught hippie girl and to guide a young Manteca boy whose life has taken a serious wrong turn. "I think both of them can be straightened out," says Robinson, "and I'm glad I'm in a position to help. That's one of the rewards of being a cop."

WILLIAMS BAY YOUTH SHOWS WAY

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. SCHADEBERG. Mr. Speaker, there is much talk of the rebellion of youth in America but far too little publicity for students who show community leadership. I invite the attention of my colleagues to an editorial that appeared in the Janesville Gazette:

WILLIAMS BAY YOUTH SHOWS WAY

"Williams Bay is our town. The park and its buildings are there for us to enjoy. We don't mess it up, but we guess if it gets that way it's up to us to help clean up some of the mess." This is the youth of Williams Bay speaking.

Police Officer David Strand recently told some of the youngsters about the extra labor and expense at the park and its rest rooms because of vandalism. He told them. "A band pavilion will be constructed for your use next summer. The park is for you as well as for adults and we want you to enjoy it. However, in the rest-rooms alone, vandalism has been so bad we must padlock them as soon as it gets dark (which is well before curfew time), then we find the padlocks smashed. Plumbing must be replaced constantly; walls and woodwork are continually defaced. Our work crew cannot keep up with this constant overload and at times our rest-rooms become an eyesore."

A committee meeting was held by phone (what else?), and on Sunday a volunteer group of "Junior Citizens" showed up at the park with buckets, mops, brushes and plenty of cleanser. Their afternoon was spent in overall cleaning, scrubbing the woodwork and doors, removing grafitti from the walls. They wanted the fall housecleaning to equal the spring housecleaning. The girls took the ladies' side; the boys the men's.

There were seven of them from 8th, 9th, and 10th grades: Candy Hillgoth, Sally Kunze, Judy Jacko, Cookie Hillgoth, Robert Spruce, Frank Buckles and Robert Roth.

We are proud to acclaim such civic endeavor on the part of our youngsters. Conversely, one hopes the thoughtless ones who leave such filth around for children to clean up will give this a second thought the next time they feel impelled to "decorate" or damage a public building.

NBC PRESENTS "FROM HERE TO THE SEVENTIES"

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. RYAN. Mr. Speaker, I should like to call the attention of my colleagues to a forthcoming NBC news special. This is the very important two-and-a-half hour broadcast entitled "From Here to the Seventies," which will be seen from 8:30 to 11 p.m., eastern time, October 7. "From Here to the Seventies" will review the 1960's as the basis for projecting major developments of the next 10 years in all phases of the human condition the world over. "From Here to the Seventies" promises to be one of television's finest hours. Certainly, NBC has involved some of its most impressive talent, and many months of research and filming in 80 countries, in preparing for this show.

Twelve NBC News correspondents will participate in "From Here to the Seventies," for which that superb, award-winning actor, Paul Newman, will serve as guide. Correspondents reporting in "From Here to the Seventies" are Elie Abel, David Brinkley, John Chancellor, Chet Huntley, Douglas Kiker, Frank McGee, Edwin Newman, Jack Perkins, Aline Saarinen, Lem Tucker, Sander Vanocur, and Barbara Walters.

The special will cover a wide range of vital issues, including national politics, censorship, medical research, and the devastating effects of man's increased industrialization such as water and air pollution. A particular highlight will be a section on an urgent problem facing the next decade—world hunger and the population explosion.

Filming of "From Here to the Seventies" is under the supervision of executive producer Robert J. Northshield and producers John Lord and Mel Ferber, who also direct.

"From Here to the Seventies" will be sponsored in its entirety by Eastern Air Lines, which has, in the words of NBC, "been traditionally identified with major public service news programing, including NBC News' coverage of the last two presidential inaugurations and the pace-setting NBC News 'white paper' review of American foreign policy."

"From Here to the Seventies" should—at least on the evening of October 7—answer the often-asked question: "What's right about television?"

THE DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HATHAWAY. Mr. Speaker, it can be said without fear of reasonable contradiction that few projects authorized by this great body in this decade have been subjected to as much debate, as much close-up scrutiny, as much in-depth evaluation as has the Dickey-Lincoln School hydroelectric power project in northern Maine.

Even before the project's authorization by the 89th Congress on October 27, 1965, the prospect of advancing consumers interests for the people of New England through the development of multipurpose resources had been the object of vigorous research. The Dickey-Lincoln project was accorded a most important role in the ultimate realization of that significant prospect.

Following its authorization, research was stepped up. The U.S. Army Corps of Engineers, the Department of the Interior, the Federal Power Commission, an international joint commission, and other related groups and agencies participated in the compilation of a tremendous body of engineering, construction, and economic data concerning potential impact of the project on the economy of New Engand and the lives of its citizens.

The clear and pressing need for the project was firmly established. The reports of these objective Government agencies were of one voice—Dickey-Lincoln was desirable. It was scientifically and economically feasible. The public benefits its construction would provide were vast.

It might have been expected, Mr. Speaker, that a project of such far-reaching potential, one which could clearly serve the best interests of an important area of our Nation, would enjoy nearly unanimous support in the House of Representatives. But, sadly, this has not been the case. The private utilities of the Northeast have strenuously opposed the project and have lobbied relentlessly for its defeat. And their arguments, albeit emotional, illogical, and so obviously self-centered, have been met with some amount of congressional acceptance—not enough to kill the project outright, but, unfortunately, enough to delay its funding. In the meantime, Mr. Speaker, the residents of New England grow impatient for equities enjoyed by Americans in every other part of the country. They wait for their emancipation from the stronghold of monopoly.

It should be remembered that the Congress authorized the Dickey-Lincoln project despite the protests of the private utilities. The Congress additionally appropriated project funds for fiscal years 1965, 1966, and 1967 over similar objections of the same private interests. The fact that Dickey survived these onslaughts in several tests on the House floor should satisfy even the most skeptical of our colleagues that the claims in support of the project are just and that the documentation supporting those claims is reliable.

Are some still skeptical? Permit me, then, to point to the results of an independent inquiry into the potential merits of Dickey-Lincoln that was made by the staff of the House Appropriations Committee just 2 years ago. The study was to have been the final test of the economic feasibility of the project. It was to have cleared the air, once and for all. Even the private utilities acknowledged its necessity.

Well, the study was completed—independent, objective, painstakingly thorough. Facts that had been evaluated, reviewed, and reevaluated were finally reported. To the surprise of very few, I think, the Appropriations Committee staff report was favorable to the construction of Dickey-Lincoln. Indeed, it went so far as to say that the project was feasible and meritorious on all counts.

But the private utilities were unimpressed. Back they came in a renewed effort comprising attempts to discredit findings of the independent study they previously had so much favored. "The facts were to be avoided." They were "biased," they said. "Dickey must not be constructed at any cost."

Mr. Speaker, I would like to briefly review the initial aims and the ultimate findings of the congressional inquiry, if I may.

The objects of the study include:

First. A review and appraisal of the completeness and adequacy of the study conducted by the Corps of Engineers and the Department of the Interior on which the report was based recommending the project for authorization.

Second. An analysis of the cost estimate of the project.

Third. An analysis of the soundness of the estimated allocation of the annual project benefits to power, flood control, and area redevelopment.

Fourth. An appraisal of the plan for the marketing of power, including the proposed power rates to be charged and the payout schedule.

Fifth. A comparison of the estimated cost of power production under alternative means, including steam plants, nuclear plants, and pumped storage and nuclear combinations.

Sixth. An overall appraisal of the significance of the project in meeting power requirements in the light of the expansion program planned by the New England utilities.

And now, the study's findings:

First. Studies made prior to the recommendation that the Dickey-Lincoln project be authorized were complete, adequate, and fully documented.

Second. Cost estimates projected by

the Corps of Engineers were sound. Future adjustments, resulting form engineering refinements developed in continuing studies, would tend to reduce these estimates, the Appropriations Committee staff said.

Third. The estimated project allocation for benefits to power, flood control, and area redevelopment were found to be not only sound, but conservative.

Fourth. An adequate and ready market was found to exist for the power the project would generate.

Fifth. The Dickey-Lincoln project would produce power for consumers at substantially lower rates than would any of the alternatives sugegsted by the private utilities, the staff report said.

Sixth. As a source of peaking power for New England load centers and a source of low-cost firm power for preference customers, the project was found to play a potentially significant role in meeting the future power requirements of New England.

In sum, Mr. Speaker, the study so wisely undertaken by this House and so diligently conducted by the Appropriations Committee staff pointed to the irrefutable conclusion that the issues raised by the opponents of the Dickey-Lincoln project were totally without foundation. Once again, the faulty logic of the private utilities was soundly repudiated.

This year, Mr. Speaker, during hearings by the House Subcommittee on Public Works, the inconsistencies of the private utilities were exposed still another time.

Testimony before the subcommittee showed that, in the past year, the benefit-cost ratio of the Dickey-Lincoln project has risen from 1.9 to 2.0.

The project is expected to repay its costs in less than 50 years. The cost estimate for the entire project, based upon a complete reanalysis by the Corps of Engineers, was found to have risen $10.6 million above the prior estimate submitted to Congress—nowhere close to the inflated cost projection of the private utilities. The Corps of Engineers and the Federal Power Commission both maintained, moreover, that the current $229 million estimate was realistic and that it represents the ultimate cost of the project.

The Corps of Engineers said additionally that its extensive, updated studies show more than ever that Dickey-Lincoln is the most economical alternative plan to serve New England's needs. It is superior to all private plans, a spokesman for the corps reported, and to federally funded thermal plants, gas turbines, diesel engines, pump storage, and nuclear power.

I submit that it is time we stopped arguing with the utilities—time we recognized that no amount of reason or reference to a concern for the public interest will alter their views or weaken their resolve to delay or destroy the Dickey-Lincoln project.

I propose that we go on without them to the job of building a project which this House has already proven will benefit the people of New England.

Sincerely and respectfully, then, I urge that when consideration of the Dickey-Lincoln school hydroelectric power project reaches the floor of this House, it be accorded support and approval.

"AMERICA SINGS"—WINDS UP OUTSTANDING 31-CITY TOUR IN NEW YORK CITY

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. KARTH. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

"AMERICA SINGS"—WINDS UP OUTSTANDING 31-CITY TOUR IN NEW YORK CITY

"America Sings", a hit musical show that's been drawing capacity crowds on its 31-city tour, will wind up in New York City with three free performances.

Sponsored by the Theo. Hamm Brewing Company, headquartered in St. Paul, Minnesota, the show features original music as well as folk, rock, blues, popular, protest, Broadway, patriotic and Civil War songs. Interwoven is a brief narrative that focuses on the American tradition of dissent, war as an enemy of mankind, the role of youth and the establishment, the challenges of labor, the minorities and the changing times.

I bring this to the attention of my colleagues not only because of this fine civic gesture by the 104-year-old Hamm Brewing Company, but also in view of the message of hope and understanding involved in this endeavor. The company sponsored this show as a means of bringing greater understanding to our current difficulties—using the perspective of history.

In discussing the production, Barry Rowles, President of Hamm Brewing Company stated, "America Sings—will remind Americans that as stormy as these times may seem, we have seen it all before, survived it and emerged better for it."

Since last July this 42-member group, featuring Eddie Peabody and his banjo, have attracted capacity audiences and rave notices everywhere they have appeared. The original 18-city summer tour had to be extended by 13 because of the demand for appearances all across the country.

The three final appearances in New York City begin with a Central Park performance on Columbus Day, October 12, to be followed by a concert in Carnegie Hall on Monday, October 13 and culminate in a noon-hour show at Battery Park on Tuesday, October 14.

The star of this splendid group is Banjo King, Eddie Peabody, along with the "Spirit of US", a contemporary group of 19 young singers and dancers. Variety and the Hollywood Reporter have hailed the show along with newspapers in the cities where "America Sings" has played. Such superlatives as "terrific" and "run, don't walk—for America Sings" are typical of newspaper reaction to this great effort on the part of the cast and Hamm Brewing Company.

I hope that sometime in the future "America Sings" will visit the Nation's capital so many of my colleagues and others can benefit from a great experience. In addition, I want to commend the Theo. Hamm Brewing Company, the producers, the cast and all concerned for their very significant contribution to better understanding of contemporary America through historical perspective.

YOUTH TASK FORCE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, I am taking this opportunity to call to the attention of the Congress and the Nation the activities of a group of young, bright, concerned individuals residing in my congressional district. These young men and women have gathered together and formed what they call the youth task force. It is my privilege to be associated with these, the future leaders of our Nation, in a community involvement activity that represents the finest qualities of young people today, qualities that are too often ignored by the press and the public. The group, I feel, may act as a catalyst which will attract a broad spectrum of young people into active participation in the effort to devise solutions to the problems of our community.

The task force has four main objectives: First, to provide leadership training in community organization for youth in which the youth will define and offer solutions to the critical issues in the wider community; second, to help both youth and adults to better understand and utilize the existing political system; third, to promote community involvement as an effective tool to bring about maximum participation and orderly social, economic, and political change; and fourth, to identify, define and establish a viable system of priorities, both local and national.

It cannot be denied that today's youth are actively seeking outlets for their energies and relatively advanced levels of social concern and political sophistication. It is my belief that the youth task force provides such an outlet plus constructive training in a number of relevant areas. These areas include sensitivity training, political education, individual and group problem solving and role playing, encounter group planning and positive volunteerism. These are the areas that young people feel they should place emphasis upon. The youth task force members, while coordinated by Mrs. Hester Collier and other members of my district staff, plan and define their own activities and goals. It is their group, under their own leadership and its value must be measured not only in terms of accomplishment, but also in relation to participation and development of methodologies. I, as well as members of the task force, am hopeful that the group will grow and its members will find both the membership experience and the group's accomplishments rewarding and meaningful. Since their beginning a short time ago, the constructive activism that I have encouraged has manifested itself in the participation of the task force before the Los Angeles Board of Education. Represented by Cornell Ridley and Jewel Lapesarde, the youth task force presented their views and worked for reinstitution of the then threatened athletic and extracurricular activities of the Los Angeles school system. Subsequently, instead of total abolition of the program, 80 percent of the cut funds were restored. The voicing of community concern undoubtedly played a large role in bringing about this restoration.

Many other activities are being planned by the task force. Efforts are being made to establish lines of communication with other community action groups. Plans are being formulated to participate in the yes-in youth rally to be held at the Hollywood Bowl on Sunday, October 12. Brochures are being distributed to community organizations and churches and a press conference is being arranged. All in all, the group is on the move, and I have high hopes for its future.

The following young citizens have been elected as the first officers of the Youth Task Force:

Group leader, Maceo Braxton.
Action recorder, Denise Braxton.
Parliamentarian, Clifton Mayberry.
Treasurer, Cornell Ridley.
Program chairman, Michael Gerber.
Projects chairman, Suzanne Harding.
Ad hoc committee chairman, Paul Vukeles.
Public relations chairman, Jewel Lapesarde.

To these elected officials and the other members of the task force, let me wish the best of luck and pledge my continuing support. To my colleagues here in Washington, let me suggest that you consider assisting the young people of your communities in constructively channeling their enthusiasm, idealism, and energies by getting them involved in the governmental process. Our Nation can only benefit by it.

STATEMENT OF HON. BENJAMIN S. ROSENTHAL BEFORE THE NATIONAL COMMISSION ON PRODUCT SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. ROSENTHAL. Mr. Speaker, the National Commission on Product Safety is presently holding hearings on the adequacy of public information about product safety.

My personal view, as expressed to the Commission at this morning's hearing, is that while Federal efforts to protect consumers against hazardous household products are inadequate, private profit-making enterprises, which award guarantee or approval seals, represent a fraud on the consuming public insofar as product safety and performance are concerned.

My remarks are submitted for the RECORD:

STATEMENT OF HON. BENJAMIN S. ROSENTHAL, OF NEW YORK, BEFORE THE NATIONAL COMMISSION ON PRODUCT SAFETY, SEPTEMBER 30, 1969

I am pleased to testify before this very important Commission on the subject, "Who Tells Us About Safety."

By virtue of my experience as Chairman of the Special Consumer Inquiry of the House Government Operations Committee, I am convinced that the federal government has failed in its responsibility to halt the sale of unsafe household products. If it has failed to adequately *regulate* the sale of potentially harmful products, it has also failed to adequately *inform* consumers about such products.

I am equally convinced that efforts by private product testing or rating agencies do not supply consumers with essential information on product safety. Especially is this true of those profit-making enterprises that award or, perhaps more accurately, market their seals of products as "approved", "guaranteed", "tested", or the like.

I would like to comment this morning on the value of Guarantee Seals to consumers and their relevancy to the question of "Who Tells Us About Safety".

Let me begin by quoting from *Consumer Problems and Personal Finance,* an excellent book by Professor of Economics Arch Troelstrup. In the chapter entitled "Consumer Protection: Private Aids", the author states: "The magazine seals of approval are probably more valuable to the magazine than to the public. A seal, for example, that promises 'replacement or refund of money for any product advertised in the magazine whose performance proves to be defective' has little significance or meaning.

"This points up the fact that a healthy skepticism should prevail on seals that are not directly related to know tests. . . . In short, to make intelligent use of seals, consumers must know (1) who approves the product, (2) what tests were made, (3) what the test results were, (4) what the certification includes, and (5) what the specific terms of the guarantee are and how long they are effective. . . ."

The Good Housekeeping seal and others like it, fail to answer many of these requirements.

By way of contrast, it is interesting to note what the author of *Consumer Problems and Personal Finance* has to say about Consumers Union, publishers of *Consumer Reports:* "Consumers Union has no connection with any commercial interest and accepts no advertising. . . .

"*Consumer Reports* has a reputation among publishers second to none in being the most carefully prepared and edited magazine in the United States. The articles . . . must be accurate in reporting the data derived from scientific testing. *The testers have the final word on the technical accuracy of the articles.*"

In contrast to the independence of the Consumers Union tester, consider the following information contained in a letter from a former assistant editor at Good Housekeeping: "I left because of their inability to take independent editorial stands on the important consumer issues of the day. It was my experience that the Good Housekeeping Institute . . . checks on articles written for the magazine. . . . Often this operation is called fact-checking, but I know it also operates as a means of suppressing both stories and statments that would be unfriendly to any of Good Hoseukeeping's advertisers. I saw this internal censorship operate in such areas as drugs, meat packing, artificial sweeteners and the like. . . ."

The former assistant editor continued that he had "once talked to Ralph Nader on an article about the dangers to children when riding in school buses. His comments were cut out of the story. First, my editor claimed that there was a space problem . . . finally, he said that the advertisers would blow their collective tops if they ever saw Nader's name in a Good Housekeeping article. . . ."

"Often the editor would insert the Good Housekeeping Institute into a story to make it appear to the reader that the Institute had tested or checked out a specific product or item. This testing is frequently minimal or non-existant."

If proof of the validity of the former assistant editor's comment is necessary, consider that 12 products advertized in the pages of Good Housekeeping recently have been or are currently under active investigation by the Federal Trade Commission for possibile violation of false advertizing statutes.

Moreover certain shipments of many products which have been awarded the Good Housekeeping Seal, have been seized by the Food and Drug Administration:

(1) In January 1967, FDA charged that Del Monte Canned Peaches, when shipped by California Packing Corporation, were prepared and packed under unsanitary conditions. Although FDA allowed their distribution for use as animal feed, Good Housekeeping thought enough of the product to award its Seal;

(2) In February 1968 a batch of Carnation Instant Breakfast was charged by FDA with containing insect filth, while in March 1968, ads for Carnation Instant Mix could be found in the pages of Good Housekeeping;

(3) Quick Spray Enamel and Lacquer Paints had the Good Housekeeping Seal in September 1968 even though 4 months earlier the Food and Drug Administration cited the products for misleading labeling in that they were toxic and flammable and were labeled as being "non-Toxic."

There are other examples, too numerous to mention here. A quick comparison of how products advertised in the pages of Good Housekeeping fared in the pages of *Consumer Reports* is enlightening:

(1) While Good Housekeeping recommended to its April 1969 readers, the purchase of K2R Spot Remover, *Consumer Reports* 1969 Buying Guide rated K2R as "Not acceptable" because the label failed to contain a "fire hazard warning";

(2) Many of the Indoor/Outdoor carpets available in 1968, including Lees, Mohawk, and Sears, were rated "not acceptable" by *Consumer Reports* because of flammability hazard. This hazard did not inhibit Good Housekeeping from advertising those products in its 1968 editorials;

(3) Caloric Kitchen Furniture, including gas ranges, received in 1968 the Guarantee Seal even though *Consumer Reports* 1967 Buying Guide found some Caloric Gas Ranges "not acceptable".

I am not suggesting that these products are universally dangerous or even inferior. Any individual shipment of a company's products might be found to be in violation of Federal Law or not acceptable to Consumers Union. But one must wonder whether Good Housekeeping took the time or possessed the commitment to America's consumers, to inform itself of these violations of law and to ascertain whether the cause of the violation had been corrected.

A great deal has been written of late about the possible harmful effects on Monosodium Glutamate widely advertised in the pages of Good Housekeeping.

Is it really in the best interests of the consuming public, until the health question is resolved, for Good Housekeeping to continue to accept advertising revenues from products like Accent which are composed entirely of MSG?

Is Good Housekeeping concerned about the corporate conduct of Max Factor? Certain Max Factor products, such as "Touch of Youth Face Lotion", have been ordered destroyed by the Food and Drug Administration because of an attempt by the company to sell the product without first obtaining an effective New Drug application. It was reported yesterday that FDA tests on samples of Max Factor's "Tried and True" hair preparation, a Good Housekeeping Seal product, showed bacterial contamination; and that the company refused to cooperate with FDA in its effort to protect consumers.

My personal conclusion is that guarantee or commendation seals or the like have no public interest value and are of little or no benefit to anyone except advertisers. A profit making magazine cannot give the consumer the information he needs. Close ties to advertisers preclude legitimate concern for consumers. A profit making magazine, dependent on advertising revenues cannot, even with the best intentions, keep its consumer information responsibilities free from bias. Such magazines cannot accept both products for testing and revenues from advertising from producers and still provide the consumer with objective information.

It is a somewhat ironic commentary on both the guarantee seal situation and our federal system for protecting consumers that one of the Nation's largest drive-in restaurant chains, McDonald's, finds it more publicly acceptable to advertise that its hamburgers have the Parents' Magazine seal than the U.S. Department of Agriculture stamp of wholesomeness!

It is not up to Congress or any federal agency to ban or limit these seals unless actual fraud is committed. But it is our job in the legislative branch and in the executive agencies to create a climate for consumers where these profit-making and commercially-motivated devices wither away. But until this takes place, Good Housekeeping should require that the seal holder furnish it with a copy of every consumer complaint or official government action against its product for study in connection with possible suspension of the Seal.

Ultimately, I see no realistic alternative to having the federal government regulate the sale of all household products by setting and enforcing minimum federal safety standards, preferably in a statutory consumer agency.

THE CULTURAL GAP

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the following newspaper column by Dr. W. A. Leavell of Belfast, Maine. Dr. Leavell has made quite a name for himself among the conservative writers of our country. His sound thinking and clear writing often points out to his readers the abyss to which our Nation is heading if it does not mend its ways and return to those principles on which our Republic was founded. The column reads as follows:

KEEP OFF THE GRASS

(By W. A. Leavell, Ph. D.)

Of all the "GAPS" around today—the missile gap, the credibility gap, the generation gap, etc.—it could well be that the most important one is the cultural gap. This could be the one that changes the direction of civilization and drives man back up the trees and turns us all into the original type swingers.

The cultural gap is nothing more than the real meaning of the generation gap. The so-called generation gap is not a matter of age, it is a gap between a more civilized culture and a less civilized culture. This cultural gap started with the relatively small hippie movement a few years ago and has grown to the drug-sex-rock-dirty word-peacenick-squalor cultural gap that infects our colleges and high schools today.

Some of our glorious leaders, educational, political, industrial, just smile and tell us these nice young radicals will grow out of it. They tell us the movement only involves a small percentage of the young. As yet, these misled adults have not come up with an excuse for the phenomenon of hundreds of thousands of these odd young people attending the recent rock festivals.

What will happen to our country and civilization if these strange young people don't change their ways? It will be a different world if these unwashed, rag-tagged, drug-sex-rock orientated nuts even gain control of even a small part of things. Even if this never happens and we just continue to have part of our youth numbered among these odd types, it will be at best a culturally poorer and politically degenerated country and world.

Some evidence of this degeneration can be noted in the actions of a few of our political leaders already. The "new" look, the "youth" pitch and the "swinger" style has pushed out some of the sound thinkers. The obsession with "youth" can be seen in lowered voting ages, permissive education and the lower morals around us.

Don't confuse "culture" with "taste." It is not a matter of one type music over another, a mode of dress or hair style. These are taste and up to individual interpretation but the lack of personal and group restraint in such matters suggests a step down in culture. One need not be a Puritan to say that such mass displays as the recent rock festivals are regressive from the point of view of civilization.

While the drugs are obnoxious, the tendency to turn sex into a spectator sport, incredible and the lack of self restraint pitiful, the thing that stands out most is the infatuation with Squalor. How can anyone of any age want filth, and lack of personal hygiene is beyond civilized understanding. This creates the cultural gap.

A person does not have to be young to be a bum. The old share the disappointments of our present society. The thought of throwing all restraint to the wind and doing anything and everything that comes to mind is not a youth invention. The dream of being free of all physical, legal and social restraints is universal. It is just that in a world full of people, such lack of responsibility has no place.

Today, youth doesn't listen. If they did, they might have heard Professor Lawrence Lee when he addressed a social fraternity at the University of Pittsburgh recently when he said: "You have been told, and you have come to believe, that you are the brightest of generations . . . You are, rather, one of the most self-centered, self-pitying, confused generations . . . The generation gap is one of the delusions of your generation—and to some men of my generation . . . The only generation gap is that we have lived longer, we know more than you do from having lived longer, we know more than you do from having lived and we are so far ahead of you that it will take you a lifetime to have the same relative knowledge and wisdom. You had better learn from us while you can . . .

"It is not mawkish to love one's country. The country, with all its agony and all its faults, is still the most generous and the most open society on the earth . . . All generations need the help of all others. Ours is asking yours to be men rather than children, before some frightened tyrant with the aid of other frightened and ignorant men seek to make all of us slaves in reaction to your irresponsibility."

If irresponsible youth pushes too far, our political system might fall under the control of some adult tyrant who will force slavery on everyone just to control youth. If you want to ruin your life, it is alright with me but don't endanger mine. Blow your mind if you must but do it with good taste and don't pull the rest of our youth back up the tree with you. Above all, don't shake up our politicians. Some of them haven't been out of the trees too long as it is!

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